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United States of America PROCEEDINGS AND DEBATES OF THE 102^{d} CONGRESS, FIRST SESSION

SENATE—*Wednesday, February 6, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate will be led in prayer today by the Senate Chaplain, the Reverend Dr. Richard C. Halverson. Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed is the nation whose God is the Lord * * *—Psalm 33:12.

Patient God, gracious Heavenly Father, the preacher said, "We have never been better prepared militarily for war in the history of our Nation—but we have never been less prepared morally and spiritually." Forgive us, Lord, for abandoning our roots, for forgetting the incredible legacy left us by a generation who took God seriously. We choose to ignore Thee, God, to live as though Thou art irrelevant and unimportant. And we wonder why the problems of crime, divorce, suicide, chemical addiction grow. We equate liberty with license, demand rights without responsibility, choice without consequences, pleasure without pain, forgetting that "self-evident" truth, fundamental to our Bill of Rights: "All men are created equal and are endowed by their Creator with certain unalienable rights * * *."

Gracious God, may the tragedy of war awaken us to the values and virtues which our forebears, who took God seriously, built into our political system. Help us hear the words of President Lincoln, "Our reliance is in the love of liberty which God has planted in our bosoms." Help us answer the penetrating question of Thomas Jefferson, "Can the liberties of a nation be secure if we have removed the belief in the hearts of the people that those liberties are the gift of God?"

Help us return to our roots, Lord of the nations. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized for not to exceed 10 minutes.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time reserved for the two leaders today, there will be a period for the transaction of routine morning business not to extend beyond 1:30 p.m., with Senators permitted to speak therein for up to 50 minutes each. At 1:30 p.m. today, there will be an additional hour for morning business with that time under the control of the Republican leader.

Thereafter, it is my hope that we will be able to obtain unanimous consent to consider the Export Administration reauthorization bill. As I indicated yesterday, that bill has been cleared for us to proceed to consideration of it on the Democratic side. We are awaiting a response from our colleagues on the Republican side and I hope that we will be able to have that and begin on that bill today.

It is my understanding that earlier today the Labor Committee favorably reported the nomination of Lynn Martin to be Secretary of Labor and I hope we are going to be able to complete action on that nomination prior to the recess this week.

CHINA'S PRO-DEMOCRACY ACTIVISTS TODAY

Mr. MITCHELL. Mr. President, in recent weeks, news accounts reported that the Government of the People's Republic of China sentenced Wang Dan, one of the prominent leaders of the 1989 prodemocracy movement, to 4 years in prison.

Wang Dan's conviction was punishment for his attempts to exercise the basic political rights of freedom of speech and assembly.

In the People's Republic of China, the exercise of such nonviolent, internationally recognized human rights is labeled as counterrevolutionary propaganda and incitement. Those who speak out for democracy and freedom are summarily jailed without charges, convicted in abbreviated trials with no juries or public observers, and sentenced to prison without appeal.

Four others who participated in the prodemocracy movement have also been sentenced to terms ranging from 4 to 7 years on the same charges.

In addition, it was announced yesterday that several prominent intellectuals who participated in the prodemocracy movement and have been held for months without charges are shortly going to be brought to trial on charges of sedition, a crime punishable by death.

The timing of these trials represents the Chinese Government's effort to exploit the preoccupation of the international community with the Persian Gulf war.

Clearly, the Chinese Government hopes to be able to stifle all dissent with the minimal amount of international notice. Equally clearly, the goal of that government will be achieved unless the nations of the world, including ours, the United States, recognize that a natural focus on the gulf war does not permit us to suspend all other issues of long-term national interest.

The decision by China's leaders to take this approach is discouraging.

Nearly a year ago, I took the Senate floor to report to my colleagues on a State Department document which constituted a devastating indictment of the human rights situation in China.

That report, made by this administration's own State Department, made

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• This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

clear then that the Government of China was pursuing a policy which violates the human rights of its citizens broadly, indiscriminately, and in a way that shocks the conscience of the world.

Those violations of the rights of the Chinese people continue today. There can be little doubt that these abuses are a deliberate policy of the Chinese Government. That government's policy is one of repression against every vestige of free expression inside that country.

Despite the clear evidence of a year ago, and despite the absence of any evidence that the Chinese Government has been deterred from pursuing this course, President Bush has maintained his policy of granting most-favored-nation trade status to China, and simultaneously relaxing the sanctions that were imposed after the massacre in Tiananmen Square.

President Bush has repeatedly stated that it is our national goal to seek a new world order in which respect for the rule of law and the fundamental rights of all people are the international standard.

Today in the Persian Gulf, thousands of young Americans are standing alongside young men and women from other nations, to defend the international rule of law.

Americans were outraged by the brutal Iraqi invasion of Kuwait last year. But they were no less outraged by the massacre of peaceful demonstrators in China the year before.

Americans have repeatedly made clear that they support human rights and that they support a consistent American policy of opposing human rights violators everywhere, not just in selected locations.

Yet the Bush administration is downplaying the violation of law and freedom in the People's Republic of China.

The administration's policy of downplaying the actions of the Chinese leaders who are persecuting Chinese citizens for seeking democratic rights is a failed and mistaken policy, and it flies in the face of our Nation's best interests.

American interests are best served by a policy that looks to the long-term future; a policy that sees beyond the immediate crisis to the future of our Nation and its future relationships in the world. A shortsighted, automatic reaction to a perceived diplomatic need today will come back to haunt policy makers in the future, when the current crisis is past.

Surely, if there is one lesson we should have learned from the Persian Gulf crisis that so absorbs our Nation today, it is that we cannot base our national long-range interests on the shifting and self-interested friendships of dictators.

I urge the President to express support for the moral issue of the human rights of the Chinese people and the rule of law there with the same frequency and fervor as he discusses those subjects in the Persian Gulf.

Human freedom is not divisible. A world forever divided between the free and the unfree is a world in which conflict is inevitable. We should be pursuing policies whose goal is to steadily and consistently increase the peoples and nations in the column of freedom and to reduce the forces arrayed against them.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve whatever remainder of leader time I may have and all of the leader time of the distinguished Republican leader, and I yield the floor.

The PRESIDENT pro tempore. Without objection, the request of the majority leader is granted.

MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of morning business to extend to the hour of 1:30 p.m. with Senators to speak therein for not to exceed 5 minutes each.

The Senator from Arkansas [Mr. BUMPERS] is recognized for 5 minutes.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 360 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PROGRESS IN SOUTH AFRICA

Mr. DOLE. Mr. President, the past week has been an historic one in South Africa's movement toward full democracy. Two important events occurred, as a result of the leadership and courage of three men: President de Klerk, Nelson Mandela, and Dr. Buthelezi.

Late last week, in an address to the South African Parliament, de Klerk reaffirmed his commitment to fundamental change, the abolition of apartheid, and the creation of a fully democratic constitution.

More concretely, he announced that his government will introduce legislation to repeal the last remaining legal foundations of apartheid—the Group Areas Act, the Land Acts, and the Population Registration Act.

In asking the Parliament to act swiftly on these proposals, de Klerk said the result will be that "South Africa's statute book will be devoid, within months, of the remnants of racially discriminatory legislation which have come to be known as the cornerstones of apartheid."

De Klerk also repeated that both his government and the ANC have accepted the principle that a multiparty conference should be convened as soon as possible, to set the stage for the negotiation of a new constitution. That is welcome news, and deserves the encouragement and support of the United States

Earlier in the week, Mandela and Buthelezi met personally for the first time in nearly 30 years, and called for an end to the deadly cycle of violence that has pitted their followers against each other.

Previously, the ANC had sought to shut Buthelezi out of the negotiations on South Africa's future. But, as the New York Times and other observers have noted, Buthelezi and his Inkatha organization must play a role if there is to be a peaceful transition, and ultimately democracy, in South Africa.

After the Mandela-Buthelezi meeting, the Times editorialized that "If their appeal for tolerance succeeds, South Africans of every race will be the victors."

So South Africans across the political spectrum continue to take major steps toward the goals we all share—the abolition of apartheid, and the establishment of democracy.

As these momentous steps proceed, the time is fast approaching for the United States to fundamentally reevaluate our policy, to insure that we are doing the most that we can to encourage and support the forces seeking such fundamental reform in South Africa.

If the reforms de Klerk has just announced, and earlier reforms, continue on schedule, soon all of the preconditions set out in United States law for removing the sanctions now in place against South Africa will be accomplished. I believe all of us—the President and the Congress—should begin now to consider whether it is time to respond to these dramatic changes in the real world of South Africa, with equally substantial changes in our own law and policy toward South Africa.

Mr. President, I ask unanimous consent to include in the RECORD the text of the New York Times editorial that I mentioned.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 1, 1991]

BLACK SOUTH AFRICA'S MOMENT

Two proud black leaders, one a radical and the other a conservative, met in South Africa on Tuesday and called for an end to the murderous clashes between their followers. Nelson Mandela was at his generous best; his rival, Chief Mangosuthu Gatsha Buthelezi, grudgingly sought to score political points. Yet their meeting, the first in nearly three decades, may well turn out to be a defining moment in South African history.

In the last five years, at least 5,000 blacks have perished in township riots between supporters of Mr. Mandela's African National Congress and Chief Buthelezi's Inkatha Freedom Party. Black disunity has caused rejoicing among die-hard supremacists opposed to ending apartheid through negotiations with President F. W. de Klerk. Even so, Mr. Mandela's allies have resisted any meeting that might enhance Chief Buthelezi's claim for an equal seat at the bargaining table.

Wisely, Mr. Mandela decided otherwise. In their meeting in Durban, both leaders promised to tour townships ravaged by violence, to monitor the peace accord and to assure that police are not fomenting trouble. But Mr. Mandela went on to declare that there should be no victors or losers: "Only our people must be the victors, and the only losers should be those whose racist policies are served by the carnage among blacks."

For his part, Chief Buthelezi rehearsed his many grievances with the African national Congress, charging that its violence had been directed against him personally. He scratched the wound that both men vowed to heal. Nevertheless, however, prickly the chief, denying him a place at the table would mock the A.N.C.'s call for a genuine multiracial democracy. It is hard to see how there can be any democratic system that ignores Inkatha and its predominantly Zulu following.

Ending the cycle of violence will take more than words. Once before, a year ago, Mr. Mandela pleaded with his supporters to throw down their weapons; he was ignored. But having come to his rival's stronghold in Natal Province, and having joined with him in a fresh appeal, Mr. Mandela has reconfirmed his own stature without diminishing that of Chief Buthelezi. If their appeal for tolerance succeeds, South Africans of every race will be the victors.

DION J. STEPHENSON TRIBUTE

Mr. GARN. Mr. President, last Thursday morning, the reality of our war in the Persian Gulf was brought home to Utah as we were told that one of the 11 U.S. marines killed near the Saudi Arabia border in Operation Desert Storm was a soldier from Bountiful, UT. Lance Cpl. Dion James Stephenson was the first Utahn to die in combat since fighting erupted in the gulf. The 22-year-old Utahn became not only our first casualty of war, he became an American hero—a paragon of patriotism and a symbol of the American spirit and our commitment to freedom.

When my Salt Lake City office opened early on that Thursday morning, one of our first phone calls was from an emotional, bereaved, but very proud father, James T. Stephenson, who wanted to notify me of his son's death. The message he wanted conveyed around the world is that his son did not die in vain. I rise here today on this Senate floor to declare that message to the Congress. Dion J. Stephenson did not die in vain. He gave his live for a just cause.

This proud father, a distinguished ex-marine himself, also wanted to remind the American people "that we are doing the right thing in the Persian Gulf and when you know your're right, never, never give up." While it is terribly wrenching and overwhelmingly painful to lose a child in a war, Mr. Stephenson advises parents to remember these lives are not being sacrificed for naught. As he so clearly said, we must fight for freedom and a democratic way of life for all people everywhere.

I am touched by this father and his ability to be what President Bush would aptly characterize as a point of light during a dark time. Mr. Stephenson is giving the Nation the strength to go on. A grieving parent, racked with sorrow, is stepping boldly forward to remind us that the enduring principle of freedom is worth the price of his son's life. We may marvel at that level of national devotion by Dion Stephenson, according to his father, loved his country above all things; except one—his God. Next to his love and devotion to God, Dion Stephenson loved America more than anything else—so much that giving his life for what America represents was not at all too much of a sacrifice.

Dion once said that as Americans, we allow ourselves to become too complacent. We are "fat, dumb and happy" and are not aware of how badly some people have it, he said. He believed with all of his heart that as a U.S. marine involved in freeing Kuwait, he was fighting to free a people whose country had been taken over by a tyrant. During his 6 months in the gulf, Dion said he understood what it must be like to live in tyranny because he had seen it and felt it since Saddam Hussein and his Iraqi troops became entrenched in neighboring Kuwait. He said he was 110 percent behind the President and our national effort to liberate Kuwait from Hussein's stronghold.

On behalf of his son, Mr. Stephenson thanked the U.S. Congress for supporting the military and President Bush's call for action. He also thanked President Bush as Dion's Commander in Chief, for being a man who made the right decision at the right time. Dion was impressed with President Bush's strength and decisiveness and commented to his father that he and the Nation should appreciate having a Commander in Chief with combat experience. Dion's observations should teach Americans the great lesson to truly cherish our American way of life. Lance Corporal Stephenson was the epitome of a proud American. He held our values dear to the tragic end of his life.

On behalf of the U.S. Senate, the people of Utah and the citizens of the Nation, I want to thank Dion's parents for instilling the values and principles that made his life great. I also want to thank his father for publicly standing tall with unusual courage and perspective. We honor you for your unparalleled patriotism at a time of personal tragedy. We thank you for the outstanding service and ultimate sacrifice of your son, Dion and for the continued commitment of your son, Shaun, to our cause.

Finally, I pay tribute to Dion for his love of life, his devotion to God and the abiding principles of our great Nation, and most of all, for his grand sacrifice and example of bravery. His devotion to his family's principles could not have been more greatly tested. When he left for the Middle East in August, he knew our cause was right, he fought hard and never, never gave up. I commend him for his courage, his wisdom and his unwavering commitment to doing what was—and still is—right.

THE PERSIAN GULF AND "JUST WARS"

Mr. HELMS. Mr. President, time and events have moved swiftly since the Senate engaged in intense, sometimes heated debate about a resolution supporting President Bush and the course of action he had chosen to pursue in the Persian Gulf.

During that debate, a number of our colleagues expressed their views on the morality of the President's desire to use "all necessary means"—including military force—to remove Saddam Hussein from Iraq.

Shortly afterwards, I received a copy of a commentary entitled "The Crisis in the Persian Gulf and 'Just Wars,'" written by Dr. Richard Land, executive director of the Christian Life Commission of the Southern Baptist Convention—which, by the way, is America's largest Protestant denomination, with nearly 15 million members nationwide.

Mr. President, in his commentary, Dr. Land offers no conclusion as to the morality of military action in the Persian Gulf. But his clear focus on the paramount questions involved in determining the morality of war stands in stark contrast to the muddled, self-righteous rhetoric of antiwar activists, and their apologists, who appear to believe that no war is moral.

Specifically, Mr. Land details seven criteria of the "just war theory"—a theory that has been employed by Christians for centuries in judging the morality of armed conflict. While he applies these criteria to both historical and current events, he leaves it to those of us in public life to conclude whether the action in the Persian Gulf does indeed meet these ciriteria.

I regret that Mr. Land's commentary—and specifically the criteria he outlines—did not receive wider distribution before the Senate debate on the President's Persian Gulf policy earlier this month. If it had, I believe more Senators would have been persuaded about the morality of the President's use of military force in the Persian Gulf.

I hope Senators will take a moment to read Mr. Land's commentary, and that they will also keep in mind what he has said, as the situation in the Persian Gulf develops over the coming weeks.

Mr. President, I ask unanimous consent that the text of Mr. Land's commentary be printed in the RECORD at the conclusion of my remarks.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

[Commentary by the Christian Life Commission of the Southern Baptist Convention, Dec. 21, 1990]

THE CRISIS IN THE PERSIAN GULF AND "JUST WARS"

(By Richard D. Land)

Americans and others around the world have been terribly concerned these past few months about events in the Persian Gulf and the Middle East. Will there be war? For Christians, the question of the morality of war in general, and in this situation in particular, should be paramount.

The first question Christians should ask is whether resort to armed conflict is ever justified, and if so, under what circumstances? While there have been persistent elements of pacifism within the Christian tradition which have rejected all use of violence, for most Christians, in most places, at most times the answer has been that, yes, resort to military conflict by legitimately constituted civil authority is justifiable under certain circumstances. A useful tool employed by Christians for many centuries in discussing such issues of war and peace has been "just war theory." This theory was adapted by early church leaders, particularly St. Augustine, to deal with the reality of war in a fallen, sinful world. It must always be remembered that just-war theory is not, and never was intended to justify war. Instead, it tries to bring war under the sway of justice as understood by Christians and to insure that war, when it does occur, is hedged about by limits which reduce its barbarity. In fact, if all parties accepted just-war criteria, then there would be no wars, since the theory's first rule clearly states no war is just unless it is a defense against aggression. If everyone adhered to just-war theory, aggression would be eliminated.

What then, are the criteria of just-war theory?

1. Just cause. War is only permissible to resist aggression and defend those victimized by it. Only defensive war is defensible.

2. Just intent. The only acceptable motive must be to secure justice for all involved. Revenge, conquest, and economic benefit are insufficient, illegitimate and unacceptable motives.

3. Last resort. Resort to arms can only be morally legitimate when all other avenues of conflict resolution have been rebuffed or have demonstrably failed.

4. Legitimate authority. The use of military force is only the prerogative of governments. Consequently, only the duly constituted civil authority can legitimatize military action. However helpful a United Nations Security Council vote may be, for Americans the duly constituted authority is the government of the United States and the authorizing vehicle is a declaration of war.

5. Limited goals. If the purpose is peace, then annihilation of the enemy or total destruction of his civilization is not acceptable. "Total war" is beyond the pale. Also, unless one's survival or liberty are imperiled, it is not acceptable to resort to war unless the goals are achievable.

6. Proportionality. Will the human cost of the armed conflict to both sides be proportionate to the stated objectives and goals? Does the good gained by resort to armed conflict justify the cost of lives lost and bodies maimed?

7. Noncombatant immunity. No war can be just which does not disqualify noncombatants as legitimate military targets and which does not seek to minimize collateral, inadvertent civilian casualties. No one has the right to make war on civilians.

These are the criteria which armed conflict must meet to be considered just. How do these apply to the present crisis? Is America's motive to help erect a stable, just peace in the post-cold-war world in which all people have a reasonable expectation that aggressors will be restrained by the world community of nations? If so, then perhaps this is a just cause.

In the attempts to bring to bear historical analogies, perhaps the best one to employ in the present crisis is Mussolini's invasion of Ethiopia in 1935. The League of Nations imposed an embargo which failed to deter Mussolini's aggression, and Ethiopia was conquered.

Quickly, the world became a much more dangerous and unstable place. The League of Nation's impotence was exposed, and the allies' appeasement had begun. In short order, Hitler reoccupied the Rhineland, Hitler and Mussolini blatantly intervened in the Spanish Civil War, and Austria was annexed by Germany. Then, at Munich, the allies surrendered the Sudetenland and within a short period of time the world had disintegrated into a worldwide conflict which cost tens of millions of lives.

Mussolini, like Hussein, did not initially pose a threat to the survival of the great world powers. But his undeterred aggression encouraged and abetted the unleashing of powerful forces in other lands which ultimately threatened the survival of civilized humankind.

Let it be stated here emphatically that jobs and oil are not a sufficient or legitimate motive.

Is our goal in the Persian Gulf to roll back aggression and to bring relief and justice to the Kuwaiti population victimized by Iraqi aggression? The horrors of the Amnesty International reports of widespread Iraqi atrocities are particularly relevant at this point.

Is it further our goal to neutralize Hussein's military power and in so doing seek justice and peace for the entire region? If so, then perhaps our goal is just. A mere restoration of the status quo ante which leaves Hussein's military capability in place is not a sufficient goal and would not justify the loss of life, American, Kuwaiti, and Iraqi.

Can such goals be achieved without disproportionate American, Kuwaiti and Iraqi bloodshed? Are there no effective alternatives to armed conflict to achieve these goals? Are there procedures in place to insure the minimizing of non-combatant casualties?

The American citizenry does not have the information to answer many of these questions. We have the responsibility to ask them, however, and to demand that our elected leaders assess the crisis in light of them, and to provide affirmative answers before resorting to armed force—always a last resort.

President Kennedy said in his inaugural address that "a new generation of Americans had risen to leadership ready to pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty." Subsequent events revealed that we were willing to bear some burdens, meet some hardships, support some friends, and oppose some foes.

Now another generation has risen to leadership, one that has learned the bitter lessons of the limits of American power and resolve. President Bush said in his inaugural address that "surely the statute of limitations has been reach in Vietnam." In terms of bitterness and recrimination that is hopefully true. But the lessons of Vietnam endure. For many of us, with the names of friends, relatives, and playmates inscribed on the onyx marble of the Vietnam memorial embedded in the hallowed ground near the Lincoln memorial—a promise has been made, a vow taken—"Never again!"

Never will we allow our soldiers to be placed at the uncertain end of a long tether without sufficient support and resolve at home to give them all necessary means to do the job. If it is worth American soldiers dying, it is worth winning. And unless our survival or liberty is at stake, it must be winnable. If it is not worth winning (including the just-war criteria), it is not worth the shedding of our citizens' blood.

For this Christian, for this American, for this father, these are serious questions with the gravest repercussions. To our elected leaders, I say, "If you send our young people to war, you must have firm, acceptable answers to these questions. We are accountable for asking. Your are accountable for your answers."

THE 50TH ANNIVERSARY OF THE USO

Mr. NUNN. Mr. President, the United Service Organizations, or USO as it is better known to all of us, is celebrating its 50th anniversary this week. I would like to take a moment to commend the USO for a half century of outstanding service to the men and women in our Armed Forces.

On February 4, 1941, President Roosevelt ordered six civilian agencies which were already providing support to the military to unite to form a new organization: the United Service Organizations or USO. The six agencies were the Salvation Army, YMCA, YWCA, Travellers Aid, Jewish Welfare Board, and National Catholic Community Services. The six stars in today's USO logo represent these six original agencies.

Since its founding 50 years ago, the USO has sought to provide a home away from home for U.S. military personnel in both wartime and peacetime. In the course of carrying out this mission, it has offered a countless number of different kinds of services. Of course, the best known of these services are the celebrity shows or "Bob Hope tours" that have entertained military personnel all over the world. During the past 50 years, more than 10,000 performers have participated in these shows. In 1988, the Senate and House Armed Services Committees honored Bob Hope for his unselfish contributions by recommending that an appropriate Navy ship be named the U.S.S. Bob Hope.

Mr. President, as important as the USO entertainment shows have been, we should remember that the USO provides a variety of other helpful services, especially on behalf of military families. At more than 30 airports in the United States and overseas, the USO operates hospitality stations where military passengers can rest and find help with missing luggage, canceled connections, language problems, and long layovers. The USO also provides many support programs to assist military personnel and their families to settle into new overseas assignments. These programs include information on housing and jobs; opportunities for interaction with host country citizens; self-help classes; and recreational activities. Through all of these services, the USO helps the men and women in our Armed Forces and their families to cope with the complex problems of military life.

With the deployment of more than half a million military personnel to the Persian Gulf, the USO has intensified its activities. It has been working closely with the families of servicemen and servicewomen to alleviate the practical and emotional problems that have been caused by Operation Desert Storm.

On particular example of the USO role in Operation Desert Storm comes to mind. The very large Air Force complex of Rhein-Main in Frankfurt, Germany is the stopover point for a significant percentage of the United States forces flowing from the United States to the Persian Gulf. Depending on the turn-around time, the troops can be on the ground for many hours, sometimes even days. Strictly with volunteers, the USO operates the only facility where military personnel can go for some refreshments and rest from their travels. The USO ensures that hot and cold beverages, snacks, homemade cookies, sandwiches, televisions, reading material, and other assistance are available. The volunteers are there day and night and without their help, the tens of thousands of U.S. forces arriving and departing Frankfurt would be more or less left to waiting on the runways.

Mr. President, I ask unanimous consent that an article on the history of the USO from the February 1991 edition of Leatherneck magazine be inserted into the RECORD at the conclusion of my remarks.

It is only appropriate that we recognize the contributions of the USO at a time that the Nation is at war. I salute and congratulate the staff and volunteers of the USO on the occasion of their 50th anniversary.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIFTY YEARS SERVICE TO SERVICE PEOPLE—1941-1991

(By Lisa McLaughlin)

What do coffee and doughnuts, Bob Hope, and a frontline private have in common? To many who have served in the U.S. armed forces, the common denominator is an organization whose acronym has come to symbolize home abroad for American servicemembers—the USO.

This year marks the golden anniversary—50 years—of the United Service Organizations. Since its founding in 1941, the USO has provided "a touch of home" for servicemembers and their families. Now, at the beginning of a new decade 50 years later, the USO is still busy taking care of American forces.

The recent deployment of U.S. troops to Saudi Arabia and the Middle East region for Operation Desert Shield is the largest since Vietnam. The USO immediately responded to the crisis in the Persian Gulf by setting up two USO centers: one in Dubai (United Arab Emirates), and one on the island of Bahrain (off the coast of Saudi Arabia). Another center in Dhahran (Saudi Arabia) is tentatively scheduled to open sometime this month. World USO President Chapman Cox said that volunteers and a couple of USO staff members help nearly 800 troops a day at the Dubai center and almost 200 on Bahrain to feel more at home in a culture so foreign.

USO's Gulf Crisis Fund, in conjunction with generous corporate support, is providing a myriad of services to those stationed in the Gulf and their families who remain in the United States. In September 1990, USO and Montgomery Ward & Company launched project "Better Than A Letter" which provided hundreds of camcorders, televisions. VCR's, videotape cassettes and video-mailing materials to U.S. troops stationed in the Gulf. It was the first time that troops could send personal video messages back to their families Stateside. Also that month, servicemembers in every battalion, squadron and ship received libraries of popular films, along with a television set and a VCR, donated to USO by West Coast Video. Another project. "Operation Oasis," was kicked off in November, in which the USO distributed more than 100,000 gift packages containing a variety of items donated by U.S. companies. USO's Morning Show Network, comprised of 60 participating radio stations acress the nation, continued to provide the troops with tapes of favorite morning radio shows so they could listen to news and music from home and callers' messages and comments. (A 1-900 number was implemented through December 31 for people nationwide to call in and record messages for American armed forces in the Middle East.)

Of course. USO celebrity entertainment has continued to provide that "taste of America" to the troops. In October 1990, actor/comedian Steve Martin and his wife, actress Victoria Tennant, paid a visit to the troops in remote areas, followed by a handshake and autograph tour in November by five-time boxing champion of the world Thomas "The Hitman" Hearns. During the Thanksgiving holiday, comedian Jay Leno entertained troops throughout the region. And who else but the untiring Bob Hope and USO entertainment troupe (including such big-name stars as the Pointer Sisters. Marie Osmond. Johnny Bench, Aaron Tippet and Khrystyne Haje) performed for servicemembers over the Christmas holiday. Last month, "Major Dad" (actor Gerald McRaney) and his wife, actress Delta Burke who plays "Designing Women's" Suzanne Sugarbaker, visited American troops serving in Operation Desert Shield.

USO will continue its schedule of two entertainment tours a month for the duration of Desert Shield, according to Mr. Cox who added, "We are not forgetting other servicemembers serving around the world right now.

"Tours by LaToya Jackson (in Egypt) and the Dallas Cowboy Cheerleaders (in Korea, Kwajalein Atoll and Johnston Island) let troops who are not in Desert Shield know that USO isn't forgetting them."

Mr. Cox, a Marine Corps Reserve colonel, began his term as president of World USO in May 1990. He served on active duty in the Marine Corps form 1965-68 during the Vietnam War as a judge advocate to the commanding general of the Ninth Marine Amphibious Brigade, and he knows well what it means to have "a home abroad."

The USO is a civilian, nonprofit agency which receives no funding from the U.S. government. It depends entirely on individual and corporate contributions, although it does receive support from sources such as the United Way and the Combined Federal Campaign. (For more information on how you can help, contact your nearest USO center.)

USO was born February 4, 1941, when six civilian agencies which had acted independently in World War I pooled their resources under the direction of President Franklin Delano Roosevelt. The six agencies included: the Young Men's Christian Association (YMCA); the Young Women's Christian Association (YWCA); the National Catholic Community Services; the National Jewish Welfare Board; the Salvation Army; and the National Travellers Aid Association.

During World War II, the USO faced the incredible task of helping to solve the problems created by such a massive mobilization. U.S. troops grew from less than 500,000 to more than 12 million between 1940 and 1944. The USO put together clubs, lounges and other facilities just about anywhere they could—and in a hurry. Barns, railroad cars and store fronts were utilized. At its peak in March 1944, the USO operated a total of 3,035 centers. Although most of the facilities provided off-duty recreation to male servicemembers, a number of centers served women in uniform, and others provided child care for military spouses.

But perhaps the USO's greatest trademark is the celebrity entertainment provided through Camp Shows Inc., also formed in 1941. Camp Shows presented an astonishing 428,521 performances for 213 million troops between 1941 and 1947. At one time, curtains were rising 700 times a day! Audiences ranged from those as large as 15,000 to some as small as 25 men at a lonely post.

Of course, volunteers were the backbone of the USO during the war. About 1.5 million Americans gave of their time in support of the war efforts. Many of them worked long hours at their full-time jobs, and then put in more hours at a nearby USO center.

After WW II, all USO operations were officially terminated in 1947. But from 1948 to 1950, USO maintained a skeleton staff.

In June of 1950, the nation again prepared for war—this time in Korea—and the USO, once again, rose to meet the nation's needs. Volunteers numbered more than 113,000; 294 clubs were opened worldwide; and Camp Shows presented 5,422 performances to the wounded and battle-weary troops. In 1952, USO's Camp Shows performed every day in Korea. And in 1954, Bob Hope's USO Christmas show was aired for the first time on television, in Thule, Greenland. Hope's traditional USO Christmas shows, which began in 1948, continued every year until 1972.

After the Korean War, in 1953, the Department of Defense (DoD) realized that there was a continuing need for USO's services overseas. Gradually, USO expanded its clubs and shows.

The war in Vietnam created problems on the homefront, but the USO showed its support for those servicemembers in Southeast Asia, and it made the transition back to civilian life a little easier for the 40 percent of America's forces who were stationed in Vietnam and returned to a sometimes hostile American public. In 1963, USO established its first club in Saigon, which was followed by 17 others. It was the first time in the history of the USO that is centers were located in combat zones. These centers were often so close to front lines that servicemen would come to the facilities tracking mud from patrol missions, and checkrooms were provided for their weapons. Six more clubs were set up in Thailand, where more than a million people a month were served.

Once again, USO put on more than 5,500 shows, entertaining eager audiences large and small. By the end of the Vietnam War, many servicemembers were reluctant to be out in public while in uniform. But the USO was always just around the corner with open doors.

During the 1970s, the USO was faced with its own "hostile" situation—its funding from the United Way was threatened to be cut off. A committee was formed by United Way of America and the DoD to visit USO operations and military bases around the world. In conclusion, the 1974 report stated:

"If a voluntary organization like the USO did not exist, it would have to be created. Isolation of the military from civilian influences is not, we believe, in the interest of this nation. The advent of the all voluntary armed services does not change the requirement that civilian influence be encouraged at all levels." On December 20, 1979, the bill granting USO a Congressional Charter was approved by the Senate and was signed by President Carter. Thus, at the end of the decade, USO became an independent organization.

During the 1980s, a new patriotism swept the country. USO grew extensively, including airport centers which were opened in more than 13 major airports around the world; and USO's headquarters were moved from New York to Washington, D.C., in 1985.

But, the decade was not without conflict. In 1983, the crisis in Beirut, Lebanon (in which 218 U.S. Marines, 18 sailors; and three Army soldiers were killed by a terrorist bomb that was driven into the Marine compound at the Beirut International Airport) gripped the world. That Christmas, Bob Hope performed off the coast of Beirut—his first USO performance since 1972. He also flew in by helicopter to the U.S. Marine compound in Beirut on Christman day to visit the Marines there.

President Reagan honored the USO in 1983, during Bob Hope's 80th Birthday Salute to USO—a nationally televised program, saying:

"I want to thank the more than 40,000 USO volunteers who generously give of their time and of themselves. Thank you for reaching out to our men and women in uniform, letting them know that even though they are far from home, we think of them and we care."

Today, the U.S. military numbers 2.2 million, of which 54 percent are between the ages of 18 and 25. Including family members, the total military community is more than 5 million. More than ever before, the USO serves the needs of not only the American servicemember, but his family as well. USO family and community centers help military dependents adjust to new surroundings by providing information on babysitting co-ops, employment opportunities, parenting, nutrition, budgeting and children's recreational programs, as well as orientation and intercultural programs.

At 158 locations worldwide, the USO stands ready to answer the needs of American servicemen and women and the families behind them. It's a little bit of Americana, wherever they may go.

50TH ANNIVERSARY OF THE USO

Mr. INOUYE. Mr. President, I join my colleagues in commemorating the 50th anniversary of the USO.

On February 4, 1941, President Franklin D. Roosevelt ordered six civilian agencies to unite and create a new organization: the United Service Organizations [USO]. The USO is the only independent, congressionally chartered organization which is devoted entirely to providing various human services for our Armed Forces personnel and their families. It began as, and, continues to be a most important mission.

The USO's 50 years of outstanding service to our Armed Forces is a reflection of commitment, dedication and hard work. The USO's mission during World War II was to provide a "home away from home" for thousands of young men who were entering military combat for the first time. Several years later, the USO found itself near the combat areas during the Korean and Vietnam conflicts, providing the only off-duty recreation and support for our soldiers.

Now that we find ourselves embroiled in battle in the Persian Gulf, it is critical that we are united in support of our troops who are being asked to make the supreme sacrifice. The USO plays a vital role in keeping up the morale of our brave soldiers who are in harm's way while courageously serving our Nation. I commend the USO volunteers who has given so generously of their time, of their hearts, and of themselves. The USO's support for our troops in the Persian Gulf, and of the soldiers of past wars, is an important means of sustaining and strengthening their resolve to fight on in defense of our Nation's principles of freedom and democracy.

It is my great pleasure to extend my warm wishes and heartfelt praise for the USO. May they continue to provide our soldiers with song and support for another 50 years.

IT'S TIME TO GET SERIOUS ABOUT MISSILE DEFENSE

Mr. HEFLIN. Mr. President, it is difficult to see through the mists of war in the Persian Gulf to reach any generalizations or sweeping conclusions. After the first weeks of this war, the emotional roller coaster which has held sway in the Nation bears testimony to the hazards of reading too much into short-term events. But, it seems safe to say that our high-technology weapons have already exceeded the expectations of most observers and that another chapter has been added to the annals of military history.

The performance of our high-technology weaponry in the Persian Gulf war has deservedly drawn praise from supporters and critics alike. I salute the developers of these weapons and the professional men and women who operate them. It is gratifying to bear witness to the vindication of modern weapons which have too often been the victim of harsh criticism. In particular, I would like to take note of the unprecedented combat application of a defensive weapon, the Patriot system, and express a few thoughts about the implications of its magnificent performance.

A hostile ballistic missile has been shot down for the first time in history. This landmark event goes beyond an incremental improvement in traditional weapons brought about by advanced technology. It ushers in a fundamentally new dimension of warfare, the use of an effective defense against the previously unchallenged supremacy of ballistic missiles. From the time of the German use of the V–2 missiles in the London blitz 45 years ago, the specter of offensive weapons for which there is no defense has haunted us. Now we have a demonstration, far more vivid and convincing than words can convey, that ballistic missile defense has arrived.

In regards to that, I think that the antiballistic missile defense system known as the Patriot has really worked superbly, and we are proud of the work that has gone on for many years in developing the Patriot system.

To be sure, we are talking about defense against relatively short range tactical ballistic missiles by a system which was originally designed to defend against aircraft. The Scud missile, which Patriot has blasted from the sky with repeated success, is a early generation ballistic missile sold to Iraq by the Soviet Union. It is a tribute to the Army developers that the Patriot upgrades, to give it a capability against this class of target, were proposed several years ago. Without this foresight, we would now be watching helplessly as all of Saddam Hussein's Scud missiles rained down with impunity on their targets in Saudi Arabia and Israel. There is profound significance to this traumatic offense-defense duel, being brought into our living rooms and offices by TV, and we must heed the lessons it brings to us about further development of ballistic missile defense systems.

It should not escape our attention that the upgrades that give the Patriot a capability against tactical missiles traveled a long and tortuous road to final approval. This capability was stripped from the system at one point, when it was called SAM–D, and it narrowly avoided the congressional budget knife a few years ago. I recall this episode to underscore an institutional problem in the weapons development process. We do not have an enviable track record of staying power, particularly in the development of defensive systems, in seeing weapons programs through to an operational capability.

This budget year, the Congress substantially increased the defense budget for theater missile defense, the category of development devoted to advanced systems to protect against the spiraling threat of tactical ballistic missiles. The CIA has estimated that at least 20 nations will possess these weapons by the year 2000. Keeping pace with the proliferation of these weapons is a continuing multinational effort to improve their range and lethality, including development programs to arm them with chemical, biological, and nuclear warheads. It is imperative that every effort be made to arrest this alarming trend through political and diplomatic means, following the example of the Soviet Union-Soviet INF Treaty. Parallel to such efforts, we must build on the theater missile defense initiative in order to lessen the incentive for the acquisition of these weapons and to nullify the awesome effects of their use.

I congratulate President Bush on recognizing the need to refocus the Strategic Defense Initiative [SDI] Program on providing protection against limited strikes. The time has arrived for this Nation to develop a fresh approach to the development of ballistic missile defense systems, an approach which is commensurate with the seriousness of the threat and supported by a political consensus which will sustain it long enough to get something done. As I have stated on many occasions, along with many of my colleagues in the U.S. Senate, the Strategic Defense Initiative [SDI] Program has concentrated too heavily on early deployment of space-based weapons that were designed to defeat a large-scale Soviet attack. Less emphasis has been given to more mature ground-based systems, generically related to Patriot, which can evolve to protect against the whole range of ballistic missiles we might face.

What has been the price of a dominant emphasis of the SDI Program on the early deployment of space-based weapons? It has not only alienated those who favor an evolutionary approach, in compliance with the ABM Treaty, but it has diverted resources from ground-based elements which could be much further along today. If we had begun the development of a non-nuclear ground-based system in 1983, when the SDI Program was initiated, we could have a modern, dedicated missile defense system in the field today. With such a dedicated system, we would have the added security of a defense against missiles of greater range and sophistication than Scud.

This past August, we had an extended debate in this body about the SDI Program, in connection with the Bingaman-Shelby amendment. In a 55–43 vote of approval for this amendment, the Senate repudiated the central direction of the SDI Program, in consistent but stronger terms than in the previous 2 years. It is not my intent today, to dredge up all of the arguments of this ongoing debate, but there are two clear conclusions which we can draw from it. The first is that we do not have a political consensus for the direction of the SDI Program. The second is that there are grounds for such a consensus if the administration will relent on early deployment of space weapons, in violation of the ABM Treaty.

As brought out in the Bingaman-Shelby debate, the administration has belatedly swung around to endorse a limited first generation system, but they persist in including space-based weapons—Brilliant Pebbles—as the centerpiece of the SDI Program. The new umbrella architecture, called Global Protection Against Limited Strikes [GPALS], envisions an application of space weapons which is even more questionable than in the original, phase I architecture. Space weapons are now proposed for engagement of tactical ballistic missiles, launched from any location, despite the obvious problems of achieving global coverage, securing international agreement on engagement criteria, and extending effectiveness to short time-of-flight missiles.

I propose that we take the following six steps to establish a long term, politically viable missile defense program:

Accelerate the development of a ground-based, two-tier theater missile defense system to protect our allies and forward deployed forces against tactical missiles;

Initiate development and deployment of a treaty-compliant missile defense system to protect the continental United States against missile attack;

Accelerate the development and deployment of space-based sensors to aid both theater and continental U.S. defenses to meet responsive threats;

Develop an evolutionary plan for upgrading and expanding both theater and continental U.S. defenses to meet responsive threats;

Maintain a technology base program to provide opportunities for upgrades and advanced systems, including a vigorous research effort on directed energy weapons [DEW]; and

Continue complementary arms control negotiations to reduce the threat of both strategic and tactical missiles.

These steps are not original. Indeed, they have permeated the SDI debate for the past 3 years. However, I believe that they represent a prudent course for the SDI Program, and other related missile defense efforts, and they enjoy a broad base support in the Congress. As we enter into the fiscal year 1992 congressional budget cycle, I urge the administration to adopt these steps. We cannot afford to remain fundamentally divided on the proper course of action in this vital area of weapon development.

FOREIGN AID AND U.S. TRADE

Mr. LEAHY. Mr. President, the issue of "tied aid," the practice where a donor country gives foreign aid to a developing county on condition that the recipient agrees to buy the donor country's products, was highlighted in a January 13, 1991 Washington Post article titled "Japan's Hands-On Foreign Aid." I will ask unanimous consent that a copy of this article be included in the RECORD at the end of my remarks.

This article is the latest entry in a wide-ranging debate over the purposes and effectiveness of U.S. foreign aid that has intensified since the recent end of the cold war. Another important contribution is the recently completed Department of Commerce study "International Financing Programs and U.S. International Economic Competitiveness." That study is a valuable look at how our current foreign aid programs do or do not strengthen our trade and investments abroad. The Commerce study is too lengthy to include in the RECORD, but I commend it to Senators.

The study documents quite clearly what I and many others have been saying for some time, namely, that compared to the tightly integrated foreign aid and foreign commercial policies of our competitors, especially the Japanese, United States foreign aid is just not helping our economic competitiveness abroad the way it should.

The United States once used tied aid on a large scale in the 1950's and 1960's but 15 years ago or so, we greatly reduced the practice—through, contrary to some claims, we have not eliminated it. The Department of Commerce study indicates that even now some 18 percent of United States foreign aid is tied or linked to purchases of U.S. services or products, and another 36 percent is partially tied. This is not completely out of line with our main competitors, but they have been far more aggressive in using their aid programs as levers to open, capture and dominate markets.

Beginning in the 1970's, U.S. bilateral aid emphasized helping the poor, "meeting basic human needs," and serving foreign policy interests. U.S. commercial interests—trade and investments abroad—took a back seat. At the same time, the role of our Export-Import Bank in financing United States exports in competition with subsidized exports of Japan, Germany, Britain, Italy, and others, also sharply declined. The result was a clear divorce between our aid policy and our international commercial policy. We were so economically dominant no one paid much attention.

Into the breach have stepped the Japanese and the Western Europeans, who are aggressively promoting their own exports through their foreign aid programs.

U.S. policy now is to oppose the use of tied aid and to try to negotiate a reduction in its use through the OECD group of the main foreign aid donors. However, recently, the administration conceded that little progress has been made with the other major donors in getting enforceable agreements to cut back on the use of tied aid. We are now on the verge of moving back into the tied aid practice on a much larger scale ourselves. AID and the Exim Bank last year developed a program where up to $500 million in aid targeted for several Asian nations could be used in the form of tied aid. This is probably a harbinger of what is to come if progress is not made in reducing predatory financing and other practices by our competitors.

Tied aid is most often used by our Japanese and European competitors in capital-intensive projects that generate billions of dollars in exports in the construction, mining, energy, telecommunications and transportation sectors. The Post article described, for example, an $850 million, 1,000-megawatt electric generating plant in India financed with a low interest loan from Japan, built by a Japanese construction company with Japanese products. It goes on to discuss the dramatic success the Japanese have had in using foreign aid explicitly to promote Japanese companies against Western competitors.

The Japanese are among the most aggressive in using tied aid to build export markets, but they are not the only ones using their foreign aid for competitive purposes. Several European aid donors also resort to tied aid, despite agreements not to do so.

Mr. President, last year in hearings in the Foreign Operations Subcommittee and in speeches on the Senate floor I spoke repeatedly of the need to reexamine our foreign aid programs. In one speech titled "New Directions in U.S. Foreign Aid Policy," I described five principles which I believe should guide our foreign aid policies based on the realities of today's changed world.

One of those guiding principles is that we must use our foreign aid to do much more to strengthen American economic competitiveness abroad. This means export markets for our products made here at home, and more jobs for Americans.

I said that "if we are to compete for markets and American jobs, it is a time for boldness. We have to back our commercial interests as effectively as the countries that are in competition for these markets."

Since becoming chairman of the Foreign Operations Subcommittee, I have worked hard to strengthen the Export-Import Bank, the Overseas Private Investment Corporation and the Trade Development Program as the main instruments for using our foreign aid programs to bolster our economic competitiveness abroad. Step by step, we are reversing the trends back toward integrating our aid and trade policies.

I should point out, though, that while the President also has spoken of the need to help U.S. businesses invest overseas, his budget request last year cut deeply funding for the Export-Import Bank. Fortunately, over the administration's objection, the Congress increased funding for the direct loan program of the Eximbank to $750 million, or $250 million above the President's request. Within that level we gave the Eximbank authority to use up to $150 million for a tied aid war chest. These war chest funds are available to help United States companies with low-interest financing against Japanese and European competitors who resort to tied aid and other forms of disguised subsidies through their aid programs.

In the Foreign Operations Subcommittee, we are ready to go farther. I am prepared to seek further increases in the war chest authority if necessary. I am willing to strengthen OPIC's guarantee and direct lending role as well. I am ready to find ways to assist the Trade Development Program to be more aggressive in promoting American investments abroad. American businesses are still at a distinct disadvantage in the race for investments in the rapidly growing markets of Eastern Europe and the Third World. I am willing to consider ways AID might begin financing more capital and infrastructure projects. We must work to make our Foreign Aid Program much more supportive of our economic competitiveness abroad.

But, at the same time I have many questions about moving too quickly back into the old days of tying our economic and development aid programs directly to purchases of U.S. products and services, and financing of massive capital projects which often cause huge damage to the environment. Developing nations are still peppered with the famous white elephants of the 1950's and 1960's—roads that go nowhere, steel mills that are falling into rust, and dams that destroyed the local ecology. What we need is a level playing field for American business, not a war of subsidies disguised as foreign aid programs.

The point is there is no easy solution to how best to use our foreign aid to improve our export markets and also to achieve our economic development goals.

And, just as we must do much more to enhance American competitiveness abroad, we must not forget that our foreign aid programs serve multiple goals, including foreign policy interests, economic development and meeting basic human needs. We use a large portion of our aid for the direct, relief of the hundreds of millions of people who live in abject poverty. Humanitarian aid, as well as programs aimed at meeting basic human needs, is not suitable for tied aid purposes.

As we consider how to make better use of foreign aid in our commercial policy, we must not forget the importance of the smaller scale health, education, agriculture, family planning, AIDS, child survival, microenterprise and other development and humanitarian projects that directly improve the lives of the poorest people overseas.

This year, as chairman of the Foreign Operations Subcommittee, I will be holding hearings on the future of our foreign aid programs. One issue I intend to focus on is how we can do more to promote American businesses overseas through our foreign aid programs without sacrificing our equally important goal of meeting the basic human needs of the world's poor.

I ask unanimous consent that the article to which I referred earlier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JAPAN'S HANDS-ON FOREIGN AID

(By Steve Coll)

ANPARA, INDIA.—At dawn in this remote and smoky industrial town, a steel skeleton rises in the half light, the beginnings of an $850 million, 1,000-megawatt electric power generating station being constructed by Mitsui & Co., the Japanese trading giant. The plant, which will pump power across India's densely populated north, was made possible by a record $600 million, low-interest-rate loan from the Japanese government.

To Japanese officials, the plant is a symbol of Tokyo's new place as the leading philanthropist in the Third World, a position it assumed at Washington's urging. But to some resentful Western aid officials, the symbolism is very different.

While the United States slashes its foreign aid budget and rethinks its international assistance, they say, Japan is using its bountiful aid coffers to develop Third World markets for the 21st century—in many cases using development aid explicitly to promote Japanese companies against Western competitors.

As it did with the power plant under construction here, Japan often links large loans and grants to poor countries with procurement of Japanese equipment and technology, an approach that not only enriches Japanese firms in the short run, but also provides them with a strong marketing edge once an aid program is finished.

Japan's seemingly clear-eyed emphasis on its economic self-interest contrasts with a U.S. aid program that appears to be in a state of confusion, shrinking in size and uncertain of its purpose.

Nowhere is this more obvious than in South Asia, a poor but steadily developing region with more than 1 billion people and a growing penchant for market capitalism. In the region's three largest markets—India, Pakistan and Sri Lanka—Japanese bilateral assistance now far outstrips that of the United States, amounting to more than $2 billion annually.

The vast majority of Japan's aid comes as low interest rate, or "soft," loans for big infrastructure projects such as power stations, telecommunications systems, and energy and transport, and the Japanese loans have strings attached: U.S. and European companies are largely excluded from participation in the projects, permitting Japanese firms to make immediate profits, establish their technologies in nascent industries and develop future markets.

As one Western aid official noted: "Once a user becomes familiar with Japanese equipment and technology, they'll keep using it."

It is a self-interested aid philosophy that "is skewed in a manner to promote Japanese interests to the great detriment of the development needs of the recipient country," said another Western aid official.

In the U.S. approach, on the other hand, this official argued, "There is a dimension that goes beyond self-interest . . . that is altruistic. This is an important part of American values.

In private, Japanese businessmen and officials scoff at American attempts to hold the moral high ground on aid.

They point out that "altruistic" programs, such as U.S. food donations to India, are protected in Washington by corporate farm and shipping lobbyists, whose clients reap millions of dollars annually from the program. They note that among developed Western countries, the United States is virtually alone in not linking economic aid to the explicit interests of its own companies. And they argue that the thrust of Japan's aid program promotes the goals articulated by the Reagan and Bush administrations: to encourage recipient countries to solve their problems of poverty and development through capitalism.

U.S. aid officials acknowledge that their own house is in a state of relative disorder. "Probably over the years we've had [on] a bit too many rose-colored glasses," said a Bush administration official. "We have to see that it's a different world and we have to adjust. . . . I think we should be prepared to meet the competition in whatever form it takes."

MEET FUKUO YAMANAKA

Here is the competition: a round, bespectacled, unusually friendly Japanese executive named Fukuo Yamanaka, chief representative in Indian of Mitsui & Co., the Japanese trading giant. Yamanaka knows the United States—he worked there for nine years—and he remembers his time fondly. But his career provides a microcosm of how the nexus between government aid and private trade has changed in Japan and the United States during the past three decades, and how those changes are reshaping international economic competition.

Yamanaka's business is power—the manufacture, sale and maintenance of electric power generating stations and their assorted industrial components. He first came to the United States in the early 1960s, when "made in Japan" was synonymous with "cheap and shoddy" and when the international electric power business was dominated by U.S. firms, particularly General Electric Co.

As an engineer and salesman, Yamanaka's job in those days was to acquire and sell GE power turbines to Japanese users, often municipal governments and other utility authorities. No company in Japan could make turbines as well as GE, so Mitsui in those days made its money brokering American exports to Japan.

Because of the huge sums involved in building a power plant, and because governments are almost always involved in the business, it is typical for large deals to be supported by government credits or low-interest loans. Back in the 1960s, Yamanaka's job was made easier by the favorable financing he arranged with the U.S. Export-Import Bank. In those days, Japan was a big recipient of U.S. economic aid designed to rebuild its war-shattered infrastructure and to reinforce prosperity, democracy and political stability.

When Yamanaka returned to the United States during the 1970s for his second tour as a salesman, Mitsui had redefined his responsibilities somewhat. Now Japanese companies allied with Mitsui made some turbines and other heavy industrial equipment in competition with U.S. manufacturers. Yamanaka still used Ex-Im Bank credits to sell GE turbines to Japan, but he also sold Japanese products to U.S. companies, taking advantage of favorable public and private financing arranged by Tokyo.

By his third and final tour, during the mid-1980s, the tables had turned completely. Now 95 percent of Yamanaka's time and energy was absorbed by selling Japanese turbines and industrial equipment to U.S. users. It was a good business, and many of the Japanese products were considered superior.

As for GE's business in Japan, Yamanaka notes dryly that, "These days, Japanese customers don't need any economic aid."

Today, Yamanaka is posted on Mitsui's next frontier: the developing world, where demand for electric power far outstrips supply, and where governments are anxious to build plants quickly on favorable terms. GE is still one of Mitsui's competitors, but in India and elsewhere in South Asia, the contest isn't very close.

One big reason: Japanese government aid, in the form of soft loans from its bulging Overseas Economic Cooperation Fund (OECF), has made Mitsui pretty much unbeatable by U.S. companies in South Asia.

Mitsui's biggest project in India today is the construction of the two 500-megawatt electric generating facilities at Anpara. Mitsui won the lead position on the contract after outbidding a single Japanese competitor.

The deal was clinched by a $600 million OECF loan carrying a 2.5 percent annual rate of interest, a 10-year grace period and a repayment period stretched over 30 years.

Like many Japanese, Yamanaka is sensitive to any implication that Japan is cynically using its aid budget to a poor country like India to promote the prosperity of Japanese corporations. The OECF loan restrictions excluding Western companies from competing "is of course a mixture, the political decision, the business decision."

As for Mitsui's goals, they are twofold, he said: to make immediate profits by winning contracts, and to build for the long run by using government-financed deals to introduce technologies and find partnerships with Indian companies.

Virtually all OECF loans to this region bar U.S. and European companies from competition, as was the case with the Anpara loan, but companies from developing countries are permitted to compete. In the rare instances where they beat out a Japanese competitor, negotiations later still often result in a tie-up with a Japanese company.

There are dozens of deals pending or underway in South Asia where Japanese firms have won contracts to build infrastructure projects using restrictive OECF loans or outright grants from Tokyo. Grants require 100 percent procurement from Japan.

A particularly vivid example of how such assistance promotes Japanese exports is visible in Sri Lanka, the island nation off India's southern tip. In the early 1980s, Sri Lanka had virtually no television facilities. With soft loans and grants, Japan donated state-of-the-art broadcast and transmission equipment, constructing a powerful network.

Today, Japanese manufacturers dominate Sri Lanka's booming market for color television sets—a market that hardly existed 10 years ago.

Despite a gradual relaxation of the exclusive conditions, Japan's aid to developing countries retains "a very, very close connection with private business," said a Japanese source who asked not to be further identified. This situation arises in part from a shortage of government staff devoted to managing the huge aid program overseas. As a result, "the role in identifying projects is played by the big trading houses in Japan, and they encourage the [recipient] government to submit a proposal."

The system "is not necessarily a bad thing," this Japanese continued. "Our companies are very efficient and are able to identify projects that will help the recipient countries. But our companies can make money under our system."

In India, where the government tends toward xenophobia even in the best of circumstances, there is a voluble debate about whether the Japanese aid system is as good for India as it is for Japan. Some accuse Japanese firms of taking advantage of their quasi-monopoly status in big projects to charge exorbitant prices. Others worry that Japan doesn't do enough to involve Indian companies in development work.

One thing is very clear: "The bulk of the OECF money ultimately goes back to Japanese companies," said Naresh Minocha, an Indian financial analyst. "And the Japanese companies quote higher prices than they would in full global competition."

RETHINKING THE PURPOSES OF AID

It now is clear that Japan's aid program in South Asia and much of the developing world dwarfs that of the United States and helps Japanese companies secure a toehold in markets where they might otherwise be left behind. But these truths do not necessarily mean that the United States will be less competitive than Japan in Third World markets during the 21st century, some economists and business officials say.

That is one reason specialists in Washington are today unsure about what the purpose and character of U.S. aid to poor countries should be.

U.S. aid policy remains driven by diverse impulses: to shore up friendly governments in strategic regions, to promote the spread of democracy and capitalism generally, and to provide direct relief to those living in the depths of Third World poverty.

The promotion of economic competitiveness has joined that list of goals during the Reagan and Bush years, but some U.S. aid workers say the idea has been slow to take root in an aid bureaucracy populated by people who see their careers as being devoted to altruism, not economic nationalism.

Some economists and government officials say the United States should try to best Japan not by imitating its approach to foreign aid, but rather by exploiting U.S. "comparative advantages" against Japan.

The biggest of these advantages, they say, is a relatively open U.S. immigration policy that encourages the development of international family-run businesses with a strong anchor in the United States.

For example, there are now about 26,000 Indians attending U.S. colleges and universities, according to U.S. officials. Presumably, some of them will start trading and making money on their own when they are finished with school, as thousands of Indians before them have done, building up two-way trade that totals billions of dollars annually.

Still, some U.S. officials urge that Washington should do much more to integrate the specific needs of U.S. businesses into its foreign aid budget, particularly in areas of the world where markets are young and Japanese and Europeans are working aggressively.

"If the Japanese companies have been so successful [in South Asia], it is because of the close linkage between industry, banking and the government," said V. Krishnamurthy, former chairman of the Steel Authority of India and a key architect of Japan's aid and trade relationship with India. "If you had gone to the American embassy in [New] Delhi, or to the government in Washington with a proposed deal, they would not" have provided much guidance or assistance.

The U.S. government is trying to change that, but the pace is slow. U.S. embassies now have instructions to integrate more closely the work of Commerce Department officials and representatives of the Agency for International Development (AID), which administers most U.S. aid to poor countries.

Last year, AID established for the first time a $300 million "war chest" to help U.S. companies arrange competitive soft loan financing against Japanese and European firms. But the amount available for such loans is relatively paltry. And during the same period, Congress defeated, at AID's urging, a bill that would have directly linked U.S. aid donations to procurement from U.S. companies.

"The goals remain the same—to improve the quality of life for poor people in developing countries," said a U.S. aid official. "We're also interested in developing an environment conducive to U.S. investment abroad . . . but we're not the instrument for U.S. business."

Krishnamurthy, recalling the days of the Kennedy and Johnson administrations when India was plagued by famines and the U.S. government boldly led a rush of charitable donors onto the subcontinent, said the U.S. aid philosophy has been well-intended but ultimately unprofitable. "Looking back, U.S. aid was directed in the right places" to alleviate poverty, he said. "But it was not aid that had a commercial future."

THE GULF WAR HIGHER EDUCATION AND HEALTH CARE SHORTAGE ASSISTANCE ACT—S. 335

Mrs. KASSEBAUM. Mr. President, I rise today to join as a cosponsor of legislation to provide needed relief for communities hard-hit by the call-up of medical personnel for military service in Operation Desert Storm.

This bill, S. 335, would target $50 million in expedited assistance for affected communities to help them maintain essential medical services. Other provisions of the bill—known as the Gulf War Higher Education and Health Care Shortage Assistance Act—would extend the deferment on repayment of student loans for military personnel participating in Operation Desert Storm.

Mr. President, more than 3,400 doctors have been called to active duty since the gulf crisis began last August—as have thousands of nurses and medical technicians. Few will deny that these professionals are urgently needed to support our troops abroad, but the fact remains that their sudden departure from communities at home has led to serious disruptions in the delivery of medical care.

Such disruptions have been particularly acute in rural areas, many of which were already suffering serious medical manpower shortages even before the gulf crisis began. In my own State of Kansas, for example, fully 64 of the State's 105 counties were identified by the University of Kansas Medical Center as being underserved in primary care last year.

The precise number of communities facing immediate medical shortages is still unknown. In Kansas, however, it is clear that the call-ups have already begun to take a toll. The town of St. John, KS, for example, has received national media attention in recent weeks following the call-up of its only full-time physician. Meanwhile, several other small Kansas towns have also lost critically needed medical personnel.

Mr. President, S. 335 would take a number of constructive steps to address war-related medical shortages. First, it would give the Secretary of Health and Human Services special authority to cut through the usual red tape of the medical shortage designation process. This, in turn, would clear the way for up to $50 million in expedited assistance grants to underserved communities facing the war-related loss of medical personnel. In addition, the bill would empower the Secretary to enlist Public Health Service doctors and nurses as temporary replacements and to coordinate the use of private sector volunteers.

As strongly as I support this bill, however, I do think it needs a few minor adjustments to make it even more responsive to the special needs of rural communities. These adjustments, many of which were suggested to me by health care providers in Kansas, would better guarantee that the bill accomplishes what it was designed to do. I am hopeful that these changes can be considered before this legislation moves to Labor Committee markup or to consideration by the full Senate.

Mr. President, in addition to its health care relief provisions, this legislation also offers two important educational benefits for military personnel involved with the Desert Storm operation. First, it provides for an additional 6-month deferment in the repayment of Federal student loans. This provision will assist in the readjustment of service personnel, many of whom have seen a decline in their financial resources as a result of active service in the operation.

Second, it requires that postsecondary institutions offer substantial tuition refunds or credits to students who had to interrupt their studies to go into active military service. I am pleased to note that, last August, the Kansas Board of Regents recommended that all regents schools in the State provide full tuition and fee refunds for students called to active duty. This is a sound policy, and it is the right thing to do. As we work with this legislation, however, I hope we will find ways to assure that this new statutory mandate will not be translated into burdensome paperwork requirements, particularly in those instances where institution-wide refund policies related to the Desert Storm call-up have already been instituted.

Mr. President, S. 335 is timely and needed legislation, and I urge all of my colleagues to join me in supporting it.

PERSONAL EXEMPTION REMARKS

Mr. COATS. Mr. President, I have long been convinced that numberless crimes and crises—the whole tragic litany of social failure—can often be traced to families that never formed or families that ceased to function. Broken families cause broken lives. They are a principle correlate of poverty, educational failure and crime. When parents cannot, for whatever reason, teach the lessons of character and work to their children, or provide the tools of opportunity, no program or policy can meet their basic needs as well. Government, though essential, is left to play catch up against long odds.

A famous quote puts the matter simply, "The family is the original and best department of health, education, and welfare."

This is the reason I believe a pro-family policy is so important. It is preventive social activism. Strengthening the bonds of parents to their children, helping ease the strains on healthy families, encouraging parental involvement—these are the ways to encourage success, not deal with failure.

I have strongly supported government programs which embody this approach—Head Start, early childhood education, character instruction, and others. But I am convinced these efforts can be taken one step further. There are many areas where families face challenges. Yet many solutions to problems depend ultimately on the ability of families to make ends meet.

I believe it is essential that we reduce the economic burdens on families so they can better play their vital social role—giving them the means to educate and care for their children without requiring intrusive and often ineffective Federal programs.

This is the reason, at the beginning of this session, that I introduced a bill (S. 152) to double the personal income tax exemption to $4,000. This measure is an antipoverty, profamily, proeconomic growth initiative that will help families meet their own needs, particularly in the recession we now face.

For too many decades, the Federal Government has been blind to the practical, pressing economic needs of American families. We have a tax structure that responds to every special interest under the sun. Even after tax simplification, it provides well over 100 exemptions and deductions—for shipping companies and alcohol fuels and timber growing. Volumes devoted to explain and interpret that code are measured in pounds, not pages. Every imaginable interest group employs lobbyists whose only job is to protect those special breaks.

Yet no one stalks these Halls to speak for the family. No demand is made for its just treatment. And, as a result, the family has suffered under our Tax Code.

It is a problem that has been developing for decades. The value of the personal exemption has steadily and dramatically declined—eroded by inflation and neglect.

I have taken the lead many times over the years to fight for personal exemption increases that accurately reflect the needs of the American family. In 1985 as a Member of the House, I sought to update personal exemption levels by introducing the Tax Fairness for Families Act. In 1986 I fought to ensure that an increase in the exemption was included in the Tax Reform Act which was ultimately signed into law.

It was clear to me at that point that the personal exemption was still not high enough. The subsequent increases and indexing for inflation were welcome, but still failed to take into account the modern day costs of raising children and keeping a household. Families are finding it more and more difficult to bear the financial costs of raising a family which, according to Family Economics Review, currently costs somewhere between $4,000 and $5,000 per year, per child, depending on how old each child is.

In the early years of this century, when Federal income taxes were first adopted, the personal exemption was worth the equivalent of $10,000, in 1990 dollars. Today, despite the changes in the Tax Reform Act, it is now worth only 20 percent of that amount.

In 1950 when the median family income stood at $3,319, the personal exemption was $600 per year. As such, an average family of four with no other exemptions could deduct approximately 72 percent of its income from taxation.

In 1989, by contrast, the average family income totaled $34,213 per year. Because the exemption increase enacted in the Tax Reform Act had already taken effect, Americans were allowed a $2,050 personal deduction. Despite the increase, however, an average family of four with no other deductions can now exempt only 24 percent of their income from taxation.

To offset the same percentage of family income today as in 1950, the personal exemption would have to be set at about $6,184.

This dramatic tax increase on families over the last several decades was not the choice of Congress. It came about because the personal exemptions was not indexed for inflation or for income growth. As I noted earlier, indexing has now been implemented, but we have failed to deal with the past erosion of the exemption.

This leads to another important point: A significant amount of the financial troubles that are experienced by families in today's economy are not caused by decreasing income. In fact, a growing number of American families now have two wage earners instead of one—too often out of necessity—yet many still cannot keep pace with daily expenses. These difficulties, in large part, are the result of increased, unfair and counterproductive taxation.

This situation has affected all taxpayers, but it has hurt families with children far more than any other group. It places a special burden on America's poor. And it hurts those racial and ethnic groups which are so often economically vulnerable. Today about 50 percent of all American families have children under 18 years of age. But more than 60 percent of black families, and more than 70 percent of Hispanic families have children under 18.

Now that we are confronted with a troubled economy, a higher number of American families are grappling with the reality of financial hardship. As a result, I expect we will see a number of proposals for new or expanded entitlement programs.

Quite frankly, Mr. President, a number of questions and concerns have rightfully been raised over the efficiency of our current welfare programs. Often our best intentions have been frustrated by waste and unintended consequences. But by putting money directly back into the hands of the American family—as S. 152 would do—we can provide them the power to make their own choices without Government interference. We can provide parents with the ability to better care for themselves and their children.

In today's world, a family of four earning $20,000 per year—which clearly is not enough money to provide two adults and two children with an adequate income—currently pays about $1,774 in taxes. Under my plan, this family would pay less than $600 in Federal income tax. These savings would go far in helping them to provide for their own needs with their own resources, rather than rely on handouts from the Federal Government.

Middle-income families would also benefit. A family of five earning $40,000 per year now pays about $5,500 in taxes with no other deductions. Under my plan, this family would save about $2,500.

Finally, Mr. President, this bill will help to stimulate economic growth. It will free money from a black hole of wasted public spending and place it in the hands of the Americans who earned it and know precisely what they most need.

The bottom line is that Americans are seeing a greater portion of their paycheck sent to Washington and seeing precious little in return. The personal exemption has steadily lost its value. It has not kept up the rate of inflation and it does not fairly reflect today's costs of raising a child.

A $4,000 personal exemption is a matter of equity, and is long overdue. It does not even bring that exemption up to its traditional historical value. But it will bring some essential relief to struggling families. Unlike special credits and deductions, it is available to all families, regardless of whether they itemize and whether or not they can afford "tax beneficial" investments. It will empower the American family to make their own choices and escape the trap of dependence by never entering it in the first place. It is not a handout. It is a matter of simple justice.

I urge my colleagues to cosponsor this resolution.

UNWANTED TRASH

Mr. COATS. Mr. President, I rise today to call attention to legislation I introduced on Monday, January 14, that would give States the necessary tools to combat unwanted trash.

Last fall, we engaged in considerable debate on the issue of interstate transportation of solid waste. In passing my amendment, the U.S. Senate sent a strong, clear message to States unwilling to dispose of their own garbage. The days of playing pass-the-trash are numbered. By an overwhelming, bipartisan majority, the Senate approved my amendment which grants States the authority they deserve to control the influx of out-of-State trash. By the introduction of my bill, which contains the same language as my amendment as passed, I am alerting this body that I will continue my fight to give States the fundamental right to control their environmental destinies.

The problem of out-of-State garbage is at crisis level. Mr. President, in the heartland of our Nation, there is clearly no environmental concern more pressing. Indiana and other States have enough problems dealing with their own garbage, but that isn't all we're asked to do. Every year, we import thousands of tons of trash. As a representative of an importing State, I am frustrated with a system that severely limits our ability to preserve our landfills for our own needs.

The National Governors Association estimates that 6 percent of all waste travels across State lines for disposal. While this volume may be small, it is concentrated—primarily in the Midwest—eating away at our capacity to handle waste and accelerating us to a capacity crisis of our own.

Only two years ago, the amount of waste we imported in Indiana was negligible. Today, according to the Indiana Department of Environmental Management, as much as 30 percent of all the waste disposed of in Indiana is from out-of-State, in comparison to the mere 2 percent of our trash we ship across State lines, primarily sent to neighboring counties. This is not a case of Indiana crying "not in my backyard." We are taking care of our own trash. We simply ask that every State be responsible environmentally and accountable for the trash it generates.

Out-of-State shipments are clearly increasing at a time when our landfill capacity is declining. In Indiana, we have only 7 years remaining capacity. Of our 77 operating landfills, 31 are scheduled to close within 5 years. These unwanted shipments are creating deep resentment among Hoosiers, and causing uncertainty about environmental monitoring and cleanup.

The story of Centerpoint, IN, offers a personal glimpse of the problem and its impact on Hoosiers. Until a little over a year ago, Centerpoint's town dump was visited by no more than a couple of trucks each day, carrying the neighborhood trash for its 250 residents. Then the size of the dump was doubled and bought up by out-of-State investors. Suddenly, that dump was visited by 30 to 50 trucks each day bearing cargoes of rotting trash from the East. Sixty-five townspeople carried on an extraordinary vigil over the past year and a half. They monitored the landfill for every hour it operated, sacrificing lunch hours and vacation days, to faithfully record every truck that dumped its unwanted cargo. Their message is clear. Centerpoint does not want to be a dumping ground for other States' waste. In the span of one year, 6,000 trucks dumped a total of 240 million pounds of out-of-State trash on Centerpoint.

Where was this trash coming from? After checking registrations with the Interstate Commerce Commission, the people of Centerpoint found that dozens of New Jersey and New York trucking companies, coming from places like Jersey City, North Bergen, and Wayne, New Jersey visit on a daily basis. Of the drivers willing to be interviewed, 38 percent said their loads originated in New Jersey—from Newark, Jersey City, Westfield and others. Another 30 percent came from New York.

In 1979, a landfill was constructed in Northwest Indiana with the expected capability to manage the region's waste for 40 years. Today, a little more than a decade later, it has 3 years remaining capacity. More than three quarters of the waste disposed there is from out-of-State sources.

Indiana health inspectors have also reported concerns about late night and weekend shipments of infectious medical waste to Indiana landfills. According to State investigators, shipments from the East have included bags of blood, hypodermic needles, and human body parts.

Tensions are mounting between importing and exporting States as States look for ways to control their borders. Tensions do not begin when Hoosiers stand up to express disdain for this reprehensible practice; tensions begin every time a State shirks its responsibility and sends its refuse across our Nation's highways without concern as to the impact on the place it will end up.

The need for Federal legislation is clear. In increasing numbers, States across the Nation are forced to become the unwilling repositories of other States' waste. States often find it more politically expedient to export their trash rather than to take the responsibility of making tough waste facility siting decisions at home—a practice which is protected under the auspices of the Commerce Clause.

States around the Nation are seeking solutions to the problem of landfills quickly filling to capacity. The EPA estimates that 80 percent of our Nation's solid waste—94 percent of Indiana's—is disposed of in landfills. As the EPA further notes, of the 20,000 landfills operating in 1979, more than 13,000 has closed by 1986. The EPA expects a further reduction to as few as 3,500 landfills by this year. Ironically, the interstate trash problem has inhibited the creation of new landfills at a time when our Nation's existing capacity is rapidly diminishing.

Some States, like Mississippi and New Mexico, have reacted by enacting moratoriums forbidding all new landfills sites. These bans are intended to stall projects directed for out-of-State trash. For example, in Lordsbury, NM, an east coast firm hoped to site a 22,000-acre landfill in order to rail in sludge from the East. States are being forced to take drastic measures, which often run counter to regional needs, to protect themselves from the influx of out-of-State waste.

Other States have, in effect, "nationalized" their trash industry. The State of Maine has banned for-profit trash facilities. Because public sector disposal facilities may discriminate between in-State and out-of-State waste, one way to eliminate unwanted trash is to restrict the commercial sector altogether. It is clear to me that if Congress fails to address the interstate trash problem, we will end up with a system far more destructive to commerce than would be the case if we affirmatively waived the Commerce Clause.

The out-of-State option is not only politically less painful for States than siting new capacity, it is often less expensive. According to estimates by the National Solid Waste Management Association, disposal costs in the Northeast average $45.48 per ton. In New Jersey, these tipping fees top $100 per ton. Compare this to the bargain basement average fee of $17.95 charged in the Midwest, or the even cheaper fees levied in the South—$15.87, and the West—$13.06. The incentive for taking the easy road to trash disposal is quite apparent. Mr. President, as long as this economic incentive remains, States will continue to "pass-the-trash" by shipping its refuse out of State.

Transporters of solid waste are also attracted by this economic incentive. Hauling garbage is certainly a profitable venture. Rates to transport solid waste run between $1.25 and $1.75 per mile. General freight rates run between 80 and 90 cents per mile in the Northeast, giving rise to the backhauling problem.

Last year, our State legislature took action to control this growing problem; however, on December 26, 1990, a Federal judge struck down our Indiana law designed to afford Hoosiers some protection against out-of-State garbage. Requirements that haulers certify where waste was generated, certifications that imported waste contain no hazardous or infectious waste, and imposition of disposal fees equal to those in the place of origin were ruled violative of the Constitution's Commerce Clause.

States cannot independently regulate interstate commerce; however, Congress possesses that constitutional mandate. And the Senate has demonstrated its willingness to strengthen each States ability to responsibly protect its own environment. I, along with many of my colleagues representing importing States, am determined to ensure that this issue remains in the forefront of our deliberations during the 102d Congress.

Action on the Resource Conservation and Recovery Act has been delayed for too long. I hope that my colleagues on the Environment and Public Works Committee have taken note of the intensity of the opposition to long hauls of trash and have seen the groundswell of support for limiting this offensive practice. While I am hopeful that we can work together to fashion solutions, our patience, as net importers of trash, is thin. Congress simply cannot ask States to handle their own waste disposal needs responsibly, without granting them the ability to control their borders.

I expect that RCRA will be considered in a timely fashion and that it will contain provisions as I have proposed offering immediate relief to importing States. Our public policy needs to reflect simple equity and sound public policy. No State should be the unwilling dumping ground for other States' waste.

The amendment which I brought before the Senate last fall and which I have reintroduced reflects this principle. My bill authorizes States to impose immediate differential fees on imported trash. The revenue raised could be applied to groundwater monitoring and environmental restoration in the recipient States. In addition, if a State has demonstrated that it has taken responsible steps to manage its own solid waste, as evidenced through a 20-year management plan, it would allow States to ban or otherwise regulate out-of-State waste. The bill also authorizes interstate compacts for mutual cooperation in waste management.

Solid waste management has traditionally been a local and State responsibility. Interstate trafficking of trash is a relatively recent and completely reprehensible trend. This trend is growing and congressional action is needed now to restore to the States the authority historically theirs. Our neighborhoods and States must plan to reduce and dispose of their trash in environmentally sound ways. Simply shipping it across State lines for others to deal with will not be tolerated.

I want to personally thank my distinguished colleagues, Senators DOLE, MCCONNELL, BOREN, DOMENICI, GRASSLEY, FORD, and BURNS who are original cosponsors of my bill, S. 153. I thank them for their past support, and I look forward to working with them to ensure that no State unwillingly becomes the dumping ground of another.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,153d day that Terry Anderson has been held captive in Lebanon.

Shortly, Simon & Schuster will release a book by Terry Anderson's sister, Peggy Say, entitled "Forgotten." Her narrative recounts anxious moments, tremendous obstacles and, yes, triumphs. It tells of people who have facilitated and people who have obstructed her admirable crusade to free her brother. Let us pray that her efforts will soon culminate in the release of Terry Anderson.

Mr. President, an excerpt from her book appears in the February 11 edition of Newsweek magazine. I ask unanimous consent that this excerpt be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[From Newsweek, Feb. 11, 1991]

[Book excerpt]

FORGOTTEN

(By Peggy Say and Peter Knobler)

While my brother Terry Anderson was running around the world as a Marine, a combat correspondent in Vietnam, and a journalist for the Associated Press in South Africa and Beirut, I was busy raising two kids, getting divorced, remarried, moving around. I waited tables for years and then got into cooking and tending bar.

I never did know Terry all that well. He was seven years younger and sort of a nonentity in our family as a kid. Quiet, well behaved, he managed to carve a place for himself that nobody much noticed.

In 1979 we were sitting in the dead Florida quiet of my house, catching up. I asked him how he felt about what he was doing. He started talking about his life and his work, one and the same to him. Terry was caught up in the spirit of his job; he had the great ability to influence people by what he wrote, and he took that responsibility seriously. I liked his commitment to his work, his moral standards.

In 1984, Terry came home on leave again—but cocky, arrogant, kind of cold. I did not like what Lebanon had done to my brother.

Once he got back to Lebanon, Terry would call in Sundays, just to chat, and I began trying to get him home. He was telling me the latest of his adventure stories when I broke in. "Terry, the joke is over. It's time to get out of there."

"You don't understand," he told me. "They don't kidnap journalists. It would be counter-productive. These people need me; I tell their story to the world. That's my job and they know it."

Less than a week later, three men armed with automatic weapons wrestled Terry Anderson out of a car as he was returning from a tennis game.

AS MUCH NOISE AS POSSIBLE

A week after Terry was taken, we got a call from the State Department saying they wanted to send a representative to visit us.

"What should I do?" I asked the man.

"It's not my place to advise you," he told me, "but if I were you, I would make as much noise as possible. The State Department's official position is to tell you not to go to Washington, to keep a low profile. But you get your behind up there. Go see everyone you can see. Make them look you in the eye, so that every time they think of Terry Anderson, they'll see your face."

The Associated Press decided to arrange and pay for a three-day Washington blitz by Terry's Lebanese fiancée, Madeleine, my sister Judy and me. We were met, chaperoned and pointed in all the right directions by an AP representative, and coached on each meeting: "You've only got one line and you stick to it: Your brother is a hostage and you want him out. How can they help you, what advice can they give you?"

We saw the Algerians, the Germans, the Japanese, the Syrians. I'd never met anyone from any of those countries before. I had a hard time keeping them straight on a map. I was absorbing everything as fast as I could, but my head was buzzing.

Our chief contact at the State Department was a man named Bob Oakley. He was head of the Office of Counter-Terrorism.

We knew that Terry had been kidnapped by Islamic Jihad, specifically by a man named Imad Mughniyah, a member of the Shiite fundamentalist group called the Hezbollah. The Islamic Jihad had, in return for the release of the American hostages, demanded the release of seventeen Arab prisoners being held in Kuwait. The State Department and anyone even vaguely familiar with the situation over there, knew that the only prisoner the Hezbollah was really interested in was Mughniyah's brother-in-law, who had been sentenced to death for terrorism but had his sentence commuted to life in prison. The situation seemed obvious. "Why can't you talk to Kuwait," I asked Oakley, "and see if they are willing to deal?"

"Oh, Peggy," he said as he leaned back in his chair, "we couldn't possibly do that. We don't interfere in the internal politics of another country."

"Excuse me?" I had a hard time with that one. "My tax dollars are financing rebels in Nicaragua and you are going to sit there and tell me that we don't interfere in the internal politics of another country?"

Oakley just shrugged his shoulders. He seemed embarrassed.

Then came the TWA hijacking. TWA Flight No. 847 was going from Cairo to Rome with 153 passengers, including 104 Americans, when it was hijacked by two Lebanese Shiites. At first President Reagan took a hard line, saying there would be no concessions, no negotiations, no linkage between the passengers on TWA 847 and any prisoners held anywhere in the world.

Nineteen days into the hijacking, at one in the morning, I got a call from the State Department. The TWA hostages were supposed to get out the next day. In exchange for their freedom the Israelis had agreed—of course with U.S. blessings, though we've never admitted it—to release three hundred Shiite political prisoners. Our State Department liaison, Jackie Ratner, said, "Peggy, we have reason to believe that when the hostages reach Damascus, Terry and the others will be with them."

Terry's friends in Beirut were monitoring the situation. One called me the same night. "Peggy, you've been screwed. Reagan made a deal and he left out the seven. Reagan could not wait for the seven." The President didn't want to be embarrassed one moment longer.

The State Department used to send me photocopies of various newspaper articles, mostly concerning Terry. One day I turned one of those copies over and saw penciled notations on the back. It was somebody's notes on hostage Peter Kilburn! They were deal points.

According to these notes we knew where Kilburn was and who had him, and the captors wanted money. It was going to be a cash-for-hostage ransom—that simple. So much for not negotiating with terrorists. What was even more disturbing was that the exchange was within two days of being made—and then Ronald Reagan bombed

Libya. Kilburn and three other Western hostages were purchased by Libyan leader Muammar Qaddafi and killed. "Oh, my God!" said the State Department person who sent me the clippings. "Please send it back." I did, but not before I made some photocopies of my own.

THE SHERATON LOBBY CAMPAIGN

My visa for Syria came through after a trip to Athens at the invitation of Margaret Papandreou, then the wife of the Greek Prime Minister, a friend of Syria's President Assad.

The AP stringer in Damascus sent his Buick to the airport, a huge white American car that was extremely conspicuous on the Damascus streets, to take us to the Damascus Sheraton.

What a place! The buzz that runs through the Damascus Sheraton is the pulse of Middle Eastern politics. Almost every person coming into Damascus for high-level meetings or business is going to pass through that hotel's lobby. It is a huge space, broken up into many separate alcoves by pillows, and banquettes, and tables and chairs.

I staked out a sofa to the right of the bank of elevators and had a perfect view of everyone who came and went. I always carried a stack of photographs of Terry and I would say. "My name is Peggy Say and I'm here trying to get information about my brother, the hostage Terry Anderson. This is his picture. If you hear anything, I would truly appreciate your calling me. I will meet with anyone to get my brother home."

On about the fifth day I started toward General Alfeid, chief of the Arab Democratic Party and head of the Syrian army in Lebanon. I was only a couple of steps aways when he said, "I know, I know. You are Mrs. Say, you want your brother out. I have just come from President Assad's office and I am leaving right now for Beirut. I will try to find your brother." He had his hands up, almost physically warding me off, and was backing away as I was trying to buttonhole him. He seemed put-upon, half amused. I thought, "Pretty soon they're going to start greeting me with a whip and a chair."

Back home after three weeks. I began to think of myself as living in two worlds. Reporters would laugh at my appointment schedule posted on the kitchen. It would say things like "Get groceries. Make appointment with Syrian ambassador. Pick up dry cleaning."

GIVE OLLIE TEN DAYS

What began as a botched negotiation ended up as Iran-contra. There had been rumors floating around for months but the implications just seemed too bizarre to be based in truth; the U.S. selling arms to Iran through Israel? A low-level State Department functionary had mentioned it to me, so I assume that, if they were telling me, it was an open secret around State. Ambassador Richard Murphy, Assistant Secretary of State for Near Eastern and South Asian Affairs, had to have known that Marine Lt. Col. Oliver North was up to something. He had spent an afternoon telling me to shut my mouth and stop blasting the Administration for another ten days. "Give Ollie ten days," he had told me.

Although I never told him, my code name for Ollie was "Colonel Flagg," the secret intelligence agent in M*A*S*H who was always coming up with maniacal schemes. Still, there was only one man I had met in government who seemed to have the willingness, the zeal and the capacity to get my brother home.

Ollie was reluctant to stop the initiative because middleman profits made in the sale of arms to Iran were going to fund the contras in Nicaragua. Anyone who had been around Ollie for more than two minutes knew that he had two political priorities in his life; the contra rebels and the hostages in Lebanon. Having stumbled into a major initiative that could conceivably have resolved both dilemmas, Ollie rolled up his sleeves and started dealing.

And Ollie North didn't happen in a vacuum. There were officials in high places who made the decision to "let Ollie do it." Tired, overburdened, and slightly crazed with power, Ollie *did* do it. At least Ollie accepted his part of the blame.

People found it difficult to criticize President Reagan. They had no such difficulty castigating the hostage families and me. It was as if we personally had strong-armed the President into defying national policy, or breaking the law.

Early in January 1990 I got a call from Larry Heinzerling at the AP. They were developing an extensive itinerary for me—a month-long trip to Switzerland, Paris, London, the Vatican, Syria and Tunisia.

In Tunisia, we had been told we would see Yasser Arafat. Two cars screeched into our hotel parking lot and a band of PLO guys jumped out and began waving us in. Everybody had an automatic weapon. We drove a short way down the road and turned sharply into a compound.

The place was teeming with people. Mostly it was young Arab men, PLO security in casual dress. Weapons but no uniforms.

When I first saw Arafat he was sitting at the end of a long table on kind of a raised dais. The table was piled high with food and every seat was taken. Arafat waved several people away from the table to make room for us. Seated on Arafat's left, I was startled to see him without his head gear—completely bald. When photos were taken, he put on a hat.

In front of me was someone else's meal. They took that away and brought me a fresh plate but left the used cutlery and the smudged water glass. Arafat leaned over and, with his hands, plopped a huge hunk of lamb onto my plate.

It was obviously not the time for a discussion. In fact Arafat was not addressing me at all. Suddenly he gave a grunt, leapt out of his chair, and started striding across the living room next to where we were eating. I thought, "Now we're going to have our meeting." I got out of my seat and began to follow him. The rest of our AP entourage got up and followed me. Behind one couch was a hallway and Arafat careened on ahead. I was a couple of steps behind, trying to catch up, but at the end of the hall I lost him. The AP gang piled into me like the Three Stooges in the Casbah. Behind us a women was screaming. "What are you doing. The chairman is going to the bathroom!"

The PLO boys with their automatic weapons were just about rolling on the floor with laughter. The whole place erupted. By now it's probably part of PLO lore, the time that American hostage lady followed the chairman to the john.

When Arafat emerged it was indeed time to talk. Arafat was sympathetic. He said that, over the years, he had done what he could to help get the hostages freed. Now, however, the situation was beyond his influence. Arafat also said he would be in a better position to free my brother were it in the power of the captors to do so. But they basically no longer had any say. Those decisions were being made in Iran.

This was more confirmation than surprise. We had heard that if it were up to Iran's President Rafsanjani the hostages would have been released in November. There had been a plan to that effect. However, the hard-liner Ali Akbar Mohtashemi, the new political leader of Hezbollah, had made a three-week trip to Lebanon, taken over their control and moved them out of reach of Syria.

In Syria, officials wanted the captors to know that enough was enough. They were saying, "If you're going to cut a deal for these people, you'd damn well better do it now because they are rapidly decreasing in value," and they wanted that message to come from me. It was to be a taped interview and I was terrified that I was going to say something wrong and get my brother killed.

What I said on Syrian TV was this: "The captors ask for ransom. If I had ten million dollars in my hands today and they said, 'Give it to us and we'll give you your brother.' I'd say, 'Not a dime. Not a *dime!* I'm not going to pay anymore. I've paid. My family has paid in pain and heartache.'"

THE GULF WAR

I had been convinced after my trip in February and a subsequent meeting with President Bush that we were definitely on the road to resolution.

Rumors began surfacing from reliable sources that the hostages were coming home; August was the month, and once again hope was nurtured. There was nothing that could happen this time, I was sure, that could possibly derail the initiatives to release the hostages.

On August 2, 1990, President Saddam Hussein's Iraqi army invaded Kuwait, and once again the mess hit the fan.

Not only did the Iraqi invasion create a world crisis, it had a direct effect on Terry and the other hostages. Imad Mughniyah's brother-in-law and the other prisoners being demanded by the captors in exchange for the Western hostages were in jail in Kuwait, enemies of the invading Iraqi government. For days we agonized over their fate. Would Hussein's army summarily execute them? Would they be used as bargaining chips in interregional prisoner swaps? Had they escaped? [U.S. officials told Newsweek that all the prisoners had escaped to Lebanon or Iran, but that Iran might not jeopardize its neutral stance in the gulf war by pressing for release of the Beirut hostages.]

Our cause was in the toilet again as thousands of hostages were taken in Kuwait and the airwaves were filled with their pictures and stories. With thousands of innocent Americans caught up in international terrorist activities, few people wanted to hear about six hostages in Lebanon.

On August 24, Irish hostage Brian Keenan was released. I had very mixed feelings about going to Ireland to see him. It had been several years since I had had firsthand reports about Terry's life and conditions, and I wasn't at all sure that I wanted to hear about them now. What if things had deteriorated? What if Terry was sick or had lost hope?

Keenan hadn't seen Terry in almost a year but he said that the night before he was released he was taken into what he knew to be Terry and Tom Sutherland's room. He felt they had been taken out of there only temporarily because all their things were still there. He explored the room and found Terry's Bibles. Terry was doing a historical study of the Bible, he said, and had learned French from Tom. He had a Bible in French as well as a Catholic and a Protestant Bible in English.

There also were two bolts on the wall that the hostages' eighteen-inch chains usually hung from. And pushed up next to the wall, close enough so Terry could ride it and still remain chained, was an exercise bicycle. That bizarre picture stayed in my mind, Terry in his underwear on his exercise bike. I could just kind of hear him clanking and pedaling, pedaling and clanking.

ANGER FADES

By the end I was trembling, shaking, and crying, and I just couldn't stop. I have always been afraid, in the back of my mind, that I was not doing the right thing for Terry.

Brian assured me that Terry was aware of what I was doing . . . and that he loved it. Terry had the best lines of communication of any of the hostages, he said, because of me: not only was Terry given the letters that we published in the Beirut papers on his birthdays, but everytime there was a story about my travels or meetings the jailers showed it to him.

"Why," Brian laughed, "they told him one time they were going to make you an honorary member of the Islamic Jihad. Terry said he didn't think you'd be too thrilled by that but thought they knew a fellow terrorist when they saw one."

There it was, the obvious opening for the dreaded question. There was no avoiding it.

"Brian, if they liked or admired what I was doing, does that mean that I prolonged Terry's captivity? Did they keep him so that I would continue to plead their cause?" I didn't know that I wanted to hear his answer.

"Hell, no," he said. "Terry said that he knew the day he was taken that it would be at least five years until he saw freedom again. He knew he'd be the last one out, and he's lived with that reality for the past five and a half years.

"What you've done is to provide him with a link to the outside world. Through your efforts he knows that he's not forgotten, that everyone has done their best to free him, and that one day, hopefully soon, he'll see freedom."

This didn't sound like the Terry Anderson I had known, or the Terry in captivity I had heard about. "Is Terry mad at the AP?" I aksed. "Is Terry mad at the government? Who's Terry mad at?"

Brian looked puzzled. "He's not mad at anybody, really," he said.

For the hostages, the five and a half years had been like they'd been for us, their families: cyclical. It's almost like the stages of grieving: first the denial, then the anger, finally the acceptance of what is. The hostages had passed through all those phases, and in the last year or two they had become very introspective, very moral.

They had made a pact with one another, Brian told me: they would do things with their lives on the outside that would have value, that would be moral, that would make a better world. And each would see to it that the promises they made in captivity were kept. If anybody started straying, the others would phone him up and say, "Hey, get back on line here."

I had kept a fantasy close to my heart. I had pictured myself taking Terry around to all the people who had turned their backs on me, everyone who had been callous or mean. I kept thinking, "All you people who hurt me, you just wait till my brother gets home. Are you going to be sorry."

It wasn't going to be. I was not going to get my revenge, as little and as unsatisfactory as it might have been. "Look, Peggy," Brian said, "there's nothing more you can do. Quit."

I was crying, just blubbering and shaking as I said to him, "Brian, I don't know how, I don't know how to stop what I'm doing. I don't know anybody I can go to who can reassure me that 'Yes, you've done everything you can, it's going to be over with. Go home.'"

Facing the fact of Terry's acceptance, his lack of anger, however, I felt mine starting to dissipate, almost a physical release at the anger leaving me. I realized I can't do any more than my part. I've had a role to play in this, and the very fact that we sustained an unpopular issue for five and a half years—that those who know there are hostages in Lebanon know Terry Anderson, that I've given him a future—has to be enough. I did the only thing I could do. Whether it was right or wrong, whether it did or did not prolong Terry's captivity, I couldn't not do it.

I love you, little brother, much more than I ever knew.

A VIGIL OF SPIRITUAL SOLIDARITY

Mr. MOYNIHAN. Mr. President, throughout this country large numbers of American citizens have responded to the war in the Persian Gulf with public displays of support for our efforts to repel Iraq's aggression in Kuwait. Others have expressed their support for our brave servicemen and servicewomen in the field while questioning the wisdom and timing of Operation Desert Storm. These disagreements remind us of how precious is our freedom of expression, a freedom that few enjoy in the Persian Gulf area.

I rise today to inform my colleagues of a unique program of public concern that will be conducted this Saturday and Sunday throughout North America. Tens of thousands of Jews of all ages will gather in over a thousand synagogues and Hebrew schools in at least 35 States and 6 Canadian Provinces to spend 24 hours in uninterrupted prayer and Torah study. These remarkable gatherings, which are rooted in a 2,000-year-old Talmudic tradition, will be dedicated to demonstrating spiritual solidarity with the people of Israel in this difficult hour. At the same time, the participants will be praying for the safety of American and allied forces in the Persian Gulf and for a speedy end to hostilities with a minimum of casualties on all sides of this conflict.

The Union of Orthodox Jewish Congregations; their dynamic youth division, the National Conference of Synagogue Youth; their rabbinic arm, the Rabbinical Council of America; the National Council of Youth Israel and the Association of Jewish Outreach Professionals are to be commended for organizing this creative and moving demonstration of spiritual strength and religious dignity.

IN HONOR OF THE MEN AND WOMEN WHO SUPPORTED THE IDEALS OF THE UNITED STATES

Mr. AKAKA. Mr. President, I stand here today with a profound sense of sadness over the loss of our loved ones in the Persian Gulf. I wish to extend my condolences and deepest sympathies to the families and friends of those who have lost their lives in support of our country.

Hawaii's first casualty of this conflict, Lance Cpl. Frank C. Allen from Waianae, HI, brings the stark reality of the war home to Hawaii.

I share in the loss of Corporal Allen and other brave Americans. They shall not be forgotten for their courageous dedication to the ideals of this Nation. They gave the greatest contribution—their lives—for the freedom and security of our country and the world. Their sacrifice will always be remembered as long as mankind strives to defend justice and peace.

I stand committed to the support of our men and women in the gulf today. The men and women serving in Operation Desert Storm need to know that we fully support their efforts and anxiously await their safe and swift return.

Mr. KOHL addressed the Chair.

EXTENSION OF MORNING BUSINESS

The PRESIDENT pro tempore. If the Senator will withhold, the time for morning business has expired.

Mr. KOHL. I ask for permission to speak as if in morning business for 6 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized for 6 minutes.

FAMILY PRESERVATION ACT

Mr. KOHL. Mr. President, last week I introduced the Military Family Preservation Act, S. 283. That legislation was a response to the fact that there are thousands of children who have been abandoned by parents who have been deployed to Operation Desert Storm. We have all seen the pictures of those children, many of them infants, crying as their mother or father hands them off to a relative or friend before departing for the gulf. We have also read the moving stories about these events which have appeared in the paper. I ask unanimous consent that one of these stories—from the New York Times—be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KOHL. Mr. President, I think the American people are most uncomfortable with a policy which defends our freedom by threatening the stability of four families.

The Military Family Preservation Act would do something about that. It would ask DOD to recognize the importance of the American family by balancing military needs and family obligations. Specifically, this legislation would require DOD to draw up regulations that would make it more likely tht the children of single parents and dual-career military couples would be able to stay with their parents and that our soldiers would be able to take care of their dependents.

I say that my bill would "make it more likely" because it does not contain a flat prohibition against deployments. We all recognize the reality of military necessity. The prime duty of a soldier, and of the Armed Forces, is the defense of our country. So this bill would not prohibit DOD from deploying a soldier to a combat zone if their presence there is essential to our efforts. All this bill asks DOD to do is develop regulations governing deployment decisions so that they will balance the multiple needs of our families and our country.

After all, we all recognize that a soldier is a soldier. He or she trains and prepares, and gets paid to be ready to go to combat. This bill is not intended, nor would it, by itself, provide an easy way to get out of combat. But it would force DOD to ask a simple question each time it makes a deployment decision, namely: How is this move going to affect the children, and—if the impact would be bad—is there another way to accomplish our mission without taking their parents from these children? Do we have to send this soldier/parent to the Persian Gulf or could they meet another need in West Germany or Fort Benning—where they could continue to care for their children and continue to meet other military needs.

In this day, Mr. President, with the number of families in our military and the huge variety of jobs necessary to maintain our defense, that simple question is not too much to ask.

Mr. President, I ask unanimous consent that Senators LUGAR, BRYAN, SIMON, REID, and SPECTER be added as cosponsors to S. 283.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KOHL. I also ask unanimous consent that letters endorsing our legislation from Family Service America, the Child Welfare League of America, the Children's Defense Fund and the American Psychiatric Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 1, 1991.

Hon. HERBERT KOHL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KOHL: This letter is to inform you that Family Service America endorses and supports the Military Families Preservation Act of 1991 (S. 283). We have been pleased to participate in discussions that helped produce this legislation and encourage the full support of the Congress in achieving early passage.

Family Service America, founded in 1911, is an international nonprofit association dedicated to strengthening family life through services, education and advocacy. Family Service America's member agencies in the United States and Canada constitute the largest network of community-based, family counseling and support services in North America, serving more than 3.2 million people annually in 1000 communities. Many FSA member agencies operate in communities where military installations are located and have historically been available as a resource for military families.

Family Service America commends you for outstanding leadership in behalf of America's military families.

Sincerely,

JAN SEVERSON,
Chairman, Board of Directors.
GENEVA B. JOHNSON,
President and CEO.

CHILD WELFARE LEAGUE
OF AMERICA, INC.,
Washington, DC, February 5, 1991.

Hon. HERBERT KOHL,
U.S. Senate,
Washington, DC

DEAR SENATOR KOHL: Thank you very much for meeting with me last week to discuss efforts to assist children and families throughout the country. The Child Welfare League of America (CWLA) is particularly grateful for your strong leadership and support for juvenile justice programs, and we look forward to working with you and your staff to improve and strengthen them.

CWLA is also pleased to support the Military Family Preservation Act which you have sponsored to help military families and their children. As you know so well, it is critically important that families remain together and intract whenever possible. The children of military personnel are especially in need of family nurturing and security in these troubled times, and your bill will help assure many children the parental love and support so essential to their growth and development.

Please let us know if you would like further information on family preservation issues or on other matters of concern to children and families.

Sincerely,

DAVID LIEDERMAN,
Executive Director.

CHILDREN'S DEFENSE FUND,
Washington, DC, February 6, 1991.

Hon. HERBERT KOHL,
U.S. Senate, Washington, DC.

DEAR SENATOR KOHL: The Children's Defense Fund strongly supports your efforts to protect the children of military personnel now serving in the Persian Gulf.

We, too, are concerned by current military personnel policies that allow married couples with dependent children and single parents to be deployed to the Gulf, leaving their children behind. For that reason, CDF is pleased to support your legislation, the Military Families Preservation Act, that will help military families remain together whenever possible.

We thank you for your commitment to these vulnerable American children in this time of crisis.

Sincerely,

MARIAN WRIGHT EDELMAN,
President.

AMERICAN PSYCHIATRIC ASSOCIATION,
Washington, DC, February 5, 1991.

Senator HERBERT KOHL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KOHL: The American Psychiatric Association, (a medical specialty society representing over 37,000 psychiatrists nationwide) and the American Academy of Child and Adolescent Psychiatry commend you for your legislative leadership and responsiveness for the future well-being of our children, confronted with the tragic possibility of being orphans or without the care of another concerned, responsible and loving family member or friend as either both their parents serve or a single parent family member serves in Operation Desert Storm's combat zones.

Your legislation provides an opportunity for those serving in combat zones who have reason for concern, to put these concerns about their children first, to ensure the best possible care for their child or children, and to continue to serve but in other than a combat zone.

Your bill can and should initiate a critical policy discussion by the Congress and heighten public awareness that the future of our country not only depends on the preservation of our national security, but also on the security and stability of our children and their family relationships.

The American Psychiatric Association and the American Academy of Child and Adolescent Psychiatry applaud the timely leadership position that your bill and other similar legislative initiatives are taking for the well-being of the children of our military personnel and the need to begin to recognize the profound effects that current policy has on our children and society as a whole.

Sincerely,

MELVIN SABSHIN,
Medical Director.

Mr. KOHL. Finally, Mr. President, I want to recognize that other Members of the Senate, particularly Mr. HEINZ and Mr. SIMON—and Members of the House, particularly Ms. LONG and Ms. BOXER—are also working on this issue. Some favor a flat prohibition on the deployment of soldiers responsible for the care of dependents; others have broadened the definition of which conditions ought to prevent deployment.

All are motivated by a genuine concern for the well-being of our country and our soldiers. In the days ahead, I hope that we can all work together to come up with a common approach which will be acceptable to everyone.

Mr. President, I thank the Chair, and I yield the floor.

EXHIBIT 1

[From the New York Times, Jan. 31, 1991]

THE RESERVES: RIPPLES OF PAIN AS U.S. DIPS DEEPER INTO MILITARY

(By Peter Applebome)

Danette Gandy, a 24-year-old mother in Van Nuys, Calif., has not taken part in any military training since 1988 when she left active status in the Air Force Reserves.

Last week, much to her dismay, she received a Mailgram telling her she had been ordered to report Friday to Lackland Air Force Base in Texas as part of a widening military deployment that is bringing a new pool of inactive reservists into the mobilization for the war in the Persian Gulf.

Mrs. Gandy, trained as a medical technician, is one of more than 20,000 reservists ordered to report this week as part of the deployment of members of the Individual Ready Reserves, supplemental reservists in all military branches who are not assigned to specific units and who do not train but are kept on reserve status in an unpaid backup capacity.

Another 24-year-old mother in the supplemental reserves. Sara Davis Waters of Clarksville, Tenn., went to Federal court in Nashville trying to block her call-up to active duty. Mrs. Waters, an aviation mechanic, has a 2-year-old daughter and a husband already serving in the gulf.

DEEP INTO SOCIETY

Some supplemental reservists will report enthusiastically and others reluctantly. But the experience of Mrs. Gandy, Mrs. Davis and others called up is a reminder of how deep the military mobilization is reaching into American society, touching both regular reservists and those who assumed they were far removed from any likelihood of active military service.

"I signed up for an eight year agreement that said four years active and four years inactive," said Mrs. Waters. "Inactive means inactive to me. I thought when I did my four years I was finished."

The Army, Air Force, Navy, Marines and Coast Guard have 466,138 members in the Individual Ready Reserves. They are required to undergo an annual physical and remain eligible to be called up in times of national emergency, but they are not members of the Selected Reserve, the regular reserve that holds routine training exercises and meetings.

Army officials say the debriefing of all soldiers includes a review of their continuing obligations and that it is unlikely a call to duty can come as a complete surprise to reservists.

But some officials said that, although the nine-page contract new enlistees sign contains a reference to a possible call-up after the end of active duty, the information recruits receive could vary. Gladys Maeser, a public affairs specialist with the Army Reserve Personnel Center in St. Louis, Mo., said that "it is up to the recruiter" to fully explain to potential recruits that they may be activated in case of emergency.

Members of the individual Ready Reserve "are a mobilization asset," Ms. Maeser said. "That isn't totally understood by the entire reservist population."

The Army, the largest military branch, announced Jan. 20 that it was calling up approximately 20,000 reservists for up to a year to supplement the 180,000 regular reservists throughout the military who have already been called up. A smaller number of I.R.R. members have been called from the other branches. Officials say most supplemental reservists called up will be assigned to units in the United States or Europe but some will be assigned to the Persian Gulf.

Officials said 70 percent of the supplemental reservists called up have finished active duty in the past year and the rest have been out for longer. About 40 percent of the supplemental reserves have completed their active duty but have time remaining on their eight-year statutory military obligations.

Maj. Peter Keating, an Army spokesman, said most of those called up had special skills as medical personnel, truck drivers, mechanics, supply specialists and artillery personnel.

PREPARING FAMILY FOR A CALL

Many of the supplemental reservists are ready and willing to serve, even if it means going to war.

Roger Reese, who teaches Soviet History at Texas A&M University said he has prepared his family for a possible call-up and is prepared to go if called.

"As for war and my potential participation, I support what they're doing, said Mr. Reese, 31, who has a 9-year-old son and another child due Feb. 17. "Deep down it wouldn't matter whether I supported them or not, because I took an oath which I take very seriously."

But others are finding it extremely difficult to cope with the disruptions to their life.

RESENTING THE DISRUPTION

Mrs. Gandy, who has a 21-month-old baby and another five-month-old she is still nursing, said she was assured by the Air Force that if she were ever called up she would be deployed at nearby Norton Air Force Base.

Now, she is planning to leave her children with her mother, an hour from her home, so her husband can keep working while she is away.

She said she is not surprised she was called up but feels she was misled by the Air Force.

"I tried to get them to at least let me have an extension so I could get my children prepared to be with someone else or at least have time to wean my baby, but they said no," she said. "It's a nightmare. It's a terrible hardship for me and my family. We all feel really bad that our family is being stripped apart."

In Tennessee, Mrs. Waters, who was discharged from the Army in December 1989 and served with a National Guard unit from Smyrna, Tenn., until four months ago, has been granted a two-week extension after going to Federal court. She told the court her husband is already in Saudi Arabia and she has nowhere to leave her 2-year-old daughter.

"I'm willing to take a stateside assignment or anyplace I can bring my child," she said, adding, "My child deserves more than to have both parents leave."

Organizations that counsel servicemen, like the National Lawyers Guild, the American Friends Service Committee or the War Resisters League, say they have been swamped by calls from supplemental reservists searching for alternatives to service. The War Resisters League in New York said it has been getting about 45 calls a day.

Jon Carnero, a 20-year-old cannon fire directions specialist from Fresno, Calif., who leaves Thursday for Fort Sill, Okla., said he thought his two-year-active duty would end his service.

"When a good-looking guy comes to a high school in a uniform and offers you $6,000 for your education in college, it sounds like the whole world is being laid at your feet," he said. "I could kick myself now for how naive I was."

ORDER OF PROCEDURE

The PRESIDENT pro tempore. Under the previous order, there will now be a period of time under the control of the Republican leader; the time under the order is not to exceed 1 hour.

The Republican leader is recognized, and that period under the order will be used for morning business.

Mr. DOLE. Mr. President, I thank the distinguished President pro tempore. I wonder if I might, by unanimous consent, give control of the time to the distinguished Senator from California [Mr. SEYMOUR].

The PRESIDENT pro tempore. If there is no objection—the Chair hears no objection—it is so ordered.

Mr. DOLE. He will be the first speaker.

The PRESIDENT pro tempore. The Chair recognizes the Senator from California [Mr. SEYMOUR].

Mr. SEYMOUR. I thank the Chair. I thank the distinguished Republican leader.

CELEBRATION OF THE 80TH BIRTHDAY OF PRESIDENT RONALD REAGAN

Mr. SEYMOUR. Mr. President, it is an honor and a privilege to rise today and be the first of my colleagues to join in the celebration today of the 80th birthday of our Nation's 40th President, Ronald Wilson Reagan. As an American, as a Californian, and as a Republican, I am proud to join today's celebration of someone who is truly a great patriot and a great American.

In the midst of the difficulties that we face today, it is not hard to forget just how bad the troubles were that confronted this country a little over a decade ago.

At the dawn of the 1980's, we were a nation that seemed to have lost its moorings. At home, our economy was racked by double-digit inflation, high unemployment, and a prime interest rate of over 21 percent—the highest level since the Civil War. And abroad, many of our allies questioned our reliability and our resolve, wondering whether this country still had the resolve to defend our interests and those of our allies.

In short, we were in need of a leader, and America turned to Ronald Reagan.

Everyone here no doubt recalls the first time they met Ronald Reagan, and what impressions they came away with. For some in this Chamber, it was when he arrived in the White House. For me, it was 1966, when Ronald Reagan was campaigning to become Governor of the State of California.

Though our first encounter was brief, I came away from it struck by two things. One was personal—the fact that he is simply one of the most genuine and sincere people you will ever have the good fortune to meet. And second was the sense you get that here is a true leader, who is committed to a set of principles and has the conviction to put them into action.

And as Ronald Reagan's star grew brighter—as Governor, as a Presidential candidate, and as President—millions of Americans got to know Ronald Reagan, and they knew instinctively that he had the vision and leadership to be President and to start a revolution unlike any in the previous four decades.

Mr. President, the Reagan revolution was not just a slogan. It was a statement that signaled a sea change in direction of American Government. It signified a change that Government should be the servant of the people, not its master. It signified that the best way to create growth and opportunity in this country is to remove the shackles of higher taxes and abusive Government regulation from their own citizens' lives. And it was a reaffirmation of faith in the individual, knowing that people, given the opportunity, will make the best choices for themselves, their family, their education, and their community.

The results were impressive. Under President Reagan's leadership, we saw the largest ever peacetime expansion of our economy, slashing inflation that was eating away at senior citizens' incomes and Americans' pocketbooks. Under his Government-should-get-out-of-the-way philosophy, America created over 20 million new jobs. And overseas, America's allies and her adversaries knew again that our pride, our confidence and our resolve were back, and that we were a force with which to be reckoned.

When President Reagan announced that he would negotiate with the Soviet Union from a position of strength, skeptics claimed his policy was either foolhardy or reckless. But the results have silenced his detractors.

Who would have thought back in 1981 that the cold war would begin to thaw within 8 years? Who would have thought that the United States and the Soviet Union would conclude the first treaty to eliminate an entire class of weaponry, and pave the way for the negotiations now underway to reach an accord on limiting strategic weapons. And who would have thought that after decades of repression and tyranny, the wave of democracy would sweep across eastern Europe—in Warsaw, in Prague, and in Berlin on one joyous night when the world watched the wall come down.

Mr. President, these remarkable accomplishments came about because Ronald Reagan had the ability to negotiate and persuade, but was bolstered in his negotiations by an American people and an American military whose morale was restored and whose strength was revitalized.

The fact that our forces in the gulf today are the best equipped, best prepared and best trained forces in the world is a direct result of President Reagan's commitment to rebuild our Nation's Armed Forces. And the fact that we have an unquestioned technological advantage in this war—from the Tomahawk cruise missile to the Patriot air defense system that has protected our troops and our allies—can be traced directly to President Reagan's commitment that American forces would never lack the best equipment to defend our interests.

All of this can be traced back to Ronald Reagan's basic principles—democracy, freedom, individual choice; and a strong defense as the best policy for peace.

And Ronald Reagan has the unique gift to touch the soul of the American people. We look back at some of his most memorable speeches and how they moved us. His speech in Normandy on the 40th anniversary of D-day, when he stirred our pride in recounting the bravery and heroism of the "boys of Pointe du Hoc." His speech after the *Challenger* disaster, when he helped console a grieving Nation. His speech in Berlin, when he challenged Mikhail Gorbachev to "Tear down this Wall!"

All of this, and much more, has ensured Ronald Reagan's place in American history as one of our most influential Presidents. And while we take time today to give our congratulations to Ronald Reagan, we would be remiss if we didn't take the time to express our gratitude to Nancy Reagan for all that she has done to help rid America's youth from the scourge of drugs. Because of her hard work, a generation of young Americans began to understand that "Just Saying No" to drugs and to alcohol was the right thing to do. Mrs. Reagan, you too have our thanks today as well.

Tonight in Los Angeles, friends, family, and world leaders will gather with Ronald and Nancy Reagan to celebrate his birthday and to reflect on all of the accomplishments and contributions he's made to our country. To President and Mrs. Reagan, though we cannot be with you in person, I hope you know that we are with you in spirit. And we wish you both many, many more years of health, happiness, and friendship.

God bless.

Mr. DOLE. Mr. President, will the Senator yield for 5 minutes?

The PRESIDENT pro tempore. Does the Senator yield for 5 minutes?

Mr. SEYMOUR. Yes.

The PRESIDENT pro tempore. The distinguished Republican leader is recognized for 5 minutes.

REAGAN'S 80TH BIRTHDAY

Mr. DOLE. Mr. President, 10 years ago, America was flat on her back. Our economy was a disaster. The only things up were inflation, interests rates, and unemployment—all in, or near, double digits.

Abroad, our resolve was questioned by our allies, and doubted by our adversaries.

Many so-called experts—including some in the Government—surveyed the situation, wrung their hands, shook their heads, and pronounced that the United States was in decline: That our best days were far behind us.

Ronald Reagan knew better.

Ronald Reagan knew that power belonged with the people, not with the Government.

Ronald Reagan knew that the best solutions to our problems came not from bureaucrats on the Potomac, but from men and women on the Mississippi, the Colorado, and the Columbia.

Ronald Reagan knew that economic recovery could be achieved not through regulations and redtape, but by allowing the "magic of the marketplace" to work its wonders.

Ronald Reagan knew that America was right far more often than she was wrong.

Ronald Reagan knew that military strength was not the means to war, but the key to peace—and this strength is paying off now in the Persian Gulf.

Ronald Reagan knew that world respect came not from appeasement, but from standing by your friends, by speaking up for freedom, and by drawing the line against dictators.

Ronald Reagan knew that America was still a "shining city on a hill," and that our Nation's best days were truly yet to come.

It was this vision that Ronald Reagan presented in 1980 and 1984.

It was this vision that the voters approved in overwhelming margins.

It was this vision that brought hope and opportunity to millions.

It was this vision that revitalized America, and changed the world.

Today is Ronald Reagan's 80th birthday. And along with sending my best wishes to President Reagan and his First Lady, I am certain that I speak for many in this Chamber, and for millions more across the globe, in saying "thank you, Mr. President."

Mr. HATCH addressed the Chair.

The PRESIDENT pro tempore. The time is under the control of Mr. SEYMOUR. To whom does the Senator yield?

Mr. SEYMOUR. I yield 5 minutes of my time to the Senator from Utah.

The PRESIDENT pro tempore. The Senator from Utah is recognized for 5 minutes.

Mr. HATCH. I thank my colleague from California.

PRESIDENT REAGAN'S 80TH BIRTHDAY

Mr. President, it is a privilege for me to come here today and wish a happy birthday to President Ronald Reagan. I have been a friend of his for many years, and my whole political life has been involved in trying to help him to be the great President that he was. I have to tell you that I think the United States of America and the whole world owes President Reagan a debt of gratitude for the farsighted approach he had and he took, not only foreign policy-wise and strategic-wise and defense-wise, but also domestic-wise as well.

President Reagan inherited a situation that led to a recession in the first couple years of his first term. Those 8 years of economic expansion, if you count those 2 years, frankly, have been very beneficial to this country and have given us the strength to be able to move into this war in a manner that has befitted the greatest country in the world. If it had not been for President Reagan and his movement to try to strengthen this country and to keep the peace by being strong, I do not believe we would be in the enviable position we are today.

I have to say that I do not believe we would have been able to fly over 45,000 sorties since the beginning of the Iraq-Persian Gulf war. Really, if you stop and look at what really has been done over there, a lot of it has been the result of the preparation and efforts and downright guts and intelligence of President Reagan and those who served with him.

I have to say, domestically, too, the fight against drugs has been fought very strongly under the Reagan administration. Mrs. Reagan herself played a noble and very important role in the "Just Say No" Program and her advocacy against the use of drugs in this country. And we are winning that war. It is a slow and difficult process, but we are winning it. The example that they set has helped us with regard to that.

Regarding the criminal laws, one of the most comprehensive criminal code reform bills in history was the 1984 Act. The distinguished Senator from South Carolina and a number of the rest of us participated in it, and it could not have happened without Ronald Reagan and his service here in Washington, DC.

There are so many other things I would like to talk about, but I just want to say that I have watched Presidents come and go, and I have respect for all of them; I have respect for Democrats and Republicans alike; but I really believe that as history continues to unfold, as people continue to look at the last 10 years, as people continue to look in a justifiable and reasonable and honest way at what really was done, I believe Ronald Reagan will go down in history as one of the all-time great Presidents. I believe there are a lot of people on both sides of this floor who know that that is so.

I think it is important to point out, as well, that during the whole 8 years he was President, he never had an actual ideological majority in either House of Congress. Even at the height of the Republican throne during the first term of President Reagan, when we had 56 Republicans and 44 Democrats, there were at least 55 who sat in this body who probably would not have helped him in any way had it not been for his ability to bring to bear public opinion on these important issues.

So I just want to say, Mr. President, that Ronald Reagan deserves the thanks of every American, regardless of party and of ideology, and he deserves the thanks of all of us for the many things that he stood for. I have only enumerated just a few of them. He deserves our thanks for being such a pillar of decency and values in our society, because at a time when we needed it the most, he came in and stood for values, and that is something we need more and more of. His predecessor, Jimmy Carter, did also. I pay tribute to him as well. But I have to say that President Reagan was the right President at the right time for this country.

Today he is 80 years of age. I, for one, am glad that President Reagan is not only alive and well but continuing to serve this country in his own inimitable style, his own way, to help all of us have a better world. It is very fitting that he and Margaret Thatcher have been together this week, two old allies, two old friends who really have made a difference.

Mr. President, I have a lot more to say, but I will end with that.

Happy birthday, President Reagan. We love you, we appreciate you, we miss you, and we thank you.

The PRESIDENT pro tempore. The Senator from California has control of the time.

Mr. SEYMOUR. I yield 5 minutes to the distinguished Senator from South Carolina.

TRIBUTE TO PRESIDENT RONALD REAGAN ON HIS 80TH BIRTHDAY

Mr. THURMOND. Mr. President, I would like to take this opportunity to pay tribute to President Ronald Reagan, who is today celebrating his 80th birthday—just a young man. I join his many friends and admirers in wishing him much health and happiness in the coming years, and thank him for his innumerable and generous contributions to this great Nation of ours.

Mr. President, during my 36 years as a U.S. Senator, I have served with 8 of the 11 Presidents I have known personally, and have also had the occasion to learn about many more. I am frequently asked my opinion about the greatest Presidents in American history. Since the early 1980's, my response has always included the name of Ronald Reagan. I firmly believe that he is one of the finest men to have ever served in the Oval Office.

President Reagan restored the United States to its rightful place as the leader of the free world and reinvigorated our Nation's inherent sense of patriotism. Ronald Reagan gave new life to the meaning of the word "American," and he put a new spring in the step of proud citizens from coast to coast. He reminded us that the rich and noble history of the United States obliges us to lead the world today with the same high ideals that inspired our forebears. Most importantly, he sent us forth to accomplish these goals with a deep and abiding sense of pride about who we are and where we come from as Americans.

The positive effects of the policies Ronald Reagan set in motion as President continue to manifest themselves in the progress of the world today. His foreign policy and national defense strategy cleared the way for the winds of democracy which last year swept aside the Iron Curtain and astonished the world.

Those of us who served with him are all the better for the experience of knowing him, and our country is all the stronger today for his inspired and committed leadership. Ronald Reagan is a true patriot, a great American and a distinguished world statesman of whom we are all fiercely proud.

President Reagan was fortunate to have at his side such a lovely and dedicated wife. Mrs. Reagan was not only a devoted companion and his most loyal supporter but also an intelligent and trusted adviser.

My wife Nancy and our four children join me in wishing both President and Mrs. Reagan a special birthday filled with joy and happiness for them and their entire family.

The PRESIDENT pro tempore. The Senator from California has control of the time.

Mr. SEYMOUR. Mr. President, I yield 5 minutes of my time to the distinguished senior Senator from Idaho.

The PRESIDENT pro tempore. Mr. SYMMS is recognized for 5 minutes.

RONALD REAGAN'S 80TH BIRTHDAY

Mr. SYMMS. Mr. President, fourscore and zero years ago, this great Nation witnessed a new birth. It was then on February 6, 1911, that a son was born to John Reagan and Nellie Wilson Reagan in the town of Tampico, IL. But it was also the beginning of a new birth for this country that happened to come some 65 years later, and that is the day 80 years ago when President Ronald Wilson Reagan was born.

We all know of his charm, brilliant career, wit, leadership, and strength. But let us take a moment to remind ourselves and our fellow Americans of the contributions President Reagan has made to our country.

It was Ronald Reagan who said, "Let me make our goal very clear: Jobs, jobs and more jobs * * * what is good for the American worker is good for America." It was Ronald Reagan who led the charge to restore the confidence in America's economy and confidence in the investors that put Americans back to work.

It was Ronald Reagan who said, "We must stand for our beliefs and our values and, in doing so, inaugurate a forward strategy for freedom." Because of that forward strategy for freedom, the

Berlin Wall collapsed and the freedom movement is alive in Eastern Europe.

Mr. President, I remind colleagues that we had fierce debates during the Reagan years in this Chamber over military spending. But it was President Reagan who said, I believe it's immoral to ask the sons and daughters of America to protect this land with second-rate equipment and bargain-basement weapons. If they can put their lives on the line to protect our way of life * * * we can give them the weapons, the training, and the money they need to do the job right."

About 11 years ago or a little over that, we had a disaster just trying to get some helicopters into the desert and it ended in failure, much less support 400,000 troops in the gulf. Today we have over 400,000 brave young American men and women performing with remarkable success against a brutal dictator in the Persian Gulf. They are the bravest, the best trained, and best equipped fighting force in the world. In large part we must give the credit to "the Gipper" for the fact that this actually happened. He was the catalyst that brought us together to get the legislation through the Congress to restore this credibility.

Only yesterday I had a visit from a former administrative assistant who is home on emergency leave from duty in the gulf, and he told me what a Herculean effort it is. It is just unbelievable to think of the logistics problems that we have by having this large of a force in this region. It is remarkable that we have been this successful.

Mr. President, I am also reminded that this morning in the Senate Finance Committee Ambassador Hills and others were there testifying about the new trade agreement with Mexico. We passed a trade agreement with Canada. We are on the way toward having one with Mexico, and I am reminded that in 1976 when I was running for reelection for Congress, former Governor Reagan came to Idaho, he was then seeking the Republican nomination for President, which he did not gain in 1976.

President Reagan unveiled in Boise, ID, back in 1976, his dream for a North American free trade zone, as we called it then. He said we have to pound out an agreement with Canada and Mexico where we can have free flowing trade, where we can have trade and growth and economic opportunity throughout the North American continent.

Here today, 14 years later, we are in the Senate Finance Committee now talking about legislation to make way for the negotiations, so that maybe part of that dream will come true.

So, as we continue to face new crises and new problems, I think we should be reminded of the words President Reagan spoke during his State of the Union address in 1985:

> Don't let anyone tell you that America's best days are behind her, that the American spirit has been vanquished. We've seen it triumph too often in our lives to stop believing in it now.

Happy birthday, President Reagan. God bless you and God bless America.

I thank the Senator from California and yield the floor.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from California.

Mr. SEYMOUR. Mr. President, I yield 2 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

HAPPY 80TH BIRTHDAY, PRESIDENT REAGAN

Mr. LOTT. Mr. President, 2 weeks ago I received a call from Richard Pratts in Meridian, MS. He said, "Senator, why are you not speaking more about the things that Ronald Reagan did when he was President for this country and the impact it is having today in the Persian Gulf." He was right and, President Reagan, this one is for you.

We wish you a happy birthday on your 80th birthday and we thank you for all that you did for our country in the 8 years you served as our President. President Reagan will forever be one of our most memorable patriots.

It is no coincidence that the defensive missile which is saving countless lives in the Persian Gulf today, including those of our friends, the Israelis, is called the Patriot. The Patriot exists because of the commitment and determination of Ronald Reagan.

Vision, commitment, and determination are what made President Reagan perhaps our most magnificent President.

When Ronald Reagan came forward with his version for the strategic defense initiative as part of a defense buildup, he was opposed by disbelievers and others unwilling to commit to a strong national defense. But Ronald Reagan persevered in his typical fashion, and I am sure he is both perplexed and amused these days over the astonishment being expressed by those same disbelievers that SDI works and that Stealth works.

Every time I hear reports of the effectiveness of our military in the Persian Gulf and the accuracy of our high-tech weapons, I am ever mindful of the leader who fought so hard for their funding, who cared enough to provide the best for our troops, and who dedicated his Presidency to protecting the freedom of peace-loving people everywhere.

As historic as Ronald Reagan's 8-year Presidency was, the revolution he began in office continues to unfold today through some of the most dramatic events seen in our Nation's history. The democracy movements in Eastern Europe, the tearing down of the Berlin Wall, all have a direct track to President Reagan's nonnegotiable stance against communism and for freedom everywhere.

Even on the domestic front, when the United States is facing a period of economic downturn, we can appreciate the President who was at the helm during this country's longest period of sustained economic growth and job production.

I note that his good friend Margaret Thatcher, Great Britain's former Prime Minister, will be with him tonight in California for the birthday celebration. How appropriate that these two leaders should be reunited for Ronald Reagan's 80th birthday, and how grateful I am that he chose to give his country 8 of those years, a period which historians certainly will record as among our country's finest.

I wish him the best on his 80th birthday.

The PRESIDING OFFICER. The Senator from California.

Mr. SEYMOUR. Mr. President, I yield 3 minutes of my time to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 minutes.

RONALD REAGAN'S 80TH BIRTHDAY

Mr. WALLOP. Mr. President, on the occasion of former President Ronald Reagan's 80th birthday, it is only fitting that we pay tribute to this man whose remarkable accomplishments I believe are not yet fully appreciated.

When many Americans think of Ronald Reagan, they think of his strong convictions, his warm personality, his love of humor, and is indomitable spirit. While he certainly possesses all of those admirable qualities, it would be an injustice for history to view him as simply a "kind ole gentleman." There was another side of Ronald Reagan, a side that I feel more accurately reflects the genius of the so-called Reagan revolution.

Like President Reagan, Winston Churchill was tremendously witty. However, as Ronald Reagan noted in an 1982 address to Members of the British Parliament, there was a particular special attribute which distinguished Churchill as a great statesman. According to President Reagan, Churchill possessed "the gift of vision, the willingness to see the future based on the experience of the past." Whether he knew it or not at the time, Ronald Reagan possesses this same quality. For this reason, I believe future generations will view Ronald Reagan as unique and heroic in his time, just as we consider Churchill as being unique and heroic in his own.

I would like to share with my colleagues a sampling of Ronald Reagan's rare ability. In that 1982 speech in London, Ronald Reagan remarked that, "We live now at a turning point."

> In an ironic sense Karl Marx was right. We are witnessing today a great revolutionary

crisis, a crisis where the demands of the economic order are conflicting directly with those of the political order. But the crisis is not happening in the free, non-Marxist West, but in the home of Marxism-Leninism, the Soviet Union. It is the Soviet Union that runs against the tide of history by denying human freedom and human dignity to its citizens.

Mr. President, let me remind my colleagues that this speech was made 3 years before Mikhail Gorbachev came to power in the Soviet Union.

In many other areas, Ronald Reagan's supposedly quixotic notions now seem quite reasonable—even ordinary. This Senator, probably more than others, remembers the years of ridicule heaped on Ronald Reagan following the March 23, 1983, speech announcing the strategic defense initiative. In that speech, President Reagan asked the question, "Wouldn't it be better to save lives than to avenge them?" In light of the Patriot missile's remarkable success in the Persian Gulf—especially the luxury it affords Israel to show restraint in the face of a merciless assault from Iraq—I doubt any of my colleagues would dare question whether that money was well spent.

Despite the efforts by the liberals in Congress and the media to denigrate the feasibility of such an initiative—terming the effort star wars, for instance—we should remember what Ronald Reagan actually said on that fateful day. He did not promise instant success—far from it. He said, "This is a formidable, technical task, one that may not be accomplished before the end of this century. * * * It will take years, probably decades of effort on many fronts. There will be failures and setbacks, just as there will be successes and breakthroughs."

Finally, in his 1982 State of Union Address, President Reagan described the predicament confronting Americans on the home front, one we are still battling today. "Our citizens feel they've lost control of even the most basic decisions made about the essential services of government, such as schools, welfare, roads, even garbage collection," he observed. "And they're right. A maze of interlocking jurisdictions and levels of government confronts average citizens in trying to solve even the simplest of problems." And in words that accurately depict the current mood in America, he noted, "They don't know where to turn for answers, who to hold accountable, who to praise, who to blame, who to vote for or against."

Just as America stood at a crossroads when Ronald Reagan became President in 1981, our Nation today faces a crucial decision: Which course to follow, in which direction to lead. This Senator believes Ronald Reagan left us in a far better position to control our own destiny. What will we now do with that legacy?

In the Soviet Union, will we dedicate ourselves to helping the vast majority of people striving to be free and to govern themselves? Or will we cast allegiance to a man who has retrenched from his reformist agenda and has now pledged himself to the reactionary forces?

Will we acknowledge the fruits of our SDI research and devise systems for protecting the American people from ballistic missile attack? Or will we simply chalk the recent successes up to good fortune and continue to bankrupt the program responsible for them?

Will we commit ourselves to following the course of Eastern Europe and elsewhere and unburden the American people from the weight of an intrusive Government? Or will we irgnore the lessons others have learned and continue to subjugate our citizens with programs they do not need, regulations they do not want, and debts they cannot afford?

Mr. President, let us not squander the legacy President Reagan left us. It would be tribute enough, I am sure, if we were simply to build on this heritage and improve the future for both our own Nation and the world around us.

Last, Mr. President, let me show a cartoon by the cartoonist, Jules Feiffer, not known particularly for his conservative sentiment. But the text of this goes along as Feiffer cartoons do. In the first picture it says:

TEXT OF FEIFFER CARTOON

When that fool, Reagan, called the Soviet Union "the evil empire", I knew we were headed for war.

When that fool, Reagan, gave a blank check to the arms race, I knew the odds favored nuclear annihilation.

When that fool, Reagan, launched star wars on the premise that the Soviet Union would go broke trying to keep up, I knew he was a dangerous kook living in a never-never land.

When the Soviet Union went broke, surrendered its empire and called off the cold war, I knew it was Gorbachev's genius and Reagan had nothing to do with it.

Because if that fool, Reagan, was right all along. * * * What kind of fool am I?

Mr. President, God bless you, have a happy birthday, Americans owe you a tremendous debt.

Mr. President, due to the length of each of President Reagan's speeches I have mentioned, I ask unanimous consent that the full text of only one of them—the 1982 speech before Members of the British Parliament—be printed in the Record in its entirety.

There being no objection, the text was ordered to be printed in the Record, as follows:

ADDRESS TO MEMBERS OF THE BRITISH PARLIAMENT, JUNE 1, 1982

My Lord Chancellor, Mr. Speaker:

The journey of which this visit forms a part is a long one. Already it has taken me to two great cities of the West, Rome and Paris, and to the economic summit at Versailles. And there, once again, our sister democracies have proved that even in a time of severe economic strain, free peoples can work together freely and voluntarily to address problems as serious as inflation, unemployment, trade, and economic development in a spirit of cooperation and solidarity.

Other milestones lie ahead. Later this week, in Germany, we and our NATO allies will discuss measures for our joint defense and America's latest initiatives for a more peaceful, secure world through arms reductions.

Each stop of this trip is important, but among them all, this moment occupies a special place in my heart and in the hearts of my countrymen—a moment of kinship and homecoming in these hallowed halls.

Speaking for all Americans, I want to say how very much at home we feel in your house. Every American would, because this is, as we have been so eloquently told, one of democracy's shrines. Here the rights of free people and the processes of representation have been debated and refined.

It has been said that an institution is the lengthening shadow of a man. This institution is the lengthening shadow of all the men and women who have sat here and all those who have voted to send representatives here.

This is my second visit to Great Britain as President of the United States. My first opportunity to stand on British soil occurred almost a year and a half ago when your Prime Minister graciously hosted a diplomatic dinner at the British Embassy in Washington. Mrs. Thatcher said then that she hoped I was not distressed to find staring down at me from the grand staircase a portrait of His Royal Majesty King George III. She suggested it was best to let bygones be bygones, and in view of our two countries' remarkable friendship in succeeding years, she added that most Englishmen today would agree with Thomas Jefferson that "a little rebellion now and then is a very good thing." [*Laughter*]

Well, from here I will go to Bonn and then Berlin, where there stands a grim symbol of power untamed. The Berlin Wall, that dreadful gray gash across the city, is in its third decade. It is the fitting signature of the regime that built it.

And a few hundred kilometers behind the Berlin Wall, there is another symbol. In the center of Warsaw, there is a sign that notes the distances to two capitals. In one direction it points toward Moscow. In the other it points toward Brussels, headquarters of Western Europe's tangible unity. The marker says that the distances from Warsaw to Moscow and Warsaw to Brussels are equal. The sign makes this point: Poland is not East or West. Poland is at the center of Europen civilization. It has contributed mightily to that civilization. It is doing so today by being magnificently unreconciled to oppression.

Poland's struggle to be Poland and to secure the basic rights we often take for granted demonstrates why we dare not take those rights for granted. Gladstone, defending the Reform Bill of 1866, declared, "You cannot fight against the future. Time is on our side." It was easier to believe in the march of democracy in Gladstone's day—in that high noon of Victorian optimism.

We're approaching the end of a bloody century plagued by a terrible political invention—totalitarianism. Optimism comes less easily today, not because democracy is less vigorous, but because democracy's enemies have refined their instruments of repression. Yet optimism is in order, because day by day democracy is proving itself to be a not-at-all-fragile flower. From Stettin on the Baltic to Varna on the Black Sea, the regimes planted by totalitarianism have had more than 30 years to establish their legitimacy. But none—not one regime—has yet been able to risk free elections. Regimes planted by bayonets do not take root.

The strength of the Solidarity movement in Poland demonstrates the truth told in an underground joke in the Soviet Union. It is that the Soviet Union would remain a one-party nation even if an opposition party were permitted, because everyone would join the opposition party. [*Laughter*]

America's time as a player on the stage of world history has been brief. I think understanding this fact has always made you patient with your younger cousins—well, not always patient. I do recall that on one occasion, Sir Winston Churchill said in exasperation about one of our most distinguished diplomats: "He is the only case I know of a bull who carries his china shop with him." [*Laughter*]

But witty as Sir Winston was, he also had that special attribute of great statesmen—the gift of vision, the willingness to see the future based on the experience of the past. It is this sense of history, this understanding of the past that I want to talk with you about today, for it is in remembering what we share of the past that our two nations can make common cause for the future.

We have not inherited an easy world. If developments like the Industrial Revolution, which began here in England, and the gifts of science and technology have made life much easier for us, they have also made it more dangerous. There are threats now to our freedom, indeed to our very existence, that other generations could never even have imagined.

There is first the threat of global war. No President, no Congress, no Prime Minister, no Parliament can spend a day entirely free of this threat. And I don't have to tell you that in today's world the existence of nuclear weapons could mean, if not the extinction of mankind, then surely the end of civilization as we know it. That's why negotiations on intermediate-range nuclear forces now underway in Europe and the START talks—Strategic Arms Reduction Talks—which will begin later this month, are not just critical to American or Western policy; they are critical to mankind. Our commitment to early success in these negotiations is firm and unshakable, and our purpose is clear: reducing the risk of war by reducing the means of waging war on both sides.

At the same time there is a threat posed to human freedom by the enormous power of the modern state. History teaches the dangers of government that overreaches—political control taking precedence over free economic growth, secret police, mindless bureaucracy, all combining to stifle individual excellence and personal freedom.

Now, I'm aware that among us here and throughout Europe there is legitimate disagreement over the extent to which the public sector should play a role in a nation's economy and life. But on one point all of us are united—our abhorrence of dictatorship in all its forms, but most particularly totalitarianism and the terrible inhumanities it has caused in our time—the great purge, Auschwitz and Dachau, the Gulag, and Cambodia.

Historians looking back at our time will note the consistent restraint and peaceful intentions of the West. They will note that it was the democracies who refused to use the threat of their nuclear monopoly in the forties and early fifties for territorial or imperial gain. Had that nuclear monopoly been in the hands of the Communist world, the map of Europe—indeed, the world—would look very different today. And certainly they will note it was not the democracies that invaded Afghanistan or supressed Polish Solidarity or used chemical and toxin warfare in Afghanistan and Southeast Asia.

If history teaches anything it teaches self-delusion in the face of unpleasant facts is folly. We see around us today the marks of our terrible dilemma—predictions of doomsday, antinuclear demonstrations, an arms race in which the West must, for its own protection, be an unwilling participant. At the same time we see totalitarian forces in the world who seek subversion and conflict around the globe to further their barbarous assault on the human spirit. What, then, is our course? Must civilization perish in a hail of fiery atoms? Must freedom wither in a quiet, deadening accommodation with totalitarian evil?

Sir Winston Churchill refused to accept the inevitability of war or even that it was imminent. He said, "I do not believe that Soviet Russia desires war. What they desire is the fruits of war and the indefinite expansion of their power and doctrines. But what we have to consider here today while time remains is the permanent prevention of war and the establishment of conditions of freedom and democracy as rapidly as possible in all countries."

Well, this is precisely our mission today: to preserve freedom as well as peace. It may not be easy to see; but I believe we live now at a turning point.

In an ironic sense Karl Marx was right. We are witnessing today a great revolutionary crisis, a crisis where the demands of the economic order are conflicting directly with those of the political order. But the crisis is happening not in the free, non-Marxist West, but in the home of Marxist-Leninism, the Soviet Union. It is the Soviet Union that runs against the tide of history by denying human freedom and human dignity to its citizens. It also is in deep economic difficulty. The rate of growth in the national product has been steadily declining since the fifties and is less than half of what it was then.

The dimensions of this failure are astounding: A country which employs one-fifth of its population in agriculture is unable to feed its own people. Were it not for the private sector, the tiny private sector tolerated in Soviet agriculture, the country might be on the brink of famine. These private plots occupy a bare 3 percent of the arable land but account for nearly one-quarter of Soviet farm output and nearly one-third of meat products and vegetables. Overcentralized, with little or no incentives, year after year the Soviet system pours its best resource into the making of instruments of destruction. The constant shrinkage of economic growth combined with the growth of military production is putting heavy strain on the Soviet people. What we see here is a political structure that no longer corresponds to its economic base, a society where productive forces are hampered by political ones.

The decay of the Soviet experiment should come as no surprise to us. Wherever the comparisons have been made between free and closed societies—West Germany and East Germany, Austria and Czechoslovakia, Malaysia and Vietnam—it is the democratic countries what are prosperous and responsive to the needs of their people. And one of the simple but overwhelming facts of our time is this: Of all the millions of refugees we've seen in the modern world, their flight is always away from, not toward the Communist world. Today on the NATO line, our military forces face east to prevent a possible invasion. On the other side of the line, the Soviet forces also face east to prevent their people from leaving.

The hard evidence of totalitarian rule has caused in mankind an uprising of the intellect and will. Whether it is the growth of the new schools of economics in America or England or the appearance of the so-called new philosophers in France, there is one unifying thread running through the intellectual work of these groups—rejection of the arbitrary power of the state, the refusal to subordinate the rights of the individual to the superstate, the realization that collectivism stifles all the best human impulses.

Since the exodus from Egypt, historians have written of those who sacrificed and struggled for freedom—the stand at Thermopylae, the revolt of Spartacus, the storming of the Bastille, the Warsaw uprising in World War II. More recently we've seen evidence of this same human impulse in one of the developing nations in Central America. For months and months the world news media covered the fighting in El Salvador. Day after day we were treated to stories and film slanted toward the brave freedom-fighters battling oppressive government forces in behalf of the silent, suffering people of that tortured country.

And then one day those silent, suffering people were offered a chance to vote, to choose the kind of government they wanted. Suddenly the freedom-fighters in the hills were exposed for what they really are—Cuban-backed guerrillas who want power for themselves, and their backers, not democracy for the people. They threatened death to any who voted, and destroyed hundreds of buses and trucks to keep the people from getting to the polling places. But on election day, the people of El Salvador, an unprecedented 1.4 million of them, braved ambush and gunfire, and trudged for miles to vote for freedom.

They stood for hours in the hot sun waiting for their turn to vote. Members of our Congress who went there as observers told me of a women who was wounded by rifle fire on the way to the polls, who refused to leave the line to have her wound treated until after she had voted. A grandmother, who had been told by the guerrillas she would be killed when she returned from the polls, and she told the guerrillas, "You can kill me, you can kill my family, kill my neighbors, but you can't kill us all." The real freedom-fighters of El Salvador turned out to be the people of that country—the young, the old, the in-between.

Strange, but in my own country there's been little if any news coverage of that war since the election. Now, perhaps they'll say it's—well, because there are newer struggles now.

On distant islands in the South Atlantic young men are fighting for Britain. And, yes, voices have been raised protesting their sacrifice for lumps of rock and earth so far away. But those young men aren't fighting for mere real estate. They fight for a cause—for the belief that armed aggression must not be allowed to succeed, and the people must participate in the decisions of government—[applause]—the decisions of government under the rule of law. If there had been firmer support for that principle some 45 years ago, perhaps our generation wouldn't have suffered the bloodletting of World War II.

In the Middle East now the guns sound once more, this time in Lebanon, a country that for too long has had to endure the tragedy of civil war, terrorism, and foreign intervention and occupation. The fighting in Lebanon on the part of all parties must stop, and Israel should bring its forces home. But this is not enough. We must all work to stamp out the scourge of terrorism that in the Middle East makes war an ever-present threat.

But beyond the troublespots lies a deeper, more positive pattern. Around the world today, the democratic revolution is gathering new strength. In India a critical test has been passed with the peaceful change of governing political parties. In Africa, Nigeria is moving into remarkable and unmistakable ways to build and strengthen its democratic institutions. In the Caribbean and Central America, 16 of 24 countries have freely elected governments. And in the United Nations, 8 of the 10 developing nations which have joined that body in the past 5 years are democracies.

In the Communist world as well, man's instinctive desire for freedom and self-determination surfaces again and again. To be sure, there are grim reminders of how brutally the police state attempts to snuff out this quest for self-rule—1953 in East Germany, 1956 in Hungary, 1968 in Czechoslovakia, 1981 in Poland. But the struggle continues in Poland. And we know that there are even those who strive and suffer for freedom within the confines of the Soviet Union itself. How we conduct ourselves here in the Western democracies will determine whether this trend continues.

No, democracy is not a fragile flower. Still it needs cultivating. If the rest of this century is to witness the gradual growth of freedom and democratic ideals, we must take actions to assist the campaign for democracy.

Some argue that we should encourage democratic change in right-wing dictatorships, but not in Communist regimes. Well, to accept this preposterous notion—as some well-meaning people have—is to invite the argument that once countries achieve a nuclear capability, they should be allowed an undisturbed reign of terror over their own citizens. We reject this course.

As for the Soviet view, Chairman Brezhnev repeatedly has stressed that the competition of ideas and systems must continue and that this is entirely consistent with relaxation of tensions and peace.

Well, we ask only that these systems begin by living up to their own constitutions, abiding by their own laws, and complying with the international obligations they have undertaken. We ask only for a process, a direction, a basic code of decency, not for an instant transformation.

We cannot ignore the fact that even without our encouragement there has been and will continue to be repeated explosions against repression and dictatorships. The Soviet Union itself is not immune to this reality. Any system is inherently unstable that has no peaceful means to legitimize its leaders. In such cases, the very repressiveness of the state ultimately drives people to resist it, if necessary, by force.

While we must be cautious about forcing the pace of change, we must not hesitate to declare our ultimate objectives and to take concrete actions to move toward them. We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings. So states the United Nations Universal Declaration of Human Rights, which, among other things, guarantees free elections.

The objective I propose is quite simple to state: to foster the infrastructure of democracy, the system of a free press, unions, political parties, universities, which allows a people to choose their own way to develop their own culture, to reconcile their own differences through peaceful means.

This is not cultural imperialism, it is providing the means of genuine self-determination and protection for diversity. Democracy already flourishes in countries with very different cultures and historical experiences. It would be cultural condescension, or worse, to say that any people prefer dictatorship to democracy. Who would voluntarily choose not to have the right to vote, decide to purchase government propaganda handouts instead of independent newspapers, prefer government to worker-controlled unions, opt for land to be owned by the state instead of those who till it, want government repression of religious liberty, a single political party instead of a free choice, a rigid cultural orthodoxy instead of democratic tolerance and diversity?

Since 1917 the Soviet Union has given covert political training and assistance to Marxist-Leninists in many countries. Of course, it also has promoted the use of violence and subversion by these same forces. Over the past several decades, West European and other Social Democrats, Christian Democrats, and leaders have offered open assistance to fraternal, political, and social institutions to bring about peaceful and democratic progress. Appropriately, for a vigorous new democracy, the Federal Republic of Germany's political foundations have become a major force in this effort.

We in America now intend to take additional steps, as many of our allies have already done, toward realizing this same goal. The chairmen and other leaders of the national Republican and Democratic Party organizations are initiating a study with the bipartisan American political foundation to determine how the United States can best contribute as a nation to the global campaign for democracy now gathering force. They will have the cooperation of congressional leaders of both parties, along with representatives of business, labor, and other major institutions in our society. I look forward to receiving their recommendations and to working with these institutions and the Congress in the common task of strengthening democracy throughout the world.

It is time that we committed ourselves as a nation—in both the public and private sectors—to assisting democratic development.

We plan to consult with leaders of other nations as well. There is a proposal before the Council of Europe to invite parliamentarians from democratic countries to a meeting next year in Strasbourg. That prestigious gathering could consider ways to help democratic political movements.

This November in Washington there will take place an international meeting on free elections. And next spring there will be a conference of world authorities on constitutionalism and self-government hosted by the Chief Justice of the United States. Authorities from a number of developing and developed countries—judges, philosophers, and politicians with practical experience—have agreed to explore how to turn principle into practice and further the rule of law.

At the same time, we invite the Soviet Union to consider with us how the competition of ideas and values—which it is committed to support—can be conducted on a peaceful and reciprocal basis. For example, I am prepared to offer President Brezhnev an opportunity to speak to the American people on our television if he will allow me the same opportunity with the Soviet people. We also suggest that panels of our newsmen periodically appear on each other's television to discuss major events.

Now, I don't wish to sound overly optimistic, yet the Soviet Union is not immune from the reality of what is going on in the world. It has happened in the past—a small ruling elite either mistakenly attempts to ease domestic unrest through greater repression and foreign adventure, or it chooses a wiser course. It begins to allow its people a voice in their own destiny. Even if this latter process is not realized soon, I believe the renewed strength of the democratic movement, complemented by a global campaign for freedom, will strengthen the prospects for arms control and a world at peace.

I have discussed on other occasions, including my address on May 9th, the elements of Western policies toward the Soviet Union to safeguard our interests and protect the peace. What I am describing now is a plan and a hope for the long term—the march of freedom and democracy which will leave Marxism-Leninism on the ashheap of history as it has left other tyrannies which stifle the freedom and muzzle the self-expression of the people. And that's why we must continue our efforts to strengthen NATO even as we move forward with our Zero-Option initiative in the negotiations on intermediate-range forces and our proposal for a one-third reduction in strategic ballistic missile warheads.

Our military strength is a prerequisite to peace, but let it be clear we maintain this strength in the hope it will never be used, for the ultimate determinant in the struggle that's now going on in the world will not be bombs and rockets, but a test of wills and ideas, a trial of spiritual resolve, the values we hold, the beliefs we cherish, the ideals to which we are dedicated.

The British people know that, given strong leadership, time and a little bit of hope, the forces of good ultimately rally and triumph over evil. Here among you is the cradle of self-government, the Mother of Parliaments. Here is the enduring greatness of the British contribution to mankind, the great civilized ideas: individual liberty, representative government, and the rule of law under God.

I've often wondered about the shyness of some of us in the West about standing for these ideals that have done so much to ease the plight of man and the hardships of our imperfect world. This reluctance to use those vast resources at our command reminds me of the elderly lady whose home was bombed in the Blitz. As the rescuers moved about, they found a bottle of brandy she'd stored behind the staircase, which was all that was left standing. And since she was barely conscious, one of the workers pulled the cork to give her a taste of it. She came around immediately and said, "Here now—there now, put it back. That's for emergencies." [*Laughter*]

Well, the emergency is upon us. Let us be shy no longer. Let us go to our strength. Let us offer hope. Let us tell the world that a new age is not only possible but probable.

During the dark days of the Second World War, when this island was incandescent with courage, Winston Churchill exclaimed about Britain's adversaries, "What kind of a people do they think we are?" Well, Britain's adversaries found out what extraordinary people the British are. But all the democracies paid a terrible price for allowing the dictators to underestimate us. We dare not make that mistake again. So, let us ask ourselves, "What kind of people do we think we are?" And let us answer, "Free people, worthy of freedom and determined not only to remain so but to help others gain their freedom as well."

Sir Winston led his people to great victory in war and then lost an election just as the fruits of victory were about to be enjoyed. But he left office honorably, and, as it turned out, temporarily, knowing that the liberty of his people was more important than the fate of any single leader. History recalls his greatness in ways no dictator will ever know. And he left us a message of hope for the future, as timely now as when he first uttered it, as opposition leader in the Commons nearly 27 years ago, when he said, "When we look back on all the perils through which we have passed and at the mighty foes that we have laid low and all the dark and deadly designs that we have frustrated, why should we fear for our future? We have," he said, "come safely through the worst."

Well, the task I've set forth will long outlive our own generation. But together, we too have come through the worst. Let us now begin a major effort to secure the best—a crusade for freedom that will engage the faith and fortitude of the next generation. For the sake of peace and justice, let us move toward a world in which all people are at last free to determine their own destiny.

Thank you.

Note: The President spoke at 12:14 p.m. in the Royal Gallery at the Palace of Westminster in London.

On the previous evening, the President was greeted by Queen Elizabeth II in an arrival ceremony at Windsor Castle, near Windsor, England. Later, the Queen hosted a private dinner for the President.

On the morning of June 8, the President and the Queen spent part of the morning horseback riding on the Windsor Castle grounds.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SEYMOUR. Mr. President, I yield 5 minutes to the junior Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

THE DYNAMIC LEADERSHIP OF PRESIDENT RONALD REAGAN

Mr. GRAMM. Mr. President, I remember well that cold day, January 20, 1981. We were all dressed up in our tuxedos, and we were out on the West Front of the Capitol, and it was cold and we were there to witness the swearing in of a new President, Ronald Reagan.

I would like to remind my colleagues what the world was like at that time or, as our great President would say, take them for a trip down memory lane. The inflation rate was 13½ percent. Short-term interest rates were 21½ percent. On any given day, 50 percent of all the combat aircraft in America could not fly because of an absence of spare parts and a dearth of mechanics in the Air Force. Our ships did not sail because of inadequate crews. America's position of world leadership was threatened everywhere. The Social Security system was in the red. The economy was in the tank. Productivity was declining. And all around the world, people questioned what the future of America would be, and whether we would be the leader of the world.

Mr. President, all of that has changed. And it changed as the result of the dynamic leadership of President Ronald Reagan. We stopped the inflation. We reordered priorities. We provided incentives for people to work, save, and invest. And they worked, and saved, and invested, and we created 21 million taxpaying jobs for the future as a result. We reinvested in national security. And we have recruited and retained the finest young men and women who have ever worn the uniform of this country. And they wear that uniform with pride this afternoon in the Middle East and all over the world.

We employed the genius of American industry to build the best weapons that the mind of man could devise. We built them, we deployed them, and they are working today, and their effectiveness is a major source of America's strength and a major source of our security.

Social Security which was in the red is now in the black thanks to the leadership of Ronald Reagan. In short, we changed America by changing the policies of the Federal Government. In 1980, politicians told us America was in decline. The American people rejected that notion, changed the Government, brought Ronald Reagan to Washington, and the rest is history.

Mr. President, the Berlin Wall came down because of the leadership and the effectiveness of the policies of Ronald Reagan. And I think today, as we meet the challenges of the future, as we build on the legacy of the Reagan Presidency, I think it is important that we remember and follow the Reagan vision, a vision of free enterprise.

America is not a great and powerful country because the most brilliant and talented people in the world came to live here. America is a great and powerful country because it was here that ordinary people like you and me found more opportunity and more freedom than anybody else on the face of the Earth and throughout all of history had ever enjoyed.

Ronald Reagan, in a straightforward, clear-minded way understood that as well as anyone who has ever been President. Ronald Reagan understood that America was the leader of the world and we had to be strong militarily. We are strong today and now it is our task to keep it that way.

Ronald Reagan understood that trade was vitally important to America's future. And when we hear the siren song of protectionism, Mr. President, I submit that we should remember the voice of Ronald Reagan in reminding us that America is the leader of the world and has to trade and we have to do it effectively.

So I would simply like to say on our President's 80th birthday that, Mr. President, I want you to know that there are still many in Washington who miss you and who love you. We know you are glad you are there in California and not here with us. But I wanted, in my simple way, to say that you are remembered, that your great work serves the whole Nation, and we are proud you came our way.

Mr. SEYMOUR. Mr. President, I yield 6 minutes of time to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 6 minutes.

A GREAT MAN—RONALD WILSON REAGAN

Mr. MACK. Mr. President, I am honored to join with my colleagues to pay tribute to a great man, Ronald Wilson Reagan, who lifted the American spirit, defined America's destiny as the beacon of freedom, and allowed us to dream the dreams that built America into the shining city on the hill.

We all remember the election of 1980, when Americans were faced with one of the most simple, yet defining questions in American politics: "Are you better off now than you were 4 years ago?" Were we as Americans willing to accept that the once proud land of the free and the home of the brave was now worn and tired and lacked direction?

America said "No."

We chose Ronald Reagan as our President because Americans understand their role as the standard-bearers of freedom. With Ronald Reagan's election came a renewed vitality in America. A belief that freedom must ring from the bells of this great land and that opportunity was limited only by the height and width and depth of each person's dreams.

Ronald Reagan discovered the America that was there all along, waiting to be unshackled from a Government that dictated and demanded what was best for our lives instead of encouraging us to achieve what each individual dares to achieve.

There was a euphoria with Ronald Reagan in the White House that touched the heart of all Americans. I entered public service in 1982 because I wanted to play a role in the revolution they would name after President Reagan.

The Reagan revolution caught the spirit of America and rekindled the flame of freedom: free markets, free ideas, freedom in our foreign policy.

The Reagan revolution had no boundaries. The winds of freedom swept across America and gained a momentum that spread throughout the entire planet.

Freedom's ring was heard in Latin America, where nations turned back communism and accepted the free will of the people. In Eastern Europe, the rusted chains of totalitarianism were broken in the name of freedom.

One of the most memorable speeches that President Reagan gave was on June 12, 1987, at the Berlin wall. At the time, he said the wall would come down. We reacted with hope, but remained skeptical. Yet, Ronald Reagan taught us the lesson that free ideas will persevere through seemingly impossible conditions.

Let me quote from the speech:

> As I looked out a moment from the Reichstag, that embodiment of German unity, I noticed words crudely spray-painted upon the Wall, perhaps by a young Berliner: "This wall will fall. Beliefs become reality." Yes, across Europe, this wall will fall. For it cannot withstand faith; it cannot withstand truth. The wall cannot withstand freedom.

He was right. The wall is now rubble.

His faith in freedom was never-ending. And never taken for granted.

Ronald Reagan knew that to preserve peace, we must be prepared to defend freedom.

The cost of freedom may be high, but no price is as high as the loss of freedom.

Ronald Reagan restored the lost pride in our military. He awakened in us the realization that we must stand ready in any part of the world to defend our freedoms.

I hate to think of what the world would be like today had America not been prepared. Would the cold war with the Soviet Union cast a chill over our existence? Would Saddam Hussein's Iraq become a world power? The Soviet Union came to the bargaining table ready to talk about scaling down the threat of nuclear weapons because of Ronald Reagan's policy of deterrence. Saddam Hussein is being stopped by our brave men and women in the Persian Gulf because of Ronald Reagan's policy or preparedness.

As he said in famous remarks to the brave men who fought over 40 years ago and died at Pointe du Hoc, France, on D-day:

> We in America have learned bitter lessons from two world wars: It is better to be here ready to protect the peace, than take blind shelter across the sea, rushing to respond only after freedom is lost.

Ronald Reagan never lost his faith in a free mankind. He never doubted that freedom was more than a virtue, it was a right given to each of us by a sovereign God.

Ronald Reagan did not invent freedom. He defined it.

It has been said that: "There aren't any great men. There are just great challenges that ordinary men like you and me are forced by circumstances to meet."

Ronald Reagan proved that to be untrue. For through his wit and humility, he carried his role in history as the man who gave freedom a face.

And through his undying faith in those who entrusted in him the role as their leader, Ronald Reagan achieved greatness.

God bless you, President Reagan. We thank you. And may God bless America.

Mr. President, I ask unanimous consent an article by Paul Craig Roberts from the February edition of Commentary entitled "What Everyone "Knows" About Reaganomics" be printed in the RECORD following my remarks. It is an excellent summary of the legacy of President Reagan's economic policies.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Commentary, February 1991]

WHAT EVERYONE "KNOWS" ABOUT REAGANOMICS

(By Paul Craig Roberts)

What everyone "knows" about Reaganomics is that it failed. As the almost universally accepted story goes, the Reagan administration, influenced by supply-side theory, made a "Laffer-curve forecast" that its tax cuts would pay for themselves. Instead they produced surging budget deficits which saddled the U.S. with massive debt, financed by foreigners, to be repaid by future generations. The tax cuts also—so the story continues—fueled a consumption boom at the expense of savings and investment. Overconsumption at home led to an increase in imports, thereby adding a balance-of-trade deficit to the domestic budget deficit. These "twin deficits" were accompanied by a shift of the tax burden from upper- to lower- and middle-income classes, while unleashing a decade of greed on the one hand and, on the other, rising poverty and stagnation in median family income, all leading ultimately to a great crash.

We have all heard this litany of failure countless times from TV pundits and read it countless times in newspaper columns. Moreover, it has come at us not only from the Left but from across the full range of the political and ideological spectrum. Indeed, the most convincing purveyors of the litany have been members of Ronald Reagan's own entourage, such as his first Budget Director, David Stockman, as well as moderate Republicans like Richard Nixon's Secretary of Commerce, Peter G. Peterson, Senate Minority Leader Robert Dole, and House Minority Leader Bob Michel.

Turning to academia, we find that practically every economist anyone has ever heard of has jumped on Reaganomics with both feet. A typical example is Benjamin Friedman of Harvard in his book, "Day of Reckoning: The Consequences of American Economic Policy Under Reagan and After" (1988). Friedman's "most favorable construction" is that Reagan and his administration genuinely believed that "the incentive effects of across-the-board cuts in personal tax rates would so stimulate individuals' work efforts and business initiatives that lower tax rates would deliver higher tax revenues." His "darker assessment" is that the Reagan administration was not that stupid, and that the deficit was deliberately created to "mortgage the nation's future as a means of forcing Americans to give up government activities which they would otherwise have been able to afford."

According to Professor Friedman, then, the only two possibilities are that Reagan was either a fool or a knave:

"We shall probably never know which of these alternative accounts of the origins of the Reagan fiscal policy better describes what really happened. One one construction, it was an intellectual error of the first magnitude. On the other, it was deliberate moral irresponsibility on a truly astonishing scale."

Friedman, a liberal Democrat, was no doubt encouraged in this categorical judgment by the agreement of many Republicans within the profession, again including some who had worked for Reagan. Thus, at the annual meeting of the American Economic Association in 1985, Friedman's Harvard colleague, Martin Feldstein, who had been chairman of Reagan's Council of Economic Advisers, attacked supply-side economists for, among other things, forecasting that the reduction in tax rates would pay for itself in an increased revenue. Herbert Stein, who had been a member of Nixon's Council of Economic Advisers, also criticized Reaganomics for this same sin. Even Lawrence B. Lindsey, whose book, "The Growth Experiment" (1989), is a definitive account of the success of Reaganomics, states matter-of-factly that enthusiastic supply-siders claimed the tax cut would pay for itself.

Something is wrong when the American babble of competing voices can produce a uniformly inaccurate picture of the most discussed economic policy of this generation. For all these things that everyone "knows" with such certainty lack any basis in fact—and I stress that what is at issue here are precisely the basic facts of the case, not debatable interpretations of data. In particular, the Reagan administration did not predict that the tax cuts would be self-financing. It predicted the exact opposite—that every dollar of tax cut would lose a dollar of revenue. Moreover, as far as I can ascertain, no supply-side economist inside or outside the Reagan Administration ever said that tax cuts would pay for themselves.

President Reagan's economic program was set forth in an inch-thick document. "A Program for Economic Recovery," made available to the public and submitted to Congress on February 18, 1981. Tables in the document make it unmistakably clear that the administration expected the forthcoming tax cut to reduce revenues substantially below the amounts that would be collected in the absence of such a cut. Without the tax cut, revenues were projected as rising from $609 billion in 1981 to $1.159.8 billion in 1986. With the tax cut, they were projected to rise from $600.2 billion in 1981 to $942 billion in 1986. The total six-year revenue cost of the tax cut was thus estimated as $718.2 billion.

As the tax-rate reduction was expected to slow the growth of revenues, receipts as a percentage of GNP were expected to fall from 21.1 percent in 1981 to 19.6 percent in 1986. Accordingly, the document spelled out the necessity of slowing the growth of spending in order to avoid rising deficits. The administration planned to hold the annual growth of spending to 6 percent during 1981–84 and to 9 percent during 1984–86. On this basis, the Reagan budget projected a rise in spending (including the defense build-up) from $654.7 billion in 1981 to $912.1 billion in 1986.

A summary fact sheet showing the expected revenue losses and planned spending reductions was put out for wire transmission. Months of testimony and debate followed, during the course of which the massive revenue losses were in the forefront. After the Economic Recovery Tax Act of 1981 was passed, the Treasury Department issued to the media a comprehensive report on the legislation, including a three-page table detailing the revenue loss for each of its provisions. (Between introduction and final passage of the bill, the estimated total six-year revenue cost had grown slightly, from $718.2 to $726.6 billion.)

But if Reagan in office never predicted self-financing tax cuts, what about Reagan on the campaign trail? Surely he made that claim?

As a matter of fact, he did not. In "Revolution" (1988), Martin Anderson of the Hoover Institution reproduces the economic plan issued by Reagan and his economic advisers (of whom Anderson himself was one) during the 1980 presidential campaign. That plan estimated that 17 percent of the revenues lost by marginal tax-rate reduction would be recouped by increased economic growth. In other words, far from claiming that tax cuts would pay for themselves, Reagan on the campaign trail predicted that they would forfeit 83 percent of the revenues which would otherwise have accrued.

If, however, Reagan officials and economists never made the infamous claim, surely proponents of the supply-side theory like Jude Wanniski, George Gilder, and Jack Kemp did?

But again, as a matter of fact, they did not. In 1975, in an article in the Public Interest entitled "The Mundell-Laffer Hypothesis," Wanniski claimed only that "sufficient tax revenues will be recovered to pay the interest on the government bonds used to finance the deficit" caused by cutting tax rates. In his book, "An American Renaissance" (1979), Jack Kemp used the Laffer curve only to explain why rising marginal tax rates are a disincentive and to argue against static revenue forecasts that ignore the effects of taxation on incentive. And in a letter to the Wall Street Journal in march 1980, Kemp said: "Under some circumstances, cutting tax rates will increase revenue; under others, reduce it."

True, in "Wealth and Poverty" (1981), George Gilder wrote that "lower tax rates can so stimulate business and so shift income from shelters to taxable activity that lower rates bring in higher tax revenue." But this was a nonspecific claim supported by studies of reductions in the top income bracket and in the capital-gains tax rates. Gilder also argued (as did Wanniski in his book "The Way the World Works") that when the top tax rate is reduced, the earnings of the rich rise, "and they pay more taxes in absolute amounts"—a contention that has since been substantiated by Internal Revenue Service statistics demonstrating unequivocally that during the 1980's, when the top tax rate was cut from 70 to 28 percent, the share of the income-tax revenues collected from the top 1 percent of taxpayers rose by 54 percent.

The kindest way to interpret the allegation that supply-siders predicted that the Reagan tax cut would pay for itself is that critics confused an exposition of the upper portion of the Laffer curve with a prediction of the revenue effects of specific legislation. To do so, however, they had to overlook what the supply-siders themselves were actually saying. In a piece of my own in the Wall Street Journal (April 24, 1980), I wrote: "The tax-cut movement in the Congress wasn't based on getting all of the revenues back so the government could keep on spending. Much less were tax cuts advocated as a revenue-raising measure. The issue was whether you got any revenues back as a result of incentive effects operating on the supply side of the economy." And in an earlier Wall Street Journal article (August 1, 1978), I argued that the combination of revenue feedbacks and increased saving would not result in inflationary deficits "if government spending in real terms could be held to current levels for about two years.

It is possible that some members of Congress may have avoided the question of whose ox would be gored with lower spending growth by hiding behind the Laffer curve. However, it is shoddy work for academic economists and financial reporters to misrepresent any such political statement as a government forecast. Moreover, none of the supply-side legislative measures ever claimed that tax cuts would pay for themselves. The two most successful such measures, the Holt Amendment (1977–78) in the House and the Nunn Amendment (1978) in the Senate, explicitly linked marginal tax-rate reduction with spending limits. There is thus literally no basis for the caricature of supply-side economics as the belief that tax cuts pay for themselves.

As for the Reagan budget deficits, close inspection shows them to be the product of an unsurprising failure and an unexpected success. The failure was on the spending side. During 1981–86 federal spending exceeded not only Reagan's targets but also the current policy projections. Instead of spending cuts from the projected baseline, there were—thanks mainly to Congress—spending addons. On the revenue side, conversely, there was a shortfall relative to the budget projections. But this was due not to overestimating the incentive effects of tax reduction, but to overestimating the inflation rate.

The accuracy of revenue forecasts is dependent upon the accuracy of forecasts of nominal GNP, which in turn depend on the forecasts of inflation and real economic growth. In the beginning of 1981 the Reagan administration forecast 11.1 percent inflation for the year, as measured by the consumer price index (CPI), and foresaw inflation falling to 8.3 percent in 1982, 6.2 percent in 1983, 5.5 percent in 1984, 4.7 percent in 1985, and 4.2 percent in 1986. At the time, these forecasts were ridiculed as a "rosy scenario," because they combined falling inflation with sustained real growth—an impossibility according to the "Phillips-curve" relationship which claimed to show that growth in employment and GNP had to be paid for with rising rates of inflation (just as lower inflation had to be paid for by rising rates of unemployment). Since most economists were under the sway of this theory, they refused to believe that the economy could expand for six years without sending inflation substantially higher. Indeed, in their view, to fuel spending through a tax cut when the CPI was already in double digits and when there was an inherited deficit of $70 billion, added up to a prescription for massive inflation.

As it turned out, the administration's inflation forecast was not optimistic but pessimistic. For 1981 the CPI came in at 10.3 percent, almost a point below the forecast. In 1982 inflation measured 6.2 pecent, more than 2 points (or 25 percent) below the forecast. In 1983 the inflation rate was 3.2, only half the amount forecast. In 1984 inflation measured 4.3 percent, 1.2 percentage points below forecast. In 1985 the inflation rate fell to 3.6 percent, almost a full point below forecast, and in 1986 it came in at 1.9 percent, less than half the rate forecast.

The cumulative effect of the unanticipated disinflation was a substantial reduction in the levels of nominal GNP, and hence in the tax base. By 1983 and 1984 nominal GNP was running $300 billion below forecast. In 1985 GNP was $500 billion below projections, and it was about $700 billion below in 1986. (In additon to all this, the 1982 recession, brought about by the Federal Reserve Board's fear of inflation, contributed to the loss of revenues by shrinking real output by 2.5 percent in that year.)

In short, intentionally or unintentionally, critics of Reaganomics misinterpreted the revenue shortfalls caused by the unexpected collapse of inflation and attributed them entirely to the tax cuts.

The insistence by Reagan's critics that the essence of supply-side economics consists of the belief that tax cuts pay for themselves is easy to understand. Without this strawman, there is no way to blame Reagan and supply-side economics for the budget deficits and alleged associated ills that have been used to paint a false picture of the 80's as a decade of failure. For if—as is the fact—Reagan predicted that the tax cut would lose revenues, then it was the conventional Phillips-curve economists who produced the revenue shortfall by overpredicting inflation. It was Paul Volcker, then head of the Federal Reserve Board, who drove down revenues by collapsing the real economy in 1982 in a mistaken attempt to counteract "inflationary tax cuts." It was Congress which inflated the deficit by busting every Reagan budget. And it was Reagan's "pragmatic" advisers, romanticized in the media for refusing to let Reagan be Reagan and veto congressional spending, who allowed the debt to grow out of control.

No matter where one looks, then, the facts contradict what everyone "knows" about the "failure" of Reaganomics.

Just as the case against supply-side economics collapses once there is no Laffer-curve forecast to blame for the deficits, so the debt-fueled-consumption/foreign-dependence argument unravels under close examination. Indeed, it appears that the same economists and pundits who lack the ability to look up the Reagan forecasts in public documents also lack the ability to read balance-of-payments statistics.

Between 1982 and 1983, when the U.S. became a net importer of capital, distinguished academic economists put out the story of foreign money pouring into America to finance overconsumption caused by the Reagan tax-rate reduction. This story became firmly fixed in the world's consciousness and was seen as further evidence that supply-side economics was just an extreme form of Keynesianism leading to excessive, unhealthy consumption. But this story also lacks any basis in fact.

Between 1982 and 1983 foreign-capital inflow into the U.S. actually fell by $9 billion. The change in the capital account of the balance of payments resulted from a $71-billion fall in U.S. capital outflows. During 1982–84 there was no significant change in the inflow of foreign capital into the U.S. However, U.S. capital outflows dropped, from $121 billion to $24 billion—a decline of 80 percent—throwing the U.S. capital account into a $100-billion surplus. It was this collapse in U.S. capital outflow that created the large trade deficit, which by definition is a mirror image of the capital surplus.

Why did American investors suddenly cease exporting their capital and instead retain it at home where it supposedly was subject to reckless policies of inflationary debt accumulation? After all, such a dangerous program as Reagan's was said to be would normally result in capital flight. Why then the sudden preference of American capital for the U.S. as compared, for example, to West Germany, a country with an economic policy that everyone considered sound?

The answer is so obvious that the only mystery is how economists and financial writers could have missed it. The 1981 business-tax cut and the reductions in personal income-tax rates in 1982 and 1983 raised the after-tax earnings on real investment in the U.S. relative to the rest of the world. Instead of exporting capital, the U.S. retained it and financed its own deficit.

As in the case of the tax-revenue shortfall, we are confronted with the spectacle of almost every economist misinterpreting the source of the capital surplus. Economists looked at the net figure, ignored its composition, and, seeing what they wanted to see, erroneously concluded that the net inflow was foreign money financing American overconsumption.

After convincing themselves and many others on the basis of this fundamental error that the U.S. was dangerously dependent on foreign capital, economists began warning of the consequences. The inflow of foreign money to finance our consumption, they declared, was keeping the dollar high, thus wrecking the competitiveness of U.S. industry. Furthermore, our addiction to foreign capital meant that the U.S. would have to maintain high interest rates in order to continue to attract the money, thus undermining U.S. investment and de-industrializing America. If U.S. interest rates or the dollar were to fall, foreign capital would flee, depriving us of financing for the "twin deficits."

This doomsday scenario was rapidly picked up by financial journalists and kept international financial markets unnerved. U.S. economic policy came under ever stronger criticism from our allies. America's "twin deficits" became the scapegoat for every country's problems.

Then, in the autumn of 1985, Secretary of the Treasury James A. Baker 3d engineered the political fall of the dollar, which plunged, along with U.S. interest rates, in 1986 and 1987. Remarkably, foreign capital inflows to the U.S. promptly doubled.

There are other prominent stars in the constellation of misinformation; the U.S. is the world's largest debtor nation; the U.S. has the world's largest budget deficit; and debt-fueled consumption brought on a U.S. savings crisis. Each of these widely believed allegations is a product of the economists' ability to mislead themselves and the public by failing to examine the data.

According to the conventional wisdom, the U.S. became a debtor nation in 1985. By 1988, we were $532 billion in debt to foreigners, as measured by the difference between their investments in the U.S. and our investments abroad. These allegations of massive indebtedness were used to demoralize Americans and to convince them that Reagan produced a temporary prosperity stolen from future living standards, as we would be forced to divert income to the service of foreign debts.

Yet even as economists and financial writers were painting this dismal picture of the U.S. as the world's largest debtor, official statistics showed the U.S. receiving billions of dollars in net creditor income. As it is not possible for a net debtor to have a net creditor's income, something was obviously wrong here. It was this; the data showing us to be a debtor nation were based on historical prices or book values that understated the market value of U.S. foreign investments by hundreds of billions of dollars.

It would have been correct for economists to point out the decline in the net-creditor position of the U.S. as foreigners found America during Reagan's second term a more promising place to invest than their own countries. But this perspective would have pointed to our success rather than to our failure. And in any case, the solution to the problem, if that is what it was, was not for the U.S. to wreck its own investment climate with higher taxes, but for foreigners to cut their tax rates so as to make their economies more attractive to their own capital.

During the 1980's economists made the U.S. budget deficit the scapegoat for the failure of European economies to create new jobs. Sucking away their capital to finance our deficit, it was said, saddled Europe with high unemployment rates. After listening to this story, our allies began demanding that the U.S. become a good world citizen and start cutting its budget deficit. Yet while in absolute dollar amounts, the U.S. in the 1980's did have the world's largest budget deficit, when measured as a percentage of GNP, which is the way economists usually measure deficits, the U.S. budget deficit throughout the 1980's was below the Organization for European Cooperation and Development (OECD) average (as the internationally comparable general government budget balances published twice a year by the OECD made perfectly clear).[1] For example, Canada, Holland, and Spain consistently ran deficits twice as large as ours, while Italy's was four times larger. British, French, and German deficits were not significantly lower, and the Japanese deficit had been lower only since 1984.

As a corollary to the budget deficit, there was the accumulated federal debt, which tripled under Reagan and became a "crisis" that would "doom our future." Yet under Reagan the federal debt as a percentage of GNP rose only slightly higher than the percentage which obtained when John F. Kennedy was President, and it was only one-third of the accumulated debt at the end of World War II. As that much higher debt burden did not destroy our economy or prevent the postwar expansion, why should today's much smaller burdendo so? One answer, given by the economist Paul Samuelson and others, was that we owed this earlier debt to ourselves, whereas we owed the Reagan debt to foreigners. Yet official statistics reveal that the proportion of U.S. debt held by foreigners peaked in 1979, prior to Reagan.

Nor were these the only numbers ignored by the economists. In the mid-1980's the Bank for International Settlements (BIS) published a table showing federal debt as a share of GNP for the U.S., Canada, Japan, and the European countries. Data were provided for 1973 and 1986 and the percentage increase was calculated. During 1973-86 in the U.S., the ratio of debt to GNP had grown 40.8 percent. However, in Germany and Japan, the supposedly successful countries against which our failure was measured, debt as a share of GNP had increased 121 percent and 194.2 percent respectively.

Which brings us to yet another thing everyone "knows": that the Reagan tax cut caused a savings crisis and a drop in investment, with concomitant declines in productivity and median family income accompanied by a rise in poverty. But here yet again the facts tell an entirely different story.

During the 1980's, prices of capital goods in the U.S. rose only about half as fast as the overall U.S. inflation rate. Unless a real or inflation-adjusted measure of investment is used, the decline in the relative price of capital goods can be misinterpreted as a fall in investment's share of GNP. For example, if the economy were adding new factories every year at a 10-percent higher cost, and if other prices were rising by 20 percent, the share of investment as a percentage of GNP would appear to be falling. Economists who have charged that the U.S. is undergoing "disinvestment" have confused themselves and the public by failing to use inflation-adjusted data.

On the surface, measuring investment net of depreciation, or replacement of the capital used in production, seems to be a more appropriate measure than gross investment. However, net investment understates the growth of our productive ability, because it fails to make any adjustment for the shift in the composition of investment from longer-lived assets, such as buildings, to shorter-lived assets, such as equipment, that generate more rapid depreciation. In other words, net investment can appear to be declining when what really is happening is a shift in the investment mix from plant to equipment. And so it has been in the past twenty-five years, during which equipment's share of investment has increased 25 percent. As a consequence there has been a rise in the depreciation rate. Little wonder that the net measure of investment has been falling as a share of GNP for a quarter-century.

In contrast, gross investment is not affected by a change in its composition. In real terms, gross investment as a share of GNP reached a postwar high in the 1980's. This investment performance greatly contributed to the recovery of U.S. productivity growth from its near standstill in the 1970's. Since 1981 American manufacturing productivity has been especially impressive, growing at almost double the postwar average.

During the past year or so, a few economists have finally begun to challenge the false image of American failures. In a recent issue of the Quarterly Review of the Federal Reserve Bank of Minneapolis, Fumio Hayashi of the University of Pennsylvania argues that "the apparent savings-rate gap between Japan and the U.S. is a statistical illusion attributable to differences in the way the two countries compile their national income accounts." Japan values depreciation at historical cost rather than at the higher replacement-cost figure used by the U.S. As a result, Japanese accounting understates the value of assets used in production and makes Japanese investment look higher than it is. The other major source of the savings-gap illusion is the American practice of counting all government expenditures—including roads, bridges, schools, and warships—as consumption, whereas Japan counts such spending as investment. Once the accounting systems are put on an equal footing, Hayashi finds, the notoriously wide difference in the savings rate disappears.

In 1989 two other economists, Robert E. Lipsey of Queens College and Irving B. Kravis of the University of Pennsylvania, who studied savings and investment rates in industrialized countries, reported to the Western Economic Association that the reputation of the U.S. as a nation of spendthrifts depends on careless comparisons and narrow measures of investment. When U.S. savings and investment are broadened to include education, military capital, consumer durables, and research and development, the U.S. rate of capital formation, on a per-capita basis, is seen to be 25 percent higher than the average of industrialized countries. They report that Japan is "at the bottom of the list in the share of investment going into education."

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[1] The hysteria over the U.S. deficit was so pronounced that it eventually spread to the OECD, despite its own published tables.

Other economists have exposed as seriously misleading the Census Bureau's statistics trumpeting the growth of poverty. These statistics, it turns out, omit from poor people's income $158 billion of in-kind assistance. As a recent Heritage Foundation report demonstrates, there are many other paradoxical elements in the Census Bureau's definition of poverty as well. For example, according to official government figures, 38 percent of the persons identified as poor by the Census Bureau own their own homes, of which more than 100,000 are valued in excess of $200,000; 62 percent of poor households own a car, with 14 percent owning two or more; nearly half of all poor households have air-conditioning; 31 percent of poor households have microwave ovens; 22,000 poor households have heated swimming pools or hot tubs. In real terms, Heritage calculates, per-capita expenditures of the lowest income fifth of the U.S. population in 1988 exceeded the per-capita income of the median American household in 1955. And international comparisons reveal that poor Americans eat more meat and live in larger houses and apartments than the average West European.

It is thus not unlikely that a significant percentage of the alleged 31.5 million poor Americans are poor only in a relative sense. But whatever their true number, it is certain that the long Reagan economic expansion, which created 20 million jobs without any rise in the rate of inflation, did not increase poverty.

The misinterpretation of Reaganomics by American economists and financial journalists is in some ways comparable to the misrepresentation by many intellectuals of Soviet experience, now fully exposed by Gorbachev's glasnost—only it is worse, because the evidence showing the origins of the U.S. budget deficit and capital surplus was readily available. The economists and the journalists simply ignored it and launched a crusade to drive out the devil of Reaganomics, which (among its other sins) had been guilty of doing what they said could never be done—creating 20 million new jobs without causing an increase in inflation.

Thanks to the accumulated economic misinformation and disinformation from the 1980's, the Bush administration—taking a step no administration has taken since the Great Depression—has supported tax increases as the economy was moving into recession. Pressed by conventional economists demanding tighter fiscal policy (that is, smaller budget deficits) and looser monetary policy (more money creation). President Bush agreed to raise taxes in exchange for lower interest rates. The combination of high taxes and easy money is the same policy mix that eventually produced the stagflation of the 1970's, from which Reaganomics extricated us, and it is bound to do us harm again.

Conventional economists, ignoring the lessons of their own textbooks (including even Keynes), have pronounced this disastrous policy mix a great victory for the economy. In the course of 1991 they will forget their role, of course, and blame the recession on Reagan's supply-side tax cut of a decade ago. And everyone will come to buy that story, too.

The PRESIDING OFFICER. The Senator has yielded the floor.

The Senator from California.

Mr. SEYMOUR. Mr. President, I yield 2 minutes of time to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

A HAPPY BIRTHDAY TO PRESIDENT RONALD REAGAN

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from California. I am pleased very much to join with my colleagues to wish former President Ronald Reagan a happy birthday today. There is only one slight drawback to this pleasant task: It is discouraging to see President Reagan looking younger every year as the rest of us grow steadily and obviously older.

The Bible tells us that "A prophet is not without honor, save in his own country." Since the same could be said for a prophet in his own time, it must be with the greatest satisfaction that Ronald Reagan has witnessed the vindication of his ideas, policies, and actions not only in his own country but during his own lifetime.

Ronald Reagan was once criticized as a cold warrior, but the truth is that he knew his candid description of the Soviet Union as an "evil empire" was an effective way to encourage the changes that would end the cold war rather than prolong it. When he called upon Mr. Gorbachev in Berlin to "tear down this wall," President Reagan showed that he understood better than most that straight talk is often the best way to speak out for freedom. It is also a characteristically American way, and it is his way.

Ronald Reagan was once attacked as a warmonger and weapons lover by those who never understood that peace comes through strength combined with wisdom. Today we see the Tomahawk cruise missile and the F-117 Stealth fighter—technologies the Reagan critics insisted "wouldn't work"—and Patriot missiles performing splendidly in the Persian Gulf, making accurate strikes and protecting civilians from the missiles of the dictator of Iraq. These new high-technology weapons are being used in concert with the guns of the venerable battleship, the U.S.S. *Missouri*, a vessel the Reagan critics would still have in mothballs. Not a bad record for what some skeptics once called "an untimely and impractical agenda."

While it is true that many changes in the world resulted from the deteriorating Eastern bloc conditions which inevitably accompany collectivism, there can be no doubt that Reagan policies helped stop the transfer of essential modern technology to the Soviets and made it impossible for them to win an arms race with the United States. It was precisely the Reagan combination of candor, courage, intransigence, and vision that helped produce the remarkable changes we see today, where the United States and the Soviet Union have joined to protect an innocent Arab nation from an Arab aggressor. If anyone had predicted this as little as 2 years ago, he or she would have been subjected to the most severe ridicule.

As the Gipper rides his horses, works around his ranch, and enjoys life in his beloved California—and as he views the fruits of his extraordinary foresight and his conscientious service to the Nation—let us join in wishing that this, his 80th birthday, is the best so far. Many happy returns, Mr. President.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from California.

Mr. SEYMOUR. I yield 3 minutes of time to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 3 minutes.

PROUD TO WISH HAPPY BIRTHDAY

Mr. DOMENICI. I thank my friend from California.

Mr. President, hereafter whenever I say "Mr. President" in my 2½ minutes, I am talking to Ronald Reagan.

Mr. President, I did not know you well when you became President of the United States. I think you know and I know I was not active in your campaigns, nor was I a part of that group that helped you start your national elective office and brought you here to Washington. But, Mr. President, I am very proud to wish you a happy birthday—and I use the word proud because I could give Senator GRAMM's speech, Mr. President, perhaps not as eloquent as he, but I could give a long litany of things that changed in America because you were here. But I think none of them would have changed if the American spirit had not changed.

I believe when you arrived in Washington, DC., the spirit of America was at an all-time low. That meant average Americans did not believe in their country's goodness; they did not believe that their country was a great country. And I have become convinced, Mr. President, that you were right; that unless you moved that spirit and raised Americans so that they were proud again, so that they believed America was proud and then that pride spilled over into their daily lives, this great democracy had no chance. The converse is true. America, without pride in itself, is dead. You brought it back to life, and what the world saw was a fantastic eruption, when that pride filled America, with can-doism everywhere and the world caught on and it became a can-do world.

You were not quite here long enough to see it spill over, and freedom, which is the natural result of being a friend of America and being an admirer of America, you must be free. You were not here long enough to see it where it caught on all over the world. I hope you are pleased with your 8 years as President of the United States because many of us who worked with you are, but I do not think that is very important. What I think is extremely important is that America is much better because of you and, strangely enough, so is the world. Because when America is better off and proud and healthy and thinks well of herself, somehow or another, the world is better off.

Thank you very much. Happy birthday, Mr. President.

The PRESIDING OFFICER. The Senator has yielded the floor. The Senator from California.

Mr. SEYMOUR. Mr. President, I yield 3 minutes of time to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 3 minutes.

TRIBUTE TO PRESIDENT REAGAN

Mrs. KASSEBAUM. I thank the Senator from California. It is a great pleasure to join with my colleagues in paying tribute to President Reagan on his 80th birthday and extending to him and to Mrs. Reagan our best wishes for the future and our thanks for their years of dedicated service.

It was a great pleasure and an honor for me to serve in the Senate through the 8 years of Ronald Reagan's Presidency, with his obvious dedication to the goals which had always guided him and which he believed were important goals for this Nation, with his sense of humor, and with his recognition of the value of the traditions which have guided us in this country. He believed that had a message for the rest of the world. It was, indeed, a message that has served us all well.

As certainly we are all very aware now, we are engaged in a test of will between a ruthless dictator and an international coalition led by the United States. We should have no doubt about the outcome of this test. The international coalition will prevail, and it will do so in no small measure because of contributions made in years past by Ronald Reagan.

The American forces now assembled in the gulf and the international alliance itself might never have come into existence without the strong foundation laid by President Ronald Reagan. The same certainly can be said of the rapid improvement of United States-Soviet relations in recent years and arms control treaties already signed or now under final negotiations.

Ronald Reagan's gift to us all was an America strong enough to defend its interests and, perhaps more importantly, confident enough to negotiate with potential adversaries in seeking a better, more secure world. All of us owe a debt of gratitude to our former President, a debt that cannot and will not be forgotten. We can best repay that debt by building on the foundation he created for us.

Happy birthday, Mr. President, and many more to come.

The PRESIDING OFFICER. The Senator yields the floor. The Senator from California.

Mr. SEYMOUR. Mr. President, I would like to yield 4 minutes of time to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 4 minutes.

THE BOLD LEADERSHIP OF PRESIDENT REAGAN

Mr. D'AMATO. Mr. President, I am deeply privileged to be able to pay honor and respect and to join with my colleagues in extending President Ronald Reagan congratulations on his 80th birthday today.

Today more than ever, Mr. President, I think America should be grateful for the bold leadership of President Reagan. I recall the vilification the President and those who supported him received as it related to his policies of seeing to it that America was strong, that our young men and women, America's finest, had the best.

Mr. President, it was just last week this Senator returned from Israel and while in Israel saw brave people under ruthless terrorist attack as Saddam Hussein's Scuds came into Israel, as they created panic, as fear of gas attacks could be felt all over. The one thing that made this situation tolerable was a defensive system President Reagan worked for and supported, to see to it that it was enhanced. He had to fight both in 1985 and 1987 to see to it that the Patriot missile systems were enhanced.

I say thank God for President Reagan and for his leadership, for the fact he was undeterred by those who sought to paint him as one who wanted to spend more money on arms than were necessary. It was necessary, and the proof today is that our young men and women have the best so they can defend freedom. And, yes, it was Ronald Reagan who unshackled the productivity of America, who cut taxes, who gave people an opportunity to be what they could be, the best, who brought back and inculcated us with the spirit that we were the best and we could achieve anything.

That is so important for us to understand and to know.

It was Ronald Reagan who challenged the evil empire and called it for what it was, because it was, indeed, an empire that enslaved people and dashed their hopes and aspirations. That is what the Communist machine was.

We see freedom in Eastern Europe. We see freedom because Ronald Reagan was not afraid to stand up to evil and to say that we were not going to turn a blind eye to what others were doing. So our hopes for freedom and the aspirations of people throughout the world to seek to live in peace, yes, have been given a vitality, a vibrance. We see people who have that opportunity and would not have were it not for the bold, yes, decisive leadership of Ronald Wilson Reagan.

Mr. President, I was honored to serve for 8 years with Ronald Reagan. There is no doubt in my mind that had it not been for his inspiring campaign of 1980 this Senator never would have had the opportunity to be of service and in some way make some kind of contribution to that effort, particularly as it related to freeing the dignity and the spirit and the soul of Americans and let them know they are special and, indeed, the entire world looks to the United States.

President Reagan brought back that spirit, and, yes, the opportunity for all of us to achieve what God has given us on the basis of our ability. And, yes, I believe we see Americans doing God's work in confronting evil as we do today. We have armed our soldiers with the best. Yes, he is truly a great patriot and I am pleased to join in wishing him continued success, continued health, and prosperity. And may he have many, many birthdays that he can share with his beloved countrymen.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

The time of the Senator from California has also expired.

EXTENSION OF MORNING BUSINESS

Mr. SEYMOUR. Mr. President, I ask unanimous consent to extend this period of time so other Members may recognize President Reagan on his birthday.

The PRESIDING OFFICER. Does the Senator state a specific period of time?

Mr. SEYMOUR. I believe, Mr. President, that 10 minutes would be adequate.

The PRESIDING OFFICER. Is there objection? Without objection, the time for morning business and the time assigned to the Senator from California under the previous order is extended.

The Senator from California.

Mr. SEYMOUR. I thank the Chair.

I yield 5 minutes of time to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

A GREAT MAN, A GREAT FRIEND

Mr. NICKLES. Mr. President, I also wish to join with my colleagues in this tribute to Ronald Reagan, who in my opinion is a great man and great friend, as we celebrate his 80th birthday.

Mr. President, Ronald Reagan was truly a great President of the United States. He changed a lot of things for the better in this country for a lot of people. He certainly changed politics. He was probably more responsible than anyone for changing the political makeup in this body when he helped elect 16 Republican Senators out of 18 new Senators in 1980 and Republicans retook control of the Senate for the first time in 28 years. He really helped develop a two-party system in this country. I think that is healthy for this country. I congratulate him for that.

He changed not only politics but economics. He was probably more responsible than anyone else for the dramatic reduction in the personal income tax rates. When he was elected President of the United States, personal income tax rates ran all the way up to 70 percent. Ronald Reagan stated time and time again he believed individuals should be able to work more for themselves than they did for Government. He was successful in reducing personal income tax rates down to 33 percent, 28 percent, 15 percent, and zero percent for those people on the lower end of the economic scale.

He turned America's economy around. When he was elected, we had inflation rates that were 13 percent. He cut it by a third. We had interest rates that were over 21 percent. He cut them by more than half. We had unemployed at almost all-time highs. He was responsible for the longest economic rebound this country has ever seen.

And we have now employed something like 18 million more people than we did back in 1981 and 1982.

Ronald Reagan changed not only this country and the economics of this country, but he changed the world. He believed in a policy of peace through strength, and we now have seen some of the fruits of that endeavor.

I remember a speech that he made in Berlin when he challenged Mr. Gorbachev to tear that wall down. A lot of people, a lot of the political pundits, scoffed at him. Yet I think he, more than anyone, is responsible for the decline of communism, and really the inspiration of freedom throughout Eastern Europe, throughout Latin America, throughout South America; Ronald Reagan symbolized personal, economic, and religious freedom.

He made those speeches; he convinced people. People would look at the United States and see that we had something they did not have, and that was freedom. Ronald Reagan, more than anyone that I can think of, was responsible for basically the selling of America; that positive attitude. He left us a legacy of which I think we all as Americans certainly can be proud.

He renewed the spirit of America.

Mr. President, when we look at the changes that happened worldwide, when we see the changes that have happened in the U.S. military, when we see the renewed strength of his policy of peace through strength, his policy of standing up to communism, standing up to dictatorships, I think we can all be proud of our affiliation, our relationship, and our friendship with truly a remarkable human being who not only changed the United States, but changed the world for the better.

I am proud to call Ronald Reagan my friend. It was certainly a pleasure to work with him during his 8 years as President of the United States, and it is my opinion he will go down in history as truly one of the great Presidents of this great country.

I yield the floor.

Mr. SEYMOUR. Mr. President, I yield 5 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. SIMPSON. Mr. President, I thank the Senator from California, and greet him as again being a fine new Member of the U.S. Senate and a great addition to this body for the marvelous thing he is doing today in arranging for this tribute to Ronald Reagan.

A GREAT AMERICAN

Mr. SIMPSON. Mr. President, I want to pay tribute to a great American on his 80th birthday, former President Ronald Reagan, who is in California today, hopefully kicking up his heels with a little celebration on this day. I am sure he is not in a sedentary activity. He is probably doing a little riding; cutting up a little brush. He and Mac Baldrige used to enjoy their riding out there when Mac was very much a part of our Cabinet, and a very beloved member of that Cabinet.

There is so much I could say to praise the former President. The able Senator from Oklahoma has addressed those economic and domestic issues. One could spend a lot of time going over his remarkable life and all his accomplishments. That would take days.

But I do want to say that of all the gifts we could give Ronald Reagan on his 80th birthday as a nation, none of them could come close to the rare gift he has given each and every citizen of the United States in his years here. A self-worth, a renewed energy, and renewed self-esteem.

Right now, as we pray for the half-million-plus Americans who are fighting the tyranny of Saddam Hussein in the Middle East, I think it is very appropriate for each of us to reflect that one of the reasons we are enjoying the success we are achieving so far is because of the foresight, the leadership, and the preparation by Ronald Reagan during the 8 years of his administration with his companion, Vice President George Bush.

I frankly would shudder to think where we would be right now if President Reagan had not fought for it, and it surely was not an easy fight. I remember how he fought for the military budget, and he fought with great vigor. He was subject to derision and ridicule, and harping from the cliffs. Oh, yes, I remember all of that.

If just one gentleman placed in the toolbox of the Pentagon all of the tools that have enabled us to fight a 3-week war with less than 50 casualties, I would shudder to think where we would be without this preparation. We simply would not be in position to confront the hideous threat of Saddam Hussein and what he stands for.

God willing, when we persevere against Saddam Hussein, and we most certainly will, the credit for our success must certainly be shared by this remarkable American leader who gave us so very, very much.

Happy birthday to Ronald Reagan. You have been in many of our thoughts today and in the last weeks, and we wish you the very best. But of all the gifts and blessings you deserve on your 80th birthday, the most appropriate and humble offering we can bestow is simply our thanks.

So thank you, thank you very much for everything you have done for our Nation. And may you and that dear helpmate at your side, Nancy Reagan, that spirited woman and the light of your life—may she, too, accept the grateful prayers as you go about your personal style of meeting people, enjoying people, loving life, and may you have many more years of life to savor. You are a great friend to a grateful Nation.

God bless you.

The PRESIDING OFFICER. The Senator from California has 58 seconds.

Mr. SEYMOUR. I yield the remaining time, Mr. President.

The PRESIDING OFFICER. All time has expired.

Mr. SEYMOUR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for about 4½ minutes.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

PRESIDENT REAGAN'S 80TH BIRTHDAY

Mr. MURKOWSKI. Mr. President, today I rise to join a number of my colleagues in celebration of the 80th birthday of Ronald Reagan, our 40th President.

Americans called upon Ronald Reagan to lead our Nation during a deeply troubled time. I remember those times well, as a Member of this body, and I remember well the times that we came in as a team in 1980.

I think we will recall that the relations between the superpowers at that time were at a historic low. Our military capability was much impaired after some years of neglect; unemployment, inflation, and interest rates were approaching record-level highs. Economic growth was stagnated. The cruel hand of recession gripped our Nation. We have heard about the decline of America. At that time, that voice was heard the world over. These were the challenges that faced Ronald Reagan on his inaugural day and, yet, despite the long odds, the 8 years that followed truly became known as the Reagan revolution.

Under his leadership, a new relationship between the superpowers was forged; the cold war was won, and the foundations of a new world order, which President Bush has commented on time and time again, were basically laid.

As a consequence of Ronald Reagan's free market philosophies, the Nation enjoyed the longest sustained period of economic growth in our history.

Under Ronald Reagan's guiding hand, the premature reports of America's decline gave way to pride and conviction for "The Next American Century." Ronald Reagan was certainly the force, the vision behind all of this change.

He was also our friend. I remember one night when President Reagan and Mrs. Reagan visited Fairbanks, Alaska; they were there to join in a historic meeting with His Holiness Pope John Paul II. My wife Nancy and I had the honor of having them stay in a new home we had built, a home that had never been occupied, in Fairbanks. This is kind of an interesting story. Everything was proceeding according to plan. As I have indicated, the home had never been occupied. They came in at about 2 o'clock in the morning and, evidently, there was some temperamental plumbing problem in the home which necessitated some late night phone calls to the plumber, and that perplexed the team of Secret Service men. Throughout the ordeal, the President and Mrs. Reagan exhibited nothing but warmth, good humor, and charm. The next day the President told me that he had little trouble solving it. He said, about 4 o'clock in the morning he was in the closet reading the instructions on the water tank. It took a little while to circulate the hot water in the house. He had been used to a little quicker use in the White House where you just turn the water on and it is hot. In any event, it was a personal, real life story of Ronald Reagan's charm, wit, and his ability to deal with situations at home.

Indeed, Ronald Reagan seems bigger than life, and history will certainly regard him as a giant among American Presidents. He is also a friend, a man of generous nature and warmth, and a man of true humanity.

Our family joins with his family in wishing him the very best on his 80th birthday, and may God bless him and keep him through many happy returns. I think all would agree that our Nation owes a great debt for his commitment and fortitude and perseverance.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the Chair.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 371, S. 372, and S. 373 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE 80TH BIRTHDAY OF PRESIDENT REAGAN

Mr. CHAFEE. Mr. President, I know that others have spoken about the 80th birthday of President Reagan. I would just like to add my congratulations to President Reagan on this, the occasion of his 80th birthday.

When we think of President Reagan, we think of the charm and good will and good humor that he constantly expressed. We think of the leadership that he gave to this country for 8 years. We think of his ability to respond swiftly in case of emergencies. We think of a man of great wisdom.

I had the privilege of being part of the leadership for 4 of those years and attended the meetings at the White House rather regularly. The President was not a man who wanted to micromanage everything. He took the broad issues and concentrated on them. I think he will go down as one of the finest Presidents we have ever had.

So on this, the occasion of his 80th birthday, 8 decades, 4 score years, we wish to him all kinds of happiness and good health. I know as far as health goes he takes good care of himself, he has always paced himself.

I must say, Mr. President, little incidents stand out in our memories. I can remember the first time I ever met President Reagan. At that time, he was a candidate for Governor of California, it was probably in 1966, maybe it was 1964. We were in California for the National Governors Association Convention. The State Republican chairman invited the Republican Governors to meet this candidate for Governor of California at a local country club one Sunday.

So we went out there. There were about 25 or 30 of us, I guess. We went out there to meet with President Reagan. Subsequently, of course, he was elected Governor of California. I, at the time, was serving as the Governor of our State. He from the most populous State, me from one of the least populous States and certainly in size the smallest State.

But I had great pleasure working with him on different issues, whether we were meeting in Colorado Springs or we were meeting in California. One year, the Republican Governors met in Palm Springs, CA, where he was host. Subsequently, he came to our State for a fundraiser. Always showing great, good humor. The patience of the man was astonishing, as he would go through the rituals that politicians were required to go through. Then, as I mentioned previously, I had the pleasure of working with him when I was part of the leadership and we would go to the White House for the meetings.

So he is a grand person, one we look back on with great affection and respect and wish him all the very, very best in the years ahead.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Alaska is recognized.

A TRIBUTE TO PRESIDENT REAGAN

Mr. STEVENS. Mr. President, first I want to join in the tribute to President Reagan and to wish him a very happy 80th birthday. I have great many memories of the times that we all spent with him during his administration. It was my privilege at that time, during the first 6 years of his administration, to be serving in the leadership, and we had many occasions to meet with him.

I savor the memories of those times and the times that my wife Catherine and I were able to spend with the President and Nancy, even including right up to the last minute when they left after the inauguration of President Bush. It is hard to realize that time has gone by so fast since President Reagan was inaugurated, but I am sure all of us send him our best regards.

TRIBUTE TO PRESIDENT RONALD REAGAN

Mr. COATS. Mr. President, I rise to join my colleagues today to pay tribute to our 40th President, Ronald Wilson Reagan, on the occasion of his 80th birthday.

"Win one for the Gipper." Those words spoken by Ronald Reagan playing George Gipp in the celebrated film, "Knute Rockne: All American" echo through American culture, especially Hoosier culture, as a simply expression of American courage, grit, and pride. It is sort of a happy coincidence that our 40th President has become so closely identified with such a cherished bit of Americana, but, in my mind, it is no accident.

The story of George Gipp is not unlike that of the story of Ronald Reagan. A midwestern boy makes good, and leads his team to victory against all the odds. If you've ever been to Notre Dame's lovely campus in South Bend, IN, it is easy to understand why George Gipp and the story of Notre

Dame's football team captured the imagination of moviegoers as well as Americans from all walks of life. The story of Ronald Reagan's life is similarly inspiring. He came from a family of modest means, but worked his way through school and found his fortune—first in movies and then in government.

One of the things that impressed me most about President Reagan during my tenure in the House of Representatives was his unceasing concern for and work on behalf of American families, and traditional values. His efforts on behalf of the unborn, rebuilding the nuclear family, encouraging families to look inward to each other for solutions to their most basic problems, and not always toward the Government—all these things bespoke a very real interest in and appreciation for the importance of the American family as the most basic building block of our society. President Reagan and I worked together to double the personal exemption, to help give families more of their own hard earned dollars back. We worked together to help give parents more say in their children's education, to encourage the bolstering of character, and to reemphasize basic skills. We worked together to let the family heal itself. I am proud of our many social policy gains made during the Reagan revolution.

Under President Reagan's stewardship, we turned a tide of pessimism in this country which ran rampant through the words and deeds of our national leadership. We became a strong Nation once again with a revived commitment to maintaining peace through strength and a renewed recognition of our greatest resource—the American people.

Ronald Reagan's call for a defense against ballistic missile attack, or the strategic defense initiative, was prescient indeed. In the past few weeks, the world has witnessed the successful use of a missile defense system and the vulnerability of nations lacking such a defense. Clearly, countries like Iraq cannot be expected to follow the arcane logic of the doctrine of mutual assured destruction nor to be bound by a treaty created to govern United States-Soviet relations. The naysayers who vehemently opposed President Reagan's initiatives, claiming such a defense system would not work and should not be deployed, should reevaluate their positions today.

Ronald Reagan showed us, however, that our true secret weapon was our people. In presiding over the greatest peacetime expansion of our economy that this Nation has ever seen, President Reagan implemented progrowth policies to unleash the resourcefulness, ingenuity, and potential possessed by each and every American. He restored opportunity to those previously hindered by the economic policies of leaders who lacked the unending vision that true liberty provides. Ronald Reagan renewed our faith in ourselves and our ability to achieve the American dream. President Reagan initiated this revitalization and we must continue the course of growth so that all Americans may share in the American dream.

Thus, on his 80th birthday, let us recommit ourselves to the powerful ideas of a great leader—a peace premised on strength, growth fueled by the potential of the American people, and a society based on the bedrock of the family.

Mr. STEVENS. May I inquire, is it proper at this time to have regular morning business?

The PRESIDING OFFICER. There is no pending business. A motion to proceed as in morning business is in order.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be able to proceed for a few minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. STEVENS. Mr. President, I want to share with the Senate an important new development on the issue of exploration and development of the coastal plain of the Arctic National Wildlife Refuge in Alaska. It is a subject we are going to be discussing at length, I am sure, on the floor of the Senate in this coming year.

On Monday, Secretary of Interior Manuel Lujan announced the findings of a new Bureau of Land Management analysis of ANWR—that is what we call the Arctic National Wildlife Refuge—oil resource potential. That assessment concluded that the potential for the discovery of economically recoverable oil on the coastal plain of ANWR is extremely high. In fact, it is much higher than we previously thought.

In 1987, the Department of the Interior completed its first study of the oil resources beneath the coastal plain of ANWR. That is known as the 1002 report. That report estimated that the volume of recoverable oil on the plain of the Arctic from a low of 600 million barrels—that is still a pretty large field in the south 48—to a whopping 9.2 billion barrels of oil. That would be a world class discovery.

I remember at the time when we first were looking at Prudhoe Bay, the estimate was that there was a 1-percent chance that there would be a billion barrels. We have already produced 9 billion barrels from Prudhoe Bay, Mr. President.

The likely probability of discovering commercial quantities of oil at ANWR has been set at 29 percent, not the 1 percent that I mentioned for Prudhoe Bay. And if we look at this report, they are really incredible figures; they are figures of optimism.

The Secretary revised those figures of that 1987 report yesterday. Based upon a review of four additional test wells—this is not just guesstimates based upon the structures—but test wells drilled north of the coastal plain, an analysis of the 800 line miles of reprocessed geophysical data based on those test wells and a study of seismic data collected from offshore of ANWR, the chances of finding oil in ANWR are now doubled as compared to the 1987 report which, as I said, were very optimistic and were quite large compared to that of the Prudhoe Bay. The marginal probability of finding oil in this part of the Arctic increased from 19 percent from the 1987 1002 report to an overwhelming 46 percent.

To put those figures in perspective, there is a 1-in-100 chance of locating oil in any average field in the United States. A 1-in-3 chance of hitting an oil well is considered to be an excellent prospect anywhere in the world. Having a 19 percent chance of finding oil was a world-class prospect based on the 1987 report, but to have an almost 50-50 chance, a 46 percent chance of discovering oil is a once-in-a-lifetime occurrence for anyone in the oil business.

This new report also upgraded the estimated size of the field. In 1987, ANWR was estimated to have 3.23 billion barrels of oil. That figure has been increased to 3.57 billion barrels. That is an increase of 340 million barrels. That is the size of any of the gigantic fields of the south 48.

Yesterday, Chairman JOHNSTON and Senator WALLOP introduced legislation which would open ANWR to environmentally sensitive development. Their bill contains what we call a blackmail clause, a provision I cannot support, and I will be discussing it more on the floor later. Senator MURKOWSKI and I also have an ANWR bill pending.

As the Senate begins deliberations on these measures, I urge the Senate to contemplate the great energy storehouse that Alaska has to offer the Nation in this time of need.

Mr. President, I ask unanimous consent that a statement issued by the Department of the Interior and the report of that statement printed in the Anchorage Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Factsheet, Arctic National Wildlife Refuge]

RECOVERABLE OIL RESOURCE UPDATE

In 1987, the Secretary of the Interior provided Congress with an analysis of the oil resources beneath the 1.5 million acre coastal plain of the 19 million acre Arctic National Wildlife Refuge (ANWR). Congress requested the assessment of the coastal plain's oil resource potential in section 1002 of the Alaska National Interest Lands Conservation Act of 1980.

The Secretary reported that the coastal plain is the most outstanding petroleum exploration target remaining in the onshore United States. The estimated volume of recoverable oil in the coastal plain ranged from 600 million to 9.2 billion barrels, with a mean of 3.2 billion barrels. The marginal probability of discovering economically recoverable oil was estimated to be 19 percent, and the minimum size of economic oil fields was estimated to be 440 million barrels.

Based on available projections of U.S. oil demand, domestic production, and imports, the Secretary estimated that at its peak, the production of 3.2 billion barrels of oil from the coastal plain would provide 8 percent of U.S. domestic oil production, 4 percent of total U.S. demand, and reduce imports by nearly 9 percent. In addition, this production would provide net national economic benefits of $79.4 billion, including Federal revenues of $38 billion.

The Secretary estimated that exploration and development of 3.2 billion barrels of oil would directly affect only 12,650 acres or 0.8 percent of the coastal plain. This is equivalent to affecting an area the size of Washington D.C.'s Dulles Airport in an area the size of the State of Delaware.

In May, 1990, the Department of the Interior's Assistant Secretary-Land and Minerals Management asked the Bureau of Land Management (BLM) to review geological and geophysical data developed after the 1987 assessment and to determine if that new information changed the Bureau's estimate of recoverable oil resources in the coastal plain. If its estimate changed as a result of new information, it was asked to determine the economic consequences of leasing the oil resources for exploration and development.

The BLM initiated its reassessment in June 1990. New information used in the reassessment included geological data from four wells drilled near the coastal plain, 800 line miles of reprocessed geophysical data collected from the coastal plain, and some additional seismic data from offshore areas near the coastal plain.

In February, 1991 BLM notified the Assistant Secretary that it had completed its reassessment of the new information and had drawn the following conclusions on economically recoverable oil beneath the coastal plain.

(1) The marginal probability of economic success (i.e. the potential for oil recovery) increased from 19 percent in the 1987 assessment to 46 percent.

(2) The mean resource estimate of economically recoverable oil in the coastal plain increased from 3.23 to 3.57 billion barrels.

(3) The minimum economic field size (MES) decreased from 440 to 400 million barrels of oil.

These conclusions are currently being reviewed within the Department of the Interior.

The BLM is continuing its reassessment of economics of developing the oil resources of the coastal plain. That reassessment is based in part on information recently published by the Department of Energy. The BLM has not completed this portion of the reassessment. This portion of the reassessment is scheduled to be completed by April 1, 1991.

Based upon BLM's reassessment, the Department believes that the resource estimates contained in the 1987 report to Congress are accurate. The coastal plain of ANWR is viewed to be an integral part of the North Slope oil province which includes Prudhoe Bay and Canadian discoveries in the MacKenzie River Delta. The potential for the discovery of commercially producible oil in the coastal plain is extremely high.

[From the Anchorage (AK) Times, Feb. 5, 1991]

STUDY IMPROVES ODDS OF ANWR DEVELOPMENT

(By E. Michael Myers)

WASHINGTON.—The Interior Department on Monday predicted oil companies would have about a 99 percent chance of finding a commercially productive oil field beneath the Arctic National Wildlife Refuge's coastal plain, despite earlier studies showing much lower odds.

The agency earlier said there was only a 19 percent probability of finding an economically viable oil field beneath the 1.5 million-acre plain on Alaska's North Slope.

"This has risen to 46 percent," said Steve Goldstein, a spokesman for Interior Secretary Manuel Lujan.

The prediction was released by the agency at the close of a briefing on its new budget. It likely will trigger a heated battle between environmentalists, who have made preservation of the refuge a legislative priority, and those seeking to open the refuge to exploration and development.

The department projected congressional approval of ANWR exploration this year, with the part lease sale in late 1993 generating $1.9 billion.

"For purposes of engaging the public debate on ANWR, we are obliged to release these preliminary figures which, if they hold up, put a new perspective on the ANWR debate." Goldstein said.

The department's estimate of recoverable oil in the refuge did not increase, but it said 10 new prospects or "traps" were identified in a survey last year.

The department previously estimated the refuge's coastal plain could yield between 600 million and 9.4 billion recoverable barrels of oil. The agency said its estimate of economically recoverable oil has increased to 3.57 billion barrels, from earlier estimates of 3.23 billion.

Lujan said the federal government assumes, for budget purposes, it will collect the entire $1.9 billion.

The oil industry has considered a 20 percent chance of finding oil as exceptionally good.

Sen. Bennett Johnston, D-La., chairman of the Energy and Natural Resources Committee, said he would introduce a bill today calling for oil drilling on the coastal plain, but giving the state no more than 50 percent of the royalties.

Sen. Ted Stevens said the bill includes a "blackmail clause" that would force Alaska to accept a 50 percent split instead of the 90 percent the state usually receives. If Alaska sued to get 90 percent of the royalties, there could be no development of ANWR, Stevens said.

"I do not see any reason to rush to pass this at any price," he said. "I think we are in for a nice, long battle."

Rep. Don Young, R-Alaska, has introduced a House bill to develop ANWR. Sens. Stevens and Frank Murkowski are trying to push a similar measure through the Senate.

But Gov. Walter J. Hickel said there is room for discussion.

"We want ANWR open, we said we would negotiate," Hickel said.

Hickel was in Washington for the National Governors Association conference and is scheduled to address the National Press Club in Washington today (9 a.m. broadcast KSKA, FM 91).

The agency's announcement came hours after Hickel and Lujan discussed issues facing Alaska.

Mr. STEVENS. Mr. President, may I inquire of the leader if it is proper at this time to call up a special Senate resolution and have it acted upon by the Senate?

Mr. MITCHELL. Mr. President, the answer is in the affirmative, assuming we do it prior to 3:30.

COMMENDING DAVID BAUMEISTER

Mr. STEVENS. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 50) to commend David Baumeister for a lifetime of service to his community.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I am grateful to the leadership for its prompt action in clearing this resolution. It is very important and timely as a gesture of good will and faith in a very dear friend of mine who is at this time sort of under the weather at home. It is a chance to offer our congratulations to him for a lifetime of service to our country and to our State.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 50) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 50

Whereas the programs which do the most to define the character of any community are made possible through the commitment and resourcefulness of volunteers;

Whereas volunteerism is particularly important to the success of organized athletics for young people as well as to amateur athletics;

Whereas David Baumeister born February 19, 1944, served his country as an Army helicopter pilot, including service in Vietnam, before becoming a commercial helicopter pilot;

Whereas he has resided in Anchorage, Alaska, since 1969;

Whereas Mr. Baumeister has established himself as a leader in Alaska's business community during a successful career in aviation, first as a helicopter pilot, then working his way up and ultimately becoming president of his firm in 1984;

Whereas, while achieving success in business, he has also been selfless in committing himself to community service in many forms, including several programs for the benefit of Anchorage's youths;

Whereas Mr. Baumeister has served on the Board of Directors of the Anchorage Boys

Club, the Board of Junior Achievement of Alaska and is the current president of the Anchorage Hockey Referee Association;

Whereas he has served as President of the Anchorage Olympic Organizing Committee, which led successful efforts to name Anchorage as the United States' candidate for the site of the 1992 and 1994 winter olympic games; and

Whereas Mr. Baumeister's contributions have improved the lives of the residents of Anchorage and helped to establish the international caliber of winter sports in Alaska: Now, therefore, be it

Resolved, That the Senate of the United States commends David Baumeister for a lifetime of contributions in business and community service which have set an example for the people of Alaska and of the Nation.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROVIDING FOR A CONDITIONAL RECESS OR ADJOURNMENT OF THE HOUSE AND SENATE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 59 now at the desk, a resolution providing for a conditional recess or adjournment of the House and Senate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 59) providing for the adjournment of the two Houses.

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, February 6, 1991, it stands adjourned until 12 o'clock meridian on Tuesday, February 19, 1991, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 7, 1991, or Friday, February 8, 1991, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stands in recess or adjournment until 2:30 post meridiem on Tuesday, February 19, 1991, or until 12 o'clock meridian on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 59) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar Nos. 18 and 19; that the resolutions be agreed to; and that the motion to reconsider the adoption of the resolutions be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERVICE ON THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

The concurrent resolution (S. Con. Res. 10) to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the chairman of the committee, was considered, and agreed to; as follows:

S. CON. RES. 10

Resolved by the Senate (the House of Representatives concurring), That effective for the One Hundred Second Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee of the Congress on the Library in place of the Chairman.

APPOINTMENT OF SENATE MEMBERS OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF THE CONGRESS ON THE LIBRARY

The resolution (S. Res. 35) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library, was considered, and agreed to; as follows:

S. RES. 35

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Ford of Kentucky, Mr. DeConcini of Arizona, Mr. Gore of Tennessee, Mr. Stevens of Alaska, and Mr. Hatfield of Oregon.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Pell of Rhode Island, Mr. DeConcini of Arizona, Mr. Moynihan of New York, Mr. Hatfield of Oregon, and Mr. Stevens of Alaska.

VERMONT BICENTENNIAL DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 58, designating Vermont Bicentennial Day and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution, with its preamble, is as follows:

S.J. RES. 58

Whereas 1991 marks the bicentennial of the end of the proud fourteen-year history of the Republic of Vermont;

Whereas the Republic of Vermont gave unstintingly to the cause of independence of the original thirteen colonies;

Whereas the Republic of Vermont became the State of Vermont on March 4, 1791, the first Republic to become a State and the fourteenth State to join the Union;

Whereas the State of Vermont has continued to contribute to the Union over the past two hundred years, first in agriculture, then in manufacturing, and always in education and political thought;

Whereas Vermont has been a leader in the preservation and use of its natural resources for the benefit of its own citizens, citizens of other States, and for generations of all citizens to come; and

Whereas on March 4, 1991, Vermont will begin its third century of statehood: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 4, 1991 is designated as "Vermont Bicentennial Day", and the President is authorized and requested to issue a proclamation acknowledging the contributions of the people of the State of Vermont during the past two hundred years.

ORDER FOR STAR PRINT—S. 134

Mr. MITCHELL. Mr. President, on behalf of Senator THURMOND, I ask unanimous consent that a star print be made of S. 134, to establish the U.S. Marshals Association, to reflect corrections I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator SMITH be recognized to address the Senate for not to exceed 5 minutes, and that upon the conclusion of his remarks, the Senate adjourn until 5 p.m. today; that when the Senate reconvenes at 5 p.m. today, the Journal of the proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule, and the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized for not to exceed 5 minutes.

Mr. SMITH. I thank the majority leader, and I thank the Chair.

HAPPY BIRTHDAY TO PRESIDENT REAGAN

Mr. SMITH. I would like to add my comments to those of the many of my colleagues who have gone before me to congratulate Ronald Reagan on the occasion of his 80th birthday.

President Reagan's birthday had a special meaning in my family because that was my grandmother's birthday, February 6. She was in good company. She also decided to marry my grandfather on the same day, on her birthday. And so when Ronald Reagan's birthday came around, that was always a very special day for two reasons—three, actually—in my family.

So I want to say happy birthday, Mr. President, and just to add a couple of comments in reminiscing about Ronald Reagan.

Of course, in the New Hampshire primary, Mr. President, it was, it seemed to me, a time when Mr. Reagan, in 1976 through 1980, decided to come to New Hampshire many times. I recall in the 1980 primary, when Ronald Reagan and George Bush were going at it pretty well in that primary, a few of us living in some of the small towns in New Hampshire, suggested that then Governor Reagan come to our small towns and see the people around the countryside, which he did.

I will never forget him visiting Wolfeboro, NH, a town where I lived at the time and then going on a tour around the lake in the central part of the State to towns populated by no more than 2,000 or 3,000 people, sometimes much less.

On this particular day, he came with Nancy by bus in a snowstorm. He came into the high school where I taught, and spoke to a large crowd which had assembled there, probably 400 or 500 people. I did not know him personally at the time. I walked up to him and introduced myself and asked him if he would sign a little token that a friend of mine had stuck in front of him. Ironically, it was a picture of Ronald Reagan with the White House in the background. My friend asked him to sign on his new home, which he took the time to do.

Another memory I have is that during my first campaign for Congress, when there was a mistake that was made by some of the staff people, who gave then President Reagan some false information which turned out to be a slight embarrassment to me, the President took the time to personally call me, seek me out on the campaign trail, and to apologize personally, which is something I never forgot. I think that tells you a lot about the kind of man President Ronald Reagan was.

Another special meaning for me was the fact that on March 31, 1981, Ronald Reagan was shot in an attempted assassination. That was also my birthday, and I remember having mixed feelings at that time in hearing that horrible news.

All I can say is, Mr. President, the 4 years that I had the privilege to serve while you were President in your second term, are years I will never forget. And it certainly was a privilege to work with you on your agenda.

There are a lot of things that we can talk about and think about in terms of President Reagan, but as we look at our troops now in the Persian Gulf, and we think about the Patriot missile, and we think about the weapons that our men and women have at their disposal, although he exclusively does not deserve all the credit, he certainly deserve much of the credit for what they have to use.

I remember, in the early 1980's the morale of the men and women in the services was low. That has escalated now to great pride to wear the uniform, with the appropriate support of the men and women who serve, which is so much deserved. Ronald Reagan deserves much of that credit.

Finally Mr. President—I think it is certainly a tribute to the man—you can compare him somewhat with many historical figures who were criticized frequently, but even his enemies, political enemies who sometimes were so brutal upon him publicly, I think privately respected him and loved him for the type of man he was.

To the best of my knowledge, in the years that I have known him, he did not hold a grudge. If he did, he kept it to himself. That certainly says a lot. If he did not love his enemies, he certainly charmed them. I think that also is a tribute.

He was kind of like somebody who lived next door. He loved sports. He played sports. He had a unique ability to bring out the best in America, to make us feel good about ourselves, to dwell on the positive, not the negative. That is how I will remember him.

I think he will go down in history as one of our best Presidents. I am pleased and privileged to have served in this Congress with him, and I want at this time to say happy birthday, Mr. President, and many more.

I thank the Chair.

ADJOURNMENT

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 5 p.m.

Thereupon, at 3:38 p.m., the Senate adjourned until 5 p.m. the same day.

AFTER ADJOURNMENT

WEDNESDAY, FEBRUARY 6, 1991

The Senate met at 5:01 p.m., pursuant to adjournment, and was called to order by Hon. FRANK R. LAUTENBERG, a Senator from the State of New Jersey.

The PRESIDING OFFICER. If there is no objection, the Senator from New Jersey will exercise his prerogative, note the absence of a quorum, and ask the clerk to call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are not in morning business.

Mr. WALLOP. I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. WALLOP. I thank the Chair.

(The remarks of Mr. WALLOP pertaining to the introduction of S. 381 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE BIG GREEN TEST

Mr. WALLOP. Mr. President, yesterday several of my colleagues launched a big green attack against President Bush. As usual, their obsolete missiles were off target. The only damage was to the credibility of extremists in the environmental movement. Their barrage was precipitated by the White House proposals on global warming to the U.N. Intergovernmental Negotiating Committee on a framework convention on climate change.

This rather formidable sounding committee is negotiating a treaty to limit emissions of the so-called greenhouse gases. As my colleagues will recall, back in the late 1970's, the climate issue was whether the Earth was entering a new ice age. We were experiencing cold winter temperatures.

One thing Members of Congress have simply not been able to come to grips with is that God has something to do with life and that changes in climate are not necessarily somebody's fault. The image at that time was one of glaciers rolling down from the Appalachian Mountains, engulfing Washington in ice. The closest we came to an ice age was when the Potomac River froze, allowing us to walk over to Virginia.

Having been discredited about the ice age, the enviro-scientists decided we were really experiencing global warming. Several years ago, the Senate Energy Committee held hearings with NASA, NOAA, and university scholars describing their elaborate computer models which demonstrated that the Earth was turning into a greenhouse because of carbon dioxide and CFC emissions. As work progressed, questions arose about flaws in the models and in measuring techniques. For instance, we rely on temperature data over a 100-year period taken in such locations as Rosslyn, VA, which was transformed from pastures to concrete canyons. A more appropriate measure is average ocean temperatures which have not been affected by the pouring of concrete. Analysis of such records has called into question the argument about global warming.

The advocates of global warming have ignored these recent twists in the science, and pretend that their original arguments are valid. President Bush, on the other hand, has acknowledged the scientific uncertainty. He has taken a reasoned approach which seeks to limit greenhouse gases without destroying our economy. At the U.N. conference, he has proposed an action plan to reduce emissions of gases affecting the climate. We are exercising prudence, but not becoming hysterical about this problem. I ask unanimous consent that two recent articles by Warren Brookes on the lack of warming data be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 5, 1991]

DEBATE HOTTER THAN THE EARTH?

(By Warren Brookes)

Even as environmentalists ponder the devastation in the Persian Gulf, another of their major policy issues is under heated attack in the United States.

NASA's Marshall Space Flight Institute and the University of Alabama in Huntsville just released updated findings of the trend in global temperatures as measured by satellites since 1979 through 1990 and found—no trend. What's more the findings show that 1990 was only the fourth warmest year in the 12-year record, and only 0.13 degree higher than the 1979-1990 mean. (See Chart and Table.)

This totally contradicts the release earlier this month from James Hansen of NASA's Goddard Space Institute, that said 1990 was the warmest year in the global (land) record, and that the decade of the 1980s included the seven warmest years in that record going back more than 100 years.

Not so, say Marshall/Alabama scientists Roy Spencer and John Christy. Not only was 1990 below 1980, 1987 and 1988, but the entire 12-year period shows a decadal trend of 0.048 degrees that, according to atmospheric scientist Christy, "is not significantly different from zero." Yet that is the decade in which global warming was first identified as a problem.

What accounts for this shocking reversal of Mr. Hansen's temperature record? One reason is that both the Hansen record and the one maintained by British scientists are confined to land, leaving out the 70 percent of the Earth's surface covered by water.

As Mr. Christy told us, "Our satellite data did confirm that over the Northern land masses March 1990 was the warmest anomaly on the record, but it was completely offset by the data from the Southern Hemisphere, where the surface is mostly ocean."

Another reason is that those land records are "polluted" by the urban heat inland effect. City temperatures are automatically inflated by the presence of concrete and asphalt. While some adjustment is made to account for this, many meteorologists think that adjustment is insufficient.

As Mr. Christy said, "The sampling in the land temperature record is very suspect. Not only is it limited to point sources, but there is evidence that more and more of those sources are urban, especially airports."

In response, Mr. Hansen of NASA has been arguing that the satellite data are not reliable because they are too influenced by cooler stratospheric temperatures.

But Mr. Christy says, "We have taken all of the stratospheric readings out of our record, and it still shows no trend. I would argue that our data are more reliable because at each of our readings we are measuring 50,000 cubic kilometers of atmosphere 15,000 times a day, compared with random-point readings on land."

Mr. Christy cites the fact that the satellite data for the United States correlate with the U.S. urban adjusted land record at .93, that "for climate is about as close as you could possibly get."

Mr. Christy argues that "the best place to measure climate is in the deep layers of the troposphere, where the reading data can be robustly correlated and avoid all the land record biases."

We asked him how he felt about Mr. Hansen's argument that the decade of the 1980s proves that the greenhouse effect has arrived and that we should take policy actions now.

"If it is here and happening, it is very small, indeed. I think there is a very good parallel between this issue and acid rain and the NAPAP study. A decade ago we thought acid rain was a major catastrophe, but 10 years of science showed it was not as serious as we thought. Unfortunately, the politicians went ahead and ignored the science. I worry that the same thing could be happening on global warming."

Indeed, this week the Intergovernmental Panel on Climate Change (IPCC) is urging President Bush to join the European nations in calling for major policy agreements to reduce carbon dioxide emissions, the principal greenhouse gas.

Last Friday, two groups of scientists lashed out against this IPCC pressure for action, urging Mr. Bush to stand firm on his position against signing any such policy accords.

Twenty-one environmental scientists led by Robert Balling, director of the Laboratory of Climatology of Arizona State University, and Patrick Michaels of the University of Virginia sent a letter to Mr. Bush telling him that "[t]he working hypothesis of this group of scientists is that the impact of future climatic change is likely to be much less severe than generally expected, perhaps even neutral or even beneficial."

At the same time, the prestigious George C. Marshall Institute released an update of its 1989 study by Robert C. Jastrow, founder and past director of NASA's Goddard Space Institute, William Nierenberg, former director of the Scripps Institution and a member of the National Academy of Science (NAS) Climate Research Board and Frederick Seitz, past president of the NAS and of the American Physical Society.

The new Jastrow/Nierenberg/Seitz study concludes that, even if you assume most of the 0.5 degree warming that has taken place in the last 100 years is due to greenhouse gases, the most likely scenario for a doubling of CO_2 is an additional warming of from 0.4 degrees to 1.8 degrees and a likely figure of 1.1 degrees.

That is consistent with estimates by other prominent climate modelers, including the Max Planck Institute (0.7 degrees) and Michael Schlesinger at the University of Illinois (1.3 degrees).

It is, however, far below the 2.5 degrees now endorsed by the IPCC, and the 4.5 degrees promoted by Mr. Hansen, both based on models—not actual observations.

Says the new Marshall Institute report: "It is difficult to place any degree of confidence in current attempts to simulate the Earth's climate and in their forecasts for the greenhouse effect in the coming century, considering how poorly they have fared in accounting for changes observed in the past century."

Most of all, the report demonstrates how shocking is the variation in the climate records between the promoters of global warming and the satellite data: "The satellite results show no unusual temperature increase in 1990."

The IPCC had better deal with this problem before it tries to rearrange the economic systems of the world.

Satellite temperature measurements—Departures from the 1979–90 mean

1979	+0.01 C.
1980	+0.15 C.
1981	+0.08 C.
1982	−0.14 C.
1983	+0.08 C.
1984	−0.19 C.
1985	−0.28 C.
1986	−0.14 C.
1987	+0.21 C.
1988	+0.19 C.
1989	0.00 C.
1990	+0.13 C.

Source: Marshall Space Flight Institute (NASA) University of Alabama in Huntsville.

[From the Washington Times, Jan. 11, 1991]

WARMER, GREENER, BETTER?

(By Warren Brookes)

Tennessee Democratic Sen. Albert Gore's hopes for his presidential bid got a boost from last week's announcement that 1990 was the warmest year in the global temperature record. As the "global warming" candidate, Mr. Gore is looking forward to a "green" 1992.

Another big beneficiary is global climate change guru (and Mr. Gore's likely presidential science adviser) James Hansen of NASA. Although 1990 was, by most measurements, less than four one-hundredths of a degree warmer than the previous global high (1987), Mr. Hansen told USA Today, "Evidence is stronger year after year. Global warming is more or less on the track our computer models projected."

Even one of the skeptics, National Oceanographic and Aeronautical Administration climatologist James K. Angell, who tracks the 63 worldwide radiosonde sites (measuring temperature through the variations in the thickness of barometric pressure bands), concludes in a new paper:

"There is very good evidence that the global troposphere has warmed during the last three decades, but whether or not this reflects a greenhouse effect is still debatable.

"As somewhat of a skeptic on this matter in the past, I would agree that with each passing year the evidence for greenhouse warming seems to become stronger. If the decade of the 1990s has an appreciably warmer troposphere and a cooler stratosphere [as the model predicts] than the 1980s, it will probably be time to admit that greenhouse warming is here."

But this "good news" for the greenhouse advocates could turn out to be "bad news" because almost none of the 1990 warming anomaly was in the summer. Most was in the winter and spring, and much of it during the polar "nights" at high latitudes. Indeed, that has been the pattern in most of the 1980s heat spikes.

Without summertime temperature zone warming, the greenhouse warming, if it comes, cannot be catastrophic. It can only be beneficial. High latitude warming at night lengthens the growing season but generates no droughts, polar ice melting, and rising sea levels. You can't melt ice caps by raising winter polar temperature from −35 below to −30 below.

In fact, by all accounts 1990 was a worldwide record year for agricultural production and yields from one of the longest and wettest worldwide growing seasons on record.

This anomaly shows up in Mr. Angell's surface temperature record for 1990, which shows that while 1990 deviated by .44 degrees Celsius from the 1958–1988 median, the deviations were greatest in the polar winters and springs and least in the polar summers and falls (when ice cap melting might occur).

For example, the north polar deviation was 0.84 degrees Celsius from December through February, and a whopping 3.9 degrees in March, April and May. By contrast, in the period most vulnerable to melting, September, October and November, the North Polar region was 1.12 degrees below to 1958–88 median.

Somewhat the same phenomenon occurred in the South Polar region. In the Antarctic "summer" and "fall," the average anomaly was .31, while in the cold Antarctic "spring" (September, October and November), it was 1.33 degrees above the 1958–88 mean.

Thus, so far at least, if there has been any effect from the 40 percent to 50 percent increase in greenhouse gases, it is almost entirely consistent with the theories of two men, Soviet climatologist Mikhail Budyko and Arizona State physicist Sherwood Idso, and the analyses of University of Virginia environmental scientist Patrick Michaels, all of whom, while predicting a CO_2 warming trend, say that it will be no catastrophe.

Mr. Budyko and Mr. Idso have both predicted that a CO_2 doubling will produce a kind of agricultural Eden. CO_2 is one of the strongest fertilizing agents known. Mr. Idso believes that at least some of the amazing worldwide "green revolution" that has more than tripled crop yields since the early 1950s is due to the roughly .4 degree warming since the extreme cold dip of the late 1950s and early 1960s.

Mr. Budyko has argued openly at conferences and in scholarly papers the benefits of the greenhouse effect are so great nothing should be done to arrest the trend.

Be that as it may, one thing is clear even from the 1990 record: That trend will not be as large as has been predicted. Forecasts range from 0.7 degrees for a doubling of CO_2 (and other greenhouse gases) by the Max Planck Institute to 4.5 degrees by Mr. Hansen, with a consensus on a range of 1.3 to 2.0 degrees.

The 1990 global anomaly, if attributable to greenhouse warming as Mr. Hansen argues, still indicates a long-term trend of about .12 degrees per decade at current greenhouse gas growth rates, or about 1.5 degrees for a doubling of CO_2. While that is not insignificant, it is hardly a premise for overturning the entire world economic systems with command and control statism.

Americans also will want to keep their "cool" since 1990 was only the seventh warmest year in our record since 1985 (the best land record in the world). Many of the warmer years took place in the 1920s and 1930s, long before the CO_2 buildup.

For example, while the 1990 U.S. average temperature of 53.94 F was well above the 96-year record of 52.50 F, it was still well below the 1934 dust bowl record of 54.67, when CO_2 concentration was 25 percent lower. Other anomalous records were 1921 (54.47), 1931 (54.07), 1953 and 1954 (around 54.0) and 1986 (53.95). In other words, the 1980s, while warm, are well within U.S. natural variability.

More important, the National Climate Data Center of NOAA shows that virtually all of the U.S. warming patterns since the 1940s have been in the form of rising nighttime lows, not rising daytime highs. In 1990, the U.S. anomalies were virtually all confined to the early spring and late fall.

If Mr. Gore tries to warn Iowa and New Hampshire farmers against warmer springs and late falls, it may not be good politics. And he'd better not talk to citrus growers either in California (who lost their entire crop in December 1990) or Florida where they have had 24 arctic outbreaks in the last 30 years, forcing growers to move south, not north.

They just might like a little greenhouse effect.

Mr. WALLOP. Yesterday, while the President was being attacked for not being green enough, I introduced a bill which will promote environmental security by reducing greenhouse gases. This bill is the National Energy Security Act. Ironically, some of the environmental groups which are most concerned about greenhouse warming attacked the Wallop-Johnston bill without having even read it. One has to wonder about their agenda.

Actually, we can receive the full flavor of their agenda by reading the recent seven-part series by Warren Brookes on how various green groups are seeking to deny access to public lands. This is a growing threat to private property and public access. I would commend the articles to my colleagues, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, Jan. 17, 1991]

GREENLINING: BACKDOOR TO LIMITING OUR USE OF LAND?

(By Warren Brookes)

Even as the Soviet Union moves to grant property rights to its citizens, Congress and the "greens" are leading an assault on U.S. property rights. The Bush administration is ambivalent.

Alleged threats to our ecosystem are the premise for "greenlining" much more of America, either by buying land directly or putting environmental sanctions against private land use. Current Environmental Protection Agency Administrator William Reilly laid out the goal in a 1985 article, "to extend the national park tradition to land not owned by the federal government . . . to further the evolution of the park ideal" or, as a critic put it, "turn the United States into one big park!"

In this most capitalistic nation on Earth, the U.S. government already owns more than 32 percent of the total land area, the largest such share of any Western democracy. Since this land is worth more than $500 billion at current market prices, one might expect we'd sell some of it to reduce the deficit. Not so.

Instead, in last fall's deficit reduction" agreement, the Land and Water Conservation Fund received $346.4 million for fiscal 1991, its highest appropriation in 10 years, up 49 percent from fiscal 1990 ($232.6 million) and more than double fiscal 1988's $170.4 million.

LAND AND WATER CONSERVATION FUND

[In millions of dollars]

	Current dollars	Constant 1990 dollars
1966	125.0	486.3
1970	131.1	410.5
1975	307.5	681.9
1978	805.0	1,466.2
1981	288.6	403.7
1984	295.9	361.3
1988	170.5	184.8
1990	232.6	232.6
1991	346.4	331.4

Source: Office of Management and Budget.

Conservationists say in constant 1990 dollars this is well below the spending during the Carter years (from 1977 to 1980), when land acquisition averaged more than $1 billion a year. While that was sharply cut in the Reagan years, under President Bush the trend is being reversed even in fiscal austerity, when state voters in Oregon, Washington, Maine, Missouri and New York are saying no to such land grabs by huge margins.

Not only are government land-taking budgets (at all levels) on the rise, but government is extending its control over our property through two laws, wetlands preservation and endangered species, with a third method called "Greenline Parks," well under way with more than 50 million private acres now being targeted.

If you own, say, 30 acres of land, and half of it is classified as wetlands by the U.S. Corps of Engineers or the EPA, you are not free to use it as you wish. This amounts to a government "taking" of your property without compensation. EPA guidelines effectively define 70 percent of U.S. land as wetlands.

Most of what's left could violate the Endangered Species Act. Should you possess land that is home to any species of flora or fauna that has been classified by the U.S. Fish and Wildlife Service as "endangered," this sanctions that land against residential, commercial and even agricultural development.

With these two weapons, Uncle Sam and the "greens" can now nullify property rights in 70 percent to 90 percent of U.S. private lands.

As the New York Times reported on April 24, 1990, the wetlands law, contained in the Clean Water Act (up for renewal this year) has created "a web that has now entangled farmers, environmentalists and federal agencies in legal disputes across the country. What a runaway bureaucracy wants them to do, farmers say, is convert good cropland into bogs and marshland . . . with total disregard of property rights guaranteed under the Constitution."

As farmer Rick McGown of Missouri told the New York Times, "They are using the Clean Water Act to capture farmers' property." Mr. McGown faced prosecution because he restored 150 acres of brushland to corn production yielding an incredible 150 bushels an acre, when the Corps of Engineers declared his land to be "wetland" simply because it contained cattails—that later turned out to be wheat sorghum.

To arrest this turf-grabbing, the Reagan administration in 1988 issued an executive order requiring the Justice Department to review all regulations to ensure against uncompensated "takings." That order was upheld in the U.S. Claims Court by Chief Judge Loren Smith last July when he ordered the government to pay $3.7 million to two companies who lost use of land under wetland rulings.

Those rulings alone could halt the wetlands and endangered species excesses. But the Bush EPA and Justice Department largely ignored this executive order, and takings increased. To slow this down, Senator Steve Symms, Idaho Republican, attached an amendment to the 1990 Farm Act that would have made this executive order law. It was defeated 52-43, mainly by Democrats plus a few Bush Republicans pressured by administration lobbying against Mr. Symms. But now the administration supports the Symms bill in the new Congress.

That bill would upset the whole drive for national land-use planning, especially the device of establishing "Greenline Parks," which put private property holders under costly sanctions and would undoubtedly qualify as uncompensated "takings."

Central to that "big park" approach is the work of the Nature Conservancy, an organization that promotes itself as a private conservation model but which spends two-thirds of its annual land budget purchasing property for the government.

As Nature Conservancy President William Weeks said, "We must have a partnership with government. We have to work across the country to bring every force to play in promoting biodiversity." One of those forces is what Mr. Weeks calls "the Natural Heritage System, a computerized mapping system we helped develop for the government, which has virtually inventorized the entire United States. If you show these folks a particular spot in your state, they can show you what rare and endangered species might be there."

Without a "takings" bill to defend against this new "green" network, American property rights are now profoundly threatened.

[From the Washington Times, Jan. 21, 1991]

BIG PARK COMING AT YOU?

(By Warren Brookes)

If you live within 50 miles of any national park, pay attention. In 1985, current Environmental Protection Agency Administrator William Reilly, then head of the Conservation Foundation, wrote, "Leadership by the conservation community will be tested during the next generation as the country faces the need to extend the park tradition . . . outside park boundaries."

Ten years ago, Ann Corcoran would have resonated to Mr. Reilly's lofty dreams. She was a Washington lobbyist for the National Audubon Society. A master's graduate of Yale's School of Forestry, she was a committed environmentalist.

Today, however, Ann Corcoran has become a one-women political force working with aroused property owners across the country against what she now regards as a naked attempt by wealthy environmentalists to use tax breaks to lock up more of America from private landholders.

Her transformation came when she and her husband bought a 300-acre hilltop farm that borders on the Antietam Civil War battlefield near Sharpsburg, Md., and spent their capital restoring this farm to viable operation. Said she, "I was just going to raise the kids and the cows and that sort of stuff."

Then one day in 1988, some of there old Washington colleagues told her of a National Park Service plan to turn Antietam into a "big green park" with a convention center and upscale, "environmentally benign" development—no dirty farming allowed.

At the same time, Ms. Corcoran learned of the very quiet purchase of three farms around her by the Conservation Fund, a relatively small but well-financed offshoot of the Nature Conservancy and headed by Patrick Noonan, former president of the Nature Conservancy. Most of Conservation Fund's money comes from the Nature Conservancy's angel, the Richard K. Mellon Foundation.

The clear intent of this project was to buy the land around private farmers like the Corcorans and then transfer it to the NPS, which would subsequently make these private persons "inholders" (those who own property within government preserves), subject to a full panoply of regulations over land use and development. As Conservation Fund spokesman Jack Lynn freely admitted, "We were asked by the Park Service to acquire the property, and we did so."

But Ms. Corcoran found there was more to it than that. For one thing, one of the properties had been acquired at a bargain basement price of $195,000 by an employee of the Department of Housing and Urban Development, who was then on loan to the Conservation Fund, and his partner, another HUD employee. Together, they subdivided this property, selling most of it to the Conservation Fund, for a total price of $302,000 and a profit of $107,000 in a sort of "green Robin Hudscam," now under investigation. Conservation Fund officials would not be interviewed for this story.

For another, Ms. Corcoran discovered a lengthy paper trail showing NPS officials worked hand-in-glove with the Conservation Fund in targeting the properties. That pattern is repeated so often around the country the Interior Department had to issue a July 26, 1990, policy memo forbidding such "inside trading" relationships and halting memberships on the nature conservancy state boards by Interior officials.

But the most damaging test of NPS intentions came in December 1989, when 12 landowners around the Antietam battlefield, including the Corcorans, offered to negotiate the sale of their development rights to the Maryland state land preservation program for current market value of developable land in the area. This would ensure that the land would remain farming.

But that permanent environmental protection was summarily rejected, even after the public expressed its disapproval of the NPS plans with a 63-37 percent straw vote. This happened despite heavyhanded efforts by the NPS to stifle opposition through "letters to the editor"—sent by an NPS employee using pseudonyms—tarring NPS opponents.

Yet throughout this effort, the NPS had no officially approved plan for the Antietam expansion. It was merely using the Conservation Fund as a backdoor agent for park expansion. The public might ask, "Why doesn't the National Park Service buy it directly?" One answer is that most Americans don't want to sell to Uncle Sam.

That sentiment is brilliantly captured in a deadly funny video called "Big Park," distributed by Wilderness Impact Research Institute of Elko, Nev. In it, an idyllic family homestead scene is interrupted by a NPS van with eight rangers in smoky hats and dark glasses, jiving to satirically threatening lyrics:

"Well now pardon me, but is this your land?
Your hallowed ground on which I stand?
Sure hate to break the new to you.
But your National Park is coming through
. . . wahoo . . . wahoo.
Well now pardon me but is that your home?
The house you worked so hard to own?
Sure would make a nice hotel.
And we have ways to make you sell.
And we don't take no from anyone,
We just want to take your land . . .
Big Park . . . Big Park."

In the video, the NPS rangers remove the contents of the house and tie up the family in red tape, hauling it away to the strains of their final "anthem" to parkdom: "God bless all the animals, the forests and the streams, we'll get rid of all the people and build the Big Park of our dreams . . ."

The slanted message is only slightly more menacing than real policy. As Ann Corcoran told the House Appropriations Interior Subcommittee last March: "This practice of land trust acting as the 'stalking horse' for a federal agency (NPS) must be investigated. [It] circumvents congressionally mandated planning and public review and comment processes."

It can also be very profitable for the land trusts.

[From the Washington Times, Jan. 23, 1991]

HIJACKING DEVELOPMENT?

(By Warren Brookes)

In 1988, Sen. Warren Rudman, New Hampshire Republican, put a rider in the fiscal Interior Department appropriation, forcing Diamond International Paper Co. to sell a 53,000-acre New Hampshire parcel either to The Nature Conservancy (TNC) or the Society for the Protection of New Hampshire Forests or have the land "taken" by the U.S. Forest Service for $5.25 million, a fraction of its actual value.

"This was a direct pre-emption of plans by Diamond to sell part of this land to Rancourt Association, a developer. Mr. Rudman's rider was part of funding the USFS Northern Forests Land Study.

That May 1990 study produced the Northern Forests Land Council, whose goal is to "greenline" 26 million acres of mostly (90 percent) private forests in the Northeast against development. Yet private owners have produced a 79 percent rise in Northeast growing wood volume since 1950 compared with a 10 percent decline in federal forests. Private management usually swamps public in environmental care.

But even "greenlining" was not enough for the zealots attending the "Growth Management Forum" of the New England Environmental Network at Tufts University Nov. 3-4, 1990. National Audubon Society's Washington lobbyist Brock Evans told conferees this land "should all be in the public domain. Be unreasonable. You can do it. Let's take it all back."

Mr. Evans scorned the timidity of USFS' Stephen Harper, author of the NFLS, because Mr. Harper recommended "greenlining" instead of acquisition. Mike Kellett of the Wilderness Society was equally critical: "It is very likely that most of this will end up being public land . . . that will probably be the only alternative."

In response to those who argue against such huge forest "muscums." Sandra Lewis of the Tufts Environmental Studies Program was contemptuous: "I think there is a lot to be said for muscums, and I think that more and more we are going to want to preserve our past . . . in the form of our ecological culture."

While it's no surprise to hear environmentalists talk this way, that sentiment is shared at top levels of the Bush administration. In 1988, Michael Deland (now President Bush's chairman of the Council on Environmental Quality), told the Boston Globe, "Buying land is a significant step, but there are also areas that are so valuable they must be preserved by government fiat. And we need master planning at all levels of government" to stop "uncontrolled and unfettered" development, even if it means federal agencies ganging up with environmentalists to stop it.

A case in point. In 1988, Alan Murray, a developer from Yarmouth, Maine, purchased 59.4 acres of remote waterfront (ocean inlet) property on Bellier Cove, close to the Canadian border. Mr. Murray made this small purchase for $215,000 after receiving initial approval from the Maine Land Use Regulation Commission (LURC) in November 1988 to create 10 residential oceanfront lots of from 2.5 to 6 acres in size. To get this, Mr. Murray agreed to restrictive conservation easements on the entire 250-foot-deep shoreline zone, on three undeveloped lots and two stream corridors.

As the Bangor Daily News admitted in an editorial opposing the development. "The developer has reached an agreement with the Department of Inland Fisheries and Wildlife on a plan that is even more restrictive in some ways than the LURC zoning regulations."

But Mr. Murray didn't count on the U.S. Fish and Wildlife Service (USFWS) that runs the Moosehorn National Wildlife Refuge (MNWR). At the time it was miles from Bellier Cove, but MNWR Manager Douglas Mullen wants to turn it into a full-blown park with (unauthorized) plans to acquire at least 2,100 to 10,000 more acres. As TNC's Maine Director Kent Wommack told us, "USFWS let us know quite early that they wanted Bellier Cove."

TNC national President William Weeks said: "We do work closely with USFWS. We buy these properties when they need to be bought, so that at some point we can become the 'willing seller' (to government). This helps the government get around the problem of local opposition." Instead, Mr. Mullen orchestrated protests by the Natural Resource Council of Maine and the Quoddy Land Trust against Mr. Murray, who then offered to sell this property to them for $360,000, the market value of the units, less their marketing costs. No takers.

Instead, at the final hearing on his petition in July 1989, Mr. Murray was suddenly confronted by Mr. Mullen himself, speaking not only on behalf of his own agency but as the spokesman for NRC (and TNC), saying he opposed any homes on Bellier Cove, and planned to acquire it for the MNWR, though he had no budget.

Mr. Mullen's testimony was enough to get the LURC to rescind Mr. Murray's petition. This forced him to sell his property to TNC for $235,000, a fraction of the $400,000 that the property should have brought on the market. TNC then confirmed its plans to resell to USFWS when (and if) they have funds. But Mr. Wommack admitted, "We've already seen a quarter of a million go out the door, so we may eventually have to resell this property as two 30-acre residential building lots."

Readers can discount what happened to one developer, but the "taking" of Bellier Cove by TNC and USFWS may have frightened developers enough to cause an effective 40 percent cut in all undeveloped shoreline value for thousands of property owners.

Little wonder on Nov. 6 Maine voters said no to a $19 million state land acquisition bond by a 59-41 margin. Across the country, landowners are waking up to the greenline threat to private property.

[From the Washington Times, Jan. 25, 1991]

LAND TRUSTS OR GOVERNMENT ADVANCE MEN?

(By Warren Brookes)

In 1977, Janet and Bill Rogers bought 160 acres in the northwest wilderness of California near Zenia, on a 4,000-foot-high ridgetop, and settled down to improve it, planting fruit trees and vegetables, digging wells and building their home.

Soon they discovered they had a serious enemy. They had purchased one of the few private land parcels left in a county where the U.S. Forest Service owns 90 percent of the land.

That made the Rogerses "inholders," a polite term for those who happen to own property in National Parks, or National Forests. What they didn't know is that since the early 1960s the policy of federal agencies has been to drive inholders out of their land. In the Rogerses' case the technique was to do nothing to prevent those who lease grazing lands from USFS (for a bargain) from letting their cattle use the Rogerses' land, making impossible any cash-crop agriculture.

When the Rogerses put a gate on their road, the USFS tore it down. Marshals took the Rogerses off in chains for violating "public access." When the Rogerses took the agency to federal court, the USFS tried another favorite gambit: "They suggested we sell our land to the Trust for Public Lands [TPL, a private land conservation organization in San Francisco], so it could be environmentally preserved. We said no, because we believed that TPL would only resell the land to the Forest Service. We wanted to live on it and work our own land."

The USFS has in fact been using TPL as a kind of land agent for two decades. The incentives are obvious. Sellers get tax breaks by getting an appraisal for "highest and best use" and sell the property to TPL for a lower price, claiming the difference as a tax-deduction. (Taxpayers pay once.) TPL, a tax-exempt organization, sells the land to the government for the appraised price and receives the difference. (Taxpayers pay twice.)

Nothing better illustrates this relationship than the Columbia River Gorge area of Oregon. In 1978, USFS let it be known it coveted remaining inholdings in Mt. Hood National Forest near the Port and the City of Cascade Locks. All the land was in existing towns or communities, so by law USFS had to get permission to take this land off tax rolls. The city said no. Then in 1979, TPL's Harriet Hunt Burgess showed up announcing she had a sales contract and options for 550 acres. This sale removed the property, including the entire town of Wyeth, from the tax rolls in March 1980. That made the Cascades Locks governments' objections moot, and the deal was done. There is still a freeway exit marked "Wyeth," but the town has disappeared.

TPL was well rewarded. It bought these properties from Joseph Yoerger in two blocks. In the first, it paid a purchase price of $750,000 on Aug. 14, 1980, at 11:22 a.m. At 11:23 a.m., TPL sold this block to USFS for $944,000, a gain of $194,000. Three minutes later, TPL executed its option to purchase the second Yoerger block for $175,000, and one minute later sold it to USFS for $292,000, a gain of $117,000 on a $1,000 option.

This kicked off a whole series of TPL/USFS deals in the Columbia Gorge, culminating in 1986 when, late at night without hearings, Rep. Les AuCoin, Oregon Democrat, secured the creation of the Columbia River Gorge National Scenic Area. (CRGNSA), with appropriations for the USFS to take land off TPL's hands as "hardship cases." Leading that "hardship" lobbying was Ms. Burgess, who now is a member of the National Academy of Science's Committee on Federal Land Acquisition.

TPL's Ralph Benson says, "Over all, we barely broke even on Gorge transactions." But he readily admitted that, "TPL's entire cash flow income is generated through such transactions. Sometimes, we work hard for very little gain." Case in point: In the fiscal 1991 "austerity budget" for land acquisition, the USFS received $2.8 million more for Gorge acquisitions than it had requested, to purchase "the Reynolds property."

The "Reynolds property" is swampish land owned by the Reynolds Aluminum plant at Troutdale, Ore., as a buffer zone. Even though the property is a wetland with no development value, Reynolds secured a "best use" appraisal of $2.8 million. Next week, TPL will pay Reynolds "around $2.7 million," and then immediately resell the property to the USFS for the $2.8 million appraisal price, a transaction gain of less than $100,000, less than 4 percent.

On the other hand, we looked at all four of the transactions between TPL and the Bureau of Land Management (BLM) from 1986-1988, and all showed gains, ranging from $29,000 to $194,000, or a total of $378,743 on $1,875,620 worth of sales to the government, an average transaction gain of 20 percent. (See Table.)

Mr. Benson said, "TPL makes no bones about the fact that all of our properties are purchased for resale—and mostly to the government. Everything that comes in goes back out. It's also true that most of our contributors are those who sold us this property for less than its government-appraised value. That is the way we operate."

But why should the tax code be used to generate transaction gains for conservation groups on land transfers to the government? And why does government need such agents with a lobbying interest in expanding and facilitating federal land ownership?

TPL DOING WELL BY DOING GOOD?

Date	Transaction	Amount
Aug. 14, 1980	Yoerger to TPL	$750,000
Do	TPL to U.S. Forest Service	944,000
	Gain to TPL	194,000
Do	Yoerger to TPL	175,000
Do	TPL to USFS	292,000
	Gain to TPL	117,000
Do	Rex Clemens Ranch to TPL	450,000
Aug. 22, 1986	TPL to Bureau of Land Management.	644,000
	Gain to TPL	194,000
June 2, 1987	Quarter Circle Ranch to TPL	164,050
April 29, 1987	TPL to BLM	193,000
	Gain to TPL	28,950
Jan. 14, 1988	Quarter Circle to TPL	360,077
Jan. 22, 1988	TPL to BLM	423,620
	Gain to TPL	63,543

TPL DOING WELL BY DOING GOOD?—Continued

Date	Transaction	Amount
Feb. 5, 1988	Quarter Circle to TPL	522,750
Feb. 3, 1988	TPL to BLM	615,000
	Gain to TPL	92,250

[From the Washington Times, Jan. 25, 1991]

DEVELOPMENT FOR A FAVORED FEW?

(By Warren Brookes)

Through most of its early life (1951–1970) The Nature Conservancy (TNC) was a uniquely American approach to conservation, using small donor funds to preserve small selected sensitive natural habitats with emphasis on local chapter, private control.

But during the 1970s under its president, Patrick Noonan, TNC shifted from small to large projects, from small contributors to big money sources, from purchases to deal making. As Mr. Noonan's land acquisition head Dave Morine boasts in his book ("Good Dirt"), "During the late '70s The Nature Conservancy did some of the biggest land deals in the history of conservation."

The stimulus of this was a melding of "big science" with "big money," much of it from the Richard K. Mellon Foundation. TNC biologist Robert Jenkins wanted to move away from saving small "biotic lifeboats" into targeting whole ecosystems. Mr. Morine was shocked: "We were having enough trouble trying to buy the life-boats. How were we going to pay for luxury liners?"

Answering that question moved TNC into uncharted waters, and none more so than its 1970s acquisition of 14 of the 18 barrier islands along the Eastern Shore of Virginia (Accomac County) from the Chesapeake Bay-Bridge Tunnel to the "pony island" of Chincoteague. They call it the Virginia Conservation Reserve (VCR).

When the Virginia legislature started talking up commerical beach development there, TNC ecologists warned that these low storm-swept islands would require so much maintenance that wildlife habitats simply could not survive. So TNC pre-empted those beach development plans by buying up all the islands.

So far so good. But the TNC scientists wanted more. TNC then protected access to the islands by buying up the six deepwater port frontages facing them. As Mr. Noonan explained it, "No developer's going to invest a lot of money for frontage on the Eastern Shore if he can't get access to the beaches."

But by that time Mr. Noonan had sunk $25 million or nearly all of TNC's permanent capital into VCR's more than 40,000 acres. Mr. Noonan told his staff, "Don't worry, the VCR will make an excellent U.S. Fish and Wildlife Refuge. You can sell it to the Feds and get all your money back."

Mr. Noonan had reason for optimism. Two-thirds of TNC purchases are resold to government. In Texas, some 90 percent of the land acquired by TNC is now in government hands. The dividing line between TNC and government is thin. In New Mexico, Mike Spear, USFWS regional director, is on the state TNC Board of Trustees. New Mexico Bureau of Land Management state director Larry Woodward was a TNC board member until forced to resign last October. Current Texas Public Works Department Commissioner Tim Hixon is on the TNC national board of governors. A close relationship! Not, however, close enough to protect TNC from the Reagan years' land-funding drought. But Mr. Noonan already had a plan to secure the rest of Accomac County without government. Beginning in the middle 1970s, something called the Allegheny Duck Club, a partnership consisting of TNC's biggest "angels," Seward Prosser Mellon, Richard P. Mellon and their late sister Constance Brown, began buying up land on the mainland, using their legal counsels and Mr. Noonan as surrogates.

By 1984, these surrogates had amassed some 6,000 acres of farmland-marshland-shoreline worth millions of dollars, including the entire town of Oyster, Va., without even the knowledge of some of TNC's own employees, let alone the communities.

As Field and Stream Conservation Editor George Reiger wrote last August, "So much secrecy surrounds the inner workings of TNC [that] TNC Virginia biologist Rod Hennessy quit TNC when he discovered those bird-watching trips he had been conducting were nothing more than real eastate safaris for Allegheny Duck Club members.

TNC President William Weeks admits "We are a quiet organization. We always tell the truth about what we are doing in the community. But not by way of press release. We do it in as quiet a way as possible. We do not lie when we are asked."

When the questions rose hot and heavy in the local press in December 1984, TNC announced its plans to acquire all of this "privately acquired" land from the surrogates in return for unidentified swaps of other TNC properties and resell them for "quality development." This prompted Mr. Reiger (a longtime TNC member and a resident of Accomac) to warn in October 1986 that instead of its commitment to preservation, "TNC is planning to create a developmental corporation which will subdivide its attractive seaside and bayside Eastern Shore lands into recreational and retirement home lots. TNC will be able to make so much money from selling these Virginia farm, woodlands and wetlands it will be able to buy and develop even more . . . in other states!"

But while TNC has sold properties to, among others, billionaire John Kluge, it has been unwilling to sell to Accomac natives. As one top TNC official told a colleague, "We're going to get all of those people out of there and put our kind of people in."

TNC's Mr. Weeks bristled at such a suggestion. "We have a strong interest in the Eastern Shore and Accomac, but there is no plan for us to become the dominant owner. We have no problem with the Kluge deal. We had no financial reward, but we got permanent conservation easements in the deed in perpetuity."

But no such deal was available to Accomac produce farmer Steve Van Kesteren, who offered TNC to buy his own 340-acre farm back "on any terms that would be agreeable to them. We have always managed our farms for wildlife, and as a member of TNC I would have accepted any sanctions. But I never heard back from them. They clearly have something else in mind." That "something else" seems to some to be an exclusive club for the rich. As Mr. Noonan said of his 1980 plans to start the Conservation Fund: "I've found a big foundation that wants to become active in conservation. Its trustees are not your typical conservationists. They're hard-nosed businessmen. Their interest in the outdoors is from hunting and fishing. They want to save land, but they don't want to deal with a bunch of fuzzy-faced idealists."

[From the Washington Times, Jan. 28, 1991]

GREAT GREEN SCAM?

(By Warren Brookes)

During the halcyon years of the Carter administration, The Nature Conservancy (TNC) used taxpayers to fund much of its expansion in what former TNC officer Dave Morine calls in his book "Good Dirt" a process of "leverage and rollover."

Mr. Morine, an unabashed advocate of locking up as much land as possible under government control, wrote: "The Conservancy's new strategy was to use private funds as a catalyst to stimulate public funding for conservation. Leverage and rollover. Leverage and rollover. That's all I ever heard from the trustees."

But when Interior Secretary James Watt arrived in 1981, he "not only refused to consider buying any more land, he welshed on all of the prior commitments that had been made to the Conservancy. . . . We were left holding $20 million worth of natural areas we had pre-acquired. . . . I had to find a new source of funding."

While Mr. Morine found some of it in state governments, most of it was generated through doing private real estate deals. As The Washington Post reported last February, TNC "does not limit its acquisitions to the real estate it intends to preserve. Instead it sometimes speculates in land purchases and invests the proceeds into property it has identified as vulnerable."

What's wrong with this? U.S. taxpayers are paying for it. A year ago, at the convention of the National Association of Home Builders in Atlanta, Frank Boren, former president of TNC, and Richard Friedman, director of TNC's Trade Lands Program, held a workshop for developers.

In it, Mr. Boren showed how environmentalism could be a very profitable gimmick for real estate development: "Appraisals [of properties] are done on the basis of highest and best use, and then on the basis of a conservation easement. The difference [between the two] then becomes a tax deduction."

Mr. Boren said this is why "we have a good relationship with corporate America. Kimberly Clark [K/C] decided to go out of business in a Wisconsin town and gave us 32 land parcels that we can trade. Not only did we end up validating a $32 million tax deduction for K/C but they [the community] have . . . a nice recycling of the land. K/C was pleased enough that a couple of years later they gave us 10,000 acres of [marginal] forest land down in the Southeast. It just made sense to make a contribution, take the deduction and put that money to work. We are in the process of reselling that land now."

TNC became KC's broker/developer. In this way, Mr. Boren said, TNC "brings in about 100 pieces of property a year from individuals and corporations and move them back out and get them working. We don't take any land in trade unless it has development potential." In addition to the obvious tax advantages, TNC offers developers "green insurance:" "Usually what happens is the Sierra Club and the Audubon Society will come in and things stop dead in their tracks, and the [TNC] can come in and work things out. If you are going to buy a large tract of land and if it looks like it's fairly wild, you are out of your mind if you don't check with the [TNC biodiversity] data bank first" and with TNC's land folks, second.

As Mr. Boren told the developers, "Just a little light and cooperation can save everyone a lot of money in court costs and time." As an example of this, Mr. Boren described a deal in Palm Springs, Calif., where developers had bought a large area of sand dunes only to have it sanctioned when the fringe-toed lizard was put on the endangered species list.

"We [TNC] were called in to look at this situation by some of the developers. Our scientists determined that if we could put together about 13,500 acres over next to the San Gregornio mountains . . . that would probably enable us to tell the U.S. Fish and Wildlife Service that the lizard would not go extinct."

Mr. Boren then told how TNC facilitated a highly sophisticated $25 million development package that included land offsets from three government agencies and then sold that package to the city councils of Palm Springs and Palm Desert, with mitigation payments in part to maintain the TNC preserve. In short, TNC didn't stop development, it merely leveraged it for its own benefit.

Mr. Boren told them about another prospective TNC "green deal" to raise money: "TNC has a major preserve on the Elkhorn Slough in the Monterey [Calif.] area. . . . one of the estuaries of the Salinas River that feeds Monterey Bay, a great birding site. Unfortunately, the farming in the area is heavily strawberries [where] they use pesticides and herbicides. . . . and that's getting into the slough and starting to affect the chain of life."

Mr. Boren told of TNC plans to bring its own developer into this preserve and "put 10–20 townhouses about 350 feet above the sea level with good views of Monterey Bay, and we'll take the strawberries out and reforest with native vegetation, put some trails down into the preserve and you will be in the middle of a massive bird [watching] site. We'll see if we can't drill those units out to affluent people in the Bay area that want a second home."

In short, they use TNC preserves to leverage upscale adjacent development because, Mr. Boren said, "The nature preserves are not going to make it unless we have compatible development side by side." But many former supporters say this moves TNC across the line from biodiversity protector to elitist "green developer." TNC's model for doing this is the granddaddy of conservation funding, Laurance Rockefeller and his "green government."

[From the Washington Times, Jan. 29, 1991]

(By Warren Brookes)

EXCLUSIVE CLUB OF R&R?

There's a Washington joke that an environmentalist is someone who already owns a vacation home and doesn't want someone else buying the vacation property next door.

Scratch the surface of the tight little network of "land perservers" and you find this may not be such a joke. Writes conservationist Alston Chase.

"The conservation elite, many of whom come from Eastern families long listed in the Social Register, live in Washington and zigzag back and forth between jobs with environmental public interest groups and the government agencies responsible for environmental matters."

This small group of mostly white, mostly Ivy League males have learned how to work with and for two of America's wealthiest families, the Rockefellers and the Mellons, to put a growing share of the country off limits to economic development, but much of it available for exclusive upscale enclaves.

The leading "angel" in this green lining network is Laurance Rockefeller, whose Rockefeller Brothers Fund is a key funding resource for a slew of environmental groups, including The Conservation Foundation (CF) and World Wildlife Fund (WWF, where he is a trustee), the American Conservation Association (ACA, where he is chairman and director), the American Farmland Trust (AFT), the National Parks and Conservation Association (NPCA), the Natural Resources Defense Council (NRDC) and the World Resources Institute.

Mr. Rockefeller generously has given a fortune in land to the nation, including much of the Virgin Islands National Park and of the Haleakala National Park in Hawaii. But, as Mr. Chase points out. "He also kept commercial interests in or near some of these places, and through out his life has promoted the apparently contradictory goals of both resort development and preservation."

Not surprisingly, that is precisely the model used by groups like The Nature Conservancy—creating exclusive preserves as a magnet for profitable upscale adjacent residential development that then is used to finance still more acquisition.

One of Mr. Rockefeller's key proteges in this "Permanent Green Government" is William Reilly, now Environmental Protection Agency administrator but widely believed to be heir-in-waiting as the next interior secretary.

Mr. Reilly has divided his career between top jobs financed by Mr. Rockefeller (CF and WWF) and bureacratic assignments, beginning with the Council for Environmental Quality under President Nixon.

But Mr. Reilly's main interest is not in "big environment" issues like acid rain or global warming, but with national land use planning. In 1972, Mr. Rockefeller named him executive director of the "Task Force on Land Use and Urban Growth, where he helped write "The Use of Land A Citizens Policy Guide." This laid out many of the premises for using "biological diversity" as a rationale for limiting the two bete noires of environmentalism single family housing expansion (urban sprawl) and commercial agriculture.

Out of this, Mr. Reilly became president of CF, the most exclusive and prestigious environmental think tank of all, which he later (in 1985) merged with WWF, whose chairman is Russell Train, a former EPA and administrator. During the 1988 campaign, it was a major CF report by Mr. Reilly that generated the commitment from both presidential campaigns to enforce a "no net loss of wetlands" policy, now being thrashed out within the Bush administration.

When Mr. Reilly went to the EPA in 1989, Mr. Train took over CF, in addition to his WWF responsibilities. Mr. Train also is a trustee of NPCA, the AFT, and the World Resources Institute. Mr. Train's CF executive vice president and former Reilly colleague Doug Wheeler was recently named California's director of natural resources. Reilly and Train colleagues are everywhere in the land "conservation" game.

Patrick Norman is equally ubiquitous. With Seward Prosser Mellon's help, he put the Nature Conservancy on the map during the 1970s as its president. In 1980, with Mellon money, he founded a smaller "quiter" land trust enterprise called the Conservation Fund, the movers and shakers in the Antietam battlefield dust-up.

Mr. Noonan also finds time to be chairman of the board of the (Rockefeller-based) AFT, and is a trustee of Rockefeller's ACA, the mother ship of the conservation movement. His closest colleague is Mason Walsh, chief counsel for the Rickard K. Mellon Foundation (RKMF), and, along with Mr. Noonan, one of the RKMF surrogates in quietly buying up the Eastern Shore of Virginia in the 1970s and 1980s. Mr. Walsh also is AFT vice chairman.

With connections like these, it's no wonder that when the National Academy of Sciences formed its "Committee on Federal Acquisition of Lands for Conseration" with its congressional mandate of developing a $30 billion long-range American Heritage Trust land-acquisition program. Mr. Noonan was immediately appointed, although he recently resigned.

Also appointed was Harriet Hunt Burgess, West Coast land trader for the Trust for Public Lands and architect of TPL's land transfer from private to public ownership in the Columbia River Gorge, and a leading land-acquisition lobbyist on Capitol Hill.

The NAS overseer for this new Land Acquisition Committee is Nathaniel Reed. In addition to his work as Trustee of Rockefeller's NRDC, Mr. Reed is a vice chairman of the National Audubon Society and serves on the president's council for the AFT. And from his exclusive Hobe Sound, FLA., home, Mr. Reed is one of the movers and shakers in the land lockup movement.

That movement has always been the darling of the Republican elite, most of whom it is safe to say, already have more than one vacation home and can well afford to see much more of this beautiful country "preserved" against the kind of economic development and exploitation that built their own family fortunes.

No doubt they have accomplished many worthwhile goals. No doubt also their appetite for doing still more of these good deeds represents a threat to the private property rights of ordinary Americans who haven't bought their first vacation home, but whose taxes are underwriting this elitist "land grab." Maybe that is why ordinary citizens are voting against it in such record numbers.

Mr. WALLOP. Mr. President, I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have discussed with the distinguished Republican leader two matters on which we had hoped to proceed today, and I would like now to inquire on both of those matters.

First, with respect to S. 330, a bill to amend the Soldiers' and Sailors' Civil Relief Act. As the distinguished Republican leader knows, this legislation would affect the Soldiers' and Sailors' Relief Act which wa enacted in 1940 and has not been modified since 1972 and would, among other things, increase from $150 to $1,200 the maximum rental amount of a residence from which the family member of a service member cannot be evicted.

We have been receiving reports of family members here of service men and women in the Persian Gulf confronting difficult circumstances, and this is an effort to improve their situation. It is my understanding that the House has acted on the matter and was prepared to accept the legislation in the form of S. 330 and that we were seeking consent to act on H.R. 555, the House companion bill, with the only amendment to be the substitution of the Senate version of the legislation in lieu of the House bill and that the House would have then accepted that and legislation would have been enacted today, and my hope is that we could proceed to do that so that we can get this action done prior to the recess.

I inquire of the Republican leader whether we are able to get consent to proceed so that there would be no amendments to the legislation other than the one which I have described which would facilitate complete action on the legislation during today.

Mr. DOLE. Mr. President, the objection on this side by Senator HEINZ is not to taking up the bill but to proceed including amendments. He has a gulf orphans amendment he would like to offer to this particular legislation and since the request would be that no amendments be in order except the one referred to by the distinguished majority leader, I would object on behalf of Senator HEINZ.

Mr. MITCHELL. Mr. President, I might say, of course, Senator HEINZ is within his rights to object in this manner, but it is a most regrettable result. The effect will be that the enactment of the amendments to the Soldiers' and Sailors' Relief Act which is intended to relieve the circumstances in which spouses of service men and women who are now in the Persian Gulf face—a very serious, adverse situation—will be delayed until after the return of the Congress on February 19. So we hoped to get this done now. Any Senator, of course, may offer an amendment and is within his or her right to object to a request to act without amendment, but I regret that that occurred in this case.

I will say that we are going to try when we return to move this bill very promptly, and I will be renewing the request with the distinguished Republican leader. We talked about this and, of course, we are supportive of this legislation and want to try to move it, and we are going to try to move this as promptly as we can when we return on February 19.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. MITCHELL. I yield.

Mr. DOLE. Let me underscore the willingness to take up the bill right now and deal with the Heinz amendment, but that is not the wish of many Members. I would think when our bipartisan group headed by Senators GLENN and MCCAIN put together a package of all the different things that may affect service personnel in the gulf that would be most helpful, and perhaps we would be faced each time we want to bring up something with another amendment. They are working on that as I speak, I believe.

Mr. MITCHELL. They will. And I hope that we can move that more comprehensive legislation as promptly as possible.

OMNIBUS EXPORT ADMENDMENTS ACT

Mr. MITCHELL. Mr. President, the other matter which I had hoped we could proceed to is S. 320, a bill to reauthorize the Export Administration Act. In accordance with my prior discussion with the distinguished Republican leader, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar item 8, S. 320, a bill to reauthorize the Export Administration Act.

Mr. DOLE. Mr. President, reserving the right to object, and I shall object, again this is a bill that I think most of us would like to move very quickly. Many of us worked on it in a bipartisan way. The problem is the final product was vetoed by the President, and this is essentially the same bill vetoed by the President.

I believe there are 139 areas. The administration would like to change just four of those. We are trying to accommodate the administration, speaking now of Members on this side of the aisle, and maybe Members on the other side of the aisle, as well.

Yesterday, we met in my office with General Scowcroft, representing the President; the distinguished Senator from Utah [Mr. GARN]; the Senator from Florida [Mr. MACK]; the Senator from Wyoming [Mr. SIMPSON]; and myself. I hope we can meet again tomorrow, and that we may be in a position to take up the bill at that time.

Mr. MITCHELL. Mr. President, I appreciate that. I understand an objection has been made.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, as I indicated to the distinguished Republican leader that I would, I will momentarily move to proceed to the consideration of that matter. I understand Senator SARBANES will be here to discuss the substance of the legislation, and Senator PELL. It is my hope that we can work this out. It did pass with broad bipartisan support last year.

I understand that there is active consideration being give to making some modifications that would enable us to deal with it tomorrow. If we cannot, then I would ask the Republican leader if he could simply advise me as to what will happen with respect to the motion to proceed. If there is going to be an effort to indefinitely delay action on it, obviously we would have to consider what course of action to take them.

I hope that will not be necessary, because I think the issue in controversy is not the bill as a whole; it is just some particular provision of the bill.

Mr. DOLE. If the majority leader will yield, I would just suggest we would like to move the bill. Many of us are cosponsors. This Senator was active with others on this side. We would like to work out, if we can, three or four areas with the administration, minor changes. What the administration is opposed to is mandates, mandating certain things.

The administration feels you are better off, if you could give the President some discretion, then you can work out multinational penalties against Germany, or whatever the country might be. And if we make a mistake by mandating, and if we mandate and other countries do not do anything, we are in effect the loser.

It is my hope that we might suggest that, yes, the President would have a right to waive, but we would have a right to disapprove of that waiver, as we do in arms sales. That still gives Congress the last shot. We are discussing that now with the administration.

It is not the intent of anybody on this side to hold up the legislation, I say to the majority leader.

Mr. MITCHELL. I thank my colleague.

OMNIBUS EXPORT AMENDMENTS ACT

MOTION TO PROCEED

The Senate proceeded to consider the motion to proceed.

Mr. MITCHELL. Mr. President, I now move that the Senate proceed to the consideration of Calendar No. 8, S. 320.

The PRESIDING OFFICER. Is there any debate on the motion?

Mr. MITCHELL. Yes; I understand there will be debate. We will proceed with the understanding that there will be debate this evening. We will get a further report tomorrow on the progress and whether or not it is possible to proceed at that time. And, if not, we will have to make a judgment at that time.

Mr. DOLE. Will the majority leader yield for one other item?

Mr. MITCHELL. Yes.

Mr. DOLE. With respect to the vote on the nomination of the Secretary designee, Lynn Martin, is that possible this week?

Mr. MITCHELL. Yes; as I indicated yesterday in a colloquy with the distinguished Republican leader, it is my hope that we can proceed to that tomorrow. I understand that the nominee was reported by the Committee today.

My original plan was to try to do three things: The Soldiers' and Sailors'

Relief Act, the Export Administration reauthorization, and the Martin nomination this week. One is now not possible. I am still hoping for the other two.

In any event, I think we ought to proceed in an effort to accommodate the President and the Secretary designee, Miss Martin.

Mr. DOLE. I think in this particular case, the 1-week recess would not make that much difference. But that is the same week the AFL-CIO has the annual meeting in Bal Harbour, FL, and she would not be able to go unless she has been confirmed as Secretary of Labor.

Mr. MITCHELL. For that reason and others. As I understand it, there is not going to be much, if any, controversy on the nomination. So I think we can do it with a reasonably short time limit and a vote tomorrow. That is at least my hope at this time.

Mr. SARBANES. Mr. President, will the majority leader yield for a second while the Republican leader is still on the floor?

Mr. MITCHELL. Yes, certainly.

Mr. SARBANES. I say to the majority leader that, of course, these talks are taking place between the Republican leader and General Scowcroft and Members on that side. The bill was reintroduced by all the Members who served on the conference committee, both Democrats and Republicans.

The judgment of that group, out of two committees, the Banking Committee and the Foreign Relations Committee, was that we should come back with this legislation. The point at issue that the administration has raised, which was cited in their veto message, was, of course, a point that was at issue at the time that we considered it here on the floor, and is really that the administration seeks a sort of blanket discretion simply not to apply these sanctions against either a country that, used, or is preparing to use chemical weapons or a foreign company that has assisted in chemical weapons proliferation.

I know this is a difficult issue for the Republican leader, because he introduced legislation around which much of this legislation was constructed, as a matter of fact. So I know what his position has been.

But I simply want to point out that when word was received last year after we passed the legislation, we had a very long and arduous conference, with the House.

And the conference worked long and hard, I think, to, in effect, sustain and protect many of the proper positions that the administration said were important, particularly in the export control field, because they were concerned that some technologies would be allowed to go about which they had national security concerns. They were concerned about the participation of the Defense Department in the process, and all of that was protected.

So my perception, as one who was very much involved in that conference, was that, in fact, many, if not most, of the administration's positions had been sustained by the conference. That is certainly the feeling of the Members of the House. If we come back and have to redo this legislation, which I think would be a very bad development, then I think the cat is out of the bag, and you may well get legislation that might be significantly different.

Seventy-nine Members of the Senate, when word was received that the administration was considering a veto, sent a letter to the President urging him to sign the legislation.

In fact, what we said in that letter—because we addressed this very issue of discretion, and let me just quote for a moment:

> Despite our efforts, we not understand that some of your advisors are recommending a veto of the bill because of what they see as excessively limited Presidential discretion to waive sanctions in the chemical and biological weapons title of the bill. This is a very abstract judgment about Presidential discretion in foreign affairs. The real issue here, however, is how to respond effectively to the scourge of chemical weapons.
>
> The sanctions provision of the CBW title are premised on Presidential discretion. The President must make a determination that a foreign company has knowingly assisted proliferation and not been punished, or that a country has actually used chemical weapons. Once a determination is made, sanctions must be imposed for one year following which there is Presidential discretion to waive sanctions in the national security interest or if remedial action is taken. This is not unfettered discretion but it is certainly discretion as broad as that covering EAA sanctions in current law.

The letter went on to say:

> The only use of discretion broader than this would be to let a company selling chemical weapons or a country that uses chemical weapons against its people escape any punishment.

Then it goes on with a conclusion. Seventy-nine Members signed that letter in the Senate. I thought that was a good judgment, and my understanding from my cosponsors, is we continue to think that this is an important principle to contain in this legislation. So I very much hope we will be able to move to it and to consider it again.

The bill that has been put back in avoids any changes and therefore deals with this issue very directly. This was a matter on which the distinguished Senator from Rhode Island [Mr. PELL] and the able Senator from North Carolina [Mr. HELMS] have spent a great deal of time and effort. I hope we will be able to get to this legislation and consider it promptly.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. Mr. President, I thank my colleague for his comments. I think they are well taken. I understand now that we are on the debate on the motion to proceed to the legislation. And I understand, Senator SARBANES and Senator PELL are prepared to address that subject, that is, the substance of the legislation. Mr. President, I therefore yield the floor so that they may continue with that debate.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PREVENTING CREATION OF AMERICAN ORPHANS FROM THE GULF CONFLICT

Mr. HEINZ. Mr. President, I thank the majority leader for moving to this item of business. I do have something to say on it. But first I would just like to complete the record on the subject of the last bill, H.R. 555, which I gather the leader had wanted to obtain a unanimous consent to move to and through without amendment. I am advised that I am not the only Member who does seek to offer an amendment to this legislation. Obviously I am not.

I do not wish to retard the Senate's ability to act on that legislation. As I told both Cloakrooms earlier today, I would have been and I remain quite agreeable to a time limitation on the amendment that I intend to offer. I would also like to make very clear for the record what that amendment is all about and why I think it is important for the Senate to address it.

The fact of the matter is that the legislation, H.R. 555, deals quite directly with our service men and women in Desert Shield, and the legislation that I intend to offer is a sense-of-the-Senate resolution, which resolution also directly affects the welfare of some of the men and women serving in Desert Shield.

In sum and substance, what this sense-of-the-Senate resolution does is to request that the Defense Department make appropriate provision, if so requested by an appropriate service person, for preventing the assignment of two parents or a single parent of minor children, or a child, in the imminent danger or combat zone of the Operation Desert Storm theater and that we request that the Secretary, where such request is made, to arrange for the prompt and appropriate reassignment of one parent in the case of both parents in such an area, or single parents, to other military duties unless such reassignment would jeopardize the safety, mission, capability, or combat effectiveness of the unit so affected; and that would be a waiver we would expect him to be very cautious about.

It seems to me, Mr. President, that this issue should be considered on its merits. There may be Members of the Senate who disagree with the substance of this resolution. There may be Members who agree with it. But it is extremely pertinent to the health or the welfare, the peace of mind, and, frankly, the well-being of Americans, both in Operation Desert Shield as well as those who are back here. And those who are back here are the young, the minor children of parents who may be up in the front lines in Operation Desert Shield.

Our Defense Department has done an absolutely marvelous job in two particular ways I would like to bring to the attention of the Senate. The first is that the Defense Department for the most part, has been rather thoughtful about how they might extend the so-called sole survivor and sole surviving parent regulation so that it is up to date. And we have those two regulations. The latter, the sole surviving parent, is in fact relatively recent.

But what we never really anticipated as we moved to a volunteer army was the possibility that both parents would be killed, or single parents in some cases—bona fide single parents—where the death of both, or one, would create another casualty. That casualty would be called an orphan.

Mr. President, there have already been casualties in this war on our side; fortunately not many of them. But we should try to limit, insofar as humanly possible, damage to little children who are American citizens, the same as their parents. And this issue deserves the urgent attention of the Senate and it deserves it with even greater urgency every passing day because, as we have been reminded with incredible frequency by all the commentators on radio and television, we are on the threshold—either now or some weeks in the future—of engaging in ground combat activities that will obviously increase the physical and mortal risks of our service men and women in the Persian Gulf. As a consequence, therefore, we have to recognize the urgency of this matter.

Second, we are facing in this combat theater weapons of war that this country, fortunately, has never had to face the possibility of before, the so-called nonconventional weapons: gas, possible biological warfare. These are weapons that do not simply explode, like a 2,000-pound bomb does, and create a crater 35 feet deep and a kill zone of hundreds of feet. The kill zones of biological and chemical weapons can be much, much larger. And it is not inconceivable that a missile coming down on an urban area, populated by a lot of U.S. service people, could do incredible damage and kill many hundreds, possibly even more, of people, including parents and single parents with dependents, young children, back here in this country.

So, Mr. President, it seems to me that there is an unusual situation that we face, as well as an urgent situation.

Finally, I said that there were two things that the Department of Defense and our military deserved commendation on. I mentioned the first, that they have up to a point attempted to be sensitive to this problem.

The second area of performance where they deserve commendation is that they have gone out of their way in the American air campaign to avoid bombing civilian targets and civilian populations in Iraq. Indeed, our military has taken considerable risks in avoiding those civilian targets. They have taken those risks because sometimes they have had to go in lower, tighter, closer to the antiaircraft fire to make sure that they did not hit a civilian area.

Sometimes, when in doubt, they have not released their ordnance and they have come back to base, thereby requiring additional missions on the same target, and sometimes they have not attacked a military target at all because to do so would jeopardize the lives of innocent Iraqi civilians.

I think those are commendable examples of our military going out of their way to spare harm to innocent civilians. But it does raise the question, Mr. President, of how, if we are going to such care to protect the lives of innocent Iraqi civilians, we would not want to take a few minutes here on the floor of the United States Senate to debate the issue of unnecessary sacrifice and harm to the lives of innocent children who are Americans in this country.

So this Senator hopes this will be an opportunity and an opportunity, if not tonight, tomorrow, to debate this, if not for hours, at least for half an hour, maybe an hour, as others see fit. I do not wish to foreclose debate, but I do not wish to filibuster any legislation either. That is why, Mr. President, I hope it will be possible for us to address this issue the way the Senate is supposed to, and that is by discussing it, by coming to a conclusion on it and moving on with the legislative business.

I understand that the sponsors of the legislation would like a clean bill. We have all been managers around here. We all like clean bills, but we also have to make a judgment as to whether that fits the mood, the will of the Senate and, most important, whether that is what the national interest demands.

I, obviously, had not planned to have to make these remarks in this way at this time. I know that the majority leader noted that I was within my rights to make objection to proceeding without this issue being considered, as we might take up H.R. 555. I thank him for being gracious in his usual fashion for doing so, but I did want to come over and complete the RECORD so that there would be no misapprehension left as to what the issue might be about and how it might be resolved.

Mr. MITCHELL. Mr. President, I wonder, if the Senator has completed his remarks on that subject, if I might make a comment on the subject of the Senator's amendment and the underlying legislation so that I can make clear what the status is and what my position is in that regard.

Mr. HEINZ. I will be happy to. I wanted to talk on the Export Administration Act, as well.

Mr. MITCHELL. I will not get into the Export Administration Act.

The PRESIDING OFFICER. Does the Senator yield?

Mr. HEINZ. If I might yield without losing my right to the floor.

Mr. MITCHELL. That is perfectly fine.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. So there can be no misunderstanding about the situation we find ourselves in and the causes and effects of that situation, the House passed H.R. 555 which amends the Soldiers' and Sailors' Relief Act. There are four principal provisions in the House legislation. The first would increase from $150 to $1,200 the maximum rental amount of a residence from which the family member of a service member cannot be evicted. That is protection from eviction for the family members of members in the Armed Forces.

The second provision provides that liability insurance for physicians and other professionals who are ordered to active duty would be suspended upon written request for the period of service and would be reinstated if requested within 30 days of discharge, and in the interim, no premiums could be charged. That is, obviously, protection for physicians who are called up and required to serve in the Persian Gulf.

The third would provide that a self-employed service member and his family must have their health insurance reinstated with no waiting period or exclusion of coverage in cases in which coverage would have been provided if the service member had not been called to active duty. The obvious reason for that is to protect men and women called into our Armed Forces against a loss of their health insurance when they would not have lost it had they not been called up.

And fourth and finally, the legislation expresses the intent of Congress that lenders, creditors, insurers, and others involved in financial transactions not take adverse action against a person in the military because that person in the military exercises the rights available under this law; again, an effort to protect the men and women now serving in our Armed Forces and their family members.

There is no opposition to this legislation. It passed the House. We got an understanding from the House that they would accept the Senate bill, S. 330, which differs in minor respects, and if we had been able to pass that bill today and get it back to the House before they adjourned, this would have been able to become law promptly.

That is what I wanted to do, and that is what I tried to do.

Under the rules of the Senate, of course, any Senator is free to offer an amendment any time he or she chooses. So we sought unanimous consent to permit us to move this bill without amendment so that we could get it done today and have it become law promptly. Acting within his rights, the Senator from Pennsylvania refused to give consent to that procedure. As far as I know, he is the only Senator who refused to give consent to that procedure. All other Senators agree so that we could pass this bill promptly.

The reason why the Senator objected, as he has just stated, is so that he could offer his amendment dealing with the children of American service men and women now in the Persian Gulf.

I will simply say that his amendment, unlike the underlying legislation, is not noncontroversial. The amendment of the Senator from Pennsylvania is very controversial. His amendment was not cleared for approval by either the Democratic side or the Republican side, and as the Senator knows, the Chairman of the Joint Chiefs of Staff, General Powell, has just today made a very strong statement in opposition to this provision and was joined in that opposition by the Secretary of Defense.

So we had a very important amendment to be offered by the Senator from Pennsylvania, but one which is controversial and on which there is not agreement among Democrats or Republicans. That meant that we could not get the agreement and pass the underlying bill.

There is not any point in proceeding at this point in time because the House has now, I understand, already gone and if we cannot pass this since we could not pass the bill prior to their departure, it would have to await final action upon our return.

Finally, even if the Senator's amendment were adopted, that would, of course, go back to the House where there is not agreement on his amendment.

Mr. HEINZ. And where there is no House.

Mr. MITCHELL. There is no House now.

Mr. HEINZ. It is Wednesday and they have taken a vacation.

Mr. MITCHELL. I will just say that the effect of this is that the Senator from Pennsylvania retains the right, of course, as he has and all Senators have, to offer his amendment to any legislation, including the underlying legislation. The unfortunate aspect of it, to which I commented earlier, is that we will not get to pass the changes in the Soldiers' and Sailors' Relief Act as promptly as otherwise might have been the case, even though those provisions are themselves not controversial, and I believe the Senator from Pennsylvania himself supports those provisions.

Mr. HEINZ. The Senator is absolutely correct.

Mr. MITCHELL. So that is the situation. We will proceed, as the distinguished Republican leader indicated, as soon as we can with a comprehensive legislative package, on which there are now task forces working on both sides, that will have provisions providing for family members of men and women now in the Armed Forces and include provisions not included in either the Senator's amendment or the underlying legislation.

In any event, that is the situation in which we find ourselves. For that reason, we will not be proceeding to this matter at this time. It is my hope that in the invervening period, we can work this out in a way that will be acceptable to the Senator from Pennsylvania and that will permit us to proceed promptly to the underlying legislation; that is, the proposed amendment to the Soldiers' and Sailors' Civil Relief Act.

I thank the Senator for his courtesy in permitting me to interrupt his remarks and comment on that matter.

Mr. HEINZ. Mr. President, I think I still have the floor.

I had not intended to get into an extended discussion with my friend, the majority leader, but I do want to make a couple of remarks in response to one thing he said. I have to at the outset clarify something that he probably thought he was right about. I understand why he thought he was right about it. He said there was opposition to this legislation voiced by Chief of Staff Powell and Dick Cheney, the Secretary of Defense.

There was opposition voiced to a bill which is very different than this sense-of-the-Senate resolution. The legislation that was specifically addressed by Senator HATCH was A, a bill; B, it referred to the fact that there was a prohibition on assignment of any single parent or both parents with young children to the Desert Shield theater. That is not what this legislation does. I just want that clear.

My sense-of-the-Senate resolution is quite different in that regard because it asks in sum and substance, first. Second, it asks the Defense Department to come up with a policy that will meet this test.

I understand why the majority leader felt this could have been the same legislation. I am not being critical of him in any respect in that regard.

(Mr. DASCHLE assumed the chair.)

Mr. MITCHELL. I thank the Senator. Might I inquire of the Senator, does the Secretary of Defense and Chairman of the Joint Chiefs of Staff support the Senator's resolution? Do they support it?

Mr. HEINZ. I do not know how they feel about the resolution. I am not here to say they support it. But I do not think that is what they were asked to address in our briefing from Senator HATCH'S question. But it is the same subject. It is the same subject.

Mr. MITCHELL. That is what I understand, right.

Mr. HEINZ. As the majority leader will note, the answer that General Powell gave to the question was quite interesting. He spent about 3 minutes explaining why the legislation was strongly opposed, and then he said that he did feel it was important for the Department to review their regulations because he did not want—and I quote him more or less exactly—"a married couple with children in the same foxhole," because he is very sensitive to the idea of both parents getting killed. Second, by making that comment, I think he grants the premise of my resolution, that DOD has not thought the problem all the way through.

That is really the point. The point of my resolution is to get them to think it through and to get them to think it through just as quickly as possible.

I understand their sensitivities, and I do not want to trample on our combat effectiveness, morale, or anything else, which is why the resolution that I offer may even be somewhat different from the one I circulated late last night or early this morning.

The majority leader is correct; it was not cleared for approval by either side. But I was not aware that one had to clear an amendment to have it offered on the floor of the Senate by anybody. I did not realize we had that procedure here, and, indeed, we do not.

If you want an amendment adopted by unanimous consent, it has to be cleared. But this Senator only asked for unanimous consent to offer an amendment, not to have it adopted, just debate it, which, as the majority leader did correctly point out, is a right and one that should not be abused, and I do not intend, I hope, to abuse it.

I do have something, though, to add, I hope, to what the majority leader said. The majority leader pointed out that this is very good, important legislation. We all support it. If there is going to be anybody who might be affected adversely by the amendments to the Soldiers' and Sailors' Relief Act represented here before us, I think there is a very simple and good way to fix that, and that is to stipulate in the legislation that its effective date is today and that the provisions are extended as of today, the day that it came up on the Senate floor.

Certainly there is ample precedent for having legislation with a date certain for its applicability, and I would suggest to any Senator who is concerned about the fact that this may not come up today, or tomorrow, or for some time, that is the way we ought to handle it, if that is a genuine concern.

Finally, the majority leader probably shares my frustration in this. It is 6 o'clock on a Wednesday. There is no national holiday on Thursday or Friday or even Saturday. For some reason, the House of Representatives has adjourned and gone home, on vacation.

If legislation is important, I do not think it is asking too much by the public to have both of the Nation's great deliberative bodies to stay in session until our work is done. But if everybody is going to knock off work either here or in the other body in the middle of the week at 6 o'clock and take a Thursday, Friday, Saturday, Sunday, and all of next week off, I have to question the priorities of the Congress as a whole.

That is probably a subject for another time, and it will probably raise hackles all over the body. I see the majority leader getting a little antsy, so I think I better talk about the Export Administration Act or I will be forced to yield to him again.

Mr. MITCHELL. I ask if the Senator will yield just briefly. I have been majority leader over 2 years and the Senator from Pennsylvania has never until this moment objected to a recess of the Senate, to my knowledge.

Mr. HEINZ. No; I voted against them.

Mr. MITCHELL. I thank my colleagues. I just want to say that no useful purpose is served in denigrating the other body. I think someone from the House could stand and point out that the Senate has more and longer recesses than the House does. I am sure they will not do it.

Mr. HEINZ. It is leadership, as I understand it, that schedules those recesses.

Mr. MITCHELL. I thank the Senator for his usual comments.

It is very unfortunate that we are unable to get this other bill passed. I understand the Senator's desire to have his amendment considered. He has every right to do that.

I understand the Chief of Staff's statement to be a rather strong endorsement of their current policy, but I think rather than any of us trying to characterize his remarks we would be better off asking him for his view on the Senator's resolution, which I think will be helpful to many Members of the Senate. I think it best to let his words speak for themselves on the particular resolution. I think the best way is to invite, as we ordinarily would, comment by the agency affected by the legislation, and we will do that and hope we have that and that will be guidance for all Senators, or at least information which all Senators can take into account as they consider this matter.

Mr. President, I yield the floor. I thank my colleague for his courtesy.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I have taken more time than I intended. It is not my intention, I want to say to my friend from Maryland, in particular, who has been most patient, to filibuster the Export Administration Act renewal.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

MOTION TO PROCEED

Mr. SARBANES. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the motion to proceed to Calendar No. 8, S. 320.

Mr. SARBANES. Mr. President, I rise in support of the motion to proceed, and I very much hope to go to S. 320 as promptly as possible. This legislation would reauthorize the Export Administration Act. It would also require the President to impose controls and sanctions on the proliferation of chemical and biological weapons and missile technology, and it imposes economic sanctions on Iraq.

The bill, S. 320, corresponds to the conference report which accompanied legislation which was passed unanimously in both Houses of Congress toward the end of the last session.

Despite this strong congressional support, and a letter from 79 Senators to the President urging that the legislation be signed, the President pocket vetoed the bill on the 16th of November.

And, Mr. President, I ask unanimous consent that additional members be added as cosponsors in a submission sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, the bill was put back in in this session by the members of the Senate Banking Committee and the Senate Foreign Relations Committee who served as members of the conference committee in the last session, both Democrats and Republicans. We were in agreement on both sides of the aisle.

In doing this, in believing in the merits of this legislation—that was for the sake of the RECORD, Senators RIEGLE, GARN, PELL, HELMS, HEINZ, CRANSTON, and myself. They were the conferees from the Senate, from those two committees—the Senate Banking and Senate Foreign Relations—who conferenced this legislation in the last session.

Let me take just a moment to provide some background on how this legislation was developed, why the sponsors feel so strongly that it should be passed again, and that the President should sign it into law.

The Banking Committee has jurisdiction over the Export Administration Act which provides the President authority to control exports of high technology goods with possible military applications to Eastern Europe and the Soviet Union. That act expired last year—was due to expire and the Banking Committee had the responsibility to provide a reauthorization. We were trying to balance two very important concerns: One is promoting exports by American producers, and the other is precluding the export of high technology items with the possibility of use in terms of military application.

The dramatic developments that took place in Eastern Europe in 1990 had a particular impact on the reauthorization of this legislation, and made it a subject of significant national concern. I chaired the subcommittee in the Banking Committee which reviewed the operations of the export control regime. We held oversight hearings. We heard from witnesses from the administration, from the private sector, on this important issue.

While the committee was exercising this oversight, the international organization know as Cocom which overseas the implementation of export controls by the NATO countries and Japan undertook a review of the controls imposed by Western governments on Eastern Europe.

In June of last year, Cocom produced an agreement which significantly reduced export controls and represented significant change in the export control regime. The committee sought to work closely with the administration which, of course, was putting forward these proposed changes at Cocom, in developing legislation that would carefully balance the need of U.S. exporters to compete effectively in international markets and balance that with the genuine national security interests of the United States in controlling the export of high-technology goods with military application.

The bill that was reported out of the committee had a unanimous bipartisan support in the committee. It was in fact supported by the administration. During floor consideration of this legislation two major amendments were added to the bill—one an amendment by Senators HELMS and PELL. This was an area in which both had taken a keen interest and, in fact, in which Senator PELL has been involved for a number of years, a bill dealing with the proliferation of chemical and biological weapons, legislation which had in fact previously passed the Senate unanimously. And the second was an amendment by Senators MACK and GRAHAM which dealt with trade with Cuba by the foreign subsidiaries of United States companies.

The House, of course, produced its own legislation differing in significant respects from the Senate, and a conference committee was convened to reconcile the differences and engage in a lengthy complex, difficult, extended conference to resolve these differences.

During that work of the conference committee, extensive efforts were made to consult with the administration about its concerns, and particularly about its concerns with respect both to the Export Administration Act as it passed the House about which they expressed considerable difficulties, and the chemical and biological weapons proliferation provision in the Senate bill.

I think it is the unanimous view of the conferees—certainly in the Senate and I believe in the House as well—that what was worked out between the two bodies in the conference represented a very positive and constructive contribution.

Unfortunately, once the legislation was passed, we heard these rumors of a Presidential veto counseled to him by his advisers because it did not give complete discretion—absolute, total, and complete discretion to the President to waive sanctions against countries that used chemical weapons or sanctions against foreign companies who knowingly and materially assist in the proliferation of chemical weapons.

It was at that point that 79 Senators, including both the majority and minority leader, sent a letter to the President urging him to sign the legislation. The letter clearly stated the views of the Senator and pointed out that the sanctions provision of the chemical and biological weapons title are premised on Presidential discretion. We built some discretion into the legislation. What we did not do was give an absolute and total discretion, and, in fact, as was pointed out in the letter, the only use of discretion broader than what had been provided in the legislation would be to let a company selling chemical weapons or a country that uses chemical weapons against its people escape any punishment. The letter went on to say we reject the idea that there could ever be a diplomatic gain sufficient to justify such a waiver in those circumstances.

Mr. President, I ask unanimous consent that letter be printed in the Record at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. In addition to the overwhelming congressional support for the legislation, strong support was expressed by the business community.

On November 9 of last year, 16 chairmen of our leading companies, high technology companies, including IBM, AT&T, Intel, NRC, Apple Computer, and others sent a letter to the President urging him to sign the conference report into law.

In the past week, I have received letters from the presidents of the Computer and Business Equipment Manufacturers Association, the National Machine Tool Builders Association, and the American Electronics Association urging repassage of this legislation. I ask unanimous consent that those letters be printed in the Record at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SARBANES. Strong editorial support was also expressed for the legislation. I will quote from a Washington Post editorial of last November:

> Instead, some of the President's advisers are pressing for a veto on the grounds that the bill imposes sanctions that would be mandatory. The administration's lawyers argue that the Ameircan response to the use of these weapons ought to be left up to Presidential discretion. The bill, they claim, is an infringement on the President's constitutional power to conduct foreign policy.
>
> That's gross exaggeration. The bill says that if the country uses these weapons, the United States will impose on it a range of penalties affecting its economic and political relations with this country. After a year, the President could lift those penalties. Similarly, if a foreign country helps certain countries build these weapons * * * the company's products will be banned from the American market. Again, after a year, the President could lift the ban. It's absurd to describe that as interference with the President's control of foreign policy.

Mr. President, I ask unanimous consent that the Washington Post editorial, as well as an editorial from the New York Times of last October 25, which also urged the President to sign the conference report, be printed in the Record at the conclusion of my statement.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 3.)

Mr. SARBANES. Despite the urgings in the letter from 79 Members of this body, the urgings of the business community, and the urgings of some of our Nation's leading newspapers, the legislation was pocket vetoed. In the memorandum of disapproval accompanying the pocket veto, the President, asserted that mandatory sanctions unduly interfere with his constitutional responsibilities for carrying out foreign policy.

Mr. President, I submit that this is a very questionable argument. Among the powers specifically given to the Congress under the Constitution is the power to "regulate commerce with foreign nations." In the past, the Congress has used this authority to simply cut overall aid or trade with a particular country, simply to cut it off. We did not do that in this legislation, but that power to regulate commerce with foreign nations has been used in other instances simply to cut off trade.

In a number of cases, Congress has given the administration a role in deciding whether to impose or lift sanctions. And in several of these statutory regimes previously enacted, the President actually has much less discretion to waive the imposition of sanctions than was given to him in the conference report or in the legislation, which has now been introduced.

For exmple, under the so-called Toshiba provision of the Omnibus Trade and Competitiveness Acts of 1988 where the President makes a determination that a foreign company has violated the CocOM agreement, and that this has adversely affected the strategic balance of force, he is required to impose import and procurement sanctions on the company for at least 2 years. Similar sanctions were also specifically imposed on the Toshiba and Kongsberg companies by the 1988 act without any requirement of a Presidential determination at all. The point, simply put, is that the sanctions required under the chemical and biological weapons title of the conference report contained in S. 320 are entirely consistent with past actions of the Congress and, in fact, give the President broader discretion than in some of the previous laws.

Finally, I want to point out that the President has issued an Executive order under the authority of the International Emergency Economic Powers Act, known as IEEPA, implementing certain portions of the chemical and biological weapons provisions of the conference report. He announced he would continue export control enforcement under IEEPA authority and would direct executive agencies to implement some of the export control reforms contained in the conference report.

I submit, Mr. President, that this sort of executive action cannot substitute for legislation. First of all, the executive actions fall far short of implementing the policy changes contained in the legislation.

Second, it is fundamentally inappropriate for the President to use a broad emergency power granted by the Congress to the President under IEEPA for emergency purposes, for the routine purpose of carrying out the administration of an export controls or chemical weapons antiproliferation policy.

Third, the private sector feels itself in some, if not jeopardy, certainly unease or ambivalence, since it does not have a statutory scheme to which it is relating as it carried forward its business, but finds itself solely within an executive regulatory framework which, of course, can be changed on them at any point and does not have the permanency and solidity which the enactment of legislation would provide.

Mr. President, I submit that S. 320, the Omnibus Export Amendments Act of 1991, is a carefully considered and balanced effort to address two of the most important issues confronting the United States—the proliferation of chemical and biological weapons, and the export control regime on high technology trade with the Eastern bloc. This is important legislation. It is important for the economic future of the country. It has been singled out by the business community as a major item on their agenda. This is important legislation for weapons proliferation, and I very much hope we will be able to proceed to it, take it up promptly, and proceed to enact it and place it on the Nation's statute books.

I underscore, Mr. President, the extended effort which went into formulating this legislation. It bridged a number of committees; there were jurisdictional questions and substantive differences between the Senate- and House-passed bill. The administration's concerns were kept very much in mind and addressed and, in many and most instances, I think, successfully. I regret very much the pocket veto, but I hope we will be able to move forward and consider this legislation and pass it so that we may address these pressing problems.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC, October 27, 1990.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Congress has enacted H.R. 4653, the Omnibus Export Amendments Act of 1990. The legislation makes important changes in our export control policies to reflect rapid political change in Eastern Europe, the growing challenge of chemical and missile proliferation, and the crisis in the Persian Gulf.

In preparing this legislation, the Congress worked closely with the Administration to ensure that changes in export control policy were consistent with U.S policy in CoCom. We labored to ensure that the new nonproliferation regimes created in law would be workable and effective, relying primarily on current multilateral mechanisms but using economic sanctions as a last resort. We made the Iraq sanctions title of the bill a strong statement of support for your policy in the Gulf.

Despite our efforts, we now understand that some of your advisors are recommending a veto of the bill because of what they see as excessively limited Presidential discretion to waive sanctions in the chemical and biological weapons title of the bill. This is a very abstract judgement about Presidential discretion in foreign affairs. The real issue here, however, is how to respond effectively to the scourge of chemical weapons.

The sanctions provision of the CBW title are premised on Presidential discretion. The President must make the determination that a foreign company has knowingly assisted proliferation and not been punished, or that a country has actually used chemical weapons. Once a determination is made, sanctions must be imposed for one year following which there is Presidential discretion to waive sanctions in the national security interest or if remedial action is taken. This is not unfettered discretion but it is certainly discretion as broad as that covering EAA sanctions in current law.

The only use of discretion broader than this would be to let a company selling chemical weapons or a country that uses chemical weapons against its people escape any punishment. We reject the idea that there could ever be a diplomatic gain sufficient to justify a waiver in these circumstances.

You have made eradication of chemical weapons a national priority and you urged that Congress to pass sanctions legislation. We have answered that call and believe a veto on these narrow grounds would be contrary to our shared commitment to eliminate chemical weapons. It is our intention to see tough sanctions enacted, if necessary by pursuing legislation in the 102d Congress. For all these reasons, we urge you to sign this legislation.

Sincerely,

Paul Sarbanes, Don Riegle, Pete V. Domenici, Jesse Helms, Connie Mack, Orrin Hatch, Jake Garn, Alfonse D'Amato, Slade Gorton, John Heinz, Kit Bond, Arlen Specter, Lloyd Bentsen, Barbara A. Mikulski, Dennis DeConcini, John Breaux, Alan Cranston, David Pryor, David K. Inouye, Frank R. Lautenberg, Terry Sanford, Richard Bryan, Paul Simon, Ernest F. Hollings, Alan J. Dixon, John F. Kerry, Claiborne Pell, Bob Kerrey, Wendell Ford, J. Bennett Johnston, Bob Graham, Herbert Kohl, Jim Daschle, Albert Gore, Jr., Christopher J. Dodd, John D. Rockefeller IV, Dale Bumper, Kent Conrad, Charles Robb, Jeff Bingaman, John Glenn.

Patrick Leahy, Max Breaux, Brock Adams, Howard M. Metzenbaum, Jim Sasser, Sam Nunn, Quentin Burdick, J.J. Exon, Harry Reid, Edward Kennedy, Timothy E. Wirth, Carl Levin, Joe Biden, Joe Lieberman, Frank H. Murkowski, Jim McClure, Thad Cochran, Bob Dole, George Mitchell, Alan K. Simpson, Chuck Grassley, Nancy Landon Kassebaum, Steve Symms, Daniel P. Moynihan, Warren B. Rudman, John McCain, John Warner, Tom Harkin, Richard Shelby, Pete Wilson, Bob Kasten, Bill Bradley, Dave Durenberger, Mark Hatfield, Malcolm Wallop, Wyche Fowler, Jr., Bill Cohen, John Chafee.

EXHIBIT 2

COMPUTER AND BUSINESS EQUIPMENT MANUFACTURERS ASSOCIATION,
Washington, DC, January 29, 1991.

Hon. PAUL S. SARBANES,
Chairman, International Finance and Monetary Policy Subcommittee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Computer and Business Equipment Manufacturers Association (CBEMA), I am writing to thank you for your efforts to reauthorize the Export Administration Act.

Like you, we were disappointed that the President did not sign the legislation sent to him in late 1990. However, we do believe the actions he promised to take in his November 16 memo of disapproval will result in some sound improvements to the export control system, although much remains to be done. Your work in bringing about these changes is greatly appreciated.

In addition, while we were encouraged by the actions of the White House, we do believe it is essential that Congress renew the statutory basis for the export control system. We continue to support the measured and thoughtful reforms contained in H.R. 4653, legislation to reauthorize the Export Administration Act and urge its readoption in the new Congress. Put simply, we believe that the export control reforms in H.R. 4653 make good sense.

Again, your work on this issue is very much appreciated. We look forward to working with you in the 102nd Congress.

Sincerely,

JOHN L. PICKITT,
President.

AMERICAN ELECTRONICS ASSOCIATION,
Washington, DC, February 6, 1991.

Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR: We understand that the Senate is prepared to act on the S. 320, which would reauthorize the Export Administration Act (EAA). AEA worked closely with the House and Senate on this issue and we appreciate the hard work that went into the conference report.

Even though we were disappointed that the President did not sign the legislation sent to him in late 1990, we believe his commitment to address several issues outlined in his memorandum of disapproval will result in sound improvements in the system, if implemented in an effective and timely manner.

Nonetheless, we do believe it is essential that Congress renew the statutory basis for the export control system. We continue to support the limited and focused reforms contained in the conference report, H.R. 4653 (Please see attached for our previous positions).

When S. 320 is brought to the floor for a vote, we encourage you to resist amendments that would serve to undermine the conference report. In fact, should there be substantial floor action, we would support you in withdrawing the bill.

Sincerely,

J. RICHARD IVERSON,
President and CEO.

AMERICAN ELECTRONICS ASSOCIATION,
Washington, DC, November 9, 1990.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We the undersigned CEOs are writing to recommend that you sign into law the Omnibus Export Amendments Act of 1990, H.R. 4653. The legislation amends the Export Administration Act to reflect European unification, the significant changes in Eastern Europe and the rapid advancement of technology.

While the bill is not perfect, it will allow the U.S. electronics and telecommunications companies to have a level playing field with our European and Japanese competitors. In particular, exports represent a significant source of revenue for our companies and it is imperative that we be able to export on par with our competitors. Furthermore, the majority of our trade is with U.S. allied nations and the Export Amendments Act will allow us increased flexibility in trading with these partners. Finally, our companies fuel the nation's economic growth. Enhancing our ability to export will strengthen the U.S. economy.

Mr. President, we urge you to sign H.R. 4653 into law.

Sincerely,

John F. Akers, Chairman, International Business Machines Corporation; Robert E. Allen, Chairman of the Board and CEO, AT&T; Richard Ashcroft, President, International Imaging Systems; Joseph R. Canion, President and CEO, Compaq Computer Corporation; W.P. Conlin, President, CalComp; Charles E. Exley, Jr., Chairman and CEO, NCR; Joe Finney, President and CEO, International Converter; John C. Lewis, Chairman and CEO, Amdahl Corporation; Gordon E. Moore, Chairman of the Board Intel.

Scott G. McNealy, President and CEO, Sun Microsystems, Inc.; Craig J. Mundie, President and COO, Alliant Computer Systems Corporation; Safi U. Qureshey, President, CEO and Co-Chairman, AST Research, Inc., John A. Rollwagen, Chairman and CEO, Cray Research Inc.; Robert Saldich, President and CEO, Raychem Corporation, John Sculley, Chairman, President and CEO, Apple Computer, Inc.; Bob Stephens, President and CEO, Emulex Corporation; J. Richard Iverson, President and CEO, American Electronics Association.

THE ASSOCIATION FOR MANUFACTURING TECHNOLOGY,
McLean, VA, January 24, 1991.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on International Finance and Monetary Policy, Senate Banking, Housing and Urban Affairs Committee, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: As you know, NMTBA—The Association For Manufacturing Technology supported passage of the Conference Report on H.R. 4653, the Omnibus Export Administration Act of 1990. While it was not all that we hoped it would be, we felt that it went a long way towards solving a number of the problems that have plagued American exporters in general, and the machine tool industry in particular, in recent years.

Unfortunately, on November 16, 1990, the President saw fit to veto this bill, deciding instead to enforce export controls through the authority granted in the International Emergency Economic Powers Act.

We believe this decision was ill-advised. While the bill did not achieve all of our objectives, last year's Omnibus Export Administration Act contained many badly needed reforms that had been hammered out during long hours of legislative bargaining. We believe it would be unnecessary, and, indeed, counterproductive to start again from scratch in 1991. Thus, we urge you to resubmit the very same bill, H.R. 4653, in the 102nd Congress and work towards its passage. Let me assure you, Mr. Chairman, you can count on the support of NMTBA—The Association for Manufacturing Technology in that important effort.

With warm regards,

Sincerely,

ALBERT W. MOORE,
President.

EXHIBIT 3

[From the Washington Post, Nov. 4, 1990]

CHEMICAL WEAPONS

President Bush is getting bad advice from the lawyers who want him to veto the bill on chemical and biological weapons. It's time to tighten the rules against countries that use these foul devices and the manufacturing companies that help them to do it. With very few exceptions—Iraq is the most notorious—the world is now moving to rid itself of these weapons. The United States ought to be leading that movement.

Instead, some of the president's advisers are pressing for a veto on grounds that the bill imposes sanctions that would be mandatory. The administration's lawyers argue that the American response to the use of these weapons ought to be left up to presidential discretion. The bill, they claim, is an infringement on the president's constitutional power to conduct foreign policy.

That's a gross exaggeration. The bill says that if a country uses these weapons, the United States will impose on it a range of penalties affecting its economic and political relations with this country. After a year, the president could lift those penalties. Similarly, if a foreign company helps certain countries build these weapons—countries that have used them recently, or are preparing to use them or are on the list of havens for terrorists—that company's products will be banned from the American market. Again, after a year, the president could lift the ban. It's absurd to describe that as interference with the president's control of foreign policy.

This legislation is a response not only to Iraq's use of gas but to the revelations that a number of European companies, particularly in Germany, helped Iraq and Libya build factories to produce gas. The German government also has reacted, tightening its restriction of suspect exports and sharply increasing the penalties for violating them. International cooperation to discourage these weapons is improving. A veto of the bill would suggest to all the wrong people that the United States was losing interest in the subject.

The breadth of congressional support for this bill is impressive. It passed the senate 92 to 0, and 79 senators have now publicly urged him to sign it. But the president's lawyers are telling him that the next time an army uses poison gas, he might find it expedient to overlook the incident—as President Reagan overlooked the Iraqi use of gas, first on Iranian troops and then on Kurds who were Iraq's own people. In this bill Congress is saying that it doesn't want poison gas or biological warfare overlooked. That's what this quarrel is about, and this time Congress is right.

[From the New York Times, Oct. 25, 1990]

STANDING ON CEREMONY ON POISON GAS

For years the United States did nothing while Saddam Hussein used chemical weapons, first in his war with Iran and then against Iraq's Kurdish citizens. Now U.S. troops face a chemically armed Iraq in the desert and Congress is about to vote to impose mandatory sanctions on countries that produce, acquire or use chemical weapons. How can President Bush, of all people, be threatening to veto the bill?

Mr. Bush has pledged to rid the world of the scourge of chemical weapons. And he's negotiating a global treaty to do just that. But Secretary of State Baker says mandatory sanctions limit the President's discretion. What a bizarre time to stand on ceremony. Congress is right to enact the legislation, and the President would be wrong to veto it.

Sanctions legislation has long bogged down in jurisdictional disputes between committees of Congress. Finally a House-Senate conference has agreed to appropriately tough sanctions in the Export Administration Act.

The act bars foreign companies that help countries develop chemical weapons from selling goods in the United States. Further, once the President determines that a country has used chemical or biological weapons, he must apply sanctions. The list of sanctions includes a cutoff of foreign and military aid, export and import restrictions and suspension of U.S. arms sales.

Mr. Baker says the bill limits administrative flexibility to impose or waive sanctions. But the President could waive sanctions after a year if he determined that was important for national security. In the meantime, mandatory sanctions would send a strong message that the U.S. is serious about curbing the spread of chemical weapons. This is a very good time to send such a message, and a very good cause to get serious about.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. The Senator from Maryland has well described the great effort that went into this bill here and in conference. The Senate is on record 92 to 0 in support of the original Senate bill. I hope that we can have bipartisan support to enact this legislation soon.

If this legislation had been on the books several years ago, Saddam Hussein would have faced certain sanctions for the use of chemical weapons, and he might have been deterred. Moreover, the companies that helped him would have been sanctioned themselves.

Unfortunately, the previous administration did essentially nothing when Saddam Hussein gassed Iranian troops and gassed his own citizens.

We know now the Congress was right in wanting to act in 1988, when the administration would not. We cannot change that mistake now, but we certainly can avoid repeating it.

It is imperative that we act to prevent anything like the problem with Iraq's chemical and biological weapons from recurring again anywhere in the world.

I yield the floor.

Mr. ADAMS. Mr. President, in the closing days of the last session, Congress overwhelmingly passed the conference report on the Omnibus Export Amendments Act, a bill to reauthorize and reform the Export Administration Act [EAA]. Unfortunately, in November, the President pocket-vetoed the conference report. As a result, the Congress must reintroduce and pass yet again this important piece of legislation.

The EAA is the President's basic authority to control exports for national security and foreign policy purposes, and affects the jobs and future of more than 160,000 Washingtonians employed in the State's 600-plus exporting companies in aerospace, high technology, and related sectors.

Since the late 1940's, the United States has imposed export restrictions on hundreds of thousands of items. Export controls serve to protect our national security interests, but they can also cripple an American company's ability to compete against Japanese, French, and other foreign firms in third country markets. The reforms contained in this legislation are vital to the competitiveness of Washington State and other exporters in world markets.

I supported the EAA conference report because it would have drastically cut the bureaucratic redtape that has cost exporters in my State, such as

John Fluke, Boeing, Hewlett-Packard, and Seagate, millions of dollars in lost sales. I supported the conference report because it also responded to the need to focus controls more on the threat posed by the North-South proliferation of chemical and biological weapons and less on outdated, cold-war-era East-West technology controls. Despite the best efforts of the Congress to work with the administration to modernize our export control process, the President in the end opted to pocket-veto the measure over one provision. This section requires that sanctions be imposed against a country if the President determines that the government of that country has used chemical or biological weapons against its own people or in violation of international law. As our men and women now face the very real threat of Iraqi chemical weapons, it is inconceivable that the President would single out this particular provision as objectionable.

The United States no longer enjoys technological preeminence or unquestioned leadership in the global economy. Our allies now challenge us in 55 percent of the 22 technologies identified by the Defense Department as most critical to our economic security. We can no longer dictate the rules of technology transfer at Cocom, the allies' multilateral export control coordinating committee. Yet, the Bush administration, like its predecessor, continues to insist on placing cold-war-era constraints on American companies. American exporters simply cannot compete in the world economy of the 1990's with an export control regime that belongs to the 1950's.

The administration's proposal to the high-level Cocom meeting last June in Paris was, at best, a modest step on the path of bringing the export control regime into the 21st century. However, the administration's resistance to liberalization of controls beyond those contained in its proposal of last June made it incumbent upon Congress to chart a new course for our export control policy. Accordingly, it is even more critical to reintroduce the conference report on the Export Administration Act, so that American exporters can better compete in today's world market.

The EAA legislation provides for a number of important reforms in the United States and Cocom export controls. The bill creates a license-free zone for shipments to and from Cocom countries. It eases restrictions on telecommunications exports to Poland, Hungary, and Czechoslovakia. It shortens licensing times for items subject to national discretion and favorable consideration review. It prohibits dual controls on items which may have both a munitions and commercial purpose. It enables companies to obtain judicial review of certain licensing decisions. And it restricts the additional requirements that may be imposed on exporters of supercomputers.

The Banking and Foreign Relations Committees worked diligently throughout 1990 on this bill. It passed the Senate last summer by voice vote, and I and 78 other Senators subsequently wrote to the President urging him to sign the measure into law. Enactment of this legislation is extremely important to the high technology, aerospace, and related industries, and workers of Washington, and I strongly urge my colleagues to support this bill.

Mr. KERRY. Mr. President, I rise in support of the conference report reauthorizing the Export Administration Act. This legislation, already debated in both bodies during last session's passage, is vital to the health of our Nation's economy. By making it easier for companies to export, and not endangering national security, this bill is one important way that the Federal Government can help to lift us out of recession. I would hope that the President recognizes this and will sign the bill instead of vetoing it like he did the last time that it was was sent to his desk.

I would like to thank the subcommittee chairman for having worked to accommodate my input to the bill and I would like to thank the conferees in both the House and Senate for working so hard to fashion a compromise that can be passed in both Chambers. I believe that in the process we have built on the legislation originally passed in the Senate and have produced an even stronger bill. The reauthorization of the Export Administration Act will help this country's businesses to sell more abroad while protecting national security at the same time.

Recently, I cohosted a conference in Massachusetts on revitalizing the State's economy. One of the themes that emerged from the conference was the importance of exports to our economy. At several times during the conference, businessmen argued that exports make up a significant percentage of the sales of Massachusetts firms. Therefore, it was repeatedly urged that the government, at both the State and the Federal level, take measures to assist firms in exporting. First and foremost among actions that the Federal Government can take to assist exporters, they said, is streamlining the export control regime.

In 6 years of representing Massachusetts, a State with a large high technology base, I have learned of the importance of exports and have witnessed the pervasive effects of the Nation's export licensing regime. Massachusetts has lost substantial sales and jobs as a result of an export control system that frankly was no longer appropriate. By our estimates, the export licensing system in 1985, the latest year for which we could get available data, cost Massachusetts between $250 million and $1 billion in lost sales and between 6,000 and 24,000 jobs. These estimates do not even include the resulting lost GNP nor the immeasurable impact of lost market position, underdesign of products, and wasted management time.

In today's environment of warming East-West relations, growing commercial competition, and spreading technological capability, an export control regime that continues to impose unilateral controls on a wide array of products just makes no sense. And an export control regime that subjects our firms to inexcusable delays makes even less sense. The average time it takes to process licenses in the United States was 114 days while in West Germany it was 14 days and in Japan it was only 4 days. This fact alone goes far to explain the problems that some of our firms have in exporting.

The conference report that we are debating today will do much to improve the current situation. While we may differ on some of the details, we have come together to produce a strong bipartisan bill that I am hopeful that the President will sign.

I am particularly please that several parts of the Export Authorization Act that I introduced in June were incorporated in the conference report. I believe that these provisions go a long way toward creating a more appropriate export control system. In particular:

First, a Cocom licence-free zone will be created by no later than December 31, 1991. This zone will exclude re-exports of products with 25 percent or less U.S. content. This will eliminate approximately 30,000 licenses per year. And these 30,000 license applicants were essentially meaningless given the fact that less than 10 of them will be rejected.

Second, an automatic indexing procedure will be used by the Secretary of Commerce in determining the level of decontrolled exports.

Third, trade with Eastern Europe will be decontrolled for all products except telecommunications and computers. And for these products, and others, subject to national discretion and favorable consideration, shorter time limits will be set by which the administration must review each license.

Fourth, technical operating data that accompanies a product will not require separate licensing.

Businesses should understand how important this bill is for generating jobs and income for Massachusetts. This is one critical area in which Federal policy can make a difference for the local economy.

I believe that we in Congress should continue to rethink our export control regime. While the current legislation will make a difference for Massachusetts and U.S. businesses, I have always advocated that going even further to reform the system would be appropriate and could produce substantially higher economic benefits for our firms. The legislation that I introduced last June would have done just that. And, so would the original House bill that I fought to use as a basis for the Senate bill.

So, Mr. President, I am pleased that we will pass this vital legislation for the economic health of the families of my State and the businesses on which their well-being depends. I only hope that the President will finally sign the bill into law.

I will look forward to participating in the reauthorization process in future years. As the relations between the superpowers continue to improve and as economic competitiveness continues to be critical for the well-being of our working families, I will be looking for every chance that I get to further reform the export control regime.

I will also continue to be active in developing other legislation to assist exporters. With the dollar relatively weak in value and with the economies of other industrialized nations, like Japan and Germany, strong, our companies have a chance to significantly grow exports. We should be doing everything we can to help our companies take advantage of this opportunity from increasing the size and scope of the Export-Import Bank to ensuring fair market access exists in all our trading partners.

The potential for export expansion is enormous. According to C. Fred Bergsten, "85 percent of all American exports are still accounted for by only 15 percent of U.S. companies." I intend to do everything that I can to ensure that we realize this potential. The proposed reform of the export control regime is badly needed. It is only a first step, however, and needs to be followed up by further reform and additional measures. I will continue to work on getting these next steps taken.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 385 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. AKAKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT—MESSAGE FROM THE PRESIDENT—PM 13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the 1989 annual report on the Administration of the Federal Railroad Safety Act of 1970, pursuant to section 211 of the Act (45 U.S.C. 440(a)).

GEORGE BUSH.

THE WHITE HOUSE, *February 6, 1991.*

ACTIVITIES UNDER THE ENERGY SECURITY ACT—MESSAGE FROM THE PRESIDENT—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I transmit herewith the annual report describing the activities of the Federal Government for fiscal year 1989 required by subtitle H, title V of the Energy Security Act (Public Law 96-264; 42 U.S.C. 8286 *et seq.*). These activities include the development of energy conservation and efficiency standards for new commercial and multifamily highrise buildings and for new residential buildings.

GEORGE BUSH.

THE WHITE HOUSE, *February 6, 1991.*

ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Eleventh Annual Report of the Federal Labor Relations Authority for Fiscal Year 1989.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

GEORGE BUSH.

THE WHITE HOUSE, *February 6, 1991.*

ANNUAL REPORTS OF THE FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which were referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with section 5347(e) of title 5 of the United States Code, I transmit herewith the 1988 and 1989 annual reports of the Federal Prevailing Rate Advisory Committee.

GEORGE BUSH.

THE WHITE HOUSE, *February 6, 1991.*

MESSAGES FROM THE HOUSE

At 5:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 30. Joint resolution to designate February 7, 1991, as "National Girls and Women in Sports Day."

The message also announced that pursuant to the provisions of 2 U.S.C. 473(a), the Speaker appoints to the Technology Assessment Board the following Members of the House: Mr. UDALL, Mr. BROWN, Mr. DINGELL, Mr. MILLER of Ohio, Mr. SUNDQUIST, and Mr. HOUGHTON.

The message further announced that pursuant to the provisions of sections 801(b) (6) and (8) of Public Law 100-696, the Speaker appoints the following Members of the House to the U.S. Capitol Preservation Commission: Mr. BENNETT and Mr. FAZIO.

The message also announced that pursuant to section 801(b) (6) and (8) of Public Law 100-696, the minority leader appoints Mr. LEWIS of California as a member of the U.S. Capitol Preservation Commission on the part of the House.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 49. A resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs, referred to the Committee on Rules and Administration.

By Mr. BUMPERS, from the Committee on Small Business, without amendment:

S. Res. 52. An original resolution authorizing expenditures by the Committee on Small Business; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Lynn Martin, of Illinois, to be Secretary of Labor.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BUMPERS (for himself, Mr. KASTEN, Mr. NUNN, Mr. DIXON, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. HARKIN, Mr. KERRY, Ms. MIKULSKI, Mr. BAUCUS, and Mr. SASSER):

S. 360. A bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes; to the Committee on Small Business.

By Mr. HELMS:

S. 361. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 and title 38, United States Code, to improve veterans rights to reinstatement of health insurance; to the Committee on Veterans Affairs.

By Mr. SHELBY:

S. 362. A bill to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama; to the Select Committee on Indian Affairs.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 363. A bill to authorize the addition of 15 acres to Morristown National Historical Park; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN:

S. 364. A bill to provide assistance to business and education partnerships for the reform of education and training to revitalize the Nation's economy and improve the Nation's competitive position; to the Committee on Labor and Human Resources.

By Mr. ROTH:

S. 365. A bill to amend the Internal Revenue Code of 1986 to require reporting of group health plan information on W-2 forms; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. KASTEN):

S. 366. A bill to designate the United States Courthouse located at 120 North Henry Street in Madison, Wisconsin, as the "Robert W. Kastenmeier United States Courthouse;" to the Committee on Environment and Public Works.

By Mr. METZENBAUM (for himself, Mr. HATCH, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. PELL, Mr. ADAMS, Mr. SIMON, Ms. MIKULSKI, and Mr. BINGAMAN):

S. 367. A bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes; to the committee on Labor and Human Resources.

By Mr. SARBANES (for himself, Mr. ROBB, Mr. WARNER, and Ms. MIKULSKI):

S. 368. A bill to prohibit the opening and closing of the Woodrow Wilson Memorial Bridge except during certain hours; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER (for himself and Mr. SARBANES):

S. 369. A bill to amend title 23, United States Code, to establish a program for expanding the capacity of heavily traveled portions of the National System of Interstate and Defense Highways located in urbanized areas with a population of 50,000 or more for the purposes of reducing traffic congestion, improving safety, and increasing the efficiency of the System; to the Committee on Environment and Public Works.

By Mr. ROTH:

S. 370. A bill to prohibit revenue recovery firms and certain auditors from receiving compensation on a percentage of findings basis, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 371. A bill to extend the time for payment of certain taxes under the internal revenue laws for taxpayers in States in which one-third or more of the depository institutions have been simultaneously closed for a period of at least 5 days; to the Committee on Finance.

S. 372. A bill to authorize the Secretary of the Treasury to establish an emergency loan assistance program to provide financial assistance to States that have experienced a large number of financial institution failures; to the Committee on Banking, Housing, and Urban Affairs.

S. 373. A bill to amend the Internal Revenue Code of 1986 to allow the issuance of depositor protection tax-exempt bonds; to the Committee on Finance.

By Mr. COHEN (for himself and Mr. MITCHELL):

S. 374 A bill to settle all claims of the Aroostook Band of Micmacs resulting from the Band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. GORTON:

S. 375. A bill to authorize the Secretary of Agriculture to construct buildings and related facilities on federally owned land in Skagit County, Washington for plant materials purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 376. A bill to convey certain property to Sunnyside Valley Irrigation District; to the Committee on Energy and Natural Resources.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 377. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Commerce, Science, and Transportation.

By Mrs. KASSEBAUM:

S. 378. A bill to amend the Foreign Assistance Act of 1961 to improve management of economic assistance, and for other purposes; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 379. A bill to make certain technical amendments to the National and Community Service Act, and for other purposes; considered and passed.

By Mr. WIRTH:

S. 380. A bill to amend the Federal securities laws regarding securities registration and administration with respect to banks and savings associations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WALLOP:

S. 381. A bill to amend the Internal Revenue Code of 1986 to promote economic growth and jobs creation by reducing social security taxes and capital gains taxes, by adjusting the deduction for depreciation to reflect inflation, and by encouraging savings; to the Committee on Finance.

By Mr. SANFORD:

S. 382. A bill to provide shelter, food, and supportive services to communities in which substantial percentages of resident members of the Armed Forces have been assigned to duty outside the communities in connection with the Persian Gulf conflict, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. DOMENICI, Mr. BURDICK, Mr. GORTON, Mr. SIMON, Mr. MURKOWSKI, Mr. COCHRAN, and Mr. CONRAD):

S. 383. A bill to provide tax incentives for the establishment of tax enterprise zones on Indian reservations, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. GLENN):

S. 384. A bill to delay the effective date of reductions in the CHAMPUS mental health benefit, and for other purposes; to the Committee on Armed Services.

By Mr. AKAKA:

S. 385. A bill to amend section 21A of the Federal Home Loan Bank Act to establish additional procedures and requirements relating to the identification and disposition of environmentally sensitive land and other property with natural, cultural, recreational, or scientific values of special significance by the Resolution Trust Corporation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DECONCINI (for himself, Mr. CRANSTON, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. AKAKA, Mr. THURMOND, and Ms. MIKULSKI):

S. 386. A bill to amend title 38, United States Code, to define the period of the Persian Gulf War, to extend eligibility for pension, medical, educational, housing, financial, and other benefits provided under the title to veterans of the War, and for other purposes; to the Committee on Veterans Affairs.

By Mr. MACK (for himself, Mr. GRAHAM, and Mr. MCCAIN):

S. 387. A bill to amend title XVIII of the Social Security Act to provide an additional payment under part A of the medicare program for the operating costs of inpatient hospital services of hospitals with a high proportion of patients who are medicare beneficiaries; to the Committee on Finance.

By Mr. PACKWOOD (for himself, Mr. AKAKA, Mr. BRADLEY, Mr. BURDICK, Mr. CONRAD, Mr. DODD, Mr. GLENN, Mr. Kennedy, Mr. Levin, Mr. Metzenbaum, Mr. Mitchell, Mr. Pryor, Mr. DeConcini, Mr. Gore, Mr. Kerry, Mr. Hollings, Mr. Lieberman, Mr. Robb, Mr. Pell, Mr. Fowler, Mr. Nunn, Mr. Daschle, Mr. Cranston, Mr. Dixon, Mr. Sarbanes, Mr. Baucus, Mr. Burns, Mr. Cohen, Mr. D'Amato, Mr. Dole, Mr. Durenberger, Mr. Gorton, Mr. Hatch, Mrs. Kassebaum, Mr. Symms, Mr. Thurmond, Mr. Cochran, Mr. Chafee, Mr. Helms, Mr. Murkowski, Mr. Jeffords, Mr. Craig, Mr. Grassley, Mr. Bond, Mr. Stevens, Mr. Warner, Mr. Seymour, Mr. Pressler, Mr. Sasser, Mr. Wallop, Mr. Lautenberg, Mr. Mack, and Mr. Inouye):

S.J. Res. 66. Joint resolution to designate February 7, 1991, as "National Women and Girls in Sports Day"; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 67. Joint resolution to recognize and commemorate the centennial of the Immigration and Naturalization Service; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. Inouye):

S.J. Res. 68. Joint resolution to apologize to the Hawaiian people for the overthrow of the Kingdom of Hawaii in 1893 and to declare the trust relationship between the United States Government and the Native people of Hawaii; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RIEGLE from the Committee on Banking, Housing, and Urban Affairs:

S. Res. 49. Resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. STEVENS:

S. Res. 50. Resolution to commend David Baumeister for a lifetime of service to his community; considered and agreed to.

By Mr. KENNEDY (for himself, Mr. Dole, Mr. Pell, Mr. Simpson, Mr. Lugar, Mr. McCain, and Mr. Packwood):

S. Res. 51. Resolution calling upon the Government of Vietnam to permit political prisoners from the former Government of South Vietnam to depart Vietnam and reunite with their families in the United States; considered and agreed to.

By Mr. BUMPERS from the Committee on Small Business:

S. Res. 52. An original resolution authorizing expenditures by the Committee on Small Business; to the Committee on Rules and Administration.

By Mr. HATFIELD:

S. Con. Res. 11. Concurrent resolution to establish an Albert Einstein Congressional Fellowship Program; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUMPERS (for himself, Mr. Kasten, Mr. Nunn, Mr. Dixon, Mr. Lieberman, Mr. Grassley, Mr. Harkin, Mr. Kerry, Ms. Mikulski, Mr. Baucus, and Mr. Sasser):

S. 360. A bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes; to the Committee on Small Business.

MILITARY RESERVISTS SMALL BUSINESS RELIEF ACT

• Mr. BUMPERS. Mr. President, I am today introducing the Military Reservists Small Business Relief Act to aid those small businesses whose owner, manager, or key employee has been called to active duty in the Persian Gulf war. Without a doubt, every Member in this body wants to do all in his power to make life easier for our troops and for their families.

I offer this bill on behalf of my ranking member on the Small Business Committee, Senator Kasten, as well as Senators Nunn, Dixon, Lieberman, Grassley, Harkin, and Kerry.

I have said before that the Federal Government should spare no effort in trying to accommodate those called away from their jobs and businesses, to say nothing of their loved ones. Many of those in the National Guard and Reserves are small business owners or managers. Others may be key professional employees in small businesses whose skills are not easily replaced. What is to be done for these businesses? If mom or pop is called to serve, it can mean that the business must literally close its doors in some cases. It may mean layoffs of other employees, further contributing to the recession which is already more than enough adversary for most business people to cope with. Or, it may mean that the spouse or children must go to work to keep the business going.

I do not doubt, Mr. President, that some small companies will be irretrievably lost due to this war, as much casualties as Saddam's victims on the battlefield. We may not be able to save all of them. But where government can offer a helping hand, surely we must.

This bill does little enough for Reservists' businesses and their families, but we can do no less. I am proposing three important measures: First, this bill will establish a moratorium on repayment of any SBA direct loan held by a member of the Guard or Reserves called to active duty since the beginning of the gulf crisis. This will include, most importantly, SBA's business and home disaster loans, as well as direct business loans under the Economic Opportunity Loan [EOL], the 8(a) loan program, or the veterans loan program. During the period of abatement, interest will not accrue and no payment will be required until 6 months after the reservist is released from active duty.

Mr. President, there is a woman in my home State named Linda Stake. She has a direct loan from the Small Business Administration. Her husband was called to active duty in December, and he is now in the Persian Gulf. She has been operating the family's two ice companies in Stone County alone. Fortunately, the Small Business Administration has reduced the interest on the family's direct business loan and has also lowered their monthly payments for a period of 1 year. But my bill, when it becomes law, will allow them to defer all of their payments on the SBA loan, interest, and principal, until 6 months after Mr. Stake returns from active duty.

In addition to that, one of Linda's ice machines is not working and is leaking Freon. This bill would allow her to borrow the $7,000 that she needs to repair or replace the machinery at 4-percent interest, and in addition it would make her eligible for a wide range of counseling assistance. She does not need it right now, but she might somewhere down the line.

SBA currently has approximately 150,000 disaster loans on its books for a total of $3.3 billion. The Agency made over $1 billion in disaster loans to the victims of Hurricane Hugo and the San Francisco earthquake alone, both in 1989. How many of these loans are to reservists and guardsmen and women is uncertain, but SBA can easily notify these borrowers that this assistance is available. I note this help will be in addition to whatever rights the service man or woman already has under the Soldiers' and Sailors' Relief Act, and I understand the Veterans Committee intends to hold hearings on updating the provisions of that act very shortly.

Second, Mr. President, SBA will be authorized by this legislation to provide direct loans for interim operating capital while the primary owner or manager is called away. These loans will be along the lines of the already-existing economic injury disaster loan. They will be made from the disaster loan fund and will carry an interest rate of 4 percent. This kind of loan is not unprecedented and has been provided for much less extreme economic dislocations, including the devaluation of the Mexican peso and the so-called PIK Program some years ago. Again, the purpose is to tide businesses over so they may keep their doors open and minimize the impact on the economy from the war.

Third, SBA and all of its programs and grantees are directed to make every effort to reach out to those businesses affected by the war and provide them with a full range of management assistance and counseling. Oftentimes, the loss of the primary owner or operator of a small buisness means that the spouse or even children must fill in. The family may not have the management skills that mom or dad did, so we should seek to ensure that the great wealth of business expertise which we have in this economy is readily available to them.

In addition to the management assistance that the Small Business Administration can provide directly through its district and regional offices, the Service Corps of Retired Executives, the Small Business Development Centers and Small Business Institutes, which are active on college campuses across the Nation, have a world of resources to offer the reservists' businesses.

Mr. President, I hope every Member of this body will join me in cosponsoring this legislation. As chairman of the Committee on Small Business, I intend to move this bill to markup as soon as possible, and I will ask the majority leader to expedite consideration on the floor.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THIS ACT MAY BE CITED AS THE "MILITARY RESERVISTS SMALL BUSINESS RELIEF ACT."

SEC. 2. DEFERRALS OF SBA LOANS FOR BORROWERS SERVING IN THE MILITARY.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding a new paragraph (21) at the end thereof to read as follows:

(21)(A). The administration shall, upon written request, defer repayment on any direct loan made pursuant to subsections (a) and (b) of this section if such loan was incurred by a person who is a member of a reserve component of the Armed Forces of the United States prior to his or her being ordered to active duty. Such deferral shall begin at the date the military reservist is ordered to active duty during a covered military operation and shall remain in effect until 180 days after the date such military reservist is released from active duty. During the period of deferral, repayment of principal and interest on the loan shall not be required and no interest on the loan shall accrue.

(B)(i) For purposes of this paragraph and section 7(b)(3) of this Act, "person" means an individual, or a small business concern in which a service-member has a 20 percent or greater ownership interest or works as a key employee or a manager responsible for the daily business operations.

(ii) For purposes of this paragraph and section 7(b)(3) of this Act, "covered period of military service" means a period of war declared by Congress, the period of national emergency declared by Congress or the President, or a period in which reserve component personnel are on active duty pursuant to Section 673(b) of Title 10, United States Code.

SEC. 3. ECONOMIC INJURY DISASTER LOAN ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by adding a new paragraph (3) to read as follows: (3)(A) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to assist any small business concern (including those engaged in the lease or rental of real or personal property) which has suffered or is likely to suffer economic injury or is unable or likely to be unable to market a product or provide a service ordinarily provided by the small business, when such assistance is made necessary by the departure of a military reservist ordered to active duty during a covered period of military service, and such military reservist, with respect to such small business concern, is a key employee, a manager responsible for daily business operations, or an owner having a 20 percent or greater ownership interest in the concern.

(B) Any loan or guarantee extended pursuant to paragraph (3) of section 7(b) shall be made at an interest rate of 4 per cent per annum, without regard to the small business concern's ability to secure credit elsewhere.

(C) No loan under paragraph 7(b)(3) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis, if the total amount outstanding and committed to the borrower under section 7(b) would exceed $500,000 for each covered military operation, unless an applicant constitutes a major source or employment in an area suffering a disaster, in which case the administration, in its discretion, may waive the $500,000 limitation.

(D) The regulation found at section 120.101–2(b)(1), title 13, Code of Federal Regulations, or any successor to such regulation, shall not apply to small business concerns seeking loans under this paragraph.

(E) For purposes of assistance provided under this paragraph, no declaration of disaster shall be required.

SEC. 4. BUSINESS DEVELOPMENT AND MANAGEMENT ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.

Sec. (8) of the Small Business Act (15 U.S.C. 637) is amended by adding the following new subsection (k):

(k) The Administration is directed to fully utilize, as appropriate, all of its business development and management assistance programs, including those involving state or private sector partners, to provide business counseling and training to small businesses adversely affected by the deployment of units of the Armed Forces of the United States in support of a war declared by Congress, the period of national emergency declared by Congress or the President, or an operational mission requiring the augmentation of the active forces under the authority of section 673(b) of title 10, United States Code. The Administration is further directed to publicize, to the maximum extent possible, the availability of the assistance provided by this Act (and the Small Business Investment Act of 1958) nationwide, including the appropriate local office at which affected small businesses can seek the assistance.

SEC. 5. REGULATIONS.

The administration shall promulgate any regulations deemed necessary to implement sections 2 and 3 of this Act as emergency interim final regulations within 30 days of the date of enactment.

SEC. 6. EFFECTIVE DATES.

(a) Sections 2 and 4 are effective upon the date of enactment of this Act.

(b) Section 3 is effective as to economic injury occurring on or after August 1, 1990.

SEC. 7. TREATMENT OF EXPENDITURES.

For the purposes of sections 251(b)(2)(D) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.), as amended by section 13101 of Public Law 101-508, all direct and discretionary spending contained in this Act are emergency expenditures related to Operation Desert Shield, Operation Desert Storm, or any successor thereto.●

● Mr. KASTEN. Mr. President, I am proud to join my colleague, the distinguished chairman of the Senate Small Business Committee in introducing the Military Reservists Small Business Relief Act.

It has come to my attention that several Mom and Pop small businesses have been hurt by the absence of key figures called to serve in the Persian Gulf. We cannot allow the consequences of the war to directly harm the backbone of our economy—American small business. The introduction and eventual swift passage of this bill will bring much-needed relief to thousands of small business owners across the country.

As the ranking member of the Small Business Committee, I want the people of America to know that we are committed to helping them through this crisis.

When the head of a small family business is called to serve overseas, the business may be left struggling. These businesses don't want a handout from the Federal Government, they need a helping hand in order to survive this hardship situation. Our bill will give them that opportunity and I hope many of America's small businesses will take advantage of it.

The brave men and women serving in the Persian Gulf already have a lot on their minds—the Military Reservists Small Business Relief Act will alleviate the worry of losing their businesses back home.

Our bill provides for a moratorium on repayments of Small Business Administration disaster and business loans for military reservists on active duty.

This bill will also allow the SBA to make direct loans to provide operating capital for businesses losing a manager to military service.

And finally, the Military Reservists Small Business Relief Act will direct the SBA to provide business counseling and other management assistance to businesses effected by the war.

The Small Business Administration has many interesting and effective programs that are available to assist these businesses. One of the most effective is the SCORE Program.

SCORE, or the SBA's Service Corps of Retired Executives, is made up of former executives who volunteer their experience to businesses who need it.

Last year, in Wisconsin alone, almost 2,800 businesses benefited from this program. I'd imagine this year that number will be even higher.

I strongly believe the reservists who have been called away from their families, communities, and businesses to serve in the Persian Gulf deserve every measure of support we can extend. We cannot allow family business to fail because one of the owners is serving our country.

I am proud to be an original cosponsor of this bill and urge my colleagues to join me in support of this legislation.•

By Mr. HELMS:

S. 361. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 and title 38, United States Code, to improve veterans rights to reinstatement of health insurance; to the Committee on Veterans' Affairs.

DESERT STORM HEALTH PROTECTION ACT

Mr. HELMS. Mr. President, I am today introducing the Desert Storm Health Protection Act to ensure that National Guardsmen and reservists returning from active duty in the Persian Gulf will have adequate health insurance for themselves and their families.

Last year the distinguished chairman of the House Veterans' Affairs Committee, Mr. MONTGOMERY, introduced similar legislation. However, Congress recessed before it could meet final approval.

Mr. President, under current law, when a reservist or guardsman is called to active duty he and his family are automatically placed on the CHAMPUS health program. This means that the serviceman's private or employer-funded health insurance premiums are no longer being paid while he is away from home.

When the member of the Armed Forces returns from active duty he is automatically taken off CHAMPUS. Most of the time he will return to his former health insurance program. However, that is not guaranteed. It is legal for his insurance company or employer to refuse to take back that serviceman and his family.

This legislation closes that loophole at no cost to the taxpayer.

Mr. President, I have heard several disturbing reports that legislation ostensibly designed to aid the soldiers and families of Desert Storm will become a battleground for more entitlement programs, more legislative experiments, and more Government interference. I can think of no greater injustice to the men and women of the Armed Forces than to have their needs put aside for the sake of partisan advantage.

Let me close with this personal note: The idea for this legislation originated with a close friend of mine in Raleigh. He is a dedicated North Carolinian who has devoted much of his life to our State as a combat officer in the National Guard.

Mr. President, over 20 percent of the forces in the Persian Gulf call North Carolina home. We owe it to them and to their fellow service men and women to make their return home easier and to ensure that the health care of their families is provided for. The Desert Storm Health Protection Act is a good first step.

By Mr. SHELBY:

S. 362. A bill to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama; to the Select Committee on Indian Affairs.

MOWA BAND OF CHOCTAW INDIANS RECOGNITION ACT

• Mr. SHELBY. Mr. President, today I am reintroducing the Mowa Band of Choctaw Indians Recognition Act. I first introduced legislation to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama in the 100th Congress. I again introduced the bill, redesignated as S. 381, in February 1989. I believe in this legislation, Mr. President, and I believe that the Mowa's have a very real case for Federal recognition.

The Mowa Band of Choctaw Indians is a group of about 7,000 people who live in southwest Alabama within the original boundary of the Choctaw Nation. Though the people have been located there for over 10 generations, the name "Mowa" is recent. It is derived from the first two letters of Mobile and Washington Counties in Alabama and represents their geographic location. Their ancestors established the community in this sparsely populated area during the 1800's, just prior to the removal of the Indians from the State. The Mowa Choctaws of south Alabama are a segment of the Choctaw Indians who refused to migrate from their homeland during the infamous "Trial of Tears." They avoided removal by concealing themselves and their descendants in their efforts to achieve recognition as Indians. The tribe is officially recognized by the State of Alabama and for years has sought recognition by the Federal Government.

The Mowa Choctaws of Alabama have lived in the same area for over 200 years. The members have been living together and functioning as a group for those years. The direct ancestors of the Mowa's came together in the forks between the Alabama and Tombigbee Rivers, below a stream called the Cut-Off which flows from the Alabama River southwest to the Tombigbee. This basin area between the rivers had always been claimed by both Choctaw and Creek Indians. To settle the dispute, the U.S. Government set the watershed as the boundary line with the Creek to the east and the Choctaw to the west. The Mowa community was, and still is, on the Choctaw side of the Tombigbee River.

This Mowa area has been identified as a prehistoric Indian site by the U.S. Army Corps of Engineers in the corps reconnaissance study made prior to the construction of the Tennessee-Tombigbee Waterway. Artifacts attest to Indian occupation long before the arrival of Europeans.

Since this early period, the Mowa people have paid taxes, voted, and served their country from the Civil War through today's Persian Gulf war. However, there are still those who doubt the tribe's claim of being Indian.

Since the 1880's, the ancestors of today's Mowa's have consistently sought recognition as an Indian tribe. Each time the U.S. Government opened the rolls, the tribe applied—with the Eastern Choctaw in 1887, the Eastern Cherokees in 1907, and the Creeks in the 1950's—finally achieving State recognition in 1978.

The goal of the Mowa's in seeking Federal recognition is to preserve their community. They believe that, with a little assistance and the cooperation and good faith of their non-Indian neighbors, they can help their people improve their standard of living and obtain adequate housing. The Mowa Indians have developed a good relationship with their non-Indian neighbors. They currently serve with them in local community organizations and in positions of leadership. They have demonstrated that they can perform effectively alongside their fellow Alabamians in the schools, on the assembly line, and in the boardroom.

The Mowa's plans for economic development stress the dual goals of providing employment for tribe members and utilizing their existing skills, while training them for future jobs. They have no interest in get-rich-quick schemes or those that would destroy their resources or alienate their young people or elders. The Mowa's need the opportunities that Federal recognition will provide.

The Mowa's desire the same success that has come to their cousins, the Mississippi Band of Choctaws, since that tribe gained Federal recognition. The Mississippi Choctaws have made great strides in education, health care, housing, and job training for their people. Their economic development is a source of pride. The establishment of a development company in 1969 paved the way for the construction of 400 new homes and the repair of another 200, and is responsible for construction of numerous buildings on the reservation. The Mississippi Choctaws are one of the largest employers in the State. It can also happen for the Mowa's.

Even though the Mowa Choctaw Indians have had a long battle to regain their identity, the hard work of their leaders has made the effort worthwhile. They have self-respect and are proud of their heritage as native Americans. I am proud that I can assist them in their struggle to receive overdue recognition by reintroducing the Mowa Band of Choctaw Indians Recognition Act in the 102d Congress. I urge my colleagues to join me in supporting this important legislation.

I ask unanimous consent that the text of the bill be printed in full following the completion of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Mowa Band of Choctaw Indians Recognition Act".

FEDERAL RECOGNITION

SEC. 2. Federal recognition is hereby extended to the Mowa Band of Choctaw Indians of Alabama. All Federal laws of general application to Indians and Indian tribes shall apply with respect to the Mowa Band of Choctaw Indians of Alabama.

RESTORATION OF RIGHTS

SEC. 3. (a) All rights and privileges of the Mowa Band of Choctaw Indians which may have been abrogated or diminished before the date of enactment of this Act by reason of any provision of Federal law that terminated Federal recognition of the Mowa Band of Choctaw Indians of Alabama are hereby restored and such Federal law shall no longer apply with respect to the Band or the members of the Band.

(b) Under the treaties entered into by the ancestors of the Mowa Band of Choctaws, all historical tribal lands were ceded to the United States. Congress does hereby approve and ratify such cession effective as of the date of the said cession and said cession shall be regarded as an extinguishment of all interest of the Mowa Band of Choctaws, if any, in said lands as of the date of the cession. By virtue of the approval and ratification of the cession of said lands, all claims against the United States, any State or subdivision thereof, or any other person or entity, by the Mowa Band of Choctaws, including but not limited to, claims for trespass damages or claims for use and occupancy, arising subsequent to the cession and that are based upon any interest in or right involving such land, shall be regarded as extinguished as of the date of the cession.

(c) The Mowa Band of Choctaws has no historical land claim and can not, and shall not utilize its Federal recognition as provided by this Act to assert any historical land claim. As used herein, "historical land claim" means a claim to land based upon a contention that the Mowa Band of Choctaws, or its ancestors, were the native inhabitants of such land or based upon the Mowa Band of Choctaw's status as native Americans or based upon the Mowa Band of Choctaws' Federal recognition as provided by this Act.

(d) Except as otherwise specifically provided in section 4 or any other provision of this Act, nothing in this Act may be construed as altering or affecting—

(1) any rights or obligations with respect to property,

(2) any rights or obligations under any contract, or

(3) any obligation to pay a tax levied before the date of enactment of this Act.

LANDS

SEC. 4. (a) All legal rights, title, and interests in lands that are held by the Mowa Band of Choctaw Indians of Alabama on the date of enactment of this Act are hereby transferred to the United States in trust for the use and benefit of the Mowa Band of Choctaw Indians of Alabama

(b)(1) Notwithstanding any other provision of law, the Mowa Band of Choctaw Indians of Alabama shall transfer to the Secretary of the Interior, and the Secretary of the Interior shall accept on behalf of the United States, any interest in lands acquired by such Band after the date of enactment of this Act. Such lands shall be held by the United States in trust for the benefit of the Mowa Band of Choctaw Indians of Alabama.

(2) Notwithstanding any other provision of law, the Attorney General of the United States shall approve any deed or other instrument used to make a conveyance under paragraph (1).

(c) Any lands held in trust by the United States for the benefit of the Mowa Band of Choctaw Indians of Alabama by reason of this section shall constitute the reservation of such Band.

(d) The Congress finds that the provisions of this section are enacted at the request of the Mowa Band of Choctaw Indians of Alabama and are in the best interests of such Band.

SERVICES

SEC. 5. The Mowa Band of Choctaw Indians of Alabama, and the members of such Band, shall be eligible for all services and benefits that are provided by the Federal Government to Indians because of their status as federally recognized Indians and, notwithstanding any other provision of law, such services and benefits shall be provided after the date of enactment of this Act to the Band, and to the members of the Band, without regard to the existence of a reservation for the Band or the location of the residence of any member of the Band on or near any Indian reservation.

CONSTITUTION AND BYLAWS

SEC. 6. (a) The Mowa Band of Choctaw Indians of Alabama may organize for its common welfare and adopt a constitution and bylaws in accordance with regulations prescribed by the Secretary of the Interior. The Secretary of the Interior shall offer to assist the Band in drafting a constitution and bylaws for the Band.

(b) Any constitution, bylaws, or amendments to the constitution or bylaws that are adopted by the Mowa Band of Choctaw Indians of Alabama shall take effect only after such constitution, bylaws, or amendments are filed with the Secretary of the Interior.

MEMBERSHIP

SEC. 7. (a) Until a constitution for the Mowa Band of Choctaw Indians of Alabama is adopted, the membership of the Band shall consist of every individual who—

(1) is named in the tribal membership roll that is in effect on the date of enactment of this Act, or

(2) is a descendant of any individual described in paragraph (1).

(b) After the adoption of a constitution by the Mowa Band of Choctaw Indians of Alabama, the membership of the Band shall be determined in accordance with the terms of such constitution or any bylaws adopted under such constitution.

REGULATIONS

SEC. 8. The Secretary of the Interior shall prescribe such regulations as may be necessary to carry out the purposes of this Act.•

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 363. A bill to authorize the addition of 15 acres to Morristown National Historical Park; to the Committee on Energy and Natural Resources.

EXPANSION OF MORRISTOWN NATIONAL HISTORICAL PARK

• Mr. BRADLEY. Mr. President, today I am introducing legislation which simply expands the authorized size of the Morristown National Historical Park. I am pleased that Senator LAUTENBERG is joining me as a cosponsor of this bill. This legislation will allow the addition of roughly thirteen acres of historic significance to the park. The current owner of the parcel has been negotiating with the National Park Service and a sale, on favorable terms to the U.S. Government, seems likely.

Morristown has undergone numerous boundary changes since its creation as the first National Historical Park in 1933, the most recent in 1976. The property in question possesses great potential for preserving archaeological resources and for providing historical information on the winter encampment of George Washington's Continental Army. This is due to the location of the northern portion of the property. This area contains a large stream—Primrose Brook—a spring and the 18th century Old Army Road, which was used by the troops.

It is most likely that the Connecticut Brigades used the spring and stream as primary water sources for their camp, as it is the closest water available. It is also very likely that the Army regularly gained access to the camp by crossing over the property from the bordering military road. This extensive military activity during the December to June, 1779-80, encampment period would be expected to yield an abundance of encampment artifacts.

Mr. President, there is a need to pass this legislation promptly. The money for the acquisition has already been appropriated to the National Park Service. I urge my colleagues to consider the legislation and approve it without undue delay.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO PARK.

The Act entitled "An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes", approved September 18, 1964 (16 U.S.C. 409g), is amended by striking "600" each place it appears and inserting "615".•

By Mr. LIEBERMAN:

S. 364. A bill to provide assistance to business and education partnerships for the reform of education and training to revitalize the Nation's economy and improve the Nation's competitive position; to the Committee on Labor and Human Resources.

BUSINESS AND EDUCATION PARTNERSHIP ACT

• Mr. LIEBERMAN. Mr. President, during the past decade economic growth in the United States has virtually come to a halt. This is in marked contrast both to the rate of growth in this country from World War II to the 1970's and to the growth rates in other Western countries—most notably Japan and Germany. As business and government begin to examine the reasons for this flagging growth rate, it has become clear that developing a better educated, more highly skilled work force is a critical factor in improving our productivity and stimulating economic growth. We must build on the initiatives of many private businesses and State and local education officials and focus national attention on preparing the work force for the 21st century.

We must focus on creating a high quality system of education that provides our work force with the skills businesses need to innovate and compete in a global economy. While we have come to recognize that our current system of education does not provide our work force with the necessary skills to compete in a world market, we have not yet made a national commitment to developing a work force with these skills.

Every year 1 million Americans drop out of high school. Twenty-five percent of those who do graduate from high school cannot read or write at even an eighth grade level. Few of those who stay in school are being equipped with the knowledge and skills they need to get a good job without additional training. And of those who do go on to college, many are not pursuing degrees in areas that are crucial to America's success in the international market. The National Science Foundation predicts that we will train 400,000 fewer scientists and engineers than our economy will need by the year 2000.

While we must attempt to increase the number of scientists and engineers being trained, we must be careful not to focus only on preparing students for college. Students who demonstrate an academic aptitude early are tracked in courses designed to prepare them for college life. Those who fail to make this college cut are often relegated to courses designed to get them nowhere. We must recognize the importance of training all our students, not just the most academically gifted, for life in the real world, and that means more emphasis on basic skills and technical training. A high school degree must be more than just a passport to college for those who can make it—it must be the ticket for a good job, a job which contributes to American productivity, for all who want one.

Improving the education and training our work force receives need not involve massive Federal spending. Businesses are already spending $30 billion a year on worker training and education. However, most of this current investment in training by businesses is spent by fewer then 1 percent of American companies. Businesses, small and large, are only gradually learning that although spending on worker training may be costly in the short run, it is critical to their survival and their ability to compete in the long run. The Federal Government's role must be to look for ways to encourage and facilitate investment in training by businesses around the Nation.

The bill I am introducing today addresses the need for drastic improvements in work force education and training by providing incentives for the establishment of business/education partnerships. Grants are targeted to partnerships creating programs both for those still in high school and for those who are already in the work force. Our need for more scientists and mathematicians, and for high school graduates who are well-trained in high technology fields is addressed by funding model schools that would provide the most up-to-date training in these areas. In several communities science high schools already exist and have been very successful at attracting students and preparing them for careers in science. We need more of these schools to reach students at an early age and develop their special interest in and aptitude for science and also as a base by which to upgrade the level of science training throughout our school system.

Model high schools that focus on state-of-the-art technology training for the noncollege bound will give business and education partnerships the opportunity to develop a program which provides not only the strong basic skills education necessary to be productive in today's work force but also the advanced technological job skills necessary to meet the needs of businesses attempting to compete in a world market. These schools will be able to experiment with apprenticeship programs like those in Germany which have produced highly trained, highly sought-after entrants into the work force, as well as other programs which can combine the skills and knowledge of business people and educators in the area.

Many innovative ideas for reforming the educational process are currently under discussion but most are difficult to introduce on a large-scale in any education system without preliminary testing and evaluation. This bill also provides funding for a small number of experimental high schools, to be established by Governors, which would serve as the testing ground for future directions in education. These innovative schools would focus on a range of critical education problems and on developing new approaches to administration and curriculum. Issues focused on could include helping students from economically disadvantaged backgrounds, dropout prevention programs, enrichment programs for students with particular talents, greater teacher control of curriculum and school structure and greater teacher accountability, and coordination between the high school and institutions of higher education.

Many businesses are dissatisfied with the competence of the labor pool from which they must hire. Others realize that their employees need training in basic skills or retraining to keep up with advances in technology. The need for training is especially troubling to small businesses which have the fewest resources and the least ability to provide inhouse training for their employees. Around the country community colleges are increasingly taking on the role of assisting businesses in designing training programs.

This bill addresses the need for business training programs by providing funds to community colleges to design programs that meet the needs of consortia of small businesses in the same industry, which use the same technology, or which share common needs for basic skills education. Such consortia will enable small businesses to share the costs of worker training, take advantage of the resources of community colleges, increase the resources available to small firms, and allow more cost-effective development of training materials and programs.

There is no more important task in the years ahead than that of upgrading our current and future work force. I look forward to working with my colleagues to accomplish this task.

Mr. President, I ask unanimous consent that the text of the bill and of a section-by-section summary of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Business and Education Partnership Act of 1991".

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term "antitrust laws" has the same meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition;

(2) the term "Director" means the Director of the National Science Foundation;

(3) the term "Governor" means the Governor or chief executive officer of each of the 50 States and the District of Columbia;

(4) the term "local educational agency" has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary", unless otherwise specified, means the Secretary of Education; and

(6) the term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965.

TITLE I—MODEL SCHOOLS

PART A—MODEL HIGH SCHOOLS OF SCIENCE AND MATHEMATICS

SEC. 111. FINDINGS.

The Congress finds that—

(1) advances in science and mathematics depend on the quantity and quality of our Nation's mathematicians and scientists;

(2) revitalizing our Nation's command of science and mathematics is an overwhelming task for single school districts without the collaboration of the private sector and incentives from government;

(3) schools such as the Bronx High School of Science have been very successful in producing leaders and scholars in the sciences; and

(4) specialized curriculum schools promote excellence and have the potential to upgrade the quality of science programs within the broader school system.

SEC. 112. PROGRAM AUTHORIZED.

(a) In General.—The Secretary, in consultation with the Director, is authorized to make not more than 10 grants to business and education partnerships to pay the Federal share of the costs of planning, establishing, and operating high schools of science and mathematics.

(b) Procedures and Criteria.—The Secretary, in consultation with the Director, shall develop procedures and criteria for awarding grants under this part on a competitive merit basis.

SEC. 113. BUSINESS AND EDUCATION PARTNERSHIP.

For the purpose of this part the term "business and education partnership" means representatives of State or local educational agencies or consortia of local educational agencies who have entered into agreements with local or regional businesses, associations, non-profit organizations, and any other appropriate groups or individuals to plan, fund, and provide ongoing support for, a science and mathematics high school.

SEC. 114. APPLICATION.

(a) In General.—Each business and education partnership desiring a grant under this part shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(b) Contents.—Each application submitted pursuant to subsection (a) shall describe—

(1) the activities and services for which assistance is sought;

(2) the business and education partnership;

(3) where the school will be located, what areas will be served by the school, and a justification for selecting such areas;

(4) the number of students who will attend the school;

(5) the criteria for the selection of students;

(6) the source of the non-Federal share of the costs of establishing and operating the school;

(7) the availability of qualified teachers or plans to provide appropriate in-service training for teachers;

(8) the curriculum;

(9) plans for any specialized opportunities for students; and

(10) plans to provide enriched educational experiences for students who do not attend the school through summer programs and taped instructional material.

(c) Approval.—The Secretary, in consultation with the Director, shall appoint one or more technical review panels, consisting of scientists and mathematicians from universities, professional or scientific associations, government agencies, secondary school administrators and teachers familiar with science and mathematics training and issues, and representatives of business to—

(1) establish competitive selection criteria based on the application contents described in subsection (b);

(2) select and approve applications under this part based on the selection criteria established pursuant to paragraph (1); and

(3) make recommendations to the Secretary regarding the awarding of grants under this part.

(d) Special Rule.—The Secretary shall only award grants under this part to applicants that demonstrate in their application a commitment to continue the operation of the high school of science and mathematics after the termination of assistance provided under this part.

(e) Equitable Distribution.—Each panel described in subsection (c) shall make recommendations to the Secretary regarding the awarding of grants under this part that assure an equitable geographic distribution of high schools of science and mathematics throughout the United States.

SEC. 115. PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.

(a) Payments.—The Secretary shall pay to each business and education partnership having an application approved under section 114 the Federal share of the costs of the activities described in the application.

(b) Federal Share.—The Federal share—

(1) for the first 4 years for which a business and education partnership receives a grant under this part shall be 50 percent; and

(2) for the fifth and sixth such years shall be 25 percent.

(c) Non-Federal Share.—The non-Federal share of payments under this part may be in cash or in kind fairly evaluated, including planned equipment or services, equipment loans or donations, cooperative use of laboratories, plants and other facilities, relevant work experience opportunities for students, or time donated for teaching or mentoring.

SEC. 116. EVALUATION.

(a) Data.—The Secretary, in consultation with the Director, shall specify data that shall be collected and submitted to the Secretary by each business and education partnership receiving a grant under this part over the period of the grant. Such data shall include a wide range of measures of student achievement, and comparisons of student achievement in the school assisted under this part with student achievement in the local area and the Nation.

(b) Report.—(1) The Secretary, in consultation with the Director, shall annually submit a report to the Congress on the effectiveness of the schools assisted under this part.

(2) Each business and education partnership receiving a grant under this part shall submit a report to the Secretary within 6 years of the date of enactment of this Act describing in detail the program assisted under this part, the history of such program's development, and the costs for such program to serve as a blueprint for future high schools of science and mathematics. The Secretary shall distribute such report to all local educational agencies.

PART B—MODEL TECHNOLOGY HIGH SCHOOLS

SEC. 121. FINDINGS.

The Congress finds that—

(1) the United States has failed to adequately train high school graduates to perform high quality work in the manufacturing sector;

(2) in order to remain competitive in the international economy, the United States needs a much more highly skilled technical workforce capable of producing, operating, and servicing the advanced technology of a modern industrial complex;

(3) good technological skills as well as good basic skills in reading, writing, and reasoning are necessary to remain competitive in the international economy;

(4) many United States vocational and technical high schools provide neither state-of-the-art occupational training nor good basic skills training; and

(5) many vocational programs do not train students for the jobs available in the manufacturing sector.

SEC. 122. PROGRAM ESTABLISHED.

(a) In General.—The Secretary, in consultation with the Secretaries of Labor and Commerce, is authorized to make not more than 10 grants to business and education partnerships to pay the Federal share of the costs of planning, establishing, and operating model technology high schools with strong academic programs.

(b) Procedures and Criteria.—The Secretary, in consultation with the Secretaries of Labor and Commerce, shall develop procedures and criteria for awarding grants under this part on a competitive merit basis.

SEC. 123. BUSINESS AND EDUCATION PARTNERSHIP.

For the purpose of this part the term "business and education partnership" means representatives of State or local educational agencies or consortia of local educational agencies who have entered into agreements with local or regional businesses, associations, non-profit organizations and any other appropriate groups or individuals to plan, fund, and provide ongoing support for, a technology high school.

SEC. 124. APPLICATIONS.

(a) In General.—Each business and education partnership desiring a grant under this part shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(b) Contents.—Each application submitted pursuant to subsection (a) shall describe—

(1) the activities and services for which assistance is sought;

(2) the partnership;

(3) where the school will be located, what areas will be served by such school, and a justification for selecting such areas;

(4) the number of students who will attend the school;

(5) the criteria for selection of students;

(6) the source of the non-Federal share of the costs of establishing and operating the school;

(7) the availability of qualified teachers or plans to provide appropriate in-service training for teachers;

(8) the curriculum;

(9) plans for specialized opportunities for students, including a plan for apprenticeship programs involving local businesses in which students participate during at least 2 of the 4 years of high school; and

(10) plans to provide enriched educational experience through summer programs and taped instructional material for students

who do not attend the school assisted under this part.

(c) APPROVAL.—The Secretary shall appoint one or more technical review panels (possibly by region), consisting of representatives of private industry councils, labor organizations, secondary school administrators or teachers familiar with vocational and technical education, community colleges, university manufacturing science programs, high-technology businesses, and groups or individuals knowledgeable about technology in the United States and other countries, to—

(1) establish competitive selection criteria based on the application contents described in subsection (b);

(2) select and approve applications under this part based on the selection criteria established pursuant to paragraph (1); and

(3) make recommendations to the Secretary regarding the awarding of grants under this part.

(d) SPECIAL RULE.—The Secretary shall only award grants under this part to applicants that—

(1) design a curriculum that meets the needs of local businesses;

(2) assist students with summer and part-time employment or apprenticeships during the school year and full-time employment after graduation; and

(3) demonstrate a commitment to continue the operation of the technology high school after the termination of assistance provided under this part.

SEC. 125. PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each business and education partnership having an application approved under section 124 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—The Federal share—

(1) for the first 4 years for which a business and education partnership receives a grant under this part shall be 50 percent; and

(2) for the fifth and sixth such years shall be 25 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of payments under this part may be in cash or in kind fairly evaluated, including planned equipment or services, equipment loans or donations, cooperative use of laboratories, plants and other facilities, relevant work experience opportunities for students, or time donated for teaching or mentoring.

SEC. 126. EVALUATION.

(a) DATA.—The Secretary, in consultation with the Secretaries of Labor and Commerce, shall specify data that shall be collected and submitted to the Secretary by each business and education partnership receiving a grant under this part over the period of the grant. Such data shall include measures of student achievement and employment, and measures of the extent to which the training program meets local employer needs.

(b) REPORT.—(1) The Secretary, in consultation with the Secretaries of Labor and Commerce, shall annually submit a report to the Congress on the effectiveness of the schools assisted under this part.

(2) Each business-education partnership receiving a grant under this part shall submit a report to the Secretary within 6 years of the date of enactment of this Act describing in detail the program assisted under this part, the history of such program's development, and the costs for such program to serve as a blueprint for future technology high schools. The Secretary shall distribute such report to all local educational agencies.

PART C—GOVERNOR'S SCHOOLS

SEC. 131. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) many reports, beginning with "A Nation at Risk", have documented serious problems with the Nation's educational system;

(2) much thought has been given to possible solutions to the problems with the Nation's educational system, but change is difficult, especially system-wide change over the thousands of school districts in the United States; and

(3) the Federal Government can stimulate reform by sponsoring research and development and demonstration projects, and by disseminating information about successful programs.

(b) PURPOSE.—It is the purpose of this part to involve States in the search for solutions to educational problems by providing Governors with start-up funds to develop an experimental high school in their State.

SEC. 132. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to make not more than 10 grants to Governors to pay the Federal share of the costs of planning, establishing, and operating an experimental high school in the State to test innovative programs designed to improve student achievement. Such innovative programs shall address at least one of the following areas:

(1) stimulating high achievement among students from economically disadvantaged backgrounds;

(2) drop-out prevention;

(3) enrichment programs for outstanding students;

(4) attracting outstanding teachers to public education;

(5) greater teacher control of curriculum and school structure, and greater teacher accountability;

(6) coordination between the high school and a college or university; and

(7) other critical educational problems the Governor determines are necessary to address.

(b) PROCEDURES AND CRITERIA.—The Secretary shall develop procedures and criteria for awarding grants under this part on a competitive merit basis.

SEC. 133. APPLICATION.

(a) IN GENERAL.—Each Governor desiring a grant under this part shall submit an application at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall describe—

(1) the activities and services for which assistance is sought;

(2) the planned experimental programs, or methods by which such programs will be chosen and tested;

(3) where the school will be located, what areas will be served by such school and a justification for selecting such areas;

(4) the number of students who will attend the school;

(5) the criteria for selection of students; and

(6) the source of the non-Federal share of costs of establishing and operating the school.

(c) APPROVAL.—The Secretary shall appoint members of one or more technical review panels to—

(1) establish competitive selection criteria based on the application contents described in subsection (b);

(2) select and approve applications under this part based on selection criteria established pursuant to paragraph (1); and

(3) make recommendations to the Secretary regarding the awarding of grants under this part.

SEC. 134. PAYMENTS; FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each Governor having an application approved under section 133 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—The Federal share shall be 50 percent for the first 4 years for which a Governor receives a grant under this part.

SEC. 135. EVALUATION.

(a) STATE.—Each Governor receiving a grant under this part shall submit a report to the Secretary 2 years after the date of enactment of this Act and every 2 years thereafter describing and assessing the effectiveness of the schools assisted under this part.

(b) FEDERAL.—The Secretary shall submit a report to the Congress on the various schools assisted under this part and the outcomes of the innovative programs of such schools within 4 years of the date of enactment of this Act. The Secretary shall distribute the findings of such report to clearinghouses and to local educational agencies.

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 141. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $100,000,000 for each of the fiscal years 1992, 1993, 1994 and 1995, and $30,000,000 for each of the fiscal years 1996 and 1997, to carry out the provisions of this title.

TITLE II—TRAINING GRANTS FOR COMMUNITY COLLEGE AND SMALL BUSINESS CONSORTIA

SEC. 201. FINDINGS.

The Congress finds that—

(1) small businesses provide most entry-level jobs in the United States but often lack the resources to provide needed worker education and training;

(2) there is a growing mismatch between worker skills and workplace demands that has a greater impact on small firms than on large firms;

(3) many employees of small businesses need both literacy and English-as-a-second language training and skills training in order to meet the needs of business;

(4) joint education and training programs help share the risks of training, increase the skilled workers available to small firms, and allow more cost-effective development of training materials; and

(5) many small businesses subcontract with large businesses which can provide valuable training advice to the small businesses.

SEC. 202. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Small Business Administration and the Secretaries of Labor and Commerce, is authorized to make not more than 40 grants to community colleges participating in an eligible consortium to pay part or all of the costs of developing and providing training and retraining programs which meet the existing and changing needs of the eligible consortium's workers, especially nonsupervisory workers.

(b) AMOUNT.—The Secretary shall not award a grant under this title in an amount which exceeds $500,000.

(c) PROCEDURES AND CRITERIA.—The Secretary shall establish procedures and criteria for awarding grants under this title on a competitive merit basis.

SEC. 203. ELIGIBLE CONSORTIUM.

For the purpose of this title the term "eligible consortium" means an accredited community college in consortium with two or more small businesses that—

(1) are in the same industry; or

(2) use the same technology; and

(3) have common educational needs.

SEC. 204. APPLICATION.

(a) IN GENERAL.—Each community college desiring a grant under this title shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS.— Each application submitted pursuant to subsection (a) shall describe—

(1) the activities and services for which assistance is sought, which shall include technology training, basic skills training, or English-as-a-second language training;

(2) the membership of the eligible consortium including, where applicable, a description of the large businesses that contract with the small businesses participating in the consortium and have training expertise to share with the small businesses;

(3) the education and training needs of the eligible consortium; and

(4) the source of the non-Federal share of costs of the training and retraining programs, including a description of any system of fees which may be used by the eligible consortium to support or partially support the training or retraining program.

(c) APPROVAL.—The Secretary shall appoint a technical review panel to—

(1) establish competitive selection criteria based on the contents of the application described in subsection (b);

(2) select and approve applications under this title based on the selection criteria established pursuant to paragraph (1); and

(3) make recommendations to the Secretary regarding the awarding of grants under this title.

(d) PREFERENCE.—The panel described in subsection (c) shall give preference to applications that demonstrate a commitment to continue the training and retraining program after the termination of assistance provided under this title.

(e) SPECIAL RULE.—The panel described in subsection (c) shall only approve applications under this title from eligible consortia which demonstrate the ability to provide effective training and retraining programs.

SEC. 205. APPLICATION OF ANTITRUST LAWS.

In any action under the antitrust laws, or under any State law similar to the antitrust laws, the conduct of any person in making or performing a contract to establish, organize, administer, or participate in the programs of an eligible consortium established pursuant to this title shall not be deemed illegal per se, but such conduct shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting competition.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for fiscal year 1992 to carry out the provisions of this section.

SECTION-BY-SECTION OF BUSINESS AND EDUCATION PARTNERSHIP ACT

TITLE I: MODEL SCHOOLS

Part A: Model high schools of science and mathematics

Authorizes Federal matching grants to business and education partnerships to plan, establish and operate model high schools which emphasize math and science.

Part B: Model technology high schools

Authorizes Federal matching grants to business and education partnerships to design, establish and operate advanced technology high schools which combine strong basic skills programs with state-of-art job training. Students will participate in apprenticeship programs and be prepared to enter the work force upon graduation.

Part C: Governor's model schools

Authorizes Federal matching grants to governors to plan, establish, and operate an experimental school in their State for testing new curricula, new methods of school management, new teaching methods, systems of accountability, extended hours or days of attendance, or other proposed solutions to education-related problems in their State that have the potential to substantially improve student achievement.

TITLE II: TRAINING GRANTS FOR COMMUNITY COLLEGE AND SMALL BUSINESS CONSORTIA

Authorizes Federal matching grants to community colleges to develop consortia with two or more small businesses in the same industry, using the same technology, or which share a common need for basic skills training to develop and provide training and retraining programs for the small business's employees. These programs should be designed to respond to the current and changing needs of the small businesses participating in the consortia.●

By Mr. ROTH:

S. 365. A bill to amend the Internal Revenue Code of 1986 to require reporting of group health plan information on W-2 forms; to the Committee on Finance.

MEDICARE SECONDARY PAYER REFORM ACT

● Mr. ROTH. Mr. President, the Permanent Subcommittee on Investigations, on which I serve as ranking minority member, held hearings last year on one part of the Medicare Program, the Medicare Secondary Payer, or MSP Program. This program involves primarily the working elderly—people who are over 65 but who are still employed and have private health insurance through their employer. MSP is designed, as its name implies, to ensure that if an indivdual has private insurance, this private insurance will pay the primary cost of medical bills, while Medicare will contribute only as a secondary payer.

MSP provisions have been in force for a decade. Unfortunately, however, implementation of the program has been, at best, erractic. Various government sources estimate that losses to the Federal Government as a result of improper payments which do not conform to the MSP Program range from $400 million to $1 billion per year. Our investigation revealed that a major reason for these losses is inefficiency and inaccuracy in collection and dissemination of data on private insurance coverage. Payments are made by Medicare as primary payer in many circumstances where the individual in question is covered under an employer-sponsored group health plan which should be bearing the primary costs.

Today, I am introducing legislation aimed at eliminating improper payments under the MSP Program and thereby stemming the flow of wasted Federal tax dollars. This legislation has two components. The first is an amendment to the Federal W-2 tax form which would add one additional line asking employers to certify (a) whether or not they offer group health insurance to their employees and (b) what type of coverage (self or family), if any, the employee has elected. The second component, and the key to the success of this MSP reform legislation, is the establishment of a data bank for the collection and processing of this health insurance information. Without such a systematic process, the erroneous payment, waste, and abuse occurring under the MSP Program will continue. Medicare administrators as well as other appropriate State agencies would have access to the information as a check to ensure that the proper private insurance, if applicable, has paid primary to Medicare.

Costs of our medical care and health insurance systems are spiraling. Medical care providers such as hospitals, Medicare contractors which administer Medicare benefits, private insurance companies, the Health Care Financing Administration, and even the Congress—all bear some of the responsibility for this situation, and all must work together to rectify it. The United States has the most advanced medical research programs and health technology in the world. Yet, by gradually pricing ourselves out of our own market, we run the danger of loosing the competitive edge which has enabled our doctors and nurses, our hospitals and clinics to be at the forefront in offering livesaving cures and techniques.

My understanding is that the administration is prepared to support the basic thrust of this legislation. I welcome this support and commend the President and his administration for their willingness to correct the deficiencies of the Medicare Secondary Payer Program. U.S. taxpayers should be grateful, too.

I urge the support of my colleagues for this legislation.●

By Mr. KOHL (for himself and Mr. KASTEN):

S. 366. A bill to designate the U.S. Courthouse located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse;" to the Committee on Environment and Public Works.

ROBERT W. KASTENMEIER UNITED STATES COURTHOUSE

● Mr. KOHL. Mr. President, I rise today to pay tribute to Robert W. Kastenmeier. During his 32 years as a Member of the House, Bob ably represented his constituents in the Second District of Wisconsin, demonstrated a deep commitment to protecting the public interest, and made unprecedented contributions to our Federal judicial system. In recognition of both his service and his achievements, and on behalf of the entire Wisconsin delegation, I am honored to introduce legislation naming the Federal courthouse in Madison the "Robert W. Kastenmeier United States Courthouse."

Throughout his career in Congress, which began in 1959, Bob Kastenmeier was a champion of civil rights and civil liberties. He was a principal architect of the Civil Rights Act of 1964 and the Voting Rights Act of 1968. In the late 1970's, he spearheaded the passage of the Civil Rights of Institutionalized Persons Act. And in the 1980's, he strongly opposed former President Reagan's efforts to dismantle the Legal Services Corporation, instead pushing the Federal Government to provide legal aid to the poor. A former "Wisconsin Civil Libertarian of the Year," Bob fought for prison reform, privacy protection, and an enlightened criminal justice system.

Bob was responsible for a number of critically important measures, particularly in the intellectual property area, but he focused on judicial improvement throughout his entire career. Beginning in 1969, Bob chaired the House Judiciary Committee's subcommittee with jurisdiction over the Federal court system, where he rightfully earned his reputation as the architect of modern court reform. Indeed, Bob led the way on virtually every major court reform measure, from streamlining the existing method of judicial discipline to revamping the bankruptcy and magistrate systems.

Most recently, Bob played a key role in developing and perfecting the Judicial Improvements Act of 1990. This measure created additional judgeships, implemented various recommendations of the Federal Courts Study Committee, established a Federal commission to review the impeachment process and helped enhance efficiency in civil cases. Bob was also a long-time advocate of openness in the courts, and he fought tirelessly to allow broadcast media to cover Federal court proceedings. Last year, his work came to fruition, when the judiciary agreed to an experiment that will permit cameras and microphones into the Federal courts for the first time.

Judges from both sides of the ideological spectrum have recognized the contributions that Bob Kastenmeier has made to our system of justice. Former Chief Justice Warren Burger referred to Bob as "an outstanding supporter of the needs of the judicial branch." Chief Justice William Rehnquist characterized Bob as "a good friend of the judicial system." And Judge Abner Mikva accurately summed up Bob's legacy, calling him "probably the best friend the Federal judges have ever had on the Hill. Nobody up there has his knowledge, understanding, and sensitivity about the judiciary."

Bob received the American Judicature Society's 1988 Justice Award for improving the administration of justice. The State Bar of Wisconsin gave Bob the 1989 Public Understanding About the Law Award. Just last week, he received an award from the Conference of Chief Justices for his many contributions to improved State courts. Doubtlessly, he will receive many more awards—for his work on behalf of both the judiciary and the people of Wisconsin.

Bob Kastenmeier leaves behind an extraordinary record of public service and achievement. Dedicating this Federal courthouse to Bob will, in a small way, honor a man who was a consummate lawmaker in the finest sense of the word.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at the end of this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. DESIGNATION.

The United States Courthouse located at 120 North Henry Street in Madison, Wisconsin, shall be known and designated as the "Robert W. Kastenmeier United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Courthouse referred to in section 1 shall be deemed to be a reference to the "Robert W. Kastenmeier United States Courthouse".●

By Mr. METZENBAUM (for himself, Mr. HATCH, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. PELL, Mr. ADAMS, Mr. SIMON, Ms. MIKULSKI, and Mr. BINGAMAN):

S. 367. A bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes; to the Committee on Labor and Human Resources.

NONTRADITIONAL EMPLOYMENT FOR WOMEN ACT

● Mr. METZENBAUM. Mr. President, I rise to introduce the Nontraditional Employment for Women Act. The NEW Act is designed to promote a wider range of opportunities for women under the Job Training Partnership Act, the primary training program for economically disadvantaged youth and adults. I am very pleased that Senator HATCH is the leading cosponsor of this legislation which enjoys bipartisan support. Congressman GEORGE MILLER is introducing companion legislation in the House.

With the onset of the military buildup and war in the Persian Gulf, American women prove daily their ability to master nontraditional fields of work, including those jobs that are the most dangerous. But women have not been given this same opportunity to train and participate in nontraditional employment at home. Equal opportunity in employment may be the law of the land, but occupational segregation of the sexes is a fact of life. For example, women are 87 percent of data entry keyers and men are 87 percent of data processing equipment repairers. Not surprisingly, data entry keyers earn on average $290 per week while data processing equipment repairers earn on average $515 per week.

The reasons for occupational segregation are both varied and complex. Cultural stereotypes about the roles of men and women and the jobs they can and should perform still exist. Moreover, women who do chose to pursue nontraditional employment often are the victims of sexual harassment or more subtle forms of discrimination. Regrettably, Federal job training programs have contributed to the problem by often failing to overcome these stereotypes and biases. In far too many instances, our Federal job training programs, however unintentionally, are steering women into lower-paying traditionally female jobs. Government studies verify that women have not received their fair share of the training available under JTPA for the jobs that offer the best wages, benefits, and long-term earning potential.

The NEW Act will begin to correct this shortcoming in JTPA. It provides for greater opportunities for women to receive training and placement in construction, electronics, and other nontraditional and high paying fields of work. The bill will accomplish this objective in two ways. First, the NEW Act requires service delivery areas and States to include goals in their annual job training plans for training and placing women in nontraditional employment. Second the act creates a 4-year, $6 million demonstration program to foster the development of programs to train women for nontraditional employment.

This is not the first time that Senator HATCH and I have introduced the NEW Act in the Senate. During the 101st Congress, we introduced S. 975, which was unanimously adopted by the Senate on November 19, 1989. Subsequently, the House approved the NEW Act language as part of a larger bill addressing JTPA modifications. Unfortunately, that bill died at the end of the 101st Congress because House and Senate conferees were unable to resolve certain unrelated areas of difference under JTPA.

It is no secret that carpenters earn more than cashiers, and technicians earn more than typists. In addition, that cashier or typist is more often than not supporting her entire family on her income. I hope that NEW will help women secure their fair share of the training they need for jobs with the best earning potential. This is modest but much-needed legislation for women and their families. I urge my colleagues to join Senator HATCH and me in supporting the NEW Act.

I ask unanimous consent that the text of the Nontraditional Employment for Women Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nontraditional Employment for Women Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) over 7,000,000 families in the United States live in poverty, and over half of those families are single parent households headed by women;

(2) women stand to improve their economic security and independence through the training and other services offered under the Job Training Partnership Act;

(3) women participating under the Job Training Partnership Act tend to be enrolled in programs for traditionally female occupations;

(4) many of the Job Training Partnership Act programs that have low female enrollment levels are in fields of work that are nontraditional for women;

(5) employment in traditionally male occupations leads to higher wages, improved job security, and better long-range opportunities than employment in traditionally female-dominated fields;

(6) the long-term economic security of women is served by increasing nontraditional employment opportunities for women; and

(7) older women reentering the work force may have special needs in obtaining training and placement in occupations providing economic security.

(b) STATEMENT OF PURPOSE.—The purposes of this Act are—

(1) to encourage efforts by the Federal, State, and local levels of government aimed at providing a wider range of opportunities for women under the Job Training Partnership Act;

(2) to provide incentives to establish programs that will train, place, and retain women in nontraditional fields; and

(3) to facilitate coordination between the Job Training Partnership Act and the Carl D. Perkins Vocational and Applied Technology Education Act to maximize the effectiveness of resources available for training and placing women in nontraditional employment.

SEC. 3. DEFINITION.

Section 4 of the Job Training Partnership Act (hereinafter referred to as the "Act") is amended by adding at the end thereof the following new paragraph:

"(30) The term 'nontraditional employment' as applied to women refers to occupations or fields of work where women comprise less than 25 percent of the individuals employed in such occupation or field of work.".

SEC. 4. SERVICE DELIVERY AREA JOB TRAINING PLAN.

Section 104(b) of the Act is amended—

(1) by redesignating paragraphs (5), (6), (7), (8), (9), (10), and (11) as paragraphs (6), (7), (8), (9), (10), (11), and (12), respectively;

(2) by inserting after paragraph (4) the following new paragraph:

"(5) goals for—

"(A) the training of women in nontraditional employment; and

"(B) the training-related placement of women in nontraditional employment and apprenticeships;

and a description of efforts to be undertaken to accomplish such goals, including efforts to increase awareness of such training and placement opportunities;"; and

(3) in paragraph (12), as redesignated in paragraph (1) above, by—

(A) striking "and" at the end of subparagraph (B);

(B) striking the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(C) adding after subparagraph (C) the following new subparagraphs:

"(D) the extent to which the service delivery area has met its goals for the training and training-related placement of women in nontraditional employment and apprenticeships; and

"(E) a statistical breakdown of women trained and placed in nontraditional occupations, including—

"(i) the type of training received, by occupation;

"(ii) whether the participant was placed in a job or apprenticeship, and, if so, the occupation and the wage at placement;

"(iii) the participant's age;

"(iv) the participant's race; and

"(v) information on retention of the participant in nontraditional employment.".

SEC. 5. GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN.

(a) IN GENERAL.—Section 121(b) of the Act is amended by—

(1) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) The plan shall include goals for—

"(A) the training of women in nontraditional employment through funds available under the Job Training Partnership Act, the Carl D. Perkins Vocational and Applied Technology Education Act, and other sources of Federal and State support;

"(B) the training-related placement of women in nontraditional employment and apprenticeships;

"(C) a description of efforts to be undertaken to accomplish such goals, including efforts to increase awareness of such training and placement opportunities; and

"(D) a description of efforts to coordinate activities provided pursuant to the Job Training Partnership Act and the Carl D. Perkins Vocational and Applied Technology Education Act to train and place women in nontraditional employment.".

(b) SPECIAL PROGRAMS.—Section 121(c) of the Act is amended by—

(1) redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(2) inserting after paragraph (8) the following new paragraph:

"(9) providing programs and related services to encourage the recruitment of women for training, placement, and retention in nontraditional employment;".

SEC. 6. STATE JOB TRAINING COORDINATING COUNCIL.

Section 122(b) of the Act is amended by—

(1) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (9), (10), (11), and (12), respectively; and

(2) inserting after paragraph (4) the following new paragraphs:

"(5) review the reports made pursuant to subparagraphs (D) and (E) of section 104(b)(12) and make recommendations for technical assistance and corrective action, based on the results of such reports;

"(6) prepare a summary of the reports made pursuant to subparagraphs (D) and (E) of section 104(b)(12) detailing promising service delivery approaches developed in each service delivery area for the training and placement of women in nontraditional occupations, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;

"(7) review the activities of the Governor to train, place, and retain women in nontraditional employment, including activities under section 123, prepare a summary of activities and an analysis of results, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;

"(8) consult with the sex equity coordinator established under section 111(b) of the Carl D. Perkins Vocational and Applied Technology Education Act, obtain from the sex equity coordinator a summary of activities and an analysis of results in training women in nontraditional employment under the Carl D. Perkins Vocational and Applied Technology Education Act, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;".

SEC. 7. STATE EDUCATION COORDINATION AND GRANTS.

(a) STATE EDUCATION COORDINATION AND GRANTS.—Section 123(a) of the Act is amended by—

(1) striking "and" at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and "and"; and

(3) inserting the following new paragraph at the end thereof:

"(4) to provide statewide coordinated approaches, including model programs, to train, place, and retain women in nontraditional employment.".

(b) USE OF FUNDS.—Section 123(c) is amended—

(1) in paragraph (2)(B) by striking "(1) and (3)" and inserting in lieu thereof "(1), (3), and (4)"; and

(2) in paragraph (3) by striking "(1) and (3)" and inserting in lieu thereof "(1), (3), and (4)".

SEC. 8. USE OF FUNDS.

Section 204 of the Act is amended by—

(1) redesignating paragraphs (27) and (28) as paragraphs (28) and (29), respectively; and

(2) inserting after paragraph (26) the following new paragraph:

"(27) outreach, to develop awareness of, and encourage participation in, education, training services, and work experience programs to assist women in obtaining nontraditional employment, and to facilitate the retention of women in nontraditional employment, including services at the site of training or employment,".

SEC. 9. DEMONSTRATION PROGRAMS.

Part D of title IV of the Act is amended by adding at the end thereof the following new section:

"DEMONSTRATION PROGRAMS

"SEC. 457. (a)(1) From funds available under this part for each of the fiscal years 1992, 1993, 1994, and 1995, the Secretary shall use $1,500,000 in each such fiscal year to make grants to States to develop demonstration and exemplary programs to train and place women in nontraditional employment.

"(2) The Secretary may award no more than 6 grants in each fiscal year.

"(b) In awarding grants pursuant to subsection (a), the Secretary shall consider—

"(1) the level of coordination between the Job Training Partnership Act and other resources available for training women in nontraditional employment;

"(2) the extent of private sector involvement in the development and implementation of training programs under the Job Training Partnership Act;

"(3) the extent to which the initiatives proposed by a State supplement or build upon existing efforts in a State to train and place women in nontraditional employment;

"(4) whether the proposed grant amount is sufficient to accomplish measurable goals;

"(5) the extent to which a State is prepared to disseminate information on its demonstration training programs; and

"(6) the extent to which a State is prepared to produce materials that allow for replication of such State's demonstration training programs.

"(c)(1) Each State receiving financial assistance pursuant to this section may use such funds to—

"(A) award grants to service providers in the State to train and otherwise prepare women for nontraditional employment;

"(B) award grants to service delivery areas that plan and demonstrate the ability to train, place, and retain women in nontraditional employment; and

"(C) award grants to service delivery areas on the basis of exceptional performance in training, placing, and retaining women in nontraditional employment.

"(2) Each State receiving financial assistance pursuant to subsection (c)(1)(A) may only award grants to—

"(A) community based organizations,

"(B) educational institutions, or

"(C) other service providers,

that have demonstrated success in occupational skills training.

"(3) Each State receiving financial assistance under this section shall ensure, to the extent possible, that grants are awarded for training, placing, and retaining women in growth occupations with increased wage potential.

"(4) Each State receiving financial assistance pursuant to subsection (c)(1)(B) or (c)(1)(C) may only award grants to service delivery areas that have demonstrated ability or exceptional performance in training, placing, and retaining women in nontraditional employment that is not attributable or related to the activities of any service provider awarded funds under subsection (c)(1)(A).

"(d) In any fiscal year in which a State receives a grant pursuant to this section such State may retain an amount not to exceed 10 percent of such grant to—

"(1) pay administrative costs,

"(2) facilitate the coordination of statewide approaches to training and placing women in nontraditional employment, or

"(3) provide technical assistance to service providers.

"(e) The Secretary shall provide for evaluation of the demonstration programs carried out pursuant to this section, including evaluation of the demonstration programs' effectiveness in—

"(1) preparing women for nontraditional employment, and

"(2) developing and replicating approaches to train and place women in nontraditional employment.".

SEC. 10. REPORT AND RECOMMENDATIONS.

(a) REPORT.—The Secretary of Labor shall report to the Congress within 5 years of the date of enactment of this Act on—

(1) the extent to which States and service delivery areas have succeeded in training, placing, and retaining women in nontraditional employment, together with a description of the efforts made and the results of such efforts; and

(2) the effectiveness of the demonstration programs established by section 457 of the Job Training Partnership Act in developing and replicating approaches to train and place women in nontraditional employment, including a summary of activities performed by grant recipients under the demonstration programs authorized by section 457 of the Job Training Partnership Act.

(b) RECOMMENDATIONS.—The report described in subsection (a) shall include recommendations on the need to continue, expand, or modify the demonstration programs established by section 457 of the Job Training Partnership Act, as well as recommendations for legislative and administrative changes necessary to increase nontraditional employment opportunities for women under the Job Training Partnership Act.

SEC. 11. DISCRIMINATION.

(a) For purposes of this legislation, nothing in this Act shall be construed to mean that Congress is taking a position on the issue of comparable worth.

(b) Nothing in this Act shall be construed to require, sanction or authorize discrimination in violation of title VII of the Civil Rights Act of 1964 or any other Federal law prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age. No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in any program under this Act because of race, color, religion, sex, national origin, age, handicap, political affiliation or belief. Failure to meet the goals in the Act shall not itself constitute a violation of title VII of the Civil Rights Act of 1964 or any other Federal law prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age.

SEC. 12. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect upon the date of enactment of this Act, except that the requirements imposed by sections 4, 5, and 6 of this Act shall apply to the plan or report filed or reviewed for program years beginning on or after July 1, 1992.•

By Mr. SARBANES (for himself, Mr. ROBB, Mr. WARNER, and Ms. MIKULSKI):

S. 368. A bill to prohibit the opening and closing of the Woodrow Wilson Memorial Bridge except during certain hours; to the Committee on Commerce, Science, and Transportation.

RESTRICTIONS ON WOODROW WILSON MEMORIAL BRIDGE

• Mr. SARBANES. Mr. President, today I am introducing, together with Senators ROBB, WARNER, and MIKULSKI, legislation to restrict openings of the Woodrow Wilson Bridge to the hours between midnight and 4 a.m., when vehicle traffic is at its lowest volume. The purpose of this legislation is to address a serious transportation problem and a potential traffic disaster at the bridge.

The Woodrow Wilson Bridge is a vital link in the transportation system of the National Capital region and the Interstate Highway System. Since it was first constructed some 30 years ago, traffic on the bridge has grown dramatically. Originally designed to carry 75,000 vehicles daily, it now averages over 160,000 vehicles a day, far exceeding the bridge's capacity. That is nearly 60 million vehicles a year! There is no reasonable alternative to this bridge for these motorists and the result is severe traffic congestion and frequent accidents. One of fifteen drawspans on the Nation's Interstate System, it is also one of the most heavily traveled bridges and one of the worst bottlenecks on the east coast.

The current drawbridge opening schedule and mechanical and electrical problems with the drawspan are exacerbating the problem and causing major headaches for commuters, interstate travelers and transportation officials. On June 26, 1990, the drawbridge was opened in midmorning to allow for passage of a single sailboat. The mechanical pins that lock the spans closed did not work properly due to an electrical short circuit. It took over an hour and a half to correct the situation. Meanwhile, traffic began to pile up in both directions on the interstate and its approaches in both Maryland and Virginia. On July 15, a similar event occurred, and the bridge could not be closed for 1 hour. I ask unanimous consent that two articles from the Washington Post on the bridge problem be included in the RECORD immediately following my statement.

Clearly, the District of Columbia, which is responsible for operating the drawspan, must fix the problem causing the recent mechanical failures. I want to acknowledge and commend the Secretary of Transportation for providing the District with funding to help repair the bridge's electrical system. But the fact is that any piece of machinery will fail on occasion. In the case of this particular bridge, with heavy traffic running all day and virtually all night, such failures cannot be tolerated, especially when the opening of the bridge is for only one or two boaters. One has to balance the impact to those few boats desiring to sail up the Potomac to Washington, DC, against the more than 160,000 vehicle each day on the eastern seaboard's main north-south route. It should be pointed out that the bridge clearance allows passage of almost all of the boats which are docked on the Potomac upstream from the structure. Only boats mast or stack heights greater than 50 feet require an opening of the drawspan.

Commuters, State transportation directors and other officials have been urging the Coast Guard, which has jurisdiction over the drawbridge operating schedule, to reduce the window during which the bridge could be opened. On September 14, the Coast Guard and the Federal Highway Administration held a public hearing on the opening schedule. At that hearing, more than a dozen groups came out to testify about the serious impacts the current schedule was having on the regional economy, commuters, emergency services, and the local transportation network. The secretaries of transportation of Maryland and Virginia as well as the director of public works in the District of Columbia have joined together in calling for restrictions on openings to nighttime hours between midnight and 4 a.m. Our congressional delegation is united in support of these same restrictions. Yet, despite the overwhelming support for a more restrictive opening schedule on the bridge, there is still a broad window for passage of deep draft vessels.

Mr. President, each time the bridge opens it creates a traffic nightmare. The States of Maryland and Virginia and the District of Columbia, in cooperation with the Federal Highway Administration, are currently considering proposals for improving the Woodrow Wilson Bridge and to address the increasing volumes of traffic using the bridge. I am also joining Senator WARNER in introducing legislation to ensure that Federal funds are available to address traffic congestion problems on the interstate highways. While these efforts are underway however, it is unreasonable to allow major disruptions in interstate traffic for the convenience of a very few boats. My bill would not permanently prohibit the opening and closing of the bridge. It simply strikes a much more reasonable balance in addressing the needs of all modes of transportation by permitting openings only during the period of midnight to 4 a.m., when highway traffic is at its lowest volume. The legislation also permits the bridge to be opened during periods of emergency as designated by the Secretary of Transportation. I urge my colleagues to join me in supporting this legislation.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 16, 1990]

BRIDGE MALFUNCTION SNARLS TRAFFIC

(By Dan Beyers)

The Woodrow Wilson Bridge yesterday proved again why it is one of the area's worst bottlenecks when an electrical short prevented a raised span from closing for more than an hour, backing up Sunday traffic on Interstate 95 for several miles on both sides of the bridge.

Shortly after 1:30 p.m., the drawbridge was raised to accommodate a passing sailboat on the Potomac River. When bridge workers tried to lower and lock the span back into place, an electrical short blacked out the control panel, said George Schoene, chief traffic engineer for the D.C. Department of Public Works.

An electrician was called to the scene, and power to the panel was restored about 2:45 p.m., Schoene said. Maryland and Virginia state police said traffic was backed up for more than two miles in either direction.

Schoene said he has not determined whether the short is related to an electrical malfunction in June that kept the raised drawbridge stuck for more than 80 minutes.

The drawbridge is raised about 400 times a year, most frequently in summer, when more boats and ships are on the water, Schoene said. The span had been opened at least once yesterday before the afternoon malfunction.

Raising and lowering the span typically takes about seven minutes, Schoene said.

The drawbridge and the traffic tie-ups it causes are among reasons federal and local officials want to replace the crossing between Alexandria and Prince George's County with a wider and higher bridge.

Proposals submitted so far have been deemed too costly or unsightly. Also to be resolved is where to put the bridge. An alignment just south of the current span would pass through wetlands and near some expensive real estate.

[From the Washington Post, July 17, 1990]

BRIDGE PROBLEM: VIBRATIONS

(By Stephen C. Fehr)

Mysterious vibrations are contributing to electrical problems that have caused a rash of recent delays for traffic on the Woodrow Wilson Bridge, officials said yesterday.

District public works officials, who are responsible for bridge operations, thought they had fixed years of electrical problems with the busy bridge when they rewired the Wilson last year.

Now a new gremlin has appeared. George W. Schoene, the city's chief traffic engineer, said the problem starts with unexplained vibrations that are damaging the new wiring.

The bridge carrying the Capital Beltway over the Potomac River between Alexandria and Prince George's County is the Washington area's worst traffic bottleneck, designed for 75,000 vehicles a day but actually crossed by some 160,000.

Twice on Sunday, the bridge was closed because of problems with the 222-foot movable drawspan. Early in the afternoon, the bridge stuck in the open position for 75 minutes and hundreds of cars backed up for two miles in both directions. Later in the day, traffic was delayed a second time when it took about 20 minutes to close the bridge.

The span is raised 400 times a year to allow tall vessels using the channel to pass through.

The drawspan also stuck open on June 26, causing long backups of traffic in both directions and calling more attention to the bridge just as federal and state officials concluded a year long contest among five engineering firms to suggest concepts for a new bridge.

But a new bridge is years away.

Schoene explained the electrical power to the drawspan is carried by wiring housed in insulated conduit. The conduit is fastened along the bridge by a series of nuts, he said.

Movement shakes loose the nuts and the conduit, causing the wiring to sag in places. That creates stress on the wiring and eventually the wire wears through or its connections pull apart and the system shorts out, Schoene said.

When the drawspan is up and a short occurs—as was the case in the recent mishaps—officials have no choice but to close the span manually, which takes about 20 minutes. Normally it takes an average of eight minutes for the bridge to open, a ship to pass through and the bridge to close.

Engineers have no idea what is causing the vibration, whether it is traffice, water action, wind or some other cause. Schoene and other engineers spent much of yesterday trying to identify the problem and determine whether to call in an outside expert.

Until a solution is found, he said, he is considering asking the Coast Guard to put restrictions on the time and frequency of the drawspan openings. Alexandria mayor James P. Moran Jr. has scheduled a meeting today with Coast Guard and Federal Highway Administration officials to discuss the problem.•

By Mr. WARNER (for himself and Mr. SARBANES):

S. 369. A bill to amend title 23, United States Code, to establish a program for expanding the capacity of heavily traveled portions of the National System of Interstate and Defense Highways located in the urbanized areas with a population of 50,000 or more for the purposes of reducing traffic congestion, improving safety, and increasing the efficiency of the system; to the Committee on Environment and Public Works.

GRIDLOCK RELIEF FOR INTERSTATE HIGHWAYS

• Mr. WARNER. Mr. President, today I am introducing legislation that will help urban and surbran areas of the country cope with increasing levels of traffic congestion on the Federal Interstate System. Our colleague, Congressman FRANK WOLF, will introduce an identical bill in the House of Representatives.

Urban and suburban segments of the Federal Highway System have become increasingly congested as traffic volume has increased beyond expectations. In many areas, the system is simply breaking down under huge loads of traffic.

The legislation we are introducing would create a new category of Federal highway funding to expand the capacity of heavily traveled portions of the Federal Interstate Highway System located in suburban and urban areas of the country. Beginning in fiscal year 1993, $2 billion a year for 4 years would be made available nationwide for this new program.

Funds authorized under our legislation could also be used for construction of noise walls or other sound abatement devices, acquisition of rights-of-way for construction of mass transit facilities, and acquisition of land for park-and-ride-type facilities.

The type of funding program we have proposed is desperately needed throughout the Nation. The Transportation 2020 Program held a series of 65 forums across the country to discuss the future of the Federal Highway Program. Witness after witness in State after State testified about the critical transportation problems that urban and suburban areas are facing.

In metropolitan areas all over the country, interstate highways approach complete gridlock during peak travel periods. The result is that commuters cannot get to work and interstate commerce cannot flow. That translates into reduced productivity, lost income, and time and money ill-spent.

Funds provided under this legislation could be used to widen interstates where traffic overloads occur daily during rush hours. Bottlenecks could be widened or even double-decked.

Our legislation addresses these critical problems by directing Federal funds to the areas of the country where traffic congestion has virtually closed-down the Federal Interstate Highway System.

Funds would be allocated to the States based on a formula which gives preference to urban/suburban areas with high levels of traffic congestion on the Interstate System. Rural areas of the country, however, would not be adversely affected because the Federal Interstate Construction Program is nearly complete and our legislation does not affect other highway funding categories.

The Interstate System started in 1965 is nearly complete and the current highway program is scheduled to end in 1992. We must begin now to look at changes that need to be made to address our Nation's transportation needs. In the next 2 years Northern Virginia, Tidewater Virginia, and other urban/suburban areas of the country face tremendous needs in the area of transportation improvements. Our legislation addresses these needs in a way that will bring relief not only to Northern Virginia, but to other regions of the country as well without penalizing rural or less populated areas.

By introducing this legislation, we do not intend to overlook or underestimate the problem facing less urbanized sections of Virginia or the Nation. I intend to work diligently to see that those needs are addressed as well. This bill provides an important starting point for discussion of ways to address one particular aspect of our transportation problem as Federal, State, and local representatives and highway users begin reviewing the Federal-aid Highway Program over the next 2 years.

It is my intention to work with my colleagues, the States, localities, highway user groups, and other interested parties to address other vital transportation needs.

As the hearings begin in the Senate on the Nation's transportation needs in the postinterstate period, these same parties will focus on what form any new highway program should take. If there is to be a new Federal-aid Highway Program to replace the current program which will soon expire, it is vital that expanding urban interstate capacity be a key component of such legislation.

I urge members to support this legislation.•

By Mr. ROTH:

S. 370. A bill to prohibit revenue recovery firms and certain auditors from receiving compensation on a percentage of findings basis, and for other purposes; to the Committee on Labor and Human Resources.

FAIR AUDITING ACT

• Mr. ROTH. Mr. President, spending for health care services in the United States now exceeds over one-half a trillion dollars, or $660 billion, constituting 13.5 percent of our gross national product. As for the Federal Government, over 15 percent of the budget goes toward health spending. Health care costs continue to rise at a rate much higher than that of inflation. Medical costs grew 10.5 percent from 1987 to 1988, and 11.1 percent from 1988 to 1989. The costs of hospital care are the largest component, comprising nearly 40 percent of the mammoth figure. Today, I am reintroducing a bill to help limit these rapidly rising costs.

Of course, rising health care costs affect virtually every American, because we all need professional health care at one time or another. Moreover, even if you are perfectly healthy, rising health care costs affect you as a Federal taxpayer, because the Federal Government funds approximately 30 percent of all health care spending in our Nation.

Last year, the Permanent Subcommittee on Investigations, on which I serve as ranking member, held hearings on a relatively new and rapidly expanding type of business, known as revenue recovery. Revenue recovery firms are companies which contract with hospitals to recover money owed the hospital for services rendered but not billed. These companies operate nationwide. PSI heard evidence that some of these companies were conducting unfair audits on medical bills. Many of the audits embellished unbilled charges while down playing, or ignoring, the instances where the hospital had charged too much. In short, too often revenue recovery firms are not presenting a clean, fair bill.

The hearing revealed many aspects of revenue recovery practices that were less than ethical, but the one key feature that disturbs me is their compensation system. Most revenue recovery firms are compensated for their audits with a percentage of the so-called lost charges they recover for the hospital. Therefore, they have a vested interest in the results of their audits. I am concerned about the incentives to cheat which are created by the contingency fee arrangements under which many revenue recovery firms operate. I am equally concerned about insurance company auditors who are paid a percentage of what they are able to knock off a hospital bill. Both arrangements potentially affect the impartiality and independence of the auditor.

My bill, which is called the Fair Auditing Act of 1991, does away with percentage-based reimbursement for auditors. The bill requires the Secretary of Health and Human Services to promulgate regulations to prohibit any hospital, medical clinic or insurance company from paying their auditors on a percentage-based compensation system. It is a simple concept, but it does away with biased auditing by either health care providers or insurers.

Now I recognize there is a legitimate role for medical auditors whether they work for insurers or hospitals. I certainly don't suggest that every company involved in the revenue recovery business is operating improperly. Indeed, several major accounting firms have revenue recovery sidelines, although I should add that the business practices of these accounting firms differ considerably from the practices of the revenue recovery firms which were the subject of the PSI hearings. Moreover, many hospitals are facing difficult financial times, and they deserve every penny which is honestly owed them.

The Federal Government pays more than $8 billion per year as its share of health insurance premiums for Federal workers. Those premiums are experience based. That is, if the insurance companies' pay outs increase, the premiums they charge increase. Moreover, the long-standing battle betweeen health providers and health insurers carries with it heavy administrative costs. And who do you think ends up paying the price for these two sides to battle it out? The effect is ultimately the same, whether insurance companies or patients are being gouged. It drives up costs. In the end, you can bet that it is the consumer who feels the pinch, whether it is through an inflated hospital bill or an inflated premium.

I want to repeat the hope which I expressed last year that these two industries will synchronize their opposing energies and regulate themselves. I have been in touch with the American Hospital Association, the Health Insurance Association of America and the Healthcare Financial Management Association, urging that they work together to formulate medical auditing guidelines. I believe this approach is preferable to compulsory legislation. I know that these groups have held several meetings and are planning future meetings in an attempt to develop industry guidelines which address the problems revealed by PSI's investigation. I hope these efforts succeed. If they do not, this legislation is necessary.●

By Mr. CHAFEE (for himself and Mr. PELL):

S. 371. A bill to extend the time for payment of certain taxes under the internal revenue laws for taxpayers in States in which one-third or more of the depository institutions have been simultaneously closed for a period of at least 5 days; to the Committee on Finance.

S. 372. A bill to authorize the Secretary of the Treasury to establish an emergency loan assistance program to provide financial assistance to States that have experienced a large number of financial institution failures; to the Committee on Banking, Housing, and Urban Affairs.

S. 373. A bill to amend the Internal Revenue Code of 1986 to allow the issuance of depositor protection tax-exempt bonds; to the Committee on Finance.

RHODE ISLAND FINANCIAL INSTITUTIONS LEGISLATION

Mr. CHAFEE. Mr. President, today I am introducing a package of three bills designed to help resolve the terrible financial institutions crisis that is currently gripping Rhode Island.

One month ago, on New Year's Day, the newly inaugurated Governor of Rhode Island declared a "banking emergency" in our State. Forty-five financial institutions were forced to close—35 credit unions, and 10 banks. In total, nearly $1.8 billion in assets were impounded. Nearly one-quarter of all Rhode Islanders, 250,000 citizens, had their personal accounts frozen.

What happened in Rhode Island? Our State is 1 of 20 that allow financial institutions to operate without Federal deposit insurance coverage. The Rhode Island Share and Deposit Insurance Corp. [RISDIC] was a scandalously mismanaged private deposit insurer that was weakened considerably when forced to take over one of its ailing institutions in November 1990. By New Year's Day, the RISDIC reserve fund was exhausted, leaving thousands of depositors unprotected and forcing the Governor to close down the 45 uninsured institutions.

A great deal of finger-pointing is taking place at home in Rhode Island. Investigations are underway. Reports are being written, and there is plenty of blame to go around. The RISDIC board of directors, the Rhode Island State legislators, the State regulators, officials at the closed institutions themselves, those who manage the institutions, or mismanaged them in many instances, must all bear part of the responsibility for this banking and credit union calamity.

It is not my job to assign fault. My primary concern is to help the innocent depositors who are the unfortunate victims of this crisis, and to ensure that assistance is available for those facing similar problems in other States in the future.

I have a package of bills. But the first bill is the Rhode Island Depositor Tax Relief Act, which is designed to provide temporary tax relief to Rhode Islanders so they might get through this hardship period. The second is the Financial Assistance to Institutions Reform Act, the FAIR Act, which would direct the U.S. Treasury Department to provide emergency loans to States that have been affected by the collapse of a non-Federal deposit insurance fund. The third piece of legislation is the Qualified Depositor Protection Bond Act to allow a State's private deposit insurance fund for State chartered financial institutions to issue tax-exempt bonds.

Let me explain how each of these work. Let us start with the Rhode Island Depositor Relief Act. It is straightforward. It is a Federal tax relief bill. It would provide temporary relief to individuals and to businesses in Rhode Island that are unable to gain access to funds frozen in closed institutions.

Under this act, those individuals and businesses would have the option to defer the payment of their remaining 1990 and their 1991 income tax liability until the earlier of April 15, 1992, 30 days after the institution reopens, or the depositor is made whole by the State of Rhode Island. The amount of tax that may be deferred is limited to the amount of funds that are not available because of the banking emergency. In other words, your relief is limited to the amount of funds that are in one of these institutions where the accounts are frozen. For example, if an individual has $25 in a closed credit union, that person may defer only $25 of his or her taxes, not a penny more.

The tax relief provided for 1990 allows a business or individual to defer the payment of the remaining portion of their 1990 Federal income tax liability. For most individuals and businesses, the amount that may be deferred for 1990 would be the amount of the tax due, if any, on that individual's personal income tax return or the business return, after subtracting any previous tax amounts that have already been paid for 1990.

Let us see how it works for 1991. The tax relief for 1991 would allow an individual to be exempt from the employer withholding rules for the Federal income tax. This exemption would eliminate the employer withholding of the income tax and, thus, allow people to receive the full amount of their salary before income taxes. In addition, all estimated tax payment requirements and penalties would be waived until April 15, 1992, or 30 days after the depository institution reopens, whichever was the earlier.

This is not a Federal handout. All deferred taxes would have to be paid to the Internal Revenue Service by the earlier of April 15, 1992, or 30 days after the institution reopens, or the depositors are made whole by the State. This bill would simply grant some forebearance to those Rhode Islanders most harmed by the State's banking crisis.

The second bill, the so-called FAIR Act, would establish a $500 million emergency low-interest loan fund at the Treasury Department to provide financial disaster assistance to States where a nonfederally insured deposit corporation has folded, has become insolvent.

In order to establish this loan fund, the U.S. Department of Treasury would be directed to issue up to $500 million in bonds and notes. This pool of capital would be made available on a competitive basis to qualifying States up to $150 million per State. So the total fund is $500 million; the maximum to one State is $150 million, to help State governments replenish depositors' accounts up to $100,000 at those closed institutions, banks, or credit unions.

States would then repay the loan over a 10-year period at a slightly reduced interest rate. To be eligible for a loan through the FAIR Act, the State would be required to submit a comprehensive financial institutions reorganization plan that must be approved by the Secretary of the Treasury. The Secretary will have the discretion to accept or to modify any plan submitted to his department as a condition of the loan. The Secretary could deny any application, if the Secretary deems that the State is unable to fulfill the terms of the loan.

Moreover, financial institutions that are allowed to reopen or merge with other insititutions under the approved plan would be required to secure Federal insurance coverage either through the National Credit Union Administration [NCUA] or through the Federal Deposit Insurance Corporation [FDIC].

To receive this loan from the Federal Government, the State would require that those reopening institutions secure Federal insurance coverage. We in Rhode Island are not going back to this private insurance business anymore.

I have been in touch with the Governor of Rhode Island to discuss this FAIR Act. I have asked him and his staff to evaluate just how helpful such a loan program could be to States suffering from the shock and economic hardship of a collapsed insurance fund. Here is what I was told:

The State governments around the Nation are tightening their belts. At least 29 States, from California to Massachusetts, will run a deficit in 1991. Revenues are falling and services are growing. Now add to this bleak forecast the potential collapse of a deposit insurance fund and you can see the difficulties, deep difficulties that will be faced by a State confronting that situation Where does a financially strapped State, already operating in the red, come up with $50 million or $150 million to ensure that its economy does not collapse?

It is such a desperate scenario that confronts Rhode Island today, and could hit any number of States down the road. According to the Congressional Research Service, at least 20 States allow nonfederally backed insurance corporations to guarantee depositors' accounts.

If there is one message I could send out to every one of those States today, it would be to their regulators to check those insurance funds and see if they are solid. See if they can take and endure the failure of one of their institutions. But more importantly, check the institutions. How solid are those institutions? Those that are not solid, close them before they get into further difficulties, so that they are not confronted with the situation that we currently face in Rhode Island where whole series of factors led to the extremely desperate situation that currently exists.

The FAIR Act would provide short term bridge loans to State that are confronted with such troubles. The Federal Government would receive all of the principle as well as the interest back. In the meantime, State governments would avoid draconian economic measures that would cause total chaos and perhaps in some extreme cases, bankruptcy, to the States.

The Fair Act provides a number of benefits:

First, it provides swift infusion of capital moneys. Second, States would be able to borrow at a lower rate than the Federal Government is issuing its notes or bonds which, to start with, are at a lower rate than most States would be able to issue with State bonds.

The third bill, the Qualified Depositors Protection Bond Act of 1991, would allow a State or any agency of a State to issue tax-exempt qualified depositor protection bonds.

What I am trying to do with these series of bills is to come up with measures that can be helpful to the State. They can make a choice of how to proceed: FAIR allows States to secure Federal loans at a reduced rate; and the other is for the State to issue tax-exempt bonds.

The problem is that for a State to issue tax-exempt general revenue bonds, those bonds must be used for general purposes. The difficulty we encounter with general purpose bonds is that these bonds must be used to pay off private depositors, and thus you run into the question: are those general purpose bonds or are they for private purposes, namely to reimburse the depositors of these closed institutions and thus not tax exempt?

So under this legislation the proceeds of these tax-exempt bonds would be used to provide funds to repay depositors in insolvent financial institutions and to assist those financial institutions to reopen with deposit insurance from the FDIC or the NCUA.

One option being considered by my State of Rhode Island for dealing with its current crisis is the issuance of bonds to provide funds for assisting those institutions that remain closed. These bonds would not be tax exempt under the Internal Revenue Code for the reasons I mentioned since they would not be for a qualified private activity. In other words, bonds can currently be considered tax exempt if they are used for certain limited private purposes such as industrial development, or waste treatment plants, for example, that in some instances might even be privately run.

I believe bonds issued to protect the financial institutions that have closed as a result of the failure of a State private deposit insurance fund such as occurred in our State, actually serve a critical public service and should receive the same tax treatment as public-purpose bonds.

Under my bill, a new type of qualified, private-activity, tax-exempt bond would be added to the Internal Revenue Code. These bonds could only be issued by States, such as Rhode Island, in which the State private deposit insurance fund has failed and a large number of State chartered financial institutions have been unable to reopen for an extended period of time.

It only applies to very narrow situations. We are not going to be flooding the markets with this type of bond.

The ability to issue tax-exempt bonds is very important during a financial crisis, such as the one currently being experienced in Rhode Island. Without this new type of tax-exempt bond, the cost of issuing taxable bonds to assist the depositors in my home State could be prohibitively expensive. In fact, the State might not be able to obtain financing without these new rules, and that would be disastrous.

The three bills that I have introduced today would provide a helping hand to innocent depositors who are harmed by the collapse of a privately insured deposit company. It is not a giveaway, and it is certainly not a Federal bailout.

The bills represent a temporary assistance package to help wronged depositors weather a very difficult period in their lives.

I might say, I think it is hard for many people to understand the effect of having one's account, one's money, in a closed bank or credit union. It is something that most citizens have not experienced since 1933—in the midst of the Great Depression—when the national bank holiday was declared by President Roosevelt. Rhode Island suffered a banking crisis of that magnitude. Today, 15 of our financial institutions remains closed. More than 150,000 depositors are entering their second month without access to their savings and checking accounts. It is a terrible situation.

I urge my colleagues to consider carefully these three modest proposals. Now I might say that Congress in the past has shown a willingness to lend a hand to those States affected by natural disasters. And we all know what they are—when floods occur, when hurricanes take place, as took place on the southeastern coast of the United States. When earthquakes take place on the west coast, when volcanic eruptions occur in the State of Washington Congress responds.

Congress has also demonstrated its willingness to provide temporary financial assistance in cases of severe economic distress such as the city of New York, the Chrysler Corp., and the Lockheed Corp. In each of those instances, the Federal Government through the Congress responded.

Helping States in times of tremendous economic turmoil is in the best interest of our Nation. Under these bills, the Federal Government would be repaid. It is no giveaway.

The first bill provides for a temporary deferment for the individual taxpayer because his or her moneys are tied up in a financial institution where the accounts have been frozen.

The second one provides a temporary low-interest loan from the Federal Government, not more than $150 million, to a State that is going to help depositors at these troubled institutions.

The final bill would permit the States to issue bonds even though they are for a private purpose, namely helping the depositors or helping institutions. Those bonds, would be tax exempt, and thus could be issued for the lower rate of interest.

I hope my colleagues will take a good look at these modest proposals, and join with me and Senator PELL in working for their enactment.

Mr. PELL. Mr. President, today I am pleased to cosponsor three bills introducted by my colleague from Rhode Island, Senator JOHN CHAFEE. These important bills are intended to reduce the devastating effect that the current banking crisis in Rhode Island is having on thousands of Rhode Islanders with deposits that remain frozen in closed depository institutions.

On January 1, Gov. Bruce Sundlun was forced to close 45 Rhode Island banks and depository institutions after the failure of the Rhode Island Share and Deposit Insurance Corp., the private insurer that backed the deposits of these institutions. Since that time, Governor Sundlun has managed to reopen most of the closed institutions, but 15 remain closed and the deposits contained in these institutions remain frozen.

Yesterday, I introduced the Rhode Island Banking Crisis Assistance Act, a bill to help small businesses in Rhode Island and other States that have been struck by a large-scale banking crisis. I was joined in introducing this bill by Senator CHAFEE. The Rhode Island Banking Crisis Assistance Act was authored and introduced by Congressman RONALD MACHTLEY in the House of Representatives and cosponsored by Congressman JACK REED.

These three bill introduced by Senator CHAFEE if enacted, will help Rhode Island recover from this financial disaster. I am glad to be cosponsing them. The first bill would provide Federal tax relief to those Rhode Islanders who have assets frozen in a closed depository institutions. The second bill would provide emergency Federal loan assistance to Rhode Island and any other State that experiences a large-scale closing of financial institutions similar to the situation in Rhode Island. The third bill would allow Rhode Island or any other State caught in a similar situation to issue tax free bonds for the purpose of raising money to repay the depositors of closed depository institutions.

It is my hope that these bills will eventually provide some measure of relief to those whose lives have been turned into a nightmare by the failure of institutions that were once trusted members of the community.

By Mr. COHEN (for himself and Mr. MITCHELL):

S. 374. A bill to settle all claims of the Aroostook Band of Micmacs resulting from the band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes; to the Select Committee on Indian Affairs.

AROOSTOOK BAND OF MICMACS SETTLEMENT ACT

Mr. COHEN. Mr. President, I am pleased to be reintroducing, along with my colleague Senator MITCHELL and the other members of the Maine congressional delegation, legislation that was approved unanimously by the Senate last year. This bill, the Aroostook Band of Micmacs Settlement Act, will bring fair treatment to the Aroostook Band of Micmacs and will afford them access to Federal services that are desperately needed by tribal members.

The Micmacs are a small tribe located in northern Maine, whose principal livelihood is gained through basketmaking and seasonal agricultural labor. They are an extremely poor tribe, with very high alcoholism and high school dropout rates. Despite these problems, there are few programs available to assist them in addressing their needs.

The bill being reintroduced today grants Federal recognition to the Aroostook Band of Micmacs as the sole successor to the aboriginal entity known as the Micmac Nation. It also authorizes $900,000 for the establishment of a land trust fund for the band. These two provisions will make the band members eligible for a host of Federal services through the Bureau of Indian Affairs and the Indian Health Service, and will provide them the wherewithal to begin to acquire land for tribal use as a reservation and for investment purposes.

The bill we are introducing does not amend the 1980 Maine Indian Claims Settlement Act, and we do not intend that any of the issues covered in that landmark legislation be reopened or reconsidered. The purpose of the Micmac settlement legislation is to bring some fairness to the unfortunate situation the tribe faces, whereby there are no programs available to help it deal with the poverty and lack of education among tribal members. Exclusion from the 1980 MICSA prohibits the tribe from being eligible for crucial tribal services provided by the BIA. In addition, State Indian assistance programs were terminated following passage of the 1980 Act, thus eliminating a source of funding long used by the tribe.

Yet the Micmacs continue to live as a tribe in Maine and have strived to maintain a tribal identity against great odds. Unemployment among the tribe runs at 75 percent, and approximately 60 percent of the tribe live on less than $5,000 per year. I hope that through passage of this legislation we will be able to provide tribal members some relief from these conditions.

The Micmacs believed they would be included in the 1980 settlement bill, but they found out after its passage that no mention was made of a Micmac claim. The historical claim that was necessary for consideration at that time was not completed; all energy and funds were directed at documenting the claim of the Houlton Band of Maliseets, who were included in the final settlement.

Historical evidence uncovered since 1980 by the Micmacs, assisted by anthropologist Harald Prins and other researchers funded through church groups and philanthropical organizations, has demonstrated that the claim of a historical presence of Micmacs in Maine and the existence of aboriginal lands in Maine used by the Micmacs jointly with other tribes has some validity.

With that in mind, the Maine congressional delegation is supporting legislation that treats the Aroostook Band of Micmacs in a manner similar to that accorded the Houlton Band of Maliseets in 1980. The historical presence of the two tribes is similar and the Micmacs no doubt would have been treated equally had both claims been put forward during deliberations on MICSA.

In 1989, the Maine State Legislature approved legislation to implement the provisions of Federal law regarding the purchase of State lands for the Micmacs. This occurred with no controversy, and the legislation was introduced by a bipartisan group of lawmakers representing Aroostook County. The legislature also approved a resolution urging the Congress to take action on the Micmac claim.

In addition, the Maine attorney general's office has expressed its full support for this legislation.

I hope that we can move forward quickly to review the bill being introduced today, as it is identical to that approved by the Senate in the last Congress. I hope my colleagues will agree that we should provide the Micmacs with the assistance they so greatly need.

Mr. MITCHELL. Mr. President, I am pleased to join my colleague from Maine, Senator COHEN, as well as the other members of the Maine delegation today, in introducing legislation which will effectively settle all claims of the Aroostook Band of Micmacs and enable them to have access to the services the Federal Government makes available to all other recognized bands of native Americans.

The Micmacs exclusion from the 1980 Maine Indian Claims Settlement Act has left them in a situation where they have no State Indian assistance and are ineligible for Federal assistance. The bill we are introducing today would establish the historical presence of the Micmacs in Maine and provide Federal recognition to the band.

The legislation also provides for $900,000 to be placed in a land acquisition fund and property tax fund to allow the Micmacs to purchase land and to pay taxes on that land to the State of Maine.

The Aroostook Band of Micmacs, in both its history and its presence in Maine, is similar to the Houlton Band of Maliseet Indians. This bill will grant the Aroostook Bank of Micmacs the same settlement provided to the Houlton Band of Maliseets 3 years ago. The Maine State legislature has already approved legislation to implement the provisions of Federal law regarding the purchase of State lands for the Micmacs, as well as a resolution urging the Congress to take action on the band's claim.

Identical legislation was passed by the Senate last year by voice vote. Unfortunately, the House failed to complete action on the legislation last year, and therefore, the Micmacs have spent another year in their predicament. Enactment of this legislation will enable the Aroostook Band of Micmacs to establish a much needed land base in Maine and grant them the same status as other tribes and lands accorded Federal recognition under the terms of the Maine Indian Claims Settlement Act of 1980. I urge my colleagues to act swiftly on this legislation to ensure that the Micmacs rise above the quagmire they find themselves in today.

By Mr. GORTON:

S. 375. A bill to authorize the Secretary of Agriculture to construct buildings and related facilities on federally owned land in Skagit County, WA, for plant materials purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PLANT MATERIALS CENTER DEVELOPMENT ACT

• Mr. GORTON. Mr. President, today I am introducing the Plant Materials Center Development Act of 1991. This is a bill to authorize the Secretary of Agriculture to construct a plant materials research center in Skagit County, WA.

The 1982 Supplemental Appropriations Act authorized the Soil Conservation Service [SCS] in Washington State to exchange land which was becoming increasingly urban at the Bellingham plant materials center for more rural land in Skagit County. The land for land exchange was clearly in the best interest of the SCS as the rural land was better suited for plant materials purposes.

In addition to new land, SCS also received $451,300 as part of the exchange. These funds SCS intended to use to construct a new plant materials center on the acquired land. Unfortunately, while the 1982 supplemental appropriations bill allowed SCS to receive these funds, it did not provide the Soil Conservation Services with the authority to expend them. This was simply an oversight. As a result, these funds have been sitting idle for 9 years while vital plant materials research has not been performed.

The Plant Materials Center Development Act of 1991 will provide the Soil Conservation Service with authority to expend funds which were acquired as part of the land exchange and thereby will allow for the construction of a new plant materials center in Skagit County, WA.

This bill had the support of my colleagues during last session when it was accepted as an amendment to H.R. 2567. That bill, however, did not pass the House. I hope this year my colleagues again will recognize the importance of this facility and support the passage of the Plant Materials Center Development Act of 1991.•

By Mr. GORTON:

S. 376. A bill to convey certain property to Sunnyside Valley Irrigation District; to the Committee on Energy and Natural Resources.

CONVEYANCE OF CERTAIN PROPERTY

• Mr. GORTON. Mr. President, today I introduce a bill to authorize the Secretary of the Interior to execute a statutory land transfer with the Sunnyside Valley Irrigation District in central Washington State.

In March 1990, work was completed on a new office building for the Sunnyside Valley Irrigation District. The building was paid for entirely with Sunnyside Valley Irrigation District funds.

The new office replaced a building which was constructed in 1908 and served as a field office for the Bureau of Reclamation until 1945. At that time it was part of the works and facilities transferred to the Sunnyside Valley Irrigation District for operation and maintenance. The Sunnyside Valley Irrigation District was organized in 1917 for the purpose of entering into a repayment contract with the Bureau of Reclamation. The contract was paid out in 1952.

Mr. President, it is my understanding that the sale of the old office building and property will be used to offset the cost of building the new office. Since the Government's initial investment has been repaid, this bill will not cost the Federal Government.

This bill was accepted last year as an amendment to H.R. 2567 in the House of Representatives. In the Senate, it was accepted as an amendment to H.R. 2567. It has the support of the entire Congress. I encourage my colleagues to again accept this important land transfer.•

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 377. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Commerce, Science, and Transportation.

REPEAL OF SECTION 29 OF THE AIR TRANSPORTATION COMPETITION ACT OF 1979

Mrs. KASSEBAUM. Mr. President, the distinguished Republican leader, Senator DOLE, joins with me today in offering this bill to address an injustice that has developed out of current law. The bill would repeal a restriction in the International Air Transportation Competition Act of 1979 pertaining to air carrier service at Dallas Love Field. There is now broad recognition of the anticompetitive situation that has developed because of this section of law, and it is our intent to resolve the unfairness of this situation.

The restriction which this bill seeks to repeal as originally passed in 1980 to protect the then relatively new Dallas-Fort Worth International Airport [DFW] and ensure that commercial air carriers moved from Love Field to the new airport. Today DFW is the third busiest airport in the country. The gates at DFW are full, and planes wait in long lines for takeoff. It is clear that DFW has reached a point where it no longer needs to be protected from competition.

Under current law, commercial air carriers are prohibited from providing service between Dallas Love Field and points located outside of Texas or its four surrounding States. This effectively limits travel into and out of this airfield to destinations only in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico. Flights originating from any other State must fly into the Dallas-Fort Worth airport in order to have access to the highly traveled Dallas area. This limitation on flights into Love Field is arbitrary and, in many cases, forces passengers to pay artificial and unreasonably high air fares. Moreover, the restriction causes unnecessary delay and inconvenience for passengers attempting to fly into or out of Love Field from cities outside Texas and its four contiguous States.

The criteria the current law uses to restrict flights into Love Field, that a flight must originate in Texas or one of its contiguous States, is not based on any standard appropriate for the airline industry. Today, planes are allowed to fly directly from Love Field to El Paso which is 576 miles from Dallas or to Albuquerque which is 594 miles from Dallas. Yet, direct flights are prohibited between Love Field and many cities which are much closer to Dallas, such as St. Louis, Kansas City, Memphis, Birmingham, and Wichita. This makes no sense.

An unfortunate result of the Love Field restrictions is that they have led to higher air fares for some segments of the United States and lower air fares for others. Again, this is regardless of the flight distance or the size of the city served by the flight. The reason for this absurd situation is that the one airline which serves Love Field is the low-cost carrier for the market, Southwest Airlines. In those cases where Southwest is allowed to compete with the major airlines for direct flights to Dallas, the cost of a ticket to Dallas is dramatically cheaper than when restrictions prevent Southwest from offering competitive flights. For example, a unrestricted round-trip flight from New Orleans to Dallas, a route which is served by Southwest, costs approximately $250. For an unrestricted round-trip flight from Kansas City, which is similar to New Orleans in terms of population and distance from Dallas but is a route not served by Southwest, the cost is $708. Numerous examples, such as this, can be cited.

Another effect of the Love Field restrictions is that they work a terrible inconvenience for those travelers located outside of Texas and the contiguous States who choose to take a nondirect flight to Dallas on Southwest Airlines. Passengers in this situation are not allowed to buy a round-trip ticket to Dallas on a flight which has a stopover in a city that meets the Love Field restrictions. Instead, these passengers must buy two round-trip tickets. One round-trip ticket to a city in Texas or one of the contiguous States and another from that city to Dallas. This requires the travelers not only to change planes in the connecting city but to collect their baggage and recheck it to Dallas. The unnecessary inconvenience of having to collect and recheck baggage can be especially difficult for the elderly, the disabled, or those traveling with small children.

To allow this situation to continue would be to condone anticompetitive law and to encourage discrimination against many for the benefit of a few. I believe it is essential to encourage competition within the transportation community in order to protect the interests of the traveling public. The case with Love Field is no different than that of all the other small airfields across the country, none of which is restricted based on their location. Love Field has been subject to this unique statute for more than a decade, and it is time to close this loophole.

It is important to add that Southwest Airlines is buying a new, quieter generation of aircraft, so the noise problems associated with large aircraft should be somewhat less at Love Field in the future than at many other airports in the country.

Mr. President, it is time to take a positive step to further competition and fairness in the airline industry. I urge my colleagues to support this effort in order to eliminate this special-interest section of law.

Mr. DOLE. Mr. President. Today I again join my distinguished colleague NANCY KASSEBAUM as an original cosponsor of legislation aimed at addressing a serious problem with regard to airline competition and its unfair effect on Kansas air travelers. Of course, Mr. President I am talking about the so-called Wright amendment.

Over a decade ago, a little known section was quietly tucked into the International Air Transportation Competition Act that prohibited by law direct commercial airline traffic to and from Dallas Love Field unless through one of four contiguous States with Texas. The purpose was to protect the newly constructed DFW Airport from competition at Love Field.

The result has been a distinct disadvantage for Kansas air travelers and for economic development activities in cities like Wichita. Southwest Airlines, the largest airline to use Love Field, would like to offer competitive airfares to Wichita, but because of the configuration of the Wright amendment, they are prohibited from doing so. The result is higher air fares, fewer travel options—such as joint ticketing with other airlines—and a distinct second-class status for the Kansas air traveler.

All this translates into an extremely anticompetitive situation. Congress did not intend that there be islands of noncompetition when it passed the Airline Deregulation Act of 1978. There is a ready and willing market for competitive air service in and around Wichita. The time has come for this arbitrary barrier be removed.

By Mrs. KASSEBAUM:

S. 378. A bill to amend the Foreign Assistance Act of 1961 to improve management of economic assistance, and for other purposes; to the Committee on Foreign Relations.

ECONOMIC ASSISTANCE REFORM ACT

Mrs. KASSEBAUM. Mr. President, for the third Congress in a row, I am reintroducing my legislation which would reform the foreign aid process. Since I first introduced this bill in the 100th Congress, our foreign aid crisis has sharply increased. With money levels declining and aid demands rising with the historic changes taking place in Eastern Europe and elsewhere, I remain strongly convinced that we need to revise how we budget and operate our foreign aid programs.

As a member of the Committee on Foreign Relations, I first became concerned about reforming foreign aid after the overall cuts in our aid programs created a greater need than ever before for better management of our funds. The clear-cut requirement for more flexibility in our budgeting was demonstrated last year as we attempted to respond to the dramatic events in Eastern Europe and the turns toward democracy in Panama and Nicaragua. As we look to the future, it is difficult to ignore the fact that the Middle East will present new challenges and demands for our foreign aid programs after the conflict in the gulf comes to an end.

Despite these demands, we are continuing to earmark our foreign aid funds and, consequently, to hamper severely our ability to respond to changing demands on our limited foreign aid dollars. We are continuing to pile new programs and new priorities on our foreign assistance program without ever stepping back to look at what we have created and why it is not working as well as it should.

I firmly believe, Mr. President, that the answer is not more money but, rather, making sure we are spending our money effectively and efficiently. With a national debt of $2.7 trillion, a budget deficit estimated at $318 billion, and an ongoing war taking place in the gulf estimated at a half billion dollars a day, we cannot afford to increase spending in foreign aid.

I believe the legislation I am reintroducing today responds to these problems.

Perhaps the most important change in this bill is that it will no longer allow congressional earmarks. The bill replaces this ad hoc approach to budgeting with regional accounts, making our budget process more systematic. Regional accounts also will distribute any budget cuts much more evenly. Congress would move to a budget process that parallels the administration's process more directly. It would also help relate our development programs directly to the needs of specific regions. We have already started the move in this direction with the establishment of the Development Fund for Africa.

This bill also increases the President's authority to transfer money from accounts, so that our aid programs can be more responsive to changing world events.

Mr. President, I firmly believe that these reforms would not remove Congress from foreign policy planning but would make our role more responsive and responsible.

Improving the congressional process is only part of the equation. The executive branch is also required by the bill to make a number of management reforms aimed at reducing costs, keeping budgets lean, and maximizing efficiency.

Once again, I urge our committee chairman, Senator PELL, to begin a review of the foreign aid process. The pressure on our budget and the challenges to our policy are only continuing to grow—not subside.

By Mr. WIRTH:

S. 380. A bill to amend the Federal securities law regarding securities registration and administration with respect to banks and savings associations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

BANKING SECURITIES REGISTRATION AND ADMINISTRATION ACT

Mr. WIRTH. Mr. President, in the near future the administration is expected to make far-reaching proposals to restructure the financial services industry and the industry's regulatory framework.

I believe we need to modernize our financial services laws to reflect the tremendous changes we have seen in the industry in recent years. Several efforts to produce such legislation in recent Congresses have been unsuccessful. However, the administration's expected recommendations, the S&L crisis, troubles within the banking industry, and the urgent need to reform our deposit insurance system have increased the prospects for financial restructuring legislation during this Congress.

Today, I am reintroducing legislation that I offered last year and which I believe should be a part of any financial restructuring package. This legislation, the Bank Securities Registration and Administration Act of 1991, corrects an anomaly in our securities laws in order to provide additional protection to investors who purchase securities offered by individual banks and thrifts.

Under current law, securities issued by a bank or thrift holding company, like securities offered by most businesses, must comply with Securities and Exchange Commission [SEC] registration and reporting requirements. Securities issued by an individual bank or thrift, or securities guaranteed by a bank, however, are exempt from SEC oversight. Jurisdiction over such securities is instead granted to the primary regulator—the Office of Thrift Supervision, the Office of the Comptroller of the Currency, or the Federal Deposit Insurance Corporation—for the institution issuing the security.

This legislation would repeal the exemption to the registration requirements provided banks and thrifts by the Securities Act of 1933. It would also repeal a similar exemption to the periodic reporting requirements of the Securities Exchange Act of 1934. With these changes, banks and thrifts would have to register their publicly offered securities with the SEC and file regular financial reports with the Commission. Importantly, deposit instruments of banks and thrifts, such as savings and checking accounts, or certificates of deposit, would not be subject to SEC supervision.

The Bank Securities Registration and Administration Act is designed to promote investor confidence and improve the effectiveness and efficiency of securities regulation. The proposal would protect investors by promoting full and fair disclosure of important financial information needed to make sound and informed business decisions. The SEC has well-established procedures for collecting, reviewing, and disseminating information provided by companies in their registration and periodic reporting filings. Investors are accustomed to using this resource to obtain basic accurate information about companies in which they might invest.

Because four different agencies currently establish these standards, investors in bank and thrift securities run the risk that the information they receive regarding their investment is inadequate or not directly comparable. This system results in investor confusion, duplication of regulatory efforts, and higher public and private costs than would be imposed by a simple system of "functional" regulation. I believe investors will be better served if the SEC reviews the offerings.

There is no need for bank and thrift regulators to maintain their own expertise in the area. This is an unnecessary duplication of Government resources. As the agency with the most expertise and experience in reviewing public securities offerings, the SEC already devotes significant resources to this task. Yet, under current law, bank and thrift regulators each must perform the duties the SEC performs for all other companies including bank and thrift holding companies.

The current division of responsibility for enforcement of the securities registration and reporting requirements is inefficient. By centralizing regulatory responsibility in the agency with the greatest expertise in the area, the legislation would help ensure that investors in bank and thrift securities receive the benefit of full and fair disclosure under our securities laws. Securities oversight is, at best, a secondary concern of bank regulators but it is a key focus of SEC activity and expertise. For these reasons, the SEC is better equipped than bank and thrift regulators to perform these duties. We should give this task to the agency best able to do the job.

The legislation would also remove a possible conflict of interest in allowing bank regulators to oversee securities issues. It is conceivable that regulators would have an incentive to be less than vigilant in this area in order to help an institution raise capital. This type of relationship between regulators and insured institutions helped contribute to the S&L crisis. We should act to eliminate the possibility of a conflict.

Mr. President, this is not a far-reaching change in financial regulation. Nevertheless, it is an important change that we ought to make. The proposal has the strong support of the SEC, and a similar plan was supported in 1984 by the Task Group on Regulation of Financial Services, chaired by then Vice President George Bush. The task group's recommendations were endorsed by a number of bank and thrift regulatory agencies, including the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the Federal Reserve Board, as well as the National Credit Union Administration.

I look forward to working with my colleagues on the Banking Committee as we consider this issue and related matters concerning financial modernization.

Mr. President, I ask unanimous, consent that a section-by-section analysis of the bill be printed in the Record.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Section-by-Section Analysis of The Bank Securities Registration and Administration Act of 1991

Section 1. Short Title.

This section contains the Act's short title, the "Bank Securities Registration and Administration Act of 1991."

TITLE I—AMENDMENTS TO THE SECURITIES ACT OF 1933

Section 101. Bank-Issued Securities.

Sections 3(a)(2) of the Securities Act of 1933 currently exempts from the registration, but not the antifraud, provision of the Act any security issued by any bank. Section 101 amends Section 3(a)(2) to delete the exemption for bank-issued securities.

Section 101 also amends Section 3(a)(2) to delete the exemption for bank-guaranteed securities. Section 3(a)(2) currently exempts securities guaranteed by a bank to the same extent as the bank's own securities. Although banks normally do not issue guarantees of securities issued by third parties, they often issue standby letters of credit backing these securities. The Securities and Exchange Commission has taken the position that, because bank standby letters of credit are "tantamount to guarantees by [a] bank," securities backed by bank letters of credit need not be registered. Section 101 removes the exemption for securities guaranteed by banks. This change is consistent with the Commission's recommendations set forth in the "Report by the United States Securities and Exchange Commission on the Financial Guarantee Market: The Use of the Exemption in Section 3(a)(2) of the Securities Act of 1933 for Securities Guaranteed by Banks and the Use of Insurance Policies to Guarantee Debt Securities" (Aug. 28, 1987).

Under Section 2(1) of the Securities act, a bank's letter of credit guranteeing a security is a separate security. Thus, the letter of credit itself must also be registered unless an exemption is available. Although Section 101 removes the exemption for securities issued by the bank, the letter of credit will continue to be exempt from registration under new Section 3(d) of the Securities Act, added by Section 104 of this Act.

Certain types of instruments that are subject to a comprehensive scheme of federal banking regulation designed to ensure financial soundness and protect depositors against the risk of insolvency, such as federally-insured deposit instruments, generally are not treated as securities under the Securities Act of 1933 and, therefore, are not currently subject to the registration, antifraud, and other provisions of the Act. See *Marine Bank v. Weaver*, 455 U.S. 551 (1982). These types of instruments will continue to be exempted from the registration and other provisions of the Act. Moreover, Section 104 adds a new subsection (d) to Section 3 of the Act, which replaces the Section 3(a)(2) exemption with a list of exempt deposit instruments and defines the term "deposit" for purposes of that subsection.

Section 101 also effects a technical amendment to Section 3(a)(2) by striking the clause "For the purposes of this paragraph, a security issued or guaranteed by a bank shall not include any interests or participation in any collective trust fund maintained by a bank; and". This clause is no longer necessary because Section 101 removes the exemption for any "security issued or guaranteed by a bank." Section 101 does not, however, affect the exemption in Section 3(a)(2) for interests or participations in a bank collective trust fund issued in connection with certain employee benefit plans.

Section 102. Savings Association-Issued Securities.

Section 3(a)(5) of the Securities Act of 1933 currently exempts securities issued by savings associations from the registration, but not the antifraud, provisions of the Act. Section 102 amends Section 3(a)(5) to eliminate the exemption from registration for securities issued by savings associations. However, Section 3(d) of the Securities Act, added by Section 104 of this Act, contains a list of exempt deposit instruments issued by saving associations.

Section 102 continues the current exemption from registration for securities issued by farmers' cooperatives exempt from tax under Section 521 of the Internal Revenue Code of 1986, corporations described in Section 501(c)(16) and exempt from tax under Section 501(a) of the Code, and corporations described in Section 501(c)(2) of the Code, exempt from tax under Section 501(a) of the Code, and organized solely to hold title to property, collect income from property, and turn over income from the property to one of the foregoing types of entities.

Section 103. Exemption for Securities in Certain Corporate Transactions.

Section 3(a)(9) currently exempts from the registration (but not the antifraud) provisions of the Securities Act securities exchanged by an issuer with its existing security holders exclusively where no commission or other remuneration is paid or given for soliciting the exchange. Section 103 amends Section 3(a)(9) to add an exemption from the registration requirements of the Act for certain securities issued or exchanged in the context of a reorganization of a corporation, including a bank, into a holding company. The exemption generally requires that, as part of the reorganization, the security holders exchange their securities of the corporation for securities of a newly-founded holding company with no significant assets other than the securities of the corporation and its subsidiaries, and that the security holders generally receive securities representing the same proportional interest in this holding company as they held in the corporation before the transaction. The rights and interests of the security holders in the holding company also must be substantially the same as those in the corporation before the transaction, and the holding company must have substantially the same assets and liabilities as the corporation had before the transaction. Those conditions are intended to ensure that the exemption is not used to transfer corporate control or substantially alter the proportional interests of shareholders without complying with the disclosure provisions of the Securities Act.

Section 104. Treatment of Certain Bank and Saving Association Instruments.

Section 104 adds a new subsection (d) to Section 3 of the Securities Act of 1933. Subsection (d) provides that if any interest in the instruments listed in paragraph (d)(1) is otherwise deemed to be a security under Section 2 of the Act, the Securities Act will apply to that interest only as expressly provided in the Act. This means that the instruments listed in subsection (d)(1) will be exempt from the regulation provisions of the Act, but will continue to be subject to the antifraud provisions in Section 17 of the Act. The listed instruments are (1) a deposit account, savings account, certificate of deposit or other deposit instruments issued by a bank or savings association; (2) a share account issued by a savings association if the account is insured by the Federal Deposit Insurance Corporation; and (3) a debit account at a bank or savings association arising from a credit card or similar arrangements. However, participations in those instruments (other than those that are direct obligations of a bank or savings association) are not exempted under subsection (d).

New paragraph (d)(2) defines the term "deposit" for purposes of subsection (d) to mean the unpaid balance of money or its equivalent received or held by a bank or savings association in the usual course of business (1) for which it has given, or is obligated to give credit to a commercial, checking, savings, time, or thrift account; (2) which is evidenced by its certificate of deposit, a check or draft drawn against a deposit account and certified by a bank or savings association, a letter of credit or travelers check, or by any other similar instruments on which the bank or savings association is liable; (3) which consists of nonpooled assets of individual trust funds received or held by a bank or savings association, whether held in the trust department or deposited in any other department of the bank or savings association; (4) which is received or held by a bank or savings association for a special or specific noninvestment purpose, including escrow funds, funds held as security for any obligation or for securities loaned by the bank or savings associations, funds deposited by a debtor to meet maturing subscriptions to United States Government securities, funds held for distribution or purchase of securities, funds held to meet its acceptances or letters of credit, and withheld taxes.

For purposes of subsection (d) the term "deposit" also includes any other account or instrument on which a bank or savings association is primarily liable as may be defined by the Securities and Exchange Commission after consultation with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision. This last provision will allow the Commission to accommodate the creation of new bank and thrift instruments with characteristics similar to that of the enumerated instruments. In addition, as discussed below, Section 105 adds a new Section 3(e) to the Securities Act, to provide the Commission with general authority to exempt any security or class of securities, including other instruments of banks or savings associations, from the Act's registration requirements.

For the purpose of subsection (d) the term "savings association" is defined to have the same meanings as in Section 3 of the Federal Deposit Insurance Act.

Section 105. Additional Commission Exemptive Authority.

Subsections 3(b) and 3(c) of the Securities Act of 1933 currently provide the Securities and Exchange Commission limited authority to exempt securities from the registration provisions of the Act. Subsection 3(b) permits an exemption when the Commission finds that enforcement of the Act with respect to the securities is not necessary in the public interest and for the protection of investors by reason of the small amount involved or the limited character of the public offering. Subsection 3(b) does not authorize an exemption when the aggregate amount of the securities issued exceeds $5 million.

Subsection 3(c) authorizes the Commission to exempt securities issued by small business investment companies under the Small Business Investment Act of 1958, if it finds that registration is not necesssary in the public interest and for the protection of investors. However, unlike the Investment Company Act of 1940 and the Investment Advisers Act of 1940, the Securities Act does not contain a provision granting the Commission general exemptive authority from the provision of that Act. Section 105 adds subsection 3(e) to the Act, which authorizes the Commission to exempt any person, security or transaction, or any class thereof, from registration (but not from antifraud) provisions of the Act, and the rules and regulation promulgated thereunder, if and to the extent the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. The Commission may exercise its authority under new Subsection 3(e) by promulgating rules and regulations or by issuing orders in response to application for exemption.

Section 105 also provides that the Commission shall by rules and regulation determine the procedures under which an exemption will be granted under new Subsection 3(e). This provision is intended to provide the Commission flexibility in establishing procedures that will expedite the application process without unnecessarily burdening the Commission or its staff. In addition Section 105 provides the Commission discretionary authority to decline to consider any application for an exemption under subsection 3(e). The Commission's determination not to consider any such application will not be subject to judicial review.

This expanded authority granted to the Commission is in addition to the current exemptions provided in Section 3 of the Act with respect to certain securities, and in Section 4 of the Act with respect to certain transactions, and the rules, regulations, and orders under those sections.

Section 106. Technical Amendment.

Section 12 of the Securities Act of 1933 imposes certain civil liabilities on any person who offers or sells a security by means of prospectus or oral communication which contains an untrue statement of a material fact, or omits to state a material fact necessary in order to make the statements not misleading, if the person knew or should have known of such untruth or omission. Section 12 currently exempts from the provision securities exempted by Section 3(a)(2) of the Act. Section 106 amends Section 12 by including within the exemption securities exempted under new Section 3(d) of the Act.

TITLE II—AMENDMENT TO THE SECURITIES EXCHANGE ACT OF 1944

Section 201. Securities Exchange Act Administration Transfer.

Section 12(i) of the Securities Exchange Act of 1934 imposes the responsibility on each of the Federal banking agencies that regulate banks and savings associations to administer and enforce sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16 of the Act with respect to those institutions subject to its jurisdiction. Section 12 requires registration of securities traded on national securities exchanges or issued by certain issuers. Section 13 requires filing of periodic and other reports concerning these securities and their issuers and filing of disclosure statements by certain beneficial owners of those securities and by issuers that repurchase their securities. Sections 14 (a), (c), and (f) impose certain disclosure and other requirements concerning solicitation of proxies with respect to these securities. Section 14(d) imposes certain disclosure and other requirements with respect to tender offers. Finally, Section 16 requires filings with respect to certain acquisitions and sales of equity securities by officers, directors, and principal shareholders.

Section 108 repeals Section 12(i). The effect of this repeal is to transfer enforcement and administration of those provisions with respect to banks and saving associations from the Federal banking agencies to the Securities and Exchange Commission. The current division of responsibility for enforcement of the Act is inefficient. By centralizing regulatory responsibility in the agency with the greatest expertise in the area, Section 201 will help to ensure that investors in the securities of banks and saving associations receive the benefit of full and fair disclosure under the Act.

TITLE III—AMENDMENT TO THE TRUST INDENTURE ACT

Section 301. Technical Amendment.

Section 301 is a technical amendment to Section 304(a)(4)(A) of the Trust Indenture Act of 1939. Section 304(a)(4)(A) exempts from the Act's provisions certain securities exempted from the Securities Act of 1933 by Section 3(a) of the Securities Act. Section 104 conforms Section 304(a)(4)(A) to new Section 3(d) of the Securities Act by including securities exempted by Section 3(d) within the Section 304(a)(4)(A) exemption.

By Mr. WALLOP:

S. 318. A bill to amend the Internal Revenue Code of 1986 to promote economic growth and jobs creation by reducing social security taxes and capital gains taxes, by adjusting the deduction for depreciation to reflect inflation, and by encouraging economic savings; to the Committee on Finance.

ECONOMIC GROWTH AND JOBS CREATION ACT

Mr. WALLOP. Mr. President, several days ago, I spoke to the winter meeting of the Wyoming Farm Bureau. I discussed several parochial, Wyoming issues, such as wolves in Yellowstone. I also described two national issues coming before Congress which are of vital interest to the Wyoming agriculture community. The first involves our national energy policy and the second involves our Federal tax policies.

The national energy strategy will influence how we will obtain energy at what price. The tax issue is the argument over how to reduce Federal taxes to promote economic expansion. Neither issue is specific to agriculture—they broadly affect our economy—but energy and taxes have a profound impact on ranch and farm operations.

Yesterday, along with Senator JOHNSTON, I introduced the National Energy Security Act of 1991. We have now begun the congressional debate on our national energy policies and priorities. Today, I am introducing legislation which is intended to stimulate debate in Congress on tax reform. My bill, the Economic Growth and Job Creation Act of 1991, is a comprehensive program for economic growth. My friend, TOM DELAY of Texas, is introducing a companion bill in the House of Representatives.

My bill has four parts. These are commonsense proposals intended to get our economy moving again. One of the longest periods of economic growth in our history has temporarily stalled. I would stress "temporary." This week, the Office of Management and Budget predicted that the current downturn will be shallow and brief. I agree. The key to economic growth is to increase savings, investment, and real income. That is the purpose of my legislation. It is not a magic elixir. Rather, it provides the tools for a strong recovery.

The first provision in my bill reduces the cost of labor by lowering the payroll tax. Workers take home pay will also increase. The second provision reduces the cost of capital by lowering capital gains rates. This is an incentive to entrepreneurs to take risk and create new jobs. The third provision reforms that tax treatment of capital investment which allows existing manufacturers to moderize their factories. The fourth provision expands IRA accounts to encourage greater savings. This provision would allow limited withdrawals to help finance the first purchase of a home or a college education.

My bill is not a complicated package. It is based on what has worked over the past decade. Many of my colleagues will recall back in 1978 when the then senior Senator from Wyoming, Cliff Hansen, introduced a tax bill which was to spark an economic revolution. The Hansen-Steiger bill was another simple proposal. It lowered the confiscatory tax rate on capital gains. Cliff correctly argued that lowering the tax rate on investment would boost the economy.

He also currently argued that lowering the tax rate on investment would boost the revenue.

The Carter administration fought it, the Democratic Congress passed it, and the rest of it has been history. This was the real beginning of supply side economics and the Reagan revolution dedicated to a strong, market oriented economy. Today, another senior Senator from Wyoming intends to continue this legacy by introducing tax reforms which will provide a sound economy as we march into the 21st century.

We made a terrible mistake last year. When we first started talking about raising taxes, the economy was growing, there was no sign of recession, and the deficit was about $150 billion. But because we were panicked by the specter of Gramm-Rudman's automatic budget cuts, we enacted the largest tax increase in American history. Now, hardly more than one-half of a year later, the economy is in a recession and the deficit may very well approach $400 billion before the fiscal year is over.

Last year's budget catastrophe should prove once and for all that the kind of economic policy we adopt has a real effect on the economy. It is no accident that the low tax, free market policies which were adopted in the early 1980's created America's longest ever period of peacetime economic growth. While many sneeringly dismissed Reaganomics as a deluded supply side fantasy, those policies helped create more than 20 million new jobs, record increases in family income, and higher living standards for our country.

Nor should it come as a surprise that last year's return to the tax and spend policies of the 1970's resulted in the kind of economic misery this country suffered in the 1970's. Unemployment is now climbing, our economy is contracting, family incomes are falling, and consumer confidence has collapsed.

The way to get our economy growing again is to use the tools that work, which is why I am introducing the Economic Growth and Jobs Creation Act of 1991, to increase private sector incentives to work, save, and invest.

To summarize, the bill has four key provisions:

First. Reduction of the Social Security payroll tax from its record high of 12.4 percent of taxable income down to 10.6 percent. This reduction will help create economic growth by reducing the cost of labor to America's employers, increase the amount of their earnings that our working people can spend and save, and restrain Government's tendency to use the surplus in the Social Security trust fund for other spending programs.

Second. Capital gains tax cut. Reducing the tax on capital gains to 15 percent will spur investment and create jobs, while increasing revenue to the Government.

Third. Elimination of tax penalties against investment. Under today's Tax Code, businesses are required to depreciate—to spread out over several years—the cost of many investments, rather than deducting those investment expenses from their profits for tax purposes. This depreciation effectively increases the cost of the investment in today's dollars. Our legislation will correct this inequity by changing depreciation scheduled so that present value of depreciation is equal to expensing.

Fourth. Increase savings incentives. We tax savings in the country at a much higher rate than do our major trading partners. Our legislation will correct this imbalance by including Senator BILL ROTH's proposal creating back-ended individual retirement accounts. Under this proposal, money put into an IRA would be treated as normal income, but the interest income and principle withdrawn upon retirement would be tax free.

Just as Ronald Reagan's tax cuts ended the 1979–82 recession and triggered the economic expansion of the 1980's, tax cuts, free markets, and spending control can be used to reignite the economy today.

I do not mean to suggest that tax cuts are the only policies which we need, but our major responsibility is to get the economy back on its feet. To do that, we need to reduce the penalties which retard economic growth and job creation. Once we get the economy growing again, we should reduce excessive regulation, eliminate wasteful spending, enact permanent limits on Government's taxing and spending power, and do whatever else is necessary to ensure the economy's potential for future growth.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Economic Growth and Jobs Creation Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—REDUCING THE COST OF LABOR BY REDUCING SOCIAL SECURITY TAXES

SEC. 101. REDUCTION IN SOCIAL SECURITY TAXES.

(a) EMPLOYEE TAX.—Subsection (a) of section 3101 (relating to tax on employees) is amended to read as follows:

"(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—In addition to other taxes, there is hereby imposed on the income of every individual a tax equal to 5.3 percent of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b))."

(b) EMPLOYER TAX.—Subsection (a) of section 3111 (relating to tax on employers) is amended to read as follows:

"(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to 5.3 percent of the wages (as defined in section 3121(a)) paid by him with respect to employment (as defined in section 3121(b))."

(c) SELF-EMPLOYMENT TAX.—Subsection (a) of section 1401 (relating to tax on self-employment income) is amended to read as follows:

"(a) OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE.—In addition to other taxes, there is hereby imposed for each taxable year, on the self-employment income of every individual, a tax equal to 10.6 percent of the amount of the self-employment income for such taxable year."

(d) ALLOCATIONS TO FEDERAL DISABILITY INSURANCE TRUST FUND.—Section 201(b) of the Social Security Act (42 U.S.C. 401(b)) is amended—

(1) in clause (1), by striking subclauses (O) and (P) and inserting "and (O) 1.20 percentum of the wages (as so defined) paid after December 31, 1989, and so reported,"; and

(2) in clause (2), by striking subclauses (O) and (P) and inserting "(O) 1.20 percentum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989,".

(e) MONITORING PROJECTED FUND BALANCES OVER NEXT 10 FISCAL YEARS.—Paragraph (2) of section 215(c) of the Social Security Act is amended by striking "five fiscal years" and inserting "10 fiscal years".

(f) MODIFICATIONS TO RESTRICTIONS ON CHANGING OASDI TAXES AND BENEFITS.—

(1) PROCEDURES IN HOUSE OF REPRESENTATIVES.—Subsections (a) and (b) of section 13302 of the Omnibus Budget Reconciliation Act of 1990 are amended to read as follows:

"(a) IN GENERAL.—It shall not be in order in the House of Representatives to consider any bill or joint resolution, as reported, or any amendment thereto or conference report thereon, if, upon enactment—

"(1) such legislation under consideration would provide for a net increase in OASDI benefits for the 10-year period utilized in the most recent annual report of the Board of Trustees provides pursuant to section 201(c)(2) of the Social Security Act, and (B) such legislation under consideration does not provide a net increase, for such 10-year period, in OASDI taxes equal to the net increase in such benefits; or

"(2) such legislation under consideration would provide for a net decrease in OASDI taxes for the 10-year period utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act, and (B) such legislation under consideration does not provide a net reduction, for such 10-year period, in OASDI benefits equal to the net decrease in such taxes.

"(b) APPLICATION.—Subparagraph (B) of subsection (a)(2) shall be disregarded so long as the net decrease in OASDI taxes does not exceed the amount which would cause the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, individually or collectively, to cease to be in close actuarial balance (within the meaning of section 201(c) of the Social Security Act)."

(2) PROCEDURES IN SENATE.—Subsection (i) of section 301 of the Congressional Budget Act of 1974 is amended by inserting before the period at the end of the first sentence the following: "by an amount which would cause the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, individually or collectively, to cease to be in close actuarial balance (within the meaning of section 201(c) of the Social Security Act)".

(3) STANDARD FOR DETERMINING CLOSE ACTUARIAL BALANCE.—

(A) Section 201(c) of the Social Security Act is amended by striking the period at the end of the sentence added by section 13304 of the Omnibus Budget Reconciliation Act of 1990 and inserting the following: "on average for the succeeding 10 fiscal years. For purposes of the preceding sentence, the term 'close actuarial balance' means, with respect to any fiscal year, that projected income for the year is at least 90 percent but not more than 110 percent of projected disbursements for such year."

(B) Section 201 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(n) If any annual report of the Board of Trustees provided pursuant to subsection (c) projects that the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, individually or collectively, will cease to be in close actuarial balance (within the meaning of subsection (c)) on average for the succeeding 10 fiscal years, it shall not be in order in either House of Congress to adjourn before enactment of legislation which will restore such close actuarial balance for such years."

(g) ADVISORY COUNCIL ON SOCIAL SECURITY TO REPORT ON FUND STATUS AFTER FISCAL YEAR 2015.—The first Advisory Council on Social Security appointed under section 706 of the Social Security Act after the date of the enactment of this Act shall—

(1) evaluate the expected operation and status of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund after fiscal year 2015, and

(2) conduct a thorough review of alternative approaches to preserving a close actuarial balance (within the meaning of section 201(c) of such Act) of such funds, including changes in the computation of the primary insurance amount, the retirement age, contribution rates, the taxation of benefits, and other factors (including changes in the rates of immigration) which would have a significant impact on the actuarial balance of such funds after fiscal year 2015.

(h) EFFECTIVE DATE.—

(1) CHANGES IN TAX RATES.—

(A) The amendment made by subsection (a) shall apply to remuneration received after June 30, 1991.

(B) The amendment made by subsection (b) shall apply to remuneration paid after June 30, 1991.

(C) The amendment made by subsection (c) shall apply to taxable years beginning after June 30, 1991.

(2) OTHER CHANGES.—The amendments made by subsections (e) and (f) shall apply to fiscal years beginning after the date of the enactment of this Act.

TITLE II—REDUCING THE COST OF CAPITAL BY REDUCING CAPITAL GAINS TAX RATES, INDEXING THE BASIS OF CERTAIN ASSETS, AND ADJUSTING DEPRECIATION RATES TO REFLECT INFLATION.

Subtitle A—Provisions Related to Taxation of Capital Gains

SEC. 201. REDUCTION IN INDIVIDUAL CAPITAL GAINS RATE.

(a) GENERAL RULE.—Subsection (h) of section 1 (relating to maximum capital gains rate) is amended to read as follows:

"(h) MAXIMUM CAPITAL GAINS RATE.—

"(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the taxable income reduced by the net capital gain, plus

"(B) a tax equal to the sum of—

"(i) 7.5 percent of so much of the net capital gain as does not exceed—

"(I) the maximum amount of taxable income to which the 15-percent rate applies under the table applicable to the taxpayer, reduced by

"(II) the taxable income to which subparagraph (A) applies, plus

"(ii) 15 percent of the net capital gain in excess of the net capital gain to which clause (i) applies.

"(2) TRANSITIONAL RULE.—In the case of a taxable year which includes July 1, 1991, the amount of the net capital gain for purposes of paragraph (1) shall not exceed the net capital gain determined by only taking into account gains and losses properly taken into account for the portion of the taxable year on or after such date."

(b) PHASE-OUT OF PERSONAL EXEMPTIONS AND LIMITATION ON DEDUCTION OF ITEMIZED DEDUCTIONS NOT TO RESULT FROM NET CAPITAL GAIN.—

(1)(A) Subparagraphs (A) and (B) of section 151(d)(3) (relating to phaseout of exemption amount) are each amended by inserting "modified" before "adjusted gross income".

(B) Paragraph (3) of section 151(d) of such Code is amended by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (C) the following new subparagraph:

"(D) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income reduced by net capital gain. In the case of a taxable year which includes July 1, 1991, the amount of the net capital gain for purposes of preceding sentence shall not exceed the net capital gain determined by only taking into account gains and losses properly taken into account for the portion of the taxable year on or after such date."

(2) Subsection (a) of section 68 (relating to overall limitation on itemized deductions) is amended by inserting "(reduced by net capital gain (determined in accordance with the last sentence of section 151(d)(3)(D)))" after "adjusted gross income".

(c) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of section 170(e) is amended by striking "the amount of gain" in the material following subparagraph (B)(ii) and inserting "13/28 (19/34 in the case of a corporation) of the amount of gain".

(2)(A) The second sentence of section 7518(g)(6)(A) is amended by striking "28 percent (34 percent in the case of a corporation)" and inserting "15 percent".

(B) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936, is amended by striking "28 percent (34 percent in the case of a corporation)" and inserting "15 percent".

SEC. 202. REDUCTION IN CORPORATE CAPITAL GAINS RATE.

(a) GENERAL RULE.—Section 1201 (relating to alternative tax for corporations) is amended by redesignating subsection (b) as subsection (c), and by stiking subsection (a) and inserting the following:

"(a) GENERAL RULE.—If for any taxable year a corporation has a net capital gain, then, in lieu of the tax imposed by section 11, 511, or 831(a) (whichever applies), there is hereby imposed a tax (if such tax is less than the tax imposed by such section) which shall consist of the sum of—

"(1) a tax computed on the taxable income reduced by the net capital gain, at the same rates and in the same manner as if this subsection had not been enacted, plus

"(2) a tax of 15 percent of the net capital gain.

"(b) TRANSITIONAL RULE.—In the case of a taxable year which includes July 1, 1990, the amount of the net capital gain for purposes of subsection (a) shall not exceed the net capital gain determined by only taking into account gains and losses properly taken into account for the portion of the taxable year on or after such date."

(b) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 852(b)(3)(D) is amended by striking "66 percent" and inserting "85 percent".

(2) Paragraphs (1) and (2) of section 1445(e) are each amended by striking "34 percent" and inserting "15 percent".

SEC. 203. REDUCTION OF MINIMUM TAX RATE ON CAPITAL GAINS.

Subparagraph (A) of section 55(b)(1) (relating to tentative minimum tax) is amended to read as follows:

"(A) the sum of—

"(i) 15 percent of the lesser of—

"(I) the net capital gain (determined with the adjustments provided in this part and (to the extent applicable) the limitations of sections 1(h)(2) and 1201(b)), or

"(II) so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount, plus

"(ii) 20 percent (24 percent in the case of a taxpayer other than a corporation) of the amount (if any) by which the excess referred to in clause (i)(II) exceeds the net capital gain (as so determined), reduced by".

SEC. 204. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

(a) IN GENERAL.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

"(a) GENERAL RULE.—

"(1) INDEXED BASIS SUBSTITUTED FOR ADJUSTED BASIS.—Except as provided in paragraph (2), if an indexed asset which has been held for more than 1 year is sold or otherwise disposed of, for purposes of this title the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) EXCEPTION FOR DEPRECIATION, ETC.—The deduction for depreciation, depletion, and amortization shall be determined without regard to the application of paragraph (1) to the taxpayer or any other person.

"(b) INDEXED ASSET.—

"(1) IN GENERAL.—For purposes of this section, the term 'indexed asset' means—

"(A) stock in a corporation, and

"(B) tangible property (or any interest therein), which is a capital asset of property used in the trade or business (as defined in section 1231(b)).

"(2) CERTAIN PROPERTY EXCLUDED.—For purposes of this section, the term 'indexed asset' does not include—

"(A) CREDITOR'S INTEREST.—Any interest in property which is in the nature of a creditor's interest.

"(B) OPTIONS.—Any option or other right to acquire an interest in property.

"(c) NET LEASE PROPERTY.—In the case of a lessor, net lease property (within the meaning of subsection (h)(1)).

"(D) CERTAIN PREFERRED STOCK.—Stock which is fixed and preferred as to dividends and does not participate in corporate growth to any significant extent.

"(E) STOCK IN CERTAIN CORPORATIONS.—Stock in—

"(i) an S corporation (within the meaning of section 1361),

"(ii) a personal holding company (as defined in section 542), and

"(iii) a foreign corporation.

"(3) EXCEPTION FOR STOCK IN FOREIGN CORPORATION WHICH IS REGULARLY TRADED ON NATIONAL OR REGIONAL EXCHANGE.—Clause (iii) of paragraph (2)(E) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, or any domestic regional exchange for which quotations are published on a regular basis other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)), and

"(B) stock in a foreign corporation held by a United States person who meets the requirements of section 1248(a)(2).

"(c) INDEXED BASIS.—For purposes of this section—

"(1) INDEXED BASIS.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) APPLICABLE INFLATION RATIO.—The applicable inflation ratio for any asset is the percentage arrived at by dividing—

"(A) the gross national product deflator for the calendar quarter in which the disposition takes place, by

"(B) the gross national product deflator for the calendar quarter in which the asset was acquired by the taxpayer (or, if later, the calendar quarter ending June 30, 1991).

The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-tenth of 1 percent.

"(3) GROSS NATIONAL PRODUCT DEFLATOR.—The gross national product deflator for any calendar quarter is the implicit price deflator for the gross national product for such quarter (as shown in the first revision thereof).

"(4) SECRETARY TO PUBLISH TABLES.—The Secretary shall publish tables specifying the applicable inflation ratios for each calendar quarter.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) TREATMENT AS SEPARATE ASSET.—In the case of any asset, the following shall be treated as a separate asset:

"(A) a substantial improvement to property,

"(B) in the case of stock of a corporation, a substantial contribution to capital, and

"(C) any other portion of an asset to the extent that separate treatment of such portion is appropriate to carry out the purposes of this section.

"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—

"(A) IN GENERAL.—The applicable inflation ratio shall be appropriately reduced for calendar months at any time during which the asset was not an indexed asset.

"(B) CERTAIN SHORT SALES.—For purposes of applying subparagraph (A), an asset shall be treated as not an indexed asset for any short sale period during which the taxpayer or the taxpayer's spouse sells short property substantially identical to the asset. For purposes of the preceding sentence, the short sale period begins on the day after the substantially identical property is sold and ends on the closing date for the sale.

"(3) TREATMENT OF CERTAIN DISTRIBUTIONS.—A distribution with respect to stock in a coporation which is not a dividend shall be treated as a disposition.

"(4) SECTION CANNOT INCREASE ORDINARY LOSS.—To the extent that (but for this paragraph) this section would create or increase a net ordinary loss to which section 1231(a)(2) applies or an ordinary loss to which any other provision of this title applies, such provision shall not apply. The taxpayer shall be treated as having a long-term capital loss in an amount equal to the amount of the ordinary loss to which preceding sentence applies.

"(5) ACQUISITION DATE WHERE THERE HAS BEEN PRIOR APPLICATION OF SUBSECTION (a)(1) WITH RESPECT TO THE TAXPAYER.—If there has been a prior application of subsection (a)(1) to an asset while such asset was held by the taxpayer, the date of acquisition of such asset by the taxpayer shall be treated as not earlier than the date of the most recent such prior application.

"(6) COLLAPSIBLE CORPORATIONS.—The application of section 341(a) (relating to collapsible corporations) shall be determined without regard to this section.

"(e) CERTAIN CONDUIT ENTITIES.—

"(1) REGULATED INVESTMENT COMPANIES; REAL ESTATE INVESTMENT TRUSTS; COMMON TRUST FUNDS.—

"(A) IN GENERAL.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) RATIO OF 90 PERCENT OR MORE.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) RATIO OF 10 PERCENT OR LESS.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) VALUATION OF ASSETS IN CASE OF REAL ESTATE INVESTMENT TRUSTS.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(E) QUALIFIED INVESTMENT ENTITY.—For purposes of this paragraph, the term 'qualified investment entity' means—

"(i) a regulated investment company (within the meaning of section 851),

"(ii) a real estate investment trust (within the meaning of section 856), and

"(iii) a common trust fund (within the meaning of section 584).

"(2) PARTNERSHIPS.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners.

"(3) SUBCHAPTER S CORPORATIONS.—In the case of an electing small business corporation, the adjustment under subsection (a) at the corporate level shall be passed through to the shareholders.

"(f) DISPOSITIONS BETWEEN RELATED PERSONS.—

"(1) IN GENERAL.—This section shall not apply to any sale or other disposition of property between related persons except to the extent that the basis of such property in the hands of the transferee is a substituted basis.

"(2) RELATED PERSONS DEFINED.—For purposes of this section, the term 'related persons' means—

"(A) persons bearing a relationship set forth in section 267(b), and

"(B) persons treated as single employer under subsection (b) or (c) section 414.

"(g) TRANSFERS TO INCREASE INDEXING ADJUSTMENT OR DEPRECIATION ALLOWANCE.—If any person transfers cash, debt, or any other property to another person and the principal purpose of such transfer is—

"(1) to secure or increase an adjustment under subsection (a), or

"(2) to increase (by reason of an adjustment under subsection (a)) a deduction for depreciation, depletion, or amortization,

the Secretary may disallow part or all of such adjustment or increase.

"(h) DEFINITIONS.—For purposes of this section—

"(1) NET LEASE PROPERTY DEFINED.—The term 'net lease property' means leased real property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property.

"(2) STOCK INCLUDES INTEREST IN COMMON TRUST FUND.—The term 'stock in a corporation' includes any interest in a common trust fund (as defined in section 584(a)).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of such chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of certain assets for purposes of determining gain or loss."

(c) ADJUSTMENT TO APPLY FOR PURPOSES OF DETERMINING EARNINGS AND PROFITS.—Subsection (f) of section 312 (relating to effect on earnings and profits of gain or loss and of receipt of tax-free distributions) is amended by adding at the end thereof the following new paragraph:

"(3) EFFECT ON EARNINGS AND PROFITS OF INDEXED BASIS.—

For substitution of indexed basis for adjusted basis in the case of the disposition of certain assets after June 30, 1991, see section 1022(a)(1).

SEC. 205. INDEXING OF LIMITATION ON CAPITAL LOSSES OF INDIVIDUALS.

Section 1211 (relating to limitation on capital losses) is amended by adding at the end thereof the following new subsection:

"(c) INDEXATION OF LIMITATION ON NONCORPORATE TAXPAYERS.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1991, the $3,000 and $1,500 amounts under subsection (b)(1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the applicable inflation adjustment for the calendar year in which the taxable year begins.

"(2) APPLICABLE INFLATION ADJUSTMENT.—For purposes of paragraph (1), the applicable inflation adjustment for any calendar year is the percentage (if any) by which—

"(A) the gross national product deflator for the last calendar quarter of the preceding calendar year, exceeds

"(B) the gross national product deflator for the last calendar quarter of 1990.

For purposes of this paragraph, the term 'gross national product deflator' has the meaning given such term by section 1022(c)(3)."

SEC. 206. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall apply to sales or exchanges occurring after June 30, 1991, in taxable years ending after such date.

(b) INDEXING OF LOSS LIMITATION.—The amendments made by section 205 shall apply to taxable years beginning after December 31, 1991.

Subtitle B—Provisions Related to Depreciation

SEC. 211. DEPRECIATION ADJUSTMENT FOR CERTAIN PROPERTY PLACED IN SERVICE IN TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1990.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end thereof the following new subsection:

"(j) DEDUCTION ADJUSTMENT TO ALLOW EQUIVALENT OF EXPENSING FOR CERTAIN PROPERTY PLACED IN SERVICE IN TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1990.—

"(1) IN GENERAL.—In the case of tangible property (other than residential rental property and nonresidential real property) placed in service in a taxable year beginning after December 31, 1990, the deduction allowable under this section with respect to such property for any taxable year (after the taxable year during which the property is placed in service) shall be—

"(A) the amount so allowable for such taxable year without regard to this subsection, multiplied by

"(B) the applicable neutral cost recovery adjustment.

"(2) APPLICABLE NEUTRAL COST RECOVERY ADJUSTMENT.—For purposes of paragraph (1), the applicable neutral cost recovery adjustment for any calendar year is the number determined by—

"(A) dividing—

"(i) the gross national product deflator for the calendar quarter of the preceding calendar year which corresponds to the calendar quarter during which the property was placed in service by the taxpayer, by

"(ii) the gross national product deflator for the calendar quarter during which the property was placed in service by the taxpayer, and

"(B) then multiplying the number determined under subparagraph (A) by the number equal to 1.035 to the nth power where 'n' is the number of calendar years after the calendar year in which the property was placed in service by the taxpayer and before the 1st calendar year beginning with or within the taxable year for which the deduction under this subsection is being determined.

"(3) GROSS NATIONAL PRODUCT DEFLATOR.—For purposes of paragraph (2), the term 'gross national product deflator' has the meaning given such term by section 1022(c)(3)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 212. PHASE-IN OF EXPENSING FOR PROPERTY PLACED IN SERVICE IN TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1996.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end thereof the following new subsection:

"(k) PHASE-IN OF EXPENSING.—

"(1) IN GENERAL.—In the case of tangible property placed in service in a taxable year beginning after December 31, 1996—

"(A) the phase-in deductions with respect to such property shall be allowable under this section for the taxable year in which such property is placed in service, and

"(B) the applicable recovery period with respect to such property shall be reduced by the phase-in number of years.

"(2) PHASE-IN DEDUCTIONS AND YEARS.—For purposes of this subsection—

"(A) IN GENERAL.—The phase-in deductions with respect to any property are the aggregate deductions allowable under this section (determined without regard to this subsection and subsection (j)) for the first phase-in number of years in the applicable recovery period.

"(B) PHASE-IN NUMBER OF YEARS.—The phase-in number of years with respect to any property is the number of calendar years after 1996 and before the calendar year in which the property is placed in service.

"(3) ELECTION.—This subsection shall not apply to any property if the taxpayer elects not to apply this subsection to such property. Such an election, once made, shall be irrevocable.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

TITLE III—INCREASING NATIONAL SAVINGS THROUGH INDIVIDUAL RETIREMENT PLUS ACCOUNTS, INDEXING FOR INFLATION THE INCOME THRESHOLDS FOR TAXING SOCIAL SECURITY BENEFITS, ETC.

SEC. 301. ESTABLISHMENT OF INDIVIDUAL RETIREMENT PLUS ACCOUNTS.

(a) In General.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

"SEC. 408A. INDIVIDUAL RETIREMENT PLUS ACCOUNTS.

"(a) General Rule.—Except as provided in this section, an individual retirement plus account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) Individual Retirement Plus Account.—For purposes of this title, the term 'individual retirement plus account' means an individual retirement plan which is designated at the time of the establishment of the plan as an individual retirement plus account. Such designation shall be made in such manner as the Secretary may prescribe.

"(c) Contribution Rules.—

"(1) No deduction allowed.—No deduction shall be allowed under section 219 for a contribution to an individual retirement plus account.

"(2) Contribution limit.—

"(A) In general.—Except in the case of rollover contributions, the aggregate amount which may be accepted as contributions to an individual retirement plus account shall not be greater than the excess (if any) of—

"(i) the nondeductible limit with respect to the individual for the taxable year under section 408(o) (after application of subparagraph (B)(ii) thereof), over

"(ii) the designated nondeductible contributions made by the individual for such taxable year to 1 or more individual retirement plans.

"(B) $1,000 Increase after 1994.—

"(i) In general.—In the case of any taxable year beginning after December 31, 1994, the amount determined under subparagraph (A)(i) (without regard to this subparagraph) shall be increased by $1,000.

"(ii) Adjustment for inflation.—In the case of any taxable year beginning in a calendar year after 1996, the $1,000 amount in clause (i) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1995' for 'calendar year 1989' in subparagraph (B) thereof.

"(iii) Rounding.—If any amount as adjusted under clause (ii) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50 (or, if such amount is a multiple of $25, such amount shall be rounded to the next highest multiple of $50).

"(C) Special rule for married individuals.—The nondeductible limits under subparagraph (A) for an individual and for such individual's spouse shall be an amount equal to the excess (if any) of—

"(i) $2,000, over

"(ii) the sum of the amount allowed as a deduction under section 219 for contributions on behalf of such individual or such spouse, plus the amount determined under subparagraph (A)(ii) with respect to each.

In no event shall the sum of such limits exceed an amount equal to the sum of the compensation includible in the individual's and spouse's gross income for the taxable year, reduced by the sum of the amounts determined under clause (ii).

"(3) Contributions after age 70½.—Contributions may be made by an individual to an individual retirement plus account after such individual has attained the age of 70½.

"(4) Limitations on rollover contributions.—No rollover contributions may be made to an individual retirement plus account unless such rollover contribution is a contribution of a distribution or payment out of—

"(A) another individual retirement plus account, or

"(B) an individual retirement plan which is not allocable to any amount transferred to such plan which represented any portion of the balance to the credit of an employee in a qualified trust (or any income allocable to such portion).

"(d) Distribution Rules.—For purposes of this title—

"(1) In general.—Except in the case of a qualified distribution, the rules of paragraphs (1) and (2) of section 408(d) shall apply to any distribution from an individual retirement plus account.

"(2) Treatment of qualified distribution.—In the case of a qualified distribution from an individual retirement plus account—

"(A) the amount of such distribution shall not be includible in gross income; and

"(B) section 72(t) shall not apply.

"(3) Qualified distribution.—For purposes of this subsection—

"(A) In general.—The term 'qualified distribution' means any distribution—

"(i) made on or after the date on which the individual attains age 59½,

"(ii) made to a beneficiary (or to the estate of an individual) on or after the death of the individual,

"(iii) attributable to the employee's being disabled (within the meaning of section 72(m)(7)), or

"(iv) which is a qualified special purpose distribution (within the meaning of subsection (e)).

"(b) Distributions within 5 years.—No distribution shall be treated as a qualified distribution if—

"(i) it is made within the 5-taxable year period beginning with the 1st taxable year in which the individual made a contribution to an individual retirement plus account, or

"(ii) in the case of a distribution properly allocable to a rollover contribution (or income allocable thereto), it is made within 5 years of the date on which such rollover contribution was made.

"(4) Special rules relating to rollovers from regular individual retirement accounts.—

"(A) In general.—Except as provided in this paragraph, any amount paid or distributed out of an individual retirement plan on or before the earlier of—

"(i) the date on which the individual attains age 55, or

"(ii) January 1, 1992,

shall not be included in gross income (and section 72(t) shall not apply to such amount) if the individual receiving such amount transfers, within 60 days of receipt, the entire amount received to an individual retirement plus account.

"(B) Treatment of tax-favored amounts.—

"(i) In general.—Notwithstanding subparagraph (A), there shall be included in gross income (but section 72(t) shall not apply to) the portion of any amount transferred which bears the same ratio to such amount as—

"(I) the aggregate amount of contributions to individual retirement plans with respect to which a deduction was allowable under section 219, bears to

"(II) the aggregate balance of such plans.

"(ii) Time for inclusion.—Any amount described in clause (i) shall be included in gross income ratably over the 4-taxable year period beginning with the taxable year in which the amount was paid or distributed out of the individual retirement plan.

"(e) Qualified Special Purpose Distribution.—For purposes of this section—

"(1) In general.—The term 'qualified special purpose distribution' means—

"(A) a qualified first-time homebuyer distribution, or

"(B) an applicable medical or educational distribution.

"(2) 25 percent account limit.—A distribution shall not be treated as a qualified special purpose distribution to the extent it exceeds the amount (if any) by which—

"(A) 25 percent of the sum of—

"(i) the aggregate balance of individual retirement plus accounts established on behalf of an individual, plus

"(ii) the aggregate amounts previously treated as qualified special purpose distributions, exceeds

"(B) the amount determined under subparagraph (A)(ii).

"(3) Distributions used to purchase a home by first-time homebuyer.—For purposes of paragraph (1)—

"(A) In general.—The term 'qualified first-time homebuyer distribution' means any payment of distribution received by a first-time homebuyer from an individual retirement plan to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence for such individual.

"(B) Basis reduction.—The basis of any principal residence described in subparagraph (A) shall be reduced by any amount excluded from the gross income of such first-time homebuyer by reason of this section.

"(C) Recognition of gain as ordinary income.—

"(i) In general.—Notwithstanding any other provision of this subtitle, except as provided in clause (ii)—

"(I) gain (if any) on the sale or exchange of a principal residence to which subparagraph (A) applies shall, to the extent of the amount excluded from gross income under this section, be treated as ordinary income by such individual, and

"(II) section 72(t) shall apply to such amount.

"(ii) Exception.—Clause (i) shall not apply to any taxable year to the extent of any amount which, before the due date (without extensions) for filing the return for such year, the taxpayer contributes to an individual retirement plus account. Such amount shall not be taken into account for purposes of any provision of this title relating to excess contributions.

"(iii) Coordination with other provisions.—In the event all or part of the gain referred to in clause (i) is treated as ordinary income under any other provision of this subtitle, such provision shall be applied before clause (i).

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

"(i) any amount is paid or distributed from an individual retirement plus account to an individual for purposes of being used as provided in subparagraph (A), and

"(ii) by reason of a delay in the acquisition of the residence, such amount cannot be so used,

the amount so paid or distributed may be paid into an individual retirement plus account as provided in section 408(d)(3)(A)(i) without regard to section 408(d)(3)(B), and, if so paid into such other plan, such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(E) DEFINITIONS.—For purposes of this paragraph—

"(i) QUALIFIED ACQUISITION COSTS.—The term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(ii) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

"(iii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iv) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(4) APPLICABLE MEDICAL DISTRIBUTIONS.—For purposes of paragraph (1), the term 'applicable medical distributions' means any distributions made to an individual (not otherwise taken into account under this subsection) to the extent such distributions do not exceed the amount allowable as a deduction under section 213 for amounts paid during the taxable year for medical care (without regard to whether the individual itemized deductions for the taxable year).

"(5) DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLUS ACCOUNTS FOR EDUCATIONAL EXPENSES.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable educational distributions' means distributions to an individual to the extent that the amount of such distributions (not otherwise treated as qualified special purpose distributions, determined after application of paragraph (4)) does not exceed the qualified higher education expenses of the individual for the taxable year.

"(B) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(I) the taxpayer,

"(II) the taxpayer's spouse, or

"(III) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an eligible educational institution (as defined in section 135(c)(3)).

"(ii) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.

"(f) ROLLOVER CONTRIBUTIONS.—For purposes of this section, the term 'rollover contributions' means contributions described in sections 402(a)(5), 402(a)(7), 403(a)(4), 403(b)(8), and 408(d)(3).

"(g) DETERMINATIONS.—For purposes of this section, any determinations with respect to aggregate contributions to, or the balance of, individual retirement plus accounts shall be made as of the close of the calendar year preceding the calendar year in which the taxable year begins.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 408 the following new item:

"Sec. 408A. Individual retirement plus accounts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 402. INFLATION ADJUSTMENT OF INCOME THRESHOLDS FOR TAXATION OF SOCIAL SECURITY BENEFITS; INCOME FROM INDIVIDUAL RETIREMENT PLANS EXCLUDED.

(a) ADJUSTMENT OF INCOME THRESHOLDS FOR INFLATION.—Section 86 (relating to social security and tier 1 railroad retirement benefits) is amended by adding at the end thereof the following new subsection:

"(g) ADJUSTMENT OF INCOME THRESHOLDS FOR INFLATION.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1996, the $25,000 and $32,000 amounts contained in subsection (c) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1995' for 'calendar year 1989' in subparagraph (B) thereof.

"(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50 (or, if such amount is a multiple of $25, such amount shall be rounded to the next highest multiple of $50)."

(b) INCOME FROM INDIVIDUAL RETIREMENT PLANS EXCLUDED.—Paragraph (2) of section 86(b) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end thereof the following new subparagraph:

"(C) decreased by the portion of such income which is attributable to a distribution or payment from an individual retirement plan."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 403. INFLATION ADJUSTMENT OF MAXIMUM AMOUNT OF IRA DEDUCTION.

(a) IN GENERAL.—Section 219 (relating to retirement savings) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) ADJUSTMENT OF MAXIMUM DEDUCTION FOR INFLATION.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1996, each applicable dollar amount shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1995' for 'calendar year 1989' in subparagraph (B) thereof.

"(2) APPLICABLE DOLLAR AMOUNT.—For purposes of paragraph (1), the term 'applicable dollar amount' means—

"(A) the $2,000 amount in subsection (b)(1)(A) and (c)(2) of this section, in subsections (a)(1), (b), and (j) of section 408, and in section 408A(c)(2)(C), and

"(B) the $2,250 amount in subsection (c)(2) of this section and in section 408(d)(5).

"(3) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50 (or, if such amount is a multiple of $25, such amount shall be rounded to the next highest multiple of $50)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

By Mr. SANFORD:

S. 382. A bill to provide shelter, food, and supportive services to communities in which substantial percentages of resident members of the Armed Forces have been assigned to duty outside the communities in connection with the Persian Gulf conflict, and for other purposes; to the Committee on Labor and Human Resources.

DESERT STORM COMMUNITY ASSISTANCE ACT

Mr. SANFORD. Mr. President, virtually every hour of the day we can watch our televisions and listen to our radios to find news and information on the war with Iraq. Our military commanders are reporting great successes thus far. That success is largely credited to their extraordinary preparation. As the war progresses, the Nation and the Congress begin adjusting to having hundreds of thousands of our Armed Forces committed to the effort. It is never easy for families to say good-bye to members going off to war. The images of tearful farewells have been etched in our minds much longer than those of successful military missions brought into our lives from television.

As we come to grips with being a nation at war, we must fix our attention on its effects domestically. The impact of the large military deployment of the Middle East is also being felt in the civilian communities surrounding large military installations. All of the networks have had stories from Fort Bragg, home of the 18th Airborne Corps and the 82d Airborne Division; Camp Lejeune, 2nd Marine Division; Cherry Point, home of the 2d Marine Air Wing; Seymour Johnson, AFB, home of the 4th Tactical Fighter Wing; and Pope AFB, home of the 317th Tactical Airlift Wing. C-SPAN had a special on a National Guard unit from the mountains of North Carolina deployed to Saudi Arabia. You are now starting to see, hear, and read stories about Fayetteville, Havelock, Goldsboro, and Spring Lake.

All of these are towns and cities in North Carolina that have one or more of these military installations adjacent to them. What distinguishes these communities from so many others is that the military base is the economic base of the community. These are smaller, more isolated communities where most economic activity is driven by the military base.

When Desert Storm was Desert Shield, the stories in the papers and on the network news told of the tremendous support the citizens of these communities had for their friends and neighbors gone to war. That support is still there and stronger than ever, but the media now tell a different story. Businesses in these communities are going under. Social service organizations are having to operate beyond their capacities. There is a personal rise in unemployment. What is most alarming is the increase in the need for protective services for children. Social services are reporting record numbers of child neglect cases.

Mr. President, like many of my colleagues here, I only need to read the mail and listen to the telephone calls to know these problems. I have heard from the mayors, chambers of commerce, and the citizens of Havelock, Fayetteville, Spring Lake, Goldsboro, and Jacksonville. These civilian communities and others like them across the Nation need assistance.

The rapid deployment has led to an equally rapid decline in the economies of communities that have no way to minimize the impact of the loss of a large percentage of their population. In these smaller communities, virtually every business is affected. Every restaurant, bar, retail shop, and grocery store suffers from a huge and immediate drop in business. In these military dependent communities, unemployment has sky-rocketed and social service organizations are overwhelmed.

In an effort to provide relief from this quick economic downturn I am submitting the Desert Storm Community Assistance Act. No new program would need to be established. As stated in the bill, the Emergency Food and Shelter Program authorized under title III of the Stewart B. McKinney Homeless Assistance Act provides the type of rapid response and assistance needed by communities that have been adversely affected by large troop deployments as a result of Desert Storm.

The Red Cross, the Salvation Army, the National Council of Churches, the Council of Jewish Federations, Catholic Charities, and the United Way all help to form the National Board of the Emergency Food and Shelter Program. The McKinney Act formally authorized the program. FEMA is charged with overseeing their funding.

Using poverty, population, and unemployment data, the board would make funding allocation decisions. Funds would be forwarded directly to cities and counties for distribution. Decisions on distribution would be made locally. The National Board of the Emergency Food and Shelter Program met last week. That meeting was attended by members of my staff and other Senate staff people. They were impressed by the national infrastructure the board has access to that would implement the program.

As a member of the Persian Gulf Personnel Benefits Task Force, I ask support from my colleagues for the Desert Storm Community Assistance Act. As we support our men and women of the Armed Forces who are participating in Desert Storm, so must we support those here in the United States that find themselves victims of a war we all hope ends soon.

Mr. President, I ask unanimous consent that my statement and the full text of the bill be entered into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Desert Storm Community Assistance Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) communities across the United States, which are home to military installations or reserve and national guard units are experiencing hardships as a result of the mobilization of the United States Armed Forces in connection with the Persian Gulf conflict;

(2) these hardships are especially felt by communities where military personnel make up a large percentage of the population and the military base is a crucial part of the local economy;

(3) the removal of so many people from these communities has adversely affected the economic and social life of such communities resulting in soaring unemployment, small business failures, and a drain on existing social services;

(4) such conditions multiply and will become more problematic the longer the deployment of military personnel lasts;

(5) the Emergency Food and Shelter Program authorized under title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) provides the type of rapid response and assistance most needed by such communities and the Program uses local boards within communities to determine what type of assistance is most appropriate.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize appropriations to the Emergency Food and Shelter Progam to aid both civilians and military dependents in those communities substantially affected by the mobilization of United States troops in the Persian Gulf; and

(2) to provide that the National Board of the Emergency Food and Shelter Program establish guidelines to distribute the funding to the local boards based upon the percentage of troops in the community population and the percentage of troops sent to the Persian Gulf.

SEC. 3. SUPPLEMENTAL AID TO MILITARY COMMUNITIES.

(a) DEFINITIONS.—As used in this Act:

(1) DURATION OF THE PERSIAN GULF CONFLICT.—The term "duration of the Persian Gulf Conflict" means the period beginning on the date of the enactment of this Act and ending on the date thereafter prescribed by Presidential proclamation or by law.

(2) EMERGENCY FOOD AND SHELTER PROGRAM NATIONAL BOARD.—The term "National Board" means the Emergency Food and Shelter Program National Board established under section 301 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331).

(3) LOCAL BOARD.—The term "local board" means a board constituted under section 302 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11332).

(b) ESTABLISHMENT.—The National Board shall establish a program of grants to local boards to provide assistance in accordance with title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to persons who reside in a community from which a substantial percentage of members of the Armed Forces residing in the community has been assigned to duty in areas outside the community in connection with the Persian Gulf conflict.

(c) AWARD OF GRANTS.—The National Board shall award grants to local boards and shall establish guidelines that specify the manner in which such grants made available under subsection (b) shall be awarded to such local boards.

(d) DURATION OF GRANTS.—Notwithstanding any other provision of law, local boards may provide assistance under this Act for the duration of the Persian Gulf conflict.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act $20,000,000 for fiscal year 1991 and for each subsequent fiscal year for the duration of the Persian Gulf conflict.

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. DOMENICI, Mr. BURDICK, Mr. GORTON, Mr. SIMON, Mr. MURKOWSKI, Mr. COCHRAN, and Mr. CONRAD):

S. 383. A bill to provide tax incentives for the establishment of tax enterprise zones on Indian reservations, and for other purposes; to the Committee on Finance.

INDIAN ECONOMIC DEVELOPMENT ACT

• Mr. MCCAIN. Mr. President, one of my highest priorities since coming to the Congress in 1982 has been to encourage the development of Indian reservation economies. Establishing this as a priority was not a difficult choice to make. My travels throughout Indian country have made me all too familiar with the unacceptable social and economic conditions that characterize the majority of Indian reservations.

On some Indian reservations, unemployment rates reach 80 to 90 percent, a rate many times the overall U.S. average. The reservation poverty rate was estimated in 1980 by the Census Bureau to be 41 percent, more than three times the overall U.S. rate. I have no doubt that the 1990 figures will be just as bad, if not worse. Without question this level of economic distress—symptoms which most Americans associate with Third World countries—has been a major contributor to widespread alcohol and other substance abuse, high suicide rates, the sense of helplessness, and other deep social problems that beset many Indian reservations. It is unconscionable for the Congress to allow these conditions to fester and to fail to take strong steps to assist Indian tribes to improve the quality of life for their people.

In light of past efforts to stimulate reservation economies, I am convinced that new thinking and new strategies are required. Going back to the poverty programs of the 1960's, substantial funds were spent to stimulate reservation development without much beneficial effect. In addition, the Federal Government too often has sought to dictate to Indian tribes. With respect to economic development—as well as many other matters—the Government has said that it knows best. Yet, programs that do not closely reflect the desires and goals of tribal members and that do not have the full commitment of the tribe are bound to fail.

The new thinking I speak about recognizes that tribal governments must be closely involved in the development and implementation of programs intended for their assistance and well-being. Under our constitutional system of Government, the right of tribes to be self-governing and to share in our Federal system must not be diminished.

Of course, a central part of any strategy must be to remove the obstacles that the Federal Government places in the way of Indian economic advance. The Federal bureaucracy all too often stifles Indian business and other initiatives through its complex and impenetrable maze of regulations and other controls over the actions of Indian tribes and individuals. Another important hurdle is taxation. Tax requirements will in some cases swing the balance for or against a business decision to locate on an Indian reservation. Where Federal taxes can have this effect, I would hope the Congress would do all it can to encourage a decision favorable to a reservation location.

Today, I am introducing, along with Senators INOUYE, DOMENICI, BURDICK, GORTON, SIMON, MURKOWSKI, COCHRAN, and CONRAD, the Indian Economic Development Act of 1991. This bill would authorize an experimental program providing a select number of tax incentives on reservations only within newly created enterprise zones. For the time being the total number of Indian enterprise zones would be limited to 12. As this program demonstrates the success which I believe it will, I will urge its extension to additional reservations.

Some will argue that in these times of severe budget pressures the Federal Government cannot afford to offer tax incentives as a tool for tribes to use in their efforts to persuade businesses to locate on reservations. In my opinion, this view is shortsighted and ultimately imposes costs on the Federal Treasury. Does it make more sense to pay someone welfare, or to offer an employment tax credit—often a smaller amount—that leads to the creation of a job and escape from welfare? When few businesses today can be found on reservations and very little corporate income tax is received, I fail to see that any real Federal revenue will be lost by lowering corporate tax rates as an incentive for new businesses to locate on reservations. Indeed, I believe that such incentives will ultimately yield increased Federal revenues and decreased outlays as unemployed and underemployed Indians become employed in such enterprises.

We need to get away from the penny-wise and pound-foolish policies of the past. The use of tax incentives is one of the bold and innovative strategies that our Nation can take to alleviate the high poverty, unemployment, and other social problems afflicting nearly every Indian community across this country. Simple standards of fairness and decency demand no less.

In developing this legislation, I have benefited from the views and advice of tribal leaders from around the country, from the numerous hearings held on Indian economic development in the 100th and 101st Congresses before the Select Committee on Indian Affairs, and through an exchange of views that Senator INOUYE and I had last year with Chairman ROSTENKOWSKI and his staff on the Ways and Means Committee. Several of the tax incentives in my bill are similar to those included in Chairman ROSTENKOWSKI's enterprise zone bill—H.R. 11. Yet, cumulatively I am seeking to provide a stronger overall set of incentives. Simply treating Indian tribes as a State and local government for purposes of enterprise zone legislation will leave tribes at a competitive disadvantage relative to most urban areas. The potential impact would likely be modest when matched against the difficult economic conditions and the great needs of Indian reservations.

The tax incentives contained in the Indian Economic Development Act include: First, wage credits; second, capital gains deferral; third, child care facility investment credits; and fourth, a corporate income tax payment credit.

The bill would also allow tribes to continue to make use of small issue bonds, if the bond revenues are used in an Indian enterprise zone. The enterprise zones would also be eligible to receive priority consideration in the review process for foreign trade zone designation.

Finally, I have included language which would be applicable to all tribes, regardless of whether they received enterprise zone designation. This provision would permit Indian tribes to make use of private activity bonds under the same terms and conditions as State and local governments. Under the Omnibus Reconciliation Act of 1987, tribes were allowed to issue private activity bonds, but only under tightly restricted circumstances which, to my knowledge, have largely precluded the use of these bonds by tribes.

I also want to point out that the bill does not mandate regulations or tax incentives at the tribal level. This is a policy matter that, I believe, is best left for the tribes to decide—keeping in mind that the level of regulation and taxation will be guided by market forces. Each tribe has to determine for itself the type of business climate it wishes to create for private sector businesses.

Many business leaders have shared with me their concerns about doing business on Indian reservations. One fear is the lack of adequate recourse in civil and contract disputes. While the private sector's concerns need to be considered by tribes, I believe a Federal legislative solution to that issue is unnecessary. Indian tribes and businesses are fully capable of working through this area of concern as well as other matters that may arise. There are several examples in my home State of Arizona where large corporations and tribes have fashioned agreements which address all reasonable concerns of both the corporation and the tribe, including conflict resolution and complex jurisdictional issues.

Mr. President, it is my hope that this bill will serve as a focal point for further discussion on the use of Federal tax incentives as a tool for reservation development. I know that President Bush and Secretary Kemp are aware of the need to address the unique circumstances of tribes as a part of the overall effort to enact enterprise zone legislation.

In closing, let me say to my colleagues that it is time to focus our attention on the need to assist tribes to develop stronger reservation economies. We simply cannot continue to ignore the very real human suffering that has plagued native American communities for too long. The renowned Indian law scholar, Felix Cohen, perhaps said it best:

> Like the miner's canary, the Indian marks the shift from fresh air to poison air in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall of our political faith.

Mr. President, I ask unanimous consent that a summary of the bill and the bill itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Economic Development Act of 1991".

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to establish a demonstration program for the creation of Indian enterprise zones in order—

(1) to revitalize economically and physically distressed Indian reservation areas, primarily by encouraging the formation of new businesses and the retention and expansion of existing businesses,

(2) to promote meaningful employment for Indians living on or near reservations,

(3) to encourage Indian self-determination by developing viable Indian reservation economies, and

(4) to raise Indian incomes, thereby reducing poverty levels and providing the means for achieving a satisfactory standard of living on Indian reservations.

TITLE I—DESIGNATION AND TAX INCENTIVES

SEC. 101. DESIGNATION AND TREATMENT OF TAX ENTERPRISE ZONES FOR INDIANS.

(a) IN GENERAL.—Chapter 1 of the Internal Revenue Code of 1986 (relating to normal taxes and surtaxes) is amended by inserting after subchapter T the following new subchapter:

"Subchapter U—Designation and Treatment of Indian Enterprise Zones

"Part I. Designation of Indian enterprise zones.

"Part II. Incentives for Indian enterprise zones.

"PART I—DESIGNATION OF INDIAN ENTERPRISE ZONES

"Sec. 1391. Designation procedure.

"Sec. 1392. Eligibility and selection criteria.

"Sec. 1393. Definitions and special rules.

"SEC. 1391. DESIGNATION PROCEDURE.

"(a) IN GENERAL.—For purposes of this title, the term 'Indian enterprise zone' means any area which is, under this part—

"(1) nominated by a tribal government for designation as an Indian enterprise zone, and

"(2) designated by the Secretary of Housing and Urban Development as an Indian enterprise zone.

"(b) NUMBER OF DESIGNATIONS.—

"(1) AGGREGATE LIMIT.—The Secretary of Housing and Urban Development shall designate 12 nominated areas as Indian enterprise zones under this section, subject to the availability of eligible nominated areas. Such designations may be made only during the calendar years 1992 through 1995.

"(2) ANNUAL LIMIT.—The number of designations made under paragraph (1)—

"(A) in calendar year 1992 shall not exceed 5, and

"(B) in calendar year 1993 shall not exceed a total of 9, including designations made in 1992.

"(3) ADVANCE DESIGNATIONS PERMITTED.—For purposes of this subchapter, a designation during any calendar year shall be treated as made on January 1 of the following calendar year if the Secretary of Housing and Urban Development, in making such designation, specifies that such designation is effective as of such January 1.

"(c) LIMITATIONS ON DESIGNATIONS.—The Secretary of Housing and Urban Development may not make any designation under subsection (a) unless—

"(1) the tribal government with jurisdiction over the nominated area has the authority—

"(A) to nominate the area for designation as an Indian enterprise zone,

"(B) to make the tribal commitments under section 1392(c), and

"(C) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(2) the tribal government with jurisdiction over the nominated area—

"(A) has designated an allocating official with responsibility for making allocations under section 1397 (relating to overall limitation on zone incentives) and for approving the treatment provided by section 144(a)(13), and

"(B) has established procedures to ensure that allocations under section 1397 are made in a manner designed primarily to increase economic activity in any Indian enterprise zone over that which would otherwise have occurred,

"(3) a nomination of the area is submitted in a reasonable time before the calendar year for which designation as an Indian enterprise zone is sought,

"(4) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate,

"(5) the tribal government certifies that no portion of the area nominated is already included in an Indian enterprise zone or in an area otherwise nominated to be an Indian enterprise zone, and

"(6) the Secretary of Housing and Urban Development has consulted with the Secretary of the Interior concerning the proposed designation.

"(d) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as an Indian enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 24th calendar year following the calendar year in which such date occurs,

"(B) the termination date designated by the tribal government as provided for in their nomination pursuant to subsection (c)(3), or

"(C) the date the Secretary of Housing and Urban Development revokes the designation under paragraph (2).

"(2) REVOCATION OF DESIGNATION.—

"(A) IN GENERAL.—The Secretary of Housing and Urban Development may revoke the designation of an area as an Indian enterprise zone if such Secretary determines that the tribal government with jurisdiction—

"(i) has significantly modified the boundaries of the area, or

"(ii) is not complying substantially with the tribal commitments made under section 1392(c).

"(B) APPLICABLE PROCEDURES.—A designation may be revoked by the Secretary of Housing and Urban Development under subparagraph (A) only after a hearing on the record involving officials of the tribal government involved.

"(e) MODIFICATION OF EXISTING ZONE BOUNDARIES.—

"(1) IN GENERAL.—A tribal government with jurisdiction over an Indian enterprise zone may request a modification of the boundaries of such zone if—

"(A) such modification will improve the prospects of attracting businesses to the zone, and

"(B) the resulting zone boundaries will continue to meet the eligibility and selection criteria under section 1392.

"(2) APPROVAL.—Any modification of the boundaries of an Indian enterprise zone shall be approved by the Secretary of Housing and Urban Development.

"SEC. 1392. ELIGIBILITY AND SELECTION CRITERIA.

"(a) IN GENERAL.—The Secretary of Housing and Urban Development may make a designation of any nominated area under section 1391 only on the basis of the eligibility and selection criteria set forth in this section.

"(b) ELIGIBILITY CRITERIA.—A nominated area shall be eligible for designation under section 1391 only if it meets the following criteria:

"(1) POPULATION.—The nominated area has a population (as determined by the most recent census data available) of not less than 75 Indian residents.

"(2) DISTRESS.—The nominated area is one of widespread poverty, unemployment, and general distress.

"(3) SIZE.—The nominated area—

"(A) does not exceed 200 square miles,

"(B) has a boundary which is continuous, or consists of not more than 5 noncontiguous parcels,

"(C) is accessible to a labor force of Indian employees, and

"(D) is located entirely within one Indian reservation.

"(4) UNEMPLOYMENT RATE.—The unemployment rate (as determined by the appropriate available data) for the reservation within which the nominated area is located is not less than 1.5 times the national unemployment rate.

"(5) POVERTY RATE.—The census poverty rate (as determined by the most recent census data available) for the reservation within which the nominated area is located is not less than 20 percent.

"(c) SELECTION CRITERIA.—From among the nominated areas eligible for designation under subsection (b), the Secretary of Housing and Urban Development shall make designations of Indian enterprise zones on the basis of the following factors:

"(1) The willingness of the nominating tribal government to undertake special efforts to attract business to the Indian enterprise zone, including such possibilities as—

"(A) increases in the level, or efficiency of delivery, of tribal services within the Indian enterprise zone,

"(B) actions to reduce, remove, simplify, or streamline government paperwork requirements for obtaining a suitable business site and conducting a business within the Indian enterprise zone,

"(C) the involvement in the enterprise zone program by public authorities or private entities, organizations, foundations, and community groups, particularly those within the nominated area,

"(D) the giving of special preference to contractors owned and operated by Indian groups or individuals,

"(E) the lease at below fair market value of tribal land in the Indian enterprise zone to organizations agreeing to operate a business on the land,

"(F) the adoption of model commercial codes, dispute resolution mechanisms, or other improvements in the legal environment for business within the Indian enterprise zone, and

"(G) the improvement of the physical infrastructure within the Indian enterprise zone.

"(2) The effectiveness and enforceability of the commitments that may be made by the tribe in order to attract business.

"(3) The level of commitments by private entities of additional resources and contributions to the economy of the nominated area, including the creation of new or expanded business activities.

"(4) The degree of economic and social deprivation on the reservation for which the zone is proposed.

"(5) The economic potential to attract new business enterprises as a result of zone designation, taking into account particularly the number of jobs to be created and retained.

"SEC. 1393. DEFINITIONS AND SPECIAL RULES.

"For purposes of this subchapter—

"(1) INDIAN.—The term 'Indian' means any person who is a member of an Indian tribe.

"(2) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village, or regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(3) NOMINATED AREA.—The term 'nominated area' means an area which is nominated by 1 or more tribal governments for designation as an Indian enterprise zone under this subchapter.

"(4) RESERVATION.—The term 'reservation' means any 1 Indian reservation, the lands within the boundaries of any 1 former Indian reservation in Oklahoma, or the lands held by incorporated Native groups, regional corporations, or village corporations within the boundaries of any 1 regional corporation under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"(5) TRIBAL GOVERNMENTS.—

"(A) IN GENERAL.—The term 'tribal government' means the legally constituted governing body of an Indian tribe. The term 'tribal government' shall be deemed to include a regional or village corporation under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"(B) SPECIAL RULE.—If more than 1 tribal government seeks to nominate an area as an Indian enterprise zone, any reference to, or requirement of, this subchapter shall apply to all such governments.

"PART II—INCENTIVES FOR INDIAN ENTERPRISE ZONES

"SUBPART A. Indian enterprise zone employment credit.

"SUBPART B. Investment incentives.

"SUBPART C. General provisions.

"Subpart A—Indian Enterprise Zone Employment Credit

"Sec. 1394. Indian enterprise zone employment credit.

"Sec. 1395. Other definitions and special rules.

"SEC. 1394. INDIAN ENTERPRISE ZONE EMPLOYMENT CREDIT.

"(a) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, the Indian enterprise zone employment credit determined under this section with respect to any employer for any taxable year is 10 percent (25 percent in the case of an employer with at least 60 percent Indian employees) of the sum of—

"(A) the qualified zone wages paid or incurred during such taxable year, plus

"(B) qualified zone employee health insurance costs paid or incurred during such taxable year.

"(2) LIMITATION.—The amount of the Indian enterprise zone employment credit of any employer for any taxable year with respect to any Indian enterprise zone shall not exceed the employment credit amount allocated to such employer for such taxable year under section 1397 with respect to such zone.

"(b) QUALIFIED ZONE WAGES; QUALIFIED ZONE EMPLOYEE HEALTH INSURANCE COSTS.—For purposes of this section—

"(1) QUALIFIED ZONE WAGES.—The term 'qualified zone wages' means any wages paid or incurred by an employer for services performed by an employee while such employee is a qualified zone employee.

"(2) QUALIFIED ZONE EMPLOYEE HEALTH INSURANCE COSTS.—

"(A) IN GENERAL.—The term 'qualified zone employee health insurance costs' means any amount paid or incurred by an employer for health insurance to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified zone employee.

"(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(c) QUALIFIED ZONE EMPLOYEE.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified zone employee' means, with respect to any period, any employee of an employer if—

"(A) substantially all of the services performed during such period by such employee for such employer are performed within an Indian enterprise zone, and

"(B) the principal place of abode of such employee while performing such services is on or near the reservation in which the zone is located.

"(2) CREDIT ALLOWED ONLY FOR FIRST 7 YEARS.—An employee shall not be treated as a qualified zone employee for any period after the date 7 years after the day on which such employee first began work for the employer (whether or not in an Indian enterprise zone).

"(3) INDIVIDUALS RECEIVING WAGES IN EXCESS OF $30,000 NOT ELIGIBLE.—An employee shall not be treated as a qualified zone employee for any taxable year of the employer if the total amount of the wages paid or incurred by such employer to such employee during such taxable year (whether or not for services in an Indian enterprise zone) exceeds the amount determined at an annual rate of $30,000. The Secretary shall adjust the $30,000 amount contained in the preceding sentence for years beginning after 1991 at the same time and in the same manner as under section 415(d).

"(4) COORDINATION WITH TARGETED JOBS CREDIT.—The term 'qualified zone employee' shall not include any employee if such employee was treated by the employer as a member of a targeted group under section 51 for any taxable year.

"(5) EMPLOYMENT MUST BE TRADE OR BUSINESS EMPLOYMENT.—An employee shall be treated as a qualified zone employee for any taxable year of the employer only if more than 50 percent of the wages paid by the employer to such employee during such taxable year are for services performed in a trade or business of the employer. Any determination as to whether the preceding sentence applies with respect to any employee for any taxable year shall be made without regard to subsection (b) of section 1395.

"(6) CERTAIN INDIVIDUALS NOT ELIGIBLE.—The term 'qualified zone employee' shall not include—

"(A) any individual described in subparagraph (A), (B), or (C) of section 51(i)(1), and

"(B) any 5-percent owner (as defined in section 416(i)(1)(B)).

"(d) EARLY TERMINATION OF EMPLOYMENT BY EMPLOYER.—

"(1) IN GENERAL.—If the employment of any employee is terminated by the taxpayer before the day 1 year after the day on which such employee began work for the employer—

"(A) no wages (or qualified zone employee health insurance costs) with respect to such employee shall be taken into account under subsection (a) for the taxable year in which such employment is terminated, and

"(B) the tax under this chapter for the taxable year in which such employment is terminated shall be increased by the aggregate credits (if any) allowed under section 38(a) for prior taxable years by reason of wages (or qualified zone employee health insurance costs) taken into account with respect to such employee.

"(2) CARRYBACKS AND CARRYOVERS ADJUSTED.—In the case of any termination of employment to which paragraph (1) applies, the carrybacks and carryovers under section 39 shall be properly adjusted.

"(3) SUBSECTION NOT TO APPLY IN CERTAIN CASES.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the taxpayer,

"(ii) a termination of employment of an individual who before the close of the period referred to in paragraph (1) becomes disabled to perform the services of such employment unless such disability is removed before the close of such period and the taxpayer fails to offer reemployment to such individual, or

"(iii) a termination of employment of an individual if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual.

"(B) CHANGES IN FORM OF BUSINESS.—For purposes of paragraph (1), the employment relationship between the taxpayer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer if the employee continues to be employed in such trade or business and the taxpayer retains a substantial interest in such trade or business.

"(4) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as a tax imposed by this chapter for purposes of—

"(A) determining the amount of any credit allowable under this chapter, and

"(B) determining the amount of the tax imposed by section 55.

"SEC. 1395. OTHER DEFINITIONS AND SPECIAL RULES.

"(a) WAGES.—For purposes of this subpart, the term 'wages' has the same meaning as when used in section 51 except that paragraph (4) of section 51(c) shall not apply.

"(b) CONTROLLED GROUPS.—For purposes of this subpart—

"(1) all employers treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single employer for purposes of this subpart, and

"(2) the credit (if any) determined under section 1394 with respect to each such employer shall be its proportionate share of the wages and qualified zone employee health insurance costs giving rise to such credit.

"(c) CERTAIN OTHER RULES MADE APPLICABLE.—For purposes of this subpart, rules similar to the rules of section 51(k) and subsections (c), (d), and (e) of section 52 shall apply.

"SUBPART B—INVESTMENT INCENTIVES

"Sec. 1396. Deferral of capital gain reinvested in Indian enterprise zone property.

"Sec. 1396A. Indian enterprise zone child care facility credit.

"Sec. 1396B. Indian enterprise zone tax payment credit.

"SEC. 1396. DEFERRAL OF CAPITAL GAIN REINVESTED IN INDIAN ENTERPRISE ZONE PROPERTY.

"(a) GENERAL RULE.—

"(1) DEFERRAL.—Except as otherwise provided in this section, any qualified reinvested capital gain shall be taken into account for purposes of this title—

"(A) in the 9th taxable year following the taxable year of the sale or exchange, or

"(B) in such earlier taxable year (or years) following the taxable year of the sale or exchange as the taxpayer may provide.

"(2) LIMITATION.—The amount of the gain to which paragraph (1) applies shall not exceed the capital gain deferral amount allocated to the taxpayer for the taxable year of the sale or exchange under section 1397.

"(b) QUALIFIED REINVESTED CAPITAL GAIN.—For purposes of this section—

"(1) QUALIFIED REINVESTED CAPITAL GAIN.—The term 'qualified reinvested capital gain' means the amount of any long-term capital gain (determined without regard to this section) from any sale or exchange to which an election under this section applies but only to the extent that the amount of such gain exceeds the excess (if any) of—

"(A) the amount realized on such sale or exchange, over

"(B) the cost of any qualified zone property which—

"(i) is purchased by the taxpayer during the reinvestment period, and

"(ii) the taxpayer elects to take into account under this paragraph with respect to such sale or exchange.

For purposes of subparagraph (B), the cost of any property shall be reduced by the portion of such cost previously taken into account under this paragraph.

"(2) QUALIFIED ZONE PROPERTY.—

"(A) IN GENERAL.—The term 'qualified zone property' means—

"(i) any tangible property if substantially all of the use of such property is in an Indian enterprise zone and is in the active conduct of a trade or business in such zone, and

"(ii) any qualified zone equity investment.

"(B) QUALIFIED ZONE EQUITY INVESTMENT.—The term 'qualified zone equity investment' means any stock in a corporation or partnership interest in a partnership if—

"(i) at the time such stock or partnership interest is issued—

"(I) substantially all of the activities of the corporation or partnership (as the case may be) involve the active conduct of 1 or more trades or businesses in one or more Indian enterprise zones, or

"(II) in the case of a new corporation or partnership, such corporation or partnership (as the case may be) is being organized for purposes of engaging in activities substantially all of which will involve such active conduct, and

"(ii) such stock or partnership interest was issued by the corporation or partnership to the taxpayer in exchange for money or other property (other than stock and securities).

"(3) REINVESTMENT PERIOD.—The term 'reinvestment period' means, with respect to any sale or exchange, the period beginning on the date of such sale or exchange and ending on the day 2 years after the close of the taxable year in which such sale or exchange occurs.

"(4) PURCHASE.—The term 'purchase' has the meaning given to such term by section 179(d)(2).

"(c) TERMINATION OF DEFERRAL IN CERTAIN CASES.—

"(1) CERTAIN DISPOSITIONS, ETC., OF REPLACEMENT PROPERTY.—

"(A) IN GENERAL.—If the taxpayer disposes of any qualified zone property (or such property otherwise ceases to be qualified zone property) before the date 5 years after the date of its purchase—

"(i) any amount treated as a qualified reinvested capital gain by reason of the purchase of such property (to the extent not previously taken into account under subsection (a)) shall be taken into account for the taxable year in which such disposition or cessation occurs, and

"(ii) the tax imposed by this chapter for the taxable year in which such disposition or cessation occurs shall be increased by interest at the underpayment rate (established under section 6621(a)(2))—

"(I) on the additional tax which would have been imposed under this chapter (but for this section) for the taxable year of the sale or exchange, and

"(II) for the period of the deferral under this section.

Any increase in tax under clause (ii) shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit allowable under this chapter or the amount of the minimum tax imposed by section 55.

"(B) SPECIAL RULE FOR QUALIFIED ZONE EQUITY INVESTMENT.—

"(i) IN GENERAL.—For purposes of subparagraph (A), any qualified zone equity investment in any corporation or partnership shall be treated as ceasing to be qualified zone property as of the close of any taxable year of such corporation or partnership beginning after the issuance of such investment unless at least 80 percent of the total gross income of such corporation or partnership for such taxable year was derived from the active conduct of a trade or business within an Indian enterprise zone.

"(ii) SPECIAL RULE.—For purposes of clause (i) the determination of whether any area is an Indian enterprise zone shall be made as of the date the qualified zone equity investment was issued.

"(C) EXCEPTIONS.—Subparagraph (A) shall not apply to—

"(i) a disposition in a transaction to which section 381(a) applies, or

"(ii) any disposition in a compulsory or involuntary conversion (within the meaning of section 1033).

For purposes of subparagraph (A), property shall not be treated as disposed of (or otherwise ceasing to be qualified zone property) by reason of a mere change in the form of conducting the trade or business so long as the property is retained in such trade or business as qualified zone property and the taxpayer retains a substantial interest in such trade or business.

"(D) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of any transfer described in subsection (a) of section 1041—

"(i) subparagraph (A) of this paragraph shall not apply, and

"(ii) any disposition (or change in use) by the transferee shall be treated as a disposition or change in use by the transferor.

"(2) LAST TAXABLE YEAR.—In the case of the last taxable year of any taxpayer, any qualified reinvestment capital gain (to the extent not previously taken into account under subsection (a)) shall be taken into account for such last taxable year. The preceding sentence shall not apply in the case of a transaction to which section 381(a) applies.

"(d) COORDINATION WITH INSTALLMENT METHOD REPORTING.—This section shall not apply to any gain from any installment sale (as defined in section 453(b)) if section 453(a) applies to such sale.

"(e) STATUTE OF LIMITATIONS.—If any gain is realized by the taxpayer on any sale or exchange to which an election under this section applies, then—

"(1) the statutory period for the assessment of any deficiency with respect to such gain shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of—

"(A) the taxpayer's cost of purchasing any qualified zone property,

"(B) the taxpayer's intention not to purchase qualified zone property within the reinvestment period, or

"(C) a failure to make such purchase within the reinvestment period, and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any law or rule of law which would otherwise prevent such assessment.

"SEC. 1396A. INDIAN ENTERPRISE ZONE CHILD CARE FACILITY CREDIT.

"(a) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, the Indian enterprise zone child care facility credit determined under this section for any taxable year is an amount equal to 25 percent of so much of the qualified child care expenses of the taxpayer for such taxable year as does not exceed $400,000.

"(2) PRIOR EXPENDITURES BY TAXPAYER TAKEN INTO ACCOUNT.—If for any prior year a credit was allowed to the taxpayer under this section, paragraph (1) shall be applied for the taxable year with respect to qualified child care expenses by reducing the dollar amount contained in such paragraph by the prior year expenditures taken into account under such paragraph.

"(b) LIMITATION.—The amount of the Indian enterprise zone child care facility credit of any taxpayer for any taxable year with respect to any Indian enterprise zone shall not exceed the child care facility credit amount allocated to such taxpayer for such taxable year under section 1397 with respect to such zone.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD CARE EXPENSES.—The term 'qualified child care expenses' means any amount paid or incurred by a taxpayer during the taxable year to acquire, construct, or rehabilitate a qualified child care facility. For purposes of the preceding sentence, any rehabilitation of a qualified child care facility shall include the provision for an additional 10 enrollees.

"(2) QUALIFIED CHILD CARE FACILITY.—

"(A) IN GENERAL.—The term 'qualified child care facility' means a facility in an Indian enterprise zone—

"(i) operated by the taxpayer for the care of enrollees who reside in such zone and available to dependents of employees of such taxpayer, and

"(ii) which is accredited or licensed to operate as a child care facility under applicable tribal laws and regulations.

"(B) MULTIPLE TAXPAYERS.—In the case of a facility operated by more than 1 taxpayer, such facility shall be treated as a qualified child care facility of each taxpayer with respect to which the requirements of subparagraph (A) are met separately.

"(d) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(e) RECAPTURE OF CREDIT.—

"(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable recapture percentage, and

"(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted from the nonallowance of the credit described under subsection (a).

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	The applicable recapture percentage is:
Year 1	100
Year 2	66⅔
Year 3	33⅓
Years 4 and thereafter	0 .

"(B) For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed into service by the taxpayer.

"(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

"(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

"(B) CHANGE IN OWNERSHIP.—

"(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a person's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

"(ii) AGREEMENT TO ASSUME CREDIT ALLOWANCE AND RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of part IV of subchapter A.

"(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

"(f) SPECIAL AGGREGATION AND ALLOCATION RULES.—For purposes of this section—

"(1) AGGREGATION OF EXPENDITURES.—

"(A) CONTROLLED GROUP OF CORPORATIONS.—In determining the amount of the credit under this section—

"(i) all members of the same controlled group of corporations shall be treated as a single taxpayer, and

"(ii) the credit (if any) allowable by this section to each such member shall be its proportionate share of the qualified child care expenses giving rise to the credit.

"(B) COMMON CONTROL.—Under regulations prescribed by the Secretary, in determining the amount of the credit under this section—

"(i) all trades or businesses (whether or not incorporated) which are under common control shall be treated as a single taxpayer, and

"(ii) the credit (if any) allowable by this section to each such person shall be its proportionate share of the qualified child care expenses giving rise to the credit.

The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(2) ALLOCATIONS.—

"(A) ALLOCATION IN CASE OF MULTIPLE EMPLOYERS.—In the case of employers to which subsection (c)(2)(B) applies, the amount of credit allocable to each such employer shall be its proportionate share of the qualified child care expenses giving rise to the credit.

"(B) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(C) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(3) CONTROLLED GROUP OF CORPORATIONS.—The term 'controlled group of corporations' has the same meaning given to such term by section 1563(a), except that—

"(A) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(B) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(g) SPECIAL RULE FOR PASS-THRU OF CREDIT.—In the case of an individual who—

"(1) owns an interest in an unincorporated trade or business,

"(2) is a partner in a partnership,

"(3) is a beneficiary of an estate or trust, or

"(4) is a shareholder in an S corporation,

the amount allowable under subsection (a) for any taxable year shall not exceed an amount (separately computed with respect to such person's interest in such trade or business or entity) equal to the amount of tax attributable to that portion of a person's taxable income which is allocable or apportionable to the person's interest in such trade or business or entity.

"SEC. 1396B. INDIAN ENTERPRISE ZONE TAX PAYMENT CREDIT.

"(a) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter an amount equal to the lesser of—

"(A) the portion of the tax which is attributable to 50 percent of the taxable income for the taxable year from the active conduct of an Indian enterprise zone business, or

"(B) $8,000 multiplied by the number of full-time Indian employees of such business during such taxable year.

"(2) LIMITATION.—The amount of the Indian enterprise zone tax payment credit of any taxpayer for any taxable year with respect to any Indian enterprise zone shall not exceed the tax payment credit amount allocated to such taxpayer for such taxable year under section 1397 with respect to such zone.

"(b) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subparts A, B, and D of part IV of subchapter A of this chapter, over

"(2) the tentative minimum tax for the taxable year.

"(c) AMOUNTS RECEIVED OUTSIDE THE INDIAN ENTERPRISE ZONE.—In determining taxable income for purposes of subsection (a), income shall not be treated as attributable to the active conduct of an Indian enterprise zone business if it is received outside of the Indian enterprise zone. The preceding sentence shall not apply to amounts received from a person who is not a related person.

"(d) INDIAN ENTERPRISE ZONE BUSINESS.—For purposes of this section—

"(1) IN GENERAL.—The term 'Indian enterprise zone business' means any person—

"(A) which is actively engaged in the conduct of a trade or business on an Indian enterprise zone during the taxable year,

"(B) with respect to which the income requirements of paragraph (2) are met, and

"(C) substantially all of the assets of which are located within the Indian enterprise zone.

"(2) INCOME ELIGIBILITY REQUIREMENTS.—The requirements of this paragraph are met if:

"(A) 80 PERCENT TEST.—80 percent or more of the gross income of the trade or business for the 3-year period immediately preceding the close of the taxable year (or such portion of such period as may be applicable) was derived from sources within an Indian enterprise zone.

"(B) 75 PERCENT TEST.—75 percent or more of the gross income for the period described in subparagraph (A) was derived from the active conduct of a trade or business within an Indian enterprise zone.

"Subpart C—General Provisions

"Sec. 1397. Overall limitation on zone incentives.

"Sec. 1397A. Regulations.

"SEC. 1397. OVERALL LIMITATION ON ZONE INCENTIVES.

"(a) GENERAL RULE.—The allocating official with respect to each Indian enterprise zone shall make allocations of—

"(1) employment credit amounts,

"(2) capital gain deferral amounts,

"(3) child care facility amounts, and

"(4) tax payment credit amounts.

"(b) LIMITATION ON AGGREGATE AMOUNTS ALLOCATED.—

"(1) LIMITATION.—

"(A) IN GENERAL.—No amount may be allocated under subsection (a) by the allocating official with respect to any Indian enterprise zone if such allocation would result in the zone limit for the calendar year of the allocation (or any succeeding calendar year) being reduced below zero.

"(B) COORDINATION WITH INCREASE.—For purposes of applying subparagraph (A) to an allocation during any calendar year, it shall be assumed that no increase in the zone limit will be made under paragraph (2)(B) for any succeeding calendar year unless—

"(i) the allocating official provides assurances satisfactory to the Secretary that the Indian enterprise zone will be entitled to such an increase for such succeeding calendar year, and

"(ii) the tribal government agrees to such recapture provisions as the Secretary may require in cases where such zone is not entitled to such increase.

"(2) ZONE LIMIT.—For purposes of this section—

"(A) BASIC AMOUNT.—

"(i) IN GENERAL.—Except as provided in subparagraph (B), the zone limit for any Indian enterprise zone for any calendar year is the sum of—

"(I) $10,000,000, plus

"(II) the amount determined under clause (ii) with respect to such zone.

"(ii) AMOUNT ALLOCATED ON POPULATION.—The amount determined under this clause with respect to any Indian enterprise zone is the amount which bears the same ratio to $50,000,000 as—

"(I) the population of the reservation in which the zone is located, bears to

"(II) the total population of all reservations containing Indian enterprise zones designated during such calendar year.

"(iii) SPECIAL RULE.—In any case where fewer or more than 5 Indian enterprise zones are designated during any calendar year, clause (ii) shall be applied by substituting for '$50,000,000' an amount equal to $50,000,000 multiplied by a fraction—

"(I) the numerator of which is the number of Indian enterprise zones designated during such calendar year, and

"(II) the denominator of which is 5.

"(B) INCREASE IN LIMIT FOR CERTAIN TRIBAL, STATE OR LOCAL EXPENDITURES.—

"(i) IN GENERAL.—The amount of the zone limit for any Indian enterprise zone for any calendar year shall be increased by the lesser of—

"(I) 10 percent of the limit determined under subparagraph (A), or

"(II) the amount determined under clause (ii) with respect to such zone for such calendar year.

"(ii) AMOUNT OF INCREASE.—For purposes of clause (i), the amount determined under this clause with respect to any Indian enterprise zone for any calendar year is the sum of—

"(I) the tribal, State, and local business incentives with respect to such zone for the preceding calendar year, and

"(II) the qualified tribal, State, and local governmental expenditures with respect to such zone for the preceding calendar year.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) TRIBAL, STATE, AND LOCAL BUSINESS INCENTIVES.—The tribal, State, and local business incentives with respect to any Indian enterprise zone for any calendar year is the sum of—

"(i) the aggregate of property tax or sales tax abatements provided during tribal, State, or local fiscal years ending in such calendar year with respect to otherwise taxable property or sales in such zone,

"(ii) the aggregate grants made by any tribe, State, or local government during such fiscal years to startup and other small business concerns in such zone, plus

"(iii) 5 percent of the total outstanding balance (as of the close of such fiscal years) of loans made by any tribe, State, or local government to startup and other small business concerns in such zone.

No loan shall be taken into account under clause (iii) unless the tribe, State, or local government bears the risk of any default with respect to such loan.

"(B) QUALIFIED TRIBAL, STATE, AND LOCAL GOVERNMENTAL EXPENDITURES.—

"(i) IN GENERAL.—The qualified tribal, State, and local governmental expenditures with respect to any Indian enterprise zone for any calendar year shall be the excess (if any) of—

"(I) the specified expenditures during tribal, State, or local fiscal years ending in such calendar year with respect to such zone, over

"(II) the adjusted base period expenditures for such zone.

"(ii) SPECIFIED EXPENDITURES.—For purposes of this subparagraph, the term 'specified expenditures' means—

"(I) any expenditures by any tribal, State, or local government for the acquisition, construction, repair, or maintenance of public improvements or facilities in the Indian enterprise zone, plus

"(II) any expenditures by any tribal, State, or local government for police or fire protection to the extent allocable to the Indian enterprise zone.

"(iii) ADJUSTED BASE PERIOD EXPENDITURES.—For purposes of this subparagraph, the term 'adjusted base period expenditures' means, with respect to any calendar year—

"(I) the aggregate specified expenditures during tribal, State, or local fiscal years ending in calendar year 1990 with respect to the Indian enterprise zone, increased by

"(II) the cost-of-living adjustment for the calendar year for which the increase is being determined (as determined under section 1(f)(3) by substituting '1990' for '1987').

"(iv) ADJUSTMENT FOR CERTAIN CAPITAL EXPENDITURES.—For purposes of clause (iii)(I), the Secretary of Housing and Urban Development may disregard any expenditures if such Secretary determines that such expenditures were unusual and not recurring and that inclusion of such expenditures would not be consistent with the purposes of this section.

"(C) DETERMINATIONS BY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The amount of the tribal, State, and local business incentives and qualified tribal, State, or local governmental expenditures with respect to any Indian enterprise zone for any calendar year shall be determined by the Secretary of Housing and Urban Development and certified to the Secretary of the Treasury or his delegate.

"(D) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning given such term by section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"(c) OPERATING RULES.—

"(1) EMPLOYMENT CREDIT AMOUNTS.—Any allocation of an employment credit amount—

"(A) shall specify the employer and taxable year to which such allocation applies; and

"(B) shall reduce the zone limit for the calendar year in which such taxable year begins by _____ cents for each dollar of the amount so allocated.

"(2) CAPITAL GAINS DEFERRAL AMOUNT.—Any allocation of capital gains deferral amount—

"(A) shall specify the taxpayer and the taxable year to which such allocation applies, and

"(B) shall reduce the zone limit for the calendar year in which such taxable year begins by _____ cents for each dollar of the amount so allocated.

"(3) CHILD CARE FACILITY CREDIT AMOUNT.—Any allocation of a child care facility credit amount—

"(A) shall specify the taxpayer and taxable year to which such allocation applies, and

"(B) shall reduce the zone limit for the calendar year in which such taxable year begins by _____ cents for each dollar of the amount so allocated.

"(4) TAX PAYMENT CREDIT AMOUNT.—Any allocation of a tax payment credit amount—

"(A) shall specify the taxpayer and taxable year to which such allocation applies, and

"(B) shall reduce the zone limit for the calendar year in which such taxable year begins by _____ cents for each dollar of the amount so allocated.

"(d) RETROACTIVE ALLOCATIONS NOT EFFECTIVE.—

"(1) IN GENERAL.—No retroactive allocation under subsection (a) shall be effective.

"(2) RETROACTIVE ALLOCATION.—For purposes of subsection (a), the term 'retroactive allocation' means any allocation of—

"(A) an employment credit amount after the beginning of the taxable year to which such allocation applies,

"(B) a capital gains deferral amount after the sale or exchange involved,

"(C) a child care facility credit amount after the beginning of the taxable year to which such allocation applies, or

"(D) a tax payment credit amount after the beginning of the taxable year to which such allocation applies.

"(e) ALLOCATING OFFICIAL.—For purposes of this section, the term 'allocating official' means the official appointed as provided in section 1391(c)(2) as the official responsible for making allocations under this section.

"SEC. 1397A. REGULATIONS.

"The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this part, including—

"(1) regulations limiting the benefit of this part in circumstances where such benefits, in combination with benefits provided under other Federal programs, would result in an activity being 100 percent or more subsidized by the Federal Government, and

"(2) regulations preventing avoidance of the provisions of this part."

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subchapter T the following new item:

"Subchapter U. Designation and treatment
of Indian enterprise zones."

SEC. 102. CONTINUATION OF QUALIFIED SMALL ISSUE BONDS FOR INDIAN ENTERPRISE ZONES.

Subsection (a) of section 144 of the Internal Revenue Code of 1986 (relating to qualified small issue bonds) is amended by adding at the end thereof the following new paragraph:

"(13) EXCEPTION FROM TERMINATION FOR INDIAN ENTERPRISE ZONE PROPERTY.—

"(A) IN GENERAL.—Paragraph (12)(A) shall not apply to an issue—

"(i) which is described in paragraph (12)(B) determined by only taking into account property located in an Indian enterprise zone, and

"(ii) which is approved by the official designated under section 1391(c)(2) for such zone.

"(B) PROPERTY WHICH CEASES TO BE USED IN A ZONE.—If—

"(i) financing is provided for any property from the proceeds of any issue to which subparagraph (A) applies, and

"(ii) such property ceases to be used primarily in an Indian enterprise zone (other than by reason of the termination of the designation of such zone under subparagraph (A) or (B) of section 1391(d)(1)),

no deduction shall be allowed under this chapter for interest on such financing which accrues after the date of such cessation."

SEC. 103. TAX-EXEMPT BONDS ISSUED BY INDIAN TRIBAL GOVERNMENTS.

Section 7871 of the Internal Revenue Code of 1986 (relating to Indian tribal governments treated as States for certain purposes) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS.

(a) MINIMUM TAX.—Subsection (a) of section 56 of the Internal Revenue Code of 1986 (relating to adjustments in computing alternative minimum taxable income) is amended by adding at the end thereof the following new paragraph:

"(9) INDIAN ENTERPRISE ZONE PROVISIONS.—The provisions of part II of subchapter U shall not apply."

(b) INDIAN ENTERPRISE ZONE EMPLOYMENT CREDIT AND CHILD CARE FACILITY CREDIT PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to general business credit) is amended by striking "plus" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting a comma, and by adding at the end thereof the following new paragraphs:

"(8) the Indian enterprise zone employment credit determined under section 1394(a), and

"(9) the Indian enterprise zone child care facility credit determined under section 1396A(a)."

(c) DENIAL OF DEDUCTION FOR PORTION OF WAGES EQUAL TO INDIAN ENTERPRISE ZONE EMPLOYMENT CREDIT.—

(1) Subsection (a) of section 280C of such Code (relating to certain expenses for which credits are allowable) is amended—

(A) by striking "the amount of the credit determined for the taxable year under section 51(a)" and inserting "the sum of the credits determined for the taxable year under sections 51(a) and 1394(a)", and

(B) by striking "TARGETED JOBS CREDIT" in the subsection heading and inserting "EMPLOYMENT CREDITS".

(2) Subsection (c) of section 196 of such Code (relating to deduction for certain unused business credits) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting a comma, and by adding at the end thereof the following new paragraphs:

"(6) the Indian enterprise zone employment credit determined under section 1394(a), and

"(7) the Indian enterprise zone child care facility credit determined under section 1396A(a)."

(d) OTHER AMENDMENTS.—

(1) Subsection (c) of section 381 of such Code (relating to carryovers in certain corporate acquisitions) is amended by adding at the end thereof the following new paragraph:

"(26) INDIAN ENTERPRISE ZONE PROVISIONS.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and subchapter U, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of subchapter U in respect of the distributor or transferor corporation."

(2) Paragraph (1) of section 1371(d) of such Code (relating to coordination with investment credit recapture) is amended by inserting before the period at the end thereof the following "section 1394(d)(3)(B) and the last sentence of section 1396(c)(1)(C)".

SEC. 105. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) BONDS.—The amendments made by sections 102 and 103 of this title shall apply with respect to bonds issued on or after the date of the enactment of this Act.

(c) REQUIREMENT FOR HUD REGULATIONS.—Not later than the date 4 months after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue regulations—

(1) establishing the procedures for nominating areas for designation as Indian enterprise zones, and

(2) establishing a method for comparing the factors listed in section 1392(c) of the Internal Revenue Code of 1986 (as added by this title).

TITLE II—ESTABLISHMENT OF FOREIGN-TRADE ZONES IN INDIAN ENTERPRISE ZONES

SEC. 201. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN INDIAN ENTERPRISE ZONES.—In processing applications for the establishment of foreign-trade zones pursuant to an Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," approved June 18, 1934 (19 U.S.C. 81a–81u), the Foreign-Trade Zone Board shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a foreign-trade zone within an Indian enterprise zone designated pursuant to section 1391 of the Internal Revenue Code of 1986 (as added by this Act).

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes," approved August 1, 1914 (19 U.S.C. 2), the Secretary of the Treasury shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a port of entry which is necessary to permit the establishment of a foreign-trade zone within an Indian enterprise zone.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with Indian enterprise zones, the Foreign-Trade Zone Board and the Secretary of the Treasury shall approve the applications, to the maximum extent practicable, consistent with their respective statutory responsibilities.

TITLE III—STUDY

SEC. 301. STUDY OF EFFECTIVENESS OF TAX ENTERPRISE ZONE INCENTIVES.

(a) IN GENERAL.—The Secretary of the Treasury and the Comptroller General shall each conduct a study of the overall impact of this Act, including the effectiveness of the incentives provided in attracting businesses to Indian reservations.

(b) REPORT.—The report of each such study shall be submitted not later than July 1, 1995, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

SUMMARY OF THE INDIAN ECONOMIC DEVELOPMENT ACT OF 1991

GOALS

1. To revitalize economically and physically distressed Indian reservations, primarily by encouraging the formation of new businesses and the retention and expansion of existing businesses;

2. To promote meaningful employment for Indians living on or near reservations;

3. To encourage self determination by developing viable reservation economies; and

4. To raise Indian incomes, thereby reducing poverty levels and providing the means for achieving a satisfactory standard of living on Indian reservations.

NOMINATION CRITERIA

The Secretary of Housing and Urban Development in consultation with the Secretary of the Interior is to designate 12 demonstration Indian tax enterprise zones (EZ's). The Secretary is to apply certain criteria discussed below to rank those applications submitted by Tribal governments. No more than five zones are to be designated in 1992, and no more than four additional zones in 1993. The following requirements must be met by any nominated area.

1. Population. The area must have a population of at least 75 residents.

2. Distress. The area must be one of widespread poverty, unemployment, and general distress.

3. Size. The nominated area may not exceed 200 square miles. The boundary must be continuous or consist of not more than five noncontiguous parcels. The EZ must be accessible to a labor force of Indian employees, and the EZ must be located entirely within one Indian reservation.

4. Unemployment rate. The unemployment rate for the reservation must be not less than 1.5 times the national unemployment rate, as determined by the appropriate available data.

5. Poverty rate. The poverty rate for the reservation must be at least 20 percent, as determined by the most recent census data available.

SELECTION CRITERIA

From all the areas nominated for EZ designation, the Secretary shall make the selection based on the following factors:

1. The willingness of the nominating tribal government to undertake special efforts to attract businesses to EZs, including such possibilities as:

a. An increase in the level of public services, or in the efficiency of the delivery of public services, within the EZ.

b. Actions to reduce, remove, simplify, or streamline paperwork requirements relating to the obtaining of a suitable business site or other aspects of the conduct of business within the EZ.

c. Involvement in the EZ program by public authorities or private entities, organizations, neighborhood associations, and community groups.

d. The giving of special preference to contractors owned and operated by Indian groups or individuals.

e. The lease at below fair market value of land in the EZ to organizations agreeing to operate a business on the land.

f. The adoption of modern commercial codes, dispute resolution mechanisms, or other improvements in the legal environment for businesses within the EZ, and

g. The improvement of the physical infrastructure within the EZ.

2. The effectiveness and degree of assurance that the tribal commitments to make efforts to attract business to the EZ will be carried out.

3. The level of commitments by private entities of additional resources and contributions to the economy of the EZ, including the creation of new or expanded business activities.

4. The degree of social and economic deprivation on the reservation for which the EZ is proposed.

5. The economic potential for the attraction of busines enterprises as a result of EZ designation, taking into account particularly the number of jobs to be created and retained.

TAX INCENTIVES

Businesses locating within an EZ will receive certain tax incentives for a period to be designated by the tribal government but not to exceed 25 years.

1. Wage credit.

a. If an EZ business has more than 60 percent Indian employees, the employer will be permitted to claim a credit equal to 25 percent of (a) wages paid by this business plus (b) the cost of health insurance provided to employees. No credit may be claimed with respect to employees earnng wages in excess of $30,000 per year.

b. If an EZ employer has a work force composed of fewer than 60 percent Indian employees, the wage and health insurance credit will be 10 percent.

2. Capital gain deferral. Income taxes on capital gains will be deferred for up to 10 years, if the capital gain is reinvested within an EZ. Eligible capital gains can be obtained on or off the reservation. The reinvestment must be maintained for at least five years to obtain this tax benefit.

3. Child Care Facility Investment Credit. A 25 percent credit will be provided to employers and others who make investments in child care facilities within an EZ. The credit is limited to $400,000 in any year.

4. Corporate income tax payment credit. EZ businesses will receive a tax credit equal to 50 percent of their tax payment on their earnings of corporate income within the EZ (the practical effect is to provde a 50 percent corporate tax exemption for income earned within the EZ). Tax credits under this provision can not exceed $8,000 per year per Indian employee. This credit is patterned after the Puerto Rico tax exemption which has long excluded 100 percent of corporate income from taxation.

OTHER EZ PROVISIONS

Small Issue Bonds. Tribes will be permitted to continue to make use of small issue bonds, if the bond revenues are used in an EZ. Under current law, after 1991 there will no longer be authority for the use of small issue bonds.

Trade Zone Designation. Applications for foreign trade zones within an EZ will receive priority in the review process for trade zone designation. Designation as a foreign trade zone will permit storage, exhibition, sale and general dealing (e.g., repackaging, assembling, distributing, sorting) with respect to foreign goods entering and leaving the United States without subjecting it to United States customs duties.

PRIVATE ACTIVITY BONDS

Indian tribes will be permitted to make use of private activity bonds under the same terms and conditions as state and local governments. Prior to 1987 Indian tribes were treated as states for purposes of issuing tax exempt bonds for "essential governmental functions" but were not allowed to issue private activity bonds. Under the Omnibus Reconciliation Act of 1987, tribes were allowed to issue private activity bonds, but only under tightly restricted circumstances that have largely precluded use of these bonds by tribes. The special restrictions applied to Indian tribes would be removed. This provision of the bill would apply to all tribes and reservations and would not be limited to EZ's.

VOLUME CAP

A volume cap will control the total annual revenue cost to the Treasury. Each EZ will be subject to aggregate annual limits—on average $20 million per year per EZ—on the amount of tax credits and other tax incentives that can be obtained. A set of operating rules will determine how much of the overall zone credit will be allocated to each EZ business. The specific details of these operating rules require the performance of a set of technical calculations by the Joint Committee on Taxation. Rather than wait for the calculations to be made, the bill is being introduced with blanks where specific numeral factors will later be substituted. The operating rules will follow the same principles as already developed for H.R. 11 (the Enterprise Zone Incentives Act of 1991), but with suitable modifications made to reflect the differences from this bill.•

By Mr. McCAIN (for himself and Mr. GLENN):

S. 384. A bill to delay the effective date of reductions in the CHAMPUS mental health benefit, and for other purposes; to the Committee on Armed Services.

CHAMPUS MENTAL HEALTH BENEFIT RESTORATION ACT

• Mr. McCAIN. Mr. President, I rise today on behalf of myself and my good friend from Ohio, Senator GLENN—the distinguished chairman of the Manpower Subcommittee of the Senate Armed Services Committee—to introduce the CHAMPUS Mental Health Benefit Restoration Act.

This legislation will delay, for 1 year, the implementation of the changes that were made last year to the critical mental health benefits that are available, through the CHAMPUS Program, to the dependents of our military personnel.

Mr. President, during debate over the 1990 Department of Defense authorization and appropriation bills last year, some proposed that the CHAMPUS mental health benefit be slashed. This occurred at the very time that we were preparing for a possible conflict in the gulf and asking so much sacrifice of our Nation's military personnel and their families. At that time, Senator GLENN and I fought this effort, arguing that this was not an appropriate time to be radically restructuring a benefit—particularly one as critical to the health and well-being of those who were currently under so much stress. One of the principal concerns we had is that no in-depth studies had been conducted, and not one hearing had been held on how and whether the mental health benefit ought to be restructured.

Unfortunately, our efforts were not a total success. While we were able to lessen the severity of the cuts and secure separate treatment for children and adults, we still felt very uncomfortable about Congress pulling any part of the rug out from under those from whom we were asking so much sacrifice.

Well, Mr. President, we are no longer preparing for conflict—we are in conflict. And I dare say that the concern we had last year about pulling the rug out from under those from whom we are asking so much sacrifice is even greater today. It is just plain not right to be implementing such an arbitrary benefit reduction at a time when there is a great potential need for services.

While a restructuring of the mental health benefit may ultimately make sense, now is not the time. We must not be doing it at a time when we are asking so much sacrifice of military families and they are under such increased stress. In addition, I am of the opinion that we need to examine any potential benefit change very closely before ultimately moving forward.

This legislation will give us that time, as it delays the implementation of the benefit change until 1 year after the gulf conflict is over.

Mr. President, I would like to again express my appreciation to my good friend from Ohio for his able assistance in putting this proposal together, and for his willingness to again take on this issue. To do anything less than reexamine the wisdom of allowing those benefit reductions to be implemented at this time would be failing those who are being asked to sacrifice so much.

I also would like to express my appreciation of my colleagues in the House as well—specifically, Congressmen BUSTAMANTE and MACHTLEY, who are introducing the companion to this legislation this afternoon. I look forward to working with them and my colleagues in the Senate as we attempt to move this bill without delay. As such, I invite all of our colleagues to seriously consider supporting, if not cosponsoring, this legislation.

Mr. President, the gulf conflict is not only prevalent on the minds of our Nation's military personnel and their families—it is on the minds and hearts of every American. To one degree or another, it seems that all Americans have been affected by this conflict. People all across our Nation are concerned about the safety and well-being of those serving in the gulf. Many have concerns about the potential threat of terrorism here at home. I have been heartened to learn of the volunteer efforts across this country to reach out to those in need as a result of this conflict.

I would like to briefly focus on one of these efforts—launched by the American Psychological Association. In conjunction with a number of our Nation's large corporations, they have just produced a booklet to provide people with helpful pointers as to how to handle the stress. In addition, they are in the process of setting up speakers' pools and toll-free numbers through which individuals and communities can receive assistance in coping with this conflict. They are hearing from over 1,000 psychologists a day from across the country who want to volunteer their time to this effort.

The American Psychological Association is in the process of establishing a network of phone banks around the Nation to provide access to the services of volunteers. They have also prepared an information brochure to apprise the public of this effort. I ask unanimous consent that a copy of the brochure be printed in the RECORD.

Mr. President, I would like to commend the effort of groups like the American Psychological Association who are reaching out to others in this time of need by volunteering their services. President Bush has often spoken of the spirit of voluntarism in America. I would suggest that this is one example of that spirit—Americans reaching out to fellow Americans in a time of need.

I ask unanimous consent that the text of the CHAMPUS Mental Health Benefit Restoration Act be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 384

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "CHAMPUS Mental Health Benefit Restoration Act".

SEC. 2. DELAY IN EFFECTIVE DATE OF CHANGES TO CHAMPUS MENTAL HEALTH BENEFIT.

(a) Subsection (d) of Section 703 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1583) is amended to read as follows—

"(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect one year after the date of the termination of the Persian Gulf conflict as specified by law or Presidential proclamation and shall apply with respect to mental health services provided under Section 1079 or 1086 of title 10, United States Code, on or after that date."

(b) Implementation of Section 8044 of the Department of Defense Appropriation Act for Fiscal Year 1991 (Public Law 101-511; 104 Stat. 1884) shall not occur until one year after the date of the termination of the Persian Gulf conflict as specified by law or Presidential proclamation and shall apply with respect to mental health services provided under Section 1079 and 1086 of title 10, United States Code, on or after that date.

SEC. 3. TREATMENT OF EXPENDITURES.

For the purposes of expenditures related to this Act, all direct or discretionary expenditures authorized by this Act are emergency expenditures related to Operations Desert Shield and Desert Storm, pursuant to Section 251(b)(2)(D) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) as amended by Section 13101 of Public Law 101-508.

HOW TO FIND CALM IN A TIME OF CONFLICT—A GUIDE FOR ADULTS, PARENTS, SCHOOLS, COMMUNITIES, AND EMPLOYERS IN THIS TIME OF CRISIS

(Prepared by the Practice Directorate of the American Psychological Association)

(Written by Dennis D. Emory, Ph.D. Ellen McGrath, Ph.D. & Alice Rubinstein, Ed.D.)

"Since the war started, I can't sleep well. Now I have headaches, too * * *."

"My child is afraid to go to school, because of all this talk about bombs and terrorism * * *."

"My feelings are all over the map—afraid, worried, sad, and angry * * *."

"People at work seem to have such short fuses and are having a hard time getting things done * * *."

"I feel like I'm addicted to the news. I keep it on all the time at home and work. I have a hard time doing anything else * * *."

These reactions are normal given the crisis we face today in the Persian Gulf. It is the times that are not normal.

Even for those not directly involved, the worry of war haunts us . . . fear of losing loved ones, worry about terrorism, anxiety about the future, a sense of helplessness, anger toward those who seem responsible, jumpiness, irritation, distrust of those around us, confusion about what to do and whom to trust, sadness, reopening of old wounds and grief.

Studies show that these feelings are common during times of conflict. These feelings alter the way we act with others—those we love, our families, our children, our friends and our coworkers. The conflict seems to cross political boundaries into our personal lives. Today as we watch Desert Storm, there is a need for calm in the eye of the conflict.

There are positive steps we can take to ease the impact of the crisis on our own lives. This pamphlet offers suggestions for coping that have worked for others in the past.

Not every "first-aid" suggestion works for everyone and individuals react differently. If you continue to feel troubled or distressed, remember you are not alone. There are well-established mental-health resources in each of our communities to help. Asking for help can be one of the quickest ways to recover a sense of calm—even if you feel worried about asking for help.

This pamphlet offers ideas for adults, parents, schools, community groups and employers. Ways exist for all of us to increase our sense of calm.

WAYS FOR ADULTS TO COPE WITH—

Worry.—A crisis usually makes people worry. What makes worry so difficult is how it runs our lives.

One way to reduce worry is simply to tell yourself it is O.K. to share your worries with others. And set aside specific times during the day to worry. That way, you can control your worry, instead of it controlling you.

We all want to know what is happening. On some days, or for part of the day, put limits on time spent watching the news, reading about the war, or talking about the crisis. Being a "news junkie" can increase anxiety. So spend time relaxing—take a walk, take a bath, listen to music, or watch a video. By distracting yourself with pleasant activities, you can feel calmer.

Remember, too, families and friends are a powerful resource for support. Schedule time for family activities and informal discussions.

Anger.—Resentment and anger are normal in times of crisis. Feelings like, "Why is this happening to me or to someone I love? It is not fair," or rage at war in general are common. One way to cope with anger is to accept it as a healthy reaction. Channel your anger into energy; build something, exercise, send care packages to the troops, write to elected officials, keep a diary to express your feelings.

Headaches.—The pain from headaches can signal tension and caution us to take care of ourselves. Sometimes, headaches happen after we've had to face something stressful. Try the tips listed above to reduce worry or anger to ease your stress. Other physical signs of stress are common—eating too much, eating too little, stomachaches, rashes, inability to concentrate. And, remember there may be other problems behind these symptoms. If these symptoms persist, contact your physician.

Sleep problems.—Tension can disrupt your sleep. You may find yourself sleeping more or less than usual. Use the bed only for rest and intimacy—not for TV watching, eating or reading. Let your bed become a safe, calm place at the end of the day.

WAYS FOR ADULTS TO MANAGE—

Feeling down.—Coupled with other day-today problems, the crisis in the Gulf can leave us feeling helpless and sad. Some of us may even lose our hope for the future. If you find yourself feeling down, try lifting your mood by using a Five A's approach:

Action—A key in keeping your spirits high is to stay active. List some things you have been wanting to do but haven't. Choose to do some things just for yourself. Pick something from the list each day. But don't create additional stress by trying to do too much. Praise yourself when you complete a task. Share your success with others.

Allies—Draw on relationships at home and work to feel more connected during the crisis. Socialize more. Spend more time talking to coworkers. Use the phone more. When you go out with friends, it is O.K. to spend time talking about your feelings.

Ask for help—Ask for help when you feel overwhelmed or stressed. Ask a relative or friend to babysit so you can have time to be with your friends or spouse. Ask a coworker to help with a project. Exercise with a friend.

Assist others—You can get a "helper's high" when you help others. Now, more than ever, it is time to work with schools, the homeless, volunteer agencies or local support groups.

Affirmative thinking—Although it sounds simplistic, positive thinking generates positive outcomes—and keeps us healthier and less depressed. Positive thoughts are statements like, "I cope well. I'm O.K. and I can do it." Ask others to tell you when you are thinking too negatively. Express positive thoughts—even when you don't feel like it. When you focus on the positive, you can change your mood—for the better.

WAYS TO EASE CHILDREN'S—

Fear.—Violence makes children afraid, and they'll ask many questions. "Will they bomb here? Will you get drafted? Will I have to wear a gas mask? Children need answers. They also want information and reassurance: "Am I safe? Will you take care of me? Mom, Dad—are you O.K.?" Here's how to respond:

Younger children—Encourage preschoolers and children up through age 10 to talk about their fears. Young children need physical contact to feel safe. Let them sit in your lap or cuddle them when you talk. Tell them it is O.K. to feel afraid. Monitor their TV time and talk with them about what they see on TV. Say things like, "Those things on TV are scary. Even soldiers are scared sometimes. You are safe and loved."

Children often see changes in the world around them as threats to their safety. So explain that having more policemen at airports and more security at school are to make sure they are safe.

Older children—Many preteens and teens are sensitive to what is happening around them. They may express fear through games. Acknowledge that some adults and/or their peers may be worried, sad, or upset. Let them know this is normal and not directed at them. When they talk about their fears, don't say "that's silly." Invite the child to think through the logic of his fears. Your support can help your child feel safe and know the danger is distant.

All children—If you tell a child there is no reason to be afraid, two things may happen. First, the child may think you are lying, as talk of the war is everywhere and others are afraid. Second, children may think something is wrong with being frightened.

We often want to "protect" our children, so we may avoid talking about the war. However, they will hear about it on the playground or on the news. If you avoid talking about it, your child may feel you are hiding something and may feel less safe.

Finally, by taking care of yourself—coping successfully with the crisis—your child will probably feel safer.

HOW EMPLOYERS CAN HELP

Employees.—Many Americans spend the majority of their day in the workplace.

A company may be tempted to say that the crisis in the outside world should stay outside the company offices. The truth is that the crisis may already impact daily company operations—through increased anxiety, complications caused by the deployment, and workers generally being distracted by the crisis.

Employers can make the workplace calmer by:

Identifying those employees with loved ones directly involved and who may need special support. Recognizing that other workers may also need attention.

Making personnel policies clear during this time of uncertainty.

Creating an environment in which all employees can feel safe in their opinions about the war.

Assuring employees access to news reports and setting aside time to talk about how the crisis has affected people.

Conducting stress-management seminars for company employees.

Training managers to recognize symptoms of stress and to intervene appropriately.

Setting aside time to talk about how the crisis has affected people in the office.

Families.—Employees' families are silent business partners. The welfare of the family impacts the work of the employee.

Effective company actions for families include:

Planning for support when people return, as reunion is one of the most stressful periods.

Organizing a volunteer babysitting pool or volunteer respite eldercare for families affected by the deployment.

Extending special invitations to company parties for spouses or significant others of employees who may have been called up for active duty.

HOW SCHOOLS CAN HELP

Children.—All children are affected by the current crisis—children who watch TV, children with pen pals in the Middle East, children with a relative in the military, Arab-American children, and children with relatives in Israel or Arab countries. All of these children have common fears—the fear that something might happen to them, the fear of loss, the fear of rejection—as well as anger and grief.

Children often are afraid or unable to talk about these feelings. Children whose relatives are deployed, for example, may feel uneasy just talking about the war. Yet they may show these feelings by being aggressive toward others, doing poorly in school or becoming withdrawn, complaining about stomachaches, having more accidents, or simply seeming physically present but mentally absent.

Teachers, counselors and volunteers can help by:

Creating ongoing classroom meetings or discussion groups as safe places for children to express feelings.

Teaching about the common bonds that children from the Middle East and Western countries share, which will help reduce fear of differences.

Encouraging cooperative, friendly behavior.

Easing children's fears of danger by telling them it's O.K. to feel afraid and helping them separate fact from fantasy.

Enabling children to feel like they make a difference—writing letters to service personnel or world leaders, collecting for the American Red Cross, hanging yellow ribbons around the school.

Asking children to create a plan to bring peace to the Middle East now and for the future—using the knowledge they acquire in their studies.

Asking children to do thoughtful things to help classmates who might be more directly affected by the crisis.

Providing support for school staff who are themselves directly affected by Desert Storm—for example, support groups, cards or care packages.●

By Mr. AKAKA:

S. 385. A bill to amend section 21A of the Federal Home Loan Bank Act to establish additional procedures and requirements relating to the identification and disposition of environmentally sensitive land and other property with natural, cultural, recreational, or scientific values of special significance by the Resolution Trust Corporation; to the Committee on Banking, Housing, and Urban Affairs.

RESOLUTION TRUST CORPORATION ASSET DISPOSITION ACT

Mr. AKAKA. Mr. President, today I am introducing the Resolution Trust Corporation Asset Disposition Act, a bill to improve the identification and disposition of lands held by the Resolution Trust Corporation that have natural, cultural, recreational, or scientific values of special significance. A companion bill will be introduced in the House of Representatives by Representative PETER KOSTMAYER.

Most people who I speak to are appalled at the cost of the savings and loan cleanup. The Congressional Budget Office has estimated the total cost associated with closing failed thrifts though the year 2000 to be nearly $250 billion.

I believe that the Federal Government must keep its promise to depositors to protect their savings. But, this must be done in a manner that brings the most return for taxpayers.

We must also be flexible enough not to miss the opportunities that the S&L disaster has created. A great deal of land is being recycled through the RTC. In its real estate inventory, released to the public last week, the RTC listed 41,533 parcels of property. There is every reason that some of this land should be used to achieve well established public purposes. The taxpayers are already paying—why not give them something for their money?

Mr. President, the Resolution Trust Corporation Asset Disposition Act would accomplish three things.

First, it would require the Department of the Interior to identify properties in RTC's inventory with natural, cultural, recreational, or scientific values of special significance.

Second, the act would require the RTC to maintain any property so identified in a manner consistent with the preservation of that property's value of special significance.

Third, it would give governmental agencies and nonprofit groups an opportunity to purchase these lands in order to preserve, enhance, study, or utilize them in a manner consistent with their special values.

Under current law, the RTC must identify properties in its holdings with natural, cultural, recreational, or scientific significance. This is a wise policy. In fact RTC's recent inventory identifies 270 parcels as having natural significance, 31 parcels as having cultural values, 4 parcels being of scientific significance and 985 parcels as having recreational values.

These inventories could serve as a powerful marketing tool. For example, many people share the desire to live or operate their businesses in historic places, both for asthetic value and tax benefits. By identifying historic qualities in RTC's buildings, these properties should move onto the market place faster and perhaps at a better price for the taxpayer.

Mr. President, the market for conservation properties is not a speculative market. An annual multibillion-dollar conservation market exists, as government park agencies and conservation groups buy lands. And the experience of the RTC already reflects the existence of this market. The Executive Director of the RTC testified before a House hearing last fall that "the RTC has received considerable interest from public and private conservation groups, environmental firms, and organizations regarding properties with special environmental resources."

The legislation that I have introduced today would transfer to the Department of the Interior the responsibility for identifying properties with values of significance held by the RTC. The authority should be transferred because the Department of the Interior has the expertise to do the job right with the greatest experience and at the least expense.

The Department of the Interior is this country's principal conservation agency. It has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the best use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation.

The value of the Department of the Interior's expertise in identifying lands in RTC's inventory with special significance was recognized in a proposed memorandum of understanding prepared by the RTC and the Fish and Wildlife Service. Under the proposed MOU, the Fish and Wildlife Service would have assisted the RTC in inventorying its lands by identifying the extent of the resource's value to the properties.

Regrettably, this MOU was not put into force and the RTC has decided to go it alone. In a letter dated January 17, 1991 to David C. Cooke, Executive Director of the RTC, Peter H. Monroe, President of the RTC's Oversight Board, wrote: "[a]s a matter of policy, the Oversight Board believes that RTC should approach its statutory duties through a combination of (i) strengthened internal capacity and (ii) the procurement, where appropriate in specific cases, of the best available resources and expertise from the public and private sectors."

RTC's decision to duplicate the services and expertise of the Department of the Interior will be unnecessarily costly and, more likely than not, will be ineffective. And all of us who are concerned about the cost of the S&L bailout and about eliminating governmental waste should not allow this decision to stand.

The inventory, maintenance and conveyance provisions of my legislation would also further the public objective of preserving certain types of land.

In fact, the Resolution Trust Corporation Asset Disposition Act being introduced today is evolutionary in nature. It builds upon previous environmental protection laws and clarifies the application of those laws to the RTC. Among those laws are the Recreation Act of 1963, which calls on all levels of government to take action to conserve, develop, and utilize outdoor recreation resources for the benefit and enjoyment of the American people, and the Surplus Federal Real Property Program, contained in section 303(c) of the National Parks and Recreation Act of 1978, which states that:

> It is the established policy of Congress that wilderness, wildlife conservation, and park and recreation values of real property owned by the United States be conserved, enhanced, and developed * * * [and] that utilized, underutilized, or excess Federal real property be timely studied as to suitably for * * * [these] purposes.

This bill also builds upon the Endangered Species Act of 1973, which requires all instrumentalities of the Federal Government to insure that actions they authorize or carry out do not "jeopardize the continued existence of any endangered species."

It builds upon Executive Order 11990, entitled "Protection of Wetlands," which directs Federal agencies to place restrictions on federally owned real estate with wetlands to protect those wetlands, before the sale of the real estate to private ownership.

This legislation also builds upon the Coastal Barrier Improvement Act of 1990 that specifically restricts the RTC's ability to transfer certain property located within the Coastal Barrier Resources System.

Mr. President, this legislation will enable this country to transform a problem into an opportunity.

There may be some who argue that this legislation will increase the cost of the S&L bailout. But, this bill may actually save the taxpayers money. It will save money by stopping the RTC from duplicating the expertise of the Department of the Interior.

It will save money because land may end up in Government preserves now that we would end up buying later at a higher cost. Just this week, Secretary of the Interior Manuel Lujan announced "a major effort to expand and enhance outdoor recreational areas" as one of the Department's top priorities. Land in the RTC inventory, land already in the Government's hands, may help the Department of the Interior achieve this important goal. And if so, it could be acquired at less cost to the taxpayer than if the Department of the Interior went in the open market to buy it.

There may be some who will argue that this legislation will divert the RTC from its primary purpose of maximizing the return on its assets. But, the contrary is true. This legislation will help maximize the return to taxpayers. Under the RTC's affordable housing program, the average price for single-family properties sold at 89 percent of appraised value as of November 30, 1990. There is no reason to think that this success cannot be achieved for lands with other values of special significance. In fact, the identification of values of special significance in properties held by the RTC may actually increase the value of many properties.

It is also wrong to determine taxpayer return solely by looking at the RTC's balance sheet. It is established Federal policy to preserve certain types of lands for environmental purposes—a responsibility in which all Federal entities should participate. RTC's return for taxpayers should also be evaluated in terms of its achievement of this important goal.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Trust Corporation Asset Disposition Act".

SEC. 2. ADDITIONAL REQUIREMENTS RELATING TO MANAGEMENT AND DISPOSITION OF PROPERTY WITH SPECIAL SIGNIFICANCE.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that:

(1) The Resolution Trust Corporation is required to maintain and periodically publish an inventory of real property within the jurisdiction of the Corporation, including the identification of properties with natural, cultural, recreational or scientific value of special significance.

(2) The Resolution Trust Corporation has failed to provide adequate resources and qualified personnel to fully comply with the requirement to identify properties with values of special significance.

(3) Greater efforts need to be devoted to the management and disposition of property described in paragraph (1) to prevent the development of environmentally sensitive land, wetlands, prime farmland, historic places, and other lands the preservation of which is consistent with national policy.

(4) It is the established policy of the Congress that the wilderness, wildlife conservation, and park and recreational values of real property owned by the United States be conserved, enhanced, and developed.

(b) REQUIREMENTS ESTABLISHED.—Section 21A(b)(12) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(12)) is amended

(1) in subparagraph (F) by striking "and shall identify properties" through the period and inserting "In each such inventory, the Corporation shall designate the indentifications of all properties, including a summary of the reasons for such identification, made by the Secretary of the Interior in accordance with subparagraph (H) as having natural, cultural, recreational, or scientific values of special significance."; and

(2) by adding at the end the following new subparagraphs:

"(H) IDENTIFICATION OF PROPERTIES OF SPECIAL VALUE.—The Secretary of the Interior shall review the inventory prepared and revised by the Corporation in accordance with subparagraph (F), and shall—

"(i) identify properties included in the inventory that have natural, cultural, recreational, or scientific values of special significance;

"(ii) notify the Corporation of the identification and the reasons for identifying such properties as having values of special significance; and

"(iii) publish in the Federal Register notice of such identification and the reasons for such identification.

In carrying out this subparagraph, the Secretary of the Interior shall employ the services of the United States Fish and Wildlife Service, the National Park Service, the Advisory Council on Historic Preservation, and any other agencies or instrumentalities of the United States Department of the Interior that the Secretary may require.

"(I) INVENTORY PUBLICATION; NOTIFICATION REQUIREMENTS.—

"(i) UPDATING OF RECORDS.—When the Secretary of the Interior notifies the Corporation of an identification under subparagraph (H), the Corporation shall update its inventory records to reflect the identification by the Secretary not later than 30 days after such identification is made.

"(ii) Inventory publication.—When the Corporation publishes a revised list of its inventory of real property assets as required by subparagraph (F), the Corporation' shall designate in such publication all properties identified by the Secretary of the Interior as having values of special significance.

"(iii) RESTRICTION ON SALE OR TRANSFER.—The Corporation shall not dispose of any property identified by the Secretary as having values of special significance in accordance with subparagraph (H) (other than in the manner provided in subparagraph (J) or (K)) before the end of the 90-day period beginning on the date on which the Secretary publishes the identification of such property in accordance with subparagraph (H).

"(J) EXPRESSION OF SERIOUS INTEREST.—If the Corporation receives notice from any qualified land steward, as defined in subparagraph (N), of serious interest in the purchase or other transfer of any propety in its inventory identified as having values of special significance in accordance with subparagraph (H), such property shall not be sold or transferred by the corporation to any person, other than a qualified land steward for the purpose of the longterm preservation, enhancement, utilization or maintenance of such property consistent with the values of special significance identified by the Secretary of the Interior, pursuant to subparagraph (H), before the end of the 180-day period beginning on the date on which the Corporation receives such notice.

"(K) MINIMUM SALE PRICE LIMITATIONS NOT APPLICABLE.—Notwithstanding any other provision of law, the Corporation may—

"(i) sell or otherwise transfer any property in the inventory identified as having values of special significance pursuant to subparagraph (H) to any qualified land steward for the purpose of the longterm preservation, enhancement, utilization or maintenance of such property consistent with the values of special significance identified by the Secretary of the Interior pursuant to subparagraph (H), without regard to any limitation relating to any minimum sale price or any appraisal value of such property; or

"(ii) transfer any such property or any interest therein to any Federal or State agency which is a qualified land steward at no charge to such agency.

"(L) PREFERENCE FOR BEST STEWARDS.—In considering offers from qualified land stewards for the purchase or transfer of property identified as having values of special significance in accordance with subparagraph (H), the Corporation shall give preference, among substantially similar offers, to the offer of any qualified land steward which the Corporation determines would best manage, conserve, and preserve, as a steward of such property, the value which is of special significance for the benefit of the public and future generations.

"(M) STEWARDSHIP PROGRAMS.—The Corporation shall maintain any property identified as having values of special significance in accordance with subparagraph (H) in a manner consistent with the preservation of the property's value of special significance. The Corporation may employ, on a reimbursable basis, the services of any qualified land steward which is a qualified land steward to provide technical assistance and to maintain and manage such property as a steward during such period as the Corporation may designate.

"(N) QUALIFIED LAND STEWARD DEFINED.—For purposes of this section, the term 'qualified land steward' means any Federal, regional, State, or local agency or department or private nonprofit organization, the primary purpose or expertise of which includes the management, conservation, and preservation of property with values of special significance as a steward of such land for the benefit of the public and future generations, including public land management, park and recreation, and historic preservation agencies, coastal administrators, and land trust and environmental organizations.

"(O) DEFINITION OF PROPERTY HAVING VALUES OF SPECIAL SIGNIFICANCE.—For purposes of this section, the term 'properties with natural, cultural, recreational, or scientific values of special significance means—

"(i) property having resources which are protected or are eligible for protection under any Federal environmental protection or Executive orders, such as wetlands, foodplains, endangered species habitats, historic sites, archaeological sites, natural landmarks, wilderness areas, wild and scenic rivers, and coastal barriers; or

"(ii) property that is identified by any local, county, regional or state planning authority as appropriate for, or used as parks, sporting activities, camping, fishing, hunting, or other leisure activities.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 21A(b)(12)(D)(iii) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(12)(D)(iii)) is amended by inserting "subparagraphs (I) and (J) of this paragraph or" after "requirements of".

(d) SCOPE OF APPLICABILITY.—The amendments made by subsection (b) shall apply with respect to any property held or managed by the Resolution Trust Corporation at any time on or after August 9, 1989, other than property the sale or disposition of which by the Corporation became final before the date of the enactment of this Act.

By Mr. DECONCINI (for himself, Mr. CRANSTON, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. AKAKA, Mr. THURMOND, and Ms. MIKULSKI):

S. 386. A bill to amend title 38, United States Code, to define the period of the Persian Gulf, to extend eligibility for pension, medical, educational, housing, financial, and other benefits provided under the title to veterans of the war, and for other purposes; to the Committee on Veterans' Administration.

PERSIAN GULF WAR VETERANS' ASSISTANCE ACT

• Mr. DECONCINI. Mr. President, as Members of the Senate are aware, Senator CRANSTON is unable to be here today because he is recovering from treatment for cancer. Thus, I am submitting for him the following statement on S. 386.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I regret that I was unable personally to introduce S. 386, the proposed Persian Gulf War Veterans' Assistance Act of 1991. I am honored, however, that my good friend and colleague on the committee, Mr. DECONCINI, has agreed to introduce this important measure for me. I am pleased to note that we are joined by the following cosponsors, committee members Senators ROCKEFELLER, GRAHAM, AKAKA, and THURMOND, and Senators MIKULSKI, and JEFFORDS.

Mr. President, this bill would amend title 38, United States Code, in order to reflect the occurrence of the Persian Gulf war and to help ensure that certain Department of Veterans Affairs programs respond adequately and appropriately to the needs of veterans of this period of war.

Specifically, this bill contains 10 substantive provisions that would:

First, add the Persian Gulf war as a period of war, beginning August 2, 1990, the date that Iraq invaded the country of Kuwait. The period would end on a date to be determined by Presidential proclamation or by law.

Second, open to veterans and spouses of veterans with service during the Persian Gulf war the VA pension program—a needs-based benefit for wartime veterans who have non-service-connected disabilities rated totally disabling and the needy survivors of wartime veterans.

Third, make applicable to Persian Gulf war veterans a presumption of service-connection, for the purpose of receiving VA medical care, for those who develop an active psychosis within 2 years after discharge or release from active military service that included service during a period of war.

Fourth, provide Persian Gulf war veterans with the same eligibility for medicines from VA that other wartime veterans have when they are receiving additional VA non-service-connected disability compensation, or increased VA non-service-connected disability pension, by reason of being permanently housebound or in need of regular aid and attendance.

Fifth, provide eligibility for readjustment counseling through VA Vet Centers to post-Vietnam-era veterans who served on active duty in an area at a time during which hostilities occurred in that area. This would include not only service in the Persian Gulf war theater of operations but in other areas in which armed conflicts take place in which members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, such as in Grenada or Panama.

Sixth, provide that, notwithstanding the requirement that claims for reimbursement for burial payments from the VA be filed within 2 years after the burial of the veteran, a claim for reimbursement for burial payments in the case of a veteran of the Persian Gulf war who died before the date of the enactment of this act may be filed within 2 years after the date of the enactment.

Seventh, provide for the Veterans' Advisory Committee on Education formed by the Secretary of Veterans Affairs to include a representative of Persian Gulf war veterans.

Eighth, provide eligibility for VA housing loan benefits to veterans who served on active duty at any time during the Persian Gulf war and whose total service was for 90 days or more provided that those veterans meet the minimum active-duty service requirements in section 3103A of title 38.

Ninth, authorize the Secretary of Veterans Affairs to employ retired Federal health-care specialists without their retirement annuities being reduced. The Secretary's authority for waiving reductions in annuities would be for the duration of the Persian Gulf war and for a period of not more than 2 years after the date of the termination of that war. I am concerned that should VA facilities be needed to treat casualties from the Persian Gulf war, there be sufficient personnel available to provide the quality of medical care those men and women deserve. For the purposes of this provision, the term "health-care specialist" would mean a physician, dentist, podiatrist, optometrist, nurse, physician assistant, expanded-function dental auxiliary, medical technician, or other medical support personnel.

Tenth, authorize appropriations of $1 million for the establishment of an information and referral system in the form of a VA-staffed toll-free number to provide information to veterans and family members of active-duty service personnel regarding facilities offering mental health treatment and counseling for posttraumatic stress disorder and other war-related stress problems.

CONCLUSION

Mr. President, the war in which this country is now engaged in the Persian Gulf concerns us all. It is important to our dedicated men and women in uniform, many of whom were civilains but only recently before being activated as reservists, that we show our support and that we provide them benefits equal to those provided service personnel in other periods of war and appropriate to the circumstances of this war. To speed this bill along to enactment as rapidly as possible, our committee plans to make this a part of our markup on February 7, 1991. I urge all of my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Persian Gulf War Veterans' Assistance Act of 1991".

SEC. 2. PERSIAN GULF WAR ADDED TO DEFINITION OF "PERIOD OF WAR".

(a) Period of War.—Section 101(11) of title 38, United States Code, is amended by inserting "the Persian Gulf War," after "the Vietnam era,".

(b) Period of War Defined.—Section 101 of such title is amended by adding at the end the following new paragraph:

"(33) The term 'Persian Gulf War' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.".

SEC. 3. ELIGIBILITY FOR PENSION OF VETERANS AND SPOUSES OF VETERANS WITH SERVICE DURING THE PERSIAN GULF WAR.

(a) Pension for Veterans.—Section 501(4) of title 38, United States Code, is amended by inserting "the Persian Gulf War," after "the Vietnam era,".

(b) Pension for Surviving Spouses.—Section 541(f)(1) of such title is amended—

(1) by striking out "or" at the end of clause (C); and

(2) by inserting before the semicolon at the end ", or (E) before the expiration of ten years following the termination of the Persian Gulf War, in the case of a surviving spouse of a veteran of the Persian Gulf War".

(c) Technical and Conforming Amendments.—(1) The heading above section 541 of such title is amended to read as follows:

"Other Periods of War".

(2) The table of sections at the beginning of chapter 15 of such title is amended by striking out the heading between the items relating to section 537 and 541 and inserting in lieu thereof the following:

"Other Periods of War".

SEC. 4. ELIGIBILITY FOR CERTAIN MEDICAL CARE FOR SERVICE DURING THE PERSIAN GULF WAR.

(a) Presumption Relating to Psychosis.—Section 602 of title 38, United States Code, is amended—

(1) by striking out "or the Vietnam era" and inserting in lieu thereof "the Vietnam era, or the Persian Gulf War";

(2) by striking out "or before May 8" and inserting in lieu thereof "before May 8"; and

(3) by inserting "or before the expiration of two years following the date of the termination of the Persian Gulf War, in the case of a veteran of the Persian Gulf War," after "a Vietnam era veteran,".

(b) Eligibility for Medicines.—Section 612(h) of such title is amended in the first sentence by striking out "or the Vietnam era," and inserting in lieu thereof "the Vietnam era, or the Persian Gulf War,".

(c) Eligibility for Readjustment Counseling.—Section 612A(a) of such title is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) The Secretary shall furnish counseling as described in paragraph (1), upon request, to any veteran who served on active duty after May 7, 1975, in an area at a time during which hostilities occurred in such area.

"(B) For the purposes of subparagraph (A) of this paragraph, the term 'hostilities' means an armed conflict in which members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.".

SEC. 5. BURIAL AND FUNERAL EXPENSES.

Section 904 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "Applications for"; and

(2) by adding at the end the following new subsection:

"(b) Notwithstanding subsection (a) of this section, an application for payment under section 902 of this title in the case of a veteran of the Persian Gulf War who died before the date of the enactment of the Persian Gulf War Veterans' Assistance Act of 1991 may be filed not more than two years after the date of such enactment.".

SEC. 6. MEMBERSHIP ON EDUCATIONAL BENEFITS ADVISORY COMMITTEE FOR PERSIAN GULF WAR VETERAN.

Section 1792(a) of title 38, United States Code, is amended by striking out "and the post-Vietnam era" and inserting in lieu thereof "the post-Vietnam era, and the Persian Gulf War".

SEC. 7. ELIGIBILITY FOR HOUSING BENEFITS.

Section 1802(a)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(D) Each veteran who served on active duty at any time during the Persian Gulf War other than a veteran ineligible for benefits under this title by reason of section 3103A(b) of this title.".

SEC. 8. WAIVER OF ANNUITY REDUCTION UNDER TITLE 5, UNITED STATES CODE, IN THE CASE OF THE REEMPLOYMENT OF CERTAIN ANNUITANTS IN CONNECTION WITH THE PERSIAN GULF WAR.

(a) Authority to Waive Annuity Reductions.—In any case in which a person entitled to an annuity under chapter 83 or 84 of title 5, United States Code, is reemployed on or after the date of the enactment of this Act in the Veterans Health Services and Research Administration by the Department of Veterans Affairs as a health care specialist, the Secretary of Veterans Affairs may waive (in accordance with this section) any requirement of section 8344 or 8468 of such title for—

(1) deductions from the pay of such person during the period of such reemployment; or

(2) any reduction that would otherwise be made in the annuity of such person.

(b) Limitations on Waivers.—(1) Waivers under subsection (a) may be made by the Secretary of Veterans Affairs only to the extent that the Secretary determines that the granting of waivers is necessary in order (A) to recruit health-care specialists to replace health-care specialists of the Department of Veterans Affairs who have been ordered to active duty during the Persian Gulf War, and (B) to enable the Department to respond (pursuant to section 5011A of title 38, United

States Code) to the health-care needs of members of the Armed Forces during the Persian Gulf War and of veterans of that war who seek such care at facilities of the Department.

(2) A waiver granted under this section may extend for any period during the Persian Gulf War and for a period of not more than two years after the date of the termination of that war.

(3) A waiver granted under this section shall become effective upon receipt by the Director of the Office of Personnel Management of a written notice of the waiver from the Secretary of Veterans Affairs.

(c) DEFINITIONS.—As used in this section:

(1) The term "health-care specialist" means a physician, dentist, podiatrists, optometrist, nurse, physician assistant, expanded-function dental auxiliary, medical technician, or other medical support personnel.

(2) The term "Persian Gulf War" means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.

(3) The terms "veterans", "Armed Forces", "active duty", and "reserve component" have the meaning given such terms under paragraph (2), (10), (21), and (27), respectively, of section 101 of title 38, United States Code.

SEC. 9. TECHNICAL AMENDMENT.

Section 5011A(b)(2)(A) of title 38, United States Code, is amended by striking out "subsection (f) of (g) of section 612" and inserting in lieu thereof "section 612(a)".

SEC. 10. INFORMATION AND REFERRALS FOR COUNSELING RELATING TO PSYCHOLOGICAL CONSEQUENCES OF THE PERSIAN GULF WAR.

(a) INFORMATION AND REFERRAL SYSTEM.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish an information and referral system by means of a toll-free telephone number (commonly referred to as an 800 number) to provide the information and referral assistance described in subsection (b).

(b) TYPES OF INFORMATION AND REFERRALS.—(1) The information to be provided by means of the toll-free telephone number referred to in subsection (a) is information regarding facilities of the Department of Veterans Affairs that provide—

(A) readjustment counseling assistance and other mental-health services to veterans of the Persian Gulf War who are suffering post-traumatic stress disorder or other psychological problems relating to that service;

(B) readjustment counseling and other mental-health services to spouses, parents, and children of veterans of the Persian Gulf War when such services are needed in connection with the treatment of a veterans referred to in clause (A); and

(C) counseling and other mental-health services to a veteran of any war (as defined in section 101(12) of title 38, United States Code) who is experiencing adverse psychological effects as a result of media coverage of the Persian Gulf War.

(2) The Secretary shall also provide to callers of the toll-free telephone number referred to in subsection (a) who are not eligible for assistance from the Department of Veterans Affairs information regarding facilities other than those of the Department that provide the type of services described in paragraph (1) to persons who experience adverse psychological effects as a result of the Persian Gulf War and media coverage thereof.

(c) DEFINITION.—For the purposes of this section, the term "Persian Gulf War" means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for the purposes of carrying out this section.

SEC. 11. TREATMENT OF EXPENDITURES.

For the purposes of section 251(b)(2)(D) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.), as amended by section 13101 of Public Law 101-508, all direct or discretionary spending contained in this Act are emergency expenditures related to Operation Desert Shield.●

By Mr. MACK (for himself, Mr. GRAHAM, and Mr. MCCAIN):

S. 387. A bill to amend title XVIII of the Social Security Act to provide an additional payment under part A of the Medicare Program for the operating costs of inpatient hospital services of hospitals with a high proportion of patients who are Medicare beneficiaries; to the Committee on Finance.

HIGH MEDICARE HOSPITAL RELIEF ACT OF 1991

● Mr. MACK. Mr. President, I want to again bring to your attention a hospital payment issue of critical importance to Medicare's beneficiaries. Today, I reintroduce the High Medicare Hospital Relief Act of 1991 with my colleagues, Senators JOHN MCCAIN and BOB GRAHAM. High Medicare hospitals are hospitals for which not less than 65 percent of their inpatient days or discharges are attributable to patients who are entitled to benefits under Medicare part A. This legislation would assist the approximately 400 hospitals nationwide, in both urban and rural areas, which continue to struggle financially on a day-to-day basis, while providing quality health care to an ever-growing Medicare patient population.

High Medicare hospitals are continuing to experience severely reduced, and in many cases, negative Medicare operating margins. These hospitals have little or no choice but to either cut back on medical personnel or consider the rationing of services. Additionally, when these hospitals attempt to cost-shift, they become less competitive and risk losing the few non-Medicare payers that they have.

The hospitals which would benefit from this legislation are vital to our Nation's health care system, to our seniors, and to my home State of Florida, which has more of these institutions than any other State. Last year, when I originally introduced this bill, I received several letters from high Medicare hospitals in my State. I share the contents of one of these letters with you. Boca Raton Community Hospital which has an average Medicare caseload of 73 percent, wrote the following:

> Please be assured that we are trying very hard to contain costs, but the significantly high Medicare patient volume makes our lives extremely challenging. We want first-class service for our patients and Medicare shortfalls are making that increasingly difficult.

Mr. President, I am aware that the Prospective Payment Assessment Commission [ProPAC] continues to study the issue of high Medicare hospitals, specifically, why hospitals with high Medicare shares have greater negative PPS operating margins than other hospitals. I believe, however, that we must act now. Closure of many of these Medicare dependent hospitals is a real possibility unless immediate temporary assistance is given.

The High Medicare Hospital Relief Act of 1991 attempts to address a critical disparity between the operating margins of high Medicare and nonhigh Medicare hospitals. This bill works in a simple, yet logical and equitable way. It provides a formula for an additional payment for each Medicare discharge from a high Medicare hospital in both high rural and urban areas. Its intent is to place these Medicare dependent hospitals on a equal footing with other PPS hospitals.

States which have a high concentration of Medicare patients, such as Florida, are being undermined by the very system which was designed to provide assistance to hospitals serving the elderly. This issue is not a question of large states versus small States. it is not a question of urban areas versus rural areas. It is, quite simply, a question of fairness and equity for all hospitals providing health care for America's seniors.

Mr. President, I urge my colleagues to join me in supporting the High Medicare Relief Act of 1991.●

● Mr. GRAHAM. Mr. President, today, I am reintroducing the High Medicare Hospital Relief Act of 1991 in my continuing effort to provide assistance to about 400 hospitals nationwide which concentrate in the care of elderly and disabled patients. These high Medicare hospitals—about three dozen of which service Florida communities—are facing constantly increasing financial pressures under Medicare's hospital prospective payment system [PPS].

The original designers of PPS, and many of its advocates, believed the prospective payment methodology, based on a system of averages, would function best in Medicare dependent facilities. Unfortunately, Medicare's own data has documented the fact that high Medicare hospitals, those hospitals with 65 percent or more of their inpatient days devoted to the care of Medicare patients, have average Medicare operating margins considerably below that of other facilities.

Last year, the Prospective Payment Assessment Commission [ProPAC] reported that the average Medicare PPS margins for urban, high Medicare hospitals in the 5th year under PPS was a negative 2.6 percent. The average PPS margin for all urban hospitals during the same period was a positive 3.1 percent, or a full 5.7 percentage point difference.

These financial comparisons follow a consistent pattern, and current projections look even more grim. This is particularly disturbing because high Medicare hospitals, by definition, have a relatively limited ability to make up PPS reimbursement shortfalls by tapping third party payers. Simply put, Medicare is their principal source of financing for patient care because Medicare beneficiaries make up the bulk of their inpatients.

In 1989, Congress did enact legislation to provide temporary financial relief to certain small, rural Medicare dependent hospitals. Unfortunately, this measure did not include urban or larger, rural high Medicare hospitals. The bill I am introducing today would apply to all high Medicare hospitals. Its goal is a simple and relatively modest one. My bill would provide a payment adjustment for high Medicare hospitals to place them on a equal footing with other hospitals reimbursed under PPS.

Mr. President, I recognize that we do not have a complete understanding of why high Medicare hospitals fare so poorly. ProPAC has acknowledged that operating margins for Medicare dependent hospitals are lower than average operating margins for hospitals. ProPAC, however, has recommended further study of the issue before supporting a payment adjustment for high Medicare hospitals. It is my hope that ongoing work by ProPAC will explain the factors producing winners and losers under PPS, and, particularly, the plight of high Medicare hospitals.

In my view, we cannot wait any longer. High Medicare hospitals need our help now. My bill is designed to provide a time-limited payment to these facilities pending further ProPAC study regarding the hospital's problems and more permanent solutions.

I encourage my colleagues to join me in this important cause. High Medicare hospitals are located in nearly every State. We cannot stand by while their ability to provide high quality care to Medicare beneficiaries is compromised any further.•

By Mr. PACKWOOD (for himself, Mr. AKAKA, Mr. BRADLEY, Mr. BURDICK, Mr. CONRAD, Mr. DODD, Mr. GLENN, Mr. KENNEDY, Mr. LEVIN, Mr. METZENBAUM, Mr. MITCHELL, Mr. PRYOR, Mr. DECONCINI, Mr. GORE, Mr. KERRY, Mr. HOLLINGS, Mr. LIEBERMAN, Mr. ROBB, Mr. PELL, Mr. FOWLER, Mr. NUNN, Mr. DASCHLE, Mr. CRANSTON, Mr. DIXON, Mr. SARBANES, Mr. BAUCUS, Mr. BURNS, Mr. COHEN, Mr. D'AMATO, Mr. DOLE, Mr. DURENBERGER, Mr. GORTON, Mr. HATCH, Mrs. KASSEBAUM, Mr. SYMMS, Mr. THURMOND, Mr. COCHRAN, Mr. CHAFEE, Mr. HELMS, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. CRAIG, Mr. GRASSLEY, Mr. BOND, Mr. STEVENS, Mr. WARNER, Mr. SEYMOUR, Mr. PRESSLER, Mr. SASSER, Mr. WALLOP, Mr. LAUTENBERG, Mr. MACK, and Mr. INOUYE):

S.J. Res. 66. Joint resolution to designate February 7, 1991, as "National Girls and Women in Sports Day"; to the Committee on the Judiciary.

NATIONAL GIRLS AND WOMEN IN SPORTS DAY

• Mr. PACKWOOD. Mr. President, today, I introduced a joint resolution to designate February 7, 1991 as "National Girls and Women in Sports Day." I have successfully introduced this joint resolution for the past 4 years and hope to continue the tradition.

Each year a woman athlete is presented with the "Flo Hyman Award"—named after the Olympic volleyball star who died suddenly of Marfan's disease in 1986. In 1990, the award representing the commitment and passion that Hyman demonstrated was presented to Chris Evert—winner of 18 grand slam titles and 1,309 matches in her career, more than any other player, male or female. It is my hope that this resolution will inspire future generations of women athletes to strive toward the excellence which Flo Hyman, Chris Evert, and other female athletes exemplify.

Despite recent advances made by women in sports, the number of women coaches and sports administrators has decreased greatly over the past 18 years. It is important to recognize that inequities exist, while highlighting how far women have come in their athletic achievements. Mr. President, I offer this resolution designating February 7, 1991 as "National Girls and Women in Sports Day" to honor women's contributions in sports and to encourage all women to participate in athletics.•

By Mr. THURMOND:

S.J. Res. 67. Joint resolution to recognize and commemorate the centennial of the Immigration and Naturalization Service; to the Committee on the Judiciary.

CENTENNIAL OF THE IMMIGRATION AND NATURALIZATION SERVICE

• Mr. THURMOND. Mr. President, I am pleased to introduce today a resolution commemorating the Immigration and Naturalization Service on its centennial anniversary. The first immigration office in the Federal Government was created in 1864 by a law intended to encourage immigration. Under this law, the President appointed a Commissioner of Immigration within the State Department to regulate the transportation and settlement of emigrants but the law had no effect on the commissions, boards, or other officers who were responsible for immigration in each of the States. The Commissioner's office was abolished when the law was repealed 4 years later. Other Federal laws were passed in the 1880's to prevent the admission of undesirable aliens and to control contract labor, but authority over immigration, including enforcement of the Federal statutes, remained at the State level. At the same time, the number of immigrants coming to America was rising rapidly.

In 1888, Congress established a select committee to investigate problems caused by the divided authority over immigration matters. It recommended consolidating this authority within a single Federal agency and drafted legislation that Congress enacted as the Immigration Act of 1891. President Benjamin Harrison signed it into law on March 3, 1891. It established complete and definite Federal control over immigration by providing for an office of Superintendent of Immigration under the Secretary of the Treasury.

As a result of this new law, all the duties previously deferred to the States were transferred by the end of fiscal year 1891 to U.S. inspection officers and the first Federal immigration organization was established on July 12, 1891, when the Bureau of Immigration began operations in the Treasury Department. Besides its headquarters in Washington, DC, the Bureau opened 24 border inspection stations at ports of entry along both borders and in major seaports. The Marine Hospital Service began conducting medical inspections of arriving immigrants. From this early structure, the immigration side of the present Immigration and Naturalization Service [INS] evolved.

INS moved to the Department of Justice in June 1940 as a result of a reorganization plan based on concerns of national security. The transfer was meant to provide more effective control over aliens at a time when international tensions were increasing. Changes in INS enforcement priorities required closer cooperation with Federal prosecutors and the FBI.

During the past 100 years, more than 40 million immigrants of all nationalities have come to the United States. One of the few things they all did in common was to meet an officer of the Federal agency that is now known as the Immigration and Naturalization Service. This year marks the centennial of INS. It is a rare privilege to celebrate a 100th birthday, so it is fitting that we set aside a whole year as an opportunity to recall and retell the history of "A Century of Service to a Nation of Immigrants."

I urge my colleagues to join me in supporting this resolution.

I ask unanimous consent that the text of this resolution be printed at the end of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 67

Whereas during the past century the dedicated staff of the Immigration and Naturalization Service (INS) has helped millions of men, women and children from the world begin their new lives in America.

Whereas President Benjamin Harrison signed on March 3, 1891, legislation creating a National Policy welcoming immigrants to America.

Whereas the first Federal immigration organization was established on July 12, 1891, when the Bureau of Immigration began operations in the Treasury Department.

Whereas INS moved to the Department of Justice in June 1940 as a result of a reorganization plan based on concerns of National security.

Whereas the Investigation Division is the interior enforcement arm of the Immigration and Naturalization Service.

Whereas INS Special Agents both led and participated in an increasing number of multi-agency task forces focusing on aliens engaged in narcotics and immigration.

Whereas the Border Patrol ensures that the entry of persons into the United States between ports of entry is controlled in a manner consistent with the national interest as established and provided for by Congress by preventing entry without inspection as well as detecting and apprehending illegal aliens within the United States.

Whereas Border Patrol agents perform their duties along and in the vicinity of 6,000 miles of international boundary and the Gulf Coast.

Whereas the Examinations Division of INS provides services to the general public. These include inspection of citizens and aliens entering the country, processing or adjudicating applications and petitions for a variety of immigration and naturalization benefits, and outreach to ethnic and community organizations that provide assistance to immigrants.

Whereas the Office of Refugee, Asylum and Parole directs the refugee admissions program overseas, asylum processing in the United States, and the use of the parole authority of the Attorney General to admit persons to the United States without visas.

Whereas the importance of the tasks performed by INS employees and the competence with which those task are carried out are too often overlooked and forgotten.

Whereas the Congress of the United States does recognize the talents and commitment that the public servants of INS bring to their vital jobs each and everyday: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby recognizes and commemorates the centennial of the Immigration and Naturalization Service. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the centennial with appropriate ceremonies and activities from January 1, 1991 through December 31, 1991.●

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. DOLE, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 9, a bill to amend the foreign aid policy of the United States toward countries in transition from communism to democracy.

S. 50

At the request of Mr. SYMMS, the names of the Senator from Missouri [Mr. BOND], the Senator from Indiana [Mr. COATS], and the Senator from Utah [Mr. GARN] were added as cosponsors of S. 50, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 55

At the request of Mr. METZENBAUM, the names of the Senator from Oregon [Mr. PACKWOOD] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 134

At the request of Mr. THURMOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 134, a bill to establish a United States Marshals association.

S. 173

At the request of Mr. HOLLINGS, the names of the Senator from Utah [Mr. HATCH] and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 199

At the request of Mr. GLENN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 199, a bill to amend the Internal Revenue Code of 1986 to exclude from income the compensation received for active service as a member of the Armed Forces of the United States in a dangerous foreign area.

S. 232

At the request of Mr. WARNER, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Ohio [Mr. GLENN], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 232, a bill to amend title 38, United States Code, to increase the maximum amount of coverage under Servicemen's Group Life Insurance; and to direct the Secretary of Veterans Affairs to pay a death gratuity to certain survivors of members of the uniformed services who died after August 1, 1990, and before the effective date of such increase.

S. 237

At the request of Mr. NUNN, the names of the Senator from Maryland [Ms. MIKULSKI], The Senator from Hawaii [Mr. AKAKA], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 237, a bill to amend title 37, United States Code, to increase the rate of special pay for duty subject to hostile fire or imminent danger.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 242

At the request of Mr. GLENN, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 242, a bill to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by certain Government employees and for other purposes.

S. 267

At the request of Mr. REID, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Washington [Mr. GORTON], the Senator from Arizona [Mr. MCCAIN], the Senator from Hawaii [Mr. AKAKA], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 267, a bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of that State.

S. 268

At the request of Mr. PACKWOOD, the names of the Senator from Delaware [Mr. ROTH], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 268, a bill to amend the Internal Revenue Code of 1986 to authorize a deduction for the expenses of adopting a special needs child and to amend title 5, United States Code, to establish a program providing assistance to Federal employees adopting a special needs child.

S. 281

At the request of Mr. KENNEDY, the names of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 281, a bill to provide school-based education and support services and comprehensive family support services to families of members of the Armed Forces of the United States who are serving on active duty, to provide continued coverage under group health plans for the families of members of the Armed Forces serving on active duty during the Persian Gulf conflict, and for other purposes.

S. 283

At the request of Mr. KOHL, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Nevada [Mr. BRYAN], the Senator from Illinois [Mr. SIMON], the Senator from Nevada [Mr. REID], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 283, a bill to direct the Secretary of Defense to prescribe regulations with respect to the stationing of military personnel who are solely responsible for dependents at locations where facilities for dependents are not reasonably available.

S. 284

At the request of Mr. BRADLEY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 294

At the request of Mr. BUMPERS, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 294, a bill to amend the Federal Election Campaign Act to exclude from the definition of "independent expenditures" those expenditures that are not truly independent of the legislative process.

S. 308

At the request of Mr. MITCHELL, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 313

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 313, a bill to carry out obligations of the United States under the United Nations Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from a person who engages in torture or extra judicial killing.

S. 318

At the request of Mr. PACKWOOD, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 318, a bill to amend the Internal Revenue Code of 1986 to provide for employees of small employers a private retirement incentive matched by employers, and for other purposes.

S. 320

At the request of Mr. RIEGLE, the names of the Senator from Illinois [Mr. DIXON], the Senator from Tennessee [Mr. SASSER], the Senator from North Carolina [Mr. SANFORD], the Senator from Florida [Mr. GRAHAM], the Senator from Alabama [Mr. SHELBY], the Senator from Nevada [Mr. BRYAN], the Senator from Colorado [Mr. WIRTH], the Senator from Massachusetts [Mr. KERRY], the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 320, a bill to reauthorize the Export Administration Act of 1979, and for other purposes.

S. 323

At the request of Mr. CHAFEE, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 323, a bill to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes.

S. 330

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 330, a bill to amended the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38 United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

At the request of Mr. MITCHELL, the names of the Senator from Wisconsin [Mr. KASTEN], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 330, supra.

S. 334

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 334, a bill to provide child care services to families of members of the Armed Forces of the United States who are serving on active duty, to provide eligibility for certain health benefits for members who are released from active duty in connection with the Persian Gulf conflict, and for other purposes.

S. 335

At the request of Mr. KENNEDY, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Maine [Mr. COHEN], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 335, a bill to provide relief for active duty military personnel serving in connection with Operation Desert Storm on obligations under the Robert T. Stafford Student Loan Program, to alleviate health care provider shortages resulting from hostilities, and for other purposes.

S. 336

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 336, a bill to amend chapter 43 of title 38, United States Code, to clarify and improve reemployment rights and benefits for certain inductees and veterans, and for other purposes.

S. 349

At the request of Mr. BUMPERS, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such act, and for other purposes.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 50

At the request of Mr. BRADLEY, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. LEVIN], the Senator from Georgia [Mr. NUNN], the Senator from North Carolina [Mr. SANFORD], the Senator from Alabama [Mr. SHELBY], the Senator from Kentucky [Mr. FORD], the Senator from Massachusetts [Mr. KERRY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Missouri [Mr. DANFORTH], the Senator from Alaska [Mr. STEVENS], the Senator from Virginia [Mr. WARNER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Maryland [Mr. SARBANES], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate April 6, 1991, as "National Student-Athlete Day".

SENATE JOINT RESOLUTION 52

At the request of Mr. DECONCINI, the names of the Senator from Wyoming [Mr. WALLOP], the Senator from Utah [Mr. GARN], the Senator from Illinois [Mr. DIXON], the Senator from Michigan [Mr. RIEGLE], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 52, a joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 53

At the request of Mr. GRAHAM, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 53, a joint resolution to designate April 9, 1991 and April 9, 1992, as "National Former Prisoner of War Recognition Day."

SENATE JOINT RESOLUTION 56

At the request of Mr. KASTEN, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Mississippi [Mr. COCHRAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Arkansas [Mr. PRYOR], the Senator from Missouri [Mr. BOND], the Senator from Tennessee [Mr. GORE], the Senator from Oregon [Mr. HATFIELD], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Vermont [Mr. LEAHY], the Senator from South Carolina [Mr. THURMOND], the Senator from Maryland [Mr. SARBANES], the Senator from Washington [Mr. GORTON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], the Senator from Vermont [Mr. JEFFORDS], the Senator from Virginia [Mr. ROBB], the Senator from Alaska [Mr. STEVENS], the Senator from North Carolina [Mr. HELMS], the Senator from Hawaii [Mr. AKAKA], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Rhode Island [Mr. PELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Georgia [Mr. NUNN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New York [Mr. D'AMATO], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Florida [Mr. GRAHAM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Utah [Mr. HATCH], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Louisiana [Mr. BREAUX], and the Senator from Connecticut [Mr. DODD], were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate the period commencing March 10, 1991 and ending on March 16, 1991, as "Deaf Awareness Week."

SENATE JOINT RESOLUTION 59

At the request of Mr. SPECTER, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Idaho [Mr. CRAIG], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oregon [Mr. PACKWOOD], the Senator from South Dakota [Mr. PRESSLER], the Senator from Delaware [Mr. ROTH], the Senator from New Hampshire [Mr. RUDMAN], the Senator from South Carolina [Mr. THURMOND], the Senator from Washington [Mr. ADAMS], the Senator from Hawaii [Mr. AKAKA], the Senator from Texas [Mr. BENTSEN], the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Nevada [Mr. BRYAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Ohio [Mr. GLENN], the Senator from Florida [Mr. GRAHAM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Virginia [Mr. ROBB], the Senator from Maryland [Mr. SARBANES], the Senator from Alabama [Mr. SHELBY], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S.J. Res. 59, a joint resolution designating March 25, 1991, as "Greek Independence Day; a National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 64

At the request of Mr. BRADLEY, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Nevada [Mr. BRYAN], the Senator from Nebraska [Mr. KERREY], the Senator from Michigan [Mr. RIEGLE], the Senator from Tennessee [Mr. SASSER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Missouri [Mr. BOND], the Senator from Delaware [Mr. ROTH], the Senator from Idaho [Mr. SYMMS], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Joint Resolution 64, a joint resolution to authorize the President to proclaim the last Friday of April as "National Arbor Day."

SENATE CONCURRENT RESOLUTION 11—ESTABLISHING THE ALBERT EINSTEIN CONGRESSIONAL FELLOWSHIP PROGRAM

Mr. HATFIELD submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 11

Whereas a need exists to facilitate understanding, communication, and cooperation between Congress and the science education community;

Whereas the science education community includes a cadre of nationally recognized outstanding secondary school science and mathematics teachers; and

Whereas secondary school science and mathematics teachers can provide insight into educational programs that work effectively: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. FELLOWSHIP PROGRAM.

(a) IN GENERAL.—The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized to enter into an agreement with the Triangle Coalition for Science and Technology Education to establish an Albert Einstein Congressional Fellowship Program (referred to in this concurrent resolution as the "fellowship program", which provides for each fiscal year, beginning with fiscal year 1991, two fellowships within the House of Representatives (referred to in this concurrent resolution as the "House fellowships") and two fellowships within the Senate (referred to in this concurrent resolution as the "Senate fellowships").

(b) RESPONSIBILITIES.—The Speaker of the House of Representatives and the President pro tempore of the Senate may enter into the agreement described in subsection (a), and fund fellowships as specified in section 4(a), only if the Triangle Coalition for Science and Technology Education—

(1) undertakes the application responsibilities referred to in section 2(a);

(2) participates in the evaluation referred to in section 3; and

(3) provides the funding for administration and evaluation costs referred to in section 4(b).

SEC. 2. SELECTION PROCESS.

(a) APPLICATION.—The Triangle Coalition for Science and Technology Education shall—

(1) publicize the fellowship program;

(2) develop and administer an application process; and

(3) conduct an initial screening of applicants for the fellowship program.

(b) SELECTION.—

(1) HOUSE FELLOWSHIPS.—The Speaker and the Minority Leader of the House of Representatives, in consultation with the chairmen and ranking minority party members of the Committee on Education and Labor of the House of Representatives and the Committee on Science, Space, and Technology of the House of Representatives, shall each select one of the recipients of the House fellowships.

(2) SENATE FELLOWSHIPS.—The President pro tempore and the Minority Leader of the Senate, in consultation with the chairmen and ranking minority party members of the Committee on Labor and Human Resources of the Senate and the Committee on Commerce, Science, and Transportation of the Senate, shall each select one of the recipients of the Senate fellowships.

(c) PLACEMENT OF FELLOWSHIPS.—

(1) HOUSE FELLOWSHIPS.—The Speaker of the House of Representatives, in consultation with the Members referred to in subsection (b)(1), may place one fellowship recipient on the staff of the Committee on Education and Labor of the House of Representatives, and one recipient on the staff of the Committee on Science, Space, and Technology of the House of Representatives. Either or both of these recipients may instead serve on the personal staff of a member of the House of Representatives.

(2) SENATE FELLOWSHIPS.—The President pro tempore of the Senate, in consultation with the Members referred to in subsection (b)(2), may place one fellowship recipient on the staff of the Committee on Labor and Human Resources, and one recipient on the staff of the Committee on Commerce, Science, and Transportation. Either or both of these recipients may instead serve on the personal staff of a member of the Senate.

(d) ELIGIBLE RECIPIENTS.—Recipients shall be selected from a pool of nationally recognized outstanding secondary school science and mathematics teachers. The pool shall include teachers who have received Presidential Awards for Excellence in Science and Mathematics Teaching, as established by section 117(a) of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1881b), or other similar recognition of skills, experience, and ability as science or mathematics teachers.

(e) COMPENSATION.—

(1) HOUSE FELLOWSHIPS.—The Speaker of the House of Representatives shall fix the compensation of each recipient of a House fellowship.

(2) SENATE FELLOWSHIPS.—The President pro tempore of the Senate shall fix the compensation of each recipient of a Senate fellowship.

(f) LENGTH OF TERM.—Each fellowship recipient shall serve for a period of up to 1 year.

SEC. 3. EVALUATION.

The Chairman of each committee referred to in section 2(b) and the Executive Director of the Triangle Coalition for Science and Technology Education shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, as appropriate, an annual report evaluating the fellowship program, and shall make recommendations concerning the continuation of the program.

SEC. 4. FUNDING.

(a) FELLOWSHIPS.—

(1) HOUSE FELLOWSHIPS.—For fiscal years 1991 and 1992, the funds necessary to provide any House fellowship shall be paid from the contingent fund of the House of Representatives, but not to exceed a total of $40,000 in fiscal year 1991 and $42,500 in fiscal year 1992 for the House fellowships.

(2) SENATE FELLOWSHIPS.—For fiscal years 1991 and 1992, the funds necessary to provide any Senate fellowships shall be paid from the contingent fund of the Senate, but not to exceed a total of $40,000 in fiscal year 1991 and $42,500 in fiscal year 1992 for the Senate fellowships.

(b) ADMINISTRATION AND EVALUATION.—The Triangle Coalition for Science and Technology Education shall provide the funds necessary for the administration of the fellowship program and for the evaluation referred to in section 3.

• Mr. HATFIELD. Mr. President, Senate Concurrent Resolution 11 establishes the Albert Einstein Congressional Fellowship Program to honor secondary teachers of mathematics and science. This legislation provides for fellowships in the Senate and the House of Representatives for each fiscal years 1991 and 1992. Each year, two mathematics and two science teachers will serve on congressional committees or on personal staffs of Members to work on science and education issues.

Mr. President, my colleagues are aware of my deep concern for the improvement of mathematics and science education. I have sponsored and supported many legislative efforts with this focus over the past 4 years. Throughout this time, however, I have become increasingly concerned that the actions we take at the Federal level must be responsive to and consistent with the realities at the school level.

It is our responsibility to promote communication, cooperation, and understanding between the science education community and the Federal Government.

School-based educators possess knowledge from which Congress should draw. In addition to teachers' insights on program effectiveness, we need their experience on what works with students in classrooms and among teachers in professional development. We can benefit from their perspective on policies that promote progress toward the national goals related to mathematics and science education.

Mr. President, the Senate approved this resolution last fall but a number of issues prevented action in the House.

The Triangle Coalition for Science and Technology Education implemented its Congressional Fellowship Program last September with the hope that its first four participants would be named Einstein Congressional Fellows. I recognize the pioneering work of the Triangle Coalition and ask the Senate to support the Einstein Program in the 1991 and 1992 fiscal years while permanent funding is sought.

The funds provided in this resolution are intended solely to augment the salaries of the Albert Einstein Congressional Fellows. The Triangle Coalition has been awarded a foundation grant for program costs and partial salaries for the fellows.

The Albert Einstein Congressional Fellowship Program has the strong support of the National Science Teachers Association and the National Council of Teachers of Mathematics. I urge my colleagues in the Senate to endorse the active participation of secondary teachers in legislative activities in the Congress.•

SENATE RESOLUTION 49—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 49

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $3,647,497, of which amount not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $3,777,700, of which amount not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 50—COMMENDING DAVID BAUMEISTER FOR HIS LIFETIME OF COMMUNITY SERVICE

Mr. STEVENS submitted the following resolution; which was considered and agreed to:

S. RES. 50

Whereas the programs which do the most to define the character of any community are made possible through the commitment and resourcefulness of volunteers;

Whereas volunteerism is particularly important to the success of organized athletics for young people as well as to amateur athletics;

Whereas David Baumeister, born February 19, 1944, served his country as an Army helicopter pilot, including service in Vietnam, before becoming a commercial helicopter pilot;

Whereas he has resided in Anchorage, Alaska, since 1969;

Whereas Mr. Baumeister has established himself as a leader in Alaska's business community during a successful career in aviation, first as a helicopter pilot, then working his way up and ultimately becoming president of his firm in 1984;

Whereas, while achieving success in business, he has also been selfless in committing himself to community service in many forms, including several programs for the benefit of Anchorage's youths;

Whereas Mr. Baumeister has served on the board of directors of the Anchorage Boys Club, the Board of Junior Achievement of Alaska and is the current president of the Anchorage Hockey Referee Association;

Whereas he has served as president of the Anchorage Olympic organizing Committee, which led successful efforts to name Anchorage as the United States' candidate for the site of the 1992 and 1994 winter Olympic games; and

Whereas Mr. Baumeister's a contributions have improved the lives of the residents of Anchorage and helped to establish the international caliber of winter sports in Alaska: Now, therefore be it

Resolved, That the Senate of the United States commends David Baumeister for a lifetime of contributions in business and community service which have set an example for the people of Alaska and of the nation.

SENATE RESOLUTION 51—RELATIVE TO POLITICAL PRISONERS IN VIETNAM

Mr. KENNEDY (for himself, Mr. DOLE, Mr. PELL, Mr. SIMPSON, Mr. LUGAR, Mr. MCCAIN, and Mr. PACKWOOD) submitted the following resolution; which was considered and agreed to:

S. RES. 51

Whereas almost 16 years have passed since the end of the Vietnam war;

Whereas the Senate, in a resolution adopted on May 1, 1987, called upon the Government of the Socialist Republic of Vietnam to "release the remaining prisoners held as a result of their previous association with the Government of South Vietnam prior to 1975" and to permit prisoners to join their families abroad;

Whereas during the past three years the Government of the Socialist Republic of Vietnam has released significant numbers of political prisoners from "re-education camps" and has permitted many former prisoners to join their families abroad; and

Whereas at least 150 officials of the former Government of South Vietnam nonetheless remain in "re-education camps" in Vietnam, and thousands of former prisoners still have been unable to reunite with their families in the United States and elsewhere: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of the Socialist Republic of Vietnam should continue to release the remaining political prisoners held as a result of their previous association with the Government of South Vietnam prior to 1975;

(2) the Government of the Socialist Republic of Vietnam should permit the expeditious departure of those former prisoners wishing to depart Vietnam; and

(3) the President and the Secretary of State should continue to give highest priority to efforts to speed and facilitate the reunion of former prisoners with their families in the United States.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

SENATE RESOLUTION 52—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS, from the Committee on Small Business, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 52

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent funds of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $1,094,447, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March, 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $1,134,791, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but no later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for payment of stationery supplies purchased through the Keeper of Stationery, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, February 6, 1991, at 10:30 a.m., for a hearing on the nomination of Andrew Lamar Alexander, to be Secretary of the U.S. Department of Education.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 6, 1991, at 10:15 a.m., to hold a hearing on the prospect of free trade negotiations with Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session during the session of the Senate on Wednesday, February 6, 1991, at 2 p.m., to consider the nomination of Robert W. Gambino, to be Director of Selective Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GOVERNOR DECLARES FEBRUARY FLORIDA GRAPEFRUIT MONTH

• Mr. GRAHAM. Mr. President, I rise today to remark upon a recent proclamation issued by the new Governor of Florida, Lawton Chiles, declaring February Florida Grapefruit Month. Governor Chiles had good reason to honor Florida grapefruit. For more than 75 years, Florida has been producing grapefruit; in fact, this year, our State will grow more than 50 percent of the world's grapefruit. That translates into more than 4 billion pounds from over 11 million grapefruit trees on 125,000 acres of Florida land.

The economic impact of grapefruit and the Florida citrus crop will exceed $8 billion this year. More than 144,000 individuals will be employed by the industry. And Florida grapefruit exports are helping our balance of trade with many countries, but particularly in the Pacific rim where Florida grapefruit is prized for its superior quality and flavor.

Mr. President, Florida grapefruit is easy to eat, tastes great, supplies 100 percent of the United States recommended daily allowance for vitamin

C, and is a good source of vitamin A, potassium, folic acid, and dietary fiber. Given the importance of the grapefruit crop to Florida and the United States, I ask my colleagues to join me in saluting Florida's citrus industry and the world's finest grapefruit.•

TO PROHIBIT HIRING OF PERMANENT REPLACEMENT WORKERS—S. 55

• Mr. PACKWOOD. Mr. President, I rise today in support of S. 55, a bill to prohibit employers from hiring permanent replacement workers during a strike.

During the past year, I received a number of calls and letters from Oregonians urging me to cosponsor S. 55. In fact, many workers from back home came to Washington to convey how critically important this bill is to the labor community in Oregon. Employees in Oregon and across the country are concerned that if this bill fails to pass, any leverage labor has during negotiations with management will be undermined. I know from personal experience how labor negotiations work, and share their concerns.

Prior to being elected to the U.S. Senate, I worked for a law firm in Portland that specialized in labor/management disputes. During the negotiations, I had many opportunities to get to know labor leaders on a personal as well as professional level. It was not uncommon for us to get together for a beer after a hard day of negotiations. It was here that I learned the most about what is important to the labor movement.

Good faith negotiations were always important in my job. If you were fair, you were well respected—no matter on which side of the negotiating table you sat.

The many businesses who act in good faith now, will have little difficulty complying with this legislation. Rather, this bill targets the bad apples out there, whose unscrupulous behavior seeks to undermine labor's strength—it is these employers who will feel the effects of the new law.

Labor law guarantees that an employee has the right to withhold his or her labor to demand increased wages, benefits, or conditions. When an employer threatens to hire permanent replacement workers, this undermines the one bargaining chip with which unions have to negotiate. All too often, the hiring of permanent replacement workers becomes the focal point during negotiations, not the increased wages or benefits that were originally the cause of the labor dispute in the first place.

In many areas around my State, the mill or the factory is the town's main employer. The whole community's livelihood focuses on that mill or factory. Hiring replacement workers is no longer just a business decision, it is a slap in the face of those workers who put their blood, sweat, and tears into that mill or factory. No out-of-town or out-of-State replacement worker can match that dedication.

So, Mr. President, as we recognize those men and women who are serving our country in the Persian Gulf, let us take this opportunity to also recognize the dedicated mill workers, factory workers, and other laborers who struggle daily to make a living.

A vote in support of this legislation is a vote in support of our Nation's labor force.•

THE WOMEN'S BUSINESS BANK LOAN PROGRAM

• Mr. DIXON. Mr. President, I rise today to give recognition to a women's entrepreneurial and financial assistance program in my State, the Women's Business Bank Loan Program. The Women's Business Development Center, and several banks and foundations have embarked on a public-private partnership to assist the business activities of women.

While women own 31 percent of all nonfarm proprietorships in the United States, they generate only 13 percent of all revenues. One of the reasons behind this discrepancy is the inability of women owned companies to borrow the necessary money to expand.

Financial institutions prefer to make loans to businesses with sufficient collateral in the form of real estate or marketable securities. The assets of service businesses are people, contracts, and good will—not brick and mortar. Nationwide, 55 percent of women owned businesses are in the service sector. In Chicago, the statistics for women owned businesses in the personal and business service area is over 70 percent.

This loan program addresses the problem of insufficient collateral by creating a $100,000 collateral pool funded by foundations. The Women's Business Bank Loan Program provides the necessary money for growth. While this program cannot help all women owned businesses nationwide, I hope it will provide a model for other States.

The loan program is a revolving guaranteed loan fund, backed by a collateral pool that will reduce a bank's risk when making unsecured loans to women business owners. Currently, the Northern Trust Co., the Harris Bank, and the First National Bank of Chicago have made a $1,100,000 line of credit available. This is backed by a $100,000 collateral pool funded with contributions from the Amoco Fund for Neighborhood Economies and the Chicago Community Trust. Participation by more banks and foundations is being sought.

These financial institutions and foundations in my State deserve special recognition for having the foresight and confidence to invest in their community. This program is by no means charity. It is a prime example of an intelligent and effective response to the needs of growing businesses owned by women. This solution is a concrete example of a community's creative and innovative approach to solving a national problem.•

UTAH DENTAL ASSOCIATION 100 YEARS OF EXCELLENCE

• Mr. HATCH. Mr. President, I rise to recognize the 100th anniversary of the Utah Dental Association. On Friday, February 8, 1991, the Utah Dental Association will gather in Salt Lake City to honor a century of excellence.

It has been said that dentistry in Utah experienced the same pioneer beginnings as the Utah people. It began in quite a limited form in 1847, when a blacksmith and a barber possessed the same extracting tool and were able to extract a sore tooth.

However, dentistry has experienced tremendous growth and advancement since the first dentist, Dr. Alexander Neibaur, came to Utah. He earned his dentistry degree from the University of Berlin before the age of 23 and immigrated to America in 1841. Soon after arriving in America, he traveled west and practiced dentistry whenever possible. Dr. Neibaur had about 150 patients in Utah, including Brigham Young, the president of the Church of Jesus Christ of Latter-Day Saints. During Dr. Neibaur's practice, cavities in decaying teeth were cleaned with picks and filled with alum and borax, then sealed over with beeswax. The only anesthetic used was laudanum.

The first woman dentist in the State of Utah, Dr. Rose Ellen Bywater Valentine, recalls the procedure to prepare a tooth for extraction when she first trained under Dr. L.H. Berg.

> * * * Before things got to the pulling stage, the tooth was doctored with crushed cloves, or with oil of cloves put on a piece of cotton and (tamped) firmly into the cavity. * * * One old dental book prescribed chewing the root of a Blue Flag flower for relief.

Dr. Bywater practiced dentistry from 1903 until 1960.

Since its pioneer beginnings, the Utah Dental Association has striven to provide leadership in maintaining high quality care and professionalism. It has made major contributions to society through service to its fellow citizens, as well as being active in civic affairs.

Under the leadership of Monte Thompson, the executive director, the Utah Dental Association promotes continuing excellence in dentistry and is highly involved in directing public policy. Ninety presidents have led the association over its 100 years, and all have assisted the association in developing into an accomplished service organization.

I applaud the Utah Dental Association for its efforts and outstanding accomplishments, and we welcome the next 100 years of professional and caring service.●

THE MYTH OF LINKAGE: WHY THE GULF CRISIS IS UNRELATED TO THE PALESTINIAN ISSUE

● Mr. PACKWOOD. Mr. President, a critical factor in the current Middle East crisis has been the efforts of Saddam Hussein, the PLO, and other Arab extremists to create a kind of moral and political equivalence between Iraq's barbarous occupation of Kuwait and the issue of the Palestinians in the West Bank and Gaza. In fact, no such connection exists, and President Bush and his administration have made clear that any attempt to link these two issues is artificial and unacceptable to the United States. Nevertheless, confusion persists in some quarters about the fundamental differences between these two situations. I was pleased, therefore, to receive recently a pamphlet produced by the Anti-Defamation League of B'nai B'rith about this issue. Entitled "The Myth of Linkage: Why the Gulf Crisis is Unrelated to the Palestinian Issue," the pamphlet addresses this question in a clear, persuasive fashion. I commend it to my colleagues and request that the text be included in the RECORD.

The text follows:

In August 1990, Iraqi leader Saddam Hussein shocked the international community with his brutal invasion, occupation and annexation of his neighboring Arab country Kuwait. As the crisis continues to unfold, Iraqi aggression has had a major impact on the Middle East. In particular, it has highlighted the instability, volatility and dangers inherent in the region.

At the same time, however, detractors of Israel abroad and at home have tried to divert attention from the Gulf crisis as part of an ongoing effort to change American public opinion toward the Jewish state. Discussions equating Saddam Hussein's occupation of Kuwait with Israel's occupation of the West Bank and Gaza and proposals to link the resolution of the Gulf crisis to the Israeli-Palestinian conflict, for example, have served to confuse some of the fundamental issues surrounding the Arab-Israeli conflict and its Palestinian-Israeli dimension.

As Israel's struggle to balance its security needs and its desire for peace and accommodation with its neighbors continues, it is important to remember that the basic facts of the Arab-Israeli conflict remain the same. The talking points that follow have been prepared for the purpose of clarification of these important issues.

Is Israel's occupation of the West Bank and Gaza analogous to Iraq's occupation of Kuwait?

There are very real differences between the two situations. The first is how they came about. Israel came into possession of the West Bank, Gaza, the Golan Heights and the Sinai as a result of war fought in self-defense in 1967. Egypt and Syria took active steps of aggression against Israel, threatening its very existence. Jordan entered the fray soon thereafter despite its initial commitment to stay out. Iraq, on the other hand, seized Kuwait in August 1990 is as clear an act of unprovoked aggression as any since Hitler's march through Europe.

Second, Israel made it clear soon after gaining control of the territories that the future of the areas could be negotiated among the parties. And indeed, when one party, Egypt, finally was ready to end its war against Israel, peace was achieved and Israel turned over the Sini peninsula to Egypt. In contrast, Baghdad has made clear its intentions not only through its aggression but by its immediate declaration that Iraq had annexed Kuwait and that, in fact, Kuwait had ceased to exist.

The difference between the situations in the West Bank and Gaza and that in Iraq is highlighted by the way the United Nations approached each in its early stage. In the case of Israel, UN Resolution 242 recognized that Israel was in the territories as a result of a war forced upon it by hostile neighboring states. The resolution, therefore, legitimized Israel's presence in the areas until the Arabs made peace. On the other hand, in the case of Iraq's invasion, there was absolutely no legitimacy granted to its action by the UN body. Instead, the UN condemned Iraq and instituted sanctions, adopted unanimously by the Security Council, to enforce a unilateral Iraqi withdrawal from Kuwait.

Ironically, if there is any real connection to be drawn between Iraq's devastation of Kuwait and Israel, it is that what Iraq has inflicted on Kuwait is precisely what the Arab world has been seeking to do to Israel for the past 43 years.

Should the resolution of the Gulf crisis be linked to a resolution of the Palestinian situation as Saddam Hussein has proposed?

The crisis in the Gulf is totally separate from the historical conflict between Israel, the Palestinians and the larger Arab world. Saddam Hussein's actions and anti-Israel rhetoric have played upon nationalist sentiment to win him widespread support among the Palestinian and Jordanian populations. However, this very behavior has been flatly rejected as a diversionary tactic by most members of the U.S.-led coalition opposing Iraq. In fact, Arab members of the coalition—including Syria, Israel's fiercest opponent in the Arab-Israeli conflict—have been among the most outspoken critics of Hussein's attempt to link the Palestinian issue with events in the Gulf.

Speaking in Washington on November 5, for example, Kuwait's Ambassador to the U.S., Sheik Saud Nassir Al-Sabah, stated that Kuwait sees "no linkage whatsoever between these crises. And if anyone for that reason—if anyone thinks that Saddam Hussein is caring for the interests of the Palestinian people or the Lebanese by invading and killing their brothers in Kuwait [he or she] is completely mistaken because that's not really the issue here . . . any attempt to link it is doomed to failure. It's not just detrimental to our cause—[it's] detrimental even to other people's causes when such a person tries to use this as a ploy in order to justify his occupation of a country."

Would the resolution of the Palestinian and Arab conflicts with Israel necessarily result in peace in the Middle East?

Following numerous regional struggles which have taken place over many decades, the current crisis in the Gulf clearly demonstrates that armed conflict and civil strife would continue unabated in the Middle East even if the Palestinian and larger Arab-Israeli conflicts were resolved.

The real obstacle to peace in the region is the behavior of many Arab states. The undemocratic, indeed dictatorial, nature of their regimes, the brutal treatment of their own citizens, their refusal to recognize and end the state of war with Israel, and—as demonstrated most flagrantly by Iraq's occupation of Kuwait—their failure to respect the territorial integrity of neighboring states, pose a continuing threat to regional stability which has nothing at all to do with Israel.

Is the Palestinian issue the major cause of the Arab-Israeli conflict?

The Palestinian issue is not the cause of the Arab-Israeli conflict. In reality, the plight of the Palestinians is to a great extent the result, not the cause, of the larger Arab dispute with Israel. Specifically, the real source of the Palestinian plight lies in the refusal of the Arab states to recognize Israel's right to exist as a sovereign Jewish state in the Middle East. Since Israel's inception, all Arab governments excepting Egypt have consistently chosen war over peace and rejection over acceptance of the Jewish state.

Unfortunately, it is the Palestinian people who have suffered most as a result of this policy. It was the Arab governments, not the Jewish leadership, that rejected the 1947 U.N. Partition Plan calling for two states—one Arab, one Jewish—in mandatory Palestine. During the 19 years of Jordanian and Egyptian rule over the West Bank and Gaza, no move was made by those governments or by the Palestinians themselves to establish a Palestinian state. And, if the Arab states and the PLO had not rejected the Camp David option, Palestinians today could be enjoying autonomy or even more if during the first years of autonomy they had demonstrated peaceful intentions toward Israel. Unfortunately, so long as the Arab states, because of their unwillingness to come to terms with Israel, continue to say "no" to Israel, they will also be saying "no" to those in Israel seeking negotiation and to Palestinian hopes for political satisfaction.

Why do Israel and the U.S. oppose the creation of a Palestinian state?

The final status of the West Bank and Gaza is an open question which can only be resolved through direct negotiations among the parties to the conflict themselves. In order for there to be real peace, Israelis and Palestinians must sit down together and engage in direct negotiations. Successive American administrations have realized that outside parties such as the United States cannot rightfully dictate to those whose lives are on the line whether or not a state should be established. What we should do, however, is to continue to play the role of coach, urging forward the process toward direct negotiations and peace. Toward that end, Israel has taken an important step in its May 1989 peace plan which calls for talks between Israel and the Arab states at war with her, free elections in the West Bank and Gaza and for direct negotiations between Israel and the Palestinian representatives so elected.

Creating a Palestinian state would not automatically result in an end to the conflict between the Arab states and Israel. The Israeli-Palestinian dispute is only one aspect of the larger Arab-Israeli conflict. With the exception of Egypt, every Arab country remains in a formal state of war with Israel. In this hostile environment, a newly formed Palestinan Arab state is likely to be drawn into, if not the base for, future confrontations with Israel.

Israel's opposition to the creation of a Palestinian state on its doorstep is based on legitimate concerns for its security and very survival, not, as its detractors would claim, on a desire to repress another people. Although in December 1988 Yasir Arafat articulated the key words required by Washington for a U.S.-PLO dialogue, these words have not been translated into moderate behavior toward Israel. The PLO continues to orchestrate and conduct violent activity against Israeli targets, and the call for Israel's destruction contained in the organization's founding charter (the Palestine National Covenant), remains intact. Most recently, the PLO has rallied around Saddam Hussein in support of the Iraqi leader's aggressive stance against Israel and the West. It is understandable, therefore, that Israel fears that a PLO-led state on its border would become a base for terrorist operations into Israel and a threat to its security.

Many military and strategic analysts in the United States and Israel have determined that a Palestinian state on Israel's doorstep would weaken its ability to defend itself while yielding the strategic advantage to those who seek its destabilization. Such a state would have a dramatic effect on Israel's defense capabilities, reducing the country's operational borders to a mere nine to fifteen miles in width. Additionally, a Palestinian state in the territories would deprive Israel to a significant degree of the defensible space necessary to offset the vast quantitative superiority of the surrounding enemy Arab states.

What is the West Bank and why is Israel involved there at all?

The territory which in recent years has come to be known as the West Bank was the heart of ancient Israel and the site of many significant events in Jewish history. In ancient times, the area was known as Judea and Samaria; in fact, it was identified as such throughout the British Mandate and by the United Nations until the area's capture by Jordan in 1948.

In the ninth century B.C.E. Samaria was the capital of the Israelite Kingdom. Since that time, like Gaza, the West Bank has been occupied territory. The Romans were the first to capture the area as part of their conquest of Israel in approximately 130 C.E. In an attempt to remove signs of a Jewish connection to the land, the Romans expelled a majority of the Jewish population and changed the name of Israel to Palestine. The area was later ruled for 400 years by the Ottomans and then by Britain under a mandate from the United Nations following the defeat of the Turkish Empire.

In 1947, while the Mandate was still in effect, the United Nations proposed a plan to partition Palestine into two States—one Jewish and one Arab. The proposed Arab state of Palestine was to include the West Bank. But the Arab states rejected the compromise plan and upon the British withdrawal from Palestine in 1948 attacked the new-born state of Israel. In the fighting that ensued, Jordan occupied the West Bank. The area remained under Jordanian rule for 19 years until 1967 when Israel repelled invading Jordanian forces and thus gained control of the territory.

Immediately following its occupation of the area, Jordan renamed the territory as the West Bank, thereby minimizing the Jewish association with the land which the names Judea and Samaria evoked. Two years later, in 1950, Jordan annexed the territory, a move which elicited international condemnation—the Arab world included—and was recognized by Britain and Pakistan alone. Throughout Jordanian rule, Jews were denied the right to live in the area or to visit their holy sites.

During the 19 years in which Jordan ruled the area, the West Bank, along with the Gaza Strip, served as a base for terrorist operations into Israel. Moreover, throughout that period, Jordan used the Palestinian population as a weapon with which to continue the Arab war against Israel; never was an effort made by Jordan (or by Egypt, which occupied Gaza), to create an independent Palestinian state. Jordan also neglected the territory in terms of economic and agricultural development, pouring all its resources and revenue into the development of the East Bank and leaving its West Bank citizens with scarce economic, agricultural and educational opportunities.

Israel remains in the West Bank today because in many ways the realities that led to the 1967 Arab-Israeli war remain unchanged. At the war's end, Israel signalled to the Arab world its readiness to negotiate with the Arab states for genuine peace. Three months later, at an Arab Summit meeting in Khartoum, the Arab states issued their response in the form of the "three nos": "no peace with Israel, no negotiations with Israel, no recognition of Israel."

Today, 20 of the 21 Arab states remain in a formal state of war with Israel and despite Yasir Arafat's December 1988 declaration accepting the Jewish state and renouncing terrorism, PLO violence against Israeli targets—civilian as well as military—has continued and the call for Israel's destruction contained in the organization's founding charter stands intact. Thus, Israel has remained in the West Bank these 23 years, not because of expansionist motivations attributed to it by its detractors, but because of legitimate security concerns.

Were Israel to unilaterally withdraw from the West Bank tomorrow, it would be leaving itself highly vulnerable to the threat of increased terrorism and military attack. Without the West Bank as a strategic buffer, Israel's border would shrink back to a mere 9 to 14 miles in width. Furthermore, it can be assumed that were Israeli forces to leave the West Bank, a PLO-led state would ultimately be established. Given the hostile environment in which the Jewish state exists, Israel fears that such an entity would become a base for terrorist operations and a serious security threat. Israel's May 1989 peace plan attempts to deal with these concerns. By calling for local Palestinian elections to be followed by direct negotiations to determine the future of the areas, the Israeli plan allows for confidence building on both sides. Moreover, if the local Palestinian leadership accepts the plan, West Bank and Gaza residents will be the first Arabs in the Middle East outside of Israel to cast a truly free vote toward determining their own political future.

What is the Gaza Strip and why is Israel involved there at all?

Gaza is a narrow strip of territory located between the Sinai Peninsula and the state of Israel, measuring approximately 45 miles in length and ranging from five to ten miles in width.

Gaza has been occupied territory throughout history. Ruled first for 400 years by the Ottoman Empire, then by Britain under the mandate and Egypt before Israel, Gaza has long been referred to as the "forgotten" or "unwanted" territory.

Along with the West Bank, Gaza was to have been part of an independent Palestinian Arab state under the 1947 United Nations Partition Plan which proposed the division of Palestine into two states—one Jewish, one Arab. The plan was accepted by the Zionist leadership who proclaimed the independent state of Israel in May 1948. Had the Arabs also accepted the plan, the Palestinian Arab state would now be entering its 42nd year of independence. But the Arab leadership rejected the plan, favoring war with Israel over compromise. As a consequence of that war, Gaza, which could have become part of Arab Palestine, was seized by Egypt and remained under a harsh Egyptian occupation for the next 19 years.

Thoughout that period, Gazan residents lived under a tight Egyptian reign. Egyptian President Nasser refused to resettle the refugees or to permit their participation in Egypt's educational and economic systems. Claiming instead that Palestinian absorption into Egypt would detract from the Palestinian struggle for a homeland, he left Gaza largely underdeveloped. Its residents, moreover, were kept in squalid, exceptionally crowded conditions, restless and ready to serve as pawns in the Arabs continued war against Israel.

Israel did not acquire the Gaza Strip because of expansionist motivations as many of its detractors have charged. Rather, Israel gained control of Gaza as well as the West Bank in a defensive move in June 1967 during the Arab-initiated Six Day War. Israel had hoped that its administration of the areas would be temporary and shortly after the fighting ended Jerusalem signalled its willingness to negotiate the future of the territories. Unfortunately, in the 23 years since the Six Day War, not one Arab state has indicated an interest in joining in talks on Gaza's behalf. Israeli efforts to conduct talks with freely elected Gazan leaders, as called for in its May 1989 peace initiative, have also met with a negative response.

How have the Palestinian Arabs and the PLO reacted to the Iraqi invasion of Kuwait?

Many Palestinians in the territories and the PLO have fervently rallied around Saddam Hussein, hailing him as a modern hero. In the first days of the invasion, PLO chairman Yasir Arafat was photographed in a warm embrace with Saddam Hussein and the leadership of the *intifada* in the territories sent a congratulatory telegram to the Iraqi president. According to an Egyptian report, the telegram referred to the Iraqi invasion as "the first step toward the liberation of Palestine."

Public opinion polls taken in the territories in August 1990 indicated that 80 percent of Palestinians supported the Iraqi tyrant. West Bank journalist Daoud Kuttab explained: "On every level, on every side among the Palestinians, there is unprecedented support for Iraq and opposition to the Americans. Everyone is joining together—Islamic fundamentalist, leftists, nationalists, country people from the villages, Christians, regular Moslems. Every Palestinian is united."

Expressing this support, Palestinians have engaged in dozens of demonstrations and marches throughout the territories. In August, in the West Bank town of Jenin, 1000 Palestinians marched to the slogan, "Saddam, you hero, attack Israel with chemical weapons." At another virulent pro-Iraqi march in Nablus, demonstrators shouted: "We are with you Saddam. Abu Ammar [Arafat] give us guns and machine-guns and we will redeem you Saddam in spirit and in blood."

Although some PLO officials have stated that they do not support Iraq's occupation of Kuwait, they have refused to condemn the Iraqi leader. According to Muhammad Milhem, senior aide to Arafat and a member of the PLO Executive Committee, "Saddam Hussein is our national hero." Palestine Liberation Front head Abu Abbas, mastermind of the Achille Lauro incident and the foiled seaborne massacre on Israeli beaches in May 1990, stated of Saddam, "We strongly support him in his pan-Arab battle and consequently, we will do our duty to support him in this battle."

Palestinians in the territories belonging to the Popular Struggle Front (a PLO-affiliated Palestinian action) issued a leaflet addressed to Saddam Hussein saying: "Greetings from Palestine, the *intifada* and the stones of the children . . . We are very much concerned by the situation fabricated by the imperialists preparing aggression against our brother country Iraq to end its national policy and effective Arab solidarity against imperialism, Zionism and Zionist interests. Brother revolutionary, we in the Popular Struggle Front in the State of Palestine support you and back your unification policy based on Arab nationalism to protect the right of the Arab peoples. We condemn those who are serving as trumpets for the U.S."•

UNITED STATES AID TO EL SALVADOR

• Mr. AKAKA. Mr. President, I rise today to express my deep concern over the administration's decision to release $42.5 million in military aid to El Salvador that was withheld from the fiscal year 1991 foreign aid appropriations. Last week, Senator PATRICK LEAHY, chairman of the Appropriations Subcommittee on Foreign Operations and coauthor of the withholding provision, spoke at length about the need to give peace talks between the FMLN rebels and the Government more time to succeed.

I wholeheartedly agree with Senator LEAHY's statement, just as I agreed to withhold these funds during the debate on the bill. Those of us who supported this provision did so because we believed it would encourage a negotiated peace settlement.

I do not believe that the administration's determination to release this military assistance to El Salvador at this time will help the peace process. Rather it will send the wrong message to all parties that the United States feels a negotiated settlement can best be achieved through further military aid to the Government of El Salvador. Ultimately the administration's stand could encourage continued armed conflict rather than move this war-torn nation toward peace.

Throughout the 10 years of U.S. military assistance, both the Government and the FMLN have committed gross violations of human rights. Most recently, the FMLN carried out a brutal act of aggression by shooting down a U.S. helicopter and then executing its unarmed American advisers. I urge the FMLN to swiftly bring those involved in the murder of our servicemen to justice.

I also call on the El Salvadoran Government to prosecute those responsible for the murders of the Jesuit priests by El Salvadoran soldiers at the University of Central America and to investigate and prosecute those involved in other human rights violations.

Through our commitment to the Leahy-Dodd amendment, we can demonstrate to these slain American servicemen and these men of God that the United States is serious in its resolve to end the conflict that caused their deaths.

Mr. President, I urge the administration to reexamine its reasons for deciding to release the $42.5 million in additional military assistance at this time. We should make clear that the legislation passed last year to withhold this aid was to pressure both the FMLN and the Government of El Salvador to negotiate a settlement. There can be no lasting peace without justice and no justice without genuine cooperation and good will among all parties to resolve peacefully those problems which divide them.•

ORDER OF BUSINESS

Mr. SARBANES. Mr. President, I am going to make a number of unanimous-consent requests. All of these have been cleared on the Republican side, I say to my colleagues.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 3: Lt. Gen. Jimmie V. Adams, to be general, U.S. Air Force;

Calendar No. 4: Col. Thomas R. Cuthbert, Col. Kenneth D. Gray, Col. Malcolm S. Magers, Col. Robert E. Murray, to be permanent brigadier general, U.S. Army;

Calendar No. 5: Brig. Gen. John W. Cudmore, Brig. Gen. Jerry M. Keeton, Brig. Gen. James E. Moore, Brig. Gen. Vito Morgano, Brig. Gen. Reynaldo Sanchez, Brig. Gen. Richard S. Schneider, Brig. Gen. Harold J. Sykora, Brig. Gen. Normand A. Trudeau, Brig. Gen. James R. Williams, Brig. Gen. Wayne F. Wagner, to be major general, the U.S. Army National Guard;

Col. Phillip M. Becker, Col. David D. Boland, Col. William Miranda-Marin, Col. Herbert G. Stocking, Col. Terry J. Tyler, Col. Bobby H. Armistead, Col. Herbert B. Eagon, Col. Joseph Galioto, Col. Rodney R. Hannula, Col. Ronald A. Hoppes, Col. Joseph H. Langley, Col. John B. Ramey, Col. Richard M. Rusch, Col. Stanhope S. Spears, Col. Tony L. Stansberry, Col. Hoyt E. Thompson, Col. Wylie A. Abercrombie, Col. Michael W. Davidson, Col. Thomas M. Frazer, Col. Donald E. Hagglund, Col. Charles W. Fulkerson, to be brigadier general, the U.S. Army National Guard;

Calendar No. 6: Col. John J. Cuddy, to be permanent brigadier general, U.S. Army;

Calendar No. 7: Maj. Gen. William G. Pagonis, to be lieutenant general, U.S. Army;

And all nominations placed on the Secretary's desk in the Air Force, Army, and Navy.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following-named officer for appointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Jimmie V. Adams, [redacted] U.S. Air Force.

IN THE ARMY

The following-named Army Judge Advocate General's Corps officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624(c):

To be permanent brigadier general

Col. Thomas R. Cuthbert, [redacted] U.S. Army.

Col. Kenneth D. Gray, [redacted] U.S. Army.

Col. Malcolm S. Magers, [redacted] U.S. Army.

Col. Robert E. Murray, [redacted] U.S. Army.

The U.S. Army National Guard Officers named herein for appointment in the Reserve of the Army of the United States in the grades indicated below, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be major general

Brig. Gen. John W. Cudmore, [redacted]
Brig. Gen. Jerry M. Keeton, [redacted]
Brig. Gen. James E. Moore, [redacted]
Brig. Gen. Vito Morgano, [redacted]
Brig. Gen. Reynaldo Sanchez, [redacted]
Brig. Gen. Richard S. Schneider, [redacted]
[redacted]
Brig. Gen. Harold J. Sykora, [redacted]
Brig. Gen. Normand A. Trudeau, [redacted]
[redacted]
Brig. Gen. James R. Williams, [redacted]
Brig. Gen. Wayne F. Wagner, [redacted]

To be brigidier general

Col. Phillip M. Becker, [redacted]
Col. David D. Boland, [redacted]
Col. William Miranda-Marin, [redacted]
Col. Herbert G. Stocking, [redacted]
Col. Terry J. Tyler, [redacted]
Col. Bobby H. Armistead, [redacted]
Col. Herbert B. Eagon, [redacted]
Col. Joseph Galioto, [redacted]
Col. Rodney R. Hannula, [redacted]

Col. Ronald A. Hoppes [redacted].
Col. Joseph H. Langley [redacted].
Col. John B. Ramey [redacted].
Col. Richard M. Rusch [redacted].
Col. Stanhope S. Spears [redacted].
Col. Tony L. Stansberry [redacted].
Col. Hoyt E. Thompson [redacted].
Col. Wylie A. Abercrombie [redacted].
Col. Michael W. Davidson [redacted].
Col. Thomas M. Frazer [redacted].
Col. Donald E. Hagglund [redacted].
Col. Charles W. Fulkerson [redacted].

The following-named officer for appointment in the Regular Army (Dental Crops) of the United States to the grade of Brigadier General under the provisions of Title 10, United States Code, Section 611(a) and 624:

To be permanent brigadier general

Col. John J. Cuddy, [redacted] U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. William G. Pagonis, [redacted] U.S. Army.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, NAVY

Air Force nomination of Donald J. Grande, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 4, 1991.

Air Force nominations beginning Charles O. Bruce, III [redacted] and ending Don E. Wilson, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 4, 1991.

Air Force nominations beginning Steven L. Abernathy, and ending Manfried K. Zeithammel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 4, 1991.

Air Force nomination of Fortunato T. Elizaga, which was received by the Senate on January 11, 1991, and appeared in the CONGRESSIONAL RECORD of January 11, 1991.

Air Force nominations beginning Donald E. Bayles, and ending Danny J. Wyatt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 11, 1991.

Air Force nominations beginning Neil T. Allen, and ending Stuart W. Weinberger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1991.

Army nominations beginning * Hugh D. Thorfinnson, and ending Joseph R. Edwards, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 4, 1991.

Army nominations beginning Barbara Blatter, and ending Carol H. Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 4, 1991.

Army nominations beginning James F. Butler, Jr., and ending Arvid K. Olson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 4, 1991.

Army nominations beginning Michael J. Bayer, and ending Frank H. Ma, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 4, 1991.

Army nominations beginning Joseph S. Hunter, and ending Cheryl L. Sisler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 11, 1991.

Army nominations beginning Ray D. Berringer, and ending Frank J. Suatoni, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 11, 1991.

Army nominations beginning Craig B. Anderson, and ending Walter R. Waddle, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 11, 1991.

Army nominations beginning Thomas E. Batsky, and ending Edward J. Zandy, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 11, 1991.

Army nominations beginning Mary P. Celio, and ending Philip A. Webb, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 11, 1991.

Army nominations beginning Alexander H. Burgin, and ending Michael J. Jennings, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 11, 1991.

Army nominations beginning Robert T. Adams, and ending Ronald G. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 22, 1991.

Army nominations beginning Jose C. Abiles, and ending 381, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 4, 1991.

Navy nominations beginning Kevin K. Bach, and ending Allen M. Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 4, 1991.

Navy nominations beginning Manuel V. Ordonez, and ending Thomas V. Moore, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 4, 1991.

Navy nominations beginning Lynn E. Acheson, and ending Noel Wiscovitch, which nominations were received by the Senate on January 8, 1991,and appeared in the CONGRESSIONAL RECORD of January 10, 1991.

Navy nominations beginning Walter M. Elliott, and ending Debra D. Yarema, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 11, 1991.

Navy nominations beginning Kenneth S. Acfalle, and ending Kimberly A. Zych, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 22, 1991.

Navy nominations beginning Michael W. Abraham, and ending Niel C. Bourgeois, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1991.

Navy nominations beginning Enrique N. Panlilio, and ending Michael T. Curran, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1991.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

NATIONAL GIRLS AND WOMEN IN SPORTS DAY

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 30, designating National Girls and Women in Sports Day, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 30) to designate February 7, 1991, as "National Girls and Women in Sports Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 30) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. SARBANES. Mr. President, I ask the action just taken be reconsidered and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED—SENATE JOINT RESOLUTION 66

Mr. SARBANES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolultion 66, the Senate companion, and that the measure then be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AND COMMUNITY SERVICE ACT AMENDMENTS

Mr. SARBANES. Mr. President, on behalf of Senators KENNEDY and HATCH I send a bill making technical changes in the National and Community Service Act to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 379) to make certain technical amendments to the National and Community Service Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I am pleased to support the National and Community Service Technical Amendments Act of 1991. This legislation makes technical changes in the National and Community Service Act of 1990 (Public Law 101-610), makes two changes in the provisions on the selection of members to the Board of Directors of the Commission on National and Community Service. This revision was requested by the administration, in order to deal with constitutional objections to the original provisions.

The first provision to which the administration objected required the President to appoint members to the Board possessing adequate experience and diversity. There can be no serious question about Congress' constitutional authority under the appointments clause to prescribe the qualifications for offices subject to presidental appointment. The Congress has long legislated such qualifications for Federal offices, including many of the most important regulatory agencies. The courts have long recognized Congress' constitutional authority to prescribe qualifications for Federal offices, and the administration cannot seriously contend otherwise here.

The second objection, which presents a more substantive question, concerns the statute's provision of a prescribed congressional role in the President's nomination process. Here, too, it is my belief that useful precedent exists in prior legislation providing for Congress to submit a list of potential appointees to the President for consideration. The executive branch has previously recognized that, as long as the President has the ability to request the submission of additional prospective names, and, if necessary, to choose persons not on the congressional list, such congressional involvement is permissible under the appointments clause.

Had the executive branch adhered to its earlier understanding and sought to work with the Congress to utilize these precedents, no amendment to these provisions would have been necessary. However, the administration's objection to these provisions raises the possibility of a long delay in the appointment of members to the Board. In order to expedite the implementation of the act and enable the Commission to begin to perform its important tasks, the bill modifies the appointment provisions in response to the administration's requests. We hope that in selecting nominees to the Board, the President will adhere to the spirit of the goals that Congress set forth in the original provisions.

Ms. MIKULSKI. Mr. President, I rise today to celebrate the fact that we are one step closer to making the National and Community Service Act of 1990 a reality. Today, as we pass the Technical Amendments to the National and Community Service Act, we are helping our volunteers provide the services that are needed so badly in America's communities. I want to take this opportunity to urge the President to join with the Congress and do everything he can to get this National and Community Service Act underway as soon as possible.

This legislation creates opportunities for Americans to solve the problems we all encounter in our own communities. It lets senior citizens help take care of AIDS babies left alone in a hospital. It helps college students go out and build shelters for families living on the streets. It lets a young mother or father take some time to teach an illiterate neighbor how to read.

At the same time this bill helps our volunteers achieve key parts of the American dream. People who can't afford to take time off from work can volunteer part-time. In return for a part-time commitment of at least 3 years, volunteers can receive vouchers of up to $2,000 per year which are good for paying expenses for higher education or for a downpayment on a first home. And this bill lets full-time volunteers receive educational vouchers of up to $5,000.

Mr. President, we are now in the last decade of the 20th century. As we enter the 21st century, this country has to remember the values that made it great, the values of Main Street America. The National and Community Service Act of 1990 goes right to the heart of those values. I hope to see it fully implemented very soon. I yield the floor.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 379) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National and Community Service Technical Amendments Act of 1991".

SEC. 2. REFERENCES.

Except as otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National and Community Service Act (Public Law 101-610).

SEC. 3. DEFINITIONS.

Section 101 (42 U.S.C. 1241) is amended—

(1) by inserting after paragraph (6), the following new paragraph:

"(7) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe.";

(2) by redesignating paragraphs (7) through (29) as paragraphs (8) through (30), respectively;

(3) in paragraph (8) (as so redesignated), by inserting "an Indian or" before "Indian tribes" each place that such appears;

(4) in paragraph (14) (as so redesignated), by adding at the end thereof the following new sentence; "Participants shall not be considered employees of the program.".

(5) in paragraph (23) (as so redesignated), by striking out "students or out of school youth" and inserting in lieu thereof "participants";

(6) in paragraph (24) (as so redesignated)—

(A) by striking out "MEMBER" in the paragraph heading and inserting in lieu thereof "PARTICIPANT"; and

(B) by striking out "member" and inserting in lieu thereof "participant"; and

(7) in paragraph (30) (as so redesignated), by inserting "corps" after "youth service".

SEC. 4. PROGRAMS FOR STUDENTS AND OUT-OF-SCHOOL YOUTH.

Subtitle B of title I (42 U.S.C. 12421 et seq.) is amended—

(1) by striking out the subtitle heading and the heading of part I and inserting in lieu thereof the following:

"Subtitle B—Programs for Students and Out-of-School Youth

"PART I—SERVE-AMERICA";

(2) in section 111(a)(2)(B)(i) (42 U.S.C. 12421(a)(2)(B)(i)), by striking out ", and that is representative of the community in which such services will be provided";

(3) in section 112 (42 U.S.C. 12422)—

(A) by inserting "the Virgin Islands," before "Guam" in subsection (a);

(B) by inserting "solely" after "activities in subsection (c);

(C) by striking out "section 111(a)(2)" in subsection (c) and inserting in lieu thereof "paragraphs (2), (3), or (4) of section 111(a)"; and

(D) by inserting "and Indian Tribes" before "on a competitive basis" in subsection (e);

(4) in section 114 (42 U.S.C. 12424)—

(A) by striking out "Youth Service Corps and National Service" in subsection (c)(7); and

(B) by striking out "role" and inserting in lieu thereof "volunteer and";

(5) in section 117(b)(1) (42 U.S.C. 12427(b)(1)), by inserting "evaluations," after "insurance,"; and

(6) in section 118(b)(7) (42 U.S.C. 12428(d)(7))—

(A) by striking out "in the program"; and

(B) by striking out "project" and inserting in lieu thereof "program".

SEC. 5. AMERICAN CONSERVATION AND YOUTH SERVICE CORPS.

Subtitle C of title I (42 U.S.C. 12441 et seq.) is amended—

(1) in the subtitle heading by inserting **"Service"** before **"Corps";**

(2) In section 122(e) (42 U.S.C. 12442(e)), by inserting "service" after "youth";

(3) in section 123(c) (42 U.S.C. 12443(c))—

(A) by striking out "and" at the end of paragraph (13);

(B) by redesignating paragraph (14) as paragraph (15); and

(C) by inserting after paragraph (14) the following new paragraph:

"(14) a plan for ensuring that post-service education and training benefits are used solely for the purposes designated in this subtitle; and";

(4) in section 124 (42 U.S.C. 12444)—

(A) by striking out "human services" in subsection (a)(2) and inserting in lieu thereof "youth service"; and

(B) by striking out "services in any project" and all that follows through "projects" in section (c) and inserting in lieu thereof "any specific activity for more than a 6-month period. No participant shall remain enrolled in programs";

(5) in section 128(a)(3) (42 U.S.C. 12448(a)(3)), by striking out "project or service" and inserting in lieu thereof "activity";

(6) in section 133(d)(1) (42 U.S.C. 12453(a)(3)), by striking out "subsections (a) and (c)" and inserting in lieu thereof "subsection (a)"; and

(7) by striking out section 136 (42 U.S.C. 12456).

SEC. 6. NATIONAL AND COMMUNITY SERVICE.

(a) ELIGIBILITY.—Section 145(c) (42 U.S.C. 12475(c)) is amended—

(1) by striking out "member" and inserting in lieu thereof "participant" in the matter preceding paragraph (1); and

(2) by striking out "membership" and inserting in lieu thereof "participation" in paragraph (2).

(b) POST-SERVICE BENEFITS.—Section 146(e)(2) (42 U.S.C. 12476(e)(2)) is amended by inserting "benefit" before "provided".

SEC. 7. INNOVATIVE AND DEMONSTRATION PROGRAMS AND PROJECTS

Section 157(c) (42 U.S.C. 12502(c)) is amended—

(1) in paragraph (7)—

(A) by striking out "in the program"; and

(B) by striking out "project" and inserting in lieu thereof "program"; and

(2) in paragraph (8), by striking out "in a program".

SEC. 8. ADMINISTRATIVE PROVISIONS.

Subtitle F of title I (42 U.S.C. 12531 et seq.) is amended—

(I) in section 178(b)(1)(B) (42 U.S.C. 12538(b)(1)(B)) by striking out "youth service corps" and inserting in lieu thereof "youth corps"; and

(2) by inserting after section 185 (42 U.S.C. 12545) the following new section:

"SEC. 186. REGULATIONS.

"Prior to the end of the 180-day period beginning on the date of enactment of the National and Community Service Act of 1990, the Commission shall issue final rules or regulations necessary to implement the provisions of this title.".

SEC. 9. COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

Section 190 (42 U.S.C. 12551)—

(1) in subsection (b)—

(A) by striking out "Senate," in paragraph (1)(A) and all that follows and inserting in lieu thereof the following: "Senate. To the maximum extent practicable, an effort should be made to appoint members—

"(i) who have extensive experience in volunteer and service opportunity programs and who represent a broad range of viewpoints; and

"(ii) so that the Board shall be diverse according to race, ethnicity, age, gender, and political party membership."; and

(B) by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following new paragraph:

"(2) TERMS.—Each member of the Board shall serve for a term of 3 years, except that seven of the initial members of the Board shall serve for a term of 1 year and seven shall serve for a term of 2 years, as designated by the President.";

(2) in subsection (c)(7), by striking out "national service demonstration program" and inserting "program authorized by subtitle D"; and

(4) in subsection (f)(3), by striking out "National and regional clearinghouses" and inserting in lieu thereof "Clearinghouses".

SEC. 10. YOUTHBUILD.

Section 715 of the Domestic Volunteer Service Act of 1973 is amended by striking out "Secretary" and inserting "Director".

Mr. SARBANES. Mr. President, I move to reconsider the vote. I move to table the motion to reconsider.

The motion to lay on the table was agreed to.

CALLING UPON THE GOVERNMENT OF VIETNAM TO PERMIT POLITICAL PRISONERS TO DEPART

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 51, submitted earlier today by Senators KENNEDY, PELL, SIMPSON, LUGAR, MCCAIN, and PACKWOOD, regarding political prisoners in Vietnam now at the desk.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 51) calling upon the Government of Vietnam to permit political prisoners from the former Government of South Vietnam to depart Vietnam and reunite with their families in the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, almost 4 years ago, Senator DOLE and I submitted a resolution calling on the Government of Vietnam to release the thousands of political prisoners—officials and soldiers from the former Saigon regime held at that time in reeducation camps—and to allow them to reunite with their families abroad.

Today, we again submit a resolution on the subject of political prisoners in Vietnam. But much has changed over the last 4 years, and there has been considerable progress in gaining the release of political prisoners, and in expediting procedures for their emigration.

In 1987, the political prisoner population in Vietnam numbered several thousand. Today, only about 150 prisoners are still in reeducation camps. In 1987, very few were permitted to leave Vietnam for resettlement abroad. But over the past 2 years, hundreds have been able to depart and reunite with their families.

The progress of the past 4 years is to be commended. However, there is still much to be done. With this resolution, we urge the Vietnamese Government to take the final step to release all remaining political prisoners—many now in their later years—and allow them once again to join their families. And we urge our own administration to ensure that no stone is left unturned in the essential task of reuniting these families.

The season of TET—the Vietnamese new year—is just around the corner. For Vietnamese in Vietnam and around the world, it is a time of hope and renewal and a time to acknowledge family and friends. I believe it is important, on the eve of this important Vietnamese observance, that the Senate let these prisoners and their families know that they are not forgotten, and that we continue in our efforts to reunite them in freedom.

Mr. President, I want particularly to commend the untiring efforts of the Families of Vietnamese Political Prisoners Association, under the able leadership of Mrs. Khuc Minh Tho. The families have been an inspiration to us all, as they have struggled to succeed in America, while coping with the long separation from loved ones still in Vietnam.

Mr. President, I am pleased to join with my colleagues in urging the Senate's adoption of this important and timely resolution.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 51) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 51

Whereas almost 16 years have passed since the end of the Vietnam war;

Whereas the Senate, in a resolution adopted on May 1, 1987, called upon the Government of the Socialist Republic of Vietnam to "release the remaining prisoners held as a result of their previous association with the Government of South Vietnam prior to 1975" and to permit prisoners to join their families abroad;

Whereas during the past three years the Government of the Socialist Republic of Vietnam has released significant numbers of political prisoners from "re-education camps" and has permitted many former prisoners to join their families abroad; and

Whereas at least 150 officials of the former Government of South Vietnam nonetheless remain in "re-education camps" in Vietnam, and thousands of former prisoners still have been unable to reunite with their families in the United States and elsewhere: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of the Socialist Republic of Vietnam should continue to release the remaining political prisoners held as a result of their previous association with the Government of South Vietnam prior to 1975;

(2) the Government of the Socialist Republic of Vietnam should permit the expeditious departure of those former prisoners wishing to depart Vietnam; and

(3) the President and the Secretary of State should continue to give highest priority to efforts to speed and facilitate the reunion of former prisoners with their families in the United States.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. SARBANES. I move to reconsider the vote by which the Senate resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. SARBANES. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10:30 a.m., Thursday, February 7; that following the prayer, the Journal of the proceedings be deemed approved to date; that following the time for the two leaders there be a period for morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. SARBANES. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess under the previous order until 10:30 a.m., on Thursday, February 7, 1991.

There being no objection, the Senate, at 6:58 p.m., recessed until Thursday, February 7, 1991, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 6, 1991:

DEPARTMENT OF COMMERCE

ROCKWELL ANTHONY SCHNABLE, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF COMMERCE, VICE THOMAS JOSEPH MURRIN, RESIGNED.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

HANS M. MARK, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING APRIL 17, 1996. (REAPPOINTMENT)

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

SANDRA MILLS, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1993, VICE WILLIAM G. GOETZ.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

REAR ADM. JAMES A. YEAGER FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (0–8), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE SECRETARY OF COMMERCE AS WARRANTING THAT GRADE IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND

REAR ADM. RAYMOND L. SPEER FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF) (0–7), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE SECRETARY OF COMMERCE AS WARRANTING THAT GRADE IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 6, 1991:

AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JIMMIE V. ADAMS, [redacted] U.S. AIR FORCE.

ARMY

THE FOLLOWING-NAMED ARMY JUDGE ADVOCATE GENERAL'S CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. THOMAS R. CUTHBERT, [redacted] U.S. ARMY.
COL. KENNETH D. GRAY, [redacted] U.S. ARMY.
COL. MALCOLM S. MAGERS, [redacted] U.S. ARMY.
COL. ROBERT E. MURRAY, [redacted] U.S. ARMY.

THE UNITED STATES ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATE CODE, SECTIONS 593(A), 3385 AND 3392:

To be major general

BRIG. GEN. JOHN W. CUDMORE [redacted]
BRIG. GEN. JERRY M. KEETON [redacted]
BRIG. GEN. JAMES E. MOORE [redacted]
BRIG. GEN. VITO MORGANO [redacted]
BRIG. GEN. REYNALDO SANCHEZ [redacted]
BRIG. GEN. RICHARD S. SCHNEIDER [redacted]
BRIG. GEN. HAROLD J. SYKORA [redacted]
BRIG. GEN. NORMAND A. TRUDEAU [redacted]
BRIG. GEN. JAMES R. WILLIAMS [redacted]
BRIG. GEN. WAYNE F. WAGNER [redacted]

To be brigadier general

COL. PHILLIP M. BECKER [redacted]
COL. DAVID D. BOLAND [redacted]
COL. WILLIAM MIRANDA-MARIN [redacted]
COL. HERBERT G. STOCKING [redacted]
COL. TERRY J. TYLER [redacted]
COL. BOBBY H. ARMISTEAD [redacted]
COL. HERBERT B. EAGON [redacted]
COL. JOSEPH GALIOTO [redacted]
COL. RODNEY R. HANNULA [redacted]
COL. RONALD A. HOPPES [redacted]
COL. JOSEPH H. LANGLEY [redacted]
COL. JOHN B. RAMEY [redacted]
COL. RICHARD M. RUSCH [redacted]
COL. STANHOPE S. SPEARS [redacted]
COL. TONY L. STANSBERRY [redacted]
COL. HOYT E. THOMPSON [redacted]
COL. WYLIE A. ABERCROMBIE [redacted]
COL. MICHAEL W. DAVIDSON [redacted]
COL. THOMAS M. FRAZER [redacted]
COL. DONALD E. HAGGLUND [redacted]
COL. CHARLES W. FULKERSON [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY (DENTAL CORPS) OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

To be permanent brigadier general

COL. JOHN J. CUDDY, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. WILLIAM G. PAGONIS [redacted] U.S. ARMY.

IN THE AIR FORCE

AIR FORCE NOMINATION OF DONALD J. GRANDE, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

AIR FORCE NOMINATIONS BEGINNING CHARLES O. BRUCE, [redacted] AND ENDING DON E. WILSON, 521–44–1319, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

AIR FORCE NOMINATIONS BEGINNING STEVEN L. ABERNATHY, AND ENDING MANFRIED K. ZEITHAMMEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

AIR FORCE NOMINATION OF FORTUNATO T. ELIZAGA, WHICH WAS RECEIVED BY THE SENATE ON JANUARY 11, 1991, AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 11, 1991.

AIR FORCE NOMINATIONS BEGINNING DONALD E. BAYLES, AND ENDING DANNY J. WYATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 11, 1991.

AIR FORCE NOMINATIONS BEGINNING NEIL T. ALLEN, AND ENDING STUART W. WEINBERGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 23, 1991.

IN THE ARMY

ARMY NOMINATIONS BEGINNING *HUGH D. THORFINNSON, AND ENDING JOSEPH R. EDWARDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

ARMY NOMINATIONS BEGINNING BARBARA BLATTER, AND ENDING CAROL H. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

ARMY NOMINATIONS BEGINNING JAMES F. BUTLER, JR, AND ENDING ARVID K. OLSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

ARMY NOMINATIONS BEGINNING MICHAEL J. BAYER, AND ENDING FRANK H. MA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

ARMY NOMINATIONS BEGINNING JOSE C. ABILES, AND ENDING 381, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

ARMY NOMINATIONS BEGINNING JOSEPH S. HUNTER, AND ENDING CHERYL L. SISLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 11, 1991.

ARMY NOMINATIONS BEGINNING RAY D. BERRINGER, AND ENDING FRANK J. SUATONI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 11, 1991.

ARMY NOMINATIONS BEGINNING CRAIG B. ANDERSON, AND ENDING WALTER R. WADDLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 11, 1991.

ARMY NOMINATIONS BEGINNING THOMAS E. BATSKY, AND ENDING EDWARD J. ZANDY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 11, 1991.

ARMY NOMINATIONS BEGINNING MARY P. CELIO, AND ENDING PHILLIP A. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 11, 1991.

ARMY NOMINATIONS BEGINNING ALEXANDER H. BURGIN, AND ENDING MICHAEL J. JENNINGS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 11, 1991.

ARMY NOMINATIONS BEGINNING ROBERT T. ADAMS, AND ENDING RONALD G. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 22, 1991.

IN THE NAVY

NAVY NOMINATIONS BEGINNING KEVIN K. BACH, AND ENDING ALLEN M. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

NAVY NOMINATIONS BEGINNING MANUEL V. ORDONEZ, AND ENDING THOMAS V. MOORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

NAVY NOMINATIONS BEGINNING LYNN E. ACHESON, AND ENDING NOEL WISCOVITCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON JANUARY 8, 1991, AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 10, 1991.

NAVY NOMINATIONS BEGINNING WALTER M. ELLIOTT, AND ENDING DEBRA D. YAREMA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 11, 1991.

NAVY NOMINATIONS BEGINNING KENNETH S. ACFALLE, AND ENDING KIMBERLY A. ZYCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 22, 1991.

NAVY NOMINATIONS BEGINNING MICHAEL W. ABRAHAM, AND ENDING NEIL C. BOURGEOIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 23, 1991.

NAVY NOMINATIONS BEGINNING ENRIQUE N. PANLILIO, AND ENDING MICHAEL T. CURRAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 1991.

HOUSE OF REPRESENTATIVES—*Wednesday, February 6, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Hear the words of Psalm 44:

We have heard with our ears, O God, our fathers have told us, what deeds thou didst perform in their days, in the days of old.

Gracious God, as You have given direction to the nations in the days past, so we pray for that direction today. May we hear Your words for justice and understanding and may the gift of peace be our treasure and the treasure of all the peoples.

We specially remember this day the families of those whose loved ones face the test of battle. May Your spirit that is with us in all the moments of life and gives comfort in every anxiety, be with them now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair recognizes the gentleman from California [Mr. DOOLITTLE] to lead the House in the Pledge of Allegiance.

Mr. DOOLITTLE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 348. An act to extend the expiration date of the Defense Production Act of 1950 to March 18, 1991.

The message also announced that, pursuant to sections 1928a–1928d, of title 22, United States Code, as amended, the Chair on behalf of the Vice President, appoints Mr. ROTH, as vice chairman of the Senate delegation to the North Atlantic Assembly during the 102d Congress.

ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. MICHEL. Mr. Speaker, by direction of the House Republican Conference, I offer a privileged resolution (H. Res. 56) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 56

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives.

Committee on Banking, Finance and Urban Affairs: Mr. Armey of Texas, and Mr. Thomas of Wyoming.

Committee on the District of Columbia: Mr. Lowery of California.

Committee on House Administration: Mr. Edwards of Oklahoma, Mr. Livingston of Louisiana, and Mr. Barrett of Nebraska.

Committee on Standards of Official Conduct: Mr. Hansen of Utah, Mr. Grandy of Iowa, Mrs. Johnson of Connecticut, Mr. Bunning of Kentucky, Mr. Kyl of Arizona, Mr. Goss of Florida, and Mr. Hobson of Ohio.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF THE TECHNOLOGY ASSESSMENT BOARD

The SPEAKER. Pursuant to the provisions of 2 U.S.C. 473(a), the Chair appoints to the Technology Assessment Board the following Members of the House: Mr. UDALL of Arizona; Mr. BROWN of California; Mr. DINGELL of Michigan; Mr. MILLER of Ohio; Mr. SUNDQUIST of Tennessee; and Mr. HOUGHTON of New York.

APPOINTMENT AS MEMBERS TO THE U.S. CAPITOL PRESERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of section 801(b) (6) and (8), of Public Law 100–696, the Chair appoints the following Members of the House to the U.S. Capitol Preservation Commission: Mr. BENNETT of Florida and Mr. FAZIO of California.

IMPACT AID CUTS, A CASE OF BAD TIMING

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, President Bush in his fiscal year 1992 budget proposes to reduce impact aid funding to elementary and secondary schools by $144.9 million. Despite inflation and increased costs, President Bush is proposing a freeze on available funding for "A" students and the total elimination of funding for "B" students in the fiscal year 1992 budget.

Federally connected students are generally divided into two categories: "A" students, who both live on Federal property and whose parents work on Federal property; and "B" students, whose parents work on nontaxpaying property but live in housing on which taxes are paid.

These proposal cuts come after impact aid has been cut drastically since 1981 while per pupil expenditures for education nationwide have increased an average of 7 percent each of the past 5 years. More and more of the cost of the federally connected student is being picked up by State and local funds.

In my congressional district—the home of Offutt Air Force Base and the headquarters of the Strategic Air Command—impact aid is a critical source of funding. This large military installation creates an influx of residents in the surrounding communities and students in the public schools and reduces local tax revenues, a major source of funding for public education in Nebraska.

The Bellevue School District alone has 5,266 federally connected students which is over 60 percent of the students in the entire district. Of these 5,266 federally connected students, 2,752 are classified as "B" students. Thus, under President Bush's fiscal year 1992 proposal to eliminate "B" student funding, the Bellevue School District would be responsible for educating nearly 3,000 students without the Federal funds needed because of the Federal presence.

In addition to the loss of local property taxes because of the tax-exempt and Federal property, although parents of "B" students pay property taxes on their homes, they often do not pay State taxes because they often shop at the commissary and post exchange, use military doctors, and participate in club activities on the post. Therefore, the money spent at these places does not go to support local schools. Sales made at the base exchange and other retail establishments on Offutt Air Force Base, which would normally be taxable in a community, totaled over $40 million. Based on the Nebraska sales tax of 5.5 percent, over $2.2 million in sales taxes would have been col-

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

lected on these sales if they had been made in the local community.

President Bush's cut of $144.9 million violates a time-honored commitment to provide assistance to public school districts who carry the burden of Federal activities and lose local taxes because of those activities.

Ultimately, the issue is one of equity. Local governments, legitimately, view federally connected children as a Federal responsibility. The children in these schools are there because of the Federal Government, and neither the parents nor the employer make any contribution to the school systems' revenues through the local tax structures.

The Federal Government has an obligation to provide these students with quality educational opportunity like all other children in the United States. How can the President ask the country to support our soldiers at war and then ignore the needs of those soldiers' children at home?

TRIBUTE TO DANNY THOMAS

(Mr. SUNDQUIST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNDQUIST. Mr. Speaker, before leaving for the Capitol this morning, I heard the news flash that Danny Thomas had passed away. Mr. Speaker, we have lost a great and gracious man with his passing. The world will remember him as a wonderful entertainer, but his greatest contribution, I think, has been his tireless work for sick children.

He would not accept the fact that leukemia had to be fatal.

Nowhere is that more evident than in my hometown of Memphis, TN, where Danny Thomas chose to locate St. Jude's Children Research Hospital. St. Jude's has meant hope and help for thousands of children and for their families. What finer legacy could one leave than wonder in the eyes of a child, a child who desperately needed help and who found it through one's own care and compassion.

"Make Room for Daddy" was his entertainment triumph. But he made and turned that into "Make Room for Children," his legacy.

Danny Thomas made a difference for good in the lives of so many in this world. We will miss him. We will not forget him.

We will honor his memory and his life's work in our continued support for the mission of St. Jude's.

PRESIDENT'S 1992 BUDGET TERMED A BLOW TO MIDDLE CLASS, TO SENIORS AND HARD-PRESSED STATES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the President has committed enormous financial, human, and moral resources to fighting the war in the gulf. And the American people stand with him. Sadly, the President has walked away from the war right here at home against the evils of recession. That war, too, requires the commitment of financial, human, and moral resources. In our own backyard, Americans—middle class and poor, alike—struggle with the spiraling costs of education, health care, taxes, and unemployment.

How does the President respond to these ills?

He minimalizes the challenge. A temporary interruption of growth, he calls it. In my home State of Connecticut, and around the country, people are scared.

The President offers no initiatives to put the more than 1 million unemployed Americans back to work. The budget is silent on recovery. The President's proposal compounds the problems of the middle class. It cuts back on Medicare for seniors. It does nothing about health care and it says to the middle class, you're not eligible for college assistance.

Instead of offering tax relief to the middle class, the President offers a capital gains tax cut to the rich.

This budget is a blow to the middle class; it is a blow to seniors, and it offers little good news to our economically hard-pressed States.

□ 1410

A YAKIMA VALLEY MOTHER, HER SON, A YELLOW RIBBON AND OPERATION DESERT STORM

(Mr. MORRISON asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. MORRISON. Mr. Speaker, I rise to share a message about a mother, her son, the yellow ribbon I'm wearing, and Operation Desert Storm.

This ribbon was passed along to me by a mother I represent who has a son, a marine, on the frontlines of the war in the Persian Gulf.

While we go about our business, while most of us catch glimpses of this war through the safe filter of our televisions and in the comfort of our homes and offices, it is often too easy to forget about the members of our Armed Forces who are living this war each minute of every day.

It is for them, and the mothers and fathers, wives and husbands, and children, and friends who wait for their return, that I wear this ribbon as a reminder.

I am thankful for this gift and I will continue to wear it proudly. I invite my colleagues to do the same, and join the folks from the Yakima Valley on what is for them, a special yellow ribbon day, as we hope for a swift end to this war; thank our troops and their families for their sacrifices; and we all look forward to the day when family and friends can be together again.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

THE ETHICS IN FOREIGN LOBBYING ACT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, every year foreign interests spend millions of dollars to influence our U.S. political campaigns and Government decisions. In the 1988 Federal election cycle foreign controlled PAC's contributed $2.7 million, and that amount is growing. This money is spent on high-powered lobbyists, usually ex-U.S. Government officials, or comes from PAC contributions to candidates from foreign controlled corporations or trade associations. Yet the U.S. Government has no system in place to track these millions spent by foreigners here in our United States.

Mr. Speaker, yesterday, along with the gentleman from New Jersey [Mr. GUARINI] and 25 other cosponsors, I introduced the Ethics in Foreign Lobbying Act. It will restore some integrity back into this process. Our bill will eliminate the majority of foreign controlled PAC contributions and allow us to regain our sovereignty in the election process.

Let us keep America's political campaigns in the hands of the American people.

WHAT'S WRONG WITH THE STRIKER REPLACEMENT BILL?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, what's wrong with H.R. 5, a bill that prohibits employers from hiring permanent replacement workers during an economic strike?

H.R. 5 applies not only to large unionized employers, but also to nonunion firms. Current labor law defines a labor dispute to be whenever two or more workers walk off the job to protest terms or conditions of employment.

Under H.R. 5, these workers in nonunion firms would be strikers and could not be permanently replaced or fired. Once the strikers returned to work, a day or week or month later, the strikers must be reinstated and temporary workers hired would have to be fired.

As a small businessman, let me put this in business terms. My plastics company in North Carolina needs pressmen to run the printing presses. It takes 3 years to train the pressmen. If the Clay bill were law and these workers walked off the job in an economic strike, I would have to close my doors forcing around 200 other employees out of jobs.

Do we really want to enact legislation like this? H.R. 5 is unreasonable and antiworker. Join me in stopping the prostrike bill.

JUST SAY NO TO THE RTC

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, I rise today to express great concern that the Senate Banking Committee voted yesterday to approve $78 billion more for the savings and loan bailout. My hope is that the whole body of the Senate will reject that proposal and, most certainly, that this body, the House of Representatives, will not go along with it.

Mr. Speaker, as most Americans know, the S&L fiasco is not only the biggest act of thievery in the history of our Nation, it is the largest financial scandal in the history of the world. No one can predict exactly how much this bailout will cost the American people, but estimates run as high as $500 billion to $1 trillion. We have 2 million people sleeping out on the streets, a health care system which no longer functions, an educational system which is underfunded and failing and a $3 trillion national debt, and we are talking about spending $78 billion more for the bailout.

Mr. Speaker, it is inconceivable to me that the Congress will simply roll over and give the Bush administration and the Resolution Trust Corporation all that they want without a whimper. At the very least, we must demand that those individuals, the upper income people who have seen their real income soar during the 1980's, start paying their fair share of taxes and pick up this payback burden. Further, we must demand that, if the public is bailing out the system with hundreds of billions of dollars, that we get a form of public equity in the banking system which we are paying for.

There is much to be discussed about this issue, but for the moment let us just say no to the RTC.

THE "NEW" BILL

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, as an original cosponsor, I rise in support of the Nontraditional Employment of Women [NEW] Act, which my colleague from California, Mr. MILLER, has introduced today. The purpose of NEW is to increase nontraditional training and employment opportunities for women served by the Job Training Partnership Act; women in nontraditional jobs earn higher wages which enable them to become economically self-sufficient and support their families.

Nontraditional occupations are those jobs in which 25 percent or less of the work force is female. Some examples of nontraditional jobs are: Trades workers, electronic technicians, mechanics, and maintenance engineers.

The NEW bill complements former Labor Secretary Elizabeth Dole's nontraditional employment for women initiatives to help women gain access to the skilled trades. In November 1990, Ms. Dole increased antidiscrimination enforcement at the Bureau of Apprenticeship and Training by giving the Office of Federal Conflict Compliance forcement authority over Federal apprenticeship training programs.

If the United States is to successfully meet the challenge of Workforce 2000, in which the majority of new entrants to the work force will be women and minorities, the Nation's Federal employment and training program must have a plan to ensure that women are trained in all occupational areas. The NEW bill would be an important step in this direction.

The need for women to increase their wages to a level equal with men has become critical, as women increasingly enter the work force to support themselves and their families. Consider the following facts: Women today account for 45 percent of the work force. Four out of five adult working women have full-time employment; 43 percent of women in the labor force are in jobs that pay below poverty level wages compared with 27 percent of men; and two-thirds of minimum wage workers are women.

The Job Training Partnership Act maintains occupational segregation which in turn helps to maintain the gap in wages between women and men. According to a 1989 GAO study, women graduates of JTPA programs earned an average of $4.65 an hour, 52 cents an hour less than male graduates. The GAO found that less than 9 percent of women in JTPA supported classroom training were being trained in nontraditional occupations. These occupations pay an average of 30 percent higher wages than occupations which are traditionally female.

Several program models for training women in a wide variety of nontraditional occupations have been successfully implemented; however, these models have not been institutionalized throughout the JTPA system. Most notable is the Apprenticeship and Nontraditional Employment for Women [ANEW] Program in Renton, WA, which has had 100 percent JTPA funding since 1984. ANEW's average entry level salary for its 21st class was over $9 per hour for the 30 graduates placed.

NEW requires service delivery areas and States to include goals in their annual job training plans for training and placing women in nontraditional employment. It creates a 4-year demonstration program out of existing funds, at a cost of $1.5 million annually, to foster the development and institutionalization of programs to train women for nontraditional employment.

I urge my colleagues to cosponsor the NEW Act which will both increase the economic self-sufficiency of low-income women and help prepare the Nation for Workforce 2000.

□ 1420

IS IT WORTH IT?

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, I have heard President Bush say in the last few days that he does not know whether the aerial bombardment is enough to do the job and a ground war may be necessary.

I do not know what he means by "to do the job."

But if it means eliminating Saddam Hussein as a 900-pound gorilla sitting astride the Middle East, terrorizing and intimidating his neighbors, posing an intolerable threat to the peace of the region, then the President is dead wrong.

Precision surgical bombings are pummelling Saddam Hussein's military might inexorably.

Continuing to pound away from the air combined with the most effective economic sanctions the modern world has ever seen will remove Saddam Hussein as a menace to regional and global peace and security. Patience will emasculate this butcher of Baghdad and at very little cost of precious lives.

But if the President means kicking Saddam out of Kuwait, then he may be right, air bombing, and sanctions may not be sufficient. But if to do that job, we have to engage in a ground war, we can expect an exponential increase in the number of American casualties.

Is it worth it?

So far we have suffered very few casualties. A ground war would quickly change that. If this war is anything like the last four major wars we have been involved in this century, then we can expect over 80 percent of the casualties to occur during a ground war.

Mr. Speaker, today is my 71st birthday. I wonder, if we get into a bloody ground war, how many of our 500,000 service men and women will not even live to celebrate their 21st birthday.

I urge patience, patience, patience.

INTRODUCTION OF LEGISLATION TO ENABLE TAXPAYERS TO DONATE TO THE WAR ON DRUGS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extent his remarks.)

Mr. STEARNS. Mr. Speaker, there are individuals in every facet of American society who need illegal drugs in order to make through the day.

We in Congress must to continue to fight the war on drugs. Many legislators are concentrating their efforts on drug prevention, and others on stiffer law enforcement penalties for drug dealers, which are efforts that I fully support.

However, today, I have introduced a bill that is aimed at helping those who are dependent on drugs and need professional treatment in order to combat their addiction.

Presently, most of the money for drug treatment comes from private individuals, private organizations and State and local government. The legislation I am introducing today will enable the individual taxpayer to help finance drug treatment programs around the country.

When filling out a form each year, an individual, couple or family can check a space on their tax form to donate $1 or more of their income tax refund to the drug rehabilitation and treatment trust fund. The money in the fund will then be available for allotments to the State for drug treatment programs.

Mr. Speaker, I urge my colleagues to cosponsor this important legislation to help make a drugfree life for millions of Americans.

POPE JOHN PAUL II SPEAKS OUT ON THE WAR IN THE GULF

(Mr. LAFALCE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, I rise today to bring to the attention of this body the recent remarks of Pope John Paul II on the subject of the current conflict in the Persian Gulf. On this past Saturday, the Pope spoke to this issue during his monthly Rosary Service Broadcast. His remarks, I believe, deserve to be heard. He said:

> The hearts of all of us are filled with sadness at the number of those engaged battle, the quantity of weapons being used, and the involvement in the conflict of whole civilian populations.

He decried what he called unbelievable violence and useless slaughter. He also warned that "this harrowing situation risks spreading in time and space with tragic and incalculable consequences."

He went on to say that we should not become accustomed to the idea that all of this is unavoidable.

He is especially correct on that last point. A land war may yet be avoidable, and we should as a consequence explore every option for peace.

As the Pope concluded:

> Our hearts must not be allowed to yield to the temptation of indifference and fatalistic resignation, as if people cannot avoid being caught up in the spiral of war.

UNITED STATES AND MEXICO INCLUDE CANADA IN FREE TRADE TALKS

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, yesterday was a historic day, as President Bush, Mexican President Salinas, and Canadian Prime Minister Brian Mulroney announced that Canada will participate in negotiations for a free trade agreement between the United States and Mexico. In effect, the announcement truly represents the first step toward a comprehensive North American free trade agreement.

A North American free trade agreement would mean a combined market of more than 360 million people with a combined gross national product of more than $5.9 trillion. Total trade between the three nations amounts to more than $225 billion, and would certainly grow significantly with a North American free trade agreement.

Mr. Speaker, I could go on, but clearly these figures alone demonstrate an unparalleled opportunity for economic cooperation in North America. The far-reaching benefits of such an agreement include the opening of new markets, the development of new technologies, and opportunities for new investment, growth, and jobs in all three countries.

I congratulate President Bush and Salinas, and Prime Minister Mulroney for their vision and their foresight.

SUGGESTED EXPANSION OF PENTAGON 1-800 LINES

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, many military families in my district have contacted my office in frustration in not being able to get through to the Pentagon on the 1-800 lines.

Although these lines were set up to assist families during this difficult time, the overflow of calls since the beginning of the war has resulted in busy signals and lengthy holds.

One man told me that he called repeatedly over a 24-hour period and still could reach no one.

As the war goes on, I anticipate the situation getting worse instead of better. That is why I am sending a letter to Secretary Cheney asking that the 1-800 lines be expanded and improved to better serve military families. I hope that my colleagues will join me in signing this letter.

The relatives of our service members deserve no less than a speedy and helpful voice when they call the Pentagon.

A MOVE TO EXPAND DEATH PENALTY VERDICTS IN CERTAIN CRIMES

(Mr. GEKAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, many of us in the House have for a decade now been struggling to try to have the Congress pass a comprehensive death penalty bill which will cover the most serious murders and infringements of law possible in our Nation. Only once in the last 10 years have we been successful just in a part of this effort, and that was to bring the death penalty to play in those cases where drug dealers intend to kill in the furtherance of their vicious enterprises.

But we want to do more. We are going to try again. We are introducing a bill which will allow the death penalty for assassination of the President, for espionage, for treason, for serious drive-by murders, for murders by payment, for murder on the high seas, and for an untold number of serious cases where the life of an individual is found to be so cheap.

Do the American people favor the death penalty for these kinds of cases? Ask them. In poll after poll for a generation now, we have found that the American people by a substantial majority feel that the jury in a particular case should have the right to impose the death penalty in these vicious types of killings.

Mr. Speaker, I ask for the cooperation of the Members during this term as well.

JAPAN'S PURCHASE OF AWACS WOULD MAKE GOOD ITS PROMISE ON BURDEN SHARING

(Mr. SCHUMER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, burden sharing means more than paying for the war in the Persian Gulf. It is a sharing of the costs and risks of mutual security as we close out this century and enter a new one.

Back in 1981, Japan agreed to purchase the AWACS aircraft needed to assume the defense of its own air space and sea lanes out to 1,000 nautical miles. Ten years later, not one of these aircraft has been purchased. As a result, the AWACS production line will close permanently in March, sticking the United States with this vital defense mission for years to come.

As Operation Desert Storm demonstrates, AWACS are worth their weight in gold. Every single sortie of the most intense war in history has been tracked and guided by AWACS. Now is hardly the time to tie up a significant portion of our AWACS fleet in the Pacific, when Japan can afford to fulfill its promise and assume this mission without violating a jot of the Japanese Constitution.

Today eight members of the Committee on Foreign Affairs and I have introduced legislation calling upon the President to insist that Japan assume the early warning mission in the Pacific, as they promised to do 10 years ago.

Mr. Speaker, burden-sharing stretches beyond events in the deserts of the Middle East. Japan must work with us to make the new world order a reality.

RONALD REAGAN CELEBRATES 80TH BIRTHDAY TODAY

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, today is not only the birthday of my good friend, the gentleman from New York [Mr. SCHEUER], but it is also the birthday of a truly great American and a great, great Californian, although a native son of Illinois. February 6, 1991, is the 80th birthday of the 40th President of the United States of America, the Honorable Ronald Reagan. This truly historical citizen/politician is our first President to serve a full two terms, 8 years, since President Dwight Eisenhower.

My colleagues will recall that Ronald Reagan did not even run for political office until he celebrated his 55th birthday in 1966. When he won the governorship of California that fateful year it was a dynamic turnaround for many of us in the Golden State.

Gov. Ronald Reagan served 8 years, during which time California became the most populous State in the Union and the most successful of all our beautiful 50 States with a standard of living the envy of the world. Our distinguished Governor took us through a period of economic growth much the same as he led the Nation as President through the longest peacetime period of economic growth in our Nation's history.

For a few years afterward, from 1975 through 1979, he traveled around our country speaking on what he called the rubber chicken circuit. He also kept his voice on the national scene with a syndicated radio show, and then in late 1979 he was drafted by the conservatives of his party with great expectation to be our standard bearer in the race against incumbent President Jimmy Carter, a race he won in a landslide. And did he ever fill out his 8 years of Presidential service with great distinction. Everybody, whether they were his political adversaries or his political friends and allies, nearly everyone foreign and domestic agreed that a finer man with a warmer personality had never served in that Oval Office. And there is no doubt that "Dutch" Reagan brought dignity back to the Presidency and restored a slipping national pride.

Also, in closing Mr. Speaker, I would like to remind my colleagues that, given the present crisis in the Middle East, it bears remembering that President Ronald Reagan was responsible for the defense buildup in the free world that is enabling us at this moment to bring to ground a ruthless, merciless dictator, the current and soon to fall Stalin-Idi Amin-Pol Pot-Adolf Hitler of the final decade of the bloody 20th century—Saddam Hussein. So happy birthday Mr. President. And thank you for all you have done.

Most of the world is grateful, especially those who live on the east side of the rubble that used to be the most evil wall ever erected in all of history. I'll be proud to my dying day to say I am a Reaganaut, one of the original crew who signed on in 1965. You, citizen Reagan, changed this Federal scene for the better, for the forseeable future. And in a personal note, you've inspired me to devote the rest of my active years to keep the Reagan dream alive.

May you live to be 100 and then some. And from your many friends on Capitol Hill, a very, very, very, special greeting of love and affection to the "wind beneath your wings," your gracious partner, your lovely Nancy. Shalom, Irishman.

ELEMENTARY SCHOOL COUNSELING DEMONSTRATION ACT

(Mr. PURSELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PURSELL. Mr. Speaker, in his budget message for fiscal year 1992, President Bush emphasizes the need to invest in our Nation's future, including early childhood education and training. This includes programs to prepare children for school, such as the highly successful Head Start Program.

As part of this emphasis on investing for the future, I believe we must identify and help those most at risk, and that is why I am reintroducing my Elementary School Counseling Demonstration Act, H.R. 840.

This week has been declared "National School Counseling Week," yet most of our Nation's school systems do not have counseling programs in their elementary schools. Unfortunately, our young students are in need of these services. I ask my colleagues to join me in cosponsoring H.R. 840.

The Elementary School Counseling Demonstration Act would identify and address the special needs of our young children by establishing or expanding counseling programs in our elementary schools, through demonstration grants made by the Secretary of Education to local school districts. My bill would authorize this program for 5 years, and grants to an individual school would be available for up to 3 years at a maximum $200,000 per year. In approving the demonstration grants, the Secretary shall ensure an equitable geographic distribution among regions of the United States, so that urban, suburban, and rural areas are represented. Special consideration would be given for applications that show the greatest need for counseling services for that school, and to programs that include innovative approaches to counseling services.

Single-parent families, drug and alcohol abuse, increased reports of child abuse, 2-worker families and other factors have resulted in unprecedented challenges and stresses for our young children. These pressures often result in emotional disorders, disruptive behavior, academic difficulties, and, tragically, even substance abuse of their own. Unaddressed, these behaviors sometimes go on year after year. They are showing up in children from families at every income level. It is not just a problem in low-income families.

The counseling program would include participation by businesses, labor organizations, higher education, community groups, and other public and private groups. Parents would also be closely involved, participating in the implementation and evaluation of their child's counseling. The children would receive both individual and group counseling.

I think my colleagues would agree that many of our young children need this type of counseling and assistance. All of us suffer when these problems and stresses occur in a child's life—the family, friends, classmates, and others—but nobody suffers as much as the child at hand. Imagine the terror, fear, and lack of self-esteem in the elementary-age youngster who sees a parent come home drunk every night, wreaking havoc on the entire family.

I urge my colleagues to support my legislation, so that we may do our small part to help kids like these.

CONGRESS SHOULD KEEP HANDS OFF SECURITY FIRMS, WALL STREET, AND INSURANCE COMPANIES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Treasury said deregulate the banks, take the shackles off, let the banks buy security firms, let them buy insurance companies, and, vice versa, let the big companies buy the banks.

Now, imagine this: What if Citibank buys Mutual of Omaha, and they get in trouble? They panic and they sell to Mitsubishi. Now, Mitsubishi, God forbid, gets in trouble. Do the American taxpayers bail out Mitsubishi, who used to be Citibank, and Mutual of Tokyo, because I assure you they will change Mutual of Omaha to Mutual of Tokyo.

We took the shackles off once before. We deregulated the thrift industry. Now, after junk bonds and bribes, they have gone belly up.

I say here, Congress should keep its hands off securities firms, Wall Street, and insurance companies, because the only shackles we put on were on the American taxpayers.

MONEY LAUNDERING CONTROL ACT OF 1991

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, I have introduced legislation today that, if passed, could dramatically improve our efforts to fight the crime of drug money laundering.

My Money Laundering Control Act of 1991 contains provisions that will apply the ultimate sanction to financial institutions that engage in money laundering, the loss of the bank's charter.

This language was adopted last year by the Banking Committee and by an overwhelming majority of the House.

My bill will also give the Justice Department additional tools to seize laundered cash and use forfeited money to pay for awards for information relating to violations of criminal money laundering laws.

Mr. Speaker, my legislation calls for the Treasury Department to take the lead in negotiations with other countries in order to obtain multilateral agreements allowing for the exchange of information regarding money laundering.

Mr. Speaker, money laundering is the lifeblood of the illicit drug business. I urge Members to take a look at my bill as a way to make it more difficult for the drug smugglers and dealers to dispose of their profits, with a view to cosponsorship.

TRIBUTE TO LOTTIE BOLLING HANCOCK

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I rise today to let my colleagues know about an inspiring gesture being made by one of my longtime constituent and dear friend from Austin, TX.

Lottie Bolling Hancock, the great, great, great niece of John Hancock, one of the Framers of the Constitution, is making a personal gift to the U.S. Congress today. Mrs. Hancock has purchased 535 copies of a special edition of the Constitution in which the complete, original text has been carefully set in type so that all can read this important document.

Mrs. Hancock has purchased these reproductions from the National Archives and paid for the framing of each document herself primarily by using her retirement income from her Social Security. It is her wish that this framed copy hang on the reception room wall of each Member's office. She requests your permission to enter your offices and personally hang the framed document, if this is agreeable to you. Her visit to your office will be during the month of March or April 1991. If this is not convenient for you, she will simply present the document to your staff for your own action.

The receipt of a finely printed and framed copy of the U.S. Constitution would be a special gift under any circumstances; one which would be treasured by any American. But this gift is made even more precious because of the spirit in which it is given. This gift is given not by a corporation or an association, but by a single individual who is proud of her country, her heritage, and the great document on which they are founded.

Mrs. Hancock has undertaken this project entirely on her own, using her own money for the purchasing, framing, and distribution of these documents. Not one person in a million would give so much of their own time and money for an undertaking like this. I asked her why she was willing to go to such expense and effort, and she told me that she simply wanted to make a contribution to her country and her government. She wanted to show to the people of this Nation that one person can have an impact and make a difference. She wants nothing more than to be remembered as a proud American who loves her Nation and the Constitution. Mr. Speaker, that is the kind of spirit that has made this country great.

Mr. Speaker, I know my colleagues will join me in commending Mrs. Hancock for this generous and inspiring gesture. I want to recognize her as a long-time close and personal friend. I have walked many a mile with Lottie Bolling Hancock and worked with her on many projects and campaigns in my district, but none of them has given me any greater pride than this one. I hope my colleagues and their staffs will welcome her to their offices and display her gift prominently and proudly.

FURTHER TRIBUTE TO LOTTIE BOLLING HANCOCK

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCOCK. Mr. Speaker, I rise today to commend the work of a dedicated citizen of our Republic—Mrs. Lottie Bolling Hancock—still going full steam ahead in her seventies.

I am genuinely impressed at the admirable project this fine lady has taken on. She has spearheaded a national effort to provide a framed copy of the U.S. Constitution to the office of each Member of the U.S. Congress.

This is not a personal gift to each Member. No, this is a gift to the people of each and every congressional district and State in the country. These copies of the Constitution will be handed on by each Member to their successors who will in turn become the stewards of the document.

What a novel and noble idea. Imagine the arguments and issues that could be settled if we each had a sounder understanding of our Constitution. Thanks to Lottie Bolling Hancock, we will no longer have an excuse.

I am sure that my colleagues will join me and her Congressman, JAKE PICKLE, from Texas, in thanking this outstanding citizen for her immeasurable contribution to good government and the further understanding and appreciation of our Constitution and the principles which underly it.

For myself, I offer my personal and heartfelt thanks.

AMERICA MUST HAVE ENERGY POLICY

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, if they grew corn in the Middle East, we would not be there, because we have got corn in the United States, so we do not need to go anywhere to get it.

In the Persian Gulf, we are there to defend the Saudi oil fields, because they have got it and we are dependent on it. We are dependent on 50 percent of our oil coming in from outside of the United States. We get 1½ million barrels each day from Saudi Arabia.

Why is that? Because we do not have an energy policy in this country. We are the only industrial nation in the world without an energy policy.

In the President's budget, he intends to cut out $600 million for clean coal technology to utilize the greatest natural energy resource that we have in this country.

□ 1440

What is going to happen is we are going to become more dependent upon imported oil coming from the Middle East and other countries of the world, but we also have these restrictions, not only on burning coal, but we have restrictions on drilling oil, drilling gas, and then we have restrictions on developing nuclear fuel. That puts us in a very precarious position, and then we are going to have to defend these countries from other despots who seek power with other American lives and American money.

I think we had better wake up to the fact that we do not have an energy policy in this country and use America's great and vast energy resources.

THE UNITED STATES NEEDS ENERGY POLICY

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, the Carter administration 12 years ago, tried to create public support for energy conservation. Then, President Carter declared it the moral equivalent of war.

We are not engaged in a war, a real war with real casualties, and it is a war over energy. President Carter's analogy, however, was not totally correct. War is something we do not want to be involved in indefinitely, but an energy policy, long-term energy planning, truly is.

Prior to this crisis our Nation was looking at another crisis, the diet industry. In 1989 we spent $33 billion trying to lose weight, and that is going to double in the next 5 years. Had a shot not been fired, we would have spent $30 billion in 1989 and now this war in the Middle East costs us $1 billion a day.

Just as with energy, we eat too much food and we use too much energy. We are fat, and like a fat person looking for the quick way to lose weight, we have tried everything to get our energy appetite under control. With silly liquid diets weight loss occurs, but it creeps back when we go back to our old bad habits.

In summary, we cannot lose weight or save energy quickly or painlessly. We have to do it better. We must reduce our reliance on oil, begin the same way we would lose weight: cut calories and conserve. Likewise, we must enact a good energy strategy by investing in renewable and alternative fuels. We have more coal than Kuwait has oil. In the long run we could lose more weight, look better and be a better country for it.

TRIBUTE TO DANNY THOMAS

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, like most of America, I heard the sad news on the way to work this morning of the passing of the beloved comedian, Danny Thomas.

Danny Thomas, an individual of Lebanese extraction, was presented the Congressional Gold Medal by the U.S. Congress in 1983. I introduced that legislation on January 3 of that year with the immeasurable help of my esteemed colleague from Illinois [Mr. ANNUNZIO], and with 225 cosponsors we passed that resolution and President Reagan then presented the gold medal to Danny Thomas in the White House on April 16, 1985.

At that time President Reagan spoke of Danny Thomas' remarkable career in acting. His career, however, was overshadowed and paled in comparison with his true achievement, which was his work in founding and setting up St. Jude's Childrens Research Hosptial.

Danny Thomas fulfilled a promise he made when he was a struggling young comedian to St. Jude, the patron saint of the hopeless, when he vowed to build a shrine to St. Jude should he become a success in show business. He became that success, and in 1946 he raised the needed funds for the St. Jude's Childrens Research Hospital in Memphis, TN. He established the American-Lebanese-Syrian Associated Charities to undertake this fundraising effort for this hospital. The work paid off, and in 1962 St. Jude's Childrens Research Hospital opened its doors, making Danny's dream of free medical care for children a reality. And largely through Danny's tireless efforts, today St. Jude's has more than doubled the size of its patient and research facilities. Over the years it has treated more than 5,000 young patients. The care and love that is given to the children of this world at St. Jude's is second to none. It refects the character and dedication of its benefactor, Danny Thomas.

St. Jude's has achieved a remarkable 53-percent cure rate for children suffering from leukemia, a tribute to the dedicated staff at the hospital.

So today, Mr. Speaker, I conclude in joining with the world as we mourn the loss of a truly beloved American, a comedian, but more important than that, a friend, and a true carer for all of the children of the world.

COMMUNICATION FROM HON. ROBERT H. MICHEL, REPUBLICAN LEADER

The SPEAKER pro tempore (Mr. MCNULTY) laid before the House the following communication from the Honorable ROBERT H. MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 801(b) (6) and (8), Public Law 100-696, following is my selection to serve as a member of the United States Capitol Preservation Commission for the 102nd Congress: Rep. Jerry Lewis of California.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.

COMMUNICATIONS FROM THE CHAIRMAN OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER pro tempore laid before the House the following communications from the Honorable WALTER B. JONES, chairman, Committee on Merchant Marine and Fisheries:

COMMITTEE ON MERCHANT
MARINE AND FISHERIES,
Washington, DC, February 5, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to 46 App. U.S.C. 1295b (h)1, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Merchant Marine Academy for the 102nd Congress:

The Honorable George J. Hochbrueckner of New York

The Honorable Nita M. Lowey of New York

The Honorable Norman F. Lent of New York

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

With warmest personal regards, I am

Sincerely,

WALTER B. JONES,
Chairman.

COMMITTEE ON MERCHANT
MARINE AND FISHERIES,
Washington, DC, February 5, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to 14 U.S.C. 194, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Coast Guard Academy for the 102nd Congress:

The Honorable W.J. (Billy) Tauzin of Louisiana

The Honorable William J. Hughes of New Jersey

The Honorable Jack Fields of Texas

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

With warmest personal regards, I am

Sincerely,

WALTER B. JONES,
Chairman.

BANKS CAN AFFORD TO PAY FOR DEPOSIT INSURANCE

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, it is now no secret that the bank insurance fund is in serious trouble. The fund must be replenished. The only real issue is: By whom?

The banking industry originally had said that it was willing to pay the cost. Now, it is becoming readily apparent that the banks are looking for a way to get the taxpayer to foot the bill.

The banks' major complaint is that they cannot afford to pay the rapidly escalating cost of refunding the bank insurance fund. A look at the dividends they have paid to their shareholders over the past few years undercuts that argument.

Since 1988, banks insured by the FDIC have paid their shareholders about $40 billion in dividends. During that same period, they have paid only $6.5 billion in deposit insurance premiums, even though the FDIC had $19.8 billion in deposit insurance losses. Current projections show that the fund could run out of money as early as this September.

The banks and their shareholders benefit from deposit insurance and must foot the bill. They can afford it. Now they must start putting money into the bank insurance fund, rather than into their own pockets.

VETERANS HOUSING AND MEMORIAL AFFAIRS AMENDMENTS OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 232) to amend title 38, United States Code, with respect to veterans programs for housing and memorial affairs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NOTIFICATION REQUIREMENT.

Section 1832(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

SEC. 2. PROPERTY MANAGEMENT.

(a) VENDEE LOANS.—Section 1833(a) of title 38, United States Code, is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) After fiscal year 1990, the percentage limitations described in paragraph (1) of this subsection shall have no effect.

"(3) The Secretary may, beginning in fiscal year 1991 and continuing thereafter, sell any note evidencing a loan referred to in paragraph (1)—

"(A) with recourse; or

"(B) without recourse but only if the amount received is equal to an amount which is not less than the unpaid balance of such loan.".

(b) REPEAL OF TERMINATION DATE.—Section 1833(a) of such title is amended—

(1) by striking out paragraph (6); and

(2) by redesignating paragraph (7) as paragraph (6).

SEC. 3. EXTENSIONS OF PROVISIONS RELATING TO DEFAULT PROCEDURES AND APPRAISALS.

(a) DEFAULT PROCEDURES.—Section 1832(c)(11) of title 38, United States Code, is amended by striking out "October 1, 1991" and inserting in lieu thereof "December 31, 1991".

(b) APPRAISALS.—Section 1831(f)(3) of such title is amended by striking out "October 1, 1990" and inserting in lieu thereof "December 31, 1991".

SEC. 4. ADMINISTRATION.

(a) CERTIFICATION.—Section 1820 of title 38, United States Code, is amended by adding at the end the following:

"(g) The Secretary shall, at the request of the Secretary of Housing and Urban Development and without reimbursement, certify to such Secretary whether an applicant for assistance under any law administered by the Department of Housing and Urban Development is a veteran.".

(b) APPLICATION REQUIREMENTS.—Section 1803 of such title is amended by adding at the end the following:

"(f) The application for or obtaining of a loan made, insured, or guaranteed under this chapter shall not be subject to reporting requirements applicable to requests for or receipts of Federal contracts, grants, loans, loan guarantees, loan insurance, or cooperative agreements except to the extent that such requirements are provided for in, or by the Secretary pursuant to, this title.".

SEC. 5. WAIVER OF INDEBTEDNESS.

Section 3102 of title 38, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new sentence: "The Secretary shall include in the notification to the payee a statement of the right of the payee to submit an application for a waiver under this subsection and a description of the procedures for submitting the application."; and

(2) in subsection (b)—

(A) by striking out "101 and 1801" and inserting in lieu thereof, "101, 1801, and 1802(a)(2)(C)(ii) of this title"; and

(B) by adding at the end the following: "An application for relief under this subsection must be made within one year after the date on which the veteran receives notice by certified mail from the Secretary of the indebtedness. The Secretary shall include in the notification a statement of the right of the veteran to submit an application for a waiver under this subsection and a description of the procedures for submitting the application.".

SEC. 6. ENTITLEMENT AMOUNT.

Section 1803(a)(1)(A)(i) of title 38, United States Code, is amended—

(1) in subclause (III)—

(A) by inserting "except as provided in subclause (IV) of this clause," after "(III)"; and

(B) by striking out "but not more than $144,000,"; and

(2) in subclause (IV), by striking out "or (6)" and inserting in lieu thereof "(6), or (8)".

SEC. 7. DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY AND THERAPEUTIC TRANSITIONAL HOUSING.

(a) DEMONSTRATION PROGRAM.—During fiscal years 1991 through 1994, the Secretary of Veterans Affairs may carry out a compensated work therapy and therapeutic transitional housing demonstration program. The demonstration program shall have two components, as follows:

(1) A component, under subsection (c), which provides for direct operation of therapeutic transitional housing in conjunction with the furnishing of compensated work therapy.

(2) A component, under subsection (d), which provides for the contracting with nonprofit corporations to furnish compensated work therapy in conjunction with the operation of the therapeutic transitional housing.

(b) ELIGIBLE VETERANS.—The veterans for whom therapeutic transitional housing may be provided under this section are veterans—

(1) who are furnishing services to the Department of Veterans Affairs under subsection (a) of section 618 of title 38, United States Code; or

(2) who are furnished therapeutic work pursuant to subsection (b) of that section.

(c) AUTHORITY TO OPERATE RESIDENCES AS THERAPEUTIC TRANSITIONAL HOUSING.—Under the demonstration program, the Secretary, in connection with the conduct of compensated work therapy programs, may operate residences as therapeutic transitional housing solely for veterans described in subsection (b) of this section. The Secretary may operate no more than 50 residences as therapeutic transitional housing under this subsection.

(d) CONTRACT AUTHORITY.—(1) Under the demonstration program, the Secretary may contract with nonprofit corporations to conduct compensated work therapy programs under the demonstration program.

(2) The Secretary may enter into a contract with a nonprofit corporation under the demonstration program only if the corporation provides assurances satisfactory to the Secretary that it will operate therapeutic transitional housing for eligible veterans in conjunction with an existing compensated work therapy program at a medical center. The contract may remain in effect only as long as the corporation operates the therapeutic transitional housing for eligible veterans in connection with the demonstration program.

(3) A contract with a nonprofit corporation under this subsection may provide for the Secretary to furnish the corporation (with or without consideration) in-kind services, including—

(A) technical and clinical advice;

(B) supervision of the activities of compensated work therapy participants in the rehabilitation of any property for use as therapeutic transitional housing under the contract and for possible later sale as a private residence; and

(C) minor maintenance of and minor repairs to such property.

(e) PROCUREMENT PROCEDURES.—The Secretary may use such procurement procedures for the purchase, lease, or other acquisition of residential housing for purposes of this section as the Secretary considers appropriate to expedite the opening and operation of transitional housing and to protect the interests of the United States.

(f) CONDITIONS.—A residence may be operated as transitional housing for veterans described in subsection (b) under the following conditions:

(1) Only veterans described in such paragraph and a house manager may reside in the residence.

(2) Each resident, other than the house manager, shall pay rent for the period of residence in such housing.

(3) In the establishment and operation of housing under this section, the Secretary shall consult with appropriate representatives of the community in which the housing is established and shall comply with zoning

requirements, building permit requirements, and other similar requirements applicable to other real property used for similar purposes in the community.

(4) The residence shall meet State and community fire and safety requirements applicable to other real property used for similar purposes in the community in which the transitional housing is located, but fire and safety requirements applicable to buildings of the Federal Government shall not apply to such property.

(g) HOUSE MANAGERS.—The Secretary shall prescribe the qualifications for house managers for transitional housing units operated under this section. The Secretary may provide for free room and subsistence for house managers in addition to, or instead of payment of, a fee for such services.

(h) SOURCES OF HOUSING.—(1) The Secretary may operate as transitional housing under this section—

(A) any suitable residential property acquired by the Secretary as the result of a default on a loan made, guaranteed, or insured under chapter 37 of title 38, United States Code; and

(B) any other suitable residential property purchased, leased, or otherwise acquired by the Secretary.

(2) In the case of any property referred to in paragraph (1)(A), the Secretary shall—

(A) transfer administrative jurisdiction over such property within the Department from the Veterans Benefits Administration to the Veterans Health Services and Research Administration; and

(B) transfer from the General Post Fund of the Department of Veterans Affairs to the Loan Guaranty Revolving Fund under chapter 37 of title 38, United States Code, an amount, not to exceed the amount the Secretary paid for the property, representing the amount the Secretary considers could be obtained by sale of such property to a nonprofit organization or a State for use as a shelter for homeless veterans.

(3) In the case of any residential property obtained by the Secretary from the Department of Housing and Urban Development under this section, the amount paid by the Secretary to that Department for that property may not exceed the amount that the Secretary of Housing and Urban Development would charge for the sale of that property to a nonprofit organization or a State for use as a shelter for homeless persons. Funds for such charge shall be derived from the General Post Fund.

(i) RENT AND LENGTH OF RESIDENCE.—The Secretary shall prescribe—

(1) a procedure for establishing reasonable rental rates for persons residing in transitional housing; and

(2) appropriate limits on the period for which such persons may reside in transitional housing.

(j) DISPOSAL OF PROPERTY.—The Secretary may dispose of any property acquired for the purpose of this section. The proceeds of any such disposal shall be credited to the General Post Fund of the Department of Veterans Affairs.

(k) AVAILABILITY OF GENERAL POST FUND.—Funds received by the Department under this section shall be deposited in the General Post Fund. The Secretary may distribute out of the fund such amounts as necessary for the acquisition, management, maintenance, and disposition of real property for the purpose of carrying out such program. The operation of the demonstration program and funds received shall be separately accounted for, and shall be stated in the documents accompanying the President's budget for each fiscal year.

(l) REPORT.—After a demonstration program under this section has been in effect for two years, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the operation of the program. The Secretary shall include in the report such recommendations with regard to the program as the Secretary considers appropriate.

SEC. 8. LOANS TO ORGANIZATIONS PROVIDING TRANSITIONAL HOUSING FOR SUBSTANCE ABUSERS.

(a) LOAN PROGRAM.—The Secretary of Veterans Affairs may make loans in accordance with this section to assist in the provision of transitional housing exclusively to veterans who are in (or who recently have been in) a program for the treatment of substance abuse.

(b) LOAN RECIPIENTS.—A loan under this section may only be made to a nonprofit organization under selection criteria promulgated by the Secretary and only to assist that organization in leasing housing units for use as a group residence for the purposes described in subsection (a). The amount of such a loan that is used with respect to any single residential unit may not exceed $4,500. In making loans under this subsection, the Secretary shall, except to the extent that the Secretary determines that it is infeasible to do so, ensure that—

(1) each loan is repaid within two years after the date on which the loan is made;

(2) each loan is repaid through monthly installments and that a reasonable penalty is assessed for each failure to pay an installment by the date specified in the loan agreement involved; and

(3) each loan is made only to a nonprofit private entity which agrees that, in the operation of each residence established with the assistance of the loan—

(A) the use of alcohol or any illegal drug in the residence will be prohibited;

(B) any resident who violates the prohibition in subclause (A) of this clause will be expelled from the residence;

(C) the costs of maintaining the residence, including fees for rent and utilities, will be paid by the residents;

(D) the residents will, through a majority vote of the residents, otherwise establish policies governing the conditions of residence, including the manner in which applications for residence are approved; and

(E) the residence will be operated solely as a residence for not less than six veterans.

(c) FUNDING.—Loans under this section shall be made from the special account of the General Post Fund of the Department of Veterans Affairs established for purposes of this section. The amount of such loans outstanding at any time may not exceed $100,000. Amounts received as payment of principal and interest on such loans shall be deposited in that account. The operation of the loan program under this section shall be separately accounted for, and shall be separately stated in the documents accompanying the President's budget for each fiscal year.

(d) TERMS AND CONDITIONS.—Loans under this section shall be made on such terms and conditions, including interest, as the Secretary prescribes.

(e) REPORT.—After the end of the 15-month period beginning when the first loan is extended under this section, the Secretary shall issue a report on the Department's experience under the section. The report shall include the following information:

(1) The default rate on loans extended under this section.

(2) The manner in which loan payments are collected.

(3) The number of facilities at which loans have been extended.

(4) The adequacy of the amount of funds in the revolving fund.

SEC. 9. HOUSING PROGRAMS FOR HOMELESS VETERANS.

(a) IN GENERAL.—Subchapter III of chapter 37 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1835. Housing assistance for homeless veterans and veterans in compensated work therapy programs

"(a)(1) To assist homeless veterans and their families acquire shelter, the Secretary may enter into agreements described in paragraph (2) with—

"(A) nonprofit organizations, with preference being given to any organization named in, or approved by the Secretary under, section 3402 of this title; or

"(B) any State or any political subdivision thereof.

"(2) To carry out paragraph (1), the Secretary may enter into agreements to sell real property, and improvements thereon, acquired by the Secretary as the result of a default on a loan made, insured, or guaranteed under this chapter. Such sale shall be for such consideration as the Secretary determines is in the best interests of homeless veterans and the Federal Government.

"(3) The Secretary may enter into an agreement under paragraph (1) of this subsection only if—

"(A) the Secretary determines that such an action will not adversely affect the ability of the Department—

"(i) to fulfill its statutory missions with respect to the Department loan guaranty program and the short- and long-term solvency of the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund under this chapter; or

"(ii) to carry out other functions and administer other programs authorized by law;

"(B) the entity to which the property is sold agrees to—

"(i) utilize the property solely as a shelter primarily for homeless veterans and their families,

"(ii) comply with all zoning laws relating to the property,

"(iii) make no use of the property that is not compatible with the area where the property is located, and

"(iv) take such other actions as the Secretary determines are necessary or appropriate in the best interests of homeless veterans and the Federal Government; and

"(C) the Secretary determines that there is no significant likelihood of the property being sold for a price sufficient to reduce the liability of the Department or the veteran who defaulted on the loan.

"(4) Any agreement, deed, or other instrument executed by the Secretary under this subsection shall be on such terms and conditions as the Secretary determines to be appropriate and necessary to carry out the purpose of such agreement.

"(b) The Secretary may not enter into agreements under subsection (a) after September 30, 1993.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter III the following new item:

"1835. Housing assistance for homeless veterans.".

SEC. 10. AUTHORIZED SOURCES FOR PROVISION OF THERAPEUTIC WORK IN COMPENSATED WORK THERAPY PROGRAM.

(a) AUTHORIZED SOURCES.—Subsection (b)(1) of section 618 of title 38, United States Code, is amended by striking out "contractual arrangements with private industry or other sources outside the Veterans' Administration" and inserting in lieu thereof "a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity)".

(b) CONFORMING AMENDMENT.—Subsection (c)(1) of such section is amended by striking out "carrying out the provisions of" and inserting in lieu thereof "furnishing rehabilitative services authorized in".

SEC. 11. FLORIDA NATIONAL CEMETERY.

Notwithstanding section 1004(c)(2) of title 38, United States Code, the Secretary may provide for flat grave markers in that section of the Florida National Cemetery in which preplaced grave liners were installed before July 30, 1988.

SEC. 12. TECHNICAL CORRECTIONS.

(a) AMENDMENTS.—Title 38, United States Code, is amended as follows:

(1) Section 1805(a) is amended—

(A) by striking out "approved" in the first sentence and inserting in lieu thereof "appraised"; and

(B) by striking out "approval)" in the second and inserting in lieu thereof "appraisal)".

(2) Section 1825(c) is amended—

(A) in paragraph (2), by striking out "There" and inserting in lieu thereof "Except as provided in paragraph (3) of this subsection, there"; and

(B) by adding at the end the following new paragraph:

"(3) In the case of a loan described in clause (C) of section 1829(a)(2) of this title, there shall be credited to the Guaranty and Indemnity Fund, in lieu of any amount that would otherwise be credited for such a loan under subparagraph (A) or (B) of paragraph (2) of this subsection—

"(A) for each loan closed during fiscal year 1990, an amount equal to 0.25 percent of the original amount of the loan for each of the fiscal years 1991 and 1992;

"(B) for each loan closed after fiscal year 1990, an amount equal to 0.25 percent of the original amount of the loan for the fiscal year in which the loan is closed and for the following fiscal year.".

(3) Section 1829(a) is amended by striking out paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3).

(4) Section 1829(c)(2) is amended by striking out "section 1825(c)(2) (A) or (B) of this title and subsection (a)(3) of this section" and inserting in lieu thereof "clause (A) or (B) of paragraph (2) of section 1825(c) of this title or paragraph (3) of that section".

(5) Section 1833 is amended by striking out the subsection (e) that was added by section 5003(a) of Public Law 101-239.

(b) RATIFICATION.—(1) Any action of the Secretary of Veterans Affairs or the Secretary of the Treasury—

(A) that was taken during the period beginning on October 1, 1990, and ending on the date of the enactment of this Act; and

(B) that would have been an action carried out under section 1825(c)(3) of title 38, United States Code, if the amendment made by paragraph (2) of subsection (a) of this section had been made before October 1, 1990, is hereby ratified.

(2) Any failure to act by the Secretary of Veterans Affairs or the Secretary of the Treasury during such period under section 1829(a)(3) of such title is hereby ratified.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 232, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1450

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 232 would improve housing and memorial affairs programs for veterans. It is similar to H.R. 5002 passed by the House last year. H.R. 232 is a compromise reflecting agreement with the other body on legislation that failed to pass the Senate also last year.

In a moment I will recognize the gentleman from West Virginia [Mr. STAGGERS], the chairman of the Subcommittee on Housing and Memorial Affairs, but first I want my colleagues to know, Mr. Speaker, that this bill has been amended. Section 2 of the bill has been modified in order to eliminate the major direct spending provision in the bill as introduced. This provision would have prevented the VA from selling loans it made to purchasers of foreclosed houses. The committee was recently notified by CBO that the direct spending increases above baseline in the bill would be $7 million in 1991, $22 million in 1992 and $68 million in 1993.

Mr. STAGGERS and I have agreed to modify section 2 to reduce the total direct spending from $97 million to $7 million for these 3 years. The gentleman from West Virginia will explain in more detail why the $7 million will remain in the bill.

Mr. Speaker, our bills are the first that have been brought to the floor under the new provision of pay as you go. Other committees should be aware that pay as you go is being enforced.

I want to thank the distinguished gentleman from West Virginia for his hard work on this measure and congratulate him on being reelected to this subcommittee chairmanship of Housing and Memorial Affairs. He has done an excellent job.

I also want to thank the gentleman from Indiana [Mr. BURTON], the ranking minority member of the subcommittee, and the ranking minority member of the full committee, the gentleman from Arizona [Mr. STUMP], for their cooperation.

Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Speaker, it is with mixed emotions that I rise today in support of H.R. 232, a bill containing the best provisions concerning the homeless which appeared in H.R. 5002 and S. 2100 as well as certain housing and memorial affairs provisions.

This measure is the result of considerable hard work and effort on the part of many. No one, Mr. Speaker, deserves more credit than the gentleman from Mississippi, the chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY. I applaud his efforts this session to so quickly move on legislation in behalf of America's veterans which had been agreed to in principle by the other body but upon which action was prevented during the 101st Congress. I also want to compliment the ranking minority member of the committee, Mr. BOB STUMP of Arizona; and the gentleman from Indiana, Mr. DAN BURTON, who is ranking minority member of the Subcommittee on Housing and Memorial Affairs.

At the outset, I wish to state that the chairman and I have agreed to amend the bill to eliminate the prohibition of certain loan sales for the next three years since CBO has attached such a high direct spending cost of $92 million in the first three years. Ironically, there is no money being spent here. Instead, DVA is allowed to collect principal and interest on vendee loans—thereby increasing revenues to the guaranty and indemnity fund. It should be emphasized that the sale of these assets is not necessary to operate the program.

One of the reasons that the Loan Guaranty Program has needed appropriations is due to the fact the OMB was making DVA sell their loan assets prematurely, thereby depleting the attractive parts of the loan portfolio which could have generated revenues. We will be revisiting this issue in my subcommittee.

This is a perfect example of why I didn't support this type of scorekeeping method on the floor. The other classic example of how something appears to be something it's not is the direct spending cost associated with providing transitional housing to certain homeless veterans. According to the CBO estimate, this is $5 million the first year and $1 million thereafter. Under this legislation, we're not spending a single penny from taxpayer dollars. All of the money comes out of the general post fund which is made up of gifts, donations and bequests to aid veterans. If this committee is going to be prohibited from requiring DVA to spend funds to help needy homeless veterans from non-appropriated money, it's really a sad state of affairs. Nevertheless, our committee will abide by the House rules and my subcommittee will make every effort to find some additional funds later this session which will offset the $5 million cost CBO attached to the homeless intitiative contained in the bill.

Mr. Speaker, I would now like to explain the provisions contained in H.R. 232. America's veterans are well served by this new bill assisting certain homeless veterans by bringing together and modifying existing Department of Veterans Affairs Programs. The homeless issue and mental health issues have existed long enough, unfortunately, in the general population and the veteran community to have provided some hard lessons. One of the lessons is that transitional housing—a bridge between active, or inpatient, therapy and full return to the community—can assist individuals in becoming full members of society.

This bill would authorize the Secretary to carry out a four-year demonstration program of transitional housing for participants in the Compensated Work Therapy [CWT] Program.

The Department of Veterans Affairs is authorized to operate Compensated Work Therapy programs under section 618(b) of title 38, United States Code. The purpose of the CWT program is to provide a clinical procedure for evaluating the patient's vocational or avocational interests, aptitudes, and skills, as well as assessing the patient's physical and mental capacities for work in actual employment situations. The programs encourage the development of good working habits by emphasizing attendance, reliability, punctuality, productivity, craftsmanship, and personal responsibilities. The major component is a work regimen with monetary incentives derived from work contracts with private industry or other sources outside the Department. Jobs performed in CWT may range from simple packaging and salvaging type activities to fabrication and assembly operations using complex machines. Activities can take place in the medical center, in the community, or on the industrial site. This bill would authorize the Department of Veterans Affairs to contract with elements of DVA, as well as private or other governmental sources, for the work involved in the CWT Program.

Mr. Speaker, work and medical or rehabilitative treatment are not the only problems associated with chronically mentally ill patients or with the homeless. The need for transitional or therapeutic living space is critical to the success of any of the therapeutic programs. This bill is designed to bring together some existing Department of Veterans Affairs programs, with certain modifications, in order to provide an opportunity for patients to consolidate their clinical improvement and to develop sufficient skills and income to achieve maximum levels of independence. Specifically, patients would be involved in a therapeutic program which would combine the CWT Program with therapeutic residential living prior to discharge to the community.

This bill would give the Department the needed authority to purchase, lease and sell housing that would be used for patients participating in the CWT programs. The Veterans Health Services and Research Administration [VHSRA] would have authority to purchase properties, if deemed appropriate by the Secretary, that have been acquired under the Veterans Benefits Administration's [VBA] guaranteed home loan program through foreclosure.

Mr. Speaker, another provision of the bill establishing this transitional housing demonstration program would authorize the Department to collect rent and utilities payments from individuals living in such housing units. These monies would help to defray the operating expenses of these housing units. Veterans may be allowed to live in the therapeutic residences for a stated period of time to be determined by the Secretary. Veterans may remain in the therapeutic residence after completion of the CWT Program only if they are receiving Department of Veterans Affairs outpatient services and are awaiting placement in community housing. Each therapeutic residence would have a house manager who could be provided room and board and possibly a minimal stipend in exchange for overseeing the residence. The Secretary would be required to prescribe qualifications for house managers for these transitional housing units.

This bill would authorize funds to be disbursed from the general post fund as may be necessary for the acquisition, management, maintenance, and disposition of real property for the purpose of carrying out this transitional demonstration housing program. This authority also includes reimbursement from the general post fund to the loan guaranty revolving fund of amounts equal to the amount which could have been obtained by the sale of the Department's acquired property to a nonprofit organization or a State for use as a shelter for homeless veterans. Money deposited in the general post fund comes from non-governmental sources and is not appropriated. Fund balances have been running in the amount of approximately $31 million.

Mr. Speaker, the bill would also authorize the Department of Veterans Affairs to lend from the general post fund up to $4,500 with a maximum total outstanding amount of $100,000 to groups or individuals setting up group homes for homeless veterans recovering from substance abuse. The idea is to provide transition time between active treatment and the return of recovering veterans to the outside world. Group homes of this nature provide a supportive environment which permits individuals to avoid relapsing into addictive use of alcohol and drugs.

Relapses by individuals recovering from either alcoholism or drug addiction are a costly and difficult problem. Harvard Medical School's study of adult development reported that in an 8 year posttreatment study of 100 individuals who had inpatient treatment for alcoholism, only 29 percent had achieved stable abstinence of at least 3 year's duration.

More than 140 DVA medical centers have treatment programs that follow the traditional 28-day inpatient mode. Each of these hospitals has groups of veterans leaving an inpatient program every week. It would seem beneficial to loan money to groups for setting up houses as a transition for recovering veterans. This would not only assure that recovering veterans live in a safe place close to after-care treatment, it would make better use of Federal dollars in the long run by treating more veterans and giving them a chance to turn their lives around, rather than seeing the same veterans repeatedly in an inpatient treatment program. This bill, therefore, hopefully provides a way to help reduce the recidivism rate and increase the abstinence rate for veterans.

Last, the bill would extend authority to the Secretary for another 3 years to discount foreclosed properties sold to nonprofit organizations to assist homeless veterans and to persons who enter into an agreement with the Department to employ veterans who are participants in the CWT Program. Currently, these properties may be discounted up to 50 percent.

This bill also addresses housing issues under the Department's Home Loan Guaranty Program.

This bill also makes permanent the requirement in section 1832(a)(4) of title 38 that the Department of Veterans Affairs provide information and counseling to veterans who default on VA-guaranteed home loans about the effect of, and alternatives to, foreclosure. The notification and counseling assistance requirement took effect March 1, 1988, and would expire on March 1, 1991. The time limit was imposed to provide a trial period during which the effects of the provisions on lowering foreclosure through notification, information and counseling could be evaluated by Congress. All indications, by the Department, the General Accounting Office, and others indicate that notification, information and counseling do make a difference. Of the 28,675 defaults reported cured during the first quarter of fiscal year 1990, 913 can be directly related to the over 37,000 personal servicing contracts made by Department personnel. The Department estimates that those 913 cures saved the Government over $17 million.

Mr. Speaker, veterans are eligible for certain benefits under the National Housing Act. That act, administered by the Department of Housing and Urban Development [HUD], provides lower downpayment requirements for loans to veterans insured by the Federal Housing Administration. Since 1966, under an agreement with HUD, the Department has been issuing certificates of veterans' status for HUD. The agreement under which the Department processed the certificates called for HUD to reimburse the Department $1.25 per certificate for processing costs. In recent years HUD has declined to reimburse the Department for these costs. As a service to veterans, the Department has continued to issue the certificates. This bill authorizes the Department to continue issuing the certificates without reimbursement from HUD.

The bill would also exempt housing loans guaranteed, insured, or made by the Department of Veterans Affairs from the lobbying reporting requirements of 31 U.S.C. 1352 which was added by section 319 of Public Law 101-121. That law prohibits certain government contractors or recipients of Government assistance from using appropriated monies for lobbying, and requires certain lobbying disclosures for those persons. That statute does not apply to loans which are $150,000 or less. In the conference report on this legislation—House Report 101-264—it was stated that the $150,000 threshold "serves to exempt * * * individuals who seek federally insured loans—for the purchase of personal residences, for example—from these provisions." There is no statutory or Department-imposed regulatory ceiling on the amount of a loan guaranteed by the Department. Custom and practice in the lending industry and secondary market, however, limits VA-guaranteed loans to four times the guaranty amount. Until recently, the maximum guaranty was $36,000. Therefore, VA-guaranteed loans rarely exceeded $144,000. In enacting Public Law 101-237, the Congress recognized that in certain high cost areas of the Nation $144,000 was not sufficient for many veterans to purchase satisfactory housing. Therefore, that law increased the guaranty to 25 percent on loans exceeding $144,000 to a maximum guaranty of $46,000. This new guaranty gives lenders the authority to make no down payment VA-guaranteed loans of up to $184,000. As stated in the conference report on Public Law 101-121, Congress recognized that the purchase of a single family home with a federally guaranteed loan has not been the subject of abuse that led to the enactment of Public Law 101-121 and expressed an intent to exempt such borrowers from the burdens imposed by that law. Therefore, this bill would exempt all veterans from that burden including those who reside in high housing cost areas.

Last, this bill would authorize the use of flat markers in a specific area of the Florida National Cemetery. Public Law 99-576 required the use of upright grave markers in national cemeteries for interments occurring after January 1, 1987. Upright markers are not required in national cemeteries closed or scheduled to be closed prior to September 30, 1991, and the Department is permitted to continue to furnish flat markers in an open section already using them until the section is completed. Public Law 100-322 permitted the use of flat markers on graves in cemeteries located on the grounds of, or adjacent to, a VA health-care facility. The Florida National Cemetery does not meet these criteria. It is not scheduled to close, does not have a section already using flat markers, and is not located on or adjacent to a VA health-care facility. There is one section of Florida National Cemetery, however, in which preplaced graveliners were installed prior to enactment of Public Law 99-576. According to the Department, the size of the graveliners prohibits the use of upright markers. Therefore, this bill would provide authority to the Department to use flat grave markers in that section of Florida National Cemetery only.

Again, Mr. Speaker, although there is a $5 million cost in direct spending, I wish to reemphasize that appropriations are not needed to fund this legislation. I therefore urge favorable consideration of this measure.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from California.

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to commend the chairman and the ranking member of the Committee on Veterans' Affairs, and I also rise to commend the chairman of the subcommittee who has brought this legislation to the floor.

Yesterday, as many Members know, we indicated concern about the costs in the veterans' bills and, in particular, the costs that were here, not because substantively these are not important programs. As to the loan sale program, it is difficult to understand why it involves a cost. Nevertheless, the Congressional Budget Office tells us that would be the case.

Because of that, it could possibly raise the specter of sequester.

What the committee has done is to basically remove that loan sale provision, section 2, I believe, of the bill, but, at the same time, keeping what I think is a very important policy position with regard to the issue of trying to provide help to homeless veterans, and the funds in that section would come out of the post fund which essentially pays for those provisions.

So, again, I want to commend the committee, because in the past in reconciliation you have always adhered to the targets that we have presented you. Now when we indicated our concerns with regard to the budget agreement, the committee was willing to go back and eliminate the provision and basically meet the pay-as-you-go requirement. So I want to congratulate you and also to congratulate you on the issue itself, because it is extremely important that we care for these veterans, particularly at this time.

Mr. STAGGERS. Mr. Speaker, I will tell the gentleman that my subcommittee will take up legislation later in the session to offset the cost CBO attached to proposals that are left in the bill, but there is frustration on this gentleman's part that this is money that is not coming from taxpayers' dollars. It is gifts and bequests. It is something that hopefully we will be able to iron out.

I am not frustrated at the gentleman, because I know he is under the same restrictions that we are, but something has to be done with this, and hopefully we will be able to work this out in the future.

Mr. PANETTA. Mr. Speaker, I again thank the gentleman and again commend him.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 232, as amended, a bill to amend certain housing and memorial affairs provisions. This measure builds on existing Department of Veterans Affairs Programs by providing therapy and work programs in a transitional housing environment. With this measure, we hope to help some homeless veterans develop the skills necessary to live independently. To help defray costs, residents would be required to pay rent monthly.

Mr. Speaker, this measure also contains provisions to give the Secretary more flexibility in the disposition of properties acquired through the Loan Guaranty Program.

This compromise measure is the result of many hours of hard work. My good friend, SONNY MONTGOMERY, the chairman of the Committee on Veterans' Affairs, should be commended for his leadership in moving this legislation promptly.

Mr. Speaker, I also want to commend Mr. STAGGERS, chairman of the Subcommittee on Housing and Memorial Affairs, and Mr. BURTON, the ranking member of the Subcommittee on Housing and Memorial Affairs.

Mr. Speaker, I urge my colleagues to consider favorably this veterans' housing and homeless legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 232, the veterans housing and memorial affairs amendments of 1991.

I would like to commend the gentleman from West Virginia [Mr. STAGGERS] for introducing this important measure, and the chairman of the Veterans Committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for their unceasing efforts on behalf of our Nation's veterans.

H.R. 232 makes permanent the requirement for notifying veterans of the alternatives to foreclosure; extends certain Department of Veterans Affairs default and appraisal procedures through December 31, 1991; allows VA to contract with Federal agencies to provide therapeutic work for veterans under VA's Rehabilitative Compensated Work Therapy Program; provides the authority to issue certificates of veterans status for use with HUD programs; as well as deletes the requirement that a certain percentage of acquired properties sold by VA be sold with vendee financing.

Mr. Speaker, this important measure confirms the support in Congress for our veterans by increasing the eligibility of loans. These loans will assist veterans who are in temporary financial distress, recovering from substance abuse, and will provide information and counseling to veterans who default on VA guaranteed home loans.

Furthermore, H.R. 232 authorizes the VA to conduct a 4-year transitional housing demonstration program for patients in the VA's Rehabilitative Compensated Work Therapy Program.

Mr. Speaker, more of our Nation's veterans are becoming homeless each day. H.R. 232 takes the necessary steps toward preventing our veterans from living on the streets by establishing a transitional housing demonstration program.

Accordingly, I support this measure, and urge my colleagues to vote in favor of it.

□ 1500

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS], a member of the committee.

Mr. HARRIS. Mr. Speaker, I rise today to urge my colleagues to support House Resolution 232, a bill that will improve the veterans' housing programs. Since I serve on the Subcommittee on Housing and Memorial Affairs in the House Veterans' Affairs Committee, I am particularly pleased that this legislation will be considered so early in the 102d Congress. This compromise bill contains many of the provisions of a previous bill, a House resolution passed by the House during the 101st Congress.

The bill authorizes a demonstration project of transitional housing for homeless veterans participating in VA-compensated work therapy programs [CWT]. In addition, the bill allows the Department of Veterans Affairs to sell foreclosed properties at a discount to groups who agree to employ veterans participating in CWT programs. This measure attempts to protect the guaranty and indemnity fund by requiring the Department of Veterans Affairs to counsel veterans who are close to default on their loan. In many cases, counseling or refinancing can prevent foreclosure. I believe it is always better to keep a veteran in his or her home, than to sell foreclosed properties at a discount in auctions.

Although I am very pleased that this legislation was completed so early in the 102d Congress, I am disappointed that one provision was not included in the final measure. For the past several years, I have supported the idea that National Guardsmen and reservists should be allowed to participate in the Veterans' Home Loan Program. Current law does not permit guardsmen and reservists to benefit from this useful program.

As many of my colleagues are aware, the number of reservists and guardsmen serving in Operation Desert Storm is tremendous. My home State of Alabama has one of the highest percentage of reservists protecting our Nation. I believe these men and women should enjoy the same benefits as their counterparts in the active service branches.

I will continue to actively support legislation designed to add these loyal soldiers and sailors to this program. It is the very least we can do.

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself as much time as I may consume.

I appreciate the remarks of the gentleman from Alabama about housing coverage for the National Guard and reservists. We certainly will take another look at that next year, but I want to point out to the National Guardsmen and reservists who have been called to active duty that if they serve 180 days, plus 1 day on active duty during the Persian Gulf war, they will be eligible for these housing benefits, and if we pass the veterans' provision that declares for veterans' purposes that this is a war, then they will be eligible after being on active duty for 90 days, so most of the guardsmen and reservists called to active duty will be covered under this veterans housing bill.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I am happy once again to rise in support of legislation which will assist our Nation's veterans. H.R. 232, the veterans' housing amendments makes a variety of changes in veterans' housing programs, authorizes a demonstration project of transitional housing for homeless veterans and makes other adjustments in the VA-compensated work therapy programs.

I would like to commend chairman MONTGOMERY for his ongoing work in the area of veterans' affairs. We have seen an impressive level of activity on behalf of veterans early in this session of Congress. In addition, I would like to thank the chairman of the Housing and Memorial Affairs Subcommittee, Mr. STAGGERS, for his work in bringing this worthwhile legislation to the floor.

The Veterans' Administration is well aware of the housing problems, particularly homelessness, that face many veterans. Along with the rehabilitative Compensation Work Therapy [CWT] Program that is authorized in this bill, H.R. 232 takes important steps to help those veterans participating. This bill would extend the VA's authority to sell foreclosed properties at a discount to people who agree to employ veterans in the CWT Program. The bill also authorizes the VA to conduct a 4-year transitional housing demonstration project for homeless veterans participating in CWT programs. This program would help veterans develop skills and earn income as they struggle for self-sufficiency.

I am encouraged by the work of this committee with respect to homelessness. The pilot program contained in this bill is one which could yield results that will be helpful in trying to end homelessness throughout the United States.

Again, I commend the Committee on Veterans' Affairs for its efforts.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, within the last 2 weeks, approximately, the chairman of this committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking member on the other side, the gentleman from Arizona [Mr. STUMP] have brought to this House important legislation which affects veterans and their families. It is a recognition, I believe, of the sensitivity they have for all veterans in the country and they are acting promptly out of concern for that. They have given relief in the area of the cost of living, agent orange, and disability benefits and other specific legislation, and now today including the one on veterans housing and memorial affairs amendments.

These are important bills that affect every veteran in this country. I think as one Member of the House who is a veteran, I think it is proper for us to pay our respects to the chairman on both sides who brought this legislation to us. It is meaningful, it is helpful, and it is a recognition that we have the greatest fighting force in the world. We ought to remember that and support all these pieces of legislation.

So Mr. Speaker, I thank the chairman, the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Arizona [Mr. STUMP].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Texas [Mr. PICKLE] for his remarks.

We have had total support for these bills that we have brought up in the last 3 weeks. This will be our last bill, I am happy to say, for a couple weeks. When we have a vote on this bill, I hope it will be unanimous, as the other bills have been.

Mr. STAGGERS. Mr. Speaker, today we will be taking up H.R. 232, the Veterans Housing Amendments of 1991. There are a number of excellent provisions in that legislation; however, one of the provisions that is not included is a provision the House adopted last year to extend the home loan program to selected members of the National Guard and Reserves.

I, along with the chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, Mr. BOB STUMP, ranking minority member of the full committee as well as DAN BURTON, ranking minority member of the VA Housing and Memorial Affairs Subcommittee are introducing legislation that would allow members of the Guard and Reserves who are not otherwise qualified the opportunity to participate in the VA Home Loan Program.

Under our legislation, selected reservists with 6 or more years committed to the Guard or Reserves would be eligible to participate in the housing program. My decision to sponsor this legislation last year, as part of H.R. 5002, was prompted by very favorable hearings in Mississippi, Georgia, Virginia, as well as here in Washington.

This legislation is not a quick fix to attract attention to the Persian Gulf situation. It is a well developed proposal that would help attract and retain members of the Guard and Reserves. That was one of the initial reasons why this proposal was initially made; however, given the events of the past 6 months, it is more important now than ever that we continue to work on ways to attract the best persons possible into the citizen-soldier component of our total military force.

I am very pleased that the House supported this provision, last year, prior to the Iraqi invasion of Kuwait. I am pleased to have this bipartisan support. Although the House Veterans' Affairs is working on other legislation that will look more closely at the Persian Gulf war and ways to properly provide benefits for the men and women fighting in the Persian Gulf area, it is very important that we remember the long-term interest in making the Guard and Reserves programs attractive to continue to keep that component of our fighting force strong into the next century. The legislation we introduce today will do that.

Mr. HAMMERSCHMIDT. I want to associate myself with the remarks of the chairman in support of H.R. 232, the veterans housing and memorial affairs amendments of 1991. This bill includes provisions of several measures considered by the committee during the 101st Congress, in particular H.R. 5002, which was passed by the House but not considered by the Senate.

H.R. 232 contains a variety of provisions to assist homeless veterans, as well as those in the Compensated Work Therapy [CWT] Program. In addition, the legislation will allow veterans to use the increased entitlement for DVA-guaranteed, interest rate reduction refinancing loans.

H.R. 232 also expands the authority of the Department of Veterans Affairs [DVA] to contract with Federal agencies, in addition to private and nonprofit entities, to provide therapeutic work for veterans under the DVA's rehabilitative CWT Program.

Furthermore, the DVA is directed to conduct a 4-year transitional housing program for homeless veterans participating in the CWT Program. This is a significant program in that it requires each CWT patient to pay rent to live in the transitional housing, and permits these veterans to develop job skills and a steady income before being discharged into the local community.

In particular, the DVA would be authorized to purchase or lease property for the program, prescribe regulations for operation of the program, and establish qualifications for house managers of transitional housing units.

In order to assist veterans and their families, H.R. 232 would also alllow the Secretary, through nonprofit organizations, to make foreclosed property available at a discount to needy veterans. Furthermore, this legislation makes permanent the requirement for notifying veterans of alternatives to foreclosure, as well as the availability of counseling by the DVA.

I urge my colleagues to support H.R. 232, a compromise package enhancing veterans' rights and responsibilities by making significant changes in existing law.

Mr. BURTON of Indiana. Mr. Speaker, today we are considering H.R. 232, the Veterans Housing and Memorial Affairs Amendments of 1991. This bill incorporates the provisions of several measures considered during the 101st Congress, primarily H.R. 5002, the Veterans Housing and Homeless Amendments of 1990.

As some of my colleagues may recall, H.R. 5002 was passed by the House in July of last year. Unfortunately, this bill was not considered by the other body before the close of Congress.

The chairman of the Housing and Memorial Affairs Subcommittee has described in great detail the provisions of H.R. 232. I, too, would like to highlight a few important provisions of this bill which I believe make this bill worthy of our support.

The first provision I would like to highlight involves the disposal of foreclosed VA properties. It is a sad fact, but each year the VA acquires a number of properties through foreclosure. These properties must be disposed of by the VA.

Under current law, the VA is required to sell a fixed percentage of these properties with vendee financing. Unfortunately, this requirement often prevents the VA from disposing of these properties quickly as cash sales. As a result, the VA often must pay more in administrative costs associated to maintain these properties. By deleting the requirement that a certain percentage of acquired properties sold by the VA be sold with vendee financing, we can give the VA the flexibility it needs to dispose of these properties both quickly and profitably.

Finally, I would like to point out one last provision of H.R. 232 which targets our homeless veterans. Specifically, it allows the Secretary of Veterans Affairs to contract with Federal agencies in order to provide therapeutic work for veterans under the DVA's Rehabilitative Compensated Work Therapy [CWT] Program. Under prior law, the Secretary was limited to contracting only with private and nonprofit entities. I believe that this provision will give the Secretary the flexibility he needs to help our veterans lead productive and successful lives.

Mr. Speaker, I commend the chairman of the Housing and Memorial Affairs Subcommittee, Mr. STAGGERS, for all his hard work on this legislation. I would also like to commend the chairman of the Committee on Veterans' Affairs, Mr. MONTGOMERY, for the speed with which he has brought this bill to the house floor.

I urge my colleagues to support the Veterans Housing and Homeless Amendments of 1990.

Mr. STUMP. Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 232, as amended.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 23, as follows:

[Roll No. 21]

YEAS—411

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)

Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—23

Anthony
Bustamante
Conte
de la Garza
Donnelly
Dymally
Early
Edwards (TX)
Ford (TN)
Gordon
Ireland
Kennedy
Levine (CA)
Lewis (FL)
McDade
Miller (OH)
Owens (UT)
Rostenkowski
Savage
Smith (FL)
Smith (IA)
Udall
Weiss

□ 1532

Mr. KYL changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DYMALLY. Mr. Speaker, had I been present, I would have voted "yes" on H.R. 232, veterans housing and memorial affairs amendments of 1991.

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, due to official business in Florida, I was not present to vote on today's resolutions. I would like to take this opportunity to state that I would have voted in favor of H.R. 232, the veterans housing and memorial affairs amendments of 1991.

PERSONAL EXPLANATION

Mr. EDWARDS of Texas. Mr. Speaker, I was unavoidably detained in an important meeting with the Secretary of the Air Force during the vote on rollcall No. 21. Had I been present and voting, I would have voted "Yea" on H.R. 232, the veterans housing amendments.

ESTABLISHING THE SELECT COMMITTEE ON HUNGER, THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES, AND THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 51 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 51

Resolved,

TITLE I—SELECT COMMITTEE ON HUNGER

ESTABLISHMENT

SEC. 101. There is hereby established in the House of Representatives a select committee to be known as the Select Committee on Hunger (hereinafter in this title referred to as the "select committee").

FUNCTIONS

SEC. 102. (a) The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing comprehensive study and review of the problems of hunger and malnutrition, including but not limited to, those issues addressed in the reports of the Presidential Commission on World Hunger and the Independent Commission on International Development Issues, which issues include—

(A) the United States development and economic assistance program and the executive branch structure responsible for administering the program;

(B) world food security;

(C) trade relations between the United States and less developed countries;

(D) food production and distribution;

(E) corporate and agribusiness efforts to further international development;

(F) policies of multilateral development banks and international development institutions; and

(G) food assistance programs in the United States;

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting hunger or malnutrition; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting hunger or malnutrition.

(b) Nothing contained in this title shall be construed to limit or alter the legislative and oversight jurisdiction of any standing committee of the House under rule X of the Rules of the House of Representatives.

APPOINTMENT AND MEMBERSHIP

SEC. 103. (a) The select committee shall be composed of thirty-three Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall include any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 104. (a) For the purpose of carrying out this title the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee except the provisions of clause

2(m)(1)(B) of rule XI relating to subpoena power.

(c) Nothing contained in subsection (a) of this section shall be construed to limit the applicability of clause 2(i) of rule XI of the Rules of the House of Representatives to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 105. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this title.

(b) In carrying out its functions under this title, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to utilize the services of the staffs of those committees of the House from which Members have been selected for membership on the select committee;

(3) to prescribe the duties and responsibilities of such staff;

(4) to fix the compensation of such staff at a single per annum gross rate as provided by clause 6(c) of rule XI of the Rules of the House of Representatives;

(5) to terminate the employment of any such staff as the select committee considers appropriate; and

(6) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS AND RECORDS

SEC. 106. (a) The select committee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which the report applies.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

(c) The records, files, and materials of the select committee shall be transferred to the Clerk of the House.

TITLE II—SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

ESTABLISHMENT

SEC. 201. There is hereby established in the House of Representatives a select committee to be known as the Select Committee on Children, Youth, and Families (hereinafter in this title referred to as the "select committee").

FUNCTIONS

SEC. 202. (a) The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing comprehensive study and review of the problems of children, youth, and families, including but not limited to income maintenance, health (including medical and child development research), nutrition, education, welfare, employment, and recreation;

(2) to study the use of all practical means and methods of encouraging the development of public and private programs and politics which will assist American children and youth in taking a full part in national life and becoming productive citizens; and

(3) to develop policies that would encourage the coordination of both governmental and private programs designed to address the problems of childhood and adolescence.

(b) Nothing contained in this title shall be construed to limit or alter the legislative and oversight jurisdiction of any standing committee of the House under rule X of the Rules of the House of Representatives.

APPOINTMENT AND MEMBERSHIP

SEC. 203. (a) The select committee shall be composed of thirty-six Members of the House, who shall be appointed by the Speaker, and one of whom he shall designate as chairman.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall include any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 204. (a) For the purpose of carrying out this title, the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

(c) Nothing contained in subsection (a) of this section shall be construed to limit the applicability of clause 2(i) of rule XI of the Rules of the House of Representatives to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 205. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this title.

(b) In carrying out its functions under this title, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to utilize the services of the staffs of those committees of the House from which Members have been selected for membership on the select committee;

(3) to prescribe the duties and responsibilities of such staff;

(4) to fix the compensation of such staff at a single per annum gross rate as provided by clause 6(c) of rule XI of the Rules of the House of Representatives;

(5) to terminate the employment of any such staff as the select committee considers appropriate; and

(6) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS AND RECORDS

SEC. 206. (a) The select committee shall report to the House as soon as practicable during the present Congress, the results of its investigation and study, together with such recommendations as it deems advisable.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

(c) Any such report shall be referred to the Committee or committees having jurisdiction over the budget matter thereof.

(d) The records, files, and materials of the select committee shall be transferred to the Clerk of the House.

TITLE III—SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

ESTABLISHMENT

SEC. 301. There is hereby established in the House of Representatives a select committee to be known as the Select Committee on Narcotics Abuse and Control (hereinafter in this title referred to as the "select committee").

FUNCTIONS

SEC. 302. The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing oversight and review of the problems of narcotics, drug, and polydrug abuse and control, including (but not limited to) the study and review of (A) the abuse and control of opium and its derivatives, other narcotic drugs, psychotropics, and other controlled substances, as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970, and any such drug or substance when used in combination with any other substance; (B) domestic and international trafficking, manufacturing, and distribution; (C) treatment, prevention, and rehabilitation; (D) narcotics-related violations of the Internal Revenue Code of 1986; (E) international treaties and agreements relating to the control of narcotics and drug abuse; (F) the role of organized crime in narcotics and drug abuse; (G) problems of narcotics and drug abuse and control in the Armed Forces of the United States; (H) problems of narcotics and drug abuse and control in industry; and (I) the approach of the criminal justice system with respect to narcotics and drug law violations and crimes related to drug abuse;

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting narcotics or drug abuse or control; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting narcotics or drug abuse or control.

APPOINTMENT AND MEMBERSHIP

SEC. 303. (a) The select committee shall be composed of thirty-five Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman. At least one member of the select committee shall be chosen from each of the following committees of the House: The Committee on Agriculture, the Committee on Armed Services, the Committee on Government Operations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, the Committee on Veterans' Affairs, and the Committee on Ways and Means.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall include any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 304. (a) For the purpose of carrying out this title, the select committee is authorized to sit and act during the present Congress at such times and places within the

United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 305. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this title.

(b) In carrying out its functions under this title, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the compensation of such staff at a single per annum gross rate as provided by clause 6(c) of rule XI of the Rules of the House of Representatives;

(4) to terminate the employment of any such staff as the select committee considers appropriate; and

(5) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS

SEC. 306. (a)(1) The select committee shall report to the House with respect to the results of any field investigation or inspection it conducts.

(2) The select committee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which the report applies.

(3) The select committee shall report to the House its recommendations for a comprehensive program to control the worldwide problem of drug abuse and drug trafficking.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

Mr. MOAKLEY (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that debate on House Resolution 51 be limited to not more than 1½ hours.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MOAKLEY. Mr. Speaker, I yield the customary one-half of the debate time, in this instance, 45 minutes, to the gentleman from New York [Mr. SOLOMON] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 51 will establish three House select committees and set their total membership for the 102d Congress: The Select Committee on Hunger which will have 33 members; the Select Committee on Children, Youth, and Families which will have 36 members; and the Select Committee on Narcotics Abuse and Control which will have 35 members.

None of the select committees will have legislative jurisdiction but each will be charged with the responsibility of studying problems in their respective subject areas and recommending practical solutions to the House. The Speaker will appoint the membership of each select committee and designate one member from each select committee to serve as its chairman.

The select committees will be authorized to sit and act and will be bound by the House rules which relate to standing committees. Each select committee will be authorized to hire staff and incur expenses only upon the adoption by the House of a separate funding resolution reported from the Committee on House Administration.

The House has authorized the establishment of these select committees in past Congresses and the Rules Committee feels that their establishment once again is an important step which the House of the 102d Congress ought to take.

Mr. Speaker, as all of our colleagues are aware, there are many serious problems which face our country and the world. Of these problems, hunger is the most acute, persistent, and difficult to solve. Since the end of World War II our Nation has endeavored to find ways to solve the problem of hunger and malnutrition. More than 40,000 people die each day of hunger or complications related to severe malnutrition. That amounts to a staggering 14.6 million people annually. In 1980 alone, the World Bank estimates that 730 million people were unable to obtain enough food to consistently maintain good health.

Progress has been made in alleviating hunger but much remains to be done. By establishing the Select Committee on Hunger, the House will demonstrate its continuing commitment to seek out practical solutions that can have major impact on hunger and its consequences. In the past four Congresses, the Select Committee on Hunger and its task forces on domestic and international hunger have brought such proposals before the legislative committees of the House.

Enactment of House Resolution 51 will allow the select committee to continue to provide this valuable service to the House.

Mr. Speaker, the Select Committee on Children, Youth, and Families which House Resolution 51 will establish is well-suited to deal with a number of other crises facing our Nation.

The select committee investigations in the last Congress revealed that the proportion of children living in poverty has increased dramatically during the past decade. One in every 5 children under the age of 18 is poor and of children under the age of 6, the ratio rises to 1 in 4. Poverty is more prevalent in single parent families, especially those headed by a female. The number of children who will spend some part of their childhood in a single parent family has grown from 17 percent in 1980 to 20 percent in 1988. During that same period the number of children living in a family with a female head of the household increased by 21 percent.

Violent crime has always been detrimental to the social development and safety of children, but within the last decade homicide has become the second leading cause of death for 15- to 24-year-olds. It is the fourth leading cause of death for 1- to 4-year-olds and 5- to 14-year-olds. Even though these homicides are not all directly related to drug activities taking place in neighborhoods across this country, they can be traced to the culture of violence which is continually fueled by drug trafficking.

Another issue which we should be especially concerned about is health care for children. Presently, 1 in 7 children live in families which have no health care insurance coverage, even though many of their parents are in the work force. To not act and address this problem more aggressively means that costs for emergency and long-term care will increase as these children enter adulthood.

Mr. Speaker, the select committee has played a major role in identifying these problems, helping Congress understand their cause, and providing leadership in the pursuit of adequate solutions which are both compassionate and cost-effective.

Reestablishment of the Select Committee on Children, Youth, and Families will allow the House to continue to benefit from the expertise which has been demonstrated by its Members. Historically our Nation has found its strength within the family. Therefore, it is our duty to continue to develop policies which address the causes of the problems which destroy the family.

Mr. Speaker, the work and accomplishments of the Select Committee on Narcotics Abuse and Control are well-known. The select committee under the able leadership of its chairman, Mr. RANGEL, has led the way in the Congress' continued commitment to the war on drugs.

The pervasive and destructive nature of illegal drug abuse continues to tear at the fabric of our society. Over the past few years, there has been marked improvement in the interdiction and enforcement areas and the number of American drug abusers has declined from 23 million in 1985 to 14.5 million in 1988. Still heroin and cocaine continue to cross our borders at unacceptable levels. At the same time a thriving domestic marijuana industry has come into being to replace failing marijuana imports. Even with the decline in drug usage, drug trafficking remains a $100 billion a year business and the annual economic costs are estimated at $60 billion. Drug abuse is the basic cause of the dramatic surge in the rate of violent crime.

The Select Committee on Narcotics Abuse and Control played a major role in the development of the Crime Control Act of 1991, and the Anti-Drug Abuse Act of 1986 and 1988 by advocating new initiatives in all facets of our Nation's response to this terrible problem. The value of their oversight and advice to the House cannot be measured. Now as the effects of recent legislation begin to take hold, it is imperative that we reconstitute the select committee, in order that they may continue to oversee the implementation of these programs and advise the House on any modifications or additions to the laws which may be needed to help end the crisis of drug abuse in America.

Mr. Speaker, in closing, I would like to inform Members that the question on this resolution may be divided. If any Member so desires there may be a separate vote on each of the three titles of the resolution. However, I do not intend to demand a division of the question. I urge my colleagues to adopt this resolution. Establishment of these select committees will be a crucial first step in the development of solutions to the many problems which face our Nation today.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

□ 1540

Mr. Speaker, once again we are considering a resolution to create for the next 2 years, a Select Committee on Hunger; a Select Committee on Children, Youth, and Families; and a Select Committee on Narcotics Abuse and Control.

The House has been through all of this before on several occasions. As of today, the Select Committee on Hunger has existed for almost 7 years; the Select Committee on Children, Youth, and Families for over 8 years; and the Select Committee on Narcotics Abuse and Control for over 14 years.

According to guidelines for the establishment of select committees issued by the Rules Committee in 1983, a select committee is supposed to exist for a limited amount of time in order to achieve a clearly defined purpose. Mr. Speaker, to continue these select committees indefinitely is not a satisfactory solution.

At some point the House is going to have to either make these select committees permanent or else reincorporate them into the standing committee structure. And when we do it, Mr. Speaker, the entire standing committee structure should be realigned along lines that more nearly reflect the needs of the 1990's.

As far as the Select Committee on Narcotics Abuse and Control is concerned, the time to change is now. After 14 years it no longer makes sense to continue dealing with a long-term major problem like drug abuse by relying on a short-term limited solution like a select committee. It is time to establish a permanent standing committee on drug abuse and control.

I should note that in material submitted to the Rules Committee in support of its request for reestablishment, the chairman of Select Committee on Narcotics Abuse and Control, Mr. RANGEL, included the following:

> Ultimately, if the House is to maintain a leadership role in drug abuse prevention and control, it should consider the establishment of a permanent mechanism for comprehensive oversight of drug abuse issues.

Mr. Speaker, the time is now!

The executive branch has one drug czar to coordinate the actual implementation of our national drug policy, but the Congress in planning that policy has dozens of committees and subcommittees all claiming jurisdiction over part of the drug problem.

According to the most recent information available through the Congressional Research Service, the House alone has a total of 54 committees and subcommittees with legislative jurisdiction over narcotics. And that does not include the Budget or the Appropriations Committees which would be involved in funding the various programs. Nor does it include the Select Committee on Narcotics Abuse and Control, since it has no legislative jurisdiction.

Mr. Speaker, we need one committee with the mandate to focus on the problem and the power to report legislation dealing with the problem.

Yesterday, I along with three of my colleagues on the Rules Committee introduced a resolution to do just that.

The resolution we have introduced would not take away jurisdiction from any committee which currently has it. The proposal would provide that bills dealing with drug abuse be initially referred by the Speaker only to the Committee on Drug Abuse and Control. However, after being reported by the committee, the bills could then be referred by the Speaker to any other standing committee which has jurisdiction, subject to appropriate time limitations.

For bills which cover subjects other than just drugs, such as the Department of Justice authorization, the Drug Abuse and Control Committee would not have the same kind of primary authority. Instead it would have split, sequential or joint authority for those portions relating to drugs, under the regular referral process.

The resolution would also abolish the Select Committee on Narcotics Abuse and Control when the standing committee is established. This would occur 90 days after the adoption of the resolution.

Mr. Speaker, yesterday, in the Rules Committee the chairman of the Subcommittee on Rules of the House, the gentleman from California [Mr. BEILENSON], and the ranking member, Mr. DREIER, also from California, committed to hold subcommittee hearings on our proposal.

With that assurance, Mr. Speaker, I will support this package today, while continuing to press for a better long-term solution.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio [Mr. HALL], the very distinguished chairman of the Select Committee on Hunger, for purposes of debate only.

Mr. HALL of Ohio. Mr. Speaker I rise in support of House Resolution 51. The resolution provides for three select committees of the House during the 102d Congress. All three committees are valuable assets to this House, and this country. I am proud to be the chairman of the Select Committee on Hunger.

Over 400 private, advocacy, and charitable organizations support the creation of the select committee in the 102d Congress. Under leave to include extraneous matter, I will insert the list of those organizations into the RECORD at the conclusion of my remarks.

The Select Committee on Hunger is a valuable asset to this House. Our job is to investigate the problems of hunger here at home and around the world. I think we do that job very well.

We've had some successes in the past years, on the WIC Program shortfall, on relief to Angola, Ethiopia, and Sudan, on helping the world's refugees.

The Hunger Committee—the issue of hunger—cuts across party lines. The gentleman from Missouri [Mr. EMERSON] is more than my ranking Republican; he is a friend and a partner in the fight against hunger. We're fortunate to have two excellent and committed members chairing the two committee task forces, BYRON DORGAN on international hunger and MIKE ESPY on domestic.

We're fortunate to have an excellent and committed staff. They're hard working people, who are dedicated to helping the poor and the hungry around the world.

In short, Mr. Speaker, the Select Committee on Hunger is making a difference. I ask my colleagues to let them continue to make a difference.

When a country goes to war, it's easy to forget some things: The homeless, the children who live in poverty, the millions of Americans who depend on food stamps. The Hunger Committee helps us to remember.

Hunger is an enemy a thousand times older—and a thousand times deadlier—than Saddam Hussein. Hunger and poverty kill 40,000 American children every year. It kills 40,000 of the world's children every day.

My friend Mickey Leland devoted his life to the war on hunger. But Mickey believed—as I do—that the war on hunger is one we can win. It's a war that has no losers, only winners.

Hungry people don't have an army, they don't have political action committees; they don't have lobbyists. But they do have a representative in Washington—the Hunger Committee. We're the advocates for the poor and the hungry; we're the voice for the voiceless.

There is no more important issue in the world today than helping the millions of poor and hungry people in the world. I urge my colleagues to support this resolution, and support the Select Committee on Hunger.

COALITION FOR A SELECT COMMITTEE ON HUNGER 1991-92

Academy for International Development.
ACCION International.
Action for Corporate Accountability.
Action in the Community Through Service.
Adventist Development and Relief Agency International (ADRA).
AFL-CIO.
African Medical and Research Foundation (AMREF).
African Methodist Episcopal Church—Development Committee.
African-American Institute.
Africare.
Agricultural Cooperative Development International.
Agriculture Council of America.
AIDS Action Council.
Alan Guttmacher Institute.
Alternatives.
America's Development Foundation.
American Academy of Child and Adolescent Psychiatry.
American Agriculture Movement, Inc.
American Association for Ethiopian Jews.
American Association for International Aging.
American Association of Port Authorities.
American Association of Retired Persons.
American Association of School Administrators (AASA).
American Association of University Women.
American Association of World Health.
American Association on Mental Retardation (AAMR).
American Dietetic Association.
American Federation of State, County, & Municipal Employees.
American Forum: Education in a Global Age, Inc.
American Great Lakes Ports.
American Home Economics Association.
American Institute of Cooperation.
American Jewish Joint Distribution Committee.
American Jewish World Service.
American Maritime Congress.
American Medical Students Association.
American Nurses' Association.
American Public Health Association.
American School Food Service Association.
American Society of Allied Health Professionals.
American Welfare Association.
American Youth Work Center.
American-Near East Refugee Aid (ANERA).
Americans Against World Hunger.
Americares Foundation, Inc.
Arrowhead Food Bank.
Association for Childhood Education International.
Association of Maternal and Child Health Programs.
Association of State & Territorial Public Health Nutrition Directors.
Association of State & Territorial Public Health Officials.
Association on Third World Affairs, Inc.
Audrain County Human Resources Development.
B'nai B'rith.
Banking Information Center.
Baptist World Alliance.
Blue Ridge EMC.
Border Agricultural Worker's Union/Proyecto Organizativo Sin Fronteras.
Bread Basket of Northeastern Pennsylvania, Inc.
Bread for the City, Inc.
Bread for the World.
Break Through Foundation.
Bretton Woods Committee.
Brother's Brother Foundation.
California Action Network (CAN).
California Rural Legal Assistance Foundation.
Campaign to End Hunger.
Capitol Area Community Food Bank.
CARE.
Casa de Peregrinos.
Catholic Charities, USA.
Catholic Relief Services (CRS).
Center for Community Change.
Center for Development & Population Activities.
Center for Ecumenical Aid to Transients (CEAT).
Center for Health Services, Research and Development.
Center for Science in the Public Interest.
Center of Concern.
Center on Budget & Policy Priorities.
Cesarean Prevention Movement.
Channels.
Child Care Food Program Sponsors Forum.
Child Welfare League of America.
Children's Defense Fund.
Children's Foundation.
Children's Survival Fund.
Chittenden Emergency Food Bank.
Christian Children's Fund.
Church Women United.
Church World Service.
Citizens Network for Foreign Affairs.
Clergy and Laity Concerned.
Coalition for Food Aid Policy & Programs.
Coalition for Peace in the Horn of Africa.
Coalition for Women in International Development.
Colorado Department of Agriculture.
Common Ground Ministries.
Community Food Bank of Clark County.
Community Nutrition Institute (CNI).
Community Stew Pot, Inc.
Concern America.
Consortium of Citizens with Development Disabilities.
Consumer Federation of America.
Consumer Union.
Continuing Recovery Center, Inc.
Cooperative Housing Foundation.
Cooperative Insurance—International Affairs, League Insurance Companies.
Council for International Development.
Council for Responsible Nutrition.
Council for Rural Housing and Development.
Cranks Creek Survival Center.
Cultural Survival.
D.C. Coalition for the Homeless.
Dare to Care.
Delmarva Rural Ministries.
Development GAP.
Development International, Inc.
Direct Relief International.
District 1 MEBA/NMU, AFL-CIO.
Domestic Social Development, United States Catholic Conference.
Empire State Family Farm Alliance.
End Hunger Network.
EPIC.
Epilepsy Foundation of America.
Evangelical Lutheran Church in America.
Experiment in International Living.
Family Life Support Center.
Family Tree, Inc.
Farm Labor Organization Committee (FLOC).
Farmworker Justice Fund, Inc.
Federation of Southern Cooperatives.
Feed the Children.
Food Bank of Northern Nevada.
Food for All.
Food for Famine.
Food for the Hungry, Inc.
Food Lifeline.
Food Research & Action Center (FRAC).
Food Trust.
Foreman and Heidepriem.
Foundation for International Community Assistance (FINCA).
Foundation for the Peoples of the South Pacific.
Freedom from Hunger Foundation.
French (Col.), National Director, The Salvation Army.
Friends Committee on National Legislation.
Friends of VISTA.
General Federation of Women's Clubs.
Global Tomorrow Coalition.
Global Water.
Good Samaritan Inn.
Goodwill Industries of America.
Grassroots International.
Gray Panthers.
H.O.P.E.
Habilitative System, Inc.
Health and Human Rights Coalition of the Harvard School of Public Health.
Health Education Associates, Inc.
Health Volunteers Overseas.
Heifer Project International.
Helen Keller International.
Hopkins, Raymond F.
Housing Assistance Council.
Houston Food Bank.
Human Development Center of Mississippi.
Hunger Action Coalition of Southern Michigan.
Hunger Project.
Hunger Project, International.
Hunger Services Network.
In Our Own Way.
INSA.
Institute for Development Anthropology.
Institute for Food and Development Policy/Food First.
Institute for Transportation and Development Policy.
Institute for Culture Affairs—Development Education.

InterAction.
Interchurch Medical Assistance, Inc.
Interfaith Hunger Appeal.
Interfaith Hunger Coalition.
Interfaith IMPACT.
Interfaith Nutrition Network, Inc.
International Center for Research on Women.
International Child Health Foundation.
International Eye Foundation.
International Rescue Committee.
International Trade and Development Foundation.
International Union, UAW.
International Voluntary Service.
International Women's Health Coalition.
Iowa Farm Unity Coalition/Prairiefire Rural Action.
Jesuit Refugee Service.
Just Harvest: A Center for Action Against Hunger.
Khidmah Corporation.
Kids First, Inc.
Land O'Lakes, Inc.
League of Rural Voters.
Lifelines Emergency Shelter, Inc.
Los Angeles Regional Food Bank.
Los Niños.
Love's Gift.
Lutheran Church—Missouri Synod.
Lutheran Family Mission.
Lutheran World Relief.
Maine Department of Agriculture.
MAP International.
Maritime Institute for Research & Industrial Development.
Martha's Table.
Maryland Food Committee.
Mayer, Dr. Jean, President, Tufts University.
MCD International.
Medical Care Development, Inc.
Meehan Seaway Service, Inc.
Mennonite Central Committee.
Mercy Corps International.
Michigan Department of Agriculture.
Miller's National Federation.
Minnesota Association of Cooperatives.
Minnesota Department of Agriculture.
Minnesota Food Education & Resource Center.
Mississippi Department of Human Services.
Missouri Rural Crisis Center.
Montgomery State Farmers Market Demonstration Committee.
National Alliance to End Homelessness.
National American Indian Housing Council.
National Anti-Hunger Coalition.
National Association for Hispanic Elderly.
National Association of Community Action Agencies.
National Association of Community Health Centers, Inc.
National Association of Counties.
National Association of Elementary School Principals.
National Association of Social Workers.
National Association of State Universities and Land Grant Colleges (NASULGC).
National Association of State Community Service Programs.
National Association of Wheat Growers.
National Association of WIC Directors.
National Audubon Society.
National Black Child Development Institute.
National Black Nurses Association, Inc.
National Center for Education in Maternal and Child Health.
National Central America Health Rights Network.
National Coalition for the Homeless.
National Coalition of Hispanic Health & Human Service Organizations.
National Committee for Responsive Philanthropy.
National Community Development Association.
National Congress for Community Economic Development.
National Congress of American Indians.
National Consumers League.
National Cooperative Bank.
National Cooperative Business Association.
National Corn Growers Association.
National Council for International Health.
National Council of Catholic Women.
National Council of Farmers Cooperatives.
National Council of Jewish Women.
National Council of La Raza.
National Council of Negro Women.
National Council of Returned Peace Corps Volunteers.
National Council of Senior Citizens.
National Council on Aging.
National Education Association (NEA).
National Family Planning and Reproductive Health Associations.
National Farmers Union.
National Governor's Association.
National Grange.
National Hispanic Council on Aging.
National Institute for Hispanic Children and Families/El Centro Rosemount.
National Institute for Women of Color.
National Marine Engineers' Beneficial Association.
National Milk Producers.
National Organization on Adolescent Pregnancy and Parenting.
National Resources Defense Council.
National Rural Electric Cooperative Association.
National Soybean Processors Association.
National Urban Coalition.
National Urban League, Inc.
National Women's Health Network.
National Women's Political Caucus.
Near-East Foundation.
Nebraska Department of Agriculture.
Nebraska League of Rural Voters.
Nebraska Pantry Network of Inter-Faith Church Ministries of Nebraska.
New Horizons for New Hampshire, Inc.
New Transcentury Foundation.
North American Indian Women's Association.
North Carolina Coalition of Farm and Rural Families.
North Dakota Department of Agriculture.
North-South Connection.
OEF International.
Ohio Department of Agriculture, State of Ohio.
Ohio Hunger Task Force.
Older Women's League.
Operation Blessing.
Operation California.
Opportunities Industrialization Centers International (OICI).
Overseas Cooperative Development Committee.
Overseas Development Council (ODC).
Oxfam America.
Pan-American Development Foundation.
Partners for Improved Nutrition and Health.
Partners for the Americas.
Partnership Assistance to the Homeless.
Partnership for the Homeless.
Pathfinder Fund.
PAX World Foundation.
Peace Corps Institute.
Pennsylvania Farmers Union.
People for Progress.
Phelps-Stokes Fund.
Philabundance.
Physicians Task Force on Hunger.
Pilmoor Memorial United Methodist Church Emergency Food Center.
PLAN International.
Planned Parenthood Federation of America.
Planned Parenthood New York City, Inc.
Population Crisis Committee.
Population Institute.
Presiding Bishop's Fund for World Relief—The Episcopal Church.
Private Agencies Collaborating Together (PACT).
Project Bread.
Project Bread Hotline.
Project Concern International.
Project FEED, Inc.
Project FREE—Family Rehabilitation Education Effort.
Project Outreach, Inc.—East Oakland Food Pantry.
Project SOUP.
Protein Grain Products International.
Public Voice for Food & Health Policy.
Refugee Voices.
RESULTS.
Rice Millers Association.
Rural Advancement Fund.
Rural Coalition.
Rural Vermont.
Saint John Social Service Center.
Saunders, William, Executive Director, National Alliance of Black School Educators.
Save the Children.
Seaway Port Authority of Duluth.
Second Harvest.
Second Harvest Saint Paul Food Bank.
SEEDS.
Self Help, Incorporated.
Share Our Strength (SOS).
Share Our Surplus.
Sierra Club.
Sister Cities International.
Society for Nutrition Education.
Somerville Community Corporation.
South Carolina Department of Agriculture.
South Central Pennsylvania Food Bank.
Southern Health Association.
Standing Rock Sioux Tribe—Tribal Health Office.
State Economic Opportunity Office, State of Vermont.
Sunshine Rescue Mission.
TCR Services.
Technoserve.
Tennessee Hunger Coalition.
Texas Department of Agriculture.
Tolstoy Foundation, Inc.
Transport Institute.
Trees for Life, Inc.
Trickle Up Program.
Tucker-Foreman, Carol, former Assistant Secretary of Agriculture.
Unitarian Universalist Service Committee.
United Auto Workers.
United Church of Christ.
United Food & Commercial Workers International Union.
United Nations Association, USA.
United States Committee for Refugees.
United States Committee for UNICEF.
United States Conference of Mayors.
United Steel Workers.
United Way of America.
Unity House.
Urban Dreams.
Utahns Against Hunger.
Vermont Department of Agriculture.
Volunteers in Overseas Cooperative Assistance (VOCA).
Volunteers in Technical Assistance (VITA).

Washington State Council of Farmer Cooperatives.
We Care Community Service, Inc.
We Care, Inc.
Western Great Lakes Maritime.
Women's Equity Action League (WEAL).
Women's Lunch Place.
Women's National Democratic Club.
World Concern Development Organization.
World Council of Credit Unions (WCCU).
World Education, Inc.
World Hunger Education Service.
World Hunger Year.
World Neighbors.
World Relief.
World Runners.
World Share.
World Vision.
Young Men's Christian Association (YMCA), Washington, DC.
Zero Population Growth.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Speaker, I appreciate the gentleman yielding. I want to point out in the very short period for this debate on the floor of the House, about 3,000 children will die of hunger in this world. The winds of hunger blow every day across this globe. But they do not produce headlines or news. It is still a tragedy, though.

It is not a disease for which we do not have a cure. All of us know what causes these 40,000 deaths each day. The question is how can we in public policy develop programs and shine spotlights on world hunger in the world to try to help people who desperately need help.

Mr. Speaker, the Select Committee on Hunger does wonderful work to respond to a crushing problem that affects millions of people in this world. I believe that we should continue its invaluable work.

In my district we produce food in great abundance and store it in grain elevators. Those who produce it do not get a decent price. Yet in other parts of the world people are dying because they do not have enough to eat.

Mr. Speaker, we must put together approaches and policies that will solve this crushing problem of world hunger; the mismatch of surplus food and those who hunger.

Mr. Speaker, I commend the gentleman from Ohio [Mr. HALL] for his work, the ranking minority member, Mr. EMERSON, and ask Members to support this very important select committee in order that it may continue its work in the 102d Congress to combat this world tragedy.

Mr. Speaker, I rise in strong support of House Resolution 51, which would reauthorize the Select Committee on Hunger; Children, Youth, and Families; and Narcotics Abuse and Control. All three have helped to focus the work of Congress on a critical issue, which might have otherwise received inadequate attention.

As the chairman of the International Task Force of the Select Committee on Hunger, I want to urge my colleagues to join in a unanimous vote of support to reauthorize the Select Committee on Hunger.

The Hunger Committee has fulfilled its mandate with distinction. With a very modest, but hardworking staff, it has consistently and persistently raised the issues of international and domestic hunger and offered effective recommendations for curbing hunger, malnutrition, and related problems. It has served to coordinate the work of many other committees, under whose jurisdiction the subject of hunger is too widely spread to develop coherent responses to mankind's most ancient enemy.

Under the leadership of our late colleague, Chairman Mickey Leland, the committee brought into view for the entire world the staggering dimensions of hunger in Ethiopia and Sudan. Our current chairman, TONY HALL, has expanded this compass to include the pressing needs of refugees, children, and other nations that fight the daily battle of hunger. Both attacked the vexing problem of global hunger, but neither failed to address the scandal of malnutrition in our own Nation.

Both chairmen have traveled with me to Indian reservations in North Dakota where they witnessed that tragedy of grinding poverty and severe malnutrition in an affluent nation. The Three Affiliated Tribes at Fort Berthold, ND, recently dedicated the Mickey Leland Model Diabetes Center, which will provide a lifeline of treatment and prevention to a tribe whose diabetes mortality rate was once nearly 12 times the national average and whose nearest source of kidney dialysis treatment is still 100 miles away. But that, too, is about to change in no small part to the work of the Select Committee on Hunger.

Yesterday I received a draft report from the General Accounting Office which grew out of a hearing which Chairman HALL and I convened at the Standing Rock Sioux Indian Reservation in my State. I hope that we will soon receive definitive recommendations on how to improve the USDA commodity food distribution program which presently distributes unpalatable canned meats, laced with connective tissue and covered with a salty layer of fat, to tribes with diabetes and heart disease rates that far exceed those of the general population.

Last year, the International Task Force joined hands with the Subcommittee on Africa to refocus our attention on the emergency food aid needs in the Horn of Africa. In partnership with the administration, I believe that we played an instrumental role in averting a wholesale calamity in that vulnerable region. Regrettably, continued civil conflict, drought, and the breakdown of relief corridors has left 10 to 20 million Africans vulnerable to hunger again this year. I would submit the committee's role will be needed this year more than ever.

May I also note for my colleagues, that the Hunger Committee played the leading role in crafting the Child Survival Assistance Program and the Central American Survival Assistance Program which have brought emergency food, shelter, and medical care to civilian victims of civil strife in neighboring countries to the south. I am particularly proud that this work has resulted in the fitting of prosthetic devices on several hundred children and the performing of hundreds of life-restoring surgeries to burn victims and previously disfigured war victims.

I strongly believe that the Select Committee on Hunger still has a critical role to play in the halls of Congress. Its continued work on the Food for Peace Program, the WIC program, global famine emergencies, and domestic malnutrition will help to relieve human misery and suffering and to show that America's humanitarian spirit is alive and well.

Continuing the Committee's work will enable us to recall with the songwriter:

And if you can see a smile
In the faces of those
Who would have no reason to smile
You know that there is still time.

Amidst the demanding pressures of war and recession, I encourage my colleagues to redeem the time and to retain the conscience of the Congress, the Select Committee on Hunger.

Mr. ESPY. Mr. Speaker, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from Mississippi, who is the chairman of the Domestic Task Force on Hunger.

Mr. ESPY. Mr. Speaker, I thank the gentleman for yielding. I also want to thank the distinguished chairman of the Select Committee on Hunger for his leadership.

Mr. Speaker, I stand to support House Resolution 51, and in particular to support the reauthorization of the Select Committee on Hunger. Under the leadership of our distinguished chairman, the gentleman from Ohio [Mr. HALL], and also that of the vice chairman and ranking member, the gentleman from Missouri [Mr. EMERSON], the Select Committee on Hunger continues to make important contributions to a war we cannot afford to forget. That, Mr. Speaker, is the war against hunger, even as we devote our Nation's attention to the war in the Persian Gulf. The Select Committee on Hunger continues to remove our blinders, to focus our attention, and probe our conscience. We do live in a world where 14 million children die unnecessarily each year, 40,000 per day, 1,500 per hour.

Mr. Speaker, hunger and poverty are not partisan issues; they are human tragedies. Every child that dies before its first birthday is a star whose light we refused to let shine. The Select Committee on Hunger has the leading role to play in continuing to address this issue. This committee and its dedicated staff are vital if we are to intensify our efforts to find solutions.

Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] for yielding, and urge Members to support this reauthorization of this very valuable and necessary committee.

Mr. Speaker, as Chairman of the Domestic Task Force of the House Select Committee on

Hunger, I rise in support of title I of H. Resolution 51 which reauthorizes the House Select Committee on Hunger for the 102d session of the Congress.

The House Select Committee on Hunger was created on February 22, 1984, by a vote of 309 to 78 with a mandate to conduct a continuing comprehensive study of the problems of hunger and malnutrition, to review executive branch recommendations relating to policies and programs affecting hunger and malnutrition, and to recommend to appropriate House committees legislation or other necessary action. Under the leadership of its first chairman, the late Representative Mickey Leland of Texas who died in a plane crash on August 7, 1989, the committee quickly assumed a role on Capitol Hill as the major voice for the hungry, the homeless, and the poor.

Now, under the distinguished chairmanship of Representative TONY HALL, the committee continues to work to identify both the causes of and the solutions to the basic causes of hunger and hunger-related problems. The House Select Committee on Hunger, through its hearings, special reports, investigations, studies, and work with the antihunger and antipoverty advocacy community continues to remove our blinders, focus our attention, and probe our conscience so that the hungry and the poor, who might otherwise have less of a voice in our political process and policysetting, are heard.

Although progress has been made, the work of the Hunger Committee is by no means finished. In these United States, this land of plenty, this wealthiest of nations, 1 of every 5 of our children lives in poverty, and it is estimated that by the end of this decade that nearly 50 percent of our children will spend some time of their lives in poverty before they reach their 18th birthday. And, the outlook is even worse for minority children. Our infant mortality rate should be a source of national embarrassment. Ten children out of every 1,000 never live to see their first birthday, and the infant death rate for black children is nearly twice the rate of white children.

Nearly 13 percent, or more than 31 million, of our citizens live in poverty. And, that poverty rate is higher than it was in 1978. While poverty rates have risen in both rural and urban areas, the poverty rates have risen as fast or faster in rural areas. Further, the number of working poor has climbed. Between 1978 and 1987, the number of people who work but remain poor increased by 28 percent. The numbers of persons qualifying for food assistance through the Food Stamp Program have also increased with some 20 million persons receiving food stamps monthly. And that number reflects only about half of those potentially eligible but not served. More than half of those food stamp recipients are children. Preliminary data from a Food Research and Action Center survey of child hunger suggests that between 3.5 and 5 million children are hungry at any given time and that another 4 to 5 million children have inadequate sources of assured food. Decent housing is a problem, with the cost of home ownership well beyond the reach of many hard-working families. And the waiting lists are staggering for those families who qualify for low-income housing. The education level of our citizens remains a problem with high school graduation rates below 1976 levels and with an adult illiteracy rate around 13 percent. Over 20 million adults in this country cannot even read and write.

In my own State of Mississippi, with a population of 2.5 million, and a civilian labor force of almost 1.2 million, our statewide unemployment rate is 8 percent with a range by county from a low of 4.1 percent to a high of 24 percent. Less than 67 percent of our teenagers graduate from high school and in the adult population, 45 percent have no high school education. More than 34 percent of our children live in poverty, and that is a higher incidence than in any other State. That is a statistic we could do without. Additionally, 75 percent of our welfare recipients are children.

America's economic strength needs to be restored. We cannot be competitive economically if we continue down our current path. We are an innovative people, a people committed to equal opportunity for all, a people committed to civil rights and human rights, and social justice. And, I ask you, where is the social justice in the picture I have just portrayed?

We need a sense of urgency in our fight against hunger and poverty, not a tolerance for continued high unemployment rates particularly among blacks and Hispanics, an embarrassing infant mortality rate in this country which spends more money on health care than any other nation, a growing number of working men and women whose families are just an illness away from financial disaster, burgeoning numbers of medically uninsured and underinsured, the growing homeless population, hungry children who cannot concentrate in school because they are distracted by hunger pangs, welfare programs that reinforce dependency instead of fostering self-esteem and self-sufficiency, and economic policies that keep down in the throes of poverty millions of Americans in families with full-time workers.

Hunger and poverty are not partisan issues; they are human tragedies, tragedies about which this wealthiest among nations should feel great shame. The House select committee has a leading role to play in continuing to explore these issues in an effort to find solutions. More than 400 nongovernment organizations representing every sector of American society and ranging the full political spectrum have joined together in a bipartisan coalition to support reauthorization of the House Select Committee on Hunger. I too speak strongly in favor of that reauthorization.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Mississippi [Mr. ESPY] for making a great statement, and certainly for his efforts as chairman of the Domestic Hunger Task Force of the committee.

Mr. Speaker, I would say in closing that I cannot think of a more important issue that we can discuss and work on in the House of Representatives than this. We are making a difference. I would ask Members to reauthorize us.

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. MCEWEN] be allowed to manage the remaining time on our side of the aisle.

The SPEAKER pro tempore. (Mr. MCNULTY). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCEWEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. EMERSON], the ranking member of the Select Committee on Hunger.

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Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of House Resolution 51, a resolution of which I am an original cosponsor. This resolution is a combined effort on the part of all of our members of the Select Committee on Hunger and emphasizes our continued commitment that hunger be addressed on a bipartisan basis. The problem knows no partisan or ideological bounds and the solutions should not know any such bounds.

Our distinguished chairman, the gentleman from Ohio, [Mr. HALL] leads the select committee with great distinction, and his strong personal commitment to hunger and proverty-related issues is the driving force behind the Select Committee on Hunger.

A key focus of our committee lies with the domestic task force, as was well stated by the gentleman from Mississippi. Domestically, the select committee had a very busy and fruitful 2 years of the last Congress. As one example of their work, legislation passed through the Congress in only 4 days regarding the WIC Program. The committee had discovered a shortfall in funding for the special supplemental food program which would mean that many clients, those with special nutritional needs, would be threatened with denial of participation in the program. Fortunately, due to swift action on the part of Chairman HALL and the committee, this situation was rectified.

The select committee has worked closely with administration officials from the Agency for International Development and private voluntary organizations on emergency humanitarian relief operations in many countries, including Angola, Ethiopia, and Sudan. Our efforts in the International arena have helped to provide the Congress with a comprehensive data bank of information on hunger and poverty-related issues, including such concerns as infant mortality.

The Select Committee on Hunger serves an important function within the Congress. Although we are oversight in nature, and do not have legislative authority, the committee has succeeded, cooperatively and constructively, in assessing standing committees in both domestic and international hunger-related issues.

Mr. Speaker, I feel that the committee has made significant progress in working towards allevating hunger. Chairman HALL has said it is his hope, and it is certainly my hope that this problem may be relieved entirely by the year 2000.

I urge the favorable consideration of this reauthorization so that this valuable committee may continue its work of helping to focus on hunger-related issues worldwide. Once again I thank the gentleman for yielding the time to me.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the distinguished gentleman from New York [Mr. RANGEL], chairman of the Select Committee on Narcotics Abuse and Control, a Member who has publicly been congratulated by Governor Cuomo in his State of the State speech. I am very happy that he is still our chairman of the Select Committee on Narcotics Abuse and Control.

Mr. RANGEL. Mr. Speaker let me thank the chairman and the members of the Rules Committee for reporting out this rule for the three select committees, and also the Members of the House and the chairman and the subcommittee chairmen for the cooperation that we have received over the years. During the time that I have been chairman, and even before that, we have not had any partisan differences on the Select Committee on Narcotics Abuse and Control. We have worked together in not trying to supersede the legislative authorities of the standing committees, but to work and hold hearings in areas that their agendas would not allow them to do.

Mr. Speaker, I am pleased to rise in support of House Resolution 51 which will establish the Select Committee on Narcotics Abuse and Control in the 102d Congress.

The reconstruction of the Select Committee on Narcotics Abuse and Control will demonstrate the continuing commitment of the House of Representatives to comprehensive oversight of the war on drugs.

In the 101st Congress, the select committee held 29 hearings and conducted 5 study missions to review narcotics control efforts in key drug producing and trafficking countries and to participate in a major international antidrug conference. We issued 11 reports, and we supplemented our own investigations with independent GAO studies, releasing 5 GAO reports on various aspects of the drug problem.

Among our other activities, we have conducted vigorous oversight of the national drug control strategy mandated by the Anti-Drug Abuse Act of 1988, looked into the root causes of drug abuse, examined the effectiveness of drug abuse treatment, documented the serious overcrowding in our prisons which is largely drug-related, focused attention on the reemergence of methamphetamine and the emergence of smokable, crystal methamphetamine or ice, reviewed the impact of drugs on American business, and monitored with growing concern the crisis that drug abuse and drug-related violence are creating in hospital emergency rooms across the country.

The Narcotics Committee and its members proposed legislation and supported the legislative efforts of the standing committees on a broad array of drug issues during the last Congress including correctional alternatives, funding for drug treatment and prevention programs, drug treatment policy, drug paraphernalia, poppers, 'ice and methamphetamine, drug-free schools, money laundering, interdiction improvements, hospital emergency rooms, and international narcotics control. As the only committee in the Congress devoted exclusively to comprehensive oversight of drug problems, the select committee has served as a highly visible and accessible focal point for drug concerns in the House. We have responded to Members' needs for information on critical drug issues through newsletters, dear colleagues, reports, and other means, serving as a narcotics clearinghouse in the Congress.

In the past several weeks, we have heard a lot of good news about the drug problem. The 1990 household survey on drug abuse, conducted by the National Institute on Drug Abuse [NIDA] and released in December, shows that casual use of drugs by most groups of Americans continues to decline. NIDA's high school senior survey, released 2 weeks ago, continues to show that drug use in this benchmark population—those students who make it to their senior year—is declining or leveling off. Public attitudes against drugs are also hardening.

These are encouraging signs. All of us in the House can be justifiably proud that the antidrug campaign of the past several years, which we helped initiate with the landmark antidrug abuse acts of 1986 and 1988, is having some positive effects.

We must not, however, be misled into thinking that these welcome developments constitute victory in the war on drugs. At a time when events in the Persian Gulf and economic woes at home occupy center stage, it may be tempting to drop the curtain on the drug war. But we have barely begun the battle. We cannot afford complacency at this time in our antidrug efforts. We need to intensify, not relax, our campaign against drugs.

Drug abuse and drug trafficking remain serious national and international problems, and the consequences of these activities continue to inflict enormous harm upon our society. Rather than patting ourselves on the back for the limited successes we have achieved, we need to rollup our sleeves and tackle the intractable, hardcore drug problems that government surveys miss.

Middle-class Americans may be abandoning recreational drug use, but millions of Americans remain mired in drug addiction and drug dependency. Too often, these victims of drug abuse are the most disadvantaged among us, those who have no opportunity, no hope, nothing to lose—the homeless, the umemployed, high school dropouts, arrestees and prisoners, African-Americans and other minority populations—and often they live in urban communities ravaged by drugs and drug crime.

Despite some evidence of temporary disruptions in cocaine supplies, drugs are readily available, cheap, and potent.

Illicit street sales of drugs remain a $100 billion industry a year.

The most recent rock bottom estimate of the economic costs of drugs to society is about $60 billion annually which does not include the financial impact of the crack and drug-related AIDS epidemics and many drug-related business losses.

Worldwide production of heroin and cocaine continues to set new records, and a thriving domestic marijuana industry has grown up to replace falling marijuana imports. Powerful drug cartels are expanding their networks worldwide and joining alliances with other criminal organizations. Traffickers continue to threaten the economic and political stability of democratic governments in this hemisphere.

Health care professionals and law enforcement officials do not report seeing a lessening of the drug crisis in our country. In the past 3 years, cities around the Nation are reporting high rates of AIDS, tuberculosis, hepatitis A, kidney ailments, gonorrhea, syphilis, and communicable childhood illnesses. These epidemics—some of which many in our health establishment believed we conquered years ago—can be traced to the onset of crack and chronic drug use in the inner city and the resulting catastrophic impact on the structure of the family and the drain on limited health care resources.

This health care crisis can be most dramatically seen in hospital emergency room and pediatric care wards. Emergency care providers have testified before the select committee that they have seen an increase in homicides, gunshot wounds, violent assaults, opportunistic illnesses, a shortage of beds, and other complications from the drug crisis. Pediatric wards across the country are being swollen with boarder babies afflicted with AIDS or addicted to drugs and abandoned by parents who are either unable or unfit to care for them.

Our courts, prisons, and jails are overcrowded with defendants and immates, many of them there for drug-related crimes. Treatment programs are similarly straining at the seams, and the bare bones treatment services available at many clinics today do little to address the other serious problems that often contribute to an addict's drug use such as illiteracy, joblessness, and unemployability.

The 102d Congress marks the beginning of a new period in the evolution of our national drug control strategy. The President's third annual strategy report to Congress was delivered last Thursday. He has nominated a new Director of National Drug Control policy and a new Secretary of Education who will play important roles, respectively, in shaping our overall antidrug policies and our critical efforts to reduce the demand for drugs through education and prevention.

The House of Representatives must continue to provide leadership in addressing the serious drug problems confronting our Nation. The select committee can continue to help the House meet this critical responsibility.

The select committee will continue to provide vigorous, bipartisan oversight of our Nation's antidrug efforts. Our comprehensive oversight and analysis will contiue to assist the House in evaluating drug abuse problems and formulating effective policies. Our unique jurisdiction and accumulated expertise are valuable resources that will help the House maintain a strong leadership role in drug prevention and control. Our efforts will supplement and support, not duplicate, the work of the standing committees.

I urge the House to pass House Resolution 51 to reconstitute the select committee for the 102d Congress.

Mr. MCEWEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, I rise to support the resolution to reconstitute the Select Committee on Narcotics Abuse and Control for the 102d Congress.

Having been a member of this committee for more than a decade and currently serving as its ranking minority member, I believe I can speak from both knowledge and experience when I assure my colleagues of the pivotal role our committee fulfills in congressional antidrug efforts.

Let me acknowledge from the outset that the Congress, like the entire country, is preoccupied with the war in the Persian Gulf. But as we wage war against aggression in the Middle East, we cannot afford to neglect another war against aggression that we are fighting right here at home, that is the war against drugs.

I am pleased to report that, under President Bush's leadership, we are making progress in the war against drugs. We are witnessing, for example, growing public aversion to the use of drugs, especially among young people, and significant declines in casual drug use and in hospital emergency room mentions. In addition, we have achieved some disruption of cocaine trafficking and production in Latin America.

As President Bush emphasized in his State of the Union Address last week, however, much remains to be done and we will not rest until the day of the dealer is over forever.

We must continue to seek solutions to the crucial problems of hard core drug addiction and drug-related violence and crime.

We must address the increasing incidence of AIDS cases related to intravenous drug abuse and the tragedy of babies born addicted to drugs.

We must continue to support institutions in our society—from prisons to the courts to law enforcement agencies to hospitals and drug treatment centers—that are in the front lines in the war against drug abuse.

We must continue to work closely with the leaders of drug-producing countries who are trying desperately to free their people from the clutches of violent drug lords.

The need for the Select Committee on Narcotics Abuse and Control exists now more than ever. Our committee's sole mission is to examine the problems of drug abuse and trafficking in their entirety. I am proud to report that we are fulfilling that mission.

In our oversight function, for example, we have spent considerable time and energy closely monitoring Federal drug policies and programs while encouraging and supporting drug abuse education, prevention, treatment, interdiction, law enforcement, and international initiatives.

Although ours is not a legislative committee, we have worked closely with the leadership on both sides of the aisle and the standing committees during the past two Congresses to review and enact two major anti-drug abuse acts. We have spearheaded efforts to implement the national drug control strategy and contributed significantly to anti-crime legislation by advocating strong provisions to combat drug-related crime.

In addition, our committee has traveled to a number of drug-producing Latin American countries to meet and discuss cooperative anti-drug efforts with their heads of state. Our visits to these countries have enabled us to witness the results of the Andean strategy and serve to assure these foreign leaders that the United States remains truly committed to the war against drugs.

In the nearly 14 years since the Select Committee on Narcotics Abuse and Control was established, drug abuse has become our Nation's No. 1 domestic priority. I encourage my colleagues in the House to continue to demonstrate their unequivocal support for the war against drugs by voting to reconstitute the Select Committee on Narcotics Abuse and Control.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the distinguished gentleman from California [Mr. MILLER], chairman of the Select Committee on Children, Youth, and Families.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of House Resolution 51 to reauthorize the Select Committee on Children, Youth, and Families, the Select Committee on Hunger, and the Select Committee on Narcotics Abuse and Control.

I have been privileged to serve as chairman of the Select Committee on Children, Youth, and Families since it was first created, and together with my many able colleagues on the committee, have worked to bring needed attention to our investment in its children and families, today and tomorrow.

Mr. Speaker, I have been privileged to serve as chairman of the Select Committee on Children, Youth, and Families since it was first created, and together with my able colleagues on the committee, we have worked long and hard to bring needed attention to the necessity of investment in our children and families today and tomorrow. I would like at this time to thank the gentleman from Virginia, Mr. TOM BLILEY, who has served as the ranking minority member on this committee for the past 2 years for all of his interest, concern, and hard work on behalf of children and families in this country, and to welcome the gentleman from Virginia, Mr. FRANK WOLF, who will be the new ranking member of this committee after it is constituted by the House.

I am gratified to be joined by more than 200 of our colleagues from both sides of the aisle in support of the reconstitution of this committee.

Mr. Speaker, I want to tell the Congress they can be very proud of this committee as they can the other select committees because, since the House first created the select committee, it has unfailingly worked to assist the Congress in attending to fundamental, yet very complex issues affecting the Nation's children and families. The committee has dedicated its agenda, efforts and resources to carrying out its congressional mandate to provide an ongoing assessment of the conditions of the Nation's children and families, and to enhance the capacity of the Congress to make better policies for them.

More than 13 full standing committees and their subcommittees have legislative authority for some aspect of an issue that affected families. Yes, prior to the establishment of this select committee, there was no one place in the Congress where the wide range of interrelated issues affecting children and families could be examined and reviewed in all their complexity.

When the select committee began, there was little awareness in either the Congress or the public of the nature or extent of the many and complex issues affecting children, youth, and families. We knew even less about the emerging social, cultural, and demographic changes of the recent decades and their impact on children and families. In addition, few anticipated the far-reaching consequences of changes in public policy which have substantially deepened the vulnerability of millions of American families.

During the last several years, the signficance of these issues and their implications for the current and future work force and the overall health of the Nation have gained widespread recognition. The need for the Nation's investment in its current and future work force—the children and families of today and tomorrow—has rightly become a high priority on the public policy agenda. Without a healthy, thriving, educated, and trained population ready and able to enter and become productive participants in the labor market and their communities, our Nation's capacity to lead and compete in the increasingly global economy and to sustain our democracy is placed in jeopardy.

A just released report highlighting child well-being across the Nation indicates that the status of young Americans remains dismal with high rates of child poverty, violent deaths, infant mortality, and low birthweight births that remain unabated.

The need for investment has drawn heightened political attention on both sides of the aisle, in the administration, among the Nation's Governors, corporate leaders, the media, and the public. With children and family issues assuming a high legislative priority, the expertise provided by this select committee is more timely and critical than ever.

This select committee has anticipated as well as responded to the pulse of the Nation and its policymakers to help define and describe a prominent agenda to promote improvements in the well-being of children and families.

During its tenure, the committee has conducted nearly 100 hearings and dozens of site visits. We have produced some 30 studies and major reports. Dedicated to our charge, we have raised the visibility of and tackled the most serious problems affecting America's families and children. In so doing, we have provided timely information and guidance to the Congress and others to address those problems more effectively, and even more importantly, to prevent them from occurring or becoming too serious in the first place.

In the last Congress alone, we highlighted and addressed problems of working families, access and availability of health care, environmental toxins and children, the impact of substance abuse and HIV infection on children and families, conditions and prospects for children in out-of-home placement, and increasing violence by and against children. We also investigated issues and conditions affecting particular subgroups within our population, including Hispanic and African-American children and their families, took a detailed comparative look at children's well-being internationally, and examined and provided resource materials on respite care and other family supports.

The committee also continued to seek out and synthesize the best evidence documenting the program benefits and cost effectiveness of successful programs to assist children and their families, from small model programs in localities across the country to well known Federal programs such as WIC and Head Start.

Our study of effective interventions, first issued in the committee's 1985 report. "Opportunities for Success: Cost-Effective Programs for Children," and updated in 1988 and again last year, has been cited and editorialized in prestigous journals as well as local newspapers and magazines, and adopted by preeminent panels as diverse as the American Agenda, cochaired by former Presidents Ford and Carter, the Council on Competitiveness, the Committee for Economic Development, and the Urban Institute. In our 1990 update we provided an even stronger base of documentation along with new and promising models of success.

Mr. Speaker, the Select Committee on Children, Youth, and Families has become an important institutional asset, both within and outside the Congress. We have become the repository for a broad base of vital information about America's families and children. The committee has become a valued resource on these issues for most of the Members of Congress and their staff.

We have also become a clearinghouse for the media, for concerned parents and for community organizations, whose frontline experiences have proven so important to us and the Congress in devising reasonable and workable policies to address complex and serious problems. We did not initially anticipate the wide roles we would assume, but have come to understand how important they are to meeting our congressional charge.

We have also been called upon to help identify promising State or local programs and successful models to promote adoption, to prevent teen pregnancy, or to improve educational success, for example. In addition, legislators and others have asked us to identify effective infant mortality reduction strategies, innovative family preservation efforts that can keep families together safely, new ways of working with increasing number of troubled youth, as well as creative and more efficient interagency service delivery strategies.

The committee has become increasingly well respected and well utilized as a resource because we've sought out, gathered, and presented the most credible information available. We also tried to anticipate what the issues and implications are goig to be in a few months from now, a year from now, 5 years from now. And, as we enter a new decade, it becomes even more imperative that we maintain a long-term view toward the approaching 21st century.

Our mandate directs us to assist standing committees with legislative jurisdiction as they deliberate issues affecting children and families. The select committee's work has helped result in bipartisan legislation in numerous instances. For example, in the 101st Congress, the committee's crosscutting activities helped to inform bipartisan legislation on prenatal care and nutritional assistance, health care for homeless children, landmark child care assistance, respite care and crisis nurseries, and the care of infants and children exposed to drugs and HIV infection.

While the committee continues to monitor and provide oversight of an extensive range of issues affecting children and families, the issues receiving the greatest indepth study today differ from those studied extensively in an earlier year because some of those issues have found legislative leadership attention and action.

Child care, an issue extensively examined and documented by this committee beginning in 1983, is a notable example.

Similarly, we continue to chart important concerns and responses to parental leave and early childhood education, among several of the major issues taken up by the committee in earlier years. They have now achieved high visibility and priority, and the focus of debate has moved to a legislative forum.

Although elements of sound prevention have increased and progress has been made to reach the unserved, we have continued to concentrate on prevention as an effective investment strategy. It was this select committee that documented and called attention to selected programs of prenatal care, immunization, basic nutrition, and preschool education that save lives and save money.

Last year, recognizing the need to examine many aspects of our preparedness to compete in the increasingly global economy, we took an indepth look at how children fare comparatively around the world. I am delighted that several of our major standing committees will take up those concerns in the 102d Congress.

Our work today focuses on identifying and bringing you the best information available on new issues and successful interventions in local communities and other public and private sectors at all levels. Our work also emphasizes the need to recognize and bring together the expertise of many diverse individuals and groups. Despite the progress made on behalf of children and families in the 101st Congress, many of the new challenges and problems facing the Nation's children and families today are more difficult and deeper than anyone would have imagined, requiring complex and interdisciplinary solutions. In these deeply troubling times of war and recession that only worsen the economic burdens and stress on all of us, especially our most vulnerable children and families, we require even more creative and far-reaching thought and action.

We provide that forum inside and outside the Congress. That is our charge.

Different committees have called upon us when they were considering crosscutting proposals, such as determining appropriate health care and family supports for sick and abandoned infants and young children. We've been called upon to inform proposals that marry services such as education, health care, child care, training and counseling, that could enable a family to stay together and gain economic stability instead of falling into welfare dependency.

We have now, as we have had before, the ability to ask questions and to delve into issues that standing committees cannot because of their legislative agendas and jurisdictions.

We are proud of the work that we have been able to do with the help of so many: parents, caregivers, teachers, volunteers, corporate leaders, the organizations which represent them and policymakers at all levels. I especially want to thank my fine colleagues in the Congress, on both sides of the aisle, who have backed their commitment to these issues with a lot of hard work. I am again gratified that so many organizations, from the American Academy of Pediatrics to the Child Welfare League of America to the Girl Scouts and the United Way have come forward once again to endorse and support the reconstitution of the committee. I am attaching a complete list of those groups for today's RECORD.

Eight years ago when the House of Representatives created the Select Committee on Children, Youth, and Families, we hoped to assist in informing the debate on vital issues affecting America's children and families. We have shown that we make a timely and valuable contribution to improving the debate and ultimately the policies affecting our children and families. Our work is not done, and I urge you to join me in support of the opportunity to continue those efforts.

ORGANIZATIONS SUPPORTING THE RECONSTITUTION OF THE HOUSE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES FOR THE 102d Congress

Action for Alaska's Children.
ACTION for Child Protection (Aurora, CO).
Advocates for Children of New York, Inc.
Alabama Council on Human Relations/Lee County Head Start.
American Academy of Childhood and Adolescent Psychiatry.
American Academy of Pediatrics.
American Association for Marriage and Family Therapy.
American Baptist Churches U.S.A.
American Bar Association.
American College of Obstetricians and Gynecologists.
American Frederation of State, County and Municipal Employees.
American Home Economics Association.
American Nurses Association.
American Orthopsychiatric Association.
American Psychological Association.
American Public Health Association.
American Public Welfare Association.
Arkansas Advocates for Children and Families.
Association of Junior Leagues International, Inc.
Association for Retarded Citizens of the United States.
Boys and Girls Clubs of America.
Boys Town.
Bread for the World.
California Children's Hospital Association.
California Children's Lobby.
Candlelighters Childhood Cancer Foundation.
Catholic Charities USA.
CEDEN Family Resource Center (Austin, TX).
Center for Population Options.
Center for the Study of Social Policy.
Center for Youth Services (DC).
Center on Budget and Policy Priorities.
Child Advocacy Commission of Durham, Inc.
Child and Family Services (Knoxville, TN).
Child Serv (Park Ridge, IL).
Child Welfare League of America.
Children NOW.
The Children's Alliance (Seattle, WA).
Children's Defense Fund.
The Children's Foundation.
Children's Research and Education Institute, Inc. (Cambridge, MA).
Children's Services of Colorado, Inc.
Citizens' Committee for Children of N.Y., Inc.
Coalition for Children (Albuquerque, NM).
Coalition for Maine's Children.
Coalition on Permanence for Children (Minneapolis, MN).
Columbia University, School of Social Work.
Community Child Protection Network (Burlington, VT).
Consortium of Social Science Associations (COSSA).
Consumers Union.
Council For Children Inc. (Atlanta, GA).
Council for Exceptional Children.
County Supervisors Association of California.
Crossroad (Fort Wayne, IN).
Dawn for Children, Inc. (Providence, RI).
Epilepsy Foundation of America.
Family Impact Seminar.
Family Service America.
Food Research and Action Center.
Friends Association for Care and Protection of Children.
Friends Committee on National Legislation.
Fund for the Advancement of Camping.
General Frederation of Women's Clubs.
George Washington University, Women's Studies Program.
Girl Scouts of the U.S.A.
Greater Minneapolis Day Care Association.
Hawaii (State of) Office of Children and Youth.
Illinois Action for Children.
Illinois (State of) Citizens Assembly.
Institute for Educational Leadership.
Iowa Commission on Children, Youth and Families.
Jewish Child Care Association of New York, Inc.
Juvenile Justice Center of Pennsylvania.
Kansas Action for Children.
Kansas Children's Service League.
March of Dimes Birth Defect Foundation.
Michigan Network of Runaway, Homeless and Youth Services.
Mississippi (State of) Department of Human Services, Office for Children and Youth.
Mississippi Human Services Coalition.
Montanans for Children, Youth and Families, Inc.
National Association for Family Day Care.
National Association for the Education of Young Children.
National Association of Children's Hospitals and Related Institutions.
National Association of Counties (NACo).
National Association of Elementary School Principals.
National Black Child Development Institute (NBCDI).
National Center for Children in Poverty, Columbia University.
National Child Abuse Coalition.
National Child Welfare Leadership Center.
National Coalition of Title I Parents.
National Committee for Prevention of Child Abuse.
National Council of Jewish Women.
National Council of Juvenile and Family Court Judges.
National Council on Family Relations.
National Crime Prevention Council.
National Education Association.
National Head Start Association.
National Institute for Women of Color.
National Mental Health Association.
National Network of Runaway and Youth Services.
National PTA.
Nevada (State of), Department of Human Resources, Youth Services Division.
New York State Citizens' Coalition for Children, Inc.
North American Council on Adoptable Children (NACAC)
North Carolina Child Advisory Institute.
Ohio Association of Child Caring Agencies, Inc.
Oklahoma (State) Commission on Children and Youth.
Parent and Child Development Services, Inc. (Savannah, GA).
Parents Anonymous.
Parents United (Omaha, NE)
Parents United, Inc.
Philadelphia Child Guidance Clinic.
The Piton Foundation (Denver, CO).
St. Mary's County (Maryland), Council on Children and Youth.
San Antonio CARES (San Antonio, TX).
Tahoe Human Services, Inc., Youth and Family Services.
Union of American Hebrew Congregations.

Unitarian Universalist Association of Congregations.

United Cerebral Palsy Associations, Inc.

The United Methodist Church, General Board of Church and Society.

University of Maryland, Family Research Center.

Utah Children.

Utah Issues (Salt Lake City, UT).

Vermont (State) Department of Education.

Vermont Parent/Child Center Network.

Voices for Illinois Children.

WAIF, Inc.

West Virginia Youth Coalition.

Wisconsin Maternal and Child Health Coalition.

Wisconsin Nutrition Project.

YWCA of the U.S.A.

Youth Service America.

□ 1600

Mr. McEWEN. Mr. Speaker, I yield such time as he may consume to the ranking member of the Select Committee on Children, Youth and Families, the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in support of the resolution that would reauthorize the House Select Committee on Children, Youth, and Families. The family has never been in more trouble and the efforts of the select committee have never been more important.

Every indicator of family well-being from out of wedlock births to divorce reveals the terrible breakdown of the family. In a study of the social and economic conditions of American children from 1980 to 1988, released a few days ago, substantial increases were observed across the Nation in the percentage of children in poverty, juveniles who are in jail, out of wedlock births and teen violent death. Between 1980 and 1988, the number of children living only with their mother increased by 21 percent, from 11.4 million to 13.5 million. These statistics represent a tragedy in the making.

While an argument can be made that virtually all Federal programs have some impact on children by shaping the very communities in which they live, there are currently over 125 Federal programs directed specifically toward children and their families. Yet jurisdiction over these programs is divided among 13 standing committees. This has created, over the years, a patchwork of policies which is fragmented and shortsighted.

In fact, the select committee was established 8 years ago because of a concern that too often the stability of American families was in fact undermined by programs and policies established by this piecemeal approach.

As an oversight committee, that does not have legislative authority, the members of the Select Committee on Children, Youth and Families, can take an integrated and comprehensive look at the underlying causes of family problems and help to shape solutions that move beyond the constraints of legislative mandates.

I believe that one of the greatest contributions this committee can make is to highlight State and local initiatives, both public and private, which successfully empower families.

When the Federal Government clearly has an interest or a role to play in assisting families, the select committee can frame the issues and create the debate by insisting on policies that involve families as active players in the solutions, thereby making success more likely. Our goal must be to strengthen families, not to replace them or add to their burdens.

It is my hope, that in this Congress, we can look at several issues important to families: Policies designed to preserve and promote tax fairness for families, workplace policies that are family sensitive, programs that promote adoption, and initiatives that support family formation.

Mr. Speaker, one last comment: I think at this time the family is probably under attack more today than it ever has been. There is more spouse abuse, there is more child abuse, there is more teenage suicide, there is more alcohol abuse, there is more drug abuse than at any other time, and hopefully this committee can do something positive.

I think the committee, if it is bold enough and willing to look at it, really must address the question of family values. It is not just enough to pass legislation that sets up new programs.

You can do everything you want with bricks and mortar and dollars, but unless we build upon a firm foundation of traditional values—a question of right and wrong—I am not sure there will be positive change in the area of children, youth, and families.

I want to thank the gentleman from California [Mr. MILLER] and the gentleman from Virginia [Mr. BLILEY] for their efforts, and Senator COATS before that, and really look forward to working with the gentleman from California [Mr. MILLER] and the members of the other side and our side to see if we can honestly and truly do something that helps the American family.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise in strong support of the pending resolution.

I would like to speak especially about the importance of establishing the Select Committee on Narcotics Abuse and Control on which I serve.

I think that all Members of Congress know of the crucial role that has been played by this committee in improving our Nation's response to the crisis of drug and crime that plagues so many of our Nation's communities, and not only has the committee performed an essential oversight role in all aspects of our national antidrug strategy, but it has performed admirably in coordinating the congressional response to the drug crisis and has been in the vanguard of initiatives to improve Federal antidrug efforts.

We have come a long way in recent years on the issue of drugs and drug crime. We clearly have a long way to go.

Without the Select Committee on Narcotics Abuse and Control, the Federal Government would still be floundering about without any direction, without coordination, without a clear sense of the next steps that need to be taken to improve our Nation's antidrug policy.

Now that we are making progress in the direction of fighting the real war against drugs, we need to do everything possible to ensure that these efforts succeed. That is why I feel we need the select committee now more than ever.

The select committee shows enormous promise of leading us into an era where we can make significant progress in fighting drugs. Today we should reaffirm that commitment by reestablishing the vital committee during the 102d Congress.

Mr. Speaker, I urge all of my colleagues to join in strong support of this resolution.

Mr. McEWEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. GILMAN].

□ 1610

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in support of House Resolution 51, which provides for the reauthorization of the select committees on: Hunger; Narcotics Abuse and Control; and Children, Youth, and Families. I am confident the value of these select committees has been proven over the course of their existence.

Mr. Speaker, I have been a member of the Select Committee on Narcotics since its inception. This particular select committee has demonstrated continually, the significant role it plays in the investigative function of the House of Representatives.

As a senior member of the Narcotics Select Committee and of the Foreign Affairs Committee, I can assure my colleagues that there remains a critical need for a House Narcotics Committee today. Our Nation is suffering from the effects of a drug epidemic. We are reeling under the impact of crack, which has brought drug abuse and drug-related crime and violence to terrifying new levels. Our criminal justice system is overloaded with drug dealers, and our drug treatment centers are swamped by more requests for help than they can possibly meet.

Over the past 15 years, the Narcotics Committee has held numerous hearings and conducted insight investigations in both the United States and abroad.

Most recently, our Select Committee on Narcotics has been in the forefront in the evaluation of the President's national drug control policy.

No single standing committee has the time, resources, or expertise to monitor all aspects of the drug problem, but by working together the standing committees and the Narcotics Select Committee can effectively work with the executive branch in implementing our antidrug legislation and in developing a comprehensive, coordinated drug strategy.

Mr. Speaker, I would also like to add my support to the reauthorization of the Select Committee on Hunger. As we all well know, the Select Committee on Hunger will never be the same since the loss of our beloved colleague, Mickey Leland. But it is important that Mickey's concern for hunger lives on. Half the people of the world still go to bed hungry every night and millions of children die each year because malnourishment has eroded their ability to fight infection and disease.

Through coordinated efforts with the committees of jurisdiction, the Select Committee on Hunger has been faithful to its mandate to both study and review the root causes of hunger, and to make significant recommendations to alleviate it.

Mr. Speaker, so too, has the work of our Select Committee on Children, Youth, and Families played a significant role in the work of this Congress in responding to our domestic familial needs.

Accordingly, I support House Resolution 51, and I urge all my colleagues to vote in favor of this measure.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. MCHUGH.].

Mr. MCHUGH. Mr. Speaker, I rise in support of this resolution to reestablish the Select Committees on Children, Youth, and Families, on Hunger, and on Narcotics Abuse and Control.

As a Member who has been privileged to serve on the Select Committee on Children, Youth, and Families, I would like to speak on behalf of its continuation in particular.

The work of the select committee, since its inception in 1983, has been heralded as far-reaching and timely by private and public groups, by parents and providers, by advocates and researchers. Its reports have been quoted by the President and championed by corporate executives. Most importantly, the committee's work has served as a resource and stimulus for countless family policy issues considered by this Congress.

The select committee's pioneering efforts to document the benefits of a range of cost-effective programs for children have been especially valuable to my own work on the Agriculture Appropriations Subcommittee. The efforts of the select committee have been especially helpful in securing enhanced funding for the highly successful WIC Program so that thousands more high-risk pregnant women and their infants could participate.

In addition, I was privileged to chair a recent select committee hearing on ensuring healthy infant development in upstate New York. It was a rare opportunity to hear not only about the importance and success of WIC, but the relationship between WIC and prental care, between home visiting and healthy birth outcomes about the special needs of rural families. I and other members of the select committee would not have had the opportunities to explore these issues in such depth in any other forum, nor would we have had the occasion to learn about innovative State and local efforts to address the problem.

The select committee has been successful not only in educating its own members, but in providing resources and guidance to other standing legislative committees, to all Members of Congress, and to the public.

There is no doubt that the select committee's role was central to the progress made in the last Congress on behalf of children and families by helping to lay the groundwork for the enactment of historic child care legislation, and in the expansion of critical cost-effective programs such as Head Start, WIC, and Medicaid.

But our work is not done.

In fact, given the progress Congress made in the last session, the need for the select committee is more important than ever. There are still more children in poverty in the United States than in all Western European countries combined, the male homicide rate in our country is five times higher, and the rates of teenage pregnancy continue to outstrip those of many other nations. And here in the United States, where we spend a higher percentage of our GNP on health care than all other developed nations, millions of children still have no health insurance coverage and our high infant mortality rate has not substantially improved.

Mr. Speaker, I urge my colleagues to support the reauthorization of all three select committees and I urge support for this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Speaker, I rise today in support of House Resolution 51, which will reestablish select committees, but particularly the Select Committee on Narcotics Abuse and Control.

Mr. Speaker, I would like to compliment the chairman, the gentleman from New York [Mr. RANGEL], and the ranking minority member, the gentleman from Pennsylvania [Mr. COUGHLIN] on a job well done.

I have been a member of the Select Committee on Narcotics since I came to Congress in 1983.

As a former law enforcement officer, I have seen the devastating effects of drug use firsthand.

My congressional district in Texas reaches the United States-Mexico border so I know what it is like on the front lines of the drug war.

The Select Committee on Narcotics provides an effective forum for discussing our Nation's treatment capacity, how to make our school's drug free and a means for examining how well our law enforcement agencies are cooperating.

I urge my colleagues to support this resolution and I look forward to continued successes with the select committes.

Mr. MCEWEN. Mr. Speaker, I yield myself such time as I may consume.

I would like to conclude by saying that we strongly support the passage of this resolution. These committees have done excellent work over time, but not only that the selection of the membership of the committee, I think bears a great deal of distinction. Specifically, I would mention the chairman of the Committee on Hunger. If we were to choose a chairman from our body, I am convinced we could not choose any Member better suited than the distinguished gentleman from Ohio [Mr. HALL]. As we heard from the Select Committee on Children, Youth and Families, the gentleman from Virginia [Mr. WOLF], and commitment and dedication that he has, these select committees, outside their purview and range of the standing committees, have taken on a separate and a special burden and responsibility for the service to our Nation. That is highlighted by the establishment of the select committees.

I would only add, Mr. Speaker, that the reason that we have established the select committees is because it highlights something of great concern to our Nation, and in order to deal with them expeditiously and in a consolidated manner, and deal with them in a way that there is not the diversity of interests that one experiences with agriculture, dealing with hunger and all of these other examples that I could use, their effectiveness is, in my mind, diminished because they are not given exclusive jurisdiction.

□ 1620

I submit that if these committees were given exclusive jurisdiction, then the Select Committee on Narcotics could come to us with a bill that would go right to the heart of the need, that would represent the expertise that the members of that select committee possess and the Congress would benefit and the Nation would benefit as well; however, in the instance of the Select Committee on Narcotics Abuse and

Control, 23 committees and subcommittees have joint jurisdiction.

On the Committee on Hunger, eight committees have joint jurisdiction.

On the Select Committee on Children, Youth, and Families, 13 committees have joint jurisdiction.

So even though these committed Members serve on these committees and even though they have the proper hearings, even though they gather the proper information and prepare quality legislation, it is signficantly hampered and diminished, as I say, because of the inability to move that legislation with the joint concurrence of the 13, 23, or 8 other committees.

So my recommendation and suggestion would be as we move in the years ahead to give those who are most committed, those who volunteer to serve on these committees and have this experience and expertise should be given jurisdiction over the issue, or else we should not face this situation that we face today, and that is reestablishing it and then hamstringing their performance with this joint jurisdiction.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to voice my strong continued support for the Select Committee on Children, Youth, and Families, and the reconstitution of the Select Committee on Narcotics Abuse and Control of the House.

As a member of the select committee, I would like to thank the chairman, Representative RANGEL, and the ranking minority member of the committee, Representative COUGHLIN, for their bipartisan leadership. Under their leadership, the committee has played a key role in reviewing the development and implementation of the Anti-Drug Abuse Act of 1988.

Mr. Speaker, as a committee we have conducted oversight activities on the national drug control strategy. During the 101st Congress, the committee held 19 hearings in Washington, DC, and at critical locations around the country assessing the effectiveness of the strategy.

As a member of the Select Committee on Narcotics Abuse and Control it is a unique privilege to serve on the only committee in Congress devoted exclusively to addresing the national and international drug problem.

Mr. Speaker, I represent the 10th District in the State of New Jersey, a district that has suffered from the plight of substance abuse. The effects of crack cocaine, ICE, PCP, and heroin have become a part of our day-to-day lives.

According to Charles Knox, director of Essex County, New Jersey's Bureau of Narcotics, there has not been a reduction of drug use within the county which includes the city of Newark. A new threat has returned to the streets of New Jersey's 10th District. Heroin use has increased by 10 to 15 percent. Federal authorities just completed a study of the purity of the heroin now found on Newark's streets. It was found that the level of purity was the highest in the country.

Just this past weekend 10 people died from fentanyl, an animal tranquilizer being sold as heroin. This drug, called Tango and Cash on the streets, killed at least six people in my district last weekend. To date more than 135 persons have overdosed on this drug and it has taken 17 lives in the New York, Connecticut and New Jersey tri-State area.

The need to reconstitute the Select Committee on Narcotics Abuse and Control is clear for the residents of the 10th District. My constituents continue to see the fallout of drugs—crime, homelessness, and an alarming number of our future generations born addicted to drugs. The select committee and its work have offered hope to the people of New Jersey's 10th District.

Mr. Speaker, this is why I worked to serve on the select committee and why I rise in support of House Resolution 14. I urge my colleagues to give their support and vote for this legislation.

Mr. WEISS. Mr. Speaker, 8 years ago this body voted overwhelmingly in favor of creating the Select Committee on Children, Youth, and Families. Today, we have the opportunity to renew that support and I am pleased to express my support for the reauthorization of this important committee.

The impressive record of the Select Committee has proven to us that our votes were not just a symbolic gesture toward the needs of children and families. Since its inception, the select committee has done an excellent job in fulfilling its principal mandate. Included has been the assessment of the status of children, youth, and families by the gathering of information about problems facing them and looking at both public and private efforts to remedy these problems.

Jurisdiction over issues relating to children, youth, and families is shared by at least 13 of the 32 House standing committees and numerous subcommittees. Under the current committee system, the House lacks the capacity to conduct comprehensive oversight affecting these groups. No single Federal or State agency focuses on the diverse and complex problems of this vulnerable segment of our society. The resolution on which we are voting today reauthorizes the select committee to develop policies that would encourage the coordination of both governmental and private programs designed to address the many problems of families, childhood, and adolescence.

During the 101st Congress, the Select Committee on Children, Youth, and Families held 19 hearings, conducted 5 site visits, and issued 8 reports. Over 200 witnesses testified before the select committee.

The continuation of this select committee is especially vital as the family unit becomes increasingly weaker, and the concerns of American youth become more complex. The problems reach far beyond the 21 percent of children living in poverty or the rising teenage pregnancy rate. The dilemmas our Nation's children face take root in the family.

Families are changing. Marital dissolution, time constraints, and competing pressures are impairing the ability of the family to function properly. Only one third of all first marriages presently remain intact forever. Less than one eighth of families now consist of a married couple with children in which the mother does not work outside the home. Today more than one half of all families with a child under 6 are in the paid labor force. Over 6 million households with young children are headed by a single parent and this figure could increase to 7.5 million by the year 2000 if present trends continue.

Children are generally given a low priority in our society, and yet, they are a precious resource that society cannot ignore. It is imperative that this Congress renew its support for the Select Committee on Children, Youth, and Families. It is imperative that this Congress renew its support for the future. Support for children and families begins in the House.

Mr. MACHTLEY. Mr. Speaker, as I rise today in support of the continuation of the Select Committee on Children, Youth, and Families, my attention centers on how our Nation is measuring up to the challenge of creating a happy and healthy future for our children.

Why is this so important? Why must we answer this challenge? Why must we invest in our children's future?

The answer is simple. It is because our children are our greatest resource. A committed investment in our children today will guarantee a bright and prosperous future for our Nation.

With the passage of the landmark child care bill during the last session of Congress, it is now more important than ever for Congress to examine issues affecting children. On the national level, America's children are suffering needless hardships every day.

The United States rates last among the industrialized nations in infant mortality. More than one-third of children between the ages of 1 to 4 are not appropriately immunized against disease. One quarter of children under 6 grow up in poverty. These are problems which must be solved and solved quickly.

We need to do more to reduce infant mortality, to prevent teen-pregnancies, to stop drug and alcohol abuse in our youths, to eliminate high school drop out, and to increase immunization. The call for action has never been more urgent and, as the wealthiest Nation on Earth, we now have the means at hand to solve these problems.

As a member of this committee during the 101st Congress, I can attest to the work and accomplishments of the select committee on issues concerning the children and families of our Nation. Currently, issues affecting children are covered by over half of the House's standing committees. The select committee thus fills the role of focusing on issues of primary concern to children and families and serving as an excellent resource for these issues.

We must make a commitment now for our children and decide what legacy we will leave for them. Do we want them to remember their lack of education or poor nutrition? The horrors of substance abuse or the poverty that surrounded them?

Or a sound caring family life that provided the tools and skills necessary to compete in the world. Childhood has always been difficult but a child's life now is full of dangers that we did not have to face. However, it does not have to be that way.

I look forward to working with my colleagues on the Select Committee of Children, Youth, and Families to live up to the challenge our children have given us. It is a challenge which we must and will win.

Mr. DURBIN. Mr. Speaker, I rise in support of the resolution to reconstitute the Select Committee on Children, Youth, and Families. I had the pleasure of serving on that committee in the 101st Congress and found the committee to be extremely useful in assisting the Congress in our continuing effort to address the many public policy issues affecting our Nation's children and families.

In the 101st Congress, the select committee made available to the Members of this body a variety of background information that we can use to develop sound policy proposals to strengthen Federal services to children and families. With a very capable staff and the fine leadership of Chairman MILLER of California, the committee brought together a diverse body of knowledge and experience on children's issues such as health care, foster care, perinatal substance abuse, violence by and against children, and the environmental exposure of children to hazardous substances.

I found especially helpful the select committee's activities surrounding the issues of pregnancy, drug use, drug-exposed infants, and maternal and child health care. These issues cross jurisdictional lines of the standing committees of the House and are currently addressed in a very fragmented manner. The select committee was able to get to the heart of this complicated set of issues so that options for Federal action to address these issues became clearer.

The Select Committee on Children, Youth, and Families has a demonstrated track record of usefulness to the Congress. I wholeheartedly endorse its reconstitution for the 102d Congress so that we can look forward to its continued assistance as we grapple with issues affecting our Nation's children and families.

Mr. MARTINEZ. Mr. Speaker, I rise in full support for the reauthorization of the Select Committee on Children, Youth, and Families for the 102d congress. I hope that my distinguished colleagues recognize the invaluable service the select committee, its chairman, and staff have rendered not only to this body but to the American people in helping us better understand the debilitating problems that confront our children and their families in today's society.

As we approach the 21st century, we must come to grips with the multifaceted forces that are tearing at the fabric of our Nation's most sacred institution—the American family. During the 101st Congress, the select committee held 19 hearing's on a number of vital issues affecting the well-being of our children and the stability of the family unit, such as child care, substance abuse, and infant mortality.

Our children need a champion, defender and advocate that will tirelessly promote their cause before the Congress and the American people. The Select Committee on Children, Youth, and families has faithfully and distinguishably served this function and will continue to do so with your continued support.

Mr. WALSH. Mr. Speaker, I rise today in support of the reauthorization of the House Select Committee on Children, Youth, and Family. Through this select committee we in Congress are able to examine the present and future status of the new family.

In times when drugs continue to invade our society and traditional family values are attacked from all sides, our main objective at the Select Committee on Children, Youth, and Family is to assist and strengthen the family structure—to make ourselves available to the families that make up this great Nation. As an oversight committee we explore the current trends and conditions of our Nation's youth and create the forum for debate on domestic policy.

Within my district alone the impact of committee hearings on infant mortality and teen pregnancy has further provoked both State and local initiatives in this area. It is clear to me that the work of the committee is essential and I fully support reauthorization.

I would also like to take a brief moment to salute the leadership of our former ranking minority member TOM BLILEY. Tom has moved to the District of Columbia Committee and will be missed by every member of the committee.

Mr. MCEWEN. Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following titles:

H. Con. Res. 59. Concurrent resolution providing for the adjournment of the two Houses.

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I have asked for this time for the purpose of ascertaining from the majority leader the schedule for the week after we return from the upcoming recess, and I yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me. Obviously, our business will soon be finished for this week.

The Congress will reconvene on Monday, February 18; however, the House on that date will not be in session. There will be a continuation of the Lincoln-Washington district work period.

On Tuesday, February 19, the House will meet at noon to consider several suspensions. We do not yet have the outline of those. As soon as we have them, we will obviously make it known to all the Members.

Recorded votes on suspensions will be postponed until Wednesday, February 20. There will be no votes on Tuesday, February 19.

On Wednesday, February 20, the House will meet at 2 p.m. to vote on suspensions held over from Tuesday, February 19, and then additional legislative business with votes will be held on that day, and again the exact outline of those measures will be made known as soon as we have them.

On Thursday, February 21, the House will meet at 11 a.m. Again there will be some legislative business with votes.

On Friday, February 22, the House will not be in session.

Mr. WALKER. Mr. Speaker, so if I understand the gentleman, the period of time that we would have votes is Wednesday and Thursday of that week. It appears to me it is possible that as of the Thursday of that week that the House would finish up in pretty good time and Members could figure on getting planes at a decent hour. Is that correct?

Mr. GEPHARDT. That is correct.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

AUTHORIZING THE SPEAKER TO APPOINT TWO MEMBERS TO REPRESENT THE HOUSE AT GEORGE WASHINGTON'S BIRTHDAY CEREMONIES

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on February 22, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, February 19, 1991, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 20, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 20, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANNOUNCEMENT OF REQUEST FOR MEMBERS TO SERVE AS CONGRESSIONAL LIAISON ON CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

Mr. FOLEY. Mr. Speaker, at this time I would like to announce that I have requested the following Members to serve as congressional liaison on the Christopher Columbus Quincentenary Jubilee Commission:

Mr. FOGLIETTA of Pennsylvania, chairman;
Mr. FASCELL of Florida;
Mr. CONTE of Massachusetts;
Mr. GONZALEZ of Texas;
Mr. ANNUNZIO of Illinois;
Mr. RUSSO of Illinois;
Mr. VENTO of Minnesota;
Mr. GUARINI of New Jersey;
Mr. LEWIS of Georgia;
Mrs. MORELLA of Maryland;
Ms. PELOSI of California;
Mr. CAMPBELL of Colorado;
Ms. ROS-LEHTINEN of Florida; and
Ms. MOLINARI of New York.

RANKING OF MEMBERS ON COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that in House Resolution 43, adopted by the House on January 24, 1991, electing the gentlewoman from the District of Columbia [Ms. NORTON] to the Committee on Post Office and Civil Service, Ms. NORTON be elected to rank ahead of the gentleman from Arizona [Mr. UDALL].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (House Resolution 57) and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 57

Resolved, That the following named Members, be, and they are hereby, elected to the following standing committee of the House of Representatives:

Standards of Official Conduct: Louis Stokes, Ohio, Chairman; Matthew F. McHugh, New York; Gary Ackerman, New York; George (Buddy) Darden, Georgia; Benjamin L. Cardin, Maryland; Nancy Pelosi, California; Jim McDermott, Washington.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I have parliamentary inquiries.

The SPEAKER. The gentleman will state his inquiries.

Mr. WALKER. Mr. Speaker, in further reference to my written inquiry to the Parliamentarian about the meaning of and the circumstances surrounding the inclusion in House Resolution 43 of a proviso which states that "the powers and duties conferred upon the chairman of the Committee on Interior and Insular Affairs shall be exercised by the vice chairman thereof until otherwise ordered by the House," does the inclusion of this proviso in any way affect the privileged nature of the resolution electing Members to standing committees of the House—and the reason I ask is that the correspondence I have received from the Parliamentarian cites one precedent, but that precedent involves a resolution that was called up by unanimous consent—is there any precedent for including language such as this in a privileged resolution?

☐ 1630

The SPEAKER. The Chair knows of no precise precedent, but the Chair considers the provision incidental to the normal privileged resolution providing for the election and consequent empowerment of the chairman of the committee.

Mr. WALKER. Mr. Speaker, I have a further parliamentary inquiry.

As I understand it, clause 6(b) of rule XI provides that in the temporary absence of the chairman the vice chairman shall act as chairman—we have already had an automatic transfer of authority. The Parliamentarian stated in correspondence to me on this subject—correspondence which I would ask unanimous consent be included in the RECORD in its entirety at this point.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The correspondence referred to is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 31, 1991.

Hon. WILLIAM H. BROWN,
Parliamentarian, House of Representatives, The Capitol, Washington, DC.

DEAR BILL: I am writing with regard to H. Res. 43, providing for the election of Members of standing committees of the House, agreed to on Thursday, January 24. The paragraph listing Members elected to the Committee on Interior and Insular Affairs includes the following language:

Provided, That the powers and duties conferred upon the chairman of the Committee on Interior and Insular Affairs by the House rules shall be exercised by the Vice Chairman thereof until otherwise ordered by the House.

In this connection, I am interested in receiving your responses to the following questions: (1) has this language or any similar language ever appeared in a resolution providing for the election of Members to House committees? (2) what precisely does this proviso mean? and (3) why wasn't the minority informed about the inclusion in the resolution of this language?

Your assistance will be appreciated. I look forward to hearing from you at your earliest opportunity.

Sincerely,

ROBERT S. WALKER.

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 1991.

Hon. ROBERT S. WALKER,
House of Representatives,
Washington, DC.

DEAR BOB: In your letter of January 31, 1991, you inquire about the meaning of and the circumstances surrounding the inclusion in H. Res. 43 on January 24, 1991 of the proviso electing Members to the Committee on Interior and Insular Affairs which states that "the powers and duties conferred upon the chairman of the Committee on Interior and Insular Affairs by the House rules shall be exercised by the Vice Chairman thereof until otherwise ordered by the House."

To my knowledge, a precedent for this type of resolution occurred on March 18, 1954 where the House agreed to a resolution permitting the powers and duties conferred on the chairman of a standing committee to be exercised during the absence of the chairman by the next ranking majority members thereof until otherwise ordered by the House. (Deschler's Precedents, Vol. 4, Ch. 17, sec.17.5). On that occasion, Speaker Martin recognized Majority Leader Halleck to call up the resolution by unanimous consent during the 83rd Congress after the committees had been elected. The Parliamentarian's note following that precedent suggests that the resolution may have been necessary because the Chairman of the Committee on Merchant Marine and Fisheries was unable to perform the duties of signing subpenas, vouchers, and appointing subcommittee due to illness.

While clause 6(b) of Rule XI provides that in the temporary absence of the chairman the Vice Chairman shall act as chairman, it would appear that the language included in H. Res. 43 would impose upon the House the responsibility of determining when the chairman of the Committee on Interior and Insular Affairs should resume his powers and duties. Although I am not aware of any precedent for inclusion of such language in an initial resolution electing members to committees, it does appear that the House has at least in one case taken this step when a chairman's disability developed during the course of a Congress after he had been elected. The inclusion of this provision in the resolution electing the majority members was the responsibility of the majority party caucus and was presumably undertaken as a matter incidental to the election and consequent empowerment of Representative Udall as chairman in that same resolution. I am not aware of the extent of consultation, if any, between the majority and minority leadership on this question, although it was presented as part of the privileged resolution electing members presented by the majority party caucus pursuant to clause 6(a), Rule X.

I will be glad to discuss this question with you further at your convenience.

Sincerely,

BILL BROWN

Mr. WALKER. In that letter he says that the proviso included in House Resolution 43 imposed additionally on the House the responsibility to determine when the chairman of the committee should resume his powers and duties.

Who will make that decision?

The SPEAKER. It would, under this provision, require the House to make a determination as to the time at which the full authority of Mr. UDALL as chairman would be restored. It is true that House rules provide that, in the temporary absence of the chairman, the vice chairman of the committee should assume responsibility. But in a situation with which the House is presently involved, the absence of the distinguished chairman of the committee is for a period of time that is presently not known and it was thought advisable to confer more specific authority on the vice chairman of the committee to carry on the duties of the chairman until the House should otherwise order and determine.

Mr. WALKER. I have a further parliamentary inquiry, Mr. Speaker.

We have established that a subsequent order of the House will be necessary to restore powers and duties to the chairman of the committee. Would such a subsequent order take the form of a privileged resolution that could be called up at the direction of the majority party caucus or the minority party conference?

The SPEAKER. If called by the direction of the majority caucus, it would be privileged under clause 6(a)(1) of rule X. Such a privilege attaches to the minority conference only when making recommendations with regard to the assignment of its Members to committees or the election of its members to committees.

Mr. WALKER. I thank the Chair.

APPOINTMENT AS MEMBERS TO REPRESENT THE HOUSE AT GEORGE WASHINGTON'S BIRTHDAY CEREMONIES

The SPEAKER. Pursuant to the order of the House of today, the Chair appoints the following Members to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on February 22, 1991: Mr. OLIN, of Virginia, and Mr. WOLF, of Virginia.

APPOINTMENTS AS MEMBERS OF COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER. Pursuant to the provisions of section 3 of Public Law 93-304, as amended by section 1 of Public Law 99-7, the Chair appoints as members of the Commission on Security and Cooperation in Europe the following Members of the House: Mr. HOYER of Maryland, Cochairman; Mr. FASCELL of Florida; Mr. MARKEY of Massachusetts; Mr. RICHARDSON of New Mexico; Mr. FEIGHAN of Ohio; Mr. RITTER of Pennsylvania; Mr. PORTER of Illinois; Mr. SMITH of New Jersey; and Mr. WOLF of Virginia.

ANNUAL REPORT DESCRIBING ACTIVITIES OF THE FEDERAL GOVERNMENT FOR FISCAL YEAR 1989—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Wednesday, February 6, 1991.)

ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1989—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Post Office and Civil Service:

(For message, see proceedings of the Senate of today, Wednesday, February 6, 1991.)

ANNUAL REPORTS FOR 1988 AND 1989 OF FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Post Office and Civil Service:

(For message, see proceedings of the Senate of today, Wednesday, February 6, 1991.)

ANNUAL REPORT ON ADMINISTRATION OF FEDERAL RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Wednesday, February 6, 1991.)

NATIONAL GIRLS AND WOMEN IN SPORTS DAY

Mr. MCNULTY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Joint resolution (H.J. Res. 30) to designate February 7, 1991, as "National Girls and Women in Sports Day" and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 30

Whereas women's athletics is one of the most effective avenues available through which women of America may develop self-discipline, initiative, confidence, and leadership skills;

Whereas sport and fitness activity contributes to emotional and physical well-being and women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of women's athletic achievements;

Whereas the number of women in leadership positions of coaches, officials, and administrators has declined drastically over the last decade and there is a need to restore women to these positions to ensure a fair representation of women's abilities and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the athlete's contributions at home, at work, and to society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and exhibited for all of us the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of such female athletes as Jackie Joyner-Kersee, Florence Griffith Joyner, Bonnie Blair, Janet Evans, the United States Women's Basketball Team and many others in the 1988 Olympic Games were a source of inspiration and pride to all of us;

Whereas the athletic opportunities for male students at the collegiate and high school level remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 7, 1991, is hereby designated as "National Women and Girls in Sports Day", and the President is authorized and requested to issue a proclamation calling upon local and State jurisdictions, appropriate Federal agencies, and the people of the United States to observe the day with appropriate ceremonies and activities.

Ms. SNOWE. Mr. Speaker, I rise in support of House Joint Resolution 30, designating February 7, 1991, as "National Girls and Women in Sports Day."

Since 1985, a day has been set aside to honor and recognize the great achievements made by women and girls in sports. It is vital that we continue to commemorate the strong participation and outstanding accomplishments of these female athletes.

Athletic participation at any level has proven to be extremely significant emotionally and physically. Initiative, team work, confidence, leadership skills, and self-discipline are just some of the qualities which are developed through athletic participation. This involvement has become an integral part of the educational, athletic and personal development of women.

National Girls and Women in Sports Day, while recognizing the accomplishments of women athletes, also recognizes and seeks to remedy the inequalities which still exist in athletic opportunities. For example, women still have fewer opportunities for achievement in the administration and coaching of women's athletics.

Only 47.3 percent of women's teams are coached by women—down from 90 percent in 1972. In addition, only 15.9 percent of women's programs are headed by a female administrator—also down by almost 90 percent since 1972. Although steps are being pursued to eradicate these inequalities, we must recognize that they still exist.

On this day, we also recognize the success and effort of female athletics around the country. We honor their accomplishments in the past and join in their hopes for the future.

I am extremely proud to recognize the accomplishments of student-athlete Rachel Bouchard of Farmingdale, ME, a senior at the University of Maine at Orono. Rachel is a member of the women's varsity basketball team. She is the all time high scorer for women at the university and is just 48 points shy of being the all time high scorer for both men and women. It is predicted that she will break that record in the next few games.

In May, Rachel will graduate and is planning to play professionally overseas. She would also like to go on to graduate school to study sports psychology. Rachel's success on the court has carried over into her academic life. She has the highest grade point average on the team, a 3.6, has been on the dean's list every semester and was elected last year to the GTE academic all American team.

I commend Rachel's commitment to her sport and her studies. She is an outstanding role model for young women in Maine and elsewhere. Rachel's stellar performance off the court demonstrates the benefits for women that can accrue through equal participation in athletics.

It is my hope that National Girls and Women in Sports Day will be a step toward giving women in sports the recognition they deserve both in an out of the sports world, and in paving the way for more opportunities down the road.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mrs. MINK. Mr. Speaker, I rise in support of House Joint Resolution 30, legislation to designate February 7, 1991, as "National Girls and Women in Sports Day." This recognition of the important role women have played in the world of sports is long overdue. Only in recent years have women been afforded the opportunity to participate on an equal level with their male counterparts in the athletics.

Today, women represent about one-third of intercollegiate athletes, and the number of women in administrative positions in athletic programs continues to rise. This strong representative of female athletes in our educational system was not always the case. Mr. Speaker, it was a long and hard road to climb to give girls and women equal opportunity in athletics and an equal amount of resources for their programs.

In my previous tenure in the Congress one of the accomplishments I am most proud of is the passage of title IX legislation, which resulted in a major reform of athletic programs around the Nation, to give women their fair share of resources, recognition, and opportunity. This legislation was not designed only for athletics, but for the educational system as a whole. However, the most blatant form of inequity between men and women was in the sports.

We have come a long way and today the evidence of the success of title IX is everywhere as women's competitions in many sports now challenge the popularity of men's competition. But there is still a long way to go before equality in sports is as real in life as it is in law.

In House Joint Resolution 30, "National Girls and Women in Sports Day," we recognize all women in sports whether they are on our Olympic team, or play in the U.S. Open or are on the local volleyball team. In this resolution, Mr. Speaker, we pay tribute to girls and women who love the achievement and competitiveness of sports as much as any male competitor.

Today, I would also like to take the opportunity to recognize an outstanding athlete, who has played a key role in the success of women's athletics around the Nation. Two-time Olympic gold medalist and U.S. Olympic Hall of Fame enshrinee, Donna de Varona is a premier role model of excellence in the women's athletic world. Beyond her achievements as a swimmer Ms. de Varona has excelled as a sportscaster for major networks, founded the Women's Sports Foundation, and traveled extensively to touch younger generations with the opportunity and fulfillment of sports at any level.

Mr. Speaker, I urge this Congress to join me in supporting House Resolution 30 and designate February 7, 1992, as "National Girls and Women in Sports Day"; to recognize the accomplishments of women such a Donna de Varona; and to support each and every women athlete of our Nation as she runs, throws, hits, shoots, kicks, spins, bounces, skates, rides, skis, or swims her way to new heights.

GENERAL LEAVE

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 30, the joint resolution just considered.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

WORLD POWERS MUST STOP SUPPLYING ARMS TO THIRD WORLD COUNTRIES

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I want to take this opportunity to commend our Secretary of State, Mr. James Baker—for having presented before the House Foreign Affairs Committee this morning, a most comprehensive statement of the war in the Persian Gulf, as well as the administration's proposed budget on international operations for fiscal year 1992.

Mr. Speaker, I want to note with interest one of the issues mentioned in Secretary Baker's statement, that is, the critical need of arms control and to stop the proliferation of sales of arms in the Middle East and to Third World countries.

Secretary Baker further noted that five Middle Eastern countries have more tanks than Great Britain or France.

The irony of all this, Mr. Speaker, is that our country, the Soviet Union, the Peoples Republic of China, our NATO allies and France, are the biggest sellers of biological-chemical weapons, bullets, fighter planes, tanks, warships, and all. It is like giving these Third World countries the guns, and all they need to do is pull the trigger.

Mr. Speaker, are we really serious about arms control—when are we going to stop this insane and contradictory situation.

Mr. Speaker, I submit a copy of Secretary Baker's statement for my colleagues to review.

TESTIMONY BY SECRETARY OF STATE JAMES A. BAKER III BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE

Mr. Chairman, it is a privilege to appear before this Committee to testify on behalf of our Foreign Affairs funding proposal for FY 1992. With your permission, I would have my detailed written statement entered into the record. This year, even more so than most years, the funds requested should be seen as an investment in a better future—a world of secure nations, free peoples, and peaceful change.

I realize that as armies fight in the Persian Gulf such a world seems far distant. Yet I believe that it is vitally important to see the challenges we face also as opportunities to build a more secure and just world order. And so, today I would like to make a few comments concerning our ideas about post-crisis challenges and arrangements.

THE GULF WAR

The international coalition has been waging war against Iraq for three weeks now with very clear objectives: to expel Iraq from Kuwait; to restore the legitimate government of Kuwait; and to ensure the stability and security of this critical region. I want to make several observations about the course of the conflict so far.

First, the international coalition has held steadily to its purpose and its course. An outstanding achievement of the current crisis has been the ability of the United Nations to act as its founders intended. Before January 15, a dozen Security Council resolutions guided the United States and other nations as together we waged a concerted diplomatic, political, and economic struggle against Iraqi aggression. We did so because we all share a conviction that this brutal and dangerous dictator must be stopped and stopped now. Since January 16, in actions authorized by Security Council Resolution 678, we have been able to wage war because we are equally convinced that all peaceful opportunities to end Saddam's aggression had been explored and exhausted.

Let me give you some idea of those exhaustive efforts, both by the United States and other nations. In the 166 days between the invasion of Kuwait on August 2, 1990 and the expiration of the UN deadline for Iraqi withdrawal on January 15, 1991, I personally held over 200 meetings with foreign dignitaries, conducted 10 diplomatic missions, and travelled over 100,000 miles. For over six and one half hours, I met with the Iraqi Foreign Minister—six and one-half hours in which the Iraqi leadership rejected the very concept of withdrawal from Kuwait, even the mention of withdrawal. As you know, many others also tried—the Arab League, the European Community, the UN Secretary General, Kings, Presidents, and Prime Ministers.

None succeeded because Saddam Hussein rejected each and every one.

Second, the coalition is sharing responsibility for the economic burdens of conflict. Support for U.S. military outlays covers both 1990 commitments for Desert Shield and 1991 commitments for the period of January through March for Desert Shield/Storm. In addition, funds have also been forthcoming to offset the economic costs confronting the front line states in the region.

To date, we have pledges of over $50 billion to support our military efforts and over $14 billion to assist the front line states and others with their economic needs.

Third, our unfolding military strategy fully reflects our political purposes. This is the place to restate, as the President has done so often, that we have no quarrel with the Iraqi people. Our goal is the liberation of Kuwait, not the destruction of Iraq or changes in its borders.

A thoroughly professional and effective military campaign is underway. Our young men and women and the forces of our coalition partners are writing new annals of bravery and skill. But the task is formidable, and no one should underestimate Saddam's military capabilities. Iraq is not a third rate military power. Billions have been diverted from peaceful uses to give this small country the fourth largest army in the world. Iraq has more main battle tanks than the United Kingdom and France combined. It has more combat aircraft than either Germany, France, or the United Kingdom. Ejecting Iraq from Kuwait will not be easy, but, as the President said, "So that peace can prevail, we will prevail."

We are also trying our best to wage a just war in a just way. Our targets are military, and we are doing all we can to minimize civilian casualties and avoid damage to religious and cultural sites. And as General Schwarzkopf has pointed out, the coalition forces are even putting themselves in danger to minimize the risk to innocent lives.

In shocking contrast, Saddam Hussein's conduct of the war has been not unlike his conduct before the war: a relentless assault on the values of civilization. He has launched missiles against Israeli cities and Saudi cities, missiles aimed not at targets of military value but fully intended to massacre civilians. He has abused and paraded prisoners of war and he says he is using them as "human shields"—actions totally in violation of the Geneva Convention. And he has even attacked nature itself, attempting to poison the waters of the Persian Gulf with the petroleum that is the patrimony of the region's economic future.

We have heard, and we take at face value, Saddam's threats to use chemical and biological weapons. We have warned him—and he would be well advised to heed our warning—that we will not tolerate the use of such weapons. Any use of chemical or biological weapons will have the most severe consequences. And we will continue to insist that Iraq fulfill its obligations under the Geneva Convention with respect to coalition POWs.

I think that our conduct of the war is in itself a great strength, the strength that comes from doing the right thing in the right way. And Saddam's continuing brutality redoubles our resolve and the entire coalition's conviction about the rightness of our course. Ending Saddam's aggression will also be a blow to state-sponsored terrorism.

This is also the place to note our deep appreciation and great admiration for the extraordinary restraint of the Government of Israel. Israeli cities have been attacked by Saddam Hussein because part of his strategy has been to consolidate his aggression by turning the Gulf crisis into an Arab-Israeli conflict. Despite its clear right to respond, the Israeli government has acted with restraint and responsibility. The United States has been and will continue to be in close contact at the highest levels with Israel. We have offered and Israel has accepted batteries of Patriot missiles—some with American crews—to defend against Scud attacks. We continue to devote special military efforts to destroying the Scuds and their launchers.

Everyone should know: when we speak about our unshakeable commitment to Israeli security, we mean it.

The fourth observation I would make is this: the great international coalition that is now winning the war must also be strong enough to secure the peace. Winston Churchill once observed that "We shall see how absolute is the need of a broad path of international action pursued by many states in common across the years, Irrespective of the ebb and flow of national politics." If we are going to redeem the sacrifices now being made by the brave men and women who defend our freedom with their lives, then we must fashion a peace worthy of their struggle. And that can be done if we can hold together in peace the coalition tempered by war.

I believe that when Congress voted the President authority to use force in support of the United Nations Resolutions, it voted also for peace—a peace that might prevent such wars in the future. I believe that the American people support our role in the coalition not only to defeat an aggressor but to secure a measure of justice and security for the future.

POST-WAR CHALLENGES

Mr. Chairman, we and every nation involved in this conflict are thinking about the post-war situation and planning for the future. It would be irresponsible not to do so. At the same time, it would be both premature and unwise for us to lay out a detailed blueprint for the postwar Gulf or, for that matter, the region as a whole.

The war itself and the way it ends will greatly influence both the security of the Gulf and the rest of the area. The deepest passions have been stirred. The military actions now underway necessarily involve many casualties, great hardships, and growing fears for the future. Tough times lie ahead.

We should therefore approach the postwar problems with a due sense of modesty. Respect for the sovereignty of the peoples of the Gulf and Middle East must be uppermost. In any event, modern history has shown that no single nation can long impose its will or remake the Middle East in its own image. After all, that is partly why we are fighting Saddam Hussein.

Yet among all the difficulties we face, one fact stands out: The peoples of the Gulf and indeed the entire Middle East desperately need peace. I truly believe that there must be a way, working in consultation with all of the affected nations, to set a course that brings greater security for all and enduring peace. We should therefore make every effort not just to heal the Persian Gulf after this war but also to try to heal the rest of the region which needs it so badly.

So I would like to discuss several challenges that I believe we must address in the post war period.

One challenge will be greater security for the Persian Gulf. After two wars in ten years, this vital region needs new and different security arrangements. In our view, there are three basic issues to be resolved: the purposes or principles of the security arrangements; the role of the local states, regional organizations, and the international community; and in the aftermath of the war, the military requirements until local stability is achieved, and thereafter.

I think we would find already a wide measure of agreement on the principles. They would include:

Deterrence of aggression from any quarter.

Territorial integrity. There must be respect for existing sovereignty of all states and for the inviolability of borders.

Peaceful resolution of disputes. Border problems and other disputes that have long histories—and there are many beyond the Iraq-Kuwait example—should be resolved by peaceful means, as prescribed by the U.N. Charter.

These principles must be put into action first and foremost by the local states so that conflicts can be prevented and aggression deterred. We would expect the states of the Gulf and regional organizations such as the Gulf Cooperation Council to take the lead in building a reinforcing network of new and strengthened security ties. No regional state should be excluded from these arrangements. Post war Iraq could have an important contribution to play. And so could Iran as a major power in the Gulf.

There is a role, too, for outside nations and the international community, including the United Nations, to encourage such arrangements and to stand behind them.

As for the United States, we have deployed small naval forces in the Persian Gulf ever since the Truman Administration in 1949. We had and continue to have very strong bilateral ties with Saudi Arabia and other local states. And through the years, we have conducted joint exercises with and provided military equipment for our friends in the region. The President has said that we have no intention of maintaining a permanent ground presence on the Arabian Peninsula once Iraq is ejected from Kuwait and the threat recedes.

Before security is assured, however, important questions must be answered. We will be going through an important transitional phase in the immediate aftermath of the war as we try to establish stability. Let me list just a few of the questions that need to be answered.

Should there be a permanent, locally stationed ground force made up of local troops under UN auspices or under regional auspices, such as the GCC?

How can the international community reinforce deterrence in the Gulf, whether by contributing forces or through other political arrangements, such as resolutions or security commitments?

No one has the answers yet to these and other questions. Some may never be answered. But however we eventually proceed, we will conduct extensive consultations among all of the concerned parties to such arrangements.

A second challenge will surely be regional arms proliferation and control. This includes both conventional weapons and weapons of mass destruction. The terrible fact is that even the conventional arsenals of several Middle Eastern states dwarf those of most European powers. Five Middle Eastern countries have more main battle tanks than the United Kingdom or France. The time has come to try to change the destructive pattern of military competition and proliferation in this region and to reduce arms flows into an area that is already overmilitarized. That suggests that we and others inside and outside the region must consult on how best to address several dimensions of the problem:

How can we cooperate to constrain Iraq's post war ability to retain or rebuild its weapons of mass destruction and most destabilizing conventional weapons?

How can we work with others to encourage steps toward broader regional restraint in the acquisition and use of both conventional armaments and weapons of mass destruction? What role might the kinds of confidence building measures that have lessened conflict in Europe play in the Gulf and the Middle East?

Finally, what global actions would reinforce steps toward arms control in the Gulf and Middle East? These could include rapid completion of pending international agreements like the Chemical Weapons Convention, as well as much tighter supply restraints on the flow of weapons and dual-use technology into the region. And what implications does that have for arms transfer and sales policies?

A third challenge will be economic reconstruction and recovery. An economic catastrophe has befallen the Gulf and the nations trading with it. Kuwait has been looted and wrecked. Hundreds of thousands of workers have lost jobs and fled. Trade flows and markets have been disrupted.

I am confident that the people of Kuwait will rebuild their country. As we have worked with the Kuwaitis in their moment of trial so we shall look forward to cooperating with them in their hour of recovery.

And no one should forget that for the second time in a decade, the people of Iraq will be recovering from a disastrous conflict. The time of reconstruction and recovery should not be the occasion for vengeful actions against a nation forced to war by a dictator's ambition. The secure and prosperous future everyone hopes to see in the Gulf must include Iraq.

Of necessity, most of the resources for reconstruction will be drawn from the Gulf. Yet, should we not be thinking also of more than reconstruction? It might be possible for a coalition of countries using both local and external resources to transform the outlook for the region—in expanding free trade and investment in assisting development, and in promoting growth-oriented economic policies which have taken root across the globe.

Any economic effort must have a special place for water development. Well over half the people living in the Middle East draw water from rivers that cross international boundaries or depend on desalination plants. We have all been incensed by Saddam Hussein's deliberate poisoning of the Gulf waters, which could affect a large portion of Saudi Arabia's desalinized drinking water.

Finally, we will want to consult with governments both from the Middle East and from other regions about specific arrangements that might best serve the purposes of region-wide economic cooperation. Such cooperation would surely be helpful in reinforcing our overall objective: reducing one by one the sources of conflict and removing one by one the barriers to security and prosperity throughout the area.

A fourth challenge is to resume the search for a just peace and real reconciliation for Israel, the Arab states, and the Palestinians. By reconciliation, I mean not simply peace as the absence of war, but a peace based on enduring respect, tolerance, and mutual trust. As you know, I personally had devoted considerable effort before the war to facilitating a dialogue between Israel and the Palestinians—an essential part of an overall peace process. Let's not fool ourselves. The course of this crisis has stirred emotions among Israelis and Palestinians that will not yield easily to conciliation. Yet in the aftermath of this war, as in earlier wars, there may be opportunities for peace—if the parties are willing. And if they really are willing, we are committed to working closely with them to fashion a more effective peace process.

The issues to be addressed are of course familiar and more challenging than ever.

How do you go about reconciling Israelis and Palestinians? What concrete actions can be taken by each side?

What will be the role of the Arab states in facilitating this process and their own negotiations for peace with Israel?

How will regional arms control arrangements affect this process?

What is the best diplomatic vehicle for getting the process underway?

Again, we will be consulting and working very closely with our friends and all parties who have a constructive role to play in settling this conflict.

A fifth and final challenge concerns the United States: we simply must do more to reduce our energy dependence. As the President has stressed, only a comprehensive strategy can achieve our goals. That strategy should involve energy conservation and efficiency, increased development, strengthened stockpiles and reserves, and greater use of alternative fuels. We must bring to this task the same determination we are now bringing to the war itself.

As you can see, Mr. Chairman, some of these elements are political, some are economic, and some of necessity are related to security. That suggests that we should view security not just in military terms but as part and parcel of the broader outlook for the region. We're not going to have lasting peace and well-being without sound economic growth. We're not going to have sound economic growth if nations are threatened or invaded—or if they are squandering precious resources on more and more arms. And surely finding a way for the peoples of the Middle East to work with each other will be crucial if we are to lift our eyes to a better future.

THE SOVIET UNION AT A CROSSROADS

Before closing, I would like to say a few words on another challenge we face: our relations with the Soviet Union.

The President has spoken often of a new world order in which freedom and democracy might flourish, secure from the fears of the Cold War. We have been hopeful about such an order partly because of the growing cooperation between the United States and the Soviet Union. In the fall of 1989, I described that cooperation as a search for points of mutual advantage. And this search has yielded good results.

Three examples will suffice. First, over the past year, a democratic Germany, fully a member of NATO, was united in peace. The Iron Curtain has vanished and with it the Cold War. Second, the countries of Central and Eastern Europe have emerged in their own right once more, free to pursue democracy and economic liberty. Third, the Soviet Union has joined the international coalition confronting Iraqi aggression. As Foreign Minister Alexander Bessmertnykh reiterated last week, the Soviet Union continues to completely support the full implementation of the UN Security Council resolutions.

While we both have worked at finding these and other points of mutual advantage, it has long been clear to both sides that the potential for long-term cooperation or even partnership between our countries would depend ultimately on the course of the Soviet Union's domestic reform. That is why when last fall I called for pathways of mutual advantage, not just discrete points, I also announced our desire to see a broader democratic dialogue with Soviet reformers. Not just economic reform but essential political reform could transform the Soviet Union into a very different society.

Over the course of several summits and numerous meetings, we have become much more familiar with the ups and downs of perestroika, the enormous and daunting difficulty of changing after seventy years a society's basic direction and many of its values.

In the last several months, however, we have seen a series of unsettling events. They include the tragic violence in the Baltics; an apparent turn toward economic re-centralization; a less free media; extension of army and KGB authority; and the resignation or departure from the government of key reform advocates.

These actions are completely inconsistent with the course of peaceful change, democratic principles, the rule of law, and real economic reform. There is simply no justification for the use of force against peaceful and democratically elected governments. Our hearts go out to the courageous people of the Baltic states who have acted throughout with dignity and restraint.

The President and I have had extensive discussions with President Gorbachev and other Soviet officials about these developments. We and our European allies have pointed out the inevitable consequences if the Soviet government continues on this path. And we have stated our belief that the Soviet Union cannot hope to succeed in meeting its own objectives if it should abandon perestroika, democratization, and glasnost.

On the Baltics, I could do no better here than to quote the President's words from the State of the Union address: ". . . our objective is to help the Baltic peoples achieve their aspirations, not to punish the Soviet Union."

We have had representations from the Soviet leadership about their continuing commitment to reform, the peaceful dialogue with the Baltics, and to creating a society ruled by law, not force. We're going to watch this situation closely to see whether these representations become enduring realities.

I hope that the Soviet Union will relearn quickly the lesson from its own hard experience: the old ways are not the right ways. Perestroika cannot succeed at gunpoint. Clearly, we cannot rule out the possibiity that matters may still turn more for the worse. But at the same time, we must be careful not to jump to premature conclusions.

The Soviet leadership is at a crossroads. We have made clear that their last several steps have taken them down a path of no benefit for them or for us or for anyone else. For the sake of history and for the sake of the world, I hope they resume the march that has given the entire world hope of a better future.

Mr. Chairman, I want to sum up my comments today with this observation. When I appeared before you a year ago to review our overall foreign policy, we were well on the way to a whole and free Europe, secured by expanding U.S.-Soviet cooperation in resolving the continent's outstanding political and military problems. The possibility, even the idea, of this terrible conflict in the Gulf was beyond anyone's imagination. Yet now we face the challenges of hot war in the Gulf and growing uncertainty about the course of Soviet reform.

There can be different views of how to handle these situations. I look forward to your counsel and good words on both issues. Yet on one point I believe we are in very basic agreement: the need for American leadership. If we do not do our part, then Churchill's broad path pursued by many states in common will not be possible. And as Churchill warned, "the middle path adopted from desires for safety and a quiet life may be found to lead direct to the bull's eye of disaster." More clearly than we could have ever imagined a year or even six months ago, the world emerging from the end of the postwar era will be shaped by the United States and its international allies. Our constant purpose must be to make of that world a fitting place for free peoples to live.

OVERVIEW OF OUR FUNDING REQUEST

Let me turn to our foreign affairs funding request. For FY 1992, we seek $21.9 billion in discretionary budget authority for International Affairs Budget Function 150, an increase of $1.8 billion over levels appropriated for FY 1991. In addition, we are requesting a one-time appropriation of $12.2 billion as the U.S. share of a global quota increase for the International Monetary Fund.

In accordance with the terms of the Budget Enforcement Act, our request provides for specific, stringent limits on our spending levels, in spite of unprecedented demands for U.S. leadership across the globe.

In order to achieve our worldwide objectives within these resource constraints, additional flexibility is needed. Last year, I appealed to this committee to make constructive consultation—not earmarking—the primary vehicle for achieving consensus on program objectives. I am pleased to note that we made some progress toward that goal last session.

Earmarking in our Economic Support Fund (ESF) declined from 82 percent in FY 1990 to just over 68 percent in FY 1991. In our Foreign Military Financing (FMF) account, the decline was less dramatic but still significant, from 92 percent to 87 percent. This is a welcome trend, one that we want to encourage and promote.

But we still have a long way to go. To support our request this year, let me express the Administration's willingness to work in partnership with Congress to develop greater flexibility in our State operations and foreign assistance legislation. To guide this effort, let me suggest five broad objectives for our international cooperation programs, built around the five foreign policy challenges which I presented in my testimony before this Committee last year.

First, promoting and consolidating democratic values, including free and fair elections and respect for human rights. As the President noted in his State of the Union address, this fundamental American principle has stood as a beacon to peoples across the globe for more than two centuries.

Transitions toward democracy, however difficult, cannot be accomplished in isolation from the rest of the world. The essential ingredients of democracy—respect for human rights, the rule of law, free and fair elections, and political and economic opportunity—are also the basic building blocks of the new world order.

Second, promoting free market principles and strengthening U.S. competitiveness. Sustainable economic development cannot be separated from the pursuit of sound, growth-oriented policies; together, these can promote U.S. economic interests abroad. By fostering market forces through deregulation, privatization, and promotion of free trade and investment, reform-minded countries can establish an appropriate complement to building and securing democracy. They also can develop into thriving markets for U.S. exports and the jobs they represent. Indeed, U.S. exports to four aid graduates—Colombia, Chile, Taiwan, and Korea—total more than twice the value of our entire worldwide foreign assistance budget. Our long-run goal should be to graduate more countries from foreign assistance toward mutually beneficial trade and investment relationships with the United States.

Third, promoting peace by helping to defuse regional conflicts, strengthening the security of our regional partners, and pursuing arms control and nonproliferation efforts.

As the crisis in the Persian Gulf has demonstrated, there is no substitute for strong U.S. leadership. We continue to play a vital role in bolstering the security of regional allies around the world. Egypt and Turkey—two long-standing beneficiaries of U.S. security assistance—are bulwarks of the coalition against Saddam Hussein.

National and regional security are preconditions for democracy and free enterprise to flourish. Saddam Hussein's aggression is a dramatic reminder of the continuing need to protect the security of regional states of vital interest to the United States and our allies. The proliferation of missile systems and chemical and biological weapons further sharpens our interest in promoting regional stability.

Fourth, protecting against transnational threats, especially to the environment and from narcotics and terrorism.

As I noted in my first statement to Congress two years ago, "The future of our civilization demands that we act in concert to deal with a new class of problems, transnational in nature." This includes curbing proliferation, protecting the environment, and countering terrorism and narcotics.

We have made progress in all of these areas. We have led the international effort to tighten nonproliferation export controls on a global basis. We continue to work to advance our environmental agenda. We are actively pressing state sponsors of terrorism in an effort to thwart terrorism around the globe. And our international narcotics efforts to counter supply are complemented by reports of declining demand at home.

But progress is sometimes slow, unheralded, and hard won. Iraq's conduct following its invasion of Kuwait is a brutal reminder of the danger posed by the interaction of these transnational threats. Saddam Hussein's most recent actions illustrate how traditional concepts of threats to national security need to be extended. Indeed, Iraq has combined:

A credible threat of the use of chemical and biological weapons.

A contemptible use of missile technology as a weapon of terror against innocent civilian populations.

Perhaps the world's first deliberate use of an environmental disaster as a wartime weapon, with unknown consequences for the entire region for years to come; and

A worldwide call for terrorist actions, sometimes supported by embassies abroad in flagrant violation of the basic principles of diplomacy.

These challenges to international order can all be defeated by a committed world community, supported by firm U.S. leadership and appropriate resources as needed.

Finally, meeting urgent humanitarian needs will continue to reflect deep and abiding concerns of the American people. America's record for responding quickly and substantially to alleviate severe suffering caused by natural and man-made disasters is unequaled. We salute the role played by American private voluntary agencies and private American citizens in this regard. Meeting the most pressing humanitarian needs with food aid, disaster relief, and refugee assistance will always be an essential component of U.S. assistance policies.

We are prepared to work with Congress on legislation that builds on these basic objectives to provide more flexibility and simplicity to our economic cooperation efforts. Working with our global partners, we envision the use of five principal mechanisms to advance this agenda worldwide:

One, more flexible and integrated bilateral assistance authorities. We seek more flexible account structures and greater ability to transfer funds both within and among accounts to meet pressing, unexpected needs. We hope to move toward an assistance program unified around a single set of core objectives, along the lines of those outlined above. As a first step toward this goal, we have proposed a modest $20 million Presidential contingency fund in our FY 1992 budget request.

The need for flexibility is especially urgent at a moment when developments in the world are moving so quickly and unpredictably, while our ability to respond with additional resources is severely constrained by budgetary realities. The Gulf crisis, the restoration of democratic rule in Nicaragua and Panama, and the dramatic developments in Eastern Europe, the Soviet Union, and South Africa over the past year illustrate that when unprecedented demands for American leadership are combined with limited resources, our need for flexibility becomes all the more urgent.

Two, we see scope for more creative use of multilateral mechanisms to advance our objectives, through both the international financial institutions and the United Nations system.

The Bretton Woods institutions have now admitted all the Eastern European countries, and are playing a central role in structuring sound, adequately financed programs to ease their transition to market economies based on private initiative. Should the Soviet Union move further along the path of structural economic and political reform, we would expect the IMF and the World Bank to play a role in facilitating its transformation as well. The European Bank for Reconstruction and Development will promote the development of infrastructure, environmental programs, and private sector development in the reforming countries of Central and Eastern Europe. Meanwhile, through our Enterprise for the Americas Initiative, the Inter-American Development Bank is expected to play a major role in promoting sound investment policy in our own hemisphere.

To support the efforts of these institutions, we are again proposing full funding for the multilateral development banks—including all arrears—plus a periodic quota increase for the IMF. This funding will allow these institutions to leverage other contributions in support of our objective of promoting sound, growth-oriented economic policies in the developing world.

As President Bush noted in his State of the Union address, the United Nations has played a historic role in the Gulf crisis, one that is close to fulfilling the vision of its founders. The Security Council's twelve resolutions, which laid the basis for ending the crisis, symbolized the unity of the international community against Iraq's aggression and established the principle of collective security as a cornerstone of the post-Cold War era. At the same time, the humanitarian organizations of the U.N. system have assisted the hundreds of thousands of refugees fleeing from Iraqi aggression. The United States has a vital interest in strengthening this new, revitalized United Nations as a full partner in the building of a post-Cold War world where peace, stability, and prosperity prevail.

Three, we foresee greater reliance on creative responsibility sharing as we strengthen our global partnerships with the European Community members and Japan in particular. As many in Congress have noted, our own difficult budgetary situation makes such efforts especially important for the advancement of a common agenda with partners who share our values and interests.

No effort so well illustrates the collective response of the world community to defend world peace as our successful efforts to enlist worldwide support for Operations Desert Shield and Desert Storm, and for the front-line states whose economies have been set back by the effects of Saddam Hussein's aggression.

In 1990, our coalition partners pledged $9.7 billion to meet Desert Shield costs, representing 88% of the roughly $11 billion in total incremental expenses we incurred. As soon as hostilities broke out, our allies again responded promptly and generously to shoulder their fair share of coalition military expenses under Operation Desert Storm. Over the past three weeks, we have received unprecedented pledges totaling in excess of $40 billion from Saudi Arabia, Kuwait, the UAE, Japan, Germany, and Korea, to offset Desert Shield Storm expenses expected to be incurred during the first three months of 1991.

The world community has also responded swiftly and generously to the needs of the front-line states, especially Egypt and Turkey, as they incurred substantial costs in standing up to Saddam Hussein's aggression. Through the U.S.-chaired Gulf Crisis Financial Coordination Group, over $14 billion has been pledged by the Gulf states, Europe, Japan, and Korea to ensure that the economies of affected regional states are stabilized and that their commitment to stay the course is reinforced. The United States has played its part in this effort, supported by Congress, by canceling Egypt's $6.7 billion military debt, thereby relieving a heavy burden on a critical regional ally. Other countries have followed suit and canceled an additional $8 billion in Egyptian debt.

Meanwhile, in Eastern Europe, the successful G-24 process chaired by the European Commission has mobilized more than $18 billion in pledges for Poland and Hungary, to ease their transition to market economies. And in the Philippines, the Multilateral Assistance Initiative (MAI) has been responsible for nearly doubling the level of international assistance to this struggling democracy. We are also looking to our worldwide partners to assist us in clearing arrearages of Panama and Nicaragua to the international financial institutions and to assist in the financing of the enhanced debt strategy. Finally, we are encouraging Europe and Japan to join us in pledging $100 million a year over five years to create a Multilateral Investment Fund for Latin America and the Caribbean. This Fund is a key part of the President's Enterprise for the Americas Initiative and will play a crucial role in enabling countries to move from aid to trade and private investment as the principal engines of economic growth.

In each case, both strong U.S. leadership and a community of interests are essential to catalyze a broad worldwide response.

Four, we envision more creative use of trade and investment policies as vehicles to promote U.S. interests in world economic growth, as well as to enhance our own economic strength.

Central to these efforts over the past four years has been our determination to pursue a successful conclusion to the Uruguay Round of trade negotiations. We continue to believe that the Uruguay Round has profound political as well as economic implications for the shape of the world in the next century. Successful conclusion of the round is essential for the economic growth and stability of the emerging Eastern European democracies, as well as the wide range of developing countries who will ultimately rely on expansion of world trade—not aid—as the primary vehicle to generate employment opportunities and sustainable economic growth.

In our own hemisphere, the President's Enterprise for the Americas Initiative represents a comprehensive effort to promote economic growth and stability in the region, combining free trade and investment—the primary vehicles for growth—with debt relief and environmental initiatives.

As an important step toward the eventual goal of hemispheric free trade, the Administration intends to seek a North America Free Trade Area with Mexico and Canada, which we are convinced promises important economic benefits for all three countries. Since the President's announcement last June of his desire to seek a free trade agreement with Mexico, we have engaged in extensive consultations with Congress and the private sector. Canada's participation in these talks will establish a free trade zone throughout the world's largest market, worth over $6 trillion and including more than 350 million consumers. The resulting stimulus to exports and the creation of new business opportunities would act as a significant engine of growth and employment generation.

Meanwhile, the United States has worked actively with our Asian partners in the Asia Pacific Economic Cooperation (APEC), to advance market-oriented cooperation among member states.

Our Bilateral Investment Treaty program has been an important vehicle in ensuring an open and liberal investment climate for U.S. investors and exporters. Over the past year, we completed negotiations with Poland and Czechoslovakia and are actively negotiating with nine other countries which are in the process of undertaking economic restructuring programs.

Finally, we will be challenged to pursue more vigorous U.S. diplomacy, in the context of a State Operations budget that reflects an activist approach to the diplomatic challenges of a changing world stage. I would again reiterate our need for funding flexibility, especially as it relates to our ability to transfer funds among accounts within our very tight State Department Operations budget.

BILATERAL ASSISTANCE

Bilateral military and economic assistance will remain an essential tool in advancing U.S. interests through the 1990's, assuming the necessary flexibility can be provided to meet emerging needs. No other vehicle at our disposal is as well suited to provide timely support to our allies and friends around the world. Our interests in political pluralism, market-driven economic development, peace-making, and strengthening alliances—all can be advanced by prudent use of bilateral assistance resources.

For FY 1992, our request for discretionary budget authority for bilateral assistance programs total $13.1 billion. That marks a 6.5% increase over the $12.3 billion appropriated by Congress for FY 1991. Highlights of this request by category are as follows:

$4.65 billion in Foreign Military Financing (FMF), supporting a program level of $4.92 billion.

$3.24 billion in Economic Support Funding, up from $3.14 billion.

$1.3 billion in development assistance, the same as the prior year.

$800 million for the Development Fund for Africa.

$400 million for Central and Eastern Europe, a slight increase the FY 91 appropriation.

$160 million for the Multilateral Assistance Initiative for the Philippines.

$1.3 billion for bilateral PL-480 food aid, supporting the export of 5.9 million metric tons of U.S. commodities.

$171 million for anti-narcotics assistance, plus additional security and development assistance resources to support these efforts.

MULTILATERAL ASSISTANCE

For the multilateral development banks, we are requesting $1.7 billion in FY 1992 budget authority, up from $1.6 billion in FY 1991. This includes $1.1 billion in funding for the International Development Association, the soft-loan window of the World Bank, which provides concessionary financing to the world's poorest countries, as well as full funding for the European Bank for Reconstruction and Development and the other regional development banks.

Our FY 1992 budget request also contains $12.2 billion in budget authority for the proposed increase in the U.S. quota in the International Monetary Fund (IMF), as provided for in the Budget Enforcement Act. This is to ensure that the Fund has the resources necessary to fulfill its responsibilities as the world's principal monetary institution. In the Third World, IMF arrangements support market-oriented adjustment and underpin debt reduction operations in support of the Brady Plan. The Fund has also spearheaded economic reform in Eastern Europe, and responded vigorously to assist countries seriously affected by the Persian Gulf crisis.

In addition, we are seeking $250 million for voluntary contributions to international organizations including the U.N. Development Program ($115 million) and UNICEF ($55 million).

REFUGEES AND OTHER ASSISTANCE PROGRAMS

The United States continues to play a preeminent role in addressing the plight of the world's refugees—through our international assistance and domestic resettlement programs, as well as our diplomatic efforts in support of permanent solutions to refugee situations.

For FY 1992, we are requesting $491 million for Migration and Refugee Assistance, up from $486 million in FY 1991.

For our refugee assistance programs overseas, we seek $233 million in FY 1992 funding, a $20 million increase over the FY 1991 level. These programs will continue to focus on basic life-sustaining activities for the most vulnerable groups and support lasting solutions through opportunities for voluntary repatriation and local integration.

To finance refugee admission and resettlement, we seek $192 million in FY 1992 funding. This will cover the expenses of an estimated 120,000 refugees—about the same number as last year. Most refugee admissions will be from the Soviet Union and Vietnam, but there will also be admissions from Eastern Europe, Africa, Latin America, and the Near East. Family reunification will continue to be a priority, as will the resettlement of persecuted religious minorities and former political prisoners.

In addition, we request $20 million to replenish the President's Emergency Refugee and Migration Assistance Fund, to enable us to respond to unforeseen refugee and migration needs worldwide.

Another important component of our international development assistance request is our $200 million request for Peace Corps operating expenses.

INVESTING IN DIPLOMACY

The Gulf crisis provides a vivid demonstration of the "front line" role played by the State Department in protecting American citizens and defending American interests abroad. This is an increasingly expensive responsibility, exacerbated by the demands on the Department to expand operations to meet new political and economic opportunities around the globe. Fluctuations in exchange rates, higher rates of overseas inflation, and the continuing need to enhance the security of our posts and personnel abroad further magnify the problem. Today we face a potential and worrisome weakening of our foreign affairs infrastructure at a time when we are being called upon to meet extraordinary and new challenges.

Since January 1989, we have placed a high priority on strengthening our ability to manage scarce resources:

To better match national interests to available resources, we are taking steps to better integrate policy planning with the budget process.

To strengthen foreign service personnel management, we have begun to implement key proposals made by the Bremer and Thomas commissions.

To conserve personnel and financial resources, we have set up a new center in Rosslyn, Virginia, to process hundreds of thousands of refugee and asylum applications from the Soviet Union, which can serve as a model to meet future consular and immigration demands.

To strengthen our physical plant abroad, we have put into place a professional property management system and begun implementation of a five year integrated plan which addresses new construction, rehabilitation, repair, and maintenance.

To enhance the cost-effectiveness of our security efforts, we have begun to implement reforms to link our wide-ranging efforts at over 250 posts abroad to country-specific threat profiles.

For State Department salaries and expenses, we are requesting $2.05 billion in budget authority for FY 1992, an increase of $179 million over the current year. This is the minimal level of resources we need to fund our overseas and domestic operations: over two thirds of the increase compensates for price increases and exchange rate changes. The remainder will be used to support several specific funding requirements:

Expanding our diplomatic presence in the Soviet Union and Eastern Europe ($25 million).

Responding to increased immigration processing requirements necessitated by passage of the Immigration Act of 1990 ($24 million).

Strengthening our information and financial systems by improving our infrastructure ($13.5 million).

In the Foreign Buildings account, we have requested $570 million in FY 1992 funding. Of this total, $440 million represents the first installment of a five year, $2.35 billion program to address the Department of State's most urgent facility replacement priorities, including embassies in Bangkok and Bogota. Our goal is to restore the safety, security, and workability of our aging but valuable inventory of overseas facilities.

We are also seeking $130 million in funding for the Moscow Embassy project. It is imperative that we make a decision now on a new building so we can begin to operate as soon as possible in appropriate, secure space.

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The President has emphasized the urgency of restoring financial viability to the United Nations and other international organizations. After several years of effort on the part of Congress and the Administration, we are pleased to report significant movement toward budgetary and administrative reform within the U.N. and its affiliated agencies. No one who has witnessed the response of the United Nations Security Council to recent events in the Persian Gulf could deny the importance to U.S. interests of a financially healthy United Nations system.

We remain absolutely committed to full funding for U.S. assessed contributions, to the extent permitted by law, and to paying our prior year arrearages over the next four years. We appreciate the full funding we received for FY 1991, which included initial funding toward the necessary process of arrears clearance. For FY 1992, we are requesting $750 million in budget authority to meet our current assessments to international organizations, plus an additional $371 million for arrears clearance, to be paid out over the following four years. For international peacekeeping activities, we are requesting $69 million to meet our full funding obligations, plus $132 million for arrearages.

PUBLIC DIPLOMACY

Public diplomacy will be one of our most valuable tools as we seek to encourage the worldwide tide of democracy and political pluralism. For the valuable work of the U.S. Information Agency and the Board for International Broadcasting, we are requesting $1.3 billion in FY 1992 funding, up slightly from the prior year. Within this level, a new emphasis will be placed on information and cultural programs in Eastern Europe, the Soviet Union, and Islamic world.

CONCLUSION

Thank you, Mr. Chairman. We look forward to working with you and the Members of this Committee in the coming months to mobilize the resources needed to carry out our ambitious foreign affairs agenda.

FEDERAL DEPOSIT INSURANCE REFORM LEGISLATION

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, yesterday, the Treasury Department released its long awaited study on Federal deposit insurance.

Unfortunately, what Treasury proposes does not go far enough, considering the problems in the financial industry.

Today, Congressman RICK LEHMAN and I are again introducing legislation which would, as the Treasury Department proposes, ban brokered deposits and establish risk based premiums.

But we propose to do more, because more needs to be done.

Treasury says we should study limiting deposit insurance. Our legislation requires it.

To further limit taxpayer losses, our bill makes Federal deposit insurance look more like an actual system of insurance. Specifically, we provide a 10-percent deductible—or haircut—for amounts insured above $50,000, up to $100,000.

We also require that banks disclose to consumers the safety and soundess ratings issued by Federal regulators. Consumers pay for these ratings, and they have the right to know which banks are safe, and which are not.

Most of my colleagues have heard that the FDIC Bank Insurance Fund will probably be broke next year. Incredibly, Treasury has no proposal on how to recapitalize this fund for immediate solvency.

Our bill does. The measure we introduce today closes a loophole and requires very large banks to pay FDIC premiums on foreign deposits. That would add hundreds of millions to the bank insurance fund.

As Congress considers overdue reform in our system of deposit insurance, I hope my colleagues consider the initiatives Representative LEHMAN and I offer today.

Let me describe in detail the various parts of this comprehensive proposal.

To limit losses to the taxpayer, the Federal Government should provide protection to savers only on one $100,000 account. While this may sound like a restatement of current law, it most definitely is not. Contrary to popular understanding, the law requires the Federal Government to provide deposit insurance up to $100,000 per account, not per individual.

Frankly, we cannot afford to provide such extensive coverage. The Federal safety net was originally designed to protect the smaller savers.

The most eloquent rationale for this protection was included in the committee report on the New York Assembly bill which established the Nation's first deposit insurance system in 1828. It said:

> The loss by insolvency of banks falls upon the farmer, the mechanic and the laborer, who are least acquainted with the condition of banks, and who, of all others, are most illy equipped either to guard against or sustain a loss by their failure.

Those ill equipped to sustain a loss due to a bank failure should be our concern. Providing $100,000 in deposit insurance coverage per person protects those interests. The interests of others, who are better equipped to provide their own protection, should not be a Federal priority, especially as the estimates of the long-term cost of the FSLIC crisis continue to rise.

While the FDIC is not now able to provide data on the number of persons who hold multiple accounts in excess of $100,000, a recent survey by the Independent Bankers Association of America sheds light on the subject.

In a scientific nationwide survey, the IBAA asked 838 respondents this question:

> In all your savings and checking accounts, including CDs, money market accounts and IRAs, approximately how much do you currently have in total?

Of those who responded, 6 percent, or roughly 1 person out of 17, said they had accounts totaling more than $100,000. Seventy-six percent had accounts totalling less than $75,000.

As the FSLIC catastrophe showed, often institutions which pay the highest yields are those which are candidates for collapse. Desperate for funds, they pay a higher than market rate for big-ticket, insured accounts.

Let's take a look at history. According to the April 27, 1990 American Banker, the highest retail, 6-month certificate of deposit yields offered on April 18, 1990, less than 1 year ago, were as follows:

	Percent
Connecticut Bank and Trust, Hartford	9.00
Columbia S&L, Irvine, CA	8.87
Citytrust, Bridgeport, CT	8.84
Maine Savings Bank, Portland	8.78
Bank of New England, Boston	8.75

Of these five institutions, only Citytrust, of Bridgeport, CT, received other than the lowest rating by Veribanc.

What do we know about the other four low-rated institutions which paid such very high rates for funds, knowing full well that the taxpayer would pick up the tab on these CD's in the event of failure? What do they have in common?

All of them have failed.

Connecticut Bank and Trust, with $4.4 billion in assets, had 49 percent of its loans tied up in real estate in a softening real estate market. The bank's problem real estate loans as a percentage of capital and loan loss reserves equaled 78.6 percent. Nationwide, the average percentage of problem real estate loans was 15.4 percent. It was seized by the FDIC on January 6, 1991.

The Bank of New England, with $14.3 billion in assets, had 32.4 percent of its loans in real estate. Its problem real estate loans as a percentage of capital and loan loss reserves equalled 103.5 percent. It has, of course, since collapsed, at substantial cost to the taxpayer. The colossal collapse of this institution was widely reported.

The $1.54 billion asset Maine Savings Bank, with an astounding 86.8 percent of its loans committed to real estate, had an even more astounding 438 percent in problem real estate loans when measured against capital and reserves. Maine Savings Bank failed last week.

Still another institution paying a high yield on deposits, Columbia Savings and Loan, Irvine, CA, was very shaky. With $9 billion in assets, if held substantial amounts of junk bonds. Columbia Savings and Loan failed last month.

Under our current system, the Federal Government encourages deposits in these institutions, rather than more prudently run enterprises, through an open ended system of deposit insurance. Limiting deposit insurance coverage to $100,000 per person would be a step towards curbing a system in which profits, in the form of very high yields, are privatized, while losses, which accrue to the taxpayer when an institution fails, are socialized.

This measure also requires that Federal regulators institute a system of risk-based deposit insurance by the end of 1991. The current system assesses the same deposit insurance premium to well-run institutions as it does to those run by high-fliers. This provides a perverse incentive to engage in risky activities. A risk-based premium would measure the risk of assets, as well as liabilities, since the risk to the insurance funds clearly derive as much from the asset as they do from the liability.

The numbers tell the story about why we must reduce taxpayer exposure in our deposit insurance system. At year end 1989, federally insured accounts in banks, savings and loans and credit unions totaled $2.9 trillion—a staggering amount of Federal liability. To cover that exposure, the combined amount of funds available from the Bank Insurance fund, the Savings Association Insurance fund and the National Credit Union Share Insurance fund was a paltry $15.1 billion.

The situation has deteriorated rapidly since then. The total reserves now on hand is closer to $9 billion. According to the January 25, 1991, American Banker, the Bank Insurance fund will have a $4 billion deficit by the end of next year.

To further limit losses to the taxpayer, we should take a step toward making our system of Federal deposit insurance look more like an actual system of insurance. Specifically, a 10 percent deductible for amounts insured above $50,000, up to $100,000, is part of this bill.

Mr. Speaker, the president of a very well-run Wisconsin savings and loan, who has long been an advocate of this "haircut" approach to the establishment of a financial discipline in Federal deposit insurance, reminded me of a quotation by financier Bernard Baruch. He noted that "the return of your money is more important than the return on your money." For larger depositors, this should be the operating principle, but under the current system, it is not.

Under this legislation, 76 percent of all depositors, according to the IBA figures, would have accounts 100 percent insured. The individual who seeks insurance on a $100,000 account would face a maximum deductible of $5,000. The effect of this tiered approach for the largest insured depositor is an effective 5 percent deductible.

The bill would also rein in a runaway expansion of the system of Federal deposit insurance which has occurred as a result not of congressional policy, but through administrative action. I refer to the policy by the FDIC in recent years which extends Federal deposit insurance coverage for large scale deposits of pension plans of $1 million to $100 million.

Banks have argued that the deposit insurance coverage passes through to individual participants in the plan. These participants, of course, do not have immediate access to their money, nor have they chosen to open accounts at a particular federally insured institution. If that institution fails, however, the taxpayer must pick up the tab for millions upon millions—all from a single account. By extending blanket coverage to such accounts, the Federal Government relieves the pension fund from the necessity of conducting a diligent review of the safety and soundness of a particular institution. This legislation would end this unsafe and unsound practice.

To establish a new discipline in our system of deposit insurance, the financial condition of a bank must be made known to individual customers. The Federal regulators have devised a system which provides some guidance in this area. The ratings which regulators use should be shared with those who, ultimately, pay the bills in the event of a failure of an insured institution—the taxpayer.

Formally known as the Uniform Interagency Bank Rating System, the more common name for the ratings is CAMEL. Five factors make up the acronym: Capital adequacy, asset quality, management, earnings and liquidity. Each factor is rated on a scale of 1 through 5. With 1 being the most favorable. Combining the five factor ratings brings about a composite rating of 1 through 5, with 1 indicating an institution sound in nearly every aspect and 5 indicating an institution with a high-probability of failure in the near term.

This legislation simply provides that, upon request of any consumer, any insured depository institution shall disclose the Federal safety and soundness rating. That disclosure shall include a description of the meaning of the CAMEL composite rating. In addition, the insured institution would be required to disclose the safety and soundness rating by any private organization which compiles such ratings, if approved by the appropriate Federal banking agency.

The effect of this very proconsumer, marketplace oriented provision should be profoundly positive. I am certain those insured institutions which are rated highly by the regulators will make that known in their advertising, as well they should. Those which are not will have a powerful incentive to increase their soundness, and thereby their rating, an incentive which the deposit insurance system unaccountably lacks. The Consumer Federation of America strongly supports this approach.

Finally, the legislation would ban brokered deposits.

High yield deposits in shaky financial institutions are not the sole cause of our deposit insurance crisis, but they certainly contribute to the overall cost. Consider the following examples of institutions which failed which made use of funds supplied by deposit brokers in search of high yields.

Alaska National Bank of the North, Fairbanks, AK, had $200.2 million in deposits when it failed in October 1987. Of this amount, $66.8 million were in brokered deposits.

Resource Bank of Houston, which failed in December 1988, had $43.1 million in deposits. Thirteen million of these were in brokered deposits.

First Service Bank for Savings, Leominster, MA, had $678.6 million in deposits when it failed in March 1989, of which $315.2 million, or nearly half, were brokered deposits.

The law now requires the taxpayer to bail out these deposits just as it extends protections to the average depositor. A recent study found that of the 50 most expensive thrift resolutions in 1988, 36 had more than twice the industry average proportional holdings of brokered deposits.

As an article on the collapse of the savings and loans in the September 1990 Washington Monthly notes:

> Other evidence indicates that big investors accounted for an even greater share than that of the funds in collapsed S&Ls. According to Tom Schlesinger of the Southern Finance Project, a group that is doing the hard work of sifting through the records of failed thrifts, "In many instances the biggest institutions that have been bailed out have deposits of $80,000 or more accounting for 30, 40 or 50% of all deposits." That money could have been brokered or it could have come in direct, but one thing's for sure; it didn't come from small savers. It came from investors hunting for high interest—interest that we're now paying off through the bailout. According to Schlesinger, brokered deposits at these thrifts account for 25 to 40% of all funds.

Mr. Speaker, by taking the steps included in this legislation, we can begin to limit the liability to the taxpayers when it comes to financial deposit insurance, while protecting the interest of the overwhelming number of average depositors.

This legislation, in tandem with legislation introduced in the two previous Congresses and will reintroduce in this Congress, which provides for a single, well capitalized deposit insurance fund and a single, strong financial regulator, and which I intend to reintroduce in this Congress, ensures that those who pay the bills—the taxpayers—will be calling the shots.

I urge my colleagues to support the Deposit Insurance Modernization Act of 1991.

□ 1640

TRIBUTE TO COLIN J. TUGGLE

The SPEAKER pro tempore (Mr. ANDREWS of New Jersey). Under a previous order of the House the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, it's with a great deal of pleasure that I place in today's RECORD a letter from Colin J. Tuggle of Rhinebeck, NY.

Mr. Speaker, I can't tell you how proud I am of this young man.

I nominated Colin to the Naval Academy, and he has accepted the appointment.

His insight into Saddam Hussein's strategy, the gulf war, and the protestors is astounding for someone so young.

He wrote that when he sees broadcasts of protestors, he cringes.

And there is no doubt in his mind that the August 2 invasion of Kuwait was merely the first step in Saddam Hussein's grand plan of conquest.

He believes, like the overwhelming majority of Americans, that President Bush had no choice but to drive this madman out of Kuwait.

He closed his letter by telling me how proud he is of the U.S. flag I sent him, which hangs proudly in his bedroom.

Mr. Speaker, the text of the letter follows:

ONE WOLCOTT DRIVE,
Rhinebeck, NY, January 21, 1991.

Hon. GERALD B. SOLOMON,
Rayburn Building,
Washington, DC,

DEAR MR. SOLOMON: I would like to sincerely thank you for calling me on 16 January 1990 and I acknowledge my support for the actions of Operation Desert Storm. 16 January 1990 is truly a day that I will remember for the rest of my life. There are very few days as dramatic as that. Five minutes after I finished by conversation with you, the first cruise missiles fell in Bagdhad.

I was so excited when I told my father about our conversation. My father was about to turn the television off when we heard the reporter in Bagdhad discuss the tracer fire shooting across the sky and the explosions in the distance. I realize that you must have been extremely busy that night and you cannot imagine how greatly I appreciate your call.

Now that Annapolis is offering me an appointment to the Academy, I can foresee myself in a conflict such as this. I of course worry about my own outlook after commissioning. However, I also have a cousin who is in the Army and is part of the second wave of tanks in Saudi Arabia, PFC George S. Tuggle. He is a tank driver in a Bradley Fighting Vehicle. My Aunt and Uncle are very worried about the prospects of their son in combat, but, like myself, they are extremely pleased with the job that the U.S. is doing and support the President's decisions.

As I watch the unfortunate reports of protest marches throughout the nation and even across the street from the White House, I cringe. These people are obviously confused. I do not believe, any more than you do, that this war is about the price of gasoline at the pump or the economic stability of the big oil companies. If these people stayed in touch with reality, they would obviously recognize that the economic stability of the entire world is being held hostage to Saddam Hussein's self-serving volitions.

I am 100% confident that if the President had not sent in some defensive forces into Saudi Arabia in August, Saddam Hussein would have enveloped that nation like he swallowed Kuwait. During the spring of 1990, Saddam Hussein made an announcement that he would conquer both Kuwait and the United Arab Emirates. He has already accomplished the first. The only way he could accomplish his second goal would be through the use of his air, sea, or land forces. Well, Mr. Solomon, in Operation Desert Storm, we have already seen the inferiority of his air and sea forces. That would have left him with one choice. He would have had to conquer the U.A.E. by sending his ground troops through Saudi Arabia. And we both know that he would not have ceased his advance until he destroyed his long-time nemesis, Israel.

Saddam Hussein's intentions were clear. This man had a dream. Through the use of his extensive and "mighty" military force, he wanted to create an Arab State with direct access to three great bodies of water, the Mediterranean Sea, the Red Sea, and the Persian Gulf. He was envious of the United States and the Soviet Union and wanted to create a third super power in the Middle East. He had to be stopped.

I believe that given more time, the sanctions would not have worked. We have seen in previous wars and in the current crisis that Mr. Hussein does not care about the welfare of his people. In the war with Iran, he used chemical warfare against his own Kurdish people merely as a terror weapon. In the beginning of the Gulf War he said that he would fight to the last Iraqi child. This man is sick.

Only the innocent Iraqi citizens would have suffered if sanctions were given more time. All of the available resources in Iraq would have been channelled to Saddam Hussein and his Army. If we had given sanctions more time, and after two years they hadn't worked, what option would we have had left? All of our public support in the U.S. would have dwindled and the morale and readiness of the troops in Saudi Arabia would have been hurt. Action was the only option.

On 16 January 1990, President Bush, as Commander in Chief, made a very wise decision to activate Operation Desert Storm. Nobody wants a war and clearly the President tried to avoid this one through diplomatic means. However, Saddam Hussein is clearly not a rational man and he would not listen to reason. As President Bush said on the 16th, "We have no choice but to drive Saddam from Kuwait by force. We will not fail." I salute you, Mr. Solomon. You are doing a fine job through your support of Operation Desert Storm and I thank you again for calling me on the 16th.

Sincerely,

COLIN J. TUGGLE.

P.S.—When I received my Eagle Scout medal in 1989, I was awarded an American flag that flew over the capitol building. I have had this very special flag hanging on the wall of my bedroom ever since. If at all possible, could you please send me a signed photograph of yourself. I would like to hang such a photograph next to the flag in support of my Congressman and the United States of America. Thank you very much for your time and God Bless.

Mr. Speaker, with young men like this, America's future is in good hands.

HOSPICE COVERAGE UNDER MEDICAID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to reintroduce legislation to make hospice coverage a mandatory benefit under the Medicaid Program. This compassionate and cost-effective service which serves the terminally ill and their families was made an option under Medicaid in legislation passed and enacted during the 99th Congress. At the same time, the hospice Medicare benefit was made permanent. More recently, in the Omnibus Budget Reconciliation Act of 1990, an increase in Medicare hospice reimbursements was enacted. I was proud to have been the sponsor of these pieces of legislation and I am pleased to introduce this bill today to extend the Medicaid hospice benefit. This measure had 82 cosponsors in the last Congress. In reintroducing this measure, I am very pleased to be joined by Mr. WAXMAN, chairman of the Energy and Commerce Committee's Subcommittee on Health and the Environment, Mr. GRADISON, ranking member on the Budget Committee, and 40 other cosponsors.

Hospice is the practice of caring for the terminally ill in their homes and communities, in a familiar setting among family and friends. Over the past decade, there has been enormous growth in the hospice movement. Today, there are over 1,700 hospice programs in operation throughout the country, 1,000 of which are full-service programs certified by Medicare.

Through this innovative means of care and support a team of health care professionals and other specialists strives to make the remainder of a patient's life as comfortable and meaningful as possible by providing medical and therapeutic attention at home. In this way, hospice helps people cope with the physical, emotional, and spiritual hardships of terminal illness. This is enormously important, not only for the patient, but for their family, as well.

Just as important as the humanitarian contributions of hospice, however, is the fact that hospice programs save money. Hospice allows people to move out of acute care facilities, and into less expensive care arrangements.

Mr. Speaker, when the legislation making hospice an option under Medicaid was first introduced, it was with the aim of making this form of care for the terminally ill available to those with low incomes and their families. While the Medicare benefit makes hospice available to the elderly and disabled, who represent a large proportion of those who could benefit from hospice, Medicaid beneficiaries, who are indigent, disabled, or both, still do not have needed access to the same services.

Unfortunately, the group without hospice coverage includes a large number of AIDS patients, and will include many more as this tragic disease spreads. As you know, AIDS is one of the greatest epidemics to strike this country.

There is obviously a pressing need to care for the rapidly growing number of persons who are dying of AIDS, and this must be done in the most cost-effective and compassionate manner possible. Hospice, with its combination of in-patient and out-patient care, provides the most appropriate means of providing for this group. Last year, hospices cared for 25 percent of all those who died of AIDS. Clearly, it is a highly desirable service.

The large and rapidly growing number of intravenous drug abusers among AIDS patients is a further incentive to expand access to hospice. These individuals are often homeless or come from unstable living situations which do no allow for appropriate care at home without outside assistance. Hospice is already providing the best possible care for this group. Expanding the hospice Medicaid benefit through this legislation will enable many more AIDS patients to receive the care they need in hospice programs. Otherwise, they will be forced into expensive acute care settings or, worse, into the streets.

Because of the AIDS epidemic, the cost savings of hospice care will be even more significant. Here, we may take a lesson from local efforts to cope with the disease over the past few years. The most recent data available indicate that the average cost of caring for an AIDS patient during the last year of life is about 3 to 4 times more expensive in cities which do not make extensive use of hospice programs as compared with those cities that do. Hospice care must be expanded to keep costs down as an increasing number of indigent patients seek treatment for AIDS.

Although it is encouraging that many states currently provide hospice care to Medicaid beneficiaries, I believe, along with the other cosponsors of this bill, that the current need is great enough to warrant making the hospice Medicaid benefit mandatory. The bill would become effective for calendar quarters beginning on or after July 1, 1992. If necessary, states would be allowed additional time to enact any required legislation. I urge my colleagues to give their approval to this measure to provide access to hospice coverage for those who need it most, while saving taxpayer and government funds in the process.

A copy of the text of this bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIRING MEDICAID COVERAGE OF HOSPICE CARE.

(a) IN GENERAL.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) in subparagraph (A), by inserting "(18)," after "(17),", and

(2) in subparagraph (C)(iv), by inserting "and (18)" after "(17)".

(b) EFFECTIVE DATE.—(1) The amendments made by this section apply (except as provided under paragraph (2)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after July 1, 1992, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

PETITION TO RECTIFY THE CONDITIONS OF THE CHILDREN OF ROMANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I am here to present to the Congress a petition which was drawn up by students in the seventh and eighth grades at the Espirito Santo School in Fall River, MA. These young people became very concerned, as they have a right to be, about the fate of children in Romania. They read in school, under the direction of one of their teachers, Michael Vieira, who I am pleased to say was a member of my staff in my congressional district, about the children of Romania who were the most poignant victims of the Ceausescu regime. They are children who, when that regime was fortunately overthrown because it was one of the most brutal in recent memory, were left behind. They were children who were left without parents, children without resources, children without the basic decent minimum of existence that human beings have a right to expect, and to the credit of the young people at the Espirito Santo School, they have taken up the cause of these children. They are here in America. They are not able, obviously, in a physical way to respond to the needs of these children in Romania, but they understand what it can mean if you live in a democracy; they understand both the rights and responsibilities which can be exercised.

Mr. Speaker, these students have circulated petitions. These petitions have been important because they are not only in and of themselves an expression of interest, but they have helped a large number of people in Fall River with the problem.

I would like, Mr. Speaker, to just read the petition. I am going to insert a copy of it here. They have got well over a thousand people to sign, and they are continuing to get signatures, I believe.

PETITION TO RECTIFY THE CONDITIONS OF THE CHILDREN OF ROMANIA

We the undersigned wish to express our deep concern of the abusive conditions which the children of Romania are forced to endure. These innocent children are treated worse than an animal, and are forced to live under inhuman conditions.

We, the undersigned, request that Congressman Barney Frank present our petition to President Bush and make a speech on the floor of the House of Representatives making the United States government and people aware of this inhuman treatment.

This is a request, Mr. Speaker, which I am proud to be able to comply with. My congratulations to Sister Mildred Morrissey, the principal of the school; Mike Vieira, but mostly to the young people themselves for their compassion. We, Mr. Speaker, with the leadership of our colleague, the gentleman from Florida [Mr. LEHMAN], and others took some actions last year on behalf of these children. We provided some funds, and we tried to exercise some leverage. We must do more. There is no moral cause more compelling than responding to the needs of young people who are totally innocent of anything except living in the wrong place at the wrong time and being subjected, therefore, to the most brutal abuse.

Mr. Speaker, I want to pledge to the young people of the Espirito Santo School, and I know my colleagues join me, that we will increase our efforts in the coming year to provide both material assistance and moral support to these children, that we will do everything we can to facilitate adoption and to pressure this Government to do more for these children. This is an important moral claim being made on all of us, and I am proud of the young people of the Flint neighborhood in Fall River and of the Espirito Santo School for putting aside some of the things that generally occupy the time of kids their age so that they can present this petition through me to the Congress of the United States and to the President, to whom I have sent the actual petitions.

WE NEED GROWTH IN THE ECONOMY, NOT GROWTH IN GOVERNMENT

The SPEAKER pro tempore (Mr. SERRANO). Under a previous order of the House, the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS of New Jersey. Mr. Speaker, imagine if in 1979 someone had come to you and asked you to imagine an economy that was starved for capital, a system in which that starvation for capital produced a massive public bureaucracy that was there to dig a serious part of the financial sector out of its serious problems. Imagine if you were told that this public bureaucracy was created to dispose of assets that could probably never be disposed of at a profit, that would subject both the government and the economy to massive losses as a result of those problems, and imagine if you were told that anywhere from 25 to 33 percent of that country's deficit would be consumed by the bailout of that sector of the financial system. If someone came to you in 1979 and asked you to imagine such a country in 1991, you would probably guess it was Poland, or Czechoslovakia, or the Soviet Union.

But in fact, Mr. Speaker, the country that I am describing today is our own country, the United States of America, and we are living through a recession that is not only short termed with its ravages of unemployment but that is also long term with its capital starvation.

We have received the President's budget message. We have begun the process of reviewing it. But the most poignant evidence I heard about the shortcomings of the President's budget message was from an employer near my district in southern New Jersey just last Friday.

Mr. Speaker, I went to visit this man's plant where he has 20 employees, and he told me that he would like to hire 15 more people to assist him in his business of fabricating electronic products for our space program, for our defense program, and for our weather control system. He is not going to hire those 15 people, and here is why:

Part of the reason is that his health insurance bill monthly is $100,000 for 20 employees. Part of the reason is that he knows when he gets above 49 employees in his business that the heavy hand of OSHA regulations will come in and cause him untold grief. Part of the reason is the fact that he cannot borrow money, and that is the most important reason.

Mr. Speaker, the capital starvation has hit him, and it has hit my part of New Jersey. If it had not hit him, he would be hiring 15 more people on the private sector payrolls. He would be buying 15 more machines, machines manufactured in Bridgeport, CT, and Los Angeles, CA. Capital starvation has hit him, and it is the problem long term that is not addressed by our administration's budget message.

We need growth in the economy, not growth in Government, but growth in Government is what the President is proposing. We need relief from the confiscatory burden of taxation on individuals and businesses in this country, but status quo, burdensome taxation, as my colleagues will recall, is what the administration has proposed.

☐ 1650

I hope Mr. Speaker, that all of us as part of this budget debate for fiscal year 1992 will start asking and answering questions about how to make our economy grow again and about how to relieve our people from the burden of oppressive and confiscatory taxation. I hope in the context of this 1992 fiscal year debate we will not only seek new answers but ask new questions about our economy in the years ahead.

THE ADMINISTRATION'S BUDGET LEAVES THE NATION UNPREPARED TO MEET TOMORROW'S CHALLENGES

The SPEAKER pro tempore (Mr. SERRANO). Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, the administration has now submitted its $1.4 trillion budget for fiscal year 1992. Following last year's budget reconciliation guidelines, there are few major surprises in the President's budget. There remain, however, a number of significant questions about the effect current fiscal policy will have on our country and future generations.

Members may remember that only 1 year ago the administration forecast a fiscal 1992 deficit of only $25 billion. With anticipated revenues of $1.165 trillion, the administration now projects next year's deficit to be over $280 billion, with the current 1991 deficit exceeding $300 billion.

These numbers are no longer hidden. Both the administration and Congress have accepted the fact that factors such as Operation Desert Storm, the resolution of savings and loan problems, and the recession will cause the deficit to reach historic heights. Rather than hide this fact behind smoke and mirrors, the choice was made last year to control the growth in new Federal spending and adopt a pay-as-you-go fiscal strategy.

A pay-as-you-go policy assumes that new priorities will be addressed either by new revenues or cuts in existing programs. This administration clearly has a set of new priorities for domestic programs, some of which I applaud, such as increased funding for highways, but missing from the equation are any new revenues to realize these goals. Instead, the President's budget simply takes a bite here and a cut there from a host of existing domestic programs.

As a result, the administration's budget is largely an exercise in robbing Peter to pay Paul. NASA is targeted for a $1.8 billion funding increase, with $200 million set aside for the administration's priority Manned Mission to Mars project. At the same time, roughly $1.4 billion would be cut from the Department of Housing and Urban Development, with community development block grants to be reduced by $300 million from last year's funding level.

Members should recall that Congress only last year provided the first funding increase for CDBG's in over 8 years. A long overdue step was being taken to reverse the trend of the past decade, during which Federal aid to cities fell to 6.4 percent of city revenues, compared to the 1980 level of 17.7 percent.

Unfortunately, the administration's budget represents a zero-sum game for our Nation. A gain for NASA equals a loss for other domestic programs serving America's cities and communities.

The administration confidently predicts a short recession, and I hope that this forecast is true, but even a short recession does not seem to support the elimination of Federal assistance to workers put out of work due to unfair foreign competition. The President's budget calls for the elimination of the Economic Development Administration and EDA-administered programs such as trade adjustment assistance benefits.

The administration suggests that eliminating TAA benefits will simply mean that workers unemployed due to unfair trade competition will be served instead through existing Job Training Partnership Act dislocated workers programs. Unfortunately, the administration's request for dislocated worker assistance remains the same as last year's appropriation. The result is more work to do without the additional resources needed to do the job right.

Whatever budget savings claimed for eliminating TAA benefits did not go to serve dislocated workers, but, instead, went to advance some other administration priority. Again, the zero-sum game means that for every winner, somebody loses.

The administration's budget sends everyone scurrying about for a slice of the Federal budget pie, but the simple fact is that no matter how the pie is cut, vital American needs will go unmet. Our children and our communities will go unserved and undernourished.

At risk is the future economic growth of the United States. Our failure to invest in our country's physical infrastructure and our priceless human resources represents a far greater threat to this Nation than any foreign dictator.

Mr. Speaker, I believe in the principle of paying as we go, but I also believe we must face our responsibility to provide new revenues sufficient to meet the vital needs of the United States. We can continue to argue over priorities, bound by the restrictions of a pay-as-you-go policy, but unless we accept the fact that we must bring more to the table, we will erode the U.S. position in whatever emerges as a new world order and leave to our children a weaker America.

PRESIDENT BUSH'S FISCAL YEAR 1992 BUDGET PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, yesterday the President submitted his budget proposal to the Congress. While it is filled with thoughtful provisions for investment in America, such promises are constrained by economic realities.

The record $1.45 trillion budget also estimates the largest annual budget deficit to date—$318 billion. However, one positive aspect of this year's budget process is that Federal outlays will be controlled by the spending limits enacted under the Budget Enforcement Act of 1990. Defense, domestic, and international affairs categories are all bound by spending caps which, if exceeded, require automatic spending cuts in applicable programs to eliminate the added costs.

At the forefront of this year's budget debate will be our funding prerogatives. We are a country at war and in a recession. These events challenge our ability to craft a strong budget policy. Congress and the President must meet this challenge to steer the Nation's economy toward sustained growth.

The President indicates his desire for more investment in infrastructure, technological research, and human capital. Clearly, we need to direct our resources to these areas. He supports increased personal savings through family savings accounts and penalty-free IRA withdrawals for downpayments on first homes. I have sponsored similar legislation for first-time homebuyers.

One proposal which is not prudent during this period of economic stresses is the President's continued insistence on a capital gains tax cut. After a protracted battle last year between the administration and Congress over deficit reduction and tax fairness, this proposal undermines successes in both areas by increasing the deficit and providing a break that primarily helps upper income individuals, with little or no relief for many taxpayers.

Under the new budget process, we are going to have to do more with less. Vital Federal dollars should be earmarked for the most needed funding priorities.

I think it is important to point out where improvements need to be made. First of all, President Bush proposes a 120 percent increase in funding for the superconducting super collider. At the same time, his budget would slash energy assistance for low-income persons by 36 percent. It also would cut funding for community and regional development programs by 26 percent, which does not contribute to the investment theme advocated by the administration.

The President's budget also continues to hit Medicare beneficiaries by proposing $25.2 billion in cuts, paid for in part by increased out-of-pocket costs for Medicare beneficiaries.

Mr. Speaker, the ink is still drying from the $43 million in Medicare reductions agreed to in last year's Budget Reconciliation Act. I think the President should consider reductions in other areas where he has proposed huge increases before he asks Medicare beneficiaries to shoulder more budget cuts.

The President's budget does offer some medicine for an ailing economy, but it is up to us now to get this Nation back on its feet again. Much work needs to be done, including: Support and improvements in education, opportunities for our work force, renovation of roads and bridges so commerce can flow freely, protection for our environment, and financial soundness of Government services.

Mr. Speaker, I look forward to working with you and our colleagues in the days and weeks ahead to craft a solid budget for the new fiscal year.

A PLEA FOR FULL SUPPORT FOR OUR TROOPS IN THE PERSIAN GULF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. RITTER] is recognized for 5 minutes.

Mr. RITTER. Mr. Speaker, it is the feeling of some in the Congress and elsewhere that support for the troops without support for their overall mission in the Persian Gulf is somehow, equivalent to full backing. Not so.

Our soldiers in the gulf are standing on a rug, which is U.S. policy in the gulf. They know their safety and security—and their ability to be victorious—are directly related to the steadfastness and the decisiveness of our overall war effort. And that includes support on the home front.

To say one supports troops and not policy is to, on the one hand, back our troops and on the other, pull the rug out from under them.

It doesn't work both ways, and our men and women in the gulf are well aware of the difference.

So, with Saddam Hussein thanking our protestors, calling them "noble souls," it is obvious that he derives encouragement from our public dissent and holds out the hope that if he can hunker-down, bunker-in, kill enough Americans, send them home in body bags, take enough prisoners, the antiwar movement at home will grow, perhaps to Vietnam-era proportions.

All the while, our men and women are killed, maimed, endangered; all the while, their loved ones and friends are frightened and pained.

So I appeal to the protestors and demonstrators—thoughtful, patriotic Americans—to give peace a chance by volunteering to hold back on their public demonstrations against our policy and allow this war to be concluded in as short a time as is humanly possible.

I believe that is the greatest contribution they could make for peace at this time. Likewise, that is the kind of "support for our troops" that our troops really want.

REPEAL TAX ON CERTAIN FUNDRAISING OF CHURCHES AND OTHER CHARITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. HOAGLAND] is recognized for 5 minutes.

Mr. HOAGLAND. Mr. Speaker, I am introducing legislation today which corrects an error of the 1986 Tax Act which has penalized charities in Nebraska and Minnesota. This legislation is identical to a bill I introduced last March, H.R. 4320.

The bill will correct a problem which has caused hardship for many churches, charities, schools, veterans groups, and service organizations which utilize licensed gaming devices—known as pickle cards in Nebraska, or pull-tabs—to raise funds for their charitable activities. In the technical corrections part of the 1986 Tax Act, an obscure few words extended the unrelated business income tax [UBIT] to the gaming activities of charitable organizations outside North Dakota. Evidently, only nonprofit organizations in Minnesota and Nebraska are affected by this provision, because they are the only States that allow persons who sell these sorts of fundraising devices for nonprofits to be compensated.

Until last year, nonprofit groups were unaware of the change extending the tax. This has led to unforeseen back taxes, interest, and penalties against the charities, in situations where the proceeds of the pickle sales had already been spent for the charitable purposes of the organizations. In Nebraska alone, there are about 230 charities and nonprofits involved. One organization alone owes the IRS $484,000 in back taxes and penalties due to this provision.

The UBIT was enacted in 1950 to prevent tax-exempt organizations from using their exempt status to compete unfairly with taxpaying businesses. However, in States like Nebraska and Minnesota where the gaming or pull-tab activities are conducted only by tax-exempt organizations, unfair competition does not and cannot exist. The affected organizations justifiably contend that their gaming activities are outside the intent, scope, and policy of UBIT.

Mr. Speaker, I ask unanimous consent to include in the RECORD a copy of the Joint Committee on Taxation's revenue estimate for H.R. 4320, which corrects this portion of the 1986 Tax Act, and also for an alternative that would merely repeal the back tax liability up until January 1, 1990, the approximate period when most nonprofits were unaware of the tax.

My colleagues from Nebraska, Senators JIM EXON and BOB KERREY introduced identical legislation on the Senate side (S. 2038) during the last Congress and will most likely reintroduce the legislation this year.

Unless relief is forthcoming, the impact of back taxes, penalties and interest will deal a severe financial blow to the affected nonprofit organizations. Service that these organizations bring to our communities will be negatively impacted in every instance and altogether eliminated in some.

Congress should repeal this tax on churches, charities, and other nonprofit groups. The Federal Government has cut social programs and increased burdens on private charitable resources. Our Nation's terrible drug problem has dramatized the need for the moral leadership of our religious organizations, at the same time it has increased the need for the varied services of charitable organizations.

This is not the time to send delinquent tax bills to churches and to other worthy nonprofits in Nebraska and Minnesota on a theory that they have been competing with the private sector. In fact, Nebraska and Minnesota prohibit these activities in the private sector, and nonprofit organizations are the only ones conducting these activities. They are not competing with the private sector, and the unrelated business income tax should not apply to these activities.

I urge my colleagues to support this legislation.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, August 23, 1990.

Hon. PETER HOAGLAND,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. HOAGLAND: This is in response to your request dated March 26, 1990, for a revenue estimate of a proposal to exempt from the unrelated business income tax (UBIT) certain nonprofit organizations running games of chance.

The proposal would exempt from UBIT income from games of chance conducted in States that, as of October 5, 1983, had a law in effect permitting the conduct of such games so long as the activities were run by nonprofit organizations. Two alternatives are proposed. The first alternative would eliminate UBIT liability from October 23, 1986, and thereafter. The second alternative would repeal UBIT liability from October 23, 1986, to December 31, 1989, only.

We estimate that these two alternatives would reduce Federal budget receipts by the following amounts:

(In millions of dollars)

Item	Fiscal years—					
	1991	1992	1993	1994	1995	1991–95
Repeal UBIT from 10/23/86 and thereafter	−53	−35	−4	....	....	−92
Repeal UBIT from 10/23/86 through 12/31/89	−40	−21	....	....	....	−61

I hope this information is helpful to you. If we can provide further assistance, please do not hesitate to let me know.

Sincerely,

RONALD A. PEARLMAN.

☐ 1700

TRIBUTE TO DANNY THOMAS

The SPEAKER pro tempore (Mr. SERRANO). Under a previous order of the House, the gentlewoman from Ohio [Ms. OAKAR] is recognized for 5 minutes.

Ms. OAKAR. Mr. Speaker, the world is extremely poorer today because of the sudden death of one of the finest, most humane, greatest entertainers of all, an all-American man, Danny Thomas, who died early today of a heart attack.

Danny was able to bring laughter and smiles to millions of people over a career that spanned 50 years. But that is only part of this remarkable story. There are generations of us who know Danny Thomas as a pioneer, not only in the world of the stage, screen, and live performances that he gave, but also as a pioneer with his series Make Room for Daddy and other television serials that were among the longest running in our country. He was also a pioneer in producing shows like The Dick Van Dyke Show and others.

It is very, very instructive as Americans to take a look at who and what he was. He was born in Deerfield, MI, on January 6, 1914, and raised pretty much in Toledo, OH, the fifth of 10 children. He was born of parents who were Lebanese immigrants. He was an Arab-American. His father was a laborer.

He was born Muzyad Yakhoob, and later changed his name to Amos Jacobs. But he took his stage name from two of his brothers, Danny and Thomas.

After he successfully traveled in the radio arena and clubs and films, he achieved stardom in television. I think one of the most interesting things about America's favorite television comedian was the fact that he was the type of performer who could appeal to every segment of the American family.

His entertainment was not only terrific, but it was very, very wholesome. I think that is one reason why so many people loved him as an entertainer.

But there is another side to Danny Thomas that should be told. Danny was appearing in a club years and years ago that was closing, and he did not have two nickels to rub together. Danny was a very religious person, a devout Catholic, and told the story that he slipped into church for a visit when he got his pink slip at the club. He took out a pamphlet given to him that extolled the virtues of St. Jude as the patron saint of hopeless causes, and, to quote Danny, he said, "Help me find my way in life." In exchange, he promised to build a shrine, he wasn't quite sure what that would be, to St. Jude.

The rest is history. In 1962, St. Jude's Hospital opened in Tennessee. That hospital has treated more than 12,000 children for diseases such as leukemia. They have actually arrested that disease in many ways.

Dr. Michael DeBakey, a renowned heart surgeon, coincidentally, another Lebanese-American, said that one child saved at St. Jude's means 1,000 other children who are saved, because of the gains that St. Jude's Hospital makes, not only in treating children, but in medical research. So we see that this facility that Danny was able to get by raising money personally, with its $50 million annual operating budget, emphasizes outpatient treatment, with 20,000 visits annually, and, according to the Los Angeles Times, has the international reputation as a pediatric research center for cancer and other catastrophic childhood diseases. People have estimated that Danny personally raised more than $1 billion for this center.

One of the things Danny said when they were at one of the dedications that tells what type of fellow Danny Thomas was, they said, "What is your biggest accomplishment in life?" Of course, he was such an important entertainer and always sought after, and, as a matter of fact, in the TV series "Empty Nest" in which Danny appeared last weekend, which I saw on television, that apparently was his last performance. So he was still in great demand as an entertainer.

But they asked him what was his most important contribution. He said, "There is no question about it: That," meaning St. Jude's Hospital and Research Center, "is my epitaph." It is right on the cornerstone.

A while back he had a family coat of arms designed with the family motto. The motto is, "Blessed is he who knows why he was born."

He said he was blessed, and he was blessed. He was blessed as a devoted father and husband. He and his wife Rose Marie have been married more than 54 years. How is that for an example of devotion of an entertainer, who was unlike what sometimes is the so-called image in Hollywood. I know his wife was always by his side and always a tremendous help to him.

Danny has three wonderful children that I know he was very, very proud of. Marlo, who is magnificent and a fine actress and producer and activist for human rights causes; Tony, who is one of the outstanding TV producers today and very well-respected; and his daughter Terri, who carries on his work at St. Jude's and works there full time.

Danny was awarded the highest civilian award, the Gold Medal of Honor, by President Reagan not too long ago. But most importantly I think his legacy is the wonderful example. He was an entertainer, and his legacy, which will always live on, in my judgment, was the magnificent work he did for those who may seem to be hopeless, as he once found himself, by the magnificent work he did in honor of St. Jude, the patron saint of the hopeless, for the children of our country and the world.

God bless Danny Thomas, God rest his soul, and God bless all the people, especially his family, who cared so much about him.

Mr. Speaker, I wanted to submit for the RECORD a recent article which appeared in the New York Times regarding Danny's recent autobiography.

[From the New York Times, January 1991]

DANNY THOMAS PUTS HIS LIFE AND WORK ON PAPER

(By Mervyn Rothstein)

Danny Thomas, 77 years and 1 day old, is sitting on a sofa at his midtown hotel comparing the comedians of today with the ones of his generation. "Most of the new comics have about six or seven great minutes," Mr. Thomas says. "After that, they have to garbage it up to be out there for maybe 20 minutes. In our day, you did an hour."

He raises his left hand to his mouth, and gray smoke from the long cigar that is clenched between his fingers drifts over his not-as-gray hair. He reaches up to adjust the blackrimmed eyeglasses that somewhat disguise his trademark large hook nose, a nose that three movie producers—Jack Warner, Louis B. Mayer and Harry Cohn—could not persuade him to change.

"The new comics' subject matter is not deep enough," Mr. Thomas continues, "They don't get to the core of the people. There's really no substance, no universality to what they're doing. There's no artistry there." He takes another puff. "They have one big problem. They have to start on top. They go on the talk shows or to the big comedy clubs and the first time out they must be scared to death. They have no place to stink. We did. Oh, did we stink!"

AN AUTOBIOGRAPHY

The tale of the days in which he stank, as well as the years in which he soared, is told in Mr. Thomas's autobiography, "Make Room for Danny," which he wrote with Bill Davidson and which is being published by G.P. Putnam's Sons.

It is the story of Muzyad Yakhoob (his name was later changed to Amos Jacobs, and his friends still call him Jake), the son of Lebanese immigrants who was born in Deerfield, Mich., on Jan. 6, 1914, and grew up with his eight brothers and one sister largely in Toledo, Ohio. It is the story of a high-school dropout who went into show business with the dream of becoming a character actor. (It is a dream he still pursues; his daughter Marlo Thomas is working on a movie for the two of them to do together.) He was a character actor on radio, although one of his first radio jobs was making the sound of horses' hooves on a "Lone Ranger" show by beating his chest with two toilet plungers.

But he had a yen for comedy and after rough beginnings became a night-club star, with the encouragement and assistance of Abe Lastfogel, then the head of the William Morris Agency. He took the name Danny Thomas, combining the first names of two of his brothers, at the 5100 Club in Chicago in 1940.

Then came movies, followed by major success on television in the situation comedy "Make Room for Daddy," later known as "The Danny Thomas Show," which ran from 1953 to 1964 and is still seen in reruns. And he became a successful television producer, first with Sheldon Leonard and then with Aaron Spelling, creating such shows as "The Real McCoys," "The Andy Griffith Show," "The Dick Van Dyke Show" and "The Mod Squad."

NO ONE-LINERS

But through it all, he remained a comedian—a special kind of comedian. Danny Thomas does not deliver one-liners. "My people are inherently storytellers," he explains. "When I was a kid, the entertainment was somebody from the old country or a big city who came and visited and told tales of where they came from. And my mother was very good at it. She could not read or write in any language, yet she would see silent movies and make up her own scenarios."

Mr. Thomas laughs. "The story has the fundamentals of real comedy," he says. "Show me a man or a woman in trouble, and I'll show you a funny man or woman. People can relate to it. They have all been in situations where they suffered anticipation and slow burn, and those are two great commodities in comedy."

A VOW FULFILLED

Through the years Mr. Thomas has been known for his deep religious faith. (Bob Hope's one-liner on the subject is that his friend Danny is so religious the highway patrol stops him for having stained-glass windows in his car.) The classic tale about Mr. Thomas is that early in his career, when things were not going well and after his wife, the former Rose Marie Cassaniti, had urged him to leave show business, he prayed to St. Jude Thaddeus, the patron saint of the hopeless, impossible and difficult cases, asking the saint to set him on the right path. He vowed that if the saint did so he would build him a shrine. To this day, Mr. Thomas says, he believes in the saint, and still has conversations with him.

"After that, everything happened to me so quickly that it had to be more than a coincidence," he says. "I never prayed for fame and fortune. I wasn't trying to do anything but make a living. I was hoping that the radio producers would have more faith in my ability to play character roles. All I wanted was to get a house in the country, buy a station wagon, raise my kids."

The shrine he built, with the help of many other people, turned out to be the St. Jude Children's Research Hospital in Memphis, Tenn. And, he says, there is no doubt in his mind that the hospital is his most important accomplishment.

"There's no question of it," he says proudly. "That's my epitaph. It's right on the cornerstone: Danny Thomas, founder."

He still spends much of his time raising money for the hospital. "We raised $92 million last year," he says, "and spent only 22 cents on the dollar to raise it."

It is, he is convinced, the reason he was born. A while back, he had a family coat of arms designed, with a family motto. "The motto is 'Blessed is he who knows why he was born,'" he says. "And I am blessed."

In addition, the following letter was written by a mother whose daughter was treated at St. Jude's Hospital. The letter mirrors the beautiful work done there and the gratitude people feel toward St. Jude's Hospital and its founder.

On December 13th of 1983, when my daughter was 4½ years old, she was diagnosed as having Acute Lymphocytic Leukemia.

My husband and I were devastated. Doctors in our home city of Bogota, Colombia were unable to offer us any miracle that might relieve our grief and survival seemed to be an irrational hope, life * * * a short period of debilitating illness.

From the depths of our sorrow recurring words of hope emerged * * * the Saint Jude Children's Research Hospital. The hope of the young without National, State, Ethnic or Economic boundry. A place where love, dedication and the best in medicine meet to make miracles a reality.

On December 20th, we brought our daughter to Memphis and to this day memories revive as in a sad movie where my little girl plays the principal role * * * fighting against death, fighting for life.

Surrounded by the barrier of an alien language, communicating by signs, we perceived the greater language of this institution * * * LOVE!

As the days passed we learned that love cures many ills, that caring people shared our anguish, desolation, tears * * *

Christmas came and with it a new understanding of its significance and a new perspective on the values of our life. From it a feeling of sharing that we had never given what we were offered and gladly received.

This was to be our only Christmas as a member of the St. Jude family, but since that time we have shared our Thanksgiving, Easter Day, and six years of hope with those parents and young ones who followed us in believing catastrophic diseases can be overcome.

In those years, even with setbacks, we hope that our concept of life, our "taking it for granted" has been tempered by a desire to give something back to the World * * * an appreciation for six more years of full and meaningful life for Nathalia.

I feel strongly, as a person whose immigration to this country was dictated by our daughter's misfortune, who was accepted by this great country at the hour of our greatest need, that I must spread the word.

As Americans you should stand proud that an institution within your country can overcome local or national concerns and offer hope to the world.

We have had the privilege to know and to love fellow parents from far away countries, many countries * * * almost every country! We joined together as common residents of the family of St. Jude Children's Research Hospital.

With your support, contributions and collaboration this will continue, and hopeless children such as Nathalia will have not only a future, but a bright future, a future in which we pray they will continue what we can offer today.

Warmest regards,

MAISSIE ARISTIZABAL.

Mr. Speaker, on a personal note, I was privileged to know Danny Thomas. I first met him as a teenager when he came to Cleveland, OH, for a St. Moron's Day banquet. He was down to earth and kind to everyone. He tried to encourage everyone to help him in his mission to have a hospital and research center for honor of St. Jude. Our friendship has continued for many years. I attended a banquet last summer which raised thousands of dollars for Danny's humane, philanthropic concern; St. Jude's Hospital. There was Danny so happy for the children this assistance would aid. He was surrounded by members of his lovely family and friends. His loyal assistant Janet was again so happy at this success. He seemed so happy when he gave to others. I know I speak for millions of Americans when I say "thank you" Danny for doing so much for others and bringing us so much joy.

UPDATE ON THE PERSIAN GULF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, I rise as the first of a number of speakers this evening who will seek to come to us at this moment in history with an update on the situation in the Mideast and the Persian Gulf war.

Mr. Speaker, there are a group of us who believe that although we have many disagreements and many various approaches and proposed solutions to the situation we face in the Middle East, that we can nevertheless, despite our divergent viewpoints, come together on one basic fact at this moment in history. There are those of us who believe, and we have stated it in a short statement and asked other Members to sign on, and that is that it is our belief that there is no need to escalate the war in the Persian Gulf. It is our belief that there is no need to escalate the war in the Persian Gulf.

For many, those chose not to bother to elaborate on that statement. But what that statement means to me at this point is that we should not move from the present air war to a ground war. There is no need to escalate. There is a great deal to be gained by not escalating, because if we do not escalate, we do not risk hundreds of thousands of lives in addition to those that have been lost already.

I think it is important to note that we are at a point where if our claims, if the facts that have been stated by our own sources, by our own military leaders, are true, if we are winning, and winning in such an overwhelming fashion, then why go to another level, which will risk many more thousands of lives?

□ 1710

Why not resolve to try to make our military point with the air war that is now in effect?

I did not agree, I do not agree with the use of force in this particular situation at all. I still do not agree. My position is the same as it was on January 12. But that is not the point. The point is that the war has begun. We have made a commitment. Our air power has been used. I suppose we could say by now it has been used to its maximum, and we are claiming that we are getting good results. The information we get is that we are getting very good results, that the morale of the troops, the Iraqi troops, is at a very low ebb, that the capacity to make war has almost been destroyed. The air force has been wiped out. There are a number of facts that we are receiving on a daily basis which show that the air war has achieved its objective.

I want to join my colleagues, however, today in a statement I will call a statement of moral leadership. We are Members of the Congress and we were elected to make decisions. We were elected to provide leadership.

We are in the minority, those of us who consider it important now to make this statement of moral leadership. We had a full-scale debate. The majority overwhelmingly voted to support moving from the level of diplomacy and sanctions to the level of military force. That decision has been made. We lost.

The fact that we are in the minority, the fact that the dissidents are so few, does not mean that we do not still have an obligation to state our point of view. At this moment in history, the record should show that there were a handful who disagreed. Not only did we disagree, but the handful had an alternative to propose.

It is important to note at this moment in history that most of those of us who would like to register our dissent and our disagreement, most of those of us who are now saying we do not need to escalate the war, we do not need to move from an air war to a ground war, most of us believe strongly, I certainly believe strongly that our cause is just, the cause for which we are in the Middle East is just. I agree with the U.N. resolution which condemned the invasion of Kuwait. I agree with the U.N. resolution which moved to take all measures necessary to remove Iraqi troops from Kuwait or to reach a solution where the Iraqi troops would be removed, would withdraw from Kuwait. I agree that that is necessary.

I agree that it is good to look forward to a new world order, and I would define that new world order as a world order which at least one element would be in place that I would greatly appreciate, and that is a world order where no great, powerful nations would ever attack smaller nations, a world order where no superpower would ever bully a small nation. That is a world order that I agree with. I look forward to it. I think that the U.N. action in the case of Kuwait will move us in that direction. We were moving in that direction. I applaud it. Our cause is just.

We had the possibility of moving to a higher level, and we still may have that possibility. I think, however, that we have lost a golden opportunity. We lost an opportunity when we refused to use to the maximum the nonmilitary means at our command, the peaceful and diplomatic means at our command to force a solution to the problem. We did not wait long enough, in my opinion.

I think that there is another point of agreement which reaches beyond those of us who choose to register our dissent today and those of us who want to make a statement of moral leadership today. There is another point of agreement which binds us all and even reaches beyond us to those who advocate a military solution and those who wanted to go ahead and use force. I do not think that among my colleagues here in the House, those who advocated moving to a military position, beginning the assault on Iraq and Kuwait, I do not think there are any among those who believe that war is a glorious adventure, who believe that war is something which is highly desirable. I think that we all believe, those who advocate the use of force and those of us who wanted to wait and continue to use peaceful diplomacy longer, we all agree that war is a necessary evil.

There are some savages in the streets who are yelling, "Nuke them and watch them glow." There are some people who find some great joy in the bombs that are falling every day. There are a few. They do not represent the majority of the American people. They certainly do not represent the people here in this Congress.

I do not think anybody here believes that war is a glorious thing. Wars are a necessary evil. At the least, war is a necessary evil. It is always a necessary evil, and it is a situation which indicates that diplomacy and peaceful means have either reached their end and can no longer handle the problem, or somebody around the table has chosen just to not use diplomacy and peaceful negotiation anymore for various reasons. But it is a necessary evil. We are engaged in a necessary evil.

There is nothing glorious about our great air power that is raining bombs on Iraq every day. There is nothing joyful about it. It is a necessary evil to take care of another evil. Saddam Hussein happens to be one of the great monstrous evils of the world. Saddam Hussein has caused the problem from the beginning. Saddam Hussein and his ambitions have generated a situation which we have all been forced to respond to. He is an evil that must be dealt with. Make no mistake about it, none of us are interested in seeing the preservation of Saddam Hussein and what he stands for. All of us, however, realize that the nation of Iraq is composed of many more human beings than Saddam Hussein. The nation of Iraq is probably even composed of some generals and some top level leaders who want to live, who are not locked into the suicidal mission of Saddam Hussein.

One of the reasons I have always felt that sanctions would work, even without the pressure of the military defeat that is being suffered by the military forces of Iraq, was that even the pressures of sanctions, the collapse of the infrastructure of Iraq as a result of the sanctions, the inability of Iraq to sell its oil, its cash crop, the squeeze on the lives of all of the Iraqi people, leaders and laymen, average citizens, that all of that would lead to a point where the people of Iraq and the people in power would begin to put pressure on their Government and Saddam Hussein to change his mind. But certainly now in the middle of this terror there are human beings there who deserve to live, who want to live, and who probably will ultimately force Saddam Hussein to retreat.

Can we achieve the agreement which will ultimately be reached now that we have unleashed our power, and now that we are engaged in a war, which we are winning, a war which shows that the adversary, the forces of Saddam Hussein are no match for the superpower, modern military weapons and methods of the United States and its allies? Now that we are at war the question is: Can we still achieve the agreement which will ultimately be reached without going to another level?

□ 1720

I still maintain we could have achieved a peaceful solution, an acceptable solution to the problem through sanctions if we had applied them for a longer period of time, but that is past now. Now that we have begun the war, could we not pause now, or could we not at least not escalate the war and seek some kind of agreement similar to what we are ultimately going to settle for anyhow?

There is going to be an agreement reached. There is going to be a point where this will all be over.

What will we have after it is all over? What kind of world will we have and what kind of negotiations are going to take place around a table to decide what the victors have achieved and what the future will be like? I think it was the gentleman from California [Mr. DELLUMS] who characterized it in more blunt terms at the begining of our debate back in January when he said, "A deal will be made." A deal is always made. After the First World War, a deal was made, a deal was negotiated. After the Second World War, even though Hitler did not surrender, unconditionally, we had to go to the very end, and after the war they had to sit down and make some deals. Vietnam; Korea. You know, always in order for the world to go forward, deals have to be made, agreements have to be reached, terms have to be negotiated.

Could we not achieve the same kind of agreement if we were to hold at this point, cease the escalation of the war? I would like to see a cease-fire. But at least, at least we should cease the escalation; do not go to the next step; stop at this point in terms of the forward motion of our military plan. Do not engage ground troops at this point.

Why is it important in the face of the overwhelming majority decision that has been made in this country, why is it important for me to stand here at this point and make this plea? I make the plea for the same reason I made the plea on January 11 before we took the vote on January 12 to give the President the mandate to attack Iraq. I make the plea because human lives are sacred, and when you move to the point where you are risking human lives, then every deliberation possible should be undertaken to avoid risking those lives.

We are risking human lives. We are risking the lives of men and women who are dedicated, loyal. They are prepared to die. They will do their duty. That is not the question. The question is: since they are so dedicated and so loyal, they are great value to us, and we do not want to use up their lives unless we have to. We do not want to even risk their lives unless we have to.

I do not agree with the people who say that the rightness or wrongness of this war would be decided by whether or not we win. I do not agree that winning defines the morality of it, that it is an immoral war if we lose it, and it is a moral war if we win it; or it is an immoral war if it drags on and large numbers of casualties are realized, then that is an immoral war, but if we do not drag it on, get it over with quickly, then it is a just war.

The justness and the rightness of the war are determined by the ultimate goal we seek. Our cause, and as I said before, our cause is just. The ultimate goal we seek is the right one, as articulated, the articulated goals.

There may be some people in high places who have hidden agendas. This may be partially a war for control of how oil is distributed in the world. I will not get into all of that at this point, but the articulation of a new world order where large military powers will no longer attack and occupy smaller military powers is a desirable goal to work toward. A new world order which stabilizes the Middle East by letting it be known that allies in that area plus throughout the world will unite to prevent any powerful nation there from overrunning another nation is a desirable goal and a just cause.

A new world order which stabilizes the region, which guarantees the security of Israel and all other nations is a desirable goal. We do not need to wait until the body bags are counted. We do not need to wait until the history of the military campaign is written to decide what is right and what is wrong. Regardless of what happens, our cause is just.

Our methods, our means have been pushed too hastily. We are in a violent conflict which I do not think is necessary. We have moved into war unnecessarily. We should now pause before we move to another level. We should not risk thousands and thousands of more lives unnecessarily.

I come here as a leader. I was elected by my constituents to be a leader, to offer moral leadership on all kinds of issues, and if I cannot offer it at this time, I would never be able to offer it.

You do not need leaders to count body bags, and as a result of the number of body bags coming home to America, conclude that a war is right or wrong. Any sophomore in high school can count body bags and decide that the cost in human lives is too great after the body bags have started to come in. Any reasonable human being can look at that and make a judgment.

The judgment of leaders has to be made now. The judgment of leaders should be made before we risk lives, and certainly before we take lives unnecessarily.

This is an important point to make a moral statement, and we are here today to make that moral statement.

I think it is important to note that whatever I said on January 11 before the vote was taken I consider still relevant, and I would like to go back and repeat that statement.

But first I would like to remind all of you that tonight we are assembled as a small group. We intend to be here for a while to make a statement of moral leadership.

The one thing, as I said before, that we all agree on is that is our belief that there is no need to escalate the war in the Persian Gulf. We all agree on that. And by escalate for this individual, I mean we should not go to the point of a ground war. We should not engage ground troops.

I say this for all the same reasons that I gave before we commenced the war. Before we commenced the war, I said that the President would interpret our resolution as a mandate to attack. When we passed our resolution, that is exactly what happened. It became not just a statement that the President had the right to go to war, not just an affirmation of the United Nations resolution, but it was interpreted to the American people as, "Congress wants me to go to war," and we, of course, went to war.

I said the United Nations was wrong in setting a date, and that that date was part of the problem. By setting a date, they set in motion a situation which made it appear certainly to people out there who are just laymen that we had some kind of pressing timetable, and that it was wise to respond sooner rather than later. There was no virtue in responding sooner rather than later. We could have waited.

There were people at that time who said, "Let us get it over with. It will take 5 days, 10 days, and before the weather gets bad, let us do it."

□ 1730

Those were not the reasons to risk thousands of lives. I do not know why, when lives are at stake, we cannot wait.

I said at the time that the cost in human terms of a war with Iraq were too terrible to contemplate, so terrible that our Pentagon was backing away from making any estimates. That is still the case. They refuse to make any estimates of what the cost of a ground war may be.

Yes, there were people who cited 5,000 in a magazine, 10,000 in another. Jack Anderson citing some Pentagon sources that he had estimated that 30,000 Americans would be killed in the first 20 days of the ground war. I also stated, and I still think it is important, although it is not the reason I am against the war, and some people have made the mistake of assuming I am against the war because there are a disproportionate number of African-Americans who are out there on the front lines in the Middle East. That is very important. However, even before we come to that fact, and even if there were not a disproportionate number of African-Americans out there on the front lines, I would still be against this war because it is unnecessary.

The violence and the escalation to military action was unnecessary to accomplish the goals. Our goals, the proper goals, our cause is just. However, we did not need to move to force in order to accomplish the goals. In the end, we will settle for an agreement which could have been reached. We will settle for a situation that could have been arrived at without the killing, the massive slaughtering of human beings.

It is important, however, to note that there are disproportionate numbers out there who are African-Americans. It is important to note because these same African-Americans are penalized by the fact that this war, every day it goes on, absorbs tremendous resources that could be used to help the families of these same solidiers who are on the front lines, fighting this war.

It is important to note that nearly one-third of our soldiers in Operation Desert Shield, now Operation Desert Storm, are African-Americans. Many of them who have families in districts like mine, my district being the 12th Congressional District, which is the 10th poorest district in the Nation. My district also has the second largest number of African-Americans. Percentagewise, there is only one district in the country, the First District in Chicago, which has a greater percentage of African-Americans than my district has. So there are large number of families who have relatives in the Middle East.

There are large numbers of families who have called my office. There are large numbers of families who are frightened. There are large numbers of mothers who are very upset by the fact that they encouraged their children—daughters and sons—to go into the military. They encouraged them to take advantage of the opportunities. Young African-American men and women are three times more likely to be in the Armed Forces and involved in the pending war as are young whites of the same age. There is a reason. That is because when people cannot get jobs, they look for another way to survive. They find the Army and the Navy and the other military units to be an opportunity to be utilized.

There are many very bright young men who never looked for jobs because they were recruited. They were overwhelmed by recruiters who told them what a great future they had if they went into the Army first, and came out later and were able to use the benefits to go to college.

There were many others who went into the military academies. The military academies of the ROTC's have absorbed a large number of the developing black leadership, not just young people who could not go to college, but many who were college material who qualified or did not have the money, and for that reason they were in the military.

There are many voices here in Washington and across the Nation who insist that you should not even bring up this consideration, as this observation is totally out of order, because we have a voluntary Army, Navy, Marines. Our whole military force is voluntary. Nobody made them go. Why do Members make an issue of it? They are there because they agreed to be there. There is something to that line of reasoning.

However, let Members look at the situation in this way: This country, which now depends on these young men and women to man the front lines in this war, has denied those same young men and women the opportunity to make a choice. If there was a choice of going into the ROTC or going into an alternative program which offers the same benefits, then I could see the argument that no person should complain about the disproportionate number of African-Americans. If there was a choice that a person could go to college and receive the same help from their Government as they receive when they go to West Point or Annapolis or the Air Force Academy, than I can see the argument that nobody has a complaint, that the choice was theirs. There was no such choice. Do Members realize that we spend on the officers who go to West Point as much as $200,000 per person, per year?

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. OWENS of New York. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding to me. I just want to compliment my colleague for calling this special order, along with a number of our other colleagues, for calling this special order at this time.

It is important to understand why we take this extraordinary measure. That is, we are leaving here for several days. We will not come back until the 19th of February. Some Members have grave concern that this war could indeed escalate in the time that we are out in the February break. Therefore, some Members, with a great sense of consternation and not wanting to feel impotent in carrying out our responsibilities as public officials and representatives of our people, have chosen to take this time to talk.

I want to first go back historically. This gentleman and several of my colleagues, including the gentleman from New York, joined in a lawsuit where we asked the Federal Court to enjoin the President from going to war in the Persian Gulf, and we also sought declarative relief in the court that would underscore what is clearly written in the Constitution of the United States: That article 1, section 8, paragraph 11 of the Constitution states clearly that the Congress of the United States shall have the right to declare war.

Now, Mr. Speaker, why do we do that? We had a conscious notion in mind. Number 1, we understood in reading the polls and reading the press and viewing television that millions of American people have come to believe that, to a moral certainty, the President was going to take the United States to war. So, strategy No. 1 was to raise the flag and say, "Wait a minute, America, you are being conditioned to believe that one person can inevitably take us to war." We were trying to say that the President is the President in the context of the constitutional form of government, based on the rule of law that the President was indeed not King George but President Bush, and that as the President of the United States in the context of the constitutional form of government, that only the Congress has the right to take the United States to war, that the Founding Persons of this Government felt that was such an extraordinary effort, that was such a major undertaking of the State, that it should be made too inconvenient for one person to be able to take the United States to war. Therefore, we wanted to say to America, "Wait, this is a democracy."

Number 2, we wanted to attempt to have the Congress exercise its prerogatives under the Constitution. Why do we want to do that? First, because we think that it is important to live within the framework of the Constitution, but beyond that as a political strategy.

I have served in the Congress now in my 21st year, and there are a few observations, a few experiences, a few thoughts that I have. One is that for the most part, the President of the United States, just by virtue of the awesome nature of that office, is isolated from public opinion, to some extent buffered from public opinion.

But my thought was, and the thought of the other 53 people who joined in the lawsuit, was that the Congress of the United States is not buffered from public opinion. Our thought was that we needed to get the decision of making war back within the framework of the Constitution. Second, we felt that the only way, and the greatest opportunity to stop the war was to put that decision in the people's branch of Government, where the Members of Congress are more sensitive to public opinion than the President of the United States, who in many ways is buffered from this.

□ 1740

We have to go home to our town hall meetings and citizens' meetings, direct phone calls, telegrams, and mail. This body is sensitive to public opinion.

Finally, we wanted to say to those people in America who did not want to see us use force in the context of the Persian Gulf, to understand that on or about January 15 was indeed the drop dead date, and to say, "America, mobilize yourself."

We are struggling to make sure that the President assumes his responsibility in the context of the Constitution to seek approval from the Congress and challenge the Congress to stand up to its important prerogatives in this regard, and we are also trying to say to America: Focus your attention on the Congress. If you have strong feelings, say it to the Congress, because here is your greatest opportunity to stop the war.

But I would say, Mr. Speaker, and to my distinguished colleague from New York, I believe that history will record that America lost a significant moment in the evolution of life in this country and life on the planet, because the movement did not activate itself quickly enough nor effectively enough. All of us must assume a collective responsibility. The educational process did not go forward.

I might add that an important factor in this was that I think millions of American people did not believe that we would go to war, that January 15 was an arbitrary date.

Many people said to me, "Mr. DELLUMS, not to worry. We won't go to war. Reason will prevail at the 11th hour. In some kind of way, a deal will be worked out that will preclude our young men and women from having to face the potential of death and destruction, killing and dying, in the context of the Persian Gulf."

Whatever the reason, the moment was lost, but our strategy, I would say to my colleague from New York, was totally correct, to say that this is a constitutional form of government, to challenge our Nation to live within the context of a constitutional form of government, to say to the American people, "Mobilize yourself in opposition to the use of force."

As the gentleman said so eloquently, I would say to my colleague from New York, life is precious and war is extremely expensive, a set of issues that I will try to enunciate and elaborate on a little later.

Focus your attention on the Congress, but we lost this moment because we thought that it would be easier to stop a war before it started than after it started, because the politics change very dramatically after a war starts.

The issues of patriotism, the issues of support, all these different matters become public and become an integral part of a decisionmaking, making continued opposition very difficult for a whole multiplicity of reasons.

But I stand with honor and pleasure with my colleague today in continuing our opposition to the policy of using war as an instrument of international diplomacy, because it was correct then and it is correct now.

So where are we left at this moment? We are left at this moment saying that it is not necessary to escalate.

Now, some people will say, but you are now dissenting. You should not dissent.

My response, Mr. Speaker, to that is as follows: How can we as a great nation call for dissent in Tiananmen Square, in Beijing in China, how can we advocate dissent in the Soviet Union, how can we applaud dissent in Eastern Europe, how can we call for multiparty politics in other countries in the world where people have the right to dissent and then not support the precious notion of dissent within the Constitution of the United States and our form of government in this country? That is fundamentally contradictory.

And when people stand up and dissent, some say, but those people who are dissenting and those people who demonstrate are in the minority; but Mr. Speaker, where is it written in the Constitution that one must be in the majority in order to dissent?

I would argue just the reverse, that it is those persons oftentimes finding themselves in the minority, dissenting, that focus attention on issues in such a manner that they continue the educative process, thereby affecting public opinion and moving that position from a minority position to a majority position.

This is a precious right, Mr. Speaker, the right to dissent.

I would suggest that those of us who continue to raise our voices in dissent are really attempting to continue to be true patriots in this country, because to do less is to violate the spirit upon which this entire Government is based, that is the right to speak out.

So we continue to speak, but then some people have said, well, if you dissent, you are not supporting the troops; but I would suggest, and I know the gentleman from New York would agree, that the most powerful statement of support for our young men and women serving in the Persian Gulf is to not place them in harm's way, or at this moment not seize them unnecessarily going forward in harm's way.

Why escalate? Those persons who argue on the other side of the issue say let us allow sanctions, that sanctions alone will work. Well, it is not sanctions alone now. We have created great destruction and devastation.

Some people were concerned about nuclear, chemical, and biological production capability. That has now been destroyed, as articulated by our own briefers, by our own leaders.

They talk about supply lines devastated, oil production devastated, economy devastated, to say nothing of death that we have no knowledge of at this point.

Our question is, why then do we need to go beyond that?

Mr. Speaker, I have a very ominous feeling, an ominous feeling difficult to put into words, but I feel very strongly that if we go beyond what we are doing, if we escalate, I have a great fear that we are going to pay an enormous price. In the context of the Persian Gulf, there is a potential for chemical weaponry. There is a potential for biological weaponry.

I would add with great fear and great trepidation, even the potential for the use of nuclear weapons.

The potential death and destruction that can be reined down in the context of an escalation that could indeed include massive destruction conventionaly, use of chemical weapons, even nuclear weapons, is so awesome to contemplate that it frightens this gentleman.

Mr. Speaker, and to my colleagues, I have shed many, many tears of sadness and fear on this issue alone. This in my opinion is the great price that we may very well pay.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. OWENS of New York. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, I want to apologize for interrupting the gentleman's eloquent statement, but on that point, I could not help but want to add my concern. We are going into another recess and it seems like there is always an escalation when we are in recess.

I went to visit the young men and women in Saudi Arabia in late November and early December. It is out of concern for them and loyalty to them that I really hope and pray that there is not an escalation of what is going on there.

We know that if there is some kind of a ground warfare, we know that unfortunately thousands of young people are going to lose their lives, let alone the ramifications globally.

I honestly think that it is as patriotic to warn our brothers and sisters in this country about what the ramifications of warfare are all about as it is to say nothing, and that is why I wanted to just say that I am deeply concerned, and I am going to pray for the President because I want him to make the right decision.

□ 1750

But I want him to listen to hearts and minds of the American people, not just to his military advisers or the few people who have insulated him.

I want him to really reach out and understand the ramifications of the awesome responsibility that he has at this time.

Mr. Speaker, I thank the gentleman for yielding.

Mr. OWENS of New York. Mr. Speaker, I yield further to the gentleman from California.

Mr. DELLUMS. I again thank the gentleman for yielding.

Mr. Speaker, I thank my distinguished colleague from Ohio [Ms. OAKAR] for her timely and significant remarks.

Let me just say, Mr. Speaker, to the gentleman from New York [Mr. OWENS] we are not here to send any mixed signals. As the gentleman so eloquently stated, we must continue to oppose force and violence and aggression as a way of solving political problems.

We are no friend to what happened; Iraq should not have invaded Kuwait. A world crying out for maturity, a world crying out to go forward with a sense of reason and compassion must come together to oppose this kind of aggression, no question about that.

So there are no mixed signals in that regard.

But what we are saying is how you solve that problem, there can indeed and must indeed be differences.

If we oppose the use of force from Iraq to Kuwait as a way of solving their political problems, then what we were trying to say was that the best example to give was to demonstrate that as we chose to solve political problems, we did not resort to force and violence ourselves.

So there are no mixed signals.

Again, to return to the ominous feeling that I have that death and destruction will reach extraordinary proportions—it certainly has the potential to do that. The American people have been given a sense of euphoria around the highly technical nature of the weapons that we are using. I will say to the gentleman from New York that my hope is that the American people would not become enamored of this high-technology weapon capability but become frightened of it.

What am I saying? This is an opportunity, unfortunately a negative one, but an opportunity for America and the world to look into a window into the future of what war could be like if we were even more involved.

Contemplate with me for a moment what would war be like if we were facing an adversary who had the same capacity to destroy life that we have, could match missile for missile, bomb for bomb, smart weapon for smart weapon; that bombs were landing on Oakland and Berkeley and New York and Washington, DC, and Bogalusa, MS, and Richmond, VA, and Philadelphia. It staggers the imagination.

What I am trying to say is that we must come to terms with the fact that war is too expensive and too frightening and to dangerous an instrument to use to solve political problems. We are going to pay a high price in human casualty; we are going to pay a high price in financial costs.

The gentleman from New York and I came to this Congress not so much to talk about missiles and bombs but to reorder the priorities of this Nation. The gentleman and I had the audacity to talk about solving the problems of poverty, hunger, disease, pain, and human suffering.

Martin Luther King used to say in standing up in opposition to the Vietnam war that we are dropping bombs on North Vietnam that are exploding in the ghettos and the barrios of America.

I would suggest the difference here is that we are dropping bombs on the Persian Gulf that will explode in every community in America because the budget priorities are going to impact on every single citizen in this country, disproportionately upon some, but it's going to fall on everyone because several months ago, in these very Chambers, in a rancorous and painful debate, we finally came to a budget resolution in what is called, in the vernacular of Washington, a limited-dollar environment.

We are now waging war, spending billions of dollars, rendering us further impotent—and I use the term thoughtfully—impotent in our capacity to address the human misery of our people and suffering people in the world in the various forms in which it is visited upon them.

Mr. OWENS of New York. If the gentleman will pause at this point, I will yield to him again. I yield, Mr. Speaker, to my colleague from New York [Mr. SERRANO].

Mr. SERRANO. I thank the gentleman from New York [Mr. OWENS] for yielding. I thank the gentleman from California also.

I could not pass up this moment to, first of all, thank the folks who are here today and those that will follow us long after I am gone from this Chamber tonight, in expressing our concern about what is happening or what could in fact take place.

You know, I have had to come before this body twice in the last 2 weeks to eulogize and the mourn the deaths of two members of my community, Capt. Manuel Rivera, Cpl. Ismael Cotto, Jr. This is two losses for one congressional district, if you will, prior to that part of the war, of the action that we know will inflict casualties beyond anything that we can imagine. And already our community has taken the kind of pain which, when joined with the pain which has already been taken by other communities throughout the country, is enough for us to at least consider what our next step should be.

I, of course, was one of that group—so were the rest of you—who felt that we should not do this at all. But again, the fact is that we are in a state of war now. The fact is that we support the safety of our troops.

Where we go next and how we handle ourselves will not only serve as an issue for us to deal with now but certainly as one for people to look at in years to come.

I find, when I go back home to my district, that there is a manifestation by my community that is misunderstood by the media. You will see in the South Bronx more American flags than you have ever seen before and more yellow ribbons than you have ever seen before. But when you go to the apartments that are showing the flag, as I have done, to make sure that I am in step with my community, you find that the flags are in support of the troops and the yellow ribbons are a reminder of the fact that we want them to come back safely, but in no way is it a support for the action that is taking place.

That is something that we have to remember very seriously.

Now, I agree with the gentleman from California [Mr. DELLUMS] that it is important for us to express how we feel now because we will be gone from this body for a week and a few extra days. And I suspect that that would be a wonderful opportunity for some decisions to be made, absent our being here to be able to rise on this floor and deal with that issue on a daily basis.

So I would just hope that the message can go from here that we should be very much concerned about what our actions are now, that we take the time to reflect, to think, to understand what it is that we are committing ourselves to.

Do I want, as the gentleman from New York says, to continue the bombing? If it was up to me, we would call for a cease-fire right now and allow the United Nations to come in and work it out.

But since we are doing this, for God's sake, we should not go to a situation where more and more and more young people will be lost.

We can stop it now, we can come to our senses, we can negotiate. We have made our point; there is no need to make any further point.

Just to finalize, and I thank the gentleman again for yielding to me: any time any person loses a child, I grieve, whether it is someone I never met in California, someone I never met in Brooklyn, a person from any ethnic group, or from any religious group throughout the country, I grieve.

But when you have to go into a Sunday mass in South Bronx and see on the first row the family of a lost captain, when you have to call a family so poor that they do not even have their own telephone and you have to call a neighbor to pay your condolences to the family on the loss of their son and you realize that your community has already taken two losses, you have to not only pray, but you have to demand that we stop now.

I would rather do down in this war as a Congressman whose district lost the most children, if we could stop tomorrow. I take no pride in spreading the loss across the Nation to make it equal amongst 435 Members.

□ 1800

Let the South Bronx take the heaviest toll up to today. Let no one else die after tonight. We can stop it now, and I am so proud of the fact that so many of us gathered to do this today.

Lastly, Mr. Speaker, the last 9 months for me, my first 9 months in Congress, have been very difficult in that I failed to actually analyze whether this position was a position that would cause any problem for me, but it took me about 2 minutes to understand that I have to be true to myself, and if I believe that this is wrong and that this is not the way to go, then it really does not matter whether I have been here 9 months or 21 years. I will continue to say that this is not the way to go and we can stop it now.

Mr. Speaker, I thank the gentleman from New York [Mr. OWENS] for yielding to me.

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman from New York [Mr. SERRANO].

Mr. Speaker, I would like just to briefly comment before I yield to the gentleman from California [Mr. DELLUMS] to close out this segment, and that is that the gentleman from New York [Mr. SERRANO], from the South Bronx, my colleague, has talked about two human beings and two families that have experienced this war. There is a great effort being made by our leaders to depersonalize the war, to have the soldiers who die become faceless, unknown individuals. I would just like to repeat a statement that I made on January 11.

The Vietnam War Memorial is a magnificent monument because the Vietnam War Memorial makes war a personal matter. Never again should we erect monuments to the tombs of unknown soldiers. Why should soldiers be unknown? Dead heroes should not remain unknown. One by one we should know the names of all of our dead heroes. One by one they should be memorialized. This is what the Vietnam Memorial does. All Americans who are generals, or Congressmen, Senators, decisionmakers, should be required to spend some time each year reading some of the names from the Vietnam Monument. It is a pity that on that monument only the dead are listed. There are many, many more who should also be there. They should also list the names of those other people who are dismissed as casualties, but they are not dead. The names of the wounded, the amputees, and those who were driven mad by the horrors of combat.

Mr. Speaker, war is a terrifying experience. War is hell. And the more we personalize it and make certain that all of our leaders understand that the soldiers out there who are cannon fodder are also human beings, the more likely it is that we will never have wars in the future.

I yield to the gentleman from California [Mr. DELLUMS] to sum up this segment, close out this segment of our discussion.

Mr. DELLUMS. Mr. Speaker, I thank my distinguished colleague, the gentleman from New York [Mr. OWENS].

Mr. Speaker, let me in closing again thank my colleague for leading off what I think is a terribly important and in this gentleman's humble opinion a very significant discussion at a very important moment in the history of this country, the history of the world, and as issues unfold in the context of the Persian Gulf.

To summarize, we are here because we are concerned about the fact that we will be leaving for several days, and many of us have a very strong feeling that it is highly possible that there will be a major, major escalation in this war and that what we are trying to do is focus the American people's attention on this issue. We recognize that, given the policy, the position we personally articulate may not necessarily be in the majority. The odds may indeed be against us; the policy may not necessarily be with us. But it is important, it is important for us, to raise these issues because we are part of the educative process.

Perhaps the most risky process that a public official can engage in during a moment of controversy is to mount the podium to be educative, but in this gentleman's opinion it is the highest responsibility of the public official, to engage aggressively into the educative process, and that is what we attempt to do.

Mr. Speaker, I thank my colleague, the gentleman from New York [Mr. OWENS] for his generosity in providing this gentleman with an opportunity to make some random comments. I hope that in the context of the special order under this gentleman's name that I will be able to articulate it with even a greater degree of order. Again, I am privileged to have stood with my colleague.

Mr. OWENS of New York. In closing, Mr. Speaker, I want to repeat that we are here because it is our belief that there is no need to escalate the war in the Persian Gulf. There is no need to move from where we are now into a massive ground war and risk the lives of thousands and thousands of soldiers unnecessarily.

ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes when the gentleman from Kansas [Mr. GLICKMAN] is through with his special order, or whatever order is preceding me, of course.

The SPEAKER pro tempore (Mr. FOGLIETTA). Is there objection to the request of the gentleman from California?

Mr. OWENS of New York. Mr. Speaker, reserving the right to object, I ask for an explanation of what is happening.

The SPEAKER pro tempore. The gentleman from California [Mr. DORNAN] has asked to be recognized by unanimous consent for 10 minutes after the 1 hour which the gentleman from Kansas [Mr. GLICKMAN] has asked for has expired.

Mr. DELLUMS. Mr. Speaker, reserving the right to object, might I inquire of my distinguished colleague [Mr. DORNAN] and just say under my reservation that what we are attempting to do here is focus on the Persian Gulf, and, as the gentleman knows, this gentleman is certainly not here to impede or inhibit public discussion because that is our prerogative here. But I would just like to ask my colleague, the gentleman from California [Mr. DORNAN], what is the subject matter that the gentleman is going to touch upon?

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, it is the same subject matter to which my distinguished colleagues were addressing themselves with such heartfelt articulation, but I thought I would speak up for the majority viewpoint in the most recent votes we had and accentuate that I do agree with them totally on not beginning a land war for weeks, if not months, into the future.

Mr. DELLUMS. Further reserving the right to object, Mr. Speaker, I would like to say that I appreciate the fact that the record will show on this particular subject, and I think my colleague, the gentleman from California [Mr. DORNAN], and I am certainly more than pleased to see my colleague speak.

Mr. Speaker, I withdraw my reservation of objection.

Mr. OWENS of New York. Mr. Speaker, I, too, withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. DORNAN]?

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from California [Mr. DORNAN] will be recognized for 10 minutes after the gentleman from Kansas [Mr. GLICKMAN] has used his 1 hour.

LESSONS FROM A PREVENTABLE WAR

The Speaker pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 60 minutes.

Mr. GLICKMAN. Mr. Speaker, my comments are on the same line as the gentleman from California [Mr. DELLUMS] but in a slightly different perspective. But I want to begin my comments tonight by reciting the famous quotation by George Santayana, the philosopher who said:

> Those who cannot remember the past are condemned to repeat it.* * * This is the condition of children and barbarians, in whom instinct has learned nothing from experience.

On January 12, 1991, I voted with the majority of Congress to give President Bush authority to use force in the Persian Gulf in accordance with U.N. Resolution 660. While it was the most difficult decision I have made in 14 years in Congress, I do not regret my vote. With the size of our forces on the ground, the weak thread of common interests which bound our coalition, the U.N. deadline of January 15, the President's oft-stated commitment to drive Iraqi troops out of Kuwait, and Saddam Hussein's determination to not back down under pressure, we had no practical choice.

Further, Saddam Hussein is now, and has always been, an evil force in the Middle East; driving him out of Kuwait and destroying his immense military power, particularly his nuclear, chemical and biological capabilities, are legitimate United States objectives.

What I do regret are the foreign and domestic policy failures over the last decade which have involved us in what I believe to have been a thoroughly preventable war. We must examine these failures, examples of our inability to learn from experience, and take steps to avoid repeating them.

AN UNHOLY ALLIANCE

In terms of foreign policy, the United States and rest of the Western world helped create the Iraqi military monster. Our alliance with Saddam Hussein began with the Iran-Iraq War and evolved over the following decade. Somehow, the lesser of two enemies came to be treated as an ally. Napoleon said that an army travels on its stomach, and nearly $5 billion in subsidized United States agricultural products kept the Iraqi Army's belly full from 1983 to 1989. As late as of July 1990, despite grave foreshadowing of the war to come, the Bush administration vigorously opposed an amendment I offered in the House and Senator NANCY KASSEBAUM offered in the Senate to cut off subsidized grain to Iraq. The amendments were intended largely to protest gross Iraqi human rights violations which had been clearly documented.

Tragically, in opposing these and other anti-Iraq human rights measures, United States policymakers bought into the ancient Middle Eastern axiom that the enemy of our enemy is our friend and, once again, cast our lot with a ruthless dictator. Similar past decisions have almost invariably hurt the United States in terms of lost lives, lost opportunities, and damaged credibility as a force for democracy and freedom in the world; Somoza, Noriega, Pinochet, Marcos, and the Shah of Iran come to mind as recent examples from which, it appears, we learned nothing.

In addition, the Reagan-Bush administrations left to private contractors the decision to sell high technology and computers to Iraq. Honeywell, for instance, sold Iraq technology used in the development of fuel-air explosives. Bell and Hughes sold Iraq helicopters which were later converted to military use. Since 1985, nearly 700 licenses for shipments of 1.5 billion dollars' worth of goods with both military and domestic applications have been authorized to Iraq.

An ironic example became evident last week as American soldiers on the front lines were told that they would have to step over United States-made landmines if our troops cross into Kuwait. We were friends with Iraq until August, their instructor told them, now we aren't.

The lesson we must learn is the United States should base its alliances and foreign policy on shared principles of democracy, freedom, and respect for human rights, not simply on trade or common enemies. The decline of the Soviet Union as a superpower should free us to look at our relationships with individual countries on a case-by-case basis instead of an East-West calculus. Trade sanctions should be imposed on countries which threaten those ideals in a region and the Commerce Department must exert strong oversight and control over exports of American technology and weapons to those countries.

THE UNCHECKED GLOBAL ARMS MARKET

We did not use our international leadership to stop the Soviets and our Western allies from supplying Iraq with lethal weapons. The Soviets sold tanks, Scud-B, Frog, and possibly SS-12 missiles to Iraq. West German firms supplied most of the equipment and technology for Iraq's chemical weapons arsenal of mustard and nerve gas. In October 1990, 3 months after Iraq's invasion of Kuwait, President Bush threatened to veto legislation imposing trade sanctions on those companies. The French supplied Dassault Mirage fighters and Exocet missiles. China, Brazil, Egypt, Belgium, and others provided weapons and or technology. For the most part, lethal arms are available to whomever can pay for them.

Our leadership in the new world order should be used to halt the proliferation of arms on the world market rather than to round up a posse after the shooting has started. Such measures should provide enough collective security to outweigh the economic loss of foregone arms sales.

With the end of the cold war, the United Nations should assume a more prominent role to negotiate international treaties, resolve conflicts, and impose multilateral economic sanctions.

MIXED SIGNALS FROM THE U.S. GOVERNMENT

In terms of diplomacy, the events leading up to the August 2 invasion of Kuwait are shocking examples of failure to protect or even recognize American interests. President Bush and Secretary Baker received warnings from overseas and at home, including ominous reports of statements from Saddam himself, that Iraq would invade Kuwait. The Israeli Government had warned us for years about Saddam's ambitions and ability to carry them out. Nonetheless, as Iraqi troops began organizing for an invasion, Baker sent the message to Saddam through high-level State Department officials and, most poignantly, the hopeless United States Ambassador to Iraq, April Glaspie, that the United States took no position on border disputes in the area. In late July, State Department spokesperson Margaret Tutwiler echoed that policy, stating that the United States had no defense treaties or special defense or security commitments with Kuwait.

These statements must have been calculated to appease Saddam because they represented a departure from assurances to Kuwait by the Reagan administration and, most recently, a statement by Secretary of Defense Cheney on July 19 of last year that the United States was committed to defend Kuwait if attacked. According to press reports, the White House "cut the Secretary down to size rather quickly" for committing the United States to a war it might not want to fight. In hindsight, the actions of the State Department during the time period prior to the invasion look depressingly incompetent. Diplomatically, the administration rolled out the red carpet for Saddam. Understandably, he was reportedly very surprised by President Bush's reaction to the invasion and the United States' overnight conversion from neutral observer to staunch Kuwait ally.

Some Members of Congress, too, participated in sending a mixed message to Saddam. On April 12, 1990, Saddam met with a delegation of U.S. Senators. According to press reports, members of the delegation conveyed the message that President Bush opposed efforts in Congress to impose economic sanctions on Iraq in response to human rights abuses. One Senator reportedly blamed the American press for negative reports about the Iraqi leader. When the Senators returned to brief President Bush about their trip, they are said to have counseled forbearance toward Saddam. Furthermore, as late as July of last year, Congress was still divided on whether to impose economic sanctions on Iraq.

The White House, Department of State, and leaders in Congress must clearly convey American interests, applying to world events the fundamental principles of foreign policy stated above. Mixed messages, missed signals, and principles ignored for political convenience do not advance U.S. leadership in the world, but confuse and cheapen it. The United States cannot promote peace and stability in the world when allies become enemies and enemies become allies overnight.

FAILURE TO USE TIMELY CONFLICT RESOLUTION

The negotiations to deal with Saddam should have started before he moved one troop into Kuwait. Once the invasion began, traditional methods of conflict resolution were for less likely to succeed. I have complete faith that the President expected his statements and threats would yield the peaceful withdrawl of Iraq from Kuwait, but he was obliged to follow through on those threats when Saddam's troops dug in rather than withdraw. Congress met on January 12 during the last hand of a high-stakes poker game; the bets were on the table and we had no choice but to show our cards.

The science of conflict resolution is slow and painstaking, and difficult to practice in a climate of deadlines and threats. As the only remaining superpower, the United States must use its world leadership to promote peaceful resolution of regional conflicts, even if it is costly in terms of time and money. It is impossible to say now whether negotiations ever would have yielded a settlement of the Persian Gulf crisis. In fact, I have grave doubts that economic sanctions alone would have ever worked on Saddam Hussein. But early on, the United States had an opportunity to negotiate from a position of military and moral strength. The process of conflict resolution should have begun last spring, or earlier, when the signs of war became evident and the stakes on both sides were considerably lower. The opportunity for peaceful conflict resolution was effectively lost in early November when the number of allied troops on the ground was doubled and the January 15 deadline was set.

THE LACK OF A NATIONAL ENERGY PROGRAM

In terms of domestic policy, the United States has forgotten the lessons of the 1970's. The oil embargos of 1973 and 1979 revealed the Achilles' heel of the world's largest economic and military superpower; our economy's fragile lifeline of imported oil. President Jimmy Carter recognized the threat of our dependence and responded with an alternative energy program which sought eventual American independence from foreign oil. Carter understood that national security was not a concept limited to arms and soldiers and declared U.S. energy policy "the moral equivalent of war." For our Nation to be secure, he reasoned, our vulnerable economic flank had to be as well protected as our military.

Carter's program was abandoned and scorned by President Reagan, who never liked to dwell on painful lessons, or learn from them. Reagan redefined national security as raw military might, and left energy policy to the market, which, when totally unrestricted, has proved a poor arbiter of policy.

While oil prices remained high in the early 1980's, the market pushed us toward conservation; oil consumption actually dropped as the economy grew. Oil imports fell below 30 percent of national consumption by 1985, then began to increase rapidly as the world price of oil declined. By 1990, oil imports had increased to 45 percent, one-fourth of which came from the Persian Gulf. The market has left us way out on a limb of foreign energy dependence, yet the policy vacuum in the White House persists. Conservation provisions are reportedly absent from the President's long-awaited energy plan.

In the future, we must remember that energy is an essential component of our national security. Our economy, not military, is our greatest strength and it depends on an adequate energy supply at a stable, reasonable price. The oil shocks of 1973, 1979, and the turmoil in the Persian Gulf demonstrate that the market is subject to nonmarket forces like embargos, cartels, and wars.

We need a long-term national energy policy which promotes energy independence through conservation, alternative energy sources, and domestic oil and gas production. Where the market alone will not support such a program, Government policy must do so. We do not leave other aspects of our national defense to the market, so why take an economic purist's laissez-faire approach to our essential energy needs?

Now that we are in this war, the Commander in Chief has the support of Congress to fight and win it. Our troops are in harm's way, doing their heroic best to preserve American interests and they deserve unified support back home. But in rallying around the President and our policy, we should not lose sight of the myriad lessons of this crisis. Will we remember our mistakes next time, or are we condemned to repeat them?

□ 1820

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentlewoman from California.

Mrs. BOXER. Mr. Speaker, I want to thank the gentleman from Kansas [Mr. GLICKMAN] for his very thoughtful presentation today. I know that as he looks back a few months, he saw some lost opportunities. The gentleman has laid those out on the table. They are critically important.

Mr. Speaker, I think when history is written, history will show that we built up this tyrant, only to bring our young people into the area to slay him, and that we built up a tyrant named Noriega, only to send our young people into an area to slay him.

This is not a foreign policy, this is a dangerous policy, and this is one that does not bode well for this country.

I think what the gentleman from Kansas [Mr. GLICKMAN] has pointed out is that this administration and the one before it was winking and nodding at Saddam Hussein, literally a few days before Saddam Hussein went into Kuwait. How well I remember the gentleman on the floor of the House, and the gentleman from Connecticut [Mr. GEJDENSON], as if it was yesterday, saying yes, it would be good to help our trade problems, but we cannot trade with a man like Saddam Hussein. This man gassed his own people. We have to take a stand, a moral stand here. And the administration opposed us. I will never forget that. I will never forget April Glaspie winking and nodding and giving the go-ahead to this invasion.

Mr. Speaker, I would only hope, and I say this to the gentleman from Kansas [Mr. GLICKMAN], that the gentleman might see this phase of the war as another possibility to save a lot of lives. We have seen many phases. At the beginning of this war, when Congress was not involved, we fought to get involved, we had the debate, and we lost it, some of it. We have seen the air war do tremendous damage, damage which has led our military people to say we own the air. We have air superiority. We have knocked out their chemical and nuclear and biological capabilities.

I only hope that the gentleman might step back and perhaps see another window of opportunity here before we get into this ground war.

I will say to the gentleman from Kansas [Mr. GLICKMAN], as he has so well pointed out, that this administration has dealt with Saddam Hussein. In essence, somehow we even created him. They have talked to him, they have dealt with him, and, as my friend from California has said many times, they have used diplomacy with him. They have even given him help.

Surely there has to be a way, before we see thousands of our young people in a ground war, and out of love for those young people and love for our country and love for peace, that we somehow can see that window of opportunity just one more time, to try and resolve this, short of a ground war.

Finally, I would say to the gentleman, his points about an energy policy are extraordinarily important to this debate. Energy policy means national security. Energy policy means an economy that thrives, an economy that is not dependent on tyrants in the Middle East or unstable governments throughout the world.

Mr. Speaker, I am going to join with the gentleman from Kansas [Mr. GLICKMAN], because I know he is going to be pushing, for example, for fuel economy, something I have worked on for many, many years, so that we can achieve a policy that allows us to be completely independent of foreign oil. We can do this. We know that we can do it.

So I want to thank the gentleman from Kansas [Mr. GLICKMAN] for putting a historical perspective on the crisis. It is a very important contribution to the debate.

Mr. GLICKMAN. Mr. Speaker, I thank the gentlewoman from California [Mrs. BOXER]. Of course, I replicated her legislation to a large extent on the fuel economy for cars, because I do believe that it is critically important to get at the most significant source of energy utilization, which is transportation fuels, as a way to become more self-sufficient.

Mr. Speaker, I would just make a couple of comments. I think the gentlewoman made some good points.

I offered this today because I think the American public needs to reflect on the historical reasons for a lot of our involvement in the world.

I think for the most part our motives are not so bad. I just do not think as a country we look at all the ramifications of things we do. I think over the years we have not based our foreign policy on clear, consistent signals, particularly on how countries treat their people.

Sometimes I think if we did that across the board, it would make it so that we would do clear, consistent things. As a matter of fact, Saddam Hussein clearly and consistently did pretty terrible things to his people. You cannot say he is in any sense of the word other than a brutal murderer, in terms of how he has treated his people. Had we as a country reflected on that and dealt with it, then I suspect that we might have taken action before the invasion, which would have not let him believe that we were opening the door.

I do believe that he started this war, however, and not us. That is, he is the one that invaded Kuwait. He is the one that has brutalized the people inside that country and treated them without any sense of dignity whatsoever.

So once the decision was made to go to war, I am kind of a traditionalist. I hope that all of us together can unify and get this thing over the fastest way possible, losing the least amount of people possible. Right now I feel uncomfortable about telling General Powell or Secretary Cheney specifically what to do. I never served in the military. I do not have experience with it. I hope that they understand their decisions will affect conceivably lots of lives.

I do not think they and the President want to gratuitously put more people on the chopping block than need to have happen. So I hope and pray that standing together in a unified sense, this country can stand together and finish this war as quickly as possible, killing as few people as possible in Iraq and among American citizens.

Mr. Speaker, I guess what I further hope for is that if we go forth from here to build a new Middle East, a new world order, whether it is in the Middle East or the Soviet Union or Latin America or Asia, wherever it is, that we recognize that we need some clear principles of what we stand for. If we keep those, and if we keep our eye on the ball there, then I suspect we will not have the Saddam Husseins around as much as serious forces.

Mr. Speaker, that is why I talked about looking at the whole issue of arming the world, looking at the issue of having some human rights orientation, looking at the issue of an energy policy, and also making sure that we have a State Department that is up to speed, that knows what is happening. I think there are a lot of failures in the past. But what my treatise today is, is to say here that I think some mistakes were made, so we can correct them in the future.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from California.

□ 1830

Mr. DORNAN of California. Mr. Speaker, I want to associate myself with my colleague's remarks in every single phrase, every dotted "i" and crossed "t," everything he said during the thoughtfully prepared statement. But to make this crystal clear, because I was with the gentleman as a conservative Republican from the other side of the aisle on every fight against Saddam Hussein, with the gentleman just within the last few months before he invaded on your Glickman amendment to cut off all of the agricultural subsidies, and was very frustrated with administrations that I worked as hard as anybody did to help bring to office because I see an institutional State Department, institutionalized State Department, there under President Carter or for Presidents immemorial, and I was thinking of an old expression that is a burden that is put on Members of the Senate and the House from both parties, and from our proud new Socialist Member, that war is far too important to be left to the generals. I scribbled down here a paraphrase that State craft, foreign relations, foreign affairs, is also too important to be left to the professional diplomats. That is our role here, and I know I joined with my colleague from California, Mr. DELLUMS, in October, in September, in August when this invasion was first unraveling and I said on a national show, "Phil Donahue Show" from the American Legion Hall at Kennebunkport, "Call us back in, and give our lameduck Members on both sides of the aisle one last shot at the honor of serving their constituencies to debate this in December."

I enjoyed immensely the thoughtful, spirited debate here on both sides based on principle and eloquence, but I just wanted to ask the gentleman a couple of questions, and I think he will appreciate them, to make this crystal clear.

This man who you have delineated as evil incarnate, from gassing Kurds to murdering his friends and associates in the Baathist Party, including, a strange term, Baath Party, immersing them in baths of acid, up to what he is now doing.

Here is what I want to ask: Is this not a Dark Ages situation where one frail human being, Saddam Hussein, one man, with his electrical circuitry and his little tiny gray matter, about 1,400 cc's of brain matter, he could end this war tonight. It is darkness still over there now. Does the gentleman believe that? I do.

Mr. GLICKMAN. He clearly could end the war in connection with the aims of the U.N. resolution by just leaving Kuwait. That is absolutely clear. And I think that he will have to recognize that if he does not go down that road he faces continued military destruction.

Mr. DORNAN of California. Is he not killing far more of his own people, he, himself, and as Hitler said, the German people were not worthy of him, "I am taking them down with me," is he not responsible personally, the individual, not in the spiritual sense before God—that is a given—but before the whole world, and despite what King Hussein, his noncousin said over in Aman, is he not responsible for every Republican Guardsman in his country who is dying tonight as we speak under B-52 raids? He is killing them, not us.

Mr. GLICKMAN. I always have said that he started this war, we did not. He invaded Kuwait, and his unwillingness to leave, of course, is putting his people at enormous risk of loss of life and injury.

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I am happy to yield to the gentlewoman from California.

Mrs. BOXER. I thank the gentleman so much for yielding.

I am so tortured by what is coming, and as I look back, before the President chose the force option, the whole world was against Saddam Hussein, this tyrant who gassed his own people, this aggressor who walked into Kuwait, the whole world, even the Arab world. He had very few on his side. When my colleague from California, Mr. DELLUMS, says he has a nervous feeling——

Mr. GLICKMAN. Ominous, I think was the word.

Mrs. BOXER. Yes, ominous, he said it so eloquently, and I share that ominous feeling, particularly tonight, because I do not know if the gentleman is aware of this, but King Hussein of Jordan made a statement tonight, and it makes me feel that perhaps this strategy that we have taken and this Congress passed, and the gentleman from California [Mr. DORNAN] is so correct, that we debated here, and it was one of our finest moments. We stood up to those who said it would be unpatriotic to debate this, and we held our ground, and we made our case, and those of us who lost, lost it and those who won, won it, and we will move on, the United States as a country, to try and end this.

But I want to put in the RECORD, if I could, just a quote from this AP story.

> King Hussein tilted sharply toward Iraq on Wednesday, describing the Persian Gulf War as an effort to destroy Iraq and calling on Arabs to demand a cease-fire.
>
> As developments of the war have proved, they want to destroy Iraq to prepare the situation in the region in a much more dangerous way for our nation's future and present," Hussein said in a televised speech to his nation.
>
> He accused foreign powers of plotting to carve up the Arab world's resources and to control it politically.
>
> This war is a war against all Arabs and all Muslims and not against Iraq alone," said the king, who has been a bulwark of pro-Western moderation for his 37 years on the throne.
>
> The speech was a radical shift in approach for Hussein. While before the war he favored a negotiated settlement to get Iraqi troops out of Kuwait, recently he had been critical of Saddam Hussein and essentially neutral in the war.
>
> He urged Arabs and Muslims to support Iraq against the "fierce war imposed on brotherly Iraq," and bitterly denounced Arab countries allied against Iraq.
>
> The speech echoed the strong pro-Iraqi sentiments of Hussein's 3.4 million subjects, many of whom are Palestinians.
>
> Hussein accused allied forces of trying to subject his country to unfair pressures.

He goes on,

> And although Baker said Jordan was not the target, the fact is they have been bombing some trucks in that area.
>
> King Hussein said Jordan was "not willing to dance to the tune others play without being able to freely express our opinion, which we will not give up."
>
> "If the battle is imposed on us we will be up to it," Hussein said.
>
> Let us join our efforts to stop this tragedy and to save the people of Iraq from what is planned for it and to end this war.

I bring this up to the gentleman because I looked back as to when we had the moral ground with the sanctions, and using force in a defensive way to enforce the embargo, and in case there was further aggression we were set to use force in those circumstances. And we had the whole world against this tyrant. And now we have King Hussein, for all of these years a friend, really, a moderate Arab state, one which got along with Israel fairly well. They had no Camp David accord, but they got along, and here we see as a result of this war, which is going on for too long a time in my view, and perhaps much longer than King Hussein thought, here we have a situation where Jordan is now reversing course. I think it adds to the ominous feeling that my colleague from California talked about, because I had the privilege of going to the Middle East and spending a few days with our troops in Saudi Arabia. I cannot get their faces out of my mind. And I love them, and they are wonderful. They said, "Congresswoman, we'll do our job, but just get us home as soon as you can." It keeps coming back to me, they will do their job, but get them back as soon as we can.

Mr. GLICKMAN. If I may just reclaim my time, I am moved by what the gentlewoman is saying and by what the gentleman from California is saying. I am reminded that one of the greatest Kansans of them all, General Eisenhower, said that you can never anticipate the consequences of war once you enter the battlefield. That is, of course, why Eisenhower was always rather careful, I was going to say timid but that is not the right word, careful about going down that road.

He had a lot of other good things to say, particularly toward the end of his term. But I guess that right now it is useful talking about these things, it is useful generating the debate among the American public.

□ 1840

People are unified in support of this country's effort. They also are not objecting to genuine debate on the issues, as some might say. That is ridiculous. Americans love to talk about this, and I think their focus, fixation with Cable News Network and other things indicates that they are yearning to know more about it.

I just hope, and I know that the gentlewoman will have many other comments after mine, that when this war is over, when we have won it, which I think we will militarily, that generations to come will not see the need to do it again based upon the mistakes that we have made in the last 10 years.

THREE CATEGORIES OF ANTIWAR DEMONSTRATORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 10 minutes.

Mr. DORNAN of California. Mr. Speaker, at the height of the Vietnam war, one of America's beloved intellectuals of the left, and he liked to describe himself as a radical more than a liberal or someone of the left, I.F. Stone, a gentleman who proved his intellectual depth by in his seventies learning to speak and read Greek including ancient Greek so that he could write what some people think is his best work, "The Trial of Socrates," Mr. I.F. Stone, a great opponent of our rescue effort in Vietnam, and that is my characterization, trying to rescue the southern half of Vietnam from communism the way we rescued the southern half of Korea from communism, to turn it into one of the economic powers of the Pacific Rim, and the Olympics held in Seoul in 1988, and Garden Grove, my home city, one of North America's largest headquarters for the Hyundai automobile, but in that rescue operation, he certainly had every right as an American to attack particularly the poor way the politicians were manipulating the rescue effort and structuring it in such a way that we could not possibly win.

We had 47,356 men, 8 of them were women, die in combat. Overall we lost 58,151.

I am one of those Members who feels great pain at the loss of American life. I am also a passionate person who occasionally pauses to see evil being faced off and think, "I wonder how the parents of Bob Stethem feel right now when they see an evil despot in the Middle East who encourages terrorism, I wonder how they feel." Those are the parents who live out here in Maryland of the young Navy diver, one of their several sons in the United States Navy, who was slowly beaten to death. They jumped up and down on his chest in the cockpit of that TWA airplane that had been hijacked, until they had broken all of his ribs, never let out a sound, and as he lay there in the arms of the German-born American stewardess gasping his last breath, he said, "Tell my parents, my family, I love them."

We have seen terrorism spread around this world borne from frustration, and there is a lot of frustration that has been expressed in this House.

So let me come back to I.F. Stone and his characterization of demonstrators during the Vietnam war. He put them basically in three categories, and although there are subcategories of categories, I find no quarrel with his triple category, and I find some parallel here. He said, "Of those demonstrating against the effort in Vietnam, group 1 is democratically motivated, group 2 spiritually motivated, and group 3 are the anticapitalists." Now, by democratically motivated, he meant people, for example, who debated in this Chamber who said in a democratic system there has got to be another way than, to quote one of my colleagues from California tonight, using force, violence, or aggression.

Certainly meeting force with military might is force. It is certainly violent. The aggression in this case, I think, is the aggression of Saddam Hussein met with just force, but that was a noble debate in this Chamber, and depending on how you call votes around here, 250 to 183 could be called a walkaway for the majority. It would be on most domestic issues. But I accept the characterization that it was close. That is a division when you are talking about using force and losing the lives of young Americans in this struggle, and almost 100 were killed as we trained up to this, and some still die in operational training missions. We lost several helicopter crews this week on friendly soil, and we have 5 allied prisoners, 8 U.S. prisoners, and that is 13 out of over 30 Americans now, and the majority are now missing in action due to that AC-130 Specter gunship that went down. I am sure there were great rescue operations mounted, but those 14 crewmen are still listed as missing. So there has already been great loss of life, not as much as were lost at L.A. International Airport, my main airport, in one crash the other night, but these are people that are not struck down by an accident. They are following orders, so they march to a drum where politicians have control over the military in our democracy.

In Mr. Stone's second category, the spiritually motivated, he said, "This is not to be confused with people who are basing it on any specific religion, although that plays a part. They are spiritual people." I would add those that have memorized St. Francis of Assisi's great prayer, "Lord, where there is hatred, let me sow love." The spiritually motivated cannot ever bring themselves to see the use of force in any situation, even sometimes if it is a local police matter that ends up in a shooting where life is lost, either the loss of a police officer's life, a policewoman's life, or the loss of some lawbreaker's life. And those people are certainly to be respected. These are the gentle people of our society, what is written about from Christ's Sermon on the Mount, the Beatitudes, the peacemakers, "They shall be called the children of God."

His third category, the anticapitalists, these are the ones now, I think, dominate many of the demonstrations, certainly the more passionate moments of the early days of demonstration where they will take to the podium and talk about America's sins, that we are the aggressor nation around the world, that we, in trying to force capitalism down the throats of foreign nations or different cultures, we are the ones in this situation who are the aggressors, and although these are the ones who loved Ho Chi Minh and praised him to the skies, another Communist dictator with a false name who in the guise of nationalism and colonialism was just turning his nation of Vietnam over to what we now know is the great evil of our century, way beyond the evil of Nazism and loss of life or destruction of the environment or economies, has been the curse of communism, but these people will always look to America, the opposite of what the gentleman from Kansas [Mr. GLICKMAN] said, the preceding speaker, where he said that he believes our country's motives are honorable and well-meaning, but these people see the United States as the most evil force in the world.

It is a real tragedy to see King Hussein of Jordan move with some of his rhetoric into the camp that the United States is the problem here, not his namesake but no relative, Saddam Hussein, and his move was dictated, I think, not so much by principles, because he has been all over the lot the last 20 years trying to sustain his Hashemite minority rule over a country, Jordan, that has become more Palestinian in great numbers, almost 65 percent, than it is Hashemite. The Hashemites did come out of Saudi Arabia, the northwest corner of Saudi Arabia, and were put in power by the British in those colonial days when people in backrooms in London decided what countries' boundaries would look like and what commerce dictated as far as what would be a country and what tribes would be split apart to better suit rule, and what Tamil people would be moved from India to the island of Ceylon which now rolls out in violence, the shifing of people all around the world in the sub-civil-servant class to satisfy a colonial empire; those sins of the past are still being played out before us, sometimes in violent forms.

But to make the United States the aggressor or the guilty one here and to say that we are trying to destroy Iraq is just plain not only wrong, it borders on vicious lying.

King Hussein, if he were visiting with us in the Foreign Affairs room over tea and crumpets, as he does often, would be hard-pressed to explain why he and the United States and France and Germany, and Great Britain is the least guilty in this, why we all played footsie with this lesser of evils and why the world did not speak out as forcefully as it should have when we had the people to be interviewed in Switzerland who were dying of all the various poison gases that Saddam Hussein used on the Iranian teenage soldiers in their mad suicide charges led by their religious fanatic leader, the Ayatollah Khomeini, or his own Kurdish people, 5 million out of his 18 million people, he has attempted to genocide for the sin that we only see in Lithuania, Latvia, and Estonia today.

□ 1850

Nationalism in the good sense, pride of your own ethnicity, to rule your own people in their own land of Kurdistan.

The image out there in the streets that is going right up to the satellites and downlinked through CNN equipment and to Saddam Hussein's frail little 1,400 cc cavity filled with his brain matter, is that if he holds on and bides his time, he will get what the gentleman from California [Mr. DELLUMS] has a great sense of foreboding about, ominous feeling. I do too. I do not want a ground war. He wants his mother of all wars because he thinks he will replay in a Ho Chi Minh type bloodletting where, like France and Vietnam and the United States later, predicted Ho Chi Minh, we could not take a body count. One of the sick words that came out of the McNamara designed war.

I say the air war can solve this, that we must see it through to its conclusion, and that my prayer is that months will go by, as the propaganda continues that we are bombing hospitals. One of his officers will have the decency to put him out of his misery. Like Hitler, he sees the "German people are not worthy of me. I will take them down with me." That is what Saddam Hussein is doing, taking his people and his nation down with him.

King Hussein, your namesake is destroying this country, not the United States of America or the coalition.

THE PERSIAN GULF WAR

The SPEAKER pro tempore. (Ms. PELOSI). Under a previous order of the House, the gentleman from California [Mr. DELLUMS] is recognized for 60 minutes.

Mr. DELLUMS. Madam Speaker, let me just say before yielding to a few Members and prior to making a more comprehensive statement, I would like to direct a couple of remarks to the distinguished gentleman from California [Mr. DORNAN].

I would not attempt to comment on any of the statements the gentleman has made, with the exception of one, and simply ask my colleague to reconsider the strategy of characterizing "dissent." The beauty, at least the ostensible beauty of this Nation is in the right of people to raise their voices and to articulate a point of view. Now, each American, we may agree or disagree with that point of view, but it seems to me where we should not debate, where we should be in total unison, is on people's right to raise their voice in the name of dissent.

In one sense, it is rather patronizing and paternalistic to the American people to feel the need, as a public official, to attempt to characterize the other person's position. This gentleman chooses not to do that. I would rather take on the gentleman's point of view, let people characterize the perspective. People are wise enough and mature enough to listen carefully, to form their own opinions, and attempt to impact the decisionmaking based on those opinions. It is not necessary to characterize.

In the course of this gentleman's remarks, I will say to my colleague from California that I would go back 20 years, because this gentleman came to this Congress, I raised my hand to uphold the Constitution in January 1971, representing at that time the seventh Congressional District in California, a district that sent this gentleman here to raise my voice in the name of peace, social and economic justice. However, there are only a handful of Members in the Congress who were prepared to stand up at that time in opposition to the war in Vietnam, to raise their voices in dissent, and so those Members who did have to suffer the challenges, to suffer the epithets, to suffer the fundamental challenges to our right to stand up and exercise our prerogatives within the framework of our form of government, to express a point of view.

What I would say to my colleague from California is to please stay focused on the issues themselves. I think to engage in the extraneous debate of characterizing dissent takes Members, and we descend into Never-Never Land that is reminiscent of where we were 20 years ago. It raises the specter of the national security state. It raises the specter of oppression of perspectives and points of view.

I would say to my colleague, how can the gentleman from California join this gentleman in saying, allow the young students in Tiananmen Square to rise up in dissent, and then not allow the students of this country to rise up in dissent? I would say to my colleague from California, how then do we say to the Soviet Union, why does the Soviet Union not have competing ideas, then competing perspectives and points of views and analysis? Why does the Soviet Union not allow for dissent? Then we are not willing to allow for dissent in our own country.

When the Berlin Wall fell, the gentleman from California and I stood up in unison, side by side, to cheer the fact that tens of thousands of human beings brought down the Berlin Wall by the sheer power of their dissent, and the sheer power of their spirit, and the sheer willingness on their part, to take into their own hands their own destiny and their own future. How can we applaud that dissent, and then take the stand to characterize dissent in our country?

Finally, I would just say someone wiser than this gentleman, perhaps more eloquently than my colleague said, "I may disagree with what you say, but I would die defending your right to say it." That is the beauty of what this is all about.

I would hope that my colleague would move away from characterizing dissent. Let people's ideas stand or fall on the power and the weight of the majesty or the wisdom or the lack thereof of those ideas on their own terms, rather than introducing this second force, and that is to start mobilizing public opinion in opposition to fellow citizens simply because they choose to articulate a different perspective and a different point of view. That, in this gentleman's opinion, is a dangerous practice, and I hope my colleague would not pursue it.

Mr. DORNAN of California. Madam Speaker, will the gentleman yield?

Mr. DELLUMS. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I also enjoy any discussion with the gentleman on the House floor because we have both expressed much frustration that rather than moments of dialog in this House, it is more often a series of monologs and written statements and 1-minute statements and special orders delivered sometimes in a read monotone. I appreciate the gentleman using the vigor of his mind to focus on these ideas.

In my 10 minutes, perhaps I was not precise enough to address myself to the quote of Voltaire, that I will deny to defend your right to dissent. I was trying to express the honorable dissent that was in this House, that continues in this House in various ways, that is in the street, like the sign "No Blood for Oil." That does not offend me. It is simplistic, but in simpleness it is a pretty direct economic argument. What I am saying, what King Hussein has done, a longtime ally of rationality in the world, and what some people are doing out there at some of the demonstrations is emboldening Saddam Hussein by saying that we are the problem in the world, not a totalitarian dictator that took advantage of the weakness in our State Department and evil German businessmen selling his weapons of war. As I said, all of the countries are to blame mostly, and Great Britain the least of all, but what I feel is that those dissenters that brought down the Berlin Wall—and this is where the gentleman and I drew sabers quite often, or crossed quills, pens, tongues—that without America's military might during the cold war, that dissent would never have been allowed to rise. It would have been crushed by an all powerful Cheka, NKD, KGB, that it was the United States and the free world and not standing as a beacon developing high-technology weapons so that we could do away with the draft, at least in our country, and make our army smaller, that that is what enables the dissent to flower.

I venture that if a Member dared to come to the House floor and praise apartheid in South Africa, not just argue about whether sanctions will work. I was with the gentleman on the weak sanctions, I was not with the gentleman on the strong sanctions. The gentleman from California was probably right and I was wrong, and now with that debate still going on, and as we see the European Community starting to remove all sanctions because de Klerk is amazing lots of people, but if someone came in the well to defend apartheid, the gentleman would rise in a fury. I am guessing, that although the gentleman would tolerate the dissent, the gentleman would say this dissent goes beyond human decency in the norm because it is racist and it demeans a fellow human being.

□ 1900

I think it is demeaning when, as the press says tonight, the intellectual elite—get that expression, I say to the gentleman from California [Mr. DELLUMS]—the intellectual elite of Morocco now sees Saddam Hussein as a hero. It is like a policeman in Chicago saying, "You know, I have come to see Al Capone as a hero here. You know, he is trafficking in booze. I like my drink, and I think this Volstead Act is terrible."

You cannot have decent people getting up in dissent and praising a monster, just as the American Bunde in this country that praised Adolf Hitler. Yes, they had their right to be wrong in this free country, but those types of dissenting voices, because they were the minority in America, emboldened Adolf Hitler to bite off one little country after another until he bathed Europe in the blood of 55 million people.

Mr. DELLUMS. If I might reclaim my time, Mr. Speaker, I thank my colleague. I think I have made my point. Perhaps off the floor my colleague and I will continue our debate and discussion on this issue.

Mr. Speaker, at this time I yield to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank my colleague for yielding to me.

Mr. Speaker, I will be very brief, because there is not a lot that I can add to what so many of the previous speakers have said, except that I want to come here to express my solidarity with the gentleman from California [Mr. DELLUMS], the gentlewoman from California [Mrs. BOXER] and all the others who have been down here who are raising some deep concerns about what is going on in the Persian Gulf.

Let me just touch on a few points. Now is not the time to discuss the causes of this war. Others have done it better, or to even ask the question of what will be the long-term impact of this war.

Frankly, however, I have deep concerns as to whether the day after the war ends, the day after the United States and its allies win this war, I think we do have a right to ask whether in fact the deep-seated problems of the Middle East will have in fact advanced one step forward in terms of long-term solutions.

Will the Israelis and the Palestinians be getting along better the day after the bloodshed is over?

Will the gap between the rich and the poor in the Persian Gulf, between the Sheikhs and the Kings of Kuwait and Saudi Arabia and the very poor people all over that region, will that essential and very deep problem have taken one step forward in terms of a solution one day after this war is over? I fear not.

In terms of the causes of this war, it is not necessary to get into the whole question of energy policy. We had that debate in the early 1970's. Apparently we have learned nothing. We have the capability to break our dependence on Persian Gulf oil. Will we in fact do it? Will we put tens of billions of dollars into mass transportation? Will we demand that our automobiles get 50 or 60 miles to the gallon as technology allows us? Will we do that, or will we continue to be dependent on Persian Gulf oil? Frankly, I am not of the opinion that we have yet, despite this war, learned that lesson.

Others have talked about how the day before Saddam Hussein's invasion of Kuwait, the illegal, the immoral, the brutal invasion, there was the Bush administration urging more money for Saddam Hussein. Might we begin to learn that the man who one day was our friend and our ally and the next day becomes our Hitler, that maybe there is some problem in terms of this foreign policy? Will we learn that? I am not sure that we will learn, Mr. Speaker, because today, as you know, one of our allies in this great fight for freedom is that other freedom fighter, Mr. Assad of Syria.

Now, the debate may rage as to whether or not Mr. Assad is a worse dictator than Saddam Hussein. There are those who say "Yes." There are those who say "No." But I fear that 2 or 3 years from now our great ally, Mr. Assad, may be our enemy and we will be at war with him. Have we learned that lesson? I fear not.

Mr. Speaker, some also make the point that one of the functions of this entire war, one of the manifestations of this war is that while every single day the newspapers are full of war news, that in fact in this body, the Congress, the President, are focusing on this war out of necessity, that we are losing focus on some of the enormous problems facing this country.

How many of the viewers understand that today, yesterday, in the Senate, the Senate Budget Committee appropriated $82 billion more for the S&L bailout—$82 billion at a time that we have 2 million people sleeping out on the streets, a $3½ trillion national debt, a health care system which is falling apart, an educational system that is in desperate need of funding, $82 billion more as a result of the thievery on the part of the S&L people and the inaction of the White House and this Congress, focusing attention on that.

Are we dealing with the fact that the standard of living for working people in this country is declining as this Nation continues its deindustrial policy so that the new technology, the new manufacturing capabilities are developing in Europe and Japan, and our kids learn how to flip hamburgers at minimum wage. Are we focusing the debate in this body and in the White House on those issues?

Are we talking about why it is that half the American people no longer even bother to vote, they are so disgusted and frustrated at the political process. Where is that debate to say to the American people, the poor people and the working people, that this is your country. Participate, and if the people in this body and the White House are not representing you, throw them out. But we have got to ask the question why it is that this Nation has far and away the lowest voter turnout of any industrialized nation on earth. Are we debating that issue? I fear not. We are looking at the Persian Gulf and many of us have those concerns, that while enormous problems exist here, all of our energy and attention goes to the Persian Gulf.

It has been said earlier, another issue I will not get into at great length, what does it mean in terms of long-term policy, not only that King Hussein of Jordan turns on us, a long-time ally, but that 300,000 people in Morocco march against us.

What will it mean if the American flag flies in Baghdad? How many years and how many troops will we need in that part of the world to protect us there? If you think the British are having a problem in Ireland, I hesitate to see what kind of problems we will have amidst all the Arab nationalism.

Those are all issues that other people have talked on and gone into at great length and have discussed better than I can.

I just want to express briefly one or two concerns that I have for the immediate moment, and that is that I agree and I think virtually everybody who has spoken here agrees that it is absolutely imperative that we do everything in our power to avoid a ground war.

Now, nobody can estimate what the casualties will be in a ground war, but there are those who say we are talking about tens and tens of thousands of Americans and probably 10 times that number of Iraqis and other people.

Now, it seems to me that in the last 3 weeks Iraq has suffered terrible, terrible punishment as a result of the Arab war.

Now, at this moment is Saddam Hussein willing, is he smart enough to finally say that maybe now he should withdraw from Kuwait to stop the further bloodshed?

The truth of the matter is I do not know the answer. Nobody in this room knows the answer, but I think it might be a very good idea if the United Nations or some other international body proposed a cease-fire, proposed negotiations to say to Saddam Hussein, "Out of Kuwait. You have suffered terrible punishment. Get out now before there is worse punishment and worse bloodshed."

I would hope that the United Nations would be activated, call for a cease-fire, call for negotiations and demand that Saddam Hussein get out of Kuwait now before worse bloodshed is caused.

That is about the only point I want to make. We are into something that is terrible. I think we all agree that we want to end this horror with a minimum amount of bloodshed.

I simply want to congratulate and commend my colleague, the gentleman from California [Mr. DELLUMS] and the other people who are raising these very important issues.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for his contribution.

I yield to my distinguished colleague, the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, I thank my colleague for yielding to me.

I have been very impressed and moved by the debate and the remarks of the gentleman from California [Mr. DELLUMS], the gentlewoman from California [Mrs. BOXER], the gentleman from Vermont [Mr. SANDERS], and my friend, the gentleman from California [Mr. DORNAN]. They have all been thoughtful.

I wish to add my voice to those who hope and pray and urge the President that we not get into the horror and the bloodbath of a great war.

□ 1910

I was one of those who felt early in January that we should not get into a shooting war at all. I was one of those who, after considerable study, felt that sanctions could do the job.

Iraq is uniquely vulnerable to economic sanctions. Iraq does not have a lot of different kinds of products that she exports and a variety of routes, by air, by land, by sea, by truck.

Iraq has only one cash crop: petroleum. It leaves Iraq by only two routes. Iraq is land-locked. It leaves Iraq, this petroleum, by pipeline to Saudi Arabia and by pipeline to Turkey. Both Saudi Arabia and Turkey are cooperating with us 100 percent.

So all of Iraq's oil is cut off from the outside world. None of it is leaving and entering global commerce.

Ninety-seven to ninety-eight percent of Iraq's foreign earnings are absolutely shut off. Over 90 percent of her imports also.

We do not know if there is some smuggling in of spare parts; replacement parts, precursor chemicals that are needed to fuel the Iraqi economic machine and her war machine.

If there are such products being smuggled into Iraq, we can close that down, virtually 100 percent.

Mr. Speaker, we have had well over 100 cases of sanctions in the last half-century.

Mr. Speaker, when I was a young economist at the Board of Economic Warfare, my first job in 1942 for about 6 or 8 months before I went into the service, I had the bottom job in the professional ratings, P-1, $2,000 a year, and vastly overpaid at that. But it was a wonderful experience for a young man just out of college.

On the Board of Economic Warfare what were we doing? Well, we were buying up balsa wood over in Latin America, particularly in Ecuador, wherever we could find a stick, branch, tree, we bought it.

We were up to our kazoo in balsa wood. Not that we needed balsa wood; but the Germans were using balsa wood to make the airframes of their Messerschmitts, their fighters.

So we engaged in preemptive buying or preclusive buying in order to deny a vitally needed product to an enemy.

We did that successfully. Then our friends, the noble Swedes, they were selling very high quality steel ball bearings to the Nazi war machine.

We nogotiated with the Swedes. They were neutrals at the time. We asked them to cease and desist, and they did not respond to that. But they did allow as much that if we would buy their entire output of high-quality steel ball bearings and pay a significantly higher price than the Nazis were paying, they would sell us their entire output.

So, again, we were up to our kazoo in steel ball bearings. Our whole country was rolling around on the ball bearings that we bought, not because we needed them but because we wanted to deny them to the Nazi war machine.

So we are quite sophisticated and very experienced in this business of preemptive or preclusive buying. As time goes on, I want to assure my colleagues that we can get to those Kurdish traders who are carrying spare parts or replacement parts, the small trickle of them, into Iraq by muleback, by donkey, because we can outbid the Iraqis. It is all that simple.

Saddam Hussein is on his last legs as far as the viability of his economy and his foreign-exchange holdings are concerned.

So, my friends, I along with a lot of others, including seven out of the last eight last Secretaries of Defense, counseled patience, counseled patience, counseled patience in early January on the ground that we were going to gradually erode Iraq's war machine, erode Saddam Hussein's capability of intimidating and terrorizing his neighbors and threatening the peace of the Middle East region.

Now I hear President Bush telling us that he does not have much confidence that we can get the job done without a ground war, without invading on the ground.

Now I do not know what "getting the job done" really means. To me there is one job that far overshadows every other conceivable job, and that is: removing Saddam Hussein from being the 900-pound gorilla perched over the Middle East as a threatening, intimdating force terrorizing his neighbors and, as I say, threatening the peace of the entire Middle East region, being the latter day hero of the region, the Gamal Abdul Nasser of the 1990's.

I want to wipe him out. I want to remove him. That is the No. 1 goal, and we can do that, we can remove this man as a serious military threat to his neighbors and to the region if we stick with the incredibly accurate high-precision bombing that we have carried on for 2 weeks now, at very low cost of human life. If we continue the strategic bombing and continue the sanctions, we will have this man on his knees in a matter of months with very little loss of life. We will remove him as a threat to peace.

Now, if you say "getting the job done" means getting him out of Kuwait, I do not know if we can do that by bombing and by sanctions. Nobody knows that, of course.

But what I do know is that if we can remove him as a source of threat and destabilization and terror in the Middle East with very little loss of life, as we seem to be doing with the bombing, and if it takes an exponential increase not only in Iraqi deaths but in American deaths, in body bags coming back to this country, that is sad and an awful and tragic and horrifying prospect that we must face up to in a ground war, then I ask my colleagues, is it worth it? And what is the hurry? What in the world is the hurry? Why can't we show that patience, show that character and stick it out with the bombing and the sanctions to bring this monster to his knees without the horrors of a ground war that will produce tens of thousands of body bags?

We have been in four wars recently where we had to go on the ground: World War I, World War II, the Korean war, the Vietnam war.

Eighty percent of our casualties were on the ground in the infantry. They do not come from casualties of our airmen, not at all.

For us to engage now in a ground war before we give the President's policy the chance—that is, air bombardment cum sanctions—I think would be the height of folly. I hope Mr. Bush will finally show the wisdom and the judgment to counsel with these seven out of the last eight Secretaries of Defense and 2 recent Chairmen of the Joint Chiefs of Staff. General Jones and Admiral Crowe, nine wise men, the wise men who counseled patience, forbearance, sticking it out, hanging tough with a policy that may be high in cost but low in human life comparatively for the United States, rather than going to a policy that is far higher in cost, astronomically higher cost of life; namely, a land invasion.

I also think how a land invasion would complicate matters for a peace.

If the United States goes into a land war and wreaks even greater havoc than we are wreaking with a comparatively surgical air war, with far higher casualties on the ground in terms of Arab fatalities as well as American fatalities, think how that is going to embitter and poison the postwar atmosphere. Think of the hatreds, the viciousness, the aberrational Moslem fundamentalism that the horrors of a large-scale ground war is going to inflict in the postwar atmosphere.

It seems to me that when we unleash the forces of unreason, the forces of aberration, we make it difficult but not impossible for cooler heads to prevail. And it seems to me that the United States will lose its credibility.

As the proponent of this last savage act of ground war, we would lose our credibility to be a leader in bringing the postwar Arabian land and peoples to some kind of a peace, some kind of consensus.

□ 1920

One last word: There are two absolute essentials: First, if Saddam Hussein were willing to say, "All right; I give up. We put up a wonderful fight, the Iraqi troops. Now we'll get out of Kuwait. Let's sit down at the peace conference," there are two things that we cannot permit. One is Saddam Hussein's getting out of this thing with his skin intact and his military power intact simply at the cost of giving back Kuwait. He was in a 9-year war with Iran and, as a consequence of his desire to solve that war, all of a sudden he gave back all of the sacrifices that Iraq has gained, all of the benefits of the settlement with Iran, in order to be free of that war and to concentrate on the war with the United States and of course the war with Israel. So, we cannot permit him to escape the judgment of history, that he be removed as a tyrant, a mad tyrant, in the Middle East. He cannot get out saying, "OK; I'll move out of Kuwait."

The second thing that we must have is a consensus among the developed countries of the world that there must be an absolute embargo, and absolute prohibition on all the developed countries of the world, including some developed countries like China and others, and Brazil, against supplying weapons of lethal destruction to the mad, despotic tyrants who are in seats of power in the Third World, not only in the Middle East, but in Africa as well, across the length and breadth of Africa as well.

Mr. DELLUMS. If I might reclaim my time for a moment, I certainly want my colleague, the gentleman from New York [Mr. SCHEUER] to conclude his remarks. There are other Members that I want to try to recognize within the context of the time.

Mr. SCHEUER. May I have 1 minute?

Mr. DELLUMS. No problem. The gentleman from New York [Mr. SCHEUER] may take more than 1 minute. I just want to say that I would like to recognize a few other people.

Mr. SCHEUER. There are approximately 40 or 50 countries who are selling Iraq weapons of mass destruction, private companies in these countries, 86 companies in the Federal Republic of Germany, 18 companies in the United Kingdom, 18 companies in the United States of America, 17 companies in Austria, 16 companies in France, 12 companies in Italy, and down the line, including Belgium, Brazil, Switzerland, Egypt, France, Greece, Holland, India, Italy, Japan, Jersey, Monaco, Poland, Sweden, Spain; 207 firms that have sold lethal arms to Iraq. It is pure, unadulterated human greed.

Now it could be understood, having such a policy, why we were in cold war with the Soviet Union. While we were arming ourselves to the teeth against the Soviets and they were arming themselves to the teeth against us, it was almost understandable that each would want to sink the economies of scale, my colleagues, to sell or give away arms to developing countries. But now that we have solved our problem with the Soviet Union, it is absolutely a criminal offense against humanity for these greedy merchants of death to continue selling arms to Third World tyrants.

We must have an arms embargo. We must have a treaty, a binding treaty, preventing any developed country from selling these arms to a Third World country anywhere in the world.

The United States has the greatest market in the world. It is much sought after. We should deny access to our market, to our consumer market, to any country that does not prohibit its own nationals, its own business firms, from selling arms to the Third World.

Here we spent hundreds of billions of dollars a year arming ourselves against the Soviet Union. Now there seems to be a likelihood that we can vastly reduce that. So, because our own private firms and all of these countries in an excess of greed want to continue making profits selling arms, these merchants of death, to the Third World countries, now are in the process of spending more billions, perhaps a half a billion dollars a day to a billion dollars a day fighting Hussein who is armed by 18 American firms, and 18 British firms and 86 German firms. What kind of madness is it that we are encumbering our budget, we are underserving our own people—we have unmet needs in the field of education, in the field of housing, of the homeless, in the field of health service, in the field of infrastructure, in the field of environment? We are spending $500 million to $1 billion a day if we get into a ground war, all of which could have been prohibited.

So, No. 1 on our postwar agenda must be a binding arms denial treaty involving all of the countries of the world, or the developed countries, making it absolutely a heinous crime against humanity to continue arming Third World tyrants.

Mr. Speaker, I wish to express my thanks to the gentleman from California [Mr. DELLUMS], my colleague, for this opportunity to contribute to the debate which he has so nobly led.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman from New York [Mr. SCHEUER], thank him very much for his major contribution to these proceedings, and at this time I yield to my distinguished colleague, the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman from California [Mr. DELLUMS] for yielding. I thank him for taking this special order and for his leadership on this issue. I commend the gentleman from New York [Mr. SCHEUER] for his very eloquent remarks. I think he made a very good statement about what our goal should be and a good review of what brought us to where we are today, and I wish to associate myself with his remarks.

Mr. Speaker, I rise today to support the idea of those who advanced opposition to the escalation of the war. I do so for two reasons, an idealistic reason and a practical reason.

Idealistically, of course, I want to join with all of my colleagues in urging that we limit the amount of loss of life involved in this war. We think there is a better way to solve our problems than going to war, but we had that debate. The use of force prevailed. We are at war, and the best we can hope for now is that we minimize the loss of life on both sides.

But I have a practical reason, rather than just idealistic reason, for advocating that because I believe that it is in furtherance of one of the stated goals of the administration, of the President, in this conflict, and that is that we are there, among other things, for other reasons. Among them is securing and insuring the stability of the region.

I believe, as we approach the next phase of this war, if we wish to have as our goal insuring the stability of the region, we must act in furtherance of that goal. We can take our lead from the church which has advocated a policy of proportionality and discrimination. In that proportionality we mean that the gain must be worth the risk. We must not squander the courage of our fighting forces in the Persian Gulf by having them risk their lives out of proportion to the gain hoped to be achieved, and discrimination says that we should not be indiscriminate in how we bomb Iraq and, indeed, Kuwait, that the collateral damage, the loss of civilian lives, is not in furtherance of our stated goal of insuring the stability of the region.

So, for practical reasons, as well as idealistic reasons, I believe that it is very important that the gentleman from California [Mr. DELLUMS] has taken this special order.

Another point I want to make about escalation is that I am very concerned, not only about the escalation of the war, but the escalation of our goals.

☐ 1930

Originally our goal was to defend Saudi Arabia. We sent a defensive force there. Then that was escalated right after the election to an offensive goal to free Kuwait, and then to take out the weapons production. The ante kept getting higher and higher.

I was pleased to hear the Secretary of Defense say over and over again that as soon as Hussein was out of Kuwait the war would be over. However, I am concerned when I hear the President say that, well, there is that question of reparations and the restoration of the emir, and I am just very concerned about the escalation of the goals in this war.

The U.N. resolution addresses the issue of freeing Kuwait. It does not mention taking out nonconventional weapons production, but that was one of our goals. Perhaps a case could be made that if we were going to war with Iraq, it was necessary to do that. But that has been accomplished. It was accomplished even before the freeing of Kuwait.

I am concerned, as the gentleman from New York [Mr. SCHEUER] pointed out and as other speakers have said this evening, that we simply have not kept ahead of the game in the course of world events. There are certain steps that were taken that brought us to this conflict which were predictable. That which is possible we have to be concerned about avoiding; that which is predictable we have to feel some sense of responsiblity for avoiding. It was predictable when the arms race in the Third World escalated and the proliferation of nuclear and nonconventional weapons escalated, and none of us has clean hands in this. We and our allies sold the factors of production and the means to produce these weapons to Iraq. We have heard other speakers before this evening going on about Hussein's violations of the human rights of his own people and his naked aggression, as the President called it, in Kuwait. And I agree with him. But we could have avoided this, and I hope that in the future we will. I hope, as the gentleman from New York [Mr. SCHEUER] mentioned, that as soon as this is over we will call for some nuclear disarmament, some arms embargo, and take whatever steps are necessary so that we do not have to go to war for something that was predictable.

In addition to that, we can use an improvement in the diplomatic measures that were taken, and we must put a heavier focus on diplomacy in our foreign policy rather than deterrence and mobilization.

And sad to say, the President's budget came out on Monday and there was no formula in there for an energy policy which could have kept us out of war when we are so dependent on foreign oil. I still will never get over the fact that we are in Kuwait fighting and risking American lives to stablize the price of oil so that the economies of our economic competitors can rely on a low cost of oil, and we are borrowing the money from those same economic competitors to do it. I am concerned that we have not received the money that the President has said we would receive from our allies. We talk about the $30 billion and $40 billion that will be coming in. The fact is that we are lucky if we have $6 billion. When it comes to their economic participation, it is a question of "the check is in the mail."

I would like to make one suggestion to this body. It really is just in the form of a resolution that we are going to be presenting to the California Democratic Party State Convention, but I think that it captures some of the spirit that may be useful in this body as well. This is a proposed resolution for the convention, and it reads as follows:

> Whereas the Gulf War has illustrated that durable peace will not come to the Middle East until the myriad conflicts in the region—including those between Iraq and Kuwait, Iraq and Saudi Arabia, Syria and Lebanon, the Arab States and Israel, and the Palestinians and Israel—are addressed.
>
> Whereas the recent unprovoked Iraqi missile attacks on Israel's populations centers have demonstrated that the threat to Israel's security posed by the continued state of war by 21 Arab states is real and compelling;
>
> Whereas in the aftermath of the Gulf War, it is imperative that efforts be undertaken to discourage the forces of extremism which serve to destabilize the region; and that efforts be undertaken to encourage and strengthen voices of moderation in the region who seek peaceful solutions and democratic forms of government;
>
> Whereas the only successful, lasting peace treaty in the history of the region has been the 1979 Peace Treaty between Israel and Egypt, the Camp David Accords negotiated by President Carter, which came about as the result of party-to-party, bilateral talks between the two countries and saw Israel give-up the entire Sinai in exchange for peace;
>
> Be it resolved that the United States government work toward direct party-to-party, bilateral talks to achieve peaceful resolutions to the Arab/Arab, Arab/Israeli, Palestinian/Israeli conflicts.

Be it further resolved that we encourage efforts aimed at social and political democratization in the Arab world.

Mr. Speaker, in the course of our debate on whether we should use force or not, I think the debate was marked by a genuine respect for the opinions of our colleagues on both sides of the issue. I had hoped that would serve as a model for our constituents across the country as they expressed their views on the issue, and for the most part, it has.

I am very pleased that in my district there is some division on the issue, and we have had some large demonstrations in the streets of San Francisco. They have been 99.44 percent peaceful demonstrations. There has been a little bit of hooliganism, but no one who was there advocating a peaceful resolution was there advocating it in a forceful way. Some on the periphery of the demonstrations may have had some publicity from their involvement, but for the most part, tens of thousands of people showed up week in and week out to say that they were pro-peace, that they supported the troops, and that they were anti-Hussein. Our opposition to the use of force in the gulf did not mean that we were not anti-Hussein.

I want to say that I really regret that as I was reading my resolution, the gentleman from California [Mr. DORNAN] was not in the room, but perhaps he is within the sound of my voice. I say that because I wanted him to hear me say that on behalf of my constituents, many of whom disagree on this issue, that I take offense at the remarks that he made earlier when he characterized people who were demonstrating in the streets as sympathetic to Hussein or anticapitalist. He does not know those people. He does not know how much they love America or how much they care about our country or how much they support the troops, how much they first and foremost would be against somebody like Hussein who violated the human rights of his own people, somebody like Hussein who marched into Kuwait and drew himself outside the circle of civilized human behavior, somebody like Hussein who would send missiles to kill innocent civilians in Israel. His activities are abhorrent. We all abhor them.

That has nothing to do with whether we agree on the method of dealing with him. It was agreed that he needed to be stopped. We were only discussing the means. I had hoped in the course of my closing remarks here that the gentleman from California [Mr. DORNAN] would have returned to the Chamber so that he could have had an opportunity to respond to me, but since he has not, I will say that I believe that the gentleman from California—and I use the term in the strictest sense of the protocol of this House—owes an apology or an explanation to my constituents, because I think he has departed from the decorum of this body by misrepresenting and mischaracterizing the motivations of patriotic, freedom-loving Americans who came to the streets to demonstrate, as our Constitution guarantees, their love of their country, their support of our troops, and their disagreement with the use of force.

Mr. DELLUMS. Mr. Speaker, I thank the gentlewoman from California [Ms. PELOSI] for a very powerful and very thoughtful contribution to these proceedings.

Mr. Speaker, in the few remaining moments I have I would like to frame my remarks within the same context that my distinguished colleague, the gentlewoman from California [Ms. PELOSI] framed her remarks. She pointed out that we had the debate as to whether we should not give the President authority to use force in the context of our activities in the Persian Gulf. The gentlewoman is absolutely correct, we had the debate. In that debate some of us stood up and said that there is indeed an alternative to the use of force and war as a way of solving international disputes. There is a political solution, using diplomatic efforts, functioning within the context of peace, having the audacity to think beyond the violence and the pain and the agony that is the reality of war.

☐ 1940

Some said in this particular situation that war in the Persian Gulf is not necessary. But we had the debate. Congress acted, and we are now at war with Iraq in the Persian Gulf. But I want to add parenthetically, to just focus for a moment, the fact that the vote was 250 voting in favor of providing the President with the opportunity to use force, and 183 Members voted no.

Some of the 183 Members, as I said, thought that peace was an appropriate approach. Some said that war was not necessary. Some said let sanctions work. There were a variety of opinions.

The difference between 250 and 183, I would say to the Speaker, is 67 votes, which means that if 34 Members of Congress had changed their vote from aye to nay, this discussion would be taking place in a very different context.

Now, I do not know about you or others, Madam Speaker, but I took the time to look into the CONGRESSIONAL RECORD, to review the remarks of my colleagues in a debate that has been characterized as eloquent and high powered.

One will come to an interesting observation, that more than 34 Members of the House of Representatives in the context of that debate said in their remarks, "I am not voting to go to war. I am not voting for war. I am voting to stand with my President and/or I believe this is the last opportunity to seek peace."

This means on the one hand that they felt compelled to stand with the President on political grounds, to close ranks, as it were, and/or that they bought into the strategy of brinksmanship, which is a high-stakes gamble. That is, if you say get out by a date certain, and if they do not get out, you have lost the high-stakes gamble, and suddenly several hundred thousand troops are in harm's way, as we presently are.

We are at war. Earlier today a young man approached me and he said, "There were many of you who raised your voices in opposition to the use of force in the Persian Gulf, in opposition to the war. What do you do now?"

I said to the young man, become a vital and active part of the educative, adjudicative, educative process; to try to educate the American people in some humble desire to affect public opinions.

Most elected representatives would rather follow the consensus, because in the context of controversy it is risky to attempt to mold a consensus. But I believe that it is on the one hand a courageous act to attempt to mold a consensus in an atmosphere of controversy, and the highest responsibility of a public official is to actively engage in educating the American people.

That is what we are attempting to do in these series of special orders this evening, to get American people to focus on the implications of not only what we are doing, but what we are about to do.

Madam Speaker, most of us believe in our heart of hearts that we are within a few days, to perhaps a few weeks, from escalating this war to a much higher level of intensity, person to person, rifle to rifle, tank to tank. A major, major escalation.

Many of us in this body believe that the price that will be paid for that escalation will be absolutely mindboggling, staggering in dimension. Because escalation could possibly include the use of weapons of mass destruction, even nuclear weapons, chemical weapons, biological weapons, major activity resulting in catastrophic death.

There are many of us here who do not believe that that in any way, that we should not escalate in a massive fashion, to send thousands of young people in harm's way, when it is not absolutely necessary, staggering this gentleman's imagination. We, as public officials, have the responsibility to stand up and say America, pause for a moment. Consider what we are about to enter, this dark, incredible phase of an escalated war, that could send thousands of our young people to die in the Persian Gulf, to say nothing of the thousands of non-Americans that will also die, and probably have already died, in the Persian Gulf. We have no knowledge of that, because in one sense we are looking at war as if it were a Nintendo game. We have not seen the stench, the pain, the bleeding, the dying, the broken bodies and spirits that are the reality of war.

War is ugly. War is gruesome. I was shocked today when I read an article in the newspaper where American psychologists are worrying about the children of this country, believing that many of them are becoming conditioned to think that we are bombing cardboard cities; that there is no pain, there is no death, there is no misery.

It frightens me to think about how we are potentially conditioning our young people for what all of us in these Chambers know is awesome and ugly, and that is the reality of war. And escalation is only going to multiply that by an enormous factor.

So when we say we should not escalate, we are not attempting here to be generals, to say do this kind of war as opposed to that kind of war. What we are saying is that we have looked into the future, to the best of our ability, not as generals, but as policymakers, and we are saying to ourselves and to the American people this is an awesome price, one that I do not think we really want to pay, particularly when it is not necessary.

People on the other side said sanctions alone will not work. Well, these are not sanctions alone any more. This is sanctions plus awesome destruction. Even our military has said we are 95 percent effective here. We have knocked out nuclear and chemical and biological productive capability. We have destroyed *x* percent of the economy. We have knocked out the infrastructure. We have cut off supply lines.

So sanctions are no longer sitting there alone. Sanctions now are coupled with massive destruction. Heaven only knows how many people have died. We call it collateral damage. When people die, we do not say killed in action, because that is gruesome. We call it KIA. We use ephemisms for gore and pain, which is the reality of war.

We do not think that that is a price that has to be paid as policymakers. It is not necessary now. Why can we not pause and try to find a diplomatic way that precludes loss of life, incredible danger, and destruction to our environment, megabillions of dollars that will harm our priorities for years into the future, to say nothing of the terror that is potentially going to be unleashed around the world and even in this country. All of these things, instability in the region, are enormous prices that we are about to pay.

So there are some of us Members who said before we get out of here, we have a responsibility to try to focus in. This may not be the great effort that could stop the war, as many of us would like to believe, would like to hope that we could engage in. But this in one sense is almost a frustrating act on our part, to say America, we are on the verge of great destruction, and we are on the verge of paying an enormous price that we do not necessarily have to pay.

Let us not escalate this war. Let us continue to find some political and diplomatic solution.

Madam Speaker, just one final comment, a comment that I made in an earlier set of remarks when the gentleman from New York had a special order.

I have been in the Congress for 20 years, 18 of those years on the Committee on Armed Services. I know of our enormous capacity to destroy, our highly technical capability to destroy.

What American people now have the opportunity to see is in the future, because we are looking on the verge of what war in the future will be like. And it is frightening and it is dangerous.

□ 1950

I do not think that we ought to become enamored of all of this high-tech capability. We ought to become frightened of it, because tomorrow we could face it unless we have the audacity now to assert our responsibility, to assume the leadership, to think beyond war as an instrument for solution.

What would it be like if we engaged an adversary that had the same technological capacity to destroy us as we have to destroy them? Suppose, Madam Speaker, we engaged an opponent that met us cruise missile for cruise missile, smart bomb for smart bomb, B-52 for B-52. Then where would we be? If we were not watching on television to see Tel-Aviv, Jerusalem, and Baghdad, feeling the incredible pain of all of these incredible weapons, and it was our Nation—suppose the targets were Andrews Air Force Base—Madam Speaker, and someone casually said on some other television show that, well, that was a military target, collateral damage, and we know thousands of people live on that base. We know that thousands of people live nearby. What will war be like in the future?

Can we continue to wage war without paying an enormous price of the destruction of millions of human lives, devastation to our environment, total disruption to our economy and great impact upon our priorities? All of these things are real. I do not think we do.

I continue to raise my voice, Madam Speaker, as a voice of peace. We lost that battle several days ago, but we are now in a situation where we are on the verge of escalation, and we stand up once again to say let us pause. It is not just sanctions alone, even if you accept the other side's arguments now. They have joined several issues. This thing collapses from its own weight. Why not give it a chance? Why send troops in harm's way to pay this enormous price?

Madam Speaker, I thank you for your generosity and I thank my colleagues for the opportunity to speak. We are simply once again trying to raise the flag of alarm and concern, and my hope is that the powers that have the capacity to make the decision over the next several days that could potentially lead us to escalation, that wisdom will visit them, compassion will visit them, understanding will visit them, and we will back away from the brink of what I perceive to be awesome capability to destroy life.

ESCALATING THE WAR IN THE PERSIAN GULF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOGLIETTA], is recognized for 60 minutes.

Mr. FOGLIETTA. Madam Speaker, first, let me compliment those Members who have joined this evening in attempting to convince those who have the power to make the decisions in this Nation that it is time to sit back and contemplate the consequences of the decisions that we are going to make in the next few days or few weeks. I want to compliment most especially my colleague who preceded me, the gentleman from California [Mr. DELLUMS], for his articulateness, for his compassion, for his feeling for his fellow human beings, and for leading this discussion for peace, for humanity, and for the salvation of many lives.

Madam Speaker, for 3 weeks we in Congress have stood by as our brave young men and women have put their lives on the line in the Persian Gulf. We have watched CNN, we have read the newspaper reports, we have listened to the briefings.

We have seen the tone of the reports shift from umbridled enthusiasm to cautious optimism and concern.

We have seen encouraging reports of the air war. United States and coalition pilots have flown 47,000 sorties.

General Schwarzkopf has said that we now control the skies, that we have destroyed Iraq's chemical, biological, and nuclear production capabilities, that we have cut off almost all of the Iraqi Army supply lines.

By all accounts, we are winning the air war.

Why then, are we are preparing for a brutal, bloody, and unmerciful ground war?

Make no mistake about it, I believe a ground war may take place within a matter of days.

I fear that to many people, this war seems bloodless.

We have been shielded from the death, destruction, and havoc raining across Iraq and Kuwait. But that will change with the ground war.

By the time we come back to Washington following our district work period, things may be very different. We could see thousands of American casualties.

Remember, Saddam Hussein lost 1 million men and women in his 8-year war with Iraq. And he didn't flinch.

Remember, although we may have destroyed his chemical weapons production capabilities, Saddam Hussein still has 2,000 pounds of chemical agents in the field. And he is ready to use these on American and coalition soldiers.

Remember, Saddam Hussein has over 5,000 main battle tanks, including many Soviet T-72 tanks.

Remember, Saddam Hussein's Republican Guard appears to be virtually unharmed from the bombing.

By the time we reconvene, Americans may be returning in body bags by the hundreds. I don't want to see that happen. And I don't think the American people want to see that happen.

According to a poll by the Vietnam Veterans of America and Operation Real Security, public support for this war declines drastically when it means losing thousands of lives. In fact, both Pentagon and independent analysts estimate that a ground war could kill 30,000 to 40,000 Americans. And that doesn't even consider the deaths of our coalition partners and the Iraqis. I ask: Is this necessary?

Aren't there other options available to us?

The President seems to believe that there are no other options.

He has flatly ruled out diplomacy and communication.

I disagree. Don't we owe it to those men and women—our troops—in Saudi Arabia to try to prevent this ground war? Don't you believe that those 10 or 40 or 50 thousand young men and women deserve more? Deserve more time, more consideration, more flexibility?

I do. And I think the American people agree with me. According to a recent poll, almost two-thirds of the American people believe that diplomatic efforts should be made to get Iraq out of Kuwait.

□ 2000

Nearly four out of five Americans choose options other than a ground war.

What is wrong with exploring the diplomatic options? During the Vietnam war, negotiations continued while American bombs rained down on the Vietnamese countryside.

Diplomacy can and should begin immediately. We support our troops. We support our troops wholeheartedly. We stand by them and pray for their safe arrival home. An escalation into a ground war will not achieve that end, and it could be a catastrophe.

I also do not believe we can start a ground war when American objectives have still not been clearly defined.

Is our objective to force Iraq to completely withdraw from Kuwait?

Is our objective, as was discussed in the joint statement released last week by Secretary Baker and the Soviet Foreign Minister, an Iraqi commitment to withdraw from Kuwait?

Is our objective the total destruction of Iraq?

Or is our objective the removal of Saddam Hussein?

What will happen when our soldiers reach the Iraqi/Kuwaiti border? Will they stand in defensive positions? Or will they continue on to Baghdad?

These questions must be answered. Our strategy and our goals must be defined.

The lives of our soldiers are too important to risk with such undefined goals. I hope and I pray that our soldiers are not forced to fight and suffer the consequences and the casualties of an unnecessary ground war.

Mr. OWENS of New York. Mr. Speaker, will the gentleman yield?

Mr. FOGLIETTA. I am happy to yield to the gentleman from New York.

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I spoke earlier, and I would like to just take a few minutes to complete certain points that I was attempting to make that were not finished.

Before I do that, I do not want to repeat that we are here because we think that the escalation of the violence is another giant step into the abyss. To move from the present state of military action which involves mostly air power into a ground war is an escalation which will risk many more lives than are at risk at this point, and that is the essential question in this war. Do we have to expend thousands of human lives to accomplish the objective we want to accomplish? That is the essential question.

The question of morality: Is it moral to ever expend human lives except for the highest purpose? Our cause is just. I agree that Saddam Hussein is a maniac. I agree that Saddam Hussein is the real cause of the war. He started it. We led him to believe that he could do it, but, nevertheless, Saddam Hussein started the war. Saddam Hussein has the wrong objectives. I think Saddam Hussein is in love with the idea of martyrdom and suicide, and Saddam Hussein has to be stopped.

I agree that no nation should be allowed to use its military might unchecked against a smaller nation. I agree that the new world order, if it is going to contain a guarantee that large nations, superpowers, are no longer going to be allowed to attack smaller nations without some action being taken by the rest of the civilized world, it is an important step forward. I agree with these objectives. They are good objectives.

My problem is that these objectives and all the other articulated objectives, worthwhile objectives, could be realized without the resort to violence on a massive scale. Massive killing is unnecessary. Massive commitment of the lives of young men and women who are dedicated, who are loyal, who are ready to do their duty is unnecessary.

The fact that sanctions were in force in an unprecedented manner, that all of the nations of the world had come together and decided to cut off Iraq's one cash crop, the oil crop, the one way that they were able to build their empire, military empire, the fact that the infrastructure of Iraq does not produce very much on its own; it buys most of its parts and most of its raw materials from the outside, the fact that Iraq has had to buy most of its technical knowhow from the Western countries including our own, all of these facts combined led me to conclude, and many others, that a continuation of sanctions would have accomplished the purposes that we wanted to accomplish.

We did not continue the sanctions. We have started an air war. By our own facts, if we accept our own facts, produced by our own leaders, it is a highly successful war. We are succeeding. If we are succeeding, if we have destroyed the capacity of the enemy to make war to a great degree, if we have destroyed the communications network, if we have destroyed most of the bridges in Iraq, if we have destroyed their capacity to make additional biological weapons or chemical weapons, if we have proceeded in a manner in which this enemy is on the verge of collapse, then why not wait a little longer before we move to another level and risk large numbers of lives unnecessarily? Why not have more reverence for human life?

I said before that one of my concerns with this war, not my primary concern, and my primary concern is that this is a war for a just cause, but it is a war which involves unnecessary risk of human lives, unnecessary killing, killing of the so-called enemy, unnecessary killing of our own troops, unnecessary risking of our own lives, and that is the primary cost. The objective could be achieved without going to the military option. The objective could be achieved without massive terror, massive violence. My primary concern is that.

But ancillary concerns are very important also. The fact that on the front lines in the Middle East, an overwhelming number of the soldiers there are men and women who are of African-American descent. At least 30 percent are of African-American descent in a situation where African Americans comprise only about 12 percent of the total population. The fact that they are there is of great concern.

There are people who argue that they are there because they volunteered. This a Volunteer Army, and that they have no cause for complaint. As I said before, it is very important that we understand that those people who are there are there because they had no options.

If we had a situation where, in their decisionmaking process, they had options, that they could go to college and would have their college education financed without having to go to a military academy, without having to join the ROTC, then the officers who are there in large numbers who are African-American would have no complaint. They have no complaints. I am concerned about the overwhelming preponderance and the large percentage who are African-Americans. My constituency are concerned. Mothers and fathers who encouraged their youngsters to go into the armed services are concerned about having urged their youngsters to make that decision, and now they are in danger of losing their lives in this war, mothers and fathers who have said to their young people:

> The only way you can go to college and the only way you are going to be able to achieve your goals in life is to take advantage of this set of benefits that are offered by the military.

They are quite concerned.

You know, if they had been given an option, then we would have no complaint. But they have no option. They have no option, because they could not say:

> If I do not go the military route, I will have my college education paid for. I will have my tuition paid. I will have my books paid for.

The benefits that are offered by the ROTC are quite considerable. The benefits that are offered certainly by the military academies are considerable.

We do not have an option, a peace service corps, patriots-for-peace service, as an alternative to the military. We do not offer full tuition, books paid, stipends, summer jobs. We do not offer all of that to people who are going to study for some kind of occupation which might be very much important for the national security or important in the improvement of our Government or important in the improvement of our society as a whole. Just teachers we need in large numbers. We do not offer those kinds of alternatives and those kinds of opportunities. If those opportunities were offered, then we could say that they had a true choice.

☐ 2010

These are people that understand no choice. The rampant discrimination and prejudice in private industry closed the door to many of them, and we had a situation where just this past session we had a civil rights bill which was seeking to correct some of the discrimination and the effects of prejudice on our work force, shutting out young people from opportunities. That was vetoed by the President. The President vetoed and said it looked too much like a quota bill.

Quotas can work two ways. We have a very sick kind of quota in motion when 30 percent or more of the soldiers on the front line in the Middle East are African-American while those same people are only 12 percent of our population. If we are worried about quotas and balancing things out, we should have a balance out there. We should have a balance in terms of classes. We should have a balance in terms of college graduates. If we are always worried about balance, here is an opportunity to execute that. The fact that they have no opportunity is a fact that stands out and should be corrected. We should make certain that in the future the poor and the minorities always have a choice.

Next week, as soon as we return from recess, I intend to introduce legislation which will provide a choice for young people who want to serve their government. I want to introduce legislation which I called Patriots of Peace Service, where the same kinds of opportunities offered by the ROTC's and the military academies will be offered to young people who want to go to work in some area that the Government may select in the future. I would like to parallel what happens with the training of young officers, the training of our military leadership follows a certain course. The training of our military leadership is the best that we can offer. We give them stipends. We give them paid tuition. We give them summer employment. We do everything possible. I would like to see an equal number of civilians trained who would later do exactly what the military leadership are required to do, serve somewhere in accordance with the Government assignment for 5 years, or 7 years, or whatever is required of the West Point graduate, should be required of a young person who wants to serve his government or serve his society in some military option. However, they should have the opportunity to choose. They should choose on an equal basis. The same benefits should be offered, and the same requirements, the same obligations should be there. Then we could say that we have a volunteer army that is made up of people who did truly have choices, and they are there because they wanted to be there and made that choice.

The other point that I would like to make is that the cost of this war will go on and on for years after it is over. The costs of this war are great indeed. We want to be a first-class nation. The United States wants to continue to lead the world as a super power in every sense. The President has even articulated certain goals for education by the year 2000 which will prepare the United States to provide that kind of leadership. I am all in favor of a Nation that wants to be first in math and science by the year 2000. I am also all in favor of a Nation that wants to have a 90 percent graduate rate by the year 2000. I am all in favor of going forward to provide leadership in the area of commerical development, industrial development. We can compete. We can continue to be a great Nation.

The future of the Nation really lies in the ability of the Nation to educate its people. An educated populace is the key to future world greatness. Nations will be measured by their ability to commit brain power to various kinds of tasks in the future. This will not happen if we are digging deeper and deeper into the morass we face in this war. The costs will be so great until there will be no funds, and no resources left to deal with education. There will be no funds or resources to deal with the numerous problems we have of joblessness and homelessness, et cetera.

Let me give Members an example of what some of these costs look like in credit terms. I will take just a few minutes and conclude. The cost of the war to the taxpayer of the United States will far exceed the conservative estimates that have been made. Even the conservative estimates are high. The President's own figure is $30 billion. $30 billion will be the cost of this war to this Nation; and that $30 billion is equal to the total amount that the President has requested for education in the budget this year. He has arrived at $30 billion because they expect other Nations to pay some part of the costs, but to this Nation the most conservative estimate is the President's estimate. It will only cost $30 billion this budget year. In this budget, the President only budgeted the same amount, $30 billion, for Federal aid to education. That is higher education. That is Head Start. That is Chapter 1. Every aspect of education aided by the Federal Government, when we add them all together, it is $30 billion. That same $30 billion is 2.5 times the budget for the Children's Health Care in Medicaid. It is more than 1.5 times the entire budget for all of our child nutrition progams. The President has been held in his increases in the WIC program, Women, Infants and Children's Program, and in the Head Start Programs. He has been boasting about the fact he has given increases, but the so-called increases are actually a mere $200 million for the Women, Infants and Children Program, the WIC program, and $400 million for Head Start. Very small amounts.

If we put it another way, what we could buy in terms of programs and services for the American people, if we want to use this $30 billion estimate of the President here at home, if we want to take that $30 billion, we could use it to fully fund all of the chapter 1 eligible children. There are 8.5 million children who are eligible for chapter 1 remedial education progams in the schools. If we funded it and covered all of the eligible children, it would cost the United States $2.3 billion. Only $2.3 billion. At this point, we are covering less than 30 percent of the children who are eligible for chapter 1 programs. If we fully fund the Education of the Handicapped Act, and that is, we require that States and localities pay part of that cost, we are supposed to pay 40 percent of the costs for all the eligible children under the Education of the Handicapped Act, it would only cost the United States $6.5 billion to fully cover every eligible child. If we fully funded Head Start, and Head Start if it were fully funded would serve 2.8 million, that is the number who are eligible. At this point, after more than 25 years of Head Start, we are serving less than 30 percent of the eligible children. But that would cost the United States $6.3 billion if we fully funded it. If we fully funded the Pell grants for a maximum of $2,900 for every high school graduate who qualified, that would be $.6 billion. If we fully funded health care, extended Medicaid coverage, to all persons who are below the poverty line, that is about 11 million persons, a full funding would cost the United States $9 billion. If we extended Medicaid coverage to all pregnant woman and children under 8, with incomes less than 200 percent of poverty, it would cost $1 billion. If we provided WIC, nutrition, supplements, Women, Infant and Children Program supplements to all the pregnant women, infants, and children who are eligible, it would cost the United States $1.9 billion. If we fully funded the senior citizens SSI benefits so that no senior citizen has less than a poverty level income, the current benefits are about 77 percent of poverty, then that would cost the United States $2.5 billion. We could do all of those things if we did not squander this $30 billion on an unnecessary war.

The morality of the issue expands on and on, millions of hungry children in this Nation and millions of hungry children across the world, the needs that are not being met by people who deserve to have a better life and could have a better life if we had less war. All of those things are part of the morality of this decisionmaking. So we are here for one plea before the escalation begins. While Congress is on recess, most Members anticipate there will be an escalation of war. It will go into a ground war and cost millions of more dollars, but more important than dollars will be the cost of thousands of lives. We are here to make that plea for human life, human life that is sacred. We are here to provide moral leadership, moral leadership that is much needed at this point. We do not want to wait until we start counting the body bags. We do not want to wait until people wake up and the grief has touched them in an individual way.

□ 2020

Our job is to provide leadership, and our leadership tells us that now is the point to pause. Now is the point to consider the high cost of what we are doing and now is the point to slow down. Instead of escalating to a ground war, we should pause and thoroughly look at what we have accomplished so far and where we are going.

Our cause is just, but the question is, when all the dying is ended what kind of agreement will be reached? What kind of settlement is going to be reached? Could we not reach that agreement and that settlement right now at this point? Could we not stabilize the Middle East, guarantee the security of Israel, liberate Kuwait and all of the stated articulated objectives for this action, could they not be achieved without massive killing? I think they can be, and I join my colleagues to urge that we do not escalate this war any further. Do not go to a ground war. Let us stop at this point.

Mr. FOGLIETTA. Mr. Speaker, I thank the gentleman for his contribution.

Mr. Speaker, at this point I rise to reiterate the position stated so eloquently by my colleagues who have joined in this debate over the last 3½ hours; namely, that we, No. 1 and most importantly, support our men and women, our troops who are in the Persian Gulf. We support them to the extent that we want to limit the number of casualties, the number of wounded, the number of maimed, the number of killed in that area.

We all realize that we do have strategic objectives for the security of this Nation. Some of us may differ as to what those objectives may be.

Our President has not clearly defined some of those objectives, so many in this Nation are puzzled as to what we are trying to accomplish; but whatever our objectives and whatever our differences may be, we are united in one objective, and that is to save as many American lives, to save as many American casualties, to save as many lives and casualties among other peoples of the world as we possibly can. That is our plea this evening. That is the plea of the group who came before us this evening to say to the administration, to say to the American people that we support our troops. We support our troops to the extent that we do not want to escalate this war. We do not want to escalate this war into a war which will cause the deaths of literally tens of thousands of American soldiers.

I thank and I compliment my colleagues for what they have done this evening, the courage that they have shown in expressing their beliefs, the courage they have shown in letting the administration and the people of this nation know where they stand on this so very vital issue.

And most importantly, I want to compliment a person who is articulate beyond any person's expectations in this body, a person who is sincere, a person who is emotional to the point almost of tears when he talks about wanting to save the lives of people throughout the world, the leader of this coalition, the gentleman from California [Mr. DELLUMS]. It is a privilege and an honor to serve with him. I believe that he will be shown to be a person who is talking for the future of the world and the future of civilization when he says that the legacy that we must leave our children and our children's children is a world where disputes between nations and among nations no longer must be settled by mass murder, by suffering, by killing, but a future where disputes between nations can be settled by reasonable people sitting, talking and coming to peaceful solutions. I salute the gentleman from California.

THE COSTS OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington [Mrs. UNSOELD] is recognized for 60 minutes.

Mrs. UNSOELD. Mr. Speaker, I appreciate being here this evening so that we who feel so keenly that now is not the time for this altercation in the Persian Gulf to be expanded into a ground war, and I would like to speak on this issue now.

There are some costs of this war that I believe ought to be considered in addition to the normal ones. There is the cost of the war, and we do not know what that is going to be yet. We hope that through burdensharing that our allies are going to pick up more of those costs so that our taxpayers, our citizens, will not be burdened with that in addition to the loss of life.

In our investments that this country makes for our future, there are some costs that are being paid for the military buildup that has taken place in recent years. We are all proud of what the Patriot and the Tomahawk missiles have been able to demonstrate in the way of technology, but since America began developing that stunningly effective ultra-high technology, America's hold on the global consumer electronics production has shrunk from 70 percent to just 5 percent of world markets, and that is our future.

I am afraid that we may see that we lost our focus and that we at this time are expending and are not investing in our future ability to be able to compete in the global markets at the same time that our allies in this war are not having to put up the kind of resources and personnel that we are and that they, Mr. Speaker, are beating us in the global marketplace.

There is another aspect of this that as we engage in a shooting war with

Iraq, it is time for this House and this country to stand united behind our troops and to stand united in our determination to show them our respect, our gratitude, and our love, because what they are doing without question for the most part, what they are doing for this country goes far beyond what most of us in our lifetimes will be called upon to give or to serve. In standing behind our troops, I believe we have a responsibility to do everything in our power to minimize the casualties in this tragic war.

Recently I joined many of my colleagues in asking that President Bush exhaust every option for peace before turning to war, and I join many of my colleagues tonight in expressing deep concerns about thrusting our troops into what could become a drawn-out ground war.

A few months ago when Congress left town to face the 1990 elections, our defensive posture against Saddam Hussein suddenly became an offensive posture. As Congress prepares to leave town now to go back and talk to our constituents in our home districts, I would hope we do not return to find that an air campaign has turned into a costly ground campaign.

Surely before we thrust the men and women of this country into a ground offensive, we have got to question the ends that would be achieved by these costly means.

The commander of our allied forces has stood before the American people and declared that we have established air superiority over Iraq.

□ 2030

We have destroyed Iraq's nuclear, biological, and chemical making capability. We have cut into the very heart of Iraq's military might. So is there any need to rush into a ground war that could end thousands of young American lives?

If we are truly committed to forming a new world order, I believe we have got to set an example by resolving conflicts through peaceful means, not violent means.

I would like to describe, Mr. Speaker, what took place about a week ago in a school in Los Angeles, a very special school.

A lot of individual attention is given to the students, and they do a lot of thinking about topics way beyond what we generally think children are considering.

These students, I believe ages 10 to about 14, took on a mock debate, taking the side of Saddam Hussein and the side of our President. They compared what was going on in the Persian Gulf with life as they saw it in ghetto streets and gang wars.

One of them, a 13-year-old, Muhammed Lugman, said, "I think Saddam Hussein is like one of the gangs. He wants more territory. He wants more land." But the students said, "Bush is like another gang, he wants to keep his territory."

These students, five on each side, debated back and forth, and they finally concluded, and one 13-year-old said, "Do you want a man like Saddam Hussein with nuclear power?" he asked sarcastically. "He is crazy, we should stop him, or he will become another Hitler."

Later the teacher called up some unrehearsed roleplaying, and called upon one set of youngsters to play Hussein, Bush, and their cabinet members, and another set to play the Bloods and Cripps.

The Hussein/Bush encounter ended with Bush stalking away, vowing to wage war. The Bloods/Cripps exchange quickly deteriorated into a mock fistfight.

A 14-year-old said, "I have got a lot of gang-banger friends," he explained afterward, "and with them there is rarely negotiation over disputed territory. It is all or nothing."

Another student volunteered that gang members "already got their minds set on fighting."

The teacher then asked how many students thought the same was true of Hussein and Bush? And every hand in the classroom went up.

Mr. Speaker, what are our children learning from the example and the actions of the adults, their role models, in 1991? This war is particularly hard on children. Children are learning more about war than they have probably ever learned at any other time in history, because television so immediately brings it into their consciousness.

Children are faced with the dilemma, either to see what is going on on television and to respond with fear—how could they but not be terrified by what is going on and watching and asking, "Are children being killed in this war?"

The damage, the long-term damage to those young psyches we have no way of knowing at this point, Mr. Speaker.

Now, the alternative that may happen, as a protection, we humans shut out pain and we may have many of these children viewing war truly as merely a television game and protecting themselves from the pain and the blood and the horror that war really entails.

We face in this war, for the first time, and if we have a ground war it may come to pass, that children could lose both parents because we have small children with both parents in the Persian Gulf.

I read recently that a nursing mother has been told to report for duty. Her husband is already in the Persian Gulf, and yet this nursing mother is being required to take that infant from her breast and go to war.

What is going to happen to these children, these infants and toddlers separated from their parents during the period in their lives where the formation of human relationships and the need to bond with a parent is the strongest?

What this war is doing to our children we have no way of knowing. If we were truly committed to a new world order, we need to remember the words of the late Dr. Martin Luther King, who said, "Violence never brings permanent peace. It solves no social problems. It merely creates new and more complicated ones."

And as we adults, as we in the country make the decisions that our children are seeing as an example, we have to ask ourselves what, Mr. Speaker, are we teaching them about how the human species solves our differences with each other?

Now, ultimately there is no question, ultimately we will win this war. But if we win it solely, Mr. Speaker, on a military level without working on the diplomatic level, we may lose it on a political level.

Ultimately we have to recognize that international peace coalitions and not quick-draw diplomacy hold the key to ending long-held hostilities and insuring the long-term postwar stability in the Middle East.

I am also concerned that as we play world rent-a-cop and exert our military strength, we are undercutting our real strength.

Ironically, as we win military battles, we seem to be losing those economic and trade battles with many of our allies whom we are defending.

Military strength in the Persian Gulf may be coming at the expense of our internal strength at home, our families, our communities, and the relationship to the health of our economy. No matter how many allied contributions we receive, we will have no money to win the wars of affordable housing for young families, affordable and available health care for our people, adequate education. All of these are benefits that many of our allies whose men and women are not in the Persian Gulf at this time are providing to their people.

□ 2040

When we see the real horror of war, we also must recognize, and again I want to repeat, how it is affecting our children, and many of our adults also see this more as a Nintendo computer game, and they do become desensitized and dehumanized by the shooting and killing.

Mr. Speaker, if we get into a ground war, the horrow of war will only be beginning, and that is why our troops must be first in our hearts tonight, and that means giving our troops everything we can possibly give them, both during and after the fighting.

It does not mean cutting vocational rehabilitation funding and housing assistance of veterans of previous wars. It does not mean trying to cut back and skimp on the commitments that we made to veterans of other wars. And it does not mean remaining silent while a few military leaders decide to charge into a ground offensive.

Mr. Speaker, it does not mean stifling peaceful protest on the merits of this war while we endorse the prodemocracy protests in Germany, in Poland, and Lithuania and China.

The best thing we can do is educate the public on one thing. We, who have disagreed with the policies that brought us to the shooting that is now going on, who disagree with the policies that may take us in the next week or two into a ground war, those of us who have disagreed with that policy, we are supporting the troops when we speak out, not undercutting them. We are not speaking for any appeasement of Saddam Hussein. We are standing with out troops and urging the policies that will end the war as humanely as possible with the loss of as few lives as possible, that that policy, that strategy, be pursued. now.

Mr. DELLUMS. Mr. Speaker, will the gentlewoman yield to me?

Mrs. UNSOELD. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I thank my colleague, the gentlewoman from Washington [Mrs. UNSOELD] for yielding. First, I simply want to compliment my distinguished colleague for a very powerful and very thoughtful statement.

Mrs. UNSOELD. I thank the gentleman.

Mr. DELLUMS. And I say to my colleague that it is a privilege to serve with the gentlewoman for many, many reasons, including the fact that the gentlewoman in the brief time that she served in the Congress has consistently raised her voice in the name of peace, and she has done so tonight in a very eloquent and powerful way at a very sensitive and potent moment in the history of the evolution of life in this country and in the world.

Mr. Speaker, if the gentlewoman from Washington [Mrs. UNSOELD] would further yield, I would like to say to the gentlewoman and to my colleagues that I have often said on a number of occasions that what makes the political process what keeps the political process, honest, is not when we are all walking in lockstep. But what keeps the political process honest is when there are competing ideas and competing analyses that stimulate and prick the conscience of our people, that attempt to mold and shape public opinion so that the decisions that we make are in the best interests of our people in this country and in the world. Mr. Speaker, we simply have sought to do that today, to say to America that there are other voices out there who at this moment have the audacity to offer competing ideas, to offer different analyses, in the hopes that we can rally public opinion.

As I said before, Martin Luther King said once that there are two kinds of leaders, one that waits until the consensus is formed and then runs valiantly to the front of that gathering to articulate the consensus, and then there is another kind of leader that has the audacity to attempt to step forward in a moment of controversy to attempt to shape and form a new and different consensus. Tonight we have tried to do that. We have raised our voices in the name of peace. We did that on January 11 and 12. Many of us fought to return this country to a constitutional form of government.

Mr. Speaker, the Congress acted. It made a decision. We are now in the throes of war. But we continue to raise our voice, collective voices, to offer different ideas and a different analysis. We continue to say that escalation is not necessary, that we should not go forward. Let us now pause, and even against the backdrop of our opposition analyses, it does not make sense to go forward now. Let us pause. Let us say to our children and our children's children that at this moment we were willing to stand up and suffer whatever the consequences to try to get our people to focus on a different idea: peace, a different idea: political solution, a different idea: diplomatic efforts, a different idea: move away from force and violence as a way of solving human problems.

Mr. Speaker, if we do that, we have served not only ourselves and our constituents, we have served our Nation and our country as well.

I thank the gentlewoman from Washington [Mrs. UNSOELD] for her generosity.

Mrs. UNSOELD. Mr. Speaker, I thank the gentleman from California [Mr. DELLUMS]. I would like to commend the distinguished gentleman from California for his leadership, and although this Member may be older in years, I have taken leadership from this gentleman for some time, and I believe he has come to this body to try to direct this country's policy in how we interreact with other nations, how we deal with our own people.

Mr. Speaker, my path to here has come out of the similar experience, but it took a lot longer. The war that influenced the gentleman from California [Mr. DELLUMS] so much had a very strong effect on one of my children. We had been overseas for 5 years in a small country, in Nepal, with the Peace Corps and AID. No television. My children learned what it was to be part of a world community, to be an American in another country, a country that had so few advantages.

Mr. Speaker, when we came back to the United States, the Vietnam war was going on, and for a period of time I, as a mother and someone who had been very active in the international community there, felt that I did not know what was real, I did not know how to translate my feelings, but it was even more so for our 16-year-old, an idealistic age, had never been exposed to television, and suddenly here were the starving children of Biafra that Thanksgiving thrust into the living room on television and the war that was going on.

Over the dinner table we had many, many talks, my husband, and I and our children, and this 16-year-old was struggling to translate that anger, that pain, into something constructive, and we could not come up, as parents, with a suggestion for him of how to change things. In fact, we suggested that some of his ideas probably were not a good idea.

Then he turned to us, his parents, one night and said, "Well, Mom and Dad, what are you going to do about it?" What are we, as parents, going to do about it?

I ask my colleagues, "What do you do as a parent when you're given that ultimate challenge?"

That was the first determination we had as parents to become politically involved, and now I feel an obligation as a parent and as a Member of this House to speak out so that those other young people out in the world who are seeing for the first time the humanity that man, the human species, can wreak upon itself, can find that there are others who believe there is a better way to solve our differences. And now, as the gentleman from California [Mr. DELLUMS] said, now is the time to pause and search for those other ways while we recognize that the men and women who are there we are fully, fully supportive of and wanting them to feel our love and our high regard for them.

Mr. DELLUMS. Mr. Speaker, I thank the gentlewoman from Washington [Mrs. UNSOELD] for sharing that.

□ 2050

HISTORICAL REFLECTIONS ON THE WAR IN THE PERSIAN GULF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 60 minutes.

Mr. MCEWEN. Mr. Speaker, before we leave for this next week, I think it is appropriate that we make a couple of observations as to where our Nation stands and what is happening at the moment. We heard a great deal of discussion some weeks ago about the sanctions and how we ought to let the sanctions work. It is not inappropriate that we now take a stand and make a check on it as to how the sanctions would have worked.

We see that some 40,000 sorties have been flown over Iraq. We have seen that the command and communications have been virtually destroyed. We have seen that the water system has been virtually destroyed. We have seen that the electrical system has been virtually destroyed. We can go on and on with the success of taking out the bridges and the railroads, as well as the enemy's supplies and all the armaments that the Soviets had supplied to Iraq. Now, what is the observation as to the reaction from Saddam Hussein? He has not moved an inch.

Saddam Hussein has not moved an inch. I am sure that concerns some of the people that said by merely twiddling our thumbs and sending nice letters to Mr. Saddam Hussein, he would voluntarily, along about September or maybe October or maybe this summer, just suddenly wake up one morning and voluntarily extract himself from Kuwait. We see that even the heavy bombardment of the allied nations, the 26 nations, using all the air power they have and all their high technology, has not moved him.

It is absurd and it is really stretching the capacity of one's generosity to believe that sanctions would have worked. Being a liberal means never having to say you are sorry, so I doubt that those who had advocated somehow or other sanctions would have moved him would apologize. They are not going to apologize, yet it is only fair that we make a record of it.

No. 2, I have had the opportunity to go to Dachau and I have gone to Auschwitz. I have seen the prison camps of the 1930's under Nazism, and the question that rings through all those places is this: How could this have happened? Who would have let this go on? What happened to people's values? What were they doing when people were being murdered in such mass numbers and being gassed and when young children and we should close our eyes and our ears and pretend like it is the 1930's. If we could sit by and watch them murder millions during Nazism, then certainly we ought to be able to do the same thing in Kuwait.

So they stand up here and say, "Look at me. I want to go on record, and I want the CONGRESSIONAL RECORD to show 20 or 30 years from now that I was one of them that wanted to sit by and do nothing when we saw Iraq doing everything to murder and destroy the independent people of Kuwait."

Mr. Speaker, I do not want that on my conscience, and I want to make it abundantly clear that I think the moral high ground, I think the issue of saving lives, I think moral leadership, I think all the terminology we have heard over the last few minutes applies to those who are willing to risk their lives for independence and for the freedom of and talented old people and parents and all the rest were murdered in the gas chambers of Nazism?

Well, very simply, it is easy to find out what was going on, because we can just listen to the chant that is going on about what has been happening in Kuwait. As the occupation army came in from Iraq, they bayoneted pregnant women and murdered children in the presence of their parents and raped women repeatedly in the streets and then murdered their limp bodies and took anything of value, went into hospitals and threw the babies in the corner and stole the incubators. The list goes on and on of the atrocities that have taken place. Yet we can still hear people say that we should not be involved, that we do not want to touch that. They say that American lives should not be placed at stake to help others, that what we should do is ignore it, that we are an independent nation.

The Scriptures tell us that "greater love hath no man than that he lay down his life for his friend." What America and what Britain is doing—and they are certainly the bulk of it—along with the other 26 nations combined, as the gentleman from Illinois [Mr. HYDE] said at the beginning, typifies democracy's finest hour.

It has always been said that the tyrant is 2 years ahead of democracies. In fact, there was an article this week from Strobe Talbot, and it states the fact that the tyrant always has the advantage, but he concludes with the sentence that "this is a war that had to be fought and it must be won."

It is absolutely essential that regardless of how low people's values have sunk and how easy it is for people to ignore what is going on, America does not feel that way, that in time of crisis in 1991 America not only participated but America led. Saddam Hussein placed all he had at risk. He bet all that he had that George Bush was a Neville Chamberlain, and that when faced with the issue, he would opt for temporary peace, that he would let the rape and the pillage go on, just as we allowed Hitler to take Czechoslovakia and take Austria. He bet all that he had that George Bush and the United States would allow him to keep Kuwait if he promised not to go on into Saudi Arabia. But he was wrong because George Bush is not Neville Chamberlain. George Bush is another Winston Churchill that sees the ultimate consequences of what happens when you refuse tyranny at its first instance.

Every person who has gone to Iraq or Baghdad or met with Saddam Hussein has come back with the same answer. I do not care if they are a Muslim leader, I do not care if they are a Communist leader, I do not care if they are an Arab leader, I do not care if they are the foreign ministers of all the Common Market nations, I do not care if they are the General Secretary of the United Nations, they all come back with one response, that Saddam Hussein tells them, "I don't care what you all think, I know America. I saw America in Vietnam, and I know that America will not stand for its values, that America will collapse, that when the going gets tough, America will stand for nothing, and I'll be the hero and I will have turned her down because America is what I saw in the late 1960's and the early 1970's. America is weak."

Weakness invites aggression. History is full of it. The textbooks are replete with examples. On April 5, 1975, this Congress voted to abandon the 1973 peace accords, to throw them aside and say, "I don't care that we have won independence for South Vietnam, and I don't care if we have won independence for Thailand and for Laos and Cambodia." The Watergate class of 1974 said, "We are going to go back to the 1973 accords, we are going to throw them out the window, and we are going to turn it over to communism and you can have the killing fields of Cambodia. You can murder at will." And they murdered anyone who could read or write, anyone who wore glasses, anyone who had the audacity to be able to read a textbook. They were all murdered at will, and that had become the legacy.

Had the 1973 accords been left as they were in place, South Vietnam would be just as prosperous as South Korea is today, But they chose to abandon that, and so subsequently an entire generation of leadership looks at America through Vietnam, and that has invited the situation that we see here.

This is not my conclusion, it is not my idea, it is not my observation. It is the statement of Saddam Hussein.

Mr. Speaker, Saddam Hussein is writing a new textbook for America, and 3 years from now and 15 years from now, when anyone thinks about running over another independent nation, now with the new world order of democracy being supreme, not our fellow travelers and friends of communism and socialism, as in Eastern Europe and the Soviet Bloc nations, now that that is collapsing and what is taking place is a new world order of democracy and free markets are triumphing, from now on when they think of running over a neighbor with their tanks and their bullets and murdering and stealing and pillaging, they are going to remember Iraq and they are going to remember the United States of America standing firm with our allies and saying that we are not going to permit it to happen. Then we can have peace, and then we can look forward to a future of stability as opposed to inviting aggression.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. McEWEN. I am pleased to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, my colleague, the gentleman from Ohio, and I were sitting here exchanging observations about the whole course of the last few months of this debate, and we were listening respectfully to some of our colleagues expressing all sorts of givens and viewpoints about the horrors of war. Let me ask the gentleman a series of questions to kind of share with people who track by technical means and electronic means the proceedings on this House floor. But let me say by way of footnote that I am circulating a petition to have all Members sign—and I have not had a no yet—that the camera coverage of the House of Representatives should be the same from gavel to gavel.

□ 2100

In other words, when you are down there speaking alone, you have to address everything through the Speaker, or whoever is the Speaker pro tem in the Chair. But when two Members have a dialog, such as we are having, we can ask one another questions, refer directly to one another, or outside people.

I think we should have more of these dialogs, rather than monolog special orders.

But it is my understanding 1 million people will be watching C-SPAN at any given time. Yet, I think a mean-spirited ruling, put in two Speakers ago, before Jim Wright, spans this empty chamber.

Mr. McEWEN. It is a ruling by the majority party. It is a ruling by the Democrat Party. It is not a ruling by the House. I am on the Rules Committee and I looked into it specifically. I have spoken with the Speaker about it. I have asked that it go back.

The fact is, it is an effort to diminish what you and I are trying to accomplish here. No if's, and's, or but's about it. They will tell you why they decided to do it and why they are doing it now.

It would be just as if I were the floor manager for the CBS Evening News with Dan Rather, and every time he would start to say something I was not interested in, I would switch to a camera in which you saw the curtains and the backs of the cameras and you saw the people walking around. Then when you switched back, you could see him so you could follow the story. Then if you wanted to diminish what was being said, you would start panning around inconsequential things.

It is very unfortunate. It is not the topic that we have here, but you raise an excellent point. It is a Democrat Party leadership rule, that that is the way the cameras are being used as a method of humiliation.

Mr. DORNAN of California. The reason I brought it up is to say you, the gentleman from Ohio [Mr. McEWEN], and me, BOB DORNAN of California, from getting a few calls and mail, it happens every time I participate in a special order, "What Mr. McEWEN was saying was so significant, Congressman DORNAN. It is a shame that none of your colleagues were there to listen to him and I just happened to tune in."

If these people know there is 1 million people listening, they would not feel so uncomfortable when the cameras pan an empty chamber.

The chamber is mostly empty in the morning when we do 1-minutes, but the rules then are you focus in on the speakers.

During most debate, particularly in the early part of the year until we get down to real tensions and passions at the end of the year, there are only eight or nine Members on the House floor when we are doing legislative business, or suspensions, as we have been doing the last couple of weeks.

The camera does not pan then.

The ruling should be similar coverage. Either pan all the time to show how many Members are here, and then we have to explain Members are listening at their TVs back in their offices, which most are; or, do not pan during special orders. Similar television coverage from gavel to gavel.

Now, here are the questions I wanted to ask you, and hopefully 1 million people are listening.

Would you have thought, with all the friendships we have on both sides of the aisle, of every ideology and belief, that some Members would have come to the floor and said during the last week or two, since the Scuds have killed women and children, brought about heart attacks, since wildlife is dying in that whole small basin called the Persian Gulf, since we have seen POWs brutally tortured, and he said some have been killed and wounded by his staking them out as human shields, wouldn't you think that some liberal in this chamber, they are in the majority, would have come to the well and said, "You know, I guess maybe I was wrong. If this guy won't submit to reason and logic and save thousands of lives of his own people, under heavy strategic, pinpoint, high-tech bombing, then how would sanctions have ever worked?"

What is your observation on that?

Mr. McEWEN. My observation is that being a liberal means never having to say you are sorry. You can be wrong time after time.

The senior Senator from Massachusetts held up funding for the Patriot missile for 3 years. You and I have not the capacity to fashion an explanation as to why we should not shoot down a missile coming at our soldiers. You and I are incapable of doing that.

But, nevertheless, liberals opposed it for a long time. Fortunately, we were able to override them. However, we are now able to defend Israel with a Patriot missile. We are able to defend Israel with our Patriot missiles. We are able to defend our F-14s parked at Dahran Air Base with Patriot missiles. That is a missile that shoots down a missile coming in.

But as you and I stand here in Washington, DC in February 1991, we cannot defend this city, we cannot defend New York.

Saddam Hussein said 2 years ago, long before he was on anybody's radar screen as to even who he was, said, "If I had one missile, one, that went across the ocean, I would hit the United States. I wouldn't hit China, I wouldn't hit Argentina, I wouldn't hit India. I would hit the United States."

Ladies and gentlemen, if he has one, if he gets one, it will hit, because this Congress has made absolutely certain that it is against the law for the President to deploy or to fashion a missile that shoots down a missile coming at the United States of America.

I would be more than pleased to go back with the gentleman, who knows this absolutely as well as I, a member of the Intelligence Committee, who knows that the report language from the Committee on Armed Services was very explicitly written, that those intricate tests that were already to be taken were expressly prohibited.

Now, that shows that this was not just accidental. They knew full well what they were doing. They do not want the United States of America to be able to defend itself against incoming missiles.

Now, you would think that having seen what is going on with the Scud and with the Patriot, that they would come forward and say, "I was wrong." The well is open for those over the next 6, 8, or 10 months that may wish to do that. But I am not holding my breath.

Mr. DORNAN of California. Do you know what just occurred to me? You will have to help me with this and we will get the gentleman from Arizona [Mr. KYL] and the gentleman from California [Mr. DREIER] and some other Members, we are going to have to get pictures from the streets of Tel Aviv and Safad and Haifa, and the West Bank, where they fell short upon their Arab brothers' heads, we are going to have to get pictures of some of the victims, like that beautiful young woman lying on the stretcher with her hands mangled and the soldiers looking down at her with her hands bleeding, that had been torn apart by a Scud missile.

We are going to have to have these big pictures in the well when the SCI debate comes along.

Mr. McEWEN. Well, hope springs eternal. I appreciate that. But a man convinced against his will is of the same opinion still. Rest assured, these votes weren't by accident. They weren't out of naivete. They weren't out of a lack of information. They deliberately do not want the United States of America defending itself. A position that if you went to any coffee shop tomorrow morning at 6:20 in the morning, in any coffee shop in America, and go to any booth or any stool and ask anyone there is it better to shoot down a missile prior to the time it hits you, or is it safer to have a missile hit you?

Rest assured, the unanimous response of every taxpaying, car washing, lawn mowing American, would be that it is better to shoot a missile down before it hits you, rather than allowing it to hit you.

If you pick up that magazine, this week's Newsweek magazine, in which there is an interview with Robert "Strange" McNamara, a man that invented the idea that allowing them to hit you somehow makes us free, makes us safe, that he is still advising us, this man that has concocted this appropriately termed mad philosophy in the 1960s that we should not defend ourselves, he is still giving us directions on how to conduct the reclamation of Kuwait.

So I appreciate his generosity. I appreciate the optimism of the gentleman from California [Mr. DORNAN], that putting the pictures there and explaining it. But I repeat, a man convinced against his will is of the same opinion still. I am not sure that one who believes that allowing missiles to hit you makes you secure is going to be persuaded by the evidence.

Mr. DORNAN of California. I am an optimist, and I hope we can turn the freshman class. I agree, given some of the strange speeches we have heard here over the last couple of months, that there are some people that will resist even the blatantly obvious.

Let me ask this: What does the gentleman think about the moral equivalency argument, where some people will say kids in school are equating Saddam Hussein and George Bush?

Now, in one of my daughters' schools, little grade school kids, a prayer was constructed, for the best of intentions, by sweet little nuns: please pray for Saddam Hussein and George Bush. No title for President Bush, and I guess you would have to call him President Saddam Hussein, president for life by self-appointment.

I thought, wait a minute. Did we have prayers during the Second World War that said please pray for Adolf Hitler and Franklin Roosevelt? As though there is some moral equivalency here, that simulates gang warfare and that both are equally guilty.

How do you respond to this argument that says George Bush, by turning to military force, just or unjust, has contributed to violence in the world?

Mr. McEWEN. Well, I would say to the gentleman from California, that you and I believe that there is right and wrong in the world. We believe that there is evil and that there is good. And as a result, we base our opinions thereupon.

I remember when Jimmy Carter went to Notre Dame and stood there and lectured the world that we in America, as he was a new President, we in America have gotten over our inordinate fear of communism.

Mr. DORNAN of California. Pre-invasion of Afghanistan.

Mr. McEWEN. Absolutely. We were giving the backs of the hand to all the captured nations that were struggling to be free, Czechoslovakia and East Germany and Yugoslavia and all the rest. We had gotten over our inordinate fear of communism.

I had the opportunity just a few months ago to be in Soviet Georgia, in which we were having a dinner, a banquet put on by the mayor of Tbilisi, the capital of Soviet Georgia. And during the course of the dinner people began to stand up and make toasts.

I remember one fellow stood and toasted Ronald Reagan, who recognized that this was an evil empire.

Mr. DORNAN of California. What city is this?

Mr. McEWEN. It is Tbilisi, Georgia, back in the middle of the southern Soviet Union, where there are no magazines, there are no newspapers, there are no radio or television communications. They are absolutely locked away. There has been no printing or even translation of the Scriptures for 200 years, no printing of the Scriptures for 83 years. As far off from anything that you would ever be able to be. And he stood up and toasted the United States of America and Ronald Reagan, who understood this was, "an evil empire."

I thought to myself, two words, "evil empire." March 1981, first press conference, East Room of the White House.

No wonder the left went bonkers. Because after having all of this expression that there was a moral equivalent, that there is no right or wrong, America is no better than the Soviet Union, we can all work together because we all have the same goals. And suddenly someone recognizes that there is a difference between what they do to people and what they do to rob the people, and I wish I had the quotes that I carry so often, from Vaclav Havel and Lech Walesa, who described what communism does, how it ruins the environment and how it destroys men's souls and destroys their future and self-worth, and creates poverty and death wherever it goes. That is what communism is all about.

□ 2110

That is what communism was all about. That is what Vaclav Havel said right there, the poet from Czechoslovakia. Here were these people, clear locked away back in the Soviet Union that took no hope, and took no encouragement who said finally the United States has a leader that understands that something is right in the world and something is wrong in the world and is willing to identify it, and they took some hope from it. That was 11 years, that was 10 years before I heard him make that toast.

Mr. DORNAN of California. Did not Ronald Reagan go back to Notre Dame after he defeated Jimmy Carter and he made a much shorter speech, and he said what?

By the way, tonight is his 80th birthday. Let me hear his words if the gentleman can recall.

Mr. McEWEN. Do not lose your train of thought. He said very simply, he said not only would communism be ascribed to the ash heap of history, but we would not contain communism. The gentleman remembers the long postwar policy of containment. He said the goal of America and the goal of freedom is not to contain communism, but our destiny is to transcend communism.

So from that beginning in 1981, from a time when we were losing jobs at a rate of 50,000 a week, when we had a declining standard of living and were told that we had to learn to live with less, it was the era of limits, we had to think small, the head counsel of the economic advisers, Alfred Kahn, adviser to Jimmy Carter, of all people, said the question in the 1980's was not whether or not America would have a declining standard of living, he said, but the question is whether or not Americans will learn to adapt to their declining standard of living. So the fact was that we were going to be entering into an era of limits in which America was in decline.

In that condition Ronald Reagan came along and said that our best days were ahead, that "we have yet to see the greatness that is America. We will transcend communism." And by the end of the decade what is happening? We are transcending communism in America. Two out of three jobs created on this entire planet since 1982 have been created in one country, the United States of America. There is investment in opportunity in this country and people are climbing over walls, people are tearing down walls, establishing freedom. In this decade in which we were supposed to be barely making it, we are not just barely making it, we are leading it and successfully so.

So when this one-time tyrant comes forward and wishes to challenge the new order, and he has the sick offense to come along and encourage him, as Saddam Hussein said, "To those who are demonstrating, let me express my sincere thank you's to them, to those who are supporting my cause." He saw America through the old prism. He saw the America that used to be. He did not see the new America that is today, and he is finding a rude awakening, and we will not go back, regardless of how much ridicule is put on what has been going on in the last 17 days. The fact of the matter is that we are standing by our values, the world is standing by our values, and as the man said who escaped from across the border and was quoted in the paper on the associated wires this morning, he said very simply, "When you finish off Hussein, you will bring this thing to a stop."

Mr. DORNAN of California. To a stop. All right. In thinking about this I am going to declare this right now on this floor of this prestigious body, not the mother of parliaments, but the greatest son of the mother of parliaments, the greatest daughter of the mother of parliaments, the U.S. House of Commons, the People's House is going to declare February Ronald Reagan month since it is the first month of his biblical 80th year, a full four score, not three score and 10, four score down, and I sent him a message tonight and said may he live to be 100 and then some.

During this month I am going to get that President Jimmy Carter speech and that President Ronald Reagan speech at Notre Dame and put them both in the RECORD and let people read them, including I just had a nephew who graduated from there, and I have another one out there in the gulf on the Ranger, and I am going to send them this material and I am going to start to make the case for what Ronald Reagan was doing with a volunteer army, with his high-technology weapons, with precision to save lives. What lives? Not only the lives of the enemy, because the war will end sooner, but the lives of our precious men and women.

Mr. McEWEN. I will reclaim my time to remind the gentleman that we have been lectured here for the last several months by Phil Donohue and by others ridiculing the people that had chosen to defend our country and wear the uniform of the United States, that somehow or another this was the last stop for them, that they had been abandoned by every other opportunity. Certainly no one would wish to stand for the United States of America in international circles wearing our uniform voluntarily; it had to be out of desperation, No. 1.

Second, liberals do not need to apologize. You never need to say you are sorry if you are a liberal, so you can say all during the 1960's that this gold-plated equipment of Reagan's cannot work, it is far too sophisticated, and our people cannot maintain it under combat, and besides our forces would not be bright enough to keep it working.

But what is happening? We are saving thousands and thousands of lives, and we are accomplishing our goal. We are not desecrating any holy sites or getting any collateral damage. We are going right into the smokestack and inside the door of the military headquarters that we are seeking to target with highly sophisticated equipment maintained by America's best, the people that are willing to voluntarily give of their lives to defend our freedom, your freedom and mine and the stability and peace of the world. And rather than be ridiculed by the majority leader of the U.S. Senate, who in rebuttal to the State of the Union Address referred to them as the only people that will be fighting will be those of the poor. Regardless of the fact of whether or not they make Senators' incomes, regardless of whether or not they are millionaires like the distinguished leaders of the other body, the fact that they are wearing our uniform and willing to honor us makes them rich in my opinion. That is the highest calling that a person could have, and rather than disparaging of them, we should be applauding them because the fact of the matter is that no matter how you slice it, you have to concede that they are performing to the maximum of anyone's expectations and then more.

Mr. DORNAN of California. And that is not to say because of the Tomahawk.

The SPEAKER pro tempore (Mrs. UNSOELD). The gentleman will suspend for a moment. The Chair must advise all Members that it is not in order to refer to Members of the Senate except as sponsors of legislation.

Mr. McEWEN. If I might respectfully reply to the Speaker, it is appropriate to address the Members of the other body, Members of the other body and their position and not by name, which I did.

Mr. DORNAN of California. Can we get a clarification on that?

Mr. McEWEN. There is no need for one. I am fully aware of the rule.

The SPEAKER pro tempore. The gentleman is incorrect.

Mr. DORNAN of California. There was a gentleman who was a political leader of one of the two major parties in America.

Mr. McEWEN. Let us see it where it says that I cannot refer to them as Members of the other body. I will show it to the Chair.

Mr. DORNAN of California. There is a leader of the other party who made a response to the leader of our party, and he began by saying we will never know if sanctions would have worked. We will never know if they would have worked, creating that doubt out there for all of the teachers in the high schools and the colleges. That was night 13 of the war, the 29th. Now we have had 15 days in January, so 21 days, and tonight ends the 21st day of the war. If we are beating the evil out of this guy by unfortunately having to hit all of his countrymen, many of whom have rallied to his cause, if we are beating him this badly in the air to ground war, the air war was over a long time ago, over the first night, and now we have supremacy in the air to ground war, how would sanctions have ever worked if he is still hanging on like a madman during this?

Mr. McEWEN. Do not lose your train of thought, but if I can respond to your first point, on the first page of the Washington Post of yesterday or today it referred to a reporter who in December was ordering an exotic beer at a restaurant in Baghdad, and he looked at the label of the production and it said the November 1990 batch.

These notorious sanctions went into effect in August 1990, and yet these exotic beers can still be purchased at random on the street. So that shows you the effectiveness of the sanctions.

The gentleman's question is under those conditions would this man, who will not respond when he has had his home blown up, his headquarters blown up, when he has had his head Air Corps destroyed in battle, and all of the other damage, would he then have suddenly awakened one morning, twiddling his thumbs and looking out over the peaceful desert and said: "I think I'll now turn back the gold and the oil that I have stolen from the people of Kuwait"? It stretches one's imagination.

Mr. DORNAN of California. In my 14-year span on Jenkins Hill here, I think probably the most hypocritical statement I have ever heard, and it is only from a segment from the pro-abortion forces, it is those that claim deep Christian spiritual beliefs or belief in other religions, and they start out all of their statements by saying, "I personally am opposed to abortion," and that is the handle, that is the prolog to every statement you make.

□ 2120

And of course, if you extrapolate that, and some even go this far, particularly if you question them, "What do you mean by that?" "I mean that that is a baby, a human being in the womb ordained into existence by God with a human soul. I believe that is a human being with a soul. But if you want to kill it, I will give you that choice, and I will get you Federal and State money to pay for it."

Now, here is a brand-new, handle, a prolog, if you talk in defense of demonstrators including those who burn the American flag. One of my colleagues from California, one of the gentlewomen Congressmen from that beautiful city named after St. Francis of Assisi, and I am sure he is rolling in his grave watching some of the demonstrations that go on there lately, and not necessarily about this gulf conflict, she mischaracterized my discussion about dissent in this country, particularly that dissent that is focused around blame-America-first club, burning the American flag and ranting and raving against Europe's and America's economy, free-market economy, the free world, and that we are the blame of everything that happens in the world. We are the cause of him polluting the gulf, we should have just left him alone, to hell with the Kurds, to blazes with all the people raped and pillaged and murdered in Kuwait.

But here I want to ask the gentleman about something, this new prolog: "I personally support the boys and girls in the gulf, those brave young men and women. I am totally with them, but first, I think we ought to have a ceasefire; second, we ought to get out next week; third, we ought to give this guy some breathing room and let him get out of there; or fourth, we want to stay with the air war, but I think we are killing women and children and bombing hospitals," and slowly start sliding into the old Jane Fonda mantra during the close of the Vietnam war that our primary targets, not our secondary targets if something was fogged in with morning fog, but our primary targets were schools, orphanages, old people's homes, temples and churches, a few Catholic churches in Hanoi and Haiphong, that was our primary targets. These people are saying, "We are all for our men and women in the gulf, but we want them out of there."

How do you think that plays with the men and women in the gulf, particularly if they see an American flag burning in the background, and then hear Peter Arnett elicit from Saddam Hussein, "Mr. Arnett, I want to thank," in closing, "I want to thank the demonstrators in Germany, in England, and in the United States. I want to thank them for standing in solidarity with me." How do you think that "I personally support the men and women in the gulf but"; how do you think that plays with the troops?

Mr. McEWEN. I do not think anyone has any difficulty concluding as to why they do it and what their true feelings are, and the truth is that in the 1930's we had America First rallies, and when the murder and rape and the pillage was going on and the people were being randomly killed and millions of people were being gassed that there were those who were saying that, "I want to transcend all of that. I do not want to be involved, and I have no objection to those who have to wear the uniform, but I personally do not think that we should be doing anything about it," and it is not new in our history. I think that their pictures and their statements should be framed, and they should be hung on the walls of Auschwitz and Dachau, and they ought to be put there with recent vintage dates, and whenever young people walk through there and the tears and trauma and agony that one experiences when one goes through those death camps and say, "How could this happen," I can tell you very simply how it happens, because people look at values like that. They see the rape and pillage and murder. They see the stealing, and they say that, and I would say to my colleague from California that it is no different than what happens in Washington, DC.

If a murderer storms down, knocks down a door, goes in, shoots the father, rapes the wife, and kills the children, we have a police force, and the police force is established for the purpose of stopping that.

Now on a larger scale, there is a nation that took police power states, took their tanks and took their M-16's and took their AK-47's and took their airplanes and went in and did that to a nation, and it is no more moral to stand by and watch that go on and say, "I do not want to be involved. I do not want to touch it. I do not want to risk American dollars." Of all the most repulsive arguments that I have ever encountered, that money is more important than the freedom of an entire nation. What kind of value, what kind of greed, what kind of "me" generation, what kind of selfishness have we descended to when we can say that a handful of dollars are more important than the screams of a nation being raped and pillaged someplace on the globe?

I mean, the fact that it exists is distressing enough, but, nevertheless, it is no more moral to ignore that than it is to go down to a police station in Washington, DC, and protest because a policeman is trying to enforce the law and stop some rape or murder that is taking place tonight in this city and say, "Well, you know, I really do not think we ought to be involved. It is none of our business. Do you realize that instead of spending money for that police car you could have been buying food stamps with it or something else?" That value system is there. There is no way to deny it. No matter how much you try to camouflage it by using the words that, "I really support the troops," the truth of the matter is you do not support what they are doing and what they are doing is drawing a line against the murder and rape that is taking place in Kuwait, and that is what the issue is, and that is what people all over America are supporting, and that is, for the first time in your lifetime or mine, spontaneously in courthouses and city squares across this country in an unprecedented fashion, people that have never been involved in anything, are every day, today, tomorrow, this weekend, every day spontaneously bringing their children and American flags and saying, "I am proud of what America is doing in the world."

Does the gentleman know what I encountered? I encountered a political science professor in Luxembourg just about 10 days ago at the American delegation to the European Parliament. He came up to me, and he said, "You are a Congressman, are you not?" He said, "I told a class of mine, 300 students," I said, "I want you to go back through your history books, and I want you to find an example of where a nation risked so much for absolutely nothing. There is absolutely nothing that America is going to get out of defending." He said, "You and I know what the figures are. You know where that oil goes. Why is America doing it? Is it doing it for any reason at all other than nationalism or civilization and for our cause to defend what we stand for?" He said, "You know it, and I know it. Find any time in history when a nation so voluntarily risked so much." That is what we are standing for. I am sure it is not universal.

Mr. DORNAN of California. I want to go back to this demonstrator thing, because I really honestly look forward to hearing your opinions on what I call the Americana voters, those that fly a flag and still protest against our involvement in the Middle East. I think they were in the majority in the beginning while we were debating in this House, but I think now they have shrunk to a minority after many of the good, decent people having witnessed his despoiling the environment, beating up and killing, or probably killing, POW's, and, of course, rocketing the innocent women and children in a country that was not even involved in the conflict, but I want to ask the gentleman something, as the clock may be racing ahead.

We have seen Ronald Reagan, President Reagan's, modernization and reworking of the Air Force, the Navy, in the sea and in the air, naval air, and the Marine Corps, which is participating heavily in the air component of the Marine Corps, and we have seen them use on land, sea, and air these three components, all of this modernized equipment that has really left some of the more fairminded liberals and the media rather awestruck and rather respectful.

Now, I do not want a land war, and I assume that the gentleman does not want one either. That is correct. Am I not correct in that assumption?

Mr. McEWEN. Yes.

Mr. DORNAN of California. We all hope that God is going to call him tomorrow, and that the air-to-ground war will certainly somehow cause his regime to cave in.

What would you analyze though, if, God forbid, worst comes to worst, and we have to go in on the land, for the final liberation of France, oh excuse me, for the final liberation of Poland, oh, excuse me, the final liberation of Cambodia, excuse me, I mean, of course, Kuwait, or Luxembourg.

Mr. McEWEN. Exactly the same argument.

Mr. DORNAN of California. Exactly, or South Korea or South Vietnam. What do you think will be the initial response to this Army component that we have put the Reagan theory of high-technology, highly trained, 97-percent high school graduates and all college-trained officer corps, what do you think the response will be on the battlefield from the Reagan modernization of the U.S. Army and the Marine Corps ground components?

Mr. McEWEN. I think we are going to see a continuation of what we have seen now. And you have seen that the best and the brightest of the 1960's, and I refer to the Ramsey Clarks and the Robert Strange McNamaras and the antiwar movement that is in the Congress, and they were the ones that were lecturing us all along, and they are the ones who opposed what we have done thus far, but I repeat, being a liberal means never having to say you are sorry, and there is no time that you lose credibility, and you can be wrong in Nicaragua, you can be wrong in Grenada, and you can be wrong in the nuclear freeze, you can be wrong in Mozambique, you can be wrong, and you remember how fashionable it was to support Khomeini.

Jimmy Carter said, "We think the Shah should step down. We do not know whether or not the Shah can survive." His Ambassador to the United Nations said, "We think Khomeini might be a saint." Nobody knew who Khomeini was from Adam's off ox. He was sitting cross-legged in the back of some suburb in Paris, and it was not until the U.S. administration and Jimmy Carter favored him that anybody ever went over to find out who he was.

□ 2130

Yet never discouraged.

Mr. DORNAN of California. And the people who touted him were all executed by him.

Mr. McEWEN. And it does not discourage them at all for coming along with their explanation for what foreign policy should be.

They can be wrong in Iran, wrong in Nicaragua, wrong in all the places, and they are dead wrong about what would happen. The gentleman remembers the words about the massive American body bags, 50,000, and all the things, and they build, build, build into a crescendo, and now we find out, under friendly fire, that we have lost a handful. That is extremely tragic and very unfortunate, but it does not have anything to do with what they said would happen. Now they are back here, not in the least intimidated and giving advice as to where to go on the next step.

The truth of the matter is that the people running this war, the Commander in Chief is not Lyndon Johnson, and the Chairman of the Joint Chiefs is a person who was a major in Vietnam, and the Secretary of Defense is a person who believes in freedom, and believes we should enforce it with a minimum of risk to American soldiers. We do not believe in the Lyndon Johnson measured response. We do not believe in the taking weekends off. Whenever we get ahead, they call for a cease-fire for 6 weeks to regroup, and of course the bombing pauses. We do not believe in having strategic targets exempted. We believe in either standing for something or if we are not standing for something, we are serious, or we are not serious. What we are doing here will not be anything willy-nilly or irresponsible. This is not a Kennedy-Johnson operation, but a permanent commitment to standing against tyranny in the first instance with not being stampeded into anything. No demand that this will be over in 1 week or 2 weeks, with the goal to accomplish our task with a minimum loss of American life.

I trust the people that have brought the United States so far, I trust the people that will take the United States to the step, to do what is right. I think that if any history at all, especially in the last 3 or 4 months has taught anything, that their record is far superior to those giving them the advice at the moment.

Mr. DORNAN of California. If people are conversant, if any person is conversant, any man or woman in this country on these defense systems, weapon systems, there was always a suspicion by those in the media who have had an abhorrence of any kind of a just war, let alone the aggressors who start wars, they will always ascribe to somebody who is cheered by justice and victory in the name of freedom and peace. They are always suspicious that somehow or other they wanted to fight, they wanted to see the bloodletting.

Tomorrow, and in 1955, February 7, that will be 36 years ago, three dozen years, I got my wings as an Air Force fighter pilot, as a pilot, and then went on to gunnery training to become a fighter pilot. I had been motivated by young pilots in the Battle of Britain when I was 7 or 8 years of age, and tracking all of the aces through Europe, and in the South Pacific, every service, including the Marines who at Guadalcanal made me want to be a Marine aviator. They would not lower the age in the Navy under 20, so when it went to 19, and they lowered it to 19, I went in the Air Force. I served 6 Eisenhower years in peace, never blowing up anything but targets on the desert.

Here is something fascinating: Any person who was in the Air Force Academy, Annapolis or West Point, in 1971 and it was their junior year, they could serve for 18 years and never see a war, and a lot have gotten out at the 5-year point, 10 years, 15. Any person who was in pilot training in 1972 was never going to see combat in Vietnam because the war ended in January 1973. For all of those people went on to see introduced into the inventory the F-15 Eagle, F-14 Tomcat, F-16 Falcon, F-18 Hornet, the beautiful Harrier that takes off vertically, and all the new helicopters such as the Apaches, and except for a handful of people over the skies of Libya, expressing another tyrant, rattling his brains, to this date, fortunately we do not hear much from Mu'ammar Qadhafi except for a few Navy pilots over the skies of Beirut and a few instances in Panama and Grenada. That is less than 1 percent of all the trained aviators in all the services. Anybody who served as I did, 5 years, 6 years, 8 years, 10 years, up to 18 years who got off active duty, and I met one who is leaving active duty this week, could not get orders rewritten to get to the gulf. Besides that, all fighter pilots in the Philippines, in Hawaii, in Europe, they are not fighting this war. It is the Tactical Air Command from the United States with the much discussed Flying Wing from Spain, the 401st; three Guard units, New Orleans, Syracuse, South Carolina. They are over there. They never know who will get picked and who gets called. However, all these people that are serving, not even a majority of our men in the air except maybe the Marine Corps, six Navy carriers, that means there are 8 carrier groups not involved over there. That means the Independence and the Eisenhower came home. So they are not participating in this, and the Enterprise. They do not know who is going to be here, but of these few men that are there, they did not lust to fight and draw blood.

They heard the clarion call. This was their time, on their ship, in their position "move" to go over there and serve. These people, a handful, compared to who served over the last 18 years in the Reagan years since Vietnam, they are doing it for everybody. And those that have already died in the skies, a handful, those that have been tortured to death, those that are maybe being starved to death in Saddam Hussein's dungeon tonight, they are the ones that we should be listening to in this Congress. They want to win it in the air-to-ground struggle so that their kid brothers, in uniform, do not have to do it.

They want peace as badly as anybody in this House. However, I see this jockeying for position here, political position, to find a ground. Strangely enough, the analogy is sand, like slipping sand around here to say, "Well, this guy is no Ho Chi Minh that I cheered for in college or high school. This guy is one evil dude," bathing friends in baths of acid in the name of the party. What do I do? Well, I will come up with that prologue. I personally support the people in the gulf who do not want to come home until it is over. I support them. I know more than they do, and I am going to ask for a cease-fire, to get them out of there now and create this monster.

Mr. McEWEN. Now there is a resolution to introduce into the House, to have the draft for certain races because due to the fact that this is a volunteer army, people who choose to defend freedom, voluntarily, that because the possibility exists that they are not volunteering in the proper mix, that we need to ridicule them because of their ethnic backgrounds. The truth of the matter is that this is a very, very noble calling and performance.

Let me say this virtually in conclusion, during the 1930's, the United States was not the world leader. That is hard for anyone under age 50 to remember, but the truth is that not until after World War II did the United States take the position of premier leader in the world. It was basically Britain and France nearby. The United States took no diplomatic moves without checking.

Mr. DORNAN of California. And our party particularly isolated itself in the 1930's.

Mr. McEWEN. So the responsibility of Britain was to lead. At the time that the Nazis went into the Rhineland, they did nothing. When they went into Czechoslovakia, Austria first, nothing. They went into Czechoslovakia, they did nothing. Finally, the whole world fell into a conflict.

Mr. DORNAN of California. Who wants to die for Danzig?

Mr. McEWEN. About people, Neville Chamberlain spoke about Czechoslovakia: "Strange people of which we know little." If a person can comprehend such a thing, but they did, and 55 million died.

The gentleman may remember from my speech at the close, when the gentleman from Illinois [Mr. HYDE] asked that I close the debate on the first resolution, I remembered then of the time the popular vote as to what it was that when they said that if Hitler went into Czechoslovakia, Czechoslovakia means war. It was guaranteed. Every international leader said 3 words: Czechoslovakia means war. Do not ever go into Czechoslovakia. Czechoslovakia means war. So he went into Czechoslovakia, and now the whole world is kind of spastic about what is going to happen, and so there is a little tension. Hitler invites a couple of the leaders down to Munich. Why they went, I do not know, but they go to Munich and stand there. We all remember that picture with Neville Chamberlain standing there with the umbrella, which is the symbol of appeasement from that day to this, and took a little walk around the garden there with Hitler and signed the paper that he would not take any more nations, and then he landed at Hinden Field and held up the paper. It is peace in our time. Of course, the world already found out as he was flying back and the streets were lined, and he got to Downing Street, he could not turn in, and went to the House of Commons. There was a standing ovation over and over, "Peace in our time." Everyone was thrilled because we have fed the crocodile another nation. Never mind the rape and the pillage that goes on in Austria and Czechoslovakia and the death camps and Dachau and all of the murder and the mistreatment of the Jews in the gas chamber, because we are at peace. By golly, look at the food stamps we can buy now. We do not have to worry. So they gave him a standing ovation repeatedly and turned to the former Lord Admiral, who had been out of office for 7 years, Winston Churchill, and asked what he thought. He said that the Prime Minister faced a very terrible decision, whether or not to choose war, to choose shame, and he has chosen both.

□ 2140

That was in 1938. Then you had 1939, he goes into Poland, and finally in 1940, and the United States did not get into it until 1941.

Here we are now, in February. I would say to my colleague from California that he will appreciate this, I have a copy of the telegram and I will be glad to share it with the gentleman. The moment that the United States of America became the premier nation on Earth was February 2, 1947. A telegram was sent——

Mr. DORNAN of California. My mother's 47th birthday. I want to memorize this right now.

Mr. McEWEN. The Prime Minister of Great Britain sent a telegram to President Harry Truman and said that unless the United States intervened in the Cyprus crisis, Cyprus would be lost to communism and that the Crown did not have the wherewithal to maintain their presence there, and with that the torch was passed to a nation who had never asked for world leadership, never sought it, never pursued it, and did not like having it.

That is the first time in the history of man, let me say to the gentleman, that under the Phoenicians and the Greeks and under the Romans, under the Spanish and under the French and under the English, every nation that ever was the premier nation on Earth got to that position because they pursued it, and when they got there they knew what they had to do. They had to maintain the independence of the Mediterranean at Gibraltar and Suez. They had to maintain the Cape of Good Hope. They knew what had to be done.

The only exception to that is the United States of America. The United States of America, because of the power of its ideas, became the premier nation on Earth in which all the nations looked to for leadership, and now we bear this burden.

And indeed, Saddam Hussein supposed he had another Neville Chamberlain on his hands. He had seen Jimmy Carter's performance. He had seen some of the other actions in Vietnam and elsewhere, in Iran, and he said, "I know them."

Now, here is the point we need to remember, Every independent, every moderate Arab leader in all the Middle East, I am speaking of Mubarak in Egypt, I am speaking of King Fahd in Saudi Arabia, the Sultan of Oman, the list can go on, every one of them have said to President George Bush that if this man with the fourth largest military on Earth is able to thumb his nose, not just at the United States, but at the entire world, at the United Nations, if he is able to do that, the radical religious element in our nation, in Egypt, where half of all the world's Arabs live, in Egypt, in the Kingdom of Saudi Arabia, in Oman, in the United Arab Emirates, in Qatar, in those nations, we cannot survive a year because they will say, "There is the way you should behave."

It is not unlike Hitler when he went into the Rhineland against the opposition of all his military leadership. He said, "They will come down on us."

Then he went into Austria and elsewhere, and finally after the Munich appeasement the military finally began to shift over to Hitler and said, "He must know something we don't know, and that is he is able to pull this off. We're going to get behind him because he is going to make the Fatherland dominate all of Europe."

And that is what they have said to us, that at this critical moment if we wimp out, if we refuse to face our obligation, if we give some lame excuses as a value system that lives and freedom and independence are inferior to some whatever cause they have, that if we pursue that at this moment, all of the Middle East, you remember the closing arguments that I made, he pledged that he will bring the entire Arab world under his command. If he were to do that, you know what his goal is.

Mr. DORNAN of California. Sure.

Mr. McEWEN. His goal is to destroy Israel. At that point, then do you think the liberals 3 years from now when we were faced with that situation in which he had intercontinental missiles and in which he had supported revolutions in all the neighboring countries, and he had made the fourth largest army into the third or second largest army and then he marches against Israel, then where do you think they are going to be?

Somebody is going to say, "Why didn't you back in 1991 when you had the chance, when you had the overwhelming air superiority, when he did not have intercontinental missiles, when he did not possess nuclear power, why didn't somebody have the foresight and the brains to do something about it?"

Mr. Speaker, look at history now. Fortunately we have learned. We are not going to make that mistake.

America has done what is right. When this trust was thrust upon us, which we did not ask for, and these immigrants that have escaped from around the world are now occupying this place that we call ourselves America, regardless of their Irish ancestry or Polish or whatever, that we do not even begin to look alike, except we are alike on the inside, that we love freedom and we are Americans. We have discharged that sacred responsibility beautifully, and I am extremely proud of the way the Congress acted on January 12. That was my birthday, in which we chose to defend freedom out of an act of graciousness and caring about our values, not because of what we are going to get. We were the ones giving the most, and yet because we knew that it was right and there was just spontaneously as a general reflex, without even thinking about it, there was Great Britain right at our side. We have done something out of an act for the ultimate peace and security of the world, of Israel and of our own peace in the future what is right, and we will be remembered for it as having stood in the gap. When the world was found wanting, we had a President and we had a leader who rallied the rest of the world around him, and I submit that his place in history as the result of this will be exactly where it belongs, right at the very top.

Mr. DORNAN of California. Amen. Would the gentleman ask the Chair how much time we have left?

Mr. MCEWEN. I would ask the Speaker.

The SPEAKER pro tempore (Mrs. UNSOELD). The gentleman from Ohio has 5 minutes remaining.

Mr. DORNAN of California. Time for one question. I have taken great delight in watching the gentleman, maybe a little less than half a decade, or a little more than a decade, younger than I, who has the same love of history and lets history nourish his thinking process on not reliving the mistakes of the past. Never in all the years I have known the gentleman have I seen a little tiny mistake, and I caught one. It may have been the same mistake I made on the floor on the 50th anniversary of Chamberlain coming back, the gentleman and I and our great fomer colleague, Jack Kemp, we were talking about this Munich thing. First we did the 50th anniversary of the Hitler-Stalin Pact which crushed Lithuania, Estonia, and Latvia. Then we did on the 50th anniversary, September 30, 1989, not realizing that 40 days later the Berlin Wall was going to come down, and I said that Neville Chamberlain returned to Heston.

I researched that during the 50th anniversary of the Battle of Britain. Heston is where the great RAF museum is. The runways are long gone, but the field he came back to, the gentleman will like this because we both admire the namesake of this field. Heston, as in Charleton Heston's name. Hendon is on the north part of London, but Heston is on the road to Heath Row.

Heston—Chris Heil, one of the greatest reporters we have, going supersonic with this pen, he will go back and correct Hendon to Heston.

But here is the last question with the few minutes we have. What would the gentleman say, and I know they are out there, God love them, what would the gentleman say to those first two categories of demonstrators who were in the majority in the beginning, the ones who are democratically inclined to look toward a diplomatic solution, exhausted even if all the odds are against them, and the spiritually inclined St. Francis of Assisi types who say never should we resort to violence, what would the gentleman say to these people in closing to kind of cap off that litany of perfect history the gentleman gave why sometimes you must stand up to the rapist and the murderer, particularly if it is your own wife and children who are being beaten before your very eyes, what do you say to the few good people who do not burn the flag, they wave it and they say, "Please, no war."

Mr. MCEWEN. I would encourage them just to listen to those whose lives are immersed in it.

Certainly the last thing that George Bush wanted was this situation. Certainly the last thing that Colin Powell and Dick Cheney or anyone else at the Pentagon wanted was to be in this situation. This is the last thing that Prime Minister Kaifu wanted to do. They say it cost us $800 million a month and the last thing he wanted to do was commit $9 billion. The last thing that Margaret Thatcher wanted to do was to commit this, but those who know what is at risk have made this decision out of obligation for the future generations, not for their own benefit, not without question, No. 1.

Second, it is not moral, it is not the high ground for those who are standing two doors away listening to the screaming of the rape and the pillaging going on two doors down to say, "I don't want to get involved. Don't lecture me about moral high ground," because you want to hold your ears and close your eyes and pull the curtains to the rape that is going on in the street. That is not moral high ground. That is the lowest act of selfishness. That is the ultimate accomplishment of the "me" generation and this generation has turned its back on the remnants of the Vietnam era in which there was no commitment from our national leadership as to what our goals were. That is beside us now.

Mr. DORNAN of California. What seems to have been one of the landmark changes in our culture, our society, that started this cultural war was the spring of 1964 at Berkeley, the Filthy Speech Movement, the FSM with Mario Savio, later fritzed his brain out with acid or something. But you know what happened, funny how this date sticks in my mind, March 26, 1964, Covent Gardens, NY, Kitty Genovese screaming as she is being stabbed by a rapist-murderer, and people pulled their blinds down and he went away.

Mr. MCEWEN. Yes, and that is not moral high ground.

Mr. DORNAN of California. He came back and killed her.

Mr. MCEWEN. "I don't have anything involved. Why should I be involved? I might have to go to the hospital. I might have to help pay for some of the bills. That could mean I would lose some of the personal benefit." That is not moral high ground. That is the ultimate failure of human decency.

America is not like that. Saddam Hussein bet his life and his future that that was America, and there are those encouraging him at this moment, but I am here to say that America is the opposite, the total opposite of that, much more like what was said in the scriptures, "Greater love hath no man than to lay down his life for his friends."

Mr. DORNAN of California. John 15:13; my favorite line in all scripture. I am glad it is that of the gentleman, too.

What is the date we come back in here in this Chamber to assemble again?

Mr. MCEWEN. The 19th.

Mr. DORNAN of California. The 19th, let us do a special order the night of the 19th. There will have been 13 more days of air-to-ground war. Dick Cheney, our great Secretary of Defense, and Colin Powell will be back visiting with another great black American officer of African-American heritage, Calvin Waller.

□ 2150

They will discuss when is the right time to move. I think 13 more days from now we are still going to see a air war in progress and we are going to take our time to save lives, Iraqi lives as well as American lives. They will really start to die in heavy numbers if we have to hit them on the ground with high technology land weapons.

Mr. MCEWEN. I appreciate the time of the gentleman, his love of our country and his assistance in this special order.

Madam Speaker, I thank everyone here. I am fully aware of what we have done to you as you are about to take a week off, and to you I apologize and thank you.

I thank the Speaker, and I thank the sergeant-at-arms.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1991

(Mr. PANETTA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD, the official letter to the Speaker advising him of the current level of spending, credit, and revenues for fiscal year 1991. This is the first report of the 1st Session of the 102d Congress.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution, and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority, and credit authority made to a committee pursuant to subsection 302(a) of the Budget Act. This report compares the spending, credit, and revenue levels in current level with those assumed in the conference report to accompany the budget resolution for fiscal year 1991, House Concurrent Resolution 310. The 302(a) allocations to House committees made pursuant to the conference report were printed in the CONGRESSIONAL RECORD on October 10, 1990, page H9280.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act. Section 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that measure would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set forth in the budget resolution.

Section 311(b) provides an exception to the 311(a) point of order for measures that would breach the ceilings on total spending set forth in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of discretionary spending made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the budget resolution for fiscal year 1985, House Concurrent Resolution 280, 98th Congress. The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law 99–177, Gramm-Rudman-Hollings. This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control.

Section 311(c) of the Budget Act provides that, for purposes of enforcing section 311, the levels of new budget authority, entitlement authority, outlays, and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues, and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

The estimates in this report are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, House Concurrent Resolution 310. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution for a fiscal year that alters the assumptions concerning legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees that are unable to complete work on legislation within a short period after adoption of a budget resolution, and undermine respect for budget enforcement procedures.

In addition to section 311, the Budget Act contains another point of order that requires Budget Committee estimates for enforcement. Section 302(f)(1) of the Budget Act prohibits the consideration of a measure providing new budget authority, new entitlement authority, or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, new entitlement, and new credit authority allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee has jurisdiction. This point of order was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee fulfills this responsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the Appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, February 6, 1991.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974, as amended, to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under H. Con. Res. 310, the Concurrent Resolution on the Budget for fiscal year 1991.

In the House of Representatives, the procedural situation for fiscal year 1991 with regard to the spending ceilings (total new budget authority and total outlays) and the revenue floor is affected by Section 311 of the Congressional Budget Act of 1974, as amended by Public Law 99-177. Section 311(a) prohibits the consideration of a spending or revenue measure which would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause total revenues to be less than the appropriate level set in the budget resolution. Section 311(b) provides an exception to the 311(a) point of order for measures which would breach the ceilings on total spending in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of new discretionary budget authority or new entitlement authority under Section 302(a) of the Budget Act.

The intent of Section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority allocations—new discretionary budget authority or new entitlement authority—from points of order if the total spending ceilings have been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 310 were printed in the Congressional Record on October 10, 1990, page H9280.

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the fiscal year 1991 budget resolution, H. Con. Res. 310.

Sincerely,

LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1991 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 310

REFLECTING COMPLETED ACTION AS OF FEB. 5, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,485,600	1,236,900	1,172,900
Current level	1,481,536	1,236,224	1,176,177
Amount under ceilings	4,064	676	
Amount over floor			3,277

BUDGET AUTHORITY

Any measure which provides budget or entitlement authority and which is not included in the current level estimate and that exceeds $4,064 million in budget authority for fiscal year 1991, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 310 to be exceeded.

OUTLAYS

Any measure which increases outlays and which is not included in the current level estimate and that exceeds $676 million for fiscal 1991, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 310 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level revenue estimate and that exceeds $3,277 million in revenues for fiscal year 1991, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 310.

FISCAL YEAR 1991 BUDGET AUTHORITY—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

	Current level budget authority
House Committee:	
Agriculture	−742
Appropriations[1]	−1,344
Armed Services	+57
Banking, Finance and Urban Affairs	−32
District of Columbia	
Education and Labor	
Energy and Commerce	−14
Foreign Affairs	
Government Operations	
House Administration	
Interior and Insular Affairs	+74
Judiciary	+3
Merchant Marine and Fisheries	−5
Post Office and Civil Service	+869
Public Works and Transportation	
Science and Technology	+1
Small Business	
Veterans' Affairs	−94
Ways and Means	−2,354
Unassigned (sequestration)	−389

[1] See next table for detail.

Note.—Committees are over (+) or under (−) their 302(a) allocation for "discretionary action."

FISCAL YEAR 1991 HOUSE APPROPRIATIONS COMMITTEE DISCRETIONARY ACTION—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SEC. 302

[In millions of dollars]

	Current level budget authority	Direct loans	Primary loan guarantees
House Appropriations Subcommittee:			
Commerce, State, Justice	−7	−11	−184
Defense	−54		
District of Columbia	−2		
Energy and Water	−775		
Foreign Operations	+404	−17	−1
Interior			
Labor, HHS, Education	−624		
Legislative Branch	−63		
Military Construction	−136		
Rural Development and Agriculture	−6	−112	−49
Transportation	−1		
Treasury, Postal Service	−4		
VA/HUD/Independent Agencies	−76	−198	
Total	−1,344	−338	−234

Note.—Subcommittees are over (+) or under (−) their 302(b) subdivisions for "discretionary action."

FISCAL YEAR 1991 ALLOCATION OF NEW ENTITLEMENT AUTHORITY [NEA] PURSUANT TO SECTION 302

[In millions of dollars]

Committee	Allocation	Reported[1]	Enacted[2]	Enacted over (+) under (−) allocation
Agriculture	+53	+1,309	−566	−619
Appropriations		+2,253	+2,253	+2,253
Armed Services		+2,209	+2,270	+2,270
Education and Labor	−120		+1	+121
Energy and Commerce	+305		+1	−304
Judiciary		+2	+2	+2
Post Office and Civil Service	−1,230		−1,390	−160
Veterans' Affairs	−65		+180	+245
Ways and Means	−4,200		−3,182	+1,018

[1] These figures are used for 401(b)(2) of the Budget Act.

[2] These figures are used for 302(f) points of order.

Note.—The figures for the Armed Services and Appropriations Committees represent the full costs of the January 4.1 percent pay raise for Federal military and civilian personnel respectively. The pay raise was assumed in the budget resolution, but the New Entitlement Authority [NEA] was not allocated to any committee because the budget resolution assumed that the pay raise would be achieved through administrative actions.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 6, 1991.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the 1991 Concurrent Resolution on the Budget (H. Con. Res. 310). This report, my first for the first session of the 102d Congress, is tabulated as of close of business February 5, 1991. A summary of this tabulation follows:

[In millions of dollars]

	Current level	Budget resolution H. Con. Res. 310	Current level +/− resolution
Budget authority	1,481,536	1,485,600	−4,064
Outlays	1,236,224	1,236,900	−676
Revenues	1,176,177	1,172,900	3,277
Direct loan obligations	20,607	21,000	−393
Guaranteed loan commitments	106,940	106,800	140

Sincerely,

ROBERT D. REISCHAUER.

PARLIAMENTARIAN STATUS REPORT 102D CONG., 1ST SESS., HOUSE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS FEB. 5, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,176,178
Permanent appropriations and trust funds	1,066,350	801,618	
Other legislation	664,057	676,371	
Offsetting receipts	−242,564	−242,564	
Total enacted in previous sessions	1,487,843	1,235,425	1,176,178
II. Enacted this session: Extending IRS deadline for Desert Storm troops (Public Law 102–2)			−(1)
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution	−6,307	799	
Total current level[1]	1,481,536	1,236,224	1,176,177
1991 budget resolution (H. Con. Res. 310)	1,485,600	1,236,900	1,172,900
Amount remaining:			
Over budget resolution			3,277
Under budget resolution	4,064	676	

[1] In accordance with section 606(D)(2) of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101–508) current level excludes $1,335 in budget authority and $1,562 in outlays for Operation Desert Shield, Debt Forgiveness for Egypt and Poland and Internal Revenue Service funding above the June 1990 baseline level. In addition, current level outlays include a savings of $1,100 million for the Bank Insurance Fund that the Committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508) and revenues include the Office of Management and Budget's estimate of $3,037 million for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (Public Law 101–509).

RULES OF THE COMMITTEE ON FOREIGN AFFAIRS FOR THE 102D CONGRESS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, pursuant to clause 2(a) of rule XI of the Rules of the House of Representatives, I submit the rules of the Committee on Foreign Affairs for the 102d Congress for printing in the CONGRESSIONAL RECORD. The rules of the committee were adopted on January 30, 1991 in open session, a quorum being present.

RULES OF THE COMMITTEE ON FOREIGN AFFAIRS, 102D CONGRESS

(Adopted January 30, 1991)

1. GENERAL PROVISIONS

The Rules of the House, and in particular, the committee rules enumerated in Clause 2 of Rule XI, are the rules of the Committee on Foreign Affairs, to the extent applicable. The Chairman shall consult the Ranking Minority Member to the extent possible with respect to the business of the Committee. Each subcommittee of the Committee on Foreign Affairs (hereinafter referred to as the "Committee") is a part of the Committee and is subject to the authority and direction of the Committee, and to its rules to the extent applicable.

2. DATE OF MEETING

The regular meeting date of the Committee shall be the first Tuesday of every month when the House is in session pursuant to Clause 2(b) of Rule XI of the House. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Members of the Committee in accordance with Clause 2(c) of Rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to Clause 2(c) of Rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if there is no business to be considered.

3. QUORUM

For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

One-third of the Members of the Committee shall constitute a quorum for taking any action, with the following exceptions: (1) Reporting a measure or recommendation, (2) closing Committee meetings and hearings to the public, and (3) authorizing the issuance of subpoenas.

No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present.

4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each meeting for the transaction of business, including the markup of legislation, of the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than Members of the Committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This subsection does not apply to open Committee hearings which are provided for by subsection (b) of this rule or any meeting that relates solely to internal budget or personnel matters.

(b)(1) Each hearing conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony—

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate paragraph (2) of this subsection; or

(B) may vote to close the hearing, as provided in paragraph (2) of this subsection.

(2) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (1) of this subsection, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the Committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the Members, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) No Member of the House may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee unless the House of Representatives has by majority vote authorized the Committee or subcommittee, for purposes of a particular series of hearings, on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public.

(4) The Committee or a subcommittee may by the procedure designated in this subsection vote to close 1 subsequent day of hearing.

(c) No congressional staff person shall be present at any meeting or hearing of the Committee or a subcommittee which has been closed to the public, and at which classified information will be involved, unless such person is authorized access to such classified information in accordance with Rule 20.

5. ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement shall be made of the date, place, and subject matter of any hearing or markup to be conducted by the Committee or a subcommittee at least 1 week before the commencement of that hearing or markup unless the Committee or subcommittee determines that there is good cause to begin meeting at an earlier date. Such determination may be made with respect to any hearing or markup by the Chairman or subcommittee chairman, as appropriate.

Public announcement of all hearings and markups shall be made at the earliest possible date and shall be published in the Daily Digest portion of the Congressional Record, and promptly entered into the committee scheduling service of the House Information Systems.

Members shall be notified by the Chief of Staff, whenever it is practicable, 1 week in advance of all meetings (including markups and hearings) and briefings of subcommittees and of all the full Committee.

The agenda for each Committee and subcommittee meeting, setting out all items of business to be considered, including a copy of any bill or other document scheduled for markup, shall be furnished to each Committee or subcommittee Member by delivery to the Member's office at least 2 full calendar days (excluding Saturdays, Sunday, and legal holidays) before the meeting, whenever possible.

6. WITNESSES

a. interrogation of witnesses

Insofar as practicable, witnesses shall be permitted to present their oral statements without interruption, questioning by the Committee Members taking place afterward. In recognizing Members, the Chairman may give preference to the Members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the Members actually present. A Member desiring to speak or ask a question shall address the Chairman and not the witness in order to insure orderly procedure.

Each Member may interrogate the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all Members have had an opportunity to ask questions, the round shall beging again under the 5-minute rule.

The Chairman shall take note of Members who are in their chairs when each day's hearing begins and, insofar as practicable, when the time occurs for interrogation, shall recognize each such Member ahead of all others.

b. statements of witnesses

So far as practicable, each witness shall file with the committee, 48 hours in advance of his appearance, a written statement of his proposed testimony and shall make a brief oral summary of his views.

7. PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be made of all hearings and markup sessions. Members of the Committee and any witness may examine the transcript of his or her own remarks and may make any grammatical or technical changes that do not substantially alter the record. Any such Member or witness shall return the transcript to the Committee offices within 5 calendar days (not including Saturdays, Sundays, and legal holidays) after receipt of the transcript, or as soon thereafter as is practicable.

Any information supplied for the record at the request of a Member of the Committee shall be provided to the Member when received by the Committee.

Transcripts of hearings and markup sessions (except for the record of a meeting or hearing which is closed to the public) shall be printed as soon as is practicable after receipt of the corrected versions, except that the Chairman may order the transcript of a hearing to be printed without the corrections of a Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

8. EXTRANEOUS MATERIAL IN COMMITTEE HEARINGS

No extraneous material shall be printed in either body or appendixes to any Committee or subcommittee hearing, except matter which has been accepted for inclusion in the record during the hearing. Copies of bills and other legislation under consideration and responses to written questions submitted by Members shall not be considered extraneous material.

Extraneous material in either the body or appendixes to any hearing to be printed which would be in excess of eight printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate in writing from the Public Printer of the probable cost of publishing such material.

9. PUBLIC ANNOUNCEMENT OF COMMITTEE VOTES

The result of each rollcall vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices—including a description of the amendment, motion, order, or other proposition; the name of each Member voting for and against and whether by proxy or in person; and the Members present but not voting.

A rollcall vote shall be ordered on any question at the request of 20 percent of those present.

10. PROXIES

Proxy voting is permitted in the Committee and in subcommittees only under the following conditions:

The proxy authorization—

(a) Shall be in writing;

(b) Shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting; and

(c) Shall be limited to a motion to report a bill or a resolution.

Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies are not counted for a quorum.

11. PRIOR APPROVAL OF REPORTS

No Committee, subcommittee, or staff report, study, or other document which purports to express publicly the views, findings, conclusions, or recommendations of the Committee or the subcommittee may be released to the public or filed with the Clerk of the House unless approved by a majority of the Members of the Committee or subcommittee, as appropriate. In any case in which Clause 2(1)(5) of House Rule XI does not apply, each Member of the Committee or subcommittee shall be given an opportunity to have views or a disclaimer included as part of the material filed or released, as the case may be.

12. REPORTING BILLS AND RESOLUTIONS

Except in unusual circumstances, bills and resolutions will not be considered by the Committee unless and until the appropriate subcommittee has recommended the bill or resolution for Committee action, and will not be taken to the House for action unless and until the Committee has ordered reported such bill or resolution, a quorum being present. Unusual circumstances will be determined by the Chairman of the Committee, after consultation with such Members of the Committee as the Chairman deems appropriate.

13. STAFF SERVICES

The Committee staff shall be selected and organized so that it can provide a comprehensive range of professional services in the field of foreign affairs to the Committee, the subcommittees, and all its Members.

The staff shall include persons with training and experience in foreign affairs who have a variety of backgrounds and skills so as to make available to the Committee services of individuals who have a first-hand acquaintance with major countries and areas and with major aspects of U.S. overseas programs and operations.

It is intended that the skills and experience of all members of the Committee staff shall be available to all Members of the Committee.

(a) The professional and clerical employees of the Committee, except those assigned to the minority or to a subcommittee as provided below, shall be appointed, and may be removed, by the Chairman with the approval of the majority of the Members of the Committee. Their remuneration shall be fixed by the Chairman within the ceilings set in Clause 6(c) of Rule XI, and they shall be under the general supervision and direction of the Chairman. Staff assignments are to be authorized by the Chairman or by the Chief of Staff under the direction of the Chairman.

(b) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined as the minority Members of the Committee shall determine within the general ceiling in Clause 6(c) of Rule XI. *Provided, however,* That no minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall be under the general supervision and direction of the Ranking Minority Member with the approval or consultation of the minority Members of the Committee.

(c) In the matter of subcommittee staffing:

(1) The chairman of each standing subcommittee of the Committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority Member of each of six standing subcommittees on the Committee is authorized to appoint one staff person who shall serve at the pleasure of said Ranking Minority Member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in Paragraph (c) of Clause 6 of Rule XI of the Rules of the House or (B) the rate paid the staff member appointed pursuant to subparagraph (1) of this paragraph.

(4) No Member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the ranking minority Members pursuant to subparagraph (2) of this paragraph shall be made available from the staff positions provided under Clause 6 of Rule XI of the Rules of the House.

14. NUMBER AND JURISDICTION OF SUBCOMMITTEES

(1) The full Committee will handle the markup and reporting of general legislation relating to foreign assistance (including development assistance, security-related aid, and Public Law 480 programs abroad) or relating to the Peace Corps. Regional subcommittees will have responsibility with respect to foreign assistance as follows:

(1) The annual legislative programs of foreign assistance for each region shall be referred to the appropriate subcommittee for review and legislative recommendations, within a time frame to be set by the Committee.

(2) Those subcommittees shall be responsible for ongoing oversight of all foreign assistance activities affecting their region.

(3) Those subcommittees shall have the responsibility of annually reporting to the full Committee, on a timely basis, the findings and conclusions of their oversight, including specific recommendations for legislation relating to foreign assistance.

(b) There shall be eight standing subcommittees. The names and jurisdiction of those subcommittees shall be as follows:

A. Functional Subcommittees

There shall be four subcommittees with functional jurisdiction:

SUBCOMMITTEE ON ARMS CONTROL, INTERNATIONAL SECURITY AND SCIENCE.—To deal with national security and scientific developments affecting foreign policy; strategic planning and agreements; war powers and executive agreements legislation; Arms Control and Disarmament Agency and all aspects of arms control and disarmament with particular emphasis on the investigation and evaluation of arms control and disarmament proposals and concepts; security aspects of nuclear technology and materials; international terrorism with special focus on the U.S. Government's policies and programs for combatting international terrorist movements and actions; oversight of military aspects of foreign policy and foreign intelligence; and oversight of State and Defense Department activities involving arms transfers, arms export licenses, administration of security assistance, arms sales, foreign military training and advisory programs, and conventional arms control.

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS.—To deal with Department of State and U.S. Information Agency operations and legislation; the diplomatic service; international education and cultural affairs; foreign buildings; international terrorism with special emphasis on policies and programs relating to the enhancement of embassy security and the protection of U.S. personnel and institutions abroad; parliamentary conferences and exchanges; protection of American citizens abroad; international broadcasting; and international communication and information policy.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY AND TRADE.—To deal with measures relating to international economic and trade policy; measures to foster commercial intercourse with foreign countries; export administration; international investment policy; trade and economic aspects of nuclear technology and materials and international communication and information policy; legislation pertaining to and oversight of the Overseas Private Investment Corporation; commodity agreements; and special oversight of international financial and monetary institutions, the Export-Import Bank, and customs.

SUBCOMMITTEE ON HUMAN RIGHTS AND INTERNATIONAL ORGANIZATIONS.—To deal with oversight of, and legislation pertaining to, the United Nations, its related agencies, and other international organizations; international law; implementation of the Universal Declaration of Human Rights and other matters relating to internationally recognized human rights generally; the American Red Cross; international environmental policy; and oversight of international fishing agreements.

B. Regional Subcommittees

There shall be four subcommittees with regional jurisdiction: the Subcommittee on Europe and the Middle East; the Subcommittee on Asian and Pacific Affairs (including South Asia); the Subcommittee on Western Hemisphere Affairs; and the Subcommittee on Africa.

In addition to the responsibilities provided by subsection (a) of this rule, the regional subcommittees shall have jurisdiction over the following:

(1) Matters affecting the political relations between the United States and other countries and regions, including resolutions or other legislative measures directed to such relations.

(2) Legislation with respect to disaster assistance outside the Foreign Assistance Act, boundary issues, and international claims.

(3) Legislation with respect to region- or country-specific loans or other financial relations outside the Foreign Assistance Act.

(4) Resolutions of disapproval under section 36(b) of the Arms Export Control Act, with respect to foreign military sales.

(5) Oversight of regional lending institutions.

(6) Identification and development of options for meeting future problems and issues relating to U.S. interests in the region.

(7) Environmental, population, and energy affairs affecting the region.

(8) Base agreements and regional security pacts.

(9) Oversight of matters relating to parliamentary conferences and exchanges involving the region.

(10) Concurrent oversight jurisdiction with respect to matters assigned to the functional subcommittees insofar as they may affect the region.

15. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of Committee or subcommittee meetings or hearings whenever possible. It shall be the practice of the Committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full Committee.

In order to insure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the Chairman through the Chief of Staff of the Committee.

The Chairman and the Ranking Minority Member of the full Committee may attend the meetings and participate in the activities of all subcommittees, except for voting and being counted for a quorum.

16. REFERRAL OF BILLS BY CHAIRMAN

All legislation and other matters referred to the Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within 2 weeks, unless by majority vote of the majority party Members of the full Committee, consideration is to be otherwise effected. Any subcommittee chairman who believes that the subcommittee has jurisdiction over the legislation or other matter may so notify the Chairman within the 2-week period.

The Chairman may designate a subcommittee chairman or other Member to take responsibility as "floor manager" of a bill during its consideration in the House.

17. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall determine an appropriate ratio of majority to minority party Members for each subcommittee: *Provided, however*, That party representation on each subcommittee or conference committee shall be no less favorable to the majority party than the ratio for the full Committee. The Chairman of the full Committee and the Ranking Minority Member are authorized to negotiate matters affecting such ratios including the size of subcommittees and conference committees.

18. SUBCOMMITTEE BUDGETS AND RECORDS

(a) Each subcommittee shall have an adequate budget to discharge its responsibility for legislation and oversight.

(b) In order to facilitate Committee compliance with Paragraph (e)(1) of Clause 2, Rule XI, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be promptly made available to the full Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those Members present but not voting.

All subcommittee hearings, records, data, charts, and files shall be kept distinct from the congressional office records of the Member serving as chairman of the subcommittee. Such records shall be coordinated with the records of the full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

19. MEETINGS OF SUBCOMMITTEE CHAIRMEN

The Chairman shall call a meeting of the subcommittee chairmen on a regular basis not less frequently than once a month. Such a meeting need not be held if there is no business to conduct. It shall be the practice at such meetings to review the current agenda and activities of each of the subcommittees. Each majority Member of the Committee shall have the right to attend such meetings.

20. ACCESS TO CLASSIFIED INFORMATION

It shall be the policy of the Committee to afford access to classified information under its control for its own Members and other Members of the House of Representatives.

AUTHORIZED PERSONS.—In accordance with the stipulations of the House Rules, all Members of the House shall be construed to be persons authorized to have access to classified information within the possession of the Committee.

Members of the Committee staff shall be construed to be authorized access to classified information within the possession of the Committee (1) when they have the proper clearances, and (2) when they have a demonstrable "need to know". The decision on whether a given staff member has a "need to know" will be made on the following basis:

(a) In the case of the full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(b) In the case of the full Committee minority staff, by the Ranking Minority Member of the Committee, acting through the Minority Chief of Staff;

(c) In the case of subcommittee majority staff, by the Chairman of the subcommittee;

(d) In the case of the subcommittee minority staff, by the Ranking Minority Member of the subcommittee.

No other individuals shall be considered authorized persons, unless so designated by the Committee Chairman.

DESIGNATED PERSONS.—Each Committee Member is permitted to designate one member of his or her staff as having the right of access to classified information in the "confidential" category. Such designated persons must have the proper security clearance and a "need to know" as determined by his or her principal. Upon request of a Committee Member in specific instances, a designated person also shall be permitted access to information classified "secret" which has been furnished to the Committee pursuant to section 36(b) of the Arms Export Control Act, as amended. Designation of a staff person shall be by letter from the Committee Member to the Committee Chairman.

LOCATION.—Classified information will be kept in secure safes in the Committee rooms. All materials bearing the designation "top secret" must be kept in secured safes located in the main Committee offices, 2170 Rayburn House Office Building. "Top Secret" materials may not be taken from that location for any purpose.

Materials bearing designations "confidential" or "secret" may be taken from Committee offices to other Committee offices and hearing rooms by Members of the Committee and authorized Committee staff in connection with hearings and briefings of the Committee or its subunits for which such information is deemed to be essential. Removal of such information from the Committee offices shall be only with the permission of the Chairman of the full Committee, under procedures designated to insure the safe handling and storage of such information at all times.

NOTICE.—Notice of the receipt of classified documents received by the Committee from the executive branch will be sent promptly to Committee Members. The notice will contain information on the level of classification.

ACCESS.—Except as provided for above, access to classified materials held by the Committee will be in the main Committee offices in a designated "reading room". The following procedures will be observed:

(a) Authorized or designated persons will be admitted to the reading room after inquiring of the Chief of Staff or an assigned staff member. The reading room will be open during regular Committee hours.

(b) Authorized or designated persons will be required to identify themselves, to identify the documents or information they wish to view, and to sign the Classified Materials Log, which is kept with the classified information.

(c) No photocopying or other exact reproduction, oral recording, or reading by telephone, of such classified information is permitted.

(d) The assigned staff member will be present in the reading room at the option of the authorized person. Such staff member will be responsible for maintaining a log which identifies (1) authorized and designated persons seeking access, (2) the classified information requested, and (3) the time of arrival and departure of such persons. The assigned staff member will also assure that the classified materials are returned to the proper location.

(e) The Classified Materials Log will contain a statement acknowledged by the signature of the authorized or designated person that he or she has read the Committee rules and will abide by them.

DIVULGENCE.—Any classified information to which access has been gained through the Committee may not be divulged to any unauthorized person in any way, shape, form, or manner. Apparent violations of this rule should be reported to the Chairman of the full Committee at once, and by him to the full Committee as promptly as possible.

TECHNICAL SECURITY COUNTERMEASURES.—Committee rooms and equipment shall be maintained in accordance with such technical security standards as the Chairman deems necessary to safeguard classified information from unauthorized disclosure. Such standards may include requirements for technical security monitoring during closed sessions involving classified information, conducted under the direction and control of the Chairman by personnel responsible to the Sergeant at Arms of the House of Representatives.

OTHER REGULATIONS.—So long as they do not conflict with any of the rules herein set down, the Chairman of the full Committee may establish other regulations and procedures as in his judgment may be necessary to safeguard classified information under the control of the Committee. Members of the Committee will be given notice of any such regulations and procedures promptly. They may be modified or waived in any or all particulars by a majority vote of the full Committee. Furthermore, any additional regulations and procedures should be incorporated into the written rules of the Committee at the earliest opportunity.

21. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

When requested by the Superintendent of the House Radio and Television Gallery and upon approval by the Committee or its subcommittees, all Committee and subcommittee hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage: *Provided*, That such request is submitted to the Committee or its subcommittees not later than 4 p.m. of the day preceding such hearings.

The Chairman of the full Committee or the chairmen of the subcommittees are authorized to determine on behalf of the full Committee or its subcommittees respectively whether hearings which are open may be broadcast, unless the Committee or its subcommittees respectively by majority vote determine otherwise. The Committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

Such coverage shall be in accordance with the following requirements (Section 116(b) of the Legislative Reorganization Act of 1970; Clause 3(f) of Rule XI of the Rules of the House of Representatives):

(a) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(b) No witness served with a subpoena by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) The allocation among cameras permitted by the Committee or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or its subcommittees or the visibility of that witness and that Member to each other.

(e) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee or subcommittee is in session.

(g) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage to the hearing or meeting at the then current state of the art of television coverage.

(h) In the allocation of the number of still photographers permitted by the Committee or subcommittee chairman in a hearing or meeting room, preference shall be given to the photographers from Associated Press Photos, United Press International Newspictures, and Reuters. If requests are made by more of the media than will be permitted by the Committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

22. SUBPOENA POWERS

A subpoena may be authorized and issued by the Committee or its subcommittees, in accord with House Rule XI, Clause 2(m), in the conduct of any investigation or series of investigations, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Pursuant to House Rules and under such limitations as the Committee may prescribe, the Chairman may be delegated the power to authorize and issue subpoenas in the conduct of any investigation or series of investigations. Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

23. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever the Speaker is to appoint a conference committee, the Chairman shall recommend to the Speaker as conferees those Members of the Committee who are primarily responsible for the legislation (including to the fullest extent feasible the principal proponents of the major provisions of the bill as it passed the House), who have actively participated in the Committee or subcommittee consideration of the legislation, and who agree to attend the meetings of the conference. With regard to the appointment of minority Members, the Chairman shall consult with the Ranking Minority Member.

24. OTHER PROCEDURES AND REGULATIONS

The Chairman of the full Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Any additional procedures or regulations may be modified or rescinded in any or all particulars by a majority vote of the full Committee.

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 102D CONGRESS

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives. I submit herewith the rules of the Committee on Ways and Means for the 102d Congress and ask that they be printed in the RECORD at this point. These rules were adopted by the committee in open session on January 23, 1991.

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 102D CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

"* * * The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

"* * * Each subcommittee of a committee is a part of that committee, and is subject to the authority and direction of that committee and to its rules as far as applicable.

"* * * Each standing committee of the House shall adopt written rules governing its procedure. Such rules * * *

"(1) shall be adopted in a meeting which is open to the public * * *

"(2) shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House * * *."

In accordance with the foregoing, the Committee on Ways and Means, on January 23, 1991, adopted the following as the Rules of the Committee for the 102d Congress.

A. GENERAL

Rule 1. Application of Rules

Except where the terms "full Committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Ways and Means and its subcommittees as well as to the respective chairmen.

Rule 2. Meeting Date and Quorums

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. A majority of the Committee constitutes a quorum for business; provided however, that two members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of a public hearing, every effort shall be made to secure the presence of at least one member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet pursuant to the call of the Chair.

Rule 3. Proxy Voting

Voting by proxy shall be permitted in accordance with the manner prescribed in clause 2(f) of Rule XI of the Rules of the House of Representatives.

Rule 4. Committee Budget

For each session of the Congress, the Chairman, in consultation with the majority members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the minority members, the Chairman shall include an amount budgeted by minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

Rule 5. Publication of Committee Document

Any committee or subcommittee print, document, or similar material prepared for public distribution shall either be approved by the Committee or subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall contain on its cover the following disclaimer:

Prepared for the use of Members of the Committee on Ways and Means by members of its staff. This document has not been officially approved by the Committee and may not reflect the views of its Members.

Any such print, document, or other material not officially approved by the Committee or subcommittee shall not include the names of its members, other than the name of the full Committee Chairman or subcommittee chairman under whose authority the document is released. Any such document shall be made available to the full Committee Chairman and Ranking Minority Member not less than three calendar days (excluding Saturdays, Sundays and legal holidays) prior to its public release.

This rule shall apply only to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports to the Committee which are required under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

Rule 6. Official Travel

Consistent with the primary expense resolution and such additional resolution as may have been approved, the provisions of this rule shall govern official travel of Committee members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any Member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Member and any Committee staff member in connection with the attendance of formal or informal hearings conducted by the Committee, its subcommittees, or any other committee or subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) The purpose of the official travel;

(2) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made; and

(4) The names of Members and Committee staff seeking authorization.

Where official travel is in connection with the conduct by Members of the Committee of an informal hearing, the prior approval not only of the Chairman but also of the appropriate subcommittee chairman shall be required where the hearing involves any matter within the jurisdiction of one or more of the subcommittees of the Committee.

In the case of official travel of Members of staff of a subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable subcommittee chairman in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the full Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

Rule 7. Availability of Committee Records

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

B. SUBCOMMITTEES

Rule 8. Subcommittee Ratios and Jurisdiction

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to subcommittees under paragraph 1, 2, 3, 4, or 5, shall be considered by the full Committee and not in subcommittee.

There shall be six standing subcommittees as follows: a Subcommittee on Health; a Subcommittee on Human Resources; a Subcommittee on Oversight; a Subcommittee on Select Revenue Measures; a Subcommittee on Social Security; and a Subcommittee on Trade. The ratio of Democrats to Republicans on any subcommittee of the Committee shall be consistent with the ratio of Democrats to Republicans on the full Committee.

The jurisdiction of each subcommittee shall be:

1. The Subcommittee on Health shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means which relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters which relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

2. The Subcommittee on Human Resources shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Human Resources shall include bills and matters referred to the Committee on Ways and Means which relate to the public assistance provisions of the Social Security Act including welfare reform, supplemental security income, aid to families with dependent children, social services, child support, eligibility of welfare recipients for food stamps, and low-income energy assistance. More specifically, the jurisdiction of the Subcommittee on Human Resources shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Human Resources shall also include bills and matters referred to the Committee on Ways and Means which relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Human Resources shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, the Federal-State Extended Unemployment Compensation Act of 1970, the Emergency Unemployment Compensation Act of 1974, and provisions relating thereto.

3. The Subcommittee on Oversight shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the chairman of any other subcommittee having jurisdiction.

4. The Subcommittee on Select Revenue Measures shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Select Revenue Measures shall consist of those revenue measures which, from time to time, shall be referred to it specifically by the Chairman of the full Committee.

5. The Subcommittee on Social Security shall consist of 8 Members, 5 of whom shall be Democrats and 3 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means which relate to the Federal Old-Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically, the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old-Age, Survivors' and Disability Insurance System.

6. The Subcommittee on Trade shall consist of 14 Members, 9 of whom shall be Democrats and 5 of whom shall be Republicans.

The jurisdiction of the Subcommittee on Trade shall include bills and matters referred to the Committee on Ways and Means which relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements including multilateral and bilateral trade negotiations and implementation of agreements involving tariff and nontariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the U.S. Customs Service, the U.S. International Trade Commission, and U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with non-market economies.

Rule 9. Subcommittee Chairmen

For each subcommittee of the Committee, the Democratic Caucus of the Committee shall nominate to the Democratic Caucus of the House one candidate for the position of subcommittee chairman. The nominations shall be determined in the manner specified in this rule. Democratic members of the Committee shall have the right in order to full Committee seniority to bid for vacant subcommittee chairmanships. Such bids shall be subject to approval by a majority of those present and voting in the Democratic Caucus of the Committee. If the caucus rejects a subcommittee chairmanship bid, the next senior Democratic member may bid for the position as in the first instance. No member of the Committee who serves on the Budget Committee shall serve as a chairman of a subcommittee. A subcommittee chairmanship shall not be considered vacant while the subcommittee chairman has taken a leave of absence to serve on the Budget Committee.

Rule 10. Ex-Officio Members of Subcommittees

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-officio members of all subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a subcommittee. However, their absence shall not count against the establishment of a quorum by the regular members of the subcommittee. Ex-officio members shall neither vote in the subcommittee nor be taken into consideration for purposes of determining the ratio of the subcommittee.

Rule 11. Subcommittee Meetings

Insofar as practicable, meetings of the full Committee and its subcommittees shall not conflict. Subcommittee chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other subcommittee chairmen with a view toward avoiding, wherever possible, simultaneous scheduling of full Committee and subcommittee meetings or hearings.

Rule 12. Reference of Legislation and Subcommittee Reports

Every bill or other measure (except revenue measures) referred to the Committee or initiated by the Committee shall be referred by the Chairman of the full Committee to the appropriate subcommittee within 2 weeks from the date of its receipt by the full Committee; unless by a majority vote of the full Committee, consideration is to be by the full Committee. A subcommittee shall, within 3 legislative days of the referral, acknowledge same to the full Committee.

After a measure has been pending in a subcommittee for a reasonable period of time, the Chairman of the full Committee may make a request in writing to the subcommittee that the subcommittee forthwith report the measure to the full Committee with its recommendations. If within 7 legislative days after the Chairman's written request, the subcommittee has not so reported the measure, then there shall be in order in the full Committee a motion to discharge the subcommittee from further consideration of the measure. If such motion is approved by a majority vote of the full Committee, the measure may thereafter be considered only by the full Committee.

No measure reported by a subcommittee shall be considered by the full Committee unless it has been presented to all Members of the full Committee at least 2 legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 7 of Rule XIII of the Rules of the House of Representatives.

Rule 13. Recommendation for Appointment of Conferees

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those members of the subcommittee (or subcommittees) which handled the substantive legislation, and such other Committee members as the Chairman may designate. Such recommendation shall be in the order of their subcommittee seniority. In making recommendations of minority members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. HEARINGS

Rule 14. Witnesses

In order to assure the most productive use of the limited time available to question hearing witnesses, a witness who is scheduled to appear before the full Committee or a subcommittee shall file with the clerk of the Committee at least 24 hours in advance of his appearance a written statement of his proposed testimony. In addition, all witnesses shall comply with the formatting requirements of the Joint Committee on Printing. Failure to comply with the 24-hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. A witness shall limit his oral presentation to a summary of his position and shall provide sufficient copies of his written statement to the clerk for distribution to members, staff and news media.

Rule 15. Questioning of Witnesses

Committee members may question witnesses only when recognized by the Chairman for that purpose. All members shall be limited to five minutes on the initial round of questioning. In questioning witnesses under the five-minute rule, the Chairman and the Ranking Minority Member shall be recognized first after which members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other members shall be recognized in the order of their appearance at the hearing. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage members of the majority.

Rule 16. Records of Hearings

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes which substantially alter the actual testimony will not be permitted. Members shall correct their own testimony and return transcripts as soon as possible after receipt thereof. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure which is the subject of the hearing.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee must provide the Committee with a list of any clients or persons, or any organization for whom the witness appears. Such list shall be made available for public inspection unless otherwise directed by the Committee. Oral testimony and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or subcommittee involved. Written statements from noncitizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

Rule 17. Broadcasting of Hearings

The provisions of clause 3(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a subcommittee:

1. An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.

2. No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

3. Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through the chief counsel or some other appropriate designee.

4. Still photography will be permitted during a Committee meeting as long as it does not distrupt the proceedings or block the vision of Committee members or witnesses.

5. Klieg lights will be permitted to illuminate the hearing room only during the first fifteen minutes following the Chairman's initial calling of the Committee to order.

6. Further conditions may be specified by the Chairman.

D. MARKUPS

Rule 18. Record Votes

A record vote on an issue shall be required on the request of a member which is supported by at least one-fifth of a quorum (i.e., four members during the 102d Congress).

Rule 19. Reconsideration of Previous Vote

When an amendment or other matter has been disposed of, it shall be in order for any member of the prevailing side, on the same or next day on which a quorum of the Committee is present, to move the reconsideration thereof, and such motion shall take precedence over all other questions except the consideration of a motion to adjourn.

When a paragraph or section of a bill being considered for purpose of amendment has been adopted, it shall not be in order to return thereto except by majority vote of the Committee.

Rule 20. Previous Question

The Chairman shall not recognize a member for the purpose of moving the previous question unless the member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

Rule 21. Official Transcripts of Markups and Other Committee Meetings

An official stenographic transcript shall be kept accurately reflecting all markups and other meetings of the full Committee and the subcommittees, whether they be open or closed to the public. This official transcript, marked as "uncorrected," shall be available for inspection by Members of the House, or Members of the Committee together with their staffs, in the full Committee or subcommittee office. Official transcripts shall not be removed from the Committee or subcommittee office. If, however, (1) in the drafting of a Committee or subcommittee decision, the Office of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority Committee staff) that it is necessary to review the official transcript of a markup such transcript may be released upon the signature and to script shall be returned immediately after its review in the drafting session.

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or made public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule will likewise be observed.

Rule 22. Publication of Decisions and Legislative Language

A press release describing any tentative or final decision made by the full Committee or a subcommittee on legislation under consideration shall be made available to each member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a subcommittee shall not be publicly released until such draft is made available to each member of the Committee.

E. STAFF

Rule 23. Supervision of Committee Staff

The staff of the Committee, both professional and clerical, shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 5(d) and clause 6 of Rule XI of the Rules of the House of Representatives concerning committee expenses and staff; provided, however, that the chairman of each subcommittee shall have the right to select and designate at least one professional and one clerical staff member for the subcommittee subject to the approval of a majority of the Democratic Caucus of the full Committee. The Ranking Minority Member shall have the right to designate one staff member. Said staff members shall be compensated at a salary commensurate with the responsibilities prescribed by the subcommittee chairman. Compensation shall be provided out of appropriated amounts rather than statutory amounts allowed the full Committee.

Rule 24. Staff Honoraria, Speaking Engagements, and Unofficial Travel

This rule shall apply to all majority and minority staff of the Committee and its subcommittees.

a. *Honoraria.*—Under no circumstances shall a staff person accept the offer of an honorarium. This prohibition includes the direction of an honorarium to a charity.

b. *Speaking engagements and unofficial travel.*—

(1) *Advance approval required.*—In the case of all speaking engagements, fact-finding trips, and other unofficial travel, a staff person must receive approval by the full Committee Chairman (or, in the case of the minority staff, from the Ranking Minority Member) at least seven calendar days prior to the event.

(2) *Request for approval.*—A request for approval must be submitted in writing to the full Committee Chairman (or, where appropriate, the Ranking Minority Member) in connection with each speaking engagement, fact-finding trip, or other unofficial travel. Such request must contain the following information:

(a) the name of the sponsoring organization and a general description of such organization (nonprofit organization, trade association, etc.);

(b) the nature of the event, including any relevant information regarding attendees at such event;

(c) in the case of a speaking engagement, the subject of the speech and duration of staff travel, if any; and

(d) in the case of a fact-finding trip or international travel, a description of the proposed itinerary and proposed agenda of substantive issues to be discussed, as well as a justification of the relevance and importance of the fact-finding trip or international travel to the staff member's official duties.

(3) *Reasonable travel and lodging expenses.*—After receipt of the advance approval described in (1) above, a staff person may accept reimbursement by an appropriate sponsoring organization of reasonable travel and lodging expenses associated with a speaking engagement, fact-finding trip, or international travel related to official duties, provided such reimbursement is consistent with the Rules of the House of Representatives. (In lieu of reimbursement after the event, expenses may be paid directly by an appropriate sponsoring organization.) The reasonable travel and lodging expenses of a spouse (but not children) may be reimbursed (or directly paid) by an appropriate sponsoring organization consistent with the Rules of the House of Representatives.

(4) *Trip summary and report.*—In the case of any reimbursement or direct payment associated with a fact-finding trip or international travel, a staff person must submit, within 60 days after such trip, a report summarizing the trip and listing all expenses reimbursed or directly paid by the sponsoring organization. This information shall be submitted to the Chairman (or, in the case of the minority staff, to the Ranking Minority Member).

c. *Waiver.*—The Chairman (or, where appropriate, the Ranking Minority Member) may waive the application of section (b) of this rule upon a showing of good cause.

RULES OF THE COMMITTEE ON THE BUDGET FOR THE 102D CONGRESS

(Mr. PANETTA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PANETTA. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I hereby submit for publication in the CONGRESSIONAL RECORD the rules of the Committee on the Budget for the 102d Congress which were adopted by the committee in open session on January 30, 1991:

RULES OF PROCEDURE OF THE COMMITTEE ON THE BUDGET

(Adopted January 30, 1991)

MEETINGS

*Rule 1—Regular Meetings**

The regular meeting day of the Committee shall be the 2nd Wednesday of each month at 11:00 a.m., while the House is in session.

The Chairman is authorized to dispense with a regular meeting when he determines there is no business to be considered by the Committee, provided that he gives written notice to that effect to each member of the Committee as far in advance of the regular meeting day as the circumstances permit.

Regular meetings shall be cancelled when they conflict with meetings of either party's caucus or conference.

Rule 2—Additional and Special Meetings

The Chairman may call and convene additional meetings of the Committee as he considers necessary, or special meetings at the request of a majority of the members of the Committee in accordance with House Rule XI, clause 2(c).

In the absence of exceptional circumstances, the Chairman shall provide written or verbal notice of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least 3 days in advance when Congress is not in session.

Rule 3—Open Business Meetings

Each meeting for the transaction of Committee business, including the markup of measures, shall be open to the public except when the Committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2(g)(1). No person other than members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This rule shall not apply to any meeting that relates solely to matters concerning the internal administration of the Committee.

Rule 4—Quorums

A majority of the Committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

Rule 5—Recognition

Any member, when recognized by the Chairman, may address the Committee on any bill, motion, or other matter under consideration before the Committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

Rule 6—Consideration of Business

Measures or matters may be placed before the Committee, for its consideration, by the Chairman or by a majority vote of the members of the Committee, a quorum being present.

Rule 7—Procedure for Consideration of Budget Resolutions

In developing a concurrent resolution on the budget, the Committee shall first proceed, unless otherwise determined by the Committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the Committee open to amendment; subsequent amendments may be offered to aggregates, functional categories, or other appropriate matters which have already been amended in their entirety.

Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

Rule 8—Rollcall Votes

A rollcall of the members may be had upon the request of at least one-fifth of those present.

*Rule 9—Proxies**

Any member of the Committee may vote by special proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Rule 10—Parliamentarian's Status Report and Section 302 Status Report

(a) In order to carry out its duty under section 311 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the Committee shall advise the Speaker on at least a monthly basis when the House is in session as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the Committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

The Committee authorizes the Chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b) In order to carry out its duty under section 302 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending within the jurisdiction of committees as compared to the appropriate allocations made pursuant to the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the Committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the Committee and transmitted to the Speaker in the form of a Section 302 Status Report.

The Committee authorizes the Chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

HEARINGS

Rule 11—Announcement of Hearings

The Chairman shall publicly announce the date, place, and subject matter of any Committee hearing at least one week before the commencement of that hearing, unless he determines there is good cause to begin such hearing at an earlier date, in which case public announcement shall be made at the earliest possible date.

Rule 12—Open Hearings

Each hearing conducted by the Committee or any of its Task Forces shall be open to the public except when the Committee or Task Force, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. The Committee or Task Forces may by the same procedure vote to close one subsequent day of hearing.

For the purposes of House Rule XI, clause 2(g) (2) the Task Forces of the Committee are considered to be subcommittees.

*Rule 13—Quorums**

For the purpose of hearing testimony, not less than two members of the Committee shall constitute a quorum.

Rule 14—Time for Questioning Witnesses

Committee members shall have not to exceed 5 minutes to interrogate each witness until such time as each member who so desires has had an opportunity to interrogate such witness.

After all members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

In questioning witnesses under the 5-minute rule, the Chairman and the ranking minority member may be recognized first after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule 15—Subpoenas and Oaths

In accordance with House Rule XI, clause 2(m), subpoenas authorized by a majority of the Committee may be issued over the signature of the Chairman or of any member of the Committee designated by him, and may be served by any person designated by the Chairman or such member.

The Chairman, or any member of the Committee designated by the Chairman, may administer oaths to witnesses.

Rule 16—Witnesses' Statements

So far as practicable, any prepared statement to be presented by a witness shall be submitted to the Committee at least 24 hours in advance of presentation, and shall be distributed to all members of the Committee in advance of delivery.

Rule 17—Committee Prints

All Committee prints and other materials prepared for public distribution shall be approved by the Committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the Committee.

BROADCASTING

Rule 18—Broadcasting of Meetings and Hearings

It shall be the policy of the Committee to give all news media access to open hearings of the Committee, subject to the requirements and limitations set forth in House Rule XI, clause 3. Whenever any Committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 3. However, radio, television, and still camera equipment may be excluded from the Committee room by a majority vote of the Committee, a quorum being present.

STAFF

Rule 19—Committee Staff

(a) Subject to approval by the Committee, and to the provisions of the following paragraphs, the professional and clerical staff of the Committee shall be appointed, and may be removed, by the Chairman.

Committee staff shall not be assigned any duties other than those pertaining to Committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

All Committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official Committee records, leave, and hours of work.

(b) In addition to the staff provided in paragraph (a) each member of the Committee may select and designate an associate staff member who shall serve at the pleasure of that member. Such staff member shall be compensated at a rate, determined by the member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; *provided* That no member shall appoint more than one person pursuant to these provisions; *provided further*, that members designating a staff member under this subsection must certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

(c) In addition to the staff provided in the above paragraphs, the Chairman shall appoint no fewer than five staff, recommended by the minority members, who shall provide staff assistance to the minority members.

Rule 20—Staff Supervision

Staff shall be under the general supervision and direction of the Chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule XI, clause 6(c)) and job titles, and, in his discretion, arrange for their specialized training.

Staff assigned to the minority shall be under the general supervision and direction of the minority members of the Committee, who may delegate such authority as they deem appropriate.

COMMITTEE RECORDS

Rule 21—Preparation and Maintenance of Committee Records

An accurate stenographic record shall be made of all hearings.

The proceedings of the Committee shall be recorded in a journal which shall, among other things, include a record of the votes on any question on which a record vote is demanded.

Members of the Committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof.

Any witness may examine the transcript of his own testimony and make grammatical or technical changes that do not substantially alter the record of testimony.

The Chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for corrections, and that further delay would seriously impede the Committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

Transcripts of hearings and meetings may be printed if the Chairman decides it is appropriate, or if a majority of the members so request.

Rule 22—Access to Committee Records

(a) The Chairman shall promulgate regulations to provide for public inspection of rollcall votes and to provide access by members to Committee records (in accordance with House Rule XI, clause 2(e)).

Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

Notice of the receipt of such information shall be sent to the Committee members. Such information shall be kept in the Committee safe, and shall be available to members in the Committee office.

(b) *The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

APPLICABILITY OF HOUSE RULES

Rule 23—Applicability of House Rules

Except as otherwise specified herein, the Rules of the House are the rules of the Committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

CONFEREES

Rule 24—Appointment of Conferees

Majority party members recommended to the Speaker as conferees shall be recommended by the Chairman subject to the approval of the majority party members of the Committee. The Chairman shall recommend such minority party members as conferees as shall be determined by the minority party, provided that the recommended party representation shall be in approximately the same proportion as that in the Committee.

FOOTNOTE

*Written rule required by House.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, for 60 minutes, today.

Mr. RITTER, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes each day, on February 19, 20, and 21.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. OAKAR, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. TORRES, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DELLUMS, for 60 minutes, today.

Mrs. BOXER, for 60 minutes, today.

Mr. FOGLIETTA, for 60 minutes, today.

Ms. WATERS, for 60 minutes, today.

Mr. MILLER of California, for 60 minutes, today.

Mr. SANDERS, for 60 minutes, today.

Mrs. UNSOELD, for 60 minutes, today.

Mr. WOLPE, for 60 minutes, on February 20.

Mr. MOODY, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. MACHTLEY.

Mr. CLINGER.

Ms. SNOWE in three instances.

Mr. FIELDS.

Mr. HAMMERSCHMIDT.

Mr. GALLEGLY.

Mr. SOLOMON in nine instances.

Mr. COX.

Mr. IRELAND.

Mr. GINGRICH.

Mr. PORTER.

Mr. MORRISON.

Mr. WOLF.

Mr. COBLE in two instances.

Mr. BILIRAKIS.

Mr. HORTON.

Mr. RHODES.

Mr. GEKAS.

Mr. BALLENGER.

Mr. GREEN of New York.

Ms. ROS-LEHTINEN.

Mr. LEWIS of Florida.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. ROEMER.

Mr. YATRON in two instances.

Mr. CARDIN.

Mr. ROE.

Mr. MCCLOSKEY.

Mr. BILBRAY.

Mr. GORDON.

Mr. FOGLIETTA.

Mr. NATCHER.

Mr. ATKINS.

Ms. NORTON.

Mr. SABO.

Mr. LEVIN.

Mr. LAFALCE.

Mr. COYNE.

Mr. STARK in three instances.

Mrs. SCHROEDER.

Mr. MOODY.

Mrs. COLLINS of Illinois.

Mr. FEIGHAN in two instances.

Mr. MAZZOLI.

Mr. FALEOMAVAEGA.

Mr. GUARINI.

Mr. HAMILTON.

Mr. CAMPBELL of Colorado.

Mr. JACOBS.

Mr. STUDDS.

Mr. TORRES.

Mr. VISCLOSKY.

Mr. TORRICELLI.

Mr. RICHARDSON.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 348. An act to extend the expiration date of the Defense Production Act of 1950 to March 18, 1991; to the Committee on Banking, Finance and Urban Affairs.

ADJOURNMENT TO TUESDAY, FEBRUARY 19, 1991

Mr. McEWEN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mrs. UNSOELD). Pursuant to the provisions of House Concurrent Resolution 59, 102d Congress, the House stands adjourned until 12:00 noon, Tuesday, February 19, 1991.

Thereupon (at 9 o'clock and 51 minutes p.m.) pursuant to House Concurrent Resolution 59, the House adjourned until Tuesday, February 19, 1991, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the second, third and fourth quarters of 1990, in connection with foreign travel pursuant to Public Law 95–384, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Augustus F. Hawkins	4/5	4/17	England		446.00		65.00				511.00
Hon. Carole Stringer	4/5	4/17	England		446.00		65.00				511.00
Hon. Beth Buehlmann	4/5	4/17	England		446.00		65.00				511.00
Hon. Teresita Schroeder	4/5	4/17	England		446.00		65.00				511.00
Committee total					1,784.00		260.00				2,044.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note.—Addendum to 2d quarter report covering the period Apr. 1 to June 30, 1990: Expenses incurred in England which were not available at the time of the 2d quarter reporting.

WILLIAM D. FORD, Chairman, Jan. 28, 1991.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Iceland, Finland, Sweden and Norway, July 1–8, 1990:											
Hon Dennis M. Hertel	7/1	7/3	Iceland		364.00						364.00
	7/3	7/4	Finland		237.00						237.00
	7/4	7/6	Sweden		630.00						630.00
	7/6	7/8	Norway		464.00						464.00
Hon. Jim Courter	7/1	7/3	Iceland		364.00						364.00
	7/3	7/4	Finland		237.00						237.00
	7/4	7/6	Sweden		630.00						630.00
	7/6	7/8	Norway		464.00						464.00
Ms. Marilyn A. Elrod	7/1	7/3	Iceland		364.00						364.00
	7/3	7/4	Finland		237.00						237.00
	7/4	7/6	Sweden		630.00						630.00
	7/6	7/8	Norway		464.00						464.00
Mr. William A. Andahazy	7/1	7/3	Iceland		364.00						364.00
	7/3	7/4	Finland		237.00						237.00
	7/4	7/6	Sweden		630.00						630.00
	7/6	7/8	Norway		464.00						464.00
Delegation expenses	7/4	7/6	Sweden						291.51		291.51
Visit to Mexico, July 1–6, 1990:											
Hon. Ike Skelton	7/1	7/6	Mexico		760.00						760.00
Mr. Archie D. Barrett	7/1	7/6	Mexico		760.00						760.00
Delegation expenses	7/1	7/6	Mexico				224.16		58.32		282.48
Visit to Germany, Aug. 1–3, 1990:											
Hon. Marvin Leath	8/1	8/3	Germany								
Commercial transportation							4,803.20				4,803.20
Visit to Switzerland, Aug. 5–9, 1990:											
Hon. H. Martin Lancaster	8/5	8/9	Switzerland		1,100.00						1,100.00
Visit to Germany and Italy, Aug. 25–Sept. 4, 1990:											
Hon. Thomas M. Foglietta	8/21	8/29	Germany		1,463.00						1,463.00
	8/29	9/4	Italy		225.00						225.00
Visit to Japan and Korea, Aug. 31–Sept. 2, 1990:											
Hon. Ike Skelton	8/28	8/31	Japan		723.00						723.00
	8/31	9/2	Korea		390.00						390.00
Hon. Solmon P. Ortiz	8/28	8/31	Japan		723.00						723.00
	8/31	9/2	Korea		390.00						390.00
Mr. Archie D. Barrett	8/28	8/31	Japan		723.00						723.00
	8/31	9/2	Korea		390.00						390.00
Visit to the United Kingdom, Aug. 25–Sept. 4, 1990:											
Hon. Marvin Leath	8/31	9/4	United Kingdom		1,463.00				287.06		1,750.06
Commercial transportation							5,774.00				5,774.00
Mr. Peter M. Steffes	8/25	9/2	United Kingdom		1,645.00				287.06		1,932.06
Commercial transportation							3,366.00				3,366.00
Mr. William T. Fleshman	8/27	9/2	United Kingdom		1,173.00						1,173.00
Commercial transportation							3,366.00				3,366.00
Committee total					18,708.00		17,553.36		923.95		37,165.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Jan. 28, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Panama, Nov. 4–10, 1990:											
Warren L. Nelson	11/4	11/10	Panama		1,092.00						1,092.00
Commercial Transportation							651.00				651.00
Robert S. Rangel	11/4	11/10	Panama		1,092.00						1,092.00
Commercial Transportation							651.00				651.00
William T. Fleshman	11/4	11/7	Panama		545.00						545.00
							651.00				651.00
Visit to United Kingdom and Austria, Nov. 24–Dec. 2, 1990:											
Hon. Norman Sisisky	11/24	11/29	United Kingdom		1,455.00						1,455.00
	11/19	12/2	Austria		651.00						651.00
Hon. Richard Ray	11/24	11/29	United Kingdom		1,455.00						1,455.00
	11/29	12/2	Austria		651.00						651.00
Hon. Herbert H. Batemam	11/24	11/29	United Kingdom		1,455.00						1,455.00
	11/29	12/2	Austria		651.00						651.00
Hon. H. Martin Lancaster	11/24	11/29	United Kingdom		1,455.00						1,455.00
	11/29	12/2	Austria		651.00						651.00
Hon. James H. Bilbray	11/24	11/29	United Kingdom		1,455.00						1,455.00
	11/29	12/2	Austria		651.00						651.00
Peter C. Scrivner	11/24	11/29	United Kingdom		1,455.00						1,455.00
	11/29	12/2	Austria		651.00						651.00
Karen S. Heath	11/24	11/29	United Kingdom		1,455.00						1,455.00
	11/29	12/2	Austria		651.00						651.00
Georgia C. Ostermen	11/24	11/29	United Kingdom		1,455.00						1,455.00
	11/29	12/2	Austria		651.00						651.00
Ronald J. Bartek	11/24	11/29	United Kingdom		1,455.00						1,455.00
	11/29	12/2	Austria		651.00						651.00
Delegation expenses	11/24	11/29	United Kingdom				400.26		4,710.50		5,110.76
	11/29	12/4	Austria						68.65		68.65
Visit to the Philippines, Japan and Korea, Dec. 10–19, 1990:											
Hon. Richard Ray	12/10	12/12	Philippines		75.00						75.00
	12/12	12/15	Japan		205.50						205.50
	12/15	12/19	Korea		769.50						769.50
Commercial transportation							3,655.00				3,665.00
Michael A. West	12/10	12/12	Philippines		75.00						75.00
	12/12	12/15	Japan		205.50						205.50
	12/15	12/19	Korea		769.50						769.50
Commerical transportation							3,665.00				3,655.00
Peter M. Steffes	12/10	12/12	Phillipines		75.00						75.00
	12/12	12/15	Japan		205.50						205.50
	12/15	12/19	Korea		769.50						769.50
Commerical transportation							3,655.00				3,665.00
Visit to Italy, Turkey, and Germany, Dec. 11–17, 1990:											
Hon. Beverly B. Byron	12/11	12/13	Italy		378.00						378.00
	12/13	12/15	Turkey		324.00						324.00
	12/15	12/17	Germany		108.00					108.00	
Hon. Owen B. Pickett	12/11	12/13	Italy		378.00						378.00
	12/13	12/15	Turkey		324.00						324.00
	12/15	12/17	Germany		108.00						108.00
Hon. Gene Taylor	12/11	12/13	Italy		378.00						378.00
	12/13	12/15	Turkey		324.00						324.00
	12/15	12/17	Germany		108.00						108.00
Karen S. Heath	12/11	12/13	Italy		378.00						378.00
	12/13	12/15	Turkey		324.00						324.00
	12/15	12/17	Germany		108.00						108.00
Alma B. Moore	12/11	12/13	Italy		378.00						378.00
	12/13	12/15	Turkey		324.00						324.00
	12/15	12/17	Germany		108.00						108.00
Visit to Bahamas, Dec. 18, 1990:											
James C. Waters	12/18	12/18	Bahamas		3.75						3.75
Edward J. Holton	12/18	12/18	Bahamas		3.75						3.75
Committee total					28,891.50		13,348.26		4,779.15		47,018.91

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Jan. 28, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
P. Abbruzzese	10/25	10/27	Belgium		482.00						482.00
Commercial transportation							2,670.20				2,670.20
	11/24	11/30	United Kingdom		1,746.00						1,746.00
Commercial transportation							3,672.00				3,672.00
S. Andross	11/5	11/7	Switzerland		586.00						586.00
	11/7	11/10	Hungary		472.00						472.00
	11/10	11/13	Czechoslovakia		684.00						684.00
	11/13	11/15	Poland		328.00						328.00
	11/15	11/17	Belgium		482.00						482.00
Commercial transportation							5,149.00				5,149.00
Hon. D. Bereuter	11/26	11/30	United Kingdom		1,164.00						1,164.00
Commercial transportation							2,237.00				2,237.00
Hon. H. Berman	11/25	11/30	United Kingdom		1,746.00						1,746.00
	11/30	12/2	Morocco		330.00						330.00
Military transportation											
Total					8,020.00		13,728.20				21,748.20
S. Biegun	11/29	11/30	Kenya		[3]616.00						616.00
	12/2	12/3									
	12/4	12/6									
	11/30	12/2	Tanzania		[3]243.00						243.00
	12/3	12/4									
	12/7	12/9	Mozambique		352.00						352.00
	12/6	12/7	South Africa		444.00						444.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	12/9	12/11									
Commercial transportation							5,332.00				5,332.00
J.J. Brady	11/25	11/30	United Kingdom		1,746.00						1,746.00
	11/30	12/2	Morocco		330.00						330.00
Military transportation											
R. Bush	12/1	12/14	China		[3]1,278.16		70.69				1,348.85
Total					5,009.16		5,402.69				10,411.85
	12/14	12/16	Hong Kong			442.00					442.00
Commercial transportation					4,431.00						4,431.00
N. Carman	11/5	11/7	Switzerland		586.00						586.00
	11/7	11/10	Hungary			472.00					472.00
	11/10	11/13	Czechoslovakia			684.00					684.00
	11/13	11/15	Poland			328.00					328.00
	11/15	11/17	Belgium			482.00					482.00
Commercial transportation							5,149.00				5,149.00
F.M. Chambers	11/5	11/7	Philippines		516.00						516.00
	11/7	11/10	Singapore			639.00					639.00
	11/10	11/15	Thailand			880.00		177.47			1,057.47
	11/15	11/20	Laos			750.00					750.00
	11/20	11/26	Hong Kong			1,476.00					1,476.00
Commercial transportation							5,645.04				5,645.04
Total					11,686.00		10,971.51				22,657.51
A. Dunn-Mouton	12/6	12/10	Senegal		780.00						780.00
	12/10	12/12	Guinea			301.33					301.33
	12/12	12/19	Ivory Coast			1,660.00					1,660.00
	12/19	12/20	Liberia								
	12/20	12/21	Gambia			100.00					100.00
	12/22	12/22	United Kingdom			97.00					97.00
Commercial transportation					5,994.00						5,994.00
J. Eliason	11/29	12/7	Belgium		1,928.00						1,928.00
Commercial transportation							1,623.50				1,623.50
Military transportation											
M. Ennis	10/25	10/27	Belgium		[3]405.00						405.00
Commercial transportation							2,670.20				2,670.20
	11/8	11/10	Hungary			348.00					348.00
	11/10	11/13	Czechoslovakia			684.00					684.00
	11/14	11/17	Poland			613.00				139.00	752.00
Total					12,860.33		4,293.70		139.00		17,293.03
	11/17	11/18	Czechoslovakia		456.00						456.00
Commercial transportation							2,913.00				2,913.00
	11/25	11/31	United Kingdom		2,037.00						2,037.00
Military transportation											
D.F. Fascell	11/25	11/30	United Kingdom		1,746.00						1,746.00
	11/30	12/2	Morocco		330.00						330.00
Military transportation											
D. Finn	12/1	12/9	Chile		[3]1,810.00						1,810.00
	12/13	12/14									
Commercial transportation							3,480.00				3,480.00
B. Ford	11/5	11/7	Philippines		516.00						516.00
	11/7	11/10	Singapore		639.00						639.00
	11/10	11/15	Thailand		880.00		177.47				1,057.47
	11/15	11/20	Laos		750.00						750.00
Total					9,164.00		6,570.47				15,734.47
	11/20	11/26	Hong Kong		1,476.00						1,476.00
Commercial transportation							5,640.04				5,640.04
M. Goodman	11/25	11/26	Italy								
	11/26	11/28	Switzerland		735.00						735.00
	11/28	12/1	Belgium		436.50						436.50
Commercial transportation							5,523.50				5,523.50
R. Hathaway	11/7	11/10	Singapore		639.00						639.00
	11/10	11/13	Thailand		528.00		177.47				705.47
	11/13	11/19	Laos		750.00						750.00
Commercial transportation							2,943.00				2,943.00
G. Ingram	12/15	12/23	Thailand		800.00						800.00
Commercial transportation							5,478.00				5,478.00
D. Jarvi	10/6	10/10	United Kingdom		1,116.00						1,116.00
Commercial transportation							3,466.00				3,466.00
Total					6,480.50		23,228.01				29,708.51
R. Jenkins	11/8	11/9	France		245.00						245.00
	11/9	11/12	Tunisia		408.00						408.00
	11/12	11/14	Jordan		350.25						350.25
	11/14	11/18	Egypt		654.50						654.50
	11/18	11/21	Israel		540.00						540.00
Commercial transportation							6,323.00				6,323.00
G. Kapen	11/8	11/9	France		245.00						245.00
	11/9	11/12	Tunisia		408.00						408.00
	11/12	11/14	Jordan		350.25						350.25
	11/14	11/18	Egypt		654.50						654.50
	11/18	11/23	Israel		900.00						900.00
Commercial transportation							6,323,00				6,323.00
Hon. T., Lantos	11/10	11/11	Germany		237.00						237.00
	11/11	11/23	Hungary		2,262.00						2,262.00
	11/23	11/24	Romania		78.36		216.74				295.10
Total					7,332.86		12,862.74				20,195.60
	11/24	12/2	Hungary		1,566.00						1,566.00
Commercial transportation							1,707.00				1,707.00
D. Latorre	12/2	12/6	Mali		940.00						940.00
	12/7	12/13	Kenya		1,092.00						1,092.00
Commercial transportation							5,535.10				5,353.10
D. Laufman	11/29	11/30	Kenya		[3]616.00						616.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	12/2	12/3			—						—
	12/4	12/6			—						—
	11/30	12/2	Tanzania		[3]243.00						243.00
	12/3	12/4			—						—
	12/7	12/9	Mozambique		352.00						352.00
	12/6	12/7	South Africa		444.00						444.00
	12/9	12/11			—						—
Commercial transportation							5,332.00				5,332.00
Total					5,253.00		12,574.10				17,827.10
R. McBride	11/5	11/7	Switzerland		586.00						586.00
	11/7	11/10	Hungary		522.00						522.00
	11/10	11/13	Czechoslovakia		684.00						684.00
	11/13	11/15	Poland		328.00						328.00
	11/15	11/17	Belgium		482.00						482.00
Commercial transportation							5,149.00				5,149.00
F. Marshall	12/13	12/17	Haiti								
Commercial transportation							538.000				538.00
Hon. J. Meyers	11/25	11/30	United Kingdom		1,746.00						1,746.00
	11/30	12/2	Morocco		330.00						330.00
Military transportation											
N. Mims	11/25	11/30	United Kingdom		1,746.00						1,746.00
	11/30	12/2	Morocco		330.00						330.00
Military transportation											
Total					6,754.00		5,687.00				12,441.00
K. B. Moazed	12/2	12/6	Mali		940.00						940.00
	12/7	12/13	Kenya		1,092.00						1,092.00
Commercial transportation							5,535.10				5,535.10
S. Morrison	12/10	12/12	France		502.00						502.00
	12/12	12/19	Angola		1,645.00						1,645.00
	12/21	12/22	United Kingdom		241.00						241.00
Commercial transportation							6,633.00				6,633.00
K. Nakamura	11/4	11/6	Germany		474.00						474.00
	11/6	11/7	Switzerland		293.00						293.00
	11/7	11/10	Hungary		522.00						522.00
	11/10	11/13	Czechoslovakia		684.00						684.00
	11/13	11/15	Poland		328.00						328.00
Commercial transportation							3,078.00				3,078.00
Total					6,721.00		15,246.10				21,967.10
R.S. Oliver	11/5	11/6	France		245.00						245.00
	11/6	11/8	Austria		217.00						217.00
	11/8	11/11	France		980.00						980.00
Commercial transportation							3,054.00				3,054.00
	11/25	11/30	United Kingdom		1,746.00						1,746.00
	11/30	12/8	Morocco		1,320.00						1,320.00
	12/8	12/11	Algeria		357.00						357.00
	12/11	12/12	Spain		280.00						280.00
Military transportation											
Commercial transportation							1,922.10				1,922.10
Hon. W. Owens	12/6	12/7	Israel		227.00						227.00
	12/7	12/9	Egypt		480.00						480.00
	12/9	12/11	Jordan		421.75						421.75
	12/11	12/12	Syria		202.00						202.00
	12/12	12/13	Saudi Arabia		199.00						199.00
Total					6,674.75		4,976.10				11,650.85
	12/13	12/14	Oman		205.00						205.00
	12/14	12/16	Yemen		410.00						410.00
	12/16	12/18	Israel		681.00						681.00
	12/18	12/19	Jordan		193.00						193.00
	12/19	12/20	Israel		227.00						227.00
Commercial transportation							7,348.30				7,348.30
B. Paolo	11/5	11/7	Switzerland		586.00						586.00
	11/7	11/10	Hungary		472.00						472.00
	11/10	11/13	Czechoslovakia		684.00						684.00
	11/13	11/15	Poland		328.00						328.00
	11/15	11/17	Belgium		482.00						482.00
Commercial transportation							5,149.00				5,149.00
Total					4,268.00		12,497.30				16,765.30
Hon. D. Payne	12/15	12/19	Ivory Coast		[3]491.00						491.00
	12/19	12/20	Liberia								
	12/20	12/21	Gambia								
Commercial transportation							7,267.00				7,267.00
K. Peel	11/4	11/6	Germany		474.00						474.00
	11/6	11/7	Switzerland		312.85						312.85
	11/7	11/10	Hungary		522.00						522.00
	11/10	11/13	Czechoslovakia		684.00						684.00
	11/13	11/15	Poland		328.00						328.00
	11/15	11/17	Belgium		482.00						482.00
Commercial transportation							5,231.00				5,231.00
M. Poloyac	11/27	12/5	Yugoslavia		1,458.00		151.20				1,609.20
Commercial transportation							5,068.40				5,068.40
Total					4,751.85	17,717.60					22,469.45
A. Powell	11/4	11/6	Germany		474.00						474.00
	11/6	11/7	Switzerland		312.86						312.86
	11/7	11/10	Hungary		522.00						522.00
	11/10	11/13		684.00							684.00
	11/13	11/15	Poland		328.00						328.00
	11/15	11/16	Germany		234.00						234.00
Commercial transportation							3,130.00				3,130.00
M. Quarterman	12/6	12/10	Senegal		780.00						780.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	12/10	12/12	Guinea		301.34						301.34
	12/12	12/19	Ivory Coast		1,660.00						1,660.00
	12/19	12/20	Liberia								
	12/20	12/21	Gambia		100.00						100.00
	12/22	12/22	United Kingdom		97.00						97.00
Commercial transportation							5,944.00				5,944.00
Total					5,493.20		9,074.00				14,567.20
F. Record	12/15	12/23	Thailand		[3]460.00						460.00
Commercial transportation							2,868.00				2,868.00
A. Roberts	11/25	11/30	United Kingdom		1,746.00						1,746.00
	11/30	11/2	Morocco		330.00						330.00
Military transportation							—				—
J.W. Roberts	11/25	11/30	United Kingdom		1,746.00						1,746.00
	11/30	12/2	Morocco		330.00						330.00
Military transportation							—				—
S. Roth	11/9	11/11	Saudi Arabia		[3]200.00						200.00
	11/11	11/13	Egypt		[3]197.14						197.14
	11/14	11/14	Thailand		176.00						176.00
	11/14	11/19	Philippines		860.00						860.00
	11/19	11/20	Malaysia		79.00						79.00
Commercial transportation							4,977.00				4,977.00
Total					6,124.14		7,845.00				13,969.14
R. Scheunemann	11/5	11/7	Philippines		516.00						516.00
	11/7	11/10	Singapore		639.00						639.00
	11/10	11/15	Thailand		880.00		177.47				1,057.47
	11/15	11/20	Laos		750.00						750.00
	11/20	11/26	Hong Kong		1,476.00						1,476.00
Commercial transportation							5,645.04				5,645.04
D. Schlieker	11/25	11/30	United Kingdom		1,746.00				20.47		1,766.47
	11/30	12/2	Morocco		330.00						330.00
Military transportation							—				—
E. Schwartz	12/18	12/18	Portugal		—						—
	12/19	12/21	Angola		470.00						470.00
	12/21	12/24	Zaire		336.00						336.00
	12/24	12/24	Rwanda		—						—
	12/24	12/24	Burundi		—						—
Commercial transportation							6,832.00				6,832.00
Total					7,143.00		12,654.51		20.47		19,817.98
M. Sletzinger	11/27	12/5	Yugoslavia		1,402.00		151.00				1,553.00
Commercial transportation							5,068.40				5,068.40
Hon. I. Smith	11/9	11/12	Spain		825.00						825.00
	11/12	11/15	Syria		606.00						606.00
	11/15	11/17	Saudi Arabia		398.00						398.00
	11/17	11/20	United Kingdom		873.00						873.00
Military transportation							6,594.00				6,594.00
	11/24	11/30	United Kingdom		1,746.00						1,746.00
	11/30	12/2	Morocco		330.00						330.00
Military transportation											
Total					6,180.00		11,813.40				17,993.40
Hon. S. Solarz	11/9	11/11	Saudi Arabia		400.00						400.00
	11/11	11/13	Egypt		[3]191.07						191.07
	11/14	11/14	Thailand		176.00						176.00
	11/14	11/19	Philippines		[3]807.02						807.02
	11/19	11/20	Malaysia		158.00						158.00
Commercial transportation							4,967.00				4,967.00
	12/18	12/18	Portugal								
	12/19	12/21	Angola		470.00						470.00
	12/21	12/24	Zaire		336.00						336.00
	12/24	12/24	Rwanda								
	12/24	12/24	Burundi								
Commercial transportation							6,832.00				6,832.00
Total					2,538.09		11,799.00				14,337.09
I. Spalatin	10/6	10/10	United Kingdom		1,116.00						1,116.00
Commercial transportation							5,774.00				5,774.00
	11/25	11/27	United Kingdom		582.00						582.00
	11/27	12/5	Yugoslavia		1,458.00		151.20				1,609.20
Commercial transportation							4,448.00				4,448.00
Hon. R. Torricelli	11/30	12/2	Korea		380.00						380.00
	12/2	12/3	Japan		218.00						218.00
	12/3	12/5	China		414.00						414.00
	12/5	12/6	Hong Kong		392.00						392.00
	12/7	12/9	India		[3]170.00						170.00
Commercial transportation							6,573.20				6,573.20
Total					4,730.00		16,946.40				21,676.40
J. Weber	11/25	11/30	United Kingdom		1,746.00				9.84		1,755.84
	11/30	12/2	Morocco		330.00						330.00
Military transportation											
S. Weissman	12/10	12/11	France		502.00						502.00
	12/12	12/14	Angola		470.00						470.00
	12/15	12/16	Belgium		241.00						241.00
Commercial transportation							6,219.00				6,219.00
R. Wilson	11/7	11/9	France		245.00						245.00
	11/9	11/12	Tunisia		408.00						408.00
	11/12	11/14	Jordan		350.25						350.25
	11/14	11/18	Egypt		654.50						654.50
	11/18	11/21	Israel		540.00						540.00
Commercial transportation							6,323.00				6,323.00
Total					5,486.75		12,542.00		9.84		18,038.59

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. H. Wolpe	12/10	12/11	France		502.00						502.00
	12/12	12/14	Angola		470.00						470.00
	12/14	12/15	Gabon		142.00						142.00
	12/15	12/19	Ivory Coast		[3]491.00						491.00
	12/19	12/20	Liberia								
	12/20	12/21	Gambia								
	12/22	12/22	United Kingdom		97.00						97.00
Commercial transportation							7,025.00				7,025.00
Total					1,702.00		7,025.00				8,727.00
Grand total for 4th quarter											369,996.77

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Represents refund of unused per diem.

DANTE B. FASCELL, Chairman, Jan. 31, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Helen Delich Bentley	11/8	11/8	Germany								
	11/8	11/8	Yugoslavia								
	11/9	11/10	Greece		(3)	[4]4,985.50					4,985.50
Joan M. Bondareff	10/29	11/3	United Kingdom	713.29	1,395.00		[5]3,672.00				
						73.00	[6]140.00				5,207.00
Joan M. Bondareff	11/26	12/8	Chile	651,300	2,004.00		[5]4,438.00				6,442.00
Gina DeFerrari	11/26	12/12	Australia	2,110.86	[7]1,120.00		[5]4,947.00				6,067.00
James K. McCallum	11/10	11/17	Spain	159,542	1,710.00		[5]2,689.00				4,399.00
Thomas O. Melius	11/26	12/6	Australia	2,110.86	[7]1,350.00		[5]5,025.00				6,375.00
Charles O. Moore	10/31	11/8	Switzerland	2,172.15	1,701.00		[5]2,892.00				4,593.00
Rodney H. Moore	11/11	11/16	Spain	132,952	1,425.00		[5]2,650.00				
							[8]55.00				4,130.00
Jeffrey R. Pike	11/11	11/15	Spain	132,952	1,425.00		2,705.00				4,130.00
Duncan C. Smith III	11/20	12/2	United Kingdom	1,784.10	3,492.00		[5]3,672.00				
						92.50	[6]181.05				7,345.05
Edmund B. Welch	12/4	12/9	Netherlands		[9]400.00						400.00
Cynthia M. Wilkinson	11/20	12/2	United Kingdom	1,784.10	3,492.00		[5]3,672.00				
						49.90	[6]100.00				7,264.00
Committee total					19,514.00		41,823.55				61,337.55

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Per diem not requested.

[4] Military transportation costs.

[5] Commercial airfare.

[6] Local ground transportation.

[7] Travelers authorized $1,620.00; Jan. 10, 1991, DeFerrari returned $500 to U.S. Treasury; Jan. 15, 1991, Melius returned $270 to U.S. Treasury.

[8] Transportation—train fare.

[9] Cash advance issued by Department of State.

WALTER B. JONES, Chairman, Jan. 17, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Robert A. Borski	12/11	12/13	Canada		629.31				176.37		805.68
Hon. Bob Clement	12/11	12/13	Canada		629.31				176.37		805.68
Hon. William F. Clinger	12/11	12/13	Canada		629.31				176.37		805.68
Hon. Jerry F. Costello	12/11	12/13	Canada		629.31				176.37		805.68
Hon. J.P. Hammerschmidt	12/11	12/13	Canada		629.31				176.37		805.68
Hon. James L. Oberstar	12/11	12/13	Canada		629.31				176.37		805.68
Edward G. Feddeman	12/11	12/13	Canada		629.31				176.37		805.68
Caroline D. Gabel	12/11	12/13	Canada		629.31				176.37		805.68
David A. Heymsfeld	12/11	12/13	Canada		629.31				176.37		805.68
Charles C. Ziegler	12/11	12/13	Canada		629.31				176.37		805.68
Hon. Bud Shuster	11/08	11/09	Chile	213.75	171.00						171.00
	11/10	11/12	New Zeland	1,067.65	657.00						657.00
	11/13	11/18	Australia	1,335.60	1,050.00			37.98	29.86		1,079.86
Erla A. Youmans	11/08	11/09	Chile	213.75	171.00						171.00
	11/10	11/12	New Zealand	1,067.65	657.00						657.00
	11/13	11/18	Australia	1,876.20	1,475.00			37.98	29.86		1,504.86
	11/21	11/22	Hong Kong	3,834.20	492.00						492.00
Committee total					10,966.10				1,823.42		12,789.52

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT A. ROE, Chairman, Jan. 31, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 and DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Dr. Eileen Lee	10/7	10/14	Brazil		4,238.20						4,238.20
Hon. Normam Mineta	11/7	11/10	Switzerland								
Commercial air							660.00				660.00
Hon. Robert A. Roe	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
	11/21	11/22	Hong Kong	3,834.200	492.00					3,834.20	492.00
Hon. Harold L. Volkmer	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
Hon. James A. Hayes	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
David D. Clement	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
John S. Doyle	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
Gloria J. Dunderman	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
Earley T. Green	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
Carolyn C. Greenfeld	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
Kathy E. Guilfoy	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
Robert C. Ketcham	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
Robert E. Palmer	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
James H. Paul	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
William S. Smith	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
Sherri L. Stone	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/20	Australia	1,876.20	1,475.00					1,876.20	1,475.00
	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
Hon. Thomas C. McMillen	11/11	11/12	New Zealand	355.88	219.00						219.00
	11/13	11/20	Australia	1,876.20	1,475.00						1,475.00
Commercial air							6,779.00				6,779.00
Hon. Norman Mineta	11/18	11/20	Australia	536.06	421.22						422.21
	11/21	11/21	Hong Kong	3,834.20	492.00						492.00
Commercial air							3,598.00				3,598.00
Committee total					45,975.42		11,037.00				57,012.42

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT A. ROE, Chairman, Jan. 30, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sam Gibbons	11/30	12/03	Belgium	22,051	723.00						723.00
Military transportation							10,301.11				10,301.11
	11/12	11/14	Switzerland	610.20	486.00						486.00
	11/14	11/16	Belgium	14,711	482.00						482.00
Commercial transportation							2,806.00				2,806.00
Hon. Sander Levin	11/08	11/10	Switzerland	618.20	486.00		660.00				1,146.00
	11/30	12/03	Belgium	22,051	723.00						723.00
Military transportation							10,301.11				10,301.11
Hon. Don. Pease	11/30	12/03	Belgium	22,051	723.00						723.00
Military transportation							10,301.11				10,301.11
Meredith Broadbent	11/29	12/07	Belgium	58,804	1,928.00						1,928.00
Commercial transportation							1,543.00				1,543.00
Military transportation							2,316.59				2,316.59
Janet Nuzum	11/29	12/08	Belgium		2,169.00		2,709.78				4,878.78
Frank Phifer	11/12	11/14	Switzerland	610.20	486.00						486.00
	11/14	11/16	Belgium	14,711	482.00						482.00
Commercial transportation							2,806.00				2,806.00
	11/30	12/03	Belgium	22,051	723.00						723.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Military transportation							10,301.11				10,301.11
Joanna Shelton	11/05	11/16	Switzerland	3,400.10	2,673.00		2,892.00				5,565.00
George Weise	10/30	11/06	Switzerland	2,181.55	1,701.00		2,892.00				4,593.00
	11/29	12/08	Belgium	66,155	2,169.00						2,169.00
Commercial transportation							1,746.00				1,746.00
Military transportation							2,316.59				2,316.59
Mary Jane Wignot	11/18	11/29	Switzerland		2,673.00						2,673.00
	11/29	12/08	Belgium		2,083.20						2,083.20
Commercial transportation							2,816.50				2,816.50
Thelma Askey	11/30	12/03	Belgium	22,051	723.00						723.00
Military transportation							10,301.11				10,301.11
Committee total					21,433.20		77,010.01				98,443.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Jan. 24. 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Congressman Charles B. Rangel	12/10	12/12	Mexico		304.00		63.51				367.51
	12/12	12/13	Guatemala		155.00		(3)				155.00
Military transportation							2,357.92				2,357.92
Congressman Lawrence Coughlin	12/10	12/12	Mexico		304.00		63.51				367.51
	12/12	12/13	Guatemala		155.00		(3)				155.00
Commercial transportation								331.00			331.00
Military transportation							1,448.42				1,448.42
Congressman Frank Guarini	12/10	12/12	Mexico		304.00		63.51				367.51
	12/12	12/13	Guatemala		155.00		(3)				155.00
Commercial transportation							277.00				277.00
Military transportation							1,167.55				1,167.55
Congressman Solomon Ortiz	12/10	12/12	Mexico		304.00		63.51				367.51
	12/12	12/13	Guatemala		155.00		(3)				155.00
Military transportation							1,448.42				1,448.42
Congressman Wally Herger	12/10	12/12	Mexico		304.00		63.51				367.51
	12/12	12/13	Guatemala		155.00		(3)				155.00
Military transportation							2,357.92				2,357.92
Edward H. Jurith	12/10	12/12	Mexico		304.00		63.51				367.51
	12/12	12/13	Guatemala		155.00		(3)				155.00
Military transportation							2,357.92				2,357.92
William Smith	12/10	12/12	Mexico		304.00		63.51				367.51
	12/12	12/13	Guatemala		155.00		(3)				155.00
Military transportation							2,357.92				2,357.92
Rebecca Hedlund	12/10	12/12	Mexico		304.00		63.51				367.51
	12/12	12/13	Guatemala		155.00		(3)				155.00
Military transportation							2,357.92				2,357.92
Jennifer A. Brophy	12/10	12/12	Mexico		304.00		63.51				367.51
	12/12	12/13	Guatemala		155.00		(3)				155.00
Military transportation							2,357.92				2,357.92
Ruthie Thompson	12/10	12/12	Mexico		304.00		63.51				367.51
	12/12	12/13	Guatemala		155.00		(3)				155.00
Military transportation							2,357.92				2,357.92
Mary Frances Valentino	12/10	12/12	Mexico		304.00		63.51				367.51
	12/12	12/13	Guatemala		155.00		(3)				155.00
Military transportation							2,357.92				2,357.92
Committee total					5,049.00		24,234.36				29,283.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Information not yet available.

CHARLES B. RANGEL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Daniel A. Childs, Jr., staff	11/5	11/6	Central America		99.00						99.00
	11/6	11/15	South America		1,377.00						1,377.00
Commercial airfare							455.00				455.00
Military air							11,729.80				11,729.80
Louis H. Dupart, staff	11/5	11/6	Central America		99.00						99.00
	11/6	11/15	South America								1,377.00
Military air							11,729.80				11,729.80
Hon. Bill Richardson	11/10	11/17	Africa		987.00						987.00
	11/17	11/20	South America		417.00						417.00
Commercial airfare							3,121.00				3,121.00
Military air							12,458.36				12,458.36
Hon. Bud Shuster	11/13	11/15	Australia				796.57				796.57
Bernard Raimo, staff	12/3	12/9	Asia		1,218.00						1,218.00
Commercial airfare							4,023.00				4,023.00
Kenneth M. Kodama, staff	12/9	12/19	Asia		1,387.00						1,387.00
Commercial airfare							2,690.00				2,690.00
Military air							2,260.50				2,260.50
Joyce E. Pratt, staff	12/9	12/13	Asia		560.00						560.00
Commercial airfare							2,375.00				2,375.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					7,521.00		51,639.03				59,160.03

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVE McCURDY, Acting Chairman, Jan. 31, 1990.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

579. A letter from the Deputy Assistant Secretary (Acquisition), Department of the Air Force, transmitting notice that the Air Force plans to conduct the cost comparisons for base operating support at Goodfellow and Reese Air Force Bases, TX, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

580. A letter from the Secretary of Defense, transmitting selected acquisition reports [SARS] for the quarter ending September 30, 1990, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

581. A letter from the Acting Secretary of Education, transmitting final regulations—Robert C. Byrd Honors Scholarship Program—notice of final procedures, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

582. A letter from the Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Dominican Republic (Transmittal No. 5-91), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

583. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions for Charles R. Baquet III, of Maryland, Ambassador Extraordinary to the Republic of Djibouti, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

584. A letter from the Director, Arms Control and Disarmament Agency, transmitting arms control impact statements for the fiscal year 1992, pursuant to 22 U.S.C. 2576(b)(2); to the Committee on Foreign Affairs.

585. A letter from the Postal Rate Commission, transmitting the Commission's annual report for 1990 on the Freedom of Information Act, pursuant to 5 U.S.C. 552d; to the Committee on Government Operations.

586. A letter from the Executive Director, Marine Mammal Commission, transmitting the Commission's annual report for calendar year 1990, pursuant to 16 U.S.C. 1404; to the Committee on Merchant Marine and Fisheries.

587. A letter from the Director, Office of Personnel Management, transmitting the biennial report on the Senior Executive Service, pursuant to 5 U.S.C. 3135(a), 4314(d); to the Committee on Post Office and Civil Service.

588. A letter from the Assistant Secretary (Legislative Affairs), Department of State, transmitting a report on measures the Department has undertaken for conservation and protection of sea turtles, pursuant to Public Law 101-162, section 609(a)(5)(C) (103 Stat. 1038); jointly, to the Committees on Appropriations and Foreign Affairs.

589. A letter from the Director (Office of Environmental Restoration and Waste Management), Department of Energy, transmitting notice that the report detailing the expenditure of fiscal year 1990 environmental restoration and waste management funds will be delayed until April 15, 1991, pursuant to Public Law 101-189, section 3141(c)(1), (2) (103 Stat. 1680); jointly, to the Committees on Armed Services, Appropriations, and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TOWNS:

H.R. 838. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for tuition paid by parents for the college education of their children or paid by certain independent taxpayers for their own college education; to the Committee on Ways and Means.

By Mr. APPLEGATE:

H.R. 839. A bill to amend title 38, United States Code, to increase from $50,000 to $100,000 the amount of life insurance provided to members of the Armed Forces under the Servicemen's Group Life Insurance and Veterans' Group Life Insurance Programs; to the Committee on Veterans' Affairs.

By Mr. PURSELL:

H.R. 840. A bill to improve counseling services for elementary school children; to the Committee on Education and Labor.

By Mr. JONTZ (for himself, Mr. Ridge, Mr. Evans, Mr. Edwards of California, Mr. Applegate, Mr. Staggers, Mr. Smith of New Jersey, Mr. Slattery, Mr. Bilirakis, Mr. Kennedy, Mr. Sangmeister, Mr. Jones of Georgia, Ms. Long, Mr. Peterson of Florida, Ms. Waters, Mr. Hochbrueckner, Mr. Payne of Virginia, Mr. Reed, and Mr. Lancaster):

H.R. 841. A bill to expand services provided by the Department of Veterans Affairs for veterans suffering from post-traumatic stress disorder (PTSD); to the Committee on Veterans' Affairs.

By Mr. JONTZ (for himself, Mr. Alexander, Mr. Atkins, Mr. Bacchus, Mr. Barnard, Mr. Beilenson, Mr. Bennett, Mr. Bereuter, Mr. Berman, Mr. Bonior, Mrs. Boxer, Mr. Brown, Mr. Bustamante, Mr. Campbell of California, Mrs. Collins of Illinois, Mr. Conyers, Mr. Cooper, Mr. Darden, Mr. Dellums, Mr. Durbin, Mr. Edwards of California, Mr. Evans, Mr. Frank of Massachusetts, Mr. Ford of Tennessee, Mr. Gordon, Mr. Goss, Mr. Guarini, Mr. Hoagland, Mr. Horton, Mr. Hughes, Mr. Jacobs, Mr. Johnston of Florida, Mr. Kostmayer, Mr. Levine of California, Mr. Lipinski, Mrs. Lowey of New York, Mr. Geren, Mr. Machtley, Mr. Mfume, Mr. Mineta, Mrs. Morella, Mr. Nagle, Mr. Neal of Massachusetts, Mr. Owens of Utah, Mr. Panetta, Mrs. Patterson, Mr. Payne of New Jersey, Mr. Pease, Mr. Penny, Ms. Pelosi, Mr. Porter, Mr. Price, Mr. Ravenel, Mr. Rinaldo, Mr. Roe, Mr. Rose, Mr. Roybal, Mr. Sangmeister, Mrs. Schroeder, Mr. Scheuer, Mr. Schumer, Mr. Shays, Mr. Sikorski, Mr. Skaggs, Mr. Smith of Florida, Mr. Solarz, Mr. Stark, Mr. Tallon, Mr. Torres, Mr. Walsh, Mr. Washington, Mr. Waxman, Mr. Yates, and Mr. Zimmer):

H.R. 842. A bill to provide for the protection of the remaining ancient forests on the Federal lands of the States of Washington, Oregon, and California, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. ATKINS (for himself, Mr. Mineta, Mr. Machtley, Mr. Wolpe, Mr. Gejdenson, Mr. Lewis of California, Mr. Gilman, Mr. Dellums, Mrs. Boxer, Mr. Barnard, Mr. Hochbrueckner, Mr. Pease, Mr. Jontz, Mr. Miller of California, Ms. Kaptur, Mr. Neal of Massachusetts, Mr. Matsui, Mr. Torres, Mr. DeFazio, Mr. Roe, Mr. McDermott, Mr. Beilenson, Mr. Udall, Mr. Bustamante, Mr. Lewis of Georgia, Mr. Panetta, Mr. Carper, and Mr. Ravenel):

H.R. 843. A bill to establish national standards for the manufacture and labeling of certain plumbing products in order to conserve and protect water resources, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ATKINS (for himself, Mr. Machtley, Mr. Gejdenson, Mr. Bilirakis, Mr. Dellums, Mrs. Boxer, Mr. Hochbrueckner, Mr. Pease, Mr. Miller of California, Ms. Kaptur, Mr. Neal of Massachusetts, Mr. Matsui, Mr. Roe, Mr. Lancaster, Mr. Beilenson, Mr. Bustamante, Mr. Lewis of Georgia, and Mr. Panetta):

H.R. 844. A bill to provide for the improved management of the Nation's water resources; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.

By Mr. BALLENGER (for himself, Mr. Goodling, and Mr. Henry):

H.R. 845. A bill to require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace and to issue or report on regulations to prevent or mitigate the future contamination of workers' homes, and for other purposes; to the Committee on Education and Labor.

By Mr. BUSTAMANTE (for himself and Mr. MACHTLEY):

H.R. 846. A bill to delay during the Persian Gulf conflict the implementation of reductions in authorized inpatient mental health services under CHAMPUS and changes in the management of such services; jointly, to the Committees on Armed Services and Government Operations.

By Mr. CAMPBELL of Colorado:

H.R. 847. A bill to redesignate Custer Battlefield National Monument as the Little Bighorn National Battlefield Park; to the Committee on Interior and Insular Affairs.

H.R. 848. A bill to authorize the establishment of a memorial at Custer Battlefield National Monument to honor the Indians who fought in the Battle of the Little Bighorn, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DERRICK:

H.R. 849. A bill to amend title 1 of the United States Code to define the type of adjournment that prevents the return of a bill by the President, and to authorize the Clerk of the House of Representatives and the Secretary of the Senate to receive bills returned by the President at any time their respective Houses are not in session; jointly, to the Committees on the Judiciary and Rules.

By Mr. CARDIN (for himself, Mr. MCMILLEN of Maryland, Mrs. BENTLEY, Mrs. BYRON, Mr. GILCHREST, Mr. HOYER, Mr. MFUME, Mrs. MORELLA, Mr. CLINGER, Mr. FOGLIETTA, Mr. GOODLING, Mr. MURPHY, Mr. WELDON, Mr. BATEMAN, Mr. BLILEY, Mr. BOUCHER, Mr. MORAN, Mr. OLIN, Mr. PAYNE of Virginia, Mr. PICKETT, Mr. SISISKY, Mr. SLAUGHTER of Virginia, Mr. WOLF, Ms. NORTON, and Mr. CARPER):

H.R. 850. A bill to assist in the restoration of the Chesapeake Bay, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. COBLE (for himself, Mr. PETRI, Mr. LAGOMARSINO, Mr. DANNEMEYER, Mr. POSHARD, Mr. HORTON, Mr. BALLENGER, Mr. HOLLOWAY, Mr. WALSH, Mr. SCHAEFER, Mr. HUNTER, and Mr. FROST):

H.R. 851. A bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes; to the Committee on Ways and Means.

By Mrs. COLLINS of Illinois (for herself, Mr. DELLUMS, Mr. BUSTAMANTE, Mr. MRAZEK, Mr. MFUME, Mr. RANGEL, Mr. STOKES, Mr. FROST, Mr. EVANS, Mr. WASHINGTON, Mr. SERRANO, Mr. TOWNS, Mr. ROYBAL, Mr. LEWIS of Georgia, and Mr. SAVAGE):

H.R. 852. A bill to require the Secretary of Defense to increase outreach to small disadvantaged businesses that are potential contractors or subcontractors with the Department of Defense, through a variety of methods, and to require potential defense contractors to certify compliance with equal opportunity requirements, and for other purposes; to the Committee on Armed Services.

By Mr. CONYERS (for himself and Mrs. COLLINS of Michigan):

H.R. 853. A bill to amend the U.S. Housing Act of 1937 to require the Secretary of Housing and Urban Development to administer a program of construction and revitalization of public housing, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DURBIN (for himself, Mr. BENNETT, Mr. UDALL, Mr. STARK, Mr. KLECZKA, Mr. RAHALL, Mr. GLICKMAN, Mr. FEIGHAN, Mr. HAYES of Illinois, Mr. NEAL of Massachusetts, Mr. EVANS, Mr. DE LUGO, Mr. SHAYS, Mr. POSHARD, Mr. MFUME, Mr. MCNULTY, Mrs. BOXER, Mr. JONTZ, Mr. MURTHA, Mr. KANJORSKI, AND Mr. COSTELLO):

H.R. 854. A bill to protect the national security by prohibiting profiteering of essential commodities during periods of national emergency; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA:

H.R. 855. A bill to include the Territory of American Samoa in the Supplemental Security Income Program; to the Committee on Ways and Means.

By Mr. FISH (for himself, Mr. MANTON, Mr. GILMAN, Mr. ACKERMAN, Mr. BILBRAY, Mr. CARPER, Mr. COYNE, Mr. DELLUMS, Mr. DORNAN of California, Mr. DOWNEY, Mr. DWYER of New Jersey, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. HOCHBRUECKNER, Mr. JACOBS, Mr. LAFALCE, Mr. LENT, Mr. MACHTLEY, Mr. MARTIN of New York, Mrs. MORELLA, Mr. MRAZEK, Mr. NOWAK, Mr. OWENS of New York, Mr. RANGEL, Mr. ROE, Mr. SCHEUER, Mr. SHAYS, Mr. STOKES, Mr. TRAXLER, Mr. WALSH, Mr. COSTELLO, and Mr. SOLOMON):

H.R. 856. A bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland; jointly, to the Committees on Ways and Means, Rules, and Foreign Affairs.

By Mr. GEKAS:

H.R. 857. A bill to provide a constitutional Federal death penalty; to the Committee on the Judiciary.

By Mr. GLICKMAN (for himself, Mr. BEREUTER, Mr. CAMPBELL of Colorado, Mr. DUNCAN, Mr. FORD of Tennessee, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mrs. MEYERS of Kansas, Mr. NICHOLS, Mr. PENNY, Mr. ROBERTS, Mr. SLATTERY, Mr. SUNDQUIST, Mr. TANNER, and Mr. TAYLOR of Mississippi):

H.R. 858. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Public Works and Transportation.

By Mr. GOODLING:

H.R. 859. A bill to assist schools in improving student performance through flexibility, program accountability, and incentives; to the Committee on Education and Labor.

By Mr. PANETTA (for himself, Mr. WAXMAN, Mr. GRADISON, Mr. ACKERMAN, Mr. BERMAN, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. COSTELLO, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKS, Mr. DURBIN, Mr. FOGLIETTA, Mr. GREEN of New York, Mr. HORTON, Mr. JONTZ, Mr. KILDEE, Mr. LEHMAN of Florida, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MARKEY, Mr. MATSUI, Mr. OWENS of New York, Mr. OWENS of Utah, Ms. PELOSI, Mr. PERKINS, Mr. RAHALL, Mr. RICHARDSON, Mr. ROWLAND, Mr. ROYBAL, Mr. SCHEUER, Mr. SIKORSKI, Mr. TOWNS, Mr. WALSH, Mr. WEISS, Mr. WILLIAMS, Mr. WILSON, Mr. WOLF, Mr. WYDEN, and Mr. YATES):

H.R. 860. A bill to amend title XIX of the Social Security Act to require the coverage of hospice care under medicaid plans; to the Committee on Energy and Commerce.

By Mr. GREEN of New York:

H.R. 861. A bill to amend the Internal Revenue Code of 1986 to increase the gasoline tax for purposes of providing additional revenues for the mass transit account in the highway trust fund and for purposes of reducing the deficit; to the Committee on Ways and Means.

By Mr. HOAGLAND (for himself, Mr. SABO, and Mr. WEBER):

H.R. 862. A bill to provide that certain games of chance conducted by a nonprofit organization not be treated as an unrelated trade or business of such organization; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 863. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion from gross income for combat pay received by a commissioned officer to $2,000 per month; to the Committee on Ways and Means.

By Mr. HUGHES (for himself, Mr. SANGMEISTER, and Mr. SMITH of Florida):

H.R. 864. A bill to provide for a constitutional death penalty; to the Committee on the Judiciary.

By Mr. HUGHES (for himself, Mr. GUARINI, Mr. DOWNEY, Mrs. LLOYD, Mr. PALLONE, Mr. ROE, Mr. FROST, Mr. LAFALCE, Mr. LEVINE of California, Mr. SMITH of Florida, and Mr. KOPETSKI):

H.R. 865. A bill to amend title II of the Social Security Act to provide for an increase of up to 5 in the number of years disregarded in determining average annual earnings on which benefit amounts are based upon a showing of preclusion from remunerative work during such years occasioned by need to provide child care or care to a chronically dependent relative; to the Committee on Ways and Means.

By Mr. HUGHES (for himself, Mr. GUARINI, Mr. PALLONE, Mr. HORTON, Mr. SERRANO, Mr. KOPETSKI, Mr. ROE, Mr. FROST, Mrs. LLOYD, Mr. RANGEL, and Mr. SAXTON):

H.R. 866. A bill to amend title II of the Social Security Act to exempt from the earnings test amounts earned for child care services; to the Committee on Ways and Means.

By Mr. HUGHES (for himself, Mr. SMITH of Florida, Mr. MCCOLLUM, and Mr. MAZZOLI):

H.R. 867. A bill to amend the Controlled Substances Act to provide penalties for physical trainers who induce athletes to use anabolic steroids; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. HUNTER:

H.R. 868. A bill to control the transfer of arms to countries that threaten world peace, including countries that are the subject of a United Nations or United States blockade or embargo; jointly, to the Committees on Foreign Affairs, Ways and Means, Agriculture, and Banking, Finance and Urban Affairs.

By Mr. INHOFE:

H.R. 869. A bill to modify the effective date of an amendment relating to title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. TORRES (for himself, Mr. ACKERMAN, Mr. ANDERSON, Mr. BEILENSON, Mr. BERMAN, Mrs. BOXER, Mr. BROWN, Mr. BRYANT, Mr. BUSTAMANTE, Mr. DIXON, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDWARDS of California, Mr. EVANS, Mr. FAZIO, Mr. FRANK of

Massachusetts, Mr. GEREN OF TEXAS, Mr. HAYES of Illinois, Mr. HERTEL, Mr. HORTON, Mr. HUGHES, Mr. JONTZ, Ms. KAPTUR, Mr. KLECZKA, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. MACHTLEY, Mr. MARKEY, Mr. MILLER of California, Mr. OBERSTAR, Mr. OWENS of Utah, Ms. PELOSI, Mr. POSHARD, Mr. RAVENEL, Ms. ROS-LEHTINEN, Mr. ROSE, Mr. ROYBAL, Mrs. SCHROEDER, Mr. SERRANO, Mr. SKELTON, Mr. TALLON, Mr. TOWNS, Mr. WALSH, Ms. WATERS, Mr. WAXMAN, Mr. WOLPE, and Mr. WYDEN):

H.R. 870. A bill to amend the Solid Waste Disposal Act to provide management standards and recycling requirements for spent lead-acid batteries; to the Committee on Energy and Commerce.

By Mr. TORRES (for himself, Mr. ACKERMAN, Mr. ANDERSON, Mr. BEILENSON, Mr. BERMAN, Mrs. BOXER, Mr. BROWN, Mr. BRYANT, Mr. BUSTAMANTE, Mr. CONDIT, Mr. DIXON, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDWARDS of California, Mr. EVANS, Mr. FAZIO, Mr. FRANK of Massachusetts, Mr. GEREN OF TEXAS, Mr. HAYES of Illinois, Mr. HERTEL, Mr. HORTON, Mr. HUGHES, Mr. JONTZ, Ms. KAPTUR, Mr. KLECZKA, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. MACHTLEY, Mr. MARKEY, Mr. MILLER of California, Mrs. MORELLA, Mr. OBERSTAR, Mr. OWENS of Utah, Ms. PELOSI, Mr. POSHARD, Mr. RAVENEL, Mr. RIDGE, Ms. ROS-LEHTINEN, Mr. ROYBAL, Mrs. SCHROEDER, Mr. SERRANO, Mr. SHAYS, Mr. TALLON, Mr. TOWNS, Mr. WALSH, Ms. WATERS, Mr. WAXMAN, Mr. WOLPE, and Mr. WYDEN):

H.R. 871. A bill to amend the Solid Waste Disposal Act to require producers and importers of tires to recycle a certain percentage of scrap tires each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such tires, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TORRES (for himself Mr. SKELTON, Mr. ACKERMAN, Mr. ANDERSON, Mr. BEILENSON, Mr. BERMAN, Mrs. BOXER, Mr. BROWN, Mr. BRYANT, Mr. BUSTAMANTE, Mr. DIXON, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDWARDS of California, Mr. EVANS, Mr. FAZIO, Mr. FRANK of Massachusetts, Mr. Geren of Texas, Mr. HAYES of Illinois, Mr. HERTEL, MR. HORTON, Mr. HUGHES, Mr. JONTZ, Ms. KAPTUR, Mr. KLECZKA, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. MACHTLEY, Mr. MARKEY, Mr. MILLER of California, Mrs. MORELLA, Mr. OBERSTAR, Mr. OWENS of Utah, Ms. PELOSI, Mr. POSHARD, Mr. RAVENEL, Ms. ROS-LEHTINEN, Mr. ROSE, Mr. ROYBAL, Mrs. SCHROEDER, Mr. SERRANO, Mr. SHAYS, Mr. TALLON, Mr. TOWNS, Mr. WALSH, Ms. WATERS, Mr. WAXMAN, Mr. WOLPE, and Mr. WYDEN):

H.R. 872. A bill to amend the Solid Waste Disposal Act to prohibit the Administrator of the Environmental Protection Agency from listing used oil and affiliated materials as a hazardous waste under that act, to require producers and importers of lubricating oil to recycle a certain percentage of used oil each year, to require the Administrator to establish a recycling credit system for carrying out such recycling requirement, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TORRES (for himself, Mr. ACKERMAN, Mr. ANDERSON, Mr. BEILENSON, Mr. BERMAN, Mrs. BOXER, Mr. BROWN, Mr. BRYANT, Mr. BUSTAMANTE, Mr. DIXON, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDWARDS of California, Mr. EVANS, Mr. FAZIO, Mr. FRANK of Massachusetts, Mr. GEREN of Texas, Mr. HAYES of Illinois, Mr. HERTEL, Mr. HORTON, Mr. HUGHES, Mr. JONTZ, Ms. KAPTUR, Mr. KLECZKA, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWERY of New York, Mr. MARKEY, Mr. MILLER of California, Mrs. MORELLA, Mr. OBERSTAR, Mr. OWENS of Utah, Ms. PELOSI, Mr. POSHARD, Mr. RAVENEL, Ms. ROS-LEHTINEN, Mr. ROSE, Mr. ROYBAL, Mrs. SCHROEDER, Mr. SERRANO, Mr. TALLON, Mr. TOWNS, Mr. WALSH, Ms. WATERS, Mr. WAXMAN, Mr. WOLPE, and Mr. WYDEN)

H.R. 873. A bill to amend the Solid Waste Disposal Act to require producers and importers of newsprint to recycle a certain percentage of newsprint each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracing system for such newsprint, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JACOBS:

H.R. 874. A bill to amend title 37, United States Code, to provide for the payment of temporary lodging expenses incurred by family members who receive transportation incident to the hospitalization of a member of the Armed Forces for a serious illness or serious injury sustained by the member in the line of duty; to the Committee on Armed Services.

By Mr. WYDEN:

H.R. 875. A bill to make the import alert issued by the Food and Drug Administration with respect to the drug RU-486 ineffective and for other purposes; to the Committee on Energy and Commerce.

By Mr. JACOBS:

H.R. 876. A bill to require that passenger vans shall be subject to the same Federal motor vehicle safety standards as are applicable to passenger motor vehicles and to require manufacturers of motor vehicles to provide for dissemination to the public all vehicle warranty and repair information provided dealers; to the Committee on Energy and Commerce.

H.R. 877. A bill entitled the "Former Presidential Enough Is Enough and Taxpayers Relief Act of 1991"; to the Committee on Government Operations.

H.R. 878. A bill to amend the Federal Election Campaign Act of 1971 to provide for public financing of advertising and related expenses in campaigns for the House of Representatives and to prohibit contributions by multicandidate political committees to candidates who accept such financing; to the Committee on House Administration.

H.R. 879. A bill to amend title 18 of the United States Code, to provide for rewards for information leading to the apprehension and conviction of certain kidnapers; to the Committee on the Judiciary.

H.R. 880. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 881. A bill to amend title 18, United States Code, to provide penalties for the manufacture, sale, and use of radar detectors; to the Committee on the Judiciary.

H.R. 882. A bill to amend Public Law 85-745 to provide that a former President may receive monetary allowances under that law only after waiving any rights to receive any other annuity or pension to which the former President would otherwise be entitled under any other Federal law; to the Committee on Post Office and Civil Service.

H.R. 883. A bill to make "America, the Beautiful" the national anthem of the United States of America; to the Committee on Post Office and Civil Service.

H.R. 884. A bill to amend the Federal Aviation Act of 1958 to authorize reduced-rate air transportation to the United States for certain persons who have been or will be adopted by a resident of the United States; to the Committee on Public Works and Transportation.

H.R. 885. A bill to amend title 38, United States Code, to permit the next of kin of a deceased veteran to designate the style of flag to be furnished at the burial of such veteran; to the Committee on Veterans' Affairs.

H.R. 886. A bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the Old-age, Survivors, and Disability Insurance Program under title II of the Social Security Act and the Supplemental Security Income Program under title XVI of such Act; to the Committee on Ways and Means.

H.R. 887. A bill to provide for improved investment policies for the Social Security trust funds; to the Committee on Ways and Means.

By Ms. LONG:

H.R. 888. A bill to exclude the receipts and disbursements for the Unemployment Trust Fund (and its administrative expenses) from the calculation of discretionary spending limits, deficits, and maximum deficit amounts for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985; jointly, to the Committee on Government Operations and Ways and Means.

By Mr. JACOBS:

H.R. 889. A bill to amend the Internal Revenue Code of 1986 to reinstate the tax on interest received by foreigners on certain portfolio investments; to the Committee on Ways and Means.

H.R. 890. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of the basis of the taxpayer's principal residence; to the Committee on Ways and Means.

H.R. 891. A bill to amend the Internal Revenue Code of 1986 to deny the business deduction for any amount paid or incurred for regularly scheduled air transportation to the extent such amount exceeds the normal tourist class fare for such transportation; to the Committee on Ways and Means.

H.R. 892. A bill to amend the Internal Revenue Code of 1986 to increase to 32 cents per pack the Federal excise tax on cigarettes and to provide that the revenues from the additional tax shall be deposited in the Federal Hospital Insurance Trust Fund under the Social Security Act; to the Committee on Ways and Means.

H.R. 893. A bill to amend title II of the Social Security Act to require actual dependency as a condition of a stepchild's eligibility for child's insurance benefits, thereby preventing an insured individual's stepchildren from qualifying for such benefits on his or her wage record (and thereby reducing the benefits of his or her natural children) if they are being supported by their natural parent; to the Committee on Ways and Means.

H.R. 894. A bill to amend the Internal Revenue Code of 1986 to clarify that social security taxes shall not apply to payments made to State and local government employees under law in the nature of workmen's compensation acts; to the Committee on Ways and Means.

H.R. 895. A bill to eliminate the exemption for Congress or for the United States from the application of certain provisions of Federal law relating to employment and privacy, and for other purposes; jointly, to the Committees on Education and Labor and Government Operations.

H.R. 896. A bill prohibiting the manufacture, sale, delivery, or importation of certain motor vehicles and rail cars that do not have seat belts, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 897. A bill to make a technical amendment to the Mount Rushmore Commemorative Coin Act to conform to the intent of Congress; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JONES of North Carolina (for himself Mr. Valentine, Mr. Coble, Mr. Hefner, Mr. Neal of North Carolina, Mr. Lancaster, Mr. Taylor of North Carolina, Mr. Price, Mr. Ballenger, and Mr. Rose):

H.R. 898. A bill related to the Herbert C. Bonner Bridge; to the Committee on Public Works and Transportation.

By Mr. KLECZKA (for himself and Mr. Lehman of California):

H.R. 899. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to reduce the potential liability of the United States for losses from the deposit insurance funds, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KOLTER:

H.R. 900. A bill to provide that any veterans' benefits that were cut during the 1980's shall be restored to the level in effect before the cuts; to the Committee on Veterans' Affairs.

By Mr. KOSTMAYER:

H.R. 901. A bill to amend section 21A of the Federal Home Loan Bank Act to establish additional procedures and requirements relating to the identification and disposition of environmentally sensitive land and other property with natural, cultural, recreational, or scientific values of special significance by the Resolution Trust Corporation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LaFALCE (for himself, Mr. McDade, Mr. Smith of Iowa, Mr. Skelton, Mr. Mavroules, Mr. Hatcher, Mr. Wyden, Mr. Bilbray, Mr. Mfume, Mr. Flake, Mr. Lancaster, Mr. Serrano, Mr. Andrews of New Jersey, Mr. Baker, Mr. Machtley, and Mr. Ramstad):

H.R. 902. A bill to provide assistance to recipients of loans from the Small Business Administration who are affected by military service as part of Operation Desert Storm, and for other purposes; to the Committee on Small Business.

By Mr. LANTOS:

H.R. 903. A bill to require the payment of reparations by Iraq following the conclusion of Operation Desert Storm; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia:

H.R. 904. A bill to direct the Secretary of the Interior to prepare a national historic landmark theme study on African American history; to the Committee on Interior and Insular Affairs.

By Mr. McEWEN:

H.R. 905. A bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible; to the Committee on Government Operations.

By Mr. MILLER of California (for himself, Mrs. Morella, Mr. Owens of Utah, Mr. Berman, Mr. Yates, Mr. LaFalce, Mr. Rangel, Mr. Fuster, Mr. Foglietta, Ms. Pelosi, Mr. Stokes, Mrs. Lloyd, Mr. Horton, Mrs. Schroeder, and Mr. Bryant):

H.R. 906. A bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women and for other purposes; to the Committee on Education and Labor.

By Mr. MILLER of California (for himself, Mr. Martinez, Mrs. Unsoeld, Mr. Serrano, Mr. de Lugo, Mr. Fuster, Mr. Lewis of Georgia, Mr. Edwards of California, Mr. Berman, Mr. Matsui, Ms. Pelosi, Mr. Dornan of California, Mr. Dellums, Mr. Condit, Mr. Lagomarsino, Mr. Fazio, Mr. Vento, Mr. Kostmayer, Mr. Towns, Mr. Roybal, Mr. Bustamante, Ms. Ros-Lehtinen, Mr. Torres, Mr. Richardson, and Mr. Ortiz):

H.R. 907. A bill to amend the Higher Education Act of 1965 to permit alternative methods for qualifying "ability-to-benefit" students for Federal student financial aid; to the Committee on Education and Labor.

By Mr. MONTGOMERY:

H.R. 908. A bill to amend title 38, United States Code, and other provisions of law to provide improved benefits and services for military personnel who serve during the Persian Gulf war, including particularly benefits and services for members of the National Guard and Reserve components, and for other purposes; jointly, to the Committees on Veterans' Affairs, Armed Services, Ways and Means, Small Business, and Education and Labor.

By Mr. MORRISON:

H.R. 909. A bill to direct the Secretary of the Interior to convey certain lands in Sunnyside, WA., to the Sunnyside Valley Irrigation District; to the Committee on Interior and Insular Affairs.

By Mr. MORRISON (for himself, Mrs. Lloyd, Mr. Swift, Mr. Dicks, Mr. Chandler, Mr. Miller of Washington, Mr. McDermott, and Mrs. Unsoeld):

H.R. 910. A bill to require the Secretary of Energy to establish the Fast Flux Test Facility as a research and development center to be known as the Research Reactor User Complex; to the Committee on Science, Space, and Technology.

By Mr. PORTER:

H.R. 911. A bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. PEASE:

H.R. 912. A bill to reform the Federal deposit insurance system by limiting the amount of insurable deposits of any person to $100,000; to the Committee on Banking, Finance and Urban Affairs.

H.R. 913. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for contributions to candidates for election to the House of Representatives from the congressional district in which the taxpayer resides; to the Committee on Ways and Means.

H.R. 914. A bill to provide an improved program of extended unemployment compensation, and for other purposes; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 915. A bill to assure that United States assistance and benefits for the Soviet Union are made available, on an equitable basis, to Lithuania, Latvia, and Estonia; jointly, to the Committee on Foreign Affairs, Ways and Means, and Banking, Finance and Urban Affairs.

By Mr. RAHALL:

H.R. 916. A bill to reauthorize the waste treatment construction grants program, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ROYBAL (for himself, Mr. Rinaldo, Mr. Ford of Tennessee, Mr. Grandy, Mr. Saxton, Mr. Hefner, Mr. Quillen, Mr. Annunzio, Mr. Machtley, Mr. Derrick, Mrs. Vucanovich, Mr. Brown, Mr. Bevill, Mr. Kanjorski, Mr. Harris, Mr. Pickett, Mr. Mineta, Mr. Gallo, Mr. Sensenbrenner, Mr. McEwen, Mr. Pallone, Ms. Ros-Lehtinen, Mr. Boucher, Mr. Gordon, Mr. Yates, Mr. Gaydos, Mr. Mrazek, Mr. Rahall, Mr. McDade, Mr. Jontz, Mr. Poshard, Mrs. Lloyd, Mr. Callahan, Mr. Martinez, Mr. Wolpe, Mr. Frank of Massachusetts, Mr. Perkins, Mrs. Patterson, Mr. Natcher, Mr. Smith of Florida, Mr. Roe, Mr. Murphy, Mrs. Collins of Illinois, Ms. Oakar, Mr. Hall of Texas, Mr. Johnson of South Dakota, Mr. Kolter, Mr. Yatron, Mr. Jones of North Carolina, Mr. Hayes of Illinois, Mr. Waxman, Mr. Smith of New Jersey, Mr. Madigan, Mr. Gejdenson, Mr. Horton, Mr. Weldon, Mr. Manton, Mr. Staggers, Mr. Moran, Mr. McNulty, Mr. Stearns, Mr. Lent, Mr. Condit, Mr. Feighan, Mr. Bacchus, Mr. Bonior, Mr. English, Mr. Mavroules, Mr. Sundquist, Mr. Clinger, Mr. Lagomarsino, Mr. Richardson, Mr. Roth, Mr. Hubbard, Mr. Carr, Mr. Evans, Mr. Fazio, Mr. Anderson, Mr. Visclosky, Mr. Goss, Mr. Lipinski, Ms. Molinari, Mr. Rangel, Mr. Wilson, Mr. Stokes, Mr. Scheuer, Mr. DeFazio, Mr. Peterson of Minnesota, Mr. Dymally, Mr. Traficant, Mr. Applegate, Mr. Chapman, Mr. Tallon, Mr. Dickinson, Mr. Baker, Mr. Engel, Mr. Gilman, Mr. Schumer, Mr. Valentine, Mr. Bruce, Mr. Volkmer, Mr. Dellums, Mr. Ackerman, Mr. Torres, Mr. Costello, Mrs. Mink, Mr. Kildee, Mr. Sikorski, Mr. Holloway, Mr. Montgomery, Mr. Wylie, Mr. Bustamante, Mr. Broomfield, Mr. Miller of Ohio, Mr. Abercrombie, Mr. Inhofe, Mr. McMillen of Maryland, Mr. Kostmayer, Ms. Kaptur, Mr. Williams, Mrs. Roukema, Mr. Bennett, Mr. Hertel, Mr. Lancaster, Mr. Nagle, Mr. Levine of California, Mr. Kopetski, Mr. Frost, Mr. Lantos, Mr. Berman, Ms. DeLauro, Mr. Guarini, Mr. Gonzalez, Mr. Luken, Mr. Bilbray, Mr. Shaw, and Mr. Davis):

H.R. 917. A bill to amend title II of the Social Security Act to provide for a more gradual period of transition—under a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927—and related beneficiaries—and to provide for increases in such workers' benefits accordingly, and for other purposes; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. Vento, and Mr. Miller of California):

H.R. 918. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RAHALL (for himself, Mr. Mollohan, Mr. Brooks, Mr. Penny, Mr. Wilson, Mr. Taylor of Mississippi, Mr. Machtley, Mr. Johnson of South Dakota, Mr. Pease, Mr. Parker, Mr. Fields, Mr. Dorgan of North Dakota, Mr. Fuster, Mr. McCrery, Mr. Kolter, Mr. Espy, Mr. Walsh, Mr. Hefner, Mr. Lagomarsino, Mr. Montgomery, Mr. Williams, Mr. Bevill, Mr. Roe, and Mrs. Lloyd):

H.R. 919. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to make available for humanitarian relief purposes nonlethal surplus personal property, and for other purposes; jointly, to the Committees on Government Operations, Armed Services, and Foreign Affairs.

By Mr. RHODES (for himself, Mr. Thomas of California, Mr. Herger, Mr. Stump, Mr. Kolbe, and Mr. Kyl):

H.R. 920. A bill to authorize the Secretary of the Interior to prepare and implement cooperative drought contingency plans and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RICHARDSON (for himself and Mr. Bereuter):

H.R. 921. A bill to prohibit the disposal of solid waste in any State other than the State in which the waste was generated; to the Committee on Energy and Commerce.

By Mr. ROBERTS:

H.R. 922. A bill to amend the Federal Election Campaign Act of 1971 to further restrict contributions to candidates by multicandidate political committees, require full disclosure of attempts to influence Federal elections through soft money and independent expenditures, correct inequities resulting from personal financing of campaigns, strengthen the role of political parties, and contain the cost of political campaigns; jointly, to the Committee on House Administration and Energy and Commerce.

H.R. 923. A bill to authorize the reformulation of the Cedar Bluff Unit of the Pick-Sloan Missouri Basin Program, Kansas, to provide for the amendment of water service and repayment contracts; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. ROGERS:

H.R. 924. A bill to repeal the provisions of the Revenue Reconciliation Act of 1989 which require the withholding of income tax from wages paid for agricultural labor; to the Committee on Ways and Means.

By Mr. ROSE:

H.R. 925. A bill to direct the Secretary of Transportation to permit the city of Fayetteville, NC, to allow vehicular traffic, other than buses, to use Hay Street; to the Committee on Public Works and Transportation.

By Mr. ROWLAND:

H.R. 926. A bill to amend the Internal Revenue Code of 1986 to exempt distributions to members of the reserves while on active duty from the additional tax on early distributions from qualified retirement plans; to the Committee on Ways and Means.

By Mrs. SCHROEDER:

H.R. 927. A bill to amend title 5, United States Code, to provide that any carrier offering obstetrical benefits under the Health Benefits Program for Federal employees must also provide benefits relating to certain family-building procedures, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER:

H.R. 928. A bill to provide for the applicability of combat-related tax benefits to Operation Desert Storm participants serving in Israel; to the Committee on Ways and Means.

By Mr. SHARP (for himself and Mr. Moorhead):

H.R. 929. A bill to make certain technical corrections in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990; to the Committee on Energy and Commerce.

By Ms. SNOWE:

H.R. 930. A bill to amend title XIX of the Social Security Act to require States to adopt and enforce certain guardianship laws providing protection and rights to awards and individuals subject to guardianship proceedings as a condition of eligibility for receiving funds under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

H.R. 931. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffer from Alzheimer's disease or related organic brain disorder; to the Committee on Ways and Means.

By Ms. SNOWE (for herself and Mr. Andrews of Maine):

H.R. 932. A bill to settle all claims of the Aroostook Band of Micmacs resulting from the band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SOLOMON:

H.R. 933. A bill to amend the Higher Education Act of 1965 to prevent double counting of income in the conduct of needs analysis for student assistance under that Act; to the Committee on Education and Labor.

H.R. 934. A bill to prohibit the export of satellites intended for launch-from-launch vehicles owned by the Soviet Union; to the Committee on Foreign Affairs.

H.R. 935. A bill to amend the National Security Act of 1947 to require the congressional intelligence committees to establish certain procedures to prevent the unauthorized disclosure of information furnished to those committees; to the Committee on Intelligence (Permanent Select).

H.R. 936. A bill to amend the Internal Revenue Code of 1986 to increase the child care credit for lower-income working parents; to the Committee on Ways and Means.

H.R. 937. A bill to direct the President to impose certain limitations on the amount of milk protein products that may be imported into the United States; to the Committee on Ways and Means.

H.R. 938. A bill to require agreement entered into with certain foreign countries, that involve the exchange or transfer of scientific or technological information to be submitted to the Secretary of Defense; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. STAGGERS (for himself, Mr. Montgomery, Mr. Stump, and Mr. Burton of Indiana):

H.R. 939. A bill to provide eligibility to members of the Selected Reserve for the Veterans Home Loan Program; to the Committee on Veterans' Affairs.

By Mr. STARK:

H.R. 940. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to modify the full-funding limitation in the case of multiemployer plans; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. STARK (for himself and Mrs. Boxer):

H.R. 941. A bill to amend part A of title XVIII of the Social Security Act with respect to the premium amounts for those enrolled under such part and to amend section 218(n) of such act to provide for a transition in the case of voluntary agreements for coverage of State and local employees under Medicare; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. Paxon, Mr. Hastert, Mr. Lewis of Florida, Mr. James, Mr. Lightfoot, Mr. Walsh, Mr. Gunderson, Mr. Gingrich, Mr. Walker, Mr. Burton of Indiana, Mr. Young of Florida, Mr. McCollum, Mr. Hyde, Mr. Duncan, Mr. Hunter, Mr. Hancock, and Mr. Mineta):

H.R. 942. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate $1 of their income tax liability and some or all of their income tax refunds, and to contribute additional amounts, for purposes of rehabilitation and treatment in combating the war on drugs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SYNAR:

H.R. 943. A bill to amend the National Park Service Concessions Policy Act to foster competition among concessioners, to improve management of concessions consistent with the preservation of resources and the purposes of the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SYNAR (for himself, Mr. Darden, and Mr. Atkins):

H.R. 944. A bill to provide for domestic livestock grazing fees for public rangeland reflecting the fair market value of forage on those lands; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. TAUZIN (for himself, Mr. Hayes of Louisiana, Mr. Laughlin, Mr. Hansen, Mr. Frost, Mr. Bryant, Mr. Wise, Mr. Lancaster, Mr. Gilman, Mr. Hughes, Mr. Darden, Mr. Thomas of Georgia, Mr. Gingrich, Mr. Jenkins, and Mr. Barton of Texas):

H.R. 945. A bill to amend the Solid Waste Disposal Act to require States to provide an opportunity for their citizens to participate in comprehensive recycling programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WOLF (for himself and Mr. Hoyer):

H.R. 946. A bill to amend title 23, United States Code, to establish a program for expanding the capacity of heavily traveled portions of the National System of Interstate and Defense Highways located in urbanized areas with a population of 50,000 or more for the purposes of reducing traffic congestion, improving safety, and increasing the efficiency of the system; to the Committee on Public Works and Transportation.

By Mr. WYDEN (for himself, Mr. Eckart, Mr. Slattery, Mr. Grandy, Mr. Nagle, and Mr. Mollohan):

H.R. 947. A bill to authorize appropriations for local rail freight assistance through fiscal year 1994; to the Committee on Energy and Commerce.

By Mr. OBEY (for himself, Mr. Brooks, Mr. Aspin, Mr. Kleczka, Mr. Moody, Mr. Gunderson, Mr. Klug, Mr. Petri, Mr. Roth, Mr. Sensenbrenner, Mr. Fish and Mr. Moorhead):

H.R. 948. A bill to designate the U.S. courthouse located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. COBLE (for himself, Mr. Wilson, Mr. Stump, Mr. Kolter, Mr. Ravenel, and Mr. Santorum):

H.J. Res. 112. Joint resolution proposing an amendment to the Constitution of the United States limiting the terms of offices of Members of Congress and increasing the term of Representatives to 4 years; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 113. Joint resolution for the relief of Alexander Vraciu; to the Committee on Armed Services.

H.J. Res. 114. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of the Federal indebtedness; to the Committee on the Judiciary.

H.J. Res. 115. Joint resolution proposing an amendment to the Constitution of the United States to repeal clause 11, of section 8, of article I of the Constitution of the United States; to the Committee on the Judiciary.

H.J. Res. 116. Joint resolution proposing an amendment to the Constitution of the United States with respect to the expenditure of money to elect public officials; to the Committee on the Judiciary.

H.J. Res. 117. Joint resolution proposing an amendment to the Constitution of the United States with respect to the compelling of testimony from a defendant in a criminal case in open court, a restriction on the use of prior convictions except when they are an element of the crime charged, and the right of a defendant in a criminal case to be informed of the evidence against him; to the Committee on the Judiciary.

H.J. Res. 118. Joint resolution proposing an amendment to the Constitution of the United States permitting the President to grant a pardon to an individual only after such individual has been convicted; to the Committee on the Judiciary.

H.J. Res. 119. Joint resolution proposing an amendment to the Constitution of the United States to limit service by Representatives, Senators, and Federal judges; to the Committee on the Judiciary.

By Mr. LEWIS of California (for himself and Mrs. Byron):

H.J. Res. 120. Joint resolution to designate May 1991 as "National Physical Fitness and Sports Month"; to the Committee on Post Office and Civil Service.

By Mr. NATCHER (for himself, Mr. Bunning, Mr. Hopkins, Mr. Hubbard, Mr. Mazzoli, Mr. Perkins, and Mr. Rogers):

H.J. Res. 121. Joint resolution to designate June 1, 1992, as "Kentucky Bicentennial Day"; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR (for himself, Mr. Kildee, Mr. Penny, Mr. Weber, Mr. Sensenbrenner, Mr. Tauzin, Mr. Skelton, and Mr. Mazzoli):

H.J. Res. 122. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. RANGEL:

H.J. Res. 123. Joint resolution to designate Tuesday, October 15, 1991, as "National Law Enforcement Memorial Day"; to the Committee on Post Office and Civil Service.

By Mr. RUSSO:

H.J. Res. 124. Joint resolution proposing an amendment to the Constitution of the United States to protect unborn children and other persons; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. Downey, Mr. Rinaldo, Mr. Roybal, Mr. Tallon, Mr. Annunzio, Mr. Jefferson, Mrs. Roukema, Mr. Wolf, Ms. Long, Mr. Ravenel, Mr. Paxon, Mr. Fazio, Mr. Clement, Mr. Harris, Mr. Hefner, Mr. Engel, Mr. Horton, Mr. Owens of Utah, Mr. Walsh, Mr. Emerson, Ms. Oakar, Mr. Matsui, Mrs. Patterson, Mr. Wylie, Mr. Poshard, Mr. McGrath, Mr. Lancaster, Mr. Bilirakis, Mr. Smith of Florida, Mr. Darden, Mr. Clinger, Mr. McDermott, Mr. Kasich, Mrs. Unsoeld, Mr. Erdreich, Mr. Dellums, Mr. Jontz, Mr. Bliley, Mr. Montgomery, Mr. Miller of Washington, Mrs. Morella, Mr. Ackerman, Mr. Gejdenson, Mr. Faleomavaega, Mr. Donnelly, Mr. Towns, Mr. Hyde, Mr. Weiss, Mr. Lehman of Florida, Mr. Coughlin, Mr. Staggers, Mr. Quillen, Mr. Bacchus, Mrs. Vucanovich, Mr. Mineta, Mr. Saxton, Mr. Panetta, Mrs. Boxer, Mr. Camp, Mr. LaFalce, Mr. Hastert, Mr. Espy, Mr. Boucher, Mr. Hammerschmidt, Mr. Hatcher, Mr. Hughes, Ms. Pelosi, Mr. Lagomarsino, Mr. Ramstad, Mr. Traxler, Ms. Slaughter of New York, Mr. Valentine, Mr. Spratt, Mr. McCollum, Mr. McHugh, Mr. Owens of New York, Mr. DeFazio, Mr. Tauzin, Mr. Hochbrueckner, Mr. Hutto, Mr. Jones of North Carolina, Mr. Santorum, Mr. Parker, Mr. Hayes of Louisiana, Mr. Ritter, Mr. Dwyer of New Jersey, Mr. Conte, Mr. Green, Mr. Hayes of Illinois, Mr. Volkmer, Mr. Duncan, Mr. Young of Florida, Mr. Murphy, Mr. Yatron, Mr. Kennedy, Mr. Martin of New York, Mr. Dornan of California, Ms. Molinari, Mr. Mfume, Mr. Markey, Mr. Bevill, Mrs. Mink, Mrs. Lloyd, Mr. Roe, Mr. Bilbray, Mr. Waxman, Mr. Conyers, Mr. Gilchrest, Mr. Wilson, Mr. Weber, Mr. Vander Jagt, Mrs. Byron, and Mr. Kolte):

H.J. Res. 125. Joint resolution to designate the week beginning November 24, 1991, and the week beginning November 22, 1992, each as "National Family Caregivers Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H.J. Res. 126. Joint resolution proposing an amendment to the Constitution to require that congressional resolutions setting forth levels of total budget outlays and Federal revenues must be agreed to by two-thirds vote of both Houses of the Congress if the level of outlays exceeds the level of revenues; to the Committee on the Judiciary.

H.J. Res. 127. Joint resolution to provide for the establishment of a Joint Committee on Intelligence; to the Committee on Rules.

By Mr. WAXMAN:

H.J. Res. 128. Joint resolution to require the Secretary of Health and Human Services to call to active duty additional members of the Reserve Corps of the Public Health Service for the purpose of responding to the shortage of health care providers in the United States that has occurred as a result of the Persian Gulf conflict, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YATRON:

H.J. Res. 129. Joint resolution to designate the week beginning May 19, 1991, as "National Police Athletic League Week"; to the Committee on Post Office and Civil Service.

By Mrs. BENTLEY:

H. Con. Res. 62. Concurrent resolution expressing the sense of the Congress regarding the deployment in the Persian Gulf conflict of troops of the U.S. Armed Forces who are members of the same family; to the Committee on Armed Services.

By Mr. JACOBS:

H. Con. Res. 63. Concurrent resolution condemning the use of rapid decompression as a method of animal euthanasia; to the Committee on Agriculture.

H. Con. Res. 64. Concurrent resolution expressing the sense of the Congress that federally funded school lunches should provide optional meatless meals; to the Committee on Education and Labor.

H. Con. Res. 65. Concurrent resolution expressing the sense of the Congress that any Federal agency that utilizes the Draize rabbit eye irritancy test should develop and validate alternative ophthalmic testing procedures that do not require the use of animal test subjects; to the Committee on Energy and Commerce.

By Mr. MOODY:

H. Con. Res. 66. Concurrent resolution expressing the sense of the Congress regarding reinstatement of certain public arrival ceremonies to honor the members of the U.S. Armed Forces who die in the Persian Gulf conflict; to the Committee on Armed Services.

By Mr. SCHUMER (for himself, Mr. Torricelli, Mr. Wolpe, Mr. Weiss, Mr. Gejdenson, Mr. Murphy, Mr. Faleomavaega, Mr. McCloskey, and Mr. Feighan):

H. Con. Res. 67. Concurrent resolution expressing the sense of Congress that Japan should fulfill its commitment to defend the air space and sea lanes within 1,000 nautical miles of Japan; to the Committee on Foreign Affairs.

By Mr. MICHEL:

H. Res. 56. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. HOYER:

H. Res. 57. Resolution designating majority membership on the Committee on Standards of Official Conduct of the House; considered and agreed to.

By Mr. ASPIN (for himself and Mr. Dickinson):

H. Res. 58. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Armed Services in the first session of the 102d Congress; to the Committee on House Administration.

By Mr. CLAY (for himself and Mr. Gilman):

H. Res. 59. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Post Office and Civil Service in the first session of the 102d Congress; to the Committee on House Administration.

By Mr. MOAKLEY (for himself and Mr. Solomon):

H. Res. 60. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Rules in the first session of the 102d Congress; to the Committee on House Administration.

By Mr. CONYERS (for himself and Mr. Horton):

H. Res. 61. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Government Operations in the first session of the 102d Congress; to the Committee on House Administration.

By Mr. JONES of North Carolina (for himself and Mr. Davis):

H. Res. 62. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Merchant Marine and fisheries in the first session of the 102d Congress; to the Committee on House Administration.

By Mr. LaFALCE:

H. Res. 63. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Small Business in the first session of the 102d Congress; to the Committee on House Administration.

By Mr. MARLENEE:

H. Res. 64. Resolution to amend the Rules of the House of Representatives to provide that any general appropriation bill making appropriations for the Veterans' Administration may not make appropriations for any other department or agency of the United States; to the Committee on Rules.

By Mr. MILLER of California:

H. Res. 65. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Interior and Insular affairs in the 1st session of the 102d Congress; to the Committee on House Administration.

By Mr. RANGEL (for himself and Mr. Coughlin);

H. Res. 66. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Narcotics Abuse and Control in the 1st session of the 102d Congress; to the Committee on House Administration.

By Mr. ROE (for himself and Mr. Hammerschmidt):

H. Res. 67. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Public Works and Transportation in the 1st session of the 102d Congress; to the Committee on House Administration.

By Mr. ROYBAL:

H. Res. 68. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Aging in the 1st session of the 102d Congress; the Committee on House Administration.

By Mr. SOLOMON:

H. Res. 69. Resolution establishing the House of Representatives Classified Information Security Office; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII.

12. The SPEAKER presented memorial of the Legislature of the State of Colorado, relative to the U.N. Security Council resolutions against Iraqi aggression; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. ROSE introduced a bill (H.R. 949) to authorize coastwise documentation for the vessel *Windward III*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 16: , Mr. Abercrombie, Mr. Bonior, Ms. Pelosi, Mr. Serrano.

H.R. 34: Mr. Wolf, Mr. Bliley, Mr. Coble, Mr. Penny, Mr. Bilbray, Mr. Walker, Mr. Horton, Mr. Stump, Mr. Thomas of Wyoming, Mr. Fawell, Mr. Allard, Mr. Paxon, Mr. Ravenel, Mr. Klug, Mr. Herger, Mr. McCrery, Mr. Schiff, Mr. Bereuter, Mr. Bunning, Mr. Quillen, Mr. Doolittle, and Mr. Frost.

H.R. 77: Mr. Kyl.

H.R. 78: Mr. Lightfoot, Mr. Wilson, Mr. Smith of Texas, Mr. Herger, Mr. Fields, Mr. Rhodes, Mr. Ramstad, Mr. Vander Jagt, and Mr. Baker.

H.R. 85: Mr. Camp.

H.R. 112: Mr. Yates, Mr. Serrano, Mr. McMillen of Maryland, Mr. Foglietta, Mr. Inhofe, Mr. Bilbray, Mrs. Meyers of Kansas, Ms. Molinari, Mr. Torres, and Mr. Lewis of Georgia.

H,.R. 123: Mr. Zeliff.

H.R. 138: Mr. Baker.

H.R. 142: Mr. Boehner.

H.R. 179: Mr. Baker and Mrs. Meyers of Kansas.

H.R. 180: Mr. de Lugo.

H.R. 193: Mr. Zimmer, Mr. Fields, Mrs. Meyers of Kansas, and Mr. Lewis of Georgia.

H.R. 232: Mr. de Lugo, Mr. Franks of Connecticut, Mr. Harris, and Mr. Ridge.

H.R. 234: Mr. Baker.

H.R. 246: Mr. Hansen, Mr. Wilson, Mr. Kyl, Mr. Green, Mr. Thomas of Wyoming, Mr. Spence, Mr. Fields, Mr. Wolf, Mr. Goss, Mr. Gallegly, Mr. Smith of Texas, Mr. Ballenger, Mr. Stump, Mr. Schaefer, Mr. Zimmer, Mr. Porter, Mr. Lewis of Florida, Mr. Jacobs, Mr. Lagomarsino, Mr. Smith of Iowa, Mr. Walsh, Mr. Lewis of California, Mrs. Lowey of New York, Mr. Bereuter, Mr. Thomas of California, Mr. Bunning, Mr. Inhofe, Mr. Ritter, Mr. McMillan of North Carolina, Mr. Cunningham, Mr. Burton of Indiana, Mr. Geren, Mr. Gingrich, Mr. Sundquist, Mr. Saxton, Mr. Schiff, and Mr. Kolbe.

H.R. 249: Mr. Fields, Mr. Moorhead, Mr. Santorum, Mr. Kolbe, Mr. Jones of North Carolina, Mr. Holloway, Mr. Gingrich, and Mr. Ballenger.

H.R. 261: Mr. Horton, Mr. Wilson, Mr. Ravenel, Mr. Tallon, Mr. Mrazek, Ms. Pelosi, Mr. Jacobs, Mr. Payne of New Jersey, Mr. Bennett, and Mr. Roybal.

H.R. 300: Mr. Ford of Michigan and Ms. Snowe.

H.R. 315: Mr. Russo.

H.R. 317: Mr. Kopetski, Mr. Gaydos, Mr. Zeliff, Mr. Faleomavaega, and Mr. Taxler.

H.R. 320: Mr. Bustamante, Mr. Payne of New Jersey, Mr. Scheuer, Mr. Sanders, and Mr. Ackerman.

H.R. 327: Mr. Henry, Mr. Rogers, and Mr. Johnston of Florida.

H.R. 328: Mr. Brown, Mr. Espy, Mr. Conte, Mr. Gejdenson, Mr. Shays, Mr. Fuster, Mr. Bruce, Mr. Clement, and Mr. Johnston of Florida.

H.R. 394: Mr. Campbell of Colorado, Mr. Frost, Mr. Johnson of South Dakota, Mr. Johnston of Florida, Mr. Kostmayer, Mr. Scheuer, Mr. Sisisky, Mr. Stokes, Mr. Young of Florida, and Mr. Evans.

H.R. 413: Mr. Schumer, Mr. Swift, Mr. Horton, Mr. McCloskey, Mr. Dicks, Mr. Emerson, Mr. Studds, Mr. Smith of New Jersey, Mr. Mavroules, Mr. Jefferson, Mr. Gordon, Mr. Green, Mr. Kleczka, Mr. Walsh, Mrs. Roukema, Mr. Gilman, Mr. Harris, Mr. Berman, Mr. Mrazek, Mr. Rhodes, Mrs. Mink, and Mr. Foglietta.

H.R. 446: Mr. Gejdenson, Mr. Owens of Utah, Mr. Weiss, Mr. Engel, Mr. Poshard, Mr. Traficant, Mrs. Johnson of Connecticut, Mr. Valentine, Mr. Edwards of California, Mr. Evans, Mr. Slattery, Mrs. Unsoeld, Mr. McDermott, Mr. Skaggs, Mr. Yates, Mr. Frank of Massachusetts, and Mr. Dicks.

H.R. 447: Mr. de Lugo, Mr. Ravenel, Mr. Towns, Mr. Waxman, Mrs. Meyers of Kansas, and Mr. Rinaldo.

H.R. 460: Mr. Stokes, Mr. Bevill, Mr. Tallon, and Mr. Lancaster.

H.R. 473: Mr. Stump and Mr. Herger.

H.R. 481: Mr. Jenkins.

H.R. 542: Mr. Kleczka, Mr. Ford of Michigan, Mr. Hall of Texas, Ms. Kaptur, Mr. Gaydos, Mr. Jenkins, Mr. Bilbray, Mr. Lancaster, and Mr. Herger.

H.R. 559: Mr. Lagomarsino, Mr. Rinaldo, Mr. Lewis of Georgia.

H.R. 560: Mr. Lipinski, Mr. Abercrombie, Mr. Guarini, Mr. Sanders, Mr. Lewis of Georgia, and Ms. Kaptur.

H.R. 565: Mr. Horton, Mr. Shays, Mr. Burton of Indiana, Mr. Kyl, Mr. Kostmayer, Mr. Jacobs, Mr. Williams, Mr. Wyden, Mr. Foglietta, Mr. Towns, Mr. Hutto, Mr. Hubbard, Mr. Tallon, Mr. Hayes of Illinois, Mr. Wilson, and Mr. Stenholm.

H.R. 566: Mr. Hyde and Mr. Mollohan.

H.R. 601: Mr. Armey, Mr. Lent, Mr. Schulze, Mr. McGrath, Mr. Herger, Mr. Rinaldo, and Mr. Zeliff.

H.R. 611: Ms. Molinari, Mr. Hyde, Mr. Fields, and Mr. Paxon.

H.R. 614: Mr. Hughes and Mr. Mrazek.

H.R. 617: Mr. Costello, Mr. Price, Mr. DeFazio, Mr. Rhodes, and Mr. Bustamante.

H.R. 637: Mr. Horton, Mr. Markey, Mr. Henry, Mr. Dornan of California, Mr. Feighan, Mr. Rangel, Mr. Payne of New Jersey, Mr. McNulty, Mr. Kleczka, Mr. Moakley, Mr. Poshard, Ms. Pelosi, Mrs. Lowey of New York, Mr. Jones of Georgia, Mr. Bacchus, Mr. Lipinski, Mr. Waxman, Mr. Lagomarsino, Mr. Dellums, Mr. Fawell, Mr. Bilbray, and Mrs. Mink.

H.R. 640: Mr. Clinger, Mr. Coleman of Missouri, Mr. Gingrich, Mr. Hubbard, Mrs. Meyers of Kansas, Mr. Packard, Mr. Ritter, Ms. Ros-Lehtinen, and Mr. Wylie.

H.R. 643: Mr. FAWELL, Mr. HEFLEY, Mr. HASTERT, Mr. VALENTINE, Mr. HENRY, Mr. KOPETSKI, Mr. THOMAS of Wyoming, Mr. OBERSTAR, Mr. MORRISON of Washington, Mr. WEBER, Mr. STALLINGS, Mr. DURBIN, Mr. TRAFICANT, Mr. SENSENBRENNER, and Mr. CARPER.

H.R. 644: Mr. STOKES, Mr. SANDERS, Mr. FORD of Tennessee, and Mr. BILIRAKIS.

H.R. 645: Mrs. LOWEY of New York, Mr. LEWIS of Georgia, Mr. SCHUMER, Mr. KLUG, Mr. SKAGGS, and Mr. GUARINI.

H.R. 652: Mr. HUGHES and Mr. LAFALCE.

H.R. 661: Mr. SOLARZ, Mr. OXLEY, Mr. ARMEY, Mr. DORNAN of California, Mr. GOSS, and Mr. HYDE.

H.R. 666: Mr. ABERCROMBIE, Mr. BENNETT, Mr. CLEMENT, Mr. DEFAZIO, Mr. DORNAN of California, Mr. GUARINI, Mr. HORTON, Mr. HUGHES, Mr. HYDE, Mr. JOHNSON of South Dakota, Ms. KAPTUR, Mr. KOPETSKI, Mr. LAGOMARSINO, Mrs. LLOYD, Mr. LOWERY of California, Mr. PAXON, Mr. PERKINS, Mr. RANGEL, Mr. RINALDO, Mr. ROE, Mr. SANDERS, Mr. THOMAS of Georgia, Mr. WALSH, and Mr. WILSON.

H.R. 667: Mr. MCCLOSKEY, Mr. SERRANO, Mr. VALENTINE, Mr. HATCHER, Mr. MACHTLEY, Mr. HERTEL, Mr. AUCOIN, Mr. FROST, Mr. KOPETSKI, Mr. TAYLOR of Mississippi, Mr. KOSTMAYER, and Mr. SCHEUER.

H.R. 690: Mr. COSTELLO, Mr. JEFFERSON, Mr. LANCASTER, Mr. DORNAN of California, Mr. HUGHES, Mr. KOSTMAYER, Ms. ROS-LEHTINEN, Mr. HERTEL, Mr. LAGOMARSINO, Mr. WHEAT, Mrs. MORELLA, Mr. FOGLIETTA, Mr. BONIOR, Mr. GUARINI, Mr. DYMALLY, Mr. MRAZEK, and Mr. DIXON.

H.R. 707: Ms. LONG.

H.R. 724: Mr. SPRATT.

H.R. 738: Mr. JONTZ, Mr. SMITH of Florida, Mr. RANGEL, Mr. BOUCHER, Mr. SERRANO, Mr. ESPY, and Mr. LAFALCE.

H.R. 744: Mr. MACHTLEY, Mr. WAXMAN, Mrs. LOWEY of New York, Mr. BONIOR, Mr. GUARINI, Mr. PANETTA, Mr. ROSE, Mr. TALLON, and Mrs. MEYERS of Kansas.

H.R. 745: Mr. LANCASTER, Mr. HERTEL, Mrs. LOWEY of New York, Mr. RAVENEL, and Mr. SMITH of Florida.

H.R. 755: Mr. HASTERT, Mr. BONIOR, Mrs. MEYERS of Kansas, Mr. LEWIS of Georgia, Mr. KLUG, and Mr. LEVIN of Michigan.

H.R. 763: Mr. KOLTER, Mr. HERTEL, Mr. ABERCROMBIE, Mr. EVANS, Mr. GONZALEZ, Mr. GUARINI, and Mr. LEWIS of Georgia.

H.R. 767: Mr. HUNTER, and Mr. GONZALEZ.

H.R. 773: Mr. LEVINE of California and Mr. CONDIT.

H.R. 805: Mr. VOLKMER, Mr. BARRETT, and Mr. SARPALIUS.

H.J. Res. 19: Mr. MONTGOMERY.

H.J. Res. 80: Mr. KYL, Mr. ARMEY, Mr. LIPINSKI, Mr. ANNUNZIO, Mr. CUNNINGHAM, and Mr. CAMPBELL of California.

H.J. Res. 91: Mr. PAYNE of New Jersey, Mr. MILLER of California, Mr. MORELLA, Mr. SOLARZ, Mr. LEHMAN of Florida, Mr. JEFFERSON, Mr. LIPINSKI, Mr. LANCASTER, Mr. ESPY, Mr. YOUNG of Florida, Ms. PELOSI, Mr. JONTZ, Mr. WALSH, Mr. RANGEL, Mrs. BOXER, Ms. SNOWE, Mr. FAZIO, Mr. GUARINI, Mr. DEFAZIO, Mr. LEWIS of Georgia, Mr. COSTELLO, Mr. QUILLEN, Mrs. KENNELLY, Mr. MCNULTY, Mr. TOWNS, Mr. TALLON, Mr. FOGLIETTA, Mr. HORTON, Mr. BILBRAY, Mrs. MINK, Mr. OWENS of Utah, Mr. CLEMENT, Mr. WILSON, Mr. FLAKE, Mr. DE LUGO, Mr. ROSE, Mr. LAGOMARSINO, Mr. LEVINE of California, and Mr. SMITH of Florida.

H.J. Res. 95: Mr. KOLTER, Mr. MARTINEZ, Mr. HOCHBRUECKNER, Mr. YOUNG of Florida, Mr. JOHNSON of South Dakota, Mr. BARTLETT, Mr. RIGGS, Mr. LIVINGSTON, Mr. LEWIS of Georgia, Mr. GONZALEZ, Mr. SPENCE, Mr. QUILLEN, and Mr. DEFAZIO.

H.J. Res. 97: Mr. STOKES, Mrs. JOHNSON of Connecticut, Mr. PALLONE, Mrs. MINK, Mr. HORTON, Mr. MARTIN of New York, Mr. ACKERMAN, Mr. TRAFICANT, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. TALLON, Mr. GORDON, Mr. CLEMENT, Mr. APPLEGATE, Mr. HUGHES, Ms. PELOSI, Mr. FASCELL, Mr. ERDREICH, Mr. HEFNER, Mr. CARR, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Mr. POSHARD, Mr. GREEN, Mr. MCMILLEN of Maryland, Mr. HUTTO, Mr. HALL of Ohio, Mr. MCEWEN, Mr. LAROCCO, Mr. SMITH of Florida, Mr. MOAKLEY, Mr. WELDON, Mr. DELLUMS, Mr. EMERSON, Mr. HAMMERSCHMIDT, Mr. ROYBAL, Mr. DIXON, Mr. LEHMAN of Florida, Mr. LAFALCE, Mr. SAVAGE, Mr. MCCLOSKEY, Mr. HOYER, Mr. RAHALL, Mr. MCNULTY, Mr. BONIOR, Mr. BURTON of Indiana, Mr. MOORHEAD, Mr. BENNETT, Mr. JONTZ, Mr. HOCHBRUECKNER, Mrs. MORELLA, Mr. RAVENEL, Mr. BROWN, Mr. ROE, Mr. RAY, Mr. TOWNS, Mr. RANGEL, Mr. FOGLIETTA, Mr. GILLMOR, Mr. SPRATT, Mr. MRAZEK, Mr. HANSEN, Mr. BACCHUS, Mr. LAGOMARSINO, Mr. FROST, Mr. BARTLETT, Mr. DEFAZIO, and Mr. QUILLEN.

H.J. Res. 104: Mr. BLILEY, Mr. RAMSTAD, Mrs. BENTLEY, Mr. PAXON, Mr. ARCHER, Mr. LIVINGSTON, Mr. WOLF, Mr. BUNNING, Mr. MARTIN of New York, Mr. HENRY, Mr. BEVILL, Mr. STUMP, Mr. ROBERTS, Mr. IRELAND, Mr. DUNCAN, Mr. DORNAN of California, Mr. ESPY, Mr. ANDREWS of New Jersey, Mr. SLATTERY, Mr. HORTON, Mr. GALLO, Mr. ANNUNZIO, Mr. TRAFICANT, Mrs. LLOYD, Mr. MONTGOMERY, Ms. LONG, Mr. GORDON, Mr. TRAXLER, Mr. FASCELL, Mr. PERKINS, Mr. FEIGHAN, Mr. CLEMENT, Mr. ROYBAL, Mr. FAZIO, Mrs. MINK, Mr. KOPETSKI, Mr. PAYNE of New Jersey, Mr. LAFALCE, Mr. BERMAN, and Mr. LENT.

H.J. Res. 108: Mr. RAMSTAD, Mr. GUNDERSON, Mr. TALLON, Mr. GORDON, and Mr. ERDREICH.

H. Con. Res. 23: Mr. CAMPBELL of Colorado, Mrs. LOWEY of New York, Mr. APPLEGATE, Mr. FRANK of Massachusetts, Mr. LAGOMARSINO, Mr. MCCLOSKEY, and Mr. BEVILL.

H. Con. Res. 42: Mr. DICKINSON, Mr. MILLER of California, Mr. MCGRATH, Mr. HERGER, Mr. PENNY, Mr. HARRIS, and Mr. HORTON.

H. Con. Res. 51: Mr. RITTER, Mr. PAXON, Mr. DORNAN of California, Mr. LAGOMARSINO, Mr. DOOLITTLE, and Mr. CRANE.

H. Con. Res. 56: Mr. MCMILLEN of Maryland and Mr. MATSUI.

H. Con. Res. 57: Mr. LIVINGSTON, Mr. HORTON, Mr. PAXON, Mr. WALSH, Mr. ROHRABACHER, Mr. POSHARD, Mr. SMITH of New Jersey, Mr. SKELTON, Mr. MCGRATH, Mr. HERGER, Mr. WOLF, Mr. KOLBE, Mr. OXLEY, Mr. KYL, Mr. SMITH OF TEXAS, Mr. GUARINI, Mr. GALLO, Mr. PAYNE of Virginia, Mr. RINALDO, Mr. HENRY, Mr. SCHIFF, Mrs. JOHNSON of Connecticut, Mr. MACHTLEY, Mrs. BYRON, Mr. KLUG, and Mr. FROST.

H. Res. 12: Mr. GILLMOR, and Mr. COX of Illinois.

PETITIONS, ETC.

Under clause 1 of rule XXII,

23. The SPEAKER presented a petition of Federal Bar Association, Los Angeles, CA, relative to the Ethics Reform Act of 1989; which was referred jointly, to the Committees on the Judicary and Post Office and Civil Service.

EXTENSIONS OF REMARKS

A BOOST FOR HIGHER EDUCATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. TOWNS. Mr. Speaker, today it is my pleasure to introduce H.R. 838, along with my colleague from Tennessee, Mr. FORD. This bill is designed to ease the immense financial burden experienced by low- and middle-income families in their valiant attempt to pay the soaring costs associated with higher education.

A basic tenet of the American dream is to obtain an education and work hard so that your children will live a better life than you have lived. Yet many American families must defer or forgo higher education. For them, this portion of the dream is rapidly fading.

Some sources report that tuition for public and private colleges has increased almost 10 percent each year during the last decade. There is no sign that this increase will slow or be halted. Regardless of their strength or their willingness to sacrifice, few families will be able to withstand this kind of financial pressure without folding under the strain. If we provide these hardworking and deserving people with some assistance, America benefits by being a country that has managed to live up to its promise.

This bill is designed to allow low- and middle-income parents who contribute to the college tuition of their sons or daughters to deduct 30 percent of the amount paid toward tuition. This bill would also allow independent low- and middle-income taxpayers a 30-percent deduction toward the amount they pay toward obtaining a bachelor's degree.

As you may recall, I introduced a similar bill in the 101st Congress. I firmly believe that it is incumbent upon a nation to provide adequate education and preparation for the next generation of leaders. If this Nation is to remain great and keep pace with international competition and the challenge of the next century, we must abandon the idea that education is a luxury available only to the privileged few. We must broaden the availability of higher education to include all who have ability and determination.

We must recognize that higher education is a fundamental component of our ability to maintain our position of leadership in the world. We must recognize these facts before it is too late. We must provide our young people with the ability to adapt to the changing social and economic tide which the next century is certain to bring. Only an educated populace will be able to face this challenge and assure our place in the new world order.

TRIBUTE TO PAUL HECK, 1991'S ADL TORCH OF LIBERTY AWARD RECIPIENT

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. YATRON. Mr. Speaker, I rise today to honor Mr. Paul D. Heck, who is the 1991 recipient of the Torch of Liberty Award which will be presented to him by the Society of Fellows of the Anti-Defamation League of B'nai B'rith. Mr. Heck has earned this award through his dedicated service to citizens of Pottsville and Schuylkill Counties.

I have known Paul for many years when he worked and resided in Berks County. Now, he serves as senior vice president to the Meridian Bank, and selflessly gives his time and energy to help those people at the Pottsville Hospital and the Schuylkill County Society for Crippled Children. Paul Heck has contributed to many organizations serving as past president of the Pottsville Lion's Club, member of the Pennsylvania State Schuylkill Campus Advisory Board, and current treasurer of the Schuylkill County Development Corp., all while trying to improve the lives of citizens in Pottsville. I congratulate Paul Heck for his outstanding, altruistic work and honor him today on the floor of the U.S. House of Representatives as the 1991 recipient of the Torch of Liberty Award.

BILL TO LIMIT CONGRESSIONAL SERVICE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. COBLE. Mr. Speaker, in light of the pay raise controversy from last term, the public confidence in Congress as a whole may be at an all-time low. Whether that perception is justified or not, I propose that we take steps which will make the Congress more representative, as well as more efficient.

I am reintroducing legislation calling for a constitutional amendment to: First, limit the length of service in both the House and Senate to 12 years; and second, lengthen the term for Members of the House from 2 years to 4 years. These changes are aimed at taking Congress off of the reelection treadmill which preoccupies so much of our time and efforts.

The debate surrounding such an amendment is not new. Similar proposals have been introduced in almost every Congress since 1869. However, I believe that the politics of today demand that the debate be reopened, and our system for electing Federal officials reexamined.

Elections have become more costly, and more time-consuming. For many Members, the next campaign begins the day after election day, and the fundraising never stops. And while we are spending more time on the campaign trail, less time is available to perform legislative duties. In addition, the body of knowledge which a Member is expected to master today presents a tremendous challenge to be accomplished in only 2 years.

My proposal, while reducing the strain of campaigning every other year, would also help to eliminate the impression in the public's mind that Congress is the ruling class of our society. A limitation of 12 years in Congress would strengthen the tenet that election to Congress is an opportunity to perform public service, and not an election to a way of life.

Again, Mr. Speaker, I urge my colleagues to support this effort to limit congressional service.

MULTIEMPLOYER PENSION PLAN REVISION OF 1991

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. STARK. Mr. Speaker, today I am introducing a bill to exempt multiemployer pension plans from the full funding limitations imposed by the Omnibus Budget Reconciliation Act of 1987 [OBRA]. This change recognizes that the unique nature of collective bargained agreements provides adequate safeguards that pension policy and tax policy concerns will be satisfied.

There is a tension between pension policy which emphasizes security of funding and tax policy which is concerned with minimizing the revenue losses from untaxed pension earnings. Prior to the 1987 act, the full funding limitation was simply the excess of the plan's accrued liability over its assets. The 1987 act provided a new full funding limitation for defined benefit plans to address the concern that some employers were overfunding plans in years of high profits to achieve a larger corporate deduction. The new limit provides that contributions to a plan are not deductible to the extent that they produce funding in excess of 150 percent of the plan's current liability. Contributions which are nondeductible because they exceed the full funding limit are also subject to a 10 percent nondeductible excise tax. For purposes of computing the 150 percent test, OBRA also requires the use of an interest rate linked to the 4-year average of 30-year Treasury bonds.

Employer contributions to multiemployer plans are fixed in labor contracts that run for several years. They are typically based on some measure of the level of work by plan participants, such as cents per hour. Multiemployer plans tend to use relatively conservative funding assumptions so that short-term

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

market fluctuations do not have an undue impact on long-term agreements. A full funding limit interest rate that varies from year to year with market conditions creates an element of instability in multiemployer plan funding arrangements because employers and unions try to negotiate a contribution level that assures both current deductibility for employers and continued sound plan funding for term of the agreement.

Multiemployer plans differ from other plans in that the labor negotiation process creates no opportunity for the employer to manipulate taxes. An employer with a contractual obligation to fund a multiemployer plan cannot vary its contributions to the plan from year to year to suit its tax situation. Nor can an employer ever get access to surplus multiemployer plan assets. Union workers have no interest in overfunding a pension because that would result in fewer dollars for wages and other benefits such as health insurance. Therefore, the full funding limit which existed prior to the enactment of the 150 percent test should still be adequate for multiemployer plans.

I welcome the comments of the Treasury, unions, and employers on this proposal. It is my hope that we can legislate a solution which recognizes that the labor negotiation process has a natural tension which promotes the goals of both good tax policy and good pension policy in regard to full funding of plans.

The text of the bill follows:

H.R.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That (a) paragraph (7) of section 412(c) of the Internal Revenue Code of 1986 (relating to full-funding limitation) is amended by adding at the end thereof the following new subparagraph:

"(E) SPECIAL RULE FOR MULTIEMPLOYER PLANS. Subparagraph (A)(i)(I) shall not apply to a multiemployer plan."

(b) Paragraph (7) of section 302(c) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end thereof the following new subparagraph:

"(E) SPECIAL RULE FOR MULTIEMPLOYER PLANS. Subparagraph (A)(i)(I) shall not apply to a multiemployer plan."

(c) The amendments made by this section shall apply to years beginning after the date of the enactment of this Act.

EX-SERGEANT GIVES THANKS FOR TWO SOLDIERS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. FEIGHAN. Mr. Speaker, I want to draw my colleagues' attention to an excellent article written by Brent Larkin of the Cleveland Plain Dealer.

In a Thanksgiving Day article, "Ex-sergeant Gives Thanks for Two Soldiers," Brent recounted the emotional story of two brothers from Cleveland who were killed during the Korean War. The article was quite timely as it was right around that time in 1950 that Paul and Donald Dowling were captured by and died at the hands of Chinese troops. Forty years later, more than 200,000 American troops were once again overseas preparing for war.

The Dowling brothers never returned from Korea and their remains have never been recovered. What is even more difficult to deal with for their family and friends is that Paul and Donald Dowling have never been listed by the United States Government as casualties of the Korean war—a seemingly insignificant yet powerfully symbolic omission.

I urge all of my colleagues to read Brent's article. It is more timely than ever with the outbreak of war in the Persian Gulf. I also want to praise Brent for taking up the cause of the Dowling brothers. Once again, Brent has proved himself to be not only one of Ohio's finest journalists but one who speaks up for those whose voices are sometimes hard to hear.

I ask that a copy of this article be placed in the CONGRESSIONAL RECORD following my statement.

[From the Cleveland Plain Dealer, Nov. 22, 1990]

EX-SERGEANT GIVES THANKS FOR TWO SOLDIERS

(By Brent Larkin)

Today, 200,000 American men and women are waiting to wage war in the desert of Saudi Arabia.

Forty years ago today, two brothers from Cleveland Heights were waging war in the mountains of North Korea.

Like many soldiers in or headed toward the desert, Donald F. and Paul E. Dowling were members of a U.S. Marine Corps reserve unit when called to active duty in the Korean War on Labor Day, 1950.

By Thanksgiving Day, the Dowlings were near a mountainous place called the Chosin Reservoir, about 100 miles north of the 38th Parallel. Paul was 20, and Donald was 18. They were the only children of Paul and Eunice Dowling.

Forty years ago tonight, 120,000 Chinese troops invaded the Chosin Reservoir from the north. Fighting was fierce, but the United Nations forces were overwhelmed, as they numbered only about 15,000.

Sgt. Donald Griffith was the leader of the platoon that included the Dowlings. Now 63, Griffith is retired and lives in a Toledo suburb.

"The fighting went on for about a week, and on the wee morning hours of Dec. 2, the Chinese hit us hard "recalled Griffith. "They hit us from three different sides."

A hand grenade went off in Griffith's face. He lost the sight of his right eye, lost the hearing in his left ear and was wounded in the leg. Griffith, along with the Dowlings—who were not wounded—were captured by the enemy troops. What followed was described briefly by James A. MacDonald Jr. in a portion of a thesis he did on the problems encountered by Marines in Korea. MacDonald wrote the thesis in 1961, while attending graduate school at the University of Maryland.

"The three captives were taken north along precipitous mountain trails and through icy streams," wrote MacDonald. Their march continued unabated for three days and nights . . . Prisoners were forced to continue marching without rest. They were given neither food nor water for three days. Occasionally the Marines scooped up chunks of snow in an effort to quench their thirsts."

To Griffith, the Dowlings were special young men. To Griffith, they were special because they saved his life.

"At one point during our walk I had lost so much blood and was so fatigued that I sat down, pointed to the Chinese soldier and told him to shoot me," he remembered. "But the Dowling boys offered to carry me; they encouraged me to get up and go on. They were right there when I needed them. They were good young Marines.

"They saved my life."

Back home, James Hlavin, the Dowlings' cousin, remembers when word reached the family that they had been captured.

"That Christmas was awful," said Hlavin, who still lives in the area. "A real gloom came over the family. My uncle and aunt (the Dowlings' parents) never really recovered."

After marching together for a few days, the Dowlings were separated from Griffith. The sergeant was taken to a camp for wounded prisoners called, not coincidentally, Death Valley. The Dowlings were taken to another POW camp in the area.

Griffith speculates that the treatment afforded the Dowlings was similar to that afforded him.

"I received no treatment for my injuries," he said. "They just dumped the sick and the wounded. Only after months did we receive some shoes. My weight dropped from 175 pounds to 80 pounds. I thought I'd never see home again."

The Dowlings never did.

According to records supplied to the U.S. government by the Chinese after the war, the Dowlings both died, and their remains are unaccounted for.

Stranger still, the Chinese claimed that the Dowlings both died on the same day (Dec. 17, 1950) and of the same illness—dysentery.

"That has always baffled me," said Griffith. "It just doesn't sound right. True, there was maltreatment of our soldiers by both the Chinese and the North Koreans, but for them to die so quickly, on the same day and of the same illness, doesn't seem possible."

Griffith is not alone. About four years ago Richard Danielson of North Olmsted, who did not know the Dowlings but who survived the attack on Chosin Reservoir, took up their cause.

What riles Griffith the most is that the government does not consider the Dowlings casualties of war because there was no action on the part of the enemy that caused their deaths.

"It's sort of like they died while in the service, and that's it," said Danielson. "They're just written off. They're like forgotten hostages. I can't accept that."

Danielson has written to countless officeholders and government agencies trying to have the Dowlings listed as Korean casualties. He has yet to meet with success, but promises not to stop trying and has enlisted help from the office of Rep. Edward F. Feighan, D–19, of Lakewood.

Meanwhile, as American soldiers spend today in a far away desert preparing for yet another war, Donald Griffith will be at home with his family.

Griffith's thoughts will be with the soldiers in the scorching desert, his memories with his comrades in those frigid mountains.

Donald Griffith is a man lucky to be alive and full of thanksgiving that Donald and Paul Dowling kept him that way.

TOWN OF SCHODACK SUPPORTS AMERICAN TROOPS IN THE GULF

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SOLOMON. Mr. Speaker, in a scene that has been typical in communities across the country, and certainly typical in New York's 24th District, the town of Schodack recently passed unanimously a resolution in support of our troops in the Persian Gulf.

The resolution read:

> Whereas, our men and women of the Armed Forces are currently stationed in the Middle East, and may be called upon to go into battle; and
>
> Whereas, many residents of the Capital District have relatives and loved ones serving in the Middle East, now, therefore, be it
>
> *Resolved*, That the Town Board of the Town of Schodack hereby gratefully acknowledges the service of the men and women of our Armed Forces, and hopes and prays for a peaceful resolution of the current crisis and safe return home.

Mr. Speaker, I want to take this opportunity to commend the town fathers of Schodack for this sign of support. It means the world to our military personnel, and is proving more valuable than all the weapons in our arsenal.

MICMAC EQUITY BILL

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Ms. SNOWE. Mr. Speaker, in 1980, Congress adopted legislation to provide a settlement for all Indian land claims in the State of Maine. The Maine Indian Claims Settlement Act, Public Law 96–420, provided $81.5 million to three Maine tribes, the Penobscots, the Passamaquoddy, and the Houlton Band of Maliseets. This act was the result of 8 years of law suits and negotiations with the Federal Government.

In 1986, the Maine congressional delegation was approached by the Aroostook Band of Micmacs requesting assistance in seeking an equitable settlement to their omission from the act. The Micmacs belonged to the Aroostook Association of Indians, along with the Maliseets, at the time of the original settlement. According to band members they were not included in the 1980 act because they lacked the organization and the finances to pull together the historical evidence, and because they believed the association was working for the inclusion of both groups. It is important to note that congressional hearings on the 1980 act do not mention the Micmacs.

The band, which numbers approximately 400, has an unemployment rate of 70 percent, with most of the members making their living doing seasonal farmwork. Since 1982, the band has worked to provide the necessary historical documentation of their presence in Maine as well as their existence as a tribe.

They have also used this time to share their history, their culture, and their native crafts with groups throughout the State of Maine. They have gathered support wherever they have gone and I have received letters from church groups, State legislators, town managers, and schoolchildren on their behalf. In fact, a group of students at Winthrop High School started a Micmac support group and two of these students testified at House and Senate hearings last year on this issue.

Today I am introducing legislation, supported by the entire Maine congressional delegation, which authorizes $900,000 for a land trust fund for the band and grants them Federal recognition. I believe it is important—a matter of equity—to address the band's omission from the 1980 act.

MINERAL EXPLORATION AND DEVELOPMENT ACT OF 1991

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to reform the Mining Law of 1872. Joining me as original cosponsors are the gentleman from Minnesota, BRUCE VENTO, who serves as the chairman of the Subcommittee on National Parks and Public Lands, and, the gentleman from California, GEORGE MILLER, the vice chairman of the Committee on Interior and Insular Affairs.

In a nutshell, under the Mining Law of 1872 mining claims may be located on public domain lands for minerals such as gold, silver, lead, copper and zinc. The owners of these lands, the general public, does not receive a rental for the use of the land by claim holders. In the event minerals are extracted from these mining claims, the public does not receive a royalty. In addition, a claim holder need spend only $100 per year to the benefit of the claim and file an annual affidavit with the Government attesting as such in order to maintain it. Finally, if valuable minerals are found, the claim holder can receive a patent to the land, which represents fee simple title, for $2.50 or $5.00 an acre.

This bill is premised upon five basic tenets.

First, I believe that the patent feature of the Mining Law of 1872 does not comport with modern Federal land policy which is grounded on the retention of the public domain under the principles of multiple use. It is certainly not in the public interest to dispose of valuable mineral lands for $2.50 or $5.00 an acre. In addition, I suspect that the patenting feature of the Mining Law of 1872 causes the administrative withdrawal of lands which would otherwise be open to mining from entry. As such, with this legislation, I propose to eliminate the concept of the patent.

Second, I believe the public is justified in expecting the diligent development of its mineral resources. It is not appropriate to allow a person to locate a claim and to indefinitely take no further action, or to use the land for non-mining purposes. This in effect constitutes a withdrawal of public domain lands from other uses. In addition, it is not fair to the serious mineral explorationist and developer to have to deal with these situations. For these reasons, this measure would impose reasonable diligent development requirements on mining claim holders.

Third, I would contend that there should be some financial return to the public for the disposition of valuable mineral resources from land that they own. At the minimum, I am seeking a surface rental fee to accomplish this purpose. Furthermore, I would dedicate this revenue to the reclamation of abandoned hardrock mines in the western States.

Fourth, while on paper, and in public statements, the leadership of the Bureau of Land Management appears to be attempting to improve the surface management regulations governing Mining Law activities, the implementation of these initiatives will not occur with existing resources and under the attitude and philosophy that prevails throughout the agency. There is a pressing need for the effective enforcement of reasonable reclamation requirements for hardrock mining operations. This legislation would provide statutory enforcement mechanisms. I would also grant the Forest Service a greater degree of authority to manage hardrock mining activities on lands that it administers.

Fifth, I believe that hardrock mining activities should be fully considered in BLM and Forest Service land use planning documents within the context of multiple use of the public domain. Consideration of mining law operations within the planning process would not only protect other resource values but provide industry with greater assurances of being able to develop lands subjected to adequate plans.

With this said, I do believe this bill offers the serious mineral explorationist and developer a vastly improved mining law regime. There are features of the Mining Law of 1872 that are not conducive to efficient mineral development. Among them, the distinction between lode and placer claims, the acreage limitation, extralateral rights and the discovery concept. I would eliminate them, and by doing so, this legislation offers a greater security of tenure to those persons who intend to diligently develop their claims.

These are the basic concepts that were incorporated into the reform legislation I introduced last year, H.R. 3866. However, I have adopted a number of modifications, both major and minor, in this new legislation, entitled the Mineral Exploration and Development Act of 1991, and intend to proceed with its consideration by the Subcommittee on Mining and Natural Resources this year.

Mr. Speaker, following is a section-by-section description of the Mineral Exploration and Development Act of 1991.

SECTION-BY-SECTION DESCRIPTION

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

Section 101 provides for definitions and references used in the Act. The term "diligence year" means the 365-day period commencing on the date a mining claim is located and each 365-day period thereafter. The term "locatable mineral" means any mineral not subject to disposition under the Mineral Leasing Act, the Geothermal Steam Act of 1970, or the Materials Act of 1947. The term "mineral activities" means any activity by a claim holder involving mineral prospecting, exploration, mining, milling, processing, and beneficiation activities on a mining claim or any activity conducted by the holder of a permit pursuant to section 106 for mineral milling, processing or beneficiation activities. The term "effective date" means the effective date of the regulations referred to in section 403. The term "legal subdivisions" means an aliquot quarter quarter section of land as established by the official records of the public land survey system, or a single lot as established by the official records of the public land survey system if the pertinent section is irregular and contains fractional lots. Statutory references are provided for the terms "general mining laws" and the "Act of July 23, 1955."

Section 102 sets forth those lands open to location of mining claims under the Act and the rights of a mining claim locator. Mining claims may be located on lands and interests in lands owned by the United States that were open to the location of mining claims on the date of enactment of the Act; and lands and interests opened to the location of mining claims by reason of section 203 or section 204 of the Act.

The holder of a mining claim located, recorded, and maintained in compliance with this Act shall have the exclusive right of possession of the claimed land for mineral prospecting, exploration, mining, milling, processing, and beneficiation activities and may use such land only for such activities.

Section 103 provides for the manner by which mining claims would be located and recorded under the Act. In general, a person may locate a mining claim by posting a notice of location on a monument erected as near as practicable to the northeast corner of the mining claim. No person who is not a citizen, or a corporation organized under the laws of the United States or of any State or the District of Columbia may locate or hold a claim under this Act.

Each mining claim located under the Act shall be located in accordance with the public land survey system, and conform to the legal subdivisions thereof. Provision is made for situations where a protracted survey or no survey exists. In the case of a conflict between the boundaries of a mining claim as monumented on the ground and the description of the claim in the notice of location, the notice of location shall be determinative.

Within 30 days after the location of a mining claim, a copy of the notice of location shall be filed with the Secretary in an office designated by the Secretary. The Secretary shall assign a serial number to the mining claim and return a copy of the notice of location to the locator of the claim, together with a certificate setting forth the serial number, a description of the claim, and the claim maintenance requirements of section 104. The Secretary shall enter the claim on the public land records.

A mining claim shall include all lands open to location within the boundaries of the claim, subject to any prior mining claim located under this Act and shall be effective based upon the time of location. The boundaries of a mining claim as shall extend vertically downward to the center of the Earth. The holder of a mining claim that conflicts with another claim may initiate adjudication proceedings before the Secretary to resolve the conflict.

Section 104 provides for claim maintenance requirements. In order to maintain a mining claim under the Act, a claim holder shall meet the rental fee requirements and either the diligent development expenditure requirement or the payment in lieu of diligent development requirement. If, in any diligence year, a claim holder fails to meet such requirements, the claim shall be forfeited, such claim shall be null and void. The diligent development expenditure requirement may be deferred if a claim holder demonstrates to the Secretary that such claim holder is prevented from making diligent development expenditures by reason of any judicial proceeding, administrative action, or because the claim holder cannot gain access to the claim.

Rental fees shall be established at a rate of not less than $1.50 per acre of land within the boundaries of a mining claim until such time as a plan of operation is approved, at which time the rental fee shall be established by the Secretary at a rate of not less than $5 per acre of land within the boundaries of the claim. The Secretary shall deposit all moneys received from rental fees collected under this subsection into the Fund referred to in title III. Diligent development expenditures shall be made for mineral activities on or to the benefit of each mining claim or on or to the benefit of any one claim in a group of contiguous claims. Provision is made for qualifying expenditures. The rate of diligent development expenditures shall be at least equal $20 per acre in each of the first through fifth diligence years following recordation of the claim; $40 per acre in each of the sixth through tenth diligence years following recordation of the claim; $80 per acre in each of the eleventh through fifteenth diligence years following recordation of the claim; and $160 per acre in the sixteenth diligence year following recordation of the claim, and each diligence year thereafter. Claim holders shall file an affidavit with the Secretary on an annual basis that contains clear and convincing proof of the value and beneficial nature of all diligent development expenditures.

After the fifth full diligence year following recording of a mining claim, at the election of a claim holder, payments in lieu of diligent development expenditures may be made. Payments shall be at least equal $20 per acre in each of the sixth through tenth diligence years following recordation of the claim; $40 per acre in each of the eleventh through fifteenth diligence years following recordation of the claim; and $80 per acre in the sixteenth diligence year following recordation of the claim, and each diligence year thereafter. The Secretary shall deposit all moneys received from payments collected under this subsection into the fund referred to in title III.

Provision is made for the deferral, waiver, or reduction of either the diligent development expenditure requirement or the payment in lieu of diligent development requirement for small prospectors under certain circumstances.

In order to maintain a mining claim, a claim holder shall, on or before the date which is 90 days after the anniversary date of each diligence year for such claim, file an instrument with the Secretary accompanied by the rental fee, the diligent development expenditures affidavit or the payments in lieu of diligent development expenditures, as the case may be. If, in any diligence year, a claim holder fails to file the instrument the claim shall be forfeited. However, no claim may be declared null and void by the Secretary due to a failure to comply if it is shown to the satisfaction of the Secretary that the failure was justifiable, not due to a lack of reasonable diligence on the part of the claim holder, or was inadvertent. The Secretary is authorized to conduct such audits of claim holders as he deems necessary for the purpose of ensuring compliance with the requirements of this section.

Section 105 sets forth civil penalties for violations of this title.

Section 106 provides for the use of lands, other than those on which mining claims are located, for the mineral milling, processing and beneficiation activities under such guidelines and regulations as the Secretary may prescribe pursuant to the authority of the Secretary under applicable law.

Section 107 preempts any conflicting requirements of any State, or political subdivision thereof relating to the location, recordation and maintenance of mining claims as provided for by this Act.

Section 108 provides that no patents may be issued for mining or mill site claims except if the right to a patent has vested prior to the date of enactment of the Act.

Section 109 references the applicability of the Multiple Minerals Development Act and the Act of July 23, 1955, to mining claims located and recorded under this Act.

Section 110 eliminates the concept of uncommon varieties of mineral materials and clarifies the authority of the Secretary to dispose of mineral materials on mining claims.

TITLE II—ENVIRONMENTAL CONSIDERATIONS OF MINERAL EXPLORATION AND DEVELOPMENT

Section 201 sets forth surface management requirements for mining claims and section 106 permit holders under which the Secretary shall require claim holders to conduct all mineral activities on mining claims in such a way as to minimize adverse environmental impacts to the environment. Except for those activities that may cause negligible disturbance of surface resources, or exploration activities under a notice, the Secretary shall require claim holders to file plans of operation for any proposed mineral activities on mining claims or under a permit issued pursuant to section 106 that may cause a disturbance of surface resources, and no surface disturbance may occur prior to the approval by the Secretary of a plan of operations.

A negligible disturbance consists of mineral activities that do not involve the use of mechanized equipment, suction dredging, explosives, motor vehicles, the construction of roads or drill pads or the use of toxic or hazardous materials. Exploration activities under notice involve a minimal and readily reclaimable disturbance of surface resources related to and including initial test drilling.

The Secretary shall take prompt administrative action on proposals for plans of operation and shall require adequate financial guarantees (or other types of guarantees satisfactory to the Secretary) to ensure reclamation is achieved on lands subject to plans of operation and under a notice. In considering proposed plans of operation the Secretary may approve the proposed plan, or require modifications to the proposed plan, for those lands subject to the proposed plan that have been considered under a land use plan that has been completed or amended pursuant to section 203. If the lands subject to a proposed plan have not been considered under a land use plan completed or amended under section 203, the Secretary may approve, require modifications to or deny the proposed plan. In making such a determination for lands that have not been considered under a land use plan that has been completed or amended pursuant to section 203 the Secretary may prohibit, restrict or condition proposed mineral activities. Provision is made for the basis for making this determination.

The Secretary shall not approve a plan of operations, and shall suspend all plans of operation if the Secretary determines that the claim holder has failed or refused to comply in any material respect with the surface management requirements.

The Secretary shall require claim holders to reclaim lands affected by mineral activities to a condition capable of supporting the uses to which such lands were capable of supporting prior to any surface disturbance, or higher or better uses of which there is a reasonable likelihood so long as such uses are not inconsistent with applicable land use plans. Basic reclamation standards must be promulgated.

Section 202 sets forth inspection and enforcement requirements. Inspections of mineral activities under an approved plan of operations shall take place at least on a quarterly basis. Any person who is or may be adversely affected by mineral activities under a plan of operations may notify the Secretary of any violation of the surface management requirements governing such activities which he or she has reason to believe exist at the operation. The Secretary shall establish procedures for the review of any refusal by an authorized officer to ensure remedial actions are taken with respect to any alleged violation.

If the Secretary determines, on the basis of an inspection, that a claim holder is in violation of any requirement of the surface management requirements of this section, a notice of violation to the claim holder shall be issued and a reasonable period of time to abate the violation shall be provided. If, upon the expiration of time provided for such abatement, the Secretary finds that the violation has not been abated he shall immediately order a cessation of all mineral activities or the portion thereof relevant to the violation. If the Secretary determines, on the basis of an inspection, that any condition or practice exists, or that a claim holder is in violation of the surface management requirements, and such condition, practice or violation is causing, or can reasonably be expected to cause an imminent danger to the health or safety of the public or to the environment, the Secretary shall immediately order a cessation of mineral activities or the portion thereof relevant to the condition, practices or violation. A cessation order shall remain in effect until the Secretary determines that the condition, practice or violation has been abated, or until modified, vacated or terminated by the Secretary.

The Secretary shall utilize enforcement personnel from the Office of Surface Mining Reclamation and Enforcement to augment personnel of the Bureau of Land Management and the Forest Service to ensure compliance with surface management requirements.

Civil penalties are provided for violations of this title. Provision is made for citizen suits against the Secretary. Provision is made for judicial review of any action by the Secretary in promulgating regulations to implement this title.

Section 203 provides for land use planning requirements for mineral activities. Plans for lands identified by the Secretary shall be completed or amended for the purpose of ensuring that all land and resource management planning decisions include the considerations set forth in this section. Consideration of the lands in a land use plan or plan amendment shall include, but is not necessarily limited to, the location, nature, and extent of known mineral deposits, including a map indicating those areas with such mineral deposits; a map of lands which have been patented under the general mining laws and lands encumbered with unpatented mining claims; an analysis of reasonably foreseeable environmental, public health and safety consequences of the development of known or suspected mineral deposits; and an identification of any specific protective conditions to be applied to mineral activities and the specific areas to which each such conditions shall apply.

In conjunction with completing or amending a land use plan, the Secretary shall review all administrative withdrawals of land from the location of mining claims to determine whether the revocation or modification of such withdrawal for the purpose of allowing such lands to be opened to the location of mining claims under this Act would be appropriate.

Section 204 provides that lands under wilderness or wild and scenic river study status may not be open to the location of mining claims pending a final determination by the Congress of the status of such lands.

Section 205 provides that nothing in this title may be construed to repeal or modify any federal law that prohibits or restricts the application of the general mining laws to such lands as in effect prior to the effective date of the Act that provide for special management criteria for operations under the general mining laws to the extent the laws provide environmental protections greater than those required under this title, and that nothing in this title shall be construed as preempting or in any way affecting any State reclamation, water and environmental laws and regulations that may be applicable to mining claims to the extent the State laws and regulations require environmental protection greater than those required under this title.

TITLE III—ABANDONED MINERALS MINE RECLAMATION FUND

Section 301 amends the Surface Mining Control and Reclamation Act of 1977 to establish an Abandoned Minerals Mine Reclamation Fund. The Fund would be administered by the Secretary of the Interior through the Director of the Office of Surface Mining.

The objectives of the Fund involving the reclamation and restoration of land and water resources adversely affected by past minerals and mineral materials mining are set forth. An identification of eligible lands and waters for expenditures under the Fund is provided.

Amounts available for expenditures from the Fund would be allocated on an annual basis in the form of grants to eligible states or expended directly by federal entities. State eligibility requirements are provided.

Provision is made for amounts appropriated from the Fund to be made without fiscal year limitations.

Section 302 provides for regulations to implement this title.

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Section 401 vests the Secretary of Agriculture with the authority to administer activities under this Act for National Forest System lands and provides for conforming amendments to the Mining and Minerals Policy Act of 1970 the National Materials and Minerals Policy Research and Development Act of 1980.

Section 402 provides for user fees under this Act.

Section 403 provides that regulations to implement this Act shall be promulgated within 180 days after the enactment of the Act.

Section 404 provides for transition rules governing existing mining and mill site claim holders. Within a 3-year period after the effective date, all holders of mining claims under the general mining laws may elect to convert their claim by filing a copy of a notice of location in the office designated by the Secretary. The provisions of this Act shall apply to any such claim effective upon the filing of such notice, except that such claim would not be relocated, be not subject to provisions dealing with the public land survey and would retain any extralateral rights. Once a mining claim has been converted, there shall be no distinction made as to whether such claim was originally located as a lode, placer or tunnel claim. If a mining claim is not converted by the date 3 years after the effective date it be null and void. Similar provisions for conversion are provided for mill site claims.

After the effective date a mining claim may not be challenged on the basis of discovery under the general mining laws, except any claim located on or before the effective date may be challenged on the basis of discovery by the United States if the claim is located within units of the National Park System, National Wildlife Refuge System, National Wilderness Preservation System, Wild and Scenic Rivers System, National Trails System, or National Recreation Areas designated by an Act of Congress, or within an area referred to in section 204; any claim referred to in section 37 of the Mineral Leasing Act may be challenged on the basis of discovery by the United States; and any claim located on or before the effective date may be challenged on the basis of discovery by the United States if the claim was located for a mineral material that purportedly has a property giving it distinct and special value within the meaning of section 3(a) of the Act of July 23, 1955, or if such claim was located for another mineral that was not locatable under the general mining laws on or before the effective date.

Any mining claim located under the general mining laws shall be deemed to be a prior claim for the purposes of section 103. In the event a mining claim is located under this Act during the 3-year conversion period for lands encumbered by a prior mining claim located under the general mining laws, at the expiration of such 3-year period such lands shall become part of the claim located under this Act if the claim maintained under the general mining laws is not converted and declared null and void.

Any conflicts between holders of mining claims in existence on or before the effective date may be resolved in accordance with applicable laws governing such conflicts in effect on the effective date.

REGGIE JACKSON, WELL-VERSED IN THE NATIONAL ANTHEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. RANGEL. Mr. Speaker, I would like to take this opportunity to share with my colleagues an article about Reggie Jackson, a resident of northeast Washington, who for the last 23 years has campaigned to highlight the significance of the last verse of the "Star-Spangled Banner" which Americans seldom hear performed. Reggie Jackson's dedication is to more than our national anthem. He is truly an advocate of peace for Americans and all mankind.

I offer my colleagues an article written by Courtland Milloy, which appeared in the Washington Post on February 5, 1991.

[From the Washington Post, Feb. 5, 1991]

WELL-VERSED IN THE NATIONAL ANTHEM

(By Courtland Milloy)

Singer Whitney Houston's rendition of the national anthem at Super Bowl XXV was such a hit that Arista Records is considering releasing the song as a single.

This is just the turn of events that Reggie Jackson, a resident of Northeast Washington, has been hoping for during the last 23 years. Jackson, himself a singer, believes that if you liked the way Houston sang the first verse of the song, you'll love hearing her do the last verse.

Indeed, he insists, that's the best part of the song. And because Congress passed a law in 1931 making the entire "Star-Spangled Banner" our national anthem, it's only right, he says, that we sing the last part too.

There are other neglected verses to the song as well, but it's the last verse that interests Jackson. That verse "represents all of the triumph and confidence of the nation," Jackson says. "It represents hopes and aspirations of a new day. While the first stanza is about the flag and war, the last stanza is about the people and peace. It is a cause for optimism."

Jackson, 63, continues an intensive letter-writing campaign he began in 1968 to educate America about the meaning of the last verse. His efforts have won him much praise for perseverance.

"You are to be commended for your persistence," James Cheek, president emeritus of Howard University, wrote Jackson in 1976.

"You have shown deep-seated concern for the preservation of the National Anthem," Rep. Charles B. Rangel (D-N.Y.) wrote in 1977.

"Continue fighting the good fight," Theodore M. Hesburgh, president emeritus of the University of Notre Dame, wrote Jackson in 1981.

Through the years, those kinds of responses have been enough to keep Jackson going—if not enough to change the way Americans feel about the last verse of the song.

In 1976, Jackson asked Robert S. Strauss, then chairman of the Democratic National Committee, for permission to sing the last verse at President-elect Jimmy Carter's inauguration. Strauss said no.

In 1981, Jackson asked Tim Swift, chairman of President-Elect Ronald Reagan's Inaugural Ball Entertainment Committee, for permission to sing the last verse at Reagan's inauguration. Swift said no.

Ted Koppel turned Jackson down for a talk show appearance, as had David Susskind in 1975.

But Shirley Chisholm, the former U.S. representative, encouraged him not to give up. "I applaud your commitment," she wrote. Baseball star Reggie Jackson, at Rangel's request, made phone calls supporting Jackson's efforts.

Barbara C. Jordan, the former U.S. representative, and Supreme Court Justice Thurgood Marshall also encouraged him.

Jackson, who majored in music at Howard University and went on to sing in the chorus of the Metropolitan Opera in New York, says he came across the last verse of the national anthem while studying the song in 1968. He has sung it at local affairs several times since then, and has always received hearty responses, he says.

Last year, before retiring as an usher at the Kennedy Center Concert Hall, Jackson received a petition signed by members of the National Symphony supporting his "attempt to bring the last stanza out of obscurity."

The main reason the last verse is better than the first, Jackson says, is that the first verse only poses questions.

Oh, say can you see, by the dawn's early light,
What so proudly we hailed at the twilight's last gleaming?

"When Francis Scott Key wrote 'The Star-Spangled Banner' during the War of 1812, he did more than wonder, 'Whose broad stripes and brights stars . . . were so gallantly streaming?'" Jackson said. "He gave us answers that are crucial to truly understanding the song."

The answers come in the last verse:

Oh, thus be it ever when freemen shall stand
Between their loved homes and the war's desolation!
Blest with vict'ry and peace, may the heav'n-rescued land
Praise the Pow'r that hath made and preserved us a nation!
Then conquer we must, when our cause it is just,
And this be our motto, "In God is our trust."
And the star-spangled banner in triumph shall wave
O'er the land of the free and the home of the brave.

Americans may now be willing to purchase recordings of the questions posed by Francis Scott Key, as sung by Whitney Houston.

But Jackson believes that Key's answers would make for an even better song.

Perhaps Arista will consider them for the flip side of its star-spangled recording.

INTRODUCTION OF ABILITY TO BENEFIT LEGISLATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. MILLER of California. Mr. Speaker, today, I am introducing, with 24 of my colleagues, legislation to correct unintended but disastrous consequences for community colleges and hundreds of thousands students resulting from the Student Default Initiative Act of 1990.

Congress enacted the law to curtail the rising student loan default rate. The law requires students lacking a high school diploma or equivalency certificate to pass an ability to benefit test to receive Federal financial aid.

Because of the misinterpretation of congressional intent by the Department of Education in promulgating regulations, all students, regardless of whether they are eligible or applying for Federal financial aid, are being required to take this test. Schools failing to comply with the new regulations stand to lose tens of thousands of dollars in crucial Federal education assistance under the Higher Education Act, Perkins Vocational Education Act, Pell grants, supplemental educational opportunity grants, college work-study, and the Perkins and Stafford loan programs.

My own State of California has a community college system supported almost entirely by taxpayers, not by tuition. Our legislature created an open enrollment system that would achieve equal educational opportunity and expressly prohibits the use of a standardized test to deny admission to students. The California Community College system is founded on the premise that higher education should be open to all persons regardless of previous experience or academic performance. These schools, like other State community colleges, have made an effort to include disadvantaged students, particularly older learners, the poor and immigrants, in its programs to bring them into mainstream society and into our workforce.

Community and junior colleges throughout the country are at risk of losing substantial amounts of aid which will seriously undermine their ability to operate. For example, at risk to the California community college system are $164 million in students financial aid funds to 112,000 California community college students, and an additional $34.7 million in Perkins vocational education funds.

Failure to amend the Student Default Initiative Act immediately will deny thousands of students the opportunity of obtaining an education and will dramatically undercut public community college systems throughout the United States by usurping the long-standing authority of educational institutions and States to establish their own admissions policies.

While I support enacting restrictions on the student financial aid system to eliminate the skyrocketing default rates experienced in the 1980's, nationally only 1.3 percent of junior college students receive Federal loans. In California, many of the high default junior colleges process less than 100 loans a year for their students. Several made less than 30 loans a year. Federal student loans were made to fewer than 18,000 students in California last year.

While there have been studies on characteristics of defaulters, I am not aware of any studies linking student loan defaults and ability to benefit students. I do not believe that the Student Loan Default Act, as passed by the Congress, will achieve either the default rate reduction or the financial saving that was intended.

To deny Federal aid to students that are most in need of financial assistance in order to obtain an education makes neither good sense nor good policy. For example, grant is $2,500 a year. This money would help students pay for fees, books, transportation, and child care. Without such assistance, access to an education will be foreclosed for thousands of students.

The legislation I am introducing will not only support the public institutions providing an education to students most in need, but it will also ensure that restrictions are placed on unscrupulous profitmaking schools which are exploiting students.

My legislation will mandate the ability to benefit test only for proprietary schools, many of which have high default rates. Their institutional eligibility for Federal aid will remain linked to their compliance with the testing requirement of this legislation.

However, public and nonprofit institutions will again be able to utilize the counseling methods and equivalency degrees for determining ability to benefit as they could under the prior law. Should they choose, they may also use the testing method. And, in order to strengthen the integrity of State-supported educational institutions, my bill directs the Secretary of Education to recognize a State-approved method for determining ability to benefit.

In order to eliminate the potential loss of aid for public and nonprofit institutions for failure to comply with the Default Act, my bill decouples institutional eligibility from the ability to benefit section of the Higher Education Act to ensure that these institutions will not lose their Federal education moneys. The linkage between these two sections will remain intact, as in current law, for proprietary schools, which are profitmaking institutions.

Finally, my bill clarifies that the ability to benefit determination is applicable only to those students seeking Federal financial aid.

An injunction prohibiting the implementation of the Department of Education regulations is in effect through June 30, 1991. I am hopeful that the Congress will act expeditiously to ensure passage of remedial legislation before that date.

FAIR MARKET GRAZING FOR PUBLIC RANGELANDS ACT OF 1991: TIME TO STOP FEEDING OFF THE TREASURY

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SYNAR. Mr. Speaker, I rise today along with my good friends Mr. DARDEN and Mr. ATKINS to introduce the Fair Market Grazing for Public Rangelands Act of 1991. Enactment of this measure will be good for both the taxpayers and the environment.

The Fair Market Grazing for Public Rangelands Act will improve the management of 250 million acres of Federal rangelands administered by the Department of Interior's Bureau of Land Management and the Department of Agriculture's U.S. Forest Service.

Equally importantly, this act will save the taxpayers more than $325 million over the next 5 fiscal years.

Mr. Speaker, in 1934, in the midst of the Dust Bowl era, Congress enacted the Taylor Grazing Act in an effort to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, and to provide for their orderly use, improvement, and development. But it has not been an easy job.

This year the taxpayers will lose 80 cents on every dollar spent to administer the Federal Grazing Program. Indeed, despite the important legislative and administrative changes initiated by the Federal Land Policy and Management Act and the Public Rangelands Improvements Act, the end result has been unacceptable.

Today, Mr. Speaker, more than 55 years after passage of the Taylor Grazing Act, much of the public rangeland is still in unsatisfactory condition. In fact, the Bureau of Land Management's own reports show that as much as 60 percent of the public rangeland will continue to be in fair to poor condition well into the next century.

In many cases, these deplorable conditions are due to overgrazing. In fact, some authorities estimate that grazing has reduced the biological productivity of Western lands to one-tenth their former levels.

Only 2 percent of the 1.6 million cattle producers in the country graze their cattle on Bureau of Land Management and Forest Service land. Only 8 percent of the 336,765 farms and ranches with livestock in the 16 Western and Great Plains States graze their livestock on public lands. In fact, over 90 percent of the West's livestock have no access to publicly owned rangelands.

Despite these figures, livestock grazing is currently the dominant use of most public lands in the West. This encompasses almost all Federal lands in 16 Western States suitable for grazing. Indeed, the acreage not leased is usually inaccessible, heavily forested, rocky or otherwise unusable by livestock.

For the past 8 years, I have been chairman of the House Government Operations Subcommittee on Environment, Energy and Natural Resources. Our committee's jurisdiction concerns the economy and efficiency of Government programs. Among other things, our subcommittee is charged with oversight responsibilities to determine whether natural resources programs are working and whether they are fair.

During these 8 years, our subcommittee has been reviewing grazing programs on public rangelands. I have reached several important conclusions about the state of rangelands today:

Livestock grazing is a valid and valuable use of suitable public lands when it is managed by resource professionals.

Proper livestock grazing on public rangeland can benefit wildlife habitat, if both wildlife and livestock are managed in concert.

And, a healthy livestock industry is one important element in maintaining Western open space.

I am certain that all Members of Congress agree with those broad propositions. However, there is some bad news we must acknowledge, as well. For example:

An unreasonably large proportion of our public rangelands are in unsatisfactory condition.

Inadequate funding and staffing for professional resource managers and their programs are impairing rangeland health and productivity.

Rangeland restoration and improvement of rangeland condition should be a greater national priority.

Mr. Speaker, all Members of Congress know these changes are necessary. The question is: who pays?

There are many reasons for the present poor state of affairs, but I think much of the blame rests with low grazing fees for public rangelands. Here is why, I am concerned about grazing fees. Last year, many grazers in the 16 Western States—including 250 million acres of Federal rangelands—paid a fee of only $1.81 per animal unit month or AUM. This fee will increase in 1991 to $1.97, but that is still far below the market rate and contrasts with fees ranging as high as $18 per AUM on *other* Federal lands, State lands, and private lands.

Ironically, the Department of Agriculture sets the commercial value of that forage at $8.70 and the Bureau of Land Management charges a fee equal to this commercial value as the "value of forage consumed" as a result of trespass on public land. But unless the Congress changes the law, the Federal Government will continue to charge below market rates for legal access to our public rangelands.

In other words, the answer to our question is the taxpayer pays. Even though, it costs the taxpayer the same to feed every cow on public rangelands, whether it is trespassing or not.

But, as you know, Mr. Speaker, cost has little to do with the argument over grazing fees. The culprit here is not cost, but price. The domestic livestock industry has long prided itself on its independence. In fact, animal agriculture stands alone as being that element of the American farm economy that is most removed from Federal intervention in the marketplace. There are no commodity programs and no marketing orders, no loans, no insurance, no grants, and no Federal interference.

However, a small fraction of the industry is subsidized. Indeed, the simple truth is: A few Federal grazing permit holders are feeding off the Federal Treasury. They are chewing through millions of dollars each year.

I am introducing the Fair Market Grazing for Public Rangelands Act of 1991 because I favor placing Federal grazing programs—and all resource uses on public lands—on a "pay as you go" basis. Accordingly, I think we must begin to phase out the grazing subsidy over the next 4 fiscal years. And we must use the savings to fully fund Federal range improvement activities.

The choices are simple:

Either we reduce the taxpayers cost of operating a Federal grazing program—or, we must borrow the money to fund outdated subsidies.

Either we raise the money to pay for Federal rangeland management, administration, and improvement—or, we must accept a fiscal and ecological disaster on our public rangelands.

I rise today, because I am concerned about the future of rangelands. I want to head grazing management in the right direction. I believe that unless grazing fees are increased, the Government will continue to encourage overgrazing of our public lands; the costs of the grazing program will continue to exceed receipts; and the taxpayer will continue to subsidize livestock that represents only 2 percent of total U.S. meat production.

Here is what is at stake: Over the past 5 fiscal years, the taxpayers have lost more than $500 million, because grazing fees on their public rangelands were lower than fair market value. These losses occurred as a direct consequence of a 1986 Executive Order by President Reagan fixing Federal grazing fees far below the Government's direct cost of operating Federal range management and range improvements programs. As much as $150 million may be lost during fiscal year 1991, unless we enact the Fair Market Grazing for Public Rangelands Act of 1991.

I believe Congress should begin to phase in a more realistic grazing fee beginning immediately. The Fair Market Grazing for Public Rangelands Act of 1991 does just that. It uses the present trespass fee—$8.70 per AUM—as a standard of fair market value and as a goal to achieve over the next 4 years.

Under the Fair Market Grazing for Public Rangelands Act of 1991, the fiscal year 1991 grazing fee for Bureau of Land Management and U.S. Forest Service lands would be $4.35 per AUM or 50 percent of the present trespass fee. That is, in the first year, the measure would set Federal grazing fee at one-half of fair market value.

Beginning in fiscal year 1992, the balance of the fair market value for Federal grazing rights would be phased in over 3 years. The fiscal year 1992 grazing fee would set at $5.80 per AUM or 66.7 percent of fair market value. The fiscal year 1993 fee would be raised to $7.25 per AUM or 83.4 percent of fair market value. And, finally, in fiscal year 1994, the grazing fee would be set at $8.70 per AUM or fair market value, whichever is higher.

As a result of this action, Congress would reduce the grazing subsidy by more than $325 million over the next 3 fiscal years. In turn, these savings can be used to fully fund Federal range improvement activities on a pay as you go basis.

The Fair Market Grazing for Public Rangelands Act of 1991 requires the return of fair market value for the lease of publicly owned assets. It is fair. It is reasonable.

I urge all of my colleagues to join as cosponsors of the Fair Market Grazing for Public Rangelands Act of 1991. It will be good for both the taxpayers and the environment.

INTRODUCTION OF FEDERAL DEATH PENALTY ACT OF 1991

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. HUGHES. Mr. Speaker, I am introducing today a comprehensive measure which will ensure that the death penalty will be made constitutionally available for over 20 Federal crimes which are the most heinous and pose the greatest risk to our society. This list encompasses all of the offenses in the bill and amendments which I had offered at the end of last Congress. It extends the death penalty to all those offenses for which it was available before the Supreme Court invalidated all existing death penalty statutes in 1972.

However, this bill maintains what was a critical and constitutionally significant difference between the death penalty which I offered and which was adopted by the Judiciary Committee in the last Congress, and the death penalty as proposed by the administration. My bill limits the death penalty to those homicides which are intentional killings. That is a difference we deliberately selected, and which I am continuing, both on policy and constitutional grounds. In the past, the administration sought to impose the death penalty in instances where someone acted solely with reckless disregard. That means, in effect, that the death penalty would be a sentencing option for a conviction for manslaughter, such as when reckless driving leads to death. As I said during our debates on this issue during the last Congress, that is not how the death penalty should be imposed.

This bill encompasses procedural safeguards providing for the constitutional imposition of the death penalty for the substantive offenses covered by this bill. These procedures will ensure that only those defendants worthy of receiving the death penalty will actually be sentenced to death and that those defendants with compelling arguments against imposition of the death penalty will have the opportunity to have those arguments heard.

Moreover, the careful crafting of these procedures means they will survive constitutional challenge, thus ensuring that the death penalty is actually carried out upon those defendants who are sentenced to death. It serves no useful purpose to enact procedures that will not result in any actual death sentences because the very procedures by which the convictions were obtained are vulnerable to challenge in court.

Under this bill, only one aggravating factor must be found in order for the defendant to qualify for a death sentence. Moreover, such a sentence may continue to stand in those cases where an appellate court overturns one of the several aggravating factors which were found to exist.

This is a bill which ensures that the death penalty can be applied in a constitutionally sound way to the most horrific Federal crimes.

CHINA TRIED TO SELL IRAQ ARMS AFTER EMBARGO

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SOLOMON. Mr. Speaker, our young men and women are fighting right now—laying their lives on the line right now—to free Kuwait and end the threat of nuclear and chemical aggression posed by Saddam Hussein's military.

In light of their tremendous sacrifices, I am truly disgusted to learn that the Communist government of China is still trying to ship arms to Saddam Hussein.

Mr. Speaker, I would like to request unanimous consent that an article be inserted in the CONGRESSIONAL RECORD at this point, an article entitled, "China Tried to Sell Iraq Arms After Embargo."

Mr. Speaker, if this article is correct—and I suspect that, based on previous Chinese arms sales to Iraq, it is—then it brings to light double-dealing by the Chinese Communists that is so hypocritical, duplicitous, and arrogant that it defies description.

Mr. Speaker, this attempt to both betray our forces in the Middle East and benefit from their efforts afterward cannot be tolerated—cannot be rewarded—and will not be.

I invite all of the Members of the House to read this article and to express their support for whatever punitive measures may be necessary: rescinding trade benefits, ending diplomatic relations, and so on, to show the Communist regime in China that we will not stand for such treachery to our troops, and to our effort on behalf of world peace and stability in the Middle East.

[From the Christian Science Monitor, Jan. 31, 1991]

CHINA TRIED TO SELL IRAQ ARMS AFTER EMBARGO

(By James L. Tyson)

Chinese leaders were secretly searching last month for a country willing to smuggle weapons to Iraq even as they pledged support for the arms embargo against Saddam Hussein's military, according to an officer in the People's Liberation Army and diplomats in Beijing.

The government has found at least one ready smuggler, the officer says. But Western diplomats say it is unlikely Beijing will go ahead with such sales amid the current hostilities in the Gulf. Since the beginning of Desert Storm, the risks of completing an arms deal have outweighed the profits, they say.

There is no evidence that Beijing has yet delivered arms to Iraq since it endorsed the United Nations arms embargo last August, the diplomats add.

But China's attempt to recruit a smuggler for arms sale shipments, they point out, highlights its daring and so far successful effort to satisfy both sides in the Gulf conflict.

"Beijing has been very clever, if the war or its aftermath goes badly for UN forces, Beijing can say 'Look, we told you that the war would bring greater trouble,'" said an East European diplomat.

"If the war goes well, Beijing is in a good position to build the peace because of its comparatively neutral stand," the diplomat said, on condition of anonymity.

China can expect a role in the peace-building process after the Gulf war, because it is the only country on the UN Security Council that can claim a degree of impartiality, according to the diplomats. Until now China has called on Iraq to quit Kuwait but has also condemned the use of force to compel a withdrawal.

By voicing the interests of a developing country in peace talks with the West, Beijing hopes to advance its longstanding aim of becoming a leading champion of the third world, diplomatic sources say.

So far, China has impressed Baghdad by agreeing last autumn to sell Iraq weapons while insisting on a peaceful solution to the Gulf crisis, say the diplomats and the Chinese military officer.

Meanwhile, China has satisfied the West's goals by supporting UN resolutions against Iraq, including its willingness to abstain rather than veto the resolution authorizing the use of force.

Diplomats say China waited until Western powers had coaxed it from its post-Tiananmen diplomatic isolation before it agreed not to veto the option to use force.

China plans to continue using its UN Security Council seat to play a stronger diplomatic role than it otherwise could with its limited economic and military power; says the military officer, who is involved in political affairs.

"China sees the Security Council as a place where it can make itself into a big power, because it will have to be wined and dined on major issues," according to one Western diplomat.

"With veto power on the council they have a tremendous amount of diplomatic leverage," he says.

Beijing is intrigued at how Washington has used its Security Council seat to achieve US goals, particularly during the Korean War, according to the military officer.

Consequently, the Communist Party leadership is analyzing past US diplomatic moves during the Korean War to prepare for its own peacemaking role in the Gulf. This includes reviewing diplomatic maneuvers leading to the Korean armistice, which could show China how to amplify its voice on the Security Council, the officer says.

Moreover, China's diplomats are closely studying the nuts and bolts of the UN peacekeeping force in anticipation that UN troops will eventually man the Kuwait-Iraq border, says a Western diplomat.

While China seems to appreciate the UN's role in the world of *Realpolitik*, the recent information regarding its smuggling bid shows little regard for UN resolution barring arms sales.

The Chinese military officer says Beijing assured an Iraqi emissary last fall that, despite its endorsement of the UN embargo, it would provide Baghdad with arms if a third country transported the weaponry.

Western diplomats confirm that later, toward the end of December, China's arms merchants furtively urged diplomats from more than one third-world country to run the arms to Iraq.

China very likely sought help from North Korea, say the diplomats. Beginning in 1982, North Korea was reported to have helped Beijing supply Iran with arms for many years.

"If China makes good on such a sale it would be committing diplomatic suicide—it would have to be 100 percent sure that such a deal wouldn't be revealed," says a diplomat.

Of course, China has previously continued its lucrative arms peddling to the Middle East, despite foreign outrage. In particular, its arms merchants profited their way into disrepute by simultaneously selling weaponry to both sides in the Iran-Iraq war.

Beijing became one of Iraq's top four arms suppliers during the 1980s, providing it with T-69 tanks, Shenyang F-7 fighters, light infantry weapons, and Silk-worm anti-ship missiles.

Also, China sold to Saudi Arabia medium-range missiles capable of striking Israel, according to disclosures made in 1988.

But in recent years, China's massive arms industry has seen its exports to the third world fall steadily, from $4.7 billion in 1987 to $1.1 billion in 1989. Such sales are a rare source of vital hard currency for the military.

Today, Beijing could find Baghdad an eager shopper for a range of weapons and arms-related goods, including spare parts for tanks and fighters, ammunition, rocket fuel, chemicals for making jet fuel, and components for Scud missiles, say diplomats concerned with military affairs.

Beyond profits from arms, Beijing believes the Gulf conflict offers it an opportunity to fill the diplomatic vacuum created by Moscow's withdrawal from hands-on involvement in the region. Premier Li Peng, eager to pick up the remains of Soviet cold-war diplomacy in the Gulf, has proposed that China and the Soviets seek a peaceful solution to the war, say Eastern European diplomats.

China's conservative leaders believe they have an ideological duty to fill in for the embattled Kremlin in the cause of "making the world safe for socialism," according to the diplomats.

Despite its relatively neutral stand in the Gulf, China may enjoy only limited diplomatic leverage when the war ends. Arab and other countries whose troops have spilled blood on Kuwaiti sand will primarily shape the peace, say some analysts.

"The dominant role [in peacemaking] will rest on relationships that are cobbled together among those powers who have fought" over Kuwait, says Jonathan Pollack, a China specialist at the RAND Corporation.

INTRODUCING A BILL REAUTHORIZING THE TITLE II WASTE TREATMENT CONSTRUCTION GRANT PROGRAM

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. RAHALL. Mr. Speaker, I am reintroducing a bill which I introduced last year—H.R. 3930—reauthorizing the Waste Treatment Construction Grant Program, which was phased out in 1990 and replaced by the so-called State Revolving Loan Fund [SRF] for waste treatment construction purposes at State and local levels. The bill is identical to the one introduced by me last year, except for fiscal year conforming changes.

Essentially, Mr. Speaker, the SRF will place the burden of meeting the Clean Water Act's requirements squarely upon the shoulders of State and local governments. After 1994, the Federal Government can literally wash its hands of any further assistance.

Did I say there would be no more Federal support for waste treatment construction grants or loan funds after 1994? That is exactly what is provided for in law, and yet the EPA's National Needs Survey of 1988 to Congress demonstrated that, as a nation, we have yet to fully attain even minimum national objectives for health-based sewage treatment. The survey reports over $26 billion in unmet construction needs for secondary treatment and attainment of State water quality standards for conventional pollutants. Altogether, unmet needs for municipal water pollution control totals $83.5 billion under the Clean Water Act's framework.

Am I worried? Yes. I am very concerned about the SRF program given the foregoing EPA survey report on minimum need for waste treatment construction grants, and given the fact that the law now provides that Federal contributions to the revolving loan fund will assist only long enough, fiscal year 1995, to complete the transition of all such responsibilities to State and local governments for financing.

To meet minimum standards, the EPA says we need at least $26 billion, but the authorization for the SRF from fiscal year 1991 through fiscal year 1994 will total only $6 billion, with a State matching requirement of 20 percent bringing in $1.6 billion, for a total of $7.6 billion.

Mr. Speaker, as the saying goes: That won't get it. Why? Because the above amount will meet only 39 percent of the funds needed to meet our unmet construction needs for secondary treatment and attainment, and only 11.5 percent of the funds necessary to meet our total unmet needs for municipal water pollution control.

Mr. Speaker, the treatment of sewage and other waste products is not a luxury that, if all people don't have it, nothing bad will happen. Something bad will happen—first of all, we will have deprived a great segment of this Nation's population of good health and hygiene, and second we will cause States, who cannot afford to assume this financial responsibility in the next few years, to be out of compliance with the Clean Water Act's requirements.

If the Federal Government is going to wash its hands of any support for construction of waste treatment facilities, let us hope it is able to wash its hands in clean unpolluted water, for it is more than we can hope for for many Americans. Most Members of Congress do not know what it is like to live a lifetime in small, poor communities, with no indoor plumbing, with human and other wastes fouling the water supplies that people have to drink, have to bathe in and launder their clothing in. You can be sure that in 1995, when the Federal Government does wash its hands of this very significant national commitment, many Members will do so without realizing what is happening, or what the real meaning of our withdrawal of wastewater treatment funds amounts to. The real meaning is clearly the deprivation of a quality life for millions of our constituents; the same qualiy of life that we take for granted—safe, pollutant free, water for our every need.

My other concern is, that even with the grant-replacement [SRF] program, there remains a significant difference between a grant and a loan, because loans must be repaid with interest. It does not favor small, economically distressed communities present in West Virginia—a State made up entirely of small communities—or in other parts of the country, particularly in rural America. These communities cannot afford to repay loans, nor can they depend upon an infusion of funding from State or local revenues to meet their needs plus the requirements under the Clean Water Act.

In an 1989 report entitled Small Community Infrastructure, the Council of Infrastructure Financing Authorities estimated that fully 55 percent of municipalities with populations of less than 2,500 would experience 50 percent and higher increases in user charges from the cumulative impact of regulations, and the report further estimated that 26 percent of small municipalities may be unable to issue revenue bonds or obtain bank loans. Up to 30 percent may fail to issue general obligation bonds. Obviously, the only conclusion to be drawn from these statistics is that a majority of small communities would either need subsidized loans and grants, or just grants, in order to proceed.

In other words, Mr. Speaker, the SRF, which replaced the waste treatment construction grant program, may serve large communities that can afford to repay loans, but it will do next to nothing for small communities such as those in rural West Virginia, and indeed the whole of rural America. Reauthorization of the title II program will also ensure that the smallest and poorest communities have the possibility of drinking safe water.

Mr. Speaker, my bill extends the title II construction grants program for 5 years through fiscal year 1995, 1 year beyond the current title VI authorization, at $2.4 billion for each year.

Second, my bill reenacts the existing State allotment formula for both municipal construction grants and State revolving fund programs, and the minimum allotment provisions.

Third, it does not disturb current Clean Water Act authority for Governors to transfer a States' title II grant allotment to the State's revolving fund.

Finally, my bill responds to the urging of our colleagues on the Appropriation Committee. It provides the base for adding new funding sources, on which a broader effort can be built.

In conclusion Mr. Speaker, I strongly object to allowing the grant program to expire while the SRF program continues to diminish until it, too, is gone. It sends the wrong signal from Congress in this era of expanding Federal mandates and major, unmet pollution control needs. In addition, municipalities must be helped to comply with regulatory requirements under the Safe Drinking Water Act, which also carry capital cost consequences, with no funds earmarked anywhere for Federal assistance in meeting those costs.

Unless we extend title II and retain title VI, then some other Federal commitment must be provided to support Federal pollution control mandates. What will it be?

Shall we consider user fees imposed at the State and local levels, proceeds of which would be deposited in a drinking water and wastewater investment trust fund. I have such legislation under consideration. Traditionally, I have opposed user fees and, given our experience with the user fees placed in the Federal highway and aviation trust funds, over which State and local governments have no control, my legislation would approach the matter in a different way—but that is another story, another bill.

The simplest and most effective way to permit the Nation to meet its unmet wastewater and safe drinking water needs, as well as to comply with the Clean Water and Safe Drinking Water Act mandates, is to extend title II to address and to make it possible to meet the varying and diverse needs of a diverse Nation.

We can't have it both ways, Mr. Speaker. We cannot, at the Federal level, impose massive regulatory and compliance requirements for States to meet with regard to clean, safe water supplies, and then pull the rug out from under them when it comes to meeting the costs of our mandates.

I urge my colleagues to cosponsor this legislation. Those who wish to do so should call me, or Ms. Kyle of my staff at 53452.

A TRIBUTE TO BLACK HISTORY MONTH

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. YATRON. Mr. Speaker, Black History Month is a time for the Nation to pay tribute to the unique culture and heritage of black Americans. During this time, the Nation joins black Americans in recognizing and celebrating the vital role blacks have played in the development of our great Nation.

The history of black Americans centers around their struggle for freedom and equality—freedom from slavery and equality in the enjoyment of the blessings of democracy. Those who led this struggle—Frederick Douglass, Harriet Tubman, Sojourner Truth, Harriet Beecher Stowe, Rosa Parks, Martin Luther King, Ralph Bunche, Thurgood Marshall—were joined by thousands of other Americans who also fought against the shameful injustice of racism, bigotry, and discrimination. As we celebrate Black History Month, let us focus on goals they championed—the cause of equality.

There are many ways to promote equality. The emancipation proclamation freed the slaves, the 1964 Civil Rights Act prohibited racial discrimination in public places and called for the equal opportunity in employment and education, and the 1965 Voting Rights Act ensured that blacks would not be denied their voting rights. These measures worked well to eliminate the overt discrimination, but more insidious forms of discrimination still exist and thus the Nation's work is far from complete.

Black History Month presents an opportunity for us, as a Nation, to reflect on the contributions of black Americans and to rededicate ourselves to the cause of freedom, justice, and equality for all.

A BILL TO REPEAL THE SOCIAL SECURITY EARNINGS TEST

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. COBLE. Mr. Speaker, today I am reintroducing legislation to repeal the Social Security earnings test. This is a statutory dinosaur which penalizes older Americans who wish to remain productive.

Under present law, Social Security benefits are withheld if outside income exceeds a particular dollar threshold. For those age 65 to 69, the threshold is $9,720. Benefits are reduced by one dollar for every three earned above the limit. To those older Americans affected, this penalty constitutes an obvious disincentive to work full- or part-time, once the dollar threshold is reached.

My bill would increase the earnings limit by $3,000 a year beginning in 1992 for beneficiaries above the current retirement age of 65. The test would be eliminated altogether after 1996. The bill would also accelerate the 8-percent delayed retirement credit starting in 1993.

Costs are projected to be $6.6 billion over 5 years, a fraction of the trust fund surpluses during this time. This estimate does not take into account additional revenue flowing to the Government by way of a larger work force paying income and Social Security taxes.

Mr. Speaker, the arguments against the earnings test are well-known: It is confiscatory; it codifies a mandatory retirement bias in our public laws; it hurts our economy at a time when the composition of the labor force is changing, and it constitutes a manpower burden on the Social Security Administration. But instead of elaborating on these points in more detail, I would perfer that we listen to what one of my constituents had to say about the earnings test in a letter to my office:

> No one can live on [Social Security] alone, and with four children to raise by myself, I was not able to put much aside for retirement. Now I have to work part-time in order to continue making house payments plus all the regular bills. It does not make sense for the law to limit the amount of money you can make. Many would love to work; many need to work for financial and emotional reasons. So why not let us work while we are still able * * *?

Mr. Speaker, I urge my colleagues to join me in repealing the Social Security earnings test.

NATIONAL FAMILY CAREGIVERS WEEK

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Ms. SNOWE. Mr. Speaker, today I am introducing legislation along with 115 of my colleagues, to establish the week of Thanksgiving for 1991 and 1992 as "National Family Caregivers Week."

As you may know, National Family Caregivers Week has been signed into law for the past 5 years. Its purpose is to recognize the many individuals who play a vital role in caring for their family members with chronic illness and disabilities, often at considerable personal sacrifice and expense. At least 7 million households in the United States contain a disabled elderly member, many of which have disabilities that leave them in need of help with their basic daily activities, such as walking, dressing, and bathing. The assistance provided by families for these needs, as well as such things as shopping, transportation, and medical care, is a key factor in delaying or preventing the need for nursing home placement.

Of disabled elderly persons, 80 percent receive care from their family members, most of whom are their wives, daughters, and daughters-in-law. Today a woman will spend an average of 18 years caring for an aging parent and only 17 years caring for a child, a pattern that is expected to persist into the future.

The pressures of caring for elderly familiy members is of growing concern to families, employers, service providers, and community and Government leaders. Of all caregivers, 55 percent are employed outside of the home and the stresses and conflicting demands of work and caregiving often result in absenteeism and decline in work productivity. A recent study has concluded that 29 percent of working caregivers find they must alter their work schedules or leave the work force altogether, in order to assume adequate responsibility for the care of an aging or disabled relative. Therefore, employees and communities are collaborating to find ways to assist family caregivers. These services include information and referral, home health care, respite care, adult day care, and support groups.

National Family Caregivers Week, is a tribute to the significant role that families play in caring for our elderly citizens. It is also a time to focus on ways to strengthen and support family caregivers throughout the year. This bill reflects our Nation's appreciation for caregivers by recognizing and commending their important contributions.

STUDENTS PRESENT PETITION ON GULF

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, on Monday morning, January 28, I began my day with a meeting with students at Brown Junior High School in Newton, MA. During the previous week the students had expressed interest in making their views known on the current war in the Persian Gulf. After a discussion with school administrators, they agreed to do this in the form of a petition, which they would then present to me, as the Member of the House of Representatives from that area, and which I would have a chance to discuss with them in an open meeting.

I did that. Several of the students presented the petitions to me, with the names that they had gathered, and a brief explanation of their views. I then had a chance to respond to questions and comments from the entire student body for approximately one-half hour. The text of the petition is a short and very direct one. Obviously, it does not reflect all of those who go to Brown Junior High but it does stand for the views of a large number of the students, who went to considerable trouble to see that these views were expressed.

I congratulate both the students and the administration and faculty of Brown Junior High for coming together in discussions to find a constructive and healthy way in which the students could express their views. I admire the initiative of those who gathered signatures from their fellow students and I admire as well the care they took to express their views in a balanced and mature way. Members will note, Mr. Speaker, that this petition which was circulated by young people who were seeking to express their preference for sanctions over war at this point contains at its onset a strong statement of support for America's soldiers. And I was impressed that the buttons that some of the people at the school were wearing to express their opposition to the fighting in the Middle East contained an equally prominent decoration of opposition to Saddam Hussein's brutal invasion of Kuwait.

Mr. Speaker, Members will in varying degrees agree and disagree with the views the students expressed, but I think all Members will join me in expressing our appreciation that these young people showed the confidence they have in our democratic system by choosing to express their views in this way. I was pleased to be able to contribute to this expression by attending the meeting and discussing this matter with them. The students with whom I spoke were intelligent and well informed and I believe that all of those at Brown Junior High who participated in this are entitled to be proud of the way in which they conducted their part in our democratic debate.

Mr. Speaker, I insert the text of that petition here:

PETITION

> This petition shows that the students of Brown Jr. High School support the soldiers in the Middle East and prefer sanctions and peace to war.

Mr. Speaker, the total of students and faculty who signed this petition is in the hundreds, representing a significant portion of those at the school, although there are obviously students at the school who disagree with this viewpoint.

REV. ERNEST SMITH OF NEW LEBANON, NY: PILLAR OF COMMUNITY, CHURCH, AND COUNTRY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SOLOMON. Mr. Speaker, I measure a man according to how much he has given of himself to his community. By that standard, Rev. Ernest Smith is a giant.

Reverend Smith is retiring as minister of New Lebanon, NY Congregation Church, a post he has held since September 1970.

Mr. Speaker, the New Lebanon Congregational Church is not only a place of worship, it is a monument to Reverend Smith's faith and dedication. He paid the mortgage, built the new steeple, and finished the church basement. Other projects, such as installing the new roof, septic systems, windows, furnaces, and an organ, building the Sunday School rooms, and blacktopping the parking lot might not have been completed without his leadership.

But his service has not been limited to his ministry, considerable as that service has been.

As the town historian, he is currently writing this history of New Lebanon. He served as chairman of the Governor Tilden Monument Restoration Committee. He raised $40,000 to restore the decaying burial monument in the Cemetery of the Evergreens.

Reverend Smith is chaplain of the Masonic Lodge, and president of the Taconic and Lebanon Valley Association of Churches. As president of the Lions' Club, he used his proven talents to raise $65,000 for the Joseph Hooper Free Library, of which is a trustee.

He has written three volumes of Lebanon Valley Tales, a total of 163 tales. He served as a State legislator in Maine from 1960 to 1964, and a registered lobbyist for all Protestant churches in Maine from 1964 to 1966.

Reverend Smith was born in Corinna, north central Maine on February 17, 1922. He became a minister in the Church of the Nazarene in 1945, and started seven Nazarene Churches in New England.

He is married to Rev. Astrid Smith, herself also a Nazarene minister. They have five children, Brenda, David, Janice, Stephen, and Philip; seven grandchildren; and one great-grandchild.

As you can see, Mr. Speaker, Rev. Ernest Smith has led a life full of achievements and service. It is therefore fitting that he should be honored at a retirement dinner on Saturday, February 23.

Mr. Speaker, let us pay our own tribute today to Rev. Ernest Smith, a pillar of his community, his church, and his country.

FRANK J. MILLER

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. FEIGHAN. Mr. Speaker, Late last year, northeast Ohio lost one of its most valued citizens, Frank J. Miller. Frank was a prominent member of the labor movement and also a leader in our community.

Frank grew up as a second generation operating engineer. He quickly moved from crane operator to positions as a business representative and special representative with local 18. The union was quick to recognize Frank's great skills and abilities and made him vice president and then general manager of local 18.

In his role as trustee and chairman of local 18's pension fund, Frank revolutionized the pension process and provided extraordinary long-term security for the members of local 18. In addition, Frank was instrumental in strengthening the education and safety fund which provides scholarships for the children of the union members.

Frank's desire to see the labor movement succeed led him to play a key role in both regional and international unions. Here too, Frank excelled. He served as general vice president of the International, vice president of the Ohio State Building and Construction Trades Council and secretary-treasurer of the North Central States conference.

Frank also dedicated his life to public service. His career serves as a terrific example of a citizen who always strived to give back to his community. As a member of the Ohio High Speed Rail Authority, Frank was able to help move the high speed rail legislation through the State legislature. In addition, he played a vital role in developing Ohio's current highway system.

Fortunately, through his service in his union and for our government, and his love for family and friends, Frank Miller left his mark on many of us. He will be missed and will always be remembered.

A TRIBUTE TO MICHAEL NAGAMOTO AND RICHARD BENNETT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. STARK. Mr. Speaker, I rise today to recognize Michael Nagamoto and Richard

Bennett, residents of the San Francisco Bay area who recently performed courageous and heroic deeds.

On January 12, 1991, at the Oakland Zoo, in Oakland, CA, both Michael and Richard faced great personal danger in order to rescue zoo supervisor, Lorne Jackson. Having witnessed a tragic accident where Mr. Jackson was struck down by an African bull elephant, Richard jumped into the elephant exhibit to pull the injured and unconscious man to safety. Michael then jumped in to administer emergency CPR to Mr. Jackson. In this exceptional act of courage and kindness, Michael Nagamoto and Richard Bennett risked their own lives to provide Lorne Jackson with every opportunity for survival.

Mr. Speaker, on behalf of the Oakland Zoo, I would like to respectfully acknowledge the outstanding contribution and spirit of brotherhood that Michael Nagamoto and Richard Bennett bring to the bay area community. Their show of courage and compassion has set a fine example for all to follow in helping to make this world a better place in which to live.

GUARDIANSHIP RIGHTS AND RESPONSIBILITIES ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Ms. SNOWE. Mr. Speaker, today I am reintroducing the Guardianship Rights and Responsibilities Act, which I first introduced at the end of the 100th Congress and again early in the 101st Congress. This bill would require States to adopt and enforce laws which would provide basic protection and rights to wards and individuals subject to guardianship proceedings, as a condition of eligibility for receiving funds under the Medicaid Program.

At least 500,000 individuals across the country, particularly the elderly, are being affected by guardianship, the judicial process which transfers the decisionmaking responsibility from a person who has been declared to be incapable of handling his or her own affairs to another person. This legal system, which severely limits an individual's personal autonomy, has considerable problems and widespread abuses which are becoming an increasingly serious issue. Horror stories abound about guardians who embezzle assets, force unnecessary nursing home care, provide substandard care or otherwise abuse the individuals for whom they are responsible.

In 1987, the Associated Press conducted an unprecedented study which collected information on more than 2,200 guardianship cases across the country. The results were dramatic, and indicated that wards often lose their basic civil rights without cause, frequently without the protections afforded criminal defendants. For example, in 44 percent of the cases studied, the ward did not have legal representation. Another 49 percent were not even present at their proceedings. Other findings included gaps in due process, inadequate or incorrect definitions of incompetency, inadequate monitoring by the courts, and inadequate qualifications of the guardians.

Another significant problem is that many individuals may simply be unable to manage their checkbook, but under a full guardianship also lose rights which they may be able to handle responsibly, such as the right to vote or to determine the kind of medical care they will receive. Most States do provide for limited guardianships which restrict the guardian's power, but allows the ward to make decisions in some areas. However, in reality, most courts grant very few limited guardianships.

In recent years, many States have completely revised their guardianship laws. I am pleased to point out my State of Maine as a leader in reforming its standards for guardianships and conservatorships. However, much yet needs to be done and there are additional problems of management and monitoring of guardianships, partially because of overloaded court systems.

The legislation which I am reintroducing today would require, as a condition for participating in the Medicaid Program, that States revise their State plans to assure basic protections and rights for individuals subject to guardianship proceedings. As about 50 percent of wards will become nursing home residents, Medicaid will most likely finance their care and, therefore, should be an important vehicle for protecting their civil rights.

My bill would require that State laws stipulate that these individuals be provided with proper and timely notice, in large print and plain language. Under my proposal, all such individuals would have the right to counsel, to be heard by a jury, and to have the right of appeal upon request. The individual would also have the right to be present if a determination of incapacity is made, unless the court determines, based upon professional assessment, that he or she has waived the right to be present or is clearly physically incapacitated. Wards must also, when feasible, have their personal preferences taken into account, and be entitled to participate in all decisions which affect them. The bill also provides for a system of standards, training, and oversight of guardians; annual court review of guardianship orders to determine if the guardianship should be continued, modified, or terminated; and procedures for wards who are moved to another State.

Mr. Speaker, I strongly believe that the Guardianship Rights and Responsibilities Act is even more timely now than when I first introduced it in 1988. The value of personal autonomy to health and well being, and maintaining the dignity and independence of residents, is a central focus of the nursing home reform provisions of OBRA 1987 which are now being implemented. The nursing home residents bill of rights, based on legislation which I introduced, is one of the fundamental components of that reform. Likewise, as we continue to move toward building State and local home and community-based long-term care systems, protecting the rights of older individuals in less restrictive settings will become even more important. And, as the number of elderly over age 85 rapidly expands in the coming years, so, too, will the number of individuals most likely to be incapacitated. Therefore, I urge support for this bill to help ensure the rights of impaired older individuals who are most vulnerable to exploitation.

INTRODUCTION OF LEGISLATION TO ALLOW STATES TO ACQUIRE USED FEDERAL PROPERTY BEFORE FOREIGN GOVERNMENTS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to allow States to acquire used Federal property before it is given away to foreign governments.

Unfortunately, under current law, the Secretary of Defense has the authority to provide choice Federal property, property which is no longer needed by DOD, to foreign governments before other Federal departments and agencies or States have the opportunity to utilize it.

Under the Federal Property and Administrative Services Act of 1949 as amended, when property is determined to be excess or no longer required by the Federal agency which owns the property, it is screened by other Federal agencies for possible use. Once it is no longer required by the Federal Government, it becomes surplus, and may be donated to State agencies for distribution to local governments, law enforcement agencies, nonprofit educational or public health institutions, medical institutions, hospitals, clinics, health centers, schools, colleges, universities, special schools for mentally retarded children, schools for the physically handicapped, child care centers, and other such institutions.

The purpose of this distribution is to extend the use of property paid for by the U.S. taxpayers to promote conservation, economic development, education, the development of parks and recreation, public health and public safety.

Unfortunately, before much of this property is made available to other Federal departments and agencies as excess property, much less before it gets down to the States as surplus property, it is diverted for use by foreign governments.

When and where did this new DOD process of distributing surplus property begin? It began in the fiscal year 1986 Defense Authorization Act, which authorized the Secretary of Defense to make available for humanitarian relief purposes any nonlethal excess property of the Department of Defense. Such property is then transferred to the Department of State for foreign distribution.

When I introduced my surplus property bill last year, H.R. 4026, I had been unsuccessful in obtaining annual reports on the disposition of all excess property transferred under this authority by DOD. According to a December 1989 fact-sheet, the General Services Administration has also had significant difficulty determining the amounts of excess property transferréd to the Humanitarian Assistance Program. According to that fact-sheet, "the only summary data which we have been able to obtain are * * * figures that were informally furnished by the Defense Logistics Agency."

Mr. Speaker, that limited fact-sheet information led me to request a GAO study and report on the whole DOD program, because I wanted to know the extent of this distribution, where it was going, the value of the property, and how much it cost to give it away.

I have just received the GAO report, and it bears out just what I believed would be the case.

Remarkably, for want of a better word, two of GAO's findings will be of interest to all Members.

First the DOD program gave away property valued at $4.8 million between fiscal year 1986 and fiscal year 1989, but it cost American taxpayers an additional $46 million to give it away.

Mr. Speaker, it cost the American taxpayer twice—once to pay for this equipment when it was first acquired by DOD, and the second time to pay for DOD to give it away—for a total of $94.8 million.

Second, a program which at first designated property to go to only Afghanistan and Cambodia, in fact sent surplus property to 39 countries in the same 4-year time period, including the Soviet Union (Armenia.)

In fiscal year 1989, State directors for surplus property distribution complained with good reason that not only was DOD shipping heavy engineering and construction equipment that was stockpiled at overseas locations, it had then taken the same kind of heavy equipment from stockpiles located in the continental United States, and shipped it overseas to serve the 39 countries now included in the Humanitarian Aid Program, without ever giving States any option for its use. That, Mr. Chairman, is a little too much.

For these reasons, Mr. Speaker, I am reintroducing my bill, the Federal Used Property for Domestic Use Act, better known as the surplus property bill.

The bill is identical to last year's bill, with the one exception that instead of focusing State's rights to such property on that which is located in the continental United States, I am also proposing to take into account that surplus property located, now and later, at overseas locations, for distribution to the States and local governments here at home.

Mr. Speaker, I feel very strongly that this property, which our people paid for, should be fully utilized here at home, to address our needs, before it is provided to others.

My bill repeals the authority provided to the Secretary of Defense to make available excess property for foreign distribution, and makes surplus property available for the foreign humanitarian assistance program, through the State Department, only after all eligible domestic entities have had the ability to acquire and utilize the property first.

For those who think my bill does away, or seriously impairs, the current State Department's Humanitarian Assistance Program to foreign countries, which serves a good purpose and should continue, nothing can be further from the truth. In fact, by repealing the 1986 DOD authority, my bill will return the integrity to the State Department/A.I.D. Program of humanitarian assistance. The major, and only change to the current State/A.I.D. Program is that States through GSA, will have first preference in utilizing such property.

In fact, I was interested in knowing, and I asked the GAO to find out, just how many programs are already withdrawing from DOD heavy equipment/machinery stockpiles of surplus property. I urge you to read the GAO Report, No. GAO/NSIAD-91-87FS, which was done at my request and has just been released. Three other programs are identified, in addition to the State Department's Humanitarian Aid Program, that also withdraw DOD excess property before GSA can make it available to other Federal departments and agencies that may need it, much less making it available for State utilization. They are as follows:

The Defense Security Assistance Agency administers and coordinates two programs, and the Regional Equipment Center, a nonprofit Pennsylvania corporation, has one program.

Under the first program, known as the Southern Regional Amendment Program [SRA], excess United States equipment in Europe is provided to base rights countries in southern Europe and to countries designated as key non-NATO allies—currently Egypt and Israel. In fiscal year 1990, over 700 M60A1 tanks, 1,939 trucks, and 181 ambulances were given to eligible countries. According to DOD, this equipment became available as a result of normal modernization plans of the Armed Forces.

Under the second program, the International Narcotics Control Program, up to $10 million annually per country may be withdrawn from excess defense articles to support eligible countries in Latin America and the Caribbean in their antinarcotics activities.

The third program appears under Public Law 101-302, section 210, Dire Emergency Supplemental Appropriations Act of 1990. It is an infrastructure improvement demonstration program, and was established between DOD and the Regional Equipment Center located in Newport Township, PA. According to a Memorandum of Agreement between DOD and the Center, the Defense Logistics Agency identifies excess heavy equipment and machinery that are available for transfer to the center. According to GAO, this demonstration program has a life of 5 years, expiring in June 1995.

In the absence of similar demonstration programs to serve the other 49 States, I am strongly proposing that the other 49 States be given first choice among heavy machinery and other engineering and construction equipment available from DOD stockpiles both here and abroad.

My bill does not intervene in any way with the three related programs identified by the GAO report and described above which withdraw DOD excess/surplus property before States have the opportunity to utilize it.

I urge my colleagues, who believe as I do that U.S. taxpayers should have the ability to fully benefit from the property they purchase before any foreign governments may benefit, to cosponsor my bill. You may do so by calling me, or Ms. Kyle of my staff, at 225-3452.

INTRODUCTION OF THE NONTRADITIONAL EMPLOYMENT OF WOMEN [NEW] ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. MILLER of California. Mr. Speaker, I am pleased to reintroduce today, along with Congresswoman CONNIE MORELLA and 13 of our colleagues, the Nontraditional Employment of Women [NEW] Act. This legislation is identical to the NEW provisions in the Job Training Partnership Amendments [JTPA] of 1989, passed by the House last September.

Identical legislation passed the Senate by unanimous consent in the last session, and will also be reintroduced tomorrow in the Senate.

The purpose of NEW is to increase nontraditional training and employment opportunities for women served by JTPA. Women in nontraditional jobs earn higher wages which enable them to become economically self-sufficient and support their families. In no way will the NEW Act discriminate against men. They will continue to be eligible for training programs in all occupational areas.

Nontraditional occupations are those jobs in which 25 percent or less of the work force is female. Examples of nontraditional jobs are trades workers, electronic technicians, mechanics, and maintenance engineers.

NEW is clearly consistent with the policies and purposes of JTPA which requires that "efforts be made to develop programs which contribute to the occupational development, upward mobility, development of new careers, and overcoming sex-stereotyping in occupations traditional for the other sex."

NEW is needed because, despite current JTPA language, occupational segregation still exists in JTPA programs, and the gap in wages between women and men continues.

Consider the following facts:

According to a 1989 GAO study, women graduates of JTPA programs earned an average of $4.65 an hour, 52 cents an hour less than male graduates;

The GAO found that less than 9 percent of women in JTPA supported classroom training were being trained in nontraditional occupations.

These occupations pay an average of 30 percent higher wages than occupations which are traditionally female;

Sixty-nine percent of the women who were placed in jobs after participation in JTPA were clustered in the two lowest paying occupational areas—clerical and sales 43 percent, and service, 26 percent—of JTPA's nine occupational categories.

NEW requires services delivery areas and States to include goals in their annual job training plans for training and placing women in nontraditional employment. It creates a time-limited program out of existing funds, at a cost of $1.5 million annually, to foster the development and institutionalization of programs to train women for nontraditional employment.

NEW complements former Labor Secretary Elizabeth Dole's nontraditional employment initiative to help women gain access to the skilled trades. In November 1990, Ms. Dole increased anti-discrimination enforcement at the Bureau of Apprenticeship and Training by giving the Office of Federal Contract Compliance enforcement authority over Federal apprenticeship training programs.

If the United States is to successfully meet the challenge of Workforce 2000, in which the majority of new entrants to the work force will be women and minorities, the Nation's Federal employment and training program must have a plan to ensure that women are trained in all occupational areas. The NEW bill is an important step in that direction.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 7, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 8

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of Cecil B. Thompson, of Virginia, to be a Member of the Board of Directors of the Export-Import Bank, George H. Pfau, of California, to be a Director of the Securities Investor Protector Corporation, and Arthur J. Hill of Florida, and Jim E. Tarro, of New Mexico, each to be an Assistant Secretary of Housing and Urban Development.

SD-538

Labor and Human Resources

To hold hearings on the nomination of Susannah Simpson Kent, of Pennsylvania, to be Director of the Institute of Museum Services, National Foundation on the Arts and the Humanities.

SD-430

FEBRUARY 12

11:00 a.m.

Joint Economic

To hold hearings to review the 1991 Economic Report of the President as presented by the President's Council of Economic Advisors.

SD-138

FEBRUARY 19

10:00 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings on foreign ownership and international route sales of airlines.

SR-253

Veterans' Affairs

To hold hearings on the nomination of Charles L. Cragin, of Maine, to be Chairman of the Board of Veterans Affairs, Department of Veterans Affairs.

SR-418

2:00 p.m.

Energy and Natural Resources

To hold oversight hearings on U.S. national energy policy.

SD-366

FEBRUARY 20

9:00 a.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, and to review the five year defense plan.

SH-216

9:30 a.m.

Rules and Administration

Business meeting, to consider proposed committee resolutions requesting funds for operating expenses for 1991 and 1992, and other pending legislative and administrative business.

SR-301

10:00 a.m.

Finance

To resume hearings on the prospect of free trade negotiations with Mexico.

SD-215

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Selective Service System, the American Battle Monuments Commission, Cemeterial Expenses (Army), the Nuclear Regulatory Commission, and the National Institute of Building Sciences.

SD-138

FEBRUARY 21

9:00 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to review the Procurement Integrity Act.

SD-342

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on S. 279, to require new standards for corporate average fuel economy.

SR-253

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold oversight hearings on the recent agreement to transfer control of the Yosemite Park and Curry Company from MCA, Inc., to the National Park Foundation.

SD-366

FEBRUARY 22

9:30 a.m.

Governmental Affairs

To hold hearings to review the National Association of Attorney's General heating fuels report.

SD-342

FEBRUARY 26

9:30 a.m.

Governmental Affairs

To hold hearings to examine counter measures against terrorism.

SD-342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Disabled Americans Veterans.

345 Cannon Building

10:00 a.m.

Environment and Public Works

To hold hearings on the President's proposed budget request for fiscal year 1992 for the Federal-aid highway program and related transportation issues.

SD-406

FEBRUARY 27

9:00 a.m.

Veterans' Affairs

To hold hearings on the President's proposed budget request for fiscal year 1992 for Veterans programs.

SR-418

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine insurance company insolvency.

SR-253

FEBRUARY 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Blinded Veterans Association, the Vietnam Veterans of America, Military Order of the Purple Heart, and the Noncommissioned Officers Association.

345 Cannon Building

MARCH 1

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Research Service, the Cooperative State Research Service, and the Extension Service.

SD-138

MARCH 5

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for the Department of Labor, focusing on the Office of the Secretary of Labor, and the Office of Inspector General.

SD–192

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for the Department of Health and Human Services, focusing on the Office of Civil Rights and Policy Research.

SD–192

MARCH 6

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Emergency Management Agency.

SD–138

MARCH 7

9:30 a.m.

Environment and Public Works

To hold hearings on the President's proposed budget request for fiscal year 1992 for the Environmental Protection Agency.

SD–406

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Family Support Administration, Human Development Services, and the Office of Inspector General.

SD–192

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Social Security Administration, and the Health Care Financing Administration.

SD–192

MARCH 8

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Stabilization and Conservation Service, the Foreign Agricultural Service, General Sales Manager, and the Soil Conservation Service.

SD–138

MARCH 12

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health, the Agency for Health Care Policy and Research, and the Centers for Disease Control.

SD–192

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Alcohol Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration.

SD–192

MARCH 13

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Council on Environmental Quality, and the Environmental Protection Agency.

SD–138

MARCH 14

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Office of Director, Buildings and Facilities, the National Cancer Institute, Heart, Lung and Blood Institute, the National Dental Institute, Allergy and Infectious Diseases, Diabetes, Digestive, and Kidney, Child Health and Human Development, Environmental Health, and the Fogarty International Center.

SD–192

1:30 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Neurology Institute, the Deafness Institute, General Medical Sciences, the National Eye Institute, the National Institute on Aging, Arthritis Musculoskeletal and Skin, Division of Research Resources, Nursing Research, Human Genome, and the National Library of Medicine.

SD–192

MARCH 15

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service, and the Agricultural Marketing Service.

SD–138

MARCH 19

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Office of the Secretary of Education and Special Institutions.

SD–192

MARCH 20

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, Office of Inspector General, and the National Credit Union Administration.

SD–116

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Offices of the Assistant Secretaries of Education, and the Office of Inspector General.

SD–192

MARCH 21

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for ACTION, National Council on Disability, the Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.

SD–192

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Commission, the National Commission to Prevent Infant Mortality, and the Soldiers' and Airmen's Home.

SD–192

MARCH 22

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD–138

APRIL 10

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Farmers Home Administration, the Federal Crop Insurance Corporation, and the Rural Electrification Administration.

SD-138

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Inter-agency Council on the Homeless, and the Department of Housing and Urban Development.

SD-124

APRIL 16

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

APRIL 17

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the American Ex-Prisoners of War, the Jewish War Veterans, and the Veterans of World War I.

345 Cannon Building

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Court of Veterans Appeals, and the Department of Veterans Affairs.

SD-138

APRIL 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

APRIL 19

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Commodity Futures Trading Commission, the Food and Drug Administration, the Farm Credit Administration, and the Farm Credit System Assistance Board.

SD-138

APRIL 23

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings to examine the science education programs of various Federal agencies.

SD-138

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

APRIL 24

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.

SD-124

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

APRIL 25

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

APRIL 26

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.

SD-138

MAY 8

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.

SD-138

MAY 15

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.

SD-138

MAY 17

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

SD-138

SENATE—*Thursday, February 7, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 10:30 a.m. and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed are they that mourn: for they shall be comforted.—Matthew 5:4.

Our Father in Heaven, we pray for those who suffer the many emotions of war: those in command who must make hard decisions affecting many lives, those facing battle who are filled with insecurity or fear, those whose loved ones are in the gulf and for whom every hour is filled with apprehension. We pray for those who are casualties, who suffer physical and emotional agony, and for those who have paid the "last full measure of devotion." We remember the mothers and fathers, the wives and husbands and children, the friends of those who face the daily threat. We pray for those who bear the awesome burden of decision at home and are never completely sure. We pray for those who are cocksure, right or wrong, and never have to make decisions. God of all comfort, be with those who suffer all of the ambivalence of these days.

And, gracious God, in our preoccupation with the gulf, we will not forget those, who have for so many years, been held hostage: Terry Anderson, Thomas Sutherland, Jesse Turner, Joseph Cicippio, Edward Tracy, Alann Steen.

With heavy heart we pray for peace in the hearts of those who are hurting and peace which means the end of hostilities. In the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 7, 1991.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time reserved for the two leaders, there will be a period for morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Debate on the motion to proceed to the consideration of S. 320, the Export Administration reauthorization bill, will resume once morning business is closed.

It is my hope we can proceed to debate, vote on, and pass the Export Administration reauthorization bill today, if possible. As I indicated yesterday and the day before, that measure has been cleared for floor action on the Democratic side. We are awaiting clearance on the Republican side. We are now on a motion to proceed and at some point, obviously, we will have to bring this matter to a conclusion one way or the other.

Mr. President, yesterday I announced my intention to schedule the Lynn Martin nomination as soon as possible. I am now pleased to say that nomination has been cleared on the Democratic side for an agreement for a 30-minute time limitation and a vote on that nomination. I intend to schedule that today. I do plan to consult with the Republican leader before scheduling the timing of that debate and vote. We are prepared to proceed to that today to accommodate the President and his nominee to that important position.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The majority leader.

GLOBAL WARMING—SENATE RESOLUTION 53

Mr. MITCHELL. Mr. President, I am today, on behalf of myself and 40 other Senators, submitting a resolution on global warming. The resolution expresses the sense of the Senate that it should be the policy of the United States to adopt specific greenhouse gas reductions by a date certain, and the resolution calls on industrialized nations to reduce their emissions of carbon dioxide, the most potent greenhouse gas.

The United States is currently hosting a meeting of a U.N. committee to develop a framework convention on global warming. The President announced an action plan earlier this week. In reality, it is an inaction plan. The so-called plan is a business-as-usual proposal, under which the administration takes credit for reductions in chlorofluorocarbons already committed to under the Montreal Protocol to protect the ozone layer and the administration then assumes unproven reductions in emissions from domestic legislation.

Mr. President, and I say to my colleagues, we cannot afford to just stay the course on greenhouse gas emissions.

The congressional Office of Technology Assessment [OTA] is today releasing a report on global warming entitled "Changing by Degrees: Steps To Reduce Greenhouse Gases." The report states that "under current trends and regulations carbon emissions by 2015 will be close to 50 percent greater than today's level." That increase will occur even though OTA assumed that some efficiency improvements will occur even in the absence of new legislation.

Recognizing that global warming is an international problem, we must keep in mind the fact that the United States, according to OTA, emits about 20 percent of the world's greenhouse gas emissions.

Actions taken here will have a global environmental impact. We have every reason to act now to make our use of energy more efficient, through options such as improving gas mileage of our cars and trucks.

Other nations recognize their obligations to curb their emissions. Industrialized nations in Europe and elsewhere have endorsed a 20-percent reduction in carbon dioxide emissions.

The United States stands alone among industrialized nations in opposing meaningful emissions reductions.

We cannot afford pea-under-the-shell proposals that sound like they address the problem but in reality, like the old shell game, do very little.

The facts are clear: human activities are causing the Earth to warm more rapidly and more quickly than we have ever experienced. The best scientific information today tells us that the concentration of greenhouse gases already in the atmosphere has committed the Earth to an increase in the warming of the atmosphere. The Secretary General of the World Meteorological Organization has said:

> The global warming to which we are already committed is irreversible. * * * By the time we detect it, it will be too late. * * *

But there are some, in this Nation and in others and unfortunately led by the President, who argue that there must be a final and unanimous scientific view before any serious action can be taken. The demand for scientific certainty is a double standard not used in any other area of legislative activity. It is in fact, a device for delay used by those unwilling to act.

It is ironic and dangerous that this argument is being raised in connection with what is the most serious, far-reaching and irreversible environmental danger the world faces.

It is ironic that the United States is a follower on global warming controls at a time when in the middle of February and in which we have experienced a recordbreaking heatwave in the past week, some years in the past decade were among the hottest on record.

The administration has given to participants at the U.N. meeting being held here this week a glossy brochure. It is not much more than an illustrated justification for doing nothing.

History has shown that we pay a high price for ignoring environmental problems. The cheaper, easier solution is dismissed because it is too soon to act. Delay leaves fewer and more costly choices. Meanwhile, the adverse impacts on the environment continue to grow.

The Office of Technology Assessment report being released today indicates that we can reduce carbon dioxide emissions 35 percent by the year 2015 while possibly saving money. The OTA estimates that a 35-percent reduction in emissions could save us $20 billion per year or could cost us up to $150 billion per year. The cost estimates have a wide range—in this instance of $170 billion—but it is clear that the opportunity exists for us to reduce our emissions and save money.

I urge the administration to see the global warming problem as an opportunity to improve the efficiency of American industry and enhance American competitiveness; a chance to find new ways to produce goods while protecting the environment and perhaps saving money. Economic growth and environmental protection complement, not contradict, each other.

The time has come for the United States to move forward on controlling emissions of carbon dioxide. The price of delay is too high. In this area, the Bush administration has chosen to follow, not lead. It is up to the Congress to provide the leadership the United States should have and the world needs.

Mr. KERRY. Mr. President, I rise today in support of this resolution in which the Senate once again asks the United States to be a leader in the world effort to reduce the threat of global climate change. I hope that this year the United States will finally take some real steps toward reducing our greenhouse gas emissions and will finally take our place with other nations of the world who have long agreed on the need for this action.

Many of us have been working over the past several years to enact energy efficiency and conservation measures to combat global warming. Our opposition argued vigorously that the science was too uncertain and the costs too great. So instead of action, we called for research. We asked U.S. scientists to work here at home and in the international community to resolve some of these questions.

And the answer came back that, although some questions remain unresolved, the overwhelming evidence says that we are distorting our atmosphere with increasing concentrations of carbon dioxide and other greenhouse gases and that this will cause the temperature of our planet to rise. While we must continue to examine and improve our information, the facts we do have clearly show that inaction is the last thing we can afford.

Estimates of the extent of warming by the middle of the next century vary from 3 to 16 degrees Fahrenheit, and such warming could disrupt our Earth's agricultural patterns, threaten our water supplies, and devastate our coastal areas. We don't have to look far to find the source of the greenhouse gases that would cause these changes. Human activity pumps 24 billion tons of CO_2 into the atmosphere every year, with the United States alone accounting for about 5.7 billion tons or 24 percent through the burning of fossil fuels. Humans also produce all of the 1 million tons of chlorofluorocarbons [CFC's] that enter the atmosphere each year.

In the past few years, we have seen the United Nations organize scientists from around the world to evaluate the science and recommend actions. We have seen half of our own National Academy of Sciences joined by 49 Nobel laureates to urge President Bush to take the threat of global climate change seriously and begin to take action. This year, the Office of Technology Assessment reports:

> It is clear that the decision to limit emissions cannot await the time when the full impact is evident. The lag time between emission of gases and their full impact is on the order of decades to centuries; so too is the time needed to reverse any effects.

If we fail to act, our National CO_2 emissions would rise by an estimated 50 percent over the next 25 years.

In addition, Mr. President, our commitment to reduce our emissions of fossil fuels will have other positive effects. It will enhance our efforts to achieve energy security, to keep our air and water clean, and to make advances in technology and stay economically competitive.

The Department of Energy reports that energy efficiency and conservation measures could cut CO_2 emissions by up to 27 percent by the year 2000. Mr. President, with thousands of American troops in the Persian Gulf risking their lives in part to secure our economy's access to energy, and with people in Massachusetts and across the Nation feeling the pinch from higher fuel costs, it does not take much foresight to see the immense additional benefits associated with energy conservation. Moreover, these actions can be accomplished in a cost-effective manner.

This week we saw the administration assert, for the first time, that global climate change is a potentially devastating problem that justifies our action. And I commend them for finally taking that step. Unfortunately, their proposed reductions in greenhouse gases do not go beyond the progress that we have already made as a result of the Clean Air Act and our commitment to eliminate ozone-depleting CFC's. This is totally unacceptable.

So I look forward to working this year to develop a comprehensive national energy strategy that includes a strong energy conservation component. And today, I am proud to cosponsor this resolution with so many of my distinguished colleagues. We strongly believe that the U.S. policy on climate change must include specified targets and dates for reductions in greenhouse gases. And, very importantly, the United States must play a leadership role over the next year in negotiating an international climate protection treaty.

Mr. CHAFEE. Mr. President, as recently as 5 years ago, in 1986, few people knew about the greenhouse effect and the threat of global climate change. Today, it is front page material. Cover stories in weekly magazines, headlines in daily newspapers, documentaries on PBS and network television, even the evening news is now telling us about the threat of an intensified greenhouse effect caused by the pollution that comes primarily from the burning of fossil fuels such as coal and oil.

Is all of this just another example of Chicken Little screaming that the sky is falling? The answer, Mr. President, is a resounding "No." The threat is real and very serious.

We are experiencing an accelerating accumulation of greenhouse gases in the atmosphere, primarily carbon dioxide, chlorofluorocarbons [CFC's], and methane. Scientific experts from all over the world are telling us that these gases act as a thermal blanket and, if we continue to pour them into the atmosphere at current rates, they will trap heat in the Earth's atmosphere and cause unprecedented climate changes.

The predicted environmental impacts of an intensified greenhouse effect include:

A significant increase in global average temperatures over the next several decades that is equal to or greater than the increase experienced over the last 10,000 years;

Continuing temperature increases at an equally alarming rate in succeeding years;

The extinction of numerous species of plants and animals and significant interference with natural evolutionary responses;

Reduced soil moisture content and altered storm patterns that may seriously disrupt the U.S. agricultural industry; and

A dangerous rise in sea level over the next few decades and continuing sea level rise in succeeding years.

It is easy to overstate the uncertainty that surrounds this issue. It is true that scientists disagree about matters such as whether an intensified greenhouse effect has already begun. Similarly, there is no scientific consensus about the precise timing of the predicted changes. When will we see a 2-degree change? When will we see a 9-degree change? Will it be 50 years, or 75, or 100?

Nevertheless, there is a remarkable degree of scientific consensus concerning the threat of massive, uncontrolled global climate change. Specifically, most experts agree that if we do not change our pattern of polluting the atmosphere, many of us, our children, and our grandchildren will experience devastating climate changes of a magnitude and at a rate that will preclude natural evolutionary responses.

There appears to be consensus on another critical point. That is: By the time there is scientific proof for every detail of the problem, it will be too late to avoid the most devastating impacts of an intensified greenhouse effect and global climate change.

Those of us in Government must make decisions based on the best information we have at the time and be ready to modify those decisions—after the fact—if new information becomes available.

Our willingness to make initial, difficult decisions to change the status quo in order to avoid or reduce the threat of future environmental damage, is a function of personal and societal values. Many of us are willing to bite the bullet and take bold action to avoid or reduce the threat of global climate change.

We can ill afford to wait for 10 years of research before we take action to limit the rate and extent of future climate change by reducing atmospheric concentrations of greenhouse gases. It is not enough simply to freeze emissions at current levels. At the same time, we must begin to implement adaptation strategies for coping with the changes to which we are already committed.

Mr. President, earlier this week, I joined Senator WIRTH and a number of our colleagues as an original cosponsor of S. 324. This bill is a good starting point in the effort to establish a national energy strategy that reflects the concerns many of us share about an intensified greenhouse effect. It is designed to reduce U.S. emissions of carbon dioxide, the primary greenhouse gas that is a byproduct of fossil fuel combustion, and to increase our use of clean, renewable fuels such as solar energy and wind power.

Today, I am proud to join Senator MITCHELL, the majority leader and a respected colleague on the Committee on Environment and Public Works, as an original cosponsor of a Senate resolution on global climate change. The resolution states our support for the negotiation of an international treaty that includes specific commitments to reduce emissions of carbon dioxide.

The United States is the largest emitter of carbon dioxide in the world. Each year, we produce 5 tons of carbon dioxide for every man, woman, and child in this country. On a per capita basis, Canada is an equal offender although its total emissions do not come close to United States levels. The next largest producer is the Soviet Union, with annual per capita emissions of 3½ tons. Compare these numbers to the world average which is less than 1 ton per capita.

In addition, the United States is one of the most energy inefficient countries in the world. We continue to lead all industrial nations except Canada in the amount of energy used per unit of goods and services produced. This is not just an environmental embarrassment. It is economic suicide. This gross, inefficient use of energy makes it difficult for us to compete in the world market.

The world is looking to us for leadership but they are not waiting for us. More than 1 dozen nations, including many of our industrialized trading partners, have officially pledged to stabilize or reduce CO_2 emissions by 2005. There is no excuse for us to be sitting on the sidelines while the rest of the world presses ahead. The United States should be a world leader in the international effort to reduce atmospheric concentrations of CO_2.

It is important for the President to send a clear signal to everyone that he believes we know enough to act now and that we cannot afford the risk that comes with a wait and see policy. The scientists are telling us that if we wait for scientific proof, it will be too late to respond.

There is no shortage of studies and reports on the nature of the problem and the policy options for responding to it. Listen to this list:

In February 1989, EPA produced an excellent study outlining policy options;

The U.N. Environment Programme [UNEP] issued a similar report in September 1989;

The Department of Energy produced a policy options report in October 1989;

In December 1989, EPA published an extensive report on the effects of an intensified greenhouse effect; and

In August 1990, the International Panel on Climate Change [IPCC], an international group of experts that included many of the world's most respected scientists and government officials, issued a series of reports on the science of the greenhouse effect, likely impacts, and policy options for responding to the threat.

A new report entitled "Changing by Degrees: Steps to Reduce Greenhouse Gases" is being released today by the congressional Office of Technology Assessment [OTA]. I am proud of the fact that this report stems from a request I made in September 1986—a request that was subsequently supported by four Senate committees and two House committees.

This excellent new report reinforces the message that many of us have been trying to deliver about the threat of an intensified greenhouse effect and global climate change. Simply put, the report shows that there are a great many things we can do that will have a double benefit—we can conserve energy and we can reduce U.S. emissions of carbon dioxide quickly and at relatively low cost. In many cases, energy conservation measures will actually save money.

The new OTA report shows that we can begin to reduce CO_2 emissions without crippling our economy. There is no excuse for us to drag our feet any longer. The international negotiations on a climate treaty that started this week represent a perfect opportunity for the United States to present this new data and to join the rest of the world in an argeement to reduce emissions of carbon dioxide.

The solution is going to involve attacking the problem on several fronts:

As recognized by the recently enacted Clean Air Act Amendments of 1990, we need to eliminate CFC's as quickly as possible—chlorofluorocarbons are a double villain, in addition to destroying the ozone layer, they are powerful greenhouse gases;

As noted in this bill, we need to reduce our use of fossil fuels, especially coal and oil, which produce large amounts of carbon dioxide—greater energy efficiency is one way to do this, for example, we should be producing cars that get at least 40 or 50 miles to the gallon; and

We need to devote more research to new sources of clean, safe energy like photovoltaics, and windpower.

Mr. President, as one who has been working on this matter since early 1986, I am pleased to see the threat of global climate change receiving the attention it deserves.

Is it too early to act? On the contrary, it is late. Let us not waste time debating whether or not it is too late. There is lag time built into the climate system. Even if we stopped all emissions of greenhouse gases tomorrow, we will experience global changes over the next 20, 30, or 40 years that will make Earth warmer than it has been in the past 100,000 years.

Sea levels will rise. Storm patterns will change. Change is inevitable. The magnitude and rate of this change, however, as well as our ability to adapt to it, will depend on how quickly we respond to this threat and how quickly we reduce atmospheric concentrations of carbon dioxide.

Mr. GORE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes Senator Gore.

Mr. GORE. Mr. President, I am pleased to cosponsor the resolution just submitted by the majority leader. I wish to compliment him on the leadership demonstrated in this resolution and on the statement he has just made.

In meetings and conversations that I have had during the last few days with delegates to the conference now taking place in Chantilly, it has become evident to me that people all over the world want the United States to exercise leadership on this issue. Only the United States is capable of providing the kind of leadership necessary to forging a resolution of this problem. As the majority leader has said, this problem is so serious we cannot afford the kind of inaction proposed by the administration. I believe that global warming is the single-most serious problem human civilization has ever confronted.

Many people do not accept that fact. Many argue that the evidence is still uncertain. Many would have us gamble that the consequences predicted by so many scientists who have studied this issue are simply wrong, and yet the consequences, if those predictions are right, are so dire and so severe that future generations will look back and shake their heads and wonder what were they doing back in 1991 when delegates from around the world gathered in the United States waiting for leadership and heard instead President Bush propose doing nothing. And make no mistake about it, Mr. President; the plan submitted by the Bush administration would commit this country to doing exactly nothing about this problem. It is an exercise in pretense. The stabilization of greenhouse gas emissions in the year 2000, which is promised in the administration's plan, is a sham and an artifice.

The reductions of chlorofluorocarbons, which have to be eliminated anyway under previously agreed to international treaties, will take place here in the United States later than in other countries because of foot dragging by the administration. Because of their foot dragging, those reductions will take place at the end of the century. CFC's are also greenhouse gases. Therefore, eliminating CFC's will have the effect of reducing the overall emissions of greenhouse gases in that 1 year; the year 2000. Emissions before that year will be higher. Emissions after that year will be higher because the administration's plan does nothing to control the excessive rise in carbon dioxide emissions. In fact, between now and 9 years from now, in the year 2000, the administration's plan allows an estimated 15-percent increase in CO_2 emissions in the United States. If the administration's plan is adopted, that rate of increase will continue or accelerate right through the turn of the century and thereafter.

Mr. President, to put out an announcement, as the administration did, claiming that they will stabilize greenhouse gas emissions in the year 2000 is to try to convince the American people and the rest of the world that they are doing something they are really not proposing to do. It is a game. But if the consequences are so serious, how can they approach it in this manner?

I would like to express my personal confidence, Mr. President, in many of those who are part of the negotiating team representing our country in Chantilly. There are some good people involved. It is the policy that they have to argue which is so bad, and the policy has been set not by our negotiators but by President Bush, following the advice not of his head of EPA—who has been excluded from this process; not from his Secretary of State—who has recused himself from this process; not the advice of his science adviser, who feels differently on this matter. No. The President is following the advice of his Chief of Staff, Dr. John Sununu, who evidently has a very deep personal involvement in this issue. It is quite appropriate for the Chief of Staff of the President of the United States to involve himself in issues he feels are important, but in this case, Mr. President, for Dr. Sununu to manage to exclude those who have expertise in this particular area and urge upon the President a course of action which would have this Nation do nothing on the single most serious problem that faces human civilization is really a disservice to the people of this country, to their children, and to their grandchildren.

What other nation can lead the world in facing a problem like this? The world will not follow Japan. Europe will be absorbed in its process of integration for at least the next 10 years. Who else is there? The United States must lead on this question.

I would like to express the hope that some progress will be made in these negotiations, but having met with the delegates and having talked with them, I can only say that their reports are a source of little comfort. There has been some progress, and perhaps enough to lay the groundwork for a later change of heart by the administration. If that change of heart takes place, it will be because of expressions like the resolution submitted today by the majority leader and 39 of our other colleagues who are urging the President to get going; to offer the leadership that is desperately needed on this issue.

As the majority leader has also noted, the Office of Technology Assessment in about 15 minutes will be formally releasing its report on what can be done to reduce our emissions of greenhouse gases. And importantly, just to summarize the most salient point of this report, we can reduce carbon dioxide emissions and simultaneously save money. The OTA report reveals the bankruptcy of administration's assertion that we will incur tremendous expenses if we even attempt to address this problem. Of course, Mr. President, the Administration measures the expense incurred by not solving the problem. The impact of global warming is not just a few more degrees on average, not just a few hot days in the summer. It is, rather, the threat of a complete change in the pattern of temperature distribution, rainfall distribution, and, consequently, of severe disruptions of all of those human activities which are inextricably tied to the pattern of climate which has existed within boundaries of change for the entirety of the history of human civilization.

Mr. President, the essence of leadership is to look ahead, identify problems, and propose solutions for those problems while the solutions are feasible; while they can be effective. The essence of political cowardice is to see the problem and fail to act because of fear that the political consequences of doing something about the problem will be painful in the short term. That is what we are seeing right now from the Bush administration where the global environmental crisis is concerned.

I am proud to be a member of the Democratic majority in this U.S. Senate, and to join the majority leader in a resolution declaring that we need leadership now, and urging the White House to make the best use of the climate change negotiations that are now underway.

Thank you, Mr. President.

Several Senators addressed the Chair.

Mr. BAUCUS. Mr. President, I rise to join the majority leader and others in submitting a resolution on global warming. The resolution calls upon the United States to assume leadership in negotiating an international climate protection treaty that contains specific commitments to reduce emissions of carbon dioxide and other greenhouse gases by a certain date.

This week the United States is hosting the first session of the International Negotiating Committee for a Framework Convention on Climate Change of the U.N. General Assembly.

That is a lot of words, but it is important to note that it is the first international agreement under the auspices of the U.N. General Assembly in trying to come to grips with this problem.

The goal of the assembled nations is to complete a climate change convention in time for signature at the U.N. Conference on Environment Development in June 1992, just over a year from now.

It is ironic that as the convention is convening here in Washington, DC, temperatures in Washington, DC, broke a 108-year-old record just a couple of days ago. At Washington's National Airport, temperatures hit 70 degrees Fahrenheit, breaking the record set not too many years ago, in 1983.

For these negotiations to be successful, the United States must exercise leadership. The United States is still the leading economic power, the leading military power and, unfortunately, the leading producer of carbon dioxide, the major greenhouse gas. The United States, with about 5 percent of the world's population, generates more than 20 percent of all manmade emissions of carbon dioxide.

George Bush promised us, when he was a candidate for the Presidency, the "White House effect" to deal with global warming. On Monday, President Bush announced his policy on climate change in a document entitled, "America's Climate Change Strategy: An Action Agenda." Those were the words.

Unfortunately, it appears that the promised White House effect is in reality a whitewash effect.

The report states that the strategy will result in U.S. greenhouse gas emissions in the year 2000 being equal to or below the 1987 level. The U.S. strategy, however, sets no basic objective to limit global climate change. Instead it largely repeats on U.S. commitments to cut ozone-depleting chlorofluorocarbons, an action agreed to last year under the Montreal protocol. So there is little new in this document. In fact, stripped of the CFC's reductions, the strategy actually allows a continued increase in total U.S. emissions of all greenhouse gases to the end of the century.

The administration's policy of not setting an emissions reduction target and deadline stands in stark contrast to the action of other industrialized nations. Austria, Australia, Canada, Denmark, France, Germany, Italy, Japan, The Netherlands, New Zealand, Norway, and Sweden have all proposed specific reductions in greenhouse gas emissions, particularly carbon dioxide.

Mr. President, we know the problem is not easy. But if we had the time merely to study and wait, then the greenhouse crisis would not be the crucial challenge that it is. It would not demand the world-class leadership that only the United States can provide. We must be prepared, today, to make exactly the kind of choice that is the essence of leadership. Though we do not know everything, we know enough to act today.

The testimony of scientific experts clearly indicates that it is time for us to act on this problem. Last year, 49 Nobel laureates and 700 members of the prestigious National Academy of Sciences called global warming "the most serious environmental threat of the 21st century."

In May 1990 the U.N. Intergovernmental Panel on Climate Change issued a report, adopted by delegates from 39 countries, which concluded that under a business-as-usual scenario for emissions of carbon dioxide and other greenhouse gases, a global warming of 5 to 10 degrees Fahrenheit above pre-industrialized levels is likely to occur by the end of the next century. This would bring the Earth to its warmest level in at least 150,000 years.

Even the administration's own Environmental Protection Agency ranked global warming as a top priority. In its recently released report "Reducing Risk: Setting Priorities and Strategies for Environmental Protection", EPA's Scientific Advisory Board examined and ranked 31 environmental risks. Global warming ranked as one of the four highest risks to our natural ecology and human welfare.

It is the nature of the climate system that what we do today—the amount of greenhouse gases we put into the atmosphere—will determine the extent and severity of climate change in the next century.

The impacts are far-reaching. An average temperature rise of 5 degrees Fahrenheit could produce effects such as extreme heat waves and drought in some agricultural and urban areas. It could produce rising oceans with flooding of low-lying coastal areas. An increase in the frequency and severity of hurricanes and other storms. And the potential destruction of forests over broad expanses.

If we wait to reduce greenhouse gas emissions, until we see the changes in climate, it will be too late. To protect the world we and our children will live in, the 21st century, we must make policy changes now.

Mr. President, in 1897 noted American writer and journalist Charles Dudley Warner, observed in an editorial in the Hartford, Courant, that "Everybody talks about the weather, but nobody does anything about it."

Today the international community is poised to do more than just talk about the weather. Global warming is a global problem and the United States must step forward as a leader in the world community to find a international solution. To do this requires two steps. First, we must lead by example and shape our own domestic policies to help solve, and not exacerbate the problem. Second, our President must assume a lead role on the world stage by advancing an international policy on climate change which calls for specified reductions in all greenhouse gases by a date certain. Anything less and the United States remains part of the problem.

Mr. PRYOR. Mr. President, I have made it a general practice to not participate in sense-of-the-Senate resolutions. These resolutions have become so prevalent and in many cases immaterial that the only thing accomplished is added expense to the taxpayer for printing them in the CONGRESSIONAL RECORD.

However, I believe Senator MITCHELL's resolution calling on the United States to take a leadership position in calling for worldwide carbon dioxide emissions reductions during the meetings of the Intergovernmental Negotiating Committee on a Framework Convention on Climate Change currently being held in Washington, DC, warrants support.

Our country has long been admired by the many nations around the world as a leader for positive change. This leadership should now be continued in support of controlling the worldwide scourge of global warming. It is fitting that we become the role model for other countries on global warming, as we are the No. 1 emitter of carbon dioxide, which is the primary culprit in causing the greenhouse effect.

We are presently countering a threat in a faraway land where I am sure we will prevail. A far different threat, but a threat nonetheless, looms on the horizon, and scientific studies strongly indicate that unless steps are taken to counter global warming, an environmental calamity of immense proportion may occur.

As a Senator who represents a State whose No. 1 industry, agriculture, is very dependent on sufficient rain, Sun, and other environmental factors, I am very interested in assuring that the proper growing conditions are maintained to the extent possible. If greenhouse gases are allowed to increase unchecked, our farmland and those around the world could ultimately become dust bowls.

Mr. President, I hope our Nation lives up to its past world leadership role and becomes an active force for reducing greenhouse gases.

Mr. SANFORD. Mr. President, I rise in support of the resolution on global warming introduced by the distinguished majority leader.

This resolution will not allow the United States to continue to maintain its seat on the sidelines of the world debate on global warming. Instead, the resolution rightly calls on the United States to take a position of both responsibility and leadership among the world's nations in addressing this critical issue. This Nation must pledge its support to a global effort to seek specific reductions in the emissions of greenhouse gases, particularly carbon dioxide. As the Nation which produces almost 25 percent of all manmade carbon dioxide emissions through our use of fossil fuels, certainly America should take an active role in helping to determine the parameters of any international climate protection treaty.

The Intergovernmental Negotiating Committee on a Framework Convention on Climate Change is meeting this week and next in Washington, DC. This is a result of the establishment of the Intergovernmental Panel on Climate Change [IPCC] by the United Nations World Meteorological Organization and the U.N. Environment Program. The IPCC report forms the basis for international negotiations on the Framework Convention, an effort in which more than 130 nations are participating.

Mr. President, we cannot afford to hope for the best on this issue. The stakes are too high. There is growing evidence to indicate that the accumulation of greenhouse gases in the atmosphere at current rates may well impact our agricultural, forestry, and water resources. The scientific assessment of the IPCC concludes that, under a business-as-usual scenario for emissions of greenhouse gases, the Earth would reach its warmest level in at least 150,000 years by the end of next century.

The prospect of rising sea levels, increased coastal erosion, and influences on marine ecosystems are of no small concern to me as a resident of a coastal State. Climate swings and damage to forest resources and farmlands are no more appealing. I do not have an alarmist approach to this issue, but neither am I willing to sit back and wait for the disturbing predictions of many of the world's most respected scientists to become reality. Let's take the proper steps now to curb the flow of greenhouse gases into our atmosphere and commit to increased international cooperation on this initiative.

While it will take more than just the minds of a few tarheels to solve the problem of global warming, I would like to mention an initiative in North Carolina that demonstrates both a commitment to stemming the tide of a warming planet and to the true spirit of cooperation. Duke University, North Carolina State University, and the University of North Carolina at Chapel Hill have formed a new Center for World Environment and Sustainable Development specifically to address the key problems of climate change and its causes, such as deforestation and emissions of greenhouse gases. This center brings together internationally renowned faculty and their programs in a significant effort which compliments the actions of the IPCC.

Mr. President, as we take a serious look at the sources of greenhouse gases, there is no question that, through the methods which we must employ to reduce these emissions, we will also be increasing energy efficiency, reducing our dependency on foreign oil, strengthening our economy, and lending to the long-term health of our global environment.

Last, let's take the opportunities provided this Nation through the Intergovernmental Panel on Climate Change and get serious about this issue that can truly be said to affect everyone's back yard. It is high time that the most powerful nation on Earth stood up and was counted. We are a leading cause of greenhouse buildup; let us provide some answers.

I am encouraged by the efforts of my able colleague from Maine to focus this body's attention on such a critical issue.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii [Mr. AKAKA] is recognized.

U.S. GOVERNMENT TRUST RELATIONSHIP WITH NATIVE PEOPLE OF HAWAII

Mr. AKAKA. Mr. President, less than 9 months ago I stood in this Chamber to be sworn in as a U.S. Senator—the first native Hawaiian to serve as a Member of this distinguished body of lawmakers. And as such, I was honored to offer legislation calling on the United States to formally apologize to the Hawaiian people for the overthrow of their sovereign Kingdom of Hawaii in 1893. My resolution would have also declared that a trust relationship exists between the U.S. Government and the native people of Hawaii.

Because the Senate was unable to complete action on my resolution, I am pleased to reintroduce the measure on behalf of the senior Senator from Hawaii and chairman of the Indian Affairs Committee, DANIEL K. INOUYE, and myself.

Mr. President, our Nation speaks openly of the sovereignty and freedoms of those in other countries and the efforts that must be undertaken to restore or protect the rights of these people. It is time that Congress and the administration reflect upon America's own history and her actions which have affected the self-determination and freedoms of her native people. America must extend the same moral responsibility that she feels for the rights of the people in other countries to her own people as well.

In 1893, on orders of the U.S. Minister to the Kingdom of Hawaii, John L. Stevens, American troops landed in Honolulu and blockaded Queen Liliuokalani's palace. This action by an annexation party calling itself the "Committee of Safety," which was joined by over 100 U.S. marines and sailors, led to the overthrow of the Kingdom of Hawaii.

Even before the takeover of the Hawaiian government was complete, Minister Stevens recognized the new provisional government as the de facto government of the Hawaiian Islands. Hawaii's Queen was forced to abdicate but did so only under protest and subject to a later review by the U.S. Government. To ensure order, the Marines took custody of the Queen's palace and raised the American flag, signifying the demise of the existing government.

Liliuokalani, beloved by her people, refused to risk the lives of her citizens and never stopped believing that the United States would recognize its error and restore her government. Her dream remained unfulfilled.

Mr. President, it is important to note that in 1893, native Hawaiians were citizens of an aboriginal nation with every internal and external attribute of sovereignty. The overthrow of the Hawaiian Kingdom by the United States and its agents deprived native Hawaiians of their nation and the right to self-government. Most importantly, native Hawaiians were deprived of the fundamental right of nationhood—the right to exist as a sovereign nation within long established boundaries.

The United States clearly violated the Hawaiian Kingdom's right to independence and the principle of nonintervention in the affairs of another nation. Those actions subsequently led to annexation of Hawaii by the United States and to the Federal Government's acquisition of approximately 2 million acres of native land. All of this was accomplished in spite of overwhelming opposition by native Hawaiians.

Mr. President, by formally acknowledging the wrongdoing by the United States, the responsibility falls on the United States to assume a fiduciary relationship between the Native Hawaiians and the United States. As with other native groups, a portion of the aboriginal lands acquired by the United States was specifically set aside in trust for the protection and rehabilitation of the people whose lands were taken.

Through the Hawaii Admission Act, the Federal Government gave the fee title to ceded lands—those lands obtained at the time of annexation—to the State, but specified five land-trust purposes. The betterment of the conditions of native Hawaiians is one of these trust purposes.

The Hawaii Admission Act also provides that failure to use the lands and funds as specified "shall constitute a breach of trust, for which suit by the United States may be brought." By placing these restrictions upon the State's use of ceded lands, the United States implicitly recognized its obligation to the native people of Hawaii.

My legislation would establish a political trust relationship which would leave no doubt that the Federal Government has a moral and legal responsibility for the well-being of the Native Hawaiian people.

The United States has continued to recognize native Hawaiians as an aboriginal group in numerous legislative acts since 1959. Native Hawaiians are now included in the Administration for Native Americans Act, the American Indian Religious Freedom Act, the Native Hawaiian Education Act, the Native Hawaiian Health Act, among others.

Mr. President, the Hawaiian people were dealt a severe psychological blow when their Kingdom was overthrown. The fact that the United States has never acknowledged its action or apologized for its insurrection has deepended the wounds of native Hawaiians. Apologizing to the descendants of these native Hawaiians who suffered the loss of their Queen and the sovereignty they should have continued to enjoy will begin the process of healing the wounds.

I stand before you today on behalf of native Hawaiians to request this simple but important gesture. They have waited long enough. The time for Congress to recognize the injustice that was done to the Kingdom of Hawaii nearly a century ago is long overdue.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 388 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. HEINZ. Mr. President, is there a time limit on my recognition?

The PRESIDING OFFICER. We are in a period of morning business and the Senator may proceed as though in morning business.

Mr. HEINZ. Mr. President, I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the introduction of S. 396, S. 397, S. 398, and S. 399 are located in today's RECORD under "Statements on Introduced Bills and Joint resolutions.")

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. I thank the Chair.

(The remarks of Mr. KERREY pertaining to the introduction of S. 389 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PERSIAN GULF CRISIS

Mr. GRAHAM. Mr. President, I would like to commend to my colleagues a column by Max Berking which was published yesterday in the North Port Sun Times, North Port, FL. Mr. Berking makes a series of salient points regarding the current Persian Gulf crisis. I believe that the Members of this Senate would learn and benefit from Mr. Berking's views. I ask unanimous consent that Mr. Berking's column be printed in today's CONGRESSIONAL RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTO THE ABYSS, OR ONE STEP BACK?

(By Max Berking)

We seem to be moving inexorably into a land battle of unpredictable horror. A land battle that we shall win, but at the risk of losing the war.

Heavy American and allied losses will shatter the euphoric view that the war will be quick and easy, encourage our coalition partners to let us do the fighting, and kill, perhaps for decades, chances of our leading an effort for collective security in the future. The very opposite of what President Bush claims he wants.

Most of all heavy losses will create the kind of bloody chaos that will be totally uncontrollable and make rebuilding the region after the war almost impossible. I'm thinking here of a chemical or biological attack on Israel, returned in kind or with nukes, with heavy civilian losses on both sides. With such a catastrophe hatred could escalate into armed uprisings all across the Arab world.

My strategy to avert this outcome is simple: maintain air and naval superiority; tighten the blockade; and retire to the defensive posture where we were for the first three months of the war, before Bush's build-up to an offensive capacity in early November.

That means bringing home half our troops; enabling those who stay to be rotated; and hunkering down for a possible long siege, without worrying about deadlines such as Ramadan.

Meanwhile we continue our effort to liberate Kuwait, through bombing Saddam's forces and supply lines, and work all possible diplomatic channels for the release of our POWs and a final settlement.

Is this tactical slowdown appeasement? I'd say no. Certainly not in the sense that Chamberlain gave Czechoslovakia to Hitler. Certainly not in allowing Saddam to get something for nothing. To the contrary we are giving up only our posture. All our options remain. We are simply changing our tactics and drawing back from the abyss.

Pulling back enables us to take charge of the war once again and call the shots instead of waiting for a weekly "surprise" from Saddam. It fits what most of our allies wanted from the beginning. And it conforms with the "sanctions approach" taken by so many members of the U.S. Congress in the Jan. 12 vote.

Several major questions arise in pursuing this scenario.

First, will sanctions work? No one really knows. But it is clear that the Bush administration orchestrated a denigration of sanctions for months. Witness the switch in testimony by CIA chief William Webster. And read the evidence as contained in a recent New York Times Op-Ed piece by Gary Hufbauer and Kimberly Elliot reviewing the history of this technique. Mussolini, they write, told Hitler that had the League of Nations included oil in its sanctions, he would have had to call off his Ethiopian adventure within a week.

What about Saddam? My answer is to starve out his troops in Kuwait. Continue leafletting his forces and his people, using, as spokesmen, his emigre Iraqi opposition. And wait.

But can we wait? Will our troops endure months of further waiting in the desert? My answer might have been "no" a few weeks ago. Most of the GIs interviewed (with permission) on TV want to fight and "get it over with." Some of their superiors may even want to test their expensive new toys in real combat.

But today, having moved up to the rim of the abyss, the answer could be different from a month ago. If I were a GI, I would rather sit it out a bit longer, get rotated back as a hero, and return only if needed. The shedding of American blood was warranted in WWII and always is to defend our soil. But this is not the same.

Finally there is the psychological aspect. Is Bush big enough to switch tactics at this late date? Would the American public realize that the mark of a truly great nation, and a great leader, lies in an ability to admit mistakes and continuously self correct its course of action? Could our elected officials withstand the pressures of millions of arm chair patriots who so often prefer immediate gratification (i.e. quick "victory") to a long-term gain?

Most Americans whom I've talked to take the attitude that we've come this far and thus ought to finish the job. They may be right. But none of these friends have considered the consequences of major bloodshed.

It would be an act of great political courage for Bush to take this line. But for him personally, and for a final settlement, it makes sense. The events of the past few weeks have shown for all time that Bush is clearly not a wimp. (He never was. And there was never a need for him to use such undignified phrases as "kick-ass" and "I've had it with this guy.")

For Saddam, this would enable him to claim that he went eyeball to eyeball with the most powerful nation on earth—and even got Bush to back down and remove some troops. That may not please the Pentagon. But if it will save a few American lives, let him say it. Whatever happens, let's remove the macho psychology, now and forever.

The past three weeks have demonstrated a lot. Both leaders and nations have proved their mettle. U.S. bombs can pinpoint and destroy on a massive scale. And Iraq, from preliminary evidence, has the guts to hold out. Now, let's get a little wiggle room into this equation.

The clock is ticking. In a few days, or even hours, it may be too late.

NEW YORK SCHOOL FOR THE DEAF'S FOUNDER'S DAY AWARD

Mr. MOYNIHAN. Mr. President, several months ago I was asked by the board of trustees of the New York School for the Deaf to chair the school's inaugural Founder's Day Award Reception. The School for the Deaf in White Plains is the oldest special education institution in my State, and has continuously served deaf children and young adults since 1817. It was an honor that I readily accepted on two counts: I thought it a worthy cause on behalf of a worthy institution, and the school had chosen a former colleague and good friend, John Brademas, as the recipient.

The Founder's Day Award was designed to recognize those individuals whose contributions have made it possible for people with disabilities to do anything. John Brademas has spent a lifetime in public service doing just that. How fitting that the people at Fanwood—the more familiar name for the school—would bestow this honor on him.

Regrettably, events in the Persian Gulf brought Congress into session on January 15 and precluded my joining with the members of the board of Fanwood that night in recognizing John for his leadership in Congress on such legislative initiatives as the Education of All Handicapped Children Act and his continued work as president of New York University, which have benefited all people with disabilities.

I offer my congratulations to John Brademas for receiving this honor, and I wish the New York School for the Deaf another 173 years of success.

Mr. President, I ask unanimous consent that the text of the speeches of John Dean, chairman of the board of the New York School for the Deaf, and John Brademas, president of New York University and first recipient of the Founder's Day Award, be included in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

REMARKS BY JOHN W. DEAN, CHAIRMAN OF THE BOARD OF TRUSTEES OF THE NEW YORK SCHOOL FOR THE DEAF

Tonight, the Fanwood community, with our friends, gathers together proudly, to present our school's first "Honorary Founder's Day Award." It is said that events are shaped by those who believe in the future, and then act on those beliefs. For example, an individual such as the Reverend John Stanford believed that a better way of life existed for deaf people in 1817 New York. And then he made it possible. In 1817, Rev. Stanford started a school, our school—named in 1817: the New York Institute for the Instruction of the Deaf and Dumb—to give six deaf children a chance to learn.

Interestingly, for years, students at the New School for the Deaf celebrated something called "Founder's Day." Ironically, the day did not mark the anniversary of the founding of the school, as one might immediately suspect. Rather, it was held on the birthday of one of the school's early, most influential superintendents. Dr. Harvey Peet. "Founder's Day" was used by the students as an occasion to recognize and honor faculty, staff, administrators and board members who they felt had a profound impact on Fanwood—and on them.

In establishing the "Honorary Founder's Day Award" to honor those individuals whose contributions to society have had immediate and profound impact on the lives of the students at the New York School for the Deaf, the trustees believe that we are being true to the original theme of the Founder's Day established by our students.

It is an award we intend to bestow on visionaries: to those who sought and seek to provide a better life for others and whose actions created and create opportunities for others; to those who led and lead while others chose to stand aside idly.

We are grateful to many people for making the first annual Founder's Day reception a reality. Especially, we are most grateful to our reception committee chairman, Senator DANIEL PATRICK MOYNIHAN, who regrettably, but understandably, cannot be with us tonight.

When we approached Senator Moynihan about our idea for this award, he agreed unequivocally that "John Brademas was the perfect choice". And, when we asked him to chair the recreation committee, he agreed—with the caveat, however, that we find a day when he could be in New York. Unfortunately, world events demand his presence in Washington.

Dr. Brademas, I hope you accept our thanks to you for having worked so hard to shape the policies of our National Government in support of many services for the disabled.

In 1973, as chairman of the Select Education Subcommittee, you were among the first persons to investigate the idea of mandating that all students with disabilities be entitled to education.

You then drafted legislation, guided it through your subcommittee, and worked towards its overwhelming passage on the floor. This legislation became P.L. 94-142—the Education for all Handicapped Children Act (recently renamed the Education for Individuals With Disabilities Act).

In July, 1975, as the House was debating, again, the measure, you referred to EHA as ". . . the most significant commitment to the needs of handicapped children, the neglect of whom remains as a great blot on the people of our society, that our country has ever known in the nearly 200 years of the country's history."

When testifying before Congress on the 10th anniversary of the passage of EHA you said that it was one of the legislative initiatives of which you were most proud.

It is a law for which we, at Fanwood, are most grateful.

After leaving Congress your efforts did not wane. New York University, under your leadership, has been at the forefront of institutions providing services and opportunities to students with disabilities.

You continued and continue to fight on behalf of disabled people by lobbying an administration proposal to include handicapped programs in the education block grant and you have called upon congressional leaders to find ways to bridge the gap for disabled youth between high school and postsecondary education.

In summary, as Congressman Brademas, you observed that children with disabilities were not receiving proper or adequate education, and you sought to change that. In much the same manner, the Rev. Dr. John Stanford sought change to help those six deaf children in an almshouse in lower Manhattan in 1817.

You prepared a bill and then secured the consensus of his colleagues; you caused the enactment of the landmark legislation. Dr. Stanford solicited the advice of other New Yorkers; conducted a census of the deaf population; and helped to establish our school—making it possible for six deaf children living in lower Manhattan to receive an education; you, 158 years later, led the effort to make it possible, indeed mandatory, for all our children who are deaf, or blind, or who have any other disability to receive an education.

For your tireless work during a distinguished 32 year career on behalf of deaf people and all individuals with disabling conditions;

For your years of service and of leadership in pursuit of doing what is "right"—first as a Member of the House of Representatives, and now as the president of New York University; for improving, time and again, the lives of deaf community;

And for your unswerving commitment and dedication to the ideal that our citizens, regardless of any disabilities, must have the opportunity to lead active and productive lives, the board of trustees of the New York School for the Deaf confers upon you the first "Honorary Founder's Day Award".

TEXT FOR THE HONORARY FOUNDER'S DAY AWARD PLAQUE

This plaque honors those whose public service and community leadership have enhanced the traditions upon which this school was founded in 1817.

REMARKS OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

What a pleasure it is to be part of this mini-NY reunion. The Headmaster, Tom Colasuonno, received his Ph.D. from the School of Education in 1981, and was smart enough to marry another NYU graduate, Regina Carroll, who was awarded a doctoral degree in 1984. I also see Sy Evans, a graduate of our Dental School. As I just said to Dr. Lorenze, from the VA Hospital just up the street from the Tisch Medical Center, we must be doing a good job.

Senator Moynihan, understandably, is unable to be here this evening, as I am sure he had wished. The United States Senate has reconvened, and he is in Washington at this crucial hour, as we anxiously await developments in the Middle East, as well as in the evolving crisis in Lithuania, with its deep implications for U.S.-Soviet relations.

Here I cannot fail to note Senator Moynihan's cogent and, as usual, prescient op-ed piece in today's New York Times in which he warns that, preoccupied as we are with the crisis in the gulf, "we have got to pay attention to the breakup of the Soviet Union."

I must add that everyone concerned with world affairs will find invaluable Pat Moynihan's recent book, "On the Law of Nations."

Despite global concerns, our senior Senator has never lost sight of domestic issues. Certainly we at New York University continue to be grateful for his support on key education measures and on programs to serve disabled persons.

Indeed, he was a strong supporter of last year's Americans with Disabilities Act, and he also helped obtain appropriations for research into the causes of hearing impairment.

Moreover, to assure that all his constituents can communicate with him, he has installed, in his Washington office, TDD equipment through which a deaf or hearing impaired person can, in effect, telephone Senator Moynihan.

Chairman Dean, President Hess and Headmaster Coladuonno, members of the board of trustees of the New York School for the Deaf, friends and guests, I am deeply honored to have been chosen the first recipient of the Founders' Day Award of the New York School for the Deaf.

Fanwood, as it is familiarly known, has been teaching and caring for the deaf since it was established in lower Manhattan in 1817. At its modern-day White Plains campus, Fanwood continues its service as one of the oldest and foremost schools for the deaf in the United States.

I welcome this opportunity to salute you and to bring you greetings from another venerable New York institution—one which for nearly a decade I have had the privilege of leading.

New York University, one of the outstanding urban centers of learning in the nation and the largest private university in the world, has for more than a century and a half been a place of opportunity. Not only have we at NYU welcomed immigrants and their sons and daughters. New York University, I am proud to say, is also committed to providing services and opportunities to students with disabilities.

I speak to you of the special needs of disabled persons from a dual perspective: for the past decade, as a university president who has witnessed first-hand the struggles and advances of disabled students seeking a first-class education, and before that, for many years as a Member of Congress and author of major legislation to benefit the disabled.

These measures included amendments to the Vocational Rehabilitation Act, creation of the White House Conference on the Handicapped and the National Institute on Disability and Rehabilitation Research, and, of course, the Education for All Handicapped Children Act of 1975.

Let me say a word about this last law of which I was chief sponsor in the House of Representatives. As a Member of the Committee on Education and Labor and Chairman of its Subcommittee on Select Education, I presided in the early 1970s over extensive hearings on the bill and led the effort in committee and on the floor that, after an Odyssey of two and a half years, produced a Magna Carta of education for disabled children, one I am glad to say that won overwhelming support in both the House and Senate and was signed into law by President Ford.

The Education for All Handicapped Children Act is one of the legislative initiatives of which I was then—and remain today—most proud.

Indeed, on an occasion like this, I cannot help recalling how deeply distressed my colleagues and I were to learn during our hearings that in the United States of America some two and a half million children with disabilities were not receiving an education appropriate to their needs and that nearly two million more were receiving no education at all.

The effort to assist these youngsters and other disabled persons has always seemed to me not solely a case of simple justice but a matter of conserving a neglected but valuable national resource: the minds, talents and ambitions of individual human beings.

For you and I know how foolish it is to equate deafness or hearing impairment, or other disability, with lack of ability. Education, here, as in many other cases, is the key to unlocking great potential.

Certainly, we at New York University act on that conviction.

Indeed, I like to think that what we at New York University are doing demonstrates what can be done to enhance opportunities for educating disabled persons.

In 1973, NYU created an Office of Disabled Student Services—now the Henry and Lucy Moses Center for Students with Disabilities—to coordinate services for one of the largest and most diverse disabled populations on the eastern seaboard.

For deaf students, NYU provides oral and sign language interpreters—professionals who, in addition to being certified by the Registry of Interpreter of the Deaf, must pass rigorous internal screening and review procedures.

The Moses Center also furnishes notetaking services for the Deaf.

In addition, the University offers orientation programs, workshops and personal support, and help with housing assignments. And to assist the deaf and hearing imparied to master what is, I am told, to them, a virtually separate language, the Moses Center sponsors an individually tailored writing workshop.

I note, too, that signing has become virtually the norm at NYU public events. From our annual Commencement exercises to convocations at which honorary degrees are presented to visiting heads of government, a professional sign language interpreter is integral to the program.

As we know, technological advances today promise to bring the deaf and hearing impaired into the mainstream of electronic remote communication. This effort was advanced last year when Congress passed the Americans with Disabilities Act. Beyond prohibiting discrimination against persons with disabilities in the areas of employment, public services, public transportation and public accommodations, the new law provides for telecommunications services for the deaf.

You will also be interested to know that NYU's Moses Center is to become a test site—I understand that Gallaudet University is another—for a new, privately constructed TDD, which means Telecommunications Device for the Deaf, a machine that uses graphic communication to transmit coded signals through a wire or radio. This effort should bring nearer the day when a person with a hearing or speech impairment can communicate over a wire or radio with a hearing individual.

Our Moses Center staff includes specialists in four other major areas of expertise: blind and visually impaired, learning disabled, mobility and orthopedically impaired, and chronic impairment. The services available at the center are rounded out with career development and employment counseling.

Deaf or hearing impaired students have studied at nearly all of New York University's 14 schools and divisions, including the Law School. These and other disabled students are an everyday part of the campus scene at New York University.

We are proud of our record; our goal is to keep improving it.

Our purpose at New York University, as I know is yours at the New York School for the Deaf, is to encourage an atmosphere in which all the disabled people of our land have an opportunity to live the full and rewarding life which is the birthright of every American.

Once again, thank you for the great honor you do me with the New York School for the Deaf first annual Founders' Day Award. I am deeply grateful to you.

GULF WAR HIGHER EDUCATION AND HEALTH CARE SHORTAGE ASSISTANCE ACT—S. 335

Mr. COHEN. Mr. President, I am pleased to join the Senator from Massachusetts as a cosponsor of his legislation, which is intended to help communities across the country cope with the manpower shortages they are experiencing as a result of the callup of more than 46,000 physicians, nurses, and other health care personnel for active duty associated with Operation Desert Storm. Nowhere is this situation more critical than in our Nation's rural areas, where health care providers were already in critically short supply. In these areas, the loss of one doctor, nurse, or physician assistant can be devastating.

For instance, last December I was contacted by a number of residents, including town manager Scott Seabury, of Islesboro, an offshore island in Penobscot Bay in my home State of Maine. They were extremely distressed about the callup of the island's sole medical provider, David Caron, a physician's assistant in the Army Reserves. Islesboro is an isolated island community with a winter population of about 600, many of whom are elderly and in need of regular medical care. In winter, the Islesboro ferry runs 4 times a day, weather permitting. However, all too often the winter weather in Maine does not permit, and the island's residents are cut off from the mainland. Under these conditions, without David Caron, the residents of Islesboro are completely without access to professional medical care of any kind.

The legislation I am cosponsoring today, S. 335, will provide a measure of relief to communities, like Islesboro, that are in desperate need of emergency, short-term assistance. The bill will provide up to $50 million in Public Health Service grants to communities experiencing a health care provider shortage due to the callup of reserves for the Persian Gulf. In addition, the legislation authorizes the Secretary of Health and Human Services to: First, detail Public Health Service providers to regions where there is a shortage; second, coordinate and facilitate the voluntary placement of private sector providers and health professions faculty members in shortage areas; and third, gather and provide the Secretary of Defense with information about the scope and nature of the shortage to assist the Secretary in minimizing the disruption when health care providers are called to active duty.

The loss of essential health care personnel has also exacerbated the chronic shortages of qualified health care professionals that plague our Nation's rural hospitals. A recent article by reporter Linda Fullerton of the Portland Press Herald gives a good picture of the situation in Maine, where many rural hospitals are experiencing difficulties maintaining patient services as physicians, nurses, and technicians are summoned to active duty. I will ask unanimous consent that the article appear at the conclusion of my remarks.

Mr. President, when our country asks the members of the Armed Forces to go in harm's way, we have an obligation to ensure that they will have the best possible medical car should they suffer injuries. The health care professionals who have been called to active duty are serving a critical function in support of Operation Desert Storm. However, while it is essential that we meet the needs of the military in the Persian Gulf, we must also make efforts to ensure continued access for our civilian population to important health care services. I commend Senator KENNEDY for his leadership in this regard and urge my colleagues to join me in cosponsoring S. 335.

I ask that the article to which I earlier referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Portland Press Herald, Feb. 1, 1991]

WAR DRAINS STAFFS AT RURAL HOSPITALS

(By Linda Fullerton)

By 6 o'clock tonight, Dr. Myron K. Krueger will have worked practically nonstop for 30 hours, treating patients at his private practice in Brunswick and helping out at the emergency room in Parkview Memorial Hospital.

The crisis that brings Krueger, an established community doctor, to work a night shift at the small Brunswick hospital is the Middle East war.

Without Krueger's help and the help of other doctors, the emergency room could not stay open 24 hours a day. Its medical director left last month for military duty in the Persian Gulf.

At Parkview and rural hospitals across Maine, a full medical staff and a good night's sleep have become early casualties of the war.

Administrators are working overtime trying to fill critical jobs, as doctors, nurses and technicians are summoned to war duty. And fulltime medical workers are sacrificing their nights, weekends and family life to help out.

At risk are key patient services and the hospitals' economic stability.

Although city hospitals face similar losses of medical staff, one or two highly skilled workers leaving a small, rural hospital can cripple services.

"Obviously we strongly support the medical people being called to serve their country," said Bill Flagg, community relations director at Cary Medical Center in Caribou. "But northern Maine is not the easiest place to bring new workers to in the winter. This is going to be a difficult time for us."

In Maine and across the United States, rural hospitals already are dealing with chronic shortages of medical workers and with fragile services that rely on a small, highly committed staff to operate. Additional loss of staff only complicates their problems.

The Maine Hospital Association estimates that most all of the state's 31 small hospitals—those with fewer than 100 beds—have lost at least one worker to the war. To compensate, some community hospitals are delaying elective surgery, buying new, high-tech equipment and trying to find temporary help through national employment agencies that provide medical workers.

In Caribou, the 65-bed Cary Medical Center lost its X-ray technician and head pharmacist to the Air Force. The jobs are not likely to be filled soon.

Flagg said that temporary-help agencies already are tapped because of the war, and it typically takes Cary from two to four years to recruit new skilled workers to relocate to the far reaches of Maine.

Likewise, Parkview's emergency room only became fully staffed in December, after expanding to 24-hour care several years ago. But in January, Dr. Peter DiPietrantonio, the new physician-director, was called to military service.

Parkview quickly named an acting director, paid staff physicians to work overtime, and hired temporary doctors at $50 an hour to keep the emergency room running.

Despite these efforts, Norman L. McBride, the hospital president, worries. "Our medical director has only been here a year, and to lose him when we're just beginning to build his department is tough. Our patients know him, and have come to rely on his care and supervision. This is a real blow to us," McBride said.

At Miles Memorial in Damariscotta, the hospital is trying some innovative ideas for dealing with the loss of its radiologist.

THE SENTENCING OF CHINESE PRO-DEMOCRACY ACTIVISTS

Mr. DIXON. Mr. President, the Government of the People's Republic of China has ever so quietly conducted trials against many of the pro-democracy activists involved in the movement so brutally crushed by the People's Republic of China's own tanks in Tiananmen Square.

Reports of trials commencing against some of the leaders of the movement continue. One by one, the People's Republic of China is systematically eliminating some of the leaders of the pro-democracy movement, and perhaps more tragically, the potential leaders of a better, democratic China.

Mr. President, these trials bear no resemblance to anything you or I would recognize as a trial. According to a recent Washington Post article, "defendants are under enormous pressure to confess * * * furthermore * * * many of the defendants (are) forced to use government-appointed lawyers, who (are) barred from pleading not guilty."

While 3 pro-democracy defendants recently were "convicted but exempted from punishment," and 18 defendants were "released without trial," numerous defendants have received prison sentences, and others await their fate.

None of these individuals should have been charged in the first place. Their "crime" was to advocate peaceful transition to democracy. Their "crime" was to stand in front of tanks and demand an end to the economic, political, and psychological oppression that constitutes life in the People's Republic of China. Their "crime" was to dream of freedom.

I share their dream and their goal.

The Chicago Tribune, in a January 17, 1991, editorial, called attention to the case of Ren Wanding. Ren, an accountant by trade, was a major figure in the democracy movement of 1978–79. He spent 4 years in prison for his "counter-revolutionary" activities then, and now has been sentenced to a 7 year term for his minor role in the pro-democracy movement of 1988–89, charged with "grave crimes." According to the New China News Agency, the reason his sentence was so harsh, was that he "showed no repentance."

For what should he have shown repentance? Nothing, Mr. President. Nothing.

Today's Washington Post editorial correctly calls the People's Republic of China to task for their repression of Ren and others, and this administration for its sorry record on this issue. The administration must declare in no uncertain terms that all pro-democracy prisoners be released immediately.

The Government of the People's Republic of China has attempted to carry out its goal of stifling and eradicating the pro-democracy movement while at the same time trying to avoid the international spotlight by handing down sentences lenient by Chinese standards. They cannot have it both ways.

The act of charging these students and workers for exercising their internationally recognized human rights is unwarranted. Commencing trials that make a mockery of international standards of justice is unconscionable. Sentencing these individuals is contemptible.

The use of the Chinese political-judicial system to systematically suppress the pro-democracy movement necessarily affects the Sino-United States relationship. It raises profound questions as to whether the United States should continue to reward the People's Republic of China with generous trade benefits. As a result of these trials, should our relationship continue as business-as-usual?

I believe the People's Republic of China is betting that they can continue to pursue their goal of crushing all remnants of the pro-democracy movement, without having to pay any price for such actions, while world attention is focused on the gulf.

Mr. President, such action does carry a price. The People's Republic of China must know that. Our attention is properly on our men and women in the gulf, but we must not be blind to those who try and take advantage of the situation. Unless China begins to grant basic human rights to all its citizens, the Congress will have scant reason to reward Beijing with continued favorable trade treatment.

I, joined by Senators SIMON, D'AMATO, and LEVIN, am circulating a letter to all my colleagues urging the President to condemn these trials and calling upon the Chinese Government to release all political prisoners. I urge my colleagues to sign this letter and assert our concern about Ren Wanding, Chen Xiaoping and all the others languishing in Chinese prisons and awaiting trial for exercising their basic human rights.

I thank my colleagues.

I ask unanimous consent to submit a copy of the Washington Post article and editorial, and Chicago Tribune editorial and ask that they be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Jan. 17, 1991]

REN WANDING: REMEMBER HIM

Ren Wanding.

The authorities who run the Beijing Intermediate People's Court don't want you to remember that name. And the handful of China's real powerholders definitely don't want you to remember, much less care about Ren. They prefer that you ignore the trials of pro-democracy activists that began in the first two weeks of January, a year and a half after Tiananmen Square was shut down.

Ren Wanding, Guo Haifeng, Yao Junfing, Chen Lai, Li Chenghuan, Liu Zihou, Bao Zunsin, Wang Haidong—all are charged with various "counterrevolutionary" acts, except Liu, accused of armed rebellion.

They are among 17 people put on trial recently in connection with the demonstrations that ended violently on June 4, 1989. Seven others received prison terms of two to four years—fairly light sentences—and two additional activitists, though convicted, were freed.

Ren Wanding.

The Chinese authorities also hope you don't recall Ren from the 1978–79 Democracy Wall movement, when democratic ideas bloomed in big-character posters stuck to a Beijing wall. Ren spent four years in prison for his audacious advocacy back then.

Ren Wanding.

Those in charge in China expect you haven't read what the 46-year-old accountant wrote in 1988: "Time will prove our innocence and that we have committed no errors. The people will always remember those who have sacrificed themselves for the sake of democracy and socialism since 1949."

Ren Wanding.

Human rights pressures from abroad and the Chinese leaders' eagerness to push "the June 4 incident" to memory's vanishing point probably will help to limit the harshness with which pro-democracy demonstrators are being treated. But the relative leniency may not carry over to incorrigible liberalizers like Ren, who, despite his years in jail, spoke out in behalf of political prisoners in 1989. He could get a term of 15 years, or even death, though that seems unlikely.

Ren Wanding.

Let his name stand for all China's political prisoners. Remember them all through him.

Remember. Because the Chinese authorities hope you won't.

[From the Washington Post, Jan. 25, 1991]

CHINESE ACTIVISTS SENTENCED

(By Lena H. Sun)

BEIJING, January 26.—Wang Dan, the most prominent student leader of the 1989 democracy movement, was sentenced to four years in prison today for his role in the protests, while one of China's veteran dissidents, Ren Wanding, received a seven-year term because he "showed no repentance," the official New China News Agency reported.

The two were among 26 activists whose cases were settled today in the second major round of proceedings against students and intellectuals accused of playing key roles in the demonstrations, which were crushed by the army on June 4, 1989.

Five activists received prison terms, three were convicted but exempted from criminal punishment, and 18 were released without trial, including one student leader who was on the government's 21-most-wanted list.

The sentences handed down today by the Beijing Municipal Intermediate People's Court are considered fairly lenient by Chinese government standards. By international human rights standards, however, most of the activists, who were exercising basic rights of free speech and assembly, deserved no criminal punishment.

Wang, a Beijing University history student, headed the government's most-wanted list of student leaders. He went on trial Wednesday on charges of counterrevolutionary propaganda and incitement, and the proceedings lasted three hours, Chinese sources said. His parents were not notified until the morning of the trial.

Today's official news agency account said Wang "committed serious crimes but has shown such repentance as confessing his own crimes and exposing others." The government's claim may have been an attempt to discredit Wang with the country's pro-democracy forces and eliminate his effectiveness as a leader in future movements.

Longtime human rights campaigner Ren received the most severe sentence today. Ren, who began his trial Jan. 8 on the same charges as Wang, "was found guilty of grave crimes and showed no repentance," the news agency reported. An accountant in his mid-forties, Ren was a major figure in the democracy movement of 1978–79, but played only a relatively minor role in the seven weeks of mass protests that began in the spring of 1989.

Under the Chinese judicial system, which is controlled by the Communist Party, defendants are under enormous pressure to confess, for which they may receive leniency, while those who resist are dealt with severely. Furthermore, according to Chinese sources, many of the defendants were forced to use government-appointed lawyers, who were barred from pleading not guilty.

In the 19 months since the army killed hundreds of people to crush the protests, the authorities have concentrated on trying and sentencing workers or unemployed people involved in the movement.

This second wave of prosecutions, begun three months ago, is considered politically more sensitive because it is directed at students and intellectuals whom the government has identified as top leaders of the democracy movement.

These trials represent "the government's symbolic decapitation of the 1989 pro-democracy movement," according to a report by Asia Watch, a New York-based human rights organization.

The Chinese government, which came under international sanctions for the army attack on protesters, is apparently pressing the trials now to take advantage of the world's preoccupation with the Persian Gulf war.

The authorities also have been concerned about domestic political currents, and the timing of the trials indicates that they believe the situation inside the country has stabilized, analysts said.

Even though the government today announced the release of many of the accused and exempted some from "criminal punishment," most of the individuals have been incarcerated for more than 18 months without formal charges. All of the sentences handed down today included time already served.

Others who received sentences today include Bao Zunxin, a philosopher in his fifties who argued against martial law, and Guo Haifeng, a Beijing University student who knelt on the steps of the Great Hall of the People to submit a petition to the government. Bao, who also was reported to have "repented" by the news agency, was sentenced to five years. Guo was convicted of counterrevolutionary sabotage for attempting to set fire in an armored vehicle, and was sentenced to four years in prison.

Of the three who were convicted but exempted from punishment, the most prominent is university lecturer and literacy critic Liu Xiaobo. He returned to China in April 1989 from the United States, where he had been a visiting scholar at Columbia University. Liu's trial on charges of counterrevolutary propaganda and incitement began last week. The news agency said he "committed serious crimes but has achnowledged them, showed repentance and performed some major meritorious services."

The agency did not elaborate, but Liu's "meritorious services" probably refers to the night of the Chinese army attack, when Liu helped persuade student protesters to peacefully leave Tiananmen Square and negoitiated with the army to allow them to retreat.

The 18 who were released without trial include three university lecturers, Lu Jiamin, Liu Suli and Chen Po, and two student leaders, Xiong Yan and Zhou Yongjun.

Several prominent intellectuals who the government claims were the movement's hard-core organizers are awaiting trial and are likely to receive harsh sentences.

The official news agency's account said the hearings were public, attended by more than 300 local residents, with lawyers defending the accused. But admission to the trials was closely controlled by authorities, and closed to foreign reporters and diplomats.

[From the Washinigton Post, Feb. 6, 1991]

TIANANMEN SQUARE

China is using the general preoccupation with Iraq to dispose of the cases of the dozens of detainees left over from its forcible suppression of the nonviolent democracy movement a year and a half ago. Earlier, the Chinese "political-legal system"—nice phrase that—sent up those accused of violent acts. The current crop includes intellectuals and students accused of, among other offenses, "counter-revolutionary rebellion," which is Chinaspeak for the exercise of basic rights of speech and assembly Beijing's dilemma is to deal with them not only as individuals comprising the brain trust of a challenging political movement but as representatives of a class essential to the health of the society. Some detainees are being released as "repentant." Others, including some who specifically sought to avert bloodshed, are being prosecuted and put in prison. But some combination of leniency and toughness, it seems, the authorities hope to close the books on Tiananmen Square.

It can't be done. The Chinese government lost its nerve, lost its sense at Tiananmen and conducted a savage reprisal against unarmed people, killing hundreds and creating a classic metaphor for late-20th century Communist repression. That this happened under a senior party leader, Deng Xiaoping, who himself, had suffered for earlier dedication to reform only makes the default more grievous. The Chinese leadership is now attempting to govern without even the indirect consent of huge swathes of its population. It is choking off the civic contribution of some of its worthiest citizens. It is proceeding on the discredited theory that economic change can be advanced apart from political change. No one can say how many more years China must pay for this decision to put elite's power over the people's interest.

Naturally, the authorities would like others to help them ease back into international routine. Here the Bush administration has a sorry record. It has shown itself ready to pay in major diplomatic and economic coin for Chinese political acts (accommodating American policy in Iraq, for instance) for which Beijing had its own reasons and for which Washington should not have paid at all. Blood is not flowing in Beijing these days, but the people who spoke out for freedom there remain in distress. A moment when the Chinese government, itself thoroughly "unrepentant," is doling out class justice is no time to forget the brave victims of Tiananmen Square.

U.S. SENATE,
Washington, DC.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing at this time of urgent concern about China's continuing persecution of pro-democracy leaders. We urge that you put China on notice that actions it takes to improve human rights and release political prisoners will affect decisions on renewal of most-favored-nation trade status.

We are alarmed in particular because of the recent convictions and sentencing of seven persons who, as the State Department stated on January 8, "were guilty of nothing more than the peaceful advocacy of democracy. . ." These persons were apparently charged, tried and convicted for actions which under the Universal Declaration of Human Rights, "any person should be allowed to take without fear of punishment." We also agree with the State Department that "No sentence of any length on purely political charges can be characterized as lenient."

While the world's attention is focused on the Middle East, China apparently intends to hide behind the Persian Gulf crisis to "convict and sentence" in the next several days or weeks other peaceful pro-democracy advocates. We urge you in the name of the American people, to add your personal condemnation to the State Department's protest.

We hope that the Chinese government would respond positively if you express in a personal communication, as the State Department already has stated, the hope that "anyone convicted solely for the exercise of their right peacefully to express their views will be released and that . . . other political prisoners now held for non-violent activities protected by the Universal Declaration will be released without having to stand trial."

It is also important that any "trials" be held in public, open to the world press and international observers in order to cast international scrutiny upon the Chinese judicial process.

Mosty urgently, we hope that you will join us in making clear to the Chinese government that the American people expect the release of all pro-democracy prisoners and compliance with the Universal Declaration of Human Rights.

We do not intend to allow China to use a public relations campaign of "lenient sentences"or the release of a handful of political prisoners to mask the reality that hundreds if not thousands more continue to languish in prison.

Mr. President, we are aware of the burdens of your international responsibilities at this time. We are writing you with a sense of urgency because the actions which you and we take in the next few days may be critical to the fate of hundreds of pro-democracy leaders now detained in China's prisons.

We fervently hope that the American people will speak with one voice on this matter of vital interest to the community of nations.

Sincerely,

ALAN J. DIXON,
PAUL SIMON,
ALFONSE M. D'AMATO,
CARL LEVIN,
U.S. Senators.

SOUTH KOREA'S TRADE BARRIER TO MAINE WILD BLUEBERRIES

Mr. COHEN. Mr. President, at a time when Members of Congress and the people of the United States are being asked to reduce or eliminate what few trade tariffs we have, I think it is important that we carefully scrutinize the actions of our trading partners.

Before the United States—the most open market in the world—should surrender anything else in our international trade negotiations, I think we should compel our trading partners to first measure up to our standard of openness.

During my tenure in Congress, I have seen many examples of unfair trade practices—several of them involving Maine companies which were being denied access to foreign markets.

Last week, the most recent example of a Maine company being shut out of a foreign market came to light when I learned that South Korea would not allow Maine blueberries to be imported.

Such a blatant trade barrier by South Korea will come as little surprise to those of you who will recall that just last fall a quasi-governmental agency in South Korea distributed over a half-million comic books to South Korean school children, entitled "Body and Soul," which urged families not to buy imported food.

The comic book portrays a teacher telling his students that foreign-produced food is poisonous and radioactive.

This comic book seems to be symptomatic of an officially inspired campaign against imports in South Korea.

In a December 6 article in a major South Korean daily newspaper, for example, readers were told that the following food items exported by the United States are known to be extremely harmful potatoes, beef, oranges, tomatoes, apples, spinach, peaches, pork, wheat, corn, and grapes.

This is indicative of the recent propaganda aimed at deterring U.S. imports and restricting free trade.

Now I have learned that South Korea will not allow frozen blueberries to be imported unless they are accompanied by what is known as a phytosanitary certificate.

Phytosanitary certificates are used by exporters to certify that their fruits and vegetables contain no plant pests.

By international agreement, however, phytosanitary certificates are not required for frozen products because the freezing process kills any plant pests that may have been associated with the products.

No country in the world requires phytosanitary certificates for frozen products—except South Korea. South Korea's requirement is nothing more than a trade barrier masquerading as a health issue.

There is no legitimate reason to require a phytosanitary certificate for frozen blueberries. South Korea's requirement of such a certificate is nothing but a thinly veiled attempt to restrict United States imports.

The United States should not tolerate this blatant trade barrier. It is an affront not only to Maine blueberry growers but to every exporter of any U.S. product.

Several weeks ago President Roh of South Korea announced a new commitment to resolving trade disputes between the United States and South Korea. I appreciate President Roh's commitment in this regard, but the actions of South Korea will speak much, much louder than its words. I invite President Roh to put his words into deeds by dismantling this newest trade barrier.

Meanwhile, I have requested the Secretary of Agriculture and the U.S. Trade Representative to investigate this matter fully, and I urge my colleagues from States which export frozen fruits or vegetables to join me in this effort.

TRIBUTE TO OSCAR GOODMAN

Mr. REID. Mr. President, I rise today to honor Oscar Goodman, my friend and fellow Nevadan. Together with many friends and colleagues, I salute Oscar's 25 years of service as a criminal defense attorney.

After earning his juris doctor degree from the University of Pennsylvania, Oscar began his career as the chief deputy public defender for Clark County, NV. In 1967, he began a private practice which continues to flourish today.

In addition to providing the essential service of criminal defense, Oscar has always given his time, materials and energy to the legal community: 1968–69, Oscar served as director of the Nevada Trial Lawyers Association; 1969–70, president of the Southern Nevada Trial Lawyers Association; 1973, chairman of the Criminal Law and Practice Committee in 1976–78, chairman of Lawyers' Assistance Committee; and 1980–81, president of the National Association of Criminal Defense Lawyers.

Oscar has also shared his experience with law students. He served as a principal speaker for the Lou Ashe Memorial Symposium, McGeorge University Law School; faculty member, National College of Criminal Defense Lawyers in Houston, TX, and Practising Law Institute; lecturer, University of Nevada at Las Vegas, Old College School of Law in Reno, NV, Pepperdine University in Malibu, CA, and at his alma mater, Haverford College.

Furthermore, Oscar has been named one of the Nation's top trial lawyers by the National Law Journal, as well as being named in "The Best Lawyers in America," "Who's Who in American Law" and "Town & Country, Guide to the Best Lawyers in America."

Oscar and I began practicing law at the same time in southern Nevada. We worked in the same courts, practiced before the same judges, worked the same long, hard hours it takes to prepare cases for trial.

Just yesterday I was approached by an employee of the Senate Rules Committee. He asked if I knew Oscar Goodman. He then proceeded to tell me that the finest speech he had ever heard delivered in the Nation's Capitol was by Las Vegas attorney, Oscar Goodman. The speech to which he referred was part of Oscar's defense of someone Oscar represented before the U.S. Senate.

Though we hear much about Oscar's legal prowess, I believe his greatest accomplishment has been as a family man. He and Carolyn have four great children.

I am fortunate to call Oscar my friend.

ANNUAL COUNTRY HUMAN RIGHTS REPORT

Mr. DOLE. Mr. President, last week, the State Department released its annual country human rights report. While it provides ample proof of dramatic improvements in human rights in most of Eastern Europe, it also reveals evidence of serious troublespots—areas where the situation is steadily and rapidly worsening.

One of those worrisome areas is the province of Kosova in Yugoslavia. According to the report, while there were significant advances in human rights in most of Yugoslavia—specifically, in those republics that elected non-Communist governments last year—in the province of Kosova, authorities of the Republic of Serbia continued an intensified repressive measures against the Albanians who live there. These Albanians represent 92 percent of the total population of Kosova.

Last year, thousands of Albanians were arrested for political reasons, tens of thousands of Albanians were fired for political reasons, and hundreds of Albanians were injured as a result of police violence. At least 30 Albanians were killed over the past year, as well.

While these numbers may seem astounding to those who haven't closely followed events in Yugoslavia, they are not surprising to those of us who have watched the Serbian government systematically eliminate the rights of the Albanians in Kosova. The State Department's report provides a solid account of the police state that exists in Kosova.

I want to bring to the attention of my colleagues some of the repressive and inhumane measures that have been taken against the Albanian majority in Kosova and that are documented in the State Department's report:

Arbitrary arrest, detention and imprisonment under trumped up criminal charges.

Brutality by Serbian police and prison guards.

Random violence by Serbian police.

Denial of fair trial.

Ethnic discrimination and ethnic bias in the judicial system: Most ethnic Albanian judges were replaced by ethnic Serbs. Moreover, 160 out of the 190 political prisoners in Yugoslavia in 1990 were ethnic Albanians.

Invasion of privacy.

Use of excessive force by police authorities: I witnessed this when I visited Kosova last August. About 10,000 peaceful Albanians who gathered in the capital of Pristina to greet our Senate delegation were forcibly dispersed by police with tear gas, water cannons and clubs. This incident is discussed in the State Department's report.

Severe restrictions on freedom of speech and press: Albanians are arrested for peacefully expressing their political views. They are even arrested for holding up two fingers in a "V for Victory" sign. In addition, all Albanian-language radio and TV broadcasts were halted and the largest Albanian newspaper was shut down.

No freedom of assembly.

Limited freedom of religion: A leader of the Islamic community was killed in front of his home and the house of an Albanian Roman Catholic bishop was ransacked.

Limits on freedom of movement: passports have been confiscated or denied to Albanians—especially those who are politically active. Some Albanians have obtained passports from Croatian authorities in order to travel outside of the country.

No right to change the Government in Kosova: over the past year, Serbian authorities eliminated local self-government in Kosova; the legislature was suspended as were other government bodies. And, although elections were held in the Republic of Serbia, the Albanian democratic alliance boycotted the elections in view of the fact that there were no guarantees of fair treatment. Indeed, Serbian election laws deny registration to any party that does not accept the "territorial integrity of Serbia"—this is aimed against Albanian democratic parties who have called for self-rule in Kosova and republic status for Kosova within Yugoslavia.

Mr. President, the list goes on and on. The human rights situation in Kosova is deplorable and has raised serious concerns among human rights organizations. In fact, the International Helsinki Foundation sent a delegation to Kosova in September to investigate. Unfortunately, this delegation was detained by Serbian police and then expelled. Clearly the Serbian Government does not respect the rights of citizens from other countries either. Let us not forget that a young American was arrested in Pristina, the day I visited, and was imprisoned for about 30 days.

Mr. President, I think it is important to note, however, that it is not only the Government of the Republic of Serbia that should be held accountable for this disturbing situation. The Yugoslav Central Government is also responsible as a signatory of the Helsinki accords.

Mr. President, as long as the Albanians in Kosova continue to live in a police state, as long as the Albanians in Kosova are denied their rights, the United States should not and must not do business as usual with the Government of Yugoslavia or the Republic of Serbia. The United States must actively promote the spread of democracy in Yugoslavia; it cannot do so if it conducts business as usual with the Central Government and with the Republic of Serbia.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. May I inform the Senator the period for the transaction of morning business is closed.

The Chair recognizes the Senator from Missouri.

Mr. BOND. I ask unanimous consent to proceed as in morning business for a period not to exceed 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BOND pertaining to the introduction of S. 390 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I ask unanimous consent to speak briefly as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MASS TRANSIT AND THE BUDGET

Mr. DIXON. Mr. President, I am delighted to have this opportunity to speak in morning business when the distinguished senior Senator from Pennsylvania is still on the floor because he and I have served on the Banking, Housing, and Urban Affairs Committee together for many years, and I have observed over those years his interest in supporting the needs of major cities in his State, such as Philadelphia and Pittsburgh.

I want to take this opportunity to express my deep and profound concern about certain matters in the President's budget, because, while I applaud what he is trying to do concerning broadening support systems for transportation generally—and I am exceedingly fond of his Secretary of Transportation, Sam Skinner, who I think is an outstanding man—I am very concerned about the continuing lack of interest by this administration and the prior administration, spanning the last decade, in the mass transit problems, particularly in major urban areas in America.

When the press in my State asked me what I thought about the fact that this budget suggests doing away with operating expenses for mass transit systems in municipalities in America of over 1 million people, I said I thought that the Chicago Transit Authority people in Chicago would have a conniption fit.

I remember my Grandma Tebbenhoff always used the expresson "conniption fit," so I used it and they printed it on the front page of the newspaper. I thought, I want to look up the definition of conniption afterwards, and I did see by Webster's dictionary that conniption is defined as an emotional fit. So I guess conniption fit may be overstating the case. That is a fit fit.

But I think it is outrageous for the administration to continue to turn its back on the working poor and the ordinary citizens of this country who take mass transit to work and who, incidentally, by doing that prevent automobiles from clogging up the traffic in the great urban centers of America to the extent you could not move around at all.

It will cost the city of Chicago $40 million for the support of its mass transit system if this budget in its present form passes—$40 million. As I speak, the CTA is already considering raising fares because it cannot pay for transportation out of the fare box, and the administration discusses taking away another $40 million.

I have an editorial from the Chicago Tribune. I want to read it and print it in the RECORD, Mr. President. It is entitled—and this is the Chicago Tribune, one of our great national newspapers—"Bush Budget Sidetracks the CTA."

"U.S. Senator Alan Dixon predicted that Chicago Transit Authority officials would have a fit"—I notice they do not say a conniption fit—"when they saw the transportation portion of President Bush's proposed budget."

It was a pretty sound prediction. Though he still managed to show restraint, CTA Executive Director Alfred Savage was right when he decried the budget as pointing in the wrong direction. If anyone has fits about the proposal, it should be the CTA's riders, who as a result face the prospect of higher fares, reduced service or both.

The budget increases the overall Federal investment in transportation.

I have said I like that.

But the CTA and mass transit generally take a clobbering. Bush again proposes eliminating operating subsidies for mass transit, which could cost the CTA more than $40 million, and the agency could lose about $12 million more in capital grants.

This couldn't come at a worse time for the CTA. Faced with rising labor and fuel costs, massive investments in new buses and system repairs, and other expenses such as automating its fare collection system, the agency already was considering a 10 percent fare increase next year.

Ten percent, Mr. President, on the working poor of America who leave their little neighborhoods and their poor little homes to go downtown and work in the most menial task, Mr. President, for a pittance.

Now it may have to consider even higher fares. It also will have to consider service cuts. The combination could mean fewer riders.

Metra, the commuter rail service, and Pace, the suburban bus service, also would suffer, though not as dramatically.

It is the message symbolized by these cuts that is unsettling. It truly is a wrong direction—a reduced emphasis on mass transportation by the Federal Government when major cities around the country are trying to cope with maddening escalation in traffic congestion. Mass transportation deserves more emphasis as part of a coordinated solution.

Mr. President, the Tribune says it all, as they so often do.

I ask unanimous consent that the full editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Feb. 3, 1991]

BUSH BUDGET SIDETRACKS THE CTA

U.S. Sen. Alan Dixon predicted that Chicago Transit Authority officials would have a fit when they saw the transportation portion of President Bush's proposed budget. It was a pretty sound prediction.

Though he still managed to show restraint, CTA Executive Director Alfred Savage was right when he decried the budget as pointing in the wrong direction. If anyone has fits about the proposal, it should be the CTA's riders, who as a result face the prospect of higher fares, reduced service or both.

The budget increases the overall federal investment to transportation, but the CTA and mass transit generally take a clobbering. Bush again proposes eliminating operating subsidies for mass transit, which could cost the CTA more than $40 million, and the agency could lose almost $12 million more in capital grants.

This couldn't come at a worse time for the CTA. Faced with rising labor and fuel costs, massive investments in new buses and system repairs, and other expenses such as automating its fare collection system, the agency already was considering a 10 percent fare increase next year. Now it may have to consider even higher fares. It also will have to consider service cuts. The combination could mean fewer riders.

Metra, the commuter rail service, and Pace, the suburban bus service, also would suffer, though not as dramatically. It is the message symbolized by these cuts that is unsettling. It truly is a wrong direction—a reduced emphasis on mass transportation by the federal government when major cities around the country are trying to cope with maddening escalation in traffic congestion. Mass transportation deserves more emphasis as part of a coordinated solution.

The Chicago area could benefit from another portion of the Bush budget, the provision to establish a 150,000-mile network of "highways of national significance." The details won't be clear until the administration outlines its new surface transportation proposals, but this could translate into more money for reducing traffic congestion on important local roads.

That would be commendable. But it makes little sense to pursue one policy to improve overcrowded highways and discourage another that would help keep people off them.

Mr. DIXON. Mr. President, let me say this in conclusion. This is part of a large scheme of things. In the decade I have been here, I have seen these support systems repeatedly removed so that urban America is at risk.

There is a great mayoral campaign going on in Chicago right now that will shortly be concluded. But the challenges are so awesome out there that I sometimes wonder how these mayors do the great jobs most do. This is a very, very serious problem for urban America. And I hope my colleagues on both sides recognize that. I do want to say about my friend from Pennsylvania who is here, my general recollection of his past contributions has been that he is sensitive to it, and I appreciate that.

If I may conclude that and just go to one other subject matter for a moment. I see my distinguished colleague from Illinois here. I would like to make a brief comment about Lynn Martin, since I will be off the Hill from 12 to 1 and her confirmation consideration may be taken up then. I ask unanimous consent to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF LYNN MARTIN

Mr. DIXON. Mr. President, if there is a vote on Lynn Martin between 12 and 1, I of course am going to return to the Hill.

Today, the Senate will take up the confirmation of Lynn Martin of Illinois as Secretary of Labor in this administration. She is an old and dear friend, Mr. President. As I said when I appeared on her behalf in committee, old Sam Rayburn once said that nobody ought to hold a seat in the Congress unless they serve at least one term as the elected chair for their home county. The point being that all of us ought to have some experience in the Government before we come here to put our final imprint on the Government.

Lynn Martin has that kind of sound background. I have known her for years. She was on the county board, an elected member of the county board in Winnebago County, where the biggest city in the county is Rockford, IL, one of the big cities in our State. She served in the Illinois House of Representatives and in the Illinois Senate where she was a distinguished member and so highly regarded by her colleagues and friends there that President Phil Rock of the Illinois State Senate, one of the leading Democrats in my State, considers her one of the outstanding people he served with in public service.

She served as a Congresswoman from our State for 10 years, was elected to the Congress in 1980, when I had the honor of coming here as a new U.S. Senator. She is a person who is willing to always do more than her share of the work. Our congressional delegation meets on a regular basis every month. Lynn Martin never missed a meeting. We have an Institute for Illinois which works with academics and business groups in our State to try to advance the interests of Illinois in matters that happen or are considered here in the Congress. Lynn Martin served on the Institute for Illinois as an officer and as a member of the board of directors. She is a person who has always carried more than her share of the load. I consider her a fine public person. I am delighted to support her nomination for the office of Secretary of Labor.

I thank my colleagues, Mr. President, particularly the majority leader, particularly my colleague from Illinois who was opposed by Lynn in the last senatorial campaign, for expediting the fact that she would be considered this week so that she could be confirmed as Secretary of Labor in time to go down to Florida at the great labor convention of the AFLP-CIO and visit with those folks and come to understand their problems as working men and women in America present their cases to the newly confirmed Secretary of Labor.

So I am delighted to say these remarks on behalf of an old and dear friend who, I suggest, will perform excellently in her new post and to suggest, Mr. President, that I will vote for her confirmation. I urge my colleagues on both sides to vote favorably. I hope that Lynn Martin can have the high honor of being confirmed unanimously by the Senate when she is considered today.

I yield the floor. I am delighted to see my colleague from Illinois here.

Mr. Simon addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I ask unanimous consent to speak out of order for 2 minutes also on the Lynn Martin nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF LYNN MARTIN FOR SECRETARY OF LABOR

Mr. SIMON. Mr. President, I join my colleague from Illinois. I am tied up in a meeting of the Senate Foreign Relations Committee so I may not be here on the floor when this nomination comes up for consideration.

I know there are those on this side of the aisle who have some questions, and the reality is we do not have a Democratic President of the United States. George Bush is the President of the United States. We are not going to get a Secretary of Labor like Ray Marshall, for example, under a George Bush administration. But I think the Members will find that Lynn Martin is open. She is willing to work with us. She understands Congress. As my colleague from Illinois, Senator DIXON mentioned, we just had a major political confrontation. On maternal leave, for example, she voted to override the President's veto.

I think we will find that while she is new to the field of labor relations, she is willing to work with us, willing to work with leaders of labor, willing to work with leaders of industry to try and help shape some consensus so we can move forward in some of these areas that are so important to the working men and women in this country.

So I am going to be voting for and supporting Lynn Martin, as I indicated to the Democratic caucus a couple of days ago. Thank you, Mr. President, and let me add my thanks to Senator RIEGLE for permitting me to speak out of order.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I ask unanimous consent to speak as if in morning business for as much time as I may consume, probably 10 minutes or so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. I thank the Chair.

GROUND COMBAT IN THE PERSIAN GULF

Mr. RIEGLE. Mr. President, I am moved to come to the floor to speak because of remarks that I have heard made by the Senator from Maine [Mr. COHEN] the last 2 or 3 days reflecting his concern about the apparent possibility of the commencing of a ground combat war in the Persian Gulf led by American forces. As I share those concerns and have the same concerns, I want to add my thoughts today to those that he has expressed as have others who have felt compelled to comment on this issue.

Yesterday, many of us attended a classified military briefing conducted by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. We are not at liberty, of course, to discuss the content of those briefings, but the briefing went on for an hour. These are very dedicated and able and determined men, with positions of awesome responsibility. They indicated to us the status of circumstances out in the war zone. As we know, they have just been designated by the President to go out and do a review to try to size up the situation at this time and how the rest of the American/allied plan for the war is to unfold.

I must say, not just with respect to hearing those comments yesterday but reading and taking in all of the other information that I can find, there seems to be a push, almost an inevitability that we will see an American-led ground combat operation take place sometime soon, perhaps within a matter of days or even a short number of weeks. I do not know that that is the case, and I do not know that it is an inexorable kind of next step that will come, but that is the feel one gets. That is the look that it has. The dynamics seem to be moving us that way. I am very much of the mind that we ought to exercise every military and nonmilitary option open to us short of initiating a ground combat war in that area.

I recall a conversation that I had here on the floor of the Senate during the debate over the authorizing legislation on this matter with the chairman of the Armed Services Committee, Senator NUNN. I asked Senator NUNN at that time, if a ground combat war starts in a full-scale way out in northern Saudi Arabia and into Kuwait to liberate Kuwait, what percentage of those combat forces would be American. And his answer here on this Senate floor for the public record was that over 90 percent of the combat forces would be American forces. Of course, that raises the question I think in every thinking person's mind: Why is that? If this is a matter of great consequence for the world, and we are there in behalf of the U.N. resolutions and so forth, where is the rest of the world? Why are they not out there with us?

Of course, some are in a very limited way, and we are getting some help from the British and some help from the French and some help from the Egyptians, but it is a very short list. The help, albeit important help, is very limited. The fact that over 90 percent of the combat forces that would be sent over the line to liberate Kuwait are American tells us that there really is not very much burden sharing going on in terms of the military force side of this effort.

There is also the financial side, and I will come to that in a minute because we are not getting very much help there either, quite frankly. But I am much more concerned about our servicemen and women who are out in that combat zone, and who deserve the full support of this country, and ought to be given everything that we can provide to enable them not only to carry out their work but to protect themselves and to see that as many as possible can come home at some point safe and sound. That objective I think has to be put right at the top of our list.

I realize there are a lot of other countries around the world that think the war ought to be fought, but they are not willing to fight it with their people. They are willing to fight it with our people, but not with their people.

So the Japanese, of course, are not sending any combat forces into this war zone, and the Germans, of course, are not sending any combat forces into this war zone because they just are not prepared to do that.

I have spoken before about a case of a woman with whom I spoke in my hometown of Flint some months ago who has three sons in the Marine Corps, all stationed out in this war zone area. I was so struck, when she introduced herself to me and we spoke, that any one family would have as many as three sons or daughters—in this case sons—out in this military situation. I have thought about it every day since, because it occurs to me that if a German family would send a son and a Japanese family would send a son, then two of her sons could come home; and she would just have one son there, and we would have some real burden sharing in behalf of the free world. But that is not the lineup. That is not the lineup that we see. That is why I have a great sense of unease and reluctance about seeing a combat war start on the ground that is going to be conducted essentially by American forces.

I do not think it is fair, and I do not think it is sound, that we have gotten ourselves in a situation where that is what we are facing at the present moment.

So like others have said, I hope we will use all the resources at our command short of ground combat initiative to try to accomplish the objectives that the President has set out for our country.

Now, when this Senate voted, we voted by a very narrow margin to provide the President with the legal authority to initiate the war in the Persian Gulf, which he has now done. The vote here in the Senate was 52 in favor, 47 not in favor and instead in favor of a continuing of the economic sanctions policy. So it was a very close division within this body.

Of course, once the President had the authority and made the decision, it was clear that all of us together, all 100 Senators and the country as a whole, would stand with and behind our forces to protect them and to supply them with everything they need so that they could carry out the duties they have been given and, as I say, hopefully be able at some point to come home safe and sound.

But like many here who come by Arlington Cemetery each day on our way in to work, one sees wave after wave of white gravestones that mark the heroism and the sacrifice of our finest young men who have fallen in combat in wars past. For many of them their lives ended before they ever really started. The lives that they might have lived, and the children and the grandchildren that they never saw or had, mark a human loss beyond our comprehension or our words. And so before we put thousands of new gravestones in place in Arlington and elsewhere, I think we have to use all of the wisdom and the resources at our command to see how we might meet our objectives in the Persian Gulf with the least loss of American life.

We have a lot of priorities over there that have been spelled out. But I would hope the one that is at the top of the list is to meet our objectives with the least loss of American life. If that takes another 5 weeks of bombing, or 5 months of bombing or whatever it takes in the way of military strategy or diplomatic initiative or economic pressure or any combination of those things or other things, I think we ought to use and exhaust every means that we have before we ask the young men and women of this country carrying over 90 percent of the combat load to go into battle in this situation.

Frankly, our Government has an obligation to ask other countries to do more than they are presently doing. We ought to have more combat forces there from other nations.

There is really no excuse for why the other nations are doing so little on the financial side. I saw the other day where the Saudi Arabians were gracious enough to say they would give us $13 billion to fight the war. I think this war is costing us at least $1 billion a day. Some people, Ross Perot, for one, estimates we are probably spending $2 billion a day. There is no way to accurately know exactly how much is being spent but it is a phenomenal amount of money.

So the Saudi Arabians the other day offered to provide $13 billion. If it is costing $1 billion a day, that buys 13 days of war. But we also know with gasoline prices and oil prices having gone up, that several billions of dollars have gone to the Saudi Arabians for higher oil prices, part of which they are now giving back to us to pay for some of the war.

So, in effect, what they have done is they have taken some money out of one of our pockets and have given some of it back to us to put in another pocket.

So we should not misunderstand the nature of the financial support either because we are not getting very much financial support quite frankly. Of course, our country, as we know from the budget that has just been submitted, is looking at a real deficit for the coming year, if you take away the use of the Social Security fund reserves, of something approaching or exceeding $400 billion. That is an extraordinary amount of money.

Of course the war costs go in on top of that. So when other nations do not do their fair share financially or with their young men and women, we are asked to do more than our fair share. That is the situation we face today.

There is not very much conversation about it because these are embarrassing facts. Nobody really wants to talk much about it. The rest of the world is quite happy to not have us talk about it because they would just as soon be over on the sidelines and let the United States carry the load here.

The young servicewoman who is missing in action up near Kafji in the northern area of Saudi Arabia is a young woman from my State of Michigan. We have had other young servicemen from Michigan who have lost their lives in this war already.

They are in my thoughts and their families are in my thoughts and prayers, as they are in the thoughts and prayers of all of us.

We have to ask the question, what is going to happen tomorrow and what is going to happen next week and the week after that, and the week after that? Some of the estimates I have seen, the planning estimates, say that if a ground war starts and we have to send some substantial portion of the 500,000 people that we have out in that area into direct physical combat we could lose many thousands of American lives. We know the Pentagon has ordered over 16,000 body bags. That has been in the news. I assume they ordered them because they felt they might be needed. I have seen estimates of potential losses in a full-scale combat war that exceed that number.

What happens when we start using numbers? The numbers lose their identity to real people, to individual young men and young women and their families, who are precious to this country. Every single one is precious. And every single one has to be kept out of harm's way by using every bit of common sense and patience and other means that we have.

So I do not think we ought to rush into a ground war; not an American ground war. That is what this will be if it happens. I think we need to take our time here. We have to let all of the other means that are being applied work for us before we start an operation that could cost us thousands upon thousands of young American lives.

I must say too that I have been reading stories about some of the young Kuwaitis from the royal family that was deposed in Kuwait. They have been causing some difficulties down in Cairo, Egypt, where some of the young Kuwaitis from the wealthy families and the royal family are down there in the discotheques waiting for the war to get over so they can presumably go back home.

I must say, why are they not up on the front lines? Why are they not ahead of our people? Why are they not suited up in combat gear? Why are they not the ones that ought to be the first ones into Kuwait to liberate their country?

We do not have an answer to that, but it is obvious they are not there. We are there. We are there in their place. Yes, they are paying us some money. I would rather save our lives than have their money.

I do not think the sacrifice of a single young service person in this country is worth all the money that the Kuwaiti royal family can give us. Each one from Michigan is worth more than all the wealth of Kuwait. Our young people are unique and priceless—and they must be protected in every possible way.

So here we are poised in a situation now where there is this feeling of inevitability about ground combat. There is a heightened state of alert; it looks like we may be moving into a ground combat war. Maneuvering is going on.

I want to file these reservations as one U.S. Senator. I think we should not rush into combat. I think we should let all the other means available to us work, and continue to work and to put the squeeze on the Iraqis in every way we can, before we start asking young Americans to sacrifice their lives in combat. I think the rest of the world ought to do some soul searching. All these folks at the United Nations that think this is a great idea as long as somebody else is doing it, as long as Uncle Sam is doing it, I think ought to do some serious reflecting. I am troubled that they do not want to send their young men and women into this war zone.

We ought to look at those who we think of as our best allies, the ones we have the biggest trading relationships with, the ones with the largest trade surpluses with the United States. Japan will have a trade surplus with the United States this year of somewhere between $40 and $50 billion, which they are going to take out of our country. Yet they will not send a single member of their society out there to participate and put his or her life on the line in a combat situation with young Americans from my hometown and from your hometown.

Is that right? I do not think it is right. Should we just overlook it and not talk about it, and buy the notion of all this allied unity? That is essentially window dressing. So these are some of the things that I think we ought to have in mind here before somebody makes the decision to turn this into a ground war, where over 90 percent of the combat forces will be American.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. RIEGLE. Mr. President, I ask unanimous consent that there now be a period for morning business to extend not beyond 1 p.m. with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, what did two terrorists, convicted in connection with the *Achille Lauro* hijacking and murder of an American, receive for Christmas last season? They received an early release from prison compliments of the Italian Government.

As Saddam Hussein, Yassir Arafat, and their followers are making good on their threats to spread their campaign of terror against America and her allies worldwide, Italy, under an Italian law that allows for a sentence reduction during Christmastime, released the convicted PLO terrorists who aided in the murder of American Leon Klinghoffer: Mohammed Abbas, who is the cousin of Abul Abbas—the convicted murderer of Mr. Klinghoffer and mastermind of the hijacking; and Youssuf Sa'ad. Now there are two more terrorists loose to join Saddam and Arafat's campaign.

The only Christmas present a terrorist should receive is swift and harsh retribution. This release is a serious set-back in the fight against terrorism and I condemn it. Now more than ever, countries around the world must be vigilant and relentless in the fight against terrorism.

There is some solace to be found in the knowledge that justice is being sought against the terrorists responsible for the *Achille Lauro* hijacking—even if not by the Italian Government—and not by the United States. The only remaining justice being sought is by the victims, the Klingoffer family.

Though the United States dropped the indictments in the *Achille Lauro* case long ago, and Italy has now released the convicts into the streets, the Klinghoffers have found the courage to do what two countries apparently would not.

The Klinghoffers have sued the PLO and are taking them to court. The release of the terrorists who aided in the death of their father makes their case even more significant and even more crucial.

After years of litigation, a New York Federal district court ruled, last June, that the court had jurisdiction over the PLO. The case is currently pending. The PLO must be held accountable for its crimes and the Klinghoffers are making sure that, at least in some way, the PLO will be brought to justice.

I am proud to report that on November 5, 1990, President Bush signed into law, the Anti-Terrorism Act of 1990, a bill I introduced last April. I commend the President for his support of the ATA. This law makes definitive the ruling of the district court in Klinghoffer versus PLO by creating a civil cause of action for American victims of international terrorism; the ATA specifically gives U.S. courts jurisdiction over acts of international terrorism carried out against Americans.

This law received overwhelming bipartisan support in the Senate. Cosponsors crossed the political spectrum and included Senators HEFLIN, BIDEN, HATCH, SIMON, LEVIN, LIEBERMAN, MURKOWSKI, DECONCINI, COATS, METZENBAUM, HELMS, BOND, and KOHL.

When I first introduced the ATA last April, our Federal laws provided for extra-territorial criminal jurisdiction over terrorists but there was little civil relief available to the victims. The Anti-Terrorism Act fills this gap as the civil counterpart to the criminal statute. With the Anti-Terrorist Act law, victims of terrorism now have the right to have their day in court.

The Anti-Terrorism Act removes the jurisdictional hurdles in the courts confronting victims and it empowers victims with all the weapons available in civil litigation, including: Subpoenas for financial records, banking information, and shipping receipts—this law provides victims with the tools necessary to find terrorists' assets and seize them. And this law accords victims of terrorism the remedies of American tort law, including treble damages and attorney's fees.

The Anti-Terrorism Act sends an important signal to the world on how the American legal system deals with terrorism. We are a nation founded in the rule of law and we must provide the framework in our legal system for Americans to seek justice against those who defy all notions of morality and justice.

I want to take this opportunity to thank the Klinghoffers, and the Klinghoffer Foundation of the Anti-Defamation League of Bnai B'rith for their contribution to, assistance with, and support for the Antiterrorism Act. They not only had the courage to seek justice and lay the groundwork, they were integral in the passage of this law. My appreciation also goes to the families of Pan Am 103 for their support of the antiterrorism act. This group has made a tremendous contribution to the development of legislative responses in the fight against terrorism.

Finally, I want to thank Mr. Joseph Morris, president and general counsel of the Lincoln Legal Foundation, for his work in helping to draft the law.

Last April we were hopeful because the incidents of terrorism against Americans were declining. But we did not want to wait for terrorists to strike again, or for more Americans to die, in order for Congress to act.

It has now been 10 months since the ATA has been introduced. Since January 16, alone, there have been more than 70 reported acts of terrorism committed against Americans and allied interests around the world. Today, an American was killed in Turkey, as he arrived at work at a United States military base. Now, in the midst of renewed terrorists attacks against Americans, we have the Anti-Terrorism Act of 1990 in place to punish terrorist and empower victims.

Of course, we must do all we can—working with other nations and the intelligence communities—to detect and deter terrorism. But make no mistake, Mr. President: when governments fail to perform their most basic function—to protect their people—our people must be equipped with a legal remedy to protect themselves.

Mr. President, the ATA is that remedy. I thank my colleagues for their support last fall, and I thank the President for helping us enhance the public's arsenal against terrorism.

I yield the floor and thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I wanted to speak briefly on the future of the Rocky Flats Nuclear Weapons Plant in Colorodo, but before I do, I am happy to yield the floor to the distinguished Senator from Washington, with the understanding I can reclaim the floor after he speaks for approximately 5 minutes.

I yield the floor, Mr. President.

Mr. ADAMS. I thank the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. I thank the Senator from Colorado for giving me this opportunity to spend about 5 minutes.

I want to compliment the Senator from Colorado, both on Project '88 and I think on what he is going to say on Rocky Flats. He may find what I am talking on ties to the subject the Senator from Colorado is speaking on. The Senator is one of the most distinguished Members of this body in both environmental concerns and nuclear concerns.

(The remarks of Mr. ADAMS pertaining to the introducing of S. 395 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ADAMS. Mr. President, I particularly want to thank the Senator from Colorado for his courtesy as he changed subjects from the environment to Rocky Flats to give me this opportunity. I look forward to working with him in the future on this. I yield back the floor so the Senator from Colorado may reclaim his time, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. I thank the distinguished Senator from the State of Washington for his kind comments and his usual good work.

THE FUTURE OF ROCKY FLATS

Mr. WIRTH. Mr. President, I want to take a few minutes to address the issue of the Rocky Flats nuclear weapons plant right outside of Denver, CO. For 16 years, I have had the privilege of representing in the Congress the workers and neighbors of Rocky Flats—12 years in the House and now 4 years in the Senate. I know from personal experience that the men and women who work at this facility are patriots in the greatest way. In addition to being highly skilled and dedicated workers, they have contributed to our national security and are in no small part responsible for our success in winning the cold war.

Now that our Nation is beginning to form a new world order, changes will also come to Rocky Flats and its employees, and it is imperative that we think these through carefully so that we thoroughly understand the implications for the plant, the work force, the surrounding community, and the State's economy. Making changes should not mean that we turn our backs on the people who have worked in the nuclear weapons industry. On the contrary, the final chapter on Rocky Flats can only be written if it includes a comprehensive worker protection package.

For the last four decades, workers at the Department of Energy's Rocky Flats plant have played a vital role in building our national defense. When the plant was built in 1952, our country was in the midst of the cold war, and

Rocky Flats was 18 miles from Denver. Today, Rocky Flats is surrounded by a growing metropolitan area. It is right in the middle of that metropolitan area.

The cold war has been won, and potential health and safety problems associated with the Rocky Flats plant are overshadowing the need to keep this facility in long-term operation. Recognizing these developments, the Department of Energy has determined to streamline our Nation's nuclear weapons complex as we head into the next century and is now contemplating phasing out operations at Rocky Flats and transferring these operations elsewhere.

As Coloradans prepare for a different future at Rocky Flats, Congress, the Department of Energy, and the State of Colorado should work cooperatively to ensure this transition meets the goals of protecting the workers in the surrounding communities and the environment at Rocky Flats. The health and safety issues at Rocky Flats are obviously a matter of great concern.

In addition to protecting the environment, however, we must not lose sight of our obligation to protect the health and safety of the people, and this includes protecting the men and women who represent the Rocky Flats work force. Their health and safety must be of paramount concern, and we should also recognize that any plan to phase out operations at Rocky Flats must also address the economic future of these workers.

There are four major issues involved in the future of Rocky Flats. First, job security. Any Rocky Flats phaseout plan must include provisions for employment in on-site environmental restoration work, as well as for worker retraining and early retirement where appropriate. Plans for the plant must be developed so that no layoffs occur and work force shrinkage comes from natural attrition and retirement. That is perfectly possible looking at the phaseout schedule drafted by the Department of Energy.

Benefits should be structured to include lifetime medical coverage so that the men and women who worked at Rocky Flats will not suffer discrimination from other employers because of their unique health risks.

Second, worker health. The responsibility for worker health records and monitoring should be transferred to the Department of Health and Human Services in order to ensure independent oversight. We have begun that effort. Secretary Watkins has taken a few steps in that direction. We must complete that, and I hope we can in this Congress.

Third, community safety. The communities surrounding Rocky Flats must receive Federal support to protect their water supplies and the health of their residents from the risks of environmental pollution from Rocky Flats. Bringing Rocky Flats into compliance with State hazardous waste laws, revamping the safety regime at the plant, and continuing environmental restoration work are key components in any phaseout plan.

And, fourth, future uses. The cleanup and phaseout process is likely to take some time to accomplish. We should not be under the illusion that it will happen overnight. Economic planning for the future of the plant site must, therefore, including a long-term commitment by the Federal Government to maintain environmental restoration activities.

These issues represent major challenges for Federal, State, and local community leadership. I am confident that we can face these challenges and implement a program of change at Rocky Flats. I am certainly committed to addressing these needs in the 102d Congress and look forward to working with my colleagues in the delegation, with Governor Romer, the mayors, the cities and counties of the surrounding communities and county commissioners and every Coloradan who shares these goals.

I ask unanimous consent to print in the Record a summary of the nuclear weapons complex reconfiguration study of January 1991 from the Department of Energy.

There being no objection, the material was ordered to be printed in the Record, as follows:

Nuclear Weapons Complex Reconfiguration Study

(By the U.S. Department of Energy)

3.5 EMERGING TECHNOLOGIES

A major goal of Complex reconfiguration is to improve operating efficiency. Some improvements will be achieved by the configuration itself. Others will be achieved by advanced technologies for specific production activities as they become available. Types of emerging technologies that may impact reconfiguration include: computer technologies, advanced manufacturing technologies, storage and retrieval technologies, safeguards and security technologies, extraction/purification/elimination technologies, and waste minimization and treatment technologies.

3.6 RECONFIGURATION OPTIONS AND EFFECTS

Reconfiguration will change the Complex to different degrees within the three functional elements: Nuclear Materials Production and Manufacturing (NMP&M); Nonnuclear Manufacturing (NNM); and Research, Development and Testing (RD&T).

The following sections discuss specific aspects of the reconfiguration options as they apply to each functional element of the Complex.

3.6.1 BASIC RECONFIGURATION OPTIONS

In the broadest sense, reconfiguration would be divided into two alternatives: "No Action" and "Reconfiguration Options."

NEPA requires evaluation of the No Action alternative. Under the No Action alternative Complex-21 would not be developed and the existing configuration would continue. However, the No Action alternative would not be static. DOE would continue to make modifications and upgrades to ensure compliance with applicable federal, state, and local laws, regulations, and orders and to accomplish its defense mission. Repairing or replacing facilities would be considered through the Capital Assets Management Process (CAMP) (see Sections 4.3.4 and 5.2) Additional projects to address facility deterioration or technical obsolescence would continue to be considered over time on a case-by-case basis.

Under the Reconfiguration alternative, two options have been identified for scoping issues and evaluating configuration changes in the three functional groupings of the Complex. These options are:

Configuration A: Downsizing and Modernizing in Place.—Upgrade, replace, and/or consolidate current facilities at their current sites, using existing support facilities and infrastructure as much as possible. As an exception to the existing site theme, the functions of the Rocky Flats Plant (RFP) would be relocated and the current facilities at RFP would be transferred to the Office of Environmental Restoration and Waste Management for appropriate action. Under this option, the Complex would be downsized with relatively minor consolidations and closeouts as missions change. Privatization of nonnuclear component manufacturing would be expanded. Appropriate RD&T functions would be consolidated into single Centers of Excellence.

Configuration B: Maximum Consolidation.—Relocate RFP and at least one other NMP&M facility to a common location. The Pantex Plant and the Oak Ridge Y-12 Plant are candidates for collocation with the Rocky Flats functions, either singly or together. Functions of relocated plants would be handled as described for RFP in Configuration A. The probable outcome of this option would be an integrated site which could consolidate much of the NMP&M and/or weapons assembly and disassembly at a single site. Other activities would be consolidated and closed out as dictated by changing missions and requirements. Maximum feasible privatization of nonnuclear component manufacturing would result in maximum consolidated of nonnuclear production facilties. As in Configuration A, appropriate RD&T functions would be consolidated into individual Centers of Excellence.

Common to both Reconfiguration Options is the relocation of plutonium processing functions currently performed by RFP, near Denver, Colorado. This is because what was once considered a sufficiently remote site is now on the verge of becoming part of an expanding urban area. The growing population of the Denver metropolitan area continues to encroach on the downwind edge of the site and the watershed on which RFP is located now supplies drinking water for some adjacent communities.

These circumstances have naturally led to increasing public concern about the reasonableness of retaining plutonium operations at the site. DOE is sensitive to these concerns and has ensured that all discharges, releases, and protective barriers and safety systems strictly comply with applicable federal, state, and local laws, regulations, and orders. There is no doubt that RFP can, and will, be operated safely. Reconfiguring RFP in place would further enhance the overall safety of the plant. Nevertheless, DOE recognizes that prudent consideration of the public's concern, coupled with the magnitude of investment required to sustain plutonium operations at any site, dictate that relocation of RFP functions should be integral to both Reconfiguation Options. The effect of not relocating RFP functions will, of course, be evaluated under the No Action alternative.

The application of these basic options differs within the three functional elements. The following sections contain an expanded discussion of the effect of the reconfiguration options on these elements.

3.6.2. RECONFIGURATION OPTIONS FOR NUCLEAR MATERIALS PRODUCTION AND MANUFACTURING (NMP&M)

Figure 3.2 displays the potential relocation, consolidation, and privatization effects for each of the major NMP&M functions. The specific site(s) to which functions might be relocated are to be determined (TBD) following completion of candidate site evaluations and a PEIS.

Fig. 3.2.—NMP&M CONFIGURATION OPTIONS

Legend: FMPC—Feed Materials Production Center; INEL—Idaho National Laboratory; KC—Kansas City Plant; LANL—Los Alamos National Laboratory; MD—Mound Plant; PS—Private Sector; PX—Pantex Plant; RFP—Rocky Flats Plant; RL—Richland Site; SRS—Savannah River Site; TBD—At a Relocated Site To Be Determined Via the NEPA Process; Y-12—Oak Ridge Y-12 Plant

Nuclear materials production and manufacturing functions	Current siting	No action alternative	Configuration option	
			A	B
Plutonium:				
Virgin plutonium	RL, SRS			
Plutonium recycle/recovery	RL, SRS, RFP, LANL	RFP, SRS, LANL	TBD	TBD
Tritium:				
Production	SRS	SRS [1]	(1)	(1)
Extraction	SRS	SRS [1]	(1)	(1)
Recycle/purification/loading	SRS	SRS	SRS	SRS
Backup loading	MD	MD	TBD	TBD
Stockpile surveillance	MD	MD	SRS	SRS
Uranium:				
Depleted uranium supply	FMPC	PS	PS	PS
HEU recovery (nonirradiated)	Y-12	Y-12	Y-12	TBD
DU/HEU fabrication	Y-12	Y-12	Y-12	TBD
Spent reactor fuel recovery	SRS, INEL, Y-12	SRS, INEL	INEL [1]	INEL [1]
Other Isotopes:				
Pu-238	SRS	SRS	(1)	(1)
Pu-242	SRS	SRS	—	—
Assembly/Manufacturing:				
Pits	RFP	RFP	TBD	TBD
Weapons	PX	PX	PX	TBD

[1] SRS and/or INEL are the preferred locations subject to final selection and Record of Decision (ROD) for the New Production Reactor.

SCHEDULE, LENGTH AND COST OF ACTIVITY

The entire Reconfiguration will involve a multi-step process which will begin with three important events.

A notice printed in the FEDERAL REGISTER of DOE's intent to prepare a Programmatic Environmental Impact Statement (PEIS) concerning Reconfiguration of the nuclear weapons complex.

Availability of an invitation to provide land to the U.S. Government on which DOE may construct and operate one or more of the nuclear weapons facilities.

The submission to Congress, and release to the media and general public of the Nuclear Weapons Complex Reconfiguration Study.

Reconfiguration will progress through various stages, with actual construction/consolidation scheduled to begin as early as 1996. Reconfiguration is planned to be completed well before the goal of 2015.

Costs of Reconfiguration, depending on which option is selected, range from a low of $6.7 billion to a high of $15.2 billion.

It is anticipated there will be cost reductions as a result of complex and stockpile downsizing, and standardization of nuclear weapons materials, components and processes.

BACKGROUND OF RECONFIGURATION

Much of the current nuclear weapons complex (13 sites in 12 states) was constructed three to four decades ago and is now in need of repairs or replacement. Many production facilities are currently not operating. Increased efforts are needed to ensure continued protection of the environment and the health and safety of workers and the public.

In 1988, Congress ordered a study be conducted of the problems and a plan prepared for the modernization of the nation's nuclear weapons complex. The product of that study was the "Nuclear Weapons Complex Modernization Report" or the "2010 Report", submitted to Congress by the President in January 1989.

In February, 1989, DOE began parallel development of five-year plans to address environmental restoration and waste management concerns, and modernization concerns. In September 1989, Secretary of Energy James D. Watkins established a Complex Reconfiguration Committee to reexamine the entire issue of modernization.

In his August 13, 1990, memo to Under Secretary Tuck, Admiral Watkins directed that Reconfiguration would, among other things:

Minimize the number of weapons production sites and the size of individual sites;

Result in a complex that is smaller, less diverse, and less expensive to operate than the present complex;

Address environmental, safety and health concerns;

Provide DOE with the tools and resources to continue to successfully carry out its Presidential mandate to provide nuclear weapons in support of the nation's nuclear deterrent policy.

WHY RECONFIGURATION IS NEEDED

To ensure continued protection of the environment and the health and safety of workers and the public.

To create a complex which is smaller, less diverse, and less expensive to operate.

To safely, and reliably produce and maintain the weapons stockpile as directed by the President and funded by the Congress.

To minimize costs of complex construction and operation by standardizing nuclear weapons design, employing the best technology, and shrinking the size of the complex.

To minimize the use of hazardous materials and the number and size of waste streams.

To provide for proper disposal of hazardous and radioactive waste.

RECONFIGURATION OPTIONS

There are a number of options that will be examined, ranging from a "no action" alternative (as required by the National Environmental Policy Act of 1969) to a sweeping reorganization that could reduce the complex from its present 13 sites down to six or seven. Regardless of which option is chosen, the U.S. nuclear weapons complex will undergo changes. Possible scenarios, or combinations thereof, include:

Relocating Rocky Flats, possibly along with one or two other current weapons plants to a single site.

Consolidating the activities of nonnuclear facilities at one dedicated site.

Transferring many of the nonnuclear activities to the private sector.

Decommissioning at least one facility entirely.

Streamlining the three research and development labs.

Factors which will help define Reconfiguration:

The future size of America's nuclear weapons stockpile, as directed by the President.

The availability of resources to accomplish Reconfiguration.

Preferred options include:

Relocate the nuclear weapons production facilities now located at Rocky Flats, Colorado, to a yet to be determined location in the continental U.S.

Consolidate nonnuclear manufacturing, retained by government facilities, at a single dedicated site.

RECONFIGURATION—PHASE I

Phase I of the Reconfiguration of the U.S. nuclear weapons complex (Complex-21) will involve the preparation of a Programmatic Environmental Impact Statement (PEIS) as required by the National Environmental Policy Act of 1969, and will lead to a record of decision (ROD) covering the specific configuration for Complex-21.

A PEIS will analyze the environmental consequences of alternative long-term configurations of the nuclear weapons complex, using information gathered by the several panels, and presented at a number of public scoping meetings across the country. The PEIS will also be used to support DOE decisions regarding the configuration of its plutonium facilities in about the year 2000.

A final PEIS is tentatively planned for June, 1993, with a Record of Decision (ROD) published about October, 1993. The ROD will serve as a Reconfiguration "blueprint" for construction/consolidation activities slated to begin as early as 1996.

Reconfiguration of the nuclear weapons complex is expected to be completed well before the target date of 2015.

During Phase I (circa 1991–1994), the following actions will be taken to prepare the PEIS for Complex–21:

A Site Evaluation Panel will select candidate sites for the possible relocation of Rocky Flats, Y-12 and Pantex activities to be evaluated in the PEIS.

Through the site invitation, DOE is initiating the site-selection process for Reconfiguration by inviting federal agencies, states and other entities to provide land to the U.S. Government on which DOE may construct and operate one or more of the facilities already described (Rocky Flats, Y-12 and Pantex). DOE will also evaluate several DOE sites under the same conditions.

An architectural and engineering firm will be selected to develop conceptual designs and determine feasibility and costs of the various operations that will be considered in the PEIS.

The Privatization Planning Panel will evaluate the feasibility and cost-effectiveness of outsourcing the production of most nonnuclear components.

The Weapons Design Standardization Panel will investigate elements of nuclear weapons design that could lower production costs and result in less expensive production facilities.

The Technology Assessment and Selection Panel will investigate available technologies and reasonable-risk emerging technologies that could be used in Complex–21.

The Research, Development, and Testing Consolidation Panel (RCP) will consider which technical areas of research, development, and testing complex could be consolidated to yield significant costs savings without unduly disrupting its mission. This panel is in the process of being formed.

Except for the RCP, these panels were established in late 1990 and are expected to submit their recommendations in time to support the preparation of the PEIS.

RECONFIGURATION—PHASE II

Phase Two activities (circa 1992–2009) will center around developing designs for the reconfigured Complex–21 facilities. Typical Phase II activities include the following: Defining the technical baseline for Complex–21 activities, completing the development and validation of new or less-mature technologies, determining the seismic; environment, safety and health; safeguards and security; and other design criteria for Complex–21 facilities, completing the detailed design for Complex–21.

RECONFIGURATION—PHASE III

Phase Three (circa 1997–on) will involve the bulk of the Reconfiguration effort, focusing on the construction and testing of the new and upgraded Complex–21 facilities, the check-out and operational testing of these facilities, the transfer of operations, and the shutdown and deactivation of surplus facilities. Reconfiguration will be completed as quickly as technical, legal and regulatory issues permit, with the goal of being fully operational well before 2015.

Mr. President, I ask unanimous consent that morning business be extended for 10 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Will the Senator withhold his request for a moment.

Mr. President, if I might ask the Senator from Colorado, we have reached agreement on a 15-minute time limitation on the Martin nomination, which will accommodate the schedules of many Senators. It would permit us to have the debate and vote at 1:15. After the vote, there would be an additional period for morning business for as long as Senators wish. I wonder if the Senator would permit us to proceed in a way that would enable us to accommodate the schedules of several Senators on both sides.

Mr. WIRTH. By all means. I have no intention of taking any time out of the business of the Senate. I am delighted, Mr. President, to at this time yield the floor. I will come back to a broader statement on the issue of global warming, the resolution introduced by the distinguished majority leader, and the current record of this administration.

I yield the floor, Mr. President.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Lynn Martin to be Secretary of Labor reported today by the Committee on Labor and Human Resources. I further ask unanimous consent that the nomination be considered under a 15-minute time agreement equally divided between the chairman and ranking member of the Committee on Labor and Human Resources; that following the conclusion of that time the Senate vote on the nomination at 1:15, or I guess it would be 1:17 now, without any intervening action; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session. I further ask unanimous consent that it be in order to ask for the yeas and nays on the nomination at this time.

The PRESIDING OFFICER. Is there objection?

Mr. WIRTH. Mr. President, might I add to that unanimous-consent request that the Senator from Colorado might be recognized after we complete business on this resolution?

Mr. DOLE. How long will it be?

Mr. WIRTH. About 10 minutes.

Mr. DOLE. Could we follow with Senator DOMENICI for 5 minutes?

Mr. MITCHELL. The Senator would like 5 minutes. Is that agreeable?

Mr. WIRTH. Absolutely. Fine.

Mr. MITCHELL. Would the Senator be prepared to permit the Senator from New Mexico to proceed for 5 minutes?

Mr. DOLE. No.

Mr. WIRTH. I will follow the Senator from New Mexico.

Mr. DOLE. The other way.

Mr. WIRTH. I always try to follow the distinguished Senator from New Mexico.

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the vote there be a period for morning business; that the Senator from Colorado be recognized for 10 minutes and that the Senator from New Mexico be recognized for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will report the nomination.

DEPARTMENT OF LABOR

The legislative clerk read the nomination of Lynn Martin, of Illinois, to be Secretary of Labor.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally from both sides.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quroum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF LYNN MARTIN TO BE SECRETARY OF LABOR

Mr. BYRD. Mr. President, Leonardo Da Vinci in a treatise written in the early 1500's wrote, "Thou, O God, dost sell us all good things at the price of labor."

Da Vinci's words remind us of the importance of hard work in achieving the things that are worth having. Even though Da Vinci wrote prior to modern industrialized society, he illustrates the importance of labor in all societies. In the United States, the Secretary of Labor represents our commitment as a nation to the working man and woman.

The Secretary of Labor is one of the most important cabinet level positions in the administration. The Secretary supervises numerous agencies including the Occupational Safety and Health Administration, the Mine Safety and Health Board, the Bureau of Labor Statistics, the Employment and Training Administration, and the Bureau of Labor-Management Standards.

The Secretary formulates and oversees programs that greatly affect our Nation's working men and women. The Secretary has the responsibility for ensuring that our Nation's workers labor in safe conditions. The Secretary oversees the collection and analysis of all relevant data relating to unemployment rates, compensation rates, and other important business statistics. The Secretary ensures that unfair labor practices are challenged and eliminated from the workplace. He or she provides the necessary certification and documentation for foreign and immigrant workers.

Mr. President, I support the nomination of Lynn Martin, former member of the House of Representatives from the State of Illinois, to assume this very important position. She is the first and only nominee for Secretary of Labor to be nominated by a President despite having voted as a Member of Congress to override that President's veto of critical labor issues. Former-Representative Martin voted to override the President's veto of the civil rights bill, the Family and Medical Leave Act, and legislation to increase the minimum wage.

At this critical time in our labor history, I hope that, as Secretary of Labor, Mrs. Martin will work to ensure that our Nation's workers are properly skilled and educated to compete in today's global market. As a former teacher, she is aware of the importance of an educated work force to promote our Nation's economic and trade goals.

I hope that as Secretary of Labor, Mrs. Martin will take an active role in seeing that our workers receive adequate health and pension benefits. And I especially hope that she will continue down the path set by her predecessor in ensuring that Federal safety standards are rigidly enforced.

The Bible in 1 Corinthians, 14:40 commands, "Let all things be done decently and in order." I believe that, as Secretary of Labor, Lynn Martin will exercise decent and orderly judgment in her commitment to working men and women. It is with pleasure that I shall vote to confirm her nomination.

Mr. KENNEDY. Mr. President, I understand we are under a time limitation.

How much time is under the control of the Senator from Massachusetts?

The PRESIDING OFFICER. The Senator has 5 minutes 7 seconds.

Mr. KENNEDY. I yield myself 3 minutes.

Mr. President, as the chairman of the Committee on Labor and Human Resources which favorably reported this nomination to the U.S. Senate yesterday by a unanimous rollcall vote of 17 to 0, I welcome the opportunity to urge the Senate to confirm the nomination of Lynn Martin as Secretary of Labor.

The nominee, as all of us know, has a distinguished record in the House of Representatives. Many Members of the Senate worked with her during her years in the House, and we look forward to working with her as Secretary of Labor. The nominee demonstrated during her period of service in the House of Representatives that she was willing to support the President when she believed he was correct, but that she was also prepared to demonstrate an independence on some important labor issues, including the parental leave issue, the civil rights issue, and others.

As I said at the Labor Committee hearing on her confirmation last week, Mrs. Martin and President Bush have made history with this nomination. She is the first and only Secretary of Labor ever to be nominated by a President, after having voted in Congress to override the President's veto on a critical labor issue. And Mrs. Martin did that not just once, but twice—on the minimum wage, and on the Family and Medical Leave Act.

That speaks well of Mrs. Martin, and I think it should be noted that the President also deserves credit for putting forward a nominee that has had some policy differences with him. I hope the White House hears and heeds Mrs. Martin's counsel in the months ahead.

Mr. President, as Secretary of Labor, Mrs. Martin will be facing some of the most important challenges before the country. So many programs that relate to upgrading the skills of our work force, tying together educational opportunities, the protection of those that work in underground mines, the safety of those who work in construction, and the protection of children from exploitation in the work force are under the jurisdiction of the Department of Labor.

On the agenda will be the rising unemployment rate and the problems of our underfunded unemployment insurance system, race and sex discrimination on the job, occupational safety and health, the changing nature of the work force, and the challenge of making our work force more competitive and productive in the world. These are the kinds of issues that await the leadership of Lynn Martin.

Mr. President, this country's leading competitors, Japan and Germany, and other European nations, have made an important judgment that they were going to be competitive in the world economy, but that they were also going to pay high wages and they were going to insist on a strong social infrastructure so that workers would be able to provide for their families and live with some degree of security.

Our Nation is still competitive, but in key areas which permit us to remain competitive—investment in our work force and investment in research—we are now falling behind our competitors. And more and more we are sacrificing high-skilled jobs that pay decent wages for greater numbers of low skill, low wage jobs.

The challenges that will face Lynn Martin are formidable and our resources are limited, but Lynn Martin's testimony to the Labor Committee is a recognition of the challenges that await her. I must say all of us on the committee were impressed by her sense of commitment to public policy and to public life, by her willingness to reach out to those she agrees with and to those she differs with and by her willingness to listen to different ideas on how best to help the workers of this country live a more hopeful, successful, and secure life.

Under her predecessor in the Department, Elizabeth Dole, Congress and the administration began to regain a sense of progress on workplace issues. With Lynn Martin, we have a chance to build on this record, and do so in an atmosphere of cooperation, not confrontation. Obviously, we will have our differences with the administration on certain issues, but there are many others where we can and must work together.

Mr. President, I look forward to working with Lyhn Martin in the years to come, and urge the Senate to confirm her nomination.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise with a great deal of enthusiasm to support the nomination of Lynn Martin to be our next Secretary of Labor.

I appreciate the comments of the distinguished chairman of the committee, Senator KENNEDY.

I am delighted that Mrs. Martin, former Representative Martin, has been nominated by President Bush for this position. I want to commend him for that choice.

Her distinguished career in Congress and all of her achievements give me reason to expect she is going to be an absolutely great Secretary of Labor.

She has great intellect, tremendous energy, and sensitivity to the needs and aspirations of America's working men and women. I think that all of those are going to serve her very well in this position.

Some of my colleagues may know that Lynn Martin began her illustrious career teaching high school government, economics, and English. This background demonstrates Lynn Martin's dedication, patience, and concern for young people as well as for the corps of our labor force and for older workers.

I also would like to thank the Chairman of the Labor and Human Resources Committee, Senator KENNEDY, for scheduling prompt action on this nomination. I would also like to commend all of our colleagues on the committee for the good judgment that they have shown in unanimously supporting this nominee.

The PRESIDING OFFICER. The Chair reminds the Senator that all time of the unanimous-consent agreement has now expired.

Mr. HATCH. I ask unanimous consent that I be permitted to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mrs. Martin's direct, knowledgeable, and balanced responses to questions posed by the committee members left little doubt that we can expect great things from this Secretary of Labor.

I know Lynn Martin, and I know she views this job and this responsibility as a great personal challenge. I personally look forward to working with her on all of the many issues, key labor employment issues that face this Nation. I have great expectations for her, and I am certainly going to support her in every way. I know she will serve our country with distinction in this critical position.

I urge all of our colleagues to support her. I yield the balance of my time.

Mr. DODD. Mr. President, I rise today in support of the nomination of Lynn Martin to be this Nation's 21st Secretary of Labor.

Lynn Martin has a distinguished record of public service: As an educator, a representative to the Illinois State legislature and more recently as a Member of Congress. Her 10 years of service in the House of Representatives provides her a deep understanding of our legislative process and the relationship that we, in the Congress, have with the executive branch. This knowledge will be most beneficial to her in managing the department and in coordinating policy proposals between the administration and Congress.

In her testimony before the Labor and Human Resources Committee, she spoke candidly of her goals for the Department and identified a need for the department to provide a "continuum of services" for the training of youth; the protection and opportunity for individuals in the work force, and for the retired and unemployed. Among her goals are three commitments that I take a particular interest in, and they are: First, a commitment to supporting innovative programs to help parents balance work and family responsibilities; second, to ensure work force prepardedness; and third, a promise to ensure that workers will have equal opportunities and safe work environment.

The challenges awaiting Lynn Martin, if confirmed today, are most certainly great. Our Nation is not only in a recession, Alan Greenspan has recently warned that it could last longer than anyone originally predicted. Whether the recession is long or short, it has already taken its toll on many communities across this Nation. Over 1 million Americans have lost their jobs since this time last year. At least a dozen States have or are close to exhausting the reserves in their unemployment compensation trust funds built up during stronger economic times.

Moreover, our States and communities are facing some tough work force-related problems, many of which will remain long after this recession passes. The economic stability of our regions and the competitiveness of our businesses will depend on an educated and skilled work force. To achieve such a work force we must address some real issues and problems. We must discuss the best way to make sophisticated retraining programs available to displaced, veteran workers. We should build on the workplace literacy programs administered by the Department to tackle the high rate of illiteracy in this country. We must accept the fact that the demographics of the work force are changing, that by the year 2000, women will make up about 47 percent of workers, and 26 percent of all jobs will be held by minorities and immigrants. And, we must attempt to minimize the number of youth that are undereducated and undertrained by providing youth with the skills they need to be productive participants in our work force.

With close to 61 percent of women with young children working, we need a national policy for family and medical leave. Job protection during a family or medical crisis should be a minimum standard for our Nation's workers. Unfortunately, although many employers have instituted excellent policies in this area, too many workers are left without protection. As a supporter of family leave legislation in the 101st Congress, I hope that under the leadership of Lynn Martin, the Labor Department, will work with us to move S. 5, the Family and Medical Leave Act of 1991, to assure that workers do not have to choose between their jobs and their families.

As the chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, I have been very troubled by the recent increases in violations of child labor laws. Young people who are working need better protection. The law should be strengthened and enforced, and I hope that Lynn Martin will make this one of her priorities if she is confirmed today.

In closing, I would like to add that as someone who has worked for the past 3 years to strengthen and ensure better enforcement of our construction safety laws by the Department of Labor, I am pleased to know that Lynn Martin is fully committed to increasing the effectiveness of OSHA and in particular believes that construction inspections can and will be improved. I look forward to working with her to do exactly that.

Mr. President, I believe that Lynn Martin is qualified to take on the challenges I have identified and should be confirmed as Secretary of Labor. I urge my colleagues to join me in supporting her nomination.

Mr. DOLE. Mr. President, while I do not consider myself to be an expert on labor issues, I do have some historical experience when it comes to the secretary of labor.

And it is my strongest conviction that the President got himself a real winner when he picked Lynn Martin, and yesterday's 17-0 vote of the Senate Labor and Human Resources Committee shows that I am not alone.

Lynn Martin's blue-ribbon career has consistently demonstrated her intelligence, her keen insight on legislative issues, and her commitment and devotion to government service.

As President Bush said, Lynn Martin "exemplifies the very best in public service."

Mr. President, the key word here is "best" because Lynn Martin is the best.

She has a strong sense of community and local issues having devoted eight years of service to State and county government—first as a Winnebago county board member; then on to the Illinois House of Representatives; and finally to the Illinois Senate where she served until her election to the U.S. House of Representatives in 1980.

With a decade of service in the House, Lynn Martin served with distinction on—among others—the House Armed Services Committee and the Budget and Rules Committees.

Now, as she moves on to become the 21st Secretary of Labor, I have no doubt that she will continue to distinguish herself, the department which she will head, and the administration which she will represent.

Mr. President, no one doubts that labor issues in the nineties will be as challenging as ever; similarly, Mr. President, no one doubts that Lynn Martin is more than up to the job she has undertaken.

It is an honor for me to be able to speak in support of her nomination, and I suspect I speak for virtually every Member in this Chamber in saying that I wish her the very best and look forward to working with her.

Mrs. KASSEBAUM. Mr. President, I am pleased today that we are moving swiftly to confirm the appointment of Lynn Martin as America's 21st Secretary of Labor.

I have had the pleasure of knowing and working with Lynn for over 10 years, when she served in the House of Representatives. There, she earned the respect and admiration of her colleagues both in the House and the Senate for her leadership, her intellect, and her dedication to public service.

I was most impressed by her testimony before the Senate Labor Committee last week, where she demonstrated a firm grasp of the issues and problems which currently face America's working men and women—rising unemployment, enhancing our competitiveness in the global market, providing equal opportunity in the workplace, and protecting employees from discrimination and unsafe working conditions.

I am particularly pleased that as Secretary of Labor, Lynn has indicated that she will make the protection of pension funds a top priority. Additionally, because of her experience as a public school teacher, she recognizes the importance of quality education to improving the productivity of our work force. She has already indicated that she is committed to forging new partnerships to enhance education and training efforts between the Department of Labor and the Department of Education—and I encourage her to pursue those goals.

These are only a few of the challenges which Lynn will face as she assumes the mantle of leadership at the Department of Labor. I am, however, fully confident that she will rise to meet these challenges and will display the same commitment to excellence that has earned her the President's confidence. I wholeheartedly support her nomination as Secretary of Labor, and look forward to working with her in the future.

Mr. THURMOND. Mr. President, I am pleased to rise in support of the nomination of former Illinois Representative Lynn Martin to be Secretary of Labor.

Mr. President, Mrs. Martin is a woman of outstanding credentials. A Phi Beta Kappa graduate of the University of Illinois, she has taught economics, government, and English in high school, and has served in both the Illinois State House and Senate. From the State arena, her career shifted to the U.S. Congress, where in 1980, she was elected to represent the 16th District of Illinois. During her time in the House of Representatives, she served in such leadership positions as cochair of the Bipartisan Ethics Task Force and as vice chair of the House Republican Conference. She has also served two terms on the House Armed Services Committee and three terms on the House Budget Committee. During her time on the Armed Services Committee, it was a pleasure for me to work with her and her staff on several defense bills.

Mr. President, in short, she is a very able and capable nominee. She is a woman of character and integrity, and will serve this country well as Secretary of Labor.

Many challenges face this country in the weeks, months, and years ahead—the competitiveness of American businesses, the increased need for employment training and job assistance as members of the Armed Forces reenter civilian life, and the demand for increased employee benefits are just a few of the challenges. I am confident that Mrs. Martin will provide the leadership to meet these challenges.

Accordingly, I am pleased to support the nominee.

Mr. COATS. Mr. President, I am pleased to support the confirmation of Lynn Martin as the new Secretary of Labor.

I believe that this may be the most important appointment that President Bush has made to his Cabinet. At a time when our country faces difficult economic times at home and greater competitive challenges abroad, it is essential that we have at the helm of the Department of Labor a person who understands and can handle the problems of the workplace and the future challenges facing America's working men and women.

It is essential that we develop a work force of persons who possess the skills, the education, and the motivation to fill the demands of a dynamic domestic economy and to compete successfully in the global marketplace. We must find meaningful new employment opportunities for today's young people and guarantee equality of opportunity and pay for women and minorities in the workplace. We must also provide to working men and women more quality time to spend with their families and other incentives so they will increase their productivity in their jobs.

At such a critical juncture we are fortunate that President Bush has tapped Lynn Martin to be the Labor Secretary. I am proud to have known this charming lady for a number of years, and I consider her a close friend. We both entered the House of Representatives in 1980, she from the Fourth Congressional District of Illinois and I from the Fourth District of Indiana. Our districts share many similar characteristics: Both have a diversified industrial base, many flourishing small businesses, and strong labor unions. Lynn Martin clearly understands the problems of the midwestern economy, the challenges of a changing and aging work force, and the need to increase the market for our industrial and agricultural goods overseas.

I, for one, am not alarmed that four persons from Illinois will now fill important posts in this administration—at Transportation, Veterans Affairs, Agriculture, and now Labor. And I have been assured personally that the trouncing that the Illini basketball team has had at the hands of Bob Knight's Hoosiers will not in any way impair the excellent treatment that we in Indiana expect to continue receiving from the Labor Department.

During the past 11 years I have seen Lynn Martin become what the National Journal and others have aptly described as one of the most influential Members of Congress. She is not only a leader of her party, but a warm, dynamic personality who has the wonderful talent of being able to resolve differences and work out amiable solutions to difficult problems.

During her three terms on the House Budget Committee and two terms on the Armed Services Committee, she has developed a strong record of fiscal conservatism and support for women's and family issues. She has a firm understanding of the workings, possibilities, and limitations of government, having served on the Winnebago County Board and in the Illinois House and Representatives prior to coming to Washington. Lynn is a strong family person, married to a Federal judge, with a household of seven children. Having been a high school economics teacher, she understands the importance of education to our economic future, and has promised to work closely with the new Secretary of Education on efforts to improve workplace skills and develop new job training programs.

Mr. President, I am pleased and proud to vote today for Lynn Martin as the new Secretary of Labor. She is a person of great talent, strength, ability, and experience, and I earnestly wish her well in her new position. I look forward to working with my good friend on many issues of mutual interest and concern.

Mr. SANFORD. Mr. President, my congratulations to Lynn Martin. President Bush has nominated an excellent candidate for Secretary of Labor, as evidenced by the Committee on Labor and Human Resources' unanimous recommendation to confirm. Lynn Martin is a thoughtful and experienced public servant who will, I am sure, work to find common ground between the demands of employers and employees, big business and small business. It is far too often that we view these groups as opposing sides, when, in reality, what is in the interest of one is often in the interest of all. A well-trained and educated work force, a workplace that is free from discrimination, and workers who are able to balance the demands of work with the responsibilities of family and community are issues about which all of us should be concerned.

In the coming months, we will revisit job training, the Civil Rights Act, family and medical leave, and minimum wage legislation, to name only few of the employment matters facing the 102d Congress and the administration. With Lynn Martin guiding the way at the Department of Labor, it is my hope and expectation that we will move forward in a bipartisan spirit of cooperation to meet these challenges.

NOMINATION OF LYNN MARTIN TO BE SECRETARY OF LABOR

Mr. SPECTER. Mr. President, I am pleased to support the confirmation of my good friend, Hon. Lynn Martin, for Secretary of Labor. Secretary-designate Martin has had a very distinguished career in public service, and has had a very distinguished career as an American citizen.

She was educated at the University of Illinois, a Phi Beta Kappa graduate; taught high school economics and government; married and raised a fine family with two fine daughters. Her public service began in 1972, with her election to the Winnebago County Board. In 1976, she was elected to the Illinois House of Representatives and, in 1978, to the Illinois Senate. The voters of Illinois then sent her to the U.S. House of Representatives in 1980. Her step-by-step progression logically led to her candidacy for the U.S. Senate in 1990, which, as we know, was not a successful one. But she has performed a leapfrog of a sort, in being designated as Secretary of Labor, a position of enormous importance.

As highlights of her congressional service, in the 100th Congress, she led a successful bipartisan battle to extend to congressional employees the same civil rights protections available to other American workers, and in the 101st Congress cochaired the bipartisan ethics task force.

Her background in public service, as a homemaker, as a citizen, and as a teacher qualify her preeminently well to be the Secretary of Labor. She will be taking on a very important post at a time when job training is of the utmost importance, at a time when restrictions in the Federal budget make it even more important than ever that the opportunities for gainful employment be extended to all Americans.

I had an opportunity to talk with her recently in connection with my position as ranking Republican on the Appropriations Subcommittee of Labor, Health, Human Services, and Education. I was very much impressed with her projected plans for the position of Secretary of Labor. So I am delighed to add my voice in support of her nomination for that important position.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Lynn Martin, of Illinois, to be Secretary of Labor? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

I also announce that the Senator from California [Mr. CRANSTON] is absent because of Illness.

I further announce that, if present and voting, the Senator from Georgia [Mr. NUNN] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] and the Senator from Wyoming [Mr. WALLOP] would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 11 Ex.]

YEAS—94

Adams
Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Heflin
Heinz
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Warner
Wellstone
Wirth

NAYS—0

NOT VOTING—6

Bentsen
Bumpers
Cranston
Hatfield
Nunn
Wallop

So the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado [Mr. WIRTH] is recognized for up to 10 minutes.

Mr. WIRTH. I thank the Chair.

GLOBAL WARMING

Mr. WIRTH. Mr. President, I would like to address, if I might, the issues related to global warming that have been so well illustrated by the distinguished majority leaders.

Mr. President, in the last several months we have focused on the important long-term decisions we must make for the future of this country. We are beginning again the long, full debate about our fiscal future. Similarly, the Persian Gulf crisis has focused once again on the volatile Middle East and the vulnerability of our economic sector to shocks in the world oil market. It is appropriate, Mr. President, that these issues have consumed much of our energies in the past weeks and months. These are fundamental long-term issues that must be debated and acted upon as we prepare for the 21st century in a rapidly changing world. We are coming to realize these changes are economic, political, and increasingly environmental. That is why I want to briefly come back to an issue many of us have been raising over and over again, the issue of global warming, in these first days of the 102d Congress.

When the last Congress began, we were coming out of a year of bizarre, devastating weather. Drought seared the Midwest and shut down the Mississippi River. Hurricane Gilbert slammed through the Gulf of Mexico and toward Galveston, TX, with record winds. Across the country the public was alarmed, and it is safe to say in 1988 the issue of global warming entered the mainstream. Recenty it was announced that 1990 was the warmest year on record, not surprisingly to those aware of the drought in California or the record temperatures this month in the East. Indeed, the past decade has witnessed 7 of the warmest years on record.

So, when we started the last Congress a number of bills were introduced, international meetings were planned, and many of us, if not all of us, began to get serious about global warming.

Indeed, in his first speech as Secretary of State, Jim Baker, said we need to act. He said that we recognized that the accumulation of greenhouse gases is a problem and that we should do something about it. But there has been no followup from that speech. Instead, this administration has blocked every international attempt to begin addressing the global warming issue.

Most of us are also familiar with the embarrassing meeting the administration convened early last year here in Washington on this issue. It was in preparation for that meeting that the President's political handlers told U.S. representatives that rather than negotiation, "A better approach is to raise the many uncertainties that need to be better understood on this issue."

In that and many other areas we are drifting, genuinely isolated in international diplomacy and out of touch with the reality that is apparent to almost every other leading industrial democracy. That fact was made even more plain at the negotiations in Chantilly this week. The administration announced a so-called action plan that said there will be greenhouse gas reductions associated with phasing out CFC's and the Clean Air Act amendments.

While this is true, the argument falls on its face in light of the commitments undertaken by other nations—Australia, Japan, Germany, France, Great Britain, and Canada, to name a few. All of these nations are signatories to the Montreal protocol and will be phasing out CFC's. Nonetheless, they have taken on the responsibility of reducing or stabilizing carbon dioxide emissions, something we have not done.

U.S. emissions of CO_2 are expected to increase 15 percent by the year 2000, according to EPA. And an OTA report—Office of Technology Assessment report—released only today, suggests that carbon dioxide emissions will probably increase even more. CO_2 accounts for about 50 percent, Mr. President, of the gases that force climate change.

In addition, we are on course to double from preindustrial levels the concentration of CO_2 in the atmosphere by the middle of the next century, regardless of what we do on CFC's or the other greenhouse gases. Finally, the Intergovernmental Panel on Climate Change a very prestigious international group, found that the Earth could warm by 4 to 9 degrees in the next century, based its assumptions on the phaseout of CFC's. Taking credit for reducing CFC's is repackaging old initiatives and hardly represents leadership from the administration.

It is deja vu all over again, Mr. President. The White House effect we heard about in 1988 has turned into the whitewash effect for now more than 2 years. The administration still appears to be unable to come to grips with one of the most important issues facing the community of nations.

We would do well, Mr. President, to set a target for ourselves of being as energy efficient in the year 2000 as, for example, the Japanese are today. Japan's per capita emission of greenhouse gases in 1988 was estimated to be 2.5 tons, compared to a whopping 6.14 for the United States. Japan's fleet of cars achieve, on average, fuel efficiencies of 27 miles per gallon, 30 percent higher than our own. In its recent announcement, the Japanese Government has set a target of increasing fuel efficiency even further: 10 percent by 2000 and 15 percent by 2010.

And what are we doing? The Secretary of Energy is developing a national energy strategy, but I am told that the issue of auto fuel efficiency is not even on the table. More alarmingly, the idea of reducing greenhouse gas emissions will not be considered as an objective of the so-called strategy.

What we can do is to reduce carbon dioxide and save energy. We can use energy-saving lighting, for example, that I have installed in my office and which is now, I hope, going to move to offices all over Capitol Hill.

Just changing light bulbs alone, Mr. President, can save a great deal of energy. For example, a simple compact light bulb like this, putting this in instead of the regular 75- or 100-watt bulb, can save, over its lifetime, 320 pounds of coal.

A circlite like this, Mr. President, which can be used as a normal light in everybody's house, or the lights many of us have in our offices, over its lifetime saves 470 pounds of coal. And a simple twin tube like this, Mr. President, replacing again an ordinary light bulb, can save more than 300 pounds of coal.

Those technologies which are now coming into the market and are on the shelf are precisely the kinds of things that we ought to be doing, and we ought to be encouraging in every way that we can. So it is increasingly distressing, Mr. President, to see the administration tarnish our proud history of international leadership on environmental matters. We have charted the course for the world in the past. Now we are bystanders, if not obstructionists, in the international endeavor to tackle the enormous threat of global climate change.

Therefore, Mr. President, I fully support and applaud the resolution being offered by the distinguished majority leader. This resolution urges the administration to develop a specific set of targets and timetables for reducing greenhouse gases by the United States. Nations around the globe are developing these kind of programs and we are outside the mainstream in these efforts. As we enter the first phase of negotiations on an international agreement to protect the global environment, it is imperative that the United States take the lead once more. We led in the sixties and seventies on environmental issues. We are now taking up the rear, Mr. President. We should not.

And, as always, our majority leader is at the forefront of this effort, and I hope all of my colleagues will support his resolution.

The key to that resolution, Mr. President, says:

> Be it resolved * * * that it should be the policy of the United States to specify reductions in the national emissions of carbon dioxide and other greenhouse gases by a date certain.

It says "specify reductions in emissions of carbon dioxide and other greenhouse gases."

How to do that? We should have "an agreement by industrialized nations to reduce their current emissions of carbon dioxide." Everybody else is doing it; not us. We should have "an agreement by developing nations to limit their growth in carbon dioxide emissions from fossil fuel combustion so that total emissions from the industrialized and developing world are significantly reduced." What a good idea.

Develop "an agreement by all countries to limit the release of carbon dioxide due to deforestation by sustainable use of existing forests and reforestation"—a good policy in every way—and developing "an agreement by all countries to take available steps to cut emissions of other greenhouse gases, including methane." Those are precisely the kinds of steps we ought to be taking in this country, Mr. President.

Let me close by saying that there are those who say there is too much uncertainty out there. We only know the chances are 1 in 10 or 1 in 5 that the globe will get warmer. I submit, Mr. President, if you knew when getting on an airplane that the chances were 1 in 10 or 1 in 5 that that airplane was going to crash, you would make a different reservation. If you knew the chances were 1 in 10 or 1 in 5 or 1 in 20 or 1 in 50 that your house was going to burn down, you would call an electrician and rewire the house.

The consensus, Mr. President, among Nobel laureates, members of the National Academy of Science, is we are on a path toward significant warming. It is not a matter of if we are going to warm, it is a matter of how much, how fast. In the face of how much, how fast, we have an obligation to act. The way we can do so, Mr. President, is through a simple, "no regrets" policy that focuses on conservation, focuses on the development of alternative fuel programs, items that we know how to do. It is not rocket science, it is only a matter of political will.

That political will must come in large part from the leadership in the White House. We only have one individual selected: Not Mr. Sununu, not Mr. Darman. We must have the President of the United States take the lead. It is his responsibility. We can recapture the momentum that we had for a long time on issues of the environment. I would say most particularly, as a final note, on the issue of population.

President Bush was, as a Member of the House of Representatives, the lead Member of the House on worldwide population programs with a very, very enlightened set of positions. He made a change in 1980, unfortunately. He changed his position. He continues to be the direct opposite of where he was in the late sixties, early seventies. I hope we will see him make that change back to the enlightened kind of leadership he showed as a Member of the House of Representatives on population policy.

Mr. President, I ask unanimous consent to have the "Changing by Degrees, Steps to Reduce Greenhouse Gases," put out by the Office of Technology Assessment be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Office of Technology Assessment]

CHANGING BY DEGREES: STEPS TO REDUCE GREENHOUSE GASES

SUMMARY

Meanwhile, there is debate here as to whether and when a freeze or a 20-percent reduction in U.S. greenhouse gas emissions could be achieved in the near-term. Such a 20-percent reduction in U.S. CO_2 emissions would represent a 3-percent decline in current worldwide emissions of CO_2 and less than a 2-percent decline in current worldwide emissions of all greenhouse gases. More importantly, however, even if a 20-percent cut by all developed Nations could be achieved, it would not be enough to stabilize the atmosphere at today's level, let alone to reduce greenhouse gases to pre-industrial levels. To stabilize the atmosphere, the Intergovernmental Panel on Climate Change (24) and the Environmental Protection Agency (EPA) (56) suggest, would require much more—up to an 80-percent global reduction in CO_2 emissions from current levels as well as significant reductions in the other greenhouse gases. To achieve this under the combined pressures of economic and population growth, nonfossil fuel technologies such as solar or nuclear power would be needed to replace much of today's fossil fuel use.

Energy conservation is the logical first step for the United States if it wishes to reduce its own CO_2 emissions below present levels over the next 25 years. For comparison, if no actions are taken, emissions of CO_2 will likely rise 50 percent during the next quarter century. Under a set of modest policies designed to encourage people to choose technologies that are cost-effective, emissions of CO_2 probably will rise about 15 percent over the next 25 years. This policy package is labeled OTA's "Moderate Scenario."

OTA identified an energy conservation, energy-supply, and forest-management package that can also achieve a 20- to 35-percent emissions reduction. This package is labeled OTA's "Tough scenario."

While difficult major technological breakthroughs are needed, existing equipment would not have to be instantly scrapped and replaced with untested prototypes. The requisite energy-related technologies are either already available or are demonstrated and close to commercialization today. Most of the forestry-related practices also are proven and already commercialized. OTA's Tough scenario thus does not represent "maximum technical potential." Although it could be argued, for example, that there is a "technical potential" for a massive return to nuclear power by 2015, we assume that this is not feasible for the United States, given lead times and current public concerns. Likewise, we assume that a massive penetration of solar-based electricity generation will not take place by then. Nor will most people be driving 80 miles per gallon (mpg) cars, although prototypes are available today. In each of these cases, though, increased research, development, and demonstration (RD&D) could bring substantial benefits within a half-century.

In the OTA analysis of energy-related activities, only those technical options that would result in CO_2 emissions reductions without loss of comfort or convenience were examined. If implemented, the energy conservation options discussed in our Moderate scenario would likely save consumers money over the lifetime of, for example, an energy-using appliance, given today's energy costs. Greater reductions are quite feasible, as our Tough scenario shows, with technologies that are either technically challenging or more expensive. Even greater reductions are possible if consumers can be persuaded to forgo some amenity or comfort; however, because many such actions are reversible, they may not continue if energy prices drop and so are not considered here.[1]

U.S. carbon dioxide emissions in 1987 expressed as carbon equivalents[2] were about 1.3 billion metric tons per year (see figure 1-2). OTA projects that under "business-as-usual" conditions (i.e., our Base case) emissions in 2015 will rise to 1.9 billion metric tons per year. In order to reduce emission levels 20 percent below 1987 levels by 2015 (i.e., to about 1.0 billion metric tons), we must not only attain zero growth over the 1987 level, but must also trim that level by an additional 0.3 billion metric tons. As figure 1-2 shows, a 20-percent emissions reduction is much more than OTA's Moderate scenario but less than its Tough scenario.

During the 1970s the extraordinary freeze in energy consumption—while the Gross National Product (GNP) grew 35 percent—was about two-thirds due to increases in energy efficiency and one-third due to structural change[3] in the economy. Investments in more efficient technologies were facilitated by higher energy prices and the regulatory climate.

The Nation's track record gives increased confidence that such improvements could continue to be achieved, especially if energy prices were to significantly rise again. To achieve lasting reductions in energy consumption, government signals (e.g., pricing and regulatory policies) need to be consistent and reinforcing. Otherwise we are likely to see reversals—as in the 1980s, when energy prices decreased and U.S. fossil fuel consumption started climbing again. For example, higher gasoline prices in the 1970s and early 1980s led to increased purchases of fuel-efficient automobiles. As gasoline prices fell and long-term energy problems were discounted by national leaders, car buyers shifted their attention away from efficiency toward higher luxury and power. Similarly, Federal R&D funding for renewable technology plummeted 90 percent (in constant dollars), from $1.3 billion in 1980 to $0.14 billion in 1990 (see figure 1-6 below). The United States has recently become a net importer of solar thermal and wind systems after dominating the market in the mid-1980s.

A variety of policy interventions will be required to reduce CO_2 emissions 20 to 35 percent below current levels by the year 2015. These could include regulatory "push" and market "pull" mechanisms to provide maximum encouragement and flexibility. They could affect both energy supply and demand and forestry and agricultural practices. Without an increase in and refocusing of current Federal initiatives—including performance standards, incentive programs, energy taxes, and RD&D activities—the use of greenhouse gas reducing technologies is unlikely to increase greatly in the next few decades.

Many of the measures discussed in this study will have ancillary environmental benefits, including abating acid rain, urban smog, ozone depletion in the stratosphere, and groundwater contamination. Decreasing oil use—primarily affecting the transportation sector—will reduce our dependence on foreign oil. Developing and producing renewable energy technologies with worldwide applicability will strengthen U.S. trade markets and our competitiveness abroad. Given that 11 industrialized countries[4] have officially pledged to stabilize or reduce CO_2 emissions by 2005, and that energy demand in rapidly growing, developing countries must increase burgeoning markets for efficient and lower CO_2-emitting technologies are likely. The United States, as the world's largest producer of greenhouse gases, has an opportunity both to set a good example and be in the forefront of developing new markets for the associated technologies and products.

COSTS

While we think the Moderate scenario is achievable at a new savings,[5] nonetheless substantial shifts in the economy would have to occur (e.g., energy expenditures are 15 percent lower than they would be otherwise).

Many of the Tough scenario measures entail costs in excess of projected fuel savings; others are cost effective over their lifetime but are difficult to implement. A rough estimate of the cost range for the Tough scenario is a savings of $20 billion to a cost of about a $150 billion per year (in 1987 dollars) by 2015, after subtracting fuel savings (assuming forecasted 2015 fuel prices).[6] This range is equal to savings of a few tenths of a percent to a cost of about 1.8 percent of the Gross National Product (GNP) projected for 2015. For comparison, all environmental compliance costs today are about 1.5 percent of GNP; direct fossil fuel and electricity consumption purchases account for about 9 percent of GNP.

Other groups have tried to estimate the costs of CO_2 reductions, but with different control scenarios, often a carbon tax. For example, using several short-term econometric models (i.e., analyses that extend only to the year 2000), the Congressional Budget Office (CBO) estimated that a $100 per ton carbon tax phased in by the year 2000 would hold CO_2 emissions at just about current levels or reduce them to 25 percent below current levels by 2000 (45). By the end of the first decade, GNP would be lowered by about 0.5 to 2.0 percent (about $40 to $130 billion per year in 1987 dollars). However, GNP effects over the first few years of a suddenly instituted policy could be 5 percent or more.

CBO also looked at two longer term econometric models that forecast energy use past 2000, one constructed by the Environmental Protection Agency (EPA) and the other by the Electric Power Research Institute (EPRI). These models' projections for Base case energy use in 2015 are reasonably close to each other and to OTA's Base case and thus offer useful comparisons of reductions and costs. The model used by EPA forecasts that holding emissions to 10 to 15 percent below current levels would lower GNP by about 1 to 1.3 percent by the year 2015. The EPRI model forecasts that holding emissions to 20 percent below current levels would lower GNP about 3 percent by that year.

The costs associated with any scenario depend on many factors—including the price of fuel projected from Base case conditions. For example, we are assuming the price of crude oil will be $42 per barrel (in 1987 dollars) by the year 2010 (23) and about $50 per barrel by 2015.[7] Net costs for an emissions reduction scenario would be higher if 2015 fuel prices are lower than projected; for example, if oil prices are $5 per barrel lower in 2015 than we forecast (and other energy prices remain the same as forecast), costs will be about $15 billion higher. Similarly, net costs would be lower if energy prices rise more than projected. No quantitative estimates have been made of the ancillary air, water, soil, health, economic, and energy security benefits of reducing energy use and associated pollutants.

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[1] The U.S. Department of Energy (DOE) found that of an 18-percent reduction in residential energy use between 1972 and 1984, one-third was due to behavioral changes (53).

[2] U.S. CO_2 emissions were 4.7 billion metric tons. For the purposes of this report, all emissions are shown as weight of carbon. To convert to CO_2 equivalent, multiply the weight of carbon by 3.67.

[3] I.e., declines in energy-intensive industry and increases in the service sector. For further details see ref. 47.

[4] As of January 1991, Australia, Canada, Denmark, France, Germany, Italy, Japan, The Netherlands, New Zealand, Norway, United Kingdom.

[5] We believe that overall savings are possible because, on balance, fuel savings (assuming projected 2015 prices) will exceed annual capital and operating costs.

[6] For example, we assume that oil prices by 2015 will be about $50 per barrel.

[7] For comparison, DOE's Energy Information Administration estimated the price of oil to be $28 to $46 per barrel by 2010; the American Gas Association projected $48 per barrel in 2015.

TABLE 1–1—MEASURES TO LOWER U.S. CARBON EMISSIONS

[Expressed as percentage of 1987 total emissions][1]

	Reductions in 2015	
	Moderate (in percent)	Tough (in percent)
DEMAND-SIDE MEASURES		
Residential buildings		
New investments:		
Shell efficiency	1.3	2.0
Heating and cooling equipment	.1	0.4 to 0.6
Water heaters and appliances	1.2	1.5 to 2.3
O&M, retrofits:		
Shell efficiency	.8	.9
Lights	.6	.8
All residential measures together	4	5.6 to 6.6
Commercial buildings		
New investments:		
Shell efficiency	2.3	4.0
Heating and cooling equipment	1.0	1.2 to 1.9
Lights	2.1	3.0
Office equipment	1.6	2.1
Water heaters and appliances	.1	.1
Cogeneration	.2	1.5 to 2.3
O&M, retrofits:		
Shell efficiency	.8	.8
Lights	.5	.5
All commercial measures together	8.5	13 to 15
Transportation		
New investments:		
New auto efficiency	.8	3.5 to 3.8
New light truck efficiency	.5	2.5 to 2.7
New heavy truck efficiency	.4	2.4 to 2.4
Non-highway efficiency	.5	1.2
O&M, retrofits:		
Improved public transit	.2	3.5
Truck inspection & maintenance	.3	0.4
Traffic flow improvements/55 mph speed limit	1.2	1.4
Ridesharing/parking controls	.4	1.0
All transportation measures together	4	14 to 15
Industry		
New investments:		
Efficient motors	1.2	3.7 to 4.0
Lighting	.5	0.7 to 0.8
Process change, top 4 industries	3.0	8.2
Fuel switch to gas	.0	2.4 to 2.7
Cogeneration	.8	5.2 to 5.8
O&M, retrofits:		
Housekeeping	1.9	2.0
Lighting	.1	.2
All industrial measures together	8	17 to 18
ELECTRIC UTILITY SUPPLY-SIDE MEASURES		
Existing plant measures:		
Improved nuclear utilization	4.1	4.1
Fossil efficiency improvements	1.7	1.7
Upgraded hydroelectric plants	.5	.5
Natural gas co-firing	....	3.7
New plant measures:		
No new coal; higher fraction of new nonfossil sources	....	0.0 to 4.7
CO_2 emission rate standards	.4	0.0 to 0.1
All utility supply-side measures together	6.6	9.9 to 14
FORESTRY MEASURES		
Afforestation:		
Conservation Reserve Program	.2	.2
Urban trees	....	.7
Additional tree planting	....	2.3
Increased timber productivity	....	3.1
Increased use of biomass fuels	....	1.2
All forestry measures together	.2	7.5

[1] Percent of 1987 emission = 13 million metric tons C = 0.7 percent 2015 emissions.

Source: Office of Technology Assessment, 1991.

BOX 1–B—THE OTA CO_2 EMISSIONS REDUCTION MODEL

OTA developed a simple accounting model to estimate the effectiveness of various technical options for lowering CO_2 emissions. The model is based on a larger system of energy and economic models used by the Gas Research Institute (GRI) to forecast energy use through 2010 (23).[1] Of all the integrated energy/economic forecasting models available, the GRI approach includes the greatest detail on the demand side for specific technologies. (Other models may contain, for example, estimates of total residential electricity demand, but do not include breakdowns of heating, cooling, refrigerators, freezers, clothes dryers, etc.) With such information, changes in CO_2 emissions can be simulated in detail based on changes in technology.

GRI provided OTA with detailed output from its model simulations of energy use through 2010. We, in turn, built a very much simplified set of models by "modeling" GRI's detailed output. For example, to estimate the energy demand for heating homes, GRI's residential sector model starts with the number of existing furnaces, heat pumps, and electric heaters. It then forecasts the number that must be replaced through time (with more efficient technology) based on typical equipment lifetimes. The number of new homes (which, of course, must also be heated) is forecast based on economic conditions. Whether consumers buy gas, oil, or electric heaters is forecast in part based on economics and in part on historical buying habits.

OTA took the GRI forecasts of energy use by each technology category (e.g., gas furnaces) and built a series of simple models that simulate the number and energy efficiency of each technology type through time, based *only* on the GRI detailed output data, rather than the economic decisions that influence the forecast. Note that for two categories—highway vehicles and electric utilities—we felt that the GRI model did not have adequate detail for our needs. For highway vehicles, we used Oak Ridge National Laboratory's "Alternative Motor Fuel Use Model" (but used GRI's oil price assumptions for consistency). For electric utiltiies, we built our own model using detailed data from the U.S. Department of Energy's Energy Information Administration.

We total all the energy use and CO_2 emissions from each technology and sector. This forms the basis for our Base case forecast that emissions will be approximately 50 percent above today's level by 2015. In the Base case (business as usual), OTA implicitly assumes GRI's economic forecast of GNP growth averaging 2.3 percent per year and energy price increases averaging 1.7 percent per year for coal, 3.7 percent per year for oil, and 4.8 percent per year for natural gas over the next two decades. This represents a reasonable future picture barring major changes in energy supply, economic, or regulatory conditions.

Then we estimate the effect changes in technology (e.g., more efficient gas furnaces than included in the GRI forecast) or policy changes (e.g., forcing coal-fired plants to retire after 40 years of operation) to produce two alternate cases: "Moderate" and "Tough." Our model, for the most part, assumes the same level of "services" as the GRI base case. In alternative scenarios, CO_2 emissions are reduced, for example, by using more efficient furnaces, switching fuel, or insulating houses, but *not* by assuming people keep their homes at lower temperatures in the winter or warmer in the summer like they currently do. In a few cases, most notably the transportation options, all "services" are not identical. For example, one of the measures that we include is to reinstate a 55 mph speed limit. Under our most aggressive scenario, we assume that cars will be somewhat smaller than they are today (for either economic or regulatory reasons). Both of these include some loss of convenience to consumers, but the "service" (i.e., number of miles traveled in reasonably similar cars at highway speeds) remains quite similar.

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[1] The GRI modeling system has as its core the U.S. Energy Model, developed by Data Resources, Inc. (DRI). The model includes four submodels: the industrial sector, residential sector, commercial sector, and electric utilities. Economic projections, which drive the Energy Model, come from the DRI Macroeconomic Model of the U.S. economy. Additional inputs are generated from the Industrial Sector Technology Use Model, developed by Energy and Environmental Analysis, Inc.; the GRI Hydrocarbon Supply Model; and the RDI Coal Model, developed by Resource Data International.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. Mr. President, I ask the permission of my colleague from New Mexico for 3 minutes to make a brief statement and that his time may be reserved to follow immediately afterward.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, it is my understanding I have 5 minutes reserved and I would follow my colleague.

The PRESIDING OFFICER. The Senator is correct. The time of the Senator is reserved.

Mr. DOMENICI. I am pleased to yield.

100 BELOW

Mr. MURKOWSKI. Mr. President, as a matter of notification for the benefit of this Chamber, I was advised today that Prudhoe Bay had an all-time low record of 100 degrees below zero. That is not the purpose, Mr. President, of my comments today.

FORCING OPEN JAPAN'S MARKETS—THE RESPONSIBILITY IS ON THE INDUSTRY

Mr. MURKOWSKI. Mr. President, I rise today to speak on an issue I have been pursuing for more than 5 years. I brought the subject of Japan's construction market to the floor of the Senate at least a dozen times in recent years. I bring it up again today because we have reached a critical juncture in our negotiations with the Japanese on the opening of their market to free and fair competition.

Mr. President, the Japanese construction market is larger than the United States. That is about $50 billion bigger than ours, every year. Their market is about $470 billion per year, and the United States market is about $420 billion per year. Few people realize this.

Japanese construction, engineering and architectural firms participate in the United States market in as free a way as possible. They learn of contracts, they make bids, and if they are the best in skill and price, they win. Japanese firms often win—on average Japan does over $2 billion of construction in the United States each year.

As is the case in many sectors, American firms face unfair barriers and market practices when they attempt to participate in the Japanese construction market. In November 1989, our Government, under the findings of a section 301 trade investigation, determined that these barriers unquestionably exist.

Mr. President, America is built on the principle of free trade, and we welcome competition into our markets. We do not like to resort to retaliation, and do not do it frequently or lightly.

This being the case, the United States has been in negotiations with the Japanese over that 301 ruling for more than a year, and has similarly been in review talks over the major projects agreement—a bilateral arrangement between our Governments meant to provide United States construction firms special treatment on 14 specific projects only—for 9 months.

I do not want to review the whole history of the industry talks at this time. But I do want to point out that our Government, the Department of Commerce, and the USTR in particular, has given its best effort to opening this market and they have not met with success.

The Congress has also taken a stand on this issue. During the last session I introduced two amendments to appropriations bills that would restrict Japan from our public works market if they continue to restrict us. These amendments have been signed into law.

Mr. President, the point I want to make today is that the Government has not undertaken this task without the input of industry. I have had a steady stream of U.S. construction firms at my door since 1987 when I began this debate.

I told these industry representatives time after time that I would help fight their battles, and keep fighting their battles until we got that market open. But I told them I would only do so as long as they were behind me.

Mr. President, today brings the witching hour. The culmination of more than a year's negotiations has arrived. And with it has arrived the time that industry must stand up and be counted. Our Government will go up against foreign governments to ensure free markets for our businesses, but it cannot do so alone.

When U.S. companies run up against a legitimate trade dilemma, they have recourse in their government. But the support from industry cannot stop with threats and the few contracts which are thrown our way. If it does, the good faith negotiators at the Department of Commerce, the USTR, and the allies here in Congress, may not be there again to fight until the eleventh hour and then back down and come home.

It is time, Mr. President, for our industry to stand up and be counted.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE AND THE SPEAKER OF THE HOUSE

The PRESIDING OFFICER. The Chair announces pursuant to section 4(a)(1) of Public Law 101-499, and on behalf of the President pro tempore of the Senate and the Speaker of the House of Representatives, the appointment of the Honorable Lindy Boggs to the Preservation of Jazz Advisory Commission.

Under the previous order, the Chair recognizes the Senator from New Mexico [Mr. DOMENICI] for up to 5 minutes.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 401 are located in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

COMMENDING SEAN D. BERSELL FOR HIS SERVICE TO THE COUNTRY, TO NEW MEXICO, AND TO THE U.S. SENATE

Mr. DOMENICI. Mr. President, I would like now just for a moment to thank a current member of my staff, Sean Bersell. He will soon be leaving. In fact, tomorrow will be his last day as an employee of the U.S. Senate.

I am pleased, on the other hand, to tell the Senate that while he served us well, and I think he did and became an expert, in my opinion, on matters pertaining to public lands and to our national parks, he will soon be moving on to help our poeple in the country because he is going to be assistant director for legislative affairs for the U.S. Park Service. That is what he truly loves. That is what he wants to do.

Incidentally, he was attracted to that here. He learned about it and, as he has said, they are our crown jewels, those national parks. I am pleased this young man is going to go there and serve our people as he served them through the Senate in my office.

Many of the good things that I was able to do in the last 4 or 5 years—a new major national park called Petroglyph National Park and many others—were the result of his expertise, his diligence and his hard work. In addition to that, we passed a bill that will have our park service begin to inventory the possible preservation of the old U.S. Highway 66, what is left of it; can we save it with private sector and city and State help so it will be there for all generations? Those are the kinds of things that excited him.

I hate to see him leave us. He is a very bright young man, well educated but, most important, he is truly dedicated to this kind of work.

Sean has served the Senate with distinction. His presence will be missed, not only by me and his fellow staff members, but by many others who have come to depend on his insights, his wit, his expertise.

It has been my privilege to introduce Sean to public lands issues, that have ultimately become a great love in his life.

Sean came to my office trained as a lawyer. But I think he would be the first to agree with the words of James Bryce, "America's national parks will ultimately contribute more to the moral strength of the Nation than all the law libraries in the land."

Sean recognized that national parks, in fact, are national museums. That they improve the health and sanity of man, they provide a point in which to observe nature's continuing evolution; for future generations to know historic landmarks as they were when history marked them; for those living on a crowded planet to have resort to the grandeur and peace of nature.

The people of New Mexico have much to thank Sean for: Route 66, El Malpais, the Georgia O'Keefe study, and much more including his most recent and most significant contribution—the Petroglyph National Monument.

The Petroglyph National Monument embodies what can be found nowhere else—it portrays history, a way of life, the primitive experience, and the early environment of an extinct culture; an extinct people.

No, there is nothing more American than our national parks. They are, indeed, an expression of the highest in our American code of government—equality for all. Sean goes on, now, to ensure the preservation and accessibility of our Nation's treasures; to protect the kind of America we have, and want to have, and the kind of people we are likely to become.

As Sean joins one of the highest traditions of public service, the National Park Service, my thoughts and my thanks go with him.

If I have any time remaining, I yield it back, Mr. President.

The PRESIDING OFFICER. Is there any other Senator seeking recognition at this time? In my capacity as a Senator from the State of Virginia, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. RIEGLE. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESERT STORM PARENTS

Mr. DOLE. Mr. President, yesterday in S-407 we had an excellent briefing on Desert Storm by Secretary Cheney and General Powell. As we all know, they will be departing shortly for the gulf region to make a firsthand assessment of the situation for the President.

Obviously, much of what we were told in the briefing yesterday was classified and cannot be discussed here on the floor. But one subject was raised that, clearly, is not classified and should be brought to the attention of all Senators, since it could at some point become the focus of floor action, and that is the subject of the policy of parents serving with our Armed Forces in Desert Storm.

It is an important subject. Certainly those who are urging that we reconsider our current policy are doing so with the best of motives.

But I think it is fair to characterize comments by General Powell—seconded by Secretary Cheney—as a strong and heartfelt defense of existing Pentagon policy in this area, a policy which says, in effect, that parents—whether one parent from a couple, both parents from a couple, or single parents—are all considered available for service in Desert Shield. Rather than try to duplicate General Powell's comments, I instead ask unanimous consent to include in the RECORD at this point a letter he and Secretary Cheney sent yesterday to the distinguished majority leader, explaining the policy and urging that it not be changed, particularly at this point in time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, February 7, 1991.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: One of the matters raised in the session we had with the Senate yesterday was a proposed resolution expressing the sense of the Senate that we take immediate action to ensure that no single parents or military couples with children serve in the Desert Storm theater of operations. We both stated that we were strongly opposed to such a resolution and to the policy it encourages. We would like to take this opportunity to explain more fully the reasons for our opposition to the policy and to the draft resolution prepared by Senator Heinz. We have discussed this matter with the Joint Chiefs of Staff, who join us in strongly opposing any such policy.

The military is a profession of arms that ultimately exists for a single purpose: to do battle when called upon by the leadership of the United States. Every dollar we spend, every action we take, and every policy we adopt must and should support that purpose. All members of that profession of arms serving today are volunteers. They understand that when they volunteered to serve, they freely assumed the duty and obligation to place themselves in harm's way when called upon to do so. That shared obligation is crucial to the unit cohesion that is the foundation of our combat capability.

That understanding and obligation is held equally by the single parents and military couples now serving around the world, including in the Desert Storm theater. Their exposure to the risks inherent in military service is not new. Years ago, the Department of Defense made the considered policy choice not to treat single parents and military couples as second class citizens, and to allow them to serve anywhere in the world, in very type of unit, and in any position. For decades, single parents and military couples have been serving well and honorably in places like Korea and Europe, places where the possibility of sudden and lethal combat was very real. They served in Operation Urgent Fury in Granada and in Operation Just Cause in Panama. Their service and contribution, including their service in Operations Desert Shield and Desert Storm, have demonstrated the wisdom of that policy choice.

We are and have been sensitive to the needs of all of our military families, including the special needs of our single parents and military couples. For that reason, we have a longstanding policy of requiring every single parent and military couple to maintain a current family care plan to ensure that their children are cared for when the parent or parents deploy. That policy is working well. Our single parents and military couples across the board have been meeting their obligations both as members of the military and as parents.

In our view, it would be a serious mistake, particularly while we are engaged in combat, to reverse our longstanding policy that single parents and military couples are fully deployable and available for assignment anywhere in the world. Requiring their redeployment from the Desert Storm theater now would weaken our combat capability by removing key personnel from our deployed units and by undermining unit cohesion and esprit de crops. It would also break faith with our single parents and military couples and with their comrades who depend on them every day.

We understand and appreciate your concern. We share that concern, not only for our single parents and military couples, but for every member of our Armed Forces who is serving in Operation Desert Storm. We urge you, however, not to allow that concern to lead you and your fellow Senators to call for a policy that, in our view, would be both unwarranted and unwise.

Sincerely,

DICK CHENEY,
Secretary of Defense.
COLIN L. POWELL,
Chairman, Joint Chiefs of Staff.

Mr. DOLE. Personally, I find their arguments persuasive, and I would intend to oppose any effort to revisit the policy now, or to urge the administration to do so. I certainly do believe that all Senators, especially those who did not hear General Powell yesterday, should carefully read their letter before making their own decision on this issue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. RIEGLE). The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 320

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 8, S. 320, on Tuesday, February 19, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now withdraw the motion to proceed to Calendar No. 8, S. 320.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. MITCHELL. Mr. President, I thank my colleague and state for the information of all Senators that the Export Administration reauthorization bill, which is S. 320, will therefore be before the Senate for consideration on Tuesday, February 19, at 3 p.m.

That is the date that we return from the forthcoming Presidents Day work period. There is no agreement on time or amendments. So it is possible that amendments will be offered. It is possible that both will occur on that day. That is not possible to foresee now. We will just be on the bill, and proceed from there until we complete action on the bill.

I will have a further statement later today on matters that we hope to take up during the period following our return on February 19.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to address the Senate as if in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

BARRY GOLDWATER

Mr. McCAIN. Mr. President, of the many lessons we will learn from our experiences in the gulf war, I want to make a few remarks about one lesson, in particular, that the war has reaffirmed. Charles de Gaulle stated it succinctly: "Nothing great will ever be achieved without great men."

Americans rightly take great pride in the brave and able men and women who are serving us so well in this crisis. We also take enormous satisfaction from the superb combat performance of our technology and weapons. Many of these systems have never been used in anger. Many were the subject of heavy, organized criticism before their value became clear to the entire world. In many instances, their very existence is owed to the support and good judgment of a few public officials who regarded the defense of this country as their greatest responsibility. As I, like others, watched with amazement the exceptional performance of the Patriot missile, I was reminded of the Patriot who was such an able advocate of that system, and who served so honorably in this institution.

When I recall Senator Barry Goldwater's long and distinguished career, I am reminded of the best examples of public service. A great man's biography is marked by consistency, integrity and lasting achievement. Barry Goldwater is such a man. His principles are his faith, and he has served them all of his life.

The changes in political attitudes that occur regularly in history may weaken the resolve of ordinary statesmen. But extraordinary statesmen, of the statute of Barry Goldwater, do not let the vagaries of public life impair their vision or weaken their heart. As a keen judge of character once observed about another great statesman, Henry Jackson: "Extraordinary statesmen keep faith with their principles. And keeping faith is what—Barry Goldwater is—all about."

The arsenal of American power that now forcefully defends the interests of America and our allies in the Persian Gulf is, in no small measure, a consequence of Barry Goldwater's staunch support for an American defense second to none.

No one has ever been more vigilant in the defense of our cherished values and freedoms than Senator Goldwater. But he was no more an idealist, than he was a realist. He served American ideals so effectively, because he sought the means to defend and promote those ideals with hard, practical assessments of the facts and numbers, of the necessities and the possibilities.

Perhaps, Barry Goldwater's greatest and most lasting contribution to the defense of his country was the Armed Services Reorganization Act. Only he had the stature to undertake this enormous reform of our military bureaucracy. Now, as we note with astonishment and gratitude the absence in Operation Desert Storm of the chain-of-command and service rivalry problems that dogged the military for years, we can thank Barry Goldwater.

The legacy of his service in the Senate, as a member and chairman of the Armed Services Committee, includes his ardent advocacy of the Patriot that has spared Saudi Arabia, Israel and our troops from much of the indiscriminate terror of the Scud missile.

But Barry Goldwater's determined support for the most capable American defense systems was not limited to the Patriot. He was a champion of the Maverick and Hellfire missiles, the best tank killers in our arsenals. Under heavy criticism, he steadfastly defended and promoted the F-18, and thanks to his efforts the F-18 is now one of the Navy's most reliable tactical aircraft.

Mr. President, the fulfillment of Operation Desert Storm's objectives depends on a great many weapons that Barry Goldwater worked so hard to secure for his country. But let us not mistake his advocacy of these weapons for a blind support of weapons systems in general. If Barry Goldwater did not believe that a system could perform its mission or if its worth exceeded its price, Barry Goldwater would not support that system.

The performance of the AH-64 Apache helicopter in Operation Desert Storm has exceeded all expectations. Yet when the Apache was scheduled to be developed—in Mesa, AZ—the Army came to the Senate with a request for 96 fewer helicopters at an increased cost of over one-half billion dollars.

Despite Arizona's obvious interest in developing the Apache, Barry Goldwater said no. He recognized that the program was poorly managed and he terminated funding for the Apache in the Senate markup.

But as the Senate bill, absent funding for the Apache, was on its way to conference with the House, something unusual happened. The Army and the contractor got serious about refining the Apache and reducing the cost. The demand for an additional $500 million was withdrawn. The Apache then earned the firm support of Barry Goldwater. And the Army now has the finest attack helicopter in the world performing brilliantly in the Persian Gulf.

Mr. President, allow me to mention one other example of Barry Goldwater's invaluable contribution to our efforts in the gulf. The development of the M-1 tank, when it was still known as the XM-1, was another program under heavy fire from defense critics. Barry Goldwater held a special hearing to establish whether or not the M-1 deserved to be included in America's defense.

Barry Goldwater listened to the testimony of the critics. And he listened to the testimony of the generals. But he also wanted to hear from the sergeants, the men whose missions and lives would depend on the M-1. He asked them directly: "If you were to go into combat today which tank would you want?" When he heard the sergeants reply that they would, without question, want the M-1, Barry Goldwater made certain that the U.S. Army had the M-1 tank. And if our forces must engage Iraqi forces on the ground, they will be fighting with the most capable tank that has ever been produced. We will be glad that Barry Goldwater listened to the sergeants.

I doubt that Barry Goldwater is much impressed by testimonials. I suspect that were he here, I would be treated to another display of his well-earned reputation for candor. But I thought it proper to reserve some of our gratitude for the exceptionally low number of casualties inflicted thus far on American forces in the gulf, for Barry Goldwater. More than most, he is responsible for the technology and equipment that have served so well to keep those numbers low.

And when this conflict is finally concluded, when we begin to give well-deserved thanks to our Armed Forces, to our President, and to the other leaders of our Government, let us also give thanks to a man whose contribution to this moment was as great as anyone's. Let us thank Barry Goldwater, one of the finest patriots I have ever had the honor to know.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

PRESIDENT RONALD REAGAN'S 80TH BIRTHDAY

Mr. SPECTER. Mr. President, I am pleased to add my voice of congratulations to former President Ronald Reagan on the celebration of his 80th birthday. This is a hallmark in his life. It comes after his departure from the Presidency 2 years ago where he made an enormous contribution to America in both foreign and domestic policy. In foreign policy, he, along with President Bush, during the 8 years of the Reagan-Bush administration, led to the rearming of America, which has enabled our great country to project strength and force in the Persian Gulf in a way which is unprecedented in American history. I recall a famous comment he made on the arms race remarking that the Soviets liked the arms race as long as they were the only ones in it. However, as he took the lead in rearming America, the Soviets quickly learned the futility of continuing the arms race. The consequence was arms reduction, where President Reagan was an international leader, leading to the INF Treaty and enormous progress on a strategic arms reduction treaty, which is as yet incomplete.

On the domestic scene, he changed the contour of the American economy in a number of significant ways. He presided over 6 years of unparalleled economic expansion from 1982 through the end of his term. He had made enormous strides in transforming domestic spending priorities by supporting only those programs which were of real necessity and usefulness.

So I am pleased to add my voice of congratulations to those who are saluting President Reagan on his 80th birthday.

On a personal note, the President was elected in 1980, the same year that this Senator was elected, the same year that the distinguished Presiding Officer was elected. The distinguished Presiding Officer, not having been a member of our party, was not included among the 16 Republican Senators who were invited for a number of unique social occasions for the class of 1980. Considering my lofty seniority with that group of 16, being 16th, largely as a result of the fairness of the alphabet over which none of us has any control, then Majority Leader Howard Baker designated this Senator as the spokesman for the class of 1980. That always positioned me at the President's left, where I had a chance to get to know him just a little bit better.

So I am delighted to add my voice in congratulations to President Reagan on the occasion of his 80th birthday.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mr. SEYMOUR. I thank the Chair.

(The remarks of Mr. SEYMOUR pertaining to the introduction of S. 404 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTION FOR PERSIAN GULF WAR VETERANS

Mr. SPECTER. Mr. President, I think it is appropriate to note that earlier this afternoon the Veterans' Affairs Committee passed out of committee unanimously significant legislation to provide for the protection of Persian Gulf war veterans. This is part of a continuing bipartisan effort by both Democrats and Republicans in the Senate and in the House of Representatives to provide appropriate protections for those who are in the military service and to provide for appropriate benefits for them once they leave the military service.

Earlier this week, I was designated as the ranking Republican on the Veterans' Affairs Committee, a committee on which I have served for the past 10 years. Today, working with the acting chairman, Senator DECONCINI, the legislation was passed out of the committee. This legislation was earlier introduced by Senator CRANSTON who is unable to be with us at the present time due to medical problems.

The legislation passed out of the Veterans' Affairs Committee will supplement other legislation which is currently pending in the Senate such as House Resolution 555, identical with Senate bill 330. This legislation contains a number of very important provisions to protect veterans who are serving in the Persian Gulf.

For example, the pending legislation, which is broadly cosponsored on both sides of the aisle, would provide a stay, postponement, or suspension of any tax, fine, penalty, insurance premium, or other obligation or liability for any purpose in the military service—and any failure to act on any of those items should not provide the basis for affecting existing or future credit ratings.

That legislation would further provide for the suspension, upon written request, of premium payments on professional liability insurance coverage and a wide variety of items to protect the American service man and woman.

The Veterans' Affairs Committee this afternoon passed out legislation which would provide employment benefits upon returning to the United States; would provide an increase in life insurance coverage to $100,000, and would provide an additional payment of some $50,000 under the current language of the legislation as introduced by Senator WARNER for service personnel who die or are killed in a period from August 1, 1990, until that legislation is passed.

But I think this action by the Veterans' Affairs Committee, Mr. President, is of such significant importance that it ought to be noted by the American people at the earliest practical date. Therefore, I make this very brief report on the action which was taken by our committee this afternoon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 386—VETERANS BENEFITS

Mr. SPECTER. Mr. President, because of the comments which I just made concerning the legislation passed by the Veterans' Committee and the fact there is no one else on the floor, I might just take a few moments to amplify on what Senate bill 386, passed by the Veterans' Committee, provides so that the public may be informed about it at this early time.

The proposed legislation makes veterans and spouses of veterans with service during the Persian Gulf war eligible for benefits under the VA Pension Program.

Second, it makes applicable to Persian Gulf war veterans a presumption for the purpose of receiving VA medical care for those who develop an active psychosis within 2 years after discharge or release from active military service that, included service during a period of war.

Next, it provides Persian Gulf war veterans with the same eligibility for medicines from the VA that other wartime veterans have when they are receiving additional VA service-connected disability compensation or increased VA nonservice-connected disability pension by reason of being permanently housebound or in need of regular aid and attendance.

The proposed legislation passed out of committee further provides for extended entitlement to VA readjustment counseling through VA vet centers to post-Vietnam-era veterans who served in active duty in an area at a time when hostilities occurred in that area.

The proposed legislation also provides that notwithstanding the requirement that claims for reimbursement for burial payments from the VA be filed within 2 years after the burial of the veteran, a claim for reimbursement for burial payments in the case of veterans of the Persian Gulf war who died before the date of the enactment may be filed within 2 years after that date of enactment.

It further provides for a veterans advisory committee on education to be formed by the Secretary of Veterans Affairs to include a representative of the Persian Gulf war veterans.

It further provides for eligibility of VA housing loan benefits to veterans who served on active duty at any time during the Persian Gulf war and whose total service was for 90 days or more, provided that those veterans meet the minimum active duty service requirements.

It next provides for the requirement that employers take affirmative steps to provide necessary retraining for the persons being reinstated to employment under the veterans reemployment rights law.

It further provides a requirement that employers make reasonable accommodation for disabled reservists being reinstated under the veterans reserve laws.

Further, there is a provision to authorize the Secretary of Veterans Affairs to employ retired Federal health care specialists without their retirement annuities being reduced and also authorizes the appropriation of $1 million for the establishment of an information and referral system in the form of a VA staff toll-free number to provide information to veterans and family members of active duty service personnel.

These provisions, I think, are very significant, and it is anticipated they will reach the floor for action shortly after the Lincoln Day recess.

Again, I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSIAN GULF MANPOWER BENEFITS

Mr. MITCHELL. Mr. President, when the United States abandoned the Selective Service System 20 years ago, our military moved to a volunteer Armed Forces system, relying on the recruitment of men and women who agreed to serve for a fixed term of years.

What Americans did not fully realize until very recently is that a central element of the volunteer force structure is its dependence on an Active Reserve Force in time of war.

The Defense Department evolved the combined force structure of full-time and Reserve Forces during the decade of the seventies. But what it never developed was any comparably well-conceived system to cope with the dislocation that prolonged active service would cause to the hundreds of thousands of families affected.

The Persian Gulf deployment of troops and reservists has made the absence of such a family support system glaringly obvious.

Families of activated reservists encounter a wide range of dislocations, ranging from the immediate reduction in income to the absence of health insurance coverage.

Families where both parents have been called up face the immediate problem of care for children. Spouses who are forced to take a job when their partner is called up face the need for day care. When private-sector employment is suspended health insurance benefits for families are sometimes suspended as well.

In short, the planning and budgeting that a family has done can be thrown into total chaos when a reservist is activated for a long period.

Similarly, overseas duty results in many of our full-time military spouses being faced with comparable problems.

The laws now on the books which are designed to protect military families against the contingencies that can arise as a result of active duty are in urgent need of updating.

The Soldiers' and Sailors' Civil Relief Act, for instance, is a statute which was first enacted in 1940, also during time of war, to protect persons called to active military duty against a range of civil liabilities.

That law was modified in the 1972, but has not been updated since.

Its protection for families against eviction from rentals is limited to rentals of $150 or less per month. There are very few apartments or rental homes today at that price.

The law does not reach the situation of many reservists with respect to their health insurance coverage.

The law does not take account of the vast shift in the work force that has occurred since 1972, where more than half the mothers of school-age children are in the work force and child care has become a crucial problem for many of them.

The lack of a reasonable support structure has been highlighted by the beginning of active hostilities in the Persian Gulf. We are now taking action on a variety of measures designed to meet those needs.

First, for the families of both full-time and reservist forces, we should allow the Defense Department to make grants to child care providers or families to help cover the costs of child care.

Additionally, the Department should be authorized to provide grants to nonprofit organizations which provide family support services for military families.

Today, those nonprofit organizations, most conspicuously those activated by the national veterans' organizations, are facing enormously increased demands for their help.

Families call needing some way to deal with auto payments or utility bills; some face medical emergencies; others have trouble facing the stress on children when a parent is away and the other parent suddenly has a greatly increased workload.

These organizations need help to provide the services they are now struggling to organize. They are a tested channel for getting support to families promptly and efficiently. The volunteers who provide much of their staff are dedicated to the well-being of military families. All they need are the resources.

By authorizing the Defense Department to make those resources available, Congress can ensure that our military families get the services they need when they need them.

Congress will also quickly review the health insurance needs of the families left behind. This is a critical area in which swift action is essential.

Some reservist families live in areas where CHAMPUS benefits, the health coverage provided automatically through the military medical system, are not readily available. For them at least, Defense Department payment of private insurance premiums to maintain policies in force is essential.

Requiring the reinstatement of coverage, with no waiting period or other test, is equally essential. We require employers, by law, to preserve the jobs of reservists called to active duty. An equally important element of that protection today is to ensure the reinstatement of health coverage along with employment.

The intent of the law that protects reservists jobs is to ensure that no American who responds to the Nation's call is penalized for that service. As a central element of that intention, the preservation of health coverage for families and reservists themselves is essential.

Congress has already taken action to ensure that those serving in the gulf have adequate time to fulfill their tax liabilities without penalty. They will receive interest on any tax refunds which are delayed because of their service.

But in addition, Congress will take up related tax matters to relieve those serving of the potential adverse economic consequences of their service.

Imminent danger pay and hostile fire pay have not been increased since 1985. The value of that pay should be upgraded to take account of inflation as soon as possible.

Current law exempts all combat pay for enlisted personnel serving in a combat zone and $500 per month of pay for officers. We should review the officers' exemption with a view to revising it.

Current law limits the ability of taxpayers to dip into tax-sheltered IRA savings accounts. But in light of the emergencies that many military families may face, an exemption for those serving from this prohibition may well be warranted.

Unlike career military personnel, reservists called to duty face disruption of their accrued pension benefits. We will review the justification for allowing such a disruption.

Nothing that any Congress or Government department does can ever fully repay the men and women who serve at risk of their lives or the families who endure months of separation and anxiety on top of the practical disruptions to their lives.

But to the extent that the Government which calls them to serve can reduce some of the disruption, we ought to take those steps. That is the immediate priority facing this Congress. We will act on these proposals very shortly.

THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT

Mr. MITCHELL. Mr. President, in my prepared remarks, I referred to the Soldiers' and Sailors' Civil Relief Act and, as Senators will recall, we attempted to bring that to completion in the Senate yesterday but were unable to do so because of our inability to get a unanimous-consent agreement.

During the discussion on that matter which occurred in the Senate, Senator HEINZ objected to the unanimous-consent agreement, because he wanted to offer his amendment in the nature of a sense-of-the-Senate resolution, and Senator HEINZ and I engaged in a discussion about the position of the Secretary of Defense, Dick Cheney, and the Chairman of the Joint Chiefs of Staff, General Powell, with respect to the Heinz resolution.

We both attended a meeting at which Secretary Cheney and General Powell had made comments on this, and I interpreted their remarks to be opposition to Senator HEINZ' resolution. He interpreted their remarks differently. I suggested then that the best thing to do, rather than either have us interpreting what someone else said, would be to ask Secretary Cheney and General Powell to state their views for themselves in writing. They have now done so. They have provided me with a letter, copies of which have been provided to Senator DOLE and others.

I ask unanimous consent this letter be placed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, February 7, 1991.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: One of the matters raised in the session we had with the Senate yesterday was a proposed resolution expressing the sense of the Senate that we take immediate action to ensure that no single parents or military couples with children serve in the Desert Storm theater of operations. We both stated that we were strongly opposed to such a resolution and to the policy it encourages. We would like to take this opportunity to explain more fully the reasons for our opposition to the policy and to the draft resolution prepared by Senator Heinz. We have discussed this matter with the Joint Chiefs of Staff, who join us in strongly opposing any such policy.

The military is a profession of arms that ultimately exists for a single purpose: to do battle when called upon by the leadership of the United States. Every dollar we spend, every action we take, and every policy we adopt must and should support that purpose. All members of that profession of arms serving today are volunteers. They understand that when they volunteered to serve, they freely assumed the duty and obligation to place themselves in harm's way when called upon to do so. That shared obligation is crucial to the unit cohesion that is the foundation of our combat capability.

That understanding and obligation is held equally by the single parents and military couples now serving around the world, including in the Desert Storm theater. Their exposure to the risks inherent in military service is not new. Years ago, the Department of Defense made the considered policy choice not to treat single parents and military couples as second class citizens, and to allow them to serve anywhere in the world, in every type of unit, and in any position. For decades, single parents and military couples have been serving well and honorably in places like Korea and Europe, places where the possibility of sudden and lethal combat was very real. They served in Operation Urgent Fury in Grenada and in Operation Just Cause in Panama. Their service and contributions, including their service in Operations Desert Shield and Desert Storm, have demonstrated the wisdom of that policy choice.

We are and have been sensitive to the needs of all of our military families, including the special needs of our single parents and military couples. For that reason, we have a longstanding policy of requiring every single parent and military couple to maintain a current family care plan to ensure that their children are cared for when the parent or parents deploy. That policy is working well. Our single parents and military couples across the board have been meeting their obligations both as members of the military and as parents.

In our view, it would be a serious mistake, particularly while we are engaged in combat, to reverse our longstanding policy that single parents and the military couples are fully deployable and available for assignment anywhere in the world. Requiring their redeployment from the Desert Storm theater now would weaken our combat capability by removing key personnel from our deployed units and by undermining unit cohesion and esprit de corps. It would also break faith with our single parents and military couples and with their comrades who depend on them every day.

We understand and appreciate your concern. We share that concern, not ony for our single parents and military couples, but for every member of our Armed Forces who is serving in Operation Desert Storm. We urge you, however, not to allow that concern to lead you and your fellow Senators to call for a policy that, in our view, would be both unwarranted and unwise.

Sincerely,

DICK CHENEY,
Secretary of Defense.
COLIN L. POWELL,
Chairman, Joint Chiefs of Staff.

Mr. MITCHELL. Mr. President, this letter specifically refers to Senator HEINZ' resolution by name and specifically opposes that resolution.

I call it to the attention of all Senators so there can be no misunderstanding about this arising out of the colloquy yesterday. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff state in unmistakable terms their opposition to that resolution.

Obviously, each Senator will have the opportunity to present his or her amendment at an appropriate time, but I do this first to set the record straight so there can be no misunderstanding on this question, but also to renew my request that we can act promptly on the Soldiers and Sailors Civil Relief Act amendments on which I think there is very broad support. Indeed, Senator HEINZ was clear in his statement yesterday that he supports that legislation. He wants that legislation to go forward. It is my hope we can now do so free of any other amendment or controversy promptly when we return.

It is my intention, Mr. President, to deal with that and other matters when we return.

I expect that the Senators from Ohio and Arizona are soon going to address the subject of benefits for military families.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker appoints the following Members to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday to be held on February 22, 1991: Mr. OLIN and Mr. WOLF.

The messages also announced that pursuant to 14 U.S.C. 194, the chairman of the Committee on Merchant Marine and Fisheries appoints the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Coast Guard Academy for the 102d Congress: Mr. TAUZIN, Mr. HUGHES, Mr. FIELDS, and Mr. JONES of North Carolina, ex officio.

The message further announced that pursuant to 46 App. U.S.C. 1295b (h)1, the chairman of the Committee on Merchant Marine and Fisheries appoints the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Merchant Marine Academy for the 102d Congress: Mr. HOCHBRUECKNER, Mrs. LOWEY of New York, Mr. LENT, and Mr. JONES of North Carolina, ex officio.

The message also announced that pursuant to the provisions of section 3 of Public Law 93-304, as amended by section 1 of Public Law 99-7, the Speaker appoints as members of the Commission on Security and Cooperation in Europe the following Members of the House: Mr. HOYER, cochairman, Mr. FASCELL, Mr. MARKEY, Mr. RICHARDSON, Mr. FEIGHAN, Mr. RITTER, Mr. PORTER, Mr. SMITH of New Jersey, and Mr. WOLF.

ENROLLED JOINT RESOLUTION SIGNED

At 3:41 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 30. Joint resolution to designate February 7, 1991, as "National Girls and Women in Sports Day."

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-541. A communication from the Deputy Assistant Secretary of the Air Force (Acquisition), transmitting, pursuant to law, a report on the cost comparisons for base operating support at Goodfellow and Reese Air Force Bases, TX; to the Committee on Armed Services.

EC-542. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on certain properties to be transferred to the Republic of Panama in accordance with the Panama Canal Treaties; to the Committee on Armed Services.

EC-543. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, a report on the operations of the Panama Canal during fiscal year 1990; to the Committee on Armed Services.

EC-544. A communication from the acting chair of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report of the subcommittee during fiscal year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC-545. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Preview Report for Fiscal Year 1992; pursuant to the order of August 4, 1977, referred jointly, to the Committee on the Budget and the Committee on Governmental Affairs.

EC-546. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the viability of the domestic uranium mining and milling industry for 1989; to the Committee on Energy and Natural Resources.

EC-547. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report on the accessibility standards issued, revised, amended, or repealed under the Architectural Barriers Act; to the Committee on Environment and Public Works.

EC-548. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a Presidential determination authorizing the release of funds for the unexpected urgent needs of refugees in Africa and the Middle East; to the Committee on Foreign Relations.

EC-549. A communication from the Executive Secretary of the National Security Council, transmitting, pursuant to law, the annual report of the Council under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-550. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the assignment or detail of GAO employees to congressional committees as of January 11, 1991; to the Committee on Governmental Affairs.

EC-551. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report on the implementation of the Federal Equal Opportunity Recruitment Program for fiscal year 1990; to the Committee on Governmental Affairs.

EC-552. A communication from the Chairman of the Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the 32d annual report of the Commission; to the Committee on Governmental Affairs.

EC-553. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a compilation and analysis of State activities in implementing the second year of the Child Abuse and Neglect Prevention Challenge Grant Program; to the Committee on Labor and Human Resources.

EC-554. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the report on Department of Defense procurement from small and other business firms for October 1990; to the Committee on Small Business.

EC-555. A communication from the Assistant Secretary of the Navy (Research, Development, and Acquisition), transmitting, pursuant to law, notice that the program acquisition cost of a major defense acquisition has increased by more than 15 percent; to the Committee on Armed Services.

EC-556. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on enforcement actions and comprehensive status of Exxon and stripper well oil overcharge funds for the fourth quarter of fiscal year 1990; to the Committee on Energy and Natural Resources.

EC-557. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Automotive Technology Development Program for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC-558. A communication from the Assistant General Counsel of the Department of Energy, transmitting, pursuant to law, a notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-559. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report on the status of the Radon Mitigation Demonstration Program for fiscal year 1989; to the Committee on Environment and Public Works.

EC-560. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report on Superfund implementation for fiscal year 1990; to the Committee on Environment and Public Works.

EC-561. A communication from the President of the United States, transmitting, pursuant to law, notice of the intention to add Chile to the list of beneficiary developing countries under the Generalized System of Preferences; to the Committee on Finance.

EC-562. A communication from the President of the United States, transmitting, pursuant to law, notice of the intention to add the Central African Republic, Paraguay, and Namibia to the list of beneficiary under the Generalized System of Preferences; to the Committee on Finance.

EC-563. A communication from the Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, the fiscal year 1992 Arms Control Impact Statement; to the Committee on Foreign Relations.

EC-564. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report entitled "Performance Management and Recognition System—1988 and 1989"; to the Committee on Governmental Affairs.

EC-565. A communication from the Executive Director of the Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities; to the Committee on Governmental Affairs.

EC-566. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Follow-up Audit on Contracts Between the Department of Human Services and Metropolitan Health Associates, Inc."; to the Committee on Governmental Affairs.

EC-567. A communication from the Executive Secretary of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the annual report of the Foundation on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-568. A communication from the Executive Secretary of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-569. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-570. A communication from the Postal Rate Commission, transmitting, pursuant to law, their opinion and recommended decision in Docket No. R90-1; to the Committee on Governmental Affairs.

EC-571. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on compliance by States with personnel standards for radiologic technicians for 1990; to the Committee on Labor and Human Resources.

EC-572. A communication from the Acting Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for certain new direct grant programs in the Office of Special Education Programs; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 258. A bill to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990 (Rept. No. 102–11).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself, Mr. Heinz, Mr. Rockefeller, Mr. Riegle, Mr. Breaux, Mr. Daschle, Mr. Grassley, Mr. Danforth, Mr. Pryor, Mr. Bingaman, Mr. Glenn, Mr. DeConcini, Mr. Levin, Mr. Symms, and Mr. Mitchell):

S. 388. A bill to amend the Trade Act of 1974 to provide that interested persons may request review by the Trade Representative of a foreign country's compliance with trade agreements; to the Committee on Finance.

By Mr. KERREY (for himself, Mr. Bumpers, Mr. Daschle, Mr. Rudman, Mr. Pryor, and Mr. Exon):

S. 389. A bill to amend the Federal Home Bank Act to restructure the Resolution Trust Corporation Oversight Board and Board of Directors into a single governing entity; to the Committee on Banking, Housing, and Urban Affairs

By Mr. BOND:

S. 390. A bill to amend the Agricultural Act of 1949 to modify the method of calculating crop acreage for feed grains, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for himself, Mr. Lieberman, Mr. Bradley, Mr. Moynihan, Mr. Jeffords, Mr. Bryan, Mr. Lautenberg, Mr. Sarbanes, Ms. Mikulski, Mr. Wirth, Mr. Gore, Mr. Kennedy, Mr. Kerry, and Mr. Dodd):

S. 391. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself, Mr. Pryor, and Mr. Cohen):

S. 392. A bill to amend chapter 23 of title 5, United States Code, to extend certain protection of the Whistleblower Protection Act of 1989 to personnel of Government corporations; to the Committee on Governmental Affairs.

By Mr. HEFLIN (for himself and Mr. Daschle):

S. 393. A bill to provide for fair treatment for farmers and ranchers who are participating in the Persian Gulf War as active reservists or in any other military capacity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOREN (for himself, Mr. Murkowski, and Mr. Cohen):

S. 394. A bill to amend the National Security Act of 1947 to improve counter-intelligence measures through enhanced security for classified information, and for other purposes; to the Select Committee on Intelligence.

By Mr. ADAMS (for himself and Mr. Gorton):

S. 395. A bill to require the Secretary of Energy to establish the Fast Flux Test Facility as a research and development center to be known as the Research Reactor User Complex; to the Committee on Energy and Natural Resources

By Mr. WIRTH (for himself and Mr. Heinz):

S. 396. A bill to amend the Solid Waste Disposal Act to require producers and importers of tires to recycle a certain percentage of scrap tires each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such tires, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself and Mr. Wirth):

S. 397. A bill to amend the Solid Waste Disposal Act to require producers and importers of newsprint to recycle a certain percentage of newsprint each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such newsprint, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WIRTH (for himself and Mr. Heinz):

S. 398. A bill to amend the Solid Waste Disposal Act to provide management standards and recycling requirements for spent lead-acid batteries; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself and Mr. Wirth):

S. 399. A bill to amend the Solid Waste Disposal Act to prohibit the Administrator of the Environmental Protection Agency from listing used oil and affiliated materials as a hazardous waste under that Act, to require producers and importers of lubricating oil to recycle a certain percentage of used oil each year, to require the Administrator to establish a recycling credit system for carrying out such recycling requirement, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SYMMS (for himself, Mr. Moynihan, Mr. Burns, Mr. Craig, Mr. Gorton, and Mr. Garn):

S. 400. A bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself, Mr. Dole, and Mr. Sasser):

S. 401. A bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals; to the Committee on Finance.

By Mr. JOHNSTON (for himself, Mr. Wallop, Mr. Bingaman, Mr. Domenici, Mr. Bradley, Mr. Nickles, Mr. Wirth, Mr. Bumpers, and Mr. Warner):

S. 402. A bill to limit the jurisdiction of the Federal Energy Regulatory Commission over local distribution company wholesalers of natural gas for ultimate consumption as a fuel in motor vehicles; to the Committee on Energy and Natural Resources.

By Mr. WALLOP (for himself and Mr. Kohl):

S. 403. A bill to clarify the intent of Congress with respect to establishment and collection of certain fees and charges; to the Committee on Commerce, Science, and Transportation.

By Mr. SEYMOUR (for himself and Mr. Cranston):

S. 404. A bill to authorize the Secretary of Interior to enter into contracts pursuant to the Warren Act (Act of February 21, 1911, 36 Stat. 925, 43 U.S.C. 523 et seq.) for domestic, municipal, fish and wildlife, and other beneficial purposes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL (for himself, Mr. Cohen, Mr. Sanford, Mr. Heinz, Mr. Pryor, Mr. Danforth, Mr. Hollings, Mr. Rudman, Mr. Kohl, Mr. Helms, Mr. Bumpers, Mr. Kasten, Mr. Heflin, Mr. Thurmond, and Mr. Shelby):

S. 405. A bill to amend the Harmonized Tariff Schedule of the United States to exclude certain footwear assembled in beneficiary countries from duty-free treatment; to the Committee on Finance.

By Mr. THURMOND:

S. 406. A bill to extend the temporary suspension of duty on Paramine Acid; to the Committee on Finance.

S. 407. A bill to extend the temporary suspension of duty on Trimethyl Base; to the Committee on Finance.

S. 408. A bill to extend the temporary suspension of duty on Anthraquinone; to the Committee on Finance.

S. 409. A bill to temporarily suspend the duty on dimethyl succincyl succinate; to the Committee on Finance.

S. 410. A bill to temporarily suspend the duty on Resolin Red F3BS components I and II; to the Committee on Finance.

S. 411. A bill to temporarily suspend the duty on pentachlorothiophenol; to the Committee on Finance.

S. 412. A bill to temporarily suspend the duty on certain chemicals; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. Simon):

S. 413. A bill to authorize supplemental appropriations for fiscal year 1991 for relief, rehabilitation, and reconstruction in Liberia; to the Committee on Foreign Relations.

By Mr. METZENBAUM:

S. 414. A bill to provide access to check cashing services; to the Committee on Banking, Housing, and Urban Affairs.

S. 415. A bill to provide access to basic banking services; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DANFORTH (for himself, Mr. Baucus, Mr. Chafee, Mr. Mitchell, Mr. Packwood, Mr. Durenberger, Mr. Riegle, Mr. Boren, Mr. Pryor, Mr. Grassley, Mr. Heinz, Mr. McCain, Mr. Wallop, Mr. Cranston, Mr. Kerry, Mr. Bingaman, Mr. Burdick, Mr. Lautenberg, Mr. Levin, Mr. Sanford, Mr. Kohl, Mr. Burns, Mr. Jeffords, Mr. Lieberman, Mr. Dodd, Mr. Lott, Mr. Cohen, Mr. Roth, Mr. Symms, Mr. Bond, Mr. Leahy, Mr. Rudman, Mr. Shelby, Mr. Helms, Mr. Lugar, and Mr. DeConcini):

S. 416. A bill to amend the Internal Revenue Code of 1986 to make permanent the tax credit for increasing research activities; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 417. A bill to establish energy conservation and clean energy requirements for Federal buildings, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 418. A bill to strengthen the family structure of the United States by providing protection for eligible individuals who desire or need to leave employment for a legitimate family purpose; to the Committee on Labor and Human Resources.

By Mr. RIEGLE:

S.J. Res. 69. Joint resolution to designate the week commencing May 5, 1991, through May 11, 1991, as "National Correctional Officers Week"; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. BURDICK, Mr. PELL, Mr. WARNER, Mr. INOUYE, Mr. DOMENICI, Mr. JEFFORDS, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. CONRAD, Mr. MURKOWSKI, Mr. FORD, Mr. HOLLINGS, Mr. LEVIN, Mr. ADAMS, Mr. NUNN, Mr. KERRY, Ms. MIKULSKI, Mr. CRANSTON, Mr. PRYOR, Mr. GORE, Mr. SASSER, Mr. AKAKA, Mr. SANFORD, Mr. BUMPERS, Mr. MOYNIHAN, Mr. DIXON, Mr. GORTON, Mr. WELLSTONE, Mr. DODD, Mr. GRAHAM, Mr. FOWLER, Mr. SARBANES, Mr. SYMMS, Mr. DASCHLE, Mr. DECONCINI, Mr. D'AMATO, Mr. REID, and Mr. THURMOND, Mr. LUGAR, Mr. KASSEBAUM, Mr. KASTEN, Mr. HATCH, Mr. COHEN, Mr. PACKWOOD, Mr. BRYAN, Mr. KENNEDY, Mr. Biden, Mr. SIMPSON, Mr. BREAUX, Mr. SIMON, Mr. BOREN, Mr. METZENBAUM, Mr. ROTH, Mr. HEINZ, Mr. BROWN, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. HELMS, Mr. BOND, Mr. EXON, Mr. CRAIG, Mr. COCHRAN, Mr. KERREY, and Mr. HEFLIN):

S.J. Res. 70. Joint resolution to establish April 15, 1991, as "National Recycling Day"; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. COATS, Mr. THURMOND, Mr. NUNN, Mr. DASCHLE, Mr. ADAMS, Mr. PELL, Mrs. KASSEBAUM, Mr. GLENN, Mr. D'AMATO, Mr. DECONCINI, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. AKAKA, Mr. LAUTENBERG, Mr. REID, Mr. JEFFORDS, Mr. HATCH, Mr. DURENBERGER, Mr. LEVIN, Mr. MOYNIHAN, Mr. KASTEN, Mr. BIDEN, Mr. SARBANES, Mr. KERRY, Mr. RIEGLE, Mr. WELLSTONE, Mr. BRADLEY, Mr. STEVENS, and Mr. DIXON):

S.J. Res. 71. Joint resolution to designate the period commencing on February 10, 1991 and ending on February 16, 1991, as "Children of Alcoholics Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. BURDICK, Mr. DURENBERGER, Mr. DASCHLE, Mr. WIRTH, Mr. LIEBERMAN, Mr. BIDEN, Mr. BRYAN, Mr. FOWLER, Mr. BRADLEY, Mr. MOYNIHAN, Mr. ADAMS, Mr. NUNN, Mr. LAUTENBERG, Mr. SARBANES, Mr. AKAKA, Mr. BENTSEN, Mr. KASTEN, Mr. BUMPERS, Mr. INOUYE, Mr. KENNEDY, Mr. CRANSTON, Mr. REID, Ms. MIKULSKI, Mr. DECONCINI, Mr. HOLLINGS, Mr. SANFORD, Mr. DODD, Mr. KERRY, Mr. GORTON, Mr. GORE, Mr. LEAHY, Mr. JEFFORDS, Mr. WELLSTONE, Mr. PELL, Mr. SIMON, Mr. HARKIN, Mr. GRAHAM, Mr. LEVIN, and Mr. PRYOR):

S. Res. 53. Resolution expressing the sense of the Senate that the United States should take a leadership position in calling for worldwide carbon dioxide emissions reductions at the first meeting of the Intergovernmental Negotiating Committee on a Framework Convention on Climate Change to be held in Washington, D.C. on February 4th-14th, 1991; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 54. Resolution to direct the Senate Legal Counsel to represent Jack Blum in the case of United States v. Ronald Whitaker, et al; considered and agreed to.

By Mr. MITCHELL (for himself, Mr. DOLE, Mr. THURMOND, Mr. RIEGLE, Mr. PACKWOOD, and Mr. SASSER):

S. Res. 55. Resolution congratulating the U.S.O. on the occasion of its Fiftieth Anniversary; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself, Mr. HEINZ, Mr. ROCKEFELLER, Mr. RIEGLE, Mr. BREAUX, Mr. DASCHLE, Mr. GRASSLEY, Mr. DANFORTH, Mr. PRYOR, Mr. BINGAMAN, Mr. GLENN, Mr. DECONCINI, Mr. LEVIN, Mr. SYMMS, and Mr. MITCHELL):

S. 388. A bill to amend the Trade Act of 1974 to provide that interested persons may request review by the Trade Representative of a foreign country's compliance with trade agreements; to the Committee on Finance.

TRADE AGREEMENT COMPLIANCE ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the Trade Agreement Compliance Act of 1991.

The 1990 national trade estimate devotes 208 pages to listing foreign trade barriers—over 1,000 such trade barriers are cited.

But not all foreign trade barriers are equally troubling.

In drafting the 1988 Trade Act, the Congress recognized that there was one type of unfair trade practice that warranted special attention: Violations of trade agreements.

TRADE AGREEMENT VIOLATIONS

The United States has concluded many trade agreements with its trading partners.

Most are familiar with the major agreements, such as the General Agreement on Tariffs and Trade and the United States-Canada Free-Trade Agreement.

In addition to these agreements, however, the United States has entered into dozens of other trade agreements to address various trade problems.

For example, the United States has concluded trade agreements with Japan addressing issues ranging from construction to pharmaceuticals to structural impediments to trade.

The United States has also reached agreements with the EC on compensation, with Korea on investment, and with numerous other nations on protection of intellectual property—to name only a few.

Unfortunately, our trading partners have not always lived up to their commitments under these agreements.

The United States, for example, had concerns regarding the EC's compliance with a trade agreement reached to compensate the United States for the assension of Spain and Portugal into the EC.

Recently, very serious Japanese violations of the United States-Japan Construction Agreements have come to light.

Korea appears to have violated several trade agreements with the United States in recent months, including the agreement reached last year to open the beef market.

There have been allegations of serious enforcement problems involving the Softwood Lumber Memorandum of Understanding between the United States and Canada.

Several disputes have arisen over Japanese compliance with its commitments to the United States under the market oriented sector specific [MOSS] talks.

Recently, the International Trade Subcommittee heard testimony that the People's Republic of China is not complying with terms of a 1988 agreement with the United States to end predatory pricing of satellite launch services.

Finally, there is a longstanding dispute over Japanese compliance with the 1986 semiconductor trade agreement between the United States and Japan.

Unfortunately, this is only a partial list.

THE TRADE AGREEMENTS COMPLIANCE ACT

Often these trade agreements do not contain an adequate dispute settlement mechanism to address noncompliance.

In passing the 1988 Trade Act Congress paid special attention to trade agreement violations. These violations were classified as "unjustifiable" trade practices subject to mandatory trade retaliation under section 301 of U.S. trade law.

Unfortunately, there were oversights in the 1988 Trade Act. No comprehensive procedure was established for reviewing compliance with the many agreements reached between the United States and its trading partners.

Section 306 of U.S. unfair trade law does allow the administration to review foreign compliance with certain trade agreements.

But there is no authority under which private parties with an interest in a trade agreement can trigger a U.S. Government review of foreign compliance.

Today, I rise to introduce the Trade Agreement Compliance Act of 1991 to fill that gap in U.S. trade law. The legislation is cosponsored by Senators HEINZ, ROCKEFELLER, RIEGLE, BREAUX, DASCHLE, GRASSLEY, DANFORTH, PRYOR, BINGAMAN, GLENN, DECONCINI, LEVIN, SYMMS, and MITCHELL.

A companion measure will be introduced by Congressman MATSUI in the House.

The Trade Agreements Compliance Act establishes a regular procedure under which an interested U.S. party can review our trading partners' compliance with these trade agreements as often as annually.

Under this act, the U.S. Trade Representative retains her authority to review any agreement.

If violations are found and the trading partner involved refuses to come into compliance, the U.S. Trade Representative is required under the 1988 Trade Act to retaliate against exports from that nation to the United States.

This legislaton does nothing more than ensure that other nations do not take advantage of the United States. It is not an attempt to define questionable foreign trade practices as unfair.

No reasonable party can argue that violations of trade agreements are not unfair.

Yet, the United States has too often been unwilling to forcefully assert its rights under trade agreements.

UNITED STATES-JAPAN CONSTRUCTION AGREEMENT

For example, today or tomorrow the Bush administration is reportedly holding an interagency meeting to consider retaliating for Japan's violations of the United States-Japan construction agreements.

Administration officials have previously agreed that Japan clearly violated the construction agreements in conducting the bidding on major construction projects, including Kansai airport.

Yet, I now hear disturbing reports that the administration is contemplating not retaliating against Japan for this clear violation of a trade agreement as a token of appreciation for Japan's pledge of $9 billion to the gulf effort.

This is just another example of misplaced priorities.

If Japan does come through with its pledge of $9 billion for the gulf—and that is far from a certainty, it will only be paying its fair share and perhaps not even that.

After all, Japan is more dependent on Persian Gulf oil than the United States.

We should not reward Japan for doing something it is already obligated to do. Certainly, we should not allow Japan to violate its trade agreements.

The bottom line is a deal is a deal. And if Japan or any other country is not willing to live up to its commitments we must be prepared to take the requisite responsive action.

We cannot continue sacrificing U.S. economic interests to promote foreign policy objectives, particularly when those objectives are more in the interests of other countries than they are of our own objectives.

Unfortunately, this is not an isolated instance. It is merely another example of the warped decisionmaking that has paralyzed U.S. trade policy over the years.

If we continue to turn a blind eye to trade agreement violations, we will encourage our trading partners to play fast and loose with their commitments to the United States.

We must put our foot down.

Demanding compliance with trade agreements should be the cornerstone of U.S. trade policy.

If we do not demand compliance with agreements, all the resources the United States has invested in trade negotiations are effectively wasted.

We must tell the world we will not stand for trade agreement violations. And we must leave no doubt in the minds of our trading partners that we will respond to trade agreement violations.

I believe this legislation is a critical element of U.S. trade policy.

Last year, I held a hearing of the International Trade Subcommittee of the Senate Finance Committee on an earlier version of this legislation.

After that hearing, many of my Finance Committee colleagues decided to join me in reintroducing the measure in the 102d Congress. I am pleased that the list of cosponsors now includes the majority of the Members of the Senate Finance Committee—the committee with jurisdiction over this matter.

With their help I am confident this legislation can be made law this year.

Mr. President, I ask unanimous consent that the text of the legislation and various statements related to the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Agreement Compliance Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that

(1) the United States has entered into numerous trade agreements with foreign country trading partners;

(2) foreign country performance with respect to certain agreements has been less than contemplated, and in some cases rises to the level of noncompliance; and

(3) there is a need to provide a mechanism whereby interested parties can obtain a periodic review of the performance of a foreign country under a trade agreement.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that foreign countries which have made commitments through agreements with the United States fully abide by those commitments;

(2) to obtain foreign country compliance with agreements with the United States through negotiation or, in the alternative, through unilateral action in cases in which the GATT dispute settlement procedures cannot be employed;

(3) to achieve a more open world trading system which provides mutually advantageous market opportunities for trade between the United States and foreign countries;

(4) to facilitate the opening of foreign country markets to exports of the United States and third countries by eliminating trade barriers and increasing the access of industry of the United States and third countries to such markets; and

(5) to reduce diversion of third country exports to the United States because of restricted market access in foreign countries.

SEC. 3. REVIEW OF TRADE AGREEMENTS.

(a) IN GENERAL.—Chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) is amended by inserting after section 306, the following new section:

"SEC. 306A. REQUEST FOR REVIEW OF TRADE AGREEMENTS.

"(a) ANNUAL REVIEW OF TRADE AGREEMENTS.—

"(1)(A) At the written request of an interested person, the Trade Representative shall commence a review to determine whether a foreign country is in compliance with any trade agreement such country has with the United States.

"(B) An interested person may file a written request for review under paragraph (1) at any time after the date which is within 30 days after the anniversary of the effective date of such agreement, but not later than 90 days before the date of the expiration of such agreement.

"(C) A written request filed under this paragraph shall—

"(i) identify the person filing the request and the interest of that person which is affected by the noncompliance of a foreign country with a trade agreement with the United States;

"(ii) describe the rights of the United States being denied under such trade agreement; and

"(iii) include information reasonably available to the person regarding the failure of the foreign country to comply with such trade agreement.

"(D) For purposes of this subsection, an 'interested person' is any person with a significant economic interest that is affected by the failure of a foreign country to comply with a trade agreement.

"(E) For purposes of this subsection, the term 'trade agreement' means an agreement with the United States and is not intended to include multilateral trade agreements such as the General Agreement on Tariffs and Trade.

"(2) Not later than 90 days after receipt of a request for review under paragraph (1), the Trade Representative shall determine whether any act, policy, or practice of the foreign country that is the subject of the review is in material noncompliance with the terms of such agreement.

"(3) In conducting a review under this subsection, the Trade Representative may, as the Trade Representative determines appropriate, consult with the Secretary of Commerce or the Secretary of Agriculture.

"(b) FACTORS TO BE TAKEN INTO ACCOUNT.—In making a determination under subsection (a)(2), the Trade Representative shall take into account, among other relevant factors—

"(1) achievement of the objectives of the agreement,

"(2) adherence to commitments given, and

"(3) any evidence of actual patterns of trade that do not reflect patterns of trade which would reasonably be anticipated to flow from the concessions or commitments of such country based on the international competitive position and export potential of a United States industry.

The Trade Representative may seek the advice of the United States International Trade Commission when considering these factors.

"(c) FURTHER ACTION.—

"(1) If, on the basis of the review carried out under subsection (a), the Trade Representative determines that a foreign country is in material noncompliance with an agreement within the meaning of subsection (a)(2), the Trade Representative shall determine what further action to take under section 301(a).

"(2) For purposes of section 301, any determination made under subsection (a) shall be treated as a determination made under section 304.

"(3) In determining what further action to take under paragraph (1), the Trade Representative shall take into account the criteria described in subsection (d) with respect to possible sanctions.

"(d) SANCTIONS.—In developing a list of possible sanctions to be imposed in the event a determination is made under subsection (a)(2), the Trade Representative shall seek to minimize any adverse impact on existing business relations or economic interests of United States persons, including consideration of taking action with respect to future products for which a significant volume of current trade does not exist.".

(b) CONFORMING AMENDMENT.—The table of contents of chapter 1 of title III of the Trade Act of 1974 is amended by inserting after the item releating to section 306 the following new item:

"Sec. 306A. Request for review of trade agreements.".

SEC. 4. INTERNATIONAL OBLIGATIONS.

The amendments made by this Act shall not be construed to require actions inconsistent with the international obligations of the United States, including the General Agreement on Tariffs and Trade.

TRADE AGREEMENTS COMPLIANCE ACT STEERING GROUP

We believe the United States has an overwhelming interest in ensuring that our trading partners comply fully with market-opening trade agreements they have reached with the United States. Unfortunately, there have been concerns about foreign compliance with trade agreements in a number of industries. In this regard, we believe that there is a need for a mechanism whereby interested parties can obtain a periodic review of the performance of a foreign country under a trade agreement.

Accordingly, we support the Trade Agreements Compliance Act which has been introduced in the Senate by Senator Max Baucus and in the House by Representative Bob Matsui. It is a reasonable approach to a serious problem.

ASSOCIATIONS AND COMPANIES IN SUPPORT OF THE TRADE AGREEMENTS COMPLIANCE ACT

American Plywood Association.
Bohemia.
Contact Lumber.
Georgia Pacific.
Louisiana-Pacific.
National Particleboard Assn.
Northwest Independent Forest Manufacturers.
Potlatch.
Southern Forest Products Assn.
Stimpson Lumber.
Temple-Inland.
Trus Joist.
Weyerhaeuser.
Willamette.
American Electronics Association.
National Forest Products Association.
Labor-Industry Coalition for International Trade.
Texas Instruments.
B.F. Goodrich.
Communications Workers of America.
National Machine Tool Builder Association.
Semiconductor Industry Association.
Telecommunication Industry Association.
U.S. Business and Industry Council.
American Meat Institute.

COMPUTER SYSTEMS POLICY PROJECT,
Washington, DC, June 28, 1990.

Hon. MAX BAUCUS, U.S. SENATE, HART SENATE OFFICE BUILDING, WASHINGTON, DC.

DEAR MAX: I am writing to convey the Computer Systems Policy Project's (CSPP) support of S. 2742. We find the approach in S. 2742 preferable to that in S. 2337 and appreciate the work you have done.

CSPP supports efforts to ensure that signatories comply with the terms of their foreign trade agreements with the United States. Indeed, the basis of an agreement suggests that the parties will comply with its terms.

We believe Section 306 of the Trade Act of 1974, as amended, ensures such compliance, but we recognize that a question remains as to whether private parties have standing to request governmental review of compliance. In our view, a narrowly drawn bill such as yours is a more proper and appropriate way to clarify this issue in favor of standing.

We appreciate the constructive approach of your bill, which limits review to the question of material compliance with the terms of an agreement. We feel this best tracks the intent of Section 306, which itself is dedicated to specific trade agreements.

We would like to suggest, however, that the term "bilaterial agreements," as used in the bill, may need clarification in order to avoid ambiguities concerning the use of side letters in conjunction with formal agreements.

We look forward to working with you on your legislation.

Sincerely,

JOHN A. YOUNG,
Chairman, CSPP.

DEWEY, BALLANTINE, BUSHBY,
PALMER & WOOD,
Washington, DC, July 12, 1990.

Mr. GREG MASTEL,
Office of Senator Max Baucus, Hart Senate Office Building, Washington, DC.

DEAR GREG: I am happy to report that the Coalition for Fair Lumber Imports supports adoption of the Trade Agreements Compliance Act. In Senator Baucus' efforts to encourage adoption of that legislation, please use the Coalition's support as you see fit.

In addition, I am enclosing a press release concerning the Coalition's support for continued enforcement of the Softwood Lumber Memorandum of Understanding that I thought may be of interest to you.

Please call me if I can be of any further assistance.

Sincerely,

MICHAEL H. STEIN,
Counsel, Coalition for Fair Lumber Imports.

STATEMENT BY JOHN E. HOWARD OF THE U.S. CHAMBER OF COMMERCE

SUMMARY

The Trade Agreement Compliance Act represents an eminently logical approach to improving trade policy consultation between the U.S. business community and government and strengthening the credibility of U.S. trade policy.

On August 18, 1987, the U.S. Chamber of Commerce recommended that the omnibus trade bill conferees adopt Senate language mandating U.S. government initiation of section 301 investigations, provided they were limited to likely violations of trade agreements.

However, there is currently no systematic process by which the private sector, having itself determined that a U.S. government review of trade agreement compliance is warranted, can be assured that its determination will result in such a review.

The proposed Trade Agreement Compliance Act (S. 2742) constructively addresses this omission by providing the private sector with a clear avenue for obtaining the reviews that are essential to maintaining compliance with trade agreements.

STATEMENT

I am John Howard, executive director of the U.S. Chamber of Commerce's Market Access Subcommittee. The Chamber welcomes this opportunity to appear before the subcommittee to comment on S. 2742, the proposed "Trade Agreement Compliance Act." This Act represents an eminently logical approach to improving trade policy consultation between the U.S. business community and government and strengthening the credibility of U.S. trade policy. Simply put, it states that nations should keep their word, and be held accountable if they do not. At the same time, S. 2742 leaves intact the current section 301 definition of unfair foreign trade practices. It does not raise the standard of fairness under U.S. trade law by defining additional trade practices as subject to possible retaliation, but rather would ensure greater adherence to that standard by compelling greater scrutiny.

On August 18, 1987, in its comparison of major provisions subject to the House-Senate conference on omnibus trade legislation, the Chamber recommended that the conferees adopt Senate language mandating U.S. government initiation of section 301 investigations, provided they were limited to likely violations of trade agreements.

S. 2742 constructively addresses this omission by providing the private sector with a clear avenue for obtaining the reviews that are essential to maintaining compliance with trade agreements. It provides that, upon the written request of an interested person, USTR shall begin a review to determine whether a foreign country is in compliance with any trade agreement that country has with the United States. If it is found that the agreement is not being complied with, section 301 action must be considered.

S. 2742 is properly intended to apply primarily to bilateral trade agreements, which often do not include effective dispute settlement mechanisms, and not to multilateral agreements such as the General Agreement on Tariffs and Trade (GATT). This approach is well-advised in view of the need to maintain maximum focus on ongoing efforts to strengthen the GATT dispute settlement process itself.

The Chamber continues to view maintenance and strengthening of the GATT as essential to U.S. international economic interests. However, there are literally dozens of bilateral trade agreements between the United States and various other countries which, properly implemented, should supplement our multilateral interests. These agreements require continuous monitoring if U.S. trade policy and administration is to retain credibility and the legitimate trade rights of the private sector are to be safeguarded.

STATEMENT OF HOWARD D. SAMUEL OF THE LABOR-INDUSTRY COALITION FOR INTERNATIONAL TRADE

SUMMARY

LICIT believes that TACA is a necessary improvement in U.S. trade laws, primarily because foreign governments have often failed to adhere to trade agreements negotiated with the United States.

For example, in 1989 South Korea was not named a "priority country" under Super 301 because it agreed to several market-opening packages. Since that time however, the Korean government has launched an all-out campaign against the consumption of foreign goods. Meanwhile, the European Community has tried to renege on tariff concession made on oilseeds during the 1961–62 Dillon Round.

Japan also has a less than steller record with respect to honoring its commitments. In 1972, President Nixon and Prime Minister Tanaka reached an understanding on the Japanese distribution system—an agreement that did not prevent passage of the discriminatory Large-Scale Retail Sore Law two years later.

TACA will strengthen the ability of U.S. negotiators to ensure that trade agreements are fully implemented. If commitments are not lived up to, the U.S. government will be required by law to achieve compliance or impose sanctions.

As effective as TACA will be in improving the odds that U.S. trade agreements result in increased U.S. exports or an end to certain foreign unfair trade practices, however, it is only as good as the agreements themselves. For example, agreements negotiated with the Japanese on supercomputers (in 1986) and construction projects (in 1988) did not adequately resolve the trade problems plaguing these industries, and the issues have had to be reopened.

In some instances, therefore, it may be necessary to determine in advance what level of increased exports would constitute success. This modest form of results-oriented trade policy, far from bringing about the collapse of the international trading system, will ultimately lead to more harmonious relations between the U.S. and its trading partners.

Finally, TACA's effectiveness will also be reduced if U.S. trade laws—Section 301, Section 337, and the antidumping and countervailing duty laws in particular—are weakened as a result of the Uruguay Round. LICIT urges the Senate Finance Committee to pay close attention to these negotiations to ensure that agreements reached in the Round are in the economic interests of the United States.

TESTIMONY

The Labor-Industry Coalition for International Trade (LICIT) is pleased to have the opportunity to testify at this hearing on the Trade Agreements Compliance Act of 1990. My name if Howard Samuel. I am the President of the Industrial Union Department of the AFL–CIO, and co-chair of the Labor-Industry Coalition for International Trade.

LICIT was formed in 1979 to represent the common interest of American workers and American firms in increased, balanced and equitable international trade. Our membership includes 20 major U.S. manufacturing firms and labor organizations. A list of our member organizations is attached.

In a recent telex to all U.S. ambassadors, Deputy Secretary of State Lawrence Eagleburger wrote that "it's no exaggeration to say that our economic health and our ability to trade competitively on the world market may be the single most important component of our national security as we move into the next century."

If that is the case, and I am convinced that it is, then determining whether foreign governments are in compliance with trade agreements may be as important as counting troops, missiles and phased-array radar systems for purposes of arms control treaty verification. This is a startling, but true statement.

LICIT believes that the Trade Agreements Compliance Act is an important addition to U.S. trade laws. In our 1989 white paper on international trade, we noted that:

"In an unprecedented show of cooperation, business and labor worked closely with Congress to reform America's trade laws. These new laws must now be enforced. Top priority should be given to ensuring that foreign governments honor the commitments they make to stop unfair trade practices."

MAINTAIN U.S. TRADE LAWS

Before I explain why LICIT supports TACA, I want to make one observation at the outset. The effectiveness of this legislation will be reduced if U.S. trade laws are weakened during the course of the Uruguay Round. If we agree to make major changes in our trade laws—the United States government may not have the tools with which to enter into trade agreements.

LICIT is concerned about this issue because of the negotiating objectives of many of our trading partners in the Uruguay Round. All of our most important trade laws are under attack: Section 301, Section 337, and our antidumping and countervailing duty laws.

Section 301: High-level EC officials have said that a successful conclusion of the Uruguay Round will require modification or even elimination of Section 301 of the 1974 Trade Act—the law the United States uses to open foreign markets. The Journal of Commerce recently quoted one Administration official as saying:

"If we can agree on a rules and discipline process, you take away the underlying need for unilateral action, and the United States is in a better position to say it won't take unilateral action . . . If we get a clear package of rules and a binding dispute settlement mechanism, the United States would have to conform the 301 process to get authorization from GATT before it retaliates."

Section 337: A GATT panel report has determined that Section 337, the law we use to stop foreign piracy of our intellectual property, does not conform with GATT principles. If the United States loses the ability to respond quickly and effectively to foreign theft of our intellectual property—investment in new products and technologies will be curtailed.

Antidumping and countervailing duty laws: Numerous foreign government proposals would severely limit the ability of the United States to offset the adverse effects of dumped and subsidized goods. The current negotiating text on subsidies, for example, would legitimize regional subsidies, thereby undermining U.S. countervailing duty law.

LICIT hopes that the Senate Finance Committee will pay particularly close attention to any Uruguay Round negotiations that have the potential to weaken U.S. trade laws. It is our view that international disciplines over unfair trade practices must be strengthened, and that an Uruguay Round package that moves us in the opposite direction is not in our economic interests. We have expressed these concerns to Administration officials involved in the GATT talks, and have found them to be open to our point of view. However, given the leadership role that the Senate Finance Committee played in crafting the 1988 Trade Act, we feel that oversight by the Committee in this area would be extemely helpful. concluded: "Americans see the negotiated solution as final and implementation naturally therefrom. Japanese see the negotiated solution as one more stage and implementation as a subject for further negotiation." This is led to what one might call the "Rip Van Winkle" phenomena. A U.S. trade negotiator who fell into a deep sleep for twenty years would wake up to find many of the same issues on the U.S.-Japan trade agenda. Consider the following passage which appeared in the Japanese press:

"The U.S. side's assertion is [that] because the distribution structure in Japan is complicated, retail prices of goods imported from the U.S. do not go down. As a result of this, the sales are stagnant, and imports from the United States do not increase."

This story was not, as one might imagine, based on coverage of the recently concluded Structural Impediments Initiative. It is a July 5, 1972 story on U.S.-Japanese negotiations to liberalize the Japanese distribution system. Unfortunately, two years after President Nixon and Prime Minister Tanaka reached an understanding on the Japanese distribution system, Japan passed the Large-Scale Retail Store Law—which gave small shopkeepers in Japan veto power over any new retail outlets over 500 square meters.

TACA: STRENGTHENING THE HAND OF U.S. TRADE NEGOTIATORS

TACA will enhance the leverage of U.S. trade negotiators. As a rule, our trading partners do only what is necessary to deflect U.S. pressure regarding their trade performance. Once an agreement has been signed, ensuring that it is implemented may not always receive high-level political attention in the United States. By providing a streamlined oversight process that the private sector can easily participate in, TACA increases the incentive of our trading partners to fully implement the agreement. Our trade negotiators can tell their counterparts that if commitments are *not* lived up to, the United States government will be required by law to achieve compliance or impose sanctions.

Clearly, the ability of foreign governments to violate commitments they have made without paying any price damages the credibility of U.S trade policy. Although our trade negotiators are exceptionally dedicated and hard-working—the high degree of turnover limits our ability to develop an institutional memory on trade policy issues. All too often, a change in personnel or administration forces us to start from square one. By allowing the private sector to become more engaged in the implementation of trade agreements—TACA may increase the continuity and credibility of U.S. trade policy.

NEGOTIATE SOLID AND COMPREHENSIVE AGREEMENTS

Passage of the Trade Agreements Compliance Act will help improve the odds that U.S. trade agreements actually result in increased U.S. exports or an end to the foreign unfair trade practice in question. But the Committee should also consider why so many trade issues are hardy perennials. Sometimes it is because the agreement itself did not comprehensively deal with the problem.

For example, our 1986 agreement with the Japanese on supercomputers formally opened up the public sector bidding process. It did not, however, solve the problem of deep discounts. Japanese companies were selling their supercomputer manufacturers at discounts of up to 85 percent to research institutes and universities, which had the effect of shutting American companies out of the market. This is why the United States was forced to re-open this issue in 1989. Similarly, requiring the Japanese to publicize construction projects in their version of the *Federal Register* won't open up the Japanese construction market. We have to convince Japan to vigorously prosecute bid-rigging—the so-called "dango" system.

In some instances, where barriers are difficult to identify and remove, and there is no freely operating market to open, negotiating over process may not be enough. It may be necessary to determine in advance what level of increased exports would constitute success. This modest form of results-oriented trade policy will not, as some have claimed, bring about the collapse of the international trading system. It will lead to a more effective trade policy for U.S. exporters and, in the long-run, more harmonious relations with our trading partners.

LABOR-INDUSTRY COALITION FOR INTERNATIONAL TRADE MEMBER ORGANIZATIONS

Allegheny Ludlum Corporation.
The BFGoodrich Company.
Amalgamated Clothing and Textile Workers Union
Cincinnati Milacron Inc.
Communication Workers of America.
Corning Glass Works.
International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers.
International Brotherhood of Electrical Workers.
American Flint Glass Workers Union.
Inland Steel Industries, Inc.
International Ladies' Garment Workers Union.
Industrial Union Department, AFL-CIO.
International Association of Machinists and Aerospace Workers.
Motorola, Inc.
Oil, Chemical and Atomic Workers International Union.
United Paperworkers International Union.
United Rubber, Cork, Linoleum and Plastic Workers of America.
United Steelworkers of America.
TRW, Inc.
W.R. Grace and Company.

(LICIT is a coalition of industrial unions and corporations that was formed in 1980. The coalition is a voluntary association representing a broad spectrum of American industry and is not an official arm of any labor or business group. LICIT's charter states that the coalition seeks to represent the common interest of American workers and American business in promoting increased, balanced, and equitable trade among all nations of the world. Without reference to outdated slogans of 'free trade' and 'protectionism' it will support adoption of government policies and industry practices which encourage open, fair competition for foreign products in the United States market as well as for American made products in foreign markets.")

Mr. HEINZ. Mr. President, a few moments ago the distinguished Senator from Montana, Senator BAUCUS, was here on the floor to reintroduce the Trade Agreements Compliance Act. I am an original cosponsor of his legislation from last year and again this year. I am pleased to join with him in reintroducing this legislation which establishes regular procedure for reviewing foreign compliance with trade agreements and a series of steps to be taken to enforce such compliance.

I come here to the floor because I believe this is an important bill from the standpoint of general trade law enforcement and also from the particular perspective of the semiconductor industry which, as we know, is one of our basic high technology industries on which so many others depend.

With respect to general enforcement, I think it is virtually axiomatic that oversight and compliance verification are not things that either the executive branch or the legislative branch do well. Frankly, it is human nature for us to focus our resources and attention on the negotiation when that negotiation is in progress. But then having focused on the making of the deal, we tend to concentrate on making the next deal and we forget to make sure that the obligations of all the parties under the first arrangement are undertaken. This is only natural since it is a rather less exciting and more boring task to police an agreement that is 1, 2, or 3 years old than to negotiate a new agreement that will land you on the front page of the New York Times.

So the emphasis in government is, indeed, as many of our critics have pointed out, on the short term—the next problem—rather than on the long term or the assessment of past progress. Maintaining sufficient discipline to overcome that tendency has obviously proven exceptionally difficult not only in government but, I might add, in the private sector as well.

The result in the trade area, where we know we have enormous challenges and problems, has been a number of situations where the implementation of an agreement has been far less than we had hoped. With respect to the European Community, for example, the pasta case, with which some of us are extremely familiar, and the canned fruit case both proved to be a series of rather visible negotiations, followed by a failure to comply, followed by still more negotiations.

In the case of Japan, the record is even more bleak. We had to initiate a supercomputer, super 301 case since our previous agreements in that area with the Japanese Government were simply not honored. And, of course, compliance with the semiconductor agreement, which I believe Senator BAUCUS spoke on at some length, continues to be an extremely serious problem.

In most of these cases, the monitoring of results and the impetus for remedial action came largely from the affected industry, not from those who negotiated the deal, namely, the U.S Government. While the industry has the most at stake and is generally in the best position to observe the implementation process, these are, nonetheless, government-to-government agreements and all governments have a responsibility to make sure that compliance is achieved. The domestic industry, which is often in difficult straits and has often expended considerable resources in pursuing its complaint, should not also bear the responsibility of policeman while it is still the plaintiff.

A case in point, Mr. President, and really one that inspired this bill, as Senator BAUCUS mentioned, is indeed the semiconductor agreement. In that case, what we have is a Japanese failure to honor the third market and market access provisions leading to the imposition of substantial sanctions by the Reagan administration. With respect to access to the Japanese market, there has been very little appreciable progress. When negotiations started, the United States had about 10 percent of that semiconductor market in Japan. Today, we still supply only 12 percent of that market when the agreement's side letter calls for a 20-percent share this year. And yet, despite that lack of progress, our government has been reluctant to take vigorous action. Despite the recommendation of numerous Members of Congress last year and the year before, this matter was not placed on the super 301 list, even though the imposition of sanctions demonstrated a prima facie case of a violation.

In 1989, we were all treated to unexpected statements by Ambassador Hills to the effect that she did not negotiate the agreement and implying that, had she done so, she would have done it very differently. Those remarks, as well as our failure to use the super 301, only told the Japanese that we are not serious about this agreement and do not intend to take any aggressive action to enforce it. I say this because it is the only way I can explain the failure of Japan to live up to what was a very clear agreement.

Thus, while the Trade Agreements Compliance Act is not sector specific and focuses on improving needed oversight in the Government, it will, nonetheless, provide a mechanism for addressing the semiconductor case as the agreement expires this summer and we face the issue of renegotiation.

In that regard there should be no question about this criticality of this sector. I have spoken on that subject numerous times in this Chamber and I will not do it again today. Suffice it to say, Mr. President, I believe we have a consensus here on the need to maintain a viable domestic semiconductor industry for the sake of our national security and our industrial infrastructure.

Preserving our industry requires regulating our trade relations with Japan in this sector by doing our best to stop their dumping in the United States and elsewhere permanently and opening their market to our product. A regular review procedure, with real consequences for noncompliance such as is provided by this bill, will be an important step toward achieving that goal. I urge all Senators to support it.

By Mr. KERREY (for himself, Mr. BUMPERS, Mr. DASCHLE, Mr. RUDMAN, Mr. PRYOR, and Mr. EXON):

S. 389. A bill to amend the Federal Home Loan Bank Act to restructure the Resolution Trust Corporation Oversight Board and Board of Directors into a single governing entity; to the Committee on Banking, Housing, and Urban Affairs.

RESOLUTION TRUST CORPORATION REORGANIZATION ACT

Mr. KERREY. Mr. President, I rise today to introduce the Resolution Trust Corporation Reorganization Act of 1991. I am introducing this piece of legislation now because I believe the issue of the structure of the RTC must be addressed before Congress votes to provide any additional funds to that agency.

Mr. President, within a relatively short period of time—perhaps the next 30 days—this body, I hope, will vote as to whether or not to spend an additional $30 billion of taxpayer money. This body will go to taxpayers and say we need $30 billion and we are going to give it to the RTC. We are also going to provide them with the authority to raise $50 billion of additional capital, $80 billion total. It is a large sum of money, Mr. President.

Last fall, Treasury Secretary Brady, who is the chairman of the oversight board, sent a letter to the Congress that he would not come and testify before either the Senate or House Banking Committee to describe how the proceeds were going to be used; he was too busy or had scheduling conflicts and it was difficult for him to get here.

Mr. President, that illustrates the problem that we have right now. We have debated at length how this money is going to be used and the structure of the banking system now is being examined again, with the administration's proposals, in many ways very worthwhile proposals, understanding we have a capital problem in the United States of America.

What has been missed and what this bill attempts to do in a rather simple fashion is to say the policy matters; it matters what kind of an oversight board you have; that the oversight function should not be done in just a perfunctory way.

Treasury Secretary Brady has said, on a number of occasions when I have asked him about how much time he puts into oversight, he says, "Well, about an hour a week."

Well, I am arguing with this bill that we need a lot more than that for the most expensive operation we have right now in the Government, and the most difficult one to sell to the people. I have said at home that this is going to be a difficult vote for me. The response I get from people that understand the problem, they say well, you have to vote to do it. Well, I do not, Mr. President. I have to get permission from the people before I can vote for $30 billion.

They say, "Well, it is irresponsible not to." I argue that it is irresponsible for us not to go to the people and have their level of confidence high enough that they give us permission. And we have missed that point.

There has been a lot of work on this piece of legislation, a lot of time and attention given to the value of the assets and the ways in which those assets have been disposed. But what we fail to pay attention to, Mr. President—and I believe if we have a rollcall vote it will reflect that—we fail to pay attention to the need to get the consent of the people on an issue, by the way, Mr. President, that people already have a rather low trust on.

They regard this as a situation where lots of people came in and used and abused the rights that were given to them and they do not take kindly to the amount of money that has been required to now solve this problem and bail out the S&L's.

This is a very simple bill. It could not be more simple. It does not reduce the President's authority. It does not interfere with the responsibilities of Congress. It does not call for any new bureaucracies or paperwork. And it would not interrupt the work now under way at either the RTC or the Office of Thrift Supervision.

The reorganization called for under this legislation would occur only at the policy oversight level. It would pare back the two current oversight boards into a single board composed of four public and five private members. Under this structure the President would appoint a strong, full-time Chairman who would communicate to the American people, the President, and the Congress in such a way that restores confidence in what we are doing.

In addition to the Chairman, four other private sector members would be appointed by the President and confirmed by the Senate. The bill would retain the three public members who now serve on the RTC Oversight Board, the Secretary of the Treasury, the Chairman of the Federal Reserve and the Secretary of Housing and Urban Development. It would add one more public member, the Chair of the Federal Deposit Insurance Corporation.

Instead of the current RTC structure in which the bailout is overseen by three of the busiest people in Washington, the American people deserve to have a full-time board in place that brings together top private sector talent and top public officials to solve one of the most complex problems faced by our country.

We need a board that will not be afraid to make tough policy decisions, and that will be insulated from everyday political pressures from the administration and the Congress. We need five private sector individuals, and particularly a strong Chairman, who can begin immediately to rebuild the confidence of the American people that their tax dollars are not being wasted again.

We need a board which is so obviously qualified that Americans will trust their recommendations. Last year, Postmaster General Tony Frank testified before the Senate Banking Committee in support of legislation of this kind. He offered a telling suggestion as a guide for selecting a chairman for this board: Find someone who does not want the job.

Mr. President, that is exactly what we need. We do not need someone who will tell us what we want to hear, or someone who is looking to establish his or her credentials for a lucrative private sector career. We need someone who is so good they neither want nor seek what may be the most difficult and important thing our President could ask a citizen to do.

Mr. President, I ask unanimous consent that the summary of my bill and the full text be included in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KERREY. I believe that putting a new structure in place should be a high priority, but it is particularly important before we even think about giving additional funds to the RTC. I believe it is wrong to ask Nebraskans to pay their share of the $30 billion for the RTC's work without ensuring that we have an accountable and open structure overseeing the effort.

The President talked in his State of the Union Message about empowerment, giving choice to individual citizens. Another element of empowerment, Mr. President, is making sure that the public knows what is going on, giving them information so they can make an informed decision. I suggest, Mr. President, the reason the American people are very suspicious, deeply so, about this particular bailout is that they are being provided with an insufficient amount of information. They no longer trust that we are doing the right thing.

I believe for these reasons and others it is important we move to restructure the RTC oversight body in order to rebuild confidence in the work of the savings and loan bailout.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Trust Corporation Reorganization Act".

SEC. 2. MANAGEMENT OF THE RESOLUTION TRUST CORPORATION.

(a) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by striking paragraphs (1) through (3) of subsection (a) and inserting the following:

"(1) IN GENERAL.—There is established the Board of Governors of the Resolution Trust Corporation.

"(2) FUNCTION.—The Board of Governors shall oversee and manage the Resolution Trust Corporation (hereinafter in this section referred to as the 'Corporation'). The Board of Governors shall be an 'agency' of the United States for the purposes of subchapter II of chapter 5 and chapter 7 of title 5, United States Code.

"(3) MEMBERSHIP.—

"(A) IN GENERAL.—The Board of Governors shall consist of 9 members as follows:

"(i) 5 independent members appointed by the President, by and with the advice and consent of the Senate, from among individuals with experience in banking, finance, real estate, and business management. Nominations to fill such positions shall be referred to the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(ii) The Secretary of the Treasury.

"(iii) The Chairman of the Board of Governors of the Federal Reserve System.

"(iv) The Secretary of Housing and Urban Development.

"(v) The Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

"(B) POLITICAL AFFILIATION.—Not more than 3 members appointed pursuant to clause (i) of subparagraph (A) shall be members of the same political party. No independent member of the Board of Governors shall hold any other appointed office during his or her term as a member.

"(C) CHAIRPERSON.—The Chairperson of the Board of Governors shall be designated from among the appointees under clause (i) of subparagraph (A) at the time of his or her nomination to the Board of Governors by the President. The Chairperson shall have the business experience necessary to govern the orderly disposition of the assets held by the Corporation.

"(D) QUORUM REQUIRED.—A quorum shall consist of 3 members of the Oversight Board appointed pursuant to subparagraph (A)(i).

"(E) TERM OF OFFICE.—The term of office of the members of the Board of Governors appointed pursuant to subparagraph (A)(i) shall be 5 years. Any vacancy in the Board of Governors shall be filled in the same manner as the original position was filled.".

(b) PROMPT APPOINTMENT.—The President is urged promptly to appoint all members of the Board of Governors of the Resolution Trust Corporation.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act is amended—

(A) by striking "Oversight Board" each place it appears and inserting "Board of Governors"; and

(B) by striking subsection (b)(8).

(2) REFERENCES IN OTHER LAWS.—Any reference in any other provision of law to the Oversight Board of the Resolution Trust Corporation shall be deemed to be a reference to the Board of Governors of the Resolution Trust Corporation.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect on the date of enactment of this Act, except that—

(1) the Oversight Board of the Resolution Trust Corporation as constituted immediately preceding such date such retain its power and authority as in effect on such date until such time as 3 of the nominees to be independent members of the Board of Governors have taken office;

(2) any individual nominated to be a member of the Oversight Board of the Resolution Trust Corporation shall be deemed to have been nominated to be a member of the Board of Governors of the Resolution Trust Corporation; and

(3) the conflict of interest regulations applicable to members of the Oversight Board shall apply to members of the Board of Governors.

(e) COMPENSATION OF BOARD OF GOVERNORS.—

(1) CHAIRMAN.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"Chairman, Board of Governors, Resolution Trust Corporation.".

(2) MEMBERS.—Section 5313 of title 5, United States Code, is amended by striking "Oversight Board" and inserting "Board of Governors".

EXHIBIT 1

SUMMARY OF SENATOR BOB KERREY'S BILL TO RESTRUCTURE THE RESOLUTION TRUST CORPORATION AND BOARD OF GOVERNORS INTO A SINGLE GOVERNING ENTITY

Establishes an RTC Board of Governors replacing the current RTC Oversight Board and Board of Directors.

Board of Governors will be composed of:

Five nongovernment members appointed by President and confirmed by Senate. No more than three can be from any one political party. These members serve for five year terms. The President selects one nongovernment member to serve as chairman. At least three nongovernment members are required for a quorum.

Four government members (secretaries of HUD and Treasury, Federal Reserve Chairman, and Chairman of the Federal Deposit Insurance Corporation). Currently all but the FDIC Chairman sit on the Oversight Board.

Transition: The current Oversight Board shall retain its power until at least 3 of the nongovernment nominees have taken office.

Any member nominated or in office on the current Oversight Board will be considered as either a nominee or a member of the new Board of Governors.

Conflict of Interest: The conflict of interest regulations applicable to the Oversight Board apply to members of the Board of Governors.

Compensation: Nongovernment members will be compensated in the same fashion as Governors serving on the Federal Reserve Bank.

Relation to RTC: The Executive Director of the RTC will report directly to the Board of Governors.

By Mr. BOND:

S. 390. A bill to amend the Agricultural Act of 1949 to modify the method of calculating crop acreage bases for feed grains, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CROP ACREAGE BASES FOR FEED GRAINS

Mr. BOND. Mr. President, I rise today to introduce legislation, along with Senators DOLE, DANFORTH, and KASSEBAUM, to combine the corn and sorghum bases under the Federal Food, Agriculture, Conservation, and Trade Act. The 1990 act unintentionally separates the corn and sorghum bases. This takes away flexibility that producers have enjoyed under the 1985 farm bill.

Farmers historically have used the option of substituting sorghum, or; as we call it, milo, for corn, or vice versa, while still participating in acreage reduction programs. Missouri, as an example, has over 45,000 corn and sorghum producers who participate in the program in any year. Without a change to combine the bases, over half of them could be adversely affected in any given year. If the weather is bad, for example, if it rains heavily and it is wet late in the spring, farmers cannot plant corn and they would want to move to milo, or grain sorghum, instead. Under the current language the policy would penalize them by taking away their base, their target price protection, and if they plant grain sorghum on their corn base, they would be without the necessary protections of the farm bill.

This year the Secretary of Agriculture has given a waiver to permit combining of corn and sorghum bases. I believe the Secretary was correct to exercise the administrative judgment to retain the flexibility. We should not be penalizing feed grain producers for bad weather. The option of substituting these feed grains also has avoided the need for the Government to pay disaster payments in the past.

I want to emphasize that this is a technical bill, like many technical matters, it has a real dollars-and-cents value for American farmers. It does not represent a major change in policy. The authors of the 1990 farm bill intended that the Secretary of Agriculture have discretion—as under the 1985 farm bill—to combine corn and sorghum bases. In order to give the Secretary statutory authority to establish different ARP levels for different feed grains, however, the 1990 law referred to the establishment of separate bases. Our intent was to give farmers flexibility to plant either corn or grain sorghum—after all, flexibility is the hallmark of the 1990 farm bill. I believe we should give farmers the flexibility to plant either corn or grain sorghum.

In offering this bill, I do not intend to reopen the 1990 farm bill for consideration. We had the debate last year and it was a thorough one. I do believe it is important that we correct this technical deficiency in the 1990 farm bill in short order. The option to substitute sorghum for corn will give farmers the peace of mind during planting season, knowing that they have this flexibility.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CALCULATION OF CROP ACREAGE BASES FOR FEED GRAINS.

(a) DEFINITION OF PROGRAM CROP.—Section 502(3) of the Agricultural Act of 1949 (as amended by section 1101 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624)) is amended by striking "corn, grain sorghums, oats, barley," and inserting"feed grains".

(b) CALCULATION OF CROP ACREAGE BASES.—Section 503(b)(1) of the Agricultural Act of 1949 (as amended by section 1101 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624)) is amended by striking "each program crop" and inserting "a program crop".

Mr. DOLE. Mr. President, I rise in support of the bill offered by my colleague from Missouri. Simply put, this technical correction language restores the flexibility of the 1985 law, and allows the feed grains crop acreage base provisions to remain in step with the planting flexibility inititatives of the 1990 farm bill. Together, these much-needed policies will put planting decisions back in the hands of the person who should be making them—the farmer.

While widely known as the wheat State, my home State of Kansas is also No. 1 in the production of grain sorghum. Because we have not found a workable manner in which to legislate the weather, pest infestations, and other vagaries of the real world, those grain sorghum producers are often forced to plant an alternative feed grain, such as corn. The loss of this flexibility would be devastating to individual operators across the country, while limiting the influence of market incentives on feed grain production.

I specifically commend Secretary of Agriculture Clayton Yeutter for his decision to extend the provisions of the 1985 Act for the 1991 crop year. Flexibility has been the hallmark of the administration's farm policy platform, and they in no way wish to diminish the decisionmaking ability of the producer or the role of the market in planting decisions. So, in the final analysis, we have a win-win-win situation—for the farmer, for Congress, and for the administration.

To those who may view this legislation as a vehicle upon which to reopen the farm bill, let me call upon your common sense and good judgment. The time for such tinkering was last year, and we all played out our hands at that time. Whatever the populist and short-sighted motives may be that are driving the notion of reopening the bill, I urge my colleagues to think of your farmers' best interests. I am not willing to place Kansas farmers on the chopping block again by reopening a farm bill at the same time we are attempting to finance a war. Nor have I forgotten the fate of escalating loan rates and target prices to levels which interfere with the orderly flow of our commodities. I strongly urge Members to view this piece of legislation at face value—it is a technical correction to restore much needed flexibility to the farm bill.

By Mr. REID (for himself, Mr. LIEBERMAN, Mr. BRADLEY, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. BRYAN, Mr. LAUTENBERG, Mr. SARBANES, Ms. MIKULSKI, Mr. WIRTH, Mr. GORE, Mr. KENNEDY, Mr. KERRY, and Mr. DODD):

S. 391. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; to the Committee on Environment and Public Works.

LEAD EXPOSURE REDUCTION ACT

Mr. REID. Mr. President, there were approximately 2 million people living in Kuwait prior to Iraq's invasion of that country. We are fighting a war in the Persian Gulf because we care about what happens to these 2 million people.

Here in the United States, over 3 million American children are endangered by a far more silent, but equally deadly enemy.

I am talking about lead poisoning. Over 3 million American children are at risk from lead poisoning. That's 1 million more American children than all the people who lived in Kuwait prior to August 2, 1990.

Why do we need a lead bill?

Because lead poisoning causes brain damage, lower IQ scores, comas, convulsions, behavior disorders, cancer, and even death. Lead-poisoned teenagers are seven times more likely to fail or drop out of high school.

If Saddam Hussein were poisoning 3 million American children with lead, the people of this country would cry out for revenge.

If a foreign enemy could inflict comas and convulsions among thousands of our kids, we would not sit back and pretend that nothing was happening.

If terrorists struck the United States with chemical weapons that caused permanent brain damage, we would hunt them down and strike back, so that it would never happen again.

All of us have spoken out against Saddam Hussein. Today, I rise to speak out against a silent enemy that threatens 3 million American children.

Mr. President, I rise to introduce the Lead Exposure Reduction Act of 1991. This legislation is needed to save our children. Without it, we will suffer tremendously in academic performance and economic productivity.

Before I describe what this bill would do, I would like to read you a list of common products that contain significant amounts of lead: Food, toys, pesticides, plumbing fittings, and fixtures, packaging, wine bottles, solder, curtain weights, ceramic ware, batteries, paint, and gasoline.

But that is not all. Not only is lead contained in all these products, it is found in many others as well. The deadly list goes on and on. And, even more disturbing, no one seems to know all the products in which lead is found, including the lead industry. What is more, the lead industry is continuing to develop new uses for lead, including using lead as a shield in homes against radon and in asphalt paving materials.

A 1988 report to Congress by the Agency for Toxic Substances and Disease Registry [ATSDR] summarizes the lead problem in the U.S. very simply: "Lead is potentially toxic wherever it is found, and it is found everywhere." More lead is used now than was used a decade ago. Nevertheless, there are some who dispute the fact that lead is still a problem by pointing out that this substance is no longer added to paint and is being phased out of gasoline.

The people who allege that lead is no longer a health threat are whistling in the graveyard. They are happily ignoring a major epidemic that threatens everyone in this country—but children most of all.

Experts generally agree that children under the age of 7 are the most likely victims of lead poisoning. According to ATSDR's comprehensive 1988 report, some 3 to 4 million American children have levels of lead in their blood that my adversely affect their health.

Adverse health effects on children include permanent, significant neurological impairment. In plain English, that is brain damage and lifelong nervous disorders. That means lower IQ levels and behavioral problems for many of our children. In fact, a recent follow-up study reported that children who as first-graders in 1979 were found to have high lead levels showed poorer classroom performance and higher absentee rates than their peers a decade later as high schoolers.

Physical effects of lead on children can include hearing impairment, colic, anemia, coma, convulsions, and even death at high levels of exposure. A report issued last year by the Congressional Office of Technology Assessment states:

> Despite lead reduction in a number of areas, lead poisoning remains a major public health problem, particularly among children, who are both more sensitive to lead's neurotoxic effects and more likely to be exposed to certain sources, such as paint chips from older houses, school water coolers containing lead-lined tanks, and home water supplies contaminated with lead from old piping.* * *

Leading experts agree that lead poses a very serious public health threat. Dr. Herbert Needleman, principal author of several groundbreaking studies on this issue, has called childhood lead poisoning "the most serious pediatric problem in the United States today." Dr. Vernon Houk, the Assistant Surgeon General, has termed it the "most common" and the "most societally devastating" environmental disease of young children. Dr. Houk has stated, "I can't think of anything more devastating than a population of children with no superior intelligence and no geniuses * * *." Another expert witness who appeared before my Toxic Substances Subcommittee last year graphically noted that "what lead destroys is what Walt Disney once described as the most valuable natural resource of this country: the minds of our children." A headline on a commentary in the Washington Post summed up the childhood lead poisoning situation succinctly: "A National Recipe for Stupidity."

If these effects on children are not enough to disturb you, you may want to think about the second reason to be concerned about lead: Its potential effects on you and other adults in this country. For adults, a major source of exposure is the workplace. There are some 113 occupations in which workers may be exposed to lead.

For other adults and older children, food and water are most likely to be the major source of exposure to lead. Lead in food may come from food items taken from contaminated water or soil, lead-soldered food cans, lead deposited on crops from vehicle exhaust or industrial activity, contamination during food processing, lead glazes in dishes and pottery, or from food colorings like carmel and many others. Lead in water can come from the water source itself or through leaching from lead pipes, lead solder, or from brass or bronze fittings.

In addition to the adverse effects of lead exposure that children face, adults are vulnerable to other consequences. For example, lead has been classified as a probable human carcinogen by EPA. Other potential adverse effects include impaired reproductive capabilities and hypertension, elevated blood pressure. Several studies in recent years have shown a statistically significant association between blood lead levels and blood pressures in male adults. Not only is high blood pressure itself a concern, it has been shown in other studies to be related to an increased risk of heart attack and stroke.

Senior adults may be at particular risk, as lead stored in older persons' bones may be mobilized during osteoporosis or as part of the normal aging process. As one witness before my subcommittee last year stated, "[W]e may indeed have senior citizen populations who are going to receive their lifetime exposure of lead coming back to them a second time."

And if children and adults are not enough reason to be concerned about lead, maybe you will be moved by a third reason: Our pets. Last year's news accounts revealing the lead poisoning of President Bush's dog Millie shows that even the Primary Pooch can be a victim of lead poisoning. If the White House is not safe, what about your house? Often, the illness of a dog or other pet is the first warning sign that you and your children are in danger.

My bill attacks the lead problem in four major ways:

First, it restricts lead in products most likely to cause additional contamination, such as paint, pesticides, plumbing fittings and fixtures, toys, gasoline, and food cans.

Second, it requires the compilation and updating of an inventory of products currently containing lead, with submittal of this information by EPA to Congress along with recommendations for minimizing lead releases and preventing human exposure to lead.

Third, it mandates the recycling of lead-acid batteries, which contain over three-fourths of all lead used in this country.

Fourth, it calls for various long-term health studies and reports, public education programs, and development of abatement techniques.

It is equally important to note what this bill does not do:

It does not ban the overall use of lead.

It does not restrict the use of lead-acid batteries in automobiles.

It does not require lead smelters to shut down.

It does not ban, or restrict in any way, the use of lead in ammunition or fishing weights.

It does not establish standards different from those in the Toxic Substances Control Act for future regulation by EPA of existing and future uses of lead.

The bill that I and a number of cosponsors are introducing today is identical, except for one minor modification necessitated by passage of the Clean Air Act amendments last year to S. 2637, a bill reported by the Senate Environment and Public Works Committee last October with only one dissenting vote. That bill was the product of two hearings held by my Toxic Substances Subcommittee, at which testimony was received from over 40 witnesses from Federal, State, and local government, academia, the medical community, environmental groups, and lead producer and user groups. In response to this testimony and other comments by affected parties, extensive modifications were made to the bill at both the subcommittee and committee levels.

There are some who believe that too many concessions were made at that time. To address those concerns, it is my intent to undertake a review of the Toxic Substances Control Act during the 102d Congress. During this review it will be possible to revisit the issue of what should be the appropriate standards for regulation of existing and particularly new uses of lead, and other toxic substances, an issue that was a major focus of last year's debate concerning the lead bill.

I would also like to note that there has been a press report about a major initiative by the administration to address the lead poisoning problem. Under the headline, "U.S. Opens a Drive to Wipe Out Lead Poisoning Among Children," the December 20, 1990, New York Times reported that three Federal agencies—the Environmental Protection Agency, the Department of Housing and Urban Development, and the Department of Health and Human Services—are developing plans "aimed at cutting in half the hazardous levels of lead in children's blood" and at "eliminating lead paint in all the nation's homes over the next decade."

My Toxic Substances Subcommittee will hold a hearing on February 21, to ascertain what specific actions the administration plans to take to address the lead poisoning problem and, most importantly, when these actions will take place and how much funding the administration will seek for this effort. I have invited the heads of these three agencies to testify. EPA Administrator William Reilly has already confirmed his appearance. I look forward to the testimony of the other two Department Secretaries, so that we can have a candid discussion on the lead poisoning problem and the administration's plans to combat it. I am pleased that the administration's budget for fiscal year 1992 includes higher funding levels to fight lead poisoning. But that alone will not save the 3 million children in this country who are at risk. We need this legislation to save our kids from this silent, deadly terror.

Mr. President, over the years many historians have analyzed the rise and fall of the Roman Empire. Many have written that Rome was not defeated on the battlefield or in some faraway military encounter. These historians attribute the fall of Rome to internal problems. They cite crises and tragedies at home that were ignored, unacknowledged, and forever unsolved. Chief among these tragedies was lead poisoning, which may have caused lower birth rates, brain damage, and behavior disorders among many Romans.

It is time to learn from the lessons of history before it is too late. I don't want to see America win the war overseas, only to lose the peace here at home by recklessly endangering the lives of 3 million American children. The actions mandated by my bill are a modest beginning. I urge the support of my colleagues for this legislation.

I ask unanimous consent that the text of the bill and a summary of its provisions be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lead Exposure Reduction Act of 1991".

SEC. 2. AMENDMENT OF THE TOXIC SUBSTANCES CONTROL ACT.

(a) AMENDMENT OF THE TOXIC SUBSTANCES CONTROL ACT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding after title III the following new title:

"TITLE IV—LEAD EXPOSURE REDUCTION

"SEC. 401. FINDINGS AND POLICY.

"(a) FINDINGS.—The Congress finds that—

"(1) lead poisoning is the most prevalent disease of environmental origin among American children today, and children under seven years of age are at special risk because of their susceptibility to the potency of lead as a neurologic toxin;

"(2) the effects of lead on children may include permanent, significant neurologic and physiologic impairment, and additional health effects occur in adults exposed to similar exposure levels;

"(3) because of the practical difficulties of removing lead already dispersed into the environment, children and adults will continue to be exposed to such lead for years;

"(4) as a result of decades of highly dispersive uses of lead in a variety of products, contamination of the environment with unacceptable levels of lead is widespread;

"(5) the continued manufacture, import, processing, use, and disposal of lead-containing products may cause further releases of lead to the environment, and such releases contribute to further environmental contamination and resultant exposure to lead; and

"(6) methods to reduce existing lead exposure levels must be improved, especially through the development of more effective and affordable methods for abating lead-based paint, which continues to be a major cause of childhood lead poisoning.

"(b) POLICY.—It is the policy of the United States that further releases of lead to the environment should be minimized, and means should be developed and implemented to reduce exposures to sources of environmentally dispersed lead.

"SEC. 402. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

"(a) GENERAL RESTRICTIONS.—Except as provided under subsection (b) of this section, beginning on the date that is one year after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person may import, manufacture or process any of the following product categories, and beginning on the date that is two years after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person may distribute in commerce, any of the following product categories:

"(1) Paint containing more than 0.06 percent lead by dry weight.

"(2) Plumbing fittings and fixtures containing more than 2 percent lead by dry weight.

"(3) Pesticides (as defined in section 2(u) of the Federal Insecticide, Rodenticide, and Fungicide Act (7 U.S.C. 136(u)) containing more than 0.1 percent lead by dry weight.

"(4) Toys and recreational game pieces containing more than 0.1 percent lead by dry weight.

"(5) Curtain weights containing more than 0.1 percent lead by dry weight.

"(b) MODIFICATION OF RESTRICTIONS.—(1) The Administrator may, after public notice and opportunity for comment, promulgate regulations to modify, pursuant to paragraphs (2) and (3) of this subsection, the percentage of the allowable lead content for a product category described in paragraphs (1) through (5) of subsection (a).

"(2) The Administrator may, pursuant to paragraph (1), establish by regulation a percentage of the allowable lead content that is less than the percentage specified under subsection (a) (including nondetectable levels) for any product category described in paragraphs (1) through (5) of such subsection if the Administrator determines that a reduction in the percentage of allowable lead content is necessary to protect human health or the environment.

"(3)(A) The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content for a product category described in paragraphs (1) through (5) of subsection (a) that is greater than the percentage specified for the product category under such subsection if the Administrator determines that increasing the percentage of the allowable lead content for the product category will promote the protection of human health or the environment.

"(B) If the Administrator establishes by regulation an increased percentage of the allowable lead content for a product category pursuant to this paragraph, the regulation establishing such percentage shall terminate on the date that is six years after the date such regulation becomes final.

"(C) Not later than one hundred and eighty days prior to the termination of a regulation promulgated under this paragraph, the Administrator shall review the regulation. If, on or after the termination date of such regulation, the Administrator determines pursuant to subparagraph (A), that the promulgation of a regulation is appropriate, the Administrator may promulgate a regulation which shall terminate on the date that is six years after the date such regulation becomes final.

"(4) The Administrator may by regulation extend the dates for compliance with the requirements of subsection (a)(2) by one year and establish a performance standard for lead leaching from plumbing fittings and fixtures in lieu of the restriction under such subsection if the Administrator determines that such performance standard is at least as protective of human health and the environment as such restriction.

"(5) The Administrator shall promulgate regulations within twelve months of enactment of the Lead Exposure Reduction Act of 1990 to waive the requirements of subsection (a)(4) with respect to certain toys and recreational game pieces that are collectible items and scale models intended for adult acquisition.

"(c) STATEMENTS BY ADMINISTRATOR RELATING TO MODIFICATIONS OF RESTRICTIONS.—In promulgating any regulation under subsection (b) of this section with respect to the allowable lead content under a product category, the Administrator shall, prior to the promulgation of a final regulation, consider and publish a statement that describes the effects of the proposed allowable lead content level for the product category on human health and the environment.

"(d) Not later than twenty-four months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall promulgate regulations banning the sale of lead solder to plumbers and plumbing supply wholesalers and retailers.

"(e) PACKAGING.—

"(1) As used in this subsection, the term—

"(A) 'package' means a container providing a means of marketing, protecting, or handling a product, and includes a unit package, an intermediate package, crates, pails, rigid foil, unsealed receptacles such as carrying cases, cups, and such other trays, wrappers and wrapping films, bags, tubs, and shipping or other containers, as the Administrator by regulation, may define (except that such term shall not include ceramic ware or a casing of a lead-acid battery, as defined in section 405(o)(1));

"(B) 'distributor' means any individual, firm, corporation, or other entity which takes title to goods purchased for resale; and

"(C) 'packaging component' means any individual assembled part of a package such as any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

"(2) For the purposes of this section, tinplated steel that meets the American Society for Testing and Materials (ASTM) Specification A-623 shall be deemed an individual packaging component.

"(3) Beginning on the date that is twenty-four months after the date of the enactment of the Lead Exposure Reduction Act of 1990—

"(A) no package or packaging component which may be used for food for human consumption (or intended for such use) shall be offered for sale or for promotional purposes by a manufacturer or distributor, which includes, in the package, or in any packaging component, inks, dyes, pigments, adhesives, stabilizers, or other additive to which lead has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of lead;

"(B) no food for human consumption (or intended for such use) shall be offered for sale or for promotional purposes by its manufacturer or distributor in a package which includes, in the package itself or in any of its packaging components, inks, dyes, pigments, adhesives, stabilizers, or other additive to which any lead has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of lead; and

"(C) notwithstanding subparagraphs (A) and (B) of this paragraph, the aggregate of the concentration levels, from any incidental presence of lead present in any package or packaging component which may be used for food for human consumption (or intended for such use) shall not exceed—

"(i) for the third twelve-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, 600 parts per million by weight (0.06 percent);

"(ii) for the fourth twelve-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, 250 parts per million by weight (0.025 percent); and

"(iii) for the fifth twelve-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, and for each twelve-month period thereafter, 100 parts per million by weight (0.01 percent); and

"(D) no package or packaging component which may be used for food for human consumption (or intended for such use) shall be offered for sale for promotional purposes by a manufacturer or distributor, and no food for human consumption (or intended for such use) shall be offered for sale or for promotional purposes by a manufacturer or distributor in a package, if such package or packaging component exceeds the level provided under subparagraph (C) of this paragraph.

"(4) Beginning on the date that is forty-eight months after the date of the enactment of the Lead Exposure Reduction Act of 1990—

"(A) no package or packaging component shall be offered for sale or for promotional purposes by a manufacturer or distributor, which includes, in the package, or in any packaging component, inks, dyes, pigments, adhesives, stabilizers, or other additive to which lead has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of lead;

"(B) no product shall be offered for sale or for promotional purposes by its manufacturer or distributor in a package which includes, in the package itself or in any of its packaging components, inks, dyes, pigments, adhesives, stabilizers, or other additive to which any lead has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of lead; and

"(C) notwithstanding subparagraphs (A) and (B) of this paragraph, the aggregate of the concentration levels, from any incidental presence of lead present in any package or packaging component shall not exceed—

"(i) for the fifth twelve-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, 600 parts per million by weight (0.06 percent);

"(ii) for the sixth twelve-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, 250 parts per million by weight (0.025 percent); and

"(iii) for the seventh twelve-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, and for each twelve-month period thereafter, 100 parts per million by weight (0.01 percent); and

"(D) no package or packaging component shall be offered for sale or for promotional purposes by a manufacturer or distributor, and no product shall be offered for sale for promotional purposes by a manufacturer or distributor in a package, if such package or packaging component exceeds the level provided under subparagraph (C) of this paragraph.

"(5) Prior to the expiration of the sixty-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, upon receipt of an application (in such form and containing such information as the Administrator may prescribe by regulation) the Administrator may exempt from the requirements of paragraphs (3) or (4)—

"(A) a package or packaging component manufactured prior to the date of the enactment of the Lead Exposure Reduction Act of 1990 that displays a code prescribed by the Administrator that indicates that such package or component was manufactured prior to such date; and

"(B) a package or packaging component to which lead has been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of Federal law or the law of any State or political subdivision of a State.

"(6)(A) A certificate of compliance stating that a package or packaging component is in compliance with the requirements of the Lead Exposure Reduction Act of 1990 shall be retained by its manufacturer or distributor and made available to the purchaser or intended purchaser of the package or packaging component.

"(B) In any case in which compliance is achieved because of an exemption under paragraphs (3) or (4), such certificate shall state the specific basis upon which the exemption is claimed.

"(C) A certificate of compliance shall be signed by an authorized official of the manufacturer or distributor, as the case may be.

"(f) CANS FOR FOOD, FOILS.—(1) Beginning on the date that is eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person may manufacture or import any can which may be used for food for human consumption (or intended for such use) containing solder that has a lead content greater than 0.2 percent by dry weight.

"(2) Beginning on the date that is twenty-four months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person may distribute in commerce any can containing food for human consumption (or intended for such use) containing solder that has a lead content greater than 0.2 percent by dry weight.

"(3) Beginning on the date that is eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person may import, manufacture, process, or distribute in commerce foils for wine bottles containing more than 0.1 percent lead by dry weight.

"(4) If the Secretary of the Department of Health and Human Services (hereinafter in this subsection referred to as the 'Secretary') finds that—

"(A) a person who imports, manufactures, processes, or distributes in commerce foils for wine bottles has, upon the expiration of the eighteen-month period following the date of the enactment of the Lead Exposure Reduction Act, a large volume of foils for wine bottles which do not comply with the requirements of paragraph (3);

"(B) such volume was purchased prior to the expiration of such eighteen-month period in the normal course of the manufacturer's business; and

"(C) compliance with the requirements of paragraph (3) would cause undue economic hardship on such person,

the Secretary may delay the application of paragraph (3) with respect to such person for a reasonable period of time.

"(5) The Secretary under the authority granted to the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) shall promulgate such regulations as may be necessary to carry out the purposes of this subsection.

"(g) SALE OF GASOLINE.—(1) Notwithstanding any other provision of law, beginning on the date that is six months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person may sell or offer for sale gasoline that contains any lead additives for a price that is less than the lowest price at which unleaded gasoline is offered for sale at the same establishment.

"(2) Beginning on the date that is six months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall, by regulation, prohibit the selling or offering for sale, in a metropolitan statistical area or consolidated metropolitan statistical area (as defined by the United States Office of Management and Budget) with a 1980 population of two hundred fifty thousand persons or more, for use as a fuel in any motor vehicle, other than farm vehicles, any gasoline which contains lead or a lead additive.

"(3)(A) Effective January 1, 1996, any person who manufactures or imports any fuel that contains lead or a lead additive (including fuel for use in a farm vehicle or engine, nonroad vehicle or engine, competition vehicle or engine, marine vehicle or engine, or aviation vehicle or engine) shall submit quarterly reports to the Administrator on the lead content and volume of such fuel that is manufactured or imported (by type of fuel, where such information is reasonably available).

"(B) No later than January 1, 1995, the Administrator shall promulgate such regulations as he determines are necessary to implement and enforce this requirement.

"(h) EXEMPTIONS.—(1) The Administrator shall, by regulation, exempt from the restrictions on the lead content of paint described in paragraph (1) of subsection (a) any paint used by an artist in a work of art.

"(2) The Administrator shall, by regulation, exempt from the restrictions on lead content under subsection (a) or (b) any product or product category used—

"(A) for medical purposes (as defined by the Administrator, in consultation with the Secretary of Health and Human Services);

"(B) in connection with the national security activities of the Department of Defense;

"(C) in the nuclear industry (as defined by the Administrator), including any product or product category used in connection with the national security programs of the Department of Energy; and

"(D) in the mining industry to determine the presence of noble metals in geological materials.

"(3) For the purposes of subsection (a) or (b), the term 'processed' shall not include the recycling (for use as a raw material or for processing), the recovery, or the reuse of—

"(A) Metal.

"(B) Glass.

"(C) Plastic.

"(D) Paper.

"(E) Textile.

"SEC. 403. INVENTORY OF LEAD-CONTAINING PRODUCTS.

"(a) INVENTORY OF LEAD-CONTAINING PRODUCTS.—(1) Not later than eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, each person who manufactures, processes, or imports any product that contains more than 0.1 percent lead by dry weight shall notify the Administrator of such manufacture, processing, or importing. Such notification shall be in writing and shall specify the following inventory information:

"(A) the type of product manufactured, processed, or imported;

"(B) the quantity of such product manufactured, processed, or imported;

"(C) the amount and percentage of lead used in the manufacturing or processing of the product, or the amount and percentage of lead contained in the imported product; and

"(D) such other information as the Administrator determines, by order, is necessary to meet the purposes of this section.

"(2) The owner or operator of a recycling facility regulated by a State or by the Administrator shall not be subject to the notification requirements described in paragraph (1) with respect to such recycling facility.

"(3) Not later than twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall publish in the Federal Register notice of the requirements under paragraph (1) of this subsection and other related information that the Administrator determines to be appropriate.

"(4) The Administrator shall develop procedures to assure that the inventory is updated periodically and that each person who manufactures, processes, or imports a product that contains more than 0.1 percent lead by dry weight that is not subject to notification in the initial inventory is required to provide the notification required under paragraph (1) within six months of beginning the manufacture, processing, or importing of such lead containing product.

"(5) To the extent feasible, the Administrator shall utilize existing product classification codes such as the harmonized export-import codes compiled by the Department of Commerce.

"(6) The Administrator may by administrative order define the terms 'product' and 'product category'.

"(b) COMPILATION OF INVENTORY INFORMATION.—(1) Not later than twenty-four months after the date of enactment of the Lead Exposure Reduction Act of 1990, and every five years thereafter, the Administrator shall publish a compilation of the inventory information reported under paragraph (1) of subsection (a). In compiling such information the Administrator may, to the extent consistent with the purpose of this section, in lieu of listing a product individually, list a category of products in which such product is included.

"(2) Not later than thirty months after the date of enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall report to Congress a summary of inventory information and recommendations for minimizing the release of lead into the environment and preventing human exposure to lead.

"(c) CONFIDENTIALITY OF INVENTORY INFORMATION.—(1) A person who is required to submit written notification under subsection (a) may submit an application to the Administrator to claim information included in such written notification as confidential information, for the purposes of this section.

"(2) A person may claim the information described in paragraph (1) as confidential if such person—

"(A) meets the requirements of paragraph (3);

"(B) includes in the application submitted under paragraph (1)—

"(i) a detailed explanation of the reasons why such information meets the criteria for confidentiality described in subparagraphs (A) through (D) of paragraph (3);

"(ii) written designation of the information claimed as confidential, in such manner and in such form as the Administrator may prescribe by regulation;

"(iii) a copy of the written notification required under subsection (a) that contains all information claimed as confidential; and

"(iv) a copy of the written notification that excludes such information claimed as confidential.

"(3) The Administrator may approve an application for claiming information as confidential, as described in paragraph (1), if the Administrator determines that the application meets the requirements of this subsection and that—

"(A) the applicant has not disclosed the information to any person other than—

"(i) an officer or employee of the Federal Government or of a State government or the government of a political subdivision of a State;

"(ii) an employee of the applicant; or

"(iii) a person who has entered into an agreement with the applicant to ensure the confidentiality of the information; and

"(B) the applicant has taken reasonable measures to protect the confidentiality of the information, and demonstrates, to the satisfaction of the Administrator, the intent to continue to protect the confidentiality of the information;

"(C) public disclosure of the information is not required under any other Federal or State law;

"(D) no Federal or State law requires that the information shall be otherwise made available to the public;

"(E) disclosure of the information would likely cause substantial economic harm to the competitive position of such applicant or the information has been determined to constitute national security information under Federal law; and

"(F) the information is not readily discoverable through reverse engineering or the examination of data sources available to the public.

"(4) Unless the Administrator makes a determination that the requirements of paragraph (3) have been met, any information submitted to the Administrator in the application described in paragraph (1), and in response to any inquiry by the Administrator for the submittal of additional information, shall be made available to the public. If the Administrator makes a determination that the requirements of paragraph (3) have been met, the information shall be considered as confidential for purposes of this section, and section 14, except that the Administrator may disclose such information as provided in section 14(a).

"(5) Notwithstanding paragraph (4), upon a request by the Governor of a State, the Administrator shall provide to the State the application information described in paragraphs (1) and (2).

"(6) Notwithstanding any other provision of law, upon receipt of a request by a committee of Congress authorized by the Congress to receive such information, or the General Accounting Office, the Administrator shall make available to such committee, or the General Accounting Office, any information obtained under this subsection.

"(7) If the Administrator determines that—

"(A) an applicant has not made a sufficient showing that the information it sought to protect meets the criteria described in paragraph (3)(B); and

"(B) the claim of confidentiality in the application was frivolous,

the applicant may be deemed liable for a civil penalty described in section 16(a).

"(8)(A) Any officer or employee of the United States or former officer or employee of the United States, who by virtue of such employment or official position has obtained possession of, or has access to, information that the Administrator has determined to be entitled to protection under this subsection who knowingly and willfully discloses the information in any manner to any person not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000 or imprisoned for not more than one year, or both. Section 1905 of title 18, United States Code, does not apply with respect to the publishing, divulging, disclosure, making known of, or making available, information reported or otherwise obtained under this subsection.

"(B) For the purposes of subparagraph (A), any contractor with the United States who is furnished information as authorized by section 14(a)(2), and any employee of any such contractor, shall be considered to be an employee of the United States.

"(d) EXEMPTION FROM INVENTORY REQUIREMENTS FOR LEAD-ACID BATTERIES.—A person who manufactures, processes, or imports lead-acid batteries, as defined in section 405(o)(1), shall, with respect to providing notification regarding lead-acid batteries under subsection (a), be exempt from the notification requirements under such subsection.

"(e) DEFINITIONS.—For the purposes of this section, the terms 'manufacture' and 'process' mean manufacture or process for commercial purposes.

"SEC. 404. PRODUCT LABELING.

"(a) IN GENERAL.—Not later than twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall promulgate regulations that provide for the labeling of products (other than lead-acid batteries as defined in section 405(o)(1) and products regulated under the Federal Food, Drug and Cosmetic Act) that may pose a risk of human exposure to lead.

"(2) Not later than twelve months after the date of enactment of the Lead Exposure Reduction Act of 1990, the Commissioner of the Food and Drug Administration shall promulgate regulations that provide for the labeling of products regulated under the Federal Food, Drug, and Cosmetic Act that may pose a risk of human exposure to lead.

"(3) The regulations promulgated pursuant to paragraphs (1) and (2) shall take effect not later than twenty-four months after the date of enactment of the Lead Exposure Reduction Act of 1990.

"(b) CONTENT OF REGULATIONS.—The regulations described in subsection (a) shall specify the wording, type size, and placement of the labels described in such subsection.

"(c) LABELING OF CERTAIN TOYS AND RECREATIONAL GAME PIECES.—(1) The Administrator shall promulgate regulations requiring that the following labeling be included in the labeling of the packaging of all toys and recreational game pieces that are collectible items and scale models which are subject to the regulations promulgated under section 402(b)(5) and are manufactured on or after the effective date of the regulations promulgated under this subsection:

"COLLECTIBLE ITEM, CONTAINS LEAD,
NOT SUITABLE FOR CHILDREN

"(2) Regulations promulgated pursuant to (1) shall specify the type size, and placement of the labels described.

"(3) Any regulation promulgated under paragraph (1) shall take effect on the date that is twelve months after the date of the promulgation of such regulation.

"SEC. 405. RECYCLING OF LEAD-ACID BATTERIES.

"(a) Prohibitions.—(1) Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person shall place a lead-acid battery in any landfill and no person shall incinerate any such battery.

"(2) No person shall discard or otherwise dispose of a lead-acid battery in mixed municipal solid waste or discard or otherwise dispose of any such battery in a manner other than by recycling in accordance with this section.

"(b) General Discard or Disposal Requirements.—Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person (except a person described in subsection (c), (d), or (e)) shall discard or otherwise dispose of used lead-acid batteries except by delivery to one of the following persons (or the authorized representative of such person):

"(1) A person who sells lead-acid batteries at retail or wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(4) An automotive dismantler (as defined by the Administrator).

"(c) Discard or Disposal Requirements for Retailers.—Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person who sells lead-acid batteries at retail shall discard or otherwise dispose of used lead-acid batteries except by delivery to one of the following persons (or the authorized representative of such person):

"(1) A person who sells lead-acid batteries at wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A battery manufacturer.

"(4) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) An automotive dismantler (as defined by the Administrator).

"(d) Discard or Disposal Requirements for Wholesalers.—Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person who sells lead-acid batteries at wholesale shall discard or otherwise dispose of used lead-acid batteries except by delivery to one of the following persons (or the authorized representative of such person):

"(1) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(2) A battery manufacturer.

"(3) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(e) Discard or Disposal Requirements for Manufacturers.—Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person who manufactures lead-acid batteries shall discard or otherwise dispose of used lead-acid batteries except by delivery to one of the following persons (or the authorized representative of such person):

"(1) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(2) A collection or recycling facility regulated by a State or subject to regulation by the Administrator.

"(f) Collection Requirements for Retailers.—Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, a person who sells, or offers for sale, lead-acid batteries at retail shall accept from customers, used lead-acid batteries of the same type as the batteries sold and in a quantity approximately equal to the number of batteries sold. The used lead-acid batteries shall be accepted at the place where lead-acid batteries are offered for sale.

"(g) Collection Requirements for Wholesalers.—(1) Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, a person who sells, or offers for sale, lead-acid batteries at wholesale (hereinafter referred to as a 'wholesaler') shall accept from customers, used lead-acid batteries of the same type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(2) In the case of a wholesaler who sells, or offers for sale, lead-acid batteries to a retailer, such wholesaler shall also provide for removing used lead-acid batteries at the place of business of the retailer. Such removal shall occur not later than ninety days after the retailer notifies the wholesaler of the existence of such used lead-acid batteries for such removal unless there are less than five such batteries, in which case the wholesaler shall remove such batteries within one-hundred and eighty days.

"(h) Collection Requirements for Manufacturers.—Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, a person who manufactures lead-acid batteries shall accept from customers, used lead-acid batteries of the same type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(i) Written Notice Requirements for Retailers.—(1) Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, a person who sells, or offers for sale, lead-acid batteries at retail shall post written notice that—

"(A) is clearly visible in a public area of the establishment in which such lead-acid batteries are sold or offered for sale;

"(B) is at least 8½ inches by 11 inches in size; and

"(C) contains the following language:

"(i) 'It is illegal to throw away a motor vehicle battery or other lead-acid battery.'.

"(ii) 'Recycle your used batteries.'.

"(iii) 'Federal law requires battery retailers to accept used lead-acid batteries for recycling when a battery is purchased.'.

"(iv) 'Federal law allows you to sell or give used batteries to an authorized battery collector, recycler, or processer, or to an automotive dismantler'.

"(2) Any person who, after receiving a written warning by the Administrator, fails to post a notice required under paragraph (1) shall, notwithstanding section 16, be subject to a civil penalty of not more than $1,000 per day.

"(j) Lead-Acid Battery Labeling Requirements.—(1) Beginning on the date that is eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, it shall be unlawful for any lead-acid battery manufacturer to sell, or offer for sale, any lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(2) Beginning on the date that is twenty-four months after the date of the enactment of the Lead Exposure Reduction Act of 1990, it shall be unlawful to sell a lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(3) A label described in paragraph (1) or (2) shall be deemed consistent with the requirements of the Lead Exposure Reduction Act of 1990 if such label—

"(A) identifies that the lead-acid battery contains lead; and

"(B) contains the following statements:

"(i) 'Federal law requires recycling'.

"(ii) 'Seller must accept return'.

"(4) Nothing in this Act shall be interpreted as prohibiting the display on the label of a lead-acid battery a recycling symbol (as defined by the Administrator) or other information intended to encourage recycling.

"(k) Publication of Notice.—Not later than six months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall publish in the Federal Register notice of the requirements of this section and other related information that the Administrator determines to be appropriate.

"(l) State and Local Labeling Laws.—(1) Beginning on the date that is eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no State or political subdivision of a State shall enact or enforce requirements that do not include the following requirements under this section with respect to lead-acid battery recycling:

"(A) labeling requirements;

"(B) written notice requirements for retailers; and

"(C) collection requirements.

"(2) Nothing in paragraph (1) or in any other provision of the Lead Exposure Reduction Act of 1990 shall be construed so as to prohibit a government of a State or a political subdivision of a State from requiring the payment of a deposit upon the sale of a lead-acid battery.

"(m) Warnings and Citations.—The Administrator may issue warnings and citations to any person who fails to comply with any provision of this section.

"(n) Export for Purposes of Recycling.—Notwithstanding any other provision of this section, any person may export used lead-acid batteries for the purpose of recycling.

"(o) Definitions.—For the purposes of this section:

"(1) The term 'lead-acid battery' means a battery that—

"(A) consists of lead and sulfuric acid; and

"(B) is used as a power source.

"(2) The term 'secondary lead smelter' means a facility which produces metallic lead from various forms of lead scrap, including used lead-acid batteries. Such a facility also may produce plastic chips that are sent for reprocessing.

"SEC. 406. PROHIBITED ACTS.

"It shall be unlawful for any person to fail or refuse to comply with a provision of sections 402 through 405 or with any rule or order issued under such sections.

"SEC. 407. LEAD ABATEMENT AND MEASUREMENT.

"(a) Program to Promote Lead Exposure Abatement.—The Administrator, in cooperation with the Secretary of Housing and Urban Development, the Secretary of Commerce, the Secretary of Health and Human Services, and the Secretary of Labor shall conduct a comprehensive program to promote safe, effective, and affordable monitoring, detection and abatement of lead-based paint and other lead exposure hazards.

"(b) Standards for Environmental Sampling Laboratories.—The Secretary of Commerce (acting through the Director of the National Institute of Standards and Technology), in consultation with the Secretary of Housing and Urban Development and the Administrator, shall establish protocols, criteria, and minimum performance standards for laboratory analysis of lead in paint films, soil and dust. Not more than eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Secretary of Commerce shall establish certification programs to assure the quality and consistency of laboratory analyses, unless the Secretary determines, by the date specified in this subsection, that effective voluntary accreditation programs are in place and operating on a nationwide basis at the time of such determination.

"(c) Standards for Blood Analysis Laboratories.—(1) The Secretary of Health and Human Services (hereafter in this subsection referred to as the 'Secretary'), acting through the Director of the Centers for Disease Control, shall establish protocols, criteria and minimum performance standards for laboratory analysis of lead in blood. Not later than eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Secretary shall establish certification programs to assure the quality and consistency of laboratory analyses, unless the Secretary determines, by the date specified in this subsection, that effective voluntary accreditation programs are in place and operating on a nationwide basis at the time of such determination.

"(2) A quality control program under this subsection shall include an accreditation or certification program which shall include provisions for reporting results of blood-lead analyses to the Director of the Centers for Disease Control on an ongoing basis. Such reports shall be in such form as the Secretary shall require by regulation.

"(d) Contractor Training and Certification.—(1) Not later than twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Secretary of Labor in conjunction with the Administrator of the Environmental Protection Agency, the Secretary of Housing and Urban Development and the Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health), shall develop minimum core curricula for technical training courses for lead-based paint abatement workers, supervisors, designers, inspectors and building owners.

"(2) The courses described in paragraph (1) shall address generic factors associated with lead testing and abatement in various types of housing units, including public and private single- and multi-family, housing units (as determined by the Secretary of Labor, in consultation with the individuals described in paragraph (1)).

"(3) The Secretary of Labor may assure the quality, comprehensiveness, and effectiveness of the training courses described in paragraph (2) by evaluating training programs, and shall encourage State certification programs, or the development of national proficiency tests.

"(4) Not later than April 1, 1992, the Secretary of Labor in consultation with the individuals described in paragraph (1) shall jointly report to the Congress their assessment of abatement training capacity and the quality of ongoing abatement work.

"(e) Detection Technologies.—(1) The Secretary of Commerce (acting through the Director of the National Institute of Standards and Technology), in consultation with the Secretary of Housing and Urban Development and the Administrator, shall evaluate emerging products and emerging techniques for detecting lead in paint films and dust, including x-ray fluorescence devices, on-site chemical spot testers, and laboratory methods.

"(2) The Secretary of Commerce (acting through the Director of the National Institute of Standards and Technology), in consultation with the Secretary of Housing and Urban Development and the Administrator, shall develop criteria, standards, and testing protocols to assure reliable, accurate, and effective detection technologies.

"(f) Evaluation of Abatement and In-Place Management Techniques to Reduce Lead Dust Levels.—(1) Not later than thirty-six months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator, in consultation with the Secretary of Housing and Urban Development, shall submit a report to the Congress concerning the short-term and long-term efficacy and effectiveness of various abatement and in-place management techniques in reducing lead dust levels. The assessment of such in-place management techniques shall be based on resultant and subsequent levels of lead dust.

"(2) The report described in paragraph (1) shall review the feasibility of State standards for post-abatement lead dust levels in effect immediately preceding the date of the issuance of such report.

"(g) Evaluation of Emerging Abatement Technologies.—(1) The Secretary of Commerce (hereafter in this subsection referred to as the 'Secretary'), acting through the Director of the National Institute of Standards and Technology, in consultation with the Secretary of Labor and the Secretary of Housing and Urban Development, shall establish a program for the evaluation of existing and new products and procedures for encapsulating or removing lead-based paint.

"(2) The products and procedures described in paragraph (1) shall be evaluated for safety, effectiveness, durability, and other relevant performance characteristics (as determined by the Secretary, in consultation with the Director of the National Institute of Standards and Technology) and based on written performance criteria and standards that the Secretary shall develop (in consultation with the Director of the National Institute of Standards and Technology).

"(3) Not later than eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Secretary shall publish in the Federal Register a list of the products and procedures that the Secretary has determined to meet the performance standards and criteria developed by the Secretary.

"(4) The Secretary shall update and publish the list described in paragraph (3)—

"(A) on the date that is thirty months after the date of the enactment of the Lead Exposure Reduction Act of 1990;

"(B) on the date that is forty-two months after the date of the enactment of such Act; and

"(C) at any time subsequent to the date under subparagraph (B), as the Secretary determines to be appropriate.

"(h) Classification of Abatement Wastes.—(1) Not later than six months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall issue guidelines for the management of lead-based paint abatement debris. Such guidelines shall describe steps for segregating wastes from lead-based paint abatement projects in order to minimize the volume of material qualifying as hazardous solid waste.

"(2) Beginning on the date that is seven months after the date of the enactment of the Lead Exposure Reduction Act of 1990, if the requirements of paragraph (1) have not been met, no appropriated moneys may be expended by the Environmental Protection Agency for the purpose of funding travel for employees to engage in official business of the Environmental Protection Agency outside of the United States and the territories of the United States. The prohibition under this paragraph shall terminate on the date that the requirements of paragraph (1) are met.

"(i) Exposure Studies.—(1) The Administrator, in consultation with the Secretary of Health and Human Services (hereafter in this subsection referred to as the 'Secretary'), acting through the Director of the Centers for Disease Control, shall conduct a long-term research project to study the sources of lead exposure in children who have elevated blood lead levels (or other indicators of elevated lead body burden), as defined by the Administrator, in consultation with the Director of the Centers for Disease Control.

"(2) The Secretary of Labor and the Administrator, in consultation with the Director of the National Institute for Occupational Safety and Health, shall conduct a long-term research project to study the sources of lead exposure in construction workers.

"(3) The research projects described in paragraphs (1) and (2) shall examine the relative contributions to lead body burden from the following:

"(A) Drinking water.

"(B) Food.

"(C) Lead-based paint and dust from lead-based paint.

"(D) Exterior sources such as ambient air and lead in soil.

"(E) Occupational exposures, and other exposures that the Administrator determines to be appropriate.

"(4) The Administrator shall consult with the Secretary of Health and Human Services in conducting the research activities related to the contribution of lead from food to lead body burden.

"(5) Not later than eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, and every twelve months thereafter, the Administrator shall submit a report to the Congress concerning the research projects described in paragraphs (1) and (2).

"(j) Public Education.—(1) The Administrator of the Environmental Protection Agency in conjunction with the Secretary of Health and Human Services, acting through the Administrator of the Agency for Toxic Substances and Disease Registry, shall sponsor public education and outreach activities to increase public awareness of—

"(A) the scope and severity of lead poisoning from household sources;

"(B) potential exposure to sources of lead in schools and childhood day care centers (as determined pursuant to section 4 of the Lead Exposure Reduction Act of 1990); and

"(C) the need for careful, quality, abatement and management actions.

"(2) The activities described in paragraph (1) shall be designed to provide educational services and information to—

"(A) health professionals;

"(B) other groups that the Administrator of the Environmental Protection Agency and the Secretary of Health and Human Services determine to be appropriate; and

"(C) the general public.

"(k) SOIL LEAD GUIDELINES.—Not later than twenty-four months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall issue guidelines concerning the action levels for lead in soil.

"(l) COORDINATOR FOR LEAD ACTIVITIES.—Not later than thirty days after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall appoint, from among the employees of the Environmental Protection Agency, a Coordinator for Lead Activities to coordinate the activities conducted by the Agency (or in conjunction with the Agency) relating to the prevention of lead poisoning, the reduction of lead exposure, and lead abatement.

"SEC. 408. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

"(a) ESTABLISHMENT AND RESPONSIBILITIES.—(1) There is established a grant program to establish one or more Centers for the Prevention of Lead Poisoning. (Each such Center is hereinafter referred to as a 'Center'.)

"(2) The Administrator shall award grants to one or more institutions of higher education in the United States for the purpose of establishing and funding a Center. Each such Center shall assist the Administrator in carrying out the functions of this title. Such functions shall include providing for the transfer of technology and serving as a source of information to the general public.

"(b) APPLICATIONS.—The Administrator shall solicit applications from any institution of higher education in the United States for the designation as a Center. The application shall be in such form and contain such information as the Administrator may require by regulation.

"(c) SELECTION CRITERIA.—The Administrator shall select grant recipients from the applicants in accordance with the following criteria:

"(1) The capability of the applicant institution to provide leadership in making national contributions to the prevention of lead poisoning.

"(2) The demonstrated capacity of applicant institution to conduct relevant research.

"(3) The appropriateness of the projects proposed to be carried out by the applicant institution.

"(4) The assurance of the applicant institution of a commitment of at least $100,000 in budgeted institutional funds to relevant research upon receipt of such grant.

"(5) The presence at the applicant institution of an interdisciplinary staff with demonstrated expertise in lead poisoning prevention.

"(6) The demonstrated ability of the applicant institution to disseminate results of relevant research and educational programs through an interdisciplinary continuing education program.

"(7) Any other criteria that the Administrator determines to be appropriate.

"(d) FEDERAL SHARE AND DURATION OF GRANT.—(1) The Federal share of a grant under this section shall not exceed 95 percent of the costs of establishing and operating a Center and related research activities carried out by the Center.

"(2) A grant under this section shall be for a period of time not to exceed two years.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 11 of the Toxic Substances Control Act (15 U.S.C. 2610) is amended—

(A) in the first sentence of subsection (a)—

(i) by striking "or mixtures" before "are manufactured" and inserting ", mixtures, or products subject to title IV"; and

(ii) by inserting "such products," before "or such articles"; and

(B) in paragraph (1) of subsection (b) by striking "or mixtures" and inserting ", mixtures, or products subject to title IV".

(2) Section 16 of the Toxic Substances Control Act (15 U.S.C. 2615) is amended by inserting "or 406" after "section 15" each place it appears.

(3)(a) Section 17(a)(1) of the Toxic Substances Control Act (15 U.S.C. 2616) is amended to read as follows:

"(a) SPECIFIC ENFORCEMENT.—(1) The district courts of the United States shall have jurisdiction over civil actions to—

"(A) restrain any violation of section 15 or 406,

"(B) restrain any person from taking any action prohibited by section 5, 6, or 402, or by a rule or order under section 5, 6, or 402,

"(C) compel the taking of any action required by or under this Act, or

"(D) direct any manufacturer or processor of a chemical substance, mixture, or product subject to title IV manufactured or processed in violation of section 5, 6, or 402, or a rule or order under section 5, 6, or 402, and distributed in commerce, (i) to give notice of such fact to distributors in commerce of such substance, mixture, or product and, to the extent reasonably ascertainable, to other persons in possession of such substance, mixture, or product or exposed to such substance, mixture, or product, (ii) to give public notice of such risk of injury, and (iii) to either replace or repurchase such substance, mixture, or product, whichever the person to which the requirement is directed elects.".

(b) in the first sentence of subsection (b)—

(i) by striking "or mixture" after "Any chemical substance" and inserting ", mixture, or product subject to title IV"; and

(ii) by inserting "product," before "or article" in each place that it appears.

(4) Section 18(a)(1) of the Toxic Substances Control Act (15 U.S.C. 2617(a)(1)) is amended by striking the comma after "Except as provided in paragraph (2)" and inserting "and in section 405(1)".

(5) The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end of the table of contents in section 1 the following:

"TITLE IV—LEAD EXPOSURE REDUCTION

"Sec. 401. Findings and policy.
"Sec. 402. Restrictions on continuing uses of certain lead-containing products.
"Sec. 403. Inventory of lead-containing products.
"Sec. 404. Product labeling.
"Sec. 405. Recycling of lead-acid batteries.
"Sec. 406. Prohibited acts.
"Sec. 407. Lead abatement and measurement.
"Sec. 408. Establishment of national centers for the prevention of lead poisoning.".

SEC. 4. REPORTING OF BLOOD-LEAD LEVELS; BLOOD-LEAD LABORATORY REFERENCE PROJECT.

(a) REPORTING OF BLOOD-LEAD LEVELS.—(1) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary"), acting through the Director of the Centers for Disease Control (hereafter in this section referred to as the "Director"), shall encourage State public health officials to report blood-lead measurements to the Director.

(2) Not later than eighteen months after the date of the enactment of this Act, the Secretary shall submit a report to the Congress that—

(A) describes the status of blood-lead reporting; and

(B) evaluates the feasibility and desirability of instituting a national requirement for mandatory preschool blood-lead screening.

(3) Not later than twenty-four months after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency, shall submit a report to the Congress that assesses the effectiveness of the blood-lead reporting provisions under regulations establishing the accreditation and certification programs for blood analysis laboratories described in section 407(c) of the Toxic Substances Control Act, as added by this Act.

(b) ESTABLISHMENT OF BLOOD-LEAD LABORATORY REFERENCE PROJECT.—Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 258b et seq.), is amended by adding at the end thereof the following new section:

"SEC. 424. BLOOD-LEAD LABORATORY REFERENCE PROJECT.

"The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall establish a blood-lead laboratory reference project to assist States and local governments to establish, maintain, improve, and assure the quality of laboratory measurements performed for childhood lead poisoning prevention programs. Such project shall include—

"(1) collaboration with manufacturers of analytical instruments to develop blood-lead measurement devices that are accurate, portable, precise, rugged, reliable, safe, and of reasonable cost;

"(2) the development of improved techniques for safe, contamination-free blood sample collection; and

"(3) assistance to State and local laboratories in the form of reference materials, equipment, supplies, training, consultation, and technology development for quality assurance, capacity expansion, and technology transfer.".

SEC. 5. UPDATE OF 1988 REPORT TO CONGRESS ON CHILDHOOD LEAD POISONING.

(a) IN GENERAL.—Not later than twenty-four months after the date of the enactment of this Act, and every twenty-four month intervals and as necessary thereafter, the Administrator of the Agency for Toxic Substances and Disease Registry shall submit to Congress a report updating the report submitted pursuant to subsection (f)(1) of section 118 of the Superfund Amendments and Reauthorization Act of 1986. Such updated report shall include, at a minimum, revised estimates of the prevalence of elevated lead levels among children and adults in the population of the United States, and estimates of the prevalence of adverse health outcomes associated with lead exposure. The initial report under this section shall include an assessment of the potential contribution to elevated blood lead levels in children from exposure to sources of lead in schools and day care centers.

(b) FUNDING.—The costs of preparing and submitting such updates shall be borne by the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986.

SEC. 6. CONFORMING AMENDMENTS.

(a) AMENDMENT TO THE FAIR PACKAGING AND LABELING ACT.—Section 11 of the Fair Packaging and Labeling Act (15 U.S.C. 1460) is amended—

(1) by striking "or" at the end of subsection (b);

(2) by striking the period at the end of subsection (c) and inserting "; or"; and

(3) by adding at the end of the section the following new subsection:

"(d) the Lead Exposure Reduction Act of 1990".

(b) AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—(1) Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following new subsections:

"(f) If it is packaged in a can or other container that contains solder or other component or ingredient with a lead content greater than 0.2 percent by dry weight.

"(g) If it is ceramic ware and the ability of such ceramic ware to leach lead does not conform with the standards for ceramic ware established by the Secretary".

(2) Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"CERAMIC WARE

"SEC. 413. (1) Not later than twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Secretary of Health and Human Services shall promulgate regulations to establish such standards and testing procedures with respect to lead in ceramic ware as the Secretary determines to be necessary to protect public health.

"(2) For the purposes of this section and section 402(e), ceramic ware shall be deemed to be food.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of this Act—

(1) $25,000,000 for fiscal year 1991;

(2) $24,000,000 for fiscal year 1992;

(3) $24,000,000 for fiscal year 1993; and

(4) $22,000,000 for fiscal year 1994.

SUPPORT FOR THE 1991 LEAD BILL

"The American Academy of Pediatrics applauds Senator REID and his congressional cosponsors for their efforts to curb lead poisoning, the most serious environmental cause of neurological damage to children in the U.S."—American Academy of Pediatrics, February 7, 1991.

"I am pleased to confirm the Battery Council International's general endorsement of the lead battery recycling provision of that bill. . . . We strongly support its substance, and most of its detail. . . . BCI commends you for your leadership in encouraging a uniform, workable national program for lead-acid battery recycling."—Battery Council International, February 7, 1991.

"We strongly commend your leadership on lead poisoning issues, and we support the legislation. . . . [T]he bill as reintroduced takes important steps in helping to reduce the unacceptable prevalence of lead poisoning in our Nation today. . . . [T]his bill helps ensure that continued uses of lead in commerce do not further exacerbate our society's severe lead-contamination problem."—Environmental Defense Fund, February 5, 1991.

"We strongly support the thrust of this bill and are most encouraged by reports that your subcommittee will be giving it early consideration. . . . It is clear that executive agencies are not meeting their responsibilities in protecting children from lead already so widely dispersed in the environment and from new inappropriate, dispersive uses. We applaud the leadership that you have taken in assuring that Federal agencies meet their responsibilities on this vitally important issue."—Alliance to End Childhood Lead Poisoning, February 2, 1991.

HOUSEHOLD ITEMS THAT CONTAIN LEAD

Food Packaging. Plastic bread wrappers and other food packaging use lead for their bright colors. In 1989, 6.3 million pounds of lead was used to manufacture orange and yellow pigment alone. When turned inside-out for food storage, lead rubs off onto sandwiches and other food stored in the bag.

Wine Bottles. The foil used to cap many wine bottles is made of lead.

Ceramic Ware. Pottery used for food storage and consumption is often lead-glazed. This use of lead is especially dangerous if the pottery is not fired properly.

Food Cans. Many food cans have a lead seam which leaches the lead into the contents. The longer the food is stored, the more it is contaminated by lead. The contaminated products usually are imported cans of food, most often available at specialty food stores.

Lead Crystal. Glasses and decanters made of lead crystal allow the metal to leach into the drinkable liquids contained in the vessel. Alcohol that sits for a prolonged period of time can especially absorb high levels of lead.

Plumbing Fittings and Fixtures. Lead plumbing fixtures contaminate drinking water in houses, schools and place of work.

Curtain Weights. Curtain weights are often easily reached by children. Youngsters have been known to chew and swallow the lead products.

Mr. LIEBERMAN. Mr. President, the more we learn about lead, the more we understand how dangerous it is for kids, and how important it is that we remove it from the environment. It's turning up in the air and on the ground, in water pipes and on our household walls, in children's toys, in urban gardens, in ceramic ware and crystal decanters, even in some kinds of baby bottles.

Three million American children are at risk of lead poisoning. Three million kids facing the awful potential of lowered IQ, behavior disorders, and in extreme cases, even brain damage or death. If lead poisoning were not so invisible; if it looked like chicken pox, or the measles, on the faces of our children, mothers and fathers would be demonstrating in the streets to demand that the government do something to cure it.

More action at the Federal level is urgently needed. With this legislation, we are determined to get the lead out of the bodies of our children, to free their minds from its poisonous effects, and to give them hope for a healthier, happier future.

Lead poisoning is the single most prevalent—and preventable—environmental disease among American children. Lead is waging a war against the minds of our kids, and we're losing the war because we're not putting up much of a defense. It's time to fight back, by banning lead in paint, in plumbing fixtures, in cans and other food packages, and in toys. It's time to fight back by finding out how many kids have lead poisoning, how they got it, and how we can best remove it from their world.

That's what our bill will enable us to do, and I am proud to have played a part in creating it. I believe its passage will do much to alleviate the proliferation of lead in the environment. As a measure of our concern about the seriousness of lead poisoning, this bill makes the illegal use of lead in commercial products a criminal offense, punishable by stiff fines and jail terms. That sends a very important message about the danger of lead, a message that is long overdue.

I look forward to working with Senators REID, BRADLEY, JEFFORDS and our other cosponsors to get this bill passed soon.

Mr. JEFFORDS. Mr. President, I commend Senator REID for bringing this issue to the forefront. Too many of our children and families are at risk from the effects of lead poisoning. It's time we addressed a problem that mankind has known about for literally well over a thousand years.

Across America, children are being exposed to lead from paint, from drinking water, from contaminated soil, and even from lead brought home from their parent's workplace. In the recent past, we've discovered large areas of our country to be contaminated with lead from past manufacturing operations. Texas, Alabama, Idaho, and Missouri, for example, have each had to deal with large areas of lead contamination. This bill will set nationwide standards to help States set remediation goals.

Children have also been exposed to lead in their own homes. Lead-based paint is one exposure route affecting many, many children every year. While we've talked about solving the problem for many years, it's time we did something. Inner-city children have enough obstacles to overcome without adding their homes to the list.

Contamination of their parents' clothing is another source of home lead contamination. Parents at lead manufacturing facilities in North Carolina, Tennessee, and my home State of Vermont have inadvertently carried lead home on their clothes. As a result, some homes in North Carolina were found to contain over 84,000 parts per million of lead. By comparison, soil is considered a health risk at lead concentrations above 500 to 1,000 parts per million. In Tennessee, 38 percent of the battery plant workers' children were found to have elevated lead concentrations in their blood. In Vermont, 55 percent of the battery plant workers' children had elevated blood lead levels. High blood lead levels can cause brain damage, lower IQ scores, convulsions, and even death.

The exposure studies required by this bill will help us get a handle on the number of children exposed to lead. Again, I commend Senator REID for his efforts and urge my colleagues to support this bill.

Thank you, Mr. President.

By Mr. LEVIN (for himself, Mr. PRYOR, and Mr. COHEN):

S. 392. A bill to amend chapter 23 of title 5, United States Code, to extend certain protection of the Whistleblower Protection Act of 1989 to personnel of Government corporations; to the Committee on Governmental Affairs.

PROTECTION FOR WHISTLEBLOWERS IN FEDERAL CORPORATIONS

• Mr. LEVIN. Mr. President, we all know that whistleblowers serve as an important check on fraud and waste in our Government programs by identifying potential problems and abuses at an early stage. All too frequently, however, whistleblowers have been punished, rather than rewarded, for their efforts to save the taxpayers' money.

Two years ago, the Congress overwhelmingly enacted the Whistleblower Protection Act of 1989, providing important new protection to Federal employees who uncover fraud and waste. This landmark legislation struck a blow for good government by encouraging and protecting Federal employees who step forward, at the risk of their jobs, to expose waste, fraud, or gross mismanagement in their agencies.

Unfortunately, some categories of employees—those who work for entities which are not agencies of the Federal Government but which are directly related to the Federal Government—are not covered by the Whistleblower Protection Act. This is because the Whistleblower Protection Act is codified as a part of the civil service laws, and those laws specifically exempt employees of federally-owned corporations from their coverage.

Although such employees are commonly viewed as Federal employees, they are not covered by the requirements and protections of the civil service laws and that means they are not subject to the benefits of the Whistleblower Protection Act.

The bill I am pleased to introduce today, with my colleagues Senator PRYOR and Senator COHEN, would close this loophole by eliminating the exemption for purposes of the Whistleblower Protection Act.

Mr. President, there are important reasons for exempting Government corporations from some of the laws governing other Federal agencies. In some cases, we may want to encourage the use of innovative management techniques. In other cases, we may want Government corporations to run like private businesses, so we choose to give them latitude in the management of their personnel. However, this does not mean that we intend to allow employees in these corporations who blow the whistle on fraud, waste, or mismanagement to be without protection from, or a remedy for, retaliation, since significant amounts of taxpayer dollars are at stake. These Federal corporations include the Federal Deposit Insurance Corporation [FDIC], the Resolution Trust Corporation [RTC], the Pension Benefit Guarantee Corporation, the Federal Home Loan Mortgage Corporation, the Neighborhood Reinvestment Corporation, and the Pennsylvania Avenue Development Corporation.

Each of these corporations exercises significant Federal regulatory or management responsibilities. For example, FDIC examiners are responsible for safeguarding federally-insured banks and savings and loan institutions against unsafe and unsound practices. Similarly, RTC employees are responsible for managing failed thrift institutions and recovering their assets. We rely upon the employees of these two corporations to safeguard our financial institutions and our insurance funds. If these employees are subject to retaliation for their disclosures, the entire Federal regulatory structure for banks and S&L's could be undermined.

This is not just a hypothetical situation. Last Fall, the House Task Force on Urgent Fiscal Issues held hearings on the harassment of the employees of two predecessor organizations to the FDIC and the RTC—the Federal Savings and Loan Insurance Corporation [FSLIC] and the Federal Home Loan Bank Board [FHLBB]. These individuals tried to report on savings and loan fraud and were harassed for their disclosures. The FSLIC, like the FDIC, is a Federal corporation which is not covered by the Whistleblower Protection Act. The FHLBB, as an independent agency of the Federal Government, took the erroneous position that it, too, was exempt from the act.

Mr. President, all Federal whistleblowers—regardless whether they are employed by an executive department, an independent agency, a Federal corporation, or any other Federal establishment—however designated—should be protected from retaliation when they expose waste and mismanagement. The bill that I am introducing today with Senators PRYOR and COHEN will do just that. I hope that my colleagues will join me in supporting this important measure.•

• Mr. PRYOR. Mr. President, I am pleased to be an original cosponsor of Senator LEVIN's bill to extend whistleblower protection to the employees of Government corporations.

In 1987, I chaired two hearings on the Whistleblower Protection Act. Senator LEVIN was the driving force behind that legislation, which created much needed protections for Government whistleblowers. I have heard from Government whistleblowers who tell me that while some Government managers unfortunately continue to retaliate against employees who blow the whistle on fraud, waste, and abuse, the Whistleblower Protection Act has made significant improvements in the employee's ability to protect himself.

Last year, I held a hearing on procurement at the Resolution Trust Corporation, a Government corporation that we have become all too familiar with as the RTC tries to clean up the savings and loan mess. After that hearing, I heard reports that RTC employees wanted to talk about problems at the agency but were afraid of retaliation. Senator LEVIN had heard some of the same concerns. Because these employees worked for a Government corporation, they were not covered by the Whistleblower Protection Act. This legislation being introduced today, therefore, includes Government corporation employees under the act.

I believe this is a simple solution to the problem. I believe it will give confidence to RTC employees, and employees at other Government corporations, that if they talk to Members of Congress about their concerns, they will not be left unprotected. I again thank Senator LEVIN and I look forward to working with him on this legislation.•

• Mr. COHEN. Mr. President, I am pleased to join with Senator LEVIN in introducing legislation today to extend the provisions of the Whistleblower Protection Act of 1989 to employees of Government corporations.

As my colleagues know, 2 years ago the Congress passed legislation to protect Federal workers from retaliation or harrassment when they blow the whistle on waste, fraud or abuse in Federal departments or agencies. At that time, the Congress reaffirmed its strong commitment to encourage and protect the many dedicated Federal employees who make the very difficult decision of coming forward to reveal illegalities or abuse.

Legislation passed by the Congress 2 years ago went far in simplifying the process that whistleblowers must follow in bringing cases, better ensured the confidentiality of whistleblowers, and clarified the role of the Office of Special Counsel in whistleblower cases. These very worthy reforms, however, do not extend to the employees of Government corporations, such as the Resolution Trust Corporation and the FDIC. It is crucial that we cover employees of these Government entities, especially now, when we are still sorting out the causes of the savings and loan debacle, and when so many financial institutions are in such precarious condition. Cases have already surfaced in which bank examiners may have been encouraged to sign misleading bank examination statements or ignore questionable practices of savings institutions. Without clear whistleblower protections available to them, bank examiners and employees of other banking agencies may be unwilling to reveal such practices.

Experience has taught us that problems in Government programs often come to light only when Federal employees—those on the inside—come forward. Experience has also taught us that too many times, workers who have blown the whistle have lost their jobs, had promising careers derailed, forfeited promotions, and paid other personal prices for exposing wasteful Government spending, illegal practices, or hazardous conditions. We have gone far in correcting this problem for Federal workers in most Federal agencies and departments. It is only fair and necessary that we extend the provisions of the Whistleblower Protection Act of 1989 to personnel of Government corporations, both to protect the efforts of good faith whistleblowers, and to protect the American taxpayer who may be called upon to pick up the tab for fraudulent or illegal activities that occur in the regulation of financial institutions.•

By Mr. HEFLIN (for himself and Mr. Daschle):

S. 393. A bill to provide for fair treatment for farmers and ranchers who are participating in the Persian Gulf war as active reservists or in any other military capacity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARMER/RESERVISTS FAIR TREATMENT ACT

• Mr. HEFLIN. Mr. President, I rise to introduce the Farmer/Reservist Fair Treatment Act of 1991. Mr. President, throughout rural Alabama and indeed rural American our Nation's farmers are being called to active duty to aid in our country's war effort. The conscription of farmers presents a unique problem for family farmers. Most USDA farm programs require producers to either enroll and participate in farm programs or risk losing farm benefits. This use-it-or-lose-it philosophy could cause a great hardship for farmers who have been activated into military service. Furthermore, the Farmer's Home Administration could actually foreclose on a farmer for missing a payment while the farmer-reservist is risking his life to preserve peace in the Middle East.

In an effort to prevent the ill-treatment of our Nation's activated family farmers, I am introducing the Farmer/Reservist Fair Treatment Act.

The purpose of this bill is to provide for the fair treatment of farmers who are participating in the Persian Gulf war as active reservists and National Guardsmen.

Specifically, this bill would provide for the protection of a farmer's crop acreage, prevent the Farmers' Home Administration from foreclosing on a producer's farm, waive the minimum planting requirement for cotton and rice, and provide a temporary waiver for farmers with respect to the conservation provisions contained in the Food Security Act of 1985. The bill would also allow a procedure by which a spouse or a close relative of a farmer-reservist could make decisions relating to farm programs administered by the U.S. Department of Agriculture.

Our Nation's family farmers should not have to worry about whether the Government will foreclose on their farm or take away farm program benefits while these men and women are serving our country abroad.•

By Mr. BOREN (for himself, Mr. Murkowski, and Mr. Cohen):

S. 394. A bill to amend the National Security Act of 1947 to improve counterintelligence measures through enhanced security for classified information, and for other purposes; to the Select Committee on Intelligence.

COUNTERINTELLIGENCE IMPROVEMENTS ACT

Mr. BOREN. Mr. President, today the new vice chairman of the Select Committee on Intelligence, Senator Murkowski, and I, together with the former vice chairman of the committee, Senator Cohen, are pleased to reintroduce a bill which Senator Cohen and I had offered last fall at the end of the 101st Congress (S. 3251), titled the Counterintelligence Improvements Act of 1991.

That bill was itself a revision of a bill that we had introduced earlier in the 101st Congress as S. 2726.

Mr. President, I see no point in reiterating here the background of this particular legislation, nor in repeating the detailed explanation of its provisions, both of which were previously printed in the Record. For those who are interested, a detailed explanation of the background of the original legislation (S. 2726) can be found in the Congressional Record of June 13, 1990, at pages S7883–S7885. A detailed explanation of the provisions of the bill as revised (S. 3251) can be found in the Congressional Record of October 26, 1990, at pages S17298–S17326.

Suffice it to say, it remains our belief, as I stated when S. 2726 was originally introduced, that enactment of this legislation would significantly improve the counterintelligence posture of the United States. It incorporates the recommendations made to the committee in May 1990, by a distinguished panel of private citizens, chaired by Eli S. Jacobs, a successful businessman with extensive experience in the national security area, whom we have asked to look at this critical area. Serving on the panel with Mr. Jacobs were Adm. Bobby Inman, who had previously served as Director of the National Security Agency and Deputy Director of Central Intelligence; Warren Christopher, who formerly served as Deputy Secretary of State and Deputy Attorney General; Lloyd Cutler, who formerly served as counsel to President Carter; A.B. Culvahouse, who formerly served as counsel to President Reagan; Sol Linowitz, who served as Ambassador to the Organization of American States and negotiator of the Panama Canal Treaty; Richard Helms, former Director of Central Intelligence; Seymour Weiss, former Ambassador to The Bahamas and currently Chairman of the Defense Policy Board; and Harold Edgar, professor of law at Columbia University.

After an intensive 6-month review of the espionage cases which had taken place since 1975, the panel recommended 14 specific legislative actions to the committee to deal with the problem. In transmitting these to the Select Committee on Intelligence, the chairman of the panel, Mr. Jacobs, wrote that,

> [W]hile these proposals can be refined and improved, the panel believes that the enactment of this or similar legislation would significantly strengthen the ability of the United States to deter, detect, and prosecute persons who turn to espionage.

Mr. President, that statement captures in a nutshell what this legislation is intended to do. The need for it has not changed. Its provisions are, in my estimation, measured and prudent, careful to preserve civil liberties, but directed as specific problems evidenced over the last 15 years.

The Select Committee on Intelligence held two public hearings and one closed session last year on this legislation. We were unable, however, to schedule a markup last year due to the press of business at the end of the session.

I am hopeful, though, that the committee will be able to take up this bill early in this Congress, and that we will be able to bring it to the floor later in this session. While we appreciate that a number of the bill's provisions overlap the jurisdiction of other committees, we hope that these committees will work with us in crafting a balanced and effective approach to deal with the intractable problem of espionage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Counterintelligence Improvements Act of 1991".

SEC. 2. AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting at the end thereof the following new title:

"TITLE VIII—ACCESS TO TOP SECRET INFORMATION

"ELIGIBILITY FOR ACCESS TO TOP SECRET INFORMATION

"SEC. 801. (a) The President and Vice President, Members of the Congress, Justices of the Supreme Court and judges of other courts of the United States established pursuant to Article III of the Constitution, shall, by virtue of their elected or appointed positions, be entitled to access to Top Secret information needed for the performance of their governmental functions without regard to the other provisions of this title.

"(b) Among employees of the United States Government, access to Top Secret information shall be limited to employees;

"(1) who have been granted access to such information pursuant to this title;

"(2) who are citizens of the United States who require routine access to such information for the performance of official governmental functions; and

"(3) who have been determined to be trustworthy based upon a background investigation and appropriate reinvestigations and have otherwise satisfied the requirements of section 802, below.

"(c) Access to Top Secret information by persons other than those identified in subsections (a) and (b) shall be permitted only in accordance with the regulations issued by the President pursuant to section 802 below.

"IMPLEMENTING REGULATIONS

"Sec. 802. The President shall, within 180 days of enactment of this title, issue regulations to implement this title which shall be binding upon all departments, agencies, and offices of the Executive branch. These regulations shall, at a minimum provide that—

"(A) no employee of the United States Government shall be given access to Top Secret information owned, originated or possessed by the United States, after the effective date of this title, by any department, agency, or entity of the United States Government unless such person has been subject to an appropriate background investigation and has—

"(1) provided consent to the investigative agency responsible for conducting the security investigation of such person, during the initial background investigation and for such times as access to such information is maintained, and for 5 years thereafter, permitting access to—

"(a) financial records concerning the subject pursuant to section 1104 of the Right to Financial Privacy Act of 1978;

"(b) consumer reports concerning the subject pursuant to section 1681b of the Consumer Credit Protection Act; and

"(c) records maintained by commercial entities within the United States pertaining to any travel by the subject outside the United States: *Provided*, That—

"(i) no information may be requested by an authorized investigative agency pursuant to this section for any purpose other than making a security determination;

"(ii) where the person concerned no longer has access to Top Secret information, no information may be requested by an authorized investigative agency pursuant to this section unless such agency has reasonable grounds to believe, based upon specific and articulable facts available to it, that such person may pose a threat to the continued security of the information to which he or she had previously had access; and

"(iii) any information obtained by an authorized investigative agency pursuant to this section shall not be disseminated to any other department, agency, or entity for any purpose other than for making a security determination, or for foreign counterintelligence or law enforcement purposes;

"(2) agreed, during the period of his or her access, to report to the department, agency, or entity granting such access in accordance with applicable regulations, any travel to foreign countries which has not been authorized as part of the subject's official duties;

"(3) agreed to report to the Federal Bureau of Investigation, or to appropriate investigative authorities of the department, agency, or entity concerned, any unauthorized contacts with persons known to be foreign nationals or persons representing foreign nationals, where an effort to acquire classified information is made by the foreign national, or where such contacts appear intended for this purpose. For purposes of this subsection, the term 'unauthorized contacts' does not include contacts made within the context of an authorized diplomatic relationship. Failure by the employee to comply with any of the requirements of this subsection shall constitute grounds for denial or termination of access to the Top Secret information concerned.

"(B) all employees granted access to Top Secret information pursuant to this subsection shall also be subject to—

"(1) additional background investigations by appropriate governmental authorities during the period of access at no less frequent interval than every 5 years, except that any failure to satisfy this requirement that is not solely attributable to the subject of the investigation shall not result in a loss or denial of access; and

"(2) investigation by appropriate governmental authority at any time during the period of access to ascertain whether such persons continue to meet the requirements for access.

"(C) access to Top Secret information by categories of persons who do not meet the requirements of subsections (A) and (B) of this section may be permitted only where the President, or officials designated by the President for this purpose, determine that such access is essential to protect or further the national security interests of the United States.

"(D) a single office within the Executive branch shall be designated to monitor the implementation and operation of this title within the Executive branch. This office shall submit an annual report to the President and appropriate committees of the Congress, describing the operation of this title and recommending needed improvements. A copy of the regulations implementing this title shall be provided to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives thirty days prior to their effective date.

"WAIVERS FOR INDIVIDUAL CASES

"SEC. 803. In extraordinary circumstances, when essential to protect or further the national security interests of the United States, the President (or officials designated by the President for this purpose) may waive the provisions of this title, or the provisions of the regulations issued pursuant to section 802, above, in individual cases involving persons who are citizens of the United States or are persons admitted into the United States for permanent residence: *Provided*, That all such waivers shall be made a matter of record and reported to the office designated pursuant to section 802(D), above, and shall be available for review by the Select Committee on Intelligence of the Senate and the Permanent Select Committee of the House of Representatives.

"DEFINITIONS

"SEC. 804. For purposes of this title—

"(a) the term 'national security' refers to the national defense and foreign relations of the United States;

"(b) the phrases 'information classified in the interest of national security' or 'classified information' means any information originated by or on behalf of the United States Government, the unauthorized disclosure of which would cause damage to the national security, which has been marked and is controlled pursuant to the Executive Order 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954;

"(c) the term 'Top Secret information' means information classified in the interests of national security, the unauthorized disclosure of which would cause exceptionally grave damage to the national security;

"(d) the term 'employee' includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government, but does not include the President or Vice President of the United States, Members of the Congress of the United States, Justices of the Supreme Court or judges of other federal courts established pursuant to Article III of the Constitution; and

"(e) the term 'authorized investigative agency' means an agency authorized by law or regulation to conduct investigations of persons who are proposed for access to Top Secret information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

"EFFECTIVE DATE

"SEC. 805. This title shall take effect 180 days after the date of its enactment.".

SEC. 3. PROTECTION OF CRYPTOGRAPHIC INFORMATION.

The National Security Act of 1947 (50 U.S.C. 401 et seq.), as amended by section 2, is further amended by inserting at the end the following new title:

"TITLE IX—PROTECTION OF CRYPTOGRAPHIC INFORMATION

"SEC. 901. (a) REQUIREMENTS FOR ACCESS TO CRYPTOGRAPHIC INFORMATION.—(1) Any employee of a department or agency within the Executive branch who is granted access to classified cryptographic information or routine, recurring access to any space in which classified cryptographic key is produced or processed, or is assigned responsibilities as a custodian of classified cryptographic key, shall, as a condition of receiving such access, or being assigned such responsibilities, and at a minimum:

"(A) meet the requirements applicable to persons having access to Top Secret information, as defined in subsection 804(c) of this Act, [as added by Section 2 of this Act]; and

"(B) be subject to periodic polygraph examinations conducted by appropriate governmental authorities, limited in scope to questions of a counterintelligence nature, during the period of access.

"(2) Failure to submit to an examination required under paragraph (1) shall be grounds for removal from access to cryptographic information or spaces.

"(3) No person shall be removed from access to cryptographic information or spaces based solely upon the interpretation of the results produced by a polygraph instrument, measuring physiological resources, unless, after further investigation, the head of the department or agency concerned determines the risk to the national security in permitting such access to be so potentially grave that access must nonetheless be denied.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'classified cryptographic information' means any information classified by the United States Government pursuant to law or Executive order concerning the details of (A) the nature, preparation, or use of any code, cipher, or cryptographic system of the United States; or (B) the design, construction, use, maintenance, or repair of any cryptographic equipment; *Provided, however*, That the term does not include information concerning the use of cryptographic systems or equipment required for personal or office use;

"(2) the phrase 'custodian of classified cryptographic key' means positions that require access to classified cryptographic key beyond that required to use or operate cryptographic equipment for personal or office use, future editions of classified cryptographic key, or classified cryptographic key used for multiple devices;

"(3) the term 'classified cryptographic key' means any information (usually a sequence of random binary digits), in any form, classified by the United States Government pursuant to law or Executive order that is used to set up and periodically change the operations performed by any cryptographic equipment;

"(4) the term 'cryptographic equipment' means any device, apparatus or appliance used, or prepared, or planned for use by the United States for the purpose of authenticating communications or disguising or concealing the contents, significance, or meanings of communications;

"(5) the term 'employee' includes any person who receives a salary or compensation of any kind from a department or agency of the Executive branch, or is a contractor or unpaid consultant of such department or agency;

"(6) the term 'head of a department or agency' refers to the highest official who exercises supervisory control over the employee concerned, and does not include any intermediate supervisory officials who may otherwise qualify as heads of agencies within departments; and

"(7) the phrase 'questions of a counterintelligence nature' means questions specified to the subject in advance of a polygraph examination solely to ascertain whether the subject is engaged in, or planning, espionage against the United States on behalf of a foreign government or knows persons who are so engaged.

"SEC. 902. IMPLEMENTING REGULATIONS.—The President shall, within 180 days of the date of enactment of this title, promulgate regulations to implement the provisions of this title. The President shall provide copies of such regulations to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.".

SEC. 4. AMENDMENT TO RIGHT TO FINANCIAL PRIVACY ACT.

Section 1104 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3404) is amended by adding at the end thereof the following new subsection:

"(d)(1) Notwithstanding the provisions of subsection (a), a customer who is the subject of a personnel security investigation conducted by an authorized investigative agency of the U.S. Government as a condition of being granted or maintaining access to Top Secret information, as defined by section 804(c) of the National Security Act of 1947 (as added by section 2 of this Act), may authorize nonrevokable disclosure of all financial records maintained by financial institutions for the period of the customer's access to such information and for up to 5 years after access to such information has been terminated, by the investigative agency responsible for the conduct of such investigation, for an authorized security purpose.

"(2) Such authority shall be contained in a signed and dated statement of the customer which identifies the financial records which are authorized to be disclosed. Such statement may also authorize the disclosure of financial records of accounts opened during the period covered by the consent agreement which are not identifiable at the time such consent is provided. A copy of such statement shall be provided by the investigative agency concerned to the financial institution from which disclosure is sought, together with the certification required pursuant to section 1103(b) (12 U.S.C. 3403(b)).

"(3) The rights of the customer established by subsection (c), above, shall pertain to any disclosures made pursuant to this subsection.

"(4) On an annual basis, the office designated by President pursuant to section 802(D) of the National Security Act of 1947 (as added by section 2 of this Act), shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning the number of requests for financial records made pursuant to this section.".

SEC. 5. NEW CRIMINAL OFFENSE FOR THE POSSESSION OF ESPIONAGE DEVICES.

(a) IN GENERAL.—Chapter 37 of title 18, United States Code, is amended by inserting at the end thereof the following new section:

"POSSESSION OF ESPIONAGE DEVICES

"SEC. 799a. Whoever knowingly maintains possession of any electronic, mechanical, or other device or equipment the design and capability of which renders it primarily useful for the purpose of surreptitiously collecting or communicating information, with the intent of utilizing such device or equipment to undertake actions which would violate section 793, 794, 794a (as added by section 6 of this Act), or 798 of this title, or section 783(b) of title 50, United States Code, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.".

(b) AMENDMENTS TO TABLE OF SECTIONS.—The table of sections for chapter 37 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"799a. Possession of espionage devices.".

SEC. 6. NEW OFFENSE FOR SALE OR TRANSFER TO FOREIGN GOVERNMENTS DOCUMENTS AND OTHER MATERIALS DESIGNATED AS TOP SECRET.

(a) IN GENERAL.—Chapter 37 of title 18, United States Code, is amended by inserting after section 794 the following new section:

"SALE OR TRANSFER OF DOCUMENTS OR MATERIALS MARKED AS 'TOP SECRET'

"SEC. 794a. (a)(1) No person shall knowingly sell or otherwise transfer for any valuable consideration to any person whom he knows or has reason to believe to be an agent or representative of a foreign government—

"(A) any document, writing, code book, sketch, photograph, map, model, instrument, equipment, electronic storage media, or other material, or portion thereof, knowing that it is marked or otherwise designated in any manner, pursuant to applicable law and Executive order, as 'Top Secret', or

"(B) any such document, writing, code book, sketch, photograph, map, model, instrument, equipment, electronic storage media, or other material, or portion thereof, which has had such marking or designation removed without authority and the person making the sale or transfer is aware of such removal.

"(2) Paragraph (1) shall not be deemed to be violated by a person who makes such transfer pursuant to applicable law or executive branch authority.

"(b) In any prosecution under this section, whether or not the information or material in question has been properly marked or designated as "TOP SECRET" pursuant to applicable law or Executive order shall not be an element of the offense: *Provided, however*, That it shall be a defense to any prosecution under this section that the information or document in question has been officially released to the public by an authorized representative of the United States prior to the sale or transfer in question.

"(c) Violation of this section shall be punishable by imprisonment for a maximum of 15 years.".

(b) AMENDMENTS TO TABLE OF SECTIONS.—The table of sections for chapter 37 of title 18, United States Code, is amended by inserting after the item relating to section 794 the following new item:

"794a. Sale or transfer of documents or materials marked as 'Top Secret'."

SEC. 7. LESSER CRIMINAL OFFENSE FOR THE REMOVAL OF TOP SECRET DOCUMENTS BY GOVERNMENT EMPLOYEES AND CONTRACTORS.

(a) IN GENERAL.—Chapter 93 of title 18, United States Code, is amended by inserting at the end thereof the following new section:

"REMOVAL AND RETENTION OF 'TOP SECRET' DOCUMENTS OR MATERIAL

"SEC. 1924. Whoever, being an officer, employee, contractor or consultant, of the United States, and having, by virtue of his office, employment, position, or contract, becomes possessed of documents or materials classified at the level of 'Top Secret' pursuant to applicable law or Executive order, knowingly removes such documents or materials without authority and retains such documents or materials at an unauthorized location shall be fined not more than $1,000, or imprisoned for not more than one year, or both.".

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections for chapter 93 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1924. Removal of 'Top Secret' documents or material."

SEC. 8. JURISDICTION OF UNITED STATES COURTS TO TRY CASES INVOLVING ESPIONAGE OUTSIDE THE UNITED STATES.

(a) Chapter 211 of title 18 of the United States Code is amended by adding a new section 3239 as follows:

"§ 3239. Jurisdiction for espionage and related offenses

"The trial for any offense involving a violation of—

"(a) sections 793, 794, 794a (as added by section 6 of this Act), 798, 798a (as added by section 5 of this Act), or subsection 1030(a)(1) of this title;

"(b) section 601 of the National Security Act of 1947 as added by the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421); or

"(c) subsection 4(b) or 4(c) of the Subversive Activities Control Act of 1950 (U.S.C. 783(b) or 783(c));

begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular state or district, may be prosecuted in the District of Columbia, or in the Eastern District of Virginia, or in any other district authorized by law.".

(b) The chapter analysis for chapter 211 of title 18 of the United States Code is amended by striking out

"[3239. Repealed.]"

and inserting in lieu thereof:

"3239. Jurisdiction for espionage and related offenses."

SEC. 9. EXPANSION OF EXISTING STATUTE REGARDING FORFEITURE OF COLLATERAL PROFITS OF CRIME TO ADDITIONAL ESPIONAGE OFFENSES.

Section 3681 of title 18, United States Code, is amended—

(1) in subsection (a), by striking out "section 794 of this title" and inserting in lieu thereof "sections 793, 794, 794a (as added by section 6 of this Act), 798, and 799a (as added by section 5 of this Act) of this title and section 783 of title 50, United States Code"; and

(2) by adding at the end thereof the following new subsection:

"(e) For purposes of this section, convictions pursuant to military courts-martial for offenses comparable to violations of sections 793, 794, 794a (as added by section 6 of this Act), 798, and 799a (as added by section 5 of this Act) of this title, or a violation of section 783 of title 50, or convictions by foreign courts for offenses which, if perpetrated within the United States, would constitute offenses under sections 793, 794, 794a (as added by section 6 of this Act), 798, and 799a (as added by section 5 of this Act) of this title, or a violation of section 783 of title 50 shall be considered as convictions for which actions may be ordered pursuant to this section.".

SEC. 10. DENIAL OF ANNUITIES OR RETIRED PAY TO PERSONS CONVICTED OF ESPIONAGE IN FOREIGN COURTS INVOLVING UNITED STATES INFORMATION.

Section 8312 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of subsections (b)(1) and (c)(1), an offense within the meaning of such subsections is established if the Attorney General certifies to the agency employing or formerly employing the person concerned—

"(1) that an individual subject to this chapter has been convicted by an impartial court of appropriate jurisdiction within a foreign country in circumstances in which the conduct violates the provisions of law enumerated in subsections (b)(1) and (c)(1), or would violate such provisions, had such conduct taken place within the United States, and that such conviction is not being appealed or that final action has been taken on such appeal;

"(2) that such conviction was obtained in accordance with procedures that provided the defendant due process rights comparable to such rights provided by the United States Constitution, and such conviction was based upon evidence which would have been admissible in the courts of the United States; and

"(3) that such conviction occurred after the date of enactment of this subsection:

Provided, That any certification made pursuant to this paragraph shall be subject to review by the United States Court of Claims based upon the application of the individual concerned, or his or her attorney, alleging that any of the conditions set forth in subsections (1), (2), (3), herein, as certified by the Attorney General, have not been satisfied in his or her particular circumstances. Should the court determine that any of these conditions has not been satisfied in such case, the court shall order any annuity or retirement benefit to which the person concerned is entitled to be restored and shall order that any payments which may have been previously denied or withheld to be paid by the department or agency concerned.

SEC. 11. AUTHORIZING THE FBI TO OBTAIN CONSUMER REPORTS ON PERSONS BELIEVED TO BE AGENTS OF FOREIGN POWERS.

Section 608 of the Consumer Credit Protection Act (15 U.S.C. 1681f) is amended—

(1) by inserting "(a)" before "Notwithstanding"; and

(2) by inserting at the end thereof the following new subsections:

"(b) Notwithstanding the provisions of section 604, a consumer reporting agency shall, upon request, furnish a consumer report to the Federal Bureau of Investigation, if the Director of the Federal Bureau of Investigation, or the Director's designee, certifies in writing to the consumer reporting agency that such records are sought in connection with an authorized foreign counterintelligence investigation and that there are specific and articulable facts giving reason to believe that the person to whom the requested consumer report relates is an agent of a foreign power, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

"(c) Notwithstanding the provisions of section 604, a consumer reporting agency shall furnish identifying information respecting any consumer, limited to name, address, former addresses, places of employment, or former places of employment, to a representative of the Federal Bureau of Investigation when presented with a written request signed by the Director of the Federal Bureau of Investigation, or the Director's designee, stating that the information is necessary to the conduct of an authorized foreign counterintelligence investigation.

"(d) No consumer reporting agency, or officer, employee, or agent of such institution shall disclose to any person that the Federal Bureau of Investigation has sought or obtained a consumer report or identifying information respecting any consumer under this section.

"(e) On an annual basis the Director of the Federal Bureau of Investigation shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests made under subsections (b) and (c).".

SEC. 12. AUTHORIZING FBI ACCESS TO CERTAIN TELEPHONE SUBSCRIBER INFORMATION.

(a) Section 2709 of title 18 of the United States Code is amended by striking out subsection (b) and inserting the following subsection:

"(b) REQUIRED CERTIFICATION.—The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director, may—

"(1) request subscriber information, toll billing records information, or electronic communication transactional records if the Director (or the Director's designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

"(2) request the name, address, and length of service of a person or entity that has subscribed to an electronic communication service if the Director, or his designee in a position not lower than Deputy Assistant Director, certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) if the information is not publishable, there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with:

"(i) a foreign power, as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978, which engages in clandestine intelligence activities or international terrorism;

"(ii) a foreign diplomatic establishment;

"(iii) an agent of the foreign power, as defined in section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978, who engages or has engaged in clandestine intelligence activities or acts as a member of a foreign power as defined in section 101(a)(4) of the Foreign Intelligence Surveillance Act; or

"(iv) an agent of a foreign power, as defined in section 101(b)(2) of the Foreign Intelligence Surveillance Act of 1978.

"(3)(A) Except for the limited inquiry provided in subparagraph (B), the FBI may not conduct any investigation of a person or entity on the basis of nonpublishable information received pursuant to paragraph (2)(B) unless there are specific and articulable facts giving reason to believe that such person or entity is involved, or is seeking to become involved, in clandestine intelligence activities or international terrorism activities on behalf of a foreign power or an agent of a foreign power, or is in a position to provide assistance to the Federal Bureau of Investigation in countering such activities.

"(B) The Federal Bureau of Investigation may conduct an inquiry, limited in duration and using the least intrusive means possible, to determine whether there is a basis for an investigation under subparagraph (A). Such inquiry shall be conducted in accordance with guidelines issued by the Attorney General and submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(b) Section 2709 of title 18 of the United States Code is amended by striking out subsection (d) and inserting the following subsection:

"(d) Dissemination by Bureau.—The Federal Bureau of Investigation may disseminate information and records obtained under this section only as provided in guidelines approved by the Attorney General for foreign intelligence collection and foreign counterintelligence investigations conducted by the Federal Bureau of Investigation, and with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency. Information concerning a communication of a United States person obtained under this section may not be disseminated outside the Federal Bureau of Investigation except for authorized counterintelligence or law enforcement purposes.".

SEC. 13. TO PROVIDE FOR REWARDS FOR INFORMATION CONCERNING ESPIONAGE.

(a) In General.—Chapter 204 of title 18, United States Code, is amended—

(1) by inserting at the end of the chapter heading "AND ESPIONAGE";

(2) in section 3071, by inserting "(a)" immediately before "With respect to";

(3) in section 3071, adding at the end thereof the following new subsection:

"(b) With respect to acts of espionage involving or directed at United States information classified in the interest of national security, the Attorney General may reward any individual who furnishes information—

"(1) leading to the arrest or conviction, in any country, of any individual or individuals for commission of an act of espionage against the United States;

"(2) leading to the arrest or conviction, in any country, of any individual or individuals for conspiring or attempting to commit an act of espionage against the United States; or

"(3) leading to the prevention or frustration of an act of espionage against the United States.".

(b) Amount of Rewards.—Section 3072 of title 18, United States Code, is amended by striking out "$500,000" and inserting in lieu thereof "$1,000,000".

(c) Definitions.—Section 3077 of title 18, United States Code, is amended by inserting at the end thereof the following new paragraphs:

"(8) 'act of espionage' means an activity that is a violation of sections 794, 794a (as added by section 6 of this Act), 798, or 799a (as added by section 5 of this Act) of this title or section 783 of title 50, United States Code.

"(9) 'United States information classified in the interests of national security' means information originated, owned, or possessed by the United States Government concerning the national defense and foreign relations of the United States that has been determined pursuant to law or Executive order to require protection against unauthorized disclosure and that has been so designated.".

SEC. 14. TO PROVIDE A COURT ORDER PROCESS FOR PHYSICAL SEARCHES UNDERTAKEN FOR FOREIGN INTELLIGENCE PURPOSES.

The Foreign Intelligence Surveillance Act of 1978 is amended by inserting at the end thereof the following new title:

"TITLE IV—PHYSICAL SEARCHES WITHIN THE UNITED STATES FOR FOREIGN INTELLIGENCE PURPOSES

"AUTHORIZATION OF PHYSICAL SEARCHES FOR FOREIGN INTELLIGENCE PURPOSES

"Sec. 401.(a) Applications for a court order under this title are authorized if the President has, in writing, empowered the Attorney General to approve applications to the Foreign Intelligence Surveillance Court, and a judge of that court to whom application is made may, notwithstanding any other law, grant an order, in conformity with section 403, approving a physical search in the United States, for the purpose of collecting foreign intelligence information of—

"(1) the property, information or material of a foreign power as defined in section 101(a) (1), (2), and (3) of this Act, or

"(2) the premises, property, information or material of an agent of a foreign power or a foreign power as defined in section 101(a) (4), (5), and (6) of this Act.

"(b) The Foreign Intelligence Surveillance Court shall have jurisdiction to hear applications for and grant orders approving a physical search for the purpose of obtaining foreign intelligence information anywhere within the United States under the procedures set forth in this title, except that no judge shall hear the same application which has been denied previously by another judge. If any judge denies an application for an order authorizing a physical search under this title, such judge shall provide immediately for the record a written statement of each reason for his decision and, on motion of the United States, the record shall be transmitted, under seal, to the Court of Review.

"(c) The Court of Review shall have jurisdiction to review the denial of any application made under this title. If such court determines that the application was properly denied, the Court shall immediately provide for the record a written statement of each reason for its decision and, on petition of the United States for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

"(d) Judicial proceedings under this title shall be concluded as expeditiously as possible. The record of proceedings under this title, including applications made and orders granted, shall be maintained under security measures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of Central Intelligence.

"APPLICATION FOR AN ORDER

"Sec. 402.(a) Each application for an order approving a physical search under this title shall be made by a Federal officer in writing upon oath or affirmation to a judge of the Foreign Intelligence Surveillance Court. Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfied the criteria and requirements for such application as set forth in this title. It shall include—

"(1) the identity, if known, or a description of the target of the search;

"(2) the authority conferred on the Attorney General by the President of the United States and the approval of the Attorney General to make the application;

"(3) the identity of the Federal officer making the application and a detailed description of the premises or property to be searched and of the information, material, or property to be seized, reproduced, or altered;

"(4) a statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that—

"(A) the target of the physical search is a foreign power or an agent of a foreign power;

"(B) the premises or property to be searched contains foreign intelligence information;

"(C) the premises or property to be searched is owned, used, possessed by, or is in transit to or from a foreign power or an agent of a foreign power;

"(5) a statement of the proposed minimization procedures;

"(6) a statement of the manner in which the physical search is to be conducted;

"(7) a statement of the facts concerning all previous applications that have been made to any judge under this title involving any of the persons, premises, or property specified in the application, and the action taken on each previous applications;

"(8) a statement of the facts concerning any search described in section 406(b), below, which involves any of the persons, premises, or property specified in the application; and

"(9) a statement that the purpose of the physical search is to obtain foreign intelligence information.

"(b) The judge may require the applicant to furnish such other information as may be necessary to make the determinations required by section 403.

"ISSUANCE OF AN ORDER

"Sec. 403. (a) Upon an application made pursuant to section 402, the judge shall enter an ex parte order as requested or as modified approving the physical search if the judge finds that—

"(1) the President has authorized the Attorney General to approve applications for physical searches for foreign intelligence purposes;

"(2) the application has been made by a Federal officer and approved by the Attorney General;

"(3) on the basis of the facts submitted by the applicant there is probable cause to believe that—

"(A) the target of the physical search is a foreign power or an agent of a foreign power: *Provided*, That no United States person may be considered an agent of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States;

"(B) the premises or property to be searched are owned, used, possessed by, or is in transit to or from an agent of a foreign power or a foreign power; and

"(C) physical search of such premises or property can reasonably be expected to yield foreign intelligence information which cannot reasonably be obtained by normal investigative means; and

"(4) the proposed minimization procedures meet the definition of minimization contained in this title; and

"(5) the application which has been filed contains all statements required by section 402.

"(b) An order approving a physical search under this section shall—

"(1) specify—

identity, if known, or a description of the target of the physical search;

"(B) the premises or property to be searched and the information, material, or property to be seized, altered, or reproduced;

"(C) the type of foreign intelligence information sought to be acquired; and

"(D) a statement of the manner in which the physical search is to be conducted and, whenever more than one physical search is authorized under the order, the authorized scope of each search and what minimization procedures shall apply to the information acquired by each search;

"(2) direct—

"(A) that the minimization procedures be followed;

"(B) that, upon the request of the applicant, a specified landlord, custodian, or other specified person furnish the applicant forthwith all information, facilities, or assistance necessary to accomplish the physical search in such a manner as will protect its secrecy and produce a minimum of interference with the activities of the landlord, custodian, or other person; and that such landlord, custodian or other person maintain under security procedures approved by the Attorney General and the Director of Central Intelligence any records concerning the search or the aid furnished that such person wishes to retain;

"(C) that the physical search be undertaken within 30 days of the date of the order, or, if the physical search is of the property, information or material of a foreign power as defined in section 101(a) (1), (2), or (3) of this Act, that such search be undertaken within one year of the order; and

"(D) that the federal officer conducting the physical search promptly report to the court the circumstances and results of the physical search.

"(c) At any time after a physical search has been carried out, the judge to whom the return has been made may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

"(d) Application made and orders granted under this title shall be retained for a period of at least ten years from the date of the application.

"(e) Not more than 60 days after a physical search of the residence of a United States person authorized by this title, or such a search in the circumstances described in section 406(b), has been conducted, the Attorney General shall provide the United States person with an inventory which shall include—

"(1) existence or not of a court order authorizing the physical search and the date of the order;

"(2) the date of the physical search and an identification of the premises or property searched; and

"(3) a list of any information, material, or property seized, altered, or reproduced.

"(f) On an ex parte showing of good cause by the Attorney General to a judge of the Foreign Intelligence Surveillance Court the provision of the inventory required by subsection (e) may be postponed for a period not to exceed 90 days. At the end of such period the provision of the inventory may, upon a similar showing, be postponed indefinitely. The denial of a request for such postponements may be reviewed as provided in section 401.

"USE OF INFORMATION

"SEC. 404. (a) Information acquired from a physical search conducted pursuant to this title concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by this title. No information acquired from a physical search pursuant to this title may be used or disclosed by Federal officers or employees except for lawful purposes.

"(b) No information acquired pursuant to this title shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

"(c) Whenever the United States intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, against an aggrieved person, any information obtained or derived from a physical search of the premises or property of that aggrieved person pursuant to the authority of this title, the United States shall, prior to the trial, hearing, or the other proceeding or at a reasonable time prior to an effort to so disclose or so use that information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the United States intends to so disclose or so use such information.

"(d) Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of a State or a political subdivision thereof against an aggrieved person any information obtained or derived from a physical search of the premises or property of that aggrieved person pursuant to the authority of this title, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the information is to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such information.

"(e) Any person against whom evidence obtained or derived from a physical search to which he is an aggrieved person is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the evidence obtained or derived from such search on the grounds that—

"(1) the information was unlawfully acquired; or

"(2) the physical search was not made in conformity with an order of authorization or approval.

Such a motion shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the person was not aware of the grounds of the motion.

"(f) Whenever a court of other authority is notified pursuant to subsection (c) or (d), or whenever a motion is made pursuant to subsection (e), or whenever any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to discover or obtain applications or orders or other materials relating to a physical search authorized by this title or to discover, obtain, or suppress evidence or information obtained or derived from a physical search authorized by this title, the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority shall, notwithstanding any other law, if the Attorney General files an affidavit under oath that disclosure or an adversary hearing would harm the national security of the United States, review in camera and ex parte the application, order, and such other materials relating to the physical search as may be necessary to determine whether the physical search of the aggrieved person was lawfully authorized and conducted. In making this determination, the court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the application, order, or other materials relating to the physical search only where such disclosure is necessary to make an accurate determination of the legality of the physical search.

"(g) If the United States district court pursuant to subsection (f) determines that the physical search was not lawfully authorized or conducted, it shall, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived from the physical search of the aggrieved person or otherwise grant the motion of the aggrieved person. If the court determines that the physical search was lawfully authorized or conducted, it shall deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

"(h) Orders granting motions or requests under subsection (g), decisions under this section that a physical search was not lawfully authorized or conducted, and orders of the United States district court requiring review or granting disclosure of applications, orders or other materials relating to the physical search shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals and the Supreme Court.

"(i) The provisions of this section regarding the use or disclosure of information obtained or derived from a physical search shall apply to information obtained or derived from a search conducted without a court order to obtain foreign intelligence information which is not a physical search as defined in this title solely because the existence of exigent circumstances would not require a warrant for law enforcement purposes.

"OVERSIGHT

"SEC. 405. (a) On a semiannual basis the Attorney General shall fully inform the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence concerning all physical searches conducted pursuant to this title, and all other searches, except those reported under section 108 of this Act, conducted in the United States for foreign intelligence purposes. On an annual basis the Attorney General shall also provide to those committees a report setting forth with respect to the preceding calendar year—

"(1) the total number of applications made for orders approving physical searches under this title; and

"(2) the total number of such orders either granted, modified, or denied.

"(b) Whenever a search is conducted without a court order to obtain foreign intelligence information which is not a physical search as defined in this title solely because the existence of exigent circumstances would not require a warrant for law enforcement purposes, a full report of such search, including a description of the exigent circumstances, shall be maintained by the Attorney General. Each such report shall be transmitted to the Foreign Intelligence Surveillance Court promptly after the search is conducted.

"AUTHORITY FOR INTELLIGENCE SEARCHES

"SEC. 406. (a) The procedures contained in this title shall be the exclusive means by which a physical search, as defined in this title, may be conducted in the United States for foreign intelligence purposes, and an order issued under this title authorizing a physical search shall constitute a search warrant authorized by law for purposes of any other law.

"(b) Searches conducted in the United States to collect foreign intelligence information, other than physical searches as defined in this title and electronic surveillance as defined in this Act, and physical searches conducted in the United States without a court order to collect foreign intelligence information may be conducted only pursuant to regulations issued by the Attorney General. Such regulations, and any changes thereto, shall be provided to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives at least 14 days prior to the taking effect. Any regulations issued by the Attorney General regarding such searches which were in effect as of June 1, 1990, shall be deemed to be regulations required by this subsection.

"PENALTIES

"SEC. 407. (a) OFFENSE.—A person is guilty of an offense if he intentionally—

"(1) under color of law for the purpose of obtaining foreign intelligence information, engages in physical search within the United States except as authorized by statute; or

"(2) discloses or uses information obtained under color of law by physical search within the United States, knowing or having reason to know that the information was obtained through physical search not authorized by statute, for the purpose of obtaining intelligence information.

"(b) DEFENSE.—It is a defense to a prosecution under subsection (a) that the defendant was a law enforcement or investigative officer engaged in the course of his official duties and the physical search was authorized by and conducted pursuant to a search warrant or court order of a court of competent jurisdiction.

"(c) PENALTY.—An offense described in this section is punishable by a fine of not more than $10,000 or imprisonment for not more than five years, or both.

"(d) JURISDICTION.—There is Federal jurisdiction over an offense under this section if the person committing the offense was an officer or employee of the United States at the time the offense was committed.

"CIVIL LIABILITY

"SEC. 408. CIVIL ACTION.—An aggrieved person, other than a foreign power or an agent of a foreign power, as defined in section 101 (a) or (b)(1)(A), respectively, of this Act, whose premises, property, information, or material has been subjected to a physical search within the United States or about whom information obtained by such a physical search has been disclosed or used in violation of section 407 shall have a cause of action against any person who committed such violation and shall be entitled to recover—

"(a) actual damages;

"(b) punitive damages; and

"(c) reasonable attorney's fees and other investigative and litigation costs reasonably incurred.

"DEFINITIONS

"SEC. 409. As used in this title:

"(a) The terms 'foreign power,' 'agent of a foreign power,' 'international terrorism,' 'sabotage,' 'foreign intelligence information,' 'Attorney General,' 'United States person,' 'United States',' 'person,' and 'State' shall have the same meaning as in Section 101 of this Act.

"(b) 'Physical search' means any physical intrusion into premises or property (including examination of the interior of property by technical means) or any seizure, reproduction or alteration of information, material or property, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, but does not include 'electronic surveillance' as defined in subsection 101(f) of this Act.

"(c) 'Minimization procedures' with respect to physical search, means—

"(1) specific procedures, which shall be adopted by the Attorney General, that are reasonably designed in light of the purposes and technique of the particular physical search, to minimize the acquisition and retention, and prohibit the dissemination, of non-publicly available information concerning unconsenting United States persons consistent with the need of the United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

"(2) procedures that require that non-publicly available information, which is not foreign intelligence information, as defined in subsection 101(e)(1) of this Act, shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand such foreign intelligence information or assess its importance; and

"(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes."

"(d) 'Aggrieved person' means a person whose premises, property, information, or material is the target of physical search or any other person whose premises, property, information, or material was subject to physical search.

"(e) 'Foreign Intelligence Surveillance Court' means the court established by section 103(a) of this Act.

"(f) 'Court of Review' means the court established by section 103(b) of this Act.

"EFFECTIVE DATE

"SEC. 410. The provisions of this title shall become effective 90 days after the date of enactment of this title, except that any physical search approved by the Attorney General to gather foreign intelligence information shall not be deemed unlawful for failure to follow the procedures of this title, if that search is conducted within 180 days following the date of enactment of this title pursuant to regulations issued by the Attorney General, which are in the possession of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives prior to the date of enactment.".

By Mr. ADAMS (for himself and Mr. GORTON):

S. 395. A bill to require the Secretary of Energy to establish the fast flux test facility as a research and development center to be known as the research reactor user complex; to the Committee on Energy and Natural Resources.

RESEARCH REACTOR USER COMPLEX

Mr. ADAMS. Mr. President, today I am introducing legislation that would allow for the partial privatization of one of the United States most technologically advanced test reactors, the fast flux test facility in the State of Washington.

I join with my colleagues, SID MORRISON, who has introduced a companion bill in the House of Representatives, and Senator SLADE GORTON, who is cosponsoring this important piece of legislation for our State.

It is very important that I speak to this legislation, and the commercialization of the FFTF reactor, because the privatization of this reactor in Washington State is a step toward moving ourselves away from weapons production and into advanced technology.

I am pleased to put forth this legislation, but distressed that it is needed. It is needed because the owner of the fast flux test facility, the U.S. Department of Energy, is eager to shut this facility down; very eager, in fact, seeing as they decimated the 1992 FFTF funding.

For the next year, the Department has requested only $28 million for FFTF. This represents a dramatic and potentially devastating reduction from the $84 million I and others fought so hard to secure in last year's appropriations bill.

This reactor is important, and it is important from a whole series of viewpoints involving the environment and involving the manner in which our technology can and should be used for means other than destructive means.

The FFTF is clean, safe, and capable of conducting substantial testing and isotope production into the next century. The FFTF has been acclaimed internationally, and praised by the DOE internal reviews.

Still, the Department of Energy wants to shut it down. This is a terribly shortsighted position, and it is disturbing and inexcusable. Why does the Department of Energy spend billions refurbishing decrepit reactors at Savannah River and yet walk away from its only modern test reactor? What about the administration's professed concern about U.S. high technology?

In the face of DOE's decision to defund the FFTF facility, the Washington delegation is introducing this bill. The bill allows non-Federal agents to invest in the fast flux test facility with an assurance they can recoup their investments. That is very important for attracting investors in this project to ensure that this reactor would not be phased out by DOE. This bill also sets up a fund consisting of all charges to non-Federal users of FFTF from which DOE may offset operating costs of the reactor.

Mr. President, this legislation is necessary for the continued operation of the FFTF, which is vital to the economy of the tricities as well as our entire State.

I commend this legislation to my colleagues and ask for their support and cosponsorship. Its passage would help bring private investors into the FFTF operations and would keep this world class, U.S.-owned facility operating.

Once again, Mr. President, this is an opportunity to privatize this reactor by having other parties able to use its isotopes production and testing. I hope that this commercialization bill will pass.

I ask unanimous consent that the bill I am introducing be taken to the desk and referred to the appropriate committee.

The PRESIDING OFFICER. Without objection, the bill will be referred.

• Mr. GORTON. Mr. President, it is with great pleasure that I join my colleague from Washington, Senator ADAMS, in reintroducing the fast flux test facility commercialization bill. This legislation establishes the FFTF as a multimission international center for research and development of isotopes and energy, and makes possible commercial participation in the facility.

For those who are not familiar with FFTF, let me take a moment to describe its many capabilities. The facility was originally designed to test fuels and materials for advanced nuclear powerplants, and has repeatedly set records for performance in this mission. FFTF is the Nation's most modern reactor, and is the only existing Federal facility which meets the environmental and safety standards required of commercial reactors.

But FFTF has much broader research potential which has only begun to be exploited. Production of medical and industrial isotopes, space reactor testing, fusion materials testing, production of space isotopes such as PU-238, and liquid metal and safety fuel testing are only some of the possible uses of this facility. FFTF has also proven its ability to transmute radioactive waste to burnable nonradioactive waste, demonstrating technology which may be used to clean up Hanford and other sites.

The versatility of FFTF has piqued the interest of potential users outside the U.S. Government. Later this month, representatives of the Washington State Governor's office and the Department of Energy will lead a delegation to Japan to discuss the possible use of FFTF by Japanese concerns. Japan's interest in FFTF is indicative of the cutting edge research which can be performed there, although Japan is only one of many potential users of the facility.

This legislation will enhance the FFTF marketing effort by directing the Department of Energy to provide facilities, equipment, utility services, fire protection, and other services to potential users. In return, DOE will be allowed to charge customers for use of the facility.

Mr. President, I am gratified by the broad support that FFTF has received from Congress in past years—$84 million was appropriated for the facility last year, and I am hopeful that Congress will again see to it that FFTF is adequately funded. Seeking commercial participation in the FFTF program will reduce and, over time, perhaps eliminate the Federal appropriations required to operate the facility.

The legislation Senator ADAMS and I are introducing today is a vital component of this marketing effort. I invite my colleagues to join me in cosponsoring this bill.•

By Mr. WIRTH (for himself and Mr. HEINZ):

S. 396. A bill to amend the Solid Waste Disposal Act to require producers and importers of tires to recycle a certain percentage of scrap tires each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such tires, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself and Mr. WIRTH):

S. 397. A bill to amend the Solid Waste Disposal Act to require producers and importers of newsprint to recycle a certain percentage of newsprint each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such newsprint, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WIRTH (for himself and Mr. HEINZ):

S. 398. A bill to amend the Solid Waste Disposal Act to provide management standards and recycling requirements for spent lead acid batteries; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself and Mr. WIRTH):

S. 399. A bill to amend the Solid Waste Disposal Act to prohibit the Administrator of the Environmental Protection Agency from listing used oil and affiliated materials as a hazardous waste under that act, to require producers and importers of lubricating oil to recycle a certain percentage of used oil each year, to require the Administrator to establish a recycling credit system for carrying out such recycling requirement, and for other purposes; to the Committee on Environment and Public Works.

RECYCLING INCENTIVES LEGISLATION

Mr. HEINZ. Mr. President, I and my colleague from Colorado are introducing today a legislative package which creates a promising new line of environmental defense: market driven incentives for recycling.

Over the course of the past 30 years, Congress has enacted sweeping environmental legislation: The Solid Waste Disposal Act, the Clean Water Act, the Clean Air Act, the Toxic Substances Control Act, Superfund. These laws draw most of their force from a single source: end-of-pipe control regulations, enormously technical, detailed regulations, promulgated by the Environmental Protection Agency after long and hard labor.

Mr. President, I have no quarrel with the EPA's efforts in this field. And I have no doubt that end-of-pipe controls are one of several essential tools in our struggle to preserve our environment, safeguard public health, and conserve valuable resources. But the very nature of our environmental problems demands that our bag of tools contain more than just the regulatory hammer of command and control. End-of-pipe controls can only achieve so much.

Command and control regulations such as end-of-pipe controls cannot prevent over half the Nation's landfills from reaching their limits in the next 5 years; they cannot prevent parades of garbage trucks criss-crossing the country looking for a place to dump their loads. Nor can end-of-pipe controls, no matter how tough, prevent reckless depletion of basic raw materials—the natural resource stores the Earth built up over the course of its 4.5 billion year life.

End-of-pipe controls do not stop us from decimating our old-growth forests or from stripping our land for minerals. They do not keep us in America from importing nearly 50 percent of our daily oil requirements. And they do not teach us to conserve. Man is using fossil fuels 100,000 times faster than the Earth can form them. At some point, the costs will become prohibitive or we will simply pull out. Neither result is one we should leave as a burden to our children and grandchildren.

We have also managed, in our disposable, throw-away society, to inflict upon the environment the final indignity—to relegate still-valuable resources to the garbage dump.

Think of rubber, paper, oil, lead.

Every year Americans generate more than 250 million used tires, adding to the close to 3 billion old tires that already blight our landscape. Tires do not degrade—they just sit there. They are enough to cover the entirety of the water surface of all the Great Lakes, and then some.

Every year North America produces almost 14 million tons of newsprint. Some people may not find this a lot. Let me provide an idea. Think of a large, healthy tree in your neighborhood. We have to cut down a half a million such trees each week just to print each Sunday's newspapers.

We throw away so much newspaper—newsprint, if you will—that if all the newspapers discarded each year were stacked vertically they would reach all the way to the Moon and halfway back. Instead, nearly 9.5 million of those 14 million tons ends up in landsfills, and it costs us over $255 million a year to put it there.

Each year Americans use up over 70 million lead-acid batteries. And at least 23 million of these end up in landfills or along the side of the road. Just from the batteries we throw away, we expose ourselves to more than 400 million pounds of lead—lead which, if not recycled, creates a health and environmental nightmare.

Think of that statistic this way. As of today, after 3 weeks of hostilities in the Persian Gulf, the United States and our allies will have flown 50,000 aircraft sorties against enemy targets. If each of those planes had carried four 2000-pound bombs made entirely of lead, that would almost equal what we are irresponsibly dumping on our fellow citizens in America each year. We are rightly opposed to Saddam Hussein waging chemical warfare in the gulf. We should be equally concerned about we Americans waging chemical warfare on ourselves here at home.

And the nightmares don't end with lead. Each year, some 337 millions gallons of used motor oil—as much as 35 *Exxon Valdez* spills, eight times the size of the huge spill Iraq just inflicted on the gulf—each year, that much ends up in landfills, poured down storm sewers, or improperly burned.

These statistics—on just four common materials—paint a bleak picture. And end-of-pipe controls cannot alter that image. But recycling—bolstered by market incentives—can.

Recycling is not new. And all of us know that efforts to recycle these and other post-consumer materials are underway in communities across the Nation. But we have tried recycling three times in this century already. And each time it has enjoyed only limited and temporary success. One reason: up until now, we have been tackling only half of the problem.

We exhort consumers to separate their trash: take their used motor oil and old tires to a gas station, bundle their old newspapers for curbside collection, return their used batteries to a store. Our States pass laws requiring cities to recycle, that is, to provide pickup services for curb-side collection programs or to provide a local collection center where citizens can bring their separated trash. And there our efforts end.

But, Mr. President, without markets for those collected materials, the patiently separated trash remains just that—trash—to end up as garbage in a landfill or dumped along some deserted road. And everyone's efforts are, quite literally, wasted.

So it is time for an expanded toolkit, and time for new legislation to supply it. And it is time, right now, for the tool this bill creates: marketable credits earned by reintroducting secondary materials—be they tires, oil, batteries, or newspapers—into the manufacturing process or some other resource recovery system. These credits will give value to materials now seen—mistakenly—as valueless. They will create, stimulate and ensure some measure of stability in secondary materials markets. In so doing, they will continue the resource cycle rather than impotently abandon it.

Mr. President, each generation looks to the one which follows as a new hope for social progress, a new beginning—in a way—of solving old ills. And each generation enters the social area with new vigor and resolve to redress these ills—to attack with reasoned change the entrenched ills that persist in petrified systems and institutions.

Mr. President, today my colleague from Colorado and I call for change. Real, meaningful change, a new way of doing business, a new, another way of managing our resources and preserving the integrity of our environment.

Surely Mr. President, the generation which follows us deserves a legacy of conservation and an environment capable of nurturing them as it has nurtured us. I ask my colleagues to support this legislation, and I ask unanimous consent that certain supporting materials be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

USED TIRE FACTS

240 million used tires are generated annually.

2 billion used tires are stockpiled in America. This represents a 7 years supply of tires.

Used tires constitute 1–1.2% of the solid waste stream.

The average passenger tire weighs 20 pounds; the average truck tire weighs 100 pounds; 85% of the used tires generated are from passenger cars; 15% of the used tires generated annually are from trucks or speciality vehicles.

The annual tonnage of waste tires produced in California is 376,000 tons. The daily tonnage of tires produced in California is 1,030 tons.

Landfill tipping fees range from $.50 to $1.00 per tire: 80% of used tires are not disposed of in landfills (50% in California); however, only 30% of the used tires removed from vehicles are recycled.

Reclaimed rubber share of the rubber market dropped from a high of 32% in 1941 to about 5% today.

Average price paid to "casing jockeys" for tire removal is $.50 to $1.00 per tire; average price paid to "casing jockeys" for retreadable tires is $1.50 per tire.

Retreading requires only 30% of the energy needed to produce a new tire.

Retreading accounted for only 12% of tire sales in 1985.

Combined current retread capacity in the United States is underutilized by 15 to 25 million tires per year.

Recycling creates six times as many jobs as landfilling does.

USED NEWSPRINT

Of the almost 14,000,000 tons of newsprint produced in North America 9,486,000 tons are dumped in landfills.

At an average tipping fee of $26.90/ton it costs America over $255,000,000 annually to dispose of used newsprint.

14,000,000 tons of newsprint used in America means that 238,000,000 trees are cut down every year.

THE PROBLEM

Every ton of used newsprint sent to a landfill consumes three cubic yards of space. Since EPA has estimated that by 1991 almost fifty percent of the landfills in America will be closed, wasting landfill space is something that we can ill afford to do. Every year Americans dispose of over 9,486,000 tons of newsprint. Dumped newsprint takes up 28,458,000 cubic yards of critically needed landfill space.

Americans have responded in unprecedented numbers, to the landfill crisis by collecting newspapers for recycling. However, as we all know a glut of 'recycled' newspapers exists today. Communities all over America are having to shut down their recycling programs because there is no market for their product. Eleven hundred communities currently separate newspapers with the intention of having them recycled. However, recycling doesn't end at the curb. Recycled garbage is still garbage if there is no one to buy the product. Estimates are that American communities will lose over $100 million this year alone because of lost revenue from recycling programs.

When the newspapers are collected, they are a resource. However, they are not 'recycled' until they are put back into commerce. Because of the existence of excess collected newspapers, the bottom has fallen out of the market.

THE SOLUTION

It is essential that the market for recycled fiber newsprint be augmented in order to manage the current excess in newsprint collected for recycling. The Newsprint Recycling Incentives Act will turn this situation around. The approach is simple, and very similar to the approach for used oil recycling included in the Consumer Products Recovery Act.

The newsprint manufacturer will be required to produce a certain percentage of product with recycled fiber content. Understanding that current manufacturing plants are at capacity in terms of how much recycled fiber they can use, the Newsprint Recycling Incentives Act has been designed so that the manufacturer will have an incentive to increase capacity.

The recycling requirement will be set (by the Adminstrator of EPA) at a rate only two percentage points higher than the current recycling rate. The rate will then increase an additional two percent a year for the next ten years. If a manufacturer does not have the capacity to use recycled fibers, that manufacturer will be allowed to purchase "recycling credits" from those manufacturers with excess capacity. As a result of this program, those manufacturers who use recycled fibers will have more funds (from the sale of credits) to allow them to increase their use of recycled fibers or to lower the cost of the newsprint containing recycled fibers. By stimulating the demand for the recycled product the demand for collected newsprint will increase.

The Newsprint Recycling Incentives Act would put into place a fair and equitable system and it will help relieve the landfill burden in America. It doesn't place an undue hardship on the newspapers since they only account for 75 percent of the newsprint consumed. Also the program will be easy to administer because there are only 62 plants producing newsprint in North America.

The approach of the Newsprint Recycling Incentives Act is sensible and it will create an economic incentive to increase recycling in the newsprint industry where none currently exists.

HOW NEWSPRINT IS RECYCLED

1. Newsprint is brought in on trucks and unloaded onto the floor. A bulldozer pushes them onto a conveyor which drops them into the pulper.

2. In the pulper, paper is immersed in water and torn apart by rotating steel blades. Chemicals are added to dissolve ink. Water and fiber solution (called "slurry") is now about one percent fiber.

3. Slurry is pumped into continuous pulper, where debris is screened out. The slurry is then moved into a reservoir for intermediate and fine screening. It then goes to three-stage washer where ink is suspended in water and drained away to waste treatment plant.

4. Fiber slurry is formed into paper. It is sprayed between two fabric belts, which remove water. Paper moves in a continuous sheet at 35 mph. At this point, paper is 17 percent fiber.

5. Paper goes to the presser. Steel rollers squeeze the paper, which is held by blanket-like belts, three times. Paper is now 42 percent fiber.

6. Paper crosses unsupported to the dryer, where belt carries it around heated cans, each six feet in diameter. Dryer temperature is 250 °F. Paper is smoothed between steel rollers during the last phase of drying. Paper is 92 percent fiber.

7. Paper is smoothed again outside the dryer and wound onto large reels.

8. Large reels go to the winder, which cuts the paper into various widths and winds it onto cardboard tubes.

9. Rolls of paper are passed down by elevator to conveyor belts to be wrapped, bar coded, crimped and stacked. Electronic eyes activate kickers that push the rolls to proper storage areas.

10. Rolls of paper are loaded for delivery by truck or rail. The recycling process takes about two hours. In 1988, 13,986,000 tons of newsprint were consumed in the U.S. Of that, about 4,500,000 tons, or 33 percent was reclaimed.

THE LEAD BATTERY RECYCLING INCENTIVES ACT

THE ISSUE

Americans use up more than seventy million lead-acid batteries each year. Even though we can readily recycle all of these batteries, we unwisely discard at least twenty-three million batteries into landfills, incinerators and along the side of the road. These batteries are then replaced by new batteries that are essential to start our cars, truck, boats and farm equipment. The millions of batteries that we throw away means that every year society faces exposure to more than 400 million pounds of lead. Each subsequent year at least another 400 million pounds of lead is added to the environment, further increasing our cumulative exposure. The lead which is not recycled becomes a health and environmental nightmare.

We do not have a system in place to make sure that the lead from used batteries does not pollute the environment.

Technology has not yet evolved to the point where we can replace the use of lead in storage batteries. For the foreseeable future lead will be the main ingredient of every battery on the road. However, because lead is highly toxic, a system must be developed that will facilitate and guarantee the proper handling, storage, recycling, and, when necessary, the ultimate disposal of lead. Whatever system is developed it must be both economically and technologically efficient, as well as environmentally sound. The Lead Battery Recycling Incentives Act is such a system.

THE PROBLEM

Lead is a fact of life in our society. Lead has had a wide variety of uses: as an additive in paints and pigments (for example in plastics manufacturing), as a gasoline additive, as part of ammunition, as lead shielding for nuclear medicine and x-ray operations and as an energy storage system in lead-acid batteries.

Since its widespread use began decades ago, millions of tons of lead have been added to a long list of consumer and industrial products. The lead from these products has been dispersed throughout the environment. Because of its harmful effects, the lead in some products has been eliminated, particularly when substitutes are available.

Lead is an element of nature that can neither be artificially created nor destroyed. Even in very small doses lead is highly toxic.

Lead exposure is both widespread and insidious. Chronic low-level lead exposure is considered to be more dangerous than acute, immediate, treatable exposure. Lead exposure is especially a problem for children during their developmental years. The Centers for Disease Control have estimated that 12 million children are exposed to lead in paint each year because 52 percent of all residential homes still have paint containing lead in concentrations higher than that considered safe. Additionally, ten million children are exposed to lead in drinking water. When batteries are disposed with municipal trash, they either go to a landfill where the lead can leach into groundwater or they go to an incinerator where some of the lead goes up the stack and the rest is concentrated in the ash where it can leach lead into the groundwater. Additionally, lead can leach into drinking water from lead solder in pipes.

A Panel of Experts from the Centers for Disease Control recently estimated that children under the age of six, who are simply exposed to lead dust, are seven times more likely to drop out of high school than those not exposed to the dust. The Environmental Protection Agency (EPA) has estimated that 32 percent of the 8.1 thousand metric tons of lead emitted into the air in the United States in 1987 came from municipal waste incineration of lead acid batteries.

Lead exposure can lead to severe damage to the central nervous system. Lead accumulates in the body tissues and, especially in children, can result in inhibited muscular coordination, damage to the peripheral nervous system, brain damage, mental retardation, loss of hearing, and, in its most severe forms, seizures and ultimately, death.

Because of the pervasive and long-lasting effects of lead, a recent report by the Environmental Defense Fund identified a "nationwide epidemic of low-level lead poisoning, an epidemic that is causing permanent neurologic damage to millions of American children."

The threat to human health from lead has been known for many years. As a result, some efforts have been made to reduce the amount of lead used in society. Lead has been almost completely phased out of use in gasoline. Additionally, since 1977 lead has been banned for most paint uses. However, in spite of these efforts, human exposure to lead in the environment is still significant.

Seventy-eight percent of lead used today is in lead acid storage batteries. Research efforts to eliminate lead from storage batteries have, so far, proven unsuccessful and uneconomical.

Western world consumption of lead has fallen slightly from 4.2 million tons in 1979 to below 4.0 million tons in 1984. This decrease has been because of the phase-out of lead in gasoline and the ban in paint, as well as the fact that less lead is used per battery today. In spite of the fact that manufacturers have generally been able to achieve a more powerful battery using less lead—however, because of the increase in the number of cars on the roads more batteries are currently in use.

Our dependency on the storage battery, coupled with our need to protect human health and the environment, requires that we manage very carefully the large amount of lead that we introduce into society. Since lead is a highly recyclable commodity, recycling would seem like an easy task, but it isn't. Recycling is expensive and environmental and health factors do not drive the market.

The single most determining factor in whether to recycle lead is the price of virgin lead. As the price of virgin lead rises, it becomes more economically attractive to recycle lead. Alternatively, as the price of virgin lead falls, the economics of lead recycling becomes less and less attractive. A graph is provided that dramatically illustrates the strong correlation between the price of lead and the rate of recycling.

THE LIFE CYCLE OF A BATTERY

Production

Automobile and marine storage batteries consist of three major components: (1) The case, generally made of plastic, (2) lead plates, both positively and negative charged, (3) and sulfuric acid.

Lead used in batteries is either from primary or secondary sources. Primary lead is refined from galena ore taken from mines. The original mining, smelting and beneficiation results in a significant amount of solid waste as well as a significant amount of water pollution.

Secondary lead is produced from new and old lead scrap. New scrap is waste lead generated prior to consumer consumption. New scrap is generated in the process of refining, casting, or fabricating leaded materials. Old scrap is generally post-consumer waste. Over 75% of old scrap lead comes from recycled auto batteries.

Over seventy million spent lead acid batteries are generated annually in the United

States. They contain 1,250,000,000 pounds of toxic lead and at least 70,000,000 gallons of highly corrosive sulfuric acid-tainted with lead particles.

Battery Recycling

When a battery completes its useful life, generally within three to five years, the customer typically returns the spent battery to a service station, battery dealer, or mass merchandiser. The customer, quite naturally expects a discount on the purchase of a replacement battery. In the past, the discount (or credit on the purchase of a new battery) has been as high as four or five dollars per battery. In the mid-1980s the discount slipped to a low of twenty-five cents. In some areas of the United States during 1985–86, customers had to pay a battery disposal fee of approximately fifty cents. The drop in the value of the spent battery was the direct result of a drop in the price of virgin lead. While the price of virgin lead was cheaper for the battery manufacturer to purchase, the recycler still had to pay the same operaing costs. Essentially, during this period, it was cheaper to mine new lead than to transport and resmelt old batteries. Consequently, a number of battery recyclers closed. Simultaneously many landfills and municipal waste incinerators stopped accepting lead acid batteries, further driving up the cost of disposing of lead batteries.

In the years 1988 thru 1990, the price of lead has rebounded and the recycling rate has somewhat increased from the wholly unacceptable levels of 1985–1986. As a result some retailers are again willing to accept batteries from the do-it-yourselfer.

The batteries collected by the merchandiser are transported to a wholesaler or in some rare cases, directly to a "battery breaker" who crushes and separates the lead from other battery components. The question as to who pays to transport the collected batteries depends on the price of virgin lead. If the price of virgin lead is high, collected batteries will be in high demand, and, therefore, the secondary smelters will be willing to pay the transportation costs. However, if the price of virgin lead is low, it is unlikely that the secondary smelters will be able to pay the high cost of transporting the batteries.

In the best of all possible worlds, the price of resmelted lead should cover the transportation costs. However, in cases where the merchandiser, because of the low price of virgin and secondary lead, is forced to pay for transporting the batteries, the merchandiser may turn to a less than legitimate transporter who may dump the unwanted batteries on the side of the road rather than pay for legitimate disposal. Similarly, transporters may chose to stockpile the batteries, rather than absorb the relatively higher transportation costs. At least twenty five sites on the National Priority List of Superfund are related to battery collection and recycling.

Many batteries are also collected by scrap dealers and auto dismantlers when cars are removed from service. These independent small business people provide an essential service of collecting the discarded batteries and making them available for recycling.

The recycling system works best in the case of large mass merchandisers who often have a contract with the battery distributor to "blackhaul" a certain number of spent batteries for each shipment of new batteries. With such an arrangement the trucker travels between the manufacturing warehouse, the battery retailer and the battery breaker or secondary smelter. If the secondary smelter has a contract with a battery manufacturer, the resmelted lead scrap can then be delivered to the battery manufacturer, thus completing the cycle and closing the loop.

BATTERY RECYCLING ECONOMICS

The secondary lead industry operates on a very small profit margin. The point was made earlier, and bears re-emphasizing, that the secondary lead industry rises or falls with the price of virgin lead. If the price of virgin lead falls below a certain point, resmelted lead cannot compete.

Historically, there has been significant shrinkage in the number of batteries recycled during the years when the price of lead was low. But the recycling rate has flucuated wildly over the years. Battery recycling rates ranged from 83 percent in 1960 to 96 percent in 1965 and then down to 70 percent in 1976. The battery recycling rate rose again in 1980 to a high of 83 percent but then began to fall again and reached an all time low of 61 percent in 1983.

Because of increases in the number of vehicles on the road, the total amount of batteries sold increases annually. The number of batteries and lead "exiting the recycling chain" increases 5 percent annually. EPA has estimated that lead discarded in batteries increased 64 percent between 1970 and 1986. EPA projects a further increase of 31 percent by the year 2000. It is estimated that during the early 1960s an average of 8 million batteries a year were not recycled. By the mid 1980s, more than 20 million batteries per year were exiting the system (please see chart on page eleven of this report).

A 70 percent battery recycling rate may seem high compared to 54 percent recycling rate for aluminum, 21 percent for glass, and less than one percent for plastics. But a 70 percent recycling rate for batteries means that more than 20 million batteries are not recycled every year. A 70 percent recycling rate means the annual release of over 400 million tons of lead into the environment.

According to the 1987 Putnam, Hayes and Bartlett report for the Environmental Protection Agency, the increased in lead prices from levels of about 20 cents per pound in the mid 1980s, to levels of about 40 cents per pound in the late 1980s, may have stimulated recycling efforts in the short run. But the report also suggests that structural changes in the recycling industry, brought about by a combination of economic and regulatory factors, has limited the ability of the recycling industry to respond to higher prices. In 1981 the secondary lead industry had the capacity to recycle approximately 1.2 million tons of lead. By 1986 the recycling capacity had been reduced to slightly more than 700,000 tons, only about 2/3 of which were actually operational. Sixty percent of the secondary smelters operating in the U.S. in 1982 were out of business by 1986 (see attached map). In addition, the effects of these structural changes are particularly acute in certain regions of the country such as the Northwest where the last remaining secondary smelters have closed. For example, batteries entering the recycling stream in the states of Washington and Oregon have to travel hundreds of miles to the closest secondary smelter in Southern California.

Keeping in mind the historical response of the battery recycling rate to increases and decreases in the price of virgin lead, it is essential that a fail-safe system be developed to guarantee that an acceptable level of recycling occurs, no matter how high or how low the price of virgin lead. The recycling credit concept, as explained below, constitutes such a system. The credit concept would guarantee an initially high lead battery recycling rate and the recycling rate would continue to increase every year. As a result, our exposure to lead would no longer be driven by supply and demand for virgin lead ore.

THE LEAD BATTERY RECYCLING INCENTIVES ACT

Right now, market forces dictate recycling rates. And yet, landfill capacity is decreasing and the number of Superfund sites is increasing. Such an incongruity is not only foolish, but a waste of valuable energy and natural resources. The Lead Battery Recycling Incentives Act will use the forces of the market to work for, rather than against environmental protection. The Lead Battery Recycling Incentives Act will create a balance in the system to ensure that battery recycling occurs even if the price of lead falls.

The Lead Battery Recycling Incentives Act will require the manufacture to produce batteries with a specified percentage of recycled lead. The recycled percentage will begin at a rate two percentage points higher than the current rate of recycling. The mandatory recycling rate will increased over the next ten years to a level of at least 95 percent.

For every ton of reclaimed lead used by a battery manufacturer in excess of the amount required by the law, the manufacturer will be entitled to sell a "lead recycling credit" to those who produce batteries will less than the specified rate of reclaimed lead.

The percentage of recycled lead that must be used is set, but not the price of credit. The manufacturer who sells the credit will be able earn whatever he can for the credit.

The effect of the recycling credit system is to put more money in the hands of those producing batteries with the higher percentage of recycled lead. As the price of virgin lead falls, the manufacturer with the higher recycled lead content is cushioned from the relative high cost of recycled lead. Over time, the recycled lead content rate will stabilize among all manfacturers.

Since the credits are valuable, the manfacturer has an incentive to expand his operations in order to create as many credits as he thinks he can possibly sell. The sale of these credits will enable to price of the resmelted lead to remain competitive with the price of virgin lead even if the price of virgin lead falls precipitously.

To remove, as much as possible, the incidence of spent batteries being simply "tossed out" or being stockpiled, the battery hauler will be required to obtain a registration number from the Environmental Protection Agency. The hauler will provide a simple receipt to the retailer or battery collector when the spent batteries are picked up. The hauler will be required to provide a copy of the receipt to the "battery breaker" or secondary smelter. A relatively simple "paper trail" will follow the batteries from the time they leave the retail establishment to the time the reclaimed lead is delivered to the battery manufacturer. The receipt, while not a formal hazardous waste manifest, will allow EPA to keep track of how many batteries are available for recycling and where they are within the system, discouraging stockpiling of potentially recyclable batteries.

Mr. WIRTH. Some years ago, Mr. President, the distinguished senior Senator from Pennsylvania [Mr. HEINZ] and I, introduced a major new study on using market incentives on environmental issues. That was called Project '88: How might we think smarter and differently about the environmental problems that we face?

For many, many years we have followed a sort of command and control approach to environmental issues, regulations, or laws being issued by the EPA or the Congress to affect everybody in the country in equal fashion. In many ways, this was a very inefficient strategy, Mr. President. It did not recognize differences among utilities, for example; differences in different areas of the country; it did not recognize the fact that there are also great efficiencies to be brought about if we are able to better use the marketplace.

Project '88 was revolutionary when we introduced it 2½ years ago. People had not heard of this kind of approach. It had been thought about by some environmental groups like the Environmental Defense Fund, but it really had not received very broad currency.

Two years ago, the administration picked up the theme of Project '88, using market incentives, and that became a major part of the Clean Air Act, particularly that part of the Clean Air Act related to acid rain emissions, setting up a permit system for emissions in the acid rain section of the clean air bill.

The President mentioned Project '88, mentioned this approach, and now the notion of market incentives is beginning to move into a whole series of initiatives focused on environmental issues.

Today we are picking up on that, Senator HEINZ and I, introducing four pieces of legislation, one focused on the need to recycle oil. We are currently using an enormous amount of oil in our society, as we all know. And we dump, after we change the crank cases, about the equivalent of 35 *Exxon Valdezes* illegally in the United States each year. This is going into water systems, sewage systems, despoiling the land, and so on. This is a resource that is 100 percent recyclable; yet we recycle only a very small percentage.

The legislation we are introducing develops an economic incentive approach whereby those who are dealing with recycled oil can make money in the process. We start using a 30-percent level for oil recycling, and move up from there.

A second piece of legislation, Mr. President, relates to newspaper recycling. We currently use about 84 million tons of paper a year in the United States. About 14 million tons of that is newsprint. Newsprint, as well, is a resource that is recyclable, but very little of the overall paper products in the United States is recovered. Only about 14 percent of the newsprint is recycled.

This second piece of legislation focuses on newspaper recycling, setting up a market system whereby those who are producing newsprint or those who are importing newsprint from abroad will be able to develop a market whereby they can, in fact, make money out of used newspapers. It does not do any good to collect our papers on Friday morning, put them on the front step, and because there is no market for those used newspapers, have them go into exactly the same landfill they would normally go into if mixed together with the rest of the garbage.

We have to figure out how to recycle newspapers. This will be, I think, a very good incentive step in the right direction.

A third bill relates to tires. We throw away a tire for every man, woman, and child in the United States every year. There is an enormous amount of oil in these tires. There is also a great number of uses for them in a whole variety of other ways. Yet, there is no market at this point for recycled tires. Our third piece of legislation sets up a mechanism for developing a market for tires.

The fourth piece of legislation we are introducing today, Mr. President, relates to lead acid batteries. Some 400 million pounds of lead are introduced into the environment in the United States every year; a very, very toxic material, as we all know. Some of those lead acid batteries are recycled; somewhere between 60 and 80 percent, depending on the year.

The legislation we are offering picks up on that good record of recycling of lead acid batteries and increases that sharply.

This is a further extension of Project '88, Mr. President. We will be making further statements on that project, Senator HEINZ and I. We plan in about April or maybe early May to introduce Project '88, phase II, which will focus on three very large issues: One, broadly recycling; second, global warming; and third, the administration of the public lands, believing that in each one of those areas market incentives and good economics can make some very significant changes.

So I am pleased to introduce those 4 pieces of legislation. I believe Senator HEINZ, the distinguished senior Senator from Pennsylvania, spoke on those earlier today.

By Mr. SYMMS (for himself, Mr. MOYNIHAN, Mr. BURNS, Mr. CRAIG, Mr. GORTON, and Mr. GARN):

S. 400. A bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails; to the Committee on Environment and Public Works.

NATIONAL RECREATIONAL TRAILS FUND ACT

Mr. SYMMS. Mr. President, today, several of my Senate colleagues and I are introducing the National Recreational Trails Fund Act of 1991. This is a bill to construct, maintain, improve the safety and environmental soundness of recreational trails across the country.

Recreational trails provide millions of Americans with an opportunity to get out and enjoy nature. These trails do more than just provide access from point A to point B. There is an old saying that "half the fun is in getting there." For many of the scenic areas of our country, that saying is exactly the case. It doesn't matter whether you are just taking a leisurely stroll, pedalling as fast as you can, or wisking by on your snowmobile, the trails we use are a critical part of almost all of our outdoor recreational enjoyment.

Unfortunately, trail construction and maintenance is costly, and far too often, is neglected at the expense of the safety and environmental soundness of the recreational experience.

In Idaho, in particular, where the vast majority of trails are on U.S. Government land, Federal land management agencies have underfunded the upkeep and maintenance of recreational trails.

When a trail is either poorly maintained, or perhaps never constructed properly in the first place, everyone suffers—access to certain areas becomes more difficult—and often for the handicapped it becomes impossible, the scenic beauty of the area is harder to enjoy, the likelihood of an accident on the trail increases, as does the incidence of erosion, trampling of vegetation, and general environmental degradation.

That is why we have introduced the National Recreational Trails Fund Act of 1991. This bill employs the same principle that currently guides the building and maintenance of our roads and highways. Motorists in America pay 14 cents for every gallon of gas they use on the highway. That money is then dedicated to the construction, upkeep, maintenance, and safety of those highways. It is my belief that the Federal Government owes it to the people of America to fully employ those funds to this dedicated purpose. The esconcing of those funds so as to hide a portion of the Federal deficit is an irresponsible policy and Congress should not allow it—but that is another debate.

A portion of the highway trust fund comes from gasoline purchased for recreational use not occurring on highways. This revenue does not actually belong in the highway trust fund, and is partially refundable. For farmers and contractors who actually have significant fuel costs off-highway, this refund is essential and is used often. For the recreational fuel user, however, the refund mechanism is impractical, since it often amounts to little more than a few dollars per person per year. Consequently, most recreationalists do not collect their refund, and their taxes are among those used to mask the deficit.

The bill we are introducing today eliminates the refundability of fuel use taxes paid by trail recreationalists, dedicating it instead to a more honest use than the hiding of our Federal largess: the construction, maintenance, and upkeep of recreational trails.

The money is deposited into a national recreational trails fund. The bill also establishes a Trails Advisory Board to help define appropriate grant projects, and to advise the Federal Government on ways to better coordinate trail usage and Federal land management policies. We have gone through an extensive redrafting of the bill this year to ensure that the fund will benefit all trail users, motorized and nonmotorized alike.

My friend from Wisconsin, Mr. PETRI, is also introducing an identical bill in the other body. I have high hopes that we will see the bill become law yet this year.

Mr. President, I ask consent for the bill and a statement on it by the organization American Trails be included in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 400

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Recreational Trails Fund Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Highway Trust Fund has successfully and equitably provided the means for improvements in and maintenance of the nation's highway infrastructure, such success being largely attributable to the Fund's "user-fee" structure, that being the directly proportionate relationship between the amount of highway use (as measured in fuel consumption) and the amount each user pays into the Fund;

(2) the 'user-fee' concept requires that non-highway fuels not be taxed to pay for highway benefits, a noticeable deviation from this policy being the taxation of recreational fuel not used on Federal highways.

(3) like highways, the national infrastructure of recreational trails and back country terrain must be constructed and maintained, but such construction and maintenance has historically received less than adequate funding;

(4) efforts to more perfectly apply a "user-fee" concept to the financing and maintenance of a national infrastructure, both on highways, and for recreational purposes off the highway, will likely enhance the success of both endeavors; and

(5) it is both equitable and prudent, for safety, environmental protection, and recreational reasons, to assure availability of financial means to maintain and improve recreational trails and back country terrain by reserving for those purposes a portion of fuel use taxes imposed on fuels for recreational use not occurring on Federal highways.

SEC. 3. CREATION OF NATIONAL RECREATIONAL TRAILS TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. NATIONAL RECREATIONAL TRAILS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Recreational Trails Trust Fund', consisting of such amounts as may be appropriated, credited, or paid to it as provided in this section, section 9503(c)(5), or section 9602(b).

"(b) EXPENDITURES FROM TRUST FUND.—Amounts in the National Recreational Trails Trust Fund shall be available for making expenditures to carry out the purposes of the National Recreational Trails Fund Act of 1991."

(b) DEPOSIT OF UNREFUNDED HIGHWAY TRUST FUND MONIES.—Section 9503(c) of section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) is amended—

(1) by adding at the end thereof the following new paragraph:

"(5) TRANSFERS FROM THE TRUST FUND FOR NON-HIGHWAY RECREATIONAL FUEL TAXES.—

"(A) TRANSFER TO NATIONAL RECREATIONAL TRAILS TRUST FUND.—The Secretary shall annually pay from the Highway Trust Fund into the National Recreational Trails Trust Fund amounts (as determined by the Secretary) equivalent to .5% of total Highway Trust Fund receipts, as adjusted by Secretary pursuant to subparagraph (B).

"(B) ADJUSTMENT OF PERCENTAGE.—

"(i) IN GENERAL.—Not more frequently than once every 3 years, the Secretary may increase or decrease the percentage of Highway Trust Fund receipts paid into the National Recreational Trails Trust Fund to more accurately reflect, in the Secretary's estimation, revenues received from non-highway recreational fuel taxes.

"(ii) AMOUNT OF ADJUSTMENT.—The amount of an adjustment in the percentage stated in clause (i) shall be not more than 10 percent of that percentage in effect at the time the adjustment is made.

"(iii) USE OF DATA.—The Secretary shall make use of data on off-highway recreational vehicle registrations and use in making an adjustment under clause (i).

"(C) DEFINITIONS.—For the purposes of this paragraph—

"(i) NON-HIGHWAY RECREATIONAL FUEL TAXES.—The term 'non-highway recreational fuel taxes' means the taxes under sections 4041, 4081, and 4091 (to the extent attributable to the Highway Trust Fund financing rate) with respect to fuel used as non-highway recreational fuel.

"(ii) NON-HIGHWAY RECREATIONAL FUEL.—The term 'non-highway recreational fuel' means—

"(I) fuel used in vehicles and equipment on recreational trails or back country terrain, including use in vehicles registered for highway use when used on recreational trails or back country terrain; and

"(II) fuel used in campstoves and other outdoor recreational equipment."; and

(2) by striking paragraph (2)(C) and inserting the following:

"(C) EXCEPTION FOR USE IN AIRCRAFT AND MOTORBOATS, AND ON RECREATIONAL TRAILS, ETC.—The paragraph shall not apply to amounts estimated by the Secretary as attributable to—

"(i) use of gasoline and special fuels in motorboats or in aircraft, and

"(ii) use of gasoline as non-highway recreational fuel as defined in paragraph (5)(B)(ii).".

(c) CONFORMING AMENDMENT.—Section 6521(e)(2) of the Internal Revenue Code of 1986 (defining off-highway business use) is amended by adding at the end thereof the following new subparagraph:

"(C) EXCEPTION FOR USE ON RECREATIONAL TRAILS. ETC.—The term 'off-highway business use' does not include any use as nonhighway recreational fuel as defined in section 9503(c)(5)(B)(ii).".

(d) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 9511. National Recreational Trails Trust Fund.".

SEC. 4. NATIONAL RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—The Secretary, using amounts available in the Fund, shall administer a program allocating monies to the States for the purposes of providing and maintaining recreational trails.

(b) STATE ELIGIBILITY.—

(1) TRANSITIONAL PROVISION.—Until the date that is 3 years after the date of enactment of this Act, a State shall be eligible to receive monies under this Act if such State's application proposes to use the monies as provided in subsection (d).

(2) PERMANENT PROVISION.—On and after the date that is 3 years after the date of enactment of this Act, a State shall be eligible to receive monies under this Act if—

(A) the State has established a State Recreational Trails Advisory Board on which both motorized and non-motorized recreational trail users are represented;

(B) in the case of a State that imposes a tax on non-highway recreational fuel, the State by law reserves the revenues from that tax for use in construction and maintaining recreational trails; and

(C) the Governor of the State has designated the State official who will be responsible for administering monies received under this Act; and

(D) the State's application proposes to use monies received under this Act as provided in subsection (d).

(c) ALLOCATION OF MONIES IN THE FUND.—

(1) ADMINISTRATIVE COSTS.—No more than 3 percent of the expenditures made annually from the Fund may be used to pay the cost to the Secretary for—

(A) approving applications of States for monies under this Act;

(B) paying expenses of the National Recreational Trails Advisory Committee; and

(C) conducting national surveys of non-highway recreational fuel consumption by State, for use in making determinations and estimations pursuant to this Act.

(2) ALLOCATION TO STATES.—

(A) AMOUNT.—Amounts in the Fund remaining after payment of the administrative costs described in paragraph (1), shall be allocated and paid to the States annually in the following proportions:

(i) EQUAL AMOUNTS.—50 percent of such amounts shall be allocated equally among eligible States.

(ii) AMOUNTS PROPORTIONATE TO NON-HIGHWAY RECREATIONAL FUEL USE.—50 percent of such amounts shall be allocated among eligible States in proportion to the amount of non-highway recreational fuel use during the preceding year in each such State, respectively.

(b) USE OF DATA.—In determining amounts of non-highway recreational fuel use for the purpose of paragraph (A), the Secretary may consider data on off-highway vehicle registrations in each State.

(d) USE OF ALLOCATED MONIES.—

(1) PERMISSIBLE USES.—A State may use monies received under this Act for—

(A) maintenance of existing recreational trails, including the grooming and maintenance of trails across snow,

(B) restoration of areas damaged by usage of recreational trails and back country terrain;

(C) construction of new trails where a recreational need for such construction is shown;

(D) acquisition of easements;

(E) acquisition of fee simple title to property from a willing seller, when the objective of the acquistion cannot be accomplished by acquisition of an easement or by other means;

(F) development of trail-side and trail-head facilities that meet goals identified by the National Recreational Trails Advisory Committee;

(G) in an amount not exceeding 5 percent of the amount of monies received by the State, operation of environmental protection and safety education programs relating to the use of recreational trails;

(H) development of urban trail linkages near homes and workplaces; and

(I) in an amount not exceeding 7 percent of the amount of monies received by the State, administration expenses of the State.

(2) USE NOT PERMITTED.—A State may not use monies received under this Act for condemnation of any kind of interest in property.

(3) GRANTS.—

(A) IN GENERAL.—A State may provide monies received under this Act as grants to private individuals, organizations, city and county governments, and other government entities as approved by the State's Recreational Trail Advisory Board, for uses consistent with this section.

(B) COMPLIANCE.—A State that issues such grants under subparagraph (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant monies.

(4) BALANCE OF MOTORIZED AND NON-MOTORIZED BENEFITS.—Not less than 30 percent of the monies received annually by a State under this Act shall be expended for benefits directed to motorized recreation, and not less than 30 percent of those monies shall be expended for benefits directed to non-motorized recreation.

(5) DIVERSIFIED TRAIL USE.—

(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend not less than 40 percent of monies received under this Act in a manner that gives preference to project proposals which—

(i) provide for the greatest number of recreational purposes including, but not limited to, those described under the definition of "recreational trail" in subsection (g)(5); and

(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

(B) COMPLIANCE.—The determination as to whether a project or grant meets the requirements of subparagraph (A) shall be made by the State Recreational Trail Advisory Board.

(6) RETURN OF MONIES NOT EXPENDED.—Monies paid to a State that are not expended or dedicated to a specific project within 2 years after receipt for the purposes stated in this subsection shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (c).

(e) COORDINATION OF ACTIVITIES.—

(1) COOPERATION BY FEDERAL AGENCIES.—Each agency of the United States Government that manages land on which a State proposes to construct or maintain a recreational trail pursuant to this Act is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (d). Nothing in this Act diminishes or in any way alters the land management responsibilities, plans and policies established by such agencies pursuant to other applicable statutes.

(2) COOPERATION BY PRIVATE PERSONS.—

(A) WRITTEN ASSURANCES.—As a condition to making available monies for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

(B) PUBLIC ACCESS.—Any use of a State's allocated monies on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those monies.

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE STATE.—The term "eligible state" means a State that meets the requirements stated in subsection (b).

(2) FUND.—The term "Fund" means the National Recreational Trails Fund established by section 9511 of the Internal Revenue Code of 1986.

(3) NON-HIGHWAY RECREATIONAL FUEL.—The term "non-highway recreational fuel" has the meaning stated in section 9503(c)(5)(B)(ii) of the Internal Revenue Code of 1986.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) RECREATIONAL TRAIL.—The term "recreational trail" means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, surface water and underwater activities, and vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a "National Recreation Trail" designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

SEC. 5. NATIONAL RECREATIONAL TRAILS ADVISORY COMMITTEE

(a) ESTABLISHMENT.—There is established the National Recreational Trails Advisory Committee.

(b) MEMBERS.—There shall be 9 members of the advisory committee, 8 appointed by the Secretary from nominations submitted by recreational trail user organizations, one each representing the following recreational trail uses:

(1) Hiking.

(2) Cross country skiing.

(3) Off-highway motorcycling.

(4) Snowmobiling.

(5) Horseback riding.

(6) All terrain vehicle riding.

(7) Bicycling.

(8) Four-wheel driving.

In addition, the Secretary or an appropriate government official designated by the Secretary shall be a member of the advisory committee.

(c) CHAIRMAN.—The chairman of the advisory committee shall be the government official referenced in subsection (b), who shall serve as a non-voting member.

(d) TERMS.—The non-governmental members of the advisory committee shall be appointed for terms of 3 years, except that the members filling four of the eight positions shall be initially appointed for terms of 2 years, with subsequent appointments to those positions extending for terms of 3 years.

(e) DUTIES.—The advisory committee shall meet at least twice annually to—

(1) review utilization of allocated monies by States;

(2) establish and review criteria for trail-side and trail-head facilities that qualify for funding under this Act; and

(3) make recommendations to the Secretary for changes in Federal policy to advance the purposes of this Act.

(f) ANNUAL REPORT.—The advisory committee shall present to the Secretary an annual report on its activities.

(g) REIMBURSEMENT FOR EXPENSES.—Non-governmental members of the advisory committee shall serve without pay, but, to the extent funds are available pursuant to section 4(c)(1)(C), shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

A STATEMENT IN SUPPORT OF THE NATIONAL RECREATIONAL TRAILS FUND ACT 1991

(By Charles A. Flink II, Chaiman of the Board, American Trails)

American Trails is a non-profit organization, based in Washington DC, that represents the interests of all trail users, both motorized and non-motorized, nationwide. We are the only national trails organization that represents this challenging and critically needed purpose. Our mission is threefold: one, to provide a forum for the exchange of ideas and innovation regarding the planning, design and development of trail resources; two, to present a unified voice on issues that are of concern to trail planners, managers and users; and three, to combine the varied resources of our membership to promote safe, environmentally sound and enjoyable trail resources for all Americans.

American Trails concludes that there are five major issues that currently affect our nation's trail resources. First and foremost, there has been a tremendous increase, during the past thirty years, in the demand for trails in the United States, and at the same time the supply of adequate trail resources has been decreasing. Second, since the inception of the National Trails System Act in 1968, the United States has not provided a dedicated source of funding for the acquisition, development and maintenance of trail resources. Third, in light of unprecedented trail use in the United States, and coupled with increased urbanization of the American landscape, multiple use of limited trail resources has resulted in conflicts between trail users groups. Fourth, trails are too often viewed only as recreational amenities and not as an essential component of our nation's infrastructure. Fifth, we realize that the US population continues to grow at the rate of approximately 2.2 million people each year. Projections indicate that by the year 2000 more than 80% of all Americans will live within urban areas. We strongly believe that trails can protect and insure the quality of life that many Americans have enjoyed in the past, and should have the right to enjoy in the future.

American Trails has given careful consideration to the proposed National Recreational Trails Fund Act, and expresses its full support of this legislation. We support the creation of a dedicated source of funding for maintenance and repair of existing trail resources and for the development of new trail resources for motorized and non-motorized users. We feel that since trail users pay into the recreational fuel use tax program, a portion of that money should be used to improve trail resources in all parts of the United States.

We support the fact that this legislation encourages responsible trail development, and most importantly the protection of the environment in the design and development of new trail resources. We support the acquisition of public access easements, and in some cases additional land from willing sellers, to provide adequate protection of existing trail corridors and to ensure the expansion of our national system of trails. We support the need to develop trail side facilities to provide basic services to trail users and improve the quality of the trail experience.

We support and are encouraged that this legislation provides for the development of urban trail linkages, which we consider to be one of the most critical resource problems in the nation. One of the goals of American Trails is to insure that trail resources are provided within 15 minutes of all Americans, and this legislation represents one significant step in this direction. Finally, we support the creation of the proposed National Recreational Trails Advisory Committee, comprised of representatives from motorized and non-motorized trails organizations, to oversee the implementation of this legislation.

American Trails strongly believes that trails need to be put into a proper perspective, especially in light of the resource problems that are facing this nation. Trails should be regarded as an essential component of our national infrastructure. Trails offer all Americans a choice in alternative transportation, and an opportunity to decrease our dependence on foreign oil. Trails promote healthy lifestyles and provide urban, suburban and rural residents with environmentally sound access to the natural environment. Trails also offer realistic opportunities for economic revitalization of urban and rural communities.

American Trails is grateful to Senator Steve Symms and his staff for the thorough research, hard work and dedication that has gone into serving as the principal sponsor of this legislation. We urge all members of the 102d United States Congress to carefully examine the merits and importance of this legislation, to become better educated with regard to the benefits that trails can provide to a rapidly changing American landscape, and to enact this legislation.

By Mr. DOMENICI (for himself, Mr. DOLE, and Mr. SASSER):

S. 401. A bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals; to the Committee on Finance.

AMERICANS WITH DISABILITIES LUXURY TAX RELIEF ACT

Mr. DOMENICI. Mr. President, today I am going to send a bill to the desk and ask for its proper referral. I am delighted Senator DOLE is a cosponsor. Knowing that he is always worried about the disabled in this country, when I heard of this issue, I went to talk to him quickly, and we were putting in a bill today.

Let me tell my colleagues we made a mistake when we put the luxury tax on automobiles and other vehicles, in that we failed to exempt vehicles with improvements that might be improvised in the United States to accommodate the disabled. I think we have all seen vehicles where we have added equipment to permit those vehicles to carry our disabled in an appropriate manner, either elevators or appropriate doors or lifts. The facts are that the vehicles cost about $20,000 in our markets. That is not subject to a tax. But when you put all the things on that help that vehicle accommodate disabled Americans, it goes up to $30,000 or $31,000 or $32,000 and a 10-percent luxury tax is imposed.

That is a mistake. We clearly should not be imposing a tax on Americans who are disabled by putting a 10-percent tax on the vehicles that we in the United States have learned, through innovation and new techniques, to improve on so they serve the disabled.

This very simple little bill says in a sense, "We made a mistake," and exempts that kind of vehicles and the accessories added to it so that the 10-percent tax not be borne by the disabled.

I send the bill to the desk with a statement outlining it and ask the bill be appropriately referred.

I do thank the Independent Mobility Systems of Farmington, NM. They are the largest manufacturer on an assembly line basis of these parts and these converted vans.

They called it to our attention. Had we found out last year, we probably would have exempt them then. We did not. I thank them for calling it to our attention. I am sure we did not intend it.

When the Congress agreed to impose a 10-percent tax on the sale of luxury vehicles last year we had BMW's, Lincoln Towncars, business executives, and tycoons in mind; we did not intend to tax Americans with disabilities.

Unfortunately, we failed to exempt items that would be added to vehicles serving the disabled—such as electronic doors and ramps—from calculation of the luxury tax.

Surely, no one in this Chamber would consider any such equipment modification for the benefit of a disabled American as a luxury.

We have been pleased by the rapid improvements in technology that enable physically disadvantaged individuals greater mobility. Converted vehicles are necessary for thousands of Americans to hold jobs, visit their friends and families, and to lead more fulfilling lives.

But unless we correct this error from last year, tax law will have made that mobility more expensive, and therefore, more difficult to achieve.

Let me explain. The original cost of a van of the type used for transporting the disabled generally runs about $20,000. The cost of the conversions, however, often pushes the overall cost above the $30,000 threshold where the luxury tax kicks in.

My bill simply excludes such conversions from the calculation of the luxury tax.

The revenue impact of exempting the costs of conversion for the disabled is negligible.

America has great understanding for those among us who face the great challenge of physical disabilities. Quick action on this legislation offers a small opportunity for America to demonstrate her respect.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Americans with Disabilities Luxury Tax Relief Act."

SEC. 2. PARTS OR ACCESSORIES INSTALLED FOR USE OF PASSENGER VEHICLES BY DISABLED INDIVIDUALS EXEMPT FROM LUXURY TAX.

(a) IN GENERAL.—Paragraph (3) of section 4004(b) of the Internal Revenue Code of 1986 (relating to separate purchase of article and parts and accessories therefor) is amended—

(1) by striking "or" at the end of subparagraph (A),

(2) by redesignating subparagraph (B) as subparagraph (C).

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) in the case of a passenger vehicle, the part or accessory installed is necessary for the use of such vehicle by individuals with disabilities.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 11221(a) of the Omnibus Budget Reconciliation Act of 1990.

By Mr. JOHNSTON (for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. DOMENICI, Mr. BRADLEY, Mr. NICKLES, Mr. WIRTH, Mr. BUMPERS, and Mr. WARNER):

S. 402. A bill to limit the jurisdiction of the Federal Energy Regulatory Commission over local distribution company wholesalers of natural gas for ultimate consumption as a fuel in motor vehicles; to the Committee on Energy and Natural Resources.

VEHICULAR NATURAL GAS JURISDICTION ACT

• Mr. JOHNSTON. Mr. President, on behalf of Senators WALLOP, BINGAMAN, WIRTH, DOMENICI, BUMPERS, NICKLES, BRADLEY, and WARNER, and myself, today I am introducing the Vehicular Natural Gas Jurisdiction Act of 1991, legislation to limit the Federal Energy Regulatory Commission's jurisdiction over local distribution companies engaged in the sale of natural gas for automotive consumption. The bill resolves statutory ambiguities over whether local distributors' vehicular natural gas activities might cause them to lose exemptions from Federal jurisdiction under Natural Gas Act sections 1(c) and 7(f).

The recently enacted Clear Air Act Amendments of 1990 mandate an Alternate Fuels Program for fleet vehicles in 26 areas with the dirtiest air. The clean air law also mandates an Alternate Fuels Pilot Program for vehicles sold to the public in California. Natural gas is one of the alternate fuels that is likely to be used to comply with this mandate. The use of natural gas as an automotive fuel also offers an opportunity to reduce our Nation's dependence on imported oil by displacing gasoline with a fuel from a safe domestic source.

Local distribution companies—or LDC's—engaged in the retail sale of natural gas to homes, businesses, and industries are logical outlets for the sale of vehicular natural gas—or VNG. LDC's already have in place much of the local pipeline distribution infrastructure that will be needed to supply natural gas to the retail outlets that will sell VNG to motorists. It makes sense for LDC's to enter this business as the operators of VNG retail outlets, as suppliers to independently operated VNG service stations or as suppliers to central refueling facilities owned by the operators of fleet vehicles.

In order to promote the sale of natural gas as an automotive fuel, several States have passed laws to decontrol the sale and transportation of VNG. To my knowledge, the States of Louisiana, Texas, and Minnesota have passed such laws. There may well be other States that have such laws, that are considering such laws, or that may have done so by the administrative action of State public service commissions.

Under the Natural Gas Act, the regulation of the local distribution and retail sale of natural gas has been left to State and local authorities. Federal jurisdiction extends to the interstate transportation and wholesale sale—referred to in the Natural Gas Act as a "sale for resale"—of natural gas. The Congress also has carved out limited statutory exceptions which permit LDC's and pipelines to engage in certain activities that are local in character, but which occur across State lines, without triggering jurisdiction. Under Natural Gas Act section 1(c), known as the Hinshaw exemption, a pipeline or an LDC may engage in the interstate transportation or sale for resale of natural gas without triggering Federal jurisdiction so long as: First, the gas is received at or within the boundary of the State; second, all of the gas is ultimately consumed within such State; and third, the rates, services, and facilities of the person engaged in such sale for resale or transportation are "subject to regulation by a State commission." Under Natural Gas Act section 7(f), LDC's with multi-State service areas that have received a service area determination from the Federal Energy Regulatory Commission—or FERC—may transport natural gas across State lines for delivery to ultimate consumers without triggering Natural Gas Act certificate jurisdiction.

It is conceivable that the Natural Gas Act could be interpreted to extend Federal jurisdiction to an LDC's or a pipeline's VNG activities. For example, suppose that an LDC with a section 1(c) Hinshaw exemption operated or supplied a VNG retail outlet which sold VNG to a vehicle which then drove across the State line. It could be argued that the LDC was no longer entitled to its Hinshaw exemption because the VNG that it sold or transported was not "ultimately consumed" within the same State in which the LDC received the gas.

Another example might involve an LDC with a multi-State service territory which was exempt from Federal certificate jurisdiction under Natural Gas Act section 7(f). Suppose that this LDC sold VNG to a retail outlet which then resold the fuel to motorists. It could be argued that this wholesale transaction was subject to Natural Gas Act jurisdiction.

While these examples might seem farfetched, it is far better to remove the ambiguity by means of this legislation rather than permit these issues to remain unresolved. The uncertainty might deter LDC's from entering the VNG business. The legal ambiguity might offer a means for the advocates of competing alternate fuels to challenge LDCs' efforts to enter the VNG business. There is no legitimate Federal interest to be protected by the FERC exercising its Natural Gas Act jurisdiction to regulate the local distribution of VNG. In fact, in declaratory orders the FERC has disclaimed jurisdiction over VNG sales by LDC's.

This legislation removes these legal ambiguities in the following way. First, it clarifies that the section 1(c) Hinshaw exemption is fully available no matter where a motor vehicle may go after filling up with VNG. The statutory assumption is that the VNG is "ultimately consumed" at the pump. Second, it clarifies that multi-State LDC's exempt from Natural Gas Act certificate jurisdiction under section 7(f) would not trigger sale for resale jurisdiction on account of sales to VNG retail outlets. Third, the legislation clarifies that the section 7(f) exemption from Natural Gas Act certificate jurisdiction remains intact even if VNG is consumed outside the service area on account of where a motor vehicle drives after filling up with VNG.

Another issue addressed by this legislation involves the Commission's interpretation of "subject to regulation by a State commission" requirement that is part of the Hinshaw exemption under Natural Gas Act section 1(c). The FERC has interpreted this statutory requirement to mean that a State's regulation of a pipeline or LDC must be at least as expansive as Federal regulation under the Natural Gas Act. In other words, under the FERC's interpretation of section 1(c), the State must at a minimum regulate the rates, services, and facilities for the sale for resale and transportation of natural gas.

Consequently, in a case where a State by law or regulation decontrols the sale for resale or transportation of VNG, the FERC might find that this had created a regulatory gap and that, as a result, the "subject to regulation by a State commission" requirement of section 1(c) would not be satisfied. If this were to occur, the LDC or pipeline would lose its Hinshaw exemption from Natural Gas Act jurisdiction and the FERC would likely close that gap by asserting jurisdiction over the LDC's or pipeline's rates, services, and facilities used for the sale for resale or transportation of natural gas in interstate commerce.

This result would run contrary to the very purposes of the Vehicular Natural Gas Jurisdiction Act. The appropriate response is for the Congress to say that in this instance a very limited regulatory gap is allowable and should not result in the forfeiture of the Hinshaw exemption. The bill accomplishes this result by providing that the "subject to regulation by a State commission" requirement can be satisfied if a State commission—within the meaning of the Natural Gas Act—certifies to the FERC that it has regulatory jurisdiction over the rates, services, and facilities of a person and is exercising such jurisdiction. The bill provides further that such certification by a State commission shall constitute conclusive evidence of regulatory power or jurisdiction even in cases where such State commission does not have jurisdiction by reason of State law, or is not exercising jurisdiction, over the sale for resale or transportation of VNG.

This provision is intended to address the narrow circumstance of pipelines and LDC's who currently satisfy the statutory criteria of Natural Gas Act section 1(c), or who might satisfy such criteria in the future, but who might lose such exemption if they engage in certain sales or transportation of VNG in a State where such activities have been decontrolled by State law or by regulation. The purpose simply is to qualify the existing statutory criteria for the Hinshaw exemption. The purpose is not to create alternative criteria for the section 1(c) exemption from Natural Gas Act jurisdiction.

The bill also addresses the possible jurisdictional consequences that State decontrol of the sale for resale or transportation of VNG might have for LDC's with service area determinations under Natural Gas Act section 7(f). Under section 7(f), LDC's with multi-State service territories that have received service area determinations from the FERC may transport natural gas across State lines for delivery to ultimate consumers without triggering Natural Gas Act certificate jurisdiction. Section 7(f) stipulates that such transportation "shall be subject to the exclusive jurisdiction of the State commission in the State in which the gas is consumed."

The bill addresses concerns over the jurisdictional consequences of State decontrol for LDC's with section 7(f) service area determinations by stating that in that case of a sale for resale or transportation of VNG by a holder of a service area determination, such sale for resale or transportation shall be deemed to be subject to the exclusive jurisdiction of the State commission of the State in which such sale for resale or transportation occurs "whether or not the sale for resale or transportation of VNG is subject to the jurisdiction of a State commission under State law." Once again, the Congress would be saying that a very limited regulatory gap is allowable and should not result in the forfeiture of an exemption from Federal jurisdiction which the Congress expressly provided for in the Natural Gas Act.

The scope of this legislation is limited to entities that currently are exempt from Federal jurisdiction under the express terms of the Natural Gas Act, namely pipelines and LDC's with Hinshaw exemptions under section 1(c) and LDC's with service area determinations under section 7(f). The purpose of this legislation is to ensure that such exemptions are not forfeited as a consequence of activities involving the sale and transportation of natural gas for ultimate consumption as automotive fuel.

I wish to emphasize that this legislation does not create any loophole in Federal regulation of the natural gas industry under the Natural Gas Act. An interstate pipeline's transportation or sale for resale of natural gas for ultimate consumption as vehicular fuel will remain subject to Natural Gas Act jurisdiction.

I also wish to emphasize that this legislation would not confer any advantage on VNG over other alternate fuels. Rather, it removes a potential obstacle to VNG competing on an equal footing with other alternate fuels. In the marketplace, the fortunes of VNG will rise or fall depending on its relative merits as an automotive fuel and the efforts of those marketing the fuel.

An earlier version of this bill, S. 3085, the Vehicular Natural Gas Jurisdiction Act of 1990, was introduced late in the 101st Congress. S. 3085 was referred to the Committee on Energy and Natural Resources, was the subject of a hearing before the Subcommittee on Energy Regulation and Conservation, and was reported by the committee. The House of Representatives passed a companion bill, H.R. 5707.

It is my intention that the Vehicular Natural Gas Jurisdiction Act of 1991 incorporate the legislative history of its predecessor, S. 3085, and in particular those portions of the committee report on S. 3085—S. Rept. 101-552—in which the Energy Committee expressed its understanding and expectation regarding how the Federal Energy Regulatory Commission would exercise its jurisdiction over VNG activities that might be undertaken by K/N Energy, Inc.

Mr. President, I ask unanimous consent that the text of the Vehicular Natural Gas Jurisdiction Act of 1991 and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Vehicular Natural Gas Jurisdiction Act of 1991".

SEC. 2. FINDINGS.

The Congress recognizes that—

(a) natural gas is a viable motor vehicle fuel;

(b) markets for natural gas as a vehicular fuel should be open and robust;

(c) institutional barriers to an equal opportunity for full market development of natural gas as a vehicular fuel should be minimized; and

(d) regulation under certain provisions of the Natural Gas Act is a potential restraint on full market development of natural gas as a vehicular fuel.

Therefore, it is in the national interest to insure an equal opportunity for natural gas to develop as a vehicular fuel and to remove aspects of Natural Gas Act regulation that may inhibit the development of natural gas in vehicle fuel markets.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(a) the term "VNG" means natural gas for ultimate use as a fuel in a motor vehicle, and includes compressed natural gas.

(b) the term "Motor Vehicle" includes any automobile, truck, bus, van, or other on-road or off-road motor vehicle, including a boat.

SEC. 4. PERSONS WITH HINSHAW EXEMPTIONS.

(a) PLACE OF ULTIMATE CONSUMPTION.—For purposes of section 1(c) of the Natural Gas Act, in the case of any sale of VNG, such VNG shall be deemed to be "ultimately consumed" within the State in which physical delivery of such VNG occurs, whether or not physical combustion of such VNG occurs in another State.

(b) STATE REGULATION.—For purposes of section 1(c) of the Natural Gas Act, a certification from a State commission to the Federal Energy Regulatory Commission that such State commission has regulatory jurisdiction over the rates, services and facilities of a person (who receives natural gas from another person within or at the boundary of a State all of which natural gas so received is ultimately consumed within such State) and is exercising such jurisdiction shall constitute conclusive evidence of such regulatory power or jurisdiction even in cases where such State commission does not have jurisdiction by reason of state law, or is not exercising jurisdiction, over the sale for resale or transportation of VNG.

SEC. 5. PERSONS WITH SERVICE AREA DETERMINATIONS.

For purposes of the Natural Gas Act—

(a) SALES FOR RESALE.—In the case of a sale for resale of VNG by the holder of a service area determination under section 7(f) of the Natural Gas Act, such sale for resale shall be subject to the exclusive jurisdiction of the state commission in the state in which physical delivery of such VNG occurs, whether or not physical combustion of such VNG occurs in another state.

(b) TRANSPORTATION.—In the case of transportation of VNG by the holder of a service area determination under section 7(f) of the Natural Gas Act, such VNG shall for purposes of section 7(f)(2) of the Natural Gas Act be deemed to be "consumed" within the state in which physical delivery of such VNG occurs in another state.

(c) STATE REGULATION.—In the case of a sale for resale of VNG, or the transportation of VNG, by a holder of a service area determination under section 7(f) of the Natural Gas Act, such sale for resale or transportation shall be deemed to be subject to the exclusive jurisdiction of the State commission of the State in which such sale for resale or transportation occurs whether or not the sale for resale or transportation of VNG is subject to the jurisdiction of a State commission under State law.

SECTION-BY-SECTION ANALYSIS OF THE VEHICULAR NATURAL GAS JURISDICTION ACT OF 1991

Section 1: Short Title—The short title is the Vehicular Natural Gas Jurisdiction Act of 1991.

Section 2: Findings—It is in the national interest to ensure an equal opportunity for natural gas to develop as a vehicle fuel and to remove aspects of Natural Gas Act regulation that may inhibit natural gas in vehicle fuel markets.

Section 3: Definitions—The terms "VNG" and "Motor Vehicle" are defined. "VNG" (for Vehicular Natural Gas) is used instead of "CNG" (for Compressed Natural Gas), because there are processes that could permit the use of uncompressed natural gas as vehicle fuel.

Section 4: Persons With Hinshaw Exemptions—This section addresses the possible claim that the sale or transportation of VNG might cause a local distribution company (LDC) or pipeline to fail to satisfy the requirements of Natural Gas Act section 1(c), the "Hinshaw" exemption.

Subsection (a): Place of Ultimate Consumption—This subsection addresses the question of whether, for purposes of Natural Gas Act section 1(c), VNG is "ultimately consumed" in the state where it is delivered. Subsection (a) makes the statutory assumption that VNG is "ultimately consumed" within the state in which physical delivery occurs even where the physical combustion of the gas occurs in another state.

Subsection (b): State Regulation—This subsection addresses the circumstance where state decontrol of the wholesale sale or transportation of VNG puts in question whether, for purposes of Natural Gas Act section 1(c), a pipeline's or an LDC's rates, services and facilities are "subject to regulation by a State commission." Subsection (b) states that certification by a State commission to the Federal Energy Regulatory Commission that it has regulatory jurisdiction over the rates, services and facilities of a pipeline or an LDC shall be conclusive even where the State commission lacks jurisdiction over the wholesale sale or transportation of VNG.

Section 5: Persons With Service Area Determinations—This section addresses LDCs that have multistate operations because they are located along state borders. Such LDCs have service area determinations under Natural Gas Act section 7(f) pursuant to which they may transport natural gas across state lines for delivery to ultimate consumers without triggering Natural Gas Act certificate jurisdiction.

Subsection (a): Sales for Resale—This subsection states that Natural Gas Act section 1(b) wholesale sale jurisdiction shall not attach to wholesale sales of VNG made by LDCs with service area determinations under section 7(f), regardless of where physical combustion of the VNG occurs.

Subsection (b): Transportation—Natural Gas Act section 7(f) stipulates that in order for transportation provided by an LDC with a service area determination to be exempt from Natural Gas Act certificate jurisdiction, the transportation must be "to ultimate consumers in such service area." Subsection (b) deems VNG to be consumed in the state in which physical delivery occurs, whether or not physical combustion of the VNG occurs in that state.

Subsection (c): State Regulation—This subsection addresses the circumstance where state decontrol of the wholesale sale or transportation of VNG puts in question whether, for purposes of Natural Gas Act section 7(f), such activities are "subject to the exclusive jurisdiction of the State commission in the State in which the gas is consumed." Subsection (c) makes the statutory assumption that such jurisdiction exists.●

● Mr. BINGAMAN. Mr. President, I am pleased to join with Senator JOHNSTON in sponsorship of the Vehicular Natural Gas Jurisdiction Act of 1991, legislation that will promote the development of natural gas as an automotive fuel.

Natural gas has great promise as an automotive fuel. Natural gas is our cleanest fossil fuel. Natural gas is readily available at reasonable prices. Over 90 percent of the natural gas consumed in the United States is produced here at home, with most of the balance coming from our neighbor, Canada. As an automotive fuel, natural gas can help to clean up our air and can reduce our dependence on imported oil.

The Alternate Fuels Fleet Program that is part of the recently enacted Clean Air Act Amendments of 1990 will help to create the market for vehicular natural gas—for VNG as it is called in the legislation we are introducing today. I am hopeful that the natural energy strategy that the administration is developing will go even further in promoting alternate fuels such as VNG. Today's legislation represents a modest, but important, step in that direction.

An important part of the development of natural gas as an automotive fuel will be establishing the infrastructure for the distribution of VNG to central fleet refueling facilities, to retail outlets, and ultimately to motorists. Local distribution companies—commonly referred to as LDC's—engaged in the retail sale of natural gas to homes, businesses, and industries are logical outlets for the sale of VNG. Existing suppliers of natural gas should be encouraged to enter the VNG business. The States already have taken steps in this direction. Some States have decontrolled the sale of VNG; others have approved special tariffs for LDC's VNG activities.

At the Federal level we need to ensure that Federal natural gas regulation does not create any unintended obstacles to VNG development. That is the purpose of the Vehicular Natural Gas Jurisdiction Act of 1991. The bill resolves certain statutory ambiguities over whether LDCs' VNG activities might subject them to Federal jurisdiction under the Natural Gas Act. Specifically, the bill is directed at entities that currently are exempt from Federal natural gas regulation, principally LDC's whose activities are covered under section 1(c) and 7(f) of the Natural Gas Act, and provides assurances that these entities will not unwittingly become subject to Federal regulation when they undertake VNG activities.

In the 101st Congress, I cosponsored an earlier version of this bill, S. 3085, the Natural Gas Jurisdiction Act of 1990. That bill was reported unanimously by the Senate Commission on Energy and Natural Resources. A companion bill was passed by the House of Representatives. Unfortunately, in the rush of preadjournment activity, we were unable to get the bill through the Senate. In the 102d Congress, I look forward to speedy committee consideration and final passage of the Vehicular Natural Gas Jurisdiction Act of 1991.

Mr. President, I congratulate the senior Senator from Louisiana on the reintroduction of the Vehicular Natural Gas Jurisdiction Act of 1991 and urge my colleagues to join in sponsorship of this measure.●

By Mr. WALLOP (for himself and Mr. KOHL):

S. 403. A bill to clarify the intent of Congress with respect to establishment and collection of certain fees and charges; to the Committee on Commerce, Science, and Transportation.

COAST GUARD USER FEES

● Mr. WALLOP. Mr. President, imagine yourself, not presiding over the Senate, but out in Wyoming quietly paddling a canoe on the Green River Lakes. You are enthralled to be on the headwaters of the Green River, which runs south to become the Colorado River.

Above you looms Gannett Peak—the tallest mountain in Wyoming. But your idyllic moment is disturbed as suddenly from the rushes emerges a huge Coast Guard cutter. The captain blows his horn, orders you to pull your canoe over to the river's edge and you are immediately told that absent a Coast Guard registration sticker you will be issued a citation.

This scenario may sound a bit ridiculous, but it is not as ridiculous as the target of this story, the new Coast Guard user fees. Today I am introducing with Senator KOHL of Wisconsin legislation to clarify that the Coast Guard user fees shall not apply to manpowered vessels such as canoes and kayaks.

User fees of $25 and above were included in the Budget Reconciliation Act and targeted at recreational vessels over 16 feet which operate in navigable waters where the Coast Guard has a presence. Due to the vague wording of the statute, however, these fees could be applied to canoes, kayaks, and other manpowered vessels, regardless of whether or not they are operated in a State with a Coast Guard presence. Wyoming is a perfect example.

If we fail to provide an exemption from these user fees, recreational groups shouldn't be suprised to see the Coast Guard turn up anywhere—even in Wyoming. We have no Coast Guard now, but lots of canoers, kayakers, and river outfitters. My bill will remove the possibility of overly broad interpretation by providing an exemption from the fee for all manpowered watercraft, including those over 16 feet in length or navigating in waters where the Coast Guard operates.

Although the Coast Guard is currently in the process of drafting regulations to comply with the user fee provision, I am not encouraged that an exemption will be given to manpowered vessels. I have urged both the Coast Guard Commandant and Transportation Secretary Skinner to include an exemption in the proposed rulemaking, but neither of them have been forthcoming about any decision in that regard.

This is one of those instances which requires the exercise of common sense by the bureaucracy. Sometimes they need prodding, which is why I am introducing this legislation to exempt manpowered vessels.

By now many of you may have heard from a number of canoe liveries, outfitters, and retailers concerned about the impact that this provision could have on their businesses. If forced to register and pay annual fees on all vessels in the paddleboats industry, a number of these groups could be forced out of business. For individual canoers and kayakers, the $25 fee is disproportionate to one's investment, particularly if the craft is purchased at a neighborhood garage sale.

These registration/user fees for canoes and kayaks also make little sense when they are rarely if ever provided services by the Coast Guard. There is simply no justification for such drastic action.

As it now stands, only the District of Columbia and seven other States register canoes. Clearly in its attempt to calculate the $165 million in revenues this provision was intended to raise, the Commerce and Budget Committees could not have used those canoes and kayaks in their budget estimate. I am confident that the members of the Commerce Committee would back up that statement and agree with me that this legislation is revenue neutral.

I cannot think of anything more in the public interest than recreation. Americans love the outdoors. There is nothing more pleasant and relaxing than taking a canoe or kayak to a remote stream or river in rural parts of the country and exploring unchartered waters. Maintaining these quiet, leisurely journeys for all Americans is indicative of our devotion to the protection of our natural resources and the continuation of a public-private partnership in recreational interests.

As a member of the Presidents' Commission on Americans Outdoors, I witnessed firsthand Americans' willingness to see that outdoor opportunities are available to them and their children and grandchildren. Let us not allow those opportunities to slip away for failure to enact legislation to exempt manpowered, recreational vessels from Coast Guard user fees.

I would ask that a recent article in the magazine American Canoeist published by the American Canoe Association be included at the conclusion of my remarks.

I would also ask that the text of my bill as well as a statement by Senator KOHL be inserted in the RECORD immediately after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION.

Nothing contained in section 2110 of title 46, United States Code, shall be construed as authorizing the establishment or collection of a fee or charge in connection with any vessel which is propelled only by manpower, such as canoes and kayaks.

NATIONAL BOAT TAX BECOMES LAW—ACA MAPS BATTLE PLANS

It may be called a "user fee," but the legislation which slipped through Congress last year in 11th hour mass confusion surrounding the federal budget is, plain and simple, a tax. It is officially called the Navigable Waters User Tax, and in its present form it apparently will cost a significant number of canoeists and kayakers at least $25.00 per boat once enforcement is effected.

Initially canoeists and kayakers and other boaters using officially declared navigable waters . . . and that covers a great deal of territory including all coastal areas, the Great Lakes, all major river systems and waters such as the BWCA on international boundaries . . . will feel the brunt of the new tax. As if that weren't enough, observers predict that, if allowed to stand, the law will quickly be expanded to cover all boats over 16 feet in length regardless of place of use.

The legislation smacks of the problems of ill-conceived state licensing efforts in recent years. In reading correspondence from lawmakers and others involved in an "official" capacity, it becomes apparent that the framers of the legislation were thinking in terms of power boats. They may have heard of canoes and kayaks, but if any thought was given to these craft (a supposition which seems unlikely), it was distorted thought.

What it all means is that each of your canoes and kayaks (including one we bought for $35.00 at a garage sale last summer) will be taxed at a minimum of $25.00 each year. On a $35.00 boat, that's a pretty hefty percentage. Compare it with the fact that the owner of a 15-foot runabout costing say $15,000 will pay no tax, and you (we) have problems. Add the fact that the law mandates that all revenue raised will go directly to the general fund—not to any agency providing services to the boater—and our problems are compounded.

As mandated, the "user fee" tax will be assessed each year by length of boat. Craft 16 to 19 feet will pay $25; boats 20 to 26 feet, $35; $50 for boats 27 to 39 feet; and $100 for any craft over 40 feet. The penalty for failure to pay is a fine up to $5,000.

The situation, in short, is untenable.

The American Canoe Association has initiated a four-step plan to fight the tax. The steps: 1) Working directly with the Coast Guard (the agency charged with setting up the collection and enforcement procedures) to exempt canoes and kayaks as a part of the regulations; 2) Failing carrying the day in the formative stages of the regulations, moving to have our craft exempted during the public comment stage of the regulatory process; 3) Working directly with the appropriate congressional committees during their review procedures; 4) As a last resort, dealing directly with individual senators and representatives to convince them to introduce and pass legislation to repeal that portion of the law applicable to canoes and kayaks.

You will note that each step becomes progressively more difficult. It will be easier to prevail at step one than it will at step three. Step four will be the most difficult. If we are to succeed at any stage, we will need to act both as individuals and as a body.

UNEXPECTED ALLIES

If there is any comfort in what former ACA National Coastal Kayaking Chairman Chuck Sutherland calls "a disastrous and extraordinarily punitive" action, it is that the passage of the law has drawn loud outcries from a number of fronts.

By far the largest (and here numbers count) is Boat/US, the Boat Owners Association of the United States. The association represents some 400,000 power boat owners across the country; and, although admittedly for different reasons, they are as upset as canoeists. This is clearly a case where power boaters and paddlers can work together.

Closer to home and also upset (for obvious reasons) are members of the National Association of Canoe Liveries and Outfitters (NACLO).

Boat/US has pledged any action necessary (presumably including court action) to blunt the taxation measure. All three organizations, along with any others affected—rowing as an example—should be prepared to work together on the issue. If all else fails and courts stand as a last resort, then the ACA must be prepared to participate in whatever way possible. We cannot afford to simply stand by and watch.

WHAT YOU CAN DO NOW

Our best immediate chance lies with the Coast Guard as they supply the missing language to implement the legislation. Write them at the following address:

Commandant G-NAB, Navigable Waters User Tax Section, United States Coast Guard, 2100 Second St., SW, Washington, D.C. 20593.

Even a postcard will do, but point out that the legislation was never intended to cover canoes and kayaks. Briefly explain that obviously boat length is, in this case, an attempt to determine dollar value and what applies to power boats does not apply to canoes and kayaks. Ask that paddlecraft be exempted.

At the same time write to your U.S. representatives and senators. Be positive and express your concerns with cool logic. And in the process begin the long and often overlooked road to educating our lawmakers on what canoes and kayaks—and the people who paddle them—are all about.

And please, send copies of all letters to the ACA Tax Committee, P.O. Box 1190, Newington, VA 22122. They will be used later to enforce our points.●

● Mr. KOHL. Mr. President, today I rise to cosponsor Senator WALLOP's bill to make vessels which are fully propelled by manpower exempt from the Coast Guard user fees contained in section 2110 of title 46 of the United States Code. Mr. President, I believe the enactment of these user fees went too far in scope when it included low cost, fully manpowered vessels, such as canoes and kayaks, in the legislation. I believe Congress now has the opportunity to correct that error and make these relatively low-cost vessels exempt from high cost user fees.

This bill would also help alleviate the onerous burden placed on businesses operating a number of these types of vessels. Many of these small businesses may be forced into bankruptcy if required to comply with the unfair user fee. It is clearly in the best interests of the public to preserve the recreational benefits and sporting pleasure of vessels propelled by manpower, such as canoes and kayaks.

I commend Senator WALLOP for taking the initiative on this bill, and I urge the Senate to consider and pass it as soon as possible.●

By Mr. SEYMOUR (for himself and Mr. CRANSTON):

S. 404. A bill to authorize the Secretary of the Interior to enter into contracts pursuant to the Warren Act (Act of February 21, 1911, 36 Stat. 925, 43 U.S.C. 523 et seq.) for domestic, municipal, fish and wildlife, and other beneficial purposes, and for other purposes; to the Committee on Energy and Natural Resources.

CALIFORNIA DROUGHT RELIEF LEGISLATION

Mr. SEYMOUR. Mr. President, I rise today to introduce legislation that is a first step to ameliorate the California drought.

My State is suffering its fifth year of drought. In fact, some parts in California have felt drought conditions for 7 years. This year, the drought has denied the State 75 percent of its average rainfall. Many of my State's major reservoirs are bone dry. In fact, Folsom Reservoir, which was at 34 percent of capacity last year, is now at 15 percent of capacity.

The attendant effects on my State are enormous. California's $18 billion agricultural economy is now scrambling to find water to prevent its orchards and vines from dying outright. In the urban and suburban areas, residents are rationing their water use severely.

I expect to be heard from again on this issue. I plan to introduce several bills that will ease the effects of this drought. But I rise today to announce two steps. Mr. President, I rise today to introduce legislation that will amend the 1911 Warren Act to extend facilities operated by the Bureau of Reclamation to other uses such as for domestic, municipal, and fish and wildlife purposes. This will correct an anomaly of Federal law which currently prohibits Bureau of Reclamation facilities from being utilized except for specified contract and agricultural purposes.

In my State, this will promote the more efficient use of Federal facilities. It will share Federal Bureau of Reclamation facilities with municipalities, which are heavily impacted by the drought. The irrigation system of California has been described as a network of capillaries, arteries, and veins. Mr. President, let me extend the analogy and say that the patient suffers from dehydration and poor circulation. My bill would begin the process of helping its circulation. Mr. President, if it would have an effect on the drought, I would author legislation mandating rain. But this body can enact legislation that will improve the circulation of the State's existing water.

Mr. President, the Federal water system in California is a resource that we're not using to the fullest to help us deal with this drought. To give you just two examples, the city of Santa Barbara can't use excess storage capacity in the Cachuma Reservoir, and Santa Clara County can't move water through the San Felipe Canal.

There are over 30 Federal reservoirs and 5,000 miles of canals in California that we could be using right now to help us cope with the water shortages caused by the drought. We can open these desperately needed facilities now, without costing taxpayers a dime and without taking water away from others. And we can do it by passing this bill.

Unfortunately my bill does not alleviate the effects of the drought in every county in California. But it is a start.

My bill, which has been originally cosponsored by my distinguished senior colleague, Senator ALAN CRANSTON, applies only to California. Reclamation law is a highly complex tapestry of statutes and regulation. My bill does not affect the Warren Act's prohibition in other States.

My bill will be an environmental plus as well as save taxpayers' dollars. In fact, the Federal Government will gain unanticipated revenue based on the increased use of its facilities, as the Warren Act requires that contractors for surplus capacity pay an appropriate share of the cost of the facilities they use as well as any operating costs. In addition, my bill will avoid the costly duplication in the construction of water projects. Mr. President, this amendment will simply permit the better utilization of water and environmental management of this precious lifeblood resource through the more efficient use of water facilities.

Today, I have also requested the President to convene a Federal interagency response team to ensure effective drought management. Governor Wilson has already established a California drought action team. It is important that all affected departments, at the State and Federal levels alike, put their collective shoulders to the wheel, and work to limit the effects of this devastating drought and its myriad complications.

By Mr. MITCHELL (for himself, Mr. COHEN, Mr. SANFORD, Mr. HEINZ, Mr. PRYOR, Mr. DANFORTH, Mr. HOLLINGS, Mr. RUDMAN, Mr. KOHL, Mr. HELMS, Mr. BUMPERS, Mr. KASTEN, Mr. HEFLIN, Mr. THURMOND, and Mr. SHELBY):

S. 405. A bill to amend the Harmonized Tariff Schedule of the United States to exclude certain footwear assembled in beneficiary countries from duty-free treatment; to the Committee on Finance.

TARIFF TREATMENT OF CERTAIN FOOTWEAR

Mr. MITCHELL. Mr. President, I am introducing legislation today with Senator COHEN and 12 other Senators that would correct a provision in the Caribbean Basin Economic Recovery Act that was enacted into law last year.

Under section 222 of that legislation, footwear and leather products imported from CBI nations now enjoy duty-free status if assembled from U.S. components or materials. The effect of this provision may well be the final destruction of our domestic footwear manufacturing industry, an industry which has been severely undermined by increased imports in the last decade.

The inclusion of footwear in section 222, while textile, apparel, and petroleum products were exempted, is in my view clearly contrary to the expressed intent of Congress to protect footwear from the benefits provided in CBI legislation. The original CBI initiative enacted in 1983 exempted footwear and other import sensitive products from duty-free treatment accorded products from Caribbean Basin nations. When new CBI legislation was considered last year, both the House and Senate went on record in support of protecting the domestic footwear industry from the benefits otherwise accorded imports from CBI nations. The Senate evidenced its intent when it overwhelmingly defeated a floor amendment that would have reduced CBI footwear imports by 50 percent.

Unfortunately, this intent did not survive conference committee action because a provision was included in section 222 that permits duty-free imports of footwear imported from CBI nations which are produced from component parts made in the United States. While textile, apparel, and petroleum products were exempted from these provisions, footwear was included. This is an expansion on current law treatment under 807 which provides for duty-free treatment only on the value-added portion of the product. To make matters worse, the conference committee further liberalized these rules by adopting language offered on the Senate floor intended to apply to computers which permits products to qualify for duty-free treatment if processed from U.S. materials, whether or not there is any assembly production in this country.

The objective of section 222 is supposed to be to increase employment in CBI nations in manufacturing facilities that make use of American made component parts that will provide jobs in U.S. supplier industries. But if that is the case, the Kerry amendment language is counterproductive because manufacturing of the component parts will be permitted to occur in CBI nations. American workers who cut leather products and footwear components in supplier industries will lose out to workers in CBI nations. More importantly, whatever effect this legislation has on suppliers in the United States it is quite clear that domestic footwear manufacturing jobs will be lost as these companies move their operations to the Caribbean to take advantage of the lower duties.

The legislation we are introducing today would correct this situation by adding footwear and leather-related products to the list of products now exempted from the duty-free provisions of section 222. I ask unanimous consent that a copy of this legislation be included in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF FOOTWEAR AND LEATHER RELATED PRODUCTS.

(a) IN GENERAL.—Paragraph (b) of U.S. Note 2 of subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting "footwear, leather related products," in the parenthetical after "apparel article,".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 222 of the Customs and Trade Act of 1990.

Mr. COHEN. Mr. President, I am pleased to introduce this legislation with my good friend and colleague from Maine, Senator MITCHELL and others. This bill is remedial insofar as it merely seeks to correct what I believe the Senate had already intended when it considered the Caribbean Basin Economic Recovery Expansion Act of 1990 last year. This legislation restores footwear to the list of products exempt from section 222 of the CBERA which provides for duty-free treatment of products assembled in the Caribbean from U.S. components.

Under the Senate-passed version of the CBERA, section 222 included footwear in the list of exempt products, along with textiles and apparel. Unfortunately, this provision was lost in conference. Amending section 222 to include footwear in its list of exemptions would be consistent with the Senate's rejection of an amendment to the CBERA which would have reduced tariffs for shoes imported from the Caribbean by 50 percent. The Senate made clear by that vote that its desire to extend certain preferential treatment to Caribbean-made imports did not extend to import-sensitive footwear products.

The CBERA was enacted in 1983 to provide incentives for expanding the economies of the Caribbean countries through a system of duty-free preferences. With good reason, however, these preferences did not apply to many import-sensitive commodities, including certain footwear. The rationale in 1983 was that the footwear industry in the United States has been decimated over the past 20 years by import penetration and that to sacrifice what was left on the rubber footwear industry in the name of foreign assistance would be irresponsible. The facts supporting that rationale are all the more true today. In 1989, 74 percent of the rubber footwear sold in the United States were imported. The effect on my State has been tremendous. Since 1980, over 7,000 Maine footwear workers have lost their jobs and over 30 plants have shut their door.

Restoring footwear to the list of important-sensitive products is critical. I urge my colleagues to support this legislation which merely restores the status quo of the CBERA with respect to footwear.

Mr. SANFORD. Mr. President, I rise in strong support of the bill introduced today by my colleagues from Maine, Senators MITCHELL and COHEN. I am an original cosponsor of this bill and hope we will be able to take swift action on it.

This bill may seem like a small provision in the overall scheme of our trade policy, but it looms large for companies like Converse, Inc., with its major plant in Lumberton, NC.

The bill corrects what I believe to be an error in policy established in the Caribbean Basin Economic Recovery Expansion Act of 1990. During debate on that bill, much discussion took place regarding an amendment offered by my colleague from Oregon, Mr. PACKWOOD, to reduce by 50 percent the tariff on footwear imported from CBI countries. Based in part on the huge share of our footwear market that is already held by imports and by concern for the impact of that amendment on footwear workers in this country, the Senate wisely voted 68 to 32 to reject the Packwood amendment.

However, in conference, provisons relating to the importation of footwear were changed to do something which may be even more detrimental to the domestic footwear industry than the Packwood amendment, had it passed. The conference committee agreed to permit the importation of footwear duty free if made from U.S. components. This provision will, even more than a tariff reduction, have the direct result of driving footwear manufacturers out of the United States, with a tremendous loss of jobs here.

We should not let this happen. The provision is contrary to the intent of the Congress, which defeated a tariff reduction amendment, and will have tremendous negative ramifications on workers in this country. The CBI bill exempted textiles, apparel and petroleum products from the provision affecting goods made with U.S. components. All we ask is that footwear be added to that list of exempted items.

This is a very important bill and I urge my colleagues to support it.

By Mr. THURMOND:

S. 406. A bill to extend the temporary suspension of duty on Paramine Acid; to the Committee on Finance.

S. 407. A bill to extend the temporary suspension of duty on Trimethyl Base; to the Committee on Finance.

S. 408. A bill to extend the temporary suspension of duty on Anthraquinone; to the Committee on Finance.

S. 409. A bill to temporarily suspend the duty on dimethyl succincyl succinate; to the Committee on Finance.

S. 410. A bill to temporarily suspend the duty on Resolin Red F3BS components I and II; to the Committee on Finance.

S. 411. A bill to temporarily suspend the duty on pentachlorothiophenol; to the Committee on Finance.

S. 412. A bill to temporarily suspend the duty on certain chemicals; to the Committee on Finance.

DUTY TREATMENT OF CERTAIN MANUFACTURING CHEMICALS

Mr. THURMOND. Mr. President, I rise today to introduce seven bills which will suspend the duties imposed on certain chemicals used in coloring textile products, paints, inks, and plastic components as well as other industrial uses. Currently, these chemicals are imported for use in the United States because there is no domestic supplier or readily available substitute. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

The first bill would temporarily extend the duty suspension on 1,4-Diaminobenzene-2-sulfonic acid (paramine acid), which is a chemical used in the manufacturing of a bright greenish-yellow dye for paper. This dye is unique in the field of paper dyeing and cannot be replaced with other competing chemical dyes.

The second bill would temporarily extend the duty suspension on 2,3-Dihydro-1,3,3-trimethyl-2-methylene-1H-indole (trimethyl base) which is used in making dyes for coloring acrylic fibers. These dyes are very important to the domestic textile industry and to major fiber producers in the United States.

The third bill would temporarily extend the duty on 9,10-Anthracenedione (anthraquinone) which is used as a pulping aid in the manufacture of paper. Use of this chemical permits higher capacity which is critical for the U.S. paper industry, due to the extremely high operating levels over the past several years. Additional benefits of using anthraquinone in producing pulp include high yields which reduces tree consumption, and reduction of the use of other pulping chemicals which reduces the potential air and water emission load.

Mr. President, the three chemicals mentioned previously are currently imported into this country with duty suspensions in effect. These bills seek an extension of the duty-free status these chemicals currently have under Public Law 101-382. The next four bills being introduced are seeking duty suspensions for certain chemicals for the first time.

The fourth bill would temporarily suspend the duty suspension for Dimethyl succinyl succinate [DMSS]. DMSS is combined with other chemicals to create red pigments for paints. These pigments are extremely important to the automotive industry and to their paint suppliers.

The fifth bill would temporarily suspend the duty on N-[2-[(2,6-dicyano-4-methylphenyl)azo]-5-(diethylamino) phenyl]-methanesulfonamide and N-[2-[(2,6-dicyano-4-methylphenyl)azo]-5-(di-l-propylamino)phenyl]methanesulfonamide (resolin red F3BS components I and II). Both of these components are combined and dispersed to form a red dye used in coloring polyester fiber.

The sixth bill would temporarily suspend the duty on Pentachlorothiophenol (pentachlorobenzenethiol) which is used by manufacturers of rubber-based products, such as automobile tires, to break up the natural rubber into small particles in the molding and vulcanizing process.

The seventh and last bill would temporarily suspend the duty on 2-(4-Aminophenyl)-6-methyl-benzothiazole-7-sulfonic acid, which can also be referred to as Dehydrothio-4-toluidine disulfonic acid. This chemical is used in making dyes and pigments for textiles and paints.

Mr. President, suspending the duty on these chemicals will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, these suspensions will allow domestic producers to maintain or improve their ability to compete internationally. There are no known domestic producers of these materials. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of the bills be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARAMINE ACID.

Heading 9902.30.44 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by striking out the date in the effective period column and inserting "12/31/95".

S. 407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRIMETHYL BASE.

Heading 9902.30.89 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by striking out the date in the effective period column and inserting "12/31/95".

S. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANTHRAQUINONE.

Heading 9902.30.17 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by striking out the date in the effective period column and inserting "12/31/95".

S. 409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DIMETHYL SUCCINYL SUCCINATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.11	Dimethyl succinyl succinate (provided for in subheading 2917.19.40)	Free	No change	No change	On or before 12/31/95".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

S. 410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESOLIN RED F3BS COMPONENTS I AND II.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.10	N-[2[2,6-dicyano-4-methylphenyl)azo]-5-(diethylamino)phenyl]-methanesulfonamide and N-[2-[2,6-dicyano-4-methylphenyl)azo]-5-(di-1-propylamino)phenyl]-methanesulfonamide (provided for in subheading 3204.11.20)	Free	No change	No change	On or before 12/31/95".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

S. 411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PENTACHLOROTHIOPHENOL.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.11	Pentachlorothio-phenol (provided for in subheading 2930.90.20)	Free	No change	No change	On or before 12/31/95".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

S. 412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DUTY SUSPENSION.

(a) IN GENERAL.—Each of the following headings in the Harmonized Tariff Schedule of the United States is amended by striking out "12/31/90" and inserting "12/31/95":

(1) Heading 9902.29.34 (relating to 6-Amino-1-naphthol-3-sulfonic acid).

(2) Heading 9902.29.48 (relating to 1-Amino-2-chloro-4-hydroxy-anthraquinone).

(3) Heading 9902.29.78 (relating to 2-(4-Aminophenyl)-6-methyl-benzothiazole-7-sulfonic acid).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

(c) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer not later than 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.29.34, 9902.29.48, or 9902.29.78 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1990, and

(2) before the date that is 15 days after the date of the enactment of this Act.

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

By Mr. KENNEDY (for himself and Mr. SIMON):

S. 413. A bill to authorize supplemental appropriations for fiscal year 1991 for relief, rehabilitation, and reconstruction in Liberia; to the Committee on Foreign Relations.

LIBERIAN RELIEF, REHABILITATION, AND RECONSTRUCTION ACT

• Mr. KENNEDY. Mr. President, in May of last year I introduced a resolution condemning the violence in Liberia and calling on the administration to suspend all military assistance until human rights had improved and to support the efforts of international and private voluntary organizations in meeting the urgent needs of Liberian refugees in neighboring countries.

Today, I am again introducing a bill on the Liberian crisis. For over a year, Liberia has been at war with itself, creating one of the largest refugee flows per capita in the world today.

The war in the Persian Gulf has clearly pushed aside problems in other parts of the world. Nonetheless, I feel we cannot ignore the urgent humanitarian needs of the Liberian people, who have undergone a wrenching civil war. The country is devastated, and famine threatens unless continued food supplies are made available. Clearly much more needs to be done to assist the people of Liberia as they enter into a post-war period.

The United States, as the single largest donor of humanitarian assistance, has given generously but cannot be expected to support the entire relief effort alone. Liberia requires a massive infusion of resources to rehabilitate its decimated economy and restore its stability. Sadly, the crisis there has been largely ignored by the rest of the world. Liberia clearly deserves priority attention by the international as well as the traditional donors.

In order to bring some greater understanding to the crisis in Liberia, and to inform the Congress on what more needs to be done to assist the people of Liberia, with whom we have had such a long, historic association, I asked the Subcommittee on Immigration and Refugee Affairs to report on current developments in Liberia.

I ask that the text of the bill and a summary of their findings and recommendations be printed at this point in the RECORD.

There being no objection, the material was orderd to be printed in the RECORD, as follows:

S. 413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Liberian Relief, Rehabilitation, and Reconstruction Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) as a result of a year-long civil war, a general breakdown of law and order, the displacement of up to one-half of the country's population, the destruction of significant sections of the infrastructure and resulting economic collapse, the people of Liberia are enduring widespread acute pain and suffering;

(2) severe malnutrition and disease are threatening the general population of Liberia; as many as 80 percent of the children residing in the capital city of Monrovia have been seriously malnourished;

(3) agricultural lands have been abandoned, seeds and other means for farmers to plant and harvest crops have been lost, and agricultural markets have been destroyed as a result of violent civil war;

(4) sanitary water supplies for the capital city of Monrovia have been destroyed, the capital's two largest hospitals must be totally refurbished, most of the country's health clinics and many of the country's schools have been destroyed or abandoned;

(5) the fragile economy has been thoroughly debilitated by war; and

(6) because of its long and special relationship with Liberia, it is in the interest of the United States and the international community to respond to the urgent needs of the people of Liberia and to assist in every way possible to promote democratic institutions and the social and economic development of the nation.

SEC. 3. INTERNATIONAL DISASTER ASSISTANCE.

Chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292–2292p) is amended by adding at the end thereof the following new section:

"SEC. 495L. LIBERIAN CIVIL STRIFE ASSISTANCE.

"(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance for civil strife relief, rehabilitation, and general recovery in Liberia. Assistance under this section shall be provided for humanitarian purposes and shall be provided on a grant basis.

"(b) USE OF FUNDS.—In providing the assistance authorized in subsection (a), priority shall be given to funding activities which—

"(1) maximize the use of private voluntary agencies for relief, rehabilitation, and recovery projects;

"(2) emphasize emergency health projects, including efforts to rehabilitate the primary health care system of Liberia;

"(3) contribute to the restoration of schools and the general education system, including efforts to support the teaching of displaced children; and

"(4) contribute to efforts by the international community to respond to Liberian relief and development needs.

"(c) TRANSFERS AND GENERAL AUTHORITIES—(1) In addition to the amounts otherwise available for such purpose, there are authorized to be appropriated to the President $45,000,000 for fiscal year 1991 for use in providing assistance under this section.

"(2) The President is authorized to transfer up to $750,000 of the amount appropriated pursuant to this section to the 'Operating Expenses of the Agency for International Development' account, which amount shall be used for management support activities associated with the planning, monitoring, and supervision of emergency humanitarian assistance for Liberia.

"(3) The President is granted the authority to transfer funds appropriated pursuant to this section to the Development Fund for Africa for use in supporting longer-term rehabilitation activities in Liberia.

"(4) Assistance under this section shall be furnished in accordance with the policies and general authorities contained in section 491.

"(5) Amounts appropriated under this section are authorized to remain available until September 30, 1992.".

SEC. 4. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the Department of State for "Migration and Refugee Assistance" $20,000,000 for fiscal year 1991 for emergency relief, repatriation, and rehabilitation efforts for Liberian refugees who have fled civil strife and, where appropriate, for support of relief programs assisting local populations in the bordering countries of Sierra Leone, Guinea, and Cote d'Ivoire, which have been affected by the influx of Liberian refugees.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under this section are authorized to remain available until September 30, 1992.

SEC. 5. EMERGENCY FOOD ASSISTANCE FOR LIBERIA.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide supplemental emergency food assistance for civilian victims of civil strife in Liberia, including additional emergency food assistance (primarily rice, processed foods, and oils) for the needs of the affected and displaced civilian population of Liberia through title II ("Food for Peace") programs and to provide ocean and inland transport of such food supplies.

(b) USE OF GRANTS.—In providing assistance authorized by this section, the President is authorized to make grants to United States, international, and indigenous private and voluntary organizations as may be necessary to carry out the provisions of this section.

(c) TRANSFERS AND GENERAL AUTHORITIES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts otherwise available for such purpose, there are authorized to be appropriated to the President $27,000,000 for fiscal year 1991 for use in providing assistance under this section.

(2) MANAGEMENT SUPPORT ACTIVITIES.—The President is authorized to transfer up to $500,000 of the amount appropriated pursuant to this section, to the "Operating Expenses of the Agency for International Development" account, which amount shall be used for management support activities associated with the planning, monitoring, and supervision of emergency food assistance for Liberia.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated under this section are authorized to remain available until September 30, 1992.

(d) ADDITIONAL FUNDS FOR HUMANITARIAN ASSISTANCE FOR LIBERIA.—It is the sense of Congress that, in order to provide additional resources for relief, rehabilitation, and reconstruction programs for victims of civil strife in Liberia, not less than $12,000,000 of the local currencies generated and available under provisions of title II of the Agricultural Trade Development and Assistance Act of 1954 (the "Food for Peace" program) during fiscal year 1991 should be made available for disaster assistance purposes authorized by section 495L(b) of the Foreign Assistance Act of 1961, as added by this Act. Such funds should be available for general relief, rehabilitation, and reconstruction purposes and may include the provision or transport of emergency food assistance. Such assistance should be administered by the Agency for International Development.

SEC. 6. GENERAL PROVISIONS.

(a) NONAPPLICABILITY OF PROVISION.—The assistance authorized for Liberia by this Act may be provided without regard to section 518 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167), section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) (the so-called Brooke-Alexander amendment), or any similar provision of the law relating to foreign assistance repayments.

(b) REGULAR ASSISTANCE PROGRAMS TO BE MAINTAINED.—Relief and rehabilitation assistance provided for Liberia under this Act, or any amendment made by this Act, is in addition to the regularly programmed assistance for that country for fiscal year 1991 under chapter 1 of the Foreign Assistance Act of 1961 (relating to development assistance) and titles I, II, and III of the Agricultural Trade Development Assistance Act of 1945 (relating to food assistance).

LIBERIA: RELIEF AND RECONSTRUCTION

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Liberia

Nearly half of Liberia's population are now refugees or displaced persons from their homes and lands. Over 1.2 million have fled from the civil conflict and are in urgent need of assistance. Although the United States has led the way, contributing $127.2 million to date, much more needs to be done—and greater support sought from other international donors (who have contributed only $44.1 million thus far).

By all estimates, an equal amount of emergency relief assistance will be required over the coming year, particularly sustained food shipments. The agricultural sector of Liberia's economy has been totally disrupted by the conflict in the countryside, and with a severe shortage of seeds, an entire crop-cycle will likely be missed, leaving Liberians totally dependent upon outside food support, particularly rice, their staple product. The United States must be prepared to increase P.L. 480 Food for Peace shipments in the coming year.

Although longer-term assistance needs are still to be determined, the Congress should enact legislation, such as "The Liberian Relief, Rehabilitation and Reconstruction Act of 1991" to give more adequate authority, and greater urgency, to U.S. programs of assistance.

The United Nations should appoint a regional coordinator for the Liberian relief effort, who has both the stature as an international diplomat as well as experience in international relief operation. There is an urgent need for greater coordination of international assistance within Liberia as well as in the neighboring countries impacted by tens of thousands of refugees.

To support the return of a democratically elected government in Liberia, the United States must continue to support regional efforts to secure a ceasefire and to implement a plan for the return of civilian control and the preparation for internationally supervised elections. These efforts at political reform cannot be accomplished, however, without economic assistance to rebuild the social and productive infrastructure of war-torn Liberia.

While efforts to restore stability are under way, the U.S. Attorney General should exercise his new authority, under the terms of the Immigration Act of 1990, to grant temporary haven ("temporary protected status") to Liberians now in the United States.

LIBERIA TODAY

The War

Civil war erupted in Liberia on December 24, 1989 when a small group of insurgents led by Charles Taylor crossed the border from the Cote d'Ivoire and seized government installations and villages in Nimba County. Attempts by the Liberian armed forces to oust them were initially successful, but after months of fighting the rebel forces gained control of the rest of the country. The Liberian army conducted an extremely brutal counterinsurgency operation in the area, destroying villages and exterminating members of rival ethnic groups.

The atrocities committed by the Liberian armed forces prompted many villagers to align themselves with the rebels. Among the recruits were orphaned children from Nimba County, who themselves became guerrilla fighters. The rebel forces resorted to bloody retaliation against members of the Krahn tribe as revenge for abuses committed by the later President Samual K. Doe's own people during a coup attempt in 1985 and in the early months of 1990. The insurgency rapidly deteriorated into tirbal warfare. It is estimated that as many as 13,000 people were killed in the fighting.[1]

As the rebel force increased in size, its leadership splintered into two factions: the National Patriotic Front of Liberia (NPFL) headed by Charles Taylor and the Independent National Patriotic Front of Liberia (INPFL) led by Prince Johnson. These forces were opposed by remnants of the Armed Forces of Liberia (AFL).

In early September 1990, President Samuel K. Doe was captured in the port of Liberia and tortured to death by Prince Johnson's men. After his execution, the AFL fought desperately in the streets of Monrovia in an effort to cling to power. They burned and destroyed parts of the city.

A five-nation military force from the Economic Community of West Africa (ECOWAS) comprised of troops from Nigeria, Sierra Leone, The Gambia, and Ghana has been in Liberia since late summer. While purportedly a peacekeeping contingent, soldiers from this force known as the Economic Community Monitoring Group (ECOMOG) have mortared some civilian areas of Monrovia and its suburbs, and bombed the port of Buchanan. They are reputed to have committed other abuses against civilians, such as looting and pillaging.[2] Nonetheless, ECOMOG has played a valuable role in restoring stability to the country through the maintenance of the cease-fire which became effective on November 27, 1990.

Recently an Interim Government of National Unity (IGNU) headed by Amos Sawyer was installed in Monrovia, the capital city. Backed by ECOMOG, the interim government is attempting to impose security and revitalize the economy. Charles Taylor refused to recognize the interim government, but Prince Johnson gave it his strong support.

On January 19, 1991, the two rebel leaders reached a settlement that laid the groundwork for the formation of a government of national unity. However, Johnson has jeopardized the interim government by demanding the resignation of Amos Sawyer. Given the unpredictable nature of both Johnson and Taylor, the future of this accord is very much in doubt.

Refugees

Civil strife in Liberia has resulted in the largest per capita displacement of refugees of any country in the world today. More than 1.28 million persons (out of an estimated population of 2.5 million) have been displaced from their homes; as many as 730,000 fled to other West African countries, while the number of internally displaced persons requiring assistance is estimated at 1.2 million.

Relief efforts were frustrated by the security situation until late December. The atmosphere continues to improve, however, as the ceasefire holds. The increasing numbers of Liberians who have gravitated to Monrovia seeking safety, food and shelter have placed extraordinary strains on existing relief capabilities. The international donors are currently examining ways to deal with the influx of newly arrived Liberians.

Liberians have formed voluntary relief groups in the U.S. and in their native country, which have been very active in humanitarian activities. For example, representatives of the Washington-based Liberian Coalition for Relief, Resettlement and Reconstruction (LICORE) recently completed a visit to Liberia and Sierra Leone to provide medical, dental and social services to refugees. Two additional voluntary relief agencies (Oxfam and Lutheran World Federation) arrived in Liberia on January 11 to assess the situation for future humanitarian assistance.

Nonetheless, relief supplies remain in short supply, and logistical problems are pervasive. It has been next to impossible to supply internally displaced Liberians behind the lines. The rice stockpiles in the capital are seriously depleted, and food shipments are erratic at best. Much more international assistance is needed to provide urgently needed food, shelter, transportation and medical care. A massive support effort will be necessary to restore the economy and to reestablish security.

A unique aspect of the Liberian refugee situation is that there are no refugee camps outside its borders. Many refugees are being helped by the inhabitants of neighboring countries who themselves are living in impoverished conditions. These villagers were the sole source of help for Liberian refugees until relief supplies finally started to arrive months later. Since these foodstuffs are distributed only to the refugees, those who provided help earlier in the hope of being compensated, are now themselves in dire need.

While the problem is equally acute in Sierra Leone and the Cote d'Ivoire, a recent UNDRO appeal to replenish the food supplies of villagers in Guinea has been largely ignored. The international community should provide compensatory food assistance to all three countries.

[NOTE: The Liberian Relief, Rehabilitation and Reconstruction Act was prepared in close consultation with the U.S. Committee for Refugees. The Subcommittee thanks Mr. Hiram Ruiz of the Committee for his dedication to the needs of the Liberian people. This bill will provide for a generous and comprehensive U.S. government response to Liberia's immediate and longer-term relief and recovery needs.]•

By Mr. METZENBAUM:

S. 414. A bill to provide access to check cashing; to the Committee on Banking, Housing, and Urban Affairs.

S. 415. A bill to provide access to basic banking services; to the Committee on Banking, Housing, and Urban Affairs.

GOVERNMENT CHECK CASHING ACT AND THE BASIC BANKING SERVICES ACCESS ACT

• Mr. METZENBAUM. Mr. President, I rise to reintroduce two bills which would provide Government check cashing and basic banking services to the general public.

These proposals are extremely important and very timely.

The Treasury Department's sweeping plans for overhauling the banking system completely ignore the need to provide affordable banking services to low-income and elderly Americans.

In fact, I think much of Treasury's proposals spell disaster for average consumers.

In an effort to shore up the ailing banking industry, Treasury wants to let banks get into even more risky business ventures and let big banks gobble up smaller ones.

Talk about convoluted logic.

The Treasury Department says:

"Let banks sell mutual funds."

"Let them underwrite corporate securities, sell insurance, and open branches nationwide."

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[1] Office of Foreign Disaster Assistance, U.S. Agency for International Development, December 1990.

[2] *News from Africa Watch*, October 26, 1990.

Mr. President, granting banks additional risky powers and encouraging even greater financial concentration in a highly stressed industry is a blueprint for disaster.

If the banking system ruptures, taxpayers will be faced with a bailout that will make the savings and loan crisis look like a picnic.

Even if the system holds together, Treasury's proposals will no doubt result in the closure of many neighborhood banks and further limit the availability of basic banking services for many Americans. Fees for regular banking services and products will go up, not down, and be put out of reach for more Americans.

Mr. President, I am reintroducing my bills on Government check cashing and basic banking today because they absolutely belong in any debate involving banking reform.

For too long, the banks and savings and loans have been playing a stall game on these issues.

Last year, the financial community marshaled its forces to tip the scales against a modest compromise I offered dealing solely with Government check cashing.

Even though we lost that one, albeit by a narrow margin, I believe we are in a good position to pass even stronger measures this year.

The need is definitely there.

Today's financial market offers a wide array of customer services but they've become a luxury many Americans simply can't afford. Large deposit requirements and huge transaction fees have made banking accounts far too expensive for many families. According to GAO, one in five families has no relationship with a bank.

In fact, Mr. President, many low-income and elderly persons cannot even find financial institutions to cash their Social Security and welfare checks. Many of these institutions simply refuse to cash such checks for noncustomers at any price.

According to a survey by the American Association of Retired Persons, 9 out of 10 financial institutions in metropolitan areas refuse to cash Government checks for nonaccount holders.

Many individuals have no choice but to cash Government benefit checks at outlets charging exorbitant fees. It's a disgrace. And the problem could worsen, especially in light of the Treasury Department's push for expanded powers and interstate banking.

Let's listen to the concerns of low-income and elderly Americans who have been driven from the banking system.

Let's increase citizen access to financial institutions. Let's pass basic banking and Government check cashing legislation once and for all.•

By Mr. DANFORTH (for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. MITCHELL, Mr. PACKWOOD, Mr. DURENBERGER, Mr. RIEGLE, Mr. BOREN, Mr. PRYOR, Mr. GRASSLEY, Mr. HEINZ, Mr. MCCAIN, Mr. WALLOP, Mr. CRANSTON, Mr. KERRY, Mr. BINGAMAN, Mr. BURDICK, Mr. LAUTENBERG, Mr. LEVIN, Mr. SANFORD, Mr. KOHL, Mr. BURNS, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. DODD, Mr. LOTT, Mr. COHEN, Mr. ROTH, Mr. SYMMS, Mr. BOND, Mr. LEAHY, Mr. RUDMAN, Mr. SHELBY, Mr. HELMS, Mr. LUGAR, and Mr. DECONCINI):

S. 416. A bill to amend the Internal Revenue Code of 1986 to make permanent the tax credit for increasing research activities; to the Committee on Finance.

RESEARCH AND EXPERIMENTAL TAX CREDIT

• Mr. DANFORTH. Mr. President, I am introducing today S. 416, a bill to make the R&E tax credit—a fundamental element of America's competitiveness strategy—permanent.

The R&E tax credit was originally enacted in 1981 to provide an incentive to increase private spending on research. In fact, when the credit was enacted in 1981, it was a 25 percent credit on the increment of current R&E over the prior three years of spending. Thus, the full value of the credit was considerably less than the 25-percent statutory rate. Nonetheless, in 1986, when the credit was revised to cut back on the types of activities that could be considered eligible for the credit, the rate was reduced to 20 percent. This cut-back represented a 20 percent reduction in the level of incentive extended to companies contributing to this important goal. Moreover, the passage of the 100 percent deduction disallowance—denying taxpayers the ability to deduct, under section 174 their credit benefits—reduced the credit's effective rate of 13.2 percent.

In 1989, however, new legislation was passed establishing a historical fixed base over which a taxpayer's yearly research expenditures are entitled to credit benefits. By making the base for qualified R&E spending independent of the firm's current R&E decision, this new structure dramatically increased the incentive effect of the tax credit. The credit rate remained at 20 percent. This legislation was a step towards solving the problem of low private investment by American companies. It did not, however, completely solve the problem, for once again the R&E tax credit expires, this time at the end of 1991. It is time we make the tax credit permanent.

The General Accounting Office concluded that the R&E tax credit stimulated approximately $2.5 billion in research spending between 1981 and 1985. Under the current legislation, the estimates for R&E spending over the period 1991–95 are even more encouraging. Economists Martin Baily and Robert Lawrence estimate that during this period private companies will increase their R&E spending between $18 billion and $51.5 billion given the new credit structure.

No matter how encouraging these figures may be, we cannot afford to be complacent with America's research spending. We must enact the most efficient credit possible to ensure that the United States retains its position at the forefront of high technology, research, and development. The full effectiveness of these improvements will never be realized until industry can rely on a permanent R&E tax credit being in place.

The effectiveness of the tax credit in increasing spending on research has been documented in several studies. For example, economists Martin Baily and Robert Lawrence concluded after an extensive 1985 study that R&E increased by more than 7 percent from normal expectations because of the tax credit then in place. In 1987, after another comprehensive study, the economists concluded that the ratio of R&E spending to output more than doubled during the years the tax credit was in effect as compared to the years prior to the enactment.

The economists also examined the effect of the tax credit on a firm's incentive to invest in research. Baily and Lawrence anticipate that should the current tax credit be made permanent, the incentive to conduct research would be between 12 and 13.5 percent, nearly double the incentive in place during 1981–85, and nearly quadruple the incentive in place in 1989.

There has been an indication, however, that many firms have not taken full advantage of the tax credit due to the uncertainty of whether the R&E tax credit would be extended. During 1988 and 1989, for instance, there was a leveling off of R&E spending from expectations. This stagnation may in part be attributed to the uncertainty caused by the frequent short-term extensions to the tax credit. Therefore, to prevent this uncertainty, I am introducing this legislation.

There are a variety of benefits to making the R&E tax credit permanent. Since the private sector performs the overwhelming majority of research, the Federal Government can most effectively increase spending on research by encouraging the private sector with a tax credit. Economists Martin Baily and Robert Lawrence suggest that for each 1 percent reduction in the cost of R&E, a company will likely increase its spending on research between 0.2 and 1 percent. Moreover, any new innovation will be a benefit to the specific firm which developed the improvement as well as to the entire industry.

Remember, the goal of the R&E tax credit is to encourage a firm to invest in research at a higher level than it would without the credit. Importantly, many foreign nations, including

France, West Germany, Japan, and Great Britain, spend more to promote R&E, relative to gross national product, than does the United States. Moreover, while many private Japanese firms have recently increased their R&E spending, R&E spending by a wide variety of American companies remains stagnant.

President Bush argued in his 1991 budget message that "Investment in research and development is a top priority for an Administration that believes in investing in the future." Clearly, then, a greater investment in research is needed for the United States to remain competitive in this increasingly global marketplace.

The 1989 R&E legislation was a solid step towards the achievement of this goal. Nevertheless, the goal, although within our reach, will not be attained until companies are able to make effective use of the current legislation. The simple fact is that to make efficient use of the R&E tax credit, companies require the certainty found only in a permanent tax credit.

Essentially, the passage of this bill is merely a question of whether or not we want our businesses to remain competitive. If companies know that the current R&E tax credit will be available in the future, it will enable them to effectively plan for the future. The development of new products and technologies are essential to our continued economic growth. We should, therefore, encourage firms to take the risk necessary to develop such innovations by making effective use of the R&E tax credit. Again, the most efficient use of the credit will occur only when businesses know that this credit will be in placed tomorrow.

The revenue cost of the bill as a whole is minimal compared to the long-run benefits to the American industry in the world economy.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESEARCH AND EXPERIMENTAL CREDIT MADE PERMANENT.

(a) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 is amended by striking subsection (h) (relating to termination of the credit).

(b) CONFORMING AMENDMENT.—Section 28(b)(1) of such Code is amended by striking subparagraph (D).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.●

● Mr. BAUCUS. Mr. President, for 9 years, Senators and Representatives have stood on the floors of both Houses urging that the research and experimentation [R&E] tax credit be made permanent. For 9 years, members of Congress from both sides of the aisle have endorsed provisions to make the R&E credit permanent; for years, a majority of both Houses of Congress have supported permanent R&E credit bills. For years, successive administrations have backed a permanent R&E credit. In fact, in last week's State of the Union message, President Bush asked us again to make the R&E tax credit permanent. For years, we have enacted only short-term extensions.

Our lack of action has begun to take its toll. Recent forecasts by Battelle Memorial Institute indicate that R&E spending has begun to decrease. Battelle predicts that real R&E spending next year will rise only 1 percent—one quarter of the average rate of increase during the last decade. In the face of our overall national economic situation, U.S. companies need an incentive to spend now to remain competitive in the future.

Along with my distinguished colleagues, I stand before you today to give the Senate another chance to practice what we preach and to be sure our actions speak louder than our words. I am introducing S. 416, a bill to make the R&E tax credit permanent.

The R&E tax credit was established in 1981 as a 25-percent incremental credit extending through 1985. In 1986, the credit was extended for 2 years, but the rate was cut from 25 to 20 percent. In 1988, the credit was again extended for 1 year. Again in 1989, Congress extended the credit for 1 year at a 9-month value, but made changes that increased the incentive effect and investment value for established as well as start-up companies. In the 1990 budget reconciliation bill, the credit was extended again for 15 months.

Making the R&E tax credit permanent is one of the most significant steps the 102nd Congress can take to increase American innovation and competitiveness. Since the R&E tax credit was first established, studies have shown that it stimulates new R&E. Martin Bailey and Robert Lawrence, of the Brookings Institution, estimate that due to the R&E tax credit, there was a 7-percent increase in research and experimentation from 1981–85. In a subsequent report, they conservatively estimate that, based on the R&E tax credit structure changes made in 1989, R&E spending from 1991–95 could increase by $25.7 billion.

Corporate research managers, however, have not been able to tap the full incentive effect of the credit. Because the credit is only extended for short periods of time, research managers have not been able to count on the credit's continued experience when they plan their long-term investments in R&E. We have the opportunity to greatly enhance the potential of U.S. companies, both large and small, to perform more research and development by making the R&E tax credit permanent this year.

With this bill, we also have the opportunity to make the basic research credit a permanent part of our tax structure. The basic research credit facilitates the commercialization and marketing of new ideas by encouraging corporate/academic collaboration. Under the basic research credit, companies receive a 20 percent tax credit for grants, contributions, and contract payments (above a certain fixed base amount) that are made for basic research and that are paid to colleges, universities, and nonprofit research institutes.

So much of what we take for granted depends on the ability of America's science community to develop new ideas which can be incorporated into products and services. It is time for us to do our part. It is time to stop talking and start acting. It is time to make the R&E tax credit permanent.●

By Mr. LIEBERMAN:

S. 417. A bill to establish energy conservation and clean energy requirements for Federal buildings, and for other purposes; to the Committee on Energy and Natural Resources.

FEDERAL ENERGY MANAGEMENT AMENDMENTS ACT

● Mr. LIEBERMAN. Mr. President, in the areas of energy efficiency and pollution prevention, this Nation has a great need to put its house in order. Our dependence on foreign imports to meet our voracious energy appetite has wreaked havoc with our lives and the sheer bulk of our energy use has placed great burdens on our fragile environment. Therefore, today I am pleased to introduce the Federal Energy Management Act of 1991. This act will begin the process of reducing our country's dependence on imported oil. I am also pleased that major portions of this act have been included in the National Energy Policy Act of 1991, introduced by my esteemed colleague, Senator WIRTH, from Colorado.

The volatile situation in the Middle East underscores the continued vulnerability our Nation faces in powering our massive economic engine with imported oil—our energy trade deficit looms ever-larger; we are subject to price and supply disruptions outside of our control; and our international competitiveness in new energy technology is in jeopardy. Add to this the continuing struggle we are waging with our environment, and you have a situation crying out for a solution. Mr. President, a solution is available if we have the will to implement it. We must make conservation, energy efficiency, and alternative clean energy technology the cornerstones of our national strategy if we are to successfully address our growing economic, energy supply, and environmental problems.

The last 10 years have seen an 80 percent decrease in the Department of Energy's funding of research and development in renewable energy sources and energy conservation, at a time when oil imports have increased dramatically, reversing a downward trend in the early part of the decade. This record is appalling. The Federal Government is the largest consumer of energy in this country, spending some $4 billion to power Federal facilities in the United States each year, and it ought to take the initiative. It should be pursuing, right now, a forward-looking energy policy geared toward the early commercialization of clean and efficient alternative sources of energy, using our energy-guzzling Federal facilities as a proving ground. Instead, there has been a declining trickle of Federal support for basic research in renewable and alternative clean energy, and a lack of resolve to follow through with the funds needed to provide the final boost toward commercialization.

Promising technologies now exist which would reduce America's dependence on imported oil, while offering tremendous environmental benefits. Major research advances have occurred in fuel cells, photovoltaic cells, solar thermal systems, and geothermal, wind, and biomass systems. Most of these technologies are pollution-free and compare favorably with traditional energy sources when the very real environmental costs of the latter sources are factored in. For example, fuel cells produce virtually pollution-free energy without combustion, achieving overall efficiencies which can exceed 80 percent, when cogenerated heat is recaptured. In contrast, traditional power generating sources have efficiencies in the neighborhood of 30 percent. Yet, fuel cell manufacturers and other innovative energy industries are struggling in this country because they lack the Federal support that prudent energy policy would dictate.

Even as they struggle in this country, however, alternative energy industries form the basis of aggressive energy stategies in Japan and West Germany, countries whose economies are world models for efficiency and productivity. It is no accident that both of these countries have ambitious energy conservation programs and are right now making massive investments in alternative energy technology. Japan plans to satisfy up to 15 percent of its electric power requirements from fuel cell technology by the year 2000. To that end, it is actively pursuing alliances with United States companies to capitalize on technological developments which our country pioneered. Japan and West Germany are both enthusiastically embracing solar energy, and each has made major investments in American solar concerns.

It is a time to seek out new ways to meet our energy requirements which are more efficient and less harmful to the environment. This legislation takes very important steps forward to address this situation.

First, section 4 of the legislation amends the National Energy Conservation Act to require Federal agencies to adopt cost-effective energy conservation programs at federally owned or leased facilities. It provides a specific procedure for Federal facility managers to use to enter into shared savings, energy conservation contracts.

In the short-term, simple conservation measures hold great promise for improving our energy and environmental picture, with comparatively little effort. And this is the area which is particularly appropriate for Federal leadership. In the wake of Iraq's invasion of Kuwait, President Bush identified energy conservation, for the first time in my memory, as an important step to address potential oil supply shortfalls. It should not take an act of blatant aggression in the international arena to elicit support from the administration for energy conservation. Common sense ought to suffice. The truth is that energy conservation requirements for Federal facilities have been on the books for several years now, and they have been largely ignored.

Our Government has failed to implement conservation measures in its facilities which would ultimately save the taxpayers billions of dollars in energy savings. The Department of Energy has admitted that just reducing Federal lighting energy needs by 25 percent would save taxpayers up to $930 million per year. This is not a pipe dream, Mr. President—savings of this magnitude are easily achievable today, with new compact fluorescent bulbs that use about one-quarter as much energy as typical incandescent bulbs and can be installed in existing fixtures. In addition, various conservation programs sponsored by electric utilities boast large payoffs and are literally available for the asking, because they would involve no up-front costs, but would instead provide utilities a share of the savings. Unfortunately, the administration has been slow to implement these and other beneficial programs.

Not only must energy conservation and efficiency be the centerpiece of the Nation's energy policy but they are an integral part of the solutions to our Nation's clean air problems—acid rain, smog, air toxics.

The solutions to acid rain and smog are intrinsically tied to the demand, supply, and consumption of energy. As a result, the line between energy and environmental policy has become blurred.

The demand for and generation of electricity from traditional fuel sources is at the heart of not only the acid rain problem, but also global warming. As the largest single consumer of electricity, the Federal Government is part of the problem. This legislation takes steps to reduce the contribution of the Government to acid rain as well as to overall carbon dioxide emissions.

Energy conservation is, quite simply, the most effective, cost-efficient, and natural resource protective technology available to prevent acid rain. Conservation reduces electric demand. Reduced electric demand leads directly to reduced electric generation. It saves money, reduces our dependence on fossil fuel and foreign sources, and protects the environment. It is that simple.

In the Clean Air Act we have required private industries to reduce emissions. But instead of playing a leadership role, the Government is remaining part of the problem of acid rain and global warming. This legislation directs the government to do its part by practicing electric energy conservation.

Section 4 may require some upfront investment to implement. But overall, it is a big money-saver. A 25 percent reduction in Federal energy consumption can save the taxpayers $1 billion a year.

The shared savings provisions in the bill—discussed below—can significantly reduce initial investments.

The legislation only requires Federal agencies to adopt conservation measures that are cost effective. It requires each Federal agency to install energy conservation and efficiency improvements that have a pay-back time of 10 years or less.

Section 4 directs Federal agencies to use the cost-effectiveness formula developed by the National Institute of Standards and Technology. This formula allows the Department of Energy to incorporate environmental externalities in its life-cycle cost methodology. The study required in section 7 of the legislation will determine specific values to be assigned to environmental externalities. The determination of these values is an important step that is already being implemented by the New York State Public Utility Commission and is under consideration in other states. Further, the incorporation of environmental externalities is a high priority of the conservation committee of the National Association of Regulatory Utility Commissioners. The best incentive for true efficiency in the energy sector is an honest accounting of all costs associated with energy generation. Determining the value of environmental externalities provides the market with the information it requires to meet our energy needs in the most efficient manner.

The problem is that too many perceive these technologies as still being in the idea stage with little application in the real world. We are continually told that these technologies are unproven, prohibitively expensive, and, if they're ever going to be available, it's in the far, distant future. But the truth is that we are much further along. A recent DOE initiative focused on energy conservation in Federal and commercial buildings, solar energy, and similar energy saving innovations. DOE projects that, with an investment of $336 million over 5 years, the potential total payback for the country is $32 billion over 20 years. That represents a savings of some $100 for every $1 of investment.

The DOE initiative also indicates that it will assist other Federal agencies in developing innovative financing options that would minimize the need for upfront Federal investments. Section 4 establishes a specific statutory framework for procurement officials in all agencies to use these innovative shared energy savings contracts. For the last 15 years, State and local governments have been retrofitting government buildings with energy conservation improvements without any capital investment. Our friends at the state and local level have been taking advantage of alternative funding arrangements. However, the federal government has only limited involvement in these beneficial public-private partnerships.

Shared savings contracts have two important features that are of particular interest to the Federal Government.

First, an energy services company installs and pays for the energy conservation measures. It does not require an expenditure by the Federal Government.

Second, it immediately reduces the amount the Federal Government has to pay for electricity.

That's as close to a win/win situation as I've ever seen.

With these contracts, private capital will finance conservation improvements in public buildings, under section 4, with no requirement for a Federal budget commitment. Aggressive energy conservation is good energy policy, and it's good environmental policy. The least we can do is ensure that the Federal Government is a model energy consumer. Section 4 of this bill goes a long way toward making the Federal Government a leader in energy conservation.

Sections 5 and 6 of the bill also take some significant steps forward to meet our energy requirements in ways that are both more efficient and less harmful to the environment by providing for the use of fuel cells to meet electrical requirements in Federal buildings.

Fuel cells are essentially large-scale batteries which use hydrocarbon fuels, without combustion, to produce electricity, but they are remarkable batteries indeed. They are superlative energy producers, reaching efficiencies of over 80 percent if heat energy is recovered, compared to about 30 percent for traditional power plants. They are virtually pollution free and, because of their great efficiency, emit far less carbon dioxide per unit of energy produced than do traditional power-generating devices. They are quiet and modular, making them ideal for use onsite and in situations where variable power demands allow fuel cells to be combined or separated as needed. In short, the widespread use of fuel cell technology promises to reduce the Nation's energy consumption, clean up our air, reduce the threat of global warming, and improve the versatility of our energy base.

Mr. President, these are only some of the numerous benefits offered by fuel cell technology. Section 6 provides that the Secretary of Energy, in consultation with various agencies, to conduct a program to promote the early commercial application of fuel cell systems for the production of electricity by the demonstration of such systems in Federal buildings. Section 6 requires the installation of fuel cell systems to meet energy requirements in at least 10 Federal facilities. This should do much to highlight the attributes of this technology.

The section first requires selected agencies, within 6 months of enactment of the legislation, to provide a list of candidate facilities to the Secretary of Energy. Within 6 months of receiving the list of potential projects, the Secretary, in consultation with other interested officials, would select project sites for installation of fuel cell systems. The Secretary is authorized to provide financial assistance to agencies sponsoring projects to acquire and install fuel cells manufactured in the United States and any associated equipment. The bill authorizes $30 million for fiscal years 1992–94. It also requires the Secretary to prepare a comprehensive report detailing the results of the program, so that we are provided information which might point the way to wide-scale commercial application.

Finally, section 7 requires that the administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, conduct a study to determine the cost of environmental externalities associated with renewable and clean energy sources and technologies. As noted earlier, the value of environment externalities provides the market with the information it requires to meet our energy needs in the most efficient manner. Studies done on environmental externalities—including the California Energy Commission, the American Solar Energy Society, the Franunhofer-Institute for Systems, and Innovation Research in West Germany—have found that total societal costs substantially exceed the current purchase cost of electricity generated using fossil energy when external environmental, health, safety, government subsidies and security costs are considered.

Mr. President, I like to think of a day when our Nation comes to grips with our collective energy wastefulness and environmental despoliation. Programs to decrease the consumption of energy are vital, but they are not enough. We need also to increase the efficiency of the energy we do use and to positively influence the environmental consequences of that energy use. Fuel cells are one of the promising technologies that can achieve these goals, if only we reach out for them. With the introduction of this legislation, I hope we can begin to work toward these goals.

I request that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Energy Management Amendments Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) scientific evidence demonstrates that the atmosphere of the Earth is being affected by the generation from natural and manmade sources of carbon dioxide and other greenhouse gases;

(2) trends in the concentration of such greenhouse gases in the atmosphere will result in global changes in climate, with significant economic, social and environmental implications for humankind, including effects on agricultural production, water supplies, and wetlands;

(3) the United States has 5 percent of the world's population and yet consumes more than 20 percent of the world's fossil fuels and emits more than 20 percent of the world's carbon dioxide derived from the combustion of fossil fuels;

(4) the United States consumes fossil fuels on a per capita basis at four times the worldwide average in many other highly industrialized countries; and

(5) high rates of energy consumption in the United States contribute to global warming, urban smog, acid rain, oil spills, and other environmental pollution problems.

SEC. 3. PURPOSES.

The goals of this Act are—

(1) to increase the energy efficiency of existing technologies;

(2) to ensure that Federal agencies adopt cost-effective energy conservation measures;

(3) to encourage investment in clean alternative energy resources, including fuel cells, solar, wind energy; and

(4) to encourage investment in energy efficient equipment and technology.

SEC. 4. FEDERAL ENERGY CONSERVATION MANAGEMENT AMENDMENTS.

(a) GOALS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended to read as follows:

"SEC. 543. ENERGY MANAGEMENT GOALS.

"(a) ENERGY MANAGEMENT REQUIREMENT FOR FEDERAL BUILDINGS.—(1) Not later than January 1, 2000, each Federal agency shall, to the maximum extent practicable, install in Federal buildings under the control of such agency in the United States, all energy conservation measures with payback periods of less than ten years as calculated using the methods and procedures developed pursuant to section 544. By January 1, 1993, each agency shall submit to the Secretary a list of projects meeting the ten-year payback criterion, the energy that each project will save and total energy and cost savings involved. Subject to the availability of appropriated funds, each Federal agency shall have substantially completed at least 25 percent of the projects on the list or projects on the list that would account for 25 percent of total energy savings, by January 1, 1995. If any agency has not met this requirement, such agency shall spend no funds in States where this requirement has not been met for the construction or acquisition of a Federal building except to meet the requirements of this section. If any agency has not met the requirements of this section for the year 2000, then such agency shall spend no funds in States where this requirement has not been met for the construction or acquisition of a Federal building except to meet the requirements of this section. The Secretary may waive the requirements of this section if the Secretary finds that an agency is taking all practicable steps to meet the requirement and that the sanctions of this section will pose an unacceptable burden upon the agency. If the Secretary waives the requirements of this section, he shall notify Congress promptly.

"(2) An agency may exclude from the requirements of paragraph (1) any Federal building or collection of Federal buildings, and the associated energy consumption and gross square footage, if the head of such agency finds that compliance with the requirements of paragraph (1) would be impractical. A finding of impracticability shall be based on the energy intensiveness of activities carried out in such Federal buildings or collection of Federal buildings, the type and amount of energy consumed, the technical feasibility of making the desired changes, and the unique character of many facilities operated by the Departments of Defense and Energy. Each agency shall identify and list in each report made under section 548 the Federal buildings designated by it for such exclusion. The Secretary of Energy shall review such findings for consistency with the impracticability standards set forth herein, and may within 90 days after receipt of the findings, reverse a finding of impracticability, in which case, the agency shall comply with the requirements of paragraph (1). This section shall not apply to an agency's facilities that generate or transmit electric energy, nor to the uranium enrichment facilities operated by the Department of Energy.

"(b) IMPLEMENTATION STEPS.—To achieve the goal established in subsection (a), the Secretary of Energy shall consult with the Secretary of Defense and the Administrator of General Services in developing guidelines for the implementation of this part, and each agency shall—

"(1) prepare or update, within 6 months after the date of the enactment of the Federal Energy Management Amendments Act of 1991, and submit to the Secretary of Energy a plan describing how the agency intends to meet such goal, including how it will implement this part, designate personnel primarily responsible for achieving such goal, and identify high priority projects; and such plan shall include steps to take maximum advantage of contracts authorized under title VIII of this Act (42 U.S.C. 8287 et seq.), financial incentives, and other services provided by utilities for efficiency investment and other forms of financing to reduce the direct costs to the government;";

"(2) perform energy surveys of its Federal buildings to the extent necessary, and update such surveys periodically, but not less than every 36 months;

"(3) using such surveys, determine the cost and payback period of energy conservation measures likely to achieve the goals of this section;

"(4) install those energy conservation measures that will attain the requirements of this section in a cost-effective manner as defined in section 544; and

"(5) ensure that the operation and maintenance procedures applied under this section are continued.".

(b) LEASED BUILDINGS.—The National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.) is further amended as follows:

(1) in section 544(a), delete "National Bureau of Standards," and insert in lieu thereof "National Institute of Standards and Technology,";

(2) delete "; and" at the end of paragraph (a)(1) and insert in lieu thereof the following: ". These methods shall also incorporate the value of environmental externalities as determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary, as set forth in section 7."; and

(3) in section 544(b), amend paragraph (2) to read as follows:

"(2) In leasing buildings for its own use or that of another agency, each agency shall, after January 1, 1994, fully consider the energy efficiency of all potential building space at the time of renewing or entering into a new lease. Further, all government owned and leased space constructed after January 1, 1994, shall meet model Federal building standards for energy efficiency.";

(4) in section 545, immediately after "measures" insert "as needed to meet the requirements of section 543";

(5) amend section 546(b) to read as follows:

"(b) IMPLEMENTATION.—To facilitate the financing of energy conservation measures, each Federal agency shall promote the use of contracts authorized by title VIII of this Act (42 U.S.C. 8287 et seq.). Each agency shall procure such contracts, notwithstanding any other procurement requirements, by utilizing the following procedures:

"(1) By January 1, 1992, each Federal agency shall encourage firms engaged in providing energy services to submit annually a statement of qualifications, including financial and performance information. Each agency shall, by June 1, 1992, and annually thereafter, designate and list, from these submissions, those firms that are presumptively qualified to provide energy services. Such qualifications shall be based upon criteria published by each agency. The Secretary of Energy, in consultation with the Secretary of Defense and the Administrators of the Environmental Protection Agency and the General Services Administration, may issue a form for use by the agencies to obtain the necessary information and provide for other means to facilitate the qualification process.

"(2) The agency shall select three firms from the qualifying list, or from formal proposals supplied by other firms, to conduct discussions with same concerning each proposed agency project undertaken pursuant to section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287). The selection shall be based upon criteria established and published by each agency. The agency may request a technical and price proposal from the three firms.

"(3) The agency shall select from the three firms the best qualified firm to provide energy services at a contractual arrangement that the agency determines is fair and reasonable to the government, taking into account the estimated value and cost of the services to be rendered, and the scope and nature of the project. The agency is authorized to enter into a contract with this firm. In the event that the agency cannot execute a satisfactory contract with this firm, the agency shall then proceed to negotiate a contract with one of the remaining firms. If the agency is unable to execute a contract with the second firm, the agency may negotiate with the remaining firm, or select another firm from the qualified list on file. The agency is not obligated to enter into a contract if it determines it is undesirable to do so.

"(4) Each Federal agency shall endeavor to do at least three contracts in 1992 and six contracts in 1993 employing this procedure, and then, as required in the plan to be submitted pursuant to section 543(b), shall use these contracts to the maximum extent practicable. In the plans submitted pursuant to section 543(b), the Agencies shall report on their experience with these contracts in 1992 and 1993";

(6) in section 548:

(A) delete the word "Each" in subsection (a) and insert in lieu thereof the following: "In addition to the plan required to be submitted to the Secretary pursuant to section 543(b)(1), each"; and

(B) insert the phrase "by April 2 of each year," after the word "annually" in subsection (b);

(C) insert the words "by each agency", after the words "under this part" in subsection (b)(1).

SEC. 5. FUEL CELLS JOINT VENTURE.

Subsection 6(c) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101–218) is amended by adding a new paragraph (6) as follows:

"(6)(A) The Secretary shall solicit proposals for, and provide financial assistance to, at least one joint venture for the demonstration of fuel cells technology in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the production of electric energy from fuel cells in order to accelerate commercial application of fuel cells.

"(C) There are authorized to be appropriated to the Secretary not to exceed $3,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out this paragraph.".

SEC. 6. AMENDMENT.

Title V of the National Energy Conservation Policy Act (42 U.S.C. 8251–8261) is amended by adding the following new part after section 569:

"PART 5—FUEL CELLS

"SEC. 571. DEFINITIONS.

"For purposes of this subtitle the term—

"(1) 'Federal building' shall mean 'Federal building' as defined by section 549(6); and

"(2) 'Task Force' shall mean the Interagency Energy Management Task Force established pursuant to section 547, except that, for purposes of this subtitle, the term 'Task Force' shall include the Environmental Protection Agency.

"SEC. 572. FUEL CELL PROGRAM.

"The Secretary, in consultation with the Task Force, shall conduct a program to promote the early commercial application of fuel cell systems for the production of electricity by the demonstration of such systems in Federal buildings.

"SEC. 573. PURPOSES.

"The purposes of this program are to—

"(1) improve the efficiency and reduce the environmental consequences of the nation's electric generation capability;

"(2) stimulate the creation of new industries and job opportunities in efficient and environmentally sound energy technologies; and

"(3) develop cost, efficiency, performance, environmental, and reliability data on fuel cell systems used in the production of electricity.

"SEC. 574. IMPLEMENTATION AND ACQUISITION.

"(a) PLAN.—In preparing or updating the plan required by section 543(b)(1), each agency on the Task Force shall identify at least two potential projects for the demonstration of the application of fuel cell systems for the production of energy to satisfy electrical and other energy requirements of Federal buildings.

"(b) PROJECTS.—Not later than 6 months after the submission to the Secretary of such plan, including the list of potential projects required under subsection (a), the Secretary, in consultation with the Task Force, shall identify a minimum of 10 projects for implementation pursuant to subsection (c) and shall make a report of his selection including the basis therefor, to the Congress.

"(c) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to agencies sponsoring projects, identified under subsection (b), to acquire and install in Federal buildings fuel cell systems manufactured in the United States and any associated equipment which may be necessary for the implementation of any of the listed projects. In selecting among qualified projects for financial assistance, the Secretary, in consultation with the Task Force, may consider the cost of the electricity to be generated; the extent of cost-sharing provided by other agencies for the acquisition of new equipment; the appropriateness of the locations, sites, and structures in question; the adaptability of facilities to program requirements; whether Federal buildings undergoing new construction or renovation offer advantages of cost-efficiency or ease of installation over existing Federal buildings; and such other factors that, in the judgment of the Secretary and the Task Force, may affect the benefits or costs of the fuel cell program.

"(d) REPORT.—Not later than January 1, 1996, the Secretary, in consultation with the Task Force, shall submit a report to Congress on the program authorized by this subtitle, which shall include information comparing the cost, efficiency, performance, environmental advantages, and reliability of fuel cells to other existing technological means of generating electricity, using data obtained from the operation of fuel cells acquired under this program. Such report shall also contain a discussion of all technical and economic issues which, in the judgment of the Secretary, might prevent the commercial use of fuel cells or restrict the use of fuel cells in certain applications and an analysis, including recommendations, of the steps needed to overcome such restrictions. A copy of such report shall be provided to each agency for further implementation of fuel cell projects consistent with the provisions of section 543(a), as appropriate.

"SEC. 575. AUTHORIZATION.

"There is authorized to be appropriated to carry out the provisions of this subtitle a total of $30,000,000 for fiscal years 1992 through 1994.".

SEC. 7. STUDY ON LIFE CYCLE COST METHODS AND PROCEDURES.

Section 545 of the National Energy Conservation Policy Act (42 U.S.C. 8255) is amended by adding at the end thereof the following:

"(d) STUDY ON LIFE CYCLE COST METHODS AND PROCEDURES.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall conduct a study to determine the cost of environmental externalities associated with the use of different fuels, renewable and clean energy sources and technologies, and shall prepare a report assigning monetary values to such environmental externalities and describing the methodology used to obtain such values. Such report shall include a review of States' efforts or requirements by States to assess environmental externalities as part of their regulation of utilities, or other regulatory processes. The report shall be submitted to the Committee on Energy and Natural Resources of the Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Energy and Commerce of the House of Representatives within 18 months following the date of enactment of this subsection.".●

By Mr. HATCH:

S. 418. A bill to strengthen the family structure of the United States by providing protection for eligible individuals who desire or need to leave employment for a legitimate family purpose; to the Committee on Labor and Human Resources.

AMERICAN FAMILY PROTECTION ACT

Mr. HATCH. Mr. President, today I am pleased to introduce legislation that will facilitate a greater level of stability, comfort, protection, and security for many families in Utah and across the United States. The legislation will safeguard the jobs and accumulated work equity of individuals who serve as both parents and workers.

PROBLEM

The traditional distinctions between work and family obligations are no longer as clear as they once were. Social shifts and radical demographic changes have resulted in what some have termed a family crisis.

Whether we have reached crisis level or not, the "Leave It to Beaver" image of the American family is not reality in the 1990's. According to the Bureau of Labor Statistics [BLS], both mother and father now work outside of the home in 63 percent of the Nation's households. This represents a more than 10-percent increase in just 10 years.

As late as 1976, women comprised 40.5 percent of the work force. By 1988, women comprised 45 percent of the work force. And, more significantly, women are expected to account for almost two-thirds of the net new entrants into the work force over the next decade.

This is truly a picture of sweeping change. But, while these changes have been occurring, the needs of our children have remained constant. And, despite a seemingly inexhaustible supply of parental love, simple logistics often make it impossible to meet the needs of our children.

Mr. President, I believe that each of us, without exception, wants to help families achieve a full measure of fulfillment. But, as we struggle to address the obstacles encountered by these families, I suggest that we analyze any proposed solution in terms of its ability to meet unique circumstances and diverse needs.

H.L. Mencken once observed that for every problem, there is a simple solution which is almost always wrong. In this case, the solution most often suggested is that the Government should provide a universal policy to relieve parents of the conflicts between work and family. But, any labor standard applied across the board will not work across the board. The needs of many families will remain unmet despite our good intentions here in Washington. The proposal embodied in S. 5, an approach suggested by the Senator from Connecticut, is really a mandate without a cause.

A MANDATE WITHOUT A CAUSE?

Several hearings were held during the 101st Congress on the need to strike a better balance between work and family. An additional hearing was held on January 24 of this year.

Two very clear objectives have emerged from this record. First, our Nation must better facilitate early childhood bonding between parents and their children. Second, we should provide the means to avoid the personal tragedies that occur when an individual is torn between the need to provide care for seriously ill children or elderly relatives and the possibility of losing a job.

Testimony delivered by leading experts in the field of early childhood development states that the emotional, physical, and social development of children is highly influenced by a parent's attention during the formative years directly following birth.

For instance, Dr. Eleanor Szanton, executive director of the National Center for Clinical Infant Programs, stated that this bonding process creates an "emotional root system for the future growth and development" of our children and that without it, full and adequate development of our children may be seriously lacking.

Other experts go on to point out that this bonding between parent and child is a function that simply cannot be filled in a part-time capacity. At least initially, in these first critical years of development, it requires full-time attention from a parent.

This bonding process is also something, we are told, which cannot be accomplished in 12 weeks. According to Dr. T. Berry Brazelton, chief of the child development unit of Boston's Children's Hospital, this process demands at least 4 months. In fact, a formal advisory panel, of which Dr. Brazelton and Dr. Szanton were both members, recommended a 6-month minimum period.

So, clearly, the needs of children for a parent's attention does not magically disappear after a few weeks, or months, or years. It is an ongoing requirement. And, Mr. President, therein lies the deficiency in the legislation that has been previously proposed in that area.

A proposal that would provide 12 weeks of job protection, or any arbitrary amount of time less than that needed to accomplish this bonding function, clearly falls far short of the standard it establishes itself. It simply does not satisfy the goals that volumes of expert testimony have laid out for us.

This realization presents a dilemma. Do we shortchange families? Mandating some, but not enough does just that. On the other hand, is it reasonable to expect an employer to hold a job open for 6 months or more?

If we restrict our thinking only to the provisions of S. 5 we may never find a solution to this catch 22. The mandated approach simply does not provide enough flexibility for families or employers. There is no "Pareto optimality" here. We cannot manipulate the number of weeks of time off to arrive at a legal minimum that will satisfy the legitimate concerns of either families or employers.

The second goal of a family policy is to alleviate the conflict between work and family when a family member becomes seriously ill.

Is there a more frightening prospect than learning that your child is seriously ill and requires constant medical attention in a fight for life? The answer is yes. More frightening is the prospect that an individual will face the choice between being with that child when they are scared and hurting and permanently losing employment.

Would requiring an employer to hold a position open for up to 12 weeks solve this dilemma? No, and in some respects, it creates a dilemma of its own. By definition, a serious illness is one that could run far in excess of 12 weeks. In many cases, a serious or terminal illness requires more than 1 year of constant care before resolution.

Once again, inflexible time limitations on the amount of leave which can be taken simply does not solve the problem.

THE ANSWER: REEMPLOYMENT RIGHTS FOR ELIGIBLE FAMILY MEMBERS

Economic reality and social desirability do not have to be mutually exclusive. I suggest an alternative which will satisfy the test of fairness and economic reasonableness while fully addressing the need for facilitating improved child development and the desire to protect workers who must take leave to care for seriously ill children and close relatives.

Under the legislation I offer today, an employee could leave employment for up to 6 years for the purpose of caring for a child after birth or adoption. In general, this means a parent could care for a child from birth until that child enters first grade. Thus, this desired bonding between child and parent is truly possible. Moreover, we are not dictating to parents how much time is necessary in their case. The law will not set out how much time the Government has decided they may take. Instead, parents decide.

Under the legislation I offer today, an employee could leave employment for up to 2 years because of a serious health condition of an immediate family member for the purpose of providing necessary medical and personal care to the family member. Thus, the Hobson's choice between abandoning an ill child and laying claim to a job is avoided. And, a more realistic time period is provided for parents to remain at a side of critically ill children or for an individual to provide care for seriously ill elderly parents.

Lastly, an employee who is expecting a child could take time preceding a birth because of a serious health condition or upon advice of a physician without compromising the bonding time following the birth.

In each case, the key is to provide flexibility for families to address their individual needs. This approach provides more options for families, and it is more realistic for an employer. Unlike other proposed solutions, there is no mandate to keep a job open. When family obligations have been fulfilled, an eligible employee indicates a desire for reemployment and can return to work in the same or a similar position when it becomes available.

This approach is based on a balancing of rights and duties between employer and employee. The entitlement to this reemployment right is limited to those employees who truly desire, or need, time to perform these legitimate family purposes. And, the entitlement is only available to those employees who have worked full time and have tenure with their employer.

In keeping with a balancing of rights and duties, isn't it fair to ask the employee to provide advance notice and to provide reasonable documentation of the family purpose to prevent abuse? But, during the period in which the family purpose is being performed, isn't it also reasonable to allow an individual to work part time? Isn't it also fair to require that the individual be responsible for maintaining his or her qualifications for the job?

Assuming these obligations have been met, this eligible employee may make written application for reemployment in the same or similar position at the same location with his or her previous employer. A similar position is one with like duties and responsibilities and equivalent pay. The employee would also retain previously earned years of service and any benefits that may have accrued as a result of that service.

If such a position is available at the time an eligible employee makes application, the employer shall arrange for restoration of employment at that time. If such position is not available, the employer bears a duty to notify an employee when such similar becomes available up to 1 year following application. During this time, the employee is free to work another job without restriction.

An integral part of this approach is a provision which permits an informed employee and an employer to agree to vary the terms and conditions of reemployment before or during the eligible individual's performance of these family duties. This waiver is intended to cover situations in which a dissimilar position may be available. This provides employees with additional flexibility in returning to the work force. This waiver could also address such issues as training to remain qualified, job-related functions which could be performed at home in a part-time capacity, and any other variation of the employment relationship.

Lastly, Mr. President, this legislation establishes an enforcement mechanism under which an employee can file a charge with the Secretary of Labor alleging an employer's failure or refusal to comply with the terms of this act. Upon receipt, the Secretary must investigate the charge to determine if a reasonable basis exists for it and, based upon that investigation, make a determination to issue a complaint or dismiss the charge. Each party is notified of any determination.

If a complaint is issued, the Secretary must attempt to resolve the complaint through an informal settlement conference with the employer. If the complaint cannot be resolved to the satisfaction of the Secretary during this conference, the Secretary may file a civil action against the employer. The court may order an employer to comply with the provisions of the act and compensate the individual for any loss of wages or benefits caused by the failure of the employer to comply.

If the Secretary decides to drop the matter following the informal conference, the eligible employee then has the right to bring a civil action with similar remedies being available. In such an action instituted by the employee, the court may award attorney's fees to the substantially prevailing party.

CONCLUSION

That, in a nutshell, describes the system of balanced responsibilities and rights contained in this proposal. I firmly believe that my approach facilitates better harmony between work and family while recognizing the realities of modern business.

I hope employers respond to this proposal by understanding the need to accommodate these essential family functions. I also hope that employers will understand the benefits both to themselves and to the Nation, in addressing these concerns. On the other hand, I hope that employees will understand that employers need to maintain workplace stability in their absence.

Mr. President, an approach that strikes this balance is the only approach that can fully address the needs of families and our Nation's commerce. Unless both employers and employees bend a bit, both will lose. Our Nation will lose. By simply asking employees to wait for the same or similar job to become available, they can receive more than 6 years of job protection. By asking employers to suffer the process and burdens inherent in a reemployment system, our Nation's families are strengthened.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Family Protection Act of 1991".

SEC. 2. PURPOSE.

The purpose of this act is to facilitate stability in United States families by providing reemployment opportunities for eligible individuals who leave employment for desired, or necessary, legitimate family purposes.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" have the meaning given the terms in paragraphs (3) and (1), respectively, of section 120 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).

(2) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means an individual who meets the criteria established in paragraphs (1) through (5) of section 4(a).

(3) EMPLOYEE.—The term "employee" has the meaning given the term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(4) EMPLOYER.—The term "employer" means any person engaged in commerce or in any industry or activity affecting commerce.

(5) IMMEDIATE FAMILY MEMBER.—The term "immediate family member" means—

(A) a child of a parent;

(B) a current, legally recognized spouse; or

(C) a parent.

(6) LEGITIMATE FAMILY PURPOSE.—The term "legitimate family purpose" means a purpose described in paragraph (1)(B), (2), or (3) of section 4(c).

(7) ORIGINAL POSITION.—The term "original position" means the position described in section 4(a)(2).

(8) PARENT.—The term "parent" means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, or a legal guardian.

(9) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(10) SERIOUS HEALTH CONDITION.—The term "serious health condition" means—

(A) a condition caused by an accident, a disease, or another physical condition that—

(i) poses an imminent danger of death; or

(ii) requires hospitalization; or

(B) a mental or physical condition that requires constant in-home care.

(11) SIMILAR POSITION.—The term "similar position" means a position at the same location as the original position and with like duties and responsibilities and equivalent pay.

SEC. 4. REEMPLOYMENT RIGHTS FOR ELIGIBLE INDIVIDUALS LEAVING EMPLOYMENT FOR LEGITIMATE FAMILY PURPOSES.

(a) REEMPLOYMENT RIGHTS.—An individual shall be entitled to reemployment as described in subsection (b) if the individual—

(1) was an employee of the employer from whom reemployment is sought for not less than 2,000 hours of continuous employment during the 14-month period preceding the provision of notice under subsection (d);

(2) left a currently held position with the employer for a period of time for a legitimate family purpose, as described in subsection (c);

(3) did not accept intervening employment exceeding 17.5 hours per week with any employer during the period;

(4) has provided the notice and documentation described in subsection (d); and

(5) has applied for reemployment as described in subsection (e).

(b) REEMPLOYMENT.—

(1) AVAILABLE EMPLOYMENT.—Except as provided in subsections (f) through (h), an employer shall restore an eligible individual to employment in a similar position, with any benefits and seniority accrued during prior service with the same employer if available at the time the individual applies for reemployment under subsection (e).

(2) SUBSEQUENTLY AVAILABLE EMPLOYMENT.—

(A) NOTIFICATION.—Except as provided in subsections (f) through (h), if a similar position is not available when an eligible individual applies for reemployment under subsection (e), an employer shall notify the individual of the availability of a similar position that becomes available not later than 1 year after the date the individual applies for reemployment under subsection (e).

(B) MANNER OF NOTIFICATION.—

(i) PROVISION OF ADDRESS.—An eligible individual who changes address prior to the date described in subparagraph (A) shall submit the new address to the employer by registered letter.

(ii) DELIVERY OF NOTIFICATION.—An employer shall make the notification described in subparagraph (A) by a registered letter delivered to the last address provided to the employer by an eligible individual.

(C) TIMING OF NOTIFICATION.—

(i) IN GENERAL.—Except as provided in clause (ii), an employer shall allow an eligible individual, in order to respond to the notification described in subparagraph (A), not fewer than 15 days after the date that the employer relinquishes formal control of the registered letter described in subparagraph (B)(ii) to the postal service, or other bona fide delivery system.

(ii) ECONOMIC REASONS.—If economic reasons require an employer to fill a similar position earlier than 15 days after the date described in clause (i), the employer shall—

(I) allow an eligible individual not fewer than 5 days after the date to respond to the notification described in subparagraph (A); and

(II) notify the individual of reasonable time limitations within which the individual must accept the offer contained in the notification and commence performance of the duties of the position.

(c) PERIOD OF TIME FOR A LEGITIMATE FAMILY PURPOSE.—For the purposes of this section, a period of time for a legitimate family purpose shall include a period of time—

(1) that precedes the birth of a child, taken by a mother—

(A) because of a serious health condition or on the advice of a physician; and

(B) for purposes directly related to the birth of the child;

(2) not to exceed 6 years, taken by a parent following the birth of a child for the purpose of caring for and nurturing the child; or

(3) not to exceed 2 years, taken by an individual because of a serious health condition of an immediate family member, for the purpose of providing necessary medical and personal care to the family member.

(d) NOTICE AND DOCUMENTATION.—In order to be eligible for reemployment under this section, an individual shall—

(1) provide to the employer a minimum of 30 days written notice that the individual desires, or finds it necessary, to leave the position for a legitimate family purpose, unless under the totality of the circumstances it is impossible for the individual to provide such notice; and

(2) promptly furnish such reasonable documentation as the employer may request of the legitimate family purpose that prompted the provision of notice under paragraph (1), unless under the totality of the circumstances it is impossible for the individual to promptly furnish the documentation.

(e) APPLICATION.—In order to be eligible for reemployment under this subsection, an individual shall submit a written application to the employer that demonstrates that the individual remains qualified to perform the duties and responsibilities of the original position that existed at the time the individual gave the notice described in subsection (d)(1).

(f) PRIOR RIGHT OF REEMPLOYMENT.—If two or more eligible individuals seek to exercise reemployment rights established under this Act in conflict, the individual who first made application for reemployment shall have the prior right to be restored to employment. Restoration of an eligible individual to employment shall not otherwise affect the reemployment rights of other eligible individuals wishing to be similarly restored.

(g) EXEMPTION.—An employer shall not be subject to this Act with respect to an eligible individual if—

(1) circumstances have so changed, between the time that the employer received the notice described in subsection (d)(1) and the time the individual applies for reemployment under subsection (e), as to make reemployment unreasonable; or

(2) the employer instituted formal or informal disciplinary action against the individ-

ual prior to delivery by the individual of the notice described in subsection (d)(1).

(h) WAIVER.—

(1) AVAILABILITY.—Absent coercion by either party, an employer and an employee of the employer may jointly agree, in writing, to vary the requirements and conditions of the reemployment rights provided under this section.

(2) EXPLANATION.—

(A) REQUIREMENT OF RECEIPT.—In order for the waiver described in paragraph (1) to have effect, the employee described in paragraph (1) must receive a written explanation of the rights and remedies provided under this Act before signing the waiver.

(B) MODEL EXPLANATION.—The Secretary shall prepare and publish in the Federal Register a model written explanation of the rights and remedies provided under this Act. An employer may legibly reproduce the model explanation and generally distribute the explanation annually, or post the explanation permanently in a conspicuous place in the workplace, in order to satisfy the requirement described in subparagraph (A).

SEC. 5. ENFORCEMENT.

(a) ENFORCEMENT BY THE SECRETARY.—

(1) CHARGE.—In order to obtain enforcement of this Act any eligible individual who believes that an employer has failed or has refused to comply with the provisions of this Act shall file a charge with the Secretary within 180 days of the failure or refusal. Upon receipt, the Secretary shall investigate the charge to determine if a reasonable basis exists for the charge.

(2) DISMISSAL OF CHARGE.—If the Secretary determines that there is no reasonable basis for the charge, the Secretary shall dismiss the charge and promptly notify the eligible individual and the employer named in the charge of the dismissal.

(3) ISSUANCE OF COMPLAINT.—If the Secretary determines that there is a reasonable basis for the charge, the Secretary shall issue a complaint based upon the charge and shall promptly notify the eligible individual of the issuance.

(4) ACTION.—If the Secretary issues a complaint under paragraph (3), the Secretary shall attempt to resolve the complaint with the employer through an informal conference. If the Secretary is unable to resolve the complaint as a result of such informal conference—

(A) the Secretary may file a civil action in the United States district court for the district in which the eligible individual described in paragraph (1) sought reemployment; or

(B) dismiss the complaint with notice to the individual and the employer named in the charge.

(5) BURDEN OF PERSUASION.—In any civil action brought under paragraph (4) with respect to an eligible individual, the Secretary shall have the burden of persuasion that the individual—

(A) has satisfied the requirements in paragraphs (1) through (5) of section 4(a); and

(B) is qualified to perform the duties and responsibilities described in section 4(e).

(6) REMEDY.—If a court finds, in an action brought under this subsection, that the employer has failed to comply with this Act with respect to an eligible individual, the court may order an employer to comply with the provisions of this Act and to compensate the individual for any loss of wages or benefits caused by the failure of the employer to comply with this Act.

(b) ENFORCEMENT BY AN ELIGIBLE INDIVIDUAL.—

(1) ACTION.—If the Secretary issues notice to an eligible individual under subsection (a)(4)(B), the individual may bring a civil action in the United States district court for the district in which the individual sought reemployment.

(2) BURDEN OF PERSUASION.—An eligible individual who brings a civil action under this subsection shall have the burden of persuasion regarding the elements described in subparagraphs (A) and (B) of subsection (a)(5).

(3) REMEDY.—

(A) COMPLIANCE OR COMPENSATION.—If a court finds, in an action brought under this subsection, that an employer has failed to comply with this Act, the court may order the employer to comply with the provisions of this Act and to compensate the individual for any loss of wages or benefits caused by the failure of the employer to comply with this Act.

(B) ATTORNEY'S FEES.—A court may award attorney's fees to the prevailing party in an action brought under this subsection, if the court determines that the award is appropriate.

SEC. 6. CONSTRUCTION.

This Act shall not be construed—

(1) to grant an eligible individual any rights to seniority, status, benefits, or rates of pay beyond the rights possessed by the individual at the time the individual presented a notice to an employer under section 4(d)(1); or

(2) to impose on an employer any nonvoluntary obligation to provide training of any type, or to offer reemployment in any position, or at any other location, than that specifically stated in this Act.

By Mr. RIEGLE:

S.J. Res. 69. Joint resolution to designate the week commencing May 5, 1991, through May 11, 1991, as "National Correctional Officers Week"; to the Committee on the Judiciary.

NATIONAL CORRECTIONAL OFFICERS WEEK

• Mr. RIEGLE. Mr. President, I rise to introduce a joint resolution designating the week of May 5 as "National Correctional Officers Week."

Make no mistake about it; correctional officers have a tough job. Our prison population is at an all-time high. Today, correctional officers are responsible for over 750,000 prisoners, many of them dangerous and violent. Correctional officers must not only keep the peace in these facilities, but they also must work to help rehabilitate offenders by providing worthwhile skills and encouraging them to develop positive attitudes.

To make the job of a correctional officer more difficult, we have a critical problem with prison overcrowding. In virtually every State, correctional resources are severely stretched; for the Nation as a whole, prisons are operating at 116 percent of their capacity. We must address this matter by undertaking a comprehensive strategy to eliminate factors that lead to crime and we must better deal with those who have broken the law so we can make our communities safer.

Despite these adverse circumstances, correctional officers are doing an outstanding job and we should salute them. Congress has honored correctional officers by designating the second week in May as "National Correctional Officers Week" in 1984, 1985, 1987, and 1989. I urge my colleagues to join me again this year in support of this resolution.•

• Mr. CHAFEE. Mr. President, today I along with Senators LIEBERMAN, WARNER, JEFFORDS, DURENBERGER, and others are introducing legislation to designate April 15, 1991, as National Recycling Day. The importance of educating the public about the real benefits to society from recycling cannot be overstated.

Recycling is not a new phenomenon, at least not in concept. America's early settlers recycled as a matter of survival, turning corn husk mattresses and old clothes into quilts. Many of my colleagues will remember the materials conservation efforts during World War II, when aluminum foil was carefully saved, used automobile tires collected, and many other consumer items were recycled and put toward the war effort. In fact, most of us have recycled materials at some point in our lives—typically paper, aluminum, or glass.

While many of us may be familiar with recycling, there is still a need for public education campaigns to inform consumers that garbage does not disappear when the sanitation worker loads it into the truck. Our society must be made aware that there are very real costs, both financial and environmental, associated with the continued proliferation of municipal garbage.

In the United States today we are facing a crisis in solid waste management. The United States presently is generating about 160 million tons of solid waste per year, almost double the amount we produced in 1965. If present trends continue, the United States will generate close to 200 million tons per year by the turn of the century. Towns and cities across the United States are realizing that the city dump will be forced to close its gates in a few short years. Just in the last two decades the number of landfills accepting solid waste has been reduced dramatically, from about 30,000 to 6,000. It is becoming virtually impossible to establish any new landfill sites because of the "not in my backyard syndrome," and the rising value of land and real estate.

When confronting an urgent crisis, such as the threat to human health and the environment from burgeoning mountains of trash, it is tempting to look to technology to provide us with the easy solution. Such technological fixes, however, will not eliminate the undeniable need for significant changes in the way we conduct our daily lives. Not only must we find more environmentally sound ways of handling municipal trash, but we must also greatly reduce the amount of garbage we generate in the first place. This will require a concerted effort on the part of consumers, manufacturers, and government. That is why we are introducing legislation to designate April 15, 1991, as National Recycling Day.

Reducing the amount of household garbage we generate poses the most difficult of public policy problems: Changing human habits. The purpose of this legislation is to encourage a public attitude that can allow these needed changes to take place. People must be made aware that their actions do have a critical impact on reducing the amount of garbage entering the waste stream.

My home State of Rhode Island, for example, was the first State to pass a mandatory recycling law. Cities and towns in Rhode Island separate recyclables such as glass, paper, aluminum, and plastics for curbside collection.

Recycling also creates employment. According to one recent study 10,000 tons of material spawns 36 jobs compared to 6 for landfilling the same amount. Some communities have formed working partnerships with workshops for the disabled, developed and administered job training partnerships, or otherwise found work for unemployed labor in recycling programs. In my own State, the Rhode Island Department of Environmental Management estimates that 300 jobs have been created by recycling.

The exciting feature of the battle against solid waste is that it can be won. Other nations are doing far better than we are. No drastic solutions are required, nor are big sacrifices sought. With relatively small changes in habits, educational initiatives, and reasonable laws we can overcome the crisis we now face. I urge my colleagues to help us move closer toward this goal by joining us in designating April 15, 1991, as "National Recycling Day."•

By Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. BURDICK, Mr. PELL, Mr. WARNER, Mr. INOUYE, Mr. DOMENICI, Mr. JEFFORDS, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. CONRAD, Mr. MURKOWSKI, Mr. FORD, Mr. HOLLINGS, Mr. LEVIN, Mr. ADAMS, Mr. NUNN, Mr. KERRY, Ms. MIKULSKI, Mr. CRANSTON, Mr. PRYOR, Mr. GORE, Mr. SASSER, Mr. AKAKA, Mr. SANFORD, Mr. BUMPERS, Mr. MOYNIHAN, Mr. DIXON, Mr. GORTON, Mr. WELLSTONE, Mr. DODD, Mr. GRAHAM, Mr. FOWLER, Mr. SARBANES, Mr. SYMMS, Mr. DASCHLE, Mr. DECONCINI, Mr. D'AMATO, Mr. REID, Mr. THURMOND, Mr. LUGAR, Mrs. KASSEBAUM, Mr. KASTEN, Mr. HATCH, Mr. COHEN, Mr. PACKWOOD, Mr. BRYAN, Mr. KENNEDY, Mr. BIDEN, Mr. SIMPSON, Mr. BREAUX, Mr. SIMON, Mr. BOREN, Mr. METZENBAUM, Mr. ROTH, Mr. HEINZ, Mr. BROWN, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. HELMS, Mr. BOND, Mr. EXON, Mr. CRAIG, Mr. COCHRAN, Mr. KERRY, AND Mr. HEFLIN):

S.J. Res. 70. Joint resolution to establish April 15, 1991, as "National Recycling Day"; to the Committee on the Judiciary.

NATIONAL RECYCLING DAY

• Mr. LIEBERMAN. Mr. President, I am pleased to introduce, along with Senator CHAFEE and 64 of our colleagues legislation to designate April 15, 1991, as "National Recycling Day."

This Nation is currently facing a solid waste disposal crisis, caused by the growing volumes of garbage and the shrinking number of places to put it. Every 5 years, the average American discards an amount of waste equal in volume to the Statue of Liberty. The municipal waste produced in this country in just 1 day fills about 63,000 garbage trucks, which would stretch the distance from San Francisco to Los Angeles. We are truly a throwaway society.

Towns and cities throughout the country are running out of landfill space. The Environmental Protection Agency estimates that 27 States will run out of landfill capacity for municipal solid waste within 5 years and that one-third of the currently operating landfills will by 1994.

Recycling must play a critical part in diverting a significant amount of waste from disposal.

Recycling has important energy savings and materials conservation benefits and can avoid pollution created from extracting resources from our natural environment. For example, it takes only 5 percent of the energy used to make aluminum cans from raw bauxite to turn a used aluminum can into a new one; and recycling 1 ton of recycled aluminum saves 4 tons of raw materials.

A recent report prepared for the Environmental Protection Agency concludes that overall energy savings resulting from recycling of plastics are 92 to 98 percent; steel, 47 to 74 percent; and glass, 4 to 32 percent. The report found that in addition to energy savings, recycling reduces air and water pollution. Put simply, recycling can play a large part in reducing our dependence on oil because it saves energy and in cleaning up pollution.

The current level of recycling in the United States is low. Last October, the Environmental Protection Agency estimated that 13 percent of municipal wastes are being recycled. The potential for much higher levels clearly exists. I am proud that the State of Connecticut has enacted a recycling law setting a statewide goal of 25 percent recycling each year. The State has designated certain materials as recyclable; landfills and incinerators are prohibited from accepting those materials. Eight recycling centers will exist in the State by the end of 1991. The recycling center in Groton, CT, which has been open for 9 years serves 26 towns in southeastern Connecticut and is the first center of its size in the country.

There is an urgent need for public education campaigns to inform consumers that garbage has very real financial and economic consequences. Successful recycling programs need participation from all segments of society. Product manufacturers, consumers, generators of waste, and public officials need to follow their garbage and realize the impact. Communities and businesses must develop recycling programs, including curbside and apartment-house pickup programs, publicly and privately operated neighborhood dropoff centers to sort, accumulate, process materials, and market them to end-user markets, privately run buyback centers for particularly valuable materials, and private commerical waste hauling.

Consistently available markets for secondary materials are also an essential part of the success of recycling programs. The public and private sectors must support recycling by purchasing materials recovered from waste. Governments have a critical role to play in promoting the design of products that can be recycled safely and efficiently and in making certain that consumers have full and accurate information about the products they are purchasing and about recycling.

Recycling programs can provide important economic benefits for communities. They save municipalities money because it costs less to recycle than to dump in landfills. In Connecticut, for example, 44 leaf composting sites taking in 90,000 tons of leaves from 1.5 million people—half of the State's population—saved municipalities $4.5 million in landfill fees. Second, recycling can also provide jobs. In New York City, for example, the city's recycling law calls for establishing in each borough at least one center to which residents can take recyclable material like newspapers in exchange for cash. Such businesses, called buyback centers, are also intended to create jobs for depressed communities.

In order to deal with the solid waste crisis, we must face the difficult problem of changing human habits and educating people. The president of the Litchfield, CT, League of Women Voters, Marilyn Cann, said it well: "If people aren't educated to recycling, they're not about to do it consistently and effectively. If they're not educated, they're going to throw recyclables away." A national recycling day is needed because the problem requires a concerned effort on the part of individuals, elected officials, and private industry. It is my hope that on April 15, schools and communities will sponsor educational activities and training sessions on how recycling can help us both overcome the crisis we are now facing and help us preserve the Earth's natural resources.

Mr. President, I request that the full text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 70

Whereas the United States generates over 160 million tons of municipal solid waste each year—almost double the amount produced in 1965, and amounting to about 3.58 pounds per person per day—and the amount is expected to increase to 190 million tons of garbage annually by the year 2000.

Whereas the continued generation of enormous volumes of solid waste each year presents unacceptable threats to human health and the environment.

Whereas the Environmental Protection Agency expects that 27 States will run out of landfill capacity for municipal solid waste within 5 years and one-third of the currently operating landfills are expected to close by 1994 either because they are filled or because their design and operation do not meet Federal or State standards for protection of human health and the environment, and waste that is now disposed of in these facilities will have to be disposed through other means;

Whereas a significant amount of waste can be diverted from disposal by the utilization of source separation, mechanical separation and community-based recycling programs;

Whereas recycling can save energy, reduce our dependence on foreign oil, has substantial materials, conservation benefits and can avoid the pollution created from extracting resources from their natural environment;

Whereas the revenues recovered by recycling programs offset the costs of solid waste management and some communities have established recycling programs which provide signficant economic benefits to members of the community;

Whereas the current level of municipal solid waste recycling in the United States is low, although some communities have set a much higher rate;

Whereas to reach a goal of increased recycling, more materials need to be separated, collected, processed, marketed and manufactured into new products;

Whereas a well-developed system exists for recycling scrap metals, aluminum cans, glass and metal containers, paper and paperboard, and is reducing the quantity of waste entering landfills or incinerators and saving manufactures energy costs;

Whereas recycling of plastics is in the early stages of development and consideration market potential exists to increase the recycling;

Whereas yard and food waste is an important part of municipal solid waste and a large potential exists for mulching and composing the waste which would save both landfill space and nourish soil, but only small amounts of this material is currently being recycled;

Whereas Federal, State and local governments should enact legislative measures that will increase the amount of solid waste that is recycled;

Whereas Federal, State and local governments should encourage the development of markets of recyclable goods;

Whereas Federal, State and local governments should promote the design of products that can be recycled safety and efficiently;

Whereas the success of recycling programs depends on the ability of informed consumers and businesses to make decisions regarding recycling and recycled products and to participate in recycling programs; and

Whereas the people of the United States should be encouraged to participate in educational, organizational and legislative endeavors that promote waste separation methods, community-based recycling programs and expanded utilization of recovered materials: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 15, 1991, is designated as "National Recycling Day", and the President of the United States is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.•

By Mr. DODD (for himself, Mr. COATS, Mr. THURMOND, Mr. NUNN, Mr. DASCHLE, Mr. ADAMS, Mr. PELL, Mrs. KASSEBAUM, Mr. GLENN, Mr. D'AMATO, Mr. DECONCINI, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. AKAKA, Mr. LAUTENBERG, Mr. REID, Mr. JEFFORDS, Mr. HATCH, Mr. DURENBERGER, Mr. LEVIN, Mr. MOYNIHAN, Mr. KASTEN, Mr. BIDEN, Mr. SARBANES, Mr. KERRY, Mr. RIEGLE, Mr. WELLSTONE, Mr. INOUYE, Mr. BRADLEY, Mr. STEVENS, and Mr. DIXON):

S.J. Res. 71. Joint resolution to designate the period commencing on February 10, 1991, and ending on February 16, 1991, as "Children of Alcoholics Week"; to the Committee on the Judiciary.

CHILDREN OF ALCOHOLICS WEEK

• Mr. DODD. Mr. President, I rise today to introduce a resolution to commemorate the week of February 10 through 16 as "Children of Alcoholics Week." I am pleased to be joined by Senator COATS, Senator THURMOND, and a number of my other distinguished colleagues in introducing this measure. Earlier this week, I chaired a hearing of the Subcommittee on Children, Family, Drugs, and Alcoholism on "Breaking the Cycle: The Effect of Alcohol on Families." I heard very compelling testimony about the effects on children growing up with an alcoholic parent, testimony about the threat of alcoholism to family stability and strength.

In my subcommittee during this Congress, we intend to focus on policies to strengthen and preserve families. We already have held several hearings looking at the stresses on today's families. Many of these stresses are external—poverty, tension between work and family, teenage pregnancy.

Alcoholism, however, is a force that destroys families from within. Sometimes this force is explosive; often it is quiet and insidious. It is perhaps a truism to say that alcoholism is a family disease. But there is no question that the entire family is caught in its web. It shapes their lives and, in many cases, the lives of future generations.

Like the addicted person, other family members may deny the problem. They may become part of a conspiracy of silence that prevents them from seeking help. Yet, it is not a happy silence. The atmosphere within the family is often negative, full of stress and conflict. The rituals that help define a family—for example, birthdays and religious holidays—may not be observed, a fact that has been linked to the transmission of alcoholism.

As always, the most vulnerable family members are the children. There are an estimated 28 million children of alcoholics in this country, almost 7 million of whom are under age 18. Children of alcoholics are at risk for a host of psychological and physical harms, not least of which is the greater likelihood that they, too, will become substance abusers. Children of alcoholics are two to three times more likely than others to become alcoholics. Moreover, daughters of alcoholics are more likely than others to marry alcoholic men, increasing the likelihood of perpetuating the cycle.

Children of alcoholics also tend to have more health problems than others. A recent study by the Children of Alcoholics Foundation found that children of alcoholics are admitted to hospitals, use hospital days, and incur hospital charges at rates much greater than those experienced by other persons. This pattern results in additional costs for hospital care of $1 billion a year, a figure the Foundation considers quite conservative.

Children of alcoholics may blame themselves for the parent's problem and feel unloved and rejected. They may not reach out for help because they do not realize they are not alone. they may be vulnerable to abuse and neglect. Yet, some children show remarkable resiliency. Certainly, as several of our witnesses emphatically illustrated, to be the child of an alcoholic is not to be doomed to a life of failure, filled with insurmountable problems.

It is with the intent to draw attention to the needs of children of alcoholics that we introduce this resolution today. The witnesses at our hearing described in very moving terms how to be the child of an alcoholic is to feel totally alone, since it seems inconceivable that others could be in the same situation. We hope that by designating a week to focus on this group, we will let children who may now feel isolated and afraid know that they are not alone.

There is one special group of children of alcoholics who face a more severe challenge. These are children who are exposed to alcohol prenatally, those with symptoms of fetal alcohol syndrome or fetal alcohol effect. These symptoms can include a range of physical problems evident at birth. As these children grow, they may find themselves falling farther and farther behind in school. The tragedy of fetal alcohol syndrome is two-fold. First, it is entirely preventable. Second, it results in a huge loss of human potential. In his book "The Broken Cord," Michael Dorris writes poignantly about the limitations of his adopted son Adam, a FAS victim:

> My son will forever travel through a moonless night with only the roar of the wind for company. Don't talk to him of mountains, of tropical beaches. Don't ask him to swoon at sunrises or marvel at the filter of light through leaves. He's never had time for such things, and he does not believe in them. * * * He doesn't wonder where he came from, where he's going. He doesn't ask who he is, or why. Questions are a luxury.

Well, for us, questions are a necessity. We must ask ourselves whether we cannot do better for these children.

One of the gaps witnesses at our hearing repeatedly mentioned was the need for more public awareness, on the part of professionals, community members, and affected children themselves, that children in alcoholic families are at risk. They need treatment themselves, but may not be able to bring themselves to ask for help. They may not even fully understand that the problem is not them, but their parents' drinking. They may need someone to reach out to them. A greater understanding of the dangers these children face is a first step toward seeing that outreach occurs and treatment becomes more widely available.

Mr. President, in listening to the testimony of recovering alcoholics and children of alcoholics who were courageous enough to come forward and tell their stories, I was struck by the difficulty of pinpointing the beginning of alcoholism in individual families. Often, you cannot say "Here is the parent with an alcohol problem, and here is the child of the alcoholic." The parent also may be the child of an alcoholic, caught in a cycle perpetuated for generations. But if we cannot find the beginning of the cycle, we surely can find a way to break it.

Before we can do that, however, we must have a broader awareness of how that cycle is continued from one generation to another. We must make sure that community members understand why we must reach out to the children who are caught up in their families' alcoholism. Children of Alcoholics Week will help spread that awareness and understanding. I urge my colleagues to join us in making that possible. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 71

Whereas it is estimated that there are over 28,000,000 children of alcoholics in the United States, of whom 6,600,000 are under the age of 18;

Whereas there is strong scientific evidence that alcoholism runs in families with children of alcoholics being two to four times more likely to develop alcoholism than children of non-alcoholics;

Whereas parental alcoholism has a significant impact on the health of children and on the health care system, with children of alcoholics being admitted to hospitals at a 24 percent greater rate, using hospital days at a 62 percent greater rate, incurring hospital charges at a 36 percent greater rate, and incurring total health care charges at a 32 percent greater rate, than other children;

Whereas parental alcohol abuse is a significant factor in a large proportion of child abuse and neglect cases;

Whereas young children of alcoholics exhibit symptoms of depression and anxiety to a greater extent than children of non-alcoholics;

Whereas young children of alcoholics often have difficulty in school and are more likely to be truant, drop out of school, repeat grades, or be referred to a school counselor or psychologist;

Whereas children with Fetal Alcohol Syndrome suffer from a range of deficits that include dysmorphic facial features, growth retardation, intellectual impairment, and disruptive behavior patterns and children with Fetal Alcohol Effect suffer from significant, although less severe, deficits;

Whereas children of alcoholics, with the interest and help of family, friends, health professionals, teachers, clergy, and others, can avoid the negative effects of familial alcoholism;

Whereas this Resolution seeks to raise the level of public and professional awareness on behalf of the families and children affected by alcohol addiction;

Whereas by bringing attention to the plight of the children of alcoholics, the Congress will be offering hope and encouragement for these innocent victims and will be taking a significant step forward towards ending the generational cycle of addiction; and

Whereas a national week of recognition would give individuals and local, State, and national organizations the opportunity to break the silence often surrounding familial alcoholism: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on February 10, 1991, and ending on February 16, 1991, is designated as "Children of Alcoholics Week", and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies, programs and activities.●

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 3, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

At the request of Mr. BOREN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 3, supra.

S. 5

At the request of Mr. DODD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 5, a bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

S. 6

At the request of Mr. DOLE, the names of the Senator from Utah [Mr. GARN] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 6, a bill to amend the Federal Election Campaign Act of 1971 to provide a voluntary system of flexible fundraising targets for Senate elections, to increase public disclosure of activities of Senators, to reduce special interest influence in Senate elections, to increase competition in politics, and for other purposes.

S. 11

At the request of Mr. MOYNIHAN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 11, a bill to cut Social Security contribution rates and return Social Security to pay-as-you-go financing, and for other purposes.

S. 28

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 28, a bill to amend title 13, United States Code, to remedy the historic undercount of the poor and minorities in the decennial census of population and to otherwise improve the overall accuracy of the population data collected in the decennial census by directing the use of appropriate statistical adjustment procedures, and for other purposes.

S. 41

At the request of Mr. SPECTER, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of S. 41, a bill to provide for a 5.4-percent increase in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes.

S. 90

At the request of Mr. DOMENICI, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 90, a bill to amend the Internal Revenue Code of 1986 to meet the growing challenge of America's infrastructure needs.

S. 167

At the request of Mr. RIEGLE, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 203

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 203, a bill to provide for periods of military, naval, or air service in the Persian Gulf region in connection with Operation Desert Shield to be disregarded in determining the time for performing certain acts required by the Internal Revenue Code of 1986.

S. 204

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 204, a bill to amend title 10, United States Code, to provide for certain recalled retired members of the Armed Forces to serve in the highest grade previously held while on active duty.

S. 205

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 205, a bill to amend title 5, United States Code, to equalize the treatment of members of the Armed Forces of the United States and former employees of the Federal Government for purposes of eligibility for payment of unemployment compensation for Federal service.

S. 237

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 237, a bill to amend title 37, United States Code, to increase the rate of special pay for duty subject to hostile fire or imminent danger.

S. 244

At the request of Mr. JOHNSTON, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 244, a bill to provide for a referendum on the political status of Puerto Rico.

S. 250

At the request of Mr. FORD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 329

At the request of Mr. PELL, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 329, a bill to strengthen the teaching profession, and for other purposes.

S. 330

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 330, a bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 52

At the request of Mr. DECONCINI, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 56

At the request of Mr. KASTEN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 56, a joint resolution to designate the period commencing March 10, 1991 and ending on March 16, 1991, as "Deaf Awareness Week."

SENATE JOINT RESOLUTION 59

At the request of Mr. SPECTER, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Joint Resolution 59, a joint resolution designating March 25, 1991, as "Greek Independence Day; A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 62

At the request of Mr. HATCH, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Nevada [Mr. BRYAN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Alaska [Mr. STEVENS] The Senator from Idaho [Mr. CRAIG], the Senator from Kansas [Mr. DOLE], the Senator from Washington [Mr. GORTON], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 62, a joint resolution to designate the month of March, 1991 and the month of March, 1992 as "Women's History Month."

SENATE JOINT RESOLUTION 63

At the request of Mr. RIEGLE, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 63, a joint resolution to designate June 14, 1991 as "Baltic Freedom Day."

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. HATFIELD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of Senate Concurrent Resolution 11, a concurrent resolution to establish an Albert Einstein Congressional Fellowship Program.

SENATE RESOLUTION 53—RELATIVE TO GLOBAL WARMING

Mr. MITCHELL (for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. BURDICK, Mr. DURENBERGER, Mr. DASCHLE, Mr. WIRTH, Mr. LIEBERMAN, Mr. BIDEN, Mr. BRYAN, Mr. FOWLER, Mr. BRADLEY, Mr. MOYNIHAN, Mr. ADAMS, Mr. NUNN, Mr. LAUTENBERG, Mr. SARBANES, Mr. AKAKA, Mr. BENTSEN, Mr. KASTEN, Mr. BUMPERS, Mr. INOUYE, Mr. KENNEDY, Mr. CRANSTON, Mr. REID, Ms. MIKULSKI, Mr. DECONCINI, Mr. HOLLINGS, Mr. SANFORD, Mr. DODD, Mr. KERRY, Mr. GORTON, Mr. GORE, Mr. LEAHY, Mr. JEFFORDS, Mr. WELLSTONE, Mr. PELL, Mr. SIMON, Mr. HARKIN, Mr. GRAHAM, Mr. LEVIN, AND Mr. PRYOR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 53

Whereas human activities substantially increase the atmospheric concentrations of the greenhouse gases: carbon dioxide, methane, chlorofluorocarbons and nitrous oxide;

Whereas an increase in the concentration of greenhouse gases intensifies the natural greenhouse effect, resulting on average in an additional warming at the Earth's surface and an excess of radiative energy available to alter the climate system;

Whereas carbon dioxide has been responsible for over half the enhanced greenhouse effect in the past, and is likely to remain so in the future;

Whereas the scientific assessment of the Intergovernmental Panel on Climate Change (IPCC) concluded in August 1990 that under a business-as-usual scenario for emissions of carbon dioxide and other greenhouse gases, a global warming of five to ten degrees Fahrenheit above preindustrialized levels is likely by the end of the next century, bringing the Earth to its warmest level in at least 150,000 years;

Whereas many scientific studies show that rapid global warming would create grave risks of precipitous climate shifts, with effects including extreme heat waves and droughts in some agricultural and urban areas, amplified warming at high latitudes, sea level rise and resultant flooding of lowlying coastal areas, a probable increase in the frequency and severity of hurricanes and other extreme weather events, and the potential destruction of forests over broad expanses;

Whereas environmental stresses of this magnitude have the potential to cause unprecedented agricultural, economic, and social and political disruptions;

Whereas the Ministrial Declaration of the Second World Climate Conference in November 1990, adopted by more than one hundred governments, including the United States, calls for the negotiation of a framework convention to limit climate change in order to protect society and the environment "without further delay based on the best available knowledge" with the ultimate global objective "to stabilize greenhouse gas concentrations at a level that would prevent dangerous anthropogenic interference with climate.";

Whereas the Declaration further states that "the potentially serious consequences of climate change give sufficient reasons to begin by adopting response strategies even in the face of significant uncertainties.";

Whereas the United Nations General Assembly has established an Intergovernmental Negotiating Committee for a Framework Convention on Climate Change responsible for negotiating an international climate protection agreement in time for signature at the United Nations Conference on Environment and Development in June 1992;

Whereas the first negotiation session will be hosted by the United States from February 4 to 14, 1991;

Whereas Germany, Denmark, Austria, Australia, and New Zealand have already proposed to reduce emissions of carbon dioxide and other greenhouse gases; and that seventeen other countries (Belgium, Canada, Finland, France, Great Britain, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, and Switzerland) have proposed, individually or collectively, to stabilize or reduce their carbon dioxide emissions by the year 2000;

Whereas the United States emits more carbon dioxide than any other nation and has the second highest per capita emissions of carbon dioxide;

Whereas a large fraction of the emissions of carbon dioxide from the United States could be controlled at a savings, no cost, or low cost and that such measures would contribute to the competitiveness of American business and the overall economy;

Whereas development and transfer of technology may assist industrialized and developing nations in their efforts to reduce emissions of greenhouse gases;

Whereas the National Energy Strategy, which has been in preparation for the last eighteen months, presents an opportunity to develop targets for reductions in United States emissions of carbon dioxide and mechanisms for implementing such targets;

Therefore be it *Resolved*, That it is the sense of the Senate that it should be the policy of the United States (1) to specify reductions in the national emissions of carbon dioxide and other greenhouse gases by a date certain, and (2) to assume a leadership position in negotiating an international climate protection treaty that contains specific commitments to reduce emissions of carbon dioxide and the following elements:

An agreement by industrialized nations to reduce their current emissions of carbon dioxide;

An agreement by developing nations to limit their growth in carbon dioxide emissions from fossil fuel combustion so that total emissions from the industrialized and developing world are significantly reduced;

An agreement by all countries to limit the release of carbon dioxide due to deforestation, by sustainable use of existing forests and reforestation:

An agreement by all countries to take available steps to cut emissions of other greenhouse gases, including methane;

The establishment of an international fund, to help developing countries achieve these objectives;

The establishment of a mechanism of continuing international cooperation for development of efficient policies for future emissions reductions necessary to meet the objective of stabilizing greenhouse gas emissions at safe levels; and

The establishment of appropriate institutional mechanisms to facilitate cooperation in: research, observation and analysis; data and information exchange and reporting; development and transfer of technology; and technical training and public education.

Be it further *Resolved*, That the United States should support, at the February negotiating session, the establishment of a process that will allow negotiations of substantive provisions to accomplish each of these elements, for inclusion in the convention that is to be concluded in June 1992.

SENATE RESOLUTION 54—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 54

Whereas, in the case of United States v. Ronald Whitaker, et al., No. 90-14010-CR-JAG, pending in the United States District Court for the Southern District of Florida, one of the defendants, Sheldon Yavitz, has obtained a subpoena for the testimony of Jack Blum, a former employee of the Senate, in connection with his work as special counsel to the Committee on Foreign Relations;

Whereas, pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent present and former employees of the Senate with respect to subpoenas issued to them in their official capacities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Jack Blum in the case of United States v. Ronald Whitaker, et al.

SENATE RESOLUTION 55—RELATIVE TO THE 50TH ANNIVERSARY OF THE USO

Mr. MITCHELL (for himself, Mr. DOLE, Mr. THURMOND, Mr. RIEGLE, Mr. PACKWOOD, and Mr. SASSER submitted the following resolution; which was considered and agreed to:

S. RES. 55

Whereas the USO is celebrating its fiftieth anniversary;

Whereas the USO is the only independent, Congressionally chartered organization devoted solely to providing human services to our Armed Forces personnel;

Whereas the USO of Metropolitan Washington and chapters throughout the United States and the world provide family support services, emergency housing programs, airport services, and numerous other programs to assist members of the Armed Forces;

Whereas the USO is providing special support to servicemen and women and their families during Operation Desert Storm: Now, therefore, be it

Resolved by the Senate, That—

The Senate hereby extends congratulations to the USO on the occasion of its fiftieth anniversary and commends the work of the USO in support of the military personnel and their families serving in the United States and around the world.

The Secretary of the Senate shall transmit a copy of this Resolution to the USO.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on the administration's National Energy Strategy.

The hearing will take place on Tuesday, February 19, 1991, beginning at 2:30 p.m. in room 216 of the Senate Hart Office Building in Washington, DC. Witnesses will testify by invitation only.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke of the committee staff at (202) 224-2383.

Mr. JOHNSTON. Mr. President, I would like to announce for the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the status of implementation of the Department of Energy's civilian nuclear waste program mandated by the Nuclear Waste Policy Act of 1982 and its 1987 amendments.

The hearing will take place on Thursday, March 21, 1991, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Mary Louise Wagner.

For further information, please contact Mary Louise Wagner of the committee staff at (202) 224-7569.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on February 20, 1991, at 9 a.m. at a location to be announced. The hearing will address the Futures Trading Practices Act of 1991, S. 207.

For further information, please contact Ken Ackerman of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, February 7, beginning at 10 a.m., to conduct a hearing on demographic trends and transportation demand.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 7, at 10 a.m. to receive testimony from Secretary of State Baker on a foreign policy overview and budget requests for fiscal year 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 7, 1991, to receive testimony on S. 244, a bill to provide for a referendum on the political status of Puerto Rico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, February 7, 1991, at 9:30 a.m., for a hearing on the nomination of Walter Massey to be Director of the National Science Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies, and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, February 7, 1991, at 9:30 a.m., to hold a hearing on the impact of restructuring the savings and loan industry—the Southwest Savings case study.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on February 7, 1991, at 9 a.m., to hold a hearing on S. 207, futures trading practices intermarket coordination.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup to consider legislation in response to the situation created by Operation Desert Storm on Thursday, February 7, 1991, at 1:30 p.m., in the committee's hearing room, SR-418.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GRIDLOCK RELIEF FOR INTERSTATES

• Mr. SARBANES. Mr. President, I am pleased to join Senator WARNER in sponsoring the Gridlock Relief for Interstates Program or so-called GRIP legislation. This legislation would establish a new category of assistance under the Federal-aid highway program to address the critical and growing problem of congestion and gridlock on urban interstates. I want to commend Senator WARNER for introducing this very important bill. In conjunction with legislation I have introduced to restrict the openings of the Woodrow Wilson (I-95) drawbridge, the measure should help to alleviate the traffic demands, severe congestion and safety problems on the Interstate System in the Washington metropolitan area, as well as in other traffic-jammed urban and suburban areas of the Nation.

The GRIP bill authorizes $2 billion a year over a 4-year period from the highway trust fund for a variety of projects to maximize the capacity of heavily traveled portions of the Interstate System. The program would be available in high-growth urbanized areas with a population of 50,000 or more and funding could be used for highway reconstruction and capacity expansion projects, right-of-way acquisition for mass transit facilities along the routes, noise barriers, land acquisition for construction of parking lots to encourage mass transit ridership and carpooling, as well as acquisition of land for bikepaths. These are all important needs not being adequately addressed by the current Federal highway program.

In the Baltimore-Washington region, we currently have one of the most comprehensive transportation systems in the country, with the Washington and Baltimore Metro systems, Amtrak, MARC commuter trains, buses, and an aggressive highway construction and reconstruction program. However, all projections indicate that population growth and, more importantly, growth in demand for travel in the region, will continue to place serious strains on the regional transportation network. A January 1991 study entitled "Roadway Congestion in Major Urban Areas 1982 to 1988" found that of six northeast cities, Washington and Baltimore ranked first and fifth respectively, in terms of traffic congestion. The study found that the Washington area had the third-worst traffic problem in the Nation, costing an estimated $1.73 billion a year in lost time, gas consumption, accident losses and other factors.

Mr. President, America's future economic strength depends upon our willingness to make prudent investments in a number of pivotal areas such as physical infrastructure. Failure to make those investments restrains this country's efforts to build a more prosperous and competitive economy. The GRIP bill will help ensure that those investments can be made for transportation improvements in high-growth urban and suburban areas.•

NEVER AGAIN! THE NEED FOR CLEAR AND DECISIVE ACTION TO USE THE EXPORT ADMINISTRATION ACT TO FIGHT PROLIFERATION

• Mr. McCAIN. Mr. President, we should have no illusions about what we are doing here today. We are not really voting on an extension of the Export Administration Act. We are voting to defer any substantive action on the proliferation of chemical and biological weapons. More broadly, we are voting to defer any substantive action on the transfer of arms to aggressor nations like Iraq, and the transfer of the technologies to make long-range missiles, and biological, chemical, and nuclear weapons.

We can cite the pressure of war. We can cite the good intentions of this body and the administration. We can cite our hopes for multilateral action and progress in arms control treaties. These arguments are not without some merit. But, Mr. President, it is now 7 years since Iraq made massive use of chemical weapons against Iran. It is 3 years since thousands of women, children, and old men died from poison gas simply because they were Kurds.

We have talked and debated for at least 3 years, and the best we have to show for it is legislation on missile proliferation. We have heard promises about a more effective policy toward proliferation from the administration, and we have seen signs of progress toward that end. I commend the administration for that progress, but I caution that much more needs to be done.

More broadly, we have heard promises from four administrations to bring their house into order in administering the Export Administration Act, and the fact is that despite limited progress in controlling a bureaucratic nightmare, interagency disputes still contribute to an uncertain administration of the act.

Mr. President, I have recently reviewed an analysis of the pattern of arms transfers to Iraq and the Middle East that a former member of my staff prepared for the Royal United Services Institute in the United Kingdom. That analysis traces all too clearly a history of some $52 billion worth of arms transfers to Iraq, and sales by nation after nation of the technologies needed for Iraq to make biological, chemical, and nuclear weaons. It also warns that nearly one-third of all the Government expenditure in the Middle East is being wasted on military forces and arms. Mr. President, I recommend that analysis to my colleagues and will make copies of it available to anyone who is interested in its findings.

We have heard similar warnings from many other sources. We have heard them from the Secretary of Defense and the Director of the CIA. We know that Iraq is only the tip of the iceberg. At least 25 other nations are working on biological, chemical, and nuclear weapons. These nations also include some of the nations that have claimed in the UN that they are the advocates of arms control, but who fight hardest against any measures with teeth or limits to what they can export.

Mr. President, our motto should be, Never again! Our purpose should be immediate legislation to fight biological, chemical, and nuclear proliferation with the full force of law, and with economic sanctions against those nations and companies that are willing to be merchants of death and mass destruction. The idea that we somehow will see the same nations that traffic in death agree to enforceable multilateral agreements is a pleasant illusion, but it offers the promise of a horrifying future.

This is also why I have proposed a Non-Proliferation and Arms Control Act that goes beyond the legislation on chemical and biological weapons that I helped draft last year, and that will enforce precisely the kind of sanctions we need to ensure there are no more Iraqs, that there are no more Libyas, and that the developing world does not see its scarce resources wasted on trying to fight dictator after dictator. Good intentions, rhetoric, and promises are no longer enough.

At the end of this extension of the Export Administration Act we must have action. If we do not, we must collectively take the blame if weapons of mass destruction rain down on Cairo, Seoul, or Tel Aviv in the future. We will never really say "Never Again! unless we have the courage to act!•

SENATE CONCURRENT RESOLUTION 11—CONCURRENT RESOLUTION TO ESTABLISH AN ALBERT EINSTEIN FELLOWSHIP PROGRAM

• Mr. BINGAMAN. Mr. President, I rise today to speak in support of the concurrent resolution to establish an Albert Einstein Fellowship Program, submitted by my distinguished colleague from Oregon, Senator HATFIELD. I commend Senator HATFIELD for his leadership in this enterprise which is designed to bring professional educators into the Congress.

If we are to expect changes in the structure of education over the next decade, we must involve the best in the field at the decision making level and at the onset of our efforts. This will enhance our communication with the education community, provide us with insight into effective education programs, and grant us the immediate input from practicing educators we need to keep our work timely. The added benefit of having a fellow return to the education community after a year working with Congress, to share his/her learning with students and peers, further enhances our efforts.

While espousing national education goals is a step in the right direction, the Albert Einstein Fellowship Program is a practical effort toward actually achieving a number of these goals. It brings to Congress new insights, fresh ideas, extensive knowledge and practical experience in school science and mathematics education. The four fellows placed this year are living up to these expectations and also helping expand contacts in the education community for the offices where they are working. This program has brought a recognized and experienced science teacher to my office for the past four months, and the benefits have been substantial. It is, indeed, a shared learning process.

I lend my unequivocal support to this legislation and the underlying objective of increasing the involvement of practitioners in the policy formulation and legislative activity needed to achieve our national education goals.•

STAR WARS IS NO PATRIOT

• Mr. HARKIN. Mr. President, I am concerned that some may use the gulf war to justify spending billions of tax dollars on discredited weapons systems. Already we are seeing a flood of claims suggesting that the Patriot missile success in the skies over Saudi Arabia and Israel now justifies massive increases in the Star Wars Program.

This is ironic indeed. For years, star wars proponents have rejected any efforts to deflect research dollars from their favorite space-based weapons to support a limited, treaty-compliant ground-based defense against ICBM's. They fought to keep the grand dream of a global defense against ICBM's alive, whenever anyone suggested a more limited role for ballistic missile defense, such as a point defense to protect our ICBM fields from attack by Soviet ICBM warheads.

But the Patriot missile is even further removed from star wars mission and hardware. The Patriot missile, designed originally to shoot down aircraft, has only recently been upgraded to give it some limited capability against slow moving, short range ballistic missiles like the modified Iraqi Scud missiles. Most Patriot missiles in the inventory do not have even this limited anti-tactical ballistic missile [ATBM] capability.

Even those Patriots that have been modified for the ATBM mission, however, have no capability whatsoever against ICBM's, the sole target of the SDI program. ICBM's, or rather the warheads propelled through space by ICBM's, reenter the atmosphere at speeds of 4 to 5 kilometers per second, giving any defensive missile like the Patriot little time to fly up and intercept the warhead.

For comparison, the modified Iraqi Scud missiles come in at much lower speeds closer to 1 kilometer per second, giving the older Patriot missiles sufficient time to fly out and make their kill close to the intended target area.

Furthermore, the Patriot, which entered production several years before the SDI project was fathered by Ronald Reagan in 1983, has received no funds from SDI and has used none of the technology developed by the Star Wars Program.

Conversely, the space-based weapons proposed by SDI proponents would have little or no capability against Scud-type missiles. For example, the current SDI weapon of choice is the "Brilliant Pebble" or space-based interceptor rocket. But this rocket must acquire its target and fly long distances to reach the short-range Scud missiles, which fly relatively low trajectories compared to ICBM's that travel deep into space to reach their targets.

In short, there has been virtually no connection between star wars and the Patriot, either financially or technically.

The Patriot Program has been funded by the Army. For this fiscal year, total Patriot research funds are $23.7 million, or less than one percent of the huge SDI $2.86 billion research kitty.

The SDI Program does have a small—by SDI standards—research program to develop advanced ATBM systems. For fiscal year 1991, $180 million has been allocated for this research into longer range, more capable weapons than Patriot. These systems, including the Israeli Arrow missile, will not be ready for battlefield use for several years.

But a miraculous transformation has occurred in the fiscal year 1992 SDI budget. The $180 million for tactical defense has grown to $859 million, or a 370 percent increase. Given the need to defend against tactical missiles, this crash program might be justified.

However, if we subtract the ATBM research from the total SDI request for fiscal year 1992, we find that the classic SDI Program to defend against Soviet ICBM's has increased by 60 percent, from $2.68 billion to $4.28 billion.

This increase is totally unjustified. If a classic SDI space-based shield was too expensive, too leaky and too destabilizing last year, how can the success of Patriot missiles against an entirely different threat change the dynamics of strategic ICBM defense?

I would argue that nothing has changed in the strategic relationship, the technology or the projected costs to justify any increase in the underlying SDI budget. Indeed, I would suggest that the over-all SDI budget should be cut, or else the $860 million for ATBM research should be taken from the SDI strategic defense program.

Mr. President, I would also like to insert into the RECORD two recent articles on the Patriot versus SDI issue, one by Leslie Gelb in the New York Times, and one by Representative CHARLES BENNETT in the Washington Post.

The articles follow:

[From the New York Times, Jan. 27, 1991]

RIGHT-WING MYTHS

(By Leslie H. Gelb)

Right-wing propagandists have discovered how to use the Persian Gulf war, which many of them oppose, to ride an old hobby-horse back into the sunlight. Turn on the television, look at their columns, and learn two new meta-facts:

We should praise the heavens for Mr. Reagan's Strategic Defense Initiative, or Star Wars, for giving us the Patriot missiles, now famous for shooting Iraqi Scud missiles from Saudi and Israeli skies.

We have Ronald Reagan's fat increases in military spending to thank for winning the war.

The first is pure baloney; the second contains a grain of very misleading truth.

Let's begin with the colorful Star Wars-Patriot tale. The Patriot is not now and never has been part of the Strategic Defense Initiative programs and owes nothing of its success to Star Wars technology.

For the truth, just call Maj. Peter M. Keating, an Army spokesman, who said in response to a query that the Patriot and S.D.I. "are not even a spinoff of each other." For emphasis, he added, "Absolutely."

The Patriot was originally designed in the Ford Administration to shoot down aircraft. Quite independently of the Star Wars bureaucracy and at modest cost, the Army changed the computer software and the explosive fuse on the missiles, and made the system ready for its present anti-missile duty.

Yes, indeed, the Patriot and Star Wars are both intended to intercept missiles. But the similarity ends there. It's like saying that since people and elephants both have ears they can equally enjoy Mozart, and the elephants should be encouraged to do so.

More troubling than the Patriot tale is the Reagan's-winning-the-war myth. In the first place, the war in the gulf is being fought with conventional weapons, not nuclear ones. Nukes were the trademark of the budget fashioned by Defense Secretary Caspar Weinberger. Nukes far more than tanks and fighter-bombers constituted the thrust of his increases in weapons procurement and research and development.

Remember the B-1 bomber, canceled by President Carter and reinstituted by Mr. Weinberger. Now, $30 billion later, the plane is so bad that the Air Force rarely flies it. The old B-52's are doing the heavy bombing work over Iraq and Kuwait.

Above all, remember the Star Wars fantasy. The Weinberger-Reagan team spilled about $20 billion down the drain on that scheme, which could have cost $250 billion, to destroy all attacking Soviet missiles.

Almost all the technological wonders of the gulf war were begun well before Mr. Reagan. Harold Brown, President Carter's Defense Secretary, deserves the major credit for the sea-launched cruise missiles, the Stealth bomber and the HARM missiles employed so effectively against radar.

One of Mr. Weinberger's notable technological contributions was the Navy's A-12 attack plane. Defense Secretary Cheney just canceled it after only a few billion dollars was wasted.

As for improvements in the readiness of conventional forces, the Reagan-Weinberger duo merits about half the credit. No one pushed harder than Congressional Democrats to buy stockpiles of munitions and spare parts.

President Reagan spent about $1.5 trillion on defense, several hundred billion more than Jimmy Carter had planned. Most was well spent and justified. But much of the quick and large increases fell victim to mismanagement, waste and fraud.

Here is how that performance was described in 1988 by David Packard, Deputy Defense Secretary under President Ford and chairman of Mr. Reagan's own Blue Ribbon Commission on Defense Management. The Administration, Congress and the Defense Department, he said, "have created an environment in which honest and efficient military acquisition is impossible to implement . . . One could do as good a job in awarding the major contracts by putting the names of the qualified bidders on the wall and throwing darts."

Also not to be forgotten, Mr. Weinberger's Pentagon operation achieved a record number of indictments and convictions for fraud and thievery.

If the right-wingers' new line on defense were simply to justify their past support for all the waste, it would be amusing. If it were just the usual campaign to portray Democrats as weak-kneed and lily-livered, that would be understandable. But their real aim is to keep military spending around $300 billion after the war ends—and that would prove deadly at the very moment when the nation will need to refocus on domestic priorities.

[From the Washington Post]

SDI IS NO PATRIOT

(By Charles E. Bennett)

The Patriot anti-missile defense system has been successful in the Gulf war. The Star Wars weapons proposed by the Strategic Defense Initiative are anti-missile weapons. Therefore, SDI will be successful. Right?

Wrong. This simplistic logical chain is being widely trumpeted these days, most recently in the pages of The Post by defense consultant Thomas Mahnken ["Lessons of the Gulf Missile War," op-ed, Jan. 29]. We can all be proud of the Patriot system. It is the kind of practical, workable anti-missile system we should be producing. But those who are trying to piggy-back their own pet programs on the back of this success story are sadly misinformed. Here are the facts about Patriot and SDI.

First, the Patriot program has nothing to do with SDI. It is funded and managed by the Army Air Defense Program Office and has not received a penny of the $23 billion Congress gave to SDI since 1984.

Second, the Patriot counters tactical ballistic missiles. These are the immediate threat our troops face. Despite congressional efforts over the years, SDI has refused to seriously address this problem. Rather it has spent almost all its time and money on trying to counter Soviet intercontinental ballistic missiles. Last year, the SDI program spent $130 million on tactical ballistic missile defense, out of a total budget of $3.8 billion. This year, the amount goes up to only $180 million out of $2.9 billion.

Third, shooting down intercontinental ballistic missiles is an extremely difficult, and as yet unsolved, problem. The Patriot evolved from an air defense system directed against airplanes to one capable of shooting down tactical ballistic missiles. Tactical missiles are short-range missiles about the size of a large truck and arrive on target at about 1 kilometer per second. We know we can shoot them down. ICBM warheads, on the other hand, span the oceans. They are about the size of a man, fly in four to five times faster, arrive in a barrage of up to 10 at a time and may be hidden among dozens of decoys. These we do not know how to shoot down with confidence.

Over the years, SDI has promoted one system after the other as an answer to this problem. All have been funded by Congress. None has worked—not the X-ray Laser, the Alpha chemical laser, the Neutral Particle Beam Weapon, the Space Based Kinetic Kill Vehicle, the Space Based Interceptor nor now the latest, "Brilliant Pebbles."

To give some idea of the scope of the problem SDI faces compared with Patriot, consider that a battery of 32 Patriot missiles can defend an area of roughly 40 square miles. If this system were capable of shooting down long-range nuclear missiles, we would need more than 90,000 batteries with almost 3 million Patriot missiles to defend the territory of the United States. At present, there are a total of 53 Patriot batteries in existence.

Fourth, defenses against the short-range, tactical missiles are legal. A territorial defense against ICBMs—even if one were technically possible—would violate the 1972 Anti-Ballistic Missile Treaty signed by the United States and the Soviet Union. This treaty recognizes the still valid premise that trying to erect a shield against nuclear attack would only prompt the other side to increase the number of attacking missiles and devise ways to counter any defense. It is a no-win race.

Finally, there is the issue of cost. The Patriot program is not cheap. Congress has authorized $12 billion for this system to date. But that is peanuts compared with the $120 billion SDI officials estimated we would need to build, deploy and operate its so-called Phase I "Brilliant Pebbles" satellite system. This is a system of thousands of weapons satellites. The satellites would have very little if any capability to shoot down the low-flying Scud-type missiles that threaten our troops and the cities in the Middle East. To orbit this system, SDI officials said they would need to have annual budgets of more than $12 billion. The new downscaled version of SDI could still top $100 billion. With the many demanding needs we have to maintain and improve our conventional forces, plus the bills coming in from the Gulf war, it is difficult to justify this expense.

The Patriot is now a proven battlefield weapon. We should explore upgrading the system further to give it the ability to protect wider areas and interdict more capable tactical missiles. As for SDI, we should re-orient the program much more toward developing follow-on systems to the Patriot, preserve its research on future technologies and abandon the unwise plans to orbit space-based weapons in violation of the ABM Treaty.•

NATIONAL VOCATIONAL EDUCATION WEEK

• Mr. RIEGLE. Mr. President, next week is "Vocational Education Week." Vocational education is very important to many students in Michigan and across the country and I am pleased to have this opportunity to show my strong support for this area of education.

In building a strong educational system, we must recognize that students have a wide variety of talents, interests, and educational needs. There are many ways students can gain the skills and knowledge they need to participate fully in today's world.

Vocational education programs teach not only important trade and job skills at the high school level, but can also help students gain better understanding of more academic areas as well. An understanding of basic math and science, for example, can be strengthened through vocational applications. Many academically successful students take vocational classes. And pursuing a vocational track doesn't necessarily end a student's educational career. In Michigan, about 48 percent of high school vocational-technical education students choose to continue their education beyond the high school level.

Vocational education serves not only high-school-aged students, but is also important for many who go on to postsecondary schools or return to school to gain skills, including homemakers and senior citizens. The program serves more than 162,000 community college students in Michigan.

Last year, we reauthorized the Federal vocational education programs. That law enacted a new tech prep initiative to encourage the formation of consortia among high school vocational education programs and postsecondary institutions to strengthen technical training. These kinds of programs are urgently needed to help prepare skilled workers for our increasingly technically oriented workplace.

Michigan has many strong vocational education programs across the State in 56 area vocational centers, 401 high schools and middle schools, and in 29 community colleges. I have heard many success stories about Michigan students who have gained the skills they needed through vocational education to get good jobs. Statewide surveys have shown that many employers prefer to hire vocational-technical education graduates.

For all of these reasons, I strongly support vocational and technical education in this country, and I commend all of the dedicated teachers and administrators who are committed to helping students of all ages develop their skills and make the most of their talents.•

RULES OF PROCEDURES FOR THE COMMITTEE ON ARMED SERVICES

• Mr. NUNN. Mr. President, pursuant to Rule XXVI of the Standing Rules of the Senate, I submit for publication in the RECORD the rules of procedure for the Committee on Armed Services. These rules were approved by the committee on February 5, 1991.

The rules of procedure follow:

ARMED SERVICES COMMITTEE RULES OF PROCEDURE

(Adopted February 5, 1991)

1. *Regular Meeting Day and Time.*—The regular meeting day of the committee shall be each Thursday at 10:00 a.m., unless the committee or the chairman directs otherwise.

2. *Additional Meetings.*—The chairman may call such additional meetings as he deems necessary.

3. *Special Meetings.* Special meetings of the committee may be called by a majority of the members of the committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Open Meetings.* Each meeting of the committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. Presiding Officer. The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by majority vote the committee provides otherwise.

6. Quorum. (a) A majority of the members of the committee are required to be actually present to report a matter or measure from the committee.

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, seven members of the committee shall constitute a quorum for the transaction of such business as may be considered by the committee.

(c) Three members of the committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. Proxy Voting. Proxy voting shall be allowed on all measures and matters before the committee. The vote by proxy of any member of the committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

8. Announcement of Votes. The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee who was present at such meeting. The chairman may hold open a rollcall vote on any measure or matter which is before the committee until no later than midnight of the day on which the committee votes on such measure or matter.

9. Subpoenas. Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued by the chairman or any other member designated by him, but only when authorized by a majority of the members of the committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. Hearings. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the committee or subcommittee conducting such hearings.

(d) Witnesses appearing before the committee shall file with the clerk of the committee a written statement of his proposed testimony at least 24 hours not including weekends or holidays prior to a hearing at which he is to appear unless the chairman and the ranking minority member determines that there is good cause for the failure of the witness to file such a statement.

(e) Confidential testimony taken or confidential material presented in a closed hearing of the committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the committee or subcommittee.

(f) Any witness summoned to give testimony or evidence at a public or closed hearing of the committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(g) Witnesses providing unsworn testimony to the committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the chairman.

11. Nominations. Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least seven (7) days before being voted on by the committee. Each member of the committee shall be furnished a copy of all nominations referred to the committee.

12. Real Property Transactions. Each member of the committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the chairman of the committee within thirty (30) days from the date of submission.

13. Legislative Calendar. (a) The clerk of the committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the committee. A copy of each new revision shall be furnished to each member of the committee.

(b) Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the committee. Each subcommittee of the committee is part of the committee, and is therefore subject to the committee's rules so far as applicable.

15. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.•

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

• Mr. HOLLINGS. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the Rules of the Committee on Commerce, Science, and Transportation, to be printed in the RECORD.

These committee rules were adopted at the committee's first executive session of this Congress, held on January 29, 1991.

The rules follow:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the standing rules of the Senate.

2. Meetings of the Committe, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States:

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement.

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Eleven members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship and seniority on the particular subcommittee shall not necessarily apply.•

AUTHORIZING AN ADDITION TO MORRISTOWN NATIONAL HISTORIC PARK

• Mr. LAUTENBERG. Mr. President, I rise to join with Senator BRADLEY in introducing legislation which will authorize the addition of 15 acres to the Morristown National Historic Park.

Mr. President, last year, I requested that the Senate provide $585,000 so that the National Park Service could acquire the Sterling North property and include it as part of the Jockey Hollow division of Morristown NHP. With the help of the distinguished chairman of the Appropriations Committee, Senator BYRD, the Senate appropriated the money for this purchase. This legislation will expand the park's legal boundaries by 15 acres and authorize the spending of funds which have already been approved by the President and Congress as part of the fiscal year 1991 Interior Appropriations Act.

Morristown National Historic Park was created on March 2, 1933, to preserve lands and artifacts associated with the winter encampments of the

Continental Army including the Ford House where Gen. George Washington spent the winter of 1779-80 and which was characterized by President Franklin Roosevelt as "our first White House." The Park Service recognizes the campsites at the park's Jockey Hollow division as one of the largest collections of winter encampment troop remains to survive anywhere. Morristown was also the place where Gen. George Washington received the grave news about Benedict Arnold's treason at West Point.

The land we are seeking to add to Morristown NHP represents a special intertwining of historic and ecological values. This land is currently held by the estate of Sterling North, the late author of a number of books on nature. In its assessment of the North property, the Park Service states that it "possesses great potential for preserving archaeological resources and for providing historical information on the winter encampment of the Continental Army." The North property also contains Primrose Brook which plays a major role in the ecology of the Great Swamp National Wildlife Refuge. So by acquiring the North property the Federal Government not only preserves an important piece of our Nation's history, but also a critical piece of our environment.

Mr. President, this acquisition is supported by numerous environmental groups in my State, the National Park Service and the Washington Association of New Jersey, which has direct, legal ties to the park. I urge the Senate to act swiftly and pass this legislation so that the Park Service can protect this land with the money we have already appropriated for that purpose.●

TRADE AGREEMENT COMPLIANCE ACT A GOOD PLACE TO START

● Mr. SYMMS. Mr. President, I stand here today to commend Senator BAUCUS and Senator HEINZ for introducing the Trade Agreement Compliance Act.

Trade agreements reflect compromises between our Government and foreign governments in resolving trade disputes. The process of negotiating and signing trade agreements is very important if we are to avoid trade wars which benefit no one.

There is a growing sentiment in this country that our trading partners do not always live up to the spirit or the letter of the agreements we sign. The truth of the matter is often in the eye of the beholder. But it would be unfair for our partners to fail to live up to their agreements, and Americans have little tolerance for being treated unfairly.

It is more than a matter of being treated unfairly. If agreements are entered into and subsequently ignored, it destroys the very process by which the agreement was signed. If this is allowed to happen, then trade agreements will have little value and the world trading system will enter a much more dangerous period.

The USTR has done a commendable job of enforcing trade agreements with the tools at its disposal. Ambassador Hills was quick to begin Super 301 proceedings against unfair trade practices soon after passage of the Trade Act in 1988. Most of those cases were resolved within a year of introducing Super 301. Trade agreements can fail when trading partners refuse to comply with the provisions of the agreement. When this occurs, USTR must exercise its prerogative and take action.

Oftentimes, however, the problem is that there is no clear dispute settlement procedure to follow in cases of alleged noncompliance. Currently, a systematic process whereby the private sector can ask for and get a review by the USTR does not exist. This legislation puts into place such a process. The individual industries directly affected by an agreement have the most at stake and should have some means by which they can signal noncompliance.

The Trade Agreement Compliance Act is an appropriate beginning toward enforcing compliance of agreements. Further refinement may be needed, and I am sure we will have the opportunity to make improvements as the bill winds its way through the legislative process, but this bill is still a good base from which to start.

The introduction of the Trade Agreement Compliance Act today is particularly timely, given the recent breakdown of trade talks in the Uruguay round negotiations of the GATT. The European Community has displayed an unreasonable unwillingness to negotiate on agricultural concerns including export subsidies, internal supports, and market access. Along with some other countries, including the Japanese, the European Community has derailed, temporarily I hope, a great effort to put the world trading system on a strong footing heading into the next century. Unless the Uruguay round is brought to a successful conclusion, the United States may be forced to act unilaterally to establish the protections promised in the round.

I hope our trading partners hear the signal we are sending today—preserve the trade agreement process, abide by the agreements you have signed, and return to the table to conclude the Uruguay round successfully.●

HEALTH AND ENVIRONMENTAL PROTECTION IN THE NUCLEAR WEAPONS COMPLEX

● Mr. WIRTH. Mr. President, since I first came to the Congress 16 years ago, I have been concerned with health and safety issues at the Rocky Flats plant and in our entire nuclear weapons production complex. In the last Congress, I sponsored legislation to address some of these concerns. A new report released by the Office of Technology Assessment [OTA] has echoed and reinforced my long-standing concern regarding the inadequacy of DOE efforts to protect worker safety and the public health in and around the nuclear facilities it operates. The OTA has now joined me in decrying our substantial lack of knowledge of the health impacts from nuclear weapons production. Significantly, DOE's fiscal year 1992 budget request and reconfiguration plan proposed this week fail to acknowledge the importance of developing a health-based approach to the massive cleanup necessitated by decades of nuclear weapons production.

The OTA's findings are a vindication of the warnings that prominent scientists and leading environmental groups have been issuing for years. Reading this report, I get a sense of deja vu—I have seen these findings and recommendations before. I would like to take a few moments to discuss the OTA report.

THE OTA'S FINDINGS

First, the Federal Government has been allowed to operate nuclear weapons production facilities under a double standard for years. Because these plants operated under a cold war veil of secrecy, there was insufficient public, congressional, and executive branch oversight of their activities. The nuclear weapons complex operated by the Department of Energy and its predecessor agencies was allowed to ignore environmental, health, and safety regulations that private interests had to obey. This double standard is illegal and unconscionable—our Government must set the example by upholding the laws it created to enhance worker and public health at these facilities.

Second, public distrust of the DOE's methods and motivations remains high, because of a long history of secrecy and disregard for public health. Perhaps the most egregious violations, some of which were recently acknowledged by Energy Secretary James Watkins, involve failure to notify the public of radioactive and toxic releases from the weapons plants and their possible health effects, even when those releases were intentional and preplanned.

Third, the environmental program in the weapons complex is in the very early stages and little actual cleanup has been done. The OTA reports that current technology may be unable to decontaminate soil and ground water at some of the facilities, and public access may never again be possible at the most seriously contaminated sites. Secretary Watkins has stated DOE's commitment to comply with all relevant environmental regulations, and cleanup funding has increased dramatically, but the OTA confirms that public health considerations are taking a back seat to weapons production. DOE is not even identifying public health concerns that might be adversely affected by contamination from the plants, or by various cleanup schemes.

Fourth, DOE's claim that current contamination from weapons production poses no imminent health risks is not substantiated by scientific evidence. OTA's analysis shows that DOE's reassurances are baseless. Crucial public health concerns have still not been investigated adequately by DOE or other Government agencies. Responsibility for conducting site-specific studies is still scattered throughout several Federal and State agencies, and such efforts are seriously underfunded. Important health objectives may be slipping through the cracks because there is not one agency or coordinating body responsible for this work.

Fifth, DOE's lack of consideration for health concerns and failure to plan the investigations necessary in this area could actually undermine cleanup efforts. OTA concludes that DOE's current health assessment efforts fall short, and are unlikely to produce the data necessary to set health-based environmental restoration priorities. The sites that get cleaned up first may not be those posing the greatest health threats, and the cleanup methods used could actually be detrimental to public health, all because of insufficient credible research.

The OTA report is a stinging indictment. We still don't know the scope of the problem we face. It means DOE's estimates about the cost of cleanup and the time it may take are, at best, uneducated guesses. The goal of total cleanup in 30 years is not based on anything concrete—neither DOE nor any other agency has meaningful estimates of the work to be done, the level of cleanup to be accomplished, the availability of technologies to achieve certain cleanup levels, or the cost of that huge undertaking. Without health assessments, any prioritization scheme for cleaning up the complex raises the possibility that this enormous environmental restoration project increases the public health risk instead of lessening it. It also raises the frightening specter that hundreds of billions of cleanup dollars might be wasted.

WHY DOE IS FAILING ON HEALTH

OTA's last, and perhaps most important major finding, reaffirms that basic structural problems are at the heart of DOE's failure to adopt a health-based approach to the cleanup of the weapons complex.

DOE does not have an aggressive or inquisitive health research agenda. OTA found that public health concerns have still not been investigated adequately by DOE or other Government agencies. Much greater investigation than currently completed or planned will be necessary to determine off-site health effects and to help identify the most pressing cleanup priorities.

DOE has kept the findings of its health investigations away from open scrutiny. We have known for years that weapons producers and designers at the Department of Energy are not particularly enthusiastic about pursuing the health research agenda. I have long argued that this results from a basic conflict of interest that must be rectified.

OTA's prescription is the same as my own, and that of independent scientists around the country: The investigation of actual or potential public health threats must not only be aggressive, but coordinated and conducted by independent and qualified parties, with early and continuous public involvement. Without such an effort, OTA notes, problems requiring immediate attention will not be identified and the public will not be convinced that its health is being protected. For several years I have pursued legislation that would achieve many of these goals, but the DOE has resisted strenuously.

MAJOR OVERHAUL STILL NEEDED

In 1989, Secretary Watkins appointed a special advisory group to recommend changes in DOE's health research program, and the recommendations they delivered to him last year parallel my own. But the Secretary chose only to tinker with DOE's health programs when a total overhaul is needed. He refused to address the root causes, and instead tried to retain control over the health work that DOE has done so poorly and with so little credibility. Nine months later, DOE and the Department of Health and Human Services [HHS] finally unveiled a memorandum of understanding regarding radiation health research. Its failings are significant:

The MOU is not permanent or statutory. Future DOE or HHS Secretaries could significantly alter it without approval from Congress.

The MOU leaves key "long-term, analytic" research activities under the exclusive control of DOE. DOE's extremely low public credibility on radiation health studies will damage the perception of studies that remain under its control.

The MOU allows DOE to retain responsibility for data collection and dissemination through the Comprehensive Epidemiology Data Repository [CEDR]. CEDR is the critical facility for future research on weapons plant workers, but under DOE's control, CEDR remains seriously behind schedule, underfunded, and technically flawed.

The MOU allows DOE to keep "short-term, descriptive occupational health surveillance studies of DOE workers."

By way of example, let me explain how this affects the situation at the Rocky Flats plant in my State, where serious health and environmental problems have forced many operations to be suspended for over 1 year.

Without further action by Congress, DOE will continue to conduct occupational health surveillance of plant workers, even though the caliber of that work has been criticized as substandard. The independence and credibility of this crucial monitoring will continue to be suspect, and plant workers will continue to doubt whether their own employer is protecting them from occupational health threats.

Essential dose studies of the Rocky Flats plant, approved in an interagency agreement between the DOE and the Colorado Department of Health, will still have to depend on DOE for the basic data on releases of radiation and hazardous materials from the plant, and for data on Rocky Flats workers. The level of cooperation, quality, and completeness of data under DOE's control have been problematic, and could jeopardize or delay these studies.

The MOU does nothing to increase public confidence in DOE's ability to understand, characterize, or significantly mitigate health threats from operations at Rocky Flats. The people of the Denver area have lost all confidence in DOE's ability to operate the plant safely and protect their health. This arrangement does nothing to elicit public trust, and without that I remain convinced that operations at Rocky Flats cannot and should not resume.

DOE's actions on the control and conduct of health research make the OTA's report very timely indeed. OTA underscores how DOE's failures in the health research area hamper effective cleanup. OTA's recommendations are far-reaching:

Substituting independent, external regulation for DOE self-regulation wherever feasible;

Providing long-term, capable, independent oversight in matters for which DOE continues to retain primary responsibility;

Making information openly available and easily accessible to the public; and

Promoting active and continuous public involvement—at the National, State, regional, and local levels—in decisions about waste management and environmental restoration objectives, priorities, and activities.

FISCAL YEAR 1992 DOE BUDGET REQUEST

DOE's fiscal year 1992 budget proposal delivered this week, continues the Department's historic emphasis on waste management for ongoing weapons manufacture activities at the expense of environmental restoration and protection of public health. These are precisely the misplaced priorities that have produced the situation the OTA decries. Not only has DOE failed to develop a health-based approach to operation of the nuclear weapons complex or to the proposed cleanup of facilities, the Department has failed to allocate sufficient resources to build a credible health infrastructure or a base of information.

The Bush fiscal year 1992 budget shortchanges environmental restoration and waste management by more than $1.1 billion less than the DOE's June 1990 5-year plan indicated would be needed. Again at Rocky Flats, the DOE proposes to significantly increase spending to build its production capability, while so-called cleanup funding remains near its current level. DOE is asking for a fiscal year 1991 supplement appropriation of $283 million, over and above the $550.2 million already authorized for defense programs at Rocky Flats, and an additional $479.9 million for fiscal year 1992. This money would be spent trying to prepare for restart plutonium facilities currently shut down for health and safety reasons.

While all that money goes into fixing up buildings that should never be restarted, spending for cleanup at Rocky Flats would increase by only $50,000 in fiscal year 1992, to $156.57 million, and that assumes an $8.6 million supplemental request for fiscal year 1991 is approved by Congress. These numbers indicate that DOE's priorities are still upside down. I do not endorse these numbers, especially the cleanup figures. Because the DOE has not taken a health-based approach to setting priorities for cleanup at Rocky Flats or anywhere else, and because DOE's health infrastructure is clearly incapable of doing that job, we cannot say how much this cleanup is going to cost, whether it is going to be done wisely, and when any part of it can be completed.

My greatest concern is that all DOE nuclear weapons activities be governed by a firm commitment to protecting the health of workers within the complex and the general public living around these facilities. This cannot happen without a major overhaul of these health-related programs and activities.

DOE'S RECONFIGURATION PLAN

The Department has also released its new proposal for how the complex should be reconfigured over the next two decades. This document takes the first step in acknowledging that the end of the cold war has reduced our need for a sprawling nuclear weapons production complex. But even as the DOE proposes consolidation of production activities at fewer sites, and cites cost figures for accomplishing that task, there is no indication that this process will be governed by a strong commitment to protect the public health that has been lacking in the past.

What will become of sites abandoned in the course of reconfiguration? The study mentions no plans and considers no costs of decontamination decommissioning, environmental restoration, or protection of the public health. The public will demand answers to these questions in the hearing and review process that must now begin on the DOE's modernization plans. I plan to do everything I can to assure that the OTA's findings and recommendations are thoroughly integrated into the programmatic environmental impact statement, and into congressional review and action on the DOE's proposals.

I am gratified that the OTA has added its voice in the call for the urgent changes needed, without which "the prospects for effective cleanup of the Weapons Complex in the next several decade are poor." Significant changes in DOE's practices are the only way to develop credibility and public acceptance of its plans for waste management and environmental restoration.

I plan to reintroduce legislation to end the conflict of interest that has hampered the protection of worker and public health in the past. This responsibility must be transferred to the Federal agencies with experience and credibility in the conduct of health investigations and be coordinated with independent and public participation. These changes must be statutory and permanent, not subject to the whims of individual administrators. Moreover, these activities must be accelerated and funded sufficiently.

The OTA's greatest contribution has been to underscore just how high the stakes are as we attempt to address the environmental legacy of nuclear weapons production in the United States. Who conducts health research is not just a turf battle among Federal bureaucracies for budgets and authority. If health assessments aren't done properly, with openness and credibility, then the prospects for effective cleanup are extremely low. For the citizens of Colorado, Ohio, South Carolina, Idaho, Tennessee, New Mexico, Nevada, Washington, California, Texas, Florida, and many other States, adopting a public-health-driven approach for implementing this cleanup is a most urgent matter.•

THE CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWRY

• Mr. DIXON. Mr. President, as the past cochairman of the Union of Councils for Soviet Jews Congressional Call to Conscience, I want to take this opportunity to thank my colleagues for their participation in the 101st Congressional Call to Conscience. The Call to Conscience is one of the most effective means by which we in the Senate can focus attention on the plight of Soviet Jews.

The Congressional Call to Conscience has consistently brought the cases of long-term refuseniks to the attention of this body and to the world. The efforts of individual Senators, as well as collective efforts have worked. The Soviets have responded to American pressure. In light of the upheavals in the Soviet Union, and the uncertainty created, our efforts on behalf of Soviet Jews must be redoubled.

While much progress has been made in the Soviet Union, and many thousands of Soviet Jews have been able to emigrate, much more still needs to be done.

During 1990, over 147,000 Soviet Jews emigrated from the U.S.S.R. and the numbers are increasing dramatically. However, Mr. President, Soviet rhetoric on perestroika does not match the reality of the situation in the Soviet Union facing Soviet Jews. The right to emigrate is still a dream in the Soviet Union, despite assurances for over 2 years that passage of a freedom of emigration law was imminent.

Mr. President, we must continue to work for the right, codified in law, of Soviet Jews to emigrate, to work for the release of political prisoners, and to press for an end to anti-Semitic violence in the Soviet Union.

Since the introduction of perestroika and glasnost, Mikhail Gorbachev has attempted to change the cultural and political landscape in the Soviet Union. For the first time discrimination against Soviet Jews in the workplace and in higher educational institutions has been acknowledged and condemned. Permitted cultural activities have expanded slightly, allowing Jews to worship, discuss Judaism and the Judaic culture openly.

Still, not all is well. As the rate of Jews leaving the Soviet Union accelerates, the American public is led to believe human rights abuses are decreasing. In truth, anti-Semitism is on the rise, and many Soviet Jews remain in prison for purely political reasons.

A perfect illustration of this situation is the case of Dmitry Berman, a Soviet Jew from the Ukraine, wrongly accused and tried for the murder of a Soviet Army ensign in Moldavia. Mr. Berman was physically tortured and was forced to make a confession to the murder. Some time later, the Office of the Procuracy of the Ukrainian S.S.R. officially informed Dmitry Berman that the case against him had been dropped because no evidence of his participation in the crime that had been committed' exists. Mr. Berman immediately began the process of emigration to Israel.

On his final visit to the Ovir office he was told that his case had been reopened. Soviet officials immediately stripped him of his visa and all documents, preventing Mr. Berman from leaving the country.

In light of President Gorbachev's policy of perestroika, a case like Dmitry Berman's truly makes one wonder whether the Soviet Union is truly committed to reform.

Freedom is a double-edged sword. Freedom of expression not only allows individuals to challenge the inefficiency of an entrenched bureaucracy, it also allows expressions of hate and violence without fear or reprisal. Hate groups such as Pamyat have flourished in this atmosphere of glasnost. The rise in anti-Semitic activity has in part fueled the desire of many Soviet Jews to emigrate.

Let me also mention one last concern of the Soviet Jewish community both here and abroad. There has been a great deal of discussion about the Jackson-Vanik trade amendments to the 1974 Trade Act. Some in Congress have advocated lifting Jackson-Vanik as a reward to Mikhail Gorbachev for his efforts at democratization in the Soviet Union and Eastern Europe, and to support him during this unstable period. Let me remind my colleagues that the Soviet Union has not passed any right of emigration legislation, which remains the basis upon which any long-term waiver must be considered. Not until the Soviet Union passes emigration legislation, codifies it, and implements it for some time will it then be appropriate to consider lifting Jackson-Vanik. We must ensure that the Soviets match their words with deeds. To lift Jackson-Vanik at this time would be to reward the Soviet Union before they have fully met the conditions for a waiver.

Mr. President, I encourage my colleagues to participate in the Congressional Call to Conscience this session. Soviet Jews continue to seek our assistance. Our voices must be heard.•

ONE CLASS OF STOCK REQUIREMENT

• Mr. PRYOR. Mr. President, on October 5, 1990, the Department of the Treasury issued proposed regulations relating to the "one class of stock requirement" under subchapter S of the Internal Revenue Code. Since that date, I have received a substantial number of comments from taxpayers who have expressed to me their horror at the effect of these retroactively applied proposed regulations, and upon study and reflection of the issues involved, I must strongly agree with their concerns.

The aim of the Subchapter S Revision Act of 1982, which enables Treasury to prescribe regulations on the "one class of stock requirement," was to make the subchapter S pass-thru regime less complicated and more available to ordinary taxpayers. With this goal in mind, every attempt was made to craft the legislation to avoid disqualification of subchapter S status.

Mr. President, as I understand them, these proposed regulations go out of their way to make it as difficult as possible for ordinary taxpayers to make use of subchapter S and disqualify retroactively many existing S corporations. The proposed regulations violate both the spirit and the letter of the 1982 act as well as IRS rulings issued since its enactment.

Taxpayers and their tax advisors have relied on these well warranted assumptions for the last 8 years, and now, many may suffer great hardship to the extent that the proposed regulations apply retroactively and carry oppressive penalties, which includes double taxation caused by revocation of subchapter S status or what can amount to a 21 percent tax increase.

Mr. President, I submit that to change the rules in this manner amounts to no more than a "dirty trick" on small and family-owned businesses which are vital to our Nation's economy.

By letter dated February 7, 1991, to the Honorable Fred T. Goldberg, Commissioner of Internal Revenue, I have requested that he reconsider the proposed regulations. Mr. President, I ask that the full text of this letter be printed in the RECORD at this point.

The letter follows:

COMMITTEE ON FINANCE,
Washington, DC, February 7, 1991.

Hon. FRED T. GOLDBERG,
Commissioner of Internal Revenue, Ben Franklin Station, Washington, DC.

DEAR COMMISSIONER GOLDBERG: A substantial number of my constituents have expressed their concerns to me regarding the proposed regulations issued by the Department of Treasury on October 5, 1990, relating to the "One Class of Stock Requirement" under subchapter S of the Internal Revenue Code. These constituents include unsophisticated and small family-owned businesses who are often not privy to high cost tax advice, but who are vital to the Arkansas economy.

The aim of the Subchapter S Revision Act of 1982 was to make the subchapter S passthru regime less complicated and more available to these ordinary taxpayers. With this goal in mind, every attempt was made to craft the legislation to avoid disqualification of subchapter S status.

It is my understanding that the proposed regulations are at great odds with both the spirit and the letter of the enabling legislation as well as with previous IRS rulings issued since the law's enactment over eight years ago. Moreover, based on these valid assumptions upon which taxpayers have functioned, many may suffer great hardships to the extent that the proposed regulations apply retroactively and carry oppressive penalties, including double taxation caused by revocation of subchapter S status. Such a result is unconscionable, and therefore, I request that you reconsider the proposed regulations.

Sincerely,

DAVID PRYOR.•

HONORING THE MUNICIPAL CLERKS OF WISCONSIN

• Mr. KASTEN. Mr. President, public service is one of the most important ways in which the citizens of a democracy can show devotion to their community.

The men and women who make the machinery of our local government run effectively—meeting our human needs and making our State a better place to live—deserve our gratitude and respect.

The week of May 5-11, 1991, Municipal Clerks Week, will provide all Americans an opportunity to say thank you to their neighbors in public service. I personally would like to extend a special thanks to the Wisconsin Municipal Clerks who will be meeting in Neenah, Wisconsin on May 9.

Thanks for making our lives easier—the citizens of Wisconsin appreciate the important work you do.•

THE FAMILY PROTECTION ACT OF 1991, S. 353

• Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of S. 353, legislation that will reduce the incidence of home contamination from hazardous waste. This bill, the Workers' Family Protection Act, will help fight the risk of the inadvertent introduction of toxic chemicals into workers' homes.

Many workers in our Nation find themselves in jobs where they come in close contact with hazardous materials. Because of this contact, there have been instances where toxic chemicals have been brought into the home by way of a worker's clothing. This has occurred in several homes in my State of New York. Workers in a thermometer factory on the New York/Vermont border were found to have excessive levels of mercury in their homes. In some cases, children were found to have above normal mercury levels in their body fluids. It is probable that traces of mercury found their way into the workers' homes by way of their clothing.

By introducing this bill, Senator JEFFORDS and I hope that a solution to this problem will arise. The Workers' Family Protection Act will empower the government to study the prevalence of home contamination and give financial assistance to States to combat toxic hazards in the home. Of course, businesses are encouraged to seek more efficient ways to eliminate household contamination through providing work-place clothing and laundry facilities.

Mr. President, whenever obvious health hazards exist, we should do all that we can to correct them. This is one such instance. I believe that S. 353 will help lessen instances of home contamination in our Nation. I am pleased to cosponsor this bill, and I encourage my colleagues to join me.•

THE BUDGET AS IT RELATES TO AGRICULTURE

• Mr. PRYOR. Mr. President, today I rise in further response to the administration's budget proposal as it relates to agriculture. This is a statement that I sincerely wish was not necessary, but due to the serious policy repercussions that this suggested budget would have, I feel it is incumbent upon me to take issue with the proposal and serve a reminder notice to the administration that agriculture was just asked to do more than its fair share in the budget game of this past year. It is way too early to present such flawed and misguided ideas to this chamber in hopes of quietly securing some short-term savings.

Last year we approved a farm bill that placed Federal expenditures at approximately $54 billion over 5 years. But shortly thereafter, we passed a budget agreement that required us to go back and lower agriculture spending to $40 billion. This amounted to a 25-percent cut. It was significant and it was dramatic. Our only consolation was that agriculture was told that the worst was over, that agriculture had done its duty toward balancing the Federal budget and that the budget agreement would be binding for the next 5 years. Now we find that the worst is far from over, and this is disappointing indeed. This latest budget proposes to cut up to almost $400 million more from farm programs.

This latest budget proposal from the administration amounts to broken faith. If our farmers are expected to continue providing this country with a safe and stable food and fiber supply, then these cuts cannot continue.

Just this past Congress, over two-thirds of my Senate colleagues joined together in rejecting the concept of a means test, an idea that has now been resurrected in the budget proposal. A means test is the most poorly devised policy idea to be debated in agriculture in recent years. I cannot fathom how such a program would even be implemented: would farmers be required to take their past year's tax records to the local ASCS office in order to prove how much money they made last year? How would leaders view the stability and cash flow predictability of large farms if those farms were excluded from commodity program benefits? And exactly what will constitute off-farm income * * * income derived from one's interest in a cotton gin, the stock dividend in a rice mill, money made from trucks hauling other's grain to market? These are some of the immediate questions this policy brings to mind, but what about the implications for the future?

If the purpose of farm programs is to improve the stability in agriculture so long term adjustments and technology adoption can take place in order to continue providing a safe food supply, then how will the removal of many farmers from program participation effect these goals? That's one question I know the answer to, Mr. President. Adversely is the only way it could affect them. Further reduction of benefits will only serve to force more producers out of the program, thereby forcing those still in the program to have higher set asides in order to achieve some supply stability, and this will only drive the cost of the program up, and the farmer's income down. Think of the effect such a policy would have on rural business, banks, and the school districts that serve these areas. I have said it before, but clearly someone needs to be reminded * * * this would result in rural chaos. Such a policy would have terrible effects on agriculture, the environment, and the U.S. consumer.

This budget proposal also makes further cuts in the Rural Electric Administration's lending capability. It also reduces the premium coverage for those choosing to use crop insurance. One would think, with all of these ideas sailing around and these fiscal changes being proposed that the administration would have taken the time to allocate funds for disaster assistance for 1990 crops, the only poor crop year that has thus far been neglected in recent years. Why?

This budget proposal says one thing to me. Apparently, this administration does not take last year's budget agreement seriously and it does not take farmers seriously. I think and hope that Congress can do better.

The long-term policy implications that this budget would inflict on agriculture would be severe. Our farmers and the consuming public they serve deserve better.•

CENTENNIAL OF THE PORT OF PORTLAND

• Mr. PACKWOOD. Mr. President, I rise today to recognize an important event for the Port of Portland—the celebration of its 100th anniversary.

One hundred years ago there was a dream to make Portland a major west coast city. However, the treacherous Columbia River was an obstacle to the realization of that dream which needed to be overcome. City fathers were not to be deterred, and in 1891 the Port of Portland was created to dredge a navigational channel from Portland to the sea. In 1910, the commission of public docks was created to develop a waterfront capable of handling increased trade. Sixty year later, the dock commission was merged with the Port of Portland.

The Port of Portland has played a critical role in the development of the city of Portland and its surrounding regions. The port's five diverse areas of operation—aviation, marine, ship repair, real estate, and dredging—make up a complex transportation and development corporation. Its contributions include encouraging trade which amounts to $12 billion a year, creating 38,000 jobs statewide, and stimulating more than $9 million a day in economic activity. These accomplishments have made Portland a vital west coast city.

Again, I would like to congratulate the Port of Portland on 100 years of productive efforts toward making Portland's dream a reality. May the next 100 years be as successful as the last.•

HONORING NORBERT J. HYNEK

• Mr. KASTEN. Mr. President, I would like today to bring to my colleagues' attention the retirement of one of America's most distinguished public servants, Norbert J. Hynek, mayor of Glendale, WI.

Mayor Hynek has served his community with devotion and excellence for 35 years—including the last 18 eventful years as mayor.

The people of Glendale are proud to have had Norbert as a mayor and a friend. On March 1, they will be honoring his character and his many achievements at a public celebration. I am pleased to be able to add my voice to theirs: Thank you, Norbert, and a happy retirement.•

SENATE AGENDA

Mr. MITCHELL. Mr. President, let me just say now for the information of all Senators that at the close of business today, the Senate will begin its nonlegislative work period subject to the callback provisions that were included in the recess resolution adopted by both Houses of Congress yesterday.

Under those provisions, should events require the attention and deliberation of the Congress prior to the conclusion of the President's Day work period, the Speaker of the House and I are authorized, following consultation with the Republican leaders of both Houses, to call the Congress back into session.

Should that provision not be acted upon, that is should we not return until February 19, it is my intention we will act on the following legislation and nomination as well as others that may become available when we return to session on February 19.

I identify these for the information of Senators in my continuing effort to provide as much notice to Senators on the subject matter that the Senate will be taking up, and the timing when those matters will be before the Senate.

When we return on February 19, S. 320, the Export Administration reauthorization bill, will be before the Senate at 3 p.m. under an agreement previously entered into.

There is no time agreement or limitation on amendments to that. So it is possible that there will be votes on that day should amendments be offered.

We will then consider, among other things, as soon as possible, the following matters: the Defense Production

Act reauthorization bill; the Soldiers' and Sailors' Civil Relief Act, to which I have just referred; the Persian Gulf forces benefits bill, to which I devoted my previous remarks, and which I know Senator GLENN and Senator MCCAIN are now about to address; a bill to strengthen literacy and education for American families, which we hope will be soon reported from the Labor Committee; a funding bill for the Resolution Trust Corporation; the Intelligence Committee reauthorization bill, which we expect to be reported in the near future; the nomination of former Gov. Lamar Alexander to be Secretary of Education; and, should it be received by the time we return or shortly thereafter, a supplemental appropriations bill for the Persian Gulf.

With respect to the latter item, we have been advised we can expect to receive such a request from the President in the near future, and I anticipate when we receive that we will want to act on that promptly pending of course action by the House and the Appropriations Committee.

I will have this list printed in the RECORD so Senators will be able to see it and prepare themselves for such, those who have an interest in this legislation, various items listed, and be prepared to discuss them.

And I note the distinguished chairman of the Appropriations Committee is here, and I invite any comments by him that he chooses with respect to the supplemental appropriations bill. As I indicated, we do not yet have such a request. We are expecting one. And I know the chairman is prepared to proceed promptly in that regard, the chairman and the full committee.

Mr. President, I thank my colleagues for their patience, and I understand that Senator GLENN and Senator MCCAIN are going to address a subject I earlier addressed.

I yield the floor.

Mr. MCCAIN. If Senator GLENN will yield for 2 minutes of comment.

I want to thank the majority leader for keeping me and the rest of the Members so well informed as to the business of the Senate. It is very helpful to us in planning our work during the recess. Thank you very much.

I want to make a couple of comments about the package that my friend from Ohio is about to present. I think it is a very important package. It may be the first step, but clearly it is an indication to the Senate, and indeed the American people, we want to do whatever we can to make sure the men and women serving in the gulf receive the benefits that they deserve in this very dangerous enterprise, which we have sent them into.

I want to applaud my friend from Ohio. He has indepth and many years of knowledge of the needs of the men and women in the service. No one is more qualified to address these issues. It has been a pleasure to serve with him on the Manpower and Personnel Subcommittee of which he is chairman, as we have continued now, for many years, trying to provide the benefits and pay for the men and women in the military. This presents, in my view, a wonderful opportunity for Senator GLENN and me to help provide many benefits which were put in the background in previous years, never forgetting that we are an All Volunteer Force. I want to lend my support to the package articulated by the majority leader, which will be elaborated on by Senator GLENN. I thank him for his continued efforts.

I know that this is a first step in a series of pieces of legislation that we need to address in order to make sure that the obligations of the American people are fulfilled to the men and women in the military.

I thank my friend from Ohio for yielding to me.

BENEFITS FOR MILITARY PERSONNEL

Mr. GLENN. Mr. President, Senator MCCAIN and I have worked closely together as chairman and ranking member on the Manpower Subcommittee of Armed Services. To say that we work hand in glove would be an understatement. Whoever has taken the lead on a particular issue, we have seen eye to eye and worked for the benefit of all of our people in the military.

I particularly appreciate his work on these matters, and also his personal friendship. I appreciate his remarks very, very much.

Mr. President, as the majority leader has indicated, there are a number of bills that have been introduced that would provide certain benefits for military personnel serving in the Persian Gulf conflict, and their families.

I think it would be fair to say that we have had a whole flurry of bills, and it is not surprising that that would occur. But I think there is something I should note about the problem, and why all these things have occurred this way.

It is not just a flurry of support that just came out of the blue. It is something that we probably should have foreseen, but really did not, because we have not had a Reserve callup like this in many years. The size of this callup has created some special problems and brought to light things that maybe we should have been smart enough to foresee and plan for in advance; but they have come up now, and we are dealing with them now in the way that we are.

Just the size of this callup is something in its own right. In using the section 673 callup authority, under title 10 as the President has, he has seen fit to activate some 200,000 troops so far, roughly. But section 673 gives him authority to call up to a million reservists for up to a 2-year period.

So once we were made aware of some of the problems we needed to address because of this, the Congress got into action immediately. And so we are in the process of putting together a package that we think deals with these issues in a fair and responsible way.

I am a sponsor of some of these bills, and I am gratified to note that those referred to the Armed Services Committee have already been reported favorably. Other bills have been reported favorably by the Finance Committee and the Veterans' Affairs Committee dealing with Persian Gulf military personnel benefits. And there are other bills pending action in some other committees.

So it is obvious that there is a very strong consensus in this body that we do support our men and women in uniform who are serving in harm's way in the gulf, and we also support their families. We are also trying to deal with unique family problems.

These initiatives include providing benefits such as a 6-month extension for filing of income tax returns, which I introduced as S. 203, and for providing for interest payments on Federal income tax refunds, both provisions which passed the Senate and the House as part of H.R. 4.

I will not try to give all the details of all of these initiatives, because some are very complex.

But these other initiatives include increasing imminent danger pay and hostile fire pay for military personnel, which was last set in 1985. We have had inflation since then. That should be upped. So that has been proposed.

Improving unemployment compensation for military personnel so that separating military personnel will have the same safety net as civilian personnel, who get 26 weeks of protection. Military only get 13. We think those benefits should be the same. It is the same problem for military people, and so the bill would give them the same amount of time to deal with it.

Another is providing the authority for retired military personnel to be recalled to active duty in the highest grade they previously held while on active duty.

Next deals with increasing the ceiling on the amount of savings military personnel serving in the Persian Gulf can set aside in the U.S. Treasury to draw interest at an annual rate of 10 percent. That has been done in previous conflicts, and we think it should be done here.

Next is increasing the service group life insurance coverage for military personnel from $50,000 to $100,000. This would require, along with it, the upping of the insurance premiums that are paid for by the military people themselves, since this is a self-sustaining fund.

These particular bills were reported out favorably by the Armed Services Committee on January 31, 1991, and they complement other Persian Gulf military personnel benefits enacted in the Fiscal Year 1991 Defense Authorization Act last year.

These enacted benefits included free mailing privileges; retroactive payment of imminent danger pay to the start of Operation Desert Shield; reimbursement for unused accrued leave; payment of medical special pays to activated Reserve and National Guard medical personnel; authority for the military services to implement a savings plan for deployed personnel; and authority for payment of housing allowances to activated Reserve and National Guard personnel identical to the entitlement for active duty personnel. Activated Reserve personnel have the same housing problems, and they should be treated in the same way.

Mr. President, I think that this body acted very responsibly last year in providing these measures of support for our men and women in uniform and their families. Since then, we have obviously hit upon other measures that merit our consideration, and I have summarized some of those earlier. Others also worthy of consideration include bills that would improve support for family services and child care, especially for activated Reserve and National Guard families. We provide for relief from payments on Government student loans for activated reservists, and for improvements to the Soldiers' and Sailors' Civil Relief Act that would provide expanded protections for activated reservists with regard to housing, installment loan payments, and reinstatement of health insurance.

Mr. President, these are just some of the many meritorious proposals that have been offered. There are others I have not mentioned that may be equally or even more meritorious.

In order to coordinate all of these initiatives, and they fall across quite a number of committees and quite different interests, the majority leader has appointed me to chair a group of 16 Senators on this side of the aisle to catalog and prioritize these initiatives, and try to find out such things as: would these measures be permanent, or only for the duration of Desert Storm; what would they cost; would they be new entitlement programs that would go on well after Desert Storm was done. We are striving to work out all of these details.

"The Persian Gulf Personal Benefits Task Force," as Senator MITCHELL has entitled it, met on Tuesday of this week with task force members and their staffs to go over the more than 50 bills that have been introduced so far in the Senate and in the House. I note that we are coordinating closely with Majority Leader GEPHARDT who is chairing a similar task force over in the House at the request of Speaker FOLEY. So the task force that I chair is going to be working very closely with Mr. GEPHARDT, also.

For Senators who attended the other day, I thank these Senators and staffers for the work they put into this effort so far. I particularly thank Senators KENNEDY, BRYAN, ADAMS, DASCHLE, BINGAMAN, WELLSTONE, KOHL, and MIKULSKI for the time they invested in the work of the task force and for their participation in the meeting on Tuesday. I also commend Senator BENTSEN, the chairman of the Finance Committee; Senator NUNN, chairman of the Armed Services Committee; and Senator CRANSTON, chairman of the Veterans' Affairs Committee, for the work those committees have done in reporting bills that will be folded into this effort.

I also note what I mentioned briefly at the start of my remarks, that Senator DOLE has appointed a Republican Persian Gulf benefits task force chaired by my good friend from Arizona, Senator MCCAIN, with whom, as I indicated, I work so closely on the Manpower Subcommittee of the Armed Services Committee.

All of us in the Senate recognize that the welfare of our men and women in uniform is not a partisan cause. Their assignment over there on Operation Desert Shield and Desert Storm was not done on a political basis, nor should we support them on a political partisan basis either.

So, we look forward to working together on this in the Senate. In that regard, I note that all of the material that we have developed on this side of the aisle has been shared with our counterparts on the other side of the aisle, Senator MCCAIN and his people, and we are already working together on some of these proposals.

It is my hope that staff will be able to work on this material over the nonlegislative period next week and present their recommendations to us shortly after we return so that we can at an early date vote out an omnibus Persian Gulf benefits package. This package should not really be termed "benefits." It should be termed a "fairness" package, as I see it, because that is what we are trying to achieve.

Now, I know that we have to be conscious about costs, and we are fortunate this afternoon to have on the floor of the Senate the chairman of our Appropriations Committee, who deals with these money matters all the time. Senator BYRD has to work through his committee to provide the money for whatever it is we may authorize in other committees or what we pass here on the floor. No one works harder on this than does Senator ROBERT BYRD, I can guarantee you. I know he shares our concern about the fairness of the issues we are addressing. But we must be conscious about costs, and that is one of the things we are going to be dealing with in the task force that I chair.

We have sent our men and women into harm's way. They have sustained casualties. They have been captured. But they are all volunteers. They knew what they signed up for. They knew what their responsibilities were; they knew the dangers. Their morale is high, and they are performing well by every single performance measure we have heard of from over there in the Persian Gulf area.

But in recognizing that these people were not dragged into service, that they are in the military because they are proud to represent their country, I am proud to say that they are doing a great job, but having said that, as I indicated earlier, this is one of the biggest call-ups we have ever had, in fact the largest I believe, and these people have been uprooted from a stable family environment for an indefinite period of time. There are obvious economic and emotional stresses on them that we need to recognize and compensate for as much as we reasonably can.

Mr. President, these people have been uprooted from a stable family environment for an indefinite period of time, and there are obvious economic and emotional stresses on them and their families, of course, the effect is felt in communities across the country as doctors, firefighters, school teachers, policemen, and other workers are called up.

So while cost is important, I hope that in the interest of fairness which many times is not amenable to the normal rigors of cost accounting, we can deal with these things and be careful not to let overemphasis on cost become an excuse for not dealing with some of these problems that do have some dollars connected with it. Of course, we must be responsible in our approach, and I know that is what we will all do.

Mr. President, I know that this body is united in support for our men and women in uniform and for these families in this very difficult time. And it is likely to get even more difficult since ground combat has not yet started over there.

We talk about our troops being devoted to their country, willing to do what has to be done, and showing great faith. We see interviews from the Persian Gulf area talking with our people there. They have faith in their country, they have faith in the particular service in which they serve, and, more than anything else, they have faith in each other. I bring that up here because that is what combat finally comes down to. You may sign up because of all the great things we talk about, the Constitution, our flag, and patriotism, and so on. And then you get in the service and you develop a special cohesiveness with the people in your unit, the people with whom you serve. When it comes down to combat, the thing that counts most is faith in each other. Each person there literally goes in harm's way to make certain not to let down their buddies in combat, and it gets to be a very, very small world when it comes down to that.

Our people involved in Desert Storm, wherever they are serving, are keeping faith with us. I feel that that faith has to be a two-way street. We know that faith in us will not be misplaced, that we will deal fairly with them not only now while they are over there, but also after they come back to this country when this is finished. So I know the Congress will stand together to provide all the support necessary not only to prevail in combat but also provide personal support for them and their families, not only as they serve now but when they return.

The majority leader said that we hope to have this benefits package pulled together shortly after this nonlegislative period. We look forward to bringing these matters to the floor and debating them responsibly, keeping in mind that this is the least we can do to keep faith with the people who are doing such a great job over there.

The PRESIDING OFFICER (Ms. MIKULSKI). The Chair recognizes the Senate President pro tempore.

Mr. BYRD. Madam President, I congratulate the distinguished Senator from Ohio [Mr. GLENN]. I know the work that he is trying to do, and I know that we all are very interested in doing what we can to be helpful to our brave men and women who are in the Persian Gulf area today.

I hope that we will be very careful, as we develop legislation, to keep in mind the terms of the budget agreement that was entered into last fall after several months of deliberations. I am fully aware of the fact that the great majority of the Members of this body were not at the summit, only a relatively few Members were there and participated. But we did enter into an agreement, and I think we are honor bound to keep it. I would expect the administration to keep their side of the agreement, and so we must keep ours.

I hope that I can be helpful, perhaps in discussions with other Senators, in bringing about an understanding of what the agreement entails, because without that understanding, our reach might exceed our grasp.

Some may not correctly understand the "emergency" and "Desert Shield" exemptions enacted last year in the Budget Enforcement Act. So I would suggest that Members familiarize themselves with that act, which we passed very late last year. There are terms and implications that we need to understand.

The act contains a provision exempting the costs of Operation Desert Shield from the defense discretionary spending cap. That provision (section 251(b)(2)(D)(ii)) states, in relevant part:

> The costs for Operation Desert Shield are to be treated as emergency funding requirements not subject to the defense spending limits. . . . Emergency Desert Shield costs mean those incremental costs associated with the increase in operations in the Middle East and do not include costs that would be experienced by the Department of Defense as part of its normal operations absent Operation Desert Shield.

I insisted in those summit meetings that Desert Shield costs be handled through supplemental appropriations bills and not be a part of the regular Defense appropriation bills. Otherwise, we would be acting to institutionalize the costs of Desert Shield which we hope will not burden us over a period of many months. But once they are institutionalized and they become a part of the baseline, then that would mean the Department of Defense throughout all the coming years would have those Desert Shield costs included in the baselines and therefore institutionalized.

So I insisted that the costs of Desert Shield would have to come to Congress in supplemental appropriation bills. There was opposition to that approach, but that was the approach that was finally agreed upon.

Only the "incremental costs" of Desert Shield qualify under that exemption. For example, if legislation increased life insurance coverage for everyone in the service, everyone in the service, regardless of any connection with, or any of the needs of, Desert Shield, that legislation would not qualify as incremental costs of Operation Desert Shield because it would go beyond Desert Shield. It would increase the life insurance coverage for everybody in the service.

Another limitation of the Desert Shield exemption from the caps is that it only applies to discretionary spending, not to direct or "mandatory" spending.

At the summit, we agreed upon certain caps, caps for defense, foreign operations, domestic discretionary, and so on. Once we exceed the caps, then a sequester will take place within that category. If we exceed the caps in defense, there will be a sequester. And I was able, with the very strong support of my colleagues who were there from the Senate, to provide that no longer would excesses in defense spending, for example, be taken out of domestic discretionary. Domestic discretionary is to be held harmless. If the caps in defense are exceeded, then the defense category has to take the sequester. If caps in foreign operations are exceeded, then the foreign operations category has to take the sequester.

The sequester will not be visited upon domestic discretionary spending which has been drawn and quartered and mutilated now for the last 10 years to the extent that it only constitutes 11.9 percent of the total budget; in other words, $171 billion in fiscal year 1991.

There are some people around who would like to further cut domestic discretionary spending. Domestic discretionary initiatives include veterans' medical care, health services, welfare, education, research, Park Service, Forest Service, funding for flood prevention measures, rivers and harbors, airports, highways, bridges, mass transit, and so on. I was determined to protect domestic discretionary initiatives.

I said at the summit that what we need to do is invest in ourselves—the Nation. We should take off our green eyeshades. We are not here just to make ends meet, to subtract and add. Let us understand that what we are doing here is providing a 5-year plan for the future of this country. We need to invest in ourselves. We need to invest in our infrastructure.

I was not able to get everything that we need, but we came out very well on domestic discretionary initiatives. And it was not an easy sell. It was hard. But now that that is done, I want us to live up to the agreement. The additional moneys that we got for domestic discretionary spending, I want to see it, as much as possible, go into infrastructure because that was the sales pitch that I made—human infrastructure and physical infrastructure.

Legislation that would extend the period of unemployment compensation for separated military personnel, expansion of unemployment benefits, increases mandatory spending, not discretionary spending.

And even if mandatory programs were exempt, which they are not, the general increase in unemployment insurance would not qualify for the Desert Shield exemption because its focus would be far broader than that necessary to qualify as incrementally related to Desert Shield.

The act contains provisions exempting Presidentially determined emergency spending from both the caps on discretionary spending and the pay-as-you-go requirement for mandatory spending. The exemption for discretionary spending, section 251(b)(2)(D) applies if appropriations are enacted—"that the President designates as emergency requirements and that the Congress so designates in the statute * * *." (Section 251(b)(2)(D)).

The exemption for emergency mandatory spending is virtually identical.

These provisions require a Presidential designation that an appropriation or mandatory spending provision is an emergency requirement. Without a Presidential designation, a congressional designation of an emergency does not ipso facto trigger that exemption.

A second requirement of these exemptions is that there must be an "emergency requirement." Bills that provide spending that is not required to meet a true emergency do not qualify.

Which means that we have to pay as we go. Otherwise, we may very well exceed the caps in a category and this would bring on a sequester in that same category.

Legislation that would generally and permanently extend the period of unemployment compensation for all former service members would not be a requirement to meet a true emergency. There is a difference in talking about all former service members and a specified group that constitutes an incrementally increased cost. So the requirement must be to meet a true emergency. An emergency is usually a sudden, urgent, and unforseen situation, and not a permanent condition.

We have to pay attention to this agreement. If we do not, we will meet ourselves coming back. We will run right square into ourselves, as though we were walking into a mirror. I think it is important to be clear about the provisions that relate to potential sequesters so that there are no surprises later, after the enactment of legislation attempting to invoke those provisions. If an appropriations bill that exceeds the cap for a category is enacted in the mistaken belief that the excess spending is exempt as an emergency or Desert Shield cost, a sequester will occur. The sequester will be the amount of the excess spending in the category exceeded. If a mandatory bill is enacted that increases spending and does not qualify for an exemption, a pay-as-you-go sequester will occur 15 days after the end of the session, unless legislation that offsets the increase is also enacted. The sequester will be the amount of the increased spending that is not offset.

THE DIRTY DICTIONARY

Mr. BYRD. Madam President, one of the seminal events of the 1960's was the so-called "free-speech-movement" at the University of California at Berkeley, which earned that venerable institution an unwelcomed notoriety from which it has yet to recover.

Beginning as an effort to win open discussion of any issue on campus property, Berkeley's "free-speech-movement" ultimately aimed at seizing control of the university's power levers, and finally it deteriorated into demanding the right to openly use Anglo-Saxon profanity and common obscenities in campus publications, in class discourse, or in public seminars and lectures. Thus, the Berkeley "free-speech-movement" earned the final opprobrium of being called the "filthy speech movement" by a number of irreverent publications.

But even for the cause of obscenity and profanity, crowds of unruly hooligans—students and nonstudents together—turned upside-down one of the world's great centers of learning and research.

Whatever the triumphs of the "free-speech-movement" in the immediate Berkeley locale, from that historical point onward, the use or overuse of obscenities and profanities in common discourse subsequently became a national cultural cause celebre—a sign of true liberation and chic.

From that historical point, Broadway playwrights, movie and television film writers, and popular music librettists vied with one another to see how far they might go and how much they could get away with, in seasoning dialogue and lyrics with gutter language and obscenity.

Culturally, we are still suffering from that 1960's so-called "victory for free speech."

Contemporary movies, television programs, and popular music lyrics seem to be written with no sense of the degradation to which a composition is subjected when it is sprinkled indulgently or deliberately with vulgarities and obscenities.

In the process, our entire cultural discourse is, day by day, being vulgarized, cheapened, uglified, coarsened, and tarnished. So uncritical has this indiscriminate use of raw vocabulary become that many of its worst offenders do not realize that they are habituated to the regular use of obscenities and profanities, or that anybody else might object to such a vocabulary.

This insensitivity might explain a recent example of this cultural rot that I recently came across.

In 1988, Webster's New World Dictionary, the Third College Edition, was copyrighted. This edition of Webster's listed in its introduction an impressive list of apparently distinguished academicians, scholars, and consultants, including faculty members from Dartmouth, Ohio Wesleyan, Vanderbilt, Northwestern, Indiana, Purdue, and Cornell, among others—all respected institutions of higher education.

The quality that most distinguishes this edition of Webster's is, however, not its contributing authorities, but the gratuitous presence among the definitions of a long list of obscenities and profanities.

The regular use of these words and expressions on the Senate floor would earn for their user a general Senate disapproval. As a matter of fact, it would be against the rules to have such language appear in the CONGRESSIONAL RECORD. And if it were continued, it should bring on a cautionary censure.

The use of these words outside a men's locker room or a naval loading dock or comparable settings would label their user as either uncouth and foulmouthed, or an incorrigible, illiterate boor. Indeed, even in the context of this speech, repetition of these vulgarities is not appropriate. So I cannot, nor would I want to, display them here, repeat them, or place them in the CONGRESSIONAL RECORD, even if I were allowed to.

There are words and expressions we have all heard and that some perhaps may have used. So it is not that these are words that we are being introduced to, suddenly; that we did not already know and understand. They are certainly words that everybody knows. Everyone knows their meaning, so why we have to have them in a dictionary is beyond me.

Everybody knows the definition of each word. Those that use the words know very well what they are saying, and those who do not use the words know very well what they mean. The words are self-explanatory. So why they need to be included in Webster's dictionary of definitions is beyond my understanding.

We would not use them in this Chamber in a formal speech. We would not use them in formal letters or in public speeches. We would not use them in polite society. I would not expect someone to come into my house and use such words, or in my office. And we would certainly not use them with respected colleagues, or with people whom we do not know. I would not use such words in talking with other men, much less in the presence of women.

Nor would these words and expressions be acceptable in textbooks, term papers, most wide-circulation magazines and newspapers, scholarly journals, or high school and college themes. These words and expressions have no lasting aesthetic value. Most slang has a currency of one or two generations at the most. As with most vulgarities, one might pray that in time most of these words will pass out of slang use and vanish from common vocabulary.

In any event, nobody needs them to be defined.

Why, then, did the editors and publishers of this edition of Webster's New World Dictionary put into this reference work these vulgarities and obscenities?

Senators, go and look at this dictionary. I daresay that any vulgarity that can cross your mind, you will find it in that dictionary—not only the words, but also phrases using the words. So they are going to teach us not only the definitions—those of us who, if we might imagine such, do not already know—they are also going to give us the phrases.

Why dignify these expressions by immortalizing them in a dictionary?

I once read Webster's Abridged Dictionary from beginning to end. I have had occasion to look in the dictionary, as we all do, many, many times, but never did I see in any dictionary the words that are to be found in this one—Webster's New World Dictionary.

Unfortunately, the Foreword to this dictionary may give the only rationale for the inclusion—in a bona fide reference work—of such a list of obscenities. The Foreword states:

> It is not the lexicographer's mandate to pass editorial judgment, but only to describe as best he can, using innate and acquired linguistic sensitivity and lexicographical skills * * *, the language as it exists.

In our era, egalitarianism has reached the ultimate level of ludicrousness. Since discrimination in human relations is supposed to be bad, discrimination in everything is bad. No universals exist. Everything is relative. Therefore, some authorities tell us, Michelangelo must not be judged superior to Picasso, or even to a third-grade finger painter. Beethoven must not be judged superior to Spike Jones or to the Rolling Stones. Likewise, to avoid chauvinistic and racist temptations, witch doctors must be judged as equal to brain surgeons. Lopping off hands and cutting off ears are equally just in one society as are the prohibitions against "cruel and unusual punishment" in our society. Obscenities are as valid in speech or literature as are eloquence and rectitude. Primitive culture is the equal of modern culture. And so it goes.

This kind of objective detachment and relativism is poisoning our common culture—that body of knowledge, tradition, language, legend and lore, and etiquette on which we depend to communicate with one another and by which we identify ourselves as Americans.

If all cultures, all art, and all science are equal, none is superior. If no standards exist by which to judge the primitive from the advanced, excellence from tawdriness, quality from trash, rudeness from courtesy, and substance from dross, how is society to distinguish between the good and the bad?

In fact, whether a society can judge good culture from bad culture or not, the law of monetary debasement serves culture as well. So bad money drives out good money. Bad culture will drive out good culture. Bad art will drive out good art. Bad language debases good language.

If one looks at the Latin language in the Late Western Roman Empire, one finds that, following the collapse of centralized Roman authority in Western Europe, the standards of Virgil, Cicero, Ovid, Livy, and Horace gave way to semi-literacy and even illiteracy as half-educated barbarians swamped the cultural centers of Western Europe. During those centuries that are called "The Dark Ages," cultured Latin was forgotten, and Classical Latin was gradually eroded out of existence by a cruder, vulgarized language noted for its misspellings, its bad grammar, its imprecision, and its often unreadability. Eventually, the common Latin language that had united the Roman Empire deteriorated so severely that people and communities living only a few hundred miles apart could no longer understand one another.

In truth, to prevent the deterioration of American English, since Noah Webster, educated American readers and writers have expected the editors of dictionaries to pass judgment on the English language. "It's in the dictionary," we say, and "it's in the dictionary" has decided more than one office or classroom debate on the spelling, use, or acceptability of a certain word or phrase.

I often say to my staff, "It's in the dictionary. Let us find it in the dictionary."

To millions of Americans, then, the inclusion of obscenities and vulgarities in Webster's New World Dictionary suggests that these words and expressions are now legitimate and acceptable. "It's in the dictionary. It must be all right." But to other, more skeptical Americans, the inclusion of these words and expressions in this edition of Webster's confirms the decline of our culture and is a further cause for alarm.

In essence, the editors of Webster's New World Dictionary [Third Edition] appear to be saying to us:

> We no longer have the self-confidence to decide good language from bad. We have lost our bearings. We are adrift culturally. Do not place us in the dilemma of having to appear elitist by passing judgment on the words in our dictionary. Do not leave us vulnerable to being accused of classism, sexism, racism, or any other unpopular "ism." We hereby surrender to smut, obscenity, and debasement. We are cultural positivists and literary agnostics. We abdicate all authority; we claim none. We abdicate all authority to which our Ph.D.'s might once have entitled us. Our responsibility is only to describe and to catalogue. Please do not embarrass us by asking that we take a position on these words and expressions.

One would be shocked to see a list of the words—to which I have reference—that are to be found in that dictionary.

Does the acceptance of, or acquiescence to, vulgarity, smut, prurience, and obscenities by a segment of the supposed cultural elite of this society—in this case, the editors of Webster's dictionary—mean that the debate is closed and that resistance to this degradation of civil speech is moot, futile, or intolerant?

Let me say for the record, lest it be thought otherwise, that I am not a prude. I have worked in the shipyards and elsewhere, and I have heard such words in my lifetime. But I am a believer in civility, quality, literacy, precision, grace, and intelligence in written and spoken English.

I am also an idealist in regard to the substance and content of our arts and entertainment. I believe I would be remiss in my responsibilities as a participant in our cultural heritage and delinquent in my adherence to my own standards if I did not speak out against the continued debasement of our culture.

Perhaps those of us for whom mounting vulgarity and pornography are causes for alarm are voices in the wilderness. Perhaps the hour for reversing the decline of American culture into a new Dark Age is too long past. I hope not. The culture of which we are a part is the developmental heir of hundreds of years of struggle, suffering, heroism, dogged persistence, hair-breadth survivals, burnings at the stake, torture, oppressions, sacrifices, banishments, exiles, pilgrimages, and sheer stubbornness. Only one or two generations of cultural forgetfulness, deliberate repression or neglect, or the triumph of the current philistinism could incalculably corrode this culture and all it has wrought for the human spirit—the dignity of the individual, the accountability of government to the governed, the sanctity of marriage and the family, reverence for intellectual pursuit itself and, indeed, freedom of speech and expression themselves.

Gibbon speaks of the incursions by the Visigoths and the Ostrogoths, the barbarians, upon the Roman Empire and finally in 476 by the Germanic chieftain Odoacer himself, as the Germanic tribes took over Rome itself. Gibbon speaks of how the Eastern seat of the empire went on for 1,000 years, to the year 1453 when it fell to the Turks.

I do not imply that a list of dirty words and obscene expressions in one edition of Webster's Dictionary is the equivalent of the Ostrogoths at the gates.

But the example to which I am pointing is but one more evidence of a creeping cowardice in the cultural dominion. And those who are guilty of this cultural cowardice are, unfortunately, promoting and fostering the same blase attitude in our public schools and our colleges and universities.

Thus is the leprosy spread to another generation—a generation that is already too unfamiliar with Chaucer, Shakespeare, Plato, St. Augustine, Emily Bronte, Dickens, or Emily Dickinson to realize what has been lost until it is too late to find out.

I hope that academicians, writers, artists, filmmakers, and even publishers of dictionaries will realize that they, too, are custodians of culture and quality, and that to bend to the demands of a sophomoric, callow tendency to want to shock society by using dirty words or spray-painting walls with obscene grafitti is a betrayal of our custodianship. I hope these men and women will join in the effort to drive back the darkness that is increasingly tinging our cultural output.

Further, I hope that those men and women in whose hands rest the future of our culture will remember that shock and freakishness, or vulgarity and obscenity, are not substitutes for creativity, authenticity, or integrity. Let us seek cultural inspiration elsewhere than in the gutter, or, in the future, we shall find ourselves confronted with a culture that is only worthy of the gutter.

Madam President, I yield the floor.

PRAISING VICE PRESIDENT DAN QUAYLE FOR HIS LEADING ROLE IN PROMOTING A U.S. ANTITACTICAL BALLISTIC MISSILE SYSTEM

Mr. COATS. Madam President, I rise today to praise Vice President DAN QUAYLE for the leadership he has shown over the last decade in the area of theater missile defense and conventional cruise missiles. It is important that the RECORD reflect the role that then-Senator QUAYLE played in support of these critical components of our national security.

When it was not as nearly as popular as today to be in favor of developing and producing an antitactical missile defense system DAN QUAYLE led the effort. His foresight and vigilance was critical in the development of the patriot antimissile system that has been so successful in defending American military forces and innocent civilians in Israel and Saudi Arabia. DAN QUAYLE was a driving force in the Senate in support of antimissile efforts. It would not be an exaggeration to say that DAN QUAYLE deserves much credit for giving us the tools to save lives that otherwise might have been lost to Scud missile attacks.

Madam President, I ask unanimous consent that a letter from Senator WALLOP to the Vice President along with relevant information regarding DAN QUAYLE's role in promoting the Patriot and Tomahawk missile programs be printed in the RECORD. I also ask unanimous consent that a similar letter from former defense Secretary Caspar Weinberger be printed in the RECORD. These important documents clearly illustrate the leadership role that DAN QUAYLE played in the development and fielding of these critical weapon systems, which have proved their worth in the Persian Gulf.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SENATE STEERING COMMITTEE,
Washington, DC, February 5, 1990.

The VICE PRESIDENT,
The White House, Washington, DC.

DEAR MR. VICE PRESIDENT: We are very proud of the way the Administration is conducting Operation Desert Storm.

Those of us who, like yourself, have been ardent and consistent supporters of a strong and viable national defense are elated that our defense dollars have obviously been well spent. We are especially pleased by the superb performance of the Patriot missile system. I would like to convey to you our appreciation of your continuous, robust support—both past and present—for the Strategic Defense Initiative.

The performance of the Patriot missile in the war in the Persian Gulf has been superb—almost flawless. It is indeed ironic that the fruits of the SDI program became abundantly clear at a time when many of its staunchest supporters expressed grave concerns over the future of the program. The SDI program has truly reached a critical juncture: Over the years funding for the program has been severely depleted and the scope of the program repeatedly circumscribed. I believe the success of the Patriot program will bring many converts to the cause of providing adequately—both in funding levels and in form—for our Nation's defense.

Some who were critical of the Patriot and SDI may seek to obfuscate their record. However, a record must exist of where Members of Congress stood when the truly difficult decisions were made. I thought you might be interested in the attached segment of the research which deals with your record in this area.

Having worked closely with you on these issues, I knew we would find no greater friend of SDI and the Patriot than Dan Quayle. We look forward to working with you on renewed efforts to ensure that SDI will realize its full potential.

Sincerely,

MALCOLM WALLOP, *Chairman.*

SENATOR DAN QUAYLE'S RECORD ON THE PATRIOT MISSILE

Throughout the mid to late 1980s, then-U.S. Senator Dan Quayle sponsored numerous pieces of legislation designed to reduce the threat of ballistic missile attack on U.S. forces and friendly nations—an approach that anticipated actions such as Saddam Hussein's use of SCUD missiles to terrorize Israel and Saudi Arabia. Senator Quayle's thinking was broad-based and inclusive, and included initiatives to combat ballistic missile proliferation, encourage development of "smart" weaponry, and stimulate development of both strategic and tactical ballistic missile defense systems

Congressional Research Service records indicate, for example, that Senator Quayle was the first member of Congress to request a formal study of the nature and extent of the ballistic missile proliferation problem. This was but one in a long series of efforts on Quayle's part—continuing well into his Vice Presidency—to document and raise consciousness about the problem of Third World ballistic missile acquisitions. Indeed, anyone who wishes to track development of the Iraqi ballistic missile threat need only review the chronology of Senator Quayle's on-the-record submissions on this topic. His leadership in this area and his non-partisan expertise have now become the accepted wisdom throughout the missile proliferation community.

Beyond exposing the extent of the missile proliferation problem, Senator Quayle became the Senate's acknowledged "champion" of Anti-Tactical Ballistic Missiles (ATBM). He argued in articles, letters, and speeches throughout the mid 1980s that the Strategic Defense Initiative (SDI), which Quayle also strongly supported, should include the ATBM mission, that relevant technologies should be shared (both ways) with allies, and that ATBM should be deployed as the first step of an incremental approach to the strategic defense of America.

Senator Quayle accompanied his crusade for American ATBM investment with legislation requiring the U.S., through the Strategic Defense Initiative Organization, to assist allied countries in their own development of ballistic missile defenses. The so-called "Quayle Amendments" of FY 86, 87, 88 and 89 directed DOD to study the ATBM problem, and specified that significant portions of the SDI budget be devoted exclusively toward ATBM research and development. One tangible product of these amendments is the ongoing Israeli Arrow ATBM program. In 1986, the Israeli government formally thanked Senator Quayle for his contributions to their missile defense efforts.

Senator Quayle's opponents in this uphill struggle argued that ATBMs would destabilize regional political balances, violate the spirit of the ABM Treaty, and generally waste taxpayers' money because of ATBM's questionable technological plausibility. A majority of the House Armed Services Committee (HASC) voted in 1984, for example, to slash the Reagan Administration's request for Patriot upgrade funds from $92.3 million to $15 million. In 1987, a majority of the HASC recommended deleting funds for testing Patriot in an anti-tactical missile mode altogether. In short, Patriot faced virtually all of the same arguments in the ATBM context—cost, feasibility, contributions to "stability," etc.—that the SDI program has faced in the strategic context.

When it became plausible in the mid-1980s to give the Patriot Air Defense System a limited "point defense" ATBM capability, the program's proponents found a valuable ally in Dan Quayle. His dozens of articles, speeches, letters to colleagues, and legislative initiatives, on ATBM in general and Patriot in particular, led Senator John Warner to praise an Oct. 2, 1986 Wall Street Journal article in which "my friend and colleague from Indiana discusses some of the possible military missions that SDI could address in the near term. These include defense against limited or third party attacks, as well as theater defense against short range ballistic missiles which threaten our allies in Europe, the Middle East, and Asia." Concluded Warner: "I might add that Senator Quayle was the driving force in the Senate behind the initiation of an anti-tactical ballistic missile (ATBM) system within the SDI program this year."

REVIEW OF THE PATRIOT ATM HISTORY

POLITICAL HISTORY AND SENATOR QUAYLE'S ROLE

ARTICLES

"Away from the Extremes: Incremental SDI" in Journal of Defense and Diplomacy, Nov. 1986, pp. 6-7.

"Begin to Deploy Incremental SDI Where Possible," Wall Street Journal, Oct. 2, 1986.

"Missile Woes," Washington Post, July 14, 1987.

SPONSORED LEGISLATION ("QUAYLE AMENDMENTS")

FY 86 (Sec. 226 FY 86 Defense Authorization Act) directs SDIO to study/report on the adequacy of the Army's anti-tactical missile program for allied defense.

FY 87 (Sec. 212 FY 87 Defense Authorization Act) addresses "Joint Development of Anti-Tactical Ballistic Missile Defense Initiative." Fences $50 million of SDI budget for "joint development, on a matching fund basis, of an anti-tactical ballistic missile system for deployment with NATO allies and other countries that the United States has invited to participate in the Strategic Defense Initiative."

FY 88 (Sec. 207 FY 88 Defense Authorization Act) addresses "Anti-Tactical Ballistic Missile Systems and Extended Air Defense;" specifies that:

$50 million of the SDI budget shall be available only for "experiments, demonstration projects, and development related to Anti-Tactical Ballistic Missile (ATBM) systems."

"Such projects shall be conducted on a matching fund cooperative program basis with United States allies that have signed MOUs for participation in the Strategic Defense Initiative program."

"Any system developed under this subsection shall be designed to be no less capable than the SA-X-12 system of the Soviet Union.

FY 89 (Sec. 206 FY 89 Defense Authorization Act) fences $25 million for anti-tactical missiles; requires "cooperative program" must exist with relevant government if allied firm is involved.

SENATE HEARINGS (REPRESENTATIVE STATEMENTS)

On January 30, 1986 the Subcommittee on Strategic and Theater Nuclear Forces of the Senate Armed Services Committee held the first of two hearings, at the behest of Senator Quayle, on ATBM defenses. Subcommittee Chairman John Warner asked Senator Quayle to chair the January 30 hearing, "out of respect for this initiative [on the topic]."

In his prepared statement, Senator Quayle, stressing NATO and Israel's lack of defenses against tactical ballistic missiles, argued that "we need to pursue development of an anti-tactical missile system and establish a program element for this work. I believe the Services are close to doing this, but they and our allies should be encouraged further."

A fact sheet submitted for the record by Senator Quayle noted that "Plans are underway to improve the Hawk and Patriot systems so they can at least defend themselves against SS-21 and SS-23 attacks, but completion of these efforts is at least several years away."

As part of the record of the January 30 hearing, in response to a written question from Senator Warner, one of the witnesses, Mr. Dennis Gormley, observed that "Patriot's modest capability against conventional missile threats could be improved later on as the SDI program progresses."

At an April 10, 1986 hearing on chemical weapons, Senator Quayle again raised the issue of ATBMs. In response to a question from Senator Quayle, General Jack Merritt (USA) remarked that the Patriot system was being deployed in Europe, and noted that it had some capability against tactical missiles. In response to General Merritt's comments regarding ATBM and Patriot, Senator Quayle observed, "I hope that we work collectively not only with our allies, but institute some possibilities of our own in the near term. We are looking at this for the next two years, and I think there are some things that we can do in the near term. Obviously ATBM and some things that we may learn from SDI in the future would have direct application for what we can do in Europe. We are not cluttered with the ABM Treaty restraints in Europe either. So I really think we have to accelerate this and push it."

On April 24, 1986, at the request of Senator Quayle, the Strategic and Theater Nuclear Forces Subcommittee of the SASC held its second hearing on the subject of ATBM defenses. Once again Chairman Warner praised Senator Quayle for his interest and leadership on this subject.

Concerning the tactical missile threat, Senator Quayle's opening statement noted, "I think it is one of the most important issues we have had to face . . . It is something of deep concern to me . . . I am anxious to learn precisely what our military can do with our allies to address the tactical missile threat. Frankly, from what I have been able to learn in private briefings, the United States has not adequately focused on the urgency of developing near-term defenses against it."

During the hearing Senator Quayle asked, "What do we have that we could deploy in the near term?" The answer, submitted for the record, was that "The Patriot ATM program will develop a capability to intercept and destroy the [deleted] tactical missile in their terminal flight phase. The program will initially develop software changes that will enable the Patriot system to acquire, track, and intercept the [deleted]. The next step calls for the development of additional software modifications that will enable the system to defend [deleted]. Each of these modifications improves Patriot's capability against tactical missiles."

During the April hearing Senator Quayle also mentioned his intention to offer the amendment funding ATBM defenses. He entered into the record the executive summary of the CRS report he had requested, identifying, among other countries, Iraq as a possible tactical ballistic missile threat.

Letters:

February 4, 1986, Senator Quayle writes a "Dear Colleague" letter lamenting Israeli vulnerability to tactical ballistic missiles. Quayle argued: "Defenses against missiles are our best hope to head off instabilities likely to produce wars," and he added that SDI technologies and their near-term application against tactical ballistic missiles deserve funding."

February 11, 1986, Senator Quayle writes Strategic and Nuclear Force Subcommittee Chairman John Warner commending him for scheduling hearings on the conventional tactical ballistic missile threat. Quayle says he looks forward to follow-up hearings scheduled in April.

LEGISLATION—PATRIOT OPPONENTS

In the FY 1987 Defense Bill as it passed the House of Representatives, the Patriot upgrade was eliminated from the Army RDT&E budget. Both Senate bills, however, fully funded the Administration's request of $38.635 million. The final bills produced in conference funded Patriot upgrade at $30 million.

During consideration of the FY 1988 Defense bill, House Authorization and Appropriation bills reduced Patriot upgrade request from $29.501 million to $5.243 million. Senate Authorization bill, once again, fully funded Patriot; Conference bill passed in both Houses funded the program at $26.501 million.

House, Senate, and Conference FY 1988 Defense bills also earmarked SDI funds for anti-tactical missile (ATM) research. In the Senate bill, a Quayle amendment earmarked $100 million of SDI funds for ATM work; final conference bill authorized $50 million of SDI funds for ATM.

Other

On April 23, 1986, in response to a request from Senator Quayle, the Congressional Research Service delivered its first analysis of missile proliferation in the third world. CRS now produces this report annually.

On October 26, 1986, Israeli Ambassador to the U.S. Meir Rosenne writes Senator Quayle thanking him for "the new amendment which you sponsored setting aside SDI funds for the development and deployment of an ATBM defense" in the FY 1987 Defense Authorization Act.

On October 15, 1986, during consideration of the FY 1987 Defense Authorization Act, Senator Warner took the floor of the Senate to praise Senator Quayle as "the driving force in the Senate behind the initiation of an anti-tactical ballistic missile (ATBM) system within the SDI program this year." Congressional Record, October 15, 1986, p. S16466.

SENATOR DAN QUAYLE'S CONVENTIONAL TOMAHAWK CRUISE MISSILE

Senator Dan Quayle's leadership and commitment to the preservation and advancement of conventionally armed, long range, cruise missiles are well known throughout the defense community. In particular, he championed a new generation of systems that exploited advanced guidance (radar) technologies that would give cruise missiles an extraordinary degree of accuracy under any weather conditions, day or night, without the risk to human life inherent in manned aircraft systems. He also advocated the Long Range Conventional Standoff Weapon (LRCSOW) on the same basis, and he fought hard to assure that arms control agreements left conventional cruise missile systems unconstrained.

Recognizing the inherently stabilizing effects of slow moving, highly accurate, weapon systems that were not only non-nuclear but, in fact, capable of substituting for nuclear weapons in many scenarios, Quayle led the movement in the Senate that made conventional cruise missiles a reality and discouraged our acceptance of artificial constraints on cruise missiles. Toward that end, Senator Quayle released a letter urging President Reagan to exclude non-nuclear cruise missiles from the pending START negotiations with the Soviet Union. His reasoning—that constraints accepted in the bilateral context might not make sense in an environment of rapidly proliferating ballistic missiles—proved particularly accurate. With specific reference to the U.S. Navy's "Task Force in the Gulf" in the aftermath of the 1986 U.S. bombing raid on Libya, Quayle argued in a December 1987 letter to members of the Appropriations Conference Committee that even with a "severe budget crisis" limiting defense spending, "it would be a severe mistake to allow the present limitations to still exist when the next crisis requires the Tomahawk."

Senator Quayle spelled out the full thrust of his concerns in these areas in articles published in Strategic Review (Summer 1986) the Armed Forces Journal International (August, 1987), The RUSI Journal (Summer 1988), and in Hearings and Speeches on the floor of the United States Senate.

Speaking in 1986 at a Long Range Planning Conference sponsored by the Chief of Naval Operations (an audience that was hardly predisposed toward the benefits of unmanned naval aviation), Quayle argued that many land attack missions, such as the one recently conducted over Libya, simply didn't require an aircraft carrier. Instead, he suggested, "if we had enough conventionally armed cruise missiles (TLAM-Cs) of the right range in the right place with the right targeting information, we might not have needed so many manned aircraft—and conceivably none at all. Certainly these missiles could have been used to good effect for defense suppression and against known fixed targets."

To fully appreciate the uphill battle Mr. Quayle had engaged, one must understand that declining DOD budgets of the mid 1980s strongly inclined the system toward cancellation of low visibility weapons programs. The cruise missile was particularly vulnerable because it lacked support from the military services. All Ground Launched Cruise Missiles, regardless of their payload, had already been outlawed by the INF Treaty; nuclear Air Launched Cruise Missiles were clearly going to be a part of an upcoming START Treaty; the Soviets were taking an uncompromising position demanding inclusion of Sea Launched Cruise Missiles in START as well; and complicated verification problems would burden any treaty that allowed conventional but not nuclear versions of the system. Worst of all in the arcane bureaucratic realities of defense spending, Air and Sea Launched Cruise Missiles, which are essentially nothing more than unmanned aircraft, were anathema to the traditions of warfighting of the Air Force and Navy, and hence had neither Service sponsorship nor a coveted "operational requirement" from the JCS.

Quayle stressed these points with particular assertiveness to Chairman of the JCS, Admiral William Crowe in Senate Armed Services Committee hearings in February, 1988. Crowe and Defense Secretary Carlucci assured him in response that they would validate an Air Force "requirement" for long range conventional cruise missiles. One news article at the time quoted a pro-cruise Pentagon source as saying that "without Quayle's effort, we'd be in deep quicksand." The source added that Quayle had "held our feet to the fire and made us look to this capability sooner than we probably would have." (see Warren Strobel, "Pentagon Plans New, Post-INF Cruise Missiles," Washington Times, February 25, 1988, A1.)

When one examines events in the Persian Gulf at the end of January 1991, it becomes clear how visionary Quayle's concerns were. The scenario that unfolded over the skies of Iraq on the night of January 17, 1991 were nearly identical to what Quayle had been describing to the Navy and DOD leadership all along. In the first nineteen days of the conflict with Iraq, the U.S. had fired 290 Tomahawk cruise missiles from Navy ships and submarines against heavily defended C^3 facilities, air defense systems, and other heavily defended military targets. Apart from the cruise missiles' obvious ability to penetrate enemy airspace and prosecute military objectives against key targets, the Tomahawks' effectiveness helped establish allied air supremacy within a very short period of time, thus allowing manned aircraft to operate with virtual impunity against mobile targets (such as SCUDs), against dispersed ground deployments, and in defense of American fighting men and women on the ground. The new weapon clearly saved numerous expensive manned aircraft and countless pilots' and soldiers' lives.

DAN QUAYLE'S CONTRIBUTIONS TO THE MID-1980'S CRUISE MISSILE DEBATE

LETTERS

December 11, 1987 "Dear Conferee" letter to members of the Senate and House Appropriations Committee members. Quayle's letter, with no co-signers, advocated the House appropriated amount of $89.1 million, rather than the Senate's $45 million for FY 88. "I am writing this letter," it began, "to urge your support to sustain funding of an urgent effort to correct significant limitations associated with our "conventionally armed Tomahawk cruise missiles. These limitations, first identified in the 1986 Libyan raid, still exist today in the cruise missiles on alert in the Persian Gulf."

April 26, 1988 letter to the Secretary of Defense, issued from Quayle's office with eleven co-signatories. Letter argues that it is essential that a "long range, conventional cruise missile program [be] funded in the Defense Department's 1990-94 Program Objective Memorandum (POM)." It was particularly important, according to this letter, in the "post INF/START environment to assure that we field the highly accurate, mission flexible, conventional long range cruise missiles we need, when we need them."

May 12, 1986 "Dear Colleague" letter out of Senator Quayle's office, co-signed by Senators Wilson and Wallop, arguing that Air Launched Cruise Missiles were slow, accurate, and inexpensive alternatives to nuclear weapons, which should be protected from the provisions of arms control agreements designed to enhance stability and reduce nuclear arsenals. Instead, we should avoid "limits that encourage a disadvantageous competition in first-strike weapons, that repress our competitive advantage in second-strike systems, and that block conventional weapons developments that could help deter attacks against us and our allies.

March 1988 letter to President Reagan, followed by a March 4, 1988 "Dear Colleague" letter, both out of Senator Quayle's office and co-signed by Senator Bradley, urging exclusion of conventional cruise missles from START. Argues that reliance on more discriminate, survivable systems would provide a "cost-effective, stabilizing alternative to nuclear systems.

December 16, 1987 letter to the Secretary of Defense requesting transportation support for a Senate delegation's trip to witness demonstrations of recent Naval and Air Launched Cruise Missile improvements.

ARTICLES

"Upgrading our Cruise Missiles: Imperative for the 1990s," in Armed Forces Journal International, August 1987, pp 76–80.

"The Next Step for the U.S. Navy," in Journal of Defense and Diplomacy, Volume 6, Number 3 (1988).

ROGERS & WELLS,
Washington, DC, January 23, 1991.

The VICE PRESIDENT,
The White House, Washington, DC,

DEAR MR. VICE PRESIDENT: Just a note to let you know that I, for one, have not forgotten your vigilance when you were in the Senate in support of the PATRIOT system. I can recall at least two occasions when you were personally responsible for saving that program when the Congress tried to kill it. I cannot imagine, nor do I wish to think about, where we might be right now without the remarkable capabilities of that system. You can, and should, be proud of the foresight you showed in assuring its completion and deployment, and also take great pride in how very well it has worked in the unfortunate situation in the Gulf.

With warm best wishes, and when things cool down a bit, I hope that we will be able to get together for lunch once again.

Sincerely,

CASPAR WEINBERGER.

TERRY ANDERSON

Mr. MOYNIHAN. Madam President, I rise to inform my colleagues that today marks the 2,154th day that Terry Anderson has been held captive in Lebanon.

THE 50TH ANNIVERSARY OF THE USO

Mr. GARN. Madam President, I rise today to honor the United Service Organization, founded by President Roosevelt as they celebrate their 50th anniversary of service to our great men and women in the Armed Forces. As we direct our energies toward the war in the Persian Gulf, it is important to recognize organizations that provide such extraordinary support to our military community.

For the past 50 years the USO, a voluntary charitable organization, has assisted our young men and women in the Armed Forces, both at home and abroad. Most of us know the USO from the "Bob Hope Tours" yet, there are many other services the USO provides. They have been the soldiers best friend throughout World War II, Korea, Vietnam and now for Desert Storm. The desert deployment was something new to the troops and the USO recognized the special needs of the soldiers. The USO Gulf Crisis Fund was organized through donations from corporate leaders like American International Group, Anheuser-Busch, The Coca Cola Co., Arco, and AT&T. By October, the USO had televisions, camcorders, and VCRs on the way as part of the "Better Than a Letter" Program, sponsored by Montgomery Ward. They have also sent over 100,000 service men and women Oasis packages, courtesy of Philip Morris.

The USO does not only function overseas, they also have USO-Metro chapter, that is located in Washington, DC. This chapter focuses solely on meeting the needs of the area's military community. USO-Metro provides programs such as emergency housing, community day fairs, job fairs, free infant car seats and theater/sport tickets, tours and orientation, and many other activities. The USO-Metro is particularly busy working with the families of servicemen and women involved in Operation Desert Storm. The volunteers have been working to organize a contingency plan for Desert Storm families in event that casualties are brought to area military and veterans' hospitals. They have worked to provide discount rates from local hotels and transportation companies and organized information centers at both Dulles and National Airports. They hope to be able to provide as much support as needed to these families.

The USO World Headquarters and the USO-Metro both are funded from United Way/Combined Federal Campaign and the generosity of private individuals, corporations, and associations. The USO receives no local or Federal Government funding.

Madam President, I know that my colleagues join me in wishing the USO a special thanks for 50 years of generous service to our Armed Forces.

PROTECTING OUR NATION'S MILITARY FAMILIES: A RESPONSE TO SECRETARY CHENEY'S LETTER

Mr. HEINZ. Madam President, yesterday I discussed a proposed sense of the Senate resolution expressing the concern of the Senate for the well-being of American children whose parents, or only parent, are serving in imminent danger areas of Operation Desert Storm.

Today, I received a copy of a letter from Secretary of Defense Cheney to the distinguished majority leader in response to this request, and I will ask that the letter be entered into the RECORD. The letter expresses the opposition of the Department of Defense to any legislation which would mandate a change in Pentagon regulations regarding the assignment of American troops to Desert Storm. Many of their objections are understandable, and I am fully cognizant of the source of the Pentagon's concerns.

I realize, for example, that our Armed Forces are composed of volunteers. I realize as well that there is a fear that military couples and single parents will experience discrimination under certain circumstances. Indeed, I applaud the Defense Department for its care and concern about the viability of the careers of thousands of volunteers who may well wish to serve in Operation Desert Storm.

The Secretary's letter is a sensible, solid letter, Mr. President. It is well-reasoned and clear. Unfortunately, it is also not relevant to the specifics I described here yesterday, and I will ask that the text of the resolution be included here in the RECORD.

As you can see, the Secretary's sensible objections would relate to a binding mandate to make a dramatic and permanent change in U.S. military policy. But again, they are objections that have nothing to do with the changes I am requesting—requesting, Madam President, not demanding—in personnel policy.

First of all, we are not asking that the defense department create a blanket prohibition on the assignment of married couples or single parents to imminent danger areas. Rather, we ask only that such service men or women be granted individual requests to perform their duties in areas that will not leave their children orphaned in the wake of an attack involving weapons of mass destruction. Surely the United States military is large enough and flexible enough to make this one small provision for the protection of the children of military families.

Second, my resolution makes clear that those military families who wish to serve in such areas may do so. As Secretary Cheney points out, the people now serving in the gulf are volunteers, many of whom were called back to active duty after years of civilian life. But I would bring to the attention of the Senate, and to the Secretary of Defense, the following article from the Philadelphia Inquirer, about the travails of two young mothers who received their orders to report to the gulf even as they were giving birth. I will ask that this article be placed in the RECORD.

Madam President, is this what we have achieved with a volunteer military? Is it in the best interest of the United States of America, and the U.S. Armed Forces, that we take new mothers, days after delivering their infants, and place them in the way of Saddam Hussein's missiles? This, in my view, defeats the entire purpose of a Volunteer Army. I believe that we owe our volunteers more consideration than to treat them as bodies in uniform, rather than sons, daughters, mothers, and fathers.

Third, my resolution takes cognizance that there may well be special circumstances in the combat situation as it now exists in the Gulf where such reassignment would impose a burden or risk on our military. Those who therefore argue that this approach constitutes some kind of policy straightjacket are clearly misinformed.

The fact is, Madam President, that all U.S. Forces are not, in Secretary Cheney's words, "fully deployable anywhere in the world." Even General Colin Powell himself yesterday accepted that it would be unwise, in his words, to have married couples sharing the same foxhole.

I fail to see why the Defense Department, and many of my colleagues, refuse to accept the new social realities that affect the U.S. Armed Forces, and to support changes that would take those new realities into account with little disruption to the military or its efficiency.

Once again, I ask my colleagues to join me in this humanitarian request. The children of our military families should not be held hostage to bureaucratic intransigence, and because time is of the essence in this war, I intend to pursue this matter both on the floor of the Senate and with the Department of Defense until our military children are given their due consideration.

I ask that the proposed language be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSED LANGUAGE OF MILITARY FAMILY RESOLUTION

Whereas, the young men and women of our Armed Forces are making great sacrifices in the service of their country and in the defense of freedom in the Middle East; and

Whereas, many of our men and women in uniform may be called upon to make the supreme sacrifice, and in some cases have already laid down their lives; and

Whereas, the changing nature of American society has created a first-rate volunteer military in which many couples now wear the uniforms of the United States Armed Forces; and

Whereas, the enemy's possession of missiles, and weapons of mass destruction, and his clear willingness to use them, has created a situation in which no one serving in the Middle East may be considered out of imminent danger; and

Whereas, there is no provision in the existing "sole survivor" regulations of the department of defense to protect children from the catastrophic loss of both, or their only, parents; and

Whereas, it is a grave danger to the well-being of our military families and their children to allow the children of American servicemen and women to become orphaned because of the use of these horrible weapons either in combat or against civilian targets; then

Be it therefore resolved,

That it is the sense of the Senate that provision be made, at the request of the serviceperson, for preventing the assignment of two parents, or a single parent, of a minor child or children, to a combat or imminent danger area of the Operation Desert Storm theater, and be it further

Resolved, that the Senate requests that the Secretary of Defense arrange for prompt and appropriate reassignment of one parent, in cases where both parents, or the single parent, are in such area, to other military duties outside of such area, unless such reassignment would impact the safety, mission capability or combat effectiveness of the unit of the serviceperson making the reassignment request, and that the Secretary of Defense should report any such changes in policy regulations or rules within 15 calendar days of the passage of their resolution. Such report shall include any changes anticipated or made since the commencement of Operation Desert Shield, together with their effective date.

THE SECRETARY OF DEFENSE,
Washington, DC, February 7, 1991.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: One of the matters raised in the session we had with the Senate yesterday was a proposed resolution expressing the sense of the Senate that we take immediate action to ensure that no single parents or military couples with children serve in the Desert Storm theater of operations. We both stated that we were strongly opposed to such a resolution and to the policy it encourages. We would like to take this opportunity to explain more fully the reasons for our opposition to the policy and to the draft resolution prepared by Senator Heinz. We have discussed this matter with the Joint Chiefs of Staff, who join us in strongly opposing any such policy.

The military is a profession of arms that ultimately exists for a single purpose: to do battle when called upon by the leadership of the United States. Every dollar we spend, every action we take, and every policy we adopt must and should support that purpose. All members of that profession of arms serving today are volunteers. They understand that when they volunteered to serve, they freely assumed the duty and obligation to place themselves in harm's way when called upon to do so. That shared obligation is crucial to the unit cohesion that is the foundation of our combat capability.

That understanding and obligation is held equally by the single parents and military couples now serving around the world, including in the Desert Storm theater. Their exposure to the risks inherent in military service is not new. Years ago, the Department of Defense made the considered policy choice not to treat single parents and military couples as second class citizens, and to allow them to serve anywhere in the world, in every type of unit, and in any position. For decades, single parents and military couples have been serving well and honorably in places like Korea and Europe, places where the possibility of sudden and lethal combat was very real. They served in Operation Urgent Fury in Grenada and in Operation Just Cause in Panama. Their service and contributions, including their service in Operations Desert Shield and Desert Storm, have demonstrated the wisdom of that policy choice.

We are and have been sensitive to the needs of all of our military families, including the special needs of our single parents and military couples. For that reason, we have a longstanding policy of requiring every single and military couple to maintain a current family care plan to ensure that their children are cared for when the parent or parents deploy. That policy is working well. Our single parents and military couples across the board have been meeting their obligations both as members of the military and as parents.

In our view, it would be a serious mistake, particularly while we are engaged in combat, to reverse our longstanding policy that single parents and military couples are fully deployable and available for assignment anywhere in the world. Requiring their redeployment from the Desert Storm theater now would weaken our combat capability by removing key personnel from our deployed units and by undermining unit cohesion and esprit de corps. It would also break faith with our single parents and military couples and with their comrades who depend on them every day.

We understand and appreciate your concern. We share that concern, not only for our single parents and military couples, but for every member of our Armed Forces who is serving in Operation Desert Storm. We urge you, however, not to allow that concern to lead you and your fellow Senators to call for a policy that, in our view, would be both unwarranted and unwise.

Sincerely,

DICK CHENEY,
Secretary of Defense.
COLIN L. POWELL,
Chairman, Joint Chiefs of Staff.

[From the Philadelphia Inquirer, Feb. 6, 1991]

CALLED TO DUTY—WHILE IN LABOR

(By Katharine Seelye)

Although Saddam Hussein has described the gulf conflict as the Mother of Battles, for some in the United States it's a case of embattled mothers.

Faith A. Stewart, 21, of South Williamsport, was in labor at home when she got the news. As an Army reservist, she had been called up for Persian Gulf duty. The next day, she had a caesarean section. She was given a 15-day delay from her Jan. 31 call-up date.

Carolynne D. Zales, 19, of Muncy, was at home when her notice arrived. She, too, had been called up. Two days later, she gave birth. She was given a 10-day delay, and is to report Sunday to Fort Lee, Va.

The two are among the 21,000 ready reservists called up in the last two weeks, the biggest call-up of ready reservists in 30 years—since the Berlin Wall crisis in 1961.

The latest call-up includes single parents and the at-home spouses of reservists already overseas—and now, brand-new mothers whose husbands are already overseas.

Both Zales and Stewart are hastily making plans for in-laws to care for their infants. With the clock running out, Zales was scheduled to prepare her will today. "I'm realizing that I won't get to see him sit up for the first time, or walk or talk," she said.

She said that when she first called to say there was a mistake, she was told that there were 250 cases exactly like hers. "I couldn't believe it," she said. Her husband, an Army mechanic, has been in the gulf for five of the seven months they have been married. "If there are 250 cases just like mine," she said, "then the government is really messing up."

At the moment, 70,000 couples with children and 67,000 single parents are serving in the gulf, according to the Pentagon.

"A young mother, under law, who is a member of the Individual Ready Reserves, is just as obligated as a young man who doesn't have any children," said Lt. Col. Art House, spokesman for the Army Reserve Personnel Center in St. Louis, the clearinghouse for reservists who are not in units.

"Obviously," he added, "compassion is appropriate and necessary in many of the cases, but there is nothing in the law that says young women don't have to go. They joined of their own free will. Granted, their circumstances may have changed, but the obligation remains. We're being compassionate on a case-by-case basis, and the delay-and-exemption apparatus is hearing from young women in this circumstance."

Other new mothers have been protesting their immediate call-up. House said that of the 18,000 inquiries made to the reservists' hotline since Jan. 18, 172 calls were about pregnancy, 134 were about single parents and 2,100 were questions about the delay-and-exemption procedure.

The Army knew Stewart and Zales were pregnant—both had been discharged from active duty because of their pregnancies but remained in the reserves.

"I thought it was unreal," Stewart said of her call-up. "There I was in labor." Now, she is contemplating having to leave her baby with in-laws in Florida. "But I really feel that a mother or father should be raising him. He's just 2 weeks old. I think it's awful they're taking both parents away." Her husband is a tank driver in the desert.

Stewart and Zales received their notices Jan. 22. Stewart gave birth the next day; Zales the day after that. They met in the maternity ward at Williamsport Hospital.

Each was granted an initial delay. Stewart has heard nothing further; Zales received orders Monday to report Sunday—or face court-martial.

"I called St. Louis [the reservist center] and said there must be some mistake because my son will be only 2 weeks old," Zales said. "They said there was no mistake, that I had to report and bring [several documents] with me. I can't bring my baby."

Meanwhile, their congressman, George W. Gekas (R., Pa.), is attempting to halt their call-ups.

Also, Sen. John Heinz (R., Pa.) has introduced legislation to prevent the military from assigning both parents in a family to combat. Heinz is planning to call today for a sense-of-the-Senate resolution. Grant Oliphant, a spokesman, quoted Heinz as saying, "We've gone to such great lengths not to orphan Iraqi children, but we aren't willing to make a slight policy change not to orphan our own children."

Had Stewart and Zales stayed on active duty, they would have automatically received a six-week leave. They enlisted in the Army in 1989 to obtain money for college. Zales was an equipment records and parts specialist. Stewart was a supply clerk.

Generally after giving birth, women wait four to six weeks before resuming normal activity. Joseph Ahram, an obstetrician and gynecologist in private practice in Norristown, said that he would recommend a 12-week recovery period for a woman after a C-section.

As for a normal delivery, he said, each case is physically different, "but the well-being of the baby and the mother would be jeopardized by early separation."

ACHIEVING SOVIET COMPLIANCE WITH A STRICT INTERPRETATION OF THE CFE TREATY

Mr. BIDEN. Madam President, I rise today to address a critically important arms control question that may soon confront this body during Senate consideration of the Conventional Forces in Europe [CFE] Treaty.

Today, Secretary of State Baker and I discussed this issue during his testimony to the Foreign Relations Committee. He reaffirmed two critical premises of the Bush foreign policy originally outlined by Secretary Baker himself in the fall of 1989. He reiterated, first, that "any uncertainty about the fate of Soviet reform is all the more reason, not less, for us to seize the present opportunity"; and second, that our goal should be to lock in Soviet arms cuts through formal treaties because "a diminished Soviet threat and effectively verifiable agreements can endure even if perestroika does not."

We then went on to discuss how the administration and the Senate can proceed most effectively toward the goal of locking in Soviet conventional cuts through the CFE treaty.

The problem we face is that the Soviet Union is, at the moment, espousing what might be called a broad interpretation of article III of the CFE treaty. The Soviets argue that some 3,500 pieces of equipment should be excluded from the required reductions on the grounds that they have labelled it naval equipment.

Ironically, this Soviet claim resembles the claim made by former State Department Legal Adviser Abraham Sofaer when the Reagan administration sought to invent a broad interpretation of article V of the ABM Treaty. That earlier broad interpretation was a matter of considerable dispute between the Senate and the Reagan administration. But on the current matter, there is no dispute within the U.S. side. I believe it's fair to say that all Senators familiar with this issue agree with the administration.

Article III of the CFE Treaty states that all relevant equipment located in the zone from the Atlantic to the Urals is covered by the treaty's limits unless such equipment is specifically exempted. Examples are equipment for research and development, for export, and for internal security forces. All are explicitly exempted.

As I understand the Soviets' position, they are saying that the clear langauge of article III has become ambiguous because of the existence of a separate, politically binding declaration on land-based naval aircraft. In argumentation eerily similar to that used by the Reagan administration on the ABM Treaty—argumentation I found just as unpersuasive—the Soviets say that article III cannot be narrowly read as including everything that is not explicitly excluded. Otherwise, they assert, there would have been no need for a separate statement on land-based naval aircraft.

After examining the treaty and after contacts with our CFE negotiator in Vienna, Ambassador Woolsey, I can see no reason whatsoever to give any credence to the Soviet claim.

Madam President, the administration has quite properly taken a firm position on this question and several other data-related issues. The other issues concern: First, the movement of large amounts of conventional equipment outside the CFE zone to locations east of the Ural mountains; and second, the differences between our intelligence estimates of their equipment and the treaty-defined objects of verification [OOV's], on the one hand, and their declaration of equipment and OOV's, on the other.

Secretary Baker has stated that until these problems are resolved the administration does not plan to submit the CFE Treaty to the Senate for consent to ratification. I understand this position, which is consistent with that of several of my colleagues on the Armed Services and Intelligence Committees, Republicans, and Democrats.

Madam President, I hope that these issues can be resolved in the coming weeks when United States, Soviet, and other European negotiators meet in mid-February in Vienna to make the final adjustments to the data declarations.

However, if diplomatic contacts between the administration and the Soviets are successful in resolving the other issues adequately, but the Soviet side does not move to abandon its unjustified interpretation of article III, I believe—and so suggested Secretary Baker—that the administration should consider submitting the treaty to the Senate without further delay.

In that case, I told Secretary Baker, when the resolution of ratification is considered by the Foreign Relations Committee—and Chairman PELL has already delegated to me responsibility for managing the treaty—I would offer a formal reservation whereby the Senate would consent to ratification on the condition that these or any other naval units would not be considered exemptions under article III. This position would be consistent with that already adopted by all of the 21 other parties to this treaty.

I would remind my colleagues that in the case of the Krasnoyarsk radar, where most of us in Congress shared the administration's view our united stand resulted in a Soviet back down from an untenable position. I believe that we can replicate that achievement in the case of the current dispute. With the Senate having consented to ratification on condition that all parties accept a strict interpretation of article III, the United States and its allies could move the issue in effect to the ratification table, where we would await Soviet agreement to an interpretation accepted by every other party to the treaty. President Gorbachev and others in the Soviet leadership would then face a fundamental question with the whole world watching: Do they want to be a responsible partner in a new Europe governed by international law or do they want to return to the days of being outcases from the Western community of nations?

Madam President, I strongly believe that this approach could prove to be the best way to put maximum pressure on the Soviet Union to accept the proper interpretation of article III of the CFE Treaty. If the Soviets eventually accede to that interpretation, we can move forward to achieve the goal Secretary Baker reaffirmed today—which I share—of locking in Soviet arms reductions as quickly as possible through a formal treaty mechanism.

To repeat, the reservation I envision would state that the Senate consents to ratification of the CFE Treaty on the condition that article III be interpreted strictly and narrowly to encompass all treaty-limited equipment in the CFE zone not explicitly excluded in article III. Whether compliance with this condition would take the form of the Presidential certification or formal Soviet acceptance in the instruments of ratification could be decided later.

Like many of my colleagues, I abhor the unconscionable violence in Lithuania and Latvia perpetrated by Soviet authorities. But we must be wary of ill-considered linkage between the CFE Treaty and violence in the Baltics, lest we do damage to our own interests and the interests of the nations and peoples of Eastern Europe seeking to achieve and consolidate freedom. The CFE treaty can accelerate and confirm the Soviet withdrawal of Soviet forces from Eastern Europe and the destruction of tens of thousands of conventional Soviet armaments. With forces reduced to the verifiable CFE limits, the Soviet Union would never again be able to subjugate the peoples of Hungary, Czechoslovakia, and Poland as they were subjugated in the past. For similar reasons, early ratification of the CFE treaty can be expected to serve the long-term interests of those in the Baltic states struggling to achieve and consolidate freedom.

Because the CFE Treaty will represent a confirmation and codification of the revolutions of 1989, I urge my colleagues to consider this matter carefully before jettisoning this agreement—or delaying in indefinitely—in the heat of justifiable outrage over Soviet actions in Lithuania, Latvia, and Estonia.

APACHE SILENCES ITS CRITICS

Mr. DECONCINI. Madam President, the AH-64 Apache attack helicopter has been the subject of great and, I would argue, unwarranted criticism. Last year, the Apache came under fire when the General Accounting Office [GAO] released a report based in large part on outdated information. Recently, however, a team of GAO investigators returned from Saudi Arabia where they had the opportunity to see the Apaches in action. They saw the maintenance teams at work on these high-technology helicopters. They witnessed first hand the ability of these "birds" to operate in the harsh desert conditions. They saw the adequate levels of the spare parts. Apparently, the only criticism the GAO team could make was the fact that the Apaches are flying as well as much as they are because they are receiving adequate maintenance.

This should not be viewed as a problem. High-technology aircraft are, by design, maintenance-intensive. Consider the F-15 Eagle. It is a high-technology, fighter aircraft with a dedicated maintenance crew. Increasing the size of the maintenance crews was one of the many fixes which the Army, in conjunction with McDonnell Douglas Helicopter Co. of Mesa, AZ, identified over a year ago. This was also something which the GAO suggested in its critical report last fall. By the time the report was released, the Apache action team had already initiated an aggressive plan to address the maintenance problem. No big surprises, just the hard work of the maintenance crews doing their job and making sure their helicopters fly.

And fly they have. The Apache has performed so well in the gulf war that its critics have been silenced. The Apache also performed well during Operation Just Cause in Panama. As a result of its night-vision capabilities, it was heavily involved in the predawn assault on Panama. Apaches used in Panama took numerous small arms hits and kept on flying. They got their crews safely back to base and some of them were even repaired and returned to battle. Many of our older helicopters would not have been able to do the same.

Now, during Operation Desert Storm, the Apache is finally getting an opportunity to prove itself on the battlefield. After all, it was born and tested in the desert. Now it is saving lives and performing more roles than just the tank-killing capability for which it was designed. We had one crash a week or so ago. While the details of the crash have not been released, we do know that the crew survived, in part, no doubt, to the enhanced survivability designed into the Apache airframe.

The Apache was designed to perform in all weather conditions. When it is fully armed it can carry eight Hellfire precision-guided missiles and 1,200 rounds of 30-millimeter armor piercing ammunition. The Apache's day and night striking capability gives it an added advantage over mobile ground armor which lacks a night-vision ability. Presently, the Apache is the only day, night, adverse weather, heavy attack helicopter in production to support United States and other allied ground forces. As the Army has repeatedly stated, "Apache owns the night!"

Thus far, the Apache has played a significant role in the recent border clashes with Iraqi forces. The most notable was the repelling of the incursion by Iraqi infantry and armor into Khafji. According to an article in last week's Defense News, the Apache has also played a significant role in striking key Iraqi military installations and other sites inside Kuwait. I will ask unanimous consent that the Defense News article be printed at the conclusion of my statement. Apparently, the Apache squadrons have been operating primarily at night, targeting Iraqi artillery sites close to the Saudi border which have been exchanging fire with our Marines.

Military officials have released little information on the role the Apache will play in the soon-to-come ground war. Yet it is widely speculated that it will play a key role in knocking out Iraqi air defense sites and artillery units in the initial hours of the ground assault. The Apache was designed to destroy enemy tanks during offensive action in Central Europe. The same type of tanks we expected to face off against in Europe are now hiding beneath Iraqi desert fortifications. The Apache can kill enemy tanks in the desert as well as in Europe.

It is unfortunate that we had to wait until the heat of battle to witness what a force multiplier our Army has in the Apache. But I am pleased and proud that our men and women fighting for us in the desert have the best system available to them. When you talk to the pilots who fly the Apache, they can tell you how satisfied they are by its performance. I would rather listen to them than a pencil-pushing, GAO bureaucrat any day.

I ask that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Defense News, Jan. 28, 1991]

SHOWDOWN IN THE GULF—APACHE'S VALUE IS CLEAR DESPITE GULF SECRECY

(By Caleb Baker)

WASHINGTON.—The AH-64 Apache attack helicopter, its mission in Operation Desert Storm still cloaked in secrecy, is playing a decisive role in striking key Iraqi air defense sites and artillery units, military officials say.

In contrast to high-profile U.S. and allied aircraft participating in the pounding of strategic targets in Iraq and occupied Kuwait, the Department of Defense has been unwilling to disclose the mission of the U.S. Army Apache, the most modern helicopter in the U.S. inventory.

Army spokesman Maj. Pete Keating said last Wednesday that the Apache is doing well in Operation Desert Storm. That is the most the Pentagon or the U.S. Central Command at the Saudi Arabian capital of Riyadh has revealed about the helicopter's missions, even to congressional officials and executives of the Apache's makers at McDonnell Douglas Helicopter Co., Mesa, Ariz., officials said.

On Jan. 18, Army Lt. Gen. Tom Kelly told Pentagon reporters that "the Apache helicopter has been used" and "has fit right in with the campaign plans" of the war. But he refused to disclose the specific mission of the helicopter.

Kelly added that the mission of the Apache could include support of special operations.

The reason for the veil of secrecy is related to the Apache's role in the initial stages of the air campaign against Iraq, according to defense and industry officials. Iraqi artillery could target the Apache as the chopper, hovering five miles away, launches laser-guided Hellfire missiles at Iraqi radar installations and other artillery posts, sources said.

Military officials last week said the Apache has been successful, eliminating specific targets with pinpoint precision. Apache pilots are taking advantage of massive aerial bombing of Iraq by such aircraft as the B-52 bomber and F-15 and Tornado attack aircraft to hit Iraqi targets closer to the Kuwait-Saudi border, sources said.

"The Iraqis are looking up for fast-movers," said one Army official. "They are not looking down."

The AH-64 Apache was designed in the late 1970s to destroy enemy tanks in offensive action in Central Europe. However, the difficulty of spotting stationary Iraqi tanks concealed in sand berms has led military planners to employ the aircraft against more visible air defense and artillery sites, officials said.

Operating primarily at night, the Apache is targeting Iraqi artillery close to the border to protect allied ground troops, sources said. Although the allies had launched no ground offensive by the end of last week, U.S. Army and Marine units have routinely become involved in skirmishes with Iraqi troops along the 100-mile border dividing Kuwait and Saudi Arabia.

In most cases the Apache is working in conjunction with A-10 Thunderbolt 2 tank-killing aircraft to strike Iraqi artillery.

The Army has deployed at least 90 Apache helicopters with five battalions to the Saudi Arabian desert. These aviation battalions, each equipped with 18 Apaches, last week moved further north toward the Kuwaiti border in preparation for a possible ground assault. One Apache was lost last Monday when it crashed as it landed at a refueling point. No one was hurt in the incident.

In battle the Apache is expected to be used in air-to-air combat against Iraqi Army helicopters and against Iraqi tanks as allied forces attack the Iraqi defensive line. The helicopter, which typically operates in battle with another Apache and a single OH-58 Kiowa scout chopper, is armed with 16 Hellfire missiles and a 30mm cannon.

According to reports from Saudi Arabia, Army aviation units deploying close to the Kuwaiti border last week intensified training exercises, often conducting massive attacks involving as many as 20 Apache aircraft on mock Iraqi T-72 battle tanks.

"This is great Apache country," said Lt. Craig Cairns, a platoon leader in the 1st Infantry Division's Apache battalion. "There is no place for anyone to hide. . . . It'll prove itself out there."

The Apache and its operations in the Middle East have been plagued by questions over its reliability. Key components in the Apache, including the main rotor blades and the cannon, have been known to break down frequently, according to a General Accounting Office report released last September.

But soldiers in the desert say the Apache has adapted well to the desert environment. Although the lack of features in the terrain makes navigation difficult, Apache pilots say the desert which becomes pitch black at night, is an ideal battlefield for the helicopter.

Lt. Col. Bill Hatch, commander of the Apache battalion in the 1st Armored Division, said the featureless desert is "the toughest environment I've ever seen for flying."

GETTING THE MASSACHUSETTS ECONOMY MOVING AGAIN

Mr. KERRY. Madam President, I would like to take this time to share briefly with my colleagues the economic problems now facing the State of Massachusetts and discuss the efforts which are now underway to deal with the region's troubles.

Over the last 2 years, the New England economy has seriously deteriorated, with the region as a whole losing over 250,000 jobs. That kind of jump in unemployment, within such a short period of time, has been a tough blow to the State's collective self-confidence. It has deepened the personal fears of workers and diminished public confidence in the chance of a quick recovery.

Gov. William Weld and I recently held a daylong economic conference in Boston last week to gather our State's banking, public, business, and academic leaders in an effort to assess the State's economic problems and future. What clearly emerged from the conference, in the following days, was a new spirit of cooperation and determination among Democrats and Republicans, public employees and private sector workers, and labor and management to put aside differences and work together in solving our region's economic difficulties. I am confident about the course on which we have embarked to get the Massachusetts economy moving again.

Despite the tough times we face today, Massachusetts still retains extraordinary economic assets: the finest network of colleges and universities, a strong infrastructure, and an educated work force. I am confident that these traditional strengths along with this new alliance will serve the State well as we work to provide a more secure economic future for our citizens.

Madam President, I ask unanimous consent that an editorial I wrote for the Boston Herald prior to the economic conference be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Boston Herald, Jan. 28, 1991]

STATE MUST MAP RECESSION STRATEGY

(By John Kerry)

The Massachusetts economy is in a freefall. Workers are being laid off at an alarming rate and asset values are tumbling. Unemployment, once the lowest in the nation at 2.4 percent is now 7.4 percent—the very highest in the nation and well above the national average of 6.1 percent. Real estate is plummeting—commercial real estate is down as much as 50 percent in Boston. Some of the large regional banks are under increasing stress, highlighted by the recent failure of the Bank of New England.

The deterioration of the state economy is a wrenching experience for workers and their families who only a few years ago believed their future to be secure.

We have been here before. In 1975 our state faced even higher unemployment. But we were able to grow out of that recession because of the high tech industry. Today, the computer industry cannot be counted on to lift us out of the current economic doldrums. Making matters worse, the banking sector is downsizing and few new loans are being initiated. This credit crunch weighs particularly heavily on small businesses which don't have access to the capital markets.

Despite the severity of the current recession, the economic base of our state is very strong. We should focus on this reality. Massachusetts has a remarkable concentration of educational research institutions, a history of unparalleled entrepreneurial activity, a diverse base of skills and industries and the highest quality workforce in the U.S.

Eventually our state will grow out of this recession, but the recovery may be unnecessarily long and painful. Neither federal government nor state government alone can create a sustained, robust economy for Massachusetts—that will depend as it always has on private sector innovation and initiative—but government, working together with business, labor and education, can do much to contribute to a speedier recovery.

Of critical importance: we must end the credit crunch and break the free-fall psychology. The Federal Reserve needs to work with the money center commercial banks to influence a dramatic reduction from the current prime rate of 9.5 percent to 8.5 percent. Doing so will immediately bring down the carrying costs for real estate and other loans, as well as providing a stimulus to the overall economy. However, banks will only begin to make new loans when the regulators tell them how in the current economic climate they can lend money and raise capital at the same time—the proper balance has yet to be struck.

The federal government can and must do other things. The administration must continue to release monies for important public infrastructure projects such as the Central Artery project and begin to fund priority environmental projects such as the clean-up of Boston Harbor.

The Congress can help by promoting exports through trade legislation. For example, last year I introduced in the Senate an export licensing bill to open up the markets of Eastern Europe to the kind of highly sophisticated technology produced by Massachusetts. We have lost thousands of jobs and billions of dollars because we have made it so difficult for our companies to compete abroad.

Our state government can accelerate the recovery by putting its own fiscal house in order. Currently, a 12-percent budget deficit results from a shortfall between revenues and spending. We need to close that gap and then tackle the problem areas on which both Republicans and Democrats agree—those are public works, public education and public safety. These are all clear investments in our economic future.

Massachusetts has one of the oldest infrastructures in the country and it has been sorely neglected. We need to repair our bridges, our roads and our schools.

Higher education represents one of the state's greatest economic assets as a producer of human capital and new technology. Yet the current budget deficit has forced our state to cut 20 percent in spending for state colleges and universities. Nothing could be more shortsighted and even dangerous. The result is to negatively impact vital research and development so needed to create new technologies and new businesses.

Finally, both federal and state government have a responsibility to the workers who are the victims of this recession. At a minimum, those laid off need to have job search and retraining assistance, and extended federal unemployment benefits. We must always remember that our state's economy is no better than its work force.

Gov. William Weld and I have invited the state's business, education, labor and other leaders to a conference today to exchange ideas on the challenges and opportunities facing Massachusetts. I am confident that by forging new alliances we can build on the strengths of our state and secure a sound future for all our citizens.

The PRESIDING OFFICER. The Senator from Washington.

SERVICEMEN AND WOMEN IN THE PERSIAN GULF

Mr. GORTON. Madam President, the lives of all Americans have been changed by the events of the last 3 weeks. Our attention has been riveted to news of the war in the gulf. Our thoughts turn constantly to the brave and dedicated men and women in uniform who are serving the cause of justice, freedom, and peace in that conflict. All deserve our praise, our support, and our prayers.

A few of these men and women, however, have already given their lives for us and for our cause. Two of them are from the State of Washington. Their loss is a cause of deep sorrow to all of us, mitigated only by the thought that they gave their lives to a great and noble cause.

Marine Lance Cpl. Michael E. Lindeman, Jr., and Air Force 1st Lt. Eric Hedeen were killed while serving in the Persian Gulf.

These young heroes deserve to be recognized because they have paid the ultimate price to uphold the ideals upon which this country is based.

In an article in the February 6 edition of the Seattle Post-Intelligencer, Eric Hedeen's father expressed a sentiment all Americans should take to heart, a sentiment that is foremost in the minds and hearts of the Hedeen family since their lives have been so deeply touched by the price of freedom. Hedeen wrote, "Freedom doesn't come cheap; you have to pay for it. My son paid for it, his parents paid for it, his wife paid for it."

The precious lives of the servicemen and women whose lives have been lost serving in the gulf must be remembered as the cost of a better world. As Hedeen's father continued:

> Because there's this naked aggression in the gulf area, with (Saddam) attempting to destroy civilization as we know it, you can't just sit there and do nothing. You do something, Eric believed in duty, honor, and country.

Corporal Lindeman and Lieutenant Hedeen were willing to contest Saddam Hussein's threat to the world. Their commitment to our Nation was distinguished by their willingness to sacrifice their own lives for us.

Their families and friends have sacrificed as well. As Lieutenant Hedeen's father continued:

> There are a lot of people in America like us, with children over there, who are scared for their safety. We want people to understand they need your help. You've got to let (the troops) know you're with them. If you're sitting at home protesting, you're not doing them a hell of a lot of good.

Hedeen's wife, Susan, could have been speaking for all servicemen when she said:

> Eric is one of the most patriotic people I know. He is wearing red, white, and blue angels in heaven right now. He always said if he had to go he wanted to be fighting for his country. I would have had it no other way, except maybe 50 or 60 years from now.

We honor and deeply appreciate those who have given their lives and those who continue to put their lives on the line so that we at home may enjoy a nation dedicated to justice, freedom, and peace.

Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will now call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST AND MONOPOLIES

Mr. DOLE. Madam President, I want to alert my colleagues, the news media, and especially the people of Arizona, to a very disturbing development in the Senate Judiciary Subcommittee on Antitrust and Monopolies.

It appears that this Democrat-controlled subcommittee is now trying to tilt the runoff race for Governor in Arizona with an unprecedented abuse of Senate power and privilege.

Today we see the Republican candidate, Fife Symington, the target of a smear campaign, a campaign regrettably launched by the Democrat chairman of this subcommittee. It is a premeditated attempt at character assassination, complete with press release, public hearings—and I might add, without any notice to Mr. Symington—a sneak attack and a published laundry list of innuendos about his conduct as a savings and loan board member.

The timing speaks for itself. Mr. Symington earned the most votes of all candidates in round 1 this past November. The election is now less than 3 weeks away, and the polls are now neck and neck.

I smell politics, and it stinks.

I thought the Senator from Ohio [Mr. METZENBAUM] and the Senate Judiciary Committee were supposed to be the guardians of due process. Instead, what we see today is a blindsiding without fair notice or fair play.

I have checked the rules, Madam President, and I can tell my colleagues, and especially the people of Arizona, that the Judiciary Committee has very questionable jurisdiction over these kinds of proceedings. Even so, the question is this: Why is the committee now insisting on this inquisition? It is pretty clear. It is politics of the worst kind. It is no wonder the American people are fed up with Washington and the Congress and many of the people in it.

Madam President, I thought 1991 would be the year of ethics and good government. Unfortunately, it looks like some people want to take us into the gutter. The people of Arizona deserve much better. I know the people of Arizona. I went to school there for about a year some time ago, and they deserve much, much better. And so does Mr. Symington. This is a new low for the Senate. If we are going to start using committees and a majority around here to drag in candidates 2 weeks before the election, with character assassination and sneak attacks, with no notice, then I think we better take a look at the U.S. Senate and those who would abuse the power of the Senate and abuse the power and rules of the Senate—particularly the Judiciary Committee—of fair play, justice, and notice. This was a surprise attack, a stealth attack, a sneak attack. What have we gotten around to in this body? What motivates some people to try to cut somebody else to pieces on a day-to-day basis? It turns out that these are innuendoes that have been out in the public and have been denied by Mr. Symington. That was not enough for the Senator from Ohio. He thought maybe he could turn the tide here in the last 2 weeks and maybe change the election in favor of the Democratic candidate, Mr. Goddard, who is a very close friend and confidante of the Senator from Arizona, Senator DECONCINI, who is also a member of the committee.

When somebody told me what happened this morning, I did not believe it. I said certainly he would have given notice, and certainly, he would not accept some subcommittee report without even notifying the Republicans on the committee. Oh, yes, no notice. The distinguished Senator from Pennsylvania [Mr. SPECTER] objected to much of the proceedings, without prevailing, of course. So I hope when the dust settles, maybe we can have a rational debate with the Senator from Ohio [Mr. METZENBAUM] on the floor.

I ask unanimous consent to have printed in the RECORD at this point a copy of Mr. Symington's statement and a copy of his letter sent to the Attorney General asking the Justice Department to investigate the committee and his statements therein.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SYMINGTON 1990 COMMITTEE,
Phoenix, AZ, February 7, 1991.

Hon. RICHARD L. THORNBURGH,
Attorney General of the United States,
Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL: I urgently request that the U.S. Justice Department investigate the conduct of the Senate Judiciary Committee's Subcommittee of Antitrust, Monopolies and Business Rights in connection with a statement released today by U.S. Senator Howard Metzenbaum, the chairman of the subcommittee, regarding an investigation of Southwest Savings and Loan. Senator Metzenbaum's statement is attached.

For your information, I am involved in a gubernatorial runoff election in Arizona, scheduled to take place on February 26th, less than three weeks from today. Accordingly, I find the timing of this statement very peculiar. That I was not informed by Senator Metzenbaum, or Senator Dennis DeConcini, a member of the subcommittee from my state, or committee staff that I am apparently the subject of a congressional investigation, prior release of the statement to the press leads me to conclude that the intent was to create sensational news media coverage that would damage my candidacy for Governor.

I would also appreciate your looking into any possible connection between Senator Metzenbaum's statement and Mr. Terry Goddard, my Democratic opponent, who is a close confidante of Senator DeConcini and is rumored to have visited Washington this week.

As a citizen, I simply cannot believe that it is proper for a committee of Congress to inject itself in an election in such a blatantly partisan manner. This is a good illustration of why it is that many good men and women choose not to enter public service.

I look forward to your reply and will, of course, provide your department with any information you require.

Sincerely,

FIFE SYMINGTON.

STATEMENT OF FIFE SYMINGTON

The report released today by the Metzenbaum-DeConcini subcommittee is an insult to the people of Arizona. This blatantly partisan attempt to interfere with the Arizona gubernatorial runoff, less than three weeks from the election, represents politics at its very worst. That it is occurring at taxpayers' expense compounds the outrage. We have seen here today the reason why many good men and women choose not to enter public service. That Senator Metzenbaum and Senator DeConcini would not even afford me the minimum courtesy of informing me of their allegations prior to releasing them to the news media only serves to compound the outrage. Obviously, their intent is not to arrive at truth or to be fair; it is to sensationalize accusations that have no basis in fact for the purpose of influencing the outcome of the Arizona race for Governor.

My conduct as a Board Member of Southwest Savings and Loan is a matter of public record; the allegations he raised have been raised before and rehashed in public. Never has any wrongdoing on my part been proven.

I am today requesting the U.S. Department of Justice to investigate the conduct of Senator Metzenbaum and Senator DeConcini in this regard, and to ascertain the extent of involvement of Terry Goddard, who has embarked on a low-road campaign to defame my reputation and business.

The people of Arizona have shown on several occasions that they deeply resent intrusion into their political decision-making by outside forces. The recent defeat of the Martin Luther King holiday initiative following published threats by the National Football League is a good example. Now we have another mischievous attempt from the outside to influence Arizona politics. I am confident that the people of Arizona will see this for what it is—a cheap political ploy—and will reject it convincingly with their vote on February 26th.

The voters of Arizona have a choice: they can either believe Senator Howard Metzenbaum, the most liberal member of the U.S. Senate, and his second ranking Democrat member, Senator Dennis DeConcini, or, they can believe me when I tell them that I did nothing wrong with regard to Southwest Savings and Loan.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BENEFITS FOR SOLDIERS AND THEIR FAMILIES

Mr. DOLE. Madam President, I want to respond very briefly to my colleagues who have spoken to providing benefits to our soldiers in the gulf, and to their families here at home.

First, we need to remember that our overriding priority is to win the war, and to bring our brave men and women home as quickly and as safely as possible.

When it comes to that priority, Madam President, none of us in this body are Democrats, and none of us are Republicans. Rather, we act as Americans. There is, after all, no room for partisanship on the battlefield.

And while we are united on this priority, we also must be united in two others. First, in our efforts to support the husbands, wives, and children of our soldiers. And second, in planning for the day when our mission in the gulf is complete, and our soldiers return home.

I know that the Veterans' Committee, The Armed Services Committee, and the Department of Defense, are already working in a bipartisan manner on these two priorities.

I look forward to the time when Senator GLENN and Senator MCCAIN can join their efforts and fashion a comprehensive package worthy of the support of every Member of the Senate.

I also know that they took to heart, as I did, the words of the distinguished chairman of the Appropriations Committee, who I thank for reminding us that we are under a budget summit agreement.

As we all know, any expenditures for new programs must be matched with cuts somewhere else in the budget.

We must be careful, Mr. President, not to confuse pork barrel politics with support of our troops.

For example, one bill introduced in the House authorizes special pay for reservists in the gulf to make up the difference between civilian and military pay.

While recognizing the financial hardship of those called to active duty, what does this say about the level of compensation and value this places on our active duty volunteers?

We do need to act quickly, Madam President, but not foolishly. Let us take the time necessary to ensure that the laws we pass today will not have long-term detrimental consequences for our soldiers and retired veterans of tomorrow.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR REPRESENTATION BY SENATE LEGAL COUNSEL OF FORMER SENATE EMPLOYEE

Mr. MITCHELL. Madam President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on representation of a former Senate employee by the Senate Legal Counsel, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 54) to direct the Senate Legal Counsel to represent Jack Blum in the case of *United States* v. *Ronald Whitaker*, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Madam President, one of the defendants in a criminal prosecution in the U.S. District Court for the Southern District of Florida, Sheldon Yavitz, has caused to be issued a subpena to Jack Blum, a former Senate employee, for testimony at a trial that is scheduled to begin shortly. Mr. Yavitz, an attorney, is charged with aiding his codefendants with evading Federal income taxes that the codefendants owed on profits from the importation and sale of marijuana.

Between 1987 and 1989, Mr. Blum was employed as a special counsel to the Committee on Foreign Relations. In that capacity he performed legal and investigative work for the Subcommittee on Terrorism, Narcotics and International Operations, in relation both to public and closed proceedings that culminated in a subcommittee report entitled, "Drugs, Law Enforcement and Foreign Policy," Senate Print No. 165, 100th Congress, 2d session (1988). Mr. Yavitz represented several witnesses at the subcommittee's hearings. His counsel is seeking Mr. Blum's testimony in an effort to show that Mr. Yavitz played a role in helping the Government investigate illegal smuggling of drugs from South and Central America.

This resolution will authorize the Senate Legal Counsel to represent Mr. Blum and to assert the applicable privileges of the Senate in opposition to this subpena.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 54) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 54

Whereas, in the case of United States v. Ronald Whitaker, et al., No. 90–14010–CR–JAG, pending in the United States District Court for the Southern District of Florida, one of the defendants, Sheldon Yavitz, has obtained a subpoena for the testimony of Jack Blum, a former employee of the Senate, in connection with his work as special counsel to the Committee on Foreign Relations;

Whereas, pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent present and former employees of the Senate with respect to subpoenas issued to them in their official capacities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Jack Blum in the case of United States v. Ronald Whitaker, et al.

Mr. MITCHELL. Madam President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONGRATULATING THE USO ON ITS 50TH ANNIVERSARY

Mr. MITCHELL. Madam President, on behalf of myself, Mr. DOLE, Mr. THURMOND, Mr. RIEGLE, Mr. PACKWOOD, and Mr. SASSER, I send to the desk a resolution congratulating the USO on the occasion of its 50th anniversary, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 55) congratulating the USO on the occasion of its 50th anniversary.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Madam President, this week the USO celebrates its 50th anniversary. The USO, formed at the direction of President Franklin D. Roosevelt in 1941, has provided invaluable services and support to our military personnel and their families over the past 50 years. The USO has been there during all of our Nation's conflicts—and during peacetime as well.

Now, during the extraordinary effort required by Operations Desert Shield and Desert Storm, the USO is once again serving the needs of our service men and women and their families. It is therefore fitting that the Senate acknowledge the 50th anniversary of the USO this week. I am pleased to join with Senator DOLE in offering this resolution extending the Senate's congratulations to the USO and acknowledging our gratitude for the valuable services which the USO performs.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Madam President, when American troops were sent to the Persian Gulf last August, it did not take long before the USO was at their side.

Within months, USO centers were opened in Saudi Arabia to provide relaxation for troops on leave.

Celebrities were signed up to travel to the gulf and lift the morale of the troops.

Hundreds of thousands of packages containing food and personal supplies were being distributed and a project allowing soldiers to communicate to their families by video messages was up and running.

The USO's presence in the gulf is part of a historic tradition of service to America's soldiers and their families. In fact, this week marks the 50th anniversary of the USO.

For five decades, through four wars, and in countless locations, wherever you have found American soldiers, you have also found the USO.

Most Americans know the USO through their sponsorship of tours by Hollywood stars such as the great Bob Hope. But the USO is a great deal more than celebrity tours.

Thousands of volunteers in 160 USO centers across the globe are devoted to a mission of assisting service personnel and their families.

All of us who served in World War II will be forever grateful to the USO. And perhaps our feelings were best summed up by the words of an American infantryman who said, "The USO was the soldier's best friend."

Madam President, it is fitting, indeed, that the Senate extend our congratulations to the USO for 50 years of service in the greatest cause of all—the cause of freedom.

Mr. BOREN. Madam President, during the last several weeks, this body has focused its efforts on supporting and sustaining our troops involved in Operation Desert Storm. But today, I would like to recognize an organization that has been supporting and sustaining service men and women for 50 years.

The United Services Organization [USO] was established 50 years ago this month and has provided a helping hand, a smile, a home away from home for troops during every major American conflict since World War II. The USO is the only independent, congressionally chartered organization delivering human services to the Armed Forces and their families. Contrary to popular belief, the USO receives no Government funding; the organization is sustained exclusively through the generosity of individual Americans, of corporations, and funds like the United Way.

With our young service men and women now in the Middle East standing behind this Nation, it is more critical than ever that we stand behind them and the organizations that serve them. It is easy to forget the fear and loneliness and uncertainty of war when the country is not in armed conflict. Now, it is impossible to forget. The USO has never forgotten. Thanks to that great institution, we are assured that our troops are provided some of the comfort and security they left behind here at home. I am proud to join in paying tribute to the USO on its 50th anniversary.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 55) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 55

Whereas the USO is celebrating its fiftieth anniversary;

Whereas the USO is the only independent, congressionally chartered organization devoted solely to providing human services to our Armed Forces personnel;

Whereas the USO of Metropolitan Washington and chapters throughout the United States and the world provide family support services, emergency housing programs, airport services, and numerous other programs to assist members of the Armed Forces;

Whereas the USO is providing special support to service men and women and their families during Operation Desert Storm: Now, therefore be it

Resolved by the Senate, That—

The Senate hereby extends congratulations to the USO on the occasion of its fiftieth anniversary and commends the work of the USO in support of the military personnel and their families serving in the United States and around the world.

The Secretary of the Senate shall transmit a copy of this Resolution to the USO.

Mr. MITCHELL. Madam President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TUESDAY, FEBRUARY 19, 1991

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 2:30 p.m. on Tuesday, February 19; that following the prayer, the Journal of the proceedings be approved to date; and that following the time for the two leaders, there be a period for morning business not to extend beyond 3 p.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TUESDAY, FEBRUARY 19, 1991, AT 2:30 P.M.

Mr. MITCHELL. Madam President, if no Senator is seeking recognition, and if the Republican leader has no further business, I ask unanimous consent that the Senate stand in recess, under the provisions of House Concurrent Resolution 59, until 2:30 p.m. on Tuesday, February 19, 1991.

There being no objection, the Senate, at 5:09 p.m., recessed until Tuesday, February 19, 1991, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate February 7, 1991:

THE JUDICIARY

ROBIN J. CAUTHRON, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA VICE A NEW POSITION CREATED BY PUBLIC LAW 101- 650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF JUSTICE

RICHARD D. BENNETT, OF MARYLAND, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MARYLAND FOR THE TERM OF 4 YEARS VICE BRECKINRIDGE L. WILLCOX, TERM EXPIRED.

MAURICE OWENS ELLSWORTH, OF IDAHO, TO BE U.S. ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF 4 YEARS (REAPPOINTMENT).

HARRY A. ROSENBERG, OF LOUISIANA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS VICE JOHN P. VOLZ, TERM EXPIRED.

E. MONTGOMERY TUCKER, OF VIRGINIA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF 4 YEARS VICE JOHN P. ALDERMAN, RESIGNED.

RONALD G. WOODS, OF TEXAS, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS VICE HENRY K. ONCHEN, RESIGNED.

DEPARTMENT OF TRANSPORTATION

STANFORD E. PARRIS, OF VIRGINIA, TO BE ADMINISTRATOR OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR A TERM OF 7 YEARS, VICE JAMES L. EMERY, TERM EXPIRED.

FEDERAL HOUSING FINANCE BOARD

THE FOLLOWING-NAMED PERSONS TO BE DIRECTORS OF THE FEDERAL HOUSING FINANCE BOARD FOR THE TERMS INDICATED, TO WHICH POSITIONS THEY WERE APPOINTED DURING THE LAST RECESS OF THE SENATE:

WILLIAM C. PERKINS, OF WISCONSIN, FOR A TERM OF 1 YEAR.

LAWRENCE U. COSTIGILO, OF NEW YORK, FOR A TERM OF 3 YEARS.

MARILYN R. SEYMANN, OF ARIZONA, FOR A TERM OF 5 YEARS.

DANIEL F. EVANS, JR., OF INDIANA, FOR A TERM OF 7 YEARS.

LEGAL SERVICES CORPORATION

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR THE TERMS INDICATED, TO WHICH POSITIONS THEY WERE APPOINTED DURING THE LAST RECESS OF THE SENATE:

FOR TERMS EXPIRING JULY 13, 1992:
J. BLAKELEY HALL, OF TEXAS.
WILLIAM LEE KIRK, JR., OF FLORIDA.
JO BETTS LOVE, OF MISSISSIPPI.
GUY V. MOLINARI, OF NEW YORK.
JEANINE E. WOLBECK, OF MINNESOTA.
FOR TERMS EXPIRING JULY 13, 1993:
HOWARD H. DANA, JR., OF MAINE.
LUIS GUINOT, JR., OF PUERTO RICO.
PENNY L. PULLEN, OF ILLINOIS.
THOMAS D. RATH, OF NEW HAMPSHIRE.
BASILE J. UDDO, OF LOUISIANA.
GEORGE W. WITTGRAF, OF IOWA.

CONFIRMATION

Executive nomination confirmed by the Senate February 7, 1991:

DEPARTMENT OF LABOR

LYNN MARTIN, OF ILLINOIS, TO BE SECRETARY OF LABOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

NATIONAL PARKS REVITALIZATION ACT: TIME TO CHANGE CONCESSIONER POLICY AT OUR NATIONAL PARKS

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SYNAR. Mr. Speaker, I rise today to introduce the National Parks Revitalization Act. Enactment of this amendment to the 1965 National Park Concessions Policy Act will be both good for the taxpayer and the environment.

Mr. Speaker, it is increasingly clear that the Federal Government is underpaid for the use of taxpayer assets at national parks. For example, in 1988 concessioners' gross receipts totaled about $500 million, but they only paid the Federal Government $12 million in franchise fees. That equals about 2.5 percent of gross income.

In fact, the taxpayers lose $200 million each year because national park concessioners do not return a fair share of the profits to the Government. The simple truth is that it is time for a change.

Concessions contracts create monopolies over all goods and services consumed at our national parks, the crown jewels of this Nation's natural heritage. But, the contracts and the National Park Concessions Policy Act are relics of a time gone by.

Mr. Speaker, the existing law is based on a set of assumptions that are no longer valid. It was enacted at a time in our Nation's history when it was deemed necessary to extend extraordinary incentives to businesses to operate our national parks. At that time—before the completion of our Interstate Highway System revolutionized family travel—concessions operations in national parks were viewed as risky commercial outposts that we sought to coax into providing goods, services and hospitality at remote and scarcely visited locales with a short summer season of operations and activities.

Accordingly, the 1965 National Park Concessions Policy Act created a set of incentives for concessioners, which included low franchise fees, renewal preference for satisfactory performance and the rights to acquire, hold and transfer a possessory interest in structures, fixtures and improvements upon land owned by the United States within such areas administered by the National Park Service. This incentive package worked in the beginning, but perhaps it has worked too well.

While the right of preference renewal and the rights associated with possessory interest served the initial purposes of attracting private capital and quality concessions operations to our national parks, these rights have now become significant—and almost insurmountable—impediments to competition.

Mr. Speaker, the circumstances at our national parks have changed dramatically since 1965. Our national parks are not commercial outposts. In fact, many parks are teeming with visitors and the short summer season is growing to 10 months or even year-round visitation even in many of the most remote areas.

The incentive package provided under the original National Park Concessions Policy Act has outlived its usefulness. Now, while operating a concession at one of our national parks has become a lucrative enterprise, the taxpayer is being shortchanged.

The leverage created by the National Park Concessions Policy Act's incentive package has made it virtually impossible for others to compete against an existing concessioner at one of our national parks. At the end of every concessions contract term, the Secretary of the Interior must entertain offers from others for improved concessions services or increased franchise fees, but no one will submit a bid. Instead enterprising businesses are dissuaded from submitting proposals because a successful bidder proposal would have to do more than simply prepare the highest and best bid for concessioner services. In fact, a successful bidder would have to accept the obligation of paying off the possessory interest of the existing tenured concessioner and would have to overcome the existing concessioner's preference. Thus, the incentive package has become a nearly perfect barrier to competition for concession opportunities.

Unfortunately, the loser in all this is the taxpayer, Mr. Speaker. As documented in reports from the inspector general of the Department of the Interior [OIG], the U.S. General Accounting Office, the House Committees on Small Business and Government Operations and the National Park Service itself, the existing contract law and regulations are not in the public interest. It is time for reform.

It is good that concession services are provided by the private sector, instead of the Government, and no one wants to change that aspect of national park concessions operations. However, it is wrong for concession revenues to be diverted from the National Park System's resource conservation needs at a time when park budgets are stagnant and park visitation is soaring.

Mr. Speaker, here is a summary of the deficiencies in existing concessions policy, law and regulation: Franchise fees for national park concession contracts are far too low; concession contracts last too long; existing contractors have a renewal preference and possessory interest in park structures and facilities that are preventing open competition; contracts do not charge fair market rents for taxpayer-owned facilities; contracts do not contain standardized language, so the cost of administering them is too high; and, contracts allow a concessioner to sell his exclusive use of park facilities, low concession fees and preference for renewal as intangible assets when the concessioner corporation is sold. Some even argue that concession contracts allow our national parks to be managed for the benefit of concessioners rather than for resource conservation.

To his considerable credit, Secretary Lujan has initiated a reform campaign to correct some of these deficiencies. Indeed, the Secretary has discretion to take bold action, but he needs legislative support to complete these reforms. The National Parks Revitalization Act that I am introducing today will strengthen the Secretary's authority to reform concessions operations, standardize the process of concessions reform, and assure a fair return to the taxpayers.

This reform effort is vitally important since most contracts come up for renewal over the next 5 years, including several large contracts: Sequoia (1991), Yellowstone (1992) and Yosemite (1993). Therefore, we need to give the Secretary all the tools necessary to take advantage of this unique window of opportunity to construct and proper balance for concessions operation.

Mr. Speaker, as I have already noted the National Parks Revitalization Act is written as an amendment to the 1965 National Park Concessions Policy Act so as to take advantage of the better aspects of the existing law while making the changes necessary to fit current circumstances.

The National Parks Revitalization Act will increase franchise fees from the present average of 2.5 percent of gross receipts to 22.5 percent of gross receipts. This increase is consistent with Secretary Lujan's publicly stated objective for concessions reform. This increase will allow the Park Service to acquire the possessory interest of existing concessioners and to more adequately fund resource management, interpretation and conservation activities from the proceeds of a reasonable franchise fee.

But raising franchise fees by itself will not remedy our national park concessions problems. Congress must agree to return more of these dollars to the parks for operation, maintenance, and capital improvements.

Additionally, Mr. Speaker, the National Parks Revitalization Act prescribes a maximum term for concessions contracts, requires concessioners to pay fair market rents and all utilities costs, and phases out the anti-competitive problems presented by the existing statute's treatment of renewal preference. The National Parks Revitalization Act will allow the National Park Service and the Secretary of Interior to redirect concession operations to be consistent with today's circumstances and budget constraints.

Finally, the National Parks Revitalization Act will resolve the argument that concession contracts allow our national parks to be managed for benefit of concessioners rather than for resource conservation. Under this measure all concession contracts must be consistent with

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the National Park Service Organic Act, the purposes of the act creating the particular unit of the National Park System in question and its general management plan.

Mr. Speaker, I hope that introduction of the National Parks Revitalization Act will help frame this important debate and promote reform. I believe the National Parks Revitalization Act presents a formula that will be good for both the taxpayers and the environment. I urge all my colleagues to join me as a cosponsor of this legislation.

ASSISTING THE MEN AND WOMEN OF DESERT STORM

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. LaFALCE. Mr. Speaker, today I have introduced the Small Business Desert Storm Relief Act of 1991. I am pleased to have been joined by Representative JOE MCDADE, the ranking minority member on the Small Business Committee, and 14 other committee members.

The call to active duty of the servicemen and women who have been sent to the gulf has done far more than jeopardize their lives. Many of them were simply uprooted and were forced to leave behind their financial obligations which they incurred as civilians. Many of these individuals operated mom and pop small businesses so small that they literally closed their doors with a sign, "Gone to war."

During World War II, the Soldiers and Sailors Civil Relief Act of 1940 was enacted to permit persons called to active duty to concentrate on fighting a war rather than on payment of any obligations incurred prior to entry onto active duty. This act remains applicable to today's situation.

Basically, it suspends the enforcement by civil action of any obligation of a person called to active duty provided the obligation was incurred prior to entry into active duty. It also provides for the reduction of interest rates to 6 percent during the time of active duty. This Act applies to obligations to both private parties and to the U.S. Government.

Since then, however, we have established the Small Business Administration to provide financial assistance by making direct loans, now primarily to disaster victims, and to guaranteeing bank loans to small businesses. There are instances not covered by the 1940 act and we need to provide for them just as last week when we covered tax problems. The soldiers on the front line have enough to think about without worrying about the bureaucratic and governmental hassles which are normal to peacetime. The Congress, therefore, postponed the deadline for filing income taxes for those serving in Operation Desert Storm.

Congress needs to consider all of the other areas. We need to review Federal laws and programs to provide even greater protection to persons called into military service. As part of this effort, and as chairman of the Small Business Committee, I have developed new legislation which would expand the coverage of the 1940 law if the law involves the Small Business Administration. It would:

First, temporarily suspend repayment of direct loans made by the Small Business Administration to any borrower called to active duty, or to joint borrowers, such as a husband and wife, if one of them is called to active duty. The suspension would continue until 90 days after discharge.

Second, temporarily suspend or reduce the repayment obligation of any direct loan made by SBA to a partnership or corporation if the SBA determines that the repayment ability of the borrower has been substantially impaired due to the call to active duty of a person who is a principal owner, manager or key employee of the borrower.

Third, authorize SBA to make all of any part of loan payments due under a guaranteed loan if the loan has been made to a corporation or partnership and a principal owner, manager or key employee is called to active duty, and

Fourth, require SBA to meet with each borrower upon his or her return from active duty to work out repayment terms. This would include specific authority for SBA to extend the terms of the loan, including any reamortization, on direct loans and to authorize SBA to make payments to the lender under a guaranteed loan for a period of time to allow the borrower to re-establish his or her business.

Let us hope that this legislation, and other similarly needed bills, will be enacted promptly and ease the burden a little for those serving us abroad and for their families here at home.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Small Business Desert Storm Loan Relief Act of 1991".

SEC. 2. The Small Business Act is amended by adding the following new section.

"SEC. 28. (a) It is the purpose of this Act to provide assistance in addition to that authorized by the Soldiers' and Sailors' Civil Relief Act of 1940 as now in effect or as subsequently amended, and shall not in any way reduce the benefits of such Relief Act.

"(b) Any small business concern which is the obligor of a loan or debenture made, funded or guaranteed by the Small Business Administration under this Act or the Small Business Investment Act of 1958 may apply for assistance under this section. In order to assist persons called to active duty in the military service of the United States, the Administration (1) is directed to liberally construe the provisions of this section to benefit such persons and companies substantially owned by or dependent upon them, (2) is authorized to extend the term of any loan or debenture for up to five years beyond the maximum term otherwise provided by law, and (3) is authorized to waive or modify any of the minimum periods of time or minimum income declines specified in this section if it determines that it would be appropriate to effectuate the purpose of this Act, but it may not do so if it would result in the denial of assistance to an applicant otherwise eligible.

"(c) The Administration shall temporarily suspend the repayment obligation of any person under a direct loan made by the Small Business Administration to a borrower if the borrower, or any person jointly liable with the borrower, is called to active duty in the military service subsequent to the disbursement of the proceeds of such loan. The suspension shall be effective on the date Administration is notified that the borrower has commenced active duty status or, at the election of the borrower it shall be made effective at any time subsequent to the date the borrower entered active duty status, and shall continue for 90 days after such person ceases to be on active duty.

"(d) The Administration shall suspend or reduce the repayment obligation or any small business concern under a loan made by the Administration to a partnership or corporation if it determines that there has been substantial impairment of the repayment ability of the borrower due to the entry on active duty of any person who is a principal owner, manager or key employee of such borrower. The suspension shall be effective on the date the Administration is notified that such person has commenced active duty status or, at the election of the borrower it shall be made effective at any time subsequent to the date the person entered active duty status, and shall continue for 90 days after such person ceases to be on active duty.

"(e) The Administration may agree to make all or part of any payments due to any person pursuant to the terms of any loan guaranteed by the Administration under this Act or under the Small Business Investment Act of 1958 if it determines that there has been substantial impairment of the repayment ability of the borrower due to the entry on active duty of any person who is a principal owner, manager or key employee of such borrower.

"(f) Within 60 days after the return to nonactive duty status of any person to whom the preceding subsections may apply, the Administration shall arrange a meeting with agency personnel and the affected small business concern to discuss repayment of the loan. The Administration is authorized to extend the terms of any direct loan, including a reamortization thereof, and may make payments to any person of amounts due under guaranteed loans for a period of up to 1 year for each 60 days of active duty, but not to exceed 5 years of payments.

"(g) If the Administration determines that a borrower meets the criteria of this section, it may, in its discretion, reduce or eliminate the assistance provided herein if it determines that the borrower has the financial ability to meet the terms and conditions of the obligation without substantially disrupting business operations if the applicant is a business or without imposing a substantial financial burden if the applicant is an individual disaster loan recipient. Any such determination shall be only after affording the applicant the opportunity to present information in person or through others in support of the request for assistance. This determination need not be made pursuant to the Administrative Procedures Act unless the Administration determines that such proceedings would be appropriate.

"(h) As used in this section, the terms:

"(1) 'base years' mean the past three years if (A) it is a business loan to a borrower who has been in business for such time, or such shorter time as the borrower has been in business as determined to be appropriate by the Administration but not less than one year, or (B) if it is a disaster loan to an individual who has taxable income for such time, or such shorter time as determined to be appropriate by the Administration.

"(2) 'direct loan' means a loan made under this Act or the Small Business Investment

Act of 1958, and it includes a debenture purchased by the Administration under this Act or the Small Business Investment Act of 1958;

"(3) 'loan' also includes a debenture guaranteed as to repayment by the Administration; and

"(4) 'military service' means the military service of the United States as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C. App. 511, as amended;

"(5) 'obligor' includes the borrower, the issuer of a debenture, and for debentures issued by development companies, the small business concern which is financed by the debenture proceeds; and

"(6) 'substantial impairment' means a decline in the income of the borrower over a period of a minimum of 3 months which represents a decline equal to at least 25 per centum from the average income over the base years prior to the entry on active duty of a person referred to in subsection (d) above.

"(i) The authority of the Administration to make loans or payments under this Act shall be limited to amounts approved in advance in appropriations Acts. These are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.".

Sec. 3. Section 4(c) of the Small Business Act is amended as follows:

"(1) by striking from paragraph (1) "and 8(a)" and inserting in lieu thereof "8(a), 28 and".

"(2) by striking from paragraph (2) "and 8(a)" and inserting in lieu thereof "8(a), 28 and".

Sec. 4. (a) Due to the necessity of providing immediate assistance to borrowers impacted by military service requirements, and notwithstanding any other law, rule or regulation, the Small Business Administration is authorized and directed to issue interim final rules and regulations implementing this Act within ten days of the date of enactment, and the rules shall be effective on publication. The Administration may, however, solicit comments and modify such rules.

(b) In order that borrowers may become aware of the assistance under this Act, the Administration shall notify every borrower of the assistance available hereunder within 30 days after the date of enactment.

REAUTHORIZATION OF THE LOCAL RAIL FREIGHT ASSISTANCE PROGRAM

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. WYDEN. Mr. Speaker, today I am introducing legislation to reauthorize for 3 years the Local Rail Freight Assistance Program [LRFA], a small but extremely effective effort of Government investment to preserve freight rail service to small towns throughout the counrty.

Since 1973, the LRFA has compiled an impressive record of helping States fight rail-line abandonments, rehabilitate branch lines in serious disrepair, and construct new rail connections and intermodal terminals. In Oregon and across the country, the program has saved the day for many producers, shippers, and communities.

With railroad industry deregulation and consolidation during the 1980's, large railroads found it no longer profitable to operate branch service into many small towns. Many lines were abandoned, others were allowed to deteriorate to the point that they were no longer viable. As a result, small towns across the country, dependent on a single plant, or grain elevator, or steel mill, which was in turn dependent on effective rail service, faced economic strangulation.

The LRFA Program addresses this problem with a small injection of Federal money, an impressive partnership of Federal, State, and local officials with businesses, shippers, and rail lines, and a lot of planning and hard work. Under LRFA, the Federal Government provides matching grants on either a 70–30 or 50–50 basis to the project that the Federal Rail Administration deems most worthy. The State's share usually comes from the local communities or businesses that benefit most directly from the investment. When the rail line is operable again, a small branch line railroad, able to use more flexible operating procedures than the major companies, runs the rail line at a profit, without any Government operating subsidies.

What is the result? Businesses stay open. A lot of jobs are saved, and others are created. Small communities survive and prosper. In Oregon alone since 1980, a mere $5.6 million has saved 5,300 jobs and an annual payroll of $95 million. Towns such as Prineville and Tillamook, Condon, Heppner, Pendleton, and Monroe have gotten an economic booster shot. Those towns may not be familiar to people outside Oregon, but every State has important communities such as these that have benefited or will benefit from the LRFA. Across the country, the names may differ but the story remains the same: a small up-front investment, a lot of hard work, and a big payoff at the end.

Mr. Speaker, Oregon is currently working on two LRFA-type projects that clearly demonstrate the good sense of this program. The Port of Tillamook Bay Railroad is combining a Federal grant with matches from an impressive list of State and private sources to rehabilitate the 90-mile line from Tillamook to Hillsboro. The project will bring a new shipper to the line and generate a significant amount of new traffic and revenue. The range of State sources willing to ante up their own funds to help out is proof of their confidence in the worth of this effort.

And in Lake County, the country has joined with the Oregon Economic Development Department, local shippers, the railroad and the LRFA Program to rehabilitate a 55-mile-long track, raising track speeds from 10 to 25 miles per hour and providing significant savings in reduced locomotive and crew costs.

Mr. Speaker, in these fiscally tight times we need to squeeze every benefit possible out of our Federal dollars. The Local Rail Freight Assistance Program should be a model good-sense investment. There are competitive checks at every level—States must put up their own money, and the LFRA can only select the best programs with the highest benefit cost ratio—and the payoffs have been consistently impressive. Even the prospective budget cutter with the greenest eyeshade and the sharpest pencil would have to acknowledge that this is an intelligent, worthy program. I urge my colleagues to join in support of this reauthorization.

KINDERHOOK ELKS TO PAY TRIBUTE TO STEPHEN R. RACE, SR., PAST EXALTED RULER

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SOLOMON. Mr. Speaker, I like to think that my district, the 24th New York, has a remarkably high number of people I call unsung heroes, people who give a great deal of themselves to their neighbors and communities without much fanfare.

Today I'd like to say a few words about one of those unsung heroes. His name is Stephen R. Race, Sr., past exalted ruler of Kinderhook Elks Lodge No. 2530.

On March 2, Elks of Lodge No. 2530 will honor Mr. Race for his year of dedication and unselfish labor and achievements while serving as district deputy grand exalted ruler of the North Hudson District. The other eight lodges of the district will also take part in the ceremonies.

As a long-time Elk myself, I ask members of this body to join me today in paying our own tribute to Stephen R. Race, Sr., for his leadership, service, and commitment in time over the past year.

TAX DEDUCTIONS FROM GROSS INCOME

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Ms. SNOWE. Mr. Speaker, today I am pleased to reintroduce legislation which gained strong support in the last Congress. This bill would provide tax deductions from gross income for individual taxpayers who maintain a household which includes a dependent who has Alzheimer's disease or a related disorder. This measure would allow deductions of expenses, other than medical, which are related to the home health care, adult day care and respite care of an Alzheimer's victim.

Since the first Alzheimer's bills were introduced in the 97th Congress, we have all grown more aware and knowledgeable about this disease and the impact it has on both the individual and the family. Indeed, in a report published by the Subcommittee on Human Services of the Select Committee on Aging, of which I am the ranking minority member, we discovered the extent to which families remain involved in the care of the family members who suffer from Alzheimer's and other such dementias. Family care remains one of the most critical factors in preventing or delaying nursing home utilization. As discussed in a landmark study published by the Office of Technology Assessment, a significant number of caregivers of dementia victims spend more than 40 hours a week in direct personal care.

In the face of the continued and intense involvement of the family caregiver, services that provide respite from the ongoing pressures of care become essential in the caregiver's ability to support the Alzheimer's victim at home. Home health care, adult day care, and long-term respite care all provide opportunities to free caregivers from their caregiving responsibilities and are crucial in enabling employed caregivers to continue working. Most caregivers willingly provide care for dependent and frail elderly family members. Even so, the presence of these supportive services can be a crucial factor in continued caregiving activities.

Many families are trying to cope with the needs of a dependent older Alzheimer's victim with no financial or professional help. While we seek to provide Government programs for such victims, we should also provide some tax relief for those expenses related to their continued care in the home. Perhaps, by such action we can delay the institutionalization of dementia victims. Surely we can provide financial relief to their caregivers.

FLO KENNEDY: ALWAYS TELLS IT LIKE IT IS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. Rangel. Mr. Speaker, I rise to pay special tribute to Florynce R. Kennedy, Esq., in celebration of her 75th birthday, on Monday, February 11.

Flo Kennedy, who has earned the deep respect and admiration of the people of New York, has distinguished herself and won national acclaim as a civil rights lawyer and tireless advocate of the poor.

And even as she has dedicated her talents and energies to the great causes she has championed, Flo Kennedy has always spoken her mind, pulling no punches, telling like it is.

Mr. Speaker, in honor of my friend, Flo Kennedy, and for the benefit of my colleagues, I call your attention to a newspaper article. In it, Ms. Kennedy comments on a variety of topics, and says it best, in her own words.

[From The Providence Journal-Bulletin, Apr. 27, 1988]

FLO KENNEDY'S PUNGENT OPINIONS SKEWER OUR TIMES

Just because she's 72 and calls you "darlin'" doesn't mean she's sweet. Flo Kennedy, the black activist lawyer, author and lecturer, may qualify as the nation's most militant septuagenarian.

She believes, for example, that American Indians should arm themselves, occupy the land they consider theirs, and violently reclaim it.

"I submit that there's no group of people in this country we treat worst than the Native Americans. I submit that their nonviolence is one of the reasons they're in deep trouble."

Kennedy, who has led civil rights marches and written books on sex discrimination and abortion, spoke last night at Roger Williams College as part of its first-annual forum on minority issues. The forum was created in reaction to last year's theft of an antique weathervane depicting an Indian, a theft considered a racial incident.

In an interview before her speech, Kennedy touched on the status of American Indians in today's culture. "We think by naming streets and lakes after the Indian tribes that we've somehow given them their due," she said.

"They want land and the U.S. officials want to give them money. My theory is that they should take the money, buy guns and take the land. I think it's about time they addressed this country in the kind of concepts we understand—violence."

And Kennedy had pungent opinions on a number of other matters:

On foreign affairs: "We belong in the Persian Gulf like I belong in your bedroom."

On religion: "I certainly don't pay any attention to the Bible because nobody else does. Do we pay attention to the Bible when we urge the Israelis to kill Palestinians?

On her choice for President: "Who but Jesse Jackson? I'm madly in love with him. He's the cutest thing I ever saw in my whole life, with his little round face and his tiny, little, heart-shaped chin. He's a doll."

On whether Jackson can win: "I think he's already won. The winning mentality is part of the jock system of values—the winning-losing thing."

On nonviolence: "I think it's a big mistake to announce that you're nonviolent. I don't know why anybody living in a culture based on bullets and anti-ballistic missiles would talk nonviolence. I think that's a bad technique."

On television: "I have yet to see a serious feminist program. Millions of dollars are spent on soap operas and subjects that appeal to women's already-established mistaken sense of values."

On women's values: "I think women are unduly involved in the breeding syndrome. They are taught to be passive, accept nonsense, keep smiling, and pull in their stomachs."

On how women should handle abusive husbands: "Women do the cooking. They can buy some poison. . . "

On attempts to outlaw abortion: "Judges and popes—when you see men in skirts, it's time to run."

On homophobia: "Homosexuals don't breed. People are jealous. What's better than life without kids?"

On her sexuality: She is not a lesbian, but "I don't mind if people think I am. I like to be ambiguous."

On her health: "I've been dying for 15 years, hopefully with grace and humor. I have three feet of intestine and a fused spine. I've had three heart attacks and two strokes, or two heart attacks and three strokes, I forget which. I walk with a walker, Life is hell and then you die."

On her own outspokenness: "I don't expect to make friends. If five people don't walk out, I'm disappointed because I didn't make it too clear. If society's going to be changed, somebody's got to risk something."

On what makes her such an expert on everything: "I'm a human being and a citizen. You don't have to be a dentist to know you have a toothache."

THE ANABOLIC STEROIDS ENFORCEMENT ACT OF 1991

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. HUGHES. Mr. Speaker, today I introduce the Anabolic Steroids Enforcement Act of 1991. This bill amends the Controlled Substances Act to provide felony penalties for coaches and other physical trainers and advisers who endeavor to persuade or induce another person to illegally possess or use anabolic steroids. Anyone convicted of this offense shall be subject to up to 2 years' imprisonment or up to 5 years if the person induced is under 18 years of age. Enactment of this bill, the substance of which was adopted by the House in the 101st Congress, would represent the culmination of several years of legislative work.

The abuse of anabolic steroids, especially by our young athletes, has been a source of particular concern to me for the past several years. As chairman of the Subcommittee on Crime, I held several hearings on the subject in both the 100th and 101st Congresses. In the 100th Congress, the Subcommittee on Crime developed an amendment to the Food, Drug and Cosmetic Act prohibiting distribution of, or possession with the intent to distribute, anabolic steroids for human use without a doctor's prescription.

In the second session of the last Congress, I introduced a bill, the Anabolic Steroids Control Act of 1990, that among other things placed anabolic steroids on schedule III of the Controlled Substances Act. As a schedule III substance, illegal possession of anabolic steroids is punishable by up to 1 year in prison while distribution and possession with the intent to distribute is punishable by up to 5 years' imprisonment. I am happy to say that the bulk of this legislation was passed by the Congress as title XIX of the Crime Control Act of 1990 and is now the law of the land. The bill I introduce today making it an offense for coaches to encourage the use of steroids was originally part of last year's legislation but, for reasons unrelated to its merits, did not survive the conference with the other body.

Mr. Speaker, it is clear that abuse of anabolic steroids, synthetic derivatives of the male hormone testosterone, is a serious problem. The Subcommittee on Crime found that anabolic steroids are being abused for nontherapeutic purposes at an alarming rate. They are being abused primarily, but by no means exclusively, by high school, college and professional athletes in an effort to enhance athletic performance and body image. Use among young people is disturbingly common. Abuse of steroids can have significant adverse health consequences, both physical and psychological. These effects can include cardiovascular problems, liver toxicities, changes in sex charactersitics and reproductive capacities, increases in blood pressure and cholesterol levels, and psychological changes commonly referred to as 'roid rage."

What is particularly disturbing is that many young athletes are abusing these steroids at the suggestion of, and with the encouragement of, their coaches, trainers and athletic instructors. Of course, these are the very people that young athletes should be able to rely upon to help guard their health and well-being. This bill, by making it a criminal offense for coaches to encourage athletes to use steroids illegally, would help put an end to such exploitation. These people must not be allowed to use their positions of trust and authority by sacrificing the athlete's health and values in a craven attempt to achieve a competitive edge.

Mr. Speaker, I hope that this bill can receive prompt and favorable attention so that we can protect our young athletes from unscrupulous coaches and trainers.

TRIBUTE TO CAPT. JOHN BORTH, USMC

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to Capt. John Borth of the U.S. Marine Corps. and the other brave men and women currently serving in the U.S. Armed Forces in the Persian Gulf. Captain Borth, a resident of Catonsville, MD, in my third Congressional District, commands a TOW-missile platoon near Khafji, Saudi Arabia. On January 31, 1991, Captain Borth led troops into Khafji to free 12 of his fellow marines who were trapped behind enemy lines.

John Borth enlisted in the Marine Corps right out of high school. Taking advantage of a Marine platoon leaders class program, he earned a bachelor's degree in economics from the University of Maryland Baltimore County. For his valor and service in the gulf crisis, he has been promoted from lieutenant to captain.

War is a terrible thing. The loss of even a single life is a tremendous price for a nation to pay. So far, the casualties have been surprisingly low considering that the United States has over 480,000 soldiers in the Persian Gulf. Nonetheless, every day Captain Borth and thousands of other valiant soldiers risk their lives to achieve freedom, security, peace, and the rule of law. For them, war is not an abstraction but a reality. They are not watching the war on CNN; they're fighting it.

While Captain Borth is not watching the war on CNN, he has appeared on CNN—and ABC and NBC. His family has seen him on all three networks and has heard him being interviewed on CBS radio. As Captain Borth's wife, Karyn, has observed, "There are how many hundreds of thousands of guys who are over there, and I'm lucky enough to turn on the TV and see my husband over there."

Captain Borth has demonstrated the courage we are all proud of as Americans. His family—Karyn, their 21 month-old daughter Kelly Lelani, and his parents, Edward and Florence Borth—who are here at home, have our gratitude for their sacrifice and our prayers for his safe return. We join them in looking forward to the day when they will be lucky enough to see their husband, father, and son, Capt. John Borth, at home rather than on the television from thousands of miles away.

THE GRIDLOCK RELIEF FOR INTERSTATE PROGRAM (GRIP)

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. WOLF. Mr. Speaker, today, with Mr. HOYER of Maryland, I am reintroducing legislation that takes aim at the traffic congestion that is making virtual prisoners of all urban/suburban Americans who "do time" every day on the Federal Interstate System during rush hours.

The legislation, which is being introduced by our colleague, Senator JOHN WARNER, in the other body is the Gridlock Relief for Interstate Program [GRIP] and its purpose is to help unshackle American commuters and restore their freedom of movement.

Our GRIP bill would begin this process of unclogging our Nation's urban/suburban arteries by redirecting existing dollars to create a new Federal highway funding category. This new program would be used to expand the capacity and safety of heavily traveled portions of the Federal Interstate Highway System located in suburban and urban areas of the country. Two billion dollars a year—roughly half of current set asides for urban/suburban highway construction—would be made available nationwide for this program.

Funds authorized under our legislation could also be used for construction of noise walls or other sound abatement devices, acquisition of rights-of-way for construction of mass transit facilities, and acquisition of land for park-and-ride type facilities.

When we introduced this legislation in the last Congress, we struck a chord nationwide, marshaling support from dozens of local governments, industry groups and our colleagues in the House and Senate. The legislation also garnered editorial endorsements from several of the Nation's large newspapers such as The Atlanta Constitution and The Washington Post. We again expect the kind of support that comes to an initiative which offers hope to a beleaguered public.

The nature of the traffic problems endured in this Nation's urban/suburban areas is well chronicled by numbers and headlines that show a shocking descent into total traffic paralysis. The costs associated with this congestion are tallied in stories about traffic accidents, lost worker productivity, extra gasoline consumption, an businesses that decide not to locate in a certain area because of inadequate infrastructure.

But it is impossible to quantify the human costs behind those cost figures. The anxiety that comes with hours of daily commuting not only reduces worker productivity, it rips at the fabric of the family structure. This is especially so in heavily populated centers where cost of living often forces both parents, and almost always, single parents, into the workplace. Children are also caught up in this crushing pace. Far too many time-stressed parents are forced to go to child care centers early in the morning to drop off children who are still rubbing sleep from their eyes and brown-bagging not only their lunch, but their breakfast as well. Often these families do not reassemble until dusk, again due to the length of the parents' commute in rush hour traffic.

The type of funding program we are proposing with GRIP is desperately needed not just to increase the capacity of our infrastructure to keep commerce flowing, but also to give back to American commuters nationwide a most precious commodity—time for themselves and their families.

For example, funds provided under the GRIP legislation could offer this relief in the Washington area by being used to widen I–66 from the Capital Beltway to Prince William County where virtual gridlock occurs every day during rush hours. Bottlenecks on the Capital Beltway [I–495] could be eliminated. The Wilson Bridge could be widened or even double-decked.

GRIP funds could offer the same potential relief to urban/suburban areas nationwide because traffic congestion is not unique to the Washington metropolitan area. At the recent nationwide transportation 2020 forums, witness after witness catalogued critical transportation needs in suburban and urban areas. For example, California witnesses cited $2 million daily in lost productivity and North Carolina noted that every one of its cities with more than 100,000 citizens had recently passed a major transportation bond issue by overwhelming margins.

Our legislation addresses these critical problems by directing Federal funds to heavily populated—50,000 or more—areas with high levels of interstate highway congestion. Rural areas would not be adversely affected because the Federal Interstate System is nearly completed and our legislation does not detract from other highway funding categories.

In 1956, the Federal Government began the construction of an Interstate Highway System from sea to shining sea. With that goal nearly completed, little did anyone envision we would now be virtually drowning in a sea of traffic in our Nation's urban/suburban centers.

On the eve of reauthorizing a new highway program to replace the current one ending in 1992, it is timely to ask: Where do we go from here? More accurately perhaps: In virtual traffic gridlock, how do we go anywhere from here?

We think our legislation is an important step forward in escaping the daily tedium of traffic gridlock and its detrimental effects on our quality of life.

I urge you to support this legislation and to join us in a nationwide effort to get a GRIP on traffic.

A copy of our legislation and a section-by-section analysis of the bill follow:

SECTION-BY-SECTION ANALYSIS OF THE GRIDLOCK RELIEF FOR INTERSTATES PROGRAM (GRIP)

SECTION 1. URBAN INTERSTATE EXPANSION PROGRAM.

Section 1 provides the Secretary of Transportation authority to approve projects for the purpose of expanding the capacity of interstate highways, certain highways built to interstate standards and certain toll roads located within urbanized areas of 50,000 population or more.

Section 1 also authorizes the Secretary of Transportation to expend funds under this program for noise barriers, acquisition of rights-of-way for mass transit facilities and acquisition of land for construction of parking lots to encourage car and van pools and mass transit ridership where capacity expanding programs are undertaken.

SECTION 2. APPORTIONMENT FORMULA.

Section 2 establishes the formula for apportioning funds to the states under the capacity expansion program. The formula considers two factors: interstate lane miles located within urbanized areas and vehicle miles travelled on those lanes. The two factors receive weights of 45 percent and 55 percent respectively.

SECTION 3. PERIOD OF AVAILABILITY; DISCRETIONARY USE OF LAPSED FUNDS.

Section 3 provides that funds awarded under this program shall be expended within one year after the end of the fiscal year in which the funds were authorized.

Funds that are not expended within this time frame lapse and are made available to the Secretary of Transportation to distribute on a discretionary basis.

Section 3 establishes criteria governing the distribution of discretionary funds. Discretionary funds are available until expended.

SECTION 4. FEDERAL SHARE.

Section 4 establishes 80 percent of the cost of any project undertaken as the federal share under this program.

SECTION 5. AUTHORIZATION OF APPROPRIATIONS.

Section 5 authorizes $2,000,000,000 per year for this program in each of fiscal years 1993, 1994, 1995, and 1996.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. URBAN INTERSTATE EXPANSION PROGRAM.

(a) IN GENERAL.—Section 119(a) of title 23, United States Code, is amended by inserting "(1) RESURFACING PROGRAM—" before "The Secretary" and by adding at the end the following new paragraph:

"(2) CAPACITY EXPANSION PROGRAM.—The Secretary may approve projects within urbanized areas of 50,000 population or more for expanding the capacity of open-to-traffic routes of the Interstate System designated under sections 103 and 139(c) of this title and open-to-traffic routes on the Interstate System designated under section 139(a) and (b) of this title; except that the Secretary may only approve a project pursuant to this paragraph on a toll road if such toll road is subject to a Secretarial agreement provided for in subsection (e). Sums authorized to be appropriated for this paragraph shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(5)(C) of this title. The Federal share for any project under this paragraph shall be that set forth in section 120(n) of this title.".

(b) ADDITIONAL ELEMENTS OF PROJECTS.—Section 119(c) of such title is amended—

(1) by striking "Reconstructing" and inserting "ADDITIONAL ELEMENTS OF PROJECTS.—Reconstruction and capacity expansion projects"; and

(2) by adding at the end of the following new sentence: "The Secretary may approve under subsection (a)(2) as a part of a capacity expansion project within an urbanized area of 50,000 population or more on a route of the Interstate System construction of noise barriers along such route, acquisition of right-of-way for future construction of mass transit facilities along such route, acquisition of land for construction of parking lots to encourage car and van pooling and mass transit ridership by persons traveling on such route, and acquisition of land (including right-of-way) for bikepaths along such route if such barriers, right-of-way, or land are or will be located in such urbanized area.".

(c) CONFORMING AMENDMENTS.—

(1) SECTION.—Section 119(a) of such title is further amended—

(A) by inserting "RESURFACING AND CAPACITY EXPANSION PROGRAMS.—" after "(a)";

(B) by indenting and aligning paragraph (1), as designated by subsection (a) of this section, with paragarph (2), as added by such subsection (a); and

(C) in paragraph (1), as so designated, by striking "this subsection" each place it appears and inserting "this paragraph" and by striking "this section" and inserting "this paragraph".

(2) SECTION 139.—Section 139 of such title is amended—

(A) by inserting before the period at the end of the last sentence of subsection (a) and before the period at the end of the fourth sentence of subsection (b) the following: "and funds available to it under section 104(b)(5)(C) of this title for expanding within urbanized areas of 50,000 population or more the capacity of any highway designated as a route on the Interstate System under this subsection "; and

(B) by inserting before the period at the end of the last sentence of subsection (c) the following: "and Federal-aid highway funds available to it under section 104(b)(5)(C) of this title for expanding within urbanized areas of 50,000 population or more the capacity of any highway designated as a route on the Interstate System under this subsection".

SEC. 2. APPORTIONMENT FORMULA.

Section 104(b)(5) of title 23, United States Code, is amended by adding at the end the following new subparagraph:

"(C) For expanding within urbanized areas of 50,000 population or more the capacity of the Interstate System:

"45 percent in the ratio that lane miles on the interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 119(e) of this title) and located within such areas of each State bears to the total of all such lane miles within such areas of all States; and 55 percent in the ratio that vehicle miles traveled on lanes on the interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 119(e) of this title) and located within such areas of each State bears to the total of all such vehicle miles within such areas of all States. Notwithstanding the preceding sentence no State (excluding any State that has no interstate lane miles) shall receive less than ½ of 1 percent of the total apportionment made by this subparagraph for any fiscal year.".

SEC. 3. PERIOD OF AVAILABILITY; DISCRETIONARY USE OF LAPSED FUNDS.

Section 118(b) of title 23, United States Code, is amended by redesignating paragraph (4), and any references thereto, as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) INTERSTATE CAPACITY EXPANSION FUNDS.—

"(A) PERIOD OF AVAILABILITY.—Any amount apportioned to a State for the Interstate System under section 104(b)(5)(C) of this title shall continue to be available for expenditure in the State for a period of 1 year after the last day of the fiscal year for which such sums are authorized.

"(B) DISCRETIONARY PROJECTS.—Sums not obligated within the time period prescribed by subparagraph (A) shall lapse and be made available by the Secretary for projects within an urbanized area of 50,000 population or more for expanding the capacity of any open-to-traffic route (or portion thereof) on the Interstate System (other than a highway designated as a part of the Interstate System under section 139 and a toll road on the Interstate System not subject to an agreement under section 119(e) of this title). Such funds shall be made available by the Secretary to any other State applying for such funds, if the Secretary determines that—

"(i) the State has obligated all of its apportionments under section 104(b)(5)(C) other than an amount which, by itself is insufficient to pay the Federal share of the cost of such a project which has been submitted by such State to the Secretary for approval; and

"(ii) the applicant is willing and able to (I) obligate the funds within 1 year of the date the funds are made available, (II) apply them to a ready-to-commence project, and (III) in the case of construction work, begin work within 90 days of obligation.

"(C) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this paragraph shall remain available until expended.".

SEC. 4. FEDERAL SHARE.

Section 120 of title 23, United States Code, is amended by redesignating subsection (n), and any references thereto, as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) INTERSTATE CAPACITY EXPANSION PROJECTS.—The Federal share payable on account of any project within an urbanized area of 50,000 population or more for expanding the capacity of any open-to-traffic route on the Interstate System shall be 80 percent of the total cost thereof.".

SEC. 5. AUHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out the provisions of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for expanding within urbanized areas of 50,000 population or more the capacity of the National System of Interstate and Defense Highways, $2,000,000,000 per fiscal year for each of fiscal years 1993, 1994, 1995, and 1996.

THE SIMPKINS FAMILY

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. HAMMERSCHMIDT. Mr. Speaker, we all know that this is a great country. One of the principal reasons it is great is because of its people. I'm speaking of the rank and file working men and women who do their jobs, pay their taxes, raise their children, and when push comes to shove they will fight to preserve our freedom. Most of these people are only known to their friends and coworkers in the communities where they work. But they are the backbone of the spirit and strength of America.

I want to call to my colleagues' attention an unusual family that represents this resoluteness. The reason they are unusual is that there are five of them. All railroaders and an all american brood of the late Mr. and Mrs. Alvin A. Simpkins of Harrison, AR. I knew their mother and dad and I knew the boys when they lived in Arkansas.

My friend, J.E. Dunlap, Jr., editor and publisher of the Harrison Daily Times has recounted some of the Simpkins family story as he personally recalls it and it was related in the Free Press Extra of Elko, NV.

Mr. Speaker, I believe my colleagues will agree as they read the following article that the Simpkins are the kind of people and the kind of family of which we can be justly proud:

A.B. "Boomer" Simpkins—we knew him around Harrison years ago as "Buck"—got quite a writeup in the newspaper Free Press Extra of Elko, Nev., recently.

The feature with pictures covered a whole page and was entitled: "Boomer' Simpkins: A love Affair With Trains."

Simpkins is one of five railroading Simpkins borthers, children of the late Mr. and Mrs. Alvin A. Simpkins, who resided on Edge Heights.

The five Simpkins boys included: Luke has put in 40 years on the railroad and is still working; John was a railroader for 38 years; Gus put in almost four decades railroading; the late "Ford" Simpkins was a Carlin railroader for 33 years, and "Boomer" who retired after 44 years.

Their father, Alvin, was a Harrison railroad man and during the Great Depression often shoveled as many as 20 tons of coal all night to fuel steam engines at the M&NA shops, now the area of Edwards Grocery and Miller Hardware.

It is interesting to note that "Boomer" and his four brothers had a perfect safety record with no reportable accidents in their collective 193 years riding the rails.

"Boomer" has lived in Carlin since 1946 except for a couple of years when, as a master sergeant, he supervised a supply train operation during the Korean War. He drove the first engine, a light diesel, across a rebuilt railroad bridge on the Han River in South Korea in 1952, and was one of the first persons members of the 142nd Field Artillery from Harrison saw when they reached South Korea.

"Boomer" was called into service in 1950 four years after getting his first railroad job with Southern Pacific in Carlin after having been recommended by his older brother, John.

"Boomer's" love for the silver rails, big black engines and brass bells has not dimmed since he was old enough to hear a steam engine's drawn-out whistle of the old M&NA which passed through Harrison and near his residence on Eagle Heights.

Hanging in his living room today is a painting done especially for "Boomer" of a little boy sitting on a wood fence watching a train in the distance. His hoe and shovel lie unattended in the garden behind him. The adult railroader says the painting is typical of his and his brothers' attitudes as they grew up. He said their tiny mother could not keep them home and they often ran off to the train yard to watch the engines switch. One of her methods to keep track of the little tykes was to dress them in girls' clothes, but even that was not enough to keep "Boomer" home. Trains fascinated him. He could hardly wait to become a railroader.

He grew up during the Great Depression here in Harrison. When World War II was coming on and his dad was out of a job because of a strike, "Boomer" went to work. He wasn't old enough for the rails so at 14 he took a job in a soda pop plant. There, in four years, he worked up to manager. When he turned 18, he quit in preparation for a WWII draft call on May 18, 1946. On May 13, drafting was discontinued.

The boy, now out of work, had a brother employed by the SP in Carlin. On John Simpkins' say so, his kid brother was hired and went West, moved into the railroad dormitory and was dubbed "Boomer" by the older men. At last he was a railroader.

Simpkins says he was the first 18-year-old ever hired by the SP. His folks had to sign a waiver to allow it. When he climbed down from the diesel cab last August, it was with an exemplary 43 years and 10 months' record unmarred by a single reportable accident or injury.

It was in 1957, a few years after "Boomer's" return from Korea that he and Rhonda Reddert were married. She had come from Mancos, Colo., to teach high school.

They had four children—all are college educated. Unhappily, the oldest boy, Brit, was killed in a training accident in the U.S. Air Force a few years ago. Twin daughters, Brenda Sue and Glenda Lou (nice Southern names, says Rhonda), were good basketball players and both graduated Magna Cum Laude from Carlin High School. Brenda is married and living in Texas. Glenda, with the Crusade for Christ, is in Russia and the youngest boy, Lee is a senior at the University of Nevada Reno.

The article concludes that "Boomer's" love affair with trains is probably not over even though his daily rides have ceased. There are toy railroads in the basement (once owned by his son), a clay engine and caboose his daughters made when they were in grammer school, many paintings of engines hanging on the walls and a porch collection of antique train lanterns, torches, oil cans and bells.

Happy retirement, "Boomer" and I'm proud to have known all the Simpkins boys.

My father shoveled coal (a hostler) for the old M&NA back in the early 20s, too.

SCHODACK (NY) TOWN BOARD EXPRESSES SUPPORT FOR AMERICAN TROOPS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SOLOMON. Mr. Speaker, with a great deal of pride and pleasure I bring to your attention a resolution passed by the Town Board of Schodack, NY, in support of our troops in the Middle East.

The resolution read:

Whereas, our men and women of the Armed Forces are currently stationed in the Middle East, and may be called upon to go into battle, and

Whereas, many residents of the Capital District have relatives and loved ones serving in the Middle East,

Now, therefore, be it resolved that the Town Board of Schodack hereby gratefully acknowledges the service of the men and women of our Armed Forces, and hopes and prays for a peaceful resolution of the current crisis and safe return home.

Mr. Speaker, I wish to commend the town fathers of Schodack, who passed this resolution unanimously after it was introduced by Councilman Leo Kellog.

This is just one more example, Mr. Speaker, of the overwhelming support the American people are giving to our troops in the Middle East. It is a tribute to the leadership of President Bush, and a message to Saddam Hussein that a political victory will be just as impossible for him as a military victory.

TRIBUTE TO ALLISON S. McCOY AND THE ALLISON S. McCOY SCHOLARSHIP COMMITTEE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues an event that will take place on Friday, February 8, 1991. The Allison S. McCoy Scholarship Fund will hold its second annual celebration of African-American history.

The Allison S. McCoy Scholarship Fund was established 2 years ago to support Passaic, NJ, high school gradutes in need of financial aid. It was established in the honor of Mr. Allison S. McCoy by a group of six Passaic public school teachers.

Allison S. McCoy began his career in the field of education as a special education teacher. He became the principl of school No. 7 and went on to become the school district's director of special education. Mr. McCoy has the distinction of serving as the first African-American superintendent of schools in Passaic.

In days such as these, when our young people need to see viable, realistic role models, we are indeed fortunate to have educators like Allison S. McCoy. We must also pay tribute to the six educators who saw the need to give birth to the scholarship fund. These six individuals are Blanche E. Harris, Linda Reid, Dorothy Lassiter, Helen Baltimore, Genevieve Hardy, and Anita Croix.

Mr. Speaker, I am sure my colleagues will want to join me as I congraturalte the members of the Allison S. McCoy Scholarship Committee for their participation in providing a means to brighter futures for our young people. I also want to pay special tribute to Mr. Allison S. McCoy, who is now retired, and his wife, Mrs. Vernell White McCoy, an educator in the city of Newark, for their many years of contributions toward the well-being of our society.

TRIBUTE TO A FALLEN FIREFIGHTER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. GALLEGLY. Mr. Speaker, as a member of the Congressional Fire Services Caucus, I rise today with great sadness to pay tribute to a hero.

James E. Howe, a 22-year firefighter with the Los Angeles County Fire Department, recently became the first L.A. County firefighter in 12 years to die in the line of duty. Tragically, the fire he was fighting was caused by an arsonist.

Fireman Howe, who lived in Newhall, CA, was working to put out a fire at a Huntington Park minimall when a facade collapsed on him and five other firefighers, pinning them for as long as a one-half hour. While the other firefighters survived, Mr. Howe never regained consciousness and died a week later.

It was a mark of how devoted Mr. Howe was to his profession that he was still serving in an area plagued by many fires when his seniority entitled him to a quieter, less-risky assignment. But he loved his job and was looked up to by his colleagues.

Mr. Speaker, I am proud that James Howe was a constituent of mine. I ask my colleagues to join me in offering our sympathies to his wife, Nancy, and their daughters Leslie and Debra. His courage and dedication will be missed.

RESTAURANT INDUSTRY LEADERS SUPPORT OUR TROOPS IN THE PERSIAN GULF

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. McCURDY. Mr. Speaker, I believe it is important that we recognize most Americans support our troops and our policy in the Middle East. For every protester trying to link our battle against terror and aggression in the Persian Gulf with the failed policy in Vietnam, there are many others who understand that it is America's duty, as the leader of the free world, to stand up to lawlessness. As the greatest power on Earth, it falls upon the United States to defend the rule of international law.

Saddam Hussein has assaulted the dignity and humanity of mankind. We cannot allow him to continue his occupation of Kuwait. We cannot excuse his unprovoked attacks on the Israeli people. To do so would cede all hope of achieving security and lasting peace in the region. It is a credit to the spirit of the American people that we did not turn inward and ignore Saddam's atrocities.

The men and women serving in the American Armed Forces in the Gulf are there to accomplish a just end to Saddam's unprovoked aggression. Those who have paid the ultimate price and laid down their lives have done so for a noble purpose. This body should recognize that their deaths are not in vain.

Under U.N. Security Council Resolution 678 and article 51 of the U.N. Charter, we have the legal authority to stand against aggression. Under the burden of world leadership, we have that duty. Our soldiers, sailors, marines, and airmen champion respect for human rights and fundamental freedoms. Our cause is just. We are right. We will prevail.

I understand that those protesting our involvement in the gulf mean well. They recognize that peace is a valued possession that we should pursue and treasure. It is not, however, our supreme aim, before which all else must give way. Sometimes we must sacrifice peace to preserve the values that define us as a people. Those misguided protesters would undermine our brave troops in the Persian Gulf. But the protesters' numbers are not as large as one would surmise from watching television.

Mr. Speaker, at this time I would like to introduce into the RECORD a letter to the President signed by representatives of the single largest retail employer in the United States—the restaurant industry. This letter demonstrates their deep support for the President's policy and our troops in the Persian Gulf.

It is Americans such as these who understand that despite the brutality of war, the alternatives in this situation are worse in the end.

Letter to the President follows:

FEBRUARY 5, 1991.

President GEORGE W. BUSH,
The White House,
1600 Pennsylvania Avenue, NW.,
Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned, stand united in support of our American men and women who have dedicated themselves to upholding the United States' commitment to United Nations Security Council Resolution 678.

We believe it is vitally important for all Americans to unite behind your pursuit of justice. Saddam Hussein's campaign of terror, violations of the Geneva Prisoner of War Accords, and intentional attacks on civilian populations have been condemned by the world community. We want the Iraqi regime to understand that countless Americans are united behind our men and women and your leadership in stopping this aggression and establishing stability in the Persian Gulf.

In honor of all those who have given the last full measure of devotion in upholding their Nation's commitment, we urge you to remain steadfast and resolute.

Sincerely,

(Affiliation listed for identification purposes only):

Charles Bernstein, Editor, Nation's Restaurant Business; Norman Brinker, Chairman of the Board, Chili's, Inc.; M. Michael Casey, President & CEO, El Torito Restaurants, Inc.; Clinton A. Clark, President & CEO, Jerrico; Ralph Erben, President & CEO, Luby's Cafeterias, Inc.; Walter J. Ganzi, Jr., President, Palm Management Corp.

Fred P. Gonzales, President, JB's Restaurants, Inc.; Jackson W. Goodall, Jr., Chairman, President & CEO, Foodmaker, Inc.; Carl Hays, President, Al Copeland Enterprises, Inc.; Richard K. Herzer, Chairman & President, Ihop Corp.; Frederick R. Hipp, President, Gilbert/Robinson, Inc.; J. Michael Jenkins, President & CEO, Metromedia Steakhouses, Inc.

Louis I. Kane, Co-Chairman & CEO, Au Bon Pain; Donald Karcher, President, Carl Karcher Enterprises, Inc.; John B. Lahourcade, Chairman of the Board, Luby's Cafeterias, Inc.; Steven R. Leipsner, President & CEO, Service America Corp.; Raymond W. Lindstrom, President, Restaurants Unlimited, Inc.; Carl D. Long, President, The Krystal Co.

James C. Malmberg, President & CEO, Piccadilly Cafeterias, Inc.; James H. Maynard, Chairman & CEO, Golden Corral Corp.; Craig Miller, President, Uno Restaurant Corp.; Dennis B. Mullen, Chairman, President & CEO, Famous Restaurants; Robert J. Nugent, Jr.; President, Jack in the Box; Michael P. O'Donnell, President & CEO, The Ground Round, Inc.

James L. Peterson, President, Whataburger, Inc.; William E. Prather, Jr., President & CEO, Hardee's Food Systems, Inc.; Mitchell E. Rhodes, Chairman, President & CEO, Le Peep Restaurants; Richard Rivera, President & CEO, TGI Friday's; Leonard H. Roberts, Chairman & CEO, Shoney's Inc.; Robert M. Rosenberg, President & CEO, Dunkin Donuts of America.

John J. Russell, Jr., President, Colony Hotels & Resorts; Donald J. Slater, President, S & A Restaurant Corp.; Hal W. Smith, President, Chi-Chi's, Inc.; Frank H. Steed, President & CEO, Country Kitchesn International; Michael A. Valerio, Chairman, Papa Ginos of America, Inc.; Jane Y. Wallace, Vice President & Publisher, Restaurants & Institutions; Charles D. Way, President & CEO, Ryan's Family Steak Houses, Inc.; Richard B. Berman, President, Berman & Company, Inc.

RESEARCH AND DEVELOPMENT IN THE UNITED STATES—THE CRITICAL NEED FOR COOPERATION

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. ANDREWS of Texas. Mr. Speaker, research and development [R&D] results in economic growth and enhances the quality of our lives. Investment in R&D is critical for the future of our Nation.

I think by anyone's assessment 1990 was an unusually tough year on Capitol Hill and the Nation in general. The prolonged budget process, the deficit, the savings and loan crisis, the Persian Gulf and the recession all played a part and the effects of those problems will not disappear any time soon.

In this time of scarce resources, the good news is that research and development outscored all the other categories of Federal spending in the budget, with about a 12-percent increase. Large programs like the supercollider and the space station took hits and are growing more slowly than some of us might hope. But others like the human genome did pretty well.

Unfortunately, according to the Congressional Research Service, Federal research and development spending will increase by only 3 percent in this fiscal year, which is one-half the scientific inflation rate. There has been a lot of rhetoric from both the White House and Capitol Hill about the United States losing its competitive edge, yet it appears we are still losing ground.

The really bad news is that the Budget Reconciliation Act of 1990 provides for an annual growth rate of 3.7 percent for nondefense discretionary spending. That will very likely place severe limits on future increases for civilian R&D funding. But we must find ways to improve the state of R&D in this country.

As the cold war releases its grip on international politics, a new competition over trade and technology will take its place. That means that before we launch into any new challenges, we must first regain America's competitive edge. But how, when dollars are so scarce?

In the eighties we went from the world's largest creditor nation, to it's largest debtor. We now owe more than Poland, Brazil, and Mexico combined. This deficit has been eroding our competitive edge and causing that standard of living for American working families to decline. Some areas of the country have been particularly hard hit. The South and the Northeast have been hit hard because of the emphasis on manufacturing in those areas.

That's why the nineties will be key to charting a new direction for America. Even with the increasingly gloomy economic outlook, we need to slash our budget deficit, bolster our capital investment markets and boost our high-technology industries. Failure to do those things in the nineties will mean losing our edge. It will mean standing by while Europe, Japan, Korea, and others push us aside and take up the mantle that has been ours since the end of World War II. Our country's future rests on our ability to strengthen our technology infrastructure and to commercialize technology advancements.

For some time our high-technology leadership has been under siege. Industry after industry, foreign competitors have made deep inroads into markets pioneered and once dominated by American companies. We have watched the pillars of our economy fall. Steel, autos, and energy have been decimated. We have almost no consumer electronics industry to speak of anymore and our machine tool industry, semiconductors and even supercomputers have been seriously threatened.

Many countries exhibit their strength in space as an indicator for future international economic competitiveness. For example, the French Arianespace now controls a majority of the world's commercial satellite launching business. The United States invests one-fifth as much in communications research as our foreign competitors, one-seventeenth as much in remote sensing, and one-third as much in materials processing. A consortium of Japanese business has established the Japan Space Utilization Promotoin Center. And that government plans to spend $5 billion by the year 2000 to commercialize space.

In the aea of superconductivity, the Japanese MITI has two research consortia which involve extensive industrial participation. One conducts both basic R&D and work on materials processing which will be a key to future commercialization of the technology. The other carries out R&D on materials and on design of equipment for power generation.

Even though commercialization of superconductivity is years down the road, those who are working on materials problems now will have a big jump on the competition when advances in basic R&D permit marketable application. So much of our R&D is either defense related or conducted in Government labs. We need to forge the kind of link between industry and government that Japan has, and to make academia an integral part of the process.

The quality of U.S. science is not in question. U.S. citizens won more than half the Nobel prizes in the past decade. What is at question is our ability to compete. With fewer dollars, our ability to compete is going to come down to our ability to work as a team, the ability of our Government, industry and academic institutions to cooperate rather than operate as entities always at arms length.

The governments of other nations provide substantial incentives for research and development. Twenty-five percent of the tax benefits in the Japanese Tax Code are allocated to R&D incentives. France, Germany, Canada, and many others also provide substantial tax benefits to support R&D. If we provide less, our companies are at a disadvantage.

For instance, the Federal Government could play a huge role in stimulation of high-technology manufacturing performance by enacting a permanent research and development tax credit. As a member of the House Ways and Means Committee, this is an issue I have devoted a lot of effort to. This credit has been temporarily extended several times in recent years and will expire again at the end of this year. This start and stop approach of Congress wreaks havoc on a company's long term planning for research and development. We are undermining our own goal of encouraging long term investment. I have been proud to lead the fight for the permanent extension of the credit, and I will continue to do my best to ensure that my colleagues realize its importance.

Now without continuing to preach to the choir too much, let me mention a few of the successes we had in this area during this last session of Congress, and what I and some of my colleagues are planning for this year.

The Math, Science and Engineering Education Act became public law. Among other things, it establishes a program of 10 regional consortia to provide technical assistance to schools in math, science and engineering.

This year the Congress repealed existing law applicable to independent research and development in Department of Defense contracting. It ordered the Department of Defense to revise its regulations to allow R&D payments to contractors who can demostrate that their research is "of potential interest."

Previously the regulations required that contractors demonstrate a "direct benefit to defense technolgy." The new law also states that items of potential interest would do such things as strengthen the U.S. industrial and technological base, enchance U.S. competitiveness, lead to improvement in the environment and allow for technologies to benefit not only the pentagon but the commercial sector as well.

In the area of agricultural R&D, funds will be used to strengthen the Federal-State partnership for agricultural research at Federal laboratories and universities. Ten percent of those funds are marked for improvement of the research infrastructure of less competitive colleges and universities.

All three of these cases, indicate a dawning recognition of the need for cooperation among those responsible for R&D. The Southern Technology Council's strategy for the nineties stresses the fact that cooperation and partnership are crucial. This strategy will work. It already has worked.

In the area of biotechnology, success will not automatically follow from advancing science. It will depend on the cooperation between the Federal Government, the universities and private enterprise. It has taken time for these scientists, teachers, and innovators to reach Washington. But they are succeeding because they are working together.

Another case in point is not a segment of science, but an industry-government consortium. SEMATECH members are working together to change the culture of the semiconductor industry. Among other things it facilitates sharing of technical advances among its members and emphasizes long-term strategies and partnerships which will make the United States more competitive internationally and will help preserve our industrial base.

These examples show that the teaming approach works and why groups like the Southern Technology Council are so important. That is also why the congressional Sun Belt caucus R&D task force is being formed.

Members of Congress have expressed an interest in expanding the role of Federal research and development funding at Sun Belt colleges and universities. There is a strong sense that the Sun Belt is frequently overlooked when Federal funding for grants is parceled out. I know you are familiar with the studies which support this as more than a perception. The Members also want to find ways to increase America's competitiveness, and improving the ability of Sun Belt companies to compete.

The task force will be bipartisan, and will be cochaired by myself and Congressman Don Sundquist of Tennessee. Initially, we will have between 15 and 20 Members of Congress on the task force. Our specific plan of attack is still being formulated. Because of the budget debate last fall, the fact that it was an election year and because of the Persian Gulf most of the Members have been stretched pretty thin and we are not as far along as we had planned at this point.

Also, like many of you we have limited resources. But we are excited about this task force, and will need your help and advice if we are to contribute to helping R&D flourish in the Sun Belt.

An example of one of the items we plan to work on is something pointed out in the STC's strategy for the nineties—expansion of the EPSCoR program. Other areas where the task force may have a positive impact are, of course, tax law—since a few of us are on the Ways and Means Committee—and in the area of technology transfer.

The task force will examine ways to increase access to equity capital for small businesses which need financing for product development. We also intend to study ways to enhance coordination among the Federal agencies conducting or contracting for research. In a time of limited funds, eliminating duplication of effort is one of the benefits that would flow from increased coordination.

A previous Sun Belt task force made a difference in the area of welfare reform. We were able to put forth a legislative program that helped the South. I am confident that the

Sun Belt caucus will also achieve successes in R&D.

I have studied the STC's strategy and noted that you suggest several specific areas in which the Federal Government can contribute. I hope to hear from some of you today on what progress has been made in those areas and what remains to be done.

As we all realize, increased support for R&D, high-technology industry and education is critical. Because we may not be able to get the kind of funds we think these areas deserve, cooperation between State and Federal Government, industry and universities is critical. If we can develop good working relationships, they will steer us on a course in the right direction in this decade and into the next century. As cochair of the R&D task force I look forward to working with you in forging those relationships.

AMERICAN PEOPLE ARE NOT GOING TO LET SOME OF THE PRESS TURN THIS WAR INTO A MEDIA CIRCUS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SOLOMON. Mr. Speaker, these are not good days for Bryant Gumbel, "Today Show" anchorman and designated whiner.

After all, America is winning a war, Ronald Reagan's wisdom, which Gumbel publicly detested, is being vindicated, and President Bush, another Gumbel punching bag, is on a roll.

And now, to top it off, Gumbel is finding out that Americans like soldiers better than they like anchormen.

The other day Gumbel said it was "distressing"—that's right, distressing—that Americans are quite happy with the wartime censorship that's saving the lives of our brave American soldiers.

You see, Mr. Speaker, to Bryant Gumbel and his ilk, the safety of our troops and the security of our operations are quite secondary.

The comfort and egos of reporters seem to be more important to him.

Evidently, he can't bear the idea of an American victory, he wants another American humiliation, another Vietnam.

Well, there's not going to be another Vietnam.

Because this time the American people are not going to let some of the press turn this war into a media circus with Bryant Gumbel as ringmaster.

HOUSE RESOLUTION 19

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SOLOMON. Mr. Speaker, it seems that there is a certain amount of chafing here in the House, perhaps a certain anxiety in some quarters, about the course of our military actions in the Persian Gulf.

Things are going too well. The technology we have invested in is doing its job. The allied forces are slowly but steadily stripping Saddam Hussein of his military prowess.

So, what's the problem, you say? It's obvious. There's not enough to criticize. There's not enough bad news. We don't have anything negative to "leak" to our friends in the media.

Mr. Speaker, a resolution was introduced on January 3d, House Resolution 19, that calls for the submission by the President of a broad range of sensitive information about Operation Desert Shield. Specifically, every plan, report, memo or briefing paper, whether classified or unclassified.

Even though the debate has been held—even though the leadership on both sides of the aisle have voiced their support for our troops in the field—co-sponsors are still being added to this resolution.

I have to ask—why?

My suspicion is that we have too many Members who not only want to play Secretary of State, but Commander in Chief as well. As if that wasn't bad enough, think of the consequences for our troops if this body ever did get hold of such detailed military information. With the record of "leaks" around here, you can bet that Saddam Hussein would have that information in weeks, if not days.

Mr. Speaker, I ask you to intercede with those Members on your side of the aisle who are pushing this terrible idea—if not for the sake of the President's constitutional role as Commander in Chief—then for the sake of our troops' safety.

TRIBUTE TO MARIAN STOKES

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to Marian Stokes, an outstanding county recorder and political leader in Ohio's Fifth Congressional District, on the occasion of her retirement.

Through more than 23 years of acclaimed service in the Sandusky County courthouse, Marian Stokes has shown a unique dedication to performing her duties and fulfilling her civic obligations with the utmost efficiency and competence. I have known Marian Stokes for many years, and know that her commitment to public service will stand as a hallmark for others to emulate.

Marian Stokes' leadership has been evident in a number of challenging and important positions. Her legendary commitment to public service and political activism goes back to her childhood.

In addition to being county recorder, Marian Stokes' list of accomplishments is long and impressive: Director of the county board of elections; county Republican chairwoman and president of the Sandusky County Republican Women's Organization, both for more than two decades; a Republican State committeewoman; secretary of the Ohio Republican Party; two-time delegate to the Republican National Convention; president of the Ohio Elected Officials Association; and the list goes on.

In all of these efforts, Marian Stokes' superb record of achievement has gained her the respect of all who know her.

Mr. Speaker, I commend Marian Stokes for her years of service, and I wish her much health, happiness, and fulfillment in the years to come.

HONORING JOHN W. WINTERS

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. PRICE. Mr. Speaker, I rise today to recognize the outstanding contributions and accomplishments of John W. Winters—a prominent statesman, real estate developer, and businessman in my district.

John W. Winters has been an active participant in the Raleigh, NC, community for many years. Since 1957, he has constructed affordable housing for Raleigh's black community. He continues in these efforts to this day and is now developing the Martin Deporess independent living facilities, built especially for the physically and mentally disadvantaged. The Subcommittee on Housing had the chance during a field hearing last session to hear from Mr. Winters and he made a strong case for increasing our commitment to affordable housing in this country.

John Winters has also had an outstanding career in public service. As a leader in the civil rights movement in our State, John Winters has worked diligently to ensure equality for all citizens in our communities. In 1961, John Winters became the first black elected to the Raleigh City Council and went on in 1967, to become the first black elected to the North Carolina Senate since Reconstruction. He has served on the State's utility commission, helping maintain utility rates at affordable levels.

John Winters is a man with an extraordinary commitment to the State and community. As he and his wife, Marie, celebrate their 50th wedding anniversary this week, I want to pay special tribute to an outstanding husband, father and leader in my district. I am enclosing for the record a copy of a profile of Mr. Winters which was featured in the Triangle Business weekly newspaper last week.

A BUILDER OF OPPORTUNITIES

(By Ginger A. Moore)

A striking, pensive man appears in the doorway, shaking his head and meeting his guests eye-to-eye. "John Winters is late too many times," he laments, offering his hand. "I apologize."

No excuses about the lousy weather, about a trek in the traffic from the Research Triangle Park or about all the other appointments he had to meet before ending his week facing this interview. John Wesley Winters isn't big on excuses—for himself or others.

Winters easily could have relied on excuses to slide by in a world where he had to find work on the streets of New York City before he was 10 years old and later when prejudice made it difficult for a young, industrious black man to have a fair shake in the business world. But instead he took what he learned and turned it into a business of his own, a political career and a lifetime devoted to helping others find opportunity.

In 1957, after building his own home, Winters answered the requests of people in Raleigh's black communities and began building single-family homes. It was a risky step in a society that still placed certain limits on blacks, but Winters said he was motivated to create a better community. He went to bat for many who found obtaining a mortgage almost impossible, giving new meaning to "creative financing."

"So many people needed that opportunity to just get started, to find some affordable property and build a home," said Winters, a Raleigh native. "And once I got started, I had a captive audience."

Winters finds it unfortunate that Southeast Raleigh no longer is the drawing card it was when he began John W. Winters & Company.

"We experienced and are still experiencing a lot of out-migration and we're not attracting people to the area," Winters said, whose company is built on land owned by his family for almost 200 years. "When it's perceived that [people] have less than the finest aesthetics to choose from, they go other places. But I still want to see Southeast Raleigh make a comeback."

As a boy, Winters lived near the corner of Martin and East streets in Downtown Raleigh, where his office is now located. Along with a collection in his office of family pictures and mementos of his political career is a 19th-century birds-eye view engraving of the Capitol, with the Winters homesite as a landmark.

Winters left the homesite when he was 9 years old to live in New York with an older sister after his mother's death. He didn't return to the area for nearly 10 years. Winters believes part of the reason he had the fortitude and motivation to build a business and keep the family property came from his experience growing up in a big city and the love and guidance from his two older sisters.

"They added credence to our growth and safeguard," he said, referring to himself and two younger sisters, "and I am very grateful to my sisters for having the wisdom they did in raising us. I had to become industrious as a child in order to have spending money and the experience of growing up in New York, in the city, taught me a lot about self sufficiency."

Like many young boys in New York, Winters sold newspapers on the subway, shined shoes and even worked as an errand boy at the Apollo Theater while he went to school. He still found time to become captain of the Boy's High School Boxing Team. As a 147-pound welterweight, he traveled on weekends with a professional boxing club, fighting under an assumed Spanish name to protect his amateur status, a common practice among young fighters on the circuit.

"Those were good times," Winters recalled with a smile. "You could earn $25 a weekend and that could take you pretty far in those days."

Winters' athletic talent also won him a football scholarship to Long Island University and later to Virginia State University where he studied English literature, hoping to become a writer and travel.

"I used to go down to Battery Park and watch the ships going out to sea," said Winters, who is presently writing a book about his life and experiences. "You know that song 'Faraway Places'? Well, I'd hear that song and watch those ships leave and I'd dream about going to all those places and writing about them."

Although he hasn't fulfilled that dream, Winters has traveled extensively throughout the Caribbean, Europe, South America and the United States. It was on these excursions that Winters learned new languages and saw the parallel between beauty and poverty.

"In parts of the Caribbean, I was amazed at the beauty and appalled at the abject poverty," he said. "And that's part of what made me want to change things here."

Winters left Virginia State, returned to Raleigh and married Marie Montague, whom he had met on an earlier visit. "I thought, my gracious, she's worth coming back to," Winters said. "On Feb. 3, we'll celebrate 50 years together." They have eight children, several of whom are helping Winters in the family business. His daughter, Seanne Winters, is a property manager, and another daughter, Donna Winters Laroche, is taking over the reins. "She's been great about putting her energy into the business and helping us ride over this downswing," Winters said.

As with many real estate companies, the downswing is causing Winters & Company to reassess the direction of business and look at alternatives. But Winters has rarely taken the easy route. Determined to provide housing for low-income people who might otherwise not be able to find living quarters, he has always worked in a challenging area.

"There is so much absentee landlord ownership here [in Southeast Raleigh]," he said. "We can change all that if we can get people to come together to make the area more attractive. There's a start with what's going on downtown, but we also need to provide a pleasant place for people to live."

Two such residences are Wintershaven and Summershaven, projects developed for the elderly and low-income population. With the subsidy provided by both Winters & Company and the government, housing is available for people at below median income or poverty level.

"Our apartments don't allow us to live a life of luxury," Winters added. "We deal with people who primarily don't have cash flow and that's why an economic downturn, such as what is happening now, really adversely affects us."

Despite the adversity, Winters' newest project is one of his favorites. The Martin DePorees Apartments off Garner Road are built especially for the physically and mentally handicapped who can still monitor themselves enough to live independently. Winters, a Catholic, said the project is named for a Black South American sainted for his service to the poor and underprivileged.

Hargett Oaks, a cooperative public and private effort providing low- and moderate-income housing, is another project. Winters hopes this will become a combined residential and office zoning area. He credits another one of his alma maters, St. Augustine's College, as a contributing partner in such projects. "I hope it will also open up doors to the students who will be training in business and real estate, as well as give them a perspective on how they can help the community," said Winters, who also serves on the St. Augustine's board of trustees. His firm has also built several shopping centers and commercial buildings in Southeast Raleigh.

John Winters has drawn not only from his faith, but from experiences that have brought success. Yet many of those experiences were unpleasant. He undermines his Horatio Alger story: A man who worked as a night skycap at RDU while he built houses during the day; a man who drove a milk truck and delivered campaign information for Governor Kerr Scott; a man who met influential people while serving as head waiter at the Sir Walter Raleigh Hotel.

"There's plenty of other people around here who came up through the ranks the same way," said Winters. "I think that's not as big a deal anymore and people are probably real tired of hearing those stories."

Despite the modesty, Winters' pride in his political career is evident. Elected in 1961 as the first black to serve on Raleigh City Council, Winters went on to serve until 1967 when his business needed more attention. He remained involved in politics, however.

"Part of the effort to remove the shackles of segregation and do something about the community rather than just talking about it was for [a black] to become politically active," he said.

Winters participated in civil rights marches and by 1974 was elected state senator. He and Senator Fred Alexander were the first blacks elected to this position since Reconstruction. In 1977, Winters was appointed by Governor James B. Hunt Jr. to the N.C. Utilities Commission, which enabled him to serve the interest of the low-income population by helping set utility rates. According to Hunt, Winters was a "man both experienced in the business world and particularly sensitive to the needs of disadvantaged citizens."

"No matter what capacity I was serving in, I never wanted to forget the average people," said Winters, who has rubbed shoulders with many of the country's highest ranking politicians. "And I never wanted to use my office for personal or financial gain. People recognize that and remember it. I had a lot of people who helped me and encouraged me, both in the white and black communities."

Winters declines to single out who heads the list of those who helped him the most professionally. "I hate to call names because you inevitably leave out people, such as Wade Morrow Jr. who discussed North Carolina history with me, and John A. Coffey, who warned me of the pitfalls and how to prepare myself [for dealing with the public]. There were too many to put into this story."

As for his own contributions, Winters is proud of his legislation to eliminate substandard roads in the state, his efforts to deter discrimination, and to kindle the spirit of urban renewal. "You need to value personalities more than property," he said, "and we sometimes forget that."

Despite his accomplishments, Winters has at least one regret: During the Carter administration, he was being considered for the post of U.S. ambassador to the Bahamas, but he took his name out of consideration in order to serve on the Utilities Commission. "Either place, I thought I could do some good. That's [the ambassadorship] something I would have like to have done that I never did, but there still might be an opportunity. You don't have to be a young man," he said with a smile.

At 71, Winters isn't ready to stop. This is a man who started parachuting and water skiing in his 40s and learned to snow ski at 60 while setting up a utility training school at the University of Utah. Keeping with his interest in energy and the quality of air and water, Winters has joined a consortium that markets environmental products. Although this means giving less attention to his business, he feels confident that his children and other employees will serve Winters & Company well.

"Perhaps having too many dreams or such a desire for public service has hurt [his business] at times, but being able to serve at those crucial times and sharing in the policy-making and administration of the city" was important, he said, "It was especially important as a minority."

Winters' efforts have not gone unnoticed. Among his many awards is one of which he is especially proud—the W.W. Finlator Award, given annually to a Wake County citizen who has made significant contribution to the preservation of civil liberties.

"Bill Finlator always made people feel that no matter what the color of their skin or particular belief, they were always important and welcome," said Winters. "It meant everything to me to get an award with his name attached to it."

According to Lynn Lyle of the Wake County Chapter of the American Civil Liberties Union, Winters' contributions to the county, his life and work have made a difference in the community.

"In reality, we cannot give an honor to John Winters. He has earned his honors through a lifetime of commitment to excellence in all endeavors," said Lyle.

Rather than make excuses, John Winters has created opportunities. He has endured racial prejudice and poverty. He has enjoyed success and the fruits of his labor. He plans to keep traveling, keep skiing and keep finding new challenges. But most of all, he plans to uphold his philosophy of serving the community.

"Public service is real trust," said Winters. "Every waking moment should be spent in trying to provide credence that you did not take advantage of that trust, but provided help and promoted that trust."

INTRODUCTION OF THE CHESAPEAKE BAY RESTORATION ACT OF 1991

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. CARDIN. Mr. Speaker, today I am introducing the Chesapeake Bay Restoration Act of 1991 to reauthorize and enhance the tremendously successful Chesapeake Bay Program. I am joined by 24 of my colleagues in offering this legislation, including members from Pennsylvania, the District of Columbia, Delaware, and the entire State delegations from Maryland and Virginia. In addition to these members, the Bay Restoration Act is supported by the Bay Area States, the District of Columbia, the Chesapeake Bay Commission, the Citizens Advisory Committee, the Scientific and Technical Advisory Committee, the Local Government Advisory Committee, the Alliance for the Chesapeake Bay, the Chesapeake Bay Foundation, and many others.

Last September, the existing authorization for the Chesapeake Bay Program expired with other Clean Water Act programs. The legislation I am introducing today will continue the important role of the varying Federal agencies involved in the Bay cleanup and fulfill the Federal partnership with bay area States and local governments entered into through the 1987 Chesapeake Bay agreement. The Chesapeake Bay Restoration Act authorizes $20 million a year for the next 4 years—an increase of $7 million over the previously authorized level. In recent years funding levels for Federal Chesapeake Bay cleanup efforts, through varying authorizations, have exceeded the direct $13 million annual authorization. The act allows for new initiatives and specifically establishes programs to address key issues such as toxic pollution, the decline of the bay's living resources, population growth pressures, and land use.

The original Chesapeake Bay agreement signed in 1983 initiated a unique Federal-State cooperative effort to restore the bay ecosystem. While early efforts were orientated towards research and assessment of factors contributing to the bay's decline, the 1987 Chesapeake Bay agreement committed the bay area jurisdictions and Federal Government to specific cleanup activities and goals. The ambitious program set out in 1987 to improve water quality and living resources has been quickly implemented by the States through legislation and funding. My constituents and people throughout the region have shown tremendous support for the bay program and it has served as a model for cleanup programs in the waters of many other States and nations.

There have been many successes in the bay cleanup effort: submerged aquatic vegetation [SAV], which provides a critical habitat for the bay's living resources, has made a slow but steady return following dramatic declines during the 1960's and 1970's; striped bass have made a significant recovery from the depleted stocks found in the early 1980's; and since 1985, phosphorus discharges into the bay from municipal treatment plants, industry, and nonpoint sources have been reduced by 35 percent. But the remaining problems are many—the population in the bay watershed continues to grow; direct sources of nutrients entering the bay's waters have been controlled, but more must be done; toxics continue to flow into the bay with few restraints and unknown adverse impacts; the spread of MSX, dermo, and other deadly oyster diseases has devastated that valuable fishery; the desire of many to live on the bay's shore places increasing pressure on littoral areas; and vessels transporting oil and other hazardous materials threaten the bay's shallow waters each day.

Mr. Speaker, I am particularly proud of the Chesapeake Bay Restoration Act as it represents a tremendous example of successful intergovernmental working relationships—demonstrating how much can be achieved through coordinated action. During my years in the Maryland legislature and in Congress, I have never seen a more broadly supported or productive program undertaken by Federal, State, and local governments. The success of the program is proven by the many members who have joined me in introducing this bill, the broad support for the bill throughout the region and among groups with widely varying interests, and the efforts of governments in other regions to base their own coastal zone and water quality restoration programs on the Chesapeake Bay model.

I would ask my colleagues to join me in support of this legislation and request that a copy of the legislation be printed in the RECORD.

H.R. 850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Restoration Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) the productivity and water quality of the Chesapeake Bay and its tributaries in recent years have been diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of growth and development of population in the watershed, and other factors;

(3) the Chesapeake Bay Agreement established an institutional framework, including a Chesapeake Executive Council with oversight, to implement a series of goals, objectives, and commitments to protect, restore, and enhance the estuary's ecosystem;

(4) there is a need to expand and strengthen Federal support of research, monitoring, and management activities in the Bay in order to meet the goals, objectives, and commitments of the Chesapeake Bay Agreement, particularly in the areas of water quality; living resources; public information, education and participation; population growth, development, and governance;

(5) the United States Environmental Protection Agency should continue to lead a cooperative Federal initiative with the United States Army Corps of Engineers, United States Department of Agriculture, United States Department of the Interior, Department of Defense, National Oceanic and Atmospheric Administration, United States Coast Guard, and other Federal agencies in the effort to attain the goals embodied in the Chesapeake Bay Agreement, working with State and local authorities;

(6) the National Oceanic and Atmospheric Administration has an important role in the Bay restoration program through participation in Bay research, monitoring, assessment, and management studies and should continue these activities;

(7) the various research and monitoring programs related to the Chesapeake Bay should be closely coordinated to achieve improved water quality and living resources productivity;

(8) public information, education, and participation are essential to foster stewardship of the Bay's resources, to help identify and prioritize the Bay-related problems of each watershed or river basin, and to formulate goals and objectives for addressing these problems;

(9) there is a clear correlation between population growth and development, and environmental degradation in the Chesapeake Bay system and accurate and timely land use data is essential to plan for and manage growth and development and associated impacts on the Chesapeake Bay system and its living resources;

(10) the Federal Government has a special responsibility to ensure that its activities and programs are consistent with State and local efforts to improve the health of the Chesapeake Bay, and Federal facilities and programs must achieve the highest standards of environmental sensitivity and protection;

(11) the local government and citizens' role in the Chesapeake Bay clean-up effort is a vital component for attaining the goals of the Chesapeake Bay Agreement;

(12) the productivity, diversity, and abundance of living resources are the best ultimate measures of the Chesapeake Bay's condition and research and assessment programs directed toward monitoring and enhancing the condition of these resources should be accorded a high priority; and

(13) the fisheries of the Chesapeake Bay provide hundreds of millions of dollars in annual economic activity and thousands of related jobs for the region, and proper management of these vital fisheries resources must include consideration of both biological, environmental, and socioeconomic factors.

SEC. 3. PURPOSE.

It is the purpose of this Act to expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals embodied in the Chesapeake Bay Agreement.

SEC. 4. MANAGEMENT OF CHESAPEAKE BAY PROGRAM.

Section 117(a) of the Federal Water Pollution Control Act (33 U.S.C. 1267(a)) is amended to read as follows:

"(a)(1) The Administrator of the Environmental Protection Agency shall continue the Chesapeake Bay Program as a member of and in cooperation with the Chesapeake Executive Council. The Administrator shall continue to lead and coordinate Federal agency participation in the Federal program.

"(2) The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Liaison Office, which shall provide support to the Chesapeake Executive Council in the following areas:

"(A) providing support and coordinating Federal, State, and local efforts to improve the water quality and living resources of the Chesapeake Bay;

"(B) assisting the Bay program signatories as requested in developing and implementing specific action plans, in cooperation with appropriate Federal, State, and local authorities, to carry out the responsibilities under the Chesapeake Bay Agreement;

"(C) coordinating actions of the Environmental Protection Agency with the actions of other Federal agencies and State and local authorities in developing strategies to improve the water quality and living resources of the Bay and obtain the support of these agencies and authorities in achieving the objectives of such agreement;

"(D) collecting and making available, through publications and other appropriate means, information pertaining to the environmental quality and living resources of the Bay; and

"(E) continuing to coordinate the systemwide monitoring and data collection program to assess the impact of natural and man-induced environmental changes on the water quality, habitat, and living resources of the Bay with particular emphasis on toxic pollutants and nutrient loadings.".

SEC. 5. CHESAPEAKE BAY PROGRAM SCIENCE, RESEARCH, MONITORING, AND DATA COLLECTION.

(a) The Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Chesapeake Executive Council, shall jointly implement comprehensive, coordinated science, research, monitoring, and data collection activities supporting the Chesapeake Bay Program.

(b) The Administrator of the National Oceanic and Atmospheric Administration shall direct relevant agency programs to be conducted in such a manner as to assist the cooperative, intergovernmental Chesapeake Bay Program to meet the commitments of the Chesapeake Bay Agreement. The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) provide information about and insight into the processes that shape the Chesapeake Bay system and affect its living resources;

(2) consult with the Chesapeake Executive Council in establishing priorities for research, monitoring, modeling, other analysis and data gathering for programs that have applicability to the Chesapeake Bay system and its living resources; and

(3) consult with the Chesapeake Executive Council in assessing the abundance, health, harvest, and potential economic value of Chesapeake Bay fisheries and the socioeconomic costs and benefits of management alternatives; and

(4) establish and staff a local office for coordinating National Oceanic and Atmospheric Administration-wide activities related to the goals and objectives of the Chesapeake Bay Agreement.

(c) The Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration shall jointly ensure that any project for which funds have been requested has undergone appropriate peer review to determine that it has acceptable scientific and technical merit.

(d) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $3,000,000 for each of the fiscal years 1991, 1992, 1993, and 1994.

SEC. 6. BASINWIDE TOXICS REDUCTION.

(a) The Administrator of the Environmental Protection Agency shall, in cooperation with the Chesapeake Executive Council, implement the Comprehensive Basinwide Toxics Reduction Strategy which establishes basinwide goals and describes actions necessary to achieve a multijurisdictional approach for reducing toxic inputs to Chesapeake Bay and its watershed. The strategy addresses all pathways by which toxic substances can pollute the Chesapeake Bay's waters, habitats, and resources through basinwide implementation of innovative toxics reduction, prevention, and management actions.

(b) The Administrator shall undertake such research and monitoring activities as necessary to improve understanding of intermedia transfers, eventual fate and biological effects of toxics within the Bay watershed and shall develop and implement innovative toxics reductions and prevention programs.

(c) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated to the Administrator of the Environmental Protection Agency $2,000,000 for each of the fiscal years 1991, 1992, 1993, and 1994.

SEC. 7. POPULATION GROWTH AND DEVELOPMENT; LAND USE DATA INITIATIVE.

(a) The Administrator of the Environmental Protection Agency, in cooperation with the Chesapeake Executive Council and the National Oceanic and Atmospheric Administration, the United States Forest Service, the United States Soil Conservation Service, the United States Geological Survey, the Fish and Wildlife Service, and the Army Corps of Engineers, shall facilitate and expedite the development of a coordinated Chesapeake Bay watershed land use data base to provide information necessary to plan for and manage growth and development and associated impacts on the Chesapeake Bay system and its living resources.

(b) The data base shall incorporate resource inventories and analyses including the use of satellite and aerial imagery in conjunction with electronic geographic information systems for data storage, retrieval, and resource capability determination in order to evaluate different land use patterns on hydrological cycles, water quality, living resources, and other environmental features, and as an aid to making sound land use management decisions.

(c) The data base shall utilize a digital format that can be easily integrated into existing and developing planning and management programs and systems at Federal, State, and local agencies and institutions, so that it can have the greatest range of potential users and uses.

(d) The data base shall be approached as a model for application to the management of watersheds to protect aquatic environments, and its technical procedures shall be developed in a manner that will allow transfer to local and State governments and other areas of the nation and the world.

(e) Emphasis should be placed on the creation, maintenance, and use of an accessible, adaptable, and affordable data base in a manner that combines the best of available technology and data with the collective experience of the local, State, and Federal Governments and other major land use data suppliers and users.

(f) For the purposes of carrying out the provisions of this section, there is authorized to be appropriated $250,000 for fiscal year 1991, and $500,000 for each of the fiscal years 1992, 1993, and 1994.

SEC. 8. DEVELOPED LANDS INITIATIVE.

(a) The Administrator of the Environmental Protection Agency, in cooperation with the Chesapeake Executive Council, shall establish a demonstration program (hereafter called the "developed lands initiative") in order to address problems associated with urban and suburban runoff. The initiative shall—

(1) identify "developed areas" consisting of subwatersheds of urban and suburban land for the purpose of water quality monitoring;

(2) establish appropriate monitoring network responsive to storm events;

(3) ensure that data collected during the monitoring effort is compatible among the participating Bay States and the District of Columbia and is designed to support management decisions necessary to balance cost and technology for the benefit of the Chesapeake Bay cleanup;

(4) ensure that data collected identifies all major sources of pollution, including atmospheric deposition and pesticides, and shall be characterized according to their contribution to a watershed; and

(5) develop management strategies to address the identified stormwater impacts.

(b) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $500,000.

SEC. 9. CHESAPEAKE BAY COMPREHENSIVE LIVING RESOURCES PROGRAM.

(a) The Administrator of the Environmental Protection Agency, the Administrator of the National Oceanic and Atmospheric Administration, and the Director of the Fish and Wildlife Service, in cooperation with the Chesapeake Executive Council, shall implement a comprehensive, coordinated living resources program for the Chesapeake Bay and its watershed, to meet the commitments in the Chesapeake Bay Agreement.

(b) The program shall include monitoring, digital mapping, periodic assessments, development and implementation of management plans; and restoration and protection of habitats of commercially, recreationally, and ecologically valuable living resources.

(c) The program shall be designed as a national model for identifying, protecting, restoring, and managing estuarine living resources and the habitats upon which they depend.

(d) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $1,000,000 for each of the fiscal years 1991, 1992, 1993, and 1994.

SEC. 10. STUDY OF CHESAPEAKE BAY PROTECTION PROGRAM.

(a) Not later than January 1, 1994, the Administrator of the Environmental Protection Agency, in cooperation with the Chesapeake Executive Council, shall complete a study and prepare a report to the Congress which shall address at least the following issues:

(1) evaluating implementation of the Chesapeake Bay Agreement including activities of the Federal Government and State and local authorities;

(2) determining whether Federal environmental programs and other activities adequately address the priority needs identified in the Chesapeake Bay Agreement;

(3) assessing priority needs as required by the Chesapeake Bay Program management strategies and how the priorities are being met; and

(4) making recommendations for improved management of the Chesapeake Bay restoration program.

(b) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency, to carry out this section, not to exceed $250,000.

SEC. 11. AUTHORIZATIONS.

(a) Section 117(d)(1) of the Federal Water Pollution Control Act (33 U.S.C 1267(d)(1)) is amended by deleting "and 1990" and inserting in lieu thereof "1990, 1991, 1992, 1993, and 1994".

(b) Section 117(d)(2) of the Federal Water Pollution Control Act is amended by deleting "and 1990" and inserting in lieu thereof "1990, 1991, 1992, and 1994".

(c) Moneys appropriated pursuant to the authorizations under this section shall remain available until expended.

SEC. 12. DEFINITIONS.

For the purposes of this Act the term—

(1) "Chesapeake Bay Program" means the regional, intergovernmental, cooperative effort to restore and protect the Chesapeake Bay system and its living resources. The Program is directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement;

(2) "Chesapeake Bay Agreement" means the formal, voluntary agreements reached to achieve the goal of restoring and protecting the Chesapeake Bay system and its living resources. The first Agreement was signed in 1983. The second agreement was signed in 1987, by the Governors of Maryland, Pennsylvania, and Virgina, the mayor of the District of Columbia, the chairman of the tri-State Chesapeake Bay Commission, and the Administrator of the United States Environmental Protection Agency for the executive branch of the Federal Government. As used in this section, the term shall mean the existing agreements and any subsequent agreements that may be reached; and

(3) "Chesapeake Executive Council" means the signatories of the Chesapeake Bay Agreement.

TROOPS' REACTION TO THE PRESIDENT'S SPEECH

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SOLOMON. Mr. Speaker, Tuesday night we gave President Bush a 2-minute standing-ovation when he praised our troops in the Middle East.

And I want to tell you that it meant the world to those brave young men and women in uniform.

Some of them were quoted in a Washington Post story this morning, and listen to what they said:

"That was great, that really made us feel good and warm inside," said Air Force nurse Sheryll Jones.

"I thought it was a very moving, inspiring speech," said Capt. Stephen Fairchild.

Mr. Speaker, I visited our troops a few days before Desert Storm began, and even then their morale was high.

Those fine young men and women I talked to knew what they were doing, and why they were there.

Now they know they have the American people and the American Congress behind them.

And when American troops have that going for them, they can do anything.

EMPLOYEE OWNERSHIP: FREEDOM'S NEXT STEP

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. COX of California. Mr. Speaker, I am submitting for the RECORD an article by our colleague, DANA ROHRABACHER, entitled "Employee Ownership: Freedom's Next Step" that was printed in the November 12, 1990, issue of ESOP Report. Congressman ROHRABACHER makes some significant points about employee stock ownership plans, or ESOP's, and I urge my colleagues to carefully examine this article.

EMPLOYEE OWNERSHIP: FREEDOM'S NEXT STEP

(By Rep. Dana Rohrabacher (R-CA))

Historians will likely note that employee stock ownership plans began to proliferate throughout the American economy in the later 1980s and early 1990s. Those of us who believe in individual rights, free enterprise and democratic government should applaud that employee ownership is becoming a force within our society. It should also be welcomed by those who are simply concerned about America's future competitive position in an emerging and unmercifully competitive global market.

However, many free enterprises are clearly apprehensive, if not alarmed, at the mushrooming of ESOPs. They warn us that employee ownership has its roots in the murky intellectual backwaters of democratic socialism's advocacy of "worker control." Although they admit that employee ownership (read that "worker control," if you must) is compatible with market economics, state interventionism and socialism, these alarmists would rather analyze the history of guild socialism and syndicalism than visualize what expanding capital ownership will mean to our country as it heads into the 21st Century.

The alarmists, of course, are wrong. Broad ownership of capital, especially by working people, is no more of a threat than ownership of homes and farms by working people. The expansion of ownership, as long as it is accomplished without violating the rights of others, strengthens the institution of private property and bolsters liberty.

Yes, ESOPs are not totally a product of market forces; they are instead the beneficiaries of specific government policy. So what? One can argue that corporations themselves were made possible by "limited liability," a government-created status if ever there was one. And certainly, homeowner-tax deductions have had much to do with patterns of home ownership.

Perhaps more to the point, government policies and regulations have also played a significant role in determining capital ownership patterns and the distribution of economic power in America. Our working people, when pension assets are made part of the equation, are already the real owners of much of our country's business and industry; yet they exercise little, if any, economic power and are entitled to few of the rights associated with ownership. This distortion emasculates the "common man" and has serious economic consequences for us.

Today's major American corporations, notoriously short-sighted, are ever more frequently outmaneuvered by and losing competitions with Japanese firms that adhere to long-term strategies. Let us note that shortsightedness is not congenital to American business leaders. There's not a virus to be caught from Harvard facilities that grind out MBAs. One explanation, however, can be found in the emphasis placed by the administrators of large pension funds—institutional investors—on quarterly dividends. If unsatisfied with this most short-term of all returns, institutional investors pull out, sometimes doing great damage to the value of the company's stock.

THE LONG-TERM EMPLOYEE

Ironically, employees themselves are the only ones in the modern corporation with a long-term interest in the viability of the company. Investors are in and out of a company with the flick of a switch. Management, quite often, is made up of individuals who are trying to make their mark and move on to bigger and better things at other corporations. Contrary to what Dr. Milton Friedman once theorized or perhaps observed decades ago, today's employees—in expectation of pension benefits—are the only ones whose destiny is linked to the long-run viability of a corporation.

There is a fear that if pensions are invested by employees in the purchase of their own corporations, government guarantee against failure is almost certain to follow. Nonsense. Not all ESOPs are based on pension funds. Some, if not many, employee-owned corporations will have independent pension systems. Furthermore, those that are based on employee pension funds are no more likely to permit themselves to be taxed to make up for someone else's failure than today's corporate stockholders. There may be minimally more risk if pensions are used in ESOP creation, due to less diversification, but greater incentives for productivity and positive long-term company policies more than make up for that exposure.

ESOPs are rapidly becoming a more influential force in shaping our economic future. Estimates from the National Center for Employee Ownership (NCEO) show that approximately 11 million American employees are covered by 11,000 ESOPs, controlling almost $50 billion in assets. An NCEO survey showed that typical ESOP benefits total twice an employee's pay in 10 years, and six times that pay in 20 years. What really frightens some people about ESOPs, however, is not money; it is power. The specter of workers asserting ownership rights—control, if you will—haunts the one-dimensional capitalist. Let's not kid ourselves: Ownership rights will eventually be part of the ESOP equation—if not now, then later. Why is this so terrifying?

There are several examples in the U.S. of this kind of employee-ownership/worker-control. Weirton Steel is a West Virginia corporation owned by 8,000 proud employees. Weirton is not immobilized by the maladies predicted by ESOP skeptics. Ownership, in fact, provides a hefty incentive for everyone to work harder and work together. Traditional ownership patterns often lead to an adversarial relationship between management and labor, resulting in distrust, strikes and non-competitiveness.

Americans now face the challenge of international competition as never before. Our Japanese competitors have the advantage of a culture that stresses cooperation and reinforces the worker's identification with his or her company. What better way to compete with this collectivist mentality than to ensure that our working people own a bigger share, if not a controlling share, in their companies?

OWNERSHIP + PROFIT MOTIVE = PRODUCTIVITY

Rather than fearing working people, free enterprisers should ensure that workers have an ownership stake in the system and embrace them. The ESOP is a tool that can build a freer, more productive America. The ESOP provides us with an opportunity to privatize entrenched government programs, like the Postal Service. The ESOP offers a method of turning the socialist economies of the East into market systems with widespread support and offers us a way to energize our own corporations, from the board room to the assembly line.

Free enterprise advocates laud the profit motive, yet the vast majority of those engaged in economic activity are part of the wage system, not the profit system. The sooner we energize all our people with the profit motive, the better off we'll all be.

America has always led the way in expanding the freedom of the common man. Employee ownership is freedom's next step. It is America's next step.

UNITED STATES POLICY IN LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues an exchange of letters with the Department of State regarding United States policy toward Lebanon during the events of last October when Lebanon and Syria undertook an operation that ousted General Aoun.

This action caused many deaths and considerable destruction and concerned many of us in the Congress. Lebanon continues to be an important country for the United States. We want the civil war there to end but we do not think reconciliation can occur when violence is used and negotiations are avoided.

My letter of December 20 and the Department of State's reply of January 23 follow:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 20, 1990.

Hon. JAMES A. BAKER III,
Secrtary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I appreciate your reply of December 11, 1990 to a letter of October 29, 1990 sent to you by four Members of Congress concerning U.S. policy toward Lebanon.

In following up on your reply, I would like to ask a number of further questions:

1. Did the United States give any "green light" to Syria to go in to end the Aoun rebellion?

Did the Syrians have reason to believe the U.S. would not object to their actions, given U.S.-Syrian cooperation in Desert Shield?

Did we communicate to Syria any objection prior to, or during, its military action against General Aoun?

2. Did the U.S. communicate and coordinate its position on Lebanon with France prior to Syria's military action against General Aoun?

What was your understanding of France's position prior to Syria's October 13th action?

Did France give any "green light" to Syria?

3. Did Syrian forces slaughter several hundred of Aoun's supporters after they had already surrendered?

Are we pressing the Syrians on this question and seeking a full accounting of their actions?

Why would syria view our objections to their actions in Lebanon seriously, given the President's willingness to meet with President Asad just six weeks later?

4. Many Lebanese who view themselves as friends of the United States are deeply critical of U.S. policy. They contend that the international community, including the United States, stood by and condoned Syrian aggression.

How do you respond to this criticism of U.S. policy?

What specific steps did the U.S. take to stop Syria's military action?

I appreciate your attention to the questions above and look forward to your reply.

With best regards,

Sincerely,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT STATE,
Washington, DC, January 23, 1991.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives.

DEAR MR. CHAIRMAN: I am responding on Secretary Baker's behalf to your letter of December 20 concerning U.S. policy toward Lebanon and Syria's involvement in the October 13 operation that ousted rebel General Aoun.

In answer to your first question, the U.S. Government did not give Syria any "green light" to go in and end the rebellion by General Aoun. For 15 years the U.S. has argued against the use of violence to resolve disputes in Lebanon. This message has been made clearly and repeatedly to Syrian and Lebanese government representatives, including at meetings held between President Bush and Lebanese Prime Minister al-Huss and between Secretary Baker and Syrian Foreign Minister Shara in New York on September 28, 1990. The Secretary underlined this same point most recently on October 16 in a news conference when he said: "The United States is not in the business of giving green lights for violence anywhere, including in Lebanon." This firm and consistent position of the U.S. Government was not in any way influenced or weakened by Syria's cooperation in the Desert Shield operation.

Your second question addressed the issue of U.S.—French coordination of policy on Lebanon. The U.S. Government has consulted on a regular basis on Lebanon with the French government, given our common interest in seeing peace restored there. The French Government in recent months has been firm in its support for the Taif Agreement and the need to support President Hrawi and the legitimate government of Lebanon. The French Government clearly opposed military action against General Aoun in October, but they had been urging him to step aside.

Your third question dealt with atrocities which allegedly took place on October 13. There were many conflicting reports of atrocities carried out during and after the joint Lebanese/Syrian military action against the rebel forces of General Aoun on October 13, 1990. These have included accusations that Aoun forces fired on Syrian troops who were tricked into believing that the pro-Aoun troops had surrendered, and that a mutual massacre ensured. Other reports include accusations that Syrian forces executed pro-Aoun officers and civilians in the hours after the October 13 assault. In light of the many conflicting accounts, and in the absence of an American Embassy in Beirut at the time of Aoun's ouster, we are not able to confirm or deny these accusations of atrocities.

Your fourth question addressed the contention that the international community, including the U.S., stood by and condoned Syrian aggression in Lebanon on October 13. We should not lose sight of the fact that the assault on General Aoun was undertaken by a joint Lebanese/Syrian force, at the direct request of Lebanese President Elias Hrawi. We have already pointed out that the U.S. gave no "green light." We had counseled against violence with both the Syrian and Lebanese governments.

I would like to underline that our policy on Lebanon remains firm and consistent. The U.S. Government supports the unity, independence, sovereignty and territorial integrity of Lebanon, as well as the withdrawal of all non-Lebanese forces from Lebanese territory and the disbandment of all militias. We believe that the Taif Agreement offers the best chances for restoring peace and national reconciliation to Lebanon.

I hope that I have been able to address your concerns.

Sincerely yours,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

THE PORT OF PORTLAND'S 100TH ANNIVERSARY

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. WYDEN. Mr. Speaker, the port of Portland turns 100 years old on February 18, 1991, and I would like to offer my congratulations on a successful first century and my hopes for a prosperous second century.

From its simple beginning as an agency to dredge a navigational channel from Portland to the sea, the port has grown into a major trading center, with five diverse operating areas of aviation, marine, ship repair, real estate, and dredging. Through these enterprises, the port contributes economic energy to the entire State, encouraging $12 billion in trade a year, stimulating more than $9 million a day in economic activity, and creating some 38,000 jobs throughout the State. The Portland Ship Repair Yard, alone, completes 50 percent of all ship repair work on the west coast.

The port has grown rapidly in recent years, and expects to continue to grow quickly in the future. It is currently engaged in a major effort to deepen the Columbia River channel to guarantee access to the port for the next generations of ships, guaranteeing that Portland will remain an important calling point on the west coast. It is working to lock in commitments from shippers and manufacturers that will ensure a steady flow of activity. And it is thinking farsightedly about what Portland's trade needs will be in the future and what it can do to meet them.

Mr. Speaker, many people say we are on the threshold of the Pacific century. They predict that over the next decades, America's economic focus and destiny will lie primarily with the Pacific rim. Well, Oregon already knows all about trade with Asia; well over half of Oregon's $12 billion annual trade is with Asian and Pacific countries. If the next century truly becomes the Pacific century, then chances are good it will also be Oregon's century. And if that does come to pass, I am confident that the Port of Portland will play a leading role in handling and promoting the growing trade between the west coast and the Far East.

HAROLD "RED" GRANGE

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. IRELAND. Mr. Speaker, it is with great sadness that I rise today to inform you and the American public of the death January 28 in Indian Lakes Estates, FL, at the age of 87 of Harold "Red" Grange. It is not often that an individual reaches the level of becoming a legend in one's own lifetime, but Red Grange achieved that many decades ago. Born on June 13, 1903, in Forksville, PA he was raised in Wheaton, IL. He went on to become not only one of the greatest players ever to appear on the Nation's football fields, but also one of the great figures in American sports and a man who basically raised a sport from its infancy level to that of a major national pastime.

Red Grange may well have been the greatest collegiate football player in history. He had an elusive, powerful running style. Even today it is remarkable to sit down and look at the grainy films of some of this memorable collegiate and professional performances. To watch Mr. Grange weave his way through an 11-man defense set up to specifically stop him almost encourages one to believe they are viewing magic. Of all his individual game achievements, perhaps the one which will always be remembered and never be topped was his performance in the 1924 Michigan game when he led his Illinois team to a 39-to-14 victory.

In that game Red Grange returned the opening kickoff 95 yards for a touchdown. A few minutes later on Illinois' first play from scrimmage, he ran 67 yards for a second touchdown. He followed that with two more touchdown runs of 54 and 45 yards all in the first 12 minutes of the game. Later in the game he ran for a fifth touchdown and also threw a 20-yard touchdown pass. In that game Red played 41 minutes and produced 402 yards of total offense. Damon Runyon once wrote of him "He is three or four men rolled into one. He is Jack Dempsey, Babe Ruth, Al Jolson, Paavo Nurmi, and Man o' War."

Red Grange worked his way through college delivering 200-pound blocks of ice and becoming known as the Wheaton ice man. He enjoyed a tremendous collegiate and professional football career. His football prowess brought him a second nickname, that of "the Galloping Ghost." He was one of the charter members of the Pro Football Hall of Fame as well as the National Football Foundation's College Football Hall of Fame. In 1969 when members of the Football Writers of America chose the all time college football team, Red Grange was the only unanimous choice.

After his football career he lent his talents to many pursuits. He was an actor, a radio and television announcer and a business man. In the business world in Florida he was involved with the real estate business, owned his own orange grove, and owned his own insurance agency. In recent years he enjoyed the beauty of Florida and devoted many of his days to boating and golf. Red unfortunately had been hospitalized since July and succumbed last Monday due to complications from pneumonia. His only survivor was his wife of 49 years Margaret "Muggs" Grange of Lake Wales, FL.

Harold "Red" Grange was our last larger than life hero from the golden age of American sports. He long outlived all his peers from that golden age; Babe Ruth, Bill Tilden, Johnny Weissmuller, Jack Dempsey, and Bobby Jones. Red Grange's legend and accomplishments will live on as long as the game of football is played. Mr. Speaker, I leave you with the words Grantland Rice once put on paper about Red:

> A streak of fire, a breath of flame, eluding all who reach the clutch; A gray ghost thrown into the game that rivals' hands may never touch.

INTRODUCTION OF THE OIL RECYCLING INCENTIVES ACT, THE NEWSPRINT RECYCLING INCENTIVES ACT, THE TIRE RECYCLING INCENTIVES ACT, AND THE BATTERY RECYCLING INCENTIVES ACT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. TORRES. Mr. Speaker, recycling isn't something that just happens. Recycling isn't something that happens because we all feel warm and fuzzy about Earth Day and saving Mother Earth.

Recycling doesn't happen because we separate our newsprint or our aluminum cans from the rest of our trash.

Recycling doesn't happen because it makes us feel good.

Mr. Speaker, let's be real clear about something. Recycling is the process of turning a waste into a new product.

Recycling is a business.

Recycling happens because someone can make a profit turning garbage into a product someone else needs.

Recycling will not occur in a meaningful way, unless a profit can be made. Sometimes recycling happens, sometimes it doesn't. It all depends on the market.

Today, I am here to introduce four recycling bills on used oil, tires, newsprint and lead-acid batteries. These bills all use a market-incentive approach to guarantee that recycling will occur. This is essential because these waste products are not being recycled.

Mr. Speaker, do you know how much it costs to recycle aluminum as opposed to creating new aluminum cans from virgin bauxite? When you factor in the energy savings, transportation costs and the price of the raw materials, you find out why aluminum beverage can recycling is economically feasible.

If you look at the costs involved in recycling used oil, you'd understand why used oil doesn't get recycled. It's cheaper to pump virgin crude out of the ground in the Persian Gulf, transport it to the United States, refine it into petroleum products including lubricant base stock, package it and sell it than it is to collect it from the hundreds of millions of do-it-yourself oil changers, transport it back to one of the three rerefiners in the United States, rerefine it, repackage it and sell it again. It is simply cheaper to continue to use virgin oil than to use rerefined oil.

The legislative package that I and more than 50 of my colleagues are introducing today will significantly adjust the economics of used oil recycling to make recycling less costly and disposal of this valuable, nonrenewable resource, less attractive.

Our proposal would require that the oil companies which produce these lube oils participate in the recycling of that oil.

We are also introducing the same type of proposal for newsprint, lead-acid batteries and tires. These are all products which can easily be recycled, but are not being recycled because of adverse economics. The legislation that we are introducing will change this situation.

IN FOND REMEMBRANCE OF JEAN CAMPER CAHN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Ms. NORTON. Mr. Speaker, Jean Camper Cahn, who died last month, was a pioneer in creating legal and other services for the poor and a determined fighter against injustice in all its forms. With her husband, Edgar, she institutionalized her work in founding the Antioch School of Law, now called the District of Columbia School of Law, which emphasizes a clinical approach that enhances both the teaching of law and the provision of services to the poor. Ms. Cahn had a brilliant and probing mind and an undaunted determination to correct injustice. May her pioneering work be remembered not only by the many tributes she deserves but also by action in the Congress to reinvigorate the Legal Services Corporation. I am submitting a statement by me that was read at the funeral of Jean Camper Cahn:

IN FOND REMEMBRANCE OF JEAN CAMPER CAHN

(By Eleanor Holmes Norton, Member of Congress)

Most of us shall never know whether we made the world better than we found it. Surely Jean Camper Cahn knew. Anyone who knew her or knew of her knew. Thousands of people across the country knew.

But millions who have benefited from Jean's work, especially her landmark work for America's poor, do not know. I intend to place a statement commemorating her productive life in the Congressional Record, to take note of her extraordinary accomplishments in the nation's official history, where she is rightly celebrated.

Jean and Edgar were my friends from our days in law school together, and though we were mostly in different places after that, we met at critical times in their work. We met during the Adam Clayton Powell case, surely one of the most important cases defining the limits of congressional power. We talked when they were exploring establishing the pioneering Antioch School of Law. We worked together once they affiliated with Antioch when I was a member of the university's board of trustees.

Of Jean's many accomplishments, one is especially rare. Jean together with Edgar, invented an idea and then gave it life. They wrote about legal services for the poor and then they helped establish it, both as a branch of law and as an obligation of government. Jean had the rarest combination of qualities. She was both an intellectual and a builder. Her work in pioneering services for the poor, work she never abandoned down to the last days of her life, is a permanent legacy she has left our country.

Jean Camper Cahn lived a significant and generous life. She lived to bring justice, and she did. Jean left the world better than she found it. I count myself among her many friends who will miss her not only for what she gave our country but for what she gave us in friendship.

SUPPLEMENTAL SECURITY INCOME FOR AMERICAN SAMOA

HON. ENI F.H. FALEOMAVAEGA

OF SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. FALEOMAVAEGA. Mr. Speaker, today I introduced legislation which will provide basic assistance for the 1,600 indigent, aged, blind or disabled residents in American Samoa. I introduced the same legislation (H.R. 3981) in the 101st Congress but it did not become law.

Many of the elderly and disabled in American Samoa are without any form of public support, and little private support. Private and public employee retirement programs and title II, Social Security benefits were both introduced in Samoa too late for most of these individuals to qualify. American Samoa does not participate in AFDC or Food Stamp Programs, programs which are available to all the States and territories. The SSI Program provides a small subsidy for the truly needy, and is a national program available to the residents of the 50 States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands. I believe it is time the residents of American Samoa participate in this national program so that those who are unable to support themselves will receive some form of assistance.

Mr. Speaker, submitted for the RECORD are copies of the legislation and a letter sent to the Commissioner of the Social Security Administration, Hon. Gwendolyn S. King.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF SUPPLEMENTAL SECURITY INCOME BENEFITS PROGRAM TO AMERICAN SAMOA.

(a) IN GENERAL.—The 7th sentence of section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended by inserting "and title XVI (as in effect pursuant to the amendment made by section 301 of the Social Security Amendments of 1972)" before "also".

(b) CONFORMING AMENDMENTS.—

(1) Section 1614(e) of such Act (42 U.S.C. 1382c(e)) is amended by inserting ", American Samoa," before "and".

(2) Section 1614(a)(1)(B)(ii) of such Act (42 U.S.C. 1382c(a)(1)(B)(ii)) is amended by inserting "or national" after "citizen".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on January 1, 1992.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 1991.

Hon. GWENDOLYN S. KING,
Commissioner, Social Security Administration, Baltimore, MD.

DEAR COMMISSIONER: Thank you for your kind letter of January 31, 1991, and I appreciate very much your offered assistance on the Social Security Program.

For your information, we met several times at the White House during the Reagan Administration when you served as a White House Assistant to the President, and I was a member of the National Associations of Lieutenant Governors and Secretaries of State.

Last year in July, you wrote a letter to Senator Daniel K. Inouye which expressed the Administration's position of not supporting legislation to provide the SSI program for American Samoa.

Please be informed that in the very near future, I intend to introduce a bill which will authorize qualified individuals in American Samoa to receive SSI benefits. This bill is identical to H.R. 3981 which I introduced in the 101st Congress. I am writing to seek your support for this legislation.

There are about 1,600 poverty-level aged and disabled individuals in American Samoa. These individuals receive little or no public support and are unable to provide for their own support. They do not qualify for Title II Social Security benefits because when those benefits were adopted in American Samoa, they did not have sufficient time remaining in their working careers to qualify for benefits. Those who worked for the American Samoa Government (ASG), a large employer in Samoa, are not eligible for the ASG retirement program because this system was also implemented too late for them to qualify. Neither did smaller employers provide retirement plans in those years.

The best estimate I have as to the cost of the SSI program to be implemented in Samoa is $3.4 million in 1984 dollars. If this issue were examined to ensure a sense of equity of collections and disbursements within the entire social security system, equity would support implementation in Samoa. Current estimates are that the residents of American Samoa contribute approximately $15 million per year through FICA withholdings and employer contributions, while payments are only $4–5 million per year.

I know there has been resistance to implementation of the SSI program in Samoa without simultaneous implementation in the other territories. The Commonwealth of the Northern Mariana Islands already participates in the program. In response to this argument, I can say that the other territories participate in both the AFDC and food stamp programs, neither of which American Samoa has chosen to participate in. I want to emphasize this point because I think it is important philosophically and financially. It is important philosophically because it shows the elected and traditional leaders of Samoa do not want Samoa to become a welfare state. It is important financially because the combined cost of the AFDC and food stamp programs to the federal government, if fully implemented, would be higher than the cost of the SSI program alone. In my mind, this trade off of SSI in lieu of AFDC and food stamps works to the benefit of Samoa and the federal government.

Regrettably, I also want to mention that there is some interest in Samoa for the territory to participate in the AFDC and food stamp programs. I believe that this interest can be quelled if SSI is implemented.

Finally, I believe that the distinction between Samoa and the other territories in participation versus non-participation in the AFDC and food stamp programs is a substantive one, and can be used to distinguish Samoa from the other territories in this regard.

I hope that when the Social Security Administration is asked to comment on the bill I will introduce, the response will be favorable. With a favorable comment from the Administration, I believe I can persuade my colleagues in the House to support the bill and make any budgetary offsets which might be required.

I will be happy to discuss this legislation in more detail if you believe it would be of assistance.

With kindest regards,
Sincerely,
ENI F.H. FALEOMAVAEGA,
Member of Congress.

THE NEED FOR WATER CONSERVATION

HON. CHESTER G. ATKINS

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 6, 1991

Mr. ATKINS. Mr. Speaker, the entire Nation has been forced to take notice recently of a severe water shortage in California that has caused devastating crop failures and emergency water rationing. A 5-year drought has been blamed for the shortage, but the problem runs much deeper and extends in varying degrees of severity across the country. The problem is that surging populations have overrun the capacity of finite water supplies.

Most of us take water for granted, and we assume that we can simply turn on the tap or the garden hose and be sure that a steady stream of clean, cheap water will flow. But several communities are finding that there's more to it than that. In Denver, city officials recently battled the Environmental Protection Agency over a costly and environmentally damaging dam project that they said was needed to maintain adequate water supplies for a growing population. In Georgia, State officials are locked in a dispute with neighboring Alabama over a plan to draw water from a river system that runs across State lines. And in Boston, various plans to reach into nearby river basins have been met with emphatic opposition.

What is clear from the above scenarios is that we must treat water as a limited resource and develop national policies and management strategies aimed at preserving healthy supplies of water for future generations. Toward that end, today I am reintroducing the National Plumbing Products Efficiency Act and the Municipal and Industrial Water Conservation Act. I am pleased to note that Senator WYCHE FOWLER is again reintroducing identical legislation in the Senate.

The most obvious benefit of a national effort to conserve water is that water conservation—and not the construction of new dams or reservoirs—is the easiest and most cost-effective strategy that States and municipalites can use to combat present or projected water supply shortfalls. For example, the city of Tampa, FL, is implementing a home retrofit project for plumbing fixtures that is eventually expected to save nearly 2 million gallons of water per day. A new plumbing code measure requiring the use of low-consumption toilets in new construction and renovations recently went into effect for the Delaware River Basin, and officials there estimate that it will cut water use by 42 million gallons of water per day by the year 2020. And, in evaluating the need for the environmentally destructive Two Forks Dam in Denver, the Rocky Mountain Institute found that a residential water efficiency program employing low-consumption toilets and efficient showerheads and faucets would save more water than the proposed dam at about 20 percent of the dam's cost. It is a proven fact that concerted water conservation efforts enable States and municipalities to eliminate, postpone or downsize new water supply projects.

Furthermore, it is clear to consumers in many parts of the country that the days of cheap water are over, not only as a result of shortages but also because of increased costs associated with meeting safe drinking water and wastewater treatment standards. In Massachusetts, for example, water and sewer rates are scheduled to rise to over $1,400 per year by the end of the century due to the astronomical cost of the Boston Harbor cleanup, and that's one of the major reasons why the Massachusetts Water Resources Authority has reacted with some of the most innovative and far-reaching water conservation strategies in the country. The State's low-consumption toilet requirements, for example, could chop up to $80 per year off the average family's water and sewer bill. It has also been estimated that if each person in the MWRA user area simply cut water use by 10 gallons per day—a goal that is easily achievable with the efficient plumbing products currently on the market—the region could save up to $4 million per year off the cost of operating Boston's wastewater treatment facilities.

Another important benefit of water conservation is a significant gain in energy conservation. Close to 15 percent of the energy used in a typical household is for heating water. Hence, by reducing hot water flows, water efficient showerheads, faucets, clothes washers, and dishwashers can save significant amounts of energy. One low-consumption showerhead, in fact, can lower the annual electricity bill for an average family of four by about $100. Water authorities can also reap significant energy savings from reduced water flows by decreasing energy costs associated with pumping water through treatment plants and distribution systems.

Finally, there are significant wastewater treatment-related gains that can accrue from water conservation programs. In fact, it is my hope that as this Congress focuses on the issues of water quality as we look toward reauthorizing the Clean Water Act, we will also be paying close attention to water quantity. There is a direct link between the magnitude of wastewater flows and the performance of wastewater treatment plants and septic systems, and it follows that individuals and communities can improve their ability to treat wastewater and reduce capital and operating costs for wastewater treatment by implementing conservation measures.

The two bills that I am introducing today would allow us to reap all of the benefits that water conservation has to offer—significant water and energy savings, lower water and sewer bills for consumers, sizable savings in wastewater treatment costs—with no appreciable difference in convenience or lifestyle. The National Plumbing Products Efficiency Act would set national efficiency standards for newly manufactured plumbing products and appliances that use water. Congress passed similar legislation for energy appliances in the 100th Congress, and I have modeled my legislation after that law.

In 1989, Massachusetts became the first State to set stringent water-saving standards for toilets. Since that time, the idea has taken off. Six States, the Delaware River Basin Commission and numerous municipalities have enacted plumbing product efficiency standards, and virtually every U.S. plumbing manufacturer now makes a variety of products that meets the standards laid out in my bill. In fact, this legislation would not only make sense from an environmental standpoint, but it would also aid the plumbing manufacturing industry by promoting an orderly national market with a uniform set of efficiency standards.

The enactment of efficiency standards also would boost demand for new plumbing fixtures and appliances. The average toilet, for instance, is replaced every 15 to 20 years. However, if consumers recognize that water conservation is necessary, and that water-saving products can keep down rising water bills, the demand for replacements will escalate. My legislation would foster consumer awareness about the value of water conservation by requiring labelling on plumbing products that indicate the amount of water used and the cost of operating the product.

The Municipal and Industrial Water Conservation Act complements the National Plumbing Products Efficiency Act by establishing an Office of Water Conservation within EPA. The primary function of the Office of Water Conservation would be to develop model water conservation programs for municipalities or industries and disseminate information about those programs. A number of States and municipalities have developed impressive water conservation programs, and many experts in the field believe that scores of others would follow suit if they had an opportunity to obtain technical assistance and information on such programs from a central EPA office.

In recognition of the role that water conservation can play in reducing the need for new or upgraded wastewater treatment plants, the Municipal and Industrial Water Conservation Act would also allow States and municipalities to use moneys from the State Revolving Funds created under the Clean Water Act for water conservation activities. In addition, it would create an Advisory Council on Water Conservation to report to Congress every 2 years with suggestions on promoting wise use of our water resources throughout every sector of our economy. Finally, the Municipal and Industrial Water Conservation Act would require the consideration of water conservation in all relevant environmental impact studies conducted in accordance with the National Environmental Policy Act. In this manner, we could be sure that Federal approval is never again granted for projects that fail to take into account the true value of water.

I look forward again to a constructive dialog with the plumbing manufacturing industry and others who would be impacted by these bills. I believe that it is worth noting that the plumbing manufacturing industry has come a long way in terms of developing water-efficient products since Senator FOWLER and I first introduced water conservation legislation in the fall of 1988, and I hope that we will be able to work together on perfecting these measures as they wind their way through the legislative process.

In closing, Mr. Speaker, let me say that it's time to take a fresh look at the way we use water in this country. We should all pay close attention to the drought conditions in California, because that situation could be replicated across the country—with the same devastating impact on cost of living and lifestyle—unless we start taking better care of our water supplies. I urge my colleagues to join me in cosponsoring the National Plumbing Products Efficiency Act and the Municipal and Industrial Water Conservation Act, which will ensure that we make efficient use of what must be considered our most precious natural resource.

HOOSIER HORSE SENSE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. JACOBS. Mr. Speaker, this column by R. Joseph Gelarden published in the February 5 edition of the Indianapolis Star is a good example of Hoosier horse sense and clear channel thinking. True patriotism sinks below the vocal chords—maybe even as far down as the pocketbook.

AMERICA'S DEBT TO THE TROOPERS OF DESERT STORM

(By R. Joseph Gelarden)

Vendors are selling American flags, Desert Storm T-shirts, caps and pins. In Indianapolis you can see the "Go Desert Storm" signs on taverns, legion posts and factories.

Radio stations hold rallies and sponsor promotions competing to see who can be first to get their fans and call letters on TV.

It seems as if much of America has decided that Desert Storm is a sporting event and is in the stands rooting for the home team. I can almost hear the cheers now: "Go Yanks—Beat Iraq." Or see bumper stickers saying, "Sack Iraq."

Except for the slimy, fast buck artists cranking out souvenirs to cash in on what they see as a fad, most of those involved in such activities are well-meaning, decent folks. Americans just want to express themselves. War triggers a combination of fear, hurt and uncertainty that demands expression—whether you are for or against it.

If you believe the polls, most folks believe Saddam Hussein is an evil monster and must be stopped, even if American boys (and now girls) must shed their blood to do it.

As soldiers have done for centuries, Americans are digging holes in the sand preparing for battle.

Soon, the bombing will slow and young American GIs will begin crawling through the desert sands.

Soon, America's sons will learn to kill.

My son's generation, like mine and that of my father, his father and his grandfather, will suffer the physical and mental wounds of war. Boys and girls will suddenly become men and women.

They will kill and be killed. They will wound and will be wounded.

In an instant, their version of the real world—high school, college and back home—will become a dream. In its place will be the confusion, dirt, noise, death and nearly uncontrollable fear of battle.

Like young Americans in all wars, most will exhibit the quite ability to function under fire that is called courage. From Concord to Khe Sanh, this courage is a proud part of our American heritage.

In choosing to begin Desert Storm, I hope and pray we are right. I pray for our president, our national political leaders, the military chiefs all the way down to rifle-toting private. I share their fears. I ache for their wives, husbands, children, mothers, fathers, brothers, sisters and sweethearts. I pray that God will bring them all home safely.

It will be up to the historians to judge whether America and her allies chose the wise and just course when they embarked on Desert Storm.

But I know one think for sure. This undertaking called Desert Storm is not a sporting event. Despite the daily tallies of Scuds and Patriots and numbers of enemy planes shot down, it is not a game.

For Americans who want to back our troops and show support, let's do something right for a change.

Let's offer to help and support the relatives of the service men and women. Let us write letters to the troops in the gulf, and bake cookies and ship off paperback books to help them combat lonely, fearful hours. When the time comes, let's all give our blood to help save the lives of the wounded.

But the best way we can show our support for returning troopers is to fund decent veterans' care programs and a new GI bill, one that will cover the skyrocketing cost of higher education.

This we must do. Our wariors deserve no less.

Remember, we are not giving them a present, a bonus. Fully funded veterans care and education programs are our rightful payment to satisfy a debt to America's sons and daughters. It is a debt we owe for the sacrifices they made in our name.

Let's turn our pep rallies into action. Lets talk to our representatives and senators.

And for God's sake, America, don't stop to trivialize the sacrifices of a half-million Americans by turning Desert Storm into a sporting event.

Sport is play.

War is serious business. Dead serious.

INTRODUCTION OF LEGISLATION TO REPEAL THE WRIGHT AMENDMENT

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. GLICKMAN. Mr. Speaker, today I am reintroducing legislation to repeal a section of law, commonly known as the Wright amendment, which prohibits commercial air carriers from providing service between Dallas Love Field and points located outside of Texas or its four surrounding States. Last Congress, groups such as the Consumer Federation of America supported my bill because they agreed the Wright amendment is nothing more than an egregious, anticompetitive, unconstitutional section of the law that must be eliminated.

The statute was originally passed as part of the International Air Transportation Competition Act of 1980 to protect then-relatively new Dallas-Fort Worth International Airport [DFW]. It was developed to ensure commercial air carriers moved from the older Love Field to the new primary airport serving the metropolitan Dallas-Fort Worth area. However, DFW is now the second busiest airport in the United States. Its gates are full and its runways are jammed with planes waiting to take off. DFW no longer needs protection from Love Field's competition.

Inflated airfares are the key reason repeal is needed. DFW has the 27th highest average airfares of the top 30 major airports. Dallas fares are excessively high because the low-cost carrier in that market serves Love Field and cannot quote fares from Love Field to cities outside of the five State area. With no competition in the market, other carriers charge outrageous fares to DFW. Sometimes fares are more than five times as high from cities outside the region than from cities inside the region, even when the two cities are equidistant from Dallas.

The Wright amendment is unreasonable. By allowing travel to Love Field only from points in Texas, as well as points in Louisiana, Oklahoma, Arkansas and New Mexico, it arbitrarily permits service from cities such as Albuquerque to Love Field—595 miles—but does not allow such service from Wichita—330 miles—to Love Field. The amendment does not even permit connecting service.

Under current law, a passenger traveling from Kansas City to Love Field would be required to purchase two roundtrip tickets—one to a connecting city, such as Tulsa, and a second rountrip ticket from Tulsa to Dallas. Not even luggage can be checked all the way through to Love Field. The Wright amendment requires the Kansas City passenger to claim his luggage in Tulsa, and then check it back in for his flight to Love Field.

A 1990 study by KMPG Peat Marwick concluded that additional airport capacity is needed in the area. Even a proposed $3.5 billion expansion at DFW will not solve the problem. The capacity issue could be greatly improved if the now-underutilized Love Field were given the opportunity to provide commercial service to points outside Texas and its contiguous States.

Under this restrictive law, it is not possible for consumers to have access to the advantages of deregulation and fully competitive airfares. Repealing the Wright amendment will open up competition, reduce airfares to competitive levels, and substantially increase business between markets. That, is what Congress intended to accomplish by passing the Airline Deregulation Act. It's time to eliminate this special interest section of law, so that the people of this Nation have competitive access to interstate travel as protected by the Constitution. It's time to repeal the Wright amendment.

WASTE TRANSFER

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. RICHARDSON. Mr. Speaker, I rise to reintroduce legislation I sponsored last Congress that would prohibit the transfer of solid waste in excess of 100 pounds from one State to another State for disposal, unless the State in which the waste is to be disposed of has given prior consent. Any person who knowingly violates the prohibition will be subject to a fine of not more than $25,000.

New Mexico, a rural State, is currently threatened by a solid waste crisis. The problem New Mexico is facing is the result of an acute shortage of landfill capacity in regions throughout the country compelling some States to search for alternatives outside their own borders. Obvious sites are those States with vast amounts of open terrain such as New Mexico. In fact, private waste management firms from across the country have already attempted to open new landfill sites in New Mexico. Last year a Maryland waste firm bought 23,000 acres of ranch land in Lordsburg, NM, and had plans to open a landfill about half the size of the District of Columbia. The company sought to bring as much as 20,000 tons of east coast trash a day by rail.

The proposed landfill sent the residents of Lordsburg scrambling for protection. Concerns were raised that such a dump would contaminate the community's ground water and pose other serious environmental hazards. Soon, fears mounted across the State that New Mexico would soon become the nation's dumping ground.

Mr. Speaker, I am introducing this legislation because New Mexico and other rural States simply should not be forced to accept out-of-State waste. While I can sympathize with the overwhelming waste management problems some States face, rural States should not have to bear the brunt of their problems. Further, simply looking for new landfill sites in order to dispose of the Nation's solid waste is not good policy. We must begin to utilize waste minimization and recycling technologies through the development of a comprehensive waste management policy. As a member of the Subcommittee on Transportation and Hazardous Materials, which will consider the reauthorization of the Resource Conservation and Recovery Act, I look forward to working with my colleagues on this issue.

LEGISLATION RELATED TO THE HERBERT BONNER BRIDGE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. JONES of North Carolina. Mr. Speaker, I rise to introduce legislation that will facilitate the repair of the Herbert C. Bonner Bridge. Last October, the Bonner Bridge was severely damaged when a dredge under contract to the Army Corps of Engineers broke loose from its moorings and crashed into the bridge. The bridge was severed and in the ensuing months emergency ferry boat service was instituted to provide transportation between Hatteras Island and the rest of North Carolina.

As many of my colleagues are aware, the Federal Government provides emergency highway assistance to States in which vital transportation links have been disrupted through accident or natural disaster. Federal law provides that the Federal Government will assume 100 percent of the cost of repairs incurred within the first 90 days following an accident. The bill I am introducing will extend the period of time Federal funds will be available to repair the bridge. In the past, Congress has extended the time period during which Federal funds were made available to a State.

In this instance, North Carolina has made a good faith effort to expeditiously repair the Bonner Bridge, however, due to the forces of nature, the State has been unable to complete the repairs. The waters off the coast of North Carolina are extremely rough and the area has been described as the "graveyard of the Atlantic". The strait over which the Bonner Bridge passes is subject to extremely strong currents. These conditions have forced the State to proceed with caution. The State did not risk lives just so that it could save a few State dollars. When conditions were harsh, work was discontinued in order to protect lives.

As I pointed out, the need for an extension of time is not a unique situation. Congress extended the 90-day period and required the Federal Government to pay for repairs necessary as a result of the California earthquake. Similarly, States were given 180 days to seek reimbursement for damage caused by Hurricane Hugo. In both instances, the States were also relieved from the penalty imposed by 26 U.S.C. 157(a)(3). This provision of law reduces the amount available to a State for other highway projects if the State must seek emergency Federal funds. My legislation will provide similar relief to North Carolina.

Congress, in granting the above-cited relief was responding to natural disasters. The damage to the Bonner Bridge did not result solely from a natural disaster, but rather a combination of high winds that tore a dredge from its moorings and subsequent negligent action by the crew. In fact, the Federal Government has perhaps a greater obligation to assure that necessary funds are made available, since the damage and disruption caused by the accident seemed to directly result from the negligence of a contractor acting in conjunction with a Federal entity, the Army Corps of Engineers.

It is crucial that the Bonner Bridge be repaired as promptly as possible. The Bonner Bridge carries the only highway linking Hatteras Island and the mainland. Island residents have been isolated except for ferry boat service which has frequently been interrupted by inclement weather. The impact on persons living on Hatteras and working elsewhere has been significant, greatly increasing travel time to and from work. The transport of food, medical supplies, and other necessities has been disrupted.

The tourist industry on the island has been decimated, injuring businesses and reducing State revenues. It is estimated that between $80 to $90 million in revenue and taxes would be lost if the bridge were to be inoperative for a year. Finally, the cost of emergency ferry boat service is running over $21,000 a day.

Clearly, the State is eager to repair this vital link. I ask my colleagues to support this emergency legislation that will assure the prompt restoration of important service to Hatteras Island.

THE 70TH ANNIVERSARY OF THE NEGRO NATIONAL BASEBALL LEAGUE

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. WHEAT. Mr. Speaker, it is with great pride that I bring to the attention of my colleagues a very special event. On February 13, 1991, the Negro Leagues Baseball Museum in Kansas City, MO, will celebrate the 70th anniversary of the founding of the Negro National League.

It is fitting that we here in Congress and the entire Nation join the Kansas City community in honoring the outstanding achievements of an unheralded group of men, the players of the Negro baseball league.

In recent years, Americans have benefited from an explosion of information about black Americans in all walks of life whose accomplishments went unsung at an earlier time in our Nation. This is especially true of the remarkable achievements of the players of the Negro National League.

When Jackie Robinson joined the Brooklyn Dodgers in 1947, and became the first black major league player, it was front page news. What we rarely hear about were the successes of other baseball greats such as Josh Gibson, Satchel Paige, Hilton Smith, Bill Drake, and other legendary players of the black baseball league.

For more than a quarter century, in more than 40,000 games, the talented sluggers, pitchers, and fieldmen of the Negro league exhibited their uncommon skills in virtual obscurity. In its celebration of February 13, Kansas City's Negro Leagues Baseball Museum is taking steps to shine a long-overdue spotlight of recognition of these accomplishments.

It is appropriate that Kansas City would undertake this tribute because it was in that town, 70 years ago, that the league got its start. In the American tradition, representatives of the Nation's black teams—including the Kansas City Monarchs—met at the YMCA and Street's Hotel to draft a constitution that laid down the guiding principles of the Negro National League. Despite the hardships imposed by the rigid racial barriers of the day, the league managed not only to survive, but to flourish and enrich American history.

I am proud to note that some of black baseball's legends have over the years made Kansas City their home—greats like Buck O'Neill and Connie Johnson, Allen Bryant, James LaMarque, and Alfred "Slick" Surratt. St. Louis is home to former leaguers, James "Cool Papa" Bell and Lee Moody. Another Missouri legend, Ulysses Holliman, lives in Plattsburgh.

To help give these great athletes their rightful place in American history, I was honored to sponsor with Congressman JOHN LEWIS of Georgia a resolution in the U.S. House of Representatives designating June 12, 1991 through June 19, 1991, as "Negro Baseball Leagues Recognition Week." This legislation will serve as a reminder of the enduring contributions these players made to our national sport.

By setting aside time to commemorate the black heroes of baseball, Kansas City's Negro Leagues Baseball Museum is helping to draw attention to a phenomenon that is important not only to black history and sports history but to the history of all America.

FUNDING MASS TRANSIT THROUGH A 10-CENT GAS TAX INCREASE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to introduce legislation that will assure annual funding for mass transit and reduce our Federal deficit. I propose placing a 10-cent-a-gallon additional tax on gasoline, earmarking 3 cents for mass transit and returning the balance to the Treasury for deficit reduction. The tax would be added to the current 14.5-cent-a-gallon tax, of which 1.5 cents goes to the mass transit trust fund. My bill would also make the 5-cent-a-gallon tax agreed to in the 1990 budget agreement permanent. That tax is scheduled to expire in fiscal year 1995.

Each year we have a battle trying to protect mass transit aid. Each year we work to resolve our Federal deficit. For every cent the gas tax is raised, the Federal Government collects $1 billion in revenue. Essentially, by increasing the Federal gas tax by a dime and making the 1990 5-cent-a-gallon tax permanent, the Government would raise over $4 billion annually for mass transit as well as an additional $9.5 billion for deficit reduction.

Many may question the costs that are passed onto the consumer. Study after study conclude that the costs would be minimal. The 10-cent-a-gallon tax would add approximately $40 to the annual costs of operating an automobile. Even with the nominal increase that has resulted from the Persian Gulf war, gasoline prices are still below their peak level of $1.96 in March 1981. In addition, while Americans are paying about $1.30 a gallon for gasoline, Germans pay $3.04 a gallon, Japanese $4.18, and Italians $5.30. Finally, increased funding will enable mass transit to become more cost efficient. This, ultimately benefits low-income households which remain dependent on mass transit.

In addition to preserving mass transit and reducing our Federal budget deficit, the legislation would conserve energy and protect our environment. Maintaining energy efficient mass transit will conserve limited domestic petroleum resources and avoid further growth in the risky dependency of foreign sources. The enactment of this tax will also reestablish a gas conservation ethic. With regard to the environment, reduced gasoline use will help with respect to our massive carbon monoxide and ozone noncompliance problem, as well as have a positive impact on the greenhouse effect scientists have warned about.

I urge my colleagues to join me in protecting our environment, conserving energy, maintaining equitable funding for mass transit, and reducing our Federal budget deficit.

EMPOWERMENT TO THE PEOPLE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. GINGRICH. Mr. Speaker, 1 week ago, I sat in this Chamber and listened to President Bush deliver a deeply moving and highly emotional State of the Union speech. History will surely be kind to the President for the leadership, courage, and strength he is providing for our country during this difficult time. I would like to thank the President for his outstanding leadership and to share with my colleagues some of the discussion that has served as a prelude to this policy initiative.

In the past few months, there has been plenty of speculation and criticism of the Bush administration's domestic agenda. New solutions to old problems, new names for old ideas, and new allies and enemies have emerged as political observers have tried to predict what direction the President would lead our country.

After all was said and done, the President wisely chose, as the Founders of our great Nation did many years ago, to empower the people.

"We the people"—a concept whose value the bureaucracy and Great Society programs have attempted to diminish. President Bush correctly stated in his State of the Union speech a major goal of his administration—that we the Nation shape our future—"by strengthening the power and choice of individuals, and families."

"We the people"—for over two centuries our families and communities have understood the strength they unleash when they work together. Long before the American bureaucracy was established, problems were solved and creative solutions were developed by people helping people. Our families were stronger because of this—our communities were responsive to the individual—and the Government understood that the strength of each of these became the strength of our great Nation.

And finally, "We the people"—the ability to make our families, neighborhoods and country a stronger and better place for the future. The role of the Government should be to empower people with the knowledge of new and better ways to solve their local problems. The greatest disservice our Government can do to its people is to put restraints on their endless ability to develop creative and workable solutions to the problems they confront.

My friend, Philip Kent of the Augusta Chronicle, published an editorial in which he asked which side the President was on regarding the Nation's domestic agenda. The President has spoken. I take comfort in knowing that he is on the side of we, the American people.

A NEW PARADIGM?

Fierce debate rages within the Bush administration, and the Republican Party, over strategy for the '90s.

On one side are Budget Director Richard Darman and non-ideological pragmatists who preach "resource allocation" and compromise with congressional Democrats.

On the other are veteran Reaganites (HUD Secretary Jack Kemp and Rep. Newt Gingrich, R-Ga., among them) who want a "new paradigm" for education, race and poverty issues based on "empowerment."

What's a new paradigm? What's empowerment?

Well, the new paradigm, or model, places emphasis on free enterprise economic growth based on capital gains tax reduction. (The successful GOP paradigm for the '80s was the Reagan three-year tax cut.)

To many Democrats, empowerment means giving power to government to control people. But Kemp, Gingrich & Co. don't want that. They want freedom for people to control their own affairs.

The poor don't want paternalism, they want opportunity. They don't want the servitude of welfare, they want to obtain jobs and private property. They don't want dependency, they want a declaration of independence.

The big question: Where does President Bush stand with regard to all of this?

He has given lip service to the "new paradigm"—and even his own White House policy aide, James Pinkerton, gave a major speech touting empowerment last spring.

Amazingly, though, Darman publicly attacked Pinkerton's remarks as "fad-ism" and "new Newt-ism."

Darman has since half-heartedly apologized to Gingrich (and for his tone), but the president so far hasn't moved to squelch the infighting among his supporters.

Richard Nixon once told historian Theodore White that the country "could run itself domestically without a president." Is Bush following such erroneous advice?

Perhaps, the President's State of the Union address next month will provide clues as to which "side" he is on.

The worst course for Bush to take, which is the present course, is no course at all.

DIRTY SECRETS BEHIND THE BUDGET MESS

HON. FREDERICK S. UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. UPTON. Mr. Speaker, the following is an article published in the February 1991 issue of the Reader's Digest that I believe warrants the attention of all Members of Congress. It talks about our inability to control Federal spending, gives examples of the wasteful projects we fund, and outlines the tricks we use to give the illusion we are reducing spending. I know many of my constituents will read this article and not find it a good report card on our actions. I share their concern. We cannot forever continue the wasteful abuses described in the article and must act to eliminate them. We owe the American taxpayer no less.

[From the Reader's Digest, Feb. 1991]

DIRTY SECRETS BEHIND THE BUDGET MESS

(By Fred Barnes)

During last year's budget crisis, Rep. Harris Fawell (R., Ill.) had a helpful idea. Why not slash unnecessary spending Congress planned for itself? On the floor of the House, Fawell proposed an amendment cutting $375,000 for renovations to the House beauty parlor and $25,000 for a study on a proposed gym for House staffers.

Fawell was shouted down and labeled a sexist for targeting the unprofitable, taxpayer-subsidized beauty parlor. House Democratic leaders arranged a non-recorded vote so no one could be blamed for killing the amendment.

In a federal budget of nearly $1.4 trillion, the money saved by Fawell's modest proposal would have been insignificant. But the episode reflects an enduring truth: despite pious talk, Congress continues to spend taxpayers' money at a furious clip, and the executive branch usually goes along willingly. What's more, they go to extraordinary lengths to deny it.

When the five-year "deficit reduction" agreement was reached last fall, officials claimed $42 billion in savings. That's a sham. What they didn't mention—and the press didn't report—is that actual spending will increase by $111 billion, or $480 for every man, woman and child in the nation. Worse, the deficit, according to the government's own official figures, will grow larger.

On the very day the deal to curb the deficit was forged, Congress voted to increase social-welfare spending this year by $22.6 billion. The five-year deal includes $136 billion in additional funds for non-defense discretionary programs. Mandatory outlays for Social Security and Medicare will rise more than $200 billion.

A culture of spending dominates our national capital. An "iron triangle" of the unelected—executive-branch bureaucrats, Congressional committee staffers, special-interest lobbyists—aggressively protects each program and pushes unrelentingly for more. Members of Congress believe spending helps them get re-elected. With few exceptions, agency heads appointed by the President regard greater outlays as a measure of their success.

In four years as Education Secretary, William Bennett learned this the hard way. At first he loyally defended President Reagan's proposed cuts. He found himself nearly alone among Cabinet members. Over the next two years, he was attacked by educators, reviled by his own bureaucrats and overruled by Congress. In 1987 Bennett rebelled and insisted on a boost in spending. "There was no political gain in ruthless cutting," a Bennett aide says. "You could be a reformer but not a cutter."

Official Washington has created a myth to justify higher spending in the 1990s. As Sen. Robert Byrd (D., W.Va.) puts it, domestic discretionary spending is the "little runt pig" of the Federal budget that has been "on the cutting table for ten years." It hasn't. Domestic spending was trimmed in 1982, then grew rapidly during the next eight years. Outlays for many programs rose substantially, including education for the handicapped (50 percent), National Institutes of Health (47 percent), National Science Foundation (36 percent), medical care for veterans (25 percent) and Environmental Protection Agency (22 percent).

The biggest problem on Capitol Hill, says Rep. Dick Armey (R., Texas), is "the committee mystique." Members from farming areas angle to get on the Agriculture Committee. Those from port cities join the Merchant Marine and Fisheries Committee. Those eager to keep military bases in their district hope to serve on the Armed Services Committee.

There's a tacit rule: to get what you want, you go along with what other committee members want. And it's taboo to challenge the programs of another committee. "You don't want them challenging yours," says Rep. Tim Penny (D., Minn.), a leader for deficit reduction.

Rep. Vin Weber (R., Minn.) a conservative who believes in spending reductions, was happy to leave the Budget Committee, which cuts, and join the Appropriations Committee, which spends. Weber had discovered Washington's dirty little secret: cutting is a political minus.

Chairmen of appropriations subcommittees retaliate when they're crossed. After Fawell criticized nonessential spending in an "emergency" appropriations bill last year, extra funding for a project in his district was deleted. When Rep. Clay Shaw (R., Fla.) voted against the wishes of Rep. William Lehman (D., Fla.), a subcommittee chairman, Lehman scratched $1 million in funding for a tunnel in Shaw's district.

Budget watchdogs such as Penny and Rep. Bob Walker (R., Pa.) are treated like pariahs. "A large number of colleagues wouldn't come to dinner at my home," Penny says. An Appropriations Committee member once remarked of Walker: "The only cement that will ever be poured in Walker's district is that around his feet when we throw him in the river."

"In a corporation, everything is geared toward minimizing overhead," says Mark Everson, a Chicago manufacturer who was a top official in three Washington agencies from 1982 to 1988. "In government, almost nothing is." Like many others, Everson discovered another of Washington's dirty budget secrets. Instead of being rewarded, officials who make economy a top priority can count on being criticized by Congress, jumped on by lobbyists and undermined by bureaucrats in their own agencies.

When Charles Heatherly became head of the Small Business Administration (SBA) in 1986, the agency was facing $345 million in bad loans. Heatherly was hauled before a Congressional committee for a scolding—but not for the bad loans. His transgression was trying to streamline the SBA by jettisoning failed programs. A phalanx of interest groups—the National Small Business Association, Small Business United and the American Association of Minority Enterprise Small Business Investment Companies—weighed in against him. To SBA bureaucrats, Heatherly was the enemy. "Not one of them came to me at SBA and said, 'We're with you on this. What can we do to help?'" Heatherly says.

Because the big spenders presented a united front and taxpayers made little noise, the SBA was kept alive and spared further budget cuts. "The iron triangle worked," says Heatherly.

Sometimes the triangle can be very clever. For fiscal year 1991, the Senate and House would have agreed to a smaller appropriation for the SBA. The Senate voted to give the agency $440 million; the House voted $438 million. But the Senate-House conference did not come up with the compromise figure you might expect, $439 million. Instead, it pegged SBA spending at $469.5 million.

This upward compromise is but one trick Washington employs to create the illusion of spending reduction. Here are seven others:

Artificial Base Lines. Imagine a company president who hopes for a $100,000 pay increase. Instead he receives a $75,000 hike, and then he claims a $25,000 pay cut. Crazy? In Washington it's routine.

Rather than use this year's level of spending as the starting point for next year's budget, an artificial "base line" is created, the effort of which is automatic spending increases every year. Then, if proposed outlays are less than the base line, Washington claims a "cut"—even through spending actually rises.

That's what's happening now. The baseline budget for the current fiscal year originally called for spending to rise $130.8 billion. But because it will go up "only" $111 billion, Congress and the White House insist spending was cut $19.8 billion. With a projected revenue increase of $22.2 billion, they claim a total "savings" of $42 billion.

Off-Budget Spending. Last year, Congress "reduced the deficit" $2 billion by dropping the Postal Service subsidy from the official budget. The subsidy was still paid, only it was done off-budget. Off-budget programs include direct loans, loan guarantees, federal insurance and government enterprises.

Of course, real money is involved whether or not a program is formally in the budget. In 1989, loan defaults and write-offs were $14.4 billion and insurance losses $67.2 billion, all picked up by the taxpayer. The total liability of taxpayers for off-budget programs is almost $6 trillion, or $67,000 for every U.S. household.

Fake Ceilings. With great fanfare and self-congratulations, legislators establish spending ceilings. Then these limits are quietly ignored.

The original Gramm-Rudman deficit reduction law of 1985 called for gradually declining deficits. The first ceiling, for 1986, was topped by $49.3 billion. In 1987 the law was changed, and the deficit was supposed to have dwindled to $100 billion in 1990. It was $220 billion. This year, it is projected at $260 billion. Now Washington projects declining deficits in 1993 and 1994. Good luck.

Underestimating. In 1983 Congress approved $8 billion to build a space station. By 1987 the price was $12 billion. Now it's $36 billion. Agriculture Department economists said the 1985 farm bill would cost $54 billion. A month later, after the bill had passed, the estimate was upped to $85 billion.

"There's a generic pattern," says Congressional staffer Frank Gregorsky. "Once the legislation is passed, once the various clients are mobilized, once the bureaucracy is engaged, once the contractors start marking up—expenditures overshoot the promised levels." Spenders get their foot in the door by underestimating the costs of new programs.

"Emergency" Appropriations. In recent years, emergency appropriation bills have become vehicles for pork-barrel spending.

Last year President Bush asked for a "dire emergency" appropriation to pay for flood relief in the South and aid to Panama. Congress tacked on another $1.4 billion—including $3 million for a convention center in Washington, DC, $5.8 million for a Franklin Roosevelt memorial and $750,000 toward a ferryboat for American Samoa.

Transfers. A clever way to increase a discretionary program is to switch funds into it from an entitlement program, which has no ceiling and thus requires no new appropriation.

"A classic abuse of transfer authority," note budget experts John Cogan and Tim Muris, was the shift of food-stamp funds into the Agriculture Department's extension service. The Agriculture Stabilization and Conservation Service (ASCS) supposedly suffered a cut of $300 million in real spending between 1981 and 1989. Actually, funds were transferred from the Commodity Credit Corporation, which pays for farm price supports. ASCS spending actually *rose* by one-third.

Earmarking. Last year alone, Sen. Dale Bumpers (D., Ark.) says, an appropriations subcommittee got 2800 requests from other Senators to designate funds for projects in their home states. During the 1990 budget "crisis," Rep. Walker pointed out ten research projects that were sneaked into the Energy Department's budget and deserved cutting. One allocated $4.8 million to a technology center at Indiana State University in the district of Rep. John Myers (R., Ind.). Funds for it and the other projects Walker cited were overwhelmingly approved.

In Washington, DC, where there are no farms, $1 million was appropriated for the Agriculture Extension Service. Also approved was $500,000 to restore the boyhood home of bandleader Lawrence Welk in Strasburg, N.D. This expenditure was sought by Sen. Quentin Burdick (D., N.D.). It prompted Rep. Silvio Conte (R., Mass.) to say: "That is right—and a one, and a two, and a three, and a four, and a $500,000. What will they do for an encore? Earmark funds to renovate Guy Lombardo's speedboat? Or restore Artie Shaw's wedding tuxedo?" Despite Conte's ridicule and criticism by President Bush, the Welk project was not killed.

Even the defense budget is used for earmarking. Tucked into the 1991 Pentagon budget was $5 million to build a new parliament building in the Solomon Islands and $10 million for a National Drug Intelligence Center that federal officials wanted in Washington. Not surprisingly, the drug intelligence center will be located in the home state of Rep. John Murtha (D., Pa.), chairman of the House Appropriations defense subcommittee.

Political scientist James Payne, an expert on government spending, measured the ratio of those witnesses at Congressional hearings who testified for spending programs to those who testified against. His finding: pro-spenders outnumber opponents by 145 to one. Payne also found that roughly half the pro-spending witnesses are federal administrators and another ten percent are state and local officials. It's only human nature that they'd have kind words for their own programs and ask for more money.

When will the spending binge cease? Not until taxpayers rise up. "Congress is going to go on spending until the public stops them," laments Walker. "Politicians respond to special-interest groups," says Penny. "They've been forgetting there's a general interest group—taxpayers."

It's time for taxpayers to remind them.

VINEYARD GAZETTE: NEWSPAPER OF THE YEAR

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. STUDDS. Mr. Speaker, I want to congratulate all those involved with the success of Martha's Vineyard's outstanding newspaper, the Vineyard Gazette.

Over the years, the Gazette has sustained a standard of excellence that consistently makes it worth reading—and rereading. That is why the Gazette has been named by the New England Press Association as the 1990 Newspaper of the Year.

I am proud to call attention to the Gazette's achievements, and ask that this editional on this honor be reprinted here for the possible interest on my congressional collegues.

NEWSPAPER OF THE YEAR

The Vineyard Gazette was named the best community newspaper in New England last weekend. The 1990 Newspaper of the Year honor was announced in Boston at the annual awards banquet of the New England Press Association.

It is not often in this editorial column that the Gazette speaks of its own journalistic achievements. But this represents a particularly proud moment for the entire staff of the Vineyard Gazette. Judging panels in the New Jersey and New York area recognized the paper for distinguished journalistic work in all aspects of newspapering, including editorial, photographic and advertising achievement. The Gazette received more top honors and more total awards than any other community newspaper in New England.

In addition to the Newspaper of the Year award, the Vineyard Gazette captured first places in the largest circulation category for general excellence, for business and economic reporting, for the best special section, and for pictorial and sports photography. Among its other awards, the Gazette won a second place for advertising work and a third place for outstanding community service for a series of stories about problems facing the central commercial districts of Island towns.

The Vineyard Gazette is honored to be named the best community newspaper in the six-state New England region. But we believe the Island community where we live and publish deserves recognition and a large share in all these honors. A good news newspaper is but an accurate reflection of life in the community it serves. And if the Gazette is honored, so also are the people who live and work in the this community of Martha's Vineyard.

KINDERHOOK, NORTH HUDSON DISTRICT ELKS TO HONOR STEPHEN R. RACE, SR.

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SOLOMON. Mr. Speaker, I like to think that my district, the 24th New York, has a remarkably high number of people I call unsung heroes, people who give a great deal of themselves to their neighbors and communities without much fanfare.

Today I'd like to say a few words about one of those unsung heroes. His name is Stephen R. Race, Sr., past exalted ruler of Kinderhook Elks Lodge No. 2530.

On March 2, Elks of Lodge No. 2530 will honor Mr. Race for his year of dedication and unselfish labor and achievements while serving as district deputy grand exalted ruler of the North Hudson District. The other eight lodges of the district will also take part in the ceremonies.

As a long-time Elk myself, I ask Members of this body to join me today in paying our own tribute to Stephen R. Race, Sr., for his leadership, service, and commitment in time over the past year.

WHY IS THERE NO VACCINE FOR THE AIDS VIRUS?

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. GEKAS. Mr. Speaker, I want to bring to the attention of my colleagues the outstanding program that was presented at the Congressional Biomedical Research Caucus' first staff luncheon for health policy staff of the Congress on January 15, 1991. The program in which Representative BEN GILMAN of New York and I participated "Why Is There No Vaccine for the AIDS Virus?" was presented by two expert biomedical researchers, Dr. Thomas D. Pollard, M.D., director and professor of cell biology and anatomy at Johns Hopkins University School of Medicine, and Dr. Malcolm A. Martin, M.D., chief of the laboratory of molecular biology at the National Institute of Allergy and Infectious Diseases, National Institutes of Health.

The caucus is striving to provide a forum where health policy staff of the Congress can become better acquainted with each other to facilitate communications on national health policy issues in an informal setting. The recent luncheon was, I believe, very successful in meeting this objective and we plan to offer other opportunities for these exchanges on such pressing topics as cancer and Alzheimer's. Another goal of the caucus is to provide Members and congressional staff informative and timely briefings by experts from the biomedical community on issues commonly presented by constituents to health policy staff. Certainly, the question of our progress on a vaccine for the AIDS virus is a pressing public health issue of concern to every congressional office. Members and staff attending the program indicated that they had many questions explained about why it is more difficult to develop a vaccine for the AIDS virus than for polio or smallpox. We learned about the NIH's latest efforts to develop an AIDS vaccine and research paths that may be successful in providing the public safety from this almost always fatal disease. I encourage both Members and staff to attend these programs and make the time in their busy schedules because they will gain valuable information and help to better serve their constituents.

The following excerpts from our speakers will provide required insight about the role of biomedical research in meeting public health problems like AIDS. The text of the remarks before the Congressional Biomedical Research Caucus by Dr. Thomas D. Pollard and Dr. Malcolm A. Martin follows:

HOW DOES BASIC BIOMEDICAL RESEARCH RELATE TO HEALTH CARE?

(Presented to the Congressional Biomedical Research Caucus, January 15, 1991 By Thomas D. Pollard, Professor of Cell Biology and Anatomy, The Johns Hopkins Medical School)

INTRODUCTION

I thank Congressman Gekas for the opportunity to meet with you today. We hope that this is one of many such opportunities in the future. I am a physician who decided to pursue fundamental research, because I could have a larger impact on patient care through basic research and teaching than by treating individual patients. I have pursued this career for nearly 20 years and have been gratified that my own research has progressed from an initial curiosity about how a single cell moves to a fairly detailed understanding of many of the molecules responsible for this fundamental property of life.

Three years ago I had a frightening personal encounter with colon cancer that reaffirmed my conviction about the importance of basic research. Even though my attention was focussed on the details of operations and chemotherapy, the main thing I learned as a scientist-patient was how frustrating it is to deal with a deadly disease about which we know so little that physicians do not have adequate tools for definitive diagnosis and treatment. Thanks to the skillful surgeon, I am still doing well, but if my disease had advanced even a little bit further at the time of diagnosis, my doctors would have been helpless. Biomedical scientists are looking for the information that will allow physicians to deal with illness in a definitive way.

Let me start with a short anecdote. Last year I had the following conversation with a bright, college-educated contractor who was working on our house. He asked me why I spent such long hours at work, even Saturdays. I told him that I am a professor doing research in cell biology and that there were always exciting things to do in the lab—that I actually enjoyed working. He asked, "What is so interesting?" I replied that there were lots of little things that only an expert could appreciate, but the big thing that stimulates everyone is that we are starting to see the big picture, that all of the little pieces that each individual scientist works on are starting to fit together. He was sophisticated enough to be surprized and replied, "I thought that you scientists are always pushing back endless frontiers, that you work hard, but basically you never get anywhere."

Some of you must have similar thoughts, particularly when we scientists come to Washington to ask for support. You see billions of dollars invested each year but must wonder whether our citizens are getting a good bang for their bucks. To be sure there are triumphs such as the recent discoveries of a number of genes responsible for hereditary diseases including muscular dystrophy and cystic fibrosis, but you must wonder:

Why don't we have a vaccine for AIDS?

Why don't we have a "cure" for cancer?

How does basic biomedical research impact clinical medicine?

QUESTIONS, ANSWERS, AND OPPORTUNITIES

The reason that we still have more questions than answers is that living organisms, particularly ourselves, are extremely complicated. Biological systems are incredibly well built but much more complex than the most sophisticated man-made machines. Flies are built much better than Boeing 747's. They not only have more parts, but they can reproduce in a few days, lift heavier loads and take off and land more reliably. Humans are, of course, much more complex.

This complexity provides a tremendous challenge for biological scientists. We want to understand how cells and the organisms that they make up are put together. One way is the reductionist strategy that dominates biology today. We want an inventory of all of the parts. We want to know in detail how each of the parts works and how the various parts function together. From this analysis we are confident that we will understand the function of whole organisms, including humans, at the molecular level.

These goals have intrinsic scientific interest, but more importantly, this knowledge will have direct impact on the health of every citizen. To help you understand the connection between the abstract goals of cellular and molecular biologists and health care, let me try the following analogy:

If your TV breaks down, you can expect that the TV repair shop will fix it. Your faith is well founded if the repair person has a complete blueprint of your TV and understands how all of the electronic components contribute to its operation. On the other hand, if you brought your TV to me, I could not fix it because I have neither the plans nor any understanding of how the individual parts work.

In the same way, we physicians are limited in what we can do for our patients, because we have only an incomplete blueprint and a limited understanding of how our various parts work. When confronted by patients with most diseases, physicians now are better off than I would be faced with a broken TV, but the holes in our knowledge limit our success. Fundamental improvements will only be made through deeper understanding of basic biological processes.

Basic scientists are optimistic that we can contribute this knowledge because we are on the verge of understanding, at the molecular level, many of the fundamental processes of life. For example, how cells decide to multiply or not, how cells move and how cells respond to external signals—a list with immediate relevance to cancer and other diseases.

Through years of hard work, largely financed by the NIH, many important general principles are starting to emerge. Even though our knowledge is still fragmentary, we now know enough that cells are starting to make sense at the molecular level. Almost every week new concepts, connections and (most importantly) simplifications emerge, so I expect that we will eventually be able to explain the fundamentals of life with a limited set of general concepts. For example, research in the past decade has revealed that our ability to see each other here today is based on the same type of biochemical machinery that allows amebas to communicate with each other out in the soil. The good news is that life processes are based on a complex but limited repertoire of molecular mechanisms, mechanisms that are within our reach if the funds and people are available to do the work.

We are also optimistic because most of this work has been done during your lifetimes and the pace of discovery accelerates all of the time. Experiments that one could only dream about in 1960 are now possible on a routine basis due to fantastic (but often costly) improvements in techniques. Each scientist can now be much more productive than ever before.

THE UNFINISHED BUSINESS

Let's see what we still need to learn:

We know that cells consist of many thousands of different kinds of parts, each present in hundreds to millions of identical copies. We have named and characterized a few thousand of these parts, but there are still big gaps in our knowledge. We need to complete this inventory and characterize the major components.

One part of this knowledge comes from analysis of genes, including the kind of work supported by the Human Genome Project. But to understand the mechanism of action of the product of each gene, it is usually necessary to isolate and characterize the protein product, a task that might take several laboratories a decade or two, a big job, but one well worth the investment.

Then we need to determine how the various components interact and how they are regulated.

If provided with the resources to reach these goals, we can look forward to a day when we will have enough fundamental information about normal cells to make it possible to identify the specific molecular defects in disease. This knowledge about the underlying molecular defects in disease will change medicine in fundamental ways. I expect that rational approaches will supplant empirical approaches to prevention, diagnosis and treatment. For example, rather than treating the symptoms, like we now do for most diseases including the common cold, arteriosclerosis and cancer, we hope to be able to intervene to correct or prevent the underlying molecular defects that cause the symptoms.

SOME RECENT BREAKTHROUGHS

Muscular dystrophy and cystic fibrosis are beautiful examples of the complementary nature of targeted and untargeted research. Recently, highly focussed international research efforts have identified and sequenced the genes causing these common hereditary diseases. Remarkably, the proteins coded by these genes were easily recognized as relatives of proteins from other systems and other organisms that had already been studied in detail. These analogies immediately provided major insights into the mechanisms of these common diseases, even before the defective proteins had never been examined. The earlier studies on the related proteins were done for completely different reasons as part of the untargeted research on basic biological processes that is supported by the NIH and NSF.

Colon cancer is an example of a very common disease (affecting 1 to 20 Americans) where a lack of understanding of the molecular defects prevents definitive treatment in many cases. But there are reasons for optimism. Recent work has established that a small number of specific genes are defective in many of these cancers. Investigators expect that these genes are part of a delicate network of genes controlling cell division. The cancer cell multiply abnormally because their control circuits are defective. At the very least, this knowledge will aid in the identification of individuals at high risk for the disease, who can then be carefully watched for the early signs of disease. Ultimately, we can hope that a full characterization of the products of these genes will lead to specific new thereapies to replace the relatively nonspecific forms of chemotherapy and radiotherapy that we must rely on today.

This is only a small part of the story of how basic biomedical research will impact the health care of you and your family in the years to come. The research community is eager to do this work and looks to Congress for continued support of our efforts.

The formation of the Congressional Biomedical Research Caucus has encouraged the research community and it is the support that we need to continue our work. We welcome the opportunity to present our views to the Congress and to be among the many interests concerned with developing health policy for the nation. The Caucus will provide an ongoing relationship with the Congress and a forum to exchange views.

TESTIMONY OF MALCOLM A. MARTIN, M.D.

It is a privilege and honor to be invited here today by the Biomedical Research Caucus and speak to you about why it has been so difficult to develop an AIDS vaccine. As many of you know, I am presently an employee of the National Institutes of Health where I head a basic virology laboratory in the National Institute of Allergy and Infectious Diseases. My background is only unique in that I am a so-called physician scientist—a Yale Medical School graduate who, following an internship and residency at the University of Rochester, joined the U.S Public Health Service in 1964 to fulfill my military obligation. I have been at the NIH every since. In 1964 I was extremely interested in infectious diseases, particularly viral diseases, and wanted to understand how viruses damaged tissues and killed cells, or in the case of retroviruses, which I have studied for the past 20 years, how they produced leukemia in mice. During this period I became so taken with basic biomedical research, that I elected to remain in the laboratory rather than practice medicine. Over the years at the NIH, I have worked with and have become familiar with a number of different animal viruses. Many of these agents do not cause terribly serious diseases but rather, because they are so small and compact and live in mammalian cells, they serve as simple models of cancer, cellular differentiation, and gene regulation.

Today I'd like to share with you what I've learned about the human immunodeficiency virus or HIV as we now refer to it, and try to explain why it has been so excruciatingly difficult to design an effective protective vaccine for AIDS. We've learned a tremendous amount about HIV during the past 7 or 8 years including: how to detect HIV in infected people or in samples of blood (purging of blood supply), we've learned in what tissues and organs the virus resides and multiplies in the body of an infected person; we've learned how the virus directs the production and assembly of newly synthesized virus particles, and we've identified points of vulnerability during the virus life cycle, some of which have resulted in the development of useful antiviral drugs such as AZT. One can rhetorically ask, if we have learned so much and now know so much about HIV, why hasn't a useful vaccine been developed?

The answer is obviously not simple—in fact it is enormously complex as you will learn over the next few minutes. Perhaps it would be useful to begin by briefly discussing viruses for which effective vaccines have been developed in order to put the problem with HIV in the proper perspective. Effective vaccines are currently available for several viral diseases including polio and smallpox. How are these agents or the diseases they induce different from HIV and AIDS? First, the polio and smallpox viruses and viruses like them have a simple and direct way of attacking cells. They invade their cellular targets (cells of the intestinal tract in the case of polio or cells in the respiratory tract in the case of small pox), they commandeer the cellular machinery to exclusively produce progeny virus particles, killing the virus-producing cells in the process. Their is nothing fancy or subtle going on here. The virus replicates and kills target cells. In the case of polio, virus growth in the intestine may continue for several days with, in many instances, very little, if any, in the way of symptoms in the infected individual. However, in less than 5% of people infected with poliovirus, the virus leaves the intestine, enters the blood, and is disseminated to other parts of the body including the spinal cord where it evokes its classic and feared symptons—that of paralysis—which is seen in about one infected person in a 1000. Many of you know that two different types of effective vaccines are available which prevent paralytic poliomyelitis. How and when do these vaccines work? In a vaccinated person exposed to poliovirus, the virus still gets to and multiplies in the intestinal tract but then something else occurs. Cells of the immune system, previously primed with an inactivated or attentuated poliovirus vaccine, recognize the infecting virus for what it is—a foreign invader—and the infected intestinal cells, as they produce new generations of poliovirus particles, are attached, sequestered, and ultimately eliminated by the immune system of a vaccinated person. As a result, virus fails to enter the blood stream and consequently never reaches the spinal cord where it can induce a paralytic disease. The hallmark of an effective vaccine—its ability to prevent disease—is the typical and expected outcome, certainly obvious in the case of the Salk or Sabin polio vaccines. The same scenario but with different initial cell targets is played out with other well-known and effective vaccines such as those for smallpox, measles, or hepatitis. The main thing to keep in mind is that all of these vaccines do one thing—they prevent disease development. There is one thing these vaccines do not do—they do not prevent an incoming virus, the virus one is "vaccinated against" from infecting cells—the initial growth of poliovirus in the small intestine still occurs in vaccinated individuals but the immune system, primed by a previous vaccination, prevents virus spread to the spinal cord and no disease ensues.

As you will soon learn, it may turn out that an effective vaccine for HIV may have to not only prevent disease, but possibly do something no other vaccine has had to accomplish—protect against the initial virus infection. How much do we know about the life cycle of HIV in an infected person and what are the features of the virus growth cycle which make the development of such a vaccine so frustratingly difficult? First, unlike the poliovirus example I described earlier, an HIV infection is not straightforward; to efficiently multiply, HIV goes through a series of molecular contortions which are both subtle and devious. Perhaps the most important of these is the insertion of a copy of HIV into the chromosomal DNA of the infected person. This genetic imprinting of infected people by HIV results in a situation in which cells, which have survived an initial encounter with the virus, may recover but still contain a potentially activable and infectious copy of HIV situated in their chromosomes. Thus the initial HIV infection must be rapidly and completely aborted before the virus can gain any foothold in a recently exposed individual. To be "fail-safe", an effective AIDS vaccine must act at the very first steps of an HIV infection, stopping the invading virus in its tracts at or near its portal of entry. Careful studies of recently infected people indeed indicate that the body's own response to HIV is quite excellent. Virtually all of the virus and virus-producing cells are destroyed within the first 3 weeks of a typical HIV infection. Unfortunately, the elimination of 99% of the infecting virus is apparently insufficient. Because of other unique properties of HIV which I shall mention in a moment, the virus or cells with the potential to produce virus persists in infected people and this persistence is what ultimately leads to the development of clinical symptoms and the disease we call AIDS. The critical question is whether the vaccination of an individual at risk before he or she is exposed to HIV will permit the eradication of even more virus and/or virus-infected cells (that is 99.99% rather than only 99%).

There are also a number of other pressing virologic issues that must be dealt with before an effective HIV vaccine can be developed. Some of these are unique to the HIV life cycle. First, there is the issue of what the target of an AIDS vaccine ought to be. For most other successful vaccines, the target has always been the invading virus particle. It is very likely, that in the case of HIV, the target of a putative vaccine will be infected cells and not actual virus particles. This would then be another "first" for vaccine development—the elimination of infected cells rather than virus particles is a far more difficult task for a number of reasons. In other systems, antibodies, which appear following the administration of a vaccine, are effective in eradicating a future encounter with pathogenic virus particles. In contrast, it is very likely that antibodies alone, will not be up to the job of eliminating infected cells. Other components of the immune system—such as lymphocytes which specifically seek out and destroy cells containing HIV—will have to participate in the protective response. Part and parcel of this same issue is whether the cells, bringing HIV into the body of an uninfected person, are actively producing virus particles or simply delivering a dormant, yet potentially infectious copy of HIV, to a new victim. The latter cells can be viewed as carrying a "time bomb" into a newly infected person. If the immune system does not "recognize" or detect such a silent cellular invader, infection may be subsequently established despite the administration of a potent vaccine. Thus we are asking for an AIDS vaccine which not only acts extremely rapidly to eliminate new virus, but a vaccine which will seek out and destroy cells that may be carrying latent, unexpressed virus from person to person.

Another extremely perplexing issue unique to the HIV family of viruses is the extent to which the virus, and in particular, the outer coat or shell of the virus called the viral envelope, can vary. The HIV virus in infected human beings is not a stable, discrete entity. It is an ever-changing mixture or "swarm" of viruses exhibiting a continuum of growth and cell killing or cell injuring potential. Current wisdom indicates that to be effective, an AIDS vaccine should target the viral envelope. Thus the true challenge we face is the development of a vaccine against not only all presently known HIV strains, but unknown strains of the future as well. And to raise the level of difficulty even further, the protective immune response must occur very rapidly—preferably before the first cell in a newly exposed person becomes infected.

As you may gather from these remarks, the road ahead in AIDS vaccine development is quite daunting. A number of fundamental questions need answering including, most importantly, whether it is even possible to produce an effective AIDS vaccine? The answer to this question seems to be "yes" and has emerged during the past year when scientists working at several primate centers around the world have reported the protection of some animals from infection with a monkey virus related to HIV called SIV or simian immunodeficiency virus. In experiments that can be called "carefully controlled" or "contrived", depending on one's perspective, some of the rhesus monkeys, vaccinated with inactivated preparations of SIV, failed to develop a virus infection under the following conditions: (1) They were challenged with very low doses of virus; (2) the challenge virus was identical to the virus used for vaccination; (3) the monkeys were only challenged if they developed high levels of protective antibodies which usually occurred shortly after the vaccination procedure. Under these very artifical conditions, it was clearly possible to protect some monkeys from a challenge with SIV.

The next question we face is whether it will be feasible to develop an SIV or HIV vaccine that will be effective under more natural conditions. And this is where basic science research enters the picture because several of the questions which must be addressed involve fundamental immunological, virological and/or molecular genetic issues such as the following: Which viral protein or proteins elicits protective immunity? Are intact virus particles rather than individual viral proteins necessary to evoke this protective immune response? Which cell in the immune system is the critical one for resistence to an HIV infection? What can be done to increase the vigilance of the immune system enabling it to produce sustained high levels of circulating antibodies and/or lymphocytes capable of destroying new virus? What is the nature of the selective pressure in the body of an infected person which is responsible for the presence of multiple varieties of circulating HIV particles? Are there reservoirs or "priviledged sanctuaries" in the body for HIV where it can escape from the immune system and generate virus variants capable of inducing disease?

These are all difficult questions, many of which presently have no answers. As of December 1 of 1990, the CDC in Atlanta counted 157,525 AIDS cases in the U.S. since the epidemic began more than 10 years ago; this is a mind-boggling number that has been associated with 98,530 deaths from AIDS. It has been conservatively estimated that there are currently more than one million HIV infected persons in the U.S., each capable of transmitting the virus to uninfected individuals. Worldwide, the data is even more depressing. It is estimated that by the year 2000, there will be a global prevalence figure of 30 million infected people. It is of obvious public health importance to begin answering some of the questions relating to HIV vaccine development I have brought to your attention. HIV has now infected a sufficiently large enough fraction of the world's population to sustain itself for the forseeable future. We now know it is possible to protect some monkeys from an SIV infection. We don't know whether it will be practical to produce an effective AIDS vaccine but it is imperative that novel molecular and cellular strategies be brought to bear on this problem. The adverse public health consequences HIV poses, particularly for young and middle-aged people, are both obvious and compelling.

INTRODUCTION OF THE RECLAMATION DROUGHT RESPONSE ACT OF 1991

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. RHODES. Mr. Speaker, today I am introducing the Reclamation Drought Response Act of 1991. This legislation, while certainly not a panacea for lack of much needed precipitation, can provide some measure of relief for western Reclamation States and will enable the Bureau of Reclamation to respond in a timely, meaningful fashion to present and future drought emergencies.

In June 1990, the Phoenix city council adopted a four-stage drought emergency plan. In November of 1990, the city implemented stage 1 of that plan, which requires a 5-percent water reduction by city departments, a media campaign to encourage voluntary water conservation by residential homes and businesses; schedules watering of city landscapes and golf courses, and voluntary use of decorative fountains. In essence, stage 1 puts residents on notice that more severe steps could be taken in 1991. Several other cities in Arizona have taken steps to require residential "low flow" water conservation for new and existing developments. The State Department of Water Resources also regulates municipal and agricultural water use in the major metropolitan areas.

This year, the Central Arizona Project is expected to draw most of its entitlement of 1.5 million acre feet of water from the Colorado River. Salt River Project [SRP] reservoirs on the Salt and Verde Rivers have been substantially drawn down. Reports indicate that river drainages throughout Arizona have been unusually dry over the past 2 years because of low mountain runoff. Water levels at San Carlos Lake and Lake Pleasant are also very low.

During 1990, the Maricopa County board of supervisors adopted new water requirements for new residential developments in unincorporated areas to encourage the use of treated effluent water for lakes and golf courses. Use of effluent is being used more in the Phoenix and Tucson metropolitan areas, as a means of ground water conservation. Municipal wastewater effluent is also used for cooling purposes at the Palo Verde Nuclear Power Plant.

In southern California, the Metropolitan Water District [MWD] has imposed a mandatory program to reduce water consumption overall by 17 percent. For the first time since 1977, the MWD will reduce water deliveries to its member agencies by 10 percent for residential uses and 30 percent for agriculture. More severe mandatory water use restrictions are likely to be imposed later this month for agriculture and the 15 million urban residents served by the MWD. Mandatory water use restrictions are also in place in central and northern California.

According to the Bureau of Reclamation, if the drought in California continues as forecast, Reclamation water deliveries for California agricultural use will only be 25 percent of normal, and for municipal use, only 45 percent of normal. The California Department of Water Resources has curtailed all water deliveries for agricultural purposes from the State Water Project [SWP], and municipal water supplies from the SWP may also be reduced.

PERMANENT FEDERAL ACTION NEEDED

When drought conditions occurred throughout the west in 1977 and again in 1987 and 1988, Congress passed temporary emergency drought legislation—the Emergency Drought Act of 1988 (Public Law 95–107), and the Reclamation States Drought Assistance Act of 1988 (P.L. 100–387). The 1988 legislation directed the Bureau of Reclamation [BuRec] to help mitigate the effects of drought conditions through financial aid and resource management, in coordination with State governments. However, that temporary authority expired at the end of 1989. Although $25 million was authorized to be appropriated, no funds were appropriated. Within available funding at the time, and under the temporary authority, the BuRec did accomplish a number of drought response and planning studies. Although efforts were made to pass new legislation, the Congress failed to pass new temporary drought assistance legislation in the 101st Congress.

Both earlier acts were not adequate to address the emergency nature of drought programs, primarily because of the temporary nature of the authority, time constraints, the time consuming nature of the necessary planning and implementation of federal drought response efforts, and lack of available funding. Permanent authority is needed.

Drought conditions in the west have become progressively more severe as we now enter the fifth year of sustained drought conditions in most of the 17 reclamation states. Most reclamation projects have carryover storage to provide adequate water during a few consecutive years of drought. However, demand from reclamation facilities has grown in the west as population and other water needs increase, and the drought conditions worsen. Water shortages influenced by drought will most likely occur more frequently in the future, requiring both water supply and demand to be managed more effectively and efficiently.

Most of the available water conservation efforts can be pursued by the Bureau of Reclamation under existing authority. However, legislation is needed to broaden existing law to apply to multipurpose water facilities rather than just irrigation facilities. Legislation is also needed to provide the Secretary with the permanent authority to work with State governments to allow the Bureau of Reclamation to participate in short-term drought contingency planning and other drought emergency response measures.

The Reclamation Drought Response Act of 1991 would provide permanent authority for the Secretary of the Interior to:

Declare and terminate reclamation contingency plan activities.

Facilitate water transfers or institute a water market to serve users beyond the existing service area and authorized project functions.

Use reclamation project facilities for temporary storage and to transport water for municipal and industrial and other uses outside the project service area—extension of the Warren Act Authority.

Provide short-term water from dead or inactive storage or ground water systems.

Allocate emergency funds and request additional funds as needed.

Provide emergency loans for minor structural and nonstructural activities with repayment obligations consistent with existing law and policy.

Establish water banks to exchange, sell, or lease water, consistent with all State water laws.

Provide technical assistance for conservation, contingency planning and research.

Establish a drought emergency fund with secretarial authority to disburse moneys from the fund.

Authorize the Commissioner of Reclamation to provide technical assistance to U.S. territories, State and other non-Federal water authorities east of the 100th meridian for conservation, contingency planning and research, with funding advanced to the Secretary. Also, to conduct a Precipitation Management Technology Transfer Program and field studies on a cost-shared basis with the States.

Make water available on a temporary basis for protecting fish and wildlife resources.

Implement all secretarial authority granted by the act and the implementing rules.

The legislation provides that all these new or extended authorities shall comply with the National Environmental Policy Act [NEPA] and all other applicable environmental laws.

I urge my colleagues, especially those from hard hit drought areas in the west, to join me in sponsoring this legislation.

WORKERS' FAMILY PROTECTION ACT

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. BALLENGER. Mr. Speaker, I am introducing the Workers' Family Protection Act today. The purpose of the bill is to study the problem of worker home contamination. Recent history has shown that chemicals found on work clothes are frequently brought into the family home. This poses a health risk to workers' families, particularly their children. Additional study is needed to determine the extent of the problem and if Federal regulations are needed.

My interest in this issue stems from incidents of home contamination at a hazardous waste incinerator in my district. Caldwell Systems, Inc. [CSI] was closed in 1989 because of charges that it was not operated safely.

Because of their work at the plant, employees unknowingly came in contact with many hazardous chemicals. These employees have experienced a number of problems including illnesses affecting their nerves, brains, and breathing. Another unfortunate result has been that the families of these workers are also affected. A number of children developed breathing and other health-related problems because of chemicals brought home on their parents' clothing.

The CSI workers need protection, but so do their families. My bill is one small step in that direction. Join me in helping to make families safe. Cosponsor the Workers' Family Protection Act.

Senator JAMES JEFFORDS introduced companion legislation in the Senate earlier this week. A summary of the bill is listed below.

SECTION-BY-SECTION SUMMARY OF THE WORKERS' FAMILY PROTECTION ACT

SECTION 1. SHORT TITLE

This act is entitled the Workers' Family Protection Act of 1991.

SECTION 2. FINDINGS AND PURPOSES

The purpose of the bill is to study the problem of worker home contamination. Recent history has shown that chemicals found on work clothes are frequently brought into the family home. This poses a health risk to the workers' families, particularly their children. Additional study is needed to determine the extent of the problem and if federal regulations are needed.

SECTION 3. STUDY OF EMPLOYEE TRANSPORTED CONTAMINANT RELEASES

Case studies make up the primary emphasis of this section. A total of $1 million is authorized, allowing up to 10 case studies ($100,000 each) of recent incidents. The case studies will review recent incidents to determine not only why they happened, but what, if any, long-term effects resulted.

In addition, both the National Institute for Occupational Safety and Health (NIOSH) and the Secretary of Labor are to conduct evaluations of home contamination of workplace chemicals. NIOSH is to: (1) identify industries prone to such contaminations based upon past incidents and enforcement actions; (2) evaluate current measures used to prevent home contamination; and (3) compile a review of relevent industrial hygiene research. The Secretary of Labor is to: (1) evaluate the effectiveness of current regulatory programs designed to prevent home contamination; (2) compile a review of indoor air quality issues as they relate to home contamination; and (3) determine the means families have to rectify contamination of their homes.

NIOSH is to issue a report within two years of enactment summarizing the results of these studies.

SECTION 4. REGULATIONS

Within three years of enactment, the Secretary of Labor must either issue regulations to minimize the risk of future incidents of home contamination or report to Congress that, based on the studies conducted under Section 3, additional regulation is unnecessary. In making this determination, the Secretary of Labor shall specifically look at industries that use lead, mercury, asbestos, pharmaceuticals, and pesticides. Recent incidents of home contamination have been documented or are believed likely with these chemicals.

SECTION 5. AUTHORIZATION OF APPROPRIATIONS

The cost of this legislation is not yet known. It is not the intent of this bill to create a costly program. Maximum expenditures on the order of $3-5 million over the course of the Act are anticipated.

BLACK HISTORY MONTH SALUTE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. TOWNS. Mr. Speaker, February is Black History Month. It is with immense pride that I stand to pay tribute to men and women who have contributed substantially to the history of this country.

Despite their astounding contributions, most of the profiles which I will run this month will be of people with whom you are unfamiliar. Their lack of fame is not attributable to the paucity of their efforts of the dearth of their ambition. Their contributions are often denied, their achievements are often attributed to others and their existence is overlooked in history books because of their race. It is my fervent hope that one day these African-Americans will be recognized by all Americans for the content of their character.

In the face of overwhelming abstacles Black Americans have survived and often prospered. These people of strength and courage excelled in fields as varied as law, medicine, science, journalism, business, the arts, and religion.

These Black Americans did not allow prejudice to douse the fire of imagination nor bigotry to put out the flame of knowledge. Instead they used their intelligence, ingenuity, and determination to enlighten the world.

I hope that the knowledge of their struggle and ultimate triumph will inspire yet another generation to work to overcome any obstacle which may be encountered on the long and arduous road to freedom.

This portrait is taken from the Dictionary of American Negro Biography, edited by Rayford W. Logan and Michael R. Winston. I commend these gentlemen on their enlightening work.

CLAUDE A. BARNETT

Claude A. Barnett was born in 1889 in Sanford, FL, the son of William Barnett and Celena Anderson, Claude was 1-year old when he went to live with his maternal grandparents in Mattoon, IL, where he received his early training. He later attended school at Tuscola, IL, where he lived with an aunt. He also attended Douglass Elementary School in Chicago and the Lille Boys House in Knoxville, TN. He received his high school education at Oak Park High School in Chicago. He entered Tuskegee Institute in Alabama in 1904, graduating in 1906 when he was awarded the highest certificate that Tuskegee Institute afforded at that time. He returned to Chicago where he lived with an aunt and worked in the post office. As a postal clerk Barnett had the opportunity to read large numbers of magazines and newspapers. He found such trade journals as Printers Ink, and Editor and Publisher so interesting and inspiring that he decided to make advertising and journalism his career.

He entered the field of advertising in 1913 when he produced, with the aid of a photo reproduction expert, a series of portraits of famous Negroes for exhibition and sale at the Chicago Exposition. Out of this venture a mail-order business was established for the distribution of Negro portraits. Later Barnett joined with several other enterprising young men to form a cosmetic business, the Kashmir Chemical Co., and became its advertising manager.

Resigning his post office job, Barnett set out on a cross-country trip from Chicago to California stopping in several cities to sell his pictures and the company's products. In every town he visited the Negro newspaper office if one existed, hoping to interest more newspapers in selling him advertising space. He soon discovered that publishers were more interested in getting news items from across the Nation than in his advertising proposition. Out of this discovery grew the idea of creating a press service to supply national news to Negro newspapers around the country.

The Kashmir board of directors, upon Barnett's recommendation, provides funds needed to translate the idea into reality; thus the Associated Negro Press was born in 1919.

It began by exchanging national news releases to publishers for advertising space. Soon they began to subscribe for the ANP service.

Barnett's interest in the plight of the southern Negro farmer was aroused by George Washington Carver during his early days at Tuskegee. Observing the conditions under which tenant farmers and sharecroppers had to live and work, he concluded that these farmers needed an opportunity to own a piece of land and adequate credit to develop it, and he sought to do something about this. His offer to serve as a consultant to the Department of Agriculture was accepted in 1930, a position he held under three secretaries, Henry A. Sallance, Claude R. Wickard, and Charles F. Brannon. He advised the agriculture secretaries on means of assisting Negro farmers throughout the United States. When Ezra Taft Benson became Secretary of Agriculture in 1953, he declared that Negro consultants were no longer needed or wanted: Barnett and his coworker, Frederick D. Patterson, president of Tuskegee, were terminated. He was a member of the board of the Liberia Co., New York City: the Chicago chapter and the National Red Cross; the Phelps-Stokes Fund, New York City; President Truman's Committee for the Physically Handicapped; a life member of the Art Institute of Chicago. He was a chevalier, Order of Honor and Merit, Republic of Haiti, and commander, star of Africa, Liberia.

On June 24, 1934, Barnett was married to Etta Moten a well-known actress, singer, and radio personality. They traveled widely together in Europe, Africa, and the West Indies, and become exponents of African art in the United States.

In spite of Claude Barnett's varied interests and activities, both professional and social, the Associated Negro Press service continued to operate efficiently until his death on August 2, 1967.

TRIBUTE TO DANNY THOMAS, AMERICA WILL MISS HIM

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Ms. KAPTUR. Mr. Speaker, I was saddened to learn this morning of the death of one of my district's most beloved favorite sons and one of America's most talented citizens and comedians, Mr. Danny Thomas. Danny Thomas was truly one of those rare human beings who gave us so much in terms of his talent and his time and energy, but asked for nothing in return.

Danny Thomas was raised in a large Lebanese-Catholic family in Toledo, OH. He typified in his work his love of family and community so characteristic of the value of the Midwest. Danny Thomas helped America understand the beautiful heritage of Lebanese-Americans who have contributed so much to the enrichment of our national culture.

Many remember Danny Thomas for his role in the popular television series "Make Room for Daddy" which was later renamed "The Danny Thomas Show." The show ran from 1953 to 1964, one of the longest running comedies on television, and earned Danny Thomas an Emmy Award.

But perhaps the real beneficiaries of Danny Thomas' warmth and generosity are the thousands of young children that have been helped by his establishment of the St. Jude Children's Research Hospital in Memphis, TN. When he was a struggling young actor, Danny Thomas prayed to St. Jude, the patron saint of hopeless cases, and vowed to someday build a shrine to the patron. In 1962, he fulfilled his goals and founded St. Jude Children's Research Hospital. Years later, Danny Thomas was still active in raising funds and participating in the direction of the hospital. The hospital is nationally recognized as a leading research center for cancer afflicting children and other catastrophic children's diseases.

In 1983, President Ronald Reagan said of Danny Thomas, "* * * He is one of the great statesmen in the show business world." In 1984, President Reagan recognized his contributions not just to the entertainment industry but to America as a whole by awarding him the Congressional Gold Medal.

Mr. President, Danny Thomas certainly was a statesman. America will truly miss this warm, talented human being who gave so much to our Nation.

SADDAM HUSSEIN'S TREATMENT OF PRISONERS OF WAR

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. BLILEY. Mr. Speaker, the unthinkable has happened. Hussein and his troops have committed an unconscionable act by not only forcing U.S. and allied prisoners of war to be denigrated on international television but they have also forced them to become pawns in his game of terrorism. This attempt to use their lives as political tools contradicts every facet of the internationally agreed Geneva Conventions which Iraq signed in 1956. I am enraged by these acts and call on the United States and the international community to prosecute and punish Hussein to the fullest extent of international law upon termination of Operation Desert Storm. Hussein alone is responsible for the actions he has taken against the airmen and he should be held fully accountable.

As we look back on the history of this despot, we become more angry when we are able to watch as his human rights violations of the past become the reality of our airmen's daily lives before our eyes. During the 8 years Iraq and Iran fought their war, the world agreed that the treatment of the Iranians who were taken prisoner of war was an abomination. Within his own country, Hussein did not hesitate to assimilate a genocidal terror on Iraqi Kurds. Then again during the course of the past 6 months, there has been little if any hesitation in the pillaging, raping, and summary execution of thousands of Kuwaiti nationals. His methods are systematic, his means practiced and his understanding of international sentiment toward these acts is grossly limited.

On January 23, we passed legislation overwhelmingly condemning the treatment of the POW's in Iraq. It is painfully obvious that these men have been mistreated, their faces are swollen, they have cuts and bruises and they are very obviously intimidated by those who are interrogating them. Some experts even say there are strong indications that these men have been drugged. Hussein has proven himself continuously to be a war criminal, by violating not only what our community accepts in theory as standard, but also what the community has agreed upon and signed as international law in the form of the Geneva Conventions. Iraq, a party to this convention now expects the global community to lie down and accept his disregard for the convention's contents. It seems Hussein has miscalculated once again.

If anything, the sight of our men on international television has shocked the global community into believing more strongly that removal of this despot is not only necessary, but an immediate requirement to ensure the security and peace of the region and the world. It has brought the coalition more firmly together in its commitment to returning peace to the area and returning Kuwait to its citizens. But mostly, it has forged a commitment to get the job done as expeditiously as possible but with an effectiveness that will ensure that we will not have to return so our troops may come home quickly.

I know our military fighting men, I was one myself. Those airmen taken by the Iraqis would not be fighting in the United States military if they were not patriots who believe in their country. They are brave men who honor their country and I know that they did not willingly make those statements against the allied forces and the goals of Operation Desert Storm.

Just last night, the Iraqi news reported that some of our airmen, who the Iraqis claim to have planted strategically as human shields, have been injured in United States and allied air raids. Whether that is to be believed or not, whether it is a form of his terrorism and propaganda, I do not know. I hope and pray with all my heart it is not true. But I will commit myself to ensure that this tyrant does not escape the trials of international justice, that the rules of our global community are upheld and that Saddam Hussein will be held responsible for the treatment he has dealt our men who have been captured.

JOSÉ E. SERRANO IN SUPPORT OF WILLIE COLON'S CALL FOR PEACE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SERRANO. Mr. Speaker, on January 18, the well-known songwriter, musician, and active member of the Puerto Rican community, Willie Colon, was nominated to receive his eighth Grammy Award for his latest work, "American Color." But while other nominees delivered flowery tributes, acknowledging supporters, assistants, and colleagues, Willie Colon received this nomination not thinking of music. Instead he spoke about peace. I would like to share his concerns and his message with you. The following text is his speech aired on WBAI–FM, New York City, January 27, 1991:

It is an honor to have received this 8th Grammy nomination. I hope to be able finally to enjoy the results of NARAS' membership vote. Frankly this personal victory is difficult to enjoy in light of the state of war in which we find ourselves.

These last days I've exhausted my mental energies trying to decipher in what way we have been threatened. Is it because we are afraid that we'll have to pay a little more at the gas pump? Is that why we are sacrificing human lives?

In my opinion the attack on Iraq was unnecessary. The economic sanctions were working. If we'd given the sanctions more time: (1) Loss of life wouldn't be a factor (2) Israel possibly wouldn't have been attacked (3) The U.S. wouldn't have further destabilized a fragile region.

It should be understood that the U.N. vote was a sham. It wasn't the General Assembly that voted but the Security Council. These countries were economically manipulated. Twelve votes passed this resolution which is being enforced, unlike the 109 votes against the U.S. in Granada which were ignored.

There should have been a process at the General Assembly level because this decision impacts the whole world.

This war manipulated by the U.S. is so private that Israel can't defend herself without seeking permission from the "alliance." Kuwait is no democracy. Like Saudi Arabia it is a monarchy whose subjects have few rights. But they do have petroleum and enough money to buy our sons and daughters bodies.

Let's not forget that we are destroying a culture here. Our sons should be made aware that this isn't a Nintendo game. When that electronic sight bears down and the flash confirms the detonation, there are children, mothers and fathers dying. Poor people. Innocent people.

The truth is that the Iraq War was rehearsed in Granada. In the supposed liberation of Panama, we were similarly looking to punish one man. Our Panamanian brothers are still waiting for promised reparations after the destruction of their country.

Take into account these aggressions are committed only to certain non anglosaxon cultures and not other cultures. They are punished with impunity. Who will be next? Mexico? Venezuela? Colombia? Puerto Rico? Why have we not liberated Ireland or Lithuania?

I know that this statement is controversial. Nevertheless these are times when the patriot and the man of conscience must stand and protest against the tidal wave of propaganda and false patriotism.

Meanwhile I have found a refuge in prayer. I pray for the Puerto Ricans and all others in the Persian Gulf. The thought of so many innocent victims is a thorn in my heart.

Military force is no substitute for a foreign policy with conscience and justice.

God bless America.

INTRODUCTION OF THE SMALL AND DISADVANTAGED BUSINESS FAIR SHARE ACT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, the 1980's were years of prosperity for Fortune 500 companies. The decade was especially generous to major defense contractors. But the 1980's were not so kind to America's minority-owned businesses.

Our country's small, disadvantaged businesses [SDB's] have always struggled to return a profit and grow. Incremental progress had been made in the 1970's as SDB's expanded into new, contemporary fields, beyond the low-skilled service professions to which they were once relegated.

However, the 1980's were a period of great regression for SDB's. They simply did not get their proportional share of the pie. The Reagan administration offered no encouragement and even erected new barriers to SDB participation in Federal Government contracting and subcontracting. Some of these impediments included emphasis on long track records and imposition of bonding and capitalization requirements, all of which favored older, more established firms. By and large, SDB's were not given serious consideration as prime contractors. Of equal importance, the administration was diffident toward the systematic exclusion of SDB's from subcontracting under Federal contracts. The Reagan administration had a similarly dismal record on enforcement of our Nation's equal employment opportunity laws. All in all, the Reagan era contracting policy seemed to disdainfully thumb its nose at minorities, forgetting that people of African, Hispanic, native American, and Asian ancestry are Americans, too.

To remedy these obvious inequities, Congress passed into law Public Law 96–661, section 1207, the Department of Defense set-aside program. It was believed that section 1207 would compel greater SDB participation in the largest slice of Federal contracting. But instead, the noncompliance with section 1207 merely showcased the problems.

With the exception of a scattered handful of conferences in the past year, the DOD has a very meager record of effort to outreach to SDB's, as reflected by their repeated protestations that there were few if any qualified SDB's ready, willing and able to contract with it. The 5-percent goal for contracting with SDB's resulted in a paltry 2.3-percent performance through the initial years, most of which contracts were for janitorial and kitchen services. Little if any direction was given to non-SDB contractors to subcontract with SDB's, in direct contravention of Public Law 95–507, section 211, which directs Federal contractors to subcontract with SDB's to the maximum extent practicable. The total absence of any monitoring mechanism or recordkeeping further underscored the lack of support for these programs.

Something must be done to salvage these programs and rectify the problems. We cannot afford to rest idly, relying on the administration to suddenly become active in promoting SDB contracting and subcontracting.

Consequently, today I am introducing the Small and Disadvantaged Business Fair Share Act, along with a number of cosponsors. It addresses the situation by imposing a set of signposts which give the DOD and its prime contractors better direction in satisfying their legal requirements. At the same time, it provides greater accountability which will make it easier for the Department and Congress to monitor the results of the section 1207 set-aside and the section 211 subcontracting directive.

The bill has a number of components. First, the DOD is directed to improve its efforts in outreaching to potential SDB contractors through business organizations and direct contacts. This could involve databases, registers, and local government SDB offices.

Second, non-SDB contractors would have to prepare plans for achieving their SDB subcontracting goals in accordance with the requirements of section 211. The plans would have to aim for "* * * spending 10 percent of the total amount of the contract on subcontracting with * * *" SDB's. Proof of having actually subcontracted with SDB's must be provided by the contractor and, if the contractor is not in compliance, it may not be awarded any other defense contracts and it must provide the DOD with information concerning its outreach efforts, why it chose not to subcontract with specific SDBs and what it plans to do in the upcoming year to bring itself in compliance.

Third, to enhance enforcement, 10 percent of the contract amount will be paid by the DOD directly to the SDB subcontractors and no price adjustments can be paid to any contractor who is out of compliance. Additionally, the administration of these provisions will be treated as one of the many factors involved in the DOD contracting officer's performance evaluation.

Fourth, the section 1207 set-aside goal is raised from 5 percent to 10 percent. In the mid-1980's, despite the height of the Reagan administration's influence, the House of Representatives voted in favor of the 1207 Program having a 10 percent goal. It is time for the House to do so again, and, this time, for the Senate to join us. In a country where, by conservative estimates, at least 25 percent of the population is composed of minorities, it is a pathetic illusion of equality to assert that a 5-percent set-aside will actually help so many millions of people.

Fifth, although it is common with large contracts for the contractor to subcontract with a number of firms, section 1207 presently sets an arbitrary limit. Currently, 50 percent of the contract must be performed by the SDB contractor who was awarded the contract. That is simply not feasible in certain situations, and it can actually function as an impediment to an SDB being awarded especially large and complex contracts. So, my bill would allow, as an optional alternative to the "50 percent Rule", a "75 percent Rule": that it is an acceptable performance of the contract when 75 percent of it is attributable to the contracting-SDB or other SDB's. Thus, as long as 75 percent of the contract is performed by SDB's, the "50 percent Rule" is deemed to be met. This also has the benefit of inviting more minority-owned businesses into the government contracting arena.

Sixth, the "non-manufacturer rule" presently says that an SDB contractor cannot participate under the 1207 Program for a supply of distribution contract when the product involved is not manufactured by an SDB. But some products—such as photocopiers, trucks, and televisions—have no SDB producers. Thus, my bill would waive the "non-manufacturer rule" in these cases.

Seventh, it has been well established that the 1207 Program is prohibited from having any adverse effect on various programs benefiting small business. Nonetheless, my bill includes language to statutorily ensure that small businesses shall not be adversely affected by the 1207 Program in any way. Furthermore, it encourages the DOD to create new contracting opportunities for small businesses and SDB's by dividing large contracts into smaller ones and generally avoiding consolidation.

Finally, my bill calls for a subtle expansion of the application of Equal Employment Opportunity requirements. Presently, a contractor must certify that it is in compliance with EEO requirements once it has been awarded a contract. Thus, EEO is enforced within that one company. However, if 10 other companies had submitted bids, those are 10 other companies in which conformity with EEO requirements are not enforced. My bill would impose EEO compliance as a condition for eligibility to bid on a contract, not simply to be awarded a contract.

In short, this bill is designed for enforcement. We were serious about our commitment to these concerns when we wrote them into our laws. Now we must take steps to eliminate the obstacles which prevent them from being effective. The section 211, section 1207, and EEO programs each need bolstering. The SDB Fair Share Act will make them work effectively, as Congress originally intended.

Mr. Speaker, I encourage my colleagues to support this bill and lend their cosponsorship.

RESOLUTION REGARDING AMERICAN SERVICE PERSONNEL KILLED IN PERSIAN GULF WAR

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. MOODY. Mr. Speaker, today I am introducing a resolution regarding public arrival ceremonies at Dover Air Force Base for American service personnel killed in the Persian Gulf war. They are now scheduled to return through Dover Air Force Base in Delaware, as they have in previous conflicts. But on January 15, the Department of Defense announced that "there will not be public arrival ceremonies at Dover Air Force Base." In fact, The Department of Defense announced that the base would be closed off from public access.

Arrival ceremonies were held at Dover on many occasions: After the Marines died in the 1983 truck bombing in Beirut; after the seven astronauts died in the *Challenger* explosion; after 37 Navy servicemen died from an Iraqi missile attack on the U.S.S. *Stark* 3 years ago. During Vietnam, remains of American service men and women returned both through Travis Air Force Base and Dover Air Force Base. Arrival ceremonies were sometimes—though not always—held.

Public ceremonies serve an important function. They need not be mandatory, but it seems to me that at certain times they are very appropriate. A military unit may want to honor those who died in a single engagement. The families may want such an honor extended in addition to local funeral services. In fact, I have been contacted by numerous families in my district of Milwaukee, WI, who have sons, daughters, brothers, sisters, and spouses serving in the gulf. They want to know: Why this new policy? Why will arrival ceremonies henceforth be prohibited?

The Department of Defense has told families that it will provide an escort to accompany remains from Dover to the burial location and, if requested, will also provide military pallbearers, a rifle squad, and a bugler. But there will be no ceremony and no public access upon arrival at Dover.

I introduce this resolution because I believe that no honor is too great for those young men and women who made the ultimate sacrifice for our country. They should be honored not just at local graveside, but we as a nation we should honor them. There is no better way to honor and remember them than to mark their return to American soil with a simple but dignified ceremony.

As a nation, we should recognize and grieve for these young Americans. They will never be forgotten by their families and friends. This is one way that we as a nation can remember them.

More than 100 Americans have already died in the gulf and have returned to Dover. But did we, as a nation, take a moment to mark the loss? No. Few Americans realize that we, as a country, have already lost so many precious young lives. The pain of war is not just the private pain borne by those families who lost a child or a spouse or a sibling. As a nation, we should recognize their loss and recognize their pain. Surely public arrival ceremonies would have been appropriate.

That is all that this resolution says. It would permit, not require, arrival ceremonies for the slain. It simply urges the Secretary of Defense to reinstate, where feasible and appropriate, public arrival ceremonies at Dover Air Force Base. Perhaps we can take this one small opportunity to mark our loss and send a signal that we honor all those who are serving their country in this conflict.

The text of the resolution follows:

H. CON. RES. —

Whereas Dover Air Force Base in Delaware is the military installation that initially receives the remains of the members of the United States Armed Forces who die in the Persian Gulf conflict;

Whereas the Department of Defense has discontinued the public arrival ceremonies that have customarily been held at Dover Air Force Base during the past 22 years to receive the remains of members of the United States Armed Forces and to honor their memory;

Whereas more than 450,000 members of the United States Armed Forces are risking their lives in the Persian Gulf conflict;

Whereas the people of the United States share the grief of the American military families who lose loved ones in the Persian Gulf conflict; and

Whereas it is appropriate that public arrival ceremonies be held at Dover Air Force Base to receive the remains of the members of the United States Armed Forces who gave their lives in the Persian Gulf conflict and to honor their memory: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress urges the Secretary of Defense to reinstate, when feasible, the public arrival ceremonies that have customarily been held at Dover Air Force Base to receive the remains of the members of the United States Armed Forces who gave their lives in the service of their country and honor their memory.

FEARS OF OUR YOUTH MUST BE DEALT WITH

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. BEREUTER. Mr. Speaker, on February 5, 1991, a special editorial appeared in the Beatrice Sun by Martha Cook Fricke. Mrs. Fricke is a member of the Ashland, NE, board of education and is currently serving as the president of the National School Boards Association. The editorial addresses the sensitive issue of helping children to deal with their fears about the war in the Persian Gulf. Thanks to modern technology, this war, more than any other, is being fought during prime time on television. As the reality of possible chemical warfare is brought into the Nation's living rooms with each report of a Scud missile attack on Israel and Saudia Arabia, parents need to be aware of the fears felt by children and they need to know how to best assist their children in dealing with these fears. This Member has included this helpful editorial for his colleagues' information.

[From the Beatrice (NE) Sun, Feb. 5, 1991]

FEARS OF OUR YOUTH MUST BE DEALT WITH

(By Martha Cook Fricke)

In recent days, the war in the Persian Gulf has occupied the thoughts of the American people, including its children.

Because young children frequently have concerns they cannot express, or have unrealistic impressions that go unstated, both parents and school officials are encouraged to talk regularly with them as events in that region occur.

Since the first American troops left for Saudi Arabia last summer, students have sought comfort for their fears and answers to their questions from their familes and in their schools. This is particularly true in communities where military call-ups have involved a large number of local citizens. Children with parents or other family members in the military may require special understanding, especially if those family members are already overseas, expect to be called into action, or are experiencing financial or other stress at home due to the war.

To deal with their children's apprehension, parents can watch television news and commentary with their children, and thus help put events in the proper perspective and moral context. They should consider limiting the amount of time their children are exposed to war-related newscasts to avoid preoccupation with negative impressions. This may be particularly important should the atrocities of war, including civilian casualties and treatment of prisoners of war, become vivid media topics.

Children will find it comforting to know that some of their fears and concerns are shared also by their parents, school board members, school administrators and teachers, for whom this is not their first war.

The schools, together with parents at home, can serve as a valuable resource for children. School attendance itself can provide a needed stability in children's lives. An understanding and explanation of world events can be a part of both classroom and home activities. By simply showing children a world globe, they will better understand what is occurring and appreciate their distance far from the fighting.

The following answers respond to the kinds of fears or perceptions that may come into children's minds:

Iraqi missiles cannot reach the United States, which is 7,000 miles away.

Threats of terrorism are just that—threats. Terrorism in other parts of the world is not a real factor in America's day-to-day life, although certain precautions must be taken.

The problem in Iraq has to do with that country's leaders and not with the people of Iraq or those of Arab descent, including students' Arab-American classmates in school.

There is no current plan to draft persons not now in the military into military service.

Schools and parents should be alert for signs of continuing student stress such as withdrawal, aggressive behavior, listlessness, hyperactivity, or blatant fear. If a child is having a problem, parents should talk to their child's teacher so that proper attention and understanding can be given at school. Many schools have resources for counseling or can refer the student to community agencies. Parents should look for special television programs for children, including a number of programs that are being produced by school districts. School districts should share resources and ideas to deal with students' concerns and encourage discussion of the war's effect on students at PTA meetings and other school activities.

Beyond providing assurance to children, parents and educators should discuss the issues and reasons for the Gulf war, especially among older children. Perceptions of death, right and wrong, and an understanding of world events varies, depending upon the individual student and his or her age. School officials and parents should make an effort to be "in sync" with each other when discussing morality and politics of the war.

War can leave a lasting impression on children and can influence their lives as adults. As citizens, they have a right and a responsibility to understand the seriousness, and implications involved, of their nation's decision to use military force. After all, our nation's future decisions regarding the issue of war or peace ultimately will be their's to make.

A VISIT TO ISRAEL WITH MAYOR DAVID N. DINKINS OF NEW YORK CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. RANGEL. Mr. Speaker, I have just returned from a trip to Israel with my old and dear friend David N. Dinkins, mayor of the city of New York. The purpose of our trip was to show support for Israel for its restraint in not retaliating for the cowardly Iraqi Scud attacks on civilian population, to show solidarity between New Yorkers, as well as all Americans, with the people of Israel in this trying time, and to show support for the American troops in Israel manning the Patriot missile sites defending against the Scud attacks.

I opposed President Bush's decision to commence hostilities in the Persian Gulf. I believed at the outset and still do that sanctions and diplomacy are the best course. I still believe that we should be pursuing diplomatic channels to end this war and achieve our goals. Where I grew up where there was a fight the fellow who was winning would keep demanding of the loser would he give up. I would hope that before this war becomes intense we keep asking Saddam Hussein if Iraq will give up. We should be using all the channels at our disposal to do so.

In the light of my opposition I took this opportunity to make it clear to Israel my gratitude for their actions. Furthermore, I wanted to make it clear that even though I opposed President Bush's decision and am not entirely comfortable with his current course, I am without qualification supporting the troops in the gulf and Israel.

It is clear that the courageous restraint of Israel has made it possible for the United States to preserve the delicate coalition against Saddam Hussein. Keeping the coalition together, even with such members as Syria, is very important for the safety of American troops serving in the gulf. While the coalition represents some new as well as old allies, Israel has shown consistency as a long-time ally in exercising this restraint. It is altogether remarkable in light of the long-term policy of the Government of Israel to retaliate for attacks of the nature of the Scud's. We recognize that Israel cannot survive unless it makes clear to its dangerous and threatening neighbors that it is strong and will hold them accountable for any acts of aggression. However, strength must sometimes be demonstrated by restraint rather than action and in this case Israel has again shown its extraordinary strength that has allowed it to survive against great adversity over its 42-year history. Mayor Dinkins and I wanted Israel to know that New Yorkers and all Americans admired and appreciated this courageous position.

Mayor Dinkins and I met with Israeli President Chiam Herzog, Prime Minister Yitzhak Shamir, and Foreign Minister David Levy. We told them that the United States is grateful for their leadership in this crisis. We indicated our appreciation for the political courage it took to make the decision not to immediately retaliate. They expressed their appreciation for the presence of American Patriot missiles in Israel.

Among the highlights of my trip were my visits to two Patriot missile sites. I cannot tell this body how proud I was to see American men and women serving their country in a foreign land with consummate skill and grace. I told them of the important job they were doing to help Israel to restrain from entering the war and shaking the fragile coalition now arrayed against Iraq. I told them they should be proud of how effective they have been and how their efforts are helping their fellow soldiers in the gulf.

I was also quite impressed by the cooperation between our troops and the Israeli Defense Force in manning the Patriot operation. I fully expect that both will learn and grow from the experience.

I was also impressed by two developments in our military occurring over the last decade. First, I was proud to see several women in our Patriot batteries with responsible positions. Second, I was also impressed by the efficient way our forces were able to move the Patriots from Germany to Israel and how well our troops are trained. This is for what we should be making sure our defense appropriations are spent; a more efficient and effective fighting force, not dream weapons for wars that will not be fought.

The major and I were truly moved by our visits to the neighborhoods of Tel Aviv that were hit by the Scud's and the temporary housing where the affected families are now living. While our cities may have budget, social, and economic problems, they pale in comparision to the nightly fear of Scud attacks and the devastation wrought by them.

We were especially moved by the children living in temporary housing. Mayor Dinkins had with him gifts of toys for these children donated by New Yorkers. You can only imagine the feeling we had when we saw their smiles on their faces when we distributed the toys. It is the children that make you think how outrageous is this and any other senseless war.

No matter how this war ends, this trip has left me with the clear view that Israel has strengthened its moral position in the world order. I hope that Mayor Dinkins and I made it clear our appreciation for Israel's stand. We hope the Israelis appreciated our gesture. Finally, we are reaffirmed in our confidence and gratitude in our troops in this conflict.

INTRODUCTION OF THE MEDICARE PART A PREMIUM ADJUSTMENT ACT OF 1991

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. STARK. Mr. Speaker, I rise, joined by my colleague the Honorable BARBARA BOXER, to introduce a bill that would provide substantial relief to tens of thousands active and public employees who are neither eligible for Medicare part A benefits nor covered under employment-based health insurance plans.

This bill has two basic components. First, it would revise the formula for calculating the

Medicare part A premium. Second, it would establish transitional protection in the case of voluntary agreements for coverage of State and local employees under Medicare.

Most but not all seniors are eligible for Medicare part A benefits. Noneligible seniors include: First, individuals who were eligible for Social Security coverage, who did not elect—or their employers did not elect—coverage; second, individuals, typically older women, who are not insured on their own and cannot qualify for dependent's benefits; and third, workers, such as agricultural and domestic workers, whose earnings may have been so low or intermittent that they were unable to acquire insured status by working the necessary number of quarters.

Individuals not eligible for Medicare have the option of paying a monthly part A premium to purchase hospital, skilled nursing facility and other part A benefits—if they can afford the expense.

In 1991, the part A premium increased to $177 per month. For a noneligible senior to purchase part A and part B benefits, the annual out-of-pocket premiums are nearly $2,500 or $5,000 per couple. For many seniors, the part A premium is simply not affordable. For example, in the case of many retired teachers in California, such an expense is prohibitive when living on a pension of $400 per month.

Not only is the part A premium not affordable, it is also based upon a formula that is fundamentally inequitable. Individuals who purchase part A benefits must pay a greater share of average Medicare benefits than the share currently paid by eligible beneficiaries.

The current formula requires noneligible persons to pay 100 percent of the actuarial value of the benefits, while the average Medicare beneficiary contributes only 30 percent of average lifetime Medicare benefits.

Mr. Speaker, this bill would correct the inequity in the formula. The part A premium would be adjusted to cover the average nonsubsidized portion of Medicare benefits for the average Medicare beneficiary. The premium would be set at $57 per month in 1992, $62 in 1993, $67 in 1994, $73 in 1995 and $78 in 1996. In subsequent years, the part A premium would be indexed to the growth in the hospital part A deductible.

A second component of this legislation would address a problem of particular concern to certain State and local employees living in States which only recently agreed to allow public employees to be covered under Social Security and Medicare.

The Consolidated Omnibus Reconciliation Act of 1985 [Cobra] mandates that all public employees hired on or after April 1, 1986, participate in the Medicare Program. Cobra also allows public employees hired before April 1, 1986, to voluntarily elect coverage under Medicare, with permission of their employer.

Recently, the California State legislature enacted a bill to permit school districts to voluntarily allow teachers hired prior to April 1, 1986, to elect coverage by Medicare.

The problem is that some public employees—particularly those between the ages of 55 and 64—are unable to earn a sufficient number of quarters to become Medicare eligible before reaching age 65. For example, a teacher between the ages of 55 and 64 may not have worked enough years to earn the 40 required quarters to be covered under Medicare.

This bill would provide transitional protection for teachers and others who currently fall through the cracks because of changes in Federal and State laws. A precedent for such transitional protection was adopted by the Congress in 1985 for Federal retirees.

The provisions of this bill would be of enormous assistance to tens of thousands of active and retired teachers in my home State of California who, because of their public employment, have not earned enough covered quarters to qualify for Medicare benefits and cannot afford the staggering premium as it is currently calculated.

I urge my colleagues to support this bill and move for its timely consideration.

OPERATION DESERT HOME

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. DREIER of California. Mr. Speaker, this Nation learned many valuable lessons from the Vietnam war. We learned the importance of coordination between the branches of our military. We learned that a war cannot be sustained without the support of the American people. And perhaps most importantly, we learned the hard way that our troops must be supported when they return home from battle.

We must not repeat the mistake we made in the 1970's when our men and women in uniform, soldiers who had risked their lives to fight for their country, returned to open hostility and resentment from their fellow Americans.

Fortunately, we can ensure that our troops receive a different welcome when they return from the Persian Gulf. Rebecca Venegas, a resident of my district in California, has founded a group she calls "Operation Desert Home." Her goal is to organize a nationwide series of grassroots events to welcome our troops home after the war, and she has already been contacted by dozens of interested citizens across the country. They are already planning welcome home parades, rallies, appreciation ceremonies, and support groups for our troops. I hope that my colleagues will work to support similar groups in their districts.

Our troops know that this battle is for peace, security, freedom and the rule of law throughout the world, and they are sending this message loud and clear to other would-be dictators in the Third World. The troops are doing their part; and so can we by supporting the Operation Desert Home Program.

CHAIRMAN WILLIAM D. FORD, A FRIEND OF EDUCATION

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. WOLPE. Mr. Speaker, I have had the honor and pleasure of serving in this Chamber for more than 12 years as a proud member of the Michigan congressional delegation. Throughout my tenure I have sought the advice and counsel of Representative WILLIAM D. FORD. His wisdom and his friendship mean a great deal to all of us in the Michigan delegation. I was pleased and proud when he became chairman of the House Education and Labor Committee and I think this following column by Kenneth J. Cooper in the Washington Post illustrates the expertise he brings to his new role, and why we in Michigan take such pride in the distinction of his public service.

I insert the reprinting of that February 4 column in its entirety:

[From the Washington Post, Feb. 4, 1991]

HILL CHAIRMAN WANTS TO RESHAPE STUDENT AID

(By Kenneth J. Cooper)

Rep. William D. Ford (D-Mich.), who was present at the creation of federal student aid programs, hopes to preside over their redesign this Congress as the new chairman of the House Education and Labor Committee.

Ford has promised that reauthorization of the Higher Education Act of 1965, which this year generated about $19 billion in financial aid for 6 million college students, will not be routine. Any major innovations in the current loan, grant and work-study programs could affect enrollment patterns and graduation rates as well as state and college financial aid policies.

Ford, 63, succeeded Augustus F. Hawkins, a California Democrat who retired, as chairman of a committee whose influence has waned since it helped shape the Great Society programs in the 1960s. A 26-year committee veteran who is as liberal as his predecessor, Ford oversaw the last two House reauthorizations of student aid programs and will direct the next one as chairman of the subcommittee on post-secondary education.

"This is not just going to be a reauthorization where we dust off the furniture and rearrange it," he said.

In a speech last week to college and private student aid officials, Ford outlined a number of possible student aid changes.

He repeated his proposal for "front-loading" Pell grants, which are awarded to students based on need and college costs. A series of changes would make the grants a benefit and substitute them for loans in the first years of postsecondary enrollment in an effort to reduce loan defaults and encourage low-income students to enter college.

He also suggested abolishing Perkins loans, the low-interest, federally guaranteed loans that colleges make from revolving funds. The savings would go to increasing supplemental grants available only to the neediest students. And Ford spoke favorably of a Bush administration proposal to have the federal government replace private banks as the source of $12 billion in Stafford loans, which are federally guaranteed and subsidized. Those loans, once called Guaranteed Student Loans, constitute the largest aid program.

"What I'm trying to do is provoke the higher education community into doing a little bit different kind of thinking than they have been doing," Ford explained in an interview. "Education policy for the last decade has not been driven by sound educational considerations. It's been driven by the budget process."

Ford said the five-year budget agreement made last year "left some room for us for expansion" of student aid, and he expects the Bush administration "will be easier to negotiate increases with than their predecessors." He declined to speculate on the amount of any increases.

The time is right for major changes in student aid programs, he said, partly because the administration appears interested in doing something that would seal President Bush's reputation as "education president."

He cited the "radical proposal" that administration officials have floated for direct federal lending of Stafford loans, which would make unnecessary the current role of banks, loan guarantee agencies and secondary markets such as Student Loan Marketing Association. The plan also might save an estimated $1 billion in fees paid to banks and other private lenders.

Initially skeptical of the idea, Ford said he has grown to feel direct lending "might not be a bad idea, especially if it would pick us up a billion dollars a year to buy more education" rather than to reduce the budget deficit.

As open to new ideas as Ford describes himself, there is one favored by some college representatives that he did not mention in his speech and that he dismissed when asked his opinion "Absolutely outrageous," he said of the idea of separate aid programs for proprietary trade school students, who are responsible for a disproportionate share of loan defaults.

Ford grew passionate on this subject, calling himself a "blue-collar kid" who spent a year of his youth in a Michigan automotive trade school before going to college and law school with help from the GI Bill. As a House member, he said, in the 1970s he helped make more students at trade schools eligible for federal aid by deleting the requirement that participating institutions be nonprofit.

"A lot of people miss the brass ring the first time around. They don't graduate from high school," he says. "The existing high school is not adequate to get them a job, and trade schools do fill that void."

He condemned as "ivory tower thinkers" those educators who have proposed separate trade school programs. "If we say that one kind of student is more worthy than another, then we will have a federal policy of class structure in post-secondary education that I am absolutely never going to support," he said.

One class fight that Ford would like to avoid is over how narrowly federal aid ought to be targeted to the poor. Some researchers, notably Tom Mortenson of the American College Testing program, have argued that federal aid programs have done little to increase the access of the poor to college because too much aid has gone to the lower middle class.

"I don't want to get into this game of playing the poor off the middle class," he said. "Helping poor people and helping working-class people are not mutually exclusive. Having a program that will grow [means it] has to be as inclusive as possible, or you'll have no support for it."

Ford said he expects to begin hearings on the Higher Education Act in May after an extensive review of proposals from education groups and the administration.

On two other issues that his committee will handle, Ford said:

Education vouchers of the kind Bush plans to propose sound "like a back-door tuition tax credit attempt. . . . It's divisive. It's probably unconstitutional." More generally, Ford faulted open enrollment plans, which Bush promotes, as administratively unworkable and educationally worthless.

His version of the civil rights bill that Bush vetoed last year will include a "glass ceiling" provision on women in the workplace that will resemble a proposal by Sen. Robert J. Dole (R-Kan.). Ford aides said other "women's equity" provisions may be included in the legislation, which Bush rejected because he said it would create racial quotas.

OPERATION DESERT RAINBOW

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. DERRICK. Mr. Speaker, I rise today to introduce a program created by Jennifer Powell and her classmates at Pendleton Junior High School of Pendleton, SC. These students began Operation Desert Rainbow as a means of reaching out to the troops stationed in Saudi Arabia. They recognize this program as their way of contributing to the war effort by mailing letters to the troops using colored stationery and rainbow decals. These students recognize the rainbow as a symbol of hope and peace after a storm and they feel it is an appropriate way to send letters. They urge other junior high students to join Operation Desert Rainbow. I offer my colleagues the opportunity to review Ms. Powell's letter and encourage them to share it with junior high students in their districts.

DEAR CONGRESSMAN DERRICK: Early this fall when Operation Desert Shield began, Mrs. Hicks's English Classes at Pendleton Junior High adopted an Army unit which is stationed in Saudi Arabia. We have sent letters, cards, and packages to this unit and have received many interesting letters, cards, and souvenirs in return.

With the onset of Operation Desert Storm, we became anxious and we felt very helpless. We wanted to help in some way; to show our support for the troops and our hope for their quick safe return home.

The name Desert Storm gave birth to our class project entitled Operation Desert Rainbow, since the rainbow is a symbol of hope and promise after a storm. The goddess Rainbow was also the mythological messenger. It is an appropriate symbol to carry our letters.

This rainbow project is being demonstrated through use of rainbow colored stationery, envelopes, stickers and decals on letters that we send to this unit.

We thought this was such a good idea that we hoped you would publicize this and help spread this campaign throughout the country. Imagine how impressive thousands of rainbow colored letters would be as they moved through the mails to our troops in the Middle East.

Many schools have undertaken similar letter-writing projects. We want to spread the word to these students and to private individuals who write letters to their family members and loved ones involved in Operation Desert Storm. Help us spread the word: become a part of Operation Desert Rainbow. Send your letters on vividly colored paper and envelopes. Send the Rainbow as a symbol of hope and promise. Our hope is for the health and well-being of our troops and for their safe return. The promise we send is a promise of support by our thoughts and prayers and a promise to do all we can to keep things running smoothly at home until they return.

We would appreciate your help in encouraging all people to join us in Operation Desert Rainbow.

Sincerely,

JENNIFER POWELL,
CLASS SECRETARY FOR OPERATION
DESERT RAINBOW.

CHAMPUS MENTAL HEALTH RESTORATION ACT

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. BUSTAMANTE. Mr. Speaker, as the gulf war continues, all of us pray that the military men and women over in the Middle East serving our country will return home safely very soon. This is a time when we should do everything possible to support our military men and women over in the gulf and their families. These military families are under extraordinary stress during these difficult times. Moreover, the children of military families are the most vulnerable, and we must do whatever we can to support these young children and their mothers and fathers left home anxiously waiting for their loved ones to return home.

With this in mind today, I am introducing, with my dear colleague from Rhode Island, Representative RON MACHTLEY, the CHAMPUS Mental Health Restoration Act. This legislation is identical to legislation introduced in the Senate by my good friends, Senator JOHN MCCAIN of Arizona and Senator JOHN GLENN of Ohio. This bill would delay the implementation of mental health benefit reductions enacted last year until 1 year after the termination of the Persian Gulf conflict as specified by law or Presidential proclamation. These mental health cuts, which I and Senator MCCAIN strongly opposed last year, are scheduled to become effective on February 15, 1991. This is not the time to reduce these benefits. It would undercut the very support many of these families need during these troubled times.

Private psychiatric hospitals, residential treatment centers, and mental health practitioners are offering support to military families in various ways since the war began. The response to these efforts has been overwhelming. Military families are in need of a whole range of support services and the mental health community is responding. A group of hospitals and residential treatment centers have joined with the Department of Defense and a nonprofit children's organization to provide children of military parents with specially tailored workbooks addressing the emotions associated with having a family member involved in the Middle East war. Other hospitals are offering free support group services staffed by hospital volunteers. Physicians, psychologists, and other mental health practitioners are donating their time to local media to discuss topics such as how to talk to your child about war. These practitioners are volunteering their time to talk to various military groups about coping while their loved ones are in the gulf. Twenty-four-hour hotlines are also being offered. One such hotline is receiving more than 200 calls every day.

The mental health community has reached out to these military families. We, in Congress, should do our part by acting now to assure that the current mental health benefit remains in place. Only then can those military families who are most in need of this type of care continue to have full access to an appropriate and adequate mental health benefit. I urge my colleagues to join me and Mr. MACHTLEY in supporting this legislation.

STUDENT LOANS MUST BE REPAID

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. HOLLOWAY. Mr. Speaker, although no one can be happy with a Federal budget which is hundreds of billions of dollars in the red—and I am not—there are several measures contained in President Bush's proposal which I am pleased to see.

For one thing, the proposed budget addresses the question of what can be done about those who use federally guaranteed student loans to finance their college education, then fail to pay their loans back. I think those who take advantage of Uncle Sam's generosity in this way should be held accountable for what they do. Our Government, intentionally or otherwise, gives something for nothing too often already. There is no reason why college graduates shouldn't give something back. Student loans create opportunities which wouldn't otherwise exist.

Those who seize those opportunities must also meet their moral and legal obligation to give back what they have gotten.

Mr. Speaker, those who willfully fail to repay their student loans should be required in some way to pay. The President's proposal would authorize wage garnishment of those who default on student loan repayments and would let State and Federal agencies trade information to locate them. What's more, the proposal would also require debtors to show hardship before having their default forgiven through bankruptcy. That is the way it should be. There should be an end to the gravy train.

Latest available figures are alarming. At the end of 1990, outstanding student loans under the Government-guaranteed program totaled nearly $53 billion, roughly double the amount in 1982. Gross default rates also increased, from about 12 percent in 1980 to 16 percent last year.

Mr. Speaker, this is unnecessary; this is a disgrace; this needs to be addressed. It is high time those who have benefited from the Government's goodwill pay the piper. I strongly support the proposal to permit the Federal Government to obtain what it is owed.

LET THE LITHUANIAN PEOPLE VOTE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. LIPINSKI. Mr. Speaker, the President of the Soviet Union, Mikhail Gorbachev is still continuing his convincing imitation of a dictator. This one-man show would hardly be noticed were it not for the millions of people held a captive audience. Throughout the 15 Soviet Republics, subjugated peoples, who simply desire the freedom to choose their own future paths, are being forced to bear the violent brunt of an authoritarian regime desperately clinging to power. The Baltic States, Soviet Armenia, Georgia, and others, though home to people with vastly different ethnic and cultural backgrounds, have all expressed a strong desire to move toward self-determination and independence.

On Saturday, the Lithuanian people will defy Gorbachev and his henchmen once again when they hold a Republic-wide, nonbinding referendum to measure public opinion regarding independence. The poll is expected to win overwhelming support among ethnic Lithuanians as well as among the minority of Russian-speaking citizens. The question asked is astonishingly simple in nature, but it is certain to have far-reaching and unforeseen implications. In a free election, the Lithuanian people will be asked whether they agree that Lithuania should be an independent, democratic Republic. Although I will not be able to cast a vote on this issue, I would like to have my resounding "yes" vote included in the final tally.

For the last 40 years, the Soviet Union has continued to illegally occupy Estonia, Latvia, and Lithuania. Although the Western nations have never recognized this annexation, they have never forced the Soviet Union to allow the peoples of this region the fundamental right to choose their own fates. Even while all the Communist governments of Eastern Europe have ceased to exist, the Soviet Union has tightened its stranglehold on the Baltics. In his most recent action, Gorbachev has issued a decree to declare the referendum invalid and indicated he would attempt to block it. I will pray that on Saturday common sense and discretion will prevail. Unfortunately, Moscow's actions over the preceding weeks have left little optimism for a peaceful outcome.

I will also continue to offer my support to the freely elected government of President Vytautas Landsbergis. Since the January 2 crackdown and subsequent killing of 14 people, President Landsbergis and his government have been forced to lock themselves inside the Parliament building. Surrounded by concrete barricades, Landsbergis and his legislature have not been able to venture outside for fear they will be arrested by the Moscow-controlled police.

Mr. Speaker, on numerous occasions my colleagues and I have called for measures that will convey a strong message to President Gorbachev regarding his use of force in Lithuania. Just as Americans felt outraged at the brutal occupation of Kuwait, so too do they deplore the Soviet Union's most recent actions. On Saturday, the Lithuanian people will publicly reiterate their desire for independence. They will go to the polls and choose their futures. Realistically, this election probably will not force the Soviet Union to pull its occupying army out or discontinue its campaign of repression. However, in democratic nations throughout the world, the collective voice of the Lithuanian people shall be heard. Freely elected government leaders cannot help notice that the man who made glasnost a household word still continues to hold the door of Lithuanian independence tightly shut.

THE VIETNAM ARMY—SECOND TO NONE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. RITTER. Mr. Speaker, Operation Desert Storm should help to renew our pride in our veteran community, including our Vietnam veterans who bravely served their country in a noble and just cause in South East Asia.

Unfortunately, the war in Iraq has brought out voices who seek to use the gulf war as a forum to once again unfairly and unjustly attack and denigrate the veterans who courageously fought for our Nation in Vietnam.

Mr. Speaker, I would like to submit an article by Richard Kolb that helps to set the record straight and give us a clear picture of America's Vietnam Army: Who our Vietnam veterans were, and who they were not.

I urge my colleagues to read "The Vietnam Army—Second to None."

[From the Wall Street Journal, Jan. 25, 1991]

THE VIETNAM ARMY—SECOND TO NONE

(By Richard K. Kolb)

Just when we thought the open season on Vietnam veterans had ended, the pot-shots have begun again. As veterans of Vietnam we are all especially delighted to witness the enthusiastic and sincere public support offered U.S. troops now serving in Saudi Arabia. Those who fill the ranks of combat units—especially the grunts—are to be congratulated for their willingness to volunteer for such hazardous duty. But is it necessary for the so-called experts to denigrate Vietnam veterans in analyzing today's military?

The public is being bombarded by these experts with the same tired message pushed by the anti-war movement during the Vietnam era: that the typical Vietnam serviceman was poor, unmotivated, a high school dropout and overall, not a very admirable character, who had to be dragged, kicking and screaming, all the way to the draft center.

So, the Cleveland Plain Dealer referred on Nov. 4 to "the high school dropouts and reluctant draftees who were sent to Vietnam a generation ago." In a confessional piece in Life magazine in October, a former draft dodger absolved his conscience by dismissing the Vietnam era military as "a fighting force made up largely of minorities and the poor . . ." "Overall, today's voluntary force is far more representative of the middle class than the draftees of the Vietnam War, who included many high school dropouts," proclaimed U.S. News & World Report on Dec. 24.

Talk of reviving the draft to make the military truly representative of the entire population elicits such responses as: "An Army drawn at random would have to include misfits, making discipline and unit cohesion harder to achieve—which would cost American lives in combat," according to that same U.S. News article. A former Reagan Pentagon official quipping that only "the dummies got put in the infantry . . ." under the draft.

Observers of the army now in Saudi Arabia compliment it by insulting the army sent to Vietnam. The Associated Press noted on Dec. 13 that "the 'booze, broads and drugs' synonymous with Vietnam" are absent from Saudi Arabia.

"[T]he draftees of Vietnam and their hatred of the military establishment are long gone," it added. Similarly, the Dec. 23 Washington Post associated "bellyaching malingering, dissent and drug abuse" with the Vietnam soldier. "Vietnam," the Post continued, "also was fought mostly by draftees, amateurs . . . some of them reluctant soldiers disgusted and demoralized by a war without end."

These invidious comparisions could be listed ad nauseam. But take a look at the facts:

The servicemen in Vietnam were not reluctant conscripts. Draftees constituted 25%—648,500—of the 2.6 million American servicemen who served in Vietnam. (By contrast, 66% of U.S. forces in the Second World War were drafted.) Draftees accounted for 27%—15,404—of combat deaths in Vietnam.

They were not disproportionately nonwhite. Whites made up 88.4% of the forces in Vietnam. Whites accounted for 86.3% of the deaths in Vietnam. Blacks suffered 12.5% of the deaths in Vietnam at a time when blacks of military age were 13.5% of total population.

The soldiers in Vietnam were not drawn from the poor: 76% of the troops came from lower middle or working class backgrounds.

Nor were they ignorant. High school educations or better has been attained by 79% of the men sent to Vietnam, making this the best educated armed force fielded by America up until that time.

They did not disgrace themselves during their service to their country. Honorable discharges were earned by 97% of Vietnam-era veterans.

They did not crack up when they returned home. Surveys show that 85% of Vietnam veterans have made a successful transition to civilian life. Admittedly, 15% have indeed experienced varying degrees of emotional stress—but, by comparison, that's less than half the rate of emotional stress suffered by veterans of World War II. According to a 1965 National Academy of Science study, fully one-third of 1941–1945 veterans suffered some neurotic problems.

Nor do they feel any shame for what they did in Vietnam. 91% of actual Vietnam War veterans and 90% of those who saw heavy combat tell pollsters that they are proud to have served their country. Vietnam veterans constitute more than 25% of the membership of each of the big three veterans organizations: the American Legion, the Disabled American Veterans and the Veterans of Foreign Wars. (The VFW has had two Vietnam vets as commanders-in-chief, and a third will assume that position in 1991–1992.)

Simply put: The Vietnam War serviceman was not some sort of societal scum dredged from the bottom of a barrel America sent some of its finest to Vietnam. The American public has finally begun to acknowledge this fact: According to an April 1990 Gallup Poll, 87% of the nation holds Vietnam veterans in high esteem.

The question is, when will the country's opinion-makers do the same?

(Mr. Kolb, who served with the 4th Infantry and 101st Airbone divisions in Vietman, is editor of the Veterans of Foreign Wars magazine in Kansas City, MO.)

THE SCHOOL IMPROVEMENT AND FLEXIBILITY ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. GOODLING. Mr. Speaker, today, I am introducing a bill, the School Improvement and Flexibility Act, to improve the education of our Nation's children. The bill increases the local control over education decisions and creates incentives for improving programs. Typically, Federal programs are concerned more with fiscal accountability than with the educational success of the students served under these programs. This bill will change the standard by which we measure the success and, hence, compliance with the program laws. The bill is in three titles.

Title I requires the Secretary of Education to conduct a study of the State, local, and Federal regulatory requirements on local school districts and then to make recommendations on how best to simplify Federal or State regulations so that more resources can be used to improve student performance.

Title II creates a program of educational performance agreements for school restructuring. An educational performance agreement is a different form of regulation that allows maximum control over educational programs at the local level. Participating schools, in partnership with the States and the Federal Government, would be allowed the flexibility to write an agreement, including a set of measuring criteria which would be reviewed annually against base year information, to pool the various existing funding sources and educational techniques creating an educational program that best serves their students. These performance agreements would be the basis for determining progress and improvement.

Title III, building on the concept that is developed in title II, creates incentives for improving local programs by relieving programs that have shown improvement in their students' achievement from fiscal regulatory burdens. The title requires that program improvement become the standard for success and allows educational accountability be the measure for success.

I am hopeful that you will consider cosponsoring these innovative ideas for better schools.

TRIBUTE TO HOBART G. CAWOOD

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. KOSTMAYER. Mr. Speaker, today I would like to pay tribute to one of the National Park Services' finest. Mr. Hobart G. Cawood, known as Hobie to his friends, the Superintendent of Independence National Historical Park in Philadelphia, has announced his retirement.

Hobie Cawood became Superintendent in 1971 and oversaw some of the most important events in the history of the park, the Bicentennial Celebration in 1976 and the 200th anniversary of the Constitution. As a result of his leadership and dedication, many of the important buildings of the park are being reopened.

As the guardian of the most important symbols of liberty in the country, Independence Hall and the Liberty Bell, Hobie Cawood understood the meaning of his job. In 1978, he was forced to defend the issuing of a permit to the American Nazi Party to hold a rally in the park. In the face of overwhelming public pressure, he looked to the symbols all around him and remained convinced of the rightness of his decision.

Mr. Cawood will be leaving Philadelphia in April to become president of Old Salem, Inc., where he will oversee the restored historic town of Old Salem, NC. Mr. Speaker, I want to take this opportunity to thank Hobie Cawood for his hard work on behalf of the people of this country and to wish him the best of luck in his new position.

SUPPORT FOR PTSD LEGISLATION

HON. THOMAS J. RIDGE

OF PENNSLYVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. RIDGE. Mr. Speaker, I rise today to express my support for and join as an original cosponsor of legislation introduced by Congressman JIM JONTZ, the veterans PTSD Treatment and Psychological Readjustment Act. This legislation will address the problem of post traumatic stress disorder or PTSD, a problem affecting over 450,000 veterans across the Nation. The large majority of these individuals have not received the care within the VA system which they so desperately need.

Many of us are all too familiar with Research Triangle Institute study which found that approximately 480,000 veterans are currently afflicted by PTSD, almost 15 percent of which are Vietnam-era veterans. It is a tragedy that so many veterans are suffering with these symptoms. It is even more disheartening to discover that approximately 10 percent are receiving care at their VA medical centers and veterans outreach centers.

These numbers cannot be solely attributed to the VA. Although the VA system is, in my opinion, not adequately delivering this care, there are also a number of other factors contributing to veterans falling through the cracks.

Lack of care also can be traced to the hesitancy in the veteran community to step forward and seek the care that they so desperately need. In turn, I believe that this is associated with the negative way in which the problem of PTSD, and mental health in general, has been approached. It is time to recognize PTSD, not as a disorder, but as a normal reaction human beings have to abnormal, traumatic experience. It is my sincere hope that this legislation, and the attention it attracts to this important issue, will help us to better understand and recognize PTSD. Moreover, it is my hope that it will facilitate treatment for the thousands of veterans unable to access the VA system and those not able to step forward to seek help.

As we begin the 102d Congress, it is a time for reflection and progress. As a legislative body seeking to fulfill our commitment to our Nation's veterans, we must look behind to the individuals of past conflicts to see that the Government is properly fulfilling its commitment to provide care and services. In addition, we must look forward to put in place preventive measures which we trust will prepare future generations for the consequences of conflict. I believe that this legislation takes several steps in that direction.

During the 101st Congress, many of my colleagues and I saw the need for PTSD legislation but we were unsuccessful in our efforts to approve related legislation. As we begin this new session, the need could not be more real. From across the country, we are hearing similar stories of veterans experiencing symptoms of PTSD, some for the first time and others that have suffered in the past. Our health care professionals in the field tell us that much of this has been triggered by events in the Persian Gulf.

Our task is now twofold. We must not only deal with the veterans affected by the traumas of past conflicts, but we must also address personnel who are now bravely serving in the Persian Gulf. While we do not know what number of personnel will return with symptoms of PTSD, we suspect that these numbers will be significant.

The time to address this problem has certainly arrived.

And so today, I join with several of my colleagues on the House Veterans' Affairs Committee in introducing the Veterans PTSD Treatment and Psychological Readjustment Act of 1991. Having already resolved many long-standing veterans issues in the first days of this session, I trust that priority will now be given to this issue. I pledge my support for this legislation, and trust that this issue will receive the full support of the House of Representatives in the 102d Congress.

THE PRESIDENT'S DEBT REPAYMENT PROPOSAL FOR POWER MARKETING ADMINISTRATIONS

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mrs. UNSOELD. Mr. Speaker, I rise to object to yet another administration ploy to restructure the debt of the Bonneville Power Administration and other power marketing agencies. Those of us in the Northwest have heard the White House play this tune before. This time, the so-called budget experts are trumpeting a new proposal that would raise the interest rates on outstanding debt. What it really does is increase the rate at which money flows out of consumers' wallets.

We are told this reform would add more than $2 billion to the Treasury within 5 years. But the catch is that accelerated debt repayment would mean a 12-percent rate increase for Northwest customers. Add to this a proposed BPA operating increase of up to 5 percent, and you have a 17-percent increase for some ratepayers.

The people of the Pacific Northwest and the BPA are facing the same recession as the rest of the country. Timber communities in my district have already been especially hard-hit by Federal policy through reductions of timber harvests in national forests. In addition, the Northest is facing the considerable financial burden of protecting our fisheries and turning to more costly sources to meet the rapidly expanding power requirements of the region. Increasing the cost of power will not solve these problems; it will only add to them.

VOLUME AND WEIGHT OF MUNICIPAL SOLID WASTE

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. HAYES of Louisiana. Mr. Speaker, since 1960, the sheer volume and weight of municipal solid waste [MSW] generated in America has grown at a rapid and concerning rate. Unfortunately, our programs to manage and reduce the generation of these wastes have not kept pace. Consequently, Congressman BILLY TAUZIN and I are introducing a bill today which will finally provide incentives and assistance for our communities to implement recycling programs that will effectively combat this problem.

Over the past 20 years, the United States has managed to add 100 million tons of MSW to its waste stream each and every day. However, of the 14,000 landfills that were open to receive MSW in 1980 fewer than 2,800 will be open in 1995. That translates to only 20 percent of the Nation's original landfills handling 100 percent more garbage. Clearly, this is a situation that cannot continue.

In order to remedy this situation and to reduce this Nation's dependence upon landfills, our bill supports the Environmental Protection Agency's earlier attempt to target reducing MSW by 25 percent before 1995 by providing an incentive for State and local communities to develop and implement comprehensive recycling programs. Our legislation also recognizes that States must be able to develop individualized, comprehensive, multi-material recycling plans that reflect each region's specific conditions so that we do not apply Louisiana solutions to New Jersey's problems and vice versa.

This distinction is important to remember. While I believe that each of us here supports an increased reliance upon recycling to manage our municipal waste stream, I want to take this opportunity to explain why I believe that we need incentives for comprehensive, multimaterial recycling programs.

With the public increasingly expressing an attitude of "not-in-my backyard" with regards to the siting of incineration and landfill facilities, recycling is clearly the best public policy option for managing our MSW for the long-term. Based upon that premise, our bill aims to tap the many potential benefits that can accrue from implementing a comprehensive, multimaterial recycling program.

In short, comprehensive recycling offers at least three major benefits. First, it provides a cost-effective waste management scheme for State and local communities. Second, it helps to achieve a high rate of energy conservation, up to 95 percent in the case of recycling aluminum cans versus making new aluminum cans from newly mined ore).

Third, it ensures a significant measure of resource conservation as materials are reused repeatedly, thus decreasing our reliance on the development and exhaustion of our natural resources and virgin materials.

In order to combat the problems we face by having fewer and fewer landfills handling an every-increasing supply of garbage, our bill states that within 2 years after enactment of this act, each State shall develop and implement a program that provides 20 percent of its residents with an opportunity to participate and engage in recycling. For each succeeding 2-year period the program shall be further expanded to offer an additional 20 percent of the population the opportunity to participate.

In order to help achieve these goals, the bill provides for a grant program to be administered by the EPA that can be allocated to States with such comprehensive, multimaterial plans. These funds can be used for: improved collection, transportation, and separation systems; improved community educational programs on recycling; enhancing markets for the use of recycled materials; or the creation of recycling facilities. In any case, each State will have the ability to identify their own weakest links in the recycling chain and be able to target resources to that area.

It is our intention to include this bill as part of the debate on RCRA when it is reauthorized during the 102d Congress and believe that comprehensive, multimaterial recycling is not only a cost effective way to provide waste management for our local communities, but makes sense for the management of our natural resources and the conservation of our energy.

THE CONTRIBUTIONS OF ARAB-AMERICANS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Ms. OAKAR. Mr. Speaker, recently an article written by an excellent scholar and writer, Joanne McKenna, appeared in the Plain Dealer. It was written as an essay in reaction to the blatant harassment that some people of Middle Eastern ancestry are experiencing in this country. The article says it all. I commend my colleagues to the following:

[FROM THE CLEVELAND PLAIN DEALER, JAN. 31, 1991]

IF THEY PENNED UP ARAB-AMERICANS

(By Joanne E. McKenna)

I spoke recently with a Greater Clevelander who is an American citizen of Iraqi birth. She has sisters and brothers in Baghdad, as well as nieces, nephews and other relatives. She is unable to phone them. The Red Cross can offer no help in checking on their status.

Each day, like the rest of us, she watches TV as our allied troops bomb the city of her birth and the place where her family lives. President Bush tells her that "Saddam is the enemy, not the people of Iraq."

She is frantic about the status of her family who are, according to media reports, without electricity, water, telephones, fuel, medicine and food. She prays for them and cries a lot.

Three days into the war, another Greater Clevelander told her that Arab-Americans should be rounded up and put in internment camps for the safety of the American people.

I heard that sentiment expressed on two talk shows during the first week of the war in the gulf. Callers said Arab-Americans should be interned for the duration of Desert Storm.

A friend reported hearing three women talking at a local bank. They insisted that Arab-Americans should be put into concentration camps because "they might try to poison our water supply."

I have friends in Dhahran, Saudi Arabia. Some are U.S. citizens. Others are Saudi Arabian citizens. I watch Patriots intercept Scuds with intense personal concern for the safety of people I hold dear. A citizen of Saudi Arabia phoned to check on my safety because he heard media reports that Arab-Americans are being harassed and threatened in Cleveland.

The FBI has contacted Arab-Americans throughout the country asking, among other questions, if they know of any potential terrorist activity and if they know anybody who wants to blow up a federal building.

These interviews unfairly stereotype Arab-Americans who, like everybody else, have the right to be accepted and treated as individuals. The presumption of guilt by ethnic association is insidious and evil. Arab-Americans do not have innate knowledge of terrorism by virtue of their ethnicity.

There are about 3 million American citizens of Arabic-speaking origin. About 30,000 of us live in Greater Cleveland.

Many of us have taken the "melting pot" concept almost too literally and have blended into the American mainstream. I, for instance, am a third generation American citizen of Lebanese and Slovak descent. I don't speak, read or write Arabic but I am, proudly an Arab-American. I have no knowledge of potential terrorist activity and do not know anybody who wants to blow up a federal building.

I've been thinking a lot about that Arab-American internment camp to which some of my fellow Americans wish to consign me.

White House Chief of Staff John Sununu would be there, as would Senate Majority Leader George Mitchell. They could discuss the legality of our internment with former Sens. James Abourezk and James Abdnor of South Dakota, Reps. Nick Joe Rahall of West Virginia and Mary Rose Oakar of Ohio, and former Reps. George Kasem of California and Abraham Kazen of Texas.

Additional input would come from the attorney general of Kansas, Robert Stephan, the treasurer of Rhode Island, Anthony Soloman, the Secretary of state of Texas, George Bayoud, and the former governor of Oregon, Victor Attiyeh. They could also discuss their thoughts with the majority leader of the Tennessee legislature, James Naifeh, and the mayors and former mayors of several dozen U.S. cities.

For security in the interment camps, we Arab-Americans could consider Maj. Gen. Walter Safi, who fought beside Gen. George Patton, and Brig. Gen. Elias Stevens, who was on Gen. Dwight Eisenhower's staff in World War II. In the Korean War, America's first jet ace was Col. James Jabara.

We would call on more contemporary Arab-American military, but they are busy fighting as members of the U.S. armed forces in the gulf. Perhaps they can be furloughed to the interment camps.

If we need a negotiator, we will have special presidential envoy Phillip C. Habib. To ensure that we do not make ignorant blunders there would be former Chief of Protocol Selwa Roosevelt.

Danny Thomas, founder of St. Jude Children's Research Hospital, consumer advocate Ralph Nader, and Candy Lightner, founder of Mothers Against Drunk Driving (MADD), would inspire our social consciousness. Pioneer heart surgeon Michael DeBakey could take charge of our health needs, assisted by at least 40 Greater Cleveland physicians of Arabic descent.

Helen Thomas of United Press International could be our historian. For inspiration we could read the poetry of Khalil Gibran or pass the time with a novel by William Peter Blatty ("The Exorcist") or a play by Fred Saidy ("Finian's Rainbow," "Bloomer Girl").

Entertainment would be provided by Paula Abdul, Paul Anka, Jamie Ferr, F. Murray Abraham, Marlo Thomas, Tiffany, Michael Ansara, Tige Andrews, Khrystyne Haje, Danny Thomas, Casey Kasem, Don Bustany and Cleveland's own Larry Morrow. Danny Thomas and Casey Kasem received the 1990 Ellis Island Medal of Honor.

Programs could be produced by Emmy and Oscar winner Tony Thomas or "Halloween" producer Moustapha Akkad. For directors we would have Assad Kelada and John Bowab ("Who's the Boss," "Facts of Life," "Full House," "WKRP"). We could watch reruns of "Alice" featuring the late Vic Tayback, listen to an aria by Rosalind Elias or watch a ballet by Dennis Nahat.

Lest we become couch potatoes, we could toss a ball or two with NFL Hall of Fame linebacker Bill George, Heisman Trophy winner Doug Flutie, Syracuse University basketball star Ron Seikaly, Indianapolis Colt's quarterback Jeff George, the Oakland A's Ron Hassey, Joe Lehoud of the Red Sox, Braves, Angels and Rangers, or UCLA basketball coach Jim Harrick.

We could talk cars with Indy 500 winner and National Race Car Champion Bobby Rahal, talk boxing with the world featherweight champ of 1936–37, Petey Sarron, or play chess with the 1986–87 U.S. national chess champion, Yasser Seirawan.

If we wanted to talk business, there would be Nick Shammas, the world's largest retail auto dealer; Mario Kassar, chairman of Carolco Pictures ("Rambo"); former Pan American Airlines CEO Najeeb Halaby; the president of Paramount Pictures Domestic TV, Lucie Salhany; J.M. Haggar (slacks); the Farah brothers (slacks); the Maloof brothers ("Mod-O-Day dresses); Ray Irani, chemist, inventor and president of Occidental Petroleum, and Fred Saigh, former owner of the St. Louis Cardinals. (The late Joe Robbie owned the Miami Dolphins.)

For education, we would seek the advice of Donna Shalala, the Greater Clevelander who is chancellor of the University of Wisconsin, and David Adamany, president of Wayne State University. Fuad Suleiman is former vice president of Ohio's Central State University.

We could enhance our fashion sense via the talents of Joseph Abboud, men's wear designer of 1990 as named by the Council of American Fashion Designers.

After pausing for a prayer in memory of Christa McAuliffe, the teacher/astronaut who died aboard the "Challenger," we Arab-Americans might then decide to file suit for reparations over the internment.

The head of our legal staff might well be Joseph D. Jamail, who won a record $1 billion judgment for Texaco.

As I said, I am, proudly, an Arab American.

DADE COUNTY TEACHER OF THE YEAR AWARD—VELDA FARMS GOLDEN APPLE AWARD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to recognize the annual Dade County Teacher of the Year Award Program. Although all our teachers are outstanding, the Golden Apple Award brings will deserved credit to some of the best teachers in Dade County, if not in the country. Part of a national project, this program awards $6,000 to the winner, $2,000 to the runner-up, and $1,000 to the other five district finalists. In addition, the school which nominates the district teacher of the year will receive a $2,000 award. All of these generous awards are made possible by Velda Farms Dairies, a corporate cosponsor of the event.

The ceremony will take place on Tuesday, March 5, 1991, at 11:45 a.m. Since the Golden Apple Awards began, the teacher of the year ceremony has tripled in size from 450 in 1984 to 1,300 in 1990. Our community truly enjoys an affair honoring such deserving individuals. Mr. Perry Branyon, general manager of Velda Farms Inc., said last year, "It has improved the image of teachers in the mind of the public, and in the minds of other teachers." I must say I agree.

To more effectively express the care and love of teaching conveyed by our finalists, our local ABC affiliate and corporate cosponsor, WPLG Channel 10, will prepare a series of videos. As the entire assembly of an expected 1,300 gazes upon the large TV screens in the ballroom of the Omni International Hotel in Miami, FL, classroom excerpts of the finalists in action will be displayed. The rest of the south Florida community will be able to enjoy the videos as well, as each will be shown during consecutive episodes of the local evening news. My congratulations go out to all the 1990–91 district teacher of the year finalists: Laurie Foster of Miami Carol City Senior High, Jack Nadal of Thomas Jefferson Middle School, Althea Sample of Miami Northwestern Senior High, Cathy Powers of Little River Elementary School, Andrea Ganji Busher of South Miami Elementary School, Marilyn Carver of Pine Lake Elementary School, and Susan McMillian of Hope Center School.

I would like to take this opportunity to acknowledge the wonderful people who make this inspiring occasion a reality. The members of the joint Dade County Public School [DCPS] United Teachers of Dade [UTD] teacher of the year task force include: Ms. Carol Iglesias, UTD cochair; Bea Addison, Robert Borsong, Ms. Bettye Douglas, Ms. Annette Katz, Ms. Carol Renick, DCPS cochair; Dr. Richard Artmeier, Ms. Bertha Pitt, Daniel Tosado, Dr. Kenneth Walker, and David Wind, Greater Miami Chamber of Commerce representative. The Greater Miami Chamber of Commerce Education Task Force Committee members are: John E. Forta, vice chairperson, education leadership—Miami; Seth Gordon and David R. Wind, cochairpersons, education group committees; Perry Branyon and Peggy Hurst, cochairpersons, recognition committee.

THE CASE OF REFUSENIK LEONID KOSHAROVSKY

HON. HARRY A. JOHNSTON II

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. JOHNSTON of Florida. Mr. Speaker, Soviet Jews continue to strive for basic human rights, among them the right to practice their own religion and language, and the right to leave a country that has traditionally denied them these rights. The latter is an internationally recognized human right upheld by the Helsinki Final Act. The Soviet Union is a party to this agreement as well as many other international agreements which restate this basic human right.

It must also be said that the Soviet Union has made significant progress recently in these areas. Just a few a months ago, the Supreme Soviet passed a new law permitting freedom of religious expression, a welcome break with the Soviets' past history of intolerance. And as we all know, record numbers of the Soviet Jews were permitted to emigrate in the last 2 years.

These facts make the case of Leonid Kosharovsky all the more difficult to understand. Leonid has been refused permission to leave the Soviet Union due to receiving a second degree secrecy classification as part of his employment as a radio-electronic engineer. He worked in this capacity from 1965 to 1980 in a plant called Kalinin. In 1980–82, Leonid was employed as the head of a technical division for repairing refrigerators. In 1982, he was appointed as the chief engineer of a project which specifically worked on systems of automatic control.

In February 1990, Leonid's wife Galina, their two daughters and each of their mothers applied for exit visas to Israel. In April 1990, the Kosharovsky family received permission to leave the U.S.S.R. with the exception of Leonid, who instead received a refusal. The reason given for the refusal was access to secrecy based on a position he had left more than 10 years ago.

On July 3, 1990, Galina Kosharovsky and her family left the Soviet Union for Israel. Leonid remained alone in Sverdlovsk. As recently as January 1, 1991, the Commission of Citizenship of the Supreme Soviet informed him that he was refused again, on the same basis, and could not reapply until 1992.

Recent events in the Baltic States do not bode well for those Jews still left in the Soviet Union. They have much to lose as an increasingly authoritarian regime takes over. The conservative elements who are now gaining power are the ones who have been responsible for the greatest repression against Jews in the past. Now, more than ever, it is critical for all those Jews who wish to leave the Soviet Union be permitted to do so. I ask my colleagues for their support in urging the Soviet Government to release him immediately.

H.R. 917—A CONSENSUS BILL TO END NOTCH DISCRIMINATION IN SOCIAL SECURITY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. ROYBAL. Mr. Speaker, as chairman of the House Select Committee on Aging, I am today introducing, along with 137 of my colleagues, a consensus bill to resolve the Social Security notch problem. I wish to commend the members of my committee, Messrs. Rinaldo, Ford, and Saxton, as well as Messrs. Grandy, Annunzio, Quillen, and Machtley for their continued support of my notch reform legislation.

This consensus bill combines many of the best characteristics of the major bills introduced during the last Congress. It is the best balance of benefits equity, technical competence, and fiscal responsibility yet devised. I am convinced that the enactment of this bill will end, once and for all, the long and frustrating debate on this issue.

The 1977 Social Security amendments were designed to rectify the problems of the overindexed 1972 benefit formula. Congress' intention was to phase in reductions to all individuals retiring after 1978 over a period of years. Unfortunately, the legislation which passed included a 5-year phasein to the new benefit formula. This transition did not anticipate the double-digit inflation of the late 1970's and early 1980's. More importantly the transition formula ignored the post-age-61 earnings of individuals in calculating benefits.

Instead of the transition which was intended to reduce benefits over a 5-year period by 6 to 10 percent, it reduced benefits by 10 percent for those born in 1917, the first year of the notch. And in subsequent years discrepancies of up to 20 percent were noted. I do not believe that it was the intent of Congress to cut so drastically the benefits over such a short period of time.

My goal has always been to press for a responsible solution to the notch problem. Such a solution should restore faith in the system for those notch beneficiaries and provide maximum protection to current and future beneficiaries.

Technical corrections have been made to my notch legislation which will substantially reduce the cost while still providing equity to those individuals born during the years 1917 and 1921. This legislation, which I'm introducing today as H.R. 917, will essentially:

First, add a declining percentage of the difference between the old flawed 1972 formula and the 1977 law's permanent formula. This will create a new transitional formula, an approach favored by the 1988 GAO report on notch reform;

Second, cap the maximum creditable earnings used to calculate the new benefits at $29,700. Earnings in years after a person reached 65 years of age will not be used to compute new benefits;

Third, create a 10-year transition benefit formula for persons born in the years 1917 through 1926;

Fourth, eliminate retroactive payment of benefits prior to initial entitlement; and

Fifth, estimate the cost to be approximately less than $5 billion a year during the first 4 years of enactment and even less thereafter.

Under this formula, a beneficiary born during the notch years will receive higher benefits than under the current law, while not affecting those individuals born after 1926.

My committee has studied this issue for over 6 years. The committee's hearings include an extensive record on the effect of the notch on individuals. Unfortunately some of my colleagues believe that more studies are needed, I urge them to review these hearings and legislative analysis that are available.

There are others who believe that there is a need to cut benefits or raise taxes to pay for notch reform. The Social Security trust funds are in excellent financial shape, with large annual surpluses projected over the next few decades. Certainly some of these reserves could be used to correct this inequity without damaging the long term financial solvency of Social Security.

Mr. Speaker, let me close by stating that obviously this blatant inequity should not exist. Such arbitrary discrepancies in benefit levels are unfair and undermine the confidence in the Social Security system. H.R. 917 solves the problem responsibly and fairly. I urge my colleagues to weigh not only the cost of correcting this disparity, but also the costs associated with not addressing this issue, including the loss of public confidence in the Social Security system and the problems associated with reduced benefits received by individuals who are already, among the most economically vulnerable of our citizens.

H.R. 917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Notch Adjustment Act of 1991".

SEC. 2. EXPANSION OF PERIOD OF TRANSITION; NEW ALTERNATIVE FORMULA WITH RESPECT TO SUCH PERIOD.

(a) Expansion of Period of Transition.—Section 215(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 415(a)(4)(B)(i)) is amended by striking "1984" and inserting "1989".

(b) Establishment of New Transitional Formula.—Section 215(a) of such Act (42 U.S.C. 415(a)) is amended by adding at the end the following new paragraph:

"(8)(A) Paragraphs (1) (except for subparagraph (C)(i) thereof) and (4) do not apply to the computation or recomputation of a primary insurance amount for an individual who had wages or self-employment income credited for one or more years prior to 1979, and who was not eligible for an old-age or disability insurance benefit, and did not die, prior to January 1979, if in the year for which the computation or recomputation would be made the individual's primary insurance amount would be greater if computed or recomputed under subparagraph (B).

"(B) The primary insurance amount computed or recomputed under this subparagraph is equal to the sum of the amount which would be computed under this subsection if this paragraph were not applied, plus the product (not less than zero) derived by multiplying—

"(i) the excess of the adjusted old-law benefit amount over the new-law benefit amount, by

"(iii) the applicable reduction factor.

"(C) For purposes of this paragraph, in the case of any individual described in subparagraph (A)—

"(i) The term 'adjusted old-law benefit amount' means the amount computed or recomputed under this subsection as in effect in December 1978 (for purposes of old-age insurance benefits in the case of an individual who becomes eligible for such benefits prior to 1989) or subsection (d) (in the case of an individual to whom such subsection applies), subject to the amendments made by section 5117 of the Omnibus Budget Reconciliation Act of 1990.

"(ii) The term 'new-law benefit amount' means the amount which would be computed under this subsection if this paragraph were not applied.

"(iii)(I) The term 'applicable reduction factor' means the excess of the applicable base percentage determined under subclause (II) over the applicable early retirement percentage determined under subclause (III).

"(II) The applicable base percentage determined under this subclause is the percentage provided in the following table:

"If the individual becomes eligible for old-age insurance benefits in:	The applicable base percentage is:
1979	40 percent
1980	37 percent
1981	34 percent
1982	31 percent
1983	25 percent
1984	20 percent
1985	15 percent
1986	10 percent
1987	5 percent
1988	5 percent.

"(III) The applicable early retirement percentage determined under this subclause is the product derived by multiplying 5/12 of 1 percent by the total number of months, before the month in which the individual attains the age of 65, for which an old-age insurance benefit is payable to such individual.".

(c) APPLICABILITY OF OLD PROVISIONS.—Section 215(a)(5) of such Act (42 U.S.C. 415(a)(5)) is amended—

(1) in subparagraph (A), by striking "subject to subparagraphs (B), (C), (D), and (E)," and inserting "subject to subparagraphs (B), (C), (D), (E), and (F),"; and

(2) by adding at the end the following new subparagraph:

"(F) In applying this section as in effect in December 1978 as provided in subparagraph (A) in the case of an individual to whom paragraph (1) does not apply by reason of paragraph (8)—

"(i) subsection (b)(2)(C) shall be deemed to provide that an individual's 'computation base years' may include only calendar years in the period after 1950 (or 1936 if applicable) and ending with the calendar year in which such individual attains age 65; and

"(ii) the 'contribution and benefit base' (under section 230) with respect to remuneration paid in (and taxable years beginning in) any calendar year after 1981 shall be deemed to be $29,700.".

(d) CONFORMING AMENDMENT.—Section 215(a)(3)(A) of such Act (42 U.S.C. 415(a)(3)(A)) is amended in the matter following clause (iii) by striking "(4)" and inserting "(4) or (8)".

SEC. 3. EFFECTIVE DATE AND RELATED RULES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall be effective as if included in the amendments made by section 201 of the Social Security Amendments of 1977.

(b) RECOMPUTATION.—In any case in which an individual (under title II of the Social Security Act) is entitled, for the month in which this Act is enacted, to monthly insurance benefits under such title which were computed—

(1) under section 215 of the Social Security Act as in effect (by reason of the Social Security Amendments of 1977) after December 1978, or

(2) under section 215 of such Act as in effect prior to January 1979 (and subsequently amended and modified) by reason of subsection (1)(4)(B) of such section (as amended by the Social Security Amendments of 1977),

the Secretary of Health and Human Services (nothwithstanding section 215(f)(1)) of the Social Security Act) shall recompute such individual's primary insurance amount so as to take into account the amendments made by this section.

(c) PROSPECTIVE APPLICABILITY.—The amendments made by this Act shall apply only with respect to benefits for months after November 1991.

SUPPORT FAIR REGULATION OF POTENTIALLY LIFE-SAVING, NEW PHARMACEUTICALS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. WYDEN. Mr. Speaker, I call on my colleagues to join me in supporting legislation which returns Food and Drug Administration decisionmaking to the arena of good science rather than opportunistic politics.

This measure which I introduce today—the RU 486 Regulatory Fairness Act of 1991—also eliminates a roadblock to critically needed medical research in this country.

It rescinds a Food and Drug Administration import alert against the French drug, RU 486. This pharmaceutical may be a breakthrough drug with potential therapeutic value in a wide range of diseases.

Strong evidence shows that the import alert had chilled essential medical research in this country which relies on small quantities of the drug supplied freely by the drug's manufacturer. Since the alert was issued in June 1989, the company has declined to make available further, experimental quantities of this important though unapproved new drug to U.S. researchers.

As a result, scientific research which could lead to unique therapies for diseases ranging from breast and brain cancer, to Cushing's syndrome—a debilitating, painful and sometimes deadly autoimmune dysfunction—is drying up all over this country.

Mr. Speaker, the Small Business Subcommittee on Regulation, Business Opportunities and Energy, which I chair, held a hearing on this matter last November. We heard from persons suffering from cancer and Cushing's syndrome. In some cases, this drug was helping them—even curing them.

We also heard testimony from FDA witnesses. Their arguments for imposing this alert, which virtually directs search of travelers, as well as mail, were hollow to say the least.

The alert on RU 486 directs FDA and Customs officials to seize personal quantities of this drug at the border. Why? Because the drug's primary use in France is to induce abortion. The FDA concluded that without physician supervision this drug is dangerous. While the agency's concern about the public health is laudable, it's action fails the good policy test in several respects:

First, according to the FDA's own records there is absolutely no evidence that this drug has been surreptitiously imported into this country. In fact, the FDA RU 486 files are devoid of letters, telephone logs, or other records of communications indicating that FDA or Customs Service field offices are even concerned of potential surreptitious importations.

Second, there is no indication that there is a black market for this drug, or that one is likely to develop. The RU 486 manufacturer distributes this product in Europe only under the most restrictive of circumstances. Obtaining RU 486 is not like going into a drug store and buying a bottle of aspirin.

Third, this drug has a strong safety record, with few instances of adverse side effects and no known fatalities.

The American Law Division of the Congressional Research Service gave us the specifications of the FDA's authority to impose an import alert—which I might add is a very unusual action. At the current time there are only 58 active import alerts, despite the fact that there are thousands of unapproved foreign drugs.

Jean J. Grimmett, a Division attorney, tells us that:

> Whenever an FDA center receives information concerning problems with a particular product or class of products offered for importation, the agency issues an Import Alert bulletin to district office investigators and compliance officers.

The FDA has been spectacularly unsuccessful in making this fundamental case for their RU 486 action.

While the FDA files are more notable for what they lack than what they contain, subcommittee staff did find numerous letters from antiabortion groups and their supporters in Congress demanding the imposition of this alert. Some even suggest that RU 486 be barred from this country for any purpose including nonabortion related medical research—a step that the FDA and the Bush administration thankfully has not yet taken.

The import alert is bad enough. Let me quote from the hearing testimony of Dr. Myron Allukian, Jr., immediate past president of the American Public Health Association:

> This (the import alert) is a good example of a bureaucratic barrier that is not in the best interest of the American people. It has

a negative effect on cost, quality and access to health care.

The FDA's import alert sends the wrong message to researchers, academia, health professionals and the public. This will only hurt investigating the potential of RU 486.

It's time to send the medical research and pharmaceutical industry the right message. Drugs submitted for approval in this country should get a fair and depoliticized hearing at the FDA. And those who serve as our watchdogs for drug safety and effectiveness should not create unnecessary barriers to import medical research.

Our bill does no more, nor less, for RU 486.

INTRODUCTION OF THE SOLAR, WIND, WASTE, AND GEOTHERMAL POWER PRODUCTION INCENTIVES TECHNICAL AMENDMENTS ACT OF 1991

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SHARP. Mr. Speaker, today I am introducing the Solar, Wind, Waste, and Geothermal Power Production Incentives Technical Amendments Act of 1991 with my colleague Mr. MOORHEAD of California.

This act corrects a drafting error contained in last year's Public Law 101–575. It is my hope and expectation that this corrective legislation will be speedily enacted.

THE CHRIST OF NO MAN'S LAND

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. McCOLLUM. Mr. Speaker, today I would like to share with my colleagues a sermon that was delivered on January 20, 1991, by Dr. J. Howard Edington of the First Presbyterian Church of Orlando, FL, on the subject of the Persian Gulf war. Dr. Edington's text reads as follows:

THE CHRIST OF NO MAN'S LAND

"And it shall come to pass in the last days, that the mountain of the Lord's house shall be established in the top of the mountains, and shall be exalted above the hills; and all nations shall flow unto it."—Isaiah 2.2-4

I was planning on preaching another sermon to you today, but the events of this past week which have intruded upon our lives, intruded upon my plans as well. Therefore, I laid aside that other sermon—perhaps I shall come back to it next week—but today I want us to hear a word from the Lord on the subject of war.

There are those, I suppose, who might argue that I have no right to address such a subject, for after all, I have never been to war. I don't know what it is like to live in a night which has a thousand eyes. I have never heard the hideous scream of falling bombs or targeted missiles. I have not been asked to sacrifice my arm or my leg or my sanity or my life in war. I don't know what it is to kill another human being. In fact, I question whether I could ever kill another human being, regardless of the circumstances. So perhaps I have no right to speak about war. However, I do have the right—no, the obligation—to speak about the Christ who transcends our human wars.

In the little town of Neuve Chapelle in France, there stands an ancient shrine built to the honor of the Crucified Christ. During the First World War, the battle lines were drawn in such a way that the shrine was left in the midst of "no man's land", that strip of land between the opposing fronts. It belonged to neither side. The battle raged around that shrine. When at long last the fighting stopped, the people discovered that much of the shrine had been destroyed. However, the figure of Christ on the cross was still there. The Christ was mutilated. Shell splinters and bullets had torn gaping holes in the figure's head and face. The right leg of the figure was gone completely; the left was blown off at the knee. But still Christ remained. Think of it. That figure of the crucified Christ had stood in the midst of "no man's land" for the greater part of the war, and yet all of the exploding shells and searing bullets had not destroyed it. The shrine at Neuve Chapelle stands to this day as a vivid reminder that even the horrors of war cannot destroy the Christ. And it is within that picture that I wish to frame my remarks today.

First, let me wrestle with our Christian response to war.

There are those who suggest that the Christian response ought to be pacifism. But pacifism as a moral philosophy is irresponsible and self-centered. John Donne's dictum, "no man is an island," underscores that irresponsibility. No one can ever choose to be separated from the conflict in the world. Take the case of Switzerland. Switzerland remained neutral throughout World War II. Yet only recently have the Swiss people begun to see how, in order to preserve their public neutrality, their leaders had to lend clandestine support to Hitler's atrocities. Furthermore, had Nazism triumphed in Europe, Switzerland would have been crushed beneath Hitler's boot. So Switzerland owes its freedom today to the fact that others were willing to die to protect it. People, no matter how noble their intent, cannot separate themselves from war, its effects and its results. I would go on to say that pacifism cannot be supported by Scripture. In the Old Testament, taking up arms in defense of one's country was a Divinely encouraged obligation of citizenship. And let's have no doubt, please, that Jesus was not a pacifist. He said, "Greater love hath no man than this, that he lay down his life for his friends." Jesus knew when He said that, that the only way you can lay down your life for your friends is in your friends' defense or in their place—and both of these are the death that comes in war. Jesus abhorred violence, to be sure, and yet in a moment of profound violence, He took a whip and drove the moneychangers out of the Temple. He sought peace, and He made peace, and He lived for peace, but He was not a pacifist. I have heard some people suggest that Jesus' admonition "to turn the other cheek" is evidence to His pacifism. To make such a statement reveals an ignorance of Scripture. That passage in the Bible clearly refers to being struck on the right cheek. Now in order to be struck on the right cheek, you must (unless you are confronting that rare left-handed person) be struck with the back of the other person's hand. In Jesus' day, that was an act of insult, not an act of attack. So Jesus was simply saying that insults and slander ought to be ignored. His statement cannot be enlarged to include the subject of war. Therefore, on the basis of our supreme authority, the Bible, pacifism is not a response the Christian can make.

Then there are those who try to make war into something noble and holy. There are those who claim that war is a crusade you enter in obedience to God and you declare that you are going to kill and to maim in God's holy name. My friends, that is blasphemy. No war is holy. No war is decent. No war is good. War is contrary to the very principles of love upon which God founded His universe. War is evil. There have been those, and there are now those, who enter into the evil of war in order to defend human beings against some even more monstrous evil. And we honor them, yes, but let us never, ever honor war. We dare not ever call it holy. That is an affront to God. So that is not a response a Christian can make.

But there is a third response. The Christian can declare with Augustine that war, under certain circumstances, can be just. The Christian can declare that war is a hideously evil thing, and therefore it can be entered only when there is no other alternative. The Christian can face up to the fact that there are times in life when war may be the least evil course open to us. You see, we are living in a world which is twisted and stained and perverted by human sinfulness. Because that is true, sometimes war is the only way to control the evil in the world. Vermont Royster rightly points out that non-violence works to bring peace and justice only when there is a conscience in those to whom these peaceful voices are addressed. So many times, in recent days, I have heard those critical of our military efforts against Iraq hearkened back to the examples of Gandhi and Martin Luther King and declare that non-violence is the way to bring about change. But the fact is that non-violence brings change only under certain circumstances. Gandhi succeeded in bringing freedom to India because he knew that the British conscience and British decency and British regard for human life would never permit them to brutally end his non-violent rebellion. By the same token, Martin Luther King's non-violent civil rights campaign succeeded because our American reverence for freedom, justice, and human life runs so deep that the nation as a whole could never countenance violence against her own people, and the nation categorically rejected those individuals who did try to stop the campaign with violence. But there are other settings in the world where evil is pervasive and where there is no voice of conscience and no regard for human life. In such situations, war may be the only way to control such evil in the world.

Just such a situation exists in Iraq today. This Middle Eastern madman with his insatiable lust for power, his dreadfully silenced conscience, and his demonic disdain for human life cannot and must not be tolerated in the family of humankind. In this case, no appeals to conscience are fruitful because the voice of conscience has been stifled under unrelenting evil. I would never ask that all of you agree with the decision to employ military force against Iraq, but please don't insult my intelligence and demean the sacrifice of our young men and women in the Armed Forces by declaring that this war is for the purupose of securing cheap oil. To make such an inane claim reveals a staggering ignorance. If you don't do anything more than read the 75-page report of Amnesty International on the atrocities the Iraqi leader and his soldiers have wrought upon their own people and upon their Arab sisters and brothers, then at least do that, and we can talk more wisely about the reasons for this war. Some have said that we should have waited longer before going to war. Perhaps. But the fact is that every day, the Iraqis were engaged in maiming and killing human beings in the lands under their control. It is easy for us who are not directly involved to plead for more time for the sanctions to work. However, my guess is that those on the receiving end of such horrors could mount a persuasive argument against waiting any longer. I hate war—and I hate this war—but sometimes there is just no other way to deal with that kind of evil in the world.

Here then I believe, is the Christian response to war. We go to war only when we have to, only when there is nothing else we can do. And when we go, we cry out to God in repentance that sometimes all we can do to control the evil in our world is to engage in war. When we go, we go with the prayer of the poet on our lips: "O Lord, we trust that somehow good will be the final goal of ill." So is it right to go to war? No, it is not right. But sometimes in this sin-sick world, the Christian has no other choice. And it is then that God in Jesus Christ embraces us with His forgiving love.

But now let me affirm our Christian hope for peace.

The most stubborn obstacle to a better and peaceful world is not the outright enemies of God, but the mass of people who do not care one way or another. Look at our own land. Here are young men and women witnessing the disruption of all their plans, sacrificing home and job and family, and going off to the deserts of Arabia to hazard their lives for freedom and justice. Yet, in the presence of this heroic spectacle, how disquieting it is to see men and women whose major endeavor seems to be to gain what advantage they can for themselves out of a nation's agony. These morally indifferent people around us do not care whether justice and righteousness win or lose, whether the Church of Jesus Christ lives or dies, or whether the temporary horrors of war will lead to lasting peace. It has been well said that "Life is one long conflict between the motives of Jesus and the forces that nailed Him to the cross." And we are all taking sides.

As for me, and my house, I choose the Christ. That man on the cross is worth living for—aye, He is even worth dying for. For when all the achievements and glories of humankind have crumbled into the dust, His cross will still stand "towering o'er the wrecks of time." The greatest miracle of that cross is that out of torture and bloodshed and death, it tells us of a God who "so loved the world that He gave His only begotten son, that whosoever believeth in Him should not perish but have everlasting life."

Recently a man came in to see me. He was on the verge of desperation. His spirit was broken. He was almost paralyzed by despair. There wasn't a thing I could say to him to encourage him, but that he would reply: "There is no use. I'm through. I'm beaten and I know it. Death is the only way out." There was nothing I could do for him, nothing—until I began to tell him about the cross and about One who loved him enough to die for him. When I finished the story, I saw hope light up his face with a glory greater than that of an ocean sunrise.

Of course, Jesus Christ is no longer hanging on the cross. He is no longer victim. Now He is victor. He is the crucified but risen Lord. He knows how hard the battles of life are, and He knows how often we have been defeated. But His strong hand keeps us steady. He is at work in our lives and in our world to bring the peace which only He can give.

That means that no matter how tough life may be for us, at any given point along the way, we cannot quit. And it means that no matter how threatening and frightening the events of our world may be, we cannot give up.

You see, I believe in the Prince of Peace. I believe that hatred and fear and cruelty and falsehood will never win. I believe that there will come a time when nations shall "beat their swords into plowshares and their spears into pruning hooks and nation shall not lift up sword against nation and neither shall they learn war anymore." I believe that day will come because I believe it is the will of God confirmed by the death and resurrection of Jesus Christ.

Ogden Nash is noted more for his whimsical poetry than his theological depth. But tucked away amidst his humorous verse, there is a striking little poem contrasting long ago events in the Middle East with the unholy horrors of modern war. Listen:

"Gentleman of the High Command
Who crucify the slums,
There was an earlier Golgotha
The third day comes."

Hear that, you tyrants of the world who seek to enslave and destroy: the third day comes! Hear that, you soldiers at the front willing to lay down your lives for freedom's sake: the third day comes! Hear that, you who have loved ones on distant shores and in harm's way: the third day comes! Hear that, you who faint beneath the crushing load of this world's pain and peril: the third day comes! Jesus Christ is alive! And He will win. So . . .

In the littte town of Neuve Chapelle in France, there is a shrine built to honor the Crucified Christ! When war came, the battle lines were drawn so that shrine was left in "no man's land." The war raged for years, then at last the fighting stopped. The figure of the Christ was mutilated, but not destroyed. "The Christ of No Man's Land" is still there—a reminder that Jesus Christ still stands. And in a world at war, that is all I need to know.

TAKE 6 "ALL OF OUR GIFTS AND TALENTS ARE GOD-GIVEN"

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, the Take 6 story is one that will make every one in the music industry proud as well as those who read and listen to the success of these six young men.

It was in a now famous campus bathroom at a Seventh Day Adventist institution in Huntsville, AL, that the saga began. This a cappella sextet consisting of Mark Kibble, Mervyn Warren, Clause V. Mcknight III, Cedrick Dent, Alvin "Vinnie" Chea, David Thomas, and Joel Kibble—who has recently replaced Melvin Warren—make up a collaboration of the hottest Caribbean, jazz, classical, and gospel music.

Take 6 has performed and/or recorded with many noted entertainers including Quincy Jones, Ella Fitzgerald, Al Jarreau, Branford Marsalis, BeBe and CeCe Winans, and many others. They have also been the recipient of three Grammy Awards, four Dove Awards, two Steller Awards as well as a nomination for the NAACP Image award. To top off these achievements Take 6 has seen their debut album hit the inspirational, spiritual, and jazz charts all at the same time.

For many entertainers these achievements would have had an effect on the group, they would have removed themselves from the problems of society to deal only with their individual problems and needs. On the contrary Take 6 feels that they have a message in their music and this message should not only be sung on an album or performed at a concert but lived through their action and work in the community.

It is for this reason that I pay tribute to the unselfish and community oriented activities that Take 6 initiate. They are taking time out of their busy schedules to come to visit the 10th Congressional District of New Jersey to meet, talk with, and perform to students with artistic aspirations, who have had to overcome some type of obstacle in their lives.

Please join me in saluting a group that realizes that it is not enough just to use the talents that you have been given but you must multiply them by sharing them with others.

RELIEF FOR PENSION LOSERS

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. ROEMER. Mr. Speaker, I rise today in support of the Pension Restoration Act of 1991. This bill addresses some longstanding inequities in the provision of pension benefits to individuals who were not protected under the Employee Retirement Income Security Act of 1974, also known as ERISA. I would like to commend my distinguished colleague from Ohio [Mr. SAWYER], for his leadership in introducing this legislation. I am happy to be an original cosponsor of the bill, along with my friend and colleague from Indiana [Mr. JACOBS].

This legislation has special significance for my constituents in the Third Congressional District of Indiana. Some 27 years ago, 11,000 employees of the Studebaker Co., lost their jobs when that major employer closed its plant in South Bend, IN. Many of the displaced workers got just a fraction—if anything at all—of what they had been promised in their pension plans, since there was simply not enough money in the Studebaker pension fund to compensate all of the displaced employees. The impact was devastating for a large number of employees, resulting in financial hardships from which many have not recovered.

While ERISA eventually provided for a pension insurance program for employees losing their vested pensions, it did not provide retroactive coverage for workers who had lost their pensions as a result of plant closings previous to its enactment. During 1981, Congress began introducing legislation to address their plight. I join my colleagues today in reintroducing this legislation with the hope of providing a minimal benefit to those who have been affected by the pre-ERISA loss of their vested pensions.

Many of the people who were affected by pre-ERISA pension losses are now elderly and are having a difficult time making ends meet. A great many of these individuals fought in World War II, went to work, and had faith in their pensions. They participated in their pension plans and believed the promise that something would be waiting for them when they reached retirement age. They now feel that they have been financially forgotten, and that the American dream for which they fought and worked so hard is further and further out of reach.

Mr. Speaker, I sincerely hope that this will be the year that we rectify this longstanding problem, which has caused so much financial hardship to so many of these people who deserve to receive a small portion of what was due to them. The modest approach embodied in this bill provides that workers would receive an annual benefit of $75 for every year that they were vested under their retirement plan. As an example, a worker who had 20 years vested in a company retirement plan before ERISA would be entitled to an annual stipend of $1,500—in many cases a small fraction of what they were originally entitled. Widows or widowers of beneficiaries would be eligible for 50 percent of their spouses' benefits.

The benefits program is to be administered by the Pension Benefit Guaranty Corporation [PBGC], a quasi-Government agency that was created under ERISA to administer and pay for pension losses experienced by workers who lose their vested pensions due to plant closings or pension plan terminations. Because the program is funded and administered through the PBGC, and because the PBGC budget comes from funds raised through pension plan sponsor premiums, not a cent of taxpayer money will be required to finance the program created by this legislation. No expenditure of general Federal revenues will be required. Furthermore, no additional expense will be required of current plan sponsors. This bill is therefore fiscally responsible, as well as sound and compassionate public policy.

Mr. Speaker, this is a modest and budget neutral approach to addressing a fundamental issue of social responsibility. Those who lost pensions due to the Studebaker closing and other corporate bankruptcies prior to ERISA should not be asked to forfeit their futures after years of hard work and effort. These are decent, hard-working people who were caught in the most unfortunate of circumstances, and our Federal Government must come to their aid. I urge my colleagues to support this legislation, and I will work diligently for its passage in the 102d Congress.

HONORING MAYOR WILLIAM J. PASCRELL AT THE 21ST ANNUAL MURRAY HOUSE DINNER DANCE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. ROE. Mr. Speaker, I rise today to honor a distinguished American who has served and continues to serve the State of New Jersey as a valued member of its State assembly and as the honorable mayor of its third largest city, the city of Paterson. William J. Pascrell will be this year's honored guest at the 21st Annual Murray House Dinner Dance held Sunday, February 17, 1991 at the cotillion in the city of Garfield. All proceeds for this festive and very worthwhile affair will be directed to the department for persons with disabilities.

Mr. Speaker, this year's celebration will be particularly poignant in light of last year's passage by Congress of the landmark Americans With Disabilities Act. This remarkable legislation will create a world of new opportunities for disabled individuals, allowing them to move more freely and participate in a larger share of their community's activities. The simple everyday activities which are performed with barely a thought by the great majority of us, may trap those with a disability or special need. These barriers imprison valuable ideas and contributions which could add to and improve society if they were only allowed an opportunity to be put into use.

The Murray House helps to knock down those barriers and free persons to make a difference and maximize their individual potential. This organization helps the learning disabled and adults requiring special education. These individuals live in the Murray House and are assisted in making their lives as normal and productive as possible. There are three Murray Houses in northern New Jersey providing their very special services, one each in Paterson, Wayne, and Oak Ridge. There is no greater service to mankind than helping another to a better more fulfilling life. The Murray House does this every day on an individual basis with the help of the people like Mayor Bill Pascrell.

Bill began as a teacher and educator of distinct character and wide experience and has remained very active in area educational programs. Bill was born and raised in Paterson and went on to Fordham University where he received a B.S. degree in communication arts and a master's degree in philosophy. He put this education and his special ability to communicate to excellent use as an educator, teaching history, psychology, English, and civics at Paramus High School and Paramus Adult School, as well as philosophy at Fairleigh Dickinson University.

Mr. Speaker, even when Bill moved into public service, he kept his close ties to education. Before becoming mayor of Paterson, he served as both director of the Paterson Department of Public Works and in the mayor's office as director of the department of policy planning and management. He has also served as a member and president of the Paterson Board of School Estimate, the Paterson Planning Board and the Commission on Secondary Schools for the Middle Atlantic States Association. Bolstered by his impressive record in these positions and his strong community involvement, he was elected to the New Jersey State Assembly in late 1987.

As an assemblyman Bill used his background and intimate knowledge of the educational system to become one of the leading members and authorities on the subject of education. Bill serves as chairman of the Higher Education Committee and vice chairman of the full Committee on Education. He has also combined his activities with the education community to involve students and faculty in other worthwhile community projects such as the March of Dimes and the American Cancer Society.

Mr. Speaker, last year with the untimely passing of our good friend and colleague, Mayor-Senator Frank Graves, Bill became the mayor of Paterson, his lifelong home. He has continued his devotion and tremendous efforts to improve the quality of life for his community and is uniquely qualified for this responsibility.

Over the years, as would be expected of a man of his singular commitment and good works, Mayor Pascrell has been honored by five different organizations as their "Man of the Year", in 1976 by the Federation of Italian Societies, 1978 by the Mother Cabrini Society, 1981 by the Paterson Area Chapter of UNICO, 1983 by the John Raad Post of the American Legion, and in 1988 by St. Gerard's Parish in Paterson.

It is particularly fitting, Mr. Speaker, that with his extensive background in education and his multitude of good works and community involvement that Mayor William Pascrell is honored by the Murray House for his outstanding career in public service and assistance to those who are less fortunate.

I am sure that his lovely wife, Elsie and his three sons, William III, Glen, and David are very proud of his many accomplishments and his profound devotion to working for a better world in which to live.

Mr. Speaker, I invite all my colleagues to join me in saluting the Honorable Mayor William Pascrell and the Murray House for their many contributions to helping individuals with a special need fulfill that most precious accomplishment for a human being, to be involved and to have an opportunity to simply make a difference. These are the efforts which truly define public service and make us all proud.

INTRODUCTION OF THE AMATEUR RADIO SPECTRUM ACT OF 1991

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. COOPER. Mr. Speaker, as this Congress convened I introduced legislation, H.R. 73, to protect ham radio spectrum. Since so many of my colleagues have expressed interest in gaining a better understanding of the issues that led to the development of this bill, I would like to offer some background information.

When Congress passed the FCC Authorization Act (Public Law 100–594) on November

3, 1988, it included in section 10 a provision which "strongly encourages and supports the amateur radio service and its emergency communication efforts".

It further required that government agencies shall take into account the valuable contributions made by amateur radio operators when considering actions affecting the amateur radio service.

I strongly supported this provision. However, threats continue to surface that would reduce the amount of spectrum available for amateur radio operators to carry out their operations—services like public safety and emergency assistance. For this reason, on January 3, 1991 I introduced H.R. 73, the Amateur Radio Spectrum Protection Act of 1991, a bill to prevent any further loss of radio spectrum by the amateur radio community.

Mr. Speaker, I sponsored this bill on behalf of some of the ham radio operators in my district. They personally asked for my help in advancing this cause. In Tennessee, we have over 9,330 amateur radio licensees, and they are part of nearly half-million amateur radio licensees throughout the United States.

H.R. 73 is simple and direct. It would ensure that ham operators can continue to use all of the spectrum they now use. If the FCC proposes to use amateur radio channels for some other use, the bill would require that amateur operations be transferred to equivalent replacement frequencies. By equivalent, I intend to ensure that the replacement bands be equal in both size and characteristics. The bill is designed to protect the existing spectrum allocations to all amateur radio services—including the amateur service, the amateur-satellite service and the radio amateur civil emergency service.

This bill addresses a real and growing problem for amateur operators. They calculate that over 100 megahertz of their spectrum has been reallocated since 1982. So I am with them when they say, "Enough is enough. This has to stop."

There are thousands of amateurs in every congressional district working hard for the public good. In the public eye, the best-known benefit of amateur radio is its ability to provide life-saving emergency communications when normal lines of communication break down. In hurricanes, earthquakes, tornadoes, airplane crashes, missing person cases, and other accidents and disasters, amateur radio is often the first contact with the outside world available to an affected area. And amateurs frequently furnish front-line communications during wildfires.

Red Cross and civil preparedness agencies often rely heavily on the services of volunteer radio amateurs. In my own district, both the Bedford County Emergency Management Agency and the City of Tullahoma Office of Emergency Management support this legislation due to their profound appreciation for what they call the invaluable service of local ham operators. They have told me, for example, about the assistance ham operators gave the public recently when a dense fog caused a huge traffic pileup on Tennessee Interstate 75.

I hope none of my colleagues overlook the fact that amateur radio is noncommercial in nature—which means they are sometimes an easy target for Federal bureaucrats who are pressured to provide spectrum for a new service. Amateurs are prohibited from receiving any form of payment for operating their stations. This means that amateur radio operators—whether they are assisting a search-and-rescue operation in the high Sierras, relaying health-and-welfare messages during Hurricane Hugo or the California earthquake or providing communications assistance at the New York City marathon—make available their services free of charge to insure the safety of the public. They operate their stations for the benefit of the public, and for their own personal training. The Amateur Radio Service is strictly nonbusiness, which leads me to believe that a statutory safeguard is needed to guarantee its survival.

I share the growing concern of those in the telecommunications community about the shortage of spectrum. New technologies like cellular telephones, personal communications networks, and high definition television offer exciting services, but they need dedicated spectrum space in order to thrive.

It is these concerns that prompted me to sign on as an original cosponsor of Chairman John Dingell's legislation, H.R. 531, which would free up for private use spectrum that is underutilized by the Federal Government. And I believe that ultimately, all spectrum-users, including amateur radio operators, will find their best interest served by bringing better efficiency to use of the spectrum.

But I am concerned that as things stand now, amateur radio spectrum is too easy a target, and has already given up more than its fair share of frequencies. In the coming weeks, I hope to work with my colleagues on the Telecommunications and Finance Subcommittee to develop a way to bring about the kind of efficiency in use of the spectrum that is so critical to our nation's telecommunications infrastructure. And I hope we can accomplish this without putting an unfair burden on amateur radio enthusiasts.

Finally, Mr. Speaker, I want to offer one note of appreciation to those amateur radio operators in Tennessee who are helping to provide the communications links for Tennessee families to talk to their loved ones serving in the Armed Forces in the Persian Gulf. Many of the cream-of-the-crop in the amateur radio services dedicate themselves to serve as part of the Military Affiliate Radio System [MARS]. They offer their expertise, time and equipment free of charge to conduct these vital communications which do so much for troop morale—and to boost spirits of families here at home.

Mr. Speaker, I want to thank the American Radio Relay League [ARRL], which represents amateurs, for their valuable assistance in developing H.R. 73. ARRL tells me that 73 is radio shorthand for best regards. I hope that a grateful American public and their representatives here in Congress will give these hams our best regards by ensuring their bright future with swift passage of H.R. 73.

THE NORTH WIND UNDERSEA INSTITUTE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. ENGEL. Mr. Speaker, I rise to present another example of how Americans are banding together in this time of crisis.

People in this country have again been shown an example of the terrorist activities of Sadam Hussein by his recent release of literally millions of gallons of oil into the Persian Gulf.

I have been contacted by many community organizations wanting to lend their assistance to our cause in the gulf. One group located in my district the North Wind Undersea Institute, an environmental institution has written to President Bush offering to go to Saudi Arabia to help save the animals threatened by the oil slick created by Iraq. North Wind is an experienced environmental organization which has worked at improving the environment and perserving wildlife across the globe.

I insert the text of North Wind's letter to the President offering their assistance entered into the RECORD following this statement.

NORTH WIND UNDERSEA
INSTITUTE INC.,
City Island, Bronx, NY, January 29, 1991.

The PRESIDENT OF THE
UNITED STATES OF AMERICA,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The deliberate dumping of oil in the Persian Gulf by Sadam Hussein will have a devastating effect on wildlife for decades. Similarly, for us as a nation to accept this senseless act of environmental terrorism stands to deeply undermine our national consciousness for decades.

Mr. President, I feel, and I know you do too, that we cannot allow a despot to snuff out of the thousand points of light that have come to promise us a new world order. I know that your response to Sadam Hussein's destruction of the Gulf will be positive action on behalf of the environment. With your leadership, we will show the world that the American "can-do" spirit of action in the face of adversity will dominate.

North Wind Undersea Institute has the experience, knowledge and expert international volunteer base to carry our an effective mission to humanely deal with contaminated water fowl, fish and wildlife. North Wind would like to join the team that you have already dispatched and work with them toward the clean-up and rescue of animals, a special expertise of our staff. As well, our involvement would be an inspiration to the 30,000 inner-city children that come to us each year for the finest in environmental education.

Our previous rescue missions have included the historic, first-ever rescue of a whale after a prolonged stranding; the humane, safe relocation of manatees in Florida; and whale rescue operations in Mexico, Belize and around the world. The North Wind Team of veterinarians, environmentalists and wildlife rehabilitators has worked together successfully for more than a decade. I think you will find from the attached resume that my military, professional and environmental experience qualify me to lead the North Wind team in executing a successful environmental rescue mission in the Gulf.

Through Operation Desert Storm we are demonstrating to the world that Americans care—about the sovereignty of even so small a nation as Kuwait. Through our proposed Operation Gulf Clean-up we will further demonstrate that caring spirit by extending it to an environment and to wildlife far from our American shores. Our young people need to have the caring spirit of our nation reinforced, especially in this difficult time of war.

The educational and environmental work of North Wind is well known to our representatives in Albany and in Washington. They know that we stand ready, willing and able to be of service. I shall share a copy of this letter with them and work through the proper channels to bring about Operation Gulf Clean-Up.

Sincerely,

CAPTAIN MICHAEL SANDLOFER,
Executive Director.

IN HONOR OF LITHUANIAN AMERICAN COUNCIL DINNER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. VISCLOSKY. Mr. Speaker, on February 17, the Lithuanian American Council will have a dinner in Gary, IN, to mark the 73d anniversary of the Proclamation of Independence for Lithuania. While I wish I could recognize everyone who has played a role in this particular event and in efforts in northwest Indiana to ensure that the plight of their brethren is not ignored, this is not possible. However, I would be remiss if I did not cite the council's officers: Vincent Gumulauskis, president; Peter Auksel, first vice president; Casimir Balt, second vice president; Walter Ruzga, treasurer; Virute Vilutis, secretary.

The dinner is especially significant this year due to the Baltic States' most recent struggle to achieve independence in light of the brutal Soviet repression and crackdown that began in Vilnius on January 13. As I express my strong support for the Lithuanian independence movement, I also want to convey my sincere sympathies to the families of those who were killed in the recent crackdown and all those who have lost their lives in this noble battle. Let us hope that their ultimate sacrifice will not be in vain.

While most of the world's attention has been focused recently on the Persian Gulf war, I want to express my unwavering support for Lithuania and the other Baltic States in their peaceful efforts to achieve independence from the Soviet Union. Further, it is essential to send a clear and unequivocal message to the Soviet Union condemning the continued and resurgent Soviet repression in Lithuania and other Baltic republics.

As a member of the Ad-Hoc Committee on the Baltic States, I have taken several steps to show my support for the Baltic States. On January 23, I supported, and the House of Representatives unanimously approved a measure (H. Con. Res. 40), which condemns the violence and asks President Bush to work with our European allies toward a "coordinated approach" to sanctions if the Soviets continue to use force to suppress the independence movements in the Baltic States.

I have cosponsored legislation (H. Res. 32), which condemns the recent Soviet actions in the Baltic States and demonstrates my support for Lithuania by imploring Soviet authorities to peacefully resolve the issue of Baltic independence and address the underlying problem of Baltic self-determination. I have also added my name as an original cosponsor of legislation that would designate June 14, 1991, as Baltic Freedom Day.

In addition, on January 24, I wrote to Secretary of State James A. Baker III. In this letter, I urged him in his meeting with the Soviet Foreign Minister to condemn the use of force in the Baltic States and convince the Soviets to honor their human rights obligations.

On January 28, the United States and the Soviet Union announced that they were postponing the meeting between Presidents Bush and Gorbachev that had been scheduled for February 11–13 in Moscow. The postponement was attributed to war in the Persian Gulf, but pressure from Congress and public opinion are strongly against President Bush appearing to engage in business as usual with the Soviets in light of the crackdown in the Baltics. On January 30, the Soviet Foreign Minister announced that Soviet troops sent to the Baltic republics over the past few weeks were in the process of withdrawing to allow a resumption of talks between Moscow and the secessionist governments of Lithuania, Latvia, and Estonia.

The Bush administration has maintained a low-key approach to the crisis in the Baltic States. Part of the explanation for this stance is that Soviet President Gorbachev is under extreme pressure in Moscow to take a hard line toward the secessionist republics and President Bush hopes to maintain the support of the Soviet Union in the Persian Gulf war. However, President Bush and Secretary of State James Baker have indicated that further armed intimidation against Lithuania's independence drive could severely disrupt the improved United States-Soviet relations.

I am encouraged by the recent positive indicators that may lead to negotiations between the Soviet Union and the Baltics. However, I remain concerned about Soviet President Gorbachev's February 5 declaration that republic-wide non-binding ballot on Lithuanian independence would be invalid. My message to President Gorbachev is clear: if he reverts to the hard-line Soviet political strategy of repression, he risks not only the Soviet Union's improved human rights record through glasnost, but he also jeopardizes his country's improved relations with the United States. The United States cannot allow this type of barbarism to continue.

It is my hope that the strong support for Lithuania in the United States Congress may help to convince the Soviets to reject their hard line stance. I will continue to closely monitor the developments in Lithuania and the other Baltic States. It is essential that we actively support the Lithuanian people in their struggle for independence.

THE UNEMPLOYMENT INSURANCE BUDGETING REFORM ACT

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Ms. LONG. Mr. Speaker, today I am reintroducing legislation to reform the way we budget the unemployment insurance [UI] program. Over the past year and a half, unemployment offices in States across the country have been closed at times due to shortfalls in Federal funding. While Congress reacted by passing supplemental appropriation legislation, once again we are faced with a funding shortfall for the current fiscal year generated by a poor budget process. Benefits in many instances have been delayed for weeks, while offices have been unable to process claims, and beneficiaries form long lines. The legislation I am introducing today, the Unemployment Insurance Program Budgeting Reform Act, would address the underlying problem which has given rise to these periodic shortfalls.

The administration of the unemployment insurance program is paid for by a Federal tax on employers. The revenue raised by this tax is held in the Unemployment Trust Fund [UTF] and is dedicated solely to the unemployment insurance program. However, the Unemployment Trust Fund is included in the calculation of the Gramm-Rudman-Hollings [GRH] deficit, and the funds that pay for the administration of the unemployment insurance program are counted against the discretionary spending caps and are subject to sequester.

The most recent funding shortfall is due to rising unemployment as well as an appropriations process which restricted the ability of legislators to free funds from the UTF. Discretionary spending caps limited the total 1991 fiscal year appropriations including the appropriation of administrative funds from the UTF.

However, these budget actions saved money on paper only. Any unspent monies from the trust fund are required to remain in the fund where they build up, unspent. The current estimate for the year end balance in administrative funds account is $2.52 billion.

The legislation I introduce today would address the shortfall by removing the UTF from the GRH deficit calculation and the Budget Enforcement Act [BEA] budget process including the discretionary caps and sequesters, in essence moving the unemployment program off budget. By removing the UTF from the BEA budget process, any pressure that may exist to hold down expenditures from the UTF and to build up the surplus in the trust fund would be eliminated. The stockpiling of funds that derive from a dedicated tax defeats the purpose of a dedicated tax and is merely an accounting device to meet budget targets.

Mr. Speaker, this legislation would help bring integrity to the budget process and to protect the unemployment insurance program from unwarranted funding shortfalls at a time of rising unemployment. I urge my colleagues to support the Unemployment Insurance Program Budgeting Reform Act.

THE STRUGGLE FOR BALTIC INDEPENDENCE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. GUARINI. Mr. Speaker, while many Eastern European nations are emerging from their years of domination by communism and testing the waters of free market economies, three republics are still being kept under the strong arm of a repressive regime. These republics have struggled for 50 years for independence from Soviet domination, to no avail.

Like most Americans, I am angered and frustrated at news reports that tell bloody tales of how Estonians, Latvians, and Lithuanians are threatened, bullied, beaten, and even murdered as Soviet tanks roll into their capitals. This is an outrage. Is this what we are to expect from glasnost, killing and injuring unarmed civilians? I fear the old policy of repression, intimidation, and rule by force in that region has returned.

This June, Baltic citizens will note the 50th anniversary of that dark day when Joseph Stalin began his mass deportation of their country men and women to Siberia. Now would be a fitting time for the Soviet regime to release its iron grip on these small republics and allow them self-rule and self-determination. I urge President Gorbachev to take concrete steps in that direction. But I am not very optimistic that he will.

Indeed, it appears that Mr. Gorbachev has seized this opportunity to move aggressively against the Baltic States while the allies are busy in the Persian Gulf. His keen timing puts the brutal story on page 2, instead of on page 1 where it belongs.

Mr. Speaker, I have been generally pleased with the changes in the Soviet Union over the past decade. The many policy changes under President Gorbachev have altered history for the better. The Berlin Wall has fallen. East Europeans are free. Russians have had a choice at the ballot box for the first time.

But recent weeks have caused me great concern that glasnost may have reached its limit. Could it be that the Kremlin is willing to go only so far in its promise of a more open society? Could it be that the Kremlin draws the line before letting its people taste the freedom it has already guaranteed to them by signing the U.N. Declaration of Human Rights? Unfortunately, it appears that way.

If glasnost means anything, Mr. Speaker, it should mean basic internationally recognized human rights and self-determination. It certainly doesn't mean storming TV stations and government ministries at the expense of innocent lives.

I am proud to have supported House Concurrent Resolution 40, which condemns the brutal Soviet assault in Lithuania and Latvia. I am also proud to cosponsor the Baltic Freedom Day resolution, and I am taking other steps to voice my displeasure at the way events are unfolding in the Baltic region.

Yet more must be done. Congress has sent its signals; now it's time for the President to send his. The administration must take the lead on this issue. When Secretary Baker and Foreign Minister Besmertnikh sit down at the negotiating table, Mr. Baker must make absolutely plain that the United States has no intention of sitting idly by while Baltic civilians are slain in their struggle for freedom and independence.

Our Nation suffered terribly to gain independence, but from the battlefield arose the greatest nation on Earth. Let that be an inspiration to the noble Baltic citizenry. Let us hope that they need not follow the same path to achieve their common goal.

At this important juncture in world history, most eyes are cast toward the Middle East. And rightly so. But we must not forget that the struggle for freedom continues 2,228 miles northwest of Kuwait City. We must continue to support those who fight for what we already have. We must help them as they seek to build nations like ours where free people can express themselves and take part in their own government.

INTRODUCTION OF BILLS TO AUTHORIZE AN INDIAN MEMORIAL AT THE CUSTER BATTLEFIELD AND CHANGE THE NAME TO THE LITTLE BIGHORN NATIONAL BATTLEFIELD

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. CAMPBELL of Colorado. Mr. Speaker, as the world begins to turn its attention toward the Quincentennary Anniversary of Columbus' arrival to the San Salvador Islands, commonly and incorrectly referred to as the discovery of America, I want to take this opportunity to introduce two pieces of legislation that will hopefully bring about a more honest and equitable portrayal of Indians during a significant time in American history.

We watched this week as a miniseries brought to life the events leading up to and the historic battle of the Little Big Horn. Some of my ancestors were camped along the banks of that Montana river on that hot day in June 1876, when a man the Crow called the "Son of the Morning Star" because he liked to attack at dawn, but better known as Gen. George Armstrong Custer, led his men of the Seventh Cavalry into a battle from which the Indians emerged the victor. Perhaps, some of your ancestors were also there that day. After participating for many years in the Indian campaigns to eradicate the redman from his homelands in the West, Custer fought in his last and final battle at the Little Big Horn.

Unfortunately, the Indians had been, and in many cases are still to this day, characterized as savages. Perhaps, the dehumanization of the Cheyenne, Blackfoot, and Lakota people made it easier for the military to rationalize their actions. For the Indians, it really boiled down to either kill or be killed. They fought bravely that day to protect their families, and to hold onto a way of life that was quickly dissolving before their eyes.

Almost overnight, the battlefield became a national shrine and a tourist attraction. In 1881, 9 years before the massacre of Wounded Knee occurred, a granite memorial was erected to honor the Cavalry who fought in the battle. For generations now, the accolades paid to Custer and the valor attributed to him, let alone that a national monument bears his name, has been like a slap in the face to the Indian tribes who survived those harsh times.

We are now at a time in which the actions taken during the westward expansion of "Manifest Destiny" can be examined in a more honest light. We see now that our actions against the native people were not the most honorable. To that end, I was invited by the National Park Service in 1989 to be a member of an ad-hoc group to plan and execute the building of an Indian memorial at the battlefield.

I come before the Congress today with two bills: one is a proposal that sprang from the ad-hoc group's discussion with the theme we chose, "Peace Through Unity," to honor the fallen American Indian warriors. I am also introducing a bill to authorize the changing of the battlefield's name from the Custer National Battlefield to the Little Big Horn National Battlefield, denoting its geographic location, which is more in line with the denotation of other national battlefields.

In American Indian culture, it is frowned upon to toot your own horn. Humility is the admirable attribute. I don't wish to elicit praise or glory in pushing for the passage of this legislation, instead I wish to correct a long-standing injustice and help place American Indians in a more deservedly honorable position. This is one for the Indians. I urge my colleagues to support these bills and ask for consponsorship of this legislation.

HONORING MR. MICHAEL DAVIE

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. MCMILLEN of Maryland. Mr. Speaker, I rise today to join the Provinces Civic Association of western Anne Arundel County, MD, in honoring their citizen of the year, Mr. Michael Davie. The Provinces Civic Association of western Anne Arundel County, which represents a community of over 1,000 homes, has selected Michael Davie because of his extensive contributions as an active citizen.

Mr. Davie has, for over 10 years, made a significant difference on a variety of environmental and civil matters of concern to the community. His participation has been involved and the results effective. As a member of the board of directors of the Provinces Civic Association, Mr. Davie has served as its treasurer, director at large, and vice president. His ability to work out details, while at the same time remaining focused on the greater goal of a project have reaped positive results in areas such as sediment runoff erosion control in construction and airport noise control. He has also served as the chairman of the Park Committee.

Effective environmental improvement begins on the personal and community level. Mr. Davie is a perfect example of how effective a concerned citizen can be in a community and for his efforts we extend our thanks.

NATIONAL FHA/HERO WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. NATCHER. Mr. Speaker, next week the members and advisers of the Future Homemakers of America will celebrate National FHA/HERO Week with the theme: "Future Homemakers of America: Working Today for a Better Tomorrow." It is a pleasure for me to recognize this fine organization at this time.

The Future Homemakers of America offers a variety of programs and events to help members develop skills for life—planning, decisionmaking, goal setting, problem solving, and interpersonal communication—build a positive image, and gain recognition at local, district, State, and National levels. During the past year over 281,000 members in 11,000 chapters participated in FHA/HERO programs.

More than 2,600 students and advisers attended the 1990 cluster meeting held in Louisville, KY. National officers Robin Wheeldon and Kelly Mitchell, both of whom are from Kentucky, presided at the meeting. This was the last in a series of five nationally sponsored cluster meetings, and participants learned about national programs and leadership skills.

FHA members in my home State of Kentucky have been active in national programs such as "Power of One" and "Champions II" a membership campaign. "Power of One" helps individuals achieve goals through projects in any of five modules: A Better You, Family Ties, Working on Working, Take the Lead, and Speak Out for FHA. Personal goals are achieved and recognition is given at local, State, and National levels.

Last year 10,729 members in 258 chapters throughout the State of Kentucky participated in FHA activities. In the Second Congressional District of Kentucky, which I have the privilege of representing in the Congress, there was 1,486 FHA members last year.

Two of Kentucky's State officers from the Second District: Shannon England, Caverna Chapter, is State vice president for STAR events and Jackie Stout, Spencer County High School, is the State reporter.

Tammy Evans, Cindy Ford, Ann Johnson, and Kim Johnson—students at Franklin-Simpson High School—and Tessa Copelin, Kimberly Lane, Melinda Logsdon, and Stephanie Oldham—students at Hart County High School—have all completed all five modules of "Power of One" and have submitted applications for national recognition.

Last year 1,125 chapters earned recognition as Champions and Torch Chapters by reaching specific membership goals. In the Second Congressional District of Kentucky, Allen County-Scottsville High, East Hardin High, Franklin-Simpson High, and Hart County High HERO were all Kentucky Champion Chapters.

I am proud of the FHA members and advisers of the Second Congressional District of Kentucky, and of all the members and advisers throughout the country. The Future Homemakers of America is an excellent organization and I want to wish everyone associated with the FHA continued success in their future endeavors.

THE INTRODUCTION OF THE FAST FLUX TEST FACILITY COMMERCIALIZATION BILL

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. MORRISON. Mr. Speaker, today I am introducing a bill, along with several of my colleagues, aimed at preserving one of America's premier research and development laboratories.

The Fast Flux Test Facility, located in my district, is our Nation's newest, most advanced research reactor. It is the only reactor within the Department of Energy's fleet that meets all current regulatory requirements, and it's the facility best suited to meet our energy research and development needs well into the next century.

Mr. Speaker, the FFTF can play a greater role not only in the areas of energy research, waste cleanup and environmental restoration—it can also help meet the demands of industry and medicine, both here at home and abroad.

Later this month a team representing the Governor of the State of Washington, the Secretary of the Department of Energy and Westinghouse Electric Co. will depart for Japan in an effort to build on the promises of the FFTF. This legislation supports this important marketing effort, providing a path toward success in attracting new non-Federal partners into the plant's operating mix.

The goal is to keep the FFTF working for America with a wide variety of government, private and international investors sharing in the costs and the benefits of this marvelous facility.

I urge all of my colleagues to join me in support of this important effort.

THE PERSIAN GULF WAR AFFECTS MEDICAL CARE AT HOME

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. WAXMAN. Mr. Speaker, in the past few weeks, we have all focused attention on the war in the Gulf, appropriately so. We send our support for the troops and our prayers for their success and safety.

But this morning I come to the floor to discuss the war at home, In particular, I want to discuss the patients left behind when reservist doctors and nurses are called up.

I ask my colleagues' support for a resolution to call upon the commissioned corps of the Public Health Service and its reserves to provide needed health services to people of the United States living in areas affected by the call-up of military reservist physicians and nurses to support U.S. forces in the Persian Gulf.

No one can argue that these doctors and nurses are not sorely needed—at military hospitals, on hospital ships, and at the front lines. But when they go, they leave critical medical needs behind them.

Urban hospitals have been among the hardest hit. According to Healthweek magazine, the Boston City Hospital has lost four surgeons in recent months, including the top trauma specialist. Rural areas are also losing some of the only doctors they have. One New Mexico community health center had the only doctor for 150 miles around—until he was called up by the reserves. We are hearing similar stories from around the country, from Texas, North Carolina, Kansas, Colorado, and elsewhere. If the war in the Persian Gulf intensifies, or is prolonged, many more areas of the country may face a life-and-death medical personnel shortage.

In good times, attracting doctors to these positions is not easy. In wartime, replacing them may be impossible. We already know how difficult it is to attract health professionals to impoverished urban districts and remote rural communities. It will be even more difficult to attract skilled help on a temporary basis, and decidedly more expensive. The real problem will come for federally funded health centers, clinics and hospitals. Because these organizations have restricted budgets that are planned a year in advance, there is no extra money to either recruit a new doctor or nurse, or pay a higher salary if they could find one.

The commissioned corps of the Public Health Service has a long history of service to the public health of this Nation. The provision of health care is the oldest role of the Service, starting in the marine hospitals, and continuing today in the work of the Indian Health Service and the Health Resources and Services Administration. While the Service has also been exemplary in the areas of biomedical research, disease control, and health education, the provision of health care is at the heart of its sacred mission.

We should now consider calling on this corps and its reserves, to fill the newest National need—the vacancies in primary care services for those communities whose doctors and nurses have gone to war. In the corps, there are over 2,600 doctors and nurses on active duty. There is also a so-called "Ready Reserve," more than 1,200 private sector health professionals who already volunteer to fill in for their colleagues at Federal sites for a few weeks at a time.

We are not asking for much more than that. House joint resolution—calls on the Secretary of Health and Human Services to activate the reserve corps of the Public Health Service, and to assign qualified members of the corps to temporary assignments of 90 to 180 days in the most critically needy areas of the country that have been affected by the call-up of medical personnel.

This is a time of national emergency. There are many fine men and women who are committing their time, energy, and even their lives to support the President in the Persian Gulf. We can do no less at home. We cannot avoid the loss of life on the battlefield. But we can prevent it in our cities and rural communities. I am confident that the dedication of the Public Health Service to the health of our Nation will prove itself once again in this time of national need.

Mr. Speaker, I ask that a copy of H.J. Res. — be printed in the record at this point.

H.J. RES. —

Joint resolution to require the Secretary of Health and Human Services to call to active duty additional members of the Reserve Corps of the Public Health Service for the purpose of responding to the shortage of health care providers in the United States that has occurred as a result of the Persian Gulf conflict, and for other purposes.

Whereas, for purposes relating to the Persian Gulf conflict, the Department of Defense has called to active duty thousands of health care providers who are reserve members of the United States Armed Forces;

Whereas calling health care providers to active duty for such purposes has deprived many rural and medically underserved communities of essential medical personnel and has resulted in shortages of health care providers, which is a medical crisis that will exist for the duration of the Persian Gulf conflict;

Whereas such shortages are particularly acute in federally funded community, migrant, and Indian health centers;

Whereas the commissioned corps of the Public Health Service was created in 1889 as a uniformed service to provide for and promote the public health of the people of the United States;

Whereas the commissioned corps of the Public Health service is an organization of 6,000 officers, including 2,600 medical officers and nurses, and has a ready reserve corps of 1,200 medical officers and nurses that can be called to active duty for service to the United States in time of military or civilian emergencies; and

Whereas because of its history and duty to serve the United States during times of crisis, the commission corps of the Public Health Service can play a vital part in responding to the Persian Gulf conflict by serving the people of the United States in their time of medical need: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares, subject to section 2, that a state of national emergency exists for purposes of enabling the Secretary of Health and Human Services, under Section 203 of the Public Health Service Act, to call to active duty additional members of the Reserve Corps of the Public Health Service.

SEC. 2. For purposes of the first section of this resolution, the national emergency declared by the Congress is that certain communities in the United States are experiencing significant shortages in health services as a direct result of one or more of the health care providers of the communities leaving the communities to serve as members of the United States Armed Forces in connection with the Persian Gulf conflict.

SEC. 3. (a) For the purpose of responding to the national emergency described in section 2, the Secretary shall—

(1) pursuant to the first section of this resolution, call to active duty additional members of the Reserve Corps and make assignments of qualified members of such Corps; and

(2) make assignments of qualified members of the Regular Corps.

(b) The Secretary shall identify the communities in the United States that have significant shortages of health care providers for the reason specified in section 2. The Secretary shall assign qualified members of the Regular Corps and the Reserve Corps to provide health services to such communities for periods not exceeding 180 days.

SEC. 4. For purposes of this resolution:

(1) The term "Persian Gulf conflict" means United States military operations conducted as a consequence of the invasion of Kuwait on August 2, 1990, by military forces of the Government of Iraq, including United States military operations conducted under the name Operation Desert Shield and the name Operation Desert Storm.

(2) The term "Regular Corps" means the commissioned Regular Corps of the Public Health Service, maintained pursuant to Section 203 of the Public Health Service Act.

(3) The term "Reserve Corps" means the commissioned Reserve Corps of the Public Health Service, maintained pursuant to Section 203 of the Public Health Service Act.

(4) The term "Secretary" means the Secretary of Health and Human Services.

CONGRATULATIONS TO MAYOR JOSEPH CIPOLLA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Mayor Joseph Cipolla on the occasion of his retirement.

Joseph Cipolla has served as mayor of the borough of Paramus for over 20 years, 16 of which he has served as mayor. For over 20 years he has served as the municipal pool manager, a member of the board of education, and a member of the borough council. Mayor Cipolla has been the driving force behind the establishment of the Paramus golf course, senior citizens center, narcotics squad, substance abuse committee, Sunday closing, antipornography and head shop ordinances, model recycling program and preservation of home rule in the borough of Paramus. He was a moving force in preserving non-Sunday shopping in Bergen County, and was instrumental in the growth and development of his community and surrounding area.

His dedication to the community is exemplified by these and many other services which he has worked to provide. Mayor Cipolla is one of those special few who truly make a difference in our society.

Mr. Speaker, I am proud to join in paying tribute to this exceptional man and extend my best wishes to him.

RANGEL: AGAINST THE WAR, FOR THE GI

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. GUARINI. Mr. Speaker, I would like to call to the attention of my distinguished colleagues a recent newspaper column discussing the views of my good friend, CHARLIE RANGEL, on the Persian Gulf conflict.

CHARLIE is a man who knows war and knows the problems of veterans in peace time.

The article was written by Earl Caldwell, the New York columnist and CBS radio commentator.

[From the New York Daily News, Jan. 30, 1991]

RANGEL: AGAINST THE WAR, FOR THE GI

(By Earl Caldwell)

First he took a significant step to support those he calls "the warriors." He did that by proposing legislation to create for troops who serve in the Persian Gulf a "G.I. Bill" of the kind enacted for veterans of World War II. Two days later, he was the only member of Congress to stand on the Ellipse in Washington and address the huge anti-war demonstration. Yesterday he was preparing for a trip to Tel Aviv.

"To thank Israel for not attacking when we have troops on the line," explained New York Congressman Charles Rangel.

It may not have been his intention but bit by bit, U.S. Rep. Rangel, the Harlem Democrat, has moved onto the point as a leader in the developing opposition to use of force in the Persian Gulf.

Maybe a part of it has to do with his own history. Rangel has two medals from the war of 40 years ago that in many ways forms a link to what is now taking place. Then it was Korea, early in the 1950s, and American troops made up the bulwark of a coalition formed to carry out a mandate of the United Nations.

Rangel sees the experience of Korea being repeated. When troops were ordered to the Persian Gulf, it was said that dislodging Iraqi forces from Kuwait would not take long. Some said, "Only a few weeks," and others guessed that it would not take even that long. But after less than two weeks, it does not look that way anymore. Now the prospects are of a long and bloody ground war.

It also happened that way in Korea. At the start, war was not even mentioned; just "a police action," was the prediction. But when it was over, 33,629 Americans had been killed and there were 103,284 wounded.

Korea, just as in the Persian Gulf now, began with bombing and some believed that the Navy and Air Force could do the job. Eventually the burden fell to the infantry and the same is expected to happen in Kuwait. Rangel was a volunteer and he came out of the war having been awarded a Purple Heart and a Bronze Star.

It is one thing to join a movement once it has been established and has a constituency large enough to influence. It is different, though, to be a part of building a movement. Then, there are risks. By standing as the lone member of Congress to address the rally on Saturday, Rangel was taking the kind of risk politicians often duck. But he had his reasons.

"I find myself wanting the President to tell me why I should support him," he said. "Why not just sanctions? Why not just cut him (Saddam Hussein) off? We could have really put a hurt on him with sanctions. I have yet to listen to anything (in the decision to use force) that makes sense." So on Saturday, Rangel was out there, as he said, "to help create an atmosphere—that you can be against the war and still be patriotic."

As a member of Congress, Rangel also stands with the minority in another way. He has a son—22 years old now—who is a Marine. So his son now faces what Rangel faced 40 years ago.

The bill Rangel has fashioned to provide G.I. benefits has several major components. He asks $1 billion to aid families of soldiers.

The money would be to assist in emergency rent payments, mortgage payments, tuition and other contingencies. His bill also seeks to provide a flat $10,000 bonus for all who serve. The idea being to give those soldiers some options when they come home. The proposed legislation also asks funds to expand veterans' benefits in housing, health care, job training and to guarantee reemployment rights.

As the war in the Persian Gulf progresses, it especially angers Rangel that no peace talks are taking place. "I don't expect Colin Powell to talk about peace or Dick Cheney. But where is Baker?" he asks, referring to the secretary of state. "Someone ought to be saying, (to Saddam) 'Do you give up?' But we don't have anyone talking while we're doing the bombing. It's insane."

ENHANCED OIL RECOVERY

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. OWENS of Utah. Mr. Speaker, America has had an empty energy policy for a decade. The Persian Gulf crisis has again reminded us of our addiction to foreign oil, and that our national security is dependent on our energy security. Sadly, in the rush to find new energy resources, some want to invade the Arctic National Wildlife Refuge and other environmental jewels with oil and gas development. Many forget that 70 percent of all the oil we have ever discovered remains untapped in existing wells.

Enhanced oil recovery, or EOR, involves innovative techniques which increase oil and gas recovery from existing petroleum reserves. Known EOR technologies can produce another 80 billion barrels of domestic oil—almost 50 percent of all the oil ever produced within the United States. Petroleum engineers predict more than a billion barrels of oil will be recovered in Utah with technological advances and economic incentives.

It is time we stopped giving tax breaks to huge oil companies who want to drill ANWR. We can do better. Let us redirect our efforts to encourage domestic oil production in areas of existing development. Enhanced oil recovery, with the present infrastructure and delivery systems, is a cost effective and environmentally safe alternative to increase energy security.

If we do not act quickly, however, access to two-thirds of the remaining oil in place may soon be lost due to well abandonment. A delay in pursuing enhanced oil recovery will be a decision to forever lose 325 billion barrels of proven oil reserves and with it any hope of energy security.

To those who want to drill in wild places like the Arctic National Wildlife Refuge, I say, "ANWR—no—EOR—yes."

BENJAMIN BANNEKER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Ms. NORTON. Mr. Speaker, on the occasion of the first public event, initiating the celebration and observance of the Bicentennial of the District of Columbia, 1991–2002, I rise to pay tribute, including support for the effort to erect a permanent physical memorial to a truly great man who was a major architect of the Capital City, Benjamin Banneker, the first African-American man of science, a self-taught surveyor, astronomer, mathematician, and author, who, born a free man, rose from humble beginnings, working the family farm in Howard County, MD, to a place of international prominence and respect. Even today, the beacon representing his lasting, multifaceted contributions to the early history of this city and our country continues to beam brightly.

Benjamin Banneker's scientific talents were evident early in his life. In 1753, at the age of 22 years, he single-handedly built a striking clock, made entirely of wood, except for a few metal parts, one of the first such clocks made in America. The clock worked perfectly, keeping time accurately for more than 50 years, a marvel of invention, which drew the attention and admiration of his family, neighbors, and American Colonials everywhere.

In the 1780's, having been befriended by his Ellicott neighbors, who were fascinated with his intellect and abilities, with a loan from them of a few astronomy books and some secondhand equipment, Benjamin Banneker nourished and developed a keen interest in astronomy, and calculated a set of the ephemerides, charting the positions of the celestial bodies for each day of the year. He developed this ability with great exactitude and was widely praised.

In February 1791, upon the recommendation of Andrew Ellicott IV, chief surveyor, for the new Federal city, then Secretary of State Thomas Jefferson, approved the appointment of Benjamin Banneker to serve as principle assistant to Ellicott in the initial survey of Washington, DC.

In February 1791, Benjamin Banneker began the mammoth task of maintaining the astronomical clock, and recording the precise time of each survey of the heavens, a delicate and exacting task, given the susceptibility of the clock to air-temperature changes and vibration.

The astronomical observations and calculations were critically important to the success of the fieldwork, requiring the ability to understand and utilize the finest technical equipment of the day, and to maintain extensive notes of the observations. Andrew Ellicott realized that Banneker was not only capable of making and recording his observations, but that he was also so exact, that he could be left alone in the field tent, and relied upon to complete his tasks without continuous and direct supervision.

This reaction helped to refute the opinion, widely held among many that Americans of African ancestry were incapable of performing such purely scientific or intellectual tasks. But there is more.

Between 1791 and 1797, Benjamin Banneker published his world renowned and widely read "Almanacs," which drew the attention of famous persons of the day, including Thomas Jefferson and the leaders of the abolitionist movement, and which were read aloud on the floor of the House of Commons in an attempt to advance the abolitionist cause in England.

Benjamin Banneker's contributions ranged beyond the scientific. In August 1791, Banneker wrote a now famous letter to Thomas Jefferson, decrying the institution of slavery, and pointing to himself as but one example of refutation of the widely held view regarding the technical limitations of blacks. He stated:

> I suppose it is a truth to well attested to you, to need a proof here, that we are a race of Beings who have long laboured under the abuse and censure of the world, that we have long been looked upon with an eye of contempt, and that we have been considered rather brutish than human, and Scarely capable of mental endowments. . . . I apprehend you will readily embrace every opportunity to eradicate that train of absurd and false ideas and opinions which so generally prevail with respect to us, and that your Sentiments are concurrent with mine.

When Benjamin Banneker died in October 1806, he was buried simply in an unmarked grave in Oella, MD, an unauspicious ending for a man whose life and contributions are a continuing inspiration for millions of men and women of color and others, both in America and worldwide. Yet Benjamin Banneker has not been forgotten. His quiet, but direct protestations against the institution of slavery, and his illustrious accomplishments as a mathematician, scientist, and astronomer, have left a marvelous trail of achievement that still shines.

I am proud to be a graduate of a junior high school, now a high school for gifted and talented children, named for Benjamin Banneker in this city. I salute the memory of Benjamin Banneker, and join in the effort to erect a lasting physical memorial to the man for the many contributions that he made to American society and culture.

INTRODUCTION OF LEGISLATION TO ASSIST COMMISSIONED OFFICERS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. HORTON. Mr. Speaker, today, I am introducing legislation designed to update our Internal Revenue Code, making it more equitable for our Nation's commissioned officers. My bill would amend the Internal Revenue Code of 1986 to increase the exclusion from gross income for combat pay received by a commissioned officer to $2,000.

The compensation that America's commissioned officers receive for action in combat zones has traditionally been excluded from their gross income for tax purposes. For the risks these military officials take in such situations, such treatment is the very least we can do.

The last time our commissioned officers had an increase in the amount of combat pay they could exclude from gross income was January 1, 1966, during the Vietnam conflict. At that time, Congress increased the exclusion from $200 to its present $500. Prior to 1966, the previous increase had taken place during the Korean conflict in 1952. Clearly, inflation dictates that it is once again time to increase the exclusion.

Each and every one of us in Congress are hoping for a successful completion to Operation Desert Storm at the earliest possible date. Until the end of hostilities, we must do everything in our power to assist the American service men and women serving in the Persian Gulf as well as their families. My bill represents a small but important part of this effort and I urge the appropriate committees of the House to consider this measure in a timely manner.

PERSONAL EXPLANATION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. BILIRAKIS. Mr. Speaker, I was unavoidably detained yesterday and did not vote on H.R. 180, the Veterans Education and Employment Amendments of 1991. Had I been present, I would have voted in favor of this important veterans legislation.

H.R. 180 extends eligibility for education and employment programs. In addition, this legislation increases the eligibility time for Vietnam era veterans to participate in certain veterans programs. The measure also allows an individual serving on active duty who is within 180 days of discharge—other than dishonorable—to take advantage of educational and vocational counseling programs.

H.R. 180 encompasses three bills that the House of Representatives passed at the end of the 101st Congress. When we adjourned last October, I was disappointed that so much of the veterans legislation I supported was not enacted into law. This Nation's veterans should not be penalized for Congress' inaction.

However, I am extremely pleased that the House is moving quickly in the 102d Congress to redress the situation. I commend Chairman MONTGOMERY and ranking minority member BOB STUMP for their diligence in serving the needs of veterans across the country.

Now, more than ever, we must demonstrate our support to the men and women who have sacrificed so much to ensure our freedom.

As hundreds of thousands of Americans fulfill their duties in the Middle East, we must live up to our responsibility and ensure that upon their return, these brave men and women will be able to pursue education and vocational training opportunities.

FEDERAL EMPLOYEE FAMILY-BUILDING ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mrs. SCHROEDER. Mr. Speaker, today I am introducing the Federal Employee Family-Building Act, which would require that all insurance carriers in the Federal Employee Health Benefits Program [FEHBP] that cover obstetric care also cover infertility treatments and adoption-related medical expenses. This act would amend title 5 of the United States Code, and is a duplicate of H.R. 2860 which I had introduced in the last Congress.

For years millions of Americans have faced a serious medical insurance coverage gap: Very few health insurance plans cover infertility treatment or adoption-related medical expenses. Health plans in only nine States cover these kind of expenses. Plans in the other 41 States and all of the Federal employee health plans provide no coverage.

The pursuit of happiness includes the ability to have children. Those desiring to raise the children of America's future deserve our help. High costs should not be an insurmountable obstacle to those seeking infertility therapy or wishing to adopt children.

Although infertility strikes about 20 percent of all couples, it is, for the most part, a treatable disorder. During the past 10 years dramatic advances have been made in the fields of infertility therapy and reproductive biology.

To individuals needing infertility treatment the cost is often prohibitive. For example, in vitro fertilization treatment costs about $4,000 to $6,000 for one treatment cycle. Without health insurance only well-to-do couples are able to afford infertility therapy, while the less fortunate majority are deterred by financial constraints. Less than one-third of all infertile couples sought treatment in 1982.

Adoption is an equally costly procedure, averaging about $10,000 per child. Although over 40 percent of adoptable children are blacks, minority would-be parents have been deterred by the high costs of adoption.

Requiring insurance coverage for infertility and adoption-related medical expenses will have minimal impact on insurance costs. For example, in Massachusetts the Family-Building Act costs Blue Cross/Blue Shield $0.54 per family per month.

It is time we acknowledge that there are different ways to build a family, and we should do every thing we can to assist parents who would like to have children. Passing the Federal Employees Family-Building Act is a step in the right direction.

1991 GROUNDHOG'S DAY PROCLAMATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. CLINGER. Mr. Speaker, on February 2, the original and only true groundhog, Punxsutawney Phil, emerged from his burrow to give this year's winter weather prediction. Here is the official proclamation from Punxsutawney, PA:

> At 7:27 a.m. on February 2, 1991, Punxsutawney Phil, the Seer of Seers, the Prognosticator of Prognosticators, emerged from his burrow at Gobbler's Knob. He stood tall, calm, and noble and was very pleased at the site of the huge throng of faithful followers at the Knob. He cast his eyes downward and with a mischievous smile turned to the groundhog club president Jim Means and signaled to him in clear groundhogese: "There is a shadow here for sure. Not especially dark or strong but enough to call for six more weeks of winter weather."

DECLINING MILK PRICES

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. MOODY. Mr. Speaker, yesterday the U.S. Agriculture Department released figures indicating that wholesale milk prices in Wisconsin have dropped to $10.16 per hundred pounds.

This price was last seen in 1978. Can you imagine trying to live today on your 1978 income? Property taxes have skyrocketed over the last 13 years. Labor costs are way up. The Milwaukee Sentinel today provided the following dramatic illustration of the gap between 1978 prices and the costs of living in 1991, based on advertisements in the paper:

> In late 1978, you could buy a new Chrysler LeBaron for $4,988, an all-you-can-eat fish dinner for $2.45. A new LeBaron now lists for $13,000, the fish fry goes for $5.95.

So today, because of dairy policies which encourage overproduction in nondairy States outside of the Midwest, Wisconsin's farmers are being forced to somehow make ends meet on 1978 milk prices. State dairy economists estimate that the $10.16 price will cause Wisconsin's gross farm receipts to drop by $500 to $700 million.

I want to register today my deep concern and alarm about the current situation. I hope to work with my colleagues and with the new Secretary of Agriculture, our friend, EDWARD MADIGAN, to design dairy policies which guarantee a reasonable income for the Nation's dairy farmers, particularly those hurting the most: Those family dairy farmers in Wisconsin, the Nation's dairy State.

VISITING NURSE SERVICE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in recognition of Dolores Carbonetti and the Visiting Nurse Service. Ms. Carbonetti, executive director of the Visiting Nurse Service has, during her 14 years of devoted service, sent the message of caring out to the community. The Visiting Nurse Service has been providing volunteer health care for the communities of

Pawtucket, Lincoln, Central Falls, and Cumberland since 1911.

The Visiting Nurse Service has not confined its care to any one age or condition. They administer care for children or adults in post-operative or hospitalization conditions. They concentrate on education of patients and family members alike.

The Visiting Nurse Service has participated in special projects such as prenatal care and hospice care. They have also shown a commitment to the elderly by their dedication to adult day care in the communities of Lincoln and Pawtucket, RI.

The week of February 10–16 is Visiting Nurse Association Week. It is with great pleasure that I offer special recognition to Delores Carbonetti and the Visiting Nurse Service during this week. I wish Ms. Carbonetti and the Visiting Nurse Service the best of luck in their future endeavors.

A CONGRESSIONAL ANNIVERSARY SALUTE TO JOHN AND EUNICE FALBE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a remarkable couple, John J. Falbe, Sr., and Eunice Walters Falbe. On February 25, 1991, the Falbes will be celebrating their 50th wedding anniversary. This occasion gives me the opportunity to extend my sincere congratulations to John and Eunice for achieving this tremendous milestone. They are indeed, a unique couple.

John and Eunice began as childhood sweethearts in Racine, WI. They were blessed with three children, John Falbe, Jr., Barbara Karas, and Norma Marselis. The Falbes also have four grandchildren, Ryan, Jonathan, and Lisa Marselis, and Jennifer Falbe.

At the time they were married in 1941, John was a sergeant in the Regular Army. Commissioned a second lieutenant in May 1943, John served 3½ years during World War II in England, France, Belgium, Luxembourg, Germany, Trinidad, and the British West Indies plus 1½ years immediately before and immediately after World War II in Germany and Trinidad. John retired from the Army on March 31, 1957, in the grade of major after 23 years of active duty.

John and Eunice currently live in San Pedro, CA, and are both working as interstate claims adjusters for a moving company. In the 30 years that they have lived in San Pedro, the Falbes have been extremely active. Eunice has always been supportive of John's numerous fraternal, service, and community activities. John's commitment to these activities can be seen by looking at the impressive list of positions that he has held. He served six terms as president of the San Pedro Chapter of the Retired Officers' Association, three terms as commander of the Long Beach Chapter of the Military Order of the World Wars, and eight terms as district national service chairman of the California-Hawaiian Elks Association. He was also an organizer of the Louisville, KY chapter of the National Defense Transportation Association, vice president of the Laymen's Retreat League in Sierra Madre, grand navigator of RONDA Caravan of the Order of the Alhambra, as well as being an active participant in numerous other clubs.

In all of the above activities Eunice was always at John's side to council, to assist, and to support. There's has indeed been a loving and companionable relationship. My wife, Lee, joins me in saluting the Falbes.

NANCY AND RICHARD ETTER HONORED AT KNIGHT OF THE GAEL

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. BILBRAY. Mr. Speaker, I rise today to pay tribute to two great citizens of the State of Nevada. I speak of Nancy and Richard Etter. On March 5, 1991, these two outstanding members of the Las Vegas community will be honored at the annual Knight of the Gael sponsored by Bishop Gorman High School.

The Etters have had a broad range of involvement in the civic and business community of Las Vegas. Nancy has served as a valuable member and leader of the Junior League of Las Vegas, Women's Hospital, the New Horizons Auxilliary, and the Assistance League of Las Vegas. She has excelled in these organizations, helping needy schoolchildren, children with learning disabilities, and provided her leadership in helping to guide these organizations to success.

Richard has distinguished himself as a member of the Las Vegas business community as the president of Valley Capital Corp. and as chairman of the board and chief executive officer of the Valley Bank of Nevada. During his tenure of 25 years, he has helped to shape Valley Bank into one of the bedrocks of southern Nevada. In addition he has lent his time to groups such as the Boulder Dam Area Council Boy Scouts of America, the United Way of southern Nevada, and the Las Vegas Founders Club. He has teamed up with his wife to turn the Las Vegas Invitational Golf Tournament into the event that it has become.

Nancy and Richard Etter exemplify the commitment to family, work, and community that all of us should strive to emulate. I join my fellow Nevadan's in honoring these two highly respected individuals. It is my hope that others will follow in their footsteps and become proud examples to their communities in the same manner that Nancy and Richard Etter have become.

DR. JAMES E. WALKER THE EIGHTH PRESIDENT OF MIDDLE TENNESSEE STATE UNIVERSITY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. GORDON. Mr. Speaker, in its illustrious 80-year history, Middle Tennessee State University in Murfreesboro, TN, has boasted a string of outstanding leaders.

This month, Dr. James E. Walker takes his place in MTSU history as its eighth president. He already has made an impression that promises more good things to come.

Dr. Walker startled University officials when he came for a day-long visit and interview as one of four finalists to replace retiring president Dr. Sam H. Ingram. Dr. Walker calmly explained that he already had spent 6 hours on the MTSU campus, taking the trip on his own to see the university firsthand.

Posing as the father of a prospective student or an older graduate student, Dr. Walker visited several campus facilities, spoke with students and administrators, and sat in on classes. He liked what he found. His hands-on approach impressed university leaders.

Dr. Walker has shown initiative throughout his career. He comes to MTSU after 3 years as vice president for academic affairs and provost of the University of Northern Colorado. Prior to joining the administration at Northern Colorado, Dr. Walker served 7 years as dean of the school of education at California State University-Hayward.

From 1977 until 1980, he chaired the Department of Specialized Educational Development at Illinois State University.

He also worked as a school teacher in Atlanta, been assistant professor of special education at Southern Illinois University-Edwardsville, served as adjunct professor of special education at the University of Alabama, and been assistant superintendent of Bryce Hospital in Tuscaloosa, AL.

He earned his bachelor's degree in biology at Alabama State University and a master's degree in education of exceptional children at Atlanta University, where he also did post-master's work. He earned an Ed.D. in education of exceptional children from Penn State University.

With his experience at all levels of education, Dr. Walker brings a new era to the university. His leadership will prepare MTSU and its students for the next century.

Dr. Walker may have said it best when he told the Daily News Journal in Murfreesboro that, "I'm used to firsts; I prefer being first."

That attitude is good for MTSU, it's good for Tennessee and it's good for education.

TRIBUTE TO RONALD E. OLSZOWY THE AMERICAN CANCER SOCIETY'S FIRST ANNUAL "MAN OF THE YEAR"

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today to salute a truly outstanding individual from my Eighth Congressional District whose dedication and commitment to the goals of the American Cancer Society and his community have truly merited him this great honor as the first annual "Man of the Year".

I am speaking of Ronald E. Olszowy, of Passaic, NJ, whose deep involvement in his community for several years has earned him the honor of "Man of the Year" by the American Cancer Society of Passaic County. For all he has done, Ronald Olszowy will be honored by the American Cancer Society at the Meadowlands Hilton on Saturday, February 9, 1991.

Mr. Speaker, I know that this event will be a source of great pride, not only to Ronald, but his devoted wife Margaret and their two children, Linnes and Ronald, Jr.; to his many friends and colleagues who will be on hand Saturday to honor him; Arnold Speert and his lovely wife Myrna, as well as A.J. Fusco, another one of Ronald's dear friends brought together for this occasion.

Mr. Speaker, Ronald E. Olszowy, has been involved in many various careers, politics, clubs and organizations within his lifetime. He began his career in the U.S. Army as a military policeman for the Defense Atomic Support Agency from 1968 through 1970 where he was decorated for heroism and credited with saving the life of another soldier.

After leaving the Army he became the president of Nationwide Bail Bonds, a company which specializes in bail bonds and all other types of bonds including performance, license, permit and all other miscellaneous surety and fidelity bonds. Ronald's involvement with this successful business continues today along with his ownership of the Interstate Insurance Agency, a full service multi-line agency specializing in commercial insurance and REO. Technologies, a company which promotes and sells modular stainless-steel prison cells.

As the son of my good friend the late Assemblyman Emil Olszowy, Ronald has also had the opportunity to work on several important political campaigns within the county in the past two decades including campaign manager for his father. This prestigious start enabled him to work closely with several other assemblymen in the State and finally as city coordinator for Tom Kean during his gubernatorial election.

Along with this list of ventures in the political realm, Ronald also supported various clubs and organizations within his career: The Passaic County Republican Club, Rosol Dul America Legion Post 359, as well as a member of the Viking Crew, the President's Club of William Paterson College, William Paterson College Alumni Association, and past president of St. Clare's Home and School Association. The list goes on quite extensively but in summation shows a man dedicated to the causes in which he involves himself.

Mr. Speaker, it is citizens such as Ronald E. Olszowy who contribute so much to the business and social fabric of our communities. I appreciate the opportunity to present a brief profile of a man who has given so much of himself to his community, State and Nation, and who has immeasurably improved his world through his innumerable contributions—Ronald E. Olszowy, recipient of the first annual American Cancer Society, Passaic County Chapter, "Man of the Year."

CONGRESS MUST REMAIN VIGILANT IN HELPING THE RESIDENTS OF LOGAN

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. FOGLIETTA. Mr. Speaker, this week, the city of Philadelphia will observe the 5-year anniversary of an unusual urban disaster that still plagues the city and its residents. Five years ago, following a gas explosion, it was discovered that many of the homes in the Logan neighborhood of Philadelphia were literally sinking into the ground.

In the early 1920's, these homes were improperly built on an extremely unstable ash and cinder base adjacent to a shifting underground stream. Over the decades, the fill has been partially washed away and condensed, causing many of the homes to subside.

Today, it is estimated that over 1,000 homes will eventually be affected by this crisis. Hundreds of families have been forced to relocate, and hundreds more await relocation. Day by day the subsidence problems facing Philadelphia homeowners worsen. Serious utility failures, a product of the collapsing homes, make staying in the homes dangerous and forces homeowners to seek alternative shelter. It is imperative that action be taken as quickly as possible to relocate the Logan families.

Mr. Speaker, I am proud of the people of Logan who have pulled together throughout this ordeal. They have successfully argued their cause and have rightly won our admiration.

Everyone involved in this effort has made a praiseworthy and commendable start—but we are far from finished. It is estimated that the total replacement cost for the Logan residents will be over $50 million.

We in Congress must remain vigilant in our effort to continue providing Federal aid. The city of Philadelphia and the State of Pennsylvania must carry on in their efforts for additional moneys for the residents of Logan. Even in these times of fiscal restraint, we must not let our commitment to the people of Logan waiver. It is vital that we help these residents return to normal lives.

LEGISLATION TO NAME U.S. COURTHOUSE IN MADISON, WI

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. OBEY. Mr. Speaker, the entire Wisconsin congressional delegation and several other Members are introducing legislation today to name the U.S. courthouse in Madison the Robert W. Kastenmeier United States Courthouse.

For 32 years, Bob Kastenmeier was the voice of integrity and justice in the House. Time and time again he cast difficult votes because of his deeply held beliefs, particularly his opposition to U.S. military involvement in the Vietnam war and the Persian Gulf.

As the Washington Post commented after he lost the election in Wisconsin's Second Congressional District last November, Bob Kastenmeier was a "a staunch defender of civil liberties who worked for prison reform, privacy protection, free press and an enlightened criminal justice system. He also took on complicated subjects that rarely make headlines, becoming the leading House expert on patents and copyrights and shouldering such unpleasant tasks as the impeachment of wayward judges."

Bob Kastenmeier became the second ranking member of the House Judiciary Committee and is remembered by many for his contributions during the impeachment hearings on President Richard M. Nixon in connection with the Watergate scandal.

His contributions to a stronger Federal court system are widely recognized by judges and lawyers all over the United States. Chief Justice William Rehnquist called him a "good friend of the Federal judicial system." And Chief Judge Abner Mikva of the U.S. Federal Court of Appeals in Washington said: "Nobody up there has his knowledge, understanding, and sensitivity about the judiciary." In 1988, the American Judicature Society gave him its Justice Award for his contributions to improving the administration of justice.

It is just and fitting for the U.S. courthouse in Madison to be named after Bob Kastenmeier.

CONTINUED REPRESSION IN CHINA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. PORTER. Mr. Speaker, while the civilized world confronts Saddam Hussein in the Persian Gulf, the barbarians of Beijing try their best and brightest for daring to dream the dream of freedom and democracy for their country.

In a perverse kind of way, it is fascinating to watch the hard-core Communist of China and the Soviet Union swim against the tides of history and human progress and attempt to keep the people under their thumbs.

They will of course, succeed in the short term and fail in the long. But they will only fail in the long term so long as we continue to make freedom and self determination at the forefront of our foreign policy.

On dealing with the regime in Beijing and the reactionaries in Moscow, we have no military option, but we have a host of economic, diplomatic, political and moral levers to work. The Congressional Human Rights Caucus will continue to be in the forefront bearing a message of truth and freedom to people of conscience and good will across the globe.

H. RES. 51

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. LEVIN of Michigan. Mr. Speaker, I am proud to cosponsor H. Res. 51, which establishes in the House of Representatives the Select Committee on Children, Youth, and Families. The resolution authorizes the committee to study problems relating to income maintenance, health, nutrition, education, welfare, employment, and recreation. It also permits the committee to encourage the development of public and private programs and policies to assist children and youth in taking a full part in national life and becoming productive citizens. Finally, the committee may review ways to coordinate Government and private programs that address the problems of childhood and adolescence.

The work of this committee could not be more timely. While many of us prospered during the 1980's, clearly millions of children and families did not. A recent article published in the Detroit Free Press illustrates this fact all too vividly, painting a grim picture of the plight of Michigan's 2.4 million children, 1 in 5 of whom lives below the Federal poverty level. The article summarizes a report prepared by the Michigan Department of Public Health, which compared the period 1980–82 with 1986–88 and found that most indicators of child health had worsened. These include the low birth weight rate, the birth rate among teens, and the violent death rate. Other measures that had once been steadily improving, such as the percentage of women receiving prenatal care and the infant mortality rate, ceased to record significant gains or were unchanged.

These shocking findings, which I sadly suspect could be duplicated elsewhere in this Nation, demand our attention. Although these problems often seem to defy solution, we must never stop looking for ways to address them. I believe that the Select Committee on Children, Youth, and Families can continue to make a significant contribution to our search for information and answers, and I, therefore, strongly support this resolution.

TRIBUTE TO DANNY GUSTAFSON

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. SABO. Mr. Speaker, I would like to take this opportunity to honor Mr. Dan Gustafson, a good friend and constituent of mine, who is retiring from the presidency of the Minnesota AFL–CIO this year.

The Minnesota AFL–CIO has been a vital force in the life of all Minnesotans for over 100 years. And Danny has been active in it all his adult life. He started in the bulding trades as a young plasterer and soon became the business representative for the Plasterers Union. In 1966, he was elected business representative for the Minneapolis Building Trades Council and served in that capacity until his election as secretary-treasurer of the Minnesota AFL–CIO in 1978. In 1985, he was elected president of the Minnesota AFL–CIO.

Even the labor movement's harshest critics acknowledge its central historical role in eliminating sweatshops, improving health and safety, and winning livable wages for workers. Many people don't realize that the labor movement has also been in the forefront of such major issues as health care, education, consumer protection, and environmental protection.

In Minnesota, labor supported the State Superfund law of 1982 to clean up hazardous waste sites. Labor also spearheaded the successful campaign to win right to know legislation, requiring that workers be informed about dangerous substances at work and be taught how to respond to chemical spills and other accidents involving hazardous materials in the workplace. Danny was a leader in this effort and he deserves a great deal of credit for this accomplishment.

The Minnesota AFL–CIO is an active partner with the other institutions in our State in improving the quality of life for all Minnesotans. Throughout his entire adult life, Danny Gustafson has been in the forefront of these endeavors.

Mr. Speaker, Danny has excelled as a labor leader and has taken great pride in his work. As he enters his well-earned retirement I want to thank him for all the good things he has done for the people of my State. I wish him luck in his future endeavors and congratulate him on his past achievements.

A CONGRESSIONAL ANNIVERSARY SALUTE TO BOB AND FLO HOFFMAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Bob and Flo Hoffman. On February 15, 1991, the Hoffmans will be celebrating their 50th wedding anniversary. This occasion gives me the opportunity to extend my sincere congratulations for their many years of unending commitment to each other and their family.

Bob and Flo were both born and raised in Cincinnati, OH. They were blessed with three daughters, Kay Ann, Karen Sue, and Kathie Joe. The Hoffmans also have seven grandchildren and four great-grandchildren.

After Bob served in the U.S. Navy during World War II, the Hoffmans moved to the Los Angeles area. Since then, aside from being special parents and grandparents, the two have been active participants in local organizations. They currently live in the San Rafel Mobile Home Estates in Harbor City, CA, where Flo is involved in the park's activities and organizations and Bob is a member of the Los Angeles-Harbor Masonic Lodge, No. 332 of San Pedro and of the Scottish Rite of Free Masonry of Long Beach.

My wife, Lee, joins me in extending our congratulations to the Hoffmans. They are truly a remarkable couple who have devoted their talents and energies to enriching the lives of so many other people. In this time, when family chaos seems to be the rule rather than the exception, it is encouraging to see a happy couple like Bob and Flo reach this tremendous milestone. We wish Bob and Flo, their daughters, grandchildren, and great-grandchildren all the best in the years to come.

IN SUPPORT OF OUR VETERANS AND CURRENT MILITARY PERSONNEL

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. FIELDS. Mr. Speaker, I rise today to express my strong support for H.R. 555 and H.R. 556, which passed the House last week.

Unfortunately, I was unavoidably detained at Houston Intercontinental Airport due to poor weather and was therefore prevented from casting a vote in favor of these two bills. I want to make clear that my failure to vote on these measures in no way demonstrates a lack of support for these two important bills.

I am pleased that we passed these bills that help our troops—past and present. Current conditions only serve as a potent reminder of past wars when we, as Americans, had to stand together for freedom and democracy. We must remember that freedom is never safe, human rights are never guaranteed. It is easy to forget how fragile our way of life is.

As we see the sacrifices that our soldiers are making for us in the Persian Gulf, it is important that we take a few moments to thank the soldiers of past wars. These brave men and women answered the call of duty to our Nation in its time of desperate need, just as our soliders are doing today. They served in the proud tradition of the United States that began with the Revolution and continues today.

I am pleased that the House of Representatives was able to reach a compromise and pass agent orange legislation. We all know that a vast amount of work went into this legislation and this issue throughout the years. The members of the Committee on Veterans' Affairs should be commended for their hard work and dedication on this issue.

In addition, H.R. 555 is the least we can do for our brave soldiers and their families. This bill provides reservists on active duty with protection in court proceedings and protection from adverse action by creditors. It also protects their dependents from eviction by raising the maximum rental delinquency from $150 to $1,200.

Again, I rise in strong support of these measure, of our veterans, and of our future veterans serving in the Persian Gulf.

NATIONAL LAW ENFORCEMENT MEMORIAL DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. RANGEL. Mr. Speaker, it is with pride that I am today introducing in the House of Representatives a House joint resolution to designate October 15, 1991, as National law Enforcement Memorial Day. I have selected this date because it corresponds with the scheduled completion date of the National Law Enforcement Officers Memorial in October 1991. The memorial will be situated at Judiciary Square in Washington, DC.

In calendar year 1990, there were over 700 murders in the metropolitan Washington, DC area. Not all of these crimes were drug related, but many of them were. As our society has become more violent, law enforcement officers are correspondingly placed at greater risk in performing their daily duties.

My colleagues, here are a few facts which may be of interest to you. In America, there are over 500,000 peace—law enforcement—officers. According to the law enforcement memorial fund, over the last 10 years over 1,500 law enforcement officers have been killed in the line of duty. In 1989, the last full year for which statistics are available, 148 officers were killed in the line of duty. Preliminary figures for 1990, are that 119 enforcement personnel officers were killed performing their duties.

Each year over 60,000 law enforcement officers are assaulted by criminals, which results in over 20,000 officers being injured. The war in the Persian Gulf is the leading news story of the day. When a soldier is killed, not only he is affected, but his family and loved ones suffer as well. It is exactly the same, for the families of peace officers killed or injured in the line of duty.

Section 1 of the resolution would designate Tuesday, October 15, 1991, as National Law Enforcement Memorial Day, and section 2 would request President Bush to issue and publish in the Federal Register an appropriate proclamation designating Tuesday, October 15, 1991, as National Law Enforcement Memorial Day.

During the President's State of the Union Address the loudest and most prolonged applause was for America's men and women serving in the Persian Gulf. This spontaneous outburst demonstrated that the Congress is united in supporting our men and women who have placed their lives in danger in the Persian Gulf war. Should we be any less united in supporting peace officers who place their lives in danger fighting crime here in America?

I urge all Members who wish to demonstrate support for law enforcement officers serving in their districts to cosponsor this resolution.

MORE FUNDS, BETTER FOCUSING NEEDED IN WAR AGAINST DRUGS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. RINALDO. Mr. Speaker, President Bush's proposal to Congress to increase funding for the Nation's war on drugs by 11 percent sends a reassuring message that the Persian Gulf war has not diverted attention from this important battle on the homefront.

In the first year of the President's antidrug strategy we have witnessed some impressive gains as well as a few setbacks in this difficult fight. On the positive side, according to both public and private sources, use of cocaine, heroin, and other drugs among young people is dropping sharply. Prevention and education programs are working to slow down demand for drugs. Law enforcement efforts that have targeted major drug dealers also are having a positive effect.

On the other hand, it has been difficult to reclaim inner-city neighborhoods where drug turf wars, cocaine-addicted mothers, and young drug hustlers are the predominant features of daily street life.

We need to increase funds for prevention and treatment, and I am supporting the President's proposal to raise funds for treatment by 10 percent to $1.7 billion next year, and by $1.5 billion or 5 percent more for prevention and drug education.

Persuading young people of the dangers of drug abuse through education programs will pay for itself several times over in money saved on welfare, unemployment, prison, and health care.

However, we cannot solve the problem of drug abuse by simply throwing money in all directions. Funding must be carefully focused, and programs that are not working should be revised or eliminated.

That is why I would urge my colleagues as well as the Office of Drug Policy to reassess the antidrug aid program for three Andean countries—Bolivia, Colombia, and Peru. This old program is intended to induce farmers in the Andean region to switch from growing coca leaves to other crops. The administration has committed $2.2 billion over the next 4 years to this effort.

Money that has gone to this aid program in the past, however, does not seem well spent. Coca production has increased, and the three Andean countries are backing away from their commitment to reduce it.

The governments of the three nations are reluctant to crack down on the coca growers because of the few alternatives available to small farmers in the region's economy. The coca trade is vital to so much of the population of the Andes region that the governments risk civil war by continuing efforts to suppress it.

In Bolivia, for example, special antidrug task forces have run into armed resistance from coca growing farmers. As a result, Bolivian officials have requested that the drug funds, amounting to $198 million to fiscal year, be transferred for use in fighting pollution and to reforestation efforts.

The key to making the program a success is to replace the production of coca leaves with other cash crops. If this cannot be done, then the money can be better spent on programs that have proven themselves. Let us fight the war on drugs with programs that produce results.

LEWIS RUDIN: PART OF THE SUCCESS BEHIND RUDIN MANAGEMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention and to the attention of my colleagues, a story which appeared recently in Crain's New York Business about one of New York's chief developers, head of the association for a better New York, and certainly one of my dearest friends, Lew Rudin.

His "never-say-die" attitude and his love for the Big Apple, have made Rudin Management, which he owns and operates with his brother Jack, one of New York's biggest success stories.

The article follows:

[From Crain's New York Business]

RUDIN: ONE DEVELOPER WHO LEARNED FROM 1970's

(By Peter Grant)

During New York's dark years in the mid-1970s, real estate developer Lewis Rudin emerged as one of the Big Apple's chief cheerleaders.

In today's slump he's at it again, cajoling businesses to stay, attacking the city's critics and trying to unite labor, business and government leaders. But there's one important difference between then and now.

The Rudin family's company in the 1970s was one of many struggling to stay afloat. Weak demand for apartments and office space forced Rudin Management Co. to restructure loans on two projects.

Today, in contrast, Rudin is one of the healthiest real estate operations in the city. Its award-winning new development at 1675 Broadway is almost completely leased. The company has rented practically all of its 4,000 or so apartments.

Even the company's biggest headache, caused by the bankruptcy of Drexel Burnham Lambert Inc., is not too serious. The defunct securities firm has left Rudin with a practically empty building at 55 Broad St. but the 410,000-square-foot tower has relatively light debt: only $8 million.

"We think we're in reasonably good shape to withstand this storm," says the 63-year-old Mr. Rudin, who, with his brother Jack, owns a portfolio of New York's apartment and office buildings worth more than $2.5 billion, encumbered by less than $800 million in debt.

The relative prosperity of Rudin Management shows how experience and long-term perspective can make the difference in a real estate slump. The family has cultivated a top-notch reputation with tenants that have helped keep its office-vacancy rate down to about 7% while the rest of the market is hovering around 20%.

With its 1970s perspective, the Rudins proceeded cautiously during the go-go Eighties while many less-experienced developers got caught up in the building euphoria. The family remembered that markets can swing both ways.

"Real estate is a game of musical chairs," Mr. Rudin says. "In the early Seventies when the music stopped, we had an empty building, and I never wanted that to happen again."

The Rudin family's experience stretches back to the early 1900s when Samuel Rudin, Lewis and Jack's father, began buying apartment buildings in Manhattan and the Bronx. By the time he died in 1975, the family owned 12 office towers and 30 apartment buildings at such tony addresses as 345 Park Ave., 110 Wall St. and 945 Fifth Ave.

By never selling a building, the family attracted a loyal following of tenants. Residential brokers say that even in tough markets demand has remained high for apartments in Rudin buildings.

Meanwhile, the family's management style and slightly below market rents has enabled it to renew office leases despite the efforts by the competition to lure tenants away. Most recently, Bristol-Myers Squibb Co. and KPMG Peat Marwick renewed for more than 1.2 million square feet at 345 Park Ave.

Mr. Rudin recently called Scientific American Inc. when that long-time tenant was on the verge of moving out of 415 Madison Ave. "I said after 30 years at least give me the satisfaction of trying to meet the competition," Mr. Rudin says. The magazine renewed, doubling its space.

The Rudin reputation has also helped the firm attract new tenants in the toughest leasing market in close to 20 years. The advertising agency D'Arcy Masius Benton & Bowles Inc. decided to become the first tenant in 1675 Broadway partly because it knew the ownership would not change.

A GATHERING OF THE CLAN

"I'll never forget when I went over to sign the lease the whole family was there," recalls Michael D. Moore, DMB&B senior vice president. "One of the daughters was pregnant and Lew pointed to her stomach and said, 'When the lease is over this is whom you'll be negotiating with next.'"

Some of the Rudins' expertise has been hard won. During the late 1960s and early 1970s, the family developed five buildings.

Suddenly demand dried up, leaving the Rudins with a practically empty office building at 41 Madison Ave. and a new apartment building at 211 E. 70th St. that was only 20% rented. Mr. Rudin says he had to ask the lenders on the two projects—Manufacturers Hanover Trust Co. and Irving Bank Corp., respectively—to restructure the financing.

"I said these are good projects. Stick with us and you'll get 100 cents on the dollar," Mr. Rudin says. "And that's what happened."

So traumatic were the 1970s that Mr. Rudin and his brother were inclined to stay out of new development for years.

But a new generation of Rudins was growing up: Lewis' children, Bill and Beth, and Jack's children, Eric and Madeline. All got involved in the business, and they pressed their fathers to stay in development.

"To keep them excited about the business we decided we ought to stay off the sidelines," Mr. Rudin says.

Financing was little trouble despite the loan problems of the 1970s. In fact, Manny Hanny, one of those lenders, was happy to make new construction loans through the 1980s.

"We have lent a lot of money to the Rudins and we'll be happy to do more," says Michael Hegarty, Manny Hanny group executive.

Nevertheless, the older generation has taken pains to limit the company's exposure. Between 1975 and 1986 the family developed only two office towers, 560 Lexington Ave. and 40 E. 52nd St. When plans for 1675 Broadway were being drafted, Mr. Rudin insisted that they not waste time seeking zoning changes.

With New York turning into a boom town, "the game plan was to build it quick," he says. "I was concerned about the craziness going on in the business."

These days it's civic disorder Mr. Rudin is trying to confront. Free from the preoccupations of workout meetings with bankers or other distractions facing developers like Donald Trump, Mr. Rudin has been able to focus more of his attention on helping the city out of its current fiscal mess.

CIVIC-MINDED DEVELOPER

As he sits in his office surrounded by photographs of him with presidents, mayors, governors and heads of state, many of his calls are as Lew Rudin, head of the Association for a Better New York and a member of a wide range of civic groups.

He's trying to bring together labor, business and government leaders in the same way that they united to save New York during the 1970s. He's also launched attacks against the upsurge in bad publicity battering New York and local critics of the city. Earlier this month he resigned from the Citizens Budget Commission because of that watchdog group's "unconstructive" criticism of a tentative labor pact reached by the Dinkins administration.

Mr. Rudin's boosterism never stops. Louis Somoza, a longtime staff member, remembers the two of them were once on their way to a business meeting and came across a pile of trash.

"He's in his suit and started throwing it away," Mr. Somoza says. "You better believe I started helping him."

HONORING EASTSIDE ALLIANCE VOLUNTEERS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. COYNE. Mr. Speaker, I would like to share with the House today an encouraging report of Pittsburgh residents who are working together in volunteer efforts to improve their neighborhoods.

The members of Pittsburgh's Eastside Alliance are dedicated citizens who understand the importance of individual commitment to their local community. The Eastside Alliance is a coalition of organizations which have joined together in a common effort to support and improve their neighborhoods.

Like many large urban centers, Pittsburgh is comprised of many diverse and vibrant local neighborhoods, each with its own identity and appeal. Active among the Eastside Alliance are residents of Bloomfield, Friendship, Garfield, Lawrenceville, and Polish Hill. Each of these neighborhoods contributes to the overall community spirit of Pittsburgh, and helps make our city a better place in which to live, work, and raise a family.

The members of the Eastside Alliance are not afraid to roll up their sleeves and take on hard challenges. Alliance members have established programs like the community employment project, which has successfully worked with many individuals seeking employment to counsel, match, and place them in jobs; Eastside paint up, which provides homeowners with assistance and material to paint the exterior of area homes; and, civic, public, and private neighborhood renovation partnerships, which have provided support and financing for revitalizing vacant residential buildings and commercial properties. In addition, the alliance has begun actively to pursue a program of public safety awareness.

Recently, the members of the Eastside Alliance came together to recognize individuals who had made special contributions during the previous year. At that time, awards were presented to Eastside Alliance Volunteers of the Year: Walter Fortson of the Bloomfield Garfield Corp.; Barbara Schimmel of the Bloomfield Lawrenceville Lioness Club; Rick Booth of the Bloomfield Lawrenceville Lions Club; Vera George of the Friendship Baptist Church; Eve Picker of the Friendship Development Association; Margaret Magill of the Lawrenceville Bloomfield Meals on Wheels; Jim Foley of the Lawrenceville Business Association; Mary Zajac of the Lawrenceville Citizens Corp.; Donna Couch of the Lawrenceville Development Corp.; Anne New of the Lawrenceville Historical Society; Mary Meyers of the Polish Hill Civic Association; Rev. Keith Grill of the St. Francis Medical Center; parishioners who work with the addicted, at the St. Mary's Roman Catholic Church; and Mattie Howard of the Trinity Baptist Church.

Each of these individuals and organizations can be proud of their contributions to the success of the Eastside Alliance. Without their dedication and hard work, our community would not be the wonderful place that it is today. Unquestionably, there is still a lot to do, but evidence of what has already been accomplished is visible to everyone in Pittsburgh today.

Special recognition was provided to Eastsider of the Year, Tony Finizio. Over many years, Tony has brought a quiet sense of dedication to his work with many community organizations, and has been willing to take on numerous leadership positions with a variety of groups. A U.S. Navy machinist during World War II, Tony Finizio has volunteered his energy to the Lawrenceville Planning Council, Lawrenceville Bloomfield Meals on Wheels, the Bloomfield Lawrenceville Lions Club, the American Association of Retired Persons, and many other active groups.

Another individual recognized for his unique civic contributions was Dick Romano, recipient of the Service to Youth Award. Dick founded the Bloomfield Youth Athletic Association in 1959. From its starting roster of four teams, the association has grown today to two dozen with 450 players. He continues to help provide area children from ages 4 to 14 an opportunity to enjoy and learn from team sport activities. Dick Romano was also recently made a member of the Bloomfield Sports Hall of Fame.

Mr. Speaker, I am proud to represent each of these neighborhoods, and the people from every part of Pittsburgh and the 14th District of Pennsylvania. I salute the members of the Eastside Alliance, and commend them for their continuing contributions to their neighborhoods and the city of Pittsburgh.

U.S. WAR CASUALTIES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. STOKES. Mr. Speaker, the watchful eye of the Congress and the people of the United States is focused on the men and women who wear the uniforms of our military and are fighting courageously in the Persian Gulf.

One of the issues of grave concern to many Americans is the human costs of this combat, particularly if there is a ground offensive. Moreover, African Americans constitute as much as 30 percent of our front-line troops in the Persian Gulf. Casualty projections vary widely, but the bottom line is always the same—a ground offensive would inflict an enormous cost in casualties.

The Pentagon, which has inundated us with information about allied air and naval conquests, has been silent on possible infantry casualties in a ground offensive. Furthermore, the number of body bags ordered by the Defense Department, and the number of hospital beds and grave registration units in the theater of operations has reportedly been classified. The traditional solemn arrival ceremonies for bodies returned to Dover Air Force Base in Delaware, which are normally covered by the media, have been canceled by the Defense Department.

Mr. Speaker, in spite of the fact that our All Volunteer Force has been described as the highest quality we have ever had, there will be additional casualties in Operation Desert Storm. The Defense Department has estimated the number of casualties for operational and logistical planning. Yesterday, Lucian Truscott, a writer for the Washington Post, West Point graduate, and commander of infantry companies in the Korean war and in Vietnam, provided some interesting facts regarding U.S. war casualties, in an article entitled, "Spare the Infantry." I hope my colleagues will take a moment to read this candid assessment.

[From the Washington Post, Feb. 6, 1991]

SPARE THE INFANTRY

(By Lucian K. Truscott III)

Gen. Colin Powell, chairman of the Joint Chiefs of Staff, and Gen. H. Norman Schwarzkopf, commander of the forces in the Gulf, have a common bond. Each wears the Combat Infantry Badge. They served as infantrymen in combat in an earlier war. Perhaps that combat service is having an influence on the decision to delay the ground war so long as is militarily (and politically, I suppose) possible. Those two soldiers may not be able to recite the number of infantrymen who have died in our past wars as I am able to do in this piece. But they both know that those infantrymen became casualties at a frightening and disproportionate rate.

First, a word of explanation: a casualty is a man who is lost to his unit, for whatever reason. But to get a Purple Heart he has to be a battle casualty, lost to his unit as a result of enemy action. That's all we'll consider here. So if there are 5,000 casualties in a particular "action," there might be 4,000 wounded in action, 1,000 killed in action (and probably some missing in action, which we'll not consider here). But they're all casualties.

While writing about infantry a few years ago, I got some casualty figures from both the Department of the Army and the U.S. Army Military History Institute at Carlisle Barracks in Pennsylvania. Their figures showed, among other things, that more than 80 percent of all our casualties in our recent wars have been infantrymen. This short table shows them:

U.S. WAR CASUALTIES

War	Months of combat	Total casualties	Infantry casualties	Infantry casualties (percent)
WW I	19	224,089	195,547	87
WW II	44	823,483	661,059	80
Korea	36	109,958	92,185	84
Vietnam	84	230,398	184,318	[1]
Totals		1,387,928	1,133,109	

[1] See text.

Some interesting facts about these impersonal figures:

WW I: though we were in the war for some 19 months, the fighting that produced these casualties took place in about 200 days from April to November, 1918.

WW II: There were some 112,776 additional Army Air Corps casualties. The Air Force was a part of the Army in those days.

Korea: thirty one thousand, four hundred eighty two men were killed in action; 82 percent of them were infantrymen.

Vietnam: We were actually in Vietnam for 13 years, but the "heavy" fighting took place from 1965 to 1971. Also, the Army had some 28,862 killed in action in which my source did not break out infantry KIAs. It also showed 12,931 Marines killed in action, 1,242 Navy and 552 Air Force.

Let's assume those Air Force casualty figures are accurate, and let's also assume that in the first month of a ground war in the Gulf we had Infantry/Air Force KIAs in about the same ratio: 28,800/550. In a month of ground warfare in which the air forces lose, say, 25 men, the Army would lose about 1,300 killed of which 1,100 to 1,200 would be infantrymen.

We have watched with pride and awe as the young Air Force pilots (of all the coalition nations) have performed so well in our high-tech war—and lost so few men.

But my numbers show that a ground war would be ugly, deadly, bloody and horrible. We must not become committed to it if there is any possibility at all of being able to defeat Saddam Hussein with air and naval power and then simply using the ground forces to move in and take over what's left after the Iraqis move out of Kuwait or surrender or whatever it is we will want them to do. And we must not be tempted because one or another service or branch of a service wants to "get in the fight."

Do we want another beautiful but sad black wall decorated with thousands of names—some 84 percent of which would be infantrymen?

HONG KONG AFTER 1997: BEIJING MUST KEEP ITS PROMISE

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. CAMPBELL of California. Mr. Speaker, Hong Kong is one of the world's true economic miracles. Rising from the devastation of World War II, it has increased per capita income by 1,700 percent since 1965 and has seen growth rates as high as 14 percent in the 1980's. It has been a shining example of the power of industriousness and enterprise when allowed to flourish in a free environment.

But Hong Kong soon faces a day of reckoning. In 1997, Hong Kong will leave British control and become part of the People's Republic of China. Anxiety over this transition is considerable, and it became seriously exacerbated after the Beijing government's brutal suppression of the prodemocracy movement in June 1989.

The People's Republic of China, under the Sino-British Joint Declaration, has pledged that "the current social and economic systems in Hong Kong will remain unchanged." Hong Kong is to be preserved as a separate administrative unit, with all political and economic freedoms retained.

But 1 month after the Tiananmen Square massacre, the Beijing government explicitly threatened to abrogate its treaty commitment. It recognized and deplored the support that the Chinese prodemocracy movement had received from the people of Hong Kong. Beijing appears to fear the presence of a free society within its own borders.

Beijing's threat must be taken seriously; anyone who watched the tanks roll into Tiananmen Square knows that. We must prepare ourselves for the possibility that the People's Republic of China will not uphold its treaty commitment, and will crush freedom in Hong Kong the same way it crushed the prodemocracy movement.

It is for this reason that I rise today. I am introducing legislation to give the President the authority to suspend any trade preferences, particularly most-favored-nation status, that Hong Kong may enjoy after 1997, if the People's Republic of China doesn't maintain Hong Kong's socioeconomic system.

Much of Hong Kong's wealth and success has come from world trade. Certainly, the People's Republic of China expects to profit from this and thus has a vested economic interest in maintaining the viability of Hong Kong. But we cannot allow Beijing to derive economic benefit from Hong Kong unless it keeps its promise to respect human rights.

Therefore, Mr. Speaker, I am proposing to give the President a tool for protecting democracy in Hong Kong. Beijing must know that if it expects to enjoy Hong Kong's economic success, it just keep its end of the bargain by respecting Hong Kong's political freedom.

UKRAINIAN INDEPENDENCE

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Mr. COX of California. Mr. Speaker, January has been a month of celebration for Ukrainians around the world, and they have had good reason to celebrate. January 22 marked the 73d anniversary of the independence of Ukraine from the Russian Empire.

Tragically, however, the events of the past seven decades overshadow this happy event. Almost immediately after achieving its independence, Ukraine was overrun by invading Red army forces. For over 70 years, Ukrainians have been forced to live in bondage, under the rule of a long line of Communist tyrants.

The repression of Ukraine did not cease at the close of the Stalin years or during the Gorbachev era—it still goes on. While the world's eyes have been turned toward Saddam Hussein and his occupation of Kuwait, Gorbachev has ordered thousands of troops to usurp the power of the democratically elected independence minded Government of Ukraine. Hardliners within the Soviet Government saw to the arrest of Stepan Khmara, the deputy director of the Ukrainian Supreme Soviet, on fabricated charges and falsified evidence. This move is a clear attempt to prevent the Government of Ukraine from fulfilling its democratic mandate.

Despite its continued efforts to bring about an end to the Ukrainian independence movement through illegal acts, the Soviet Government will never succeed in purging the desire for independence from the hearts of Ukrainians. The United States must continue its support for Ukraine, a peace-loving nation seeking its independence from a brutal imperial power.

ST. FRANCIS HOSPITAL CELEBRATES 65 YEARS OF SERVICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it gives me great pleasure today to recognize a truly selfless organization in the south Florida community. I am referring to the St. Francis Medical and Health Care Foundation in Miami Beach, FL.

Founded in 1926, St. Francis Hospital would not be a reality without the charitable sponsorship of the Allegany Franciscan Sisters. The Sisters were invited to run the financially troubled institution in 1927, and by 1929 they had assumed ownership. Of the 6 hospitals and 5 nursing homes now run by the Sisters across the country, Miami is also blessed with a 150-bed nursing home opened last fall in a cooperative venture with Barry University, in Miami Shores. Also in our area is the Catholic Hospice, a cooperative effort St. Francis has with Mercy Hospital and the archdiocese of Miami to provide care for the terminally ill in their homes. These Sisters provide the much-needed support to the foundation by way of their health care mission.

Mr. Speaker, they cannot do it alone. Sponsored by Mr. A.W. Berry, St. Francis Hospital will be holding their 40th annual dinner dance. The event, celebrating the Franciscan Sisters' ongoing tradition of compassionate health care, and the hospital's 65th anniversary, will be held on February 16, 1991, at the Doral Ocean Beach Resort, beginning at 7:30 p.m. With some 400 people anticipated to attend the Carnival in Venice celebration the Allegany Franciscan Sisters will surely obtain some of the essential backing they need to continue their mission.

I would like to take this opportunity to thank the Allegany Franciscan Sisters for providing such an invaluable service to the south Florida community. Also, I would like to thank the board of trustees and corporate officers of the hospital: Jorge Cross, chairman; Howard Setlin, vice chairman; Sister Jean Shively, OSF, secretary and corporate vice president; Patrick Garrett, member and acting corporate president; James J. Traitz, M.D., Daniel Topping, Jr.; Richard Pakan, corporate treasurer; and Donald Minervini, M.D., ex-officio member.

HOUSE OF REPRESENTATIVES—*Tuesday, February 19, 1991*

The House met at 12 noon.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We are conscious, O gracious God, of the momentous events that touch our lives in distant places, and we earnestly pray for those who work for peace and for those who bear the burden of war. May Your grace be sufficient for them and may Your spirit encourage them to be the people You would have them be.

And just as we remember the far off needs of our world, we remember those concerns near and dear to us.

On this day we recall the life of SILVIO CONTE and all that he meant to so many in this place. May his gift of spirit, his enthusiasm for life, and his concern for the needs of the people he represented remind us always of Your goodness and Your love and Your peace. We are thankful for his presence among us, and we pray that Your blessing will be with the family and all he loved, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Mexico [Mr. RICHARDSON] please come forward and lead the House in the Pledge of Allegiance?

Mr. RICHARDSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill, joint resolution, and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 379. An act to make certain technical amendments to the National and Community Service Act, and for other purposes;

S.J. Res. 58. Joint resolution to designate March 4, 1991, as "Vermont Bicentennial Day"; and

S. Con. Res. 10. Concurrent resolution to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the chairman of the committee.

The message also announced that pursuant to section 4(a)(1) of Public Law 101-499, the Chair announces, on behalf of the President pro tempore of the Senate and the Speaker of the House of Representatives, the appointment of the Honorable Lindy Boggs, to the Preservation of Jazz Advisory Commission.

MAKING IN ORDER ON WEDNESDAY, FEBRUARY 20, 1991, CONSIDERATION OF H.R. 153, VETERANS' JUDICIAL REVIEW ACT AMENDMENTS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, February 20, 1991, to consider a motion to suspend the rules and pass the bill, H.R. 153, to make technical amendments to the Veterans' Judicial Review Act.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 7, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:53 a.m. on Thursday, February 7, 1991 the following message from the Secretary of the Senate: That the Senate passed without amendment H.J. Res. 30.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Thursday, February 7, 1991:

H.J. Res. 30. Joint resolution to designate February 7, 1991, as "National Girls and Women in Sports Day."

THE NEW WORLD ORDER

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, first, and very briefly, because we will have special orders on behalf of our late colleague, SILVIO CONTE, but his death is not only a tragedy for his family, but for his State, and his Nation, and for all of us. He will be very much missed.

Mr. Speaker, we hear these days a great deal about the new world order, and that is a nice orotund, resonant phrase, but what does it really mean?

I think it really means two major things. One is that the new world order has internationalized the conflict in the gulf region, and it will, I hope and pray, internationalize the peace keeping and the reconstruction in that area once the war is over. I believe that we have to have coalitions both to prosecute the war and to solve the problems after the war is over.

The second thing a new world order does promise is the new alignments of nations, Mr. Speaker. We have the beginnings of some contact between Syria and Israel. We have the beginnings of contact between the United States and the Soviet Union. Mr. Speaker, I believe that the future can be very exciting so long as we keep our sight on the goal, which is to make sure that all of the conflicts and all the resolutions of those conflicts are internationalized.

INTRODUCTION OF TRANSPORTATION LEGISLATION

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, while the attention of Congress is properly riveted on the events in the Persian Gulf, it is important that we move ahead with affairs here at home. I am today introducing four pieces of legislation which are important to our transportation industry and transportation safety.

The first would permit the Urban Mass Transit Administration to promulgate drug testing rules. The administration does not have that authority now. It is important for the safety of the traveling public.

The second would expand our Orphan Bridge Program to allow the use of Federal aged bridge replacement and rehabilitation funds for those bridges

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

which serve vehicular traffic with railroads and transit systems.

The third would allow the mass transit maintenance items to be expanded to include all supplies making it easier for mass transit systems to be funded by the Federal Government, and the fourth would require the States to establish and implement a safety program for fixed skyway mass transportation, a form of transportation which today has no safety regulations whatsoever.

Mr. Speaker, I hope this legislation will be considered by the appropriate committees and passed by the Congress.

HERE IN TRUTH WAS A MAN

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, "He was born with the gift of laughter." This phrase, taken from the opening line of Rafael Sabatini's classic novel "Scaramouche" aptly describes our late beloved colleague and friend, SILVIO CONTE. But then there are so many complimentary and commendatory words and phrases that could and should and have been said of this magnificent gentleman. I would remind us all, however that amongst SILVIO CONTE's many attributes was his willingness to fight on the floor of this House for what he believed to be right. We came from different sides of the aisle, but I never failed to listen to his point, to hear his argument. Although I did not always vote with him, I never had any doubt that he knew and appreciated my opinion as I knew and appreciated his. It was a pleasure to work with him, and I will miss him as will we all.

At some distant time an historian will chronicle the work of the various Congresses in which SILVIO CONTE served. That historian will become well acquainted with the name "Conte." And from that distant perspective he will echo Shakespeare's tribute to another noble Roman, "Here in truth was a man!"

□ 1210

LABOR REFORM LEGISLATION MIGHT RESULT IN MORE STRIKES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the Clay-Metzenbaum bill that would prohibit an employer from hiring permanent replacement workers during a strike is too radical.

In fact, this strike promoting measure was too radical even for the Carter administration to include in the famous labor law reform bill in the late seventies. When the AFL-CIO drafted the bill, it included a provision which would have prohibited permanent replacements in economic strikes during negotiations for first or second contracts.

But the Carter administration rejected that provision. Why? Because it would lead to more strikes, it would encourage unions to bargain to impasse on minor economic contract terms, and it would tilt the balance of negotiations and labor-management relations in the unions' favor. Those were the Carter administration's reasons for rejecting this bill.

If it was too radical then, it is too radical now.

HOUSE BEGINS CLOSED CAPTIONING FOR THE HEARING-IMPAIRED

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, today, Mr. Speaker, the House begins captioning our proceedings for the deaf and hard of hearing. This marks a significant step to providing 24 million Americans with greater access to our democracy.

I would like to thank you, Mr. Speaker, and your staff along with the National Captioning Institute who worked so hard to bring this about.

The time is long overdue for the Cable News Network to come on board as well. CNN has become an indispensable source of news.

Many people in the deaf community have family and friends serving in the gulf—they should not be denied the latest news of the war.

SOVIET ATTEMPT TO SAVE SADDAM HUSSEIN SHOULD BE REJECTED

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Mr. Speaker, the Gorbachev initiative to broker a cease-fire in behalf of Saddam Hussein is designed for one overriding purpose—to save Saddam Hussein.

I have just returned from the Soviet Union, where I met in the Kremlin with a number of Communist hardliners who are driving Soviet policy these days. There is no question that these men are angry because their former Communist satellites in Eastern Europe have now escaped communism. Now they see another Soviet client state, Iraq, about to be toppled by the West. These men in the Kremlin who created the Iraqi Government and created Saddam Hussein's military want this war ended before the Soviet-Iraqi military machine is destroyed. Most of all, they want Saddam Hussein to remain in power.

Mr. Speaker, the Soviet Union, which contributed neither soldiers nor money to the war in the gulf, must not be permitted now to interfere with the allied effort to destroy the Iraqi dictator.

Mr. Speaker, I urge my colleagues soundly to reject Gorbachev's thinly disguised attempt to save Saddam Hussein.

REPORT FORTHCOMING ON BURDEN SHARING OF COSTS OF PERSIAN GULF WAR

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, very shortly the President will be bringing up the supplemental for what this war is costing. He will also be bringing up the estimates of what he hopes our allies will contribute.

Within the next 24 hours the gentleman from New York [Mr. MARTIN] and I will be releasing the results of our burden-sharing trip to both Korea and Japan, where we talked to our allies about doing their fair share of sharing the costs in the gulf. We explained that they have the luxury of debate; we do not. We explained that they owe us nothing. We are not talking about what they owe us; we are talking about what the world is going to look like if everybody does not contribute after they were allowed to vote and decide if it was the proper course.

In the next few days we are going to be seeing whether this new world order really is going to work or whether it looks like the same old world order in which the United States does it all and the United States continues to be the policeman for the world.

So it is going to be very interesting, and I hope people will look at this very intensive burden-sharing report we have prepared with our longstanding allies in the Pacific region and in which we are really only asking for some token amount of support when we consider what the United States has been putting forth. We do not want pledges; we want the real thing.

MONEYS FROM HIGHWAY TRUST FUND COULD BE USED TO COMBAT RECESSION

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, we owe our troops in the front lines in Saudi Arabia the benefit of knowing that we here in the Congress continue to do our work and continue to grapple with the problems at home while they are performing their great duties for us in that far-away land.

There have been many, many calls now to create a jobs program to grapple with this recession that is in our midst. In my judgment, the best kind of jobs program we could create would be to loosen up the massive number of dollars that are bottled up in the trust funds of the highway system.

What better jobs program could there be than to put in an existing system of contractors and workers to do the bridges and the highway construction that we require to refurbish our infrastructure? If indeed we are going to meet this recession head-on and stop it before it gets worse, what better way than to release the highway funds now, all of them, by taking the whole trust fund off budget and allowing our highway system to be reincarnated as the great system it was planned to be and which it will be in the future?

AMERICANS SHOW PRIDE AND PATRIOTISM IN SUPPORT OF TROOPS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, like many of my colleagues, I have just returned from a workweek in my district where I continue to be amazed by the extensive efforts of my constituents to express their support for our troops in the Persian Gulf. Everywhere I went, there were signs that Americans are proud of their fighting women and men and of their country—and that this pride is at an all time high. Streets lined with endless yellow ribbons, American flags flying from hundreds of homes and businesses, and countless signs and banners proclaiming support and encouragement for our troops.

These brave troops have left the safety of American shores to do what is best for America and indeed the world. They risk their lives daily for the ideals and principles that are embodied in the character of every American and that are symbolized by our flag. We at home must continue in our efforts and endeavor to make our patriotism worthy of their struggle and sacrifice. It is obvious from meeting with constituents of all ages and political beliefs that Americans share the ideals of freedom and justice. We are assured of the correctness of our purpose and the strength of our Nation's character. I urge my colleagues to support House Concurrent Resolution 44 in order to send the message to our soldiers that they are fighting for more than a piece of land and that Americans are proud to be represented by them.

NATIONAL ELLIS ISLAND DAY

(Mr. GUARINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUARINI. Mr. Speaker, January of 1992 will mark the 100th anniversary of the opening of Ellis Island as a doorway to immigration into this country. Today I am introducing legislation to commemorate January 1 as "National Ellis Island Day" in order to celebrate the importance of this great American symbol.

Over 40 percent of Americans today can trace their roots to ancestors who passed through Ellis Island. It is here that "the tired, poor, huddled masses" of immigrants from all over the world took their first steps on American soil, steps toward the dream of a better life for themselves and their families.

Since its opening last September, over half a million, 500,000, Americans have already visited the National Ellis Island Museum, walking through the same halls their ancestors had walked through, which processed some 12 million Americans "since January 1, 1892."

Ellis Island is a symbol of the hope for freedom and prosperity which America offered to the world in the past and continues to offer today. At a period when our Nation is in a state of war, setting aside a day such as this to honor Ellis Island serves to remind us of what we are truly fighting for.

Mr. Speaker, I ask my colleagues to join me in this landmark legislation.

□ 1220

COLOMBIA'S DRUG WAR

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise today to express dismay and concern regarding the tragic state of affairs in Colombia. What had appeared to be progress in the Government's war against the drug cartels, was unfortunately only a lull in Colombia's brutalizing drug war.

Over the last week and a half, the Medellin cartel murdered two women who were being held hostage. These women were originally taken in order to extract further concessions from the Government. Mr. Speaker, permit me to remind this body that President Cesar Gaviria has already granted these drug lords exemption from extradition to the United States and lenient sentences for their crimes.

And just this last Sunday this same narcotics cartel was responsible for the explosion of a 450-pound bomb outside a crowded bullring in Medellin, causing the death of 22 people and injuring 170 more.

Mr. Speaker, I know this body and our Nation is consumed with the war we are waging against Iraq. But we must not neglect another war—our war against drugs. We must not neglect our responsibilities in the Andean region and especially our responsibilities to the Colombian Government in our war against narcotics.

I know my colleagues join in denouncing the treacherous acts carried out by the Colombian drug cartels over the last few weeks. We hope that peace will soon prevail for the Colombian people and that their legitimate government will be victorious over the ruthless narcotics traffickers.

DEBT CRISIS FACES AMERICA

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, this country faces twin challenges of the war in the Persian Gulf and an economic recession here at home. But I think there is another crisis confronting this country, and that is called a debt crisis.

Mr. Speaker, it does not matter so much what you hear on the floor of the House from this side or that side of the aisle, or what you hear from the President about the deficits and the debt. What is important is to look in the back of the budget document that was sent to us 2 weeks ago, and take a look at the gross Federal debt as projected in the 1990's in that document. Then you will find out what we are spending that we do not have.

Mr. Speaker, let me describe what you will find from 1990 to 1994, 5 fiscal years. The last one was actual, this year, and the next three.

It says that we will be required to increase our debt by $1.7 trillion in those 5 years to accommodate the deficits of the first 5 years of the 1990's. That is over $1 billion a day in spending that we do not have.

Mr. Speaker, this country is choking on deficits. It has a debt burden that is very difficult to bear. In just these 2 fiscal years, the increase in the interest on the debt will be $40 billion a year. Interestingly enough, the gross debt requirement next year by the Federal Government will exceed defense spending next year.

Mr. Speaker, this country is confronted by a crisis of debt, and we must, Democrats and Republicans, the Congress and the President, decide that this is a crisis that affects our future, come together and do something about it, and soon.

CLOSED CAPTIONING: A DREAM COME TRUE

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, I want to take this opportunity first of all to join the gentleman from Michigan [Mr. BONIOR], my colleague on the Gallaudet University board of trustees, in saying thank you. Thank you to you, Mr. Speaker, for your leadership, and thank you to the National Captioning Institute for the Deaf for their efforts in making a dream become reality. For today marks the initiation of the captioning of all proceedings here in the House of Representatives.

Last year this Congress passed and the President signed into law the Americans With Disabilities Act to enhance the opportunities and to guarantee equal opportunities for all people, regardless of handicap. Today we are seeing a small part of the implementation of that right here in the House of Representatives.

Mr. Speaker, you can be proud of your actions. We are pleased with them. I also want to join Members in encouraging CNN to follow the example set by the House of Representatives.

BAGHDAD PETE, CALL HOME

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Baghdad Pete, call home. Your jaundiced journalism is getting a little boring, and since you and Mr. Saddam Hussein, to whom you have loaned the access of your telephone cables, are on such good terms, why do you not make that available to the people of Kuwait? Why do you not give the news about what is going on in Kuwait?

Assuming in World War II there would have been an organization willing to go into the bunker of Adolf Hitler, such as Ted Turner is willing to go into Baghdad, and assuming you could have found a journalist, the very least he would have done, with any respect at all for his own reputation, would be to report on what was happening in Auschwitz, and Dachau, and Buchenwald.

So, Baghdad Pete, if you are going to report from Iraq, then let us hear a little something from the 19th Province. Interview that fellow that had to bury those 70 babies that were thrown in the corner when they took them out of their incubators and threw them on the floor and hauled them back to Iraq.

Let us have a little news about what has been going on in the war zone, and not just the propaganda that Baghdad manipulators want to have spread across the American television. Let us have the whole story. Let us have the rest of the story.

AUTHORIZED LOAN GUARANTEES TO ISRAEL DESPERATELY NEEDED

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I rise to speak of a matter of some urgency, and that is the $400 million that Congress voted for loan guarantees for the State of Israel last May. These loans are desperately needed, because there are thousands and thousands of Soviet emigrants who are streaming into Israel, and, as the Scud missiles fall, they still must be housed and taken care of.

This Congress, recognizing that, has voted for the loan guarantees. Yet the delay continues.

Twenty-nine Members and I signed a letter to Secretary Baker a month ago; still the delay continues. I was distressed over the weekend, Mr. Speaker, to learn that tensions between the United States and Israel had heightened over this issue. Ambassador Shoval, and the Israeli Ambassador to the United States, knows how crucial these loan guarantees are, and he is frustrated that they are not there.

Putting aside the etiquette of diplomacy, we must be sure not to make a mountain out of this molehill. This is simply a frank discussion between allies, close allies, in this crucial time of war.

Again, my colleagues in Congress, we cannot let the Ambassador's voice be the only one raised here. We have to be the strongest voice, to urge the President to release these loan guarantees once and for all. It is the right thing to do. This Congress has helped the release of thousands and thousands from the Soviet Union—Jews, Christians—Pentecostals, with our legislation. Now, to not provide these loan guarantees, which are so desperately needed, to house the people left, would be a terrible and tragic mistake.

Mr. Speaker, I say to the President and to this body, that these guarantees should be released now, without delay, without any more requests for facts, and without any further politicking.

□ 1230

TRIBUTE TO THE LATE HONORABLE SILVIO CONTE

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, I am a brandnew freshman Congressman, and I want to say a few words about one of the veteran Congressmen who impressed me and befriended me almost more than any other—SIL CONTE.

I met him first at the opening Republican Conference when I was scrambling for tickets to the swearing-in ceremony for people from Kansas who were coming to see me. "I've got one you can have," SIL said. And, sure enough, he followed though, just because I asked him first and he kept his word.

From then on, in the bewildering maze of new people, new procedures and everyone going their own way, there was always this fellow, friendly and smiling to help reassure a beginner.

At a big dinner in Cambridge he was saluted by the higher-ups, but still he had a strong handshake and warm recognition for me. He sent me, and many others, a Gillette safety razor, championing his home industry.

You see, for me, SIL had that extra touch.

I knew SIL did the big things that made him a great Republican Congressman.

It's the little things he did that I would like his survivors to know about.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken tomorrow.

CALLING FOR DISPLAY OF AMERICAN FLAG IN SUPPORT OF U.S. TROOPS IN THE PERSIAN GULF

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 44) calling upon the people of the United States to display the American flag in show of support for the U.S. troops stationed in the Persian Gulf region.

The Clerk read as follows:

H. CON. RES. 44

Whereas the people of the United States strongly support the nearly 500,000 United States troops stationed in the Persian Gulf region;

Whereas keeping troop morale high is an indispensible key to victory; and

Whereas the American flag is a patriotic symbol of both the United States and the values of its people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress calls on the people of the United States to display the American flag in show of support for the United States troops stationed in the Persian Gulf region.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to bring to the floor of the House the resolution before us, which calls on the people of the United States to display the American flag in support of U.S. troops serving their country in the Persian Gulf.

This resolution is a small way of paying tribute to the 500,000 brave American men and women who are putting their lives on the line for all of us half way around the world. Most are active duty personnel for whom military service is a full-time occupation. Thousands of others are reservists and National Guardsmen whose careers as doctors, lawyers, mechanics, farmers, and factory workers have been disrupted as they have answered their country's call to duty. Unfortunately, several have been killed and others are missing or held captive by Saddam. All, however, have distinguished themselves by their bravery, discipline, and commitment—and all deserve the support of the American people.

And what better way to demonstrate that support than by the proud display of the American flag—the foremost symbol of our unity as a people and as a nation. Whether unfurled in large main street ceremonies by civic groups, as they have done in my district, or flown from front porches, as it is at my house, car antennas, and mail boxes by individuals and families, the public display of Old Glory will send a simple, yet powerful and well-deserved message of support to our brave men and women in harm's way so far from home.

As we consider this resolution, it is important to understand what this proposal is not about. Specifically, the issue before us is not whether intervention in the Persian Gulf by United States and allied troops was a wise policy decision. This House examined that issue last month and, after careful and extensive debate, voted to authorize the use of force to expel Saddam Hussein from Kuwait. Now, with our troops in the field and under fire, we are united in our support for them and in our appreciation for their bravery and sacrifice.

Mr. Speaker, I commend the gentleman from Florida [Mr. SHAW] for introducing this resolution and the gentleman from Wisconsin [Mr. SENSENBRENNER] for his support, and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this concurrent resolution and associate myself with everything the gentleman from Texas [Mr. BROOKS] has had to say in support of this particular measure.

The flag of the United States of America has been a symbol of national unity ever since Betsy Ross created the first stars and stripes on June 14, 1777.

I have been amazed at how unified the American people have become behind our troops after hostilities broke out on January 16. What better way could the American people show their support for the American troops in the Persian Gulf doing their duty of defending their country than to display the flag of the United States of America?

Let us face it, fighting a war in a desert is not an easy task, and the entire Congress, regardless of their philosophical bent toward whether it was advisable to send troops over there or not, are behind our troops 100 percent. I think that this concurrent resolution will be a tremendous morale builder as the television pans the streets and highways and byways of this great country and they show Old Glory flying from in front of every house, in front of every office building, in front of every school, being proudly displayed by millions of Americans who support our troops.

I express my appreciation to the gentleman from Florida [Mr. SHAW] for introducing this concurrent resolution. I think this is the least that the Congress can do to show the troops of the United States that we are behind them 100 percent, that we are praying that they get their job done as quickly as possible and come home safely to the heroes' welcome they so richly deserve.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. DON EDWARDS], the ranking Democrat of the Committee on the Judiciary.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I commend the distinguished chairman of the Committee on the Judiciary for bringing this bill before us today. We join today in proud display of our flag and in support of the young men and women who are serving our country today in the Persian Gulf.

Americans have never had to be told to be patriotic. The American people are patriotic. All over the country proud citizens are displaying the flag of the United States and draping yellow ribbons in honor of our young soldiers.

Requests received in our offices for flags have never been greater. In fact, I understand the demand has far outstripped the available supply here in the House of Representatives.

I applaud the American people and encourage them to continue to display the flag in honor of our troops.

I urge the House to adopt House Concurrent Resolution 44 in this regard.

☐ 1240

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I am pleased to rise as a cosponsor and supporter of the resolution being considered today. It is clearly an instance where the Congress is following the lead of the American people and their love of country.

One example of this type of patriotism is in my hometown of Findlay, OH. Findlay has long been a patriotic town and holds a congressional designation as Flag City, U.S.A. The community of Findlay has initiated an adopt-a-flag program to line Main Street and other downtown thoroughfares with flags. The flags and flagpoles are being purchased by businesses, individuals, schools, and services groups who adopt a flag. The community leaders who are guiding this effort hope to raise enough money to purchase 500 flags.

I have said before there are few things more beautiful and more inspiring than hometowns in America's heartland lined with the red, white, and blue.

I am pleased to support the resolution today in the hopes that it will also inspire others to fly the flag with pride.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, I rise today in support of House Concurrent Resolution 44. With the possibility of a ground war approaching, the men and women in the Persian Gulf are all in our thoughts and prayers. As Operation Desert Storm enters this very critical stage, it is even more important than ever for us to unite behind the approximately 500,000 troops serving our country in the Middle East, and that's why I am backing today's resolution urging all Americans to display the American flag in support of these gallant men and women.

A show of solidarity, not only for freedom's cause but also for those who are bearing the burden to advance the principles on which our country was founded, will surely strengthen the soldiers, sailors, and airmen who are fighting for liberty and against tyranny and aggression. I urge your support for House Concurrent Resolution 44.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 44. It offers us one more opportunity to unify proudly as a nation and display our treasured symbol, our American flag, in honor of our brave young men and women serving in the Persian Gulf.

They, through their sacrifice and with their strength and determination, are truly the ones who are winning this great war, defeating Saddam Hussein.

In our communities, with rallies, yellow ribbons, and CARE packages we help display our overwhelming support for our American troops overseas.

Two weeks ago I was in Manchester, NH. We had 5,500 people in Veterans' Park downtown with 300 trucks and trailers circling that city. In my life, I have never felt such a great sense of emotion and patriotism.

CNN, unfortunately, does not feel that this is a noteworthy event, and I think it is unfortunate, but this kind of support, so crucial to the morale of the men and women overseas, does unify our Nation, reinforcing our cause to eject Saddam Hussein from Kuwait.

By coming together from all walks of life and displaying the flag, our common bond and symbol of our values and freedom and liberty, we are able to express our strength, pride, and determination as a nation and salute those who put their lives on the line. Our troops are making the ultimate sacrifice. We owe them our wholehearted support.

I also would like to hope and pray that come this Memorial Day this will be put behind us and we will get on to some other important business, but I would like to see the greatest hero's welcome that this country has ever seen this coming Memorial Day, May 30.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise to lend my strong support to House Concurrent Resolution 44, calling upon the American people to display the flag in support of our troops serving in the Persian Gulf, and I commend the gentleman from Texas, the distinguished chairman of the Judiciary Committee, Mr. BROOKS, and the gentleman from Florida, Mr. SHAW, for bringing this measure to the floor in this timely fashion.

By displaying the flag, we Americans at home can proclaim our support for the 500,000 brave men and women of our Armed Forces involved in armed conflict.

Mr. Speaker, over the past month we have all been glued to our TV sets intently observing the fast moving events over the past few days. What has been most impressive to all of us is the courageous manner and the outstanding competence of our brave men and women fulfilling their responsibilities in our Armed Forces.

Clearly, our Armed Forces are the cream of the crop. Our men and women represent the best trained force that our Nation has seen. Our hearts swell with pride when we see how impeccable and effective their performance has been.

During the present district work period I had the honor of participating in several "Support Our Troops" rallies in my 22d Congressional District in Monroe and Warwick in Orange County and in Suffern in Rockland County. It did my heart good to observe the strong, unified support for our dedicated men and women of our armed services.

We pray that Saddam Hussein will choose the wise course and abandon his brutal stance, turning toward peace.

As we support this resolution, our thoughts and prayers have been and will continue to be with our brave men and women of our Armed Forces serving our Nation in the Persian Gulf, dedicated to bringing freedom to the people of Kuwait.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. SHAW], the original author of this resolution.

Mr. SHAW. Mr. Speaker, let me begin by thanking the distinguished chairman of the Judiciary Committee, JACK BROOKS, the distinguished ranking minority member, HAMILTON FISH, and the fine staff of the Judiciary Committee for the hard work they have done in order to bring this resolution to the floor. I would also like to thank the House leadership for bringing this resolution to the floor so quickly.

Mr. Speaker, last month in an historic debate, we in Congress voted to provide the President with the authority to use whatever means necessary to force Iraqi troops from Kuwait.

During that difficult debate, many of us thought long and hard about whether we wanted to send our sons and daughters, our brothers and sisters, our friends and neighbors, into battle.

Finally, in one of the most difficult decisions we will ever have to make, we decided as a Congress to provide the President with that authority.

On January 16, shortly after that decision, the President, with our support and the support of the American people, called our service men and women into action.

At that point, no matter what our personal views were, we set aside our differences and joined together in support of our President and the decision he made.

Mr. Speaker, by our vote, the President knows that we support him.

The American people have spoken as well. In poll after poll, they have stated their overwhelming support for our President.

Now we must send that same message to our brave men and women overseas in the Persian Gulf.

What better way to send that message, than by encouraging citizens to display the American flag.

The American flag has long been a symbol of the ideals that we hold dear. As Charles Evans Hughes wrote:

> It is the symbol of our national unity, our national endeavor, our national aspiration.
>
> It means America first; it means an undivided allegiance. It means America united, strong and efficient, equal to her task. It means that you cannot be saved by the valor and devotion of your ancestors, that to each generation comes its patriotic duty; and that upon your willingness to sacrifice and endure—as those before you have sacrificed and endured—rests the national hope.

This is the message that we want to send to our troops.

I have sons and daughters of my own, every day I think about our troops in the Persian Gulf. My prayers go out to these brave young men and women and their families.

I also think about the great organizations—like Operation Home Front, a group of mothers, fathers, daughters, sons, brothers, sisters, husbands, and wives of our brave soldiers—that have been set up to support our troops and their families in this time of need.

It has been truly heartwarming to see the American people unite and rally around our troops and show them how much we appreciate what they are doing for us.

During the Vietnam war we made many mistakes. One of the biggest mistakes was in our treatment of our service men and women who were called into duty.

I want to make sure that does not happen again.

The American people have voiced support for our troops in the gulf. Yet every day, when I turn on the TV, I see pictures of people in front of the White House—or pictures of people in front of the Broward Federal Building in downtown Fort Lauderdale—protesting the war and protesting against our troops.

This disturbs me.

It sends a terrible message—a false message—to our troops overseas.

If the few minutes of news they see every day reflects a picture of unrest and protest at home, it causes those brave soldiers to question the American people's resolve and their own resolve.

Let us not let this message get through to our troops.

Let us let them know that we are behind them and that we support what they are doing.

Let us let them know that we are grateful for the sacrifices they are making for world peace.

By passing this resolution, let's send them a strong, clear message that the American people are united in their resolve to support our men and women in the gulf.

By encouraging the American people to display the flag until our troops return, we can say to our troops:

We are very proud of you and grateful that you are serving our country. We appreciate your sacrifice. We support you, we thank you, and we wish you well.

Keep making us proud and we hope that you come home safe and soon.

□ 1250

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Texas.

Mr. BROOKS. The gentleman was en route hurrying in for this consideration when we first brought this bill up, but at that time I commended the gentleman for his dedication to America. I know the best test is that the gentleman even likes to play dominoes.

Mr. SHAW. Mr. Speaker, I would like to thank the chairman as I did before, for seeing that this got to the floor the way it did, and as a friend I certainly want to thank the gentleman for his great patriotism, and what the gentleman has accomplished through his many years here in the Congress.

I want to also thank my legislative assistant Brian Margulies for his fine work in the drafting and passage of this resolution.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, I thank the distinguished chairman for allowing me the opportunity to speak and thank Mr. SHAW and the cosponsors of the resolution for offering it.

While it is appropriate that we honor our Nation and our brave servicemen and servicewomen in the Persian Gulf by flying the flag here at home, our commitment must not stop there.

When the war is over—when the flags stop flying and the yellow ribbons come down—we must also support our troops when they come home.

I call on my colleagues to pass legislation, at the appropriate time, to establish a Comprehensive Persian Gulf GI Bill of Rights.

A typical American soldier serving in the Persian Gulf has the following characteristics:

He or she is:

Twenty-three years old; has at least a high school education;

A little less then half (44 percent) are married;

About one-fourth to one-third have children.

These men and women will have many needs as they return to civilian life.

They'll need jobs.

They'll need housing.

They'll need educational assistance.

They'll need health care.

They'll need child care.

These days unemployment at home spirals toward heights that resemble those of a depression. Historically, it has been extremely difficult for veterans to secure employment after their service to our Nation. This sad fact has been true for all of our wars. At a time when many of our soldiers in the gulf are women or members of minority groups, at home these same individuals face discrimination on the job.

It is clear that our housing system needs to be rehabilitated. Since 1980, the Federal Government has spent poorly on the poor. The middle income, not to speak of the poor and homeless, cannot afford to buy decent homes. The median price of a home in the United States is $91,000. At this price, the average infantry man or woman cannot afford to live off-base after being discharged, even with the generous benefits that the armed services provide. We need to provide real housing alternatives for our people. In our Nation, no one should be forced to live in crowded, unsafe quarters. Housing should be affordable for everyone.

The average person in the Persian Gulf is better educated than the average person in the street. At least 92 percent of all of our troops have a high school diploma. However, we need to address the over 35-percent cut in education grants, loans, and subsidies since 1980 that unfortunately made the military the only option for many of our men and women in the first place. The military only filled a vacuum that Congress created in the first place. We need to provide real educational options for our Nation's young people.

More and more I hear of cases where mothers are shipped off to war; many are single parents. Fathers miss the births of their children. And in wartime, I guess this is understandable. What we need to concern ourselves with is the situation upon their return. Are we going to provide them with safe, affordable child care when they return? While it is OK for grandma and grandpa to take care of the children while the parents serve in the gulf, the big issue is, What are we going to do when they come back?

After our last war, the first counseling center for post-traumatic stress syndrome was not established until 1980. During the last Congress, we have seen the difficulty of dealing with the problems of agent orange. Are we going to fully address—not just the physical health—but mental health of our troops? I mean the families, children, fiancees, husbands, and wives who are left behind? The children of our troops are showing many of the negative signs of the stress of their parents being away.

Let us not waste the time of our Nation and of our troops. Although I believe that the gentleman's legislation is laudatory, I am pressing for much more. I call for a Comprehensive Persian Gulf GI Bill of Rights. What needs to be answered are not just the real needs of our people here, but some unfinished business that we left behind.

Our troops need symbolic support now. In addition to the symbolic support we give our troops by the passage of this resolution, let the Congress and the Nation give substantive support to them by providing jobs, housing, educational assistance, health care, and child care; something they need when they return.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, so that the membership and the public are not misled as a result of the previous speaker's actions, I would like to say that it has been very clear that one of the principal concerns of this Congress, since the outbreak of war, has been to improve veterans' benefits so that those who do return home from the Persian Gulf will be protected and will not be forgotten as the Vietnam veterans were when they came home.

I have in my hand a calendar of the U.S. House of Representatives for today's session. I think it is interesting that of the 10 measures that have been reported from committee and are considered by the House of Representatives since the beginning of this Congress, which have the force of law if enacted, seven of them relate to improving veterans' benefits and increasing the protections offered to those who have been called to the service of their country through the mobilization of the Reserves and the National Guard troops.

I commend the gentleman from Mississippi [Mr. MONTGOMERY] and the Committee on Veterans' Affairs for making this first order of business, and when our troops come back home from the Persian Gulf area, they will find awaiting significantly improved benefits than were given to any people who returned in any of the previous conflicts that the United States has gotten involved in.

So, Congress has made this a top order of priority.

I think that we can be proud of this record, and while it does not have anything to do with the resolution asking people to fly the flag in support of our troops, I believe it is important that the record be made clear.

Mr. WASHINGTON. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Texas.

Mr. WASHINGTON. I thank the gentleman for yielding. I agree with the gentleman 100 percent. As the gentleman knows, I oppose the resolution, but as the gentleman said on the television before I came over, once we start fighting, we have to be unanimous. We are one country.

We often forget the young people that come back, as the Congress and others, after Vietnam. Would the gentleman agree that we have to give not only symbolic support by flying the flag, by passing this resolution and flying the flag, but we must never forget them, when they come back, to make sure all their needs that they wouldn't have had, had they not volunteered in support of our country, be met by the Congress and by the Nation.

Mr. SENSENBRENNER. That is precisely my position and the position of every other Member of Congress, because all of the bills to which I referred, passed unanimously.

Mr. CHANDLER. Mr. Speaker, on Wednesday of last week, during the Lincoln Day recess, I visited Longview, WA. Longview is an industrious, midsized timber town in the southwest portion of my State. I was there primarily to deliver the Lincoln Day address to a gathering of Cowlitz and Wahkiakum County Republicans.

As my wife Joyce and I drove through town that afternoon, we took note of a rather remarkable sight. House after house, block after block, the residents of Longview proudly displayed an American flag in their windows. It was as if the entire town had been designated a parade route on the Fourth of July.

Later in the day, when I visited the longtime publisher of the Longview Daily News, Ted Natt told me his newspaper had printed the flag in its Friday, February 8 edition. The Daily News sought no sponsor for its printing, it simply was promoting patriotism by providing the flag as a public service to the people of Longview. And, the people responded by clipping "Old Glory" from their paper and proudly placing it in their windows for all to see.

They did so to show support for our troops and more specifically, for the 220 young men and women from their community currently serving their country in the Persian Gulf. And, they wanted to show their support for America and the values for which it stands.

Mr. Speaker, although I intend to support House Concurrent Resolution 44 today, I question its necessity. The people of Longview, WA and countless others in towns like theirs all across Washington State and this great country do not require a congressional resolution to prompt their patriotism. To the contrary, we in Congress should take note of the support for our troops in the Persian Gulf that quite clearly already exists in towns like Longview.

In that spirit, I want to commend the families of the brave young men and women in our armed services, and their neighbors for their patriotism. My thoughts and prayers are with them daily.

Mr. BROOMFIELD. Mr. Speaker, I want to add my strong support for House Concurrent Resolution 44, which calls upon the American people to display our flag as a show of support for U.S. troops stationed in the Persian Gulf.

America and the world owe an immeasurable debt to those brave men and women who have responded to their country's call to duty and are serving voluntarily in the Persian Gulf. They are making tremendous sacrifices—some will make the ultimate sacrifice—in the fight against the despotic tyranny of Saddam Hussein.

We have learned the hard way how important the support of the people back home is to the morale of those who are fighting for us. In Oakland County and across the country, rallies speak of the great pride, admiration, and gratitude Americans feel for our troops in the gulf. More than 10,000 participated in a recent demonstration in support of our troops at the Oakland-Pontiac Airport. People were turned away at the door because there just wasn't room to accommodate all of those who wanted to join in this public outpouring of support.

Individual Americans want to know what they can do. This resolution offers a simple step that we can all take to show Saddam that Americans are united. We can fly the flag—the symbol of our Nation and its values—in support of our troops serving in the Persian Gulf. Like Francis Scott Key, our troops will be inspired by the knowledge that the Star Spangled Banner waves for them over homes across the land of the free and the home of the brave.

Mrs. LLOYD. Mr. Speaker, I rise in strong support of House Concurrent Resolution 44 which calls upon the American people to display the flag in support of the United States troops stationed in the Persian Gulf. This is a fitting gesture of love and respect for the service men and women who are serving our Nation so bravely and selflessly in Operation Desert Storm. To fly the flag proudly, in their honor, is certainly a timely and important effort.

The Americans serving in the gulf deserve our strongest support. They are our friends, our neighbors, our own family members and above all they are Americans committed to protecting the democratic values upon which our Nation stands. The flag has long been symbolic of American's leadership in the free world and our resolve to fly it in honor of our Armed Forces personnel should send a strong signal that all Americans are united in our support for them, that we will firmly stand behind them until their mission is completed, and that when they come home they will do so to the welcome of a grateful nation.

During the last several months many residents of my own congressional district have been deployed to the gulf region and in many cases have made tremendous personal sacrifices to do so. These men and women are the product of a community which has rallied behind them 100 percent and I am confident that the legislation before us today will lend itself to efforts such as theirs which are important to the morale of all our troops overseas. I hope that the house will adopt it with all possible speed.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of House Concurrent Resolution 44 calling upon the people of the United States to display the American flag in show of support for U.S. troops stationed in the Persian Gulf.

Mr. Speaker, there are more than 500,000 United States troops stationed in the Persian Gulf preparing to risk their lives to liberate Kuwait. Passage of this resolution calling for the display of our American flag would certainly help boost the morale of the troops and show American support.

Mr. Speaker, during this time of crises, when a ground war could commence at any time, I believe that regardless of one's political view of Operation Desert Storm, that we as a nation should support our troops that are deployed.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 44.

□ 1300

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 44).

The question was taken.

Mr. BROOKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Concurrent Resolution 44, the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HANDICAPPED VEHICLES SUBJECT TO LUXURY TAX

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. RICHARDSON. Today, I am introducing legislation that will correct an inequity facing the handicapped as a result of an oversight in last year's Budget Reconciliation Act. I am referring to the institution of the 10 percent luxury tax imposed on vehicles costing over $30,000, and its impact on the handicapped.

Earlier this year, I was contacted by a constituent who was very concerned that the new luxury tax on automobiles would inadvertently penalize the handicapped. According to Independent Mobility Systems, Inc. of Farmington, NM, a company specializing in the conversion of minivans for use by the handicapped, it often takes expensive modifications and thousands of man-hours to meet the special needs of handicapped drivers.

The cost of adding wheelchair lifts, specialized steering units and mirrors, lowering floors, and modifying doors can easily add $10,000 or more to the cost of a vehicle, pushing it over the $30,000 luxury tax threshold.

I am sure my colleagues will agree that these vehicles are necessities to the hundreds of thousands of handicapped citizens who use them to get to work, go to the doctor, and for freedom of travel.

Because Congress did not intend to penalize the handicapped when it fashioned the luxury tax, we must act quickly to correct this inequity. My legislation will provide an exemption from the luxury tax for modifications, parts, and accessories installed on a vehicle to enable or assist the disabled to operate that vehicle, enter or exit the vehicle, or compensate for the effects of their disability. The exemption is retroactive to January 1, 1991. I strongly urge my colleagues to join me in this effort.

Mr. Speaker, I would also like to include in the RECORD a letter I recently received from Mr. Greg Anesi, president of Independent Mobility Systems, who brought this critical issue to my attention. The letter outlines many of the concerns I have raised here today.

The letter follows:

INDEPENDENT MOBILITY SYSTEMS, INC.,
Farmington, NM, February 8, 1991.
Congressman BILL RICHARDSON,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN RICHARDSON: On behalf of the Independent Mobility Systems and the hundreds of thousands of disabled Americans, I wish to express my thanks for your help and efforts in introducing a bill into Congress to exempt vehicles, built for the disabled, from the luxury tax law. I want you to know, I appreciate the help that your staff, particularly Carl McElhaney and Butch MacKee gave; and how quickly they responded to my request on this matter.

I was surprised and pleased that Senator Domenici introduced a bill yesterday also. While I was unaware of his intentions, the important issue is to help remove the barrier preventing the disabled citizen from contributing to our society. As you know, the ability to drive to work, or to the grocery store, is not a luxury. For disabled Americans, transportation is a necessity. The luxury tax served as an impediment to disabled people, to keep them from the work force or from leading active and normal lives.

We will be preparing some information to help you develop the appropriate wording, when you draw up the bill. I have talked extensively with Carl McElhaney and we should have that letter to you late next week. I will also be mentioning that in any press release. We are looking forward to releasing this information through industry periodicals, to the disabled community. They will especially appreciate your help in this matter.

When you come to Farmington, please stop by and visit our plant. I, and all of our employees, look forward to meeting you and acquainting you with the product that we build. I think you would be surprised to know what we are doing here, in Farmington, to help the disabled. Please bring Carl and Butch, if you are able. I would like to meet them also. I look forward to working with you to help change this law.

Again, I wish to thank you for your help. If we can be of any assistance with the bill, or in any other way, please feel free to ask.

Sincerely,

M. GREG ANESI,
Chief Executive Officer.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FROM LUXURY EXCISE TAX FOR CERTAIN EQUIPMENT INSTALLED ON PASSENGER VEHICLES FOR USE BY DISABLED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (3) of section 4004(b) of the Internal Revenue Code of 1986 (relating to separate purchase of article and parts and accessories therefor) is amended—

(1) by striking "or" at the end of subparagraph (A),

(2) by redesignating subparagraph (B) as subparagraph (C), and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) the part or accessory is installed on a passenger vehicle to enable or assist an individual with a disability to operate the vehicle, or to enter or exit the vehicle, by compensating for the effect of such disability, or".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 11221(a) of the Omnibus Budget Reconciliation Act of 1990.

FIFTIETH ANNIVERSARY OF THE U.S. COAST GUARD RESERVE

(Mr. DAVIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, today is the 50th anniversary of the U.S. Coast Guard Reserve. On this occasion, I want to pay a special tribute to the proud and dedicated men and women of the Coast Guard Reserve.

In light of the events in the Middle East, it is especially fitting that we recognize the service performed by the men and women of the world's most distinguished lifesaving service. Coast Guard reservists have served alongside the other members of the multinational coalition since the beginning of Operations Desert Shield and Desert Storm. As part of Operation Desert Storm, mobile port security units consisting of approximately 300 Coast Guard reservists are performing port security functions with Navy mobile inshore underwater warfare units in three separate ports in the Persian Gulf. As of January of this year, Coast Guard reservists had intercepted hundreds of boats in those port areas and had seized a number of those vessels. Another 300 reservists are presently completing training to replace those 3 port security units.

Since the beginning of Operation Desert Shield on August 2, 1990, approximately 800 Coast Guard reservists have augmented Marine Safety Office and Captain of the Port commands in the United States to provide security and assistance to the Department of Defense in transporting military supplies to the Persian Gulf.

The Coast Guard Reserve began in World War II. On February 19, 1941, the Coast Guard Auxiliary and Reserve Act was enacted to provide a trained force of officers and enlisted members to enable the Coast Guard to perform emergency services. The Coast Guard Reserve was expanded on November 23, 1942, when the Women's Reserve, later called the SPARS, was formed as a branch within the Reserve. The members of the SPARS were integrated into the Coast Guard Reserve in December 1973. Today, men and women Coast Guard reservists serve our great Nation with equal pride and distinction.

When the Coast Guard reached its peak strength of about 144,000 men and women during World War II, nearly 80 percent of them were Coast Guard reservists serving on active duty. An additional 45,000 members of the Coast Guard Temporary Reserve assisted with voluntary port security patrols of U.S. harbor areas.

The first organized or Selected Coast Guard Reserve unit was established in October 1950, at Boston, MA, in response to the increased responsibilities assigned by the Magnuson Act to the Coast Guard to protect the safety and security of U.S. ports, waterways, and waterfront facilities.

For the past 20 years, Coast Guard reservists have received much of their training by supporting regular Coast Guard peacetime missions. They perform most of the duties assigned to regular Coast Guard members, including service as boat crew members, operations center watchstanders, merchant vessel inspectors, hazardous cargo transfer operation monitors, waterfront facility surveyors, and vessel traffic controllers.

Coast Guard reservists supplemented the formal wartime mobilization requirements of the Regular Coast Guard in the Korean conflict, the Berlin airlift, the Cuban naval blockade, the Vietnam conflict, and the Grenada rescue operation.

The U.S. Coast Guard Reserve is the Coast Guard's primary source of trained personnel for protecting the safety and security of U.S. ports, waterways, and facilities from hostile threat. The Reserve is also responsible for protecting our ports and waterways from accidental or international damage, destruction, or injury during times of natural disaster or national emergency.

Members of the Coast Guard Reserve responded to major peacetime disasters, including the Mississippi Valley Basin flood of 1973; the 1978 Memorial Day oil spill in Mobile, AL; the 1980 Mariel Cuban refugee boatlift; the 1989 Exxon Valdez oil spill; Hurricane Hugo; and the 1989 San Francisco earthquake. They also supported security forces at the 1984 Olympics and provided waterside security for space shuttle launches off the coast of Florida.

February 19, 1991, marks the 50th anniversary of the Coast Guard Reserve. The U.S. Coast Guard has designated the period beginning February 19, 1991, and ending February 25, 1991 to commemorate the 50th anniversary of its Reserve and will observe the occasion with appropriate programs, ceremonies, and activities.

I ask my colleagues to join with me in paying tribute to the U.S. Coast Guard Reserve for its 50 years of proud and faithful service to the United States. We all share the pride and satisfaction that the dedicated and committed men and women of the U.S. Coast Guard Reserve enjoy during the commemoration of this 50th anniversary of their service.

Mr. Speaker, today I will introduce legislation to increase the number of Coast Guard reservists to ensure that the Coast Guard is fully prepared to meet its national defense obligations in the future. This is the year to give this branch of the Coast Guard the support and funding it needs to continue its proud service to our Nation for the next 50 years.

NATION'S ENERGY PROBLEM NEEDS A POLITICAL SOLUTION

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, our Nation has an energy problem that needs a political solution. We have known for years that we have abundant energy resources that can produce ethanol, methanol, natural gas, liquefied petroleum, and electricity, all waiting for a political policy that emanates from Washington.

The U.S. Alternative Fuels Council, of which I am a member, has determined that we have the capacity to displace the dependence of 2 million barrels of oil per day, the amount that we import from the Persian Gulf region, by utilizing our own natural resources. We are told that this week the President intends to present the Nation and the Congress with an energy policy. Mr. President, we welcome this proposal. It is a step in the right direction, and any policy is better than no policy, which we have had for the last 10 years.

Mr. Speaker, as our troops fight in the Persian Gulf to protect an important part of our foreign oil supply, we in Congress await President Bush's energy plan for the Nation.

There is no more important business facing us than establishing a new direction for America's energy policy.

I am pleased to report that the U.S. Alternative Fuels Council on which I serve is currently working on a plan which will move us along the road to displacing Persian Gulf oil by expanding the use of farm grown ethanol and other alternate fuels.

By displacing oil from the Middle East—one of the most unstable regions of the world—we can help make America more independent and less vulnerable to the volatile politics practiced in the Persian Gulf.

I am happy to see the administration proposing a new energy strategy. During the last 10 years our policy has been basically to chase cheap crude, which has left us more and more dependent on foreign oil.

An energy policy of any kind is certainly preferable to no policy at all.

We were making progress following the oil shocks of the 1970's, but during the 1980's, we actually went backward by slashing spending for alternative fuel research and development.

I believe that the path our troops followed to the Persian Gulf was paved with the mistakes of the past decade.

Now, we seem to be moving again.

I am somewhat concerned, however, by news reports I have read based on advanced information concerning the President's new energy strategy.

Those concerns rest on the fact that, if the reports are correct, the strategy will continue to rely heavily on oil.

I believe we should move away from oil and toward alternative fuels such as ethanol, methanol, compressed natural gas, and clean coal.

The goal of expanded use of alternative fuels is attainable. We have the technology to succeed. We have the raw materials. We must now display the political will to reach the goal of breaking the shackles of foreign oil * * * shackles which now hold our economic, military, and foreign policy prisoner to the whims of madmen like Saddam Hussein.

Programs aimed at expanding the production and use of alternative fuels must be an important part of our new strategy.

Mr. Speaker, there is no greater support we can give our troops now serving in the gulf than to adopt an energy security policy for the Nation which will prevent them having to return to this region of the world.

RESOLUTION OF THE U.S. ALTERNATIVE FUELS COUNCIL, DECEMBER 12, 1990

Resolved, that the President, the Congress, and the private sector proceed forthwith to establish a national energy security policy for the commercialization of alternative fuels;

Be it further resolved, that the federal government should promptly take steps to assist the marketplace and remove impediments to the widespread commercialization of alternative motor vehicle fuels. Legislation and administrative action should carefully evaluate costs and benefits of alternative fuels, measures such as fuel economy incentives, tax incentives, research and demonstration, accelerated fleet purchases, cooperation with states and localities, and other steps. The program should make progress from year to year with a goal that, by the year 2005, alternative fuels will be used for at least 25 percent of all motor vehicle miles traveled. These alternative fuels should be derived from resources other than petroleum, and the steps taken to promote alternative fuels should be consistent with our environmental laws. The term "alternative fuels" in this resolution includes electricity, natural gas, methanol, ethanol, LPG, hydrogen, and nonpetroleum components of reformulated gasoline and diesel.

THE INTRODUCTION OF THE MARKETS AND TRADING REORGANIZATION AND REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, one of the most pressing issues this Congress will consider is reforming our Nation's banking regulatory structure. As critical as this problem is, it is but one part of our total financial system. The United States is the world's preeminent financial marketplace in large part because of our securities and futures markets, yet we are on the verge of the 21st century with a regulatory structure for these vital markets that was born in the 19th century.

Today, along with Messrs. ECKART, OLIN, and FRANK, I am introducing the Markets and Trading Reorganization and Reform Act to modernize our regulatory structure by ending the existing bifurcated system. This legislation, identical to the bill I introduced in the last Congress, will merge the Securities and Exchange Commission and the Commodity Futures Trading Commission into one new entity, the Markets and Trading Commission, that will oversee all trading in the securities, options, and futures markets.

This new entity will end the turf battles between agencies and the participants in the markets. It will close the regulatory gap which threatens the security of our markets and will set the stage for a new era of cooperation and coordination in our financial markets. To stay No. 1 in the world and to make sure our regulators focus their attention keeping U.S. markets safe, we must end the competition between regulators and make sure they are working together.

The Securities and Exchange Commission and the Commodity Futures Trading Commission were created 40 years apart. Then, the markets were distinct and trading in stocks and futures was far different than we know it now. The markets and the regulatory bodies existed separately with few, if any, of the linkages which characterize modern markets.

Today, however, a single keystroke can shift billions of dollars from the securities markets to the future markets. Modern technology and sophisticated trading strategies have torn down the lines between the markets. They are the same, and they function together as one financial market. Investors know that and have adapted; it seems that the only people who have not yet adapted are the Washington regulators.

When I introduced this legislation 1 year ago, many people said it was too much to do at once, that was a prescription too far reaching in its approach. Others argued instead that we should simply move bits and parts of one agency to the other. I disagree. We need to be bold, and reject the piecemeal approach. Indeed, one of the reasons our markets are the world's leader is because during the depths of the Depression, we were bold and we recognized that the primary role of the Government with respect to the financial markets is ensuring confidence and strength.

The competition our markets face from around the world is due, in part, to the fact that these other markets have modern regulatory structures. No other country in the world regulates its financial markets the way we do, and I dare say that if we were to start over again from scratch, we would not come up with the system we have. We would create one regulator, just as this bill will do.

At the same time we need to act to keep our international lead, we must also assure the U.S. investor that our markets are as safe as possible. One of the unfortunate trends we have seen in recent years is the fall off in the number of individual investors in the markets. This legislation, by closing the regulatory gap which now exists, will move to ensure the highest level of confidence possible in our markets. Investors need to know that regulators are most concerned about working together, not in arguing about who has jurisdiction over what.

Last September, the Office of Technology Assessment issued a report, "Electronic Bulls and Bears: U.S. Securities Markets and Information Technology," that I want to call to my colleagues' attention as we consider this issue. In discussing the current bifurcated regulatory structure, the OTA noted:

> * * * Recurring jurisdictional struggles over new exchange products highlight one serious problem in the current regulatory structure. A more critical weakness is the ad hoc nature—and the basic uncertainty—of the coordination of safeguards against dangerous volatility and stress, across financial markets that are increasingly linked by technology, products, and hedging and arbitrage strategies. These two regulatory agencies take different positions on the possible causes of market volatility, how much volatility is dangerous, and what measures are justifiable as preventatives. While the interactions of linked markets are probably not fully understood, the implications of this linkage have become highly controversial and highly politicized . . . [and] this makes it less likely that the agencies will always be able to act with dispassion, speed, and coordination in emergencies. . . . A single agency would facilitate coordination, allow better consideration of intermarket relationships and interdependencies, and encourage a unified approach to ongoing cross-national efforts to strengthen clearing and settlement problems and harmonize regulations and enforcement relation to international securities trading.

Also last year, the administration, in testimony on this problem, noted that "we are now more likely to see minor events trigger major market disruptions * * * the time has come to reform the disjointed regulation of market governing stocks, stock options, and stock index futures." Although the administration recognized the underlying problems of the current fragmented regulatory structure, unfortunately it ultimately only supported what I call a piecemeal proposal.

I think the administration's diagnosis is right on target. Unless we move to make wholesale reforms in the way we regulate these markets, we run the risk of relatively minor shockwaves cascading across markets setting off a tidal wave of disruption. It is my hope that this Congress acts expeditiously on this legislation, described more fully in the attached section-by-section analysis, to ensure this does not happen.

SECTION-BY-SECTION DESCRIPTION OF THE MARKETS AND TRADING REORGANIZATION AND REFORM ACT OF 1991

Section 1—Short Title; Table of Contents

Section 1 provides that the Act may be cited as the "Markets and Trading Reorganization and Reform Act of 1991" and includes a table of contents listing the sections of the bill.

Section 2—Purposes

Section 2 states that the purposes of the bill are—

(1) to establish a single Federal regulatory body with jurisdiction over securities, options, futures, and related markets and instruments;

(2) to consolidate and revise the authority for setting margin requirements on all such instruments;

(3) to coordinate the regulation of all financial markets;

(4) to strengthen investor confidence in United States financial markets; and

(5) to ensure the competitiveness of those markets.

Section 3—Definitions

Section 3 defines terms used in the bill as follows:

(1) the term "Commission" means the Markets and Trading Commission established by Section 101 and

(2) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

Section 4—Effect on Congressional Jurisdiction

Section 4 states that it is the sense of the Congress that nothing in the bill shall be construed to affect the jurisdiction, established under House and Senate rules respectively, of any committee or subcommittee of the Congress with respect to any function transferred to the Commission by the Act.

TITLE I—ESTABLISHMENT OF COMMISSION

Section 101—Establishment

Section 101 establishes an independent regulatory commission to be known as the Markets and Trading Commission.

Section 102—Members, Appointment; Terms

Section 102(a) provides that the Commission shall be composed of five commissioners appointed by the President, by and with the advice and consent of the Senate. One of the commissioners shall be designated by the President as chairman. Not more than three members of the Commission shall be of the same political party. Each commissioner shall be selected solely on the basis of integrity and demonstrated knowledge of the operations of the markets subject to the jurisdiction of the Commission.

Section 102(b) provides that each commissioner shall be appointed to a term of five years except that—

(1) a commissioner may continue to serve beyond the expiration of a term until a successor is appointed and has qualified, but may not continue to serve after the expiration of the next session of Congress;

(2) the terms of office of the commissioners first taking office after enactment of the Act shall expire, as designated by the President at the time of their appointment, as follows—

(A) one at the end of one year;

(B) two at the end of three years; and

(C) two at the end of five years; and

(3) any commissioner filling a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

Section 102(c) provides that no commissioner shall engage in any other business or employment other than serving as commissioner and that no commissioner shall participate, directly or indirectly, in any market operation or transactions subject to regulation by the Commission.

Section 102(c) provides that the Commission may accept, according to regulations prescribed by the Commission, payment and reimbursement from non-Federal sources for travel and related expenses incurred by Commission members and employees in attending meetings and conferences concerning functions or activities of the Commission.

Section 102(c) further provides that former employees of participants in the Commission's professional fellows program may pay such participants their expenses for relocation to Washington, D.C.

Section 102(d) provides that whenever a fee is required to be paid to the Commission, the Commission may provide that such fee shall be paid in a manner other than in cash.

Section 103—Organization of Commission

Section 103 provides that the Commission shall establish divisions and subdivisions except that one such division shall be responsible for functions relating to markets in physical commodities.

Section 104—General Counsel

Section 104 provides that the Commission have an Office of General Counsel, headed by a General Counsel appointed by the President, by and with the advice and consent of the Senate.

TITLE II—TRANSFERS OF FUNCTIONS

Section 201—Commodity Futures Trading Commission

Section 201 provides that all functions of the Commodity Futures Trading Commission are transferred to the Commission.

Section 202—Securities and Exchange Commission

Section 202 provides that all functions of the Securities and Exchange Commission are transferred to the Commission.

Section 203—Jurisdiction of Margin Authority

Section 203(a) provides that the functions of the Board of Governors of the Federal Reserve System with respect to the setting of margins on securities are transferred to the Commission.

Section 203(b) provides that, notwithstanding the provisions of Section 5a(12) of the Commodity Exchange Act (which prohibits the Commodity Futures Trading Commission, in designating a contract market, from reviewing any rule or regulation of such contract market with respect to margin) the Commission, as necessary to ensure the financial integrity of such market, may—

(1) by order direct contract markets to adjust the level of margin required in any contract or

(2) by regulation prescribe limits on the level of margin required on any class or category of contract.

TITLE III—FEDERAL FINANCIAL MARKETS COORDINATING COUNCIL

Section 301—Establishment; Membership

Section 301(a) establishes a council to be known as the Federal Financial Markets Coordinating Council.

Section 301(b) provides that the Council's membership shall include the heads of the following agencies or their designees:

(1) the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Department of the Treasury;

(4) the Markets and Trading Commission;

(5) the National Credit Union Administration;

(6) the Office of Thrift Supervision; and

(7) the Federal Deposit Insurance Corporation.

Section 301(c) provides for the election of one member of the Council to serve as chairman.

Section 302—Functions of the Council

Section 302 provides for the following functions of the Council—

(1) serve as a facility to coordinate the regulatory operations of each agency represented on the Council;

(2) meet bimonthly and at the call of the chair to discuss issues relating to the safety and effectiveness of the financial services industry and related issues;

(3) establish an advisory committee of five representatives of the futures, commodities, options, and securities exchanges and banking industry to meet no less than four times annually; and

(4) report biennially to Congress on its functions and activities and, in its first such report, to include recommendations for legislative action as it considers appropriate.

Section 303—Staff; Administrative Support, Expenses

Section 303(a) provides that each agency represented on the Council shall provide to the Council such personnel and administrative support as the Council may require to carry out its functions.

Section 303(b) authorizes to be appropriated to the Commission such sums as may be necessary for the expenses of the Council to be reimbursed to agencies for personnel detailed to the Council and for administrative support as provided for in Section 303(a).

TITLE IV—ADMINISTRATIVE PROVISIONS

Part A—Personnel Provisions

Section 401—Officers and Employees

Section 401(a) provides that the Commission may appoint and fix the compensation of its officers and employees in accordance with the civil service laws.

Section 401(b) provides that—

(1) at the request of the Commission, the Director of the Office of Personnel Management shall provide for the establishment of the same number of supergrade positions (grade levels GS-16, GS-17, and GS-18) in the Commission as existed on the day prior to the effective date of the Act for the performance of the functions and offices transferred to the Commission from the Commodity Futures Trading Commission and the Securities and Exchange Commission;

(2) at the request of the Commission, the Director of the Office of Personnel Management shall provide for the same number of professional and technical positions as were in effect on the day prior to the effective date of the Act outside the General Schedule as were used for the performance of functions and offices transferred under the Act;

(3) the Commission may make appointments to special positions provided for under the subsection without regard to the provision of the civil service laws if the person appointed to such position is an individual who is transferred in connection with the transfer of function provided for in the Act;

(4) the authority to make special appointments under the subsection expires with respect to the first person first appointed to fill such position; and

(5) makes certain technical and conforming amendments to the Civil Service Reform Act of 1978.

Section 401(c) permits the Commission to make up to 100 special appointments of technical or professional employees and fix their compensation at a level not equal to or more than the minimum rate of pay currently paid for GS-16 of the General Schedule.

Section 401(d) requires the Director of the Office of Personnel Management to establish within the Commission ten limited service positions within the Senior Executive Service to be effective not longer than three years following the effective date of the Act for the purposes of assisting with the establishment of the Commission.

Section 402—Experts and Consultants

Section 402 permits the Commission to obtain the services of experts and consultants and compensate them at a rate not to exceed the daily rate prescribed for GS-18 of the General Schedule.

Part B—General Administrative Provisions

Section 411—General Authority

Section 411 provides the Commission may exercise any authority available by law that is transferred by the Act and that the exercise of that authority shall have the same force and effect as when exercised by the official or agency from which the authority is transferred.

Section 412—Delegation

Section 412 permits the Commission to delegate any function to such officers and employees as the Commission may designate.

Section 413—Reorganization

Section 413 authorizes the Commission to allocate or reallocate functions amounts its officers and to establish, consolidate, alter, or discontinue such organizational entities.

Section 414—Rules

Section 414 authorizes the Commission to prescribe such rules and regulations as the Commission determines necessary or appropriate to administer and manage the functions of the Commission.

Section 415—Contracts

Section 415 authorizes the Commission, pursuant to the provisions of the Federal Property and Administrative Services Act, to enter in contracts, grants, leases, and agreements with Federal, other public agencies, including State and local governments, and private organizations and persons to the extent such funds are provided in advance under appropriation Acts.

Section 416—Regional and Field Offices

Section 416 authorizes the Commission to establish regional and field offices.

Section 417—Use of Facilities

Section 417 permits the Commission to use the facilities and services of other agencies of the Federal government and of State and local governments; permits the facilities of the Commission to be used by public and private entities under such terms and conditions as the Commission may prescribe; provides that proceeds from such use of facilities be credited to appropriations for the cost of equipment or facilities so used; and provides that any interest in real property acquired by the Commission shall be acquired in the name of the United States Government.

Section 418—Working Capital Fund

Section 418 provides for the establishment of a working capital fund for common administrative and maintenance services such as stationery, supplies, equipment, mail, telephone, other communications services, office space, document reproduction, and central library.

Section 419—Funds Transfer

Section 419 provides that the Commission may transfer up to five percent of one appropriation to another within the Commission.

Section 420—Seal of Commission

Section 420 requires the Commission to establish an official seal.

Section 421—Annual Report

Section 421 requires the Commission to publish an annual report, for the President for transmission to the Congress, as soon as practicable after the close of each fiscal year and include in the report a statement of goals, priorities, and plans of the Commission and assessment of the Commission in meeting such objectives. Section 412 further requires that the annual report include an estimate of the extent to which non-Federal personnel employed by the Commission under contract.

Section 422—Authorization of Appropriations

Section 422 authorizes to be appropriated to the Commodity Futures Trading Commission and the Securities and Exchange Commission $10 million for the establishment of the Commission and authorizes to be appropriated for the two fiscal years following the effective date of the Commission (October 1, 1993) such sums as may be necessary to carry out the Act.

TITLE V—TRANSITIONAL, SAVINGS, AND CONFORMING AMENDMENTS

Section 501—Transfer and Allocation of Appropriations and Personnel

Section 501 transfers to the Commission all personnel, assets, liabilities, contracts, property, records, appropriations, authorizations, and other funds made available with respect to functions transferred to the Commission by the Act.

Section 502—Effect on Personnel

Section 502 provides that any transfer of personnel made pursuant to this Act shall not cause any such personnel to be separated or reduced in grade or compensation for one year after the date of transfer to the Commission.

Section 503—Agency Terminations

Section 503 provides that on the effective date of the Act, the Commodity Futures Trading Commission and the Securities and Exchange Commission shall terminate.

Section 504—Incidental Transfers

Section 504 authorizes the Director of the Office of Management and Budget to make such additional incidental transfers and terminations of personnel, equipment, and funds as necessary with the establishment of the Commission.

Section 505—Savings Provisions

Section 505(a) provides that all order, determinations, rules, regulations, permits, contracts, certificates, grants, licenses, and privileges affected by the transfer of functions under the Act and in effect at the time of the effective date of the Act shall continue in effect until modified, terminated, superseded, or set aside in accordance with law by the President, the Commission, or court.

Section 505(b) provides for the continuation of any proceeding, rulemaking, application for license or permit, or related matter in progress at the time of the effective date of the Act and permits the Commission to promulgate regulations for the orderly transfer of such proceedings.

Section 505(c) provides that nothing in the Act shall affect suits commenced prior to the effective date of the Act.

Section 505(d) provides that no suit pending prior to the effective date against any agency affected by the Act shall be dismissed by the enactment of the Act.

Section 505(e) provides that with respect to any suit or proceeding commenced with respect to any function transferred by the Act, the suit shall be continued with the Commission substituted or added as the appropriate party.

Section 505(f) provides that orders and actions of the Commission transferred by the Act shall be subject to judicial review to the same extent and in the same manner as if such transfer had not been executed.

Section 506—Separability

Section 506 provides that if any provision of the Act is held invalid the remainder of the Act shall not be affected.

Section 507—Reference

Section 507 provides that with respect to any function transferred by the Act, any reference in any other Federal law to any other department, commission, or agency from which such functions are transferred shall be deemed to refer to the Commission.

Section 508—Amendments

Section 508 makes conforming and technical amendments in the schedule of Federal executive salaries and deletes provisions of the Securities and Exchange Acts and Commodity Exchange Acts made obsolete by the Act.

Section 509—Transition

Section 509 authorizes the Commission to use the services, personnel, and officers of agencies affected by the transfer of functions made pursuant to the Act to facilities the transfers needed for the implementation of the Act.

TITLE VI—EFFECTIVE DATE

Section 601—Effective Date

Section 601 provides that the Act becomes effective no sooner than October 1, 1993.

RULES OF PROCEDURE FOR COMMITTEE ON THE JUDICIARY FOR THE 102D CONGRESS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, I hereby submit the rules of procedure for the 102d Congress which have been adopted by the House Committee on the Judiciary.

RULES OF PROCEDURE OF THE COMMITTEE ON THE JUDICIARY

Rule I. The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its subcommittees with the following specific additions thereto.

Rule II. Committee Meetings.

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Tuesday of each week while the Congress is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays, and legal holidays) before each scheduled Committee or subcommittee meeting, each Member of the Committee or subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee.

(d) The Chairman, with such notice to the ranking Minority member as is practicable, may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(e) Committee and subcommittee meetings for the transaction of business, i.e., meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or subcommittee, by majority vote, determines otherwise.

(f) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon the demand of any member, and a copy made available to each Member present.

(g) In all subcommittee proceedings where a vote on a motion to report a bill to the full Committee results in a tie, such bill shall be reported to the full Committee without recommendation.

(h) For purposes of taking any action at a meeting of the full Committee or any subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(i) A complete transcript shall be made of any full Committee meeting, or any portion thereof, upon the request of any Member of the Committee made before the close of business of the preceding day, excluding Saturdays, Sundays, and legal holidays.

Rule III. Hearings.

(a) The Committee or any subcommittee shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing, unless the Committee or the subcommittee before which such hearing is scheduled, determines that there is good cause to begin such hearing at an earlier date, in which event it shall make public announcement at the earliest possible date.

(b) Committee and subcommittee hearings shall be open to the public except when the Committee or subcommittee, by majority vote, determines otherwise.

(c) For purposes of taking testimony and receiving evidence before any subcommittee, a quorum shall be constituted by the presence of two Members. For purposes of taking testimony and receiving evidence before the full Committee, a quorum shall be constituted by the presence of 10 Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

Rule IV. Proxy Voting. A vote by any Member of the Committee, with respect to any measure or matter being considered in the Committee or in subcommittee, may be cast by proxy if the proxy authorization is in writing, asserts that the Member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments or motion pertaining thereto; except that a Member may authorize a general proxy for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time that the proxy is signed. Proxies may not be counted for a quorum.

Rule V. Broadcasting. When approved by a majority vote, an open meeting or hearing of the Committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions of House Rule XI, clause (3). In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the Chairman may order such alteration, curtailment, or discontinuance of coverage as he determines necessary.

Rule VI. Standing Subcommittees

(a) There shall be six standing subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

(1) Subcommittee on Economic and Commercial Law: Antitrust, bankruptcy, commercial law, economic regulation generally, judgeships, Federal budget matters, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) Subcommittee on Civil and Constitutional Rights: Civil rights and liberties, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) Subcommittee on International Law, Immigration, and Refugees: Treaties and international agreements, citizenship, passports, foreign sovereign immunity, immigration and naturalization, admission of refugees, other appropriate matters as referred by the Chairman, and relevant oversight.

(4) Subcommittee on Intellectual Property and Judicial Administration: Patents, trademarks, copyrights, court operations and administration, U.S. Attorneys and U.S. Marshals, Federal Rules of Evidence and Civil and Appellate Procedure, prisons, judicial ethics, RICO, other appropriate matters as referred by the Chairman, and relevant oversight.

(5) Subcommittee on Administrative Law and Governmental Relations: Administrative law, claims against the United States, ethics in government, legal services, other appropriate matters as referred by the Chairman, and relevant oversight.

(6) Subcommittee on Crime and Criminal Justice: Federal Criminal Code, drug enforcement, pretrial services, sentencing, parole and pardons, Federal Rules of Criminal Procedure, other appropriate matters as referred by the Chairman, and relevant oversight.

(b) The Chairman of the Committee and the ranking Minority Member thereof shall be ex officio Members, but not voting members, of each subcommittee to which such Chairman or ranking Minority Member has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such subcommittee.

Rule VII. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairman shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairman with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

Rule VIII. Non-Legislative Reports. No report of the Committee or a subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or subcommittee issuing the report shall have been apprised of such report and been given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays, and legal holidays).

Rule IX. Committee Records. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

RULES OF PROCEDURE FOR THE COMMITTEE ON THE DISTRICT OF COLUMBIA FOR THE 102D CONGRESS

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, I submit the rules of the committee on the District of Columbia for the 102d Congress, adopted at the committee's organizational meeting, February 6, 1991.

They are identical to the committee's rules for the 101st Congress.

RULES GOVERNING PROCEDURES OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA, 102D CONGRESS[1]

A. IN GENERAL

1. (a) The rules of the House are the rules of this committee and each subcommittee so far as applicable, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the committee and subcommittees.

(b) The procedures applicable in the House as in the Committee of the Whole apply to this committee, except that a measure considered in committee must be read (by section) for amendment; a motion to limit debate under the 5-minute rule in committee must therefore be confined to the portion of the bill then pending, and the previous question may only be moved on the measure in committee if the entire measure has been read, or considered as read, for amendment.

(c) There shall be a motion for the previous question, which, being ordered by a majority of members voting, if a quorum be present, shall have the effect to cut off all debate and bring the committee to a direct vote upon the immediate question or questions on which it has been asked and ordered.

(d) Upon the offering of any amendment by a member, the committee clerk shall promptly transmit a copy to the official reporter and copies to each committee member in attendance.

2. Each subcommittee is a part of this committee, and is subject to the authority and direction of the committee and to its rules insofar as applicable. The rules of the committee shall be the rules of its subcommittees.

3. No major investigation by a subcommittee shall be initiated without approval of the Chair of the committee or the majority of the full committee.

4. Any committee member, when recognized by the Chair, may address the committee on any bill, motion, or other matter under consideration before the committee. The Chair may limit to 5 minutes the time of any such member, after giving due consideration to the importance of the subject matter and to the length of time available. Any House Member not a member of the committee may testify as a witness at any hearing of the committee or a subcommittee, or may submit a statement for the official record.

B. REGULAR MEETING DAYS

1. The full committee shall have its regular meetings on the first Tuesday in each calendar month at 10 a.m. When the House is in recess, the regular monthly meeting of the committee may be dispensed with at the discretion of the Chair upon notice of such action to all members of the committee.

2. The committee shall meet, for the consideration of any bill or resolution pending before the committee or for the transaction of the committee business, on all regular meeting days fixed by the committee.

3. Subcommittee Chairs shall set meeting and hearing dates after consultation with the Chair and other subcommittee Chairs with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

C. ADDITIONAL AND SPECIAL MEETINGS

1. The Chair may call and convene, as he or she considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chair.

2. If at least three members of the committee desire that a special meeting of the committee be called by the Chair, those members may file in the offices of the committee their written request to the Chair for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the Chair of the filing of the request. If, within 3 calendar days after the filing of the request, the Chair does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of, and the measure of matter to be considered, at the special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

D. RANKING MAJORITY MEMBER TO PRESIDE IN ABSENCE OF CHAIR

If the Chair of the committee or subcommittee is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at the meeting.

E. COMMITTEE RECORDS AND ROLLCALLS

1. The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

A record vote in subcommittee may be had upon the request of any subcommittee member, and in full committee upon the request of any committee member.

2. Records of hearings before the committee shall not be available to the public for quotation of any member until after such member has had an opportunity to examine and approve such hearing records.

3. All committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair of the committee or a subcommittee; and such records shall be the property of the House and all Members of the House shall have access thereto.

4. The records of the committee at the National Archives and Records Administration shall be available in accordance with rule XXXVI of the rules of the House, except that the committee authorizes use of any record to which clause 3(b)(4) would otherwise apply after such record has been in existence for 5 years. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

F. PROXIES

A vote by any member in the committee or in any subcommittee may be cast by proxy, but shall be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pretaining therto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

G. OPEN MEETINGS AND HEARINGS

1. Each meeting for the transaction of business, including the markup of legislation, of the committee or subcommittee shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public; *Provided, however*, that no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for

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[1] Adopted by committee, February 6, 1991, and printed in the Congressional Record.

by (2) of this rule, or to any meeting that relates solely to internal budget or personnel matters.

2. Each hearing conducted by the committee or subcommittee shall be open to the public except when the committee or subcommittee, in open session and with a majority present determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered, would endanger the national security or would violate any law or rule of the House of Representatives; notwithstanding the requirements of the preceding sentence, or rule H. (2), a majority of those present (but not less than two members voting in the affirmative):

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or defame, degrade or incriminate any person; or

(B) may vote to close the hearing if testimony or evidence to be received would defame, degrade, or incriminate any person; *Provided, however*, that the committee or subcommittee may be the same procedure vote to close one subsequent day of hearing.

H. QUORUM

1. The number of members to constitute a quorum for the purpose of taking testimony and receiving evidence in full committee or subcommittee is two.

2. One-third of the committee or a subcommittee shall constitute a quorum for other meetings, except that a majority of the committee or subcommittee shall constitute a quorum for the purposes of reporting a measure and closing a meeting to the public.

I. CALLING AND INTERROGATING WITNESSES

1. Whenever any hearing is conducted by the committee or a subcommittee upon any measure or matter, the minority party members on the committee or subcommittee shall be entitled, upon request to the Chair of the committee or subcommittee by a majority of the minority party members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

2. The committee and subcommittees shall apply the 5-minute rule in the interrogation of witnesses in any hearing until such time as each member of the committee or subcommittee who so desires has had an opportunity to question each witness.

3. Committee members may question witnesses only when they have been recognized by the Chair for that purpose.

4. All questions put to the witnesses before the committee shall be pertinent to the bill or other subject matter before the committee for consideration.

5. Insofar as is practicable, each witness who is to appear must file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and limit the oral presentation at such appearance to a brief summary of his or her argument.

J. INVESTIGATIVE HEARING PROCEDURES

1. The Chair of the committee or subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation.

2. A copy of the committee rules and this clause shall be made available to each witness.

3. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

4. The Chair of the committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the full committee may cite the offender to the House for contempt.

5. Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person;

(B) the committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the committee or subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, or incriminate any person.

In either case the committee or subcommittee shall—

(a) afford such person an opportunity voluntarily to appear as a witness; and

(b) receive and dispose of requests from such person to subpoena additional witnesses.

6. Except as provided in subparagraph (5), the Chair shall receive and the committee shall dispose of requests to subpoena additional witnesses.

7. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

8. In the discretion of the committee or subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

9. A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

K. REPORTING BILLS AND RESOLUTIONS

1. No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

On the question of ordering a bill reported whenever a recorded vote is ordered or the yeas and nays are ordered the Chair may, in his discretion, postpone further proceedings on each such question to a designated time or place in the schedule on that day.

2. Any committee member at a meeting of the full committee or any member of the subcommittee involved may make a point of order that a quorum is not present.

3. (A) Each committee report shall include in its text a statement of the reported legislation's intent or purpose, need, the results of motions to report, including number of yeas and nays, a 5-year cost estimate, oversight statement, inflationary impact statement, any statement required by sections 308(a) and 403 of the Congressional Budget and Impoundment Control Act of 1974, administration or departmental position (if any), and changes in existing law, in addition to such other provisions as the Chair deems necessary.

(B) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, and additional views which have been submitted by the time of the filing of the report, and

(2) Shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted pursuant to the requirements of sections 308(a) and 403 of the Budget and Impoundment Control Act of 1974) are included as part of the report. This subparagraph does not preclude—

(a) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(b) the filing by the committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the committee upon that measure or matter.

4. (A) It shall be the duty of the Chair of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring a matter to a vote.

(B) In any event, the report of the committee on any measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chair of the committee notice of the filing of that request.

L. POWER TO SIT AND ACT; SUBPOENA POWER

1. For the purpose of carrying out any of its functions and duties under these rules, the committee, or any subcommittee thereof, is authorized—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) subject to (2)(A) of this rule, to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The Chair of the committee, or any member designated by the Chair, may administer oaths to any witness.

2. (A) A subpoena may be issued by the committee or subcommittee under (1)(B) of this rule in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, and authorized subpoenas shall be signed by the Chair of the full committee or by any member designated by the commit-

tee. When authorizing subpoenas, the committee may delegate to the committee Chair the responsibility of deciding what materials are to be listed in the subpoena and the names of the individuals or officials to be subpoenaed.

(B) Compliance with any subpoena issued by a committee or subcommittee under (1)(B) of this rule may be enforced only as authorized or directed by the House.

M. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing and meeting conducted by the committee or any subcommittee is open to the public, the committee or subcommittee may permit, by majority vote of the committee or subcommittee, that hearing and meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under the following rules:

1. If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

2. No witnesses served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

3. The allocation among the television media of the positions of the number of television cameras permitted by the committee or subcommittee Chair in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

4. Televison cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

5. Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

6. Equipment necessary for coverage by the televison and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

7. Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

8. Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the committee or subcommittee Chair for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

9. Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

10. Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

11. Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

12. Personnel providing coverage by still photography shall be then current accredited to the Press Photographers' Gallery.

13. Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstrusive manner.

N. COMMITTEE STAFFS

1. Subcommittee staffs: From the funds provided for the appointment of committee staff pursuant to primary and additional expense resolutions of the House:

(A) The Chair of each standing subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee Chair.

(B) The ranking minority party member of each standing subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the ranking minority party member.

(C) The staff members appointed pursuant to the provisions of subparagraphs (A) and (B) shall be compensated at a rate determined by the subcommittee Chair not to exceed (a) 75 per centum of the maximum established in 2(C) of this rule or (b) the rate paid the staff member appointed pursuant to 1(A) of this rule.

(D) No member shall appoint more than one person pursuant to 1(A) and 1(B) of this rule.

(E) The staff positions made available to the subcommittee Chair and ranking minority party members pursuant to 1(A) and 1(B) of this rule shall be made available from the staff positions provided under clause 6 of Rule XI of the House rules unless such staff positions are made available pursuant to a primary or additional expense resolution.

2. Committee staffs:

(A)(1) Subject to subparagraph 2(A)(2) of this rule and paragraph 2(D) of this rule, the committee may appoint, by majority vote of the committee, not more than 18 professional staff members. Each professional staff member appointed under this subparagraph shall be assigned to the Chair and the ranking minority party member of such committee, as the committee considers advisable.

(2) Subject to 2(D) of this rule, whenever a majority of the minority party members of the committee so request, not more than six persons may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members from among the number authorized by 2(A)(1) of this rule. The committee shall appoint any persons so elected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(3) The professional staff members of the committee—

(a) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(b) shall not engage in any work other than committee business; and

(c) shall not be assigned any duties other than those pertaining to committee business.

(4) Services of the professional staff member of the committee may be terminated by majority vote of the committee.

(B)(1) The clerical staff of the full committee shall consist of not more than 12 clerks, to be attached to the office of the Chair, to the ranking minority party member, and to the professional staff, as the committee considers advisable. Subject to 2(B)(2) and 2(D) of this rule, the clerical staff shall be appointed by majority vote of the committee, without regard to race, creed, sex, or age. Except as provided by 2(B) of this rule, the clerical staff shall handle committee correspondence and stenographic work both for the committee staff and for the Chair and the ranking minority party member on matters related to committee work.

(2) Subject to 2(D) of this rule, whenever a majority of the minority party members of the committee so request, four persons may be selected, by majority vote of the minority party members, for appointment by the committee to positions on the clerical staff from among the number of clerks authorized by 2(B)(1) of this rule. The committee shall appoint to those positions any person so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the position involved on the clerical staff until such appointment is made. Each clerk appointed under this subparagraph shall handle committee correspondence and stenographic work for the minority party members of the committee and for any members of the professional staff appointed under 2(A)(2) of this rule on matters related to committee work.

(3) Services of the clerical staff members of the full committee may be terminated by majority vote of the committee.

(C) Each employee on the professional staff, and each employee on the clerical staff, of the committee, is entitled to pay at a single per annum gross rate, to be fixed by the Chair, which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code, except that 2 professional staff members of the committee shall be entitled to pay at a single per annum gross rate to be fixed by the Chair, which does not exceed the highest rate of basic pay, as in effect from time to time, of level IV of the Executive Schedule, section 5315 of title 5, United States Code.

(D) If a request for the appointment of a minority professional staff member under paragraph (A), or a minority clerical staff member under paragraph (B), is made when no vacancy exists to which that appointment may be made, the committee nevertheless shall appoint, under paragraph (A) or paragraph (B), as applicable, the person selected by the minority and acceptable to the committee. The person so appointed shall serve as an additional member of the professional staff or the clerical staff, as the case may be, of the committee, and shall be paid from the contingent fund, until such a vacancy (other than a vacancy in the position of head of the professional staff, by whatever title designated) occurs, at which time that person shall be deemed to have been appointed to that vacancy. If such vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill that vacancy.

(E) Each staff member appointed pursuant to a request by minority party members under paragraph (A) or (B), and each staff member appointed to assist minority party members of a committee pursuant to an expense resolution, shall be accorded equitable treatment with respect to the fixing of his or her rate of pay, the assignment to him or her of work facilities, and the accessibility to him or her of committee records.

(F) Paragraphs (A) and (B) shall not be construed to authorize the appointment of additional professional or clerical staff members of the committee pursuant to a request under either of such paragraphs by the minority party members of that committee if six or more professional staff members or four or more clerical staff members provided for in paragraph (A)(1) or paragraph (B)(1) as the case may be, who are satisfactory to a majority of the minority party members, are otherwise assigned to assist the minority party members.

(G) Notwithstanding paragraphs (A)(2) and (B)(2), the committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, upon an affirmative vote of a majority of the members of the minority party.

O. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS TO SUBCOMMITTEES

1. All the legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction within 2 weeks unless, by majority vote of the majority members of the full committee, consideration is to be by the full committee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee. If the joint resolution of disapproval of a council act is introduced in the House during the first 15 legislative days of layover, the resolution shall be referred to the subcommittee of appropriate jurisdiction. If the joint resolution is introduced during the last 15 days of congressional layover, that matter shall be kept at the full committee level with such comments from the subcommittee as they may wish to give.

2. The Chair may refer a matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first) or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee.

3. Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chair may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

P. SUBCOMMITTEES

1. The full committee shall determine an appropriate ratio of majority to minority members for each subcommittee and shall establish the number of subcommittees, shall fix the jurisdiction of each subcommittee, and shall determine the size of each subcommittee.

2. Additional legislative subcommittees may be established by a majority of those voting, a quorum being present, of the full committee.

3. Each member shall be given an equal number of subcommittee assignments insofar as practicable.

4. Bills shall be assigned to subcommittees in accordance with the subject matter of the subcommittees.

5. Any member of the full committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and to participate but shall not have authority to vote on any matters before the subcommittee unless he or she is a member of such subcommittee.

6. Party representation on each subcommittee, including ex officio members, shall be not less favorable to the majority party than the ratio for the full committee.

Q. GENERAL OVERSIGHT RESPONSIBILITIES

The committee and each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee or the subcommittee, respectively, and the organization and operation of the Federal and District agencies and entities have responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the committee and each subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee or subcommittee, respectively (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee or subcommittee, respectively. Each subcommittee is required to conduct oversight in the area of the respective jurisdiction, to assist in carrying out the full committee's responsibilities under Rule X, cl. 2, of the House of Representatives. The establishment of an oversight subcommittee shall in no way limit the responsibility of the subcommittees with legislative jurisdiction from carrying out their oversight responsibilities.

R. ADDITIONAL FUNCTIONS

1. The committee and each subcommittee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of the House of Representatives.

2. The committee and each subcommittee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

S. POINTS OF ORDER

No point of order, other than a point of order that a quorum is not present, against the hearings or business procedures of the committee shall be sustained unless it is made in a timely fashion (1) at the commencement of the hearing or meeting, or (2) at the time such point of order first occurs. Any point of order not raised in a timely manner in subcommittee shall not be sustained in full committee.

T. NOTICE OF MEETINGS AND AGENDA

1. The committee and each subcommittee shall make public announcement of the date, place and subject matter of any committee hearing at least one week before the commencement of the hearing. If the committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible day. Any announcement made under the subparagraph shall be promptly published in the Daily Digest and given to the House Information Systems.

2. The agenda for all committee meetings, setting out all items of business to be considered, including a copy of any measure or a summary of any measure and of any subcommittee amendments, shall be furnished each committee member by delivery to his or her office at least 2 full calendar days (excluding Saturday, Sunday and legal holidays) before the meeting. This requirement may be waived by a two-thirds vote, a quorum being present, of the committee.

3. No bill or other matter shall be brought up for hearing or other consideration except with the approval of the Chair or by a majority of those voting, a quorum being present: *Provided, that* any member (other than the Chair) making the motion for consideration under this rule has given 2 days' notice in writing to all members of the committee.

U. AMENDING COMMITTEE BILLS

The committee rules may not be amended unless the member proposing the amendment gives 2 days' notice (excluding Saturday, Sunday and legal holidays) in writing of the text of the proposed change to all members.

V. OTHER PROCEDURES AND REGULATIONS

The Chair of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULES OF PROCEDURE FOR COMMITTEE ON ARMED SERVICES FOR THE 102D CONGRESS

(Mr. ASPIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPIN. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith for publication in the RECORD the rules of the Committee on Armed Services that were adopted by the committee on Thursday, January 31, 1991:

Rules Governing Procedure of the Committee on Armed Services

RULE 1. GENERAL

The rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

RULE 3. FULL COMMITTEE MEETING DATE

(a) The Committee on Armed Services will meet every Tuesday at 10 a.m., and at such other times as may be fixed by the chairman, or by written request of members of the committee pursuant to House rule XI, clause 2(b).

(b) A Tuesday meeting of the committee may be dispensed with by the chairman, but such action may be reversed by a written request of a majority of the members.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence and report to the committee on all matters referred to it. Insofar as possible, meetings of the committee and its subcommittees shall not conflict. Subcommittee chairmen shall set meeting dates after consultation with the chairman and subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

RULE 4. SUBCOMMITTEES

The Committee on Armed Services of the House of Representatives shall be organized to consist of the following standing subcommittees. In instances of overlapping jurisdiction subcommittee actions should be considered jointly.

The Procurement and Military Nuclear Systems Subcommittee which shall have legislative jurisdiction over the annual authorization for procurement of military weapons systems and components thereof, including systems transition, and those portions in the procurement category, other procurement, not assigned to the Seapower and Strategic and Critical Materials Subcommittee; military application of nuclear energy, including research and development related thereto; intelligence matters related to national security; and related legislative oversight. The subcommittee shall also have oversight responsibilities with regard to international arms control and disarmament.

The Research and Development Subcommittee which shall have legislative jurisdiction over annual authorization for research and development; airlift; and related oversight.

The Seapower and Strategic and Critical Materials Subcommittee which shall have legislative jurisdiction over procurement and construction of naval vessels; torpedoes and other weapons portion of Navy weapons; ship-related items in Navy other procurement; sealift; antisubmarine warfare; disposal of naval vessels; strategic and critical materials necessary for the national defense; and related legislative oversight.

The Military Installations and Facilities Subcommittee which shall have legislative jurisdiction over military construction; real estate acquisitions and disposals; housing and support facilities; base closures; real estate generally; civil defense; defense burdensharing; base maintenance and repair funding; and related legislative oversight.

The Military Personnel and Compensation Subcommittee which shall have legislative jurisdiction over authorized strengths; active duty and reserve training; recruiting; Reserve Officers' Training Corps; Selective Service System; military justice; enlistments and separations; awards; academies; human relations; medical care delivery and funding; pay and allowances; promotion; retirement; and related legislative oversight.

The Investigations Subcommittee which shall have legislative jurisdiction over Defense Acquisition Regulations and related procurement matters; organization of the Department of Defense, including proposed reorganizations; naval petroleum reserves, and related legislative oversight; and investigative authority in relation to the committee's general oversight responsibilities.

The Readiness Subcommittee which shall have legislative jurisdiction over the annual authorization for operation and maintenance; the current readiness and preparedness requirements of the defense establishment, including the supporting defense industrial base; special operations forces oversight; commissaries and exchanges, clubs and related nonappropriated funds activities of the Armed Forces; and related legislative oversight.

RULE 5. PRECEDENCE

Chairmen of standing subcommittees who sit on a second subcommittee shall rank behind other members serving on that subcommittee as their primary subcommittee assignment.

RULE 6. PANELS OF THE FULL COMMITTEE AND SUBCOMMITTEES

(a) The chairman may designate a panel of the committee drawn from members of more than one subcommittee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the full committee. Any such panel shall not continue in existence for more than six months.

(b) The chairman of a standing subcommittee may designate a panel of such subcommittee to inquire into and take testimony on a specific matter within the jurisdiction of that subcommittee and to report to the subcommittee for further reference to the full committee as may be appropriate.

(c) No panels so appointed shall have legislative jurisdiction.

(d) No panel, task force, special subcommittee, or any other subunit of a standing committee may be created without the knowledge of the full committee chairman and concurrence of the caucus of that committee.

RULE 7. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

(a) The chairman shall refer legislation and other matters to all subcommittees of appropriate jurisdiction within 2 weeks unless, by a majority vote of the members of the full committee, consideration is to be by the full committee.

(b) Bills shall be taken up for hearing only when called by the chairman of the full committee or subcommittee, or by a majority vote of a quorum of the full committee or a subcommittee.

(c) The chairman of the full committee, with approval of a majority of the members voting, majority of the committee being present, shall have authority to discharge a subcommittee from consideration of any bill, resolution, or other matter referred thereto and have such measure or matter considered by the full committee.

(d) Reports and recommendations of a subcommittee shall not be considered by the full committee until after the intervention of 3 calendar days from the time the report is approved by the subcommittee and printed hearings thereon are available to the members, except that this rule may be waived by a majority vote of a quorum of the committee.

RULE 8. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

The full committee and subcommittee shall make public announcement of the date, place and subject matter of the full committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the full committee or subcommittee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.

RULE 9. MEETINGS, AND HEARINGS OPEN TO THE PUBLIC

(a) Each committee or subcommittee meeting for the transaction of business, including the markup of legislation shall be open to the public except when the committee or subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee and/or subcommittee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by paragraph (b) of this rule, or any meeting that relates solely to internal budget or personnel matters.

(b) Each hearing conducted by the full committee or subcommittee shall be open to the public except when the full committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the committee or subcommittee, may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, or would tend to defame, degrade, or incriminate any person. If the decision is to close for national security reasons, the vote must be by rollcall vote and in open session, there being a majority of the committee or subcommittee present. Otherwise, if the decision is to close because the testimony may tend to defame, degrade, or incriminate any person, the vote may be by a majority of those present, there being in attendance no less than two members of the committee or subcommittee. However, if the committee or subcommittee elects to receive such testimony in open session, it may do so only if a majority of the members of the committee or subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. No member may be excluded from nonparticipatory attendance at any hearing of the full committee or subcommittee, unless the House of Representatives shall by majority vote authorize the full committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedures designated in this rule for closing hearings to the public: *Provided, however*, That the full committee or the subcommittee may by the same procedure vote to close up to 5 additional consecutive days of hearings.

(c) Notwithstanding the foregoing, and with the approval of the committee chairman, each member of the committee may designate by letter to the Chairman, a member of his or her personal staff with Top Secret security clearance to attend hearings of the committee, or that member's subcommittee(s) which have been closed under the provisions of rule 9(b) above for national security purposes for the taking of testimony: *Provided*, That such staff member's attendance at such hearings is subject to the approval of the committee or subcommittee as dictated by national security requirements at the time: *Provided further*, That this paragraph addresses hearings only and not briefings or meetings held under the provisions of paragraph (a) of this rule; and *Provided further*, That the attainment of any security clearances involved is the responsibility of individual members.

RULE 10. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

(a) In accordance with the provision of rule XI, clause 3, Rules of the House of Representatives, it is the purpose of this rule to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee or subcommittee hearings or meetings, which are open to the public, may be covered by television broadcast, radio broadcast, and still photography, or by any such methods of coverage. In that regard, the provisions of rule XI, clause 3(a)(d) are specifically incorporated herein by reference.

(b) The chairman of the full committee or the chairmen of the subcommittees are authorized to determine on behalf of the full committee or its subcommittees respectively whether hearings or meetings which are open may be broadcast, unless the committee or its subcommittees respectively by majority vote determine otherwise: *Provided*, however, Each committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

(c) In accordance with rule XI, clause 3(f), the following provisions shall apply to the broadcasting of committee or subcommittee hearings or meetings which are open to the public:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) The allocation among the television media of the positions of the number of television cameras permitted by a committee or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the executive committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or its subcommittees or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee or subcommittee is in session.

(7) Floodlights, spotlight, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee on Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee or its subcommittees.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstructive manner.

(14) With the exception of devices properly used by official reporters and by accredited media and broadcast personnel as covered in these rules, no recording or camera type devices may be operated or otherwise used during committee or subcommittee hearings.

RULE 11. QUORUM

A majority of the full committee or subcommittee shall constitute a quorum for reporting or tabling a measure or recommendation. A quorum for the purpose of taking testimony and receiving evidence by either the full committee or any subcommittee shall be not less than two. A quorum for taking any other action shall be not less than one-third of the members of the full committee or subcommittee, unless otherwise indicated in the committee rules.

RULE 12. THE FIVE-MINUTE RULE

(a) The time any one member may address the committee or subcommittee on any bill, motion or other matter under consideration shall not exceed 5 minutes and then only when the member has been recognized by the chairman, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed 5 minutes to address the committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution.

(b) Members present at a meeting of the committee or subcommittee when a meeting is originally convened will be recognized by the chairman in order of seniority. Those members arriving subsequently will be recognized in order of their arrival. Notwithstanding the foregoing, the chairman and the ranking minority member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

RULE 13. SUBPOENA AUTHORITY

The full committee, and all subcommittees, may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Any such subpoena may be authorized and issued by the committee, or subcommittee, in the conduct of any investigation or a series of investigations or activities, only when authorized by a majority of members voting, a majority being present. The power to authorize and issue subpoenas under this rule may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or any member designated by the committee.

RULE 14. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the committee or a subcommittee shall be submitted to the committee at least 48 hours in advance of presentation and shall be distributed to all members of the committee or subcommittee at least 24 hours in advance of delivery. If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the committee rooms to all members of the committee at least 24 hours in advance of delivery; however, no such statement shall be removed from the committee offices. The requirement of this rule may be waived by a majority vote of the full committee or any subcommittee, a quorum being present.

(b) The full committee and each subcommittee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

RULE 15. ADMINISTERING OATHS TO WITNESSES

The chairman of the committee, or any member designated by the chairman, may administer oaths to any witnesses.

RULE 16. QUESTIONING OF WITNESSES

(a) When a witness is before the committee or subcommittee, members of the committee or subcommittee may put questions to the witness only when they have been recognized by the chairman for that purpose.

(b) Members of the committee or subcommittee who so desire shall have not to exceed 5 minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional time for questioning witnesses by members is discretionary with the chairman.

(c) Questions put to witnesses before the committee or subcommittee shall be pertinent to the bill or other subject matter that may be before the committee or subcommittee for consideration.

RULE 17. VOTING AND ROLLCALLS

(a) Except as otherwise provided in these rules voting on a measure or matter may be by rollcall vote, division vote, voice vote, or unanimous consent.

(b) Voting on reporting annual authorization bills shall be by rollcall vote.

(c) A rollcall of the members may be had upon the request of five or more members present, or in the case of subcommittees, on the request of one-fifth of a majority.

RULE 18. PROXY VOTE

A member may vote by special proxy, which must be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. A proxy may be used in full committee or subcommittee. All proxies must be filed with the staff director and be available for inspection at any time.

RULE 19. PRIVATE BILLS

No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Congress.

RULE 20. SUPPLEMENTAL, MINORITY, ADDITIONAL OR DISSENTING VIEWS

If, at the time of approval of any measure or matter by the committee, any member of the committee gives timely notice of intention to file supplemental, minority, additional or dissenting views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the staff director of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter.

RULE 21. POINTS OF ORDER

No point of order shall lie with respect to any measure reported by the full committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the committee rules; except that a point of order on that ground may be made by any member of the full committee or subcommittee which reported the measure if, in the full committee or subcommittee, such point of order was (a) timely made and (b) improperly overruled or not properly considered.

RULE 22. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

(a) The result of each rollcall in any meeting of the committee shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. With respect to each record vote by the committee on each motion to report any bill or resolution of public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(b) In the event of such a rollcall vote or votes, when a member is in attendance at any other committee, subcommittee, or conference committee meeting during that time, that circumstance shall be so recorded in the rollcall record, upon timely notification to the chairman from that member.

RULE 23. PROTECTION OF NATIONAL SECURITY INFORMATION

(a) All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The chairman of the full committee shall, with the approval of the full committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received, classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

RULE 24. COMMITTEE STAFFING

The staffing of the full committee and the standing subcommittees shall be subject to the appropriate rules of the House of Representatives, including, among other things, the provisions of rule XI, clause 5(d).

RULE 25. COMMITTEE RECORDS

The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

RULES FOR INVESTIGATIVE HEARINGS CONDUCTED BY SUBCOMMITTEES

i. Power to sit and act; subpoena power

1. For the purpose of carrying out any of its functions and duties under House rules X and XI, a subcommittee is authorized (subject to subparagraph 2.A. of this paragraph):

A. to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

B. to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

2.A. A subpoena may be authorized and issued by a subcommittee under subparagraph 1.B. in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed only by the chairman of the committee, or by any member designated by the committee.

B. Compliance with any subpoena issued by a subcommittee under subparagraph 1.B. may be enforced only as authorized or directed by the House. (House rule XI, clause 2(m); committee rule 13.)

ii. Quorum

Each subcommittee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which shall be not less than two. (House rule XI, clause 2(h); committee rule 11.)

iii. Notice of hearings

Each subcommittee shall make public announcement of the date, place, and subject matter of any subcommittee hearing at least one week before the commencement of the hearing. However, if the subcommittee determines there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems. (House rule XI, clause 2(g)(3); committee rule 8.)

iv. Meetings and hearings

1. Each subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the subcommittee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open subcommittee hearings which are provided for by paragraph 2. of this rule, or any meeting that relates solely to internal budget or personnel matters. (House rule XI, clause 2(g)(1); committee rule 9(a).)

2. Each hearing conducted by a subcommittee shall be open to the public except when the subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in at-

tendance no less than two members of the subcommittee, may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, or would tend to defame, degrade, or incriminate any person. If the decision is to close for national security reasons, the vote must be by rollcall vote and in open session, there being a majority of the subcommittee present. Otherwise, if the decision is to close because the testimony may tend to defame, degrade, or incriminate any person, the vote may be by a majority of those present, there being in attendance no less than two members of the subcommittee. However, if the subcommittee elects to receive such testimony in open session, it may do so only if a majority of the members of the subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. No member may be excluded from nonparticipatory attendance at any hearing of any subcommittee, authorize a particular subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedures designated in this subparagraph for closing hearings to the public: *Provided, however*, That the subcommittee may by the same procedure vote to close up to 5 additional consecutive days of hearings. (House rule XI, clause 2(g)(2); committee rule 9(b).)

v. Prepared statements

Each witness who is to appear before a subcommittee shall, insofar as is practicable, file with the subcommittee (in advance of his or her appearance) a written statement of the proposed testimony. Such witness will limit his or her oral presentation to a brief summary of the statement.

Any prepared statement shall be submitted to the subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the subcommittee at least 24 hours in advance of delivery.

If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the committee rooms to all members of the subcommittee at least 24 hours in advance of delivery; however, no such statement shall be removed from the committee rooms. The requirement of this rule may be waived upon a majority vote of the subcommittee, a quorum being present (House rule XI, clause 2(g)(4); committee rule 14.)

vi. Opening statement

The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation (House rule XI, clause 2(k)(1).)

vii. Information for witnesses

A copy of the committee rules and of clause 2(k) of House rule XI shall be made available to each witness. (House rule XI, clause 2(k)(2).)[1]

viii. Right to counsel

Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. (House rule XI, clause 2(k)(3).)

ix. Form of oath

Witnesses, when sworn, shall subscribe to the following oath:

"You do solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?"

x. Breaches of order

The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt. (House rule XI, clause 2(k)(4).)

xi. Defamatory testimony or evidence

Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(a) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of committee rule 9(b), if by a majority of those present, there being in attendance no less than two members of the subcommittee, the subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(b) The subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the subcommittee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses. (House rule XI, clause 2(k)(5).)

xii. Photographing of witnesses

No witness served with a subpoena by the committee or a subcommittee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. (House rule XI, clause 3(f)(2); committee rule 10.)

xiii. Subpoena of additional witnesses

Except as provided in investigative hearing rule XI above, the chairman shall receive and the subcommittee shall dispose of requests to subpoena additional witnesses. (House rule XI, clause 2(k)(6).)

xiv. Testimony taken in executive session

No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the subcommittee. (House rule XI, clause 2(k)(7).)

xv. Sworn statements

In the discretion of the subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. (House rule XI, clause 2(k)(8).)

xvi. Transcript of testimony

A witness may obtain a transcript copy of his testimony given at the public session or, if given at an executive session, when authorized by the subcommittee. (House rule XI, clause 2(k)(9).)

xvii. General

The rules of the House are the rules of its committees and subcommittees as far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. (House rule XI, clause 1(e)(1).)

RULES OF PROCEDURE FOR COMMITTEE ON VETERANS' AFFAIRS FOR THE 102D CONGRESS

(Mr. MONTGOMERY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I hereby submit the rules of the Committee on Veterans' Affairs for the 102d Congress and ask that they be printed in the RECORD at this point. The rules were adopted by the committee in open session on February 7, 1991:

COMMITTEE RULES OF PROCEDURE OF THE 102D CONGRESS

(Adopted February 7, 1991)

RULE I—GENERAL PROVISIONS

The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

RULE II—MEETINGS

(a) The regular meeting day for the full committee shall be at 10 a.m. on the second Tuesday of each month, and at such other times and in such places as the chairman may designate; however, a regular Tuesday meeting of the committee may be dispensed with by the chairman.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to the call of the chairman.

(c)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereto shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however*, That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however*, That the committee or subcommittee may by the

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[1] The complete text of clause 2(k), House Rule XI, is printed herein in subcommittee rules VI, VII, VIII, X, XI, XIII, XIV, and XV.

same procedure vote to close one subsequent day of hearing.

RULE III—RECORDS AND ROLLCALLS

(a) There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or in the apparent absence of a quorum, by any one member. With respect to each record vote by the committee to report any bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or such resolution shall be included in the committee report.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

RULE IV—QUORUMS

A majority of the members of the committee shall constitute a quorum of the committee for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business: *Provided*, That any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE V—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the chairman or the subcommittee chairman, whichever the case may be, shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of the statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman of a majority of those minority members before the completion of such hearing, to call such witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

RULE VI—OVERSIGHT

(a) In order to assist the House in:

(1) Its analysis, appraisal, evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the various subcommittees, consistent with their jurisdiction as set forth in Rule VIII, shall have oversight responsibilities as provided in paragraph (b).

(b) Each subcommittee shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(c) Each subcommittee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdictions.

RULE VII—BROADCASTING OF COMMITTEE HEARINGS

Broadcasting, either by radio or TV of all open committee hearings and meetings shall be permitted when, in the judgment of the chairman, in consultation with the ranking minority member, such action is warranted. Photographs shall be permitted during hearings of the full committee and subcommittees as the chairman decides.

All coverage shall be subject to the following provisions:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any members of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not place themselves in positions which obstruct the view between members of the committee and the witness table.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then cur-

rently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstrusive manner.

RULE VIII—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be five standing subcommittees as follows: Hospitals and Health Care; Compensation, Pension and Insurance; Oversight and Investigations; Education, Training and Employment; and Housing and Memorial Affairs. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively.

Hospitals and Health Care: Veterans' hospitals, medical care, and treatment of veterans.

Compensation, Pension and Insurance: Compensation, pensions of all the wars of the United States, general and special, and life insurance issued by the Government on account of service in the Armed Forces.

Oversight and Investigations: Investigative authority over matters that are referred to the subcommittee by the chairman of the full committee for investigation and appropriate recommendations.

Education, Training and Employment: Education of veterans, vocational rehabilitation, and readjustment of servicemen to civilian life.

Housing and Memorial Affairs: Veterans' housing programs, and cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, and burial benefits.

(b) The chairman shall serve as ex-officio member of all subcommittees and shall have the right to vote on all matters before the subcommittee.

RULE IX-POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

RULES OF PROCEDURE OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE FOR THE 102D CONGRESS

(Mr. CLAY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLAY. Mr. Speaker, pursuant to clause 2(a) of House rule XI, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Post Office and Civil Service for the 102d Congress, which were adopted by the committee in open session on February 6, 1991:

RULES OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

(Adopted February 6, 1991)

RULE 1. RULES OF THE HOUSE

The Rules of the House are the rules of the committee and the subcommittee so far as applicable, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege.

RULE 2. CHAIRMAN; VICE CHAIRMAN

(a) The majority member of the committee or of a subcommittee, as appropriate, ranking immediately after the chairman, is designated as vice chairman of the committee or subcommittee, as the case may be.

(b) The chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings, or, in the absence of the chairman, the vice chairman shall preside. If the chairman and vice chairman of the committee or subcommittee are not present at any meeting or hearing, the next ranking majority member present shall preside.

(c) In the temporary absence of the chairman of the committee or of a subcommittee, as appropriate, the next ranking majority member of the committee or subcommittee, as appropriate, and so on, as often as the case shall happen, shall act as chairman.

RULE 3. COMMITTEE MEETINGS

(a) A regular meeting of the committee shall be held on the second and fourth Wednesdays of each month. The usual time of a regular meeting shall be 9:45 a.m. A regular meeting may be canceled by the chairman after consultation with the vice chairman and the ranking minority member.

(b) Additional meetings of the committee may be called by the chairman as he considers necessary.

(c) A special meeting of the committee shall be held in accordance with the provisions of House Rule XI, Clause 2(c)(2).

(d) Regular, additional, and special meetings of the committee for the transaction of business shall be open to the public, except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

RULE 4. RECORD OF ACTION

(a) A complete record of all committee or subcommittee action shall be kept which shall include a record of the votes on any question on which a record vote is demanded.

(b) There shall be made available for inspection by the public, at reasonable times in the offices of the committee, a record of the votes on any question on which a record vote is demanded, a description of the amendment, motion, order or other proposition on which a record vote is demanded, and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present by not voting.

(c) A committee or subcommittee report on a bill or resolution of a public character ordered reported by a record vote shall include the number of votes cast for, and the number of votes cast against, the motion to report.

(d) The records of the committee at the National Archives and Records Administration shall be made available in accordance with rule XXXVI of the Rules of the House, except that the committee authorizes the use of any record to which clause 3(b)(4) of the House Rule XXXVI would otherwise apply after such record has been in existence for 20 years. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of House Rule XXXVI, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

RULE 5. COMMITTEE QUORUM

(a) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of the committee shall constitute a quorum for the purpose of transacting committee business.

(b) A majority of the total membership of the committee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation in accordance with rule 13(a);

(2) voting to close a meeting under rule 3(d);

(3) authorizing the issuance of a subponea under rule 12(c); and

(4) recalling a bill, resolution, or other matter under rule 9(c).

(c) Not less than two members of the committee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) The presence of a quorum shall be determined and announced by the chairman before the committee shall proceed to the transaction of business and shall be recorded in the records of committee action.

RULE 6. ROLLCALL VOTE

A rollcall vote on any question may be demanded by any member of the committee or of a subcommittee, as appropriate.

RULE 7. PROXIES

A member may vote on any matter before the committee or a subcommittee by proxy. A proxy shall (1) be in writing, signed by the member authorizing the proxy, and show the date and time of day that the proxy is signed; (2) assert that the member is absent on official business or is otherwise unable to be present at the meeting; (3) designate the member who is to execute the proxy authorization; and (4) be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy for motions to recess, adjourn, or other procedural matters. A proxy may not be used unless a quorum is present, cannot be used to make a quorum, and shall be presented to the chairman at the time the proxy is voted.

RULE 8. ADDRESSING COMMITTEE OR SUBCOMMITTEES

(a) Recognition by the chairman shall be obtained by any member addressing the committee or subcommittee, as appropriate, proposing a motion, or interrogating a witness.

(b) The 5-minute rule shall apply in the markup of a bill. The 5-minute rule shall apply in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question the witness.

(c) The regular order shall be observed in all proceedings, and all questions and statements in the interrogation of witnesses shall be germane to the legislation or other matters then being considered.

RULE 9. REFERENCE OF LEGISLATION

(a) Each bill, resolution, or other matter referred to the committee, subject to the provisions of this rule, shall be re-referred to the subcommittee having jurisdiction over its principal subject within 2 weeks from the date of its referral to the committee unless the chairman of the committee orders that it be held for the committee's direct consideration. If the chairman so orders, he shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement therewith.

(b) A bill, resolution, or other matter referred by the chairman of the committee to a subcommittee may be recalled by him for the committee's direct consideration or for referral to another subcommittee. If recalled, the chairman shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement with his decision.

(c) A bill, resolution, or other matter referred to a subcommittee may be recalled by a majority vote of the committee, a majority being present, for its direct consideration or for reference to another subcommittee.

(d) A bill, resolution, or other matter referred to the committee may be referred simultaneously by the chairman of the committee to two or more subcommittees for concurrent consideration, for consideration in sequence, or for consideration of particular parts, or the matter may be referred by the chairman to a special ad hoc subcommittee or task force established under rule 21.

RULE 10. STATEMENTS; DEPOSITIONS

Statements, depositions, letters, and such other pertinent matter in appropriate form as may be timely submitted may be accepted for inclusion in printed hearings, records, or documents, or in the permanent files of the committee, by the chairman of the committee or subcommittee, as appropriate, without objection or upon motion duly adopted.

RULE 11. HEARINGS; WITNESSES

(a) Public announcement of the date, place, and subject matter of each hearing to be conducted by the committee, or by a subcommittee, shall be made at least 1 week before the commencement of a hearing, unless the chairman of the committee or subcommittee, as appropriate, determines that there is good cause to begin a hearing at an earlier date in which event such public announcement shall be made at the earliest possible date.

(b) Hearings shall be open to the public except when the committee, or subcommittee, as appropriate, votes to close a hearing in accordance with House Rule XI, Clause 2(g)(2).

(c) Except as otherwise provided in these rules, the scheduling of witnesses and the time allowed for the presentation of testimony and interrogation shall be at the sole discretion of the chairman, unless otherwise ordered by a majority vote of the committee, or subcommittee, as appropriate, a quorum being present.

(d) When any hearing is conducted upon any measure or matter, the minority party members of the committee, or subcommittee, as appropriate, upon request to the chairman by a majority of the minority party members before completion of the hearings, shall be entitled to call witnesses to testify on at least 1 day of such hearings.

(e) Each witness who is to appear before the committee, or subcommittee, as appropriate, and who has had appropriate and timely notice of such appearance shall file with the committee, or subcommittee, as appropriate, at least 48 hours in advance of his appearance, at least 100 copies of the statement of his proposed testimony and limit his oral presentation at his appearance to a brief summary of his argument. The requirement of this rule may be waived, in whole or in part, by the chairman, without objection, or pursuant to a motion duly adopted.

(f) A witness may obtain a transcript of his testimony given at a public session or, if given at an executive session, when authorized by the committee, or subcommittee, as appropriate.

RULE 12. POWER TO SIT AND ACT; SUBPENA POWER; OATHS

(a) The committee and each subcommittee is authorized—

(1) to sit and act at such times and places, whether the House is in session, has recessed, or has adjourned, and to hold hearings; and

(2) subject to paragraph (c), to require by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary.

(b) The chairman of the committee or of a subcommittee, as appropriate, or any member designated by the chairman, may administer oaths to witnesses.

(c) A subpena may be authorized and issued by the committee or by a subcommittee in the conduct of its functions and duties under House Rules X and XI or under the committee rules when authorized by a majority vote of the committee, or subcommittee, as appropriate, a majority being present, or when authorized by the chairman of the committee.

(d) Authorized subpenas shall be signed by the chairman of the committee or, in his absence, by a member designated by the chairman.

RULE 13. FILING REPORTS; SUPPLEMENTAL, MINORITY, OR ADDITIONAL VIEWS

(a) No measure or recommendation, including any report or submission required to be made to the House or to the Committee on the Budget by the committee under paragraphs (g), (h), and (i) of Clause 4 of Rule X of the Rules of the House, shall be reported unless a majority of the committee or subcommittee, as appropriate, was actually present.

(b) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(c) It shall be the duty of the chairman of a subcommittee to promptly request consideration in the committee of any measure approved by the subcommittee, and it shall be the duty of the chairman of the committee to schedule such measure for consideration by the committee as promptly as possible.

(d) In the event the report of the committee on a measure which has been approved by the committee has not been filed as prescribed by paragraph (b) of this rule, such report shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the general counsel of the committee a written request, signed by a majority of the members of the committee, for reporting of that measure.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views with the general counsel of the committee. Such views shall be in writing and signed by the member.

(f) All committee, subcommittee, or staff reports printed pursuant to legislative or oversight investigations and not approved by a majority of the members of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: (This report has not been officially approved by the (subcommittee/committee) and, therefore, may not necessarily reflect the views of all of its members.)

RULE 14. LEGISLATIVE OVERSIGHT

The committee, together with its subcommittees, shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

RULE 15. INVESTIGATIVE STAFF

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the investigative staff of the Committee on Post Office and Civil Service shall be appointed as follows:

(1) The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman within the budget approved for the subcommittee by the committee;

(2) The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee; and

(3) The staff of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the chairman within the budget approved for such purposes by the committee.

RULE 16. SPECIAL FUNDS, BUDGET, EXPENSES, AND ACCOUNTS

(a) The chairman of each standing subcommittee shall propose and present to the chairman of the committee, for each session of the Congress, a subcommittee budget of the estimated amount of special funds necessary to carry out the anticipated activities and programs of the subcommittee for the particular session of the Congress.

(b) The chairman of the committee shall review each proposed subcommittee budget and, after consultation with the ranking minority member, shall propose and present to the committee, for each session of the Congress, a committee budget of the estimated total amount of special funds to be requested under a primary expense resolution required under House Rule XI, Clause 5, for use by the committee, both the majority and the minority, for such session of the Congress for all anticipated activities and programs of the committee and of the standing subcommittees.

(c) The staff director shall establish and maintain records and accounts, consistent with sound accounting practices, of committee and subcommittee special funds and of expenses incurred and paid as obligations of such funds. The staff director shall prepare and submit to each member of the committee, not later than 18 days after the end of each quarter of the calendar year, and itemized report of the amounts of such funds expended and on hand at the end of the quarter. Such quarterly reports shall be made a part of the permanent official records of the committee.

(d) Vouchers for payment of obligations of special funds shall be prepared by the staff director for signature by the chairman of the committee, except as otherwise authorized by the House, and shall be supported by receipts or other documentation consistent with the requirements of the Committee on House Administration. Signed vouchers shall be returned to the staff director for entry in the committee accounts and final processing.

RULE 17. BROADCASTING HEARINGS

A hearing conducted by the committee, upon approval by a majority vote of the committee, a quorum being present, or a hearing conducted by a subcommittee, upon approval by a majority vote of the subcommittee, a quorum being present, may be covered in whole, or in part, by television broadcast, radio broadcast, and still photography, in accordance with House Rule XI, Clause 3, subject to the following:

(1) live coverage is to be broadcast without commercial sponsorship;

(2) no subpoenaed witness may be photographed, televised, or broadcast against his will;

(3) television cameras shall operate from fixed positions which shall not obstruct committee or subcommittee proceedings or other media;

(4) equipment must be installed prior to the hearing;

(5) lighting shall be at the lowest adequate level;

(6) still photographers shall not come between the witnesses and committee members or obstruct the other media during the hearing; and

(7) broadcast and photography personnel shall be orderly and unobtrusive and shall be currently accredited to the Radio, Television Correspondents', or the Press Photographers Galleries, as appropriate.

RULE 18. AVAILABILITY OF SUBCOMMITTEE REPORTS

A summary and explanation of each measure or matter approved by a subcommittee shall be furnished to each member of the committee in advance of the committee meeting at which such measure or matter is to be considered.

RULE 19. TRAVEL

(a) All members of the committee shall have adequate notice prior to the date or dates fixed for investigations or hearings at locations other than Washington, D.C.

(b) Travel of members and staff of the committee or of a subcommittee to hearings, meetings, conferences, and investigations must be authorized by the chairman of the committee prior to any public notice thereof or the actual travel. Before such authorization is given, there shall be submitted to the chairman of the committee a statement in writing which includes the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(c) A report on the travel (except travel in connection with hearings) of each member or staff member shall be submitted to the chairman of the committee as soon as possible after the trip is completed.

(d) Not later than 60 days after the completion of foreign travel, each member or staff member shall submit to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. Such reports shall be made available for inspection by the public, as required by House Rule XI, Clause 2(n).

(e) To facilitate the oversight and other legislative and investigative activities of the committee, the chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, D.C.

RULE 20. CLASSIFIED MATERIAL

(a) All classified material received by the committee or by a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The chairman of the committee shall establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any such classified material. Such procedures shall, however, insure access to this information at the committee offices by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

RULE 21. STANDING AND SPECIAL SUBCOMMITTEES

There shall be seven standing subcommittees of the committee. The Subcommittee on Investigations shall have investigative jurisdiction over all matters within the jurisdiction of the committee, and the other six subcommittees shall have legislative and investigative jurisdiction as provided under paragraphs (2) through (7) of rule 22. In addition to the standing subcommittees, the chairman of the committee may establish such special ad hoc subcommittees, and task forces and assign to them such jurisdiction as the chairman deems necessary.

RULE 22. JURISDICTION OF SUBCOMMITTEES

The titles and jurisdiction of the standing subcommittees shall be as follows:

(1) Subcommittee on Investigations.—The investigation, review and study, on a continuing basis, of the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

(2) Subcommittee on Compensation and Employee Benefit.—Compensation, including pay rates and pay systems; the merit pay system; dual compensation; classification of positions; leave; allowances; retirement; insurance; health benefits; and other benefits of Federal officers and employees.

(3) Subcommittee on Human Resources.—Federal civilian personnel requirements and ceilings, including the establishment of supergrade and executive level positions; effect of Government reorganizations on Federal personnel; employee utilization; reductions in force; contracting out; rights of privacy; code of ethics, including financial disclosure and conflicts of interest; alternative work schedules; White House personnel authorization; and intergovernmental personnel programs.

(4) Subcommittee on the Civil Service.—Federal civil service matters, generally, except those matters, specifically within the jurisdiction of other subcommittees; Federal labor management relations (excluding the Postal Service); the Senior Executive Service; productivity of Federal employees; and employee political activities.

(5) Subcommittee on Postal Operations and Services.—The United States Postal Service and the Postal Rate Commission, generally, including operation and administration thereof; postal finances and expenditures (except those relating to matters within the jurisdiction of the Subcommittee on Postal Personnel and Modernization); public service aspects, requirements, and reimbursements; and the United States mails (except those matters specifically within the jurisdiction of the Subcommittee on Postal Personnel and Modernization).

(6) Subcommittee on Postal Personnel and Modernization.—Postal officers and employees, generally, including their status and appointment; postal management and other personnel requirements and practices; employee utilization; postal labor management relations; postal facilities and mechanization, including modernization and research and development; mailability of matter; mail transportation; and military mail.

(7) Subcommittee on Census and Population.—The Bureau of the Census, generally; population and demography; statistics collection; reporting and data processing activities of the Government, generally; and holidays and celebrations.

RULE 23. MEMBERSHIP OF SUBCOMMITTEES

(a) Each subcommittee shall have five members, divided between the majority and minority members in the ratio of three to two.

(b) The chairman and ranking minority member of the committee shall be ex officio voting members of each subcommittee on which they do not serve.

(c) Each member of the committee may sit with any subcommittee during its hearings, but no member who is not a member of a subcommittee shall vote on any matter before that subcommittee.

RULES 24. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. Subcommittee chairmen shall set meeting and hearing dates after consultation with the chairman of the committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings whenever possible. A subcommittee may exercise none of the powers or authorities herein-before provided with respect to any investigation or other activity which is not within the jurisdiction of the subcommittee or which requires the expenditure of funds in excess of the subcommittee's budget as approved by the committee, except upon authorization by a majority vote of the committee, a quorum being present.

RULE 25. REQUIRED MEETING

Each standing subcommittee, as referred to in rule 22, shall meet for the transaction of subcommittee business from time to time while Congress is in session, at a time and on a day determined by the subcommittee with due regard to the time and dates of the regular meetings of the committee and other subcommittees. All meetings of each subcommittee shall be open to the public except when the subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

RULE 26. SUBCOMMITTEE QUORUM

(2) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of a subcommittee shall constitute a quorum for the purpose of transacting subcommittee business.

(b) A majority of the total membership of a subcommittee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation to the committee;

(2) voting to close a meeting under rule 25; and

(3) authorizing the issuance of a subpena under rule 12(c).

(c) Not less than two members of a subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) The ex officio members of the subcommittee shall not be counted for the purpose of establishing a subcommittee quorum.

RULE 27. AMENDMENTS

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chairman shall allow an appropriate period of time for the provision thereof.

RULE 28. OTHER ACTIONS; STAFF SUPERVISION

The chairman of the committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee, including the general supervision of the statutory and investigative staffs of the committee.

RULE 29. RECORDING OF COMMITTEE PROCEEDINGS

(a) Tape recordings (including video recordings) of any full committee or subcommittee hearing or meeting (or any portion thereof) may be permitted only when approved by the chairman and ranking minority member of the committee or subcommittee, as appropriate. Individuals seeking permission to record committee or subcommittee proceedings shall be advised that the transcript of the proceedings as produced by the committee or subcommittee reporter constitutes the sole "official" transcript of such proceedings.

(b) Paragraph (a) does not apply to television or radio broadcasts of committee or subcommittee hearings referred to in rule 17.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GILCHREST) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, on February 19, 20, 21, 25, 26, 27, and 28.

Mr. DELAY, for 60 minutes, on February 20.

Mr. COX, of California, for 60 minutes, on February 20.

(The following Members (at the request of Mr. WASHINGTON) to revise and extend their remarks and include extraneous material:)

Mrs. KENNELLY, for 5 minutes, today.

Mr. RICHARDSON, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RICHARDSON, for 5 minutes, on February 20.

Mr. ANDREWS of New Jersey, for 5 minutes, on February 21.

Mr. OWENS of Utah, for 30 minutes, on February 20.

Mr. MOAKLEY, for 60 minutes each day, on February 26 and 27.

Mr. TOWNS, for 60 minutes, on February 27.

Mr. WOLPE, for 60 minutes, on February 26.

Mr. OWENS of New York, for 60 minutes each day, on February 19, 20, 21, 25, 26, 27, and 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GILCHREST) and to include extraneous matter:)

Mr. YOUNG of Florida in two instances.

Mr. BROOMFIELD.

Mr. HORTON.

Mr. DAVIS.

Mr. BLILEY.

Mr. SMITH of Texas.

Mr. RINALDO.

Mr. MCGRATH.

(The following Members (at the request of Mr. WASHINGTON) and to include extraneous matter:)

Mr. ACKERMAN.

Mr. SKELTON.

Mr. PENNY.

Mr. ANDREWS of Texas.

Mr. NATCHER.

Mr. RICHARDSON.

Mr. LANTOS.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. REED in two instances.

Mr. CLEMENT.

Mr. ROE.

Mr. MATSUI.

Mr. BONIOR.

Mr. ECKART.

Mrs. BOXER.

Mr. FUSTER.

Mr. TRAFICANT in two instances.

Mr. RANGEL.

Mr. NEAL of Massachusetts.

Mr. KANJORSKI in two instances.

Mr. DONNELLY.

Mrs. KENNELLY.

Mr. JONES of North Carolina.

Mr. STARK in three instances.

SENATE BILL, JOINT RESOLUTION, AND A CONCURRENT RESOLUTION REFERRED

A bill, joint resolution, and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 379. An act to make certain technical amendments to the National and Community Service Act, and for other purposes; to the Committee on Education and Labor.

S.J. Res. 58. Joint resolution to designate March 4, 1991, as "Vermont Bicentennial Day"; to the Committee on Post Office and Civil Service.

S. Con. Res. 10. Concurrent resolution to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the Chairman of the Committee; to the Committee on House Administration.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 30. Joint resolution to designate February 7, 1991, as "National Girls and Women in Sports Day."

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a joint resolution of the House of the following title:

On February 7, 1991:

H.J. Res. 30. Joint resolution to designate February 7, 1991, as "National Girls and Women in Sports Day."

ADJOURNMENT

Mr. WASHINGTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 20, 1991, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of February 6, 1991]

590. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on human rights in countries receiving development assistance, pursuant to 22 U.S.C. 2151n(d)(3); to the Committee on Foreign Affairs.

591. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on human rights in countries receiving development assistance, pursuant to 22 U.S.C. 2151n(d)(1); to the Committee on Foreign Affairs.

[Submitted February 19, 1991]

592. A letter from the Comptroller General, the General Accounting Office, transmitting deferrals of budget authority not reported in military construction programs financed by the Military Construction Appropriations Act for the Department of Defense, 1990, pursuant to 2 U.S.C. 686(a) (Doc. No. 102–40); to the Committee on Appropriations and ordered to be printed.

593. A letter from the Department of Energy, transmitting a letter stating the Department had to delay release of the final study on policies for achieving a 20 and 50 percent reduction in U.S. CO_2 emissions; to the Committee on Appropriations.

594. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of February 1, 1991, pursuant to 2 U.S.C. 685(e) (Doc. No. 102–39); to the Committee on Appropriations and ordered to be printed.

595. A letter from the Acting Under Secretary of Defense, transmitting Selected Acquisition Reports (SAR's) for the quarter ending December 31, 1990, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

596. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles estimated to cost $50 million or more (Transmittal No. 91–08), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

597. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles estimated to cost $50 million or more (Transmittal No. 91–07), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

598. A letter from the Secretary of the Army, transmitting notification that major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

599. A letter from the Secretary of Defense, transmitting a report on the operations of the national defense stockpile for the period April 1990 through September 1990, pursuant to 50 U.S.C. 98h-2(b); to the Committee on Armed Services.

600. A letter from the Assistant Secretary of Defense, transmitting a report on the performance of Department of Defense commercial activities, 1990; to the Committee on Armed Services.

601. A letter from the Chairman, Defense Nuclear Facilities Board, transmitting the Defense Nuclear Facilities Safety Board Annual Report; to the Committee on Armed Services.

602. A letter from the Department of the Army, transmitting the Department's decision to contract for the vehicle preparation function at Oakland Army Base, Oakland, CA; to the Committee on Armed Services.

603. A letter from the Department of the Army, transmitting the Department's decision to contract for the training and audiovisual services at Fort Rucker, AL; to the Committee on Armed Services.

604. A letter from the Department of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal years 1992–93, and for other purposes; to the Committee on Armed Services.

605. A letter from the Department of Energy; transmitting notification that the Department will be unable to meet the February 1, 1991, date for submission of the report on remanufacture of nuclear stockpile weapons; to the Committee on Armed Services.

606. A letter from the Secretary of Defense, transmitting a report of Waiver of Examination of Records by the Comptroller General, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

607. A letter from the Secretary of Energy, transmitting a copy of a report entitled, "Nuclear Weapons Complex Reconfiguration Study"; to the Committee on Armed Services.

608. A letter from the Administrator, General Services Administration, transmitting the 14th quarterly report on Federal actions taken to assist the homeless, pursuant to Public Law 100–77, section 501(e) (101 Stat. 510); to the Committee on Banking, Finance and Urban Affairs.

609. A letter from the Chairman of the Board, National Credit Union Administration, transmitting the Annual Report on Enforcement Issues; to the Committee on Banking, Finance and Urban Affairs.

610. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Dual Compensation Allegations Regarding a UDC Employee," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

611. A letter from the Potomac Electric Power Co., transmitting a certified copy of a balance sheet of the Washington Gas Light Co. as of December 31, 1990, pursuant to D.C. Code, section 43–513; to the Committee on the District of Columbia.

612. A letter from the Secretary of Education, transmitting a copy of Final Funding Priorities—Transitional Bilingual Education and Special Alternative Instructional Programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

613. A letter from the Director, ACTION Agency, transmitting a copy of a final resolution promulgated by ACTION; to the Committee on Education and Labor.

614. A letter from the Equal Employment Opportunity Commission, transmitting the Commission's fiscal year 1990 annual report of its activities, pursuant to 42 U.S.C. 2000e–4(e); to the Committee on Education and Labor.

615. A letter from the President, Institute of American Indian Arts, transmitting the Institute of American Indian and Alaska Native Culture and Arts Development Annual Report, 1990; to the Committee on Education and Labor.

616. A letter from the Department of Energy, transmitting the Department's 14th report, "Comprehensive Program and Plan for Federal Energy Education, Extension, and Information Activities," pursuant to 42 U.S.C. 7373(2); to the Committee on Energy and Commerce.

617. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to make amendments to the Liability Risk Retention Act, and for other purposes; to the Committee on Energy and Commerce.

618. A letter from the Secretary of Health and Human Services, transmitting a copy of a report on the activities and the use of funds provided by the Preventive Health and Health Services Block Grant; to the Committee on Energy and Commerce.

619. A letter from the Defense Security Assistance Agency transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 91–07), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

620. A letter from the Defense Security Assistance Agency transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 91–08), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

621. A letter from the Defense Security Assistance Agency transmitting notification of intent to exercise authority under section 506(b)(2) of the Foreign Assistance Act of 1961, as amended, in order to provide military assistance to the Republic of the Philippines, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

622. A letter from the Acting Director, Defense Security Assistance Agency transmitting a report containing the status of each loan and each contract of guaranty or insurance to which there remains outstanding any unpaid obligation or potential liability and the status of each extension of credit for the procurement of defense articles or services as of September 30, 1990, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

623. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a certification, together with a justification thereof, that Bolivia, Colombia, and Ecuador are implementing legislation to establish legal coca requirements, license hectares, and make unlicensed coca production illegal, pursuant to Public Law 100–690, section 4302(a) (102 Stat. 4271); to the Committee on Foreign Affairs.

624. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Taiwan (Transmittal No. DTC–17–91), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

625. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting notification of a proposed license for the export of major defense equipment sold commercially to Japan (Transmittal No. DTC-19-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

626. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending December 31, 1990, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

627. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

628. A letter from the Agency for International Development, transmitting a report on economic conditions prevailing in Portugal that may affect its ability to meet its international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

629. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department intends to consent to a request by the Government of the Netherlands to transfer on a temporary basis one Patriot air defense system fire unit to the Government of Israel; to the Committee on Foreign Affairs.

630. A communication from the President of the United States, transmitting a copy of the Department of the Treasury's Kuwaiti assets control regulations and Iraqi sanctions regulations, (Doc. No. 102-41); to the Committee on Foreign Affairs and ordered to be printed.

631. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report for fiscal year 1988 on the Foreign Service Retirement and Disability System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

632. A letter from the Comptroller General of the United States, transmitting a copy of his report for fiscal year 1990 on each instance a Federal agency did not fully implement recommendations made by the GAO in connection with a bid protest decided during the fiscal year, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Operations.

633. A letter from the Acting Secretary of Labor, transmitting a report of actions taken to increase competition for contracts during fiscal year 1990, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

634. A letter from the Director, ACTION Agency, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

635. A letter from the Commission on Agricultural Workers, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

636. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

637. A letter from the Interstate Commission on the Potomac River Basin, transmitting a copy of the 50th financial statement for the period October 1, 1989–September 30, 1990; to the Committee on Government Operations.

638. A letter from the Inspector General, National Aeronautics and Space Administration, transmitting an evaluation of NASA's compliance with 31 U.S.C. 1114(b); to the Committee on Government Operations.

639. A letter from the Inspector General, National Endowment for the Arts, transmitting a copy of a report entitled, "Consulting Services"; to the Committee on Government Operations.

640. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

641. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

642. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

643. A letter from the Secretary of Energy, transmitting the Bonneville Power Administration annual report for 1990, pursuant to 16 U.S.C. 838i; to the Committee on Interior and Insular Affairs.

644. A letter from the Department of Justice, transmitting the 1991 U.S. Department of Justice Organized Crime National Strategy; to the Committee on the Judiciary.

645. A letter from the President and Chief Executive Officer, Little League Baseball, Inc., transmitting the organization's annual report for the fiscal year ending September 30, 1990, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

646. A letter from the Director, Office of Government Ethics, transmitting a draft of proposed legislation to amend the Ethics in Government Act of 1978 to remove the ceiling on the level of appropriations for the Office of Government Ethics; to the Committee on the Judiciary.

647. A letter from the Postmaster General of the United States, transmitting a report on various matters related to the Deceptive Mailing Prevention Act of 1990; to the Committee on Post Office and Civil Service.

648. A letter from the Postmaster General of the United States, transmitting the annual report on the operations of the Postal Service, pursuant to 39 U.S.C. 2402; to the Committee on Post Office and Civil Service.

649. A letter from the Administrator, General Services Administration, transmitting the fiscal year 1992 Capital Improvement and Leasing Program; to the Committee on Public Works and Transportation.

650. A letter from the Secretary of Commerce, transmitting the 1990 annual report of the visiting committee on advanced technology of the National Institute of Standards and Technology, pursuant to Public Law 100-418, section 5131(b) (102 Stat. 1443); to the Committee on Science, Space, and Technology.

651. A letter from the Secretary, Department of Energy, transmitting a report on steel initiative management plan research and development activities, pursuant to 15 U.S.C. 5107; to the Committee on Science, Space, and Technology.

652. A letter from the Secretary of Defense, transmitting the report on Department of Defense procurement from small and other business firms to the period October through November 1990, fiscal year 1991, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

653. A communication from the President of the United States, transmitting the administration's report on Soviet noncompliance with arms control agreements, pursuant to 22 U.S.C. 2592a; jointly, to the Committees on Armed Services and Foreign Affairs.

654. A letter from the Comptroller of the Department of Defense, transmitting notification that the Secretary has invoked the authority granted by section 2201(c) of title 10, U.S.C. to authorize incurring deficiencies for the costs of additional members of the Armed Forces incident to Operation Desert Shield/Storm, pursuant to 10 U.S.C. 2201(c); jointly, to the Committees on Armed Services and Appropriations.

655. A letter from the Deputy Director, Office of Management and Budget, transmitting a copy of OMB's cost estimate for pay-as-you-go calculations; jointly, to the Committeee on the Budget and Government Operations.

656. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled, "Environmental Investments: The Cost of a Clean Environment"; jointly, to the Committeee on Energy and Commerce and Public Works and Transportation.

657. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on abnormal occurences at licensed nuclear facilities for the third calendar quarter of 1990, pursuant to 42 U.S.C. 5848; jointly, to the Committeee on Energy and Commerce and Interior and Insular Affairs.

658. A letter from the Under Secretary of Energy, transmitting notification that the OCRWM seventh annual report will be submitted by March 8, 1991; jointly, to the Committeee on Energy and Commerce and Interior and Insular Affairs, February 19, 1991.

659. A letter from the Department of State, transmitting a report regarding the economic policy and trade practices of each country with which the United States has a economic or trade relationship, pursuant to 15 U.S.C. 4711; jointly, to the Committeee on Foreign Affairs and Ways, and Means.

660. A letter from the Comptroller General of the United States; transmitting the interim status report on the United States-Japan FS-X codevelopment program; jointly, to the Committeee on Foreign Affairs and Appropriations.

661. A letter from the Department of the Treasury, transmitting a copy of amendments to the Kuwaiti assets control regulations and amendments to the Iraqi sanctions regulations; jointly, to the Committees on Foreign Affairs and Appropriations.

662. A letter from the Inspector General, National Aeronautics and Space Administration, transmitting a copy of the final report on NASA's compliance with restrictions on lobbying costs, pursuant to Public Law 101-121, section 319 (103 Stat. 753); jointly, to the Committees on Government Operations and Appropriations.

663. A letter from the Inspector General, National Endowment for the Arts, transmitting a copy of the report entitled, "Restrictions on Lobbying," pursuant to Public Law 101-121, section 319 (103 Stat. 753); jointly, to

the Committees on Government Operations and Appropriations.

664. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report on the nondisclosure of safeguards information for the quarter ending December 31, 1990, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

665. A letter from the Chairman, Arctic Research Commission, transmitting activities and accomplishments of the Commission for the period October 1, 1989–September 30, 1990, pursuant to 15 U.S.C. 4103(b); jointly, to the Committees on Science, Space, and Technology and Merchant Marine and Fisheries.

666. A letter from the Office of Management and Budget, transmitting a draft of proposed legislation to provide Government-wide procurement ethics reform, and for other purposes; jointly, to the Committees on Government Operations, the Judiciary, and Armed Services.

667. A letter from the Department of Energy, transmitting notification that the report on the high-level radioactive waste management demonstration project at the Western New York Service Center, West Valley, NY, will be transmitted by April 1, 1991, pursuant to 42 U.S.C. 2021a nt.; jointly, to the Committees on Interior and Insular Affairs, Energy and Commerce, and Science, Space, and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of February 6, 1991]

By Mr. WYLIE:

H.R. 950. A bill to require the Federal depository institution regulatory agencies to take additional enforcement actions against depository institutions engaging in money laundering, to require international discussions regarding international money laundering, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and the Judiciary.

[Submitted February 19, 1991]

By Mr. SHAW (for himself, Mr. Vander Jagt, Mr. McGrath, Mr. Petri, Mr. Smith of Florida, Mr. Henry, Mr. Saxton, Mr. Machtley, Mr. Abercrombie, and Mr. Bonior):

H.R. 951. A bill to preserve jobs in the boating industry by amending the Internal Revenue Code of 1986 to repeal the luxury excise tax on boats; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 952. A bill providing authorization for the issuing of Persian Gulf war bonds and savings and loan refinancing bonds; jointly, to the Committee on Ways and Means; Armed Services; and Banking, Finance and Urban Affairs.

By Mr. BURTON of Indiana (for himself, Mr. Fazio, Mr. Dreier of California, Mr. Panetta, Mr. Porter, Mr. Aspin, Mr. Hunter, Mr. Wilson, Mr. Crane, Mr. DeFazio, Mrs. Meyers of Kansas, Mr. Applegate, Mr. Herger, Mr. Miller of California, Mr. Blaz, Mr. Condit, Mr. Goss, Mr. Nowak, Mr. Armey, Mr. Serrano, Mr. Fields, Mr. Traficant, Mr. Rohrabacher, Mr. Dooley, Mr. Petri, Mr. Klug, Mr. Doolittle, Mr. Owens of Utah, and Mr. Ravenel):

H.R. 953. A bill to terminate United States development assistance programs for India if the Government of India is implementing a policy which prevents representatives of human rights organizations from visiting India in order to monitor human rights in that country; to the Committee on Foreign Affairs.

By Mr. COUGHLIN:

H.R. 954. A bill to provide State responsibility for safety regulation and inspection of fixed guideway transit systems; to the Committee on Public Works and Transportation.

H.R. 955. A bill to make effective the Department of Transportation Antidrug Program rule for recipients of Federal mass transit assistance; to the Committee on Public Works and Transportation.

H.R. 956. A bill to expand the definition of mass transit maintenance items to include all supplies; to the Committee on Public Works and Transportation.

By Mrs. BYRON:

H.R. 957. A bill to amend title 10, United States Code, to prohibit the separation of certain members of the Armed Forces from their infant children; to the Committee on Armed Services.

By Mr. COUGHLIN:

H.R. 958. A bill to authorize the use of Federal-aid bridge replacement and rehabilitation funds for railroad and transit bridges over highways; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. DAVIS:

H.R. 959. A bill to provide for the end strength for the Coast Guard Selected Reserve for fiscal years 1992 and 1993, and for other purposes; to the Committee Merchant Marine and Fisheries.

By Mr. DELAY (for himself, Mr. Tallon, Mr. Darden, Mr. Armey, Mr. Ballenger, Mr. Boehner, Mr. Cox, of California, Mr. Dannemeyer, Mr. Doolittle, Mr. Hancock, Mr. Herger, Mr. Riggs, and Mr. Weber):

H.R. 960. A bill to amend the Internal Revenue Code of 1986 to promote economic growth and jobs creation by reducing social security taxes and capital gains taxes, by adjusting the deduction for depreciation to reflect inflation, and by encouraging savings; jointly, to the Committees on Ways and Means and Rules.

By Mr. DUNCAN:

H.R. 961. A bill to amend title 5, United States Code, to eliminate maximum-age entry requirements for Federal law enforcement officers and firefighters; to the Committee on Post Office and Civil Service.

By Mr. DYMALLY:

H.R. 962. A bill to amend title 38, United States Code, to deem certain services in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. EMERSON (for himself, Mr. Volkmer, Mr. Coleman of Missouri, Mr. Skelton, and Mr. Hancock):

H.R. 963. A bill to authorize the acquisition of certain lands within the Mark Twain National Forest, MO, and for other purposes; to the Committee on Agriculture.

By Mr. FASCELL (for himself, Mr. Broomfield, Mr. Torricelli, Mr. Bereuter, Mr. Lagomarsino, Mr. Yatron, Mr. Solarz, Mr. Wolpe, Mr. Gejdenson, Mr. Dymally, Mr. Lantos, Mr. Berman, Mr. Levine of California, Mr. Feighan, Mr. Ackerman, Mr. Fuster, Mr. Owens of Utah, Mr. Johnston of Florida, Mr. Faleomavaega, Mr. Murphy, Mr. Kostmayer, Mr. Sawyer, Mr. Payne of New Jersey, Mr. Orton, Mr. Leach, Mr. Hyde, Mr. Smith of New Jersey, Mr. Goss, and Ms. Ros-Lehtinen):

H.R. 964. A bill to provide for the implementation of the foreign assistance provisions of the Enterprise for the Americas Initiative, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GLICKMAN (for himself, Mr. Eckart, Mr. Olin, and Mr. Frank of Massachusetts):

H.R. 965. A bill to establish a Markets and Trading Commission in order to combine the functions of the Commodity Futures Trading Commission and the Securities and Exchange Commission in a single independent regulatory commission, and for other purposes; jointly, to the Committees on Energy and Commerce and Agriculture.

By Mr. GORDON:

H.R. 966. A bill to designate the facility of the U.S. Postal Service located at 304 West Commercial Avenue, Monterey, TN, as the "J.E. (Eddie) Russell Post Office"; to the Committee on Post Office and Civil Service.

By Mr. HASTERT (for himself, Mr. Rhodes, Mr. Gallegly, Mr. Machtley, Mr. Shays, Mr. Grandy, Mr. Gallo, Mr. Callahan, Mr. Fawell, Mr. Goss, Mr. English, Mr. Yatron, Mr. Wolf, Mr. Rohrabacher, Mr. Blaz, Mr. Bunning, Mr. Payne of Virginia, Mr. Walker, Mr. Hefley, Mr. Saxton, Mr. Weldon, Mr. Thomas of Wyoming, Mr. Stump, Mr. Michel, Mr. Upton, Mr. Annunzio, Mr. McDade, Mr. Horton, Mr. Montgomery, Mr. Gibbons, Mr. Stallings, Mr. McCollum, Mr. Cox of California, Mr. Hancock, Mrs. Meyers of Kansas, Mr. Emerson, Mr. Johnson of South Dakota, Mr. Packard, Mr. Lent, Mr. Lagomarsino, Mr. Frost, Mr. Hunter, Mr. Henry, Mr. Duncan, Mr. Smith of New Jersey, Mr. Huckaby, Mr. Kanjorski, Mr. Mfume, Mr. Ballenger, Mr. Neal of Massachusetts, Mr. Hammerschmidt, Mr. Stearns, Mr. Roth, Mr. Ritter, Mr. Bartlett, Mr. Hyde, Mr. Burton of Indiana, Mr. Kasich, Mr. Roe, Mr. Madigan, Mr. Spence, Mr. Olin, Mr. Holloway, Mr. Archer, Mr. Pallone, Mr. DeLay, Mr. Traficant, Mr. Hughes, Mr. Engel, Mr. Herger, Mr. Broomfield, Mr. Dickinson, Mr. Myers of Indiana, Mr. Kildee, Mr. Martin of New York, Mr. Rogers, Mr. Ireland, Mr. Gunderson, Mr. Mrazek, Mr. Oxley, Mr. Martinez, Mr. Hayes of Louisiana, Mr. Walsh, Mr. James, Mr. Clinger, Mr. Baker, Mr. Dreier of California, Mr. Hopkins, Mr. Kyl, Mr. Paxon, Mr. Ravenel, Mr. Hefner, Mr. Rahall, Mr. Yates, Mr. Hutto, Mr. McCrery, Mr. Tauzin, Mr. Jones of North Carolina, Mr. Gilchrest, Mr. Gillmor, Mr. Combest, Mr. Lewis of Florida, Mr. Shaw, Mrs. Vucanovich, Mr. Young of Florida, Mr. Hansen, Mr. Hall of Texas, Mr. Hatcher, Mr. Davis, Mr. Coleman of Missouri, Mr. Allard, Mrs. Collins of Illinois, Mr. Miller of Washington, Mr. Regula, Ms. Snowe, Mr. Bilirakis, Mr.

Wolpe, Mr. Skeen, Mr. Kolbe, Mr. Jones of Georgia, Ms. Ros-Lehtinen, Mr. Valentine, Mrs. Morella, Mr. Petri, Mr. Crane, Mr. Staggers, Mr. Porter, Mr. Richardson, Mr. Smith of Texas, Mr. Bonior, Mr. McCandless, Mr. Hubbard, Mr. Inhofe, Mrs. Lloyd, Mr. Bliley, Mr. Moorhead, Mr. Fields, Mr. Wilson, Mr. Lightfoot, Mr. Nussle, Mr. Dwyer of New Jersey, Ms. Molinari, Mr. Edwards of Oklahoma, Mr. Gingrich, Mrs. Johnson of Connecticut, Mr. Rinaldo, Mr. Pursell, Mr. Roberts, Mr. Fazio, Mr. Peterson of Minnesota, Ms. Slaughter of New York, Mr. Chapman, Mr. Tallon, Mr. Ackerman, Mr. Boehner, Mr. Schiff, Mr. Klug, Mr. Dellums, Mr. Lewis of California, Mr. Dannemeyer, Mr. Wylie, Mr. Bereuter, Mr. Solomon, Mr. Weber, Mr. Miller of Ohio, Mr. Coble, Mr. Smith of Oregon, Mr. Campbell of Colorado, Mr. Zeliff, Mr. Armey, Mr. Cunningham, Mr. Morrison, Mr. Barnard, Mr. Goodling, Mr. Ramstad, Mr. Marlenee, Mr. Riggs, Mr. Slaughter of Virginia, Mr. Sensenbrenner, Mr. Barrett, Mrs. Bentley, Mr. Houghton, Mr. Sangmeister, Mr. Livingston, Mr. McGrath, Mr. Bustamante, Mr. Clement, Mr. de Lugo, Mr. Quillen, Mr. Hochbrueckner, Mr. Feighan, Mr. Darden, Mr. Bevill, Mr. Schaefer, Mr. McNulty, Mr. Serrano, Mr. Camp, Mr. McEwen, Mr. Dornan of California, Mr. Hertel, Mr. Hobson, Mr. Santorum, Mr. Shuster, Mr. Boehlert, Mr. McMillan of North Carolina, Mr. Sundquist, Mr. Young of Alaska, Mr. Ridge, Mr. Coughlin, Mr. Gilman, Mr. Lowery of California, Mr. Vander Jagt, Mr. Rowland, Mr. Lipinski, Mr. Poshard, Mr. Perkins, Mr. Stenholm, Mr. Doolittle, Mr. Taylor of North Carolina, Mr. Bennett, Mr. Swett, and Mr. Condit):

H.R. 967. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Ways and Means.

By Mr. HENRY:

H.R. 968. A bill to provide for the payment to former members of the Armed Forces held as prisoners of war during the Korean conflict of amounts attributable to leave accrued and lost while in a missing status; to the Committee on Armed Services.

H.R. 969. A bill to amend the Internal Revenue Code of 1986 to provide that the unrelated business tax on colleges and universities shall apply to revenues from broadcasting athletic events and to certain other athletics-related revenues and to provide that scholarships received for travel, research, and living expenses are excluded from gross income; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 970. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the classifications of certain paper used in photography; to the Committee on Ways and Means.

By Mr. HORTON (for himself, Mr. Stokes, Mr. Clay, Mr. Gilman, Mr. McCloskey, Mrs. Schroeder, Mr. Myers of Indiana, Mr. Yatron, Mr. Young of Alaska, Ms. Oakar, Mr. Burton of Indiana, Mr. Sikorski, Mrs. Morella, Mr. Ackerman, Mr. Ridge, Mr. Dymally, Mr. Chandler, Mr. Sawyer, Mr. Kanjorski, Mr. Hayes of Illinois, Mr. McNulty, Mr. Moran, Ms. Norton, and Mr. Udall):

H.R. 971. A bill to designate the facility of the U.S. Postal Service located at 630 East 105th Street, Cleveland, OH, as the "Luke Easter Post Office"; to the Committee on Post Office and Civil Service.

By Mr. RICHARDSON:

H.R. 972. A bill to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians; to the Committee on Interior and Insular Affairs.

H.R. 973. A bill to amend the Internal Revenue Code of 1986 to provide that the luxury excise tax shall not apply to certain equipment installed on a passenger vehicle for the use of disabled individuals; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. Chandler, Mr. Towns, Mr. Ravenel, Mr. Dornan of California, Mr. Skeen, Mr. Engel, Mr. Thomas of Georgia, Mr. Henry, Mr. Mfume, Mr. Guarini, Mr. Machtley, Mr. Valentine, Mr. Smith of Florida, Mr. Bacchus, and Mrs. Mink):

H.R. 974. A bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. Wise):

H.R. 975. A bill to require more effective enforcement by the Federal Communications Commission to prevent fraudulent changes in telephone customer selections of long-distance carriers; to the Committee on Energy and Commerce.

By Mr. GUARINI (for himself, Mr. Riggs, Mr. Matsui, Mr. Fazio, Mr. Miller of California, Mr. Lantos, Mr. Panetta, Mr. Lagomarsino, Mr. Waxman, Mr. Berman, Mr. Martinez, Mr. Dornan of California, Mr. Wilson, Mr. Sarpalius, Mr. Coleman of Texas, Mr. Washington, Mr. Gonzalez, Mr. Smith of Texas, Mr. Bustamante, Mr. Frost, Mr. Hochbrueckner, Mr. Downey, Mr. Mrazek, Mr. Lent, Mr. McGrath, Mr. Ackerman, Mr. Scheuer, Mr. Manton, Mr. Schumer, Mr. Towns, Mr. Owens of New York, Mr. Solarz, Ms. Molinari, Mr. Green of New York, Mr. Rangel, Mr. Weiss, Mr. Serrano, Mr. Engel, Mrs. Lowey of New York, Mr. Fish, Mr. Gilman, Mr. McNulty, Mr. Solomon, Mr. Martin of New York, Mr. Walsh, Mr. McHugh, Mr. Horton, Ms. Slaughter of New York, Mr. Paxon, Mr. LaFalce, Mr. Nowak, Mr. Houghton, Mr. Andrews of New Jersey, Mr. Hughes, Mr. Pallone, Mr. Smith of New Jersey, Mrs. Roukema, Mr. Dwyer of New Jersey, Mr. Rinaldo, Mr. Roe, Mr. Torricelli, Mr. Payne of New Jersey, Mr. Gallo, Mr. Zimmer, Mr. Saxton, Mr. Fuster, Mr. Wolf, Mr. Vander Jagt, Mr. Oxley, Mr. Applegate, Mr. DeFazio, Mr. Lancaster, Mr. Espy, Mr. Kildee, Mr. Slattery, Mrs. Bentley, Mr. Ford of Tennessee, Mr. Hastert, Mr. Schulze, Mr. Smith of Florida, Mr. Tallon, Mr. Bilirakis, Mr. McDade, Mr. Ridge, Mr. Murphy, Mr. Morrison of Washington, Mr. Kolter, Mr. Boehlert, Mr. Pursell, Mr. Oberstar, Mr. Chandler, Mr. Russo, Ms. Kaptur, Mr. Jacobs, Mr. Gekas, Ms. Oakar, Ms. Ros-Lehtinen, Mr. Levine of California, Mr. Lehman of Florida, Mrs. Kennelly, Mr. Sundquist, Mr. Davis, Mr. Kennedy, and Mr. Sanders):

H.J. Res. 130. Joint resolution to designate January 1 as "National Ellis Island Day"; to the Committee on Post Office and Civil Service.

By Mr. HENRY (for himself, Mr. Petri, Mr. Shays, Mr. Wolpe, Mr. Moody, Mrs. Patterson, Mr. Walsh, Mrs. Unsoeld, Mr. Hall of Ohio, Mr. Fuster, Mr. Mrazek, Mr. Tallon, Mr. Matsui, Mr. Kostmayer, Mr. Lehman of Florida, Mr. Dorgan of North Dakota, Mr. Wolf, Mr. Clement, Mr. Smith of New Jersey, Mr. Payne of New Jersey, Mrs. Morella, Mr. Wyden, Mr. Roe, Mr. Bilbray, Mr. Espy, Mr. Engel, and Mr. Harris):

H.J. Res. 131. Joint resolution commending the Peace Corps and the current and former Peace Corps volunteers on the 30th anniversary of the establishment of the Peace Corps; to the Committee on Foreign Affairs.

By Mr. SANDERS (for himself, Mr. Carr, Mr. Andrews of Maine, Mr. Bacchus, Mr. Dellums, Mr. Zeliff, Mr. Schiff, Mr. Poshard, Mr. Hamilton, Mr. Roberts, Mr. Slattery, Mr. Owens of Utah, Mr. Clement, Mr. Abercrombie, Mr. Schumer, Mr. Sarpalius, Mr. Kanjorski, Mr. Dorgan of North Dakota, Mr. McDade, Mr. Traficant, Mr. Dicks, Mr. Murtha, Mr. Applegate, Mr. Rahall, Mr. Ravenel, Mr. Tallon, Mr. McDermott, Mr. Davis, Mr. Ramstad, Mr. Vento, Mr. Walsh, Mr. Gilchrest, Mr. Towns, Mr. Tauzin, Mr. McMillen of Maryland, Mr. Espy, Mr. Roe, Mr. Serrano, Mr. Manton, Mr. Lewis of Georgia, Mr. McCollum, and Mr. Weiss):

H.J. Res. 132. Joint resolution to designate March 4, 1991, as "Vermont Bicentennial Day"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON (for himself, Mr. Pallone, Mr. Horton, Mrs. Bentley, Mr. Machtley, Mr. Clinger, Mr. McNulty, Mr. Towns, Mr. Traficant, Mr. Ramstad, Mr. Clement, Mr. Santorum, Mr. Valentine, Mr. Jontz, Mr. Anderson, Mr. Franks of Connecticut, Mr. Lancaster, Mr. Hochbrueckner, Mr. Chandler, Mr. Richardson, Mr. Hubbard, Mr. Guarini, Mr. Bacchus, Mr. Walsh, Mr. Annunzio, Mr. Owens of Utah, Mr. Wolf, Mr. Lagomarsino, Mr. de Lugo, Mr. Fascell, Mr. Martinez, Mr. Emerson, Mr. Brown of California, Mr. Dellums, Mr. Bilbray, Mr. Doolittle, Mr. Bilirakis, Mr. Nichols, Mr. Paxon, Mr. Saxton, Mrs. Lloyd, Mr. Hughes, Mr. Erdreich, Ms. Molinari, Mr. Hammerschmidt, Mr. Poshard, Mr. Inhofe, Mr. Quillen, Mr. Kolter, Mr. Harris, Mr. Gallegly, Mr. Lewis of California, Mr. McEwen, Mr. Rohrabacher, Mr. Rhodes, Mr. Gilman, Mr. McCrery, Mr. Jefferson, Mr. Frost Mrs. Vucanovich, Mr. Rinaldo, Mr. Espy, Mr. LaFalce, Mrs. Collins of Illinois, Mr. Rangel, Mr. Hyde, Mr. Stenholm, Mr. Ireland, Mr. Hefner, Mr. Ritter, Mr. Tallon, Mr. Ballenger, Mr. Duncan, Mr. Young of Florida, Mr. Riggs, Mr. Montgomery, Mr. Gilchrest, Mr. Moorhead, Mr. Fish, Mr. Morrison of Washington, and Mr. Livingston):

H.J. Res. 133. Joint resolution authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week"; to the Committee on Post Office and Civil Service.

By Mr. CAMPBELL of California (for himself, Mr. Porter, Mr. Lantos, Mr. Horton, Mr. Dornan of California, Mr. Paxon, Mr. Waxman, Mr. Owens of Utah, and Mr. Crane):

H. Con. Res. 68. Concurrent resolution expressing the sense of Congress that the people of Hong Kong should be accorded the right to self-determination; to the Committee on Foreign Affairs.

By Mr. SENSENBRENNER:

H. Con. Res. 69. A concurrent resolution expressing the sense of the Congress that the Motion Picture Association of America should adopt additional parental notification guidelines within the R and NC–17 system for rating movies; to the Committee on Energy and Commerce.

By Mr. BROOKS:

H. Res. 70. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the Judiciary in the 1st session of the 102d Congress; to the Committee on House Administration.

By Mr. BROWN:

H. Res. 71. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Science, Space, and Technology in the 1st session of the 102d Congress; to the Committee on House Administration.

By Mr. de la GARZA:

H. Res. 72. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Agriculture in the 1st session of the 102d Congress; to the Committee on House Administration.

By Mr. DELLUMS:

H. Res. 73. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the District of Columbia in the 1st session of the 102d Congress; to the Committee on House Administration.

By Mr. MILLER of California:

H. Res. 74. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Children, Youth, and Families in the 1st session of the 102d Congress; to the Committee on House Administration.

By Mr. MONTGOMERY (for himself and Mr. Stump):

H. Res. 75. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Veterans' Affairs in the 1st session of the 102d Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

13. By the SPEAKER: Memorial of the House of Representatives of the State of Delaware, relative to Adm. Husband E. Kimmel USN (retired) (deceased); to the Committee on Armed Services.

14. Also, memorial of the Senate of the State of South Carolina, relative to the conflict in the Middle East; to the Committee on Foreign Affairs.

15. Also, memorial of the Senate of the State of West Virginia, relative to West Virginia's soldiers still classified as "prisoners of war or missing in action" who served in World War II, the Korean conflict, and Vietnam; to the Committee on Government Operations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Lipinski, Mr. Kildee, and Mr. Mfume.

H.R. 53: Ms. Kaptur, Mr. Lipinski, Mrs. Schroeder, Mr. Gallo, and Mr. Horton.

H.R. 66: Mr. Studds, Mr. Erdreich, Mrs. Collins of Illinois, Mr. Ravenel, Mr. Hefner, Mr. Sabo, Mr. Fuster, Mr. Roe, Mrs. Morella, Mr. Hefley, and Mr. Smith of Florida.

H.R. 68: Mr. Andrews of Texas, Mr. Barnard, Mr. Barrett, Mr. Herger, Mr. Martinez, Mr. Stenholm, Mr. Klug, and Mr. Cox of California.

H.R. 77: Mr. Rhodes, Mr. Machtley, Mr. Horton, Mr. Ravenel, Mr. Gordon, Mr. Ramstad, Mr. Dornan of California, Mr. Marlenee, Mr. Herger, Mr. Roberts, Mr. Cox of California, Mr. Wolf, Mr. Huckaby, and Mr. Valentine.

H.R. 78: Mr. Rogers, Mr. Klug, Ms. Ros-Lehtinen, Mr. Goss, Mr. Zimmer, Mr. Parker, Mr. Ravenel, Mr. Coughlin, Mr. Bustamante, Mr. Thomas of Wyoming, Mr. Luken, Mr. Lancaster, Mr. Roberts, Mr. Walsh, Mr. Coble, Mr. Gilchrest, and Mr. Santorum.

H.R. 179: Mr. Gillmor, Mr. Peterson of Minnesota, Mr. Markey, Mr. Dymally, Mr. Fish, Mr. Jefferson, Mr. Engel, Mr. Scheuer, Mr. Pursell, Mr. Brown, Mr. Johnston of Florida, Mr. Lewis of Georgia, Ms. Molinari, and Mr. Horton.

H.R. 207: Mr. Tanner.

H.R. 217: Mr. Inhofe, Mr. Taylor of Mississippi, and Mr. Miller of Washington.

H.R. 328: Mr. Schiff, Mr. Payne of New Jersey, Mr. English, Mr. Martin of New York, and Mr. Lagomarsino.

H.R. 375: Mr. Rahall, Mr. Serrano, Mr. Hall of Ohio, Mr. Valentine, Mr. Jontz, and Mr. Lancaster.

H.R. 381: Ms Kaptur, Mrs. Meyers of Kansas, Mr. Bonior, Mrs. Lowey of New York, Mr. Engel, and Mr. Payne of New Jersey.

H.R. 382: Mr. Smith of Florida.

H.R. 384: Mr. Vento.

H.R. 385: Mr. Ford of Tennessee, Ms. Kaptur, Mr. Smith of Florida, Mr. Bonior, Mr. Kostmayer, Mr. Gonzalez, and Mr. Payne of New Jersey.

H.R. 414: Mr. Horton.

H.R. 418: Mr. Rahall, Mr. Barnard, Mr. Clement, Mr. Lowery of California, Mr. Skelton, Mr. Bilbray, Mr. Tallon, and Mr. Machtley.

H.R. 481: Mr. Lewis of Georgia, Mr. Scheuer, Mr. Sanders, and Mr. Eckart.

H.R. 500: Mr. Ackerman, Mr. Alexander, Mr. Applegate, Mr. Barnard, Mr. Bennett, Mr. Bevill, Mr. Bliley, Mr. Carper, Mr. Clement, Mr. Dannemeyer, Mr. DeFazio, Mr. de Lugo, Mr. Dicks, Mr. Fazio, Mr. Foglietta, Mr. Gallo, Mr. Hammerschmidt, Mr. Harris, Mr. Hayes of Illinois, Mr. Hertel, Mr. Hochbrueckner, Mr. Hubbard, Mr. Hughes, Mr. Hutto, Mr. Jenkins, Ms. Kaptur, Mr. Kennedy, Mr. Kildee, Mr. Kolter, Mr. Lagomarsino, Mr. LaRocco, Mr. Leach of Iowa, Mr. Lehman of California, Mr. Lewis of California, Mr. McMillen of Maryland, Mr. Machtley, Mr. Manton, Mr. Mavroules, Mr. Mazzoli, Mr. Mineta, Mr. Moorhead, Mr. Morrison of Washington, Mr. Murphy, Mr. Neal of Massachusetts, Mr. Ortiz, Mr. Orton, Mr. Owens of Utah, Mr. Panetta, Mr. Paxon, Mr. Payne of New Jersey, Mr. Quillen, Mr. Rangel, Mr. Ravenel, Mr. Ray, Mr. Reed, Mr. Rinaldo, Mr. Roberts, Mrs. Roukema, Mr. Savage, Mr. Saxton, Mr. Scheuer, Mr. Serrano, Mr. Smith of Texas, Mr. Smith of Florida, Mr. Solarz, Mr. Stokes, Mr. Stump, Mr. Tauzin, Mr. Taylor of Mississippi, Mr. Traxler, Mr. Valentine, Mr. Wheat, Mr. Wise, Mr. Wolpe, Mr. Wylie, Mr. Yatron, and Mr. Roe.

H.R. 525: Mr. Gillmor, Mr. Lewis of Georgia, Mr. Fish, Mr. Dornan of California, Mr. Wolpe, Mr. Ravenel, and Mrs. Unsoeld.

H.R. 534: Mr. Fields, Mr. Hutto, Mr. Henry, Mr. Eckart, Mrs. Bentley, Mr. Johnson of South Dakota, Mr. Traxler, Mr. Upton, Mr. Carper, Mr. Saxton, Mr. Roe, Mrs. Unsoeld, Mr. Dickinson, Mr. Tauzin, Mr. Herger, Mr. Cunningham, Mr. Weber, Mr. Sensenbrenner, Mr. Vander Jagt, Mr. Broomfield, Mr. Paxon, Mr. Machtley, Mr. Murphy, Mr. Pickett, Mr. Gillmor, Mr. Pursell, Ms. Kaptur, Mr. Inhofe, Mr. McMillen of Maryland, Mr. Smith of Oregon, Mr. Cox of California, and Mr. Lagomarsino.

H.R. 537: Mr. Sanders, Mr. Kostmayer, Mr. Lewis of Georgia, Mr. Rangel, Mr. Moody, Ms. Kaptur, Mr. Campbell of Colorado, Mr. Lantos, Mr. Dingell, Mr. Mfume, Mr. Waxman, Mr. Traficant, Mr. Berman, Mr. Roemer, Mr. Conyers, Mr. Martinez, Ms. Norton, Mrs. Unsoeld, Mr. Applegate, Mr. Sikorski, Mr. Chapman, and Mr. Brown.

H.R. 574: Mr. Solomon, Mrs. Mink, Ms. Kaptur, Mr. Serrano, Mr. Scheuer, and Mr. Fazio.

H.R. 576: Mr. Abercrombie, Mr. Towns, Mrs. Morella, Mr. Gejdenson, Mr. Martin of New York, Mr. Erdreich, Mr. Guarini, Mr. Hoyer, Mr. Applegate, Mr. Brown, Mr. Mrazek, Mr. Gilman, Mr. Rahall, and Mr. Wolf.

H.R. 601: Ms. Ros-Lehtinen, Mr. Eckart, Mr. Crane, and Mr. Solomon.

H.R. 639: Ms. Molinari, Mrs. Bentley, Mr. Paxon, Mr. Slaughter of Virginia, Mr. Ritter, Mr. Boehner, Mr. Oxley, Mr. Ravenel, and Mr. Santorum.

H.R. 644: Mr. Costello, Mr. Hefner, Mr. Jones of North Carolina, Mrs. Vucanovich, Mr. Roe, Mr. Ackerman, Mr. Scheuer, Mr. McMillen of Maryland, Mr. Towns, and Mr. Stallings.

H.R. 645: Mr. Levin of Michigan, Ms. Slaughter of New York, Mr. Ravenel, and Mr. Lantos.

H.R. 658: Mr. Jefferson, Mr. Martinez, Mr. Hertel, Mr. Cardin, Mr. Lancaster, Mr. Walsh, Mr. Fazio, Ms. Pelosi, Ms. Kaptur, Mr. Abercrombie, Mr. Fish, Mr. Payne of New Jersey, Mr. Dwyer of New Jersey, Mr. Frost, Mrs. Vucanovich, Mr. Hayes of Louisiana, Mr. Bateman, Mr. Jontz, Mr. Moran, Mr. de la Garza, Mr. Durbin, and Mrs. Morella.

H.R. 672: Mr. de Lugo, Mr. Beilenson, Mr. Bateman, Mr. Sanders, Mr. Mfume, Mr. Guarini, and Mr. Jontz.

H.R. 695: Mr. Coyne, Mr. LaFalce, Ms. Norton, Mr. Campbell of Colorado, Mr. Kolter, Mr. Towns, and Mr. Stokes.

H.R. 709: Mr. SOLOMON, Mr. HERTEL, Mr. FROST, Mr. CAMPBELL of Colorado, Mr. GUARINI, Mr. LEWIS of Georgia, Mrs. VUCANOVICH, Mr. FISH, Mrs. BOXER, Mrs. UNSOELD, Mr. DWYER of New Jersey, Mr. BROWN, and Mr. INHOFE.

H.R. 730: Mr. HERTEL, Mr. NEAL of Massachusetts, Mr. FROST, Mr. ABERCROMBIE, Mr. BILBRAY, Mr. FORD of Tennessee, Mr. DELLUMS, Mr. MFUME, Mr. ENGEL, Mr. MARTINEZ, Mrs. VUCANOVICH, and Mr. MARKEY.

H.R. 744: Mr. STARK, Mr. VENTO, Mr. BRYANT, and Mr. SIKORSKI.

H.R. 745: Mr. DELLUMS and Mr. CAMPBELL of Colorado.

H.R. 747: Mr. WALSH, Mr. ROTH, Mr. PICKETT, Mrs. LOWEY of New York, Mr. SHAYS, Mr. BILBRAY, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. MACHTLEY, Mr. HERTEL, Mr. GEJ-DENSON, Mr. SCHEUER, Mrs. MORELLA, Mr. MARKEY, and Mr. JEFFERSON.

H.R. 783: Mr. RAY, Mr. THOMAS of Georgia, Mr. COX of California, Mr. HUNTER, Mr. MRAZEK, Mr. HEFLEY, Mr. SMITH of Florida, Mr. RANGEL, and Mr. DANNEMEYER.

H.R. 784: Mr. FIELDS, Mr. HATCHER, Mr. LANCASTER, Mr. HASTERT, Mr. LAGOMARSINO, Mr. EVANS, Mr. BILBRAY, Mr. RAY, Mr. FROST, Mr. LEWIS of Florida, Mr. MOODY, Mr. DWYER of New Jersey, and Mr. RAVENEL.

H.R. 898: Mr. McMILLAN of North Carolina.

H.R. 920: Mr. DOOLEY, Mr. LAGOMARSINO, and Mr. GALLEGLY.

H.J. Res. 23: Mr. BEVILL, Mrs. BYRON, Mr. CHANDLER, Mr. DE LUGO, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. ESPY, Mr. FAZIO, Mr. FIELDS, Mr. FROST, Mr. FUSTER, Mr. GILMAN, Mr. HAMMERSCHMIDT, Mr. HARRIS, Mr. HATCHER, Mr. HORTON, Mr. HUGHES, Mr. HUTTO, Mr. JONTZ, Ms. KAPTUR, Mr. KASICH, Mr. KOLTER, Mr. LIPINSKI, Mr. MATSUI, Mr. OWENS of Utah, Mr. QUILLEN, Mr. SPENCE, and Mr. WAXMAN.

H.J. Res. 92: Mr. TRAXLER, Mr. WOLPE, Mr. CAMPBELL of Colorado, Mr. LIPINSKI, Mr. JACOBS, Mr. KOLTER, and Mr. ABERCROMBIE.

H.J. Res. 97: Mr. McGRATH, Mrs. BOXER, Ms. SLAUGHTER of New York, Mr. WOLPE, Mr. DAVIS, Mr. WOLF, Mr. WALSH, Mr. COLEMAN of Texas, Mr. LEWIS of California, Ms. NORTON, Mr. CLINGER, Mr. MARTINEZ, Mr. GUARINI, Mr. MILLER of Washington, Mr. SLATTERY, Mr. JONES of Georgia, Mr. PERKINS, Mr. TAUZIN, Mrs. BENTLEY, Mr. PURSELL, Mr. KILDEE, Mr. TRAXLER, Mr. KOLTER, Mr. MATSUI, Mr. SKELTON, Mr. ESPY, Mr. DWYER of New Jersey, Mr. FISH, Mr. FEIGHAN, Mr. OWENS of Utah, Mr. SANDERS, Mrs. KENNELLY, Mr. BARRETT, Mr. MFUME, and Mr. VENTO.

H.J. Res. 98: Mr. BACCHUS, Mr. BILBRAY, Mr. DEFAZIO, Mr. FALEOMAVAEGA, Mr. FROST, Mr. GUNDERSON, Mr. HARRIS, Mr. HORTON, Mr. HUGHES, Mr. JEFFERSON, Mr. JONES of Georgia, Mr. McNULTY, Mr. RANGEL, Mr. TALLON, Mr. TOWNS, Mr. WASHINGTON, Mr. DWYER of New Jersey, Mr. GOODLING, Mr. GUARINI, Mr. KLUG, Mr. MARTINEZ, and Mr. POSHARD.

H.J. Res. 123: Mr. ESPY, Mr. MARTINEZ, Mr. ANNUNZIO, Mr. TRAXLER, Mr. GUARINI, Mr. CLEMENT, Mr. TRAFICANT, Mr. FEIGHAN, Mr. GORDON, Mr. MRAZEK, Ms. OAKAR, Mr. JACOBS, Mr. WILSON, Mr. DE LUGO, Mr. THOMAS of Georgia, Mr. OWENS of Utah, Mr. DWYER of New Jersey, Mr. RAVENEL, Mr. ERDREICH, Mr. MACHTLEY, Mr. TALLON, Mr. MURTHA, Mrs. MORELLA, Ms. NORTON, Mr. SMITH of Florida, Mr. MILLER of California, Mr. BILBRAY, and Mr. MORAN.

H. Con. Res. 37: Mr. JOHNSTON of Florida, Mr. JONTZ, and Mr. SCHEUER.

H. Con. Res. 44: Mr. WEBER, Mr. BORSKI, Mr. CAMP, Mr. QUILLEN, Mr. BAKER, Mr. SPENCE, Mr. MRAZEK, Mr. THOMAS of California, Mr. DURBIN, Mr. JONTZ, Mr. STALLINGS, and Mr. BROOKS.

H. Con. Res. 67: Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. ENGEL, Mr. RAVENEL, Mr. McGRATH, Mr. WILSON, Mr. RAHALL, and Mr. CHAPMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

24. By the SPEAKER: Petition of the Commonwealth of the Northern Mariana Islands, relative to the conflict in the Persian Gulf; to the Committee on Armed Services.

25. Also, petition of the Commonwealth of the Northern Mariana Islands, relative to the conflict in the Persian Gulf; to the Committee on Armed Services.

26. Also, petition of the House of Representatives of the Commonwealth of Puerto Rico, relative to the conflict in the Persian Gulf; to the Committee on Foreign Affairs.

27. Also, petition of the city of Oak Harbor, WA., relative to the conflict in the Middle East; to the Committee on Foreign Affairs.

28. Also, petition of the 43d District Democratic Organization, Seattle, WA., relative to the conflict in the Middle East; to the Committee on Foreign Affairs.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the third calendar quarter 1990:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ♦

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an X in the box at the left, so that this office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."♦

STATEMENT OF VERIFICATION

[Omitted in printing]

Organization or Individual Filing	Employer/Client
Ellen Jane Abromson, 51 Louisana Ave., NW Washington, DC 20001	Acacia Mutual Life Insurance Company
Sandra Sue Adams-Choate, 80 F Street, NW Washington, DC 20001	American Federation of Government Employees
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	American Airlines
Do	General Instrument Corp
Do	Information Handling Services, Inc
Do	MF (Delaware), Inc
Do	New York Public Library
Do	Time-Warner
James J. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises, Inc (For:Millipore Corp)
John M. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises, Inc (For:Millipore Corp)
Albertine Enterprises, Inc, 1250 24th Street, NW, #600 Washington, DC 20037	Millipore Corp
Alcalde Rousselot & Fay, 1901 North Ft. Myer Drive, 12th Floor Rosslyn, VA 22209	EMSA Limited Partnership
Do	International Council of Cruise Lines
Alter Wynne Hewitt Dodson & Skerritt, 1225 19th Street, NW, #200 Washington, DC 20036	First Technology Credit Union
American Motorcyclist Assn, 1225 Eye Street, NW, #500 Washington, DC 20005	
Suzanne L. Amra, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans
Anthony A. Anderson, 2100 Pennsylvania Avenue, NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Community Transportation Assn)
Milton W. Armiger, 3714 Astoria Road Kensington, MD 20895	
L. Wayne Arny & Company, 600 New Hampshire Ave., NW Washington, DC 20037	American Logistics Infrastructure Improvement Construction
Do	FMC Corp
Do	Guam Airport Authority
APCO Associates, 1155 21st Street, NW, #1000 Washington, DC 20036	Hoffman-La Roche
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	MacAndrews & Forbes Holding, Inc
Do	National Health Labs, Inc
Bronwyn Bachrach, 499 South Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)
Do	Hecht Spencer & Associates (For:Warnaco Companies)
Geoffrey Bacino, 8145 Ridge Creek Dr., #101 Springfield, VA 22153	Bacino & Associates
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Bayer AG
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	International Business Machines Corp (IBM)
Do	MCA, Inc
Do	Tech/Ops-Landauer, Inc
Do	U.S. Tobacco, Inc
Do	Varity Corp
Gary C. Barbour, 507 Second Street, NW Washington, DC 20002	Portland General Electric
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Company
David M. Barrett, 2550 M Street, NW, #375 Washington, DC 20037	Fleetwood Enterprises, Inc
Do	Southeastern Pennsylvania Transportation Authority
Richard M. Bates, 1101 Connecticut Ave., NW, #404 Washington, DC 20036	Disney Worldwide Services, Inc
Barbara Bauman, 1990 M Street, NW, #480 Washington, DC 20036	Kansas City Power & Light Company, et al.
Bayless Boland Bates & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Arnold & Porter (for: Fujisawa USA, Inc)
Do	Burroughs Wellcome Co
Do	Distilled Spirits Council of the United States
Beacon Consulting Group, Inc, 1012 Pennsylvania Ave, SE Washington, DC 20003	Museum of Science & Industry
Do	National Coalition for Volunteer Protection
Do	National Crime Prevention Council
Do	National Museum of Health & Medicine Foundation
Stacey Beckhardt, 750 17th Street, NW, #1100 Washington, DC 20006	American Society of Clinical Oncology
Douglas R. Bell, 1400 K Street, NW, #900 Washington, DC 20005	Rubber Manufacturers Assn
Michael A. Bell, 1801 K Street, NW Washington, DC 20036	Price Waterhouse (For:Hillenbrand Industries)
Jodean Robbins Bens, 727 N. Washington Street Alexandria, VA 22314	Uniter Fresh Fruit & Vegetable Assn
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005	American Motorcyclist Assn
Bergh, Inc, P.O. Box 587 Fairbanks, AK 99707	
Bergner Boyette & Bockorny, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Newscorp
Black Crotty Sims Hubka Burnett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Midland Risk Insurance Company
David Bley, 1501 4th Ave., 19th Floor Seattle, WA 98101	Federal Home Loan Bank of Seattle
Christopher Bowlin, 1331 Penn. Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers
Carolyn A. Boyer, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Edison Electric Institute
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Hewlett-Packard Company
Do	Oracle Corp
Do	Unisys
Franklin K. Breselor, 150 State Street Albany, NY 12207	Orange & Rockland Utilities, Inc
T. G. Brown & Associates, Inc, #995 National Press Building 529 14th Street, NW Washington, DC 20045	Lifebank, Inc
Carol Browning, 499 South Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Warnaco Companies)
Broydrick Associates Inc, 600 East Mason Street Milwaukee, WI 53202	Golden Rule Insurance
Do	PrimeCare Health Plan
Kenley W. Brunsdale, P.O. Box 510210 215 S. State St., 12th Fl. Salt Lake City, UT 84151	Fabian & Clendenin (For:Wasatch County)
April L. Burke, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton (For:University of Cincinnati)
James N. Burroughs, 1235 Jefferson Davis Highway, #702 Arlington, VA 22202	National Propane Gas Assn
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	National Assn of Professional Baseball Players (NAPBP)
Butera & Andrews, 1275 Pennsylvania Ave., NW Washington, DC 20004	Peoples Bank
Do	River Bank America
Do	Savings Banks Assn of New York State
Kenneth W. Butler, 2010 Corporate Ridge, #700 McLean, VA 22102	Capital Partnershipps, Inc (For:Coalition for Transit Opportunities)
Debra Cabral, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:Childrens Health System, Inc)
Patrick J. Cacchione, 11775 Borman Dr. St Louis, MO 63146-6905	Daughters of Charity National Health Systems
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Nicaragua
Do	Estna Center
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Dean Witter Financial Services Group
Do	Orrick Herrington & Sutcliffe
Campaign for Uni-Comp, 6459 Santina Way St Augustine, FL 32095	
Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects
Robert E. Carlstrom Jr., 1341 G St., NW, #1100, NW Washington, DC 20005	Jefferson Group (For:BE & K, Inc)
Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037	Carter Footware
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Comprehensive Care Corp
Do	Cso Partnerships
Do	Expert Medical Systems
Do	Maersk, Inc
Do	Marquette University
Do	Pirelli Industrial Products Corp
Do	U.S. Surgical Corp
Center for Clean Air Policy, 444 North Capitol Street, #526 Washington, DC 20001	
George Stephen Clifton, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Industries, inc
Jamie L. Clover, 1501 Wilson Blvd., #1100 Arlington, VA 22209	American Feed Industry Assn
Coalition for an Undercharge Relief Bill, 2020 Pennsylvania Ave., NW, #626 Washington, DC 20006	Coalition for an Undercharge Reliet Bill
Marvin S. Cohen, 3300 N. Central Ave., 20th Floor Phoenix, AZ 85012-2576	City of Globe
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	American Newland Associates
Do	Southern Company Services, Inc
Gary L. Conkling, 900 SW 5th Ave., #2300 Portland, OR 97204-1268	Conkling Fiskum & McCormick (For:Tektronix, Inc)
Edward R. Cooper, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	International Balloon Assn
Do	Coursen Group (For:United States Tobacco Company)
Covington & Burling, 1201 Pennsylvania Ave., NW, P.O. Box 7566 Washington, DC 20044	Bank of Boston Corp
David T. Crow, 1341 G St., NW, #1100 Washington, DC 20005	Jefferson Group (For:Childerns Health System, Inc)
Do	Jefferson Group (For:CAE-Link Corp)
Do	Molson Breweries USA, Inc
Do	Jefferson Group (For:Tandem Computers, Inc)
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company
Barry Cullen, 1250 Connecticut Ave , NW, #200 Washington, DC 20036	National Forest Products Assn
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:Arco)
Do	McCutchen Doyle Brown & Enersen (For:Sun Company, Inc)
Kent T. Cushenberry, 1301 K Street, NW, #1100 Washington, DC 20006	IBM Corp
Robert J. Cushman, 1776 G Street P.O. Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp

Organization or Individual Filing	Employer/Client
Dean Dauw, 34 CN 1212 Lake Shore Drive Chicago, IL 60610-2371	
Davis Wright & Tremaine, 1752 N St., NW, #800 Washington, DC 20036	American Tunaboat Assn
Delchamps Associates, 600 New Hampshire Ave., NW, #955 Washington, DC 20037	Bishop State Community College
Do	Lawson State Community College
Do	Technical Products, Inc
William H. Dempsey, 50 F Street, NW Washington, DC 20001	Association of American Railroads
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Glaxo, Inc
David P. Dexter, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036	Wildlife Legislative Fund of America
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Dofasco, Inc
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	United Air Lines, Inc
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	Chickasha Cotton Oil Co
Do	International Arid Lands Consortium
Do	Mexican American Free Trade Assn
C. Renee Eastman, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc
Kenrick Fealing, 1313 L Street, NW Washington, DC 20005	Service Employees International Union
John D. Fedor, 2001 Jefferson Davis Highway, #1012 Arlington, VA 22202	Alliant Techsystems, Inc
Deeohn Ferris, 1400 Sixteenth Street, NW Washington, DC 20036-2266	National Wildlife Federation
Donald L. Fierce, Fierce and Associates 600 New Hampshire Ave., NW #1010 Washington, DC 20037	Liberty Maritime Company
Donald Fix, 2100 Pennsylvania Ave., NW, #710 Washington, DC 20037	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)
Do	Hyjek & Fix, Inc (For:Defence Equipment & Systems, Ltd)
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)
David L. Flory, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd. (For:California Energy Company)
John P. Foster, 6459 Santina Way St Augustine, FL 32095	Campaign for Uni-Comp
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	Healthcare Management Alternatives, Inc
Pamela D. Frank, 1000 16th Street, NW, #701 Washington, DC 20036	Federal Managers Assn
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn
French & Associates, Inc, 555 13th Street, NW Washington, DC 20004	
F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063	Clouse Arney Pagano & Friedman (For:Chem Service, Inc)
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))
Sara G. Garland, 314 Massachusetts Ave., NE Washington, DC 20002	North Dakota Agricultural Products Utilization Commission
Christie J. Gaskin, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co.)
Katherine Doddridge Gerlach, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Little Sandy Hunting & Fishing Club
Do	Retirement Systems of Alabama
Karl O. Gilbert, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors
Brad Gilman, 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Robertson Monagle & Eastaugh (For:Marco)
Lisa Glantz, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society
Joanne Glisson, 700 14th Street, NW, Washington, DC 20005	Monsanto Company
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Hanna Andersson
Do	Copiat
John Gordley, 1150 Connecticut Avenue, NW, #507 Washington, DC 20036	Export Processors Industry Coalition (EPIC)
William P. Gotschall, 6222 Cheryl Drive Falls Church, VA 22044	
Robert N. Gray, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade
Nancy Green, 900 17th Street, NW Washington, DC 20006	Wilderness Society
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Firemans Fund Insurance Cos.
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For:I-66 Project, Inc)
W. Eugene Hagar, 901 15th Street, NW, #250 Washington, DC 20005	American Foundrymens Society, inc
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Micron Technology, Inc
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	Coodination Council for North American Affairs
Ray Harris, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Nuclear Operating Company
Robert L. Harris, 1341 G St., NW, #1100 Washington, DC 20005	Jefferson Group (For:Childrens Health Systems, Inc)
Robert G. Hayes, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005	Natural Resources United
Leah V. Haywood, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)
Do	Hecht Spencer & Associates (For:Warnaco Companies)
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Mid-American Waste Systems, Inc
Do	Charles E. Smith, Management, Inc
Do	Warnaco Companies
Lewis M. Helm, 1700 K Street, NW, #503 Washington, DC 20006	(For:Associated Public Safety Communications Officers)
Edward A. Helme, 444 N. Capitol Street, #526 Washington, DC 20001	Center for Clean Air Policy
Arthur William Hillman, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202	National Utility Contractors Assn
Kristin Hofeditz, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Keene Corp
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Bristol-Myers Squibb Company
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Stillwater Mining Company
Candice Shy Hooper, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Hooper Hooper & Owen (For:Enserch Corp)
Do	Hooper Hooper & Owen (For:John Hancock Mutual Life Insurance, Co)
Lindsay Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:Hallmark Cards)
Do	Hooper Hooper & Owen (For:Kansas City Southern Industries)
Do	Hooper Hooper & Owen (For:Phlcorp)
Do	Hooper Hooper & Owen (For:UtiliCorp United, Inc)
Hoosier Energy Rural Electric Cooperative, Inc, P.O. Box 908 Bloomington, IN 47402	
Hopkins & Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Farm Credit Bank of Texas
Do	National Agricultural Chemicals Assn
Marcia L. Horton, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp
Ronnie Allen Howell, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper
Walter D. Huddleston, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)
Robert (Bob) Hughes, 23/333 Piedmont Ave. Atlanta, GA 30308	Georgia Power Company
William Hutnick, 1705-B N. Front Street Harrisburg, PA 17102	Bridge to the Future
Regina C. Hutter, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers International Union
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:Defence Equipment & Systems)
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:UNUM Corp)
Timothy John Hynes, 600 Cedar Street, NW Washington, DC 20012	Converging Techniques
Kelleen W. Jackson, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn
Rachel L. Jacobson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions
Debra Levin Jardot, 1101 Connecticut Ave., NW, #404 Washington, DC 20036	Disney Worldwide Services, Inc
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Federation of State County & Municipal Emp(AFSCME)
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Hydroacoustics, Inc
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Independent Insurance Agents of America, Inc
Do	National Assn of Casualty & Surety Agents
Do	National Assn of Life Underwriters
Do	National Assn of Professional Insurance Agents
Do	National Assn of Surety Bond Producers
George W. Johnson, 1156 15th Street, NW, #1201 Washington, DC 20005	NCR Corp
Myrna Johnson, 2025 M Street, NW Washington, DC 20036	National Public Radio
Stephen M. Johnson, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:Childrens Health System, Inc)
Do	Jefferson Group (For:CAE Link Corp)
Do	Jefferson Group (For:Molson Breweries USA, Inc)
Johnson & Gibbs, P.C., 1301 K Street, NW, #800 East Washington, DC 20005-3307	Beazer, USA
Do	SnyderGeneral Corp
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Genetech
Do	Nacco Industries, Inc
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	American Stores Company
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Consortium for International Earth Science Info. Network
Jorden Schulte & Burchette, 1025 Thomas Jefferson Street, NW, #400E Washington, DC 20007	Carteret Savings & Loan Association
Do	City of Newark
Do	Colorado-Ute Electric Assn, Inc
Do	East Texas Electric Cooperative
Do	Federal Agricultural Mortgage Corp
Do	International Geographical Congress
Do	Mutual Benefit Life

Organization or Individual Filing	Employer/Client
Do	New York University
Do	Northeast Texas Electric Cooperative
Do	Ogden, Utah
Do	Paine Webber
Do	Sabine River Authority
Do	Tex-La
Do	University of Medicine & Dentistry of New Jersey
Do	University of Miami
Robert G. Josephs, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International
JoAnn Kauffman, 206 G St., NE #100 Washington, DC 20002	Kauffman & Associates, Inc (For:Puyallup Tribe of Indians)
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	Robert M. Goldberg
Do	Group Health, Inc
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	Federal Legislative Associates, Inc
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	American Water Works Service Company, Inc
Walter M. Kiplinger, 901 15th Street, NW, #250 Washington, DC 20005	American Foundrymens Society, Inc
William J. (Bill) Klinefelter, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters
Kogovsek & Associates, Inc, 1801 Broadway, #1420 Denver, CO 80202	San Juan Water Commission
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee
David Kolker, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))
Anil Kothari, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc
John R. Kyte, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	New England Council, Inc
Robert Lamb, 1627 Eye St., NW, #1000 Washington, DC 20006	McGuire Woods Battle & Boothe (For:Chlorine Institute)
Do	Potlatch Corp
Marily J. Langill, 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc
Mary Ellen Larson, 1513 16th Sreet, NW Washington, DC 20036	Air Conditioning Contractors of America
Cynthia C. Lebow, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Gibson Dunn & Crutcher (For:Little Sandy Hunting & Fishing Club)
Do	Gibson Dunn & Crutcher (For:Retirement Systems of Alabama)
Michael A. Ledeen, 7312 Western Ave. Chevy Chase, MD 20815	I.S.I. Enterprises, Inc
Richard S. Levick, 2446 Reedie Drive, #11 Silver Spring, MD 20902	National Consulting Strategies, Inc (For:National Assn of Mortgage Brokers)
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	Federal Employees Tax Group
C. Bryan Little, 220 National Press Bldg. Washington, DC 20045	U.S. Business & Industrial Council
Michael A. Lobue, 1333 New Hampshire, NW Washington, DC 20036	Atlantic Richfield Company (ARCO)
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)
Do	Hecht Spencer & Associates (For:Warnaco Companies)
Franklin W. Losey, 1110 Vermont Ave., NW, #1250 Washington, DC 20005	Shipbuilders Council of America
Richard M. Manning, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America
Marc Associates, Inc, l030 l5th Street, NW, #468 Washington, DC 20005	International Society for Cardiovascular Surgery/Soc Vas Sur
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Bergh, Inc
Do	Hoosier Energy Rural Electric Cooperative, Inc
Do	Matanuska Electric Assn, Inc
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Midway Airlines, Inc
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Perpetual Corp
Robert A. McConnell, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Gibson Dunn & Crutcher (For:Little Sandy Hunting & Fishing Club)
McDermott Will & Emery, 1850 K St., NW, #450 Washington, DC 20006-2296	Boston Beer Company
John K. Meagher, 1333 New Hampshire Avenue, NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae (For:Chevron)
Do	LeBoeuf Lamb Leiby & MacRae (For:Golden Nugget Corp)
Do	LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurance Assn of America)
Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036	Hall Estill et al (For:Cherokee Nation)
Bonnie K. Miller, Box 528 Gainesville, VA 22065-0528	National Council for Improved Health
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	National Council for Improved Health
Juanita D. Miller, 2965 Sunset Lane Suitland, MD 20746	
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Franklin Savings Corp
Minnesota Public Interest Research Group, 2512 Delaware Street, SE Minneapolis, MN 55414	
Harold P. Mintz, 1817 Alpine Drive San Marino, CA 91108	
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1200 Washington, DC 20006	National Truck Weight Advisory Council
Powell A. Moore, 1133 Connecticut Ave., NW Washington, DC 20036	Outdoor Advertising Assn of America
Do	Panavia Gmbh
Laura Moorhead, 1156 15th Street, NW, #1201 Washington, DC 20005	NCR Corp
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Coalition for an Undercharge Relief Bill
J. Wilson Morris, 3333 K Street, NW Washington, DC 20007	Bailey Morris & Newhall (For:Hospice Care, Inc)
Do	Bailey Morris & Newhall (For:Upjohn Co.)
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Potomac Visions Limited (For:DRS)
Ann Mulligan, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the United States
Richard D. Murray, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn
Samuel H. Murray, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn
National Assn of Accredited Cosmetology Schools, 5201 Leesburg Pike, #205 Falls Church, VA 22041	
National Clean Water Council, 239 Allston Street Cambridge, MA 02139	
National Coalition for Abortion Providers (NCAP), 1225 19th Street, NW, #200 Washington, DC 20036	
National Propane Gas Assn, 1600 Eisenhower Lane Lisle, IL 60532	
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	American International Group
Michael E. Nix, 231 W. Michigan Street, #P453 Milwaukee, WI 53203	Wisconsin Electric Power Co.
Elizabeth J. Norcross, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers
Julia J. Norrell, 1155 Connecticut Ave., NW, #300 Washington, DC 20036	Federation of American Consumers & Travelers (FACT)
Do	Golden Rule Insurance Company
Do	Mutual of Omaha
Clifford R. Northup, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance
Jack O. Nutter II, 1341 G St., NW #1100 Washington, DC 20005	Jefferson Group (For:Molson Breweries USA, Inc)
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Liquidity Fund Management, Inc
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company
Olwine Connelly & Chase, 1701 Pennsylvania Ave, NW, #1000 Washington, DC 20006	Valsan Partners
Daryl Owen, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:CSX Corp/Yukon Pacific)
Do	Hooper Hooper & Owen (For:Panhandle Eastern Corp)
Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn.)
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	Richard V. Allen Company
Do	American Amusement Machine Assn
Do	International Assn of Broadcast Monitors
Do	Ixtlan Corp
Do	LTV Aerospace & Defense Company
Do	Port of Brownsville
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Greater Baltimore Committee Foundation
Do	Donald Rector
Do	Republic of the Marshall Islands Development Authority
Do	Shearman & Sterling (for: Merrill Lynch)
Molly Pauker, 5151 Wisconsin Ave., NW Washington, DC 20016	Fox Television Stations, Inc
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn
Richard Perle, 5 Grafton Street Chevy Chase, MD 20815	
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	HOV Coalition
John A. Pieno, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance
Christina M. Popolo, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States
Edward T. Porcaro, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:Metropolitan Life Insurance Companies)
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Hillenbrand Industries
Jerry Z. Pruzan, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co
Nicolette P. Psyllas, 5201 Leesburg Pike, #205 Falls Church, VA 22041	National Assn of Accredeted Cosmetology Schools
Howard Pyle III, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Industries, Inc
Patricia A. Quealy, 2100 Pennsylvania Ave, NW #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:PNC Financial Corp)
Edward S. Rajsteter, 381 Fairmount Ave. Jersey City, NJ 07036	Philip Morris, USA
Recyclers of Copper Alloy Products, 365 Main Street Nashua, NH 03060	

Organization or Individual Filing	Employer/Client
Catherine C. Redpath, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond (For:Arvida Company)
Jerrildine Reed, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company
Reichler, Appelbaum & Wippman, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Interim Government of National Unity of Liberia
Do	People's Progressive Party
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB Atom, Inc
Michael S. Reynolds, 900 Threadneedle Houston, TX 77079	Vista Chemical Company
Bryan Riley, 470 L'Enfant Plaza East Bldg. #7112 Washington, DC 20024	Citizens for a Sound Economy
Karen Rindge, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company
Davis R. Robinson, 1333 New Hampshire Ave., NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	New York Mercantile Exchange (NYMEX)
Belinda Lee Rochelle, 1734 Fourteenth Street, NW Washington, DC 20009-4309	National Gay & Lesbian Task Force
James W. Rock, 1455 Pennsylvania Ave, NW, #560 Washington, DC 20004	American Resort & Residential Development Assn
W. T. Rooker, 1301 K Street, NW, #1200 Washington, DC 20005-3307	IBM Corp
Marilyn Rosenthal, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States
Rowland & Sellery, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Alliance for Fair Competition
Do	Job Oppportunities Business Symposium
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	National Health Labs, Inc
Peter J. Rusthoven, 1313 Merchants Bank Building Indianapolis, IN 46204	Barnes & Thornburg (For:Carl H. Dahlin Jr.)
Ryan-McGinn, Inc, 1110 Vermont Avenue, NW, #820 Washington, DC 20005	American Medical Record Assn Long Term Care Section
Do	Council on Accreditation of Services for Families & Children
Do	Dietary Managers Assn
Do	National Assn of Medical Directors of Respiratory Care
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL-CIO
James H. Sammons, 980 N. Michigan Ave Chicago, IL 60611	Sammons Associates
Patricia A. Schaub, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Company
Mahlon C. Schneider, 1100 N.W. 14th Austin, MN 55912	Geo. A. Hormel & Company
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn
Elizabeth Schueler, 1155 Connecticut Ave, NW Washington, DC 20036	Waste Management International, Inc
Joseph A. Sciarrino, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute
George M. Seitts, 23733 N. Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Ductile Iron Pipe Research Assn
P. Scott Shearer, 1725 K Street, NW, #1405 Washington, DC 20006	Halfpenny Hahn Roche & Marchese (For:Automotive Service Industry Assn)
Jennifer M. Shriver, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp
Steve Silver, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)
Simon & Company, Inc, 1001 Connecticut Ave., NW #435 Washington, DC 20036	American Water Works Assn
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	U.S. Windpower, Inc
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith & Company (For:Teague-McKevett Company)
Frank Sumner Smith Jr., P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc
Ronald E. Smith, 5201 Leesburg Pike, #205 Falls Church, VA 22041	National Assn of Accredited Cosmetology Schools
Stephen Merrill Smith, 1899 L Street, NW, 5th Floor Washington, DC 20036	Ensco, Inc
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Crash
Do	Kansas City Transit Authority
Do	Transportation Advisory/Service Group
Sonosky Chambers and Sachse, 1250 Eye Street, NW Washington, DC 20005	Alaska Native Health Board
Do	Lac du Flambeau Band of Lake Superior Chippewa Indians
Do	Seneca Nation of Indians
Jonathan B. Spear, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc
Karen Kay Speer, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn
Roger Staiger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Community Transportation Assn of America)
Robert E. Staton, P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))
Charles Bowman Strome Jr., 787 Seventh Ave., 37th Floor New York, NY 10019	Equitable
Ross O. Swimmer, 4100 Bank of Oklahoma Tower Tulsa, OK 74172-0154	Hall Estill et al. (For:Cherokee Nation)
Ronald L. Tammen, 1325 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Tammen Group (For:Parman & Ellis, Inc)
Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance
Robert C. Taylor, 3000 Lincoln Plaza, Lb-5 Dallas, TX 75201	
Richard Tessier, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn
William Douglas Thompson, 777 14th Street, NW Washington, DC 20005	National Association of Realtors
Thompson & Company, 1001 G Street, NW, 7th Floor Washington, DC 20004	Oxy USA, Inc
Do	Reading Anthracite Company
Do	Wine & Spirits Wholesalers of America, Inc
C. Ridgely Thorp, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Company of New York
Timmons & Co, Inc, 1850 K St., NW Washington, DC 20006	Air Transport Assn of America
Wendy Togneri, 1317 F Street, NW, #202 Washington, DC 20004	Lisboa Associates, Inc (For:University of the Virgin Islands)
Jon C. Uithol, 9623 Shipwright Dr. Burke, VA 22015	D.C. Metropolitan Subcontractors Assn
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Insurance Assn
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Princeton University Office of Governmental Affairs
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Electric Transportation Coalition
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Pennsylvania Engineering Company
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Honda North America, Inc
John S. Walker, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family
Charles E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Mexican Department of Commerce & Industrial Development
Do	Sony Music Entertainment, Inc
Do	Vorys Sater Seymour & Pease (for Honda North America, Inc)
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Calgene, Inc
Do	Cash America
Do	Urcarco
Diana L. Waterman, 900 2nd Street, NE Washington, DC 20002	United Property Owners of Washington (UPOW)
Arnold Wellman, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service
Leland J. White, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202	National Assn of Realtors
Robert H. Wilbur, 1101 Connecticut Ave., NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)
Valerie Wilbur, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging
Lanny F. Wiles, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Merchants National Bank
Patricia R. Williams, 1101 Pennsylvania Ave., NW, #800 Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments)
John P. Winburn, 50 E Street, SE, Washington, DC 20003	Winburn Associates, Inc (For:American Assn of Equipment Lessors)
Do	Winburn Associates, Inc (For:American Automotive Leasing Assn)
Do	Winburn Associates, Inc (For:American Insurance Association)
Do	Winburn Associates, Inc (For:Burlington Northern Railroad Company)
Do	Winburn Associates, Inc (For:Burlington Northern Services, Inc)
Do	Winburn Associates, Inc (For:Fag Bearings Corp)
Do	Winburn Associates, Inc (For:Hartford, (The))
Do	Winburn Associates, Inc (For:National Assn of County Office Employees)
Do	Winburn Associates, Inc (For:Pennzoil)
Do	Winburn Associates, Inc (For:Philip Morris)
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Honey Producers Assn
Do	CSR, Ltd
Do	Federal Intermediate Credit Bank of Jackson
Do	Mississippi Department of Economic & Community Development
Do	Olsen's Mill, Inc
Do	U.S. Rice Producers Legislative Group
Do	Western Peanut Growers Assn
Jennifer K. Wirick, 1001 Pennsylvania Ave., NW, #1350 Washington, DC 20004	Kahn Soares & Conway (For:Westlake Farms)
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Biosonics, Inc
Do	Health Partners of Philadelphia
Do	Hill Group
Do	La Rabida Children's Hospital
Do	Public Financial Management
Julienne Wood, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:Embassy of Nicaragua)
Do	Bruce P. Cameron (For:Estna Center)

Organization or Individual Filing	Employer/Client
Jeanne M. Woods, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union
Ann B. Wrobleski, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:Children's Health System, Inc)
Do	Jefferson Group (For:CAE Link Corp)
Do	Jefferson Group (For:Molson Breweries USA, Inc)
Wunder Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Martin Marietta
Jeffery D. Wyatt, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron Chemical Company
Kenneth J. Young Jr., 5445 Braesvalley, #702 Houston, TX 77096	Conservative Action League
Paul j. Zanowski, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp
965 Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Bath Iron Works Corp
Do	General Electric Company

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the fourth calendar quarter 1990:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*________________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates*	*—Name and Address of Recipient—Purpose*
$1,750.00	7–11:	Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15:	Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00		TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	Reclamation District 1000		
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers...	308.52	
Leanne J. Abdnor, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	1,650.78
Paul C. Abenante, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	1,562.50	
Jessica R. Aberly, 1616 P Street, NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	2,820.88	
Jean R. AbiNader, 1825 K Street, NW, #1107 Washington, DC 20006	National U.S.-Arab Chamber of Commerce		
Jeffery A. Abrahamson, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	89.81	
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Matthew J. Abrams, 1220 19th Street, NW, #202 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)	500.00	
Do	CANAMCO (For:Canadian Shipowners Assn)	13,500.00	
Abukari (Christopher Barclay), 710 4th Street, NE Washington, DC 20002	Rainbow Lobby, Inc	4,464.00	
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 216 7th Street, SE Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	400.00	325.00
Charles A. Acquard, 2301 M Street, NW, Washington, DC 20037	American Public Power Assn	2,000.00	
Action for Children's Television, 20 University Road Cambridge, MA 02138		31,542.00	570.19
John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ethyl Corporation		
Do	Hunton & Williams (For:Vepco)		
John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314	Retired Enlisted Assn	1,500.00	1,220.00
John R. Adams, One Tabor Center 1200 17th Street, #2500 Denver, CO 80202	Energy Fuels Nuclear, Inc		
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co	550.00	195.00
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			
Adams Quackenbush Herring & Stuart, P.O. Box 394 Columbia, SC 29202	Empire Federal Savings Bank of America	375.00	42.79
Elmer E. Adkins, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	2,820.00	
Allan Robert Adler, 1333 New Hampshire Ave., NW Washington, DC 20036	Cohn & Marks (For:Association of American Publishers, Inc)		
Do	Cohn and Marks (For:Maclean Hunter Cable TV)		
Do	Cohn & Marks (For:USA Network)		
Terrance M. Adlhock, 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	4,950.00	4,500.00
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002		36,500.00	11,961.55
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		16,401.80	16,401.80
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	American Assn of Retired Persons	11,533.80	
Do	Association for Gerontology in Higher Education	500.00	
Agendas International, 820 Second Avenue, #1302 New York, NY 10017	Ministerio del Exterior, Republic of Nicaragua		
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company		134.75
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Robert S. Aiken, 1735 I Street, NW, #916 Washington, DC 20006	Pinnacle West Capital Corp	10,000.00	2,029.48
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		85.00
Air Conditioning & Refrigeration Institute, 1501 Wilson Boulevard, #600 Arlington, VA 22209			
Air Conditioning Contractors of America, 1513 16th Street, NW Washington, DC 20036		1,300.00	1,300.00
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005			10,000.00
Air Traffic Control Assn, Inc, 2020 North 14th Street, #410 Arlington, VA 22201		78.21	78.21
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		6,797,889.00	98,009.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	3,200.00	15.50
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	21,500.00	
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing	1,460.00	19.00
Do	American Airlines	965.00	19.00
Do	American General Investment Corp	3,695.00	57.00
Do	American Telephone & Telegraph Co		
Do	Bank of Nova Scotia		
Do	Boone Co	485.00	
Do	Buckeye Pipeline Co, L.P.		
Do	Burger King Corp	425.00	228.00
Do	California Institute of Technology	250.00	
Do	Cambridge Information Group	2,305.00	38.00
Do	Clark/Bardes Organization, Inc	100.00	
Do	Continental Airlines Holdings, Inc		
Do	Cotton Bowl Athletic Assn	5,680.00	95.00
Do	Cummins Engine Co, Inc	155.00	
Do	CRS Stirrine, Inc		
Do	First City Bankcorporation of Texas, Inc	175.00	
Do	Fujitsu America, Inc		
Do	General Instrument Corp	575.00	
Do	W. R. Grace & Co	340.00	
Do	Guardian Industries		
Do	Houston Oilers	995.00	19.00
Do	Information Handling Services, Inc		
Do	Peter Kiewit Son's, Inc	1,290.00	19.00
Do	Levi Strauss & Co	165.00	
Do	Long Island Lighting Co		
Do	Loral Corp		
Do	MacAndrews & Forbes Holdings, Inc	2,610.00	38.00
Do	Martin Marietta Corp		
Do	Mesa Petroleum Co	375.00	
Do	Metropolitan Transit Authority of Harris County	595.00	
Do	Miller Brewing Company	8,390.00	152.00
Do	Minnesota Power		
Do	Morgan Stanley & Co, Inc	1,160.00	19.00
Do	Motion Picture Assn of America, Inc	120.00	
Do	MF (Delaware), Inc	390.00	
Do	National Football League	1,685.00	19.00
Do	National Health Laboratories	850.00	19.00
Do	New York Public Library	205.00	
Do	News America		
Do	Pharmaceutical Manufacturers Assn	2,750.00	38.00
Do	Pillsbury Company	160.00	
Do	R. Lacey, Inc	1,750.00	19.00
Do	RJR Nabisco, Inc	700.00	19.00
Do	Shell Oil Co	800.00	19.00
Do	Southern California Edison Co	2,430.00	38.00
Do	Texas Education Agency		
Do	Texas National Research Laboratory Commission	150.00	
Do	Time-Warner	670.00	
Do	Trump Organization		
Do	Upjohn Company	1,540.00	19.00
Do	Warner-Lambert Co		
Alagia Day Marshall Mintmire & Chauvin, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Dairymen, Inc	10,780.00	3,107.32
William E. Albers, 1731 Connecticut Ave., NW, 2nd Fl. Washington, DC 20009-1146	Albers & Company (For:May Department Stores Co)		
David Alberswerth, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,044.07	
James J. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises, Inc (For:American Business Conference, Inc)	6,000.00	1,215.19
Do	Albertine Enterprises, Inc (For:American Diabetes Assn)	705.00	219.10
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management Corp)	10,000.00	3,633.47
Do	Albertine Enterprises (For:Employers Council for Flexible Compensation)	2,500.00	1,137.97
Do	Albertine Enterprises (For:Fruit of the Loom)	30,000.00	7,063.36
Do	Albertine Enterprises, Inc (For:Millipore Corp)	6,000.00	7,500.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	15,000.00	3,151.88
Do	Albertine Enterprises, Inc (For:West Point Pepperell, Inc)	30,000.00	8,558.53
Do	Albertine Enterprises (For:Western Digital Corp)	30,000.00	8,558.23
John M. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises, Inc (For:American Business Conference, Inc)	6,000.00	8,915.77
Do	American Diabetes Assn	705.00	6,403.16
Do	Albertine Enterprises (For:American Precision Industries)	1,500.00	1,057.62
Do	Albertine Enterprises, Inc (For:Castle Harlan & Delaware Management Corp)	10,000.00	8,507.04
Do	Albertine Enterprises, Inc (For:Employers Council on Flexible Compensation)	2,500.00	5,650.38
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	30,000.00	26,909.66
Do	Albertine Enterprises, Inc (For:Millipore Corp)	14,000.00	17,500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Albertine Enterprises, Inc (For:SMS Corp)	15,000.00	14,315.77
Do	West Point Pepperell, Inc	30,000.00	26,315.77
Do	Albertine Enterprises, Inc (For:Western Digital Corp)	30,000.00	23,315.77
Albertine Enterprises, Inc, 1250 24th Street, NW, #600 Washington, DC 20037	American Business Conference, Inc	6,000.00	6,075.94
Do	American Diabetes Assn	705.00	736.10
Do	American Precision Industries	1,500.00	1,507.62
Do	Castle Harlan, Inc	10,000.00	13,858.87
Do	Employers Council on Flexible Compensation	1,500.00	1,537.97
Do	Fruit of the Loom, Inc	30,000.00	32,661.99
Do	Millipore Corp	20,000.00	21,756.92
Do	SMS Corp	15,000.00	16,177.77
Do	West Point Pepperell, Inc	30,000.00	31,189.57
Do	Western Digital Corp	30,000.00	31,690.57
Virginia S. Albrecht, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond, P.C. (For:Arvida Company)	5,484.38	
Alcalde Rousselot & Fay, 1901 North Ft. Myer Drive, 12th Floor Rosslyn, VA 22209	Alliance for Clean Energy	7,000.00	
Do	Carnival Cruise Lines	3,000.00	
Do	City of Las Vegas	4,000.00	
Do	Colton Communities	3,000.00	
Do	Consolidated Freightways	5,000.00	
Do	Jack Eckerd Corp	1,000.00	
Do	Home Shopping Network	2,000.00	
Do	Jim Walter Corp	15,000.00	
Do	Norwegian Caribbean Lines	3,000.00	
Do	Port of Jacksonville	3,000.00	
Do	Regular Common Carrier Conference	2,000.00	
Do	Royal Caribbean Cruise Line	3,000.00	
Do	Tampa Electric Co	1,500.00	
Do	Tampa Port Authority	3,000.00	
Do	Walter Industries	2,000.00	
Do	Washington Workshops	2,000.00	
C. Eddie Aldrete, 7007 Bright Avenue McLean, VA 22101	National Turkey Federation		
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Donald C. Alexander, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Air Products & Chemicals, Inc)	55.25	
Do	Cadwalader Wickersham & Taft (For:Air Transport Assn of America)		
Do	Cadwalader Wickersham & Taft (For:American Financial Corp)		
Do	Cadwalader Wickersham & Taft (For:Aon Corporation)		
Do	Cadwalader Wickersham & Taft (For:Bechtel Group, Inc)	55.25	
Do	Cadwalader Wickersham & Taft (For:Bechtel Investments, Inc)		
Do	Cadwalader Wickersham & Taft (For:Charter National Life Insurance Co)	55.25	
Do	Cadwalader Wickersham & Taft (For:Chiquita Brands International, Inc)	55.25	
Do	Cadwalader Wickersham & Taft (For:Disabled American Veterans)		
Do	Cadwalader Wickersham & Taft (For:Energen Corp)	27.63	
Do	Cadwalader Wickersham & Taft (For:Family Life Insurance Co)	55.25	
Do	Cadwalader Wickersham & Taft (For:Harsco Corporation)		
Do	Cadwalader Wickersham & Taft (For:Management Compensation Group)	55.25	
Do	Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp)		
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)	247.00	
Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002	Investment Company Institute	15,000.00	
Do	Merrill Lynch & Co., Inc		
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	11,864.00	103.70
William E. Allen, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001			7,027.00
Alliance for Capital Access, 888 17th Street, NW, 12th Floor Washington, DC 20006		100,000.00	30,309.01
Alliance of American Insurers, 1501 Woodfield Road, #400 West Schaumburg, IL 60173			47,270.93
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		4,974.25	3,732.29
Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013			
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Alpha Lyracom d/b/a Pan American Satellite, One Pickwick Plaza Greenwich, CT 06830			610.00
Loren J. Alter, 800 North Plaza Drive Schaumburg, IL 60196	Zurich-American Insurance Companies		
Michael J. Altier, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Federation	1,000.00	
William M. Altman, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	1,282.50	60.00
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
John O. Ambler, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	246.36	
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	20,000.00	10,565.07
Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344	Cooperative Power Association	5,000.00	50.49
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		23,722.95	23,722.95
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			7,725.00
American Agriculture Movement, Inc, 100 Maryland Ave, NE, #500 Box 69 Washington, DC 20002		6,000.00	6,000.00
American Amusement Machine Assn, 12731 Directors Loop Woodbridge, VA 22192		40,416.00	40,416.00
American Arts Alliance, 1319 F Street, NW, #307 Washington, DC 20004-1182			13,200.63
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		20,787.80	20,805.88
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302		5,000.00	32,214.00
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			
American Assn of Equipment Lessors, 1300 North 17th St., #1010 Arlington, VA 22209			
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		1,187.66	50.00
American Assn of University Women, 2401 Virginia Avenue, NW Washington, DC 20037			190.74
American Automobile Assn, 500 E Street, SW, #950 Washington, DC 20024			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		78,405.55	78,405.55
American Cement Alliance, Inc, 1212 New York Avenue, NW, #520 Washington, DC 20005			31,642.09
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Council for Capital Formation, 1850 K Street, NW, #400 Washington, DC 20006		2,351.00	2,776.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		57,289.00	57,289.00
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		156,852.00	156,852.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			162,008.85
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		3,240.00	3,240.00
American Fiber Manufacturers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036			750.00
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			1,000.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		10,000.00	10,000.00
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		33,660.00	33,660.00
American Grain Inspection Institute, 1629 K Street, NW, #1100 Washington, DC 20006		93.92	
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		334,604.34	91,816.76
American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006			
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		22,669.42	8,996.97
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			3,355.65
American Insurance Assn, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036		6,693.80	6,693.80
American International Automobile Dealers Assn, 1128 16th Street, NW Washington, DC 20036			
American International Group, Inc, 70 Pine Street New York, NY 10270			52,443.25
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		234,332.00	161,519.77
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036		2,410.00	
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		625.00	12,323.20
American Life Lobby, Inc, P.O. Box 490 Stafford, VA 22554		15,000.00	15,000.00
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		18,382.47	2,601.51
American Managed Care & Review Assn, 1227 25th St., NW, #610 Washington, DC 20037			2,410.00
American Meat Institute, P.O. Box 3556 Washington, DC 20007		44,773.81	8,350.81
American Medical Assn, 535 North Dearborn St. Chicago, IL 60610			101,694.30
American Methanol Institute, 815 Connecticut Ave., NW, #800 Washington, DC 20006		7,500.00	7,150.00
American Motorcyclist Assn, 1225 Eye Street, NW, #500 Washington, DC 20005			20,595.00
American Movers Conference, 2200 Mill Road Alexandria, VA 22314			2,001.00
American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041		48,159.52	48,159.52
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		84,787.46	66,197.71
American Nurses' Assn, 1101 14th Street, NW, #200 Washington, DC 20005		32,642.44	32,642.44
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822		6,693.62	6,693.62
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Orthotic and Prosthetic Assn, 717 Pendleton St. Alexandria, VA 22314-1885		150,000.00	22,500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			8,352.11
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		267,500.89	234,102.47
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		9,312.54	9,312.54
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			25,037.27
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		113,117.90	110,014.14
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		42,690.00	42,690.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			7,653.00
American Retreaders' Assn, P.O. Box 17203 Louisville, KY 40217		500.00	500.00
American Seed Trade Assn, 1030 15th Street, NW, #964 Washington, DC 20005			14,385.00
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036			
American Soc of Anesthesiologists, 1111 14th Street, NW, #501 Washington, DC 20005			26,731.20
American Soc of Hospital Pharmacists, 4630 Montgomery Avenue Bethesda, MD 20814			12,000.00
American Society of Cataract & Refractive Surgery, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery		3,267.89
American Soybean Assn, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107		11,445.25	5,168.96
American State of the Art Prosthetic Assn, 955 26th Street, NW, #208 Washington, DC 20037		12,000.00	2,667.73
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		39,630.43	55,077.63
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			27,200.00
American Veterinary Medical Assn, 1023 15th Street, NW, #300 Washington, DC 20005		1,000.00	660.00
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		599,085.00	1,005.04
American Wood Preservers Institute, 1945 Gallows Road, #550 Vienna, VA 22182			16,375.00
Americans for Common Cents, 1026 16th Street, NW, #101 Washington, DC 20036			
Americans for Immigration Control, Inc, P.O. Box 738 Monterey, VA 24465		8,554.90	8,554.70
Americans for Nonsmokers' Rights, 2054 University Ave., #500 Berkeley, CA 94704		4,873.00	4,874.00
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Laurel W. Ames, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	American Free Trade Assn	2,500.00	
Do	Coalition for American Energy Security		
Do	Free Angola Information Service	15,000.00	
Do	Northrop Corp	6,000.00	
Do	Thompson Medical Co	3,000.00	
Eiji Amito, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	American Honda Motor Co, Inc	200.00	
Jan S. Amundson, North Lobby, #1500 1331 Pennsylvania Ave., NW Washington, DC 20004-1703	National Assn of Manufacturers		
Anadarko Petroleum Corp, 16855 Northchase Drive Houston, TX 77251-1330			
Steven C. Andersen, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin, Inc (For:Embassy of South Africa)		
Anthony A. Anderson, 2100 Pennsylvania Avenue, NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Community Transportation Assn)	8,067.19	10.60
Do	Eckert Seamans Cherin & Mellott (For:Metropolitan Transportation Authority)		
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	850.00	
Cynthia C. Anderson, 1020 16th Street, NW Washington, DC 20036-5754	Enron Corp	3,000.00	
David J. Anderson, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	500.00	
Fred E. Anderson, 2397 W. 29th Street Loveland, CO 80537	Philip Morris, Inc	2,000.00	355.00
H. Kim Anderson, Virginia Petroleum Council 1001 E. Broad Street Richmond, VA 23219	American Petroleum Institute		
J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310	Temple-Inland		
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Jon A. Anderson, 1100 Connecticut Ave., NW, #410 Washington, DC 20036	Eaton Corp		3,993.11
Steven Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	6,000.00	
Susan S. Anderson, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	240.00	
Elaine Andrews, 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20004-0401	National Assn of Life Companies	300.00	107.35
Lewis D. Andrews Jr., 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute	1,160.00	
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	
Robert B. Andrews, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp		
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	987.37
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Association of Battery Recyclers	256.00	256.00
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	California Dairy Institute		
Do	City of Denver, Colorado		
Do	Coalition for Intermarket Coordination		
Do	Interstate Natural Gas Assn (INGA)	15,000.00	
Do	Mars, Inc		
Do	Matson Navigation Company		
Do	Safeguard America's Family Enterprises		
Do	Wayne County Michigan		
Do	Westinghouse Electric Corp		
Animal Health Institute, 119 Oronoco Street P. O. Box 1417-D50 Alexandria, VA 22313			85.00
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,984.00	
Virginia Antos, 1718 Connecticut Avenue, NW, 7th Floor Washington, DC 20009	Association of American Publishers		
Apartment & Office Building Assn, 1413 K Street, NW, #600 Washington, DC 20005			
Apple Computer, Inc, 1550 M Street, NW, #1000 Washington, DC 20005			1,114.12
Apple Processors Assn, 1629 K Street, NW, #1100 Washington, DC 20006		32,379.82	27,346.69
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	5,886.00	
John Archer, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp		
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Assn of Bioanalysts	19,900.00	2,153.86
Do	American Assn of Occupational Health Nurses	5,055.24	165.72
Do	American Medical Imaging Corp	4,502.50	
Do	Ameritech		
Do			10.26
Do	Association of Professional Flight Attendants	22,000.00	1,320.00
Do	Central States SE & SW Areas Health Welfare & Pension Funds	84,449.00	619.22
Do	City of San Diego		
Do	Guardian Life Insurance Co of America	67,676.50	3,670.30
Do	Independent Federation of Flight Attendants	4,000.00	155.00
Do	International Society for Clinical Laboratory Technology	3,000.00	5.67
Do	Mercy Hospital of Des Moines, Iowa		
Do	Motor and Equipment Manufacturers Association		
Do	National Assn of College Stores	2,484.00	86.00
Do	National Field Selling Assn		
Do	National Parking Association	11,982.91	1,850.08
Do	Popular Democratic Party		577.98
Do	Puerto Rico Federal Affairs Administration	15,674.31	745.92
Do	Second Street Limited Partnership	65,555.00	513.43
Do	Stant, Inc		
Do	SO-PAK-CO, Inc	84.00	
Do	Toshiba America, Inc	184,309.21	3,235.09
Do	Toyota Motor Corporation		
Do	Transport Insurance Company	9,260.50	42.47
Do	Video Software Dealers Assn		1,929.64
Fred Armstrong Jr, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		
Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101	American Iron & Steel Institute	750.00	
Do	Ashland Oil Co	750.00	
Do	Corporate Property Investors	749.99	
Do	Goodyear Tire & Rubber Company	650.00	
Kay Kelley Arnold, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company	816.45	315.24
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Institute of Certified Public Accountants	4,893.75	205.27
Do	American Red Cross	2,069.60	288.28
Do	Avatar Utilities, Inc		
Do	Avis, Inc		
Do	ACPC		
Do	AFL-CIO		
Do	Building & Construction Trades Dept, AFL-CIO		
Do	Business Roundtable		
Do	Commissioner, Dept of Telecommunications City of New York	2,837.50	38.00
Do	Continental Corporation		9.50
Do	Donohue & Associates, Inc		
Do	Werner Fleischmann	105.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Fluor Corporation		
Do	Fujisawa USA, Inc	380.00	1.25
Do	General Conference of Seventh-day Adventists	256.00	171.78
Do	Grain & Feed Trade Assn		
Do	Hoffmann-La Roche, Inc		
Do	International Commodities Clearing House		
Do	London Commodity Exchange		
Do	London International Financial Futures Exchange, Ltd		
Do	Metal Market & Exchange Co, Ltd		
Do	Mutual of America		
Do	MCorp		
Do	National Coordinating Comm for Multiemployer Plans	8,750.00	297.00
Do	Penn Central Industries Group		3.39
Do	Philip Morris, Inc	1,170.00	7.50
Do	Recording Industry Assn of America, Inc		
Do	Republic of Panama		
Do	Sacramento Municipal Utility District		
Do	State Farm Mutual Automobile Insurance Co	5,403.75	70.99
Do	Survival Technology, Inc		
Do	Unilever United States, Inc		
Arnold Grobmyer & Haley, P.O. Box 70 Little Rock, AR 72203	Arkansas Assn of Securities Dealers		
Do	Mid-South International Trade Assn		
L. Wayne Arny & Company, 600 New Hampshire Ave., NW Washington, DC 20037	Liberty Maritime		
Do	Technology for Communications, International		100.00
Thomas M. Arrasmith, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	595.00	314.55
Deborah Arringdell, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses Assn	2,800.00	166.11
Milton F. Ashford, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Thomas Ludlow Ashley, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	1,025.00	
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippine			
Associated Credit Bureaus, Inc, 16211 Park 10 Place Houston, TX 77084		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,000.00
Association of American Law Schools, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036			
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		15,573.00	15,573.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		158,965.38	158,965.38
Association of American Veterinary Medical Colleges, 1023 15th Street, NW, 3rd Floor Washington, DC 20005			
Association of Certified Trucking Schools, 3050 K Street, NW, West Building Washington, DC 20007			608.00
Association of Independent Television Stations, Inc, 1200 18th Street, NW Washington, DC 20036			8,000.00
Association of Maximum Service Television, Inc, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		503.92
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006	Sun Co, Inc		
Association of Private Pension & Welfare Plans, Inc, 1212 New York Avenue, NW, #1250 Washington, DC 20005		15,063.74	15,229.64
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		8,340.00	8,340.00
Association of Urban Universities, P.O. Box 33276 Washington, DC 20033		41,000.00	6,871.49
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
Ater Wynne Hewitt Dodson & Skerritt, 1225 19th Street, NW, #200 Washington, DC 20036	Agriculture Ocean Transportation Coalition		1,001.06
Do	AVIA Footwear, Inc	5,495.83	1,571.92
Do	Maritime Fire and Safety Assn	4,000.00	38.45
Do	Oregon Economic Development Dept, Marine Div	13,702.50	418.57
Do	Pacific Coast Coun of Custom Brokers & Freight Forwarders	9,000.00	789.60
Do	Port of Portland	7,500.00	932.75
Do	Port of Redwood City	6,000.00	275.92
Do	Reebok International Ltd	22,315.00	3,579.50
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Fujitsu, Ltd		
Do	Seiko Epson		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			623.42
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,189.00	200.00
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Robb Austin, 596 West McMurray Road McMurray, PA 15317	Robb Austin & Associates (For:Philip Morris, Inc)	5,400.00	12.16
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	873.71	
John S. Autry, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp	3,000.00	544.86
Rebecca Avila, 2030 M St., NW Washington, DC 20036	Common Cause	5,523.27	
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Merribel Symington Ayres, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers		
Richard E. Ayres, 1350 New York Ave., NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc	1,621.26	44.25
ADAPSO - The Computer Software & Services Industry Assn, 1300 North 17th Street, #300 Arlington, VA 22209			
AFL-CIO Maritime Committee, 444 North Capitol Street, #820 Washington, DC 20001		5,825.00	4,495.50
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			464.32
ATOCHEM North America, Three Parkway Philadelphia, PA 19102			6,359.41
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western-Southern Life Insurance Co	2,000.00	350.00
Hope M. Babcock, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Do	Municipal Finance Industry Assn		
Do	National Health Labs, Inc		
Do	John Nuveen & Co, Inc		
Do	Securities Industry Assn		
Bronwyn Bachrach, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:BATUS, Inc)		
Do	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care).		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Do	Hecht Spencer & Associates (For:Warnaco Companies)		
Kenneth L. Bader, P.O. Box 27300 540 Maryville Centre Drive St. Louis, MO 63141-1700	American Soybean Assn	500.00	600.00
Cynthia E. Bailey, 1000 Potomac Street, NW, #401 Washington, DC 20007	California State Department of Education	5,500.00	179.00
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
William A. Bailey, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,000.00	36.70
David Baime, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	5,588.00	118.00
Sheila Bair, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	200.00	
Gail DeLoach Baker, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	1,147.00
James A. Baker IV, 555 13th Street, NW, #500 East Washington, DC 20004	Baker & Botts (For:Sonat, Inc)	8,495.00	364.33
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,815.95	154.97
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremens Assn, AFL-CIO	21,849.00	742.77
Quinter S. Baker, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Cabot Oil & Gas Corp		369.72
Do	German Federation of Industry		
Do	Greater Houston Partnership		
Do	National Machine Tool Builders' Assn		
Do	Rhone-Poulec		
Do	Torchmark Corporation	8,645.00	228.52
Do	U.S. West		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Abbey/Foster	11,330.63	
Do	Alexander & Alexander Services, Inc		
Do	Allen Memorial Hospital	3,580.74	
Do	American Protestant Health Assn	15,000.00	615.03
Do	American Resort & Residential Development Assn	3,000.00	3,000.00
Do	Amherst Hospital	1,869.36	
Do	Bell Canada		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	California Independent Casualty Companies Assn	5,000.00	5,000.00
Do	Chubb Corporation	7,500.00	7,500.00
Do	City of Clearwater		
Do	Cominco Ltd		
Do	Committee on Problems of Drug Dependence, Inc	2,071.25	90.00
Do	Corroon & Black Corp		
Do	Edison Electric Institute	7,500.00	7,875.00
Do	Elyria Memorial Hospital & Medical Center	3,478.38	
Do	Employee Health Programs, Inc	9,099.51	
Do	Financial Holding Corp	3,500.00	3,500.00
Do	Fireman's Fund	2,000.00	2,000.00
Do	Greater New York Hospital Assn	10,084.14	
Do	Frank B. Hall & Co, Inc		
Do	Hermann Hospital	12,238.36	271.12
Do	Homedco	11,330.63	1,269.83
Do	Hospital San Pablo		
Do	Hyatt Corp		
Do	INVACARE Corporation	3,916.03	
Do	Johnson & Higgins		
Do	Life Gift Organ Donor Center	60,000.00	34.54
Do	Lorain Community Hospital		71.22
Do	Marsh & McLennan Companies		
Do	Medasonics	5,712.97	40.33
Do	Mutual of Omaha Insurance Co	3,000.00	3,000.00
Do	MMI Companies, Inc	915.38	
Do	National Assn of Insurance Brokers, Inc	2,000.00	2,000.00
Do	National Assn of Professional Insurance Agents	2,000.00	2,000.00
Do	Renal Physicians of Texas	3,267.60	81.28
Do	Sedgwick James, Inc		
Do	Society of Cardiovascular & Interventional Radiology	28,066.43	1,735.30
Do	St Joseph Hospital & Health Center	1,869.36	
Do	Substance Abuse Management, Inc	6,555.06	
Do	Telecommunications Industry Assn		
Do	Travelers Insurance Co	10,000.00	10,000.00
Do	Uniden Corp of America		
Do	United Fidelity Life Insurance	4,000.00	4,000.00
Do	University of Texas Health Science Center at Houston	4,462.07	101.50
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	American Airlines, Inc		
Do	Contel Corp		
Do	Day & Zimmerman, Inc	189.00	
Do	Dinamo	499.50	
Do	Dunigan Enterprises	1,748.50	
Do	DKT Memorial Fund		
Do	Federal Express Corp	3,142.50	
Do	International Barrier Corp		
Do	International Business Machines Corp (IBM)	9,701.50	
Do	Lawler/Wood, Inc	686.25	
Do	Los Angeles County Transportation Commission	3,555.00	
Do	National Label Co., Inc		
Do	Occidental Petroleum Corp	1,012.50	
Do	Pennzoil Co	650.00	
Do	Philip Morris Management Corp	900.00	
Do	Pillsbury Company	417.00	
Do	Public Service Company of New Mexico		
Do	Schering-Plough Corp	6,585.75	50.00
Do	Southern California Edison Co	337.50	
Do	U.S. Tobacco, Inc	2,952.00	
Do	Varity Corp	472.50	
Do	Warner-Lambert Co		
Patricia A. Baldi, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		520.00
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
Stanley W. Balis, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	Harsh Investment Corporation	1,145.00	423.97
Do	Northwest Woodland Owners Council	42,000.00	5,541.91
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	262.24
Charles E. Bangert, P.C., 662 Mallard Court Arnold, MD 21012	Business Roundtable	2,000.00	
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
James T. Banks, 3001 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	2,550.00	
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	535.64
Do	Bannerman and Associates, Inc (For:Beirut University College)	1,000.00	
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)	3,000.00	35.00
Do	Bannerman and Associates, Inc (For:Government of Tunisia)	3,000.00	76.83
Do	Bannerman & Associates, Inc (For:Sawyer-Miller Group (for Government of the Philippines)).	5,000.00	410.43
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp		
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	4,500.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	3,333.12	507.63
Haley R. Barbour, P.O.Box 960 Yazoo City, MS 39194	American Maritime Congress	22,500.00	841.78
Do	American Rice Incorporated	15,000.00	328.20
Do	A. L. Williams Corp	17,800.00	440.65
Rebecca T. Barbour, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Betsy F. Barclay, 1000 Vermont Avenue, NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	345.06
M. Camille Bares, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp, Inc		2,372.99
Leslie A. Barhyte, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	4,000.00	67.21
Amy L. Barker, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn		
Robert H. Barker, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	United Telecom/US Sprint	7,000.00	1,235.10
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Company	3,585.70	5,799.96
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Barnes & Thornburg, 1313 Merchants Bank Building 11 South Meridian Street Indianaplois, IN 46204	Carl H. Dahlin	1,352.00	1,868.55
Do	Salt Creek & Little Calumet River Preservation Assn	288.00	230.10
Ray A. Barnhart, 2602 Dellana Lane Austin, TX 78746	Marathon Oil Co	9,000.00	9,368.29
Michael E. Baroody, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,300.00	
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn		3,650.00
David M. Barrett, 2550 M Street, NW, #375 Washington, DC 20037	Fleetwood Enterprises, Inc	5,000.00	2,055.39
Do	Southeastern Pennsylvania Transportation Authority	1,125.00	537.35
Kenneth R. Barrett, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
Thomas S. Barrett, 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates	1,072.60	
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	3,000.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc		
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Stephen R. Bassett, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,250.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	4,918.55
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	1,750.00	1,750.00
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	2,000.00	
Catharine R. Batky, 50 F Street, NW, #1080 Washington, DC 20001	Burlington Northern Railroad Co	1,750.00	173.21
Erica M. Battaglia, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	4,409.60	548.60
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Anthony R. Battista, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	350.00	40.00
Ellen Battistelli, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America	908.56	
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	875.00	
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	1,500.00	1,313.15
Patricia M. Bauer, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	500.00	
Do	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)		
Do	Bannerman & Associates, Inc (For:Government of Tunisia)		
Do	Bannerman & Associates, Inc (For:Sawyer-Miller Group (for:Government of the Philippines)).		
Edward H. Baxter, 2000 M Street, NW, #700 Washington, DC 20036	Graham & James (For:American Academy of Cosmetic Surgery, Inc)		
Do	Graham & James (For:R.R. Donnelley & Sons Company)		
Do	Graham & James (For:English Bay Corp)		
Do	Graham & James (For:Federal Administrative Law Judges Conference)	29.88	
Do	Graham & James (For:Federal Judges Association)	70.00	
Do	Graham & James (For:National Council of U.S. Magistrates)		
Bayless Boland Bates & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Glenmore Distilleries Company	3,000.00	98.40
Do	Southwestern Bell Corp	1,600.00	294.47
Tina Marts Beach, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	372.00	
Bruce A. Beam, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	316.90	525.90
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Alameda County Transportation Authority).	1,000.00	
Do	Richard J. Sullivan Associates (For:Association of American Railroads)	6,000.00	
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Co)	300.00	
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard F. Bechtel, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,679.72	
Edward A. Beck III, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	3,648.00	1,216.05
Lee Becker, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	347.50	75.00
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	7,611.26	25.00
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	5,000.00	
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	105.91
Howard Bedlin, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	553.96	118.73
Beer Institute, 1225 'Eye' Street, NW, #825 Washington, DC 20005			
Robert M. Beers, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	4,735.00	
Edwin L. Behrens, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co		
Kenneth J. Beirne, 777 14th Street, NW Washington, DC 20005	National Association of Realtors	2,500.00	
Mark Belanger, 805 Third Avenue, New York, NY 10022	Major League Baseball Players Assn		
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	708.19
Howard H. Bell, 1400 K St., NW, #1000 Washington, DC 20036	American Advertising Federation		
Michael A. Bell, 1801 K Street, NW Washington, DC 20036	Price Waterhouse (For:Hillenbrand Industries)		
R. Steve Bell, 444 North Capitol Street, NW #845 Washington, DC 20001	National Air Traffic Controllers Assn		
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union	3,923.46	
William M. Bennett, 1420 King Street, Alexandria, VA 22314-2715	National Society of Porfessional Engineers	1,250.00	
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005	American Motorcyclist Assn	11,480.22	790.27
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		155.33
Hu A. Benton, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:General Electric Mortgage Insurance Co)		
James E. Benton, N. J. Petroleum Council, 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	275.00	
Todd P. Bentsen, 322 D Street, NE Washington, DC 20036	Rainbow Lobby, Inc	4,562.50	
Steven P. Berchem, 119 Oronoco Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute		
George L. Berg Jr., 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,067.00	89.19
Rebecca J. Berg, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	Sea-Land Corporation	450.00	
Richard Scott Berg, 1250 Connecticut Avenue, NW, #210 Washington, DC 20036	National Forest Products Assn		
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Third Class Mail Assn	3,000.00	
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	135.00	35.00
Bergner Boyette & Bockorny, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Avianca, Inc	2,000.00	150.00
Do	Bell Atlantic Corp	5,000.00	850.00
Do	China External Trade Development Council	2,000.00	1,600.00
Do	Dead Pigeon River Council		
Do	Eli Lilly & Company	700.00	350.00
Do	First Boston Corp	10,000.00	2,850.00
Do	Flo-Sun Land Corp	10,000.00	1,960.00
Do	Forum Group, Inc		
Do	Fox Broadcasting Company	6,500.00	400.00
Do	Friendship in Freedom Assn	3,000.00	750.00
Do	Jenny Craig International		
Do	Johnson & Johnson	3,000.00	400.00
Do	Mallinckrodt, Inc	6,000.00	400.00
Do	McDonnell Douglas Corp	3,600.00	
Do	Murry's, Inc	400.00	90.00
Do	National American Wholesale Grocers Assn (NAWGA)	3,600.00	180.00
Do	National Assn of Business & Educational Radio, Inc	5,000.00	975.00
Do	National Soft Drink Assn	4,000.00	700.00
Do	Natural Gas Supply Assn	7,500.00	700.00
Do	Okeelanta Corp	10,000.00	2,150.00
Do	Orange & Rockland Utilities	9,000.00	1,400.00
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 136 North Summit Street, #213 Toledo, OH 43604	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20004	Bergson & Company (For:Halon Research Institute)	5,000.00	
Do	Bergson & Company (For:RJR Nabisco)	1,000.00	
Do	Smokeless Tobacco Council	1,000.00	
Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	4,402.85	508.60
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Peter M. Berkery Jr., 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants		
Nathan R. Berkley, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	100.00	
Linda K. Berkshire, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,514.00	405.00
Pamela M. Berkwitz, Norwest Center-Sixth & Marquette Minneapolis, MN 55479-1032	Norwest Corporation	15,000.00	4,143.39
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc		
Richard B. Berman, 1025 Connecticut Ave. NW, #1010 Washington, DC 20036	Burger King Corp		
Do	Pillsbury Company		
Do	S&A Restaurants Corp		
William R. Berman, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Susan M. Bernard, 1350 New York Ave., NW Washington, DC 20005	Spiegle & McDiarmid (For:Alliance of Responsible Electric Systems for Energy Access).		
Elizabeth Bernstein, 2030 M Street, NW Washington, DC 20036	Common Cause	4,500.00	201.70
George K. Bernstein, 1730 K St., NW Washington, DC 20006	Jauch & Hubener, O.H.G.		
Do	Nationwide Insurance Companies	2,250.00	
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	20,750.00	9,738.23
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessionnel de L'Economic Laitiere		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	65.48
Willard M. Berry, 1625 K Street, NW, #1090 Washington, DC 20006	National Foreign Trade Council, Inc	5,000.00	1,100.00
Michael J. Bertelsen, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Margot Bester, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Corporation)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	2,182.00	
Ed Bethune, 210 East Vine Street Searcy, AR 72143	FBI Agents Assn (FBIAA)	14,000.00	345.00
Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	10,000.00	214.46
Do	American Assn of Eye & Ear Hospitals	10,000.00	106.15
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Arvida Company)	638.25	
Do	Beveridge & Diamond, PC (For:Christie Manson & Woods International, Inc)		
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Arvida Company	9,101.88	12,351.12
Do	Christie Manson & Woods International, Inc		
Do	City of Bluefield, WV, et al.		
Do	FMC Corporation		
Do	Northern Indiana Public Service Company		
Do	Pacific Dunlop-GNB		
Do	RSR Corp		
Sheldon D. Beychok, 10481 Old Hammond Hwy., #A Baton Rouge, LA 70816	Community Health Network of Louisiana, Inc		
Do	Lamar Corporation		
Do	Ramsay Hospital Corporation of Louisiana, Inc		
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	432.69	16.17
Joan T. Bier, 1726 M Street, NW, #701 Washington, DC 20036	IMCERA Group, Inc		
Heidi Biggs, 1250 Connecticut Ave, NW, #200 Washington, DC 20036	American Forest Resource Alliance	1,500.00	
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	13,304.53	
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	Oxford Energy Co		
Do	Santa Barbara County Air Pollution Control District	1,087.50	
Do	South Coast Air Quality Management District	10,515.67	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	491.81	4,371.71
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	8,390.00	
Stuart Binstock, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Peggy K. Binzel, 810 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	1,925.00	
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Wetlands Coalition		
Do	Amerada Hess Corp		
Do	Calista Corp	1,000.00	
Do	Central Bering Sea Fishermens Assn	500.00	
Do	Chugach Alaska Corp	1,000.00	
Do	City of Cordova		
Do	City of St. George	1,000.00	
Do	City of Valdez		
Do	Duquesne Light	12,000.00	
Do	Entergy Services Corp	20,000.00	
Do	Grand Targhee Ski Resort	1,000.00	
Do	Martech U.S.A., Inc		
Do	North Slope Borough		
Do	Old Harbor Corp		
Do	Orange & Rockland		
Do	Sealaska Corp	5,000.00	
Do	St. George Tanaq Corp		
Do	Tanadgusix Corporation		
Do	Turlock Irrigation District		
Do	Westinghouse Electric Corp		
Do	Wildlife Legislative Fund of America		
Do	Yukon Pacific Corp		
David R. Bird, 185 S. State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	8,615.39	
McNair Bishop, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	CompuServe Incorporated		750.00
Do	Mississippi Department of Economic Development	34,270.33	1,937.99
Do	National Cable Television Assn, Inc	51,101.25	211.91
Do	Natural Gas Pipeline Coalition		
J. Barry Bitzer, 1315 Duke Street Alexandria, VA 22314	Conservative Alliance		
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers		
Wayne V. Black, Keller and Heckman 1150 17th Street, NW, #1000 Washington, DC 20036	INDA, Assn of the Nonwoven Fabrics Industry		
Black Crotty Sims Hubka Burnett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life Insurance Company	5,000.00	
Do	Midland Risk Insurance Company		
Do	Security First Federal Savings & Loan Assn		
Black Manafort Stone & Kelly, P.C., 211 North Union Street, #300 Alexandria, VA 22314	Aetna Life & Casualty	7,000.00	738.71
Do	Allied-Signal Corp	22,500.00	518.34
Do	Bethlehem Steel Corp	22,500.00	43.91
Do	Cambridge Information Group	12,500.00	
Do	Clark Construction Group	9,000.00	
Do	Gas Safety Action Council	1,000.00	37.94
Do	Gemico	31,250.00	
Do	GTech Corp	10,000.00	193.39
Do	Johnson & Johnson, Inc	30,000.00	536.79
Do	Kaman Aerospace Corp	25,000.00	
Do	Kashmiri American Foundation	35,000.00	
Do	Katun Corp	11,250.00	
Do	League of Leaders for Philippine Development	7,500.00	
Do	MacAndrews & Forbes Holdings, Inc/Revlon Group, Inc	6,000.00	386.16
Do	NOVA University	30,000.00	1,552.81
Do	Puerto Rico Federal Affairs Administration	9,000.00	200.11
Do	Republic of Kenya	31,250.00	
Do	South Carolina Economic Development Board	2,000.00	
Do	Tobacco Institute	22,500.00	170.80
Do	Trump Organization	18,000.00	
Do	Union Pacific Corp	22,500.00	
Do	United Way of America	0.25	
Joseph W. Blackburn, P.O. Box 55727 2222 Arlington Ave., So. Birmingham, AL 35255	Sirote & Permutt (For:Health Care Coalition)		43.44
Do	Sirote & Permutt, PC (For:McAbee Construction)		
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	490.06
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,645.00	1,981.15
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Neal B. Blair, 501 Capitol Court, NE, #100 Washington, DC 20002	Free the Eagle, et al.	4,923.20	4,923.20
Stephen Blair, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	750.00	
Roy Blake, 900 University Dr. Nacogdoches, TX 75961	Philip Morris, Inc	9,000.00	1,249.61
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	3,802.86	
Julia M. Blankenship, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	1,188.41	547.45
Norma Blankenship, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	5,000.00	766.29
Beatrice K. Bleicher, 1200 18th St. NW Washington, DC 20036	Owens-Illinois, Inc	5,000.00	150.00
Michael E. Bleier, Mellon Bank N.A. One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
David Bley, 1501 4th Ave., 19th Floor Seattle, WA 98101	Federal Home Loan Bank of Seattle	8,750.00	2,352.31
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Amax, Inc	70.00	
Do	Brother International Corp		
Do	Fluor Corporation		
Do	Hunter Industrial Facilities, Inc	1,740.00	301.09
Do	National Paint & Coatings Assn, Inc		
Do	Philip Morris Cos, Inc		
Do	PB-KBB, Inc		
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	1,000.00	
L. Thomas Block, One Wall Street New York, NY 10015	Irving Trust Co	2,475.00	
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,100.00	
Patricia Blood, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	5,297.50	1,444.07
Douglas M. Bloomfield, 13712 Wagon Way Silver Spring, MD 20906	Gadot Petrochemical Industries	4,200.00	48.32
Mark Bloomfield, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	1,333.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	977.15

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John B. Blount Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	970.22
Robert S. Bludworth, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesaler's Assn	3,500.00	
Charles H. Blum, 1400 L Street, NW, #600 Washington, DC 20005	International Advisory Services Group, Ltd (For:Steel Service Center Institute)		
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	2,595.12	30.00
Robert A. Blum, 400 Sansome Street, San Francisco, CA 94111	Orrick Herrington & Sutcliffe (For:Permanente Medical Group, Inc)		
Patti Blumer, 1667 K Street, NW, #430 Washington, DC 20006	American Dietetic Assn	1,000.00	646.97
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		90,000.00	90,000.00
Judith Ann Boddie, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	2,472.86	355.49
Seth M. Bodner, 386 Park Avenue South, New York, NY 10016	National Knitwear & Sportswear Assn	1,312.50	
Larry A. Boggs, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	650.00	
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	American Dehydrated Onion & Garlic Assn	3,000.00	
Do	Cruiseship Alliance	7,500.00	
Do	National Apparel & Textile Assn	5,000.00	
Do	United Sport Fishermen	1,500.00	
John Bohm, 1800 Diagonal Road, #637 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	160.00	
Carol Bok, 1133 15th St., NW, #640 Washington, DC 20005	American Logistics Assn		
Eugene R. Bolo, 4000 Boury Center, Wheeling, WV 26003	Oralco Management Services, Inc (For:Ormet Corp)		
Do	Oralco Management Services, Inc (For:Ravenswood Aluminum Corp)		
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc	1,500.00	400.00
Brian C. Bonnet, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Robert Bonnie, 216 7th Street, SE Washington, DC 20003	Scenic America	700.00	225.00
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	3,900.00	
Gaylon B. Booker, 1918 N. Parkway, Memphis, TN 38112	National Cotton Council of America		
Steven A. Bookshester, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	297.00	
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	100.00	
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	2,706.00	209.48
Ken Bossong, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	1,000.00	
G. Stewart Boswell, 2500 Wilson Blvd. #301, Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	McDonnell Douglas Helicopters, et al.	500.00	
John C. Bottenberg, 800 S.W. Jackson, #1120 Topeka, KS 66612	Philip Morris, Inc	3,750.00	960.85
Francis D. Bouchard, 1819 L Street, NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	134.69
Mary M. Bourdette, 815 16th Street, NW, #707 Washington, DC 20006	Department for Professional Employees, AFL-CIO	7,399.04	
Albert D. Bourland, 1155 Connecticut Ave., NW, #420 Washington, DC 20036	Daimler-Benz Washington, Inc	7,500.00	250.00
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	2,937.50	
Albert D. Bowers, 1025 Conn. Ave., #200 Washington, DC 20036	Shell Oil Co	500.00	
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	15,515.00	1,541.15
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	3,000.00	958.94
Christopher Bowlin, 1331 Penn. Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Richard P. Bowling, 1020 Princess Street, Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Gina M. Bowman, P.O. Box 7305, Dept. 178, Kansas City, MO 64116	Farmland Industries, Inc		
Jim D. Bowmer, P.O. Box 844, Temple, TX 76503	Bowmer Courtney Burleson ...(for Naman Howell Smith...) (For:Temple Junior College).		
Bowmer Courtney Burleson Pemberton & Normand, P.O. Box 844 Temple, TX 76503	Namen Howell Smith & Lee (for Temple Junior College)		255.00
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	270.00	46.50
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Paul Boyle, Box 17407 Dulles Airport, Washington, DC 20041	American Newspaper Publishers Assn	6,475.00	168.02
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Caribbean Marine, Inc		
Do	Chemical Manufacturers Assn, Inc	705.00	423.00
Do	Enron Corp		
Do	Enterprise Products, Co		
Do	Genetech, Inc		
Do	Graham Resources, Inc		
Do	Higman Barge Lines, Inc		
Do	Louisiana Land & Exploration Co		
Do	Lyondell Petrochemical, Co		
Do	Massachusetts Mutual Life Insurance Co		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc	705.00	423.00
Do	Pennsylvania Natural Gas Assn		
Do	Joseph E. Seagram & Sons, Inc		
Do	Southdown/Pelto Oil Company		
Do	Sterling Chemicals, Inc		
Do	Torch Energy Advisors, Inc		
Do	Valero Energy Corporation	1,410.00	846.00
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Arkla, Inc	7,000.00	245.00
Do	Association of Battery Recyclers	5,000.00	60.00
Do	City of Klamath Falls	8,000.00	110.00
Do	City of Tucson	7,000.00	110.00
Do	Coin Coalition	10,000.00	260.00
Do	Daishowa America Company, Ltd	6,000.00	140.00
Do	Energy Absorption Systems, Inc	8,000.00	80.00
Do	Fieldstone Co	1,000.00	60.00
Do	Millicom, Inc	4,000.00	110.00
Do	Pratt & Whitney Aircraft Group	4,000.00	65.00
Do	St. Louis Airport Authority	4,000.00	105.00
Bradbury Bliss & Riordan, 431 West 7th Ave., #201, Anchorage, AK 99501	Akhiok-Kaguyak, Inc	20,760.24	
Martha Braddock, 6808 Hathaway Street, Springfield, VA 22152	Electronic Data Systems Corp	3,700.00	84.16
Wayne W. Bradley, 535 North Dearborn Street, Chicago, IL 60610	American Medical Assn		
Dennis M. Bradshaw, 8224 Old Courthouse Road, Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Mary I. Bradshaw, 2000 M Steet, NW, #550 Washington, DC 20036	North American Telecommunications Assn		
Raymond F. Bragg Jr., 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20004	Federal Strategies, Inc (For:Consolidated Natural Gas Co)	712.50	100.00
Do	Legislative Strategies (For:Delavan Lake Sanitary District)	2,925.00	140.48
Do	Legislative Strategies (For:Globos International, Inc)		
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	372.60	
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,904.71	
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	National Assn for Home Care		
Do	Oracle Corp	200.00	
Do	S.A.F.E.		
Do	Seafarers International Union		
Robert M. Brandon, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action Fund	1,660.00	150.00
Sarah J. Brandt-Erichsen, 1050 17th Street, NW, #700 Washington, DC 20036	National Ocean Industries Assn	925.00	
Chris Julian Brantley, 1828 L Street, NW #1202 Washington, DC 20036	Institute of Electrical and Electronics Engineers		
William C. Brashares, Mintz Levin Cohn Ferris Glovsky & Popeo, 1825 Eye St., NW, #1200 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc		
Jean A. Brashears, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	260.00	
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	17,978.76	182.71
Donald H. Brazier, P.O. Box 12266, Seattle, WA 98102	Dollar Savings Bank, et al.		
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Edward T. Breathitt, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
George W. Breece, P.O. Box 2801 Fayetteville, NC 28302	American State of the Art Prosthetic Assn	1,000.00	1,984.05
Bregman Abell & Kay, 1156 15th St., NW, #1212 Washington, DC 20005	Trans World Airlines, Inc		
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,023.67
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	860.54
Franklin K. Breselor, 150 State Street Albany, NY 12207	Orange & Rockland Utilities, Inc	7,000.00	6,192.00
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,500.00	50.00
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	250.00	
F.H. Brewer III, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	1,000.00	93.72
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		1,263.51

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	768.75
Karen B. Brigham, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	115.41
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	4,625.00	1,250.27
David M. Brockman, 1201 New York Avenue, NW, #850 Washington, DC 20005	National Grain & Feed Assn		3,093.75
Mary Broderick, 1625 K St., NW, 8th Fl. Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	Plunkett & Cooney (For:National Bank of Detroit)	5,250.00	2,890.83
Do	Plunkett & Cooney (for City of Detroit, Michigan)	8,625.00	
Do	Plunkett & Cooney (for Detroit Educational TV Foundation)		
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co)	9,000.00	3,424.30
David A. Brody, 1140 Connecticut Avenue, NW Suite 803 Washington, DC 20036	American Fiber Manufacturers Assn, Inc	750.00	
Do	Anti-Defamation League of B'nai B'rith		
Do	Corn Coalition	1,500.00	
Marcia D. Brody, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	200.00	
Michael J. Brokovich, 2001 L Street, NW, Suite 1000 Washington, DC 20036	Unisys Corp	1,000.00	
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Dale E. Brooks, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	2,825.00	
E. R. Brooks, P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	6,466.97	96.75
Maria Brousse, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	2,227.40	
Cynthia A. Brown, 1640 Wisconsin Ave., NW, Washington, DC 20007	American College of Surgeons		42.00
Cynthia L. Brown, 1110 Vermont Ave., NW, #1250 Washington, DC 20005	Shipbuilders Council of America	15,000.00	
Dale E. Brown, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	10,000.00	2,877.36
David S. J. Brown, 700 14th Street, NW Washington, DC 20036	Monsanto Co	700.00	750.23
Michael J. Brown, 1112 16th Street, #240 Washington, DC 20036	Klein & Saks (For:Americans for Common Cents)		
Omer F. Brown II, 1752 N Street, NW, #800 Washington, DC 20036	Davis Wright Tremaine (For:Hazardous Waste Action Coalition)	11,888.00	781.55
Paul S. Brown, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	6,159.60	94.07
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	2,250.00	
Virginia Brown, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Mortgage Finance, Inc)	25.00	
Do	Thacher Proffitt & Wood (For:Coalition for Affordable Housing)		
Do	Thacher Proffitt & Wood (For:General Electric Mortgage Insurance Cos)		
Do	Thacher Proffitt & Wood (For:Standard Federal Savings Bank)		
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation		165.12
William R. Brown, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce	361.00	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	768.75
T. G. Brown & Associates, Inc, #995 National Press Building 529 14th Street, NW Washington, DC 20045	Lifebank, Inc	450.00	6.00
Do	Velsicol Chemical Corp		
Clarence J. Brown and Co, Inc, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	BHC, Inc	6,210.00	
Do	Chris-Craft Industries, Inc		
Do	Honda North America, Inc		
Do	Ohio Edison	9,275.00	
Do	United Television, Inc		
Brown Coates & McCarthy Inc, 1825 K Street, NW, #807 Washington, DC 20036	Avco Research Lab, Inc		
Do	Royal Teton Ranch		
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	5,000.00	1,719.86
Carol Browning, 499 South Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Warnaco Companies)		
Brownstein Hyatt Farber & Madden, 410 17th Street, 22nd Floor Denver, CO 80202	Alliance for Capital Access		
Do	Western Union Corp	29,149.18	1,201.81
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Association Local Housing Finance Agencies	6,000.00	2,713.11
Do	New York City Housing Development Corp	14,552.15	487.75
Do	New York State Mortgage Loan Enforcement & Admin Corp	19,680.50	436.04
Do	Title One Home Improvement Lenders Assn	1,733.00	1,753.39
Broydrick Associates Inc, 600 East Mason Street Milwaukee, WI 53202	Aurora Health Care	4,725.00	1,955.48
Do	Blood Center of Southeastern Wisconin	225.00	
Do	Children's Hospital of Wisconsin	827.50	423.35
Do	Golden Rule Insurance	487.50	291.06
Do	Meehan Seaway	145.00	51.45
Do	Oneida Nation	5,732.50	1,199.60
Do	Plumbers Local #75	225.00	250.64
Do	PrimeCare Health Plan		
Do	Waste Management, Inc	6,687.50	1,546.44
Do	Watertown Memorial Hospital	600.00	51.57
Jeanne Broyhill, 1776 G Street, NW, 3rd Floor Washington, DC 20006	Federal Home Loan Mortgage Corp	8,782.00	1,924.58
Thomas P. Bruderle, 4630 Montgomery Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists		9,000.00
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Kathryne M. Bruner, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	801.00	268.64
William K. Brunette, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	563.57	134.00
J. M. Brunkenhoefer, 227 Massachusetts Avenue, NE, #100 Washington, DC 20002	United Transportation Union	6,250.00	161.33
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	
Kenley W. Brunsdale, P.O. Box 510210 215 S. State St., 12th Fl. Salt Lake City, UT 84151	Fabian & Clendenin (For:Envirocare of Utah, Inc)	1,000.00	
Do	Fabian & Clendenin (For:Nevada Electric Investment Co, Inc)	12,802.50	3,597.35
Do	Fabian & Clendenin (For:Thompson Medical, Inc)	4,410.00	2,242.42
Do	Fabian & Clendenin (For:Devon Kerry Whitlock, et al.)	131.25	124.15
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Cos	660.00	289.43
Barbara L. Bryant, 1101 17th Street, NW, #1000 Washington, DC 20036	American Physical Therapy Assn, Private Practice Section		
Victor A. Bryant, 1801 K Street, NW #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	200.00	150.00
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	17,631.00	
Judith A. Buckalew, 1300 Eye Street, NW, #520-W Washington, DC 20005	Hoffmann-La Roche	5,500.00	272.77
Virginia M. Buckhold, 1722 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:Commerce Clearing House)		
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Mortgage Finance, Inc.)	1,050.00	
Do	Thacher Proffitt & Wood (For:Massachusetts Bankers Assn)	780.00	3.60
Roy C. Buckner, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Building Owners & Managers Assn Int'l, 1201 New York Avenue, NW, #300 Washington, DC 20005			11,550.00
Ann Garver Bulcao, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty and Surety Agents	1,500.00	40.81
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	1,600.00	123.13
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	2,160.00	
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
T. Scott Bunton, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	10,000.00	939.05
Barbara G. Burchett, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Burchette & Associates, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Carteret Savings & Loan Assn		
Do	City of Newark	66,287.86	2,035.13
Do	Colorado-Ute Electric Assn, Inc		1,920.98
Do	East Texas Electric Cooperative	1,710.00	245.85
Do	International Geographical Congress	7,704.25	1,880.63
Do	Carl J. Maggio		
Do	Mutual Benefit Life	34,166.27	1,977.00
Do	New York University	53,531.24	3,911.86
Do	NTEC	12,765.00	1,837.66
Do	Ogden, Utah		
Do	Paine Webber	38,299.88	1,388.48
Do	Sabine River Authority	6,000.00	39.38
Do	Tex-La	24,270.00	3,086.85
Do	United Power		
Do	University of Medicine & Dentistry of New Jersey	32,297.54	1,974.55
Do	University of Miami	47,753.00	3,879.75
David P. Burford, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc		5,913.82
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	6,000.00	
Burger King Corp, P.O. Box 520783 Gen. Mail Facility Miami, FL 33152			
Tonio Burgos, 909 Third Avenue, 17th Floor New York, NY 10028	Tonio Burgos & Asso (For:Department of Puerto Rican Community Affairs in the U.S.)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	New York Puerto Organizing Company of America (For:Telefonica Large Distancia).		
William J. Burhop, 1101 17th Street, NW Washington, DC 20036	American Airlines, Inc	6,125.00	103.50
April L. Burke, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton (For:Association of Independent Research Institutes (AIRI))		
Do	Hill & Knowlton, Inc (For:Comdisco Medical Leasing Group, Inc)		
Do	Hill & Knowlton (For:University of Cincinnati)		
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	740.00	200.00
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW Washington, DC 20036		48,663.75	1,196.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	3,750.00	
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Kevin R. Burns, 1920 N Street, NW Washington, DC 20036	American Mining Congress	40.00	46.00
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	4,000.00	51.00
James N. Burroughs, 1235 Jefferson Davis Highway, #702 Arlington, VA 22202	National Propane Gas Assn	1,000.00	10.00
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Arthur Andersen & Co		
Do	Chicago & Northwestern Transportation Co		
Do	CEMEX		
Do	Eli Lilly & Company		
Do	Ethyl Corporation	10,000.00	
Do	EWC, Inc		
Do	Lever Brothers Company		
Do	National Assn of Professional Baseball Players (NAPBP)		
Do	Thomson-CSF, Inc	2,000.00	
Do	U.S. Olympic Committee		
B. Kent Burton, 1730 Rhode Island Avenue, NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
William Burton, 180 Maiden Lane New York, NY 10038	Continental Insurance Company		13.00
Mark R. Burtschi, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	2,650.00	420.68
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp		7,843.81
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Donald G. Butcher, c/o N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute		
James J. Butera, 1275 Pennsylvania NW Washington, DC 20004	Bank of Baltimore	1,000.00	
Do	Bank of Chester County	1,000.00	
Do	Dime Savings Bank of New York	1,500.00	
Do	Federal Home Loan Bank of Boston	1,500.00	
Do	Federal Home Loan Bank of New York	1,500.00	
Do	People's Bank	1,500.00	
Do	River Bank America	1,500.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Assn of New York	1,500.00	
Kenneth W. Butler, 2010 Corporate Ridge, #700 McLean, VA 22102	Association of American Railroads	21,250.00	11,373.38
Do	Capital Partnerships, Inc (For:Coalition for Transit Opportunities)	9,000.00	7,317.62
Patrick Butler, 1875 Eye Street, NW, #1110 Washington, DC 20006	Times Mirror Co		
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
Bruce Butterfield, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufacturing Housing Institute		
Kenneth V. Buzbee, 217 E. Monroe, 200A Springfield, IL 62705	Food Marketing Institute	11,533.80	
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,000.00	
BP America, Inc, 1776 Eye Street, NW, Suite 1000 Washington, DC 20006			112,598.08
BZS/Capitol Strategies, LP, 1401 New York Ave., NW, #900 Washington, DC 20005	Related Companies, Inc	9,000.00	9,310.15
C & C Consulting Group, Inc, 210 Cameron Street Alexandria, VA 22314	Kansas Gas & Electric Co, Inc	15,000.00	259.54
Patrick J. Cacchione, 11775 Borman Dr. St Louis, MO 63146-6905	Daughters of Charity National Health Systems		
Do	National Assn of Medical Equipment Suppliers		
Elizabeth B. Cady, 1400 L Street, NW, #600 Washington, DC 20005-3509	Steel Service Center Institute		
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	600.00	600.00
Donald L. Cahill, 347 Widewater Road Stafford, VA 22554	Fraternal Order of Police	4,450.00	5,806.72
Morrison G. Cain, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn	6,250.00	
Christopher G. Caine, 1801 K St., NW, #1200 Washington, DC 20006	IBM Corp	24,000.00	822.71
Tony Calandro, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
James D. Calaway, 711 West Bay Area Blvd., #320 Webster, TX 77598-4001	Space Industries, Inc		
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,155.25	
Bonnie Caldwell, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	854.93
Antonio J. Califa, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,800.00	
John C. Callihan, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			240.00
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Allison Transmission	500.00	
Do	Eastern Technologies, Inc	500.00	
Do	FMC Corporation	500.00	
Do	General Dynamics Land Systems	1,000.00	
Do	McDonnell Douglas Helicopter Company	600.00	
Do	Optic-Electronics Corp	500.00	
Do	Textron Lycoming	500.00	
Arthur E. Cameron, 1111 14th Street, NW, #1001 Washington, DC 20005	Amerace Corporation	1,500.00	
Do	Lukens General Industries, Inc	1,500.00	
Do	National Greyhound Assn	4,697.00	
Do	Potters Industries, Inc	2,250.00	
Do	Radar Assn Defending Airwave Rights, Inc (RADAR)	6,064.00	
Do	Safetran Systems Corporation	4,350.00	
Do	Syro Steel Co, et al.	1,875.00	
Do	3M Company	12,504.00	
Nancy Camm, 1101 17th St., NW, #1002 Washington, DC 20036	Bank of America		
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Advance Petroleum Inc	208.00	
Do	Associated Financial Corp		
Do	ARA Services, Inc	41.60	
Do	BellSouth Corp		
Do	Blue Cross & Blue Shield Assn		
Do	Campbell Soup Co		
Do	Chemical Manufacturers Assn, Inc	750.00	
Do	Cigar Assn of America, Inc	150.00	
Do	Cleveland Clinic Foundation		
Do	Columbia Gas Systems, Inc		
Do	Committee for Equitable Compensation	100.00	
Do	Fashion Accessories Shippers Assn (FASA)		
Do	Goldbelt, Inc	950.00	
Do	Hancourt Brace Jovanovich, Inc		
Do	Home Intensive Care, Inc	270.40	
Do	K-Mart Corp		
Do	Mobil Oil Corp		
Do	MRO	166.40	
Do	Natural Gas Supply Assn		
Do	NATCO (National Assn of Tax Credit Coalition)		
Do	Olin Corporation		
Do	Orrick Herrington & Sutcliffe	20.80	
Do	Pennzoil Co		
Do	PGA Tour		
Do	PPG Industries, Inc		
Do	Russ Berrie & Co, Inc		
Do	Sears Roebuck & Co	430.00	
Do	Shell Oil Co	208.00	
Do	Southland Corporation	141.50	
Do	Super 8 Motels, Inc		
Do	Texaco, Inc		
Do	Toy Importers Working Group		
Do	Union Pacific Resources, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Western Mobilehome Assn		
Do	World Airways		
Do	World Fuel Services	499.20	
Campaign for U.N. Reform-Political Education Committee, 418 7th St., SE, Washington, DC 20003		15,133.29	4,907.55
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	2,500.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco		5,771.00
Carl C. Campbell, 1110 Vermont Avenue, NW, #430 Washington, DC 20005	National Cotton Council of America	800.00	
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
David Campbell, 1400 16th Street, NW, Washington, DC 20036-0001	National Wildlife Federation	2,180.80	
Jeanne Campbell, Campbell-Raupe, Inc. 1010 Pennsylvania Avenue, SE, Washington, DC 20003	Algonquin Gas Transmission		
Do	American Assn of Advertising Agencies		
Do	American Nuclear Energy Council		
Do	Boston Edison		
Do	Invest to Compete Alliance		
Do	The New England		
Do	Product Liability Alliance		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Texas Utilities Services, Inc		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St., Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road, Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)		
Do	John G. Campbell, Inc (For:Ebasco)		
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	General Motors Corp		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	Loral Corp		
Do	ManTech International Corp		
Do	John G. Campbell, Inc (For:Syracuse University)		
Do	West Virginia University		
Do	John G. Campbell, Inc (For:3M Company)		
Marilyn E. Campbell, 517 2nd Street, NE, Washington, DC 20002	David Turch & Asso	1,800.00	
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	14,576.50
Campbell-Raupe Associates, Inc, 1015 15th Street, NW, #907 Washington, DC 20005	American Nuclear Energy Council	8,080.34	112.27
Canadian Coalition on Acid Rain, 112 St. Clair Avenue, #401 Toronto, Ontario Canada M4V 2Y3		1,000.00	6,400.35
Canady Law Legislative Group, 310 N. Grand Ave., #110 Lansing, MI 48933-1279			
Candlelighters, 123 C St., SE, Washington, DC 20003			
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	500.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
Dean H. Cannon, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For:Christie Manson & Woods International, Inc)		
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Timken Co)	168.61	
Do	Stewart & Stewart (For:Torrington Company)	168.61	
W. Dean Cannon Jr., 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	California League of Savings Institutions	3,000.00	
David L. Cantor, 1233 20th St., NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)		
Francis J. Cantrel Jr, 1133 19th Street, NW, Washington, DC 20036	MCI Communications Corp	5,000.00	332.77
Charles Hollister Cantus, 555 13th Street, NW, #450 West Washington, DC 20004	Union Pacific Corp	8,000.00	572.75
Richard R. Cape, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunication Corp		
Do	Madison Group (For:Northern State Power)	250.00	
Do	Philip Morris, Inc	12,685.71	
Capital Marketing Analytics, Inc, 2001 Jeferson Davis Highway, #1012 Arlington, VA 22202	Argo-Tech Corp		
Do	Honeywell, Inc		
Do	Loral Corp		
Do	Rockwell International Corp		
Do	Sofec, Inc		
Capital Representation Group, Inc, 1127 11th Street, #1003 Sacramento, CA 95814	Philip Morris, Inc	280.00	
Capitol Associates, Inc, 426 C Street, NE, Washington, DC 20002	American Assn for Cancer Research	300.00	
Do	American Assn of Nurse Anesthetists	6,700.00	
Do	American Biotechnology Companies	750.00	
Do	American Soc of Nephrology	4,750.00	
Do	American Soc of Tropical Medicine and Hygiene	300.00	
Do	Arthritis Foundation	93,750.00	
Do	Cambridge BioScience	600.00	
Do	Carnation Co	5,000.00	
Do	Citizens Comm for Medical Research & Health Education	800.00	
Do	Cystic Fibrosis Foundation	1,200.00	
Do	Emergency Nurses Assn	500.00	
Do	Endocrine Society	437.50	
Do	FDA Council	10,237.50	
Do	Hutchinson Cancer Center	1,800.00	
Do	Illinois Collaboration on Youth	88.00	
Do	International Coordinating Council for Cancer Research	2,250.00	
Do	Joint Council of Allergy & Immunology	433.13	
Do	Massachusetts General Hospital	3,600.00	
Do	Museum of Science & Industry	750.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,188.00	
Do	National Coalition for Cancer Research	375.00	
Do	National Coalition for Volunteer Protection	150.00	
Do	National Crime Protection Council	825.00	
Do	National Multiple Sclerosis Society	633.23	
Do	Partnership for Organ Donation	1,000.00	
Do	Linda Pollin Foundation	1,000.00	
Do	Ringling Brothers	3,750.00	
Do	Technicon Data Systems Corp	600.00	
Do	Wellman Laboratory	1,150.00	
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute (AMI)	2,212.00	
Do	Children's Television Workshop		
Do	Council on Foundations, Inc		
Do	National Council of YMCA of the USA		
Do	National Wildlife Federation		
Do	Wisconsin Alumni Research Foundation (WARF)		
Ross Capon, 900 Second Street, NE, #308 Washington, DC 20002-3557	National Assn of Railroad Passengers	14,392.00	
Denise A. Cardman, 1800 M St., NW, Washington, DC 20036	American Bar Assn	400.00	50.00
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos		
Melissa Coggeshall Carey, 3415 North 21st Ave., Arlington, VA 22207	Harris Corporation	907.24	409.40
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	26,083.00	2,058.46
Robert R. Carey, P.O. Box 2121, Corpus Christi, TX 78403	Central Power & Light Company		
Maurice E. Carino Jr., 1667 K St. NW, #600 Washington, DC 20006	Bethleham Steel Corp	120.00	
Linda E. Carlisle, 1333 New Hampshire Ave., NW, Washington, DC 20036	Cadwalader Wickersham & Taft (For:Clayton & Dubilier, Inc)		
Do	Cadwalader Wickersham & Taft (For:Government of Puerto Rico)		
Do	Cadwalader Wickersham & Taft (For:GAF Corporation)		
Do	Cadwalader Wickersham & Taft (For:Institute of International Container Lessors).		
Do	Cadwalader Wickersham & Taft (For:Kern River Gas Transmission Company)		
Do	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)		
Do	Cadwalader Wickersham & Taft (For:Princeton University Investment Company)		
Eileen Shannon Carlson, 2000 M St., NW Washington, DC 20036	Graham & James (For:R. R. Donnelley & Sons Company)		
Do	Graham & James (For:Federal Administrative Law Judges Conference)		
Do	Graham & James (For:Federal Judges Association)		
Do	Graham & James (For:Illinois Health Facilities Authority)		
Do	Graham & James (For:Sierra Pacific Resources)	300.00	
Do	Graham & James (For:Stock Information Group)		
Do	Graham & James (For:Walt Disney Co)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul D. Carlson, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	925.00	32.00
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Carmen Group (for CareerCom)	23,015.00	194.00
Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037	CareerCom Corp	23,295.70	23,209.00
Phyllis D. Carnilla, 1700 17th Street, NW, #301 Washington, DC 20009	Arctic Sounder Enterprises, Inc		
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights		
Michael C. Carozza, 655 15th Street, NW Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Bertram W. Carp, 810 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	7,290.00	
Peter F. Carpenter, 950 Page Mill Road Palo Alto, CA 94303	ALZA Corp		400.00
Fred A. Carr Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Charles T. Carroll, 2011 Eye Street, NW, #601 Washington, DC 20006	National Association of Stevedores	650.00	
James M. Carroll, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	904.00	414.23
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	1,270.32	112.53
Tristan Carter, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	4,575.00	687.60
Melanie Carter-Maguire, 600 Maryland Ave., SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,500.00	922.00
Cascade Natural Gas Corp, 222 Fairview Avenue N Seattle, WA 98109			
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	10,000.00	1,068.36
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Califonia Livestock Production Credit Assn	2,250.00	
Do	Council on Education Development and Research	200.00	192.26
Do	Dairymen, Inc		
Do	Equipment Manufacturers Institute	1,500.00	
Do	First South Production Credit Assn	18,000.00	340.46
Do	National Assn of Crop Insurance Agents		
Do	United Foods, Inc	14,000.00	286.53
Paul S. Caskey, 1700 K Street NW, #1200 Washington, DC 20006	Chevron USA, Inc	200.00	20.00
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,500.00	
William E. Casselman II, 1300 I Street, NW, #500-East Washington, DC 20005	Popham Haik Schnobrich & Kaufman, Ltd (For:Ova Noss Family Partnership)		
J. Warren Cassidy, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	2,681.25	
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Alexander Graham Bell Assn for the Deaf		
Do	American Assn of Colleges of Podiatric Medicine	600.00	
Do	American Dredging Co	2,100.00	
Do	American Hospital in Shanghai Foundation	1,800.00	28.60
Do	American Science and Engineering, Inc	50.00	
Do	AmeriFlora '92		
Do	Anatolia College Board of Trustees		
Do	Arizona State University		
Do	AT&T	600.00	
Do	Barry University		
Do	Bean Dredging Company	2,100.00	
Do	Biopure Corp		
Do	Boston Carmen's Union		
Do	Boston College	300.00	7.50
Do	Boston University		
Do	Cardinal Hill Hospital	291.60	7.50
Do	Catholic University of America	1,174.80	
Do	Centex Communications, Inc		
Do	Challenger Center		
Do	Children's Hospital and Health Center of San Diego	800.00	
Do	Children's Hospital in Michigan	150.00	
Do	Children's Hospital of Pittsburgh		
Do	Children's National Medical Center	450.00	15.00
Do	Clark-Atlanta University	150.00	
Do	Columbia University	150.00	
Do	Commonwealth of Puerto Rico		
Do	Community College Assn for Technology Transfer	850.00	7.50
Do	Critical Languages & Area Studies Consortium, Inc	3,600.00	
Do	Delaware State Dept of Transportation	6,000.00	
Do	Epcint		
Do	Experiment in International Living	300.00	
Do	Friends of the American Tel Aviv Museum of Art		
Do	Fudan Foundation	1,800.00	
Do	Gatx-Airlog	3,700.00	115.50
Do	Gonzaga University		
Do	Great Lakes Dredge & Dock Company	2,100.00	
Do	Hahnemann University Hospital	2,100.00	12.00
Do	Hawaii Dept of Business & Economic Development	600.00	
Do	Infirmary Health Systems, Inc	375.00	
Do	Intechnica International, Inc		
Do	Intercontinental Energy Group		
Do	International Data Group		
Do	ITT Gilfillan	650.00	
Do	T.L. James & Company	2,100.00	
Do	Jones Intercable, Inc	75.00	167.50
Do	JBS & Associates, Inc		
Do	K.G. Land New York Corp		
Do	Kerr-McGee	850.00	3.00
Do	Kimberly Quality Care	50.00	
Do	Lehigh University	825.00	
Do	LiTel Telecommunications Corp		
Do	Lodge Corp	50.00	
Do	Loma Linda University Medical Center, Inc	150.00	13.10
Do	Louisiana Public Facility Authority		
Do	Loyola College (Baltimore)	675.00	
Do	Loyola Marymount University	475.00	
Do	Loyola University of Chicago	425.00	
Do	Massachusetts Corp for Education Telecommunication		
Do	Massachusetts League of Banks		
Do	Medical College of Wisconsin	4,350.00	56.95
Do	Michigan Biotechnology Institute	300.00	
Do	Michigan Technological University	675.00	
Do	Monterey Institute of International Studies	150.00	
Do	Mt. Sinai Medical Center of Greater Miami	600.00	
Do	Multinational Business Development	3,600.00	217.50
Do	MIC Industries		
Do	National Jewish Center for Immunology & Respiratory Medicine	600.00	21.20
Do	NeoRx		
Do	New England Deaconess Hospital Corporation		
Do	Northwestern University	300.00	
Do	Ocean Spray Cranberries, Inc	1,400.00	
Do	Oceanit Laboratories, Inc	75.00	
Do	Pennsylvania Turnpike Commission	600.00	12.00
Do	Pine Bluff Sand & Gravel	2,100.00	
Do	Pirelli Cable Co	75.00	
Do	Polytechnic University	300.00	
Do	PHH Corp		
Do	Rochester Institute of Technology	75.00	7.50
Do	Saint Joseph's University	450.00	
Do	Salzburg Seminar	1,050.00	
Do	Scott County Highway Department		
Do	Societa Cavi Pirelli S.p.A.		
Do	St. Norberts College	300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	State of Indiana Dept of Commerce		
Do	State of Indiana, Office of the Governor	300.00	73.20
Do	Tougaloo College		
Do	Tufts University	300.00	
Do	Universal Med Center/U of TX Health Science Center at Dallas		
Do	University of the Arts	600.00	
Do	University of Hawaii	375.00	
Do	University of Kentucky Research Foundation	300.00	
Do	University of Nebraska		
Do	University of Pennsylvania	825.00	
Do	University of Southern Mississippi	300.00	
Do	University of Utah	75.00	
Do	University of Vermont	75.00	
Do	Western Townships Utilities Authority		
Do	Zamias Group		
Harvey E. Cauthen Jr., 2 Dexter Ave. Montgomery, AL 36104	Alabama Power Co	25,200.00	1,947.06
Gordon Cavanaugh, 122 C Street, NW, #875 Washington, DC 20001-2109	Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities)	17,974.57	987.83
Do	Housing Authority Insurance, Inc	558.25	203.84
Red Cavaney, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc	2,500.00	
Andrew F. Caverly, 180 South Clinton Ave. Rochester, NY 14646-0700	Rochester Telephone Corp	2,875.00	
Cederberg & Associates, 7100 Sussex Place Alexandria, VA 22307	Grumman Corporation	250.00	
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	7,820.00	
Center for Clean Air Policy, 444 North Capitol Street, #526 Washington, DC 20001			491.00
Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661			2,999.34
David Certner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	582.03	991.36
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Amalgamated Metal Corp PLC		
Do	American Paper Institute, Inc		
Do	AES Corporation	1,470.00	45.00
Do	Commercial Union Energy Corp	560.00	10.00
Do	Cyprus Silver Bay Power Company		
Do	Inter-Power of New York, Inc		
Do	Napp Chemicals, Inc	2,310.00	40.00
Do	Ormat Energy Systems, Inc	1,680.00	25.00
Do	Oxbow Geothermal Corp		
Do	Ruan Transportation Management Systems		
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Deborah M. Chalfie, 1319 F St., NW, #300 Washington, DC 20004	Halt, Inc		
Walton M. Chalmers II, 122 C Street, NW, #500-A Washington, DC 20001	Fujisawa Pharmaceutical Co	8,250.00	1,120.00
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Assembly of Collegiate Schools of Business		
Do	American Express Co		
Do	American Postal Workers Union, AFL-CIO	3,595.00	
Do	Coalition of Publicly Traded Limited Partnerships	63.00	
Do	Columbia Falls Aluminum Company	450.00	
Do	Committee for Equitable Compensation		
Do	Council of Infrastructure Financing Authorities		
Do	Fund to Assure Public Infrastructure Financing		
Do	Lead Industries Assn	800.00	
Do	Manville Corporation		
Do	Metcalf & Eddy/KVB Group		
Do	Newhall Land and Farming Company		
Maxine Champion, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation	3,000.00	100.00
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	13,200.00	500.00
Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	80.80
Pete Chaney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Nancy Chapman, 1629 K Street, NW, #1100 Washington, DC 20006	N. Chapman Associates, Inc (For:Society for Nutrition Education)	3,000.00	157.11
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	14,191.00	2,547.01
William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202	General Motors Corp	11,900.00	135.00
Do	Multinational Business Services, et al.		
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,981.08	133.40
Peggy Charren, 975 Memorial Drive, #504 Cambridge, MA 02138	Action for Children's Television	275.00	
William Chasey Organization, 855 La Jolla Corona Court La Jolla, CA 92037	Allan Ronson Co		
Do	Ehrenborg Foundation		
Do	Faic Securities, Inc		
Do	Indo-U.S. Pac		
Do	Life Insurance Coalition of America		
Do	Walter Taylor		
Do	TAK Communications		
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	35,250.00	349.50
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			40,150.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			1,093.72
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Museum of Natural History		1,209.00
Do	Arena Stage	1,162.00	1,268.75
Do	Art Museum Princeton University		109.00
Do	Bishop Museum		109.00
Do	Buffalo Museum of Science		
Do	Capital Childrens Museum	1,076.00	1,182.75
Do	Cincinnati Museum of Natural History		
Do	Cleveland Museum of Natural History		609.00
Do	Corcoran Gallery of Art	1,205.25	1,312.00
Do	Denver Museum of Natural History		
Do	Directors Guild of America	10,798.00	11,482.48
Do	Field Museum of Natural History		109.00
Do	Fine Arts Museums of San Francisco		109.00
Do	Ford's Theater	1,076.00	1,182.75
Do	Hebrew Union College, Skirball Museum		9.00
Do	Illinois State Museum Society		109.00
Do	Los Angeles County Museum of Art		
Do	Meridian House International	1,032.25	1,139.50
Do	Metropolitan Museum of Art		2,109.00
Do	Milwaukee Public Museum		409.00
Do	Museum of American Textile History		309.00
Do	Museum of Fine Arts Boston		209.05
Do	Museum of Natural History University of Kansas		109.00
Do	Museum of Northern Arizona		
Do	National Museum of Women in the Arts	1,076.00	1,182.75
Do	National Symphony	1,248.50	1,355.45
Do	Natural History Museum of Los Angeles County		1,309.00
Do	Oakland Museum		109.00
Do	Peabody Museum of Salem		1,009.00
Do	Phillips Collection	1,119.00	1,225.75
Do	Rochester Museum & Science Center		
Do	Santa Barbara Museum of Art		109.00
Do	Shakespeare Theater at the Folger	1,076.00	1,182.75
Do	Shelburn Museum		309.00
Do	Textile Museum	1,032.50	1,139.25
Do	University of Nebraska State Museum		
Do	University of Pennsylvania Museum	1,000.00	609.00
Do	Washington Ballet	1,032.75	1,134.50
Do	Washington Opera	1,119.00	1,225.75
Do	Washington Performing Arts Society	1,119.00	1,225.75
John H. Chettle, 1050 Connecticut Ave., NW, #825 Washington, DC 20036	Chamber of Mines of South Africa	7,500.00	100.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Freedman Levy Kroll & Simonds (For:Universal Frutrade Co-operative, Ltd)	2,500.00	100.00
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Peggy M. Childress, 811 W. Marvin Avenue Waxahachie, TX 75165	Housing Roundtable		
Nam-Hong Cho, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	1,000.00	750.00
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute	250.00	29.73
Richard Chriss, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
James T. Christy, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	10,000.00	
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			22,571.00
Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300			10,080.75
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	1,870.00	411.49
Chwat/Weigend Associates, 400 First Street, NW, #100 Washington, DC 20001	American Home Sewing Assn, Inc	750.00	750.00
Do	American Radio Relay League, Inc	3,750.00	3,750.00
Do	Associated Locksmiths of America	1,332.00	1,332.00
Do	National Licensed Beverage Assn	4,050.00	4,050.00
Do	National Weather Service Employees Organization	360.00	360.00
Do	Wholesale Beer Distributors of Texas	4,450.00	4,450.00
Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104			
Linda Church Ciocci, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	900.00	
Citizen Action Fund, 1300 Connecticut Ave., NW, #401 Washington, DC 20036		15,688.00	15,688.00
Citizens for Protection of the Constitution, P.O. Box 8711 San Jose, CA 95155-8711		1,700.00	1,621.37
Citizens for Reliable and Safe Highways (CRASH), 81 Lansing Street, #106 San Francisco, CA 94105-1611		1,600.00	561.09
Citizens for Sensible Control of Acid Rain (CSCAR), c/o 1301 Connecticut Avenue, NW Washington, DC 20036			156,143.91
Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215	Tele-Press Associates, Inc (For:Japan Fisheries Association)		593.56
Betsy Clark, 1830 Platte Street Denver, CO 80202	Philip Morris, Inc	12,000.00	262.63
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	
Robert G. Clark, 400 Madison St., #1908 Alexandria, VA 22314	Ryder Systems, Inc		
Rudy I. Clark, 5342 Woodbury Woods Lane Fairfax, VA 22032	Air Force Sergeants Assn, Inc		
Thomas R. Clark, 1667 K Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp		4,962.83
Vernon A. Clark, 2100 Pennsylvania Ave, NW #600 Washington, DC 20037	Vern Clark & Associates (For:Fox Television Stations, Inc)	11,850.00	
Do	Vern Clark & Associates (For:Metromedia Company)	15,800.00	
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	27,650.00	
Vern Clark & Associates, 2100 Pennsylvania Ave, NW, #600 Washington, DC 20037	Fox Television Stations, Inc	4,500.00	
Do	Metromedia Company	6,000.00	
Do	RJR, Nabisco Washington, Inc	10,500.00	
Sara F. Clary, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	500.00	
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	2,968.76	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	493.14	
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Crompton & Knowles Corp		
Do	Day-Glo Color Corp		
Do	Harry Frank Guggenheim Foundation		
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	Security Pacific National Bank	1,488.75	
Do	Union Oil Co of California, et al.		
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	3,232.31	910.10
Cleveland Electric Illuminating Co, 55 Public Square P.O. Box 5000 Cleveland, OH 44113			
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			
Clifford & Warnke, 815 Connecticut Ave., NW Washington, DC 20006	Australian Meat & Live-Stock Corp	3,000.00	2,500.00
Do	Nonprescription Drug Manufacturers Assn		
George Stephen Clifton, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Industries, inc	1,500.00	
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	Coalition for Higher Education Assistance Organizations	447.50	
Do	Consumer Bankers Assn	15,400.00	
Do	Student Loan Funding Corp of Ohio		
Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	400.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Coalition for American Energy Security, 1050 Thomas Jefferson St., NW, 6th Floor Washington, DC 20007			49.90
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition of Supporters of the Shipping Act, 1800 M Street, NW, 8th Floor North Washington, DC 20036			
Coalition to Keep Alaska Oil, 1667 K Street, NW, #480 Washington, DC 20006			
Coalition to Preserve the Low Income Housing Tax Credit, 2300 M St., NW Washington, DC 20037		2,000.00	2,000.00
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
Coalition Against Double Taxation, Inc, c/o Perkins Coie 1110 Vermont Ave., NW, #1200 Washington, DC 20005		285,000.00	195,545.04
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America		
Richard B. Cobb, Petroleum Council of Ga 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute		
Coffield Ungaretti Harris & Slavin, 3500 Three First National Plaza Chicago, IL 60602	Blunt Ellis & Loewi, Inc		
Do	Comdisco, Inc		
Do	Massachusetts Mutual Life Insurance Company	7,500.00	
Do	Metropolitan Mutual Life Insurance Company	7,500.00	
Do	Smokeless Tobacco Council, Inc	18,000.00	
Cogeneration & Independent Power Coalition of America, Inc, 1025 Thomas Jefferson Street, NW Box 1 Washington, DC 20007.			
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	2,200.00	
Dan Cohen, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	12,975.00	1,507.86
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	7,153.86	
Jacqueline Abelman Cohen, 1199 N. Fairfax St., #701 Alexandria, VA 22314	National Assn of Tobacco Distributors	2,500.00	
John Cohen, 1331 Penn Ave., NW, #1500-North Washington, DC 20004-1703	National Association of Manufacturers	150.00	
Marvin S. Cohen, 3300 N. Central Ave., 20th Floor Phoenix, AZ 85012-2576	City of Globe	3,441.57	
Do	Sacks Tierney Kasen & Kerrick (For:City of Tucson)		
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Maclean Hunter Cable TV	40.00	208.18
Do	USA Network	16,176.25	452.13
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		671.22
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 50 F St., NW, #1080 Washington, DC 20001	BR Services, Inc -	1,000.00	15.00
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp	350.00	
Cole Corette & Abrutyn, P.C., 1110 Vermont Avenue, NW, #900 Washington, DC 20005	Louisiana Land & Exploration Co		
Do	Matsushita Elec Corp (for Int'l Electron Mfgrs & Consum...)		
Colette R. Coleman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
William T. Coleman Jr., 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For:AMAX, Inc)		
Do	O'Melveny & Myers (For:Ford Motor Co)	20,162.50	
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Homedco	3,000.00	
Do	National Assn of TJTC Consultants	1,000.00	
Jessie M. Colgate, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn	1,500.00	160.00
Collier Shannon & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Alliance for British & Australian Tax Equity (ABATE)		
Do	Alliance for Capital Access	2,000.00	2,000.00
Do	American Car Rental Assn	4,370.00	4,370.00
Do	American Couplings Coalition		
Do	American Iron & Steel Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn		
Do	Association of Certified Trucking Schools	608.00	608.00
Do	Australian Wheat Board	106.25	106.25
Do	Bicycle Manufacturers Assn of America		
Do	Coalition for Safe Ceramicware		
Do	Committee of American Ammunition Manufacturers		
Do	Crop Insurance Research Bureau	765.00	765.00
Do	Ferrous Scrap Consumers Coalition		
Do	Food Marketing Institute		
Do	Footwear Industries of America	318.75	318.75
Do	Footwear Procurement Coalition		
Do	Gerry Baby Products Co		
Do	Independent Lubricant Manufacturers Assn	1,815.00	1,815.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Inland Steel Corp	2,100.00	2,100.00
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council		
Do	National Assn of Convenience Stores	4,710.00	4,710.00
Do	National Assn of Mutual Insurance Cos	975.00	975.00
Do	National Cosmetology Assn, Inc	160.00	160.00
Do	National Juice Products Assn		
Do	National Pasta Assn		
Do	North American Reassurance Corp	2,047.50	2,047.50
Do	Nutriclean		
Do	Outdoor Power Equipment Institute		
Do	Petroleos de Venezuela, S.A.	7,100.00	7,100.00
Do	PetroJam, Ltd	1,425.00	1,425.00
Do	Pittsburgh Corning Corporation		
Do	Shipbuilders Council of America		
Do	Society of Independent Gasoline Marketers of America	6,830.00	6,830.00
Do	Specialty Steel Industry of the United States	640.00	640.00
Do	Zurich-American Insurance Companies	1,040.00	1,040.00
Terese Colling, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Davidson Colling Group (For:Caraustar Industries, Inc)	13,882.97	
Do	Davidson Colling Group (For:Field Container Corp)	3,484.99	
Do	Davidson Colling Group (For:Garden State Paper Company)	8,611.34	
Do	Davidson Colling Group (For:Halltown Paperboard Co)	1,623.90	
Do	Eckert Seamans Cherin & Mellott (For:Media General, Inc)		
Do	Davidson Colling Group (For:Newark Group)	25,364.16	
Do	Davidson Colling Group (For:Newman & Company, Inc)	1,743.12	
Do	Davidson Colling Group (For:Rock-Tenn Company)	20,363.32	
Do	Davidson Colling Group (For:Sonoco Products Co)	26,738.16	
Do	Davidson Colling Group (For:Southeast Paper Manufacturing Co)	15,948.49	
Do	Davidson Colling Group (For:Waldorf Corp)	12,646.47	
Do	Davidson Colling Group (For:White Pigeon Paper Co)	1,878.31	
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	724.69
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
R. J. Collins, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Stephen J. Collins, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		1,375.00
William P. Collins, 5055 Seminary Road Alexandria, VA 22311	Southern Company Services, Inc	1,000.00	
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,250.00	
Jeffrey W. Combos, c/o Tennessee Petroleum Council 211 7th Ave. North Nashville, TN 37219	American Petroleum Institute		
Lori A. Comeau, 805 15th Street, NW #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	24.70
Comfort Lipe & Green, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc	1,656.00	71.99
Comiskey & Hunt, One Courthouse Metro, #850 2200 Wilson Boulevard Arlington, VA 22201	Gold Fields Operating Co-Mesquite	750.00	
Committee for America's Copyright Community, 2000 K Street, NW, #600 Washington, DC 20006-1809		810.00	810.00
Committee for Humane Legislation, Inc, 1506 19th Street, NW, #3 Washington, DC 20036		3,937.80	16,329.04
Committee on U.S. Business Canadian Life & Health Insur Assn, C/O Dykema Gossett 800 Michigan National Tower Lansing, MI 48933.	Committee on U.S. Business Canadian Life & Health Ins. Assn		79,930.00
Committee to Protect the Family, 8001 Forbes Place, #102 Springfield, VA 22151		312.00	2,516.89
Committee to Support the Antitrust Laws, 1300 Eye Street, NW, #480E Washington, DC 20005		33,500.00	12,000.00
Common Cause, 2030 M St., NW Washington, DC 20036		2,935,368.00	585,240.81
Community Service Council of Central IN, Inc, 1828 North Meridian Indianapolis, IN 46202			838.79
Compressed Gas Assn/Helium Advisory Council, Crystal Gateway #1, Suie 501 1235 Jefferson Davis Highway Arlington, VA 22202.		20,106.00	20,106.00
Harry J. Conaway, 1001 22nd Street, NW, #400 Washington, DC 20037	William M Mercer, Inc		
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	Georgia Power Co	3,000.00	
Do	Mutual Life Insurance Tax Company	10,500.00	
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn		
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp		
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	Association of University Programs in Hazardous Waste Resch.	3,500.00	2,125.00
Do	Association of Univ Environmental Health Science Centers	6,000.00	2,125.00
Do	Association of University Programs in Occupational Safety...	7,500.00	2,125.00
Do	International Chemical Workers Union	2,500.00	2,125.00
Do	Laborers Employers Cooperative & Education Trust	15,458.00	2,125.00
Do	Laborers National Health & Safety Fund	9,858.00	2,125.00
Do	Laborers/AGC Education & Training Fund	12,498.00	2,125.00
Do	Metal Trades Department, AFL-CIO	4,000.00	2,125.00
Do	National Coordination Committee for Multiemployer Plans	1,317.00	2,125.00
Do	University of Cincinnati	2,500.00	2,125.00
Brian L. Connor, 1235 Jefferson Davis Hgwy., #606 Arlington, VA 22202	National Utility Contractors Assn	10,000.00	
Catherine Connor, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinckerhoff, Inc		
Richard J. Connor Jr., 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	765.00	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	391.07
David Conover, 655 15th Street, NW, 444 Washington, DC 20005	CH2M Hill	1,000.00	
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	4,514.38	
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Conservative Alliance, 1315 Duke Street Alexandria, VA 22314			
Consolidated Rail Corporation, P.O. Box 23451 Washington, DC 20026			16,938.00
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10553			13,370.00
John J. Contney, Suite B 1130 E. Hallandale Blvd. Hallandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, 1133 Connecticut Ave., NW, #400 Washington, DC 20036	Chubb Corporation	10,000.00	497.34
John A. Conway, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
John J. Coogan, 1776 Eye Steet, NW, #1050 Washington, DC 20006	Eastman Kodak Co	250.00	89.00
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	64.00	143.74
Cheryl L. Cook, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-operative Union of America	8,199.81	
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
K. Richard Cook, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	225.00	
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			47,335.39
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	5,625.00	4,500.00
Edmund D. Cooke, 1227 25th Street, NW Washington, DC 20037	Epstein Becker & Green (For:United Funding & Investors)	4,837.50	
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	2,054.00	
Bente E. Cooney, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	3,017.00	
Brian D. Cooney, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	10,000.00	506.32
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	12,500.00	
Cherry E. Cooper, 2301 Market Street, S13-1 Philadelphia, PA 19101	Philadelphia Electric Company		
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn		
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	943.00
James M. Copeland, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffaelli & Siemens (For:County of Alameda)	15,000.00	
Jim Copeland & Associates, 1341 G Street, NW, #200 Washington, DC 20005	Pacific Mutual Life Insurance Co	6,000.00	
Michael J. Copps, 1700 North Moore Street Arlington, VA 22209	American Meat Institute	6,312.00	880.10
Copyright Remedies Coalition, 2000 K Street, NW, #600 Washington, DC 20006-1809			
John J. Corbett, 1350 New York Ave., NW Washington, DC 20005	Spiegle & McDiarmid (For:Michigan Municipal/Cooperative Group)		
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Corn Refiners Assn, Inc, 1100 Connecticut Ave., NW, #1120 Washington, DC 20036		6,692.00	3,593.00
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	3,265.65	90.00
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 655 15th Street, NW, Suite #444 Washington, DC 20005	CH2M Hill	2,500.00	
Marty Corry, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	726.77	389.40
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	600.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
William R. Corson, 1725 K Street, NW, #903 Washington, DC 20006	General Media/P.O.F. Subsidiary Co.		
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Corwin Communications, 418 East Broadway, C-13 Bismarck, ND 58501	Philip Morris, Inc	2,700.00	
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036			
Gregory Costa, 1000 Vermont Avenue, NW, #800 Washington, DC 20005	Public Securities Assn	7,500.00	
Donna J. Costlow, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004	National Assn of Manufactuers	250.00	
Cotten Day & Selfon, 1899 L Street, NW, #1200 Washington, DC 20036	American Samoa Government	607.50	
Coudert Brothers, 1627 I Street, NW Washington, DC 20006	British Columbia Stena Line Ltd.	10,000.00	558.37
Shawn Coughlin, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	10,000.00	
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609			7,271.00
Council for Rural Housing and Development, 2300 M St., NW Washington, DC 20036	Council for Rural Housing & Development	2,000.00	2,000.00
Council of American Homeowners, 7927 Jones Branch Drive, #600-S McLean, VA 22102			
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of Institutional Investors, 1420 16th Street, NW, #405 Washington, DC 20036			
Council of State Chambers of Commerce, 122 C St., NW, #330 Washington, DC 20001		525.00	723.06
Council on Alternate Fuels, 1225 Eye St., NW, #320 Washington, DC 20005			
Council on Superconductivity for American Competitiveness, 1050 Thomas Jefferson Street, NW 6th Floor Washington, DC 20007.			
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Coursen Group (For:Community Antenna Television Assn)	500.00	
Do	Coursen Group (For:Glenfed, Inc)	500.00	
Do	Coursen Group (For:IDB Communications Group, Inc)	500.00	
Do	Coursen Group (For:Pacific Bell)	500.00	
Do	Coursen Group (For:Pacific Telesis Group)	500.00	
Do	Coursen Group (For:Telecommunications Industries, Inc)	500.00	
Do	Coursen Group (For:United States Tobacco Company)	500.00	
James Cousins, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	3,938.00	
Susan M. Cousins, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Michael W. Cover, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	2,100.00	
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	American Watch Assn	12,000.00	890.53
Do	Arkansas Department of Human Services	5,000.00	
Do	Association of Maximum Service Telecasters, Inc		
Do	Bank of Boston Corp		3,266.50
Do	Brown Brothers Harriman & Co	5,000.00	
Do	Coalition to Preserve the Integrity of American Trademarks	14,000.00	410.44
Do	Commonwealth of Puerto Rico		
Do	Corrections Corporation of America		
Do	CBS Television Network Affiliates Assn		
Do	ERISA Industry Committee	1,181.25	
Do	Investment Company Institute	440.00	
Do	Midwest Television, Inc		
Do	National Football League	1,050.00	
Do	NCNB Corp	825.00	12.00
Do	Post-Newsweek Stations, Inc		
Do	State of Arkansas, Dept of Human Services		5,036.00
Do	State of Connecticut, Dept of Income Maintenance	2,900.00	5,036.00
Do	State of Hawaii, Dept of Human Services	2,300.00	36.00
Do	State of Illinois, Dept of Public Aid	2,900.00	5,036.00
Do	State of Louisiana, Dept of Health & Hospitals	2,300.00	36.00
Do	State of Michigan, Dept of Mental Health	2,300.00	5,036.00
Do	State of Missouri, Dept of Social Services	2,300.00	36.00
Do	State of New York, Office of Mental Health		36.00
Do	State of North Carolina, Dept of Human Resources	2,300.00	36.00
Do	State of Oklahoma, Dept of Human Services	2,300.00	5,036.00
Do	State of South Carolina, Health & Human Services Finance Com	2,900.00	5,036.00
Do	State of West Virginia, Division of Human Services		
Do	State of Wisconsin, Dept of Health & Social Services	2,900.00	5,036.00
Do	Sun Life Assurance Co of Canada (U.S.)		
Do	United Technologies Corporation		
Do	Washington Post Company (for: Media Group)	640.00	
Sharon Cowan, 1825 K Street, NW Washington, DC 20006	American Soc of Mechanical Engineers		
Eugene S. Cowen, 2759 Unicorn Lane, NW Washington, DC 20015	Capital Cities/ABC, Inc		
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Bering Sea Fishermen's Assn	1,000.00	105.13
Do	Fairbanks/North Star Borough	1,080.00	29.88
Do	Pacific Marine Fisheries Commission	4,000.00	198.12
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause	6,287.52	
C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500	Belk Stores Services, Inc		
Eric Cox, 418 7th St., SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	3,687.51	
Jerry W. Cox, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:American Mobile Satellite Corporation)		
Do	Murphy & Demory, Ltd (For:Anglo American Auto Auctions, Inc)		
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	3,200.00	130.00
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,281.00	1,417.74
Roger J. Crain, 3506 Frederick Place Kensington, MD 20895-3405	Customs Science Services, Inc		
James P. Cramer, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Dale A. Crane, 618 South 223rd Street Des Moines, WA 98198	National Parks & Conservation Association	695.00	170.00
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	2,250.00	
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Coors Brewing Company		
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Creative Dynamics, Inc, 1143 N. General Pershing Hammond, LA 70401	Reese Communications Cos (for: Philip Morris USA)	1,875.00	
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		1,500.00	520.98
Richard C. Creighton, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Cement Alliance, Inc	11,812.52	52.16
Douglas P. Crew, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar Tractor Co	3,000.00	38.14
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Judy Crockett, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,856.00	
Robert W. Crolius, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	EDO Corp		
Do	McDonnell Douglas Helicopters		
Do	MTS Systems Corp		
Do	Northrop Corp	1,000.00	
Rae E. Cronmiller, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	112.00	
Mark E Crosby, 1110 N Glebe Rd #500 Arlington, VA 22201-4714	Special Industrial Radio Service Assn, Inc		
James W. Cross, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	American Forest Resource Alliance	16,125.00	
Do	Asarco, Inc		
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Central Nebraska Public Power & Irrigation District		
Do	Chesapeake Utilities Corp		
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Cook Inlet Region, Inc		
Do	Eagle-Picher Industries, Inc		
Do	Eli Lilly & Company		
Do	Helicopter Assn International		
Do	Lehn & Fink Products Group		
Do	Meridian Minerals Co		
Do	Minnesota Mining & Manufacturing Co	80.00	10.00
Do	National Assn of Wholesaler-Distributors	800.00	10.00
Do	National Risk Retention Assn		
Do	Nebraska Public Power District		
Do	Pan American World Airways, Inc, et al.		
Do	Regional Airline Association		
Do	Tiffany & Co		
Do	Trust for Public Lands		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Singapore Trade Development Board		
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		476.26
Cuban American Foundation, Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122		35,023.90	34,706.05
Barry Cullen, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	2,475.00	
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Electronics Assn)		
Do	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)		41,052.00
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc)		1,056.00
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)		682.00
Do	McCutchen Doyle Brown & Enersen (For:General Electric Co)		8,426.00
Do	McCutchen Doyle Brown & Enersen (For:National Assn of Regional Councils)		
Do	McCutchen Doyle Brown & Enersen (For:New York Dept of Environmental Conservation).		
Do	McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments).		7,502.00
Do	McCutchen Doyle Brown & Enersen (For:Sun Company, Inc)		4,796.00
Law Ofs of Jonathan W. Cuneo, 1300 I Street, NW, #408-E Washington, DC 20005	Committee to Support the Antitrust Laws	12,000.00	18.50
Do	National Assn of Securities and Commercial Attorneys	18,000.00	51.40
Do	National Coalition of Petroleum Retailers, Inc		
Do	Songwriters Guild of America	5,000.00	
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,845.80	1,197.68
Anne M. Curry, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
Curtis Thaxter Lipez Stevens Broder & Micoleau, 1 Canal Plaza P.O. Box 7326 Portland, ME 04112	Philip Morris, Inc	4,500.00	1,559.34
Cutler & Stanfield, 1850 M Street, NW Washington, DC 20036	General Atomics		
Do	Mountains Recreation and Conservation Authority		
Do	Potomac Investment Associates		
Do	University of Colorado	1,852.50	190.89
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	3,500.00	6,918.65
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,500.00
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833	Plumbing Manufacturers Institute	500.00	
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Alzheimer's Assn	1,831.25	
Do	American Assn for Dental Research	958.50	
Do	Association of Academic Health Sciences Library Directors	100.00	
Do	Association of University Programs in Health Administration	489.00	
Do	Conjoint Comm on Diagnostic Radiology	1,200.00	
Do	Delta Dental Plans Assn	1,200.00	
Do	Medical Library Assn	100.00	
Do	National Assn of State Long Term Care Ombusman Programs	100.00	
Do	Seton Hall University		
CRS, P.O. Box 118 Cold Spring Harbor, NY 11724-0118			
Norman E. D'Amours, 1217 Evermay Court Mclean, VA 22101	American Council of State Savings Supervisors	1,125.00	
Do	Credit Union National Assn, Inc		
William K. Dabaghi, Arter & Hadden 1919 Pennsylvania Ave., NW, #400 Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)		
Do	Houston Clearing House Assn		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	16,423.00	2,411.76
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)	360.00	6.90
William Kay Daines, 701 Pennsylvania Avenue, NW, Washington, DC 20006	National Retail Federation	400.00	49.00
Dairy Farmers for Responsible Dairy Policy, 514 C Street, NE Washington, DC 20002		7,500.00	8,150.66
Donna M. Daley, 1200 17th St., NW, Suite 106 Washington, DC 20036	American Psychological Assn	2,887.50	60.00
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	5,475.00	1,318.91
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
Patrick E. Dandino, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
John E. Daniel, 1233 20th St., NW, #701 Washington, DC 20036	International Technology Corporation		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	3,575.27	52.42
Dale Danks Jr., 1000 Thomas Jefferson Street, NW, 6th FL Washington, DC 20007	Leonard Ralston Keyes and Danks (For:Krueger International, Inc)	6,818.29	
David E. Danovitch, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	6,000.00	
Jo-Ellen Darcy, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	164.73	
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co. Inc		
Diane Davenny Darneille, 1850 K Street, NW, Suite 1195 Washington, DC 20006	Schering-Plough Corp	14,000.00	2,631.74
Mark C. Darrell, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Linda Daschle, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	7,500.00	
John C. Datt, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	14,115.00	
Theodore S. J. Davi, 624 South Quincy Street Green Bay, WI 54301			
Earl F. David, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
John C. David, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	136.00	
Davidoff & Malito, 100 East 42nd Street New York, NY 10017	Long Island University	9,000.00	90.00
Do	Nassau-Suffolk Hospital Council, Inc	9,000.00	381.40
James H. Davidson, 1211 Connecticut Avenue, NW, #610 Washington, DC 20036	James H. Davidson & Associates, Inc (For:American Advertising Federation)	5,734.16	
Do	Davidson Colling Group, Inc (For:American Assn of Advertising Agencies)	17,929.94	
Do	James H. Davidson & Associates, Inc (For:American Newspaper Publishers Assn).	5,734.16	
Do	Davidson Colling Group, Inc (For:Association of National Advertisers, Inc)	5,734.16	
Do	Davidson Colling Group (For:Caraustar Industries Inc)	13,882.97	
Do	Davidson Colling Group, Inc (For:Direct Marketing Assn)	5,734.16	
Do	Davidson Colling Group (For:Field Container Corp)	3,484.99	
Do	Davidson Colling Group (For:Garden State Paper Company)	8,611.34	
Do	Davidson Colling Group (For:Halltown Paperboard Co)	1,623.90	
Do	Davidson Colling Group, Inc (For:Magazine Publishers of America, Inc)	17,929.94	
Do	Davidson Colling Group, Inc (For:Miller & Chevalier)	15,023.51	
Do	Davidson Colling Group, Inc (For:National Assn of Broadcasters)	21,723.06	
Do	James H. Davidson & Associates, Inc (For:National Assn of Industrial & Office Parks).	6,311.08	
Do	Davidson Colling Group (For:Newark Group)	25,364.16	
Do	Davidson Colling Group (For:Newman & Company)	1,743.12	
Do	Davidson Colling Group (For:Rock-Tenn Company)	20,363.32	
Do	James H. Davidson & Associates, Inc (For:Rouse Company)	6,575.92	
Do	Davidson Colling Group (For:Sonoco Products Co)	26,738.16	
Do	Davidson Colling Group (For:Southeast Paper Manufacturing Co)	15,948.49	
Do	Davidson Colling Group (For:Waldorf Corp)	12,646.47	
Do	Davidson Colling Group (For:White Pigeon Paper Co)	1,878.31	
Do	James H. Davidson & Associates, Inc (For:Yellow Pages Publishers Assn)	5,734.16	
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	1,000.00	
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	10,622.02	
Fred G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	2,767.58	198.93
Kenneth E. Davis, Suite 1210 1667 K St., NW Washington, DC 20006	Rohm & Haas Co	3,500.00	400.00
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,425.00	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Richard S. Davis, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:City of Bluefield, WV, et al.)		
Robert Davis, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,900.00	709.00
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies		
Do	Alcoma Packing Company, Inc		8.00
Do	American General Life Insurance Co	706.00	46.25
Do	American Horse Council	1,000.00	7.50
Do	Armco Steel Co	2,340.00	33.15
Do	Bethlehem Steel Corp	2,340.00	33.15
Do	Chicago Board of Trade	2,122.00	92.49
Do	Committee of Annuity Insurers	262.50	9.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Committee of Life Insurers		
Do	Dresser Industries, Inc		
Do	First Penn-Pacific Life Insurance Co		
Do	Florida Power & Light	1,066.20	56.00
Do	Florida Sugar Cane League, Inc	600.00	
Do	Hughes & Luce	400.00	8.00
Do	James Graham Brown Foundation		
Do	Lincoln National Life Insurance Co	250.00	9.00
Do	National Assn of Life Companies		
Do	National Cattlemen's Assn	750.00	
Do	Stock Information Group	31,486.35	263.89
Do	U.S. Sugar Corp	300.00	
Do	Underwriters of Lloyd's London		
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	American Inst of Certified Public Accountants	900.00	17.50
Do	CoreStates Financial Corp	1,100.00	15.00
Do	John Hancock Mutual Life Insurance Company	500.00	50.00
Do	Kohlberg Kravis Roberts & Co		
Do	LTV Corp		
Do	Morgan Guaranty Trust Co	1,125.00	18.00
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation	165.00	8.00
Do	Occidental International Corp	300.00	8.00
Davis Wright & Tremaine, 1752 N St., NW, #800 Washington, DC 20036	American Honda Motor Co, Inc	13,567.50	407.58
Do	American Tunaboat Assn	32,857.87	
Do	Brix Maritime, Inc	6,142.50	179.70
Do	McCaw Cellular Communications, Inc	2,040.00	417.57
Do	Turner Broadcasting System	49.60	
Do	Western Pioneer, Inc	23,616.43	
Do	WGK Development Corp	6,845.00	
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Michael Gaughan		
Do	Opticians Assn of America		
Do	Virgin Islands Gift & Fashion Shop Assn		
Do	Virgin Islands Merchants Assn		
Rhett B. Dawson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Robert M. Dawson, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	613.02
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		
O. Mark De Michele, P.O. Box 53999 - Sta. 9060 Phoenix, AZ 85072-3999	Arizona Public Service Company		
Maryann M. Dean, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
John Russell Deane III, 888 17th Street, NW, #500 Washington, DC 20006	Auto Internacional Assn	184.00	89.26
Do	Coalition of Automotive Assns	900.00	418.21
Do	Specialty Equipment Market Assn	4,500.00	2,091.07
Debevoise & Plimpton, 875 Third Ave., 23rd Floor New York, NY 10022	Sony Corp of America		
William E. Deegans, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	144.36	
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
William R. Deere, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,989.00	2,529.80
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 6728 Old McLean Village Drive Mclean, VA 22101	Association of State & Territorial Health Officials		1,000.00
William T. Deitz, 1629 K Street, NW, #1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	202.50	4.35
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,335.00	94.14
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)		
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	3,450.00	82.75
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Third Class Mail Association	1,407.00	
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Association of Outplacement Consulting Firms, Inc	37,286.25	1,418.62
Do	National Assn of Independent Insurers	18,000.00	798.41
Do	National Council of Business Advisors		
Delchamps Associates, 600 New Hampshire Ave., NW, #955 Washington, DC 20037	Bishop State Community College		
Do	City of Huntsville		
Do	City of Mobile		
Do	Deep Sea International, Inc		
Do	EBSCO Industries, Inc		
Do	Lawson State Community College		
Do	Louisiana Nature & Science Center, Inc		
Do	Mobile College		
Do	Overseas Hardwoods Company		
Do	Spring Hill College		
Do	Technical Products, Inc		
Do	William Carey College		
Debra DeLee, 1201 16th Street, NW, Washington, DC 20036	National Education Assn		
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Coalition Against the Loss Disallowance Rule	15,000.00	100.00
Do	Columbia Gas, et al.	26,400.00	1,223.89
Do	Money Store Investment Co	875.00	
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers		
Willard L. Demory, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd. (For:American Mobile Satellite Consortium)		
Do	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd. (For:Prodigy Services Company)		
Do	Murphy & Demory Ltd (For:U.S. Telephone Assn)		
Donna Dempsey, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		3,050.00
Perry Como Denby, 1301 Franklin Street Tank 6-B-1 Houston, TX 77002			
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	Amex International, Inc	2,500.00	
Do	Edison Electric Institute	600.00	
Do	Westinghouse Electric Corp		
John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute		
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	8,080.34	112.27
Daniel B. Denning, 1331 Pennsylvania Ave., NW #930 Washington, DC 20004	General Electric Co	516.00	94.00
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	7,013.00	4,500.00
James L. Denson, 1250 Connecticut Ave., NW, #319 Washington, DC 20036	Republic of Bophuthatswana (For:Allpoints International, Inc)	15,000.00	110.43
Janet Ann Denton, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	10,062.50	
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	751.20	
Wells Denyes, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	525.00	1,312.00
Department for Professional Employees, AFL-CIO, 815 16th St., NW Washington, DC 20006		12,502.06	12,502.06
Brian R. Detter, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	500.00	
Caroline M. Devine, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	1,000.00	196.85
Devine Millimet & Branch, 111 Amherst Street Manchester, NH 03105	State of New Hampshire, Attorney General		
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Amax, Inc		
Do	Bankers Trust Co		
Do	Bell Atlantic Corp		
Do	Beneficial Corporation		
Do	Catholic Health Assn of the U.S.		
Do	Cellular Telecommunications Industry Assn	7,000.00	
Do	Chase Manhattan Corp		
Do	Children of Alcoholics Foundations, Inc		
Do	Chrysler Corporation		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems	700.00	
Do	Ft. Howard Corp	7,000.00	
Do	General Electric Co		
Do	General Electric Pension Trust	3,500.00	
Do	General Reinsurance Corp		
Do	Glaxo, Inc	175.00	
Do	Hanschell Inniss, Ltd		
Do	Health Insurance Assn of America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hershey Foods Corp		
Do	Household International	3,500.00	
Do	IT&T	3,500.00	
Do	McCormack Baron & Associates	6,000.00	
Do	McCown De Leeuw & Company		
Do	Morgan Stanley Group, Inc		
Do	National Assn of Wholesaler-Distributors		
Do	National Forest Products Assn		
Do	Norfolk Southern Corp		
Do	NYNEX Corp		
Do	Paramount Communications, Inc		
Do	Piedmont Environmental Services	1,400.00	
Do	Premark International		
Do	Primerica, Inc		
Do	Prudential Insurance Co of America	350.00	
Do	Joseph E. Seagram & Sons, Inc		
Do	Seton Hall University		
Do	Squibb Corporation		
Do	SEMATECH	600.00	
Do	Teachers Insurance & Annuity Assn of America		
Do	Tribune Broadcasting Co		
Do	U.S. Coalition for Fair Lumber Imports		
Do	U.S. Telephone Assn		
Do	Union Pacific Corp	10,500.00	
Do	United States Surgical Corporation		
Do	Walt Disney Co		
Do	West Indies Rum & Spirits Producers Assn		
Do	Xerox Corp	10,500.00	
Doris J. Dewton, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc		
Nicholas DeBenedictis, 2301 Market Street, #13-1 Philadelphia, PA 19101	Philadelphia Electric Company		
Alex J. DeBoissiere, 490 L'Enfant Plaza, SW, #2202 Washington, DC 20024	Tenneco Gas		
Marydale DeBor, 1001 Pennsylvania Avenue #715 South Concourse Washington, DC 20004	MacAndrews & Forbes Holdings, Inc	700.00	
Matthew D. DeConcini, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	3,000.00	157.00
Michael DeEmilio, 400 First St., NW, #801 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	10,000.00	
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	4,012.50	1,660.67
Law Offices of Paul H. DeLaney, Jr., 1826 Jefferson Place, NW, #201 Washington, DC 20036	Embassy of Japan	5,000.00	
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	236.10
Fred R. DeLuca, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
William R. DeReuter, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	1,000.00	
Christine DeVries, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,500.00	479.98
Bonnie S. DeWitt, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	500.00	29.00
Thomas R. DeYulia, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For:Christie Manson & Woods International, Inc)		
Angel Diaz, 510 High Street Delano, CA 93215	Delano High School	18,639.00	
Chester T. Dickerson Jr., 700 Fourteenth Street, NW, #1100 Washington, DC 20005	Monsanto Co		2,647.35
Ann Sanders Dickey, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036	United Technologies Corporation	5,000.00	
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,201.25	150.00
Dorothea M. Diemer, 7373 Hunt Avenue Garden Grove, CA 92642	Hyundai Motor America		
Walter E. Diercks, 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Lisa M. Dinackus, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers	612.00	
Thomas A. Dine, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	24,549.98	4,070.22
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	26.63	20.04
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Companies, Inc)		
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)		
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	26.63	20.04
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)		
Do	Lumbermens Mutual Casualty Company	2,300.00	127.26
James C. Dinegar, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		98,973.29	98,973.29
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,567.60	18.00
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Gerard D. DiMarco, Two State Street, Crossroads Bldg, #400 Rochester, NY 14614	Mackey & DiMarco (For:Tom Gosnell)		
Do	Mackey & DiMarco (For:Greater Rochester Council)		
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	3,135.00	
Anthony F. DiPasquale, 902 Renfroe Road Talladega, AL 35160			
J. Chris Dobbs, 2711 North Haskell Avenue Dallas, TX 75204	Southland Corporation		
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	397.50	
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	151.23	12.00
Daniel P. Doherty, 2001 S St., NW, #540 Washington, DC 20009	Alliance of Nonprofit Mailers	1,489.20	48.82
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Brian M. Dolan, 195 Montague Street Brooklyn, NY 11201	Brooklyn Union Gas Co	144.00	40.00
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp		
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Dolphin Group, Inc, 1047 Gayley Avenue, 2nd Fl Los Angeles, CA 90024	Philip Morris, Inc	1,500.00	
Douglas Domenech, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Nancy A. Donaldson, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	11,000.00	543.67
Donelan Cleary Wood & Maser, P.C., 1275 K Street, NW, #850 Washington, DC 20005-4006	Cascade Natural Gas Corp		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kevin J. Donnellan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	276.92	
Paul Donnellan, 1128 16th Street, NW Washington, DC 20036	American International Automobile Dealers Assn	7,875.00	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 3800 N. Fairfax Drive, #4 Arlington, VA 22203	National Water Resources Assn	9,000.00	
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc		
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Charles Donovan, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	15,546.50	
David L. Donovan, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	5,000.00	
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	
Donovan Leisure Newton & Irvine, 1250 24th Street, NW, #700 Washington, DC 20037	Republic of Estonia		
Brad L. Doores, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Jeffrey D. Doranz, 1629 K Street, NW, #1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Insurance Assn)		
Do	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	7.50	
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	97.50	7.50
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)	97.50	86.21
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn)	2,797.50	36.50
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)		
James R. Dorcy, 1666 Connecticut Avenue, NW Washington, DC 20009	Federation for American Immigration Reform		
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	1,992.00	60.50
Ira Dorfman, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	1,980.00	125.00
Doris Day Animal League, 900 2nd Street, NE, #303 Washington, DC 20002		288,302.00	188,050.00
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	1,000.00	713.02
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	City of St. Paul	840.00	32.00
Do	Cookson America, Inc	210.00	
Do	Minnesota Mining & Manufacturing Co, (3M)	4,662.00	
Do	Morgan Stanley, Inc		
Do	Regional Transit Board	1,029.00	55.00
Do	Research-Cottrell Companies	2,751.00	
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	595.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Terrie M. Dort, 1023 15th Street, NW, 7th Fl Washington, DC 20007	Rowland & Sellery (For:Job Opportunities Business Symposium)		
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	500.00	
Robert J. Dotchin, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc	42.75	
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	97.50
Dougherty Consulting, P.O. Box 819 Sioux Falls, SD 57101-0819	Philip Morris, Inc	1,600.00	45.00
Michael G. Dowd, 1233 20th Street, NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)		
Maureen F. Dowling, 1511 K Street, NW, #335 Washington, DC 20005	National Committee for a Human Life Amendment, Inc	175.23	33.46
Charles P. Downer, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	1,375.00	250.00
Jane Lind Downey, 2200 Mill Rd Alexandria, VA 22314	American Movers Conference	250.00	
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	20,950.93	
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,396.00	56.84
Anthony V. Dresden, 444 N. Capitol Street, NW, #801 Washington, DC 20001	National Air Traffic Controllers Assn		
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	Metropolitan Life Insurance Cos		
Do	Science Applications Int'l Corp	250.00	
Charles T. Drevna, 4711 Old Kingston Pike Knoxville, TN 37919	Sun Coal Company	1,000.00	5,000.00
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	1,567.59
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	129.40	199.95
Drinker Biddle & Reath, 901 15th Street, NW, #900 Washington, DC 20005	Colonial Penn Life Insurance Co	1,635.00	80.80
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp	9,000.00	53.01
Do	PHLCORP	18,000.00	179.37
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Lorraine Driscoll, 1300 Connecticut Avenue, NW, #401 Washington, DC 20036	Citizen Action Fund	875.00	94.00
Pamela J. Driver, 1025 Connecticut Ave., NW Washington, DC 20036	Foodservice & Packaging Institute, Inc		
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,890.00	8,599.80
Duane Morris & Heckscher, 1201 Market Street, #1500 P.O. Box 195 Wilmington, DE 19899	Hercules, Inc		
Do	State of Delaware		
Mitch Dubensky, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn		
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life & Casualty	10,500.00	
Do	Anheuser-Busch Companies, Inc	2,475.00	
Do	Consolidated Rail Corporation	3,575.00	
Do	Fiber Optic Competition US, Inc	350.00	
Do	General Motors Corp	9,075.00	
Do	Goldman Sachs & Co	3,750.00	
Do	McCaw Cellular Communications, Inc	3,450.00	
Do	Monsanto Company	1,125.00	
Do	National Cable TV Assn	8,550.00	
Do	Nevada Resort Assn	750.00	
Do	United Air Lines, Inc	1,125.00	
Do	Warner Communications, Inc	16,875.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Morgan D. Dubrow, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Dudek Communications, 4915 St Elmo Avenue, #206 Bethesda, MD 20814	Lyonnaise Marianas America, Inc.	5,000.00	81.33
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	217.70
Kevin Dufficy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Stephen C. Duffy, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	361.00
Francis J. Duggan, 1333 New Hampshire Ave., NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek Realtors/Environmental Standard Group).		
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	600.00	600.00
Robert H. Dugger, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036	Crown Control Corp		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	18,125.01	86.75
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	5,000.00	90.00
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers Assn		
Do	National Assn of State Energy Officials		
Do	Western Fuels Association, Inc		
Pauline Dunlap, 1201 McDuffie #222 Houston, TX 77019	Falcon Carriers	13,000.00	9,718.02
Mari Lee Dunn, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
Michael V. Dunn, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	14,754.77	1,813.12
William C. Dunning, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
James A. Dupree, 1350 Eye Street, NW, #1000 Washington, DC 20005	Ford Motor Co	3,500.00	1,185.00
Daniel T. Durham, 1909 K Street, NW Washington, DC 20049	American Association of Retired Persons	609.53	124.97
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	633.75	
Katherine M. Dutilh, 214 Massachusetts Ave., NE, #420 Washington, DC 20002	Milliken & Company	5,000.00	1,450.00
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	16,154.00	743.06
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,845.80	855.45
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,895.00	
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	438.52	5.10
Denis J. Dwyer, 1155 15th St., NW, #400 Washington, DC 20005	McNair Group, Inc	9,375.00	
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Mary A. Dyess, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	650.00	
Dykema Gossett, 800 Michigan National Tower Lansing, MI 48933	Committee on U.S. Business Canadian Life & Health Ins. Assn	72,996.00	
Do	Military Boot Manufacturing Assn		
Do	Total Petroleum, Inc		
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	
DGA International, Inc, 1133 Connecticut Avenue, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation	10,920.00	4,028.82
Do	Sofreavia	3,528.00	614.50
Do	Titan		
Anthony S. Earl, One South Pinckney Street P.O. Box 2113 Madison, WI 53701-2113	Quarles & Brady (For:Wisconsin Electric Power Co)	2,600.00	873.18
Hope B. Eastman, 4800 Hampden Lane, 7th Floor Bethesda, MD 20814	Paley Rothman Goldstein Rosenberg & Cooper (For:National Assn of Women Business Owners).	3,839.81	
George H. Eatman, 1156 15th Street, NW, #525 Washington, DC 20005	Coal & Slurry Technology Assn		
Charles H. Eaton, 4921 Essex Avenue Chevy Chase, MD 20815	Eaton Associates, Inc		
Robert E. L. Eaton, 4921 Essex Avenue Chevy Chase, MD 20815	Eaton Associates, Inc		
Eaton Associates, Inc, 4921 Essex Avenue Chevy Chase, MD 20815			
Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,450.00	808.00
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan D.C., Inc	2,750.00	20.00
Charles J. Eby, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Monsanto Co)		
Kevin James Echols, 425 2nd Street, NW Washington, DC 20001	American Determination for Peace Co		10.00
Helen H. Edge, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	729.69	
Edison Electric Institute, 9th Floor 1111 19th St., NW Washington, DC 20036			72,716.98
Christopher Edley Jr., Harvard Law School Cambridge, MA 02138	Covington & Burling	3,740.00	
V. Anne Edlund, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Edon Company, 600 New Hampshire Ave., NW #1010 Washington, DC 20037	Coca-Cola Foods	10,500.00	1,806.85
Do	Pinnacle Data Corporation	7,500.00	196.35
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group		
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Fiat USA, Inc		
Do	Matra Aerospace, Inc	840.84	
Do	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	306.26	
Do	Teledyne Industries, Inc	1,456.66	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,962.49	99.00
Paul S. Egan, 1325 15th Street, NW, #503 Washington, DC 20005	Vietnam Veterans of America, Inc	12,555.00	89.00
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	Pepsi Co, Inc		48.00
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Eugene Eidenberg, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Roy L. Eiguren, 350 North 9th Street, #400 Boise, ID 83702	Davis Wright Tremaine (For:City of Klamath Falls)		
Do	Davis Wright Tremaine (For:Idaho Cooperative Utilities Assn)		
Do	Davis Wright Tremaine (For:Philip Morris, Inc)		
Do	Davis Wright & Tremaine (For:Soap & Detergent Assn)		
Albert A. Eisele, 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Cornerstone Associates, Inc		
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	250.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	15,972.00	43.90
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Do	Waste Management, Inc	3,550.00	268.75
Earl B. Eisenhart, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	National Commercial Finance Assn	11,000.00	562.00
H. J. Elam III, 110 S. Park Dr. Greensboro, NC 27401	Cone Mills Corp	16,187.50	1,863.90
Jane Elder, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	100.36	
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc	250.00	879.87
Law Offices of Peter L Eleey, 304 Victory Road Marina Bay, MA 02171	Dana Farber Cancer Institute		
Do	Fox Chase Cancer Center		
Do	Fred Hutchinson Cancer Research Center		
Do	Kenneth Norris Jr. Comprehensive Cancer Center		
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute		
Emily K. Elliott, 107 Whitehurst Stillwater, OK 74078	Oklahoma State University	1,295.00	320.77
Elliott Zweben & Steelman, Chtd, 1227 25th Street, NW Washington, DC 20037	Pharmaceutical Manufacturers Assn		
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc		
Mark M. Ellison, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For:Int'l Electronics Manufacturers & Consumers of America, Inc).	450.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	115.00	
Do	French & Company (For:Wheels, Inc)		
Gary Elmestad, P.O. Box 3153 St Charles, MO 63302	St. Charles Co Economic Development Council	9,624.99	97.73
Nancy C. Elwood, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037	BASF Corp	117.30	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		117,154.25	88,473.20
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			2,704.95
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	18,325.00	26.00
Randy Eminger, 5205 West 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,563.75	11.82
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74868		4,900.00	
Gary D. Engebretson, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		21.18
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
English First, 8001 Forbes Place, #102 Springfield, VA 22151		198,630.36	240,616.96
Jon Englund, 1225 Eye Street, NW, #950 Washington, DC 20005	American Electronics Assn		124.77
Christopher Engquist, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard Engram Jr., P.O. Box 506 Merchants & Miners Bank Bldg. Welch, WV 24801			
Environmental Tax Policy Alliance, 1667 K Street, NW, #900 Washington, DC 20006			12,198.49
David Eppler, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,750.00	
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20036	American Managed Care & Review Assn	2,400.00	
Do	Anheuser Busch		1,457.50
Do	AEtna Life & Casualty	5,300.00	8,218.50
Do	Doctors National Homecare Corp		
Do	Edison Electric Institute		1,192.50
Do	Grocery Manufacturers of America (GMA)	265.00	265.00
Do	Missouri Blue Cross/Blue Shield		
Do	MFJ Task Force		265.00
Do	National Shorthand Reporters Association		
Do	Northwestern National Life Insurance Co	2,782.50	4,160.50
Do	Pfizer, Inc	662.50	397.50
Do	Pharmaceutical Manufactuters Assn	265.00	397.50
Do	PKR Foundation	1,855.00	848.00
Do	Revlon, Inc & Subsidiaries		265.00
Do	Southern California Edison Co	1,987.50	1,722.50
Do	Voluntary Hospitals of America, Inc	11,250.00	
Gregory D. Erken, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	7,750.00	
John Ernst, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	31.35	
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Baldt, Inc	191.90	191.90
Do	Kaman Diversified Technologies Corp	9,027.34	27.34
Do	Mip Instadsetzungstriebe Gmbh	22,051.15	7,051.15
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	11,844.00	420.02
John T. Estes, 2300 N St., NW, #600 Washington, DC 20037	International Council of Cruise Lines	1,565.00	510.00
Sherry Ettleson, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,500.00	
Brock Evans, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	4,400.00	165.00
Cindy Evans, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn		
David C. Evans, 1200 18th Street, NW, Washington, DC 20036	Building Owners & Managers Assn Int'l		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	American Family Corp		
Lynwood J. Evans, 1020 19th Street, NW, #780 Washington, DC 20036	U.S. West, Inc		
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Robert B. Evans, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Walter H. Evans III, Davis Wright Tremaine 1752 N Street, NW, #800 Washington, DC 20036	Oregon Economic Development Dept, Ports Div		
William J. Evans Jr., 1200 17th Street, NW, #500 Washington, DC 20036	Pan American World Airways, Inc	680.00	147.25
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Great Western Financial Corp	5,000.00	
Dave Evans Associates, 406 3rd Street, SE Washington, DC 20003	Association for Regulatory Reform		
Do	MICA		
Do	SIA		
Do	U.S. Olympic Committee		
Evans Group, Ltd, 1010 Wisconsin Ave., #810 Washington, DC 20007	Emergency Medical Services Associates		
Do	Federal Republic of Nigeria	31,700.00	
Do	Government of Cyprus	8,500.00	
Do	Matlack, Inc	4,300.00	
Do	National Multi Housing Council	3,200.00	
Do	National Subacute Care Assn, Inc	2,500.00	
Do	New York State Mortgage Loan Enforcement & Admin. Corp	3,800.00	
Do	Remodelers National Funding Corp		
Do	Republic of China		
Do	Towers Financial Corp	5,300.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	2,000.00	
Wayne S. Ewing, Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Paul K. Eyer, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	2,500.00	
EDS Corporation, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004			2,025.45
ESCO Electronics Corp, 8000 W. Florissant St. Louis, MO 63136			1,739.77
F/P Research Associates, 1700 K St., NW, #404 Washington, DC 20006	American Bus Assn		
Do	Caribbean Marine, Inc		
Do	National Cable Television Assn, Inc	500.00	
Do	Northrop Corp		
Do	Pharmaceutical Manufacturers Assn	500.00	
Dan L. Fager, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,400.00	
Fahlgren Martin Benito, 600 N. Westshore Blvd., #1100 Tampa, FL 33609	Philip Morris, Inc	6,000.00	33.00
Robert R. Fahs, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	2,500.00	
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Frank J. Farfone, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical USA		5,821.00
Thomas B. Farley II, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	3,100.00	112.00
David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	10,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Greg Farmer, 600 Maryland Ave., SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	5,203.00
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		116,699.00	110,428.46
Dagmar T. Farr, 1750 K Street, N.w. Washington, DC 20006	Food Marketing Institute	300.00	
Farragut Group, 1825 K Street, NW, #807 Washington, DC 20006	Southern Company Services, Inc	12,500.00	
Christopher G. Farrand, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Co, Inc		130.00
Michael Farrar, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	200.00	
Joseph A. Farrell, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005	Syntex (USA) Inc	4,125.00	710.01
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	24,168.75	687.56
Do	Clark County Nevada-McCarran International Airport	15,000.00	599.72
Do	Kirton McConkie & Bushnell	6,150.00	18.08
Do	Las Vegas Valley Water District	28,837.50	6,596.36
Do	Public Service Co of New Mexico	13,937.50	181.82
Do	Sierra Pacific Power Co	29,487.50	852.24
Jane Fawcett-Hoover, 801 18th St., NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co		
Robert C. Fay, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn		
William D. Fay, 818 Connecticut Ave., N.W., #900 Washington, DC 20006	Clean Air Working Group	5,250.00	1,946.38
Federal Judges Association, 670 U.S. Courthouse 110 S. 4th Street Minneapolis, MN 55401		42,405.00	17,590.00
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			924.82
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		1,705.17	1,705.17
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		9,000.00	9,000.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002			4,342.02
Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036			
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)	150.66	150.66
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		381.00
Scott Feierabend, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,895.92	
Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)	5,000.00	63.86
Chai Rachel Feldblum, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,650.00	
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,271.00	
Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	5,000.00	
Timothy Feldman, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		6,796.53
Claudia Feller, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Mimi A. Feller, 1100 Wilson Blvd Arlington, VA 22209	Gannett Co., Inc	1,600.00	
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Karen S. Fennell, 1522 K St., NW, #1000 Washington, DC 20005	American College of Nurse-Midwives		
Stephen Fenoglio, P.O. Box 1148 Austin, TX 78767	Clark Thomas Winters & Newton (For:State Mutual Insurance Company)	32,164.50	13,117.42
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn		
Fensterwald Alcorn & Vangellow, 2112C Gallows Road Vienna, VA 22180	Concerned Federal Railroad Administration Employees		
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	150.00	
Edward T. Fergus, 100 Gold St. New York, NY 10292	Prudential-Bache Securities, Inc	750.00	
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers	7,500.00	971.28
Stephen L. Ferguson, CFC, Inc 405 N. Rogers St. Bloomington, IN 47401	Cook Group, Inc	5,533.00	926.25
Deeohn Ferris, 1400 Sixteenth Street, NW Washington, DC 20036-2266	National Wildlife Federation		
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Fiber Fabric & Apparel Coalition for Trade, 1801 K Street, NW, #900 Washington, DC 20006		280,295.00	351,141.00
Fiber Optic Competition US, Inc, 804 W. Diamond Ave., 3rd Floor Gaithersburg, MD 20878		150,000.00	350.00
Donald L. Fierce, Fierce and Associates 600 New Hampshire Ave., NW #I0I0 Washington, DC 20037	Liberty Maritime Company	7,500.00	
Fierce & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	AB Hagglund & Sonar	13,300.00	4,541.26
Do	Bender Shipbuilding & Repair	12,000.00	204.40
Do	Bollinger Machine Shop & Shipyard, Inc	28,150.00	1,267.71
Do	Coca-Cola Foods		240.73
Do	Spar Aerospace, Ltd	12,000.00	578.53
Do	A. L. Williams & Company	16,000.00	122.90
Alan D. Fiers, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	4,000.00	135.00
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	975.00	834.89
Marshall S. Filler, 1330 Connecticut Ave. NW Suite 250 Washington, DC 20036	Eastern Air Lines, Inc		
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		14,000.00	1,434.00
William J. Finch, 403 East Sixth St. Bloomington, IN 47401	Cook Group, Inc	3,402.50	428.10
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	80.63	
Nelson L. Fink, 378 Valley Oak Court Waldorf, MD 20601-3500	Air Force Sergeants Assn, Inc		
Patricia M. Fink, 1385 Piccard Dr. Rockville, MD 20850	Mechanical Contractors Assn of America, Inc		
Richard H. Fink, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	
Ben Finkelstein, 1350 New York Ave., NW, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:South Hadley Electric Light Dept)		
Stephen Finley, 200 West Thomas, #310 Seattle, WA 98119	Emerald Seafoods, Inc		6,714.90
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	100.86	57.24
First National Bank of Boston, 100 Federal St. Boston, MA 02110			17,473.37
Richard L. Fischer, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Carleton W. Fish, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	
Madeline Fishel, 312 Massachusetts Ave. Washington, DC 20002	Trust for Public Land		
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc		
Gary K. Fisher, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,400.00	
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,500.00	
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn		
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
Thomas H. Fitzpatrick, Connecticut Petroleum Council 60 Washington Street, #908 Hartford, CT 06106	American Petroleum Institute		
Donald Fix, 2100 Pennsylvania Ave., NW, #710 Washington, DC 20037	Hyjek & Fix, Inc (For:Intermec Corporation)		
Hilliard J. Fjord, 602 Main St., #600 Cincinnati, OH 45202	Ohio River Co	3,000.00	1,164.67
Susan G. Flack, 1320 19th St., NW, #400 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc		
Do	Flack, Inc (For:Spiegel, Inc)	300.00	
Robert B. Flagg, 3214 White Flint Ct. Oakton, VA 22124	Chemical Manufacturers Assn	750.00	128.60
Daniel V. Flanagan Jr., 11 Canal Center Plaza, #250 Alexandria, VA 22314	Flanagan Group, Inc (For:Dominion Resources, Inc)		
Do	Flanagan Group, Inc (For:Port of San Francisco)		
Do	Virginia Power		
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	American Ambulance Assn	24,000.00	25.05
Do	Anheuser-Busch Companies	9,000.00	
Do	Automotive Refrigeration Products Institute	36,000.00	192.30
Do	Centel Federal Systems		
Do	Certified Auctioneers Institute	22,500.00	148.97
Do	Citizens for a Drug Free America		
Do	Coastal Barrier Relief Fund		
Do	Esselte Pendaflex Corp	6,000.00	
Do	Eveready		
Do	Ferrellgas		
Do	Jason Pharmaceuticals		
Do	Members Only		
Do	National Spiritual Assembly of the Baha'is of the U.S.	16,155.00	
Do	Pathology Practice Assn	9,000.00	120.31
Do	Public Broadcasting Service	20,000.00	49.35
Do	Sony Co of America	84,167.50	1,817.96
Do	Spectacor Management Group	18,000.00	176.36
Do	St. Louis NFL Partnership		
Do	Syva Company	40,500.00	345.13
Mac A. Fleming, 12050 Woodward Ave. Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employees		
Michael Fleming, 1300 N. 17th St., # 1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute		
Florida Business Associates, 1825 EYE Street, NW, #400 Washington, DC 20006	Convex Computer Corporation	18,478.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	HNSX Supercomputers, Inc	25,200.00	
Do	MEDCO Containment	6,000.00	
Do	State University System	31,248.00	
Do	University of Alaska	8,332.00	
Do	University of Nevada-Las Vegas	12,498.00	
Do	Westinghouse Electric Corp	18,432.00	
Karen Florini, 1616 P Street, NW, #150 Washington, DC 20036	Environmental Defense Fund	3,000.00	
David L. Flory, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd. (For:California Energy Company)		
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	390.00
Focus on the Family, 801 Corporate Center Drive Pomona, CA 91768		57,918.00	38,244.00
David H. Foerster, 1201 16th St., NW Washington, DC 20036	National Education Assn		
Cynthia Folcarelli, 12300 Twinbrook Parkway, #320 Rockville, MD 20852	National Council of Community Mental Health Centers	1,205.25	2.50
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	PolyPhaser Corp		
Foley & Lardner, 1775 Pennsylvania Avenue, NW, #1000 Washington, DC 20006-4680	Aurora Health Care, Inc & Sinai Samaritan Medical Center,Inc	53,912.55	367.83
Do	Coldwell Banker Real Estate Group		
Do	United Savings of America		30.00
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		15,885.00	15,885.00
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			5,050.00
Foodservice & Packaging Institute, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
Mari S. Forbes, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
David Ford, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,500.00	
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co		
E. David Foreman, Foreman & Associates 1776 K St., NW, #601 Washington, DC 20006	Ogden Corporation	2,500.00	783.75
Foreman & Heidepriem, 1112 16th Street NW, #750 Washington, DC 20036	United Food & Commercial Workers Int'l Union	2,287.50	332.30
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			9,000.00
Edward H. Forgotson, 1350 I Street, NW, #700 Washington, DC 20005	Enserch Corporation		
Do	GNB, Inc		
Do	Northern Indiana Public Service Company		
Do	RSR Corp		
Do	Superior National Insurance Group		
Mark A. Forman, 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	1,250.00	
Sallie H. Forman, 1331 Pennsylvania, NW, #700-South Washington, DC 20004	National Broadcasting Co, Inc		
James R. Forrester, P.O. Box 94661 Cleveland, OH 44101	Centerior Energy Corp, et al.	4,310.77	2,999.34
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	19,900.00	479.98
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	280.00	
Richard C. Fortuna, 1440 New York Ave., NW, #310 Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty	500.00	
Bruce Foster, 2100 Pennsylvania Ave., NW, #675 Washington, DC 20037	Southern California Edison Co	4,750.00	416.58
Nancy E. Foster, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107	American Soybean Assn	4,330.75	325.00
William L. Foster, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	2,550.00	67.00
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Chem-Nuclear Systems, Inc		1,977.93
Do	Delaware Container Corporation		1,051.25
Do	Giant Cement Company		295.48
Barbara Fox, P.O.Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	5,785.80	1,248.50
Geraldine Dietz Fox, 39 Fairview Road Narberth, PA 19072	National Instutute on Deafness & Other Communication Disord.		772.07
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Barsh Bates & Tate (for Sears Roebuck & Co), et al.		
John R. Frahm, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Frances E. Francis, 1350 New York Ave., NW Washington, DC 20037	Spiegel & McDiarmid (For:South Hadley Electric Light Dept)		
Leslie C. Francis, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education		
Do	FMR Group (For:Hazelwood Farms Bakeries, Inc)		
Michael Francis, 900 17th Street, NW Washington, DC 20006	Wilderness Society	4,380.21	96.81
Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		54.00
Anthony M. Franco, Inc, 400 Renaissance Center, #600 Detroit, MI 48243	Philip Morris, USA	15,000.00	
John L. Frank, P.O. Box 8082 Eau Claire, WI 54702-8082	National Presto Industries	532.00	9.73
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)	500.00	
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Calcitek Dental Products	1,500.00	
Do	Church of Scientology	1,500.00	
Do	Eagle Group (For:Tailored Baby, Inc)	500.00	
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,080.00	85.00
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
James R. Franklin, One Highwoods Rd. St. James, NY 11780	Parkdale Mills, Inc, et al.	18,750.00	6,290.00
Pat Franklin, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group		
Kevin Frankovich, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		38.41
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	184.19
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061-6568			
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	875.00	150.00
Charles L. Frazier, 777 North Capitol Street, #915 Washington, DC 20002	National Farmers Organization	5,250.00	5,387.00
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	33.89
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
John S. Fredericksen, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Regional Airline Association	1,000.00	
Joel Freedman, 1600 M St., NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance Co		15,800.00
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Mary Ann Freeman, 1331 Pennsylvania Ave., NW Washington, DC 20005	General Electric Co	760.00	
Paula D. Freer, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corporation		
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	450.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	200.00	
Do	French & Company (For:Wheels, Inc)	165.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc		
Do	Montgomery Ward & Co, Inc	315.00	
Do	Wheels, Inc	165.00	
Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co, (3M)	1,000.00	
Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn	31,000.00	930.14
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Ronald A. Fried, 888 17th Street, NW, #900 Washington, DC 20006	Holland & Knight (For:St. Johns Home Health)	2,000.00	
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co		
Do	Goldrich & Kest	54.00	9.50
Do	Hunt Building Corporation		
Do	Lonza, Inc	700.00	76.48
Do	Virgin Islands Rum Industries, Ltd	1,380.00	
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063	Clouse Arney Pagano & Friedman (For:Chem Service, Inc)	946.80	69.66
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Centerior Energy Corp	35,798.00	3,046.17
Do	Coalition for Environmental-Energy Balance		
Do	Environmental Standards Group	1,538.00	8.69
Do	Philip Morris, USA	750.00	
Gay H. Friedmann, 655 15th Street, NW, #300 Washington, DC 20005	Northern States Power Company	6,000.00	
Friends of the Columbia Gorge, 319 SW Washington, #420 Portland, OR 97204			
Friends of NIDCD, Inc, 225 Haverford Ave., #1 Narberth, PA 19072		2,725.00	3,841.05
R. Roger Fries, 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute	1,365.00	
Edward O. Fritts, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	520.00
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	667.29
Alan Front, 312 Massachusetts Ave., NE Washington, DC 20002	Trust for Public Land	6,615.00	4,488.13
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause	6,362.52	
Gordon H. Fry, 900 19th Street, NW, Washington, DC 20006	Aluminum Assn, Inc	825.00	
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Crysen Corp	6,536.50	116.33
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Richard B. Fuller, 801 18th Street, NW Washington, DC 20006	Paralyzed Veterans of America	15,390.28	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,312.50	
Harold W. Furman, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Chamber of Commerce in Hong Kong)	225.00	
Do	Hill & Knowlton, Inc (For:Bechtel Civil, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hill & Knowlton, Inc (For:Central Utah Water Conservancy District)	1,200.00	
Do	Hill & Knowlton, Inc (For:Central Valley Project Water Assn)	612.50	
Do	Hill & Knowlton, Inc (For:Comdisco Medical Leasing Group, Inc)		
Do	Hill & Knowlton, Inc (For:Desert Research Institute)		
Do	Hill & Knowlton, Inc (For:Florida Lime & Avocado Trustees)		
Do	Hill & Knowlton, Inc (For:Friant Water Users Authority)		
Do	Hill & Knowlton, Inc (For:Granite Rock Company)		
Do	Hill & Knowlton, Inc (For:Mid-Valley Water Authority)		
Do	Hill & Knowlton, Inc (For:Riverside Resort & Casino)		
Do	Hill & Knowlton, Inc (For:South Dade Land Corp)	175.00	
Do	Hill & Knowlton, Inc (For:Spelman & Company)		
Do	Hill & Knowlton, Inc (For:Steele & Gilliland Realty)		
Do	Hill & Knowlton, Inc (For:Washoe County, Nevada)	175.00	
Do	Hill & Knowlton, Inc (For:West Basin Municipal Water District)	600.00	
Do	Hill & Knowlton, Inc (For:Westlands Water District)		
FMR Group, Inc, 1000 Potomac Street, NW, #401 Washington, DC 20007	Hazelwood Farms Bakeries, Inc		
Do	National Coalition of Burn Center Hospitals	6,000.00	77.56
Do	Songwriters Guild of America	7,500.00	37,918.80
Eric Keith Gabrielle, P.O. Box 12532 Gainsville, FL 32604			
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	2,851.96	
Jonathan J. Gaffney, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	
Gage & Tucker, 2120 L Street, NW, #810 Washington, DC 20037	Black & Decker Corp		
Do	Pepsi Co, Inc		
Do	Pizza Hut, Inc		
Floyd D. Gaibler, 888 16th Street, NW Washington, DC 20006-4103	American Butter Institute/National Cheese Institute		
Laura Sue Gaines, 3256 Jones Court Washington, DC 20007	International Barrier Corp (IBC)		
Janne G. Gallagher, 3373 Rittenhouse Street, NW Washington, DC 20015	Human Services Forum on Government Relations		
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	4,000.00	386.49
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Galvin Haroian & Mlawski, 425 Park Avenue New York, NY 10022	Herman's Sporting Goods, Inc		
Do	Voyager International, Inc		
Bruce Gamble, 122 C St., NW, #580 Washington, DC 20001	National Bankers Assn		251.12
Gwen Gampel, 711 Capitol Court, NE, #200 Washington, DC 20002	Congressional Consultants (For:American Assn of Retired Persons)	1,500.00	32.00
Do	Congressional Consultants (For:Child Welfare League of America)	4,200.00	15.65
Do	Congressional Consultants (For:National Renal Administrators Assn)	4,500.00	231.50
Cheryl Gannon, 2000 K Street, NW Washington, DC 20006	National Comm to Preserve Social Security & Medicare	8,412.00	
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Financial Companies		
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:Alliance of Responsible Electric Systems for Energy Access).		
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	2,912.25	35.22
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	82.30
Shelley Ann Gardner, 20 Black Oak Mews Newtown, PA 18940	Philadelphia Maritime Exchange	1,000.00	
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1001 Pennsylvania Ave, NW, #750-N Washington, DC 20004	Minnesota Mining & Manufacturing Co		
Do	Pharmaceutical Aerosol CFC Coalition		
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Sara G. Garland, 314 Massachusetts Ave., NE Washington, DC 20002	National Assn of Public Television Stations	1,200.00	234.98
Do	Prairie Public Broadcasting, Inc	1,500.00	45.00
Do	Rapoza Associates		
Do	University of North Dakota	6,354.00	350.00
Anthony Garrett, 150 Andover San Francisco, CA 94110	Citizens for Reliable and Safe Highways (CRASH)	125.00	12.00
Theodore J. Garrish, 11 Canal Center Plaza, #250 Alexandria, VA 22314	Flanagan Group, Inc (For:American Nuclear Energy Council)	1,200.00	
Do	Flanagan Group, Inc (For:California Desert Coalition)	892.50	
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Patrick J. Garver, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	American Iron & Steel Institute		
Do	Canadian Embassy	3,422.61	
Do	City of Aberdeen	10,644.08	
Do	Early Winters Resorts, Inc	51,012.00	
Do	J & B Management Company		
Do	Ministry of the Environment	8,929.37	
Do	Philip Morris, Inc	5,500.00	
Do	Province of Manitoba Department of Natural Resources	1,096.05	
Do	Space Industries, Inc		
Do	Totem Ocean Trailer Express, Inc	11,282.50	
Do	Washington Citizens for World Trade		
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Christie J. Gaskin, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co.)		
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	2,100.00	
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	1,000.00	
Kathy Gavett, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
W. Mark Gavre, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)	33.00	
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	260.00	98.68
Ruthann Geib, 1156 15th Street, NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)	240.00	
Do	Robert H. Kellen Co (For:Infant Formula Council)	180.00	
Morton A. Geller, Corporate Tax Department, 100 Federal Street Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			13,307.00
General Instrument Corporation, 767 Fifth Avenue New York, NY 10153		2,500.00	
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		4,923.20	4,923.20
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Government of American Samoa	6,719.30	
Do	Securities Industry Assn	3,700.00	
Jawad F. George, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans		
Nancy Whorton George, 555 13th Street, NW, #1010 E Washington, DC 20004-1109	Enron Corp		
Do	Natural Gas Alliance for the Generation of Electricity		
Do	Transco, Inc		
George W. Gephart, P.O. Box 1475 Baltimore, MD 21203	Baltimore Gas & Electric Co		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,159.01
Forrest Gerard & Associates, 1155 Conn. Ave., NW, #400 Washington, DC 20036	Ak-Chin Indian Community	425.00	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Leech Lake Reservation Business Committee	2,058.79	
Do	Santa Clara Indian Pueblo	357.75	
Do	Siletz Tribal Council	735.75	
Do	Tulalip Tribes	627.75	
Do	White Earth Tribal Council	594.00	
Ted P. Gerarden, 1275 K Street, NW, #850 Washington, DC 20005	Donelan Cleary Wood & Maser (For:Cascade Natural Gas Corp)		
Louis Gerber, 1925 K St., NW Washington, DC 20006	Communications Workers of America	6,833.75	207.10
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	1,189.50	
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	200.00	
Gerry Baby Products, Co, 12520 Grant Drive Box 33755 Denver, CO 80233	Gerry Baby Products Co		
Kenneth Gersten, 1116-C West Street Annapolis, MD 21401	Sierra Club	433.59	
John J. Gersuk, 3100 Windwood Farms Drive Oakton, VA 22124	Bechtel Group, Inc		
Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036	Benchmarks, Inc		
Do	Grupo Industrial Alfa, SA		
Do	Renewable Fuels Assn	850.00	
David Troy Saxton Getty, 3301 E. Garland Fresno, CA 93726			
Dorothy F. Gevinson, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	6.30	
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform	6,000.00	156.30
Clair Ghylin, 1700 K Street NW, #1200 Washington, DC 20006	Chevron USA, Inc	7,500.00	50.00
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,655.00	
William C. Gibb, 1050 Thomas Jefferson St., NW, 6th Fl Washington, DC 20007	Committee for the Protection of Shippers Shortlines & Equip		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Itel Rail Corp, et al.		
Do	Providential Home Inc Plan		
William T. Gibb, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Wayne Gibbens, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	7,500.00	240.00
Robert A. Gifford, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Robert C. Gilardi, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202	Compressed Gas Assn/Helium Advisory Council		
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	8,083.34	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Michael Gildea, 815 16th St., NW #309 Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	1,317.17	
Mary E. Gill, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Aplix, Inc)		
Mary Ann Gilleece, 1146 19th Street, NW, 3rd Floor Washington, DC 20036	Lepon McCarthy Jutkowitz & Holzworth (For:Astra Holdings Corp)		
Do	Lepon McCarthy Jutkowitz & Holzworth (For:DynCorp)	500.00	
Do	Lepon McCarthy Jutkowitz & Holzworth (For:NMP Corp)	1,500.00	
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	37,500.00	1,298.67
Annelise Gillespie, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Michael B. Gillett, 1425 N. 46th Street Seattle, WA 98103	Pacific Lumber & Shipping Co	15,000.00	71.62
Daniel F. Gilligan, 1701 K Street, NW, #400 Washington, DC 20006	National Manufactured Housing Federation	1,000.00	
Brad Gilman, 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	750.00	
Do	Robertson Monagle & Eastaugh (For:City of Kodiak)	2,200.00	
Do	Robertson Monagle & Eastaugh (For:Coastal Coalition)	750.00	
Do	Robertson Monagle & Eastaugh (For:Crowley Maritime Corp)	2,900.00	
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	2,750.00	
Do	Robertson Monagle & Eastaugh (For:Ocean Shipholdings, Inc)		
Do	Robertson Monagle & Eastaugh (For:Reeve Aleutian Airways)	1,500.00	
Do	Robertson Monagle & Eastaugh (For:Sea-Land Services, Inc)	2,900.00	
Maureen Gilman, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	15,750.00	1,175.37
Gilmartin Poster & Shafto, One William Street, 5th Floor New York, NY 10004	B & B Dredging Corp	25,743.00	
Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Factory Trawler Assn	16,500.00	430.55
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	Allied Signal Aerospace Co	4,000.00	56.20
Do	AB BOFORS		
Do	Equifax		
Do	Gilman Paper Company		
Do	Lockheed Corporation	5,000.00	68.35
Do	Oglethorpe Power Corp		
Do	Outdoor Advertising Assn of America	2,500.00	35.12
Do	Rockwell International Corp		
Do	Turner Broadcasting System, Inc	5,000.00	70.25
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	American Consulting Engineers Council		
Do	Home Shopping Network, Inc	115.00	
Do	International Mobil Machines Corp		
Do	Mineral Insulation Manufacturers Association		
Do	National Foundation for Affordable Housing Solution		
Do	U.S. Telephone Assn		
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	997.22
Brenda M. Girton, 6339 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co		
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	1,000.00	
Earl E. Gjelde, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Chem-Nuclear Environmental Services, Inc		
Sandra Gjelde, 144 North Carolina Ave., SE Washington, DC 20003		495.00	150.00
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	560.00	24.00
George E. Glasier, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Glass Packaging Institute, 1801 K Street, NW, #1105-L Washington, DC 20006			4,515.00
Donna Siss Gleason, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Robert E. Gleason, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	16,554.00	
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the U.S.	9,900.04	1,625.16
Sara B. Glenn, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Corp	1,125.00	
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	Convex Computer Corp		
Do	Fanuc, Ltd	48.07	
Do	Hitachi, Ltd		
Do	Hyundai Motor America	60.09	
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation	162.25	
Do	Murata Machinery, Ltd	36.05	
Do	South Louisiana Port Commission		
Do	Teco Transport & Trade Corp		
Richard D. Gluck, 1220 19th Street, NW, #700 Washington, DC 20036	Robins Kaplan Miller & Ciresi (For:International Federation of Freight Forwarders Assn).		917.11
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,050.00	97.84
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	15,000.00	2,000.00
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	330.00	
Donald G. Goff, 1400 K. Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	5,839.00	
Judith M. Goff, P.O. Box 130092 St. Paul, MN 55113	Farm Credit Services	160.00	892.28
A. James Golato, 1641 Route 3 North, #101 Crofton, MD 21114	H&R Block, Inc		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Alaska Loggers Assn		1,765.00
Do	American Academy of Dermatology	12,000.00	2,165.00
Do	American Academy of Ophthalmology	6,110.00	1,902.00
Do	American Medical Assn	12,720.00	2,165.00
Do	Bausch & Lomb	4,000.00	2,165.00
Do	Beretta U.S.A. Corp	8,280.00	2,043.00
Do	BAA plc	4,800.00	2,165.00
Do	Camp Barsh Bates & Tate	250.00	1,865.00
Do	Chemical Manufacturers Assn, Inc	1,250.00	1,993.00
Do	College of American Pathologists	5,000.00	2,165.00
Do	Copiat	1,038.00	1,869.00
Do	Electronic Data Systems Corp	9,449.00	2,109.00
Do	Energy Research Corp	16,800.00	2,165.00
Do	Equitable Life Assurance Society of the U.S.		6,186.00
Do	Eye Bank Assn of America	6,000.00	1,931.00
Do	Federated Investors, Inc		2,165.00
Do	Fiat USA	16,000.00	2,165.00
Do	Ford Motor Co	4,113.00	1,889.00
Do	Fox Broadcasting Company		1,765.00
Do	Genentech, Inc	12,000.00	2,165.00
Do	Hopi Tribe	72,000.00	1,765.00
Do	Investment Company Institute	7,363.00	2,165.00
Do	Martin Marietta Corp	1,445.00	1,888.00
Do	MCI Communications Corp	12,400.00	2,165.00
Do	National Business Aircraft Assn, Inc		2,165.00
Do	National Cattlemen's Assn	200.00	1,788.00
Do	National Football League	26,160.00	2,165.00
Do	National Restaurant Assn	27,000.00	2,165.00
Do	National School Transportation Assn	6,000.00	2,128.00
Do	Pacific Enterprises	9,900.00	2,165.00
Do	Pennzoil Co	4,000.00	2,165.00
Do	Philip Morris Co	25,000.00	2,165.00
Do	Philipp Brothers, Inc	5,000.00	1,765.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Phillips Petroleum Co	7,500.00	2,038.00
Do	Public Securities Assn	3,000.00	2,084.00
Do	Radio Assn Defending Airwave Rights, Inc	5,000.00	1,773.00
Do	Salomon Brothers, Inc	3,000.00	2,165.00
Do	Thomson-CSF, Inc	16,270.00	2,165.00
Do	Times Mirror Co	3,000.00	2,003.00
Do	Washington Metropolitan Area Transit Authority	25,136.00	1,765.00
Goldberg & Spector, 1229 19th St., NW Washington, DC 20036	Alpha Lyracom d/b/a Pan American Satellite		
Ronald L. Goldfarb, Goldfarb & Singer 918 16th Street, NW, #503 Washington, DC 20003	Washington Independent Writers, Inc		
Janlori Goldman, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	500.00	100.00
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			1,550.00
Janice Goldman-Carter, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,294.41	
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	7,200.00	
Marva Goldsmith, 1990 M Street, NW, #480 Washington, DC 20036	Detroit Edison Company	750.00	40.00
Richard S. Goldstein, 2300 M Street, NW Washington, DC 20037	Kelley Drye & Warren (For:Coalition to Preserve the Low Income Housing Tax Credit).	297.00	
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	3,943.99	
Judith E. Golub, 2027 Massachusetts Ave., NW Washington, DC 20036	American Jewish Committee	14,000.00	1,500.00
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	5,966.13
David R. Goode, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
Alan Goodfader, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Co)		
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	229.67
John Gordley, 1150 Connecticut Avenue, NW, #507 Washington, DC 20036	Export Processors Industry Coalition (EPIC)	2,000.00	2,572.96
Do	International Ice Cream Assn		
Do	Iowa Pork Producers Assn	3,000.00	1,071.95
Do	National Sunflower Assn	12,000.00	4,419.27
Do	U.S. Canola Association	9,375.00	4,875.99
Deborah Gordon, 1616 P Street, NW #310 Washington, DC 20008	Union of Concerned Scientists	882.50	
Mary S. Gordon, 600 Maryland Ave, SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
Randall C. Gordon, 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn		
John C. Gore, 1776 Eye Street NW Suite 1000 Washington, DC 20006	BP America, Inc		
Millicent Gorham, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	18,114.13	
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
James D. Gormley, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	1,869.00	
Ann M. Gosier, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Peter Gossens, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics	1,000.00	151.20
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co.		
Dr. Kevin C. Gottlieb, Box 434 Rockville, MD 20848	Gottlieb & Associates, Inc	15,000.00	1,535.00
Government Affairs-Maryland, 220 Prince George Street Annapolis, MD 21401	Philip Morris, USA	7,500.00	129.93
Government Liaison Project, 6313 Tulsa Lane Bethesda, MD 20817		25.00	179.35
Governmental Affairs, Inc, 100 West 5th, #911 Tulsa, OK 74103	Philip Morris, Inc	3,000.00	
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
James E. Graf II, 555 13th Street NW, #480 W. Washington, DC 20004-1109	Contel Corp	9,000.00	25.00
Ronald P. Graf, 815 Connecticut Ave., NW, #1100 Washington, DC 20006-4078	Baker & McKenzie		
John R. Graff, 4230 King Street Alexandria, VA 22302	International Assn of Amusement Parks & Attractions		
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Citibank, N.A.	8,662.50	
Do	Clarion Manufacturing Corp of America		
Do	Investors in Industry		
Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		417.81
Robert T. Grand, 1313 Merchants Bank Building Indianapolis, IN 46204	Barnes & Thornburg (For:Carl H. Dahlin Jr.)	1,000.00	396.08
Do	Salt Creek & Little Calumet River Preservation Assn		
Gerald W. Grandey, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc	2,000.00	806.27
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	2,000.00	
Edwin C. Graves, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Chamber of Commerce in Hong Kong)	112.50	
Do	Hill & Knowlton, Inc (For:Bolivar Aviation)	150.00	
Do	Cellular Telecommunications Industry Assn		
Do	Hill & Knowlton, Inc (For:Church of Scientology International)		
Do	Hill & Knowlton, Inc (For:Citizens for a Free Kuwait)	5,062.50	
Do	Hill & Knowlton, Inc (For:City of Chattanooga)	225.00	
Do	Hill & Knowlton, Inc (For:Comdisco)		
Do	Hill & Knowlton, Inc (For:CBI Sugar Group)	67.50	
Do	Hill & Knowlton, Inc (For:CVPWA)		
Do	Hill & Knowlton, Inc (For:Desert Research Institute)		
Do	Hill & Knowlton, Inc (For:Emerald Seafoods, Inc)	787.50	
Do	Hill & Knowlton, Inc (For:Ferruzzi)		
Do	Friant Water Users Authority		
Do	Hill & Knowlton, Inc (For:FBA)	337.50	
Do	Hill & Knowlton, Inc (For:General Atomics)	112.50	
Do	Hill & Knowlton, Inc (For:Gerber Products Corp)		
Do	Hill & Knowlton, Inc (For:Johnson Controls)		
Do	Hill & Knowlton, Inc (For:McGuiness & Williams)		
Do	Hill & Knowlton, Inc (For:Organization of Professional Employees of USDA (OPEDA)).	200.00	
Do	Hill & Knowlton, Inc (For:Pacific Trade & Investment Corp)	337.50	
Do	Hill & Knowlton, Inc (For:South Dade Land Corp)		
Do	Hill & Knowlton, Inc (For:Trustees)	330.00	
Do	Hill & Knowlton, Inc (For:University of Nevada, Reno)		
Do	Hill & Knowlton, Inc (For:Village of Palatine)		
Do	Hill & Knowlton, Inc (For:Washoe County, Nevada)	87.50	
Carol J. Gray, 1850 M Street, NW, #550 Washington, DC 20036	Securities Industry Assn	1,615.00	
Neil A. Gray, 1776 Massachusetts Ave., NW Washington, DC 20036-1993	Highway Users Federation for Safety & Mobility	2,500.00	51.95
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	695.00	
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:AMR Corp)		
Do	Hill and Knowlton, Inc (For:Church of Scientology International)		
Do	Hill & Knowlton, Inc (For:First American Bank, N.A.)		
Do	Hill & Knowlton, Inc		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Robert N. Gray, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	19,668.75	10.00
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)		
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		250.00	250.00
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	4,500.00	335.48
Deborah Green, 610 W. 110th Street New York, NY 10025	Rainbow Lobby, Inc	5,200.00	
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
James E. Green, 1100 Connecticut Ave., NW #620 Washington, DC 20036	Mobil Corp	1,000.00	
John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NE 68102-2130	Papillion-Lavista School District		
Kaylene H. Green, 2341 Jefferson Davis Highway, #1100 Arlington, VA 22202	Bath Iron Works Corp	750.00	70.14
Micah S. Green, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	599.55
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Wayne Green, Forest Road Hancock, NH 03449	73, Inc		
William Green, 1001 Pennsylvania Ave, #715 S Concourse Washington, DC 20004	MacAndrews & Forbes Holdings, Inc		
David I. Greenberg, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	2,500.00	1,200.00
Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	10,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Howard W. Greene, 205 E. 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	5,980.02	72.00
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	209.25	
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
David J. Gribbin IV, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Jeffrey J. Grieco, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co)	6,000.00	
Ellen Griffee, 1413 K Street, NW, 10th Fl. Washington, DC 20005	Association of Science-Technology Centers	10,426.00	7.55
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	2,500.00	245.00
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America	9,500.00	228.00
Do	American Nuclear Energy Council	16,000.00	384.00
Do	American Petroleum Institute	2,500.00	60.00
Do	American Psychological Assn	22,750.00	546.00
Do	Arthur Andersen & Co	3,750.00	90.00
Do	Avondale Industries, Inc	3,375.00	84.00
Do	Blue Cross & Blue Shield Assn	3,125.00	78.00
Do	Centerior Service Company	17,000.00	408.00
Do	City of Broomfield	5,500.00	132.00
Do	Coalition Against Double Taxation	14,000.00	336.00
Do	CBS, Inc	6,250.00	150.00
Do	COMSAT Corp	2,500.00	60.00
Do	Ethyl Corporation	20,000.00	480.00
Do	Genentech, Inc	10,500.00	252.00
Do	General Atomics	10,000.00	240.00
Do	W.R. Grace & Co	6,250.00	150.00
Do	Grumman Corporation	3,750.00	90.00
Do	Lead Industries Assn	1,250.00	30.00
Do	Martin-Marietta		
Do	McCaw Communications Cos	19,750.00	474.00
Do	Merck & Co, Inc		
Do	Motorcycle Industry Council, Inc	12,500.00	30.00
Do	National Music Publishers Assn	6,500.00	156.00
Do	Nus Corp	15,000.00	360.00
Do	Outdoor Advertising Assn of America	3,750.00	90.00
Do	Pharmaceutical Manufacturers Assn	6,500.00	156.00
Do	Tobacco Institute	20,000.00	480.00
Do	Transport Life Insurance Co (for Resource Deployment, Inc)	13,500.00	324.00
Do	United Illuminating Co	2,500.00	60.00
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co	50.00	
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,075.00	180.55
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	834.89
Philip M. Grill, 444 N. Capitol Street, NW, #514 Washington, DC 20001	Matson Navigation Company, Inc	10,000.00	6,600.00
Craig N. Grimm, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Margo A. Grimm, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Instutute of America	500.00	
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Olga Grkavac, 1300 North 17th St., #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Mark W. Grobmyer, P.O. Box 70 Little Rock, AR 72203	Arnold Grobmyer & Haley (For:Arkansas Assn of Securities Dealers)		
Do	Arnold Grobmyer & Haley (For:Mid-South International Trade Assn)		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			57.32
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	181.73	
Beverly Bennett Groom, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	2,000.00	
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group	200.00	270.00
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Chevron Corp	1,200.00	800.00
Do	Eli Lilly & Company		
Do	Goldman Sachs & Co		
Do	Murphy Oil USA, Inc	125.00	350.00
Do	Nebraska Public Power District		
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co	125.00	350.00
Do	Physicians Mutual Insurance Co		
Do	Principal Financial Group	250.00	450.00
Do	Prudential Insurance Co of America	1,500.00	100.00
Do	Prudential-Bache Securities, Inc		
Do	Puerto Rico, USA Foundation	1,500.00	9,944.12
Do	Reading & Bates Corporation		
Do	Retired Lives Reserve Group	200.00	250.00
Do	Southern California Edison Co	75.00	220.00
Do	Sunflower Electric Power Corp		
Do	True Oil Company		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
George Gross, 1211 Connecticut Ave., NW, #406 Washington, DC 20036	Magazine Publishers of America, Inc	5,000.00	
Steven A. Grossman, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Cetus Corp)		
Do	Hill & Knowlton, Inc (For:Comdisco Medical Leasing Group, Inc)	480.00	
Do	Hill & Knowlton (For:Gerber Products Corp)		
Do	Hill Knowlton (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)	360.00	
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Clark J. Guild Jr., Guild & Hagen, Ltd 100 West Liberty St., #800 Reno, NV 89501	Motion Picture Assn of America, Inc		
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	5,000.00	350.00
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp	1,500.00	80.00
Do	KMS Fusion, Inc	1,275.00	70.00
Do	Walk-Haydel & Associates, Inc	1,000.00	80.00
Deborah H. Gum, 9425 Cloverhill Road Manassas, VA 22110	Capital Cities/ABC, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		212,223.88	198,550.27
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	4,254.25	1,434.15
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
Alvin M. Guttman, 1924 N Street, NW Washington, DC 20036	Towing & Recovery Assn of America, Inc	600.00	
Milton S. Gwirtzman, 1250 24th St., NW, #600 Washington, DC 20037	Lazare Kaplan International, Inc	400.00	13.00
GPIA Animal Drug Alliance, 200 Madison Ave., #2404 New York, NY 10016			
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Chevron USA, Inc		
Do	Mead Corporation	100.00	20.00
Dana W. Haas, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Co, et al.	15,150.00	4,970.91
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute		
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	639.10	271.25
Barry Hager, 1701 K St., #900 Washington, DC 20006	Keefe Company (For:Fund for Private Assistance in International Development)		
Paul Hahn, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Chem-Nuclear Environmental Services, Inc		
John F. Haifley, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	1,875.00	
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	7,000.00	1,209.81
Alma P. Hale, 1920 N Street, NW Washington, DC 20036	America Mining Congress	20.00	
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Dakota Wesleyan University		
Do	Genetics Institute	945.00	89.84
Do	Northeastern University	2,889.00	120.61
Do	USS Constitution Museum		
Hale Foundation, 422 First Street, SE, #208 Washington, DC 20003			
Edwin K. Hall, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	387.92
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	1,776.90
John F. Hall, 1945 Old Gallows Road, #550 Vienna, VA 22180	American Wood Preservers Institute	5,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	1,000.00	225.00
Joseph Mitchell Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corporation	1,475.00	1,302.57
Julius L. Hall, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Richard F. Hall, 1700 K Street, NW, #502 Washington, DC 20006	Pacific Resources, Inc	5,000.00	
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,250.00	1,004.00
Morton H. Halperin, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	16,000.00	100.00
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company		
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	3,042.50
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	240.00	83.00
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,326.95	
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	281.00	
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	1,000.00	
Philip W. Hamilton, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
William W. Hamilton Jr., 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	440.28	
Ronald P. Hamm, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	7,500.00	
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	875.00	197.30
Thomas A. Hammer, 2100 Pennsylvania Ave., NW, #695 Washington, DC 20037	Sweetener Users Assn		
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	2,500.00	
Nolan W. Hancock, 1126 16th St., NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	6,444.50	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	DAF		
Do	General Electric Co	45.84	
Do	Ingalls Shipbuilding	7.08	
Do	Lockheed Corp	773.34	
Do	Northrop Corp	206.25	
Do	Panavia		
Do	Trump Companies, Inc		
Do	Veda, Inc	369.58	
Do	Waste Management, Inc	936.67	
William G. Handfield, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,324.68	
Donald K. Hanes, 50 F St., NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Elisabeth Hanlin, 2000 L St., NW, #1000 Washington, DC 20036	Unisys Corp		
Thomas H. Hanna, 7430 Second Ave., #300 Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	150.00	
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		21.26
M. Arnita Hannon, 1726 M Street, NW, #902 Washington, DC 20036-4502	American Lung Assn	1,826.40	1,562.79
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Eric R. Hanson, 1321 Duke Street, #200 Alexandria, VA 22314-3563	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company		
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co		
Charles A. Harkey, 1101 14th Street, NW, #400 Washington, DC 20005	American Financial Services Assn	250.00	
Donna Akers Harman, 1776 Eye Street, NW, #575 Washington, DC 20006	Champion International Corp		
Kathleen Harnett, 1301 Pennsylvania Ave., NW #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	587.91
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Toni Harrington, 950 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	200.00	
W. Brendan Harrington, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	1,250.00	
A. J. Harris II, 1825 Eye Street, NW, #750 Washington, DC 20006	CIGNA Corp	4,673.00	818.89
Jonathan L. Harris, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Hertz Corp)		
Leslie Harris, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	3,600.00	
Marilyn A. Harris, 818 Connecticut Avenue, NW Washington, DC 20006	USX Corporation	150.00	621.39
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc	650.00	9.00
Do	Cheese Importers Assn of America, Inc		
Do	Committee of American Axle Producers		
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs	1,212.50	9.00
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute		
Jim Harrison, 501 I Street, SW Washington, DC 20024	Association of Urban Universities	5,625.00	
Mark Harrison, 1819 H Street, NW, #640 Washington, DC 20006	SANE/FREEZE, Inc	7,875.00	
Robert W. Harrison, 1213 Jefferson Davis Highway, #1400 Arlington, VA 22202	CAE-LINK Corporation		
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc		4,725.01
Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Thomas D. Hart, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
William R. Hart, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,655.00	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			48,800.00
Gabriel A. Hartl, Arlington Courthouse Plaza II, #711 2300 Clarendon Boulevard Arlington, VA 22201	Air Traffic Control Assn, Inc		
Rebecca J. Hartman, 1100 Citizens Building Cleveland, OH 44114	Centerior Energy Corp	44,992.00	1,542.51
Arthur W. Hartmann, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,834.64	
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Fanny L. Haslebacher, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
James C. Hassett, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Fred Hatfield, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffaelli & Siemens (For:American Capital & Research Corp)	2,500.00	
Do	McAuliffe Kelly Raffaelli & Siemens (For:County of Merced)	1,500.00	
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	Natural Resources Defense Council	12,190.20	69.61
Hauck & Associates, 1255 23rd Street, NW Washington, DC 20037	National Oilseed Processors Assn	5,000.00	5,250.27
Howard M. Haug, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	4,500.00	
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,305.19
Arnold I. Havens, 1156 15th Street, NW, #1100 Washington, DC 20005	White Fine & Verville (For:Armstrong World Industries, Inc)	19,190.00	348.20
Do	White Fine & Verville (For:Ashland Oil, Inc)	10,657.50	
Do	White Fine & Verville (For:Association of American Railroads)	13,749.99	202.13
Do	White Fine & Verville (For:Burlington Northern Services, Inc)	21,042.50	82.10
Do	White Fine & Verville (For:CSX Corporation)	8,075.00	
Do	White Fine & Verville (For:MetPath, Inc)	27,000.00	33.87
Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Laura A. Havens, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	600.00	36.00
Edmund S. Hawley, 555 13th St., NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	327.00
F. William Hawley, 1101 Pennsylvania Ave., NW Washington, DC 20004	Citicorp/Citibank		
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Company		
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:American Electronics Assn)	2,905.00	84.53
Do	Latham & Watkins (For:Semiconductor Industry Association)	1,582.81	25.02
Robert G. Hayes, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	2,000.00	
Do	Coastal Conservation Assn	2,000.00	
Mark F. Haynes, 1627 K Stret, NW, #300 Washington, DC 20006	Fluor Corporation		
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	23,808.00	3,064.54
Charles Haywood, 7927 Jones Branch Drive, #600-S McLean, VA 22102	Council of American Homeowners	1,000.00	
Holly Elisabeth Hazard, 900 2nd Street, NE, #3030 Washington, DC 20002	Doris Day Animal League	1,814.00	1,814.00
Do	New England Anti-Vivisection Society	101.50	
Robert Healy Jr., 1201 New York Ave., NW Wasshington, DC 20005	American Public Transit Assn	3,400.00	
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	225.00	
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	979.00	
Brian Keith Heard, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Corn Growers Assn	4,688.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,000.00	367.25
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Marwais Steel Co)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care).		
Do	Hecht Spencer & Associates (For:Northwest Independent Forest Mfrs)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Do	Hecht Spencer & Associates (For:Traditional Industries, Inc)		
Do	Hecht Spencer & Associates (For:Warnaco Companies)		
Do	Hecht Spencer & Associates (For:Western Forest Industries Assn)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Bixby Ranch Co	1,000.00	
Do	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	BATUS, Inc	3,000.00	
Do	Farmers Insurance Group		
Do	Los Angeles Raiders		
Do	Mars, Inc		
Do	Marwais Steel Co	500.00	
Do	Mid-American Waste Systems, Inc	3,000.00	
Do	National Assn for the Support of Long Term Care	500.00	
Do	Northwest Independent Forest Manufacturers	500.00	
Do	Charles E. Smith, Management, Inc	1,000.00	
Do	Texas Clinical Laboratories, Inc		
Do	Traditional Industries, Inc	1,000.00	
Do	Warnaco Companies		
James B. Hedlund, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	13,552.50	204.75
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	American Cast Iron Pipe Company		
Do	Chicago Board Options Exchange	1,000.00	
Do	CSX Corporation	5,000.00	475.02
Do	DePaul Univiersity	3,000.00	
Do	Estate of Edwin A. Gallun	1,900.00	
Do	Harza Engineering Co		
Do	Renewable Fuel Assn	3,000.00	50.00
Do	Sealaska Corp	1,000.00	
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	22,683.73	493.44
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	675.00	
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			21,281.00
Richard L. Hellwege, 1225 Jefferson Davis Highway, #1100 Arlington, VA 22202	Smiths Industries	700.00	
DeWitt F. Helm Jr., 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc		
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	3,000.00	
Edward A. Helme, 444 N. Capitol Street, #526 Washington, DC 20001	Alliance for Acid Rain Control	3,772.00	309.00
Do	Center for Clean Air Policy	282.00	5.00
Thomas M. Helscher, 700 Fourteenth Street, NW, #1100 Washington, DC 20005	Monsanto Co		463.06
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	1,329.00	
Donald E. Henderson, 130 E. Washington Street Indianapolis, IN 46204	Indiana Farm Bureau, Inc	6,000.00	798.79
Wade J. Henderson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	11,850.00	100.00
William M. Hendon, Box 6863 McLean, VA 22106	Milliken & Company		
Do	National Rifle Assn	10,000.00	
Karen Hendricks, 1319 F Street, NW, #604 Washington, DC 20004	Association of Junior Leagues Int'l, Inc	5,875.00	500.00
C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	459.00	1,251.50
John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006	McDermott, Inc	8,900.00	2,322.73
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,190.00	6.00
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	252.27
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Julian B. Heron, 1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007	California Almond Growers Exchange	5,418.75	90.45
Do	Carl J. Maggio		29.25
Do	Sunkist Growers, Inc	11,337.50	326.01
Do	Universal Leaf Tobacco	4,025.00	126.99
John A. Heslip, P.O. Box 781 Herndon, VA 22070	National Concrete Masonry Assn		5,927.14
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	116.02
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	17,984.78
Dale E. Heydlauff, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	294.60	1,130.44
David B. Hickerson, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	330.00	443.00
Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	2,062.50	
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute		
J. Thomas Higginbotham, 1455 Pennsylvania Ave., NW Washington, DC 20004	American Institute of Certified Public Accountants		18,123.55
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	1,160.00
Vivian A. Hightower, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	100.00	
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S., Inc	1,000.00	
Catherine J. Hill, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		50.33
Damian P. Hill, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Gerald 'Jerry' Hill, 375 Northbridge Road, #350 Atlanta, GA 30350	Amoco Corporation		
J. Eldred Hill Jr., 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	2,000.00	
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	149.87
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	1,214.00	
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
Arthur William Hillman, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202	Humane Society of the U.S.	5,110.08	61.95
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	855.00	538.00
Cynthia Hilton, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	18,590.50	
Rick Hind, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	8,615.39	
Louis Hinman, 1627 Lamont Street, NW, #41 Washington, DC 20010	Rainbow Lobby, Inc		
Robert A. Hirsch, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
Tamara Hirschfeld, 888 17th Street, NW, #308 Washington, DC 20036	American Stock Exchange, Inc		
Charles W. Hitzemann, 1701 Pennsylvania Ave, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co.		
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	1,000.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alaska Legal Services Corp		
Do	Aroostook Band of Micmacs	3,800.00	
Do	Association of Navajo Community-Controlled School Boards		
Do	Evergreen Legal Services	180.00	
Do	Menominee Indian Tribe	2,100.00	
Do	Mooretown Rancheria	100.00	
Do	National Indian Education Assn	200.00	
Do	Pueblo de Cochiti	4,600.00	
Do	Seminole Tribe of Florida	2,300.00	
Do	Spokane Legal Services Center		
John C. Hockenbury, 901 15th Street, NW, #900 Washington, DC 20005	Drinker Biddle & Reath (For:Colonial Penn Life Insurance Co)	1,635.00	80.80
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		61.50
Scott Hodes, 180 North La Salle St., #3800 Chicago, IL 60601	Investment Company Institute	12,550.39	
Deanna Hodge, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Ann C. Hodges, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,904.00	1,528.38
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	Fettig & Donalty	5,000.00	3,044.00
Do	National Barley Growers Assn	7,500.00	4,718.00
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	7,906.65

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Crysen Corp		
Do	Interstate Natural Gas Assn of America		
Do	Marine Engineers' Beneficial Assn		
Do	National Education Assn		
Do	Sound Refining, Inc		
Do	Wilmorite, Inc		
Elizabeth Hogan, 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	7,000.00	825.56
Joseph Michael Hogan Jr., 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Advanced Communications Corp		
Do	American Frozen Food Institute		
Do	American Physical Therapy Assn		
Do	Amgen, Inc	5,497.50	91.50
Do	Banco Nacional, N.A.		
Do	Bristol-Myers Squibb Company	735.00	
Do	California State Teachers Retirement System	21,800.00	77.17
Do	Cryo-Chem International, Inc		
Do	Fiber Optic Competition US, Inc		
Do	Fox Broadcasting Company		
Do	Freightliner Corp		
Do	Government of the Commonwealth of the Bahamas		
Do	Manufacturers Hanover Trust Co		
Do	May Department Stores Co	9,037.50	26.29
Do	Mercedes-Benz of North America, Inc	33,287.00	
Do	Michigan Consolidated Gas Co		
Do	Millicom, Inc		
Do	Mutual Life Insurance Co of New York		
Do	National Assn of Tobacco Distributors	1,320.00	
Do	National Broiler Council		
Do	National Hospice Organization	1,963.50	5.00
Do	National Telecommunications Network		
Do	Ontario Ministry of Industry, Trade & Technology		
Do	Payload Systems, Inc		
Do	Smith Barney Harris Upham & Co, Inc		
Do	Software Co Task Force on Foreign Market Penetration		
Do	Storage Technology Corp	750.00	86.98
Do	Tektronix, Inc		75.00
Do	Telecom USA, Inc		
Do	The Gap, Inc, et al.	29,156.25	56.00
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	500.00	
Do	Underwriters at Lloyd's London		
Do	University of Pennsylvania		
Philip A. Hogue, 150 S. Washington St., #403 Falls Church, VA 22046	International Technical Expertise Ltd		
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Adams-Cohen Securities, Inc		
Do	Community Capital Group		
Do	Pasific Telesis Group	2,500.00	138.00
Do	U.S. League of Savings Institutions	7,000.00	438.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	23,000.00	
Philip C. Holladay Jr., 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Benny Holland Jr., 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	21,849.00	
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	2,000.00	400.00
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Carnival Cruise Lines		
Do	Florida Celery Exchange		
Do	General Development Corp		
Do	Hospice Care, Inc	1,920.00	
Do	Indian River Citrus League	500.00	
Do	Pan American Satellite Corp	600.00	
Do	Joseph E. Seagram & Sons, Inc		
Do	United Fresh Fruit & Vegetable Assn	3,000.00	
Patricia L. Hollis, 1300 L Street, NW, #950 Washington, DC 20005	American Soybean Assn	614.50	55.45
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	4,290.00	2,532.70
Holly Corporation, 2600 Diamond Shamrock Tower 717 North Harwood Street Dallas, TX 75201	Holly Corp		
Diane S. Holmes, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	381.55	390.17
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	3,567.60	21.00
Engin Inel Holmstrom, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	2,166.66	
E. Y. Holt Jr., 3138 North 10th St., Arlington, VA 22201	National Assn of Federal Credit Unions		
Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute		
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	350.00	
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		35,000.00	41,166.69
Billy E. Hooper, 1023 15th Street NW 3rd floor Washington, DC 20005	Association of American Veterinary Medical Colleges		
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	1,500.45	
Lindsay Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Winburn VanScoyoc & Hooper (For:Hallmark Cards)	24,000.00	
Do	Winburn VanScoyoc & Hooper (For:Jackson National Life Insurance Co)	37,500.00	
Do	Winburn VanScoyoc & Hooper (For:Kansas City Southern Industries)		
Do	Winburn VanScoyoc & Hooper (For:Phlcorp)	18,750.00	
Do	Winburn VanScoyoc & Hooper (For:Utilicorp United, Inc)	20,000.00	
Marian Hopkins, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	3,900.00	
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,500.00	
Virginia E. Hopkins, 625 Indiana Avenue, NW, #500 Washington, DC 20004	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Hopkins & Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Alaska Joint Venture Seafoods, Inc		
Do	Comdisco	150.00	
Do	Cook Inlet Land Exchange, Inc		
Do	Geonex Corp		
Do	Grand Trunk Corp	11,531.25	18.00
Do	Greenwich Capital Markets, Inc	642.00	
Do	Infinite Research, Inc		
Do	Louisiana Pacific Corp	22,669.00	29.02
Do	Safe Travel America		
Do	United Video		
Darnell K. Horio, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	7,511.50	
Gary N. Horlick, 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For:Amax, Inc)		
Robert Jack Horn, 1990 M St., NW, #480 Washington, DC 20036	Detroit Edison Company	1,320.00	60.00
Marcia L. Horton, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp		
Hoving Group, 1575 Eye Street, NW, #325 Washington, DC 20005	American Film Marketing Assn	2,000.00	403.08
Do	Eagle-Picher Industries, Inc	76,700.00	10,759.65
Do	Western-Southern Life Insurance Co	24,200.00	364.84
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,187.60	1,329.69
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Allynn Howe, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	10,725.00	1,067.36
Christopher W. Howe, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	950.00	
Jonathan Howe, 1200 18th Street NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,250.00	
Howe Anderson & Steyer, 2020 K St., NW, #800 Washington, DC 20006	Association of Bituminous Contractors		
Do	Classroom Publishers Assn		
Do	First Co		
Do	Industrial Diamond Assn		
Do	Optical Manufacturers Assn		
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	400.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,517.00	
Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	1,500.00	280.00
Dwight A. Howes, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Service Co, Inc	1,500.00	1,813.00
Susan Howland, 20 Black Oak Mews Newtown, PA 18940	Philadelphia Maritime Exchange		
Clifford T. Howlett Jr., 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	14,000.00	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	5,000.00	
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Cement Alliance, Inc	4,179.17	107.78
J. Martin Huber, 6931 Arlington Road, #308 Bethesda, MD 20814	National Assn of Surety Bond Producers		
Walter D. Huddleston, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	300.00
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	5,127.96	
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Electric Reliability Coalition		
Do	Camp Barsh Bates & Tate (For:Goldbelt, Inc)		
Do	Louisiana State University Foundation		
Do	Madison Public Affairs Group (for Philip Morris, USA, Inc)		
Do	Philip Morris, USA		
Do	United Gas Pipe Line Co		
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Peter W. Hughes, 7927 Jones Branch Drive, #600-S McLean, VA 22102	Council of American Homeowners	3,000.00	
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Do	Holly Corp		
Do	Sammons Enterprises, Inc		
William Hughes, 27357 Avonbourne Lane Easton, MD 21601-9147	National Assn of Federal Veterinarians	23.97	
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	580.00	
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	19,790.22	228.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	2,498.96	
Francis M. Hunt, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical Co	500.00	5,946.00
Harriet Hunt-Burgess, 44 New Montgomery Street, #4165 San Francisco, CA 94104	American Land Conservancy (ALC)	236.25	161.81
Angela M. Hunter, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	10,334.68	
Daniel J. Hunter, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	13,375.00	458.58
Milton F. Huntington, Maine Petroleum Assn P.O. Box 2739 Augusta, ME 04338	American Petroleum Institute		
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Copyright Justice Coalition		
Do	Edison Electric Institute	26,410.00	60.00
Adele M. Hurley, 112 St. Clair Ave., West, #401 Toronto, Ontario Canada M4V 2Y3	Perley & Hurley (For:Canadian Coalition on Acid Rain)	908.00	1,037.98
Cathy Hurwit, 1300 Connecticut Avenue, NW, #401 Washington, DC 20036	Citizen Action Fund	10,400.00	415.00
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co		
Mark Hurwitz, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,726.86
Philip A. Hutchinson, 490 L'Enfant Plaza, #7204 Washington, DC 20024	Volkswagen of America, Inc	150.00	20.00
Suzanne C. Hutchinson, 805 15th Street NW, Suite 1110 Washington, DC 20005	Mortgage Insurance Companies of America	7,375.00	8,583.30
William Hutnick, 1705-B N. Front Street Harrisburg, PA 17102	Bridge to the Future		
Lindalyn L. Hutter, 1605 King Street Alexandria, VA 22314-2792	National Assn of Convenience Stores		
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	11,651.28	
Kimberly Hyatt, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:Intermec Corp)		
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Fed for AIDS Research (AMFAR))		
Do	Hill & Knowlton, Inc (For:Cetus Corp)		
Do	Hill & Knowlton, Inc (For:Church of Scientology International)		
Do	Hill & Knowlton, Inc (For:Citizens for a Free Kuwait)		
Do	Hill & Knowlton, Inc (For:City of Chattanooga)	300.00	
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:CBI Sugar Group)		
Do	Hill & Knowlton, Inc (For:Hertz Corp)		
Do	Hill & Knowlton (For:Johnson Controls)		
Do	Hill & Knowlton, Inc (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Ryder Systems, Inc)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton (For:UNUM Corp)	300.00	
Robert D. Hynes Jr., 1331 Pennsylvania Ave., NW Suite 930 North Washington, DC 20004	National Broadcasting Co, Inc	1,000.00	255.55
Brian M. Hyps, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	93.90
Ice Miller Donadio & Ryan, Box 82001 One American Square Indianapolis, IN 46282	Service Supply Co, Inc	911.00	
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Company of California		815.78
Richard H. Ichord, 800 K Street, NW, #830 Washington, DC 20001	AAI Corporation	255.00	42.40
Kris H. Ikejiri, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference	400.00	
Catherine L. Imus, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Braun/Ketchum		
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20004.		9,061.45	9,061.45
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314		1,815.00	1,815.00
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		1,124.54	1,124.54
Industrial Gas Cleaning Institute, Inc, 1707 L St., NW Washington, DC 20036			
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			180.00
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	12,120.00	66.92
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Hawaiian Sugar Planters' Assn		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	Kauai Electric Co		
Do	U.S. Windpower, Inc		
Charles W. Ingram, 305 C Street, NE, #309 Washington, DC 20002	S.K.C. & Associates	6,000.00	
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,600.95	
Institute of International Bankers, 299 Park Avenue New York, NY 10171			7,438.64
International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036	Embassy of Turkey	218,750.00	28,482.46
International Advisory Services Group, 1400 L Street, NW, #600 Washington, DC 20005	Steel Service Center Institute		
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		14,078.60	24,878.60
International Brotherhood of Painters & Allied Trades, 1750 New York Ave., NW Washington, DC 20006			
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			70,168.84
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW 12th Floor Washington, DC 20006	Aqualon Company	1,793.95	99.38
Do	Bose Corp		
Do	Ethyl Corporation	10,392.58	1,569.06
Do	Totes, Inc	120.00	
Do	Uniroyal Chemical Company, Inc		
Do	Xerox Corp	1,843.75	56.89
International Communications Industries Assn, 3150 Spring Street Fairfax, VA 22031-2399		15,472.00	2,478.00
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		4,415.51	4,415.51
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			158,770.36
International Public Strategies, Inc, 1030 Fifteenth St., NW, #408 Washington, DC 20005	Committee for the Restoration of Democracy in Pakistan		
Do	Pakistan Peoples Party		
Do	U.S.-Pakistan Political Action Committee		
International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	517.00
Investment Company Institute, 1600 M St., NW Washington, DC 20036			54,824.53
Investment Counsel Assn of America, Inc, 20 Exchange Place New York, NY 10005			
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,275.00	1,262.71
Richard Munroe Irby III, 1222 Warrington Place Alexandria, VA 22307	American Gas Assn	4,000.00	
Charles C. Irions, 2200 Mill Rd. Alexandria, VA 22314	American Movers Conference	350.00	
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-2081 First National Bank Bldg. Saint Paul, MN 55101		27,928.34	12,181.52
William Robert Irvin, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	4,473.05	
Robert R. Isaacs, 200 Eighth Avenue South Nashville, TN 37203	Greyhound Lines, Inc	951.92	3,862.57
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Bayer USA, Inc		
Do	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Oberlin College		
Do	Pechiney Corporation		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
III Dimension of Indiana, Inc, 730 Century Bldg. 36 S. Pennsylvania St. Indianapolis, IN 46204	Philip Morris, Inc	500.00	
Robert A. Jablon, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group, et al.)		
Dennis J. Jackman, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	12,675.00	3,386.24
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,300.00	37,095.50
Glenn Jackson, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn	157.50	129.84
Julia Jackson, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	693.63
Thomas C. Jackson, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond (For:Arvida Company)	2,954.37	
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	10,000.00	613.14
Lynnette Jacquez, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffailli & Siemens (For:National Assn of Jai Lai Frontons)	1,868.00	
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	National Cooperative Bank		
Do	University of Kansas	3,750.00	3,363.10
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Jaffe Snider Raitt & Heuer, P.C., 1800 First National Building Detroit, MI 48226			
Edward L. Jaffee, 1730 Rhode Island Avenue, NW, #715 Washington, DC 20036	PPG Industries, Inc		
Khalil E. Jahshan, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans	7,250.00	750.00
Claudia James, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	7,500.00	377.64
Dennis James, 1215 17th Street, NW Washington, DC 20036	Gadot Petrochemical Industries	16,730.03	16,730.03
Jerry James, 8303 Mopac, #150-C Austin, TX 78759	ATC-ClayDesta Communications		
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)	5,000.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	37,800.00	23,941.69
J. Jancin Jr., 1800 M Street, NW Washington, DC 20036	American Bar Assn	300.00	30.00
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,436.00	1,458.00
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94115		7,525.75	20,886.11
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Jar-Mon Consultants, 214 Massachusetts Ave., NE #300 Washington, DC 20002	American Business Council, Inc		
Do	American Freedom Coalition		
Do	Christian Voice, Inc	30,000.00	
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
Charles W. Jarvis, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Chem-Nuclear Environmental Services, Inc		450.00
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Judy Jaussi, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	392.19
Michael A. Jawer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp	150.00	
Do	Ferranti Defense & Space Group	100.00	
Do	Hydroacoustics, Inc	50.00	
Do	John Deere Technology Int'l, Inc	100.00	
Do	Litton Data Systems	150.00	
Do	McDonnell Douglas Corp	150.00	
Do	Raytheon Corp	100.00	
Jellinek Schwartz Connolly & Freshman, Inc, 1015 15th Street, NW, #500 Washington, DC 20005	Adolph Coors Co	13,638.00	253.00
Do	ASARCO, Inc	197,204.00	11,709.00
Do	Cement Kiln Recycling Coalition		
Do	Los Angeles County Sanitation District	14,939.00	278.00
Do	National Assn of Wheat Growers, et al.		
Do	National Independent Energy Producers	57,995.00	1,741.00
Do	Rhone-Poulenc Ag Co		
Do	Union Pacific Corp		
Do	Waste Management Lawncare	494.00	212.00
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	10,000.00	
David M. Jenkins II, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham Inc)	3,000.00	300.00
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Independent Insurance Agents of America, Inc	1,276.80	
Do	MCI Communications Corp		
Do	National Assn of Casualty & Surety Agents	577.60	
Do	National Assn of Life Underwriters	212.80	
Do	National Assn of Professional Insurance Agents	212.80	
Do	National Assn of Surety Bond Producers		
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,000.00	300.00
David M. Jennings, 115 West College Drive Marshall, MN 56258	Schwan's Sales Enterprises, Inc	5,500.00	
James C. Jennings, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Richard H. Jenrette, 787 7th Avenue New York, NY 10019	Donaldson Lufkin & Jenrette (For: Equitable Financial Cos)		
Dallin W. Jensen, 185 S. State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
Do	Parsons Behle & Latemer (For:Intermountain Consumer Power Assn)	747.50	
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Jet, Inc, 1100 Huntington Building Cleveland, OH 44115			
Thomas C. Jetton, 2223 Dodge Street Omaha, NB 68102	Northern Natural Gas Co		
Jewish Peace Lobby, 4431 Lehigh Road College Park, MD 20740		22,368.09	14,813.65
Charles B. Jiggetts, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	Electronic Data Systems Corp		
Mark S. Joffe, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	CHP-the Medical Group Affiliated Long Island Jewish Med Cntr		
Ronald P. Johnsen, 700 Thirteenth, NW, #900 Washington, DC 20005	Columbia Gas System Service Corp	175.00	475.37
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,149.04	454.75
Carl T. Johnson, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202-3269	Compressed Gas Assn/Helium Advisory Council		
David H. Johnson, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Joel L. Johnson, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,346.80	
John W. Johnson, P.O. Box 39106 Minneapolis, MN 55439-0106	American Collectors Assn	1,000.00	
L. Oakley Johnson, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	312.00	2,516.89
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Michael A. Johnson, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Aplix, Inc)	683.00	14.00
Michael S. Johnson, 555 13th Street, NW, #300 East Washington, DC 20004	McCamish Martin Brown & Loeffler (For:Central & South West Corp)		
Do	McCamish Martin Brown & Loeffler (For:Citicorp)		
Do	McCamish Martin Brown & Loeffler (For:Electronic Data Systems Corp)		
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Trade Council).		
Do	McCamish Martin Brown & Loeffler (For:National Assn of Broadcasters)	50.00	
Do	McCamish Martin Brown & Loeffler (For:Sematech)		
Do	McCamish Martin Brown & Loeffler (For:United Services Automobile Assn)		
Myrna Johnson, 2025 M Street, NW Washington, DC 20036	National Public Radio	7,870.50	40.00
Nancie S. Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	300.00	
Rady A. Johnson, 200 East Randolph Drive P.O. Box 87703 Chicago, IL 60680-9978	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,274.88	135.00
Riva Johnson, 1717 Main Street, #2800 Dallas, TX 75201	Hughes & Luce (For:MCorp)		
Tom L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
Johnson & Gibbs, P.C., 1301 K Street, NW, #800 East Washington, DC 20005-3307	Centex Corp	13,725.00	
Do	Church Alliance	18,187.50	
Do	Compaq Computer Corp		
Do	El Paso Health Care Systems, Ltd		
Do	EPIC Healthcare Group, Inc		
Do	HealthTrust, Inc		
Do	McLane Company, Inc	12,375.00	398.16
Do	Medical Infusion Management, Inc	6,670.00	1,275.99
Do	Oryx Energy Corporation		
Do	Permanente Medical Group, Inc	2,025.00	
Do	Philip Morris, Inc		
Do	Redman Industries		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Republic Health Corp		
Johnson Research Associates, 4429 Yuma Street, NW Washington, DC 20016	City of Virginia Beach	5,034.08	294.08
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	Associated General Contractors of America	1,000.00	
George A. Johnston, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	6,581.00	
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	7,586.96
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,203.38	74.13
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	956.25	
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036	Consolidated Natural Gas Co	1,500.00	601.24
Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206	Philip Morris, Inc	7,500.00	
Edwin M. Jones, 970 Summer Street Stamford, CT 06905-5518	Bentley Mosher & Babson, PC (For:United Engineering, Inc)		
Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,084.00	
Robert L. Jones, 4647 Forbes Blvd. Lanham, MD 20706	Amvets	6,800.00	
Robin Wagner Jones, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	2,877.27	
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc		
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	Hartford Group		
Do	Lafourche Telephone Company, Inc		
Do	Maxicare Health Plans, Inc		
Do	South Central Bell Telephone		
Do	United Companies Life Insurance Companies		
Do	United Illuminating Co		
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	Nevada Power Company	9,220.00	
Do	Utah State University	1,200.00	
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	International Shipholding Corp	2,658.60	217.20
Do	Montana Sulphur & Chemical Company	168.00	4.75
Alexander H. Jordan, 816 Connecticut Avenue, NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	500.00	250.00
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Consortium for International Earth Science Info. Network	9,000.00	9,522.97
Do	Diagnostic & Instrumentation Laboratory at Mississippi Univ.	12,000.00	12,000.00
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	500.00	
Mary Lou Joseph, 2025 M Street, NW Washington, DC 20036	National Public Radio	18,290.00	58.20
David Josephs, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America		
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Kathy L. Judd, 1700 K St., NW, #1204 Washington, DC 20006	Chevron USA, Inc	250.00	100.42
Amy E. Judy, 2030 M St., NW Washington, DC 20036	Common Cause	3,108.26	
Justice Fellowship, P.O. Box 17181 Washington, DC 20041			2,971.99
Hans Kaehler, P.O. Box 118 Cold Spring Harbor, NY 11724			
Jim Kaitz, 1100 17th Street, NW, #1203 Washington, DC 20036	Baxter	139,132.00	47,983.00
Marilyn Kalusin, 7300 NW 35th Terrace, # 105 Miami, FL 33122	Cuban American Foundation, Inc	9,529.32	
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	
Miles F. Kanne, P.O. Box 1608 Bloomington, IN 47402	Cook Group, Inc	4,950.00	
Martin B. Kanner, 2301 M St., NW Washington, DC 20037	American Public Power Assn	4,500.00	
Gerald Kaplan, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International, Inc)	2,000.00	
Do	Karalekas & McCahill (For:American Retirees Assn)	4,500.00	60.31
Do	Karalekas & McCahill (For:Firestone Tire & Rubber Co, et al.)		
Do	Karalekas & McCahill (For:Gates Rubber Company)		
Do	Karalekas & McCahill (For:Homeport Information Task Force, et al.)	9,000.00	
Do	Karalekas & McCahill (For:National Agriculture Aviation Assn)		
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery	884.31	13.97
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	9,019.22	
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	9,324.00	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	3,200.00	65.92
JoAnn Kauffman, 206 G St., NE #100 Washington, DC 20002	Evergreen Associates, LTD. (For:American Indian Health Care Assn)		1,945.53
Do	Evergreen Associates, Ltd (For:Nez Perce Tribe of Idaho)		9,076.66
Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	175.00	
Anthony P. Kavanagh, 2100 Penn. Ave., #675 Washington, DC 20037	Consolidated Edison Co of New York, Inc	2,115.00	2,125.53
Everett E. Kavanaugh, 1110 Vermont Ave., NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Edward M. Kavjian, 1660 L. Street, NW Washington, DC 20036	General Motors Corp	3,000.00	1,467.65
Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kay Associates	7,500.00	
Richard F. Keating, 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy	5,246.25	
Do	General Instrument Corporation		
Do	Group Health, Inc	6,514.00	52.00
J. Michael Keeling, Zuckert Scoutt & Rasenberger 888 17th Street, NW, #600 Washington, DC 20006	ESOP Association of America	2,907.12	
Do	Small Business Council of America		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	6,431.00	423.75
Melvin Keener, 1776 I Street, NW, #1000 Washington, DC 20006	BP America		
Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Suellen Keiner, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	5,000.00	2,400.00
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	28.00	
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn		650.00
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	Chamber of Commerce of the U.S.	2,500.00	
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Keller & Heckman, 1150 17th Street, NW, #1000 Washington, DC 20036	Specialty Advertising Assn Int'l		
John T. Kelley, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	Coalition to Preserve the Low Income Housing Tax Credit	2,000.00	
Do	Council for Rural Housing & Development	2,000.00	
Do	Cushman & Wakefield		
Do	Great Western Financial Corp		
Do	Institute for Responsible Housing Preservation	2,000.00	
Do	J.P. Morgan & Co, Inc		
Do	National Assn of Manufacturers		
Do	National Leased Housing Assn	2,000.00	
Do	Society for Human Resources Management		
Do	Tokyo Electric Co, Ltd		
Joseph T. Kelliher, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	2,100.00	886.81
Stephen S. Kellner, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc		
Carol A. Kelly, 1615 L Street, NW, #1210 Washington, DC 20036	Meropolitan Life Insurance Companies	1,000.00	
Donald E. Kelly, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers	1,750.00	
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp		
John F. Kelly, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	1,000.00	
Paul A. Kelly, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	425.00	591.95
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Susan N. Kelly, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
William N. Kelly, Norwest Center-Sixth & Marquette Minneapolis, MN 55479-1032	Norwest Corporation		
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	1,760.88
Coletta Kemper, 1401 New York Avenue, NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,750.00	
Kemper Financial Companies, 120 South LaSalle Street Chicago, IL 60603			
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			526.43
Kemper Reinsurance Company, Long Grove, IL 60049			
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	4,555.00	
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp		
Do	Manville Corporation	250.00	
Do	Rose Communications		
Do	Toyota Motor Sales, USA, Inc	1,500.00	
Do	Worldwide Information Resources, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	765.22
Joseph W. Kennebeck, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024	Volkswagen of America, Inc	650.00	75.00
Art Kennedy, Box 200576 Anchorage, AK 99520	Koniag, Inc	31,511.00	10,808.97
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	6,250.00	1,611.80
James J. Kennedy Jr., 400 First St., NW, #804 Washington, DC 20001	Railway Labor Executives' Assn	11,250.00	
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Tuttle & Taylor (For:General Atomics)	1,137.50	67.46
Do	Tuttle & Taylor (For:Pemco Aeroplex)		
John Paul Kennedy, 57 W. 200 S, #400 Salt Lake City, UT 84101	Edwards McCoy & Kennedy (For:Western Shoshone Judgment Distribution Assn)		4,238.00
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Brendan J. Kennedy & Associates, 1263 Wilbur Cross Highway Berlin, CT 06037	Philip Morris, Inc	2,500.00	181.55
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033	Hadson Development Corp		
Do	National Wood Energy Assn, Inc		
Erica G. Kenney, 499 South Capitol St., SW, #520 Washington, DC 20003	Petroleum Marketers Assn of America	1,250.00	
Jeremiah J. Kenney Jr., 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Edward B. Kenney & Associates, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp		232.20
Do	Lockheed Aeronautical Systems Co		438.09
Do	Textron, Inc		299.29
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	1,147.00
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute		
Elizabeth Kepley, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	12,395.81	
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	1,000.00	341.00
Alison A. Kerester, 1350 I Street, NW #700 Washington, DC 20005	Beveridge & Diamond (For:FMC Corporation)		
Do	Beveridge & Diamond (For:Pacific Dunlop-GNB)		
Susan Akers Kernus, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,000.00	
Michael J. Kerrigan, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc	240.00	
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
William S. Kies, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	200.00	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	3,688.78
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,021.20	
Maryann Kilduff, 2000 M St., NW, #230 Washington, DC 20036	Telocator Network of America	1,132.00	85.10
John J. Killeen, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Phillips Kimball Jr., 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Richard H. Kimberly, 1201 Pennsylvania Avenue, NW, #730 Washington, DC 20004	Kimberly-Clark Corp	1,820.00	94.90
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			2,568.90
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,000.00	
Judith E. King, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	632.25
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	84.34
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	25,000.00	107.75
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alliance for Capital Access		
Do	Charter Medical Corp	11,476.60	
Do	Electromagnetic Sciences Inc (EMS)		
Do	Fleet North Star Financial Group	720.00	
Do	General Motors Corp	3,520.50	
Do	Generic Pharmaceutical Industry Assn		
Do	Georgia International Investment Coalition	376.00	
Do	GPIA-Animal Drug Alliance		
Do			
Do	Lincoln Property Co, et al.		
Do	Martin-Marietta		
Do	Milliken & Company		
Do	National Assn of Bond Lawyers		
Do	National Pharmaceutical Alliance		
Do	Trammell Crow Co		
Do	Woodruff Foundation	78.00	
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	Ferroalloys Association		
Do	Nuclear Metals, Inc	4,000.00	425.00
Do	South Carolina Research Authority		
Kathleen N. Kingscott, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	6,176.00	840.80
Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association		
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Jan Kinney, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn		
Janie A. Kinney, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	575.00	175.00
Marcia Y. Kinter, 10015 Main Street Fairfax, VA 22031-3489	Screen Printing Assn International		
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	5,950.00	1,493.01
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Sharon Kirk, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	16,389.00	436.97
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
David M. Kiser, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	1,500.00	271.00
Jon Kiser, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Carla Kish, 962 Wayne Avenue, #750 Silver Spring, MD 20910	Florida Solar Energy Center	3,000.00	
Do	University of Oregon	2,000.00	
Do	Weil & Howe	852.50	3.77
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Klukwan, Inc)	32,600.00	5,038.11
Do	Kito, Inc (For:North Slope Borough)	1,000.00	1,987.46
Do	Kito, Inc (For:Sealaska Corporation)	20,400.00	5,581.38
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)	10,000.00	5,320.10
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,781.00	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	3,800.00	
James A. Klein, 1212 New York Ave, NW #1250 Washington, DC 20005	Association of Private Pension & Welfare Plans, Inc	2,019.00	165.90
Douglas M. Kleine, 11479 Waterview Cluster Reston, VA 22090	Professional Assn Services		
Andre M. Kliczak, P.O.Box 1000-165 Duluth, MN 55814			
Joanne Marie Kling, c/o U.S. Chamber of Commerce 1615 H Street, NW Washington, DC 20062	Partnership on Health Care & Employment		
Jeffery L. Klinger, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Co, Inc		
Mary Jane Klocke, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Co	500.00	
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress	2,250.00	
Peter E. Knight, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	10,000.00	826.03
Knights of Columbus, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004-2404			8,600.00
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress	40.00	4.85
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	648.44
Mark S. Knouse, 555 Thirteenth Street, NW, #450 West Washington, DC 20004	Union Pacific Corp	13,750.00	765.10
James L. Knowles Jr., P.O.Box 888 Sandstone, MN 55072			
Bradley R. Koch, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	132.45	
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc		
Blair Koehler, 1800 Diagonal Road, #637 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	3,192.96	3,192.96
Kogovsek & Associates, Inc, 1801 Broadway, #1420 Denver, CO 80202	Animas-La Plata Water Conservancy District, Durango County		
Do	City of Pueblo, Pueblo County		
Do	Conejos Water Conservancy District	1,500.00	
Do	Dolores Water Conservancy District	4,000.00	799.10
Do	Greater Denver Corporation	10,500.00	452.33
Do	Public Employees Retirement Assn of Colorado	4,845.00	306.97
Do	Regional Transportation District (Denver, Colorado)	10,789.99	
Do	Rocky Mountain Health Care Corp	5,430.00	216.98
Do	Southern Ute Indian Tribe	11,250.00	6,609.32
Do	U.S. Olympic Committee		
Do	Upper Yampa Water Conservation District		
Do	Ute Mountain Ute Tribe	18,500.00	
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	3,906.25	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Michael S. Koleda, 1225 Eye St., NW, #320 Washington, DC 20005	Council on Alternate Fuels		
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		42.60
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	2,500.00	241.18
Nicholas Kominus, 1001 Connecticut Ave., NW Washington, DC 20036	U.S. Cane Sugar Refiners' Assn		14.17
Stephen Koplan, 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	1,862.40	
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Co)	14.42	
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Horace R. Kornegay, P.O.Box 3463 Greensboro, NC 27402	Adams Kleemeier Hagen Hannah & Fouts (For:American Tobacco Company)		
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		
Stephen M. Koslow, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Barbara M. Kostuk, 1025 Thomas Jefferson Street, NW, #511 Washington, DC 20007	LTV Corp	1,575.00	150.00
Anil Kothari, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	768.75
Gerald J. Kovach, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	68,261.51
Kenneth S. Kovack, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	13,143.54	
Joan M. Kovalic, 2100 Pennsylvania Avenue, NW, #755 Washington, DC 20037	BASF Corp		
Jermone J. Kozak, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Mylio S. Kraja, 1608 K St., NW Washington, DC 20006	American Legion	4,250.00	660.43
Malcolm A. Kram, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	100.00	
Andrea S. Kramer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Jeffrey H. Kramer, 1616 H Street, NW Washington, DC 20006	National Grange	5,750.00	
Alan M. Kranowitz, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Raymond R. Krause, Pillsbury Center-MS 4076 Minneapolis, MN 55402	Pillsbury, Inc	1,500.00	902.00
Robert S. Krebs, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		75.00
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	280.00	
Krivit & Krivit, P.C., 50 E Street, SE Washington, DC 20003	City of St. Petersburg, Florida		
Donald J. Kroes, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	6,500.00	34.00
Kroger Company, P.O. Box 1199 Cincinnati, OH 45201-1199			4,799.48
Robin L. Kropf, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Keith R. Krueger, 1527 Wisconsin Avenue, NW Washington, DC 20007	U.S. West Communications	7,700.00	624.10
Paul C. Kruger, 730 Fairlawn Dr. Columbus, OH 43214	Ohio Prison Education Network, Inc (Open)		
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Ronald W. Kuehn, 2 East Mifflin Street, #600 Madison, WI 53703	DeWitt Porter Huggett Schumacher & Morgan, SC (For:Becker CPA Review Courses).	180.00	44.54
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	1,500.00	310.00
Philip Kugler, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers		
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	American Pilots' Assn		
Do	St. Lawrence Seaway Pilots Assn		
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	23,599.98	
Peter Dev Kurze, 1753 Lanier Place, NW Washington, DC 20009	Daimler-Benz Washington, Inc		
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Peter Kyros, 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Kyros Associates (For:American Soc for Cell Biology, et al)		
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor-Management Maritime Committee, Inc, 444 Capitol Street, 8th Fl Washington, DC 20001		16,639.00	4,286.00
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Marc E. Lackritz, 1850 M Street, NW, #550 Washington, DC 20036	Securities Industry Assn	6,731.00	
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	64.00	34.01
Richard L. Ladd, 2300 N Street, NW, #600 Washington, DC 20037	Allied-Signal Aerospace Co, Inc	1,500.00	
Do	Robison International, Inc (For:FMC Corporation)	1,000.00	
Do	Robison International, Inc (For:General Atomics Technologies)	1,450.00	
Do	Robison International, Inc (For:McDonnell Douglas Corp)	1,450.00	
Do	Robison International, Inc (For:Royal Ordnance, Inc/British Aerospace, Inc)	2,530.00	
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	2,075.00	615.56
Myron F. Laible, 1212 New York Ave., NW #1210 Washington, DC 20005	Outdoor Advertising Assn of America, Inc		
Robert Lamb, 1627 Eye St., NW, #1000 Washington, DC 20006	McGuire Woods Battle & Boothe (For:Chlorine Institute)	5,000.00	
Do	McGuire Woods Battle & Boothe (For:Combined Sewer Overflow)	5,000.00	
Do	James River Corp	5,000.00	
Do	Occidental Chemical Corp	5,000.00	
Do	McGuire Woods Battle & Boothe (For:Solite Corp)	5,000.00	
Do	Sun Co, Inc	5,000.00	
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David R. Lambert, 1030 15th St., NW, #964 Washington, DC 20005	American Seed Trade Assn	5,000.00	
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	154.28
L. Charles Landgraf, 1333 New Hampshire Avenue, NW Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Maria Landolfo, 1126 16th St., NW Washington, DC 20036	Int'l Union of Electronic, Electrical, Salaried, Machine....	13,135.00	65.70
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	
Linda L. Lane, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland (For:Philip Morris, USA)		
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc	2,500.00	5,632.68
Adrienne C. Lang, 1111 14th Street, NW, #501 Washington, DC 20005	American Soc of Anesthesiologists	5,000.00	
Robert K. Lange, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	4,060.00	1,013.01
Roger W. Langsdorf, 1600 M Street, NW Washington, DC 20036	ITT Corporation	5,000.00	20.00
J. Stephen Larkin, 9225 Katy Freeway, #310 Houston, TX 77024	Petroleum Equipment Suppliers Assn	2,250.00	
Peter J. Larkin, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	275.00	
Mary Ellen Larson, 1513 16th Street, NW Washington, DC 20036	Air Conditioning Contractors of America	1,250.00	50.00
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Amber Milling	15,000.00	1,637.70
Do	Calderon Clean Coal Technology, Inc	15,000.00	1,637.70
Do	Glasstech, Inc	18,000.00	818.85
Do	Harold & Ronald McMaster DBA McMaster Motors	9,000.00	818.85
Do	Spangler Candy Company	7,500.00	818.85
K.P. Lau, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	5,851.56	927.84
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	138.60
Terry K. Laughlin, One Thomas Circle, NW, #900 Washington, DC 20005	Imrex Company, Inc		
Daniel Lauwers, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	2,080.00	
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,100.00	105.40
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313	National Association of Chain Drug Stores, Inc	500.00	
Jonathan Lawniczak, 925 15th St., NW Washington, DC 20005	National Council of Senior Citizens	5,000.00	
George H. Lawrence, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	4,000.00	
Kathleen W. Lawrence, 1025 Thomas Jefferson Street, NW, #400E Washington, DC 20007	Burchette & Associates (For:Federal Agricultural Mortgage Corp)	21,058.24	186.75
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	5,361.25	27.15
Keith Lawson, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Boone Co	3,300.00	
Do	Financial Services Coalition of America	3,500.00	
Do	Mesa Limited Partnership	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Burlington Northern Railroad	2,000.00	
Do	Coalition for Affordable Housing	5,000.00	
Do	Martin Marietta Corp	2,000.00	
Do	OPTUR	1,000.00	
Do	Standard Federal Savings Bank	5,000.00	
Do	Transcontinental Properties, Inc	2,000.00	
Jennifer Layman-Heitman, 2030 M Street, NW Washington, DC 20036	Common Cause	5,408.01	
Randall R. LaBauve, P.O. Box 61000 New Orleans, LA 70161	Entergy Services, Inc	1,370.00	242.83
Sandra L. LaFevre, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Sally Ann LaHue, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	13,000.00	653.14
Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,323.75	2,000.00
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	1,850.00	
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		60,620.97	60,620.37
League to Save Lake Tahoe, 2197 Lake Tahoe Blvd. P.O. Box 10110 South Lake Tahoe, CA 95731			
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Chicago Board Options Exchange		
Gerald B. Leape, 1436 U Street, NW Washington, DC 20009	Greenpeace USA	2,083.50	2,283.50
Alisa J. Learner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	834.00
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	100.00
Gerard Lavery Lederer, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn		
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
James B. Lee, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Public Resource Assn	1,500.00	20.00
Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	789.00
Marsha P. Lefkovits, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,160.00	929.64
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	74.50
Legislative Strategies, 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20004	Delavan Lake Sanitary District	34,335.00	1,350.48
Do	Globos International, Inc		
Do	National Hydropower Assn	1,782.50	727.14
Do	Texas-New Mexico Power Company	1,580.00	722.80
Jack Legler, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Leslie A. Lehmann, 500 NE Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc	7,103.00	
Dale Leibach, 1901 L Street, NW, #320 Washington, DC 20036	Powell Adams & Rinehart		
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	Cordage Institute		
Do	Visiting Nurse Assn of America	1,000.00	
Terry L. Leitzell, One Thomas Circle, NW, #900 Washington, DC 20005	Bogle & Gates (For:Northern Jaeger)		
Do	Bogle & Gates (For:Wright Schuchart, Inc)	2,000.00	
Joseph L. Leitzinger, 1201 Third Ave., #4900 Seattle, WA 98101-3009	Simpson Investment Co	164.00	33.00
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,720.00	402.66
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Jerris Leonard, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Leonard & Ralston (For:Krueger, Inc)	6,818.29	
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	7,507.24	128.50
Scott Leonard, 236 Massachusetts Ave, NE Washington, DC 20002	National Assn of Railroad Passengers	6,726.68	
Lepon McCarthy & Jutkowitz, 1146 19th Street, NW, Third Floor Washington, DC 20036	Chilean Exporters' Assn	2,000.00	2,000.00
Charles Leppert Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co	185.00	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
Daniel Lesmez, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	85.00	
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	4,411.00	
Gilbert B. Lessenco, 1025 Connecticut Ave., NW #500 Washington, DC 20036	Wilner & Scheiner (For:Graco, Inc)	395.00	19.43
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,567.60	554.75
Leventhal Senter & Lerman, 2000 K Street, NW, #600 Washington, DC 20006-1809	Committee for America's Copyright Community		130.00
Do	Copyright Remedies Coalition		
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Robert B. Levethal, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Richard S. Levick, 2446 Reedie Drive, #11 Silver Spring, MD 20902	Jaffe Associates (For:National Assn of Mortgage Brokers)		
Betsy Levin, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036	Association of American Law Schools		
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Association of American Railroads	2,500.00	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Lawrence E. Levinson, 1875 Eye St., NW, #1225 Washington, DC 20006	Paramount Communications, Inc	3,000.00	500.00
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
James F. Levy, 215 Assembly Street Columbia, SC 29201	Vista, Inc		
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Companies	4,000.00	
David J. Lewis, 2111 Jefferson Davis Highway, #511N Arlington, VA 22202	International Trade & Development Agency, Inc		
Frank J. Lewis, 307 9th Terrace Indialantic, FL 32903	Harris Corporation	1,282.50	
Howard Lewis, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Association of Manufacturers		
Jack W. Lewis, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	4,000.00	218.00
Michael R. Lewis, 1133 15th St., NW, #640 Washington, DC 20005	International Longshoremen's & Warehousemen's Union	11,900.00	886.20
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Richard W. Lewis, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,569.00	
Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,250.00	0.75
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	Manufacturers Hanover Corp	400.00	
William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	1,000.00	50.00
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	5,241.89	
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	Federal Employees Tax Group		
Do	Feibel-Garek Realtors/Environmental Standard Group	106.80	
Do	Golden Nugget Corp	1,706.75	
Do	Groom & Nordberg (for: Chevron)		
Do	Maritrans Operating Partners, L.P.		
Do	Physicians Insurers Assn of America	1,280.00	
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	2,848.70	118.79
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	4,000.00	
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp		
Fern Z. Liang, 4630 Montgomery Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists		3,000.00
David W. Liddle, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	560.00	
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	500.00	
Richard A. Lidinsky Jr., 700 13th Street, NW Washington, DC 20005	Sea Containers America, Inc		
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	266.60
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			4,200.00
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	3,140.00	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Victor E. Lindenheim, 1945 Old Gallows Rd., #550 Vienna, VA 22180	American Wood Preservers Institute	1,500.00	
Donald Lindsey, 400 First Street, NW, #819 Washington, DC 20001	Brotherhood of Locomotive Engineers (OH)	415.17	53.68
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	780.00	87.75
Rose Marie Lipinski, 6242 West 59th Street Chicago, IL 60638	Chicago Transit Authority	14,500.00	1,106.00
Gregory Owen Lipscomb, P.O. Box 18958 Washington, DC 20036	OPT in America		
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Debra J. Lipson, 122 C Street, NW Washington, DC 20001	Children's Defense Fund		
Lisboa Associates, Inc, 1317 F St., NW, #202 Washington, DC 20004	University of the Virgin Islands	2,062.50	
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	3,000.00	
C. Bryan Little, 220 National Press Bldg. Washington, DC 20045	U.S. Business & Industrial Council	1,719.00	
Charles B. Little, 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	3,000.00	
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	592.90
Roy Littlefield, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	500.00	
Do	Greater Washington/Maryland Service Station Assn	250.00	
E. Geoffrey Littlehale, 1500 K Street, NW, 650 Washington, DC 20005	Glaxo, Inc		
E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Robert W. Lively, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	115.00	
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	16,017.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	13,855.00	612.50
Do	San Francisco Bay Guardian		6.62
Leslie Loble, 1925 K St., NW Washington, DC 20006	Communications Workers of America	6,833.75	230.61
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:BATUS, Inc)		
Do	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Asso, Inc (For:Marwais Steel Co)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care).		
Do	Hecht Spencer & Associates (For:Northwest Independent Forest Mfrs.)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Do	Hecht Spencer & Associates (For:Texas Clinical Laboratories, Inc)		
Do	Hecht Spencer & Associates (For:Warnaco Companies)		
Do	Western Forest Industries Assn		
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	720.10	
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn	300.00	100.00
Thomas G. Loeffler, Post Office Box 2999 San Antonio, TX 78299-2999	McCamish Martin Brown & Loeffler (For:Central & South West Corp)	100.00	
Do	McCamish Martin Brown & Loeffler (For:Citicorp)	232.00	
Do	McCamish Martin Brown & Loeffler (For:Electronic Data Systems Corp)		
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Council).	230.00	
Do	McCamish Martin Brown & Loeffler (For:National Assn of Broadcasters)		
Do	McCamish Martin Brown & Loeffler (For:Sematech)		
Do	McCamish Martin Brown & Loeffler (For:United Services Automobile Assn)		
William E. Loftus, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		
Frank P. Lombardo II, 317 Baronne Street New Orleans, LA 70112	LP & L/NOPSI	200.00	350.00
Harper Long, 61 W. Tropical Way Plantation, FL 33314	American Flyer		
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	450.00	
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	1,500.00	47.00
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	384.00	
Robert S. Long, 1130 17th Street, NW, Washington, DC 20036	National Coal Assn	6,250.00	988.65
Sherlyn E. Long, 61 W. Tropical Way Plantation, FL 33317	American Flyers		
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Baker Manufacturing Company, Inc		
Do	Century Power Corp		
Do	Champion International Corp		
Do	CIGNA Corp	962.50	
Do	Employee Stock Ownership Assn		
Do	Greater New York Hospital Assn	1,800.00	
Do	International Paper		
Do	Metropolitan Life Insurance Co	962.50	
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Laura Loomis, 3030 N. Tuckahoe Street Arlington, VA 22213	National Parks & Conservation Association		
Peter A. Loomis, One Commercial Place Norfolk, VA 23510-2103	C&S/Sovran Corporation	1,200.00	200.00
Susan J. Loomis, 1957 E Street, NW, Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Ann Looper, 1735 New York Ave. Washington, DC 20006	American Institute of Architects	250.00	
Henry J. Loos, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)	22.50	
Brian C. Lopina, 470 L'Enfant Plaza, SW East Bldg, #7112 Washington, DC 20024	Citizens for a Sound Economy	1,000.00	183.00
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	1,500.00	
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW, Washington, DC 20009	American Dredging Co, et al.	31,251.00	4,901.09
Franklin W. Losey, 1110 Vermont Ave., NW, #1250 Washington, DC 20005	Shipbuilders Council of America	1,000.00	
Bill Loughrey, One Technology Parkway Box 105600 Atlanta, GA 30348	Scientific-Atlanta		550.00
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
James Lovell, 20361 Middlebelt Livonia, MI 48152	National Hearing Aid Society		
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	4,000.00	830.00
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	11,576.37	24.00
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	11.00
Gene A. Lucero, 1722 Eye Street, NW, Washington, DC 20006	National Commercial Finance Assn (NCFA)	4,000.00	348.25
Kenneth M. Ludden, 888 16th Street, NW, Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	9,000.00	450.00
Do	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)		
Do	Bannerman & Associates, Inc (For:Government of Tunisia)		
Do	Bannerman & Associates, Inc (For:Sawyer/Miller Group (for: Government of the Philippines)).		
Mary Riddle Ludke, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	125.00	50.00
Leslie G. Ludwick, 1101 Vermont Avenue, NW, Washington, DC 20005	American Medical Assn	3,750.00	
Carolyn A. Lugbill, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)	500.00	15,987.00
David R. Lukens, 1957 E St., NW, Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, 24 Quincy Street Chevy Chase, MD 20815	City of Miami	18,750.00	
Do	City of Miami Beach	18,333.00	
Do	Dade County, Florida	54,046.00	
Do	Florida Medical Center	15,000.00	
Do	School Board of Dade County, Florida	8,000.00	
Do	Stephens, Inc	35,000.00	
J.C. Luman & Associates, 1030 15th Street, NW, #816 Washington, DC 20005	National Assn of Personnel Consultants	2,000.00	2,095.00
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,183.26
Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006	Pennsylvania Power & Light Co	1,860.00	247.63
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Beth Lyle-Durham, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,715.00	
Howard T. Lyman, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	7,809.46	581.02
Marshall L. Lynam, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Dallas/Ft. Worth International Airport	15,000.00	
Do	Kelly Hart & Hallman (For: Perry R. Bass)	3,000.00	26.00
Do	Kelly Hart & Hallman (For:Tandy Corporation)	9,000.00	73.00
Timothy P. Lynch, 1901 N. Fort Myer Dr., #204 Arlington, VA 22209	Roadway Express, Inc	425.00	200.00
Sarah E. Lynn, 1200 17th Street, NW, Washington, DC 20036	American Psychological Assn	1,856.25	80.00
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
Robert A. Macari, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Coffield Ungaretti Harris & Slavin (For:Blunt Ellis & Loewi, Inc)		
Do	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Do	Coffield Ungaretti Harris & Slavin (For:Massachusetts Mutual Life Insurance Company).	7,500.00	
Do	Coffield Ungaretti Harris & Slavin (For:Metropolitan Mutual Life Insurance Co)	7,500.00	
Do	Coffield Ungaretti Harris & Slavin (For:Smokeless Tobacco Council, Inc)	18,000.00	
James E. Mack, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers		
Do	Peanut Butter & Nut Processors Assn		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	20,955.00	500.00
Thomas L. Mack, 23529 Haddonfield Lane Darnestown, MD 20878	Bechtel Group, Inc		
Olivia C. Mackin, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Robert A. Macrory, c/o Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36195	American Petroleum Institute	173.75	
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	435.00	
Timothy MacCarthy, 1620 I Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	10,000.00	
Anthony B. MacDonald, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:Alliance of Reponsible Electric Systems for Energy Access).		
Do	Spiegel & McDiarmid (For:Connecticut Municipal Electric Energy Cooperative) .		
Do	Spiegel & McDiarmid (For:Government Refuse Collection and Disposal Assn, Inc (GRCDA)).	980.00	
Do	Spiegel & McDiarmid (For:South Hadley Electric Light Dept)		
Gordan D. MacKay, 501 Boylston Street Boston, MA 02117	New England Mutual Life Insurance Co, ('The New England')	2,125.00	
Paul MacMurdy, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	1,500.00	123.54
John H. Madigan Jr., 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	6,000.00	380.00
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28403	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	City of Buenaventura		
Do	Federal Express Corp	10,500.00	
Do	Los Angeles County Transportation Commission	22,500.00	
Do	Mark Air, Inc	15,000.00	
Do	Regency Outdoor Advertising		
Do	Sarasota-Bradenton Airport	6,000.00	
Do	Ventura Port District	9,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Shayne M. Madsen, 3050 Broadway, #202 Boulder, CO 80304	Madison Public Affairs Group, Inc (For Philip Morris USA)	1,000.00	355.00
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,284.67	
Susan Magaw-Stout, 1010 Wisconsin Avenue, NW Washington, DC 20007	Grocery Manufacturers of America, Inc		
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	1,054.47
Paul J. Magliocchetti, 9527 Wallingford Drive Burke, VA 22015	Paul J. Magliocchetti Associates, Inc (For:Hughes Aircraft Company)		
Do	Paul Magliocchetti Associates, Inc (For:United Technologies Corporation)		
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	23,940.00	1,548.06
Do	James J. Magner & Associates (For:Kaibab Forest Products Company)	9,692.34	373.47
Do	James J. Magner & Associates, Inc (For:Northern Arizona University Foundation).	9,000.00	241.10
James W. Magner, Reg # 38670-019 Box 4000 Springfield, MO 65808	Prisoners With AIDS-Rights Advocacy Group (PWA-RAG)	30.00	30.00
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	39,900.00	18,631.03
Do	Kaibab Forest Products Company	16,153.90	18,631.03
Do	Northern Arizona University Foundation	15,000.00	18,631.03
A. John Maguire, 1110 Vermont Ave. NW Suite 430 Washington, DC 20005	National Cotton Council of America	30,000.00	1,792.83
W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041	American Newspaper Publishers Assn		
David L. Mahan, 1133 Connecticut Ave., NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For:Sofreavia)		354.75
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Walter B. Maher, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	1,998.00	460.00
James E. Mahoney, 2200 Concord Pike Wilmington, DE 19899	Rollins Jamaica Ltd	26,875.00	1,230.00
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	National Broadcasting Co, Inc	500.00	
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			381.00
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	531.00	10.00
Andrew T. Malleck, 400 First Street, NW Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Conrad L. Mallett Jr., One Woodward Avenue, #2400 Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Hoechst Celanese Corp		
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	18,750.03	2,341.37
Management & Government Resources, 1305 Mt. Holly Road Burlington, NJ 08016	Burlington Coat Factory Whse	34,011.38	22,625.02
Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006	City of San Francisco		4,200.00
Do	United Hellenic Amer Congress & Amer Hellenic Alliance, Inc		2,100.00
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Akhiok-Kaguyak, Inc	200.00	
Do	American Institute of Real Estate Appraisers		
Do	J.G. Boswell Co	800.00	
Do	Bowling Proprietors Assn of America		
Do	Centre Pointe Associates		
Do	Edison Electric Institute		
Do	EDU-DYNE Systems, Inc	150.00	
Do	Fairfield Communities, Inc		
Do	Federal Express Corp		
Do	L.A. Gear, Inc	600.00	
Do	Melrose Company	200.00	
Do	Missouri Assn of Private Career Schools		
Do	Money Store	135.00	
Do	National Cable Television Assn, Inc	4,800.00	
Do	New York Stock Exchange		
Do	North Beach Property Owners' Assn		
Do	Northrop Corp	7,225.00	
Do	NEC Corporation		
Do	Philip Morris Management Corp	7,225.00	
Do	Security First Group, Inc		
Do	United Airlines, Inc		
Do	Vero Beach Oceanfront Investors Limited Partnership		
Do	Watt-Albrecht		
Katherine T. Mance, 1616 H Street, NW Washington, DC 20006	National Retail Federation	400.00	
Anne Mancer, P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Co	1,402.00	303.00
Manchester Associates, Ltd, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	14,975.04	39.05
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Citizens for a Free Kuwait)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Comcast)	1,500.00	
Do	Hill & Knowlton, Inc (For:Thomson Consumer Electronics, Inc)		
Do	Hill & Knowlton, Inc (For:Village of Palatine)		
Richard J. Mannix, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Crowell & Moring (For:Lehn & Fink Products)		
Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	20,441.00	472.12
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			17,628.85
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	790.25	118.53
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc Associates, Inc, 1030 15th Street, NW, #468 Washington, DC 20005	Affiliated Leadership League of & for the Blind		
Do	Am. College of Nuclear Physicians-Soc. of Nuclear Medicine	2,000.00	
Do	American Assn of Colleges of Osteopathic Medicine		
Do	American Soc for Bone and Mineral Research	4,000.00	
Do	American Soc for Gastrointestinal Endoscopy	2,500.00	
Do	American Soc of Anesthesiologists	19,500.00	
Do	American Soc of Hematology	1,000.00	
Do	American Society of Clinical Pathology	4,000.00	
Do	American Urological Assn/Am Assn of Clinical Urologists	5,500.00	
Do	Health Industry Manufacturers Assn	7,500.00	
Do	Helen Keller National Center	250.00	
Do	Merck Sharp and Dohme	1,000.00	
Do	National Association of Epilipsy Centers	2,000.00	
Do	National Coalition on Immune System Disorders		
Do	National Hemophilia Foundation	4,000.00	
Do	NI Industries	6,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
Do	Rorer Pharmaceutical Company	18,000.00	
Do	Staodynamics, Inc	10,000.00	
Marc, Inc, 2919 Olive Street, NW Washington, DC 20007	Forbes Forbes & Teamor		
March for Life, Inc, P.O. Box 90300 Washington, DC 20090		36,150.49	45,803.24
Michael Marchese Jr., 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
R. V. Mariani, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	3,000.00	3,000.00
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			21,368.00
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Chugach Electric Assn, Inc	10,000.00	80.75
Do	Hoosier Energy Rural Electric Cooperative, Inc	8,000.00	589.65
Marc L. Marks, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp		
Marks Murase & White, 2001 L Street, NW, #750 Washington, DC 20036	Consarc		3.29
Luther A. Markwart, 1156 15th St., NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Ernest Robert Marlow, 1126 16th Street, NW, #200 Washington, DC 20036-1081	International Chemical Workers Union	2,500.00	
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	John L. Adams & Co.Inc		
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	City of Sarasota		
Do	City of Venice, Florida		
Do	End Notch Discrimination		
Do	Lazare Kaplan International, Inc		
Do	Memphis-Shelby County Airport Authority		
William G. Marqaritis, 1747 Pennsylvania Ave., NW, 3rd Flr Washington, DC 20006	Occidental Chemical Corp		
Chalmers H. Marquis, 3430 Blair Rd. Falls Church, VA 22041	Children's Television Workshop		
C. Travis Marshall, 1350 Eye Street, NW, #400 Washington, DC 20005	Motorola, Inc	1,500.00	
Cornel Martin, 228 St. Charles Avenue, #1027 New Orleans, LA 70130	American Waterways Operators, Inc		
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	6,500.00	
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc.	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Fred J. Martin Jr., 1101 17th Street NW, Suite 1002 Washington, DC 20036	Bank of America		
J. Ross Martin, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
John M. Martin Jr., 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	579.60	219.78
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Maureen A. Martin, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Co		
Robert L. Martin, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Judith Marty, 1 Crane Place Bellevue Hill, NSW 2023 Australia			
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
Robert A. Marzocchi, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc		
Mike M. Masaoka, Suite 520, The Farragut Bldg. 900 17th St., NW Washington, DC 20006	American Japanese Trade Comm		
Do	Japan Telescope Manufacturers Assn	200.00	
Do	Nisei Lobby		
Do	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn		
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,175.00	162.68
Arthur K. Mason, 1220 19th Street, NW, #700 Washington, DC 20036	Leva Hawes Mason Martin & Bebchick (For:Association of the U.S. Army)		
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	8,000.00	87.50
Ned W. Massee, 299 Park Avenue New York, NY 10171	Westvaco Corporation		860.52
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Church of Scientology International)		
Do	Hill & Knowlton, Inc (For:Citizens for a Free Kuwait)		
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Ferruzzi Group)	300.00	
Do	Gerber Products Corp		
Do	Hill and Knowlton (For:Johnson Controls, Inc)		
Do	Hill and Knowlton, Inc (For:Ninentdo of America, Inc)	600.00	
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	1,200.00	
Do	Hill and Knowlton, Inc (For:Ryder, Inc)		
Do	Hill & Knowlton (For:Village of Palatine)		
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc	10.00	
Mary Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	601.26	12.00
Scott M. Matheson, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
Do	Parsons Behle & Latimer (For:Intermountain Consumer Power Assn)	1,550.00	
Richard D. Mathias, 1200 17th Street, NW, #500 Washington, DC 20036	Pan American World Airways, Inc		
Dawson Mathis, 1900 L Street, NW, #300 Washington, DC 20036	Dawson Mathis & Asso (For:Coalition Against Double Taxation , Inc)	1,000.00	
Do	Dawson Mathis & Associates (For:Crowley Maritime Corp)	1,000.00	
Do	Dawson Mathis & Associates (For:Georgia Peanut Producers Assn)	1,000.00	
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	3,000.00	
Do	Dawson Mathis & Asso (For:Joseph E. Seagram & Sons, Inc)	2,000.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 1900 L Street, NW, Suite 300 Washington, DC 20036	Coalition Against Double Taxation, Inc	1,000.00	
Do	Crowley Maritime Corp	1,000.00	
Do	Georgia Peanut Producers Assn	1,000.00	
Do	Massachusetts Mutual Life Insurance Co	3,000.00	
Do	Joseph E. Seagram & Sons, Inc	2,000.00	
Margaret Mathna, 2919 Olive Street, NW Washington, DC 20007	Marc, Inc (For:Forbes Forbes & Teamor)		
Ann H. Mattheis, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Charles D. Matthews, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	2,250.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,285.63	
Suzette Matthews, 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc	78.21	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Harry D. Mattison, P.O.Box 660164 Dallas, TX 75266-0164	Central & South West Corporation		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		4,503.42
Marshall L. Matz, 888 17th Street, NW, #900 Washington, DC 20006	Holland & Knight (For:Abbott/Ross Laboratories)	1,000.00	
Do	American School Food Service Assn	9,000.00	400.65
Do	Holland & Knight (For:City of Orlando)	2,250.00	
Do	Holland & Knight (For:Electronic Data Systems Corp)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)		
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	831.00
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	13,290.00	48.25
Albert E. May, 1627 K Street, NW, 1200 Washington, DC 20006	United Shipowners of America	3,150.00	
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	30,000.00	
Peter G. Mayberry, 1150 17th Street, NW, #1000 Washington, DC 20036	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Marion R. Mayer, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	596.65	215.02
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	Acxiom Corp		
Do	Aetna Life & Casualty Company		50.95
Do	Arkansas Electric Cooperative Corp	370.00	370.00
Do	Attorneys' Liability Assurance Society Ltd		
Do	Bank for Foreign Economic Affairs of the USSR		
Do	Brambles USA, Inc		
Do	Brunswick Corp	510.00	
Do	Cabot Cabot & Forbes		
Do	City Colleges of Chicago		
Do	Comdisco, Inc	325.00	
Do	Continental Bank, N.A.	325.00	
Do	Corn Products Co		
Do	Entergy Corporation		
Do	First Chicago Corp		
Do	FMC Corporation	325.00	
Do	GATX Corporation		
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp	325.00	
Do	Lasalle Partners, Inc		
Do	Lehndorff & Babson Real Estate Counsel		
Do	Merrill Lynch Capital Markets		
Do	Midway Airlines, Inc		
Do	Nalco Chemical Co		
Do	National Faculty		
Do	Nestle, SA		
Do	Product Liability Coordinating Council		
Do	Quaker Oats Company		
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp		118.82
Do	Sara Lee Corporation		
Do	Sears Roebuck & Co	325.00	
Do	Shell Oil Co		
Do	Solid Waste Agency of Northern Cook County		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	900.00	156.00
Maurice W. Maynard, 44 Fifth Avenue Brooklyn, NY 11217			
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Ellen Mazer, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the United States	3,153.57	
Harry E. McAdams, 555 13th Street, NW #300 East Washington, DC 20004	McCamish Martin Brown & Loeffler (For:Central & South West Corp)		
Do	McCamish Martin Brown & Loeffler (For:Citicorp)		
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Council).		
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	4,000.00	
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Timothy McAnarney, 413 West Edwards Springfield, IL 62704	Philip Morris, Inc	1,875.00	
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	13,750.00	1,342.34
Rebecca Craford McAuliffe, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	3,500.00	
McAuliffe Kelly Raffaelli & Siemens, 1341 G Street, NW, 2d Floor Washington, DC 20005	American Nuclear Energy Council		
Do	Association of Human Resource Consultants	2,031.00	
Do	Bay Area Rapid Transit District	12,540.00	
Do	Cellular Telecommunications Industry Assn	4,500.00	
Do	Clark County	15,000.00	
Do	Coalition for Affordable Home Financing		
Do	International Franchise Assn	3,000.00	
Do	MASSPORT/Commonwealth of Massachusetts	15,000.00	
Do	National Medical Care	15,000.00	
Do	Nevada Resort Assn	7,000.00	
Do	Potomac Investment Associates	5,000.00	
Do	Sweetener Users Assn		
Do	Transamarica Corporation	1,125.00	
Do	University of Nevada/Las Vegas/Research Center	7,500.00	
Do	University of Nevada, Reno	12,000.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	17,202.54	240.00
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	American Electric Power Co, Inc	2,250.00	
Do	American Nuclear Energy Council	7,500.00	600.19
Do	Carolina Power & Light Co	2,250.00	
Do	Commonwealth Edison Co	2,250.00	
Do	Consolidated Edison Co of New York, Inc	6,000.00	
Do	General Atomics	3,000.00	236.42
Do	HNSX Supercomputers, Inc	7,200.00	1,874.06
Do	Louisiana Energy Services	6,000.00	605.15
Do	New York State Electric & Gas Corp		
Do	Oxford Energy Co	3,000.00	700.00
Do	Sealaska Corp	3,000.00	220.33
Do	Southern California Edison Co	2,250.00	
Do	Tri-City Industrial Development Council	3,000.00	203.51
Do	FBA, Inc (For:University of Alaska-Fairbanks)	1,500.00	
Do	Westinghouse Electric Corp	6,850.00	6,057.17
Do	Yukon Pacific Corp	6,000.00	630.12
Susan P. McCaffrey, 1828 N. Meridian Indianapolis, IN 46202	Community Service Council of Central IN, Inc	62.85	762.90
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
McCamish Martin Brown & Loeffler, P.C., P.O. Box 2999 San Antonio, TX 78299-2999	Central & South West Corp	200.00	100.00
Do	Citicorp	700.00	232.00
Do	Electronic Data Systems Corp		
Do	Hong Kong Trade Development Council	700.00	230.00
Do	National Assn of Broadcasters	200.00	50.00
Do	Sematech		
Do	United States Automobile Assn		
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	2,000.00	
James A. McCarthy, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	600.00	600.00
John B. McCarthy, 1023 15th Street, NW #300 Washington, DC 20005	American Veterinary Medical Assn	100.00	
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P. & P.F.I.	6,000.00	591.00
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Association of American Publishers, Inc		
Do	Coca-Cola Company	10,904.00	244.21
Do	Coca-Cola Enterprises, Inc	13,843.13	398.25
Do	MetFuel, Inc	13,159.56	159.61
Do	Motion Picture Assn America, Inc		
Do	Paramount Communications, Inc		
Do	Perpetual Corp		172.18
Do	Rank Video Services America		27.54
Do	TeknaMed Corp		593.62
Mark L. McConaghy, 1801 K St., NW, #700 Washington, DC 20006	Price Waterhouse (For:Coalition for Interest Disallowance)		
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Cynthia Williams McConnell, 1666 Connecticut Ave., NW #400 Washington, DC 20009	Federation for American Immigration Reform (Fair)		
G. McConnell & Associates, Inc, 4716 Neptune Drive Alexandria, VA 22309	Grumman Corporation		100.00
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Molly McCormick, 2301 Market Street, box 8699 Philadelphia, PA 19101	Philadelphia Electric Company		
Dennis C. McCoy, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland (For:Philip Morris, USA)		
Kimberly A. McCoy, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland (For:Philip Morris, USA)		
Meredith McCoy, 1800 Mass. Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	132.00	
Steven A. McCoy, 1030 15th Street, NW #1020 Washington, DC 20005	North American Export Grain Assn, Inc		
Todd McCracken, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	6,750.00	
Patricia A. McCrann, 111 Smithtown Bypass, #109 Hauppauge, NY 11788	Blankman/McCrann, Inc (For:Philip Morris, USA)	500.00	
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,980.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	5,000.00	768.75
Frank X. McDermott, Apruzzese McDermott Mastro & Murphy 25 Independence Bvld., P.O. Box 112 Liberty Corner, NJ 07938	Philip Morris, Inc	9,000.00	
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
McDermott Will & Emery, 1850 K St., NW, #450 Washington, DC 20006-2296	Alaska Seafoood Marketing Institute	8,947.77	1,544.66
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Meat Institute	22,922.50	
Do	American Soc of Outpatient Surgeons		
Do	Boston Beer Company	520.00	14.00
Do	California Assn of Children's Hospitals	2,077.50	
Do	California Avocado Commission	29,382.50	2,045.75
Do	California Canning Peach Assn	42,610.18	1,433.11
Do	California Energy Commission	18,322.75	1,827.48
Do	California Kiwi Fruit Commission	48,692.50	4,301.43
Do	California Raisin Advisory Board	40,626.50	1,970.81
Do	Caterpillar Tractor Co		
Do	Concord Grape Assn	7,266.92	1,557.96
Do	Federal Kemper Life Assurance Co		
Do	Good Sam Club	3,000.00	240.00
Do	Hitachi America, Ltd		
Do	Dorothy Holt Estate		
Do	International Apple Institute	6,060.50	5.10
Do	Juvenile Diabetes Foundation, International	6,000.00	
Do	Kemper Investors Life Insurance Co		
Do	Lumbermen's Mutual Casualty Company		
Do	National Grocers Assn		
Do	National Potato Council	24,675.00	270.62
Do	Outpatient Opthalmic Surgery Society	800.00	
Do	Peterson & Sullivan		
Do	Peter Plocki	720.00	168.50
Do	Public Employees Retirement Assn of Colorado		
Do	U.S. Mink Export Development Council	20,382.50	2,352.06
Do	Washington State Apple Commission	15,218.92	745.86
Do	Welch Foods, Inc	1,341.25	
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	1,000.00	
Edward T. McDonald, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	3,000.00	3,000.00
Jack McDonald, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Outboard Marine Corp)		
Do	Jack McDonald Co (For:Planeta North America, Inc)		
Do	Jack McDonald Co. (For:WMW Machinery, Inc)		
Michael D. McDonald, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute		
Tom McDonald, Arter & Hadden 1100 Huntington Bldg. Cleveland, OH 44115	Jet, Inc		
Jack McDonald Co, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	Dow Corning Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Outboard Marine Corp	2,250.00	
Do	Planeta North America, Inc	2,500.00	
Do	WMW Machinery, Inc	4,000.00	
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	7,725.00	
Dinah D. McElfresh, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
Andrew S. McElwaine, 1627 K Street, NW, #700 Washington, DC 20006	Institute of Scrap Recycling Industries	12,000.00	351.48
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	3,480.00	
Robert J. McFarlin Jr., 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	700.00	37.60
Bertra B. McGann, One Elmcroft Road Stamford, CT 06926-0700	Pitney Bowes, Inc	7,000.00	1,838.84
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc		
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	2,000.00	700.00
Karen McGee, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	
Kate McGee, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		17,872.94
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	10,505.04	89.50
Patricia McGill, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,000.00	49.37
Patricia G. McGinnis, Francis McGinnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California State Dept of Education	4,000.00	31,991.50
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	20,279.56	2,563.75
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn	125.00	104.40
Do	AT&T Federal Systems	2,250.00	488.14
Daniel H. McGrath, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	700.00	
Sheryl Peterson McGrath, 1101 14th St, NW Washington, DC 20005	American Financial Services Assn	250.00	
Richard L. McGraw, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp		
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn	875.00	222.50
Do	Association of Human Resource Consultants		
Do	Farm Labor Alliance		
Do	Workers Compensation Integrity, Stability & Equity (WISE)	34,043.00	1,439.00
Joseph M. McGuire, 1501 Wilson Boulevard, #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Mary Lee McGuire, 2232 N. Illinois Street Arlington, VA 22205	Cook Inlet Region, Inc	8,000.00	
Monica M. McGuire, 1331 Pennsylvania Ave., NW, #1500 North Lobby Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
McGuire Woods Battle & Boothe, 8280 Greensboro Drive, #900 McLean, VA 22102	RF&P Railroad		
Do	Savage/Fogarty Companies, Inc		
Do	Vulcan Materials Co		
McHale Cook & Welch, P.C., 1100 Chamber of Commerce Building Indianapolis, IN 46204	Indiana Bell Telephone Co	1,000.00	600.00
Patrick J. McHugh, c/o NYS Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute		
James E. McInerney Jr., 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	7,083.00	44.15
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	9,808.24	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	264.45
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	116.02
Ira E. McKeever, 1224 17th Street, NW Washington, DC 20036	Western Coal Traffic League	11,666.67	1,764.51
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America, Inc		
Do	Fertilizer Institute		
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	2,215.38	184.41
Robert T. McKernan, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
William Colm McKeveny, Chadbourne Park Law Firm 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
Gerald J. McKiernan, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	15,000.00	
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	11,000.00	588.88
Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Alabama Power Co)		
Do	Balch & Bingham (For:Southern Company Services, Inc)		
Monette McKinnon, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,922.00	
Robert A. McKnight, 25 Monument Circle Indianapolis, IN 46206-1595	Indianapolis Power & Light Company		4,497.00
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:American Assn of Blood Banks)	3,150.00	
Do	Rowan & Blewitt, Inc (For:C.R. Bard, Inc)	1,125.00	
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	4,500.00	
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	11,531.25	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	300.00	
Bob McLean, 490 L'Enfant Plaza, SW, #3200 Washington, DC 20024-2120	National Assn of Postal Supervisors	11,097.00	
Thomas J. McLeod, 50 West Kelleogg Boulevard St Paul, MN 55164	West Publishing Company		
Kevin Patrick McMahon, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc		
Rosemary McManus, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	9,995.17	435.81
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	525.00	
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	McMillan & Farrell Associates, Inc		
James D. McMillan, 1899 L St., NW, #1100 Washington, DC	Exxon Corporation	700.00	
Sandra H. McMullan, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	6,589.00	89.00
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	Harmon Industries, Inc		38.03
Do	Hercules, Inc	600.00	149.32
Do			1,687.00
Do	McNair Law Firm, P.A. (for: Gateway Freight Services, Inc)		
Do	(For:McNair Law Firm, P.A. (for: Paine Webber))		
Do	McNair Law Firm, P.A. (for: Puerto Rico Ports Authority)	7,107.63	
Do	Railstar Control Technology, Inc		
Do	South Carolina State College	500.00	47.95
Do	State of Hawaii/Dept of Transportation	2,628.34	362.72
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc		
Do	Association of Banks in Insurance (ABI)		
Do	BOC Group, Inc.	8,795.00	114.00
Do	Edison Electric Institute		
Do	Georgia-Pacific Corp	1,050.00	
Do	GSX Corporation		
Do	GTE Government Systems Corporation		
Do	International Assn for Financial Planning	210.00	6.00
Do	New York State Bankers Assn		
Do	Norfolk Southern Corp		
Do	Phillips Petroleum Co		
Do	South Carolina Forestry Assn	6,408.00	7.00
Do	South Carolina Research Authority		
Do	State of Hawaii		
Do	Westinghouse Electric Corp		
Ray McNally & Associates, Inc, 1817 Capitol Ave., #A Sacramento, CA 95814	Madison Public Affairs Group, Inc (for Philip Morris USA)		
Do	Philip Morris, Inc		
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Dean Witter Reynolds, Inc	887.00	153.00
Laramie Faith McNamara, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	4,363.00	134.25
Peter F. McNeish, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
John P. McNicholas, 2001 L Street, NW #1000 Washington, DC 20036	Unisys Corp	1,000.00	42.28
Molly McNulty, 122 C Street, NW, #400 Washington, DC 20001	Children's Defense Fund	34.29	
Mary T. McSorley, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	3,500.00	
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	18,884.00	
Kathleen P. McTighe, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	864.00	615.55
Brose McVey, 1255 23rd Street, NW Washington, DC 20037	Hauck & Associates (For:National Oilseed Processors Assn)	5,000.00	250.27
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
James Meadows, 600 Congress Ave., #1250 Austin, TX 78701	Capital Network System, Inc	4,500.00	2,028.00
John K. Meagher, 1333 New Hampshire Avenue, NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae (For:Chevron)		
Do	Leboeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek/Environmental Standard Group).	106.80	
Do	LeBoeuf Lamb Leiby & MacRae (For:Golden Nugget Corp)	1,706.75	
Do	LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurance Assn of America)	1,280.00	
Francis X. Meaney, 1825 Eye Street, NW Washington, DC 20006	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)	1,500.00	
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company	250.00	
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	4,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joseph J. Meder, 1730 M St., NW, #515 Washington, DC 20036	Interlake Corp	3,000.00	
Medical-Dental Diversified Services, Inc, 15600 San Pedro, #107 San Antonio, TX 78232-3738	U.A.G. Alumni Assn		
Stewart C. Megaw, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	768.75
Larry Mehlhaff, 23 N. Scott Sheridan, WY 82801	Sierra Club	2,967.27	2,967.27
Ira Mehlman, 4201 Massachusetts Ave., NW, #3073 Washington, DC 20016	Federation for American Immigration Reform		
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
J. Reese Meisinger, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives		
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
John Melcher, 230 Maryland Ave., NE Washington, DC 20002	Chicago Mercantile Exchange	11,250.00	6,688.00
Do	Food for Peace Coalition	7,750.00	6,688.00
Do	Humane Society of the U.S.	4,500.00	6,270.00
Do	Marine Engineers' Beneficial Assn	2,400.00	1,672.00
Do	National Rural Cooperative Dev Task Force	2,000.00	836.00
Do	Nectar Projects, Inc		468.00
Do	Potomac Marine International, Inc	18,000.00	2,208.00
Do	Society for Aminal Protective Legislation	4,500.00	6,270.00
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Howard H. Menaker, 1199 North Fairfax Street, #801 Alexandria, VA 22313	National Assn of Truck Stop Operators, Inc		
John R. Mendenhall, Martin Tower 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	5,000.00	
Howard A. Menell, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	485.59
Edward L. Menning, 1023 15th Street, NW, #300 Washington, DC 20005	National Assn of Federal Veterinarians		
Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000	3M	2,650.00	
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Amway)	81.00	
Do	Cadwalader Wickersham & Taft (For:Clayton & Dubilier, Inc)		
Do	Cadwalader Wickersham & Taft (For:Government of Puerto Rico)	195.00	
Do	Cadwalader Wickersham & Taft (For:Institute of International Container Lessors).		
Do	Cadwalader Wickersham & Taft (For:Kern River Gas Transmission Company)	65.00	
Do	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)	130.00	
Do	Cadwalader Wickersham & Taft (For:Philadelphia Stock Exchange, Inc)		
Do	Cadwalader Wickersham & Taft (For:Princeton Univ Investment Co & American Council on Education).		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	4,696.26	
Melinda Mercer, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses Assn	760.00	102.21
Sandra K. Meredith, 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc. (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc. (For:Sofreavia)		90.00
Do	DGA International, Inc. (For:SNECMA)		1,099.91
Do	DGA International, Inc (For:Titan)		
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	5,034.00	76.00
Nancy Jo Merrill, 1725 K St., NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			11,683.00
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Aircraft Company	70.00	
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	243.25
Harold E. Mesirow, 1220 19th Street, NW Washington, DC 20036	Robins Kaplan Miller & Ciresi (For:International Federation of Freight Forwarders Assn).		917.11
Messerli & Kramer, 1500 Northland Plaza Building 3800 West 80th Street Minneaplois, MN 55431-4409	City of New Brighton		
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	800.00	247.94
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	318.90	3.25
Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept (FAST)	1,938.00	
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Alden M. Meyer, 1616 P Street, NW Washington, DC 20036	Union of Concerned Scientists	2,472.00	
Brian M. Meyer, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,681.25	
Ferd. C. Meyer Jr., 2121 San Jacinto Street, #2500 Dallas, TX 75266-0164	Central & South West Corp		
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc		
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE #40 Washington, DC 20003	American Beekeeping Federation	3,000.00	443.07
Do	International Assn of Refrigerated Warehouses		
Do	National Agricultural Chemicals Assn	36,000.00	936.62
Do	National Peanut Growers Group	12,000.00	646.79
Do	Rice Belt Warehouse, Inc	4,500.00	453.88
Do	Texas A&M Research Foundation	21,420.00	1,746.05
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	Alnor Oil Company, Inc	2,500.00	
Do	American Sheep Industry	16,500.00	598.67
Do	Anodyne, Inc		
Do	Centergas, Inc		
Do	Texas International Education Consortium	15,000.00	869.81
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute		
Mark A. Micali, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	5,000.00	980.00
Laurie J. Micciche, 1747 Pennsylvania Ave., NW Third Floor Washington, DC 20006	Occidental Chemical Corp		
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	Chicago Board Options Exchange		
Do	Corn Coalition	5,000.00	
Do	DePaul University	5,000.00	
Do	Estate of Edwin A. Gallun	5,000.00	
Do	Harza Engineering Company		
Frank G. Michelena, 1520 Nutmeg Place, #100C Costa Mesa, CA 92626	Landsdell Co		
James Francis Michie, 1300 N. 17th Street, #1360 Rosslyn, VA 22209	(For:National Data Corporation)	4,500.00	345.13
Mid-Continent Oil & Gas Assn, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006		835.72	15,074.44
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Michael C. Middleton, 100 South Charles Street P.O. Box 987 Baltimore, MD 21203	MNC Financial, Inc		
Roger E. Middleton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,100.00	121.50
Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,192.34	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund	397.91	
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn		
Janice I. Milazzo, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Nelson L. Milder, 1825 K Street, NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
Milgrim Thomajan & Lee, P.C., 1025 Connecticut Ave., NW, #1000 Washington, DC 20036	New York Mercantile Exchange (NYMEX)	5,215.55	13,542.95
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	1,854.00	
Carolynn E. Miller, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,189.00	200.00
Chaz Miller, 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute		
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc		
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Denny Miller, 409 South Barton St. Arlington, VA 22204	Denny Miller Associates	7,500.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	1,000.00	
Francine Miller, 1627 Lamont Street, NW, Apt #41 Washington, DC 20010	Rainbow Lobby, Inc	7,280.00	
Grant Miller, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
Jeffrey T. Miller, 295 Madison Ave. 19th Floor New York, NY 10017	Lead Industries Association, Inc		
Martha L. Miller, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Citizens for Sensible Control of Acid Rain (CSCAR)		
Paul J. Miller, 8000 Sears Tower Chicago, IL 60606	Investment Counsel Assn of America, Inc		
Richard G. Miller, 1101 14th Street, NW, #200 Washington, DC 20005	American Health Care Assn	16,000.00	1,250.81
Sandra Miller, 2343 South Meade Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
W. Kirk Miller, 1001 Pennsylvania Ave., NW, #1350 Washington, DC 20004	Kahn Soares & Conway (For:Westlake Farms, Inc)	525.00	9.40
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Nuclear Energy Council	5,000.00	
Do	Association of Financial Services Holding Companies	1,000.00	
Do	Boeing Company		
Do	Chevy Chase Savings Bank, FSB		
Do	Electronic Industries Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Export Source Rule Coalition		
Do	Franklin Savings Corp	3,100.00	
Do	Great Northern Insured Annuity Corp	176.25	
Do	Hewlett-Packard Co	5,400.00	
Do	Long Island Assn		
Do	Northern States Power Company		
Do	Organization for Fair Treatment of Int'l Investments	10,200.00	
Do	Pacific Medical Center		
Do	Professional Services Council		
Do	Schultz & Chez (for: Chicago Research and Trading Group)		
Do	U.S. Fidelity & Guaranty Co		
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque		
Do	City of Laredo		
Do	City of St. Louis		
Do	Kenton-Boone Cable Television Board		
Do	Lincoln Broadcasting Company		
Do	Montgomery County Government		
Denny Miller Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001	Ace Novelty Company	1,000.00	826.00
Do	Boeing Company	3,000.00	2,460.00
Do	Coeur d'Alene Mines Corp	1,000.33	833.33
Do	Comprehensive Health Education Foundation	1,875.00	1,530.00
Do	Gamma-Metrics	1,500.00	1,235.00
Do	Makah Tribal Council	300.00	245.00
Do	Marine Engineers' Beneficial Assn	4,000.00	3,265.00
Do	Momentum 90		
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.50	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	Sabey Corporation	1,200.00	1,000.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Sunshine Mining Company		
Do	Tri-City Industrial Development Council (TRIDEC)	4,000.00	3,265.00
Do	Troutlodge, Inc	1,000.33	833.33
Kenneth Y. Millian, 919 18th Street, NW Washington, DC 20006	W. R. Grace & Co		1,491.73
Donald H. Milliken, 1303 Marsh Lane Carrollton, TX 75006	Law Enforcement Television Network		
Amy J. Millman, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	600.00	575.00
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc	1,750.00	
Dallas Miner, One Thomas Circle, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	19,000.00	
Mineral Insulation Manufacturers Association, 1420 King Street Alexandria, VA 22314			2,583.74
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Prudential Insurance Co of America	3,334.00	
Timothy H. Minor, Salem Lake Drive Long Grove, IL 60047	CF Industries, Inc	500.00	
J. Robert Minter, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	141.75	4,140.57
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1200 Washington, DC 20006	Biogen, Inc	24,835.00	
Do	Coalition for High Definition TV	600.00	
Do	Communications Industries Assn of Japan	15,000.00	
Do	Home Recording Rights Coalition	3,280.00	
Do	Houghton Mifflin Company	7,678.00	
Do	Mortgage Insurance Companies of America		
Do	National Cable Television Assn, Inc	7,500.00	358.83
Do	Smith Barney Harris Upham & Co, Inc		
Do	Turner Broadcasting System, Inc		
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company	6,000.00	500.00
Charles P. Mitchell, 1080 S.W. Hillcroft Portland, OR 97225	Center for Science in the Public Interest	34.00	
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Gina Shea Mitchell, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute	139,132.00	47,983.00
Lawrence W. Mitchell, 100 Maryland Ave., NE, #500 Box 69 Washington, DC 20002	American Agriculture Movement, Inc	3,000.00	
Mitchell Friedlander & Gittleman, 1201 Conn. Ave., NW Washington, DC 20036	National Bank of Liberia		
Stacey J. Mobley, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	2,125.00	
John Moehring, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	1,000.00	
Robert E. Moffit, 660 Creek Rd. Severna Park, MD 21146	National Alliance of Physicians and Surgeons	1,000.00	180.00
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,490.00	
Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037	Fisher Wayland Cooper & Leader (For:International Communications Assn)		
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co		
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Manchester Associates, Ltd (For:Nissan Motor Company, Ltd)		
Do	Manchester Associates, Ltd (For:Nissan Motor Manufacturing Corp, USA)	1,575.00	22.00
Robert H. Mollohan, 912 Sylvan Avenue Fairmont, WV 26554	Airspace Technology, Inc	600.00	
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	145.00
C. Manly Molpus, 1010 Wisconsin Avenue, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Michael Monroney, 470 L'Enfant Plaza, SW East Building, #7112 Washington, DC 20024	Citizens for a Sound Economy		
Montana Market Development Co, 305 West Mercury St., #303 Butte, MT 59701	Philip Morris, Inc		
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	Murray Scheer & Montgomery (For:National Assn of State Outdoor Recreation Liaison Officers).	300.00	
Do	National Rural Water Assn	1,900.00	241.60
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	500.00	
Graham B. Moody, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe		
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	16,675.00	
Karl R. Moor, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Alabama Power Co)		
Do	Balch & Bingham (For:Southern Company Services, Inc)		
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	NMTBA	1,200.00	25.00
Allen Moore, 1730 Rhode Island Ave., #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	568.00	
Frank B. Moore, 3003 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	5,000.00	3,108.75
Mark P. Moore, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	3,000.00	28.36
Obie Moore, 1156 15th St., NW, #1015 Washington, DC 20005	JC Penney Co, Inc		
Powell A. Moore, 1133 Connecticut Ave., NW Washington, DC 20036	Agusta Group		
Do	American League for Exports & Security Assistance (ALESA)	3,000.00	
Do	DGA International, Inc (For:Societe Nationale d'Etude et de Const de Moteurs d'Aviation).		1,790.71
Ann Moorhead, 2571 Vernon Drive, NE Palm Bay, FL 32905	Press Television		
Laura Moorhead, 1156 15th Street, NW, #1201 Washington, DC 20005	NCR Corp		
Eugene Moos, Gene Moos & Associates 1000 16th Street, NW, #702 Washington, DC 20036	American Oat Assn	15,021.42	9,059.14
Do	Coalition for Advment of Research on Agri, Food & Environmt	7,510.02	5,435.49
Do	Fettig Donalty & Agarwal	1,123.41	1,123.41
Do	Harvest States Cooperative	8,841.19	5,435.49
Do	Korean Soybean Processors Assn	14,988.00	10,870.97
Do	Kraft General Foods	7,952.52	5,435.49
Do	Pacific Cargoes, Inc	1,123.41	1,123.41
Do	Star Trading & Marine, Inc	1,123.41	1,123.41
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		256.94	257.00
Tim E. More, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	196.00	
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	15,419.58	
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council	1,500.00	5,126.07
J. Railton Morgan, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,500.00	1,184.60
John Morgan, 1925 K St., NW Washington, DC 20006	Communications Workers of America		
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	32.83
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Ad Hoc Committee on NHTSA FMVSS 205 Standard		
Do	Coalition of Supporters of the Shipping Act		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Committee on Public Fiscal Policy		
Do	Consolidated Natural Gas Co		
Do	Presbyterian Hospital City of New York, et al.		
Do	Scotch Whisky Assn		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	90.63	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	169.09
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	18,267.22	88.00
J. Wilson Morris, 3333 K Street, NW Washington, DC 20007	Bailey Morris & Newhall (For:Hospice Care, Inc)		25.00
Do	Bailey Morris & Newhall (For:Upjohn Co.)	12,000.00	49.69
Tom C. Morris, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,800.00	
James W. Morrison Jr., 815 Connecticut Ave., NW, #800 Washington, DC 20006	ARA Services, Inc	7,799.98	
Do	Morrison Associates (For:Blue Cross & Blue Shield Assn)	29,555.97	706.20
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	787.50	
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	California Bankers Clearing House Assn		
Do	City and County of San Francisco	1,100.00	6.00
Do	Consolidated Freightways		
Do	Ford Motor Co		
Do	Mastercard International, Inc, et al.	9,736.25	9.00
Do	Micron Technology, Inc		
Do	National Electrical Manufacturers Assn		
Evelyn M. Morton, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	529.71	721.91
Michael L. Morton, 910 16th Street, NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		285.00
Jack Moskowitz, 701 N. Fairfax Street Alexandria, VA 22314-7807	United Way of America	17,156.25	142.52
Shelley R. Moskowitz, 236 Mass. Ave., NE, #608 Washington, DC 20002	Neighbor to Neighbor Action Fund	3,500.00	101.00
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	540.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Abecitrus - Brazilian Citrus Assn		
Do	Adical	4,178.00	203.41
Do	ANIC - National Assn of Citric Industries		
Do	Potomac Visions Limited (For:DRS)	3,000.00	
Do	Sawyer/Miller Group (for Philippine Sugar Regulatory Admin)	8,250.00	387.00
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			4,792.50
Motor Vehicle Manufacturers Assn of the U.S., Inc, 7430 Second Avenue, #300 Detroit, MI 48202		449,932.00	449,932.00
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	15,000.00	
Katharine R. Mountcastle, 2030 M St. NW Washington, DC 20036	Common Cause	6,492.54	59.00
Paul W. Mousseau Jr., 3000 K Street, NW Penthouse 3-A Washington, DC 20007	Wealth Management Corp (For:Finryan International, Ltd)	3,000.00	
Steve Moyer, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,900.74	
Mudge Rose Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	Footwear Retailers of America		
Do	Government of Hong Kong, Trade Dept		
Do	Japan Lumber Importers Assn		
Do	Toshiba Corp		
Do	U.S. Assn of Importers of Textile and Apparel (USITA)		
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Manufacturers Life Insurance Co	63,667.50	4,502.40
Do	Northeast Savings, F.A.	3,492.50	
James S. Mulhern, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,300.00	
Michael J. Mullen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Richard J. Muller, P.O. Box 66763 Washington Square Station Washington, DC 20036	Chrysler Corporation	2,250.00	150.00
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	87.30
Ann Mulligan, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the United States	4,634.64	34.25
Albert E. Mullin Jr, 111 Powdermill Rd. Maynard, MA 01754	Digital Equipment Corp	20,000.00	
Tracy Mullin, 1000 Connecticut Ave., NW, #700 Washington, DC 20036	National Retail Merchants Assn	2,800.00	40.00
Morton L. Mullins, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Company		60.00
James Brian Munroe, 1300 Eye Street, NW, #520 Washington, DC 20005	Hoffmann-La Roche, Inc		
Daniel J. Murphy, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
James F. Murphy, 6200 Oaktree Blvd. Independence, OH 44131	Centerior Energy Corp, et al.		
James Jackson Murphy, 1720 I Street, NW 7th Floor Washington, DC 20006	American Academy of Actuaries		
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	71.30
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	9,300.00	
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		200.00
Stephen P. Murphy, 715 South Fairfax Street Alexandria, VA 22314	Yellow Freight System, Inc of Delaware	30,000.00	
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		5,417.19
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,250.00	120.10
James V. Murray, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Richard D. Murray, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22207	U.S. Air, Inc		
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	American Assn of Dental Schools	800.00	18.00
Do	Atochem, N.A.		
Do	Bear Stearns & Co	500.00	25.00
Do	Benton Mortgage Company		
Do	City of Philadelphia		
Do	Cleveland Cliffs Iron Co	250.00	25.00
Do	Connecticut Mutual Life Insurance Co	500.00	25.00
Do	Home Life Insurance Co	500.00	25.00
Do	Independence Blue Cross	300.00	12.50
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets	400.00	25.00
Do	Iron Ore Assn	250.00	25.00
Do	LTV Corporation	450.00	25.00
Do	National Council of Coal Lessors	300.00	25.00
Do	New England Mutual Life Insurance Co	500.00	25.00
Do	Pacific Mutual Life Insurance Co	500.00	25.00
Do	Penn Mutual Life Insurance Co	500.00	25.00
Do	Philadelphia Port Corp	2,000.00	90.00
Do	Players Club International	1,800.00	
Do	Provident Mutual Life Insurance Co of Philadelphia	500.00	25.00
Do	Shubert Organization, Inc	400.00	25.00
Do	Swaziland Sugar Assn	400.00	
Do	Sweetener Users Assn	500.00	
Do	Temple University	450.00	27.00
Robert Musil, 1616 P Street, NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	5,594.38	18,081.65
Robert J. Muth, 180 Maiden Ln. New York, NY 10038	Asarco, Inc		
Mutual Life Insurance Co Tax Committee, 720 East Wisconsin Avenue Milwaukee, WI 53202		25,000.00	25,995.15
Fred Mutz Associates, 1200 New Hampshire Ave, NW, #200 Washington, DC 20036	American Bankers Assn		
Do	Government of Romania		
Do	Trans World Insurance Brokers		
Paul J. Myer, 600 Maryland Ave., SW, #605-607 Washington, DC 20024-2520	Northern Telecom, Inc		1,445.00
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	95.06
Karen Magee Myers, 1331 Pennsylvania Ave., #1300-N Washington, DC 20004	Electronic Data Systems Corp	188.00	197.37
Christopher Alton Myrick, P.O. Box 65493 Washington, DC 20035-5493	National AgriChemical Retailers Assn	147,138.00	15,995.86
MHD Industrial Forum, 1825 K Street, NW, #807 Washington, DC 20036			
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
David Scott Nance, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart and Stewart		
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	5,000.00	2,400.00
Gary M. Nateman, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		
Hardy L. Nathan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
National Abortion Rights Action League, 1101 14th Street, NW, 5th Floor Washington, DC 20005		6,792.45	6,913.75
National Air Carrier Assn, 1730 M St., NW, #710 Washington, DC 20036			
National Air Traffic Controllers Assn, 444 N. Capitol Street, NW, #845 Washington, DC 20001		12,309.00	1,162.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		196,200.00	14,600.00
National Assn for Neighborhood Schools, Inc, 335 Locust St. Pittsburgh, PA 15218		1,049.55	1,038.80
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		336.51	6,760.40
National Assn of Air Traffic Specialists, 4740 Corridor Pl., Suite C Beltsville, MD 20705			
National Assn of Broadcasters, 1771 N Street, NW Washington, DC 20036		195,600.75	195,600.75
National Assn of Casualty & Surety Agents, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003		1,600.00	40.81
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			
National Assn of Federal Employees, 3500 Maple Avenue, Suite 1650 Dallas, TX 75219			
National Assn of Federal Veterinarians, 1023 15th Street, NW, #300 Washington, DC 20005			23.07
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001		534,670.00	68,517.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Life Companies, 1455 Pennsylvania Ave., #1250 Washington, DC 20004		1,800.00	1,929.35
National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703		324,801.98	324,801.98
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Mortgage Brokers (NAMB), 706 E. Bell Road, #101 Phoenix, AZ 85022		1,871.86	1,807.16
National Assn of Mutual Insurance Cos, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		1,075.00	1,075.00
National Assn of Railroad Passengers, 236 Massachusetts Ave., NE, #603 Washington, DC 20002		92,740.00	53,946.55
National Assn of Securities and Commercial Attorneys, 1300 I Street, NW., #480E Washington, DC 20005		46,000.00	18,000.00
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006		3,300.00	4,800.00
National Assn of Trade & Technical Schools, 2251 Wisconsin Ave., NW Washington, DC 20007		11,000.00	11,000.00
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Beer Wholesalers' Assn, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	1,441,158.00	13,680.32
National Broiler Council, 1155 15th St., NW Washington, DC 20005		2,750.00	2,750.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			38,832.67
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		131,093.83	136,390.84
National Cattlemen's Assn, 5420 S. Quebec Street P.O. Box 3496 Englewood, CO 80155			
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,331,546.22	16,791.04
National Comm for a Human Life Amendment, Inc, 1511 K Street, NW, #335 Washington, DC 20005		276.21	416.50
National Comm of Cities & States for Airline Service, Transportation Bldg., #417 St. Paul, MN 55156		6.66	
National Comm to Preserve Social Security, 2000 K Street, NW, #800 Washington, DC 20006		1,915,096.00	1,915,096.00
National Comm Against Repressive Legislation, 236 Massachusetts Avenue, NE, #406 Washington, DC 20002		1,738.50	5,704.00
National Commercial Finance Assn, 225 W. 34th St. New York, NY 10122			11,562.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		119,548.83	40,520.50
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		78,714.73	78,714.73
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		25,237.75	19,445.60
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		11,125.50	9,613.35
National Council of Savings Institutions, 1101 15th St., NW, #400 Washington, DC 20005		2,28,340.21	
National Education Assn, 1201 16th St., NW Washington, DC 20036		22,041.10	22,041.10
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		1,923.01	1,923.01
National Environmental Strategies, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	EcoMarine		530.00
Do	Foundation for Economic and Environmental Progress, Inc	12,500.00	1,500.00
National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403		43,429.00	2,700.00
National Fraternal Order of Police, c/o Vorys Sater Seymour & Pease 1828 L Street, NW, #1111 Washington, DC 20036-5104.			14,962.50
National Grain & Feed Assn, 1201 New York Avenue, NW, #850 Washington, DC 20005			7,393.75
National Grain Trade Council, 1030 15th Street, NW, #1020 Washington, DC 20005			
National Grange, 1616 H St., NW Washington, DC 20006		21,625.00	21,625.00
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	1,000.00
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		62,560.10	11,506.64
National Hearing Aid Society, 20361 Middlebelt Livonia, MI 48152			
National Hydropower Assn, 555 13th Street, NW, #900-E Washington, DC 20004			
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			2,572.46
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		2,000.00	2,000.00
National Licensed Beverage Assn, 4214 King Street, West Alexandria, VA 22302			
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		9,680.00	9,680.00
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036			9,553.49
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Pork Producers Council, P.O. Box 10383 Des Moines, IA 50306			
National Propane Gas Assn, 1600 Eisenhower Lane Lisle, IL 60532		1,000.00	1,000.00
National Realty Committee, 1250 Connecticut Ave., NW, #630 Washington, DC 20036		6,981.00	6,981.00
National Retail Federation, 1616 H Street, NW, #600 Washington, DC 20006	National Retail Merchants Assn		18,255.45
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		8,238.34	8,238.34
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			3,031.17
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		11,100.00	11,100.00
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	Alliance for Capital Access	15,000.00	
Do	Banner Industries, Inc	97.50	2.02
Do	Manor Care	3,750.00	83.79
Do	Trian Group	2,043.12	55.07
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	3,409.27
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		6,338.00	6,338.00
National Truck Equipment Assn, 38705 Seven Mile Road, #345 Livonia, MI 48152			5,535.92
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209			77,000.00
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			9,320.52
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		1,000.00	
Irene Natividad, 400 S Kensington Street Arlington, VA 22204	Natividad Associates (For:Philippine Embassy)	15,000.00	1,861.54
Pamela Neal, 1301 Pennsylvania, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	667.02
Karen J. Neale, 2501 M Street N.w. Washington, DC 20037	Chemical Manufacturers Assn, Inc	3,500.00	367.34
Shirley Neff, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America/National Assn for Home Care	38.37	958.13
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	American Methanol Institute	25,000.00	3,776.67
Do	General Electric Industrial and Power Systems	60,000.00	181.70
Do	Government of Jamaica		8,264.28
Do	Hashemite Kingdom of Jordan	76,388.88	2,684.42
Do	Islamic Republic of Pakistan	60,000.00	1,604.38
Do	Joint Diseases North General Hospital	6,000.00	90.56
Do	Kingdom of Morocco		4,423.90
Do	Puerto Rico Economic Development Administration	16,000.00	1,294.72
Do	Republic of Cote d'Ivoire		11,300.73
Do	Republic of Guinea		1,933.53
Do	Republic of Kenya	190,180.00	16,123.43
Do	Rossing Uranium Ltd	30,000.00	2,213.29
Neill Mullenholz & Shaw, 815 Connecticut Ave. NW Washington, DC 20006	National Assn of Chapter 13 Trustees	10,000.00	15.00
Do	National Council Social Security Management Assns, Inc	4,000.00	125.00
Do	PHH Group, Inc	3,500.00	90.00
Do	Senior Executives Assn	5,000.00	275.00
Joseph L. Nellis, 1350 I Street, NW, 9th Floor Washington, DC 20005	Pharmacy Freedom Fund	50,000.00	49.70
Eric G. Nelson, 2000 M Street, NW, #550 Washington, DC 20036	North American Telecommunications Assn		
Gaylord Nelson, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Lisanne Nelson, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	950.00	
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	SEMATECH, Inc		6,888.00
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	47.45
Frederick H. Nesbitt, 1750 New York Avenue NW Washington, DC 20006	International Assn of Fire Fighters	13,572.00	
Mark Nestlen, 1300 L Street, NW, #950 Washington, DC 20005-4107	American Soybean Assn	6,000.00	578.01
Network, 806 Rhode Island Ave., NE Washington, DC 20018		51,229.74	54,952.11
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	5,795.92	5,097.69
Louis H. Nevins, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:American Savings Bank, FSB)	2,800.00	
Do	Thacher Proffitt & Wood (For:Castine Partners)	34,000.00	
Do	Thacher Proffitt & Wood (For:River Bank America)	2,800.00	
New England Rehabilitation Hospital, 2 Rehab Way Woburn, MA 01801			3,517.26
New Jersey State Bar Assn, One Constitution Square New Brunswick, NJ 08901-1500			
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017			3,717.54

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Lilian Ann Newby, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,500.00	20.00
Linton C. Newlin, 577 Mulberry Street Macon, GA 31298	Charter Medical Corp		
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc		
William B. Newman Jr., P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	5,500.00	
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste Management Group		
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,007.08	
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank PLC	9,936.00	1,236.58
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	315.00	
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	195.00	
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,681.41	4,136.75
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn	3,613.75	
Do	Exxel Container, L.P.	2,007.50	
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	200.00	63.91
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	5,208.79	365.95
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			4,400.00
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International, Inc)	2,000.00	
Do	Karalekas & McCahill (For:American Retirees Assn)	3,000.00	32.15
Do	Karalekas & McCahill (For:Firestone Tire & Rubber Co, et al.)		
Do	Karalekas & McCahill (For:Gates Rubber Company)		
Do	Karalekas & McCahill (For:Homeport Information Task Force, et al.)	6,000.00	
Do	Karalekas & McCahill (For:National Agriculture Aviation Assn)		
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	7,258.00	242.30
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	1,300.00	3.00
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	4,500.00	97.50
Julia J. Norrell, 1155 Connecticut Ave., NW, #300 Washington, DC 20036	Federation of American Consumers & Travelers (FACT)	500.00	
North American Export Grain Assn, Inc, 1030 15th Street, NW, #1020 Washington, DC 20005			1,300.00
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036		16,450.00	16,450.00
Patrice North-Rudin, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,280.00	
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			158.10
Clifford R. Northup, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	2,000.00	
Steven R. Nousen, P.O. Box 3529 Portland, OR 97208	Port of Portland	13,717.00	210.17
Mary Ann Novak, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinkerhoff, Inc		
Silas O. Nunn, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America		
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers	2,000.00	
Do	National Football League Players Assn	7,000.00	
C. D. Nyberg, 103 S.W. 24th Street Austin, MN 55912	Geo. A. Hormel & Co		
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,102.76	112.47
O'Bannon & Gibbons, 2550 M Street, NW, #250 Washington, DC 20037	Mutual Life Insurance Co of New York	13,587.50	
Do	Underwriters at Lloyd's London		
George O'Bea Jr., 815 16th Street, NW, #701 Washington, DC 20006	United Paperworkers International Union		
Dinah K. O'Berry, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	15,329.00	27.00
Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	6,563.00	
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW, #1010 Washington, DC 20037	Harley-Davidson, Inc	12,000.00	719.79
Nancy O'Brien, 2251 Wisconsin Avenue, NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	ITT Corporation	400.00	40.00
Rosemary L. O'Brien, 805 15th Street, NW, #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	497.99
David O'Brien & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	A. L. Williams & Company	16,000.00	5,465.52
James J. O'Connell, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation		
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Assn of the U.S.		
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Government of Aruba Embassy of the Netherlands)		
Do	Keefe Co (For:Sanders Associates, Inc)	24,750.00	
James E. O'Connor, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	20,000.00	127.60
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	12.50
Kelley E. O'Connor, 216 7th Street, SE Washington, DC 20003	Florists' Transworld Delivery Association	2,000.00	
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Bus Assn	3,750.00	
Do	American Clinical Laboratory Assn	10,000.00	
Do	American Family Life Assurance Co	5,843.85	
Do	American Insurance Assn		
Do	American Maritime Transport, Inc		
Do	American Orthotic & Prosthetic Association	13,098.90	
Do	American Soc of Assn Executives	4,577.17	
Do	Bionox, Inc	2,395.73	
Do	Center for Marine Conservation, Inc		
Do	China External Trade Development Council	12,518.61	
Do	City of Minneapolis		
Do	Coca-Cola Company	28,065.00	
Do	Connaught Laboratories, Inc	7,348.99	
Do	CNA Insurance Co	2,761.76	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	DKT Memorial Foundation	10,000.00	
Do	Eastern Michigan University	331.07	
Do	Ecomarine, Inc		
Do	Electronic Data Systems Corp	6,152.00	
Do	Glass Packaging Institute		
Do	Golden Nugget, Inc	5,000.00	50.00
Do	Government of El Salvador	22,500.00	980.28
Do	Government of Israel Supply Mission		
Do	Government of Netherlands Antilles	46,170.04	
Do	Hennepin County		
Do	Housing Study Group		
Do	Investment Company Institute	10,388.00	
Do	J.C. Penney Company, Inc		
Do	Kawasaki Kisen Kaisha, Ltd		
Do	Liquidity Fund Management, Inc	13,285.00	
Do	Marine Pacifica Oil Company	3,312.50	
Do	Martin Marietta Corp	2,500.00	
Do	Mercedes-Benz of North America, Inc	68,063.06	
Do	Minnesota Mutual Life Insurance Co	4,542.92	
Do	Mitchell Sweet & Associates		
Do	Mullendore & Tawney		
Do	National Assn of Optometrists and Opticians, Inc	3,000.00	
Do	National Assn of Portable X-Ray Providers	2,000.00	
Do	National Funeral Directors Assn	4,924.28	
Do	National Retail Hardware Assn	4,977.81	
Do	New York State Assembly	1,200.00	
Do	Joseph E. Seagram & Sons, Inc	983.56	
Do	SmithKline Beecham	20,631.16	
Do	State of Alaska		
Do	Summer Island, Inc		
Do	U.S. Tuna Foundation		
Do	U.S. Wild Horse & Burro Foundation		
Do	Wards Cove Packing Company	16,211.00	
Do	Westinghouse Electric Corp	5,918.25	
Emily O'Connor-Karolyi, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	400.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	21,250.00	
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	1,000.00	
J. Daniel O'Flaherty, 1625 K St., NW, #1090 Washington, DC 20006	National Foreign Trade Council	5,000.00	400.00
Bridget O'Grady, 3800 N. Fairfax Drive, #4 Arlington, VA 22203	National Water Resources Assn	5,000.00	
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,149.04	581.58
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,203.40	96.72
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	75.00	
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company	359.06	316.89
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc		
Eileen M. O'Keefe, 1317 F Street, NW Washington, DC 20004	Lisboa Associates, Inc (For:University of the Virgin Islands)		
Janet O'Keeffe, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	3,000.00	4.10
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Amax, Inc		
Do	CIGNA Corp		
Do	Ford Motor Co	24,417.99	3,076.76
Daniel J. O'Neal III, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,000.00	200.18
Joseph O'Neil, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Joseph P. O'Neill, 1616 H Street, NW Washington, DC 20006	National Retail Federation	3,500.00	47.85
Robert O'Neill, 1600 Wilson Blvd, #100 Arlington, VA 22209	American Waterways Operators, Inc		
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Bankers Assn		
Do	Bank of New England		
Do	Beth Israel Hospital		
Do	Boston College		
Do	Brandeis University		
Do	Brigham and Women's Hospital, Inc		
Do	Coalition of Boston Teaching Hospitals		
Do	CompuChem Corp		
Do	Connecticut Bank & Trust Corp		
Do	Cruise America Line, Inc		
Do	P.W. Gillibrand and Co		
Do	Glass Packaging Institute		
Do	Massachusetts General Hospital		
Do	Massachusetts Hospital Assn		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Northwestern Mutual Life		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Source Data Network		
Do	Texas Utilities Co		
Do	University Hospital		
Do	USX Corporation		
Do	Viacom International, Inc	1,100.00	
Kathleen F. O'Reilly, 510 E Street, SE Washington, DC 20003	National Insurance Consumer Organization		
Do	Wisconsin Citizens Utility Board		
John T. O'Rourke, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	1,237.00	
John O'Shaughnessy, 1825 K Street, NW, #807 Washington, DC 20006	Greater New York Hospital Assn	14,500.00	1,200.00
J. Denis O'Toole, 1709 New York Ave., NW Washington, DC 20006	U.S. League of Savings Institutions	9,240.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	233.47
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	5,976.75
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	18,000.00	
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads		
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	2,061.60
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	550.00	
Neil H. Offen, 1776 K Street, NW, #600 Washington, DC 20006	Direct Selling Association		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,750.00	
Michael D. Oldak, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	148.00	
R. Teel Oliver, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	2,000.00	500.00
Lawrence Olsen, 400 W. 15th, #417 Austin, TX 78701	Texas Good Roads/Transportation Assn		
Eric Olson, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,171.75	
Laura L. Olson, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn		
Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091	Citibank, N.A.	5,500.00	
Do	DynCorp	3,306.00	448.20
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Beef Products, Inc	300.00	
Do	Cambridge Products, Ltd	300.00	
Do	Duramed Pharmaceuticals, Inc	600.00	
Do	G.R. Foods, Inc	1,000.00	
Do	National American Wholesale Grocers Assn	1,000.00	
Do	National Assn of Margarine Manufacturers	500.00	
Do	National Food Processors Assn	10,000.00	
Do	National Frozen Pizza Instutute	1,500.00	
Do	Pillsbury Company	500.00	
Do	San Tomo Group	500.00	
Do	Schwan's Sales Enterprises, Inc	3,500.00	
Do	U.S. Surgical Corporation	300.00	
Do	Vicam	1,000.00	
Do	Western States Meat Assn	500.00	
Olwine Connelly & Chase, 1701 Pennsylvania Ave, NW, #1000 Washington, DC 20006	Valsan Partners	3,000.00	
Clark Onstad, 901 15th St., NW, #500 Washington, DC 20005	Texas Air Corp, et al.		
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Oppenheimer Rosenberg Kelleher & Wheatley, Inc, 711 Navarro, #600 San Antonio, TX 78205	First City-Texas		
Oppenheimer Wolff & Donnelly, 1020 19th Street, #400 Washington, DC 20036	Government of Barbados	28,576.84	457.19
Do	Korean Footwear Exporters Assn		
Opperman Heins & Paquin, 1300 I Street, NW, #480E Washington, DC 20005	West Publishing Company	625.00	
Michel Orban, American Express Company World Financial Center 200 Vesey Street New York, NY 10285-4890	American Express Co		
Edward R. Osann, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	9,117.96	
Roger D. Oswalt, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:Australian Barley Board)	1,000.00	
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Transportation Communications Union	1,000.00	
Alan R. Ott, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	800.00	
Kathleen Galiher Ott, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	4,500.00	156.97
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries/Baroid Corp	11,250.00	
Do	U.S. Federation of Small Businesses, Inc	1,500.00	
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		1,000.00	979.14
Thomas E. Owens, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Continental Savings Bank		
Do	Dollar Savings Bank, et al.	58,900.00	16,859.07
Do	Pacific First Financial Corp		
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute		
R. Ray Paabo, P.O. Box 25019 Washington, DC 20007	Santa Fe Pacific Pipelines, Inc		
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,567.60	48.85
Eileen E. Padberg, 2081 Business Center Drive, #125 Irvine, CA 92715	Philip Morris, Inc	2,000.00	454.50
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	35.65
Geri Palast, 1313 L St., NW Washington, DC 20015	Service Employees International Union, AFL-CIO, CLC		
Candido R. Palting III, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute	139,132.00	47,983.00
Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Insurance Assn)	575.00	3.25
Do	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	4,962.50	117.75
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,062.50	16.00
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)	500.00	7.00
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn.)	575.00	38.15
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	487.50	
Palumbo & Cerrell, Inc, 1629 K St., NW, # 1100 Washington, DC 20006	American Insurance Assn	12,908.97	1,631.59
Do	American Soc of Composers Authors & Publishers	3,375.00	17,232.22

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Atlantic Richfield Co	45,000.00	7,438.27
Do	Farmers Insurance	9,075.00	1,992.94
Do	Government Employees Hospital Assn	18,000.00	2,009.66
Do	Rockport Fine Arts Council		
Do	Southern California Rapid Transit District	18,750.00	5,278.09
G. Oliver Papps, N.J. Petroleum Council 150 W. State St. Trenton, NJ 08608	American Petroleum Institute		
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Harriet Parcells, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	6,025.24	
Jonathan R. Paret, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	3,346.00	
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
Bruce Parker, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John N. Parker, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	375.00	
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute		
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	10,000.00	263.53
Ann M. Parman, 1701 K Street NW, Suite 400 Washington, DC 20005	National Manufactured Housing Federation	100.00	
Ken Parmelee, 1448 Duke Street, #100 Alexandria, VA 22314	National Rural Letter Carriers Assn	20,333.00	2,644.00
Norman T. Parnes, 8823 Vernon View Dr. Alexandria, VA 22308	Air Force Sergeants Assn, Inc		
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	7,692.33	2,252.29
Amber Parson, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	1,620.00	500.00
Parsons Behle & Latimer, 185 South State Street, #700 Salt Lake City, UT 84147-0898	Energy Fuels		33.00
Do	Parsons Behle & Latimer (For:Intermountain Consumer Power Assn)		2,297.50
Partnership on Health Care and Employment, P.O. Box 27414 Washington, DC 20038	Partnership on Health Care & Employment	54,305.00	18,533.13
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,756.25	
Jack Partridge, 1014 Vine St. Cincinnati, OH 45201	Kroger Company	2,500.00	966.48
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell		
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	2,000.00	9.00
Melissa B. Patack, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	14,700.00	939.74
M. Stephanie Patrick, 1101 15th Street, NW, #205 Washington, DC 20005	Cargill, Inc	1,250.00	
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903	American Petroleum Institute	59.00	
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	City of Bell & Bell Community Redevelopment Agency	1,458.50	
Do	Burke Williams & Sorensen (For:City of Santa Clarita)	8.00	
Richard M. Patterson, 1776 EYE St., NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	5,846.00
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	10,267.00	
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Ad Hoc Coalition for Intermarket Coordination		
Do	Advanced Technology, Inc		
Do	Air Products & Chemicals, Inc		
Do	Aiwa America, Inc		
Do	Akai America, Ltd		
Do	Alabama Power Co	265.00	
Do	Alain Wertheimer		
Do	Alaska Crab Coalition		
Do	Alexander & Baldwin, Inc		
Do	American Assn of Equipment Lessors		
Do	American Congress on Surveying & Mapping	2,090.00	175.00
Do	American Express Co		
Do	American International Automobile Dealers Assn		
Do	American Logistics Assn		
Do	American Maritime Assn		
Do	American Stock Exchange, Inc		
Do	Armco, Inc		
Do	Association of Biotechnology Companies		
Do	Association of Professional Flight Attendants		
Do	Association of Trial Lawyers of America		
Do	Avon Products, Inc		
Do	Bath Iron Works Corp		
Do	Bethlehem Steel Corp		
Do	Bic Corporation		
Do	Biogen		
Do	Blair Corporation		
Do	Board of Mississippi Levee Commissioners		
Do	Business and Institutional Furniture Manufacturers Assn		
Do	BATUS, Inc		
Do	Casio		
Do	Castle & Cooke, Inc		
Do	Center for Molecular Medicine & Immunology		
Do	Center City-Inner Harbor Management, Inc	1,500.00	
Do	Chemfix Technologies, Inc		
Do	Cherokee Nation of Oklahoma	1,900.00	620.00
Do	Cherokee Nation Industries, Inc		
Do	Chicago Board Options Exchange	360.00	30.00
Do	Chrysler Corporation		
Do	City & County of Denver		
Do	Coalition on State Use Taxes		
Do	College Savings Bank		
Do	Columbia Farm Credit District		
Do	Columbia, Inc		
Do	Corridor Broadcasting Corp	3,372.50	300.00
Do	Costa Rican Foreign Trade Committee		
Do	Council of Graduate Schools		
Do	Cryolife, Inc		
Do	CIGNA Corp		
Do	Dairy Institute of California	450.00	50.00
Do	Dealer Action Association	282.50	18.00
Do	Denver Department of Transportation		
Do	Discovery Channel		
Do	Dole Fresh Fruit Co	260.00	10.00
Do	Dredging Industry Size Standards Committee (DISSC)		
Do	Duty Free Shoppers Group, Ltd		
Do	DOYON, Ltd		
Do	Electric Reliability Coalition		
Do	Farragut Group		
Do	Federation of Postal Police Officers		
Do	Fiart Cantieri Italiani, S.P.A.		
Do	Fidelity Investors		
Do	Fishing Vessel Owner's Assn	115.00	
Do	Flexi-Van Leasing, Inc	272.50	12.50
Do	Freedom to Advertise Coalition	62.50	6.00
Do	Fuji Photo Film USA, Inc		
Do	Fundacion de Defensa del Comerio Exterior		
Do	Fundacion Pro Imagen de Columbia		
Do	Gana-A'Yoo, Limited		
Do	General Electric Co		
Do	Genstar Container Corp	272.50	12.50
Do	Goldbelt, Inc		
Do	Government of the Marshall Islands		
Do	Government of Iceland		
Do	Greater Baltimore Committee Foundation	500.00	
Do	Halogenated Solvents Industry Alliance		
Do	Charles Heilbronn, et al.		
Do	Hitachi Sales Corp of America		
Do	Hobby Industries Assn		
Do	Immune Response Corp		
Do	Incorporated Research Institutions for Seismology		
Do	Institute of Scrap Recycling Industries	250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	International Fabricare Institute		
Do	International Thomson, Inc		
Do	Itel Containers International Corp	272.50	12.50
Do	Kaiser Aluminum & Chemical Corp		
Do	Kenwood USA Corporation		
Do	Loop, Inc	1,880.00	
Do	Magnuson Act Coalition		
Do	Marathon Oil Co		
Do	Mars, Inc	357.50	10.00
Do	Mass Mutual		
Do	Matson Navigation Co		
Do	Matsushita Electric Corp of America		
Do	Maxell Corp of America		
Do	May Department Stores Co		
Do	Metropolitan Life		
Do	Minerals Marketing Corp of Zimbabwe		
Do	Mitsubishi Electric Sales of America, Inc		
Do	Mocatta Metals Corp		
Do	Mutual Benefit Life		
Do	Mutual Legislative Committee	1,000.00	58.00
Do	MCI Telecommunications, Inc	522.50	58.00
Do	Nakajima USA		
Do	Nakamichi USA		
Do	National Assn of Life Underwriters		
Do	National Assn of Retail Druggists		
Do	National Cable Television Assn, Inc		
Do	National Con-Serv, Inc		
Do	National Intergroup, Inc		
Do	National Marine Manufacturers Assn	5,100.00	115.00
Do	National Soft Drink Assn		
Do	Navajo Nation		
Do	New York Life Insurance Company		
Do	Newmont Mining Corp		
Do	Northwest Forest Resource Council		
Do	Northwestern Mutual Life		
Do	Nutri/Systems, Inc		
Do	NCNB Texas National Bank		
Do	NEC Electronics (USA) Inc		
Do	NMTBA-National Machine Tool Builder's Assn		
Do	Olympic Fibers		
Do	Onkyo USA Corp		
Do	Options Clearing Corp		
Do	OSG Bulk Ships, Inc	100.00	5.00
Do	Paine Webber, Inc		
Do	Pioneer Electronics (USA), Inc		
Do	Prince George Center, Inc		
Do	Reader's Digest Assn, Inc		
Do	Donald Rector	4,085.00	90.00
Do	Reinsurance Assn of America	400.00	28.00
Do	Reliance Group Holdings, Inc	272.50	12.50
Do	Republic of the Marshall Islands Development Authority	1,380.00	24.00
Do	Retail Industry Trade Action Coalition		
Do	Retail Tax Committee		
Do	Rice Millers' Assn		
Do	Royal Trustco Ltd		
Do	Sansui Electronics Corp		
Do	Sanyo Electronics, Inc		
Do	Save Chanute Committee		
Do	Seafood Wholesalers, Inc		
Do	Sharp Electronics Corp		
Do	Shearman & Sterling (for: Merrill Lynch)		
Do	Charles E. Smith Companies	157.50	
Do	Smokeless Tobacco Council, Inc	1,750.00	210.00
Do	Sony Corp of America		
Do	Specialty Seafoods		
Do	Sprat Bay Corp		
Do	Squibb Corporation		
Do	Standard Federal Savings Bank		
Do	Sultantate of Oman	920.00	
Do	Teac Corp of America		
Do	Teknika Electronics Corp		
Do	Thornycraft Giles & Co, Inc		
Do	Toshiba America, Inc		
Do	Trans Ocean Ltd	272.50	12.50
Do	Transamerica Leasing, Inc	272.50	12.50
Do	Triton Container	272.50	12.50
Do	TDK USA Corp		
Do	U.S. Air, Inc		
Do	U.S. Tobacco Company		
Do	U.S. Tuna Foundation		
Do	Union Pacific Corp		
Do	Universal Lottery Co		
Do	University of Arizona Foundation	6,000.00	
Do	US JVC Corporation		
Do	USX Corporation		
Do	Waste Management, Inc		
Do	Wayne County Michigan		
Do	Western Forest Industry Assn	512.50	85.00
Do	Westinghouse Electric Corp	310.00	61.22
Do	WWL-TV		
Do	XTRA Corp	272.50	12.50
Do	Yamaha Electronics Corp, USA		
Molly Pauker, 5151 Wisconsin Ave., NW Washington, DC 20016	Fox Television Stations, Inc	1,000.00	67.14
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	5,000.00	47.49
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Allegheny Power System Inc, et al.	4,275.00	
Do	Amdahl Corp	2,475.00	
Do	American Trucking Assns, Inc	4,275.00	
Do	Business Council on Indoor Air		
Do	CalMat Company		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	14,463.75	
Do	Kawasaki Motors Corp, USA	498.75	
Do	Koito Manufacturing Co		
Do	Paul D. Lieb	832.50	
Do	Motor Vehicle Manufacturers Assn, Inc	3,063.75	
Do	Norfolk Southern Corp	783.75	
Do	Security Life of Denver	1,495.00	
Do	Tobacco Institute	5,415.00	
Do	Union Pacific Corp	2,351.25	
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,100.00	147.89
Chris Peace, 500 E. Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	5,000.00	60.00
Norman E. Pearson, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn	100.00	
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa	7,500.00	32.50
Joe P. Peck Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Shelley Peck, 122 C St., NW Washington, DC 20001	Children's Defense Fund	828.00	
Lee Peckarsky, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	38,250.00	10.00
Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	455.00
Randall G. Pence, P.O. Box 781 Herndon, VA 22070	National Concrete Masonry Assn	5,416.67	710.47
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,756.25	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			2,107.63
Barbara K. Pequet, 609 Bonifant Street Silver Spring, MD 20910	American Soc for the Prevention of Cruelty to Animals	2,000.00	
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation	15,000.00	450.00
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	American Coke & Coal Chemicals Institute		1,270.00
Do	Arctic Alaska Fishing Corp		
Do	Boeing Company	2,241.00	
Do	Burlington Resources		
Do	Cook Inlet Region, Inc		
Do	General Electric Co	2,527.50	290.00
Do	Kootznoowoo, Inc		
Do	Krupp Atlas Elektronik GmbH	1,350.00	
Do	Wood Heating Alliance	378.00	
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Richard Perle, 5 Grafton Street Chevy Chase, MD 20815			
Ernest Michael Perley, 112 St. Clair Avenue, West, #401 Toronto, Ontario M4V 2Y3	Perley & Hurley Ltd (For:Canadian Coalition on Acid Rain)	4,086.00	4,738.12
Jeffry L. Perlman, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	3,000.00	566.19
Leonard Perlman, 5312 Trailway Drive Rockville, MD 20853	National Rehabilitation Counseling Assn		
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Susan Perry, 1015 15th Street, NW Washington, DC 20005	American Bus Assn	2,687.50	75.00
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	885.00	
Roxanne Perugino, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	6,000.00	222.68
Do	Bannerman and Associates, Inc (For:Beirut University College)	1,000.00	35.00
Do	Bannerman and Associates, Inc (For:Government of Bangladesh)		
Do	Bannerman & Associates, Inc (For:Government of Tunisia)	1,000.00	258.84
Do	Bannerman and Associates, Inc (For:Sawyer-Miller Group (for Government of the Philippines)).	250.00	87.40
Phillips S. Peter, 3135 Easton Turnpike Fairfield, CT 06431	General Electric Co	300.00	
Gordon A. Peters, 9191 West Tulip Drive Columbus, IN 47201	Juvenile Products Manufacturers Assn	5,670.00	82.31
Robert Peters, 15 Leroy Street, #19 New York, NY 10014-3975	Morality in Media, Inc	226.10	
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Bank Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Mary Jo Peterson, 1957 E Street, NW Washington, DC 20006	National Automobile Dealers Assn	3,300.00	
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1110 Vermont Avenue, NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005			
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	247.00	
Wendi L. Petsinger, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	4,000.00	438.00
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	5,496.00
C. L. Pettit, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Southwestern Bell Corp-Washington, Inc	24,000.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Steven J. Pfister, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Federation	3,000.00	32.60
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		33,146.90	33,146.90
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,914.00	51.34
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	19,000.00	391.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	2,800.00	4,775.14
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	American Petrofina, Inc	27,831.28	
Bernard R. Phillips III, P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc	10,312.50	1,046.32
Deborah M. Phillips, 1899 L Street, NW, Fifth Floor Washington, DC 20036	General Instrument Corporation	500.00	
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston		
Patricia Lynn Phillips, P.O. Box 10891 McLean, VA 22102	National Assn of State Agencies for Food Distribution	7,500.00	
Phillips Nizer Benjamin Krim & Ballon, 40 West 57th Street, 32nd Floor New York, NY 10019	Riverbay Corp		
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	4,500.00	877.13
Donald S. Picard, 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp	160.00	191.53
Joan Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	427.63	3,670.07
John A. Pieno, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	252.53
Theodore M. Pierce, 6931 Arlington Road, #308 Bethesda, MD 20814	National Assn of Surety Bond Producers		
Wayne Pierce, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	14,787.50	
Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		30.00
Do	Oklahoma Natural Gas Company		
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	2,000.00	
Mary C. Pigott, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Susan G. Pikrallidas, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Piliero Tobin and Mazza, Farragut Square 888 17th Street, NW Washington, DC 20006	Ad Hoc Committee of Mutual Fund Managers	3,793.00	
Do	National Fire Protection Assn	1,200.00	
Do	Villa Banfi, U.S.A		
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	Chevron Corp	12,000.00	
Do	Federal Home Loan Bank of San Francisco		
Do	Geneva Steel	6,000.00	
Do	National Assn of Manufacturers	1,000.00	
Do	Southern Companies Services	30,000.00	
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,100.00	428.50
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Consolidated Rail Corporation	1,540.00	50.40
Do	Edison Electric Institute	60.00	
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	640.00	23.34
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	432.00	
William P. Pitts, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Planned Parenthood Fed of America, Inc, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036		8,314.47	8,314.47
Reuben C. Plantico, 500 N.E. Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc	5,513.00	3,906.71
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		
E. R. Plourd, 227 Massachusetts Ave., NE, #100 Washington, DC 20002	United Transportation Union	2,500.00	
Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	500.00	
Poffenberger Associates, 43 The Green Dover, DE 19901	Philip Morris, Inc	3,000.00	
Gerald Poje, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	233.09	
Mindy Pollack, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836	NAC Re Corp		50.00
Michele Pollak, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	583.96	1,275.66
Alfred M. Pollard, 1701 K Street, NW, #503 Washington, DC 20006	Security Pacific Corp		
M. A. Polzin, 100 NE Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
John Pomeranz, 1319 F Street, NW, #300 Washington, DC 20004	HALT		
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Caron Foundation		
James J. Popham, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Edward T. Porcaro, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:Metropolitan Life Insurance Companies)		
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			3,294.28
Porter Wright Morris & Arthur, 41 South High Streetg Columbus, OH 43215	Coalition for Environmental-Energy Balance	162,625.00	2,576.04
J. Craig Potter, 1020 19th Street, NW, #400 Washington, DC 20036-6101	Oppenheimer Wolff & Donelly		
John C. Pouland, 5757 Martel, B-9 Dallas, TX 75206	Philip Morris, USA	1,800.00	433.07
Joseph L. Powell Jr., 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Powell Adams & Rinehart, 1901 L Street, NW Washington, DC 20036	Ogilvy & Mather		
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,149.04	454.75
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Lead Industries Assn, Inc	20,460.00	500.00
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	787.50	340.00
William Clare Pratt, 1307 Mearns Meadow Blvd. Austin, TX 78758	Green Earth Coalition	462.00	133.15
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Forest Resource Alliance		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American President Lines	40,539.50	
Do	Arctic Sounder Enterprises, Inc		
Do	Bellingham Cold Storage		
Do	Boeing Company		
Do	Brown Forman Corp	2,079.00	
Do	Burlington Northern Railroad Co	430.00	
Do	Calista Corp		
Do	Coastal Transportation, Inc	3,302.50	
Do	Computer Systems Policy Project		
Do	Council on Research & Technology	1,935.00	
Do	COMPACT		
Do	Data General Corp	709.00	
Do	Earthquake Project	5,659.00	
Do	Fusion Power Associates		
Do	Hewlett-Packard Co	215.00	
Do	Intelsat		
Do	Jackson Laboratory	2,280.00	
Do	Fred B. Johnson		
Do	National Council on Compensation Insurance		
Do	National Private Truck Council		
Do	OMI Corp	120.00	
Do	Pacific Medical Center	135.00	
Do	Pitney Bowes		
Do	Port of Seattle		
Do	South Dakota Dept of Transportation	1,250.00	
Do	Sunmar Shipping, Inc	3,302.50	
Do	Tele-Communications, Inc	21,225.50	
Do	Transportation Institute		
Do	Tri-City Industrial Development Council		
Do	U.S. Cruises, Inc		
Do	University of Washington		
Do	Wheelabrator	215.90	
James M. Price, 730 Polk Street San Francisco, CA 94109	Sierra Club		
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	CSX Corporation	6,000.00	643.18
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Coalition for Interest Disallowance	2,590.00	146.00
Do	General Electric Co		
Do	Hillenbrand Industries		
Do	Investment Company Institute		35.00
Do	Union Labor Life Insurance Co		
Patricia Pride, 1350 Connecticut Avenue, NW, #620 Washington, DC 20036	Financial Accounting Foundation		532.89
Sheila M. Prindiville, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	250.05
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			59.78
Stuart E. Proctor Jr., 11812 Hitchings Post Lane Rockville, MD 20852	National Turkey Federation		
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd.	11,874.00	
Prudential-Bache Securities, Inc, 100 Gold St. New York, NY 10292			750.00
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	211.54	
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation		
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		43,635.10	47,975.10
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		75,993.15	74,641.27
Public Resource Associates, 1815 H Street, NW, #600 Washington, DC 20006			5,560.00
Public Strategies, 620 Congress, #310 Austin, TX 78701	Sammons Enterprises, Inc	18,750.00	59.74
Do	Southwest Airlines Co	6,000.00	363.70
Theresa Pugh, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Philip N. Pulizzi Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	250.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
Julie F. Pulliam, 803 Prince Street Alexandria, VA 22314	Equifax, Inc	8,000.00	
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
Thomas W. Purcell, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	2,500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	2,500.00	783.75
Do	Florida Progress Corp	650.00	261.25
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Putting People First, 4401 Connecticut Ave., NW, #310A Washington, DC 20008		21,716.00	85,712.00
Howard Pyle III, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Industries, Inc	6,000.00	
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	AMP Ohio	1,000.00	
Do	Elkem Metals Company	4,250.00	
Do	Independent Bakers Assn	3,000.00	
Do	International Investors, Inc	2,000.00	250.00
Do	International Medical Centers, Inc	4,250.00	
Do	Stratcor	3,000.00	260.00
Do	Welch Foods, Inc	3,750.00	
John R. Quarles Jr., Morgan Lewis & Bockius 1800 M St., NW Washington, DC 20036	National Environmental Development Assn		
Patricia A. Quealy, 2100 Pennsylvania Ave, NW #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Blue Cross & Blue Shield Assn)	1,710.00	24.00
Do	Continental Medical Systems, Inc		
Do	Eckert Seamans Cherin & Mellott (For:Orment Corp)	262.50	
Do	Eckert Seamans Cherin & Mellott (For:PNC Financial Corp)	962.50	8.00
Do	Eckert Seamans Cherin & Mellott (For:Ravenswood Aluminum Corp)		
William A. Quinlan, 3045 Riva Rd. Riva, MD 21140	Retail Bakers of America		
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	7,800.00	40.00
John E. Quinn, 11 Beacon Street, #415 Boston, MA 02108	American Petroleum Institute	2,000.00	
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Mark J. Raabe, 1615 L St., NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,500.00	500.00
Theresa Rabel, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	7,000.00	1,196.48
Steve Rabin, 1901 L Street, NW, #320 Washington, DC 20036	Powell Adams & Rinehart		
Peri Jude Radecic, 1517 U Street, NW Washington, DC 20009	National Gay & Lesbian Task Force (NGLTF)	8,500.00	
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	American Public Power Assn		
Do	Tennessee Valley Public Power Assn	700.00	
Do	Washington Public Utility Districts Assn	900.00	
W. A. Radziewicz, 400 N. Capitol Street, NW, #860 Washington, DC 20001	Brotherhood of Railroad Signalmen	350.00	
Tess A. Rae, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005	Bechtel Corp		
Do	Security Pacific Leasing Corporation		
Do	Security Pacific National Bank		
Kelly Rahach, 3213 Roberts Drive Richfield, OH 44286			467.28
Tanya A. Rahall, 2550 M Street, NW, #305 Washington, DC 20037-1301	American Task Force for Lebanon	12,000.00	18.00
Richard W. Rahn, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	160.00	53.96
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Academy of Cosmetic Surgery, Inc)		
Do	Graham & James (For:American Hawaii Cruises)		
Do	Graham & James (For:Contact Lens Manufacturers Assn)		
Do	Graham & James (For:R. R. Donnelley & Sons Company)		
Do	Graham & James (For:English Bay Corp)		
Do	Graham & James (For:Federal Administrative Law Judges Conference)	82.17	
Do	Graham & James (For:Federal Judges Association)	216.88	
Do	Graham & James (For:Holland America Line Westours, Inc)		
Do	Graham & James (For:Illinois Health Facilities Authority)		
Do	Graham & James (For:Mutual of Omaha)		
Do	Graham & James (For:National Council of U.S. Magistrates)	195.82	
Do	Graham & James (For:Sierra Pacific Resources)	1,375.00	
Do	Graham & James (For:Stock Information Group)	550.00	
Do	Graham & James (For:Walt Disney Co)		
Railway Labor Executives' Assn, 400 N. Capitol Street, NW, #850 Washington, DC 20001		172,205.00	327,846.18
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Rainbow Lobby, 1660 L Street, NW, #204 Washington, DC 20036		350,343.00	323,837.80
Edward S. Rajsteter, 381 Fairmount Ave. Jersey City, NJ 07036	Philip Morris, USA		
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:C & D Lumber Co.)	6,452.75	848.09
Do	Lindsay Hart Neil & Weigler (For:Herbert Lumber Co.)	6,452.75	848.08
Do	Lindsay Hart Neil & Weigler (For:D.R. Johnson Lumber Co.)	6,452.75	848.08
Do	Lindsay Hart Neil & Weigler (For:Moex Corp)	10,477.50	1,380.66
Do	Lindsay Hart Neil & Weigler (For:Nordic Veneer, Inc)	6,452.75	848.08
Kristen M. Rand, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Donald A. Randall, 321 D Street, NE Washington, DC 20002	Automotive Service Assn	45,659.28	
Do	National Independent Dairy-Foods Assn	2,350.00	
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	768.75
Rebecca G. Range, 901 15th Street, NW, #500 Washington, DC 20005	Continental Airlines Holdings, Inc	11,250.00	7,015.00
Tim Ransdell, 1000 Potomac St., NW, #401 Washington, DC 20007	FMR Group (For:Hazelwood Farms Bakeries, Inc)		
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	3,502.46
Larry Rasky, 253 Summer Street Boston, MA 02210	Rasky & Company (For:National Cable Television Assn, Inc)	8,000.00	
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
Robert Ratliffe, 5400 Carillon Point, #400 Kirkland, WA 98033	McCaw Communications Cos		
John W. Rauber Jr., 1250 Connecticut Ave., NW Washington, DC 20037	American Paper Institute, Inc	3,000.00	427.11
Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	1,500.00	
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
William R. Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc		
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	ABB Traction, Inc	4,372.03	
Do	Bayley Seton Hospital	11,125.48	
Robert S. Raymar, 1180 Raymond Boulevard Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corporation)	25,600.00	1,994.17
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,379.00	1,653.20
Linda S. Rearick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		8,570.00	8,570.09
Clark E. Rector Jr., 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	850.00	
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Recyclers of Copper Alloy Products, 365 Main Street Nashua, NH 03060		80,000.00	61,300.57
Fred J. Redeker, 811 Rusk, #200 Houston, TX 77002	Houston Bankers Association		
Donald L. Redfoot, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	522.80	147.25
Catherine C. Redpath, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond (For:Arvida Company)	1,460.63	
Donald W. Reed, 1776 I Street, NW, #575 Washington, DC 20006	Dow Chemical Co		5,680.00
Jerrildine Reed, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company		
Jo Reed, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	647.83	5.00
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,189.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	68.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Government of American Samoa	13,642.20	
Do	National Cellular Resellers Assn	7,655.00	10.65
Do	Radio-Television News Directors Assn	6,155.40	
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Joseph M. Rees, 1000 Potomac Street, NW, #401 Washington, DC 20007	FMR Group (For:Hazelwood Farms Bakeries, Inc)		
Do	National Coalition Burn Center Hospitals		
Do	Songwriters Guild of America		
J. Mitchell Reese, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	400.00	25.00
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,450.00	980.36
Reese Communications Companies,Inc., 2111 Wilson Boulevard, #900 Arlington, VA 22201	Citizens for Sensible Control of Acid Rain (CSCAR)		
Do	Philip Morris, USA		
Benjamin F. Reeves, 1100 17th Street, NW Washington, DC 20036	Burley & Dark Leaf Tobacco Export Assn	1,196.00	
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	193.75
Martin A. Regalia, 1101 15th Street, NW #400 Washington, DC 20005	National Council of Savings Institutions	11,000.00	
R. Brent Regan, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		228.38
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning Glass Works	2,500.00	1,511.54
John T. Reggitts Jr., 95 Boonton Avenue P.O. Box 470 Boonton, NJ 07005			
Regional Airline Association, 1101 Connecticut Ave., NW Washington, DC 20036		2,000.00	1,150.00
David K. Rehr, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
Reichler, Appelbaum & Wippman, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Republic of Guatemala	15,000.00	
Do	United Coconut Assn of the Philippines	12,000.00	
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	4,113.74	248.05
Stanley Lewis Reid, 1776 I Street, NW, #750 Washington, DC 20006	British Nuclear Fuels, Inc		
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB Atom, Inc	5,000.00	133.70
Do	City of Philadelphia	30,675.00	2,412.97
Do	CIAC Group	506.23	
Do	Edison Electric Institute		
Do	Philadelphia Industrial Development Corp		
Do	Pride Refining, Inc		
Do	Robert E. Derecktor of Rhode Island, Inc	13,000.00	431.52
Do	Smith Barney Harris Upham & Co, Inc		
Do	SPD Technologies	101,576.00	1,416.82
Do	Transol USA, Inc		
Do	Utility Decommissioning Tax Group	369.72	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,250.00	592.25
Joseph J. Reilly, Jr, 62A Winn Street Burlington, MA 01803	Morality in Media, Inc		
Reinsurance Assn of America, 1819 L St., NW, 7th Floor Washington, DC 20036			
Diane Rennert, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	6,500.00	1,533.34
Lee P. Reno, 122 C Street, NW, #875 Washington, DC 20001	Reno Cavanaugh & Hornig (For:Amerind Risk Management Corp)		
Do	Reno Cavanaugh & Hornig (For:Housing Authority Insurance, Inc)	1,341.25	32.75
Judy Rensberger, 2000 K Street, NW Washington, DC 20006	National Comm to Preserve Social Security & Medicare	11,415.00	
Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Riley Repko, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		12,412.50
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		3,809.83	18,157.01
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		92,638.22	52,545.82
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	18,957.77	263.67
Allan R. Rexinger, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Nonprescription Drug Manufacturers Assn	4,250.00	150.00
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,500.00	
Renee Reymond, 1331 Pennsylvania Ave, NW, #1500 N Washington, DC 20004	National Assn of Manufacturers		
Michael S. Reynolds, 900 Threadneedle Houston, TX 77079	Vista Chemical Company		450.00
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	Loral Corporation	4,250.00	
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	8,613.00	165.85
Lois D. Rice, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation		
James E. Rich Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	Hughes Aircraft Company	1,000.00	
Do	Pratt & Whitney	2,000.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	1,000.00	
Donna Richardson, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,935.00	2.20
John C. Richardson, 101 Park Avenue New York, NY 10178	Morgan Lewis & Bockius (For:Underwriters at Lloyd's London)		
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	1,000.00	4,257.07
K. O. Richardson, 815 16th Street, NW, #511 Washington, DC 20006	Transportation - Communications Union	3,000.00	104.14
Mary Ann Richardson, 1455 Pennsylvania, NW, #500 Washington, DC 20004	Corning, Inc	1,500.00	
Warren S. Richardson, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For:Preston Corp)	3,000.00	
Wesley S. Richardson, P.O. Box #65 Washington Grove, MD 20880	Washington Lobby Group, Inc (For:Preston Corp)		
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,265.00	220.02
Max Richtman, 2000 K Street, NW 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	25,442.00	130.10
James G. Rickards, 600 Steamboat Road Greenwich, CT 06830-7149	Greenwich Capital Markets, Inc		
Larry D. Rickards, 1112 16th Street, NW, #100 Washington, DC 20036	National Assn of Area Agencies on Aging	2,500.00	20.00
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute		
E. George Riedel, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Dr. Mark J. Riedy, 1101 15th Street, NW, #400 Washington, DC 20005	National Council for Savings Institutions	10,000.00	
Mark Joesph Riedy Esq, 1775 Pennsylvania Ave., NW, 7th Floor Washington, DC 20006	Ripac, Inc		
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	15,279.00	86.70
Judith Assmus Riggs, 1334 G Street, NW #500 Washington, DC 20005	Alzheimer's Assn	3,750.00	22.50
P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Wesley J. Riker, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	669.06
Karen Rindge, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	15.60	
Do	Planned Parenthood Federation of America		
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	3,000.00	
Riselli & Pressler, P.C., 1225 19th Street, NW, #850 Washington, DC 20036	Professional Managers' Assn		
Carol A. Risher, 1718 Connecticut Ave., NW 7th Floor Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Edward W. Rissing, 701 Pennsylvania Ave NW Washington, DC 20036	Edison Electric Institute	546.81	
Jeanne M. Ritchie, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,742.00	
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Rivers Trainor Doyle & Walsh, Inc, One Catamore Blvd East Providence, RI 02914	Philip Morris, Inc	12,000.00	
Rivkin Radler Bayh Hart & Kremer, 1575 I Street, NW, #1025 Washington, DC 20005	ALC Communications Corp		
Do	Chemical Bank	16,500.00	750.00
Do	Cook Group, Inc	4,131.25	500.00
Do	Indiana Coalition for Acid Rain Equity	2,950.00	350.00
Do	Merrill Lynch & Co, Inc	34,966.25	350.00
Do	Milk Industry Foundation		
Do	National Soft Drink Assn	3,178.12	225.00
Do	Real Estate Capital Recovery Assn		
Do	Joseph A. Seagram & Sons	2,940.62	225.00
Do	Sweetener Users Assn	870.00	225.00
Andrew W. Robart, 1111 19th Street, NW Washington, DC 20036-3691	Edison Electric Institute	880.00	178.60
Liz Robbins Associates, 420 7th St., SE Washington, DC 20003	Action Vail	3,750.00	10,203.29
Do	Authors Guild	12,750.00	10,203.29
Do	Babcock & Brown	3,000.00	10,203.29
Do	City of New York Washington Office	13,500.00	10,203.29
Do	Coalition of Writers Organizations	22,500.00	10,230.29
Do	Goldman Sachs & Co	9,000.00	10,203.29
Do	Guinness America, Inc	1,800.00	10,203.29
Do	New York Public Library	3,750.00	10,203.29
Do	New York State Housing Finance Agency	4,050.00	10,203.29
Do	Phoenix House	900.00	10,203.29
Do	Scholastic, Inc	1,800.00	10,203.29
Do	Southern Baptist Press Assn	125.00	10,203.29
Do	Spectrascan Imaging Co	4,500.00	10,203.29
Do	Warburg Pincus Capital Corp	9,600.00	10,203.29
Bill Roberts, P.O. Box 20406 Broomington, MN 55420	National Computer Systems, Inc		
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,400.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	821.00	1,095.00
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		2,704.95
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:AEG Westinghouse Transportation Systems, Inc)	1,500.00	
Do	Keefe Company (For:Broward County Governmental Center)	1,800.00	
Do	Keefe Co (For:City of Tampa)	1,500.00	
Do	Keefe Company (For:Dallas Area Rapid Transit)	1,250.00	
Do	Keefe Company (For:Hillsborough Area Regional Transit)	1,000.00	
Do	Keefe Co (For:Sanders Associates, Inc)	500.00	
Do	Keefe Company (For:Seminole Tribe of Florida)	1,500.00	
Do	Keefe Company (For:University of Miami)	1,000.00	
William J. Roberts, 1616 P Street, NW, #150 Washington, DC 20036	Environmental Defense Fund	15,750.00	300.00
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	8,088.00	137.35
Davis R. Robinson, 1333 New Hampshire Ave., NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Kenneth L. Robinson, 3138 North l0th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64190-1402	Livestock Marketing Association	14,442.00	500.00
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	Atari Games Corp		
Do	Commission on Self-Determination		
Do	Illinois Power Co	10,000.00	
Do	Napa Flood Control and Water Conservation District	1,000.00	
Do	National Venture Capital Association	2,500.00	
Do	New York Mercantile Exchange (NYMEX)		
Do	Parsons Brinckerhoff Quade & Douglas	7,500.00	
Do	Sun-Diamond Growers of California	2,000.00	
Robison International, Inc, 2300 N St., NW, #600 Washington, DC 20037	FMC Corporation	4,500.00	5,078.00
Do	General Atomics Technologies	4,500.00	4,250.00
Do	McDonnell Douglas Corp	7,500.00	5,483.00
Do	Royal Ordnance, Inc	12,000.00	8,772.00
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co, et al.	2,500.00	1,683.37
David B. Rockland, 1705 DeSales Street, NW 8th Floor Washington, DC 20036	Times Mirror Magazines, Inc		
Phillip Rodenberg, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	5,499.00	
Quincy Rodgers, 1899 L Street, NW, Fifth Floor Washington, DC 20036	General Instrument Corporation	2,000.00	
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Kevin Rogers, Two Union Square, 53rd Floor 601 Union Street Seattle, WA 98101	Washington Citizens for World Trade		538.00
Mims Rogers Jr., P.O.Box 1064 Florence, AL 35631	Madison Public Affairs Group, Inc (for Philip Morris, USA)	15,000.00	272.20
Susan L. Rogers, 815 Connecticut Ave., NW, #1100 Washington, DC 20006-4078	Baker & McKenzie		
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	Futures Industry Association		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		
Do	Republic National Bank		
Do	Teachers Insurance & Annuity Assn/CREF		
Carole M. Rogin, 1255 23rd Street, NW, Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
Lori S. Rogovin, 901 East Capitol Street, SE Second Floor Washington, DC 20003	American Assn for Counseling & Development	10,393.00	
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	34,200.00	
Stephen F. Rohrkemper, 150 S. Washington St., #403 Falls Church, VA 22046	International Technical Expertise Ltd		
Fernando D. Rojas, 7300 NW 35th Terrace, #105 Miami, FL 33122	Cuban American Foundation, Inc	4,069.59	
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco, Inc		
Michael J. Romig, 1001 Pennsylvania Avenue, nw Washington, DC 20004-2599	American Council of Life Insurance, Inc	2,500.00	
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
Fred B. Rooney, 1050 Connecticut Ave., NW, #1200 Washington, DC 20036	American Iron & Steel Institute	200.00	
Do	Association of American Railroads	200.00	
Do	Specialty Vehicle Institute of America	200.00	
James Roosevelt, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,250.00	
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	500.00	
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	4,239.58	
Rose Communications, Inc, 901 15th Street, NW, #570 Washington, DC 20005	Johnson Matthey, Inc	11,450.00	9,000.00
Rose Schmidt Hasley & DiSalle, 1701 Pennsylvania Ave., NW, #1040 Washington, DC 20006	Equimark Corporation		
Do	Joy Technologies, Inc		
Burt E. Rosen, 1155 15th St. NW., #502 Washington, DC 20005	Bristol-Myers Co	25,000.00	
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	3,400.00	
Lester L. Rosen, 7 Fulham Court Silver Spring, MD 20902	Miles, Inc	3,000.00	
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	3,000.00	
Sara Rosenbaum, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	4,470.28	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	10,730.58	1,320.44
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Joe Ross, P.O. Box 1582 Little Rock, AR 72201			
Nancy Ross, 1830 17th Street NW Washington, DC 20009	Rainbow Lobby	5,850.00	
William F. Ross, South Carolina Petroleum Council 1340 Bull Street, #250 Columbia, SC 29201	American Petroleum Institute		
Ross Marsh Foster Myers and Quiggle, 888 l6th St., NW Washington, DC 20006	Church Alliance	40,016.00	256.43
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,706.00	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Rhond Rudolph Roth, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	1,093.85	
John C. Rother, 1909 K Street; NW Washington, DC 20049	American Assn of Retired Persons	1,384.62	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	Int'l Union of Electronic, Electrical, Salaried, Machine...	9,674.98	78.96
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc	3,000.00	1,002.93
Emily B. Rothrock, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action Fund	1,975.00	150.00
Louis C. Rotundo, 4948 Courtland Loop Winter Springs, FL 32708	Central Florida Commuter Rail Authority		
Do	Florida Institute of Technology		3,659.48
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
Brigette M. Rouson, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	6,000.00	89.16
Eugene F. Rowan, 2550 M Street, NW Washington, DC 20037	National Assn of Chain Drug Stores, Inc		
Do	Rugby-Darby Group Companies, Inc		
J. Patrick Rowland, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:Baker Industries)	1,500.00	25.00
Do	Rowland & Sellery (For:Borg-Warner Automotive, Inc)	2,000.00	25.00
Do	Rowland & Sellery (For:Coalition for Uniform Product Liability Law)	2,000.00	25.00
Do	Rowland & Sellery (For:GE Plastics)	1,000.00	25.00
Do	Rowland & Sellery (For:National Check Cashers Assn, Inc.)	1,500.00	25.00
Rowland & Sellery, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Alliance for Fair Competition	150.00	25.00
Do	GE Plastics	2,000.00	50.00
Do	National Check Cashers Assn, Inc	3,000.00	50.00
Do	Security Companies Organized for Legislative Action (SCOLA)	1,004.00	25.00
Charles Rowton, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	1,800.00	7.90
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Chrysler Military Sales Corp		
Do	Citizens Savings Bank		
Do	Financial Security Assurance		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Michigan Trade Exchange		
Do	Morgan Stanley & Co, Inc		
Do	Municipal Finance Industry Assn		
Do	National Health Labs, Inc		
Do	Phillips Petroleum Co		
Do	Securities Industry Assn		
Royer Shacknai & Mehle, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Do	Securities Industry Assn		
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Rubin Winston & Diercks (For:Outdoor Advertising Assn of America, Inc)	7,500.00	
James S. Rubin, 747 Third Ave., 14th floor New York, NY 10017	Bass & Ullman (For:National Assn of Pharmaceutical Manufacturers)	4,800.00	
Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016	Central Arizona Project Assn		
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	3,750.00	267.50
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	1,250.00	753.00
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Nicholas L. Ruggiere, 1667 K Street, NW, #410 Washington, DC 20006	Ares-Serono, Inc	1,000.00	225.00
John Runyan, 1730 North Lynn St., #409 Arlington, VA 22209	Printing Industries of America, Inc	1,000.00	
R.K. Rushin, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	1,300.00	492.00
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		45.00
Christine Anne Russell, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	9,875.00	132.77
Christine Faith Russell, 1331 Pennsylvania Ave., NW, #1500 Washington, DC 20004-1703	National Assn of Manufacturers	225.00	
William Russell & Associates, Inc, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Golbal Broadcasting System	12,000.00	473.68
Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002	American Civil Liberties Union	3,137.50	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	170.00	
Peter J. Rusthoven, 1313 Merchants Bank Building Indianapolis, IN 46204	Salt Creek & Little Calumet River Preservation Assn	216.00	
Herman Max Ruth 71990-158, Mail Box 129 3150 Horton Road Fort Worth, TX 76119			
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Squibb Corporation	1,000.00	
Olive M. Ryan, 39 Harriett Ave. Burlington, MA 01803	New England Rehabilitation Hospital	3,166.67	830.14
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Thomas L. Ryan, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA		
Kermit W. Ryman, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	160.00	40.00
RCF Group, 1200 19th Street, NW, #606 Washington, DC 20036	Mapco, Inc	30,000.00	16,800.00
Do	Teleserv Corporation International	3,750.00	1,175.00
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			24,739.77
Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:Alliance for Fair Competition)	150.00	25.00
Do	Rowland & Sellery (For:GE Plastics)	1,000.00	25.00
Do	Rowland & Sellery (For:National Check Cashers Assn, Inc)	1,500.00	25.00
Do	Rowland & Sellery (For:Security Companies Organized for Legislative Action (SCOLA)).	1,004.00	25.00
Kevin M. Sabo, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute	139,132.00	47,983.00
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	907.17
Anthony J. Saggese Jr., 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacjer Sale Quinn & Deese (For:CSC Credit Services, Inc)	41.00	41.00
Frank Max Salinger, 1101 14th St., NW, 4th Floor Washington, DC 20005	American Financial Services Assn	250.00	
Sammons Enterprises, Inc, 403 South Akard Dallas, TX 75202			
Felix R. Sanchez, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	531.67
Brian Sanderoff, 7500 Jefferson St., NE #250 Albuquerque, NM 87109	Philip Morris, Inc	1,800.00	
James C. Sanders, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	500.00	
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	200.00	66.19
Sanders Schnabel & Brandenburg, P.C., 1110 Vermont Avenue, NW, #600 Washington, DC 20005	American Soc of Assn Executives		
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress		
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Myron G. Sandifer III, 1001 Pennsylvania Ave., NW, #625-South Washington, DC 20004	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co. (For:Outboard Marine Corp)		
Do	Jack McDonald Co (For:Planeta North America)		
Do	Jack McDonald Co (For:WMW Machinery, Inc)		
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1725 Eye St., NW, #315 Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	300.00	
Robin K. Santangelo, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	2,300.00	
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	American Escrow Assn	5,100.00	1,474.73
Do	National Tour Assn, Inc	32,913.00	5,061.94
Kathleen L. Santora, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,625.00	
Eric Sapirstein, 1333 H St., NW, #400 Washington, DC 20005	California Assn of Sanitation Agencies	3,500.00	2,143.20
Do	Cure Corp		
Do	ENS Resources, Inc (For:East Bay Mud)	3,413.12	1,252.45
Do	In-Situ, Inc	4,000.00	183.72
Do	Las Virgenes Municipal Water District		
Do	ENS Resources, Inc (For:Orange County Sanitation Districts)		
Do	Western Research Institute	1,200.00	1,226.06
Betty O. Sapp, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,000.00	
Ronald A. Sarasin, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	500.00	
Susan Sarason, 2111 Wilson Boulevard, #1000 Arlington, VA 22201	Ebasco Services, Inc	2,865.00	
Robert L. Sarber, 1819 L Street, NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Sartain Law Offices, 219 Boulevard, NE Gainesville, GA 30501	Madison Group (for: Philip Morris, Inc)	1,500.00	
Do	Philip Morris, Inc	1,500.00	
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314			5,047.49
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	27.95
Charles P. Saunders, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc		
Save Our Security, 1201 16th St., NW, #222 Washington, DC 20036		7,204.00	37,282.00
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light, et al.	3,312.50	3,469.40
Jay T. Scheck Jr., Rt. 202-206 North Somerville, NJ 08876	Hoechst Celanese Corp		
Robert H. Scheerschmidt, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	2,000.00	
Jill L. Scheldrup, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Sam Schertz, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson	1,000.00	225.00
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	350.00	
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	National Assn of Trade & Technical Schools	1,250.00	
Robert Richard Schmitt, #12453-047 PO Box 1000 Leavenworth, KS 66048-1000			
John Noehl Schmitz, P.O. Box 501, Rt. 2 Box 184-C Licking, MO 65542-0501			
Schnader Harrison Segal & Lewis, 1111 19th Street, NW, #1000 Washington, DC 20036	Mack Trucks, Inc	3,500.00	345.70
Do	Toyota Motor Corporate Services U.S.A., Inc	5,450.00	335.65
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn		
Thomas J. Schneider, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Zoe Schneider, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,260.83	
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Paul Schoellhamer, 900 17th St., NW, #526 Washington, DC 20006	Northwest Airlines, Inc	1,500.00	200.00
David Schoenbrod, 122 E 42nd St. New York, NY 10017	Natural Resources Defense Council, Inc		
Joel S. Schoenfeld, 129 West 30th Street New York, NY 10001	Amru International Trading Corp		460.00
Martha J. Schoonover, Fulbright & Jaworski 801 Pennsylvania Avenue, NW Washington, DC 20004-2604	Merichem Company		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	9,072.00	211.45
H. B. W. Schroeder, l0l6 l6th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute		
Judy Schub, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	660.72	812.95
Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Leslie C. Schuchart, 1030 15th Street, NW, #964 Washington, DC 20005	American Seed Trade Assn	6,000.00	
Elizabeth Schueler, 1155 Connecticut Ave, NW Washington, DC 20036	Waste Management International, Inc	3,550.00	768.75
Mark Schultz, 918 16th Street, NW, #406 Washington, DC 20006	Professional Services Council	1,500.00	76.22
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	16,366.93	142.03
Ralph D. Schumack, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp		
Benjamin R. Schuster, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Arco Chemical Company	150.00	264.32
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	1,000.00
Aaron R. Schwartz, 10 South Shore Drive Galveston, TX 77551	American Insurance Assn	40,000.00	7,663.11
Adam D. Schwartz, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	1,185.68
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	10,800.00	759.80
Do	Washington State Department of Natural Resources	4,663.75	124.03
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	3,520.00	695.79
Michael Schwartz, P.O.Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	4,000.00	634.59
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	14,000.00	
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,125.00	
Joseph A. Sciarrino, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Scientific-Atlanta, One Technology Parkway Box 105600 Atlanta, GA 30348			550.00
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	14,000.00	
David A. Scott, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corporation	2,000.00	
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	7,770.00	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	319.58	235.32
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	American Healthcare Institute	11,125.00	202.85
John Havens Scott, 1101 Vermont Ave., NW 12th Floor Washington, DC 20005	American Medical Assn	3,750.00	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	682.50	
Susan J. Scott, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20850	American Occupational Therapy Assn, Inc	2,500.00	21.00
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co	4,900.00	
Do	Transamerica Corporation		
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	4,688.00	3,897.58
Anne Scully, 777 14th Street, NW Washington, DC 20005	National Association of Realtors	1,725.00	3,290.40
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	16,528.82	
Murray S. Scureman, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Walter J. Sczudlo, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Co	500.00	
Pamela C. Seamans, 1000 Potomac Street, NW #401 Washington, DC 20007	California State Dept of Education		
Law Offices of John Sears, 2021 K Street, NW, #750 Washington, DC 20006	Embassy of the Republic of South Africa	15,000.00	
David Seckman, 1201 L Street, NW Washington, DC 20005	American Health Care Assn		
Securities Industry Assn, 1850 M Street, NW Washington, DC 20036			332,638.00
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			6,004.00
Pamela Sederholm, 1919 Pennsylvania Avenue, NW #504 Washington, DC 20006	Foodservice and Lodging Institute		
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	4,500.00	
Harold L. Segall, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:City of Bluefield, WV, et al.)		
Carl J. Seiberlich, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd.	1,000.00	
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	824.00	
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Jane Seigler, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	768.75
Melvin Seitz, 603 East Washington Street Indianaplois, IN 46204	Service Supply Co, Inc		
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
Marlissa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	18,000.00	4,024.81
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	10,500.00	227.15
David Senter, 100 Maryland Avenue, NE, #500 Washington, DC 20002	American Agriculture Movement, Inc	3,000.00	
Robert A. Seraphin, 2001 Jefferson Davis Highway, #1012 Arlington, VA 22202	Aerojet General Corp	220.14	40.29
Do	McDonnell Douglas Corp		
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	17,984.78
Terry L. Serie, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Service Supply Co, Inc, 603 East Washington Street Indianapolis, IN 46204			911.00
Seven Months Session for Congress, 4210 Spicewood Springs Road, #202 Austin, TX 78759			147.00
J. Richard Sewell, 1800 K St., NW, #1110 Washington, DC 20006	Florida Power & Light Co	3,000.00	4,234.33
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	American Soc of Pension Actuaries	15,000.00	171.43
Do	Employers Council on Flexible Compensation	7,500.00	
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	78.80
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Coalition for Interest Disallowance)		
Do	Price Waterhouse (For:Investment Co Institute)		
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc	854.16	532.00
Do	Pipe Tobacco Council	500.00	375.00
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	American Assn of Exporters & Importers		
Do	Schoeller Technical Papers, Inc	1,083.52	883.52
Do	Toy Manufacturers of America		
Edward W. Shaw, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Alabama Construction Contractors	1,513.13	136.90
Do	American Coke and Chemicals Institute	6,895.00	618.43
Do	American Council on Education	7,576.56	271.92
Do	American Hellenic Institute	120.99	45.84
Do	American Insurance Assn		
Do	American Savings and Loan of Florida		
Do	Apple Computer, Inc	7,203.44	72.18
Do	Aronov Realty	1,250.63	31.23
Do	Auburn University	4,000.00	552.74
Do	ADDSCO Industries, Inc	6,913.40	586.60
Do	Blount, Inc	1,250.00	109.03
Do	Ceres Enterprises, Inc	2,238.68	178.80
Do	City of Houston		
Do	Drummond Company, Inc	12,043.13	477.23
Do	Ductile Iron Pipe Research Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Emerson Electric Co		
Do	Equitable of Iowa	3,191.13	217.52
Do	ESCO Electronics Corp		
Do	Florida Citrus Mutual		37.53
Do	General Electric Corp	5,527.19	459.82
Do	Gross Pointes-harper Woods Study Committee for Detroit ...	500.00	
Do	Harbert Corp	1,481.56	44.65
Do	Institute of International Bankers	6,710.25	728.39
Do	Intergraph Corporation	674.38	28.02
Do	InterGate Company, Inc		
Do	Investment Counsel Assn of America, Inc		
Do	Jim Walter Corp	12,262.85	1,367.09
Do	Kangol Headwear, Inc	490.94	30.52
Do	Michelin Tire Company	13,757.80	1,911.02
Do	Mortgage Insurance Companies of America	5,700.01	204.85
Do	National Assn of Marine Manufacturers		
Do	National Automobile Dealers Assn	892.25	18.02
Do	National Industries	1,200.00	263.45
Do	Pfizer, Inc		
Do	Poly Insulation Manufacturers Assn (PIMA)	6,990.94	196.76
Do	Private Child Care Providers	5,000.00	241.28
Do	Product Liability Coordinating Committee	11,250.00	270.30
Do	Public Service of New Hampshire	10,009.39	
Do	Puerto Rico Federal Affairs Administration		
Do	Rust Engineering	737.19	137.78
Do	RJR Nabisco	1,723.61	26.39
Do	South Central Bell	3,016.25	41.06
Do	Southern Company Services, Inc	7,500.00	546.68
Do	Taiwan Power Company		
Do	Utility Nuclear Waste and Transportation Program		
Do	Vulcan Materials Co	27,111.06	1,367.51
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, 1666 Manhasset Drive Atlanta, GA 30338	Siemens Energy & Automation, Inc		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	
P. Scott Shearer, 1725 K Street, NW, #1405 Washington, DC 20006	Halfpenny Hahn Roche & Marchese (For:Automotive Service Industry Assn)	3,750.00	
Shearman & Sterling, 1001 30th Street, NW, #400 Washington, DC 20007	Claro Y Cia (for Compania Sud Americana de Vapores SA), et a	111,087.07	154.49
Dennis W. Shedd, 914 Richland Street, #C-100 Columbia, SC 29201	American Chiropractic Assn	40,000.00	
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	15,135.73	
Shaun M. Sheehan, 1722 Eye Street, NW, Washington, DC 20006	Tribune Broadcasting Co	3,000.00	2,411.49
Kathleen Sheekey, 3rd Floor 2030 M Street, NW Washington, DC 20036	Common Cause	14,075.04	678.79
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute		
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	1,740.00	
Victor M. Sher, 216 First Ave., South, #330 Seattle, WA 98104	Sierra Club Legal Defense Fund		
Judith C. Sherman, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Ellen Shillinglaw, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology	25.00	10.00
R. Philip Shimer, 444 N. Capitol St., NW, #526 Washington, DC 20001	Western Governors Assn		
R. Bradley Shinn, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:American Chamber of Commerce in Hong Kong)	157.50	
Do	Hill & Knowlton (For:Central Utah Water Conservancy District)	315.00	
Do	Hill & Knowlton (For:Central Valley Project Water Assn)	2,520.00	
Do	Hill & Knowlton (For:Desert Research Institute)		
Do	Hill & Knowlton (For:Granite Rock Company)	109.50	
Do	Hill & Knowlton (For:Mid-Valley Water Authority)		
Do	Hill & Knowlton (For:Steele & Gilliland Realty)		
Do	Hill & Knowlton (For:University of Nevada, Reno)		
Do	Hill & Knowlton (For:West Basin Municipal Water District)		
Do	Hill & Knowlton (For:Westlands Water District)		
Julie Shisler, P.O. Box 85608 San Diego, CA 92138	General Atomics	1,809.00	8.34
Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001	American Fed of Teachers	17,770.13	72.00
T. V. Shockley III, 2121 San Jacinto Street, #2500 P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
John G. Shortridge, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	400.00	
Pamela Hill Shouldis, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Jennifer M. Shriver, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp	42.18	
Pamela R. Shubitowski, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	Stuart A. Lewis & Company, Inc	1,500.00	
Walter Shur, 51 Madison Ave. New York, NY 10010	New York Life Insurance Company		
William H. Shute, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		716.82
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Commonwealth Edison	8,677.50	
Do	Donrey, Inc	10,746.25	
Do	Northwest Forest Resource Council	8,661.25	326.67
David Todd Sidor, One Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Commonwealth of Puerto Rico	11,000.00	
Do	County of Hudson (NJ)	8,250.00	175.01
Do	Power Authority of the State of New York	12,425.00	1,786.31
Do	Stevens Institute of Technology	12,000.00	644.73
Susan Siemietkowski, 1601 Duke Street Alexandria, VA 22314	Printing Industries of America	2,000.00	
Alexander W. Sierck, 1350 I Street, NW, #700 Washington, DC 20005	Northern Indiana Public Service Company		
Do	Beveridge & Diamond (For:Pacific Dunlop-GNB)		
Do	RSR Corp		
Christine Sigler, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	3,969.00	
Lucinda Sikes, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,400.06	
Allan Silber, 365 Main Street Nashua, NH 03060	Recyclers of Copper Alloy Products	14,500.00	3,658.67
Stephan Silberfarb, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	12,000.00	512.11
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Hilary Sills, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton, Inc (For:Central Nebraska Public Power & Irrigation)	2,172.13	81.70
Do	Hill & Knowlton (For:Florida Municipal Electric Assn (FMEA))	26,781.75	2,900.00
Do	Hill & Knowlton, Inc (For:Geddes Resources)		
David Silver, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Steve Silver, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)	12,000.00	
Do	Robertson Monagle & Eastaugh (For:American Airlines, Inc)		
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)		
Do	Robertson Monagle & Eastaugh (For:Bristol Bay Native Corp)		
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	12,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)	500.00	
Do	Robertson Monagle & Eastaugh (For:Crowley Maritime Corp)		
Do	Robertson Monagle & Eastaugh (For:Kennecott Corp)	5,000.00	
Do	Robertson Monagle & Eastaugh (For:Sea-Land Services, Inc)		
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		3,347.00	2,041.12
Marcia Silverman, 1901 L Street, NW, #320 Washington, DC 20036	Powell Adams & Rinehart		
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)		
Do	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)	900.00	35.00
Do	Bannerman & Associates, Inc (For:Government of Tunisia)	750.00	
Do	Bannerman & Associates, Inc (For:Sawyer-Miller Group (for Government of the Philippines)).	1,000.00	28.00
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	American Newspaper Publishers Assn	700.00	
Do	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	Capital Care Shareholders		
Do	Cushman & Wakefield		
Do	EDS	1,600.00	
Do	Goodwill Industries		
Do	Walter Harris, et al.	800.00	
Do	Kelso & Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Majestic Realty Co		
Do	MCA, Inc	10,000.00	
Do	National Assn of Home Builders Trade Assn		
Do	National Structured Settlements Trade Assn	30,000.00	
Do	R.S. Data Systems, Inc	100.00	
Do	Republic National Bank of New York		
Do	Rolls-Royce Motor Cars, Inc		
Do	Tropicana Energy Co	600.00	
Do	U.S. League of Savings Institutions		
Do	5600, Inc	300.00	
Gary D. Simms, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Michael E. Simon, 1666 K St., NW Washington, DC 20006	Arthur Andersen & Co		
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	8,196.53	4,652.44
Do	City of Fresno, CA	8,327.16	5,194.37
Do	City of Portland, OR	9,574.04	5,191.24
Do	East Bay Dischargers Authority	4,074.61	4,941.81
Do	Elkhart, IN	5,163.53	5,308.51
Do	Gary, Indiana	8,254.39	5,371.25
Do	Newark, Ca	5,877.84	5,957.44
Do	San Bernardino, CA	5,417.80	5,034.77
Do	San Leandro, CA	5,746.07	6,115.27
Do	Tacoma Public Utilities	1,625.57	1,742.77
Do	Tacoma, WA	2,619.02	5,361.22
David C. Simons, 1100 Connecticut Ave, NW, #410 Washington, DC 20036	Eaton Corp		3,938.54
Talmage E. Simpkins, 444 North Capitol Street, NW, #820 Washington, DC 20001	AFL-CIO Maritime Committee	300.00	104.39
Do	Labor-Management Maritime Committee, Inc	1,632.00	174.00
Charles W. Simpson, 555 13th Street, NW, #410-W Washington, DC 20004	Morrison Knudsen Corp		47.32
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	729.07	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Robert H. Sindt, 1029 Vermont Ave., NW, #200 Washington, DC 20005	Rhone-Poulene	24,262.50	159.69
James W. Singer III, 1100 15th Street, NW, Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Donna L. Singletary, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,189.00	300.00
Constantine Sirigos, 1730 K Street, #1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America		
Do	Akzo America, Inc	3,000.00	
Do	Allied-Signal, Inc		
Do	American Electronics Assn		
Do	Amoco Corporation		
Do	Anadarko Petroleum Corp		
Do	Anheuser-Busch Companies, Inc	2,000.00	
Do	ATMOS Energy Corp		
Do	Bethlehem Steel Corp	3,000.00	
Do	Carter-Hawley-Hale		
Do	Coalition Against Double Taxation, Inc		
Do	Comdisco		
Do	Computer & Business Equipment Manufacturers Assn		
Do	Council on Research & Technology		
Do	General Mills		
Do	Gillette Group Management, Inc		
Do	HartMarx Corp, Inc		
Do	Hoylake Investments, Ltd		
Do	Merrill Lynch & Co, Inc		
Do	Mesa Limited Partnership		
Do	National Assn of Energy Service Companies		
Do	Oryx Energy Company		
Do	Sonat Exploration Co		
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	784.75
James Skinner, 1825 I Street, NW, #400 Washington, DC 20006	Southland Corporation		
Mary Jacobs Skinner, 1722 Eye Street, NW Washington, DC 20006	La Radida Childrens Hospital & Research Center, et al.	16,900.00	400.00
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmaceopeial Convention, Inc	343.04	11.75
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	1,250.00	
Glen J. Skovholt, Honeywell Plaza 2701 Fourth Avenue South Minneapolis, MN 55408	Honeywell, Inc		
Kathleen M. Skrabut, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	10,270.00	23.75
Paul A. Skrabut Jr., 1629 K Street, NW, 1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Insurance Assn)	37.50	
Do	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	6,142.50	91.77
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	2,272.50	54.35
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)	97.50	
Do	Palumbo & Cerrell, Inc (For:Rockport Fine Arts Council)		
Dale D. Skupa, 3707 Woodview Trace, P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	100.00	
Jonathan Slade, 2000 L St., NW, #200 Washington, DC 20036	Cuban American Foundation, Inc	6,000.00	
Do	Keefe Company (For:Hadassah Medical Relief Organization)	6,000.00	
Do	Keefe Company (For:Seminole Tribe of Florida)	4,500.00	
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation		
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	713.01
R. Barry Sleight, P.O. Box 30199 Bethesda, MD 20824-0199	CFIDS Assn		952.15
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
John E. Sloan Jr., Capital Gallery East, #695 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Kirsten A. Sloan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	518.19	275.00
David P. Sloane, 1010 Wisconsin Ave., NW #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Kelly Campbell Slone, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	64,808.75	20,008.81
Stephan K. Small, 1850 M Street, NW, Washington, DC 20036	Securities Industry Assn	2,450.00	
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		36,741.64	38,917.87
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #1230 Washington, DC 20036	Pennzoil Co	6,000.00	
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Carlos C. Smith, 400 Krystal Building, One Union Square Chattanooga, TN 37402	Strang Fletcher Carriger Walker Hodge & Smith (For:Chattanooga Production Credit Assn, et al.).		
Caroline A. Smith, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,883.00	
Douglas Allen Smith, #40223-080 P.O.Box 1000 Leavenworth, KS 66048-1000			
Elizabeth M. Smith, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,669.00	410.97
Frank Sumner Smith Jr., P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	9,000.00	3,202.29
Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Jennifer L. Smith, 900 17th Street, NW, #520 Washington, DC 20006	West Mexico Vegetable Distributors Assn	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	27,530.05	6,817.74
Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	100.00	
Kirkland Smith, Docs# 83-A-4548 Great Meadow Correctional Facility Box 51 Comstock, NY 12821-0015			
Marc Smith, 200 Renaissance Place 714 Jackson Street Dallas, TX 75202			
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	1,600.00	
Patricia Smith, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	652.06	758.92
Philip S. Smith, 10900 Wilshire Boulevard, #1600 Los Angeles, CA 90024	Castle & Cooke, Inc		
Do	Castle & Cooke (For:Dole Food Company)	225.00	6.75
Do	Flexi Van Leasing, Inc	550.00	35.00
Richard A. Smith, 7920 Robinson Road Bethesda, MD 20817	Hill and Knowlton (For:CBI Sugar Group)	50.00	
Richard F. Smith, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	6,000.00	1,040.00
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	9,937.50	
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	300.00	215.90
Tim Smith, 410 1st St., SE Washington, DC 20003	American Nuclear Energy Council	2,875.00	1,038.61
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	City of Eugene, Oregon	12,090.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Energy Transportation Group		
Do	Haarmann & Reimer Corp	6,000.00	125.00
Do	N.Y. Metropolitan Transportation Agency	25,000.00	225.00
Do	National Assn of Foreign Trade Zones	4,250.00	240.00
Do	S & F Warehouses, Inc	500.00	273.00
Do	San Francisco Public Utilities Commission	13,749.99	
David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309	American Petroleum Institute		
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		20,282.75	20,282.75
Darlene Snow, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Larry S. Snowhite, 1825 Eye St., NW, #1201 Washington, DC 20006	Massachusetts Education Loan Authority		
Do	New England Education Loan Authority	5,287.50	
David F. Snyder, 11350 Random Hills Rd., #800 Fairfax, VA 22030	American Insurance Assn		
Do	State Farm Insurance		
Gene Snyder, 205 North Third Street LaGrange, KY 40031	Arthur Cameron	9,000.00	
Do	Cincinnati Microwave, Inc	45,000.00	2,895.30
Do	Norfolk Southern Corp	12,000.00	2,402.79
Do	United Parcel Service	16,500.00	2,811.55
John M. Snyder, 600 Pennsylvania Ave., SE, #205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	13,500.00	
Marguerite A. Snyder, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		10.00
Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	6,875.00	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Alloy Surfaces Co, Inc		
Do	General Motors Corp		607.50
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)		
Do	Service Engineering Company		
Laurie J. Snyder-Cavell, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	11,250.00	135.69
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		8,055.70	42,184.17
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration		30,000.00
Society of Real Estate Appraisers, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037		2,362.00	2,362.00
Thomas J. Soles Jr., 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Sandra M. Solowiej, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Frederick P. Somers, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc	2,500.00	59.00
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	3,000.00	
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	500.00	
SL Sommer & Associates, Inc, 2700 Virginia Ave., NW, #910 Washington, DC 20037	Defense Division Brunswick Corp	1,500.00	1,072.60
Steven P. Sonnenberg, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Aplix, Inc)		
Sonnenberg Anderson O'Donnell & Rodriguez, 200 West Adam St., #2625 Chicago, IL 60606	Florsheim Shoe Co		
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates (For:National Assn of Metal Finishers)		
Sorensen & Edwards, PS, 1201 Third Ave., #2900 Seattle, WA 98101-3028	Shee Atika, Inc		
Do	Western Pioneer, Inc	10,000.00	10,000.00
Walter Larke Sorg, 19110 Montgomery Village Ave., #225 Gaithersburg, MD 20879	Walter Larke Sorg Associates		
Southern Forest Products Assn, P.O. Box 52468 New Orleans, LA 70152		28,799.80	28,799.80
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			6,270.00
Space Industries, Inc, 711 West Bay Area Blvd., #320 Webster, TX 77598-4001			
Sparber and Associates, Inc, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20006	National Volunteer Fire Council		
Do	Tobacco Institute	5,200.00	
John S. Sparkman, 1100 Connecticut Ave., NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	1,441.09	85.40
Ian D. Spatz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	597.37	
Jonathan B. Spear, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,000.00	400.00
Do	Phamaceutical Maufacturers Assn	20.00	13.00
Specialized Carriers & Rigging Assn, Inc, 2200 Mill Road, #616 Alexandria, VA 22314			
Richard L. Spees, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Chamber of Commerce in Hong Kong)	1,125.00	
Do	Hill & Knowlton, Inc (For:Cellular Telecommunications Industry Assn)	300.00	
Do	Hill & Knowlton, Inc (For:City of Chattanooga)	1,500.00	
Do	Hill & Knowlton, Inc (For:Comdisco Medical Leasing Group, Inc)	1,125.00	
Do	Hill & Knowlton, Inc (For:Council of American Overseas Research Centers)		
Do	Hill & Knowlton, Inc (For:Desert Research Institute)	1,000.00	
Do	Hill & Knowlton, Inc (For:Electronic Data Systems Corp)	450.00	
Do	Hill & Knowlton, Inc (For:Emerald Seafoods, Inc)		
Do	Hill & Knowlton, Inc (For:General Atomics)	1,125.00	
Do	Hill & Knowlton, Inc (For:Johnson Controls)	2,250.00	
Do	Hill & Knowlton, Inc (For:University of Nevada, Reno)	1,800.00	
Do	Hill & Knowlton, Inc (For:Village of Palatine)		
Do	Hill & Knowlton, Inc (For:Washoe County, Nevada)		
Do	Hill & Knowlton, Inc (For:West Basin Municipal Water District)	450.00	
Ray L. Spickler, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn		
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	American Assn of Airport Executives		
Do	City & County of Denver, Director of Aviation	22,485.00	
Do	Columbia Metropolitan Airport		
Do	Connecticut Municipal Electric Energy Coop		
Do	Former Residents of Centralia Pennsylvania		
Do	Ft. Wayne-Allen County Airport Authority		
Do	LeHigh-Northhampton Airport Authority		
Do	Minneapolis/St. Paul Metropolitan Airport Commission		
Do	Northern California Power Agency		
Do	St. Lucie County, Florida		
Larry N. Spiller, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,500.00	75.00
Sporting Goods Manufacturers Assn, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufactuters Assn		
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	38.13
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al.		
Philip Squair, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in Germany		
Do	American Soc of Anesthesiologists		
Do	ADAPSO, the Computer Software & Services Industry Assn		
Do	Independent Data Communications Manufacturers Assn	8,785.00	227.45
Do	National Collegiate Athletic Assn	17,346.25	
Do	Public Securities Assn		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
John W. Sroka, 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Janet G. St. Amand, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services	1,875.00	
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Libbey Glass)		
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	450.00	2,072.83
Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates		
Tyrone Stallworth, 220 North Devillers Street Pensacola, FL 32501			
David P. Stang, P.C., 1629 K St., NW, #601 Washington, DC 20006	McDermott, Inc	11,757.00	
Theresa Stanion, 3150 Spring Street Fairfax, VA 22031-2399	International Communications Industries Assn	1,986.00	
Joseph M. Stanton, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	7,500.00	567.17
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	International Longshoremen's Assn AFL-CIO		
Do	National Spa & Pool Institute		
Do	Philip Morris		
Thomas Stanton J., 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Keyes & Danks (For:Krueger, Inc)	6,818.29	
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Metropolitan Transportation Authority)		
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	8,125.00	612.78
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Robert E. Staton, P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	9,000.00	8,607.48
Julie A. Stauss, 1667 K Street, NW, #430 Washington, DC 20006	American Dietetic Assn	1,000.00	646.96
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For:Empire Resources, Inc)		
Do	Barnes & Thornburg (For:Indiana Glass Company)		
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform).	2,719.50	12.00
Do	Barnes & Thornburg (For:Westland Oil Development Corp)		
Daniel M. Steadley, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	205.00	
Kathryn A. Steckelberg, 1111 19th Street, NW Washington, DC 20036-3691	Edison Electric Institute	2,847.86	477.30
Jeffrey V. Steele, 2033 M Street, NW, #300 Washington, DC 20036	National Association of Arab Americans	6,250.00	50.00
Steele & Fornaciari, 2020 K Street, NW, #850 Washington, DC 20006	K Mart Corp		
Carol Higgins Steenland, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	44.09	20.81
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Barry P. Steinberg, 1030 Fifteenth Street, NW, #500 Washington, DC 20005	Jordan Coyne Savits & Lopata (For:Calhoun County Chamber of Commerce)		
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Alliance of Resposible Electric Systems for Energy Access).	15,750.00	3,573.52
Do	Spiegel & McDiarmid (For:Connecticut Municipal Electric Energy Cooperative)	1,575.00	125.07
Do	Spiegel & McDiarmid (For:Government Refuse Collection and Disposal Assn, Inc (GRCDA)).		
Do	Spiegel & McDiarmid (For:Michigan South Central Power Agency)	9,600.00	448.34
Kristin Stelck, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	46.87
Charles W. Stellar, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Jackson T. Stephens, 114 East Capitol Little Rock, AR 72201	Stephens Group, Inc		
Stephen O. Stephens, 114 East Capitol Little Rock, AR 72201	Stephens Group, Inc		
Stephens Group, Inc, 114 East Capitol Little Rock, AR 72201			
Stephens Overseas Services, Inc, 114 East Capitol Little Rock, AR 72201			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	12,288.50	590.76
Do	Bear Stearns & Co		
Do	Canadian Sugar Institute		
Do	Cement Importers Assn		
Do	Christie's		
Do	Citizens Savings Financial Corp		
Do	Co-Operative Central Bank		
Do	Coalition to Promote America's Trade		
Do	CSO Company		
Do	Mutual Life Insurance Company Tax Committee		
Do	National Antique & Art Dealers Assn of America		
Do	National Council on Teacher Retirement		
Do	Sotheby's, Inc		
Do	Western Financial Savings Bank		
Gary M. Stern, 122 Maryland Ave, NE Washington, DC 20001	American Civil Liberties Union	4,000.00	50.00
Richard W. Sternberg, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	80.00	
Cindy M. Stevens, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	8,010.95	254.47
Lawrence E. Stevens, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
Michael E. Steward, 1730 M Street, NW, #607 Washington,, DC 20036	Puget Sound Power & Light Co	1,105.00	379.80
Eugene L. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Monsanto Co		
Do	Roses, Inc		
Do	Timken Co		
Robert B. Stewart, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	2,875.00	
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Stewart & Stewart (For:Hudson Industries Corp)		
Do	Stewart & Stewart (For:Kimble Glass, Inc)		
Do	Stewart & Stewart (For:Libbey Glass)		
Do	Monsanto Co		
Do	PPG Industries, Inc		
Do	Smith Corona Corp		
Do	Stewart and Stewart		1,861.80
Do	Timken Co	1,010.25	267.92
Do	Torrington Company	1,010.25	267.92
Warren E. Stickle, 1220 19th Street, NW, #202 Washington, DC 20036	Chemical Producers & Distributors Assn	440.00	20.00
Do	Cheminova		
Do	International Sanitary Supply Assn	468.75	36.00
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	1,882.63	15.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309		100.00	
Neal Stine, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John J. Stirk, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	423.28
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	3,300.00	
Stockholders of America, Inc, 1625 Eye Street, NW, #724A Washington, DC 20006		2,760.00	349.84
Steven F. Stockmeyer, 499 South Capitol Street, SE #103 Washington, DC 20004	Manville Corporation		
Do	National Assn of Business PACs		
Do	Springs Industries, Inc	5,800.00	
Alex Stoddard, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,200.00	
Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,188.00	98.05
Robin E. Stombler, 1640 Wisconsin Avenue, NW, Washington, DC 20007	American College of Surgeons		105.39
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	2,029.58	
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,800.00	
Harry L. Storey, 8400 E Prentice Ave. 15th Floor Englewood, CO 80111	Alliance for Clean Energy	10,000.00	7,150.00
Todd A. Stottlemyer, 7915 Jones Branch Drive McLean, VA 22102	BDM International, Inc		
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	4,166.00	150.05
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	Public Service Co of Indiana	15,250.00	9,444.91
Michael L. Strang, 218 2nd St., SE Washington, DC 20003	ATR Defense Group		
Strang Fletcher Carriger Walker Hodge & Smith, 400 Krystal Building, One Union Square Chattanooga, TN 37402	Chattanooga Production Credit Assn, et al.		
Luther J. Strange III, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc	5,000.00	
Raymond L. Strassburger, 600 Maryland Avneue, SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
David R. Straus, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Alliance of Responsible Electric Systems for Energy Access).	7,312.50	1,681.65
Do	Spiegel & McDiarmid (For:Connecticut Municipal Electric Energy Cooperative)	438.75	35.28
Stephen P. Strickland, 110 Maryland Ave., NE, #409 Washington, DC 20002	National Peace Institute Foundation	799.96	
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	8,817.29	40.05
Charles Bowman Strome Jr., 787 Seventh Ave., 37th Floor New York, NY 10019	Equitable		
Jack B. Strong, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunications Corp		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Dreyfus Corporation		
William M. Stroud, 800 North Plaza Drive Schaumburg, IL 60196	Zurich-American Insurance Company		
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	7,000.00
Cory N. Strupp, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Co	3,852.00	1,624.37
Stryker Weiner Associates, Inc, 737 Bishop Street, #2860 Honolulu, HI 96813	Philip Morris, Inc	1,000.00	35.00
Donald B. Studley, 127 Brookmoor Road Avon, CT 06001	Yankee Gas Services Company	230.48	101.53
Charlene A. Sturbitts, 901 15th Street, #570 Washington, DC 20005	Interstate Natural Gas Assn of America	9,137.50	
Eugene F. Sturgeon, 182 Crater Lane Kensington, CT 06037	Northeast Utilities Service Co		
Lawrence J. Suffredin Jr., 55 West Wacker Drive, #702 Chicago, IL 60601	City of Evanston, Illinois	500.00	
Do	Harza Engineering Co	2,500.00	
Do	Pharmaceutical Manufacturers Assn	500.00	
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	825.46	
Arthur E. Sullivan Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	3,250.00	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, 11 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	4,871.00	1,731.71
Christopher J. Sullivan, 1313 L Street, NW Washington, DC 20005	National Assn of Government Employees/ Inter. Bro. of P.O.	9,000.00	67.10
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates	948.00	
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20005	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	600.00	
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Margaret Cox Sullivan, 3133 Connecticut Avenue, NW, #705 Washington, DC 20008	Stockholders of America, Inc		
Patricia Sullivan, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
Pauline Sullivan, #11 15th St., NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Alameda Transportation Authority	3,200.00	
Do	Association of American Railroads	8,000.00	
Do	National Utility Products Company	3,000.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	American International Group, Inc		
Do	BHP Holdings (USA), Inc		
Do	Grand Met USA, Inc		
Do	Massachusetts Bay Transportation Authority (MBTA)	5,000.00	113.70
Do	Massachusetts Port Authority (MASSPORT)	1,000.00	10.00
Do	Securities Industry Assn		
Do	Sierra Laser Systems, Inc	750.00	13.00
Do	Turbomeca Engine Corp, Inc	500.00	
Sullivan & Worcester, 1025 Connecticut Ave., NW Washington, DC 20036	Hercules, Inc		
Do	Monarch Wine Company of Georgia, et al.	30,000.00	
Do	Upjohn Company	13,361.25	
Do	Wine Institute		
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Alameda County Transportation Authority	5,000.00	5,962.47
Do	Association of American Railroads	16,666.66	15,702.47
Do	National Utility Products Company	5,000.00	5,902.47
Bruce W. Sumner, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security		
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc		225.00
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:American Savings Bank, FSB)		
Do	Thacher Proffitt & Wood (For:River Bank America)		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004-2404	Ad Hoc Comm for a Competitive Electric Supply System	9,505.50	
Do	American Council on Education		
Do	American Industrial Clay & Georgia Kaolin	833.33	28.74
Do	Anglo-American Clays Corp	833.33	28.74
Do	Bank of Baltimore		
Do	Committee Against Revising Staggers		
Do	Council of Industrial Boiler Owners	14,187.50	
Do	Duke University		
Do	Engelhard Minerals & Chemicals Corp	833.33	28.74
Do	Equifax, Inc		
Do	J. M. Huber Corp	833.33	28.74
Do	Industrial Oil Consumers Group		
Do	Nord Resources Corp	833.33	28.74
Do	North American Co for Life & Health Insurance	69,936.00	1,061.43
Do	Process Gas Consumers Group	33,956.30	
Do	Thiele Kaolin Co	833.33	28.74
W. Thomas Suttle, 1521 Vermont Avenue, NW Washington, DC 20005	Institute of Electrical & Electronics Engineers	3,150.00	
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	116.02
Douglass W. Svendson Jr., 1730 Rhode Island Avenue, NW, #417-19 Washington, DC 20036	Hollywood Marine, Inc	6,000.00	
Do	Shell Oil Co		
Sylvia E. Swanson, 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute	560.00	
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	24,307.61	
William R. Sweeney Jr., 536 7th Street, SE Washington, DC 20003	China External Trade Development Council		
Do	Embassy of Japan		
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co	1,200.00	
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	11,250.00	138.69
Robert D. Swezey Jr., 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	250.00	
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	National Council of Community Hospitals	122.50	
Byron Swift, 1400 16th Street, NW Washington, DC 20036	(For:IUCN-US)		60.00
Ronald G. Sykes, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	12,287.35
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute		
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District	3,750.00	236.75
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	Transylvanian World Federation		
SKC & Associates, 1825 K Street, NW Washington, DC 20006	Southern Company Services, Inc	10,000.00	
Janis Tabor, 1825 K Street, NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
Robert Taft Jr., 625 Indiana Avenue, NW, #500 Washington, DC 20004	Taft Stettinius & Hollister (For:Dosimeter Corp of North America)		
Do	Taft Stettinius & Hollister (For:Eagle Picher Industries, Inc)	250.00	
Do	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform).		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Do	Taft Stettinius & Hollister (For:Westland Oil Development Corp)		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Animal Health Institute		
Do	Association of American Railroads		
Do	Johanna Farms, Inc		
Do	M&M/Mars		
Do	Marion Laboratories, Inc		
Do	National Agricultural Chemicals Assn		
Do	Telephone & Data Systems, Inc		
Ronald L. Tammen, 1325 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Tammen Group (For:Coleman Natural Beef)		
Do	Tammen Group (For:Cray Research, Inc)		
Do	Tammen Group (For:Decision Insights, Inc)		
Do	Potomac Partners (For:Interturbine Corp)	395.00	
Do	Tammen Group (For:LTV Corp)	10,000.00	
Do	Potomac Partners (For:National Nutritional Foods Assn)	444.38	
Do	Potomac Partners (For:Organic Food Alliance (OFA))	5,593.34	
Do	Tammen Group (For:Parman & Ellis, Inc)		
Do	Tammen Group (For:Population-Environment Balance)		
Tanaka Ritger & Middleton, 1919 Pennsylvania Ave., NW, #303 Washington, DC 20006	Electronic Industries Assn of Japan		
Do	Japan Automobile Tire Manufacturers Assn (JATMA)		
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	6,907.50	73.75
William E. Tanner, 10803 Norman Ave. Fairfax, VA 22030	Coalition for Environmental-Energy Balance	3,000.00	885.50
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	8,242.50	
David R. Tatum, 577 Mulberry Street Macon, GA 31298	Charter Medical Corp		
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			550.00
Mary T. Tavenner, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Elizabeth L. Taylor, 1155 15th Street, NW, #400 Washington, DC 20005	McNair Group, Inc	7,500.00	
Gene Taylor, 453 New Jersey Ave., SE Washington, DC 20003	Gene Taylor Associates, Inc (For:Associated Electric Cooperative, Inc)	5,000.00	
Do	Gene Taylor Associates, Inc (For:Norfolk Southern Corp)	12,000.00	
John A. Taylor, 11 Canal Center Plaza, #250 Alexandria, VA 22314	Virginia Power	4,193.00	386.20
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,725.84	406.00
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
Sid Taylor, 325 Pennsylvania Ave., SE Washington, DC 20003	National Taxpayers Union (NTU)	3,600.00	
Randy Teach, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
T. Daniel Tearno, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	762.50	665.42
James M. Temenak, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Co	3,770.00	163.44
Templeton & Company, 1925 North Lynn Street, #701 Arlington, VA 22209	William M. Keck II		
Do	Space Industries, Inc		
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Cheryl Terio, 1957 E Steet, NW Washington, DC 20006	Associated General Contractors of America		
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	233.72
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	2,451.00	478.70
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	279.00	18.00
Texas Committee on Natural Resources, 5934 Royal Lane, #223 Dallas, TX 75230	Texas Committee on Nutural Resources	866.72	866.92

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Textbook Authors Association, P.O. Box 535 Orange Springs, FL 32182			
Textron, Inc, 40 Westminster St. Providence, RI 02903		4,650.00	1,030.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	American Savings Bank, FSB	5,537.00	746.04
Do	Castine Partners	4,017.50	746.04
Do	Chicago Board Options Exchange		746.04
Do	Citicorp Mortgage Finance, Inc.	5,063.70	771.04
Do	Coalition for Affordable Housing	6,175.00	372.93
Do	General Electric Mortgage Insurance Co	455.00	746.04
Do	Massachusetts Bankers Assn	2,309.00	746.04
Do	River Bank America	5,500.00	746.04
Do	Standard Federal Savings & Loan		746.04
Karen E. Theibert, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Janelle C. Morris Thibau, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	750.00	
Alan C. Thiebaud, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		939.54
Douglas E. Thierwechter, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corporation		
Third Class Mail Association, 1333 F Street, NW, #710 Washington, DC 20004-1108		6,728.00	6,728.00
Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	BASF Corp	250.00	
Doris I. Thomas, 15th & M St, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Gordon M. Thomas, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Visual Information Technologies, Inc		
John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	85.00	
Peter William Thomas, 955 26th Street, NW, #205 Washington, DC 20037	American State of the Art Prosthetic Assn		2,289.56
Robert L. Thomas, 1319 F St., NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	3,000.00	349.00
Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Bruce E. Thompson Jr., 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	3,750.00	
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Duane R. Thompson, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Kenneth W. Thompson, 1919 Pennsylvania Ave., NW, 8th Floor Washington, DC 20006	BellSouth Corp	1,500.00	
Do	Duke Power Co	3,000.00	30.00
Do	Great Lakes Products, Inc	800.00	30.00
Do	National Funeral Directors Assn	300.00	
Law Offices of Fred Thompson, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	Central States SE & SW Areas Health Welfare & Pension Funds	3,000.00	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Thompson & Company, 1001 G Street, NW, 7th Floor Washington, DC 20004	Bluebonnet Savings Bank	114,631.25	3,124.83
Do	CareerCom Corp		
Do	Chicago Research & Trading Group, Ltd	6,666.66	1,885.82
Do	Corken International		
Do	Lifeshares Group, Inc		
Do	Mitsubishi Electronics America, Inc	9,900.00	1,298.16
Do	Morse/Diesel	2,800.00	607.23
Do	Oxy USA, Inc	16,825.00	
Do	Reading Anthracite Company	18,500.00	151.45
Do	Republic of Turkey	15,000.00	20.04
Do	Joesph J. Ritchie		
Do	Robert Wang	15,000.00	168.21
Do	Wine & Spirits Wholesalers of America, Inc	5,000.00	
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	American Tie Fabric Assn		
Do	National Pork Producers Council		
Thompson Mann & Hutson, 3000 K Street, NW, #600 Washington, DC 20007	Bechtel Group, Inc		
Do	Combustion Engineering, Inc		
Do	Fluor-Daniel, Inc	1,100.00	
Do	M.W. Kellogg Company		
Do	Morrison-Knudsen Co, Inc		
Do	National Dual Shop Coalition		
Thomson Consumer Electronics, Inc, 1200 19th Street, NW #601 Washington, DC 20036			
James L. Thorne, 490 L'Enfant Plaza, SW, #2202 Washington, DC 20024	Tenneco Gas		
Margo Thorning, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	193.00	
John Thornton, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	1,154.00	
Gary Thorup, 2564 Wilmington Avenue Salt Lake City, UT 84109	Philip Morris, Inc	7,500.00	
Walter L. Threadgill, 1200 18th Street, NW, #705 Washington, DC 20036	Millicom, Inc		
Julianne S. Thrift, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	3,813.00	140.00
Anna Thronson, 1025 Thomas Jefferson Street, #700E Washington, DC 20007	Legislative Strategies (For:Cogeneration & Independent Power Coalition of America, Inc).	46.00	62.00
Do	Legislative Strategies (For:Consolidated Natural Gas Service Co, Inc)	46.00	6.00
Do	Legislative Strategies (For:Delavan Lake Sanitary District)	23.00	
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)	149.50	62.00
Susan K. Till, 3800 North Fairfax Drive, #4 Arlington, VA 22203	National Water Resources Assn	2,500.00	
Wallace Tillman, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	148.00	
Patti A. Tilson, Suite 520 900 17th Street, NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Gary G. Timmons, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Timmons & Co, Inc, 1850 K St., NW Washington, DC 20006	American Factory Trawler Assn	962.50	
Do	American Petroleum Institute	962.51	
Do	Amoco Corporation	962.50	
Do	Anheuser-Busch Companies, Inc	3,162.50	
Do	Association of Trial Lawyers of America	840.00	
Do	Capital Cities/ABC, Inc	687.50	
Do	Chrysler Corporation	825.00	
Do	Energy Services, Inc.	825.01	
Do	H.J. Heinz Co	3,300.00	
Do	Major League Baseball Players Assn	550.00	
Do	Morgan Stanley & Co, Inc	550.00	
Do	Mutual Fairness Taxation Assn	2,681.25	
Do	National Rifle Assn of America	1,168.75	
Do	Northern Telecom, Inc	275.00	
Do	Northrop Corp	1,718.75	
Do	NutraSweet Co	687.50	
Do	G. D. Searle & Co	1,581.25	
Do	Union Pacific Corp	2,612.50	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,109.50	12,265.00
Michael L. Tiner and Associates, 1317 Rhode Island Avenue, NW #502 Washington, DC 20005	Genentech, Inc	200.00	
Do	Parry & Romani, Associates		
Do	Joseph E. Seagram & Sons, Inc	1,800.00	
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Julie Tippens, 254A Maryland Avenue, NE Washington, DC 20003	National Abortion Rights Action League	6,792.45	
Constance E. Tipton, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		261.00
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		69.42
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	3,000.00	500.00
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,500.00	
Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006			5,971.60
Damon P. Tobias, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	871.60
James S. Todd, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	1,000.00	
M. Douglas Todd, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	42.46
Wendy Togneri, 1317 F Street, NW, #202 Washington, DC 20004	Lisboa Associates, Inc (For:University of the Virgin Islands)	275.00	
Nicholas C. Tolerico, 1025 Thomas Jefferson Street, NW, #511- West Washington, DC 20007	LTV Corporation	9,000.00	300.00
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Do	Western Utilities Clean Air Group		
Jean R. Toohey, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	210.00	496.86
Michael J. Toohey, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Peter W. Tooker, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Total Petroleum, Inc, 999 18th Street, #2201 Denver, CO 80202			
Gilbert D. Tough, 70 North Main St. Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Dun & Bradstreet	12,500.00	783.99
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,381.00	737.87
Joseph P. Trainor, 400 1st Street, NW, #804 Washington, DC 20001	National Assn of Retired Veteran Railroad Employees	300.00	300.00
Do	Railway Labor Executives' Assn	500.00	500.00
Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Blue Cross Blue Shield of Florida)		
Do	Hill & Knowlton (For:Citizens for a Free Kuwait)		
Do	Hill & Knowlton (For:Florida Municipal Utilities)		
Do	Hill & Knowlton (For:Hertz Corp)		
Do	Hill & Knowlton (For:Nintendo of America, Inc)		
Do	Hill & Knowlton (For:Republic of Turkey)		
Do	Hill & Knowlton Inc (For:Ryder Systems, Inc)		
Do	Hill & Knowlton, Inc (For:Serono, Inc)		
Do	Hill & Knowlton (For:Textron, Inc)		
Transafrica, 545 8th Street, SE, #200 Washington, DC 20003	TransAfrica	67,142.03	62,418.16
Transportation - Communications Union, 815 16th St., NW, #511 Washington, DC 20006		13,000.00	20,139.79
Travel & Tourism Government Affairs Policy Council, 1133 21st Street, NW Washington, DC 20036		4,300.00	4,300.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NW Washington, DC 20036			8,200.00
Tretter-Gorman, Inc, 711 N. Eleventh Street St. Louis, MO 63101	Philip Morris, Inc	16.25	1.74
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	15,750.00	
George G. Troutman, Suite 1100 1090 Vermont Ave., NW Washington, DC 20005	Bell Helicopter Textron, Inc	150.00	
Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006	PSI Energy, Inc	5,000.00	3,058.35
Todd D. True, 216 First Ave., South, #330 Seattle, WA 98104	Sierra Club Legal Defense Fund		
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	507.69
E.F. Trumble Public Relations Inc, 4825 E. Onyx Paradise Valley, AZ 85253	National Investor Relations Institute		
Rowland V. Tucker, Box 133 Darby, PA 19023	Amtrak Conrail Pennsylvania Railroad Retirees	350.00	117.50
Tucker & Associates, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Johnson & Johnson		
Do	New York Life Insurance Company		
Do	Regional Transportation District	3,000.00	
Do	Security Life of Denver	2,000.00	70.77
Shannon B. Tuel, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
James Tully, 7927 Jones Branch Drive, #600-S McLean, VA 22102	Council of American Homeowners		
David Turch & Asso, 517 2nd Street, NE Washington, DC 20002	City of Moreno Valley	3,000.00	5,944.71
Do	City of Rialto	4,800.00	3,276.17
Stanley F. Turesky, 1250 24th Street, NW, #600 Washington, DC 20037	Potomac Partners (For:Crganic Food Alliance (OFA))		
Audrey Schumacher Turner, 1001 22nd Street, NW, #400 Washington, DC 20037	Mercer Meidinger Hansen, Inc		
Garry R. Turner, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform (FAIR)	12,000.00	351.48
J. Terry Turner, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference	500.00	386.00
John H. Turner, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	3,000.00	
Pamela Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	6,375.00	1,140.92
Turner Broadcasting System, Inc, 810 First Street, NE, #620 Washington, DC 20002		16,115.00	16,115.00
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	680.00	43.00
St. Clair J. Tweedie, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	15,000.00	
Jeannine Dowling Twomey, 5 Virginia Place Larchmont, NY 10538	Madison Public Affairs Group, Inc (for Philip Morris USA)	900.00	20.00
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade		
Joseph D. Tydings, 2000 Pennsylvania Avenue, NW #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:Population Crisis Committee)	1,260.00	
Clay Tyeryar, 7297-N Lee Highway Falls Church, VA 22042	American Textile Machinery Assn		
Craig Tyle, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	51.53	12.00
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
U.S. Border Control, 8001 Forbes Place Springfield, VA 22151		19,912.77	18,638.64
U.S. Cane Sugar Refiners' Assn, 1001 Connecticut Ave., NW Washington, DC 20036			14.17
U.S. League of Savings Institutions, 111 E. Wacker Dr, Chicago, IL 60601			121,880.58
U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003		93,201.07	120,858.51
U.S. Strategies Corp, 1321 Duke Street, #200 Alexandria, VA 22314-3563	Healthsouth Rehabilitation Corp		
Stewart L. Udall, 511 E. Palace Avenue Santa Fe, NM 87501	Claimants Under Proposed Radiation Exposure Compensation Act		
Jerry G. Udell, 1616 H St., NW Washington, DC 20006	National Retail Federation	75.00	35.00
Jon C. Uithol, 9623 Shipwright Dr. Burke, VA 22015	D.C. Metropolitan Subcontractors Assn		
Robert D. Umphrey Jr., 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	3,000.00	307.68
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			29,085.61
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
United International Consultants, 1800 Diagonal Road Alexandria, VA 22314	Republic of South Africa	40,000.00	6,000.00
United States Telephone Association, 900 19th Street, NW, #800 Washington, DC 20036	U.S. Telephone Assn	11,733.00	
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers	10,523.76	104.00
Utility Nuclear Waste & Transportation Program, c/o Edison Electric Institute 1111 19th St., NW Washington, DC 20036			
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Insurance Assn		77.10
Do	Colonial Life & Accident Insurance Co	22,500.00	168.64
Do	Metropolitan Life Insurance Co	20,000.00	173.80
Debra A. Valentine, 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For:AMAX, Inc)		
Do	O'Melveny & Myers (For:Ford Motor Co)	5,456.25	
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Orbital Sciences Corporation	500.00	
Do	Pharmaceutical Manufacturers Assn	500.00	
Do	Princeton University Office of Governmental Affairs	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
William R. Van Dresser, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	100.00	
Becky Davenport Van Dyck, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Van Dyk Associates, Inc, 1250 24th St., NW Suite 600 Washington, DC 20037	American Gas Assn		
Do	USF&G Corp		
Joseph Van Eaton, 1350 New York Ave, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:Gillette, Wyoming)	360.00	
Do	Spiegel & McDiarmid (For:Peru, Indiana)		
Do	Spiegel & McDiarmid (For:Salina, Kansas)	320.00	632.00
Do	Spiegel & McDiarmid (For:Wakefield Municipal Light Department)		
Henry B. Van Gieson, 1700 North Moore St., 2120 Arlington, VA 22209	Boeing Company	1,304.00	52.50
Matthew Van Hook, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Van Kloberg & Associates, 1900 L Street, NW, #500 Washington, DC 20036	Embassy of the Republic of Niger		
Do	Embassy of the Republic of Zaire		
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	American Inst of Certified Public Accountants	4,162.50	
Do	American President Lines		
Do	Andrew Corp		
Do	Arctic Slope Regional Corp	2,337.50	
Do	Barron Collier Co		
Do	Bumble Bee Seafoods, Inc	337.50	
Do	City Public Service of San Antonio	933.75	
Do	Clean Coal Technology Coalition		
Do	Committee of Hydroelectric Dam Owners		
Do	Consumers United for Rail Equity (C.U.R.E.)		
Do	Department of Water & Power	297.00	
Do	Energy Fuels Nuclear, Inc		
Do	Fort Belknap Tribes		
Do	Ganado Unified School District No. 20		
Do	Geothermal Resources Assn	1,642.50	
Do	Intertribal Agricultural Council		
Do	Jicarilla Apache Tribe		
Do	Koncor Forest Products Company	900.00	
Do	Lower Colorado River Authority	933.75	
Do	LUZ International Ltd	4,792.50	
Do	McKesson Corp		
Do	National Nutrition Coalition		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Wetlands Coalition	337.50	
Do	Oneida Nation of New York	190.00	
Do	Pacific West Cable Television		
Do	Qualified Personnel, Inc		
Do	Seneca Resources, Inc		
Do	Southern California Edison Co	297.00	
Do	TransAlta Resources Corp	225.00	
Do	Uranium Producers of America	1,575.00	
Do	Wagner & Brown	225.00	
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	5,435.50	
Marjorie Vanderbilt, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,500.00	445.39
Norman C. VanderNoot, New Hampshire Petroleum Council 15 N. Main Street Concord, NH 03301	American Petroleum Institute		
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc	550.00	78.63
H. Stewart VanScoyoc, 453 New Jersey Ave., SE Washington, DC 20003	Winburn VanScoyoc & Hooper (For:Champion International Corp)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:Coalition of EPSCoR States)	19,000.00	
Do	Winburn VanScoyoc & Hooper (For:E. I. du Pont de Nemours & Co)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:International Paper)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:Quanex)	16,050.00	
Do	Winburn VanScoyoc & Hooper (For:Scott Paper Co)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:University of Alabama System)	21,000.00	
Do	Winburn VanScoyoc & Hooper (For:USF&G Corp)	3,000.00	
Do	Winburn VanScoyoc & Hooper (For:Weyerhaeuser)	5,000.00	
Donald R. Vaughan, P.O. Box 2909 Asheboro, NC 27203	Stedman Corporation		
R. Glenn Vawter, 2500 Clarendon Blvd, #T-2 Arlington, VA 22201		6,402.62	2,427.62
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Jerry T. Verkler, 555-13th Street, NW, Suite 300 West Washington, DC 20036	Interstate Natural Gas Assn of America	6,250.00	714.81
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW #700 Washington, DC 20005-2301	Pan American World Airways, Inc		
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,084.50	
Verstandig & Associates, Inc, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004	Anheuser-Busch Companies, Inc	312.48	242.37
Virginia C. Vertiz, 1801 North Moore Street Arlington, VA 22209	American Assn of School Administrators	7,177.05	
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Insurance Agents		
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	California Franchise Tax Board	3,311.25	
Do	California Public Employees' Retirement System	7,788.75	
Do	California State Senate	971.25	
Do	International Assn of Amusement Parks & Attractions		
Do	International Assn of Fairs & Expositions	40.00	
Do	Pacific Stock Exchange, Inc	612.50	
Do	State Board of Equalization (Calif)	1,600.00	
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	895.00	538.57
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	136.10
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Allied-Signal, Inc	2,640.00	
Do	Bank Tax Group	2,165.00	2,165.00
Do	Citicorp Washington, Inc		
Do	Citizens Utilities Company	4,735.50	2,607.00
Do	E. M. Warburg Pincus & Co, Inc	1,440.00	720.00
Do	Federal Express Corp	235.00	
Do	Goldman Sachs & Co		1,335.00
Do	Guadalupe Valley Electric Cooperative	6,820.00	
Do	Merrill Lynch & Co, Inc		
Do	Modar, Inc		
Do	National Corp for Housing Partnerships		
Do	Section 29 Assn	660.00	
Do	TRW, Inc	330.00	
Do	United Savings Assn of Texas FSB		
Walter D. Vinyard Jr., Zuckert, Scoutt, Rasenberger & Johnson 888 17th St., NW, 7th Fl. Washington, DC 20006	Continental Insurance Companies	25.00	
Do	National Fraternal Congress of America	6.00	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207		30.00	0.50
George A. Viverette Jr., 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Volkswagen of America, Inc, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024			800.00
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	22,105.70	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Maclean Hunter Cable TV)		
Do	National Assn of Trade & Technical Schools	1,250.00	
Do	Cohn & Marks (For:USA Network)		
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	American Assn of Equipment Lessors		
Voluntary Hospitals of America, Inc, 1150 Connecticut Ave., NW, #800 Washington, DC 20036			11,250.00
Volunteer Trustees of Not-For-Profit Hospitals, 818 18th Street, NW, #900 Washington, DC 20006		19,500.00	11,242.00
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Bell Communications Research	142.75	41.70
Do	Committee of Publicly Owned Companies	487.25	23.33
Do	Dale Michael A/K/A Riviera Bowling Lanes		16.81
Do	Fraternal Order of Police - National Headquarters		123.36
Do	Grocery Manufacturers of America, Inc		
Do	Honda North America, Inc		
Do	Ohio Advanced Technology Center, Inc	101.75	
Do	Ohio Assn of Broadcasters	32.73	12.50
Do	Ohio Forestry Assn		
Do	Ohio Manufacturers Assn		
Do	Ohio Soft Drink	380.91	
Do	Recyclers of Copper Alloy Products	25,000.00	7,390.15
Do	Snow Aviation International, Inc	68.00	25.00
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	14,078.60	645.83
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburg, PA 15219	Procompetitive Rail Steering Committee		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	831.32
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	27.13
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert J. Wade, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Robert Waffle, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	1,250.00	
Joan Wages, 601 24th Street, NW #904 Washington, DC 20037	Association of Professional Flight Attendants	3,750.00	1,345.00
Do	Independent Federation of Flight Attendants	3,000.00	864.00
Do	Independent Union of Flight Attendants	3,750.00	738.00
Do	Union of Flight Attendants	1,500.00	145.00
Marvin Wagner, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc		562.50
Wagner Communications, Inc, 2300 M Street, NW, #800 Washington, DC 20037	Cummins Engine Co, Inc		
Frederick P. Waite, 1200 19th Street, NW, #500 Washington, DC 20036	Davis Graham & Stubbs (For:American Wire Producers Assn)		
Herbert R. Waite, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	8,100.00	9,373.37
Donna Waks, 1627 Lamont St., NW Washington, DC 20010	Rainbow Lobby	4,225.00	
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	1,000.00	225.00
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	8,250.00	
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Barbara J. Walker, P.O. Box 1417-D50 119 Oronoco Street Alexandria, VA 22313	Animal Health Institute		
John S. Walker, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	11,083.31	
Charles E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Telephone & Telegraph Co	3,875.00	
Do	Anheuser-Busch Companies, Inc	5,000.00	
Do	Atchison Topeka & Santa Fe Railway Co	2,550.00	
Do	Baker & Botts (for: Texas Chemical Council)		
Do	Broadcast Music, Inc	5,625.00	
Do	Burlington Northern, Inc		
Do	BMW of North America, Inc	2,500.00	
Do	Coalition for Competitive Capital	5,625.00	
Do	Columbia Pictures Entertainment, Inc	5,625.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CBS Records, Inc	3,750.00	
Do	CSX Corporation	3,000.00	
Do	Enron Corp	1,500.00	
Do	Federal Home Loan Mortgage Corp	5,400.00	
Do	Goodyear Tire & Rubber Co	500.00	
Do	HealthTrust, Inc	375.00	
Do	Honeywell, Inc		
Do	Ioptex Research, Inc	1,500.00	
Do	John Zink Company		
Do	Koch Industries, Inc	1,300.00	
Do	Mezzanine lending Associates I, II, & III, L.P.		
Do	Mid Continent Oil and Gas Assn		
Do	National Stone Assn	750.00	
Do	Northville Industries Corp	1,000.00	
Do	Northwestern Mutual Life Insurance Co	3,750.00	
Do	Southern Company Services, Inc	7,500.00	
Do	Texas Ozone Task Force	375.00	
Do	U.S. Fidelity & Guaranty Co		
Do	Union Pacific Corp	1,800.00	
Do	Vorys Sater Seymour & Pease (for Honda North America, Inc)	4,000.00	
Do	World City Corp	250.00	
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	1,406.00	
Do	Bell Atlantic Corp	1,750.00	
Do	BHP Holdings (USA), Inc	1,750.00	
Do	Cominco, Ltd.	2,750.00	
Do	Footwear Distributors and Retailers of America	1,875.00	
Do	Graham Resources	2,250.00	
Do	Hong Kong Trade Development Council	3,200.00	
Do	Mallinckrodt Medical, Inc	1,500.00	
Do	Peabody Holding Co, Inc	1,875.00	
Do	Pennsylvania Engineering	2,500.00	
Do	Pharmaceutical Manufacturers Assn	1,875.00	
Do	Pittston Group	1,250.00	
Do	Securities Industry Assn	2,250.00	
Do	Sumitono Chemical Co	3,000.00	
Do	Telecommunications Industry Assn	1,875.00	
Do	Torchmark Corporation	1,250.00	
Do	United Company	1,250.00	
Henry Scott Wallace, 1110 Vermont Ave., NW, #1150 Washington, DC 20005	National Assn of Criminal Defense Lawyers	15,000.00	50.00
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	3,500.00	474.89
Do	Alaska Pulp Corp	12,000.00	474.84
Do	American Soc of Farm Managers and Rural Appraisers	7,500.00	474.86
Do	American Sugar Cane League	17,500.00	558.40
Do	Amstar Corp	7,500.00	356.79
Do	Cotton Warehouse Assn of America	5,375.00	
Do	Fiber Fabric & Apparel Coalition for Trade	18,000.00	118.04
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	5,000.00	474.86
Do	Grocery Manufacturers of America, Inc	2,500.00	
Do	Merchants Grain & Transportation, Inc		356.82
Do	Service Corporation International	3,750.00	474.86
Do	U.S. Canola Association	5,000.00	558.36
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
David B. Waller, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	500.00	119.35
Charles S. Walsh, Fleischmen & Walsh 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc	1,500.00	
Richard J. Walsh, 6770 Lake Ellanor Drive Orlando, FL 32859-3330	General Mills Restaurants, Inc	875.00	321.64
James Waltman, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society	1,875.00	929.00
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	16,000.00	
Do	General Dynamics Corp	12,499.98	
Do	ISC Defense & Space	10,500.00	
Do	Stone & Webster Engineering, Inc		
Do	Textron, Inc	13,749.99	655.45
Do	Thiokol Corp	14,000.00	599.99
Bonnie B. Wan, 1201 Pennsylvania Ave., NW, #730 Washington, DC 20004	Kimberly-Clark Corp		
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Gregg Ward, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
Michael D. Ward, 1001 E. Broad Street, #330 Richmond, VA 23219	American Petroleum Institute		
Stephen E. Ward, 1919 Pennsylvania Avenue, NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	2,704.33	75.00
Barbara F. Warden, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department, AFL-CIO	18,232.00	
Richard D. Warden, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	20,778.00	212.00
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,437.00	801.57
Peter F. Warker, Suite 2700 1000 Wilson Boulevard Arlington, VA 22209	TRW, Inc	818.00	31.21
Ann D. Warner, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	2,710.00	2,710.00
Ernest R. Warner Jr., 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)		169.75
Do	DGA International, Inc (For:SNECMA)		1,138.20
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn		
Betsy R. Warren, 2555 Pennsylvania Avenue, NW Washington, DC 20037	Allied-Signal Inc		
Do	Edison Electric Institute	2,500.00	87.70
Do	Warren & Company (For:MCI Communications Corp)	5,000.00	87.70
Do	Warren & Company (For:Southern Company Services, Inc)	2,500.00	87.70
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	2,314.84
Washington Independent Writers, Inc, 733 15th St., NW, #220 Washington, DC 20005			
Washington Lobby Group, Inc, 325 Pennsylvania Ave., SE Washington, DC 20003	Preston Corp	9,000.00	
Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	AVW Electronics		
Do	Bethune-Cookman College		200.00
Do	BTS Development Corp		
Do	City of Philadelphia		
Do	Cohen Flax Management		
Do	District of Columbia Armory Board	392.00	
Do	Electronic Data Systems, Inc		
Do	Government of the People's Republic of Angola	24,498.00	
Do	Government of Antigua		
Do	Greater Cleveland Regional Transit Authority		
Do	Healthdyne, Inc		
Do	Home Group		
Do	Novo-Nordisk Pharmaceutical, Inc	1,187.00	
Do	Opeda	540.00	
Do	Philip Morris, USA		
Ronald D. Waterman, 900 2nd Street, NE, #109 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	13,650.00	5,330.00
Do	Wisconsin Counties Assn	7,875.00	5,330.00
Do	Wisconsin Department of Industry, Labor & Human Relations	6,960.00	5,330.00
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	5,000.00	
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	4,800.00	
Jerry B. Watson Jr., P.O. Box 1022 Wilmington, DE 19899-1022		1,707.00	1,497.00
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn. Inc	6,006.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	4,875.00	
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	15.00	
Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,750.00	995.96
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,500.00	
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute		
A. Vernon Weaver, 114 East Capitol Ave. Little Rock, AR 72201	Stephens Group, Inc		
Rebecca Weaver, 1616 P St., NW #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	4,283.44	
Frederick L. Webber, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Laura Weber, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	19,250.00	2,585.25
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	International Taxicab Assn		
Do	INTERARMS		
Do	Legal Services Corp		
Lee J. Weddig, 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	4,000.00	625.00
Joan Strickler Weeks, 2300 M Street, NW Washington, DC 20037	International Advisors, Inc (For:Republic of Turkey, Embassy of)	602.91	25.00
Edward L. Weidenfeld, 1899 L Street, NW, #500 Washington, DC 20036	Pillsbury Madison & Sutro (for Southern Company Services)		
Weidenfeld & Rooney, 1899 L Street, NW, #500 Washington, DC 20036	Southern Company Services, Inc		
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Noranda, Inc	1,685.00	123.27
Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #600 East Washington, DC 20005	Battery Council International	337.50	355.18
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Deborah Feldman Weiner, 11004 Petersborough Drive North Bethesda, MD 20852	American Soc for the Prevention of Cruelty to Amimals	1,500.00	
Roslyne D. Weiner, 1205 South Washington Street, Apt. #12A Alexandria, VA 22314	American Group Practice Assn	543.00	
Weiner McCaffrey Brodsky Kaplan & Levin, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005	National Manufactured Housing Finance Assn		
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Anna Weinroth, 1666 Connecticut Ave., NW #400 Washington, DC 20009	Federation for American Immigration Reform		
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company		
Arthur A. Weiss, 1800 First National Building Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
Howard C. Weizmann, 1212 New York Avenue, NW, #1250 Washington, DC 20005	Association of Private Pension & Welfare Plans, Inc	756.24	
Bryant L. Welch, 1200 17th St., NW, Suite 106 Washington, DC 20036	American Psychological Assn	579.60	30.00
Don Welch, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Suzanne Welch, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	1,500.00	45.00
Jerry Welcome, P.O. Box 3556 Washington, DC 20007	American Meat Institute	10,312.50	1,046.32
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute		
Do	Apple Processors Assn	13,006.53	1,196.40
Kent M. Wells, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		2,252.89
L. H. Wells, Suite 200 1025 Connecticut Avenue, NW Washington, DC 20036	Shell Oil Co	500.00	
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	2,681.25	
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	18,862.50	734.45
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	1,145.27
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	15,000.00	
Do	Oklahoma Natural Gas	9,000.00	
W. P. West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	3,000.00	452.67
West Mexico Vegetable Distributors Assn, P.O. Box 848 Nogales, AZ 85621			
J. C. West, P.C., 1511 K Street, NW, #1100 Washington, DC 20005	City of Detroit	36,722.62	14,589.47
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		89,798.00	86,582.07
Michelle Westover, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	1,895.74	
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	404.11	850.87
Nancy Katherine Weyl, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	1,250.00
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	4,000.00	2,549.27
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Carol Wheeler, 1650 30th Street, NW Washington, DC 20007	Media Enterprises Corp (For:National Assn of Public Television Stations)		
David W. Wheeler, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	30,649.53	15,076.17
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	100.00	
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,712.00	
Jeffrey T. Whipple, 20 S. Clark Street, #800 Chicago, IL 60603	Philip Morris, Inc	6,000.00	132.61
John C. Whitaker, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation	1,425.00	52.70
Deborah A. White, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	38.42	
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	21,996.00	6,903.50
John C. White, White Consulting Group, Suite 380 2000 M Street, NW Washington, DC 20036	AMGEN	16,000.00	
Do	Camp Barsh Bates & Tate	10,500.00	
Do	Chicago Mercantile Exchange	9,600.00	
Do	Coastal Corporation	25,000.00	
Do	Goldman, Sachs & Company	10,000.00	
Do	Tobacco Institute		
John Thomas White III, 490 L'Enfant Plaza East, SW, #2202 Washington, DC 20024	Tenneco Gas		
Larry White, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	553.96	106.50
Leland J. White, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202	National Utility Contractors Assn	2,564.10	
Margita E. White, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc	481.00	
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	2,261.47
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	29.65
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	840.45	208.87
W. Keith White, 817-A King Street, #204 Alexandria, VA 22314	Crop Insurance Professionals Assn	1,600.00	368.00
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Edison Electric Institute		
Do	Gadot Petrochemical Industries	16,730.03	16,730.03
White Fine & Verville, 1156 15th St., NW, #1100 Washington, DC 20005	Association of Regionally Accred Priv Coll & Univ	30,000.00	
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	National Constructors Association	10,500.00	4,290.54
Suzanne K. Whitehurst, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Central Utah Water Conservancy District)	1,333.00	
Do	Marcus G. Faust, PC (For:Clark County Nevada-McCarran International Airport)	1,333.00	
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)	1,333.00	
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)	1,333.00	
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)	1,333.00	
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos		
Elizabeth D. Whitley, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,625.00	313.19
Cameron Whitman, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	FAIR		
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Robert L. Whitmire, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	642.00
William F. Whitsitt, 1212 New York Avenue, NW, Suite 1200 Washington, DC 20005-6419	Oryx Energy Company	1,700.00	191.80
Pamela J. Whitted, 1700 K St., NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Churchill County Nevada	3,000.00	
Do	Mesa Limited Partnership	3,000.00	
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	450.00	
Wickwire Gavin, PC, 8230 Boone Blvd., #400 Vienna, VA 22182	Cogeneration & Independent Power Coalition of America, Inc		
Do	National Hydropower Assn		
Do	Natural Gas Vehicle Coalition		
Wickwire Greene & Seward, 1008 Western Ave. Seattle, WA 98104	Arctic Slope Regional Corp		
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	3,180.00	2,790.19
Richard S. Wiedman, 600 Grant Street, 42nd Floor Pittsburgh, PA 15219	Eckert Seamans Cherin & Mellott (For:Ormet Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Ravenswood Aluminum Corp)		
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35203	Alabama Power Co	20,619.82	10,389.79
Andrew F. Wiessner, 1801 Broadway #1420 Denver, CO 80202	Kogovsek & Associates, Inc (For:Bear Stearns, Inc)		
Do	Kogovsek & Associates, Inc (For:Bonneville Pacific Corp)	51,859.22	1,859.22
Do	Kogovsek & Associates, Inc (For:Pitken & Eagle Counties, Colorado)	17,557.56	3,007.56
Do	Kogovsek & Associates, Inc (For:Western Land Exchange Co)	19,280.10	1,780.10
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.	660.00	34.00
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	7,500.00	62.00
Brian Wilcox, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	4,000.00	87.25
Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	2,250.00	
Wildlife Legislative Fund of America, 1000 Connecticut Ave., NW, #1002 Washington, DC 20036			17,000.00
Lanny F. Wiles, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:Natioanl Assn for the Support of Longterm Care).		
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	State of Michigan Department of Commerce		
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	American Newspaper Publishers Assn		
Do	Association for Public TV (APTV)	94.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Association of Telemessaging Services, International	52.00	
Do	Chaparral Steel Co		
Do	Firemens Fund Insurance		
Do	Georgetown Industries		
Do	J.C. Penney	247.00	
Do	Marine Mammal Coalition		
Do	National Health Care Anti-Fraud Assn		
Do	Operator Service Providers of America		
Do	Pharmaquest		
Do	Prodigy Services Company	52.00	
Do	Raritan River Steel Co		
Do	United Parcel Service	11,038.00	116.52
Guenther O. Wilhelm, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Horace Wilkins Jr., 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		
Wythe Willey, 2333 Blake Blvd., SE Cedar Rapids, IA 52401	Philip Morris, Inc	15,000.00	
Faith Williams, 1001 Pennsylvania Ave., NW, #460 Washington, DC 20037	New York Life Insurance Company	60.00	35.50
Floyd L. Williams, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Ark-Best Co	1,500.00	225.00
Do	Arkansas Louisiana Gas Co (ARKLA)	1,600.00	250.00
Do	Cooper Communities, Inc	1,550.00	250.00
Do	Electro Com Automation, Inc	1,650.00	325.00
Do	Riceland Foods, Inc	1,550.00	300.00
Do	Tyson Foods, Inc	1,600.00	250.00
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	250.00	379.22
Lucinda L. Williams, 1155 15th Street, NW, #1100 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Merrill Williams, 3701 Connecticut Ave., NW, #802 Washington, DC 20008	Freshwater Press, Inc		
Do	Galactica Biochemical		
Do	National Credit Improvement Group		
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	47.00	106.00
Peter Williams, 2030 M St., NW Washington, DC 20036	Common Cause	450.00	
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Robert E. Williams, 1707 L Street, NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
Robin L. Williams, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	1,750.00	30.00
William C. Williams, 44 East Mifflin Street P.O.Box 1807 Madison, WI 53701-1807	Bell Metzner Gierhart & Moore (For:Wisconsin Cheese Maker's Assn)		
Williams & Connolly, 839 17th St., NW Washington, DC 20006	Gtech	5,932.50	5,966.00
Do	North American Assn of State & Provincial Lotteries	2,500.00	2,500.00
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products		570.82
Do	Association of Family Farmers		
Do	Robert M. Bass Group	925.00	381.03
Do	Beverly Enterprises		
Do	BMC Industries, Inc		
Do	Century 21 Real Estate Corp		
Do	College Construction Loan Insurance Assn		
Do	CIGNA Corp	790.00	316.79
Do	Estee Lauder, Inc	2,120.00	889.06
Do	Executive Life Insurance	863.75	431.45
Do	First Boston Corp	3,835.00	1,586.90
Do	FAIR	105.00	62.78
Do	Glaxo, Inc	2,715.00	951.85
Do	Greenwich Capital Markets, Inc	1,755.00	824.84
Do	GAMMA Corp		
Do	Higher Education Assistance Foundation		
Do	Kelly Appleman Hart & Hallman	1,155.00	381.03
Do	Keystone Provident Life Insurance Co	690.00	291.98
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies		
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn	540.00	254.03
Do	Norfolk Southern Corp	3,275.00	1,270.10
Do	Oklahoma Gas & Electric Co	1,720.00	762.06
Do	Pharmaceutical Manufacturers Assn	1,515.00	570.82
Do	Pittston Co		
Do	Recording Industry Assn of America, Inc	270.00	127.01
Do	Southern Pacific Transportation Co.	540.00	254.03
Do	Southwest Airlines	270.00	127.01
Do	Student Loan Marketing Assn	180.00	127.01
Do	Texaco, Inc	2,350.00	889.06
Do	Texas Air Corp	945.00	443.81
Do	Trailer Train Co		
Do	Turner Broadcasting System, Inc	1,350.00	635.06
Do	U.S. English	270.00	127.01
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc	240.00	
Do	USAA Financial Service Co		
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	10,696.00	
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		3,745.21
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	868.40	120.62
Kirk Willison, 707 Broadway, #1200 San Diego, CA 92101	Home Federal Savings & Loan of San Diego		
Willkie Farr & Gallagher, Three Lafayette Center 1155 21st St., NW Washington, DC 20036	Association of International Auto Manufacturers	1,875.00	68.05
Do	Institute of Resource Recovery (IRR)	13,987.50	160.61
Do	National Assn of Independent Fee Appraisers	87.50	
Do	Standard Commercial Tobacco Co.	8,945.00	92.51
Do	Telecommunications Industry Assn		
Do	Westinghouse Electric Corp	1,560.00	125.97
Do	Yamaha Motor Co, Ltd, et al.	9,462.50	125.21
Do	Yamaha Motor Manufacturing Corp of America		
Cindy J. Wilmer, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Aetna Life & Casualty Co	5,431.25	419.50
Do	Alexander & Alexander, Inc		
Do	Amerada Hess Corporation		
Do	American Honda Motor Co, Inc		
Do	Association of American Universities	2,750.00	
Do	Bank Capital Markets Assn		
Do	Bankers Trust Co	2,137.50	
Do	Capital Cities/ABC, Inc		
Do	Citibank, N.A.	950.00	15.25
Do	Cook Inlet Communications, L.P.		
Do	Corporate Property Investors	206.25	
Do	Educational Testing Service	802.50	
Do	Federal Home Loan Bank of San Francisco		
Do	Ford Motor Co		
Do	Handgun Control, Inc		
Do	International Metals Reclamation Company, Inc		
Do	Long Island Savings Bank		
Do	Pepsico, Inc	912.50	511.50
Do	Southeast Banking Corporation		
Do	Trans-Alaska Pipeline Liability Fund	10,656.25	34.45
Do	World Savings & Loan Assn		
Charles D. Wilson, 1919 South Broadway, Box 19130 Green Bay, WI 54307-9130	Fort Howard Corp	923.04	1,478.65
Dena L. Wilson, Suite 1000 1600 Wilson Blvd. Arlington, VA 22209	American Waterways Operators, Inc	4,000.00	182.93
Denise Wilson, 1350 Eye Street, NW, #400 Washington, DC 20005	Motorola, Inc		
Don A. Wilson, 106 Dartmouth Waxahachie, TX 75165			
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	788.00	9.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Fred C. Wilson, 130 El Camino Drive Beverly Hills, CA 90212	Government of Romania		
G. Peter Wilson, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors, Inc		
Gary Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemens Assn	1,000.00	
Michael J. Wilson, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	4,375.00	130.47
Patricia M. Wilson, 818 Connecticut Ave, NW Washington, DC 20006	USX Corporation		
Robert Dale Wilson, 1900 L Street, NW, #500 Washington, DC 20036	Wilson & Wilson (For:Hecla Mining Company)		
Robert Gary Wilson, 1730 Rhode Island Avenue, NW, #715 Washington, DC 20036	PPG Industries, Inc		
Stephany Wilson, P.O. Box 2187 Santa Fe, NM 87504-2187	Sutin Thayer & Browne (For:Lovelace, Inc)		
Tyler J. Wilson, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,000.00	32.00
Warren A. Wilson III, 31608 U.S. Highway 19 North Palm Harbor, FL 34684	Philip Morris, Inc	2,250.00	
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co		
John P. Winburn, 50 E Street, SE, Washington, DC 20003	Winburn VanScoyoc & Hooper (For:American Assn of Equipment Lessors)	7,500.00	
Do	Winburn VanScoyoc & Hooper (For:American Automotive Leasing Assn)	2,000.00	
Do	Winburn VanScoyoc & Hooper (For:American Insurance Assn)	30,000.00	
Do	Winburn VanScoyoc & Hooper (For:Burlington Northern Railroad Co)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:Burlington Northern Services, Inc)	5,000.00	
Do	FAG Bearings Corporation	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:Hartford)	45,000.00	
Do	Winburn Associates, Inc (For:Leggett & Platt)	12,000.00	
Do	Winburn VanScoyoc & Hooper (For:National Assn of County Office Employees (NASCOE)).	3,000.00	
Do	Winburn VanScoyoc & Hooper (For:Pennzoil)	9,000.00	
Do	Winburn VanScoyoc & Hooper (For:Philip Morris)	9,000.00	
Do	Winburn VanScoyoc & Hooper (For:University of Michigan)	15,000.00	
Winburn VanScoyoc & Hooper, 453 New Jersey Ave., SE Washington, DC 20003	American Paper Institute, Inc	25,000.00	
Do	Ifint S.A.		
Do	Westvaco	25,000.00	
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	6,391.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	17.75
Joseph B. Winkelmann, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	American Resort & Residential Development Assn	6,000.00	
Alexander Bradford Winslow, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance	200.00	15.30
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	837.50	48.00
James L. Winston, 1730 M Street, NW, #412 Washington, DC 20036	National Assn of Black Owned Broadcasters		
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Assn of Museums		
Do	CNA Financial Corp		
Do	Federal Intermediate Credit Bank of Jackson	55,245.00	2,779.48
Do	International Council of Shopping Centers	900.00	
Do	Mississippi Department of Economic & Community Development	34,270.33	1,937.99
Do	National Council of Health Facilities Finance Authorities		
Do	National Private Cable Assn		
Do	Syntex Laboratories, Inc		
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc	7,080.00	20.00
Do	Amoco Performance Products, Inc		
Do	Bowater, Inc		
Do	Brown & Bain		
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Connecticut Liquidity Investment Fund, Inc		
Do	Fiberite Corp		
Do	Hercules Aerospace Co		
Do	IBJ Schroder Bank & Trust Co		
Do	Macrovision, Inc		
Do	MTN Coalition	17,220.00	34.00
Do	National Vehicle Leasing Assn		
Do	Navajo Nation	600.00	
Do	Snappy Car Rental		
Do	Thrifty Rent-A-Car System, Inc	676.25	
Do	Westinghouse Electric Corp		
Jennifer K. Wirick, 1001 Pennsylvania Ave., NW, #1350 Washington, DC 20004	Kahn Soares & Conway (For:Westlake Farms)	2,000.00	138.90
Wisconsin Citizens Utility Board, 16 North Carroll, #300 Madison, WI 53703			
Jim Wise Associates, 1707 Duke St., #300 Alexandria, VA 22314	Kern County, CA	10,500.00	500.00
Do	National Assn of Credit Management	10,500.00	940.00
Do	San Francisco Bar Pilots Assn	6,000.00	325.00
Marcia A. Wiss, 1215 17th Street, NW Washington, DC 20036	Canned & Cooked Meat Importers' Assn	1,210.24	450.00
Robert V. Witeck, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Republic of Turkey)		
Cynthia D. Witkin, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Hope R. Wittenberg, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	7,500.00	974.96
Judith A. Wittig, 1213 Jefferson Davis Hwy., #1414 Arlington, VA 22202	Defense Products Marketing, Inc		
Richard J. Wittig, 1213 Jefferson Davis Highway, #1414 Arlington, VA 22202	Defense Products Marketing, Inc	1,000.00	
Sandra W. Wobbe, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,500.00	
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	5,000.00	
Wolf Block Schorr & Solis-Cohen, 12th Floor Packard Building 15th & Chestnut Streets Philadelphia, PA 19102	First Federal Savings & Loan Assn of Perkasie		174.78
Do	Nesquehoning Savings & Loan Assn		210.48
Do	Sharon Savings & Loan Assn		174.06
Do	United Savings Assn		214.61
J. Thomas Wolfe, 1627 K Street, NW, #700 Washington, DC 20006	Institute of Scrap Recycling Industries	3,200.00	
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	350.00	18.00
Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036	Amoco Corporation	1,200.00	215.06
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Texas Utilities Services, Inc	3,375.00	41.69
Linda Womack, 2100 E. Exchange Place Tucker, GA 30085-1349	Oglethorpe Power Corp	4,582.00	50.00
Richard Marvin Womack, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co		
Donna Y. Wood, 577 Mulberry Street Macon, GA 31298	Charter Medical Corp		
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,669.00	
S. Roy Woodall Jr., 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20005	National Assn of Life Companies	1,500.00	22.00
W. Robert Woodall, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	11,520.00	5,093.29
James H.B. Woodroffe III, 2805 Samara Drive Tampa, FL 33618	Teco Energy, Inc	10,400.00	1,078.00
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171	Maule Air, Inc		300.00
Do	OTL, Inc		110.00
Do	Woods Research Associates, Inc	1,000.00	185.00
Jeanne M. Woods, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	11,575.00	
Cynthia Woodside, 701 N. Fairfax Street Alexandria, VA 22314-2045	(For:United Way of America)	4,947.69	7.55
Robert W. Woody, 1333 New Hampshire Ave, NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae	97.60	
Perry W. Woofter, Suite 530 1800 K St. NW Washington, DC 20006	Tesoro Petroleum Corp	3,000.00	
Howard E. Woolley, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	7,425.00	1,230.99
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, 1700 Huntington Building Cleveland, OH 44115	Centerior Energy Corp, et al.	24,000.00	6,984.45
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	395.00	76.30
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
Wunder Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Martin Marietta	1,666.66	23.67
Do	National Cable Television Assn, Inc	1,250.00	22.84
Jeffery D. Wyatt, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron Chemical Company		
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	
Wyman Bautzer Kuchel & Silbert, 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006	American Boiler Manufacturers Assn, Inc		
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	50.00
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	550.00	
Milan P. Yager, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John W. Yago, 5101 River Rd. Bethesda, MD 20816	American Road & Transportation Builders Assn	10,000.00	162.21
Nick Yaksich, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Dalton Yancey, 910 16th St., NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Rio Grande Valley Sugar Growers		
Nancy Foster Yanish, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, 599 Research Parkway P.O. Box 1030 Attn: Steve Piascik Meriden, CT 06450			332.01
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	4,039.00	
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	22,500.00	1,195.31
Lesley Yates, 517 2nd Street, NE Washington, DC 20002	David Turch & Asso	1,500.00	
Edward R. Yawn, 1111 19th St., NW Washington, DC 20036-3691	Edison Electric Institute	3,236.54	467.90
Jack Yelverton, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	7,000.00	335.15
Larry E. Yoakam, 650 S. Front Street Columbus, OH 43206	Grange Mutual Casualty Co		
John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For:Aircraft Owners & Pilots Assn)	144.00	
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	286.00
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates	1,500.00	
Thomas F. Youngblood, 1201 New York Ave, NW, #600 Washington, DC 20005	American Hotel & Motel Assn	2,101.16	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	271.82
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
John R. Zagame, John R. Zagame Associates, Inc 7611 Virginia Lane Falls Church, VA 22043	National Music Publishers Assn	8,000.00	50.00
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Paulette Zakrzeski, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	14,712.50	943.15
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 11209	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Do	Sikorsky Aircraft		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	NMTBA	1,200.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	182.65
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,875.00	1,136.68
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Arlene Zielke, 3724 West 107th Street Chicago, IL 60655	National Congress of Parents & Teachers		2,716.55
Elaine Ziemba, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	256.81
Kelly Ziglar-Clay, 805 15th Street, NW, #1110 Washington, DC 20005	Mortgage Insurance Companies of America	6,474.97	444.42
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	2,104.77
David W. Zimmerman, 185 S. State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
John H. Zimmerman, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
John L. Zorack, 1111 14th St., NW, #1001 Washington, DC 20005	Federal Express Corp	3,500.00	
Admiral Zumwalt & Consultants, Inc, 1500 Wilson Boulevard Arlington, VA 22209	Robert E. Derecktor of Rhode Island, Inc	15,062.50	
Zurich-American Insurance Co, 800 North Plaza Drive Schaumburg, IL 60196	Zurich-American Insurance Company	1,040.00	1,040.00
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	185.23
31st Pro-Life Congressional District Action Comm, 8654 Bonview Terrace Williamsville, NY 14221			
965 Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Intermarine USA	275.00	
Do	Kaman Diversified Technologies	200.00	
Do	Woods Hole Oceanographic Institution	350.00	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and se expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the third calendar quarter of 1990 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER____________________

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through............................, 19......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	Reclamation District 1000		
Leanne J. Abdnor, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	2,408.35
John R. Adams, One Tabor Center 1200 17th Street, #2500 Denver, CO 80202	Energy Fuels Nuclear, Inc		
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company		
Air Transport Assn of America, 1709 New York Ave., NW Washington, DC 20006		126,629.80	126,629.80
Alagia Day Marshall Mintmire & Chauvin, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Dairymen, Inc	10,780.00	1,918.05
Albanian American Civic League, 717 Second Street, NE, #303 Washington, DC 20002		23,194.00	14,809.00
David Alberswerth, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,895.39	
John M. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Farley Industries		
Virginia S. Albrecht, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond, P.C. (For:Arvida Company)	4,005.00	
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,512.76	193.00
William E. Allen, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Laura L. Allendorf, 1101 Vermont Avenue, NW Washington, DC 20005	American Soc of Internal Medicine	1,250.00	150.00
Gregory B. Aller, 1319 Wellesley Ave., #205 Los Angeles, CA 90025			
Alliance for Medical Nutrition, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004		4,346.00	4,346.00
Alliance to Save Energy, 1725 K Street, NW, #914 Washington, DC 20006			2,089.30
Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013			
Margaret S. Almond, 1735 Jefferson Davis Highway Arlington, VA 22202	McDonnell Douglas Corp		
William M. Altman, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	1,282.50	50.00
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	10,000.00	11,691.31
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			9,493.93
American Assn for Counseling & Development, 901 East Capitol Street, SE Second Floor Wahington, DC 20003		55,442.00	33,861.00
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		28,605.00	28,605.00
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302		24,000.00	45,683.00
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			
American Assn of Classified School Employees, 1050 17th Street, #210 Washington, DC 20036		18,223.23	18,223.23
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		22,300.00	10,324.21
American Camping Association, Bradford Woods Martinsville, IN 46151			
American Cement Alliance, Inc, 1212 New York Avenue, NW, #520 Washington, DC 20005		17,281.21	31,705.83
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			108,333.02
American Fiber Manufacturers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036		236,750.00	177,750.00
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		28,256.00	28,256.00
American Hospital Assn, 50 F Street NW, #1100 Washington, DC 20001		130,215.41	130,215.41
American Humane Association, 63 Inverness Drive, East Englewood, CO 80112		15,659.00	15,659.00
American International Automobile Dealers Assn, 1128 16th Street, NW Washington, DC 20036		375,000.00	52,175.00
American Library Assn, 50 E. Huron St. Chicago, IL 60611		671.99	10,141.14
American Osteoporosis Alliance, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004		2,886.00	2,886.00
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		80,206.23	111,926.13
American Tax Reduction Movement, 6302 30th Street, NW Washington, DC 20015-2238		3,000.00	3,000.00
American Trucking Assns, Inc, 2200 Mill Road Alexandria, VA 22314		10,290.06	63,874.22
Americans for the National Voter Initiative Amendment, 3115 N St., NW Washington, DC 20007			
Jan S. Amundson, North Lobby, #1500 1331 Pennsylvania Ave., NW Washington, DC 20004-1703	National Assn of Manufacturers		
Bette B. Anderson, 1030 15th St., NW, #700 Washington, DC 20036	KCI (For:SICPA Industries of America, Inc)		
Do	KCI (For:U.S. Banknote Corp)		
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Kevin N. Anderson, 215 South State Street 12th Floor Salt Lake City, UT 84111	Fabian & Clendenin (For:Nevada Electric Investment Co, Inc)	920.00	
Scott G. Anderson, 50 F St., NW, #1080 Washington, DC 20001	Burlington Northern Railroad Co	1,900.00	293.87
David R. Andrews, Three Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Sterling Drug, Inc)		
Owen W. Anglum, 1667 K Street, NW, #650 Washington, DC 20006	Armco, Inc	900.00	663.90
Thomas D. Anthony, 2500 Central Trust Center 201 E. Fifth Street Cincinnati, OH 45202	Frost & Jacobs (For:Comprehensive Medical Imaging, Inc)	1,150.00	
Do	Frost & Jacobs (For:Louisville Imaging Services, Inc)	600.00	
Do	Frost & Jacobs (For:Western Hills Imaging Center, Inc)	1,250.00	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Ameritech		
Do	Central States SE & SW Areas Health Welfare & Pension Funds	20,118.70	314.61
Do	Guardian Life Insurance Co of America	67,676.50	3,670.30
Do	Video Software Dealers Assn	72,642.25	52,311.35
Armenian Assembly of America, 122 C Street, NW #350 Washington, DC 20001		11,232.00	12,501.00
John A. Armstrong, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Arnold Grobmyer & Haley, P.O. Box 70 Little Rock, AR 72203	Arkansas Assn of Securities Dealers		
Do	Mid-South International Trade Assn		
Nan Aron, 1601 Connecticut Avenue, NW Washington, DC 20009	Alliance for Justice	272.13	
Norman Assed, 1319 San Padro, NE Albuquerque, NM 87102	Mimbres Enterprises, Inc		31,387.00
Association for Commuter Transportation, Inc, 808 17th Street, NW, #200 Washington, DC 20006-3953			72.00
Association of American Foreign Service Women, P.O. Box 70051 Washington, DC 20024-0051		2,065.00	
Association of American Law Schools, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036			
Association of Junior Leagues, Inc, 660 First Avenue New York, NY 10016		15,000.00	3,963.00
Association of Maximum Service Television, Inc, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		501.28
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006	Sun Co, Inc		
Association of Private Pension & Welfare Plans, Inc, 1212 New York Avenue, NW, #1250 Washington, DC 20005		27,460.58	27,493.47
Association of Urban Universities, P.O. Box 33276 Washington, DC 20033		19,500.00	10,055.09
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
ADAPSO - The Computer Software & Services Industry Assn, 1300 North 17th Street, #300 Arlington, VA 22209			362.20
AFL-CIO Maritime Committee, 444 North Capitol Street, #820 Washington, DC 20001			
APCO Associates, 1155 21st Street, NW, #1000 Washington, DC 20036	American Indian Trade Development Council		
Do	American Maritime Congress		
Do	American Red Cross		
Do	Asocolflores		
Do	ACPC		
Do	City Utilities of Springfield		18.52
Do	Coalition to Oppose Log Exports (COLE)	8,241.25	
Do	Colorado River Energy Distributors Assn	4,237.50	34.00
Do	Emerald Public Utility District	75.00	
Do	Geophysical Environmental Research Corp		
Do	Heart of America Northwest	11,488.75	136.27
Do	High Technology Coalition	4,698.75	15.00
Do	Kansas Municipal Energy Agency	225.00	
Do	London Futures and Options Exchange		
Do	Lyphomed, Inc	5,568.75	17.00
Do	Pasminco	911.25	146.46
Do	Philip Morris Management Corp		
Do	Profilo Holding A.S.		13.25
Do	Sacramento Municipal Utility District		16.50
Do	State Farm Mutual Automobile Insurance Co	3,452.50	
Do	Tennessee Valley Public Power Assn		
Victor Bach, 105 East 22nd Street New York, NY 10010	Community Service Society	2,151.88	184.00
William W. Bailey, 3333 K Street, NW, #210 Washington, DC 20007	Mutual of Omaha Insurance Co	2,000.00	
Gail DeLoach Baker, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
James A. Baker IV, 555 13th Street, NW, #500 East Washington, DC 20004	Baker & Botts (For:Cabot Corporation)		
Quinter S. Baker, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
Willie L. Baker, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers International Union	25,130.76	585.53
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Cabot Oil & Gas Corp		847.34
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alexander & Alexander Services, Inc	2,000.00	2,000.00
Do	American Resort & Residential Development Assn	3,000.00	3,000.00
Do	California Independent Casualty Companies Assn	10,000.00	10,000.00
Do	Chubb Corporation	7,500.00	7,500.00
Do	Corroon & Black Corp	2,000.00	2,000.00
Do	Edison Electric Institute	10,500.00	10,875.00
Do	Financial Holding Corp	3,500.00	3,500.00
Do	Fireman's Fund	3,000.00	3,000.00
Do	Frank B. Hall & Co, Inc	2,000.00	2,000.00
Do	Johnson & Higgins	2,000.00	2,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Marsh & McLennan Companies	2,000.00	2,000.00
Do	Mutual of Omaha Insurance Co	4,000.00	4,000.00
Do	National Assn of Insurance Brokers, Inc	2,000.00	2,000.00
Do	National Assn of Professional Insurance Agents	2,000.00	2,000.00
Do	Sedgwick James, Inc	2,000.00	2,000.00
Do	Travelers Insurance Co	10,000.00	10,000.00
Do	United Fidelity Life Insurance	4,000.00	4,000.00
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Coalition on the PFIC Provisions		20,525.88
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	
Charles E. Bangert, P.C., 662 Mallard Court Arnold, MD 21012	Business Roundtable	3,500.00	
James T. Banks, 3001 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	3,550.00	
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.	22,642.40	49.58
Baraff Koerner Olender & Hochberg, P.C., 2033 M Street, NW, #700 Washington, DC 20036	College Football Association		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	255.00	
Do	National Hockey League	365.00	
Robert H. Barker, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc	500.00	250.00
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	United Telecom/US Sprint	7,000.00	1,066.28
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	American Assn of Fastener Importers		94.31
Do	American International Knitters Corp	12,792.94	14.95
Do	Commonwealth Garment Manufacturing Co	14,665.06	
Do	Famous Raincoat Co, Inc	1,156.30	3.00
Do	Industrial Fastener Equity Committee		0.50
Do	Marion Merrell Dow, Inc	9,694.50	124.34
Do	Miles, Inc	1,928.25	93.13
Do	Sundstrand Corp	4,293.50	34.82
Do	Texas Citrus and Vegetable Import Association		0.75
Larry P. Barnett, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	17,091.35	
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,300.00	
David M. Barrett, 2550 M Street, NW, #375 Washington, DC 20037	Fleetwood Enterprises, Inc	10,000.00	5,771.13
Do	Southeastern Pennsylvania Transportation Authority		1,151.73
Kenneth R. Barrett, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc		
Patricia L. Bartlett, 700 13th Street, NW, #800 Washington, DC 20005	Georgia Institute of Technology	742.50	
James E. Bartley, 1700 North Moore Street, #1900 Arlington, VA 22209-1904	National Industrial Transportation League	8,500.00	41.25
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Women's Legal Defense Fund	8,400.00	1,689.00
Ellen Battistelli, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America	1,980.00	
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	1,900.00	980.30
Bayless Boland Bates & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Glenmore Distilleries Company	12,125.02	343.92
Do	Southwestern Bell Corp	1,600.00	328.82
Richard F. Bechtel, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	4,537.06	
Robert E. Beck, P.O. Box 6808 Falls Church, VA 22046	National Assn of Plumbing-Heating-Cooling Contractors		
Robert R. Belair, 1800 M Street, NW South Lobby, 9th Floor Washington, DC 20036	Kirkpatrick & Lockhart (For:National Institute for Citizen Education in the Law)	6,811.50	540.04
Donald K. Belch, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc		
Howard H. Bell, 1400 K St., NW, #1000 Washington, DC 20036	American Advertising Federation		
Alan R. Bennett, 750 17th Street, NW, #1000 Washington, DC 20006	Fox Bennett & Turner (For:Bristol-Myers Co)		
Do	Fox Bennett & Turner (For:Hoffmann-La Roche, Inc)		
Jodean Robbins Bens, 727 N. Washington Street Alexandria, VA 22314	Uniter Fresh Fruit & Vegetable Assn	4.91	114.07
William Berger, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Charles Bernhardt, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees	31.23	
Max N. Berry, 3213 O St., NW Washington, DC 20007	Committee to Assure the Availability of Casein		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	113.18
Margot Bester, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Corporation)		
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
Gerald M. Bestler, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	BMC Industries, Inc		
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Arvida Company)	2,887.50	
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Arvida Company	6,282.50	12,437.01
Do	City of Bluefield, WV, et al.	55.63	76.25
Rah Bickley, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electonic Industries Assn	750.00	105.83
Hugh L. Binford, 327 30th Street West Bradenton, FL 34205			
David R. Bird, 185 S. State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	American Honey Producers Assn	3,855.00	126.63
Do	Center of Industries of the State of San Paulo (CIESP)		
Do	CSR, Ltd	9,556.25	511.48
Do	Federal Intermediate Credit Bank of Jackson	27,737.50	3,104.48
Do	Houston Agricultural Credit Corp	13,562.50	357.42
Do	Mississippi Department of Economic Development	33,749.37	1,860.48
Do	National Cotton Council		
Do	Population Services International		
Do	U.S. Rice Producers' Legislative Group	26,218.75	1,493.69
Do	Western Peanut Growers' Assn	2,220.00	94.25
Roger Blacklow, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,719.59	2,480.23
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Amax, Inc		
Do	Brother International Corp		
Do	Fluor Corporation		
Do	Hunter Industrial Facilities, Inc	1,260.00	110.42
Do	National Paint & Coatings Assn, Inc	1,360.00	485.06
Do	Philip Morris Cos, Inc		
Do	PB-KBB, Inc		
Jim Blomquist, 408 C Street, NE Washington, DC 20002	Sierra Club	8,390.68	
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	4,356.47	104.00
Louis Blumberg, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	1,402.50	880.52
John A. Boardman, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept, AFL-CIO		
Alice Bodley, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,312.50	
Timothy A. Boggs, 1133 21st Street, NW, #400 Washington, DC 20036	Warner Communications, Inc	16,000.00	10,860.44
Mary M. Bourdette, 815 16th Street, NW, #707 Washington, DC 20006	Children's Defense Fund	2,979.00	110.00
Do	Department for Professional Employees, AFL-CIO	3,677.46	
Michael Bowers, 1100 17th Strret, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	3,121.00	
Jim D. Bowmer, P.O. Box 844 Temple, TX 76503	Bowmer Courtney Burleson (for...Naman Howell Smith...) (For:Temple Junior College).		
Bowmer Courtney Burleson Pemberton & Normand, P.O. Box 844 Temple, TX 76503	Namen Howell Smith & Lee (For: Temple Junior College)	878.25	
Dennis M. Bradshaw, 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	7,269.00	
Raymond F. Bragg Jr., 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20004	Federal Stategies, Inc (For:American Independent Refiners Assn)	3,225.00	193.89
Do	Legislative Strategies (For:Associated Aviation Underwriters)	37.50	
Do	Bridge Products	375.00	142.30
Do	Legislative Strategies (For:Cogeneration & Independent Power Coalition of America, Inc).		
Do	Federal Strategies, Inc (For:Consolidated Natural Gas Co)	1,500.00	160.89
Do	Legislative Strategies (For:Delavan Lake Sanitary District)	937.50	370.83
Do	Legislative Strategies (For:Globos International, Inc)	562.00	
Do	Legislative Strategies (For:Huntway Refining Company)	112.50	
Do	Legislative Strategies (For:Miami-Dade Water & Sewer Authority Department)		
Do	Legislative Strategies (For:National Hydropower Assn)	112.50	
Do	Legislative Strategies (For:Penntech Papers, Inc)		
Do	Texas-New Mexico Power Company	150.00	
Do	Legislative Strategies (For:Tosco Corp)	337.50	176.89
Do	Legislative Strategies (For:Western Pennsylvania Environmental Complex Development).	112.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,193.83	
David L. Brandon, 1129 Twentieth Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Chris Julian Brantley, 1828 L Street, NW #1202 Washington, DC 20036	Institute of Electrical and Electronics Engineers		
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,525.53	77.42
Edward T. Breathitt, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Franklin K. Breselor, 150 State Street Albany, NY 12207	Orange & Rockland Utilities, Inc	7,000.00	6,796.00
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	
Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006	National Newspaper Assn	5,000.00	
Robert M. Brooks, 206 G St., NE Washington, DC 20002	Evergreen Associates, Ltd (For:Clover Park School District)	2,625.00	
Do	Evergreen Associates, Ltd (For:Democratic Party of Washington State)		
Do	Evergreen Associates, Ltd (For:DCL Industries)		
Do	Evergreen Associates, Ltd. (For:National Indian Impacted Schools)		
Do	Evergreen Associates, Ltd (For:Suffolk County, NY)	6,666.66	
Do	Evergreen Associates, Ltd (For:SuperComputers, Inc)		
Do	Evergreen Associates, Ltd. (For:Washington State Impact Aid Assn)	2,812.50	
David B. Brown, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Carriers Conference	11,253.19	69.00
Donald K. Brown, 1121 L St., #810 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
Doreen L. Brown, 1726 M Street NW Washington, DC 20036	Consumers for World Trade		
Julia B. Brown, 1725 K Street, NW, #914 Washington, DC 20006	Alliance to Save Energy		
Lori D. Brown, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	9,746.70	115.00
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	
Broydrick Associates Inc, 600 East Mason Street Milwaukee, WI 53202	Waste Management, Inc	13,875.00	3,991.13
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Kenley W. Brunsdale, P.O. Box 510210 215 S. State St., 12th Fl. Salt Lake City, UT 84151	Fabian & Clendenin (For:Envirocare of Utah, Inc)	4,656.60	1,830.15
Do	Fabian & Clendenin (For:Nevada Electric Investment Co, Inc)	10,937.50	3,176.63
Do	Fabian & Clendenin (For:Devon Kerry Whitlock, et al.)		18.44
J. Bruce Bugg Jr., 660 N. Main Ave., #350 San Antonio, TX 78205	J. Bruce Bugg, Jr., P.C. (For:Karnes Savings and Loan Assn)		14,160.26
Ann Garver Bulcao, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty and Surety Agents	1,500.00	92.96
Thomas J. Bulger, Government Relations, Inc 1620 Eye Street, NW, #300 Washington, DC 20006	County of Fairfax	42,800.00	18,500.00
Do	County of San Mateo	10,000.00	10,000.00
Do	Metropolitan Transportation Commission	26,749.98	31,400.00
Do	Oakland County	8,345.75	7,150.00
David G. Burden, 200 E. Randolph Dr. Chicago, IL 60601	Amoco Corporation		
David P. Burford, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc		5,132.52
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,806.76	248.75
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co		28.54
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	4,700.00	885.73
James J. Butera, 1275 Pennslvania NW Washington, DC 20004	Bank of Baltimore	1,000.00	
Do	Bank of Chester County	1,000.00	
Do	Community Federal Savings & Loan Assn		
Do	Dime Savings Bank of New York	1,500.00	
Do	Federal Home Loan Bank of Boston	1,500.00	
Do	Federal Home Loan Bank of New York	1,500.00	
Do	Municipal Savings Bank	1,000.00	
Do	People's Bank	1,500.00	
Do	River Bank America		
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Assn of New York	1,500.00	
Do	Standard Federal Savings Bank	2,000.00	
Sydney J. Butler, 1400 Eye St., NW Washington, DC 20005	Wilderness Society		
William Byler Associates, Inc, 1155 Conn. Ave., NW, #300 Washington, DC 20036	Ak-Chin Indian Community Council	404.00	
Do	Havasupai Tribal Council	1,060.00	
Do	San Carlos Apache Tribe	2,284.00	
C & C Consulting Group, Inc, 210 Cameron Street Alexandria, VA 22314	Kansas Gas & Electric Co, Inc	10,000.00	681.50
Debra Cabral, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:Childrens Health System, Inc)	2,700.00	
David B. Calabrese, 2001 Pennsylvania Ave, NW Washington, DC 20006	Electronic Industries Assn	750.00	
James D. Calaway, 711 West Bay Area Blvd., #320 Webster, TX 77598-4001	Space Industries, Inc		
Thomas Caldwell, 4-30-1-202 Nishi-Shinjuku Tokyo 160			
John C. Callihan, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Guatemala	9,000.00	1,900.04
Do	Embassy of Mozambique	50,000.00	1,900.04
Anne D. Campbell, 1101 30th Street, NW, #500 Washington, DC 20007	Campbell Falk & Selby (For:Vandeerveer Group)	3,000.00	
David Campbell, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	129.01	
Campbell Falk & Selby, 1101 30th Street, NW, #500 Washington, DC 20007	Commonwealth of Puerto Rico	36,600.00	31,542.62
Do	Vanderveer Group	12,000.00	550.00
Ross Capon, 900 Second Street, NE, #308 Washington, DC 20002-3557	National Assn of Railroad Passengers	13,926.00	
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	4,292.00	
Melissa Coggeshall Carey, 3415 North 21st Ave. Arlington, VA 22207	Harris Corporation	907.24	752.13
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,537.03	
Robert E. Carlstrom Jr., 1341 G St., NW #1100, NW Washington, DC 20005	Jefferson Group (For:Alumax, Inc)	382.50	
Do	Jefferson Group (For:BE & K, Inc)	255.00	
Do	Jefferson Group, Inc (For:Doe Run Company)	1,083.75	
Do	Jefferson Group (For:Lead Industries Assn)	637.50	
Do	Jefferson Group (For:Zinc Corp of America)	1,211.25	108.91
William Carney, 217 3rd St., SE Washington, DC 20003	American Nuclear Energy Council	5,000.00	
Do	Edison Electric Institute	13,500.00	
Charles T. Carroll, 2011 Eye Street, NW, #601 Washington, DC 20006	National Association of Stevedores	650.00	
Mary Carroll, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	749.00	98.00
Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	30,262.00	
John J. Castellani, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	3,500.00	
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	7,350.00	5,764.00
G. Thomas Cator, 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates (For:American Industrial Hygiene Assn)	2,000.00	2,000.00
Do	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	1,050.00	600.00
Do	Neece, Cator & Associates (For:Design Professional Coalition)	2,000.00	2,000.00
Do	Neece Cator & Associates (For:Hazardous Waste Action Coalition)	2,000.00	2,000.00
Do	Neece Cator & Associates (For:National Assn of Development Companies)	2,000.00	1,400.00
Do	Neece Cator & Associates, Inc (For:Southeastern Lumber Manufacturers Assn)	2,000.00	2,000.00
Harvey E. Cauthen Jr., 2 Dexter Ave. Montgomery, AL 36104	Alabama Power Co	15,000.00	2,608.87
Center for Clean Air Policy, 444 North Capitol Street, #526 Washington, DC 20001		15,000.00	730.00
Center for Law and Education, Inc, 955 Massachusetts Ave., #3A Cambridge, MA 02139		28,404.00	2,053.88
Michael D. Chapman, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,664.95
William Chasey Organization, 855 La Jolla Corona Court La Jolla, CA 92037	Allan Ronson Co		
Do	Faic Securities, Inc		
Do	Indo-U.S. Pac		
Do	Life Insurance Coalition of America		
Do	Preuss Foundation Inc		
Do	TAK Communications		
Christopher Chiames, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	12,881.92	
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
James F. Clark, P.O. Box 2l2ll Juneau, AK 99802-1211	Alaska Loggers Assn		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	12,386.00	178.10
Clean America!, 1825 Connecticut Ave., NW, #200 Washington, DC 20009	Magic Spout, Inc		
Guy Clough, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	15,753.84	
Coalition for Affordable Home Financing, 1350 New York Ave, NW, #800 Washington, DC 20005			
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coan & Lyons, 1100 Connecticut Ave., NW, #1000 Washington, DC 20036	National Assisted Housing Management Assn	2,539.55	78.35
Sharon Cohen, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,250.00	1,046.48
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp	350.00	
Timothy R. Cole, 1925 North Lynn Street, #308 Arlington, VA 22209	Sparkman & Cole, Inc (For:Air Transport Assn of America)	1,500.00	
Do	Sparkman & Cole (For:Delta Air Lines, Inc)	1,500.00	
Do	Sparkman & Cole, Inc (For:Embry-Riddle)	1,500.00	
Do	Sparkman & Cole, Inc (For:National Business Aircraft Assn)	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Sparkman & Cole, Inc (For:Regional Airport Authority of Louisville, KY)	1,500.00	
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	6,616.83	90.00
Committee to Assure the Availability of Casein, 3213 O St., NW Washington, DC 20007			
Community Service Society, 105 East 22nd Street New York, NY 10010			2,926.24
Concerned Women for America, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024		24,237.72	24,237.72
Gary L. Conkling, 900 SW 5th Ave., #2300 Portland, OR 97204-1268	Tektronix, Inc		
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	5,056.01	
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	7,564.83	
Consortium for Int'al Earth Science Information Network, P.O. Box 8689 Ann Arbor, MI 48107		10,143.06	10,143.06
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		67,113.00	71,364.00
Consumers for World Trade, 1726 M Street, NW Washington, DC 20036		10,201.45	19,319.08
John J. Contney, Suite B 1130 E. Hallandale Blvd. Hallandale, FL 33009	Textile Rental Services Assn of America		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	300.00	
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Assn of New York State	769.00	8,102.20
James M. Copeland, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffaelli & Siemens (For:County of Alameda)	15,000.00	
Jim Copeland & Associates, 1341 G Street, NW, #200 Washington, DC 20005	Pacific Mutual Life Insurance Co	6,000.00	
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Maria C. Cordone, 1300 Connecticut Ave, NW Washington, DC 20036	International Assn of Machinists and Aerospace Workers	13,334.62	596.99
William R. Corson, 1725 K Street, NW, #903 Washington, DC 20006	General Media/P.O.F. Subsidiary Co.		
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,998.27	
John F. Cove, 918 16th St., NW, #702 Washington, DC 20006	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Jerry W. Cox, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:American Mobile Satellite Corporation)		
Do	Murphy & Demory, Ltd (For:Anglo American Auto Auctions, Inc)		
Dale A. Crane, 618 South 223rd Street Des Moines, WA 98198	National Parks & Conservation Association		
Creative Coalition, 1100 Avenue of the Americas, 15th Floor New York, NY 10036		450.00	575.00
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		1,500.00	98.94
John P. Cregan, 220 National Press Building Washington, DC 20045	U.S. Business & Industrial Council	6,000.00	
Richard C. Creighton, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Cement Alliance, Inc	13,252.67	63.78
Ken A. Crerar, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents	4,000.00	428.89
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
David T. Crow, 1341 G St., NW #1100 Washington, DC 20005	Jefferson Group (For:Alumax, Inc)	370.00	
Do	Jefferson Group (For:Childerns Health System, Inc)	277.50	
Do	Jefferson Group (For:CAE-Link Corp)	1,850.00	
Do	Jefferson Group (For:Doe Run Company)	185.00	67.65
Do	Jefferson Group (For:International Minerals and Chemical Corp)		
Do	Jefferson Group (For:Lead Industries Assn)	832.50	15.00
Do	Molson Breweries USA, Inc	277.50	10.40
Do	Jefferson Group (For:O. M. Scott & Sons)	370.00	61.28
Do	Jefferson Group (For:J.R. Simplot Company)	740.00	6.75
Do	Jefferson Group (For:Zinc Corporation of America)	370.00	
Cuban American Foundation, Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122		37,500.00	34,731.00
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Electronics Assn)		
Do	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)		40,898.00
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Carlsmith Wichman Case... (for Hilo Coast Proscessing), et a).		
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)		4,774.00
Do	McCutchen Doyle Brown & Enersen (For:General Electric Co)		5,170.00
Do	McCutchen Doyle Brown & Enersen (For:National Assn of Regional Councils)		572.00
Do	McCutchen Doyle Brown & Enersen (For:New York Dept of Environmental Conservation).		
Do	McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments).		4,378.00
Do	McCutchen Doyle Brown & Enersen (For:Sun Company, Inc)		9,306.00
John T. Curran, 815 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	19,100.04	571.50
Do	National Coordinating Comm for Multiemployer Plans		
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	8,107.00	701.22
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833	Plumbing Manufacturers Institute	500.00	1,000.00
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Donna M. Daley, 1200 17th St., NW, Suite 106 Washington, DC 20036	American Psychological Assn	2,887.50	50.00
Laura Dallman, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage and Family Therapy	5,541.00	
Tracy Danese, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co	1,929.00	9,677.60
Linda Daschle, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	7,500.00	
Kenneth E. Davis, Suite 1210 1667 K St., NW Washington, DC 20006	Rohm & Haas Co	3,500.00	400.00
Richard S. Davis, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:City of Bluefield, WV, et al.)	31.25	
Davis Wright & Tremaine, 1752 N St., NW, #800 Washington, DC 20036	American Tunaboat Assn	35,276.00	
Do	Klukwan Forest Products, Inc		
Debevoise & Plimpton, 875 Third Ave., 23rd Floor New York, NY 10022	Clayton & Dubilier, Inc	5,702.85	289.75
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
William E. Deegans, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	74.17	
William T. Deitz, 1629 K Street, NW, #1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	142.50	6.00
Do	Palumbo & Cerrell, Inc (For:Arco Chemical Company)		
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,582.50	18.60
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)	405.00	7.00
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	2,452.50	12.20
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	J. C. Robinson Seed Co		
Gaelynn Demartino, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Willard L. Demory, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd. (For:American Mobile Satellite Consortium)		
Do	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd. (For:Prodigy Services Company)		
Do	Murphy & Demory Ltd (For:U.S. Telephone Assn)		
George G. Demougeot, 1825 Eye Street, NW, #400 Washington, DC 20006	Joseph Companies, Inc of Minneapolis		
James L. Denson, 1250 Connecticut Ave., NW, #319 Washington, DC 20036	Republic of Bophuthatswana (For:Allpoints International, Inc)	15,000.00	442.65
Department for Professional Employees, AFL-CIO, 815 16th St., NW Washington, DC 20006		9,708.42	9,708.42
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Amax, Inc		
Do	American Iron & Steel Institute		
Do	Bankers Trust Co		
Do	Bell Atlantic Corp		
Do	Beneficial Corporation	1,750.00	10.00
Do	Catholic Health Assn of the U.S.	2,100.00	
Do	Cellular Telecommunications Industry Assn	3,500.00	
Do	Chase Manhattan Corp		
Do	Children of Alcoholics Foundations, Inc		
Do	Chrysler Corporation		
Do	Digital Equipment Corp		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems	1,050.00	
Do	First Brands		
Do	Ft. Howard Corp	1,575.00	
Do	General Electric Co		
Do	General Electric Pension Trust		
Do	General Reinsurance Corp		
Do	Health Insurance Assn of America, Inc		
Do	Hershey Foods Corp		
Do	Household International	1,050.00	
Do	Intel Corporation		
Do	IT&T	1,050.00	
Do	Labor-Industry Coalition for International Trade		2,385.00
Do	McCormack Baron & Associates		
Do	McCown De Leeuw & Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Morgan Stanley Group, Inc		
Do	National Assn of Wholesaler-Distributors		
Do	National Forest Products Assn		
Do	Norfolk Southern Corp		
Do	NYNEX Corp		
Do	Paramount Communications, Inc		
Do	Pfizer, Inc		
Do	Piedmont Environmental Services	750.00	
Do	Premark International		
Do	Primerica, Inc	144.00	
Do	Prudential Insurance Co of America	1,225.00	
Do	RMI Company		
Do	Joseph E. Seagram & Sons, Inc	5,250.00	
Do	Semiconductor Industry Association	3,650.25	
Do	Seton Hall University		
Do	Squibb Corporation		
Do	SEMATECH		
Do	Teachers Insurance & Annuity Assn of America		
Do	Tribune Broadcasting Co		
Do	U.S. Coalition for Fair Lumber Imports		10.00
Do	U.S. Telephone Assn		
Do	Union Pacific Corp	3,500.00	
Do	United States Surgical Corporation	330.00	
Do	Walt Disney Co		
Do	West Indies Rum & Spirits Producers Assn		
Do	Xerox Corp	3,500.00	
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc	1,400.00	1,366.00
Nicholas DeBenedictis, 2301 Market Street, #13-1 Philadelphia, PA 19101	Philadelphia Electric Company		
Matthew D. DeConcini, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	3,000.00	130.00
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	
Angel Diaz, 510 High Street Delano, CA 93215	Delano High School	19,990.15	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	American Greyhound Track Operators Assn	22,932.50	
Do	Apple Computer Corp		
Do	Federal National Mortgage Assn	8,451.56	
Do	Newport Group		
Thomas C. Diederich, 2170 Piedmont Road, NE Atlanta, GA 30324	Orkin Exterminating Co, Inc		686.50
Joseph J. DioGuardi, 50 Baraud Road Scarsdale, NY 10583	Albanian American Civic League	400.00	
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc		
Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	6,750.00	424.63
Mark A. Dombroff, 1275 Pennsylvania Ave., NW, #301 Washington, DC 20004	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Nancy A. Donaldson, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	11,000.00	310.13
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	1,541.67	
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Brad L. Doores, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc	2,800.00	1,684.05
Jeffrey D. Doranz, 1629 K Street, NW, #1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Insurance Assn)	52.50	
Do	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	322.50	4.50
Do	Palumbo & Cerrell, Inc (For:Arco Chemical Company)		
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	367.50	70.11
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)	210.00	3.00
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn)	1,215.00	19.50
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)		
Doris Day Animal League, 900 2nd Street, NE, #303 Washington, DC 20002		261,796.00	193,132.00
James A. Dorsch, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Automobile Importers of America, Inc	14,600.00	146.00
Do	Guam Commission on Self Determination		442.50
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	A.P. Moller-Maersk Line	2,352.29	
Do	Agricultural Satellite Corp	80.00	
Do	American Integrity Insurance Co	9,560.00	43.83
Do	Board of Cooperative Educational Services	504.00	46.57
Do	BMC Industries Inc		
Do	California Wine Commission	4,818.50	49.55
Do	Canadian Institute of Steel Construction		
Do	Carlyle Group		
Do	Cellular Communications, Inc, et al.	150.00	
Do	Chamber of Commerce of the U.S.		
Do	Chicago City Colleges		
Do	Cox Enterprises, Inc, et al.		
Do	Directors Guild of America		
Do	Dofasco, Inc, et al.	1,091.00	137.66
Do	General Aviation Manufacturers Association	3,105.00	12.00
Do	Home Shopping Network, Inc	4,212.70	53.05
Do	Johnson-Simmons Co		
Do	Laurel Steel Products, Ltd		
Do	Life Care Services Corp		
Do	Marriott Corporation	2,566.67	
Do	Monarch Wine Co of Georgia, et al.		
Do	National Business Aircraft Assn	3,555.00	3.00
Do	Northwest Airlines, Inc	2,740.00	171.76
Do	Profit Sharing Council of America		
Do	Royal Boskalis Westminster NV		
Do	Sporicidin Company		
Do	Stelco, Inc (For: Stelco Fastener & Forging Company)	96.00	
Do	Washington Area Bankers Assn		
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Duncan & Allen, 1575 Eye Street, NW Washington, DC 20005	Colorado River Energy Distributors Assn		
Pauline Dunlap, 1201 McDuffie #222 Houston, TX 77019			
Do	Falcon Carriers	12,500.00	6,644.22
Jean Durning, 900 17th Street, NW Washington, DC 20006	Wilderness Society	931.13	354.44
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	Miguel H. Agosto	6,000.00	
Do	American Free Trade Assn		
Do	Anchor Industries, Inc		
Do	Association of Progressive Rental Organizations	30,000.00	2,572.61
Do	Bedford Properties	15,000.00	
Do	Building Industry Assn of Southern California	45,000.00	1,365.64
Do	Chickasha Cotton Oil Co	15,000.00	63.01
Do	Citgo Petroleum Corp	37,956.25	4,341.41
Do	Construction Industry Air Quality Coalition (CIAQC)	25,000.00	1,390.42
Do	Council for Solid Waste Solutions	60,000.00	906.01
Do	Council of Great Lakes Governors	5,000.00	1,122.56
Do	DSC Communications Corp	15,543.75	737.48
Do	Hart-Culp International	381.89	
Do	International Craniofacial Foundations		142.62
Do	International Telecharge, Inc	31,500.00	1,461.35
Do	Jewish National Fund	15,000.00	1,593.38
Do	McDonalds Corp		
Do	Midlands Consortium		
Do	National Cellular Resellers Assn.	13,333.32	404.16
Do	PacifiCare Health Systems	40,131.25	1,632.58
Do	Paramount Communication, Inc	11,250.00	
Do	Phoenix Mutual Life Insurance	20,000.00	3,057.97
Do	Polyisocyanurate Insulation Manufacturers Assn (PIMA)		411.75
Do	Rmax, Inc	3,430.61	
Do	Satellite Broadcasting & Communications Assn	22,500.00	3,701.96
Do	Sims Walker... (for Creditors Alliance for Freight ...)	9,651.88	456.11

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Waste Conversion Systems, Inc		5,979.32
Do	Yavapai Telephone Exchange		
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	969.36	12.75
Dworbell, Inc, 1726 18th Street, NW Washington, DC 20009	Title One Home Improvement Lenders Assn	1,000.00	1,000.00
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Alliance for Corporate Growth		
Do	Apex Marine Corp		
Do	Bobbie Brooks, Inc		
Do	Liberty Maritime Corporation	50,078.34	726.33
Do	Medical Care International, Inc		
Do	PubCo Corp		
Do	REN Corporation, USA		
Do	Surgical Care Affiliates, Inc		
Do	T/2 Medical, Inc	5,822.00	125.71
Mary A. Dyess, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	650.00	
A. Blakeman Early, 408 C Street, NE Washington, DC 20002	Sierra Club	8,148.76	
Pam Eaton, 900 17th St., NW Washington, DC 20006	Wilderness Society	537.50	
Robert Edgell, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	3,282.20	
Edwards Associates, 507 Second St., NE Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Roy L. Eiguren, 350 North 9th Street, #400 Boise, ID 83702	Lindsay Hart Neil & Weigler (For:Soap & Detergent Assn)		
Jill W. Eiland, 121 SW Salmon Portland, OR 97204	Portland General Electric Co		
Earl B. Eisenhart, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
Electronic Industries Assn, 2001 Eye St., NW Washington, DC 20006		42,030.16	68,673.01
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	16,001.55	255.22
Energy Fuels Nuclear, Inc, One Tabor Center, #2500 1200 17th Street Denver, CO 80202			11,749.69
John T. Engelen, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	550.00	96.00
Cheryl Anthony Epps, 1110 North Glebe Road, #200 Arlington, VA 22201	International Assn of Chiefs of Police	13,007.96	758.26
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20036	Missouri Blue Cross/Blue Shield		
Paul A. Equale, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	37,385.00	
John Ernst, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	56.38	
William J. Evans Jr., 1200 17th Street, NW, #500 Washington, DC 20036	Pan American World Airways, Inc	978.00	256.50
Robbie G. Exley, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Joseph B. Fallon, 1825 Connecticut Ave., NW, #200 Washington, DC 20009	Clean America		
Do	Trees America!		
Renelda Moorehead Fallon, 2122 Massachusetts Ave., NW, #412 Washington, DC 20008-2833	Trees America!		
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			2,656.87
Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036			100.00
Scott Feierabend, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,239.81	
Timothy Feldman, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		6,548.00
Claudia Feller, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Mimi A. Feller, 1100 Wilson Blvd Arlington, VA 22209	Gannett Co., Inc	1,600.00	47.10
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Alaska Loggers Assn	3,750.00	663.55
Do	Conoco, Inc	1,500.00	693.45
Do	Dillingham Construction Group	2,406.25	695.71
Do	Global Marine, Inc	6,187.50	691.73
Do	Haida Corporation	5,625.00	757.73
Do	Klukwan, Inc	7,937.50	730.24
Do	Northern Air Cargo	3,750.00	737.53
Do	Tacoma Boatbuilding Co	1,500.00	631.50
Do	U.S. Borax & Chemical Corp	6,350.00	785.37
Do	Western Forest Industries Assn	1,666.67	757.84
Do	Williams Companies	3,051.25	732.38
John H. Ferman, 1050 20th Street Sacramento, CA 95816	California Assn of Hospitals & Health Systems	20,000.00	5,423.00
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	28,500.00	83.86
Richard H. Fink, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	527.89	465.96
M. J. Fiocco, 1700 N. Moore Street, S-1900 Arlington, VA 22209-1904	National Industrial Transportation League		
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	5,061.00	49.00
Alan M. Fitzwater, 3700 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad Co	25,000.00	
Shira A. Flax, 408 C Street, NE Washington, DC 20002	Sierra Club	4,256.46	232.42
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	533.00
Cynthia Folcarelli, 12300 Twinbrook Parkway, #320 Rockville, MD 20852	National Council of Community Mental Health Centers	656.92	0.85
Foreman & Heidepriem, 1112 16th Street NW, #750 Washington, DC 20036	Coalition to Protect the Integrity of American Trademarks	1,075.00	902.79
Do	United Food & Commercial Workers Int'l Union	2,850.00	1,280.08
Allan M. Fox, 750 17th Street NW, #1100 Washington, DC 20006	Fox Weinberg & Bennett (For:Bristol-Myers Co)		
Do	Fox Bennett & Turner (For:National Coalition for Cancer Research)		
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Do	Bristol-Myers Co		
Do	Fisons Corp	945.00	
Do	Healthcare Management Alternatives, Inc		271.57
Do	Hoffmann-La Roche, Inc		
Do	Johnson & Johnson		40.32
Do	Lederle-Praxis Biologicals		
Do	Memorial Sloan-Kettering Cancer Center		
Do	National Coalition for Cancer Research		
Do	New MediCo Associates, Inc		
Do	Pickens County Medical Center		
Do	Serono Laboratories, Inc	1,387.50	450.00
Leslie C. Francis, 1000 Potomac St., NW, #401 Washington, DC 20007	FMR Group (For:Hazelwood Farms Bakeries, Inc)		
Michael Francis, 900 17th Street, NW Washington, DC 20006	Wilderness Society	8,609.37	868.13
James R. Franklin, One Highwoods Rd. St. James, NY 11780	Parkdale Mills, Inc, et al.	18,750.00	5,565.00
Robert Freimark, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	467.50	1,297.09
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:Wheels, Inc)	250.00	
Pattison Fulton, 601 Pennsylvania Ave., #900-W Washington, DC 20004	CH2M Hill	80.05	154.20
Do	McDermott Will & Emery (for: California Energy Commission)	70.00	135.56
Do	Northern California Power Agency	2,622.00	211.72
Do	Sacramento Area Flood Control Agency	3,000.00	49.33
Do	Solano Water Authority	2,852.00	204.47
Claudia R. Fuquay, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	3,495.00	389.21
FMR Group, Inc, 1000 Potomac Street, NW, #401 Washington, DC 20007	Hazelwood Farms Bakeries, Inc		
Do	National Coalition of Burn Center Hospitals	6,000.00	352.23
Do	Songwriters Guild of America	15,750.00	7,745.88
Joe H. Galis 059739, DCI P.O. Box 18782 Tampa, FL 33679			
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Air Jamaica, Ltd	1,831.50	17.00
Do	Soule Corp		
Do	South Africa Sugar Association	1,160.00	221.54
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	82.30
David McLane Gardiner, 408 C Street, NE Washington, DC 20002	Sierra Club	1,250.50	
Sara G. Garland, 314 Massachusetts Ave., NE Washington, DC 20002	National Assn of Public Television Stations	3,600.00	175.00
Do	Prairie Public Broadcasting, Inc	1,500.00	45.00
Do	Rapoza Associates	6,000.00	
Do	University of North Dakota	6,354.00	138.76
Patrick J. Garver, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
W. Mark Gavre, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)	225.00	
Karl Gawell, 1400 16th St., NW, #320 Washington, DC 20036	Zero Population Growth	545.00	
George Associates, 555 13th Street, NW #1010 East Washington, DC 20004	Pizza Hut, Inc		
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc		
John J. Gersuk, 3100 Windwood Farms Drive Oakton, VA 22124	Bechtel Group, Inc		
David Troy Saxton Getty, 3301 E. Garland Fresno, CA 93726			
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Annelise Gillespie, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Dorothy M. Gillman, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	9,750.00	1,479.74

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Maureen Gilman, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	15,750.00	251.01
Gilmartin Poster & Shafto, One William Street, 5th Floor New York, NY 10004	B & B Dredging Corp		
Mark R. Ginsberg, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	2,288.00	
Earl E. Gjelde, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Chem-Nuclear Environmental Services, Inc		
George E. Glasier, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Katherine Gleeson, 1400 Sixteenth Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	1,432.00	
Godfrey Associates, Inc, 910 16th St., NW, S-402 Washington, DC 20006			
A. James Golato, 1641 Route 3 North, #101 Crofton, MD 21114	H&R Block, Inc		
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	4,830.73	263.42
Janice Goldman-Carter, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	595.17	
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	4,834.16	
Alan Goodfader, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Co)		
Peter Gossens, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics	1,000.00	241.50
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	12,579.00	10,449.42
Emerson F. Gower Jr., 411 Fayetteville St. Mall, #1925 Raleigh, NC 27601	Carolina Power & Light Co	1,031.00	1,850.00
Winston S. Graham, 91 Macon Street Brooklyn, NY 11216			
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Contact Lens Manufacturers Assn	2,200.00	15.50
Robert T. Grand, 1313 Merchants Bank Building Indianapolis, IN 46204	Barnes & Thornburg (For:Carl H. Dahlin Jr.)	5,000.00	468.40
Do	Salt Creek & Little Calumet River Preservation Assn		
Gerald W. Grandey, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc	3,000.00	
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Thomas V. Grasso, 1707 Kilbourne Place, NW, #2 Washington, DC 20010	Sierra Club Legal Defense Fund	2,400.00	339.75
David C. Gray, 4905 Reno Road, NW Washington, DC 20008	American Camping Association	3,000.00	
Do	Portsmouth-Kittery Armed Services Committee, Inc	500.00	
Neil A. Gray, 1776 Massachusetts Ave., NW Washington, DC 20036-1993	Highway Users Federation for Safety & Mobility	2,450.00	55.40
Greater New York Hospital Assn, 555 West 57th Street 15th Floor New York, NY 10019			83,299.00
Harold B. Green, 5011 Victor Dallas, TX 75214	American Consulting Associates, Inc (For:Chief Auto Parts, Inc)		
Kaylene H. Green, 2341 Jefferson Davis Highway, #1100 Arlington, VA 22202	Bath Iron Works Corp	750.00	48.24
Eldon V. C. Greenberg, Galloway & Greenberg 1835 K St., NW, #801 Washington, DC 20006	Pacific Coast Federation of Fishermen's Assn, Inc		
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,300.00	1,281.73
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation		
R.T. Gregg, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	250.00	
Jeffrey J. Grieco, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co)	6,000.00	
Kathryn Griesinger, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	
Melanie Griffin, 408 C Street, NE Washington, DC 20002	Sierra Club	5,832.80	14.50
Olga Grkavac, 1300 North 17th St., #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Z. Lou Guttman, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	238.00
GA Assn of Petroleum Retailers, Inc, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083			
GPIA Animal Drug Alliance, 200 Madison Ave., #2404 New York, NY 10016			
Haight Gardner Poor & Havens, 1300 I Street, NW, #470E Washington, DC 20005	Messerschmitt Bolkow-Blohm Gmbh, et al.	662.00	
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	118.66	
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Dakota Wesleyan University		
Do	Genetics Institute	4,806.00	124.08
Do	National Corp for Housing Partnerships	2,128.50	21.60
Do	Northeastern University	1,053.00	94.56
Do	Pine Street Inn	2,730.50	3.78
Do	Riverview Towers Limited Partnership	1,591.00	15.37
Do	State Street Development Corp	9,073.00	121.49
Do	USS Constitution Museum		
Hale Foundation, 422 First Street, SE, #208 Washington, DC 20003			
Heide Halik, 408 C Street, NE Washington, DC 20002	Sierra Club	3,381.25	
Angelynn Hall, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	14,908.43	
William W. Hamilton Jr., 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc		
William A. Hanbury, One Lincoln Center, #1180 Syracuse, NY 13202	Citizens Against Public Subsidy		
Do	Cookfair Spector & Hanbury (For:Oneida Indian Nation)	1,869.00	1,869.00
Richard M. Harris, 501 School St., SW 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	15,000.00	368.58
Robert L. Harris, 1341 G St., NW, #1100 Washington, DC 20005	Jefferson Group, Inc (For:Alumax, Inc)	490.00	54.00
Do	Jefferson Group (For:Childrens Health Systems, Inc)	650.00	
Do	Jefferson Group, Inc (For:Doe Run Co)	1,450.00	54.00
Do	Jefferson Group (For:Lead Industries Assn)	4,400.00	135.00
Teena Harris, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn	2,000.00	
Jim Harrison, 501 I Street, SW Washington, DC 20024	Association of Urban Universities	9,375.00	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			43,800.00
Arthur W. Hartmann, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Martin Hayden, 408 C Street, NE Washington, DC 20002	Sierra club	5,328.00	
Peter M. Hayes, 214 Massachusetts Ave., NE #530 Washington, DC 20002	Salt River Project	3,521.00	1,675.71
Mark F. Haynes, 1627 K Stret, NW, #300 Washington, DC 20006	Fluor Corporation	5,000.00	939.69
Holly Elisabeth Hazard, 900 2nd Street, NE, #3030 Washington, DC 20002	Doris Day Animal League	9,422.00	6,636.00
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		444.18	444.18
Brian Keith Heard, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Cotton Council of America	4,688.00	
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	American Cast Iron Pipe Company		
Do	Chicago Board Options Exchange	1,000.00	
Do	CSX Corporation	5,000.00	
Do	DePaul Univiersity	3,000.00	
Do	Estate of Edwin A. Gallun	1,900.00	
Do	Harza Engineering Co		
Do	Renewable Fuel Assn	3,000.00	
Do	Sealaska Corp	1,000.00	
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
John Heissenbuttel, 1250 Connecticut Ave., NW, #320 Washington, DC 20036	American Forest Council		
Don Hellmann, 900 17th Street, NW Washington, DC 20006	Wilderness Society	3,621.03	158.54
Richard L. Hellwege, 1225 Jefferson Davis Highway, #1100 Arlington, VA 22202	Smiths Industries	750.00	
DeWitt F. Helm Jr., 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc		
Edward A. Helme, 444 N. Capitol Street, #526 Washington, DC 20001	Center for Clean Air Policy	567.00	5.00
Marsha Herzstein, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Hal D. Hiemstra, 216 7th Street SE, Washington, DC 20003	Scenic America	1,000.00	920.00
Robert A. Hirsch, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
J. D. Hittle, 3137 S. 14th St. Arlington, VA 22204	KMS Industries, Inc	1,500.00	106.95
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	1,000.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Association of Navajo Community-Controlled School Boards		
Do	Bristol Bay Area Health Corp	140.00	
Do	Maniilaq Assn		
Do	Metlakatla Indian Community	140.00	
Do	Miccosukee Tribe of Indians of Florida		
Do	Mississippi Band Choctaw Indians		
Do	Norton Sound Health Corp	150.00	
Do	Oglala Sioux Tribe	680.00	
Do	Oglala Sioux Tribe Public Safety Commission		
John C. Hockenbury, 901 15th Street, NW, #900 Washington, DC 20005	Drinker Biddle & Reath (For:Colonial Penn Life Insurance Co)	286.25	69.46
Gail Hoffman, 1225 Eye St., NW #1100 Washington, DC 20005	Handgun Control, Inc	11,986.00	
Kathryn Hohmann, 408 C Street, NE Washington, DC 20002	Sierra Club	6,422.00	
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	8,800.80	
Michele O'Donnell Holbrook, 10 Lafayette Square, Rm. 900 Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.	1,858.78	5,167.91
William Holmberg, 499 S. Capitol Street, SW, #406 Washington, DC 20003	Nebraska Ethanol Authority & Development Board	11,500.00	5,815.00
Holt Miller & Associates, 2111 Wilson Blvd., #531 Arlington, VA 22201-3008	Ada Software Alliance (ASA)	3,950.03	2,539.31
Do	Agricultural Producers		
Do	American Council of International Personnel	318.40	11.55
Do	AmBase Corp		
Do	Business Immigration Coalition	40,449.00	9,554.11
Do	Columbia Gas System Corporation	255.00	5.56

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Consolidated Natural Gas Co	255.00	5.56
Do	Fruit Growers League of Jackson County		
Do	Home Insurance Co	2,499.00	98.63
Do	Interstate Natural Gas Association of America (INGAA)		
Do	Irish Immigration Reform Movement	5,862.75	425.75
Do	McDonald's Corp		
Do	Mountain Plains Agricultural Service		
Do	National Agricultural Coalition		
Do	Natural Fuel Gas Company	255.00	5.56
Do	Natural Gas Vehicle Coalition		
Do	Snake River Farmers Assn		
Do	Texas & Southwestern Cattle Raisers Assn		
Do	Texas Ranchers Labor Assn		
Do	Western Range Assn		
Lois Holwerda-Hoyt, 2021 Massachusetts Avenue, NW Washington, DC 20036	American Academy of Family Physicians	3,062.50	213.15
Homeport Information Task Force, 130 Bay Street Staten Island, NY 10301		3,600.00	1,812.00
Michael J. Hoogendyk, 706 E. Bell Road, #101 Phoenix, AZ 85022	National Assn of Mortgage Brokers	1,238.16	1,238.16
Marian Hopkins, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	3,900.00	174.06
Mark Hopkins, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy		
Hopkins & Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Farm Credit Bank of Texas	7,935.00	102.70
Do	Federal Agricultural Mortgage Corp (Farmer Mac)	7,808.50	80.45
Do	First Federal Savings Bank		
Do	Louisiana Pacific Corp	20,212.50	511.02
Do	National Milk Producers Federation	2,242.50	
Do	Sandoz Corp		
Do	Tandy Corporation		
Do	U.S. Sugar Corp	3,852.50	26.00
Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	3,298.00	
R. Kyle Horst, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	999.00	
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		9,259.00	9,259.00
Jack W. Houston, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083	GA Assn of Petroleum Retailers, Inc		
John Howard, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Karen Howard, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	2,125.00	711.49
Dwight A. Howes, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Service Co, Inc	2,637.00	682.00
John A. Howes, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Co	5,500.00	6,415.43
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Cement Alliance, Inc	4,125.03	125.36
Lisa Shuger Hublitz, Suite 380, 122 C Street, NW Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn	778.00	22.00
Betty Hudson, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation	15,000.00	60.00
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,353.37	
B. Jeanine Hull, 1001 30th Street, NW, #340 Washington, DC 20007	Hadson Power Systems		11,042.00
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,139.75	
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	2,556.36	
Gerard F. Hurley, 3050 K Street, NW, #330 Washington, DC 20007	National Club Association		
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co		
Lindalyn L. Hutter, 1605 King Street Alexandria, VA 22314-2792	National Assn of Convenience Stores		
Regina C. Hutter, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers International Union	10,384.62	590.94
HCA The Healthcare Co, One Park Plaza P.O. Box 550 Nashville, TN 37202-0550			
Kevin J. Igli, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		46,556.00	46,556.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314			2,310.00
Industrial Gas Cleaning Institute, Inc, 1707 L St., NW Washington, DC 20036			
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	3,232.53	
Int'l Union, United Auto Aerospace & Agric Implement Workers, Workers of America (uaw) 8000 E. Jefferson Avenue Detroit, MI 48214.		129,150.00	129,150.00
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036			45,958.42
International Public Strategies, Inc, 1030 Fifteenth St., NW, #408 Washington, DC 20005	Government of Pakistan	90,000.00	18,761.35
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	663.00
Richard Munroe Irby III, 1222 Warrington Place Alexandria, VA 22307	American Gas Assn	4,000.00	
William Robert Irvin, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,878.73	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Pechiney Corporation		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,300.00	25,021.11
Glenn Jackson, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
Thomas C. Jackson, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond (For:Arvida Company)	3,298.65	
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
Lynnette Jacquez, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffailli & Siemens (For:National Assn of Jai Lai Frontons)	2,026.00	
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	National Cooperative Bank		
Do	University of Kansas	3,750.00	3,137.60
Dane B. Jaques, 1275 Pennsylvania Ave., NW #301 Washington, DC 20004	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Jar-Mon Consultants, 214 Massachusetts Ave., NE #300 Washington, DC 20002	American Freedom Coalition		
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Linda Jenckes, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc	179.30	18.00
Dallin W. Jensen, 185 S. State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)	162.50	
Karen Jettmar, 1400 Eye St., NW Washington, DC 20005	Wilderness Society		
David H. Johnson, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Nancie S. Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	620.00	
Stephen M. Johnson, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:Childrens Health System, Inc)	225.00	
Do	Jefferson Group (For:CAE Link Corp)	225.00	
Do	Jefferson Group (For:Molson Breweries USA, Inc)	225.00	
Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Coldwell Banker Real Estate Group	1,000.00	117.05
Barbara W. Johnston, 1700 K Street, NW, #502 Washington, DC 20006	BHP-UTAH International, Inc		183.73
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036	Consolidated Natural Gas Co	1,500.00	878.74
David R. Jones, 105 East 22nd Street New York, NY 10010	Community Service Society	207.76	
Edwin M. Jones, 970 Summer Street Stamford, CT 06905-5518	Bentley Mosher & Babson, PC (For:United Engineering, Inc)		
Robin Wagner Jones, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	1,675.23	
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	Hartford Group		
Do	Lafourche Telephone Company, Inc		
Do	Maxicare Health Plans, Inc		
Do	South Central Bell Telephone		
Do	United Companies Life Insurance Companies		
Do	United Illuminating Co		
Do	Zapata Corporation		
Do	Zapata Gulf Marine Corp		
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	AmeriTrust Co, Nat'l Assn		
Do	Centex Corp		
Do	Day Kimball Hospital		
Do	Health Policy Coalition		
Do	Laurel Industries, Inc		
Do	Morgan Grenfell & Co, Ltd		
Do	National Beer Wholesalers Assn		
Do	Royal Trustco Ltd		
Do	RJR Nabisco, Inc		
Do	Southern California Edison Company		
Do	SCM Corp		32.00
Do	Telecommunications, Inc		
Do	USAA Federal Savings Bank		
Do	Westinghouse Electric Corp	11,966.25	34.00
Do	Windham Community Memorial Hospital, Inc		
Mary Lou Joseph, 2025 M Street, NW Washington, DC 20036	National Public Radio	19,754.75	1,678.08
David Josephs, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America	709.88	68.64
Sherry F. Kaiman, 122 C Street, NW, #875 Washington, DC 20001	Robert A. Rapoza Associates (For:National Rural Health Assn)	11,250.00	118.36
Steve Kallick, Box 021692 Juneau, AK 99802	Southeast Alaska Conservation Council		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	15,750.00	308.50
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn	2,350.00	336.50
Do	Cambridge Redevelopment Authority	789.50	
Do	Humane Society of the U.S., et al.	8,695.50	235.93
Do	Iroquois Gas Transmission Systems	8,147.50	411.56
Do	National Venture Capital Assn		
Do	Norton Company		
Do	Thermedics, Inc		
S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International, Inc)	2,000.00	
Do	Karalekas & McCahill (For:American Retirees Assn)	4,500.00	30.66
Do	Karalekas & McCahill (For:Firestone Tire & Rubber Co, et al.)	1,500.00	
Do	Karalekas & McCahill (For:Gates Rubber Company)	2,000.00	13.60
Do	Karalekas & McCahill (For:Homeport Information Task Force, et al.)	9,000.00	41.07
Do	Karalekas & McCahill (For:National Agriculture Aviation Assn)	2,000.00	6.00
George Kassouf, 1601 Connecticut Avenue, NW, #600 Washington, DC 20009	Alliance for Justice	457.03	
Katten Muchin Zavis & Dombroff, 1275 Pennsylvania Ave., NW #301 Washington, DC 20001	Associated Aviation Underwriters		
Do	Cogeneration & Independent Power Coalition of America, Inc		
Do	Consolidated Natural Gas Service Co, Inc	5,161.70	1,814.19
Do	National Fuel Gas Supply Corp	2,580.80	907.09
Do	Natural Gas Vehicle Coalition	12,587.50	4,424.17
Do	Penntech Papers, Inc		
JoAnn Kauffman, 206 G St., NE #100 Washington, DC 20002	Evergreen Associates, LTD. (For:American Indian Health Care Assn)		1,000.00
Do	Evergreen Associates, Ltd (For:Nez Perce Tribe of Idaho)		5,962.50
Bronwen A. Kaye, 1575 Eye St., NW, #200 Washington, DC 20005	American Cyanamid Co	783.75	425.92
Jim Keane, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Chicago City-Wide Colleges		
Kevin B. Kearney, 14 Webb Road Cabin John, MD 20818	Chemical Manufacturers Assn, Inc		
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	Group Health, Inc	3,442.00	
J. Michael Keeling, Zuckert Scoutt & Rasenberger 888 17th Street, NW, #600 Washington, DC 20006	ESOP Association of America	3,382.25	
Do	National Assn of Royalty Owners, Inc	285.00	
Do	Small Business Council of America		
David A. Keene, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:Marine Engineers' Beneficial Assn)		
Keene Shirley & Associates, Inc, 919 Prince Street Alexandria, VA 22314	Australian Barley Board	19,800.00	6,345.85
Do	Boston Capital Partners, Inc		
Do	Limited, Inc	2,214.12	10,110.00
Do	McDonnell Douglas Astronautics Co		
Susan Keith, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Corn Growers Assn	3,438.00	
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	Chamber of Commerce of the U.S.	2,500.00	
Harold V. Kelly, 1025 Thomas Jefferson St., NW, #511 W. Washington, DC 20007	Republic Engineered Steels, Inc		
Coletta Kemper, 1401 New York Avenue, NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Kemper Financial Companies, 120 South LaSalle Street Chicago, IL 60603			71.70
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			950.78
Art Kennedy, Box 200576 Anchorage, AK 99520	Koniag, Inc	24,342.00	10,867.61
Timothy C. Kernan, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation	8,000.00	2,104.64
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	13,867.44	39.00
Margaret Kerry, 105 East 22nd Street New York, NY 10010	Community Service Society	372.60	
Richard S. Kessler, 709 D Street, SE Washington, DC 20003	Sandoz Corp	7,300.00	
Dale Rodney Ketcham, 1980 N. Atlantic Ave., #918 Cocoa Beach, FL 32931			
Phillips Kimball Jr., 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	9,144.00	254.00
Marcia Y. Kinter, 10015 Main Street Fairfax, VA 22031-3489	Screen Printing Assn International		
Ronald Kipke, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,400.56	
Peter C. Kirby, 900 17th Street, NW Washington, DC 20006	Wilderness Society	893.75	
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Corning Glass		
Do	General Motors Corp	4,193.75	
Do	Management Insights, Inc		
Do	Service Master	3,000.00	
Do	Valhi, Inc		
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby, #900 Washington, DC 20036	American Chipper Knife Coalition		
Do	Grocery Manufacturers of America, Inc		
Do	Search Group, Inc	4,960.00	685.98
James A. Klein, 1212 New York Ave, NW #1250 Washington, DC 20005	Association of Private Pension & Welfare Plans, Inc	1,615.38	32.89
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	23,850.00	577.44
William J. (Bill) Klinefelter, 25 Louisiana Ave., NW Washington, DC 20001	National Wildlife Federation	4,306.20	
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,200.00	
Kevin T. Knobloch, 1616 P Street, NW, #310 Washington, DC 20036	Union of Concerned Scientists	6,750.00	320.00
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906		10,000.00	650.00
Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	213.75	
Bart Koehler, Box 021692 Juneau, AK 99802	Southeast Alaska Conservation Council	1,575.00	
Kogovsek & Associates, Inc, 1801 Broadway, #1420 Denver, CO 80202	City of Pueblo, Pueblo County	4,446.00	1,162.67
Do	Conejos Water Conservancy District	1,500.00	2,671.76
Do	Dolores Water Conservancy District	4,000.00	1,454.99
Do	Public Employees Retirement Assn of Colorado	6,690.00	1,722.14
Do	Rocky Mountain Health Care Corp	4,950.00	42.00
Do	Southern Ute Indian Tribe		10,235.42
Julie Koheler, Box 021692 Juneau, AK 99802	Southeast Alaska Conservation Council	64.00	
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		575.50
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			93,305.31
Hugh A. Krentz, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Van Z. Krikorian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	4,662.00	
Steven Kroll, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	1,995.47	
Keith R. Krueger, 1527 Wisconsin Avenue, NW Washington, DC 20007	U.S. West Communications	6,962.00	383.69
Paul C. Kruger, 730 Fairlawn Dr. Columbus, OH 43214	Ohio Prison Education Network, Inc (Open)		
Herb B. Kuhn, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,381.51	422.15
Frederick L. Kumar, 8002 Sleepy View Lane Springfield, VA 22153			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		865.59	865.59
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			35,730.04
Janice R. Lachance, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	3,380.66	
Lachelli Waller & Asso, 600 Maryland Ave., SW, #200A East Wing Washington, DC 20024	Lachelli Waller & Associates		
Bruce C. Ladd Jr., 1350 I Street, NW Washington, DC 20005	Motorola, Inc	16,500.00	111.00
Shayne Ladner, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc (IIAA)	9,468.00	
Gerard F. Lamb, 2341 Jefferson Davis Hwy, #1100 Arlington, VA 22202	Bath Iron Works Corp	5,000.00	
Robert Lamb, 1627 Eye St., NW, #1000 Washington, DC 20006	McGuire Woods Battle & Boothe (For:Combined Sewer Overflow)	5,000.00	
Do	James River Corp	5,000.00	
Do	Occidental Chemical Corp	5,000.00	
Do	Occidental Petroleum Corp	5,000.00	
Do	McGuire Woods Battle & Boothe (For:Solite Corp)	5,000.00	
Do	Sun Co, Inc	5,000.00	
Maria Landolfo, 1126 16th St., NW Washington, DC 20036	Int'l Union of Electronic, Electrical, Salaried, Machine....	13,295.00	87.50
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	4,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Linda L. Lane, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland (For:Philip Morris, USA)		
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc	1,250.00	2,734.63
Denise M. Larr, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Legislative Strategies (For:American Independent Refiners Assn)	1,498.50	155.25
Do	Legislative Strategies (For:Bridge Products)	758.50	
Do	Legislative Strategies (For:Cogeneration & Independent Power Coalition of America, Inc).		
Do	Legislative Strategies (For:Consolidated Natural Gas Service Co, Inc)		
Do	Legislative Strategies (For:Delavan Lake Sanitary District)	758.50	99.82
Do	Legislative Strategies (For:Globos International, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Legislative Strategies (For:Huntway Refining Company)	1,019.00	63.86
Do	Legislative Strategies (For:Miami-Dade Water & Sewer Authority Department)		
Do	Legislative Strategies (For:National Hydropower Assn)	148.00	
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)		
Do	Legislative Strategies (For:Penntech Papers, Inc)		
Do	Legislative Strategies (For:Tosco Corp)	222.00	67.82
Do	Legislative Strategies (For:Western Pennsylvania Environmental Complex Development).	129.50	
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	428.40
Daniel Lauwers, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	2,080.00	
Charles B. Lavin Jr., 7101 Wisconsin Ave., #1390 Bethesda, MD 20814	National Burglar & Fire Alarm Assn (For:Alarm Industry Communications Committee).		
Do	Central Station Alarm Assn		
Do	Central Station Alarm Association		
George H. Lawrence, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	4,000.00	
Lloyd R. Lawrence Jr., Bob Lawrence & Associates 803 Prince Street Alexandria, VA 22314	Valmont Industries, Inc	3,000.00	300.00
John M. Lawson, 1350 Connecticut Ave., NW #200 Washington, DC 20036	Assn for Public Broadcasting	3,250.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	OPTUR	1,000.00	
Do	Standard Federal Savings Bank	5,000.00	
Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036		65,059.00	64,176.37
Gerald B. Leape, 1436 U Street, NW Washington, DC 20009	Greenpeace USA	6,250.00	6,675.00
Gerard Lavery Lederer, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	500.00	
James B. Lee, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
Legislative Strategies, 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20004	American Independent Refiners Assn	14,620.00	5,912.58
Do	Associated Aviation Underwriters	112.50	43.18
Do	Bridge Products	4,150.00	1,801.14
Do	Cogeneration & Independent Power Coalition of America, Inc	840.00	412.32
Do	Consolidated Natural Gas Service Co, Inc	4,500.00	1,977.20
Do	Delavan Lake Sanitary District	5,067.50	2,070.88
Do	Globos International, Inc	1,687.50	647.70
Do	Huntway Refining Company	3,032.50	1,314.36
Do	Miami-Dade Water & Sewer Authority Dept.		
Do	National Hydropower Assn	777.50	322.98
Do	Natural Gas Vehicle Coalition	1,295.00	635.66
Do	Penntech Papers, Inc		
Do	Texas-New Mexico Power Company	1,447.50	642.63
Do	Tosco Corporation	2,197.50	936.48
Do	Western Pennsylvania Environmental Complex Development	722.50	298.80
Arnold H. Leibowitz, 1707 H Street, NW, #500 Washington, DC 20036	Cameron Hornbostel & Butterman (For:Hebrew Immigrant Aid Society (HIAS))	13,500.00	2,014.00
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Scott Leonard, 236 Massachusetts Ave, NE Washington, DC 20002	National Assn of Railroad Passengers	6,480.00	
Lepon McCarthy & Jutkowitz, 1146 19th Street, NW, Third Floor Washington, DC 20036	Chilean Exporters' Assn	21,684.15	21,684.15
Craig S. Lesser, 23/333 Piedmont Ave Atlanta, GA 30308	Georgia Power Co	9,559.50	8,204.88
Betsy Levin, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036	Association of American Law Schools		
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
James F. Levy, 215 Assembly Street Columbia, SC 29201	Vista, Inc		
David J. Lewis, 2111 Jefferson Davis Highway, #511N Arlington, VA 22202	International Trade & Development Agency, Inc		
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp		
Do	Manufacturers Hanover Corp	850.00	
Pamela Lichtman, 1400 Sixteenth Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	46.00	
Paul E. Linet, 75 Federal Street, 18th Floor Boston, MA 02210	Afa Corporation, et al.	10,000.00	217.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Wisconsin Electric Power Co	10,049.63	
Lisboa Associates, Inc, 1317 F St., NW, #202 Washington, DC 20004	University of the Virgin Islands	2,062.50	
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	5,000.00	
David A. Litvin, 1600 M Street, NW, #700 Washington, DC 20036	Kennecott Corporation		504.00
Leslie Loble, 1925 K St., NW Washington, DC 20006	Communications Workers of America		
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	6,250.00	1,251.05
Brian C. Lopina, 470 L'Enfant Plaza, SW East Bldg, #7112 Washington, DC 20024	Citizens for a Sound Economy	1,000.00	138.00
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees		
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
James Lovell, 20361 Middlebelt Livonia, MI 48152	National Hearing Aid Society		
Lukens, Inc, 50 South First Avenue Coatesville, PA 19320			2,156.00
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Carla J. Lunetta, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,864.62	799.32
Barry W. Lynn, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Sarah E. Lynn, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	18,756.25	100.00
Thomas L. Mack, 23529 Haddonfield Lane Darnestown, MD 20878	Bechtel Group, Inc		
Mimi Mager, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	10,399.06	188.75
Paul J. Magliocchetti, 9527 Wallingford Drive Burke, VA 22015	Paul J. Magliocchetti Associates, Inc (For:Hughes Aircraft Company)		
Do	Paul Magliocchetti Associates, Inc (For:United Technologies Corporation)		
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
Management & Government Resources, 1305 Mt. Holly Road Burlington, NJ 08016	Burlington Coat Factory Whse	35,977.07	23,885.78
Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006	United Hellenic Amer Congress & Amer Hellenic Alliance, Inc		2,100.00
Marc, Inc, 2919 Olive Street, NW Washington, DC 20007	Gilbert Chagoury		
Do	Forbes Forbes & Teamor		
Chalmers H. Marquis, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association for Public Broadcasting	3,000.00	10.40
Ned W. Massee, 299 Park Avenue New York, NY 10171	Westvaco Corporation		1,864.38
James T. Massey, P.O. Box 1689 317 East Cascade Sisters, OR 97759	Farmers Legal Action Group, Inc		
Scott M. Matheson, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)	500.00	
Richard D. Mathias, 1200 17th Street, NW, #500 Washington, DC 20036	Pan American World Airways, Inc		
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,635.24
Albert E. May, 1627 K Street, NW, 1200 Washington, DC 20006	United Shipowners of America	3,150.00	
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Bank for Foreign Economic Affairs of the USSR		
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
McAuliffe Kelly Raffaelli & Siemens, 1341 G Street, NW, 2nd Floor Washington, DC 20005	Association of Human Resource Consultants	1,578.00	
Do	Bay Area Rapid Transit District	12,540.00	
Do	Cellular Telecommunications Industry Assn	3,750.00	
Do	Potomac Investment Associates	12,500.00	
Do	Sweetener Users Assn	1,400.00	
Do	Transamarica Corporation		
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
John M. McClung, 727 N Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,850.00	333.36
Molly McCormick, 2301 Market Street, Box 8699 Philadelphia, PA 19101	Philadelphia Electric Company		
Dennis C. McCoy, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland (For:Philip Morris, USA)	2,500.00	25.00
Kimberly A. McCoy, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland (For:Philip Morris, USA)	2,500.00	
Todd McCracken, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	6,750.00	
Edgar H. McCulloch III, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	9,815.00	225.15
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	235.41
Francis O. McDermott, 888 16th Street, N.W. Suite 624A Washington, DC 20006	Hopkins Sutter Hamel & Park (For:Association Management Corp)		
Jack McDonald Co, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	Tuteur Associates, Inc		
Sandra McDonough, 1350 New York Ave., NW, #600 Washington, DC 20005	Pacific Power & Light Co	499.07	2,332.86
Christine W. McEntee, 50 F Street, NW, #II00 Washington, DC 20001	American Hospital Assn		
Bertra B. McGann, One Elmcroft Road Stamford, CT 06926-0700	Pitney Bowes, Inc	7,000.00	781.92
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	197.77	
Michael McGehee, McGehee & Assoc. 2105 National Press Building Washington, DC 20045	Research to Prevent Blindness, Inc	4,938.00	812.50
Phillip McGuire, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	6,000.00	
McGuire Woods Battle & Boothe, P.O. Box 25047 Alexandria, VA	Savage/Fogarty Companies, Inc		
Gerald J. McKiernan, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	15,000.00	
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	11,000.00	455.71
Timothy P. McKone, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	6,346.00	
Francis X. McLaughlin Jr., 1730 K St., NW, #1100 Washington, DC 20006	National Treasury Employees Union	11,360.25	
Bob McLean, 490 L'Enfant Plaza, SW, #3200 Washington, DC 20024-2120	National Assn of Postal Supervisors	11,097.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod & Pires (For:Coalition for Affordable Home Financing)	75.00	
Tara McMahon, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	McMillan & Farrell Associates, Inc		
Larry McNickle, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	1,470.00	130.00
Molly McNulty, 122 C Street, NW, #400 Washington, DC 20001	Children's Defense Fund	28.57	
Stewart C. Megaw, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc		
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
John Melcher, 230 Maryland Ave., NE Washington, DC 20002	Chicago Mercantile Exchange	11,250.00	9,400.00
Do	Food for Peace Coalition	18,730.00	14,100.00
Do	Humane Society of the U.S.	4,500.00	5,640.00
Do	Marine Engineers' Beneficial Assn	2,400.00	1,880.00
Do	Nectar Projects, Inc	2,400.00	1,800.00
Do	Potomac Marine International, Inc	18,000.00	14,100.00
Do	Society for Aminal Protective Legislation	4,500.00	5,640.00
Margaret Mellon, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,196.94	
Carol Melton, 1133 21st St., NW, #400 Washington, DC 20036	Warner Communications, Inc	9,250.00	38.43
David Mengebier, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	14,840.00	
Segundo A. Mercado-Llorens, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers International Union	15,612.00	619.65
Nicholas Meyers, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,850.00	726.15
John L. Mica, 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Greater Orlando Aviation Authority	3,000.00	350.00
Do	Harris-RF Communications	3,000.00	550.00
Do	Hvide Shipping, Inc	2,000.00	250.00
Eileen F. Michaels, 1317 F Street, NW, #202 Washington, DC 20004	Lisboa Associates, Inc (For:University of the Virgin Islands)	550.00	
Michael G. Michaels, P.O. Box 150160 Lakewood Station Box PMB Atlanta, GA 30315			
Michaels & Wishner, P.C., 1726 M St., NW, #500 Washington, DC 20036	Medco Containment Services, Inc	1,045.00	7,800.87
Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund	679.35	
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	Liberty Lobby		
Marc E. Miller, 1 Massachusetts Ave., #800 Washington, DC 20001-1431	McLeod & Pires (For:Coalition for Affordable Home Financing)	67.50	
Peggy Miller, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	7,604.00	76.00
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Ameribanc Investors Group		
Do	American Nuclear Energy Council		
Do	Association of Financial Services Holding Companies		
Do	Chevy Chase Savings Bank, FSB		
Do	Export Source Rule Coalition		
Do	Hewlett-Packard Co	2,200.00	
Do	Long Island Assn		
Do	Northern States Power Company		
Do	Organization for Fair Treatment of Int'l Investments	16,400.00	
Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	Independent Insurance Agents of America, Inc, et al.	1,995.00	
Do	National Assn of Life Underwriters, et al.	380.00	
Miller Hamilton Snider Odom & Bridgeman, 1747 Pennsylvania Ave, NW, #1150 Washington, DC 20006	Honfed Savings Bank		
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	600.00	238.52
Minnesota Public Interest Research Group, 2512 Delaware Street, SE Minneapolis, MN 55414			
Stacey J. Mobley, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Karl R. Moor, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Alabama Power Co)		
Do	Balch & Bingham (For:Southern Company Services, Inc)	1,280.00	388.75
Frank B. Moore, 3003 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	5,000.00	1,714.20
Timothy X. Moore, Timothy Moore & Co 2900 M Street, NW, #300 Washington, DC 20007	Swidler & Berlin (for: California Energy Company, Inc)	952.00	
Do	Swidler & Berlin (for: Software Rental Coalition)	3,225.00	
Do	Swidler & Berlin for:South Carolina Public Service Authority	4,500.00	
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		197.70	202.66
Anne L. Morgan, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Coalition of Supporters of the Shipping Act		
Do	Committee on Public Fiscal Policy		
William Morris, 1737 H Street, NW Washington, DC 20006	Rogers & Wells (For:CFC Coalition)	10,000.00	
James W. Morrison Jr., 815 Connecticut Ave., NW, #800 Washington, DC 20006	ARA Services, Inc	7,799.98	
Do	Morrison Associates (For:Blue Cross & Blue Shield Assn)	29,555.97	689.96
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	California Bankers Clearing House Assn		
Do	City and County of San Francisco	2,445.00	6.00
Do	Consolidated Freightways		
Do	Ford Motor Co		
Do	Mastercard International, Inc, et al.	22,521.25	91.00
Do	Matteson Investment Corp		
Do	National Electrical Manufacturers Assn		
Michael L. Morton, 910 16th Street, NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		14,181.00	14,741.74
Steve Moyer, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	6,365.72	
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Anchor Savings Bank, FSB		
Do	Carteret Savings Bank, F.A.		
Do	Empire of America Federal Savings Bank		
Do	Star States Corp		
Do	Talman Home Federal Savings and Loan Assn		
James S. Mulhern, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,300.00	
Michael J. Mullen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Evelyn Fiemann Munley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging		
Patricia Collins Murdock, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,773.28	60.75
Daniel J. Murphy, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Margaret R. Murray, 2501 M Street,NW, #400 Washington, DC 20037	McLeod & Pires (For:Coalition for Affordable Home Financing)	298.75	
National Abortion Rights Action League, 1101 14th Street, NW, 5th Floor Washington, DC 20005		8,039.75	8,039.75
National Air Carrier Assn, 1730 M St., NW, #710 Washington, DC 20036			
National Assn of Casualty & Surety Agents, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003			4,377.85
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		53,273.31	115,265.93
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		5,759,709.82	148,083.16
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Mortgage Brokers (NAMB), 706 E. Bell Road, #101 Phoenix, AZ 85022		1,840.95	2,012.68
National Assn of Railroad Passengers, 236 Massachusetts Ave., NE, #603 Washington, DC 20002		93,684.00	51,596.32
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			53,418.17
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006		3,300.00	4,800.00
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		7,900.00	10,445.00
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,842,894.15	16,859.47
National Coalition for Marine Conservation, Inc, P.O. Box 23298 Savannah, GA 31403		18,324.50	19,484.41
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		80,436.84	51,262.50
National Corn Growers Assn, 201 Massachusetts Ave., NE Suite C-4 Washington, DC 20002		20,810.00	20,810.00
National Education Assn, 1201 16th St., NW Washington, DC 20036		22,143.76	22,143.76
National Employment Lawyers Assn, 911 Mercantile Library Bldg. 414 Walnut Street Cincinnati, OH 45202			433.59
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		88,498.00	1,368.00
National Foreign Trade Council, Inc, 100 East 42nd St. New York, NY 10017		70,609.00	70,609.00
National Forest Products Assn, 1250 Connecticut Avenue, NW Washington, DC 20036		1,752,824.00	1,627,126.00
National Hearing Aid Society, 20361 Middlebelt Livonia, MI 48152			
National Hydropower Assn, 555 13th Street, NW, #900-E Washington, DC 20004		3,000.00	23,988.58
National Industrial Transportation League, 1090 Vermont Ave., NW, #410 Washington, DC 20005		18,000.00	16,137.55
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			2,648.90
National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314			37,826.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		9,680.00	9,680.00
National Newspaper Assn, 1627 K St., NW, #400 Washington, DC 20006		608,327.00	7,875.00
National Organization for Women, 1000 16th Street, NW, #700 Washington, DC 20036			
National Parking Association, 1112 16th St., NW, #2000 Washington, DC 20036			82,011.67
National Printing Equipment & Supplies Assn, Inc, 1899 Preston White Drive Reston, VA 22091			
National Rural Housing Coalition, 122 C Street, NW, #875 Washington, DC 20002		4,100.00	19,723.51
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		49,990.00	49,990.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			18,776.96
Natural Gas Supply Assn, 1129 20th St. NW #300 Washington, DC 20036		299,800.00	27,676.43
Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	22,884.68	646.00
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates (For:American Industrial Hygiene Assn)	2,000.00	2,000.00
Do	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	1,050.00	600.00
Do	Neece Cator & Associates, Inc (For:National Small Business United)	3,000.00	3,000.00
Do	Neece Cator & Associates, Inc (For:National Venture Capital Association)	2,000.00	2,000.00
Neece Cator & Associates, Inc, 1050 17th Street, NW, #810 Washington, DC 20036	Association of Small Business Development Centers	1,050.00	600.00
Do	National Small Business United	3,000.00	3,000.00
Do	National Venture Capital Association	2,000.00	2,000.00
Do	Southeastern Lumber Manufacturers Assn	2,000.00	2,000.00
Shirley Neff, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
Gaylord Nelson, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Neal Neuberger, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,935.85	693.51
New Jersey State Bar Assn, One Constitution Square New Brunswick, NJ 08901-1500			
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	3,150.15	
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Anne L. Nicoll, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn		268.80
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,599.92	4,426.36
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	Ogden Martin Systems	261.25	
Do	Rochester Gas & Electric Corp	3,262.50	
Do	Tetrapak, Inc	268.75	
Susan M. Noon, 1255 23rd Street, NW, #500 Washington, DC 20037	Dow Lohnes & Albertson (For:Profit Sharing Council of America)		
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International, Inc)	2,000.00	39.00
Do	Karalekas & McCahill (For:American Retirees Assn)	3,000.00	64.23
Do	Karalekas & McCahill (For:Firestone Tire & Rubber Co, et al.)	1,000.00	22.80
Do	Karalekas & McCahill (For:Gates Rubber Company)	2,000.00	52.43
Do	Karalekas & McCahill (For:Homeport Information Task Force, et al.)	6,000.00	154.41
Do	Karalekas & McCahill (For:National Agriculture Aviation Assn)	2,000.00	38.70
Edward M. Norton Jr., 1400 16th Street, NW, #300 Washington, DC 20036	Grand Canyon Trust		
James Norton, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,293.75	859.98
Jack O. Nutter II, 1341 G St., NW #1100 Washington, DC 20005	Jefferson Group (For:Alumax, Inc)	225.00	
Do	Jefferson Group (For:Childrens Health Systems)	16,087.50	90.00
Do	Jefferson Group (For:Doe Run Company)	281.25	
Do	Jefferson Group (For:Lead Industries Assn)	337.50	22.46
Do	Jefferson Group (For:Molson Breweries USA, Inc)	1,350.00	103.50
Do	Jefferson Group (For:3M Safety & Security Systems)	168.75	
Nyprocoa, Inc, 909 Third Ave. New York, NY 10022	Telefonica Larga Distancia		
James J. O'Connell, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation		
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Assn of the U.S.		
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	23.00
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Kathleen O'Leary, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Transmission Corp	4,100.00	
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	1,837.50	
Thomas J. Oden, 1503 N. Filmore St. Arlington, VA 22201	National Milk Producers Federation	8,000.00	
Olwine Connelly & Chase, 1701 Pennsylvania Ave, NW, #1000 Washington, DC 20006	Valsan Partners	3,000.00	
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Charles J. Orasin, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	11,844.00	
Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250		2,658.30	4,050.02
Elvira J. Orly, 1150 Connecticut Ave., NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc		
Jose A. Ortiz-Daliot, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:City of San Juan, PR)	2,450.00	
Edward R. Osann, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	10,332.90	
David S. Osterhout, 1825 Eye Street, NW, #1100 Washington, DC 20006	Lockheed Corporation	6,000.00	2,285.56
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries/Baroid Corp	11,250.00	
Do	U.S. Federation of Small Businesses, Inc	1,500.00	
Allen Scott Pack, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd, et al.		
Pagonis & Donnelly Group, Inc, c/o Dow Lohnes & Albertson 1620 I Street, NW, #202 Washington, DC 20006	Government of the People's Republic of Ethiopia	32,000.00	
Do	Government of the Republic of Transkei	45,000.00	
Alejandro J. Palacios, 110 Maryland Avenue, NE Washington, DC 20002	U.S. Committee for UNICEF	16,670.00	
Geri Palast, 1313 L St., NW Washington, DC 20015	Service Employees International Union, AFL-CIO, CLC		
Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Insurance Assn)	1,887.50	31.45
Do	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	4,287.50	38.25
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	912.50	12.00
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)	1,587.50	22.00
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn.)	875.00	6.00
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	562.50	
Palumbo & Cerrell, Inc, 1629 K St., NW, # 1100 Washington, DC 20006	American Insurance Assn	10,312.50	3,589.11
Do	American Soc of Composers Authors & Publishers	30,000.00	17,218.16
Do	Arco Chemical Company		
Do	Atlantic Richfield Co	18,000.00	6,296.72
Do	Farmers Insurance	48,400.00	3,988.02
Do	Government Employees Hospital Assn		2,824.29
Do	Rockport Fine Arts Council		
Do	Southern California Rapid Transit District	18,750.00	4,473.35
Harriet Parcells, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	4,341.00	
Pierre Paret, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:City of San Jaun, PR)	2,500.00	
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	2,692.25	639.75
Parker Poe Adams & Bernstein, 1 Exchange Plaza P.O. Box 389 Raleigh, NC 27602	Handgun Control, Inc		
Prudence H. Parks, 11301 Popes Head Road Fairfax, VA 22030	Washington Gas Light Co	600.00	
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	Richard V. Allen Company	4,000.00	
Do	American Family Life Assurance Co		
Do	Bell Helicopter Textron, Inc	7,500.00	
Do	Blue Sea Corporation		
Do	Brown & Root U.S.A., Inc	4,000.00	
Do	Cardiac Pacemakers, Inc	2,800.00	
Do	Cessna Aircraft Compnay	700.00	
Do	Genentech	2,100.00	
Do	Generic Pharmaceutical Industry Assn	1,500.00	
Do	Herbalife International of America, Inc	250.00	
Do	International Assn of Broadcast Monitors	2,000.00	
Do	Ixtlan Corp		
Do	Lockheed Aeronautical Systems Co	1,500.00	
Do	LTV Aerospace & Defense Company	3,050.00	
Do	Miles Group		
Do	Motion Picture Assn of America, Inc	4,800.00	
Do	National Assn of Independent Insurers	2,000.00	
Do	New Mexico State University	500.00	
Do	Pfizer, Inc	3,300.00	
Do	Port of Brownsville	1,500.00	
Do	Research Corp Technology, Inc	3,600.00	
Do	Systech Environmental Corp	3,600.00	
Do	TCOM, L.P.	1,000.00	
Do	Upjohn Company	2,100.00	
Do	Won Door Corporation	1,125.00	
Do	World Chiropractic Alliance	300.00	
Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	9,038.00	
Parsons Behle & Latimer, 185 South State Street, #700 Salt Lake City, UT 84147-0898	Energy Fuels		887.50
M. Leigh Pate, 206 G St., NE #100 Washington, DC 20002	Evergreen Associates, Ltd (For:Suffolk County New York)		
David J. Pattison, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Shelley Peck, 122 C St., NW Washington, DC 20001	Children's Defense Fund	2,346.00	630.55
James M. Peirce Jr., 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	2,529.42	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Penco International, 606 Massachusetts Ave., NE Washington, DC 20002	Penco International		
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	8,346.00	
Joseph M. Penot Sr., 100 Indiana Ave, NW, #311 Washington, DC 20001	Radio-Electronics Officers Union	15,243.00	
Monica S. Penwell, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		161.95
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	Tempo Enterprises, Inc		
Richard Perle, 5 Grafton Street Chevy Chase, MD 20815		5,000.00	50.00
Robert Peters, 15 Leroy Street, #19 New York, NY 10014-3975	Morality in Media, Inc		
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Geoffrey G. Peterson, 1250 Eye St., NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Susan M. Pettey, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	298.00	51.33
Pettit & Martin, 601 13th Street, NW, 6th Floor Washington, DC 20005	American Suzuki Motor Corp	52,904.00	624.00
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	City of Philadelphia	13,762.84	
Do	HOV Coalition	4,000.00	
Do	MacAndrews & Forbes Holdings, Inc	6,700.00	
Do	Metro	12,000.00	
Do	Metropolitan Toledo Consortium	12,000.00	
Do	Mothers Against Drunk Driving (MADD)	6,750.00	
Do	National School Health Education Coalition	5,100.00	
Do	Regional Transit Authority	33,333.32	
Do	Southeastern Pennsylvania Transit Authority	7,500.00	
Janis Nero Phillips, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		100.49
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Consolidated Rail Corporation	4,171.50	238.26
James H. Pissot, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society		
Planned Parenthood Fed of America, Inc, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036			
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum		402.69
David Poisson, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	1,500.00	
Gerald Poje, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	246.57	
Jane Polansky, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Jean S. Polatsek, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,306.85	904.00
Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001	American Hospital Assn	1,664.83	219.18
M. A. Polzin, 100 NE Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
Edward T. Porcaro, 1341 G Street, NW, #1100 Washington, DC 20005	Metropolitan Life Insurance Cos	1,000.00	
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			11,879.13
Porter Wright Morris & Arthur, 1233 20th Street, NW, 4th Floor Washington, DC 20036-2395	Industrias Trele, S.A.	8,599.20	325.36
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Bayley Seton Hospital		
Do	Belz Investment Co	9,839.63	
Do	Coalition for Equitable Compensation		
Do	Committee for Competitive Marketing		
Do	Computer & Business Equipment Manufacturers Assn		
Do	CORETECH	2,904.00	
Do	Federal National Mortgage Assn	180.00	
Do	Hewlett-Packard Co	13,232.15	
Do	Hitachi Sales Corp of America		
Do	International Business Machines Corp (IBM)	3,350.00	
Do	International Telecommunications Satellite Organization		
Do	Krupp Financial Group		
Do	Lockheed Engineering & Sciences Company	266.00	
Do	Massachusetts Housing Finance Agency		
Do	National Multi Housing Council		
Do	Public Service Company of Indiana, Inc	930.00	
Do	Republic of Palau		
Do	Simmons Communications	16,093.00	
Do	Starrett Housing Corp	183.00	
Do	Westinghouse Electric Corp	14,842.00	
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Banker's Assn for Foreign Trade	4,612.00	514.84
Do	John Hancock Mutual Life Insurance Co		
Do	Preussag AG	29,771.77	437.67
Robert L. Pratt, 303 Wyman Street Waltham, MA 02154	Thermo Electron Corp/Thermedics, Inc	8,704.00	1,134.00
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	General Electric Co		
Do	Union Labor Life Insurance Co		
William Prindle, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy		
Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070		541.21	933.79
Sydney Probst, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Patricia A. Quealy, 2100 Pennsylvania Ave, NW #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)	1,330.00	
Do	Eckert Seamans Cherin & Mellott (For:Blue Cross & Blue Shield Assn)	902.50	8.00
Do	Continental Medical Systems, Inc	807.50	
Do	Eckert Seamans Cherin & Mellott (For:Orment Corp)	237.50	
Do	Eckert Seamans Cherin & Mellott (For:Ravenswood Aluminum Corp)	665.00	8.00
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	7,800.00	32.00
Peri Jude Radecic, 1517 U Street, NW Washington, DC 20009	National Gay & Lesbian Task Force (NGLTF)	8,500.00	
Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005	American Bureau of Shipping	5,000.00	118.97
Do	American Ship Building Co	5,000.00	97.13
Do	Bell Atlantic Network Services, Inc	33,750.00	
Do	Childrens Television Workshop		
Do	Commonwealth of Pennsylvania		
Do	Diagnostic/Retrieval Systems, Inc		
Do	Government of Bermuda		
Do	Klukwan		
Do	Marco Shipyard-Seattle		
Do	National Bulk Carriers, Inc	4,500.00	
Do	R.J. Reynolds Nabisco, Inc	21,000.00	
Do	Sea-Land Service, Inc	20,000.00	214.94
Do	Stimson Lumber Co & Miller Redwood Co	3,000.00	
Do	Territorial Savings & Loan Assn		
Do	Transprotation Institute		
Do	U.S. Telephone Assn	24,000.00	
Craig J. Rancourt, 1050 17th Street, NW, #210 Washington, DC 20036	American Assn of Classified School Employees	16,898.99	1,323.24
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	103.89
Tim Ransdell, 1000 Potomac St., NW, #401 Washington, DC 20007	FMR Group (For:Hazelwood Farms Bakeries, Inc)		
Robert A. Rapoza Associates, Inc, 122 C Street, NW, # 875 Washington, DC 20001	Association for Health Services Research	13,749.99	
Do	Center for Community Self Help	625.00	
Do	Coastal Enterprises, Inc	2,500.00	
Do	Community Enterprise Development Corp of Alaska	1,250.00	
Do	Community Resources Group	1,000.00	
Do	Community Transportation Association of America	10,000.00	
Do	Great Lakes Rural Network/WSOS	1,250.00	
Do	Local Initiatives Support Corp	12,000.00	
Do	Midwest Assistance Program	850.00	
Do	National Council of La Raza	2,500.00	
Do	National Rural Housing Coalition	12,000.00	
Do	Northern Community Investment Corp		
Do	Ridgecrest Enterprises	1,250.00	
Do	Rural Community Assistance Corp	750.00	
Do	Rural Housing Improvement		
Do	Rural Opportunities, Inc	750.00	
Do	Southern Development Bancorporation	1,250.00	
Do	Trust for Community Development	6,937.50	4,500.00
Do	Virginia Water Project/SE RCAP		
Kenneth E. Raske, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	2,135.00	60.00
Robert Ratliffe, 5400 Carillon Point, #400 Kirkland, WA 98033	McCaw Communications Cos		
Clark E. Rector Jr., 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	850.00	
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	National Assn of Minority Business	8,500.00	
Joseph M. Rees, 1000 Potomac Street, NW, #401 Washington, DC 20007	FMR Group (For:Hazelwood Farms Bakeries, Inc)		
Do	National Coalition Burn Center Hospitals	6,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Songwriters Guild of America	9,000.00	
Alan D. Reffkin, 2000 L Street, NW, #200 Washington, DC 20036	HHL Financial Services, Inc		150.00
Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701		13,536.11	11,987.62
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,087.29	375.84
Joseph J. Reilly, Jr, 62A Winn Street Burlington, MA 01803	Morality in Media, Inc		
Clarinda Renner, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	8,291.78	
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		3,742.95	22,025.03
Resources Fund, Inc, 1535 P Street, NW Washington, DC 20005			
Paul C. Rettig, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	164.39	257.81
Steve Ricchetti, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	3,000.00	305.30
Alan K. Richards, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Kevin C. Richardson, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	3,000.00	505.49
James G. Rickards, 600 Steamboat Road Greenwich, CT 06830-7149	Greenwich Capital Markets, Inc		
Glenn Wadsworth Riddell, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd, et al.		
Siert F. Riepma, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	862.04
Karen Rindge, 1400 16th Street, NW Washington, DC 20036-2266	Planned Parenthood Federation of America	7.72	9.70
Riselli & Pressler, P.C., 1225 19th Street, NW, #850 Washington, DC 20036	Professional Managers' Assn		
Leslie Sue Ritts, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	National Environmental Development Assn		
Rivkin Radler Bayh Hart & Kremer, 1575 I Street, NW, #1025 Washington, DC 20005	National Basketball Assn	1,940.00	990.00
Do	National Foreign Trade Council	3,187.50	1,610.00
Robert Branand International, Four E Street, SE Washington, DC 20003	E.W. Bliss Company	64,222.00	66,866.00
William J. Roberts, 1616 P Street, NW, #150 Washington, DC 20036	Environmental Defense Fund	15,750.00	300.00
Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	5,249.85	2,108.93
Michael F. Rodgers, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging		
Frances F. Rogala, 1325 Pennsylvania Ave., NW, 7th Floor Washington, DC 20004	Interturbine Corp		
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	American Express Co		
Do	Dreyfus Corporation	5,000.00	
Do	Investment Partnership Assn	10,000.00	
Do	Kamehameha Schools/Bishop Estate		
Do	National Assn of Beverage Importers		
Do	Rutgers, The State University of New Jersey		
Do	Shearson Lehman Hutton		
Do	Walker Telecommunications Corp		
Do	Wine & Spirits Wholesalers of America, Inc		
Lori S. Rogovin, 901 East Capitol Street, SE Second Floor Washington, DC 20003	American Assn for Counseling & Development	8,489.00	
Fernando D. Rojas, 7300 NW 35th Terrace, #105 Miami, FL 33122	Cuban American Foundation, Inc	4,069.59	
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	3,700.00	2,665.03
John F. Rolph III, 1101 Pennsylvania Ave, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,000.00	
Daniel Romanko, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Steel Producers Assn		
Joseph D. Romer, 304 N. Virginia Avenue Falls Church, VA 22046	Brown Bridgman & Co, Inc		
James Roosevelt, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,250.00	
Barbara Roper, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America	6,923.00	17.00
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	4,762.49	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	Int'l Union of Electronic, Electrical, Salaried, Machine...	9,474.98	103.80
Melanie J. Rowland, 1400 Eye St., NW Washington, DC 20006	Wilderness Society	711.10	776.63
Rowland & Sellery, 1023 15th Street, NW, 7th Fl Washington, DC 20005	GE Plastics	2,000.00	
Do	Job Opportunities Business Symposiun		
Do	National Check Cashers Assn, Inc	3,000.00	
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Standard Federal Savings Bank		
James S. Rubin, 747 Third Ave., 14th floor New York, NY 10017	Allied-Signal, Inc		
Lois J. Rude, 50 F Street, NW, #1080 Washington, DC 20001	BR Services, Inc	500.00	440.31
Nicholas L. Ruggiere, 1667 K Street, NW, #410 Washington, DC 20006	Ares-Serono, Inc	1,000.00	225.00
Robert A. Rusbuldt, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	28,269.00	
Christine Anne Russell, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	9,875.00	370.91
Peter J. Rusthoven, 1313 Merchants Bank Building Indianapolis, IN 46204	Salt Creek & Little Calumet River Preservation Assn	224.00	
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American College of Radiology		621.30
Do	American Optometric Assn		580.40
Do	Association of Federal Investigators		
Ryan-McGinn, Inc, 1110 Vermont Avenue, NW, #820 Washington, DC 20005	American Medical Record Assn Long Term Care Section	5,000.00	79.17
Do	Cabot Energy Corporation	27,514.50	403.60
Do	Council on Accreditation of Services for Families & Children	5,400.00	131.31
Do	Dietary Managers Assn	7,666.66	234.60
Do	Health Industry Manufacturers Assn	15,000.00	212.29
Do	McDermott Will & Emery	15,000.00	99.99
Do	National Assn of Medical Directors of Respiratory Care	13,274.66	
Do	(For:Oregon Assn of Hospitals)		
Do	West Virginia Hospital Assn	6,000.00	159.25
Do	West Virginia Independent Oil & Gas Assn	10,000.00	572.14
Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:Security Companies Organized for Legislative Action (SCOLA)).	1,004.00	
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Ebasco Services Inc	3,145.00	
Do	Indiana Electric Assn	14,364.64	2,039.14
Do	MSE Corp	5,872.27	221.02
Do	New American Ventures Group	5,000.00	58.05
Do	Society of Nuclear Medicine	1,500.00	
Felix R. Sanchez, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	240.51
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	American Escrow Assn	4,900.00	1,581.03
Do	Conference of National Park Concessioners	4,000.00	193.35
Do	National Tour Assn, Inc	24,663.00	4,490.75
Do	Truckee-Carson Irrigation District	5,987.50	1,843.90
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314			
Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007	Benchmarks, Inc	9,000.00	95.91
Schagrin Associates, 1112 16th St., NW, #200 Washington, DC 20036	Committee on Pipe & Tube Imports	30,182.02	
Do	Sprinkler Pipe Producers Group	5,911.67	
Do	Tyco-Grinnell Corp	4,930.00	
Do	Weirton Steel Corporation	20,960.00	
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	2,362.50	21.85
Schiff Hardin & Waite, Attn Catherine Jacobson 7200 Sears Tower Chicago, IL 60606	Chicago Board Options Exchange		
Patricia Schifferle, 1400 Eye Street, NW, 10th Floor Washington, DC 20005	Wilderness Society		
Ella M. Schiralli, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	625.00	
Ken Schlossberg Consultants, 317 Massachusetts Avenue, NE, #200 Washington, DC 20002	Bowman Gray School of Medicine	10,000.00	5,984.00
Karin Schmerler, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum		99.93
Joel S. Schoenfeld, 129 West 30th Street New York, NY 10001	Amru International Trading Corp		
Carl J. Schramm, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Schwabe Williamson & Wyatt, 2000 Pennsylvania Ave., NW, #8335 Washington, DC 20006	Nichols Institute	3,267.69	437.82
Do	Oregon State University	263.81	5.00
Do	Oregon Steel Mills, Inc	701.53	8.05
Do	Public Generating Pool	1,309.75	120.87
Do	Tri-Met	4,377.78	347.48
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	6,097.00	979.01
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	3,570.00	
David A. Scott, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	American Petroleum Institute		
Michael Scott, 900 17th Street, NW Washington, DC 20006	Wilderness Society	833.07	49.80
Anne Scully, 777 14th Street, NW Washington, DC 20005	National Association of Realtors	1,725.00	2,744.39
Law Offices of John Sears, 2021 K Street, NW, #750 Washington, DC 20006	Embassy of the Republic of South Africa	15,000.00	
Debbie Sease, 408 C St., NE Washington, DC 20002	Sierra Club	5,897.51	95.49
Seattle 1990 Goodwill Games, 1701 K Street, NW, #400 Washington, DC 20006	Seattle Organizing Committee	23,401.69	2,138.69
Harold L. Segall, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:City of Bluefield, WV, et al.)	45.00	
Frances Seghers, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	937.00	
Jane Seigler, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	
M. Mark Seklecki, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Steven K. Selby, 1101 30th Street, NW, #500 Washington, DC 20007	Campbell Falk & Selby (For:Commonwealth of Puerto Rico)	8,000.00	
Do	Campbell Falk & Selby (For:Vanderveer Group)	3,000.00	
Sarah Setton, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	356.00	10.00
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	2,000.00	21.75
Kevin J. Shannon, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	625.00	
Gary J. Shapiro, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	1,500.00	
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	18,300.00	2,458.82
Susan Shaw, 2729 S. Veitch Street Arlington, VA 22206	National Treasury Employees Union	12,782.50	700.21
Shea & Gould, 1775 Pennsylvania Ave, NW, #700 Washington, DC 20006	Group Health, Inc	1,925.00	
R. Parker Sherrill, One Park Plaza P.O. Box 550 Nashville, TN 37202-0550	Health Trust, Inc, et al.		
Nelson T. Shields, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	1,115.00	
Ellen Shillinglaw, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
R. Philip Shimer, 444 N. Capitol St., NW, #526 Washington, DC 20001	Western Governors Assn		
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	2,475.00	
Pamela Hill Shouldis, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc	1,400.00	1,853.94
Eric Shulman, 925 15th Street, NW Washington, DC 20005	National Council of Senior Citizens	3,284.00	
Kathy Shulman, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	1,142.84	30.11
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Commonwealth Edison		830.00
Sierra Club, 408 C Street, NE Washington, DC 20002		480,798.73	480,798.73
Stephen Silbiger, 2027 Massachusetts Ave, NW Washington, DC 20036	American Jewish Congress		
Bruce A. Silverglade, 1875 Connecticut Avenue, NW, #300 Washington, DC 20009	Center for Science in the Public Interest	9,000.00	836.63
Marcia Silverman, 1901 L Street, NW, #320 Washington, DC 20036	Powell Adams & Rinehart		
Deborah S. Simmons, 1717 K St., NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	3,488.00	
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	1,100.00	
David J. Simon, 1504 Colonial Terrace Arlington, VA 22209	National Parks & Conservation Association	414.00	55.00
David C. Simonson, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn		
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	First Mississippi Corp	2,000.00	
Do	Mississippi Power & Light Company	2,000.00	
Do	State of Mississippi	4,000.00	
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Electronics Assn		
Do	Computer & Business Equipment Manufacturers Assn		
Do	Council on Research & Technology		
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	54.00
Scott Sklar, 1730 N. Lynn St., #610 Arlington, VA 22209	Solar Energy Industries Assn	15,000.00	10,960.95
Kathleen M. Skrabut, 1313 L Street, NW Washington, DC 20005	Service Employees International Union	9,996.58	48.00
Paul A. Skrabut Jr., 1629 K Street, NW, 1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Insurance Assn)	25.50	
Do	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	6,172.50	154.28
Do	Palumbo & Cerrell, Inc (For:Arco Chemical Company)		
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,462.50	
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)	142.50	
Do	Palumbo & Cerrell, Inc (For:Rockport Fine Arts Council)		
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith and Company (For:American Assn of Petroleum Geologists)	2,560.00	466.91
Do	E. Del Smith and Company (For:Bright & Associates)	2,700.00	211.57
Do	E. Del Smith & Company (For:BEMS)	1,500.00	
Do	E. Del Smith and Company (For:California Independent Oil Producers Assn)	5,400.00	1,975.83
Do	E. Del Smith & Company (For:Calleguas Creek Flood Prevention)	13,400.00	395.52
Do	E. Del Smith and Company (For:City of Anaheim Civic Center)	10,320.00	3,441.38
Do	E. Del Smith & Co (For:City of Anaheim Public Utilities)	5,920.00	2,328.76
Do	E. Del Smith and Company (For:City of Laguna Beach, CA)	2,400.00	
Do	E. Del Smith and Company (For:City of Long Beach, CA, Dept. of Oil Properties).	2,700.00	1,252.19
Do	E. Del Smith and Company (For:City of Long Beach, CA, Intergovernmental Relations).	19,620.00	1,382.46
Do	E. Del Smith & Co (For:City of Santa Barbara)	1,500.00	
Do	E. Del Smith and Company (For:City of Santa Monica)	2,400.00	
Do	E. Del Smith & Co (For:City of Victorville, CA)	3,000.00	27.00
Do	E. Del Smith and Company (For:County of L.A. Community Development Commission).		
Do	E. Del Smith and Company (For:County of Los Angeles)	13,200.00	978.27
Do	E. Del Smith and Company (For:Hidden Valley Resources Inc)	1,500.00	476.15
Do	E. Del Smith and Company (For:Long Beach Naval Shipyard Employees Assn)	2,100.00	199.50
Do	E. Del Smith & Company (For:National Independent Schools Assn)	1,500.00	1,177.51
Do	E. Del Smith and Company (For:Northern California Power Agency)	12,100.00	891.55
Do	E. Del Smith and Company (For:Port of Long Beach, CA)	28,749.99	
Do	E. Del Smith and Company (For:Rancho Palos Verdes)	2,250.00	
Do	E. Del Smith and Company (For:Signal Landmark, Inc)	7,500.00	5,276.14
Do	E. Del Smith & Co (For:South Orange County Consortium)	2,001.00	25.06
Elizabeth M. Smith, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,669.00	2,018.71
Ellen S. Smith, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	1,233.00	206.00
G. Wayne Smith, Potomac Visions, Ltd 1111 14th Street, NW Washington, DC 20005	Potomac Visions Limited (For:Diagnostic Retrieval Systems, Inc)		
Do	National Greyhound Assn		
William C. Smith, 317 Massachusetts Ave., NE #200 Washington, DC 20002	Ken Schlossberg Consultants (For:Bowman Gray School of Medicine)	6,249.00	
Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	6,875.00	
Thomas J. Soles Jr., 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	5,527.44	
Sorensen & Edwards, PS, 1201 Third Ave., #2900 Seattle, WA 98101-3028	Shee Atika, Inc		
Southeast Alaska Conservation Council, Box 021692 Juneau, AK 99802		5,409.00	4,620.00
Space Industries, Inc, 711 West Bay Area Blvd., #320 Webster, TX 77598-4001			
Thomas J. Spangler, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	14,700.00	53.00
D. Dean Sparkman, 1925 N. Lynn Street, #308 Arlington, VA 22209	Sparkman & Cole, Inc (For:Air Transport Assn of American)	1,500.00	
Do	Sparkman & Cole, Inc (For:Delta Air Lines, Inc)	1,500.00	
Do	Sparkman & Cole, Inc (For:Embry-Riddle)	1,500.00	
Do	Sparkman & Cole, Inc (For:National Business Aircraft Assn)	1,500.00	
Do	Sparkman & Cole, Inc (For:Regional Airport Authority of Louisville)	1,500.00	
Sparkman & Cole, 1925 N. Lynn Street, #308 Arlington, VA 22209	Air Transport Assn of America	3,336.00	
Do	Delta Air Lines, Inc	12,000.00	
Do	Embry-Riddle	3,869.00	
Do	National Business Aircraft Assn	4,500.00	
Do	Regional Airport Authority of Louisville	1,556.00	
Sandra Spence, 808 17th Street, NW, #200 Washington, DC 20006-3953	Bostrom Corp (For:Fire Equipment Manufacturers & Services Assn, Inc)		
Gilbert P. Sperling, 1275 Pennsylvania Ave., NW, #301 Washington, DC 20004	Katten Muchin Zavis & Dombroff (For:Cogeneration & Independent Power Coalition of America, Inc).		
Do	Katten Muchin Zavis & Dombroff (For:Consolidated Natural Gas Service Co, Inc).	1,711.50	44.00
Do	Katten Muchin Zavis & Dombroff (For:National Fuel Gas Supply Corp)	855.75	22.00
Do	Katten Muchin Zavis & Dombroff (For:Natural Gas Vehicle Coalition)	4,175.75	241.11
Do	Katten Muchin Zavis & Dombroff (For:Penntech Papers, Inc)		
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al.		
John W. Sroka, 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
James St. Pierre, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
David Stawick, 201 Massachusettes Ave., NE Washington, DC 20002	National Corn Growers Assn	3,500.00	
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	American Furniture Manufacturers Assn	750.00	375.00
Steele & Fornaciari, 2020 K Street, NW, #850 Washington, DC 20006	K Mart Corp	192.50	192.50
Henry J. Steenstra Jr., 1000 Wilson Boulevard, #2600 Arlington, VA 22209	TRW, Inc	1,984.00	480.00
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Cement Importers Assn		
Lawrence E. Stevens, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
H. Donald Stewart, 188 W. Main Street Penns Grove, NJ 08069			
Sandra Stewart, c/o Dow Lohnes & Albertson 1255 Twenty-third Street, NW Washington, DC 20037	Stelco Steel		
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Alex Stoddard, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,200.00	
Stoel Rives Boley Jones & Grey, 1350 New York Avenue, NW, #600-A Washington, DC 20005-4709	Southeast Alaska ANCSA Land Acquisition Coalition, Inc	14,431.50	3,308.55
Michael L. Strang, 218 2nd St., SE Washington, DC 20003	ATR Defense Group		644.60
Strategic Resources Corp, 3000 K Street, NW, #300 Washington, DC 20007	Matsushita Electric Corp of America	690.00	
George W. Strong, 2242 Bartlett Houston, TX 77098	Enron Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Fred Sudak, 230 South Wacker Drive, #1000 Chicago, IL 60606	Dakko Integrated Resources		
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,599.77	
Christopher J. Sullivan, 1313 L Street, NW Washington, DC 20005	National Assn of Government Employees/ Inter. Bro. of P.O.	8,845.00	174.95
Jeffrey Sumberg, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Julie Susman, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:PRC/ATI)	971.25	17.00
Thomas M. Susman, 1001 Pennsylvania Ave., NW, #1200-S Washington, DC 20004	Ropes & Gray (For:Digital Equiptment Corp)	30,765.08	
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004-2404	North American Co for Life & Health Insurance	73,246.50	539.34
Rosemarie Sweeney, Suite 770 600 Maryland Ave., SW Washington, DC 20024	American Academy of Family Physicians	4,250.00	2,009.66
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Akin Gump Strauss Hauer & Feld (for Drexel Burnham Lambert)		
Do	American Bakers Assn	2,702.50	36.00
Do	American Gas Assn	8,970.00	
Do	American Iron & Steel Institute	9,430.00	
Do	Business Coalition For RICO Reform	6,229.29	402.50
Do	California Energy Company	16,771.02	760.32
Do	Design Protection Coalition	2,812.50	
Do	Hyundai Motor Company	690.00	
Do	International Environmental Policy Coalition	460.00	
Do	MacAndrews & Forbes Group, Inc		
Do	Motor Vehicle Manufacturers Assn	8,970.00	
Do	New England Power		
Do	Pharmaceutical Manufacturers Assn	460.00	
Do	Product Liability Alliance	5,762.00	30.00
Do	Renewable Fuels Assn	1,207.50	32.00
Do	Rivkin Radler Bayh Hart & Kremer (for Merrill Lynch & Co)	3,397.50	170.00
Do	Software Publishers Assn	3,712.50	
Do	Software Rental Coalition	17,550.00	
Do	South Carolina Public Service Authority	14,331.02	279.84
Ivan Swift, P.O. Box 607 Arlington, VA 22216	New England Anti-Vivisection Society	3,000.00	1,600.00
Ross O. Swimmer, 4100 Bank of Oklahoma Tower Tulsa, OK 74172-0154	Hall Estill Hardwick Gable Golden & Nelson (For:Seminole Nation)		
Scott R. Swirling, 122 C St., NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Ronald L. Tammen, 1325 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Tammen Group (For:Coleman Natural Beef)	657.50	
Do	Tammen Group (For:Cray Research, Inc)		
Do	Tammen Group (For:Decision Insights, Inc)		
Do	Potomac Partners (For:Interturbine Corp)	2,707.50	
Do	Tammen Group (For:LTV Corp)	5,000.00	
Do	Potomac Partners (For:National Nutritional Foods Assn)	1,407.00	
Do	Potomac Partners (For:Organic Food Alliance (OFA))	1,932.00	
Do	Tammen Group (For:Population-Environment Balance)	1,000.00	
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			300.00
Mary T. Tavenner, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Margaret J. Taylor, 50 F Street, NW, #1080 Washington, DC 20001	BR Services, Inc	1,750.00	136.22
Sandra E. Taylor, 1600 M St,. NW, #702 Washington, DC 20036	ICI Americas	15,000.00	196.33
T. Daniel Tearno, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	571.88	149.24
Fred H. Telmer, c/o Dow Lohnes & Albertson 1255 Twenty-third Street, NW Washington, DC 20037	Stelco Steel		
Templeton & Company, 1925 North Lynn Street, #701 Arlington, VA 22209	William M. Keck II		
Do	Space Industries, Inc		
Tempo Enterprises, Inc, P.O. Box 702160 Tulsa, OK 74170			
Texas Business Group on Health, 1535 West Loop South, #322 Houston, TX 77027			
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Otis N. Thompson, Room 1414-S, Ag. Building Washington, DC 20250	Organization of Professional Employees of USDA	780.00	
Thompson & Mitchell, 1120 Vermont Avenue, NW, #1000 Washington, DC 20005	Cold Finished Steel Bar Institute	845.50	
Thompson Mann & Hutson, 3000 K Street, NW, #600 Washington, DC 20007	Bechtel Group, Inc		
Do	Combustion Engineering, Inc		
Do	Fluor-Daniel, Inc	9,575.00	
Do	International Paper Company	1,487.50	
Do	M.W. Kellogg Company		
Do	Morrison-Knudsen Co, Inc		
Do	National Dual Shop Coalition		
Do	TAP Electrical Contracting Service, Inc	962.50	27.00
Do	Vero Beach Oceanfront Investors Limited Partnership	875.00	
Thompson Sizemore & Gonzalez, 109 N. Brush Street, #200 P.O.Box 639 Tampa, FL 33601	City of Clearwater	360.00	
Anna Thronson, 1025 Thomas Jefferson Street, #700E Washington, DC 20007	Legislative Strategies (For:American Independent Refiners Assn)	161.00	
Do	Legislative Strategies (For:Bridge Products)	253.00	
Do	Legislative Strategies (For:Cogeneration & Independent Power Coalition of America, Inc).	276.00	63.92
Do	Legislative Strategies (For:Consolidated Natural Gas Service Co, Inc)		
Do	Legislative Strategies (For:Delavan Lake Sanitary District)		
Do	Legislative Strategies (For:Huntway Refining Company)		
Do	Legislative Strategies (For:Miami-Dade Water & Sewer Authority Department)		
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)	425.50	226.72
Do	Legislative Strategies (For:Penntech Papers, Inc)		
Do	Legislative Strategies (For:Texas-New Mexico Power Company)	201.25	6.00
Do	Legislative Strategies (For:Tosco Corp)	172.50	46.92
Julie Tippens, 254A Maryland Avenue, NE Washington, DC 20003	National Abortion Rights Action League	3,525.50	
Trees America!, 2122 Mass Ave., NW, #412 Washington, DC 20008			
Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411	Stern Bros, Inc		
Arthur S. Trujillo, 105 6th Street, SW Albuquerque, NM 87102	Navajo Academy Board of Trustees		10,021.23
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn	4,320.00	1,407.61
Do	Cambridge Redevelopment Authority		303.49
Do	Humane Society of the U.S., et al.	2,628.00	
Do	Iroquois Gas Transmission Systems	5,505.00	341.31
Do	National Venture Capital Assn		
Do	Norton Company		
Do	Sierra Club of America		
Do	Thermedics, Inc		
Genevieve W. Tuchow, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Distribution Companies	4,100.00	
Alfred Tudino Jr., 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	1,275.00	
David Turch & Asso, 517 2nd Street, NE Washington, DC 20002	City of Moreno Valley	6,000.00	4,807.14
Do	City of Rialto	3,200.00	3,030.99
Do	IRECO, Inc	8,800.00	2,391.05
William J. Turenne, 1901 L Street, NW Washington, DC 20036	Eli Lilly & Company	3,000.00	8.00
Stanley F. Turesky, 1250 24th Street, NW, #600 Washington, DC 20037	Potomac Partners (For:Organic Food Alliance (OFA))		
Jane L. Turner, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,200.00	
Richard F. Turney, 1725 K St., NW, #710 Washington, DC 20006	Courtney McCamant & Turney		
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	1,700.00	49.00
Larry Tuttle, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	935.00	642.48
U.S. Recreational Ski Association, 1315 East Pacifico Avenue Anaheim, CA 92805			
Unilever United States, Inc, 390 Park Ave. New York, NY 10022			
United Food & Commercial Workers International Union, 1775 K St., NW Washington, DC 20006		73,114.68	73,114.68
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314		5,836.00	836.65
United States Telephone Association, 900 19th Street, NW, #800 Washington, DC 20036	U.S. Telephone Assn	26,399.99	424.58
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
Reginald T. Valliere, 8 Herbert Street Alexandria, VA 22305-2600	National Assn of Postmasters of the United States	56,525.29	35,165.72
Nancy Van Duyne, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	10,063.35	
Laura Van Etten, 1420 16th Street, NW, 4th Floor Washington, DC 20036	Equitable Financial Companies		
Robert C. Varah, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Ross P. Vartian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	999.00	
Stephen J. Verdier, One Thomas Circle, NW, #950 Washington, DC 20005-5802	Independent Bankers Assn of America	20,000.00	410.87
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, #10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	200.00
Jerry T. Verkler, 555-13th Street, NW, Suite 300 West Washington, DC 20036	Interstate Natural Gas Assn of America	6,250.00	559.25
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW #700 Washington, DC 20005-2301	American Museum of Natural History	2,850.00	
Do	Bell Atlantic Corp	1,743.75	
Do	Brown & Root, Inc	1,800.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Central Gulf	1,587.50	
Do	General Aviation Manufacturers Association		
Do	General Dynamics Corp	400.00	
Do	GenCorp	3,487.50	
Do	Investment Company Institute	7,250.00	
Do	John F. Kennedy Center for the Performing Arts		
Do	Mars, Inc	2,037.50	
Do	McDonnell Douglas Corp	400.00	
Do	MDC Holdings, Inc		
Do	New Progressive Party	4,162.50	
Do	Northwest Airlines	7,928.75	
Do	NBC	3,231.25	
Do	NYNEX Corp	3,245.00	
Do	Travelers Corporation	375.00	
Do	TRW, Inc		
Do	UNC, Inc	500.00	
Virginia C. Vertiz, 1801 North Moore Street Arlington, VA 22209	American Assn of School Administrators	7,177.05	
Walter D. Vinyard Jr., Zuckert, Scoutt, Rasenberger & Johnson 888 17th St., NW, 7th Fl. Washington, DC 20006	Continental Insurance Companies	2.00	
Do	National Fraternal Congress of America	4.00	
Volunteer Trustees of Not-For-Profit Hospitals, 818 18th Street, NW, #900 Washington, DC 20006		10,500.00	11,922.00
Nancy Wallace, 408 C Street, NE Washington, DC 20002	Sierra Club	3,252.38	
Anne Marie Walsh, 1025 Connecticut Ave, NW Washington, DC 20036	Health Insurance Assn of America, Inc	21.88	4.00
James P. Walsh, 1752 N Street, NW, #800 Washington, DC 20036	American Tunaboat Assn		
J. Allen Wampler, 655 15th Street, NW Washington, DC 20005	Basin Electric Power	15,000.00	
Do	Louisiana Land and Exploration Co	36,000.00	10,500.00
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	2,500.00	
Susan Warner, P.O. Box 21692 Juneau, AK 99800-2	Southeast Alaska Conservation Council	1,620.00	
Washington Gas Light Co, c/o Carol A. Bechtold 1100 H Street, NW Washington, DC 20080			600.00
Ronald D. Waterman, 900 2nd Street, NE, #109 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	13,650.00	2,667.00
Do	Wisconsin Counties Assn	7,875.00	3,946.72
Do	Wisconsin Department of Industry, Labor & Human Relations	9,045.00	2,667.00
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	5,000.00	
Lucy R. Watkins, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	615.00	
Jay Watson, 900 17th Street, NW Washington, DC 20006	Wilderness Society	2,347.92	265.50
Jerry B. Watson Jr., P.O. Box 1022 Wilmington, DE 19899-1022		2,224.00	2,283.00
Norman E. Watts Jr., P.O. Box 270 Woodstock, VT 05091	Grocery Manufacturers of America, Inc		
Bruce H. Watzman, 1130 17th Street, N.W. Washington, DC 20036	National Coal Assn	8,800.00	230.76
David Weaver, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	1,206.00	
James D. Webb, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	117.71	
Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	32.00	
Paul Weckstein, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	735.00	
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Noranda, Inc		
Weiner McCaffrey Brodsky Kaplan & Levin, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005	National Manufactured Housing Finance Assn	405.00	
Arthur E. Weisberg, 2200 First Bank Place East Minneapolis, MN 55402	Dorsey & Whitney		
Daniel Weiss, 408 C Street, NE Washington, DC 20002	Sierra Club	7,689.25	55.00
Stanley A. Weiss, 601 Pennsylvania Ave., NW, #700 Washington, DC 20004-2602	Business Executives for National Security Education Fund Inc		
Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging		
Howard C. Weizmann, 1212 New York Avenue, NW, #1250 Washington, DC 20005	Association of Private Pension & Welfare Plans, Inc	630.70	
Bryant L. Welch, 1200 17th St., NW, Suite 106 Washington, DC 20036	American Psychological Assn	579.60	
William Wewer, 6302 30th Street, NW Washington, DC 20015-2238	American Tax Reduction Movement	3,000.00	
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Allied-Signal, Inc		
Do	American Airlines, Inc	6,650.00	30.21
Do	American Institute for Foreign Study Scholarship Foundation	4,950.00	42.90
Do	ARCO	2,200.00	36.55
Do	Coca-Cola Company	2,750.00	
Do	Columbia Hospital for Women Medical Center	5,220.00	80.70
Do	Communications Satellite Corp	900.00	9.00
Do	Consortium of State Maritime Schools		
Do	Coopers & Lybrand	4,650.00	44.45
Do	Foothills Pipe Lines (Yukon) Ltd	4,687.50	45.85
Do	FHP	450.00	8.45
Do	General Motors Corp		
Do	Massachusetts Maritime Academy		
Do	Monarch Capitol Corp		
Do	Motion Picture Assn of America, Inc	2,700.00	10.90
Do	MCI Communications Corp	5,300.00	17.45
Do	National Assn of Social Workers		18.00
Do	National Gypsum Co	1,000.00	
Do	New England Electric System		
Do	Norton Company	150.00	
Do	Nova, An Alberta Corp		
Do	Novacor Chemicals, Ltd		
Do	Oceanic Institute		
Do	Ohio Edison	400.00	
Do	Pyramid Lake Paiute Tribal Council		
Do	Regional Planning Commission		
Do	Serono Laboratories	845.00	22.40
Do	Simon Wiesenthal Center/Museum of Tolerance	2,600.00	46.65
Do	State of Oregon, Office of the Governor		
Do	Stock Information Group	200.00	
Do	Training Media Distributors Assn		
Do	U.S. Bioscience	5,950.00	21.40
Nancy Katherine Weyl, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	1,106.13
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Gordon B. Wheeler, 1025 Connecticut Ave, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Margita E. White, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc	481.00	
W. Keith White, 817-A King Street, #204 Alexandria, VA 22314	Crop Insurance Professionals Assn	7,000.00	
Do	FMC Corporation	5,000.00	
Ward H. White, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	1,500.00	
White Fine & Verville, 1156 15th St., NW, #1100 Washington, DC 20005	Association of Regionally Accred Priv Coll & Univ	30,000.00	
Wickwire Greene & Seward, 1008 Western Ave. Seattle, WA 98104	Arctic Slope Regional Corp		
Andrew F. Wiessner, 1801 Broadway #1420 Denver, CO 80202	Kogovsek & Associates, Inc (For:Bear Stearns, Inc)		
Do	Kogovsek & Associates, Inc (For:Bonneville Pacific Corp)	1,606.87	1,606.87
Do	Kogovsek & Associates, Inc (For:Pitken & Eagle Counties, Colorado)	2,085.06	285.06
Do	Kogovsek & Associates, Inc (For:Western Land Exchange Co)	28,114.20	6,318.66
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.	6,120.00	832.76
Paul H. Wikerd, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Buckbee-Mears Cortland		
Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	2,250.00	
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Washington Citizens for World Trade	14,532.00	1,275.71
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	BellSouth Corp		
Do	Bonneville International Corp		
Do	Empire Blue Cross & Blue Shield		
Do	Fleet/Norstar Financial Group	18,353.00	1,722.71
Do	Hobbs Straus Dean & Wilder		
Do	J.C. Penney Co, Inc	10,000.00	913.20
Do	Security Pacific National Bank	15,000.00	260.18
Do	Solano Water Authority	715.00	
Wythe Willey, 2333 Blake Blvd., SE Cedar Rapids, IA 52401	Philip Morris, Inc		28.00
Lawrence F. Williams, 408 C Street, NE Washington, DC 20002	Sierra Club	1,874.95	24.00
Margie R. Williams, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,150.00	
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Robin L. Williams, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	2,000.00	975.40
William C. Williams, 44 East Mifflin Street P.O.Box 1807 Madison, WI 53701-1807	Bell Metzner Gierhart & Moore (For:Wisconsin Cheese Maker's Assn)		
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products		9.59

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Association of Family Farmers	135.00	2.28
Do	Robert M. Bass Group	2,910.00	45.17
Do	Beverly Enterprises		
Do	BMC Industries, Inc		
Do	Century 21 Real Estate Corp		
Do	College Construction Loan Insurance Assn		
Do	CIGNA Corp	520.00	7.30
Do	Estee Lauder, Inc		
Do	Executive Life Insurance	270.00	4.57
Do	Financial Security Assurance		
Do	First Boston Corp	4,145.00	59.76
Do	FAIR	3,480.00	52.47
Do	Glaxo, Inc	3,370.00	45.17
Do	Greenwich Capital Markets, Inc	1,350.00	23.73
Do	GAMMA Corp		
Do	Higher Education Assistance Foundation	107.50	2.28
Do	Kelly Appleman Hart & Hallman	385.00	4.57
Do	Keystone Provident Life Insurance Co		
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies		
Do	National Board for Professional Teaching Standards	215.00	4.57
Do	National Soft Drink Assn	2,080.00	28.75
Do	Norfolk Southern Corp	2,500.00	38.32
Do	Oklahoma Gas & Electric Co	2,398.00	34.23
Do	Pharmaceutical Manufacturers Assn	2,860.00	42.88
Do	Pittston Co	270.00	4.57
Do	Recording Industry Assn of America, Inc		
Do	Southern Pacific Transportation Co.	1,720.00	23.73
Do	Southwest Airlines		
Do	Student Loan Marketing Assn		
Do	Texaco, Inc	1,382.00	20.53
Do	Texas Air Corp	5,200.00	71.63
Do	Trailer Train Co		
Do	Turner Broadcasting System, Inc	4,750.00	71.63
Do	U.S. English	160.00	4.57
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc		
Do	USAA Financial Service Co		
Lois A. Williamson, 1034 E. Sedgwick Street Philadelphia, PA 19150	C.U.R.E.-PA		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Deutsche Lufthansa AG		
Do	International Swap Dealers Assn		
Chapin E. Wilson Jr., 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	5,175.00	85.00
D. Reid Wilson, 408 C Street, NE Washington, DC 20002	Sierra Club	84.26	
Denise Wilson, 1350 Eye Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,000.00	
Michael J. Wilson, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	4,375.00	7.05
Winburn VanScoyoc & Hooper, 453 New Jersey Ave., SE Washington, DC 20003	Ifint S.A.	50,000.00	
Joseph B. Winkelmann, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	American Resort & Residential Development Assn	6,000.00	
Do	Winkelmann & Associates, Inc (For:International Video Broadcasts, Inc)		
Do	National Assn of Industrial & Office Parks		
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Assn of Museums		
Do	CNA Financial Corp		
Do	International Council of Shopping Centers	2,100.00	48.00
Do	National Council of Health Facilities Finance Authorities		
Do	National Private Cable Assn	105.00	
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	Association of Seat Lift Manufacturers		
Do	Grocery Manufacturers of America		
Do	Queen City Home Health Care		
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	9,000.00	772.87
Do	All Children's Hospital	3,000.00	586.87
Do	Arkansas Children's Hospital	3,000.00	586.87
Do	Biosonics, Inc	12,320.00	494.59
Do	Cardinal Glennon Children's Hospital	795.50	454.30
Do	Children's Hospital (Boston)	4,000.00	537.77
Do	Children's Hospital of Buffalo	3,000.00	586.87
Do	Children's Hospital of Los Angeles	3,000.00	586.87
Do	Children's Hospital of Michigan	3,000.00	586.87
Do	Children's Hospital of Pittsburgh	21,000.00	3,323.31
Do	Children's Hospital Medical Center of Akron	5,100.00	469.97
Do	Children's Hospital Research Foundation	3,000.00	586.87
Do	Children's Memorial Medical Center	3,795.50	1,037.17
Do	Hahnemann University	22,500.00	3,775.41
Do	Health Industry Manufacturers Assn		
Do	Henrietta Egleston Hospital for Children		
Do	Hill Group	29,000.00	233.01
Do	La Rabida Children's Hospital	795.50	454.30
Do	Magee-Women's Hospital	7,500.00	1,871.89
Do	Medical College of Pennsylvania		
Do	Mercy Catholic Medical Center	6,000.00	1,526.49
Do	National Assn of Children's Hospitals & Related Institutions	12,000.00	870.18
Do	National League of Nursing	9,600.00	1,701.81
Do	Public Financial Management	36,000.00	1,599.82
Do	Spring Garden College		
Do	St. Christopher's Hospital for Children		
Do	St. Francis Medical Center		
Do	St. Louis Children's Hospital	795.50	454.30
Do	University of Pennsylvania	30,000.00	3,196.24
Do	Vanderbilt University Medical Center	5,000.00	1,092.52
Do	Western Pennsylvania Hospital	10,300.00	1,645.70
Do	Wyler Children's Hospital	795.50	454.30
James Wolf, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy	136.41	
Julienne Wood, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:Embassy of Guatemala)	3,562.50	
Do	Bruce P. Cameron (For:Embassy of Mozambique)	3,562.50	
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171	Maule Air, Inc		300.00
Do	OTL, Inc	1,200.00	60.00
Do	Woods Research Associates, Inc		120.00
World University Games (for 1993), 1701 K Street, NW #400 Washington, DC 20006	Greater Buffalo Athletic Corp	8,815.40	1,315.40
W. Robert Worley, 190 St.Clair Drive St. Simmons Island, GA 31522	Southern Company Services, Inc	2,060.00	2,442.75
Wunder Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Airship Industries, Ltd		
Do	American International Group, Inc	1,415.00	198.96
Do	American Iron & Steel Institute	6,971.50	338.83
Do	Association of American Railroads	1,249.95	39.18
Do	BellSouth Corp	3,840.00	7.38
Do	Bermuda, Government of		
Do	Bond International Gold		
Do	Business Council on Indoor Air		
Do	Cosmetic Toiletry & Fragrance Assn, Inc		
Do	Dresser Industries, Inc		
Do	Electronic Industries Assn		
Do	Environmmental Air Control, Inc		
Do	Falcon Safety Products		
Do	Ford Motor Co		
Do	General Aviation Manufacturers Association		
Do	Grocery Manufacturers of America, Inc		
Do	GTE Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hook-SupeRx, Inc		
Do	HDTV 1125/60 Group	2,000.00	465.90
Do	Interlocking Directorate Reform Coalition	2,903.29	131.79
Do	Intermarine SpA	2,400.00	2.65
Do	Investment Company Institute	1,500.00	61.17
Do	ITT Corporation		
Do	Kohlberg Kravis Roberts & Co.	1,612.18	196.26
Do	Kraft		
Do	Manville Corporation	2,407.15	83.00
Do	McDonnell Douglas	1,875.00	56.27
Do	Metropolitan Life Insurance Co	6,000.00	193.11
Do	Mutual Life Insurance Co Tax Committee	62,000.00	2,277.71
Do	Mylan Laboratories, Inc	32,871.00	7,965.36
Do	National Assn of Temporary Services	1,412.50	6.50
Do	National Cable Television Assn, Inc	937.50	39.33
Do	North American Phillips Corp	13,745.81	534.67
Do	Northwestern Mutual Life Insurance Co	8,333.00	125.60
Do	NEC Home Electronics (USA) Inc		
Do	NYNEX Corp	18,000.00	695.93
Do	Pfizer, Inc		
Do	Philip Morris Management Corp	1,633.52	16.47
Do	Polaris Industries	385.00	5.99
Do	Product Liability Coordinating Committee		
Do	Rohm & Haas		
Do	RJR Nabisco	2,190.00	73.41
Do	Shared Medical Systems (SMS)	1,500.00	2.69
Do	Sony Corp of America	7,465.00	231.20
Do	Squibb Corporation		
Do	Thomson Consumer Electronics, Inc		
Do	Tobacco Industry Labor Management Committee	25,675.00	4,399.53
Do	U.S. Telephone Assn	26,399.99	1,476.19
Do	Wheelabrator Technologies	1,875.00	24.78
Wyman Bautzer Kuchel & Silbert, 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006	American Boiler Manufacturers Assn, Inc		
John W. Yago, 5101 River Rd. Bethesda, MD 20816	American Road & Transportation Builders Assn	9,000.00	127.10
Dalton Yancey, 910 16th St., NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		27.07
Do	Rio Grande Valley Sugar Growers		27.07
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	9,484.56	88.26
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,512.76	
Roberta Lynn Youmans, 122 C Street, NW, #875 Washington, DC 20001-2109	National Housing Law Project	2,614.25	
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates	1,500.00	
Do	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	1,500.00	
John R. Zagame, John R. Zagame Associates, Inc 7611 Virginia Lane Falls Church, VA 22043	National Music Publishers Assn	12,000.00	207.12
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Sharon G. Zedd, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator & Associates (For:American Wood Preservers Institute)	2,000.00	2,000.00
Geoffrey Zeh, 12050 Woodward Avenue Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Zero Population Growth, Inc, 1400 Sixteenth St.,N.W.,#320 Washington, DC 20036		4,640.00	6,026.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	3,200.00	2,169.11
Elaine Ziemba, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	775.47
David W. Zimmerman, 185 S. State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)		
Mary Beth Zimmerman, 1725 K Street, NW, #914 Washington, DC 20006	Alliance To Save Energy	726.96	
John L. Zorack, 1111 14th St., NW, #1001 Washington, DC 20005	Federal Express Corp	3,500.00	

SENATE—*Tuesday, February 19, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson. Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed is the nation whose God is the Lord * * *.—Psalm 33:12.

Eternal God, at this critical time we remember with profound gratitude the faith of former Presidents in times of crisis.

Engraved in our minds is the picture of George Washington kneeling in prayer at Valley Forge. We hear Abraham Lincoln saying: "* * * Intoxicated with unbroken success we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us. * * * It behooves us, then, to humble ourselves, to confess our national sins, and to pray for clemency and forgiveness." We recall the last published words of Woodrow Wilson: "The sum of the whole matter is this, that our civilization cannot survive materially unless it be redeemed spiritually. It can be saved only by becoming permeated with the spirit of Christ. * * *" And the statement of Franklin Delano Roosevelt: "No greater thing could come to our land today than a revival of the spirit of religion. * * * that would stir the hearts of men and women of all faiths to a reassertion of their belief in God and their dedication to His will for themselves and for their world. * * *"

Patient God, forgive our indifference; awaken us to our dependence upon Thee. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, today, following the time reserved for the two leaders, there will be a period for the transaction of morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Today, at 3 p.m., under a previous consent agreement, the Senate will proceed to the consideration of Calendar No. 8, S. 320, the Export Administration reauthorization bill.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time.

The PRESIDENT pro tempore. Without objection, the remainder of the majority leader's time is reserved.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

Mr. DOLE. Mr. President, I reserve my leader time.

The PRESIDENT pro tempore. Without objection the time of the Republican leader is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each for a period not to extend beyond 3 p.m.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 421 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENTS TO THE OMNIBUS EXPORT AMENDMENTS ACT

Mr. SPECTER. Mr. President, I wish to put my colleagues on notice of my intention to add, as amendments to the legislation which will be called to the floor, provisions which will create a criminal penalty for individuals who aid in the proliferation, delivery, or dissemination of chemical or biological weapons which are such a potent problem in the world today.

This amendment, Mr. President, would expand the definition of terrorism to state specifically that the production of biological and chemical weapons per se constitutes an act of terrorism regardless of whether there is an active state of war.

The legislation, as currently framed, contains government-to-government sanctions and limited procurement and import sanctions for foreign individuals. It is my submission that such sanctions alone will not work because of the political difficulties of pursuing those sanctions. But the amendment which I propose would impose criminal liability on any individual who is involved in the production or dissemination of biological and chemical weapons where that acts to maim or murder or injure an American citizen anywhere in the world.

This amendment is buttressed on extraterritorial jurisdiction which the U.S. Government has imposed in 1984 legislation, making it a violation of U.S. law for anyone anywhere in the world to hijack or to kidnap American citizens wherever it may occur. Customarily, criminal jurisdiction attaches in the place where the event occurs, but it is consistent under international law and U.S. law to make it a violation of our laws anywhere in the world to assault, maim, or murder a U.S. citizen as embodied in the 1986 Terrorist Act or in the 1984 legislation, making it a violation of U.S. law to kidnap or have hostage-taking.

The amendment which I have referred to, Mr. President, will deal similarly with those who engage in the proliferation of chemical or bacteriological warfare.

Mr. President, I wish to put my colleagues on notice, in addition, that I intend to offer the Terrorist Prosecution Act with the death penalty to the pending legislation. I had stated an intention to do this on an earlier bill and was asked to desist from doing so on the cost-of-living amendment which was before the Senate when we were in session during the month of January. But I do intend to offer that amendment when this legislation is taken up later today.

I thank the Chair and I yield the floor.

Mr. DOLE addressed the Chair.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized. Does he wish to use his recognition or does he wish to be recognized under morning business.

Mr. DOLE. I wish to claim a portion of my leader time.

The PRESIDENT pro tempore. The Senator is recognized.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SILVIO CONTE

Mr. DOLE. Mr. President, today, we return to a Capitol Hill which is much different than the one we left nearly 2 weeks ago.

For today, we return to a Capitol Hill without SILVIO CONTE.

It was my privilege to serve with "SIL" during 8 of the 32 years he served in the House of Representatives.

Throughout those 32 years, SIL provided the House and this city with compassion, common sense, and good humor.

SIL and I did not agree on every issue, but he gave as good as he got, and I never doubted his commitment to do what was right for his beloved Massachusetts, and for America.

I know all the Members of this body join with me in sending our condolences to SIL's wife, Corinne, and to their children.

GULF UPDATE

Mr. DOLE. Mr. President, very briefly on another matter—and I thank the distinguished Senator from Montana for permitting me to precede him—I know that many Members of this body returned to their home States this past week to meet with their constituents, to hear what the people were saying.

I am confident they heard the same thing Kansans have been telling me: that they stand wholeheartedly behind President Bush, and wholeheartedly behind our soldiers in the gulf.

Americans have proven that they fully understand both the importance of our mission, and the cynical machinations of Saddam Hussein.

Throughout his rule, Saddam has shown a willingness, even a preference, to sacrifice his own people for what he perceived to be good public relations.

And last week, innocent men, women, and children were forced to pay the ultimate price for Saddam's strategy of moving military equipment into civilian areas.

Immediately, Saddam called in the cameras, hoping that he could win the war in the media, since he is losing it on the battlefield.

Once again, Saddam misjudged the American people. While we all felt sorrow over the loss of civilian life, America knew there was no cause for guilt.

America knew that it is Saddam himself, who is responsible for the gulf war, and the tragedies that go with it.

America knew that one truth has remained the same ever since Saddam invaded Kuwait on August 2. That is the fact that Saddam can end the war right now. He can prevent additional death and destruction in Baghdad.

America knows that if he does not, then our mission must and will be completed.

America also knows that the mission will not be completed without losses of American lives.

Early Sunday, Operation Desert Storm claimed its first Kansan, when Cpl. Jeff Middleton of Sumner County was killed by "friendly fire."

Jeff Middleton was the type of young man who makes America proud. He had just reenlisted in the military, and told his family that he "wanted to go to the gulf to defend freedom."

Jeff Middleton died defending freedom. Others have done the same in the gulf, and unfortunately, others will follow.

Americans know that the best way—the only way—we can honor heros such as Jeff Middleton is to ensure that the work of defending freedom continues and that Saddam Hussein is defeated.

Mr. President, I reserve the remainder of my time.

The PRESIDENT pro tempore. The Senator from Montana [Mr. BAUCUS] is recognized for not to exceed 5 minutes.

THE UNITED STATES-JAPAN SEMICONDUCTOR AGREEMENT

Mr. BAUCUS. Mr. President, with all eyes focused on the Persian Gulf, it is natural to think of national security in strictly military terms.

The greatness of our Nation is demonstrated by the number of troops and arsenal that we have assigned to the Persian Gulf. But this is merely an aberration. As Dr. Paul Kennedy has argued persuasively, we can no longer measure the strength of the United States only in military terms.

The power and influence of the United States in the next century will be determined by its economic strength, not only its military strength. Our influence will stem not only from the number of bombs we can drop, but from the number of products we can export.

Most indicators now signal a decline in U.S. economic competitiveness in international markets. In sector after sector, the United States has ceded the leadership role to Japan and Germany.

WORLD SEMICONDUCTOR MARKETS

The experience of the U.S. semiconductor industry provides an excellent case in point. Semiconductors are the computer chips that play an integral role in all modern electronic products. They are found in everything from VCR's to Patriot missiles. Semiconductors are to the computer age what steel was to the industrial age.

Only a few short years ago, the United States was the unquestioned leader in the design and manufacture of semiconductors. But things have changed. Consider a few statistics:

From 1980 to 1989, the U.S. share of the world semiconductor market fell from 57 to 35 percent. Simultaneously, the Japanese share rose from 27 to 52 percent. The United States share of the world market continues to shrink at a rate of 2 percent per year.

In 1980, all five of the world's top semiconductor equipment manufacturers were United States companies. Now, four of the five are Japanese companies.

Since 1984, the United States has invested $12 billion less in semiconductor R&D and new chip plants and equipment than Japan. That gap is expected to grow to $15 billion by 1994.

Unfortunately, the decline of the semiconductor industry has implications far beyond chip plants in the Silicon Valley. As the U.S. capacity to manufacture computer chips has declined, so has its capacity to manufacture a range of computer and electronics products. As the GAO pointed out last year, the U.S. consumer electronics industry is now largely reduced to screwdriver plants that snap together foreign components. Even in the computer industry, which the United States has dominated since its inception, we find the United States lead slipping away to the same Japanese companies that now dominate semiconductor production.

SEMICONDUCTOR TRADE PRACTICES

How did the United States lose its lead in semiconductor production to Japan? Part of the answer is that Japanese companies have worked hard and innovatively and invested in R&D. But that is only part of the answer. A big part of the problem has been predatory Japanese trade practices that drove United States semiconductor companies out of business.

For example, the Japanese semiconductor market remains largely closed to imports. Many of the quotas and formal barriers that kept the United States out of the Japanese market in the 1970's are gone, but informal barriers remain. For this reason, the United States share of the Japanese market lags far behind the United States share of other competitive world markets. For example, the United States share of the European chip market is 42 percent, but the United States share in Japan is only about 12 percent.

This is very significant since Japan is now the world's largest market for semiconductors. In 1989, Japan was a $23 billion market for computer chips compared with a United States market of $17.9 billion.

Since semiconductor manufacturing benefits greatly from economies of scale, limited access to the Japanese market poses serious competitive problems.

A 1985 United States Government study attempted to quantify the competitive impact of the closed Japanese market. It concluded that a 5-percent gain by United States chipmakers in the Japanese market would lower United States chipmaker costs 4 percent and increase their share of the United States market by 2.5 percent.

A closed home market also allows Japanese companies to build profits at home to support predatory sales—known as dumping—abroad to drive their United States competition out of business.

In the mid-1980's, United States firms were hit hard by Japanese dumping. The Commerce Department found numerous cases of dumping by Japanese firms, but the Commerce Department simply could not work fast enough to keep up with the problem. As a result in 1985 and 1986, six of the eight United States companies that produce a high-tech type of chip known as a DRAM were driven out of business. For another type of chip known as the EPROM, the Commerce Department was forced to impose tariffs as high as 180 percent to level the playing field.

As if to underline their intentions one Japanese company, Hitachi, sent the following memo to its distributors in February 1985:

> Find AMD and Intel sockets. * * * Quote 10 percent below their price. * * * If they requote, go 10 percent again. * * * Don't quit till you win! 25 percent distributor profit margin guaranteed.

THE 1986 SEMICONDUCTOR AGREEMENT

In 1986, the United States Government attempted to stop these Japanese unfair trade practices by concluding the United States-Japan Semiconductor Trade Agreement. This agreement had three main provisions:

An agreement to progressively eliminate Japanese barriers to chip exports culminating in a 20-percent foreign share of the Japanese chip market by 1991; a ban on dumping by Japanese chipmakers in the United States market; and a ban on dumping in third country markets.

The agreement was to run until July 1991.

This agreement made progress on all three areas, but there were serious problems.

In April 1986, the United States was forced to impose punitive tariffs on $300 million of imports from Japan in retaliation for Japanese violations of the semiconductor agreement. The violations were continued dumping in third markets and failure to open the market sufficiently to meet the market share targets.

Eventually, Japan stopped dumping chips and $135 million of the retaliation was lifted.

The market access provision of the 1986 agreement still has not been honored, however. Currently, the foreign market share of the Japanese market—the overwhelming majority of which is held by the United States—is 13 percent. This is far below the level that would be required to reach 20 percent by July of this year.

There has been improvement in the U.S. market share. The United States share of the Japanese market has increased by about 4 percentage points since the agreement was signed. But the Japanese failure to allow a 20-percent share will still cost the United States $1.16 billion in lost exports over the course of the agreement.

On another front, some U.S. computer makers—a leading consumer of U.S. semiconductors—found that the antidumping provisions as administered put them at a competitive disadvantage.

A NEW UNITED STATES-JAPANESE SEMICONDUCTOR AGREEMENT

All in all, the 1986 United States-Japan Semiconductor Agreement can be scored as a qualified success. Dumping has stopped and some market access improvements have been made. But much remains to be done, particularly with regard to market access.

In a strong show of cooperation, the main U.S. semiconductor users, led by the Computer Systems Policy Project [CSPP]—and the U.S. semiconductor industry, led by the Semiconductor Industry Association [SIA]—have joined hands to develop an outline for a new semiconductor agreement.

CSPP and SIA recommend that the new agreement would run for 5 years past 1991.

They recommend that the agreement continue to use quantifiable indicators of progress, like the market share target, to judge the openness of the Japanese market. They also recommend giving Japan an additional year to meet the current 20-percent target and make it clear that 20 percent should be a floor and not a ceiling on foreign market share.

CSPP and SIA have also agreed on a new set of procedures for preventing dumping that will prevent dumping and not impose undue hardship on U.S. chip users.

CONCLUSION

I find the CSPP-SIA recommendations a refreshing demonstration of the kind of cooperation U.S. industries must display to remain competitive. I understand that the administration has responded positively to these recommendations and has already explored with Japan the possibility of a new agreement. A Japanese delegation visited Washington last week to discuss a new agreement.

The United States Government must join hands with CSPP and SIA to aggressively negotiate a new chip pact with Japan. Only through strong government-private sector cooperation can we stop and reverse the competitive decline of the U.S. high technology sector.

We must put every bit as much energy and resources into negotiating trade agreements, like this one, as we do into negotiating arms control treaties. We must be every bit as vigilant in enforcing the terms of the agreement as we are in verifying arms control treaties. And if, God forbid, we find our negotiating partners not living up to their commitments we must assert our rights vigorously and immediately.

In the long term, agreements, like the United States-Japan Semiconductor Agreement, are every bit as important to United States national security as the START Treaty.

It is long past time that we put our trading partners on notice that we will treat trade agreements as a critical element of U.S. national security.

I hope that we can quickly negotiate a new, stronger United States-Japan Semiconductor Trade Agreement.

SENATE JOINT RESOLUTION 53—GREENHOUSE GASES

Mr. BURDICK. Mr. President, I join the majority leader and many of my colleagues in concern about the potential threat to Earth's environment posed by greenhouse gases. Senate Resolution 53 conveys an unmistakable sense of urgency for the United States to act decisively to reduce greenhouse gases. I congratulate the majority leader on bringing the debate forward, and for his recent book, "World on Fire."

Many of those attending the current United Nations climate change negotiations in Chantilly, VA, say that sustainable development is necessary to address climate change and other global problems. This resolution is a good opportunity to open up the debate on sustainable development. As expressed by the Brundtland Commission, this is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

Environmental Protection Agency Administrator William Reilly frequently uses this term. He pointed out in a July/August 1990 EPA Journal that the ideas behind sustainable development are not new. What is new, he says, is the Brundtland Commission's message that movement toward sustainable development can mean both a healthy economy and environment.

We owe our voters and their children an explanation of what we have in mind here today, in simple and direct terms. We are not ready to phase out coal-fired electric utility plants, gasoline-powered vehicles, beef cows, or anything else that emits greenhouse gases tomorrow. We must carefully determine a course of action that is reasonable for our economy and our environment.

If the American people are going to be led out of the jaws of global warming apocalypse through the "transitional unsustainable" and into the "sustainable" future, we must describe what changes must be made, who must make them, when they must occur, and why they are necessary. What does this vision mean to today's farmer, rancher, steelworker, railroad worker, coal, or oil worker, truck driver, doctor, nurse, teacher, engineer or scientist? What does it mean to parents, homeowners, commuters, and consumers?

Here, in this resolution, we embark on a path where these questions must be answered. If technological research and development and technology transfer are important to this vision, we must determine how to pay for that investment. We must develop a consistent and uniform test for health and ecological safety. And we must determine what priority to place on our ecosphere.

In North Dakota and other Western States, there is evidence that preindustrial man stampeded buffalo herds over Badlands cliffs. Those buffalo jumps were senseless, and the United States must take care not to lead other nations over a cliff. Developing our vision of sustainable development will build our credibility, as well as our ability to deal with global climate change and other environmental issues facing our planet.

MINOT HONORS SCANDINAVIAN HERITAGE

Mr. BURDICK. Mr. President, the "Magic City" of Minot, ND, is proud to be the site of an Air Force base, but it would rather be known as a city dedicated to the preservation of the Scandinavian heritage. Each summer, Minot hosts a Norsk Hostfest that residents say is the largest ethnic festival of its kind anywhere.

Minot's Scandinavian Heritage Association is now working to build a unique visitors center and Scandinavian Heritage Park, ringed by the United States Stars and Stripes, the Canadian Maple Leaf, the Nordic flag with the five doves of peace, as well as the flags of Sweden, Denmark, Finland, and Iceland. Proposed park development includes several buildings and statues to represent all the Scandinavian countries as "a remembrance of the past and a legacy for the future."

I encourage anyone with a drop of Scandinavian blood or an interest in the history and culture of the Scandinavian countries to plan a trip to Minot's Scandinavian Heritage Park.

SILVIO CONTE—AN OUTSTANDING CONGRESSMAN AND AN OUTSTANDING HUMAN BEING

Mr. KENNEDY. Mr. President, with the death of Representative SILVIO O. CONTE on February 8, Congress has lost one of its all-time great Members.

To all of us who knew him, SIL was a leader of extraordinary talent and equally extraordinary spirit. He was one of the ablest, most effective, most respected, and above all most beloved Members of Congress of his time.

For 32 years, the citizens of the First District of Massachusetts were blessed with one of the finest legislators and statesmen in our history.

It was not just SIL's district where the CONTE name was honored.

No matter where you went in Massachusetts, from Boston to the Berkshires, people knew SIL CONTE and knew how deeply he touched their hearts and lives.

From the beginning, he demonstrated the independent judgment that was the hallmark of his career and his character.

In 1961, during his third year in the House of Representatives and President Kennedy's first year in the White House, SIL risked his own career when he voted against his party leadership to expand the House Rules Committee and break its stranglehold on progressive legislation.

SIL's vote was the sort of profile in courage that President Kennedy admired. In a sense, SIL CONTE made the new frontier possible, and my brother never forgot what SIL had done.

The high position he held on the House Appropriations Committee for many years had something to do with his achievements. For years, all he had to do was walk out on the floor of the House of Representatives, lift his eyebrow, and Massachusetts had a new project.

But most of all, he was loved for his commitment and compassion for the elderly, the sick, the poor, and all the others who need our help the most. Perhaps no Member of Congress wore his heart more clearly on his sleeve than SIL. And what a warm and beautiful heart it was, always reaching out to those in need.

He was proud of his Italian heritage. His days at Boston College on the GI bill planted the seeds of his lifelong commitment to fairness, justice, and opportunity for every citizen. And SIL paid America back a thousandfold and more for the opportunity his country had given him.

Day in and day out, year in and year out, for over three decades of brilliant public service in the House of Representatives, SIL CONTE was always there when his constituents and his country needed him, advancing America's real priorities, standing firm against unfair budget cuts and other proposals that would damage the goals we share.

One of the secrets of his success was that although he took the issues seriously, he never took himself too seriously. You could always count on SIL to make his point with a prop or a poem or in other ways that left us laughing, and that endeared him to us all the more.

In recent days, there have been many tributes to SIL CONTE. But the greatest tribute of all is the millions of Americans whose voices are rarely heard in the Halls of Congress, but who have a better life today because SIL CONTE spoke for them and worked for them.

So I say, Bravo, SIL—Bravissimo. The people of Massachusetts have lost a great Congressman, the Nation has lost a great champion of its best ideals, and the Kennedy family has lost a great friend.

Mr. President, I ask unanimous consent that a series of articles and other materials on Congressman CONTE may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF THOMAS P. O'NEILL, JR., FORMER SPEAKER OF THE HOUSE OF REPRESENTATIVES, ST. JOSEPH'S CHURCH, PITTSFIELD, MA, FEBRUARY 13, 1991

We are joined together today to honor the memory of a man who was one of my best friends and a true friend of Pittsfield, the first district, Massachusetts, and all of America.

My heart goes out to you Corinne, and to you Gayle, Michelle, John, and Sylvia and your children. Over the past 40 years I knew your husband, your father, and your grandfather, and I saw the tremendous love he had for you. Millie and I offer our sincerest feelings of support at this moment of sadness.

Of course, sadness is not what we think about when we think about Silvio Conte. I asked someone what they saw when they thought about him. The answer was: "Plaids and stripes * * * together!" Colorful fellow.

What I think about, when I think of Sil, is the love of life. Sil certainly did love life. He loved Congress, Boston College, and the Red Sox. He loved to play golf, play cards, fish, and hunt wild game. And he loved all these things with an emotion that surpassed the most ardent enthusiast. It may have been his Mediterranean heritage showing through but when he played anything, it was with gusto and exuberance.

This love of life of his had an extra dimension. He wanted everyone else to enjoy life too. To enthuse you and then to enlarge the circle of others to enjoy life, too.

That is what I remember most about Sil. When he did things it was to include people, to make their lives better, to improve his Nation and his community, to provide people with the necessities of life and the fun of life.

When Congress played its annual baseball game, it was Sil who was the organizer and manager.

When Boston College needed help, it was Sil who took the lead, inside and outside the Appropriations Committee.

When we traveled, it was Sil who organized the skits and the parties at the end of the trip.

When his hunting larder grew great, it was Sil who gave a party for the Members of Congress, the staff, and his other friends.

When he worked on legislation on the Hill, it was to bring a better life to people here at home and those in the rest of the country.

His great work often escaped recognition because much of it was done behind closed doors. Some of it I would like to share with you.

There was the issue of low income energy assistance. A program for the Northeast at first, to help the poor face a crisis in rapidly rising fuel costs, it became a national program. Sil never let up increasing the program. Every year for the past 10, the budget request would go up, Sil would increase it, the Senate would lower it, and Sil would increase it again in the conference committee. The Appropriations Committee tells me this program amount to $3.5 billion over the past decade. Think of how many needy people were helped by that.

There was the issue of biomedical research. Sil got involved in something called "The Decade of the Brain" at the National Institutes of Health. He added $15 million to the budget last year for research into neurological diseases.

There was the issue of aid to students who seek higher education but do not have the means to do so. The son of immigrant parents, Sil always remembered the opportunity given to him to advance. He wanted everyone else to have the same chance. Just last year, he added $75 million to aid the poorest students attending college.

Many didn't know the role Sil played at the Smithsonian where he was a regent. When the Budget of that great institution was up, he was its protector. A skeptic about some of the projects, like everything else, he scrutinized it closely, but when he got the right answers he was supportive of projects that would enlarge the love of life for others. Once, when the head of the national zoo, which is run by the Smithsonian, was asking for $150,000 for preserving the giant pandas from China, Sil asked him to justify the program. The zoo director replied, "You can Xerox a Michelangelo, but only God can make a Panda." He got Sil's support. By looking out for the Smithsonian, he brought love of life to the 28 million people who visit the great museum every year.

Little is known, too, of Sil's great work to help alleviate proverty in Africa. Some years ago, he and a couple of other Congressmen took a month-long tour of that continent. It left an indelible mark on him, and he spent much time and effort in defending and improving the World Bank and the United Nations Development Program.

Remembering the suffering and misery in those African countries, he knew that encouraging these institutions was a low-cost way to attack the root causes of poverty there. He was a strong supporter of UNICEF, too, in the crucial junctures in the appropriations process. In all these efforts, he was trying to extend his own love of life to others.

We in the other party, of course, admired Sil for his courageous stands for programs designed to help people. At last year's budget summit. he and his staff were repeatedly admonished to stop exempting the oil import fee from the list of taxes being considered. And he constantly did battle with those beancounters from the Office of Management and Budget—"the young slashers" he called them.

Sil loved and respected the process of legislation, too. He hated the so-called "continuing resolution," the catchall measure we pass when we can't pass the appropriations bill and time is running out. He called it "a substitute for thinking," but would go along with it as a last resort to make sure Government employees got paid.

Sil worked hard to fashion legislation so it could run the gauntlet and avoid a veto. Especially at the very end of the consideration of an appropriations bill, when mischief was brewing with some last minute effort to sabotage the bill, he would take personal control of what we call the "motion to recommit" to insure passage of the bill that had been worked on for many weeks.

So many other projects bear his imprint: The cleanup of the Connecticut River to make it safe for salmon to spawn; the Patriot Missile; the polymer research center at the University of Massachusetts; the research funds for the Occupational Health and Safety Administration; and, of course, I could go on and on.

Many of you gathered here today worked with him on these projects I mention and shared satisfaction when they succeeded. I am sure you all agree that working with Sil left you a better person. His enthusiasm, desire, and sense of mission affected you that way.

Sil had many virtues: Love, compassion, integrity, friendship, emotion, and a wonderful and spirited sense of humor.

But the one I will remember him for was his fierce desire to give back. A lot of what he did gave him personal satisfaction. But Sil brought the phrase "helping others" to a new plateau, outside himself. He gave back in ways that cannot be counted. In enlarging that love of life to others, Sil set a standard for all of us.

Corinne—the suppers at your home—the bridge games—the friendship.

Corinne, John, Gayle, Michelle, Sylvia, that friendship will always remain.

The bells—parlance of the Congress, five bells, final adjournment.

Five bells have rung, Sil. Til we meet again, may God hold you in the bosom of his heart.

REMARKS OF ROBERT H. MICHEL, MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, ST. JOSEPH'S CHURCH, PITTSFIELD, MA, FEBRUARY 13, 1991

Corinne, Michelle, Sylvia, John, and Gayle, Mr. Speaker, my colleagues and friends of Silvio.

This is a time I had hoped would never come, for like so many of you, I'm sorely grieved to lose one of my very dearest friends.

We didn't know one another before he was first elected to Congress in 1958, but the ever-tightening bond of our friendship since then has been one of the nicest things that has ever come my way.

We had a great deal in common:

We were both sons of immigrant parents.

We grew up during the depression and learned early on what work was all about. We both served overseas during World War II.

We both married Corinnes over 40 years ago, and there are four great "kids" (as Sil would say) of both marriages.

Sil would be the first to always put emphasis on the family and the church as the really important influences in his life.

He was mighty proud of his Italian heritage and loved to use the French pronunciation of my name of make the point that even as first-generation Americans it was possible in this country to make it to the top in the political arena.

Yes, Sil was a politician, but in the finest sense of the world. He looked upon the office as an opportunity to serve his fellow man.

He was always out there championing the cause of the little fellow, the disabled, and the destitute.

But he also held that old fashioned view that if you were able bodied and sound of mind, you had an obligation to work for a living and be a contributor to society.

He worked long and hard to become a power in the Congress, but he never let it go to his head.

He had no fancy airs. He was not a pretentious man. He really didn't bother to spruce himself up all that much either.

He was something like a comfortable old shoe, but we all loved him, and the folks back home here in Pittsfield and western Massachusetts obviously felt the same way by sending him back to Washington time and time again to represent them.

Sil's special concern on the Appropriations Committee had to do with health and education issues. He had a particular interest in our medical schools, and long before there were any indications of his being a victim of cancer, he was doing everything he could to expand the research activities of the National Institutes of Health to foster prevention and find a cure for all those life-threatening ills that take such a toll.

In Silvio's case, he kept fighting back—never giving up—on the job until just a week before he passed away. That was his nature. He was a "scrapper".

He would want to be remembered that way—even to the display of a bit of temper at times when there was good reason for it, like his penchant for condemnation of governmental boondoggles.

Some say Sil was "flamboyant". I would say he was just doing what comes naturally, giving vent to his Italian heritage complete with gestures.

I might even say he was "bombastic" at times, but it was always for the purpose of dramatizing his point, and he could play the House like a master.

The truth is that beneath all that bombast was a very sensitive, considerate, caring, and lovable fellow.

He loved a good time, enjoyed having fun-loving people around him, and when cranked up, could be the life of the party.

We all respected Silvio for his professional talents as a lawyer and legislator.

He brought to his tasks a contagious zest, an intense gusto, an irrepressible sense of joy that reflected his view that politics is, after all, a human endeavor—and quite often a funny one.

While his recreational pursuits were offically classed as amateur, I considered him a pro when it came to hunting and fishing.

He could put us all to shame with his catch and his limit. Moreover he loved to serve as the chef when it was time to put it on the table, and there was no one better.

Oh how we're going to miss those wild game dinners and fish fries he was reponsible for.

He was a great sport fan, gin and bridge player, but I'll leave that up to the Speaker, except to say that when Sil was managing the Republican baseball team and I was pitching, we had the winning combination to beat the Democrats 13 years in a row. And he would want the Washington Post to know that we played hardball—not softball.

Finally, Sil was a gardener of both vegetables and flowers. We were always comparing notes and this spring, I'll surely be babying those Amaryllis bulbs he asked me to try, for each new bloom will remind me of 32 years of friendship with the greatest of them all.

Corinne, Michelle, Sylvia, John, and Gayle, we've tried in our very inadequate way to say for ourselves and for so many others that we loved Silvio deeply too, and share your grief and your profound loss.

But we take heart in having those beautiful memories of having shared our lives with your husband, your father, your brother, and your grandpa.

[From the Heights, the Independent Student Weekly of Boston College, Feb. 11, 1991]

BC BELOVED, CONTE, DEAD AT 69

(By David Daley)

U.S. Rep. Silvio O. Conte, a 17 term liberal Republican who never forgot his beloved alma mater while serving in Congress, died Friday night from cerebral bleeding at the age of 69.

The Dean of the Massachusetts Congressional Delegation and the third most senior member of the House of Representatives, Conte was rushed to the National Institutes of Health Hospital in Maryland on Friday, February 1 after experiencing flu like symptoms and complaining of a loss of feeling in his left hand. CAT scans indicated a "right-sided subdural hematoma," a blood clot which doctors removed during surgery that afternoon.

While doctors at the time considered Conte's prognosis to be good, surgery was again required on Wednesday, February 6 to remove additional blood from the right side of his brain, at which time the Congressman's condition was downgraded to critical.

"Certainly Boston College has lost one of its most intensely devoted alumni," Boston College President J. Donald Monan, S.J. said. "Silvio Conte was unquestionably one of the nation's greatest legislative leaders. He devoted himself to the values that affect people's lives: health care needs, the environment, education, dignified work.

"More than a public servant, Silvio was a large-souled human being who poured his immense enthusiasm for life into everything he did. He totally enjoyed every aspect of life and lived it to the full. I've always been very proud that Boston College opened the door to a career that benefitted so many people," Monan said.

Silvio Conte graduated from Boston College in 1949, completing both his undergraduate work and his law degree in only four years, while still playing football, holding down an evening job, and commuting the 130 miles home to his young wife and family in Pittsfield on weekends.

In 1950, just one year after graduation, Conte was elected to the Massachusetts State Senate and embarked on a courageous and colorful career in public service which would last for the next 41 years. He was elected to Congress in 1958, defeating noted historian James MacGregor Burns, and overwhelmingly returned to his seat 16 more times. A Republican in a Democratic state, Conte's immense popularity was evidenced by the fact that he ran for re-election without opposition seven times, and on three occasions with the nomination of both parties. Conte was re-elected last November with an overwhelming 78 percent of the vote.

Within Congress, Conte's priorities centered around health, environmental and education issues. He had a profound impact upon these issues because of his position as Ranking Republican on the House Appropriation Committee and its subcommittee on Labor, Health and Human Services, and Education. Equally important is that Conte will be remembered as a courageous Congressman who voted with his conscience and spoke his mind, regardless of party.

Conte co-sponsored the floor amendment which provided the first $5 million of federal funding for AIDS research, a program which now stands around $2 billion annually. He was also the first Republican sponsor of Clean Air and Acid Rain legislation, which passed Congress last year after a decade-long battle.

Conte established his independence early by voting to override Republican President Dwight Eisenhower's veto of a water bill in one of his very first votes. In 1961 Conte cast a deciding vote that enlarged the House Rules Committee, allowing President Kennedy to move his legislative agenda through Congress. Conte joined the Reverend Martin Luther King in his march on Selma, Alabama and was booed off the stage of the 1964 Republican National Convention for his outspoken opposition to the arch-conservative John Birch Society.

Independence also characterized Conte's approach to foreign affairs. As a member of the first Congressional delegation to meet with Soviet President Mikhail S. Gorbachev, Conte himself received Gorbachev's assurance that halting the nuclear arms race would be the goal of upcoming arms negotiations. Conte's support of the Arias peace plan for Central America earned him the personal thanks of the Nobel Peace Prize winner, and Conte's work on the emergency aid package to Ethiopia in 1985 was intrinsic to its passage.

Just last month, Conte was one of only two Republicans voting against the act authorizing the president to use force against Iraq any time after the January 15 U.N. deadline for their withdrawal from Kuwait.

At Boston College, however, Conte will be forever remembered by the athletic forum that bears his name, a grateful symbol for all the work Conte did on behalf of BC in Congress. Conte's position on the Appropriations Committee gave him influence over large amounts of federal funds, and the Congressman guided millions of dollars worth of science and research grants in the directions of his alma mater.

Conte never forgot that it was education which allowed him to attain these heights, and that scholarship aid and the G.I. Bill made it all possible for him. The Silvio O. Conte Foundation, perhaps even more so than his legislative achievements within the education field, will make it possible for qualified students of limited means in his district to attend college.

Tributes to Conte have poured in from admirers on both sides of the political aisle. Massachusetts Senator Edward Kennedy said that "Sil Conte was one of the ablest, most effective and most respected members of Congress of his time.

"The people of Massachusetts, have lost a great congressman. The nation has lost a great champion of its best ideas and the Kennedy family has lost a great friend," he said.

Governor William Weld echoed Kennedy's sentiments, saying that "The people of the Nation and commonwealth and the first Congressional District have lost a great friend with the death of Silvio Conte."

Senator John Kerry praised Conte as "one of those rare personalities on the Hill who brought people together no matter what side of the issue they were on. Everybody feels that this is the passing of that special personality that comes along only once in a long while."

[From the Berkshire Eagle, Feb. 9, 1991]

SILVIO CONTE, 69, DIES; WAS POWERHOUSE ON CAPITOL HILL

(By D.R. Bahlman)

U.S. Rep. Silvio O. Conte, R-Pittsfield, an immigrant's son who rose from being a factory worker to become one of the most influential figures in Congress, died last night at the National Institutes of Health Hospital in Bethesda, Md., of complications associated with cancer.

A press release from Rep. Conte's office in Washington said death came at 8:50 p.m. The immediate cause of death was described as "extensive intracerebral bleeding." His physicians said they believed the bleeding near the brain had resulted from a blood disorder related to the progression of prostate cancer.

At the time of his death, Rep. Conte was the ranking minority member of the House Appropriations Committee. That seniority, combined with strong bipartisan political connections forged over the years, gave Berkshire voters a powerful voice in Washington. For much of his tenure, he was the only Republican in the state's congressional delegation.

Following his graduation in 1940 from Pittsfield Vocational High School, Rep. Conte worked for a time in the press room of The Berkshire Eagle and as a machinist at General Electric Co., whose interests he vigorously advanced throughout his congressional career.

CALL FROM LBJ

Indeed, he much enjoyed telling a story that began with a 1963 telephone call from President Lyndon B. Johnson, who had just been sworn into office after the assassination of John F. Kennedy.

Johnson was facing his first foreign aid vote in a House Appropriations subcommittee, and he was worried.

"The whole world is looking at me to see whether I'm in control," Rep. Conte said Johnson told him. "It would be devastating to me if I lost my first issue."

Rep. Conte and John V. Lindsay of New York, another moderate Republican, came through for Johnson. The bill passed by one vote in subcommittee, committee and the full House.

During a visit to the White House, related Rep. Conte, the president praised him as "a great American" and told him that "if you every want anything, you pick up that telephone and call me up."

Time passed, and a representative of GE power transformer asked Rep. Conte to help the Pittsfield business get a contract to supply equipment for a big West Coast power project being built by one of the federal authorities. Rumor had it that connections in the Interior Department would land the contract for Westinghouse Corp.

Rep. Conte called Jack Valenti, a White House aide, and reminded him of Johnson's chit. In 30 minutes, Valenti called back.

"You've got the contract," he said.

PENCHANT FOR SHOWMANSHIP

A colorful figure whose penchant for showmanship on one occasion in 1986 prompted him to don a pig mask to demonstrate his opposition to the pork he smelled in a giant supplemental appropriation bill, Rep. Conte's outspoken independence occasionally ruffled some conservative feathers.

"An unabashed liberal" was the description once applied to Rep. Conte by a spokesman for the Conservative Caucus.

To Ann S. Lewis, former national director of the liberal Americans for Democratic Action, Rep. Conte was "sometimes an ally and never an enemy."

Rep. Conte was a legislator on whom it was difficult to paste political or ideological labels. It was even more difficult to expect the labels to stick for very long.

"I would call him a political centrist who made the most of his ability to maintain a lot of Democratic party support," said historian James MacGregor Burns of Williams College, who ran unsuccessfully against Rep. Conte in the latter's first bid for Congress.

Burns recalled that election battle as having been "hard-fought, but never bitter or personal."

"His voting record was really just down the middle," Burns said. "Over the years, he moved from being a moderate conservative or moderate Republican to a kind of no man's land, or one man's land, that he staked out for himself. The most impressive aspect of his career was sheer longevity. He accumulated such seniority on the Appropriations Committee, and he was able to shift back and forth so adroitly between the two parties, that he got a great deal of influence in Congress that much benefited his district."

ESCAPED FALLOUT

Occasionally, Rep. Conte annoyed his Republican colleagues. However, when he opposed them on key votes, as he did in January 1991 when he numbered himself among the 12 Republicans in Congress who voted against giving President Bush the authority to use force in the Persian Gulf, the political fallout that might have showered a less senior legislator did not attach to Rep. Conte in either Washington or Pittsfield.

Rep. Conte repeatedly insisted that his voting record was a reflection of his constituents' interests and, more importantly, his view of "the best path for both our district and our country."

Throughout my public career in Congress, I have exercised one principle: the independent quality of personal convictions regardless of party, politics or pressure groups. Rep. Conte wrote in a news release announcing his candidacy in 1970. "I consider this style of conscientious, yet independent legislating, free from the chains of special interest, as the best possible approach within our system."

The son of Italian immigrants, Silvo Otto Conte was born on Nov. 9, 1921, in Pittsfield, son of Ottavio and Lucia Lora Conte.

When the United States entered World War II in December 1941, Rep. Conte enlisted in the Navy and served with the Seabees in the southwest Pacific theater.

On Nov. 11, 1947, Rep. Conte married the former Corinne L. Duval of Pittsfield. He entered Boston College and in 1949 graduated from its law school. He was admitted to the Massachusetts bar in the same year, and the following November, at age 29, he was elected to the state Senate.

On Beacon Hill, Rep. Conte attained the chairmanship of the Senate Insurance Committee, the youngest person in the history of the state ever to do so. He introduced legislation that established accident and health insurance benefits for state public employees, the first such law in the United States.

Eight years later, a broken Democratic promise of a patronage job prompted Rep. Conte to run for a congressional seat left vacant by the late John W. Heselton of Deerfield, a Republican.

His subsequent victory over historian Burns was repeated against other opponents 16 times.

An enormously popular politician, Rep. Conte regularly turned back challengers by comfortable margins, a pattern that began in 1962, when he received more votes than any opposed Republican in the nation, with 74.4 percent.

In his most recent campaign, against Democrat John R. Arden of Easthampton, Rep. Conte received more than 80 percent of the vote. Earlier in his career, as a state Senator, he had received the nomination of both Republican and Democratic parties and was cross-endorsed again in his 1964 congressional bid.

GROWS IN POWER

After his first election in 1958, he was named to the House Appropriations Committee, and by 1964 was the ninth-ranking minority member.

In succeeding years, he became the ranking minority member of the Appropriations' Treasury-Post Office Subcommittee, a ranking member of the Foreign Operations Subcommittee, which examines foreign assistance programs, and the second-ranking minority member of the House Small Business Committee and two of its subcommittees.

Rep. Conte was active for years in the formation of Republican party policy. A member of the GOP platform committee, he helped set the party's planks on defense, foreign policy, and civil rights.

In 1967, he was elected vice president of the executive committee of the Republican Congressional Campaign Committee, a committee designed to help the election campaigns of non-incumbent Republican House candidates.

Away from Capitol Hill, practically innumerable honors were bestowed on Rep. Conte during his career. He held honorary doctoral degrees from 16 colleges and universities, including Williams College, North Adams State College, Hampshire College, the University of Massachusetts, Georgetown University and Amherst College. His alma mater, Boston College, gave him an honorary degree in 1974.

In 1963, the Republic of Italy named Rep. Conte, who was fluent in Italian, to the rank of Commendatore of the Order of Merit for his work in support of the North Atlantic Treaty Organization and for furthering the cause of Italian-American friendship.

Rep. Conte was a director, president or member of many organizations, including the American Legion, the Veterans of Foreign Wars, the National Association for the Advancement of Colored People, the Eagles and the Knights of Columbus, Ducks Unlimited, a national waterfowl conservation group, named him "Man of the Year" in 1972.

Locally, he was a member of on the board of overseers of Tanglewood and the Boston Symphony. He also was a director of Hillcrest Hospital, the Pittsfield Girls Club and a member of sportsmen's clubs in Adams and Richmond.

In Congress, Rep. Conte was a member of the Wednesday Club, a social organization for liberal Republicans whose membership is kept secret. He also joined Members of Congress for Peace Through Law, an anti-war group.

In 1985, President Johnson named Rep. Conte to the Migratory Bird Conservation Commission, an appointment that set the congressman on a path that led to enormous influence in matters dear to his outdoorsman's heart.

His love of woods, streams, lakes and open spaces may have been born during the Depression, when he helped feed his family by returning from rambles with mushrooms, blueberries and bullfrog legs for the table.

AN OUTDOORSMAN

In 1988, he told an interviewer that he was rarely happier than when trout fishing or duck hunting.

"I consider Sil Conte a true conservationist in the broadest sense of that term," said state Department of Enviornmental Management Commissioner Peter C. Webber of Pittsfield, a former state Senator.

"He has made a lasting mark not just on this district of this commonwealth, but throughout North America through the wildlife habitat that has been preserved as a result of his personal efforts."

Rep. Conte's first big environmental battle was against the Dickey Lincoln hydroelectric project in Maine in the late 1960s.

The project, which Rep. Conte termed a "boondoggle," would have flooded 89,000 acres of forest land.

Eventually, the project was defeated, but not without political cost to Rep. Conte.

"That project was an environmental outrage, but my colleagues made me feel like a skunk at a lawn party for opposing it," he said. "I was accused of trying to ruin the New England economy. I was accused of being against jobs for New England. Some of my very good friends in the delegation would walk the other way when they saw me coming."

OTHER CRUSADES

He engaged in many other environmental crusades, some of which, like his effort to restore Atlantic salmon to the Connecticut River, ended in unqualified success. Others, such as Rep. Conte's fierce 1983 fight against a North Dakota water diversion project, ended in compromise.

It was during the height of that battle that Rep. Conte entered the House chamber carrying a pig mask, which he later put on to protest what he saw as runaway porkbarreling by North Dakota's senators, both of whom sat on the Senate Appropriations Committee. A photograph of Rep. Conte wearing the mask made news across the country.

In a 1988 interview, Rep. Conte asserted that the environment "can't be a partisan issue," although he conceded that it can be an emotional one.

"I do get excited. I do get mad. We Italians are by nature a very emotional people. But I don't stay mad. Goddamn it, when I walk back up that aisle to my seat, it's all over."

Wherever he went, Rep. Conte kept in touch with his district with the help of a staff highly trained in the science of constituent service. Many matters were handled by Rep. Conte personally.

"It never ceased to amaze me how completely he had his finger on the pulse of his district," Webber said. "Throughout the time that I served in the Legislature, I always regarded Silvio as a role model that I strove to emulate in my efforts to serve my constituents.

"He was an outstanding representative of the people of the area and that is reflected in his constituent service. I think what set him apart in that area, as in so many others, was how he threw himself completely into the job. He personally stayed on top of anything. A lot of people assume that his staff manages all that, and they did a great deal, but the high level of constituent service was a result of Sil's personal energy, commitment and enthusiasm. Throughout the 10 years that we served together, I never saw his energy diminish."

DECLINE IN HEALTH

The health problems that eventually resulted in Rep. Conte's death began in 1987 when he was operated on for prostate cancer.

His personal physician, Dr. John Lynch of Georgetown University was quoted yesterday as saying that Rep. Conte was undergoing successful treatment to control the cancer until approximately mid-December of last year when the cancer became refractory in treatment."

Rep. Conte then underwent treatment at the National Cancer Institute against the spreading of the cancer. In mid-January it showed signs of rapid progression.

"Nonetheless," last night's statement from Rep. Conte's office said, "the onset of the events of the past week was sudden and unexpected."

The congressman underwent surgery on Feb. 1 for the removal of a blood clot near the right side of the brain. Additional surgery was performed Tuesday to remove another clot.

Rep. Conte's office said last night that funeral arrangements were incomplete and would be announced as soon as available.

[From the Berkshire Eagle, Feb. 11, 1991]

CONGRESSMAN CONTE

In the late 1970s, a moderate Republican congressman from Alabama, John Buchanan, happened to be in Berkshire County when The Eagle found fault with a vote by Congressman Silvio Conte. Congressman Buchanan was taken aback. "Don't you know," he said to an Eagle editor, "that he is one of the best we've got?"

The Eagle did know that—enough to give Mr. Conte its editorial endorsement regularly, even though the paper occasionally parted company with the congressman on subjects such as gun control. But the Alabama congressman did have a point.

Berkshire County tended to take "Sil," who died last Friday at 69, a little for granted. Voters here and throughout the First Congressional District simply grew to expect, over his more than three decades in office, that he would generally vote sensibly, handle constituent problems competently and not sell his support on crucial issues to the highest bidder. It took a remark like Mr. Buchanan's to give Mr. Conte his due.

Just a week before his death, the county got a flavor of how lucky it was to be represented in Washington by the ranking minority member of the House Appropriations Committee when the regional administrator of the General Services Administration, William Diamond, held a meeting in Pittsfield to describe plans for a new federal archives building. "There's only one man who could have pulled this gathering off," Mr. Diamond said, "and he's your congressman, Mr. Conte."

But it was not just the ability of a very senior incumbent to do favors for his district (all the while decrying pork-barrel projects in other districts) that won First District residents looks of envy when they told political insiders from elsewhere who their congressman was. What made Mr. Conte stand out was that, for all his rootedness in ethnic, blue-collar Pittsfield, there was nothing provincial or short-sighted about the issues he chose to champion.

From his pivotal position on Appropriations, Mr. Conte often provided a decisive vote in favor of foreign-aid grants sought by a president—Republican or Democratic—and opposed by tight-fisted congressman of both parties. As a hunter and fisherman, Mr. Conte was disposed to protect wildlife habitat, but he went beyond that to become a leader in Congress on a wide range of issues affecting the environment, from his opposition to dubious dam projects to his support of the Environmental Health Institute in Pittsfield.

In the early 1980s, Mr. Conte signed on as the first Republican sponsor of new clean-air and acid-rain legislation. He fought for acid-rain controls aggressively, going head-to-head with the administration of fellow Republican Ronald Reagan. Last year, the bill became law—a timely monument to his—and other's—efforts.

More recently, he broke dramatically with a president of his own party by casting one of just three Republican votes against the resolution authorizing immediate military action in the Persian Gulf. This stance was of a piece with other votes by Mr. Conte against excessive funding for Star Wars and the MX missile and Washington's ham-handed policies in Central America.

All of these votes demonstrated the independence of a congressman who followed the sentiments of those who gave him his lopsided reelection victories much more than he followed the agenda of his party. Mavericks like him make a mockery of the notion of party loyalty, but, in their defense, they also help to insure that an agenda like the GOP's is not put together without some weighing of opposing views.

First District voters cared little about Mr. Conte's party identification but cared deeply about his attachment to the environment, his skepticism about foreign military adventures and his concern for those in need. The fact that he could be a leader in all of these areas while retaining a sense of humor about himself and Washington in general made it all the better. The district and the country will miss this happy warrior.

[From the Berkshire Eagle, Feb. 13, 1991]

SILVIO

(By Ken Schlossberg)

In the blue rolling hills
Of the Berkshires,
In Pittsfield, Massachusetts,
In this century's twenty-first year,
A boy was born of an immigrant family
That a whole nation would come to hold dear.

In the blue rolling hills
Of the Berkshires
Through which rushing streams run,
That boy grew into a man
With a spirit as light
And a smile as bright
As the Berkshire summer sun.

Far from the rich autumn foliage
Of the Berkshires,
He went off to fight a great war,
Like a million young men
From the Berkshires,
And the Smokies,
And the Rockies,
And the Sierras,
To fight the great war
To end war.

Home from the war to end war,
Home in the beautiful Berkshires,
Backed by the G.I. Bill,
He went east to Boston College
Along Commonwealth Avenue,
He counted every penny,
Rooming in old Scolley Square,
Earning his BA and degree in the law
Before he was finally through.

Back in the blue rolling Berkshires,
His law practice underway,
He married a gal named Corinne,
Figuring they'd stay in the Berkshires
Until they were old and gray.
But, after too little time
He traveled back from the Berkshires
Leaving his comforts behind,
To serve in the state legislature
For many and many a day.

He traveled back east,
Thousands of hours and
Miles at least,
Honing his skill and steeling his will
Under the dome atop Beacon Hill.
Until the time came to move on,
To move on to Washington,
To join the political big leagues
To march up a bigger Hill still.

For thirty-four memorable years,
He worked the congressional clime,
Learning the moment to strike,
Learning how when to bide time.
Renowned for his prowess,
Peerless in the Appropriations process,
Meeting with Speakers, Presidents and Kings,
Never forgetting where he came from,
Never forgetting what he called "mine".

The Berkshires, the People, the Place
He came from,
The needs of his neighbors,
Especially the too young to walk
And the too old to run,
From Pole to Equator, he saw the whole world,
The Great and the Mighty he saw plenty of,
But none can compare with his
Beautiful Berkshires,
Those blue rolling hills in blankets of white,
Shimmering green in glorious summer,
Glimmering red orange in fall,
Those beautiful, beautiful Berkshires,
The People,
The Land he sprung from.

[From the Boston Globe, Feb. 9, 1991]

SILVIO CONTE DIES AT AGE 69

(By David Nyhan)

Rep. Silvio O. Conte, an earthy and affable Republican who for most of the past two decades was his party's most important officeholder in Massachusetts, died last night of cerebral bleeding.

Mr. Conte died at 8:50 in the National Institutes of Health Hospital in Bethesda, Md., after two operations to remove a blood clot from the right side of his brain. Funeral arrangements were incomplete.

Mr. Conte, 69, had represented the far-flung 1st District of western Massachusetts since 1959.

An approachable, fun-loving extrovert who made friends quickly and forgave foes just as readily, he was an old-school politician with thousands of friendships salted throughout the nation's political structure.

He loved the Berkshires, fishing, baseball, Boston College and the game of politics, in no particular order.

Shorter in stature, and quicker to bridle than his longtime congressional seatmate and fellow BC alumnus, Thomas P. O'Neill Jr., Mr. Conte and the retired speaker formed an enduring friendship that survived two generations of clashing partisan votes.

"Hey," Mr. Conte said in 1988, as he departed the Republican National Convention early after a series of rebuffs to causes he held dear, "As I tell Tip O'Neill, 'The important thing is we get up every morning'."

Despite ill health—he had surgery for prostate cancer in 1987 and for arthritis a year later, and had recently been undergoing cancer treatment—Mr. Conte recently insisted that he planned to seek an 18th term in 1992.

Mr. Conte, said many delegation members, was especially close to Sen. Edward M. Kennedy. Kennedy said last night: "Sil Conte was one of the ablest, most effective and most respected members of Congress of his time. The secret of his success was that he took the issues seriously, but he never took himself too seriously.

"The people of Massachusetts have lost a great congressman. The nation has lost a great champion of its best ideas and the Kennedy family has lost a great friend," Kennedy said.

Rep. J. Joseph Moakley, a South Boston Democrat, called Mr. Conte's death "a great personal loss, as well as a blow to the clout of the state's delegation." Moakley said that Mr. Conte was a friend to all who were in need of low-cost fuel, and to all of those who wanted better education and health care.

"There was nobody as colorful and who knew the legislative process as well," Moakley said.

He also noted how Mr. Conte, an avid fisherman, had been fishing two weeks ago, and just last week had held a reception for Washington Mayor Sharon Pratt Dixon, a Democract.

"The people of the nation and commonwealth and 1st Cognressional District have lost a great friend with the death of Silvio Conte," Gov. Weld said in a statement last night. Feisty, fiery, steadfast friend and a tough as nails political adversary, all that describes Sil Conte."

For reasons Mr. Conte came to shrug off, the GOP changed dramatically from the party in which he enlisted as a young Berkshire County veteran back from Pacific service in World War II. It moved rightward, away from Mr. Conte's brand of meat-and-potato domestic politics and generally liberal foreign policy.

After a long and skillful climb through the intricate network of congressional committee assignments, Mr. Conte emerged as the ranking Republican on the House Appropriations Committee.

This is the panel that shunts the money into the thousands of expenditures the government makes, and from that vantage point Mr. Conte helped direct money New England's way so it could share in the federal largess.

"He is a big man for Massachusetts, a big man for New England," said Moakley. "No one will be able to step right in and do what he did for the region." The retirements of O'Neill and Springfield Democract Edward Boland, coupled with the death of Mr. Conte, have now stripped the Bay State delegation of its three most senior—and influential—members.

Mr. Conte's combative and cantankerous voice in the halls of Congress. Known to the factory workers and rural dwellers of the five western Massachusetts counties he served as a friendly and down-to-earth politician, he came to enjoy a measure of fame as the white-haired, ruddy-faced spouter of political buckshot who enlivened the House.

Mr. Conte was the only Republican in the Massachusetts congressional delegation. He once noted with a hearty, infectious laugh that he was "a minority within a minority within a minority." His minority status was drawn from the ethnic, geographical, political and ideological roots. Battling all four stereotypes gave him great satisfaction.

As an Italian-American, he found the Massachusetts Democratic Party of the 1950s an almost all-Irish fraternity. Once elected to Congress in 1958, he seldom faced a tough fight from the state's dominant party. Like two other successful ethnic politicians of the period, Gov. John A. Volpe and Sen. Edward W. Brooke, the first black in the Senate since Reconstruction, Mr. Conte found upward mobility in the old Republican Party that was denied many ethnics in the fiercely tribal Democratic column.

A BREED APART

In the Massachusetts Legislature, Mr. Conte was, as a Pittsfield man, a westerner, regarded as a breed apart by the Boston-dominated Beacon Hill crowd.

Congress, a more diverse body, presented no such barriers to Mr. Conte. There, his ample skills came into play. His specialty—amiable, hard bargining—flourished. He was again in a minority, never in his 82 years part of the majority party in the House and, since 1982, the state's only Republican in Congress. But his other minority status—that of an ideological maverick—allowed him to forge alliances with majority members on the Appropriations Committee.

"It is a tremendous loss for Massachusetts, the Congress and the country," said Rep. Chester Atkins, a Concord Democrat who served with Mr. Conte on the House Appropriations Committee. Mr. Conte, said Atkins, "was one of the very rare people in public life who was beloved in public life."

Atkins recalled how he held a Silvio Conte Day in Lowell to thank the congressman for helping to secure federal funds for a park there. "We gave him a trolley hat and he drove the trolley. He had such enthusiasm, he was like a kid. He will be deeply missed."

Another memorable moment, said Atkins, came last year when Mr. Conte was speaking on the behalf of the Health and Human Services appropriations bill before a House panel. Mr. Conte, said Atkins, talked about the children it would help and the services it would deliver across the country so movingly that after he completed his testimony the committee began singing "The Battle Hymn of the Republic."

"It is going to be a tremendous loss that is impossible to measure," Atkins said.

Mr. Conte was a liberal Republican before the 1964 presidential nomination made that phrase obsolete. He then became a "moderate," a phrase of opprobrium in the Reagan-Bush era. While opposing some federal programs as wasteful, especially large subsidies to agribusiness, he supported housing, education and other programs.

In 1984, frustrated at the conservative trend of his party, he left the Republican National Convention in Dallas two days early. As he packed his bags, he said: "I like Ronald Reagan, but this party is getting carried away with its crazy ideology. They think I'm a 'dumb Dago,' but they're wrong. And someday this country will pay a price for the programs they're cutting."

LOYAL TO HIS ROOTS

Mr. Conte was intensely loyal to his ethic roots and to his alma matter, Boston College. Along with fellow alumni O'Neill and Boland, Mr. Conte exercised a senior politician's boardinghouse reach into the groaning board of federal science and research grants on behalf of BC. The grateful Jesuit university, in turn, named its basketball-and-hockey complex after him.

He was the most upfront of politicians. Holding his tongue, sullenly nursing a grievance, smarting over a perceived slight without bringing it out into the open, none of these traits could be laid to him.

Calling a spade a spade was his stock in trade. Fellow congressmen were left aghast, irate, befuddled, or else helplessly overcome by laughter in the wake of his pithy tirades in the well of the House.

Mr. Conte's arrival in Congress marked the marriage of a man and his job. He never ran for anything higher, never had trouble winning reelection, and he never 'went Washington.' Staying in touch with his district was meat and drink to Mr. Conte. He devoted thousands of man-hours to swing defense contracts to the General Electric plant in Pittsfield, which fed thousands of his constituents.

Mr. Conte was the son of Italian immigrants who weathered the Great Depression in Pittsfield, where he was born. His father, Octavio, worked for GE. And the son's armwrestling of defense contracts in Washington amply repaid the hourly wages wrested by Octavio between lengthy layoffs.

Mr. Conte told a straightforward version of events that explain how he happened to become a Republican:

"In 1949, I was fresh out of [BC] law school and looking for a job, I had worked for Bob Capeless, who was the mayor of Pittsfield back then, and he suggested that I take a job with the Census Bureau at $25 a week. I considered myself an independent politically. And Foster Furcolo, who was the [Democratic] congressman back then, and in charge of patronage, gave the job to a foot doctor who was the chairman of the Democratic Party in Pittsfield. That's when I decided to run for the state Senate as a Republican."

The next year, he won the Senate seat, served eight years on Beacon Hill, then began taking the train down to Washington to serve in Congress. Once established, he carved a reputation for himself as a liberal maverick, more partial to the Rockefeller wing of the party than the emerging Goldwater and Nixon echelons of party influence.

A level-headed vote-counter who was always more interested in the art of the possible rather than staking out diehard positions that brooked no compromise, Mr. Conte once expressed a typically modest summation of his contribution:

"Being on this [Republican] side of the aisle has allowed me to do a lot of good, whereas over there, I'd be just another vote." Whatever he was, it was never just another vote.

Married to the former Corrine Duval, with whom he had four children, Mr. Conte was an unabashed, cigar-smoking liberal, who won his first congressional race with 55 percent of the vote, and ran unopposed more than half-a-dozen times after that.

His congressional career spanned eight presidents, going back to Eisenhower. Running against the 1962 Democratic ticket with Jack Kennedy in the White House, Mr. Conte rolled up the highest vote of any Republican congressman in the country with a Democratic opponent.

A frequent target of sniping by conservative Republican congressmen jealous of his skill at levering federal grants for his state, Mr. Conte once breezily dismissed his younger and more conservative brethren as "the apes." Barney Frank nicknamed Mr. Conte "Chingachgook," after the hero of James Fenimore Cooper's elegy to another of dying breed, "The Last of the Mohicans."

(Martin F. Nolan, Michael Frisby and Stephen Kurkjian of the Globe staff contributed to this report.)

[From the Boston Globe, Feb. 13, 1991]

BUSH MOURNS A COLLEAGUE, TEAMMATE

(By John W. Mashek)

WASHINGTON.—Reflecting on his long friendship with the late Silvio Conte, President Bush yesterday described his onetime congressional baseball team manager and sometime political opponent as "a decent, down to earth" man with "a great sense of humor."

In a telephone interview, Bush said the Massachusetts congressman "lifted people's spirits by just walking into a room and mine when I saw him sitting at the end of the table for a meeting."

Unable to attend Conte's funeral today, Bush is sending Vice President Dan Quayle to represent him. Air Force Two is bringing a contingent of 10 House members, including Speaker Thomas Foley, Democrat of Washington, and House Minority Leader Robert Michel, an Illinois Republican, along with a number of White House staffers.

Bush noted that Conte's fierce independence, even from a Republican friend in the White House, was demonstrated just a month ago when the Massachusetts congressman cast one of his last votes—against the resolution authorizing the use of force in the Persian Gulf. Conte was one of only three Republican members to split with Bush on that important roll call on Jan. 12.

"That's a good example," Bush said of Conte's independence. "It was an important vote for us, but important to him, too. My respect for him wasn't diminished one iota."

Bush recalled that he got acquainted with Conte largely through their mutual love of sports, especially baseball. Bush was a member of the House from 1967 to 1971, representing Houston's West Side and suburbs. A baseball captain during his college days at Yale, Bush played first base for the Republican congressional team that Conte managed.

"He was a tough manager, our top man," Bush said. "Everyone loved the guy." For the record, the Republicans defeated the Democrats in all three games in which Conte was the manager and Bush the first baseman. The Republicans trounced the Democrats in 1967 by a score of 19–2 and in 1968 by a score of 16–1.

Both Bush and Conte served on powerful committees while they were in the House together, Bush on Ways and Means and Conte on Appropriations.

"No one ever said that he was posturing or doing something for political advantage," Bush said of Conte's voting record, which often clashed with Republican presidents dating back to Dwight Eisenhower.

The president also noted that Conte supported him in 1979 when Bush was gearing up to run for president against Ronald Reagan and a large GOP field. He said Andrew Card, a former GOP legislator in Massachusetts who is now Bush's aide, remembered "wondering who to support in the race that year, and Sil encouraged him to support me."

[From the Boston Globe, Feb. 11, 1991]

SILVIO O. CONTE

In an era of blow-dried, button-down politicians for whom politics seems more just labor than a labor of love, Rep. Silvio O. Conte was a throwback, a man who seemed genuinely to relish both the legislative whirl and the opportunity to make a better life for his constituents and those in need of government assistance across the land.

Conte, who died Friday evening at age 69 after representing his western Massachusetts district for 32 years, could stand in the well of the House and unabashedly sing the praises of the Red Sox or don a mask fashioned like a pig's snout to decry pork barrel legislation; he could also with equal verve fight in the congressional trenches for fuel aid for the poor or funds to clean Boston Harbor or rebuild the Central Artery.

Conte was a Republican by political accident as much as anything, and in the last decade particularly, he moved to a rhythm far different than the conservative drumbeat to which most of his GOP colleagues marched. Last month he was one of but three House Republicans to vote for continued reliance on sanctions in the showdown with Iraq.

His rise to the position of ranking Republican on the House appropriations committee gave those who believe one of government's principal functions is to serve the poor an invaluable ally at the very center of decision-making about government spending.

It was only typical that just last week housing advocates across the country were looking to Conte to rectify what they judged as insufficient money in President Bush's housing budget.

Conte will be missed in the state and across the country for what he could get done. But he will be missed even more for who he was—a man who brought compassion, humor and a joyous spirit to American politics.

[From the Boston Globe, Feb. 12, 1991]

CONTE: TOUGH BUT CARING

(By David Nyhan)

If you met Silvio Conte, you liked him.

He was one of the good guys. The game of politics—which he entered; by chance, more than 40 years ago, after a Democrat croaked him out of a $25-a-week census job—has changed dramatically. And not, in most cases, for the better.

But Conte's is one of the success stories in politics. Not because he held onto his seat for almost a third of a century, but because he was able to translate his values and his verve into laws and programs that did untold good, for the people of his district and for Americans everywhere.

He was a Republican, and a slashing, partisan street fighter when he felt the need, who happened to be amply endowed with kindness. He identified with just plain folks. And it showed.

His father was an Italian immigrant. Octavio was an on-again, off-again factory hand at the GE plant in Pittsfield. Firsthand, Conte learned the value of a regular paycheck to a working-class family. And, more important, he never forgot it. He remained a lunch-bucket liberal in a party that turned right.

For the better part of two decades, he was the most important GOP officeholder in the state.

To an extent the voters of Massachusetts have yet to appreciate, the seniority and clout accumulated over generations by the likes of Sil Conte, Eddie Boland and Tip O'Neill harvested an ample share of federal largess, in the form of contracts, grants, jobs and appropriations. Conte was the last of the old Bay State bulls in the House.

Conte's adult life was bracketed by wars. He went off to the South Pacific as a Navy Seabee right out of high school. He didn't negotiate Boston College, then BC Law, till he had the GI Bill running interference with the bursar's office.

His last big vote in Congress came a month ago today. Conte was one of only three Republican congressmen to buck the president and oppose the de facto declaration of war Bush wrung from Congress just days before the bombing began.

Two weeks later, Conte said, "The war hangs over me like a pall." He was too senior a congressman, too rugged, too tough for the White House to whipsaw him for his vote. He realized what too few of our current crop of political leaders appreciate: that if you call a spade a spade, if you do what you think is right and damn the consequences, people will believe in you, even if they disagree with you.

"It troubles me," Conte told the Globe's Mike Frisby, "that we live in 1991, and you can't resolve this thing with diplomatic means, and you have to go back to barbaric actions of war.

"You wonder all the time: Why do we have to use force? Are we better off in Panama than we were before the attack? Are we any better off in Lebanon than before the Marines were killed?"

The war against Iraq was not the first US war Conte came to oppose. Fred Wertheimer, who runs the citizens' lobby Common Cause, worked for Conte during the late '60s. "He was fearless," Wertheimer said of the quick-to-anger-quick-to-laugh Conte. "Tough compassionate, he was the real thing. He stood up for whatever he believed in. He was not the type to let any kind of fears get in the way, yet he really cared about people and their social needs."

He told how Conte came out against the Vietnam War. "It was '67. He decided he wanted to come out against the bombing. I worked with him on the speech. When he got it to where he wanted it, he went to some veterans' hall in his district; I don't remember whether it was an American Legion hall, or a VFW post. He showed up one weekend and announced to his local veterans that it was time to end the bombing."

No big Washington press conference, no on-the-one-hand-on-the-other prevarication. Here I am, here I stand. "That's just the way he was," said Wertheimer. "I saw him just the week before last. We talked about how [political] money got so out of hand in this place. He was an exceptionally courageous legislator, tremendously skilled, spent all his life in the minority, yet was able to accomplish untold things."

If you live in the western part of the state, and he was your House vote for 32 years, you got your money's worth, in spades. Down to earth, down to business, never too busy to laugh. In an age of tabloid values and eight-second sound bites, he was living proof that competence and compassion can carry the day, any day, no matter what the party label, the climate or the odds. A good man in a business—the political game—that is going to seed.

[From the Boston Herald, Feb. 10, 1991]

U.S. REP. SILVIO CONTE, PITTSFIELD REPUBLICAN

BETHESDA, MD.—U.S. Rep. Silvio O. Conte (R-Pittsfield), the ranking Republican on the House Appropriations Committee, died Friday following surgery earlier in the month to remove a blood clot in his brain. He was 69.

Mr. Conte died at 8:50 p.m. at the National Institutes of Health Hospital in suburban Washington. The immediate cause of death was attributed to "extensive intracerebral bleeding," the congressman's office said in a statement.

Mr. Conte, considered a liberal Republican was known as an emotional and often humorous orator who sometimes delivered his speeches to the House in rhyme.

Mr. Conte underwent surgery Feb. 1 for the removal of a blood clot near the right side of his brain. His condition worsened Tuesday with additional bleeding, and doctors operated to remove an intracerebral hematoma, his office said.

Doctors believed that Mr. Conte's condition resulted from a blood disorder related to the progression of prostate cancer.

The congressman was operated on for prostate cancer in 1987, and he was undergoing successful treatment to control the cancer until mid-December. The cancer showed signs of rapid progression in January, his office said.

Assigned to the Appropriations Committee in his freshman year, Mr. Conte spent years being passed up for assignment to the labor and human resources subcommittees in favor of lower-ranking members. When he was assigned to the labor subcommittee in 1971, he was forced to give up his seniority on other subcommittees.

Mr. Conte, a native of Pittsfield, Mass., was a close friend of former House Speaker Thomas P. "Tip" O'Neill.

Mr. Conte was first elected to the House in 1958 after serving eight years in the Massachusetts Senate. He was elected to each succeeding Congress.

The son of Italian immigrants, Mr. Conte worked as a machinist for General Electric Co. before joining the Navy Seabees Corps in the Southwest Pacific during World War II. After the war, he went to school on the GI Bill, graduated from Boston College Law School in 1949 and started a law practice that he continued through 1958.

In Congress, he also served on the Committee on Small Business and the Migratory Bird Conservation Commission. He was a regent of the Smithsonian Institution.

He is survived by his wife, Corrine, and his children, John Xavier Conte, Gayle Fowler, Michelle Webb and Silvia Certo.

The funeral is scheduled for Wednesday afternoon at St. Joseph's Church in Pittsfield, Mass. A memorial service will be held at the Capitol Rotunda in Washington at a date to be determined later.

In lieu of flowers, Conte's family asked that donations be made to the Silvio O. Conte Education Foundation at 100 North St., Pittsfield, Mass. 01201.

Conte established the foundation to provide financial aid for college students from his district.

"It was Mr. Conte's wish that the foundation provide these students with the same gift he was given as a young man, a chance to go to college, so that they too can realize their dreams," his office said in a statement.

[From the Boston Herald, Feb. 13, 1991]

The Ironies of Silvio Conte

The only force powerful enough to remove Silvio Conte from Congress was an extra-political one. On Friday night, death claimed the man who spent more than 30 years as Western Massachusetts' representative in the U.S. House, and the past dozen years as the state's only Republican with any political clout worth mentioning. As he died, the state's new Republican lords were celebrating their party's ascendancy at a festive dinner in Randolph. Governor, lieutenant governor, treasurer, cabinet members, state senators—Republican leaders were assembled in Conte's name.

Conte would have appreciated the irony. And he would have known better than to take umbrage at the unintended slight. After all, over the years he had little enough in common with his fellow Republicans.

For one thing, they were concentrated in the eastern part of the state. Conte was born and bred in the Berkshires. For another thing. Conte watched Massachusetts Republicans grow increasingly conservative, energized (and given voice) by the likes of Ronald Reagan and Ray Shamie. He, by contrast, was an unabashed liberal of the Lyndon Johnson/Mike Dukakis school, who lambasted his own party—intent in recent years on turning back the tide of government spending—for "getting carried away with its crazy ideology."

But the biggest difference of all was that while most Massachusetts Republicans were losers. Silvio Conte was a winner. Aggressive, boisterous, unselfconscious, feistily partisan when that served his needs, agreeably bipartisan when that served his needs—he was born to the game of politics and excelled at it.

You didn't have to agree with Conte's views or votes to admire his savvy or enjoy his personality. And you didn't have to share his view of the world to know that he was a geniunely decent man. May he rest in peace.

[From the Boston Herald, Feb. 13, 1991]

Silvio Conte's Cause: A Just and Compassionate Nation

(By Mark L. Wolf, U.S. District Court Judge, Boston)

With the death of U.S. Rep. Silvio Conte, Massachusetts and the nation have lost a public servant who personified the aspirations, opportunities, and challenges which are central to the meaning of America.

Conte was the son of Italian immigrants. With them, he survived the Depression in his home town of Pittsfield.

After serving in World War II, Conte struggled through Boston College and its law school. Conte attended law school while working full-time, but could not afford all of the necessary books. He was on the verge of flunking out before being rescued by a sympathetic dean.

In 1950, Conte was elected to the Massachusetts Senate. There he worked hard for his district and first displayed his enduring ability to successfully assist earnest aspirants for public office. For example, Conte often spoke with particular pride of his role as a state legislator in the appointment of Pittsfield judge Francis Quirico, who later brought great intelligence and flinty integrity to the Massachusetts Supreme Judicial Court.

Conte was elected to Congress in 1958 as a liberal Republican. In Washington, he was always faithful to his principles, if not to his party.

After initially supporting the war in Vietnam, Conte called for a halt in the bombing. This prompted his former House colleague Melvin Laird, then Secretary of Defense, to urge Conte to leave the Republican Party. This call would be heard again, and always be unheeded.

Rather, Conte rose to become the powerful ranking Republican on the House Appropriations Committee. As such, he was, depending on the issue, either a vital ally or formidable adversary of Presidents Reagan and Bush.

Indeed, last month Conte was one of three House Republicans to vote against the resolution authorizing President Bush to begin the war against Iraq. Yet President Bush has mourned Conte as a congressman of "unmatched dedication [who] touched the lives of many others with his humor, warmth and decency."

As the President recognized, Conte's career was distinguished by his devotion to helping others. But, as the congressman understood this was always part of a larger effort to give renewed integrity to America's promise as a land of freedom and opportunity.

Undoubtedly remembering his father's difficulties while intermittently employed by General Electric in Pittsfield during the Depression, Conte acquired a succession of substantial defense contracts for the General Electric plant and championed federal legislation to regulate layoffs. Recognizing the importance of his education, Conte attracted enormous federal grants to Boston College, Boston University, Smith and other schools throughout Massachusetts. And understanding that not everyone was endowed with his strength and ability, Conte worked tirelessly for federal legislation to assist the disabled, the retarded, and many others least able to help themselves.

Like Abraham Lincoln, Conte was—and remembered he was—truly "of the people." Thus, like Lincoln, he was especially effective in speaking "for the people." Recently, Conte testified so passionately before a congressional committee about the children who would be helped by an appropriations bill that its members were moved to sing, "The Battle Hymn of the Republic."

Their response to Conte's plea was particularly fitting. For although he was a happy warrior, life for Conte was a battle—first for himself and his family, and ultimately for many others. Now after 69 years, Conte's active duty has been concluded.

Yet the cause to which Conte was devoted—making this a more just and compassionate nation—endures. The congressman's death may be another contribution to that cause. For, as another sometime son of Pittsfield, Justice Oliver Wendell Holmes, Jr., once said: "At the grave of a hero . . . we end not with the inevitable sense of loss, but with the contagion of his courage; and with a kind of desperate joy we go back to the fight."

[From the New York Times, Feb. 10, 1991]

Rep. Silvio O. Conte, 69, Is Dead; Massachusetts Advocate for Poor

(By Adam Clymer)

WASHINGTON, February 9.—Representative Silvio O. Conte, a combative Republican who battled, sometimes against his own party, for the poor, for students, for the environment and for medical research died Friday night at the National Institutes of Health in Bethesda, Md. He was 69 years old.

Doctors at the institutes said he died of extensive bleeding in the brain, brought on by progression of prostate cancer. He had undergone two brain operations after entering the hospital on Feb. 1.

Mr. Conte, the senior Republican on the House Appropriations Committee and the only member of his party in the Massachusetts delegation, was beginning his 17th term in the House.

Last month, he was one of only three House Republicans to vote against a resolution authorizing President Bush to begin a war against Iraq. When he did so, he recalled unhappily his 1964 vote in favor of the Gulf of Tonkin resolution that was cited as authority for a widening of the war in Vietnam. That vote, Mr. Conte said, led to "tragedy and needless loss of lives, and I pray this one will not."

UNITING BEHIND PRESIDENT

He said he had believed that economic sanctions against Iraq should be given more time to work. But after Congress decided otherwise, he said: "It is time for our nation to unite. I am behind the President 100 percent from this day on."

In more than three decades in the House, he was known both for his public, vocal outbursts against excesses of "pork"—Federal aid to beekeepers was a particular target—and for his expertise in getting things done through the rules of the House and through close friendships with other powerful Massachusetts lawmakers like Thomas P. O'Neill Jr., the former Speaker of the House, a Democrat.

Mr. Conte looked after his district, from the longtime friends he invited to an annual spring fishing tournament at a lakeside cottage near Pittfield to the major colleges and universities like Amherst, Hampshire, Mount Holyoke, Smith, Williams and the University of Massachusetts.

With Mr. O'Neill, he wrote legislation providing the poor with help to pay heating bills. He wrote the 1970 law creating Amtrak to preserve passenger rail travel. In 1983 he co-sponsored the first $5 million for research into AIDS, a program now at a $5 billion level.

Born in Pittsfield, he worked as a machinist and then served in the Seabees in the Southwest Pacific in World War II. Afterward he attended Boston College under the G.I. Bill of Rights, injuring a knee as a football player. He graduated from Boston College Law School in 1949 and was elected to the State Senate the next year.

For friends and colleagues who wondered why he as a Republican, with a voting record that sometimes won 90 percent approval from the liberal Americans for Democrat Action, he said he had become a Republican as a young man when he could not get a job as a census worker. Democrats controlled those jobs, he said, and when he could not get one, he changed parties.

Another blunt, characteristic decision was recalled by Fred Wertheimer, president of Common Cause, the public affairs group, who for many years was an aide to Mr. Conte on Capitol Hill. When Mr. Conte began to turn against the Vietnam War in the late 1960's and decided to call for a halt in the bombing, Mr. Wertheimer recalled, he went to a veterans group in his district to make his first announcement.

"We were talking about it the other day," Mr. Wertheimer said, and "he recalled they didn't like the speech very much." But the American Legion, the Veterans of Foreign Wars and the Disabled American Veterans all honored the lawmaker in recent years.

Mr. Conte is survived by his wife, Corrine; four children, Michelle Webb of Hardwick, Mass., Sylvia Certo of Arlington, Va., John Conte of San Jose, Calif., and Gayle Fowler of Westminster, Md. and six grandchildren.

Funeral arrangements were incomplete.

[From the Washington Post, Feb. 10, 1991]

POPULAR MASSACHUSETTS REPRESENTATIVE SILVIO CONTE DIES

(By Tom Kenworthy)

Rep. Silvio O. Conte, 69, the dean of the Massachusetts delegation to the House of Representatives and one of Congress's most beloved and respected members, died Feb. 8 at the National Institutes of Health after surgery for a brain clot.

Doctors believe the cerebral bleeding stemmed from the progression of prostate cancer for which he had surgery in 1987, his office said in a statement. His death was attributed to "extensive intracerebral bleeding," Conte's office quoted doctors as saying.

After learning of the congressman's death, President Bush issued a statement saying, "For over three decades, Congressman Conte served his state and his nation with flair, skill and unmatched dedication. Silvio Conte touched our lives and the lives of many others with his humor, warmth and decency."

Mr. Conte, a liberal Republican who was often at odds with a majority of his GOP colleagues and his party's presidents, was the ranking Republican on the Appropriations Committee.

He was an enormously popular figure in the House, where his stentorian deununciations of pork-barrel projects and wasteful government spending were a regular feature of floor debate. An aficionade of the flamboyant gesture, Mr. Conte in 1983 donned a pig's snout and ears on the House floor to denounce colleagues who he said "have their noses right in the trough and they're slurping it up for their districts at the expense of all the taxpayers." His reputation as an opponent of pork-barrel projects did not, however, prevent him from bringing home the bacon to western Massachusetts.

In recent years, suffering from the effects of prostate cancer, he frequently traveled the halls of Congress in an electric cart. With the flags of his country, his state and the nation of Israel waving from the handlebars, he would honk his way through throngs of tourists.

In an era when the ranks of House Republicans are increasingly dominated by somewhat humorless conservatives who seem more interested in confrontation with Democrats than in influencing legislation, he was something of a throwback.

As the only Republican representative from what is arguably the nation's most liberal state, Mr. Conte frequently voted with the Democratic majority that has controlled the House for more than 35 years.

Just last month, for example, he was one of only three Republicans who voted to deny President Bush the authority to use force to expel Iraqi troops from Kuwait.

However, as Congress voted to support the troops in the Persian Gulf War, he said, "At a time like this, you've got to rally behind your troops. Anything else would be dishonorable."

Mr. Conte could make or break an appropriations bill. In the early 1980s he did just that to President Reagan.

The congressman worked to include some Caribbean aid that Reagan wanted in an appropriations bill, but when Reagan vetoed the measure anyway, Mr. Conte led the override battle and got 80 Republicans to vote with him.

"I hope he learns a lesson," Mr. Conte said of Reagan. "You just don't have 435 robots here in Congress that are going to vote in lock step."

He was a champion of spending on human services and once referred to Reagan's budget director, David Stockman, as "the young slasher." He was capable of name-calling at other levels too. He referred to the Senate as "a bunch of fat cats up there raking in the bucks" and once called Sen. William Proxmire (D-Wis.) "a cheap, irresponsible demagogue."

Mr. Conte was known for his rhymes, and last October, as Congress debated the budget and the government dismayed tourists by shutting down, he offered verse:

We're frightened by the interest groups.
We act like silly nincompoops.
We can't make cuts that cause some sting,
We cannot even do a thing.
And now we have run out of time.
And that, dear friends, is our own crime.
The government—it has shut down,
And we're the only game in town.
Let's work to get this budget through,
And get these tourists to the zoo.

In 17 election campaigns in Massachusetts's 1st District, Mr. Conte was unopposed seven times. His first victory was over James MacGregor Burns, the Williams College professor and biographer of Franklin D. Roosevelt, after Mr. Conte promised to bring federal grants and projects to the district.

Mr. Conte was a native of Pittsfield, Mass., and a 1949 graduate of Boston College's law school. He had served in the Navy, as a Seabee in the Pacific, during World War II.

He was elected to the House in 1958 after serving for eight years in the Massachusetts state Senate.

Survivors include his wife, Corinne, and four children.

[From the Washington Post, Feb. 12, 1991]

SILVIO CONTE

Much has been made of the fact that Rep. Silvio Conte, who died here on Friday at the age of 69, was a multiple-minority. The child of Italian immigrants, he grew up in a part of western Massachusetts that was dominated by Yankees. He was a Republican in an overwhelmingly Democratic state and at a time when power in the House was held by an unbroken line of Democrats. And within his party, he was part of that dwindling cadre of moderates that has been losing power and influence since the mid-'60s. Yet in spite of these circumstances—or perhaps actually because of them—he was the consummate insider, a master of the legislative machinery, a man with friends and allies on both sides of the aisle and a representative who was beloved by his constituents and unusually effective on their behalf.

A great deal of his success was a result of his personality. He was a man with strong convictions, no pretensions and a straightforward style. He was merry. If he could make a point by putting on a pig mask to protest pork-barrel politics, he would. He led the House Republican softball team and wrote poems to celebrate victories and taunt opponents. When he really got going, he could have the whole House happily shouting out the punch line as his rhetoric climbed to a crescendo. Throughout his 32 years in the House Mr. Conte gave every appeareance of having a great time.

With all this, he was a serious and effective legislator. He believed the government had responsibilities—particularly to the poor—and he was willing to assume them. Even as a member of the minority party, he had great power on the Appropriations Committee, and he used it to promote eduction, housing and low-cost fuel for the poor. The needs of New England, and in particular his own district, were given a high priority, but his vision was not parochial. He believed in this country's leadership role in the world and was a strong supporter of foreign aid and the United Nations. As his seniority grew with his circle of friends, he accumulated clout and contacts and used both to good effect.

Silvio Conte was a master politician and an ebullient personality, cherished by colleagues and constituents. He will also be missed by countless others in this city who admired his accomplishments and delighted in his company.

[From the Associated Press, Feb. 9, 1991]

SILVIO CONTE

(By John Diamond)

WASHINGTON.—Rep. Silvio Conte, affable top Republican on the House Appropriations Committee and dean of the Massachusetts delegation, died Friday night of a brain hemorrhage, his office announced.

Conte, 69, had been hospitalized since Feb. 1, for a blood clot on the brain and undergone repeated surgery.

His office said in a statement that doctors believe his cerebral bleeding stemmed from the progression of prostate cancer for which he had surgery in 1987.

Aides quoted his physician as saying Conte had been undergoing treatment to control the cancer and in about mid-December entered the National Cancer Institute. Within a month, however, the disease showed rapid progression, they said.

The 17-term congressman underwent emergency surgery on Feb. 1 for removal of the clot, and his office said then he was expected to recover fully.

The dean of the Massachusetts congressional delegation and its only Republican, Conte spent years angering Republican presidents with his left-leaning votes. And while he railed against pork-barrel spending he once wore a pig mask on the House floor he could win money for his district with the best of them.

Stout and gray-haired with a voice that could shake the walls of the House chamber, Conte had enough pull to get House Minority Leader Bob Michel to put on an Italian waiter's outfit and serenade him at a testimonial dinner. Maybe that's why Conte felt he could get away with driving around Capitol Hill in a 1970 fire engine red Pontiac GTO called "The Judge."

Conte evaluated his pull recently when he hosted his annual symposium for visiting western Massachusetts business leaders an event that regularly draws a who's who of the reigning administration.

"On a lot of the issues when they need me, I go out 100 percent and I usually produce results," Conte said. "And I can deliver when I want to deliver for them."

Ronald Reagan found that out the hard way in the early 1980s, a time when his presidential power and popularity were high.

Conte, by then the ranking Republican on the powerful House Appropriations Committee, went to bat for the President and included some aid for the Caribbean that Reagan wanted in an appropriations bill. When Reagan vetoed the bill anyway, a furious Conte led the override charge and got 80 Republicans to vote with him.

"I hope he learns a lesson," Conte said after the vote. "You just don't have 435 robots here in Congress that are going to vote in lock step."

Conte had tried to turn over a new leaf in the early '80s by voting with his Republican president on key issues, something he had never been inclined to do previously. He backed Reagan's controversial budget cuts and tax package in 1981.

But the honeymoon only lasted a few weeks. Soon he was back to his old self, fighting against the Reagan tide for more human services spending. Conte took to referring to Reagan budget director David Stockman a former GOP House colleague as "the young slasher." And he continued his regular bridge game with Reagan's political enemy, House Speaker Thomas P. "Tip" O'Neill Jr., D-Mass.

The same man who, earlier in his career, opposed President Nixon on the ABM missile system, the invasion of Cambodia and the SST airplane now was opposing Reagan on the balanced budget amendment, the MX missile and spending on heating oil grants, food aid to the poor and education.

Conte's clashes with Stockman weren't his only public displays of hostility. He once referred to the Senate as "a bunch of fat cats up there raking in the bucks." Once during a particularly nasty disagreement with Sen. William Proxmire, D-Wisc., Conte cleared his throat during an Appropriations Committee session and asked if it would be considered out of order to refer to Proxmire as "a cheap, irresponsible demagogue."

Conte could also turn that harsh tongue on his staff. He is widely known on Capitol Hill as one of the more difficult bosses and at least two former staffers, who asked not to be named, confirmed that characterization.

On the House floor Conte was as well known for his poetry and jokes as for his loud voice.

One of Conte's great anti-pork crusades was the fight against federal farm subsidies in general and payments to honeybee keepers in particular. Conte never seemed to run out of jokes about the bee subsidies.

"There is an old Scottish song," Conte said, "'I Got a Bee in Ma Bonnet and Ma Honey on Ma Mind.' Too many beekeepers are running around singing, 'I Got Dead Bees in Ma Bonnet and Federal Money on Ma Mind.'"

Despite his frugality on certain spending issues, Conte could throw around the money, particularly if the destination is western Massachusetts, his undisputed domain. In 1989 Conte charged into an Appropriations Committee meeting and insisted on a special $2 million grant to Smith College in Northampton, Mass. Even though Smith ranked 33rd in the nation in endowment and even though it was a particularly tight budget year, Conte got most of what he asked for.

O'Neill, a wise appraiser of men, once summed up Conte's fiscal philosophy.

Conte was opposed to pork barrel projects, O'Neill said, "unless Massachusetts gets 50 percent."

Conte's annual birthday bash was also hardly a testimony to frugality. The guest list ran over 500 and a dazzling array of food brimmed with fish and game that Conte himself shot or caught on his many expeditions.

Doing a lot with a little was one of the themes of Conte's life.

Born Nov. 9, 1921 in Pittsfield, Mass., Conte grew up in that working class city's Italian-American neighborhood. At one point his father said the family couldn't afford to send Conte to college so he concentrated on learning the machinist's trade.

Then World War II intervened. Conte served in the Navy from 1942 through 1944. When he returned the Italian-American community in Pittsfield threw a parade for him.

With the help of the G.I. Bill, Conte went to Boston College and then Boston College Law School qualifying him as a "Double Eagle."

In 1950, a year after he got his law degree, Conte won a seat in the Massachusetts state Senate. Having learned firsthand what government help could do for someone, Conte wrote the nation's first law to extend health and accident insurance to all state and municipal employees.

Conte would eventually lose some of the stock he won in public employee circles by arguing vociferously against the size of the U.S. Capitol police force which has two patrolmen for every member of Congress. "We ought to have a workmen's compensation fund in case they trip over each other and get hurt," Conte said.

But that would come years later.

In 1958 Conte set his sights on Congress. Incumbent Rep. John W. Heselton, R-Mass., torchbearer for the Yankee, Republican set that ran western Massachusetts, was retiring.

Running on the Democratic side was Williams College Professor James MacGregor Burns, the biographer of Franklin Delano Roosevelt. Burns was a close friend of Sen. John F. Kennedy, D-Mass., who was seeking re-election that year and warming up for his 1960 presidential campaign. The professor hoped to ride JFK's coattails into office.

Kennedy won 70 percent of the vote in the 1st District, which includes all of Berkshire, Franklin and Hampshire counties and parts of Hampden and Worcester Counties. But Conte outcampaigned the somewhat reserved Burns with a promise to bring federal grants to the district's cities and towns. He carried the election with 55 percent of the vote.

A lowly freshman, Conte sought the help of veteran Massachusetts Republican Rep. Joseph Martin to land a coveted seat on the Appropriations Committee.

In the 1962 campaign the ever-versatile Conte looked to the Democratic side for help. Campaign brochures pictured him with President Kennedy, Secretary of State Dean Rusk and House Speaker John W. McCormack, D-Mass.

That year he won re-election by a wider margin than any Republican incumbent in the country who faced opposition. A decade would go by before another Democrat stepped forward to challenge Conte. No one has come close to beating him.

Records show that Conte voted more often with Democratic Presidents Kennedy and Johnson than he did with Republicans Nixon and Ford.

"Silvio's like the Pentagon," one colleague observed. "He's got five sides."

In 1979 conservative House Republicans were making noises about opposing Conte's bid to assume the ranking Republican position on Appropriations. But old friend Bob Michel, then the Minority Whip, made sure Conte got the post.

Despite his occasional insults lobbed at the Senate, Conte often served as a mediator between the two branches. In 1976 the House and Senate were deadlocked on the abortion issue with the House favoring a ban on all federal funding of abortions and the Senate generally supporting funding, Conte, a Roman Catholic, broke an 11-week impasse by writing compromise language to prohibit federal funding "except where the life of the mother is endangered."

Conte may have been better known among some in Washington for his exploits on the baseball diamond. For years he managed a formidable Republican squad in a city where team bragging rights are taken seriously.

Always a fanatical sports fan, Conte followed the Boston Red Sox and Celtics religiously. He counted former Sox slugger Carl Yastrzemski and race car driver Mario Andretti among his friends.

Last year when baseball umpire Terry Cooney ejected Red Sox ace Roger Clemens from the fouth and final game of the playoff against the Oakland Athletics, Conte went ballistic and brought his ire to the House floor.

"Umpire Terry 'the Looney' Cooney didn't have to pay to get into the ballpark last night and I'm sure his hasty action made fans of the game wish they hadn't paid admission either," Conte said.

While fighting government pork on the House floor, Conte also insisted through most of his career in Washington that members of Congress are underpaid.

This, apparently, was a matter of principle for Conte because in more than three decades in Washington he became a millionaire. Two years ago he listed his assets at $1.74 million.

Much of Conte's wealth was in the form of real estate holdings. He and his wife, Corinne, of 43 years, owned rental properties in the Washington area.

It was during his state Senate tenure that Conte married Corinne. Together they raised a family of four and shuttled back and forth between Washington and the Berkshires.

Despite ill health, age, and a federal law that would allow him to retire in 1993 and keep this campaign funds, Conte recently insisted that he planned to seek an 18th term in 1992. No one questioned that the district that voted for John Kennedy, George McGovern, Jimmy Carter, and Michael Dukakis would return Silvio Conte to his bully pulpit in Washington.

Conte is survived by his wife Corrine, and children, John Xavier Conte, Gayle Fowler, Michelle Webb and Silvio Certo.

Funeral arrangements had not been completed Saturday.

The announcement of Conte's death from his office ended: "The staff simply wishes to express our love for a great man."

[From Roll Call, Feb. 14, 1991]

FIVE BELLS RANG FOR SIL CONTE

(By Craig Winneker)

Members, staffers, friends, and family gathered yesterday in Pittsfield, Mass, to pay their respects to Rep. Silvio Conte, the much-loved veteran House Republican who died last Friday night of cerebral bleeding.

About 1,200 people, including Vice President Dan Quayle, House Speaker Tom Foley (D-Wash), Minority leader Bob Michel (R-Ill), and approximately 100 other Members attended the two-hour service, which was held at St. Joseph's Church in Pittsfield and was televised live on the ABC affiliate in Boston.

Also in attendance were Health and Human Services Secretary Louis Sullivan, Housing and Urban Development Secretary Jack Kemp, Veterans' Affairs Secretary Ed Derwinski (who, like Kemp, served with Conte in Congress), and former Boston Red Sox baseball great Carl Yastrzemski.

After a reading by former Rep. Edward Boland (D-Mass), Michel and former Speaker Tip O'Neill (D-Mass), two of Conte's closest friends, gave the eulogies.

"I was Sil's pal and knew him for over 40 years," O'Neill said. The former Speaker occasionally drew laughter during his 15-minute speech, at one point recalling how one friend remembered Conte as "plaids and stripes together—a colorful fellow."

At the end of his remarks, O'Neill sounded a more serious note: "The bells, in the parlance of the Congress, five bells, final adjournment. Well, Sil, last [Friday], five bells rang. It was final adjournment. 'Til we meet again, so long, old pal. May God forever hold you in the bosom of his heart."

Then it was Michel's turn.

"The ever-tightening bond of our friendship has been one of the best things to ever come my way," Michel said, his voice faltering occasionally.

Michel also recalled his days as a player on Conte's Republican Congressional baseball team. "Our Republican team, when he was managing and I was pitching, had a winning combination to beat the Democrats 13 years in a row. . . . That was the only thing we could beat the Democrats at."

The Republican leader also told the gathering about how he and Conte shared an interest in gardening.

This spring, Michel said, "I'll surely be babying those amaryllis bulbs he asked me to try, for each new bloom will remind me of 32 years of friendship with the greatest of them all."

Conte's beloved 1971 Pontiac GTO convertible, called "The Judge," was in the funeral procession.

Conte, who was 69, entered the National Institutes of Health on Feb. 1 after complaining of flu-like symptoms and a loss of feeling in his left hand. Doctors found a subdural hematoma, or blood clot, between the right side of his brain and the inner wall of his skull and operated to remove it.

A second operation was performed on Feb. 5 after tests showed internal bleeding on the brain.

Conte underwent surgery for prostate cancer in 1987. According to his personal physician, Dr. John Lynch of Georgetown University Hospital, the Congressman was undergoing successful treatment to control the cancer until approximately mid-December. A statement issued by the Congressman's office said Conte entered "a clinical trial for the treatment of metastatic prostate cancer at the National Cancer Institute. In mid-January, the cancer showed signs of rapid progression."

"Nonetheless," the statement read, "the onset of the events of the past week [the blood clot] was sudden and unexpected."

Yesterday morning, about 20 Members gathered on the House steps and, along with staffers and House officers, boarded buses to Andrews Air Force Base, where a military plane flew them to Springfield, Mass. From there they were taken to St. Joseph's Church in Pittsfield.

The mood was solemn as the Members boarded the buses for Andrews. They huddled against the blustery weather and chatted with other Members and staffers.

Rep. C.W. "Bill" Young (R-Fla), who served with Conte on the Appropriations Committee, was misty-eyed as he stood on the East Plaza.

Rep. Carl Pursell (R-Mich), who replaced Conte as manager of the Republican Congressional baseball team, said, "I learned a lot from him. He was a great teacher and a great Member." Pursell was also a colleague of Conte's on Appropriations.

Former Speaker O'Neill waited patiently in an official car along with Rep. Joe Early (D-Mass). O'Neill greeted several Members, current and former, who came up to say hello and reminisce.

On the buses with House Members were: Washington, DC, Mayor Sharon Pratt Dixon; Clerk of the House Donn Anderson; House Postmaster Robert Rota; House Doorkeeper Jim Molloy; House Chaplain James Ford; and former Reps. Chip Pashayan (R-Calif) and Doug Walgren (D-Pa).

Conte's Washington and Pittsfield offices have been overwhelmed with phone calls and letters expressing condolences. For the past few days, people have been gathering in the town of Pittsfield in western Massachusetts' 1st Congressional district, which Conte represented for over 32 years.

Yesterday, City Hall was closed and the schools shut down early so that residents could attend the funeral Mass.

On Monday and Tuesday, mourners waited for hours in near-zero temperatures outside the All Souls Church in Pittsfield, where Conte's body lay in a closed casket.

Over the course of the two days, more than 8,000 people filed past the casket, which was flanked by a Knights of Columbus color guard and a large portrait of Conte.

Several wreaths were on display, including one from Conte's beloved Boston Red Sox.

President George Bush, in an interview with the Boston Globe, said Conte "lifted people's spirits by just walking into a room and mine when I saw him sitting at the end of the table for a meeting."

Bush, a House Member from 1967 to 1971, played first base for Conte's legendary baseball team. "He was a tough manager, our top man," Bush said. "Everyone loved the guy."

"History will list Silvio Conte as one of the greatest Massachusetts Members of Congress and of the nation's greatest public servants," said Rep. Richard Neal (D-Mass).

"There will be an enormous hole in the Massachusetts delegation," said Sen. John Kerry (D-Mass). "He had his finger on the button and Massachusetts benefited from it."

Conte is survived by his wife, Corinne, and by his son, John Conte, and daughters, Sylvia Certo, Gayle Fowler, and Michelle Webb. The family asks that donations be sent to the Silvio O. Conte Educational Fund, 100 North St., Pittsfield, Mass., 01201.

(John P. Gregg, a former Roll Call staff writer, contributed to this report from Massachusetts.)

[From Roll Call, Feb. 14, 1991]

SID REMEMBERS SIL: A MAN WHO TOOK HIS JOB SERIOUSLY BUT NOT HIMSELF

(By Sidney Yudain)

In the fall of 1987, friends of Silvio Conte received in the mail a green flyer heralding the approach of the Congressman's 66th birthday.

"Sixty-six" Reasons to Celebrate with Silvio" read the headline on the invitation, and listed below was a melange of events and non-events, the majority of which provided clues to what made the charismatic Congressman click.

Number One was, "Silvio and Corinne's 40th Anniversary," surely an event deserving of first place on the list because Corinne and the family were paramount in Silvio's world, and the love affair that began when Silvio was a student at Boston College seemed to grow stronger with each passing year.

Number Six was the 37th anniversary of Silvio's first election to the Massachusetts state Senate, where he honed the legislative and oratorical skills that would later serve him so well in the national legislature.

Number Seven listed "Fran's meatballs," an indication of the family-like atmosphere that prevailed in the Conte office, an extension of the Conte family. Fran Maguire was one of the talented staffers, all of whom pitched in to contribute to the many parties Conte hosted with enthusiasm and good humor.

Other items called forth the Canadian geese season, a reminder of Silvio's love of hunting, one of his favorite extra-Congressional pursuits. "A new debt ceiling" and "a new continuing resolution" spoke of his concerns as the ranking member of the House Appropriations Committee.

"The second anniversary of Silvio's Duck Party," and the "third anniversary of the Pig Party" referred to the highly successful birthday parties of prior years, parties that attracted friends from all walks of life and all stations of society as well as national media.

"The return of the Judge" received due notice, not pertaining to a member of the judiciary, but Conte's old well-worn, but sporty car that had been laid up after an accident. Number 26, was "good health," a comparative quality since Silvio had recovered from surgery earlier that year.

Two more staff "celebrations" were "the return of Chinch Wollerton," a long-serving, long-suffering Conte aide, who was back after a stint in private enterprise, and "no going away parties this month"; Conte feted his staffers on birthdays, weddings, departures, and most any occasions.

Cited also were the arrival of a new grandson and Conte's new dog, "Pal," both dear to his heart.

Plus: "A good season for tomatoes." Silvio's passion for gardening blossomed in the spring and lasted until the fall. Colleagues and cohorts from Speaker Tip O'Neill (D-Mass.) to favored reporters were the beneficiaries of Conte's green thumb and bountiful vegetable crop each summer.

The birthday list went on and on, detailing in cryptic, informal manner the warmth of personality and the devotion to family and friends of the man who won election to Congress in 1958 and who won the respect and affection of Congress in the ensuing 32 years.

Silvio Conte was a throwback to those legendary legislators who "used to be"—best described as Congressmen who took their jobs seriously, but not themselves.

When you have the respect of your colleagues, a record of solid accomplishment, and the reputation for doing your homework, you can afford to dramatize your legislative points with humor, satire, and good-natured pranks. Conte did that with great effect, and his appearances on the floor and in press conferences always drew an appreciative crowd.

Although he won acclaim for his legislative efforts for the poor, the distressed, the aged, and the ailing, he applied a sharp eye and an equally sharp tongue on Congressional appropriations for the Capitol Police and the other House attendants.

In floor debate on the 1985 budget, Conte criticized the police force, which had grown from 216 officers to 1,222 during his Congressional service. "I'm worried about the policemen," he said. "They're going to stumble over each other and somebody is going to get hurt. They have wives and children."

Then he took on the barber force, which had grown from 8 to 30 during his tenure. "We know who's going to get clipped. It's the taxpayer," he said in all seriousness, but with the hint of a twinkle in his eye, typical of the Conte approach.

An independent Republican, Conte nevertheless was non-partisan in nurturing friendships. One of his closest friends was the strongly partisan Democratic Speaker Tip O'Neill.

In fact, when Jimmy Carter became President and brought his retinue of non-political aides to Washington, Tip called on Conte to assist in repairing poor relations between him and Hamilton Jordan, Carter's chief of staff.

Jordan had slighted Tip at the Inaugural Gala, providing him with seats at the back of the hall, and then insulting the Speaker when he complained.

Tip got Silvio to throw a barbecue party in the Conte backyard. Jordan came and seemed to enjoy himself. Tip regaled the group with some of his famous stories during which Jordan turned to Lud Ashley, former Ohio GOP Congressman, and exclaimed, "Can he tell a story!"

Tip later remarked of the poor soul, in his third year in Washington and right-hand man to a Democratic president, "and he doesn't even know I'm a story-teller."

Most of Silvio's parties were more successful, though, with menus featuring the fruits of his hunts, ranging from venison to pheasant and sometimes even more exotic game, often cooked up by Conte himself.

One of the reasons for Conte's popularity was his genuine concern for others, not only in evidence by his legislative efforts, but on a personal level.

On a trip to Costa Rica in the '60s, after several days of inspecting sugar fields and sitting in meetings, the Congressional group prepared to return to Washington.

That morning a group of Congressmen had commandeered a driver, who took them out to the countryside where they all purchased miniature hand-painted ox-carts usable as colorful tea wagons.

However, one non-Congressional member of the group missed out on the venture and felt badly about returning home empty-handed. The Members expressed regrets but noted it was time to leave.

Conte, however, motioned the fellow to follow him outside, borrowed the keys to a jeep and scoured the countryside until he came upon a farm selling the oxcarts.

Given Conte's wide range of interests, to single out one as overriding would be tempting error. But there is little doubt that baseball—the Red Sox, and especially the interpolitical rivalry of the Congressional baseball teams—was the light of his life.

A natural athlete, Conte became player-manager of the Republican team in the first year of the Roll Call baseball competition in 1962. Over the next quarter-century, he sparked his team to a 17–7–1 record, at one point winning 12 games in a row.

His love of competition and his pervasive good humor contributed toward making the games national attractions each year. A broken finger in 1971 didn't stop him from performing, but a leg injury a few years later did. In 1987, he finally made good on his annual retirement threat when his body no longer would respond.

As illness slowed him down in recent years, Congressional circles buzzed with rumors of his retirement.

His multitude of friends and admirers sadly contemplated a Congress without Silvio Conte. We are shocked, saddened, and totally unprepared to find him gone from our lives.

In May 1987, the University of Massachusetts at Amherst established the Silvio O. Conte Fund to ensure that future generations of students will perpetuate Silvio Conte's quest for educational excellence.

At a mammoth fundraising testimonial dinner, Speaker O'Neill, Sen. Ted Kennedy (D-Mass), former President Gerald Ford, and others honored Conte at the Washington Hilton.

Conte had recently undergone a serious operation for prostate cancer. Yet his good spirits were intact. When this writer remarked that he was looking good, Conte laughed and replied, "Yeah, but you're looking at the wrong end."

[From the Almanac of American Politics 1990]

MASSACHUSETTS—FIRST CONGRESSIONAL DISTRICT

The valleys of western Massachusetts, settled by Yankees coming up the Connecticut River in the years before and after the Indian uprising known as King Philip's War of 1676, were for many years the essence of flinty, thrifty, chilly Yankeedom. Fifty years ago they were symbolized by their best known recent resident, Calvin Coolidge, who left the White House after choosing not to run in 1928 and settled back into the comfortable college town of Northampton where he had started out practicing law. Even after Coolidge died in 1933, at the depth of the Depression, much of western Massachusetts remained loyal to Yankee Republicanism. By the 1940s, the Irish and other mill workers of Springfield and other industrial cities along the Connecticut River and Pittsfield and the smaller mill towns in the Berkshires were producing Democratic majorities big enough to carry the area; but the hillsides, where you could stumble on old farmers' stone walls in now dense woods, and college towns, where the sons and daughters of America's elite matriculated, stayed Yankee.

Today western Massachusetts is very different political territory. In the 1988 presidential election, it was one of the most Democratic parts of the United States. Partly, this reflects Michael Dukakis' popularity in places like the old mill town of North Adams where he has used state government to revive local economies. But more important is that much of western Massachusetts has become an extended college town. The influence of the University of Massachusetts and Amherst College spreads out from Amherst; the radical tone of today's Smith College spreads out from Northampton; free-wheeling Hampshire College is nearby in Hadley and Mount Holyoke is in South Hadley. Over the mountains, beneath the Berkshires, are Williams College in Williamstown; and just south of Pittsfield are the communities of Lenox and Stockbridge, home of the Tanglewood Music Festival, celebrated in *Alice's Restaurant*. All these schools tended to attract liberal to leftish students, but the important voting bloc is made up of older baby boomers, attracted to this area by its physical beauty and cultural tone, some carrying around slightly sanitized memories of the great days of rebellion and drugtaking in the late 1960s and early 1970s, when it seemed their movement would sweep the whole world. This graduate student proletariat is the cutting edge of politics in western Massachusetts now, and Dukakis' strongest cities here in 1988 were not industrial Springfield or Holyoke but Amherst and Calvin Coolidge's Northampton, where he got 76% and 70% of the votes.

All of western Massachusetts, except Springfield and the towns just around on the east bank of the Connecticut River, make up the state's 1st Congressional District. By 1988, its younger voters made it one of the state's most Democratic districts, but its congressman is a Republican with roots deep in the area's old politics. Silvio Conte comes from industrial Pittsfield, was elected to the legislature in 1950, when Michael Dukakis was still in Brookline High, and won the 1st District seat in 1958, when the Yankee Republican retired, against none other than Williams Professor James MacGregor Burns, the Roosevelt and Kennedy biographer. Conte's politics are mostly those of old-fashioned liberal Republicans: fairly liberal on economics, quite liberal on cultural and foreign policy. To these he added a flair for the business that few WASPy liberal Republicans had. On many substantive issues he votes with the Democrats, which is a bit embarrassing to Republicans since he is now their ranking member on the Appropriations Committee (though he did support the 1981 Reagan budget cuts). On procedural issues like committee ratios, he is as partisan a Republican as can be. He flares up at programs that he thinks waste the taxpayers' money on the well-positioned: for years he has crusaded against subsidies to big farmers, against politically targeted water projects—the glue that Democrats use to hold their rural and urban members together. And for years he was one of the leaders on the Republicans' great softball team.

Conte was out sick during part of the 100th Congress. But his usual disposition is to be roaring with indignation. He bellows against cuts in programs that help feed the poor and elderly and finance student loans and medical research; he bellows at the Budget Committee for its transgressions against Appropriations; he bellows against subsidies to boat-users and the depredations of acid rain; he denounces his colleagues for not having the courage to vote for pay raises. He is self-righteous, but in the hearty, competitive way of most politicians he can roar in indignation with the best of them but is not offended when his opponents do the same. He is shrewd enough to advance his views and his district's interests with considerable success, but he is not at all devious or underhanded. He is on excellent terms with Minority Leader Robert Michel as he was with Tip O'Neill. In fact Michel, who served with him on the Appropriations Committee for years, supported him in 1979 when some conservatives wanted to deny him the position, to which the seniority principle entitled him, of ranking Republican on the committee. Seniority was not the only reason; Michel seems to feel that Conte does real service to his party, and probably most House Republicans agree.

His constituents recognize it also. In 1986 against an active Democrat he was reelected with 78%; in 1988, he won with 83%, running more than 40% ahead of George Bush. He can hold onto this seat as long as he wants, though if he retires by 1992 it might be merged with Springfield to accommodate Massachusett's expected loss of a House seat.

[From the Dedication of the Silvio O. Conte Forum at Boston College, Feb. 18, 1989]

BIOGRAPHY OF SILVIO O. CONTE

The son of parents who came to America from Italy in search of opportunity, Silvio O. Conte attended Pittsfield public schools and went to work as a machinist at General Electric. World War II soon intervened, and at the age of 18 he shipped out with the Seabees for military service in the South Pacific.

Upon his return to civilian life, he was admitted to Boston College and graduated from the Law School in 1949. The pressures and demands of those years as a law student almost overwhelmed him as he worked at several jobs to finance his education and to provide for the young family that he and his wife Corinne had started. At a particularly low point in his first year of Law School, when he was having difficulty in a course, Father William J. Kenealy suggested that he ought to consider another law school. Silvio vowed that if he were given a second chance, he would one day make the school proud of him. He got that chance and kept his promise.

With the adjournment of the historic 100th Congress at the end of 1988, Congressman Conte marked the completion of a decade of service as Ranking Minority Member on the powerful House Appropriations Committee and thirty years of service in the United States Congress.

Elected to the state Senate in 1950 at the age of 27, he quickly established himself as a political force. After four terms in the state Senate, he was elected to the U.S. House of Representatives in 1958, where he has been returned by the voters of the Massachusetts First Congressional District for a current total of sixteen terms. In the course of his distinguished Congressional career, he has been nominated three times by both political parties and run unopposed eight times.

Throughout his years of service to his constituency and the nation, Mr. Conte has focussed his greatest efforts on health, education, employment and human services programs as a tireless proponent of improved opportunities for all Americans. Since financing his college education with help from the G.I. Bill of Rights, he has been a staunch supporter of aid to higher education, advocating each year for increases in Pell Grants, College Work Study, SEOG, and other student aid programs. For countless students with the dream of higher education but without the resources to permit them to pursue that dream, these increases have made the difference.

Congressman Conte's guiding philosophy is simple and oft-expressed. It is rooted in a belief, instilled by his parents, that opportunity is a short-hand word for some of the basic principles upon which this country was founded. It is nourished by his conviction that the education of the next generation is one of the most important tasks any nation can seek to undertake. It is reinforced by the lesson of history in the American experience, which affirms that this nation will grow and prosper in direct proportion to the ability of every person, no matter how humble, to develop his or her own talents and abilities to their fullest potential.

Expressing his personal esteem for Congressman Conte, Father Monan observed, "Silvio Conte's energies and spontaneity in promoting causes that advance our national welfare have become legendary in their proportions—and in their effectiveness. The marvel is that Silvio's capacity to understand and his willingness to be of assistance are never stretched thin. If this is the mark of rapid intelligence, it is also a measure of a boundless reservoir of desire to help others."

In 1975, when Boston College conferred upon Congressman Conte an honorary Doctor of Laws degree, the final statement of the accompanying citation summarized his Alma Mater's assessment and approval of his role in public service: "Statesman and a friend to truth, he commands the confidence of constituent and colleague, and honors his University by the decisions he makes for commonwealth and country."

[Invitation to Congressman Conte's 66th Birthday Party, U.S. Botanic Gardens, Nov. 9, 1987]

SIXTY-SIX REASONS TO CELEBRATE WITH SILVIO

(1) Silvio and Corinne's 40th Wedding Anniversary (2) Silvio's 66th Birthday (3) the 50th Anniversary of Silvio's 16th birthday (4) 25th Anniversary of Silvio and Corinne's 15th Wedding Anniversary (5) the beginning of Silvio's 67th year (6) to commemorate the 37th Anniversary of Silvio's first election to the State Senate (7) Fran's meatballs (8) the 101st birthday of the Statue of Liberty (9) the return of the miniskirt (10) to commemorate the 29th Anniversary of Silvio's first election to Congress (11) the return of the Canadian Geese (12) the return of the Jedi (13) the return of the Pink Panther (14) a new Continuing Resolution (15) a new debt ceiling (16) a new Gramm Rudman (17) a rise in the average life expectancy of the American Male (18) the 25th Anniversary of Silvio's 41st birthday (19) the 20th Anniversary of Silvio and Corinne's 20th Anniversary (20) the 100th Anniversary of the start of the 50th Congress (21) the dawning of the Age of Aquarius (22) the second Anniversary of Silvio's Duck Party (23) the third Anniversary of the Pig Party (24) the pending return of "The Judge" (25) good health (26) the Bicentennial of our Constitution (27) 17 days 'til Thanksgiving (28) 46 days 'til Christmas (29) 225th Anniversary of Templeton and Athol, MA (30) the return of Chinch Wollerton (31) no going away parties this month (32) not an election year (33) social security is still funded (34) a good tomato season (35) the arrival of grandson Nicholas Alberto Certo (36) the beginning of hunting season (37) 364 more days 'til Silvio's next birthday party (38) the arrival of Conte's new dog, "Pal" (39) the 201st Anniversary of Daniel Shay's Rebellion (40) the removal of the scaffolding from the Capitol (41) the end of the NFL strike (42) the first snowfall in the Berkshires (43) the Marine Corps 213th birthday (44) the new System 85 telephones (45) the 100th Congress (46) Dwight Evans best season yet (47) King Edward VII's Birthday (48) Bahamas Remembrance Day (49) Boston Fire Anniversary (50) Actor Ed Wynn's Birthday (51) Anniversary of the Vietnam Veterans statue unveiling ceremony (52) Anniversary of Mary Martin's debut in "Leave It to Me" which made the song "My Heart Belongs to Daddy" famous (53) the return of Fran's "Bug" (54) Anniversary of the 1965 East Coast Blackout (55) 364 days 'til Election Day (56) the birth of Cybil Shephard's twins (57) the Cardinals 3rd victory in 6 years (58) 100th Anniversary of the Berkshire Theatre (59) the 9th week of Martin Spellacy's internship (60) the success of Tip O'Neill's book (61) 52 days 'til New Year's Eve (62) 2 days 'til Veterans' Day (63) the Chrysanthemum Show at the Botanic Gardens (64) Michael Jackson's new cleft chin (65) the appearance of Dalton, MA native, Jeff Reardon in the World Series (66) the gathering of Silvio and Corinne's family and friends.

REMARKS OF HON. SILVIO O. CONTE AT PRESENTATION OF SIR THOMAS MORE AWARD FROM BOSTON COLLEGE LAW SCHOOL, BOSTON, MA, MAY 3, 1986

Friends, alumni, distinguished guests—I humbly thank you for bringing me back here today to my beloved alma mater for this truly special award.

When I first learned that Boston College Law School had chosen me to receive the Saint Thomas More Award, its highest honor, I paused not only to reflect on this great gesture but on the man in whose name the award was given.

What I found in Thomas More's actions and writings brought the award very close to home and gave me pause to consider elements of myself, this institution and the Congress—my great love—that I had not considered before.

Sir Thomas More was first and foremost a man of fervent spirituality.

Thomas More believed in his God, he believed in moral righteousness, he believed in his heritage and, perhaps most importantly, he believed in himself.

These beliefs enabled him to relinquish a life of material wealth and accept a death sentence from the king he had nobly served.

When Thomas More refused to take the oath for the Act of Succession and Supremacy, he relinquished career achievement and material gain for a higher cause—his Catholic church and his Christian God.

It is this belief in a higher presence, a greater good, that enables us all to achieve notable things in life.

Bestowing upon me an award named for Saint Thomas More is the greatest honor I can conceive. To be mentioned in the same breath with this saint, scholar and truly great human being is overwhelming.

Like Thomas More, I too have searched many times deep within myself—during 28 years in the U.S. Congress—for answers to seemingly unanswerable questions.

It was my belief in the goodness within others and a confidence in my own abilities that helped me rise to the challenges of political office.

And it was a belief in God that made the toughest times bearable.

The inner cry for good is not always easy to answer and, as Sir Thomas More demonstrated, can exact a heavy price.

As a national legislator, I am often called on to make decisions that affect literally millions of people.

Those decisions, and there have been so many over the past 28 years, don't always come from experience or position papers or from staff experts—or even from common sense.

Most times those decisions come straight from the heart.

I remember many long walks alone through the empty halls of the Capitol in the early hours of the morning searching for answers.

There was one particularly tough dilemma, in my second term, during President Kennedy's first year as President. The Rules Committee was controlled by conservative Southern Democrats and Republicans who were bottling up President Kennedy's legislative agenda.

He wanted to enlarge the Rules Committee so he could get his legislation to the House floor. It became a party issue with the coalition of Southern Democrats and Republicans against the expansion.

In those days, young Congressmen kept their mouths shut and did what they were told to do. Taking a stand on this particular issue—voting my conscience—would cost dearly.

I went to bed very late that evening, genuinely perplexed about what I would do on the House floor the next morning. I hardly slept at all and I got up very early, still tossing the issue over and over in my mind.

But on the walk from my office to the Capitol, that morning, I stopped for some reason at the reflecting pool near the west entrance. The morning sun was bright, the air still, and I could see my reflection clearly in the shallow waters of the pool.

What I saw went beyond the reflection in that pool to the very essence of my being. And I could see, at that moment, the answer to my quandary.

Something about that moment—something spiritual brought a new understanding, unleashed that inner strength that I had searched for. And I knew what I had to do—vote my conscience. I, and a handful of Republicans, voted to enlarge the Rules Committee and the rules were changed.

Thomas More showed us all that there is no accomplishment, no success, no achievement without undying belief and inner strength.

During an outstanding career which included positions as Henry VIII's Lord Chancellor and Speaker of the House of Commons, Thomas More maintained a spiritual devotion above all else.

That devotion guided him in his decision to turn from his king, rather than compromise what he believed was just. Faced with a choice between allegiance to his king or his God, the choice was clear.

Thomas More's final words on the scaffold July 6, 1535 were "the king's good servant, but God's first."

I have to say that in spite of all the stories we know about Thomas More's spiritual integrity, what sticks in my mind is one almost insignificant little tale. As a young man, Thomas More fell in love with a beautiful woman. The problem was that she had an older sister who had not yet married and, as was the custom of the time, it was an embarrassment for the older sister not to marry first.

Because Thomas More didn't want to embarrass the older sister, he steered his affections toward her instead and later took her as his wife.

This act didn't change history and, isn't the stuff legends are made of, but it demonstrates what was in this man's heart. He was a kind man—always thinking about how his actions would affect the lives of others.

When I came to Boston College from the South Pacific, where I was stationed during World War II, I thought I had seen it all. But my years at BC and Boston College Law School taught me different.

During my years here, I learned about justice, teamwork, enterprise and gained the all-important ability to believe in myself. I learned how to seek good in bad situations, and how to find strength when I felt weakness.

I owe a special debt not only to the school but to three wonderful men who guided me along while I was here. And believe me, they had their work cut out for them.

Father Stephen Mulcahey, Dean of the College at the time, gave me my first big chance. He really took a gamble accepting me from a vocational school with experience as a machinist and a tour of military duty under my belt.

But during my years here he became a confidant, friend and advisor to whom I turned in many times of indecision.

And there was Father JFX Murphy. Without his help, I just couldn't have made it.

One of the preconditions of my acceptance at Boston College, you see, was that I take four months of tutorial studies.

Father Murphy and I burned a lot of midnight oil over the Latin texts those four months but those long hours we toiled in St. Mary's Hall went far beyond Classics. The lessons he taught lasted a lifetime.

And I'll never forget the chance Father William J. Kennely gave me during my first year at the law school.

I had injured myself playing football and the class work and jobs just never seemed to end.

Those classes at 18 Tremont Street—with no air conditioning, sirens screaming, James Michael Curly yelling at the top of his lungs from the streets outside—seemed to go on forever.

Well, I ended up with a "D" in Professor O'Reilly's Future Interests course and Father Kennely took me aside one day.

'Silvio," he said, "I think you ought to consider another law school."

I looked him in the eye and told him that if I couldn't graduate from Boston College Law school, I didn't want to go on to any other.

I had been living in a ratty, roach-infested old boarding house for $5 a week down at 7 Bullfinch Place behind the Old Howard and hitchhiking home to Pittsfield on weekends to be with my wife Corinne and two children.

I had tended bar in Pittsfield on weekends, sold Christmas cards, and painted houses just to scrape by. I had forgotten what sleep was.

The work load, the responsibility and the pressure—everything—came to a head that afternoon in Father Kennely's office and I knew, then, that if he would just give me one more chance I could achieve anything.

I told him that if he let me stay I would make the school proud of me one day.

Father Kennely must have believed me because he gave me that second chance. I ended up graduating in the top third of my class and, as you have shown me today, I made good on my pledge.

Father Kennely and I became such good friends I even sold him on the idea of adopting a Boston College Law School class ring and ended up designing the shank for the ring, myself.

Boston College Law School educated me in matters of jurisprudence, but more important, it taught me to be a good, strong person.

As I stand here today, I can't help but think of Thomas More in his Tower of London cell 452 years ago looking out the window as spring breathed new life into the countryside.

Sir Thomas More was just a man that sunny May afternoon four-and-a-half centuries ago when he made the decision to die for what he knew was right.

He was just a man when he denied his King, he was just a man when the axeman spilled his blood, but he is a noble spirit today—a martyr to the Catholic Church and our Christian God—a rare example of belief in a greater good.

I have tried to be an example of what is good in government and what is good in the American legal system.

Decisions have not always been easy and I'd be lying if I said I wouldn't like to make some over again.

But what I can say in all truthfulness, is that I believed in what I was doing then as I believe in what I am doing today.

As the lone Republican in the Massachusetts delegation, I think you all understand the unique pressures I face on a daily basis as a party leader.

Boston College Law School helped me find strength within myself and helped define my belief in a greater good. And for that I will always be grateful.

Thomas More once wrote, "Only God beholdeth the heart." That may be true, but I'll tell you, Boston College Law School will always hold a special part of mine.

Honoring me here today in the name of a man made saint by my Church—a spirit that has transcended time as a symbol of glorious devotion and inner good—is a gesture I will treasure until the day I, too, pass to God's grace.

It is with humble, sincere thanks and great honor that I accept this award today. I owe a great debt to this institution and feel so very proud that you feel I have served your heritage well.

Your gesture is one I shall never forget.

Thank you all—from the bottom of my heart.

UNITED STATES GULF POLICY AFTER WAR WITH IRAQ

Mr. ADAMS. Mr. President, today, as more than 1 million American and Iraqi troops face each other in the sands of the Middle East, the primary concern of Congress and the American people has been if and when a costly and bloody ground war will begin. Too little time has been spent on what United States policy toward the Middle East should be after war with Iraq has ended.

For this reason, I commend to my colleagues remarks I made on Tuesday, February 12, before the Northwest Ethics Coalition in Seattle, WA. My comments focus on what direction U.S. policy should undertake to ensure that the new world order becomes permanent in a post-Desert Storm Persian Gulf.

First, the United States should no longer select our allies on the basis of whether they are enemies of our enemies. Second, we should begin working for a regional arms control agreement in the Middle East, based on reducing conventional and nonconventional stockpiles and sales in the region and on the mutual recognition of the existence and mutual assurance of the security of all nations by each state in the region. Finally, we should recognize that the battles of the new order will be primarily economic and that we should help address the root economic causes underlying regional conflicts in the Middle East and other troubled spots around the world.

I offer these comments in the hope that they may begin to shape debate on U.S. policy in the Middle East in the aftermath of our war with Saddam Hussein.

I ask unanimous consent that the text of my address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR BROCK ADAMS, NORTHWEST ETHICS COALITION, FEBRUARY 12, 1991

Thank you, Dr. Cole, for inviting me today. Ray, it is so good to see you again, old friend.

When Ray asked that I come to speak with you, I wondered what would be an appropriate topic within the ethics arena. The notification Ray sent out suggests that "Ethical and Economic Issues in the Gulf War" is the topic of today's address. I'd prefer instead to focus on not just the ethical but the political issues of U.S. policy in the aftermath of the war in the gulf.

I'm certain that by now you are all aware of my views on the war. In early January, I worked with my colleague from Iowa, TOM HARKIN, in forcing the Senate to vote on the question of war before the bullets started to fly in the gulf. I took this step because I believed that Congress had the moral and ethical responsibility to exercise its right under the constitution to determine whether our country should go to war.

I felt at the time that continued reliance on sanctions as the best means of removing Iraqi forces from Kuwait. I still do; but a majority of Congress voted in support of the use of force, and the President went to war. Now that hostilities have begun, I join with the Congress and the American people in support of the American troops in the gulf, and united in prayer for their quick and safe return.

Today, more than 500,000 American troops stand poised to embark on a ground war to force Iraqi troops from Kuwait, and to support, in the President's words, a new world order. This new order embodies Mr. Bush's vision of a peaceful world, policed by the United States, with force if necessary.

This vision of a new order is not a new one for Presidents in this century. Woodrow Wilson thought the League of Nations would create a new order in the aftermath of Word War I, but American isolationism thwarted his dream.

Franklin Roosevelt hoped the United Nations would lay the foundation for a peaceful world after World War II. The cold war and the superpower rivalry between the United States and Soviet Union stymied that ideal.

Today, after the fall of the Berlin wall, and the end of the Soviet Union as a military rival, the United States has an historic opportunity to make the dream of a new world order a reality, but this new order must be more than just a slogan to win popular support for war.

If we are truly serious about achieving the goal of a new world order, then the means we use to attain this order should be just as moral and principled as the goal itself.

We should be prepared to disarm aggressor nations, as we now are willing to use arms to punish their aggression.

We should be just as concerned with preserving the peace, as we now are with winning the war.

And we must not only punish injustice, we must promote justice.

If we have any hope for instituting a new order, then we must first re-order our priorities.

First, we should no longer select our allies on the basis of whether they are the enemies of our enemy. Our policy toward Iraq is the most immediate example of this miscalculation.

During Iraq's eight year war with Iran, first the Reagan and then the Bush administration tilted toward Saddam Hussein. When compared with our mortal enemy at the time, Iran, the United States viewed Hussein as the lesser of two evils and as a useful, geopolitical device which needed to be strengthened to bring Iran into check.

Two years ago, the United States risked American lives to reflag Kuwaiti tankers, which at the time were supplying Iraq in its war with Iran. Even after an Iraqi missile struck the U.S. *Stark* and killed 37 American sailors, President Reagan still maintained the reflagging policy.

When Hussein used poison gas against his own people, in violation of international law, the Reagan administration did nothing.

Just a week before Iraq invaded Kuwait, the Bush administration vehemently opposed congressional efforts to impose sanctions against Hussein.

Today we are experiencing the long-term consequences of decades of short-term miscalculations of temporary convenience.

These miscalculations continue.

In order to defeat Hussein, the United States now treats as its ally Haffez Assad, a man who reportedly sponsors and encourages such acts of terrorism as the 1983 bombing of the U.S. Marine barracks where 241 Americans were killed.

And to preserve the anti-Hussein alliance, the President has moderated his criticism of Soviet repression in the Baltics, and has all but forgotten the massacre in Tiananmen Square and the ongoing repression by the Chinese government.

If the U.S. wants to be the world's moral policeman, then we must condemn human rights violations by our friends and our enemies alike. We must be just as vehement in opposing the murders of priests in El Salvador, as we are in condemning Iraqi abuses in Kuwait.

Second, if we are serious about halting aggression by outlaw nations, we should stop arming them.

Iraq, again, is an example of the long-term consequences of our short-sighted policies. We know, of course, that the Soviets supplied Hussein with Scuds. But are you aware that the French sold Iraq exocet missiles? That Italians built some of his ships. That West German companies supplied him the equipment and technology to develop his chemical weapons plants.

And that during the Iran-Iraq war, the United States shared with Hussein our military intelligence.

The terrorist and outlaw nations of today were all armed and trained by the Soviets, the U.S. or their allies. For the developed, arm-supplying countries, these were the policies of the Cold War. For the past forty-five years, the United States and the Soviet Union, in pursuit of their bitter cold war rivalry, bought loyalty with whatever lethal weapons they had to offer, sell, or give away.

In an era when our defense against the Soviet Union was paramount and the arms race was viewed as the only means of preserving our security, simple economics sent us looking for arms buyers, to reduce the costs of arms production in order to achieve economies of scale. The logic of the marketplace of destruction motivated our allies and our rivals alike.

Since the mid 1970s, the United States has exported $10 to $20 billion worth of military equipment annually. Even in 1989, the year that marked the beginning of the end of the Cold War, U.S. companies sold over $15 billion in armaments to more than 130 nations, primarily in deals brokered by the Pentagon.

Ironically, these costly and immoral arms sales, which have fueled regional conflicts around the world, now threaten global stability, after we and the Soviets have at long last, consigned the cold war to history.

So far, the administration has yet to learn this lesson. As late as this month, the President resists passing a provision that would impose sanctions on countries that failed to control the export of chemical weapons technology to outlaw nations such as Iraq. After the invasion of Kuwait, the administration would have added to the Mideast arms race by selling $13 billion in advanced weaponry to the Saudis.

Now that the Soviet threat is so obviously in decline, when the Soviet Union is an ally in our coalition against Hussein, the time is ripe to begin negotiating an ironclad, absolute prohibition on the sale or gift of weapons of mass destruction to the developing world.

The former Cold War rivals should take the lead in developing a multilateral approach to implementing controls on the transfer of nuclear, chemical and conventional arms.

A U.S.-Soviet approach could build on existing agreements such as the Nuclear Nonproliferation Treaty and the Missile Technology Control Regime. Arms control discussions could be expanded to include a ban on exports to conflict areas; limits on arms technology sales; further restrictions on the exports of technologies with applications to nuclear-weapons and ballistic-missile development; and regional limits on high-tech conventional weapons.

Throughout the Cold War, the United States has been not just the world's policeman, we've been one of its leading arms merchants. If we're serious about forging a new world order, then the U.S. should begin weaning itself from its arms-sales addiction and start playing a leadership role in limiting arms exports.

Finally, the United States must accept that the battles of new world will be fought in the marketplace, not just on the battlefield.

Likewise, we must begin tackling the root economic causes underlying regional conflicts.

In the Middle East, for example, one of the major causes of instability is the incredible gap between rich and poor nations. This inequity is constant ammunition for radical fundamentalists as well as demagogues like Hussein.

When this war is over, Saudi Arabia, Kuwait and other oil-rich sheikdoms have a responsibility to provide massive economic development assistance to their poorer Arab neighbors. The U.S. should encourage this project, but we shouldn't finance it.

Simply because we can't afford to. The U.S. has emerged from the Cold War as the world's mightiest military power as witnessed by the massive deployment of U.S. forces in the Gulf. But while we have the military might, we don't have the economic power to finance it. Instead, the U.S. has to rely on foreign pledges to pay for Operation Desert Storm.

Much has changed since 1945. The United States emerged from WWII in a stronger economic condition than we entered that conflict. We invested more than $10 trillion to guarantee the survival of the West and Western values. We could provide the political leadership to rebuild European and Asian economies because we were the world's foremost economic power.

That is not the case today. The U.S. has emerged from the Cold War in a weaker economic position relative to other industrialized powers. Today, largely because of the twin budget and trade deficits amassed during the Reagan presidency, our economic stability depends on foreign capital. Japan and Germany—not the U.S.—have emerged as the real winners of the Cold War.

Today, we marvel at the success of our Patriot missiles and high-tech bombs in the Persian Gulf. The weapons are American-made, but the VCRs which display these successful strikes at Pentagon briefings are all made in Japan. As George Will has said, "A superpower excels at the production of Patriots and Tomahawks, not cars and VCRs . . . But a superpower that expects to remain a superpower, had better be able to do both."

We can't expect to police this new world order while our economic house is in disorder.

That may not be an ethical or moral lesson, but it surely is a pragmatic one.

Walter Lippman once said, "A policy is bound to fail which deliberately violates our pledges and principles, our treaties and our laws, because the American conscience is a reality."

Far too often in our recent past, U.S. policy has been paralyzed and confused because it has forgotten that our real strength comes not from the barrel of a gun but from our ideals and our example.

Just as we cannot abandon our values—respect for human rights, defense of democracy, and promotion of social justice, we must not forget that our political strength also derives from our economic well-being.

To make this new order a reality, we must accept the economic realities of the new world, while respecting the values and ideals of the old one.

And we must begin changing course now, before it's too late.

TRIBUTE TO SILVIO CONTE

Mr. ADAMS. Mr. President, I take this time to pay my respects to a colleague, SILVIO CONTE, with whom I served for nearly 30 years. He was a wonderful man, a passionate man, a person who had done so much both for his country and for his native State of Massachusetts. It is hard for us to express all of our feelings about him. He was not just a great man. He was also a warm and passionate man, whose interests ranged all the way from managing a congressional baseball team to handling the most complex problems that came before the House Committee on Appropriations, where he was for many years its ranking member.

I have a warm and deep feeling for SILVIO. And I want to take this moment to recount a running joke we had with one another about reforming the old Bull Moose party. But we never could elect a chairman because there were only two of us in it; and we both voted for ourselves.

I hope his family understands how much we cared for him and how much we shall miss him, his bright smile, his good humor, and his legislative skills.

I took the floor today because I believe that we should remember SILVIO in the Senate. I know he is being remembered in the House and by members of the Massachusetts delegation. I extend to his family my condolences, my remembrances, and my best wishes.

DR. FRANK A. ROSE

Mr. SHELBY. Mr. President, I rise today to honor the life and legacy of one of the Nation's great leaders, Dr. Frank A. Rose. Dr. Rose, former president of the University of Alabama, died February 1 in Washington, DC.

Dr. Rose's 70 years were characterized by remarkable accomplishments. He was the president of the University of Alabama from 1958 to 1969. In 1963, during a period of national social unrest, Dr. Rose led the university into a new era. He used his polished diplomatic skills to keep order on the campus while simultaneously overseeing the successful racial integration of the University of Alabama without the stain of violence.

Dr. Rose was instrumental to the University of Alabama's ascent to national prominence. He led the university through a period of unprecedented financial growth and expansion. During Dr. Rose's tenure, the campus enrollment grew by about 8,000 students and the university's assets nearly tripled. He instigated the development of campuses in Huntsville and Birmingham and worked to improve the quality of instruction. Dr. Rose believed the strength of the faculty determined the excellence of the institution. Understanding the need for leadership outside of the classroom, Dr. Rose hired the immortal Paul "Bear" Bryant to coach the Crimson Tide football team. Coach Bryant's Alabama teams went on to win three national championships during Dr. Rose's tenure and the University of Alabama became a national model for unity and spirit. As Dr. Rose liked to tell skeptics, "character is not built by a losing team."

Away from the university, Dr. Rose was no less committed to public service. He was active in the Salk Institute for Biological Studies, and served on the executive committees of the National Association of State Universities and Land Grant Colleges, and Reading Is Fundamental. Dr. Rose was also an ordained Christian minister and a pastor in the Disciples of Christ Church. He was on the board of directors of the March of Dimes, and chaired the board of visitors of the U.S. Military Academy at West Point.

One of the great visionaries of the era, Dr. Frank A. Rose will be sorely missed. He was a leader for the turbulent sixties and his guidance helped to shape the University of Alabama as a shining success story for the Nation. My thoughts and prayers are with his wife of 48 years Tommye Anita, and their four children, Susan, Frank Anthony, Julian, and Elizabeth.

LEROY HOFFMAN

Mr. PRESSLER. Mr. President, I would like to share with my colleagues an excellent article about the late LeRoy Hoffman written by Terry Woster for the Sioux Falls Argus Leader. LeRoy was born and raised near Eureka, SD. After a very successful career as an opera singer, he returned to his hometown and funneled his energies into serving Eureka and the State of South Dakota as a member of the State legislature.

I met LeRoy many years ago when I first ran for Congress. What impressed me about him was not only his knowledge of the issues of the day and his honesty, but also his unselfishness and strong desire to give something back to his community and to his State. He made great contributions to South Dakota. Mr. President, I ask unanimous consent that the article on Mr. Hoffman be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sioux Falls (SD) Argus Leader, Feb. 3, 1991]

EX-GOVERNOR LED STATE IN GRACE, SONG

(By Terry Woster)

He came to the South Dakota Legislature from Eureka, by way of the grand opera houses of Europe.

When he stood in the Senate to lead his colleagues in Happy Birthday, his baritone voice rattled the stained-glass panels in the ceiling of the old chamber.

His name was LeRoy G. Hoffman, Republican from McPherson County.

It's common legislative courtesy to refer to members of the Senate or House of Representatives as ladies and gentlemen. Everyone does it.

LeRoy Hoffman transformed that simple courtesy into a lifestyle.

No man or woman in the past two decades has brought more courtliness or sense of mannerly behavior to the halls of the Capitol.

When he stood to seek recognition from the Senate's presiding officer, his "Mr. President," rolled richly off his tongue and turned heads, instantly silencing the galleries filled with giggling school students on their field trip to the seat of government.

Granted permission to address his fellow senators, he invariable began with a "Thank you, Mr. President," that sounded as if it came directly from the heart that lay deep within his broad chest.

Hoffman's gracious, Old World ways were refined, perhaps, through his contacts with the world of opera, both in this country and abroad.

He lived in the agricultural country of north central South Dakota and easily won two Senate terms on votes of smalltown merchants and black-land farmers, but he was equally at home in a conversation about the special problems of Vienna, S.D., or Vienna, Austria.

He gave the appearance of royalty, not with the haughtiness of a king or cardinal, but certainly with the ease of a nobleman accustomed to functioning in the presence of all the crowned heads.

His black-rimmed glasses were windows to dark, examining eyes, and his hair was carefully combed back from his high forehead. He dressed conservatively favoring suits in a range of grays, faintly patterned and perfectly knotted ties and crisply starched white shirts in an age of wild colors, broad stripes and shouting patterns.

He was wealthy, it's true. During his unsuccessful campaign for the Republican nomination for governor in 1978, he allowed that his net worth was something in the neighborhood of $1 million or so.

That campaign came in the reform-minded days after Watergate, and South Dakotans weren't used to anyone running for office who admitted he had money.

In a news story for the Associated Press, I once called Hoffman a "self-admitted millionaire," a phrase that earned me a scolding letter from former Aberdeen editor Del Griffin, who wondered when it became a crime to be successful and whether I might next refer to one or the other of the candidates as a self-confessed pauper.

Hoffman, gracious as ever, didn't scold. He simply suggested that the size of a bank account didn't affect how well a candidate could see the dire needs of small towns and farms or hear the cries of single parents and jobless laborers.

Bill Janklow won the GOP nomination for governor in 1978 and went on to serve two terms. The gentleman from Eureka with the baritone voice went home. Two years later, he was dead of cancer.

The other day, Lt. Gov. Walt Miller was casting about for a lawmaker to lead singing on Democrat Sen. Roger McKellip's birthday. No one offered. Someone will emerge as session continues. They always do.

Over the years, a number of strong voices have led the birthday tradition.

Only once, though, did a voice shake the ceiling.

TRIBUTE TO MICHAEL H. LAJUENE

Mr. KASTEN. Mr. President, I rise today in order to praise and honor Mr. Michael H. LaJuene, this year's recipient of the Federal Aviation Administration's Handicapped Employee of the Year Award.

In 1984, Mr. LaJuene sustained spinal cord injury while diving into shallow water. Michael is paralyzed from the chest down with little or no functioning of his hands or legs. During his 15 months of extensive rehabilitation, he never gave up hope—he maintained his drive and determination to return to work and get back into life's mainstream. One of his main goals was to be an asset to society, not a liability.

Mr. President, Michael is a proven asset to society. Since returning to his job as an air traffic control assistant at Milwaukee's Mitchell Field Air Tower in October 1985, Michael has progressed to the position of facility training instructor.

In addition to his exceptional performance at his regular job, Michael also manages to provide a great deal of other service to the community. He is the spokesperson for the Combined Federal Campaign in southeastern Wisconsin. He is the President of the National Spinal Cord Injury Association—Greater Milwaukee Area Chapter. He is also the chairman for the Wheels & Heels Run for spinal cord research. He travels to area schools, speaking to students about water safety, relating to the story of his own personal tragedy to help prevent the same thing from happening to them.

I am proud to share with my colleagues the example of a young man who continues to "beat the odds."

LADY LIBERTY

Mr. SASSER. Mr. President, the rising voice of support for our American troops in the Persian Gulf is being heard around the country. That voice may be strongest in Cleveland, TN, where Mr. Steve Lamb has written a song entitled "Lady Liberty," which his niece, Mrs. Amanda McGee, has performed at several "Support the Troop" rallies around the State of Tennessee. This comes as no surprise to me since southeast Tennessee, and especially Cleveland, continues to be one of the most patriotic areas of the United States.

The Statue of Liberty stands for the values all Americans hold dear—freedom, liberty, and democracy. In the true spirit of patriotism, this song expresses the hopes of Lady Liberty as she conveys to the troops our pride and appreciation for their sacrifice in support of freedom. Mr. President, I am proud to enter the words of "Lady Liberty" into the CONGRESSIONAL RECORD as a tribute to Mr. Lamb, Mrs. McGee, but most importantly, to our men and women serving in Operation Desert Storm.

My soldier boys, you call me Liberty;
My soldier boys, I know you fight to keep us free;
So I wanted you to know that I've sent a guardian angel to watch over you—
To guide you through the desert storm,
My soldier boys, I'm oh, so proud of you.
My soldier boys, there's no need to fear,
My soldier boys, your guardian angel is near;
And I wanted you to know that America is proud of you,
We've hung our yellow ribbons as we wait at home for you,
'Cause you're our soldier boys, and we're oh, so proud of you;
Hey, soldier boys, we're oh, so proud of you.
My soldier boys, standing strong in the sand;
My soldier boys reach out and touch each other's hands;
You will feel the strength and know that no one can defeat you, God is on your side—
Our hearts are filled with pride,
You're our soldier boys, and we're oh, so proud of you;
Hey, soldier boys, we're oh, so proud of you.
My soldier boys, my sons of the red, white and blue;
My soldier boys, be brave, be strong, be true;
As the bombs flash in the night and the rockets red glares in the skies, the storm is, oh, so near, You must fight with all your might. You're America, you're liberty, you're the land of the free;
You're the pride of America on the land, air and sea;
'Cause you're our soldier boys, and we're oh, so proud of you.
Hey, soldier boys, we're oh, so proud of you.
And America stands up and sings, We're proud of our boys in the storm;
With flags held high, let freedom ring until you all come home;
And America kneels down and prays God keep you from all harm. 'Cause you're our soldier boys, and we're oh, so proud of you.
Hey, soldier boys, we're oh, so proud of you.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,166th day that Terry Anderson has been held captive in Lebanon.

On February 14, 1985, just over 6 years ago, Sis Levin learned that her husband, Jerry, was coming home. That after more than 11 months of captivity he was en route to Damascus and she might meet him in Frankfurt. To be sure, their reunion was joyous. But, even today, neither Jerry nor Sis is really free. And not until all of the hostages held in Lebanon come home, will they be.

The Levins have devoted considerable time and effort to teaching others about the hostage crisis, to encouraging communication and mutual understanding. For these efforts I commend them. And I pray that their tireless work will help to end this long ordeal.

ANDREW A. ATHENS, RECIPIENT OF 1991 ATHENAGORAS AWARD FOR HUMAN RIGHTS

Mr. PELL. Mr. President, on February 23, 1991, the Order of St. Andrew the Apostle will present its 1991 Athenagoras Award for Human Rights to an individual who I have had the pleasure to know through the years, Mr. Andrew A. Athens.

This award, given annually by the Order of St. Andrew, is bestowed upon a person who has consistently exemplified, by action and dedication, his concern for the basic human rights of people around the world.

Mr. President, Mr. Athens, currently the national chairman of the United Hellenic American Congress in Chicago, IL, is a friend of many in the Congress. These Members of Congress know of his diligent efforts to promote better relations between the United States and the people of Greece and Cyprus.

As with the past recipients of the award, His Eminence Archbishop Iakovos, President Jimmy Carter, Mother Teresa, and New York University president and former Member of Congress John Brademas, the Athenagoras Award properly recognizes Andy's long history of dedication and effort for greater human rights and religious freedom.

Mr. President, it gives me great pleasure to have this opportunity to congratulate Andy Athens as he receives the prestigious 1991 Athenagoras Award for Human Rights for his many selfless accomplishments. I know that I, along with my colleagues, wish him well and hope for his continued success.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

OMNIBUS EXPORT AMENDMENTS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of Senate bill 320, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 320) to reauthorize the Export Administration Act of 1979, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I am truly delighted that the Senate is now proceeding to consideration of the Omnibus Export Amendments Act of 1991. I am an original cosponsor of this bill, which is the same as the legislation in the conference report to accompany H.R. 4653, the Omnibus Export Amendments Act of 1990, which was passed unanimously by the Congress last October. We are here considering this matter again because the President vetoed the conference bill last fall.

In his memorandum of disapproval, the President paid particular attention to the title of the bill enacting sanctions against the illegal use of chemical and biological weapons and commerce in materials for such weapons. The Senate bill which formed the basis for the compromise bill was approved by the Senate last May in a 92-0 vote.

Mr. President, this is crucially important legislation. It deals with a problem of central importance at this time—the spread of chemical and biological weapons. The sons, daughters and spouses of America are threatened as we speak by the possibility of attack with poison gas. This bill is designed to prevent the Saddam Husseins of the world from ever threatening us with such weapons.

In addition to the title dealing with chemical and biological weapons, the bill includes other legislation of particular importance to the Committee on Foreign Relations dealing with sanctions against Iraq and controls on transfers of missile technology. Let me explain.

MISSILE TECHNOLOGY

Mr. President, the situation in the gulf highlights the importance of strengthening United States and multilateral efforts to stem the proliferation of ballistic missiles. We have seen Iraqi Scud missiles launched against our soldiers and against the cities of our friends and allies.

Fortunately, very few of those attacks have been successful. Fortunately, the Patriot missile has proved successful in destroying most Scud missiles. Fortunately, the Scuds were not armed with weapons of mass destruction.

We should not, however, rely on good fortune to protect us. It is essential that the Congress provide a solid statutory basis for U.S. policy to control the spread of ballistic missiles. Title III of the Omnibus Export Amendments Act of 1990 does just that. As my colleagues may know, however, in substance it is already law; last year, a similar provision was passed by Congress as title XVII of the National Defense Authorization Act for fiscal year 1991.

Nonetheless, passage of the act is important to U.S. missile nonproliferation efforts. The conference report will repeal title XVII of the Defense Authorization Act and replace it with language that is substantively similar but which clarifies procedures for the referral of export license applications between the Departments of Commerce, State, and Defense. Further, the report clarifies the standard of knowledge where the legislation requires that exporters apply for licenses for any export which the exporter knows are destined for a missile facility in a nonadherent to the missile technology control regime.

Given that the broad strokes of the missile technology provisions in title III were discussed last year at the time of Senate action on the DOD authorization bill, I see no point in repeating that discussion. At this point I would only emphasize that the use of Scuds in the Persian Gulf is a stark reminder of the dangers of missile proliferation and a spur to all of us to do our utmost to prevent the proliferation of ballistic missiles.

IRAQ SANCTIONS

This bill includes as a separate title the Iraq International Law Compliance Act. It imposes comprehensive trade and financial sanctions against Iraq for its longstanding violations of international law. These violations precede the invasion of Kuwait and include the illegal use of poison gas in the Iran-Iraq war and against its own defenseless Kurdish citizens; the apparent development of biological weapons in violation of the convention banning such weapons; the ongoing effort to acquire nuclear weapons in violation of its obligations under the Nuclear Non-Proliferation Treaty; and numerous human rights violations, including extensive use of torture and murder against children. Such conduct places Iraq outside the pale of civilized nations.

Mr. President, the provisions of the Iraq International Law Compliance Act are similar to those of the Prevention of Genocide Act of 1988. With my distinguished ranking minority member, I introduced that legislation on September 8, 1988. It was intended as a dramatic response to Iraq's ongoing use of poison gas against defenseless Kurdish men, women, and children. It was intended to stop a crime of almost unspeakable proportions, the destruction of a people by use of poison gas. The Senate unanimously adopted the Prevention of Genocide Act on September 9, 1988.

Unfortunately, the Reagan administration vehemently opposed taking any action against Iraq because of its use of poison gas on the Kurds.

Neither the Reagan administration nor the Bush administration were willing to take any action whatsoever to punish Iraq for its numerous violations of international law. Even a week before the invasion of Kuwait the Bush administration strongly opposed the Iraq International Law Compliance Act as it passed the Senate.

I firmly believe that had we enacted the Prevention of Genocide Act as it passed the U.S. Senate 2 years ago, Iraq would have understood that crime does not pay. It would have understood that the world community is prepared to defend intenational law and human decency. It would have understood that it cannot get away with aggression. Had we enacted that bill, our service men and women might not today be facing Iraqi forces on the Saudi-Kuwait border.

This legislation is a long overdue response to Iraqi contempt for international law and the rules of civilized people. I hope that the Senate will give this legislation final approval. I only wish it had been done sooner.

CHEMICAL AND BIOLOGICAL WEAPONS

The underlying and simple message of the chemical and biological weapons bill is that the United States, which has forsworn the use of chemical and biological weapons, will do its utmost to erect effective barriers against the illegal use of chemical and biological weapons and against illicit commerce that contributes to the development of these weapons.

The chemical weapons title has two major purposes:

To establish sanctions against countries that use chemical and biological weapons in violation of international law or use lethal chemical or biological weapons against their own citizens.

To establish sanctions against foreign companies that assist certain countries in acquiring a chemical or biological weapons capability.

These are the principal provisions of the chemical weapons title:

Whenever information becomes available that a country may have used chemical or biological weapons, the President shall, within 60 days, make a determination as to whether such weapons have been used by a nation in violation of international law or against its own citizens.

Not later than 60 days after receipt of a request by the chairmen of the Senate Foreign Relations Committee or the House Foreign Affairs Committee, acting after consultation with the ranking minority members, the President must report back to the committees as to whether a country has used such weapons.

If the President determines that a country has used chemical or biological weapons in violation of international law or has used lethal chemical weapons or biological weapons against its own citizens, the President shall impose specific sanctions.

A country sanctioned for chemical or biological weapons use would automatically face immediate imposition of at least 6 of these 11 sanctions and subsequent imposition of a seventh sanction if the illegal behavior continues:

Termination of U.S. assistance under the Foreign Assistance Act of 1961;

Termination of U.S. Government or commercial arms sales;

Termination of arms sales financing;

U.S. opposition to loans by international financial institutions;

Denial of U.S. Government credit including credit through the U.S. Eximbank;

Prohibition of loans or credit from U.S. banks;

Prohibition of the export of controlled dual-use goods and technology;

Prohibition of the export of other goods and technology;

Restrictions on imports from the sanctioned nation;

Downgrading or suspension of diplomatic relations; and

Termination of landing rights in the United States.

There are appropriate exceptions for humanitarian assistance, food and agricultural products. Provision is made for contract sanctity.

The sanctions must remain in effect for at least one year before being waived or removed unless there has been a fundamental change in leadership and policy in the country that used chemical weapons.

Sanctions would be imposed on foreign companies which knowingly and materially contribute to efforts to use, develop, produce, stockpile or otherwise acquire chemical or biological weapons by any country that the President has determined has since January 1, 1980—

Used chemical or biological weapons in violation of international law;

Used lethal chemical or biological weapons against its own nationals;

Made substantial preparations to do the described activities; and

Been designated pursuant to section 6(j) of the Export Administration Act of 1979 as a country which supports international terrorism.

Sanctions would include:

A prohibition on U.S. Government procurement of goods and services from the sanctioned company; and

A prohibition on imports of that company's products.

The President may waive these sanctions if he determines that the government with jurisdiction over the company involved has taken specific and effective actions, including appropriate penalties, to terminate involvement.

The sanctions could be terminated by the President after 1 year if all proscribed activities have ceased. A Presidential waiver is allowed after sanctions have been in effect for a year.

The President is not required to apply sanctions in the case of existing contracts; certain defense procurement; purchases of spare parts and necessary servicing and maintenance, essential information and technology, medical and other humanitarian items.

Mr. President, all of these provisions were discussed at length with the administration and with the House in devising the compromise.

Unfortunately, throughout this process the President's advisors have chosen to focus their attention on the narrow issue of Presidential prerogative and not on the far more important goal of preventing the illegal use of chemical and biological weapons and setting penalties against companies involved in chemical and biological weapons proliferation.

In his memorandum of disapproval, the President said that the legislation would "unduly interfere with the President's authority in carrying out foreign policy." The President announced he was issuing an Executive order that, unlike this bill, would give the President the necessary flexibility in implementing sanctions and penalties.

Mr. President, a reading of the November 16 Executive order indicated that necessary flexibility meant, simply, the ability to do nothing. The Executive order allows the Secretary of State to avoid imposition of sanctions or to terminate them if a company aiding and abetting a particular nation's quest for chemical and biological weapons ceases that activity. In other words, an offending company could ship all of the dangerous equipment for a chemical weapons plant and avoid penalty if the shipments were finished before discovery. By contrast, the bill requires sanctions for at least a year. I trust the Senate understands the crucial importance of deterring and punishing those whose greed overrides any morality which would deter them from these reprehensible activities.

With regard to sanctions against use, the Executive order allows the Secretary of State to forgo the application of sanctions "due to significant foreign policy or national security reasons." My fellow Senators know what that means. It means that the most disgusting regime on Earth could gas thousands of people—could even commit genocide—and the act would be excused if the Secretary was convinced that imposition of sanctions might have a bad effect on relations with that country.

There are other problems with the Executive order. Unlike the bill, under the Executive order, company sanctions do not apply in cases of countries repeatedly providing support for acts of terrorism. Unlike the bill, the company sanctions would only be triggered by commerce with countries which have illegally used chemical or biological or made substantial preparations to do so after the date of the Executive order—November 16, 1990. Shipments to a country that used chemical weapons prior to the issuance of the Executive order would not trigger any sanctions or penalties at all.

Finally Mr. President, I would point out that the bill erects sanctions against countries which use lethal chemical or biological weapons against their own nationals. The Executive order omits that coverage. Thus, under the Executive order, Saddam Hussein would not clearly have been penalized for his use of lethal chemical agents against the Kurds in 1988.

I am frankly disappointed in the administration's approach to date. It underscores the importance of enactment of this legislation. This bill is consistent with the President's apparent goals with regard to chemical weapons, but it includes the necessary teeth to make certain that countries using chemical weapons illegally or against their own citizens face stiff sanctions. Moreover, it ensures that companies wanting to engage in illicit commerce in chemical and biological weapons are penalized severely.

Mr. President, poison gas was used to horrible and dreadful effect in World War I, and the world was so revolted by that action that it created the 1925 Geneva protocol. That protocol has been an important instrument in deterring the use of chemical weapons. In recent years, however, it has become increasingly clear that the Geneva protocol is simply not enough. We need this bill in place. We need to be tough on countries and companies that misbehave in regard to chemical weapons. With this bill as law, we would have proven to other nations that we are willing and able to assume leadership in the area of chemical and biological weapons control.

I would hope that the administration would have the wisdom to drop its unfortunate and unseemly opposition to the bill, cooperate in its enactment, and join in moving on to other critically important objectives such as achievement of a multilateral ban on the use, production, and stockpiling of chemical and biological agents.

I yield the floor.

The PRESIDENT pro tempore. What is the will of the Senate?

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PELL). Without objection, it is so ordered.

Mr. SARBANES. Mr. President, shortly before the recess, consent was obtained on a motion to proceed to S. 320, and it was set for 3 p.m. this afternoon. The measure is now before the Senate, S. 320, the Omnibus Export Amendments Act of 1991.

This bill that is pending is identical to the conference report which accompanied H.R. 4653 which was passed unanimously by both the House and the Senate last October.

This legislation would reauthorize the Export Administration Act, a very important matter in and of itself. It would require the President, in a separate title, to impose controls and sanctions on the proliferation of chemical and biological weapons, and on the proliferation of missile technology. There is a title that deals with export promotion which is to some extent related to the Export Administration Act. And there is a title that would impose economic sanctions against Iraq.

So we cover in this legislation reauthorization of the Export Administration Act, the matter which took a great deal of time and effort in the last Congress and interrelates to the actions taken by Cocom, an organization of which the United States and other industrial countries are members; export promotion; missile technology; chemical and biological weapons proliferation; and economic sanctions against Iraq.

Now, as I indicated, the legislation passed unanimously both Houses of the Congress last October. Despite this unanimous action by the Congress, we began to receive worrying reports that the administration or some of the President's advisers were recommending to the President he veto the conference report, primarily it appears on the grounds the legislation did not give the President complete and total discretion to waive sanctions against countries that use chemical weapons or complete and total discretion to waive sanctions against foreign companies that knowingly and materially assist in the proliferation of chemical weapons.

Now let me just repeat that. Under the legislation, an effort was made to give the President a certain amount of discretion in the application of sanctions, but the line was drawn as to whether, in those instances in which a country had used chemical weapons, it would be subjected to some sanctions. It was decided in favor of subjecting that country to sanctions. The President was given an opportunity to choose 6 sanctions from a list of 11. So he has discretion as to which sanctions to apply, but it was clear that some sanctions would have to be applied if a country used chemical weapons.

Let me be very clear what we are talking about. This is the use, by a country, of chemical weapons. And the question then is, how do you respond to that? And what was contained in the legislation was that you had to respond by applying at least some sanctions. The country could not, as it were, go scot free having employed chemical weapons.

With respect to companies which transferred chemical weapons, again the legislation said that those companies must be subjected to certain sanctions for 1 year, after which the President, if he judged it to be important in the national security interest of the United States, could then waive those sanctions.

When word was received that the President was thinking of vetoing this legislation, 79 Members of the Senate sent the President a letter on October 27 last year, and I want to quote from that letter in which he said:

> DEAR MR. PRESIDENT: The Congress has enacted H.R. 4653, the Omnibus Export Amendments Act of 1990.

And S. 320 that is before us is identical to the legislation that was enacted then.

> This legislation makes important changes in our export control policies to reflect rapid political changes in Eastern Europe, the growing challenge of chemical and missile proliferation, and the crisis in the Persian Gulf.
>
> In preparing this legislation, the Congress worked closely with the administration to ensure that changes in export control policy were consistent with U.S. policy in Cocom. We labored to ensure that the new nonproliferation regimes created in law would be workable and effective, relying primarily on current multilateral mechanisms but using economic sanctions as a last resort. We made the Iraq sanctions title of the bill a strong statement of support for your policy in the gulf.
>
> Despite our efforts, we now understand that some of your advisers are recommending a veto of the bill because of what they see as excessively limited Presidential discretion to waive sanctions in the chemical and biological weapons title of the bill. This is a very abstract judgment about Presidential discretion in foreign affairs. The real issue here, however, is how to respond effectively to the scourge of chemical weapons.
>
> The sanctions provision of the chemical and biological weapons title are premised on Presidential discretion. The President must make the determination that a foreign company has knowingly assisted proliferation and not been punished, or that a country has actually used chemical weapons. Once a determination is made—

Namely, a determination that a foreign company has knowingly assisted proliferation; in other words, to make money, they have engaged in the chemical weapons trade and have not been punished, or that a country has actually used chemical weapons—once a determination is made in that respect—

> sanctions must be imposed for 1 year following which there is Presidential discretion to waive sanctions in the national security interest or if remedial action is taken.

The letter then went on to say:

> This is not unfettered discretion, but it is certainly discretion as broad as that covering EAA sanctions in current law.

Then the letter states, and I think this is a key paragraph:

> The only use of discretion broader than this—

Namely, the discretion given in the bill, we then go on to point out—

> The only use of discretion broader than this would be to let a company selling chemical weapons or a country that uses chemical weapons against its people escape any punishment—

Because the absolute discretion that the administration was insisting upon and which then became the basis of the pocket veto was a discretion that only covered these two instances—a company selling chemical weapons or a country that has used chemical weapons. The letter from the 79 Senators went on to say:

> We reject the idea that there could ever be a diplomatic gain sufficient to justify a waiver in these circumstances.

It went on to close with this paragraph:

> You have made eradication of chemical weapons a national priority, and you urged the Congress to pass sanctions legislation. We have answered-that call and believe a veto on these narrow grounds would be contrary to our shared commitment to eliminate chemical weapons. It is our intention to see tough sanctions enacted, if necessary by pursuing legislation in the 102d Congress. For all these reasons, we urge you to sign this legislation.

Mr. President, I want to underscore again that back in October we were at the end of a long legislative process of consideration in the committees on both the Senate and House side, enactment on the floor on both the Senate and House side, and then an extended and, on occasion, controversial conference committee. Throughout that process extensive efforts were made to consult with the administration on the substance of the matters before us. The administration in fact had a number of concerns with respect to the provisions in the Export Administration Act, and every effort was made to resolve those and I believe resolve them in a satisfactory fashion. But there was an unwillingness with respect to the application of sanctions for the use of chemical weapons to go so far as to give the President total discretion to waive those sanctions.

It was to underscore this position held here in the Senate, that that letter was sent to the President.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. Mr. President, at the time that this was being considered, editorials appeared in both the Washington Post and the New York Times. I want to quote just briefly from those two editorials.

Mr. President, I ask unanimous consent that the full editorials be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SARBANES. The Washington Post said:

> President Bush is getting bad advice from the lawyers who want him to veto the bill on chemical and biological weapons. It's time to tighten the rules against countries that use these foul devices and the manufacturing companies that help them to do it. With very few exceptions—Iraq is the most notorious—the world is now moving to rid itself of these weapons. The United States ought to be leading that movement.
>
> Instead, some of the President's advisers are pressing for a veto on grounds that the bill imposes sanctions that would be mandatory. The administration's lawyers argue that the American response to the use of these weapons ought to be left up to the presidential discretion. The bill, they claim, is an infringement on the President's constitutional power to conduct foreign policy.

The editorial goes on to say:

> That is a gross exaggeration. The bill says that if a country uses these weapons—

Let me underscore that.

> uses these weapons, the United States will impose on it a range of penalties affecting its economic and political relations with this country. After a year, the President could lift those penalties.
>
> Similarly, if a foreign company helps certain countries build these weapons—countries that have used them recently, or are preparing to use them or are on the list of havens for terrorists—that company's products will be banned from the American market. Again, after a year, the President could lift the ban. It's absurd to describe that as interference with the President's control of foreign policy.
>
> This legislation is a response not only to Iraq's use of gas but to the revelations that a number of European companies, particularly in Germany, helped Iraq and Libya build factories to produce gas.

The editorial then goes on, and the full editorial will be included at the conclusion of my remarks.

The New York Times editorial said, and I just quote it briefly:

> For years, the United States did nothing while Saddam Hussein used chemical weapons, first in his war with Iran and then against Iraq's Kurdish citizens. Now U.S. troops face a chemically armed Iraq in the desert and Congress is about to vote to impose mandatory sanctions on countries that produce, acquire or use chemical weapons. How can President Bush, or all people, be threatening to veto the bill?
>
> Mr. Bush has pledged to rid the world of the scourge of chemical weapons. And he's negotiating a global treaty to do just that. But Secretary of State Baker says mandatory sanctions limit the President's discretion. What a bizarre time to stand on ceremony. Congress is right to enact the legislation, and the President would be wrong to veto it.

The editorial then goes on. The full editorial will be included at the end of my remarks.

Mr. President, I want to go back for just a moment to underscore the work that went into producing this legislation.

This was work on both sides of the aisle within the committee and on the floor of the Senate and in the conference. A lot of Members of this body, both on the Democratic and the Republican side, worked long and hard to bring this legislation to fruition. We initially, had, of course, the question of the reauthorization of the Export Administration Act by which the administration controls exports of high-technology goods with possible military applications to Eastern Europe and the Soviet Union. That act was due to expire last year—in fact it did expire with the failure to pass a reauthorization because of the pocket veto.

The question of trade with Eastern Europe and the Soviet union is, of course, an important item on our agenda because of the dramatic changes which have been taking place in Eastern Europe over the past 12 to 18 months. We held extensive hearings on this matter. The subcommittee heard from both administration witnesses and the private sector on legislative changes needed to address the export control control regime, and some very substantial changes were made in that export regime.

When the bill was considered here on the floor, a title was added by my distinguished colleagues, Senators PELL and HELMS, dealing with the proliferation of chemical and biological weapons. That is an issue on which both of those Senators have had a longstanding and consistent interest and their proposal was included in this legislation and is now title IV of the bill.

We also added on the floor of the Senate an amendment by Senator MACK of Florida and Senator GRAHAM of Florida extending the existing ban on trade with Cuba by United States companies to the foreign subsidiaries of those companies. The administration also in the message accompanying the pocket veto has expressed misgivings about that provision as well as misgivings about the mandatory sanctions.

As I said, the House at the same time was holding a long series of hearings, produced its own substantial modification of the Export Administration Act, and we then had a conference committee that was an extended and complex effort to reconcile the differences between the two bodies. At the time that the conference acted there was a general feeling on the part of, I think, all Senators and Members of the House that a very positive and constructive resolution had been achieved of the differences between the two bodies; that we had a piece of legislation that was worthy of support.

I think there was a considerable degree of satisfaction with the work that had been done and therefore there was considerable concern and, indeed, distress, when we learned of the expression of views by advisers to the President, of him not signing this legislation.

Of course this all occurred after the Congress went out of session and therefore there was not an opportunity for the legislation to be returned to the Congress in order for an override of the Presidential veto to be considered.

At the time, last November 9, there was a letter signed by 16 CEO's of our Nation's leading high-technology companies, urging the President to sign the conference report into law.

I ask unanimous consent that that letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

(See exhibit 3.)

Mr. SARBANES. Within the past month I have received letters from the Computer and Business Equipment Manufacturers Association, the National Machine Tool Builders Association, and the American Electronics Association, urging repassage of this legislation by the Congress.

I ask unanimous consent that those letters also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. SARBANES. Unfortunately, as I have indicated, Mr. President, despite all of this evidence and despite this very strong support for this legislation, the President chose to pocket veto the legislation last November 16. In a memorandum of disapproval issued by the President to accompany the pocket veto, the President asserted that mandatory sanctions unduly interfere with his constitutional responsibilities for carrying out our foreign policy.

Mr. President, I have earlier set out in some detail the limited nature of the situation under which the legislation would require mandatory sanctions. With respect to a country, it would have been that the country must have used chemical weapons, and even then we gave the President the discretion to choose from a list of sanctions which ones would be applied.

But the Congress did make the judgment that if a country uses chemical weapons, some sanctions ought to be applied. The discretion the administration, in effect, says was important enough for it to veto the bill was an absolute, total discretion in the President to waive any and all sanctions in a case in which a country had used chemical weapons.

There is a very important difference there. The congressional judgment is that if a country uses chemical weapons, it should be subjected to sanctions. The administration's position is that if a country uses chemical weapons, the President ought to have the discretion, if he chooses, not to subject that country to sanctions; in other words, to allow a country that uses chemical weapons to go unpunished in any way.

What kind of message does that send with respect to the effort to bring chemical weapons under control and to punish or to deter through punishment nations from using chemical weapons?

Similarly, the Congress made the judgment that if a foreign company—this is a private company—helped countries build chemical weapons then sanctions would be applied to that company. In other words, we are not going to let a company engage in the chemical weapons trade and go unpunished. The President based a veto on the assertion that the executive ought to have full discretion to allow a company that engaged in the chemical weapons trade to escape without any punishment.

So this, of course, represents the important difference that seems to have emerged and on the basis of which the administration exercised a pocket veto. That veto did not come back to us because it was at the end of the session and the Congress had adjourned and, therefore, an opportunity to address a Presidential veto directly was never offered to the Congress.

Mr. President, among the powers specifically enumerated in the Constitution to the Congress is the power to regulate commerce with foreign nations. In the past, Congress has invoked this authority to simply cut off all aid or trade with particular countries.

Often, we give the administration a role in deciding whether to impose or lift sanctions, and in some previous instances, I think it can be reasonably argued that there has been less discretion for the President than was provided in this conference report. For example, under the so-called Toshiba provision of the Omnibus Trade and Competitiveness Act of 1988, where the President makes a determination that a foreign company has violated the Cocom agreement and this adversely affects the strategic balance of force, he is required to impose import and procurement sanctions on the company for at least 2 years. That was in the Toshiba case. We required the imposition of those sanctions for at least 2 years. Here, we require it for 1 year, and at the end of the 1 year, the President has the authority to lift the sanctions if he makes certain findings.

In his memorandum of disapproval that accompanied this pocket veto, the President announced he was issuing an executive order under the authority of the International Emergency Economic Powers Act, known as IEEPA, to implement actually portions of the chemical and biological weapons provision, and to continue export control enforcement. But very clearly this cannot take the place of legislative action.

In the first place, the executive actions of the President fall far short of implementing the policy changes contained in the legislation. Second, it is really inappropriate for the President to use broad emergency powers granted by the Congress under IEEPA for the routine administration of export controls or chemical weapon antiproliferation policy.

So, Mr. President, we find ourselves here today with S. 320 before us. It is the legislation as it came out of the conference committee last year and was sent to the White House. I understand that some amendments may be offered, including an amendment which would give the President the power to waive sanctions, subject to a resolution of disapproval by the Congress.

The difficulty with that proposal is that a resolution of disapproval by the Congress could then be vetoed by the President. Of course, once vetoed by the President, it could not pass except by a supermajority in both Houses of the Congress. That really is not a compromise. That is simply giving the waiver authority under a different rubric, and I hope my colleagues will perceive it in that light.

Mr. President, I simply close by making the observation that the bill under consideration today is a carefully considered and balanced effort to address two of the most important issues confronting the United States: The proliferation of chemical and biological weapons, a matter on which the distinguished Senator from Rhode Island, Senator PELL, and the distinguished Senator from North Carolina, Senator HELMS, have done yeomen work in this body in addressing that issue. Where the difference comes down, as I now understand it, the whole premise of the President's refusal to sign the legislation is the desire to have full, total discretion to waive sanctions, even in those instances in which a country has used chemical weapons or in which a company has knowingly transferred chemical weapons with the likelihood of their use.

Of course, the other issue addressed here on which I was intimately involved in holding extensive hearings and producing the legislation was export controls on high technology trade with Eastern Europe and the Soviet Union. That is a difficult issue because we want to balance the need of U.S. exporters to compete internationally with the necessity of controlling exports of technology that might be used for military purposes. So you have to try to balance those two important concerns.

Mr. President, I close by urging my colleagues once again to adopt this legislation. It is good, well-reasoned, well-balanced legislation. It has broad support across the country.

I have put into the RECORD letters from a broad spectrum of the business community in support of this legislation, editorials from some of our leading journals in the country. I urge Members of the Senate to back S. 320 and let us move this legislation forward.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, October 27, 1990.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The Congress has enacted H.R. 4653, the Omnibus Export Amendments Act of 1990. This legislation makes important changes in our export control policies to reflect rapid political change in Eastern Europe, the growing challenge of chemical and missile proliferation, and the crisis in the Persian Gulf.

In preparing this legislation, the Congress worked closely with the Administration to ensure that changes in export control policy were consistent with U.S. policy in CoCom. We labored to ensure that the new nonproliferation regimes created in law would be workable and effective, relying primarily on current multilateral mechanisms but using economic sanctions as a last resort. We made the Iraq sanctions title of the bill a strong statement of support for your policy in the Gulf.

Despite our efforts, we now understand that some of your advisors are recommending a veto of the bill because of what they see as excessively limited Presidential discretion to waive sanctions in the chemical and biological weapons title of the bill. This is a very abstract judgment about Presidential discretion in foreign affairs. The real issue here, however, is how to respond effectively to the scourge of chemical weapons.

The sanctions provision of the CBW title are premised on Presidential discretion. The President must make the determination that a foreign company has knowingly assisted proliferation and not been punished, or that a country has actually used chemical weapons. Once a determination is made, sanctions must be imposed for one year following which there is Presidential discretion to waive sanctions in the national security interest or if remedial action is taken. This is not unfettered discretion but it is certainly discretion as broad as that covering EAA sanctions in current law.

The only use of discretion broader than this would be to let a company selling chemical weapons or a country that uses chemical weapons against its people escape any punishment. We reject the idea that there could ever be a diplomatic gain sufficient to justify a waiver in these circumstances.

You have made eradication of chemical weapons a national priority and you urged the Congress to pass sanctions legislation. We have answered that call and believe a veto on these narrow grounds would be contrary to our shared commitment to eliminate chemical weapons. It is our intention to see tough sanctions enacted, if necessary by pursuing legislation in the 102d Congress. For all these reasons, we urge you to sign this legislation.

Sincerely,

Paul Sarbanes, Don Riegle, Pete V. Domenici, Jesse Helms, Connie Mack, Orrin Hatch, Jake Garn, Alfonse D'Amato, Slade Gorton, John Heinz, Kit Bond, Arlen Specter,

Lloyd Bentsen, Barbara A. Mikulski, Dennis DeConcini, John Breaux, Alan Cranston, David Pryor, Daniel K. Inouye, Frank R. Lautenberg, Terry Sanford, Richard H. Bryan, Paul Simon, Fritz Hollings, Alan J. Dixon, John F. Kerry, Claiborne Pell, Bob Kerrey, Wendell Ford, J. Bennett Johnston, Bob Graham, Herb Kohl, Thomas Daschle, Albert Gore, Jr., Christopher J. Dodd, John D. Rockefeller IV, Dale Bumpers, Kent Conrad, Chuck Robb, Jeff Bingaman, John Glenn.

Patrick Leahy, Max Baucus, Brock Adams, Howard M. Metzenbaum, Jim Sasser, Sam Nunn, Quentin N. Burdick, J. James Exon, Harry Reid, Ted Kennedy, Timothy E. Wirth, Carl Levin, Joe Biden, Joe Lieberman, Frank H. Murkowski, Jim McClure, Thad Cochran, Bob Dole, George Mitchell, Al Simpson, Chuck Grassley, Nancy Landon Kassebaum, Steve Symms, Daniel Patrick Moynihan, Warren B. Rudman, John McCain, John Warner, Tom Harkin, Richard Shelby, Pete Wilson, Bob Kasten, Bill Bradley, Dave Durenberger, Mark O. Hatfield, Malcolm Wallop, Wyche Fowler, Jr., Bill Cohen, John Chafee.

EXHIBIT 2

[From the Washington Post, Nov. 4, 1990]

CHEMICAL WEAPONS

President Bush is getting bad advice from the lawyers who want him to veto the bill on chemical and biological weapons. It's time to tighten the rules against countries that use these foul devices and the manufacturing companies that help them to do it. With very few exceptions—Iraq is the most notorious—the world is now moving to rid itself of these weapons. The United States ought to be leading that movement.

Instead, some of the President's advisers are pressing for a veto on grounds that the bill imposes sanctions that would be mandatory. The administration's lawyers argue that the American response to the use of these weapons ought to be left up to presidential discretion. The bill, they claim, is an infringement on the president's constitutional power to conduct foreign policy.

That's a gross exaggeration. The bill says that if a country uses these weapons, the United States will impose on it a range of penalties affecting its economic and political relations with this country. After a year, the president could lift those penalties. Similarly, if a foreign company helps certain countries build these weapons—countries that have used them recently, or are preparing to use them or are on the list of havens for terrorists—that company's products will be banned from the American market. Again, after a year, the president could lift the ban. It's absurd to describe that as interference with the president's control of foreign policy.

This legislation is a response not only to Iraq's use of gas but to the revelations that a number of European companies, particularly in Germany, helped Iraq and Libya build factories to produce gas. The German governmnent also has reacted, tightening its restriction of suspect exports and sharply increasing the penalties for violating them. International cooperation to discourage these weapons is improving. A veto of the bill would suggest to all the wrong people that the United States was losing interest in the subject.

The breadth of congressional support for this bill is impressive. It passed the Senate 92 to 0, and 79 senators have now publicly urged him to sign it. But the president's lawyers are telling him that the next time an army uses poison gas, he might find it expedient to overlook the incident—as President Reagan overlooked the Iraqi use of gas, first on Iranian troops and then on Kurds who were Iraq's own people. In this bill Congress is saying that it doesn't want poison gas or biological warfare overlooked. That's what this quarrel is about, and this time Congress is right.

[From the New York Times, Nov. 10, 1990]

STANDING ON CEREMONY ON POISON GAS

For years the United States did nothing while Saddam Hussein used chemical weapons, first in his war with Iran and then against Iraq's Kurdish citizens. Now U.S. troops face a chemically armed Iraq in the desert and Congress is about to vote to impose mandatory sanctions on countries that produce, acquire or use chemical weapons. How can President Bush, of all people, be threatening to veto the bill?

Mr. Bush has pledged to rid the world of the scourge of chemical weapons. And he's negotiating a global treaty to do just that. But Secretary of State Baker says mandatory sanctions limit the President's discretion. What a bizarre time to stand on ceremony. Congress is right to enact the legislation, and the President would be wrong to veto it.

Sanctions legislation has long bogged down in jurisdictional disputes between committees of Congress. Finally a House-Senate conference has agreed to appropriately tough sanctions in the Export Administration Act.

The act bars foreign companies that help countries develop chemical weapons from selling goods in the United States. Further, once the President determines that a country has used chemical or biological weapons, he must apply sanctions. The list of sanctions includes a cutoff of foreign and military aid, export and import restrictions and suspension of U.S. arms sales.

Mr. Baker says the bill limits administrative flexibility to impose or waive sanctions. But the President could waive sanctions after a year if he determined that was important for national security. In the meantime, mandatory sanctions would send a strong message that the U.S. is serious about curbing the spread of chemical weapons. This is a very good time to send such a message, and a very good cause to get serious about.

EXHIBIT 3

AMERICAN ELECTRONICS ASSOCIATION,
Washington, DC, November 9, 1990.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We the undersigned CEOs are writing to recommend that you sign into law the Omnibus Export Amendments Act of 1990, HR 4653. The legislation amends the Export Administration Act to reflect European unification, the significant changes in Eastern Europe and the rapid advancement of technology.

While the bill is not perfect, it will allow the U.S. electronics and telecommunications companies to have a level playing field with our European and Japanese competitors. In particular, exports represent a significant source of revenue for our companies and it is imperative that we be able to export on par with our competitors. Furthermore, the majority of our trade is with U.S. allied nations and the Export Amendments Act will allow us increased flexibility in trading with these partners. Finally, our companies fuel the nation's economic growth. Enhancing our ability to export will strengthen the U.S. economy.

Mr. President, we urge you to sign HR 4653 into law.

Sincerely,

John F. Akers, Chairman, International Business Machines Corporation; Robert E. Allen, Chairman of the Board and CEO AT&T; Richard Ashcroft, President, International Imaging Systems; Joseph R. Canion, President and CEO, Compaq Computer Corporation; W.P. Conlin, President, CalComp; Charles E. Exley, Jr., Chairman and CEO, NCR; Joe Finney, President and CEO, International Converter; John C. Lewis, Chairman and CEO, Amdahl Corporation; Gordon E. Moore Chairman of the Board Intel.

Scott G. McNealy, President and CEO, Sun Microsystems, Inc.; Craig J. Mundie, President and COO, Alliant Computer Systems Corporation; Safi U. Qureshey, President, CEO and Co-Chairman, AST Research, Inc., John A. Rollwagen, Chairman and CEO, Cray Research Inc.; Robert Saldich, President and CEO, Raychem Corporation; John Sculley, Chairman, President and CEO, Apple Computer, Inc.; Bob Stephens, President and CEO, Emulex Corporation; J. Richard Iverson, President and CEO, American Electronics Association.

EXHIBIT 4

COMPUTER AND BUSINESS EQUIPMENT,
MANUFACTURERS ASSOCIATION,
Washington, DC, January 29, 1991.

Hon. PAUL S. SARBANES,
Chairman, International Finance and Monetary Policy Subcommittee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Computer and Business Equipment Manufacturers Association (CBEMA), I am writing to thank you for your efforts to reauthorize the Export Administration Act.

Like you, we were disappointed that the President did not sign the legislation sent to him in late 1990. However, we do believe the actions he promised to take in his November 16 memo of disapproval will result in some sound improvements to the export control system, although much remains to be done. Your work in bringing about these changes is greatly appreciated.

In addition, while we were encouraged by the actions of the White House, we do believe it is essential that Congress renew the statutory basis for the export control system. We continue to support the measured and thoughtful reforms contained in H.R. 4653, legislation to reauthorize the Export Administration Act and urge its readoption in the new Congress. Put simply, we believe that the export control reforms in H.R. 4653 make good sense.

Again, your work on this issue is very much appreciated. We look forward to working with you in the 102nd Congress.

Sincerely,

JOHN L. PICKITT,
President.

NMTBA—THE ASSOCIATION
FOR MANUFACTURING TECHNOLOGY,
January 24, 1991.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on International Finance and Monetary Policy, Senate Banking, Housing and Urban Affairs Committee, 534 Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: As you know, NMTBA—The Association For Manufacturing Technololgy supported passage of the Conference Report on H.R. 4653, the Omnibus Export Administration Act of 1990. While it was not all that we hoped it would be, we felt that it went a long way towards solving a number of the problems that have plaqued American Exporters in general, and the machine tool industry in particular, in recent years.

Unfortunately, on November 16, 1990, the President saw fit to veto this bill, deciding instead to enforce export controls through the authority granted in the International Emergency Economic Powers Act.

We believe this decision was ill-advised. While the bill did not achieve all of our objectives, last year's Omnibus Export Administration Act contained many badly needed reforms that have been hammered out during long hours of legislative bargaining. We believe it would be unnecessary, and indeed, counterproductive to start again from scratch in 1991. Thus, we urge you to resubmit the very same bill, H.R. 4653, in the 102nd Congress and work towards its passsage. Let me assure you, Mr. Chairman, you can count on the support of NMTBA—The Association For Manufacturing Technology in that important effort.

With warm regards,

Sincerely,

ALBERT W. MOORE,
President.

AMERICAN ELECTRONICS ASSOCIATION,
Washington, DC, February 6, 1991.

Hon. PAUL SARBANES,
Room 332 Dirksen, U.S. Senate, Washington, DC.

DEAR SENATOR: We understand that the Senate is prepared to act on the S. 320, which would reauthorize the Export Administration Act (EAA). AEA worked closely with the House and Senate on this issue and we appreciate the hard work that went into the conference report.

Even though we were disappointed that the President did not sign the legislation sent to him in late 1990, we believe his commitment to address several issues outlined in his memorandum of disapproval will result in sound improvements in the system, if implemented in an effective and timely manner.

Nonetheless, we do believe it is essential that Congress renew the statutory basis for the export control system. We continue to support the limited and focused reforms contained in the conference report, HR 4653 (Please see attached for our previous positions).

When S. 320 is brought to the floor for a vote, we encourage you to resist amendments that would serve to undermine the conference report. In fact, should there be substantial floor action, we would support you in withdrawing the bill.

Sincerely,

J. RICHARD IVERSON,
President and CEO.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me.

Let me commend my friend from Maryland. I will try to underscore in about 5 or 6 minutes what he said. I am going to do it the easy way. They say that a picture is worth a thousand words. But this proposal sought by the administration to eliminate the penalties, or the possibility of penalties, against the outrageous conduct by some corporations just leaves me baffled.

I have commended over and over again the President of the United States for his conduct of the Persian Gulf war. But I disagree with him vehemently, and I have told him so, and I have told Brent Scowcroft so. I do not understand the position of the administration.

Let me do it with pictures, and I hope the cameras can pick them up. I have two photographs by the way, Mr. President, and a drawing.

The first photograph shows the largest poison gas production facility in the Middle East. It is at Samarra, Iraq. This an aerial photograph.

The second photograph shows the largest germ warfare plant in the Middle East at Salman Pak, Iraq.

And then there is the drawing.

I will pause a moment so that those who wish to examine it can examine it.

This drawing shows the largest ballistic missile development complex in the Middle East. It is at a place called Mosul in northern Iraq and goes by the name the Saad 16 project.

The allied military briefers in the gulf have stated over and over again that Saddam's chemical, biological, and ballistic missile centers have been high priority targets. If that is accurate—and I believe it is unquestionably accurate—then it is very likely that these three facilities have been turned to rubble courtesy of the allied air forces. I pray that that is so. I further pray that no allied airman lost his life in this effort.

Mr. President, these three facilities were not built by the Iraqis. I hope this fact will sink into the American people and thereby to the administration. These facilities which I have just illustrated were built by Germans. These three facilities were stocked with the finest equipment available from around the world and, I am sorry to say, including the United States.

Back on February 5, the Washington Times had a brilliant editorial which translates as "Friendly Fire" and details the activities of these German firms. According to the editorial, the German firm of Leybold sold to Iraq special industrial furnaces useful for the production of tank barrels and ballistic missiles. I understand that this same German firm is competing against an American company for an aircraft engine contract.

Mr. President, the activities of German firms do not stop at Iraq. According to a report from the German press agency DPA, German firms are providing highly sophisticated measuring instruments and laser technology to Colonel Qadhafi. The press agency reports that Qadhafi is building, "the biggest underground arsenal for chemical and nuclear weapons in the Middle East." This is a project worth, by the way, several billion dollars.

Let me review, in closing, the events of almost exactly 2 years ago. At that time the German Government was greatly embarrassed by the revelations that German firms had built Qadhafi's poison gas facility at Rabta.

Do you remember, Mr. President, the pious promises of reform and more control on German exports to these dictatorships in the Middle East? But what are the facts? The facts are that nothing has happened—nothing. These exports are going on and on and on.

Mr. President, I suggest the reasons the Germans are backing Libya is because the United States has failed to take strong, decisive action. Had we passed S. 320, 2 years ago, no German company which exports to the United States would have dared go back in business with Colonel Qadhafi. So that is the point that Senator SARBANES was eloquently making and that is the reason the legislation before us is vital to the national security of America. Unless we make some progress in controlling the exports by foreign companies to the dictatorships in the Third World, we will have to risk the lives of our young people again somewhere else and again to knock these mass weapons plants down. The risk to everyone is enormous, and that is why I respectfully disagree with the Commander in Chief, the President of the United States.

Senator GARN, with whom I seldom disagree—he is a fine Senator. He is my good friend. And, of course, I understand Senator GARN'S desire to see brought before the Senate concerns of the State Department and National Security Council—at a later time if and when Senator GARN offers his amendment, which is precisely what the administration wants, and which I think would be very unwise, we will discuss that at some length.

I thank the Chair for recognizing me, and I yield the floor.

Mr. LIEBERMAN. Mr. President, the world has changed dramatically in the last year, more dramatically than in any period since the end of the Second World War. The war in the gulf reminds us that the new world order we all hoped for last year is not yet a reality.

And while national security continues to be a question of military capability and preparedness, it is also becoming more and more a question of economic capability and preparedness. Our national strength and security are dependent on our ability to compete internationally, and one measure of our ability to compete is our balance of trade. We have made strides in improving our trade imbalance in the past few years, but our trade deficit is still around $100 billion annually. We must do more to eliminate this deficit.

Our exporters cannot go it alone. The Federal Government has to assume a proactive role in helping them compete, and one way of doing that is to update our export control laws. The Senator from Maryland and the Banking Committee have made a good start toward achieving these goals with the legislation before us today.

I would like to talk about one aspect of this bill that is important to me and my constituents: putting into law a definition of a dual use item.

In trying to define a dual use item, the committee has taken a complex and often contentious problem and fashioned a compromise that moves toward a more level playing field for U.S. exporters. The committee has also appreciated the need to remain diligent in the protection of America's security interests by keeping in place safeguards designed to prevent the exporting of defense sensitive technology.

But I wonder if the committee couldn't have gone a little further on the issue of dual use. A dual use item is an item that can be used for civilian and munitions purposes. The committee report language from last year on what constitutes a dual use item was helpful in providing for a separation between the Export Administration Act [EAA] and the Arms Export Control Act [AECA]. Senator GRAHAM's excellent suggestions, because contained in the report, on how we might define dual use are extremely helpful as they attempt to create a clear distinction between the EAA and the AECA.

I still believe that there are two basic problems associated with dual use items, or commodity jurisdiction, as it is better known. First, the statutes and implementing regulations of the EAA and the AECA do not provide clear guidance as to which commodities are controlled by one act versus the other. Neither act provides definitions as to what products are under its control. This results in frequent commodity jurisdiction disputes.

Second, the EAA imposes an obligation to coordinate its controls with those under the AECA while there is no corresponding provision for AECA controls to be coordinated with Commerce. The practical effect of this asymmetry is that Commerce, which has primary authority in administering the EAA, defers and "rolls over" to the decisions of the State Department, which has been given primary responsibility for administering the AECA. As a consequence, there is a strong bias in favor of placing controversial items on the munitions list. Therefore, with a strong tendency for control, many of our truly dual use items are being inappropriately controlled, leading U.S. firms to lose markets to foreign competitors. In an era of fierce high technology competition, we cannot afford to constrain the environment for our companies and must allow them to freely compete.

As the multilateral civil export arena becomes increasingly liberalized, the differences between how we treat items caught in the grey area between the two acts will be dramatically highlighted. Therefore, the emphasis on procedures is more important than ever before. The U.S. tendency for using the munitions list as a basis for foreign policy sanctions already places U.S. high technology firms at a competitive disadvantage. We cannot afford to unilaterally control dual use items as munitions exports when those items are universally recognized as commercial items by our allies and competitors. Changes should be made in the AECA and EAA in order to conform, clarify, and coordinate the authority of the two acts.

I would like to suggest the following definition in an attempt to clarify problems surrounding the definition of dual use:

(1) items that are not specially designed, developed, configured, adapted, or modified for military intelligence application;

(2) items designed, developed, configured, adapted, or modified for military and space application which are used in commercial or civil (nonmilitary/intelligence) applications;

(3) items used in defense articles and services where the performance or functionality or application is essentially equivalent to that found in the civil or commercial sector.

We have to begin to give our exporters a clear definition of what we mean by a dual use item, and we have to give Commerce clearer authority to determine whether such items fit the definition. It is ridiculous to give an exporter an export license from the Department of Commerce and then have Customs or the State Department stop the exporter because he does not have another license from State. This only confuses the exporter and places the burden and blame on him for not having guessed correctly as to where he should have gotten his export license. Often times, the delay causes the exporter the sale. Our exporters should not have to guess which is the right agency and then be penalized if they choose incorrectly. It should be understood that a license issued by Commerce is an official recognition of an item's dual use nature.

This problem is addressed in the committee report on S. 320 through the establishment of criteria by which Commerce can claim jurisdiction and authority over dual use products. I would like to see us take that a step further and write into law, as specifically as possible, what it is we mean by dual use, using the report language as a starting point. By doing this, we would help eliminate any confusion in the mind of the exporting community as to which items they can export.

The line between commercial and defense technology is becoming increasingly blurred. For example, a microchip may be used in a VCR and also used in defense related radar. This is dual use. It has a commercial and military application.

For example, GTE which is headquartered in Connecticut produces a variety of precision materials and ceramic products. One such product is a metallized ceramic ring which is incorporated into a variety of products ranging from magnetron tubes for microwave ovens to image intensifier tubes used in night vision devices. This small product—less than 1 percent by value of the tube it is incorporated into—has been categorized as a munitions list item in cases where the customer has simply asked for GTE to produce the product to a particular dimension, even though the size distinction is not critical to a military function.

This is just one example of the need for clear distinction in the definition of what constitutes a munition item to be included in law and why we need a clear definition of dual use technology.

All too often, existing law engenders bureaucratic infighting and makes life particularly difficult for our high technology, aerospace, and defense exporters. Let me give you another example of a problem a company had as a result of the difficulties associated with commodity jurisdiction. This particular company manufactures fasteners, nuts and bolts, under a license from a European firm, which are also produced in Germany, France, and Japan. These fasteners are used in automobiles, railroads, and bridges, as well as to fasten aircraft skin to frames, and had for years been exported under a general destination license. Last year, during a routine inspection, Customs detained a shipment worth $150,000 destined for the United Kingdom. Customs determined that the fasteners would be used in work related to fighter aircraft and asked whether a State munitions license was required. State responded that since the end-user was military, State had proper jursidiction. Customs was instructed to seize the shipment. The exporter was then subject to a fine and notified that the item could only be exported as a munitions list item.

The company appealed to Commerce for a commodity classification, stating that while the fasteners met military specs, they were not designed for the military, had numerous civilian applications and were readily available worldwide. Commerce agreed. What followed was a lengthy and costly appeal through the highest levels of both agencies before State agreed that the shipment could be properly exported under a general destination license.

These are just two examples of the kind of problems that confront exporters. We are crippling industries that are important to the health of our Nation's economy. If we are to lower our trade deficit we must promote these industries' efforts to export to the fullest extent possible, not impede them.

There was a time in our Nation's history when trade was considered as a foreign aid program for our friends and allies. That time has passed. Now trade is vital to our economic future. It is time to take control of our economic destiny. It is time to protect our economic security by helping our Nation's exporters compete. We can't expect them to keep up with their foreign competitors if confusion over Government regulation puts them at a competitive disadvantage.

I, therefore, strongly encourage my colleagues on the Banking Committee to do all that they can to put a definition of dual use into law. This small step could have a major positive impact on the lessening of our trade deficit.

CHEMICAL AND BIOLOGICAL WEAPONS SANCTIONS

Mr. LIEBERMAN. Mr. President, the war against Iraq has driven home the transcendent importance of keeping weapons of mass destruction out of the hands of radical regimes and ruthless terrorists. The use of Iraqi chemical weapons against our troops may be imminent; the unleashing of biological agents is possible. These weapons could be delivered by ballistic missiles, aircraft, or artillery shells against our troops. Israeli and Saudi population centers are also in danger.

The gulf war has shown us that the phrase "merchants of death" is not a cliche from a bygone era. European, Asian—and yes, sometimes American—firms have helped Iraq to build its chemical, biological, and nuclear weapons capabilities.

During the last 2 years, a series of hearings conducted by the Governments Affairs Committee have emphasized to me the relative ease with which these merchants of death can ply their grisly trade. I salute Senators GLENN and ROTH for educating our Members and the public about the loopholes in our laws and regulations. All too often, all that is needed is money, persistence, and some expertise, and tyrants like Saddam Hussein can emerge as global threats.

As I said in this Chamber on March 29 of last year, "Ominous is the news that Iraq is seeking nuclear triggers as part of its program to develop atomic weapons. It already has missile capability. The combination of nuclear bombs and missiles in the Third World is potentially catastrophic."

The reauthorization of the Export Administration Act is an important step toward thwarting the designs of these new merchants of dealth. The act's use of America's economic leverage to penalize any firm or any country that traffics in, and uses, weapons of mass destruction should be effective.

This act may or will encourage our European allies to place these outlaw firms and nations on an international blacklist. But we must not stop there. We must also attempt to establish a series of regular consultations with the Soviets, Latin Americans, and Chinese about the spread by these countries of these deadly technologies. In short, the governments of the developed world must control the indifference and greed that have allowed their entrepreneurs to contribute to the proliferation of these deadly weapons.

We hope that this act will also encourage the world community to explore the feasibility of a worldwide ban on chemical weapons. Although verification problems would exist, they are not necessarily insurmountable.

The stakes are very high. In the First World War, over 1 million people, both soldiers and civilians, suffered casualties from chemical weapons. As an eyewitness described at the time:

> Faces, arms, hands were a shiny gray-black. With mouths open and lead-glazed eyes, they were all swaying backwards and forwards trying to get their breaths, struggling, struggling for life.

During the war, deadly chemicals swept across Europe like rainclouds from Hell, acknowledging no boundaries. It is the responsibility of our generation to see that this never happens again.

These protective efforts must not be aimed solely at the protection of our troops. After the war, we will still be concerned about the possible use of these weapons against civilian centers in the United States. We have seen what happens when an accident occurs at a chemical plant—in Bhopal, India—where thousands were killed or maimed. One can imagine similar or even greater destruction if chemical weapons were intentionally released by terrorists in heavily populated areas. And the potential havoc from biological weapons is even greater. Water supplies, food, the very air that we breath—all these necessities of life could be transformed into transmitters of deadly disease.

What is at stake is not just the integrity of the international legal system, but the survival of civilization itself. We must ostracize those political leaders and entrepreneurs of death who are purveyors of chemical and biological weapons. While we may not be able to prevent, let us at least limit the damage that war can inflict by consigning these weapons of mass destruction to the dustbin of history.

Mr. SASSER. Mr. President, I am pleased to be a cosponsor of the Omnibus Export Amendments Act of 1991, S. 320.

The ability of U.S. exporters to effectively participate in the world economy is crucial to our economy here at home. This bill makes important strides in updating the U.S. export control system to correspond with a shifting world order and with the increasing sophistication of technology, making U.S. firms more competitive in the global marketplace.

Mr. President, S. 320 carefully considers the economic needs and benefits of increased U.S. trade, but also is mindful of national security and foreign policy concerns. This legislation imposes sanctions on Iraq for its invasion of Kuwait and addresses the growing threat of chemical and biological warfare.

Increasing U.S. exports will facilitate the Nation's recovery from the current recession, helping the United States to regain its economic preeminence. The

Chairman of the President's Council of Economic Advisers, Dr. Michael Boskin, testified before the Senate Budget Committee recently that exports are "cushioning the effects of the recession." Furthermore, Dr. Boskin said that the administration recognzies trade as a key element to the Nation's economic recovery and that the President's policy goals "lead the world to expanded trade and more open markets."

United States trade policy for the cold war period focused on restricting the access to United States technology by Eastern Europe and the Soviet Union. Today, countries like Czechoslovakia and Poland are swiftly converting to democracies, and this bill responds to these developments. This legislation relaxes export controls to countries that take actions to protect Western technology and enables U.S. firms to effectively access and compete for market share in Eastern Europe, as well as other parts of the world.

Mr. President, it is important to note that many of the computer and telecommunication technologies that are restricted are indeed available from sources in other countries. By restricting U.S. companies to deal in these products, the United States is not eliminating access to such products, simply denying U.S. firms from competing in the market.

The current export control system limits the capability of U.S. exporters to compete in the global marketplace. The process for licensing can be so restrictive and time-consuming that many companies don't even enter the arena.

Under the current system, the same product may be controlled by the control list and the munitions list. This bill removes these duplicative restriction. Furthermore, certain technologies on these lists once considered critical to national security or foreign policy no longer are. This bill establishes procedures for updating and periodically eliminating controls on outdated technologies as sophistication increases.

This legislation lifts certain product limitations but also recognizes that there is a need to keep certain technologies to ourselves. S. 320 gives the Defense Department the authority to review all export license applications to terrorist countries like Iran, Iraq, Syria, and Libya.

More open trade with our allies is good economic policy and also good foreign policy. S. 320 streamlines the process of licensing and works toward a license-free zone for exports with our allies on the Coordinating Committee on Multilateral Export Controls [Cocom]. This step follows through on agreements made by Cocom last June. These provisions will cut down on the time for trade with Cocom countries that results from the requirements of validated licenses for certain goods and technical data.

This bill responds to the dynamic world. It imposes export sanctions on Iraq because of its invasion of Kuwait and its violation of international law for human rights. The gulf war and Saddam Hussein's arsenal of chemical and biological weapons has brought to light the threat of these inconventional weapons. This bill includes a very timely provision regarding the proliferation of chemical and biological weapons.

S. 320 contains a strong provision for mandatory 1-year sanctions on countries or companies that contribute to the proliferation of chemical or biological weapons. It is the very strength of this provision that President Bush objected to and determined his pocket veto of the bill last year. I believe that we should be sending the strongest message possible around the world that chemical and biological weapons are intolerable.

Mr. President, the competition that U.S. exporters face is great. S. 320 provides a more level playing field for U.S. export firms in an international marketplace where oftentimes, their products are available from other countries more easily and with less bureaucracy. Increased exports will fight our trade deficit. And, the chemical and biological weapons provision will fight our war on the terror that these weapons present.

Mr. President, I urge the Congress to swiftly pass S. 320. It is foremost in our Nation's interests in deterring the all too real threat of chemical and biological weapons as well as in enabling U.S. firms to compete on an equal footing in the international economy.

AMENDMENT NO. 2

(Purpose: To amend the Omnibus Export Amendments Act of 1991 to include a provision for criminal and civil penalties for the production, transport, or use of biological or chemical weapons which kill, maim or injure U.S. nationals abroad)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . CRIMINAL AND CIVIL PENALTIES FOR PRODUCTION, TRANSPORT, OR USE OF BIOLOGICAL OR CHEMICAL WEAPONS WHICH KILL, MAIM OR INJURE U.S. NATIONALS ABROAD.

(1) Section 2331 of title 18, United States Code, is amended as follows:

(a) Delete the "and" at the end of subparagraph (3) and replace the period at the end of subparagraph (4)(C) with "; and";

(b) Add the following at the end of the section:

"(5) An act which knowingly and materially contributes to the production, transport, or use of biological or chemical weapons, or a component thereof, which kill, maim, or injure a national of the United States shall be considered an act of 'international terrorism' and shall not constitute an 'act of war.'"; and

(2) Section 2332 of title 18, United States Code, is amended as follows:

Delete the period at the end of subparagraph (e) and add instead the phrase "or constituted an act as defined in section 2331(5)."

Mr. SPECTER. Mr. President, I ask unanimous consent that the distinguished Senator from North Carolina [Mr. HELMS] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I discussed this amendment briefly with my distinguished colleague from North Carolina, and he stated his interest in becoming a cosponsor. I hope that foretells additional support.

Mr. President, earlier this afternoon I stated my intention to add this as an amendment. The amendment which I propose would expand the definition of terrorism to provide that production of biological and chemical weapons per se constitutes an act of terrorism whether or not there is an active state of war. This amendment further would criminalize transfer or development of chemical agents for use in biological and chemical weapons which would result in charging the individuals responsible for such transfer or development as accessories to terrorism.

The low cost, ease of delivery, and psychological effectiveness of using chemical or biological weapons has made them an increasingly viable option for many Third World countries. We are seeing the effect of chemical weapons and biological weapons in the hands of Iraq today as a major threat in the gulf war.

Over 10 Third World nations now have chemical warfare programs including Iraq, Libya, and Syria. Half that number have biological warfare programs as well. Yet Iraq, Syria, and Libya are all signatories to both the Geneva protocol and the Biological Weapons Convention prohibiting the use of such weapons.

A recent study lists over 200 Western companies from 22 nations which helped Iraq and Libya with materials relating to nuclear, chemical, and biological weapons and missiles.

One reason why attempts to control this proliferation have been ineffective is that the international community has not found a way to put teeth into the international law. Even when we can prove that Western companies have supplied technology to a country like Iraq, which has used chemical weapons against its own unarmed civilians, we cannot persuade anyone to punish significantly either the users or the suppliers.

Government-to-government sanctions stated succinctly alone will not work because the political difficulties of pursing those sanctions have been too difficult.

This amendment uses an expanded definition of terrorism and provides that the production of such biological and chemical weapons in and of itself constitutes an act of terrorism. This criminalizes the transfer or development of chemical agents for use in biological and chemical weapons.

This legislation differs from the legislation now pending in that it focuses on holding individuals rather than governments criminally liable for their actions. This amendment would complement the underlying legislation by focusing criminal and civil penalties on individuals whose actions are in violation of the harmonized list of export control rules and regulations called for in the bill.

Mr. President, the pending legislation stipulates that the President shall impose sanctions against a foreign person if that person has knowingly and materially contributed to efforts by any foreign country to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

Those sanctions are limited to, first, procurement sanctions, which means that the United States shall not procure or enter into any contract for the procurement of any goods or services from any such persons; and second, import sanctions, which provide that the United States shall not import products into the United States produced by such persons.

I suggest, Mr. President, that such sanctions are totally insufficient when compared to the criminal sanctions provided in this amendment. These sanctions would specify that if someone violates the law by providing such chemical or bacteriological warfare, and it involves the death of a U.S. citizen and that death involves murder in the first degree, then a life sentence could be imposed; similarly, strong penalties would apply for involuntary manslaughter or voluntary manslaughter or assault or maiming of U.S. citizens.

Therefore this amendment would build upon the pending legislation by giving the U.S. Government an additional option to pursue these criminal penalties. There are also civil penalties as well against the same individuals if as the result of their action a U.S. citizen is killed, injured or maimed by chemical or biological weapons.

The pending legislation also states it is the policy of the United States to "adopt tougher multilateral sanctions against firms and individuals who violate controls on the export of chemical agents, precursors, and equipment."

To achieve that, the pending legislation recommends, first, a public unclassified warning list of controlled chemical agents, precursors, and equipment; second, information exchange of channels for unsuspected proliferants; and, third, a denial list of firms and individuals who violate the Australia Group's export control provisions.

This amendment, Mr. President, would use this information to establish culpability and/or intent in pursuing criminal or civil penalties against foreign individuals by showing these individuals did knowingly and materially violate export control laws.

The pending legislation further discusses countries of concern which it describes as—

> Countries other than those with whose government the United States has entered into an arrangement for the control of goods or technology on the list mentioned above, or countries other than those which the Secretary of State and Secretary of Defense shall designate consistent with the purposes of the Chemical and Biological Weapons Control and Warfare Legislation Act of 1991.

The pending amendment would also use these criteria to specify culpability and/or intent by establishing that these foreign individuals did knowingly and materially contribute to the development of chemical and biological weapons for a country that used or would use those weapons to kill, injure, or maim U.S. civilians. This would apply since the use of these chemical or biological weapons would constitute terrorism and would not be covered by an act of war.

Mr. President, there has already been considerable debate about the structure of sanctions, how they would be imposed, and what the discretion would be of the administration in the imposition of the sanctions. But I suggest the criminal penalties which would make the violators subject to the criminal law of the United States would have a much more forceful effect and a much greater deterrent effect than talking about the sanctions which are in the pending legislation.

One of the principal concerns of this Senator has been the continuation of the proliferation of these chemicals, even after the sanctions have been imposed against Iraq and even after Iraq has invaded Kuwait.

Sunday's edition of the New York Times, February 17, 1991, page 15, succinctly summarizes the situation to this effect:

> ARMS SALES TO IRAQ
>
> The current issue of the magazine Stern reports that in 1980 and 1981, a consortium of at least nine German concerns headed by the engineering and construction giant Thyssen Rheinstahl Klauseln built a plant south of Baghdad at which poison gas and biological weapons were developed. Thyssen reportedly won the $1 billion contract after pledging in writing that its corporate policy was to "boycott Israel economically and have no relations with Israel."
>
> Another magazine, Der Spiegel, reported in this week's editions that a Cologne-based construction company called Strabag has sent about 70 shipments of equipment to Iraq since August, when the United Nations declared a trade embargo against the Government of Saddam Hussein. The shipments were said to have included tools, spare parts, chemicals for purifying water and even 500 gas masks.

Mr. President, there have been numerous reports which substantiate the malicious, premeditated, calculated sale of such chemicals, which are usable against U.S. citizens. When we talk about an effective remedy, it seems to this Senator that the criminal law is much more effective in dealing with this serious problem than the sanctions contained in this bill.

The United States has, in the course of the past decade, moved decisively to utilize the U.S. criminal law to impose tough penalties on those who attack, maim, murder, hijack, or kidnap our citizens abroad. This is called extraterritorial jurisdiction. The customary rule is that the jurisdiction where the offense occurs has the authority to try a criminal case. If, for example, a robbery occurs in the District of Columbia, it is triable in the District. If a homicide occurs in the Commonwealth of Pennsylvania, it is triable there. But it is recognized under international law, and under U.S. domestic law, that the U.S. courts would have jurisdiction over acts committed against U.S. citizens abroad, even outside of the territory of the jurisdiction of the United States, because there is the nexus with U.S. interests where U.S. citizens are victims. That was the basis for the assertion of extraterritorial jurisdiction in the Omnibus Crime Control Act of 1984, when it was made a violation of U.S. law for anyone to hijack a plane of U.S. citizens or to take U.S. citizens hostage. That was the same nexus used in the Terrorist Act of 1986, which makes it a violation of U.S. law to assault, maim, or murder a U.S. citizen anywhere in the world.

It was under this extraterritorial jurisdiction that Federal agents arrested a terrorist by the name of Fawaz Yunis on the Mediterranean Sea, brought him back to the United States, Washington, DC, where he was tried in the U.S. District Court for the District of Columbia, found guilty, and sentenced to 30 years in jail. As we speak, Fawaz Yunis is in a Federal penitentiary.

It is the concern of the Colombian drug cartels of possible prosecution and imprisonment in the United States which has led to significant changes in the laws of Colombia to encourage surrenders, reduce penalties, and to promise no extradition to the United States. That policy, Mr. President, I suggest, is a very unwise policy for Colombia; but as a sovereign country, they can do as they choose. I believe that the United States is materially prejudiced by that change in Colombian policy, because there are suspects charged with murder in the United States, drug dealers, who will now not be extradited to the United States because of the change in Colombian policy.

While Colombia has the unquestioned right to act as it chooses on a matter of national sovereignty within its own jurisdiction, it is the view of this Senator that we ought to curtail our assistance to Colombia on the drug war and any foreign aid to Colombia, a subject which will come up at a later time on the Senate floor. But the action of the Colombian Government in modifying their drug laws is relevant to show the concern that Colombian drug dealers have to being tried in a United States court.

There was a similar report when Sheik Obeid was taken into custody by the Israelis after the murder of Colonel Higgins. He was concerned about the possibility of being extradited and tried in the United States for terrorism against U.S. citizens. All of this reports a basic approach that when you deal with the criminal laws, there is a much tougher penalty available. Those in any foreign country who engage in acts of selling chemicals, which can be used for chemical or biological warfare, which then results in homicide, assault, or maiming of U.S. citizens, should be subject to very tough penalties, which could be activated by U.S. prosecutions. So I suggest that, in trying to deal with the very serious threat worldwide, we adopt this amendment that would provide these stronger and more appropriate sanctions.

I thank the Chair and yield the floor.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

UNANIMOUS-CONSENT AGREEMENT

Mr. SARBANES. Mr. President, there is an amendment pending that was offered by the distinguished Senator from Pennsylvania. I understand that he has another amendment that he is considering. In fact, he announced this morning that he was going to offer an amendment, S. 245, which is the bill which has been introduced concerning the imposition of the dealth penalty for the instances of terrorism.

I understand that on the basis of discussions that he has had with the able Senator from South Carolina [Mr. THURMOND] he has made some changes I think in the amendment he was proposing to offer which, of course, Members would like to have an opportunity to look at. We have been discussing this.

We think, perhaps, the best way to do this is to lay aside the pending amendment. The Senator from Pennsylvania would then offer an amendment of the nature of the sort that I have just been discussing and be recognized for a period of up to half an hour to explain and debate this amendment. Then the Senate would go into morning business.

Then we would go over and address the issue on tomorrow.

If that conforms with the conversation we had, I am prepared to propound the unanimous-consent request.

I yield to the Senator for a question.

Mr. SPECTER. That is entirely satisfactory, I say to my friend from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent that the amendment pending at the desk be laid aside; that the Senator from Pennsylvania be recognized to offer an amendment dealing with the death penalty. It is a modification of S. 245, as I understand, which he earlier brought to the attention of the Senate; that it be in order for him to offer that amendment, and he be recognized then for a period for up to half an hour to explain and debate the amendment; and, at the conclusion of the half hour, or earlier if the time is not fully used for explanation and debate purposes that the Senate then go into a period for morning business.

The PRESIDING OFFICER (Mr. LIEBERMAN). Is there objection? Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Pursuant to the order, the pending amendment is laid aside, and the Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. I thank the Chair.

AMENDMENT NO. 3

(Purpose: To amend the Omnibus Export Amendments Act of 1991 to include a provision to establish constitutional procedures for the imposition of the death penalty for terrorist murders)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 3.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . TERRORIST DEATH PENALTY ACT OF 1991.

(1) SHORT TITLE.—This section may be cited as the "Terrorist Death Penalty Act of 1991".

(2) DEATH PENALTY FOR TERRORISTS ACTS.—(a) OFFENSE.—Subsection 2332(a) of title 18 of the United States Code is amended to read as follows:

"(a) HOMICIDE.—Whoever kills a person while such person is inside the United States, or kills a national of the United States, while such national is outside the United States, shall—

"(1)(A) if the killing is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, or be fined under this title, or both; and

"(B) if the killing is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;".

(b) DEATH PENALTY.—Section 2332 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) DEATH PENALTY.—

"(1) SENTENCE OF DEATH.—A defendant who has been found guilty of an offense under subsection (a)(1)(A), if the defendant, as determined beyond a reasonable doubt at a hearing under paragraph (3) either—

"(A) intentionally killed the victim;

"(B) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(C) acting with reckless disregard for human life, engaged or substantially participated in conduct which the defendant knew would create a grave risk of death to another person or persons and death resulted from such conduct,

shall be sentenced to death if, after consideration of the factors set forth in paragraph (2) in the course of a hearing held under paragraph (3), it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"(2) FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(i) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(ii) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(iii) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's character or record or any other circumstances of the offense that the defendant may proffer as a mitigating factor exists.

"(B) AGGRAVATING FACTORS FOR HOMICIDE.—In determining whether a sentence of death is justified for an offense described in paragraph (1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(i) DEATH OCCURRED DURING COMMISSION OF ANOTHER CRIME.—The death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1201 (kidnapping), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following a finding of not guilty only by reason of insanity), or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n) (aircraft piracy)).

"(ii) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(I) during and in relation to the commission of the offense or in escaping apprehension used or possessed a firearm as defined in section 921 of this title; or

"(II) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(iii) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(iv) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(v) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(vi) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(vii) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(viii) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(ix) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(x) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(xi) TYPE OF VICTIM.—The defendant committed the offense against—

"(I) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(II) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(III) a foreign official listed in section 1116(b)(3)(A) of this title, if that official is in the United States on official business; or

"(IV) a public servant who is a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(aa) while such public servant is engaged in the performance of the public servant's official duties;

"(bb) because of the performance of such public servant's official duties; or

"(cc) because of such public servant's status as a public servant.

For purposes of this clause, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2; a 'Federal law enforcement officer' is a public servant authorized by law or by a government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a magistrate.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(3) SPECIAL HEARING TO DETERMINE WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in paragraph (1), the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice—

"(i) that the Government in the event of conviction will seek the sentence of death; and

"(ii) setting forth the aggravating factor or factors enumerated in paragraph (2) and any other aggravating factor not specifically enumerated in paragraph (2), that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(B) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subparagraph (A) and the defendant is found guilty of an offense described in paragraph (1), the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Before such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(i) before the jury that determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury;

"(III) the jury that determined the defendant's guilt was discharged for good cause; or

"(IV) after initial imposition of a sentence under this paragraph, reconsideration of the sentence under the section is necessary; or

"(iii) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to clause (ii) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(C) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(i) any matter relating to any mitigating factor listed in paragraph (2) and any other mitigating factor; and

"(ii) any matter relating to any aggravating factor listed in paragraph (2) for which notice has been provided under subparagraph (A)(ii) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

Information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(D) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in paragraph (2) of this title found to exist and any other aggravating factor for which notice has been provided under subparagraph (A) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in paragraph (2) is found to exist, the court shall impose a sentence other than death authorized by law.

"(E) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under paragraph (2)(C) is found to exist the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factor or factors. The jury, or if there is no jury, the court, shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(F) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subparagraph (E), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subparagraph (E), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching the juror's individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"(4) IMPOSITION OF A SENTENCE OF DEATH.—Upon the recommendation under paragraph (3)(E) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release or furlough.

(5) REVIEW OF A SENTENCE OF DEATH.—

"(A) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this paragraph may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(B) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(i) the evidence submitted during the trial;

"(ii) the information submitted during the sentencing hearing;

"(iii) the procedures employed in the sentencing hearing; and

"(iv) the special findings returned under paragraph (3)(D).

"(C) DECISION AND DISPOSITION.—

"(i) If the court of appeals determines that—

"(I) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(II) the evidence and information support the special findings of the existence of an aggravating factor or factors;

it shall affirm the sentence.

"(ii) In any other case, the court of appeals shall remand the case for reconsideration under paragraph (3) of this title or for imposition of another authorized sentence as appropriate.

"(iii) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this paragraph.

"(6) IMPLEMENTATION OF A SENTENCE OF DEATH.—

"(A) IN GENERAL.—A person who has been sentenced to death pursuant to this subsection shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(B) IMPAIRED MENTAL CAPACITY, AGE, OR PREGNANCY.—A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed.

A sentence of death shall not be carried out upon a woman while she is pregnant.

"(C) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this paragraph, if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subparagraph, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(7) USE OF STATE FACILITIES.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Maryland for working out this arrangement. I had submitted the earlier arrangement which provided for criminal sanctions for those who sell chemicals which are used for chemical or bacteriological warfare, and since debate is incomplete on that amendment, it seemed to the Senator from Maryland and myself that it would be useful for the time of the Senate to lay that amendment aside and take up the amendment on the death penalty which, as this Senator had stated earlier today in morning business, would be offered in sequence, so we can use the next 30 minutes profitably for this and then proceed tomorrow with both the earlier amendment and this amendment.

This amendment, as noted by the Senator from Maryland, is a bill which has already been introduced, S. 245, which provides for the death penalty for terrorists.

This Senator has already notified the distinguished chairman of the Judiciary Committee, the Senator from Delaware [Mr. BIDEN], and the distinguished Senator from Michigan [Mr. LEVIN], who has a special interest in this proposed legislation, as well as the distinguished Senator from Oregon [Mr. HATFIELD], because both Senator HATFIELD and Senator LEVIN were principal opponents of this legislation when it was debated in the 101st Congress and ultimately adopted by a vote of 79 to 20.

This amendment would provide that the death penalty would be a possible penalty for murder committed by a terrorist against a U.S. citizen, either in the United States or abroad.

This amendment follows the legislation which this Senator introduced in 1986, which makes it a violation of U.S. law for a terrorist to maim, assault, or murder a U.S. citizen anywhere in the world.

This is an illustration of extraterritorial jurisdiction, on which the U.S. Congress acted in 1984 under the omnibus crime control bill of 1984, where we made it a violation of U.S. law for a terrorist to hijack a plane carrying U.S. citizens or take a U.S. citizen as a hostage. Then when we had the experience in the Rome and Vienna airports in December 1985, where there was a blatant act of murder by terrorists against citizens from many countries, including citizens from the United States. We thought it appropriate to enact legislation which would make it a violation of the U.S. law to assault, maim, or murder a U.S. citizen anywhere in the world.

The penalty was limited at that time to life imprisonment because of the practical difficulty of getting legislation enacted which would carry the death penalty. Many people will be surprised to learn, Mr. President, that the death penalty has been nonexistent for Federal offenses since the Supreme Court of the United States declared the death penalty unconstitutional in the 1970's case of Furman versus Georgia, where it was required by that Supreme Court decision that extensive procedures be established on aggravating and mitigating circumstances, and except for the Code of Military Justice and the Drug Act of 1988, the death penalty is not available on any Federal prosecution.

This is a change from the law before Furman where the death penalty had been available under Federal law for treason, espionage, murder, assassination of an American President, explosives causing death, train wrecks causing death, which are just illustrative situations.

Since Furman versus Georgia, there has essentially been no Federal death penalty in the United States. It is the view of this Senator that the death penalty is a deterrent and has to be very carefully used and has to be very, very carefully applied; but based on the extent of the experience that I have had as a prosecuting attorney, the death penalty is an effective deterrent.

Of all of the categories of murder, none is more heinous or outrageous than terrorism; wanton acts of individuals who act by stealth, who hijack planes, who riddle innocent tourists in airplane lobbies, and in a most egregious manner.

A few examples will call to mind many of the horrendous acts of terrorism which have taken place around the world. On December 21, 1988, in the famous Pan Am 103 tragedy, that plane was blown up by a terrorist bomb over Lockerbie, Scotland and 259 passengers were brutally murdered, 79 being women, 189 United States citizens.

Earlier that year, Lieutenant Colonel Higgins was reportedly hanged by the Hezbollah captors in retaliation for the Sheik Obeid incident, bringing outrage in world reaction.

In 1986, on April 2, TWA flight 840 was en route to Athens, Greece. A bomb was placed under a passenger seat by terrorists, exploding, causing four U.S. citizens, including a mother and her infant child and the grandmother to be sucked out of the aircraft, falling to their deaths.

Later that year, on September 5, 1986, Pan Am 73 at Karachi, Pakistan, was held by terrorists for 17 hours. Gunmen were indiscriminately exploding grenades and firing machine guns; 21 people died, 100 people were wounded; 2 U.S. citizens were killed.

In 1985, on June 14, the 17-day ordeal occurred on TWA flight 847 where three U.S. citizens were severely and repeatedly beaten by terrorists. Robert Stethem, a Navy diver, was not only savagely beaten, but executed with a shot to his head, and his body was dumped out of a plane onto an airfield in an egregious and reprehensible act of murder as a result of a terrorist plot.

On October 7, 1985, Leon Klinghoffer, an American citizen, was taking a pleasure cruise on the ship *Achille Lauro*. He was confined to a wheelchair and was rolled onto an open deck of the cruise ship where he was hit in the head and chest by terrorists and his body dumped unceremoniously into the Mediterranean Sea.

On December 27, 1985, at the Rome Airport, 15 people were murdered, including 5 U.S. citizens, and 73 were wounded in a grenade and machinegun attack by the Abu Nidal terrorist organization.

Mr. President, I could go on at some considerable length on a recitation of horrible terrorist attacks around the world.

The thrust of this amendment would say that the death penalty ought to be available as an option to life imprisonment for this kind of horrendous killing, murders in the first degree. That is not to say that it is mandatory, because it is a matter of discretion of juries under U.S. law, but it ought to be available.

The thrust of extraterritorial jurisdiction, Mr. President, has been successful. The celebrated case of Fawaz Yunis is an illustration where that terrorist was apprehended on a James Bond type of maneuver in the Mediterranean Sea, where FBI agents brought Mr. Yunis on to a fishing boat where he was taken into custody, brought back to the United States and tried in a Federal court here in Washington, DC, accorded full constitutional protections, the whole gamut, including suppression motions on his statements, legalistic challenges to the propriety of his arrest. Ultimately, he was sentenced to 30 years in prison.

Mr. President, there are many who oppose the death penalty on moral grounds, but I believe the deterrent value of the death penalty has been established. And there are leading jurists around the world, commenting on the propriety of the death penalty, who have upheld its application.

A cogent statement was made by Chief Justice Earl Warren in the celebrated case of Trop versus Dulles, to this effect:

> At the outset let us put to one side the death penalty as an index of the constitutional limit on punishment. Whatever the arguments may be against capital punishment both on moral grounds and in terms of accomplishing the purpose of punishment, and they are forceful, the death penalty has been employed throughout our history and, in a day when it is still widely accepted, it cannot be said to violate the constitutional concept of cruelty.

An opinion by the distinguished Supreme Court Justice, Potter Stewart, is worth noting in the case of Gregg versus Georgia, where Justice Stewart wrote as follows:

> Indeed, the decision that capital punishment may be the appropriate sanction in extreme cases is an expression of the community's belief that certain crimes are themselves so grievous an affront to humanity that the only adequate response may be the penalty of death.
>
> In part, capital punishment is an expression of society's moral outrage at particularly offensive conduct. This function may be unappealing to many, but it is essential in an ordered society that asks its citizens to rely on legal processes rather than self-help to vindicate their wrongs.

Justice Stewart then quoted from Lord Justice Denning, Master of the Rolls of the Court of Appeal in England, when Lord Justice Denning spoke to the British Royal Commission on Capital Punishment in what I think is an important statement:

> Punishment is the way in which society expresses its denunciation of wrong doing: and in order to maintain respect for law, it is essential that the punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizens for them. It is a mistake to consider the objects of punishment as being deterrent or reformative or preventive and nothing else. The truth is that some crimes are so outrageous that society insists on adequate punishment, because the wrong-doer deserves it, irrespective of whether it is a deterrent or not.

Mr. President, there was a very distinguished opinion in the California Supreme Court by Justice McComb, who referred to a great many cases showing the deterrent effect of capital punishment. Rather than take the time to recite them now, because there are others who will want to utilize time in morning business, suffice it to refer to the CONGRESSIONAL RECORD of January 23, 1991, page S1075, and following pages, which contain a recitation of the case citations by Justice McComb.

Mr. President, there is an issue as to whether deterrence really works on terrorists where emotion or fervor motivates the terrorist, and no one can say that capital punishment will be a deterrent in all cases. But even those who operate in the terrorist mode are concerned about punishment in a U.S. court, illustrated by Fawaz Yunis.

Although the death penalty was not available when Sheik Obeid was apprehended by the Israelis after the murder of Colonel Higgins in retaliation, reliable reports suggested that Sheik Obeid was very apprehensive about being brought to a United States court to be tried. Even though he would not face the death penalty, he was very apprehensive about that kind of punishment.

Those who murdered Colonel Higgins were terrorists of the first and worst order. And there is much to suggest that the terrorists involved in the cases which I have recited are very much concerned about punishment, and that the possibility of the death penalty, realistically viewed, is an effective deterrent or at least the possibility of a deterrent. As long as that possibility is present, the U.S. Government ought to be armed with every reasonable weapon at its disposal, and the death penalty is one such weapon.

Mr. President, I think that outlines, as an overall purpose, the thrust of this amendment, which is to call for the death penalty for terrorism. There will doubtless be those who will speak against this amendment, as they did last year. But the overwhelming support of the Senate was present, as a vote of 79 to 20 ultimately approved this amendment.

But I think that it is sufficient for the present purposes, and those who oppose the amendment are on notice. We can return at a later time, when consideration of this bill is taken up tomorrow.

I thank the Chair, and I yield the floor.

Mr. THURMOND. Mr. President, the Senator from Pennsylvania proposes a measure which authorizes the death penalty for terrorist acts against U.S. nationals abroad. We worked to improve this amendment by incorporating a vast number of provisons from a terrorism death penalty bill I introduced. This amendment now authorizes the death penalty for terrorist murders—committed either here in the United States or abroad. I strongly support this proposal.

Saddam Hussein, in the first days following Desert Storm, called for the international network of terrorists to strike out against the United States and its people. Congress must respond to this threat. Acts of international terrorism against the citizens of the United States must not be permitted to go unpunished. Terrorism—the heinous, politically motivated acts carried out against the world's innocent—must be brought to an end. We must not allow these vicious murderers to hide behind a veil of political struggle and spill innocent American blood without facing severe punishment.

Mr. President, this amendment would amend title 18 to authorize a sentence of death for a terrorist murder committed against any person inside the United States or committed against U.S. nationals outside the United States. In order for the death penalty to be sought, the Attorney General would have to certify that the murder was a terrorist act intended to coerce, intimidate, or retaliate against a government or a civilian population.

Currently, numerous Federal statutes provide that a sentence of death may be imposed if a person is found guilty. However, the reality is that the death penalty may not be imposed for these offenses because constitutional procedures for imposing such a sentence have not existed. On the first day of this Congress, I introduced a measure which would establish the necessary constitutional procedures for the implementation of a comprehensive Federal death penalty. Although I strongly believe that Congress should pass a comprehensive death penalty measure, the unique situation which confronts this Nation dictates that we move swiftly to pass a terrorism death penalty bill. Although I differ with my colleague from Pennsylvania on certain procedures to implement the death penalty, it is important that we act swiftly on a terrorist death penalty bill. Congress should ensure that those who respond to Saddam's calls for terrorism pay the ultimate price.

In summary, terrorism has plagued the world for many years. Increasingly, the United States has been the focus of such acts. For example, no one can forget the 241 United States military servicemen killed in Beirut by a suicide truck bomber in October 1983, or the innocent Americans killed in the December 1988 bombing of Pan Am flight 103 over Scotland. Just last month, a terrorist accidentally detonated a bomb, killing himself, on his way to plant it in a United States Government building in Manila. All of these incidents, combined with the Butcher of Baghdad's call to terrorism, clearly illustrate the fact that there is, indeed, an increased threat of terrorism against our people.

Mr. President, this amendment will send a strong signal to those international terrorist groups that choose to make victims of innocent Americans. That message is, "If you choose to prey upon innocent Americans, you will pay the supreme price—your life!" We simply cannot hesitate any longer to ensure that terrorist acts will be dealt with harshly.

In closing, Saddam Hussein has made it clear that he is unmoved by human decency and encourages acts of terrorism. His amoral acts of gassing his own people, dropping Scud missiles on Israeli civilians, and threatening to use American POW's as human shields illustrate his barbarism. Congress must act to deter and punish those who commit terrorism and take the lives of innocent Americans.

For these reasons, I urge my colleagues to support this amendment.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1991, appoints the Senator from Montana [Mr. BURNS] to read Washington's Farewell Address on Friday, February 22, 1991.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate returns to a period of morning business.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORTS ON ACTIVITIES UNDER CERTAIN HIGHWAY SAFETY ACTS—MESSAGE FROM THE PRESIDENT—PM 17

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

It is my privilege to provide you with the annual reports on activities under the Highway Safety Act (23 U.S.C. 401 Note) and the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1408), both enacted in 1966. These reports provide an overview of our activities during calendar year 1989 and an overview of the National Highway Traffic Safety Administration's priority plan for the next 3 years. The plan will be an evolving guideline for the agency's safety activities to improve motor vehicle and traffic safety over the next several years.

The plan includes motor vehicle rulemaking on the crashworthiness of passenger cars, light trucks, and vans; vehicle rollover stability; and safety improvements in heavy trucks, school buses, and child safety seats.

It also calls for initiatives to promote State laws and programs to increase safety belt use, motorcycle helmet use, and to discourage drunk and drugged driving.

The report on motor vehicle safety includes the annual reporting requirement in Title I of the Motor Vehicle Information and Cost Savings Act of 1972 (bumper standards).

In the Highway Safety Acts of 1973, 1976, and 1978, the Congress expressed its special interest in certain aspects of traffic safety that are addressed in the volume on highway safety.

I am pleased to inform you that 1989 was a year of significant gains in traffic safety. The traffic fatality rate, the accepted measure of risk on the road, was 2.2 deaths per 100 million vehicle miles traveled, the lowest in history and down 33 percent since 1980. Safety belt use is also higher than ever, with 46 percent of Americans buckling up, and drunk driving fatalities have declined significantly.

There is good news for Americans in virtually every critical part of the highway safety picture. The decline in the fatality rate is especially encouraging and means that we are able to drive with less risk, and the dramatic increase in safety belt use and public concern about drunk driving have translated into thousands of lives saved and injuries avoided.

The progress we have made is, of course, no consolation to the relatives and friends of the 45,500 people who, despite the safety advances and greater public awareness, lost their lives in traffic accidents in 1989.

As we continue to pursue highway and motor vehicle safety programs that are most effective in reducing deaths and injuries, we are convinced that significant progress in traffic safety can be achieved through the combined efforts of government, industry, and the public.

GEORGE BUSH.

THE WHITE HOUSE, *February 19, 1991.*

APPROVAL OF CONVENTION CONCERNING THE ABOLITION OF FORCED LABOR—MESSAGE FROM THE PRESIDENT—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Senate of the United States:

The Convention (No. 105) Concerning the Abolition of Forced Labor, adopted by the International Labor Conference at Geneva on June 25, 1957, was transmitted to the Senate by President Kennedy on July 22, 1963, with a view to receiving advice and consent to ratification. Although hearings were held in 1967 by the Committee on Foreign Relations, the Senate has not acted further on the Convention.

Now, 23 years later, I urge the Senate to consider anew this important Convention and to grant its advice and consent to ratification. Given the length of time that has elapsed, I enclose a new report from the Secretary of State concerning the Convention.

The report of the Secretary of State also contains the texts of two proposed understandings. As explained more fully in the accompanying letter from the Secretary of Labor, the law and practice of the United States fully conform to all obligations contained in the Convention (a copy of the Convention is included as an enclosure to this letter). Ratification of this Convention, therefore, would not require the United States to alter in any way its law or practice in this field. However, to remove the possibility that certain ambiguities might arise after ratification, it is proposed that ratification of the Convention be made subject to these understandings.

Ratification by the United States of selected Conventions of the International Labor Organization (ILO) enhances our ability to take other governments to task for failing to comply with ILO instruments they have ratified. In part for this reason, the Senate has in recent years given its advice and consent to the ratification of ILO Conventions 144, 147, and 160. I accordingly recommend that the Senate also give its advice and consent to the ratification of ILO Convention 105.

GEORGE BUSH.

THE WHITE HOUSE, *February 19, 1991.*

MESSAGES FROM THE HOUSE

At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 154. An act to provide for the transfer of an existing United States memorial erected under the auspices of the American Legion, Incorporated, for the use and benefit of American officers and enlisted personnel who served in World War I to the Department of Veterans Affairs, and for other purposes;

H.R. 180. An act to amend title 38, United States Code, with respect to veterans education and employment programs, and for other purposes; and

H.R. 232. An act to amend title 38, United States Code, with respect to veterans programs for housing and memorial affairs, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 154. An act to provide for the transfer of an existing United States memorial erected under the auspices of the American Legion, Incorporated, for the use and benefit of American officers and enlisted personnel who served in World War I to the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 180. An act to amend title 38, United States Code, with respect to veterans education and employment programs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 232. An act to amend title 38, United States Code, with respect to veterans programs for housing and memorial affairs, and for other purposes; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of February 7, 1991, the following reports of committees were submitted on February 14, 1991, during the recess of the Senate:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Special Report on the activities of the Committee on Energy and Natural Resources during the 101st Congress (Rept. No. 102–12).

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 419. An original bill to amend the Federal Home Loan Bank Board Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means (Rept. No. 102–13).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Report on the Jurisdiction and a Summary of Activities of the Committee on Agriculture, Nutrition, and Forestry for the 101st Congress (Rept. No. 102–14).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 420. A bill to increase to $50,000 the maximum grant amount awarded pursuant to section 601 of the Library Services and Construction Act; to the Committee on Labor and Human Resources.

By Mr. SPECTER:

S. 421. A bill to improve the objectivity, reliability, coordination and timeliness of national foreign intelligence through a reorganization of positions, and for other purposes; to the Select Committee on Intelligence.

By Mr. KOHL (for himself and Mr. KENNEDY):

S. 422. A bill to amend title 1 of the United States Code to define the type of adjournment that prevents the return of a bill by the President, and to authorize the Clerk of the House of Representatives and Secretary of the Senate to receive bills returned by the President at any time their respective Houses are not in session; to the Committee on Governmental Affairs.

By Mr. BENTSEN (for himself and Mr. GRAMM):

S. 423. A bill to amend the Caribbean Basin Economic Recovery Act to establish a center to study and support improved trade and economic relations among Western Hemisphere countries; to the Committee on Finance.

By Mr. MITCHELL (for Mr. CRANSTON) (by request):

S. 424. A bill to amend title 38, United States Code, to expand eligibility for readjustment counseling services furnished by the Department of Veterans Affairs to veterans who are serving in Operation Desert Storm, or who served during other periods of armed hostilities after the Vietnam era; to the Committee on Veterans' Affairs.

S. 425. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans Affairs.

By Mr. MITCHELL (for Mr. CRANSTON):

S. 426. A bill for the relief of Abby Cooke; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 427. A bill for the relief of Chinyere (Stella) Ugboajah; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 428. A bill to promote and improve efficient and effective enforcement of the antitrust laws; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. BRADLEY, Mr. KASTEN, Mr. WARNER, Mr. BURDICK, Mr. THURMOND, Mr. LEVIN, Mr. RIEGLE, Mr. DOLE, Mr. GARN, Mr. LAUTENBERG, Mr. SARBANES, and Mr. PRESSLER):

S.J. Res. 72. Joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week"; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Ms. MIKULSKI, Mr. DODD, Mr. METZENBAUM, Mr. GORTON, Mr. RIEGLE, and Mr. CONRAD):

S.J. Res. 73. Joint resolution designating October 1991 as "National Domestic Violence Awareness Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SARBANES (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 56. Resolution authorizing the reprinting of Senate Document No. 5, entitled "Washington Farewell Address to the people of the United States; considered and agreed to.

By Mr. DOLE (for himself, Mr. BURDICK, Mr. COCHRAN, Mr. BOREN, Mr. PRYOR, Mr. BOND, Mr. BENTSEN, Mrs. KASSENBAUM, Mr. DASCHLE, Mr. HELMS, Mr. BAUCUS, Mr. CRAIG, Mr. BURNS, Mr. PRESSLER, Mr. NICKLES, Mr. MCCONNELL, Mr. GRAMM, Mr. CONRAD, and Mr. KERREY):

S. Res. 57. Resolution to express the sense of the Senate that Congress should expeditiously consider and approve the President's 1991 supplemental appropriations request to remove the limitation on Export Enhancement Program (EEP) bonus awards; ordered held at the desk.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES:

S. 420. A bill to increase to $50,000 the maximum grant amount awarded pursuant to section 601 of the Library Services and Construction Act; to the Committee on Labor and Human Resources.

GRANT AWARD AMOUNTS FOR LIBRARY LITERACY GRANTS

• Mr. SARBANES. Mr. President, I rise today to introduce legislation to increase the maximum grant awards for library literacy grants under title VI of the Library Services and Construction Act. As you know, under title VI individual libraries or State library administrative agencies apply directly to the Department of Education for literacy grant awards which may be used for coordinating, planning, promoting, or conducting literacy programs. During the reauthorization of the Library Services and Construction Act [LSCA] in the last Congress, the maximum amount of a title VI library literacy grant was raised from $25,000 to $35,000. The legislation I am introducing today would further increase the maximum grant award to $50,000.

Illiteracy costs this Nation $224 billion annually in welfare payments, crime, job incompetence, lost taxes, and remedial education. $237 billion in unrealized earnings is forfeited annually by individuals who lack basic learning skills. Despite this, the Federal Government allocates less than $300 million annually to provide basic literacy skills to adults in this country, the equivalent of less than $10 per year for each American adult who does not possess a high school diploma. Public and private literacy programs combined provide services to only approximately 19 percent of those who need assistance. In light of this information, I am especially concerned that the administration has proposed to terminate the title VI library literacy grant program in its fiscal year 1992 budget proposal. The bill I am introducing today serves to emphasize the urgent need to continue Federal programs to fight illiteracy and to assist libraries in expanding and increasing such programs.

Mr. President, every society places a premium on an educated, literate citizenry in terms of developing a skilled and trained work force in the next generation, and the more complex economically and technologically the world becomes, the more urgent it is to address this aspect of developing our human resources. We take great pride in being an open society in which people can move up and forward, and literacy and education provide the key to this opportunity. As important as this is, it is also useful to bear in mind that effort to increase literacy are not solely for the individual. They are also critical to sustaining our democracy. As James Madison said:

> A people who mean to be their own governors must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both.

Libraries, which have always served as engines of learning and ladders of opportunity in our society, are uniquely situated to develop and offer literacy programs which can reach all segments of our society. Since they were first funded in 1986, library literacy grants have proven successful in encouraging libraries to develop programs to reduce illiteracy. An increased grant award would provide a greater incentive for increased participation in this critical program, and I urge all of my colleagues to join me in working toward prompt passage of this important legislation.•

By Mr. SPECTER:

S. 421. A bill to improve the objectivity, reliability, coordination, and timeliness of national foreign intelligence through a reorganization of positions, and for other purposes; to the Select Committee on Intelligence.

NATIONAL INTELLIGENCE REORGANIZATION ACT

Mr. SPECTER. Mr. President, today, I am reintroducing legislation calling for the creation of the position of a Director of National Intelligence and a reorganization of other intelligence positions. When I introduced this legislation in the 100th and 101st Congresses, I stated that its goals were to improve the objectivity, reliability, management and timeliness of foreign intelligence. In the 6 years I have served on the Select Committee on Intelligence, I have become more convinced than ever that these goals are not now being fully achieved. More importantly, I am concerned that unless the responsibilities and authorities of senior officials in our intelligence hierarchy are more clearly delineated than those in the National Security Act of 1947, intelligence as a fundamental element of support to our policymakers and to the Congress will suffer in terms of quality and cost. For the reasons I shall outline, these changes are essential to national security.

Two years ago I stated that this bill would enhance considerably the objectivity and reliability of our Nation's intelligence, which the events of the past have demonstrated to be lacking. Equally, this legislation would greatly improve the needed management structure and control of the activities and vast resources of our country's intelligence agencies and departments. My assessment has not changed. My remarks then are equally poignant today and I therefore intend to repeat my arguments, provide new examples and strengthen the legislation. During the Iran-Contra hearings, then Secretary of State George Shultz testified, in very clear terms as to the principal problem with U.S. intelligence. "[One is] the importance of separating the function of gathering and analyzing intelligence from the function of developing and carrying out policy. If the two things are mixed together, it is too tempting to have your analysis and selection of information that's presented favor the policy that you're advocating." Secretary Shultz went on to say that long before the Iran-Contra events came to light, he already had come to have grave doubts about the objectivity and reliability of some of the intelligence he was receiving precisely because the people who supplied it were too deeply involved in advocating and carrying out policy.

There were cogent reasons in addition advocated by a distinguished American, Mr. Clark Clifford, who was instrumental in the 1947 legislation creating the Central Intelligence Agency.

Director Webster has done a good job during his watch of staying outside of the policy arena and carrying out his intelligence duties in an impartial manner. Some of his detractors have even criticized him for being too detached from foreign policy. I applaud his strict interpretation of his duties and the courage of his convictions in adhering to them. However, I am guided in this legislation by the lessons of our intelligence history since 1947.

In the 44 years since passage of the National Security Act, Directors of Central Intelligence have been tested repeatedly on their ability to maintain a delicate separation of two competing responsibilities. On the one hand, the Director has been expected to provide unvarnished intelligence information to the President and other foreign policymakers. On the other hand, he has been asked to be a participant in the making and execution of foreign policy through covert actions. If history has taught us anything, it is that the desired separation cannot and has not been consistently maintained. Since 1947 several Directors have been political activists who regarded their position as license to shape the foreign policy of the United States. Their primary vehicle invariably was covert action, the most notorious of which were the disastrous Bay of Pigs operation and the Iran-Contra affair.

If fault is to be found, it should start with the National Security Act which formed the CIA and the position of Director of Central Intelligence. The primary focus of that legislation was the creation of the Department of Defense and the position of Secretary of Defense. In part because of the need for secrecy and in larger part because of the bureaucratic infighting among the military services, FBI and the remnants of the OSS for primacy in the national intelligence arena, the duties and responsibilities of the Director of Central Intelligence were obfuscated in law. Since that time, it has been left to each Director to interpret his duties and responsibilities guided by changing Executive orders. Certainly, the closest authority for the DCI even to conduct covert actions rests in an interpretation of section 102(d)(5) of the 1947 National Security Act which charges the CIA to "perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." At best it is unrealistic and probably unfair to expect our Nation's senior intelligence officer to be the purveyor of objective, unbiased information upon which the President and Secretary of State may formulate a foreign policy, while at the same time charging him to influence and implement that policy in the form of covert action.

At worst, the problem is particularly acute when the Director is a foreign policy activist. Director William Casey was not the first Director of Central Intelligence who desired to be involved to some degree in the formulation or implementation of foreign policy, nor is he likely to be the last. Recognizing this, we should take steps to ensure in law some clearer definition of what we expect and not expect our chief intelligence officer to be. We simply cannot afford to have two Secretaries of State, two foreign policymakers who may be attempting to move the country in different directions, one overtly and the other covertly. No one is well served by this contradiction as outlined by George Shultz—not the President, not the Congress and not the country.

We have a choice, we can preserve the status quo and hope that the current—and each of his successors—will have absorbed the lessons of the past particularly the Iran-Contra affair. Or we can create a better system of checks and balances and strong management. We can do this by separating the duties of the Director as quasi-leader of the Intelligence Community and as the day to day manager of the Central Intelligence Agency. We can do this by more clearly defining the responsibilities and authorities of both positions. We can do this at minimum cost. And, we can do this without the creation of a new layer of bureaucracy.

The results will be a new and strengthened full-time leader of the intelligence community—a Director of National Intelligence—with clear responsibilities and authorities for providing objective, reliable, and coordinated intelligence to policymakers and for managing and integrating much more effectively the collection, analysis and vast resources of the intelligence community.

An equally important element of this legislation focuses on the ever more critical need for better management and direction of the activities and vast resources of our several intelligence departments and agencies—the so-called intelligence community which is more aptly described as a guild than an integrated enterprise. In the view of this Senator, a serious management deficiency exists because the Director lacks the authority to manage the community and to marshall its vast resources. A Director of National Intelligence with clear responsibility and full authority could and must correct this imbalance. The time of protected intelligence budgets is gone.

When President Truman created the CIA to centralize intelligence and the position of Director to head this new Agency. He tasked the Director to coordinate the intelligence activities of the several Government departments and agencies in the interest of national security. Unfortunately and noted above, the Director's authorities as spelled in the act were limited, weak and vague; they were "to advise," "to recommend," and "to correlate" the activities of those several Government departments which at the time consisted of the intelligence services of the Army and Navy, a small bureau in the State Department, a portion of the FBI and remnants of the OSS. Since 1947, those Government departments have grown and multiplied far beyond the vision of President Truman. However, the responsibility and authority to manage and direct them have not kept pace. The result is that today the intelligence community is virtually rudderless.

Several Presidents since John F. Kennedy have directed their chief intelligence officer to devote the bulk of his time to the intelligence community. For a number of reasons this has not happened. Suffice it to say that, in some cases, Director's have found the operational role of the CIA more glamorous and politically safer than managing an amorphous community composed of agencies and departments opposed to centralized direction. Events such as Watergate, congressional investigations of wrongdoings, and the turnover of DCI's, also have contributed to the neglect.

Today, the intelligence community consists of the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the Office of the Secretary of Defense for Counterintelligence, the large foreign intelligence and counterintelligence elements of the Army, Navy, Air Force and Marine Corps, offices for the collection of specialized intelligence through reconnaissance, the National Photo Interpretation Center, the FBI's Foreign Counterintelligence Division, the State Department's Bureau of Intelligence and Research and elements of the Treasury and Energy Departments. These organizations provide what we call national foreign intelligence and counterintelligence. There are other elements in the Federal Government, mostly within the Defense

Department, which run a vast system of tactical intelligence nearly as complex and as expensive as that of the national foreign intelligence world. Outside of the Government, there is another world of contractors who design and develop these complex intelligence systems and, in some cases, operate them for the intelligence agencies.

Make no mistake in construing my remarks. The functions performed by these agencies are fundamental to our national security. But their budgets are in the billions; their growth in terms of people is the greatest in the history of U.S. intelligence; their missions and challenges now and for the foreseeable future so demanding, complex and costly that their management and leadership can no longer be accomplished on a part-time basis by a Director without real authority and one who also must manage the CIA.

The Intelligence Oversight Committees which review the programs and budgets of the intelligence community have long identified management of the intelligence community as an important issue. In 1976, the Select Committee to Study Government Operations with Respect to Intelligence—the predecessor to the Senate Select Committee on Intelligence—"found concern that the functon of the DCI in his roles as intelligence community leader and principal intelligence adviser to the President is inconsistent with his responsibilities to manage one of the intelligence community agencies—the CIA." The committee also expressed concern that the DCI's new span of control—both the entire intelligence community and the entire CIA—may be too great for him to exercise effective detailed supervisor of clandestine activities. Those concerns are even greater today than they were 15 years ago, because of the greater challenges and costs facings intelligence, the growing competition for resources and the unacceptable risks to U.S. foreign policy.

As a start, the Senate Select Intelligence Committee is undertaking a major review of the Department of Defense intelligence with a view to its reorganization. The committee is of the view that in the face of severe budget constraints, current defense intelligence programs and infrastructures cannot be sustained at current levels and forms. While the threat from the Soviet Union and Warsaw Pact has diminished, there are new threats and new intelligence requirements such as nuclear, chemical, and biological weapons proliferation and the needs to monitor arms control agreements. The breadth of requirements will continue and will likely expand; the cost cannot. In our report accompanying the fiscal year 1991 intelligence authorization bill, the committee has noted the assessment of defense intelligence made by the then Chairman of the Joint Chiefs of Staff, Admiral Crowe who criticized the Defense Department's intelligence for "significant duplication of effort; insufficient integration and sharing of information; uneven security measures and regulations; pursuit of parochial service interests rather than joint intelligence interests; and gaps in intelligence support and coverage, despite the number of intelligence organizations."

Another problem cited in the report is one which transcends strictly Department of Defense Intelligence, that is, the excessive isolation of tactical and national intelligence communities from one another. "Military commanders seek self-sufficiency through organic systems and organizations on the argument that national intelligence systems cannot be relied upon for support. The national community, likewise, emphasizes its peacetime missions and pays scant attention to the commander's need."

An immediate observation is the absence of leadership, leadership which a strengthened Director of National Intelligence would bring to bear. In my view there is currently no guiding hand because the Director lacks the sufficient mandate and authority to act. Several past Directors have attempted to take a strong hand to integrate and manage the intelligence community most of which resides in the domain of the Defense Department. However, the Defense Department has been too strong and too entrenched and the Director's authority too weak to force any real changes. Consequently, the congressional intelligence oversight committees have directed the Secretary of Defense and the Director of Central Intelligence to act. Other legislation will likely be required to generate the degree of change necessary.

This bill is a major start. It accomplishes important hierarchical changes. First, it amends the National Security Act of 1947 to make clear that the principal role of foreign intelligence and of the agencies who provide such intelligence are to ensure the provision of objective, reliable, coordinated and timely information upon which the President and other senior foreign policymakers may base sound foreign policy decisions.

Second, it establishes the position of "Director of National Intelligence" to serve as the primary adviser to the President on national foreign intelligence matters and as the full-time manager of the intelligence community with clearly defined statutory responsibilities and authorities. The title is not new; it was proposed several times in the past.

Third, it makes the Director of National Intelligence a statutory member of the National Security Council to ensure that he is aware of emerging issues for which there is an intelligence need and to ensure that there is an objective intelligence basis for national security and foreign policy decisions being contemplated.

Fourth, it ensures that the position of the Director of National Intelligence is not a hollow one by giving the Director not only the statutory authority to approve and submit the intelligence community program, resources and budget, but also to task all intelligence collection and analytical resources.

Fifth, it relieves the Director of National Intelligence of the responsibility for managing covert actions but charges him with responsibility for overseeing the conformity of such actions with stated foreign policy and applicable laws and regulations.

Sixth, it establishes the position of Director of the Central Intelligence Agency to manage the CIA on a full-time basis including the management of covert actions directed by the President.

Seventh, it eliminates the need for a Director of the intelligence community staff since the 240 person staff plus other offices and personnel would report directly to the Director of National Intelligence.

Finally, I endorse completely the view expressed by Director Webster that the CIA's directorship should not change every time a new President is elected. This gives rise to charges that the position has been politicized and that there is an inadequate institutional memory of lessons learned from the past. In the past 20 years, there have been seven heads of the CIA and only two of these were career intelligence officers. We cannot afford a generalized loss of confidence in the CIA's objectivity and reliability. The politicization of its analysis such as was expressed by former Secretary of State Shultz even the perception of such politicization, demands a more professional approach to intelligence activities and analysis. Therefore, to reduce the risk of politicization, this bill also would:

Create a fixed, 7-year tenure for the Director of the Central Intelligence Agency.

Require that at least one of the positions of Director or Deputy Director of the Central Intelligence Agency be filled by career intelligence officer from the intelligence community.

I am not proposing that the Director of National Intelligence be tenured because I believe that the President should have the right to select individuals who are to serve as his primary advisers.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Intelligence Reorganization Act".

SEC. 2. Section 101(a) of the National Security Act of 1947 is amended in the fourth undesignated paragraph—

(1) by striking out "and" at the end of clause (6);

(2) by striking out the period at the end of clause (7) and inserting in lieu thereof"; and"; and

(3) by adding at the end thereof the following:

"(8) The Director of National Intelligence in his role as primary adviser on intelligence."

SEC. 3. Title I of the National Security Act of 1947 is amended by inserting new section 102.

"DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 102.(a)(1) There are hereby established the positions of Director of National Intelligence (hereafter in this Act referred to as the "DNI") and the Deputy Director of National Intelligence who shall each be appointed by, serve at the pleasure of, the President, by and with the advice and consent of the Senate.

"(2) The principal role of foreign intelligence and of the agencies which provide such intelligence is to ensure the provisions of objective, reliable, coordinated, and timely information upon which the President and other senior foreign policy makers may base sound foreign policy decisions. To ensure such provision, the DNI shall serve as the nation's senior intelligence officer and primary adviser to the President on foreign intelligence matters. Accordingly, the DNI shall be prohibited from any duties involving the formulation of foreign policy and the management of covert actions except as may be specifically authorized by this Act. The Deputy Director of National Intelligence shall act for, and exercise the powers of, the Director during his absence or disability.

"(3) The DNI shall be responsible directly to the President and the National Security Council.

"(4) Upon request, any department, agency, or other component of the United States Government involved in intelligence or intelligence-related activities shall detail for the use of the DNI such staff as may be necessary to carry out the duties of the DNI under this section.

"(b) To carry out his responsibilities under this section, the DNI shall—

"(1) ensure that such objective, reliable and coordinated national foreign intelligence is provided to the President and officials in the executive and legislative branches in a timely manner;

"(2) provide policy direction to the national foreign intelligence activities of all agencies, departments, offices, and other entities of the intelligence community.

"(3) develop such strategy, objectives and guidance for the intelligence community to enhance capabilities for responsing to expected future needs for national foreign intelligence;

"(4) provide direction to program managers, heads of agencies, departments, offices, and other entities for the national foreign intelligence program and budget;

"(5) evaluate and audit national foreign intelligence programs and budget performance;

"(6) review, evaluate, approve, and submit, to the Congress through the President, a national foreign intelligence program and budget;

"(7) review and approve all requests for reprogramming national foreign intelligence funds;

"(8) develop collection strategies, objectives, and targets in the intelligence community for national foreign intelligence requirements and priorities established by the National Security Council;

"(9) direct, control, and manage the tasking of national foreign intelligence collection activities;

"(10) coordinate, produce, and disseminate all national foreign intelligence and, levy analytic tasks on all intelligence community production organizations and entities in consultation with those organizations and entities. Intelligence of the departments and agencies of the Government relating to the national security shall be open to the audit of the DNI, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, shall be made available to the DNI for correlation, evaluation, and dissemination;

"(11) establish appropriate mechanisms for competitive analysis so that diverse views and judgments within the intelligence community are brought to the attention of national policymakers;

"(12) conduct jointly with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, military net assessments which allow for independent judgments by the DNI on areas critical to United States national security, strategy, tactics, or specific weapon systems;

"(13) oversee covert actions on a periodic basis for compliance with stated foreign policy objectives and established laws and regulations.

"(14) direct manage and control the development and maintenance of services of common concern by designated intelligence organizations on behalf of the intelligence community;

"(15) direct, manage and control foreign intelligence and counterintelligence arrangements with foreign governments, foreign intelligence and counterintelligence relationships between agencies of the intelligence community and the intelligence or internal security services of foreign governments, and establish policies and procedures governing the conduct of liaison by any agency, department, office or other entity of the United States Government with such services;

"(16) establish security countermeasure standards for the safeguard of foreign intelligence systems and information;

"(17) protect intelligence sources and methods from unauthorized disclosure;

"(18) establish appropriate staffs, committees, or other advisory groups to assist in the execution of the Director's responsibilities; and

"(19) review the tactical intelligence programs and budget of the Department of Defense to eliminate duplications with programs which are or can be readily provided by the National Foreign Intelligence program.

SEC. 4. (a) Title I of the Nationals Security Act of 1947 is amended by changing old section 102 to be new section 102A with the following changes:

(1) by inserting the words "DIRECTOR OF THE" before the caption "CENTRAL INTELLIGENCE AGENCY".

(b) Section 102A, subsection (a) of the National Security Act of 1947 is amended—

(1) by inserting after the words ". . . National Security Council", the words "and Director of National Intelligence";

(2) by striking out "Director of Central Intelligence" and inserting in lieu thereof "Director of the Central Intelligence Agency"; and

(3) by striking out "Deputy Director of Central Intelligence" and inserting in lieu thereof "Deputy Director of the Central Intelligence Agency".

(c) Section 102A subsection (a) of such Act is further amended—

(1) by inserting "(1)" immediately after "(a)";

(2) by striking out the proviso and the colon immediately preceding such proviso at the end of the second sentence and inserting in lieu thereof a comma and the following:

"except that at no time shall the two positions of the Director and Deputy Director be occupied simultaneously by—

"(a) commissioned officers of the armed services, whether in an active or retired status; or

"(b) individuals not having previously served in career positions in the Intelligence Community;

"(c) the term of service of the Director shall be seven years. The Director may not be reappointed and may be removed by the President only for cause; and

"(d) the provisions of 102A subsections (a)(1) shall apply to the service of the first Director and the first Deputy Director of the Central Intelligence Agency appointed after the date of enactment.".

(d) Section 102A, subsections (b) and (c). References in these sections to the Director or Deputy Director of Central Intelligence shall be deemed to be references to the Director or Deputy Director of the Central Intelligence Agency.

(e) Section 102A subsection (d) of such Act is amended to read as follows:

"(d) For the purpose of carrying out the Agency's intelligence activities in the interests of national security, it shall be the duty and responsibility of the Agency, under the management direction of the Director of the Central Intelligence Agency:

"(1) to collect, produce, and disseminate foreign intelligence and counterintelligence, including information not otherwise obtainable, and to coordinate the collection of foreign intelligence or counterintelligence within the United States with the Federal Bureau of Investigation as authorized by law or procedures established by the Attorney General: *Provided*, That the Central Intelligence Agency shall have no police, subpoena, law enforcement powers, or internal security functions;

"(2) to conduct counterintelligence activities outside the United States and, without assuming or performing any internal security functions, conduct counterintelligence activities within the United States in coordination with the Federal Bureau of Investigation, as authorized by law and procedures established by the Attorney General;

"(3) to coordinate counterintelligence activities and the collection of information not otherwise obtainable when conducted outside the United States by other departments and agencies.

"(4) to manage covert actions approved by the President; covert actions unlike intelligence activities are the sole responsibility of the Director of the Central Intelligence Agency who is directly accountable to the

President and the NSC with regard to these actions;

"(5) to conduct services of common concern as directed by the DNI;

"(6) to carry out or contract for research, development, and procurement of technical systems and devices relating to authorized functions;

"(7) to protect the security of its installations, activities, information, property, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the Central Intelligence Agency as are necessary; and

"(8) to conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in paragraphs (1) through (7), including procurement and essential cover and proprietary arrangements.".

SEC. 5. (a) Section 5313 of title 5, United States Code, is amended by—

(1) changing Director of Central Intelligence to read Director of National Intelligence;

(2) adding at the end thereof the following: "Director of Central Intelligence Agency.".

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Deputy Director of the Central Intelligence Agency.".

SEC. 6. The provision of section 102a of the Act relating to the Director of the Intelligence Community staff is repealed.

SEC. 7. The Central Intelligence Act of 1949 is amended by changing references to the Director or Deputy Director of Central Intelligence to mean the Director or Deputy Director of the Central Intelligence Agency.

By Mr. KOHL (for himself and Mr. KENNEDY):

S. 422. A bill to amend title 1 of the United States Code to define the type of adjournment that prevents the return of a bill by the President, and to authorize the Clerk of the House of Representatives and the Secretary of the Senate to receive bills returned by the President at any time their respective Houses are not in session; to the Committee on Governmental Affairs.

POCKET VETO LEGISLATION

Mr. KOHL. Mr. President, Senator KENNEDY and I are today introducing a bill that has significant consequences for this body and the Congress as a whole. Our bill would clarify that the President may pocket veto legislation only at the end of a Congress—not during intra- or inter-session recesses. It would codify the leading judicial interpretation of the President's pocket veto authority. In doing so, it would ensure that Congress does not lose its constitutional authority to check and balance the executive branch.

The immediate impetus for this legislation was the President's handling of the Chinese students bill during the inter-session adjournment in November 1989. As my colleagues will recall, President Bush threatened to pocket veto the measure. But a pocket veto would have been unconstitutional under such circumstances, because both the House and Senate had made arrangements to receive any veto message during the adjournment.

Ultimately, however, the President chose a more diplomatic course. While asserting that he had pocket-vetoed the bill, he actually returned the matter to Congress, as the Constitution requires.

Congress properly treated the President's veto of the Chinese students bill as a normal return veto. That is, we exercised our constitutional prerogative, and attempted to override the veto. But while this particular dispute ended without a constitutional confrontation, the President's statements demonstrated the need to clarify the pocket veto power statutorily.

Indeed, this was not the first instance in which President Bush attempted to deny Congress its rightful opportunity to override a veto. In August 1989, while Congress was out for its summer recess, the President placed House Joint Resolution 390 in his pocket. This was a major piece of legislation, which would have allowed the President to sign the S&L bailout without waiting for the bill to be printed on parchment. Minor though it was, however, the President's handling of the measure was significant—he asserted the power to exercise an intrasession pocket veto. In response, the Democratic and Republican House leadership protested, calling his position extremely troublesome.

My point is not to criticize the present occupant of the White House. My purpose is merely to illustrate why we need the legislation being proposed today. We need it because Congress must protect its constitutional role in governing.

Under article I, section 7 of the Constitution, the President has 10 days to consider bills presented to him by Congress. If 10 days pass and the President doesn't sign the bill, it becomes law "unless"—in the words of our guiding document—"the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law." When adjournment keeps the President from returning a bill with his objections, he can fail to sign it—pocket it—and it dies.

The question, then, is what kind of adjournment prevents the President from sending a bill back to Congress? Two Supreme Court cases provide only minimal guidance. In 1929, the Court held that an intersession break of 5 months allowed for a pocket veto. In 1938, the Court said that an intrasession recess of 3 days did not permit such action.

In 1974, in litigation brought and personally argued by Senator KENNEDY, the D.C. Circuit ruled that intrasession adjournments do not prevent the President from returning a bill to Congress. And in 1984, the D.C. Circuit expanded that holding to adjournments occurring between sessions, though the Supreme Court later dismissed this decision on procedural grounds.

The appeals court identified several reasons for reaching its conclusion—ones that apply equally to this legislation. First, the Farmers of the Constitution rejected the idea of giving the President an absolute veto—which is what a pocket veto amounts to. Second, modern congressional adjournments are much shorter than the one at issue in the 1929 case. Third, modern communications technology enables the President to notify the American people that he has returned a bill to Congress even while it is in recess. Finally, we now arrange for House and Senate clerks to receive veto messages, even when Congress is not in session. Consequently, there is no longer the delay of danger or public uncertainty about the status of legislation.

At bottom, the pocket veto clause was meant as a defense mechanism: The Congress cannot deprive the President of this veto power by adjourning without providing for receipt of a return veto. Just as clearly, however, none of the Framers favored the offensive use of a pocket veto to deny Congress its own authority to consider veto overrides.

The Carter and Ford administrations recognized the validity of these propositions, and both agreed not to use pocket vetoes between or during sessions. The Reagan administration chose to fight, and now the Bush administration seems to be taking a confrontational stance as well.

Ideally, of course, a lasting agreement between the executive and legislative branches would be the best solution. But in the absence of such an accommodation, legislation is necessary. And our proposal is quite simple: In 26 words, it states that no adjournment—other than the one to end a Congress—prevents the return of a bill by the President. In addition, the bill codifies the present practice of authorizing the House and Senate clerks to receive bills when we are not in session.

Mr. President, identical legislation is advancing in the House under the guidance of Representative BUTLER DERRICK, chairman of the Rules Subcommittee on the Legislative Process. I commend him for his excellent work on this issue. I also salute Senator KENNEDY for his long-standing commitment to protecting congressional prerogatives against improper encroachments by the executive branch.

Thank you.

I ask unanimous consent that the full text of the bill be reprinted at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO TITLE 1, UNITED STATES CODE.

Chapter 2 of title 1 of the United States Code is amended by inserting at the end thereof the following new section:

§ 115. Adjournment preventing return of bill; Clerk of the House of Representatives and Secretary of the Senate authorized to receive bills returned when their respective Houses are not in session

"(a) No adjournment of either House of Congress, other than an adjournment sine die to end a Congress, prevents the return of a bill by the President.

"(b) The Clerk of the House of Representatives and the Secretary of the Senate are authorized to receive bills returned by the President at any time their respective Houses are not in session.".

SEC. 2. CLERICAL AMENDMENT.

The table of sections at the beginning of chapter 2 of title 1 of the United States Code is amended by inserting at the end thereof the following new item:

"115. Adjournment preventing return of bill; Clerk of the House of Representatives and Secretary of the Senate authorized to receive bills returned when their respective Houses are not in session.".

By Mr. BENTSEN (for himself and Mr. GRAMM):

S. 423. A bill to amend the Caribbean Basin Economic Recovery Act to establish a center to study and support improved trade and economic relations among Western Hemisphere countries; to the Committee on Finance.

CENTER FOR THE STUDY OF WESTERN HEMISPHERIC TRADE

• Mr. BENTSEN. Mr. President, today I am pleased to introduce a bill which will create the Center for the Study of Western Hemispheric Trade in the State of Texas. The center will be an academic institution studying the present and future implications of trade between the United States and other countries in our hemisphere.

The center will try to draw conclusions about the advantages and disadvantages from trade among countries in North, Central, and South America. For example, it will study how increased trade could help or hurt all segments of our society, from Fortune 500 companies, to entrepreneurs, to working men and women.

I believe now is the time to create the center. We need an objective forum which can analyze recent world events which have complicated doing business in our hemisphere. We already have seen how the European Common Market is already a trading force worldwide. We have seen the United States-Canada Free-Trade Agreement strengthen the global trading power of North America. And we now are entering free trade negotiations with Mexico. These recent events provide us valuable lessons on doing business with our neighbors.

Mr. President, the Center for the Study of Western Hemispheric Trade can teach us those lessons.

The center will be a clearinghouse of information, taking a multidisciplinary approach. It will employ leading scholars in the area of international trade and related areas of study. It will also provide scholarships and fellowships to students interested in these areas.

The center will be affiliated with a Texas university or college. The university or college will be selected by the U.S. International Trade Commission and the Customs Service.

There are good reasons for the center being located in Texas. Texas is the primary bridge through which Latin America does business with the United States. For example, in 1989 approximately one-half of the $51 billion in United States-Mexican trade flowed through ports of entry in south Texas. Indeed, more imports from Mexico, and exports to Mexico, pass through Texas than any other State. This last fact is not surprising when you consider that the Texas-Mexican border is 889 miles long, the longest border of any State with Mexico.

To create the center, this legislation authorizes $10 million in funding, for each of the next 3 years. The center will provide information to companies from all over the hemisphere, companies which seek to do business in neighboring countries. The center will charge the businesses for the information and therefore not completely depend on Federal funding. Ideally, the center will pay its own way after only a few years.

Mr. President, the center promises this Nation a good return on the dollars we invest. The principal return is that the United States can develop trading strategies which can mutually benefit our country and neighbors.

I am pleased that my distinguished colleague from the State of Texas, Senator GRAMM, is an original cosponsor of this bill. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) countries in the Western Hemisphere are currently considering more integrated and liberalized trade relations, including free trade agreements, free trade zones, restructured tariffs, debt relief, removal of foreign investment barriers, and other economic measures;

(2) Mexico and the United States have formally announced their plan to negotiate a possible bilateral free trade agreement similar to the agreement between the United States and Canada;

(3) a freer trade environment may improve the economies of Mexico and Latin American and Caribbean countries and in turn remove incentives for illegal immigration into the United States;

(4) the congressionally appointed Commission for the Study of International Migration and Cooperative Economic Development has recommended that the United States promote economic growth in Mexico, South and Central America, Canada, and the Caribbean, because the Commission believes such growth will decrease illegal immigration into the United States from these regions;

(5) the European economic integration process, which will be completed by 1992, demonstrates the benefits that can be derived if countries trade with and interact economically with other countries in the same hemisphere;

(6) solid economic relationships between the United States and other Western Hemisphere countries involve complex issues which require continuing detailed study and discussion;

(7) the economic interdependency of Western Hemisphere countries requires that a center be established in the southern United States to promote better trade and economic relations among the nations of the Western Hemisphere; and

(8) such a center should be established in the State of Texas because that State is the primary bridge through which Latin America does business with the United States.

(b) PURPOSES.—The purposes of this Act are to—

(1) establish a center devoted to studying and supporting better economic relations among Western Hemisphere countries;

(2) give the center responsibility for studying the short- and long-term implications of freer trade and more liberalized economic relations among countries from North and South America, and from the Caribbean Basin; and

(3) provide a forum where scholars and students from Western Hemisphere countries can meet, study, exchange views, and conduct activities to increase economic relations between their respective countries.

SEC. 2. ESTABLISHMENT OF THE CENTER FOR THE STUDY OF WESTERN HEMISPHERIC TRADE.

The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) is amended by inserting after section 218 the following new section:

"SEC. 219. CENTER FOR THE STUDY OF WESTERN HEMISPHERIC TRADE.

"(a) ESTABLISHMENT.—The Commissioner of Customs, after consultation with the International Trade Commission (hereafter in this section referred to as the 'Commission'), is authorized and directed to make a grant to an institution of higher education or a consortium of such institutions to assist such institution in planning, establishing, and operating a Center for the Study of Western Hemispheric Trade (hereafter in this section referred to as the 'Center'). The Center shall be established not later than December 31, 1992.

"(b) SCOPE OF THE CENTER.—The Center shall be a year-round program operated by an institution of higher education located in the State of Texas (or a consortium of such institutions), the purpose of which is to promote and study trade between and among Western Hemisphere countries. The Center shall conduct activities designed to examine negotiation of free trade agreements, adjusting tariffs, reducing nontariff barriers, improving relations among customs officials, and promoting economic relations among countries in the Western Hemisphere.

"(c) CONSULTATION; SELECTION CRITERIA.—The Commissioner of Customs and the Commission shall consult with appropriate public and private sector authorities with respect to planning and establishing the Center. In selecting the appropriate institution of higher education, the Commissioner of Customs and the Commission shall give consideration to—

"(1) the institution's ability to carry out the programs and activities described in this section; and

"(2) any resources the institution can provide the Center in addition to Federal funds provided under this program.

"(d) PROGRAMS AND ACTIVITIES.—The Center shall conduct the following activities:

"(1) Provide forums for international discussion and debate for representatives from countries in the Western Hemisphere regarding issues which affect trade and other economic relations within the hemisphere.

"(2) Conduct studies and research projects on subjects which affect Western Hemisphere trade, including tariffs, customs, regional and national economics, business development and finance, production and personnel management, manufacturing, agriculture, engineering, transportation, immigration, telecommunications, medicine, science, urban studies, border demographics, social anthropology, and population.

"(3) Publish materials, disseminate information, and conduct seminars and conferences to support and educate representatives from countries in the Western Hemisphere who seek to do business with or invest in other Western Hemisphere countries.

"(4) Provide grants, fellowships, endowed chairs, and financial assistance to outstanding scholars and authorities from Western Hemisphere countries.

"(5) Provide grants, fellowships, and other financial assistance to qualified graduate students, from Western Hemisphere countries, to study at the Center.

"(e) DEFINITIONS.—For purposes of this section—

"(1) WESTERN HEMISPHERE COUNTRIES.—The terms 'Western Hemisphere countries', 'countries in the Western Hemisphere', and 'Western Hemisphere' mean Canada, the United States, Mexico, countries located in South America, beneficiary countries (as defined by section 212), Commonwealth of Puerto Rico, and the United States Virgin Islands.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(f) FEES FOR SEMINARS AND PUBLICATIONS.—Notwithstanding any other provision of law, a grant made under this section may provide that the Center may charge a reasonable fee for attendance at seminars and conferences and for copies of publications, studies, reports, and other documents the Center publishes. The Center may waive such fees in any case in which it determines imposing a few would impose a financial hardship and the purposes of the Center would be served by granting such a waiver.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary in the 3 succeeding fiscal years to carry out the purposes of this Act.●

By Mr. MITCHELL (for Mr. CRANSTON) (By request):

S. 424. A bill to amend title 38, United States Code, to expand eligibility for readjustment counseling services furnished by the Department of Veterans Affairs to veterans who are serving in "Operation Desert Storm" or who served during other periods of armed hostilities after the Vietnam era; to the Committee on Veterans' Affairs.

ELIGIBILITY FOR READJUSTMENT COUNSELING SERVICES

Mr. MITCHELL. Mr. President, as Members of the Senate are aware, Senator CRANSTON is unable to be here today because he is recovering from treatment for cancer. Thus, I am submitting for him the following statement on S. 424.

● Mr. CRANSTON. Mr. President, the majority leader, Mr. MITCHELL, today introduced for me, as chairman of the Veterans' Affairs Committee, and, by request, S. 424, a bill to amend title 38, United States Code, to expand eligibility for readjustment counseling services furnished by the Department of Veterans Affairs to veterans who are serving in Operation Desert Storm or who served during other periods of armed hostilities after the Vietnam era. The Secretary of Veterans Affairs submitted this legislation by letter dated January 29, 1991, to the President of the Senate.

The introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the January 29, 1991, transmittal letter and the enclosed analysis of the proposed bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 424

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. Section 612A(2) is amended to read as follows:

(a)(1) Upon the request of any veteran who served on active duty during the Vietnam era, or who served on active duty after May 7, 1975, in an area during a period in which hostilities (as defined paragraph (2) of this subsection) occurred in such area, the Secretary shall, within the limits of Department of Veterans Affairs facilities, furnish counseling to such veteran to assist such veteran in readjusting to civilian life. Such counseling shall include a general mental and psychological assessment to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

(2) For the purposes of this subsection, the term "hostilities" means a situation in which members of the Armed Forces were, as determined by the Secretary in consultation with the Secretary of Defense, subjected to danger from armed conflict comparable to the danger to which members of the Armed Forces have been subjected in battle with the enemy during a period of war.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, January 29, 1991.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to expand eligibility for readjustment counseling services furnished by the Department of Veterans Affairs to veterans who are serving in 'Operation Desert Storm,' or who served during other periods of armed hostilities that it may be considered for enactment.

Under current law, eligibility for readjustment counseling services offered by the Department of Veterans Affairs (VA) is limited to veterans of the Vietnam era. The draft bill would amend section 612A(a) of title 38 to extend eligibility for these services to veterans who served after the Vietnam era (May 7, 1975) during a period of hostilities, such as existed in Lebanon, Grenada, or Panama or as currently exists in the Persian Gulf region. A period of "hostilities" would be defined as a situation in which members of the Armed Services were, as determined by the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, subjected to danger from armed conflict comparable to the danger to which members of the Armed Forces have been subjected in battle during a period of war.

Since its inception 11 years ago, the VA Readjustment Counseling Service has been effective in providing a broad range of counseling and outreach services to over a million veterans and family members for post-traumatic stress disorder (PTSD) and other war-related readjustment difficulties. The effectiveness of these unique services, provided in community based "Vet Centers," is reflected in the high regard for them that has been expressed by veterans, family members, local community institutions, and the media.

Readjustment counseling is provided in local multi-service counseling centers designed specifically to avoid any implication of mental illness on the part of those seeking help. These centers are well known, particularly among combat veterans, as a "referral point" into the VA health-care system. The staff includes many combat veteran counselors and other mental health professionals who have personal familiarity with wartime services and post-war readjustment. Many have years of experience in providing services to war veterans. They are expert in assisting veterans in finding the services they need, whether at the Vet Center itself, at another VA health-care facility or elsewhere in the community.

The counseling model for the program comprises a brief, short-term rehabilitation and recovery-oriented outlook. The mix of services includes counseling for post-traumatic stress disorder (PTSD), outreach, employment, educational, and family matters, with a focus on early return to civilian life. The services provided in Vet Centers are considerably less expensive than other types of services pertaining to PTSD. Most significantly, the services avert some chronic problems in the war veteran population.

In the case of personnel returning from the Persian Gulf area, very clearly readjustment counseling intervention would tend to prevent entrenchment of PTSD symptoms, thus helping prevent chronicity and long-term difficulties, such as have been seen in many Vietnam War veterans. Although the numbers of other post-Vietnam era veterans who have served during a period of hostilities are small, some of them share the same kinds of difficulties.

We believe that veterans who served during periods of combat since the Vietnam War, and particularly those now serving in the Persian Gulf area, may also need readjustment counseling services and would benefit from the VA program. Therefore, we strongly favor the enactment of this bill, which would provide them with eligibility for these services.

We estimate that the cost of this bill would be $1.4 million in this fiscal year, and $4.4 million over five fiscal years.

The Office of Management and Budget advises that there is no objection from the standpoint of the administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI.

ANALYSIS OF PROPOSED BILL

The draft bill would amend section 612A(a) of title 38, United States Code, to expend eligibility for readjustment counseling services by the Department of Veterans Affairs to veterans who served (May 7, 1975) during a period of hostilities after the end of the Vietnam era.

The term ''hostilities' is defined as a situation in which members of the Armed Forces were, as determined by the Secretary of Veterans Affairs in consultation with the Secretary of Defense, subjected to danger from armed conflict comparable to the danger to which members of the Armed Forces have been subjected in battle with the enemy during a period of war.•

By Mr. MITCHELL (for Mr. CRANSTON) (by request):

S. 425. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' Affairs.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS

Mr. MITCHELL. Mr. President, as Members of the Senate are aware, Senator CRANSTON is unable to be here today because he is recovering from treatment for cancer. Thus, I am submitting for him the following statement on S. 425.

• Mr. CRANSTON. Mr. President, the majority leader, Mr. MITCHELL, today introduced for me, as chairman of the Veterans' Affairs Committee, and, by request, S. 425, the proposed Soldiers' and Sailors' Civil Relief Act Amendments of 1991. The general counsel of the Department of Defense transmitted this legislation by letter dated January 25, 1991, to the President of the Senate.

The introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the January 25, 1991, transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Soldiers' and Sailors' Civil Relief Act Amendments of 1991".

SECTION 1. COMMUNICATIONS CONSTITUTING AN APPEARANCE.

(a) The Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is amended at section 201 (50 U.S.C. App. 521) by adding at the end thereof: "An application for a stay of proceedings pursuant to this section shall not constitute an appearance for any purpose.".

(b) The amendment made by this section shall be effective for judgments issued on or after the date of enactment of this Act.

SEC. 2. REVISION OF RENT LEVELS.

(a) Section 300 of the Soldiers' and Sailors' Civil Relief Act of 1940, (50 U.S.C. App. 530) as amended, is amended:

(i) at subsection (1) by striking out "$150 per month" and substituting in lieu thereof the following "$811 per month or such other amount as may be prescribed in regulations implementing subsection (4)"; and

(ii) at subsection (4) by striking "Secretary of the Army, the Secretary of the Navy, or the Secretary of the Treasury" and inserting in lieu thereof, "Secretary of Defense or Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy," and by adding the following at the end of such subsection (4): "The Secretaries concerned annually shall promulgate changes in limitation in the amount of the 'agreed rent' described in subsection (1) of this section after considering changes in the Consumer Price Index-Urban regarding residential rent published periodically by the Department of Labor.".

(b) The amendments made by this section shall be effective for evictions or distress initiated on or after the date of enactment of this Act.

SEC. 3. PROHIBIT ADVERSE ACTIONS.

(a) The Soldiers' and Sailors' Civil Relief Act of 1940, (50 U.S.C. App. 590 et. seq., as amended) is amended by adding at the end the following new section:

"§ 702. Prohibited Adverse Actions

"The exercise of rights and the receipt of benefits provided by this Act regarding obligations, liabilities, taxes, fines, penalties, and insurance shall not be—

(1) considered to reflect adversely on the ability of a person in military service to satisfy such obligations, liabilities, taxes, fines, penalties, and insurance;

(2) the basis for adverse reports to a credit reporting or any other organization regarding such persons; or

(3) a basis for denying credit to such persons.".

SEC. 4. EFFECTIVE DATE.

Amendments made by this Act, unless otherwise provided herein, shall be effective on the date of enactment of this Act.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, January 25, 1991.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Attached is draft legislation "To amend the Soldiers' and Sailors' Civil Relief Act of 1940."

This proposal is part of the Department of Defense Legislative program for the 102nd Congress. The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for consideration of the Congress.

PURPOSE OF THE LEGISLATION

The President's activation of Reserve Forces in support of military operations in the Middle East has demonstrated a need to clarify and update certain provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. section 501 et. seq.). This proposal addresses as problems regarding military members informal communications with the courts, inadequacies in protection from eviction, and protection from adverse actions by creditors.

LEGAL PROCEEDINGS

Current law permits members to reopen default judgments under certain circumstances. These remedies are limited to judgments where members on active duty have not made an appearance. The Act also permits members to petition courts for a stay of civil proceedings. Where a stay is requested, it is granted unless the court finds that the member's ability to prosecute or defend an action is not materially affected by the member's military.

The problem arises when a member receives notice of a pending action but is unable to make an appearance. Frequently, members will communicate with the court and request a stay of proceedings pursuant to the Act. Some courts have determined that the member's military service did not materially affect the member's ability to participate, and proceeded to judgment, often without the member's presence. In at least one reported case, the court considered a request for a stay of proceedings as an appearance depriving the member of the opportunity to reopen the de facto default.

To resolve this problem, the legislative proposal would amend current law to prevent an application for a stay of proceedings from being construed as an appearance for any purpose.

RENT LEVELS FOR EVICTION PROTECTION

Current law provides protection from eviction of dependents if rental expenses do not exceed $150 and provides no protection if expenses are in excess of this amount. This rent level was last revised in 1966 and is no longer adequate to provide meaningful protection. The Department has determined that the average rental expense of enlisted members and junior officers (reservists) with dependents is $811.00 and is a more appropriate level of protection. The proposal also would require the Secretaries concerned annually to promulgate adjustments in the rent level, after considering the Consumer Price Index-Urban for rental expenses, as promulgated by the Bureau of Labor Statistics.

PROHIBITED ADVERSE ACTIONS

Current law provides protections and procedures to assist members experiencing financial difficulties as a result of their military service. Notwithstanding current law, there is concern that a creditor could adversely affect the credit rating of those members who avail themselves of the protections of the Soldiers' and Sailors' Civil Relief Act.

This legislation prevents a member's reliance on financial remedies, safeguards, and limitations from being considered adversely on a member's ability to satisfy just debts. Adverse reports to credit agencies are also prohibited.

MAXIMUM RATE OF INTEREST

This draft bill does not amend the section in current law that establishes a maximum rate of interest of 6 percent for all obligations and liabilities of a service member, as long as they were undertaken before entering military service, and as long as the service member's ability to pay a higher interest rate is materially affected by military service. Questions have arisen concerning the 6 percent interest rate. For example, is the unpaid interest forgiven or merely postponed until after completion of military service? Whether the 6 percent interest rate is compound or simple interest is not addressed in current law. Finally, there is some concern as to the appropriateness of a 6 percent interest rate cap, which was established in 1942, at a time when mortgage interest rates were about 4 to 5 percent and the prime lending rate was 1.5 percent. Obviously, interest rates were significantly lower than they are today.

We will study these issues to determine if the interest rate cap should be changed to provide the intended protection within the context of current market conditions, along with studying the other issues related to the 6 percent rate.

COST AND BUDGET DATA

This proposal requires no Department of Defense expenditure and has no impact on the Federal budget.

The Department of Defense recommends that the Congress enact this proposed legislation.

Sincerely,

TERRENCE O'DONNELL.•

By Mr. MITCHELL (for Mr. CRANSTON):

S. 426. A bill for the relief of Abby Cooke; to the Committee on the Judiciary.

RELIEF OF ABBY COOKE

• Mr. CRANSTON. Mr. President, this is a private relief bill on behalf of Mrs. Abby Cooke, a citizen of Taiwan, which is being reintroduced today. Mrs. Cooke is the widow of Timothy A. Cooke, a Vietnam veteran and Peace Corps volunteer, and the mother of a 5-year-old daughter, Kathryn Sun Cooke, who is a United States citizen.

Mrs. Cooke became a widow in August 1985, when her husband died of lung cancer at the age of 39 in San Gabriel, CA. They had been married for only 1 year when Mr. Cooke was diagnosed with the fatal disease and they decided to relocate to California for Mr. Cooke to seek treatment and to be closer to his family.

Mr. and Mrs. Cooke met in Taipei, Taiwan where Mr. Cooke was teaching English and studying Chinese. They were married in Taiwan on April 22, 1984, and again in San Gabriel, CA, on August 27, 1985, 2 days prior to Mr. Cooke's death. Mr. Cooke also signed his wife's permanent residency petition, but it was not filed prior to his death. Like many other couples, the Cookes had assumed that a marriage ceremony in the United States and the signed petition were sufficient to assure Mrs. Cooke of U.S. permanent residency. Mrs. Cooke soon learned the unfortunate fact that these actions had been invalidated by her husband's death.

Mrs. Cooke and her daughter have been residing in Alhambra, CA, with Mr. Cooke's parents since their arrival in the United States. Mr. and Mrs. Cooke had always intended to return to the United States and raise their daughter here. In fact, they had planned to return to California in June 1985, as soon as Mrs. Cooke completed her degree in journalism in Taiwan. As the spouse of a U.S. citizen, Mrs. Cooke would have had little difficulty obtaining permanent residency in the United States if her husband had survived. Now, her only alternative to private legislation is to wait until her daughter reaches the age of majority so she can petition on her mother's behalf.

I believe that this is a clear and compelling case for which private legislation is both appropriate and necessary. Mrs. Cooke has no viable alternative and she has arrived at this situation through no fault of her own. I am hopeful that my colleagues will join me in supporting this bill.•

By Mr. THURMOND:

S. 428. A bill to promote and improve efficient and effective enforcement of the antitrust laws; to the Committee on the Judiciary.

ANTITRUST REMEDIES IMPROVEMENTS ACT

Mr. THURMOND. Mr. President, the bill which I am introducing today, the Antitrust Remedies Improvement Act of 1991, provides for reform of the treble damage rule in antitrust cases by limiting treble damage recovery to those situations in which persons, including the United States, have been overcharged or underpaid by reason of a Sherman Act violation. In all other instances, persons who sue and prove an antitrust violation will still be fully compensated, but they will no longer recover treble damages. Their recovery will be limited to actual damages.

Mr. President, I believe the changes proposed by this legislation are long overdue. We have recently celebrated the 100th anniversary of the Sherman Act. Surely it is appropriate to reflect on the experience that we have accumulated over the years, to reexamine the effect of our antitrust laws, and to refine and reform them where appropriate. In this instance, I believe it is appropriate to reform the treble damage remedy.

As I have noted on many occasions, the treble damage rule is the dominant feature of the current system of private antitrust remedies. Its purpose is to provide a strong deterrent to clearly anticompetitive practices and to offer incentives to plaintiffs to detect and challenge such practices. However, the antitrust laws can be used to challenge some types of practices that may be procompetitive or anticompetitive, depending upon the particular circumstances. In these instances, if a court concludes that the challenged conduct is in fact anticompetitive, the responsible parties should be held liable, but, in my view, excessive damages, such as treble damages, are inappropriate. The treble damage remedy in these cases promotes abuse of the antitrust laws by inefficient firms that threaten treble damage lawsuits and stifle their more efficient competitors.

The Antitrust Remedies Improvement Act will continue to deter patently anticompetitive conduct. Victims of clearly harmful behavior, often consumers or small businesses, will have strong incentives to discover and challenge this conduct. Furthermore, to insure a fully compensatory remedy, automatic prejudgment interest on actual damages will be awarded whenever damages are not trebled.

Mr. President, the issue of detrebling damages, that is, awarding only actual damages for antitrust violations, is not a new one. Within the last 8 years, the Congress has enacted three antitrust statutes that either detrebled, or eliminated, antitrust damage recoveries. The Export Trading Company Act of 1982 provides only for actual damages in certain circumstances, if export activities are found to be anticompetitive. Likewise, the National Cooperative Research Act of 1984 also provides only for actual damages if joint research and development activities are found to be anticompetitive. Finally, the Local Government Antitrust Act of 1984 eliminated damage recovery altogether in antitrust suits challenging activity by local government entities.

In addition to detrebling antitrust damages, the legislation which I am proposing today provides for the award of defendants' attorneys' fees to a "substantially prevailing defendant" if the plaintiff's conduct was "frivolous, unreasonable, without foundation, or in bad faith." Like the detrebling provisions, this proposal will act to deter frivolous antitrust lawsuits that serve more to impede competition than to encourage it. The concept of defendants' attorneys' fees in antitrust cases is not a new one; the National Cooperative Research Act contains a similar provision.

Mr. President, I firmly believe that it is time for us to take a fresh look at our antitrust laws, and especially at the antitrust damage structure which has been in existence for over 100 years. I have introduced this legislation several times now because I believe it is a needed reform that will enhance our competitiveness, both at home and abroad, without doing harm to the underlying principles of the antitrust laws. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Antitrust Remedies Improvements Act of 1991".

SEC. 2. Subsection (a) of section 4 of the Clayton Act (15 U.S.C. 15(a)) is amended to read as follows:

"(a) Any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover actual damages by him sustained, interest calculated at the rate specified in section 1961 of title 28, United States Code, or at such other rate as the court finds to be fair to fully compensate such person for the injury sustained, on such actual damages for the period beginning on the earliest date for which injury can be established and ending on the date of judgment, unless the court finds that the award of all or part of such interest is unjust in the circumstances, and the cost of suit, including a reasonable attorney's fee: *Provided*, That except as provided in subsection (b), damages sustained by reason of such person having been overcharged or underpaid by any person subject to liability under the Sherman Act (15 U.S.C. 1–8) for such damages shall be trebled: *And provided further*, That prejudgment interest under this section on actual damages that are trebled shall be recovered only if, pursuant to a motion by the injured person promptly made, the court finds that the award of all or part of such interest is just in the circumstances, taking into consideration only—

"(1) whether such person or the opposing party, or either party's representative, made motions or asserted claims or defenses so lacking in merit as to show that such party or representative acted intentionally for delay, or otherwise acted in bad faith;

"(2) whether, in the course of the action involved, such person or the opposing party, or either party's representative, violated any applicable rule, statute, or court order providing for sanctions for dilatory behavior or otherwise providing for expeditious proceedings; and

"(3) whether such person or the opposing party, or either party's representative, engaged in conduct primarily for the purpose of delaying the litigation or increasing the cost thereof.".

SEC. 3. Section 4A of the Clayton Act (15 U.S.C. 15a) is amended to read as follows:

"SEC. 4A. Whenever the United States is injured in its business or property by reason of anything forbidden in the antitrust laws it may sue therefor in the United States district court for the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover actual damages by it sustained, interest calculated at the rate specified in section 1961 of title 28, United States Code, or at such other rate as the court finds to be fair to fully compensate the United States for the injury sustained, on such actual damages for the period beginning on the earliest date for which injury can be established and ending on the date of judgment, unless the court finds that the award of all or part of such interest is unjust in the circumstances, and the cost of suit: *Provided*, That damages sustained by reason of the United States having been overcharged or underpaid by any person subject to liability under the Sherman Act (15 U.S.C. 1–8) for such damages shall be trebled. *And provided further*, That prejudgment interest under this section or actual damages that are trebled shall be recovered only if, pursuant to a motion by the United States promptly made, the court finds that the award of all or part of such interest is just in the circumstances, taking into consideration only—

"(1) whether the United States or the opposing party, or either party's representative, made motions or asserted claims or defenses so lacking in merit as to show that such party or representative acted intentionally for delay, or otherwise acted in bad faith;

"(2) whether, in the course of the action involved, the United States or the opposing party, or either party's representative, violated any applicable rule, statute, or court order providing for sanctions for dilatory behavior or otherwise providing for expeditious proceedings; and

"(3) whether the United States or the opposing party, or either party's representative, engaged in conduct primarily for the purpose of delaying the litigation or increasing the cost thereof.".

SEC. 4. Paragraph (a)(2) of section 4C of the Clayton Act (15 U.S.C. 15c(a)(2)) is amended by striking the second sentence and inserting in lieu thereof the following: "The court may award under this paragraph, pursuant to a motion by such State promptly made, interest calculated at the rate specified in section 1961 of title 28, United States Code, or at such other rate as the court finds to be fair to compensate natural persons in such State for the injury sustained, on such total damage for the period beginning on the earliest date for which injury can be established and ending on the date of judgment, if the court finds that the award of all or part of such interest is just in the circumstances.".

DEFENDANTS' ATTORNEYS' FEES

SEC. 5. Section 4 of the Clayton Act (15 U.S.C. 15) is amended by adding after subsection (c) the following new subsection:

"(d) In any action under this section, the court shall award the cost of suit, including a reasonable attorney's fee, to a substantially prevailing defendant upon a finding that the plaintiff's conduct was frivolous, unreasonable, without foundation, or in bad faith.".

SEC. 6. Section 16 of the Clayton Act (15 U.S.C. 26) is amended by adding at the end thereof the following: "In any action under this section in which the defendant substantially prevails, the court shall award to such defendant the cost of suit, including a reasonable attorney's fee, upon a finding that the plaintiff's conduct was frivolous, unreasonable, without foundation, or in bad faith.".

EFFECTIVE DATE

SEC. 7. The provisions of this Act shall apply to all actions commenced after the date of enactment of this Act.

By Mr. SPECTER (for himself, Mr. BRADLEY, Mr. KASTEN, Mr. WARNER, Mr. BURDICK, Mr. THURMOND, Mr. LEVIN, Mr. RIEGLE, Mr. DOLE, Mr. GARN, Mr. LAUTENBERG, Mr. SARBANES, and Mr. PRESSLER):

S.J. Res. 72. Joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week"; to the Committee on the Judiciary.

NATIONAL REHABILITATION WEEK

Mr. SPECTER. Mr. President, today I am introducing a joint resolution to designate the week of September 15, 1991, as National Rehabilitation Week.

National Rehabilitation Week provides us an opportunity to celebrate the victories and determination of the more than 36 million disabled people in America. It is also a time to salute and recognize the dedicated health care professionals who provide rehabilitation care and to call attention to the unrealized needs of our Nation's disabled citizens.

As my colleagues know, there are significant areas where the needs of individuals with disabilities have not been met. Reports indicate that strokes, amputations, brain injuries, birth defects, serious illnesses, or other injuries affect one-third of our Nation's population. Experts estimate that 66 percent of those people never seek rehabilitation assistance. The widespread importance of rehabilitation is further evidenced by reported statistics that one out of every two Americans will need some form of rehabilitation therapy in his or her lifetime.

As the ranking minority member of the Appropriations Subcommittee on Labor, Health and Human Services and Education, I am particularly concerned that we continue to work toward providing sufficient resources to help the disabled. Therefore, for the benefit of all American citizens, National Rehabilitation Week would provide a forum for education and promotion of a broader awareness of the effective resources that rehabilitation facilities provide.

As my colleagues will recall, last year I introduced this resolution to designate the third week of September 1990, as National Rehabilitation Week. We were fortunate to enact that resolution last year, and I am pleased to report that the country celebrated in recognizing our disabled citizens' inspiring determination to defy great odds and overcome disabilities.

I am pleased that my own State of Pennsylvania is home to the headquarters of one of the largest providers of health care services in the United States—Allied Services. Allied provides a community of resources for the physically and mentally disabled, the elderly, and the chronically ill.

Having personally toured Allied Services' facilities in Scranton, PA, I have seen firsthand the important contributions that such rehabilitation services provide. Since 1976, Allied has led the country in celebrating Rehabilitation Week. As part of this week, Allied has honored exceptional individuals for their commendable personal accomplishments and their work on behalf of the disabled. Past recipients have included Press Secretary to President Reagan, James S. Brady, pitcher of the California Angels, Jim Abbott, internationally renowned violinist, Itzhak Perlman, and Rick Hansen, who traveled 25,000 miles by wheelchair throughout Europe and the United States.

This annual effort to focus attention on the courage and determination of the disabled and on the valiant and successful efforts of those professionals who are working to help them is, indeed, worthy of national attention and praise.

Mr. President, I can think of no nobler nor more estimable task than endeavoring to restore disabled individuals to independent, productive, and fulfilling lives. All who are engaged in these efforts have my admiration and respect.

Accordingly, I urge my colleagues to join me in support of the disabled person and the dedicated professional, both of whom personify the philosophy that disabilities can be turned into possibilities and successes.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 72

Whereas the designation of a week as "National Rehabilitation Week" gives the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities in this Nation and recognize dedicated health care professionals who work daily to help such individuals achieve independence;

Whereas there are significant areas where the needs of such individuals with disabilities have not been met, such as certain research and educational needs;

Whereas half of the people of this Nation will need some form of rehabilitation therapy;

Whereas rehabilitation agencies and facilities offer care and treatment for individuals with physical, mental, emotional, and social disabilities;

Whereas the goal of the rehabilitative services offered by such agencies and facilities is to help disabled individuals lead active lives at the greatest level of independence possible; and

Whereas the majority of the people of this Nation are not aware of the limitlesss possibilities of invaluable rehabilitative services in this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That—

(1) the week of September 15, 1991, through September 21, 1991, is designated as "National Rehabilitation Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to heighten public awareness of the types of rehabilitative services available in this Nation and the manner in which such services improve the quality of life of disabled individuals; and

(2) each State governor, and each chief executive of each political subdivision of each State, is urged to issue proclamation (or other appropriate official statement) calling upon the citizens of such State or political subdivision of a State to observe such week in the manner described in paragraph (1).

By Mr. SPECTER (for himself, Ms. MIKULSKI, Mr. DODD, Mr. METZENBAUM, Mr. GORTON, Mr. RIEGLE, and Mr. CONRAD):

S.J. Res. 73. Joint resolution designating October 1991 as "National Domestic Violence Awareness Month"; to the Committee on the Judiciary.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mr. SPECTER. Mr. President, today I am introducing a joint resolution to designate October 1991 as National Domestic Violence Awareness Month. This resolution is the successor of two Senate joint resolutions, both of which I introduced in the 101st Congress with Senator MIKULSKI, making National Domestic Violence Awareness Month public law in 1989 and 1990.

According to the U.S. Department of Justice, 93 percent of the victims of violent crimes from 1982–84, where the offender is a relative, were females. In 1984, U.S. Surgeon General C. Everett Koop reported that domestic violence is the single largest cause of injury to women in the United States.

Domestic violence affects urban and rural women of all racial, social, religious, ethnic, and economic groups, and of all ages, physical abilities, and lifestyles. Therefore, it is fitting that we focus attention on the growing national tragedy of domestic violence, and demonstrate our support for those individuals and organizations working to address it.

Mr. President, the incidence of domestic violence nationwide is staggering. According to the National Coalition Against Domestic Violence, over 50 percent of all married women experience some form of physical abuse in their relationships. But the violence does not end there. A 1984 independent study by Ms. Lenore Walker, author of "The Battered Woman Syndrome," found that 53 percent of abusive husbands beat their children as well as their wives, and that this violence is frequently repeated. During 1987, the National Coalition members provided shelter to more than 375,000 women and children from their unsafe homes. More disconcerting, however, is that 40 percent of women and children seeking shelter in 1987 were turned away due to a lack of space.

In my own State of Pennsylvania, the incidence of domestic violence is especially acute. In 1989, hotlines throughout the Commonwealth handled 141,383 abuse-related calls. The Pennsylvania Coalition Against Domestic Violence, headquartered in Harrisburg, PA, operates 44 shelters, 6 counseling centers and safehomes, and 57 hotlines throughout the Commonwealth. The Pennsylvania Coalition reports that in 1989, these facilities provided services to 70,031 persons, 57,912 of whom were victims of domestic abuse. The coalition members also provided 408,037 hours of counseling to victims and their children, and 166,175 shelter days to battered individuals.

Statistics show that there is a growing need for such facilities. The Pennsylvania Coalition reported an 11-percent increase in the number of shelter recipients in 1989. The total number of victims seeking aid is expected to continue increasing.

Unfortunately, despite these extensive efforts, existing shelters are as yet unable to meet the needs of all the victims. The Pennsylvania Coalition reported that in 1989, shelters were forced to turn away 8,940 women and children—an increase of over 11.1 percent over last year's rejection rate. According to national statistics provided by the National Coalition Against Domestic Violence, for every woman sheltered, two women in need of shelter must be turned away due to lack of space.

Mr. President, I long have been concerned about the devastating effects of domestic violence on American families. As the former district attorney of Philadelphia, I have witnessed firsthand the tragic consequences of domestic abuse cases. Accordingly, I commend the efforts of the Pennsylvania Coalition Against Domestic Violence, the National Coalition Against Domestic Violence, the National Network for Victims of Sexual Assault, the Pennsylvania Junior League, and similar organizations that take such an active role in combating domestic abuse.

I urge my colleagues to join us in cosponsoring this resolution to designate October 1991 as National Domestic Violence Awareness Month to focus attention on the pressing needs of domestic violence victims.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 173

Whereas it is estimated that a woman is battered every fifteen seconds in America;

Whereas domestic violence is the single largest cause of injury to women in the United States, affecting six million women;

Whereas urban and rural women of all racial, social, religious, ethnic, and economic groups, and of all ages, physical abilities, and lifestyles are affected by domestic violence;

Whereas 31 percent of female homicide victims in 1988 were killed by their husbands or boyfriends;

Whereas one-third of the domestic violence incidents involve felonies, specifically, rape, robbery and aggravated assault;

Whereas in 50 percent of families where the wife is being abused, the children of that family are also abused;

Whereas some individuals in our law enforcement and judicial systems continue to think of spousal abuse as a "private" matter and are hesitant to intervene and treat domestic assault as a crime;

Whereas in 1987, over 375,000 women, plus their children, were provided emergency shelter in domestic violence shelters and safe homes and the number of women and children that were sheltered by domestic violence programs increased by 164,000 between 1983 and 1987;

Whereas 40 percent of women in need of shelter may be turned away due to a lack of shelter space;

Whereas the nationwide efforts to help the victims of domestic violence need to be expended and coordinated;

Whereas there is a need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children; and

Whereas the dedication and successes of those working to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1990 is designated as "National Domestic Violence Awareness Month." The President is authorized and requested to issue a proclamation calling on the people of the United States to observe this month by becoming more aware of the tragedy of domestic violence, supporting those who are working to end domestic violence, and participating in other appropriate efforts.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. DOLE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 10, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 15

At the request of Mr. BIDEN, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 33

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 33, a bill to establish the Social Security Administration as an independent agency, and for other purposes.

S. 88

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code, of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 89

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 89, a bill to amend the Internal Revenue Code of 1986 to permanently increase the deductible health insurance costs for self-employed individuals.

S. 144

At the request of Mr. MCCAIN, the names of the Senator from Indiana [Mr. LUGAR], and the Senator From Vermont [Mr. LEAHY] were added as consponsors of S. 144, a bill to protect the natural and cultural resources of the Grand Canyon and Glen Canyon.

S. 165

At the request of Mr. HOLLINGS, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 165, a bill entitled the "Legislative Line Item Veto Separate Enrollment Authority Act."

S. 167

At the request of Mr. RIEGLE, the names of the Senator from Pennsylvania [Mr. HEINZ], the Senator from Florida [Mr. MACK], the Senator from Colorado [Mr. WIRTH], the Senator from Delaware [Mr. BIDEN], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortage bonds.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 167, supra.

S. 173

At the request of Mr. HOLLINGS, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 190

At the request of Mr. GRAHAM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 190, a bill to amend section 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 223

At the request of Mr. MCCONNELL, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 223, a bill to amend the National School Lunch Act to extend eligibility for reimbursement for meal supplements for children in afterschool care, and for other purposes.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 243

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 243, a bill to revise and extend the Older Americans Act of 1965, and for other purposes.

S. 254

At the request of Mr. MCCONNELL, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 254, a bill to repeal the provisions of the Revenue Reconciliation Act of 1989 which require the withholding of income tax from wages paid for agricultural labor.

S. 256

At the request of Mr. DASCHLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 256, a bill to clarify eligibility under chapter 106 of title 10, United States Code, for educational assistance for members of the Selected Reserve.

S. 267

At the request of Mr. REID, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 267, a bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of that State.

S. 283

At the request of Mr. KOHL, the names of the Senator from Hawaii [Mr. AKAKA], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 283, a bill to direct the Secretary of Defense to prescribe regulations with respect to the stationing of military personnel who are solely responsible for dependents at locations where facilities for dependents are not reasonably available.

At the request of Mr. KOHL, the name of the Senator from Pennsylvania [Mr. SPECTER] was withdrawn as a cosponsor of S. 283, supra.

S. 307

At the request of Mr. RIEGLE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 307, a bill to amend the Internal Revenue Code of 1986 to permit individuals to receive tax-free distributions from an individual retirement account or annuity to purchase their first home, and for other purposes.

S. 308

At the request of Mr. MITCHELL, the names of the Senator from Florida [Mr. MACK], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 308, supra.

S. 313

At the request of Mr. SPECTER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 313, a bill to carry out obligations of the United States under the U.N. Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from a person who engages in torture or extra judicial killing.

S. 327

At the request of Mr. BOREN, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Dakota [Mr. BURDICK], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 327, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 338

At the request of Mr. DANFORTH, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 338, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on the sale of any international airline route.

S. 349

At the request of Mr. BUMPERS, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such Act, and for other purposes.

S. 353

At the request of Mr. JEFFORDS, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 353, a bill to require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace and to issue or report on regulations to prevent or mitigate the future contamination of workers' homes, and for other purposes.

S. 354

At the request of Mr. KASTEN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 354, a bill to amend the Internal Revenue Code of 1986 to permit mortgage revenue bond financing of mortgages for veterans of Operation Desert Shield.

S. 355

At the request of Mr. KASTEN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 355, a bill to amend the Internal Revenue Code of 1986 to permit mortgage revenue bond financing of mortgages for veterans of Operation Desert Shield.

S. 377

At the request of Mrs. KASSEBAUM, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 377, a bill to amend the International Air Transportation Competition Act of 1979.

S. 392

At the request of Mr. LEVIN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 392, a bill to amend chapter 23 of title 5, United States Code, to extend certain protection of the Whistleblower Protection Act of 1989 to personnel of Government corporations.

SENATE JOINT RESOLUTION 53

At the request of Mr. GRAHAM, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Washington [Mr. ADAMS], the Senator from Kansas [Mr. DOLE], the Senator from Texas [Mr. BENTSEN], the Senator from Utah [Mr. GARN], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Mississippi [Mr. COCHRAN], were added as cosponsors of Senate Joint Resolution 53, a joint resolution to designate April 9, 1991 and April 9, 1992, as "National Former Prisoner of War Recognition Day."

SENATE JOINT RESOLUTION 55

At the request of Mr. PELL, the names of the Senator from California [Mr. CRANSTON], the Senator from Delaware [Mr. ROTH], the Senator from Maryland [Mr. SARBANES], the Senator from New York [Mr. MOYNIHAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. AKAKA], the Senator from Michigan [Mr. RIEGLE], the Senator from Connecticut [Mr. DODD], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. PACKWOOD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Vermont [Mr. LEAHY], the Senator from Utah [Mr. HATCH], the Senator from Wisconsin [Mr. KASTEN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Minnesota [Mr. DURENBERGER], were added as cosponsors of Senate Joint Resolution 55, a joint resolution commemorating the 200th Anniversary of United States-Portuguese Diplomatic Relations.

SENATE JOINT RESOLUTION 56

At the request of Mr. KASTEN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 56, a joint resolution to designate the period commencing March 10, 1991 and ending on March 16, 1991, as "Deaf Awareness Week."

SENATE JOINT RESOLUTION 64

At the request of Mr. BRADLEY, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 64, a joint resolution to authorize the President to proclaim the last Friday of April as "National Arbor Day."

SENATE JOINT RESOLUTION 65

At the request of Mr. D'AMATO, the names of the Senator from Alaska [Mr. STEVENS], the Senator from North Dakota [Mr. CONRAD], the Senator from Washington [Mr. GORTON], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 65, a joint resolution designating the week beginning May 12, 1991, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 67

At the request of Mr. THURMOND, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Vermont [Mr. JEFFORDS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Arizona [Mr. DECONCINI], were added as cosponsors of Senate Joint Resolution 67, a joint resolution to recognize and commemorate the centennial of the Immigration and Naturalization Service.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. DECONCINI, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution to encourage the Angolan Peace Talks.

SENATE RESOLUTION 17

At the request of Mr. SYMMS, the names of the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. COHEN], and the Senator from Alaska [Mr. STEVENS], were added as cosponsors of Senate Resolution 17, a resolution to express the sense of the Senate in support of "Operation Homefront."

S. 393

At the request of Mr. HEFLIN, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 393, a bill to provide for fair treatment for farmers and ranchers who are participating in the Persian Gulf war as active reservists or in any other military capacity, and for other purposes.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from Montana [Mr. BURNS], the Senator from Arizona [Mr. MCCAIN], the Senator from Alabama [Mr. SHELBY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from South Carolina [Mr. THURMOND], the Senator from California [Mr. CRANSTON], the Senator from North Dakota [Mr. BURDICK], the Senator from Utah [Mr. GARN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 416

At the request of Mr. DANFORTH, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Hawaii [Mr. INOUYE], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 416, a bill to amend the Internal Revenue Code of 1986 to make permanent the tax credit for increasing research activities.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the names of the Senator from Illinois [Mr. SIMON], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. DODD], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month".

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedom Foundation at Valley Forge.

SENATE JOINT RESOLUTION 45

At the request of Mr. REID, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 45, a joint resolution to require display of the POW/MIA flag at Federal buildings.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Michigan [Mr. LEVIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from North Dakota [Mr. CONRAD], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 50

At the request of Mr. BRADLEY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Joint Resolution 50, a joint resolution to designate April 6, 1991, as "National Student-Athlete Day".

SENATE RESOLUTION 56—AUTHORIZING REPRINTING OF "WASHINGTON'S FAREWELL ADDRESS TO THE PEOPLE OF THE UNITED STATES"

Mr. SARBANES (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 56

Resolved, That Senate Document Numbered 5, Ninety-Sixth Congress, First Session, entitled "Washington's Farewell Address to the People of the United States", be reprinted as a Senate Document; and that there be printed one thousand additional copies of such document for the use of the Senate.

SENATE RESOLUTION 57—RELATIVE TO EXPEDITIOUS CONSIDERATION AND APPROVAL OF THE PRESIDENT'S 1991 SUPPLEMENTAL APPROPRIATIONS REQUEST TO REMOVE LIMITATION ON THE EXPORT ENHANCEMENT PROGRAM BONUS AWARDS

Mr. DOLE (for himself, Mr. BURDICK, Mr. COCHRAN, Mr. BOREN, Mr. PRYOR, Mr. BOND, Mr. BENTSEN, Mrs. KASSEBAUM, Mr. DASCHLE, Mr. HELMS, Mr. BAUCUS, Mr. CRAIG, Mr. BURNS, Mr. PRESSLER, Mr. NICKLES, Mr. MCCONNELL, Mr. GRAMM, Mr. CONRAD, and Mr. KERREY) submitted the following resolution; which was ordered held at the desk by unanimous consent until the close of business on February 20, 1990:

S. RES. 57

Whereas the President's Budget of the United States Government for fiscal year 1992 contains a 1991 supplemental appropriations request which specifically recommends the removal of the current $425 million spending cap established for the EEP, with the estimated program level for fiscal year 1991 revised to $900 million.

Whereas the necessary legislative language to meet this request is incorporated in the supplemental appropriations request.

Whereas the EEP enables the United States to challenge the unfair trading practices to competitor exporting countries and encourages trade negotiations to achieve fundamental reforms in world agricultural policies and trading practices.

Whereas the United States Department of Agriculture has already expended approximately $370 million of the $425 million made available for the EEP in fiscal year 1991.

Whereas the United States Department of Agriculture projects that EEP funding could be exhausted within the next 2-4 weeks if demand for program funds continues at its current level.

Whereas given world supply/demand conditions for a number of commodities, including wheat, soybean oil, poultry, feed grains, and value-added products, the $425 million level for EEP bonuses will be insufficient to meet total program requirements during the remainder of the fiscal year.

Whereas a disruption in EEP funding would seriously jeopardize the ability of the United States to be competitive in many key markets, particularly for wheat, and would damage our image as a reliable supplier: Now therefore, be it

Resolved, That it is the Sense of the Senate that

Section 1. The Senate should take immediate action to ensure the ongoing use of the EEP at the time the supplemental appropriations request for fiscal year 1991 comes to the floor.

SEC. 2. If the supplemental appropriations bill is not enacted in a timely manner to maintain ongoing funding of the program, the House and Senate Committees on Appropriations will work to enact separate legislation to provide ongoing funding for the EEP.

SEC. 3. The Senate shall consider all other measures necessary to ensure that there is no disruption in EEP funding for the remainder of fiscal year 1991.

AMENDMENTS SUBMITTED

OMNIBUS EXPORT AMENDMENTS ACT

SPECTER (AND HELMS) AMENDMENT NO. 2

Mr. SPECTER (for himself and Mr. HELMS) proposed an amendment to the bill (S. 320) to reauthorize the Export Administration Act of 1979, and for other purposes, as follows:

At the appropriate place insert the following:

SEC. . CRIMINAL AND CIVIL PENALTIES FOR PRODUCTION, TRANSPORT, OR USE OF BIOLOGICAL OR CHEMICAL WEAPONS WHICH KILL, MAIM OR INJURE U.S. NATIONALS ABROAD.

(1) Section 2331 of title 18, United States Code, is amended as follows:

(a) Delete the "and" at the end of subparagraph (3) and replace the period at the end of subparagraph (4)(C) with "; and ";

(b) Add the following at the end of the section:

"(5) An act which knowingly and materially contributes to the production, transport, or use of biological or chemical weapons, or a component thereof, which kill, maim or injure a national of the United States shall be considered an act of 'international terrorism' and shall not constitute an 'act of war.'"; and

(2) Section 2332 of title 18, United States Code, is amended as follows: Delete the period at the end of subparagraph (e) and add instead the phrase "or constituted an act as defined in section 2331(5)."

SPECTER AMENDMENT NO. 3

Mr. SPECTER proposed an amendment to the bill S. 320, supra, as follows:

At the appropriate place insert the following:

SEC. . TERRORIST DEATH PENALTY ACT OF 1991.

(1) SHORT TITLE.—This section may be cited as the "Terrorist Death Penalty Act of 1991".

(2) DEATH PENALTY FOR TERRORISTS ACTS.—(a) OFFENSE.—Subsection 2332(a) of title 18 of the United States Code is amended to read as follows:

"(a) HOMICIDE.—Whoever kills a person while such person is inside the United States, or kills a national of the United States, while such national is outside the United States, shall—

"(1)(A) if the killing is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, or be fined under this title, or both; and

"(B) if the killing is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;".

(b) DEATH PENALTY.—Section 2332 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) DEATH PENALTY.—

"(1) SENTENCE OF DEATH.—A defendant who has been found guilty of an offense under subsection (a)(1)(A), if the defendant, as determined beyond a reasonable doubt at a hearing under paragraph (3) either—

"(A) intentionally killed the victim;

"(B) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(C) acting with reckless disregard for human life, engaged or substantially participated in conduct which the defendant knew would create a grave risk of death to another person or persons and death resulted from such conduct,

shall be sentenced to death if, after consideration of the factors set forth in paragraph (2) in the course of a hearing held under paragraph (3), it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"(2) FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(i) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(ii) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(iii) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's character or record or any other circumstances of the offense that the defendant may proffer as a mitigating factor exists.

"(B) AGGRAVATING FACTORS FOR HOMICIDE.—In determining whether a sentence of death is justified for an offense described in paragraph (1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(i) DEATH OCCURRED DURING COMMISSION OF ANOTHER CRIME.—The death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1201 (kidnapping), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following a finding of not guilty only by reason of insanity), or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n) (aircraft piracy)).

"(ii) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(I) during and in relation to the commission of the offense or in escaping apprehension used or possessed a firearm as defined in section 921 of this title; or

"(II) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(iii) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(iv) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(v) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(vi) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(vii) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(viii) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(ix) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(x) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(xi) TYPE OF VICTIM.—The defendant committed the offense against—

"(I) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(II) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(III) a foreign official listed in section 1116(b)(3)(A) of this title, if that official is in the United States on official business; or

"(IV) a public servant who is a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(aa) while such public servant is engaged in the performance of the public servant's official duties;

"(bb) because of the performance of such public servant's official duties; or

"(cc) because of such public servant's status as a public servant.

For purposes of this clause, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2; a 'Federal law enforcement officer' is a public servant authorized by law or by a government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a magistrate.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(3) SPECIAL HEARING TO DETERMINE WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in paragraph (1), the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice—

"(i) that the Government in the event of conviction will seek the sentence of death; and

"(ii) setting forth the aggravating factor or factors enumerated in paragraph (2) and any other aggravating factor not specifically enumerated in paragraph (2), that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(B) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subparagraph (A) and the defendant is found guilty of an offense described in paragraph (1), the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Before such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(i) before the jury that determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury;

"(III) the jury that determined the defendant's guilt was discharged for good cause; or

"(IV) after initial imposition of a sentence under this paragraph, reconsideration of the sentence under the section is necessary; or

"(iii) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to clause (ii) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(C) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(i) any matter relating to any mitigating factor listed in paragraph (2) and any other mitigating factor; and

"(ii) any matter relating to any aggravating factor listed in paragraph (2) for which notice has been provided under subparagraph (A)(ii) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

Information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(D) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in paragraph (2) of this title found to exist and any other aggravating factor for which notice has been provided under subparagraph (A) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in paragraph (2) is found to exist, the court shall impose a sentence other than death authorized by law.

"(E) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under paragraph (2)(C) is found to exist the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factor or factors. The jury, or if there is no jury, the court, shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(F) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subparagraph (E), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subparagraph (E), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching the juror's individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"(4) IMPOSITION OF A SENTENCE OF DEATH.—Upon the recommendation under paragraph (3)(E) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release or furlough.

(5) REVIEW OF A SENTENCE OF DEATH.—

"(A) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this paragraph may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(B) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(i) the evidence submitted during the trial;

"(ii) the information submitted during the sentencing hearing;

"(iii) the procedures employed in the sentencing hearing; and

"(iv) the special findings returned under paragraph (3)(D).

"(C) DECISION AND DISPOSITION.—

"(i) If the court of appeals determines that—

"(I) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(II) the evidence and information support the special findings of the existence of an aggravating factor or factors;

it shall affirm the sentence.

"(ii) In any other case, the court of appeals shall remand the case for reconsideration under paragraph (3) of this title or for imposition of another authorized sentence as appropriate.

"(iii) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this paragraph.

"(6) IMPLEMENTATION OF A SENTENCE OF DEATH.—

"(A) IN GENERAL.—A person who has been sentenced to death pursuant to this subsection shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(B) IMPAIRED MENTAL CAPACITY, AGE, OR PREGNANCY.—A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed.

A sentence of death shall not be carried out upon a woman while she is pregnant.

"(C) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this paragraph, if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subparagraph, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(7) USE OF STATE FACILITIES.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a series of hearings concerning S. 341, the National Energy Security Act of 1991, have been scheduled before the full committee of the Committee on Energy and Natural Resources. They will all take place in SD-366. Because of the limited time available for the hearings, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record should send two copies to the Committee on Energy and Natural Resources, SD-364, U.S. Senate, Washington, DC 20510.

The hearings are as follows:

TUESDAY, FEBRUARY 26, 1991, 9:30 A.M.

Title III and subtitles A and B of title IV concerning provisions pertaining to energy efficiency and renewable energy. Testimony will focus on energy efficiency initiatives including building energy efficiency standards, labeling, Federal Energy Management, and utility investment in conservation; and renewable energy initiatives including the CORECT program and joint ventures for renewable energy development. For further information, please contact Leslie Black or Al Stayman at 202/224-4971 (energy efficiency and CORECT), or Mary Louise Wagner at 202/224-7570 (renewables R&D).

TUESDAY, FEBRUARY 26, 1991, 2:00 P.M.

Title IV, subtitle C, concerning provisions pertaining to hydropower licensing and efficiency. For further information, please contact Tom Jensen at 202/224-2366.

THURSDAY, FEBRUARY 28, 1991, 9:30 A.M.

Title XI pertaining to transportation. The hearing will focus on the legislation's approach to setting new standards for corporate average fuel economy (CAFE) for the automobile industry. For further information, please contact Karl Hausker at 202/224-3329 or Sam Fowler at 202/224-7569.

TUESDAY, MARCH 5, 1991, 9:30 A.M.

Title XII and Title XIII concerning nuclear energy. Title XII pertains to two demonstration projects aimed at commercializing advanced nuclear reactor technologies. Title XIII clarifies the licensing process for nuclear power plants. For further information, please contact Mary Louise Wagner or Sam Fowler at 202/224-7569.

THURSDAY, MARCH 7, 1991, 9:30 A.M.

Title X and Sections 6003 and 6004. Title X addresses natural gas regulatory issues and Sections 6003 and 6004 pertain to natural gas research, development, demonstration and commercialization activities. For further information, please contact Don Santa at 202/224-4820.

MONDAY, MARCH 11, 1991, 2:00 P.M.

Title VII and Title VIII. Title VII pertains to the Strategic Petroleum Reserve, and Title VIII pertains to Outer Continental Shelf issues. For further information, please contact Patricia Beneke (Outer Continental Shelf) at 202/224-2383 or Karl Hausker (Strategic Petroleum Reserve) at 202/224-3329.

MARCH 12, 1991, 9:30 A.M.

Title IX concerning provisions which authorize a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge in Alaska (ANWR). For further information, please contact Tom Williams at 202/224-7145.

THURSDAY, MARCH 14, 1991, 10:00 A.M. AND 2:00 P.M.

Title XV concerning reform of the Public Utility Holding Company Act of 1935. For further information, please call Bill Conway at 202/224-7149 or Dana Sebren at 202/224-4531.

MONDAY, MARCH 18, 1991, 2:00 P.M.

Title V pertaining to coal and the applicability of new source review to existing electric steam generating units (WEPCo). For further information, please call Lisa Vehmas at 202/224-7555 or Patricia Beneke at 202/224-2383 (coal) or Don Santa at 202/224-4820 (WEPCo).

Mr. JOHNSTON. Mr. President, I would like to announce for the public that the hearing on the administration's national energy strategy has been changed. That hearing, previously scheduled for Tuesday, February 19, 1991, at 2:30 p.m., has been rescheduled for Thursday, February 21, 1991, at 9:30 a.m.

The hearing will take place in room 366 of the Senate Dirksen Office Building in Washington, DC. Witnesses will testify by invitation only.

For further information, please contact Patricia Beneke of the committee staff at (202) 224-2383.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold an oversight hearing on the Procurement Integrity Act, on Thursday, February 21, 1991, at 9 a.m., in room 342 of the Dirksen Senate Office Building.

Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold an oversight hearing on the Procurement Integrity Act, on Tuesday, February 26, 1991, at 2:30 p.m., in room 342 of the Dirksen Senate Office Building.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee markup on S. 360, the Military Reservists Small Business Relief Act. The markup will be held on Wednesday, February 20, 1991, in room 428A of the Russell Senate Office Building and will commence at 2:30 p.m. For further information, please call Patty Forbes of the committee staff at 224-5175.

ADDITIONAL STATEMENTS

LITHUANIAN INDEPENDENCE DAY

• Ms. MIKULSKI. Mr. President, on February 16, 1991, Lithuanians in the United States and around the world celebrated Lithuanian Independence Day. This event commemorates the bravery and strength of the Lithuanians in their drive to establish democracy and an independent republic.

Unfortunately, this year the presence of Soviet troops in the Baltic States has cast a shadow over this anniversary. But those troops have not intimated the Lithuanians independence movement one bit. On February 9, 90 percent of the Lithuanian people demonstrated their zest for freedom by voting in favor of independence from the Soviet Union in a nationwide plebiscite. This vote was a testimonial to the desire of Lithuanians to possess a democracy of their own and to set their own political, economic, and cultural course. The vote displayed the courage and tenacity that are the pride of Lithuanians all over the world.

The dream of freedom held in Lithuania is reinforced by the Lithuanian community in the United States. Lithuanian-Americans deserve enormous credit for keeping this issue before the Congress and administration and for keeping the dream alive. Through their efforts I have no doubt the dream will someday become a reality.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Mr. Kevin M. Dempsey, a member of the staff of Senator JOHN C. DANFORTH, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, from February 11–17, 1991.

The committee has determined that participation by Mr. Dempsey in the program in Japan, at the expense of the Japan Center for International Exchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Patrick Mulloy, a member of the staff of Senator DONALD W. RIEGLE, Jr., to participate in a program in Japan, sponsored by the Japan Center for International Exchange, from February 11–17, 1991.

The committee has determined that participation by Mr. Mulloy in the program in Japan, at the expense of the Japan Center for International Exchange, is in the interest of the Senate and the United States.•

EASTERN BLOC CHANGES

• Mr. ROBB. Mr. President, one of my constituents, Rabbi Israel Zoberman of congregation Beth Chaverim in Virginia Beach, VA, has recently published some thoughts arising from a trip to Eastern Europe. I would like to bring them to the attention of my colleagues, and ask that they appear in the CONGRESSIONAL RECORD at the appropriate juncture.

The article follows:

[From the Virginian-Pilot, Sept. 11, 1990]

EASTERN BLOC CHANGES DEMAND OUR ATTENTION

(By Rabbi Israel Zoberman)

Having returned from a 19-day tour of the Soviet Union and Eastern Europe (Yugoslavia, Romania, Hungary), I have been seized by the compelling impressions of visiting a significant part of the world which presently dominates our attention as well as imagination, my birthplace where my own family roots are anchored and where Jews have lived for 1,000 years.

Who can remain neutral when encountering the remnant of a people whose legacy of both pain and creativity is overwhelming? To marvel at the sacred beauty of surviving old synagogues where a heritage has been kept alive and be in neighborhoods where Jews lived and died—yet be exposed to the emptiness their tragic absence leaves behind—is to affirm a transcending will to live and confront the demons of our brutal era that exacted a high toll from humanity in general and the Jewish people in particular.

The current historic massive exodus from the Soviet Union is testimony to a major resolve to place one's destiny within Israel and the United States, reflecting well-grounded skepticism about a viable existence in an enigmatic setting.

I witnessed hopeful signs of transition and freedom, as well as risk, in the heart of the crumbling Soviet empire, and was deeply affected by the lingering marks of the Romanian Revolution in the form of bullet holes on disfigured buildings.

Our local guide proudly displayed the passports he and his wife held as a declaration of individual independence; he also pinpointed the spot he occupied in the square in front of the headquarters of the previous ruling party, where the revolution broke out. Liberated fervor is tempered, though, by a trying reality of economic hardship and political uncertainty.

What a remarkable opportunity the West possesses at this time of crossroads to effectively chart a joint future free of the kind of tension and alienation that has placed the planet in permanent hazard for far too long.

Rather than gleefully appraising the queues for basic necessities and the hunger for lacking commodities that we take for granted, may we not miss a rare and perhaps unrepeated chance to help direct the fateful course of events in a vast community with a record of contribution to humanity. Infusion of food, materiel and know-how, the forging of economic, educational, cultural and political alliances based on acknowledgment of fears, common interest, mutual appreciation and good will are bound to have a lasting impact.

The present cooperation between the two superpowers in responding to the Middle East crisis provoked by Iraq is a clear manifestation of the post-Cold War altered climate that only a short while ago would have found, in a similar scenario, the United States and the Soviet Union poised to strike at each other.

The pro-democracy and change-oriented forces at work in the Soviet bloc that have gone out on a limb deserve our support. Those who caution restraint, fearing a communist trap and justifiably mindful of the high risk of strengthening a deadly adversary, ought to contemplate the even higher risk of neglecting to take advantage of an inroad of historic proportions into reshaping the global scene and securing a safe world for generations to come. Let us recall the genuine, enthusiastic response evoked during the recent visit of Soviet sailors to Hampton Roads.

One of the benefits of traveling is the gained realization that in spite of different and even opposing political and social systems, human beings conditioned to their own distinct environments are nonetheless members of the same human species and harbor similar visions for their well-being as well as that of their children.•

RECALLING WARTIME AND THE CONSTITUTION

• Mr. SIMON. Mr. President, I rise today to express my thoughts on this, the 49th anniversary of the signing of Executive Order 9066 authorizing the internment of Japanese-Americans.

We as a nation made a grave mistake in the early months of 1942 when we summarily rounded up Japanese-Americans on the west coast simply because of their ancestry. Ultimately, 120,000 Japanese-Americans—77,000 of whom were United States citizens—were sent to relocation camps or forced to leave their homes and possessions.

Throughout the years, the Nation has tried to overcome that experience. Most recently, through the Civil Liberties Act of 1988, Congress and the President formally apologized and began to make payments to Japanese-Americans interned during World War II or to their surviving heirs. Sadly, many of the internees, particularly the elderly, who were perhaps most devastated by the experience, died long before the Government made its amends. Even today, redress payments have not been made to most of the internees.

In times of war and periods of tension, we have an unfortunate tendency to fail sometimes to live up to our ideals. Today, I am hearing reports about violence directed at American citizens and immigrants from the Middle East inspired by America's anger toward Saddam Hussein.

Forty-nine years after Executive Order 9066, we are perilously close to the fears many in the Nation had about Japanese-Americans. We should not be confusing the enemy abroad with people among us whose only connection with the events overseas is a similar ancestry.

The Arab-American Anti-Discrimination Committee recently reported that hate crimes directed at Arab-Americans have increased markedly since August 2, when Iraq invaded Kuwait. The group reported five hate crimes against Arab-Americans from January to July 1990 but 40 from August to the end of 1990. Since January 16, 1991, there have been another 48 reported acts of violence, harassment, or intimidation against Arab-Americans in this country.

Hate crimes and bigotry are a poison even when we are not at war and they are not unique to the United States. In the city of Chicago, a hate crime is reported about once every 36 hours. The Chicago Defender recently disclosed a city of Chicago report that African-Americans are most often victimized by hate crimes and that anti-Semitic attacks climbed to a record 1,685 last year.

Nationally, the Anti-Defamation League of B'nai B'rith reported that anti-Semitic hate crimes increased by 18 percent last year, the high point in the 12-year history of the league's survey. The Hate Crimes Statistics Act, which I sponsored and Congress passed last year, to require the Attorney General to collect data on crimes motivated by hatred based on race, religion, ethnicity, or sexual orientation, will provide us with systematic numbers about the broader picture of hate crimes in the United States.

Internationally, there is a rise in the number of anti-Semitic books being published. In particular, they have gained an uncomfortable level of legitimacy in Japan. Today's New York Times, for example, quotes a literary critic who serves on the board of a Japanese-Israeli friendship association that perhaps as many as 80 percent of residents of Japan hold stereotypes about Jewish people.

Similarly, Indian-Americans are facing hostility and violence from people who think they look like or are Arabs. In Florida, a house was firebombed after the perpetrator warned the family living there to go back to Iraq. The family was Indian. In Fremont, CA, according to reports in India West newspaper, an Indo-American couple who has lived in this country for 21 years began getting harassing telephone calls and physical threats directed at them and their young children. These incidents may or may not be isolated. They do not belong on the American landscape.

Memories of the relocation of Japanese-Americans during World War II have particular significance for me, I lived on the west coast at that time, where the sentiment against Japanese-Americans was particularly intense.

My father, a Lutheran minister, went on a local radio station in Eugene, OR, to explain why he thought the Executive order on internment was wrong. There was a small furor in the community and I can remember being embarrassed by it with my friends. My father was on the extremely unpopular side of things and I wished then he had not done it.

But now as I look back, it is one of the things I am proudest of my father for. It must have taken a great deal of courage for my father to do that. It was a great lesson for me. If you believe something, stand up. If there had been a few more Americans to say, "This is wrong," maybe we would not have perpetrated this horrible deed against so many Japanese-Americans.

When America is at war, we rally together behind our troops and for our country. With equal vigor, we must stand against bigotry and intolerance of fellow Americans.

I ask that the news articles mentioned previously from the Chicago Defender, New York Times, and India West be printed immediately following my remarks.

The articles follow:

[From the Chicago Defender, Feb. 7, 1991]

Hate Crime Attacks on Upswing: 2 Groups Main Target of Attacks

(By Chinta Strausberg)

Fifty-one percent of the victims of hate crimes last year were African Americans and the number of anti-Semitic attacks climbed to a record 1,685, according to separate audits.

Reporting the hate crimes for the city were Mayor Richard M. Daley and Clarence N. Wood, commissioner of the Department of Human Relations. The audit states that in Chicago, a hate crime is reported about once every 36 hours.

Blacks represented 51 percent of the hate crimes reported last year, or 108 incidents, with 73 percent of the acts committed by whites.

In contrast, whites were victimized in 51 crimes, or 23 percent. The audit stated blacks attacked whites in 35 reported crimes, or 16 percent, and that blacks were among the attackers in 55 hate crimes.

Wood said the commission received 213 reports of hate crimes last year, up from 185 in 1989, for a 15 percent increase. However, of the city's 77 neighborhoods, 44 communities reported 10 or fewer hate crimes in the last five years.

Hours later, Barry Morrison, regional director of the Anti-Defamation League of B'nai B'rith, held a press conference at the Spertus College of Judaica, 618 S. Michigan Ave.

While Wood reported anti-Semitic hate crimes jumped from 10 incidents in 1989 to 34 in 1990 partly due to a rise in anti-Israel, pro-Arab attacks on Jewish institutions, Morrison said attacks against Jews are at their highest.

He said nationwide there were 1,685 anti-Semitic incidents, of which 927 were anti-Jewish acts of vandalism and 758 acts of harassment, assaults, or threats against Jews or Jewish institutions.

The vandalism acts included: arson, bombing, cemetery desecrations, and swastika daubings against Jewish institutions, Jewish-owned property and public property. In Illinois, 33 incidents of anti-Jewish vandalism were reported last year compared to 12 in 1989.

Morrison said the audit revealed a "dramatic" rise in campus bigotry with the audit showing a 35 percent increase over 1989 in anti-Semitic acts at U.S. colleges and universities.

In an earlier press conference at City Hall, Wood said of the 51 percent of hate crimes against Blacks, whites were the attackers in half of the reported cases where the offender's race was known.

Wood said hate crimes "scar us all . . . hurt our reputation, demean our soul as a city" and are a "cancer" on society.

According to the report, almost half of the city's hate crimes occurred on the South West Side, Austin and the North lakefront.

Ten communities having the most reported hate crimes between 1986 and 1990 were: Chicago Lawn, Ashburn, New City, Beverly, and Gage Park. Some 19 areas of the South West Side account for 41 percent of the city's reported hate crimes during this period.

The city's audit states that for the fifth straight year, Chicago Lawn, which includes Marquette Park, led the city's number of hate crimes with 20 to date.

Between 1986 and 1990, this community had 126 reported hate crimes—the highest recorded in the city during this time frame.

The Ashburn community had 65 such incidents with 10 hate crimes this year. New City, which includes the Back of the Yards and Canaryville neighborhoods, was second in 1990 having 17 reported incidents.

New City is fourth overall between 1986 and 1990 with 48 incidents. Beverly and Gage Park are included in the 10 highest for the five-year span.

The racially changing community of Austin was third in hate crimes both last year and the 1986–1990 span with 16 such incidents reported this year for a total of 58 overall.

Last year, hate crimes peaked at their highest level compared with similar crimes during the last five years with almost half involving physical battery.

"We have large stretches of our city where people are living in fear and isolation," Wood said. "They face barriers when they try to move into a new neighborhood. Gangs patrol some neighborhoods, tormenting families of certain racial and ethnic groups that they have decided are unwelcome," he stated.

Wood said hate apparently knows no boundaries. "We are seeing a rise in hate crime activity at our schools and among our children with 42 percent of hate crimes offenders being 18 years of age or younger," he said.

Since the Persian Gulf War, Wood said more hate crime incidents against Arabs have been reported. He said 10 such incidents were recorded, and a few were telephone threats.

[From The New York Times, Feb. 19, 1991]

In a Tide of Japanese Books on Jews, an Anti-Semitic Current

(By Steven R. Weisman)

Tokyo, February 18.—The Persian Gulf war has led to a boom in book sales on all aspects of the Middle East. And once again among the best sellers are books about a subject that has long held a fascination for Japanese readers: the influence and power of Jews.

The popular titles include dozens of translated versions of standards in the United States and elsewhere. But also selling well, indeed as best sellers in major Tokyo bookstores, are books depicting a Jewish conspiracy to control the world economy.

The popularity of books about Jews in Japan is not new. But according to Masanori Miyazawa, a history professor who has compiled a bibliography on the subject, at least 100 new books related to Jews—a record number—were published last year, apparently because of the gulf crisis.

The specific appearance of the new anti-Semitic books, some of them published by mainstream houses, has again drawn the concern of Israeli diplomats and Jewish organizations, giving new impetus to the Jewish groups' campaign to inform publishers that Jews regard such books as repugnant.

TOTAL IGNORANCE OF JUDAISM

"The publication of these books by itself doesn't worry me too much," said Nahum Eshkol, the Israeli Ambassador to Japan. "What worries me is the readiness of Japnese to buy them, maybe to read them, on the backdrop of maybe total ignorance of Judaism and Israel."

Leading American Jewish groups have met quietly with Japanese officials, politicians, opinion leaders and publishers, most recently in December, to discourage distribution of the books, but with little success.

A year and a half ago, the Japan Foreign Ministry responded by urging the Japan Book Publishers Association to be more sensitive, asserting in a memorandum that "the Government of Japan regrets to see that the label of 'Japanese anti-Semitism' has taken root among American Jews."

But the publishers group declined to distribute the ministry memorandum to members, saying it did not want to endorse censorship.

REBUFFED BY THE PUBLISHERS

An official of the American Jewish Committee who had lobbied in Japan praised the Foreign Ministry, saying, "They put themselves on the line and were rebuffed by the publishers."

But the official, Neil C. Sandberg, director of the Committee's Pacific Rim Institute, said he found the publishers puzzled by the protests, wondering why Jews were not flattered to be thought so powerful.

"They told us, 'You're a member of a superior race and you come from a successful group and we're surprised this material concerns you.'" he recalled.

NO REPORTS OF DISCRIMINATION

Books condemning Jews flourish in spite of the fact that the few hundred Jews who lived in Japan experience no discrimination or even any evidence that Japanese distinguish them from other foreigners.

The anti-Semitic books continue to sell along with more mainstream works. At present, for instance, bookstores are featuring "The Arab-Israeli Wars," by Chaim Herzog, the President of Israel, along with books telling readers how to make money off stocks that Jews buy, plus others that speak of Jewish rituals and conspiracies.

One new book published in December, "Counterattack of Hitler," is a best seller at many book stores and has sold 30,000 copies. It denies the existence of the Holocaust and asserts that a Jewish conspiracy is being thwarted by Germany, Arabs and other groups.

Another new book, "Confessions of the Jews," by Paul Goldstein and Jeffery Steinberg, two American followers of the political extremist Lyndon LaRouche, says the Anti-Defamation League of B'nai B'rith, the American Jewish group, engages in organized crime and drug-trafficking. The book has sold only 5,000 copies but is a bestseller in those bookstores carrying it.

AUTHOR OF ANTI-SEMITIC BOOKS

The author of the first book and the translator of the second is Masami Uno, an Osaka man whose books denouncing Jews have long sold well and are widely available. His book, "If You Understand Jews, You Can See the Whole World," has sold 540,000 copies since it was published in 1986.

Critics of such books, Jewish groups among them, are troubled less by their direct influence than by their general respectability. The new books are from subsidiaries of prestigious publishers and "Conterattack of Hitler" was recently advertised on the front page of the Asahi Shimbun, the nation's most prestigious newspaper.

"Right now, the Japanese are scared to death that Israel will enter the war, disrupt their oil supplies and start a third world war," said David G. Goodman, a professor of Japanese literature at the University of Illinois. But he added that a "blind spot" exists on Jews.

"In all the book stores, there are legitimate books alongside this anti-Semitic garbage," Mr. Goodman said. "The question is why the Japanese don't seem to be able to tell the difference."

A DEPOSIT IN PEOPLE'S MINDS

Mr. Miyazawa, a history professor at Doshisha Women's College in Kyoto, who compiled the Jewish bibliography, said they tend to leave "a deposit in people's minds" that could "trigger anti-Semitism."

Indeed, Tatsuya Shoda, a manager at the main office of Maruzen book stores, a major chain, said Mr. Uno's books were stocked because he was widely respected as "an expert on Jewish issues." Mr. Uno declined to return several telephone calls for comment.

It is difficult to document the books' influence, but it is not uncommon for businessmen to express concern over what they see as excessive Jewish influence in American foreign policy.

"In Japan, there is no anti-Semitism," declared Takeshi Muromatsu, a literary critic on the board of the Japanese-Israel Friendship Association. "But many Japanese accept this Nazi-style stereotype that Jews control the world's finances. I would guess more than 80 percent of Japanese believe it."

HONOR FOR AMERICAN FINANCIER

The paradox, Mr. Muromatsu said, is that Japan and Jews have had good relations for many decades. For instance, Japanese histories continue to honor Jacob Schiff, the early 20th century New York financier, for helping Japan float war bonds to fight its war with Russia in 1904–05.

In the 1920's "The Protocols of the Elders of Zion," the notorious Russian forgery portraying a Jewish conspiracy to rule the world that became a Nazi propaganda tool, was published in Japan. Other Nazi propaganda circulated during World War II, but the Government protected Jews in Japan, Shanghai and Manchuria.

Today the issue is complicated because many Japanese companies observe the Arab boycott against Israel, and because of widespread sympathy for Palestinians and anxieties about war with Iraq.

But the Israeli Ambassador, Mr. Eshkol, said that although Japan and Israel had had many difficulties over the years, ties have improved recently with stepped-up diplomatic exchanges and an increase in trade.

Mr. Eshkol added, in fact, that the recent attacks on Israel by Iraqi Scud missiles, coupled with Israel's not retaliating, had brought an outpouring of sympathy for Israelis including offers of donations from schoolchildren.

[From India-West, Feb. 1, 1991]

COMMUNITY TARGET OF HARASSMENT

(By Francis Assisi)

Thanks to war in the Persian Gulf, ethnic bigotry is alive and well in America. But the death threats, the firebombs, the vandalism and harassment initially directed against Arab Americans are now spilling over into the South Asian community as bigots look for one more excuse to target people who merely look or dress or have names that are different.

It doesn't take much. A different name, a different look; a salwar kameez might do it. Or a mustache like Saddam Hussein's. And the targets are not just Muslims with the familiar name of Hussein, but Sikhs, Hindus, Christians—anyone who looks like they are neither white, Hispanic, black or oriental.

For the Mehdi Husseins of Fremont, Calif., an Indo-American family, who has been in this country for 21 years, the torment commenced soon after Iraq's invasion of Kuwait five months ago.

It began with harassing calls during the weekends and escalated last week to physical threats not only to the couple but also their two children, aged 2 and 4 years. They felt that their lives were in danger. Today, with their telephone number changed and unlisted, they are at relative peace.

"In the beginning we took it very lightly," explained Mrs. Hussein to this reporter. "But when the war actually started, then the calls began coming even during weekdays and during nights. They would pick a time like the middle of the night, or three in the morning, and my children would wake up."

On one occasion the caller told Mrs. Hussein: "Hey, wake up Hussein, we have to discuss Iraq (eye-rack) with him." Since Jan. 15, the calls began coming in every day and the Husseins were subjected to filthy language and threats. It was then that they alerted the Fremont police.

"They came right away and suggested that we contact the phone company to trace the calls or maybe change our phone and make it unlisted," Mrs. Hussein told India-West.

Because the calls have ceased since their telephone number was changed, Mrs. Hussein believes that these are ignorant people who equate anyone with the name of Hussein with Saddam Hussein. "It is so sad—the knowledge of people in this country is so poor that they think everybody named Hussein has something to do with Saddam Hussein. We don't think that anybody named George has something to do with George Bush—that's what my husband basically told Channel 2 when they came here," said Mrs. Hussein.

Hussein informed India-West that the garage and car of another Indian family in Hayward was set afire while one of their children was studying late at night. The family lives in terror, she said.

Out of concern that it might attract vandals a mosque in San Jose, Calif. has reportedly taken down the sign on the front door. Many Muslim families in the Bay Area have boosted security in their homes.

Turbanned Sikhs are reportedly taken for Arabs or Iraqis hearkening back to the time during the Iranian hostage crisis when anyone with a turban was equated with Ayatollah Khomeini.

Sumeet Singh, 25, was returning to his taxi at San Francisco International Airport when someone shouted. Go home Iraqi. He also found paint sprayed on the rear window of his vehicle. Singh is a Fiji Indian.

Harbhajan S. Bhinder warned members of the gurudwara in Fremont that they should be on guard. He says he has received over 25 harassment reports from Sikhs including an incident last Sunday in which two young men threatened to kill 30-year-old Gurtej Singh as he was walking in a Hayward city park.

ESCALATE

My fear is that if it soon escalates into a land war and alot of Americans get killed these threats could reach a much higher level said attorney Mohinder Singh Mann of San Jose, who has received many reports from Sikhs that they have recently become targets of such hate crimes. Anyone who looks like an Iraqi and Sikhs are more susceptible because of their appearance or those with Iraqi-sounding names are particularly at risk, said Mann.

Attorney Mann says he plans to take Anstacia Steinberg from the District Attorney's office to gurudwaras, temples and mosques to allay the fears of the people and to assure them that they have nothing to fear and, that as American citizens, they will be extended the full protection of the laws against hate crimes. He urges those who have received threats to call his office at (408) 287-1600 or Anstacia Steinberg at 416-328-1173.

Jahangir Hamdani of the Council of Muslims in America, too, acknowledged that there have been many instances where people from the Pakistani and Indian community have been intimidated. In many of these cases they happened to be Muslims, he noted.

Meanwhile, one Indian Christian with the name Sudham says that he's been told by friends not to use his name as a self-protection measure. Sudham, who used to sport a mustache, lives in Carmel. He told India-West that in recent weeks he has felt cold stares when he is at a restaurant or in a shopping center. "I feel unwelcome, afraid. I don't feel like going out anywhere," he says.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTABLE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● **Mr. HEFLIN.** Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for determination under rule 35 for Mr. Todd Stern, a member of the staff of Senator PATRICK LEAHY, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, from February 11–17, 1991.

The committee has determined that participation by Mr. Stern in the program in Japan, at the expense of the Japan Center for International Exchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Dennis Shea, a member of the staff of Senator ROBERT DOLE, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, Inc., from February 11–17, 1991.

The committee has determined that participation by Mr. Shea in the program in Japan, at the expense of the Japan Center for International Exchange, Inc., is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dr. Kenan Jarboe, a member of the staff of Senator GEORGE MITCHELL, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, Inc., from February 11–17, 1991.

The committee has determined that participation by Dr. Jarboe in the program in Japan, at the expense of the Japan Center for International Exchange, Inc., is in the interest of the Senate and the United States.●

Mr. SARBANES. Mr. President, I ask unanimous consent that Senators be permitted to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPRINTING OF WASHINGTON'S FAREWELL ADDRESS

Mr. SARBANES. Mr. President, on behalf of Senators MITCHELL and DOLE, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 56) authorizing the reprinting of Senate Document No. 5, entitled "Washington's Farewell Address to the People of the United States."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 56) was agreed to, as follows:

S. RES. 56

Resolved, That Senate Document Numbered 5, Ninety-Sixth Congress, First Session, entitled "Washington's Farewell Address to the People of the United States", be reprinted as a Senate Document; and that there be printed one thousand additional copies of such document for the use of the Senate.

Mr. SARBANES. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE HELD AT THE DESK

Mr. DOLE. Mr. President, I send a resolution to the desk on behalf of myself and others and ask unanimous consent that it be held at the desk until the close of business on Wednesday, February 20, 1991.

The PRESIDING OFFICER. Without objection, the resolution will be held at the desk in accordance with the request of the Republican leader.

PROGRAM

Mr. SARBANES. Mr. President, for the information of Members of the Senate, it is intended that the Senate at 11 a.m. tomorrow will resume consideration of S. 320, the Export Administration Act. Pending to that measure is an amendment offered by Senator SPECTER, amendment No. 3, concerning the death penalty, which would then be the pending amendment to that legislation.

ORDERS FOR TOMORROW

Mr. SARBANES. Mr. President, on behalf of the majority leader, I now ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m. on Wednesday, February 20; that following the time reserved for the two leaders, there be a period for morning business not to extend beyond 11 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. As I indicated earlier, at 11 a.m., the Senate will resume consideration of S. 320, the Export Administration Act. Pending to that act is the Specter amendment concerning the death penalty.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. SARBANES. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as under the previous order until 10:30 a.m. Wednesday, February 20.

There being no objection, the Senate, at 6:33 p.m., recessed until Wednesday, February 20, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 19, 1991:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

BERNADINE P. HEALY, OF OHIO, TO BE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH, VICE JAMES B. WYNGAARDEN, RESIGNED.

THE JUDICIARY

SUSAN J. CRAWFORD, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF MILITARY APPEALS FOR THE TERM OF 15 YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE ROBINSON O. EVERETT, TERM EXPIRED.

DEPARTMENT OF COMMERCE

JOHN G. KELLER, JR., OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR TRAVEL AND TOURISM, VICE ROCKWELL ANTHONY SCHNABEL.

DEPARTMENT OF JUSTICE

IRA H. RAPHAELSON, OF ILLINOIS, TO BE SPECIAL COUNSEL, FINANCIAL INSTITUTIONS FRAUD UNIT, DEPARTMENT OF JUSTICE. (NEW POSITION)

MISSISSIPPI RIVER COMMISSION

RICKEY DALE JAMES, OF MISSOURI, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF NINE YEARS. (REAPPOINTMENT)

NATIONAL COUNCIL ON DISABILITY

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COUNCIL ON DISABILITY FOR TERMS EXPIRING SEPTEMBER 17, 1993:

ANNE C. SEGGERMAN, OF CONNECTICUT, VICE LESLIE LENKOWSKY, TERM EXPIRED.

LINDA ALLISON, OF TEXAS, VICE MARIAN NORTH KOONCE, TERM EXPIRED.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR THE TERMS INDICATED:

FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 11, 1992: TIMOTHY W. TONG, OF ARIZONA, VICE SAM E. KEITH, JR.

FOR A TERM EXPIRING AUGUST 11, 1996:

DONALD J. SUTHERLAND, OF NEW YORK, VICE R. JAMES WOOLSEY, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

CATHERINE YI-YU CHO WOO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 1994, VICE MARVIN HAMLISCH.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. JOHN M. LOH, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DONALD O. ALDRIDGE, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ANTHONY J. BURSHNICK, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. LEO W. SMITH II, [redacted] U.S. AIR FORCE.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER

THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. RICHARD C. GENTZ, U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JAMES A. ZIMBLE, MEDICAL CORPS, U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. MICHAEL C. COLLEY, U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS AND APPOINTMENT TO THE GRADE OF REAR ADMIRAL UNDER TITLE 10, UNITED STATES CODE, SECTION 5142:

To be chief of chaplains

To be rear admiral

REAR ADM. (LH) DAVID E. WHITE, CHAPLAIN CORPS, U.S. NAVY, [redacted]

THE FOLLOWING NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL CORPS

To be rear admiral

REAR ADM. (LH) PAUL T. KAYYE, [redacted] U.S. NAVAL RESERVE.

SUPPLY CORPS

To be rear admiral

REAR ADM. (LH) VANCE H. FRY [redacted] U.S. NAVAL RESERVE.

CIVIL ENGINEER CORPS

To be rear admiral

REAR ADM. MELVIN H. CHIOGIOJ [redacted] U.S. NAVAL RESERVE.

THE FOLLOWING NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. JOHN H. MCKINLEY, JR. [redacted] U.S. NAVAL RESERVE.
CAPT. JONES H. STANLEY [redacted] U.S. NAVAL RESERVE.
CAPT. JOHN E. TILL, [redacted] U.S. NAVAL RESERVE.
CAPT. JAMES P. SCHEAR, [redacted] U.S. NAVAL RESERVE.

SPECIAL DUTY (INTELLIGENCE) OFFICER

To be rear admiral (lower half)

CAPT. BRUCE A. BLACK, [redacted] U.S. NAVAL RESERVE.

MEDICAL CORPS

To be rear admiral (lower half)

CAPT. JAMES R. FOWLER, [redacted] U.S. NAVAL RESERVE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, COLONEL HEBERT HAVING BEEN RETROACTIVELY PROMOTED BY TWO DIFFERENT CALENDAR YEAR BOARDS.

MEDICAL CORPS

To be colonel

ANTONIO A. B. MATABAN [redacted]
JOSE F PASCUALYBARALT [redacted]

To be lieutenant colonel

ROBERT R. BUTLER, JR. [redacted]
KENNETH R. HART [redacted]

To be major

DONALD GRAY, [redacted]
DENISE E. KIRKLAND [redacted]
KEVIN M. MCCABE [redacted]

DENTAL CORPS

To be colonel

JOHN R. HEBERT [redacted]

To be lieutenant colonel

JOHN R. HEBERT [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER AS INDICATED, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be lieutenant commander

FRANCIS D HURRY
SYLVIA MAXWELL

DEPARTMENT OF AGRICULTURE

EDWARD R. MADIGAN, OF ILLINOIS, TO BE SECRETARY OF AGRICULTURE, VICE CLAYTON YEUTTER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A. VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A. GRADE HIGHER THAN INDICATED.

DENTAL CORPS

To be colonel

JOHN A. ANDERSON [redacted]
STEPHEN M. BACHAND, [redacted]
THOMAS S. BAILEY, JR [redacted]
BENJAMIN T. BLACKHAM [redacted]
BENJAMIN P. GRAHAM [redacted]
STEPHAN J. HANEY [redacted]
CHARLES E. HARTSFIELD, JR [redacted]
JAMES R. HIGGINS [redacted]
LEWIS A. HUMBERT [redacted]
DAVID P. KRETZSCHMAR [redacted]
BRADNER J. LAWRENCE [redacted]
THOMAS E. LONG [redacted]
MICHEAL T. POTTER [redacted]
WILLIAM C. ROTH [redacted]
WILLIAM G. SCHINDLER [redacted]
STEPHEN M. SCHMITT [redacted]
TIMOTHY J. WEAVER [redacted]

MEDICAL CORPS

To be colonel

ROY M. ARNOLD [redacted]
CLINTON E. BAISDEN [redacted]
BARRY R. BARNHART [redacted]
DAVID H. BARTON, [redacted]
ROGER H. BOWER, [redacted]
THOMAS M. DEAS, JR [redacted]
JAMES L. DELUCAS [redacted]
ROBERT F. DONS [redacted]
UWE W. FOHLMEISTER [redacted]
JAMES M. GAGNIER [redacted]
LELAND E. GARRETT, JR [redacted]
STANLEY L. GOODWIN [redacted]
RAYMOND L. GRAHAM [redacted]
DAVID L. HAMMER [redacted]
RICHARD W. HARBISON [redacted]
JOHN E. HARVEY [redacted]
GARY L. HENRIKSEN [redacted]
DAN M. HENSHAW [redacted]
FREDERICK HORNICK [redacted]
RICHARD F. JONES [redacted]
WILLIAM K. KAHLE [redacted]
RUSSELL J. KILPATRICK [redacted]
ROY M. KRING, [redacted]
WILLIAM B. KRUYER [redacted]
JOHN S. LATIMER [redacted]
THOMAS E. LEVRAULT, [redacted]
TERENCE J. LYONS [redacted]
JOHN D. MALDAZYS [redacted]
THOMAS R. MARETH [redacted]
THOMAS W. MARSH [redacted]
THOMAS P. MCANALLY [redacted]
GEOFFREY W. MCCARTHY, [redacted]
MICHAEL J. MCCARTHY [redacted]
WILLIAM J. MCQUEEN [redacted]
THOMAS A. MIKKELSON [redacted]
DAVID MUMFORD [redacted]
TRICHINOPOLY NARAYANASWAMY [redacted]
FILADELFO V. OANDASAN [redacted]
HERIBERTO ORCES [redacted]
DAVID R. RANGE [redacted]
DAVID T. RIGDON [redacted]
DANIEL T. SARGEANT [redacted]
PETER K. SENECHAL [redacted]
WILLIS M. SIMMONS, JR [redacted]
PRABHA H. SOLANKI [redacted]
KENNETH F. STEEL [redacted]
SAMUEL STRAUSS [redacted]
HENRY P. THODE, III [redacted]
FRANCIS G. THURMAN [redacted]
CHARLES R. TOLLINCHE [redacted]
JOHN J. TORNOW [redacted]
MOHAMMED S. UDDIN, [redacted]
ESTHELA M. URRIQUIA, [redacted]
BAYARD C. VERMILYEA [redacted]
BERNARDO F. VILLACIS, [redacted]
ROLAND E. WICKS [redacted]
CHARLES H. WILE [redacted]
RICHARD E. WINN [redacted]
JAMES A. WRIGHT [redacted]
JOHN F. ZIMMER [redacted]

DENTAL CORPS

To be lieutenant colonel

RANDY G. ALKIRE [redacted]
PAUL N. ANDERSON [redacted]
NEAL A. ANDREN [redacted]
DAVID M. BOHNENKAMP [redacted]
DANIEL R. BOWMAN [redacted]
HARVEY P. BOYARSKY [redacted]
VICTOR P. BRADFORD [redacted]
DEBRA L. BRANDT [redacted]
THOMAS L. BRUCE [redacted]
RAYMOND J. BYRON, JR [redacted]
CHRISTOPHER M. COLLIER [redacted]
PAUL E. CULLUM [redacted]
KENNETH R. EYE [redacted]
THOMAS J. FOGARTY [redacted]
CRAIG B. FOWLER [redacted]
BARRY H. FRANK [redacted]
ROBERT M. GARRETT [redacted]
JAMES A. GLAESS [redacted]
MITCHELL A. GOODIS [redacted]
DENNIS N. GREEN [redacted]
DAVID L. GUERRA [redacted]
DALE C. GULLICKSON [redacted]
LYNN F. HAINES [redacted]
LINDA K. HARRELL, [redacted]
PAUL F. HASTINGS [redacted]
DONALD J. HATCHER [redacted]
EDWARD E. HILL [redacted]
FON L. HOLT [redacted]
GEORGE M. HORSLEY [redacted]
KENNETH K. KAIS [redacted]
THOMAS J. KELLER [redacted]
KELVIN K. KRAUSE, [redacted]
JOHN A. KRETZSCHMAR [redacted]
GREGORY G. LANGSTON [redacted]
ROBERT B. LARSEN [redacted]
MICHAEL J. LATTNER [redacted]
ALFRED B. LAUDER [redacted]
JOHN H. LAW, [redacted]
KATHLEEN A. LINDELL [redacted]
CRAIG A. LOUDENSLAGER [redacted]
JEFFREY C. MABRY [redacted]
THOMAS S. MARSHALL [redacted]
JESSE T. MCVAY [redacted]
WILLIAM F. MESSNER [redacted]
THOMAS W. MITCHELL [redacted]
ERNEST F. MORELLI [redacted]
WILLIAM T. NAUGHTON [redacted]
TAD O. NEILSON [redacted]
CHARLES M. OLINGER [redacted]
BERT H. ORCK [redacted]
JAMES D. PACE [redacted]
RICHARD L. PASCHEDAG [redacted]
BRYAN S. PEARSON [redacted]
NANCY G. PERRY [redacted]
TERRY A. PETERSON [redacted]
RALPH L. PRUETTE, JR [redacted]
CHARLES H. RANKIN, III [redacted]
STEVEN A. RUFFIN [redacted]
THOMAS R. SCHNEID [redacted]
NATHAN W. SCHWANDT [redacted]
DANIEL A. SHALKEY [redacted]
LARRY D. SHEETRUM [redacted]
LESLIE M. SHIGETANI [redacted]
HAROLD B. SMITH [redacted]
RICK M. SMITH [redacted]
SUSAN J. SMYTHE [redacted]
TODD A. SNEESBY [redacted]
DONALD J. SWIERENGA [redacted]
FOY L. TEMPLETON, JR [redacted]
CYNTHIA P. THIEL [redacted]
MONTY R. THOMSON, [redacted]
ROBERT L. VANHOUSE [redacted]
RONALD G. VERRETT [redacted]
GARY V. VIGIL [redacted]
ROBERT C. WAHL [redacted]
WILLIAM W. WELLER [redacted]
MARIE Y. A. WILLIAMS [redacted]
DAVID T. WOFFORD [redacted]
TERESA L. WOOD [redacted]
JAY M. WYLAM [redacted]

MEDICAL CORPS

To be lieutenant colonel

THOMAS C. ABSHIRE [redacted]
JOHN J. BAKER [redacted]
PAUL E. BAUER [redacted]
DAVID E. BECK [redacted]
DAVID A. BELVEDERE [redacted]
ROGER U. BISSON [redacted]
GEORGE V. BLACKWOOD [redacted]
WILLIAM C. BOWENS [redacted]
JAMES S. BOWMAN, III [redacted]
FRANKLIN M. BOYER, JR [redacted]

ROBERT B. BROADHURST, III [redacted]
MICHAEL R. BROWN [redacted]
ALLEN P. BURKE [redacted]
RANDY H. BUTLER [redacted]
CRANDON F. CLARK, JR [redacted]
ROBERT J. CLEMENT, JR [redacted]
GLENN C. COCKERHAM [redacted]
RICHARD E. COLLISTER [redacted]
CHARLES W. COTTA [redacted]
HERMINIO CUERVO [redacted]
EDWARD R. CUNNINGHAM, [redacted]
WILLIS L. DAMSCHRODER [redacted]
JOSEPH A. DEERING, [redacted]
JAMES R. EBERT [redacted]
SAMUEL B. ECHAURE [redacted]
MICHAEL F. EYOLFSON [redacted]
MICHAEL L. FARRELL [redacted]
CESARIO F. FERRER, JR [redacted]
FRANK E. FISHER [redacted]
JAMES E. FOSTER, II [redacted]
STEPHEN D. FRAZIER [redacted]
DAVID E. GEYER [redacted]
PENNY M. GIOVANETTI [redacted]
MICHAEL L. GRIFFITH [redacted]
WILLIAM K. HAMILTON [redacted]
DAVID V. HANSEN [redacted]
JAMES E. HARGREAVES [redacted]
GLENN S. HARMAN [redacted]
TERENCE W. HASSLER [redacted]
CRAIG T. HATTON [redacted]
LORETTA E. HICKS [redacted]
JOHN P. HIGHSMITH [redacted]
DAVID E. HRNCIR [redacted]
ROBERT B. HULL [redacted]
RONNIE J. KIRSCHLING [redacted]
ALBERT L. KLINE [redacted]
ARNOLD S. KORIAKIN [redacted]
PETER S. KROGH, III [redacted]
HARRY W. KUBERG [redacted]
LEON W. KUNDROTAS, [redacted]
KEVIN P. LALLY [redacted]
DAVID A. LANTZ [redacted]
JAMES L. LAUB [redacted]
JOHN D. LESSER, II [redacted]
JEFFREY H. LIEBERMAN [redacted]
ALEX LIMANNI [redacted]
GREGORY K. LUX, [redacted]
NADEGE MALETZ [redacted]
CYNTHIA B. MALIXI [redacted]
MICHAEL R. MAROHN [redacted]
WARREN B. MAUPIN, II [redacted]
DONALD C. MCCURNIN [redacted]
APRIL L. MCVEY [redacted]
LOUIS L. MIZELL, JR [redacted]
GARRISON V. MORIN [redacted]
ELIZABETH A. MOUNTCASTLE [redacted]
STEPHEN T. MURRAY [redacted]
JAMES E. OSTRANDER [redacted]
JOSEPH M. PALMA [redacted]
MICHAEL D. PARKINSON [redacted]
DAVID A. PETERSON [redacted]
MICHAEL P. PIETRZAK [redacted]
JAMES POLLARD, III [redacted]
ROBERT W. RECTENWALD [redacted]
ERNEST E. REEVES [redacted]
ROMIE N. RICHARDSON [redacted]
ANTHONY M. RIZZO [redacted]
RICHARD H. ROWE [redacted]
ARLEEN M. SAENGER [redacted]
SARLA K. SAUJANI [redacted]
ROBERT N. SCHALLER [redacted]
MICHAEL A. SCHIANO [redacted]
COURTNEY D. SCOTT, JR [redacted]
RICHARD J. SKANDIS [redacted]
VERNON C. SMITH, JR [redacted]
DAVID H. SUMMERS, [redacted]
JOE R. TAYLOR [redacted]
STEPHEN W. TIBBITTS [redacted]
GARY M. TOWNSEND [redacted]
HOA D. TRAN [redacted]
CHARLES L. VANNAMEN [redacted]
JUDITH A. VARNAU [redacted]
KEVIN H. VOSS [redacted]
KAREN S. WAGENHALS [redacted]
JANE B. WARD [redacted]
BENJAMIN J. WILDS [redacted]
CARL L. WILLIAMS [redacted]
RICHARD S. WILLIAMS [redacted]
THOMAS T. YASUHARA [redacted]
EDWARD R. YEOMANS [redacted]
BRADLEY A. YODER [redacted]
WILLIAM A. YOUNG [redacted]
SALVATORE A. ZIENO [redacted]

DENTAL CORPS

To be major

DAVID A. ALBRIGHT [redacted]
KENNETH S. BARRACK [redacted]
THOMAS W. BECKMAN [redacted]
DIANE M. BEECHER [redacted]
RONALD L. BERRY [redacted]
THOMAS S. BINGHAM [redacted]
ALLENA B. BOTTENBLEY [redacted]
ERIC J. BRENDLINGER [redacted]
PAUL E. BROWN [redacted]
PAUL N. CARDON [redacted]
JAMES M. CROUSE [redacted]
JEFFERY R. DENTON [redacted]
GREGORY F. DIEDERICH [redacted]
CORYDON L. DOERR [redacted]
WAYNE H. DUDLEY [redacted]
DANIEL G. DUPONT [redacted]
EARL B. ELLIS [redacted]
RONALD D. FREEMAN [redacted]
ROBERT K. FROME [redacted]
MARK E. GEIS [redacted]
PERRY G. GREEN [redacted]
PAUL W. HAAG [redacted]
GRANT R. HARTUP [redacted]
ROGER A. HOLLIDAY [redacted]
LESTER B. KENNINGTON [redacted]
JOHN G. KHAROUF [redacted]
JAMES E. KING, JR [redacted]
MICHAEL P. KLEPCZYK [redacted]
JOHN C. KRESIN, [redacted]
JOHN N. KUHRE [redacted]
VON J. KUNZ [redacted]
STEVEN F. LARSEN [redacted]
JAMES E. LARSON [redacted]
JAMES A. LOE [redacted]
MICHAEL J. MAISTROS [redacted]
MICHAEL W. MARTIN [redacted]
SCOTT A. MAZANEC [redacted]
MARY ELLEN MCLEAN [redacted]
PAGE W. MCNALL [redacted]
ERIK J. MEYERS [redacted]
GARRY L. MYERS [redacted]
BRENT E. NIKOLAUS [redacted]
TIMOTHY R. OLINGER [redacted]
CHARLES A. POWELL, [redacted]
LEROY E. PRYOR [redacted]
MARK S. RASCH [redacted]
BENTON J. RUNQUIST [redacted]
KENNETH W. SAMUELSON [redacted]
PHILLIP R. SANDEFUR [redacted]
GERALD L. SPEHR [redacted]
ALAN J. SUTTON [redacted]
VINCENT J. TAKACS [redacted]
DAVID J. TRYLOVICH [redacted]
RAY W. TUCKETT [redacted]
ARJEN L. VANDEVOORDE [redacted]
GIAO V. WEBB [redacted]
JOHN D. WELCH [redacted]
DAVID A. WHEELER [redacted]
CYNTHIA S. WILEY [redacted]
LESLIE D. WILLIAMS [redacted]
SHAWN K. WILSON, [redacted]

MEDICAL CORPS

To be major

KENNETH L. ABBOTT [redacted]
BRIAN M. ABOFF, [redacted]
MARK S. AGNESS [redacted]
GILBERTO O. ALEMAR [redacted]
RASHAD N. ALI [redacted]
ROBERT D. ALLEN [redacted]
WILLIAM C. ALLEN [redacted]
JAMES P. AMERENA [redacted]
DANIEL D. ANDERSON [redacted]
JEFFREY L. ANDERSON [redacted]
CARLOS F. AQUINO [redacted]
MYGLEETUS W. ARMSTRONG [redacted]
MOISES A. ARRIAGA [redacted]
GEORGE J. ATIEE [redacted]
RICHARD BACHMANN, [redacted]
KAREN A. BALDI [redacted]
DAVID T. BALZER [redacted]
GREGORY S. BARROW [redacted]
SHARON A. BARTAL [redacted]
WILLIAM H. BARTH, JR [redacted]
KAREN E. BATESON [redacted]
ALLEN D. BAUDENDISTEL [redacted]
PETER A. BAUER [redacted]
MATTHEW J. BAUGHMAN [redacted]
MARY E. BEAL [redacted]
PAUL A. BEDNARZYK [redacted]
GEANNIE M. BENNETT [redacted]
ALAN B. BERG [redacted]
JAMES H. BERRO [redacted]
JOHN C. BERTOLINI [redacted]
MADHURA A. BHUSKUTE [redacted]
CATHERINE E. BIERSACK [redacted]
LARRY S. BISHOP [redacted]
JONATHAN W. BLANK [redacted]
STEPHEN P. BLATT [redacted]
DANIEL LEWIS BLUESTONE [redacted]
GEOFFREY R. BODEAU, [redacted]
BRIAN J. BOHNER [redacted]
DOUGLAS F. BOLDA [redacted]
GEORGE T. BOLTON [redacted]
SCOTT B. BOMGAARS [redacted]
DONALD BOOS, [redacted]
DEBORAH J. BOSTOCK [redacted]
JAMES A. BOURGEOIS [redacted]
DAVID R. BOWEN, [redacted]
JOHN C. BOWEN, [redacted]
MARK W. BOWYER, [redacted]
MICHAEL W. BRADEN [redacted]
DAPHNE M. BRADY [redacted]
BRIGGS B. BRALLIAR [redacted]
BRUCE E. BRAY [redacted]
LAURA B. BRAY [redacted]
JOHN A. BRENNAN [redacted]
RAYMOND L. BREWER [redacted]
SUSAN A. BRICELAND [redacted]
WALTER S. BRIDGES [redacted]
RONALD M. BRUBAKER [redacted]
JOHN J. BRUNETTE [redacted]
JOHN W. BUCKNER, III [redacted]
JOHANNES J. BUITEWEG [redacted]
DEBORAH M. BURGESS [redacted]
CRAIG A. BUTLER [redacted]
WILLIAM M. CAMPBELL [redacted]
DOMINICK J. CARILLO [redacted]
DEAN W. CARLSON, [redacted]
JEFFREY CHARLES CARLTON [redacted]
JUDITH A. CARPENTIER [redacted]
DELOS D. CARRIER [redacted]
DAVID B. CHERNOFF [redacted]
TOM C. CHEW, [redacted]
CRAIGHTON CHIN, [redacted]
BRICE B. CHOI [redacted]
THOMAS M. CHOPP [redacted]
STEVEN C. COGSWELL [redacted]
LAURENCE J. COHEN [redacted]
ANN T. COLGAN, [redacted]
JEFFREY B. COMITALO, [redacted]
ROBERT B. CONNOR, [redacted]
DAVID OWEN COOK, [redacted]
TERESA L. COON [redacted]
JOHN F. COOPER [redacted]
TIMOTHY W. CORBETT, [redacted]
KORY G. CORNUM, [redacted]
ANTONIO CORREA, [redacted]
MICHAEL W. COSTELLO, [redacted]
RANDY G. COWART, [redacted]
ANN W. CRAIG, [redacted]
JOSEPH M. CRONIN [redacted]
TIMOTHY E. CRUM, [redacted]
DAVID L. CULL [redacted]
SAMUEL M. CUMMINGS, [redacted]
STEVEN P. CUMMINGS [redacted]
MICHAEL JOSEPH CUNNINGHAM [redacted]
DIRCK A. CURRY, [redacted]
GREGORY J. DAVIS [redacted]
SHARON K. DAVIS, [redacted]
MARK DELAURENTIS [redacted]
JEFFREY G. DEMAIN [redacted]
JAMES L. DEMETROULAKOS [redacted]
THOMAS ELDEN DEPORTER [redacted]
MICHAEL J. DIAZ [redacted]
MICHAEL R. DIBENEDETTO [redacted]
WOLFGANG F. DIETZ [redacted]
PATRICIA W. DINSMORE [redacted]
RUSSELL E. DITZLER [redacted]
MATTHEW J. DOLAN [redacted]
THOMAS H. DOUGHERTY, [redacted]
GREGORY J. DOWNS, [redacted]
TIMOTHY J. DREHMER [redacted]
DAVID W. DUDLEY, [redacted]
DANIEL M. DUFFY [redacted]
PRESTON M. DUNNMON, [redacted]
BRUCE R. DURELL, [redacted]
EVERETT B. DYER, [redacted]
EUGENE D. EDDLEMON [redacted]
KAREN A. EDWARDS [redacted]
GILEEN G. ELDER [redacted]
ROBERT W. ELLIS [redacted]
ALAAELDEEN M. ELSAYED [redacted]
BRUCE R. ELWELL [redacted]
BRADFORD K. ENCE [redacted]
JAMES H. ESSELL [redacted]
ANDREW MICHAEL EVANCHO, [redacted]
CHARLES D. EVANS [redacted]
ANN E. FARASH [redacted]
BRIAN V. FAVERO [redacted]
PAUL A. FILBY [redacted]
CHERYL R. FINCH [redacted]
TIMOTHY J. FLOCK [redacted]
CHRISTOPHER F. FLYNN [redacted]
GEORGE M. FORTIER [redacted]
PAULA M. FOUST [redacted]
WYATT C. FOWLER, [redacted]
DIEGO M. FREITAS [redacted]
ANN G. FREMEAU [redacted]
THOMAS E. FROMUTH [redacted]
JANET D. FROST [redacted]
BRYAN J. FUNKE [redacted]
CAREN E. GAINES [redacted]
DAVID W. GALE [redacted]
MICHAEL O. GARDNER [redacted]
STEPHEN E. GARNER [redacted]
WILLIAM L. GARNER [redacted]
DAVID G. GARRICK [redacted]
LENSGRAF HEATHER K. GEIS [redacted]
THOMAS F. GEORGE [redacted]
MICHAEL J. GERARDI [redacted]
NORBERT PAUL GERONDALE [redacted]
JON B. GETZ [redacted]
ANTHONY T. GHIM, [redacted]
JOHN A. GIBBONS, JR [redacted]
DON J. GIBSON [redacted]
FLORIAN J. GIES, IV [redacted]
ROBERT F. GLENN [redacted]
BEN A. GOMEZ, [redacted]
ROBERT A. GONZALEZFERNANDEZ [redacted]
MICHAEL K. GOWESKY, [redacted]
DONNA J. GOWIN, [redacted]
BRADFORD D. GRANATH [redacted]
TIMOTHY G. GRAVEN, [redacted]
BARRY S. GREENE [redacted]
MADALENE K. GREENE [redacted]
JEFFREY R. GREENFIELD [redacted]
JOE K. GRIFFIN, JR [redacted]
BRUCE A. GROOM, [redacted]
RICHARD E. GROSS [redacted]
STEPHEN BARRETT GROSS, [redacted]
LOUIS K. GUINN [redacted]
WILLIAM QUINTON GURLEY, JR [redacted]
DAVID P. GUTLOVE [redacted]
TODD G. GUTTMAN, [redacted]
THOMAS W. GUZIEJEWSKI [redacted]
STEVEN G. GWIAZDOWSKI, [redacted]
KARA L. HAAS [redacted]

RONALD DEAN HALVORSON [redacted]
RICHARD J. HARE [redacted]
MICHAEL J. HARRIS [redacted]
THOMAS E. HARRIS [redacted]
MONTGOMERY A. HARRISON [redacted]
JAMES E. HARTLE, II, [redacted]
CRAIG D. HARTRANFT [redacted]
DAVID D. HARWOOD, [redacted]
KERRY H. HASKINS [redacted]
ANTHONY L. HATCHER [redacted]
AIMEE L. HAWLEY [redacted]
BARTLETT H. HAYES [redacted]
WILLIAM B. HEARN [redacted]
NED D. HEMRIC, JR [redacted]
JAMES H. HENDERSON, II [redacted]
THOMAS E. HERCHLINE [redacted]
JAMES H. HERIOT, [redacted]
TODD D. HESS [redacted]
BRUCE T. HEWETT [redacted]
REINHARDT G. HILZINGER [redacted]
KEARN D. HINCHMAN, [redacted]
PATRICK K. HITCHCOCK [redacted]
DAVID A. HNATOW [redacted]
BRENT K. HOKE [redacted]
ASTRID E. HOLBERG [redacted]
MICHAEL C. HOLLIE [redacted]
ALAN LEON HOLTON [redacted]
TIMOTHY W. HOUSEMAN, [redacted]
THEODORE J. HOVICK, JR [redacted]
RICHARD F. HOWARD [redacted]
SCOTT D. HOWELLS [redacted]
DANIEL R. HUFF [redacted]
STEPHANIE ANN HUGHES [redacted]
BRADLEY D. HUHTA [redacted]
DENISE J. HUNNELL [redacted]
JEFFREY IVAN HUNT [redacted]
JOHN S. HUNT [redacted]
ROBERT R. IRELAND [redacted]
RICHARD L. JACOBS [redacted]
STEVEN D. JACOBSON [redacted]
RANDY L. JAMES [redacted]
ATUL N. JANI [redacted]
IGOR EDWARD JANKE [redacted]
JESSIE M. JEANRUSH [redacted]
MARK A. JEFFRIES [redacted]
LYNN K. JENNINGS, [redacted]
GREGORY L. JEWELL [redacted]
LELAND P. JOHANSEN [redacted]
YONGSIK JOHNG [redacted]
LARRY N. JOHNSON [redacted]
SCOTT L. JOHNSTON [redacted]
VINCENT T. JONES [redacted]
KEVIN T. JORDAN [redacted]
PAUL M. JORDAN [redacted]
LISA M. JUDGE [redacted]
WEILIN JUNG [redacted]
JANICE KANDO [redacted]
EVAN Z. KAPP [redacted]
HOWARD L. KATZ [redacted]
STEPHEN M. KELLEY [redacted]
MICHAEL J. KEOGH [redacted]
JEFFREY K. KETCHAM [redacted]
PATRICK N. KIMBRELL [redacted]
CHRISTOPHER J. KNAPP [redacted]
DANIEL W. KNOEDLER [redacted]
DOUGLAS P. KOEHN [redacted]
DAVID C. KORONKIEWICZ [redacted]
CHRISTOPHER J. KOWALSKY [redacted]
SONIA Y. KRAGH [redacted]
DAVID A. KUBE [redacted]
CRAIG M. KUBIK [redacted]
JON D. KUNSCH [redacted]
KATHY A. LACIVITA [redacted]
TIMOTHY J. LADNER [redacted]
ERICK J. LAINE, JR [redacted]
JORGE A. LALOMASANCHEZ [redacted]
CURTIS J. LARSON [redacted]
ROBERT L. LARSON, JR [redacted]
KAREN P. LAUZE [redacted]
SCOTT S. LEE [redacted]
BRUCE R. LEFORCE [redacted]
ROBERT H. LEISY [redacted]
PETER M. LEWIS [redacted]
ERIK J. LICHTENBERGER [redacted]
STEPHEN J. LIEDERBACH [redacted]
ANGELA M. L. LIJOI [redacted]
KATHRYN R. LIN [redacted]
WILLIAM M. LINDEL, [redacted]
KELLY J. LINDSEY [redacted]
SHIRLEY R. LOCKIE [redacted]
PAUL A. LOCUS [redacted]
GAEL J. LONERGAN [redacted]
CAROLE L. LONG, [redacted]
ANABEL LOPEZRIVERA [redacted]
ROBERT C. LOWELL [redacted]
JOHNNY T. LU [redacted]
KENNETH G. LUCERO [redacted]
DAVID J. LYNCH [redacted]
PETER E. MACKAY [redacted]
CHARLES E. MADDEN [redacted]
RONALD MALAVE [redacted]
ANDREW C. MARCHIANDO [redacted]
JOHN A. MASON, JR [redacted]
GEORGE S. MASSINGILL [redacted]
KAREN M. MATHEWS [redacted]
DONALD K. MATTHEWS [redacted]
FRANK W. MAULDIN [redacted]
WILLIAM R. MAUS [redacted]
TERRENCE M. MAYERS [redacted]
THOMAS C. MAYES [redacted]
LEOD DAVID A. MC [redacted]
BRENT D. MCDERMOTT [redacted]
ALAN L. MCGAUGHRAN, [redacted]
MICHAEL P. MCGRAIL, JR [redacted]
WILLIAM L. MECCA [redacted]
ROBERT J. MEDELL [redacted]
DONALD M. MEDUNA, [redacted]
DAVID MELENDEZ [redacted]
ANDREW D. MESSA [redacted]
DENNIS R. MEURER [redacted]
CARL W. MEYER, III [redacted]
ROBERT SPENCER MICHAELSON [redacted]
JOSEPH LAWRENCE MILIO [redacted]
JULE P. MILLER, II [redacted]
MARK D. MILLER [redacted]
MICHAEL S. MILLER [redacted]
RHONDA S. MILLER [redacted]
ELIZABETH A. MILUM [redacted]
BRUCE A. MONTGOMERY, [redacted]
WILLIAM H. MOORE, JR [redacted]
LUIS J. MORALESLUGO [redacted]
CESAR AUGUSTO MORAN, [redacted]
RAY MORRIS, III [redacted]
ROBERT T. MORRISON [redacted]
PETER J. MOTEL [redacted]
PAUL S. MUELLER [redacted]
SARAH L. MULLIN [redacted]
STEPHEN M. MULROONEY [redacted]
SEAN L. MURPHY [redacted]
PETER M. MURRAY [redacted]
STEVEN W. MUSSEY [redacted]
GLEN K. NAGASAWA, [redacted]
PATRICIA A. NAUGHTON [redacted]
THOMAS A. NEAL, II [redacted]
JOHNNY L. NEIGHBORS [redacted]
MARK F. NEWMAN, [redacted]
RICHARD H. NGUYEN [redacted]
TIMOTHY A. NICHOLLS, [redacted]
JEFFREY A. NIEZGODA [redacted]
DAVID SYDNEY NIX [redacted]
DANIEL S. NOYES [redacted]
DAVID H. OLSON, [redacted]
STEVEN G. OMARA [redacted]
CHEYN D. ONARECKER, [redacted]
JONATHAN F. ONEAL [redacted]
MICHAEL J. OPATOWSKY [redacted]
KEVIN J. OTOOLE [redacted]
SCHRAA WILLIAM F. PALKO [redacted]
MARION M. PANDISCIO [redacted]
ROBERT A. PANICO, [redacted]
MICHAEL S. PARANKA [redacted]
YOLANDA A. PATTERSON [redacted]
RICHARD B. PATTI [redacted]
DENNIS PEARMAN [redacted]
JAMES M. PEARSON [redacted]
MAGALY PEREZBLANCO, [redacted]
DANIEL R. PETERS [redacted]
MICHAEL W. PETERSON [redacted]
GEORGE D. PETERSONPADOVANI [redacted]
ANTHONY PETRACCA, JR [redacted]
RONALD PEVETO [redacted]
EARL K. PLUNKETT [redacted]
ARNYCE R. POCK, [redacted]
THOMAS M. POLIDORE [redacted]
WILLIAM S. POWELL, JR [redacted]
DOUGLAS J. PRAUS [redacted]
STEVEN M. PRINCIOTTA [redacted]
PETER M. PRITCHETT [redacted]
MICHAEL R. PROBSTFELD [redacted]
WILLIAM J. QUARTUCCIO [redacted]
EDWARD J. RAPP, II [redacted]
LEE M. RATNER [redacted]
TERRY R. REISNER [redacted]
RICHARD R. RENAUD [redacted]
MICHAEL J. REZNICEK [redacted]
DAVID B. RHODES [redacted]
MICHAEL A. RICCIONE, [redacted]
WILLIAM H. RICHARDS, III [redacted]
BRIAN D. RIEDEL [redacted]
DAVID A. RIGGS, [redacted]
KEVIN E. RINE [redacted]
LUIS A. RIVAS [redacted]
BETH E. ROBIE [redacted]
DAVID B. ROBINSON, [redacted]
DONALD D. ROBINSON, [redacted]
RANDY RAY ROBINSON [redacted]
RUTH E. ROLLINGS [redacted]
JOSE E. ROMAN [redacted]
STEVEN R. ROSEN [redacted]
GREGORY G. ROTZ [redacted]
MARK T. RUBERTUS, [redacted]
WALTER L. RUSH [redacted]
JAMES L. RUSHFORD [redacted]
BRADLEY S. RUST [redacted]
JAMES M. RYAN [redacted]
TERENCE D. RYAN, II [redacted]
MARY T. RYDER [redacted]
ROBERT M. SAAD [redacted]
THEODORE F. SAAD [redacted]
EDMUND S. SABANEGH, JR [redacted]
NANCY M. SAHAKIAN, [redacted]
EDWIN M. SALAMANCA, [redacted]
SONIA J. SALGADO [redacted]
DAVID K. SAMANIE [redacted]
TRACY L. SAMPLES [redacted]
SAMSON P. SAMUEL [redacted]
EDWARD G. SANDERS [redacted]
TODD A. SANDROCK, [redacted]
GREGORY E. SAUNDERS [redacted]
JONATHAN CRAIG SAXE [redacted]
MICHAEL SCHAUBER [redacted]
ROBERT P. SCHIERMEYER [redacted]
ERIC R. SCHMIDT [redacted]
GARY W. SCOTT [redacted]
JOSEPH K. SEAL [redacted]
THOMAS SEGARRA, JR [redacted]
BRYAN C. SHARPE [redacted]
PHILIP D. SHELTON [redacted]
JOHN SHEN [redacted]
VALERIE A. SHORT [redacted]
WILLIAM D. SIDES [redacted]
ERIC J. SIMKO [redacted]
MATTHEW E. SIMMONS, [redacted]
JODI L. SISKIN [redacted]
RENATO F. SISON [redacted]
RALPH S. SISSON [redacted]
ROBERT A. SIVIER [redacted]
DANIEL W. SKUPSKI [redacted]
DODGE A. SLAGLE [redacted]
MARK P. SLOVENKAI [redacted]
RANDALL W. SMART [redacted]
COLLIN BERESFORD SMIKLE [redacted]
RICHARD K. SMITH [redacted]
RICHARD S. SMITH [redacted]
SUSAN JANE SMITH [redacted]
WILLIAM H. SNEEDER, JR [redacted]
MARK J. SNELL [redacted]
MICHAEL J. SNYDER [redacted]
WILLIAM K. SPEARS [redacted]
ROGER ALLEN SPENCER [redacted]
JEFFREY J. SPILLANE [redacted]
MARY U. STAUNTON, [redacted]
JOHN R. STEEL [redacted]
JAMES E. STEELE [redacted]
KATHLEEN N. STEINER [redacted]
PAUL R. STEINER [redacted]
CECILIA A. STEVENS [redacted]
ERIC S. STILLMAN [redacted]
KATHRYN K. STILLMAN [redacted]
FREDERICK R. STOCKTON [redacted]
ADRIANNE P. STRICKLAND [redacted]
HOWARD L. SULS, [redacted]
ERIC SURIS [redacted]
STEVEN H. SUTTER [redacted]
GARY D. SWAIN, [redacted]
CHARLES A. SYMS [redacted]
LOUIS J. TEDESCO [redacted]
GUILLERMO J. TELLEZ [redacted]
ROBERT CARL THOMAS, [redacted]
WILLIAM F. THOMPSON [redacted]
CRAIG E. THORNTON [redacted]
MARK WILLIAM TOMLINSON, [redacted]
JOSE R. TORRESBERRIOS [redacted]
LAURA A. TORRESREYES [redacted]
HENRY F. TRIPP, JR [redacted]
THOMAS E. TROPF [redacted]
HORACE TSU, [redacted]
RICHARD J. TUBB [redacted]
JEFFREY M. TURLEY [redacted]
MARTHA E. TYMESON [redacted]
WILLIAM J. VALKO [redacted]
DAVID F. VANDERBURGH [redacted]
DAVID N. VANOS, [redacted]
ROBERT D. VERDONE, [redacted]
KENNETH NORMAN VERMETTE [redacted]
ROBERT A. VILLEGAS, JR [redacted]
RODNEY TABUCOL VIZCARRA, [redacted]
KAENEL WILLIAM E. VON [redacted]
MARK V. WADE, [redacted]
BRENT J. WAGNER, [redacted]
BENJAMIN H. WALKER, JR [redacted]
BRIAN S. WALL [redacted]
JAMES F. WALROTH [redacted]
PETER T. WALSH [redacted]
JARL T. WATHNE [redacted]
SCOTT M. WEANER, [redacted]
WILLIAM R. WEAVER [redacted]
ELDON LEROY WEBB, JR [redacted]
BRENDA S. WELLS [redacted]
STEVEN R. WELLS [redacted]
THOMAS E. WERTH [redacted]
JAN H. WESTERMAN [redacted]
DAVID B. WEXLER [redacted]
THOMAS M. WHITE, [redacted]
KENNETH B. WILLIAMS [redacted]
LANE P. WILLIAMS [redacted]
STEPHEN D. WINEGARDNER, [redacted]
LAURA E. WITHERSPOON [redacted]
MARK W. WOODRUFF, [redacted]
CLAIRE K. WOODS, [redacted]
PAUL E. WRIGHT [redacted]
DANIEL O. WYMAN [redacted]
GROVER K. YAMANE, [redacted]
WILLIAM L. YEATON [redacted]
JEFFREY K. YEE [redacted]
DONALD R. YOHO, JR [redacted]
DONALD C. YOUNG, [redacted]
TERESA M. ZABIK, [redacted]
WILLIAM R. ZAVITZ [redacted]
DAVID A. ZVARA, [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

CHAPLAIN

To be colonel

MARC A. ABRAMOWITZ, [redacted]
JOHN A. FLASKA [redacted]
DAVID H. GOODWILLIE, [redacted]

WILLIAM L. HUFHAM [redacted]
ANTHONY M. IMBERI [redacted]
WILBUR D. PARKER [redacted]
GARY T. SANFORD [redacted]
KENNETH A. SEIFRIED [redacted]
ROBERT H. SPIEGEL [redacted]
CALVIN H. SYDNOR [redacted]

DENTAL CORPS

To be colonel

MICHAEL D. ALBRIGHT [redacted]
ANTHONY J. ANGELLO [redacted]
DURWOOD E. BACH, [redacted]
RICHARD R. BLACK [redacted]
DANIEL L. BONDRA [redacted]
TERRY W. BRADIGAN [redacted]
ROBERT R. BRUEGGER [redacted]
PAUL J. BURCHETT [redacted]
MICKEY J. CALVERLEY [redacted]
LARRY R. CAMP [redacted]
DALMER D. CHEEK [redacted]
THOMAS R. COLE [redacted]
JOSEPH P. CONNOR [redacted]
BRUCE Q. CROWTHER [redacted]
PAUL R. CUENIN [redacted]
DAVID A. DENNIS, [redacted]
DENNIS L. DONLEY [redacted]
ROGER H. DOWNS [redacted]
CHRISTOPHER FEARON [redacted]
JON G. FISHER [redacted]
LAVELLE FORD [redacted]
KENNETH E. FOWLER [redacted]
STEVEN T. HACKMAN [redacted]
DENNIS J. HOLMAN [redacted]
HERSCHEL L. JONES [redacted]
PAUL E. KITTLE [redacted]
LARRY W. LOVERIDGE [redacted]
CARBRA J. MCDONNELL [redacted]
MICHAEL P. MEHARG [redacted]
JOHN R. MILLER [redacted]
PETE MINJAREZ, I [redacted]
WILLIAM C. MITCHELL [redacted]
RALPH G. MONTOYA [redacted]
JAMES L. NEMEC [redacted]
JAY E. NYLANDER [redacted]
JOSEPH R. OSMOND [redacted]
MIGUEL E. PALOU [redacted]
ADRIAN L. *. PATTERSON [redacted]
HENRY S. PLAUTZ [redacted]
RANDALL M. POHJOLA [redacted]
FRANK R. PORTELL [redacted]
WILLIAM A. PORTER [redacted]
FREDER REGENNITTER [redacted]
OLIVIA S. ROMINGER [redacted]
JOHN L. SALOMONE [redacted]
RICHARD D. SHIPLEY, [redacted]
ERNEST W. SIGLER [redacted]
STEVEN L. STANTON [redacted]
SCOTT L. STRONG [redacted]
STEPHEN H. SUTLEY [redacted]
ROBERT B. TEWELES [redacted]
LARRY W. TOWNSEND [redacted]
HENRY T. WADDELL [redacted]
BRUCE D. WINTLE [redacted]
PHILIP A. WOLLER [redacted]
PETER P. YANCICH [redacted]

MEDICAL CORPS

To be colonel

PETER A. ANDERSEN [redacted]
ALVA W. *. ATKINSON [redacted]
BRUCE O. BAILEY, [redacted]
JOHN R. BARRETT [redacted]
TONEY W. BASKIN [redacted]
RODOLFO E. *. BAUTISTA [redacted]
THOMAS E. BEAM, [redacted]
SCOTT D. *. BENNION [redacted]
BEDFORD H. BERREY [redacted]
EDWIN J. BOLLERUP [redacted]
GREG A. BOWMAN [redacted]
JAMES A. *. BREITWESER, [redacted]
DALE A. CARROLL [redacted]
MICHAEL A. CASSADAY [redacted]
MOO H. CHO, [redacted]
DANIEL B. CRAIG [redacted]
HOWARD DAVIDSON, [redacted]
JON S. DAVIS [redacted]
WILLIAM H. *. DICE [redacted]
LOUIS F. DIEHL [redacted]
GORDON O. DOWNEY [redacted]
HAROLD P. DUCLOUX [redacted]
RENATA J. *. ENGLER [redacted]
JAMES FITZPATRICK [redacted]
RICHARD D. GARDNER [redacted]
STEPHEN M. GOODEN [redacted]
DAVID B. HAHN [redacted]
JAMES F. HANLEY [redacted]
ROBERT C. HARVEY [redacted]
WILLIAM HOPKINSON, [redacted]
WALTER K. *. IMAI, [redacted]
JOHN T. JACCARD [redacted]
RODNEY K. *. JAMISON [redacted]
ERIC A. JOHNSON [redacted]
ROBERT E. JONES [redacted]
JAMES H. KEELING [redacted]
SEUNG H. KIM [redacted]
WILLIAM C. KIRBY [redacted]
MELVIN M. KOLB [redacted]
PERRY L. KYSER [redacted]
ANTHONY J. LAPORTA [redacted]
DAVID W. *. LIPSI [redacted]
EARL A. LORENZEN [redacted]
LAWRENCE C. MOHR, [redacted]
JACK MOORE, JR [redacted]
JOHN W. MOORE [redacted]
PAMELA J. *. MURARI [redacted]
TU H. NGUYEN [redacted]
GRACY E. NIDHIRY [redacted]
MARVIN *. OLESHANSKY [redacted]
GORDON S. PARK [redacted]
ROMEO P. *. PEREZ [redacted]
ROBERT W. PETZOLD [redacted]
YANCY Y. PHILLIPS [redacted]
JOHN M. *. POWERS [redacted]
EDWARD L. SAKAS [redacted]
ERIC R. SALMINEN [redacted]
JOHN A. SCAVONE [redacted]
APARNA S. SHAH [redacted]
NATALIE *. SHEMONSKY [redacted]
PAUL N. SMITH [redacted]
EDWARD N. SQUIRE [redacted]
ROSA B. *. STITH [redacted]
RONALD M. TOLLS [redacted]
COLLIE M. TRANT [redacted]
GLENN C. TRIPP [redacted]
JOHN A. VACCARO [redacted]
RICHARD C. WAHL [redacted]
PAUL A. WEHRLE [redacted]
DAVID J. WEHRLY [redacted]
JOHN D. *. WERSCHKUL [redacted]
STERLING G. WEST [redacted]
GARY A. *. WIKERT [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

EMMETT L. BATTLES [redacted]
NOLON J. BENSON [redacted]
KEVIN W. BOND [redacted]
ROSS W. BRANSTETTER [redacted]
KEVIN L. CALL [redacted]
DAVID P. CAREY [redacted]
PAUL K. CASCIO [redacted]
DAVID M. CRANE [redacted]
DOMINICK J. DELORIO [redacted]
GILPIN R. FEGLEY [redacted]
ULDRIC L. FIORE [redacted]
WARREN G. FOOTE [redacted]
VANCE M. FORRESTER [redacted]
JUDITH M. GUARINO [redacted]
JOSEPH J. HALL [redacted]
STEPHEN K. HILL [redacted]
GREGORY M. HUCKABEE [redacted]
JOHN T. JONES [redacted]
BRUCE E. KASOLD [redacted]
DAVID A. LITTLE [redacted]
PHILIP H. LYNCH [redacted]
THOMAS O. MASON [redacted]
MICHAEL K. MILLARD [redacted]
FRANCIS R. MOULIN, [redacted]
MICHAEL B. NEVEU [redacted]
ARTHUR L. PASSAR [redacted]
JERRY W. PEACE [redacted]
RICHARD D. ROSEN [redacted]
LAWRENCE E. ROUSE [redacted]
ROBERT J. VANHOOSER [redacted]
MARK D. WELTON [redacted]
DANIEL V. WRIGHT [redacted]

DENTAL CORPS

To be lieutenant colonel

DANIEL K. *. BAILEY [redacted]
DAVID L. BATY [redacted]
LARRY D. *. BLOOM [redacted]
RONALD C. BUTLER [redacted]
RICHARD T. *. CANADA [redacted]
ROBERT S. CARTER [redacted]
RUSSEL K. CATTERLIN [redacted]
DARRELL W. CHILDERS [redacted]
MARK T. *. CIRBUS [redacted]
MARK S. CLOTH [redacted]
RICHARD L. COHEN [redacted]
BRUCE W. *. CUSHMAN, [redacted]
JON C. *. DAILEY [redacted]
LARY W. *. DEEDS [redacted]
ELDON L. *. DEKAY [redacted]
PETER L. DEMIZIO [redacted]
JOEY C. *. DOBBINS [redacted]
PAMELA K. *. DONOHUE [redacted]
JEFFERY DOOTSON [redacted]
CECIL R. DORSETT [redacted]
JOHN E. *. DULSKI, [redacted]
RANDY J. EBERLY [redacted]
RICHARD L. *. EMERT [redacted]
KEITH H. *. FOSTER [redacted]
JOHN M. *. FRAZIER [redacted]
RICHARD *. GARBARINO [redacted]
ALAN C. GARLICK, [redacted]
RICHARD J. HAGNER [redacted]
TIMOTHY M. HALE [redacted]
STEPHEN M. *. HANNON [redacted]
ALLAN D. *. HARRIS [redacted]
BRENT HASSEL [redacted]
JUDSON S. HICKEY [redacted]
ALAN W. HOMIAK [redacted]
THOMAS A. JORDAN [redacted]
BHUSHAN S. JOSHI [redacted]
ORLA W. *. KARN [redacted]
JOEL C. *. KNUTSON [redacted]
KELLY R. KOFFORD [redacted]
KENNETH E. *. KONOPKA [redacted]
CARL M. *. KRUGER [redacted]
ALAN E. LENTZ [redacted]
JOSE M. *. LOPEZORTIZ [redacted]
ALBERTO LUGO [redacted]
DOUGLAS *. MASSINGILL [redacted]
HAROLD A. *. MCADOO, [redacted]
JUDITH *. MCCOLLUM [redacted]
ROBERT B. *. MEYER [redacted]
ROBERT D. MEYER [redacted]
SAMUEL A. *. MEYER [redacted]
DONALD A. *. MOORE [redacted]
PATRICK H. *. MOORE [redacted]
OLAN D. *. PARR, JR [redacted]
STEVEN J. PERKINS [redacted]
JOHN D. *. PHILLIPS, [redacted]
MYSORE K. *. PRASANNA [redacted]
DAVID P. *. REID [redacted]
SYLESTER *. ROBINSON, [redacted]
MARK ROGOW, [redacted]
JIMMIE C. SCHMIDT [redacted]
PAUL D. SCHUMAKER [redacted]
STEVEN R. SEVEDGE [redacted]
MILTON L. SMITH [redacted]
SAMUEL W. *. SNELSON [redacted]
FREDERICK *. SOBEL [redacted]
ROBERT E. SPILLER [redacted]
ROBERT E. TEMPLE [redacted]
DANIEL M. THEBERGE [redacted]
DAVID J. *. VESELY [redacted]
CHARLES R. WEBER [redacted]
SCOTT S. WORLTON [redacted]
ROBERT J. WYGONSKI, [redacted]

EXTENSIONS OF REMARKS

THE 30TH ANNIVERSARY OF THE CITIZENS' SCHOLARSHIP FOUNDATION OF AMERICA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, in January, the city of Fall River noted the 30th anniversary of a remarkable program which is the brainchild of a remarkable man. The program is the Citizens' Scholarship Foundation of America. And the founder of the program is Dr. Irving Fradkin.

Under the leadership of Dr. Fradkin, and with the cooperative efforts of many people all over this country, the CSFA program has helped students all over America attend college. According to Dr. Fradkin, who keeps careful records, the program has by now raised more than $120 million for the benefit of more than 200,000 students. Many people talk about the need to help others, to improve education opportunity in this country, and demonstrate to young people that there are people in society who care about them. Very few people have put these sentiments into effect with anything like the vigor and benefit of Dr. Irving Fradkin.

Dr. Fradkin is a man of many interests—I recently attended a very interesting forum on the need for a national energy policy at the Fall River Chamber of Commerce which was an initiative of Dr. Fradkin and Mark Montigny, executive director of the Fall River Chamber. We are lucky to have a man of Dr. Fradkin's dedication and energy as concerned as he is about helping others. Mr. Speaker, I ask that the article from the Fall River Herald News of January 11 and the American Optometric Association News of December 15 about Dr. Fradkin and his excellent work be reprinted here.

CSF MARKS 30TH YEAR

FALL RIVER.—The Citizens' Scholarship Foundation Inc. commemorated its 30th anniversary to the day of its founding and honored its creator, Irving Fradkin, at a luncheon Thursday in the Quequechan Club.

Fradkin, who started the scholarship program here, which now numbers 528 chapters in 32 states and the District of Columbia, was presented a signed print of the 1990 CSFA report.

In the New England region, 110 cities, towns and neighborhoods have active Dollars for Scholars programs, the new name for the scholarship foundations. In addition, CSFA manages over 300 scholarship programs for businesses, foundations and individuals, including programs for New England Telephone, Burger King and the Greater Worcester Community Foundation.

The luncheon, which was sponsored by the Citizens' Scholarship Foundation of America and the Chamber of Commerce, was the first of several events to be held in the coming months in celebration of the scholarship program. The celebration will culminate Sept. 26–27 with a national conference in Minneapolis, where the group will review its past and contemplate its future.

About 25 people attended yesterday's luncheon, which commemorated the day when Fradkin invited the leaders of 11 community-based scholarship foundations from Rhode Island and southeastern Massachusetts to come here to consider formally incorporating.

Fradkin, saying he has traveled a million miles to sell the scholarship progam to community and business leaders, explained the need for involvement by the private sector is greater now than ever before because of the budget constraints of so many state and local governments.

Scholarship dollars do make a difference in people's lives. Wherever a chapter is started, he said, there is a decline in the dropout rate and community morale increases.

Fradkin said he sees the scholarship program becoming a diplomatic bridge between nations—a type of common denominator that is appealing regardless of political persuasion. The greatest community a country has is its young people, he said, adding the task of their elders is to motivate them.

He said the scholarships are not "a hand out," but "a hand up," explaining the concept of the students' repaying the interest-free loans increases the self-respect of the recipients. "The students accept a moral obligation to repay the loans," he said.

Fradkin mentioned there is not a community in the country that could not benefit from the founding of a scholarship chapter.

Mary Adams Forsberg, national director-volunteer services, Citizens' Scholarship Foundation of America, said the program is making a difference at a time when tuition costs are preventing students from getting into college. She mentioned the example of two students she met eight years ago, whose educations and future careers were aided because of scholarships they received from CSFA.

She said one of these students is now a banker and the other served in the Peace Corps and is an election commissioner in New York City.

OD PERPETUATES DREAM

FALL RIVER, MA.—He was once described as a modern day "Paul Revere of education," by Time magazine. Sam Levinson called him "an optometrist with vision." In 1988, he received the National Giraffe Award for "sticking his neck out."

Irving Fradkin, O.D., son of Russian immigrants and graduate of Massachusetts College of Optometry (now New England), had a dream that one day every student in America would have the opportunity to further his or her education.

Today, the Citizen's Scholarship Foundation of America (CSFA), an outgrowth of his "Dollars for Scholars" concept, provides funds to help do just that.

Dr. Fradkin says he grew up with little money, few conveniences and an abundance of love from his close-knit family which valued freedom and education above material goods. His father worked 12 hours each day running a small bakery so the next generation would "go beyond his beginnings."

As he tells the story of CSF's beginnings, while he was practicing optometry in Fall River, the young Dr. Fradkin ran for school board in 1957 and lost. His platform had contained the vision of community-supported scholarships for local students.

"If everyone would give a dollar," he reflected, "a great deal could be done to help."

Despite his school board loss that day, he went ahead to seek support for his idea. Fall River citizens responded by providing $4,500—the first "Dollars for Scholars"—awarding 24 scholarships to local students.

Today, the nationwide program has awarded more than $120 million to over 200,000 students. Last year, Dr. Fradkin adds, it awarded $20 million in scholarships and is "still on the grow." There are now over 400 chapters across the country.

The Dollars for Scholars concept is simple. Citizens of a community raise funds locally for scholarships. The recipients are selected on financial need, scholastic standing, leadership activities and employment.

More importantly, he adds, the students have a moral obligation (as opposed to a contract) to pay back the money so someone else may get an education. "It is the dream and purpose of CSFA that the individual can be inspired and motivated to give something back to the community and better understand the need to perpetuate our priceless gifts of freedom and democracy," Dr. Fradkin says.

In August, the Dollars for Scholars founder was selected to receive an award from the Freedom Foundation at Valley Forge. President Bush has also sent him a letter commending him for his efforts.

Irving Fadkin, O.D., has another dream—that other optometrists get involved in the Citizen's Scholarship Foundation of America. He sees the program as a great practice builder and a way to foster goodwill and excitement in the community.

The first step is to form a steering committee of interested citizens to decide if Dollars for Scholars is viable for the community, he says. If so, a board of trustees is formed and an affiliation with CSFA is established. CSFA will provide all the materials, services and other support needed to operate a chapter.

The national headquarters for Citizen's Scholarship Foundation of America, Inc., is 1505 Riverview Rd., P.O. Box 297, St. Peter, MN 56082. For information on starting a chapter, call 1–800–248–8080.

ERNEST GIVINS—AN AMERICAN HERO ON AND OFF THE FOOTBALL FIELD

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. YOUNG of Florida. Mr. Speaker, Ernest Givins of the Houston Oilers was the hero of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Sunday night's National Football League Pro Bowl game as he made a spectacular 13-yard touchdown reception to give the AFC a 23–21 victory over the NFC.

The game was televised nationally in prime time and confirmed what many football fans already know, that Ernest Givins is an outstanding football player and a gifted wide receiver.

Today, though, I want to tell you about another side of Ernest Givins, one for which he has received no notoriety. Last week, Ernest was the grand marshal for the Martin Luther King Holiday parade held in my district in St. Petersburg, FL. It was a proud moment for this football star to ride at the front of a parade through the streets of the city in which he was born and raised.

It was in conjunction with the parade and other holiday activities, that I sponsored a marrow donor recruitment drive specifically to encourage African-Americans to become a part of the miraculous, life-saving National Marrow Donor Program.

Ernest Givins was the first person in line that day to roll up his sleeve and take the free, quick, and very simple blood test to join more than 265,000 Americans on the rolls of the national registry. He is aware that despite the overwhelming success of this program and the outpouring of support it has generated since its establishment just 3 years ago, that there is still a critical lack of minority volunteers. He also is well aware that only 6,700, or less than 3 percent of the volunteers are African-Americans.

Genetics play such a major role in finding a matched, unrelated marrow donor, that in most cases an African-American patient in need of a lifesaving marrow transplant, will find his donor from the African-American community. The same holds true for other minority groups such as Hispanics, Asians, and native Americans.

The importance of Ernest Givins' willingness to be first in line to save a life struck even closer to home for him because one of Ernest's friends, Grant Hartley, is suffering with leukemia. His only hope at life is a marrow transplant.

Grant Hartley is a constituent and friend of mine, and for more than 2 years we have been searching the national registry for that stranger who holds for him the living gift of life. He will never be a hero for his football exploits, but as Ernest Givins found out in St. Petersburg last week, Grant Hartley has heroically become a spokesman for the National Marrow Donor Program to emphasize the need for greater minority participation in the registry. It is not easy for Grant, or any patient suffering from a terminal form of leukemia, to face the media or an audience and make the emotional appeal for life. Grant has done that, however, and has emphasized better than any other patient the need for minority donors. Our colleagues in the Congressional Black Caucus can attest to the power of Grant's message. It was last October that I introduced them to Grant, and after we made our short 15-minute presentation, there was not a dry eye in the room.

Mr. Speaker, Ernest Givins and Grant Hartley have crossed paths throughout their lives. They were friends who grew up in the same city. They both attended Lakewood High School, and they were reunited last Monday in a parade through their hometown. Along the way, they have established themselves as true American heroes. Grant Hartley for looking into the face of death to make a difference for others in his condition by spreading the message of hope and need to the African-American community. Ernest Givins for his acclaimed athletic ability on display every Sunday during the football season. More importantly, though, Ernest Givins is a hero for setting an example for other Americans to join him in rolling up their sleeves to take a quick, simple, and free blood test that could give life to Grant Hartley or any one of more than 9,000 Americans searching for a matched, unrelated marrow donor.

REMARKS OF JOHN M. COLLINS ON GROUND WAR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. SKELTON. Mr. Speaker, Members and professional staff of the Congress had the opportunity on February 6, 1991, to attend a seminar on "The Ground War: Some Perspectives." The sole speaker was John M. Collins, Senior Specialist in National Defense of the Congressional Research Service. Drawing upon his experiences from World War II, Korea, and Vietnam, John Collins provided his audience a unique description of ground combat operations. I obtained a transcript of John Collins' excellent presentation and offer it here for the wider dissemination which it truly deserves:

GROUND COMBAT OPERATIONS

(Remarks of John M. Collins)

What do I know about plans for land and air operations during Desert Storm? Nothing.

What do I know about ground combat operations in general? Something. I enlisted in the U.S. Army as a $21-a-month private during World War II and emerged as a paratroop colonel 30 years later, after wartime service in Western Europe, Korea, and Vietnam. I'm familiar with the U.S. Marine Corps after many years as a contingency planner. My interests in the Middle East date from 1950, when I covered the Arab States and Israel for Army intelligence from a perch in the Pentagon.

I'm not here to second-guess anything the Secretary of Defense, the Joint Chiefs of Staff, General Schwarzkopf, or other coalition officials have done so far, or predict what they'll do in the future, 'cause my crystal ball is cracked. I make enough mistakes by accident, without doing it on purpose.

My mission this morning is merely to put ground combat into perspective, so those who've never been there get some feel for what it's all about.

First, I'll differentiate land warfare from air operations, with which you're all now familiar. Then, I'll briefly compare United States experience in Korea and Vietnam with Desert Storm, paying particular attention to dissimilarities. I'll identify a few United States advantages if a major ground war erupts; show where Iraqi forces seem to have the edge; and finish with words that put land warfare into the big picture.

We all know that President Bush, as Commander in Chief, and his major military advisers, hope to avoid a ground war.

Why? Who cares?

UNIQUE CHARACTERISTICS

What's unique about ground combat?

It's up close and personal, compared with war in the air or at sea.

Manpower is more important than technology.

Teams are more important than individuals.

A few lieutenants are on the cutting edge, but it's mainly an enlisted man's war.

Small unit leadership is critical.

Casualty rates far exceed those for sailors and airmen.

No other forces can seize, hold, or occupy territory, which are common requirements.

THE CUTTING EDGE

Who's on the cutting edge? Damn few. Gen. Al Gray, who currently is Commandant of the Marine Corps, says he never saw a crowded battlefield, and with good reason.

Divisions are the basic fighting force of Army as well as Marines, but only about 10 to 15 percent of their personnel ever are eyeball to eyeball with the enemy. Let's put it this way. Army infantry and Marine divisions string subordinate elements together in groups of three: three brigades or three regiments of three battalions each; three rifle companies in every battalion; three maneuver platoons in every company; three rifle squads per platoon. Divisions typically deploy two of the three brigades or regiments up front and hold one in reserve to exploit opportunities or block holes as required. Each battalion, company, and platoon normally does likewise—27 of 81 rifle platoons accordingly remain in reserve. Forward deployed platoons that total just 54 lieutenants and 2,268 enlisted men at full strength therefore constitute the true cutting edge of the 82d Airborne Division, my alma mater, which normally numbers about 13,000, not counting attachments. Everything else in the division provides support: weapon platoons armed with machineguns and mortars, artillery, aircraft, engineers, signal, supply, maintenance, transportation, medics, and so on. The "tooth-to-tail" ratio is similar, but even less favorable, in most other divisions. Warriors constitute a much smaller minority when compared with the immense logistic and administrative apparatus that sustains them from locations well to the rear.

No wonder Kipling wrote with respect about Tommy Atkins, who epitomizes British footsoldiers:

It's Tommy this and Tommy that
and Tommy, 'ow's your soul,
but it's thin red line of 'eros
when the drums begin to roll.

It's Tommy this and Tommy that
and chuck 'im out the brute
but it's savior of 'is country
when the guns begin to shoot.

Tommy and his counterparts everywhere do most of the bleeding and dying. Our Army suffered 80 percent of all United States battle deaths during World War II and Korea, two-thirds in Vietnam. More than a fourth of the names on the Vietnam Wall are Marines, who comprised 1/10 of the force. There is, you see, no democratic distribution of risk and sacrifice. U.S. leaders should be sure the cause is worth it before they lay more young lives on the line.

THE CRAPSHOOT

What's life like on the cutting edge? It's a crapshoot, with life and death at stake. The move "Platoon" portrayed at least one aspect of land warfare correctly: it's dog eat dog at the bottom of the heap when ground forces clash, a personal struggle for survival, which depends a lot on luck. One of my friends fought his way to the Yalu River and back in 1950; battled waves of Chinese when thermometers broke at 40 below; returned to Korea as an airborne/waterborne raider; then completed three combat tours in Vietnam, Laos, and Cambodia without one serious wound. Another friend wore two Purple Hearts. He was almost crippled in Korea after 3 days on line. I pinned the second medal on his casket when he came back from Vietnam following one encounter. both men were professionals. The difference was due largely to luck.

War is a brutal business any way you look at it, But most of all for men who grapple on the ground. Airmen engage inanimate targets and toy figures that don't bear much resemblance to flesh and blood. They flattened Dresden and fire bombed Tokyo during World War II without much compunction. Air raids against Iraq look like video games spliced into TV news reports. Land combat, in contrast, is extremely personal for every participant.

Both sides in this war possess firepower that can inflict severe casualties in short periods. Warriors on the cutting edge can't always see what happens when they hit the enemy, but it doesn't take much imagination, because they sure as hell know what happens when the enemy hits them.

Murphy's law is always at work. Anything that can go wrong will go wrong at the worst possible moment, because surprise, noise, concussion, shock, dust, and debris cause confusion. Blood, burns, and disfigurement magnify fears of the unknown. Seeing friends blown to bits can be traumatizing. Crushing fatigue also amplifies the fog of war. Airmen sometimes experience extreme danger, we've seen that on TV, but they strike quickly, then return to comfortable bases. Grunts, who get no respite, are exposed to perils and privation around the clock in a pressure cooker environment. Bill Mauldin said it best in his book "Up Front:" "Look at an infantryman's eyes and you can tell how much war he's seen." That's one reason why land warfare is reserved for young men in prime physical condition. Geriatrics are no match for teenagers with tremendous energy. Skinny kids with great stamina often beat muscle bound Rambos. We should all salute them.

SMALL UNIT LEADERS

Who's in charge at the cutting edge? Junior officers and NCO's.

The motto of the U.S. Army Infantry School is "follow me." Marines spell it out a bit differently, but mean the same thing: high-quality leaders are essential, along with professional training and iron discipline.

Air operations in the Persian Gulf permit a good deal of individualism. Ground combat operations do not. Team play is imperative at every echelon, but most of all along the cutting edge.

What are we talking about?

Leaders, according to President Truman, are men who can persuade people "to do what they don't want to do and like it." He might have added that leadership and rank don't always correlate closely. Lowly privates have outshone colonels too many times to count.

When bomber pilots steer straight through terrific flak and ship captains command "full right rudder" everybody on board follows: whether they want to or not. Junior leaders in the Army and Marine Corps, whose mission is to point everybody in the same direction at the same time, enjoy no such luxury. They must instill discipline and inspire confidence among the weak as well as the strong through charisma and professional competence. Casualties commonly are high, because role models who lead from the front are exposed to hostile fire.

The Marquis of Queensbury has few admirers during thumb-in-the-eye, knee-in-the-groin donnybrooks, when self-preservation is the basic aim on both sides. Superlative leaders at platoon and squad levels are needed at such times to prevent atrocities like the My Lai massacre in Vietnam. They also curb temptations to expedite prisoner interrogations by illegal means. It's easy, for example, to connect a captive's private parts with a field phone—no one ever gets a busy signal or a wrong number when they turn the crank—but long-term liabilities almost always outweigh short-term benefits. Leaflets that tell enemy troops to "defect, all is forgiven" won't be worth the paper they're written on after the word gets out. Smart sergeants and lieutenants therefore squelch such practices for practical as well as moral reasons.

COMPARISONS WITH PAST CONFLICTS

How does this war compare with past U.S. experience? United States land forces in Korea and Vietnam, like those now deployed to counter Iraq, were part of a multinational coalition in which the United States and host country contributions predominated. Strategies, tactics, forces, and geographic contexts, however, were fundamentally different.

KOREA

Surprise attacks in June 1950 caught United States and South Korean forces flatfooted. Rapid reinforcement from the United States was required to prevent early defeat. Conventional land warfare, which predominated thereafter, took place on a narrow front in largely mountainous regions. There was very little room for large-scale lateral maneuver, but Seoul changed hands three times and Pyongyang twice during North-South thrusts. Other urban warfare was common. United States air forces quickly gained and maintained air superiority, which is very comforting to grunts on the ground, but never could isolate the battlefield, partly because Manchuria remained "off limits" throughout the war, partly because many enemy logistic lines were foot trails through rough terrain.

VIETNAM

United States involvement in Vietnam conversely evolved gradually compared with Korea, even counting the surge in 1965–66. Adversaries were lightly armed and elusive. Neither side employed large armored formations. Few engagements in jungles and swamps exceeded battalion size. Most were smaller. Few urban battles occurred and few lasted long, except for the Tet Offensive. Special operations, in contrast, played a major part. Air power in support of ground operations was severely restricted. United States rules of engagement allowed privileged sanctuaries in Laos and Cambodia, where opponents could rest, recuperate, and resupply, then reenter the fray. The Ho Chi Minh Trail, which carried enemy supplies, was virtually invisible from the air. Small, dispersed combat formations moving under cover, mainly at night, also were hard to hit.

IRAQI-KUWAIT THEATER

Large-scale ground warfare in the Iraqi-Kuwait theater will bear little resemblance to previous United States experiences in Korea and Vietnam, if it eventually occurs. Desert Storm is a classic set piece war, the Pentagon's specialty. Iraq's been getting ready for years. U.S. forces took 5½ months, then President Bush said, "Go!" Conditions are close to ideal from U.S. standpoints, provided warfare remains conventional. Our defensive foe is deployed in Macy's window on a big, bare table top open to U.S. air power. The topography is perfect for tanks. Iraq currently enjoys no privileged sanctuaries—Iran, its sworn enemy until recently, might eventually become an exception, but it's too early to tell.

U.S. ASSETS AND LIABILITIES

United States ground forces facing Iraq nevertheless must balance assets against liabilities. The following assessment, based entirely on open sources, identifies a few U.S. strengths and weaknesses, but assigns no relative weights, which must remain subjects for speculation until land warfare erupts.

APPARENT U.S. ADVANTAGES

What have we got going for us?

Air superiority leads my list. Chiefs of state on our side have faith in General Schwarzkopf and his component commanders, who can pick the time, place, mode, and direction of attack, within political guidelines, then strike weak spots and points of least expectation. Iraqi forces must abandon advantageous defensive positions, if Saddam Hussein decides to preempt in great strength.

Allied forces are fresh, compared with Iraqi defenders who are debilitated and disorganized by a long period of preliminary bombardment. Our command, control, and communications facilities remain intact, while theirs are severely disrupted. Armored divisions with ample maneuver room, Marines ready to make amphibious landings, and sizable parachute assault capabilities provide the coalition many versatile options. So do United States and allied special operations forces, which conceivably could coordinate Kuwaiti resistance with conventional attacks, incite potential insurgents inside Iraq, conduct counter-terror operations, and eliminate key Iraqi commanders, which is not assassination—British Field Marshal Slim believed that nothing is better for the morale of troops than occasionally to see a dead general. He neglected to mention that it may not make much difference which side he was on!

U.S. technological superiority is less pronounced on the ground than at sea and in the air, but satellite sensors, night vision devises, helicopters for battlefield mobility, and superior medical support are among many obvious advantages. Short local supply lines secured against Iraqi air attacks are another blessing.

APPARENT U.S. DISADVANTAGES

Most United States liabilities reflect Iraqi strengths, of which fortifications, well prepared and well stocked with supplies, are foremost, Japanese defenders ferociously opposed most United States Marine landings in the Pacific during World War II, despite merciless air and naval gunfire bombardments beforehand. Allied forces flattened the monastery on top of Monte Cassiono in Italy, but German paratroopers buried in the rubble held their positions against great odds for 4 months. Bastions on Normandy's Omaha Beach still are tourist attractions. We'll now see whether new munitions, which are infinitely more lethal and numerous than those in past wars, perform as advertised. The problems allied air forces thus far have experienced trying to put Iraqi runways out of commission indicates that performance may fall short of perfect.

Iraqi artillery deployed in huge quantities outranges United States counterparts. So do Iraqi rifles. Our M-16's performed acceptably in Vietnam, where observation and fields of fire seldom exceeded a few meters, but they're poorly suited for warfare in open country. Indiana Jones demonstrated U.S. problems when a scimitar-waving Saracen blocked his path while he was searching for the Lost Ark: he pulled out his pistol and shot his opponent dead from a safe distance.

Clever, crafty foes probably have surprises up their sleeve to unleash at opportune moments. Chemical, biological, and perhaps nuclear weapons at Iraq's disposal could alter land combat profoundly. How much is hard to say, because allied forces have never been exposed to nerve gas, biological warfare is a wild card, and no troops have ever experienced nuclear attacks.

In short, allied land forces tasked to root Iraqis out of Kuwait, which they're defending as part of their homeland, may find it's not a pushover.

LAND POWER IN THE BIG PICTURE

So much for ground combat forces in isolation. Now let's briefly put'em into the big picture.

There's no such thing as single service warfare anymore, and few conflicts—including this one with Iraq—will ever be fought exclusively with land, sea, or air power. Our Army and Marines depend on the Navy and Air Force to put them in position and deliver supplies from far distant bases. All forces ashore depend extensively on the Army for logistical support. Each service depends on the others in many additional ways. General Schwarzkopf's biggest job is to orchestrate all U.S. and allied forces so the whole becomes greater than the sum of its parts.

INDEPENDENCE PLAZA'S GRAND OPENING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. STARK. Mr. Speaker, I rise today to congratulate the city of Alameda Housing Authority in California's Ninth Congressional District. The housing authority, with the assistance of the nonprofit BRIDGE Corp., is developing an elderly multifamily housing project that is expected to be at least 70 percent affordable to very low and low-income tenants.

The project, Independence Plaza, expected to open in November 1990, will be owned and operated by the authority and will include 186 one- and two-bedroom units in five two-to-four story buildings. Each unit will be equipped with a private deck or balcony and an emergency call system. The apartment buildings are located adjacent to a neighborhood park, and, are close by to shopping centers, public transportation, and commercial services. The apartments have wall-to-wall carpets, smoke detectors, interior fire sprinklers, resident and visitor parking, coin-operated laundry facilities, and a secure entry system with intercom. The project will also include new offices for the housing authority.

It is expected that 70 percent of the units in Independence Plaza will be rented to low-income and very low-income tenants and 30 percent to market-rate tenants. For a one-person household in Alameda, the annual income limits are $23,750 for the low-income units, and $15,750 for the very-low income units. The projected initial monthly rent will be $325 for the 92 one-bedroom units rented to very low-income tenants, $475 for the 36 low-income one-bedroom apartments and, $600 for the low-income two-bedroom apartments. This compares to about $600 and $750 for the market-rate units. Tenants must be 62 years or older and will be selected by the authority from a waiting list of 350 to 400 names.

The housing authority serves a city of about 70,000 persons in Alameda, CA and plans to use reserve funds to make up shortages in rent subsidies to the affordable housing units. About $435,000 was saved by the city of Alameda's waiver of local planning fees, building permit fees, sewer connection fees, improvement taxes, and dwelling unit taxes.

Mr. Speaker, I am proud to be a part of the grand opening of Independence Plaza. It is a model for other centers around the Nation.

TRIBUTE TO JAMES D'ERAMO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to James D'Eramo, executive director of AIDS Treatment Resources [ATR]. Founded by members of an AIDS activist group know as ACT–UP, AIDS Treatment Resources is the first organization of its kind to publish a nontechnical directory of AIDS-related experimental drugs.

Until recently, AIDS drug trial directories were written on a technical level and not accessible to the general public. Over the past 18 months, AIDS Treatment Resources, under the direction of James D'Eramo, has directed 10,000 to 20,000 people to drug trials by their guide.

ATR also publishes 4,000 copies of the quarterly Directory of AIDS Clinical Trials which are sent free to anyone infected with AIDS. In addition to English, booklets and pamphlets are published in both Spanish and Creole.

Mr. Speaker, I would like to take this opportunity to recognize James D'Eramo for his outstanding service to ATR. AIDS Treatment Resources now serves as a model to similar organizations across the country and around the world. Mr. D'Eramo has put forth a great deal of energy and patience in building public trust of AIDS Treatment Resources and I commend him for his service.

HONORING ALVIN AND GRETA WARSHAVIAK

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to pay tribute to Alvin and Greta Warshaviak, a couple who have distinguished themselves through their leadership in the greater Jewish community of Queens County, NY. I join the Young Israel of Hillcrest in honoring Alvin and Greta at the synagogue's 30th annual Journal Dinner on March 2, 1991.

Alvin has served in almost every capacity at the Young Israel of Hillcrest, including an outstanding tenure in its presidency. Under his guidance the physical attributes of the synagogue were enhanced and the spiritual development of the religious community were raised to unprecedented high levels. His dedication to the synagogue makes each member feel that he is personally involved in their lives. Alvin's accomplishments include bringing Matzoloh to the neighborhood; founding of a sister congregation, the Utopia Torah Congregation; forging of programs for youth and senior citizen groups; and a library, long desired, that finally became a reality.

Despite all of this activity, Alvin was able to find time to serve the political interests of the Jewish community as well. His commitment to Jewish causes is seen through his involvement in and work for Ethopian Jewry. He serves on the community planning board where he chairs various committees and as a member of the boards of local Democratic clubs. Alvin is on the board of the Raoul Wallenberg Committee, Tomohei Shabbas, Flushing Heights Civic Council, and is the founder of the Queens Purim Parade.

In all of Alvin's endeavors, his wife Greta has been the constant source of inspiration. Greta, a loving wife and mother, combines Alvin's success with her own as director of data processing for the United Federation of Teachers.

Mr. Speaker, in this time of international strife and conflict, I ask my colleagues to take a moment to join me in paying tribute to Alvin and Greta Warshaviak, an exceptional couple that deserves our deepest thanks and best wishes for their selfless dedication to their faith and community.

SALUTE TO RHODE ISLAND EAGLE SCOUTS

HON. JOHN F. REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. REED. Mr. Speaker, I rise today to salute four distinguished young men from Rhode Island who have attained the rank of Eagle Scout in the Boy Scouts of America. They are Christopher A. Mangiarelli, Michael J. McGlynn, James E. Neil, and Ronald L. Valletta of troop 20 in Johnston, RI, and they are honored this week for their noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. Each of these four young men has distinguished himself in accordance with these criteria.

For their Eagle Scout projects, Chris Mangiarelli led a group of Scouts in painting shower facilities at a nursing home; Mike McGlynn led Scouts in building a wooden waste receptacle for a church; Jamie Neil led Scouts in building a compost barn and bird blind for the Audubon Society; and Ron Valletta led Scouts in collecting reading books for a number of children's homes and shelters.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scouts Chris Mangiarelli, Mike McGlynn, Jamie Neil, and Ron Valletta. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that each of these four Eagle Scouts will continue his public service and in so doing will further distinguish himself and consequently better his community. I am proud that these four young men undertook their Scout activity in my representative district, and I join friends, colleagues, and family who this week salute them.

RECOGNIZING INDIAN TRIBES CRIMINAL MISDEMEANOR JURISDICTION OVER NONMEMBER INDIANS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. RICHARDSON. Mr. Speaker, today, I am introducing legislation to address a critical problem facing Indian tribes in my district and across the country. Because of the Supreme Court decision handed down last year in the case of Duro versus Reina, tribal courts no longer have jurisdiction over misdemeanor crimes committed on tribal lands by Indians who are not members of that tribe. Since States generally do not have jurisdiction over crimes committed in Indian country, and the Federal Government maintains jurisdiction only over major crimes, a jurisdictional void has resulted. I share the grave concern of tribal leaders that this decision has undermined their ability to provide for the health, safety, and welfare of their people.

In the third district of New Mexico alone, there are Navajo, Ute, Apache, and Hopi Indians as well as 19 different Indian Pueblos, all culturally and geographically very close to each other. Indian Governors and leaders have informed me that thousands of their people reside on, work at, or visit other tribal reservations every day, and that many have spouses who are members of different tribes. Because of this, many of the misdemeanor crimes on reservations are committed by nonmember Indians. According to tribal courts, eliminating tribal jurisdiction over these crimes is tantamount to issuing nonmember Indians a license for crime.

There is little doubt that defining the scope of Indian tribal jurisdiction is a complex undertaking—but one need only look at the relationship between the Federal Government and Indian tribes over the last 200 years to establish a strong case for tribal jurisdiction over nonmembers in misdemeanor cases.

When the tribes were incorporated into the territory of the United States, they relinquished some of their sovereign powers in return for the protection of the Federal Government. However, throughout history Congress has never questioned the power of tribal governments to exercise criminal misdemeanor jurisdiction over Indians and nonmember Indians in Indian country. From the very start, Congress has consistently exempted crimes committed by Indians against other Indians from the reach of Federal and State power. This recognition is consistent with the plenary power over Indian affairs that is vested in Congress under article I, section 3, clause 8 of the U.S. Constitution.

At the end of last session, Congress took action to correct the misguided Duro decision by passing legislation that reaffirmed the jurisdiction of Indian tribes over nonmember misdemeanor crime. However, the legislation included a provision establishing a 1-year deadline, meaning the jurisdictional void will again become a reality after September 30, 1991, if we do not act decisively to make the relief permanent.

The legislation I am introducing today makes permanent Congress' reaffirmation of Indian criminal misdemeanor jurisdiction by eliminating the September 30, 1991 deadline date. I urge my colleagues to support this critical legislation.

DR. ROBERT S. CAPIN HONORED FOR COMMUNITY SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. KANJORSKI. Mr. Speaker, on February 10, 1991, Dr. Robert S. Capin was honored with the Seligman J. Strauss Lodge No. 139 of B'nai B'rith Community Service Award.

The community service award is awarded to Dr. Capin to honor him as an outstanding citizen, who by his courageous leadership and dedication on behalf of his fellow man, has made a valuable contribution to the fabric of the community.

A community is as great as those who make up that community and we should be honored to know Bob Capin. I have the distinct privilege of counting him among my personal friends. I can truly attest to the fact that our community would not be as great as it is without the great heart and intellect of Dr. Capin.

My first encounter with him occurred some 10 years ago when, as president of Wilkes, he served as moderator for the congressional debates in the special election in 1980. His fairness, his appreciation of domestic ideals and values and keen intellect immediately captured my attention. The traits he exhibited inspired me in my quest for public service.

The Wilkes community has been fortunate to have Bob Capin as a role model for its students while he was president and now as a member of the faculty. And, as an accountant, Dr. Capin will appreciate my bottom line: To know Bob Capin is to be his friend—he has no enemies.

After 20 years as a member of the faculty and the administration at Wilkes University in Wilkes-Barre, PA, Dr. Capin was named president in 1975. Under his leadership, Wilkes refined and expanded its curricula, enhanced its fundraising abilities and renovated much of its physical plant.

Following his presidency, Dr. Capin was named president emeritus and in 1984, he became a partner in an area accounting firm. In 1989, he returned to academia and Wilkes University as a professor of accounting.

His involvement with the community does not end there. Dr. Capin is an active member of the Economic Development Council of Northwestern Pennsylvania, the Jewish Community Center, the Wilkes-Barre Chamber of Commerce, the United Way and a variety of professional accounting associations.

Dr. Capin is no stranger to praise and admiration. He was elected Man of the Year by the Wilkes-Barre Lions Club and the Robert S. Capin Endowed Teaching Chair in Accounting was established by his former students in his honor.

A dedicated family man, Dr. Capin and his wife, Libby, are the proud parents of a son and two daughters and the very proud grandparents of five grandchildren.

I know my colleagues join me in extending our congratulations to Dr. Robert S. Capin for his good works and kind heart.

PATRIOTISM THAT IS SO IMPORTANT TO THIS COUNTRY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most thoughtful people in my district with whom I am in occasional correspondence is Mr. William Hersey. Bill Hersey is a memory expert, and he is an innovative thinker as well on a wide variety of subjects. He is a passionate defender of American freedom, and he understands that the American flag is a valuable symbol precisely of that freedom.

Recently he sent me a statement which he prepared which is being printed and distrib-

uted by the Rotary Club of Stoughton, MA and which he is circulating to other Rotary clubs. I ask that it be printed here as an example of the kind of creative patriotism that is so important to this country:

THE AMERICAN FLAG. WHAT DOES IT MEAN TO YOU?

Half a million of our fellow countrymen and women are fighting under that flag in the Persian Gulf today.

Why should its meaning burn in your heart? Because more than a million of your fellow Americans died—

THAT YOU MIGHT BE FREE

Free to say what you want to say.
Free to read what you want to read.
Free to write what you want to write.
Free to print what you want to print.
Free to own a weapon.
Free to worship or blaspheme as you wish.
Free to demonstrate for or against anything.
Free to bar your doors against a search without a warrant.
Free to have a speedy trial.
Free not to be made to testify against yourself.
Free to petition the government to right a wrong.
Free to be free from cruel and unusual punishment.
Free not to be put in jail without a cause.
Free not to be denied reasonable bail if you are in jail.

YOUR FREEDOMS WERE BOUGHT

With the blood and suffering of your fellow Americans. Besides those who died in battle, your freedoms were bought—

With the unimaginable suffering of millions more who survived with shattered bodies and minds.

With the sufferings of thousands who endured unspeakable torture at the hands of cruel enemies. Hundreds were in solitary confinement, half starved and tortured for more than seven years!

By millions of families who were broken up.

By thousands who live out lonely lives in veterans' hospitals.

THAT YOU MIGHT LIVE FREE

Listen to what one disabled veteran wrote to his Congressman when the right to burn the flag was being discussed.

"I am a 100 percent disabled veteran as a result of combat wounds sustained in Italy during World War II. I have been a paraplegic since that time. I love the flag and fly it daily at my house. I did not give up half my body and spend the following 46 years in a wheel chair fighting for a flag. I did so because I was willing to make terrible sacrifices in defense of freedom—even when that freedom is expressed in ways that are appalling and ugly to me."

Ed Brown of Albuquerque, New Mexico wrote that to Representative Pat Schroeder. Ed Brown followed the flag because it meant that he and you and millions yet unborn. . .

MIGHT LIVE FREE!

Let each of us "Take increased devotion to that cause for which they gave the last full measure of devotion." (Lincoln)

SIGNS OF SUPPORT THROUGHOUT PINELLAS COUNTY INSPIRING TO OUR TROOPS IN THE PERSIAN GULF

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. YOUNG of Florida. Mr. Speaker, it is with great pride that I have observed these past few weeks the growing and strengthening show of support throughout Pinellas County, FL for our troops serving in Operation Desert Storm.

As I walk and drive the streets and highways through this county I represent, I see sign after sign in front of businesses, restaurants, and hotels expressing appreciation for the dedicated American and allied troops, many of whom are the mothers and fathers and the sons and daughters of my friends and neighbors. It is also inspiring to see the increasing number of homes and businesses who are proudly flying the American flag as a further indication of their support for those overseas who have taken up the calling of freedom in a foreign land.

Thousands of yellow ribbons are worn with pride by people of all ages. Students, even those too young to fully understand the magnitude of our commitment in the Persian Gulf, wear ribbons. They are tied to doors, trees, lamp poles, and fence posts all around the county. Billboards and advertisements in the newspaper, on television, and radio offer encouragement to our troops and their families. School groups and civic organizations have taken on a number of projects to boost the morale of our troops through letter writing campaigns and through the shipment of books, food, and games.

There is no more patriotic county anywhere in the United States. Because of our unique population mix, many of our older residents are veterans of World War I and World War II. They fought in Korea and Vietnam. All understand that freedom does not come easily and is not maintained without a sometimes great cost.

We are also home in Pinellas County to a multitude of ethnic groups who emigrated to the United States in search of those freedoms that were denied them in their homelands. These are people who were born and raised under the oppressive rule of the Soviet Union. They witnessed attempts to obliterate their human rights and unique culture in the Baltic States, Poland, and Czechoslovakia.

Still others in our county feel a great sense of unity with our troops because they have played a role in developing much of the technology and building much of the equipment used so successfully in battle. Pinellas County is home to a number of large and small businesses who are prime and subcontractors for military programs.

Mr. Speaker, it has always been a great source of pride and inspiration to me to take part in hundreds of events that demonstrate the spirit of patriotism and respect for freedom burning within the people of Pinellas County. Never, though, have I been prouder of our community and the united show of support for our Nation, our Armed Forces, and our goals in the Persian Gulf. It is a spirit of unity that should be shared and appreciated in every community throughout our great Nation.

TRIBUTE TO COMDR. EDGAR J. ELLIS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. SKELTON. Mr. Speaker, today I pay tribute to an outstanding Missourian and good friend, Comdr. Edgar Joe Ellis, of Lexington, MO, who died recently at the age of 83.

Commander Ellis was a longtime resident of Lexington, being a leader and Sunday school teacher at the First Christian Church. He taught Sunday School at that church for 22 years. He was best known as an instructor at Wentworth Military Academy, where he taught civics and government. He was highly regarded by the students and faculty, not only for his skill in the classroom, but as a living example of an officer and gentleman. Constantly, he gave encouragement and advice to the Wentworth students, to enable them to better achieve their goals in life. Commander Ellis also served as president of the Lexington and Lafayette County Historical Societies, as well as president of the Lexington Rotary Club.

After receiving a bachelor's degree from Oklahoma State University and a master's from the University of Iowa, Commander Ellis began a long and fulfilling career as an inspiring educator as well as a successful high school athletics coach. While teaching American government at Wyandotte High School in Kansas City, Commander Ellis managed to capture six State baseball championships and two State football championships.

After serving in the Navy in World War II, Edgar became the director at the summer boot camp at the Olathe Naval Air Station for 15 years. In 1967, he left the Naval Reserves as a commander.

Widely respected by his peers, Commander Ellis received many awards for his outstanding achievements for his role in high school athletics. From the Knute Rockne Award in 1955 to the induction into the Earl Smith Hall of Champions in 1987 at Kemper Arena in Kansas City, his leadership abilities were recognized.

Mr. Speaker, the influence that Commander Ellis had on those who knew him, particularly the young people who were his students, will last many years. He is survived by his wife, Elizabeth, and a daughter and two grandchildren. Lexington, MO will not be the same without him.

LEGISLATION INTRODUCED TO PROTECT LONG DISTANCE TELEPHONE CONSUMERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. STARK. Mr. Speaker, today, along with my colleague BOB WISE, I am proud to introduce legislation designed to protect long distance telephone consumers by preventing unauthorized changes in telephone customer selections of long distance carriers. This measure requires the Federal Communications Commission [FCC] to formally adopt rules and regulations to control the practice of "slamming," or the unauthorized switching of long distance telephone customers from one carrier to another.

Over the past year, I have increasingly heard from constituents concerned about the lack of adequate telephone consumer protections. Boiler room phone banks, telemarketing scams, '1-900', '976', '1-800' numbers, Caller ID, operator services, and 'slamming' are just a few of the issues in which the Federal Government ought to act to protect the consumer's interests. I'm particularly concerned about problems of 'slamming', or unauthorized switching, and its adverse effects and potential damages to consumers.

I applaud the earlier agreement between MCI and AT&T that outlined guidelines and procedures for acceptable sales and marketing practices for long distance services. But the agreement depended on the FCC following through with official rulemaking and regulations. The carriers and the customers were depending on the FCC to act. "Soon," the FCC declared, "we'll have something for you soon." November became December, and no regulations. January came and went, no regulations. Now, fast approaching March, and the FCC has said that maybe, just maybe, they'll have something * * * soon.

Had the FCC acted swiftly and responsibly, this legislation would be unnecessary. But the FCC has failed to act in a timely manner, and long distance telephone customers remain vulnerable to potential fraudulent and deceptive sales and marketing practices by representatives of long distance telephone carriers. In fact, I believe in theory that anti-slamming regulations ought to be left to the FCC, the appropriate government oversight agency, but anti-slamming regulations seem to have fallen in the proverbial bureaucratic blackhole of government regulations. If the TV ads say "get it in writing," don't expect anything from the FCC.

My legislation requires the FCC to act—and swiftly. The measure includes adequate consumer protection provisions, serves to inspire the implementation of an industry-wide standard for acceptable sales and marketing practices, and will serve to inform Congress of the degree and extent of the damages caused by fraudulent or deceptive sales and marketing practices. I firmly believe that the two major long distance carriers have made a sincere effort to resolve this matter, and have worked over the past few months to protect long distance telephone consumers' interests. It is time the FCC followed their lead, and fulfilled its obligations too.

H.R.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Long Distance Telephone Consumer Protection Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) despite clear and convincing evidence that some long distance telephone consumers have had their long distance telephone service switched without their knowledge or authorization as a result of apparent fraudulent and deceptive sales and marketing practices;

(2) the Federal Communications Commission has been formally requested to adopt rules to control such practices and to ensure that customers of long distance telephone service do not have their long distance carrier switched without appropriate authorization;

(3) the Commission, despite the encouragement of the two major long distance telephone carriers and various consumer-related organizations, has failed to meet its obligation to protect long distance telephone consumers by adopting appropriate rules; and

(4) the Congress must act to ensure the protection of the long distance telephone consumers' interests.

SEC. 3. REPORT REQUIRED.

(a) REPORT BY FCC.—Within 60 days after the date of enactment of this Act, the Commission shall submit to the Congress a report on the Commission's efforts to prevent unauthorized changes in telephone customer selections of long distance carriers.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include—

(1) an analysis of the procedures established for customer selection of long distance carriers, and any defects in such procedures which permit fraudulent changes in such selections;

(2) a description of the extent to which such unauthorized changes have occurred, identifying, by carrier, the number and zip code of such occurrences;

(3) a statement of the remedies which the Commission has applied to abate and prevent such occurrences; and

(4) an explanation of the failure by the Commission to conduct and complete rulemaking procedures to implement requirements that will abate and prevent such occurrences.

SEC. 4. CARRIER REPORTS.

(a) RULEMAKING REQUIRED.—The Commission shall, within 90 days after the date of enactment of this Act, prescribe regulations to require local exchange carriers to submit periodic reports to the Commission on customer complaints alleging fraudulent changes in customer selections of long distance carriers.

(b) CONTENTS OF REPORTS.—The reports required pursuant to subsection (a) shall include—

(1) the total number of customer complaints alleging cases of unauthorized switching practices, listed by State and zip code, and identified by long distance telephone carrier;

(2) the names and addresses of long distance telephone carriers, or their sales or marketing representatives, which engage in unauthorized switching practices;

(3) a description of the false, misleading, or deceptive sales and marketing techniques made in an attempt to induce long distance telephone customers to change their long distance telephone carrier;

(4) an estimate of total damages incurred by long distance customers from false, misleading, or deceptive sales and marketing practices; and

(5) the corrective methods taken by long distance carriers to avoid fraudulent activities.

(c) SUMMARY TO CONGRESS.—The Commission shall annually submit to the Congress a summary of the reports submitted pursuant to subsection (a). Such summary shall include an analysis of each of the items required by subsection (b) to be included in the reports.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) The term "Commission" means the Federal Communications Commission.

(2) The term "long distance carrier" means a common carrier as that term is defined in section 3 of the Communications Act of 1934.

(3) The term "local exchange carrier" means a carrier providing local exchange service as that term is defined in such section.

TRIBUTE TO JEAN COPELAND

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Jean Copeland of my 17th Congressional District of Ohio who is the president and founder of "New Lease On Life."

"New Lease On Life" is a social club for handicapped people from the Trumbull County area that was founded 27 years ago on the premise that everyone, regardless of their disability, is entitled to friendship.

Jean Copeland first thought of the idea for "New Lease On Life" while campaigning for the Trumbull County chapter of the Muscular Dystrophy Association. Through working with children with muscular distrophy Ms. Copeland came to realize that many of the handicapped lack support, companionship, and understanding. "New Lease On Life" was founded to change this. The meetings give members the opportunity to offer encouragement, exchange news, and nurture friendships.

Mrs. Copeland also serves as an officer of her local 880 Retiree Club, the Cortland Business and Professional Women's Club, the Happy Tymers' over-50 Group, Christ Episcopal Church and the ICSPR Psychic Group.

Mr. Speaker, I would like to take this opportunity to recognize Jean Copeland for her contribution of energy, time and love on behalf of disabled and handicapped persons everywhere. She has given new hope, a new lease on life, to those she has touched. It is a true honor to represent Jean Copeland, as she serves as an inspiration to us all.

HONORING THE 50TH ANNIVERSARY OF THE YESHIVA OF CENTRAL QUEENS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the Yeshiva of Central Queens, which this year is celebrating its 50th anniversary of service to the people of Queens County, NY. The celebration will culminate in a gala golden jubilee dinner, to be held on March 3, 1991 at the Long Island Marriott.

The Yeshiva of Central Queens [YCQ], the mother Yeshiva of Queens, was the first Hebrew parochial school in Queens. It started in 1941 in an abandoned synagogue in Jamaica, NY, with six children. After a couple of moves, it settled into its own building in June of 1947. Within a short time the building was filled to capacity and in 1959 a second wing was added.

In the late 1960's the YCQ decided to move once again to Kew Gardens and in 1975 was established in its current home. The modern facilities included classrooms, a synagogue, gym, dining hall and laboratories. Today the student body has grown to 700 boys and girls who receive a comprehensive education in Jewish and secular studies utilizing the most up-to-date methods and materials. Its students have won many honors through competition in citywide, nationwide and international contests. Alumni of the Yeshiva have made important contributions to our Nation in the fields of law, medicine, science, business and Jewish life in general.

The YCQ Board of Trustees has announced a series of events to commemorate the 50th anniversary. Some of the plans include the jubilee dinner, a special homecoming event, as well as a YCQ day program to which the public will be invited.

Mr. Speaker, I want to be the first of many to pay tribute to the Yeshiva of Central Queens and their 50 years of service to the community. A special mention goes to Mr. Seymour Chesir, the president of the Yeshiva, and the other members of the 50th anniversary committee. I would ask my colleagues in the House of Representatives to join me in this tribute in wishing the next 50 years of the YCQ to continue the great work of the first 50.

PETER E. TONDREAU ATTAINS RANK OF EAGLE SCOUT

HON. JOHN F. REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from my district who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Peter E. Tondreau of Coventry, and he is honored this week for his noteworthy achievement.

Not every young man who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. Peter Tondreau has distinguished himself in accordance with each of these criteria.

For his Eagle Scout project, Peter led a group of Scouts in soliciting donations to purchase paint, then in painting and renovating the basement of the St. Vincent de Paul Church in Coventry.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Peter Tondreau. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Peter will continue his public service and in so doing will further distinguish himself and consequently better his community. I am proud that Peter E. Tondreau resides in my Representative District, and I join friends, colleagues, and family who this week salute him.

JUDGE ROBERT J. HOURIGAN HONORED FOR 24 YEARS ON THE BENCH

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. KANJORSKI. Mr. Speaker, I rise to honor a superb jurist, Judge Robert J. Hourigan, who retired after 24 years on the bench of the Court of Common Pleas in Luzerne County.

A native of Kingston, PA, Judge Hourigan is a graduate of Wilkes College and received his law degree from the Dickinson School of Law in 1948 after serving in the U.S. Army during World War II.

During his career, Judge Hourigan has served as a special deputy attorney general for the Commonwealth of Pennsylvania, first assistant district attorney of Luzerne County and U.S. attorney for the Middle District of Pennsylvania, as well as a partner in a successful and well-respected private law firm.

Judge Hourigan's professional and judicial careers parallel my own personal and professional careers. I remember him as a young man when he first came to the bar, practicing with my father and my brother as a private attorney. Then, interestingly enough, Bob Hourigan became a judge of Luzerne County Court the same day I was admitted to the Luzerne County bar.

I know Judge Hourigan wonders where the 25 years have gone, as we all do. I have the distinct pleasure of knowing Judge Hourigan as a friend, a judge, and a lawyer. I can attest to the fact that this man was destined for high judicial distinction. He is well-known for his intellect and fairness in his service on the Luzerne County Court of Common Pleas.

As we acknowledge Judge Hourigan's milestone, it would be remiss if we did not mention the fact that in his last 10 years of service, he was commissioned President Judge and served with distinction until his retirement on January 1 of this year—just 2 days before his 70th birthday.

Not only does the judge have a distinguished professional career, but more importantly, he has a grand career as husband, father, and grandfather.

Those of us who know him know that his retirement does not mean a life of leisure for his honor. We look forward to his further service as a senior judge where he will demonstrate his outstanding abilities, knowledge, and experience throughout the commonwealth.

Mr. Speaker, it is always a pleasure to honor a great community leader and, particularly, a jurist, but in this instance it is even a greater pleasure to rise to salute a personal friend and distinguished member of the legal profession. We thank Judge Hourigan for his service and dedication and wish him well.

THE DENIAL OF HUMAN RIGHTS TO ALBANIANS IN YUGOSLAVIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. LANTOS. Mr. Speaker, just a few days ago the State Department issued its annual Country Reports for Human Rights Practices. The report confirms once again the worst suspicions concerning the continuing violation of human rights against ethnic Albanians in Yugoslavia.

In the autonomous province of Kosova in the Republic of Serbia, the Serbian authorities continue to dominate the ethnic Albanian minority. Clearly, the recent historical movement that has brought greater democracy, pluralism and respect for human rights to Eastern Europe has not extended to Serbia.

Mr. Speaker, I would like to call some of the more salient passages of the State Department's report to the attention of my distinguished colleagues.

The Socialist Federal Republic of Yugoslavia, a multiethnic, federal state, is made up of six republics that operate under a high degree of autonomy from the Federal Government. This decentralized system of governance delegates a preponderance of power to republic and local authorities. Recently the Yugoslav republics of Croatia and Slovenia have made laudable strides toward more free and open societies. However, Serbian authorities continue to swim against the tide of democracy and this past summer forcibly took full control over the province of Kosova.

The State Department's report on the dire situation in Kosova is clear and concise in detailing the kinds of tactics employed by Serbian authorities to repress the Albanian population:

> In the province of Kosova, Serbian authorities continue to intensify repressive measures that featured in 1990 thousands of political arrests, tens of thousands of politically motivated job dismissals and widespread police violence against ethnic Albanians. This violence included the use of excessive force by the police to disperse peaceful demonstrators, including random and at times unprovoked shooting by police, resulting in at least 30 deaths and hundreds of injured.

Mr. Speaker, the scope of the repression is shocking. Arbitrary arrest, detention and beatings are common. Most disturbingly, much of this brutality is sanctioned under the laws of the Serbian Republic. These laws are menacingly broad and are most often used as a stick against the Albanian minority. Indeed, they are avenues to repression. The State Department reports:

> In 1990, after the Serbian takeover of Kosova, any semblance of an independent judiciary disappeared there. Most ethnic Albanian judicial officials and judges were replaced by ethnic Serbs, and thousands of Albanians were sentenced on a variety of trumped up criminal charges * * * the potential for political abuse remains, including through articles such as Article 134 ("spreading racial, national, or religous hatred") and Article 116 ("endangering territorial integrity"). Article 116 has been used to prosecute those who advocate republic status for the province of Kosova * * *. Altogether, however, thosands of persons were sentenced in Yugoslavia in 1990 for political offenses, the vast majority of these being ethnic Albanians sentenced on misdemeanor charges in Kosova.

The Serbian crackdown against the Assembly of Kosova, the region's freely and fairly elected government, has been nothing short of criminal. After the Assembly issued a declaration of separation from Serbia, the Serbian Government suspended the legislature, the Executive Council and security organs of the regional government. Shortly thereafter, four Assembly delegates were arrested and warrants for the other 107 delegates were issued.

The repressive measures employed by Serbian authorities extend into the domain of freedom of speech. The State Department report notes:

> Shouting "Kosova republic" or holding up two fingers in a "V for victory" sign may result in arrest for "disturbing public peace and order * * *."

Following the Serbian takeover of Kosova in July 1990, almost all Albanian-language media were completely suppressed. All local Albanian-language radio and television news broadcasts were halted, and the largest Albanian-language paper, Ralindja, was closed down. After giving an interview with the Italian publication Il Tempo, the Serbian writer Dobrica Cosic was charged with "making statements upsetting to the public."

Serbian authorities arbitrarily interfere in the private lives of the region's inhabitants. This interference, according to the State Department, goes hand in hand with the government's attempt to monitor and control opposition or dissident activity. In Serbia, authorities commonly eavesdrop on conversations, read private correspondence and tap telephones. Federal law stipulates that security forces can enter homes without warrants. In August, police searched two Roman Catholic churches in Kosova and confiscated medicine they claimed was used to produce fake symptoms of illness among Albanian schoolchildren.

Further evidence of Serbia's methodical repressive measures is found in the region's academic environment. In Kosova, at least 90 ethnic Albanian university professors were fired for opposing Serbia's takeover of the provincial government. The State Department also reports that student slots at the University of Pristina are reserved in disproportion to the population. Many slots reserved for the Serbs go unfilled while ethnic Albanians are denied the opportunity to study.

The official harassment and denial of human rights by Serbian officials threaten to completely devastate the Albanian minority in Yugoslavia. The State Department reports that this year Serbia began official proceedings to expel ethnic Albanians who derived refugee status from their parents, most of whom immigrated during or just after World War II. These Albanians, many of whom were born in Yugoslavia and have Yugoslav-citizen spouses and children, cannot acquire Yugoslav citizenship and would in fact be stateless.

Mr. Speaker, the treatment of Albanians in Yugoslavia is an outrageous affront to the civilized world. While democracy, pluralism and respect for human rights make historical gains in Eastern Europe, the State Department's report is a glaring reminder that we must not be lulled into complacency. The job is not finished. I urge my colleagues to consider the sad state of affairs for the Albanians in Yugoslavia and join me in demanding that the Government of Serbian Republic and the Socialist Federal Republic of Yugoslavia alter their policies of violence and repression against ethnic Albanians.

MAYOR CHUCK CORICA RETIRES AFTER 16 YEARS OF SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Mayor Chuck Corica on his retirement after 16 years of service to the city of Alameda, in California's Ninth Congressional District. Mayor Corica served as mayor for a total of 12 years—the longest term served by any previous mayor in the history of the city of Alameda. He also served for 4 years on the Alameda City Council.

Mayor Corica has been a resident of Alameda County for the past 58 years. He was first elected to the Alameda City Council in 1973 and served as the vice mayor from 1973 to 1975. He was elected mayor in 1975 and, was reelected to a second term in 1979. He was elected again as mayor in 1987, the first person in Alameda's history to have been elected a mayor for three terms. In 1990, he began his 12th year as mayor of Alameda.

While serving as mayor, he established the following committees; the Committee for the Handicapped, the Mayor's Senior Citizen Discount Committee, the Rent Review Committee, the Economic Development Committee, the Mayor's Transportation Task Force. He currently serves as chairman of the following committees; the city of Alameda's Housing Authority, the city of Alameda's Community Improvement Commission, and the city of Alameda's Industrial Development Authority. He also serves as president of the city of Alameda's Pension Board and the Alameda County Mayor's Conference.

He has worked as past president of the city of Alameda's Pension Board, the Alameda County Mayor's Conference, and the East Bay Division of the League of California Cities. Mayor Corica was past chairman of the Alameda County Solid Waste Management Authority and the city of Alameda's representative to the Association of Bay Area Governments.

During his tenure as mayor, he was one of the driving forces behind the construction of the following facilities in the city of Alameda: the Mastick Senior Citizen's Center, the new Miff Albright Golf Course, the Park-Otis Senior Citizen's Housing Complex, a new police station, a new fire house on Bay Farm Island, the restoration of South Shore Beach, the extension of Fernside Boulevard, and the addition of several parks. Mayor Corica was also a primary participant in negotiation of a settlement agreement between Harbor Bay Isle Development and the city of Alameda which will provide the city with a new school on Bay Farm Island, a 4-acre park and the new fire station on Bay Farm Island.

Mayor Corica has also been the recipient of numerous awards, including: Alameda Citizen of the Year in 1983, the Patriotic Citizen's Award from the U.S. Army, the Award of Honor from the Alameda Jaycees, the Outstanding Immigrant from Italy Award from the International Institute of the East Bay, the award from Special Olympics, Inc., an award from Alameda Head Start Program, and, the Outstanding Leadership in Municipal Administration Award from the Alameda Elks Lodge.

Mr. Speaker, I rise to day to take this opportunity to commend Mayor Chuck Corica for his dedication to the city of Alameda and to wish him success and happiness in the future. Throughout his years of service, Mayor Corica has encouraged and supported community programs which have brought the city together. His goal has always been to improve the quality of life for its citizens and he has done a tremendous job. His leadership will be missed.

THE MARKETS AND TRADING REORGANIZATION AND REFORM ACT OF 1991

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. ECKART. Mr. Speaker, today, Mr. GLICKMAN and I are reintroducing legislation to radically change the current structure of our financial market regulators by merging the Securities and Exchange Commission [SEC] and the Commodity Futures Trading Commission [CFTC] into a single regulatory entity. The Markets and Trading Reorganization and Reform Act [MTRRA] would alleviate much of the regulatory tensions that exist between the SEC and the CFTC and focus needed energies upon effective regulation rather than upon jurisdictional battles. It is our belief that this regulatory restructuring will reestablish stability in the marketplace and restore investor confidence.

This identical legislation was originally introduced last year and was the culmination of various legislative efforts introduced since October 1987. This bill was the subject of two hearings before the Telecommunications and Finance Subcommittee. The chairman of the SEC, industry representatives and others have gone on record in support of this legislation. Others such as the Treasury Department and the Federal Reserve Board have acknowledged the premise of this bill—the need for fundamental reorganization and unification of our securities markets.

In this time of sophisticated trading strategies and continued introduction of new hybrid trading instruments, we need to ensure an effective regulatory environment. Historically, the United States has been in the forefront of market innovations, and we must maintain that competitive edge. By struggling with regulatory differences, we spend more time in the courts determining which regulatory agency should regulate which product rather than capitalizing on the ingenuity and potential of new trading instruments. A case in point is the recent Seventh Circuit Court of Appeals decision regarding the regulation of index participations [IP's]. While extensive litigation dragged on, the United States lost the market for IP's to Great Britain.

Our bill would establish the Markets and Trading Commission [MTC] which would encompass components from both the SEC and CFTC. The MTC, drawing from current SEC and CFTC personnel, will have expertise in all markets, from the physical commodities to stock index futures and equities. We are not creating a super SEC which gives preferential treatment to New York at the expense of Chicago. We are establishing a super regulatory agency to restore predictability and vitality to our marketplaces. This unified regulator, which exists in most other industrialized countries, will foster an efficient marketplace and preserve our worldwide competitiveness in this vital industry.

MTRRA also addresses the issue of margin-setting authority. This bill would transfer margin-setting authority over equities from the Federal Reserve to the MTC and grant the MTC oversight responsibilities over margins in the futures markets, the exchanges would retain their authority to set margin levels on a day-to-day basis.

Unfortunately, over the past year and a half, we have been lured into a false sense of complacency as our financial markets have recovered from previous downturns and erased memories of the general distress and uncertainty they inevitably cause. It is precisely now, in the midst of relatively good times in our securities markets, that we should consider this kind of fundamental change—before the next market disruption. We do not want to be wondering why the mechanisms to monitor and control market activity are not in place when they are needed.

It is time to put pettiness and turf battles behind us and concentrate on creating good policy. I look forward to working with Members of Congress, the SEC, the CFTC, Treasury, the industry and the exchanges as we work to reach a consensus on the best way to organize and structure this new commission.

A summary of the bill follows:

SUMMARY OF THE MARKETS AND TRADING REORGANIZATION AND REFORM ACT

I.—Merges the Securities and Exchange Commission and the Commodity Futures Trading Commission into one entity, the Markets and Trading Commission.

II.—Eliminates both the SEC and CFTC.

III.—Commission shall have five commissioners appointed by the President and approved by the Senate.

IV.—The Commission shall establish the principal divisions and subdivisions within the Commission, except that it shall establish one division solely devoted to the physical commodities like soybeans, porkbellies and metals.

V.—The Commission shall have jurisdiction over margin-setting levels.

A. Current margin-setting authority over equities which resides now with the Federal Reserve shall be transferred to the Commission.

B. The Commission shall also prescribe limits on the level of margin for future contracts (set a floor), but the exchanges will continue to set day to day margin levels, provided that they are above the floor level set by the Commission.

VI.—The bill shall establish a Federal Financial Markets Coordinating Council composed of the Federal Reserve, the Treasury, the Comptroller of the Currency, the Markets and Trading Commission, the National Credit Union Administration, the Office of Thrift Supervision and the Federal Deposit Insurance Corporation.

This Council will meet bimonthly and at the call of the Chair to discuss issues relating to the safety and effectiveness of the financial services industry and other issues relating to those regulatory operations.

Establish an advisory committee of representatives from the futures, commodities, options, and securities exchanges and the banking industry to meet no less than 4 times annually.

The Council shall report to Congress biennially on its functions. The first report shall contain recommendations for legislative action it considers appropriate.

VII.—The Commission shall be effective by October 1, 1992. During the interim two years, it shall go through a transitional period. $10 million is authorized over the next two years to carry out this transition.

OUR FLAG AND THE PERSIAN GULF WAR

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. DUNCAN. Mr. Speaker, one of my constituents, Mr. Charles S. Giles, has written a letter expressing his feelings about the meaning of the American flag and the Persian Gulf war.

I commend this letter to my colleagues. I am certain that it articulates many of the mixed feelings being experienced by all Americans at this time.

As the Congress encourages the display of our Nation's flag in support of the U.S. Armed Forces serving in the Mideast, Mr. Giles' letter is especially timely. I would ask that the text of the letter be printed in the RECORD.

A LETTER TO THE LEADERS AND PEOPLE OF THE WORLD

As I sit to write this letter the thought of freedom and peace, and the preservation of each lay heavily on my heart.

I am a patriot. I love my country and the freedom of choice that is presented to me in its name. This freedom was not handed to us on a silver platter, but was earned through the demonstration of bravery and fortitude of the men and women who have served under my flag. This flag is a symbol of the freedom I write to you about. The freedom of choice. The freedom of demonstration. And, the freedom to voice your opinions, whatever they may be.

As we enter the early days and nights of war, I have been moved in a vigorous way to display my flag in honor and praise of the peacekeepers of present and past. In honor of our troops in the Middle East who do not have the freedom to fight under the colors of our country. These are the individuals that have given me the opportunity to fly this love of mine.

In the course of my actions over the past days I have come in contact with people that also have been moved by their feelings and concerns for the peace of the world. Though their thoughts and my thoughts on how to accomplish this peace may differ in some regards, they parallel in others. I feel that we all want a world of peace, harmony, and freedom for all people in every corner of the globe. The problem is agreeing on the roads we take to accomplish these goals.

THE WAR PROTESTER

Wanting to show my feelings and promote patriotism in honor of freedom for all, I encountered a group of concerned people that felt the actions of my government were wrong. Well, under the flag I held I had to respond: "Yes, you have the freedom to voice your beliefs and wants for a way to accomplish the goal of peace. The flag I hold gives you those rights. The freedom to protest. The freedom to disagree. The freedom to stand up for your cause, and yes, even the freedom to burn the beloved flag that flies high in our country. Men and women have died in the course of assuring you these freedoms. We as people and a country are not perfect. There are some injustices in this world, and the blame must fall on our shoulders. We must strive now to correct these problems that abound us."

"So what I am saying is this flag you insist on destroying with fires of frustration, represents a ton of good and a grain of shame. When you burn the shame you are also burning the good, the freedom, and the rights that give you the opportunity to do so."

THE VIETNAM VETERAN

We are three hours into war and I stand alone in the streets of my city. My flag waves magnificently overhead as traffic passes by. My heart is sad that it has come to this. For I know, that with war, comes death and destruction. This is a price we must bear in the name of freedom.

As cars are stopped at the traffic light I notice tears in the eyes of their occupants. I would only guess that there are tears of anxiety, and fear of what is to come. Then, as the flag is noticed, a look of comfort abounds and brings peace to me. Maybe, just maybe, the presence of my flag has placed warmth and strength in the heart of just one person, and then another, and another.

As the night progresses, the radio I hold close to my side keeps me in touch with the escalation of war. I fear for the safety of all the souls involved on all sides.

At this time I am approached by a gentleman clad in black leathers. The patches that adorned his clothing said it all. He is a veteran from the last major war my country was involved in. As he closed in on me he asked: "Are you for it or against it?" I responded: "Yes, I am for it and against it. I am for an effort to give people the right of choice and freedom, whatever the cost. I am against the rape, the aggression, and the injustices that the people of the world have had placed on them."

A tear came to his eye. I could only imagine the anguish he felt. Coming home from his war, not a winner nor a loser, but to the nation of his people, the people who did not care enough to welcome him with love and comfort.

Our streets and cities abound with just such a man or woman. And now the sores are opened again. We must take this time to insure them that we love and honor them for their, truely, brave acts of valor. They too, went in the name of freedom, but to no avail.

A peace fell upon him as I discussed my beliefs of the meaning of my flag. He asked: "May I, too, hold your flag?" I answered: "You are more worthy than I to stand under this flag, for you have laid your life in harm's way, and I have not. You did this so that I may have the freedom to fly my flag." So we joined.

THE SITUATION

War is not a want in anyone's heart. But, unfortunately in this world, it has been the avenue on which we travel. I feel that a friend has called and asked for help and we have responded to that call. Would you, as an individual, not respond to your friends if they summoned you for help? I could not turn away, nor could the people of my country.

I feel proud and honored of the mothers and fathers, sons and daughters, brothers and sisters, and all of my countrymen that, at this very second, are placing their lives in harm's way. They do this so that justice and freedom may prevail for all the children of this world.

THE WISH

And now I ask of you, my brothers and sisters of the world, to stand together, arm in arm, hand in hand, and side by side under the flag of freedom. That, together, we can live in peace and not harm one another ever again. I hope that our differences can melt away and that love, peace, and harmony can prevail in this world for a thousand years and a thousand more, and more. May God have mercy on all the inhabitants of this world.

I am a patriot,

CHARLES S. GILES,
The United States of America.

Notice: Promote the spirit of freedom. Make five copies and distribute them to your friends. Stand up for liberty and justice.

TRIBUTE TO THE MEDICAL SCHOOL OF VIRGINIA

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 19, 1991

Mr. BLILEY. Mr. Speaker, great work is being performed at the Medical College of Virginia. There is nothing new about this, but at times the medical community doesn't receive the praise it is due. I hope this statement is a step in the right direction in letting our medical professionals know how indebted we are to them.

Dr. Joel J. Silverman of MCV in Richmond, VA, has directed the development of a workshop designed to help diagnose and treat potential neuropsychiatric problems resulting from Operation Desert Storm. The work of Dr. Silverman and his staff has been recognized and commended by the American Psychiatric Association.

Richmond has been selected as a potential site for evacuation of military personnel taking part in Operation Desert Storm. Along with MCV, the Hunter Homes McGuire Department of the Veterans' Administration Medical Center and the Vietnam Veteran's Outreach Center are participating in this joint project. Rest assured, Richmond will be more than prepared when called upon to do its part in assuring the full success of America's commitment in the Middle East.

Allow me to submit for the RECORD the letter to me from the American Psychiatric Association. I salute Dr. Silverman and his staff, and I am confident the workshop will meet the medical excellence I've come to expect from the Medical College of Virginia.

AMERICAN PSYCHIATRIC ASSOCIATION,
Washington, DC, January 30, 1991.
Hon. THOMAS J. BLILEY,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE BLILEY: We all share concern about war in the Middle East and the impact of "Desert Storm" on our brave military personnel and, all of our nation's citizens. The American Psychiatric Association, a medical specialty society representing more than 37,000 psychiatrists across our country is pleased to bring to your attention one example of what is happening in your state to respond. A special workshop has been developed under the leadership of Joel J. Silverman, M.D., Chairman of the Department of Psychiatry at the Medical College of Virginia. The program is designed for all health disciplines to examine potential neuropsychiatric symptoms, treatment implications, and longer-term behavioral consequences in casualties returning from the Persian Gulf and is being conducted at the Medical College in Richmond, Virginia.

Clearly, with the Richmond community having been selected as a potential receiving site for medical evacuation for our military personnel from the Middle East, the joint effort of the Department of Psychiatry or the Medical College of Virginia; the Hunter Homes McGuire Department of the Veteran's Administration Medical Center; and the Vietnam Veteran's Outreach Center, is a fine example of a community appropriately preparing for our soldier's return and conducting this special workshop for health care professionals. This community—by bringing together psychiatrists, psychologists, social workers, nurses, primary care physicians, licensed professional counselors, housestaff, mental health technicians, emergency medical technicians and paramedics—will be ready to offer the best available treatment possible to the returning men and women in Operation Desert Storm who may be facing a difficult readjustment.

We hope you share our pride in the Department of Psychiatry at the Medical College of Virginia in your state for responding to its call of duty and working together for our service men and women.

Sincerely,

JAY B. CUTLER,
Special Counsel and Director,
Division of Government Relations.

TRIBUTE TO MEN AND WOMEN WHO HAVE CONTRIBUTED TO BLACK HISTORY MONTH

HON. EDOLPHUS TOWNS

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 19, 1991

Mr. TOWNS. Mr. Speaker, February is Black History Month. It is with immense pride that I stand to pay tribute to men and women who have contributed substantially to the history of this country.

Despite their astounding contributions, most of the profiles which I will run this month will be of people with whom you are unfamiliar. Their lack of fame is not attributable to the paucity of their efforts or the dearth of their ambition. Their contributions are often denied, their achievements are often attributed to others and their existence is overlooked in history books because of their race. It is my fervent hope that one day these African Americans will be recognized by all Americans for the content of their character.

In the face of overwhelming obstacles black Americans have survived and often prospered. These people of strength and courage excelled in fields as varied as law, medicine, science, journalism, business, the arts, and religion.

These black Americans did not allow prejudice to douse the fire of imagination nor bigotry to put out the flame of knowledge. Instead they used their intelligence, ingenuity, and determination to enlighten the world.

I hope that the knowledge of their struggle and ultimate triumph will inspire yet another generation to work to overcome any obstacle which may be encountered on the long and arduous road to freedom.

EDUCATORS

Black men and women have founded or nurtured great schools and colleges. These individuals believed that education was the key which would ultimately unlock the door of segregation and separation behind which most of black America continues to live. It is because of their absolute faith in this dream that generations of black Americans have been given the kind of opportunity that only knowledge can provide. I rise to pay tribute to these brave individuals who spent their lives inspiring and assisting others to pursue their best dreams and grandest ideals.

JEAN CAMPER CAHN

In 1972, Jean Camper Cahn founded the Antioch School of Law in Washington, DC with her husband Edgar S. Cahn.

She taught at the institution until 1980. In addition to her work at Antioch, Mrs. Cahn was the founding director of the National Legal Services Program in the Office of Economic Opportunity in 1965 and the founder of the Urban Law Institute in 1968.

The Urban Law Institute was the predecessor of Antioch School of Law, and was organized to train lawyers in community economic development and the legal problems of minorities and disenfranchised groups. Like the Urban Law Institute, Antioch was set up with an emphasis on serving the poor and the disadvantaged.

The school inspired a profound sense of commitment among its faculty and students. Despite those advantages, money problems abounded and by the mid-1980's they were threatening the institution. Moreover, the American Bar Association threatened to withdraw its accreditation, partly because of poor physical facilities and low faculty salaries.

Unfortunately, financial problems continued to dog the school and in 1988 it closed. Its place was taken by the D.C. School of Law. Mrs. Cahn worked for support of the new school and in 1988, as a consultant to the interim board of governors, she helped recruit its faculty and its first students.

At different times in her career, Mrs. Cahn also worked for the State Department and taught at the Yale, Howard, and George Washington University Law Schools and at Middlebury College in Middlebury, VT. In 1981 and 1982, she was a Minna Shaughnessy fellowship at the fund for the improvement of secondary education at the Department of Health and Human Services and in 1986, she was a visiting scholar at the London School of economics.

MARY MC LEOD BETHUNE

Mary McLeod Bethune was born near Mayesville, SC, in 1875. She left the cotton fields of her childhood to attend Scotia College in North Carolina and the Moody Bible Institute in Chicago where she was the only Negro student. In 1904, she founded the Normal and Industrial School for young negro women at Daytona Beach, FL—starting with $1.50 in cash, five pupils, and a rented cottage—that became Bethune Cookman College in 1923 and which she served as president until 1947. Bethune was also president of the National Association of Colored Women's Clubs and the founder and president of the National Council of Negro Women. Bethune was also a member of the Hoover Committee for Child Welfare and director of the National Business League, the National Urban League, and the Commission on Interracial Cooperation. Bethune directed the division of Negro affairs of the National Youth Administration. She was the first Negro woman to head a Federal office and as such she created the informal black cabinet of the New Deal. A National memorial in Washington, DC, was erected in her honor in July 1974.

SMOLDERING DEATH

Mr. ANDREWS of Texas. Mr. Speaker, I would like to commend to my colleagues an editorial by George F. Will in the Washington Post on February 7, 1991. Mr. Will eloquently demonstrates the need and effectiveness of efforts to curb smoking.

SMOLDERING DEATH

(By George F. Will)

Death was much on American minds when the Gulf War produced the first 11 deaths from ground combat. How many Americans noticed the reports from the federal Centers for Disease Control that in 1988, 434,000 deaths—nearly eight Vietnams—were the result of tobacco?

Most of these deaths—up 11 percent over 1985—were from self-inflicted wounds, inflicted during 10, 20 or more years, the time it usually takes for smoking to result in cancer. But for some thousands of adults and children, death came from the second-hand smoke of others, and because women smoked during pregnancy, and parents smoked around their infants. (Second-hand smoke increases the risk of sudden infant death syndrome.)

Fathers who smoke increase the risk that their children will have brain cancer or leukemia, which suggests that smoking can damage sperm. Recent research also suggests that smoking accelerates development of AIDS in infected people and that there is a dangerous synergism between depression and nicotine addiction.

Most of those 1988 tobacco fatalities resulted from addictions acquired before or not long after the 1964 Surgeon General's report insisting on the connection between smoking and cancer. Today, grimly realistic social policy counts on these utterly predictable casualties of foolish behavior: the Social Security system counts on millions of smokers dying before receiving many, if any, benefits.

Today's tobacco-related mortality rates reflect a lag of about a generation in changed behavior. Today's many behavior-changing policies constitute reasonable attempts to deal with the conundrum of a legally merchandised product that is invariably harmful. Consider these:

Eight California chain stores and some tobacco manufacturers have paid a $750,000 fine for not warning customers (California law requires "clear and reasonable warning") that cigars and pipe tobacco can cause cancer and birth defects. Massachusetts' Supreme Court has allowed plaintiffs in a liability case against Philip Morris to name as a defendant a store that sold the company's cigarettes to minors.

New Jersey's Supreme Court has held that warning labels on cigarette packs and advertisements do not immunize manufacturers against damage claims by smokers or their relatives. A New York judge has ruled that parents' smoking habit is a legitimate consideration when determining which parent in a divorce proceeding should get custody of children.

(One in six cases of lung cancer in nonsmokers is caused by protracted exposure of children to second-hand smoke at home. Twenty-five "smoker-years"—two parents smoking 12½ years—doubles a child's lung-cancer risk.)

California's state health director wants state universities and major pension funds to divest themselves of their $525 million of stocks in tobacco companies. Smoking will soon be banned on all regularly scheduled bus trips in the United States, affecting 300 companies carrying 94 million passengers a year.

San Francisco is restricting tobacco (and alcohol) advertising on such public places as buses, cable cars and streetcars, as Seattle's and Denver's transportation systems have done. Congress soon will consider sharply curtailing all cigarette advertising, banning the use of cigarette brand names in sponsorship of sporting events and restricting cigarette vending machines to adult locations such as nightclubs or restaurants where hard liquor is served.

The vendor's lot is not a happy one these days. To purchase a $2.50 pack, a customer needs 10 quarters, so vendors are pushing to replace the dollar bill with a dollar coin. And while many cigarette machines are being reduced to scrap, some visionary vendors are working on ways to sell french fries from machines.

Last summer, Laguna Beach, Calif., raised the minimum requirement for non-smoking seating in restaurants from 25 percent to 60 percent of capacity. San Luis Obispo has passed the nation's strictest anti-smoking law, banning smoking in any indoor public space—shops, restaurants and bars.

The University of Wisconsin, Madison, is extending its smoking ban from 18 buildings to almost all its 900 buildings, a policy comparable to that of Temple University in Philadelphia. Some campuses are considering giving staff who smoke paid hours of leave to attend classes to help them quit.

California seems to have doubled the rate at which smokers quit, using an extremely aggressive advertising campaign that stigmatizes smoking as déclassé as well as dangerous and depicting tobacco companies as loathsome. In one radio ad, a man tells his girlfriend that her yellow teeth are disgusting.

As a result of these and many other measures, comprising a comprehensive campaign against millions of premature deaths, 20 years from now the ashtray may have gone the way of the spittoon. This happy result would mean victory in a war that already has killed many times more people than have died in all of America's wars combined.

EQUAL RIGHTS FOR HUNGARIANS OF TRANSYLVANIA

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. FEIGHAN. Mr. Speaker, Dr. Michael Szaz has worked with the American Hungarian Federation on behalf of human rights for ethnic Hungarians in Romania for the past 25 years, and as the secretary of International Relations of the Transylvanian World Federation. He is the executive vice president of the American Foreign Policy Institute and a former professor of international relations and law. In addition, he is the secretary of the National Confederation of American Ethnic Groups.

He asked me to insert the following essay into the RECORD. It is a memorandum prepared by himself and Dr. Edward S. Yambrusic, president of the National Confederation of American Ethnic Groups, to the ongoing Commission on Security and Cooperation in Europe conference in Malta.

[Memorandum]

TO THE DELEGATION OF THE THIRTY-FOUR STATES OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE, VALETTA, MALTA

The November 18, 1990, Paris Charter of the Conference on Security and Cooperation in Europe represented a milestone toward establishing peace and security in Europe and ended the forty-five-year-old division of the Continent.

In this new Europe, which is being constructed by the states of Europe and North America, formerly suppressed problems constitute a threat to peace and cooperation between the states.

During the past fifteen months, it has become evident that the treatment of ethnic groups by the majority nations is the gravest threat to the creation of a new European order.

One of these issues concerns the 2.5 million Hungarians of Transylvania, now part of Rumania. The Transylvanian Hungarians constitute the largest national minority in Europe outside the Soviet Union. Brutally suppressed under the Ceausescu regime, their schools and cultural institutions have been decimated to promote the emergence of a "homogeneous Socialist society" with one Rumanian language and one Rumanian Socialist culture.

After the December 1989 revolution against the Ceausescu regime, Rumanians, Hungarians and Germans all hoped for peaceful coexistence and the remedying of the wrongs of the oppression undertaken against them by the Ceausescu regime. Their optimism was not unwarranted, as in the revolution Rumanians and Hungarians fought equally against the dictator. As a matter of fact, fighting commenced in Timisoara (Temesvar) because of the forced eviction of the Hungarian Reformed minister, László Tőkés. Rumanians and the ethnic minorities were united in the fight against the hated dictator and his secret police.

Unfortunately, whether by weakness or forethought, the new Rumanian government of the National Salvation Front failed to utilize this historic moment for Rumanian-Hungarian reconciliation by remedying the injustices against the ethnic minorities committed by the Ceausescu regime.

Three months later, a major anti-Hungarian pogrom occurred in Tirgu Mures (Marosvársárhely) where Rumanians and Hungarians live in equal proportions (although in 1965 the city was still 70 percent Hungarian). Here the local leadership was unwilling to turn over one high school to the Hungarian minority, or permit proportional representation of the Hungarians in city and county leadership positions. The false slogan that "Hungarian troops are coming to conquer our Transylvania" was used to incite the villagers north of the city to undertake the pogrom which has resulted in six dead (five of them Hungarian ethnics) and over two hundred wounded.

To this day, no Rumanian nationality citizen has been charged by the police for the attacks, only Gypsies and Hungarians were hauled into court and sentenced. The two communities in the city and the county remain alienated and distrustful of one another.

A press campaign against the national minorities, especially the Hungarians, continues unabated. If Hungarians protest, the government argues that censorship has been abolished. The organization *Vatra Romanescea* (Rumanian Hearth) openly preaches Streicher-like racial hatred against the Hungarians. We are enclosing part of the February 20, 1990, Tirgu Mures (Marosvásáhely) program of the *Vatra Romanescea* in English translation to demonstrate the racist and intolerant nature of this "cultural" organization.

The Hungarian Bolyai University in Cluj (Kolozsvár) has not been restored and only in a small number of schools have been returned to the Hungarians in Transylvania. Discrimination against the Hungarians remains rampant, especially as the officials of the former Ceausescu regime regain their influence in the cities and counties.

The government of the National Salvation Front is either unable or unwilling to resolve the problem and considers the Hungarian government as the scapegoat. Hungarian-Rumanian state relations, which had been unusually close during and after the December 1989 Revolution, seriously deteriorated and not even the planned meeting between President Ion Iliescu and President Góncz could take place this month.

The problem of ethnic minorities, especially the 2.5 million Hungarians in Transylvania, remains a political and emotional powder keg in Rumania preventing her close relationship with both the European Community and the United States. Its presence also renders impossible close cooperation between the countries of East Central Europe.

While no institutionalizing has yet occurred in CSCE with regard to the Peaceful Resolution of Disputes (PRD), we urge the governments of Europe and North America to offer their good offices and mediation—and once institutionalization of conflict resolution has been implemented—compulsory arbitration of the problem of ethnic minorities in Rumania in order to promote peace, security and cooperation in Europe.

It is the opinion of the Transylvanian World Federation that the problem cannot be resolved within the nation state concept adopted by the present Rumanian government. Either the historical province of Transylvania as a whole, or at least its 2.5 million Hungarians, must be awarded cultural and administrative autonomy including the free and official use of the Hungarian language, self-government, and the maintenance of an adequate school system from the kindergarten to the university level in Hungarian in Transylvania. Otherwise, the equal rights and cultural opportunities of the Hungarians of Transylvania cannot be vouchsafed in the highly chauvinistic political atmosphere that characterize Rumania at the present time.

Z. MICHAEL SZAZ,
Secretary of the International Relations Committee.

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA LOCAL UNION NO. 544

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. MFUME. Mr. Speaker, I rise today in recognition of the 50th anniversary of the founding of the United Brotherhood of Carpenters and Joiners of America, Local Union No. 544, of Baltimore, MD. From humble beginnings, this local union has grown into an integral part of communities throughout Baltimore, the African American community in particular.

As industry boomed and the expansion of Baltimore continued, job opportunities for carpenters continued in great supply. However, these jobs were for union members only. Like much of society at the time, the United Brotherhood of Carpenters Union was segregated; blacks were not admitted to this union and were in effect, shut out of the opportunity to benefit from available jobs.

Determined to rectify this injustice, a small group of carpenters, Al V. Moore, Robert Watts, Delmar Davis, George Tate, and others, met with the president of the Baltimore Urban League to discuss a strategy for the formation of a black carpenters union. They were successful in their endeavors and on March 4, 1940, they were granted a charter to begin local No. 544 of the United Brotherhood of Carpenters and Joiners of America.

The establishmemt of local No. 544 did much for black carpenters in Baltimore. As a union, these skilled workers could participate in the economic growth the area experienced in the construction of Aberdeen, Turner Station, and Bainbridge. Because of segregation and unionization, blacks were locked out of the carpentry industry. Organized labor also provided a vehicle through which black workers could vie for fair wages and working conditions.

Having their own charter, local union No. 544 went about the task of enlisting members. The reach of the union went beyond the African American community and encompassed carpenters of all races. The union worked to secure and protect opportunities for carpenters who previously has little or no access to work. From the outset, the mission of this union was the uplift and edification of members as well as their families.

Significantly, Baltimore's local No. 544 paved the way for many in the trade by contributing to the financial viability of its members and families. Through the years, the efforts of this union have made it possible for hundreds of families to purchase their own homes, to educate their families, and for many older members, to retire respectfully.

Mr. Speaker, local union No. 544 has been immensely beneficial to the Baltimore community and their contributions are both meritorious and memorable. This organization stands as an example of what may be accomplished through the stalwart efforts of individuals determined to affect change, establish equality, and foster progress.

The longevity of local No. 544 is commendable and speaks to the dedication of its members and the soundness of the principles on which the organization was founded.

Mr. Speaker, I know you join with me in applauding the noteworthy contributions and continued success of local No. 544 of the United Brotherhood of Carpenters and Joiners of America.

TOURISTS IN CUBA SEE EVERYTHING BUT THE REAL CUBA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring to the attention of my House colleagues an excellent report by Robert Cox, well known for his stand on human rights in Argentina, on his recent visit to Cuba on behalf of the International League for Human Rights. The report, entitled "Inside Cuba," is published by Freedom House, a New York-based human rights and public policy organization now celebrating its 50th year. I would like to take this opportunity to insert into the RECORD one of the articles from the report, entitled "Castro shows tourists everything but real Cuba." The article follows.

CASTRO SHOWS TOURISTS EVERYTHING BUT REAL CUBA

Even an ordinary tourist headed for a beach holiday or intent on exploring the decaying beauty of old Havana should soon recognize the totalitarianism that grips Cuba.

There are state security agents as well as two types of uniformed police (ordinary and tourist) at every hotel in the city where foreigners stay. Billboards, some with neon signs that light up at night, bristle with political exhortations at road junctions all over the city. Political propaganda spills into souvenir shops and warning notices—calling upon Cubans to denounce unrevolutionary behavior, "anti-social" attitudes and other "crimes against the state"—are posted in apartment buildings and prominent places in neighborhoods. Tacked to trees and garden gates in residential neighborhoods where party loyalists live are blood-red posters, with an idealized drawing of Fidel Castro in combat garb with automatic rifle in hand, warning Cubans to be constantly prepared to repel a U.S. invasion.

The pretty tourist guides and young, recently trained maitre d's in hotel restaurants are indoctrinated to the point of abusrdity. One maitre d' told me that every family in Cuba had a refrigerator, a blender, an electric fan, a radio and a cassette recorder—something so patently untrue that it could be disproved by walking half a block from the four-star hotel where he works. A 20-year-old tour guide claimed that the government was solving the housing shortage by giving plots of land and materials so that homeless people could build their own houses. They just had to sign up to work at an agricultural colony that was on the route her tour bus took to see where Hemingway's "The Old Man and the Sea" was filmed.

Some foreign visitors, eager to discover a socialist system that works, appear to believe everything they are told. But, as I watched tourists walk unseeingly past lines of sad-eyed Cubans waiting their turn to enter a restaurant for a frugal meal, I realized that most tourists chose not to see anything that would spoil their vacations. It would be impossible, however, for any visitor to Cuba not to be made aware of the form of apartheid that the regime has imposed upon Cuba. Should they invite a chance acquaintance to join them in a meal at a hotel, they will learn that a Cuban who accepts such an invitation risks a jail sentence for being friendly with a foreigner.

Tourism, however, offers Fidel Castro a last chance to stave off economic collapse when the Soviet Union ceases, beginning in January 1991, to subsidize Cuba through an exchange of cheap oil for expensive sugar, to the tune of up to $5 billion a year. The government has been forced to run the risk of undermining one of the world's last remaining Marxist-Leninist dictatorships by letting foreigners get a firsthand view of tropical socialism and allowing them to pay with credit cards. Only American Express (presumably because it is so obviously American), among major credit cards, is not accepted.

Judging by the construction going on, the government is pouring all its resources into refurbishing old hotels and building new ones. It is developing restricted resort areas—tourist ghettos, as they were scathingly described to me by one Cuban, who recalled that the 1959 revolution was powered in part by the decadence of Havana, which, under the right-wing dictator Fulgencio Batista, had become an American playground with brothels, spectacular sex shows and gambling casinos.

The tourists, now flooding in from Europe and Latin America, are forcing unwilling concessions from the Castro regime. U.S. news magazines, The Wall Street Journal, the International Herald Tribune and The Economist are available—although for tourists only—in major hotels. They are locked in display cabinets, in the "dollar shops," as if they are dangerous even to touch.

Against all odds, the regime is doing everything within its power to prevent the tourists from mingling with ordinary Cubans. The state security agents are not at their posts, lounging day and night on the hotel steps, to spy on foreign visitors. Their job is to keep Cubans away.

All the major hotels, better restaurants and tourist stores accept only hard currency—the dollar, plus 17 other hard currencies (all of them issued by Western democracies)—or funny money issued by INTUR, the state tourist organization, in dominations equivalent to the dollar. In all, there are six different currencies in circulation, including a special monetary unit for tourists from the Soviet Union and Eastern Europe.

Ordinary Cubans are allowed to use only the Cuban peso. This keeps the people out of hotels and restaurants that have plenty of food and drink and relegates them to the restaurants that have meaningless menus and lists of unavailable drinks. The system also keeps the dollars stores fully stocked to satisfy the appetites of government officials, privileged party members and their friends, diplomats and tourists.

One evening, I walked with a friend in search of a beer. We walked into an expensive but non-tourist restaurant not far from the Havana Libre (formerly a Hilton hotel) and asked if we could have a table just to drink a glass of beer. The maitre d' rocked with sarcastic laughter. "Just for a beer?" he said. "We haven't had beer in weeks!"

A foreign resident, who is a scholar of revolutionary Cuba, questioned me about the motives of the International League for Human Rights that I had come to represent at the U.N. congress on crime. He comes from a country that produces good wines and is known for its good food. "What about the human rights of Cubans in restaurants? he asked. And he had a point. Before I was precipitated into the world of the Stalinist state security apparatus, with its mind-control method, its use of psychological torture and the dissemination of fear and the big lie, I thought that the way the Cuban state treats its own people, grinding down the individual every day, was sufficient an indictment of the Castro regime.

But it was the human rights of brave individuals sentenced to long prison terms for speaking their minds to foreign journalists, of people jailed for a year for using a camera without a license (that's an "economic crime" in Castro's Cuba), of lawyers deprived of their right to exercise their profession and kept under constant surveillance, that I had come to defend.

So for 12 days in Havana, I found myself living as these brave Cubans live, watched constantly and followed, everywhere I went—with, of course, the shameful difference that I could eat excellent Cuban food and drink Cuban rum (although I kept off Cuba Libres) and Cuban beer, too, if I fancied it—and that I had a return ticket from Havana to Miami.

SPECIAL TRIBUTE TO HON. ANN PALMA, PATERSON CITY DEMOCRATIC LEADER AND THE PASSAIC COUNTY DEMOCRATIC COMMITTEE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. ROE. Mr. Speaker, it is with greatest pride that I rise today to pay special tribute to the Passaic County Democratic Committee and one of its strongest proponents, the Honorable Ann Palma. During my tenure here in Congress, Passaic County has been the center of my Eighth Congressional District in New Jersey and certainly one of the central figures in the Democratic Party there has been Ann Palma whose tireless work as the Democratic leader of the city of Paterson has been nothing short of remarkable. It is only fitting that such an activist for the democratic process be honored by her peers at a special dinner. This gala event entitled, "A Presidential Salute to the County Committee," will be held at the Brownstone House In Paterson and hosted by Mr. John Currie, county chairman and Mrs. Millie Gatto, county vice chairwoman on Friday, February 22, 1991.

Mr. Speaker, Ann Palma has been active in the Democratic Party for 53 years as a Passaic County committeewoman, serving 39 years as a ward leader. She is the former chief of the attendance department of the Paterson School System and for 15 years she has worked as an investigator in the Passaic County prosecutor's office. In 1969, she became the first woman ever elected Democratic leader of the city of Paterson, the third largest city in the State of New Jersey. This vivacious lady has remained in that capacity for the last 22 years working constantly for her party and the values of a democratic process.

Ann was born, raised and lived most of her life in the "Dublin" section of Paterson. Legendary for her unbroken chain of victories in Paterson's old seventh ward, she has earned and maintains a reputation as one who produces big pluralities in her district even when the rest of the city and area records sweeps for the opposition. Ann has served under the last eight Democratic county chairmen and was a confidante and close aide to the late

Senator Anthony J. Grossi. She was also mentioned prominently in the book "About Paterson," a study of Paterson politics in the 1960's.

Ann was a political institution in the first, second, and the third districts of the old seventh ward. For years opponents tried and failed to woo the voters of her political island. The seventh ward failed to poll a plurality for the Democrats only once, in 1941 and even in that year, Ann's districts reported a 90 percent majority for the Democrats. It took the bulldozers cutting a path through the area for Interstate 80 to finally alter this unparalleled success. Politicans and advocates in both parties deeply respect her special talents and abilities and have named her as one of the most astute persons to participate in the political process.

Mr. Speaker, Ann Palma attributes her tremendous success to hard work and close contact with the people in her area. Ann grew up in the district living and working virtually her entire life with the families in her neighborhoods. She grew to know them intimately as she worked 365 days a year in her role as ward leader. Ann always found a way to help those in need or those who simply needed a friend.

For over half a century Ann Palma has been a force to be reckoned with in the city of Paterson and in Passaic County. When so many of our voters have fallen into apathy it is refreshing to see there are still people who are determined to be active in their communities and exercise their privilege as voters. Ann has been a quiet but supremely effective part of the political process.

Mr. Speaker, I am sure Ann's lovely daughter Mrs. Frances Scerbak and her three wonderful grandchildren, Adrienne, Robert, and Eric are extremely proud of her many accomplishments and her unwavering commitment to involvement in the community. Whatever your political affiliation may be, we can all admire and appreciate the dedication and unselfish efforts of an individual who believes in participation.

Mr. Speaker, I invite you are all my colleagues to join me in paying a special tribute to one of the most dynamic grandmothers I have had the pleasure to know, the Honorable Ann Palma.

TIME TO CLOSE CAPTION

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. BONIOR. Mr. Speaker, starting today, House floor proceedings will be captioned for television marking a significant step toward providing deaf and hard of hearing Americans with greater access to the democratic process.

Sadly however, not all television programming is being captioned. The gulf war has highlighted the Cable News Network's leading role in providing timely coverage of world events. For days we were riveted to our television sets to receive the latest news and live reports from Baghdad. All of us, that is, except the 24 million deaf and hard of hearing Americans who, due to the lack of captioning, are denied access to this vital source of information.

I. King Jordan, President of Gallaudet University, the only accredited liberal-arts university for the deaf and hearing impaired, has a saying, "Deaf people can do everything except hear, and watch CNN."

Understandably, this has been a source of considerable frustration for the hearing impaired community, many of whom have close friends and relatives serving in the Middle East. Mr. Speaker, during this time of national crisis we need to provide all Americans with access to the news.

Last year, Congress passed legislation requiring nearly all new television sets to be equipped with decoder circuitry to greatly expand the audience for captioned programming. In addition, most other network news broadcasts are already captioned. Unfortunately, CNN is failing to keep up with this trend towards captioning.

I am circulating a "Dear Colleague" seeking signatures on a letter to Turner Broadcasting chairman, Ted Turner, requesting that the Cable News Network begin captioning their broadcasts. I urge my colleagues to join me in this effort.

At this time, I would like to include in the RECORD a resolution recently adopted by the board of trustees at Gallaudet University.

CNN RESOLUTION FOR THE BOARD OF TRUSTEES

Whereas, Gallaudet University is a university of international repute, established by the Congress in 1864, to serve deaf and hard of hearing persons; and

Whereas, Gallaudet University is governed by a 21-member Board of Trustees that includes members of the Congress, the business world, education and other professional disciplines; and

Whereas, it has been brought to the Board's attention that Cable News Network does not close caption its programs, making it inaccessible to more than 24 million deaf and hard of hearing Americans and millions more world-wide; and

Whereas, without captioning, individuals with a hearing loss are unable to benefit from the excellent reporting of Cable News Network and to keep abreast of news developments throughout the world: Now, therefore, be it

Resolved, That the Board request the network to consider captioning its programs for the benefit of all deaf and hard of hearing viewers; and be it further

Resolved, That a copy of this resolution be sent to Mr. Ted Turner, Chairman, Turner Broadcasting.

REAUTHORIZATION OF THE HOUSE SELECT COMMITTEE ON HUNGER

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. PENNY. Mr. Speaker, I want to express my strong support for reauthorization of the House Select Committee on Hunger. I serve on the Hunger Committee, and I have always been impressed with the important information and advocacy roles that the committee and its dedicated staff fulfill. The only way we can ever achieve our goal of ending world hunger is to raise the awareness of all Americans and the collective willpower of all the world's citizens to take actions to feed and empower the hungry.

As a member of the House Agriculture Committee, and a representative of a highly productive agricultural area, my constituents look to me to lead the way in sharing our abundance of food with the hungry people of the world. As we know, the problem of hunger is much more complicated than just a question of food distribution. The Hunger Committee has led the way in focusing our attention and resources on increasing food security among the world's poorest people. The distinguished leadership of the committee has worked tirelessly to separate humanitarian concerns from political expediency and military spending in our foreign aid programs. And, thanks to the persistence of Hunger Committee members and staff, emergency food supplies have often reached their intended recipients in spite of political strife and even civil wars.

The Hunger Committee has been identified with numerous domestic and international hunger and development programs over the years including: The Global Poverty Reduction Act; the Women, Infants, and Children [WIC] supplemental feeding program; child survival activities worldwide; a women-in-development focus in foreign aid; health and rehabilitation assistance for the innocent victims of political violence in Central America; and improvements in the U.S. Public Law 480 Food Aid Program.

I look forward to my continuing association with the Hunger Committee, and a chance to continue the struggle against world hunger. We in the U.S. Congress must take the lead to stem the toll of 40,000 people dead every single day due to hunger and hunger-related diseases. We must stop this horrible waste of human resources.

A TRIBUTE TO DANNY THOMAS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. GUARINI. Mr. Speaker, it is with great sadness that I make these remarks concerning the passing of an uncommonly special individual, Danny Thomas. Danny Thomas was a giant of a man. He was proud of his roots, committed to his family, and deeply devoted to his religion. Danny Thomas understood the importance of leaving this world a better place than he found it. I had the privilege of knowing Danny for some 20 years, and I join many generations of Americans in mourning his death.

Born from a Lebanese family of humble means in Deerfield, MI, Danny Thomas ursued a career in entertainment which eventually led him to be called "American's Favorite Television Comedian." But he was more than a comedian; Danny was a critically acclaimed actor of the stage, television, and the silver screen. Starring in a variety of shows throughout the years such as "The Danny Thomas Hour," "The Practice," and "I'm a Big Girl

Now," Danny's face is well known on television to this day. He was best known as the star of the popular late 1950's television show, "Make Room for Daddy."

Danny won the hearts of so many Americans with his wonderfully ethnic brand of humor. It was a pride for his Lebanese heritage and a keen belief in family, community, and nation which made Danny Thomas a distinctly American humorist. I can remember his stories as we both waited at the "National Ellis Island Medal of Honor Ceremony." Danny's humor made that night a truly special one for me, similar to the way he relaxed and delighted millions of Americans.

Danny Thomas also distinguished himself in his personal life by being a devoted family member. Married to Rose Marie Cassaniti on January 15, 1936, Danny was the loving father to three children, Marlo, Terre, and Tony and the proud grandfather of five grandchildren. Marlo Thomas pursued her own career as a comedienne in the hit television series, "That Girl," while Tony is currently the producer of some of television's most popular programs like "The Golden Girls" and "Empty Nest."

As a well-known philanthropist, Danny Thomas contributed to many humanitarian causes. However, he will always be best known for his efforts in founding St. Jude Children's Research Hospital, in Memphis, TN, a world famous cancer research institution. He once commented:

> "You can't say Danny Thomas without thinking about St. Jude and you can't say St. Jude without thinking about Danny Thomas. Without being an actor, I could never have been a philanthropist." His contributions were real, for as he said himself, "Nothing happens at St. Jude that I don't know about."

The list of St. Jude's accomplishments is truly awe inspiring. Medical advances originating from this institution are responsible for substantially increasing the patient remission rate of deadly diseases like leukemia and Hodgkin's disease, in the latter case from 2 to 90 percent. Researchers at this institution are advancing our understanding of the actual phenomenon of cancer, bringing us closer and closer to finding a cure. As a first-rate hospital, St. Jude is visited every day by the sick from all over the world. When we consider that St. Jude was the product of one man's goal, whole generations of people will owe their lives to Danny Thomas.

Even though in life Danny Thomas received many honors, five Emmy awards and a congressional gold medal to mention a few, I believe he will be remembered most for what he gave. To the many he touched, Danny Thomas gave hope most of all. To those who were sick and suffering, Danny offered the hope of life and relief through his efforts in founding the St. Jude Children's Medical Center. To Americans of all ages he served as a role model, proving that hard work and talent can produce remarkable success. Finally, to people who watched his television, stage, and movie performances, Danny Thomas gave the gift of laughter. Laughter in many ways is the greatest cure of all. America is grateful to you, Danny Thomas, for having lifted our spirits and having given us renewed hope.

SADDAM HUSSEIN OBTAINED SATELLITE PHOTOGRAPHY OF BOTH KUWAIT AND SAUDI ARABIA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. BROOMFIELD. Mr. Speaker, recent news reports reveal that Iraq acquired detailed satellite photographs of both Kuwait and Saudi Arabia a full 3 months before Saddam Hussein launched his brutal attack on Kuwait. This further supports my belief that the Iraqi dictator intended to also invade Saudi Arabia.

The high-resolution photographs acquired from a French company with ties to the French Government, were undoubtedly used by Iraqi military planners when they launched their successful blitzkrieg on Kuwait.

Iraq's acquisition of satellite coverage of Saudi Arabia, as well as Kuwait, supports the belief that Iraq intended to wage war against Saudi Arabia as well. In addition, there are other indicators of Saddam's long-range plan for that region. Shortly after the Iraqi invasion of Kuwait, Saddam Hussein called upon his Muslim brothers to help him liberate the holy sites in Mecca and Medina from the control of the Saudi royal family, and suggested on other occasions that Saudi Arabia would be attacked for hosting non-Muslim soldiers. The size of the Iraqi force invading Kuwait was very large and exceeded the troop level normally needed to capture such a small and lightly-defended country. The Iraqi military also emplaced surface-to-surface missiles in Kuwait shortly after capturing that country and may have intended to attack the Saudi kingdom with them.

In addition, the House Foreign Affairs Committee learned a few months ago that some Iraqi armored units made border incursions into Saudi Arabia shortly after their invasion of Kuwait, and that Iraqi officials were unresponsive to Saudi complaints about the incursion. If Iraqi military units had continued south into the oil-rich eastern Province of Saudi Arabia, Saddam Hussein would now control much of the world's oil reserves, and American troops might be confronting Iraqi units on Saudi soil in an area replete with costly and vulnerable oil drilling and refining facilities.

Some of my colleagues in the Congress claim that Saddam Hussein had no designs on Saudi Arabia, and that there was no real need to send United States forces to defend the Saudi kingdom. I believe that this recent information, as well as previous reports, indicate that the Iraqi dictator may have intended to seize the eastern region of that country.

Saddam Hussein's acquisition of satellite photography of both Kuwait and Saudi Arabia, the careful planning of his attack, and his subsequent military actions reveal that he probably intended also to invade oil-rich areas of Arabia. It is clear to this Member that the administration's swift response to Iraqi aggression was prudent and may have saved the day for Saudi Arabia.

I commend the following Financial Times article on this matter to my colleagues.

[From the Financial Times, Jan. 11, 1991]

IRAQ BOUGHT SATELLITE PICTURE OF KUWAIT

(By Lionel Barber)

Iraq bought high-definition satellite photographs of Kuwait and Saudi Arabia from a French company specializing in photo-reconnaissance three months before the August 2 invasion.

The pictures contained sensitive information about roads, infrastructure and other installations helpful to a potential aggressor. Despite this, Spot-Image, a Toulouse-based business with close links to the French government and the US department of defense, went ahead with the sale.

The last batch of photographs was delivered to Baghdad on May 2 last year, and formed part of a contract signed in 1988 to provide satellite data.

Mr. Gerard Brachet, Spot-Image's chairman, who was in Washington this week, defended the deal with Baghdad in an interview with the Financial Times: "Iraq was not an unusual customer or one which commanded special attention."

Spot-Image is the privately owned sales company for the French government's heavily subsidized satellite programme. It is supplying the Pentagon and other clients in the multinational coalition with photographs of the Gulf region.

Out of a total 20 pictures delivered by Spot, "five, three or seven" were deemed sensitive by the company.

These overlapping photographs of the targetted areas in the region, taken from two different perspectives, allowed the Iraqis to look at territory and installations to map a route for an invasion and identify potential points of resistance from Kuwaiti defenses.

Satellite experts in Washington say that civilian customers interested in exploring land for urban planning only require pictures from one angle. Military clients want pictures from two or three perspectives to gain an impression of the height of structures and the physical dimensions of potential targets.

This tends to confound Iraq's claim at the time of the invasion that its move was unpremeditated and was instead provoked by Kuwaiti intransigence on issues such as oil production levels and outstanding loan to Baghdad.

Spot was sufficiently alarmed by the Iraqi request for data on Kuwait and Saudi Arabia that it subsequently halted future deliveries to its customer in Baghdad, the National Remote Sensing Centre, a front organization for the Iraqi government. Asked if he had passed on details of the Iraqi request to French or US authorities, both of whom would have viewed it as potentially critical intelligence, Mr. Brachet said: "I doubt that. I am not aware of anything we did, but I am not saying anything against information you have."

THE IRAQI OFFER FOR WITHDRAWAL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. ANDERSON. Mr. Speaker, last week Iraq offered to withdraw from Kuwait * * * if a long series of conditions are met. We now witness a ray of hope, struggling to emerge from the overwhelming haze of a blatant political ploy on the part of Saddam Hussein. Up until now, Saddam Hussein has insisted that Kuwait was irrevocably the 19th province of Iraq and that there would be no compromise on this matter. Under the crushing pressure of a war he is fated to lose, he seems to have conveniently changed his mind. But only to the extent that he gives nothing up, while attempting to win the hearts and minds of the Arab world. His conditions are obviously unreasonable and unacceptable. I think we can only be amused by a man who wants the United States to pay reparations to him for a war he started. So, while the offer is encouraging in that Saddam Hussein finally has publically recognized that Kuwait is not part of Iraq, it is not one we can accept. I stand to offer my continuing support for the President and our fighting men and women in the Persian Gulf.

Hussein has tried mightily to link his invasion of Kuwait with the other problems of the Middle East, especially the Palestinian problem. It has been wisely pointed out that Iraq did not invade Kuwait to help the Palestinians. Linkage is a false and shallow concept. We can have peace tomorrow. Saddam Hussein holds the fate of his nation and his countrymen in his own hands. The bombs will cease to drop when he announces an unconditional withdrawl from Kuwait and we see the dust clouds of soldiers retreating to the north. This seems very simple to me, and we should expect nothing less. Therefore, while I welcome this positive step, I believe we should remain firm in our vision of a free Kuwait and a peace without appeasement.

SUPPORT CHANGE IN THE SDI PROGRAM

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. RINALDO. Mr. Speaker, the President has proposed to reduce and modify the strategic defense initiative program to give the United States the capacity to intercept nuclear missiles launched by Third World military powers such as Iraq or Libya.

I ask my colleagues to support this change in the SDI Program.

The success of the Patriot antimissile weapon system in knocking down Scud missiles from Iraq has been an outstanding demonstration of the effectiveness of antimissile technology and the need for it.

Mr. Speaker, Mu'ammar Qadhafi, the leader of Libya, has been quoted as saying that if he had possessed a nuclear missile during the United States attack on him in 1986, he would have fired it at New York.

Moreover, our experience with Saddam Hussein has shown what Third World military powers are capable of, and soon countries like Iraq may possess missiles of sufficient range to reach most cities in the world.

The President is right. We must prepare for the day when we will have to defend ourselves against this type of threat.

The Central Intelligence Agency warned in published reports nearly 2 years ago that 15 developing nations would be capable of producing a ballistic missile in the next decade.

What the President is proposing will be cheaper and more effective than the massive star wars technology that has been under debate for the past few years.

The President's proposal is the most sensible and economical precaution we can take to prepare for a future in which even a small, hostile nation will possess the means for mass destruction.

CONGRATULATIONS CHARLES EDGAR PIERCE ON ACHIEVING THE RANK OF EAGLE SCOUT

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. CLEMENT. Mr. Speaker, on the evening of March 9, Boy Scout Troop No. 44 will convene an Eagle Court of Honor to award Charles Edgar Pierce Scouting's highest rank. I am proud to join Charles' family and friends in congratulating him on this accomplishment.

Earning the Eagle Scout Award is no easy task. Only a small percentage of all Scouts are able to meet its requirements. Not only does a Scout have to earn the requisite number and type of merit badges but, more importantly, to demonstrate community service and leadership.

The Court of Honor will pay tribute to the fact that Charles has excelled in meeting these requirements. As the senior patrol leader of Troop No. 44, Charles holds a position of great responsibility. He is a genuine leader. He has exhibited great dedication, confidence and perseverance: Skills which will be invaluable in later life.

I congratulate Charles on earning the Eagle Scout Award as well as his family and friends who have encouraged him during his Scouting career.

LEGISLATION TO NAME A POSTAL FACILITY IN CLEVELAND, OH, IN HONOR OF FORMER BASEBALL GREAT LUSCIOUS "LUKE" EASTER

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. HORTON. Mr. Speaker, it is an honor and privilege for Representative LOUIS STOKES and I to introduce legislation today to honor a true good will ambassador of baseball, Luke Easter. Our legislation has the unanimous support of all 23 members of the Committee on Post Office and Civil Service.

Luke is still regarded in Rochester, NY, as the most popular player in the history of the Rochester Red Wings. After a successful career in the majors with the Cleveland Indians and the old Triple A Buffalo Bisons, Luke joined the Rochester Red Wings in 1959. He spent six seasons as a player and a coach in Rochester, where he became a legend. I had the honor of knowing Luke Easter, his wife Virgil, and his entire family, since I was at that time the president of the Rochester Red Wings. Luke and I had become close friends and we stayed in contact after I was elected to Congress in 1962.

Luke was as popular in Cleveland and Buffalo as he later became in Rochester. He was well known for his friendliness, warmth, and generosity of spirit as he was for his ability to hit towering home runs. Jack Graney, the Cleveland radio announcer, called Luke's home runs bazooka blasts.

Luke was one of the first blacks to gain entry into major league baseball, following Jackie Robinson by only 2 years. He had little professional training when he was signed by Cleveland Indian general manager, Bill Veeck, out of the Negro American League. After a short stint in the minors Luke joined the Indians in 1949 at the age of 33. Although plagued by chronic knee injuries that limited his career to 491 games with Cleveland, his long home runs made him a fan favorite.

On June 27, 1950, Luke connected for the longest home run ever hit at Cleveland's Municipal Stadium. The 477-foot shot landed in the upper right field seats. The 6-foot-4, 240-pound first baseman batted left handed and, in six seasons with the Indians, hit .274 with 93 home runs, and 340 runs batted in.

On March 29, 1979, Luke, by then a union stewart for the Aircraft Workers Alliance at TRW, Inc. of Cleveland, was accosted by two men as he left a branch office of the Cleveland Trust Co. When he refused to give up the cash he had in a shopping bag, he was hit fatally above the heart by a shortgun blast. The money in the bag was not his, it was from checks he had cashed for fellow workers.

Luke was a perfect role model for the children who adored him. He often would spend hours talking to and signing autographs, to the great pleasure of his fans. Luke is a man we will not forget not only for his baseball ability, but the way he gave of himself to his fans and each community in which he played. Luke truly was bigger than life.

It is a just and fitting tribute for the postal facility at 630 E. 105th Street, Cleveland, OH, to be named after Luke Easter.

THE INTRODUCTION OF A BILL TO PROVIDE FOR THE END STRENGTH FOR THE COAST GUARD SELECTED RESERVE FOR FISCAL YEARS 1992 AND 1993

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. DAVIS. Mr. Speaker, this is the third Congress that I have introduced a bill to increase the number of Coast Guard reservists to prepare the Coast Guard to meet its wartime personnel requirements. I have become increasingly concerned that the Coast Guard is not adequately prepared to support our country in a full-scale conflict. In light of the events in the Middle East, it is essential that we address this problem immediately.

The other four Armed Forces have a level of preparedness equal to approximately 95 percent of their personnel requirement for wartime mobilization. The Coast Guard, on the other hand, has a level of preparedness of less than 45 percent of its mobilization requirement. I believe that it is critical to change this situation and prepare the Coast Guard for wartime at a level comparable to that of the other Armed Forces. The augmentation of the active duty forces of the Coast Guard with selected reserve personnel will also serve important peacetime functions, aiding the coastal defense and drug interdiction efforts of the Coast Guard.

Because of the great concern of my colleagues and I who serve on the Armed Services Committee over this situation, the Secretary of Transportation was required by the 1988 and 1989 Department of Defense Authorization Act to submit a plan to Congress to bring the Coast Guard Reserve up to the level of the other armed services. That Coast Guard Reserve plan requires a reasonable buildup to the year 1998, when the Coast Guard should have 95 percent of its reserve manpower mobilization requirements, or 26,125 selected reservists. Unfortunately, the Coast Guard has made no progress to achieve the goal of 26,125 reservists since the Coast Guard Reserve plan was submitted.

This bill would begin a 9-year personnel buildup, adding the necessary increment of reservists from today's level of 12,000 personnel to reach the necessary level of 26,125 reservists in the year 2000. I am sorry that we must postpone the year when the goal of 26,125 will be met, but it is necessary to do so because implementation of the plan was not begun on schedule.

It is especially fitting that we make the commitment now to build up the Coast Guard Reserve, because this year marks the 50th anniversary of the establishment of the Coast Guard Reserve. It is also important today to recognize the contribution of Coast Guard reservists to Operations Desert Shield and Desert Storm, and to ensure that the Coast Guard Reserve is prepared to support our Nation in the future.

Mr. Speaker, the serious personnel shortfall that exists in the Coast Guard Reserve threatens our national security. I call on my colleagues in the Congress and the administration to give this branch of the Coast Guard the support and funding it needs to continue its proud service to the United States of America.

PUT YOUR MONEY WHERE YOUR MOUTH IS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. MILLER of California. Mr. Speaker, President Bush, in the State of the Union Address on January 29, 1991, said:

> Freedom and the power to choose should not be the privilege of wealth. They are the birthright of every American. Civil rights are also crucial to protecting equal opportunity. Every one of us has a responsibility to speak out against racism, bigotry and hate.

I am hopeful that this year the President will live by his words and prove to the American people that we aren't reading false lips when he proclaims "freedom" and "equal opportunity" for all. As Mr. Bush appealed to the American people in his address, I appeal to him to make 1991 a year of renewal in which he works to guarantee constitutional rights and freedoms to all United States citizens, regardless of race, gender, or income.

President Bush has consistently threatened to veto legislation which would permit abortion funding or abortion related counseling. If the "power to choose" is the birthright of every American, why can't a woman choose what to do with her body? Does her gender disqualify her as an American? Or is Mr. Bush referring only to male Americans? If so, he should not hide behind rhetoric and state his position clearly. If he is referring to all Americans, including women, he should ensure that individual women, not the Government, have the right to make their own decisions concerning their reproduction.

It is absolutely imperative, in the wake of the Supreme Court's decision in the Webster case, that Mr. Bush ensure that every woman has the choice and access to a safe, legal abortion, regardless of her economic status, without interference from the States. Women's constitutional right of privacy, the basis of the Court's 1973 Roe versus Wade decision, must be upheld.

The President further stifled women's freedom and equal opportunity when he vetoed the Family and Medical Leave Act. Nearly 60 percent of American women work, the majority of them out of economic necessity. The days when a father worked while the mother stayed at home to care for the children are gone. Women, however, are still primarily responsible for the care of the children. The Family and Medical Leave Act would guarantee job-protected family or medical leave for workers, enabling many women to keep their jobs after pregnancy, childbirth, or other temporary disability leave. America is the only industrialized country in the world which does not grant some form of family leave. West Germany and Japan each guarantee at least 3 months of paid family leave.

We need to guarantee each person equal opportunity in the workplace by granting family leave and protection from discrimination. The Civil Rights Act of 1990 would have provided minorities and women with powerful safeguards to challenge employment discrimination by establishing that workers cannot be harassed, fired, or discriminated against because of race or gender. Despite months of negotiations in which Congress removed language which caused the administration concern because of the possibility of "quotas," President Bush vetoed this historic legislation. I hope that this year Mr. Bush will practice what he preaches, working to protect civil rights and give all people the freedom to "chart their own destiny" and to go as far as skills and hard work will take them, unrestricted by race or gender, rather than hiding behind mislabeling of the issue to justify his nonsupport.

I appeal to Mr. Bush to do the hard work of freedom, to join the community of conscience, and fight to guarantee individuals the rights given to them by the Constitution. As he calls upon minorities and women to protect our country and the freedom of others, he must be prepared to ensure them the same protection and freedom in the workplace and home.

A SALUTE TO COL. VICTOR J. FERRARI, SAN ANTONIO CIVIC LEADER AND USAA EXECUTIVE, FOR "MAKING A DIFFERENCE"

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. SMITH of Texas. Mr. Speaker, I am honored to join with many San Antonians and members of the USAA family in saluting Col. Victor J. Ferrari, USAF retired, on the occasion of his 75th birthday on February 24.

The birthday observance is an opportunity to pay well deserved tribute to a man whose hallmark has been that of "making a difference." Colonel Ferrari has earned that enviable reputation through his professional and civic activities and, equally important, has inspired others to do the same.

War almost denied us his wisdom and dedication. As a navigator on a B–24 bomber shot down by fighters over Holland, he survived, and after 6 months with the underground there took an injured airman back to England with him. He want on to complete a 29-year career in the Air Force.

In San Antonio, Colonel Ferrari is an active member and leader in 17 education and public service committees which have produced positive results. For example, he heads the USAA Mentor Program in the San Antonio Independent School District. In just 2 years, beginning in 1988, the program went from 67 volunteers in two schools to 234 volunteers in four schools. Similarly, through various initiatives as a member of the San Antonio Commission in Literacy, Colonel Ferrari helped energize the highly successful 225–READ Program. He made a difference.

At USAA, one of the Nation's major insurance and financial services companies, and which is headquartered in my district, Colonel Ferrari developed a centralized education and training operation that is a model for the industry. As president of USAA's Federal Savings Bank and in his other assignments at USAA, he consistently and successfully has promoted employee and community welfare and education. He has made a difference.

At the Air Force Academy, as assistant to the dean of the faculty and deputy commandant of cadets, Colonel Ferrari was credited with strengthening the sense of unity and purpose among the faculty and staff and advancing the academy's excellence in its academic programs. He made a difference.

The San Antonio area has been fortunate to have Vic Farrari as one of its most concerned and productive citizens. We salute him for his service to community and country and for making a difference.

TRIBUTE TO THE HONORABLE H.H. MORRIS, FORMER POSTMASTER OF THE U.S. HOUSE OF REPRESENTATIVES

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. NATCHER. Mr. Speaker, I would like to take this opportunity to pay tribute to the late Hon. H.H. Morris, better known as Hap to those of us who had the pleasure of knowing him during his long and productive tenure in the House of Representatives.

For 40 years, Hap served the Members of the House in several important capacities: From 1932 to 1940, he was an assistant in the Democratic Cloakroom; from 1940 to 1949, Hap worked for former Representative and then-Senator Chapman of Kentucky; in 1949, he became Assistant Clerk in the House and served in that capacity until 1951, when he became an assistant to former Senator Underwood; from 1952 to 1955, he was employed by former Representative Watts. After having distinguished himself in these positions, Hap was honored for his contributions and services with election by the House Members as Postmaster of the House of Representatives. Hap ably served as Postmaster from 1956 until 1972.

An exemplary figure, Hap's talent and dedication contributed to improved postal service in the House. His daily oversight of all facets of the Office of the Postmaster and his excellent supervision of the postal service earned him the respect and affection of the House Members and staff.

This past week, Hap, a native of Carrollton, KY, passed away at his home in Kentucky. He will be greatly missed.

Mr. Speaker, Hap Morris distinguished himself as Postmaster of the House of Representatives for 16 years. During that period, along with his prior service in the House, he exemplified the dedication and commitment to purpose which we all should strive to achieve. I salute Hap's many accomplishments and am grateful for his contributions to the Office of the Postmaster and the House of Representatives. To his family, I extend my deepest sympathy in their bereavement.

CONGRATULATIONS TO RAV TOV

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. GILMAN. Mr. Speaker, I rise today to pay tribute to Rav Tov an international jewish rescue organization, as it nears its 18th year of existence.

Mr. Speaker, as Russian and Eastern European refugees continue to look for asylum elsewhere, Rav Tov has increasingly become the gateway to freedom; providing refugee programs from reception into new countries to education programs geared toward easing the resettlement process.

Rav Tov, founded in 1973 as a local resettlement agency, has since moved into the international arena as a primary and lending organization, opening resettlement offices in Vienna, Austria, and Rome in addition, during the Iran-Iraq war, Rav Tov was instrumental in arranging for the security of Iranian Jews as they were initially prevented from leaving Iran legally.

Accordingly, Mr. Speaker, I am honored to extend both my congratulations and best wishes to Rav Tov for its invaluable refugee services as well as to Rabbi David Niederman, its executive director and founder. I trust that Rav Tov will continue in their success in providing refugees with the needed housing, medical, and immigration assistance necessary to provide for a smooth transition, and hope that one day their excellent refugee services will no longer be in need.

A TRIBUTE TO LOU BURGELIN

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mrs. BOXER. Mr. Speaker, on February 21, 1991, the community of Vallejo will honor an exceptional citizen, Lou Burgelin. A native of Vallejo, Lou has recently retired as executive secretary of the Vallejo Armed Services Committee. He leaves a legacy of service to his community and to his country.

Lou began his Federal service when he started working as a marine machinist at Mare Island after graduating from the apprentice school there. In 38 years of Federal service, Lou Burgelin established a remarkable record of accomplishment. During his tenure at Mare Island, he held a variety of positions including civilian head of production control and head of the office of project planning for the shipyard commander. He also worked closely with the Navy to establish a system of cost projections for new construction and to develop long-range facilities requirements. As head of the office of project planning for the shipyard commander, he was heavily involved with the merger of Mare Island and Hunter's Point. His service at Mare Island ended when he transferred to the Norfolk Naval Shipyard in order to continue working in the production arena.

In 1972, Lou Burgelin, with his wife of more than 30 years, Betty, returned to Vallejo as executive secretary of the Armed Services Committee. While in this position, he was extensively involved in and concerned with the military construction of many projects for Mare Island, working closely with me and other members of Congress from the area. He was also a key factor in the resolution of the dredging dilemma then facing Mare Island.

His participation in workload conferences at the Washington, DC level while he was working at both Mare Island and Norfolk, gave him the expertise to provide invaluable advice and guidance for letters to the executive branch and testimony for congressional hearings concerning Mare Island and, increasingly over the years, military construction projects in general.

However, Lou Burgelin's contributions extend far past those involving his work and encompass the entire community. His contributions include acting as director and president of the Navy Yard Association, president of the Napa-Solano United Way, chairman and president of the North Bay Senior Citizen Planning Council, and president of the Mare Island chapter of the NCAA, later becoming a national director and serving as the eighth national president. In 1946 and 1947, Lou Burgelin also helped to organize the Hunter's Point Employee's Association, and the Naval Civilian Administrators Association, becoming a charter member of both. He was also instrumental in forming the Vallejo Naval and Historical Museum, where he subsequently served for 10 years as secretary-treasurer, and as secretary for the 500th Ship Fund, a memorial established by the city of Vallejo for the 500th ship built at Mare Island. The Salvation Army managed to claim Lou for 27 years as a member of its Advisory Board and as a three time chairman. He is currently the chairman for the local corps capital fundraising effort.

During my 8 years in Congress, Lou has been a constant and unfailing source of information, advice and wisdom on matters pertaining to Mare Island Naval Shipyard. His wealth of experience with the Navy in general and Mare Island in particular, have been tapped again and again in advocating for the best interests of Mare Island and its employees.

Given his past record and community spirit, I am sure that retirement from the Armed Services Committee will only provide Lou with more time to devote to his community activities. I am pleased to pay tribute to a man who has dedicated his life to service for both his community and his country.

ARCADIA HIGH SCHOOL WINS STATE FINALS IN WE THE PEOPLE NATIONAL BICENTENNIAL COMPETITION

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. MOORHEAD. Mr. Speaker, it is with great pride that I announce that Arcadia High School, located in my congressional district, was the California State winner of the National Bicentennial Competition on the Constitution and Bill of Rights. The State competition was held January 16–18 of this year in Sacramento, CA.

As many of my colleagues know, the National Bicentennial Competition is an educational program developed and administered by the Center for Civic Education of Los Angeles and cosponsored by the Commission on the Bicentennial of the United States Constitution. Now in its fourth year, the program offers new and stimulating opportunities to educate young people about the history and principles of the Constitution and Bill of Rights.

I would like to commend Lawrence Somerville, the congressional district coordinator, for the We the People . . . program, whose dedicated efforts have kept this unique educational project thriving in the Arcadia Unified School District. Special recognition should also be extended to Dr. Joseph Maloney and Joyce Maksin, who serve as the co-State coordinators in California for the We the People . . . program and are the principal organizers of the State competition.

Mr. Speaker, without question it is the teachers of America who are on the front lines of education and are the true unsung heroes in our Nation. Therefore, it is a distinct honor to congratulate Ron Morris, the teacher of the winning class from Arcadia High School and his students whose names follow in alphabetical order: Dennis Ballance, James Bridgeman, Guy Cammilleri, Indira Cha Krabarti, Alvin Cham, Candy Chan, Patricia Chung, David Chung, Kalpana Desai, Alice Ha, Becky Havens, Flora Ho, Josh Hoffman, Tae Kim, Paul Kramartz, Amie Lam, Christine Lee, Angela Lin, Jui Pal, Hyle Park, Bill Rice, Jean Tang, Patricia Tsai, John Wu, Myong Yi, Kenny Yoon, Milena Zirovich, Jenny Lee.

Arcadia High School will now go on to compete in the national finals to be held April 27–29, 1991, in Washington, DC. Last year, 1,075 students and their teachers, representing 43 States, participated in the national competition. The students are judged on the basis of their understanding of the Constitution and their ability to apply constitutional principles to historical and contemporary issues.

Mr. Speaker, the We the People . . . programs represent one of our finest examples of educational excellence in the classroom. This has been confirmed by the Educational Testing Service [ETS] which recently conducted two studies and found that students who studied the We the People . . . . curriculum significantly outperformed students who used other approaches to studying the Constitution.

I commend Arcadia High School for their first place finish, although I must point out that any student who competes in this exemplary program is a winner because they will be equipped with a greater understanding of our constitutional democracy, as well as their rights and responsibilities as American citizens.

THE U.S. COAST GUARD RESERVE: A HISTORY OF SERVICE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. JONES of North Carolina. Mr. Speaker, I rise today to commemorate the 50th anniversary of the U.S. Coast Guard Reserve. The Reserve was established by an act of Congress on February 19, 1941, in order to "provide a trained force of officers and men which * * * will be adequate to enable that service to perform such extraordinary duties as may be necessitated by emergency conditions." The Coast Guard Reserve has been more than adequate throughout its history of service. It has been a vital component of the U.S. Coast Guard—providing peacetime monitoring of vessel traffic control, port safety and security, hazardous cargo transfers, and vessel inspections.

The Coast Guard Reserve has also proven itself invaluable during national emergencies of all types. Members of the Reserve have always responded quickly and efficiently to provide emergency relief to victims of natural disasters such as the recent Hurricane Hugo. In Charleston, SC, the Reserve immediately converged on the town to provide assistance to local law enforcement agencies and to help evacuate the stranded victims of the storm. The Reserve has also been an instrumental component of Coast Guard response to environmental tragedies as in the case of the grounding of the *Exxon Valdez*. Within hours of the spill, members of the Reserve had reported to their active duty commands and were involved with the immediate cleanup activities that were crucial in avoiding further environmental damage. Since that time, the Coast Guard Reserve has provided more than 30,000 days of critical support to help clean up the largest oilspill in U.S. history.

In addition to peacetime support operations, the U.S. Coast Guard Reserve is ready and available for callup to active military service in times of national crisis. Historically, the Coast Guard Reserve has heeded this call and has served in every major U.S. military operation since World War II. Today, the U.S. Coast Guard Reserve is once again involved in military operations, serving as critical support personnel in Operation Desert Storm.

About 10 percent of the Coast Guard Reserves, more than any of the other armed services, have been called up for active duty during this Middle East crisis. Almost 300 reservists, enlisted in port security units normally stationed in Buffalo, Cleveland, and Milwaukee are now serving at ports in Saudi Arabia, providing crucial expertise in port safety and security. Members of the Reserve who specialize in the offloading of hazardous material or in shoreside security have proven to be invaluable to the effectiveness and efficiency of the largest military sealift in the history of the world. On the seas, members of the Reserve who have been trained for interdiction help patrol the harbors and protect the offloading vessels from enemy mines or terrorist attacks. No less crucial to the effectiveness of Operation Desert Storm are the loyal members of the Coast Guard Reserve who have stepped up security at ports here in the United States and who are supervising the loading of the vessels bound for the Persian Gulf. These Reserves are providing the extra mobilization the Coast Guard needs to deal with both the current military crisis and the ongoing missions of the U.S. Coast Guard.

Currently, the Coast Guard's Selected Reserve stands at about 12,000 personnel. In 1988, the Department of Transportation submitted a plan that would enable the Coast Guard to reach 95 percent of its projected wartime mobilization requirements by 1998. This plan estimated that the Coast Guard would need to mobilize almost 27,000 trained and qualified military personnel in order to meet wartime requirements. To date, the funding needed to implement this gradual increase in Reserve personnel has not been appropriated. The ability of the U.S. military to conduct a war on foreign soil depends on the rapid deployment of troops and equipment. The security needed to implement this rapid deployment can only be provided by experienced and well-trained Coast Guard reservists. While the Reserve has performed admirably in its service in the gulf and at ports here at home, this crisis has emphaisized the importance of both port security and a stronger and larger Coast Guard Reserve.

As we commemorate the U.S. Coast Guard Reserve on its 50th anniversary, let us remember the history of its service to the American people and the dedication of its members to this cause. The Coast Guard Reserve continues its tradition of service today on both the lakes and oceans of America and in foreign ports around the world. Join me now in saluting the U.S. Coast Guard Reserve, which is truly semper paratus—always ready—and willing to serve.

SOUTHBRIDGE, MA: 175TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. NEAL of Massachusetts. Mr. Speaker, I am proud today to pay tribute to the town of Southbridge, MA, that is celebrating its 175th anniversary.

Southbridge was settled in the 1730's as an agricultural community. By 1816, when the town was incorporated, it had expanded its economy to include textile manufacturing. The town was established along the banks of the Quinebaug River in south central Massachusetts. The availability of water power resulted in an industrial boom. Two companies were established, the American Optical Co. and the Harrington Cutlery Co. which soon became the town's leading industries.

As industry expanded, so did the need for manpower to work in the mills. From the 1840's until the turn of the century, Southbridge became a melting pot for the Irish, French Canadians, Italians, Polish, Greeks, and Albanians. More recently, the town has attracted Laotians, Puerto Ricans, and Vietnamese who have greatly contributed to the diverse cultural enhancement of Southbridge.

This town, which its founding fathers dubbed "Honest Town," represents the growth and development that has occurred in New England and in the United States since the American Revolution. I am honored to be a representative of this town. I ask that my colleagues join me in paying tribute to its successes. It is a town whose history captures the American spirit. Happy 175th, Southbridge!

ENTERPRISE FOR THE AMERICAS INITIATIVE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. FASCELL. Mr. Speaker, today I am reintroducing the Enterprise for the Americas Initiative that passed the House during the 101st Congress, but failed to become law due to inaction by the other body.

The Enterprise for the Americas Initiative [EAI] provides a significant opportunity to promote both environmental and sustainable development objectives in Latin America through foreign assistance debt relief that is linked to environmentally sustainable activities at the local community level.

The language in this legislation was very carefully worked out, among many parties. A number of environmental nongovernmental organizations, which played a very helpful and constructive role, the administration, and the Foreign Affairs Committee, including Members from both sides of the aisle have agreed to this language. The bill represents a very delicate balance, among the various interests.

Key features of this bill include:

Flexible eligibility criteria for countries to receive debt relief and benefits under the facility, to be housed in Treasury, and which will administer debt relief operations.

Repayment of principal in U.S. dollars, and interest repayment in local currencies to be used for agreed environmental purposes.

A Framework Agreement negotiated between the United States and the debtor country sets the parameters for use of the environmental fund, and allows for in-country, local involvement of the environmental fund through a body which is to be created to administer it. The body has grant-making authority and fiscal responsibilities.

The local body, with limited government representation, draws its majority from a wide range of nongovernmental organizations, as well as from the scientific and academic communities.

A quasi-governmental/private advisory board in the United States, known as the Environment for the Americas Board, is to advise, and review programs and audits.

An appropriation of funds will be required, and therefore, the EAI has been determined to be budget neutral by the Office of Management and Budget.

Environmental activities eligible for funding shall link conservation and sustainable use of natural resources with local community development. The bill references the list of activities set forth under the Global Environmental Protection Act. That list encompasses a broad range of activities—including restoration, protection, or sustainable use of oceans, atmosphere, plant and animal species, parks and reserves, support for local conservation programs, training, public awareness, institutional support, and ecosystem management, and regenerative approaches to farming, forestry, fishing and watershed management. The total amount of funding generated for environmental purposes through these local currency debt repayments, is estimated by the Nature Conservancy to be between $56 and $84 million annually for the region.

Grants are to be made to three categories of recipients. Primarily they are to be made to host country NGO's, including environmental, conservation, development, and indigenous people's organizations, as well as to other appropriate local or regional entities. In exceptional circumstances, the host country government may be eligible, in cases where NGO's may be small and have limited capacities. As NGO's develop, and capacities are strengthened, it is expected that no grants will be made to governments.

Finally, the bill encourages the President to actively seek similar debt reduction commitments from other creditors—both official and private.

A TRIBUTE TO AMY KAWAHARA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Mrs. Amy Kawahara, who is retiring as administrative secretary to the executive assistant to the Sacramento City Board of Education. This evening, her friends and colleagues in Sacramento City Unified School District will gather for dinner to recognize Amy's many contributions to the school district and the community at large.

Her 17 years of dedicated service to the school district began at Bret Harte Elementary School where she was hired as a temporary clerk. Within a couple of years she became a full-time clerk there. Upon deciding that she would prefer to be a secretary, she enrolled in classes to develop her secretarial skills. Her pleasant and dynamic personality served her will in this capacity, as she earned an impeccable reputation for exemplary work. Her tremendous people skills assisted her in effectively working up the secretarial ladder within the school district. This progress culminated in her final promotion to that of administrative secretary to the executive assistant to the board of education, the position from which she is retiring today.

Retirement will certainly not slow her down. Amy and her husband Yosh are the parents of two grown children. She leads an active home life with her family, enjoying sporting events and dances. She is also very active with the Sacramento Japanese Methodist Church, performing in the choir and serving on the worship committee. She also volunteers her time working at the Asian Community Center's bingo games.

I ask that my colleagues join me in commending and congratulating Mrs. Amy Kawahara on her retirement from the Sacramento Unified School District.

TRIBUTE TO REV. MARTIN F. REIDY

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. MCGRATH. Mr. Speaker, I would like to take a moment to congratulate the Reverend Martin F. Reidy of my district, who is celebrating his 50th anniversary of his ordination on March 29, 1991.

Reverend Reidy has been a faithful servant to his community throughout his life and continues his good work today. He provided services for the Holly Patterson Home in Uniondale, NY, for 14 years and has been the Knights of Columbus Chaplain in East Meadow, NY, for 15 years. His dedication to the local community is unquestioned, and his continued desire to help his neighbors has not diminished.

I would like to formally commend Reverend Reidy for his accomplishments and kind deeds over the last 50 years. On behalf of the Congress of the United States, I congratulate him for his wonderful work and wish him the best of luck in the years ahead.

ATTORNEY GENERAL THORNBURGH CRITICIZED ON PUERTO RICO ISSUE

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. FUSTER. Mr. Speaker, I rise today to object strongly to testimony given earlier this month by Attorney General Dick Thornburgh before the Senate Energy and Natural Resources Committee. That committee is now considering another bill, S. 244, which would enable residents of Puerto Rico to hold a political status referendum, hopefully this year, between the choices of statehood, independence, and an enhancement of the existing commonwealth status. Our Committee on Interior and Insular Affairs has a similar bill, which I have cosponsored. As you and my colleagues well know, Mr. Speaker, I favor the enhanced commonwealth option, because commonwealth status, which has worked very well indeed since the Congress created it for Puerto Rico in 1952, is in the best interests of both the United States and my island, with its unique cultural, linguistic, and economic circumstances. But in testimony February 7, Mr. Speaker, Attorney General Thornburgh, who is the highest ranking legal officer in the Federal Government and who of all people should hesitate before taking sides in such contentious issues as Puerto Rico's political status, attempted to denigrate provisions of S. 244 which are favorable to commonwealth status. Thus it could be construed that the Attorney General's sentiments appear to lie with statehood for Puerto Rico, as do those of his superior, President Bush. That may be their right, but their larger obligation is toward the people of Puerto Rico in their free exercise of self-determination. And their duty is to interpret the law in light of previous judicial decisions—certainly those of the U.S. Supreme Court.

But once again, Mr. Speaker, the U.S. Justice Department fails to offer Congress a sound and objective analysis of the complex and crucial issues raised by Puerto Rico's renewed quest for self-determination. Instead of helping congressional committees come to grips with these difficult questions the Justice Department, this time through the intervention of the Attorney General himself, once again plays a crude partisan role by interpreting statehood related issues sympathetically and expansively while treating commonwealth related issues with antagonism.

The Attorney General's statement offers nothing new. It is a rehash of prior administration statements, masking biased political goals in legalistic gobbledy-gook. It was not the statement of a legal scholar but rather that of a political partisan.

The statement not only contradicts well established Federal legal doctrine and U.S. Supreme Court precedents but it also runs amok over what the United States has repeatedly represented to the Puerto Rican people and the international community regarding Commonwealth status. In the words of U.S. Court of Appeals Chief Judge Magruder, if what the Attorney General claims is legally true, then Congress in creating Commonwealth in 1952 merely perpetuated a monumental hoax on the people of Puerto Rico and on the United Nations General Assembly that in 1952, at the request of the President of the United States, approved Commonwealth as a new, nonterritorial self-governing political status for Puerto Rico.

Mr. Speaker, the Bush administration cannot have it both ways. They cannot claim that they deeply respect Puerto Rico's right to self-determination while at the same time they belittle and disdain the self-determination option that the Puerto Rican people have supported for nearly half a century. Their attempt to foist statehood upon the people of Puerto Rico by denigrating the Commonwealth and Independence alternatives is in and of itself a violation of self-determination.

NATIONAL LAW ENFORCEMENT MEMORIAL DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. RANGEL. Mr. Speaker, on February 6, 1991, I introduced in the House of Representatives a House Joint Resolution, 123, to designate October 15, 1991, as "National Law Enforcement Memorial Day." I have selected this date because it corresponds with the scheduled completion date of the National Law Enforcement Officers Memorial in October 1991. The Memorial will be situated at Judiciary Square in Washington, DC.

In calendar year 1990, there were over 700 murders in the Metropolitan Washington, DC area. Not all of these crimes were drug-related, but many of them were. As our society has become more violent, law enforcement officers are correspondingly placed at greater risk in performing their daily duties.

My colleagues, here are a few facts which may be of interest to you. In America, there are over 500,000 peace (law enforcement) officers. According to the Law Enforcement Memorial Fund, over the last 10 years over 1,500 law enforcement officers have been killed in the line of duty. In 1989, the last full year for which statistics are available, 148 officers were killed in the line of duty. Preliminary figures for 1990, are that 119 enforcement personnel officers were killed performing their duties.

Each year over 60,000 law enforcement officers are assaulted by criminals which result in over 20,000 officers being injured. The war in the Persian Gulf is the leading news story of the day. When a soldier is killed, not only he is affected, but his family and loved ones suffer as well. It is exactly the same for the families of peace officers killed or injured in the line of duty.

Section 1 of the resolution would designate Tuesday, October 15, 1991, as "National Law Enforcement Memorial Day," and section 2 would request President Bush to issue and publish in the Federal Register an appropriate proclamation designating Tuesday, October 15, 1991, as "National Law Enforcement Memorial Day."

During the President's State of the Union Address the loudest and most prolonged applause was for America's men and women serving in the Persian Gulf. This spontaneous outburst demonstrated that the Congress is united in supporting our men and women who have placed their lives in danger in the Persian Gulf war. Should we be any less united in supporting peace officers who place their lives in danger fighting crime here in America?

I urge all Members who wish to demonstrate support for law enforcement officers serving in their districts to cosponsor this resolution.

TRIBUTE TO SALVATORE E. TOLLO

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. DONNELLY. Mr. Speaker, on March 7, 1991, Mr. Salvatore E. Tollo of Weymouth, MA, is retiring from the Stop & Shop Cos., Inc. after 50 years of service.

Sal Tollo joined Stop & Shop in 1941 as a supermarket cashier in Quincy, MA. During his long career he has served in many management positions, including 16 years as corporate traffic manager. Since 1984, he has been director of traffic for the company's Bradlees Department Store division.

A graduate of the Boston High School of Commerce and the Boston Traffic Managers Institute, his other education course work included attendance at Bentley School of Accounting, Boston University Evening College of Commerce, Burdett College, La Salle Extension University, and Northeastern University. He served in the U.S. Army with the rank of second lieutenant as an infantry unit commander in Europe during World War II.

Sal Tollo was admitted to practice before the Interstate Commerce Commission in 1953. His long and distinguished record of service on many industry trade and professional association boards and committees includes Delta Nu Alpha Transportation Fraternity, of which he is a past president of the Boston chapter. He also served as a first vice president of the New England Association of Rail Shippers, and was a member of the Food Marketing Institute Traffic and Transportation Committee, and the Traffic Club of New England.

I know that Sal has the gratitude of his colleagues at Stop & Shop and throughout the industry for his many contributions and accomplishments through a half century of dedicated professional service. To Sal and his wife Mary, I would like to extend my best wishes for a happy and well-deserved retirement.

RALLY FOR THE TROOPS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1991

Mr. YATRON. Mr. Speaker, in the Capitol over the past month most of our energy and attention have been focused on the war in the Persian Gulf. Brave and courageous U.S. soldiers are engaged in a struggle with Saddam Hussein's forces, and I know that every one of my colleagues is keeping our soldiers in their prayers. Congress has cast aside its partisanship, joined with the President, and is fully cooperating to make sure that the valiant U.S. soldiers in the gulf have everything they need in both materiel and moral support to prevail and triumph over Hussein's brutal aggression.

More important to the troops, perhaps, is the knowledge that Americans across our great country support them. Every day Americans gather around the flag to keep faith with U.S. forces, coming together to pledge to the troops, and to all veterans of past wars, that we will not forget them for their sacrifices in maintaining and preserving the democratic principles and respect for liberty that America has come to symbolize. The courageous American troops are putting their lives on the line to protect the freedoms that we now enjoy. They are our common heroes, and we must make sure they know that we are indebted to them for their selfless acts in defense of our freedom.

Mr. Speaker, on Sunday, February 24, 1991, Kline Township and McAdoo Borough in Schuylkill County, PA, will rally at McAdoo Carter Elementary School in support of our troops. The citizens of these communities are gathering to demonstrate their solidarity with the troops and with President Bush. They will also pay tribute to all veterans, past and present, and to show those soldiers still missing in action and their families that they have not been forgotten.

The bold and heroic soldiers fighting for America need to know that they have our love and our support, and that we will not forget them in their hour of need. The citizens of Kline Township and McAdoo Borough are sending that message loud and clear. It pleases me that I am able to share their message with my colleagues here in the House of Representatives.

HOUSE OF REPRESENTATIVES—*Wednesday, February 20, 1991*

The House met at 2 p.m.

The Reverend Monsignor Dominick A. Pocus, Our Lady of Sorrows Roman Catholic Church, Kearny, NJ, offered the following prayer:

Almighty God, You have given us this good land for our heritage. We humbly ask that we may always prove ourselves people mindful of Your favors and glad to do Your will.

Give Your special aid to the President to the United States. Give him faith, wisdom, courage, to bear the burden of his office.

Bless our land. Save us from violence, discord, and confusion.

Defend our liberties and keep united the multitude of peoples brought together here.

Give wisdom to those we entrust with the authority of government so that justice and peace may reign.

Grant we pray to all Members of Congress the inspiration of Your spirit, that they may labor faithfully for the welfare of Your Nation.

In time of prosperity, fill our hearts with gratitude and in the day of trouble we place our trust in You.

God be in our midst now that we are praying together to You. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. SOLOMON] please come forward and lead the House in the Pledge of Allegiance?

Mr. SOLOMON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REV. MSGR. DOMINICK A. POCUS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, at this time I would like to thank our guest chaplain, Rev. Msgr. Dominick A. Pocus, for giving today's opening prayer.

Monsignor Pocus is a Lithuanian-American priest from Kearny, NJ. He has served the Lithuanian-American congregation of Our Lady of Sorrows Roman Catholic Church since 1947. During this time he has helped guide his congregation to a deeper understanding of religious faith, while working to establish a new church and rectory.

Monsignor Pocus also is a strong supporter of Lithuania's independence movement. For that reason, it is appropriate that he gave today's prayer in cooperation with the Lithuanian American Council of Chicago. It is my sincere hope that the words of Monsignor Pocus can aid in the healing process as Lithuania moves toward independence.

MAKING IN ORDER ON THURSDAY, FEBRUARY 21, 1991, CONSIDERATION OF BILL UNDER SUSPENSION OF THE RULES

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday, February 21, to consider a motion to suspend the rules and pass the bill, H.R. 586, requiring reports to Congress on expenditures made for Operation Desert Shield and Operation Desert Storm.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I just want to say to the majority leader, the gentleman from Missouri [Mr. GEPHARDT], that the Republican leader certainly supports this unanimous consent request to bring this matter to the floor under a special suspension. We appreciate the cooperation of the majority leader.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

RELIANCE ON JAPAN FOR WEAPONS SYSTEMS COMPONENTS IS SPINE-CHILLING

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, last night, NBC News broadcast a story about our increased reliance upon the Japanese for critical components that go into many of our weapons systems. I am not talking about spark plugs for combat vehicles or screws for night-vision goggles. What we are talking about are the sophisticated components that go into F-16's, Patriot missiles, and M-1 tanks.

To hear that 80 percent of the "high-tech components of some smart weapons" are being produced in Japan should send a chill down every spine in this country. What is it going to take for people to start reacting to these stories?

Last year, the Defense Science Board started to sound the alarm about the takeovers of key defense companies by foreign corporations. Given the inconsistent signals that have emanated from Japan throughout the Persian Gulf crisis, I have some serious questions about their ability to guarantee the timely flow of critical electronics components in an emergency situation.

It is quite conceivable that, given some future conflict involving the United States military, Japan might decide to suspend shipments of certain critical components. After all, it wasn't too long ago that the French Government put the kabosh on our plans to fly F-111's over France during the United States raid on Libya.

THE IRA IS COMMITTING WHOLESALE MURDER

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, we are a nation at war. Our national consciousness is occupied with its latest developments, and with those dear to us now serving in the armed services. Their lives, and our national treasure, are pledged in that conflict. As we are forced to consider each new cruel twist or outrage of this war, however, we cannot allow them to so shorten our attention, or dull our sense of outrage, about events elsewhere that likewise assault our sense of decency and of basic human values.

Such, Mr. Speaker, have been the recent attacks by the IRA—first, on the British Cabinet as it met at No. 10 Downing Street, the British "White House," as it were; and the day before yesterday, during rush hour at Paddington and Victoria Stations, two of London's mainline commuter stations. The death toll from these cowardly and senseless acts is, unbelievably, only one, although more than 40 others have been injured, some seriously.

The other unbelievable aspect of the most recent bombings is that the IRA—taking credit for them, has laid blame for the casualties upon the Gov-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ernment. We can and will reject this twisted logic, but our outrage must be focused where it can do the most good.

There can be no good reason for Americans of any political persuasion or ethnic heritage to offer support of any kind to this murderous organization. There is no nobility in the random murder or disfigurement of innocent travelers. There is no hope for the Irish people, and certainly none for the advancement of the Catholic minority in Northern Ireland, in attacks that employ nuns, children, or tourists as the fodder for IRA. There is no glory, no decency, and there is no future in this policy of horror. Mr. Speaker, any support, however casual, for the IRA is knowing participation in wholesale murder.

SHUSTER PROPOSES OATH OF SECRECY FOR INTELLIGENCE COMMITTEE MEMBERS

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, as the ranking Republican member of the Intelligence Committee, today I am introducing legislation to require members and staff of the Intelligence Committee to sign an oath of secrecy concerning the handling of classified information. The Intelligence Committee is unique in that it deals with America's most sensitive secrets, secrets that could cause the loss of life, destruction of national policies, and the waste of billions of dollars.

Congressman McCURDY, chairman of the committee is requiring witnesses who testify before the committee to be sworn in, and I support that policy. But members of the executive branch who testify are no less honorable than Members of Congress. We should require an equally high standard for ourselves. The Second Continental Congress required an oath of secrecy, taken by our Founding Fathers, including Benjamin Franklin, so there is ample historical precedent for such an oath. Today the Intelligence Committee in open session defeated this proposal on a straight party line vote, 6 to 9. But the entire Congress deserves the opportunity to consider this important issue, so I shall continue to work for this legislation in this Congress.

□ 1410

REACTION TO THE RELEASE OF THE PRESIDENT'S NATIONAL ENERGY STRATEGY

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, the President's National Energy Strategy is a far cry from the visionary, comprehensive energy policy that this country needs to carry us through the 1990's and into the next century.

The plan comes after a decade of neglect, illustrated by this chart for example, showing massive cuts in research and development for renewable technologies and for energy conservation.

Because the plan focuses mainly on energy supply and does little to promote greater energy efficiency, a decade from now we will still be trying to balance our economy on a thin lifeline of inexpensive foreign oil.

The American people want more from their Government. They are ready to make the investment now in a more secure energy future and a more secure economy. And, having suffered through three oil-induced recessions in the last 18 years and with 500,000 troops deployed in the Middle East, the American people understand the danger of relying too heavily on imported oil.

The President's energy plan reflects a belated recognition of the problem, and a failure to lead. If we are to develop a comprehensive, balanced energy policy, it looks like the Congress is going to have to provide the leadership on still another issue.

A NEW SOUTH AFRICA

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, South Africa is set on an irreversible course toward democracy, it seems, and South African President F.W. de Klerk and the National Party should be commended for ending the system of racial separation and negotiating for a new, nonracial constitution.

South African President F.W. de Klerk announced plans to repeal all remaining apartheid laws enforcing racial discrimination. De Klerk's National Party controls Parliament, and the repeal of remaining apartheid laws is certain.

The South African Government will also hold a multiparty conference as a preliminary step to opening formal constitutional talks, which is endorsed by the two leading black anti-apartheid groups—the African National Congress and the Inkatha Freedom Party.

It was de Klerk's National Party that: Opened membership to all races last year; freed black activists from prison; legalized the ANC, the South African Communist Party, the Pan-Africanist Congress and 33 other opposition groups; held talks with black leaders on obstacles to negotiations for a new constitution; lifted the state of emergency, and; repealed several key pieces of apartheid legislation.

South Africa's isolation is ending, as the European Community said they will move to lift sanctions. It is time to reward the South African Government for its reforms, a gesture that will bolster President de Klerk's government against assaults from right-wing groups opposed to any weakening of apartheid.

The South African Government's commitment to remove the last pillars of apartheid is complete, final, and irreversible. This opens the path toward the establishment of a united, nonracial and democratic South Africa.

ENERGY CONSERVATION TAX ACT OF 1991

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation along with six colleagues to allow electric utilities to give rebates to customers tax free when they purchase energy conservation devices.

These devices can be energy efficient lighting, heat pumps, efficient motors—anything that will save energy. The customer gets an immediate incentive to invest in a device that will save on energy and utility bills over the long run. The utility gets to reduce demand and perhaps not have to build a powerplant which is more expensive than conservation.

But now the IRS has intervened, and wants customers to be taxed on the value of the rebate, significantly reducing the incentive to conserve. My bill merely states that utility rebates for energy conservation devices should not be income to the recipient. I think this makes common sense, and should be part of any national energy strategy. With the support of my colleagues, I hope it will be.

SOVIET ATTEMPTS TO KEEP SADDAM HUSSEIN IN POWER SEEN AS OMINOUS AND MISCHIEVOUS

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, a number of us have just returned from the Baltic States and Moscow, where we spoke to quite a number of hard-liner Communists, people who are apparently standing behind or with President Gorbachev at this time. These are the same military, industrial, and KGB types who for 10 years worked closely with Saddam Hussein, his government, and his military.

Saddam Hussein and his military over the 1980's were Moscow's best cash customer.

There's a lot in common between Saddam Hussein and those who are cracking down in the U.S.S.R.

I think that the last-minute manipulations by Gorbachev in the Persian Gulf are mischievous and are ominous.

The Soviets haven't contributed one thin dime nor one soldier.

The United States simply cannot afford to let Saddam's military go back to Baghdad with most of its tanks; it still has some 4,000; and its planes; some 500, and its artillery; thousands.

They, with Saddam as chief, would still be the most dangerous force in the region.

Mr. Speaker, there will not be peace in the Persian Gulf, there cannot be peace while Saddam Hussein remains in power, and any proposal that the Soviets make that keeps their client in power in Iraq runs counter to the cause of peace in the Middle East.

THE NATIONAL ENERGY STRATEGY

(Mr. SYNAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYNAR. Mr. Speaker, the good news is that after a dozen years of a Republican energy policy which was not to have any policy at all, President Bush has proposed a national energy strategy. The bad news is that the President's actions once again fall short of his rhetoric and what is needed to get this Nation's energy policy back on track.

The President proposes to increase U.S. oil and gas production, yet the budget that he sent to Congress cuts spending for research on oil and gas production and use. Gas production research alone was cut by 50 percent to just $8 million out of a total energy research and development budget of over $1.5 billion.

The President proposes to increase the use of alternative fuels for motor vehicles in his energy strategy, but his budget provides only $16 million for all alternative fueled vehicle research and demonstration.

Mr. Speaker, the real energy policy of the Bush administration is not in the White House press releases; it is in the fine print, and the fine print of this policy is that the American people are being shortchanged.

FULL SUPPORT URGED FOR PRESIDENT'S CONDUCT OF PERSIAN GULF WAR

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, I rise to let my colleagues know, and for that matter, to let the President know, that I fully support President George Bush's decisions on the Mideast conflict to date and that I urge him to continue doing what, in his judgment, is necessary to successfully pursue our objectives in that war.

It is no time to be swayed by arm chair quarterbacks and second guessers—particularly those who have invested nothing in Operation Desert Storm and who are only seeking to serve their own self-interests in the region.

It is no time to be distracted or sidetracked by half baked proposals for negotiations which do not adequately satisfy our primary objectives or the U.N. resolutions.

The President's judgment so far has been on target and I see no reason to doubt that his future judgment will be any less objective or any less effective.

I want our President to know that he has my support—and I hope he would have the support of this full Chamber in whatever decisions he is required to make.

We can do no less. Our President and our troops deserve our full support.

☐ 1220

AN ENERGY PLAN? YOU'VE GOT TO BE KIDDING

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker the national energy plan the President released today is inadequate and shortsighted, and so deeply disappointing. Leadership? Forget it. This plan is a lousy guide for our energy future. It would virtually pull the plug on our best energy strategy—exploiting the tools available to us to conserve energy and use it more efficiently.

Instead, the President would have us spend more so we can continue to spend more on energy than we should—increasing supply—when we should be spending more so we can soon spend less—decreasing demand.

People say we will need to sacrifice to achieve our national goals. In some cases that might be true—but with energy, it needn't be. Getting more out of the energy we use bolsters our competitive position, and lets all of us who use energy save money.

I suppose it is understandable why a President from the oil patch would give billions of tax dollars in subsidies to the oil industry. But following that course, instead of pushing for American industries and consumers to be efficient and conserve, will leave America as vulnerable to foreign oil supplies in a decade as we are now. That's crazy.

Sadly, both the President's energy plan and his 1992 budget give energy efficiency the cold shoulder. Some of his most severe budget cuts would come in energy conservation programs, which are reduced by $200 million overall, down 40 percent from 1991. His budget would completely eliminate Federal funding for weatherizing schools and hospitals and low-income homes. And it does pathetically little to reverse the trend of the eighties, when funding for energy conservation R&D dropped by 50 percent and funding for solar and renewable energy research ended at a fifth of the level at which it started the decade.

The President's energy policy would not undertake a single major new energy conservation or energy efficiency initiative. Motor vehicle fuel efficiency would not be increased. New energy conservation technologies would not be aggressively developed. That's a crying shame.

Why, raising automobile mileage standards to 40 mpg would save 2.8 million barrels of oil per day—more than 10 times what might be available from the Arctic National Wildlife Refuge that the President proposes opening for oil development, and 4 times the amount of oil we used to import from Iraq and Kuwait.

These savings would be permanent: they wouldn't dry up in a few years, or be subject to disruption by political leaders or war. On the other hand, the President's emphasis on new oil production and supplies, without addressing energy demand, would still leave us at the mercy of foreign oil sources.

All this hurts us in the competitive international marketplace, too. Japan's and Germany's advantages over American industry come in part from their greater energy efficiency. And because of the administration's underfunding of solar R&D, we may once again face the possibility that an American technology—in this case, photovoltaics—will be lost to Japanese manufacturers, who are pursuing it aggressively.

The one sacrifice President Bush's energy plan asks of Americans is in environmental quality—something that belies his claim to be the environmental President. His plan would increase offshore oil drilling, sacrifice the Arctic National Wildlife Refuge, weaken safety controls over new nuclear powerplants, weaken environmental controls on nuclear waste, and continue the fossil-fuel consumption that is threatening us with global warming, while cutting programs to make coal cleaner.

An energy policy that condemns us to greater costs, lower standards of living, and increased risk to the environment, is not worthy of the name. The best and cheapest source of energy is the energy we can save. Let us get on with it.

SUPPORT PRESIDENT IN GOAL OF PERMANENT PEACE AND STABILITY IN MIDDLE EAST

(Mr. THOMAS of Wyoming asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise to support the President in his careful analysis of any peace proposals, especially those which are apparently designed to insulate Saddam Hussein against the full force of the U.N. resolutions.

We all want peace, and we want it as soon as possible. More importantly, however, we want the kind of peace that will result in unconditional adherence to the goals of the United States and its allies. We have a great deal invested in our Middle East action, invested in money, but, more importantly, invested in our military men and women. We must not allow a third party proposal to keep us from accomplishing our goals of permanent peace and stability in the Middle East.

AMERICA MUST BECOME MORE ENERGY INDEPENDENT

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, 6 months ago this Government moved mountains in an impressive show to confront Iraq's invasion, one-half million troops, thousands of tanks and planes, and up to $100 billion in a total show of will.

Yet, after 2 years of deliberation about how to mobilize this country to develop an energy policy, why cannot the administration match the commitment at home that it has been able to show abroad?

The President came out with his long awaited energy policy. Yet look at it. Clean coal research, eliminated; coal research, down 35 percent; no filling of the strategic petroleum reserve any faster to make us more energy independent; research dollars cut for renewable energy resources; and energy conservation and efficiencies dismissed with more cuts in research and development.

Do you wonder why the Japanese have not felt the oil pinch as much as we thought they would? Because their conservation efforts continued, while ours stopped.

Mr. Speaker, the simple fact is this country imports 3 million barrels more per day than it did 5 years ago. That will not be addressed by budget cuts, free market rhetoric, or "Turn out the lights" speeches. We have one-half million troops in the Mideast; we can use the same energy to make this Nation more energy independent.

SPEAKER SHOULD REEVALUATE SELECT COMMITTEE ON INTELLIGENCE APPOINTMENT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the Intelligence Committee of this House deals with the most sensitive information you can imagine. It deals with national security, and anyone who serves on that committee should be supportive of the intelligence gathering apparatus of this Nation.

Mr. Speaker, can you imagine putting anyone on the Intelligence Committee, no matter how nice a person they are, who does not support that organization or that apparatus?

Mr. Speaker, let me read something that was quoted by a member of the Intelligence Committee that you just recently appointed. He said, "We should totally dismantle every intelligence agency in this country, piece by piece, nail by nail, brick by brick."

Mr. Speaker, how can you put a person on the Intelligence Committee that has that attitude? It is a threat to national security, and I think this appointment should be reevaluated, Mr. Speaker, and someone should take his place, even though the fellow is a nice man personally.

BUSH ADMINISTRATION ENERGY POLICY IS MUSH

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, after 18 months of hype, interagency battles, and special interest warfare, the Bush administration energy policy has been unveiled. it has been so chopped up by various competing groups, that it is mush.

It says no to conservation, no to alternative fuels, no to renewable energy, no to the environment, yes to big oil, yes to big auto, and yes to nuclear power.

Mr. Speaker, if there is anything to learn from the Persian Gulf crisis, it is that we need a new energy policy that reduces our dependence on imported oil. However, what has emerged as the Bush energy plan is a grab bag compromise that tosses a little bone to everyone, but does nothing for the comprehensive energy plan that we really need.

Mr. Speaker, we need to balance fossil fuels with nonfossil fuels. I support incentive drilling for oil and gas in this country. But what we need is a balanced policy that covers not just oil and gas drilling, but conservation, alternative fuels, and alternative energy. We need a comprehensive energy policy, not the mush which has been presented.

There is nothing in this plan about promoting the use of renewable fuels or energy sources such as ethanol, solar or wind power. There are no increases in auto fuel economy standards even though vehicles consume 40 percent of this country's petroleum. There are no programs to foster energy efficiency in housing, business and government buildings. There is nothing to encourage the use of alternative fuels such as natural gas, methanol, or propane. What does Bush want to do? He wants to drill for oil in the Arctic National Wildlife Refuge and make the nuclear power industry less accountable.

CONGRESS SHOULD LEAD BY EXAMPLE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, when Chairman McCURDY took over at the Intelligence Committee, he announced a policy of swearing in all witnesses testifying before the committee. Most Members agree that that is a good policy, given the nature of the subjects that are being dealt with in that committee.

However, there are some Members who believe that maybe Congress ought to lead by example. We ought not be requiring of others that which we will not do ourselves.

Therefore, it was somewhat surprising today, when on a 9 to 6 vote, a strict party line vote, the Democratic majority on that committee turned down the idea of the Members of Congress that serve on that committee taking a secrecy oath.

Mr. Speaker, what is wrong with that? It has historical precedent, historical precedent that goes clear back into the Continental Congresses. It would assure that the nature of the material being dealt with on that committee would in fact be kept secret, not only by members, but by staff.

It is a good idea. It is one that should have been accepted bipartisanly. It is a shame that on a party line vote, Congress decided not to lead by example, but to rather exempt themselves from keeping the secrets, the very necessary secrets, of this country.

FREEDOM FOR LITHUANIA

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, in the last year we have witnessed another struggle for liberation, not in the Persian Gulf, but hundreds of miles away in the free nation of Lithuania.

This past weekend I had the opportunity to celebrate the 73d anniversary of Lithuanian independence with my friends at St. Anthony's Church in Omaha.

I have visited this parish in the past, and I am always glad to visit with the people there. However, this trip was special. I am wearing the colors from that visit.

While the Communist Party insists that Lithuanians do not really want to leave the Soviet Union, virtually every Lithuanian eligible to vote, went to the polls recently and passed a ballot measure by 91 percent, which expresses the desire of that courageous country to be free of Soviet rule.

Even with threats of boycotts and the Red army troops present, the voters could not be kept away. The days of violence before the vote, when the Soviet military and police units seized main communications centers and killed at least 14 people, could not sway the people of Lithuania and their hopes of freedom.

It is crucial that the Soviets recognize that one of the most important freedoms of all is that of self-determination: the right of people to determine their own government. The Soviets must come to understand this.

I am confident that they will, and, in the end, that freedom in Lithuania will prevail.

AMERICA'S NEEDS COME FIRST

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last month prices rose one-half percent and housing starts were down 13 percent. Unemployment is up all over the country. Without question, the recession is here.

And, guess what? The White House wants more money for foreign aid. The White House wants more money for Egypt, more money for Turkey, more money for Israel, more money for Eastern Europe.

Tell me, ladies and gentlemen, where are we going to get this additional money, that we are borrowing in the first place?

□ 1430

Will we next cut Meals on Wheels, or how about education or housing? Can we zap them a little bit?

I say we should be looking at Philadelphia, New York, Cleveland, Youngstown, your town, and giving our cities a helping hand. I am against it. I am sure that is no surprise, and I am hoping that we will start taking a look at our country's needs first.

Think about it.

ONE FOR THE BARD—A TRIBUTE TO SIL CONTE

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, I rise to speak in memory of our beloved colleague, SILVIO CONTE.

ONE FOR THE BARD—A TRIBUTE TO SIL CONTE

(By Hon. Timothy J. Penny)

The Bard of Pittsfield—clear of throat—
Blessed this House with the poems he wrote.

For thirty-two years he gave his all
To legislate and coach some ball.

To cut the budget for the Nation
He scoured each appropriation.

He tried to trim the Capitol fuzz,
The Ag Committee heard his buzz;

With a 1 and a 2 and a 3 and a 4,
He sought to save a few cents more.

He challenged us to laugh aloud,
He showed us how to please a crowd.

He touched us with his wit and grin,
He kept his humor—lose or win.

The Bard of Pittsfield taught us why
Special people never die.

A QUESTION FOR MR. GORBACHEV

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, I have a question for Mr. Gorbachev. What is going on? For a Nobel Prize winner, your actions and your speeches in recent weeks and months are passing strange.

In the last couple of months you have bullied the democratic movement in the Baltic States and have sought to intimidate them and terrorize them. You have clamped down on the free press. You have rehabilitated the KGB, the informant network, and the Communist Party and the hardliners in the Communist Party.

There are ominous undertones that you have given us that portend a dismal and despotic future for the Soviet Union, that underlines the warnings that were sent our way a month or two ago by your former Foreign Minister, Mr. Shevardnadze.

Now you offer a so-called peace plan, a peace plan that actually threatens the peace and stability of the Middle East by maintaining in the catbird seat a megalomaniacal butcher who intimidates and threatens his neighbors and threatens the peace and stability of that region, a peace plan that cynically shops for client states in the Middle East, an activity reminiscent of a different era, of the dark days of the cold war.

Mr. Gorbachev, there already is a peace plan clearly outlined in no less than 12 U.N. Security Council resolutions. Mr. Gorbachev, there can be no lifting of the Jackson-Vanik amendment, no emergency aid, nothing until you return to the policies of glasnost and perestroika which you yourself created in a more hopeful age. You must liberate the Baltic States and grant basic human rights to its citizens. There will be no foreign aid, as I said to you, there will be no tampering with Jackson-Vanik, not until you bury the cold war once and for all.

WAITING FOR THE OTHER SHOE TO DROP NATIONAL ENERGY STRATEGY

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, we have just been given the first installment of the administration's one-two punch on tackling our Nation's enormous energy challenges. I welcome its arrival, because it is long overdue.

The President's energy strategy proposal provides a blueprint, one that must be the focus of a lively national debate about our energy sources and consumption habits. The President spoke of important goals—diversification, reducing our dependence on foreign energy sources, and research and development into alternative fuels.

But, Mr. Speaker, this debate needs to go beyond just talking about how to get more energy. We need to be zeroing in on more meaningful conservation measures—on conservation and moving away from our insatiable reliance on oil.

The people in my district in southwest Florida are now waiting for the other shoe to drop—coming in the form of the Interior Department's 5-year plan—when the White House makes clear its intentions regarding the future of oil and gas development in the environmentally sensitive portions of the Outer Continental Shelf.

The signals are ominous; frankly, Mr. Speaker, I am concerned that the administration's proposals fall short in their efforts to move our country beyond its dependence on oil. Before we go knocking at Florida's door to once again place invaluable natural resources at tremendous risk, I think we've got a good deal more work to do on conservation.

HEALTH CARE FOR ALL AMERICANS

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, I was disturbed but not surprised that Secretary of Health and Human Services Louis Sullivan, I suppose representing the administration, today rejected the idea of a national health care system to deal with the enormous health care crisis that this country is presently facing.

Mr. Speaker, the cost of health care is rising at an outrageous rate, and I think we must conclude that the health care system in this country today is virtually out of control. Fifteen percent of our people can no longer afford any health insurance and tens of millions more have only partial insurance. Many of our elderly people cannot afford the outrageous costs of prescription drugs.

Mr. Speaker, there are only two nations in the entire industrialized world, South Africa and the United States, that do not in one form or another have a national health care system which finally says that all citizens are entitled to their health care needs with virtually no out-of-pocket expense.

Mr. Speaker, it is time that this body stood up to the insurance companies, the drug companies, the AMA and said that health care is a right of all people, and that we must move forward to a national health care system, just as the rest of the civilized world has.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). The guests in the Gallery will be reminded that they will refrain from reacting to any statements made on the floor.

AN OPEN LETTER TO SADDAM HUSSEIN

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, an open letter to Saddam Hussein.

DEAR SADDAM: Please get the hell out of Kuwait as soon as possible. You have no place in history except with the great despots and murderers.

You managed to kill over a million Iranians and your own people in Iraq; it took you 8 years before you realized you lost that war. Then you invaded Kuwait and you threatened the whole Middle East. Then you managed to cause the deaths of thousands of more innocent people.

Saddam, you offer no peace in the world. There just is not any place for you.

Well, that's all for now. Wish you were here so we could prosecute you.

A NATIONAL ENERGY POLICY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, I wish to congratulate the President for reviving the almost dead Department of Energy and for presenting to the Nation a much-needed national energy policy.

Sheik Yamani recently said that over the last 10 years the U.S. energy policy has been no policy. The result of that no policy over the past 10 years has cost the United States $1,100,000,000,000 in payments for imported foreign oil. We are now 52 percent dependent on foreign energy for our energy requirements, and of course we have 500,000 American soldiers stationed in the Middle East depending on the oil supplies.

□ 1440

Mr. Speaker, we have the opportunity to fashion a national energy policy which will save American dollars and bring our troops home from the Middle East.

BALANCED ENERGY POLICY CENTRAL TO NEW WORLD ORDER

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, Americans are proud of this Nation's role in standing for principle in what the President has called the new world order.

They are awakened to the challenges of the era, and they want America to be prepared as a leader—not just militarily, not just diplomatically, but economically as well.

Central to that preparation is our need to adopt a balanced and comprehensive energy policy. For it was America's growing, insatiable dependence on foreign oil that made Saddam Hussein's recent grab for the oil weapon so dangerous.

But in this defining hour, we see a national energy policy that falls far short in addressing this fundamental economic and security threat.

We see a plan that fails to draw upon the desire of Americans to make our economy stronger and more self-reliant.

The administration's budget, and the new energy plan, does too little for conservation, and relies too heavily on nuclear energy and the production of oil from environmentally sensitive areas. Most striking, it would leave us in the year 2001 as dependent on foreign oil as we are in the year 1991.

A balanced plan would aggressively invest in conservation. It would expand the strategic petroleum reserve to protect consumers against price and supply shocks. It would guarantee a stable market to maintain domestic production.

And it would encourage cooperation with our hemispheric allies to develop new supplies outside the Middle East.

America can do better, and Congress is eager to try. After three oil shocks in the last 20 years, we cannot approach a new century with an energy policy founded upon old ideas and continued vulnerability to foreign disruptions.

A NATIONAL ENERGY TRAGEDY

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeFAZIO. Mr. Speaker, today Admiral Watkins at the Department of Energy unveiled a long-awaited national energy policy. Mr. Speaker, this is not a national energy strategy. This is a national energy tragedy. It is a formula for consumption and continued dependence upon uncertain foreign supplies of energy for this Nation.

If there is anything that can make this Nation powerful as an economic force into the next century it would be a strategy which led us to energy independence and conservation, not dependence and consumption.

Congress will take this away from the administration. We will rework it, and we will set the course for this country for the next century, not the failed policies of the past.

We cannot repeat those mistakes again.

U.S. COURT OF VETERANS APPEALS AMENDMENTS

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 153) to amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the U.S. Court of Veterans Appeals, and for other purposes, as amended.

The Clerk read as follows:

H.R. 153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROCEDURES FOR DECISIONS OF THE COURT OF VETERANS APPEALS.

Section 4067 of title 38, United States Code, is amended—

(1) by striking out subsections (b) and (d);

(2) by redesignating subsections (c) and (e) as subsections (b) and (c), respectively; and

(3) by striking out "except as provided in subsection (d) of this section" in subsection (a).

SEC. 2 JUDICIAL CONFERENCE.

(a) IN GENERAL.—Subchapter III of chapter 72 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 4086. Judicial Conference of the Court of Veterans Appeals

"The Chief Judge of the Court of Veterans Appeals may summon the judges of the Court to an annual judicial conference, at a time and place that the Chief Judge designates, for the purpose of considering the business of the Court and recommending means of improving the administration of justice within the Court's jurisdiction. The Court shall provide by its rules for representation and active participation at such conference by persons admitted to practice before the Court and by other persons active in the legal profession.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4085 the following new item:

"4086. Judicial Conference of the Court of Veterans Appeals.".

SEC. 3. SALARY OF JUDGES.

(a) IN GENERAL.—(1) Subsection (e) of section 4053 of title 38, United States Code, is amended to read as follows:

"(e) Each judge of the Court shall receive as salary at the same rate as is received by judges of the United States Court of Appeals.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first pay period beginning after the date of enactment of this Act.

SEC. 4. JUDICIAL DISCIPLINE.

Section 4053 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(g) The Court shall prescribe rules, consistent with the provisions of section 372(c) of title 28, establishing procedures for the filing of complaints with respect to the conduct of any judge of the Court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, the Court shall have the powers granted to a judicial council under such section.".

SEC. 5. RECUSAL OF JUDGES.

Section 4064 of title 38, United States Code, is amended by adding at the end the following:

"(c) Section 455 of title 28 shall apply to judges and proceedings of the Court.".

SEC. 6. PARTICIPATION OF JUDGES IN THE THRIFT SAVINGS PLAN.

(a) IN GENERAL.—(1) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 8440c. Judges of the United States Court of Veterans Appeals

"(a)(1) A judge of the United States Court of Veterans Appeals may elect to contribute to the Thrift Savings Fund.

"(2) An election may be made under paragraph (1) only during a period provided under section 8432(b) of this title for individuals subject to chapter 84 of this title.

"(b)(1) Except as otherwise provided in this subsection, the provisions of this subchapter and subchapter VII of this chapter shall apply with respect to a judge making contributions to the Thrift Savings Fund.

"(2) The amount contributed by a judge may not exceed 5 percent of the amount of the judge's basic pay. Basic pay does not include any retired pay paid pursuant to section 4096 of title 38.

"(3) No contributions may be made for the benefit of a judge under section 8432(c) of this title.

"(4) Section 8433(b) of this title applies with respect to a judge who elects to make contributions to the Thrift Savings Fund and retires under section 4096(b) of title 38.

"(5) A transfer shall be made as provided in section 8433(d) of this title in the case of a judge who elects to make contributions to the Thrift Savings Fund and thereafter ceases to serve as a judge of the United States Court of Veterans Appeals but does not retire under section 4096(b) of title 38.

"(6) The provisions of section 8351(b)(7) of this title shall apply with respect to a judge who has elected to contribute to the Thrift Savings Fund under this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting at the end of the items relating to the sections in subchapter III the following:

"8440c. Judges of the United States Court of Veterans Appeals.".

(b) FIRST ELECTION.—A judge of the United States Court of Veterans Appeals on the date of the enactment of this Act may make an election under section 8440c(a) of title 5, United States Code (as added by subsection (a)), within 60 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS.—(1) Section 4096(f)(2)(A) of title 38, United States Code, is amended by inserting "except as authorized by section 8440c of title 5" before the semicolon at the end.

(2) Section 4097(n) of title 38, United States Code, is amended by inserting before the period at the end of the first sentence the following: "except section 8440c of title 5".

SEC. 7. DISTRIBUTION OF THE CONGRESSIONAL RECORD TO THE UNITED STATES COURT OF VETERANS APPEALS.

Section 906 of title 44, United States Code, is amended by inserting "the United States Court of Veterans Appeals," after "the Tax Court of the United States," both places it appears.

SEC. 8. TECHNICAL AMENDMENTS.

Chapter 72 of title 38, United States Code, is amended—

(1) in subsection (c) of section 4067 (as redesignated by section (1), by striking out "Administrator of the National Archives and Records Administration" and inserting in lieu thereof "Archivist of the United States";

(2) in section 4068(b)(2)—

(A) by striking out "shall" and inserting in lieu thereof "may, upon motion of the appellant or the Secretary,"; and

(B) by striking out "before" and inserting in lieu thereof "or"; and

(3) by redesignating the second subsection (d) of section 4054 (authorizing judges of the Court to administer oaths) as subsection (e).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 153, the bill now under consideration.

The SPEAKER pro tempore. (Mr. MCNULTY). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last October the House passed H.R. 5657, to make amendments in the law that established the U.S. Court of Veterans' Appeals. The Senate failed to act on the House-passed bill. However, we believe the other body is now ready to move the bill and H.R. 153 represents an agreement we have reached with the other body.

Mr. Speaker, many of my colleagues will recall that in November 1988, Congress enacted the Veterans' Judicial Review Act, creating the U.S. Court of Veterans' Appeals, composed of a chief judge and six associate judges.

The court reviews decisions of the Board of Veterans' Appeals and may affirm, modify, revise, or remand such decisions as appropriate.

The court began operations on October 16, 1989, and adopted interim general rules of practice on December 18, of that year. From October 1989 through July 1990, the court operated with only three of its seven judgeships filled. Of the four remaining judgeships, three were filled in August 1990 and the fourth in September.

During calendar year 1990, the court received 1,621 cases. Beginning in July of that year, new case filings increased dramatically and have averaged about 180 new cases per month as compared to about 92 per month for the first 6 months of 1990. The court expects around 3,500 new appeals to be filed in 1991. This growth trend is expected to continue during 1992 to bring the court's filings to 5,000 cases.

The court's budget request for fiscal year 1992 amounts to about $9 million. Our committee heard testimony today on the court's budget request.

Mr. Speaker, President Bush made an excellent choice when he nominated the Honorable Frank Nebeker to be the chief judge of the U.S. Court of Veterans' Appeals. Following quick approval by the Senate, Judge Nebeker has devoted full time and attention to every detail that is required in establishing a new court. He has assembled an excellent staff and with all seven judges now in place, the court is doing the job Congress intended.

Mr. Speaker, I have had the pleasure of personally meeting each of the judges and all of them are highly competent in the law and are individuals with outstanding abilities.

H.R. 153 will enhance the ability of the court to carry out its business in a more efficient manner.

The bill would authorize the chief judge of the court to summon annually the judges of the court, to a judicial conference, for the purpose of considering the business of the court and means of improving the administration of justice within the court's jurisdiction. Individuals admitted to practice before the court and other persons active in the legal profession will be invited to participate in the conference.

The bill would allow the judges of the court to contribute to the thrift savings fund. The amount contributed by a judge may not exceed 5 percent of the judge's basic pay.

The bill would allow the CONGRESSIONAL RECORD to be distributed to the court, as with other courts.

The bill would provide that each judge of the court shall receive a salary at the same rate as is received by judges of the U.S. Court of Appeals. A similar provision was contained in H.R. 598, which passed the House on January 30, 1991.

Finally, Mr. Speaker, it is important to note that the Congressional Budget Office has reviewed H.R. 153, and has determined that this bill would not have a significant impact on the Federal budget. Because the bill would not affect direct spending, it would have no effect under the pay-as-you-go procedures established by section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 and would not require a cost estimate under clause 8 of House rule XXI.

I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 153, as amended.

These amendments were requested by the recently established court of veterans' appeals. In the process of conducting its business, the court discovered some need for administrative and technical improvements in the statutes under which it operates. Therefore, the committee is pleased to offer H.R. 153 to this body for consideration. The bill is similar to H.R. 5657 which this body passed last October 15 but which was not acted upon by the other body.

I also want to associate myself with the chairman's remarks regarding the fine job done by Chief Judge Nebeker and the other members of the court. They are off to a most promising start.

Chairman MONTGOMERY has lost no time in attending to our legislative business in the 102d Congress. This is the eighth committee bill brought to the floor already. I commend him for his unfailing devotion to veterans and his outstanding leadership of this committee.

Mr. Speaker, I urge my colleagues to pass H.R. 153.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 153, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the United States Court of Veterans Appeals, and for other purposes.".

A motion to reconsider was laid on the table.

□ 1450

MAKING IN ORDER ON THURSDAY, FEBRUARY 21, 1991, CONSIDERATION OF HOUSE RESOLUTION 19

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that it be in order to consider House Resolution 19 in the House on Thursday, February 21, 1991.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I shall not object, it is my understanding that this resolution will be brought up and then tabled; is that right? And that there will be no debate on it; is that correct?

Mr. MONTGOMERY. That is correct. This is the Boxer resolution.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON HOUSE RESOLUTION 19, REGARDING INFORMATION ON OPERATION DESERT SHIELD

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until 12 midnight tonight, February 20, 1991, to file a report on House Resolution 19, calling for the submission to the House of Representatives of certain information regarding Operation Desert Shield.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I shall not object to this, we agree with that filing, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CALLING FOR DISPLAY OF AMERICAN FLAG IN SUPPORT OF U.S. TROOPS IN THE PERSIAN GULF

The SPEAKER pro tempore. The unfinished business is the question of suspension of rules and agreeing to the concurrent resolution, House Concurrent Resolution 44.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 44 on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 409, nays 0, not voting 24, as follows:

[Roll No. 22]

YEAS—409

Abercrombie
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Marlenee
Martin
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
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Moakley
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Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers

Nagle
Natcher
Neal (MA)
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Nowak
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Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
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Schulze
Schumer
Sensenbrenner
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Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weldon
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—24

Ackerman
Bartlett
Barton
Bustamante
Dornan (CA)
Dreier
Duncan
Ford (MI)
Frank (MA)
Hayes (LA)
Lancaster
Madigan
Markey
Mavroules
Miller (OH)
Ridge
Rostenkowski
Roybal
Solarz
Torres
Udall
Weiss
Wheat
Wilson

☐ 1513

So (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall votes. Had I been present on the House floor I would have cast my vote as follows:

Roll No. 22, yea on suspending the rules and agreeing to House Concurrent Resolution 44, calling for display of American flags in support of U.S. troops in the Persian Gulf.

Roll No. 23, yea on suspending the rules and passing H.R. 586, calling for submission of certain information regarding Operation Desert Shield.

Roll No. 24, yea on laying House Resolution 19 on the table.

Roll No. 43, yea on agreeing to the Chair's approval of the Journal.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MCNULTY) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 19, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 2:40 p.m. on Tuesday, February 19, 1991, and said to contain a message from the President whereby he transmits the annual reports on activities under the Highway Safety Act and the National Traffic and Motor Vehicle Safety Act during the calendar year 1989.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORT ON ACTIVITIES UNDER THE HIGHWAY SAFETY ACT AND THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, without objection, referred to the Committee on Public Works and Transportation and the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of Tuesday, February 19, 1991 at page S 1906.)

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE SILVIO O. CONTE OF MASSACHUSETTS

Mr. MOAKLEY. Mr. Speaker, I offer a privileged resolution (H. Res. 76) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 76

Resolved, That the House has heard with profound sorrow of the death of the Honorable Silvio O. Conte, a Representative from the Commonwealth of Massachusetts.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, as you know, the House of Representatives lost one of its most enduring legends a week ago Friday. Our friend and colleague, SILVIO O. CONTE died after a valiant 2-year struggle with cancer. SILVIO was a giant of a legislator, the personification of a fighter, and the embodiment of the term "public servant."

Since 1958, SILVIO has to the best of his unlimited abilities, represented the citizens of Massachusetts' First District. He served them diligently and daily in countless ways, pressing numbers of battles on battlefronts the world over. He wore his heart on his sleeve, seeking whatever redress the Federal Government offered to improve the quality of life for his constituents—be they from Pittsfield or Amherst, Northampton or Stockbridge. SILVIO picked up a lot of information from the people of the first district, in hardware stores, gas stations and during the course of his official responsibilities. He learned first hand of the tremendous burdens parents face in sending their children to college, of the genuine hardships caused by escalating prices for home heating oil, hardship on Berkshire County elderly and low-income families, and of the horrendous pressures faced by Massachusetts residents as employment opportunities in the steel, automotive, and textile industries moved South.

SIL was the kind of guy who extrapolated from commonplace daily occurrences and came up with innovative, effective, and caring legislative responses offering possible remedies to enduring problems. His creative legislative genius, symbolized today by countless numbers of effective Federal programs like the Low-Income Energy Assistance Program and the WIC Program for high risk pregnant women and their babies, will serve as a lasting legacy felt on a daily basis by people the world over.

This body has lost an asset of untold value. SIL was a character to be sure. His humor, his sense of theatrics, his inherent comic ability are all things that lighten our load today. Those same things served him well in this body, allowing him many opportunities to drive a point home and make sure that its impact was felt. SIL CONTE was a legislative genius, an exceptional strategist, could be partisan as hell on 1 day and practically a member of the Democratic caucus the next. But more than all of this SIL was one of my dearest friends. He and Corinne, the Speaker and Millie and Evelyn and I had the occasion to travel together, to play golf and dine many times in the course of our many years of friendship. For me personally, his loss will be felt on a daily basis—I'll miss the sound of his laughter bouncing off the walls of the Members' dining room, our Massachusetts delegation breakfasts in SIL's room in the Capitol, the annual congressional baseball game in the spring, and SIL's seasonal fashion advice to all of us offered without charge. I'll miss SIL greatly as will this body miss accomplishments Daniel Webster would envy. For all of this, we are thankful for the gift of SIL's presence and spirit over the years.

I did want to take this opportunity to announce this afternoon that we will be holding a memorial service for Congressman CONTE on Wednesday, February 27, in Statuary Hall from noon until 2 p.m. with special orders following the House floor that afternoon and evening.

Mr. Speaker, before yielding time, I wish to submit for the CONGRESSIONAL RECORD the eulogies delivered at the funeral of SILVIO CONTE by our former Speaker of the House of Representatives, Thomas P. "Tip" O'Neill and the Republican leader, ROBERT H. MICHEL.

The eulogies follow:

REMARKS OF THOMAS P. O'NEILL, JR., FORMER SPEAKER OF THE HOUSE OF REPRESENTATIVES, ST. JOSEPH'S CHURCH, PITTSFIELD, MA, FEBRUARY 13, 1991

We are joined together today to honor the memory of a man who was one of my best friends and a true friend of Pittsfield, the first district, Massachusetts, and all of America.

My heart goes out to you Corinne, and to you Gayle, Michelle, John, and Sylvia and your children. Over the past 40 years I knew your husband, your father, and your grandfather, and I saw the tremendous love he had for you. Millie and I offer our sincerest feelings of support at this moment of sadness.

Of course, sadness is not what we think about when we think about Silvio Conte. I asked someone what they saw when they thought about him. The answer was: "Plaids and stripes * * * together!" Colorful fellow.

What I think about, when I think of Sil, is the love of life. Sil certainly did love life. He loved Congress, Boston College, and the Red Sox. He loved to play golf, play cards, fish, and hunt wild game. And he loved all these things with an emotion that surpassed the most ardent enthusiast. It may have been his Mediterranean heritage showing through but when he played anything, it was with gusto and exuberance.

This love of life of his had an extra dimension. He wanted everyone else to enjoy life too. To enthuse you and then to enlarge the circle of others to enjoy life, too.

That is what I remember most about Sil. When he did things it was to include people, to make their lives better, to improve his Nation and his community, to provide people with the necessities of life and the fun of life.

When Congress played its annual baseball game, it was Sil who was the organizer and manager.

When Boston College needed help, it was Sil who took the lead, inside and outside the Appropriations Committee.

When we traveled, it was Sil who organized the skits and the parties at the end of the trip.

When his hunting larder grew great, it was Sil who gave a party for the Members of Congress, the staff, and his other friends.

When he worked on legislation on the Hill, it was to bring a better life to people here at home and those in the rest of the country.

His great work often escaped recognition because much of it was done behind closed doors. Some of it I would like to share with you.

There was the issue of low income energy assistance. A program for the Northeast at first, to help the poor face a crisis in rapidly rising fuel costs, it became a national program. Sil never let up increasing the program. Every year for the past 10, the budget request would go up, Sil would increase it, the Senate would lower it, and Sil would increase it again in the conference committee. The Appropriations Committee tells me this program amount to $3.5 billion over the past decade. Think of how many needy people were helped by that.

There was the issue of biomedical research. Sil got involved in something called "The Decade of the Brain" at the National Institutes of Health. He added $15 million to the budget last year for research into neurological diseases.

There was the issue of aid to students who seek higher education but do not have the means to do so. The son of immigrant parents, Sil always remembered the opportunity given to him to advance. He wanted everyone else to have the same chance. Just last year, he added $75 million to aid the poorest students attending college.

Many didn't know the role Sil played at the Smithsonian where he was a regent. When the Budget of that great institution was up, he was its protector. A skeptic about some of the projects, like everything else, he scrutinized it closely, but when he got the right answers he was supportive of projects that would enlarge the love of life for others. Once, when the head of the national zoo, which is run by the Smithsonian, was asking for $150,000 for preserving the giant pandas from China, Sil asked him to justify the program. The zoo director replied, "You can Xerox a Michelangelo, but only God can make a Panda." He got Sil's support. By looking out for the Smithsonian, he brought love of life to the 28 million people who visit the great museum every year.

Little is known, too, of Sil's great work to help alleviate poverty in Africa. Some years ago, he and a couple of other Congressmen took a month-long tour of that continent. It left an indelible mark on him, and he spent much time and effort in defending and improving the World Bank and the United Nations Development Program.

Remembering the suffering and misery in those African countries, he knew that encouraging these institutions was a low-cost way to attack the root causes of poverty there. He was a strong supporter of UNICEF, too, in the crucial junctures in the appropriations process. In all these efforts, he was trying to extend his own love of life to others.

We in the other party, of course, admired Sil for his courageous stands for programs designed to help people. At last year's budget summit, he and his staff were repeatedly admonished to stop exempting the oil import fee from the list of taxes being considered. And he constantly did battle with those beancounters from the Office of Management and Budget—"the young slashers" he called them.

Sil loved and respected the process of legislation, too. He hated the so-called "continuing resolution," the catchall measure we pass when we can't pass the appropriations bill and time is running out. He called it "a substitute for thinking," but would go along with it as a last resort to make sure Government employees got paid.

Sil worked hard to fashion legislation so it could run the gauntlet and avoid a veto. Especially at the very end of the consideration of an appropriations bill, when mischief was brewing with some last minute effort to sabotage the bill, he would take personal control of what we call the "motion to recommit" to insure passage of the bill that had been worked on for many weeks.

So many other projects bear his imprint: The cleanup of the Connecticut River to make it safe for salmon to spawn; the Patriot Missile; the polymer research center at the University of Massachusetts; the research funds for the Occupational Health and Safety Aministration; and, of course, I could go on and on.

Many of you gathered here today worked with him on these projects I mention and shared satisfaction when they succeeded. I am sure you all agree that working with Sil left you a better person. His enthusiasm, desire, and sense of mission affected you that way.

Sil had many virtues: Love, compassion, integrity, friendship, emotion, and a wonderful and spirited sense of humor.

But the one I will remember him for was his fierce desire to give back. A lot of what he did gave his personal satisfaction. But Sil brought the phrase "helping others" to a new plateau, outside himself. He gave back in ways that cannot be counted. In enlarging that love of life to others, Sil set a standard for all of us.

Corinne—the suppers at your home—the bridge games—the friendship.

Corinne, John, Gayle, Michelle, Sylvia, that friendship will always remain.

The bells—parlance of the Congress, five bells, final adjournment.

Five bells have rung. Sil. Til we meet again, may God hold you in the bosom of his heart.

REMARKS BY ROBERT H. MICHEL: EULOGY TO SILVIO CONTE, FEBRUARY 13, 1991

Corinne, Michelle, Sylvia, John, and Gayle, Mr. Speaker, my colleagues and friends of Silvio.

This is a time I had hoped would never come, for like so many of you, I'm sorely grieved to lose one of my very dearest friends.

We didn't know one another before he was first elected to Congress in 1958, but the ever tightening bond of our friendship since then has been one of the nicest things that has ever come my way.

We had a great deal in common:

We were both sons of immigrant parents.

We grew up during the Depression and learned early on what work was all about. We both served overseas during World War II.

We both married Corinnes' over 40 years ago, and there are four great "kids" (as Sil would say) of both marriages.

Sil would be the first to always put emphasis on the family and the church as the really important influences in his life.

He was mighty proud of his Italian heritage and loved to use the french pronunciation of my name to make the point that even as first generation Americans it was possible in this country to make it to the top in the political arena.

Yes, Sil was a politician, but in the finest sense of the word. He looked upon the office as an opportunity to serve his fellow man.

He was always out there championing the cause of the little fellow, the disabled, and the destitute.

But he also held that old fashioned view that if you were able bodied and sound mind, you had an obligation to work for a living and be a contributor to society.

He worked long and hard to become a power in the Congress, but he never let it go to his head.

He had no fancy airs. He was not a pretentious man. He really didn't bother to spruce himself up all that much either.

He was something like a comfortable old shoe, but we all loved him, and the folks back home here in Pittsfield and western Massachusetts obviously felt the same way by sending him back to Washington time and time again to represent them.

Sil's special concern on the Appropriations Committee had to do with Health and Education issues. He had a particular interest in our medical schools, and long before there were any indications of his being a victim of cancer, he was doing everything he could to expand the research activities of the National Institute of Health to foster prevention and find a cure for all those life threatening ills that take such a toll.

In Silvio's case, he kept fighting back—never giving up—on the job until just a week before he passed away. That was his nature. He was a "scrapper".

He would want to be remembered that way—even to the display of a bit of temper at times when there was good reason for it. Like his penchant for condemnation of governmental boondoggles.

Some say Sil was "flamboyant". I would say he was just doing what comes naturally, giving vent to his Italian heritage complete with gestures.

I might even say he was "bombastic" at times, but it was always for the purpose of dramatizing his point, and he could play the House like a master.

The truth is that beneath all that bombast was a very sensitive, considerate, caring, and lovable fellow.

He loved a good time, enjoyd having fun-loving people around him, and when cranked up, could be the life of the party.

We all respected Silvio for his professional talents as a lawyer and legislator.

He brought to his tasks a contagious zest, an intense gusto, an irrepressible sense of joy that reflecting his view that politics is, after all, a human endeavor—and quite often a funny one.

While his recreational pursuits were officially classed as amateur, I considered him a pro when it came to hunting and fishing.

He could put us all to shame with his catch and his limit. Moreover he loved to serve as the chef when it was time to put it on the table, and there was no one better.

Oh how we're going to miss those wild game dinners and fish fries he was responsible for.

He was a great sport fan, gin and bridge player, but I'll have that up to the Speaker except to say that when Sil was managing the Republican baseball team and I was pitching, we had the winning combination to beat the Democrats 13 years in a row. And he would want the Washington Post to know that we played hard ball—not soft ball.

Finally, Sil was a gardener of both vegetables and flowers. We were always comparing notes and this Spring, I'll surely be babying those Amaryllis bulbs he asked me to try, for each new bloom will remind me of 32 years of friendship with the greatest of them all.

Corinne, Michelle, Sylvia, John, and Gayle, we've tried in our very inadequate way to say for ourselves and for so many others that we loved Silvio deeply too, and share your grief and your profound loss.

But we take heart in having those beautiful memories of having shared our lives with your husband, you father, you brother, and your grandpa.

□ 1520

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to say that I feel a great sense of loss with the passing of SIL CONTE. We came here to this body the same day, and the only two left from that large class now are myself and Chairman ROSTENKOWSKI.

SIL and I went on the Appropriations Committee together, and we went to the Small Business Committee together. When I was chairman of the Small Business Committee, he was my ranking member on that committee for a good many years, and we have served on the same subcommittees of the Committee on Appropriations. We were very close in many ways.

As the gentleman said, he was a fighter for the things he believed in, and usually he was successful. He was a very successful legislator, and I just think that this is a loss.

Mr. Speaker, I want to join the gentleman from Massachusetts [Mr. MOAKLEY] and the Massachusetts delegation to say that we have really lost a great friend and a great legislator from the gentleman's State.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Iowa [Mr. SMITH].

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, as my colleague, the gentleman from Massachusetts [Mr. MOAKLEY] has said, we will have special orders next week, and I think all of us will have perhaps more formal remarks to make at that time. I just want to say that I cannot imagine a single individual in this House whose sudden disappearance and absence would leave a more gaping hole.

I doubt that there is any one of us who, if we sat quietly for a few moments, could not for just a moment conjure up in our ears the reverberations of SILVIO's incredible laughter. It was contagious. If there ever was anyone who loved this life and who lived it to its fullest, it was certainly SIL CONTE.

Those of us who were present at his funeral in Pittsfield last week will recollect with fondness and appreciation the fact that, fitting someone such as SILVIO, that service was as much a celebration as it was a mourning. That is the way SILVIO was. That is the way he would have wanted it, and if he is up here somewhere, I suspect that his attitude is, as it always was at least, as much one of celebration and affirmation as one of sadness.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. STUDDS].

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Speaker, I thank the gentleman for yielding time to me, and I look forward to next Wednesday's special orders.

I also want to rise and just thank everyone for the acknowledgments they have given to SILVIO CONTE. SILVIO was an extremely unique person. He was an excellent legislator. He did so much, and he was not afraid to talk about what he did. But what he did is, he produced, and it was always dealing with the downtrodden, it was always dealing with the underprivileged. That was true whether it was in low heating fuel assistance or whether it was in NIH. And it was not always just the notorious diseases, the cancers and the heart diseases and the blood diseases. I mean it was also epidermolysis, tuberculosis, sclerosis, whatever it might be, and SIL CONTE was there for people who were not represented in government.

SIL CONTE can best be described as a doer. I think when the gentleman from Massachusetts [Mr. MOAKLEY] takes out a special order, what he does is recognize SIL CONTE as just being comparable to everyone, because each and every one of us should aspire to be what SIL CONTE was, a Representative of the people in its greatest form.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. EARLY].

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Speaker, I just want to take a minute to remember our good friend, SIL CONTE.

I remember growing up in my family thinking that the only kind of Republican that existed in this country was a cold-hearted friend of the bankers and the rich and powerful interests, and then I came to meet SIL CONTE when I was about 17 years old out in western Massachusetts. I remember that SIL was a candidate for reelection to Congress, and I was out there with Senator KENNEDY, who was running for reelection. And I remember what a difficult time TEDDY had because all he wanted to do is march in the parade with SIL, and he had to duck two Democratic candidates that happened to be running for the seat in the Democratic primary.

I just wonder how many families there are in our country today and how many poor children there are in our country today who next year could be a little colder in the wintertime because

SIL is not around. I wonder how many families are suffering in their need for health care and who will continue to suffer because SIL CONTE is not around.

SIL CONTE was in the greatest tradition of the Republican Party, the Lincoln Republican Party. He stood up for the best interests of America. He stood up for the best interests of conservatism, but he also stood up for the poor and the downtrodden. I am a better person for having gotten to know SIL, and I know that everybody in this Chamber will miss his voice, will miss his happy smile, and will miss the spirit that he brought to the United States.

Mr. MOAKLEY. Mr Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. ATKINS].

☐ 1530

Mr. ATKINS. Mr. Speaker, I am happy to join with Members in remembrance of SIL CONTE. SIL CONTE loved this institution I think, more than anybody else. He defined all that was the best and the noblest in this institution. At the same time, he understood our weaknesses and our foibles. That made his love and his appreciation and respect for the institution all the more important.

For all of us from Massachusetts, SIL was a close friend and a person who would always be there, whether it was for the State, or whether it was for the cause of people who needed his help.

It was such a wonderful experience for all of us who traveled to Pittsfield for his funeral to experience and share with his constituents the love that they had for him. It is hard to imagine a public figure more beloved in his constituency for more different reasons than SIL CONTE was. We all will miss him greatly.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. WHITTEN], the chairman of the Committee on Appropriations, a dear friend of the Honorable SIL CONTE.

Mr. WHITTEN. Mr. Speaker, I thank my friend. It is with deep regret on this occasion where we refer to our good friend SILVIO CONTE. He was a member of the Committee on Appropriations since 1959. The title of our job is Representative of our district in the Congress. Truly he was a real Representative.

For 13 years SIL CONTE and I had kindred positions on the Committee on Appropriations, I as chairman, and he as ranking member. I ask at this time that we set a special day aside so that his colleagues on the Committee on Appropriations can pay their tribute to his memory, to his fine work, and to his family. I ask unanimous consent that a special order of 1 hour be granted for Wednesday, February 27 for this purpose.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. DONNELLY].

Mr. DONNELLY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is entirely fitting and appropriate that the House adjourn this evening in the memory of SIL CONTE, for his dedicated service to this Nation, his district, and his State, for so many years as a Member of the House of Representatives, because there is no Member, no matter how senior or how junior, that does not have a personal remembrance about SIL and his service, the type of friendship, and humanness that he brought to this House.

He came from the hills of Berkshire County, MA, and always referred to them so affectionately when he spoke about the necessity of the Government of the United States and the Congress of the United States understanding the needs, the desires, and the wants of the working people of the United States.

Mr. Speaker, if there was one Member of this House in its history that spoke so eloquently and so vociferously about those needs and those desires of working people, there was no better spokesperson than SILVIO CONTE. This institution honors itself by adjourning this evening in his memory.

None of us that have had the opportunity over the years to befriend him and to serve with him as a colleague, but most of all to admire him, not only for his legislative skills, but of the type of human being he was, will ever walk into this Chamber without remembering just a little bit of the loss that this Chamber and this institution has suffered by the death of SILVIO.

Mr. Speaker, I thank my friend, the gentleman from Massachusetts [Mr. MOAKLEY], for offering this resolution, and I am proud to add my name as a cosponsor.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, I thank the gentleman for yielding, and commend him for the resolution.

Mr. Speaker, this is a very lonely House. In fact, since SIL CONTE was bigger than life, it is very difficult to believe that he has passed beyond this life.

Mr. Speaker, I was thinking, SIL CONTE was like Sara Lee cake. I mean nobody doesn't like SIL. And why is that? Everybody in this House, regardless of what party, everybody loved SIL CONTE.

Mr. Speaker, it occurred to me it is because, first of all, he was so compassionate about the problems of people. Maybe first of all, he was funny. He was just plain funny. He could have you rolling in the aisles.

On that note, I had to make a comment about the notice of this motion tonight. In our offices we got a notice that said there will be a motion tonight to adjourn the House in honor of SILVIO CONTE, and there will be 1 hour's debate on the motion.

To the average person, a debate means a difference of opinion. So I submit, Mr. Chairman, that it is rather like the guy with the gang down at the office voted 6 to 5 to issue a speedy recovery for, in the way it sounded. So I think that SIL still has had the best laugh he has had so far during his first week in heaven, and we are all grateful to you, Mr. Chairman, for that.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the chairman of the Committee on Rules, the gentleman from Massachusetts.

Some of the greatest Members of this body have been from the State of Massachusetts. As a small boy I went to school in Deerfield, MA. SIL CONTE represents that area of Massachusetts.

In 1962, as a young man I worked for a Senator from Maryland named Daniel Brewster, with SIL CONTE as a Member. He was then known as one of the most colorful, outspoken, and engaging Members of the Congress of the United States.

It was some 20 years later, in 1981, that I returned to Congress as a Member of the Congress of the United States. Shortly thereafter I had the great honor of being elected by Members as a member of the Committee on Appropriations, and I was appointed to the Subcommittee on Labor, Health and Human Services, and Education. My good friend, the gentleman from Massachusetts [Mr. EARLY], serves on that subcommittee with me.

I had the opportunity of meeting the engaging, humorous, sometimes outrageous human being, SIL CONTE.

There is a book that I refer to many times in speeches, a book called "I'm Okay, You're Okay."

The gentleman from Indiana [Mr. JACOBS] rose and said SIL CONTE was loved. SIL CONTE was loved because he gave so much love. SIL CONTE was liked, because he liked us all.

Mr. Speaker, I will support, of course, this motion, but I would like to believe that every day of the 102d Congress that we meet, that we commence, and that we address the issues that concerned SIL CONTE, that we do so in his honor.

Mr. Speaker, on our subcommittee the Low Income Energy Assistance Program was a particular concern to SIL CONTE. It was a concern not borne of political advantage, but of deep concern for those who might be cold on a winter's eve, on those who may have to make a judgment between buying energy to keep themselves warm and buying food or medicine.

SIL CONTE not only loved his colleagues, he loved the people. No one with whom I have served in the quarter of a century I have been in public office more deserved the love of his colleagues, the love of his constituents, and the love and respect of the people of this country. We are all lesser people this day because of his absence. We will miss SIL CONTE. He will not soon be, if ever, replaced. He was one of America's most unforgettable characters, to whom we owe so much, and who cared so much about all of us.

God bless you, SIL; we love you still.

Mr. Speaker, we all felt the terrible loss this House suffered recently with the passing of our colleague and longtime friend, the Honorable SILVIO O. CONTE of Massachusetts.

No one exemplified the greatness of this institution more than SILVIO CONTE. In his 32 years as a Member of this House, SILVIO CONTE was a friend and confidante to his colleagues, a passionate advocate of what he believed in, and a legislator's legislator. SIL CONTE knew that, as in any legislative body, your opponent one day, can be your ally the next, and he graced the Halls of this Chamber with his strongly held beliefs, his wit, grace, and charm, and his friendship.

SIL CONTE was many things, and I will only have a brief time to recall some of what I consider the highlights.

First, of course, was his sense of humor. SIL CONTE was one of the Members who balanced humor and seriousness; who could always see the humorous side of an issue. And he certainly wasn't afraid to stand out in a crowd.

Every year, when our committee debated appropriations for the Coast Guard, for example, SIL would arrive dressed in a loud sports jacket covered with signal flags. And when asked where he got such a thing, he'd answer, "Where I get all my clothes—Filene's basement."

And everyone by now has heard of his passionate arguments with the continuing subsidy for beekeeping. SIL's arguments against what he believed was "too sweet a deal" caused us all to laugh while still reviewing a serious topic.

Even as ranking Republican on the committee, and one of the most senior Republicans in the House, SIL CONTE was always a bipartisan legislator. He fought for what he believed in, whatever it might have been at the time, regardless of party position. And he wasn't afraid to acknowledge the achievements of all great Americans and great leaders, as he proved by his continuing devotion to the John F. Kennedy Library in Boston.

Mr. Speaker, I had occasion to disagree with SIL CONTE on issues of import to my constituents, particularly on the Beretta handgun. SIL, whose district included one competing gun manufacturer, was a worthy and difficult adversary, always prepared and well versed on the issues. But he never forgot that we were friends and colleagues, and never let political differences interfere with comity.

But, besides his humor and his charm, SIL CONTE will be remembered for the people he helped and fought for.

On the Labor-HHS Subcommittee, SIL CONTE was an untiring advocate of funding for biomedical research, for education funding for America's future, and was the key advocate for the Low-Income Home Energy Assistance [LIHEAP] Program, a program which assists hundreds of thousands of Americans who might otherwise be faced with the Hobson's choice of heat or food.

This House and this Nation will miss SILVIO CONTE deeply. The people of western Massachusetts can take heart in knowing that they had the excellent judgment to send SIL CONTE to Congress in 1958, and 16 more times. The sound of his laughter and booming voice will echo in this Chamber for a long time to come, and his warmth will be felt in our hearts as long as we live.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, it is with pride today that I rise to say a few words about someone who deserves our great respect. Congressman SILVIO CONTE was a man who served in this institution for 17 terms. He was an institution in the House of Representatives, someone who added spark, vigor, and diversity to this group.

Though we, as Members of the House of Representatives, often disagree on the issues in this Hall, Democrats and Republicans alike all agree that SILVIO CONTE will be missed tremendously. As the member of the Massachusetts delegation whose district most closely borders CONTE's First District, I can say that SILVIO took his job very seriously. His job was his life, and he lived his life to serve the constituents of his district to the best of his ability.

In serving as a U.S. Congressman, however, SILVIO never took himself too seriously. He always had an amusing word, story, or even a song or poem about an issue before us. People in his district, in the House of Representatives, and around the country grew to love him for his charm. Perhaps this love for him was best seen during his funeral, when hundreds of people whose lives were affected by Congressman CONTE gathered in Pittsfield, MA, to pay their last respects.

During next week's special orders, I will have more to say about this friend and colleague of mine. Though Congressman CONTE has only been away from the Halls of Congress for a short time, already, all of us who worked with him miss him tremendously.

□ 1540

Just let me close, Mr. Speaker, with a personal reflection. I was struck by the fact that in much of the rancor that occurs in political life today that SILVIO CONTE was an institution, because more than anything else he enjoyed being called a Congressman and the respect that that brought him. But most importantly, SILVIO CONTE's memory for me was one of an individual who made this business very pleasurable, an individual who enjoyed it, never apologized for being in it, and accepted the good and the difficult moments that come along with it. That is his contribution in my estimation to public life.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Massachusetts for yielding the time and I am pleased to have this opportunity with my colleagues to pay our deepest respect to our friend, SILVIO CONTE.

Mr. Speaker, it is difficult for all of us to talk about SILVIO CONTE now that he's gone.

Not simply because his death is a great sadness for his family, though it must be.

Not simply because we will miss him terribly, though we will. And not simply because he is irreplaceable as a legislator, though he is.

It is difficult to talk about SILVIO CONTE because you want to say everything at once. Here was a man of enormous dignity who wore technicolor sports jackets.

Here was a man who loved America but couldn't contain his careless joy at being of Italian heritage.

Here was a man who excelled in the legislative process and in reducing the work of Congress to parody.

This is not a paradox. For the single strand which bound all of these qualities together was SILVIO CONTE's humanity.

That is the essence of our celebration today. He was funny, smart, ethnic, proud, and loving.

And when he brought to bear all of those qualities of mind and spirit on his work, he was effective: Effective for NIH, effective for low-income energy assistance, effective at investing in a strong America, and a humane public agenda.

In the 14 years I have served in this body, much has changed.

We draw more lines than we once did: Compromise is more elusive, partisanship is more manifest, and we retreat more often to our ideological corners. Not SILVIO CONTE.

No one, no one tried harder to balance the views of his party, the desires of his President, the interests of his district, and the dictates of his own conscience than our good friend from the First Congressional District of Massachusetts.

He was as President Kennedy said of himself: An idealist without illusions. And perhaps, I might add, a public servant without pretensions.

In closing, Mr. Speaker, the warm words expressed about SILVIO CONTE in the last several days brought to my mind the story of "Pygmalion" by the playwrite George Bernard Shaw.

You will recall the struggle of Henry Higgins to teach Elizabeth Doolittle proper manners so she can be introduced to society.

Frustrated at the end of a long session, the professor seizes Liza and says, the great secret is not whether you have good manners or bad manners, but the same manners toward all people.

And wasn't that the essence of SILVIO's charm and character?

That is how I will remember our good friend whose earthly remains rest in the Berkshires he so loved, whose soul is in heaven where it belongs, and whose spirit and dedication to public service remains here with this Congress forever.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Massachusetts for offering this resolution.

One of the simplest ways I think that SILVIO CONTE has ever been described was by Mark Russell at one of the annual major media events that occur downtown when he was beginning the introductions and he began by saying, "Ladies and gentlemen, Democrats, Republicans, SILVIO CONTE," and everyone in the hall laughed because everyone knew that in and of himself he was unique in a way that no one else in this House could lay claim to.

I know in my own personal experience with him that if I asked him for money to be put in the appropriations bill to resand Revere Beach that he would put it in, and I would not have to go back year after year, that it was done once I had asked him and he gave his commitment. Similarly, if I asked him if he would be the lead Republican cosponsor on the nuclear freeze, even though at the time back in 1982 it was very controversial, he would do it.

He was a very special person in this institution. He was a very special person to each of us who knew him, and although he was an extremely intelligent and rational man, there were times when he would lapse from that. There is no question.

For example, last October when he predicted a four-game Red Sox sweep in the playoffs against the Oakland A's, there is no question that in that particular area, Boston College, the Boston Red Sox, he suspended judgment. But those who knew him in those institutions and in this institution knew that it was because he loved those institutions with all of his heart, and that there was nothing that he would not do for them.

I think we have suffered a great loss. The country has suffered a great loss, and I thank the gentleman for offering this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the honorable gentleman from New York, Mr. JERRY SOLOMON, the ranking minority member of the Rules Committee and a dear friend of SIL CONTE.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time. I would say to the gentleman that I was not going to comment on this resolution tonight because I know it means so much to the Massachusetts delegation. But just before the gentleman closes, I wanted to say that I deeply admire and respect him for bringing this resolution to the floor.

SIL CONTE was my neighbor on the other side of the Berkshire Mountains. On my side I represent the Adirondacks and the Catskill Mountains, and the only bad thing that I ever had to say about SIL CONTE was that he used to come over the mountains and shoot all of our pheasants and not leave any for us. But he was such a great and wonderful guy. There are two things that come to mind.

One is when I used to fly back and forth with him every single weekend. I think I learned more from SILVIO CONTE about this House of Representatives than anything else that I have experienced since I came here 13 years ago.

The other thing that comes to mind is his marvelous sense of humor, his enjoyment of life. SIL loved people and he loved life. He had a contagious enthusiasm. And when the partisan juices were really flowing around here, he had that sense of righteous outrage. In all things, he was simply himself.

□ 1550

And, yes, Mr. Speaker, we are going to miss him. We know that he is up there watching us today, and we just really wish him the best. I'm sure he is better off than all the rest of us now.

To SIL's wife, Corinne, and his entire family, we wish Godspeed. Our loss, great as it is, cannot possibly compare with theirs.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I have no formal statement to make tonight. I would like to reserve those comments until Wednesday night when we will have a formal special order, I believe, requested by our Republican leader.

But as a Republican and one from New Jersey, I want you to know the deep reverence we in New Jersey had for SILVIO CONTE. SILVIO became my friend in my very first year here. He befriended everyone, I believe. I certainly welcomed his friendship.

I quickly learned when I was first elected that the magic of the television camera had made national stars out of some Members in Congress, and certainly SILVIO was one. I found that as I was campaigning for my first reelection, people would come up to me and ask me, "Do you know that man from Massachusetts, what was his name?" and some would get it and some would not, and they would tell me in one form or another how much they loved him. They loved the fact that he was dramatic. They loved the fact that he could be understood. They always said, "You know, he is a man that speaks his mind and says what he thinks, and we appreciate that."

But most of all, they loved the fact that in those stormy days of cutting budgets, as we all remember, SILVIO was always there championing the voiceless, whether it was students who needed help with their student loans, or the senior citizens who needed assistance under the Older Americans Act, or through senior citizen health centers; SILVIO was always there.

As a consequence, I invited him to come to my district and campaign with me. You should have seen the reception he got. The senior citizens all knew him. They all loved him, and they all thanked him.

I am afraid they broke the mold when they created SILVIO. God has him now, and we will miss him terribly. There will never be another SILVIO.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for presenting this resolution in honor of our dear SILVIO.

I rise to join our colleagues in paying respect to a much beloved Member of this body. My sympathy goes to SILVIO's wife, Corinne, and the rest of the family.

With SILVIO's passing, a part of this Congress died. His warmth, his humor, his commitment to helping those in need, his dedication and his energy gave so much to so many. SILVIO's energy and efforts touched the lives of so many people across the Nation.

His family and the people of Pittsfield, MA, shared him with us, and we all benefited. He helped students obtain better educations as has been pointed out, he helped poor people heat their homes, he helped the causes of peace and justice, he helped the environment, and he did this all by being very responsible to the taxpayer.

SILVIO's efforts had a significant impact on the lives of the people of the city of San Francisco which I represent. In fact, he was so popular in San Francisco that even as a Republican in that overwhelmingly Democratic city, I think I would not have wanted him as an opponent. I think he could have been elected there.

SILVIO, driven by his principles, could be a fearsome foe, as we all know. He picked his battles carefully, and many people benefited from his willingness to take on the fight to do the right thing.

I see my colleague, the gentleman from Illinois [Mr. ANNUNZIO], there. We shared many evenings honoring SILVIO and honoring others of Italian-American heritage with SILVIO, and he is one of the leaders in the Congress and in the country. In fact, that is where I first knew SILVIO from many, many years ago because of his leadership in the community.

But as a fellow Italian-American, I would like to salute SILVIO in the language of the muses, and somewhat in the language of SILVIO. SILVIO:

We will miss your humor.
We will miss your caring.
Your flights of fancy,
Your verbal daring.
We will miss your plaids,
We will miss your stripes,
Your eloquent way
Of expressing your gripes.
We loved your wit,
Sharp as a knife.
We will miss your wonderful
Zest for life.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I ran all the way over.

Mr. Speaker, I know we are going to have a special order for SILVIO next week.

As I was coming over to speak, I just could not help but have a big smile on my face when I think about SILVIO, because we will never have another guy like SILVIO in this Congress. There was nobody who was more full of life, full of life on this House floor.

I knew SILVIO, of course, as a Member of Congress, but how I really knew SILVIO was as my baseball coach. The son of a gun would never give me any time to play in the early years. In fact, the very first game some of my staff were sitting out on the benches, and they were screaming, "Put KASICH in," and SILVIO jumped out of the dugout and yelled into the stands, "Hey, why don't you all pipe down? I want to win this game." A few years later somebody got hurt and I got a chance to play and, you know, I had one of those, as the chairman knows, one of those games of your life, you know, I went like 4 for 5, I played shortstop and did not make any errors, and I got the trophy for the most valuable player. SILVIO was presenting the trophy to me, and somebody yelled at SILVIO, "You obviously did not recognize talent, CONTE." He jumped up without even blinking an eye and said, "I knew the kid had talent. I just did not want to bring him around too fast."

With his passing, he is not going to be forgotten in this Chamber. He will never be forgotten by me with his pig snout down here on the floor, and I guess one of the most widely broadcast examples of really poking fun at ourselves and our system, or whether we are talking about his wild sport coats or his great efforts on the golf course, he was just a fabulous, fabulous guy. He is so alive in this Chamber with the people who knew him.

I hope Mrs. Conte knows that we are going to think about him just about every day, and I know when the baseball game comes again this year I will be thinking about him and thinking back to those old days.

I know there is a special order, but I feel so much affection for the coach, remembered him in my prayers, that I had to come over and do this and try to come back next week for the special order, but I appreciate the chairman. I know how close he was to Coach CONTE, and it is a loss for all of us. But at the same time I feel like he is going to be with me all the time, and I appreciate the gentleman yielding.

Mr. MAVROULES. Mr. Speaker, I am deeply saddened by the passing of my dear friend and colleague, the Honorable SILVIO O. CONTE. The people of Massachusetts, the Congress, and the country as a whole have lost one of their greatest leaders. SIL's exuberant style, warm character, and zest for life will be greatly missed by his constituents and colleagues.

As the Republican leader of the House Appropriations Committee, SIL led the charge against wasteful Government spending and pork barrel projects. SIL helped the poor pay their heating bills, preserved passenger rail travel by creating Amtrack, and cosponsored the first AIDS research bill. The enormity of SIL's accomplishments are far too numerous to list, but perhaps his greatest contribution was his ability to forge compromises. SIL'S passion and enthusiasm for his convictions earned him enormous respect on both sides of the aisle, in both the House and the Senate.

My heart goes out to SIL's wife and children. Just as I was fortunate enough to share their joy in loving SIL, I share their sorrow during this painful time.

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to the memory of a great man who was a champion for education, the environment and the poor and who above all other things was a great friend.

The Honorable SILVIO O. CONTE has left a legacy that will be hard to match by any person, Republican or Democrat. He was a man who chose to look to his conscience when making decisions and setting his agenda, rather than riding the political tides of Congress. Both the Republicans and Democrats in his First District of Massachusetts recognized his nonpartisan nature. CONTE served for more than 30 years in a overwhelmingly Democratic district and on three occasions he was nominated by both parties for reelection.

He devoted his life to public service and to the people of Massachusetts. The dean of the State's delegation, he began his political career in the Statehouse, but it wasn't long before he moved to Washington and a seat in the House of Representatives. CONTE, as one of the most respected Members of this body, moved up through the ranks, and since 1979 served as ranking minority member of the powerful House Appropriations Committee.

SIL CONTE never hesitated to use his power and influence to help the powerless people of society. As the son of immigrants, he knew firsthand the doors that could be opened through education. Having attained his college degree with the help of the GI bill, he fought to ensure the same opportunity for others. Mr. CONTE played a major role in preserving Pell and SEOQ grant programs. He also established the Silvio O. Conte Foundation, that sends deserving and qualified students of limited means, from his district, to college. CONTE has been heralded as the education congressman by President George Bush, and he received 26 honorary degrees and 6 Presidential medals from colleges and universities for his work in higher education.

SIL was also known for his outspoken support of low-income energy assistance programs. Last fall, as a member of the budget summit, he singlehandedly fought off efforts to impose a tax on home heating oil. CONTE was one of the original architects of the low income home energy assistance program in the late 1970's. He also successfully fought proposals to add an oil import fee, a fight he had waged since coming to Congress in 1959.

His concern for victims of oppression here and abroad was one of the cornerstones of CONTE's personality. From the day he took part in the march on Selma, AL, with Dr. Martin Luther King to his work on the emergency aid package for Ethiopia in 1985, and most recently with his championship of AIDS research, he has followed his conscience with concrete actions.

SIL CONTE once again took what I feel was a enormously courageous stand by voting to give sanctions a chance to solve the current crisis in the Middle East. He once again displayed his commitment to putting his conscience above other considerations, when making decisions that could affect the lives of others.

Despite the serious nature of the causes he advocated, he always managed to bring humor and a fresh perspective to the debate. SIL was known for his ability to shake the rafters with the stridency of his rhetoric in offering an amendment, and he had the ability to use humorous poetry or even wild stunts to make a point. His reputation for being an enjoyable effective speaker caused many members of Congress and most of my staff to pause whenever he took the well.

For 25 years, until 1988, Mr. CONTE coached the Republican congressional baseball team, which plays an annual game to raise funds for charity. Many Members, including myself, looked forward to his colorful recap of the game the following day on the House floor. In the tradition of "Casey At The Bat," CONTE helped us relive those moments of great athletic triumph and defeat, in a new light.

[By Representative Silvio Conte, July 28, 1983]

Doubles to the left of them
Singles to the right of them
Triples far behind them
Volleyed and careened
Bonior's bat could feel the heat
Russo's strength was in his feet
With great pop flies by Alan Wheat
Dems, they sought the victory
From the mighty team
It would have to be hard won
From the great fourteen.

How could their great glory fade?
O, the errors that they made
A tie was unforeseen
Honor true the charge they made
Honor true our Might Brigade
Noble, great fourteen.

The glory of SILVIO O. CONTE will never fade in the Halls and meeting rooms of this institution because his honor is unquestionable and his friends and adversaries all agree that he was indeed a noble soul.

Mr. GUARINI. Mr. Speaker, I rise today to speak about a dear friend, SILVIO CONTE, loved by his constituents, his State, and his country, as much as he was by the Members of this Congress. With SILVIO's passing, we have lost a caring champion of the people. He represented the First District of Western Massachusetts for 32 years, a period in which we witnessed dramatic changes in America and our politics. His greatness can be measured by the way he affected and harnessed those changes to better the life of his fellow man. SILVIO CONTE was and will continue to be the role model for those who aspire to public service.

SILVIO will be remembered as a great public servant because of the distinctive brand of politics he practiced, one dedicated solely to serving his people. Even after having risen to a top position in this Great House, holding most notably the post of ranking minority member of the Appropriations Committee, SILVIO never forgot those who elected him at home. He was described as a tireless worker for his district, serving their interests and voting his conscience. His relationships with his constituents were warm and personal, reminiscent of the time when politicians earned their votes through personal campaigning rather than over the airwaves. The love affair between SILVIO CONTE and the people of western Massachusetts was the touchstone which enabled him to help his district, his State, and the Nation.

SILVIO CONTE left an indelible mark on those he touched. He and his wife, Corrine were a remarkable team, had the love and affection that existed between them was apparent to all. He was the dedicated father to four children, Michelle, Sylvia, John, and Gayle and the proud grandfather of six grandchildren, Jason, Ryan, Corinne, John, Patrick, and Nicholas. During these times when the strength of the American family is in doubt, SILVIO was a man who exemplified true family commitment and love.

I had the privilege of traveling with SILVIO to the Soviet Union, where we met with President Gorbachev, long before Gorbachev became renowned throughout the world. SILVIO's humor and insight during that time remain with me to this day. I also remember, the Italian dinners SILVIO would hold for the Italian-American members of Congress and the House leadership every year. People would bring Italian food that distinguished their districts to his office for the celebration. It was always a feast, topped off by the host's good company and cheer.

SILVIO CONTE will also be remembered as a great public servant, because of his distinctive personality and style, which endeared him to all. Who will forget the witty and often poetic verses with which SILVIO proved a point or offered his perspective. Simply put, SILVIO understood people: How they thought, and how they felt. He challenged our convictions with intellectual and emotional appeals, in accordance with the Italian tradition of which he was so proud. SILVIO's personality had a positive effect on others, bringing a spirit of honesty and openness to any dialog in which he participated. Although many liked to note that he "never took himself too seriously," his influence was serious and invaluable to the work of this House.

Finally, SILVIO CONTE will be remembered as a great public servant because of the dignity of his political methods and goals. Ultimately, his treatment of others was always kind and understanding. SILVIO forgave his foes and extended the hand of friendship to all. He was a peacemaker, seeking to mediate disputes and overcome differences between the parties. Much of Congress' most important legislation bears the mark of his counsel and wisdom. But SILVIO was also a fighter, opposing the errors and excesses of any legislation which inhibited the good work of Government. While attacking pork barrel waste, he championed humane causes of all kinds. His concern for the plight of the poor, the protection of the environment, and the needs of the handicapped and disadvantaged overshadowed party politics or personal gain. In the final analysis, SILVIO CONTE never lost sight of his true mission in Congress: To improve the lives of the people of our country.

SILVIO CONTE stands out as one who represents the true spirit of public service throughout his career. We will miss you, SILVIO, and we thank you for the dedicated service you performed for our country.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of the Resolution honoring the memory of my dear friend and colleague, Representative SILVIO CONTE of Massachusetts. Mr. CONTE died on February 8, 1991, after more than 30 years of dedicated service to the Congress, and the people of the United States.

The son of Italian immigrants, SIL CONTE fulfilled a long and proud tradition of helping to make America better than it was before.

Throughout his adult life, SIL CONTE distinguished himself through a career of public service.

During World War II, he served with the Seabees and defended our democracy by helping to defeat the Axis Powers.

After the war, SIL joined thousands of other deserving veterans by taking advantage of the GI bill to attend college.

Throughout his political life, first in the Massachusetts Senate and later in the U.S. House of Representatives, SIL put his heart and mind to work for the rest of the Nation. All Americans are better off today because of his many accomplishments in Congress.

SIL's goal as a legislator was to seek out ways to share the success he found in America with those less fortunate than himself.

Whether it was in the field of education, workers' rights, public health issues, or dozens of other areas, SIL CONTE never stopped working and giving.

His long list of accomplishments includes leadership roles in efforts to provide home heating assistance for low-income families, increasing funding for illnesses such as Alzheimer's disease, providing financial aid to college students and demanding that companies give workers advance notice of plant closings.

But regardless of the many honors and accomplishments he earned since he was first elected to Congress in 1958, SIL never forgot his roots in the Italian-American community.

He was active in an array of organizations including the Sons of Italy in America, and the National Italian-American Foundation.

These groups gave SIL an additional outlet for his many contributions to public service. For example, he helped establish an Italian-language television program to promote cultural exchange between Italy and the United States. He also helped mobilize support to seek a cure for a rare, genetic disorder that attacks children of Mediterranean descent.

In all these ways and more, SIL CONTE left this Nation a better place than he found it. All of us will remain in this debt for these efforts.

Mrs. Annunzio joins me in offering our most sincere condolences to SIL's wife, Corinne, and his entire family.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to one of those special individuals who throughout his career in this House was able to state clearly his own views while maintaining strong relationships which bridged party lines. SILVIO CONTE was a man who stood up for what he believed, and he believed most firmly in the inherent goodness of humanity. As he said, his votes in this institution reflected what he felt to be the "best path for both our district and our country." In my view, that is what the Founding Fathers intended us to do.

SILVIO CONTE fulfilled the responsibilities of office with vigor, with enthusiasm, and with commitment. He will long be remembered fondly for his colorful personality. He never failed to make a point, and to make it with a touch of humor.

In announcing one of his reelection campaigns, SILVIO CONTE said:

> Throughout my public career in Congress, I have exercised one all encompassing principle: the independent quality of personal convictions regardless of party, politics or pressure groups.

He held to that principle to the last vote he cast in this House. That is a credit to the integrity and the high standards of this man.

As I learned during my first term in the House, to be effective in this institution, you must work together and build consensus piece by piece. The esteem in which SILVIO CONTE was held in this House, as evidenced by the genuine outpouring of emotion at his death, is a tribute to decades of service and working together on behalf of his constituents and the Nation. No one will ever replace SILVIO CONTE, but we will all serve this institution well by emulating his integrity, his values and his commitment to working together to make this a better nation.

Mr. ROE. Mr. Speaker, I rise in support of House Resolution 76 a bill to provide that when the House of Representatives adjourns today, it will do so as a mark of respect for the late Congressman SILVIO CONTE of Massachusetts.

SILVIO CONTE devoted his life to public service, first in Massachusetts where he served in the Senate of the Massachusetts State Legislature, then in the U.S. House of Representatives where he served from 1958 to 1991.

His long and distinguished tenure on the House Appropriations Committee, where he was the ranking Republican member, was marked by his dedication to health and human services as well as his liberal views on budgetary matters.

SILVIO CONTE was an independent thinker, a man who argued his position from well thought out personal analysis. He helped articulate issues from a new perspective and he made us all attentive to his arguments. He was a man of remarkable wit and profound wisdom.

Mr. Speaker, whether or not we agreed with SILVIO CONTE in a debate, we always respected and admired him. I believe that setting this time aside today for him is an appropriate way to honor a distinguished citizen of Massachusetts, an eminent legislator in the U.S. Congress and a devoted denizen of his country.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 76, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE SILVIO CONTE

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, February 6, 1991 empowering the Speaker to make appointments authorized by law or by the House, the Speaker on Wednesday, February 13, 1991 did appoint the following Members to attend the funeral of the late Honorable SILVIO CONTE:

Mr. MOAKLEY of Massachusetts;
Mr. FOLEY of Washington;
Mr. MICHEL of Illinois;
Mr. GINGRICH of Georgia;
Mr. STUDDS of Massachusetts;
Mr. EARLY of Massachusetts;
Mr. MARKEY of Massachusetts;
Mr. DONNELLY of Massachusetts;
Mr. MAVROULES of Massachusetts;
Mr. FRANK of Massachusetts;
Mr. ATKINS of Massachusetts;
Mr. KENNEDY of Massachusetts;
Mr. NEAL of Massachusetts;
Mr. WHITTEN of Mississippi;
Mr. NATCHER of Kentucky;
Mr. SMITH of Iowa;
Mr. OBEY of Wisconsin;
Mr. ROYBAL of California;
Mr. STOKES of Ohio;
Mr. BEVILL of Alabama;
Mr. ALEXANDER of Arkansas;
Mr. MURTHA of Pennsylvania;
Mr. TRAXLER of Michigan;
Mr. WILSON of Texas;
Mr. DICKS of Washington;
Mr. MCHUGH of New York;
Mr. LEHMAN of Florida;
Mr. SABO of Minnesota;
Mr. DIXON of California;
Mr. FAZIO of California;
Mr. HEFNER of North Carolina;
Mr. AUCOIN of Oregon;
Mr. DWYER of New Jersey;
Mr. HOYER of Maryland;
Mr. CARR of Michigan;
Mr. MRAZEK of New York;
Mr. DURBIN of Illinois;
Mr. COLEMAN of Texas;
Mr. MOLLOHAN of West Virginia;
Mr. THOMAS of Georgia;
Mr. CHAPMAN of Texas;
Ms. KAPTUR of Ohio;
Mr. SMITH of Florida;
Mr. SKAGGS of Colorado;
Mr. PRICE of North Carolina;
Ms. PELOSI of California;
Mr. MCDADE of Pennsylvania;
Mr. MYERS of Indiana;
Mr. MILLER of Ohio;
Mr. COUGHLIN of Pennsylvania;
Mr. YOUNG of Florida;
Mr. REGULA of Ohio;
Mr. PURSELL of Michigan;
Mr. EDWARDS of Oklahoma;
Mr. LIVINGSTON of Louisiana;
Mr. GREEN of New York;
Mr. LEWIS of California;
Mr. PORTER of Illinois;
Mr. ROGERS of Kentucky;
Mr. SKEEN of New Mexico;
Mr. WOLF of Virginia;
Mr. LOWERY of California;
Mr. WEBER of Minnesota;
Mr. DELAY of Texas;
Mr. KOLBE of Arizona;
Mr. GALLO of New Jersey;
Mrs. VUCANOVICH of Nevada;
Mr. ROSTENKOWSKI of Illinois;
Mr. EDWARDS of California;
Mr. DELLUMS of California;
Mr. LENT of New York;
Mr. MINETA of California;
Mr. MCGRATH of New York;
Mrs. BENTLEY of Maryland;
Mrs. MORELLA of Maryland;
Mr. FRANKS of Connecticut;
Mr. BLAZ of Guam; and
Ms. NORTON of the District of Columbia.

□ 1600

ENERGY CONSERVATION TAX ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, today I am introducing a bill to exclude from income payments made by electric utilities to customers to encourage the use of energy conservation.

Rebate programs are an increasingly popular and effective method of encouraging customers to purchase more energy efficient appliances, air conditioning systems, lighting products, motors, and other conservation measures. In 1987, the Consumer Energy Council of America Research Foundation and the American Council for an Energy-Efficient Economy surveyed utilities across the country and found that of the 132 utilities that responded to the questionnaire, 59 had rebate programs. The study concluded that 35 percent of the Nation's electric utility customers are served by utilities that have some form of an energy efficient rebate program.

Rebate programs are widely used because they work to conserve energy in a cost-effective manner. A number of utilities have conducted studies on how financial incentives influence program participation. These studies demonstrate that financial incentives can significantly increase purchases of high-efficiency appliances and other conservation measures. The New York State Electric & Gas Corp., for example, found that the market share for efficient refrigerators was nearly 60 percent in the area in which a $50 rebate was provided, compared to 49 percent in the $35 rebate area, 35 percent in the advertising-only area, and 15 percent in the control area with no rebates or advertising.

According to this study and others, customers are very responsive to the amount of the rebate offered by utilities. Taxing these rebates would be a major disincentive to invest in conservation because consumers are generally unwilling to pay a little more money up front to save more money in the long run. Customer rebates can play a significant role in overcoming this by "buying down" the original cost of conservation efforts. By this means, utilities can encourage activities that benefit the entire energy customer base, and reduce the sources of pollution in the future.

While residential customers were allowed this exclusion under the National Energy Conservation Policy Act of 1978 [NECPA] up until June 30, 1989, this provision has unfortunately expired. As it stands right now, payments made from a utility to a residential customer for conservation must be counted as gross income. Moreover, even when the provision was in effect, it did not include industrial or commercial customers. My bill reinstates this exclusion and expands it to include industrial and commercial customers because the cost of energy saved is cheaper with commercial and industrial customers. Commercial and industrial lighting rebate programs, for instance, appear to be the most cost-effective conservation investment on the basis of cost per kw of peak demand saved.

I urge my colleagues to cosponsor this important bill.

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 60 minutes.

Mr. ANNUNZIO. Mr. Speaker, it is an honor for me to reserve this special order to commemorate the 73d anniversary of Lithuania's Independence Day.

I must confess that on this day my heart is heavy with concern for the future of the Lithuanian people. Recent news reports indicate that the Soviet leadership may soon impose direct rule on Lithuania in an effort to scuttle her drive for independence.

Since early last year, the Lithuanians have moved faster than many had dared hope toward making their dream of independence a reality. Recently, however, reactionary forces in the Soviet leadership have tried to turn back Lithuania's quest for autonomy.

As a result of a clash with Soviet troops on the 13th of January, 17 Lithuanians have now paid the ultimate price for their freedom. Nearly 300 more were injured during last month's attack on peaceful demonstators in Vilnius. These incidents have left the world wondering what will happen next.

Despite this time of danger and uncertainty, the Lithuanian people have demonstrated their support for independence. In the national plebiscite held on February 9, the high turnout was especially telling because last month's violence was only one in a series of actions taken by the Soviets to thwart Lithuania's independence drive.

The Lithuanians set the stage for independence in February 1990, by holding their first multiparty parliamentary elections since the Soviet takeover in 1940.

On March 11, 1990, the new Parliament moved boldly to reassert Lithuania's independence, which was betrayed by a secret pact between Stalin and Hitler.

Sensing an impending breakdown in Soviet control, Gorbachev ordered an economic embargo against Lithuania last April. That move was clearly designed to break Lithuania's spirit.

Gorbachev failed to achieve his goal, but the Lithuanians agreed, in June 1990, to participate in talks on the independence issue.

When it became clear that the Lithuanians weren't going to give up on their quest for independence, the Soviets resorted to their old standby tactic—brute force.

The Lithuanians are now threatened by tens of thousands of Soviet troops as well as a small group of Soviet-inspired troublemakers known as the Committee of National Salvation.

In response to these developments, we in Congress must not let our desire for improved relations with the Soviet Union blind us to Lithuania's drive for independence.

Until the Soviets agree to full autonomy for the Lithuanians, we should strongly consider deferring all diplomatic initiatives, including Soviet requests for economic help. We also must consider granting full diplomatic status to the democratically elected Government of Lithuania.

While we are witnessing this crisis, it's easy to forget that between World Wars I and II Lithuania enjoyed the independence it is now struggling to regain. Lithuania declared the restoration of its independence on February 16, 1918. Since the Soviet takeover in 1940, and the subsequent wartime occupation by the Nazis, the Lithuanians have endured numerous crimes at the hands of their aggressors.

Between 1940 and 1954, as many as 300,000 Lithuanians were sent to forced labor camps in Siberia and elsewhere in the Soviet Union. Many Lithuanians died in these camps amid hunger and disease. Prior to 1952, as many as 50,000 Lithuanian freedom fighters also died in combat against Soviet troops. And throughout the period leading up to the current crisis, Soviet leaders have manipulated Lithuania's culture and economy to suit Moscow's needs.

Now the time has come to close this dark chapter in Lithuania's history by supporting the restoration of her independence.

I pray with support from Congress, the Lithuanians can complete their transition to independence without further bloodshed.

Mr. LIPINSKI. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Mr. Speaker, today we commemorate the anniversary of the independence of Lithuania. Although the Baltic Republics have been under Soviet occupation for the past 50 years, it is important to remember that Lithuanians, Latvians, and Estonians everywhere have never willingly accepted the privilege accorded with membership in the Union of Soviet Socialist Republics. Since 1940, the Soviet leadership has managed to exert a large amount of control over the actions of the Lithuanian people. Through the use of violence, coercion, and economic constraints, those who have called for independence in Lithuania have been effectively silenced. What is apparent to free, democratic peoples everywhere, but seems to have eluded the tyrants in Moscow, is that every voice that has been brutally silenced, is replaced with another, stronger voice, who is more determined to achieve freedom and self-determination. In speaking here today, I too will add my voice to the millions who demand an immediate Soviet withdrawal from the Baltic Republics. Mr. Gorbachev, you may rest assured that I will not be silenced.

We will not be silenced.

Lithuania was a sovereign nation until Joseph Stalin and Adolf Hitler forged a secret pact in 1939. It was known as the Molotov-Ribbentrop Pact and was a part of the nonaggression agreement between Germany and the Soviet Union. Under its protocols, the three Baltic States were included in the Soviet sphere of influence. With pressure from Moscow, all three signed mutual assistance treaties allowing Soviet military bases on their territories. After the Nazis broke their end of the deal by invading the U.S.S.R., Lithuanian independence became just another casualty of the Second World War. Although liberated in 1944, Lithuania was forced to remain in the Soviet Union and endured 45 years of brutal repression. Sovietization, and Russification. The horror continues today.

The United States Government has never recognized the legality of the Soviet Union's 1940 annexation of the Baltics. Since the end of World War II, the Congress has continued to support the Lithuanian people and demand their release. The annexation was illegal, and therefore, invalid. I share the opinion that Lithuania has no need to establish its independence, but only to restore it.

There is no reason for any of the Baltics to secede from the Soviet Union because they never legally joined. Gorbachev has proposed a national referendum to be held next month which will ask the 15 Republics whether they desire to remain a part of a Soviet federation. On February 10, an ovewhelming majority of Lithuanians stated that they have no desire to remain shackled to the retarded Soviet economy and inherently corrupt central Government. Proposals about a new Soviet federation, or even a secession law are irrelevant. Lithuania will not be a willing party to Gorbachev's quest for personal power and domination. Recent events have shown that he will continue to further his agenda at the expense of the Lithuanian people.

The use of force by the Soviet military on January 13, resulted in at least 14 Lithuanian deaths and more than 100 wounded. Following the massacre in Vilnius, Gorbachev stated that it was not he who had given the order for the troops to open fire. Once again, we see an example of the Soviet leadership's ability to twist the truth in a feeble attempt at maintaining world credibility.

While he may not have actually ordered the troops to fire on unarmed civilians, Gorbachev and any other reasonably intelligent person could have realized the potential for armed conflict and taken the necessary steps to ensure that bloodshed was avoided. In contrast to the impression given by our media, the armed forces deployed to the Baltics were not those of the regular army but instead were highly disciplined, professional Black Berets. The commanders of these Interior Ministry troops, a branch of the KGB, would not have taken any action unless their orders specifically directed them to. Those same orders would need to be approved and signed by Gorbachev and passed down through the channel of the Defense Ministry. If Mr. Gorbachev thinks he can be absolved of full responsibility simply because he did not personally pull a trigger, then he is not only a liar, he is also a fool.

If Moscow was intending to stop the repression of the Lithuanian people it would not need the additional numbers of Black Berets sent in since January 2. The truth behind the so-called troop withdrawals was presented on January 30 by Internal Affairs Minister Boris Pugo.

Pugo was interviewed by the Rabochaya Tribuna, a Soviet daily newspaper. He disclosed that the army paratroopers sent in last month would be leaving and two-thirds of the internal troops would also pull out. The interesting thing is that there were already large numbers of Black Berets in Lithuania before January. With one-third of the invading force remaining behind, there are actually more internal troops in the Baltics now than there were in December. Pugo also stated that the withdrawal does not effect the elite 76th Guards Airborne Division. This regular army unit is more than capable of violently repressing any proindependence movement. Should Gorbachev deem it necessary to crackdown once again on the Lithuanian people, his military strength is more than sufficient. One final note, the so-called withdrawal does not include any Soviet troops abandoning any of the buildings and other facilities they have occupied in Vilnius or elsewhere.

The changes that have swept through Eastern Europe and toppled Communist regimes have been amazing and inspiring. It is all the more unfortunate that the Iron Curtain has not yet risen over the Baltic States. While Lithuanians admit that Gorbachev's policies have allowed them to take a tentative step toward self-determination, they feel little obligation to help him achieve perestroika in the Soviet Union. For over half a century, the Soviet Government has run the factories and exploited the natural resources of Lithuania with little consideration of the impact on the local government or environment. Lithuanians realize that Gorbachev's desire for a strong central government, with himself as its head, is an indication of his real motive—to maintain the Soviet Empire and his own personal power. this can only be accomplished at their expense.

If Gorbachev's recent actions are leading toward a more restrictive, oppressive policy then the Lithuanian people had better take full advantage of this fragile opportunity.

The indications are forboding. On January 25, the London Independent reported that "Soviet troops have been stationed on the Lithuanian-Polish border, barbed wire fences and floodlights erected, and air and ground patrols increased." These preparations may mean that Gorbachev has future plans to seal off Lithuania from the outside world. It is my sincere hope that this is not the case. I will continue to pray that President Gorbachev will listen not to his conservative, right-wind minority who see only the glory of empire, but to the vast majority of people who have only one desire—freedom.

On this day, the anniversary of Lithuanian independence, it is vital to reexamine the mistakes of the past. For the last 70 years the Soviet leadership has paid lip service to the ideals of freedom and democracy. The Lithuanians, on the other hand, have never been able to forget their 20 years of independence. They have repeatedly asked and now demand that the chains of oppression be broken. I have made my position on this issue clear.

Mr. Gorbachev must use his power to further the cause of peace. Let Lithuania, Estonia, and Latvia chart their own paths, and he will have three allies in the new world order. Give them the freedom to pursue their own goals and they are sure to consider the Soviet Union as a partner, not an oppressor. However, should the leadership in Moscow continue to violently repress the Lithuanians, Latvians, and Estonians, their reactions and that of the world community will only hasten the eventual collapse of the Soviet Empire. Mr. Gorbachev, once again I am asking that you make the only choice acceptable to the world community and to the Lithuanian people.

□ 1610

I wish to thank the gentleman from Illinois [Mr. ANNUNZIO] once again for taking this special order and I appreciate the time the gentleman has allowed me.

Mr. ANNUNZIO. Mr. Speaker, I appreciate the gentleman from Illinois [Mr. LIPINSKI] being here this evening and making a very important contribution to the task ahead for the Lithuanian people. I know that we join each other and our other colleagues in the House in hoping that someday that the people of Russia and Mr. Gorbachev will let go and give the Lithuanians their freedom and independence. That is exactly what we are going to help them get.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman.

Mr. ANNUNZIO. Mr. Speaker, I yield to the gentleman from Illinois [Mr. COX]. The gentleman from Illinois [Mr. COX] is a freshman Congressman from Illinois, coming from the Rockford area, and I am delighted to see the gentleman here this afternoon to join us in submitting and making a statement on behalf of the Lithuanian people who have worked so long and hard to achieve freedom and independence.

Mr. COX of Illinois. Mr. Speaker, I thank the gentleman from Illinois [Mr. ANNUNZIO] for yielding to me, and I thank the gentleman for all the years of commitment he has made in the United States Congress, and especially for the gentleman's commitment to the freedom of the Lithuanian people and the gentleman's willingness to take the time this afternoon to assure this special order and for allowing me an opportunity to make a few brief comments on this issue.

Mr. Speaker, 1 year ago, the world watched in wonder as Lithuania declared her independence from Soviet rule and embraced the freedoms of democracy that spread throughout Eastern Europe. We now watch in indignation as the Soviet military in the Baltic States demonstrates a return to policies of oppression and violence.

On February 16, 1918, Lithuanian Independence Day, the modern nation-state of Lithuania was created after 120 years of czarist occupation. Ironically, over 70 years later, the Lithuanian democracy still struggles against tyranny. Today, I urge continued United States support for the people of that nation in commemoration of Lithuanian Independence Day.

The United States has been an ardent supporter of an independent government and free elections in Lithuania since the Soviet Union's annexation of the Baltic States. The citizens of Lithuania have demonstrated their determination to achieve these democratic ideals. Earlier this month, they recorded their overwhelming support for an independent and democratic Republic of Lithuania.

Mr. Speaker, Soviet leaders must not be allowed to ignore these cries for freedom. Their stifling tactics cannot be tolerated. It is critical that we fortify our support to secure the democratic freedoms of the Lithuanian people.

□ 1620

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman from Illinois [Mr. COX].

Mr. Speaker, I yield to another colleague of mine, the gentleman from the great State of Illinois [Mr. DURBIN]. He comes from Springfield. It is my understanding that he is one of two Members of Congress who are of Lithuanian heritage.

Mr. Speaker, we are proud to have the gentleman from Illinois as a Member of Congress. He has been a most effective Member, and I know that the people who are here today representing the Lithuanian Council of Chicago are looking forward not only to hearing his remarks but to reading them in the CONGRESSIONAL RECORD.

Mr. DURBIN. Mr. Speaker, I want to thank my colleague, the gentleman from Illinois [Mr. ANNUNZIO], who for many years has led this special order and this commemoration on the floor of the U.S. House of Representatives.

I am sure in all honesty that my colleague would say that many years ago it would have been hard to imagine that the day would actually come in our lifetime when Lithuania may be a free country.

Now we face that as a real possibility, of course, and very soon I hope.

Mr. Speaker, 6 days ago I joined the Helsinki Commission group in visiting Lithuania. Six days ago I stood in Vilnius, Lithuania, with President Landsbergis, who is trying against great odds to bring freedom and independence to his country.

I think it would be a source of inspiration for every Member of this Chamber, in fact a source of inspiration for everyone in our Nation, to see the battle that is going on in Vilnius, Lithuania, today.

Mr. Speaker, this tiny little country of a little over 3 million people is defying all the odds and going up against one of the largest military machines in the history of the world in an effort to claim its own independence and freedom. As a result of the bloodshed of several weeks ago in Lithuania where 14 Lithuanians were killed, innocent people were killed by Soviet Army troops, the Lithuanian Parliament is now ringed with concrete barricades to protect against Soviet tanks and future invasions by the Soviet forces.

When you ask President Landsbergis in Lithuania "What kind of military power do you have to repel a future Soviet attack?" he said, "We have nothing but our bodies to throw in front of those troops." They are prepared to do that.

In the parliamentary square, hundreds of people are milling around in Vilnius around these concrete barricades, making it clear to the world that they are prepared to die for their freedom.

For an American who has enjoyed freedom throughout his lifetime, and a nation that has enjoyed freedom for over 200 years, it is inspiring to see these people who are prepared to give so much to really participate and share in what we take for granted so many times.

We went to the television tower in Vilnius, Lithuania, the tower which was taken over by the Soviet troops. They presently occupy it in an effort to stop the free flow of information into the Baltics.

It was a sad scene to see the Soviet armored personnel carriers with their guns and their troops armed, standing watching as visitors came to look through the barbed wire at this military fortification.

It struck me as odd that a little over 30 years ago the Soviet Union built a wall around Berlin to keep those who were yearning for freedom from escaping, and now, today, the Soviets are using similar tactics in taking over a television and radio tower in Vilnius to stop the free flow of ideas about freedom.

It appears within the Soviet Union that in order to preserve Stalin's borders, there are many people prepared to use Stalin's tactics. That is what has happened, not only in Lithuania, but in Latvia, where we also visited.

But there is great hope, great hope because of what is taking place on this floor, what is taking place in Vilnius, what is taking place around the world, as Lithuanian Americans, Lithuanian Canadians, and people who love the idea of freedom in the Baltics and everywhere are coming forward to express their unity and solidarity with the people of Lithuania.

Lithuania is free, Lithuania will enjoy their freedom even more in the years to come. The people in Moscow must remember what Cardinal Sladkevicius said a year ago, a Catholic cardinal who had been under house arrest for over 20 years by the Communists.

I spoke to him in his chancery. He said, "You know, Moscow is afraid of Lithuania." And when you think about it, it is true. They are not afraid of the Lithuanian Army or the Lithuanian Air Force or the Lithuanian Navy, but afraid of the courage of the people of Lithuania who are determined to be free.

I thank my colleague from Chicago for bringing us together today on the floor to remember this important struggle.

Mr. ANNUNZIO. I thank the gentleman for participating. His statement, I know, will be well received as a good, constructive statement.

Mr. Speaker, at this time I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I wish to note with mixed emotion the 73d anniversary of Lithuanian independence. Surely this should be a day of joy in remembering that day in 1918 when independence was first declared, as well as the years that followed which saw the flourishing of Lithuanian culture and heritage, despite Soviet attempts to repress that culture and heritage.

For the last 2 years we have marveled at the political sea-change in Eastern Europe. It is clear that the quest for human freedom once unleashed, cannot be again contained. Freedom is not like the volume knob on a television. It cannot be manipulated by some remote control device in President Gorbachev's living room. It is an abstract concept the desire for which is inherent in all living things.

For the past 50 years, the United States has refused to recognize the forced annexation of the Baltic States, and has long supported the principle of self-determination for the people of Lithuania, which has now chosen to exercise its right to self-determination. We join the Lithuanian people in their hope that the years spent under Soviet domination will soon be over.

During the last 2 years, United States-Soviet relations have improved—but this improvement in relations must not be at the expense of the Lithuanian people. Recent events in the Baltics are a cause of enormous concern to the United States. It seems to me that these events represent a serious reversal of progress toward democratization in the Soviet Union. Accordingly Mr. Speaker, I urge all of our colleagues to recognize and respect the aspirations of the Lithuanian people and to call upon Soviet forces to leave Lithuania once and for all.

Mr. HYDE. Mr. Speaker, I join with my colleagues in commemorating the 73d anniversary of the Lithuanian Declaration of Independence. Today is a bittersweet anniversary for the millions of Lithuanian citizens and their American cousins who recall a brief period of freedom and independence in this Baltic land following World War I.

As we speak, the Lithuanian Parliament, a freely elected body, is surrounded by Soviet troops ready to squelch a chorus of people yearning to live free. Since January, more than 15 Lithuanians have been killed by Soviet occupation forces. The Lithuanian people are noted for their rich culture and their religious devotion. This is an affront to totalitarian conformity, and so the Soviet Union is attempting to eradicate all vestiges of an independent Lithuania. The Soviet Union has failed, and will continue to fail, until it realizes that it can imprison a people, but it cannot imprison the spirit of independence.

Lithuanian history dramatizes the spirit that motivates ordinary men and women to risk death or imprisonment as they struggle for the right to worship as they please, to speak the language of their parents, and to exercise national self-determination.

In January I introduced legislation that would suspend all trade assistance and benefits for the Soviet Union until all Soviet troops have been removed from the Baltic Republics. The legislation also reaffirms my desire for American diplomatic recognition of Lithuania as well as the neighboring Republics of Latvia and Estonia.

It is often said that when freedom is diminished anywhere, it is diminished everywhere. In the name of freedom I call upon President Gorbachev to withdraw all Soviet military personnel from Lithuania and allow its citizens to exercise the national self-determination that is the birthright of all peoples.

Mr. NEAL of Massachusetts. Mr. Speaker, it is an honor to take part in this special order commemorating Lithuanian Independence Day 1991. I would also like to thank my colleague from Illinois [Mr. ANNUNZIO] for taking the time today to pay tribute to the people of Lithuania.

Lithuanian Independence Day takes on an especially important meaning this year. In mid-January, the Soviet Government moved to crush the independence movement in Lithuania. The tanks moved in and the hope that independence could be achieved peacefully vanished. It appears that the Soviet leadership will try to forcefully keep the Baltic States in the Soviet leadership.

Perhaps after watching the Soviet bloc states take strong steps toward democratic government, the Soviet leaders decided to do everything in their power to hold Lithuania, Estonia, and Latvia. This is a mistake. People have already died in this crackdown and I fear that many more will die if this policy is pursued. I urge President Mikhail Gorbachev and the entire Soviet leadership to reconsider their policies in the Baltic States.

It is clear to me that intimidation and force from the Soviet Government will not stop the independence movement in Lithuania. In fact, the threat of violence is likely to make eventual independence for Lithuania simply more difficult to achieve. The process has started and it cannot be stopped. I believe the Baltic States will eventually be free. The Soviet leadership can face that fact and help pave the way to a peaceful postindependence order in the Baltics, or they can resist and cause needless bloodshed. I urge them to take the peaceful route and work with the Lithuanian people to bring democracy to that part of the world.

Mr. Speaker, the people of Lithuania are bravely pursuing their dream of independence and self-government. As a sovereign nation until 50 years ago, they have strong memories of independence. That memory will one day again become reality. Until that day I join with all of us here today in offering all the support we can muster to back the people of Lithuania on this difficult road to independence. By insisting that the Soviet Union respect the rights of all Lithuanians, we are following in the tradition of Thomas Jefferson, Abraham Lincoln, Franklin Roosevelt, and other Americans who helped make this country an example of democracy in action for the entire world.

In addition to those of us in the Congress, ordinary citizens from across this Nation are working to make Lithuania free once again. I have met with the Knights of Lithuania from my district. They will not rest until freedom and democracy again come to the Baltic and neither should we. I have joined on various resolutions of support for Lithuania and I urge all of my colleagues to take an active role in this struggle. Again, my thanks to Mr. ANNUNZIO.

Mr. WOLF. Mr. Speaker, for the past 51 years, the Baltic State of Lithuania has been held in the grips of the Soviet Union. As a result of the 1939 agreement between Nazi Germany and Stalinist Russia, the Baltic States lost their freedom. The following year, while the world was embroiled in the opening of the Second World War, the Soviet Union annexed these countries, making them part of the expanding Soviet Empire.

Lithuania was not attacked and occupied because it was an aggressor or because it had long been claimed as Russian territory. Nor did it become part of the Soviet Union because its people wanted to join the Soviet state. It was seized by Stalinist Russia because it was small, it was reasonably prosperous, and because the Soviet Union, anxious to gain additional access to the Baltic Sea, decided that it wanted to occupy and control this small, defenseless country.

Ever since these states were taken, the United States Government has refused to recognize Soviet claims to the Baltics, and rightfully so. To recognize the forceful seizure of Lithuania, Latvia, and Estonia would be to deny the principle of self-determination which this country has stood for and defended for years.

What is amazing, Mr. Speaker, is that the Soviet Legislature, the Supreme Soviet, voted in December 1989 by more than a 70-percent majority to declare that the agreement between Nazi Germany and the Soviet Union which gave the Baltic States to the Soviet Union, was invalid. The Soviet Union's own democratically elected Legislature has publicly stated that this agreement should be declared null and void.

Most recently the Lithuanians have again suffered under Soviet rule. On January 13, Russian soldiers, armed with rifles and tanks, stormed the television station in Vilnius, beating, killing, and even crushing unarmed civilians in their path. I must say that looking on that scene reminded me of the Tiananmen Square incident in China in 1989. I only hope that reason will prevail and that the Soviet leadership will agree to dialog rather than resorting to rule by force.

Mr. Speaker, the Congress of the United States must stand behind the Lithuanian people in their struggle to regain the freedom to which they are entitled. The recent plebiscite held in Lithuania indicated that more than 90 percent of the people in that state wish to be free from Soviet control—including many ethnic Russians who live in that Republic. I believe that the United States Government should continue to pressure the Soviet Government to see that the wishes of the Lithuanian people be honored, and that Lithuania be permitted to exercise its independence without the threat of invasion, intimidation, or harassment by Soviet authorities or the Soviet military.

I am asking that my colleagues in the House state that they are tired of the Soviet Union's occupation of Lithuania and the other Baltic Republics, and that the Congress will not rest or be silent about this issue until it is resolved and the Baltic States are again free.

Mr. MICHEL. Mr. Speaker, I want to thank my Illinois colleague [Mr. ANNUNZIO] for taking this special order to commemorate Lithuanian Independence Day.

On Feburary 11, 1991, 2 days after Lithuanians voted overwhelmingly for an "independent, democratic" nation, the following headlines appeared:

The Baltimore Sun: "Lithuania, in Limbo, Keeps Defying Soviet Power."

The Washington Post: "Vote Buoys Lithuanians But Goal Is Still Elusive."

The New York Times: "Lithuanian Voters Add to Relentless Prodding."

The Washington Times: "Lithuanians Shout Yes to Independence Call" and "Soviet Bullying Fails in Baltics."

Over 90 percent of those who voted in Lithuania's election chose to vote for an independent, democratic nation. According to the Reuters News Agency, "The turnout in the ballot was high at 84.43 percent, allaying fears of a Moscow-based boycott by members of the Republic's Russian and Polish minority." A "significant" number of Russians and Poles are said to have voted yes.

But as the headlines suggest, Lithuania is in "limbo," neither totally free nor totally under the thumb of Mr. Gorbachev. Despite the shout of "yes," the goal of independence is still "elusive."

Although the story has been told many times, it might be useful, in the light of the vote, to remind ourselves of the realities of Soviet Communist rule in Lithuania:

On February 16, 1918, the Lithuanian National Council, meeting in Vilnius, declared the restoration of Lithuanian independence.

On June 15, 1940, acting in collusion with its treaty partner, Nazi Germany, and in violation of international law and mutual nonaggression treaties, the Soviet Union invaded and occupied Lithuania and, later that same year, forcibly "incorporated" Lithuania into the Soviet Union.

The Communist occupation of Lithuania was accomplished by a systematic terror involving almost one-half million Lithuanians. There were 11 mass deportations to Siberian gulags in which Lithuanian men, women, and children were starved, beaten, and worked to death. In addition, almost 100,000 Lithuanians were individually arrested, deported to Siberian slave camps, or murdered by Communist death squads.

The Nazis invaded and then took their turn in murdering Lithuanians. When the Nazis were driven out of that tragic country, the Communists came back and murdered more.

The United States of America has never recognized the Soviet annexation of Lithuania, or of Estonia and Latvia. This policy of nonrecognition of what amounts to international kidnaping, the policy of 10 United States Presidents of both major parties, is one of the glories of American diplomacy in this century.

Given what the Soviet Communists have done to them—occupied their country, murdered their people, and, in effect, stolen the earnings, the hopes, and the destinies of millions over a period of more than 50 years—what precisely does Mr. Gorbachev believe the Lithuanian people should feel about the Soviet Union?

The role of the United States should be to facilitate, through diplomacy, the independence of Lithuania and the other Baltic nations. That goal should be at the heart of our policy toward the Soviet Union.

But friends of Lithuania, at home and abroad, must always keep in mind that the Soviet Union is a nuclear power currently undergoing a nervous breakdown. The Soviet Union has not disarmed since Mr. Gorbachev came to power. To the contrary, it remains a military superpower. This is not a time for bluster or for false signals or for threats we don't intend to carry out.

What we need is a consistent, clear, and forceful diplomatic policy that, aware of the military and geostrategic realities, puts Mr. Gorbachev on notice that the fate of Lithuania is very important to the relationship between the Soviet Union and the United States. We simply cannot issue rhetorical broadsides one day and then let the issue drop the next. Mr. Gorbachev must understand that we are serious and the only way we can show him we are serious is by being persistent about the necessity of Lithuanian freedom.

We cannot allow ourselves to be deflected from this course either by those who may be impatient because they feel we should be doing more, or by those who feel we should not cause Mr. Gorbachev problems by bringing up the Lithuanian situation in our talks.

We have to convince Gorbachev that if he is sincere about democracy and glasnost and perestroika, Lithuanian independence is not a problem for him but an opportunity. But whatever attitude he takes, he had better realize the desire of the Lithuanian people for independence is not going to go away, because, at its core, it is a demand for justice in the face of 50 years of Marxist-Leninist terror.

Mr. GOSS. Mr. Speaker, it is with pleasure today that I add my voice to the many in this Chamber and across the Nation who stand by Lithuania and its people as they struggle for freedom. The right of liberty and self-determination, two of our most precious ideals—ideals that we often take for granted—are being tested today in Lithuania. In the face of a brutal Soviet crackdown, the peace-loving people of this nation are standing tall in support of the idea of freedom. Soviet tanks and guns have not dampened the spirits of these people, and they must not dampen our commitment to support their efforts.

It is not much that the people of Lithuania are asking for, and yet it is a concept that has eluded many nations and has cost others dearly. Notions such as heeding the will of the people, striving to create a democratic society, the need to secure basic human rights and freedoms, and the right of self-rule do not come cheaply. Lighting the torch of freedom is not easy, and carrying it is even harder. However, the goal of freedom for which the people in Lithuania now strive is a noble one, and one that demands our support.

This process was under way in Lithuania—the hard work of freedom was being done. Almost a year ago, the people of Lithuania voted on candidates to the newly restructured 141-member parliament in the first multiparty elections under Soviet power. The results of this election confirmed the nationwide desire for independence, and most expected the newly formed parliament to shortly proclaim independence.

I am hopeful that the brutal Soviet crackdown will only be a temporary setback to Lithuanian independence. The extraordinary strength and spirit exhibited by the citizens of Lithuania should serve as an example to all peoples now struggling for freedom. As we in this country have learned—and continue to learn—the burden of freedom is not a light one, but nonetheless one worth bearing. On this, Lithuanian Independence Day, it is important that we send a clear message of support to the Lithuanian people as they struggle toward their destiny.

Mr. HENRY. Mr. Speaker, last evening the American public had an opportunity to observe the brutality of the Soviet crackdown on the Baltic Republics on the nationally broadcast PBS television program entitled, "Guns, Tanks, and Gorbachev." We saw firsthand the character and consequences of the military paratroopers who swept down on innocent, unarmed civilians in Lithuania. We saw the Black Berets intimidate the freedom-loving people of Latvia. And above all, we heard the duplicitous "explanations" of the Soviet Government for its outrageous behavior.

Five years ago, Mr. Speaker, the world watched with hope as warming winds of freedom began to blow across the Soviet Empire. The last of the "colonial, imperial systems," the Soviet Empire began to breathe the air of freedom. And around the globe, people learned their first words of the Russian language: Perestroika and glasnost.

The Baltic States of Estonia, Latvia, and Lithuania were among those occupied territories who had hoped that their long horror of Soviet occupation and repression might be drawing to an end—just as surely as other innocent victims of Soviet repression across central Europe threw off their Soviet chains. And while the West had no love for the Soviet imperial system, it did display patience and understanding of the internal difficulties the breakup of the empire posed for the new Soviet leader, President Gorbachev.

Freedom loving peoples around the globe understood that to push Mr. Gorbachev too vigorously on the issue of the Baltics might only serve to undermine the broader cause of freedom's spread throughout the fascist empire of Soviet domain which has the gall to call itself a collection of "peoples' republics."

Today, Mr. Speaker, we find that the direction of the winds blowing across the Soviet Union has changed. They are no longer the warming, westerly winds of freedom. They are the hard, cold, bitter winds of the Siberian north. And they are falling hard on the innocents of the Baltic Republics—and it is time to take a stand. If in the previous few years, we spoke and chose our words carefully so as to not undermine the broader cause of freedom erupting across the Soviet Empire, it is now time—in a different situation—to speak clearly and loudly in protest of what is happening as the Soviet Empire reverts to its more traditional, altogether too predictable conduct.

Mr. Speaker, even as I address this House, this very hour, brave and valiant defenders of freedom are barricaded in the Lithuanian parliament building, protesting the military attacks on civilian targets in Vilnius. As I speak, Black Beret and KGB operatives are engendering civil strife in Riga. And if we do not give our support to the oppressed peoples of these three courageous Baltic States, and if they are allowed to fall once again to Soviet seizure, what is the hope for not only themselves, but for millions of others across the Soviet Empire which likewise struggle for freedom?

It is appropriate that we use this occasion to remind President Bush and those who conduct this Nation's diplomacy that we have not and do not recognize the legitimacy of the Soviet occupation of the Baltic States. And we join today in expressing not merely sorrow or disappointment over the actions of the Soviet central government, but our outrage and condemnation as well.

Mr. BROOMFIELD. Mr. Speaker, I am honored to participate in this special order marking the 73d anniversary of Lithuanian independence. Over the years, the Lithuanian people have shown great courage and resolution in their fight for self-determination. We will not ignore their plight, nor will we ever recognize the forcible annexation of Lithuania and the other Baltic States.

In 1918, the Council of Lithuania declared the country a nation state and became free and sovereign. Lithuania flourished economically, politically, and religiously. The free state of Lithuania, however, would not last for long. The Molotov-Ribbentrop Pact of 1939 divided Eastern Europe between the Germans and the Soviets, and spelled the end of Lithuania's freedom. Soon thereafter, the Soviet Union began its forceful occupation of the Baltic nations. In Stalin's attempt to assimilate the Baltics into the Soviet Union, tens of thousands of innocent people perished.

Despite repression and Soviet attempts to acculturate them, the Lithuanian people have shown a resilience and a tenacity that reveals their unwavering commitment to freedom and self-determination. The dedication to a free Lithuania was recently tested. In January, Soviet brutality was once again unleashed on the Lithuanian people. Although the lives of innocent human beings were lost in the Soviet crackdown, the Lithuanian people continue their quest for a free tomorrow. We must not ignore this noble goal.

It is time for the administration to re-evaluate the United States-Soviet relationship in light of the recent crackdowns and violence in Vilnius and elsewhere in the Baltic States. If the promises of glasnost and perestroika are not being kept, why should the United States continue to maintain business as usual with Mr. Gorbachev? If freedom of the press is being eroded in the U.S.S.R. and reform-minded Government officials are being dismissed, why should we continue to grant assistance and favorable trade arrangements to the Kremlin? If the KGB and the Soviet military are trying to undermine progress on arms control agreements, why not send a warning signal to those who want to return that nation to the days when repression and fear characterized life in that country?

A bright and prosperous future in the Soviet Union will not be shaped by unleashing repression against Lithuania and the other Baltic States. It can only be found by peacefully addressing the question of how freedom-loving people should live in the Soviet Union of tomorrow. Our President is deeply concerned about the use of force in the Baltic States, and has clearly stated that events in the Baltics will influence the nature of the United States-Soviet relationship. He recently underlined his commitment to the Lithuanian, Latvian, and Estonian people by sending medical supplies directly to the Baltics.

I salute the Lithuanian people and assure them that we Americans have not forgotten their historic struggle for self-determination and justice. I am confident that someday the

Lithuanians will have a homeland and a nation that is truly their own.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to join my colleagues in expressing our strong support for the brave struggle for freedom currently taking place in Lithuania, as well as the other Baltic Republics, Latvia, and Estonia.

Every day we hear new reports of Soviet repression against peaceful people in Lithuania whose only crime is that they seek freedom from tyranny. They should know, however, that their struggle is not in vain, and that their dream, a dream of independence restored, is possible and attainable.

They do not have to look far to see success. Across the border from Lithuania is Poland, once a totalitarian dictatorship, now an open democracy. And in Czechoslovakia, masses of demonstrators took to the streets to successfully demand freedom and democracy. We would be remiss if we did not mention other nations, including East Germany, Romania, and Hungary, which were all able to throw off the yoke of Soviet repression and begin the process of creating democratic governments.

I have no doubt that the day will come, when the people of the Baltic Republics will finally enjoy the freedoms that we all too often take for granted—freedoms that men and women have fought and died for. It will not be easy. But let us be hopeful that the day the Baltic Republics will follow in the footsteps of Eastern Europe will come in the near future. And never let the people of those captive republics doubt our support for their valiant cause.

We must be firm in our dealings with the Soviet Union. Changes in that nation have been miraculous indeed. But let us continue to remind the Soviets of one of the most important principles of glasnost, the principle of self-determination of sovereign nations. Lithuania was once independent of outside intervention, as were Latvia and Estonia. We have a responsibility to assist in the process which will return those nations to independence one day.

Ms. OAKAR. Mr. Speaker, I rise in support of Lithuanian independence and the brave people who are struggling for freedom and self-determination in the Baltic States. I would like to thank my good friend Chairman ANNUNZIO for organizing this special order.

Earlier this month on February 9, the Lithuanian Government held a plebiscite. The results were overwhelming. Over 90 percent of the 2.4 million people who voted said, "Yes, we think the Lithuanian state should be a sovereign and democratic republic." This comes after more than 50 years of occupation.

As we all know, our country has never recognized the forced incorporation of Lithuania, Latvia, or Estonia into the Soviet Union. That is why we should apply the same diplomatic standard to the Soviet Union's brutal activity in the Baltic States that we applied to Iraq's aggression against Kuwait. For this reason, I have urged the administration to speak out as skillfully and forcefully on behalf of the Baltic States in the U.N. Security Council, as it did on behalf of Kuwait. The U.N. Security Council is the appropriate forum to address what is an international dispute.

What is at stake today is the shape of the new world order that the President has been talking about. Soviet actions seem to indicate that the new shape will look very much like the old. One cannot help but recall the brutal suppression of Hungarian independence in 1956 under cover of the Suez crisis.

As we contemplate the recent violence in Lithuania, it is hard to believe that just a year ago the countries of Eastern Europe were relishing their first moments of independence. The forces for freedom and change still push forward in the Baltic States. Moscow cannot end these people's dreams; it can only delay them. Make no doubt about it, Moscow will have to accommodate itself to the loss of its empire, just as other countries lost theirs when the process of decolonization was set into motion following World War II. Our country, itself a product of decolonization, must recognize the positive currents of history and support their flow toward freedom and self-determination. As a nation of free men and women, we cannot forget our own origins and we cannot ignore our abiding commitment to freedom and independence. I only hope that next year on Lithuanian Independence Day, Lithuania will be free of occupying Soviet troops.

Mr. FORD of Michigan. Mr. Speaker, 73 years ago, the proud and ancient State of Lithuania proclaimed her independence to the world. The history of this nation and its people is a rich and glorious one, and I am pleased to join my distinguished colleagues in observing this important milestone.

On February 16, 1918, the Lithuanian National Council, a democratic body of delegates, declared Lithuania a free and sovereign republic. From its earliest days, the Lithuanian nation was devoted to freedom, democracy, and basic human rights. True to the Lithuanian people's long tradition of liberty, the fledgling nation embarked on a cultural golden age, in which music, literature, agriculture, and the economy flourished, and its citizens enjoyed an unprecedented rise in the standard of living. The enlightened educational and social policies of free Lithuania stand even today as an example to the world of the rich harvest democracy and openness can yield.

In 1939, with Stalin's penning of a few crudely drawn lines on a map, the liberty of Lithuania was cruelly bartered away by the infamous Molotov-Ribbentrop Nazi-Soviet Pact. The Soviet Union's forced annexation of Lithuania and the other Baltic Republics instituted an occupation of cruelty and repression, which has stood until this day.

In the long and bloody annals of Soviet oppression, few people have suffered a harsher subjugatio than the people of Lithuania. During the height of the Stalinist purges, a full 10 percent of the Lithuanian population disappeared into the darkness of the prisons and gulags, many never to return. Countless others were deported and persecuted.

Throughout it all, Lithuania has endured. Far from being a receding memory, Lithuanian independence lives in the heart of every citizen, and is passed down as a treasured inheritance from parent to child. Soviet attempts to silence the church have failed; Catholicism remains a guiding force in Lithuanian society today. Their attempts to "Russify" Lithuania and impose the Russian language have also failed; the rich culture of this people has not been forgotten.

Nationalism is as alive as ever. The youth of Lithuania have continued to protest, to refuse to be drafted into the Soviet Army, and to insist on their independence.

Last month, while the world's attention was rightfully focused on the war in the Persian Gulf, Gorbachev, the Nobel Peace Prize winner, was up to old tricks in Lithuania. The actions of Soviet paratroopers, their shameless and unprovoked murder of defenseless civilians, and their continued occupation of Vilnius, are just more in a long list of outrages against an innocent people. These abuses have not, and must not, go unnoticed. The presence of troops and tanks in Lithuania cannot hide the indisputable fact recently observed by Lithuanian President Vytautas Landsbergis—that one day the Soviets must give back what they have stolen.

Mr. Speaker, the weight of the Iron Curtain has not crushed the Lithuanian culture, spirit, or resolve. As we observe this Independence Day, I am proud to have the opportunity to restate my admiration and support for these valiant people, and to once again affirm my fervent belief that in the end, the spirit will always conquer the sword, and that the people of Lithuania will be free again.

Mr. CLINGER. Mr. Speaker, I am pleased to join my colleagues in the House and Lithuanian-Americans throughout the Nation in commemorating the 73d anniversary of Lithuanian Independence Day.

One year ago, I stood before this body encouraged about the changes that had occurred in the Soviet Union and what these events might promise for the Baltic Republics. Recently though, my hopes were dashed when the Soviet heartland came a thunder of troops and tanks aiming to crush the independence movements there.

The violent actions taken by Soviet military authorities in this region were both horrendous and saddening. My heart goes out to all of these peoples and their friends around the world who continue to suffer for their cause. I will do all in my power to get the Soviet Union to desist from this disheartening reversal of policy with regard to the Baltics.

On this anniversary of Lithuanian independence, I wish to recognize and applaud the heroic efforts of all Lithuanians and pledge my strong support as these brave people strive to achieve their long sought destiny of freedom.

While we can take no joy in the recent military crackdown, we can take heart in the ambitious spirit of the Lithuanian people.

Since 1940, when the Soviet Union invaded and annexed their homeland, Lithuanians have been the victims of a viscious choke hold.

Their struggle for freedom is written in the sorrows and courage of a strong people who have endured political repression, religious persecution, and the denial of human rights. Many there have never known what we in a free nation commonly take for granted—free speech, worship, and the right to participate freely in political expression. Yet, somehow, the passionate voices within their souls urge them on.

The United States has fully recognized Lithuania as a sovereign state since its independence was declared on February 16, 1918.

Let us again join these proud people in celebrating Lithuanian Independence Day and looking forward to that joyous time when they can all live together in freedom.

Mr. KLECZKA. Mr. Speaker, I rise today to commemorate the 73d anniversary of a free Lithuania. On February 16, 1918, the proud Lithuanian people declared their full independence from over 100 years of Russian and German domination. For 22 years, they enjoyed free political institutions and a cultural renaissance unparalleled in their great history.

Sadly, this brief period of liberty was cut short by the Soviet Russian invasion, occupation, and annexation in 1940. Despite this brutal conquest, Lithuanians never gave up hope of restoring their freedom. In recent years, they, along with their Latvian and Estonian neighbors, have made great strides toward achieving this most important goal.

Unfortunately, while the world focuses on the war with Iraq, the Soviet Union is attempting to crush the hard-won gains of the Lithuanian and other Baltic peoples. Important as the war in the gulf is, the United States must not allow our half-century commitment to Lithuanian independence to weaken. We in Congress and the President in the White House must continue to make Baltic freedom a national priority.

On this 73d independence day, I salute the courage and patriotism of the Lithuanian people, both in their homeland and here in America, for their noble struggle for self-determination and democracy.

Mr. SENSENBRENNER. Mr. Speaker, the world cannot forget the struggle and plight for self-determination of the people of Lithuania. Fifty years of Communist repression has not weakened the resolve of Lithuanians to live peacefully as an independent nation.

In recent years, the struggle for independence was reinvigorated as Moscow appeared to embark on the road to reform. The sad and tragic reversal of Moscow's policies reinforces the need for the free world to assert their solidarity with the people of Lithuania on their independence day. By commemorating the independence of the Lithuanian people, we emphasize our commitment to the principles embodied in their struggle.

The monumental injustice of the Soviet annexation of Lithuania and the failure of the system that sought to thwart the aspirations of its people are clear to all who choose to see. As Americans, we see injustice more clearly and hold freedom more dearly than any people in the world, and we therefore have an obligation to the Lithuanian people and their struggle to live and prosper as an independent state among the community of free nations.

Mr. BATEMAN. Mr. Speaker, on November 9, 1989, a wall came down that symbolized for the entire world the division between those nations that enjoyed political and economic freedom and those whose aspirations were strangled by the iron grip of totalitarianism. To the surprise of everyone, that grip began to weaken. The enslaved peoples of Eastern Europe moved to embrace democracy and even the Kremlin appeared headed toward greater liberalization than ever thought possible. The Baltic nations of Lithuania, Latvia, and Estonia, after half a century of forced incorporation into the Union of Soviet Socialist Republics, believed the time had finally arrived when they too could realize their dreams of independence and self-determination.

Many of us watched in amazement the events of late 1989 and early 1990. Even those harboring the greatest skepticism concerning the authenticity of the changes taking place in the Soviet Union were continuously astounded by the degree to which the Government of Mikhail Gorbachev appeared destined to take the Russian Empire in directions it had never before traveled. At last, Soviet foreign policy objectives would be predicated not upon the threat of war, but upon the elimination of the notion of a Soviet threat in the decisionmaking circles of the West.

Evidence of this abounded. Here in the United States, we began planning for a post-cold war world in which an ideological confrontation between the world's two superpowers would no longer provide the basis for innumerable foreign policy decisions. The Berlin Wall, that most dreaded of reminders of the cold war, had fallen under the weight of a people who wanted to be free.

Freedom is infectious. A little bit offered to an enslaved people can soon grow into a force that is destroyed only at a tremendous cost in blood. Lithuanians, viewing the collapse of communism throughout eastern Europe, not surprisingly believed their future would soon be in their own hands. They proceeded to establish democratic institutions and prepared themselves for a new era of peace, freedom, and stability. The 20 years of independence the Baltic nations enjoyed prior to the conclusion of the Hitler-Stalin Pact served as the basis for the policy adopted by the elected leaders of Lithuania. As Vytautas Landsbergis, President of Lithuania, stated his country's case, it was "not seeking to establish independence; it was working to restore it."

As we all know, however, change in the Soviet Union has taken an ominous turn. Nowhere was this more evident than in Vilnius, the capital of Lithuania, when, on the morning of January 13, 1991, Soviet paratroops, armed with tanks and automatic weapons, seized government buildings and radio transmitters, killing 13 in the process. A dark pall descended across the entire Soviet Union that morning. Freedom's light was reduced to but a flicker.

Mr. Speaker, developments in Lithuania, as well as those in neighboring Latvia, marked a turning point in the fortunes of glasnost. Communist party hard-liners and military officials angered by the loss of the Eastern European satellites are on the ascent; reformers and, by extension, glasnost and perestrokia have descended into depths of despair, their future uncertain and their very survival as a movement very much at stake. The implications for the people of the Baltics are not good.

It is imperative that the United States, a nation that prides itself on being an example for the rest of the world, not stand idly by while the cause of freedom is crushed under the tracks of tanks. We are not the world's policeman, but when the United States fails to stand up for peace and freedom, what chance does the world have? It is in this spirit, Mr. Speaker, that I urge my colleagues to take a moment to recognize Lithuanian Independence Day and to remember those whose struggles embody everything that we as a nation strive to represent.

Mr. MILLER of Washington. Mr. Speaker, 73 years ago, out of the ruins of World War I, a council elected from the Lithuanian Congress declared an independent Lithuanian state based on democratic principles. Today we mark that occasion both with sorrow and with hope. On our country's Independence Day, we can freely celebrate and enjoy the freedom and liberty that democracy brings to the people. But Lithuanians gather at their own peril to remember the independence which was taken away from them, and which they courageously continue to seek.

Over the last 2 years during the spring of glasnost and perestroika, the Baltic people leapt at the opportunity to restore their freedom and independence. They democratically elected a government. They withstood an economic blockade by the Soviet Central Government. They peacefully worked to make the Soviet Union understand that they are a free and independent people. But the Soviet Central Government in January dismissed the rights of the Lithuanian people, ignored the peaceful methods of the Lithuanian people, and conducted a bloody crackdown against both the Lithuanian people and against an idea—the idea of freedom and democracy, an idea our forefathers in this country also shed blood for.

The United States must work to help Lithuanians, Latvians, and Estonians fulfill their dreams and aspirations. The President made a start by initiating a $5 million medical aid program to the Baltic States. We can and should do much more. We should use international forums and pressure to help the Baltic States. We should consider using certain economic sanctions. And we should renew recognition of the independent Baltic States.

Through the decades, the Soviets have been ruthless and relentless in their efforts to eradicate all traces of the Baltic States. They have failed. The Soviets have failed because Estonians, Lithuanians, and Latvians all over the world have been equally relentless in their efforts to restore their homelands and to never let the world forget the horrible events of the last four decades of Baltic history. The United States must also be relentless in our efforts to support the freedom and independence of the Baltic States.

Today there is sorrow and hope. We work for a tomorrow with the promise of hope fulfilled and freedom for all the Baltic peoples.

Mr. McGRATH. Mr. Speaker, I rise today on behalf of the thousands of Lithuanian descendants in my district to recognize Lithuanian Independence Day.

It has now been over 45 years since Lithuania was incorporated into the Soviet bloc. The hardships and religious persecution that continue to plague the people of Lithuania are unmeasurable. The Helsinki accords on human rights and the birth of glasnost have yet to bring independence and religious self-determination to a land of over 3.6 million inhabitants.

Lithuania is no stranger to repression. In 1795, Lithuania was annexed by Russia and came under complete Russian domination. While World War I took a great toll on Lithuania, independence was proclaimed on February 16, 1918. Independence, however, was short lived. In January 1919, the Red Army entered Lithuania and installed a Communist government. An independence was soon settled with Moscow but Lithuania again fell to Soviet occupation in 1944.

In past weeks, we have seen Lithuania once again come under serious attack. In answer to this, the House of Representatives passed a resolution condemning the Soviet attack on unarmed citizens, calling on President Gorbachev to enter into peaceful and meaningful negotiations with Baltic leaders, and asking President Bush to consider coordinated economic sanctions with our European allies if the use of force continues. Additionally, the measure urges that the new conflict prevention and resolution mechanisms created within the Conference on Security and Cooperation in Europe last November be employed to help resolve this situation.

This latest statement by the Congress reaffirms the United States recognition of Lithuanian independence and our determination to restore basic human rights in that area. As we again commemorate Lithuanian Independence Day here in the House of Representatives, let us remember those who gave their lives in the name of freedom. In addition, let us work hard and remain optimistic that someday Lithuanians the world over will join one another and truly celebrate independence.

Mr. McEWEN. Mr. Speaker, today I join my colleagues in honoring the people of Lithuania and their struggle to regain their freedom and independence.

The brave people of Lithuania have been oppressed for five decades by the iron fist of Soviet leaders from Stalin to Gorbachev. The vibrant freedom movement with Lithuania, represented by the democratically elected Parliament that is presently under attack by the Soviet leadership, assures us that one day liberty will return to Lithuania. The brutal oppression practiced by their Soviet masters can only delay this inevitability.

Our recognition of Lithuanian independence day is but one small step toward the emancipation of the subjugated nations of the Soviet Union. Along with the Lithuanians and their Baltic neighbors in Estonia and Latvia, the Soviet Union is a prison holding captive numerous peoples that yearn to regain their freedom from Communist oppression.

Only yesterday I was honored to host a delegation of members from the democratically elected Parliament of the Republic of Georgia. The group included the First Deputy Chairman of the Parliament, Akaki Asatiani, along with the Chairman of the Foreign Affairs Commission and the Chairman of the Subcommittee on Foreign Economic Relations. Be assured that they are committed to regaining freedom and independence for Georgia.

The democratically elected Parliaments of Lithuania, Latvia, Estonia, and Georgia represent the legitimate aspirations of all the nations of the Soviet Union. Numerous reform-minded leaders in the Soviet Union have pointed out that President Gorbachev now openly opposes democracy and freedom and is aligned with the far right of the KGB and the military—we must remain committed to the principles of freedom and democracy, and not sacrifice the millions who struggle to be free.

Mr. RUSSO. Mr. Speaker, over 50 years ago, Lithuania was a country where democracy flourished and the idea of self-determination and free elections were not just distant memories or far off dreams. A year ago, I addressed this body filled with excitement over the possibility that freedom and democracy might return to Lithuania. Glasnost and perestroika seemed to be the light at the end of the tunnel for Lithuanian freedom. The fall of the Berlin Wall and the emancipation of the Eastern European countries from the control of the Soviet Union offered a glimmer of hope for the Lithuanian people. In addition, a free election which brought a multiparty Parliament and the first non-Communist leader to Lithuania in 50 years were signs that the world was changing. When Lithuania declared its independence in March, the small country was on top of the world—filled with dreams of future independence and freedom.

For the long-suffering people of Lithuania, it seemed as though fate was finally on their side. Sadly, however, the euphoria was short lived and independence has proven to be just a dream. The winds of democracy died on the Soviet-Eastern European border and the jubilation of a newly independent nation turned to the most basic fight for survival when the Soviet Union began a 2½ month economic blockade against Lithuania. Designed to strangle any economic or political independence claimed by the Lithuanian people, the blockade resulted in a loss of 200,000 jobs, electric and gas shortages, significant medical problems, and an eventual moratorium on Lithuanian independence.

As if such a moratorium were not enough, the Soviet Union has reintroduced a war consisting of troops, intimidation, fear, and hand-to-hand violence in its relations with Lithuania. Fifteen innocent unarmed civilians were killed in Lithuania and over 200 were wounded in the Baltics by Soviet military units in January. The democratically elected Government of Latvia is being violently harassed by Soviet troops, and the young men of the Baltics are being forced into Soviet military service.

The use of force against peaceful and democratically elected governments must be stopped. The United States and many members of the United Nations have never recognized the forced annexation of the Baltics, and the recent brutal repression and intimidation of the Baltics cannot be forgotten by the United States. In last Saturday's plebiscite, 90 percent of the 3.7 million Lithuanian people supported independence for the Republic. Yet President Gorbachev rejected the plebiscite saying it lacked any legal basis.

The openness and democratic changes associated with perestroika and glasnost provided the basis for significant improvements in relations between the Soviet Union and the United States. As the winner of last year's Nobel Peace Prize, however, Gorbachev seems to have embarked on a new course. A course, not of peace, but of repression. And so, the further persecution of Lithuania and the Baltic States continues.

The collective voice of the Lithuanian people cannot be silenced, however. While Gorbachev may ignore their cries for independence and attempt to quell their protestations, the rest of the world can still hear. On Saturday, February 16, 1991, the United States recognized the valiant struggles of the Lithuanian people through the commemoration of "Lithuanian Independence Day." As a free born people we can never forget that freedom is a precious commodity and that the Lithuanian people have been made painfully aware of what it is like to live without this very basic right. May the commemoration of February 16 as "Lithuanian Independence Day" serve as inspiration to the Lithuanian people and a reminder to Mr. Gorbachev of our dedication to the plight of Lithuania and its people.

Mr. ROEMER. Mr. Speaker, I rise today during this special order to commend the courage and fortitude of the people of Lithuania. The plight of the Baltic States at this critical time is an issue receiving attention all across America, including Indiana's Third Congressional District.

Just last week I appeared before a meeting of the common council of the city of South Bend, IN, and applauded the efforts of that body on its attention to the freedom movement in the Baltic States, and its condemnation of the violence perpetrated there by Soviet troops. The council members, as I do, believe that freedom is a principle that deserves defending no matter where we confront challenges to it. As our troops fight valiantly in the Middle East, we must not forget those fighting just as valiantly in the Baltic States.

I salute the Baltic Freedom Organization of South Bend, and the South Bend Common Council for their local leadership on this issue. At this point and without objection, I would like to insert in the RECORD a letter received by me from the Baltic Freedom Organization, and the communicating letter and resolution passed by the South Bend Common Council. I salute them for their courage and attention to the democracy movement in the Baltic States.

BALTIC FREEDOM,
South Bend, IN, February 15, 1991.

Re Baltic States situation.

Congressman TIMOTHY ROEMER,
415 Cannon Office Building, Washington, DC.

DEAR CONGRESSMAN ROEMER, on behalf of the members of the Baltic Freedom organization, let me first of all thank you for your supportive remarks about the plight of the Baltic States at this week's Common Council meeting. Your remarks and, of course, your presence are much appreciated.

We all feel that the time has come for Baltic-Americans, and their supporters, to ensure that binding legislation is enacted which will send a clear, firm message to the Soviet government. This message—perhaps the only one that Mr. Gorbachev will respond to—is simply this: that the United States government and the American taxpayer will no longer underwrite Soviet disregard for human rights and international law.

Bear in mind that we are not asking the United States to punish the Soviet Union for its behavior; our position is that it would be immoral to reward such behavior with continued financial assistance and economic cooperation.

In this context, we ask for your support of legislative initiatives, such as H.R. 559, and ask that you press the Bush administration to extend diplomatic recognition to Lithuania, Latvia and Estonia.

Very truly yours,

K.C. Pocius,
Spokesperson.

City of South Bend
Common Council,
South Bend, IN, February 14, 1991.

Hon. Timothy Roemer,
U.S. Representative, 415 Cannon Building, Washington, DC

Dear Representative Roemer: Enclosed is a copy of South Bend Common Council Resolution 1840-91, which was passed unanimously on February 11, 1991.

Please note that Section III of this resolution urges you to support certain legislation which would directly tie continued U.S. Foreign Aid for the Soviet Union to the free and peaceful development of democracy in the Baltic countries.

The people of South Bend draw on a rich ethnic heritage, many of them or their ancestors came from Eastern Europe. In this context, they readily support the right of self-determination for the Baltic countries.

If you are wondering why the South Bend Common Council passed a resolution that is related to foreign affairs, it is because the principles espoused by the peoples of Lithuania, Latvia and Estonia are democratic principles; moreover, they are American principles. The Baltic peoples are struggling for the same ideals that we have held as inviolate since 1776.

We begin each Council meeting with a Pledge of Allegiance, in which the concluding words are "liberty and justice for all," and we believe in those words.

Sincerely,

Linas Slavinskas,
Councilman, 5th District.
K.C. Pocius,
Spokesperson, Baltic Freedom.

Resolution No. 1840-91

Whereas, Soviet Union President Gorbachev has deployed troops to the Baltic States, resulting in widespread brutality, repression and the deaths of 15 unarmed citizens in Lithuania and 5 Latvian citizens; and

Whereas, the Soviet regime, through these and other aggressive actions, is attempting to overthrow the democratically-elected governments of Lithuania, Latvia and Estonia; and

Whereas, the United States never recognized the forcible annexation and subsequent occupation of the Baltic States into the Soviet Union; and

Whereas, the Baltic States have been the leaders of "perestroika," that is, economic and democratic reform, within the Soviet Union; and

Whereas, these democratic developments in Lithuania and the other Baltic States represent the accomplishment of goals and aspirations long supported by the government as well as the people of the United States of America; and

Whereas, the government of Lithuania has appealed for formal diplomatic recognition by democratic nations; and

Whereas, the government of Lithuania has recently issued urgent pleas for support by the United States and all democratic nations to protect the independence and democracy of Lithuania; and

Whereas, the United States Senate has recently adopted a resolution (Senate Resolution 12) calling upon Soviet President Gorbachev to refrain from "coercive tactics against the democratically elected governments of Lithuania, Latvia and Estonia . . . at the time when the world including the Soviet Union itself, is united in opposition to the forcible annexation of another small nation, Kuwait, by it's brutal neighbor, Iraq"; and

Whereas, Saturday, February 16, 1991 marks the 73rd anniversary of Lithuania's Declaration of Independence (February 16, 1918), which was recognized by the Soviet Union in 1920.

Now, therefore, be it resolved by the common council of the city of South Bend, Indiana, as follows:

Section I: The Common Council of the City of South Bend hereby condemns the brutal actions of the Soviet military in their attempt to overthrow the freely and democratically elected governments of Lithuania, Latvia and Estonia.

Section II: The Council urges President Bush, as well as our Senate and Congressional representatives to support the economic stabilization of independent Baltic States.

Section III: The Council specifically urges Congressman Roemer to support House Resolution 559, which makes granting Most Favored Nation status for the USSR conditional on Baltic independence, and urges Senator Coats and Senator Lugar to support Senate Bill 9, which amends U.S. foreign aid policy toward countries in transition from communism to democracy by extending such aid directly to the republic level.

Section IV: The Council urges President Bush to extend full diplomatic recognition to The Republic of Lithuania immediately.

Section V: The Council requests that certified copies of this Resolution be sent to: President George Bush, Congressman Tim Roemer, Senator Dan Coats, Senator Richard Lugar as well as the Lithuania legation in the United States.

Section VI: This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Mr. FROST. Mr. Speaker, it is with both great pride and a heavy heart that I stand here today to commemorate the independence of the Lithuanian people and their country. Over 100 years ago, my mother's family came to the United States from Lithuania. Not long after, on February 16, 1918, Lithuania declared itself a free and sovereign state. But the freedom was short lived and today Lithuania is struggling for it's political life.

While we are consumed with war in the Persian Gulf, the civil rights of the Lithuanians are literally being shot to pieces. It's tough to fight several battles at once, but we must. We cannot stand up to brutal aggression in the Middle East and turn our collective backs to institutionalized oppression in the Soviet Union.

The recent crackdown in Lithuania that left 15 dead and hundreds wounded conjures memories of Stalinist days. We all know that unarmed citizens of Lithuania are not a threat to the peace. They are simply trying to put an end to 51 years of military occupation. It was painfully apparent that the Soviet Army felt more than threatened by the legitimate, democratically-elected Parliament of Lithuania.

Through nonviolent means, the Lithuanians have tried to assert their independence. Let us stand with them and support them in their courageous bid for freedom.

I want to thank my distinguished colleague, Frank Annunzio, and commend him for his continuing commitment year after year to ensure that this House recognizes Lithuanian Independence Day.

Mr. ATKINS. Mr. Speaker, I rise today to commemorate Lithuanian Independence Day and to praise the brave citizens of Lithuania in their efforts to resist the Soviet Army and become truly independent of the Soviet Union. The United States is certainly gratified that the Soviet Union has provided its support for our actions in the Persian Gulf. But there is no quid pro quo for Soviet support and we cannot excuse a Soviet crackdown against the freely elected Government of Lithuania.

All Americans clearly want to see President Gorbachev succeed in his reforms, popularly referred to as glasnost and perestroika. To the people of Lithuania and the other Baltic States, the reforms they lay claim to are freedom and the right to self-determination. Yet, President Gorbachev vacillates. His promise to negotiate the status of Lithuania is tragically undermined by his use of force to crush independence in the Baltics. Having opened Pandora's box, the Soviet leadership is at a loss as to how to close it.

We have all watched with sadness Moscow's attempts to stem independence drives in Lithuania and the neighboring Baltic Republics of Latvia and Estonia. In its efforts to seize Lithuania's Parliament building, the Soviet Army made it clear that it will not tolerate a true working democracy in Lithuania. By seizing the key radio station in Vilnius, the Soviet Army attempted to destroy a free press. In rounding up those Lithuanians who have refused to serve in the Soviet Army, Moscow tried a strategy of threat and intimidation. But, the Lithuanians are courageous and I know they will not cease their quest for independence.

Despite growing threats and the use of violence by the Soviets, the Lithuanian Government nonetheless boldly proceeded with a popular vote on February 9, in which Lithuanian citizens backed a declaration of independence by a 13-to-1 margin. Clearly, this plebiscite further validates the freely elected Government of Lithuanian President Vytautas Landsbergis, which first declared its independence from Moscow in March 1990. Unfortunately, it also places Lithuania at further risk of another serious confrontation with Soviet authorities.

Mr. Speaker, immediately following the Lithuanian Parliament's acknowledgement of the plebiscite on independence, President Landsbergis said that he did not believe the Soviets would end their crackdown without more pressure from the West. Although the United States has never recognized the incorporation of the Baltics in the Soviet Union, on February 11, it was Iceland and not the United States which became the first Western government to formally recognize Lithuanian independence. Czechoslovakia has bravely announced its intentions to establish relations with Lithuania. We in the United States ought to be doing so much more to support Lithuania's relentless pursuit of freedom.

Given the determination of the Lithuanian people, we believe that in the end, Lithuania will succeed in her bid for independence; the only question is how much more blood must be spilled before victory is theirs. Only the Soviet leadership has the answer. However, further pressure from the West, and in particular concrete action by the United States, is essential if the Lithuanian nation is to emerge strong and free in this generation.

Mr. BERMAN. Mr. Speaker, I wish to commend Mr. ANNUNZIO for holding this special orders and to thank him for this opportunity to condemn the recent Soviet actions in the Baltics.

We send an unequivocal message to President Gorbachev: The Congress of the United States deplores the brutal, unprovoked aggression against the peoples of Latvia and Lithuania and we hold him responsible for the actions of the troops of the Soviet Interior Ministry.

If there is one standard by which civilized nations are judged, it is the acceptance of peaceful dissent and a willingness to negotiate rather than suppress disputes.

It is tragic that President Gorbachev is so intimidated by the unarmed citizens of the Baltics that he feels the only way to assert his authority is by killing tens and wounding hundreds of Latvians and Lithuanians in an attempt to repress Baltic nationalism.

I also find it particularly repugnant that the Soviet troops deliberately launched their attack on the Lithuanian and Latvian demonstrators when the world's attention was focused on the crisis in the gulf. Once again, as it had in 1956, a Soviet Government thought it could implement repression while we were otherwise distracted.

However, the Congress' rapid and unanimous condemnation of these actions, and our threat to consider coordinated economic sanctions, has shown Mr. Gorbachev that we will not stand for aggression wherever it may occur. The Government of the U.S.S.R. can be in no doubt that its future relationship with the United States is directly linked to its ability to peaceably resolve its differences with the Baltics.

Mr. Speaker, I am encouraged by the fact that President Gorbachev appears to have been persuaded as to the utility of nonviolent resolution, in part, by action already taken by this House. The only acceptable way to resolve this dispute is through negotiation and I will continue to monitor the actions of the Government of the U.S.S.R. to ensure that its Baltic policy proceeds in that direction.

Mr. COUGHLIN. Mr. Speaker, I want to take the opportunity of this special order on Lithuanian Independence Day to once again draw attention to the situation in Lithuania.

Just 1 year ago, Mr. Speaker, those of us who take an interest in events in Lithuania witnessed a watershed development in Lithuania's modern history: The holding of genuinely free and fair elections for the first time since Joseph Stalin invaded and annexed the country and turned it into a Republic of the U.S.S.R. some 50 years before. The Lithuanian people, in a courageous outburst of true democratic and patriotic sentiment, elected a Supreme Council, or legislature, made up primarily of members of the Lithuanian Popular Front, known in Lithuania as Sajudis. Vytautas Landsbergis, the leader of Sajudis, was elected Chairman of the Supreme Council, becoming the chief of state.

Less than a month after these developments, Lithuania's Supreme Council voted to restore Lithuania's sovereign rights. The action was met harshly by Soviet leader Mikhail Gorbachev, who pronounced the Lithuanian declaration invalid, imposed an economic blockade on Lithuania, and deployed military and paramilitary forces to the region in an effort to intimidate the Lithuanian populace and Government.

In the interest of working with the Soviet authorities to achieve a negotiated solution to the differences between the Lithuanian and Soviet Governments, the Lithuanian Supreme Council agreed to a 100-day moratorium on its declaration of independence, to take effect simultaneously with the initiation of negotiations on independence with the Soviet leadership. In return, the Soviets agreed to halt the economic embargo that was strangling Lithuania's economy.

The negotiations started, but little came of them. Instead, apparently, hardliners in the Soviet Communist Party, the KGB, the Interior Ministry, and the military succeeded in developing their own plan for resolving the Lithuanian situation. Essentially, it called for a coup against the legally constituted Government of Lithuania. Whether Mikhail Gorbachev was a full participant in the plan remains unclear to Western observers, but it is clear that he certainly has not condemned the actions of Soviet Interior Ministry troops—the so-called Black Berets—who were the shock troops of the scheme.

Fortunately, the hardliners' plan failed. An effort to take over key Lithuanian Government facilities in Vilnius failed. The establishment of an alternative leadership group composed of pro-Moscow hardliners was quickly denounced and discounted. Tragically, however, in the process of defeating the Soviet coup attempt, 14 innocent Lithuanian demonstrators were killed and more than 100 more were injured.

The U.S. response to these events was swift and to the point. The United States Congress and President Bush both put Mikhail Gorbachev on notice that further provocations or attacks on the Lithuanian people or Government would lead to a serious deterioration in the status of United States-Soviet relations, compromising the progress that has been achieved to date in these relations.

Mr. Speaker, Mikhail Gorbachev must understand that we will hold him responsible for any deterioration in the Lithuanian situation. America cannot and will not sit by idly while the brave and peaceful people of Lithuania are oppressed.

Mr. ROE. Mr. Speaker, I rise today to focus attention on and to commemorate Lithuanian Independence Day. The tragic recent events in Lithuania, including the dispatch of Soviet forces and the unnecessary killing and wounding of numerous Lithuanians on January 13, 1991, are a fitting and timely reminder of the importance and significance of Lithuanian Independence Day.

I strongly condemn the bloody crackdown in Vilnius by members of the Soviet armed forces. The 11 deaths and the approximately 40 injured, some of them critically, are a tragic reminder of the repressive and oppressive forces still found in Soviet policy and politics. While the Kremlin has officially denied ordering the use of armed forces, President Gorbachev supported the action and made no visible effort to bring it to a halt. Moreover, the information about what happened in Vilnius was available only from the heavily censored version issued by the Soviet Government, and the Soviet Army prevented pictures of the actual events from being published in the press. All of these activities certainly run counter to the spirit of glasnost that President Gorbachev has sought to promote in his actions. Furthermore, they represent an assault on the Republic of Lithuania, its democratically elected Government, and its institutions.

As a charter member of the Ad Hoc Congressional Committee on the Baltic States and the Ukraine, I join with the other Members of Congress in strongly speaking out against this tragic use of force and repression and call upon Moscow to bring it to an end. I have also sponsored a resolution expressing my strongest disapproval of the Soviet Army's actions and of the urgent need for the Soviets to respect the rights of all Baltic peoples.

Despite years of oppression by foreigners and the murder of hundreds of thousands of innocent Lithuanians by both Hitler and Stalin, the spirit of democracy has survived in Lithuania. With the triumph of the democratic revolution and the end of the cold war in Europe, Lithuanians can once again anticipate freedom and democracy. On this Lithuanian Independence Day, February 20, 1991, we can all join with our Lithuanian friends, both here and in Europe, in celebrating the most important and significant Lithuanian Independence Day in many years.

Mr. DINGELL. Mr. Speaker, today the world community joins the people of Lithuania in the celebration of Lithuanian Independence Day. Unfortunately, to the people of Lithuania, as well as their neighbors in Latvia and Estonia, this day is one of hope instead of reality.

After a struggle of over one-half a century, the Republic of Lithuania remains caught in the grip of the Soviet Union, a troubled nation which is uncertain as to how hard it can squeeze the resisting republics.

Since the beginning of this year, the Soviet Government has launched several violent and repressive actions, including a brutal crackdown in the major Baltic cities which have killed 22 citizens and injured hundreds of others. Soviet troops have stormed the television facilities in Vilnius and attacked other media and official facilities. In short, President Gorbachev directed the Lithuanian Parliament to reaffirm the primacy of the Soviet constitution or face the consequences, and the Lithuanian people have stood firm in their resolve for the principles of freedom and liberty.

It has been nearly a year since Lithuania first declared independence from Soviet domination. This month Lithuania stood by its decision and approved a referendum, by an overwhelming vote, confirming its demand for independence. Once again, Mr. Gorbachev warned that this nonbinding poll was illegal and would be ignored. And once again, the Lithuanians ignored the threats and intimidation of the Soviet leadership and reasserted its right of self-determination.

Lithuania today fights for the same principles that our ancestors fought for 200 years ago. Sadly, it is trapped by forces that seem to be returning to the tyranny of totalitarian rule—the light of democracy dimmed by the Soviet Union.

As the United States continues to watch warily the development in the Baltic States, our Government has a responsibility to make certain that Soviets see no ambiguity in our position. When the European Parliament cut off over $1.5 billion in aid to make its position heard, the close neighbors of the Baltic States sent a clear message of solidarity. Should the Soviets decide to continue their slide back into the doldrums of imperialist isolationism, this Government may have to do likewise to ensure that the Soviets understand the implications of their aggressive acts.

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise with my colleagues today to express both sorrow and outrage for the recent events in Lithuania, and hope for the future.

When, on January 13 of this year, the Soviet military murdered 14 Lithuanians and wounded at least 100 others, the United States was confronted with a human crisis of great implications. The long march toward freedom which we have witnessed in the Soviet Union suddenly came to a violent halt, and we were again confronted with an old problem: the freedom of the Baltic States. We were reminded that for more than 50 years the peace-loving people of Lithuania, Latvia, and Estonia have lived under the illegitimate rule of a foreign invader.

While we realize that there are always martyrs in the pursuit of freedom, we hope that the people of the Baltics do not suffer as others have in the name of liberty. The further tragedy of that event, however, lies in the progress that the cause of freedom has made in the Soviet Union. We are now left asking which Mikhail Gorbachev are we dealing with? Is he the Nobel Prize winning reformer, or the successor to the line of Stalin and Khruschev? While we pray that January 13 was merely an aberration, our foreign policy cannot be based on the hope that this prayer is answered.

What then can we do? If we look to the situation in the Persian Gulf for guidance, we see another innocent nation that has been ravaged and dominated by a larger neighbor. In that situation, the United States has taken a leading role based in the strength of our military, the bravery of our troops abroad, and the support of the American people. But to react to the Soviet Union as we have reacted to Iraq would be a military and political absurdity. Short of this, some foreign policy pundits would say, the United States is powerless.

To react diplomatically to the Soviet atrocities at this time would potentially split the coalition in the gulf, or would weaken Gorbachev vis a vis the Soviet hardliners, or would disturb the balance of power in Europe and force us back into the cold war. These factions would say that these possibilities leave us mute. But if we must choose between belligerence and silence, then our foreign policy has failed us.

As we celebrate Lithuanian Independence Day, we must articulate our plans for achieving freedom for the Baltic States, and for a new way of thinking about our role in the international community that will achieve that goal. In Lithuania, as in the rest of the world, our goal is to build a lasting peace, and to promote self-determination for all people.

The realization of that goal begins with a system of sanctions and rewards that will show the Soviets that their economic survival in the world community is inexorably linked to the further progress of freedom. These sanctions should also be complemented by economic assistance for the Baltic States and liberal immigration rules for Baltic nationals in our country. If this policy is measured by the percentage decreased Soviet GNP, then the policy will be judged to be ineffective and will fail. But if this policy is judged by the resolve of the American people and the moral leadership that we provide, then someday the people of Lithuania will join us in freedom.

Mr. Speaker, beyond global politics, new world orders, and balances of power, the United States must play an important role of moral leadership. And if talk of this leadership seems trite, then it only shows what progress we must still make.

Mr. VISCLOSKY. Mr. Speaker, it is with great enthusiasm that I join my colleagues in commemorating Lithuanian Independence Day. I am proud to say that Lithuanian-Americans maintain a strong and vital presence in Indiana's First Congressional District, and would like to note that on February 17, 1991, the Lithuanian-American Council had a dinner in Gary, IN, to mark the 73d anniversary of the Proclamation of Independence for Lithuania.

The Lithuanian-American Council dinner was especially significant this year due to the Baltic States' most recent struggle to achieve independence in light of the brutal Soviet repression and crackdown that began in Vilnius on January 13. As I express my strong support for the Lithuanian independence movement, I also want to convey my sincere sympathies to the families of those who were killed in the recent crackdowns and all those who have lost their lives in this noble battle. Let us hope that their ultimate sacrifice will not be in vain.

While most of the world's attention has been focused recently on the Persian Gulf war, I want to express my unwavering support for Lithuania, Latvia, and Estonia in their peaceful efforts to achieve independence from the Soviet Union. Further, it is essential to send a clear and unequivocal message to the Soviet Union condemning the continued and resurgent Soviet repression in Lithuania and other Baltic Republics.

As a member of the Ad Hoc Committee on the Baltic States, I have taken several steps to show my support for the Baltics. On January 23, I supported, and the House of Representatives unanimously approved, a measure—House Concurrent Resolution 40—which condemns the violence and asks President Bush to work with our European allies toward a "coordinated approach" to sanctions if the Soviets continue to use force to suppress the independence movements in the Baltic States.

I have cosponsored legislation—House Resolution 32—which condemns the recent Soviet actions in the Baltic States and demonstrates my support for Lithuania by imploring Soviet authorities to peacefully resolve the issue of Baltic independence and address the underlying problem of Baltic self-determination. I have also added my name as an original cosponsor of legislation that would designate June 14, 1991, as "Baltic Freedom Day."

In addition, on January 24, I wrote to Secretary of State James A. Baker III. In this letter, I urged him in his meeting with the Soviet Foreign Minister to condemn the use of force in the Baltic States and convince the Soviets to honor their human rights obligations.

On January 28, the United States and the Soviet Union announced that they were postponing the meeting between Presidents Bush and Gorbachev that had been scheduled for February 11–13 in Moscow. The postponement was attributed to war in the Persian Gulf, but pressure from Congress and public opinion are strongly against President Bush appearing to engage in "business as usual" with the Soviets in light of their repressive actions toward the Baltics.

On January 30, the Soviet Foreign Minister announced that Soviet troops sent to the Baltic Republics over the past few weeks were in the process of withdrawing to allow a resumption of talks between Moscow and the secessionist governments of Lithuania, Latvia, and Estonia. Yesterday, European Community foreign ministers indicated that they might approve a $560 million aid package to the Soviet Union that was frozen in January. I would urge caution until it is clear that Moscow will cease its violent repression of the Baltics.

The Bush administration has maintained a low-key approach to the crisis in the Baltic States. Part of the explanation for this stance is that Soviet President Gorbachev is under extreme pressure in Moscow to take a hard lien toward the secessionist republics and President Bush hopes to maintain the support of the Soviet Union in the Persian Gulf war. However, President Bush and Secretary of State James Baker have indicated that further armed intimidation against Lithuania's independence drive could severely disrupt the improved United States-Soviet relations.

I am encouraged by several positive indicators that may lead to negotiations between the Soviet Union and the Baltics. However, I remain concerned about Soviet President Gorbachev's February 5 declaration that a nonbinding ballot on Lithuanian independence would be invalid. On February 9, in a republicwide plebiscite, 84 percent of the Lithuanian electorate voted in favor of independence by a 9-to-1 margin. This mandate effectively nullifies the Soviet Communist party's contentions that the Lithuanian people were not truly supportive of the declaration of independence issued in March of last year by the first democratically elected Parliament in more than 50 years.

While I understand and appreciate the diplomatic considerations involved, it is my strong belief that neither the United States nor its European allies should allow Lithuania or the other Baltic States to be used as bargaining chips to achieve Soviet concessions in other areas. My message to President Gorbachev is clear: If he continues to employ the hard-line Soviet political strategy of repression, he sacrifices not only the Soviet Union's improved human rights record through glasnost, but he also jeopardizes his country's improved relations with the United States. The United States cannot allow this type of barbarism to continue.

It is my hope that the strong support for Lithuania here in the United States Congress may help to convince the Soviets to reject their hard-line stance toward the Baltic States. As we continue to closely monitor the developments in Lithuania and the other Baltic States, it is essential that we actively support the Lithuanian people in their struggle for independence.

I am proud to celebrate the 73d anniversary of Lithuanian Independence Day, and I thank my distinguished colleague from Illinois [Mr. ANNUNZIO], for arranging this special show of support for Lithuania.

Mr. COYNE. Mr. Speaker, today, I am pleased to join in the celebration of Lithuanian Independence Day.

On February 16, 1918, the Republic of Lithuania declared its independence from Russia and joined the community of nations. The citizens of Lithuania proudly asserted their historic right to live free as an independent nation. In one of the many tragedies of this century, the Baltic Republics of Lithuania, Latvia, and Estonia lost their independence in 1940 when Soviet tanks and troops overran these nations.

It is just and proper that the United States has never accepted the legitimacy of the Soviet Union's forced annexation of the Baltic Republics. We stand firmly behind the citizens of Lithuania, Latvia, and Estonia, who today are struggling to reassert their national right to independence. We join them in celebrating that independence.

Americans understand the importance of commemorating a nation's independence. Each year, on July 4, we celebrate our country's break with Great Britain and the creation of a new nation. In these festivities, we remember one of the core values which is enshrined in the Declaration of Independence: The inalienable rights of free men and women to assert their independence and institute new forms of government dedicated to the principles of life, liberty, and the pursuit of happiness.

We are rightfully proud of our independence. Time and time again, we have shown our willingness to make sacrifices and endure great suffering to protect our country from foreign domination.

The citizens of the United States understand instinctively the desire of men and women of other nations to enjoy the benefits of liberty and independence. It takes no effort for us to identify with the human drive for freedom and self-determination which we are witnessing today in so many nations around the world.

For this reason, we are inspired by the brave people of the Baltic Republics who are today struggling to regain their independence from the Soviet Union. We know that freedom will not be easily achieved. Yet, we share with the people of Lithuania and the other Baltic nations an unending dedication to the establishment of liberty and security for the Baltic Repubics.

Like so many Americans, I was appalled by the events of January 13, when Soviet tanks and troops ran down unarmed civilians in Vilnius, Lithuania. The death of over 15 Lithuanian citizens and the injury of scores of other demonstrators sent a clear signal that the forces of repression and dictatorship were on the march again in the Soviet Union.

The world understood immediately the true significance of the warning issued during the resignation speech of former Soviet Foreign Minister Eduard Shevardnadze:

> Dictatorship is coming. I tell you with complete responsibility. No one knows what this dictatorship will be like, what kind of dictatorship will come to power and what order will be established.

The emerging form of dictatorship could be perceived with the arrival of tanks. With the deaths of civilians, we witnessed the extremes to which the forces of dictatorship would go to reassert the power of the Soviet state, the Soviet Army, and the Communist Party.

Unless those dedicated to democracy and glasnost in the Soviet Union can reassert themselves, the world may soon see the triumph of reactionary forces committed solely to the cause of state power. At stake is more than just the future of the Soviet Union and all those nationalities who would claim their rightful independence. Also at risk are the hopes of the world for a time of peace and security when a nation of great military power like the Soviet Union might join other nations in recognizing the rights of individuals and the benefits of liberty.

Against this backdrop of despair over trends in the Soviet Union, we celebrate Lithuanian Independence Day. We salute Lithuanian President Landsbergis for his unwillingness to bend before the power of the Soviet Army. Most of all, we commend and pay tribute to the people of Lithuania who have shown both at the ballot place and in the streets their dedication to the cause of Lithuanian independence.

Mr. Speaker, while American and allied forces engage in a great effort to secure the independence of Kuwait, we must not forget the people of Lithuania and the Baltic Republics. The United States must stand with the citizens of Lithuania, Latvia, and Estonia who are bravely laboring against the oncoming forces of dictatorship.

Let us celebrate Lithuanian Independence Day with the same vigor and sense of dedication that we share as a nation in celebrating our own independence. By supporting the Baltic Republics, we honor the great traditions of the United States and all nations who have struggled for freedom.

Mr. RAMSTAD. Mr. Speaker, I rise today to commemorate the anniversary of Lithuanian independence.

Because of the recent violent Soviet crackdown on the Baltic nations, our observance of this day is more important than ever. Now more than ever, we must recognize the people of Lithuania as citizens of an independent and free nation, free of Soviet control and oppression. The United States has never recognized the Soviet Union's forced annexation of Lithuania, and we shall never do so.

Mr. Speaker, today is an opportunity to send a strong message to the Soviet Union in support of the freedom of the Baltic nations and in opposition to Soviet brutality. We all need to take advantage of this special day.

Mr. DWYER of New Jersey. Mr. Speaker, I wish to thank Mr. ANNUNZIO for arranging this special order today so that we may take time to commemorate Lithuanian Independence Day and honor the brave people of that nation as they press their demand for full freedom.

This year has been one of successes and setbacks for Lithuania. In May of last year, the Lithuanian Government declared its independence from the Soviet Union and, shortly thereafter, both the House and Senate urged the Kremlin to negotiate in good faith with the Lithuanian Government.

The struggle has been escalating since that time, with a crisis in January of this year when the Soviet Union sent tanks into Lithuania in a crackdown which left 14 people dead. While the world's attention was turned toward the Persian Gulf, the Soviet Union sought to use violent means to once again try and extinguish the call for freedom in the Baltic States. As Lithuania had been a leader in the fight for independence, Moscow apparently sought to make an example of that nation and its people.

The reaction of the international community has been swift. The Congress passed resolutions condemning the violence and asked the President to work with the European Community toward a coordinated approach to sanctions if the Soviets continued to use force to suppress movements for independence by the Baltic States. And the European Parliament blocked a food-aid package to the Soviets.

On January 30, the Kremlin announced that a tentative troop withdrawal had begun in Lithuania. However, the Lithuanian people are faced with perhaps their greatest struggle to date. Their overwhelming vote for independence earlier this month is a testament to their commitment to see this endeavor through. We must continue to stand behind them as a matter of conscience and of policy. The progress we have made in our relations with the Soviet Union cannot cloud our commitment to human rights and our longstanding policy on the Baltic States.

Mrs. BENTLEY. Mr. Speaker, today, we are commemorating the 73d anniversary of Lithuanian Independence Day, first proclaimed on February 16, 1918. It is my hope that the 73d commemoration will be held in Vilnius, in a free Lithuania.

The euphoria that swept much of the civilized world with Gorbymania is evaporating at breakneck speed in the wake of last month's violence in Lithuania. Too many people, it seems, were tripping over themselves in a mad rush to plaster Mr. Gorbachev's face on magazine covers and to nominate him as "Man of the Year," based solely on promises rather than on concrete action.

It is certainly an odd world we live in, when Nobel recipients allow Black Berets to machinegun innocent civilians. The world will not soon forget the terrible crimes committed not only in Lithuania, but in neighboring Latvia, at the behest of Moscow. Large segments of the Kremlin leadership continue to refuse to believe that history has already passed judgment on their corrupt and morally bankrupt system of government. They are wilting on the vine but, unfortunately, are still capable of getting off a few parting shots. I can only hope that we don't witness any more.

Mr. KOSTMAYER. Mr. Speaker, today we take note of the 73d anniversary of the Lithuanian Declaration of Independence.

Mr. Speaker, there was great joy when that Baltic nation broke free from Czarist domination in 1918, but that freedom was crushed by the terms of the Hitler-Stalin pact which sold Lithuania back into Soviet slavery. The free Baltic nations of Lithuania, Latvia, and Estonia were forcibly and ruthlessly engulfed as Soviet tanks mercilessly plowed through their lands in the early years of World War II. The close of the war saw Hitler destroyed and the people he conquered and humiliated set free. But Stalin remained in power, and Lithuania is still paying the price.

The United States has never accepted the forcible incorporation of the Baltic States into the Soviet empire. The recent crackdowns in Lithuania and in the other Baltic States cause us to renew our urgent call for a rapid and peaceful transition of the relationship between the Soviet Union and the Baltic States. Mr. Speaker, the U.S. Congress salutes the people of Lithuania and the 800,000 Lithuanian-Americans for their courage and resolve in the quest for a free Lithuania once again.

Mr. STOKES. Mr. Speaker, I want to commend my colleague, Mr. ANNUNZIO, for reserving time to commemorate Lithuanian Independence Day, an important milestone in the lives of the people of Lithuania and the lives of all throughout the world who are struggling for freedom and democracy.

Mr. Speaker, today we focus the attention of the Congress and our entire Nation on the heroic struggle of the Lithuanian people in their quest for democracy. The Lithuanians have inspired us all in their display of tremendous courage and perseverance in seeking independence from the Soviet Union.

Almost a year ago, the Lithuanians began their struggle by voting to restore their Republic's independence from the Soviet Union. They stood firm during an unprecedented visit to Lithuania by Mikhail Gorbachev last year, in an effort to persuade them to change their course toward independence. They held their ground between April and July 1990, after Soviet officials attempted to use economic sanctions and curtailment of their oil and natural gas supplies to force them to rescind their declaration of independence. The Lithuanian people stood steadfast even after Soviet military forces tried to intimidate them by occupying their buildings, seizing the printing plant of their independence newspaper and taking over other media, and when, in a bloody melee, Soviet soldiers stormed Lithuanian hospitals to seize draft evaders.

The Lithuanian people continued to show remarkable courage and restraint recently when they used their own bodies as human shields to protect their parliament, and again when the Soviets used brute military force in the Capital of Vilnius in January of this year, as Soviets rolled their tanks over unarmed, peaceful protesters and shot them, leaving over 15 dead and hundreds wounded. In spite of the violence and threats against them, the Lithuanian people recently voted overwhelmingly to secede from the Soviet Union.

Soviet intimidation and intervention have not silenced the voices of freedom among the Lithuanian people. Since 1922, the United States has recognized Lithuania, Estonia, and Latvia as independent sovereign nations, and has refused to recognize the Soviet Union's forcible annexation of the Baltic Republics almost 50 years ago. In spite of repeated Soviet attempts to destroy the national identity and culture of the people of Lithuania, their spirit and determination has remained unbroken.

Mr. Speaker, although world attention is riveted on the Persian Gulf, I am pleased that we have not turned our backs on the people of Lithuania in their gallant efforts to secure peaceful democratic reform. Furthermore, I hope that we will continue to carefully monitor the events in Lithuania and the other Baltic Republics. If America seeks a new world order based on democratic values and where conflict is resolved peacefully, we cannot ignore the acts of violence against a valiant group of people whose only transgression is their peaceful struggle for democracy.

Mr. MOAKLEY. Mr. Speaker, I rise to commemorate the 73d anniversary of Lithuanian Independence after the fall of Tsarist Russia and to wish its people success in ending 52 years of "independence" under the rule of Soviet Russia.

Mr. Speaker, the people of Lithuania have long awaited a return to independence. The Lithuanians waited through 150 years of Tsarist rule, preserving native language, culture and religion despite extreme Russian efforts to eradicate them. They still celebrate February 16, the day that marks their first liberation from Russia, as their day of independence. It's now been half a century since Lithuania has had any real freedom or independence, but its citizens seem to have no doubt that, not only are they not Russian, they are not Soviet.

A week and half ago, this point was restated by the Lithuanian electorate who overwhelmingly voiced their support in favor of continuing the process of separation from the Soviet Union. Even while the memory of violence was still fresh and the threat of more violence was overhanging, 90 percent of the eligible voters turned out to vote. It is both a shame and inspiration to us here in the West, with out reluctant electorate, to see such naivete and such determination—even as a crackdown begins.

Dictatorship is coming. In his ominous resignation speech last year, Former Foreign Minister Eduard Shevardnadze warned us that, "Dictatorship is coming." Over the last years we have watched the Kremlin, under the leadership of Mikhail Gorbachev, begin to open Soviet society and allow, even encourage, individual freedoms and individual action. But that open door is beginning to shut.

In October of last year, 15,000 Soviet troops, under the direction of the Kremlin, were quitely moved into Lithuania. Part of these troops helped in the January attack on the citizens of Lithuania which killed 20 people. Twenty more are missing still. For the moment, the violence of the crackdown has cooled into a tense stand-off; the Lithuanian people maintain their vigil before their parliament, and the 15,000 troops remain.

How are we to perceive the resignation of a leading advocate of glasnost, the intimidating placement of troops, and the use of brutal force? We have seen such events taking place in other areas of the Soviet Union—in Azerbaidzhan, and now in Latvia—and we are reminded of past aggressions.

Mr. Speaker, events in Lithuania are still being played out. Mr. Gorbachev has defined his role and, as one expert on the Soviet Union has put it—chosen empire over democracy. But Lithuania has chosen to pursue its own role. It is time for a free and independent Lithuania to reemerge from an intermission of Soviet rule. The Soviet Union does not appreciate our attendance to the fate of Lithuania, along with the other Baltic States, Latvia and Estonia, but its determination and defiance, when looked upon, captures our imagination and I, for one, do not wish to let the curtain drop on Lithuania.

Mr. MARKEY. Mr. Speaker, the recent outbreak of violence in the Baltic States by the Soviet Army gives special significance to the celebration of Lithuanian Independence Day this year.

February 20, 1991, Lithuania's Independence Day, is an opportunity for those of us who support self-determination and freedom of expression to speak out in favor of a meaningful political dialog in the Baltic States. The strength and commitment of the Lithuanian people to peaceful democratic reform is an inspiration to us all.

As beneficiaries of a free, open, and independent nation, Americans are committed to supporting those pressing for democratic change throughout the world. I commend the Lithuanian people on the anniversary of their struggle for self-determination, democracy and freedom.

Mr. ANDERSON. Mr. Speaker, neglected because of our concern for the war in the Persian Gulf have been events as forbidding as the ravings and Scud attacks of Saddam Hussein. I speak of the rising tide of conservatism in the Soviet Union. When we have thought of the Soviet Union in the last few weeks, our thoughts and concerns have focused on the crackdown against Lithuania and her fellow Baltic States. While we mourn the sacrifices these people are making in their effort to be free, we must also see these events as pieces in the rapidly changing political landscape of the Soviet Union. The reform movement in the Soviet Union, which has been so critical to the end of the cold war, may now be overwhelmed by a hardline Communist backlash. Mikhail Gorbachev seems to have sold his soul to this conservative uprising. If this is so, our efforts in support of Lithuania should not be derailed by any myopic effort to sustain Mr. Gorbachev's leadership.

Mikhail Gorbachev has been heralded by the West as the man who would bring the Soviet Union out of the grips of an archaic communism and into the world community of free markets and free peoples. But the man who was awarded the Nobel Peace Prize now bears the guilt for the deaths of innocent civilians in Lithuania. The reformers in the Communist Party have resigned or been demoted, while the reactionary hardliners of the past are ascendent. Gorbachev is no longer the darling of the Soviet people, but the symbol of failed hopes and dreams. Repression is the watchword of the day, not reform.

The policies of perestroika and glasnost have always been the subject of fierce internal debate. On one side were those who pushed for a fundamental restructuring of the political and economic system which encompassed free-market principles and Western democratic traditions. No more would there be a single party state or a centrally controlled, "command economy." Citizens would have the right to say what they believed, travel to where they pleased, and engage in business enterprises complete with the right to own their own assets. The fundamental emphasis of this movement has been one of complete political restructuring, with long-term economic betterment the eventual result of a truly free political system which allows people to do as they please.

This revolutionary vision has never been the vision of the hardliners. Perestroika and glasnost were tolerated, but never embraced. This toleration resulted from two convictions. The first was the evident fact that the Soviet Union was stagnating and declining vis-a-vis the West because of the failed Brezhnev-era policies of the past. Second, some reform of these policies would hopefully lead to economic growth and a technological infusion from the West that would, in the long run, strengthen the Soviet Union's hand. Not only was it clear the Soviet Union had lost the economic race to the West, but the one criterion which qualified the Soviet Union for superpower status, its military power, was also being eroded by the West's technological advantage. Likely, the Red army was not overly surprised by the allied coalition's complete dominance of the Iraqi military. As part of this vision, hardliners were persuaded that economic reforms would not be successful unless accompanied by a degree of political and individual freedom. Importantly though, this conservative vision was one of tinkering around the edges, not of true restructuring. It was one of temporary change and policy shifts, compared to permanent revamping and superstructure rework. Those organizations that were most affected by any change, the bureaucracy, the Communist Party hierarchy, the KGB, and the military, were persuaded to go along because they thought change could be carefully managed to suit their needs.

This basic conflict between reformers and conservatives was why we saw such a competition between those advocating massive, sweeping reform and those advocating narrow, incremental policy changes. It is between these two poles that Gorbachev has attempted to walk. But the economic and political disintegration, combined with seemingly uncontrollable nationalist movements, made Mr. Gorbachev's balancing act impossible. When those in the armed forces and the security apparatus and those in the party only saw troop reductions, the abandonment of former allies, nationalist unrest, and the wave of separationist movements, instead of material benefit, they quickly moved to put a stop to it. In one sense the linchpin of this reactionary effort has been the crackdown against Lithuania.

As long as the reform movement in the Soviet Union promised a brighter future for economic prosperity and the eventual strengthening of the party and the state apparatus, reform was encouraged. But reform had to work to be accepted. That hope has been shattered in recent months. Soviet authorities have seen the negative side of free speech in the form of critical attacks on their own persons. There have been marches in the streets criticizing the Communist Party and the leadership of the Soviet Union. Crime has exploded on the city streets. The underground, black market economy has run rampant as people have turned away from state-run economic organizations. But the greatest threat of all has been the political and national fragmentation that has taken place. Boris Yeltsin, the non-Communist head of the Russian republic, daily denounces the Communist bureaucracy and Gorbachev. He is also the most popular man in Russia. He has also threatened to tear his Russian republic away from the whole of the Soviet Union. There is civil, labor, and religious strife throughout the land. People have left the Communist Party in overwhelming numbers. It is likely that party-affiliated politicians would lose the great majority of any open elections that were held. But the greatest sin of all has been efforts on the part of several Republics to pull away from the center.

Once the people of the various independent Republics saw the chance for political freedom, their hopes could not be contained. Freedom is contagious. Once it has been tasted, it cannot be turned off. This is a fundamental point the conservatives have failed to understand, both of the free market and nationalistic movements. Somehow the hardliners believed they could allow small freedoms and retain control at the center. They have been proved wrong. Democracy and capitalism are incompatible with centralized control. Now these reactionaries, the long-time bureaucrats and party members, the army, and the KGB have decided to meet this challenge with brute force, the only tried and true way they know how. Lithuania is simply the first to receive this treatment. The tanks we now see on the streets of the Baltic Republics are a sign to the even more important Republics, especially the Ukraine and Byelorussia, of what is to come if they assert their independence.

The lesson that we can learn from the deaths of innocent Lithuanians, combined with the new efforts against democracy and private enterprise in the Soviet Union, are clear. We must not accommodate these actions by standing idly by. We must not routinely continue summits and conclude trade agreements. Our voices must be loud and clear in protest. By this, we shall prove to the old conservative guard of the Soviet Union that any gains they hope to win from the West are deeply in peril if their actions continue.

The benefits to the Western World and the United States out of the reform movement was a decided shift away from the politics of confrontation to the new era of superpower cooperation. The Soviet Union realized it could neither afford a continuing commitment to Third World revolutionary movements, or sustain the military spending necessary to further an arms race. The misadventure in Afghanistan, complete with devastating casualties, played a large role in this recognition. By withdrawing from the confrontation of the past, the Soviet Union felt if could safely devote more resources to the civilian economy. This is why we have seen new arms control initiatives and receptivity on the part of the Soviets, as well as cooperation on the problems of Nicaragua, Angola, and Vietnam. The substantial withdrawal of support to long-time Soviet ally Cuba is also a clear example of this policy. But the greatest example of all was the pullback from Eastern Europe. The Berlin Wall could not have fallen if not for the approval of the Soviet Union. That the Warsaw Pact has disbanded and free, democratic elections have taken place was an astounding sign of Soviet reentrenchment and commitment to a new path. We are now able to cut defense spending and work with the Soviet Union on regional problems in the world, like Iraq.

But we should not fool ourselves. These benefits will not continue by a policy of silence. We cannot turn our backs on Lithuania in the vain hope that good relations will be sustained with Mr. Gorbachev. The reformers have disappeared. Foreign Minister Shevardnadze, in his statement of resignation, warned of an "approaching dictatorship." This is what we must fight if we are to avoid a return to the era of the cold war. A stand alongside Lithuania is a fight against appeasement and for the principles we as a nation have always held sacred: the prerogative of a people to certain inalienable individual and democratic rights. We cannot let the will of conservative old men overcome this conviction. For if we do, we stand to lose all the gains we have made in the past years.

Mr. FEIGHAN. Mr. Speaker, on this, the anniversary of the independence of Lithuania, we must do all we can to support that independence which the Soviet Government continues to suppress. The horrible and unlawful Soviet aggression in Lithuania—and also Latvia and Estonia—has gone relatively unnoticed. As the United States leads a noble effort to stop the aggression of a cold and brutal dictator in the Middle East, we must not forget the brave people in the Baltic States. I would like to commend my colleague, Mr. ANNUNZIO for calling us together for this special order so that we can let the Lithuanians—and all the Baltic peoples—know that we stand behind them in their struggle.

As the world's attention is riveted on war in the gulf, Soviet shock troops are reasserting central control in the Baltics. They have killed defenseless civilians. The West must not follow the worn-out script of resignation in the face of Soviet aggression. We must act decisively and immediately.

We must go beyond words and use our power, our resources and our influence to protect democracy and freedom in the Baltic States. We must not only condemn the Soviet aggression. We must also reach out to leaders, like Lithuanian President Vytautas Landsbergis, and show our support. We must take the initial steps that will lead to full diplomatic relations with Lithuania and the other Baltic States.

For far too long U.S. policy has been unquestioning in its support for Gorbachev. Last week, in an op-ed article in the Cleveland Plain Dealer, I suggested some changes that United States policymakers should consider that, I believe, would go a lot further to promoting democracy in the Soviet Union. I ask unanimous consent that this article be inserted into the RECORD.

For 50 years, Congress and the American people have not recognized the forcible incorporation of the Baltic States into the Soviet Union. We share the joy of the Baltic peoples as their dream of true independence moved closer to reality in this past year. We commend Lithuanian independence today and vow to do all we can to see full independence become a reality.

[From the Cleveland Plain Dealer, Feb. 12, 1991]

TAKING A FRESH LOOK: U.S. MUST ALSO SUPPORT BALTICS

(By Rep. Edward F. Feighan)

On Jan. 11—the same day that shots were first fired in Vilnius—Soviet President Mikhail Gorbachev telephone President Bush, ostensibly to discuss the gulf crisis. Most likely, the call was a probe to see whether Bush held strong views on the ongoing Soviet crackdown in the Baltics. Unfortunately, in Bush's own words, "There was not a great discussion" on Lithuania.

Bush's reaction was typical of U.S. policy toward the Soviet Union in the Gorbachev era, the central tenet of which is the belief that Gorbachev is the only man with both the authority and the will to advance reform in the Soviet Union. Under these assumptions, Gorbachev receives our unconditional support. The inherent danger in this is that when Gorbachev changes his course, our policy lacks the flexibility to react.

With the crackdown in the Baltics, we must take a fresh look at these underlying assumptions of our policy.

It is true that on paper, Gorbachev holds more power than any other Soviet ruler in history. But this amounts to little in a country that totters on the brink of anarchy.

Boris Yeltsin has demanded that the massive Russian republic's contribution to the central government's budget be reduced by 80%. This, along with non-payment by other rebellious republics, drastically erodes the Kremlin's real power. Ten out of 15 republics have said that they would not sign the proposed Union Treaty, which represents the Kremlin's own blueprint for its relationship with the republics. Most importantly, Gorbachev has never received the mandate of his people through direct popular election as have Yeltsin and other republic leaders. In reality, Gorbachev has relatively little authority.

In addition, Gorbachev now shows little will to reform. U.S. policymakers have placed their hopes in the continuance of *perestroika*, but now even that is falling short of expectations. Gorbachev has rejected the most far-reaching economic reform proposals and has doomed his people to the near-famine conditions that many now face.

Western investment is the lifeblood of reform, but it has fallen short of expectations. Investors are made reluctant by the anarchy of conflicting laws on privatization and investment passed by the Kremlin and the republics. Gorbachev's reassertion of central power in the republics reverses the decentralization of power that is vital to *perestroika* and economic growth.

Finally, the Baltic crackdown all but ends glasnost. Ominously, Gorbachev has sabotaged the press law.

We are left wondering, then, whether Gorbachev still has any will or authority to advance reform. Apparently, he never dreamed that reform would unleash long-suppressed nationalist sentiments and threaten his vision of the Soviet empire. Gorbachev's recent embrace of reactionary forces in the Kremlin and the ongoing Baltic crackdown clearly demonstrate his choice of empire over reform. The prudent course for the United States is to add flexibility to respond to change in the Soviet Union.

Our immediate goal should be to send a forceful message to Gorbachev that the key to ensuring the best possible U.S.-Soviet relations remains his support for democratic reform. Gorbachev, a master politician, may still be able to realign himself with the forces of change and jump-start the reform process in the Soviet Union. But, as that outcome is far from certain the United States must also reach out and establish contact with those leaders who have earned the allegiance of a majority of the people they represent.

To these ends, the following steps should be taken:

In addition to postponing the summit meeting, President Bush should continue to condemn the military action in the strongest terms and hold Gorbachev directly responsible for the conduct of his army.

Recent trade concessions and extensions of credit should be suspended.

A high-level U.S. delegation should be sent to meet Baltic leaders and observe the situation firsthand as a prelude to further contacts leading to full normalization of relations with the Baltic states.

Future Western aid and trade concessions should be channeled through the governments of the Baltics and other republics.

American policy can no longer be based on the assumption that Gorbachev is democracy's only hope. President Bush ought to extend a hand of support to the democratically elected leaders of the Baltic nations.

Ms. SLAUGHTER of New York. Mr. Speaker, just 4 days ago, I returned to the United States with the Helsinki Commission delegation after visiting the Soviet Union and the Baltic Republics. Coming home, I was struck by the sea of yellow ribbons which decorate the trees, lampposts, and mailboxes in my neighborhood. The tattered ribbons seemed somehow brighter than before I left for the Baltics. The people I met in Lithuania, Latvia, and Estonia—despite decades of often violent occupation—are so filled with hope. The hope that they will someday regain their independence lights a bright fire in the eyes of both the young and the old. This was the brightness which reflected in those yellow ribbons here at home as I was reminded of how much we, as Americans, cherish freedom and democracy.

As a child of World War II, I remember well the proud homecoming parades and victory celebrations. The war had ended. Americans welcomed home their troops, mourned their dead, celebrated victory, and went on with their lives in peace. For the people of the Baltic States, however, World War II was never over. They have lived all these decades in occupation, subjugated by the Soviets. The struggle today, then, is not a question of secession. The Balts never joined the Soviet Union, they were forcibly annexed in an agreement between world powers—a union the United States never sanctioned.

Nowhere is this forcible annexation and the Baltic rejection of a Soviet identity more poignantly expressed than at the Lithuanian Parliament building in Vilnius. There, the Lithuanian citizens have created an oddly beautiful sculpture of hundreds of Soviet medals and passports—an artist's rendering of the same sentiment overwhelmingly expressed at the ballot boxes in Lithuania 2 weeks ago. Voting in a referendum on independence, more than 90 percent of Lithuanians said they wanted their homeland to be an independent, democratic republic. They do not consider themselves Soviets. They never have.

The people of Lithuania, Latvia, and Estonia have one simple, noble desire—independence. Theirs is a moral struggle. They fight for democracy and the most basic right to self-determination, not with tanks and M–16's, but by peacefully embracing democratic principles and processes. The front lines of the independence battle in the Baltics are in the halls of Parliament and at the voting booths. The Balts have elected reformers to their Parliaments and scheduled referenda to give all Baltic citizens a voice in their political future. Until recently, the battle fought at these front lines was peaceful and most civilized. The Soviet military broke the silence of this peaceful struggle and left at least 4 Latvians and 15 Lithuanians dead. There will be silence no more; and now is the time for the United States of America to add its clear and resounding voice to the call for freedom and democracy in the Baltic States and other Soviet Republics who seek independence.

When our congressional delegation met with Boris Yeltsin, respected Chairman of the Russian Parliament, it was sobering to hear him say that the United States did not appear "sufficiently concerned" about the growing tension in the Soviet Republics. Yeltsin's indictment of the United States for failing to provide a clear message of support to the Baltic people was reflected in the hesitant and doubtful countenances of the Latvian people when they encountered our delegation. When we stopped at the Freedom Memorial in Riga, the Latvians didn't know how to receive our delegation. Once we laid a wreath at the memorial, the people of Riga were assured of our solidarity with their cause. They cried and embraced us, thanking us for coming to their country and speaking up for freedom. Leaving the Parliament Building in Vilnius, where at least 15 people were killed by the Soviet military, an older Lithuanian woman rushed up to me and whispered, "We are all alone here in the world." These proud and courageous people ought not to be alone and isolated in their struggle for self-determination.

I was proud to join the Helsinki Commission in their visit to the Soviet Union and the Baltic States. It is so important to convey a message of support to the Balts. The woman I met on the steps of the Lithuanian Parliament Building and the brave people of Riga must have no doubt that the United States stands behind them in their struggle. We share their hope. We mourn their dead. We join in their prayers. No word can be left unsaid, no step untaken in trying to regain Baltic independence without bloodshed. Like all peoples, they have a right to determine their own future.

Today, as Members of Congress commemorate Lithuanian Independence Day on behalf of the Lithuanian American community and their familes abroad, I renew my pledge to continue to speak out for fundamental human rights in the Baltic States, in the Ukraine, in Tibet, in South Africa, in the Middle East, in Central America, and everywhere that people seek to be free.

Mr. PORTER. Mr. Speaker, I would like to join the Lithuanian people and the Members of the House who have gathered here in commemorating Lithuanian Independence Day.

The last 50 years of Lithuanian history have been a difficult time for the Lithuanian people. In 1941, the Germans and Soviets agreed to let the Soviets annex the Baltics, including Lithuania, in exchange for Soviet neutrality in World War II. During the last five decades, the people of Lithuania have suffered under the yoke of rule from Moscow and a failed Socialist system. While the free nations of Europe developed economically and prospered, the Lithuanians were linked to the Soviet economy. Soviet inefficiency spirited away much of the fruits of their labor, but worse, the Lithuanians have been dominated by the Soviets politically, stripping them of their freedom of self-determination.

Throughout these years of domination, however, the Lithuanian people never lost hope. They kept the candle of Lithuanian nationalism burning in their hearts and waited for an opportunity to bring their case before the world. Their chance came as the cold war thawed and the nations of Eastern Europe made their bids for freedom. The Lithuanians began peaceful calls for their own freedom and elected a Parliament and President. Their ultimate goal is an indpendent, free LIthuania where Lithuanians and ethnic minorities can live in peace under a freely elected government.

In response to this call for freedom, the Soviets imposed a bloody and cruel regime of repression in Lithuania and the other Baltic States. Throughout it all, the LIthuanian people have maintained patience and restraint in the face of horrible repression and an effort to destroy the thing they love the most, their homeland.

I am here today to reaffirm to the people of Lithuania that the people of the United States stand with them in their struggle for freedom. We commend them for their efforts and commit ourselves to do all we can to see that freedom and democracy replace repression in their land.

Mrs. MINK. Mr. Speaker, I rise in recognition of and to commemorate February 20 as Lithuanian Independence Day. I join in celebrating the reaffirmation of independence and the democratic rebirth that began 2½ years ago. I celebrate the indomitable spirit of the Lithuanian people who have peacefully asserted their independence, reestablished a freely elected parliament and executive government, and have asked the world only to respect their historic right to self-determination.

This is an exciting time in the history of Europe. I have a great optimism about the potential for peace, for freedom, and for prosperity in that region. It is a time when old enemies can work together to build a better Europe. It's a time when old wounds can be healed with a mutual respect for human rights and freedoms. It is a time when Lithuania can finally start to achieve its full potential as a country. And also important, this is a time when the friendship of America and other democracies is crucial to insuring that Lithuania is allowed to find and keep its own place among the world's nations.

Today is a day when we celebrate the wonderful gift of freedom that is the right of all people. And the independence of Lithuania, which exists in law and in fact, yet is still seemingly beyond the understanding of the Soviet Union. But regardless of the political opinions of some nations, the independence of Lithuania is real and it is felt by the Lithuanian people with a passion that can not be discouraged. The work of Lithuania has just begun. They have new chapters to write in the history of their country. They have new challenges to face and new struggles to overcome.

Therefor I reiterate my call for full recognition of the democratically elected Government of Lithuania. And I encourage the American Government to do all it can in helping Lithuania to take its rightful place as a full member of the United Nations and maintain its rightful status as a free and independent state.

I extend my warm wishes and wholehearted support to President Landsbergis, Vice President Kuzmickas who visited us here in Washington, and to all the people of Lithuania on this anniversary of independence. And on behalf of the people of Hawaii, I send them all our heartfelt aloha.

Ms. ROS-LEHTINEN. Mr. Speaker, the anniversary of the independence of Lithuania is being recognized all over the world. It is freedom of speech and freedom of the body and soul which bring us here today. As we commemorate the anniversary of the independence of the Republic of Lithuania, we cannot help but realize that it is freedom which lies at the heart of this celebration. And it is freedom for which the people of Lithuania have fought and continue to fight.

Seventeen heroic Lithuanians gave their lives for freedom when Soviet troops stormed a TV tower during a bloody takeover on January 13. The Republic has always suffered from cultural and economic suppression, but now the suppression has turned to force. A new reign of terror has become a reality.

Who has granted Mikhail Gorbachev this license to use force against unarmed civilians? Who has granted the Government of the U.S.S.R. the freedom to kill? Those who do not speak out against brutality, against military force, and against oppression. Silence is deadly.

We must maintain our support for the independence of Lithuania. We must let the people of Lithuania know that they are not forgotten and recognize the democratically-elected Government of Lithuania. The Constitution of the United States guarantees our right to speak freely. Let us exercise our right and continue to speak out for those who suffer.

My support for the liberation of the Republic of Lithuania will remain strong until they too can exercise their right to freedom. And I ask my colleagues in the House of Representatives to join me in this fight and soon we will commemorate the new independence of Lithuania.

Mr. RINALDO. Mr. Speaker, over 70 years ago, Lithuania proclaimed its renewed independence from what is today the Soviet Union. I am proud to join with my colleagues to salute her continuing determination to be free and independent. Despite constant Soviet economic and military pressure, Lithuania has continued to defy Moscow and to demand her right to rejoin the free world.

Lithuania has a proud heritage dating back over 1,000 years. At one time, she was the predominant power in the Baltic region, but lost her freedom after losing a series of wars to Russia and Sweden. Despite brutal repressions, the Russian Empire's attempts to stamp out Lithuania's language and culture failed.

On February 29, 1918, the renewed Republic of Lithuania was proclaimed. Unfortunately, that independence only lasted 22 years, until August 3, 1940, when Russian troops again crushed Lithuania's freedom and renewed her subjugation to Moscow.

In the next few years, scores of Lithuanian patriots were summarily executed, and thousands of her citizens disappeared into a Siberian exile from which few ever returned. Stalin again tried to eliminate the Lithuanian language and replaced the exiled Lithuanians with thousands of Russian colonists.

However, this effort failed, and the Republic of Lithuania proclaimed its resumed independence on March 11, 1990. Since then, she has shown the world that the Lithuanian people's will to be free cannot be crushed by economic boycotts or military threats.

Mr. Speaker, freedom is not a gift. It must be earned and constantly defended. The people of Lithuania have worked, and suffered, and died for the rights that many of us in the United States take for granted.

Lithuania reminds us that freedom is the most precious possession of any nation, and is worth whatever sacrifices are necessary. I am proud to salute the Lithuanian people on their independence day, and to pledge my continued support for their efforts.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

ADMINISTRATION'S ENERGY PLAN IGNORES TERRIBLE LESSONS OF THE PAST

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, the administration's energy plan ignores the terrible lessons of the past. This President, who is so strong in taking on the war front halfway around the globe, somehow is unable to provide clear direction in confronting our most serious problems on the home front.

The most important reason this Nation is at war in the Persian Gulf is oil. We all know that. And the President and the country have asked half a million young people potentially to make the greatest sacrifice in that war. Yet the President will not ask the American people for any kind of sacrifice to conserve energy at home.

Just relying on more oil production will not do the job. It's like sending a boxer into the ring with one hand tied behind his back. To assure this Nation's energy security, we must conserve energy, we must expand the strategic petroleum reserve, we must encourage the development of alternative sources of energy, and we must guarantee a stable market for our domestic energy producers.

For the past decade, this country has had no energy policy. We forgot the lessons of the 1970's. Now we're paying an awful price in the 1990's. If we make the same mistake again, we will be vulnerable to exactly the same oil blackmail in the future.

The choice is simple. Do we fight more wars or do we develop a comprehensive energy policy that helps preserve the peace? The President, the Congress, and the Nation know what the choice must be.

INVEST IN AMERICA WITH ENVIRONMENTAL TAX CREDITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. POSHARD] is recognized for 5 minutes.

Mr. POSHARD. Mr. Speaker, I am here to ask this Congress to make an investment in the future of America.

When we passed the Clean Air Act last year we invested in a cleaner environment. But I am afraid we forgot to invest in an important part of our national economy and our domestic security.

Today I am pleased to join Congressman TERRY BRUCE and a host of outstanding Members from Illinois and the Midwest to propose environmental tax credits for cleaner air and a healthier economy.

The Clean Air Act will force utilities—mostly in the Midwest and South—to do one of two things. Find a cleaner fuel source—or clean the emissions produced by the coal they burn now.

I represent thousands of men and women who work in the high sulfur coal mines of southern Illinois. In an area marked by 10-, 15-, 20-percent unemployment. These jobs are the most precious we have. But we're losing them each day. And without relief we'll lose even more to the Clean Air Act.

These people are the economic anchor of our communities. Take them away and our schools find it hard to teach, local governments can barely manage to protect public safety and provide basic services. And a generation of young people will be forced to leave their homes and families to search for opportunities elsewhere.

But we are not trying to simply save the economy and lifestyle of our rural areas. We want to invest in our people, our natural resources, and our domestic security.

Our proposal allows investment tax credits for utilities that use pollution control devices to meet Clean Air Act standards.

It allows accelerated depreciation for new pollution control technologies.

And it provides tax-exempt pollution control bonds for utilities which build these devices.

Quite simply—it encourages utility companies to invest in their own facilities, to use pollution control technology to clean the emissions from burning high-sulfur coal.

This will keep the high-sulfur coal market intact and keep those jobs and those paychecks alive while cleaning the air at the same time. Using scrubbers on coal-fired plants is proven technology.

Without some help the utilties will probably switch fuel, increasing their costs, and wiping out the high-sulfur coal market. Electric and unemployment rates will rise together and hurt people who are hanging on for dear life as it is.

This plan will cost us some lost tax revenues. But that will be more than offset by the increased economic activity these tax credits create and by the unemployment and economic hardship it avoids.

It does one other important thing we cannot ignore while America is at war. And should not ignore once victory is achieved.

Coal is a plentiful domestic energy source. When it comes out of the ground and is burned to provide electricity—those are American jobs it creates, and American businesses it heats, and American people who benefit.

I am glad this Congress is bold enough and principled enough to make progress on issues as vital as clean air.

The administration has proposed a comprehensive energy policy and I'm glad to see coal included in that policy. The President is advocating in a general way the very things we are advocating in this bill in a specific way.

I am asking the Congress to recognize the potential of the technology, the need of our people, and to invest in America.

□ 1630

CONTROL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM SHOULD NOT BE TAKEN AWAY FROM OUR CITIES AND COUNTIES

The SPEAKER pro tempore (Mr. McNULTY). Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS. Mr. Speaker, I rise today because of my strong opposition to the President's proposal to shift the community development block grant program away from our cities and our counties to the control of the States.

Amid much rhetorical hoopla, the President has proposed shifting a number of federally administered programs to the States—including CDBG's. He portrays this as the vanguard of still one more new version of a new federalism.

We have heard these words before. And as someone who believes with Jefferson that the best government is the government that is closest to the people, I strongly support the notion of a new kind of federalism—perhaps more than the President does. But CDBG is already a program administered at the local level. Shifting this program to the States will merely dilute and frustrate local control. The President's proposal on CDBG's would take control away from the people in the local communities of my district and in similar communities throughout the Nation.

CDBG is a federally funded program that works. Local citizen advisory panels review and recommend the most urgent local projects to attack problems in low-income neighborhoods. These projects and these neighborhoods are all too often those that fall through the cracks.

The citizen decision-making that guides CDBG's should serve as a model for other Government spending projects. Who knows better what makes Orlando, or Palm Bay, or Titusville, or Melbourne a better place to live than the people in the neighborhoods of those communities?

In my district in central Florida, in the city of Melbourne alone, 350 homes have been rehabilitated since 1975 with CDBG funds. More than 4 miles of substandard roads in blighted neighborhoods have been upgraded. We were able also to add a little landscaping and shade in Brothers Park and add a sidewalk from Hickory Street to Lipscomb Street.

In Orlando, we added a sidewalk for Lime Street, made needed repairs to Marks Street Senior Center, and improved Phoenix South, a community residential drug treatment facility. In addition, CDBG helps community coordinated child care, the center for drug free living, and Meals on Wheels provide needed services to the residents of targeted neighborhoods.

To some, these programs may not seem important. These projects don't make headlines. They do make a real difference in the lives of people. They are helping us rebuild our democracy—from the grassroots up.

In the four counties of my district, $8,700,000 is allocated in CDBG funds for fiscal year 1991. Yet each year, for lack of money, roads go unpaved, dilapidated houses remain in a state of disrepair, and community improvement projects are left undone. In the past decade, CDBG funding has been gradually cut back—while the list of unmet local needs has grown and grown.

We must not take control of these important community projects away from the citizens at the grassroots. We must not allow these funds to vanish into the black hole of State spending.

The administration talks grandly about shifting control of Federal dollars to the States. In reality, the administration is talking about shifting the burden of still more traditionally Federal responsibilities to the States. And once this shift is accomplished, the Federal dollars will surely disappear.

I urge each of you to oppose this proposal and maintain CDBG as a direct grant to neighborhoods in central Florida and across the United States. We can rebuild our democracy through local citizen initiatives. But the Federal Government must continue to help pay for some of the rebuilding.

HOW THE WAR IN THE PERSIAN GULF IS AFFECTING THE YOUNG PEOPLE OF OUR NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. ECKART] is recognized for 5 minutes.

Mr. ECKART. Mr. Speaker, during recent trips home and conference calls to district high schools throughout northeastern Ohio, I have seen first hand how the war in the Persian Gulf is affecting the young people of our Nation. The war is everywhere, on the nightly news, in the press, on T-shirts and buttons, in lunchroom conversations and classroom discussions. Some of these young people are directly affected. They have a brother, an uncle or a mother in the gulf. They are concerned about the reinstitution of the draft. Indeed for them war on this scale is something new and unnerving for many of them.

□ 1640

War on this scale was something they had only heard or read about in a history book or seen on television. For them war is now a part of their everyday life.

Ashley Quintin, a student from Aurora High School, has written a poem which captures the thoughts of many Americans of all ages. I would like to share that poem with my colleagues.

I'm tying on these ribbons
 for a soldier far away.
I haven't seen him lately,
 he left the other day.
I wept last night for all of them,
 our soldiers in the East.
And even though we're now at war,
 I will still pray for peace.
I'm tying on these ribbons,
 colored gold and white.
One for peace and one for hope,
 even as we fight.
I'm tying on these ribbons
 for a soldier on my mind.
I haven't seen him lately,
 he's left me far behind.

Mr. Speaker, for Ashley and the thousands of other young men and women in schools all across this Nation, this poem reflects so wonderfully and beautifully the thoughts on their minds and in their hearts. For the thousands of Ashleys all across this country, I commend this poem to them as a reflection of their hopes and their dreams for a better world and a brighter tomorrow.

RULES OF PROCEDURE FOR THE COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY FOR THE 102D CONGRESS

(Mr. BROWN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN. Mr. Speaker, pursuant to clause 2(a) of rule XI of the Rules of the House of Representatives, I submit the rules of the Committee on Science, Space, and Technology for the 102d Congress for printing in the CONGRESSIONAL RECORD. The rules of the committee were adopted on February 7, 1991, in open session, a quorum being present.

RULES GOVERNING PROCEDURE OF THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY FOR THE 102D CONGRESS

GENERAL

1. The Rules of the House of Representatives as applicable shall govern the committee and its subcommittees. The rules of the committee, as applicable shall be the rules of its subcommittees except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the committee.

COMMITTEE MEETINGS

Time and Place

2. Unless dispensed with by the Chairman, the meetings of the committee shall be held on the 2nd and 4th Wednesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate.

3. The Chairman of the committee may convene as necessary additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business.

*4. The committee shall make public announcement of the date, time, place and subject matter of any of its hearings at least one week before the commencement of the hearing. If the Chairman determines that there is good cause to begin the hearing sooner, he shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest, and promptly entered into the scheduling service of the House Information Systems.

*5. The committee may sit while the House is reading a measure for amendment under the 5 minute rule provided 10 or more Members on the House floor do not object when special leave for such committee or subcommittee to sit is requested.

Vice Chairman to Preside in absence of Chairman

*6. The Member of the majority party on the Committee ranking immediately after the Chairman shall be the Vice Chairman of the Committee and shall preside at any meeting during the temporary absence of the Chairman. If the Chairman and Vice Chairman of the committee are not present at any meeting of the committee, the ranking Member of the majority party on the committee who is present shall preside.

Order of Business

*7. The order of business and procedure of the committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the committee.

Membership

8. A majority of the majority Members of the committee shall determine an appropriate ratio of majority to minority Members for each subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party. *Provided, however*, that party representation on each subcommittee including any ex-officio Members shall be no less favorable to the majority party than the ratio for the full committee. *Provided further*, that recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority Members which shall be no less favorable to the majority party than the ratio for the full committee.

Special Meetings

9. Rule XI 2(c)(2) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

COMMITTEE PROCEDURES

Quorum

*10. One-third of the Members of the committee shall constitute a quorum for all purposes except that a majority must be present in order to (1) report or table any legislation, measure or matter; (2) close committee meetings or hearings; or (3) authorize the issuance of subpoenas.

*11. The number of Members to constitute a quorum for taking testimony and receiving evidence shall not be less than two and, unless waived by the Chairman of the full committee after consultation with the Ranking Republican Member of the full committee, shall include at least one member from each of the majority and minority parties.

Proxies

*12. Any Member may authorize a vote by proxy with respect to any measure or matter before the committee. Such proxy authorization shall be in writing, shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto, except that a Member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote, filed with the committee clerk, and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Witnesses

*13. The committee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation to a five-minute summary of his or her statement, provided that additonal time may be granted by the Chairman when appropriate.

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* Indicates rules applicable to subcommittees.

*14. Whenever any hearing is conducted by the committee on any measure or matter, the minority Members of the committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

Investigative Hearing Procedures

*15. Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference (rights of witnesses under subpeona).

Subject Matter

*16. Bills and other substantive matters may be taken up for hearing only when called by the Chairman of the committee or by a majority vote of a quorum of the committee, except those matters which are the subject of special-call meetings outlined in Rule 9.

*17. No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the committee.

*18. (a) It shall not be in order for the committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the extent practicable, a written copy of the measure or matter to be considered, has been available in the office of each Member of the committee for at least three calendar days in advance of consideration, excluding Saturdays, Sundays and legal holidays.

(b) Notwithstanding the foregoing sections of this rule, consideration of any legislative measure or matter by the committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the committee is present.

Open Meetings

*19. Each meeting for the transaction of business, including the markup of legislation, of the committee shall be open to the public except when the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than Members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by Rule 20 contained herein, or to any meeting that relates solely to internal budget or personnel matters.

20. Each hearing conducted by the committee shall be open to the public except when the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 10, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony.

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(B) may vote to close the hearing, as provided in Rule XI 2(k)(5) of the Rules of the House of Representatives. No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: *Provided, however*, that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

Requests for Roll Call Votes

21. A rollcall vote of the Members may be had at the request of three or more Members.

Committee Records

*22(a). The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of those Members present but not voting.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the ranking minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any Member of the committee.

Publication of Committee Hearings and Mark-Ups

*23. The transcripts of those hearings conducted by the committee which are decided to be printed will be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate.

Any requests by those Members, staff or witnesses to correct any errors, other than errors in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

Prior to approval by the Chairman of hearings conducted jointly with another Congressional committee, a memorandum of understanding will be prepared which incorporates an agreement for the publication of the verbatim transcript.

Transcript of mark-ups shall be recorded and published in the same manner as hearings before the committee.

Opening Statements; 5-Minute Rule

*24. Insofar as is practicable, the Chairman, after consultation with the Ranking Republican Member, shall limit the total time of opening statements by Members to no more than 20 minutes, the time to be divided equally among Members present desiring to make an opening statement. The time any one Member may address the committee on any bill, motion or other matter under consideration by the committee or the time allowed for the questioning of a witness of hearings before the committee will be limited to five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting Chairman. The rule of germaneness will be enforced by the Chairman.

Requests for Written Motions

*25. Any legislative or non-procedural motion made at a regular or special meeting of the committee and which is entertained by the chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

SUBCOMMITTEES

Structure and Jurisdiction

26. The committee shall have the following standing subcommittees with the jurisdiction indicated.

(a) *Subcommittee on Investigations and Oversight.*—Review and study, on a continuing basis, of the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee and the organization and operation of the Federal and private agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress. In addition, the Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority may cooperatively review and study any conditions or circumstances which indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee, and may undertake future research and forecasting on matters within the jurisdiction of the committee. The Subcommittee on Investigations and Oversight shall in no way limit the responsibility of other subcommittees from carrying out their oversight responsibilities, nor shall any investigation be undertaken by the Subcommittee on Investigations and Oversight without (a) consultation with the Chairman of the appropriate subcommittee with legislative authority and (b) approval of the Chairman of the committee.

(b) *Subcommittee on Environment.*—Legislation, general and special oversight and all other matters relating to natural resources and environmental research development and demonstration (RD&D), including RD&D activities of the Environmental Protection Agency; energy RD&D programs relating to energy conservation, solar, renewable and other non-fossil and non-nuclear energy sources; transportation programs of the Department of Energy; operational activities and RD&D related to weather, aviation weather services, climate, and the atmosphere; those ocean RD&D activities of the National Oceanic and Atmospheric Administration related to the quality and management of the environment; operations of earth observing systems; international environmental RD&D, including global climate research; and, to the extent appropriate, agriculture research, environmental health, safety, life sciences, pharmaceutical, medical, and biotechnology activities of Executive departments and agencies.

(c) *Subcommittee on Energy.*—Legislation, general and special oversight and all other matters to RD&D, and projects therefor, involving fossil fuels, nuclear fission and the nuclear fuel cycle, nuclear fusion; all federally owned or operated nonmilitary energy laboratories, basic energy sciences; high energy and nuclear physics; advanced energy technology; and uranium enrichment and waste management activities, as appropriate.

(d) *Subcommittee on Science.*—Legislation, general and special oversight of science policy, the role of basic research in economic competitiveness, and all other matters relating to the National Science Foundation; science and research matters in the Office of Science and Technology Policy and the Office of Technology Assessment; scientific research, development, and applications; scientific and engineering resources (including manpower); math, science and engineering education; international scientific cooperation; computer science, engineering, networks, and data bases; RD&D relating to government health, nutritional, handicapped, earthquake, and fire programs; intergovernmental mechanisms for RD&D; geographic distribution of Federal RD&D; university research policy, including infrastructure, overhead, and partnerships; and the effect of tax policy on research.

(e) *Subcommittee on Technology and Competitiveness.*—Legislation, general and special oversight and all other matters relating to the Technology Administration in the Department of Commerce, including the National Institute of Standards and Technology and the National Technical Information Service; technology policy; technology matters in the Office of Science and Technology Policy; technology assessment, including the Office of Technology Assessment; technology transfer; innovation and industrial RD&D; productivity and competitiveness, including small business competitiveness; patent and intellectual property policy; international technology, trade and competitiveness; technology resources (including manpower); standards and standardization of measurement; tax, antitrust and other governmental policies as they relate to technological development, commercialization, and competitiveness; civil aviation RD&D, including aeronautical research and technology programs of the National Aeronautics and Space Administration and research and development programs of the Federal Aviation Administration; materials RD&D and policy; oversight of surface transportation RD&D programs of Executive departments and agencies; and computer, communications, and information technology, and infrastructure, as appropriate.

(f) *Subcommittee on Space.*—Legislation, general and special oversight and all other matters relating to the National Aeronautics and Space Administration (except aeronautical research and technology); space commercialization, including the commercial space activities relating to the Department of Transportation and the Department of Commerce; outer space, including exploration and control thereof, the National Space Council, space applications, space communications and related matters and research and development of earth observing systems.

Referral of Legislation

27. All legislation and other matters referred to the committee shall be referred to all subcommittees of appropriate jurisdiction within two weeks unless, by a majority vote of the majority Members of the full committee, consideration is to be by the full committee. Subcommittee chairmen may make requests for referral of specific matters to their subcommittee within the two week period if they believe subcommittee jurisdictions so warrant.

Ex Officio Members

28. The Chairman and ranking minority Member shall serve as ex officio Members of all subcommittees and shall have the right to vote and be counted as part of the quorum on all matters before the subcommittee.

Procedures

29. No subcommittee shall meet for markup or approval when any other subcommittee of the committee is meeting to consider any measure or matter for markup or approval.

30. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. Each subcommittee shall conduct legislative and general oversight, inquiries for the future and forecasting, and budget impact studies on matters within their respective jurisdictions. Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

31. Any Member of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a member of the subcommittee shall vote on any matter before such subcommittee, except as provided in Rule 28.

32. During any subcommittee proceeding for markup or approval, a rollcall vote may be had at the request of one or more Members of that subcommittee.

Power to Sit and Act: Subpoena Power

*33. Rule XI 2(m) of the Rules of the House of Representatives is hereby incorporated by references (power to sit and act; subpoena power).

National Security Information

*34. All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the full committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the committee. Such procedures shall, however, ensure access to this information by any Member of the committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

Sensitive or Confidential Information Received Pursuant to Subpoena

*35. Unless otherwise determined by the committee or subcommittee, certain information received by the committee or subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the full committee, in his judgment, deems that in view of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

REPORTS

Substance of Legislative Reports

36. The report of the committee on a measure which has been approved by the committee shall include the following, to be provided by the committee:

(A) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [Rule XI 2 (1)(3)A)]:

(B) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures [Rule XI 2(1)(3)(B)];

(C) a detailed analytical statement as to whether that enactment of such bill or joint resolution into law may have an inflationary impact on the national economy [Rule XI 2(1)(4)];

(D) with respect to each rollcall vote on a motion to report such a bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or resolution, [Rule XI 2)1)(2)(B)];

(E) the estimate and comparison prepared by the committee under Rule XIII 7(a) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subdivision (B) of Rule 36 has been timely submitted prior to the filing of the report and included in the report [Rule XIII 7]; and

(F) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, [Rule XIII 3].

37. (a) The report of the committee on a measure which has been approved by the committee shall further include the following, to be provided by sources other than the committee:

(A) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the committee, [Rule XI 2(1)(3)(C)];

(B) a summary of the oversight findings and recommendations made by the Committee on Government Operations under Rule X 2(b)(2) of the Rules of the House of Representatives, separately set out and identified, [Rule XI 2(1)(3)(D)].

(b) Notwithstanding the foregoing sections of this rule, if the committee has not received prior to the filing of the report the material required under subdivisions (A) and (B) of this rule, then it shall include a statement to that effect in the report on the measure.

Minority and Additional Views

38. If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the committee. All such views so filed by one or more Members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or

additional views, which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (A) and (B) of Rule 37) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph or (2) the filing by the committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

39. The Chairman of the committee or subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the committee or subcommittee, as appropriate decides to extend the time for submission of views beyond 3 days, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

Consideration of Subcommittee Reports

40. Reports and recommendations of a subcommittee shall not be considered by the full committee until after the intervention of three calendar days, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman.

Timing and Filing of Committee Reports

41. It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken the necessary steps to bring the matter to a vote.

42. The report of the committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the Members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

43. Any committee or subcommittee report published by the committee shall follow the same procedures for its approval, including the opportunity to submit views, as is followed in the case of a report accompanying a bill or resolution which has been approved by the committee.

MEDIA COVERAGE

44. The committee may permit, by majority vote, hearings or meetings which are open to the public to be covered in whole or in part by television, radio and still photography—or by any such methods of coverage—in accordance with Rule XI (3) of the Rules of the House of Representatives; *provided*, that the Chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room.

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

"*Rule X—Establishment and Jurisdiction of Standing Committees*

"The Committees and Their Jurisdiction.

"1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

* * * * *

(r) Committee on Science, Space, and Technology

(1) Astronautical research and development, including resources, personnel, equipment, and facilities.

(2) Bureau of Standards, standardization of weights and measures and the metric system.

(3) National Aeronautics and Space Administration.

(4) National Aeronautics and Space Council.

(5) National Science Foundation.

(6) Outer space, including exploration and control thereof.

(7) Science Scholarships.

(8) Scientific research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

(9) Civil aviation research and development.

(10) Environmental research and development.

(11) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

(12) National Weather Service.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(f) with respect to all nonmilitary research and development.

* * * * *

"*Special Oversight Functions*

"3. (f) The Committee on Science, Space, and Technology shall have the function of reviewing and studying, on a continuing basis, all laws, programs, and Government activities dealing with or involving nonmilitary research and development."

RULES OF PROCEDURE FOR THE COMMITTEE ON ENERGY AND COMMERCE FOR THE 102D CONGRESS

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter).

Mr. DINGELL. Mr. Speaker, pursuant to the provisions of clause 2(a) of rule XI of the rules of the House, I submit for publication in the CONGRESSIONAL RECORD the rules adopted by the Committee on Energy and Commerce for the 102d Congress on February 7, 1991.

RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, 102D CONGRESS

Rule 1. *Rules of the House.*—The Rules of the House are the rules of its committees and its subcommittees so far as it applicable, except that a motion to recess from day to day is a motion of high privilege in committee and subcommittees. Written rules adopted by the committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the committee. Each subcommittee of the committee is part of the committee and is subject to the authority and direction of the committee. Rule XI of the Rules of the House, which pertains entirely to committee procedure, is incorporated and made a part of the rules of this committee, which are supplementary to the Rules of the House.

Rule 2. *Time, Place of Meetings.*—(a) The committee shall meet on the fourth Tuesday of each month and at such other times as determined by the chairman, or pursuant to subparagraph (b), in Room 2123 of the Rayburn House Office Building, at 9:45 a.m. for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the committee has not met during such month, the committee shall meet at such time and place on the first day thereafter when the House is in session.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the chairman.

(c) If at least three members of the committee or subcommittee (whichever is applicable) desire that a special meeting of the committee or subcommittee (whichever is applicable) be called by the chairman or subcommittee chairman, those members may file in the offices of the committee their written request to the chairman or subcommittee chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman or subcommittee chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman or subcommittee chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee or subcommittee (whichever is applicable) may file in the offices of the committee their written notice that a special meeting of the committee or subcommittee (whichever is applicable) will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee or subcommittee (whichever is applicable) shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee or subcommittee (whichever is applicable) that such meeting will be held and inform them of its date and hour and the measure or matter to be considered and only the measure or matter specified in that notice may be considered at the specified meeting.

(d) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) Each meeting of the committee or any of its subcommittees for the transaction of business, including hearings and the markup of legislation, shall be open to the public except when the committee or subcommittee in open session and with a quorum present determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

(f) At least once a month, the chairman shall convene a meeting of the chairmen of the subcommittees. The purpose of the meeting will be to discuss issues pending before the committee and the procedures for committee consideration of such matters. The discussion may include, among other items, the scheduling of hearings and meetings, questions of subcommittee jurisdiction and the conduct of joint subcommittee hearings.

Rule 3. Agenda.—The agenda for each committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the committee by delivery to his office at least 36 hours in advance of such meeting.

Rule 4. Procedure.—(a)(1) The date, time, place, and subject matter of any hearing of the committee or any of its subcommittees shall be announced at least 1 week in advance of the commencement of such hearing, unless the committee or subcommittee determines in accordance with such procedures as it may prescribe, that there is good cause to begin the hearing sooner.

(2)(A) The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours in advance of the commencement of such meeting.

(B) The time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b) Each witness who is to appear before the committee or subcommittee shall file with the clerk of the committee, at least two working days in advance of his appearance, fifty (50) copies of a written statement of his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement, or any part thereof, is waived by the committee or subcommittee chairman presiding.

(c) The right to interrogate the witnesses before the committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the committee present has been recognized once for that purpose. While the committee or subcommittee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the committee or subcommittee, as the case may be.

(d) No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full committee unless the text of the matter reported, together with an explanation, has been available to members of the committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the committee to all members of the committee.

Rule 5. Waiver of Notice, Agenda, and Layover Requirements.—Requirements of Rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the committee or subcommittee, as the case may be.

Rule 6. *Quorum.*—Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the committee or subcommittee in question. In the case of a meeting other than a hearing, the number of members constituting a quorum shall be one-third of the members of the committee or subcommittee, except that a matter may not be reported by the committee or a subcommittee unless a majority of the members thereof is actually present.

Rule 7. Proxies.—No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the committee or subcommittee, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

Rule 8. Journal, Rollcalls.—The proceedings of the committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the votes on any question on which a record vote is demanded and a description of the amendment, motion, order or other proposition voted. A copy of the journal shall be furnished to the ranking minority member. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a rollcall shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each rollcall vote in any meeting of the committee shall be made available in the committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

Rule 9. Filing of Committee Reports.—If, at the time of approval of any measure or matter by this committee, any member or members of the committee should give notice of an intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three (3) calendar days (exclusive of Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by that member or members with the committee. All such views so filed shall be included within and shall be a part of the report filed by the committee with respect to that measure or matter.

Rule 10. Subcommittees.—There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the committee and, in addition, a Subcommittee on Oversight and Investigations. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the bidding process for subcommittee chairmanships and assignments. Such subcommittees shall, to the maximum extent practicable, be of equal size. The Subcommittee on Oversight and Investigations shall coordinate its work with the work of other standing subcommittees and shall maintain regular communication with the standing subcommittees and the chairman of the full committee in order to obtain advice on subjects for investigation. The standing subcommittees shall maintain regular communication with the Subcommittee on Oversight and Investigations to advise the Subcommittee on Oversight and Investigations of subjects for investigation.

Rule 11. Powers and Duties of Subcommittees.—Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the full committee with a view toward assuring availability of meeting rooms and avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

Rule 12. Reference of Legislation and Other Matters.—All legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction immediately unless, by majority vote of the members of the full committee within five (5) legislative days, consideration is to be by the full committee. In the case of the legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the committee shall have the same authority to refer such legislation or other matter to one or more subcommittees as the Speaker has under clause 5(c) of Rule X of the House of Representatives to refer a matter to one or more committees of the House. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the committee, from the members of the subcommittees having legislative or oversight jurisdiction.

Rule 13. Ratio of Subcommittees.—The majority caucus of the committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 14. Subcommittee Membership.—(a) Subject to the requirements of the Manual of the Democratic Caucus of the House of Representatives, each majority member other than the chairman of the full committee or the chairman of a subcommittee shall in order of committee seniority be entitled to membership on two subcommittees of that member's choice. A member (other than an ex officio member) may serve on more than two subcommittees only if such service is necessary in order to comply with Rule 13. Proceeding in order of seniority on the committee, each majority member, other than the chairman of the full committee and the chairmen of the several subcommittees, shall be entitled to select one subcommittee position each. The subcommittee selection process shall then continue in sequence of committee seniority, including the chairmen of the several subcommittees, for succeeding rounds of selection until all subcommittee positions are filled. The subcommittee selection process shall be conducted at a meeting of the majority party caucus of the committee held prior to any organizational meeting of the full committee. Subcommittee selections of each member shall be recorded by the clerk as made and shall be available for examination by the members.

(b) Minority subcommittee membership shall be selected as determined by the minority.

(c) The chairman and ranking minority member of the committee shall be ex officio members with voting privileges of each legislative subcommittee of the committee of which they are not assigned members. The ex officio members shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

Rule 15. Subcommittee Chairmen.—(a)(1) Majority members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any request for a subcommittee chairmanship shall be subject to approval by a majority of those present and voting, by secret ballot, in the majority party caucus of the committee. If the caucus rejects a subcommittee chairmanship bid, the next senior majority member may bid for the position as in the first instance. The subcommittee chairmen shall be elected by the full committee from nominations submitted by the majority party caucus of the committee.

(2) If the majority members of the committee shall determine to change the size of any subcommittee after the start of the bidding process, they may do so, but in that event, all previous action on the bidding process shall be expunged and the bidding process shall start anew.

(b) Subcommittee chairmen shall manage legislation reported from their subcommittees on the House floor.

(c) The chairman of the committee may make available to the chairman of any subcommittee office equipment and facilities which have been provided to him and for which he is personally responsible, subject to such terms and conditions as the chairman deems appropriate.

Rule 16. Committee Professional and Clerical Staff Appointments.—(a) Whenever the chairman of the committee determines that any professional staff member appointed pursuant to the provisions of clause 6 of Rule XI of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with the subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority party member of the committee and not to the chairman of the committee, shall be assigned to such committee business as the minority party members of the committee consider advisable.

(c) In addition to the professional staff appointed pursuant to clause 6 of Rule XI of the House of Representatives, the chairman of the committee shall be entitled, subject to the approval of the majority party members of the committee, to make such appointments to the professional and clerical staff of the committee as may be provided within the budget approved for such purposes by the committee. Such appointee shall be assigned to such business of the full committee as the chairman of the committee considers advisable.

(d) Subcommittee chairmen, subject to the approval of the majority party members of the committee, shall be entitled to make such approintments to the professional and clerical staff of the committee as may be provided in the committee budget as provided for in rule 18 of these rules. Such professional and clerical appointees shall be delegated to the appropriate subcommittee for the purposes of assisting such subcommittee in the discharge of it assigned responsibilities and may be removed and their compensation fixed by the subcommittee chairman subject to the approval of the majority members of the committee.

(e) In addition to appointments made pursuant to other subsections of this rule, (1) the subcommittee chairman of each of the committee's subcommittees is authorized to appoint, in accordance with such rules as the majority party caucus may prescribe, one staff person who shall serve at the pleasure of such subcommittee chairman, and (2) the ranking minority member of each such subcommittee is authorized to appoint, in accordance with such rules as the minority party caucus may prescribe, one staff person who shall serve at the pleasure of such ranking minority member. Remuneration of any staff person appointed under this subsection shall be governed by paragraph (d) of clause 5 of Rule XI of the House of Representatives.

(f) Any contract for the temporary services or intermittent services of individual consultants or organizations to make studies or advise the committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the committee if approved by the chairman and ranking minority member of the committee and, if funded by a subcommittee, by the chairman and ranking minority member of that subcommittee. Such approval shall not be deemed to have been given if at least one-third of the members of the committee request in writing that the committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

Rule 17. Supervision, Duties of Staff.—(a) The professional and clerical staff of the committee delegated to subcommittees of the committee pursuant to rule 16 shall be subject to the supervision and direction of the chairman of the subcommittee to which they are assigned with respect to matters before the subcommittee, who shall establish and assign the duties and responsibilities of such staff members and delegates such authority as he determines appropriate. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the committee, who may delegate such authority as they determine appropriate. Subject to subsection (b), the professional and clerical staff of the committee not delegated to a subcommittee pursuant to rule 16(d) or to the minority shall be under the supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) The professional staff member who is assigned principal responsibility by a subcommittee chairman with respect to a matter before such subcommittee chairman's subcommittee shall continue to assume principal staff responsibility during any consideration before the full committee, the Rules Committee, the House, and Conference Committees of any matter which is reported by such subcommittee.

Rule 18. Committee and Subcommittee Budgets.—(a) The chairman of the full committee and the chairman of each standing subcommittee, after consultation with their respective ranking minority members, shall for each session of the Congress prepare a preliminary budget for the committee and each standing subcommittee respectively, with such budget including necessary amounts for professional and clerical staff, travel, investigations, and miscellaneous expenses, and which shall be adequate to fully discharge their responsibilities for legislation and oversight. Thereafter, the chairman of the full committee, meeting with the chairman of the subcommittees, shall combine such proposals into a committee budget, which shall state separately the budgeted amounts for the committee and for each of the subcommittees. Such budget shall be presented by the chairman to the majority party caucus of the committee and thereafter to the full committee for its approval.

(b) The chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. No proposed committee budget may be submitted to the House Administration Committee unless it has been presented to and approved by the majority party caucus and thereafter by the full committee. The chairman of the full committee or the chairmen of the standing subcommittees may authorize all necessary expenses in accordance with these rules and within the limits of their portion of the budget as approved by the House, but the chairman of the full committee shall permit no subcommittee to make an expenditure beyond its portion of the budget (as established in paragraph (a)) unless the chairman determines that such expenditure can be made without exceeding the amount authorized to the full committee by the House.

(c) Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by committee and subcommittees, anticipated expenditures for the projected committee program, and detailed information on travel.

Rule 19. Broadcasting of Committee Hearings.—Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House of Representatives. At all such meetings or proceedings, coverage by radio, television or still photography will be allowed unless specifically forbidden by a record vote of the committee or subcommittee. The coverage of any hearing or other proceeding of the committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the committee, the subcommittee chairman, or other member of the committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him.

Rule 20. Comptroller General Audits.—The chairman of the committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94-163), after consultation with the members of the committee.

Rule 21. Subpoenas.—The full committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House of Representatives, if authorized by a majority of the members voting of the committee or subcommittee (as the case may be), a quorum being present. In addition, the chairman of the full committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of three days. Subpoenas may be issued over the signature of the chairman of the full committee, or any member of the committee authorized by such chairman, and may be served by any person designated by such chairman or member.

Rule 22. Travel of Members and Staff.—(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) The purpose of the travel; (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) The location of the event for which the travel is to be made; (4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

(c) In the case of travel by minority party members and minority party professional staff for the purpose set out in (a) of (b), the prior approval, not only of the chairman but also of the ranking minority party member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority party member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE FOR THE 102D CONGRESS

(Mr. McCURDY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCURDY. Mr. Speaker, pursuant to clause 2(a) of House rule XI, I submit herewith a copy of the Rules of Procedure adopted on February 20, 1991, by the Permanent Select Committee on Intelligence for the 102d Congress.

RULES OF PROCEDURE FOR THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

1. CONVENING OF MEETINGS

The regular meeting day of the Permanent Select Committee on Intelligence for the transaction of committee business shall be on the first Wednesday of each month, unless otherwise directed by the chairman.

In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

2. PREPARATIONS FOR COMMITTEE MEETINGS

Under direction of the chairman, designated committee staff members shall brief members of the committee at a time sufficiently prior to any committee or subcommittee meeting to assist the committee members in preparation for such meeting and to determine any matter which the committee members might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the committee that bear on matters to be considered at the meeting.

The staff director shall recommend to the chairman the testimony, papers, and other materials to be presented to the committee or subcommittee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the House and these rules.

3. MEETING PROCEDURES

Meetings of the committee and its subcommittees shall be open to the public except that a portion or portions of any such meeting may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote in open session and with a majority present that the matters to be discussed or the testimony to be taken at such portion or portions:

1. Will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States.

2. Will relate solely to matters of committee staff personnel or internal staff management or procedure;

3. Will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloguy, or will represent a clearly unwarranted invasion of the privacy of an individual except that, at a hearing which may tend to defame, degrade or incriminate any person, the hearing may be closed to the public consistent with clause 2(g)(2) and clause 2(k)(5) of Rule XI of the Rules of the House;

4. Will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

5. Will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

6. Will violate any other law of the United States or any rule of the House of Representatives.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two committee members, a quorum for the transaction of any other committee business shall consist of ten committee members. Decisions of the committee shall be by majority vote of the members present and voting.

Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or mater shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter.

4. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

Notice.—Reasonable notice shall be given to all witnesses appearing before the committee.

Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the committee, except that the chairman of the committee or of any subcommittee shall not require an oath or affirmation where the chairman determines that it would not be appropriate under the circumstances.

Interrogation.—Committee or subcommittee interrogation shall be conducted by members of the committee and such committee staff as are authorized by the chairman or the presiding member.

Counsel for the Witness.—(A) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the committee of such fact. If the witness informs the committee of this fact at least 24 hours prior to the witness' appearance before the committee, the committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(B) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members of the committee, a majority being present, subject such counsel to disciplinary action which may include censure, removal, or a recommendation of contempt proceedings, except that the chairman of the committee or of a subcommittee may temporarily remove counsel during proceedings before the committee or subcommittee unless a majority of the members of the committee or subcommittee, a majority being present, vote to reverse the ruling of the chair.

(C) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question counsel wishes propounded to a client or to any other witness and may, at the conclusion of such testimony, suggest the presentation of other evidence or the calling of other witnesses. The committee or subcommittee may use such questions and dispose of such suggestions as it deems appropriate.

Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of the witnesses' testimony. Such statements shall not exceed a reasonable period of time as determined by the chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the clerk of the committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of the witness' appearance before the committee.

Objections and Ruling.—Any objection raised by a witness or counsel shall be ruled upon by the chairman or other presiding member, and such ruling shall be the ruling of the committee unless a majority of the committee present overrules the ruling of the chair.

Transcripts.—A transcript shall be made of the testimony of each witness appearing before the committee or any subcommittee during a committee or subcommittee hearing.

Inspection and Correction.—All witnesses testifying before the committee or any subcommittee shall be given a reasonable opportunity to inspect the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within 5 days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at the witness' expense.

Requests to Testify.—The committee or any subcommittee will consider requests to testify on any matter or measure pending before the committee or subcommittee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a committee member or a member of the committee staff may tend to affect adversely that person's reputation, may request to appear personally before the committee to testify on his or her own behalf, or may file a sworn statements of facts relevant to the testimony, evidence, or comment, or may submit to the chairman proposed questions in writing for the cross-examination of other witnesses. The committee shall take such actions as it deems appropriate.

Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the committee to forward such recommendation to the House.

Release of Name of Witness.—At the request of any witness, the name of that witness scheduled to be heard by the committee shall not be released prior to, or after, the witness' appearance before the committee, unless otherwise authorized by the chairman.

Closing hearings.—A vote to close a committee or subcommittee hearing may not be taken by less than a majority of the committee or the subcommittee pursuant to clause 4 of House Rule XLVIII unless at least one member of the minority is present to vote upon a motion to close the hearing.

5. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the committee may direct. The subcommittees shall be governed by the rules of the committee.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two subcommittee members, a quorum for the transaction of any other subcommittee business shall consist of a majority of the subcommittee.

There are hereby established the following subcommittees:

(1) Program and Budget Authorization.
(2) Legislation.
(3) Oversight and Evaluation.

6. INVESTIGATIONS

No investigation shall be conducted by the committee unless approved by the full committee, a majority being present; provided, however, that an investigation may be initiated—

(1) at the direction of the chairman of the full committee, with notice to the ranking minority member of the full committee; or

(2) at the written request to the chairman of the full committee of at least five members of the committee, except that any investigation initiated under (1) or (2) must be brought to the attention of the full committee for approval at the next regular meeting of the full committee following initiation of the investigation. Authorized investigations may be conducted by members of the committee and/or by designated committee staff members.

7. SUBPOENAS

Unless otherwise determined by the committee, the chairman, upon consultation with the ranking minority member, or the committee, shall authorize and issue subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of these rules.

8. STAFF

For the purpose of these rules, committee staff means employees of the committee, consultants to the committee, employees of other Government agencies detailed to the committee, or any other person engaged by contract or otherwise to perform services for or at the request of the committee.

The appointment of committee staff shall be by the chairman in consultation with the ranking minority member. After confirmation, the chairman shall certify committee staff appointments to the Clerk of the House in writing.

The committee staff works for the committee as a whole, under the supervision of the chairman of the committee. Except as otherwise provided by the committee, the duties of committee staff shall be performed and committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director.

The committee staff shall assist the minority as fully as the majority in all matters of committee business and in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the committee and the House.

The members of the committee staff shall not discuss either the classified substance or procedure of the work of the committee with any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during that person's tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or, in the event of the termination of the committee, in such a manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, not to divulge any classified information which comes into such person's possession while a member of the committee staff or any classified information which comes into such person's possession by virtue of his or her position as a member of the committee staff to any person not a member of the committee or the committee staff, either while a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, to notify the committee, or, in the event of the committee's termination, the House, of any request for testimony, either while a member of the committee staff or at any time thereafter with respect to classified information which came into the staff member's possession by virtue of his or her position as a member of the committee staff. Such classified information shall not be disclosed in response to such requests except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

The committee shall immediately consider disciplinary action to be taken in case any member of the committee staff fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the committee staff.

9. RECEIPT OF CLASSIFIED MATERIAL

In the case of any information classified under established security procedures and submitted to the committee by the executive or legislative branch, the committee's acceptance of such information shall constitute a decision by the committee that it is executive session material and shall not be disclosed publicly or released unless the committee, by rollcall vote, determines, in a manner consistent with clause 7 of House Rule XLVIII, that it should be disclosed publicly or otherwise released. For purposes of receiving information from either the executive or legislative branch, the committee staff may accept information on behalf of the committee.

10. PROCEDURES RELATED TO CLASSIFIED OR SENSITIVE MATERIAL

(a) Committee staff offices shall operate under strict security precautions. At least one security officer shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

Sensitive or classified documents and material shall be segregated in a security storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the committee offices of such documents and other materials are prohibited except as is necessary for use in, or preparation for, interviews or committee meetings, including the taking of testimony in conformity with these rules.

Each member of the committee shall at all times have access to all papers and other material received from any source. The staff director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the committee and such registry shall be available to any member of the committee.

(b) Pursuant to clause (7)(c)(2) of House Rule XLVIII and to clause (2)(e)(2) and clause 2(g)(2) of House Rule XI, members who are not members of the committee shall be granted access to such transcripts, records, data, charts and files of the committee and be admitted on a nonparticipatory basis to hearings or briefings of the committee which involve classified material, on the basis of the following provisions:

(1) Members who desire to examine materials in the possession of the committee or to attend committee hearings or briefings on a nonparticipatory basis should notify the clerk of the committee in writing.

(2) Each such request by a member must be considered by the committee, a quorum being present, at the earliest practicable opportunity. The committee must determine by record vote whatever action it deems necessary in light of all the circumstances of each individual request. The committee shall take into account, in its deliberations, such considerations as the sensitivity of the information sought to the national defense or the confidential conduct of the foreign relations of the United States, the likelihood of its being directly or indirectly disclosed, the jurisdictional interest of the member making the request and such other concerns—constitutional or otherwise—as affect the public interest of the United States. Such actions as the committee may take include, but are not limited to: (i) approving the request, in whole or part; (ii) denying the request; (iii) providing in different form than requested information or material which is the subject of the request.

(3) In matters touching on such requests, the committee may, in its discretion, consult the Director of Central Intelligence and such other officials as it may deem necessary.

(4) In the event that the member making the request in question does not accede to the determination or any part thereof of the committee as regards the request, that member should notify the committee in writing of the grounds for such disagreement. The committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, it will take.

(c) Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413) and to clauses 3(a) and 7(c)(2) of House Rule XLVIII, the committee shall call to the attention of the House or to any other appropriate committee or committees of the House any matters requiring the attention of the House or such other committee or committees of the House on the basis of the following provisions:

(1) At the request of any member of the committee, the committee shall meet at the earliest practicable opportunity to consider a suggestion that the committee call to the attention of the House or any other committee or committees of the House executive session material.

(2) In determining whether any matter requires the attention of the House or any other committee or committees of the House, the committee shall consider, among such other matters it deems appropriate—

(A) the effect of the matter in question upon the national defense or the foreign relations of the United States;

(B) whether the matter in question involves sensitive intelligence sources and methods;

(C) whether the matter in question otherwise raises serious questions about the national interest; and

(D) whether the matter in question affects matters within the jurisdiction of another committee or committees of the House.

(3) In examining the considerations described in paragraph (2), the committee may seek the opinion of members of the committee appointed from standing committees of the House with jurisdiction over the matter in question or to submissions from such other committees. Further, the committee may seek the advice in its deliberations of any executive branch official.

(4) If the committee, with a quorum present, by record vote decides that a matter requires the attention of the House or a committee or committees of the House which the committee deems appropriate, it shall make arrangements to notify the House or committee or committees promptly.

(5) In bringing a matter to the attention of another committee or committees of the House, the committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(6) The method of communicating matters to other committees of the House shall insure that information or material designated by the committee is promptly made available to the chairman and ranking minority member of such other committees.

(7) The committee may bring a matter to the attention of the House when it considers the matter in question so grave that it requires the attention of all members of the House, if time is of the essence, or for any other reason which the committee finds compelling. In such case the committee shall consider whether to request an immediate secret session of the House (with time equally divided between the majority and the minority) or to publicly disclose the matter in question pursuant to clause 7 of House Rule XLVIII.

(d) Whenever the select committee makes classified material available to any other committee of the House or to any member of the House not a member of the committee, the clerk of the committee shall be notified. The clerk shall at that time provide a copy of the applicable portions of these rules and of House Rule XLVIII and other pertinent Rules of the House to such members or such committee and insure that the conditions contained therein under which the classified materials provided are clearly presented to the recipient. The clerk of the committee shall also maintain a written record identifying the particular information transmitted, the reasons agreed upon by the committee for approving such transmission and the committee or members of the House receiving such information. The staff director of the committee is further empowered to provide for such additional measures as he or she deems necessary in providing material which the committee has determined to make available to a member of the House or a committee of the House.

(e) Access to classified information supplied to the committee shall be limited to those committee staff members with appropriate security clearance and a need-to-know, as determined by the committee, and under the committee's direction, the staff director.

No member of the committee or of the committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session, or the contents of any classified papers or other classified materials or other classified information received by the committee except as authorized by the committee in a manner consistent with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the House.

Before the committee makes any decision regarding a request for access to any testimony, papers or other materials in its possession or a proposal to bring any matter to the attention of the House or a committee or committees of the House, committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the committee.

11. LEGISLATIVE CALENDAR

The clerk of the committee shall maintain a printed calendar for the information of each committee member showing the measures introduced and referred to the committee and the status of such measures—and such other matters as the committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the committee.

Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

12. COMMITTEE TRAVEL

No member of the committee or committee staff shall travel on committee business unless specifically authorized by the chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the committee when travel is completed.

When the chairman approves the foreign travel of a member of the committee staff not accompanying a member of the committee, all members of the committee are to be advised, prior to the commencement of such travel of its extent, nature and purpose. The report referred to in the previous paragraph shall be furnished to all members of the committee and shall not be otherwise disseminated without the express authorization of the committee pursuant to the rules of the committee.

13. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the committee or any subcommittee is open to the public, a majority of the committee or subcommittee, as the case may be, may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in clause 3 of Rule XI of the Rules of the House.

14. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

15. CHANGES IN RULES

These rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

RULES OF PROCEDURE FOR THE COMMITTEE ON GOVERNMENT OPERATIONS FOR THE 102D CONGRESS

(Mr. CONYERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CONYERS. Mr. Speaker, pursuant to clause 2(a) of rule XI of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Government Operations for the 102d Congress. The committee's rules were adopted on February 7, 1991, in open session, a quorum being present:

RULES OF THE COMMITTEE ON GOVERNMENT OPERATIONS

Rule XI, 1(a)(1) of the House of Representatives provides:

The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees.

Rule XI, 2(a) of the House of Representatives provides, in part:

Each standing committee of the House shall adopt written rules governing its procedure. * * *

In accordance with the foregoing, the Committee on Government Operations, on February 7, 1991, adopted the rules of the committee. The rules read as follows:

RULE 1.—APPLICATION OF RULES

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Operations and its subcommittees as well as to the respective chairmen.

[See House Rule XI, 1.]

RULE 2.—MEETINGS

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., except when Congress has adjourned. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee in accordance with the provisions of House Rule XI, 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The minority staff shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2(b).]

RULE 3.—QUORUMS

A majority of the members of the committee shall constitute a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall constitute a quorum for taking any action other than the reporting of a measure or recommendation. Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

RULE 4.—COMMITTEE REPORTS

Bills and resolutions approved by the committee shall be reported by the chairman in accordance with House Rule XI, 2(1).

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI, 2(1)(5). The time allowed for filing such views shall be three calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in subcommittee or full committee. If hearings have been held on the matter reported upon every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee prior to the consideration of the proposed report in such subcommittee or full committee.

RULE 5.—PROXY VOTES

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present; shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, shall apply to any amendments or motions pertaining to the measure or matter.

[See House Rule XI, 2(f).]

RULE 6.—ROLLCALLS

A rollcall of the members may be had upon the request of any member

[See House Rule XI, 2(e).]

RULE 7.—RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices complete record of committee actions including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

RULE 8.—SUBCOMMITTEES; REFERRALS

There shall be seven subcommittees with appropriate party ratios which shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

[See House Rule XI, 1(a)(2).]

RULE 9.—EX OFFICIO MEMBERS

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

RULE 10.—STAFF

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees subject to appropriate approval.

RULE 11.—STAFF DIRECTION

Except as otherwise provided by House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

RULE 12.—HEARING DATES AND WITNESSES

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week prior to the commencement of any hearings, unless he determines that there is good cause to begin such hearings at an earlier date. In order that the chairman of the full committee may coordinate the committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks in advance of the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall, so far as practicable, submit written statements at least 24 hours in advance of their appearance.

[See House Rule XI, 2 (g)(3), (g)(4), and (k).]

RULE 13.—OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rules XI, 2 (g) and (k).]

RULE 14.—FIVE-MINUTE RULE

A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the chairman.

RULE 15.—INVESTIGATIVE HEARINGS; PROCEDURE

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

RULE 16.—STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 17.—TV, RADIO, AND PHOTOGRAPHS

When approved by a majority vote, an open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions of the House Rule XI, 3. In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the chairman may order such alternation, curtailment, or discontinuance of coverage as he determines necessary.

RULE 18.—ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(*a*) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, 4(c)(2);

(*b*) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, 2(d);

(*c*) Submit to the Committee on the Budget views and estimates required by House Rule X, 4(g), and to file reports with the House as required by the Congressional Budget Act;

(*d*) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee; and

(*e*) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities.

RULES OF PROCEDURE FOR THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION FOR THE 102D CONGRESS

(Mr. ROE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROE. Mr. Speaker, I submit for publication in the CONGRESSIONAL RECORD pursuant to rule XI, clause 2 of the Rules of the House of Representatives the official rules of the Committee on Public Works and Transportation for the 102d Congress, as adopted January 31, 1991:

COMMITTEE RULES OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

RULE NO. I.—GENERAL PROVISIONS

(a) The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of House Rules and (subject to the adoption of expense resolutions as required by Rule XI, clause 5 of House Rules) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under Rules X and XI of House Rules during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE NO. II.—REGULAR AND SPECIAL MEETINGS; OPEN COMMITTEE MEETINGS

(a) Regular meetings of the committee shall be held on the first Tuesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the committee for that month. The Chairman shall give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting. If the Chairman believes that the committee will not be considering any bill or resolution before the full committee and that there is no other business to be transacted at a regular meeting, the meeting may be cancelled, delayed or deferred until such time as, in the judgment of the Chairman, there may be such matters which require the committee's consideration. This paragraph shall not apply to meetings of any subcommittee.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) If the Chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) The committee may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

(f)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public: Provided, however, that no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of House Rule X or by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives.

Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony,

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate clause (g)(5) of Rule VII, or

(B) may vote to close the hearing, as provided in clause (g)(5) of Rule VII.

No member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the committee or a particular subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedure designated in this subparagraph for closing hearings to the public; Provided, however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearings.

(g) A Committee Member may address the committee or a subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the committee or subcommittee for any such purpose shall be limited to 5 minutes, except that this time limit may be waived by the Chairman, and a Member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce the preceding sentence.

(h) All hearings, markups and regular and special meetings of the Committee shall commence promptly at the time so stipulated in the public anouncement of such proceedings.

RULE NO. III.—RECORDS AND ROLL CALLS

(a) There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the committee; and such records shall be the property of the House and all members of the House shall have access thereto.

RULE NO. IV.—PROXIES

(a) A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

(b) Proxies shall be in the following form:

Hon. ....
House of Representatives,
Washington, D.C.

Dear ....: Anticipating that I will be absent on official business or otherwise unable to be present, I hereby authorize you to vote in my place and stead in the consideration of ...... and any amendments or motions pertaining thereto.

..........,
Member of Congress

Executed this the .... day of ...... at the time of ...... p.m./a.m.

RULE NO. V.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee, or any subcommittee thereof, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within or without the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) to require, by subponena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman of the committee, or any member designated by the Chairman, may administer oaths to any witness.

(b)(1) A subpoena may be issued by the committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the committee or by any member designated by the committee. If a specific request for a subpoena has not been previously rejected by either the committee or subcommittee, the Chairman of the committee, after consultation with the ranking minority member, may authorize and issue a subpoena under subparagraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the committee. Whenever a subpoena is issued under this subparagraph, as soon as practicable thereafter, the Chairman shall notify all members of the committee of such action.

(2) Compliance with any subpoena issued by the committee or subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

(c) Each witness who has been subpoenaed, upon the completion of his testimony before the committee or any subcommittee, may report to the office of counsel of the committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the committee, or his representative, prior to leaving the hearing room.

RULE NO. VI.—QUORUMS

(a) One-third of the members of the committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to subparagraph (f) of committee Rule II, the authorizing of a subpoena pursuant to subparagraph (b) of committee Rule V, the reporting of a measure or recommendation pursuant to subparagraph (b)(1) of committee Rule VIII, and the actions described in subparagraph (b), (c) and (d) of this Rule.

(b) A majority of the members of the committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) A majority of the members of the committee or a subcommittee shall constitute a quorum for approval of any of the following actions:

(1) Construction, alteration, purchase or acquisition of a public building involving an expenditure in excess of $500,000 and lease of space at an average annual rental excess of $500,000 (section 2 of P.L. 92-313, 40 U.S.C. 606).

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965, as amended).

(4) Continuation of the authorization of a water resouces development project to be constructed by the Corps of Engineers where such project has been recommended for deauthorization pursuant to the provisions of section 12 of the Water Resources Development Act of 1974.

(5) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(6) Authorization of a Soil Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress, as amended).

(d) Two members of the committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE NO. VII.—HEARING PROCEDURES

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 2 working days before the day of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Upon announcement of a hearing, to the extent practicable the Clerk and Staff Director shall cause to be prepared a concise summary of the subject matter (including legislative reports and other material) under consideration which shall be made available immediately to all members of the committee. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the committee any official reports from departments and agencies on such matter.

(e) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(f) The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(g) The following additional rules shall apply to investigative hearings:

(1) The Chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause (f)(2) of Rule No. II, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity to voluntarily appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses.

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the Chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

(10) No major investigation by a subcommittee shall be initiated without approval of a majority of such subcommittee.

RULE NO. VIII.—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the Chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendations shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each roll call vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House separately set out and clearly identified;

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 4(c)(2) of Rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (3) and (4) of subparagraph (c)) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the committee upon that measure or matter.

(f)(1) All committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under Rule VIII, that purport to express publicly views of the committee or any of its subcommittees or members of the committee or its subcommittees shall be approved by the committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release and distribution in accordance with subparagraph (e) of this rule.

(2) No committee or subcommittee document containing views other than those of members of the committee or subcommittee shall be published without approval of the committee or subcommittee.

RULE NO. IX.—OVERSIGHT

(a) In order to assist the House in:

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, there shall be in conformity with Rule XV a Subcommittee on Investigations and Oversight.

(b) The Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee. The Subcommittee on Investigations and Oversight shall in no way limit the responsibility of the subcommittees from carrying out their oversight responsibilities.

(c) The Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

RULE NO. X.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, within six weeks after receipt of the President's budget, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. XI.—BROADCASTING OF COMMITTEE HEARINGS

(a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings, or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with the observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations shall not be such as to—

(1) distort the objects and purposes of the hearings or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or any member or bring the House, the committee, or any member into disrepute.

(d) The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever any hearing or meeting conducted by any committee of the House is open to the public, that committee may permit, by majority vote of the committee, that hearing or meeting to be covered, in whole or part, by television broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the committee may adopt in accordance with the purposes, provisions, and requirements of this clause: Provided, however, Each committee or subcommittee chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room.

(f)(1) If the television or radio coverage of the hearing is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to subparagraph (g)(5) of Rule VII, relating to the protection of the rights of witnesses.

(3) The allocation among the television media of the positions of the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level necessary to provide adequate television coverage of the hearing or the meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or

meeting room, preference shall be given to photographers from Associated Press Photos and United Press International News pictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE NO. XII.—COMMITTEE AND SUBCOMMITTEE BUDGETS

(a) The Chairman, in consultation with the chairman of each subcommittee, the majority members of the committee and the minority membership of the committee, shall, for each session of the Congress, prepare a consolidated committee budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the full committee and its subcommittees.

(b) Authorization for the payment of additional or unforeseen committee and subcommittees' expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Rule XIV within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the full committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the committee office for review by members of the committee.

RULE NO. XIII.—COMMITTEE AND SUBCOMMITTEE STAFF

(a) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority members of the committee shall determine within the budget approved for such purposes; Provided, however, that no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart.

(b) The professional and clerical employees of the committee not assigned to a subcommittee or to the minority under the above provision shall be appointed, and may be removed, and their remuneration determined by the Chairman.

(c) The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the ranking minority party member of the full committee who may delegate such authority as he determines appropriate.

(d) The professional and clerical staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(e) It is intended that the skill and experience of all members of the committee staff shall be available to all members of the committee.

(f)(1) The chairman of each standing subcommittee of this committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority member of each standing subcommittee on this committee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in paragraph (c) of clause 6 of House Rule XI; Provided, however, a staff person appointed by a ranking minority member shall be compensated at a rate not to exceed that paid his or her majority party staff counterpart.

(4) Subparagraphs (1), (2), and (3) shall apply to six subcommittees only, and no member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the subcommittee chairmen and ranking minority party members pursuant to subparagraphs (1) and (2) shall be made available from the staff positions provided under clause 6 of House Rule XI unless such staff positions are made available pursuant to a primary or additional expense resolution.

(6) Except as provided by the above provisions, the professional and clerical members of the subcommittee staffs shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of a majority of the majority members of the subcommittee, and with the approval of the chairman.

(7) The professional and clerical staff of a subcommittee shall be under the supervision and direction of the chairman of that subcommittee.

RULE NO. XIV.—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee of any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which travel is to be made;

(4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a) and in addition thereto setting forth that subcommittee funds are available to cover expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule VII of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel, when requested by the Chairman.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. XV.—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be 6 standing subcommittees. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively;

(1) Subcommittee on Aviation

(2) Subcommittee on Economic Development

(3) Subcommittee on Investigations and Oversight

(4) Subcommittee on Public Buildings and Grounds

(5) Subcommittee on Surface Transportation

(6) Subcommittee on Water Resources

(b) The committee may provide for such additional subcommittees as determined to be appropriate; Provided, however, that such additional subcommittees are approved by a majority of the majority members on the committee.

RULE NO. XVI.—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

(d) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(e) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and where practicable shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill reported by a subcommittee shall be considered by the full committee unless it has been delivered to the offices of all members at least 48 hours prior to the meeting, unless the chairman determines that such bill is of such urgency that it should be given early consideration. Where practicable, such bills, resolutions, or other matters shall be accompanied by a comparison with present law and a section-by-section analysis of the proposed change.

RULE NO. XVII.—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) Each bill, resolution investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in Rule XV referred to or initiated by the full committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks, unless, by majority vote of the majority members of the full committee, consideration is to be by the full committee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the Chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) In carrying out Rule XVII with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees, consistent with Rule XV, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer the matter to a special ad hoc subcommittee appointed by the Chairman (from the members of the subcommittee having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the full committee thereon, or make such other provisions as may be considered appropriate.

RULE NO. XVIII.—SIZES AND PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

(a) To the extent that the number of subcommittees and their party ratios permit, the size of all subcommittees shall be established so that the majority party members of the committee have an equal number of subcommittee assignments; Provided, however, that a member may waive his or her right to an equal number of subcommittee assignments on the committee; and provided further, that the majority party members may limit the number of subcommittee assignments of the Chairman and the subcommittee chairman in order to equalize committee workloads.

(b) On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full committee. In calculating the ratio of majority party members to minority party members, there shall be included all *ex officio* voting members of the subcommittees.

(c) The following shall be the size and the Majority/Minority ratios for each subcommittee, exclusive of Delegates:

(1) Subcommittee on Aviation: (38 Members); (24 Majority; 14 Minority);

(2) Subcommittee on Economic Development: (19 Members); (12 Majority; 7 Minority);

(3) Subcommittee on Investigation and Oversight: (19 Members); (12 Majority; 7 minority);

(4) Subcommittee on Public Buildings and Grounds: (17 Members); (11 Majority; 6 Minority);

(5) Subcommittee on Surface Transportation: (38 Members); (24 Majority; 14 Minority);

(6) Subcommittee on Water Resources: (38 Members); (24 Majority; 14 Minority).

(d) The full committee Chairman shall recommend to the Speaker as conferees the names of those members (1) selected by the majority party members of the committee in a manner determined by them, and (2) selected by the minority. Provided, however, that recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WEISS (at the request of Mr. GEPHARDT), for today, on account of medical reasons.

Mr. ACKERMAN (at the request of Mr. GEPHARDT), for today through February 28, on account of official business.

Mr. WASHINGTON (at his own request), for February 21, on account of important business.

Mr. DUNCAN (at the request of Mr. MICHEL), for today, on account of medical reasons.

Mr. MILLER of Ohio (at the request of Mr. MICHEL), for today and February 21, on account of medical reasons.

Mr. RIDGE (at the request of Mr. MICHEL), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SOLOMON) to revise and extend their remarks and include extraneous material:)

Mr. MICHEL, for 60 minutes, on February 27.

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Mr. ANNUNZIO) to revise and extend their remarks and include extraneous material:)

Mr. ECKART, for 5 minutes, today.

Mr. POSHARD, for 5 minutes, today.

Mr. WHEAT, for 5 minutes, today.

Mr. BACCHUS, for 5 minutes, today.

Mrs. KENNELLY, for 5 minutes, today.

Mr. WHITTEN, for 60 minutes, on February 27.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. POSHARD, for 5 minutes, today.

Mr. BACCHUS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. SMITH of New Jersey.

Mr. MOORHEAD.

Ms. ROS-LEHTINEN.

Mr. BARRETT.

Mr. DANNEMEYER.

Mr. MCEWEN in two instances.

Mr. GILMAN.

Mr. LOWERY of California in two instances.

Mr. KOLBE.

Mr. HENRY in two instances.

Mr. GOSS.

Mr. MCDADE.

Mr. RHODES.

Mr. BURTON of Indiana.

Mr. CAMP in two instances.

Mr. MILLER of Washington.

(The following Members (at the request of Mr. ANNUNZIO) and to include extraneous matter:)

Mr. TOWNS in two instances.

Mr. MILLER of California.

Mr. MCMILLEN of Maryland.

Mr. KANJORSKI in nine instances.

Mr. YATRON.

Mr. HAMILTON.

Mr. RANGEL.

Mr. TRAFICANT.

Mr. FORD of Michigan.

Mr. FRANK.

Mr. LEVINE.

Mr. ORTIZ.

Mr. ROE.

Mr. STUDDS.

Mr. DYMALLY.

Mr. LANTOS.

Mr. BUSTAMANTE.

ADJOURNMENT

Mr. ECKART. Mr. Speaker, pursuant to House Resolution 76, I move that the House do now adjourn in memory of the late Hon. SILVIO O. CONTE.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p.m.) pursuant to House Resolution 76, the House adjourned until tomorrow, Thursday, February 21, 1991, at 11 a.m. in memory of the late Hon. SILVIO O. CONTE of Massachusetts.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

668. A letter from the Deputy Assistant Secretary of Defense (Installations), transmitting a report on the performance of the Department's commercial activities describing the extent to which commercial and industrial-type functions were performed by defense contractors during fiscal year 1990, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

669. A letter from the Federal Reserve System, transmitting a copy of the Monetary Policy Report; to the Committee on Banking, Finance and Urban Affairs.

670. A letter from the Mayor, District of Columbia, transmitting the actuaries review of benefit changes to the police officers and firefighters retirement programs, pursuant to D.C. Code, section 1–722(d)(1); to the Committee on the District of Columbia.

671. A letter from the Acting Secretary of Education, transmitting a notice of Final Priorities for the Cooperative Demonstration Program (building trades) for fiscal year 1991, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

672. A letter from the Secretary of Education, transmitting the biennial report listing those colleges and universities which requested and received a waiver of the low average educational and general expenditures criterion, pursuant to 20 U.S.C. 1067(a)(2); to the Committee on Education and Labor.

673. A letter from the Assistant General Counsel, Department of Energy, transmitting a notice of meeting related to the International Energy Program; to the Committee on Energy and Commerce.

674. A communication from the President of the United States, transmitting a report on the activities of U.S.-U.S.S.R. Standing Consultative Commission during calendar year 1990, pursuant to 22 U.S.C. 2578; to the Committee on Foreign Affairs.

675. A letter from the Administrator, Agency for International Development, transmitting notification that it is in the national interest of the United States to continue to support "Moiwana 1986" activities in Suriname; to the Committee on Foreign Affairs.

676. A letter from the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

677. A letter from the Director, Federal Emergency Management Agency, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

678. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

679. A letter from the Secretary of Health and Human Services, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

680. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

681. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

682. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

683. A letter from the Forest Service, Chief, Department of Agriculture, transmitting the boundary decision of the White Salmon National Scenic River within the Gifford Pinchot National Forest, Washington, pursuant to Public Law 96–487, section 605(d); to the Committee on Interior and Insular Affairs.

684. A letter from the Chairman, U.S. Sentencing Commission, transmitting the Statutory Penalty Review Project, pursuant to 28 U.S.C. 994(r); to the Committee on the Judiciary.

685. A letter from the Federal Aviation Administration, transmitting a copy of the new Aviation System Capital Investment Plan (CIP), pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Public Works and Transportation.

686. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army dated August 3, 1989, submitting a report together with accompanying papers and illustrations, on Bayou La Batre, AL (Doc. No. 102–42); to the Committee on Public Works and Transportation and ordered to be printed.

687. A letter from the Office of the U.S. Trade Representative, transmitting a report on recent developments to eliminate or reduce foreign unfair trade practice for the period July through December 1990, pursuant to 19 U.S.C. 2416, 2413; to the Committee on Ways and Means.

688. A letter from the Administrator, Agency for International Development and the First Vice President and Chairman, Eximbank of the United States, transmitting the Agency's semiannual report on the amount and extension of credits under the Trade Credit Insurance Program to Costa Rica, Guatemala, Honduras, El Salvador, and Nicaragua, 1990, pursuant to 22 U.S.C. 2184(g); jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPIN: Committee on Armed Services. H.R. 586. A bill to require regular reports to the Congress on the amount of expenditures made to carry out Operation Desert Shield and Operation Desert Storm and on the amount of contributions made to the United States by foreign countries to support Operation Desert Shield and Operation Desert

Storm; with amendments (Rep. 102-4, Pt. 1). Ordered to be printed.

Mr. ASPIN: Committee on Armed Services. H. Res. 19. A bill calling for the submission to the House of Representatives of certain information regarding Operation Desert Shield (Rept. 102-5, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN:

H.R. 976. A bill to recognize the organization known as the Ukranian American Veterans, Inc.; to the Committee on the Judiciary.

By Mr. WELDON:

H.R. 977. A bill to increase the safety to humans and the environment from the transportation by pipeline of natural gas and for other purposes; jointly to the Committee on Energy and Commerce and Public Works and Transportation.

By Mr. JACOBS:

H.R. 978. A bill to amend the Omnibus Budget Reconciliation Act of 1990 to clarify that the expenses of administering the Old Age, Survivors and Disability Insurance Programs are not included in the budget of the U.S. Government, and to make technical amendments to certain Social Security Program changes made by such act; jointly to the Committees on Government Operations and Ways and Means.

By Mr. APPLEGATE:

H.R. 979. A bill to suspend temporarily the duty on Diaphone V; to the Committee on Ways and Means.

By Mr. BARRETT (for himself and Mr. BEREUTER):

H.R. 980. A bill to amend the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. BEREUTER:

H.R. 981. A bill to amend the Federal Election Campaign Act of 1971 to make Federal elections more competitive, open, and honest by eliminating the functions of the Secretary of the Senate and the Clerk of the House of Representatives with respect to the Federal Election Commission; to the Committee on House Administration.

H.R. 982. A bill to amend the Federal Election Campaign Act of 1971 to make Federal elections more competitive, open, and honest by restricting political use of labor organization dues and agency fees; to the Committee on House Administration.

H.R. 983. A bill to amend the Federal Election Campaign Act of 1971 to make Federal elections more competitive, open, and honest by providing for a House of Representatives election limitation on contributions from persons other than local individual residents; to the Committee on House Administration.

H.R. 984. A bill to amend the Federal Election Campaign Act of 1971 to make Federal elections more competitive, open, and honest by requiring additional statements to the Federal Election Commission from individuals who make independent expenditures, and for other purposes; to the Committee on House Administration.

H.R. 985. A bill to amend the Federal Election Campaign Act of 1971 to make Federal elections more competitive, open, and honest by establishing clarity standards for identification of sponsors of certain unauthorized political advertising, and for other purposes; to the Committee on House Administration.

H.R. 986. A bill to amend the Federal Election Campaign Act of 1971 to make Federal elections more competitive, open, and honest by providing for additional prohibitions on election-related activity by corporations and labor organizations, and for other purposes; to the Committee on House Administration.

H.R. 987. A bill to amend the Internal Revenue Code of 1986 and the Federal Election Campaign Act of 1971 to make Federal elections more competitive, open, and honest by strengthening political parties, and for other purposes; jointly, to the Committees on Ways and Means and House Administration.

By Mrs. BOXER (for herself and Mr. CONDIT):

H.R. 988. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase and installation of water conservation systems on farm land; to the Committee on Ways and Means.

By Mrs. BOXER (for herself, Mr. LEVINE of California, Mr. PICKETT, Mr. RAVENEL, Mr. FASCELL, Mr. MURPHY, Ms. PELOSI, Mr. DEFAZIO, Mr. JONTZ, Mr. MACHTLEY, Mr. AUCOIN, Mr. HOCHBRUECKNER, Mr. OWENS of Utah, Mr. WEISS, Mr. ENGEL, Mr. POSHARD, Mrs. UNSOELD, Mr. TRAFICANT, Mr. VALENTINE, Mr. DWYER of New Jersey, Mr. DELLUMS, Mr. EVANS, Mrs. KENNELLY, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MAVROULES, Mr. LEHMAN of Florida, Mr. SMITH of Florida, Mr. LEHMAN of California, Mrs. COLLINS of Illinois, Mr. ROYBAL, Mr. OWENS of New York, Mr. MOODY, and Mr. BROWN):

H.R. 989. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on certain portions of the Outer Continental Shelf; referred to Committee on Interior and Insular Affairs and concurrently to the Committee on Merchant Marine and Fisheries for a period ending not later than 30 legislative days following the date on which the Committee on Interior and Insular Affairs files its report in the House.

By Mrs. BYRON:

H.R. 990. A bill to authorize additional appropriations for land acquisition at Monacacy National Battlefield, MD; to the Committee on Interior and Insular Affairs.

By Mr. CARPER (for himself, Mr. RIDGE, Mr. GONZALEZ, Mr. WYLIE, Ms. OAKAR, Mr. LAFALCE, Mr. KANJORSKI, Mr. HOAGLAND, Mr. SHARP, and Mr. LENT):

H.R. 991. A bill to extend the expiration date of the Defense Production Act of 1950, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DURBIN (for himself, Mr. MICHEL, Mr. EVANS, Mr. LEACH of Iowa, and Mr. VOLKMER):

H.R. 992. A bill to authorize the Secretary of the Army to provide shoreline projects to maintain certain flood control projects on the Mississippi and Iowa Rivers; to the Committee on Public Works and Transportation.

By Mr. DURBIN (for himself, Mr. RANGEL, Mr. SPENCE, Mr. DELLUMS, Mr. HYDE, Mr. MCGRATH, Mr. ROE, Mr. MRAZEK, Mr. MCDERMOTT, Mr. GEJDENSON, Mr. TOWNS, Mr. GEREN of Texas, Ms. PELOSI, Mr. SERRANO, Mr. COLEMAN of Texas, Mr. STOKES, Mr. LIGHTFOOT, Mr. STARK, Mr. HORTON, and Mr. FOGLIETTA):

H.R. 993. A bill to require the Secretary of the Treasury to include organ donation information with individual income tax refund payments, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DYMALLY:

H.R. 994. A bill to authorize supplemental appropriations for fiscal year 1991 for relief, rehabilitation, and reconstruction in Liberia; to the Committee on Foreign Affairs.

By Mr. FORD of Tennessee (for himself, Mr. PAYNE of New Jersey, Mr. GORDON, Mr. DE LUGO, Mr. RANGEL, Mr. SERRANO, Mr. TOWNS, Mr. WALSH, Mr. ESPY, Mr. JEFFERSON, Mr. LANCASTER, Mr. ABERCROMBIE, Mr. HAYES of Illinois, Mr. MFUME, Mr. OWENS of New York, Mr. DELLUMS, Mr. MILLER of California, Mr. FUSTER, Mr. LEWIS of Georgia, Mrs. KENNELLY, Mr. WASHINGTON, and Mr. GUARINI):

H.R. 995. A bill to authorize up to five States to conduct 2-year demonstration projects to test the effectiveness of alternative methods for delivering services and activities under the JOBS Program to families at risk of entering the AFDC Program, and to amend part A of title IV of the Social Security Act to provide for the permanent use of such alternative methods beginning in fiscal year 1995; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. HATCHER (for himself and Mr. COBLE):

H.R. 996. A bill to suspend temporarily the duty on fluomenturon and IBIF; to the Committee on Ways and Means.

By Mr. HENRY (for himself, Mr. GOODLING, Mr. FORD of Michigan, Mrs. JOHNSON of Connecticut, Mr. KOSTMAYER, Mr. LEACH of Iowa, Mr. YATES, Mrs. MORELLA, Mr. HOBSON, Mr. MARKEY, Mr. WALSH, Mr. MILLER of California, Ms. MOLINARI, Mrs. KENNELLY, Mr. BONIOR, Mr. UPTON, Mr. PURSELL, Mr. WILSON, Mr. TRAXLER, Mr. CARR, Mr. WOLPE, Mr. KILDEE, Mr. HERTEL, Mr. LEVIN of Michigan, Mr. SOLARZ, Mr. MCHUGH, Mr. MRAZEK, Mrs. SCHEUER, Mr. FRANK of Massachusetts, Mr. STUDDS, Mr. ATKINS, Mrs. SCHROEDER, Mr. STOKES, Mr. AUCOIN, Mr. ABERCROMBIE, Mr. DELLUMS, Mr. MINETA, Mr. ROYBAL, Mr. BEILENSON, Ms. PELOSI, Mr. LEVINE of California, Mr. WAXMAN, Mr. LANTOS, Mr. DEFAZIO, Mr. PALLONE, Mr. WYDEN, Mr. GUARINI, Mr. KOPETSKI, Mr. TRAFICANT, Mr. ANDREWS of Maine, and Mr. DWYER of New Jersey):

H.R. 997. A bill to amend the the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOLLOWAY:

H.R. 998. A bill to redesignate the Vacherie Post Office located at 2747 Highway 20 in Vacherie, LA, as the "John Richard Haydel Post Office"; to the Committee on Post Office and Civil Service.

By Ms. LONG (for herself, Mr. PENNY, Mr. DORNAN of California, Mr. CAMPBELL of Colorado, Mr. GALLO, Mr. BEREUTER, Mr. JONTZ, Mr. MILLER of Ohio, Mr. FAWELL, Mr. RITTER, Mr. ZIMMER, Mr. THOMAS of Georgia, Mr. ARMEY, Mr. PAYNE of Virginia, Mr. COX of California, Mr. RIDGE, Mr. SHAYS, Mr. FIELDS, Mrs. MEYERS of Kansas, Mr. KOPETSKI, Mr. SANDERS, Mr. ROHRABACHER, Mr. RAVENEL, and Mr. KOLBE):

H.R. 999. A bill to provide that rates of pay for Members of Congress shall not be subject to automatic adjustment; to provide that any bill or resolution, and any amendment to any bill or resolution, which would adjust Members' pay may be adopted only by a recorded vote; and to require that any legislation adjusting Members' pay be considered separately from other legislation; jointly, to the Committees on Post Office and Civil Service, House Administration, and Rules.

By Ms. OAKAR:

H.R. 1000. A bill to amend the Public Health Service Act to provide for an increase in the amount of Federal funds expended to conduct research on alcohol abuse and alcoholism among women; to the Committee on Energy and Commerce.

By Mr. HYDE (for himself, Mr. Campbell of California, Mr. Cox of California, Mr. Gallegly, Mr. Henry, Mr. James, Mr. Livingston, Mr. Lowery of California, Mr. Oxley, and Mr. Sundquist):

H.R. 1001. A bill to amend the Internal Revenue Code of 1986 to treat bonds used to finance correctional facilities as exempt facility bonds for purpose of the limitations on private activity bonds; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 1002. A bill to prohibit candidates for Federal office from using campaign contributions for inherently personal purposes, to prohibit candidates for Congress from accepting multicandidate political committee contributions, and to categorize payments from lobbyists to, or on behalf of, Members of Congress as bribery under Federal criminal law; jointly, to the Committees on House Administration and the Judiciary.

H.R. 1003. A bill to nullify the pay raises afforded by the Ethics Reform Act of 1989 (excluding those granted to justices and judges of the United States); to freeze rates of pay for justices and judges of the United States for the next 5 years; to amend the Federal Salary Act of 1967 to eliminate quadrennial pay adjustments for Members of Congress and other Government officials under that act; and to restore postemployment rules and regulations for individuals leaving Government employment; jointly, to the Committees on Post Office and Civil Service, House Administration, the Judiciary, Ways and Means, and Rules.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Chandler, Mr. Gallo, Mr. Gingrich, and Mr. Clinger):

H.R. 1004. A bill to provide grants to States to encourage States to improve their systems for compensating individuals injured in the course of the provision of health care services, to establish uniform criteria for awarding damages in health care malpractice actions, to amend title XVIII of the Social Security Act to improve the efficiency of State health care professional disciplinary systems, and for other purposes; jointly, to the Committees on Energy and Commerce, the Judiciary, and Ways and Means.

By Mr. JONES of Georgia:

H.R. 1005. A bill to provide that the 25 percent pay increase under the Ethics Reform Act of 1989 be deferred with respect to Members of Congress and officials in the executive branch until a balanced Federal budget is achieved; to the Committee on Post Office and Civil Service.

By Mr. JONES of North Carolina (for himself, Mr. Lent, Mr. Hubbard, and Mr. Davis):

H.R. 1006. A bill to authorize appropriations for fiscal year 1992 for the Federal Maritime Commission, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. KENNELLY (for herself, Mr. Matsui, Mr. Moody, Mr. Derrick, Mr. Shays, Mr. Markey, Mr. Swift, and Mr. Sharp):

H.R. 1007. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by electric utilities to customers to subsidize the cost of energy conservation services and measures; to the Committee on Ways and Means.

By Mr. LAGOMARSINO (for himself, Mr. Mineta, and Mr. Doolittle):

H.R. 1008. A bill to authorize the Secretary of Interior to enter into contracts pursuant to the Warren Act (act of February 21, 1911, 36 Stat. 925, 43 U.S.C. 523 et seq.) for domestic, municipal, fish and wildlife, and other beneficial purposes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LANTOS (for himself, Ms. Ros-Lehtinen, Mr. Conyers, Mr. Horton, Mr. Martinez, Mr. Shays, and Mr. Luken):

H.R. 1009. A bill to provide for the disregard of certain overtime pay under Wagner-O'Day Desert Shield or Storm contracts in determining eligibility of blind and severely handicapped workers for certain disability and health care benefits; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. PAXON:

H.R. 1010. A bill to prohibit Federal agencies from implementing the Federal Manual for Identifying and Delineating Jurisdictional Wetlands; jointly, to the Committees on Agriculture, Merchant Marine and Fisheries, and Public Works and Transportation.

H.R. 1011. A bill to amend the Controlled Substances Act to eliminate a provision that prohibits transfers of certain forfeited property to State or local law enforcement agencies in circumvention of State law; jointly, to the Committees on Energy and Commerce and the Judiciary.

H.R. 1012. A bill to amend the Low-Level Radioactive Waste Policy Act to prohibit the disposal of low-level radioactive waste at a site where the Secretary of Energy has expended Federal funds to decontaminate a facility used to store high-level radioactive waste; jointly, to the Committee on Energy and Commerce and Interior and Insular Affairs.

H.R. 1013. A bill to authorize the President to seize and liquidate Iraqi Government assets that have been blocked by the United States, with the proceeds to be used to help offset costs of Operation Desert Shield and Operation Desert Storm; jointly, to the Committees on Foreign Affairs and Armed Services.

By Mr. REED (for himself and Mr. Machtley):

H.R. 1014. A bill to amend the Internal Revenue Code of 1986 to allow the issuance of depositor protection tax-exempt bonds; to the Committee on Ways and Means.

H.R. 1015. A bill to authorize the Secretary of the Treasury to establish an emergency loan assistance program to provide financial assistance to States that have experienced a large number of financial institution failures; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

By Mr. RHODES (for himself, Mr. Herger, Mr. Espy, Mr. Skelton, Mr. Horton, Mr. Kolbe, Mr. Wyden, Mr. Bacchus, Mr. Riggs, Mr. Wilson, Mr. Harris, Mrs. Bentley, Mr. Oxley, Mr. Rangel, Mr. Smith of Florida, Mr. Hefley, Mr. Bilbray, Mr. Boehner, Mr. Paxon, Mrs. Lloyd, Mr. LaFalce, Mr. Zeliff, Mr. Lipinski, Mr. Sundquist, Mr. Tallon, Mr. Dannemeyer, Mrs. Lowey of New York, Mr. Ballenger, Mr. Lancaster, Mr. Baker, Mr. Stallings, Mr. Gilchrest, Mr. Price, Mr. Dornan of California, and Mr. Houghton):

H.R. 1016. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals from individual retirement plans for reservists called to active duty as a result of Operation Desert Shield or Operation Desert Storm; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 1017. A bill to amend the Department of Energy Organization Act to establish the position of Assistant Secretary for Natural Gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROSE (for himself, Mr. Lancaster, and Mr. Hefner):

H.R. 1018. A bill to provide shelter, food, and other assistance to residents of communities that are adversely affected by the deployment in connection with the Persian Gulf conflict of members of the Armed Forces who are residents of those communities; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SAWYER:

H.R. 1019. A bill to require the Secretary of Health and Human Services to collect, at 2-year intervals, data regarding the number of children in institutions and foster care, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SAXTON:

H.R. 1020. A bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself, Mr. Lehman of Florida, Mr. Yates, Mr. Wyden, Mr. Geren of Texas, Ms. Pelosi, Mr. Stokes, Mr. Serrano, Mr. AuCoin, Mr. Hertel, Mr. Jontz, Mr. Kopetski, Mr. Brown, Mr. Ireland, Mr. Johnston of Florida, Mr. Lewis of Georgia, Ms. Oakar, Mr. Abercrombie, Mr. Matsui, and Mr. Payne of New Jersey):

H.R. 1021. A bill to amend title 5, United States Code, to provide that any carrier offering obstetrical benefits under the health benefits program for Federal employees must also provide benefits relating to certain "Family-building procedures," and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER:

H.R. 1022. A bill to amend the Internal Revenue Code of 1986 to increase the affordability of home ownership for first-time homebuyers; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself and Mr. McMillen of Maryland):

H.R. 1023. A bill to amend the Federal Deposit Insurance Act to regulate certain marketing activities engaged in on the premises of deposit-taking facilities of insured depository institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHAW:

H.R. 1024. A bill to amend the title 10, United States Code, to exempt from certain duty assignments female members of the Armed Forces who are mothers of infant children; to the Committee on Armed Services.

By Mr. SHAW (for himself, Mr. Johnston of Florida, Mr. Bilirakis, Mr. Bustamante, Mr. Smith of Florida, Mr. Frost, Mr. Rhodes, Mr. Hansen, Mr. Lewis of Florida, Mr. Bacchus, Mr. Stump, and Mr. Ireland):

H.R. 1025. A bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons; to the Committee on the Judiciary.

By Mr. SHAYS (for himself, Mr. Weldon, and Mr. Thomas of Wyoming):

H.R. 1026. A bill to urge the President to instruct the Attorney General to appoint an independent counsel to investigate the involvement of officials of the Federal Government in the savings and loan scandal; to the Committee on the Judiciary.

By Mr. SMITH of Florida (for himself, Mr. Annunzio, Mr. Ackerman, Mrs. Collins of Illinois, Mr. Frost, Mr. Horton, Mr. Hyde, Mr. Inhofe, Mr. Jefferson, Mr. Markey, Mr. Mrazek, and Mr. Poshard):

H.R. 1027. A bill to amend title II of the Social Security Act to provide for payment of a benefit for the month of the recipient's death; to the Committee on Ways and Means.

By Mr. SMITH of Florida (for himself, Mr. Annunzio, Mr. Ackerman, Mrs. Collins of Illinois, Mr. Frost, Mr. Horton, Mr. Hyde, Mr. Inhofe, Mr. Jefferson, Mr. Markey, Mr. Mrazek, Mr. Perkins, Mr. Poshard, Ms. Ros-Lehtinen, and Mr. Wilson):

H.R. 1028. A bill to amend title II of the Social Security Act to make certain changes in the benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers attaining age 65 in or after 1982 (and related beneficiaries) and to provide for increases in their benefits accordingly, to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder, and to allow earnings in determining substantial gainful activity of all disabled beneficiaries at levels currently allowed only for blind individuals; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 1029. A bill to direct the Secretary of the Army to conduct a study of the feasibility of constructing a canal connecting Lake Erie and the Ohio River, Ohio and Pennsylvania, for the purpose of navigation; to the Committee on Public Works and Transportation.

H.R. 1030. A bill to amend the Internal Revenue Code of 1986 to deny the foreign tax credit and deduction for taxes paid in lieu of income taxes; to the Committee on Ways and Means.

H.R. 1031. A bill to discourage domestic corporations from establishing foreign manufacturing subsidiaries in order to avoid Federal taxes by including in gross income of U.S. shareholders in foreign corporations the retained earnings of any such subsidiary which are attributable to manufacturing operations in runaway plants or tax havens; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 1032. A bill to extend until January 1, 1994, the existing suspension of duty on 3-Ethylamino-p-cresol; to the Committee on Ways and Means.

H.R. 1033. A bill to extend until January 1, 1994, the existing suspension of duty on sethoxydim; to the Committee on Ways and Means.

H.R. 1034. A bill to extend until January 1, 1994, the existing suspension of duty on B-Naphthol; to the Committee on Ways and Means.

H.R. 1035. A bill to extend until January 1, 1994, the existing suspension of duty on Diamino Imid SP; to the Committee on Ways and Means.

H.R. 1036. A bill to suspend temporarily the duty on Pigment Blue 60; to the Committee on Ways and Means.

H.R. 1037. A bill to suspend temporarily the duty on Pigment Blue 16; to the Committee on Ways and Means.

By Mrs. VUCANOVICH (for herself, Mr. Hansen, and Mr. Young of Alaska):

H.R. 1038. A bill to convey fee title to Pershing County Water Conservation District, certain Federal lands known as the Battle Mountain Community Pastures, in recognition that the land was initially acquired by the district and subsequently transferred to the United States for the Humboldt River project; to the Committee on Interior and Insular Affairs.

By Mr. WISE (for himself and Mr. Stark):

H.R. 1039. A bill to regulate the submission of changes in customers' selections of interexchange carriers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GILMAN (for himself and Mr. Scheuer):

H.J. Res. 134. Joint resolution to designate the weeks of April 14–21, 1991 and May 3–10, 1992 as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

By Mr. BUSTAMANTE (for himself, Mr. de la Garza, Mr. Smith of Texas, and Mr. Gonzales):

H.J. Res. 135. Joint resolution designating May 1991, as "Karate Kids Just Say No to Drugs Month"; to the Committee on Post Office and Civil Service.

Mr. de la GARZA:

H.J. Res. 136. Joint resolution proposing an amendment to the Constitution of the United States pertaining to prayer; to the Committee on the Judiciary.

H.J. Res. 137. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations shall not exceed revenues of the United States, except in time of war or national emergency; to the Committee on the Judiciary.

By Mr. HOCHBRUECKNER (for himself, Mrs. Lowey of New York, Mr. Downey, Mr. Smith of New Jersey, Mr. Saxton, Mr. Mavroules, Mr. Coughlin, Mr. Slattery, Mr. Spratt, Mr. Bliley, Mr. Machtley, Mr. Mineta, Mr. Scheuer, Mr. Lent, Mr. Green of New York, Mr. Weiss, Mr. Markey, Mr. Moakley, Mrs. Roukema, Mr. Dwyer of New Jersey, Mr. Rinaldo, Mr. Fish, Mr. Pallone, Mr. Towns, Mr. Horton, Mr. Martin of New York, Mr. McGrath, Mr. Manton, Mr. Walsh, Mr. Solarz, Mr. McHugh, Mr. Gilman, Mr. Studds, Mr. Serrano, Mr. Guarini, Mr. Lagomarsino, Mr. Roe, Mr. Engel, Mr. Matsui, Mr. Fazio, Mr. Dymally, Mr. Brown of California, Mr. Gunderson, Mr. Levine of California, Mr. Schumer, Mr. Gejdenson, Mr. Clinger, Mr. Murphy, Mr. McDade, Mr. Yatron, Mr. Hughes, Mr. Martinez, Ms. Molinari, and Ms. Pelosi):

H.J. Res. 138. Joint resolution designating the week beginning July 21, 1991, as "Lyme Disease Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. McDADE (for himself, Mr. Yatron, Mr. Machtley, Mr. Ramstad, Mr. Weber, Mr. Horton, Mr. McNulty, Mrs. Vucanovich, Mr. McGrath, Mr. Ravenel, Mr. Lagomarsino, Mr. Bustamante, Mr. Hughes, Mr. Jefferson, and Mr. Payne of New Jersey):

H. Con. Res. 70. Concurrent resolution urging the President to carefully consider individuals possessing knowledge of and having experience with the problems and operations of small business concerns for appointments to important policymaking positions in the executive branch of the Federal Government; to the Committee on Small Business.

By Mr. SAWYER:

H. Con. Res. 71. Concurrent resolution to establish an Albert Einstein Congressional Fellowship Program; to the Committee on House Administration.

By Mr. MOAKLEY:

H. Res. 76. Resolution expressing sorrow of the House at the death of the Honorable Silvio O. Conte; considered and agreed to.

By Mr. DINGELL:

H. Res. 77. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Energy and Commerce in the first session of the 102d Congress; to the Committee on House Administration.

By Mr. HALL of Ohio (for himself and Mr. Emerson):

H. Res. 78. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Hunger in the first session of the 102d Congress; to the Committee on House Administration.

By Mr. McCURDY:

H. Res. 79. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Permanent Select Committee on Intelligence in the first session of the 102d Congress; to the Committee on House Administration.

By Mr. PAXON (for himself, Mr. Armey, Mr. Barton of Texas, Mr. Cox of California, Mr. Dornan of California, Mr. Duncan, Mr. Goss, Mr. Gunderson, Mr. Hancock, Mr. Hunter, Mr. Lagomarsino, Mr. Lewis of California, Mr. McCrery, Mr. McEwen, Mr. Rohrabacher, Mr. Stearns, Mr. Thomas of Wyoming, Mr. Solomon, Mr. Schiff, Mr. Ritter, Mr. James, Mr. Dannemeyer, and Mr. Campbell of California):

H. Res. 80. Resolution to amend the Rules of the House of Representatives to establish the Committee on Narcotics Abuse and Control; to the Committee on Rules.

By Mr. ROSE:

H. Res. 81. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on House Administration in the first session of the 102d Congress; to the Committee on House Administration.

H. Res. 82. Resolution providing for expenses of activities of House information systems in the first session of the 102d Congress; to the Committee on House Administration.

By Mr. SHUSTER (for himself, Mr. Combest, Mr. Bereuter, Mr. Dornan of California, Mr. Young of Florida, Mr. Martin of New York, and Mr. Gekas):

H. Res. 83. Resolution to amend rule XLIII of the Rules of the House of Representatives to require secrecy oaths for Members and staff of the Permanent Select Committee on Intelligence; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

16. By the SPEAKER: Memorial of the House of Representatives of the State of South Carolina, relative to the conflict in the Middle East; to the Committee on Foreign Affairs.

17. Also, memorial of the General Assembly of the State of Indiana, relative to the conflict in the Middle East; to the Committee on Foreign Affairs.

18. Also, memorial of the General Assembly of the State of New Jersey, relative to the Commercial Motor Vehicle Safety Act of 1986; to the Committee on Public Works and Transportation.

19. Also, memorial of the General Assembly of the State of New Jersey, relative to veterans' health care policies and conditions at veterans' health care facilities; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BENTLEY:

H.R. 1040. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BERMAN:

H.R. 1041. A bill for the relief of Eva Yee Wah Yeung, Raymond Chi Man Yeung, Che Wang Yeung, and Che Hong Yeung; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.R. 1042. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Pure Pleasure;* to the Committee on Merchant Marine and Fisheries.

By Mr. ROHRABACHER:

H.R. 1043. A bill to direct the Administrator of the Maritime Administration to convey property to Assistance, International, Inc.; to the Committee on Merchant Marine and Fisheries.

By Mr. TRAFICANT:

H.R. 1044. A bill for the relief of Andrew Susce; to the Committee on the Judiciary.

By Mr. UPTON:

H.R. 1045. A bill for the relief of Peter Short; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. WASHINGTON, Mr. VENTO, Mr. RAVENEL, Mr. SANDERS, Mr. STOKES, Mr. STARK, Mr. SERRANO, Mr. OWENS of Utah, Ms. HORN, Mr. SMITH of Florida, Mr. HYDE, Mr. TRAXLER, Mr. RICHARDSON, Mr. SIKORSKI, Mr. BILBRAY, Mr. RINALDO, Mr. BORSKI, Mr. ANDREWS of New Jersey, Mrs. LOWEY of New York, Mr. ROEMER, Mr. BACCHUS, Mr. MAVROULES, Mr. RANGEL, Ms. NORTON, Mr. MACHTLEY, Mr. PETERSON of Minnesota, Mr. TORRICELLI, and Mr. WYDEN.

H.R. 5: Mr. ANDREWS of New Jersey, Mr. MURPHY, Mr. FALEOMAVAEGA, Mr. STALLINGS, Ms. HORN, Mr. JOHNSON of South Dakota, Mr. UDALL, Mr. LUKEN, Mr. EARLY, Mr. JONES of Georgia, Mr. RINALDO, Mr. DOOLEY, Mr. LEWIS of Georgia, Mr. ANDREWS of Maine, Mr. McMILLEN of Maryland, Mr. de LUGO, Ms. WATERS, Mr. BEILENSON, Mr. LaROCCO, Mr. WAXMAN, Mr. LaFALCE, Mr. YATES, Mr. BRYANT, Mr. BILBRAY, Mr. RICHARDSON, Mr. COX of Illinois, Mr. SHARP, Mr. HUBBARD, Mr. SANGMEISTER, Mr. CARDIN, Mr. KOSTMAYER, Mr. JACOBS, Mr. MORAN, and Mr. GEPHARDT.

H.R. 7: Mr. TRAFICANT, Mr. LEVIN of Michigan, Mr. DURBIN, Mr. CLAY, Mr. MOAKLEY, Mrs. SCHROEDER, Mr. COYNE, Mrs. COLLINS of Illinois, Mr. LEHMAN of California, Mr. PEASE, Mrs. MORELLA, and Mr. SKAGGS.

H.R. 68: Mr. HEFNER, Mr. SENSENBRENNER, and Mr. SLAUGHTER of Virginia.

H.R. 77: Mr. ACKERMAN, Mr. HUGHES, Mr. BONIOR, and Mr. HENRY.

H.R. 78: Mr. HUNTER, Mr. TALLON, Mr. TAYLOR of North Carolina, and Mr. SCHIFF.

H.R. 82: Mr. ACKERMAN.

H.R. 87: Mr. ABERCROMBIE, Mr. BILBRAY, Mr. BORSKI, Mr. DELLUMS, Mr. RANGEL, Mr. RAVENEL, and Ms. SLAUGHTER of New York.

H.R. 102: Mrs. LLOYD, Mr. RITTER, Mr. RICHARDSON, Mr. WILSON, Mr. SCHEUER, Mr. SCHAEFER, Mr. GILCHREST, Mr. BROWN, Mr. ENGEL, Mr. JEFFERSON, and Mrs. VUCANOVICH.

H.R. 103: Mr. SOLOMON, Mr. RITTER, Mr. INHOFE, Mr. OWENS of New York, Mrs. LOWEY of New York, Mr. GONZALEZ, and Mr. ENGEL.

H.R. 104: Mr. SOLOMON, Mr. SCHEUER, and Mr. ENGEL.

H.R. 105: Mr. ROHRABACHER and Mr. BARTLETT.

H.R. 135: Mr. FORD of Tennessee, Mr. LEWIS of Georgia, Mr. FIELDS, Mr. LANCASTER, Mr. QUILLEN, Mr. THOMAS of Georgia, Mr. SANGMEISTER, Mr. FROST, Mr. JACOBS, Mr. SANTORUM, Mr. GUNDERSON, Mr. BILIRAKIS, Mr. INHOFE, Mr. WALSH, Mrs. BOXER, Mr. BALLENGER, Mr. EARLY, Mr. ENGLISH, Mr. KOLBE, Mr. JEFFERSON, and Mr. ENGEL.

H.R. 141: Mr. DORNAN of California, Mrs. JOHNSON of Connecticut, Mr. RAVENEL, Mr. THOMAS of Wyoming, Mr. ALLARD, Mr. ACKERMAN, Mr. McGRATH, Mr. HYDE, Mr. DWYER of New Jersey, and Mr. INHOFE.

H.R. 177: Mrs. MEYERS of Kansas, Mr. JOHNSON of South Dakota, Mr. CLINGER and Mr. MARKEY.

H.R. 178: Mr. CLINGER, and Mr. MARKEY.

H.R. 193: Mr. DWYER of New Jersey, Mr. COUGHLIN, Mr. SCHEUER, and Mr. ECKART.

H.R. 258: Mrs. VUCANOVICH, Mr. NEAL of Massachusetts, Mrs. MEYERS of Kansas, Mr. FISH, and Mrs. PAYNE of New Jersey.

H.R. 260: Ms. PELOSI, Mr. RAVENEL, Mr. JONTZ, Mr. DELLUMS, Mr. SCHEUER, Mr. MORAN, Mr. RANGEL, and Mr. FORD of Tennessee.

H.R. 300: Mr. LEVIN of Michigan, Mr. PAYNE of Virginia, Mrs. PATTERSON, and Mr. FALEOMAVAEGA.

H.R. 303: Mr. SHAW, Mr. GORDON, Mr. REED, Mr. JEFFERSON, Mr. ENGEL, Mr. ACKERMAN, Mr. TAUZIN, Mr. ENGLISH, Mr. PAYNE of New Jersey, Mr. McNULTY, and Mr. STUDDS.

H.R. 317: Ms. NORTON, Mr. SWIFT, Mr. SIKORSKI, Mr. KOLTER, Mr. OWENS of Utah, and Mr. STALLINGS.

H.R. 321: Ms. ROS-LEHTINEN.

H.R. 327: Mrs. LLOYD and Mr. BACCHUS.

H.R. 330: Mr. BROWN and Mr. JOHNSTON of Florida.

H.R. 344: Mr. EMERSON, Mr. HANSEN, Mr. HOLLOWAY, Mr. HORTON, Mr. INHOFE, Mr. JEFFERSON, Mr. POSHARD, Mr. PAXON, Mr. PETRI, Mr. RANGEL, and Mr. WALSH.

H.R. 346: Mr. BARTLETT.

H.R. 353: Mr. KLUG.

H.R. 354: Mr. KLUG.

H.R. 392: Mr. DURBIN, Mrs. COLLINS of Illinois, Mr. GALLO, Mr. ESPY, Mr. STOKES, Mr. CARDIN, Mr. KOSTMAYER, Mr. ACKERMAN, Mr. SERRANO, Mrs. SCHROEDER, Mr. WOLPE, Mr. BUSTAMANTE, Mr. ENGEL, Mr. JONTZ, Mr. HAYES of Illinois, Mr. TRAFICANT, Mr. MILLER of California, Mrs. LOWEY of New York, Mr. DOWNEY, Mr. SCHIFF, Mr. CARPER, Mrs. UNSOELD, Mr. FORD of Michigan, Mr. GRAY, Mr. MARTINEZ, Mrs. MORELLA, Mr. GONZALEZ, Mr. SANDERS, Mr. MINETA, Mrs. KENNELLY, Mr. WASHINGTON, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. KOPETSKI, and Mr. JEFFERSON.

H.R. 402: Mr. BOUCHER.

H.R. 413: Mrs. BOXER, Mr. HERGER, Mr. MARTINEZ, Ms. KAPTUR, Mr. ACKERMAN, Mr. RINALDO, Mr. BUSTAMANTE, Mr. VANDER JAGT, Mr. MACHTLEY, Mr. PETERSON of Minnesota, Mrs. JOHNSON of Connecticut, Mr. JONES of Georgia, Mrs. MORELLA, Mr. VENTO, Mr. BALLENGER, Mr. MATSUI, Mr. BARNARD, Mr. DWYER of New Jersey, Mr. MFUME, Mrs. KENNELLY, Mr. CARDIN, Mr. REED, Mr. KOSTMAYER, Mr. PAYNE of New Jersey, Mr. ABERCROMBIE, Mr. SERRANO, Mr. SOLARZ, Mr. MORAN, Ms. SLAUGHTER of New York, Mr. PRICE, Mr. GRAY, Mr. SLATTERY, Mr. TALLON, Mr. SANDERS, Mr. HUGHES, Mr. LANCASTER, and Mr. EVANS.

H.R. 415: Mrs. MEYERS of Kansas and Mr. HERGER.

H.R. 467: Mr. BILIRAKIS, Mr. HYDE, Mr. VANDER JAGT, Mr. GAYDOS, Mr. BRUCE, Mr. MURPHY, Mr. ROE, Mr. JEFFERSON, Mr. STOKES, Mr. DYMALLY, Mr. HORTON, Mr. MYERS of Indiana, and Mr. FUSTER.

H.R. 473: Mrs. VUCANOVICH.

H.R. 474: Mr. HORTON, and Mr. GALLO.

H.R. 501: Mr. DELLUMS, Mr. ESPY, Mr. EVANS, Mr. FOGLIETTA, Mr. FUSTER, Mr. GUARINI, Mr. HORTON, Mr. KOSTMAYER, Mr. MFUME, Mr. MORAN, Ms. PELOSI, Mr. RANGEL, Mr. SERRANO, Mr. SLATTERY, Mr. TOWNS, Mr. TRAFICANT, Mr. WEISS, Ms. SLAUGHTER of New York, and Mr. PAYNE of New Jersey.

H.R. 508: Mr. ROE, Mr. HAMMERSCHMIDT, Mr. de LUGO, Mr. GINGRICH, Mr. HENRY, Mr. SHUSTER, Mr. McEWEN, and Mr. PETRI.

H.R. 548: Mr. GUARINI, Mr. FUSTER, Mrs. MINK, Mr. SMITH of Florida, Mr. STARK, Mr. McNULTY, Mrs. LOWEY of New York, Mr. BERMAN, Mr. GEJDENSON, Mrs. BOXER, Mr. CAMPBELL of Colorado, Mr. FROST, Mr. LEWIS of Georgia, Mr. WOLPE, Mr. SANDERS, Mr. SERRANO, Mr. ABERCROMBIE, Mr. DELLUMS, Mr. STOKES, and Mr. BILBRAY.

H.R. 561: Mr. GUARINI.

H.R. 565: Mr. LaFALCE, Mr. NOWAK, Mr. LANTOS, Mr. McNULTY, Mr. COSTELLO, Mr. DIXON, Mr. PORTER, Ms. KAPTUR, Mr. ACKERMAN, Mr. BARNARD, Mrs. VUCANOVICH, Mr. SABO, Mr. McCLOSKEY, Mrs. JOHNSON of Connecticut, Mr. GRAY, Mrs. MORELLA, Mr. BALLENGER, Mr. SPRATT, Mr. MATSUI, Mr. FISH, Mr. BUSTAMANTE, Mr. EMERSON, Mr. THOMAS of Wyoming, Mr. MARTINEZ, Mr. JEFFERSON, Mr. ROWLAND of Georgia, Mrs. KENNELLY, Mr. CARDIN, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Mr. BILBRAY, Mr. HYDE, Mr. KLECZKA, and Mr. STARK.

H.R. 583: Mr. HUBBARD, Mr. MURTHA, Mr. PERKINS, Mr. BOUCHER, and Mr. JEFFERSON.

H.R. 586: Ms. DeLAURO, Mr. BRYANT, Mr. SKAGGS, and Mr. ROEMER.

H.R. 592: Mr. LIPINSKI, Ms. KAPTUR, Mr. WILSON, Mr. ROGERS, Mr. BEREUTER, Mr. BONIOR, Mr. STOKES, Mr. LANCASTER, and Mr. MFUME.

H.R. 601: Mr. FISH and Mr. DANNEMEYER.

H.R. 608: Mr. KOPETSKI, Mr. RANGEL, Mr. HORTON, Mr. VANDER JAGT, Mr. PETERSON of Minnesota, Mr. JONTZ, Mr. LAGOMARSINO, Mr. PENNY, Mr. LEACH of Iowa, and Mr. WELDON.

H.R. 609: Mr. ABERCROMBIE, Mr. MRAZEK, Mr. BAKER, Mr. WILLIAMS, and Mr. NOWAK.

H.R. 614: Mr. Markey and Ms. Horn.

H.R. 620: Mr. Spence, Mr. Madigan, and Mr. Roe.

H.R. 637: Mr. Traxler, Mr. Frank of Massachusetts, Mr. Crane, Mr. Hastert, Mr. Gilman, Mr. Vento, Mr. Hyde, Mr. Neal of Massachusetts, and Mr. Stokes.

H.R. 643: Mr. Neal of Massachusetts, Mr. McEwen, Mr. Vander Jagt, Mr. Pease, Mr. Hall of Ohio, Mr. Parker, Mr. Broomfield, Mr. Mfume, Mrs. Unsoeld, Mr. Hamilton, Mr. Allard, and Mr. Miller of Washington.

H.R. 645: Mr. Bilbray.

H.R. 659: Mr. Frost, Mr. Lancaster, Mr. Hutto, Mr. Tallon, Mr. Jefferson, Mr. Bustamante, Mr. Ravenel, Mr. Vento, and Mr. Bonior.

H.R. 672: Mr. Dellums.

H.R. 688: Mr. Gilchrest and Mr. Markey.

H.R. 724: Mr. Chapman.

H.R. 736: Mr. Studds.

H.R. 738: Mr. Klug, Mr. Stokes, Mr. Ackerman, Mr. Russo, Mr. Stallings, Mr. Scheuer, Mr. Johnston of Florida, Mr. Wolpe, Mr. Frank of Massachusetts, and Mr. Jefferson.

H.R. 742: Mr. McCloskey.

H.R. 743: Ms. Molinari and Mr. McCloskey.

H.R. 755: Mr. Barnard, Mr. Dwyer of New Jersey, Mr. Valentine, and Mr. Horton.

H.R. 756: Mr. Jefferson, Mr. Fazio, Mr. Lewis of Georgia, Mr. Vento, and Mr. Brown.

H.R. 759: Mr. Brewster.

H.R. 763: Mr. Fish and Mr. Engel.

H.R. 767: Mr. Emerson and Mr. Ravenel.

H.R. 769: Mr. Chapman, Mr. Costello, Mr. Fuster, Mr. Herger, Mr. Horton, Mrs. Johnson of Connecticut, Mr. Olin, Mr. Rangel, Mr. Ravenel, Mr. Rinaldo, Mr. Roe, and Mr. Schiff.

H.R. 772: Mr. Shaw, Mr. Dannemeyer, Mr. Machtley, Mr. Ballenger, Mr. Gordon, Mr. Packard, Mr. Bunning, Mr. Santorum, Mr. Penny, Mr. Bryant, Mr. Herger, Mr. Paxon, Mr. Archer, Mrs. Boxer, Mr. Boehner, Mr. Hayes of Louisiana, Mr. Hughes, Mr. Bateman, Mr. Hall of Texas, Mr. Feighan, and Mr. Camp.

H.R. 784: Mr. Hochbrueckner, Mr. Penny, Mr. Martin of New York, Mr. Payne of New Jersey, Mr. Traxler, and Mr. Ballenger.

H.R. 786: Mr. Gejdenson, Mr. Abercrombie, Mr. Ravenel, Mr. Hughes, and Mr. Payne of New Jersey.

H.R. 799: Mr. Stokes, Mr. Lewis of Georgia, Mrs. Lloyd, Mrs. Boxer, Mr. McMillen of Maryland, Mr. Abercrombie, Mr. Payne of New Jersey, and Mr. Martin of New York.

H.R. 801: Mr. Stokes, Mr. Lewis of Georgia, Mrs. Lloyd, Mrs. Boxer, Mr. McMillen of Maryland, Mr. Abercrombie, Mr. Payne of New Jersey, and Mr. Martin of New York.

H.R. 802: Mr. Stokes, Mr. Lewis of Georgia, Mrs. Lloyd, Mrs. Boxer, Mr. McMillen of Maryland, Mr. Abercrombie, Mr. Payne of New Jersey, and Mr. Martin of New York.

H.R. 803: Mr. Stokes, Mr. Lewis of Georgia, Mrs. Lloyd, Mrs. Boxer, Mr. McMillen of Maryland, Mr. Abercrombie, Mr. Payne of New Jersey, and Mr. Martin of New York.

H.R. 810: Mr. Martinez, Mr. Ravenel, Mr. Horton, Mr. Penny, Mr. Valentine, Mr. McNulty, Mr. Huckaby, Mr. Frost, Mr. Bilbray, Mr. Gordon, Mr. Wolpe, Mr. Levine of California, and Mr. Eckart.

H.R. 854: Mrs. Morella, Mr. Wheat, Mr. Pease, Mr. Dwyer of New Jersey, Mr. Lipinski, Mr. Miller of California, Mr. Sikorski, Mr. Engel, Mr. Derrick, Mr. Hochbrueckner, Mr. Traficant, and Mr. Russo.

H.R. 856: Mr. Hughes, Mr. Feighan, Mr. Horton, Mr. Lipinski, Mr. Russo, Mr. Moakley, Mr. Martinez, and Mrs. Schroeder.

H.R. 915: Mr. Armey, Mr. Bateman, Mr. Dornan of California, Mr. Durbin, Mr. Frank of Massachusetts, Mr. Henry, Mr. Horton, Mr. Kolbe, and Mr. McGrath.

H.R. 916: Mr. de Lugo, Mr. McCloskey, Mr. Dwyer of New Jersey, and Mr. Manton.

H.R. 919: Ms. Kaptur, Mr. Jontz, Mr. Chapman, Mr. Owens of Utah, Mr. de la Garza, Mr. Baker, Mrs. Unsoeld, Mr. Stenholm, and Mr. Dwyer of New Jersey.

H.R. 920: Mr. Jefferson.

H.R. 947: Mr. Bereuter, Mr. English, and Mr. Bateman.

H.R. 967: Mr. Jefferson.

H.J. Res. 2: Mr. Paxon, Mr. Zimmer, and Mr. Shuster.

H.J. Res. 20: Mr. Klug.

H.J. Res. 57: Mr. Miller of Ohio, Mr. Mollohan, Mr. Hertel, Mr. Goodling, Mr. Gordon, Mr. Kolter, Mr. Boucher, Mr. Dwyer of New Jersey, Mr. Condit, and Mr. Eckart.

H.J. Res. 66: Mr. Spence, Mr. Lagomarsino, Mr. Lancaster, Mr. Lewis of Georgia, Mr. Frost, Mr. DeFazio, Mr. Bevill, Mr. Gilman, Mr. Tallon, Mr. Kolter, Mr. Quillen, Mr. Dingell, Mr. Sangmeister, Mr. Ackerman, Mr. Lightfoot, Mr. Annunzio. Mr. Dwyer of New Jersey, Mrs. Unsoeld, Mrs. Boxer, Mr. Manton, Mr. Bateman, Mr. Owens of Utah, Mr. Riggs, Mr. Weiss, Mr. Yatron, Mr. Sanders, Mr. Kennedy, and Mr. Obey.

H.J. Res. 67: Mr. Lancaster, Mr. Johnson of South Dakota, Mr. Frost, Mrs. Lloyd, Mr. DeFazio, Mr. Quillen, Mr. Ackerman, Mr. Dwyer of New Jersey, Mrs. Boxer, Mr. Martinez, Mr. Manton, Mr. Bateman, Mr. Owens of Utah, Mr. Sanders, Mr. Obey, Mrs. Byron, and Mr. Lagomarsino.

H.J. Res. 73: Mrs. Meyers of Kansas and Mr. Quillen.

H.J. Res. 79: Mr. Fields, Mr. Thomas of Georgia, Mr. Emerson, and Mr. Santorum.

H.J. Res. 84: Mr. Wilson, Mr. Horton, Mr. Guarini, Mr. Sensenbrenner, Mr. Lipinski, Mr. Martinez, Mr. Geren of Texas, Mr. Ritter, Mr. Ravenel, Mr. McNulty, and Mr. Roe.

H.J. Res. 87: Mr. LaFalce, Mr. Miller of Ohio, Mr. Abercrombie, Mr. Spence, Mr. Sundquist, Mr. Traficant, Mr. Bilirakis, Mr. Mollohan, Ms. Long, Mr. Frost, Ms. Oakar, Mr. Dicks, Mr. Paxon, Mr. Slattery, Mr. Traxler, Mr. Roberts, Mr. Miller of Washington, Mr. Oxley, Mr. McNulty, Mr. Stenholm, Mr. Panetta, Mr. Skaggs, Mr. Poshard, Mr. Price, Mr. Kanjorski, Mr. Young of Florida, Mr. Hall of Texas, Mr. Stearns, Mr. Peterson of Florida, Mr. Rangel, Ms. Kaptur, Mr. Sisisky, Mr. Jefferson, Mr. Santorum, Mr. Roe, Mr. Fuster, Mrs. Lowey of New York, Mr. Hochbrueckner, Mr. Baker, Mr. Skelton, Mr. Perkins, Mr. Annunzio, Mr. Lewis of Georgia, Mr. Clinger, Mr. Smith of New Jersey, Mr. McCloskey, Mr. Barnard, Ms. Pelosi, Mr. Gordon, Mr. Vento, Mr. Faleomavaega, Mr. Regula, Mrs. Unsoeld, Mr. Gallegly, Mr. Levin of Michigan, Mr. Dwyer of New Jersey, Mr. Rahall, Mr. Waxman, Mr. Costello, Mr. Porter, Mr. Quillen, Mr. Pursell, Mr. Parker, Mr. Gilchrest, Mr. Gilman, Mr. Serrano, Mr. Neal of Massachusetts, Mr. Ford of Michigan, Mr. Ravenel, Mr. Emerson, Mrs. Patterson, Mr. Scheuer, Mr. Ireland, Mr. Wilson, Mr. Kolter, Mr. Thomas of Wyoming, Mr. Jontz, Mr. Owens of Utah, Mr. Mfume, Mrs. Mink, Mr. Kennedy, Mr. Brown, Mr. Ford of Tennessee, Mr. Hughes, Mr. Stallings, and Ms. Slaughter of New York.

H.J. Res. 88: Mr. Barton of Texas, Mr. Borski, Mr. Chapman, Mr. Frost, Mr. Gilman, Mr. Herger, Mr. Lowery of California, Mr. Paxon, Mr. Ritter, Mr. Taylor of Mississippi, and Mr. Waxman.

H.J. Res. 98: Mr. Jontz, Mr. Lancaster, Mr. Levin of Michigan, Mr. Machtley, and Ms. Slaughter of New York.

H.J. Res. 102: Mr. Vander Jagt, Mr. Ravenel, Mr. Moorhead, Mr. Derrick, Mr. Pickett, Mrs. Patterson, Mr. Poshard, Mr. Gingrich, Mr. de Lugo, Mr. Jones of North Carolina, Mr. Rose, Mr. Natcher, Mr. Bevill, Mr. Machtley, Mr. McNulty, Mr. Montgomery, Mr. Hefner, Mr. Lent, Mr. Tallon, Mr. Price, Mr. Jacobs, Mr. Dornan of California, Mr. Rahall, Mr. Payne of New Jersey, Mr. Wolf, Mr. Hochbrueckner, Mr. Lehman of Florida, Mr. Sisisky, Mr. Miller of Washington, Mr. Valentine, Mr. Blaz, Mr. Scheuer, Mr. Browder, 1Mr. Whitten, Mr. Martinez, Mr. Faleomavaega, Mr. Roe, Mr. Clement, Mr. Towns, Mr. Harris, Mr. Ford of Tennessee, Mr. Rangel, Mrs. Morella, Mr. Richardson, Mr. Conyers, Mr. Regula, and Ms. Kaptur.

H.J. Res. 103: Mr. Abercrombie, Mr. Applegate, Mr. Bacchus, Mr. Bateman, Mr. Bilirakis, Mr. Bliley, Mr. Brewster, Mr. Bunning, Mr. Bustamante, Mr. Campbell of Colorado, Mr. Campbell of California, Mr. Dwyer of New Jersey, Mr. Emerson, Mr. Erdreich, Mr. Fuster, Mr. Gallegly, Mr. Gekas, Mr. Guarini, Mr. Harris, Mr. Hefner, Mr. Horton, Mr. Hughes, Mr. Jones of Georgia, Mr. Kopetski, Mr. LaFalce, Mr. Lancaster, Mr. Lowery of California, Mr. Martin of New York, Mr. Martinez, Mr. Mavroules, Mr. McCrery, Mr. McEwen, Mr. McGrath, Mr. McNulty, Mr. Montgomery, Ms. Norton, Mr. Owens of Utah, Mr. Payne of Virginia, Mr. Poshard, Mr. Price, Mr. Rangel, Mr. Roe, Mr. Skelton, Mr. Smith of Florida, Mr. Spence, Mr. Thomas of Georgia, and Mr. Vento.

H.J. Res. 108: Mr. Weber, Mr. Ray, Mr. Carr, Mr. Gilchrest, Mrs. Meyers of Kansas, Mr. Ravenel, Mr. Chapman, Mr. Clement, Mr. Orton, Mr. Huckaby, Mr. Slaughter of Virginia, Mr. Dorgan of North Dakota, Mr. Rangel, and Mr. Neal of Massachusetts.

H.J. Res. 109: Mr. Ackerman, Mr. Annunzio, Mr. Bennett, Mr. Bevill, Mr. Bilbray, Mr. Bliley, Mrs. Boxer, Mr. Browder, Mr. Carper, Mr. Clement, Mr. Coleman of Texas, Mr. Davis, Mr. de Lugo, Mr. Dwyer of New Jersey, Mr. Eckart, Mr. Emerson, Mr. Erdreich, Mr. Fuster, Mr. Gordon, Mr. Guarini, Mr. Harris, Mr. Hochbrueckner, Mr. Hughes, Mr. Hyde, Mr. Jefferson, Ms. Kaptur, Mr. LaFalce, Mr. Lehman of Florida, Mr. Lent, Mr. Levin of Michigan, Ms. Long, Mr. McDade, Mr. McGrath, Mr. McMillen of Maryland, Mr. Martinez, Mr. Mfume, Ms. Molinari, Mr. Mrazek, Mr. Pallone, Mr. Pickle, Mr. Poshard, Mr. Rahall, Mr. Rangel, Mr. Ravenel, Mr. Roe, Mrs. Roukema, Mr. Rowland of Georgia, Mr. Sanders, Mr. Serrano, Mr. Towns, Mr. Weldon, Mr. Wilson, and Mr. Wolf.

H.J. Res. 128: Mr. Sikorski, Mr. Kostmayer, Mr. Richardson, Mr. Synar, Mr. Scheuer, Mr. Penny, Mr. AuCoin, Mr. Wilson, Mr. Moakley, Mr. McDermott, and Mr. Murtha.

H.J. Res. 132: Mr. Jefferson, Mr. Stallings, Mr. Hayes of Illinois, Mr. Savage, Mr. Hyde, Mr. Evans, Mr. Leach of Iowa, Mr. Hubbard, Ms. Kaptur, Mr. Guarini, Mr. Owens of New York, Mr. Engel, Mr. Johnson of South Dakota, Mr. Inhofe, Mr. Bonior, Mr. Vander Jagt, Mr. McGrath, Mr. Annunzio, Mr. Gonzalez, Mr. Mineta, Mr. Skeen, and Mr. Pallone.

H. Con. Res. 23: Mr. HERGER, Mr. FALEOMAVAEGA, Mr. VENTO, Mr. ROE, Mr. MAVROULES, and Mr. REGULA.

H. Con. Res. 35: Mr. COX of California and Mr. SOLOMON.

H. Con. Res. 39: Mr. INHOFE, Mr. SANTORUM, Mr. BARTON of Texas, and Mr. ROHRABACHER.

H. Con. Res. 50: Mr. FROST, Mr. HUGHES, Mr. JONES of Georgia, Mr. ANNUNZIO, Mr. LAGOMARSINO, Mr. LIPINSKI, Ms. DELAURO, Mr. HERTEL, Mr. COX of Illinois, Mr. RITTER, Mr. ECKART, Mr. CRANE, Mr. GILMAN, Mr. SCHEUER, Mr. ESPY, Mr. HENRY, Mr. LEWIS of Georgia, Mr. ACKERMAN, Mr. BATEMAN, Mr. PAYNE of New Jersey, Mr. DURBIN, Mr. STOKES, Mr. DWYER of New Jersey, Mr. BEILENSON, Mr. GUARINI, Mr. ABERCROMBIE, Mr. COYNE, and Mr. SABO.

H. Con. Res. 55: Mr. LIVINGSTON, Mr. HORTON, Mr. PAXON, Mr. ROHRABACHER, Mr. POSHARD, Mr. SMITH of New Jersey, Mr. SKELTON, Mr. MCGRATH, Mr. HERGER, Mr. WOLF, Mr. KOLBE, Mr. OXLEY, Mr. KYL, Mr. SMITH of Texas, Mr. GUARINI, Mr. GALLO, Mr. PAYNE of Virginia, Mr. RINALDO, Mr. HENRY, Mr. SCHIFF, Mrs. JOHNSON of Connecticut, Mr. MACHTLEY, Mrs. BYRON, Mr. KLUG, and Mr. INHOFE.

H. Con. Res. 56: Mr. ESPY, Mr. CONYERS, Mr. SERRANO, Mr. FLAKE, Mr. FUSTER, Mr. WOLPE, Mr. BERMAN, Mr. OWENS of Utah, Mr. LAFALCE, Mr. MFUME, Mrs. MINK, and Mrs. MORELLA.

H. Con. Res. 63: Ms. MOLINARI.

H. Con. Res. 65: Mr. THOMAS of Georgia and Ms. MOLINARI.

H. Con. Res. 67: Mr. HUCKABY, Mrs. MORELLA, Mr. BILBRAY, Mr. MILLER of California, Mr. FROST, and Mr. DWYER of New Jersey.

H. Res. 40: Mrs. MEYERS of Kansas, Mr. ACKERMAN, Mr. FORD of Michigan, Mr. MILLER of Washington, Mr. MINETA, Mr. PALLONE, and Mr. ENGEL.

H. Res. 42: Mr. PENNY, Mr. TORRICELLI, Mr. MACHTLEY, Ms. LONG, Ms. SLAUGHTER of New York, and Mr. ARMEY.

H. Res. 64: Mr. ROHRABACHER, MR. MURPHY, and Mr. KYL.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

29. By the SPEAKER: Petition of the Office of the Governor, Boise, ID, relative to the disapproval of delivery of nuclear waste to INEL; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

30. Also, petition of the Association of Pacific Island Legislatures, relative to the full eradication of the melon fly; jointly, to the Committees on Foreign Affairs and Interior and Insular Affairs.

31. Also, petition of the Embassy of Chile, Office of the Ambassador, relative to the Special Commission which investigated the case of the grapes contaminated with cyanide; jointly, to the Committees on Ways and Means and Foreign Affairs.

SENATE—*Wednesday, February 20, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Eternal God, Creator of all things, true and just and merciful in all Thy ways, as we approach the birthday of the father of our country, we find comfort in one of his favorite verses: "Preserve me, O God: for in thee do I put my trust."—Psalm 16:1.

And we hear with gratitude his message in a "circular to the States", June 8, 1783: "I now make it my earnest prayer, that God would have you, and the State over which you preside, in his holy protection, that he would incline the hearts of the Citizens to cultivate a spirit of subordination and obedience to Government, to entertain a brotherly affection and love for one another, for their fellow Citizens of the United States at large, and particularly for their brethren who have served in the Field, and finally, that he would most graciously be pleased to dispose us all, to do Justice, to love mercy, and to demean (i.e., comport) ourselves with that Charity, humility and pacific temper of mind, which were the Characteristicks of the Divine Author of our blessed Religion, and without an humble imitation of whose example in these things, we can never hope to be a happy Nation."

Forgive us, Lord, when we forsake the faith which so continually strengthened and guided our forebears. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time reserved for the two leaders, there will be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 11 this morning, the Senate will resume consideration of S. 320, the Export Administration reauthorization bill, with the Specter amendment No. 3 relative to the imposition of the death penalty for terrorist murders, as the pending amendment.

Senators should be aware that there may be rollcall votes occurring today as consideration of the Export Administration reauthorization bill, and amendments thereto, continues.

For the information of Senators, once action is concluded on the Export Administration reauthorization bill, I intend to proceed to the consideration of the Defense Production Act.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of the two leaders will be reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of morning business to extend not beyond the hour of 11 a.m. with Senators permitted to speak therein for up to 5 minutes each.

Mr. METZENBAUM addressed the Chair.

The PRESIDENT pro tempore. The Senator from Ohio [Mr. METZENBAUM].

CONSUMER PROTECTION AGENDA

Mr. METZENBAUM. Mr. President, I rise today to offer a consumer protection agenda for the 102d Congress. My goal is simple and straightforward: Save consumers money by protecting them from price fixing and price gouging.

The consumer protection agenda consists of three separate legislative initiatives which address some of the largest industries in the Nation: Retail goods, insurance, and cable television. Enactment of these bills will save money for anyone who shops at discount stores, buys insurance, or subscribes to cable television.

The first bill we are today introducing is designed to stop price fixing in retail goods. When a consumer wants to buy a TV set, he or she should be able to get the best price possible. Consumers should not have to worry that the manufacturer has forced retailers to raise the price or has, at the insistence of a high priced retailer, cut off discount competition entirely. Our bill would amend the antitrust laws to protect the right of consumers to buy at discount.

Many consumers who shop at discount stores may be unaware that their right to buy at the lowest price possible is under siege. The damage caused by price fixing may not be immediately obvious because consumers cannot know how low the price might have been in an open, competitive market. A consumer also may be unaware that a particular product is not for sale at discount stores or is no longer offered at a discount price because the manufacturer has refused to continue to supply a discounter.

Today, retailers who are cut off—or threatened with termination—by a manufacturer because they failed to raise prices, have little recourse under the law. Our bill will get that retailer a fair hearing in court under laws which make it clear that price fixing is absolutely illegal. Our bill would change recent Supreme Court decisions which have favored price fixers.

The second bill I am introducing will make the Federal antitrust laws apply to the insurance industry. The bill would modify the antitrust immunity created in 1945 by the McCarran-Ferguson Act. It will protect consumers by prohibiting insurers from fixing prices, dividing markets, and forcing consumers to buy several policies at a time.

The issue of repealing the insurance industry's immunity has been before us for several years. But I say to my colleagues: Make no mistake, the insurance industry has changed dramatically in the last few years. The American public is deeply concerned about the availability and cost of insurance, as well as the security of their investments in insurance companies.

The support for this legislation is broad: consumers, small business, State attorneys general, labor, senior citizens, women, banks, medical associations and the American Bar Association. These groups, like the American public, do not understand why a $2 trillion industry—one of the largest and most powerful in the country—is exempt from the antitrust laws.

As my colleagues evaluate this legislation, they will find that some hard questions are being asked. Who is watching over insurance companies? The States are supposed to be, but often the answer is no one. Will lax oversight of insurance companies lead to another S&L type FIASCO? Is insurance affordable, available and understandable?

Numerous committees in both the House and the Senate—including the Antitrust Subcommittee, which I chair—are conducting vigorous oversight of the insurance industry. What we are finding is quite disturbing.

Removing the antitrust exemption will not solve all of the industry's problems, but it is the proven way to generate competition. Let the market—not the insurance companies—determine how much insurance should be sold and at what price. It is time to reform the insurance industry's antitrust immunity.

The third legislative initiative consists of two bills which will protect consumers from the monopoly power wielded by the cable industry.

Too many consumers across the country have had to deal with cable companies that take forever to install cable service, that never answer the phone when a consumer has a question or needs a repair, that drop program channels with almost no notice to subscribers, and that adopt a "take it or leave it" attitude about rate hikes. There is a simple reason why so many cable operators have been able to behave this way and still remain in business: They are monopolies; they are the only game in town.

Less than 1 percent of the consumers in the entire country have the opportunity to choose among competing cable systems. Due to action by Congress and the FCC, only a tiny handful of cable systems across the country are subject to rate regulation, even though rates have skyrocketed in recent years. And the cable industry has used its control over programming to thwart the emergence of such potential competitors as wireless cable and the satellite dish industry. The bottom line is that cable television is free from both regulation and competition. Consumers are completely unprotected.

The bills I am introducing today will promote competition in the delivery of cable programming to consumers and permit local regulation of rates in communities where consumers are served by only one cable programming distributor.

Last Congress, we came very close to enacting cable reform legislation. This year, some say that prospects for cable legislation are bleak because neither the industry nor the White House want a bill. There is also talk that Congress need not move on cable legislation because the FCC may adopt new rules designed to check cable's monopoly power. But the time for an FCC solution has passed. Many cable operators have already devised ways to circumvent any new regulatory rules that might be developed by the FCC, and the problems with the industry are so pervasive that only a legislative fix will suffice.

Last month, the leaders of the Commerce Committee—Senators HOLLINGS, INOUYE, and DANFORTH—introduced a cable bill, S. 12, which I was pleased to cosponsor. S. 12 is not as strong as I would like it to be—and that is partly why I am introducing these bills today—but it is an excellent start. I look forward to working with the Commerce Committee to get a strong cable bill enacted.

I will be moving on other consumer protection measures throughout this Congress. But the bills I am introducing today are measures which are long overdue. The consumers of this country are waiting for Congress to take action which will save them money and protect them against anticompetitive behavior. We should not let them down.

I ask unanimous consent that the text of these bills, a full statement on each of these legislative measures, as well as statements by other Senators in support of the resale price maintenance legislation will be included in the RECORD.

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM pertaining to the introduction of S. 429, S. 430, S. 431, and S. 432 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized for not to exceed 5 minutes.

Mr. LIEBERMAN. I ask unanimous consent that Kevin Matthews of my staff be given privileges of the floor for the duration of morning business today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE ADMINISTRATION'S ENERGY PLAN

Mr. LIEBERMAN. Mr. President, a nationwide poll conducted by the Alliance To Save Energy found that three out of four Americans believe that reducing energy demand makes more sense than increasing energy supplies. By that same margin, the American people would give the development of renewable energy sources, such as solar or wind, top priority in how the Federal Government allocates its research dollars.

The American people exhibit common sense when it comes to energy policy—almost instinctively, they want to conserve energy, and they want to reduce our dependence on oil. Unfortunately, it appears the administration is about to give them an energy policy that makes sense only to the oil and auto companies whom it will protect. The national energy policy plan, as outlined in reports I have seen, is a blueprint for disaster—for our economy, our taxpayers and our consumers, and our environment. It will arrive on Capitol Hill already running on empty.

From all accounts, the administration is prepared to focus not on conservation or clean energy alternatives, but on new domestic production of oil. It wants to develop the Outer Continental Shelf and the Arctic National Wildlife Refuge to give the country more of what it does not want—a dirty, often expensive, finite resource namely, oil. Despite the lack of evidence that there is significant oil in the Arctic Refuge, and despite the evidence that oil production in that fragile ecosystem would be extremely destructive to the environment, the administration wants to push ahead to find what, at most, would give us a 6 month to 1 year supply of oil; that is nothing more than a quick fix that does not deal with our fundamental problem. The Outer Continental Shelf is a similarly risky location to explore for and develop oil resources.

All that effort—all that expense and environmental damage—would give us precious little of a product that we know pollutes our atmosphere when it is burned. And increased development of domestic oil reserves would still not buy us protection from the instability of world oil markets. Oil is priced on a global scale; it matters not from where it comes, it costs whatever the traders on the world oil markets want it to cost. If we were 100 percent totally reliant on purely domestic sources of oil, the price of gas for our cars and heating oil for our homes would still have skyrocketed after Iraq invaded Kuwait.

Mr. President, increased domestic production would not only fail to protect us from price gyrations, it would fail to supply us with the oil we presently need to run our economy. Like it or not, there is simply not enough oil under the land or waters of the United States to supply our energy needs now and in the future. We have at most 3 percent of the world's oil reserves and that includes the most optimistic estimate of reserves in the Arctic Refuge. Meanwhile, of least half of the world's oil reserves exist in the Persian Gulf region. To the extent we rely on oil, we will necessarily continue to rely on foreign sources of that oil, and that is not good for America.

Therein is the key—"to the extent we rely on oil." A sound national energy policy should begin by changing that premise. We need strong conservation measures and we need effective alternative energy sources. Let us start with the Federal Government itself. Administration policymakers seem intent on removing the Government as much as possible from the energy marketplace, but they cannot deny this reality: the Government is—at a cost to taxpayers of $4 billion each year—the single largest consumer of energy in America.

The development of an energy policy should, like charity, begin at home with the Federal Government itself. I have proposed that the Government take the lead in conserving energy in its myriad of facilities nationwide. Up to now, the administration has not even issued a simple Executive order to require its agencies to comply with the Federal Energy Management Program, which encourages energy conservation. It should do that, and more. Under my proposal, which is incorporated in Senator TIM WIRTH's National Energy Policy Act, the Federal Government would be required to adopt cost-effective energy conservation programs at all federally owned or leased facilities. The legislation promotes the use of "shared savings contracts" between Government and energy companies by which utilities would install conservation measures at little or no cost to taxpayers; these measures would, in turn, reduce the Government's massive energy bill. One simple step the Federal Government could take would be to replace its millions of light bulbs with new compact fluorescent bulbs which use about one-quarter as much energy, and that would save almost $1 billion a year.

The administration could also promote energy conservation in America by adopting Senator RICHARD BRYAN's bill to raise the fuel economy of automobiles to 40 miles per gallon by the year 2000. If we did that, by 2005 we would save, on a daily basis, nearly 10 times the amount of oil we could ever pump out of the Arctic refuge. Eighty-four percent of the American public supports increasing the fuel efficiency of automobiles. It can be done; it can be done at a reasonable cost; and it will conserve a tremendous amount of energy.

But energy conservation alone will not get the job done. We need alternatives to oil if we are to provide for America's energy needs in the future. That is why I have also proposed that the Federal Government become the proving ground for new fuel cell technology. Fuel cells—clean, renewable batteries—are at the leading edge of the wave of energy technology, and other nations, such as Japan and Germany, are spending millions to develop them. Under my proposal, 10 Federal facilities would be required to install fuel cells as their power sources. That is a modest beginning, but I believe the pilot program would create a market for fuel cells and demonstrate their tremendous value and would help promote the spread of these cells throughout the private sector.

We must also explore other potential sources of clean energy, including solar, wind, and geothermal power, electric cars, and natural gas. Through tax credits and research grants, the Federal Government can do much more to promote alternative energy sources. We can either develop such sources ourselves, or we will end up having to buy them from our competitors in the global market.

The lack of a coherent national energy policy has hurt our Nation in three important ways: Our trade deficit goes up and our domestic economy suffers whenever world oil prices increase; other nations are winning a competitive edge which allows them to produce their product with much lower energy cost; and our environment suffers because of our continuing use of polluting energy sources. The administration's plan, as it has been reported, does nothing to solve those basic problems. We need to make a dramatic departure from the policies of the past and embark on a path toward a more conserving, efficient, and clean America. The administration sadly has abandoned its opportunity to lead; it is now up to the Congress to fill that void and act in the interest of the security of our environment, our economy, and our future.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, morning business is closed.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for a period not to exceed 15 minutes or until such time as the majority leader or the floor managers return to the official business that we have scheduled for this morning.

The PRESIDENT pro tempore. As in morning business?

Mr. BUMPERS. As in morning business.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Senator from Arkansas is recognized for not to exceed 15 minutes, and the previous morning business is accordingly extended.

The PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 433 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOTIFICATION FROM THE PRESIDENT ON FREE TRADE NEGOTIATIONS WITH CANADA

Mr. BENTSEN. Mr. President, on February 5, 1991, President Bush formally notified me, as chairman of the Committee on Finance and pursuant to section 1102(c) of the Omnibus Trade and Competitiveness Act of 1988, of his intent to enter into trade negotiations with Canada. These negotiations are aimed at creating a three-way North American Free Trade Area comprised of the United States, Canada, and Mexico.

In order to provide all Members with full information on this notification from the President, I hereby ask unanimous consent that a copy of the President's letter appear in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 5, 1991.

Hon. LLOYD BENTSEN,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In my letter to you of September 25, 1990, I notified the Senate Finance Committee of trade negotiations with Mexico pursuant to section 1102(c) of the Omnibus Trade and Competitiveness Act of 1988 ("1988 Act"). At the same time, I informed you that the Government of Canada had expressed a desire to participate in the negotiations, with a view to negotiating an agreement or agreements among all three countries. I stated then that we would be consulting with the Canadian and Mexican Governments to explore the possibilities in this regard, and that, depending upon the outcome of our consultations, I would send a further or revised notice to the Committee.

Ambassador Hills has recently concluded consultations with her Canadian and Mexican counterparts, as well as the Finance Committee, and other members of Congress, and the private sector. I am pleased to report that, on the basis of these consultations, President Salinas, Prime Minister Mulroney and I have agreed to seek a three-way free trade area. Although it may not be technically required under section 1102 of the 1988 Act, in the spirit of the close cooperation that has characterized our consultations, I am hereby formally notifying the Senate Finance Committee of trade negotiations with Canada.

We have an historic opportunity in these negotiations to create a North American Free Trade Area embracing some 360 million people to the benefit of all three nations. My Administration looks forward to working with you further on this historic endeavor.

Sincerely,

GEORGE BUSH.

MCENTIRE AIR NATIONAL GUARD BASE GOES TO WAR

Mr. HOLLINGS. Mr. President, in the Persian Gulf war, as in past wars, we cannot help but be impressed by the courage of America's warriors. But beyond courage, what impresses me in this war is the sheer competence and professionalism of our forces—from General Schwarzkopf right down to the most junior aircraft maintenance mechanic. In that regard, among the best and the brightest are the contingents from McEntire Air National Guard Base in South Carolina. Their performance has been truly spectacular—which comes as no surprise to those of us who have followed with pride the accomplishments of the 169th Tactical Fighter Group in recent years.

Mr. President, just imagine this. The base commander at McEntire, Lt. Col. Jerry H. Risher, got the order on December 27 to report to Saudi Arabia. Bear in mind that his Air National Guard pilots are full-time attorneys, sheriff's deputies, airline pilots and so on, from the length and breadth of South Carolina. But within 48 hours of the callup, everyone of the 25 F-16's in the 157th Tactical Fighter Squadron had been launched and was flying nonstop to Saudi Arabia. Less than 3 weeks later, those F-16's were in combat under the direct lead of Lt. Col. John Marshall, spearheading the second wave of air attacks on Iraq. In the 4 weeks since, pilots of the 157th have flown combat missions against the Iraqi Republican Guard and other targets literally around the clock. To date, they have racked up more than 1,000 sorties, an average of 40 per aircraft, without a single loss of pilot or plane. To put it mildly, this is a stunning tribute not just to the readiness and skill of this particular fighter group, but to the entire concept of the total force military, integrating active duty with Reserve and National Guard units.

Mr. President, having talked to hundreds of South Carolinians in some 15 counties over the last week, I can tell you that the people of my State take tremendous pride in the performance of these Reserve and National Guard units. On the evening news, they see the tail fins of those F-16's with "South Carolina" printed in bold letters. They see the words "Swamp Fox"—the trademark of the 157th Tactical Fighter Squadron—painted on the fuselage just behind the pilot's canopy. And if they look closer at the tail fins, they can also see in block letters the words "World Champions: Gunsmoke '89." This refers to the 157th's first-place finish in the worldwide fighter-gunnery competition, testing their air-to-ground combat skills against the best U.S. squadrons from around the world, including full-time active duty Air Force units. The 157th from McEntire—a reserve unit—won Top Gun honors, and you just don't get any better than that.

Mr. President, there are two major contingents deployed in the gulf from McEntire Air National Guard Base. First, there are the 105 men and women from McEntire's 240th Combat Communications Squadron, who are deployed at what everyone simply calls "the big base" in central Saudi Arabia near Riyadh. The 240th, under the superb command of Lt. Col. William S. Teer, has setup all ground communications at the base and is handling round-the-clock air traffic control, which is a tremendously complex and demanding job.

In addition, there are the 650 men and women of the 169th Tactical Fighter Group, which includes the 25 F-16's of the 157th Tactical Fighter Squadron as well as hundreds of support and maintenance personnel. There is nothing I can say in praise of this outfit that will speak more eloquently than the fact that it has flown 1,000 missions in 4 weeks' time without a single loss either to enemy fire or to mechanical problems. This would be remarkable in peacetime training conditions, and is truly exceptional given the stress of nonstop combat over a period of 1 month.

Maj. Charles Savage of Columbia is chief of maintenance for the 169th Tactical Fighter Group, and his crews have achieved a reliability rate of close to 100 percent, meaning that close to 100 percent of the Group's 25 fighters are fully mission capable at any given time. As you can imagine, that is an extraordinarily high rating, and it is a real tribute to the skills and dogged dedication of those ground technicians working in unbelievably demanding conditions. I can't speak highly enough of the job they are doing.

Mr. President, what gives all Americans such pride in the performance of Reserve units such as these from McEntire is that they are truly citizen soldiers—men and women from all walks of life who are serving at great sacrifice to their families and careers. They range in age from their early twenties to their early fifties. Seven or eight of the pilots of McEntire's 157th Tactical Fighter Squadron left behind pregnant wives. The men and women of the 167th include secretaries, airline pilots, police officers, you name it. One of the 157th's fighter pilots, Phil Leventis, is a Democratic State senator from District 35, Sumter County. Phil is flying combat missions on a daily basis. Another fighter pilot is George B. Patrick, a dairy farmer from Santee whose daddy was South Carolina's commissioner of agriculture. Anthony D. Floyd, just 23 just old, who with his family operates a furniture refinishing business in Charleston, is serving now as a satellite communications specialist with the 240th Combat Communications Squadron.

Mr. President, these men and women from McEntire Air National Guard Base are our best and finest. They are doing an extraordinary job for their country, and they are doing South Carolina proud. My hat is off to every one of them, and I join all Americans in praying for their safe and speedy return. We will welcome them back as the heroes they are.

TRIBUTE TO MARINE CPL. STEPHEN BENTZLIN

Mr. DURENBERGER. Mr. President, one of the first American troops to fall in the sands of the Persian Gulf was Marine Cpl. Stephen Bentzlin, a Minnesotan, and a member of the Sisseton-Wahpeton Band of Sioux. In the days following the tragedy, I have had the great privilege to come to know Stephen's mother, Barbara Anderson, of Wood Lake, MN. It was an honor to attend Corporal Bentzlin's funeral services in Wood Lake and St. Paul, MN, and to experience the great love and peace with which his family and friends celebrate his life. The following is the eulogy for Stephen Bentzlin as offered by his mother and my friend, Barbara Anderson.

BARBARA ANDERSON'S EULOGY FOR STEPHEN BENTZLIN

I believe this is a great reflection of who we all are. It represents our hopes, our dreams, our prayers, and the love we have for our country and of one another.

These last 2 weeks that we have been waiting have been very hard. I have heard many expressions of love, and sympathy, and caring. There seems to be time to think of other times when people are also able to express those same kinds of expressions, and has made me think of many moments when I thought that no one cares, or no one wanted to hear, or people were busy. Yet, people find themselves backing us, and I hope that we have been there, too, for you.

The death of my son has been hard, but I also know that I celebrate his coming home. I celebrate that he has done his part. I remembered, as Daniel read these verses that Steve wrote when he was in church school that when our kids got up in front of a room of people, we kind of smiled and we really appreciated what a good job they did. So I feel that today; that he has done a good job. But most of all, through all of this, it has taught me how love and peace are at our very core. That not only in this war, because there are wars right here. War is right here within our families, within the relations that we have with our neighbors, with our coworkers. It goes as far as the intangibles.

We need to ask for peace, to have this place be a place of peace, and liberty, and love, and justice, for all of us, not only for our men and women to come home to, but for all of us to feel in our everyday lives. For our children to be able to grow up in that atmosphere. This war has made us all very much aware of what happens and how awful war is. Then some report that we see beyond all of these differences and we have had sometimes in our day to day life. To truly love one another as God loved us. Then maybe, just maybe, this will be the war that will end all wars.

THE SOVIET PEACE PROPOSAL

Mr. D'AMATO. Mr. President, I rise today to speak to the current Soviet proposal that has been put forth on the gulf crisis.

Mr. President, the Soviet so-called peace proposal is a ploy. To put it simply, it can, should, and must be rejected. It's main points were rejected by the coalition before January 15 and obviously are more unacceptable now than they were at that point in time.

Among the items reported to be in the Soviet proposal that concerns me the most are: First, a guarantee of Saddam Hussein's personal safety; second, linkage to Middle East issues such as the Palestinian question after we have specifically indicated there will be no such linkage, and, third, a total disregard for many of the U.N. resolutions adopted on Iraq.

What am I talking about? What resolutions? What conditions?

No. 1, the U.N. resolutions clearly said that Iraq would be required to pay for the damages that they inflicted. Are we now to say that under the Soviet proposal Saddam Hussein could take his hordes and take his armies back, that we guarantee his personal safety and his administration can continue, that he can keep his killing machine, his war machine as we find it? That there will not be reparations and no damage? That we are going to reward him by promising a peace conference as it relates to the Palestinian issues? That is wrong.

Mr. President, this Senator believes that Saddam Hussein, as a result of the war crimes that he has committed since his invasion of Kuwait should be captured and tried as the war criminal he is.

And what is the world's reaction to this betrayal of the coalition by Mr. Gorbachev? That is what it is; it is a betrayal. The European Community reportedly is to lift the ban on food aid imposed after the slaughter of the people in the Baltics. What a reaction; what a wonderful thing. We reward him for slaughtering people, for rolling his troops in, as the Soviet Union did to Hungary in 1956 using the guise of what was taking place in the Suez crisis.

At precisely the wrong time, the European Community is sending the wrong signal. What are we in the United States doing? We are continuing our own food aid. Mr. President, we should cut off our own aid to the Soviets and protest the European action in the strongest terms.

What would the practical effects of the Soviet proposals be? I think we have to examine them. Saddam Hussein would remain in power. He would become an Arab hero. He would be the modern day Saladin. He would have faced down the broadest international coalition since World War II. Then, as a conclusion, we would convene a world conference in the Palestinian question. Undoubtedly, he would become the leader of every radical group every terrorist group, every religious fundamentalist group in that area of the world. To top it off, he would be guaranteed his personal safety and he would still have the rich resources of Iraq to pursue his military aims.

Mr. President, the Soviets obviously hope to rescue their client state from the dilemma that Saddam has placed them in. Their cynical use of this crisis to forward their own regional aims is rather obvious.

President Bush has rightly been restrained in his language while rejecting the Soviet proposal. But we in the Congress, however, have an obligation to speak in plainer terms.

The Soviet leadership cannot be trusted. They cannot be trusted to allow democratic reforms at home. They cannot be trusted to keep their military in check in the Baltic and they cannot be trusted to do what is right in the Middle East.

Mr. President, I have just returned from a trip to the Baltics and the Soviet Union. While I was there, I was appalled at the destruction leveled against the proponents of democracy in the Baltics and in Russia itself. But even more disturbing were the attacks against Gorbachev's former allies in the battle for glasnost and perestroika.

Mr. Gorbachev has clearly chosen the path of dictatorship. He has clearly chosen the path to advance the interests of the KGB and the military. His actions in the gulf are just another indication of his return to the divisive practices of past Governments.

It is time to recognize events in the Soviet Union for what they are and not what we would hope they would be. If we continue our policies of providing them with American aid and European aid, all we are doing is making for a leaner, meaner Soviet empire. Dreamers may hope for reform, but realists now see that it will not be allowed to happen if Mr. Gorbachev continues his ways. It is time to stop feeding the Soviet bear.

Thank you, Mr. President.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,167th day that Terry Anderson has been held captive in Lebanon.

COMMODITY FUTURES TRADING COMMISSION PROPOSAL

Mr. BOND. Mr. President, yesterday the Commodity Futures Trading Commission offered an alternative proposal to title III of S. 207, the Intermarket Coordination Act of 1991. I would like to take just a few minutes to share my thoughts with my colleagues about this proposal.

As you may know, there has been a long and sometimes bitter battle raging between the securities and futures exchanges over stock index futures, both in terms of regulation and oversight of margins, as well as new financial products and their regulation.

Last year, in an effort to resolve these various issues, Senators LEAHY, LUGAR, DODD, HEINZ, and I sat down and drew up a compromise designed to get these issues behind us and thus get the CFTC's reauthorization and reform bill signed into law.

I happen to think that measure is very important as is this specific provision dealing with new products and margins of stock index futures.

The five of us were able to come to an agreement on a proposal which we think seemed to reach a responsible and reasonable middle ground. There were those in the administration who wanted to go much further; there were those who did not want to see anything at all interfering with the provisions of the Commodities and Exchange Act.

The CFTC reauthorization bill died in the waning moments of the 101st Congress, but the proposal of the five Senators is now incorporated in the new CFTC bill, S. 207, as title III.

Unfortunately, while the CFTC has come forward with a proposed alternative to title III, it is a plan that does not include much that I can support.

My first concern is the treatment of Federal oversight of margins of stock index futures. While our proposal gives a broad and flexible authority to the Federal Reserve Board in order to insure that a view across markets, taking into account the potential systemic risk from the failure of a major participant in the future market, is possible, the CFTC goes in the opposite direction under the plan they have proposed.

Not only does the Commission's suggested alternative have a very narrow scope in which such oversight can be exercised by a governmental agency which runs counter to Chairman Greenspan's view that a broad systemic risk standard is what is needed, the powers under the alternative proposed by the Commission go to the Commission. They are assigned to the CFTC.

I think this is a problem because the CFTC has repeatedly testified that that body does not believe that Federal oversight of margins on stock index futures are necessary, and the representatives have stated that they cannot think of one time in the last several years in which they would have used any oversight authority.

One of the prime findings of the Brady Commission supported by testimony from the Federal Reserve is that there are instances, particularly in 1987 and 1989, when some agency should have exercised that authority.

Thus, I can only say that with respect to that section of the CFTC plan, it is in my view not going in the right direction and is one that we should not support.

The CFTC proposal also addresses other fundamental points of the compromise—exemptive authorities and the exclusivity clause. There again I am afraid we have some problems.

Now, I do believe the CFTC clearly needs to have statutory exemptive authority. There have been efforts by the Commission to issue statutory interpretations and other policy guidelines stating that certain products are not covered. But it is a very real question whether those would stand up in litigation.

Although the new exemptive authority proposed by the CFTC would allow, for example, the brent oil market to be specifically exempted so we can get the trading in the large oil futures back on shore in the United States, by narrowing the exemption for swaps, the opportunity would be lost to bring swap transactions back on shore.

And on the exclusivity clause itself, while the CFTC proposal does specifically exempt IPS, the index participation, it does so in a way I believe would say the second generation of IPS would remain regulated under the CEA. That is saying, OK, on that one item, that is out, but any modifications would not be excluded under the provisions of the bill, and we had attempted in title III of S. 207 to address that.

In addition, the efforts to set up a process for the CFTC to determine what new hybrid commodity instruments shall be regulated under CEA versus those which could be regulated by the SEC also does not provide a clearcut solution. In fact, I think a good case can be made that it expands the reach of the already extensive Commodity Exchange Act. This is certainly not the purpose nor the design of the provisions of S. 207.

Specifically, the amendments to the exclusivity clause suggested by the CFTC introduce a whole new issue—by now putting under the CEA instruments which have elements of a future, a new term that clearly worries me because it is much broader than the terms at present usually used.

I raise these comments only to say, first, there is much more work that needs to be done on the CFTC's proposal. We appreciate them coming forward with some recommendations.

I know there are some suggestions with respect to drafting language in title III of S. 207. I, for one, intend to work on that measure to come up with a responsible, reasonable compromise that will see the goals are met and we can have financial instruments on shore once again and not driven off on the exclusivity provision of the CEA, as well as assuring that the markets on stock index futures can be regulated by the Federal Reserve.

I look forward to the opportunity to work with my many colleagues, the affected agencies, and others who do have a very real interest in what I must tell you is not the most attractive or interesting topic that I have ever dealt with, but certainly it is one that has a great deal of importance for the future of the financial industry in the United States and I also think for the soundness and safety of our entire financial markets.

THE WAR IN THE GULF

Mr. HARKIN. Mr. President, today marks the beginning of the fifth week of the military action in the Mideast.

Mr. President, earlier, before the action commenced, I felt it was important for the Senate to debate and to vote upon the issue as to whether or not the President should be allowed to use force to implement the eleven U.N. resolutions pursuant to U.N. Resolution 678.

That debate was held here in the Senate and in the House of Representatives. I thought it was one of the Senate's finest hours. It was a learned debate. It was a good debate, both in the Senate and in the other body, and the vote was held.

While I was not on the prevailing side of that vote, I had, along with many of my colleagues—47 to be exact—cautioned patience and to let economic sanctions work, to give them some more time, but that was not the prevailing view. The Senate voted, if I remember correctly, 52 to 47 to give the President the power to use force. But most importantly, the Senate did take that action and fulfill its constitutional authority and responsibilities to permit the President to take such action.

Since that time, this Senator has been reluctant to enter into any criticisms of the military action or of the President's conduct.

I felt it was our constitutional responsibility and authority to debate and vote upon it. I have felt since the war started that the President, as the Commander in Chief under the Constitution, should be allowed to conduct the war as he sees fit. That is why I do not feel it is my role or any other Senator's role to criticize on how many bombs or tanks or what type of action is being conducted. That is the President's authority under the Constitution, and I respect that.

But I take the floor at this time to raise the question of whether or not the goals the Senate and the House voted on have changed. Have these goals changed? Have we entered a new kind of a conflict which was not authorized by the U.N. Security Council resolutions nor contemplated by the Senate or the House when they debated and voted on this issue in January?

Mr. President, a reading of the record of that debate will show that Senator after Senator got up to speak about giving the President the right to use force to implement the Security Council resolutions. I cannot find one speech by one Senator saying the vote was to permit the President to go beyond those U.N. resolutions. Quite to the contrary. Most Senators who spoke, and specifically those who spoke in favor of giving the President the authority to start military action, time after time used phrases like "This is a vote not to go to war," "This is a vote to prevent war," "By giving the President this authority we tell Saddam Hussein to get out," "This is not a vote to go to war," or "It is a vote only to ensure the compliance by Saddam Hussein with the "U.N. Security Council resolutions pursuant to Resolution 678."

Recently, within the last 48 hours, a peace initiative proposed by President Gorbachev of the Soviet Union, has been widely reported in the press around the world. I guess it has been transmitted to our Government, to various other governments, to Italy, Germany, and other governments. It has not been transmitted to the Senate. We have not seen it. We do not know what it contains. The President has not confided in us nor given us any briefings as to the content of that proposal.

Yet, what this Senator hears today is that very shortly the President may take us into a land war in Kuwait. Again, if it is pursuant to the vote that was held here and for the purposes only of achieving the goals of U.N. Security Council resolutions, that is OK. That vote was held.

If, however, the goals have changed and the goals are now to go beyond those resolutions, then I feel the Senate must once again debate this issue. The Senate must debate the expanded goals in the Mideast, and whether or not this Senate wants to give the President the authority to go beyond those goals.

Mr. President, read the debate that was held here in the Senate. Read the resolution that the Senate voted on. It says specifically:

> The President is authorized, subject to subsection (b), to use United States Armed Forces, pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677.

It does not say that the President is authorized to use our forces for anything other than that—not to get rid of Saddam Hussein, not to invade Iraq, not to do anything beyond what the Security Council resolutions say.

So it is at this point I take the floor, not in any way to criticize, because I believe the President has the authority to conduct the war under the Constitution. But in fulfilling his constitutional authority and responsibilities, there is also a constitutional authority and responsibility for us to make sure that the President complies with the resolution passed by the Senate, which says he should go no further than to use force to implement the Security Council resolutions.

I take the floor to raise these questions because I hear the land war may start tonight. Rumors are flying all over this place today that the land war is going to start tonight. I do not know whether they are true or not. But it seems to me that if there is a peace proposal, or a proposal that would achieve the objectives that the Senate voted for—that is the implementation of the Security Council resolutions—and do so without further massive loss of lives on either side, it would be the prudent course of action to take, that is of course, if our goals are the implementation of these U.N. Security Council resolutions.

So I hope at this point that perhaps the Senate might be informed of what is contained in the proposal by President Gorbachev. If, indeed, the proposal meets the U.N. Security Council resolutions and is in consonance with them; if, in fact, the Government of Iraq agrees to such a proposal, then it would seem to me that a land war with the consequent loss of lives on both sides would be injudicious at this time.

Therefore, I hope that prior to land war commencing, we would have full disclosure of this peace proposal to see if it does comply with the U.N. Security Council resolutions, and if so, perhaps give Iraq the 24 hours, or whatever it might take, to see if Saddam Hussein will comply. I do not know whether he will or not.

But, again, regardless of whether he agrees or not, the President was authorized to use force only to carry out the U.N. resolutions, and not to go any further than that.

If, in fact, the goals have changed, and the goal is the irradication of Saddam Hussein as an individual, if the goal is the irradication of the present Iraqi Government, or, as I have heard from some of my colleagues in the other body who are calling for unconditional surrender. If that is a goal, then that ought to be debated here and voted on.

I took the time to look up previous declarations of war. I found something interesting. We declared war on Germany and Japan and four other countries in World War II. I had not known that we had declared war on Bulgaria, Hungary, and Romania, as well as Italy, Germany, and Japan in World War II.

But it seems to me that if our goals have changed and we are going beyond the U.N. Security Council resolutions, and if the goals encompass unconditional surrender by Hussein or the Government of Iraq, or the irradication of Saddam Hussein as an individual, or anything beyond those U.N. Security Council resolutions, then I think it is incumbent upon us to debate and vote on a Declaration of War against Iraq. That is in keeping not only with the spirit, but the letter, of the Constitution.

At such time, if those goals have changed and are clearly perceived as being changed, I intend to offer a declaration of war on the Senate floor, and I will use, as the basis for that, the wording of the declaration of war against the Imperial Government of Japan on December 8, 1941. Because I believe, again, that we cannot shirk our constitutional responsibilities to debate this issue and to vote on it.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks the wording of the resolution passed by the Senate, Senate Joint Resolution 2; and also to have printed in the Record U.N. Security Council Resolutions 678 and the 11 others it refers to, and also to have printed a copy of the joint resolutions of the Senate and the House in 1941 and 1942 declaring war on Germany, Japan, Italy, Romania, Bulgaria, and Hungary, as a basis for debate on the Senate floor, if it comes to that.

There being no objection, the material was ordered to be printed in the Record, as follows:

The joint resolution (S.J. Res. 2) with its preamble is as follows:

S.J. Res. 2

Whereas the Government of Iraq without provocation invaded and occupied the territory of Kuwait on August 2, 1990; and

Whereas both the House of Representatives (in H.J. Res. 658 of the 101st Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress) have condemned Iraq's invasion of Kuwait and declared their support for international action to reverse Iraq's aggression; and

Whereas Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace; and

Whereas the international community has demanded that Iraq withdraw unconditionally and immediately from Kuwait and that Kuwait's independence and legitimate government be restored; and

Whereas the U.N. Security Council repeatedly affirmed the inherent right of individual or collective self-defense in response to the armed attack by Iraq against Kuwait in accordance with Article 51 of the U.N. Charter; and

Whereas, in the absence of full compliance by Iraq with its resolution, the U.N. Security Council in Resolution 678 has authorized member states of the United Nations to use all necessary means, after January 15, 1991, to uphold and implement all relevant Security Council resolutions and to restore international peace and security in the area; and

Whereas Iraq has persisted in its illegal occupation, of, and brutal aggression against Kuwait: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force Against Iraq Resolution".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) Authorization.—The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677.

(b) Requirement for Determination That Use of Military Force Is Necessary.—Before exercising the authority granted in subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions cited in subsection (a); and

(2) those efforts have not been and would not be successful in obtaining such compliance.

(c) War Powers Resolution Requirements.—

(1) Specific statutory authorization.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) Applicability of other requirements.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 3. REPORTS TO CONGRESS.

At least once every 60 days, the President shall submit to the Congress a summary on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council in response to Iraq's aggression.

S.J. Res. 116

Joint resolution declaring that a state of war exists between the Imperial Government of Japan and the Government and the people of the United States and making provisions to prosecute the same

Whereas the Imperial Government of Japan has committed unprovoked acts of war against the Government and the people of the United States of America: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Imperial Government of Japan, which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial Government of Japan; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States.

Approved, December 8, 1941, 4:10 p.m., E.S.T.

S.J. Res. 119

Joint resolution declaring that a state of war exists between the Government of Germany and the Government and the people of the United States and making provision to prosecute the same

Whereas the Government of Germany has formally declared war against the Government and the people of the United States of America: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Government of Germany which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Government of Germany; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States.

Approved, December 11, 1941, 3:05 p.m., E.S.T.

S.J. Res. 120

Joint resolution declaring that a state of war exists between the Government of Italy and the people of the United States and making provision to prosecute the same

Whereas the Government of Italy has formally declared war against the Government and the people of the United States of America: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Government of Italy which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Government of Italy; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States.

Approved, December 11, 1941, 3:06 p.m., E.S.T.

S.J. Res. 319

Joint resolution declaring that a state of war exists between the Government of Bulgaria and the people of the United States and making provision to prosecute the same

Whereas the Government of Bulgaria has formally declared war against the Government and the people of the United States of America: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Government of Bulgaria which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Government of Bulgaria; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States.

Approved, June 5, 1942.

S.J. Res. 320

Joint resolution declaring that a state of war exists between the Government of Hungary and the people of the United States and making provision to prosecute the same

Whereas the Government of Hungary has formally declared war against the Government and the people of the United States of America: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Government of Hungary which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Government of Hungary; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States.

Approved, June 5, 1942.

S.J. Res. 321

Joint resolution declaring that a state of war exists between the Government of Rumania and the people of the United States and making provision to prosecute the same

Whereas the Government of Rumania has formally declared war against the Government and the people of the United States of America: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Government of Rumania which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Government of Rumania; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States.

Approved, June 5, 1942.

Resolution 660 (1990)

Adopted by the Security Council at its 2932nd meeting, on 2 August 1990

The Security Council,

Alarmed by the invasion of Kuwait on 2 August 1990 by the military forces of Iraq,

Determining that there exists a breach of international peace and security as regards the Iraqi invasion of Kuwait,

Acting under Articles 39 and 40 of the Charter of the United Nations,

1. *Condemns* the Iraqi invasion of Kuwait;

2. *Demands* that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990;

3. *Calls upon* Iraq and Kuwait to begin immediately intensive negotiations for the resolution of their differences and supports all efforts in this regard, and especially those of the League of Arab States;

4. *Decides* to meet again as necessary to consider further steps to ensure compliance with the present resolution.

Resolution 661 (1990)

Adopted by the Security Council at its 2933rd meeting on 6 August 1990

The Security Council,

Reaffirming its resolution 660 (1990) of 2 August 1990,

Deeply concerned that that resolution has not been implemented and that the invasion by Iraq of Kuwait continues with further loss of human life and material destruction,

Determined to bring the invasion and occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait,

Noting that the legitimate Government of Kuwait has expressed its readiness to comply with resolution 660 (1990),

Mindful of its responsibilities under the Charter of the United Nations for the maintenance of international peace and security,

Affirming the inherent right of individual or collective self-defense, in response to the armed attack by Iraq against Kuwait, in accordance with Article 51 of the Charter,

Acting under Chapter VII of the Charter of the United Nations,

1. *Determines* that Iraq so far has failed to comply with paragraph 2 of resolution 660 (1990) and has usurped the authority of the legitimate Government of Kuwait;

2. *Decides,* as a consequence, to take the following measures to secure compliance of Iraq with paragraph 2 of resolution 660 (1990) and to restore the authority of the legitimate Government of Kuwait;

3. *Decides* that all States shall prevent:

(a) The import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution;

(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or transshipment of any commodities or products from Iraq or Kuwait; and any dealings by their nationals or their flag vessels or in their territories in any commodities or products originating in Iraq or Kuwait and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for the purposes of such activities or dealings;

(c) The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

4. *Decides* that all States shall not make available to the Government of Iraq or to any commerical, industrial or public utility undertaking in Iraq or Kuwait, any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to that Government or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Iraq or Kuwait, except payments exclusively for strictly medical or humanitarian purposes and, in humanitarian circumstances, foodstuffs;

5. *Calls upon* all States, including States non-members of the United Nations, to act

strictly in accordance with the provisions of the present resolution notwithstanding any contract entered into or license granted before the date of the present resolution;

6. *Decides* to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports on the progress of the implementation of the present resolution which will be submitted by the Secretary-General;

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the provisions laid down in the present resolution;

7. *Calls upon* all States to co-operate fully with the Committee in the fulfillment of its task, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

8. *Requests* the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for the purpose;

9. *Decides* that, notwithstanding paragraphs 4 through 8 above, nothing in the present resolution shall prohibit assistance to the legitimate Government of Kuwait, and *calls upon* all States:

(a) To take appropriate measures to protect assets of the legitimate Government of Kuwait and its agencies;

(b) Not to recognize any regime set up by the occupying Power;

10. *Requests* the Secretary-General to report to the Council on the progress of the implementation of the present resolution, the first report to be submitted within thirty days;

11. *Decides* to keep this item on its agenda and to continue its efforts to put an early end to the invasion by Iraq.

Resolution 662 (1990)

Adopted by the Security Council at its 2934th Meeting, on 9 August 1990

The Security Council,

Recalling its resolutions 660 (1990) and 661 (1990),

Gravely alarmed by the declaration by Iraq of a "comprehensive and eternal merger" with Kuwait,

Demanding, once again, that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990,

Determined to bring the occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait,

Determined also to restore the authority of the legitimate Government of Kuwait,

1. *Decides* that annexation of Kuwait by Iraq under any form and whatever pretext has no legal authority, and is considered null and void;

2. *Calls upon* all States, international organizations and specialized agencies not to recognize that annexation, and to refrain from any action or dealing that might be interpreted as an indirect recognition of the annexation;

3. *Further demands* that Iraq rescind its actions purporting to annex Kuwait;

4. *Decides* to keep this item on its agenda and to continue its efforts to put an early end to the occupation.

Resolution 664 (1990)

Adopted by the Security Council at its 2937th meeting on 18 August 1990

The Security Council,

Recalling the Iraqi invasion and purported annexation of Kuwait and resolutions 660, 661 and 662,

Deeply concerned for the safety and well-being of third state nationals in Iraq and Kuwait,

Recalling the obligations of Iraq in this regard under international law,

Welcoming the efforts of the Secretary-General to pursue urgent consultations with the Government of Iraq following the concern and anxiety expressed by the members of the Council in 17 August 1990,

Acting under Chapter VII of the United Nations Charter:

1. *Demands* that Iraq permit and facilitate the immediate departure from Kuwait and Iraq of the nationals of third countries and grant immediate and continuing access of consular officials to such nationals;

2. *Further demands* that Iraq take no action to jeopardize the safety, security or health of such nationals;

3. *Reaffirms* its decision in resolution 662 (1990) that annexation of Kuwait by Iraq is null and void, and therefore demands that the government of Iraq rescind its orders for the closure of diplomatic and consular missions in Kuwait and the withdrawal of the immunity of their personnel, and refrain from any such actions in the future;

4. *Request* the Secretary-General to report to the Council on compliance with this resolution at the earliest possible time.

Resolution 665 (1990)

Adopted by the Security Council at its 2938th meeting on 25 August 1990

The Security Council,

Recalling its resolution 660 (1990), 661 (1990), 662 (1990) and 664 (1990) and demanding their full and immediate implementation.

Having decided in resolution 661 (1990) to impose economic sanctions under Chapter VII of the Charter of the United Nations,

Determined to bring an end to the occupation of Kuwait by Iraq which imperils the existence of a Member State and to restore the legitimate authority, and the sovereignty, independence and territorial integrity of Kuwait which requires the speedy implementation of the above resolutions,

Deploring the loss of innocent life stemming from the Iraqi invasion of Kuwait and determined to prevent further such losses,

Gravely alarmed that Iraq continues to refuse to comply with resolutions 660 (1990), 661 (1990), 662 (1990) and 664 (1990) and in particular at the conduct of the Government of Iraq in using Iraqi flag vessels to export oil.

1. *Calls upon* those Member States co-operating with the Government of Kuwait which are deploying maritime forces to the area to use such measures commensurate to the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions related to such shipping laid down in resolution 661 (1990);

2. *Invites* Member States accordingly to co-operate as may be necessary to ensure compliance with the provisions of resolution 661 (1990) with maximum use of political and diplomatic measures, in accordance with paragraph 1 above;

3. *Requests* all States to provide in accordance with the Charter such assistance as may be required by the States referred to in paragraph 1 of this resolution;

4. *Further requests* the States concerned to co-ordinate their actions in pursuit of the above paragraphs of this resolution using as appropriate mechanisms of the Military Staff Committee and after consultation with the Secretary-General to submit reports to the Security Council and its Committee established under resolution 661 (1990) to facilitate the monitoring of the implementation of this resolution;

5. *Decides* to remain actively advised of the matter.

Resolution 666 (1990)

Adopted by the Security Council at its 2939th meeting on 13 September 1990

The Security Council,

Recalling its resolution 661 (1990), paragraphs 3(c) and 4 of which apply, except in humanitarian circumstances, to foodstuffs,

Recognizing that circumstances may arise in which it will be necessary for foodstuffs to be supplied to the civilian population in Iraq or Kuwait in order to relieve human suffering,

Noting that in this respect the Committee established under paragraph 6 of that resolution has received communications from several Member States,

Emphasizing that it is for the Security Council, alone or acting through the Committee, to determine whether humanitarian circumstances have arisen,

Deeply concerned that Iraq has failed to comply with its obligations under Security Council resolution 664 (1990) in respect of the safety and well-being of third State nationals, and reaffirming that Iraq retains full responsibility in this regard under international humanitarian law including, where applicable, the Fourth Geneva Convention,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that in order to make the necessary determination whether or not for the purposes of paragraph 3(c) and paragraph 4 of resolution 661 (1990) humanitarian circumstances have arisen, the Committee shall keep the situation regarding foodstuffs in Iraq and Kuwait under constant review;

2. *Expects* Iraq to comply with its obligations under Security Council resolution 664 (1990) in respect of third State nationals and reaffirms that Iraq remains fully responsible for their safety and well-being in accordance with international humanitarian law including, where applicable, the Fourth Geneva Convention;

3. *Requests*, for the purposes of paragraphs 1 and 2 of this resolution, that the Secretary-General seek urgently, and on a continuing basis, information from relevant United Nations and other appropriate humanitarian agencies and all other sources on the availability of food in Iraq and Kuwait, such information to be communicated by the Secretary-General to the Committee regularly;

4. *Requests further* that in seeking and supplying such information particular attention will be paid to such categories of persons who might suffer specially, such as children under 15 years of age, expectant mothers, maternity cases, the sick and the elderly;

5. *Decides* that if the Committee, after receiving the reports from the Secretary-General, determines that circumstances have arisen in which there is an urgent humanitarian need to supply foodstuffs to Iraq or Kuwait in order to relieve human suffering, it will report promptly to the Council its decision as to how such need should be met;

6. *Directs* the Committee that in formulating its decisions it should bear in mind that foodstuffs should be provided through the United Nations in co-operation with the International Committee of the Red Cross or other appropriate humanitarian agencies and distributed by them or under their supervision in order to ensure that they reach the intended beneficiaries;

7. *Requests* the Secretary-General to use his good offices to facilitate the delivery and distribution of foodstuffs to Kuwait and Iraq in accordance with the provisions of this and other relevant resolutions;

8. *Recalls* that resolution 661 (1990) does not apply to supplies intended strictly for medical purposes, but in this connection recommends that medical supplies should be exported under the strict supervision of the Government of the exporting State or by appropriate humanitarian agencies.

RESOLUTION 667 (1990)

Adopted by the Security Council at its 2940th meeting, on 16 September 1990

The Security Council,

Reaffirming its resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 665 (1990) and 666 (1990),

Recalling the Vienna Conventions of 18 April 1961 on diplomatic relations and of 24 April 1963 on consular relations, to both of which Iraq is a party,

Considering that the decisions of Iraq to order the closure of diplomatic and consular missions in Kuwait and to withdraw the immunity and privileges of these missions and their personnel is contrary to the decisions of the Security Council, the international Conventions mentioned above and international law,

Deeply concerned that Iraq, notwithstanding the decisions of the Security Council and the provisions of the Conventions mentioned above, has committed acts of violence against diplomatic missions and their personnel in Kuwait,

Outraged at recent violations by Iraq of diplomatic premises in Kuwait and at the abduction of personnel enjoying diplomatic immunity and foreign nationals who were present in these premises,

Considering that the above actions by Iraq constitute aggressive acts and a flagrant violation of its international obligations which strike at the root of the conduct of international relations in accordance with the Charter of the United Nations,

Recalling that Iraq is fully responsible for any use of violence against foreign nationals or against any diplomatic or consular mission in Kuwait or its personnel,

Determined to ensure respect for its decisions and for Article 25 of the Charter of the United Nations,

Further considering that the grave nature of Iraq's actions, which constitute a new escalation of its violations of international law, obliges the Council not only to express its immediate reaction but also to consult urgently to take further concrete measures to ensure Iraq's compliance with the Council's resolutions,

Acting under Chapter VII of the Charter of the United Nations,

1. *Strongly condemns* aggressive acts perpetrated by Iraq against diplomatic premises and personnel in Kuwait, including the abduction of foreign nationals who were present in those premises;

2. *Demands* the immediate release of those foreign nationals as well as all nationals mentioned in resolution 664 (1990);

3. *Further demands* that Iraq immediately and fully comply with its international obligations under resolutions 660 (1990), 662 (1990) and 664 (1990) of the Security Council, the Vienna Conventions on diplomatic and consular relations and international law;

4. *Further demands* that Iraq immediately protect the safety and well-being of diplomatic and consular personnel and premises in Kuwait and in Iraq and take no action to hinder the diplomatic and consular missions in the performance of their functions, including access to their nationals and the protection of their person and interests;

5. *Reminds* all States that they are obliged to observe strictly resolutions 661 (1990), 662 (1990), 664 (1990), 665 (1990) and 666 (1990);

6. *Decides* to consult urgently to take further concrete measures as soon as possible, under Chapter VII of the Charter, in response to Iraq's continued violation of the Chapter, of resolutions of the Council and of international law.

RESOLUTION 669 (1990)

Adopted by the Security Council at its 2942nd meeting, on 24 September 1990

The Security Council,

Recalling its resolution 661 (1990) of 6 August 1990,

Recalling also Article 50 of the Charter of the United Nations,

Conscious of the fact that an increasing number of requests for assistance have been received under the provisions of Article 50 of the Charter of the United Nations,

Entrusts the Committee established under resolution 661 (1990) concerning the situation between Iraq and Kuwait with the task of examining requests for assistance under the provisions of Article 50 of the Charter of the United Nations and making recommendations to the President of the Security Council for appropriate action.

RESOLUTION 670 (1990)

Adopted by the Security Council at its 2943rd meeting, on 25 September 1990

The Security Council,

Reaffirming its resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 665 (1990), 666 (1990), and 667 (1990),

Condemning Iraq's continued occupation of Kuwait, its failure to rescind its actions and end its purported annexation and its holding of third State nationals against their will, in flagrant violation of resolutions 660 (1990), 662 (1990), 664 (1990), and 667 (1990) and of international humanitarian law,

Condemning further the treatment by Iraqi forces of Kuwaiti nationals, including measures to force them to leave their own country and mistreatment of persons and property in Kuwait in violation of international law,

Noting with grave concern the persistent attempts to evade the measures laid down in resolution 661 (1990),

Further noting that a number of States have limited the number of Iraqi diplomatic and consular officials in their countries and that others are planning to do so,

Determined to ensure by all necessary means the strict and complete application of the measures laid down in resolution 661 (1990),

Determined to ensure respect for its decisions and the provisions of Articles 25 and 48 of the Charter of the United Nations,

Affirming that any acts of the Government of Iraq which are contrary to the above-mentioned resolutions or to Articles 25 or 48 of the Charter of the United Nations, such as Decree No. 377 of the Revolution Command Council of Iraq of 16 September 1990, are null and void,

Reaffirming its determination to ensure compliance with Security Council resolutions by maximum use of political and diplomatic means,

Welcoming the Secretary-General's use of his good offices to advance a peaceful solution based on the relevant Security Council resolutions and noting with appreciation his continuing efforts to this end,

Underlining to the Government of Iraq that its continued failure to comply with the terms of resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 666 (1990) and 667 (1990) could lead to further serious action by the Council under the Charter of the United Nations, including under Chapter VII,

Recalling the provisions of Article 103 of the Chapter of the United Nations,

Acting under Chapter VII of the Charter of the United Nations,

1. *Calls upon* all States to carry out their obligations to ensure strict and complete compliance with resolutions 661 (1990) and in particular paragraphs 3, 4 and 5 thereof;

2. *Confirms* that resolution 661 (1990) applies to all means of transport, including aircraft;

3. *Decides* that all States, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any license or permit granted before the date of the present resolution, shall deny permission to any aircraft to take off from their territory if the aircraft would carry any cargo to or from Iraq or Kuwait other than food in humanitarian circumstances, subject to authorization by the Council or the Committee established by resolution 661 (1990) and in accordance with resolution 666 (1990), or supplies intended strictly for medical purposes or solely for UNIIMOG;

4. *Decides further* that all States shall deny permission to any aircraft destined to land in Iraq or Kuwait, whatever its State of registration, to overfly its territory unless:

(a) The aircraft lands at an airfield designated by that State outside Iraq or Kuwait in order to permit its inspection to ensure that there is no cargo on board in violation of resolution 661 (1990) or the present resolution, and for this purpose the aircraft may be detained for as long as necessary; or

(b) The particular flight has been approved by the Committee established by resolution 661 (1990); or

(c) The flight is certified by the United Nations as solely for the purposes of UNIIMOG;

5. *Decides* that each State shall take all necessary measures to ensure that any aircraft registered in its territory or operated by an operator who has his principal place of business or permanent residence in its territory complies with the provisions of resolution 661 (1990) and the present resolution;

6. *Decides further* that all States shall notify in a timely fashion the Committee established by resolution 661 (1990) of any flight between its territory and Iraq or Kuwait to which the requirement to land in paragraph 4 above does not apply, and the purpose for such a flight;

7. *Calls upon* all States to co-operate in taking such measures as may be necessary, consistent with international law, including the Chicago Convention, to ensure the effective implementation of the provisions of resolution 661 (1990) or the present resolution;

8. *Calls upon* all States to detain any ships of Iraqi registry which enter their ports and which are being or have been used in violation of resolution 661 (1990), or to deny such

ships entrance to their ports except in circumstances recognized under international law as necessary to safeguard human life;

9. *Reminds* all States of their obligations under resolution 661 (1990) with regard to the freezing of Iraqi assets, and the protection of the assets of the legtimate Government of Kuwait and its agencies, located within their territory and to report to the Committee established under resolution 661 (1990) regarding those assets;

10. *Calls upon* all States to provide to the Committee established by resolution 661 (1990) information regarding the action taken by them to implement the provisions laid down in the present resolution;

11. *Affirms* that the United Nations Organization, the specialized agencies and other international organizations in the United Nations system are required to take such measure as may be necessary to give effect to the terms of resolution 661 (1990) and this resolution;

12. *Decides* to consider, in the event of evasion of the provisions of resolution 661 (1990) or of the present resolution by a State or its nationals or through its territory, measures directed at the State in question to prevent such evasion;

13. *Reaffirms* that the Fourth Geneva Convention applies to Kuwait and that as a High Contracting Party to the Convention Iraq is bound to comply fully with all its terms and in particular is liable under the Convention in respect of the grave breaches committed by it, as are individuals who commit or order the commission of grave breaches.

RESOLUTION 674 (1990)

Adopted by the Security Council at its 2951st meeting, on 29 October 1990

The Security Council,

Recalling its resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 665 (1990), 666 (1990), 667 (1990) and 670 (1990),

Stressing the urgent need for the immediate and unconditional withdrawal of all Iraqi forces from Kuwait, for the restoration of Kuwait's sovereignty, independence and territorial integrity and of the authority of its legitimate government,

Condemning the actions by the Iraqi authorities and occupying forces to take third-State nationals hostage and to mistreat and oppress Kuwaiti and third-State nationals, and the other actions reported to the Security Council, such as the destruction of Kuwaiti demographic records, the forced departure of Kuwaitis, the relocation of population of Kuwait and the unlawful destruction and seizure of public and private property in Kuwait, including hospital supplies and equipment, in violation of the decisions of the Council, the Charter of the United Nations, the Fourth Geneva Convention, the Vienna Conventions on Diplomatic and Consular Relations and international law,

Expressing grave alarm over the situation of nationals of third States in Kuwait and Iraq, including the personnel of the diplomatic and consular missions of such States,

Reaffirming that the Fourth Geneva Convention applies to Kuwait and that as a High Contracting Party to the Convention Iraq is bound to comply fully with all its terms and in particular is liable under the Convention in respect of the grave breaches committed by it, as are individuals who commit or order the commission of grave breaches,

Recalling the efforts of the Secretary-General concerning the safety and well-being of third-State nationals in Iraq and Kuwait,

Deeply concerned at the economic cost and at the loss and suffering caused to individuals in Kuwait and Iraq as a result of the invasion and occupation of Kuwait by Iraq,

Acting under Chapter VII of the Charter of the United Nations,

Reaffirming the goal of the international community of maintaining international peace and security by seeking to resolve international disputes and conflicts through peaceful means,

Recalling the important role that the United Nations and its Secretary-General have played in the peaceful solution of disputes and conflicts in conformity with the provisions of the Charter,

Alarmed by the dangers of the present crisis caused by the Iraqi invasion and occupation of Kuwait, which directly threaten international peace and security, and seeking to avoid any further worsening of the situation,

Calling upon Iraq to comply with the relevant resolutions of the Security Council, in particular its resolutions 660 (1990), 662 (1990) and 664 (1990),

Reaffirming its determination to ensure compliance by Iraq with the Security Council resolutions by maximum use of political and diplomatic means,

A

1. *Demands* that the Iraqi authorities and occupying forces immediately cease and desist from taking third-State nationals hostage, mistreating and oppressing Kuwaiti and third-State nationals and any other actions, such as those reported to the Security Council and described above, that violate the decisions of this Council, the Charter of the United Nations, the Fourth Geneva Convention, the Vienna Conventions on Diplomatic and Consular Relations and international law;

2. *Invites* States to collate substantiated information in their possession or submitted to them on the grave breaches by Iraq as per paragraph 1 above and to make this information available to the Security Council;

3. *Reaffirms* its demand that Iraq immediately fulfill its obligations to third-State nationals in Kuwait and Iraq, including the personnel of diplomatic and consular missions, under the Charter, the Fourth Geneva Convention, the Vienna Conventions on Diplomatic and Consular Relations, general principles of international law and the relevant resolutions of the Council;

4. *Also reaffirms* its demand that Iraq permit and facilitate the immediate departure from Kuwait and Iraq of those third-State nationals, including diplomatic and consular personnel, who wish to leave;

5. *Demands* that Iraq ensure the immediate access to food, water and basic services necessary to the protection and well-being of Kuwaiti nationals and of nations of third States in Kuwait and Iraq, including the personnel of diplomatic and consular missions in Kuwait;

6. *Reaffirms* its demand that Iraq immediately protect the safety and well-being of diplomatic and consular personnel and premises in Kuwait and in Iraq, take no action to hinder these diplomatic and consular missions in the performance of their functions, including access to their nationals and the protection of their person and interests and rescind its orders for the closure of diplomatic and consular missions in Kuwait and the withdrawal of the immunity of their personnel;

7. *Requests* the Secretary-General, in the context of the continued exercise of his good offices concerning the safety and well-being of third-State nationals in Iraq and Kuwait, to seek to achieve the objectives of paragraphs 4, 5 and 6 above and in praticular the provision of food, water and basic services to Kuwaiti nationals and to the diplomatic and consular missions in Kuwait and the evacuation of third-State nationals;

8. *Reminds* Iraq that under international law it is liable for any loss, damage or injury arising in regard to Kuwait and third States, and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait by Iraq;

9. *Invites* States to collect relevant information regarding their claims, and those of their nationals and corporations, for restitution or financial compensation by Iraq with a view to such arrangements as may be established in accordance with international law;

10. *Requires* that Iraq comply with the provisions of the present resolution and its previous resolutions, failing which the Security Council will need to take further measures under the Charter;

11. *Decides* to remain actively and permanently seized of the matter until Kuwait has regained its independence and peace has been restored in conformity with the relevant resolutions of the Security Council.

B

12. *Reposes* its trust in the Secretary-General to make available his good offices and, as he considers appropriate, to pursue them and to undertake diplomatic efforts in order to reach a peaceful solution to the crisis caused by the Iraqi invasion and occupation of Kuwait on the basis of Security Council resolutions 660 (1990), 662 (1990) and 664 (1990), and calls upon all States, both those in the region and others, to pursue on this basis their efforts to this end, in conformity with the Charter, in order to improve the situation and restore peace, security and stability;

13. *Requests* the Secretary-General to report to the Security Council on the results of his good offices and diplomatic efforts.

RESOLUTION 677 (1990)

Adopted by the Security Council at its 2962d meeting, on 28 November 1990

The Security Council,

Recalling its resolutions 660 (1990) of 2 August 1990, 662 (1990) of 9 August 1990 and 674 (1990) of 29 October 1990,

Reiterating its concern for the suffering caused to individuals in Kuwait as a result of the invasion and occupation of Kuwait by Iraq,

Gravely concerned at the ongoing attempt by Iraq to alter the demographic composition of the population of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait,

Acting under Chapter VII of the Charter of the United Nations,

1. *Condemns* the attempts by Iraq to alter the demographic composition of the population of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait;

2. *Mandates* the Secretary-General to take custody of a copy of the population register of Kuwait, the authenticity of which has been certified by the legitimate Government of Kuwait and which covers the registration of the population up to 1 August 1990;

3. *Requests* the Secretary-General to establish, in co-operation with the legitimate Government of Kuwait, an Order of Rules and Regulations governing access to and use of the said copy of the population register.

RESOLUTION 678 (1990)

Adopted by the Security Council at its 2963rd meeting, on 29 November 1990

The Security Council,

Recalling, and reaffirming its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990, and 677 (1990) of 28 November 1990,

Noting that, despite all efforts by the United Nations, Iraq refuses to comply with its obligation to implement resolution 660 (1990) and the above-mentioned subsequent relevant resolutions, in flagrant contempt of the Security Council,

Mindful of its duties and responsibilities under the Charter of the United Nations for the maintenance and preservation of international peace and security,

Determined to secure full compliance with its decisions,

Acting under Chapter VII of the Charter,

1. *Demands* that Iraq comply fully with resolution 660 (1990) and all subsequent relevant resolutions, and decides, while maintaining all its decisions, to allow Iraq one final opportunity, as a pause of goodwill, to do so;
2. *Authorizes* Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January fully implements, as set forth in paragraph 1 above, the foregoing resolutions, to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area;
3. *Requests* all States to provide appropriate support for the actions undertaken in pursuance of paragraph 2 of the present resolution;
4. *Requests* the States concerned to keep the Security Council regularly informed on the progress of actions undertaken pursuant to paragraphs 2 and 3 of the present resolution;
5. *Decides* to remain seized of the matter.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nevada [Mr. REID].

The Chair calls to the attention of the Senator from Nevada that under the order previously entered, morning business is supposed to be closed and the bill from yesterday laid down.

Mr. REID. Mr. President, I ask unanimous consent for 2 minutes as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MINING LAW OF 1872

Mr. REID. Mr. President, I was in my office when I heard my friend and colleague from the State of Arkansas talk about the mining law of 1872, and for the approximately 90 seconds I have left, I want to alert my colleagues that the type of statements made by my friend from Arkansas are no longer in the future going to go unaddressed. The statements made by my friend from Arkansas are without foundation, without substantiation, and this Senator and my colleague from the State of Nevada and other Western States are going to respond to the statements made by my friend from Arkansas.

In fact, this is not a Western versus the rest of the country issue because, in fact, there are many States that rely on the 1872 mining law. I want the record to be clear that these statements made by my friend from Arkansas that have been made on a number of occasions in the past are not going to go without full and complete debate in this body because it would seem to me that it is important to the people of this country that we have a minerals policy, and a minerals policy starts with mines. We have no energy policy. We should have a minerals policy.

I will return to the floor when I have more time. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, morning business is closed.

OMNIBUS EXPORT AMENDMENTS ACT

The PRESIDENT pro tempore. The Senate will resume consideration of S. 320, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 320) to reauthorize the Export Administration Act of 1979, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Specter Amendment No. 2, to include a provision for criminal and civil penalties for the production, transport, or use of biological or chemical weapons which kill, maim, or injure U.S. nationals abroad.

Specter Amendment No. 3, to establish constitutional procedures for the imposition of the death penalty for terrorist murders.

AMENDMENT NO. 3

The PRESIDENT pro tempore. Amendment No. 2, offered by Mr. SPECTER of Pennsylvania, has been temporarily laid aside. Pending before the Senate is amendment No. 3 by Mr. SPECTER, which the clerk will again report for the information of the Senate.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 3.

Mr. SARBANES. Mr. President, what is the amendment now pending before the Senate?

The PRESIDENT pro tempore. Pending before the Senate is amendment No. 3 by Mr. SPECTER.

Mr. SARBANES. I thank the Chair.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quroum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Ohio [Mr. METZENBAUM] is recognized.

Mr. METZENBAUM. Mr. President, I rise in opposition to the Specter amendment. I am aware of the fact that we are in the middle of a war, and I think that this country is united as one in its position vis-a-vis that war and in support of our troops in the Persian Gulf.

I also believe that all Americans share a justifiable concern about terrorism in this country or terrorism overseas. I share that kind of concern. It is understandable. But we should not let our justifiable anger and outrage for Saddam Hussein and for the terrorists who may or may not be operating under his direction cause us to enact sweeping new death penalty provisions.

But the fact is that this amendment is more than just a new death penalty. This has a new procedure in it that we find nowhere else in the law with respect to the death penalty. This would create a broad-reaching Federal death penalty for all murders committed in the United States and abroad, but the difference is, with respect to other capital punishment crimes, that that is a matter that is determined by the prosecutor after he or she determines that there is sufficient evidence to go forward with the case.

But here we have something new. Here we give the Attorney General the sole discretion to decide whether any murder should be subject to the death penalty. Let me read the applicable language: "Limitation on prosecution."

No prosecution for any offense described in this section shall be undertaken by the United States except on written certification of the Attorney General, or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecution, that in the judgment of the certifying official such offense was intended to coerce, intimidate or retaliate against a government or civilian population.

That language is actually in a different section of the bill than this one, but as I understand it, it is incorporated as a part of this bill.

If I am wrong in that, I hope my colleague from Pennsylvania would correct me.

Senator SPECTER says that the bill is aimed at terrorists, and I understand that, but I have reservations about it. I am concerned that in the anger and frustration and determination and emotion of the times we may be adding a new capital punishment that would be an inappropriate one.

I believe we ought to know, what does that term "terrorist" mean? Who and what is a terrorist? I think we all have a general idea, but I am not sure that any of us is in a position to describe with certainty really what is a terrorist. Does it mean anybody who is of Iraqi nationality and commits some crime, whether it is murder or some other kind of action, is a terrorist? Does it mean that we include all Arabs? As we well know, there is an issue now about whether or not the FBI is using excessive procedures in investigating and inquiring of many Arabs in this country. I am not sure. But what concerns me is that we are rushing down the road of the export bill and putting on an amendment that has nothing at all to do with this subject.

There may be merit to it, but my distinguished colleague is a member of the Judiciary Committee, as am I, and it is a fact that the chairman of the Judiciary Committee at this time has legislation with respect to terrorists. Whether or not the approach taken by my distinguished colleague from Pennsylvania is the right one or not I believe is a subject that ought to be determined in a more relaxed and a more orderly and a more normal type of procedure, and that is in the Judiciary Committee.

There may be better ways to do what my colleague from Pennsylvania is suggesting. There may not be. There may be a better time and a place to do it rather than in the emotional period all of us are experiencing by reason of the fact our country is at war. But today when we consider the Export Administration Act, this Senator feels it is inappropriate to try to deal with a broad death penalty provision in this context. I believe that a prompt hearing and prompt action can be had in the Judiciary Committee. I am not speaking for the chairman of the committee, but I feel quite certain that he would understand the need to move forward promptly.

I would hope my colleagues, whatever their position may be with respect to terrorism—we are all opposed to terrorism. There is unanimity on that. There are differences in this body with respect to the question of capital punishment, but that is not the real issue.

The real issue is should we do this as an amendment to this bill. Should we send it to the Judiciary Committee and let that committee decide what kind of language should be used? Should we be giving the Attorney General of the United States the broad discretionary powers that this bill gives? I think not.

So I say to my colleagues that I hope this amendment would be withdrawn, perhaps with some assurance, if and when the chairman of the Judiciary Committee were to come to the floor, for a prompt hearing on the issue. Absent that, when the debate has concluded, this Senator will move to table the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I can assure my distinguished colleague from Ohio that this Senator has no intention of withdrawing this amendment, and in fact it is not made in response to the Iraqi invasion of Kuwait and it is not made in response to any emotionalism of the moment. The provision to apply the death penalty to terrorists is one which this Senator advocated in 1989, and it was an amendment to the State Department authorization bill at that time. It was debated extensively in 1989, and it passed by a vote of 79 to 20. So that this matter has been considered at length by the Senate on a prior occasion and is not a specific response to what is going on by way of potential terrorism in the world today.

When the Senator from Ohio objects to the discretion which the Attorney General has in the definition of what is terrorism, it seems to this Senator that it comes late in the day because that is the definition which was present in the 1986 legislation introduced by this Senator which made it a violation of U.S. law to attack, maim, or murder a U.S. citizen by a terrorist anywhere in the world. There has to be a determination as to who is a terrorist, and the logical official to make that determination is the Attorney General of the United States. So that definition is a part of existing U.S. law and has been for some 5 years.

When we talk about a discretionary judgment by the Attorney General, it is traditional in law enforcement to have that kind of discretion lodged in a prosecuting attorney, whether it is a district attorney at the county level or whether it is an attorney general of a State or whether it is the Attorney General of the United States. The fact is that prosecuting attorneys traditionally are vested with broad discretion because not every offense can be prosecuted.

I have had considerable experience, having been an assistant district attorney and then district attorney of Philadelphia, where there are many crimes reported. There are limited facilities for investigation, limited court space. The prosecuting attorney has to make a judgment as to which offenses are to be prosecuted. But where the discretion is lodged in the chief law enforcement officer of the United States, the Attorney General of the United States, it seems to this Senator it is a very appropriate place.

Mr. President, I do think we are long passed due in facing up to the need for the death penalty, or at least a legislative consensus the death penalty ought to be enacted. It has been traditional under Federal law to have the death penalty apply for many offenses such a treason, espionage, assassination of a U.S. President and many other offenses. But there has been no death penalty in this country on any Federal prosecution since 1972 when the Supreme Court of the United States declared capital punishment unconstitutional unless administered in a very careful way as to aggravating and mitigating circumstances.

There are two exceptions to the Federal death penalty: one is the U.S. Code of Military Justice, and the other is the 1988 legislation dealing with drug matters. Congress last year passed death penalty legislation, but it was not enacted. There is a very strong sentiment in the Congress of the United States that the death penalty ought to be available to prosecuting officials. Some 37 States have reinstated the death penalty complying with the mandates of Furman versus, the U.S. Supreme Court decision in 1972 and other Supreme Court decisions which have followed. So there is no rush to judgment on this matter.

When my colleagues from Ohio makes a suggestion about the Judiciary Committee taking up the matter, I would remind him that our calendar is very loaded. We have had savings and loan hearings. We have hearings on retail price maintenance tomorrow. We had a hearing scheduled today before the full Judiciary Committee on terrorism; Judge Sessions, Director of the FBI, was supposed to testify. The reality is that the Congress of the United States and the Senate of the United States and the Judiciary Committee have considered this issue extensively.

As we all know, it is appropriate to introduce an amendment to a bill which is pending even if not related in general subject matter. But I would suggest that when we are on the Export Administration Act and we are talking about ways to limit exports to protect national security and to deal with problems of weaponry in the hands of those who may receive the exports, and an amendment which this Senator offered yesterday which was set aside to provide for criminal sanctions in addition to sanctions government to government deals with that subject, this is a very appropriate bill to take up the issue of the death penalty for terrorism.

There has been great concern in the United States that Iraq might engage in terrorist activities since the Iraqi invasion of Kuwait. Recently we have seen enhancement of security right here on Capitol Hill with the change in routing for access to Senate office buildings; barricades have been put up.

We remember when the bomb went off in November 1983 right outside the Republican Cloakroom. It shattered the Republican Cloakroom on Monday night when we had expected to be in session. We all know that happened on Monday night. Football was in vogue, and the Republican Cloakroom would have been very heavily attended. Terrorism struck right here at the Capitol, right here in the U.S. Senate, within 10 yards from where this Senator stands at the moment. The Republican Cloakroom was blasted.

This is not a matter of fanciful concern. This has happened. We are very concerned about it.

I see absolutely no conceivable reason why the death penalty ought not be available for terrorists. Terrorism strikes at the heart of democracy and the fundamental security of the country. It seeks to intimidate; it seeks to accomplish by criminal acts what cannot be accomplished by political means. It is warfare of the lowest and it is utterly sordid. It is high time we get on with the business of doing everything we can to combat terrorism.

So I respect the intentions which the Senator from Ohio has expressed. I know some people are opposed to the death penalty on grounds of conscientious scruples.

But I urge prompt action on this measure.

This bill, I think, is going to be enacted into law. We can get it on to conference.

I am not soft in adding the death penalty for many other offenses which could have been included here. This is a very narrow focus which is in line with the thrust of the pending legislation.

I thank the Chair. I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD. Thank you, Mr. President.

Mr. President, first I would like to thank my colleague, the gentleman from Pennsylvania [Mr. SPECTER], for not offering a second-degree to his first-degree amendment, thereby precluding me from being a thorn in the side of this one by offering an amendment in the second degree that will come as no surprise to him.

AMENDMENT NO. 4 TO AMENDMENT NO. 3

(Purpose: To substitute a mandatory term of life imprisonment)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 4.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all of the matter proposed to be inserted and insert the following:

SEC. . MANDATORY LIFE IMPRISONMENT FOR TERRORIST MURDER.

Section 2331(a) of title 18, United States Code, is amended to read as follows:

"(a) HOMICIDE.—Whoever kills a national of the United States, while such national is outside the United States, shall—

(1) if the killing is a first degree murder as defined in section 1111(a), be punished by a mandatory term of life imprisonment and fined under this title; and

(2) if the killing is a murder other than a first degree murder as defined in section 1111(a), be imprisoned for any term of years or for life and fined under this title.".

Mr. HATFIELD. Mr. President, in these dark days of war, horrible images of violence and suffering are everywhere. We all have seen the family huddled together as their husband and father is buried at Arlington Cemetery; the young children in Israel practicing how to put on their gas masks at school; the Iraqi man who grieves over his wife and children burned beyond recognition by an allied bomb.

At some level these tragic images are demeaned by all our briefings and charges and countercharges. At some level we must come together as human beings and grieve for the simple fact that humanity and human beings are suffering today throughout that world.

In these dark days I find myself searching for glimmers of hope and signs that maybe—just maybe—we can summon the collective will to go another way, to find another direction. I applaud President Bush when he speaks of "a new world order," and I pray that his commitment to that ideal will not waiver and that we will give full support—even when the political winds change and the work becomes hard, and thankless.

I listen to my colleagues talk about arms control and respect for human rights, and all the things we should have pursued more aggressively years ago. I pray this Congress will not be lulled back into complacency when this awful war finally comes to an end.

I suppose it seems hard to imagine, but this war will end. If we are going to play any kind of constructive role in building a better future when it does end—if the United States is going to exercise the kind of leadership for peace that we have exercised in these past months for war—we will need credibility.

If we hope to have any chance of building a constituency for peace, for creative diplomacy, for human rights, for arms control, and for peaceful conflict resolution, the nations of this world must believe we are serious. They must believe that we are committed and, most of all, they must know we have one set of standards and one set of principles for all.

My opposition to the death penalty is no secret, and I doubt anyone is surprised I have come to the floor today to speak out against this latest effort to expand its reach. I know I am not surprised to find the Senate debating this issue again—disappointed, yes; surprised, no.

Frankly, what I am mostly today is sad.

In one breath everyone is talking about building a new world order—about exercising leadership for peace in this world when this awful war comes to a close. But in the very next breath we are talking about imposing the most absolute, most barbaric, most inhumane punishment on Earth. In that next breath we are talking about casting our votes in support of state-sanctioned murder.

I know the arguments. I have heard them 1,000 times, as most of us have. God knows I, too, am familiar with the random violence and suffering my colleagues are reaching out against. We all condemn the cowardly and senseless acts of terrorists. Of course, we do.

But we are not really talking about condemning terrorism here today. We are not really talking about punishing terrorists. It may seem that we are. The words may lead us to believe we are. Certainly the sponsors of this amendment would have us believe, and I believe they believe that we are talking about those things. But we are not.

The real subject here is us. Every time we talk about the death penalty we are talking about ourselves—about what kind of nation we want to be, about what kind of leaders we want to be, and we are talking about the future.

Let there be no mistake. This is a debate about what kind of role we want this Nation to play in the future; about the credibility of the United States as a peacemaker.

If my colleagues have not thought about this amendment in that context, I urge them to do so. If my colleagues think that the death penalty and U.S. credibility in the world are two separate issues, I urge them to consider the facts. The United States stands virtually alone in its embrace of the death penalty. Czechoslovakia, Romania, even South Africa, have all taken the death penalty off their books in recent months. That is the trend of the world.

Many of our allies will not extradite murder suspects to this country—our allies, our friends—because of our support for the death penalty.

I am offering an amendment to establish mandatory life imprisonment for terrorists who execute Americans; mandatory, mandatory life imprisonment without the possibility of parole. Under this amendment, life imprisonment means life imprisonment, period.

By supporting this alternative we can take a tough stand against terrorism, but we can do it without sanctioning murder.

I know that my colleagues wanted to pass this legislation with the death penalty in it. I know they think it sounds tough. I certainly understand their desire to oppose terrorism in the strongest possible way. I join them 101 percent. But there is another way, a better way, a more credible way; that is mandatory life imprisonment.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I have the utmost respect for my distinguished colleague from Oregon—that is a comment which is made with some frequency on this floor, and I would underscore it—for the work he has done in the 11 years that I have been in this body, where he served as chairman of the Appropriations Committee.

I have watched his work, and I know his sincerity in opposing the death penalty on moral grounds, conscientious scruples against the death penalty. When he talks about State-sponsored murder, I have to disagree with him because the State has the responsibility for protecting the citizenry, and it is the conclusion of the legislative bodies that it is appropriate to have the death penalty as a deterrent to others.

I am personally convinced that the death penalty is a deterrent, from the experience that I have had as a prosecuting attorney.

It is a difficult matter, when you talk about terrorists who may be motivated by emotional factors, as to the deterrent effect, but I believe it applies there as well.

As I had commented briefly yesterday, when we had the incident involving Sheik Obeid in 1989 following the murder of Colonel Higgins, it was reliably reported that Sheik Obeid was very concerned, notwithstanding the fact he was a terrorist and was motivated by ideological reasons, about the possibility of extradition to the United States.

You have the calculating Colombian drug dealers who appear to be concerned about nothing, but they are very apprehensive about being extradited to the United States and facing our courts. And the death penalty has been an effective deterrent. I placed in the RECORD yesterday extensive materials on that point.

When the distinguished Senator from Oregon talks about the death penalty being barbaric, it certainly is not pleasant or easy. But we are dealing with a very serious offense: terrorism. We cited the Pan Am 103 killings, an act of terrorism, in which 259 people, many U.S. citizens, were murdered; and the terrorist act against the U.S. Navy diver, Robert Stethem.

We debated this extensively in 1989, Mr. President. The vote on mandatory life sentences came out 70 against the amendment, 29 in favor. And when we had the final vote on the death penalty, it was 79 in favor of the death penalty, and 20 against. This issue has been considered at some length, and I think it unnecessary to debate it any further.

So I urge the rejection of the second-degree amendment.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Will my colleague from Pennsylvania be good enough to yield for a question?

Mr. SPECTER. I yield for a question.

Mr. METZENBAUM. Did I understand that this whole measure, proposal, has to do with terrorism, and yet we do not have terrorism defined in any place that I can find? But what we do have is we have acquired the judgment of the certified official, the Attorney General, or a subordinate, to prove that the offense was intended to coerce, intimidate, or retaliate against the Government or civilian population.

I have difficulty in understanding the connection, because you could very well have somebody go into a school yard and mow down a number of children, as we know happened in Los Angeles. Or you could have somebody with an Uzi or one of these semiautomatic guns mow down a number of police officers who were meeting in a group, or a group of civilians.

And the question that I have is, when is a terrorist a terrorist? And does the fact that the Attorney General or his subordinate—does his certification that the offense was intended to coerce, intimidate, or retaliate against the Government or civilian population make the defendant a terrorist per se? And these are the questions that are disturbing me as we meet here this afternoon.

I know that this language is in the law now, but it is not with respect to capital punishment. What the Senator's amendment seeks to do is to add capital punishment as a factor. Yet, he talks about it being applicable to terrorists, and I find it to be a non sequitur. It does not seem to follow, which really, the point I make only is relevant in that it seems to me all the more reason why the matter ought to go before the Judiciary Committee in order that it can be considered by those who are members of that committee, including yourself and myself, in a more orderly manner, more constructive manner.

And if it is then the will of the committee—and it very well may be—to have such a violation as a capital punishment offense, then at least it seems that it would have been drafted and put together to really strike at the issue about which you speak, and that is terrorism.

I would like to have the Senator's response, please.

Mr. SPECTER. I would be glad to respond, but if he is posing a question, I would be interested to know what the question is.

Mr. METZENBAUM. My question is, in view of the language that is incorporated in your amendment that comes from the preceding section, how do you tie that in with the whole question of terrorism? Because the two are not exactly the same. In fact, they are quite different, as to the matter of coercion, intimidation, or retaliation against the Government or civilian population; the proof of that.

I have difficulty in understanding how you get this terrorist aspect into your amendment.

Mr. SPECTER. I would be glad to respond to the question as to how this language is tied into a definition of terrorism. The response is that there is an intent to define terrorism here as coercion, intimidation, or retaliation against a Government or a civilian population. And it vests in the Attorney General, that judgment on the facts of the specific case.

The definition of terrorism is not easy, and I would invite the distinguished Senator from Ohio to advocate or advance a different definition of terrorism, if he has one. This Senator would be glad to consider a modification or an amendment to the existing legislation.

This is not a matter where we are moving with undue haste. This bill to provide for the death penalty for terrorists, with this procedure for the definition of a terrorist, was on this floor in 1989, not quite 2 years ago. There has been a great deal of time for anyone, including the distinguished Senator from Ohio, to raise a question about it or to come forward and propose a different definition, if the Senator from Ohio has one.

When an issue is raised about people using Uzis or guns to shoot down police officers or children in a school yard, I believe that the death penalty ought to apply there.

That really is a matter for State law enforcement if there is no Federal connection. There is a special Federal connection if you deal with a crime like treason or sabotage or the assassination of a U.S. President. Where you deal with the first-degree murders of schoolchildren in the school yard in Stockton, CA, or police officers, I think the death penalty should apply there. But as the Congress of the United States is charged with the responsibility for legislating on Federal matters, where there is a Federal connection it is more limited.

Again, I say that this amendment deals only with terrorism, but I submit that this is a realistic definition. When we seek to define "terrorism," we are really looking at something which has a political import, where there is a coercion of the Government or coercion of the civilian population, as opposed to picking out an individual where there may be some particular animosity.

If a defendant shoots an individual for some reason between them, it is not an act of terrorism; or if an individual shoots someone or a group of people where there is not a political overtone or an effort to intimidate or coerce or retaliate against the Government or civilian population, that, while heinous, is not within the mode of a terrorist attack. If somebody plants a bomb by Vice President Ford's statute in the outer office and blows up the Republican cloakroom and it is aimed at killing Republican Senators, nobody is looking for any special Senator, but there is a real effort to intimidate the Senate of the United States, I think it is plain on its face that that is an act of terrorism.

But, I repeat, if the distinguished Senator from Ohio has a better definition, this Senator would be glad to consider it and would be willing to modify this proposed legislation if it can be improved upon.

The PRESIDING OFFICER. The Senator from Ohio retains the floor.

Mr. METZENBAUM. Mr. President, I shall respond very briefly to my colleague. I do not have a better definition of "terrorism," but I do not believe that the Senator has stated what a terrorist is. That is all the more reason why the bill ought to go to committee, so that maybe we can construct it, but not here while standing on our feet in the midst of a debate before the Senate. That is the reason I think that if the amendment is enacted, at least reduce the matter to a mandatory life imprisonment and, if not that, then I hope we will table the Senator's amendment with the understanding that the Judiciary Committee would give heed to the subject at an early date on its calendar.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, it is not a good argument that the matter ought to be submitted to a committee for further examination and exploration. I say that that is a well-established procedure for defeating an amendment.

This matter has been before the Senate since 1989, for almost 2 years, ample time for any Senator, including my colleague from Ohio, to make that proposal and have it taken to the Judiciary Committee.

I repeat that I think it is high time we acted on this issue.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD. Mr. President, I ask for the yeas and nays on my amendment in the second degree.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there additional debate? If not, the question occurs on amendment No. 4.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland [Mr. SARBANES].

Mr. SARBANES. Mr. President, I suggest the absence of a quroum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I rise to speak against the Specter amendment. This amendment purports to extend the death penalty to terrorist acts but there is no clear legislative definition of terrorist act.

Mr. President, the death penalty, the whole question of capital punishment, is a major public policy question in our country which has generated profound social conflict and debate for years. I do not think it is appropriate to mix apples and oranges. I believe that this amendment is not so much about terrorism; rather, it is about the death penalty and capital punishment.

There are other legislative initiatives underway here in the Senate. Concerning terrorism. I believe the whole question of whether or not we will have capital punishment deserves full debate in the U.S. Senate. I do not believe that this amendment will afford Senators the opportunity to have this debate. So I rise today to speak against the amendment and to make it clear that I will vote against it.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quroum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3, AS MODIFIED

Mr. SPECTER. Mr. President, I have a parliamentary inquiry. On a modification of the amendment on the definition of terrorism, is unanimous consent required now that the yeas and nays have been ordered on a second-degree amendment?

The PRESIDING OFFICER. Will the Senator please state that inquiry again?

Mr. SPECTER. Is unanimous consent required or may this Senator offer a modification on the definition of terrorism?

The PRESIDING OFFICER. Even though there is a second-degree, the Senator has the right to modify his own amendment.

Mr. SPECTER. I thank the Chair.

Mr. President, I do seek at this moment to modify the definition of homicide as it appears in the bill to provide as follows:

"(A) Whoever kills a person, with the intent to commit an act of terrorism, which is any act which appears to be intended to intimidate, retaliate against or coerce a civilian population; to influence the policy of a government by intimidation, retaliation or coercion; or to affect the conduct of a government by assassination, kidnapping, hostage-taking or other violent act, while such victim is inside the United States; or

"(B) Whoever kills a national of the United States, while such national is outside the United States; shall—

And then it continues.

By way of brief explanation, there has been a concern as to certain conduct within the United States on actions, for example, by the Ku Klux Klan, and others. There have been discussions among Senator BIDEN, the chairman of the Judiciary Committee, Senator THURMOND, the ranking Republican, and myself as to this definition. It is our judgment that this would improve the specificity of the definition. I do not believe that it imports any material change in the thrust of the legislation.

The PRESIDING OFFICER. The Senator's amendment is so modified.

The modification is as follows:

(a) HOMICIDE.—

"(A) Whoever kills a person, with the intent to commit an act of terrorism, which is any act which appears to be intended to intimidate, retaliate against or coerce a civilian population; to influence the policy of a government by intimidation, retaliation or coercion; or to affect the conduct of a government by assassination, kidnapping, hostage-taking or other violent act, while such victim is inside the United States; or

"(B) Whoever kills a national of the United States, while such national is outside the United States; shall—

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. Is there further debate on amendment No. 4?

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, the subject before the Senate, as I understand it, is a second-degree amendment of Senator HATFIELD?

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. Mr. President, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I wish to express my support for this second-degree amendment and express my grave concern about the underlying amendment. The commitment of my friend and colleague, Senator SPECTER, from Pennsylvania, to fighting terrorism is clearly, deeply felt. I believe his bill stems from the frustration he and every one of us in the Senate feels in trying to shape a policy that will prevent terrorism and that will punish terrorists, but I do not believe the death penalty is the policy we should be shaping.

I have consistently opposed the concept of the death penalty ever since I have been present in the Senate and, indeed, during my time I served in our State legislature and as Governor of our State. That opposition is for two reasons, Mr. President. First, the death penalty is irreversible. It is complete; it is done; there is no chance of changing course once the death penalty has been executed.

In my home State of Rhode Island the last execution under the death penalty was on Valentine's Day, 1845, nearly 150 years ago. Since that day, Rhode Islanders have shunned capital punishment as an option in sentencing. Why? The reason we have shunned it is for the simple, dreadful reason that on February 14, 1845, the State of Rhode Island hung the wrong man, a man who was innocent. Seven years later, in 1852, the Rhode Island General Assembly abolished the death penalty.

I have respect for our judicial system, but I am also aware it can fail at times. When a serious mistake is made and an innocent person is jailed, at least we have a chance to rectify the situation. But not so with the death penalty. As I said before, it is final. It is irreversible.

Second, the death penalty has not proven to be an effective deterent to crime. Frequently it is cited that the reason you need a death penalty is to deter crime. There is no statistical evidence that is so.

Clearly, I believe in terrorist situations the terrorists have already considered the possibility they will be killed while carrying out their act. Because terrorism's effectiveness is contingent upon creating a highly charged, emotional atmosphere of terror, it by its very definition is a high risk crime for the terrorist. In my view, death is a risk that has been fully considered and accepted by the terrorists, so the death penalty will not deter them.

There are other questions raised about the death penalty I have not raised here. Is it effective? Is it morally acceptable? Is it constitutional? Is it administered in a discriminatory fashion? All of those subjects can be debated and clearly will be debated. But, in short, the death penalty is a penalty, the purpose and potency of which are still under fierce debate.

I recognize, as I said, the laudable intentions of the author of the underlying amendment, which is to stop terrorism and to punish terrorists, but I urge my colleagues not to adopt this so-called deterrent to crime. Simply put, it is not right I believe, and, furthermore, it does not work. I therefore urge support for the second-degree amendment by the Senator from Oregon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I share Senator SPECTER's abhorrence for terrorism both here and abroad. I share his disgust for the crimes of terrorists and his sympathy for their innocent victims. I share his desire to see that terrorists are punished for their heinous crimes. That is why I support a life imprisonment approach without the possibility of release.

In other words, throw away the key if someone is convicted of this act of terrorism. It is a far preferable approach to that which has been proposed by Senator SPECTER. And, that is why I support the Hatfield substitute which has been now proposed.

Mr. President, I have in the past come to the Senate floor to oppose the death penalty because history is full of examples of people who have been convicted of crimes which they, in fact, did not commit. The death penalty, by its very finality, does not allow for the judicial system to correct for its mistakes. That flaw in past death penalty amendments continues to be a flaw in the Specter amendment.

In addition, the death penalty is singularly inappropriate as a penalty with a goal of deterrence. We are dealing with people, in cases of terrorism, who, in planning for terrorist acts, have clearly looked the possibility of death in the eye and have calculated it is an acceptable, indeed if not a preferred, price for them to pay. We have seen terrorists allow themselves to be exploded in a car bomb in order to accomplish their goals. The death penalty standing alone would not deter these individuals.

Last year, the Senate voted in favor of the death penalty for terrorism. However, I believe it is important to point out that the bill which passed the Senate in the 101st Congress was significantly different from the amendment which is before the Senate today. The Specter amendment before us today presents new issues which were not considered when the Senate bill 1798 was voted on last year, and no Senator should be under the illusion that this vote is merely a replay of the vote that took place on October 26, 1989. The record should be clear on this point. And while it may not alter votes, it nonetheless should be made clear to all Senators, that the pending amendment of Senator SPECTER is different in significant ways from the amendment that was adopted in 1989.

Two examples of those differences are that there was in that legislation that passed in 1989 an exclusion for mentally retarded individuals. That exclusion is not present in the amendment before us proposed by the Senator from Pennsylvania. Another example of the difference is that the amendment of Senator SPECTER this year is broader, in that acts of individuals that occur in the United States are covered by this pending legislation, whereas it was only acts abroad which were covered in the prior legislation. And that, of course, raises significantly different issues than were raised when this matter was before us in 1989.

Mr. President, this year in this environment it is impossible to deny the general appeal for an amendment such as has been proposed by the Senator from Pennsylvania. But because I have opposed the death penalty before for reasons stated, that you cannot correct our mistakes, principally, and we make them because our system of justice is imperfect, and because of the specific problems with this amendment which I also mentioned, I will vote against the Specter amendment and strongly support the Hatfield substitute which provides for life imprisonment without parole as the alternative to the death penalty approach of the Specter amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ADAMS). Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I oppose the amendment offered by my distinguished colleague from Oregon. This amendment would require that terrorist murderers be given a sentence of mandatory life rather than a possible death sentence.

The underlying question this amendment asks the Senate is, does the death penalty have a legitimate role in our efforts to punish vicious criminals? I believe that it does.

I am convinced that the death penalty is an effective deterrent. The threat of capital punishment does deter violent crime. Not only does it deter individual behavior, it also has value in terms of general deterrence as well. By associating the penalty with the crimes for which it is inflicted, society is made more aware of the horror of those crimes, and there is instilled in the citizens a need to avoid such conduct and appropriately punish those who do not.

In addition, capital punishment serves the society's legitimate interest in retribution. Justice requires that terrorists get what they deserve. Justice demands that such inhuman action not be tolerated. The death penalty for terrorists recognizes society's belief that there are some crimes which are so vicious, heinous, and brutal that no penalty lesser than death will suffice.

Mr. President, the American people agree with me. A recent Gallup Poll shows that public support for the death penalty is at the highest point recorded in more than half a century, with 79 percent favoring the death penalty for murder. The public opinion on the issue of capital punishment must not be ignored.

In closing, this amendment would prohibit juries from even considering the death penalty for brutal acts of terrorism. Instead, it would provide for a mandatory life sentence. There are people walking the streets today who were sentenced to a life sentence. The law-abiding citizens of this Nation demand action on terrorism death penalty legislation, not life imprisonment legislation. They deserve to have a death penalty which will deter violent terrorist action against them and will provide swift, appropriate punishment for individuals who choose to commit these heinous crimes.

For these reasons, I oppose the Hatfield amendment.

I yield the floor.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I ask unanimous consent that Jo-Anne Jackson be given privileges to the floor during the pendency of S. 320.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, the Senator from Pennsylvania and I have proposed an amendment which authorizes the death penalty for terrorist acts against U.S. nationals abroad. We worked together to improve this amendment by incorporating a vast number of provisions from a terrorism death penalty bill I previously introduced. This Specter-Thurmond amendment now authorizes the death penalty for terrorist murders—committed either here in the United States or abroad. In addition, we worked to tailor a definition of terrorism which ensures that vicious acts of terrorism, whether international or domestic, be subject to the death penalty. I strongly support this proposal.

Saddam Hussein, in the first days following Desert Storm, called for the international network of terrorists to strike out against the United States and its people. Congress must respond to this threat. Acts of international terrorism against the citizens of the United States must not be permitted to go unpunished. Terrorism—the heinous, politically motivated acts carried out against the world's innocent—must be brought to an end. We must not allow these vicious murderers to hide behind a veil of political struggle and spill innocent American blood without facing severe punishment.

Mr. President, this amendment would amend title 18 to authorize a sentence of death for a terrorist murder committed against any person inside the United States or committed against U.S. nationals outside the United States. In order for the death penalty to be sought, the Attorney General would have to certify that the murder was a terrorist act intended to coerce, intimidate, or retaliate against a government or a civilian population.

Currently, numerous Federal statutes provide that a sentence of death may be imposed if a person is found guilty. However, the reality is that the death penalty may not be imposed for these offenses because constitutional procedures for imposing such a sentence have not existed. On the first day of this Congress, I introduced a measure which would establish the necessary constitutional procedures for the implementation of a comprehensive Federal death penalty. Last year, both Houses of Congress overwhelmingly passed comprehensive death penalty bills. Although I strongly believe that Congress should pass a comprehensive death penalty measure, the unique situation which confronts this Nation dictates that we move swiftly to pass a terrorism death penalty bill. Although I differ with my colleague from Pennsylvania on certain procedures to implement the death penalty, it is important that we act swiftly on a terrorist death penalty bill. Congress should ensure that those who respond to Saddam's calls for terrorism pay the ultimate price.

Mr. President, Americans not only face the prospect of acts of international terrorism, the current international crisis provides domestic terrorist groups, who may commit acts just as violent, with the opportunity along with the media coverage to strike. This amendment makes it clear that if someone commits an act of terrorism, whether his objectives are international or intranational in scope, he will face the death penalty. Without question, there is little difference between a terrorist who acts on behalf of Saddam Hussein or a terrorist who belongs to a racist skinhead group. The heinous crime of terrorism merits consideration of the death penalty because it is an inherently evil act, not because it was undertaken for an international political reason rather than a domestic one.

In summary, terrorism has plagued the world for many years. Increasingly, the United States has been the focus of such acts. For example, no one can forget the 241 U.S. military servicemen killed in Beirut by a suicide truck bomber in October 1983 or the innocent Americans killed in the December 1988 bombing of Pan Am flight 103 over Scotland. Just last month, a terrorist accidentally detonated a bomb, killing himself, on his way to plant it in a U.S. Government building in Manila. All of these incidents, combined with the Butcher of Baghdad's call to terrorism, clearly illustrate the fact that there is, indeed, an increased threat of terrorism against our people.

Mr. President, this amendment will send a strong signal to those international terrorist groups that choose to make victims of innocent Americans. That message is, "If you choose to prey upon innocent Americans, you will pay the supreme price—your life!" We simply cannot hestiate any longer to ensure that terrorist acts will be dealt with harshly.

In closing, Saddam Hussein has made it clear that he is unmoved by human decency and encourages acts of terrorism. His amoral acts of gassing his own people, dropping Scud missiles on Israeli civilians, and threatening to use American POW's as human shields illustrate his barbarianism. Congress must act to deter and punish those who commit terrorism and take the lives of innocent Americans.

For these reasons, I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. SARBANES. Mr. President, a number of Members have been asking when votes are to occur. There is one amendment that is being negotiated out that is important, and a good deal of time has been spent on that. We are not yet at a resolution of that. But there are amendments that have been offered and that are pending. I think we can go ahead and set times now for those votes so Members can plan accordingly.

Therefore, I ask unanimous consent that the Senate vote on the Hatfield amendment at 5 p.m.; that immediately upon the disposition of the Hatfield amendment, Senator METZENBAUM be recognized to offer a motion to table the Specter amendment No. 3, as amended, if amended; that if the Specter amendment No. 3 is not tabled, a vote occur on the amendment without any intervening action or debate immediately upon the conclusion of the tabling vote and that no other second-degree amendments be in order to the Specter amendments.

This would give us a vote at 5 o'clock on the Hatfield amendment, followed by a motion to table the Specter amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none. It is so ordered.

Mr. SARBANES. I alert Members that the yeas and nays have been ordered on the Hatfield amendment, and, as I understand, they will be requested on the motion to table the Specter amendment. We should expect two rollcall votes back to back.

Senator HEINZ has an amendment that he is going to be offering. Of course, we will be ready to consider that whenever he wants to bring it to the floor. I gather there will be those present at the vote who will then want to consider it, although he may want to lay it down ahead of time to just have it pending before the Senate. At least this puts Members on notice that there will be two votes. The first one will begin at 5 o'clock. In the meantime, we are trying to resolve the one major amendment that needs to be resolved.

Mr. GARN. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. GARN. I just add that I believe the unanimous-consent agreement we just agreed to will certainly help speed up the process while we continue to negotiate on this other amendment. I also think it is important to notify our colleagues that it is the intention of the managers of the bill and the leadership to finish this Export Administration Act this evening. I think we will put them on notice we do intend to stay until it is finished.

Mr. SARBANES. The majority leader has indicated that it is his intention to finish tonight, and it is, frankly, our view that we can finish tonight in a reasonable way, if everyone behaves reasonably. That is a very large "if," I understand.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Kerrey). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3, AS FURTHER MODIFIED

Mr. SPECTER. Mr. President, there has been a review of the pending amendment on the death penalty for terrorism. It was noted that inadvertently in the text, there were two omissions relating to the definitions of voluntary manslaughter and involuntary manslaughter. So at this time, I seek to modify the amendment.

Before doing that—we had a similar situation earlier—I ask by way of parliamentary inquiry for confirmation that the Senator has the right to make a modification of the pending amendment?

The PRESIDING OFFICER. The Senator has that right.

Mr. SPECTER. I thank the Chair.

Mr. President, as I say, there are two items which have been omitted, and the modifications come under the definition of homicide, which is subsection (a); and (1)(A) refers to killing in the first degree; (B), killing other than first degree: "(2)"—and this is a modification:

> * * * if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than 10 years, or both; and (3) if the killing is involuntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than 3 years, or both.

For the assistance of the Official Reporter, I will make available these writings.

The PRESIDING OFFICER. The Senator will send the modification to the desk.

Mr. SPECTER. I shall.

I thank the Chair.

The further modification is as follows:

> Insert on page 2, after line 9, the following:
>
> "(2) if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than ten years, or both; and
>
> "(3) if the killing is an involuntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than three years, or both.".

Mr. SARBANES. Mr. President, has the underlying Specter amendment now been modified pursuant to the request?

The PRESIDING OFFICER. The underlying Specter amendment has been modified.

VOTE ON AMENDMENT NO. 4 TO AMENDMENT NO. 3, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, the hour of 5 o'clock having arrived, amendment No. 4, offered by the Senator from Oregon [Mr. HATFIELD], is in order. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

I also announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] is necessarily absent.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 25, nays 72, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—25

Akaka
Burdick
Chafee
Cohen
Danforth
Durenberger
Glenn
Gore
Harkin
Hatfield
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mitchell
Moynihan
Pell
Sanford
Sarbanes
Sasser
Simon
Wellstone

NAYS—72

Adams
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Conrad
Craig
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Exon
Ford
Fowler
Garn
Gorton
Graham
Gramm
Grassley
Hatch
Heflin
Heinz
Helms
Hollings
Jeffords
Johnston
Kassebaum
Kasten
Kerrey
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wirth

NOT VOTING—3

Cranston
Domenici
Inouye

So the amendment (No. 4) was rejected.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, if I could have order in the Senate——

The PRESIDING OFFICER. The Senate will be in order.

ORDER OF PROCEDURE

Mr. SARBANES. Mr. President, we are operating under a unanimous-consent request. At the time that it was made the managers were trying to move this process forward. I understand that Senator METZENBAUM, who is scheduled now to offer the motion to table, would like a few minutes in order to explain his position.

Therefore, I make a unanimous-consent request that Senator METZENBAUM be accorded 5 minutes, and Senator SPECTER be accorded 5 minutes for the purpose of debating, and that then we proceed as outlined by the unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. DANFORTH. Mr. President, reserving the right to object, I wonder if the manager or the leader could give us an indication as to whether this will be the last vote?

Mr. SARBANES. No, it will not be the last vote. We are hopeful of finishing the bill this evening.

Mr LEAHY. Can we have order, Mr. President? I cannot hear the Senator who is 2 feet from me.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SARBANES. I say to my distinguished friend from Missouri, we do not expect it will be the last vote. We think we will be able to finish this bill this evening, we hope in farily short order. It, in part, depends on efforts that are now being made to work out the Dole-Garn amendment. That involves discussions with the White House. We have some reason to think that may have a positive outcome. If so, we will be prepared to move quickly.

Senator HEINZ has an amendment that he will be offering very shortly on which I understand he is prepared to enter into a time agreement, a fairly reasonable time agreement, which we will discuss.

The PRESIDING OFFICER. There is a unanimous-consent request, 5 minutes to the Senator from Ohio, and 5 minutes to the Senator from Pennsylvania. Is there objection? Without objection, it is so ordered.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized to make a motion to table. The Senator has 5 minutes.

Mr. METZENBAUM. I thank the Chair.

Mr. President, my colleagues, can we have order in the Senate?

The PRESIDING OFFICER. The Senate is not in order.

AMENDMENT NO. 3, AS FURTHER MODIFIED

Mr. METZENBAUM. Let me rise to state in advance that I understand the general attitude of this body—that they support capital punishment amendments, and I do not expect any change to occur. But I want you to understand what the facts are.

In this instance, it is more than a question of a capital punishment amendment or not a capital punishment amendment. This is a new step that we would be making as far as when capital punishment could become the order of the day.

Capital punishment could only occur in those cases where there is written certification by the Attorney General or his highest ranking subordinate that in the judgment of the certifying official such offense was intended to coerce, intimidate, or retaliate against the Government or civilian population.

Mr. SPECTER. The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. METZENBAUM. I thank the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. I think this is a major new step when one man in our Government can certify that capital punishment should be invoked. This is an issue that could be and should be disposed of by the Judiciary Committee. It does not belong on the export administration bill. If it should be law—and I question that totally—but if it should be law, there ought to be an opportunity to discuss it relaxedly, thoroughly, and bring it back to the floor as a totally separate measure.

Senator BIDEN has indicated that there would be an early hearing if the Senator from Pennsylvania saw fit to withdraw the amendment for that purpose, and I am sure this body would see fit to table the motion at the moment. I think that we are doing the wrong thing because of the excitement about terrorism. We are all opposed to terrorism.

The majority of the body is in favor of capital punishment but that does not justify our taking the action that is called for in this amendment. That is the reason that after my colleague from Pennsylvania has an opportunity to be heard I will offer a motion to table.

Mr. HATFIELD. Mr. President, will Senator yield for 10 seconds.

Mr. METZENBAUM. I certainly do yield.

AMENDMENT NO. 4, AS MODIFIED

Mr. HATFIELD. Mr. President, I ask unanimous consent to make a technical correction in a citation. The legislative counsel has made an error on the amendment just defeated. I ask unanimous consent to change a number "1" to a number "2."

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

On page 1, line 5, strike "Section 2331(a)" and insert in lieu thereof "Section 2332(a)".

AMENDMENT NO. 3, AS FURTHER MODIFIED

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I shall not take the full 5 minutes allocated on my side. Suffice it to say that there is not a situation that is asserted by the distinguished Senator from Ohio where capital punishment will be imposed on the certification of one man. On the contrary, it is a matter for jury deliberations of 12 under very explicit circumstances of aggravating and mitigating circumstances.

The definition as to what terrorism is is a very realistic one, where it turns on an intention to coerce, intimidate, or retaliate against the Government or civilian population.

I remind my colleagues that this is the provision in legislation enacted in 1986, and I further remind my colleagues that this identical measure was before the Senate in 1989, 2 years ago, when it was passed by a vote of 79 to 20. So if anyone, including my colleague from Ohio, had an objection there has been ample time to raise it in the intervening 2 years.

Referring back to committee would delay and defeat the matter today. This is an issue which this Senator has not raised recently. But in the light of the severity and seriousness of terrorism for many, many years, including a bomb which was exploded in the hallway immediately adjacent to the Republican Cloakroom, terrorism is a serious problem in the world. Capital punishment is an appropriate option for a jury to impose, and I ask my colleague to support the imposition of the death penalty as an option.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, if the Senator from Ohio has any time remaining, I am prepared to yield back.

Mr. SPECTER. In that event, I yield back time remaining to me.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the distinguished Senator from South Carolina has asked for part of my time. If I may, instead of yielding, so Senator THURMOND may speak 2 minutes, I ask that that be permitted.

The PRESIDING OFFICER. The Senator has the right to yield the time.

Mr. METZENBAUM. I am prepared to offer a motion to table. But if the Senator from South Carolina has some time left on Senator SPECTER's time, I will certainly not preclude him from doing that.

Mr. THURMOND. I will take just a moment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able Senator from Pennsylvania on his interest in this matter.

When I came to the Senate about 36 years ago, the sentiment of this country was against the death penalty for any purpose. Only about 30 or 40 percent of the people favored the death penalty. Crime has been rampant. It has been increasing every year—all these years. Now the recent polls showed that over 79 percent of the people favor the death penalty. If they favor the death penalty for anything, they certainly ought to for terrorism. I think it is very clear that this amendment ought to be adopted.

I strongly favor it, and I hope the Senate will approve it.

Mr. BIDEN. Mr. President, the crisis in the Persian Gulf has once again raised the specter of terrorist attacks against U.S. citizens, both here and abroad. Iraq's President, Saddam Hussein, has issued a worldwide call for terrorists to strike at the United States and its coalition allies. Since the war was begun, terrorists have attacked more than 70 times, including many U.S. targets.

Yet, the threat of terrorism is not limited to a toll on human lives and property. Terrorism has become one of the most common and destructive weapons leveled against democratic governments. Terrorists seek to achieve through violence and intimidation what they cannot win through legitimate, civilized means.

Our response to terrorist attacks must be swift and severe. We must provide a credible deterrent to terrorists before they strike, and impose the toughest possible penalties when attacks do occur.

That is why I support the death penalty for terrorist murders. International terrorists must know that by attacking U.S. citizens, they may pay the ultimate price for their acts.

And that is why I support the amendment offered by Senator SPECTER. As initially drafted by Senators SPECTER and THURMOND, the language would have defined terrorism punishable by death as any murder committed inside the United States solely upon the word of the Attorney General that the act was terrorism, language that goes far beyond the idea of providing the death penalty for terrorist murders.

Accordingly, I worked with Senators SPECTER and THURMOND to clarify the language. Specifically, the new language—as now drafted—incorporates the definition of terrorism into the elements of the offense for which death is authorized, to ensure that capital punishment applies only to murders that are committed by terrorists with the intent to coerce, intimidate, or retaliate against a government or civilian population.

In fact, the modified language is modeled on the death penalty for terrorist murder language included in S. 266, a comprehensive package of counterterrorism legislation that I introduced last month. Frankly, I would have preferred that we clarify the language still further to ensure that the language applies to acts of international terrorism and not to murders generally, which have traditionally been in the jurisdiction of State prosecutors. But, the final language is substantially equivalent to the language in S. 266, and I support the amendment.

Mr. President, the death penalty alone, however, will not stop the terrorist threat. International terrorists are too sophisticated, too complex, to make the death penalty the centerpiece of the U.S. counterterrorism effort.

The most promising approach to counterterrorism is a comprehensive program aimed at collecting intelligence through sophisticated investigative techniques; aggressive use of criminal laws to arrest and prosecute terrorists and seize their assets; and ensuring that U.S. law enforcement agencies have the manpower they need to interdict the terrorist threat.

It is precisely this type of comprehensive approach that I called for in S. 266, the Comprehensive Counterterrorism Act of 1991, which I introduced last month. This legislation is aimed at filing some of the major gaps in our current antiterrorism laws.

First, the bill creates the first ever domestic terrorism law. Under this new law, violent crimes such as murder that are committed by an agent of a foreign power with the intent to intimidate or coerce the U.S. Government would be a Federal crime.

Second, the bill provides the death penalty for terrorist acts—whether committed in the United States or against U.S. citizens abroad—that constitute first-degree murder.

Third, the bill makes it a criminal offense to knowingly provide material support—weapons, financing, and other physical assets—to terrorist groups. Under this new law, the FBI would be authorized to seize and forfeit the assets of terrorist groups.

Fourth, the bill makes the willful violation of Federal Aviation Administration security regulations a crime punishable by up to 1 year in prison. According to the Presidential Commission that investigated the bombing of Pan Am flight 103, the breach of FAA security rules was one of the factors that contributed to the downing of flight 103.

Finally, the bill authorizes $75 million in new funds to boost the counterterrorism efforts of the FBI, the U.S. Secret Service, and State and local law enforcement agencies.

The legislation should significantly enhance the authority of U.S. law enforcement agencies to prevent terrorist acts before they occur and provides stiff penalties—including the death penalty, in limited circumstances—to punish terrorist acts that do occur.

I intend to move this legislation promptly through the Judiciary Committee. In fact, the committee was scheduled to hold a hearing on this legislation today, but the Director of the FBI asked me to postpone the hearing.

Mr. President, the amendment we are debating today—the death penalty for terrorist murders—should be among the arrows in our quiver against terrorism.

But it is not the only—nor the most important—element of a comprehensive and effective national counterterrorism program.

I look forward to working with my colleagues in the Senate to move such a comprehensive package of counterterrorism legislation through the Senate in the near future.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio to lay on the table the amendment of the Senator from Pennsylvania.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

I also announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 23, nays 74, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—23

Akaka
Burdick
Chafee
Cohen
Danforth
Durenberger
Glenn
Harkin
Hatfield
Kassebaum
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mitchell
Moynihan
Pell
Sanford
Simon
Wellstone

NAYS—74

Adams
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Conrad
Craig
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Exon
Ford
Fowler
Garn
Gore
Gorton
Graham
Gramm
Grassley
Hatch
Heflin
Heinz
Helms
Hollings
Jeffords
Johnston
Kasten
Kerrey
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wirth

NOT VOTING—3

Cranston Domenici Inouye

So the motion to lay on the table was rejected.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the motion to table was rejected.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, in light of the vote on the tabling motion, I do not think a rollcall vote is necessary. Accordingly, I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as further modified.

The amendment (No. 3), as further modified, was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment as further modified was agreed to.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2

Mr. SARBANES. Mr. President, what is now pending before the Senate?

The PRESIDING OFFICER. The pending question is amendment No. 2 offered by the Senator from Pennsylvania.

Mr. SARBANES. Mr. President, we have indicated to the Senator from Pennsylvania we are prepared to accept that amendment and we are ready to vote.

Mr. SPECTER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. SPECTER. Mr. President, I did not hear the statement of the Chair that my amendment was agreed to by the voice vote.

The parliamentary inquiry is: Is it correct that the amendment on the death penalty for terrorism was agreed to by the Senate on a voice vote?

The PRESIDING OFFICER. That is correct. The Chair did say the ayes appear to have it; the ayes have it.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The amendment is agreed to.

Mr. THURMOND. Mr. President, I understand it was reconsidered and tabled.

The PRESIDING OFFICER. That is correct.

Mr. SARBANES. Mr. President, we are prepared to move to a vote on the Specter amendment No. 2, if the clerk will put the question.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 2) is agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The Senator from Pennsylvania is recognized.

AMENDMENT NO. 5

(Purpose: To express the sense of the Senate that the Department of Defense make provisions to ensure the protection of children of military families and single parents assigned to Operation Desert Storm)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ], for himself, Mr. D'AMATO, Mr. SPECTER, Mr. WELLSTONE, Mr. SASSER, Mr. RIEGLE, Mr. KERRY, Mr. DURENBERGER, and Mr. WIRTH, proposes an amendment numbered 5.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. METZENBAUM. Mr. President, I object to that. I want to know the language.

Mr. HEINZ. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (A) The Senate finds that:

(1) the young men and women of the United States Armed Forces are making great sacrifices in the service of their country and in the defense of freedom in the Middle East;

(2) many of these men and women may be called upon to make the supreme sacrifice and, in some cases, have already laid down their lives;

(3) the changing nature of American society has created a first-rate volunteer military in which many couples now both wear the uniform of United States Armed Forces;

(4) the enemy's possession of missiles and other weapons of mass destruction combined with his clear willingness to use them, has created a situation in which servicepeople throughout the imminent danger area are under constant threat of attack;

(5) there is no provision in the existing "sole survivor" regulations of the Department of Defense to protect children from the catastrophic loss of both, or their only, parents:

(6) it is a grave danger to the well-being of United States' military families and their children to allow the children of American servicepersons to become orphaned through the use of these horrible weapons of mass destruction either in combat or against civilian targets; therefore

(b) It is the sense of the Senate that:

(1) provision should be made, at the request of the serviceperson, for the prevention of the assignment of two parents, or of a single parent, of a minor child or children, to the imminent danger area of Operation Desert Storm; and

(2) the Senate requests that the Secretary of Defense arrange for prompt and appropriate reassignment of one parent, in cases where both parents, or the single parent, are in the imminent danger area, to other military duties outside this area, unless such reassignment would have a negative impact upon the safety, mission capability, or combat effectiveness of the unit to which the serviceperson making the request is assigned; and further

(3) the Secretary of Defense shall report any such changes in policy regulations or rules within fifteen days of the date of passage of this resolution. Such report shall include any changes made or anticipated since the commencement of Operation Desert Shield, together with the effective date of such changes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. Mr. President, last week I attempted to bring before the Senate this same resolution, which is a sense-of-the-Senate resolution expressing that the Senate would like the Department of Defense to take immediate measures to implement changes in our manpower policy and, as stipulated in the resolution, those changes are designed to prevent the assignment of both parents or a single parent, at their option and request, to the imminent danger area of Operation Desert Storm.

I also ask unanimous consent that a number of our colleagues on both sides of the aisle be added as cosponsors: Senator D'AMATO, Senator SPECTER, Senator WELLSTONE, Senator SASSER, Senator RIEGLE, and Senator KERRY have all requested that they be cosponsors, together with Senator DURENBERGER and Senator WIRTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I have stated on a number of occasions that this is a sense-of-the-Senate resolution. It is technically, therefore, not binding.

But it does seek to persuade the Department of Defense to prevent the creation of American children who could become orphans due to an outmoded and out-of-date and incomplete policy that our Pentagon now has in the wake of the Persian Gulf war.

Let me put it this way, Mr. President. I think the Defense Department has done a great deal to make the Volunteer Army professional. What I am saying about them should not be interpreted as severe criticism because they do have a sole-survivor regulation, and a sole-survivor regulation that says that if you have several children and all but one have been killed in the line of duty, the last one is immediately transferred to safety. They also have a sole-provider regulation which says that if there are two parents serving in a combat area and one is killed, the other will immediately be transferred to a safe area.

That is fine as far as it goes. But what we are really seeking to do is to get the Defense Department to take the next logical step, which is to recognize that in this day and age of long-range missiles and chemical and biological warfare, if you wait until one parent is killed, it may be too late to transfer the other because they may both be killed in the same Scud attack, in the same chemical weapon attack, or in the same biological warfare attack, none of which we want to contemplate, none of which we want to happen. War being unpredictable, dangerous, and horrible as it is, we all well know these things could happen, even if they do not.

So our sense-of-the-Senate resolution simply says to the Pentagon, please update your regulations to extend the spirit of your sole-survivor and sole-provider regulations to take into account this first new reality of the modern battlefield; namely, that people who are not in the front lines, people who are not actually in combat—we have a law that says women cannot be in combat, of course—that that distinction now is really not a valid distinction and, therefore, you must update your policy to be contemporary.

The second reason is to recognize the very, in many ways, unfortunate reality that the American family is not what it used to be. The American family used to be a two-parent family with children, and when one person was the breadwinner or, when there was a time of need, one person went to serve in the military, the other person, usually the wife, stayed home with the children.

What we are confronted with today are two changes in our society. First, economics have driven both parents 60 percent of the time into the work force and sometimes that means both into the military. There are many military couples, and there are some 1,200 of them, maybe 2,400 of them—the numbers keep changing—serving in Operation Desert Storm.

The second change that is just as momentous and is the one that, at least in my personal judgment, is the unfortunate one, apart from the fact that it is unfortunate that economics has driven people unwillingly into the work force, is the fact that we have very large numbers of single-parent families. I say unfortunately because I believe it would be better if people did learn to live together happily for there to be two-parent families, but that is not the way it is. I think it is important for the military to recognize things as they are, not as any of us want them to be.

What this means for Operation Desert Shield is there are as many as 1,700 single parents with minor children serving in imminent danger. The thrust of this resolution is to say that in the case of bona fide single parents, a term I will define in a minute, that they should also have the right to request appropriate reassignment—it might be in the United States but not necessarily, but it does have to be out of the imminent danger zone—so that the child's sole parent will not be destroyed and that child will not become an orphan.

Mr. President, it should seem self-evident to people that a great country—and we are a great country—that is fighting a war for justice, the justice of restoring to its people a country that never did anybody any harm but was invaded and raped and pillaged by Saddam Hussein; a country which is, as we sit or stand here on the Senate floor, going to great lengths to protect Iraqi civilians, women and children, against unnecessary harm, having our pilots fly lower and take more risks, having our military not attack certain targets because they have been located in civilian areas; our country, which is great enough to do that, even though it risks considerable harm and danger to our fighting men and women, would be at this point unwilling to make even the most minor accommodations to protect the welfare of American children from being made orphans at the same time as we are going to extraordinary lengths to prevent Iraqi children from being made orphans.

So we have drafted this resolution to urge the Defense Department to make the necessary changes in their regulations. I hope, if the Senate adopts this legislation, as I hope they will, that the Defense Department will, in fact, do so.

There has been a lot of misunderstanding about this whole issue. There are three misunderstandings I would like to lay to rest. The first is a factual issue, and it has to do with how many people serving in Operation Desert Shield this legislation might affect. I have to tell my colleagues, Mr. President, the numbers have been very hard to come by because every day the Pentagon changes its numbers. We started with the estimate that there were some 40,000 married couples worldwide in the military. The number then went to 100,000. Then last week it was down to 70,000. The number of single parents in Operation Desert Shield has varied all over the lot. One figure of that was 1,700, together with the couples. This was the number that for the last 3 days the Defense Department public information office has been confirming as accurate.

Mr. President, let us assume for the moment that that is the accurate number; that 1,700 people, although it is not the case, might be eligible to request reassignment under this legislation. That would amount, if they all were eligible and if they all requested it, to less than 3 percent of our entire complement of military assigned to Operation Desert Storm. I have to believe that, even in the worst case, that 3 percent is in the manageable range, and it is a figure that is lower than that.

Why do I say it is lower than that? In the first instance, the military will admit that the single parents they are talking about are only people who have listed a child as a dependent. That is not enough to qualify as a single parent. You may list a child as a dependent, but you may have joint custody of a child with your spouse. Indeed, our best guesstimate is that a maximum of one-third of the 16,000-and-some-odd single parents that the Defense Department estimated are deployed in Desert Shield would, in fact, be bona fide single parents, would be either the sole-surviving parent or would be separated or divorced with the other spouse or former spouse having been declared an unfit parent. That is the definition in this legislation.

And second, most of the people serving in Desert Shield—and it includes this group as well—are very loyal Americans and loyal to the duty to which they have been assigned or called. I would, therefore, be surprised if but a small fraction of them would use the option that this regulation would provide to request appropriate assignment.

Having said that, therefore, my conclusion would be that a tiny fraction of the roughly 17,000 people would be eligible and would be likely to request reassignment.

Mr. President, some people would say—and this is the second point I would make—this nonetheless could be a hazard if our military men or women were assigned to some essential duty in the Persian Gulf.

Obviously, nobody in their right mind would want a policy, as we are on the eve of what everybody says is a ground offensive, to take any risks with the lives of other military, and that is why this resolution makes explicit provision for the Defense Department to deny reassignment requests of eligible individuals if "it would have a negative impact on the safety, the mission capability or combat effectiveness of the unit to which the service person making the request is assigned."

To put it in English, if we happen to have a shortage of trained people manning Patriot batteries in Riyadh, obviously we would not want to risk the safety of others in Riyadh by transferring a very much needed Patriot battery operator out of that theater, and so we make explicit provision for safeguarding people in the military, safeguarding the military from having to make transfers from those essential functions.

Therefore, those who would argue that this will somehow endanger the military in the performance of its duty I think have no leg on which to stand.

The third point I make is that there had been kind of a bogus argument put forward that this legislation would somehow prejudice members of the military who were single parents, or who both served in the military by creating what somebody has called a mommy track.

Mr. President, whoever thought up that particular sentence must be one of the all time sexists or they are simply uninformed, because the fact is that the vast majority of the single parents—and I would not be surprised if it was 80 percent or more—to whom the number of 16,300 applies are undoubtedly male single parents, and it shows the ignorance of critics to an amazing extent to suggest that this creates a mommy track.

What it does, Mr. President, is create a track at the option of the individual who is eligible, and only at their option, to safeguard their child from becoming an orphan. That is why, at least in this Senator's judgment, this is not a parents' issue; this is a children's issue, and it is the principle that no child should have to risk becoming an American orphan that underlies this resolution.

One last point I wish to make, at least at this time, is that this legislation has been carefully crafted to solve some very real human problems. One of those problems came to my attention just yesterday when a constituent of mine, a man from eastern Pennsylvania, southeastern Pennsylvania, got in touch with me and indicated that he had for some time been on Active Duty but had performed his responsibilities and went into the Inactive Reserve, as people are required to do. His wife, from whom I gather he is separated or divorced, is in the Navy. She is serving in Operation Desert Shield, literally in the Persian Gulf, and he is the sole parent of a 4-year-old child who is in counseling because of the existing family situation, at least I so surmise.

This father's situation is that he has just been called up from inactive status to Active Duty to report to Camp Lejeune. He has no parents. He has no brothers. He has no cousins. He has no uncles. He has no grandparents. In fact, he is this 4-year-old child's only family, and he is in something of a quandry, you might say, as to what to do. This individual is probably far more typical of the kinds of individuals whose children need the help that this resolution would provide.

There is something else that is instructive about this example as well. I have also heard people say that people signed up for the volunteer military knowing what they were getting into.

Mr. President, that is true in many cases, but in some cases, frankly, it is not true. There have been people serving in our military and who are now in the Reserves, both Active and Inactive, who went into the military at a time before we had developed what is known as the total force concept, that is to say, integrating the Reserves into our active military upon calling up just as if they were an integral part of the military.

Many of us who served in the military and also in the Reserves a few years ago—and in my case it has been more years than I would care to admit—will remember that the Reserves were at best an adjunct and at worst an irrelevance to our standing military for many years. I remember when I was in my Reserve unit being assigned during our 2-week summer training camp experience to Andrews Air Force Base, and our unit was so unprepared that they refused to let us train on the equipment at Andrews Air Force Base because we lacked the proper clearances to do so. That was the so-called Ready Reserves of many years ago.

The point is that we have people who have been in the military for some time and the military has changed the rules on them while they have been in the military, so they have not, frankly, been able to exercise a totally free choice of will.

The second question, of course, is that our military also is comprised of many people who, when they joined up at an early age, did not know exactly what the responsibilities of parenthood would entail. Subsequently, it might have been 2, it might have been 4, it might have been several years later that they became mothers and fathers. Their family status, also unanticipated, may have been changed. They may have been separated and divorced. It seems to me to be unrealistic for us to say that an 18-year-old who enlisted in the military should be able to anticipate all the things that could happen to them in their marital life, in their future as parents, at the moment they joined up with the military.

But even if somebody does not grant that premise—I think it is a hard one not to grant—there is one last point that needs to be made. Even if you grant all the risks in the military come with the territory and that the adult who joined the military volunteered for those risks, even though that is an invalid stereotype, as I pointed out, the concern we ought to have in this body, the concern that the Pentagon ought to have, the concern I understand Barbara Bush has, and I hope the President has, is a concern for those individuals who had no choice, and those are the children who stand to lose very dearly from an outmoded, outdated Pentagon policy that goes halfway but not far enough.

When I say that these children stand to lose dearly from the standpoint of a 4-year-old, a 5-year-old, or a 6-year-old, who stand to lose their only parent or both parents, to lose one or both parents, it is not just to lose dearly—it is to lose everything.

So let me conclude where I began which is this: we have been saying that we are concerned about civilians and innocent women and children in Riyadh. We have deplored as we should have Scud missiles being shot at innocent civilians whether they are in Riyadh or in Israel. We have denounced—indeed we are fighting a war for the terrible tragedies that have befallen innocent people, women, and children included, in Kuwait, thanks to Saddam Hussein.

What this resolution simply asks—and I repeat "asks"—is that the Pentagon show as much concern for American children as we do for Iraqi children, and not make American children orphans and casualties of this war when it is not necessary to do so.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. BRYAN). Who seeks recognition?

The Senator from Ohio [Mr. GLENN] is recognized.

Mr. GLENN. Mr. President, I know this amendment is very well intended. It is certainly so. I am not sure that we understand all of the ramifications of this.

Let me give the background by saying that we have been getting together both on the Democratic side and on the Republican side a package of legislative proposals that include all of those things which have been introduced so far to look at them as a package, get them through committees, and back out on the floor so that certainly in a short time period we would be able to address all of these concerns.

This proposal, S. 325, by the distinguished Senator from Pennsylvania is one of those items that we would like to consider.

Mr. President, let me say that I know that all of our men and women in uniform and deployed in the Persian Gulf are all making a very big sacrifice to serve this country. Single military parents and military personnel who are married and have dependents obviously bear an additional burden. There is no doubt about that.

However, Mr. President, I believe that single military parents and military members who are married and have dependents know and accept the risk of military service. This is not new. It is something that has been there for a long time.

I say this because these personnel are required by the military to have certified written custodial agreements for their dependents for contingencies just such as this one that we are engaged in that could require their presence away from their dependents for an extended period of time. Let me repeat that. These members of the military would not be permitted to be in the military had they not made such arrangements and have certified written custodial agreements on file for their dependents.

Without such agreements these personnel are not allowed to enlist or to remain in the military. These personnel could have avoided this risk by voluntarily separating from the military.

Mr. President, this is not new. This has been in existence for some time. There also are appeals procedures for this in case something is changed—in case one of these custodial agreements may not have been updated at the right time; in case a grandparent—that was going to serve as a custodian while the military member was off on whatever duty that person might be assigned to—had passed away. Certainly there are contingencies like this that should be considered, a hardship that could not be foreseen at the time the custodial agreement was made.

But, Mr. President, having said this I know how tough it is when the reality of a contingency requires the execution of custodial agreement. Certainly many of these people never expected to be over in the Persian Gulf area. But they accepted that responsibility—accepted it willingly, and made the custodial agreements or they would not have been permitted to be in the military to begin with. That agreement was to cover exactly such situations as we are in right now.

So the emotional strain of separation, whatever the reason, is very hard on both the parents and the dependents. I am not insensitive to this. But I believe that this is an issue we need to very, very carefully consider.

Let me just bring up a couple of examples. Should we in the future prohibit single parents in the military, and should we require one member of a service couple to separate from the service if they have dependents? If not, how would you decide which parent goes and which stays behind?

Then another case: Would all single parents never be deployed, no matter what the situation? Who would fill vacancies in units in such cases?

Even take a worst-case situation: How would you like to go and explain the death of a replacement to a survivor? Do you think it would be fair to place a higher value on the life of members with dependents than those without dependents?

We could go on dreaming up questions like these that need to be addressed and answered. These and many other questions are indeed raised by this amendment.

So I say to my colleagues that this is a very delicate, complicated matter. I am not sure we will be doing just service to the combat readiness of our Armed Forces. That after all is the bottom line. Indeed, will we be acting fairly by adopting this amendment?

So I hope, Mr. President, the Senator will withdraw this amendment and allow the Armed Services Committee to give the bill that he has introduced, S. 325, which is addressed by this amendment, the kind of thorough and thoughtful consideration it deserves so we can vote on it on a more informed basis.

Mr. President, following some questions during one of our briefings up in the classified area, room S-407, about a week or 2 weeks ago almost, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff wrote a letter to the distinguished majority leader explaining their views on this matter because it had been brought up in that classified briefing.

They wrote as follows. I think that I will read this letter because it expresses very well the view of the military and the rationale of the military for the situation that we are in.

> DEAR SENATOR MITCHELL: One of the matters raised in the session we had with the Senate yesterday was a proposed resolution expressing the sense of the Senate that we take immediate action to ensure that no single parents or military couples with children serve in the Desert Storm theater of operations. We both stated that we were strongly opposed to such a resolution and to the policy it encourages. We would like to take this opportunity to explain more fully the reasons for our opposition to the policy and to the draft resolution prepared by Senator Heinz. We have discussed this matter with the Joint Chiefs of Staff, who join us in strongly opposing any such policy.
>
> The military is a profession of arms that ultimately exists for a single purpose: to do battle when called upon by the leadership of the United States. Every dollar we spend, every action we take, and every policy we adopt must and should support that purpose. All members of that profession of arms serving today are volunteers. They understand that when they volunteered to serve, they freely assumed the duty and obligation to place themselves in harm's way when called upon to do so. That shared obligation is crucial to the unit cohesion that is the foundation of our combat capability.
>
> That understanding and obligation is held equally by the single parents and military couples now serving around the world, including in the Desert Storm theater. Their exposure to the risks inherent in military service is not new. Years ago, the Department of Defense made the considered policy choice not to treat single parents and military couples as second class citizens, and to allow them to serve anywhere in the world, in every type of unit, and in any position. For decades, single parents and military couples have been serving well and honorably in places like Korea and Europe, places where the possibility of sudden and lethal combat was very real. They served in Operation Urgent Fury in Grenada and in Operation Just Cause in Panama. Their service and contributions, including their service in Operations Desert Shield and Desert Storm, have demonstrated the wisdom of that policy choice.
>
> We are and have been sensitive to the needs of all of our military families, including the special needs of our single parents and military couples. For that reason, we have a longstanding policy of requiring every single and military couple to maintain a current family care plan to ensure that their children are cared for when the parent or parents deploy. That policy is working well. Our single parents and military couples across the board have been meeting their obligations both as members of the military and as parents.
>
> In our view, it would be a serious mistake, particularly while we are engaged in combat, to reverse our longstanding policy that single parents and military couples are fully deployable and available for assignment anywhere in the world. Requiring their redeployment from the Desert Storm theater now would weaken our combat capability by removing key personnel from our deployed units and by undermining unit cohesion and esprit de corps. It would also break faith with our single parents and military couples and with their comrades who depend on them every day.
>
> We understand and appreciate your concern. We share that concern, not only for our single parents and military couples, but for every member of our Armed Forces who is serving in Operation Desert Storm. We urge you, however, not to allow that concern to lead you and your fellow Senators to call for a policy that, in our view, would be both unwarranted and unwise.

That is the end of the letter signed by Dick Cheney, Secretary of Defense; Colin Powell, Chairman of the Joint Chiefs of Staff.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. GLENN. Mr. President, let me finish my statement and then I will be glad to answer any questions.

Mr. President, there are some problems with the way this has been administered in the Defense Department. The problem to me, though, is not whether there is anything that requires the more draconian approach that the Senator from Pennsylvania proposes.

The problem has been not that they have not addressed this problem but that it is not uniform. You have an appeals procedure that is available in each one of the different services. If some new situation has arisen in which one of the care providers, who was depended upon to be a replacement if there was deployment of a military member, died or was not available, if some situation had changed, and it could not have been foreseen adequately, there is an appeals procedure and each one of the services has such an appeals procedure right now in place and working. So this is not something that has not been addressed or thought of.

But the problem is these are not uniform procedures and each service has a different way in which they consider these proposals for relief from an unforeseen situation.

So, Mr. President, one of the things that we do need is to provide for a uniform approach to this throughout the services. It is something that I believe that the Defense Department should have done on its own and taken the initiative to provide a long time ago. But that was not done and so we have nonuniform procedures for the different services.

A person in the Marine Corps who wanted to get relief under this might have a different consideration than someone in the Navy or Air Force or the Army, and that is not right. The people over there, sharing the similar kind of danger, the same kind of duty, basically would have different procedures applied to them or different considerations or criteria depending on which service they happened to be in.

One of the things I want to propose is that the Defense Department provide for uniform procedures for the whole of all the military structure within the Department of Defense. That is one thing.

The second element would be to have such standards and procedures prescribed to provide for the consideration of requests for reassignment, leave, or deferment from deployment based upon such unforeseen family circumstances.

Mr. President, I am prepared to offer an amendment in the second degree which would basically do that. It would state that it is the sense of the Senate that the Department of Defense is to be commended for the efforts it has made to be sensitive to the family needs—and some other language along that same line—that it is the sense of the Senate that the morale, and therefore the military effectiveness, of members of the Armed Forces with dependents who are deployed or otherwise assigned to areas where dependents cannot accompany them is increased when those members can be assured that appropriate steps have been taken to ensure that their dependents are being well cared for; that the Department of Defense has an interest in and responsibility for protecting the best interests of dependents; that military readiness and the interests of national security require that the Department of Defense have maximum flexibility in the assignment and deployment of military personnel; and that the Secretary of Defense should promptly prescribe regulations governing the assignment of members of the Armed Forces who are parents of minor children, which should provide that—this would be what they have to do.

It would be the sense of the Senate that the Secretary of Defense should provide policies and procedures that are uniform, insofar as practicable, among the military departments; that members of the Armed Forces who are parents are required to establish adequate child care arrangements in the event of deployment, something that is already in existence; that there be appropriate considerations given to the unique needs of single parents, of families in which both parents are members of the Armed Forces, and for newborn children; that standards and procedures are prescribed to provide for the consideration of requests for reassignment, leave, or deferment from deployment based upon unforeseen family circumstances; and that appropriate military consideration is given to the requirements of military readiness.

AMENDMENT NO. 6 TO AMENDMENT NO. 5

Mr. GLENN. Mr. President, I will offer this as an amendment in the second degree. I will send it to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, Mr. NUNN, and Mr. KOHL, proposes an amendment numbered 6 to amendment No. 5.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent to waive the reading of the amendment?

Mr. HEINZ. Mr. President, reserving the right to object, can the Senator provide copies of the amendment to this Senator?

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that there is no provision to reserve one's right to object on this issue.

Is there objection to the waiving of the reading of the amendment?

Mr. HEINZ. I have to object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. SARBANES. I am sure we can provide the Senator a copy of the amendment immediately. Did the Senator want it before it was read?

Mr. HEINZ. Yes.

Mr. President, I have just been given a copy of the amendment and I will withdraw my objection to having the reading dispensed with.

The PRESIDING OFFICER. The objection having been withdrawn, the request of the Senator from Ohio to waive further reading of the amendment is agreed to.

The amendment is as follows:

In the pending amendment, strike out everything after "(A)" and insert in lieu thereof the following:

It is the sense of the Senate that—

(1) the Department of Defense is to be commended for the efforts it has made to be sensitive to the family needs of members of the Armed Forces consistent with military requirements;

(2) the morale (and therefore the military effectiveness) of members of the Armed Forces with dependents who are deployed or otherwise assigned to areas where dependents cannot accompany them is increased when those members can be assured that appropriate steps have been taken to ensure that their dependents are being well cared for;

(3) the Department of Defense has an interest in and responsibility for protecting the best interests of dependents of members of the Armed Forces;

(4) military readiness and the interests of national security require that the Department of Defense have maximum flexibility in the assignment and deployment of military personnel; and

(5) The Secretary of Defense should promptly prescribe regulations governing the assignment of members of the Armed Forces who are parents of minor children, which should provide that—

(A) policies and procedures are uniform, insofar as practicable, among the military departments;

(B) members of the Armed Forces who are parents are required to establish adequate child care arrangements in the event of deployment;

(C) appropriate consideration is given to the unique needs of—

(i) single parents;

(ii) families in which both parents are members of the Armed Forces;

(iii) newborn children.

(D) standards and procedures are prescribed to provide for the consideration of requests for reassignment, leave, or deferment from deployment based upon unforseen family circumstances; and

(E) appropriate consideration is given to the requirements of military readiness.

Mr. HEINZ addressed the Chair.

Mr. GLENN. Mr. President, do I still have the floor?

Mr. HEINZ. No.

The PRESIDING OFFICER. By sending up the amendment, the Senator from Ohio lost the floor.

The Senator from Pennsylvania is recognized by the Chair.

Mr. GLENN. Mr. President, parliamentary inquiry. Is the pending business before the Senate the amendment in the second degree that I submitted?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Pennsylvania.

Mr. SARBANES. Will the Senator from Pennsylvania yield for an inquiry?

Mr. HEINZ. If I may do so without losing my right to the floor, I am pleased to yield to the Senator from Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. I wonder, now that the Senator from Pennsylvania has proposed his amendment and made a statement on it, and the Senator from Ohio has proposed a second-degree amendment and made a statement on it, whether we could arrive at some time agreement now for the consideration of this matter. It would be very helpful to our colleagues to have some notion of how long this debate would go and then when they might expect votes. I would like to try to accommodate them in that regard.

Of course, both Senators have had an opportunity to make somewhat extended statements. I wonder if a half-hour evenly divided would accommodate the Senators.

Mr. GLENN. Mr. President, I have said about all I need to say on this except to answer any questions anyone might have with my proposal. There may be other Members on the other side who wish to speak on this subject who are on the same side I am on.

Mr. HEINZ. Mr. President, I may be prepared in a minute or two to agree to such a unanimous-consent request, but there are certain parliamentary inquiries I need to propound to the Chair before I can make any such agreement, which is why the Senator from Pennsylvania sought recognition.

Mr. GLENN. Will the Senator yield just for a comment?

Mr. HEINZ. I am pleased to yield to the Senator from Ohio.

Mr. GLENN. I apologize to the Senator from Pennsylvania. I was under the impression he already had a copy of this. I apologize that he does not have a copy.

The PRESIDING OFFICER. The Senator from Pennsylvania retains the floor.

Mr. HEINZ. Mr. President, first I would like to propound a parliamentary inquiry. If the amendment of the Senator from Ohio is adopted by the Senate, would it displace the language that I have at the desk? Is it a substitute?

The PRESIDING OFFICER. The amendment by the Senator from Ohio is drafted as a perfecting amendment and the adoption of the perfecting amendment offered by the Senator from Ohio would have the effect of striking much of the language contained in the amendment in the first degree of the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, a second parliamentary inquiry. If the amendment of the Senator from Ohio were in fact to be adopted and to so displace my language, would it be subject to amendment?

The PRESIDING OFFICER. It would be subject to further amendment.

Mr. HEINZ. Mr. President, I would suggest to the Senator from Ohio that he withdraw his amendment. I will tell him why. I am perfectly prepared to adopt his amendment on a voice vote and then offer my amendment as an amendment to it. I would like a vote on my amendment.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania retains the floor.

Mr. HEINZ. Mr. President, I ask unanimous consent that a quorum call be entered into and that I might be recognized at the conclusion of the quorum call.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HEINZ. Mr. President, I would be happy to yield to the Senator from Arizona without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Pennsylvania, which the Chair construed as more than just yielding for the purposes of a question?

Mr. HEINZ. Yes. In order to expedite the business of the Senate and to provide Senator MCCAIN of Arizona with an opportunity to address the Senate, I ask unanimous consent, since Senator GLENN wanted to put in a quorum call, that I might yield to the Senator from Arizona without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. I would not object, Mr. President. If I might ask a question. The Senator specified there would be a voice vote. I planned, if it was not acceptable, that we would go to a rollcall vote. Does the Senator want specifically a voice vote?

Mr. HEINZ. Mr. President, what the Senator from Pennsylvania suggested is if the Senator intends to pursue his amendment to my sense-of-the-Senate resolution, which is a substitute, I am prepared to follow the following parliamentary tactic: I am prepared to agree to his amendment on a voice vote and then offer, in effect, my original amendment, as I understand I am permitted to do if I change just a word or two in it, as an amendment to his amendment.

The point I am trying to make to him is if he is trying to have a substitute on which there will be a vote, he will not succeed in that objective and we will be here a very long time tonight casting what are in effect meaningless votes until we have a vote on the substance of my sense-of-the-Senate resolution.

What I am suggesting to him is his tactic, which we have all used from time to time when it comes to a sense-of-the-Senate resolution, is not an effective tactic to deny the Senate a vote on such a resolution.

The PRESIDING OFFICER. The issue before the body is a unanimous-consent request propounded by the Senator from Pennsylvania to yield to the distinguished Senator from Arizona without losing his right to the floor. Is there objection to that unanimous-consent request?

Mr. WARNER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER].

Mr. WARNER. Mr. President, I wonder if I might address both the Senator from Ohio and the Senator from Pennsylvania. There are several Senators anxious to speak to the substance of the issue. Could not the two Senators who are working on a procedural aspect of addressing this matter retire from the floor and perhaps resolve it so other Senators might continue to address the substance of the issue?

The distinguished Senator from Arizona is a ranking member on the Armed Services Committee, the Personnel Subcommittee, and I am quite anxious to hear his views, as are other Senators, and perhaps at some time I may wish to contribute my own views on this issue. So I am wondering if somehow we can untangle this parliamentary wrangle and have the two distinguished Senators from Ohio and Pennsylvania retire for the purposes of recommending a procedure to the Senate.

The PRESIDING OFFICER. The Chair is still confronted with an outstanding unanimous-consent request that the distinguished Senator from Arizona [Mr. MCCAIN], be yielded time to speak to the issue without the Senator from Pennsylvania losing his right to the floor.

Is there objection to that unanimous-consent request?

The Chair, hearing none, pursuant to the unanimous-consent request, the distinguished Senator from Arizona [Mr. MCCAIN] is recognized.

Mr. MCCAIN. Mr. President, may I propound an amendment to that unanimous-consent request that the distinguished Senator from Virginia also be allowed to speak upon completion of my speaking?

Mr. HEINZ. Without the Senator from Pennsylvania losing his right to the floor.

Mr. MCCAIN. Without the Senator from Pennsylvania losing his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair, hearing none, following the Senator from Arizona [Mr. MCCAIN], the Senator from Virginia [Mr. WARNER] will be recognized, after which the Senator from Pennsylvania will reclaim his right to the floor.

The Senator from Arizona [Mr. MCCAIN] is recognized to make a statement.

Mr. MCCAIN. I thank the Chair, and I thank him for his parliamentary assistance so that we may speak on the substance of this issue. We are very grateful.

Mr. President, I will be brief because Senator GLENN, my friend and colleague from Ohio, who is the chairman of the Subcommittee on Manpower and Personnel, and who has a very long record of experience on these issues, has pretty well stated the case.

The hour is late. I think most Members of this body would like to dispense with this issue as rapidly as possible. So we are hoping that the negotiations that are taking place as we speak will be successful.

I would like to make several points, Mr. President. First of all, the Department of Defense has shown, as Mr. Stephen Duncan, who is the Assistant Secretary of Defense for Reserve Affairs, said yesterday, that the system is neither rigid nor inflexible.

The Department of Defense, I have been assured, is prepared to act, as they have already acted in some 120 cases where hardship exists. And clearly, Mr. President, there are cases of hardship.

We are going to hear in a few moments from my friend from Virginia, who just returned from a visit to the Persian Gulf, where he had the opportunity of discussing this and many other issues with the men and women who are serving in the gulf.

So in the short term, Mr. President, if there is a compelling humanitarian case, I have been assured by Secretary of Defense Cheney, General Powell, and others, that all humanitarian efforts will be made to address these issues and individual cases that deserve it.

In the meantime, I think the perfecting amendment of the Senator from Ohio is entirely appropriate. That calls on the Secretary of Defense to promulgate regulations and rules, which would be uniform throughout the services, and would then give us a basis not only for treatment of these cases as they exist today, but frankly, Mr. President, rules and regulations under which we recruit and retain men and women in the Guard and Reserve forces, as well as the active duty military, so that we can avoid these very compelling cases that we have read and heard so much about through the media and through calls to our offices.

I am proud that some 5,000 Arizonans, guards and reservists, have been called to active duty and are now serving in the gulf. We have received in our office several cases of individual hardship because of a single parent or both parents being called to duty.

I must say that the Department of Defense has shown a very rapid and frankly cooperative attitude, and has settled most of these issues to the satisfaction of the individuals and family members involved.

Let me also point out a reality, if I could here, Mr. President. Riyadh and Dhahran, and some of the rear areas—I think you could make a case—are safer than some places that these men and women could be stationed in the United States of America. Yes, there is the threat of a Scud missile attack. But we know that the Patriots are working well and in the last week to 2 weeks there have been little or no civilian casualties. And to my knowledge, there have not been any military casualties inflicted by the Scud missiles on our military personnel.

I think one of the policies the Department of Defense is ensuring is happening is that if there are two parents, one of them is in a rear area where, frankly, as I said, they are safer than they might be—and I emphasize might be—on the streets of our Nation's Capital, if you look at mortality rates, murders, et cetera.

So I believe at this particular point in time, when we are hinging, as we speak, on the initiation of a ground war, it will be very disruptive at this moment in time if we enact this resolution, which clearly requires significant changes of station, and perhaps would impact on the combat capability of the units which would be affected.

Mr. President, as I said, I will be brief. In summary, I think Senator GLENN's perfecting amendment here strikes the right balance. It calls on the Secretary of Defense to promulgate the kinds of rules and regulations which I think are appropriate, and at the same time urges the Department of Defense to continue to act in the most humanitarian and lenient fashion, and make accommodations for those men and women who are experiencing significant hardship.

Let us face it, Mr. President; not all of the hardships are the same. Some cases are without hardship, and some are very, very significant and compelling.

Mr. President, at this time I yield to my colleague from Virginia, the distinguished ranking minority member of the Armed Services Committee, who brings to this issue significant experience as a former Secretary of the Navy, and who has spent many years on personnel issues of this nature.

I yield to the Senator from Virginia.

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement, the Chair recognizes the Senator from Virginia [Mr. WARNER].

Mr. WARNER. Mr. President, I thank my distinguished colleague from Arizona. Indeed, the Senate is fortunate to have Senator GLENN and Senator MCCAIN, two individuals who have given much of their career lifespan to the military, and who bring that experience necessary to make tough decisions as we have now before us.

I would like to recount the following experience which I have had here in the past 24 or 36 hours, together with Senator NUNN, Senator STEVENS, and Senator INOUYE. The four of us were asked by the Secretary of Defense, on very short notice, to make a trip to the gulf region. As we exited the gulf region, we went to Tel Aviv, Israel, for the purpose of conferring with them on a wide range of issues.

This morning, we went to visit a Patriot site, manned and operated by United States military personnel and Israeli personnel, which site was activated last night or the night before to interdict a Scud missile. I mention that because I was astonished to learn that this site was picked up in Germany, and within 26 hours was moved to the region of Tel Aviv, Israel, and was operational. There were men and women in that battery. As we are here on the floor debating that issue, that battery is operated by service men and service women.

With this type of an amendment, the service women could have opted not to accompany that battery, on short notice, from Germany to Tel Aviv, where it was absolutely essential. That is the type of circumstance that we will be confronted with should legislation evolve out of the proposal of the Senator from Pennsylvania.

While on this trip, I was aboard naval ships. There were on ships which I visited single parents. Any of those ships could be performing a mission unrelated to a crisis, and within a moment's notice, could be diverted on the high seas into a crisis situation where there is risk of loss of life. How do you extract that sailor from a ship on the high seas? How do you fill in the vacancy that would be created by his departure?

These things bring to mind the seriousness of this issue, and the need for the Senate Armed Services Committee, in conjunction with the Secretary of Defense and the Chairman of the Joint Chiefs, to carefully go over the background of this issue and try to reach a decision that is balanced and is in the interests of the individuals, as well as the services in which they proudly serve.

Our four-person delegation had the opportunity, and seized upon it, to meet with literally hundreds of service individuals now in the gulf. Not one, Mr. President, raised this issue; not one. In briefings with General Schwarzkopf, down to the 1st sergeants and enlisted personnel, not once was this issue raised.

Being a single parent—I have no experience myself, although I had the privilege, the wonderful honor, of raising three children—is not an easy task. It requires a special person, one who is highly dedicated, particularly if that person wants to pursue a career in the military, recognizing that he or she may be called upon to serve in an area where there is a risk of loss of life or injury. That is a special individual.

We would be making that individual a second-class citizen were legislation of this type passed—a second class citizen. Those of us who have been fortunate enough to serve in the military recognize there is tremendous peer pressure, as there is in other walks of life, or careers. I do not want to see that individual become a second-class person.

I question whether they can even be assigned to units subject to deployment while we are in a peacetime situation. Why would a unit commander want to expend the time and the money to train an individual in a military expertise if that individual could opt out were that unit to be deployed overseas in a time of crisis?

So, Mr. President, I associate myself with the distinguished Senator from Ohio and the Senator from Arizona and the legislative course of action that they are embarked on now.

Mr. HEINZ. Will the Senator from Virginia yield for an inquiry?

Mr. WARNER. Yes.

Mr. HEINZ. Mr. President, I listened quite closely to some of his comments about how we risk creating second-class military citizens, because to confer on any group in the military a particular right to request or a particular benefit may, if I understand the Senator correctly, create a burden for them that would render them second class.

Does the Senator from Virginia consider women to be second-class members of the military?

Mr. WARNER. Mr. President, I was momentarily diverted. Would the Senator repeat his question?

Mr. HEINZ. Mr. President, I was asking the Senator from Virginia if he considered women second-class members of the military.

Mr. WARNER. Mr. President, I am almost embarrassed to have been asked that question. Certainly not. As a matter of fact, I have been given the opportunity to serve in uniform in World War II. I served again in uniform in Korea. I was Secretary of the Navy for over 5 years. I was with Senator NUNN when we went down to the Panama operation. I have seen men and women serving side by side throughout my career. It has been a privilege. The answer is a blunt, direct no.

Mr. HEINZ. Mr. President, that is exactly the answer that I expected from the Senator from Virginia, and, as far as I know, that is an absolutely accurate answer. The Senator from Virginia treats people exactly the same, irrespective of sex, gender, race, creed, or anything else, as far as I have ever known him.

The reason I asked him the question, of course, is not to question his own personal attitude toward women, but to ask him why, if he has just made the argument that conferring a different set of duties on one group as opposed to another, as he has so eloquently argued, creates a second-class citizen, how he would explain the fact that the Senate and the House have excluded women from combat duty?

Mr. WARNER. Mr. President, this requires some time to respond. The legislation currently on the books is different for the Army, the Navy, and the Air Force. There are exclusions which say that women cannot be trained and serve in what we call the combat armed groups. That is a decision reviewed time and time again by the Congress, and it is likely to be reviewed in the aftermath of this military action.

I saw over there men and women working side by side 18 hours a day. The men repeatedly, upon response to my questions, said the women are toughing it out as well, if not better, than the men. It is a question we have to consider. And they have personal risks from Scud attacks, from possible terrorist attacks coequal with that of men. But that is a judgment the Congress has made.

Let me point out a direct example of what is likely to happen. The current military budget submitted by the President requires a 25-percent reduction in military personnel over the coming 5 fiscal years. Were legislation of the type recommended by the Senator from Pennsylvania adopted, I anticipate that single parents will be the first object of involuntary separation from the military services for the very reason that he is trying to propose in his legislation. They become less serviceable in a time of crisis.

Mr. HEINZ. Will the Senator yield further for an inquiry?

Mr. WARNER. Yes.

Mr. HEINZ. Mr. President, the Senator from Virginia makes an interesting point which we ought to pursue one step further, and it is this: At any point in time, the women in our military, I am told—this is a Pentagon estimate—15 percent of all the women in our military are pregnant at any one point in time. The Defense Department just recently provided that piece of information.

It is also true that in such service, there is provision for leave—in the case of the Army, I think it is 2 weeks, but it can be extended to 6 weeks—for anybody who is pregnant. Certainly, 6 weeks is a significant interruption of duty. By the way, from discussions I used to have with my wife when she was pregnant with each of my three sons, 9 months is nothing to write home about in terms of the ability to move around agilely and quickly.

Realistically, the military already recognizes that a very substantial and very important complement of our military, women who get married, have kids while they are in the military, are, in fact, in a very different status because of that. They do have children; they get special benefits; they get special leave. Nobody is suggesting we ought to send a woman who is 8 or 9 months pregnant—I do not think—to Operation Desert Shield to operate a Patriot battery, and I do not think anybody really wants anybody who has just had a cesarean section to go right back over there, as one of my constituents from southwest Pennsylvania was forced to do.

It seems to me, Mr. President, if the Senator would respond, that there are already distinctions made that lead to different duties for certain classes of people—I have picked out one, women who get pregnant—and this has not in any way operated as a bar to their enlistment in the military or to their promotion in the military. Yet, the Senator makes the interesting argument that single parents—and, of course, we are talking about bona fide single parents—would be discriminated against even through pregnant women in the military and mothers with newborns in the military, would not be discriminated against. My question is why would the military discriminate against one and not the other?

Mr. WARNER. Mr. President, I think the word "discriminate" is perhaps an unfair word.

Mr. HEINZ. I apologize to my friend.

Mr. WARNER. I just do not want to get into this whole category of the problems or differentiation associated with individuals when they become pregnant. I do not see quite the relevancy here. I am focused on the following issue:

The Commander in Chief, our President; the Secretary of Defense; and the Chairman are entrusted to raise, equip, and train a military force which must be deployed in times of crisis. And to do that requires a lot of planing. If we are going to establish the type of categories that the Senator from Pennsylvania desires whereby individuals could suddenly opt out of those deployments by virtue of a single-parent status, I can tell my colleagues, based on my own experience, they are going to be second-class citizens, they are going to be targeted for early release, involuntary release, right now as we begin our 25-percent personnel cut after the gulf situation has been resolved one way or another. To place upon these courageous persons who are single parents who want to pursue a military career this type of situation I think is just very, very unfair.

Mr. HEINZ. Mr. President, if the Senator will yield further.

Mr. WARNER. Mr. President, I believe the Senator from Pennsylvania has the floor.

Mr. HEINZ. Mr. President, I propounded that question to the Senator from Virginia for this reason. If it is true that giving a single parent with minor children, who is probably a man about 80 percent of the time and who is, in fact, a bona fide single parent—that is to say, there is either no living natural mother or the natural mother has been declared an unfit parent, that is the definition we are working with—and they are going to be treated, in the words of the Senator from Virginia, as second-class citizens because they will be some kind of a risk to the military when combat duty calls, I wonder how the Senator from Virginia can say that women who run the risk of becoming pregnant at inconvenient times would not also be, in his terminology, second-class citizens because they would not be in a position to go into combat by virtue of being in their eight or ninth month of pregnancy or being in a postpartum situation.

Now, if the Senator is willing to say that women are going to be second-class citizens because they have the ability to bear babies, and in the military they do, and that 15 percent of them, 1 out 7 or 8, at one time are pregnant, then I will grant him his premise. But if he is not willing to make the same argument abut women and pregnancy, then I cannot grant his premise.

Mr. WARNER. Mr. President, I simply do not see the relevancy between the argument about the women——

Mr. HEINZ. We are talking about parenthood, that is the relevancy. We are talking about children in both cases.

Mr. WARNER. Mr. President, if I can finish, I do not see the relevancy. The services have now adopted policies to make it possible for women to bear children and continue their military careers. It is a wide-ranging policy, far beyond the scope and time I wish to devote to this debate.

The key question is whether the military can plan. Pregnancy is a known event. It takes place. There is adequate time to plan for replacement of that individual in her unit. But this legislation—and I think one of the most dramatic examples I can think of is this Patriot battery—would undermine the ability of the military to plan with care because they do not know whether an individual who would fall within the category will or will not opt, once given orders to deploy to a combat area, to get out. That is the problem. It is as simple as that.

Mr. HEINZ. Mr. President, I thank the Senator from Virginia for his responses to my questions. I will take advantage of him by claiming the last word because it was my time.

He has said that he does not accept the relevance of the comparison between women who become pregnant and have babies in the military and giving single parents the right to opt out of that particular assignment to a hazardous duty area if they are in effect risking the orphaning of their child. The answer is that in both cases, it seems to this Senator, you have a human situation involving children. That is the result of pregnancy. That is the result of parenthood. That is the relevance.

The Senator from Virginia, quite rightly, points out that the military has come up with a set of policies and procedures—they are not uniform, and that is why the amendment of the Senator from Ohio makes sense. It is an attempt to make these uniform—that deal with women and pregnancy and motherhood.

That is very good and appropriate, but it is also true that in dealing and making policy for women who become pregnant and have babies they necessarily are treated differently. The sum and substance of the resolution offered by the Senator from Pennsylvania is that when there is the risk of creating an orphan, someone without any parents at all, the military should have a set of procedures just as careful about protecting very young Americans after they are born as at age 2, or 3, or 4 as we do protecting pregnant women, them and their babies right after they are born.

Mr. President, I think the Senator from Ohio and I want to enter into a unanimous-consent agreement.

Mr. SARBANES. If I could intrude into this debate for just a moment, I would like to make a unanimous-consent request along the lines that were discussed amongst all the parties just a few minutes ago. Why do I not read it and then I will defer for a moment in actually propounding it.

I ask unanimous consent that the pending Glenn amendment be withdrawn; that Senator GLENN be recognized to reoffer his amendment as a first-degree amendment; that a vote on the Glenn amendment occur at 7:30; that immediately upon the disposition of the Glenn amendment, without any intervening action or debate, the Senate proceed to vote on the Heinz amendment No. 5; that upon disposition of the Heinz amendment, no other amendments on the subject covered by these amendments be in order to this bill; and that the time between now and 7:30 be equally divided and under the control of the managers or their designees.

The PRESIDING OFFICER (Mr. DASCHLE). Is there an objection? The Chair hears none, and it is so ordered.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. SARBANES. Mr. President, I alert all Members therefore that there will be a vote beginning at 7:30 to be followed by another vote.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair assumes that the Senator from Ohio would control time on his side.

Mr. GLENN. Mr. President, I will be very brief.

Mr. SARBANES. I designate the time to the Senator from Ohio.

Mr. GARN. Mr. President, I would designate my time to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Ohio and the Senator from Pennsylvania will share time divided equally.

Mr. GLENN. Mr. President, what the amendment of the distinguished Senator from Pennsylvania, which will be the second vote, would provide is that the single parent or the two parents could request to be reassigned, and that would have to be done. That is the resolution. It is a sense-of-the-Senate resolution, but we would be recommending to the Secretary of Defense—and I will read this—"It is the sense of the Senate that provision be made at the request of the service person for preventing the assignment of the two parents or the single parent of a minor child or children to combat or imminent danger area, Desert Storm, and be it further resolved that the Secretary of Defense arrange for prompt and appropriate reassignment of one parent in those cases where a single parent," and so on and so on.

Mr. President, I want everybody to realize exactly where we are with this. We stand on the verge of the biggest war since World War II. We have over half-a-million people over there in Desert Shield. We have units that were put together with Reserves and with regulars and people that are parents. We have some 17,000 people over there right now theoretically that could apply for this situation, and if they followed the legislation of the distinguished Senator from Pennsylvania, the Secretary of Defense would theoretically have 17,000 people asking for reassignment, just on the verge of combat.

Mr. President, I think that is—I will not give my true feelings. Let us just say I think it is grossly unwise to do such a thing. This is not something these people went into lightly. It is something they fully understood going into this.

The first vote will be on my proposal, and it basically says that we want the policies and the procedures to be uniform throughout all the services.

There should not be the variation between the Air Force, the Army, the Navy, and the Marine Corps on how these people are treated. We say that, yes, there will be an appeals procedure. I say that the standards and procedures prescribed provide for the consideration of requests for reassignment, leave, or deferment from deployment based upon unforeseen family circumstances.

In other words, it should be based on the merit of each individual case, not some blanket assignment, not some blanket application that just applies to anybody that wants to apply—perhaps 17,000 people potential. I realize all those people are not going to apply. But should the unit retain that kind of possibility over there on the eve of a ground warfare situation? I think not.

Mr. President, at the appropriate time I will yield back the remainder of my time, but I would ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The Chair informs the Senator that the amendment has not been sent to the desk. Prior to the time the yeas and nays are ordered, the amendment must be sent.

AMENDMENT NO. 7

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, Mr. NUNN, and Mr. KOHL, proposes an amendment numbered 7.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

It is the sense of the Senate that—

(1) the Department of Defense is to be commended for the efforts it has made to be sensitive to the family needs of members of the Armed Forces consistent with military requirements;

(2) the morale (and therefore the military effectiveness) of members of the Armed Forces with dependents who are deployed or otherwise assigned to areas where dependent cannot accompany them is increased when those members can be assured that appropriate steps have been taken to ensure that their dependents are being well care for;

(3) the Department of Defense has an interest in and responsibility for protecting the best interests of dependents of members of the Armed Forces;

(4) military readiness and the interests of national security require that the Department of Defense have maximum flexibility in the assignment and deployment of military personnel; and

(5) the Secretary of Defense should promptly prescribe regulations governing the assignment of members of the Armed Forces who are parents of minor children, which should provide that—

(A) policies and procedures are uniform, insofar as practicable, among the military departments;

(B) members of the Armed Forces who are parents are required to establish adequate child care arrangements in the event of deployment;

(C) appropriate consideration is given to the unique needs of—

(i) single parents;

(ii) families in which both parents are members of the Armed Forces;

(iii) newborn children.

(D) standards and procedures are prescribed to provide for the consideration of requests for reassignment, leave, or deferment from deployment based upon unforseen family circumstances; and

(E) appropriate consideration is given to the requirements of military readiness.

Mr. GLENN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KOHL. Mr. President, this is a debate which I wish was not taking place today. For several weeks now, a number of us have been looking into this issue and trying to work something out which balances the needs of families and the needs of the military. There was a hearing on this issue just yesterday on the House side, a hearing which I think may have shed some light on how we can best address this problem. There have been discussions between DOD and various members. There have been discussions with the framework of the Persian Gulf Benefits Task Force about reaching a common position.

Now the Senator from Pennsylvania has staked out a position on this issue—he introduced a bill, S. 395, shortly after I have introduced S. 283. After introducing the bill he sought to get a vote on it, and when he failed to achieve that goal, he objected to consideration of the Soldiers' and Sailors' Relief Act. He now offers a version of his bill to the Export Administration Act. Obviously he feels strongly about the issue. And I respect that.

But I feel strongly about this issue too. So does the Department of Defense. So do our men and women in the military. So do a number of our colleagues. I would have preferred to continue discussing this issue to see if we could work out an approach which satisfied the legitimate needs of all interested parties. But we are where we are and I see no option but to engage in the debate.

Let me make a few comments about the amendment offered by Senator HEINZ.

First, I really do not think this language contains a policy we would want to see put into effect. The thrust of that policy is to prevent, upon request, the deployment of single parents or married couples with children into combat. Now no one wants young children orphaned because their parents are killed in combat. But I'll tell you the truth—I don't want anyone killed in combat. I've got letters from constituents who say, I have two brothers or two sisters in the gulf—get them out, I don't want them to die. I have letters that say I have a son or a daughter over there—get them out, I don't want them to die. In fact, I don't know of any soldier stationed in the gulf who doesn't have someone back here at home who believes that their death will devastate them and their families in some way, shape, or form. So do we really want to create two classes of people in the service: the ones who will die and the ones who won't because they have young children? I think the consequences of such an approach would be very difficult to justify, not because we don't want to protect children but because we want to protect everyone. How can we stop with just kids?

Second, I think Secretary Cheney and Chairman Powell have made it clear that this kind of policy could have devastating effects on military operations. I don't think we ought to ignore their opinions until we have good and sufficient evidence in opposition to their arguments. And I don't think we have that yet.

Finally, I do not think this language reflects the work that the Pentagon has already done on this issue. DOD is not a heartless institution. It cares about the people who serve in the Armed Forces. It has tried to help specific members of the service who have problems as a result of their family obligations; and it has tried to prevent those problems before they develop. Rather than bash the Pentagon, we ought to be working with them to refine the way we deal with this issue.

Given those objections, I am compelled to join with Senators NUNN and GLENN in offering an alternative.

I was prepared to offer a variation of my bill, S. 283, as a second-degree amendment, but I am not going to do that. My approach would actually enact a policy change for DOD, and I have been working with the Armed Services Committee and with DOD on it. But Senators GLENN and NUNN find themselves in a very difficult position now that this sense-of-the-Senate resolution is on the floor. I will continue to work with Senator GLENN and the Persian Gulf Personnel Benefits Task Force to fashion a responsible policy that balances the needs of family with the mandates of military necessity. But we are in the midst of a war, and this is not the time to rush action on the floor which will radically alter the current deployment. I believe there are some simple steps we can take to responsibly alter deployment policy, but this is not the time, and the Export Administration Act is not the right vehicle. The alternative sense-of-the-Senate amendment I offer with Senators NUNN and GLENN provides us the opportunity for a responsible vote.

This amendment does recognize, as Senator Heinz' amendment does not, that DOD is a professional organization and that the Department does indeed want to take care of its own. They have an appeals procedure in each of the services which has in fact resulted in many cases where honorable discharges have been granted to parents who truly faced hardships in finding ways to take care of their children due to their deployment in Operation Desert Storm. Now there can be improvement in those procedures, and this amendment suggests one avenue for improvement; namely, that the appeals process and regulations be uniform across the several services. There may be further changes we can consider at a later date.

This amendment also rightly states that the Department of Defense must give consideration to the dependents of military personnel. It does not go as far as I could go, but I think it is a far more appropriate action than that advocated by Senator HEINZ. I urge the adoption of this alternative amendment.

AMENDMENT NO. 5

Mr. HEINZ. Mr. President, is my amendment at the desk?

The PRESIDING OFFICER. The Senator's amendment is pending.

Mr. HEINZ. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HEINZ. Mr. President, I urge my colleagues to vote for both the Glenn amendment and the Heinz amendment, or, more properly, the Glenn resolution and the Heinz resolution. I want to point out that they both are meritorious but they do have different things.

The Glenn resolution is essentially aimed at correcting another problem, and a very real problem in our military; that is, that each of our services has very different policies as they affect parents with minor children, families who are single parents, families in which both parents are in the Armed Forces, differences in the way we treat both the mothers of newborn children and the fathers of newborn children. I salute him on this resolution. It is a very well-drafted resolution.

But it is also a very different issue than whether or not we should have a policy that recognizes that American children are at risk of becoming orphans because of outdated Pentagon policies and regulations that are just as outdated and confusing as the ones the Senator from Ohio seeks to correct.

I would just like to briefly say for the record that—I thank the Senator from Ohio for making this clear—nowhere near 17,000 people in Desert Storm would be affected by my resolution. The Pentagon has been unable to come up with good numbers on what constitutes a bona fide single parent. The best guesstimate anybody has is probably less than 4,000, and as the Senator from Ohio points out, one would expect very few of those people to actually apply for reassignment. They are committed military people. They are good people. They are determined to do their duty, notwithstanding that it is this Senator's position that they should have the option of protecting their children against becoming orphans.

Mr. President, I also heard here today on the floor—and I guess the Senator from Ohio was one of those who said it—that our military signed up, our men and women signed up knowing the risks.

I am reminded of a famous fable, the story of the miller's daughter and Rumpelstiltskin. The miller's daughter was the subject of a serious deal or claim made by her father.

The miller said to the king that his daughter had the ability to spin gold out of flax. When he made a deal with the king, the king said, "Fine. Your daughter is going to have to do that for me or I will obviously have to have her killed."

So the king went to the miller's daughter and locked her in a room and said, "You have got to spin some gold for me or it is over." She did not know what to do.

As luck would have it, this ugly dwarf, Rumpelstiltskin, appeared and said, "All right, I will tell you what I will do to save your life. I will turn that flax into gold but you are going to have to give me your first-born child."

The miller's daughter was not married, she was not pregnant, she was not thinking of getting married or getting pregnant, and she had a pretty awful choice. It was a promise which might not amount to anything to save her life. So she said, "All right, I am going to give you my first-born child in order to save my life, and please spin the flax into gold for me."

As the fable goes Rumpelstiltskin spun the gold, her life was spared, and when she got married later along came Rumpelstiltskin to claim her first-born child, and her only way out was to guess Rumpelstiltskin's name—a name I have trouble saying, as my colleagues will note.

As luck would have it, she was able to discover his name and save her first-born child from being taken away from the ugly, evil dwarf, Rumpelstiltskin.

I do not suggest the Senator from Ohio is an ugly, evil dwarf but I do suggest that the policy we are talking about in the military today—that he has said a deal is a deal—is the same kind of deal that Rumpelstiltskin made with the miller's daughter. It is not a deal that any human being should be forced to make because under our current Pentagon policy children are being forced to live with the fear and the reality that both their parents or their only parent that they may have could be killed in war.

Mr. President, that is a loss the Government cannot restore and one that these children should not have to sustain.

I urge a vote in favor of both the Glenn amendment resolution and the Heinz amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 2 minutes.

Mr. GLENN. I yield myself such time as I may use.

Mr. President, I will respond by saying that while there may be 17,000 people over there that would be eligible to apply for some sort of relief under this—as the distinguished Senator from Pennsylvania said—I would not expect that to happen. But even if it were only 10 percent, that is 1,700 people in these units—1,700 people being depended upon just as we are going to move into a ground war situation. We are leaving it up to combat commanders over there who have all sorts of things involved on their minds—battle plans and so on—they are supposed to sit down now and have some little committee or somebody in their command set up a judgment group on whether they relieve people. If so, do they get replacements? We are doing that on the eve of combat?

What I propose with the legislation I am about to vote on is that we make the policies and procedures uniform, and that we do indeed have standards and procedures that are there for consideration of requests.

That means situations like that will be based on merit. That is the way we should be going into the future.

Mr. President, is there any time remaining on the other side?

The PRESIDING OFFICER. No time remains.

Mr. GLENN. Mr. President, then we have time to vote on this. Everyone understands the situation.

I yield back the remainder of my time.

Mr. HEINZ. Mr. President, I ask unanimous consent that editorials from the Washington Post, Time magazine, the New York Times, USA Today, the Philadelphia Inquirer, the Wall Street Journal, the L.A. Times, the Philadelphia Daily News, the Pittsburgh Post Gazette, and the Reno Gazette Journal, all articles and editorials in favor of the Heinz resolution, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 14, 1991]

SHOULD MOTHERS GO TO WAR?

Is that the question to be answered, or is the issue broader than the military deployment of mothers? For Republican Sen. John Heinz and other members of Congress, concern is directed more toward the wisdom of a Pentagon assignment policy that places both parents or single parents of minor children in a theater of war. We think it is a valid concern.

What is not at issue is the role of women in the military or the assignment of women to combat units. Women have been serving with the armed forces overseas since World War II. Unlike the military establishment in the days of the WAVES, WACS and WAF, today's Pentagon doesn't waste time trying to find "suitable" duties for women. Female troops now are found arming attack planes, directing missiles, driving trucks and guarding supply depots.

The law is clear on women in combat too. They can't serve in combat units, but they do fill a number of combat-support slots. In the Persian Gulf theater, that is a distinction without much of a difference, since they are still directly in harm's way—thanks to Saddam Hussein's Scud missiles and land mines. Those dangers come with the territory, however, and are risks accepted by all who enlist in an all-volunteer service or the reserves. Our concern, in this instance, runs more to those without a choice who also stand to lose dearly—namely, the minor children of parents in imminent danger.

Today, children are being forced to live with the fear and reality that both their parents or the only parent they might have could be killed at war. That is a loss the government cannot restore, and one that these children should not have to sustain. Since World War II, the U.S. military has acted in several ways during wartime to show recognition of the family's enduring value in this country. During that war, and the Korean and Vietnam wars, the Department of Defense exempted a family's sole provider from the military draft. And since the wartime death of Nebraska's five Sullivan brothers on the same ship in 1942, family members have not been assigned to the same unit; furthermore, the sole survivor is removed from battle if the other siblings have been killed in combat.

Some of that spirit is evident in Operation Desert Storm troop deployment policies. If one parent is killed in the Persian Gulf, then the surviving spouse will be returned to the States. But as Republican Rep. Helen Bentley of Maryland, another critic of the policy, put it, "Obviously, this policy reflects the awareness that a child should at least have one parent. Then why not recognize that need up front—and keep one parent in the States?" Sen. Heinz has sponsored legislation that restricts the assignment of single parents or both parents to the Persian Gulf theater of operations. The administration doesn't have to wait for Congress to act, however. A stroke of the pen at the Pentagon can make it happen.

[From Time magazine, Feb. 18, 1991]

When Dad and Mom Go to War

(By Alain L. Sanders)

Brenda Jarmon of Tallahassee still remembers the chilling August phone call. Her daughter, Corporal Lynette Guthery of the Army's 24th Infantry Division (mechanized), based outside Hinesville, Ga., needed a precious favor. Could the 40-year-old grandmother take care of 2½-year-old Ikea—immediately? Both Lynette and her separated Army husband had been ordered to Saudi Arabia, and Ikea needed a new home right away. Of course, answered Jarmon, promptly placing her life, and her Ph.D. thesis in social work, on hold. She had signed papers earlier agreeing to become her granddaughter's guardian in case of a military deployment. But now she says, "I never thought of war; it never entered my mind."

Four weeks into Operation Desert Storm, the deadly reality of war has come home for the grandmothers and grandfathers, aunts and uncles, sisters and brothers and family friends who have suddenly been pressed into a very special type of war service: tending children whose parents or whose single parent has been shipped to the Persian Gulf.

The questions, doubts and fears surrounding these children are some of the most wrenching consequences of the nation's decision to develop an all-volunteer military and to give women an expanded and more egalitarian role in it. Only now is the Pentagon conducting a survey to determine how many single parents and military couples with minor children are on active duty. Some experts guess that 140,000 people are married to others in the military and that 67,000 single parents are in the U.S. armed forces. Suddenly, many mothers and fathers who joined the services in peacetime to begin a career—sometimes out of sheer economic necessity—are discovering that the job is ripping both of them away from their children. Worse, those caring for the children back home fear that the task may become permanent. Asks grandmother Mary Villarreal of Pasadena, Texas, charged with taking care of four-month-old twins whose Marine mother and father are in Saudia Arabia: "What if something happens to both of them? Then what about the babies. What becomes of them?"

The Pentagon's answer so far has been blunt: the risk is one that military couples accepted when both husband and wife enlisted. "It would be a serious mistake, particularly while we are engaged in combat," says Defense Secretary Dick Cheney, "to reverse our long-standing policy that single parents and military couples are fully deployable and available for assignment anywhere in the world." To make sure that children are not simply abandoned, the Pentagon insists that parents appoint a guardian for them. Each service also operates a family-support network that includes counseling for custodians and the children. But there are no special exemptions from war-zone service for military couples or single parents.

Many children's rights advocates, mental health professionals and terrified guardians say the no-exception policy is unconscionable. Experts are worried that children who lose both parents may suffer mental trauma, including deep feelings of grief and abandonment, and serious psychological problems in later life.

Brenda Jarmon says Ikea often leaves her bed in the middle of the night to sleep with her grandmother. "When she gets letters from her mother, she asks me to read them over and over again and keeps them under her pillow for safekeeping," says Jarmon. John and Susan Menard of Hinesville, Ga., close friends of Army sergeants Dionisio and Yolanda Lopez, are taking care of the military couple's two youngsters. Although Carlos, 9, seems to have adjusted well, they say, he frequently asks what might happen to his mother and father. When Carlos learned of the initial raids on Baghdad on the car radio coming home from a basketball game, he turned silent. "We never lie to the children," says Susan Menard. "When they hear about fighting, we check it out and make sure to tell them that these are still the airplanes and that their parents are nowhere near them."

The emotional strain weighs on the military parents, who find themselves torn between the call of their country and the needs of their children. "They miss them; they feel robbed," says Villarreal, who puts the twin infants in her care close to the phone whenever their mom Laura calls from Saudi Arabia, just so she can hear them cry.

Critics of the Pentagon policy charge that neither military parents nor their children need suffer so much grief, Last month Republican Senator John Heinz of Pennsylvania and Democratic Representative Barbara Boxer of California introduced similar gulf-orphan legislation. Their bills would allow single parents, or one parent in the case of a military couple with minor children, to decline a war-zone assignment. Military officials would choose which parent to exempt in the case of a couple.

The measures build on long-standing military regulations that spare from combat anyone who is a sole surviving child or whose closest relatives have been killed in battle. Says Boxer: "This is a volunteer army, but these are not volunteer children. They took no part in any decision that may leave them without parents." The Pentagon says it opposes the measures. But as the prospect of a costly ground war grows, the matter could become an emotional issue on Capitol Hill.

(Reported by Ricardo Chavira/Washington and Joseph J. Kane/Hinesville.)

[From the New York Times, Feb. 16, 1991]

A Home Front With No Parents at Home

(By Adam Clymer)

WASHINGTON, February 15.—Facing growing Congressional pressure not to leave children without a parent when their fathers or mothers are ordered to serve in the war against Iraq, the Defense Department said today that 16,300 single parents and 1,200 military couples with children were now on duty in the Persian Gulf.

Some members of Congress, stirred by dramatic accounts of the problems of the children left behind, had pressed the Pentagon for several weeks about the number of children left parentless because of the war.

Today Senator John Heinz, Republican of Pennsylvania, said he thought the Pentagon numbers were too high and reflected continued Pentagon confusion on the issue.

Mr. Heinz, who has urged the Pentagon to permit single parents and one member of a military couple to avoid gulf service, said that with troops there exceeding 500,000, these parents "amount to less than 3 percent of the Desert Storm force." He said that number "is certainly in the manageable range" for exemptions, even if all military parents eligible to seek exemptions did so.

"TERRIBLE TRAUMA ON CHILDREN"

Representative Barbara Boxer, Democrat of California, agreed and insisted that even without serious casualties so far, the deployment of single parents and military couples had been "a terrible trauma on these children."

Maj. Douglas Hart, a Pentagon spokesman, confirmed the totals of single parents and military couples in the gulf, which were first published today in The Washington Post. But he contended that they did not reflect a problem. He said difficulties with the care of the children of these servicemen and women had been "the exception as opposed to the rule" and that the "services have been extremely lenient" in dealing with whatever problems arose.

There were indications that Barbara Bush has taken an interest in the issue. She told reporters Thursday: "We think the Pentagon will come up with the right answer. But you know, we're in the middle of a very new time. We've got to work it all out."

The Pentagon's current position is that exemptions for parents would be unfair to others and that all members of the armed services, including reservists, must be "fully deployable and available for assignment anywhere in the world." Secretary of Defense Dick Cheney and Gen. Colin L. Powell, chairman of the Joint Chiefs of staff, stated the policy in a letter to Senate leaders last week.

The policy, and any possible consideration of changes, will come up on Capitol Hill Tuesday when a House Armed Services subcommittee considers a range of bills dealing with personnel issues arising out of the Gulf War. Christopher Jehn, Assistant Secretary of Defense for force management and personnel, will testify for the Pentagon.

But he is unlikely to be pressed to change the policy by the subcommittee chairwoman, Representative Beverly B. Byron, Democrat of Maryland. She said today, "The perspective that troubles me most is the problem of the mother with a young infant." But, she insisted, exempting such soldiers from hazardous duty would be unfair to those who would have to undertake that duty. She also said there was a "very very difficult readiness issue" involved in pulling trained members out of units when they went into danger.

Representative Byron said that all members of the armed services were volunteers who enlisted to gain certain benefits and who understood that they might be deployed. "We cannot spoonfeed children," she said, adding that the military's requirement that parents keep up-to-date plans for alternative care for their children "has worked pretty well."

Her view corresponded to that expressed by Mr. Cheney and General Powell, whose letter said, "The military is a profession of arms that ultimately exists for a single purpose: to do battle when called upon by the leadership of the United States." All members of the military understood that risk when they volunteered, they wrote.

SENATE MAY GET A BILL

The issue may also come to the floor of the Senate. Mr. Heinz sought to raise it last week by tacking a resolution expressing the sentiment of the Senate onto a bill intended to ease the financial hardships of some reservists called to active duty.

But because the children's issue was contentious and came up as the Senate was getting ready to leave for an 11-day recess, Senator George J. Mitchell, the Senate majority leader, chose not to bring up the bill Mr. Heinz needed as a vehicle for his effort to change the policy on single parents and military couples in the gulf.

A spokesman for Mr. Mitchell said today that the bill that deals with reservists might be called up some time next week. If it is, Mr. Heinz said today he will raise the issue of parents' gulf service.

[From USA Today, Feb. 12, 1991]

MANY SEEING WOMEN'S ROLE IN NEW LIGHT

(By Andrea Stone and Carol J. Castaneda)

Twenty years after the birth of the women's movement, the realities of the gulf war are causing many to rethink motherhood and the military.

Already, the United States apparently has its first female POW in Iraq. Soon it may have a woman coming home in a body bag. And what if she is a mother?

That scenario—which goes hand in hand with a volunteer army—has the Pentagon, politicians and the public trying to figure out how to deal with the largest wartime call-up of women in U.S. history. It's a concern that has some feminists wondering if their movement has gone too far, and some conservatives saying, "I told you so."

"America doesn't need to ask mothers to die in combat," says retired Army colonel Art Blair of the Mosher Institute for Defense Studies at Texas A&M University.

Even Molly Yard, head of the National Organization for Women, is worried.

"It's stupid to take a woman who has just given birth and send her overseas," she says, adding that mothers of older children should be allowed in war zones.

Like many people on both ends of the political spectrum, Yard favors exempting single parents, as well as one member of a military couple, from war duty.

"I think what we're seeing now, under the harsh realities of wartime, that perhaps people will see the role of women in the military in a different light," says Martin Binkin, a military analyst with the Brookings Institution.

There are nearly 47,000 military couples in the gulf with children. Another 67,000 are single parents, two-thirds of them men. And while the Pentagon isn't sure exactly how many mothers are in the desert, about 32,700 of the 545,000 U.S. troops in the gulf are women.

Many of them joined before they had children. Others, in the reserve or guard, never dreamed they would be called to war. Although military parents are required to have a designated guardian in case they're called up, the media has been filled with stories of families where things didn't go quite as planned:

The West Virginia children left by their military parents in the care of a woman charged with murdering her husband. The Tennessee single father who left his three children, ages 13, 12 and 10, with a note telling them how to use the automatic bank teller card. The Virginia reservist called up two weeks after giving birth to her son.

Those are extreme cases, but they provide ammunition for conservative groups like Concerned Women for America.

The group's Laurie Tryfiates calls the deployment of mothers "feminism gone awry" and says "government policies should protect and preserve the family, not contribute to its destruction."

But others, including longtime supporters of women in the military, have concerns now that are shaking the foundations of their beliefs:

"I don't think mothers should go to war, says Sally Quinn, who wrote in The Washington Post of how she was traumatized as a child when her father went to fight in Korea. "Women should be allowed in combat. But not mothers."

"Is it in the best interests of the United States of America and the U.S. armed forces that we take new mothers, days after delivering their infants, and place them in the way of Saddam Hussein's missiles? This in my view defeats the entire purpose of a volunteer Army," says Sen. John Heinz, R-Pa., who is seeking a voluntary change in military policy "that will not leave . . . children orphaned."

Rep. Patricia Schroeder, D-Colo., a feminist who serves on the Armed Services Committee, has asked Defense Secretary Dick Cheney to allow service members an 18-week parental leave upon the birth or adoption of a child. "There are instances of babies as young as 2 weeks old being separated from their mothers and fathers," she says.

Rep. Barbara Boxer, D-Calif., introduced legislation to prevent both parents of children from being sent to a war zone.

Child-care experts are less worried about policy than they are the children.

"I don't think they ought to be leaving their children," says Boston pediatrician T. Berry Brazelton, author of Infants and Mothers. The child "may begin to think, 'My mommy doesn't love me or why would she go away.'"

Says Linda Flies Carole of the National Childhood Grief Institute in Minneapolis: "If a child is separated from its support system, that can be harmful to development. . . . This is a new experience for the military children."

In the midst of the debate, the military's position is clear. Cheney and Colin Powell, the Joint Chiefs of Staff chairman, says mothers—who for years the military wouldn't let in—shouldn't be easily let out of their commitments.

In a letter to Senate Majority Leader George Mitchell, D-Maine, the two wrote that removing single parents and military couples from the gulf would "weaken our combat capability by removing key personnel" and would undermine "unit cohesion and esprit de corps."

"You can't allow those people to go fleeing out the door. Those who have the obligation and training must serve when called," says retired admiral Eugene Carroll, Center for Defense Information. Besides, "If we wanted (soldiers) to have children we would have issued them."

Pat Foote, a retired Army brigadier general, agrees that the U.S. will have to take a hard look at what it wants in its military and what it gets. "If this nation wants a volunteer force it must accept the reality of a very-married force. . . . You just don't pull out people and give them preferential status" because they're parents.

Or, the feminists retort, because they're women.

"Nothing should be denied just because a woman has a uterus," says pediatrician Gwen Wurm of the University of Miami School of Medicine. "A mother coming back in a body bag is as bad as a man coming back in a body bag. They're both going to be traumatic."

[From the Washington Post, Feb. 9, 1991]

MILITARY RELUCTANT TO ALTER ITS RULES

(By Dana Priest)

The unprecedented deployment to the Persian Gulf of single parents and couples with children is confronting the all-volunteer military with family problems it has never had before.

As parents with infants as young as a few weeks old face leaving their youngsters with grandparents, friends and babysitters, a campaign in favor of exempting one parent from the combat zone has gained support among military parents, legislators and children's advocacy groups.

But military personnel experts say such exemptions would hinder the military's effectiveness and would be unfair to enlistees who are not parents. Besides, they add, no one forced anyone to join the all-volunteer service.

Changing the rules "would weaken our combat capability by removing key personnel from our deployed units and by undermining unit cohesion and esprit de corps," Defense Secretary Richard B. Cheney and Joint Chiefs of Staff Chairman Gen. Colin L. Powell said in a letter Thursday expressing their opposition to a proposed Senate resolution directing the department to provide exemptions voluntarily.

The percentage of women in the military has grown from less than 2 percent in 1973 when the all-volunteer force was established to about 11 percent, according to the Pentagon. There are nearly 47,000 military couples with children and another 67,000 single parents, two-thirds of them men, according to figures Senator John Heinz's (R-Pa.) office obtained from Cheney's office. Heinz introduced the resolution, which was blocked in committee.

"As a policy matter, they're in a box," said Carolyn Becraft, an expert on women in the military and consultant for the Women's Research and Education Institute. "You can't say a person can't have children and you can't say you can't be a single parent because that involves a lot of men."

The choice between family and military obligations has been an agonizing one for some parents.

Army Pfc. Sherry Kaiser, 20, of Gallatin, Tenn., said she will carry her newborn baby with her when she reports to Fort Rucker, Ala., on March 1, four months after her husband was deployed to Saudi Arabia.

"The Army seems to think I can leave her with just anybody," said Kaiser, who said her parents are unable to care for her daughter because they each work two jobs. "I'm frustrated and under a lot of stress about it. If they want to court-martial me, they'll have to, but on what grounds? That I want to take care of my baby?"

Child advocacy groups say many children fear the worst from the war—"that they will be abandoned forever by both parents," said Mary Wright Edelman, president of the Children's Defense Fund, which supports exempting one parent from combat service and posting them instead in a location where they could take care of the children.

"We obviously have to balance the needs of children and the responsibility of parents with the needs of the war," said Edelman. "War is an extremely stressful event for children. We just need to think about the impact on them."

The Pentagon does not know how many people deployed in Operation Desert Shield left behind children without a parent, but it is collecting the data and will release its findings at the end of the month, said Pentagon spokesman Maj. Doug Hart. The problem of caring for them appears to be "more anecdotal" than systematic, he said. "For the most part, the program is working well."

The military requires its personnel to have an up-to-date child care plan that designates a legal guardian and care provider for dependents. If the military determines that no guardian is available, it can choose to discharge the parent or place him or her at a job where they can still care for their children.

Unit commanders are often diligent in making sure the designated guardian is available and suitable. The many peacetime mobilizations that some active-duty personnel go through offers a test run for child-care designees and military parents.

But, say critics, some units rarely mobilize, some commanders are lax about enforcing the requirement and for many reservists, who never believed there would be a war in their lifetime, having a child-care plan was an empty gesture. It was an all but empty gesture for some of those designated to take the children, usually the grandparents.

"It's been rough," said Claudia Ellison of Savannah, Ga., whose daughter and son-in-law left her with 4-month-old Jamey Ransom when they deployed to Saudi Arabia. "She was breastfeeding him. When she left he would get up at night . . . and just cry. He would look around the room; I guess he was looking for Mary."

It is the demographics of the all-volunteer force and the particular nature of the gulf deployment, with its broad call-up of active and inactive reserves, that has caused the child-care problems, experts say.

While the number of parents who left their children in the care of others is expected to be a small percentage of the total, the problem appears greatest among young, first-time enlistees, said Becraft.

"They have no leverage within the system" to either pay for adequate child care or to arrange postings that let couples balance work and child care between one another, she said.

Before the war, a pregnant enlisted woman could get a discharge and expect to serve the balance of her obligation in the ready reserve, whose members do not participate in monthly exercises.

But the call-up of reservists for the gulf has changed that for some women who were discharged because they gave birth and have now been called to duty.

Jan. 22, the day Spec. 4 Faith Stewart went into labor at her parents' home in Munsy, Pa., was also the day the Army informed her she was to report for gulf duty.

With her husband, Jack, already in Saudi Arabia, Stewart, 21, will reluctantly take her baby son next week to her elderly in-laws in Florida.

"He's now only two week old, and there's no one here to take care of him," Said Stewart, a member of the ready reserve. The Army "said there were hundreds of cases like mine throughout the U.S. and they were making few exceptions," she said. "But I feel he definitely needs to have me here."

The call-up has produced even more troubled situations for other parents and children.

Last month, Army Spec. 4 Melinda Davis was arrested by military police in Massachusetts and held for 24 hours at Fort Dix, N.J., after she failed to report to reserve duty because, she told authorities, she had no one to care for her 16-month-old. She was transferred to Aberdeen Proving Ground in Maryland, where she is working pending the disposition of her case. Her daughter is with her mother.

Three boys, ages 5 months, 2 and 4 years old, were placed temporarily in a foster home last month after authorities in Fairdale, W.Va., charged the woman who was caring for them with first-degree murder in the drowning death of her husband.

The boys' parents had left them with Demerise Ann Smith, 39, when they were deployed to the gulf, according to Raleigh County Assistant Prosecutor Kristen Keller. Their mother, Michelle Lawrence, since has been discharged for medical reasons, she said, and the children are living with her.

In the most publicized case, Staff Sgt. Faagalo Savaiki, a single parent called up in August, was arrested and charged in Clarksville, Tenn., with three misdemeanor child abuse charges for failing to properly provide for his children before reporting for gulf duty.

Savaiki's three children, ages 9, 12, and 13, were allegedly found dirty and without food. He had reportedly taped a note to the wall with instructions on how to use his automatic bank teller card to withdraw money. The children have been placed temporarily in a foster home. He has pleaded not guilty and is scheduled to stand trial Feb. 28.

Several members of Congress, including Heinz and Rep. Barbara Boxer (D-Calif.), have recently introduced bills to exempt one parent from fighting in a Persian Gulf combat or "imminent danger" zone. Military regulations have long exempted the last surviving sibling or spouse of a soldier killed in action. There are exemptions for other emergencies as well.

The separate bills give the department the right to choose which parent to exempt. Exempted parents would serve at a noncombat site where he or she could care for children. Under Boxer's bill, the department also could add to the exempted parents' service obligation the time they would have served in combat.

[From USA Today, Feb. 7, 1991]

MILITARY: NEW DUTY FOR NEW MOTHERS

(By Bethany Kandel)

On Sunday, Army Reservist Carolynne Zales will nurse her baby, diaper him, dress him and kiss him goodbye before reporting to Fort Lee, Va. Her son, Gene Vincent Zales II, is 2 weeks old.

"I'm going to fight like crazy so I can come home to my baby. He needs me," says Zales, 19, an equipment records and parts specialist.

Her husband, Gene Zales, has been in Saudi Arabia since August. His parents will watch the baby.

The Pentagon has been sending marching orders to what could be hundreds of new mothers in the reserves.

Military officials say delays and exemptions are being considered in many cases. Each is judged on its own.

Baby Gene is not the first child left behind by parents serving in the Persian Gulf, but he's among the youngest.

Such stories are the by-product of a volunteer force in which women have an increasing role, making up about 11% of the military. There is no figure available for how many new mothers have been called up.

"These women are volunteers like anyone else," says Gladys Maeser, spokeswomen at the Army Reserve Personnel Center in St. Louis. "They have an eight-year contractual obligation. What happens to them in that eight-year period that changed their circumstances, like having children, doesn't change their obligation."

Zales got her call-up orders several days before the Jan. 24 birth of her baby.

"I called Fort Lee and said, 'There's got to be some sort of mistake; I'm still pregnant,'" says Zales, who is staying with her in-laws in South Williamsport, Pa. After one delay, she was told this week to report on Sunday or face court-martial.

"When I called again they said they have 250 cases just like mine, and very few have been exempted," she says.

While in the hospital, she met Faith Stewart, 21, another reservist having a baby.

Stewart got her orders while in labor Jan. 22. The next day, she gave birth to Leonard Jack Stewart IV and was given an extension for review of her case.

"It's outrageous to separate a mother and her new baby," says Stewart, an Army supply clerk whose husband is in Saudi Arabia.

"I think it's totally wrong sending both parents over there," says Stewart, who's staying with her parents in Muncy, Pa. "Either the father or mother have to be with a child. If something should happen to both of us over there," she says, trailing off into tears.

Zales and Stewart contacted Sen. John Heinz, R-Pa., who already was preparing a bill to stop the military from sending single parents or both parents in a family to combat zones. On Wednesday, he called for a Senate resolution to urge the Pentagon to change its policy voluntarily because the war may be long over before legislation becomes law, says his spokesman Grant Oliphant.

"These two cases sound like an obvious mistake," Oliphant said, "but the sad fact is this is a lot more common then anybody has realized. This may be the price we're paying for a policy that hasn't adjusted to the new role of women in the military."

For Zales and Stewart, volunteering for the Army was a matter of economics; it enabled them to go to college. They say they never imagined being sent to war and didn't foresee being separated from their children.

Zales says leaving will be the hardest thing she's ever done. "He knows something is wrong," she says of the infant. "He's had a little jaundice and a cold, but now he's feeling better. If they take me away from him I'm worried he's going to get sick."

MILITARY'S WAR ZONE EXCEPTIONS

Women who recently had babies can be called up for duty.

But the women will not be deployed to war zones for at least two weeks following the call-up, says Maj. Doug Hart of the Department of Defense.

Combat zone exemptions include:

Felony offenders.

Medically unfit.

Physically impaired.

Inability to speak and understand English.

Inability to find someone to watch a child.

Financial problems for a family of a soldier.

Homosexuals.

Hart said that a recent death in a family or major surgery on a family member are not sufficient excuses for exemption.

[From The Philadelphia Inquirer, Feb. 8, 1991]

AS MOTHERS SEEK DELAYS, MILITARY PUTS UP A FIGHT

(By Katharine Seelye)

For the U.S. military and reservists with infants, its' a tug of war.

As more female reservists request delays or exemptions from duty in the gulf, the military's top brass is digging in its heels.

"They understood that when they volunteered to serve, they freely assumed the duty and obligation to place themselves in harm's way when called upon to do so," Defense Secretary Dick Cheney and Gen. Colin Powell, chairman of the Joint Chiefs of Staff, wrote in a letter yesterday to Senate Majority Leader George J. Mitchell (D., Maine).

The letter was prompted by a sense-of-the-Senate resolution offered Wednesday by Sen. John Heinz (R., Pa.) to exempt from gulf duty single parents and, in the case of married couples, one parent. The measure was blocked and never reached the floor.

Cheney and Powell also were irked at efforts by members of Congress to try to block the call-up of female constituents. U.S. Rep. George W. Gekas (R., Pa.) successfully intervened earlier this week in behalf of two central Pennsylvania reservists with newborns who were ordered to report for duty on Jan. 31. The army has granted 42-day extensions to the two women, who both have husbands already serving in the gulf.

The army has been deluged with requests from mothers in similar circumstances seeking to delay their activation or to opt out of service altogether, according to aides to Heinz and Gekas. The Pentagon says about 70,000 couples with children and 67,000 single parents serve in the military worldwide; there is no estimate of how many are in the gulf.

Although single parents and married couples have participated in previous conflicts, including Grenada and Panama, never has the issue of parenthood come before the military on such a grand scale. With so many women—27,000 of the more than 500,000 troops in the Middle East (compared with 7,500 in Vietnam)—the conflicting needs of the military and of new parents have been forced to the surface.

Army spokesmen say they are aware of difficulties for new parents and so have granted 42-day delays to some mothers, although they do not know how many. But complete exemptions from service seem less likely. In wartime, separation from family is considered normal, not a "hardship."

Moreover, says the military, exemptions would be counterproductive. "Requiring their redeployment from the Desert Storm theater now," wrote Cheney and Powell, "would weaken our combat capability by removing key personnel from our deployed units and by undermining unit cohesion and esprit de corps."

At the same time, new mothers say they are dumbfounded by a policy that snatches both parents from their newborns. "I wouldn't be so mad if my son had just one of his parents," said Carolynne D. Zales, 19, of South Williamsport, one of the central Pennsylvania reservists who was granted a delay until March 15. She gave birth Jan 24; her husband has been in the gulf for five months.

For decades, the military has had a "sole survivor" policy in which the spouse or last surviving sibling of a soldier killed in action could opt out of the war theater.

Heinz said his bill would merely update the policy. "In this day and age of missile attacks and weapons of mass biological, chemical and even nuclear destruction, it makes no sense to insist on assigning both parents to a danger zone until one gets killed," he said.

Although his resolution's failure appears to pit Heinz against a united front in Congress, Grant Oliphant, a Heinz spokesman, said the Senator remained determined to fight for it while being "fully supportive" of the war effort.

Oliphant conceded that delays and exemptions had been granted, but, he said, "it's a willy-nilly system that offers uneven protection, and for single parents, no protection at all."

"From the point of view of children," he added, "when you think about the possibility of Mommy being killed in action and Father still at the front, somebody has to tell the children—and the other parent isn't around. It's a horrific possibility.

"The kids of military personnel are going through enough without our adding to their burden."

[From the Philadelphia Inquirer, Feb. 6, 1991]

CALLED TO DUTY—WHILE IN LABOR

(By Katharine Seelye)

Although Saddam Hussein has described the gulf conflict as the Mother of Battles, for some in the United States it's a case of embattled mothers.

Faith A. Stewart, 21, of South Williamsport, was in labor at home when she got the news. As an Army reservist, she has been called up for Persian Gulf duty. The next day, she had a caesarean section. She was given a 15-day delay from her Jan. 31 call-up date.

Carolynne D. Zales, 19, of Muncy, was at home when her notice arrived. She, too, had been called up. Two days later, she gave birth. She was given a 10-day delay, and is to report Sunday to Fort Lee, Va.

The two are among the 21,000 ready reservists called up in the last two weeks, the biggest call-up of ready reservists in 30 years—since the Berlin Wall crisis in 1961.

The latest call-up includes single parents and the at-home spouses of reservists already overseas—and now, brand-new mothers whose husbands are already overseas.

Both Zales and Stewart are hastily making plans for in-laws to care for their infants. With the clock running out, Zales was scheduled to prepare her will today. "I'm realizing that I won't get to see him sit up for the first time, or walk or talk," she said.

She said that when she first called to say there was a mistake, she was told that there were 250 cases exactly like hers. "I couldn't believe it," she said. Her husband, an Army mechanic, has been in the gulf for five of the seven months they have been married. "If there are 250 cases just like mine," she said, "then the government is really messing up."

At the moment, 70,000 couples with children and 67,000 single parents are serving in the gulf, according to the Pentagon.

"A young mother, under law, who is a member of the Individual Ready Reserves, is just as obligated as a young man who doesn't have any children," said Lt. Col. Art House, spokesman for the Army Reserve Personnel Center in St. Louis, the clearinghouse for reservists who are not in units.

"Obviously," he added, "compassion is appropriate and necessary in many of the cases, but there is nothing in the law that says young women don't have to go. They joined of their own free will. Granted, their circumstances may have changed, but the obligation remains. We're being compassionate on a case-by-case basis, and the delay-and-exemption apparatus is hearing from young women in this circumstance."

Other new mothers have been protesting their immediate call-up. House said that of the 18,000 inquiries made to the reservists' hotline since Jan. 18, 172 calls were about pregnancy, 134 were about single parents and 2,100 were questions about the delay-and-exemption procedure.

The Army knew Stewart and Zales were pregnant—both had been discharged from active duty because of their pregnancies but remained in the reserves.

"I thought it was unreal," Stewart said of her call-up. "There I was in labor." Now, she is contemplating having to leave her baby with inlaws in Florida. "But I really feel that a mother or father should be raising him. He's just 2 weeks old. I think it's awful they're taking both parents away." Her husband is a tank driver in the desert.

Stewart and Zales received their notices Jan. 22. Stewart gave birth the next day; Zales the day after that. They met in the maternity ward at Williamsport Hospital.

Each was granted an initial delay. Stewart has heard nothing further; Zales received orders Monday to report Sunday—or face court-martial.

"I called St. Louis [the reservist center] and said there must be some mistake because my son will be only 2 weeks old," Zales said. "They said there was no mistake, that I had to report and bring [several documents] with me. I can't bring my baby."

Meanwhile, their congressman, George W. Gekas (R., Pa.), is attempting to halt their call-ups.

Also, Senator John Heinz (R., Pa.) has introduced legislation to prevent the military from assigning both parents in a family to combat. Heinz is planning to call today for a sense-of-the-Senate resolution. Grant Oliphant, a spokesman, quoted Heinz as saying, "We've gone to such great lengths not to orphan Iraqi children, but we aren't willing to make a slight policy change not to orphan our own children."

Had Stewart and Zales stayed on active duty, they would have automatically received a six-week leave. They enlisted in the Army in 1989 to obtain money for college. Zales was an equipment records and parts specialist. Stewart was a supply clerk.

Generally after given birth, women wait four to six weeks before resuming normal activity. Joseph Ahram, an obstetrician and gynecologist in private practice in Norristown, said that he would recommend a 12-week recovery period for a woman after a C-section.

As for a normal delivery, he said, each case is physically different, "but the well-being of the baby and the mother would be jeopardized by early separation."

[From the Wall Street Journal, Jan. 29, 1991]

LEFT BEHIND: GULF WAR TAKES A TOLL ON SOLDIERS' CHILDREN; "I WANT MY MOMMA"

(By Clare Ansberry and Carol Hymowitz)

The Gulf war has abruptly shattered the tiny universe of three-year-old Maggie Gronert.

When her mother tried to explain over dinner why she was leaving for the Army, the little girl tore her paper place mat to bits.

For two whirlwind days, Maggie clung to her mother, an activated reservist who frantically packed and arranged for the child to move to her father's house. Hours after watching her mother board a jet, Maggie cried to her grandmother, "I'm lonesome for my momma."

"I told her to hug her bear," says Maggie's grandmother, Mary Jean Horan. "She said, 'I want my real momma, the one who went on the plane.'"

Maggie and thousands of other children are this war's early casualties. War always takes a special toll on children, and this one, as usual, deeply affects even those with no relatives in the Gulf. But the impact is sharper than ever: Never before has a war ruptured so many of the nation's families, with both parents as well as single mothers often being sent to the front lines.

The National Childhood Grief Institute of Minneapolis and other mental health agencies around the nation have been flooded with queries about dealing with children's nightmares, stomachaches and withdrawal. "Parents make up a child's entire universe," says child expert Fred Rogers, whose trusted character Mister Rogers has produced television and radio spots to help soothe children's war fears. "What happens when part or all of that universe is taken away? Nothing is more difficult for a child to deal with."

British children who were separated from their mothers in World War II to avoid bombing raids on London were more traumatized than the ones left at home, studies showed. "The children who stayed with their parents in their familiar neighborhoods fared the best, even though they were in worse physical danger," Mr. Rogers says.

Soft-spoken Shante Skillern of Canton, Ohio, would like nothing more than to have her parents at her side. But the closest the 10-year-old can get is sitting glued to the television news, watching for reports on Saudi Arabia, where both parents are stationed. "Mom and Dad said not to worry," she says. "I worry anyway."

ARMY'S 'SAFETY NET'

The Army acknowledges that thousands of children are being left without parents, but says that is the price of a volunteer force and women's expanded role in it. "This wasn't unforeseen," says a Pentagon spokesman. The Army has far more women than the other branches: More than 82,000, or 11 percent of its personnel. Of those, 16 percent are single mothers. About 53,000 soldiers, or 7 percent of enlisted troops, are married to someone else in the Army.

For many women, volunteering wasn't just an act of patriotism but one of economic necessity. That immediate pressure outweighed any seemingly slim chance of being sent to war and separated from children. The military does what it can to make sure the children aren't simply abandoned, insisting that parents appoint a guardian for their children when they enlist. "It doesn't make it any easier on families, but it does set up a safety net," the Pentagon spokesman says.

Each branch of the military has a "family support network," including access to mental health professionals. Grandparents and other guardians are assigned a "buddy" from Army bases for periodic support phone calls. The Army has also allowed parental or hardship discharges in some cases. They are neither honorable nor dishonorable discharges, but they sever all military benefits. They aren't often requested and involve a lot of paper work: fewer than 100 have been granted.

"ORPHAN BILL"

Sen. John Heinz of Pennsylvania has proposed legislation to prohibit more than one parent "from serving in an imminent danger area." Still, the bill, dubbed the "Gulf orphan bill," is hardly perfect, the senator's aides say, because it doesn't preclude both parents from being sent overseas, or cover single mothers—like Maggie's, Kathleen Horan of Minneapolis.

Maggie asks her father, Dan Gronert, whom she used to see only on weekends, "will I see Momma tomorrow?" Maggie's mother has been gone for just two weeks, and he wonders how long he can say, "Sorry, honey, not tomorrow, not for a while."

"I love being with my daughter, but not under these circumstances," Mr. Gronert says. "It's very hard for a mother to be away from her child, especially when she's just three."

When her grandmother tried to take Maggie to Sunday school last week, the girl screamed. "She got very panicky about being left," says Mrs. Horan, who contacted the National Childhood Grief Institute for help. "She's possibly feeling as if her mother's gone, poof, and that could affect how she'll deal with people the rest of her life."

Terry Haugen, a therapist, says that for the youngest children, separation from warbound parents can trigger deep feelings of grief and abandonment. If left alone with these feelings, psychologists agree, children can become "forgotten grievers," at risk for low self esteem, chronic sorrow, substance abuse and other self-destructive behavior. Such problems won't play out for years, and some resilient children will come through relatively unscathed.

Van Voorhis elementary school on the Army base at Fort Knox, Ky., invented a "Worry Wart" jar, a tall glass jar topped by a friendly, fuzzy orange animal who stands guard "over the worries kids can't do anything about," says guidance counselor Debbie Jones. Inside are small scraps of paper on which children have scribbled "I'm worried my dad will get shot" and "I'm worried my dad won't have enough water in the desert" and "I'm worried my dad will never come home." The jar and fuzzy animal are refuges for children scared that if they worry aloud, they may jinx their parent and their worst fears will come true.

KIDS BLAME THEMSELVES

These kids, some of whom have become disruptive and jittery at school since the war erupted, are relatively secure: All but one still live at home with their mothers. Children who lose their mothers, usually the parent who takes care of them the most, face greater trauma and often blame themselves. "A child in that circumstance can't help but ask, 'Am I so bad that I deserve to be left?' "says child development pediatrician T. Berry Brazelton of Harvard University Medical School.

The blow is doubly hard for children suddenly uprooted from their homes and familiar schools and neighborhoods. Seven-year-old Jacob Derkin of Doylestown, Ohio, had nightmares after his mother, a reservist, left home last fall. He told his grandparents, with whom he was staying, "I'm afraid this will be World War III." No one had realized the first-grader was aware of the first two world wars.

At school, in the middle of reading and math classes, Jacob would abruptly leave his seat and ask his teacher if he could draw a picture for his mom. At home he became so obsessed with the news on TV that his grandparents made him turn it off. Then they had to throw out a Christmas gift, a video in which a mother dinosaur dies, because Jacob became hysterical watching it.

Jacob's mother is home now, after being released for medical reasons, but the month away seems to have changed her son. "He didn't quite trust me, and wasn't very affectionate toward me,' she says. At one point, when she had to put on her uniform to report to her reserve center for just a day, Jacob burst into tears.

LEFT WITH RELATIVES

"He asked if I got better, would I go back, and I said yes. I'm not going to lie," says RoEllen Derkin, commander of an evacuation hospital unit, nearly half of whose personnel are mothers. She is painfuly torn between her feelings about Jacob and her two-year-old son Joseph and her duty to her country. "I made a commitment and gave my word, and those are the values you want to teach your kids. But it's harder than hard to leave. They're my babies and I want to be with them."

Some women reservists protest the need for such an emotional tug of war. Peggy West, an Army nurse, was sent to Saudi Arabia last fall, three months after the birth of her second child. She wonders why she and other mothers couldn't serve in hospitals in Europe and bring their children along. That way, "we wouldn't have to watch our babies growing up on videos."

After five months, Mrs. West whose husband also is serving in the Gulf, took a hardship discharge from the Army and returned to Myrtle Beach, S.C., because her mother and mother-in-law could no longer care for her children.

With wave after wave of reservists being activated, soldiers are scrambling to marshal child-care forces, turning to aunts, sisters and in some cases friends their children barely know. Colleen Hudson of Pittsburgh received a frantic call last week from a foster daughter in Ohio she cared for only briefly years ago. The foster daughter, now 22, and her husband both have orders to report to their bases Thursday and didn't know what to do with their two-year-old and one-month-old daughters.

"I kept telling them to say they didn't have anyone to care for the kids," says Mrs. Hudson. But the young couple worried that the children would then be split up and shuffled to different foster homes. Mrs. Hudson agreed to take them herself, but worries. "I don't know how I'm going to handle it."

"GIVING LOVE"

Psychologists have some suggestions. "Objects and rituals that belonged to their parents, things their mothers did, songs they sang and books they read are very important," says Miriam Winikoff, a Pittsburgh child psychologist. "Kids might say they'll only eat macaroni because that's what they remember eating with their mothers." She and others recommend creating a treasure box filled with letters, gifts and videos from absent parents and a memory book of photos.

Russell Milbrodt has begun a daily ritual with his one-year-old son Zachary, walking him around the house to point out photographs of the baby's mother, Cindy, who is stationed near Kuwait. "Zachary holds the pictures, kisses them, smiles and laughs," says Mr. Milbrodt. "We call it 'giving love.'"

Still, Zachary, who used to sleep through the night, now wakes up four or five times. "He will only sleep if someone lies next to him, holding him," says Mr. Milbrodt.

His sister, four-year-old Tiffany, stands in front of the television set whenever the news is on, singing, playing and talking to distract her father from the constant barrage of war updates. "I hold her and try to comfort her and still listen to what's going on because I need to know for me," says Mr. Milbrodt. In addition to his wife, he has a sister-in-law, cousins and close friends in the Mideast.

When Tiffany asks him "when is Mommy coming home?" he replies. "In the springtime, when the flowers bloom," hoping his wife's May discharge date will stand. "If it's longer," he says, "I'll have a lot of problems."

[From the Los Angeles Times, Feb. 1, 1991]

THE HARDEST GOODBY

(By Dean E. Murphy)

Michelle Thomas has been saving a videotape of her son's birth to show her husband, Joe, an Army specialist who has been refueling trucks in Saudi Arabia since she was eight months pregnant.

The tape came out of storage this week, but it wasn't for the happy family reunion the young Silver Lake mother had dreamed of. Instead, she appeared on camera again—this time to record an emotional farewell to her only child.

"I want him to know that I love him and that I didn't do this on purpose," Thomas said, cradling the 10-week-old infant in her arms as images of Saddam Hussein flickered on a living room television.

Thomas, a 21-year-old Army private, was one of 20,000 Army reservists called to active duty under an executive order issued by President Bush two days after war erupted in the Persian Gulf. It was the first involuntary call-up of so-called individual ready reserves—those not attached to particular units—since the Vietnam War and the largest such activation since the Berlin crisis of 1961.

Tiny Raymond Joseph Thomas, who just learned to giggle to his father on the phone and recently rolled over for the first time, certainly would not be the first child left without parents by the massive U.S. military buildup in the Middle East. The Pentagon says thousands of children have been placed in the care of relatives and friends since the first U.S. troops were sent to Saudi Arabia six months ago.

But with fighting growing fiercer and the prospect of heavy casualties very real, the Pentagon's decision to activate both parents in some families has brought a deep sense of horror to their loved ones.

Never before have Americans faced the prospect of raising a generation of war orphans.

"No place in the military, no place in Saudi Arabia is safe," said Martin Burns, Michelle Thomas' stepfather. "When a chemical weapon hits, it can wipe out somebody in the rear guard as easily as it can the grunt on the front line. So just by being there, she is at equal risk as her husband. That just scares the hell out of me."

Just four months ago, the Army discharged Thomas from her job—ordering truck parts in Frankfurt, Germany—because she was pregnant, but the Mailgram she received last week said she should expect to serve up to 12 more months of active duty. Thomas was ordered to report to Ft. Lee, Va., by Thursday, but the Army has given her a last-minute extension of two weeks because of the baby.

"We are finding that we have to make adaptations to the procedures," said Army Reserve spokeswoman Joyce Wiesner. "Way back in 1961, there weren't that many women in the reserves. This question of people with small children . . . is a much larger factor whether people are deployable now than it would have been 30 years ago."

The extension does not mean that Thomas can stay home with her son indefinitely. Thomas—and hundreds of other reservists granted extensions this week—must now convince a three-member Army appeals panel in St. Louis that they deserve a permanent hardship exemption. And that, military officials caution, will not be easy.

"Separation from family would be considered normal and wouldn't be a hardship," said Wiesner, adding that no special exemptions exist for families with both parents in the military. "For pregnant women, they are given a 42-day recovery period [after giving birth]."

Military officials say they are sensitive to families' concerns, but regard them as a predictable byproduct of an all-volunteer military that includes among its ranks unprecedented numbers of women and married couples. Women make up about 11% of the military—including nearly 18,000 single mothers—and there are more than 52,000 couples.

"It is the first time that we are deploying moms," said Maj. Doug Hart, a spokesman for the Department of Defense. "But women have fought for and have received equal rights in the military. All members of the military, except women who are actually pregnant, must be deployable worldwide."

Republican Sen. John Heinz of Pennsylvania, responding to stories about children with both parents deployed in the Persian Gulf, introduced legislation Thursday that would prohibit such deployments, unless the parents request it. Heinz said the deployments are creating unnecessary risk and anxiety for children of military families.

"Few, I think, could have foreseen a war of the scale of the effort against Iraq, in which both mother and father would find themselves in areas of imminent danger," Heinz said. "It is hardly just or equitable that we punish our volunteers by pitting the call of duty against the needs of our children."

So far, reaction from the Pentagon and elsewhere on Capitol Hill "has not been positive," a Heinz aide said. Hart, the Defense Department spokesman, would not comment on the legislation, but he emphasized the commitment all military personnel make when they enlist.

"A person who joins the military does so voluntarily," he said. "People are aware of the obligations before they join."

Michelle Thomas does not disagree. Her father was a soldier in Vietnam, and she does not regard herself as unpatriotic. She said she knows that she has an obligation, and she intends to fulfill it. She just wants more time.

"If it wasn't for him, I wouldn't mind so much," Thomas said, working a small bottle of baby formula into Raymond's mouth. "It would be more like an adventure. . . . I understand they need all of the soldiers they can get. But I just had a baby, you know, and my baby needs somebody here to be with him."

All of this has left Thomas' grandmother, Nancy Burns, with a heavy heart. She is thankful that she can help her daughter by caring for the baby, if need be, but she is also angry at a system that may leave her with an orphan grandchild.

[From the Philadelphia Daily News, Feb. 19, 1991]

GULF PARENT BILL URGED BY HEINZ

(By Nicole Weisensee)

WASHINGTON.—U.S. Sen. John Heinz, R-Pa., doesn't think single parents or both members of a military couple with children should serve in Operation Desert Storm.

But his resolution to prevent that has run into a wall of opposition.

The Pentagon is against him, and the Senate majority leader wouldn't let Heinz's resolution get to the floor.

But Heinz is determined to press on with his resolution—which expresses the "sense of the Senate" and is non-binding—to a vote by the full Senate.

The resolution expands the military's existing "sole survivor" policy, which states that the last surviving sibling or spouse of a soldier killed in action can choose to leave a hostile battle area.

"It will be far more costly to the war effort in the long run to have stories about gulf orphans being written than to modify a policy that will at most affect 2,000 people (of the nearly 500,000 serving in the gulf)," said Heinz spokesman Grant Oliphant.

Last week, Heinz tried to attach his resolution to a bill providing new service-related benefits to soldiers in the gulf operation, but Senate Majority Leader George Mitchell, D-Maine, asked the Senate to make no changes to the bill.

Heinz objected, and the bill was withdrawn without a vote. The bill is scheduled to come up again early next week when Congress returns from its President's Day break.

Heinz plans to try to attach his resolution again, Oliphant said.

The resolution started as binding legislation, but that faced an even greater uphill battle.

"The problem . . . is that bills take months, if not years, to enact, if ever, and the war may be long over before it becomes law," Oliphant said.

The resolution is designed to pressure the Pentagon by demonstrating there is strong support for the policy in the Senate, Oliphant said.

The Pentagon's response to Heinz's measure came in a strongly worded letter from Defense Secretary Dick Cheney and Gen. Colin Powell, chairman of the Joint Chiefs of Staff, to Mitchell late last week.

The Cheney-Powell letter said that allowing these people to leave the gulf "would weaken our combat capability by removing key personnel from our deployed units and by undermining unit cohesion and esprit de corps."

If Heinz's resolution passes, the next step is up to the Pentagon, Oliphant said.

"What the Pentagon has to be made to understand . . . is that they're giving themselves a black eye by sticking to a policy that is outmoded and does damage to the parents involved, the children involved and the Pentagon's reputation," he said.

[From USA Today, Feb. 14, 1991]

PENTAGON MUST NOT CREATE WAR ORPHANS

The military needs to do more family planning.

The armed forces have come a long way in incorporating and promoting women, but they have some catching up to do when it comes to children.

More married couples and single parents are serving in the Persian Gulf than in earlier wars. That means that more children are being left behind. And it means that more children run the risk of being orphaned by war.

The Pentagon claims that it has planned well for this. When people volunteer for military service, they have to make arrangements for child care in case they are called to active duty. Grandparents, neighbors, sisters and cousins are all pressed into service when the call comes.

That sounds sensible, but a handful of heart-tugging incidents indicates that the planning isn't adequate for the military of the 1990s.

An Army Reservist whose husband has been in Saudi Arabia since August got her orders for active duty while she was still pregnant. When her baby was just 2 weeks old, she was told to report to Fort Lee, Va., or face a court-martial.

Three boys, aged 5 months to 4 years, were staying with a guardian in Fairdale, W.Va., while their parents were in the gulf. They wound up in a temporary foster home when the guardian was charged with murder.

A single father called up in August was arrested in Clarksville, Tenn., for reportedly leaving his three children, ages 9 to 13, with nothing more than a note instructing them how to use his automatic bank teller card.

Is this what we mean by military preparedness? Couldn't Operation Desert Storm succeed without taking such a toll on the most innocent of victims—our children?

Sen. John Heinz, R-Pa., and Rep. Barbara Boxer, D-Calif., say elsewhere on this page that it surely can. They've introduced measures that would allow a single parent or one parent in a military couple to stay out of a combat zone.

The Defense Department counters that offering parents that option "would weaken our combat capability."

It's tough to know who's right until we know how many soldiers would be affected. Those numbers don't exist—a sign that Pentagon policy has a long way to go to catch up with modern military realities.

The writer across the page says that Desert Storm and the entire military would be freed of this and other problems if it just rid itself of all mothers.

That answer is appallingly wrong. The risk of children becoming casualties of this war is as much a concern for fathers as mothers. Women are a crucial part of our armed forces. It's nonsense to blame them for the shortsightedness of a few military minds.

It's also nonsense to think that things work fine the way they are. Even one example of a nursing mother forced to leave a newborn is too much evidence that the military's family policy of faltering.

It's past time for the Pentagon to review its policies affecting children. If it doesn't act, then a congressional remedy is the best solution.

We must do all we can to keep children on the home front out of harm's way.

[From the Washington Post, Feb. 10, 1991]

MOTHERS AT WAR: WHAT ARE WE DOING TO OUR KIDS?

(By Sally Quinn)

The first time I felt it in my gut was when I saw the magazine picture: A mother in uniform was handing over her baby to someone as she headed off to war.

How did she feel? Reading more of these stories, I wondered how they all must feel—the American women in Saudi Arabia who had taken down pictures of their children because they were too painful to look at, mothers unable to call home for weeks a time and, above all, the children.

And then the horror stories, cases where both parents were sent off to war, sometimes with 48 hours notice, leaving their children behind with relatives—or even friends and neighbors. It seemed unthinkable that in our society, both parents could be taken away from their children in this way.

There were serious dimensions to this problem—particularly the wartime separation of mothers and children. The more I thought about it, the more it seemed wrong on every level. I could respect, and respond to, all the traditional arguments about feminist choice and military duty. But nothing could explain or excuse what all this was doing to the children.

The statistics tell only part of the story. Eleven percent of the military is now women—6 percent of those in the Persian Gulf theater. The Pentagon says there are no statistics as to how many single parents, mothers or both parents are actually in the gulf, but there are about 67,000 single parents in the combined services.

Then a week ago, pediatrician T. Berry Brazelton, author of "Infants and Mothers" and other "bibles" on child care, spoke to the Association for the Care of Childrens' Health. He told a story about parents who had 48 hours to find a place for their infant daughter. She was sent to her aunt (who had four children of her own), carried to Boston by a flight attendant because the parents didn't have time. When she was handed over, according to Brazelton, the child arched, turned and screamed with high-pitched terror. After 10 days of autistic behavior, the child was also discovered to be deaf.

Brazelton believes that sending mothers away from their children is "terrible, reprehensible, and not necessary. . . . A child whose parents leave has two resources. Either to mourn and turn inward or to say, 'I'm bad. Why did my mommy leave me?' Or, 'Is my mommy bad because she left me?' I can't imagine a country doing that to its children."

When Brazelton spoke, something in me snapped. I had been overwhelmed with feelings of conflict—as a feminist, as a mother. After all, at Smith College, where all the smartest people were women, we were taught that women can do anything—and I was having a very hard time grappling with this mommies-at-war issue.

It suddenly became clear that this policy was wrong, terribly wrong. Mothers (mothers, not women in general) should not go to war. Period.

I cannot separate this issue from my own experience as an Army brat. I grew up on Army posts around the world. I have seen what happens to children of war.

My father fought in World War II shortly after I was born. When he went to Korea, I was 9 and living with my mother, sister and brother in Tokyo, I was traumatized by his leaving, couldn't retain any food and was hospitalized at Tokyo General, the primary receiving hospital for wounded soldiers coming in from Korea. We didn't have television to bring home the reality of war, but the papers were full of terrifying stories. My father, commanding officer of the 17th Infantry Regiment, was Buffalo Bill, much-decorated war hero, leader of the famous fighting Buffalos. He was on the front lines.

I was fed by an IV for nearly a year. There was no medical diagnosis. It was presumed to be psychosomatic. Hospital policy was that parents could not visit sick children because it was too disruptive. My mother only visited a handful of times in that year when, in her Gray Lady uniform, she managed to sneak in.

But they didn't really have time for the sick kids. The halls outside our ward were filled with wounded, maimed and dying GIs from the front, crying out in pain. My friend Mikey in the next bed got pneumonia and was dying, so they sent for his father from Korea and his mother came too and they stayed with him until he died right here.

I decided the only way I could get to see my parents was to die. So I tried. And they brought my father home from the front. When I saw both my parents, my recovery was so miraculous that I was discharged two days later, only to end up deathly ill after he went back. Later, I was sent back to Brooke Army Medical Center at Fort Sam Houston, Tex., on a military transport plane filled with litters of more wounded and dying soldiers calling out for their mothers.

What if it had been mothers in those litters, crying out for their children? What if it had been my mother? If my mother had been sent away, I don't think I would have survived.

Even now, thinking about that time reduces me to tears. And that's why it's unbearable to read about these children separated from their mothers or fathers, not to mention both parents.

On the night Brazelton spoke, Barbara Bush spoke too. After praising the doctor—"In our office, we consider you the father superior"—she observed that "children are human beings who feel and their emotional well-being has everything to do with their physicial health." And she talked about the American family, a favorite subject. "George and I believe so deeply that the family, of whatever size and shape, is key to living well," she said.

I believe that too—and also that women can, and should have careers equal to men. They could be CEOs, engineers, mechanics, lawyers, doctors, pilots, editors. And they can be pilots and Marines, generals and admirals.

Yet it's hard to get around the fact that nature gave women the role of childbirth, the role of nurturing. Tell me how separating a Carolynne Zales or a Faith Stewart from their two-week-old babies to join their husbands in the gulf is not grotesque. And what is the effect on 3-year-old Tamantha Duncan when both of her parents are hurriedly deployed to the gulf? As the Washington Post reported yesterday, the Rockville girl prays each night, "Dear God, will you please hurry up and bring my mommy and daddy home?"

This is not just modern life in the age of equality, but femininism gone awry. And the mothers are particularly eloquent. "I'm a woman and a mother before I'm a soldier. Out here I think more about my family than about my job, and yes, that could affect my performance if things got intense here." That from Spec. 4 Robin Williams, who couldn't talk about her children without crying. Or this from Lori Moore at Fort Benning, Ga., who got a general discharge because she refused to leave her children. "I'm a soldier," she told The New York Times. "I was ready to go. But I produced these kids and I need to take responsibility for them. I'm afraid the children are the unsung victims [of Desert Storm]. There's no question that women can do this. The question is whether we should."

Then Spec. 4 Melissa A. Rathburn-Nealy became the first woman missing in action. Was this MIA a mother? The other night, Brazelton had said to me, "You better hurry up and write this piece, because the first mother who comes home in a body bag is going to have this country traumatized."

Let me repeat that I'm not saying here that women should have careers—including military careers—different from men. Women should be able to do anything they want to do, as long as they realize there are choices to be made.

Certainly women should be able to go into battle if they want to. It is hypocritical and sexist to accept women in the military academies, allow them to lead men and train with men and then not let them do their jobs just because they are women. Women should have the right to choose.

Women who happen to be mothers, though, are a different story. Mothers have made their choice—to have a child and to nurture that child. What could be more important than that? Maintaining artillery? Driving a truck?

This is not to say that men are not responsible for their children as well. In fact, single fathers should be exempt as well as mothers. But to those who say that the father is equally important to the nurturing of a child, most mothers would reply by quoting Stormin' Norman Schwarzkopf—it's total "bovine scatology."

There's no disputing that these women volunteered for the military, but it's far less clear that they knew what they were getting into. In fact, few of them were mothers when they actually enlisted or had any idea how emotionally overwhelming motherhood would be. Many enlisted to provide a better life—economic and educational—for their families. That may be naive—after all, what's the military for?—but it's nevertheless the case.

(The Israeli army drafts women but exempts them for marriage, motherhood, religion, etc. Israeli military women are generally clerks, nurses, teachers, secretaries and social workers. By law, they are evacuated from the front during hostilities. In Iraq, women serve in the civil defense force but not in the army.)

It is true that staying back can adversely affect a career and that mothers would not get jobs and training that lead to a combat theater and quick promotions. But is that an unreasonable sacrifice to make if they decide to become parents?

In any case, my concern here is not primarily with the mothers, although they are to be pitied, but with their children. The children, after all, had no choice at all. Do we tell impoverished mothers that we will not care for their children because they have made the wrong choices? Do we tell their children to look elsewhere?

What about the children whose mothers are actually at war? Listen to Kate Jacobs, a Washington child psychologist who is treating children of military dependents who have been, or are being, sent away.

"For the very young child the absence of a parent is like the death of a parent," says Jacobs. "You create an orphan if you send the main caretaker away. . . . We are going to have to protect these children. Their mothers are conflicted and torn. . . . They have to use denial in order to go. They can't face what's happening to their kids."

A military child psychiatrist in Washington, who asked not to be identified, says, "We're going to be dealing with the effect of what we're doing for a long time. . . . It's the children who are paying the price."

Jacobs tells of some problems that could arise—some all too familiar to me. She cites eating disorders, overeating or undereating—"A child can literally starve himself to death." And sleep deprivation—"During sleep the defenses go down and we regress. That's too frightening." And toileting—the child, literally, may hold it in. "The child can't let go of another thing. You can die from that." She also mentions anxiety disorders, avoidant disorder and separation anxiety.

The Washington Post reported from Fort Hood, Tex., that two weeks after the war began, four sixth-graders whose fathers have been deployed were hospitalized for depression. And these are normal healthy children. What about Robin Rutledge, an Army specialist from Fort Carson, Colo., who had to separate her two children, leaving 7-year-old Zachary with her ex-husband? Zachary has cerebral palsy. She couldn't quit because she needed the Army's medical insurance.

Taking mothers away from their children in this situation is not a rational policy but a cruel one.

Some lawmakers are wondering what to do about this sort of problem. Rep. Barbara Boxer (D-Calif.) recently introduced legislation "to prevent the assignment of both military parents of minor children to a combat zone." Boxer said she decided to introduce the bill after a trip to the gulf in January, when parents talked to her about the children they'd left behind. "They were anxious, nervous, hysterical," says Boxer.

Rep. Pat Schroeder (D-Colo.) says she remains uncertain "how things should work ultimately with the families," She also says, "The system we've got isn't bad if people take it seriously. The problem is they didn't." As for mothers being away from their children, she says, "This is not a mommy issue per se. This is a parent issue."

Schroeder has proposed that Defense Secretary Richard Cheney grant a family medical leave for both parents for the first 18 weeks of a child's life.

Sen. John R. Heinz (R-Pa.) has been urging a voluntary change in Pentagon policy, recognizing that legislation to exempt single parents and military couples probably wouldn't take effect until well after the war is over. "Our military is going to great lengths not to kill civilians in Iraq," he says. "I'd like to take as least as much care that orphans are not created by [U.S. military parent policies]."

Cheney and Gen. Colin Powell, chairman of the Joint Chiefs of Staff said in a letter to Senate Majority Leader George Mitchell that the Pentagon has been "sensitive to the needs of all of our families," adding that "it would be a serious mistake, particularly while we are engaged in combat, to reverse our longstanding policy." Heinz, replying, argued that the issue is spiritually akin to the American "sole-survivor provisions," which date from World War II.

Powell and Cheney argue that redeploying single parents and military couples would "weaken our combat capability by removing key personnel . . . and by undermining our unit cohesion and esprit de corps."

Pat Schroeder makes this point: "Everyone will tell you that the most important thing is high morale. It's better to have people who want to be there than having to draft people who don't want to be there."

If that's so, what are we thinking of when we send mothers, single parents or—worse—both parents into a war when they are crazed with worry over their children?

To put things in perspective, Childrens Hospital here has designated 55 beds for wounded soldiers from the gulf—a reminder of the costs of sending our 18- and 19-year-olds to war. But no provisions have been made for the children whose mothers have gone to war, even though some of them may suffer for a lifetime. In fact, the only sensible provision our nation can make is to forbid it. Dr. Brazelton has it right. Mothers aren't relevant to defeat or victory.

If we can't win a war without our mothers, what kind of a sorry fighting force are we? Even the evil Saddam Hussein doesn't send mothers to fight his war.

And what kind of policy is it for a nation to send both parents, single parents or mothers, to war? A shameful and uncivilized policy, that's what. For the sake of our children if not their parents, we must do something about this now, not when the war is over. We don't need legislation to change this; all it requires is a directive from the president or the secretary of defense.

Go for it, George! Go for it, Dick! Bring our mothers home!

[From the Philadelphia Inquirer, Feb. 19, 1991]

PREVENTING ORPHANS: SEN. HEINZ PROPOSES A LITTLE COMMON SENSE REGARDING PARENTS IN THE MILITARY

Operation Desert Storm hasn't been easy for some innocent civilians right here at home, either. We're talking about the young children of military personnel assigned to the Persian Gulf. The problem of quickly throwing together child-care plans has been particularly difficult for single parents and families in which *both* parents have been ordered off to war.

When the Senate reconvenes today, Sen. John Heinz (R., Pa.) plans to call on the Pentagon to ease that difficulty. His resolution would allow a "service person" to request duty outside of an "imminent danger area" if he or she is a single parent—or, in the case of two-parent families, if both parents are likely to be deployed in harm's way. The policy would only go into effect if the military parent(s) requested it.

The resolution hardly neglects the needs of the army: It says requests can be denied if reassignment would make the unit unsafe or hinder its mission or combat effectiveness. But its clear sense is that children are better off with a parent around. That seems logical. Here, indeed, is a chance for official Washington to actually do something in behalf of the family values it talks about so much.

The Defense Department demurs. It says that such an option might "weaken our combat capability." Perhaps. But it seems that that burden of proof is clearly on the Pentagon.

Sen. Heinz' resolution evades the issue of treating women differently because it isn't gender-based; it's based on condition of parenthood.

The resolution may seem to be tinkering in an area that could use a broader review, but that's no reason for not making the small adjustment he proposes now. There will be time later for a full assessment of a new military reality: Nowadays about 60 percent of America's GI's are married (up from 40 percent in 1970); the average number of dependents is now almost two (up from one); and about 67,000 single parents are in the military.

What the Heinz proposal does in the interim is insert into the list of exemptions and deferments in America's military personnel policies an overlooked bit of common sense: War should create as few orphans—even temporary ones—as is humanly possible.

[From the Pittsburgh Post-Gazette, Feb. 7, 1991]

The New War Orphans

The poignant farewell scenes are all too familiar, reminiscent of Hollywood melodramas. Valiant young men—sons, husbands, fathers—journeying halfway around the world to do battle and face death while their loved ones keep the home fires burning.

But this time around there's a new twist—the young warriors are also daughters, wives and mothers.

Because of that new dimension, the goodbyes, always painful, have become agonizing. Thousands of children have had to watch both mother and father go away, uncertain if they will ever see them again. Hundreds of new mothers are writing their wills, scrambling to find responsible care-givers and kissing their days-old infants goodbye as they prepare to join their husbands in the Persian Gulf.

The Pentagon says 70,000 married couples and 67,000 single parents serve in the active duty military and reserves. How many single parents and couples with children are stationed in the Persian Gulf is anybody's guess—the Pentagon doesn't keep track. Apparently Pentagon officials believe that statistic is irrelevant. They are wrong.

U.S. Sen. John Heinz wants to make sure that no American child is orphaned by our involvement in the Persian Gulf. Under his proposal, which he has asked Defense Secretary Dick Cheney to implement immediately, single parents would be exempted from service in the Persian Gulf theater of operations as would a parent whose spouse is already in the Gulf.

He argues that his bill would merely modify the already existing sole-survivor policy, in which the last surviving sibling or spouse of a soldier killed in action may opt out of a hostile-fire area. Given the nature of the Gulf war, Sen. Heinz contends, the only way to keep a soldier out of harm's way is to keep him or her out of the Gulf altogether.

The Pentagon has no official comment on the Heinz proposal, although privately the reaction has been negative. Staffers argue that the adults who volunteered for the armed forces understood the implications of that commitment, including the possibilities of being mobilized for war.

That is true. The men and women who volunteer for the military are responsible for fighting this country's wars.

But there are several restrictions on who can be stationed where—starting with the ban on women serving in combat positions (thereby effectively taking women out of most significant military advancement tracks). There is no reason why a soldier's sole responsibility for his or her child can't be one of those considerations. There are plenty of rearline support functions that need to be filled.

Women now make up more than 10 percent of the armed forces. The Pentagon has yet to deal effectively and creatively with the ramifications of that fact—including housing needs, maternity leave, child care, and stationing considerations. Going to war has brought those simmering problems to a boil.

At this time, it is too much to expect a comprehensive, systemwide solution. But the least that can be done, as a critical first step, is to save the children of America's fighting forces from the unbearable and unnecessary trauma of being torn from both parents.

[From the Reno (NV) Gazette Journal, Feb. 15, 1991]

Please Don't Send Both Parents Into a War Zone

The Defense Department's Committee on Women was all agog this week over hand-grenade training. Apparently, the Marine Corps lets men throw live grenades, but women can only throw dummies. The corps is terribly afraid that the women might kill someone because—well, because they throw like girls, don't you know.

That certainly sounds sexist, and the policy deserves a thrashing. But this policy is not nearly as alarming, not nearly as disturbing, as the committee's own indifference to a far more basic issue: the Defense Department policy of sending both parents into combat areas.

Some members of Congress think this is a lousy idea. If both parents are killed, the children become orphans; motherless, fatherless, perhaps wards of the state. Sen. John Heinz, R–PA., has introduced a bill that would permit only one parent at a time to risk his/her life in a war zone. The bill has a good deal of support on the hill.

But not on the Committee on Women. In fact, the committee was scandalized by the idea. Chairwoman Becky Costantino declared that women had worked hard to get equal opportunities in the service, and they don't want to lose their gains on the battlefield. Capt. Mary Sprague said the federal government should not be in the business of making child-care decisions. Other members voiced similar sentiments.

Well, yes, women have worked hard to obtain equal rights in the military. Judging by the hand-grenade training, they still haven't topped the summit. Those rights are important. But a child also has rights, and one of those rights, surely, is to have at least one parent to love it, to succor it, to guide it through babyhood and grade school and adolescence.

That right needs to be protected, and a concerned military could give that protection without demeaning its women. It could transfer men as well as women. It could let the couple make the decision. It could alternate them in and out of combat. And it could state, absolutely, that the career of neither the father nor the mother would not be diminished.

When a man and a woman have a child, they accept certain responsibilities. One of those responsibilities is to stay around long enough to matter. Maybe if the Committee on Women were renamed the Committee on Orphans, it would understand that rights and obligations cannot be so neatly severed.

[From the New York Times, Feb. 19, 1991]

Congress Rushes To Pass Benefits for Gulf Veterans

(By Robert Pear)

Washington, February 18.—Military personnel serving in the Persian Gulf may soon get help from Congress in dealing with economic hardships at home.

In a rush to show support for the troops, the House has already passed a bill to provide aid, and after the Senate reconvenes Tuesday it will consider the measure.

The legislation would protect men and women in the reserves who are called to active duty by guaranteeing their right to return to their civilian jobs. The bill would also stipulate that families of service members generally could not be evicted from their homes for failure to pay rent if the monthly rent is $1,200 or less. Such protection is currently available only when the rent is $150 or less.

Members of Congress are drafting dozens of other proposals to assist the veterans. "When our forces are facing the threat of Scud missile attacks or ground force assault," said Representative Michael Bilirakis, Republican of Florida, "the last thing these men and women need to worry about is whether or not their families will be evicted from their homes because they cannot afford the rent, or suffer loss of re-employment rights."

The bill would allow doctors called up for service to suspend payment of premiums on their medical malpractice insurance. Even while on active duty, doctors need such insurance to protect them against claims that might be filed by private patients they treated months or even years ago.

PROVISION ON COURT CASES

The legislation passed by the House is an amendment to the Soldiers' and Sailors' Civil Relief Act of 1940. It would also require courts to postpone judicial proceedings at the request of anyone serving in the gulf.

Some members of Congress, including Senator John Heinz, Republican of Pennsylvania, are prodding the Pentagon to avoid assigning single parents and married military couples to the Persian Gulf if they have young children.

"Is it in the best interest of the United States of America and the U.S. armed forces that we take new mothers, days after delivering their infants, and place them in the way of Saddam Hussein's missiles?" Mr. Heinz asked. "This, in my view, defeats the entire purpose of a volunteer Army."

But Defense Secretary Dick Cheney and Gen. Colin L. Powell, Chairman of the Joint Chiefs of Staff, oppose such exemptions, saying they would undermine the "cohession and esprit de corps" of military units. In a letter to Congress stating their position, Mr. Cheney and General Powell said reassignment of people with young children would "weaken our combat capability by removing key personnel" from units in the gulf.

In January, Congress extended the deadline for troops to file income tax returns to six months after the end of their service in the gulf. They could receive further tax relief for up to five years if they were hospitalized with wounds.

Beyond such measures, lawmakers are stitching together a sweeping package of other education, insurance, medical, pension, housing and economic benefits.

VARIETY OF BENEFITS

For example, Representative G.V. (Sonny) Montgomery, the Mississippi Democrat who is chairman of the Veterans Affairs Committee, has introduced a comprehensive measure that would increase education benefits under the G.I. Bill, authorize the Small Business Administration to guarantee bank loans to veterans and increase veterans' eligibility for home loans, medical care and life insurance. His bill would also double the maximum amount of unemployment compensation for men and women leaving the armed forces so they could get up to 26 weeks of benefits, and it would set a goal for the Federal Government of awarding 5 percent of its commercial contracts to small businesses owned by veterans.

Senators John Glenn, Democrat of Ohio, and John McCain, Republican of Arizona, are assembling a similar package of assistance. The breadth of the endeavor is suggested by the numerous Senate committees involved in the work: Armed Services, Finance (tax breaks), Governmental Affairs (Civil Service employment preferences), Small Business and Veterans Affairs, among others.

"This package should not really be termed 'benefits,'" Mr. Glenn said. "It should be termed a fairness package, as I see it, because that is what we are trying to achieve."

Mr. Glenn said the recent "flurry of bills" reflected not only support for military men and women in the Persian Gulf, but also unanticipated problems caused by the heavy reliance on reserve forces.

FINDING THE FINANCING

Most of the new benefits will cost money. An explosive political question is how much of the new spending must be offset by cuts in other Federal programs, in compliance with the new budget enforcement procedures adopted last year. The costs of the war itself are exempt from the statutory limits on Federal spending, and proponents of new veterans' benefits contend that these costs should also be exempt.

But the Bush Administration maintains that the costs of the war should be defined narrowly. And Senator Robert C. Byrd, the West Virginia Democrat who heads the Appropriations Committee, also insists that the exemption applies only to "emergency requirements" directly related to military operations in the gulf.

Thus, he said, a general increase in unemployment benefits for people leaving the armed forces would not be exempt from the limit on spending for Federal benefit programs.

VOTE ON AMENDMENT NO. 7

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment of the Sentor from Ohio, Mr. GLENN. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Nebraska [Mr. EXON], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

I also announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Missouri [Mr. DANFORTH], and the Senator from Texas [Mr. GRAMM] are necessarily absent.

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—91

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heinz
Helms
Hollings
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth

NAYS—0

NOT VOTING—9

Bradley
Cranston
Danforth
Domenici
Exon
Gramm
Heflin
Inouye
Sanford

So the amendment (No. 7) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I ask unanimous consent to proceed for 2 minutes in order to outline to Members.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, there is a Garn-Dole amendment that, as has been worked out, is acceptable on all sides and that we hope we can accept subsequently. We have another vote scheduled on the Heinz amendment which deals with the subject matter of the vote that we just had. We have worked out an agreement on the Garn-Dole amendment which many of you are familiar with which, as far as the bill is concerned, is the most important and relevant amendment of all. One would not know that from the nature of our consideration of this legislation over the last day and a half.

We are hopeful that that can be done on a voice vote. We are also hopeful then that final passage could be done on a voice vote. There is one possible other amendment. I am not certain whether we still have that situation in front of us or not. If not, we could complete this matter and dispose of this bill this evening and it could be done by the managers after Members have cast this vote. But we need some guidance as to whether that scenario is the one we are actually dealing with.

Mr. DOLE. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. DOLE. I think there is one other potential problem. I hope it will not come to pass but it is in reference to Cuba. I have contacted General Scowcroft at the White House and I should have some response on that soon. But I wonder if we could accept the Garn-Dole amendment, go ahead and have the vote on the Heinz amendment and hopefully be able to finish the rest of it but, if not, if there must be another amendment, do that on tomorrow. My view is it can probably be resolved.

Mr. SARBANES. I take it from that we might be able to work that out tonight and do the whole thing and finish. Could we have an agreement that no other amendments would be in order, if in fact we have to deal with a Cuba amendment; that that amendment and any relevant amendments would be the only amendments in order so we do not find ourselves once again in an open-ended situation?

Mr. MITCHELL. Mr. President, may I suggest following the discussion between the distinguished Republican leader and the managers that we proceed to the vote with the understanding that has been reached in this colloquy that this would be the last rollcall vote; that we would then proceed to accept the Dole-Garn amendment by voice vote, and try to work out the Cuba amendment. But we now understand if we cannot work it out, we can reach an agreement which would limit that to the only relevant amendment and relevant amendments thereto, and then we will have the bill either completed tonight or completed with the exception of that one issue, which we could then complete in the morning.

Would it be agreeable, if I might ask the distinguished Republican leader and the manager, if we could limit it to that amendment, that we get a time agreement on that tomorrow, some idea of a reasonable amount of time, and everybody can be accommodated?

Mr. DOLE. Right.

Mr. MITCHELL. Is there any problem?

Mr. DOLE. No problem.

Mr. MITCHELL. Is there any problem?

Mr. SARBANES. No problem.

Mr. GARN. Mr. President, may we have order.

Mr. SARBANES. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, this will then be the last rollcall vote. But Senators having heard this colloquy who have an interest in this particular legislation or the amendment should remain to participate in the discussions and the unanimous-consent agreement which will be propounded if we do not complete action on the bill this evening.

Mr. President, I thank the managers for their diligent effort and the distinguished Republican leader for his cooperation. I now yield the floor.

VOTE ON AMENDMENT NO. 5

The PRESIDING OFFICER. Under the previous order, the question is now on agreement to amendment No. 5 offered by the Senator from Pennsylvania [Mr. HEINZ].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

I also announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Texas [Mr. GRAMM] are necessarily absent.

The result was announced—yeas 38, nays 54, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—38

Adams
Akaka
Boren
Bumpers
Burdick
Byrd
Coats
Conrad
D'Amato
Daschle
Dodd
Durenberger
Exon
Fowler
Grassley
Harkin
Hatfield
Heinz
Hollings
Kerrey
Kerry
Lautenberg
Lugar
Metzenbaum
Mikulski
Packwood
Pell
Pressler
Pryor
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Specter
Wellstone
Wirth

NAYS—54

Baucus
Bentsen
Biden
Bingaman
Bond
Breaux
Brown
Bryan
Burns
Chafee
Cochran
Cohen
Craig
DeConcini
Dixon
Dole
Ford
Garn
Glenn
Gore
Gorton
Graham
Hatch
Helms
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kohl
Leahy
Levin
Lieberman
Lott
Mack
McCain
McConnell
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Reid
Robb
Rudman
Seymour
Simon
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—8

Bradley
Cranston
Danforth
Domenici
Gramm
Heflin
Inouye
Sanford

So the amendment (No. 5) was rejected.

Mr. GARN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. SARBANES. Mr. President, pursuant to the conversation we had just a few minutes ago, I ask unanimous consent that the only amendments remaining in order to the bill be the following: a Garn-Dole amendment, which has been agreed to by the managers; an amendment relating to Cuba, and any relevant second-degree amendments related to this issue; that no other amendments or motions be in order other than motions to reconsider and table votes on the above amendment.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, I have an amendment I would like to discuss.

I did not hear the first part of the unanimous-consent request. Will the Senator from Maryland be good enough to repeat it?

Mr. SARBANES. The first part of the request was that the only amendments in order be the two that were enumerated.

Mr. EXON. Before the final passage of the bill?

Mr. SARBANES. Yes.

Mr. EXON. I object, I have an amendment I am prepared to offer in just a very few moments. It may be acceptable to the Chair. It is on the way over here.

Mr. SARBANES. This is the first we have heard about it to my knowledge.

Mr. EXON. I had incorrectly assumed we were going to move to tomorrow, and I assumed this was going to be held over until tomorrow. I was misinformed. I do want to take this amendment up with the leaders. It may be acceptable.

It may be an acceptable one. It has to do with taking some action against those who are illegally selling to Iraq, to stop that from happening in the future with some very serious sanctions.

I think it might be acceptable. I will have it here in just a few minutes.

The PRESIDING OFFICER. (Mr. BURDICK). Objection is heard.

AMENDMENT NO. 8

Mr. GARN. Mr. President, I send an amendment to the desk on behalf of Senator DOLE and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. GARN], for himself and Mr. DOLE, proposes an amendment numbered 8.

Mr. GARN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(a) On page 101, line 21, strike "90" and insert in lieu thereof "180".

(b) On page 102, line 2, after "(a)(1)" insert "The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the previous sentence.".

(c) On page 108, line 23, strike "90" and insert in lieu thereof "180".

(d) On page 109, line 4, after "(a)(1)" insert "The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the previous sentence.".

(e) On page 113, line 7, "Whenever" insert "persuasive".

Mr. GARN. Mr. President, this is the amendment referred to by the distinguished manager of the bill, Senator SARBANES. It has been agreed to by both sides and the administration. We are only checking at this time before passage to see if Senator HELMS wanted to make a statement on it. Otherwise, I know of no other Senators who wish to be heard on it.

Mr. SARBANES. Mr. President, the able, distinguished Senator from Utah has stated the bill very effectively. We believe it represents a very positive and constructive resolution of the issue, and we certainly support it.

I particularly thank the Senator from Utah for his efforts in this regard in order to help move the legislation forward.

The PRESIDING OFFICER. Is there further debate?

The Senator from Utah.

Mr. GARN. Mr. President, I appreciate the kind comments of the Senator from Maryland. I urge adoption of the amendment.

Mr. HELMS. Mr. President, it is rare that I find myself in disagreement with my colleague from Utah. He is my good friend, and I understand his desire to see brought before the Senate the concerns of the State Department and the National Security Council. But I must oppose his amendment to weaken the sanctions on foreign companies which trade in chemical and biological weapons. I want the RECORD to show that if there had been a rollcall vote, I would have voted in the negative.

Mr. President, the other day I ran across the translation of an article which ran about 2 weeks ago in the German magazine Stern. The article confirms that German suppliers helped Saddam Hussein develop and produce the chemical weapons which now threaten more than 400,000 American troops in the Persian Gulf.

But the article also contains two startling revelations: That German companies supplied Saddam Hussein with special gas chambers which he used to test poison gas on Iranian prisoners of war, and with a crematorium to dispose of the evidence.

Sound familiar, Mr. President? German executives who assisted such crimes in Hitler's time were hanged by the British after the war.

This Senator, for one, cannot with good conscience vote for any weakening of sanctions on companies which would carry out these kinds of activities.

Mr. President, I do not see how the Senate as an institution can in good conscience vote to weaken sanctions on such foreign companies.

I know that it is not the intent of the Senator from Utah, but the fact is that his amendment makes it more likely that companies involved in the trade will get off scot-free.

Only if there is swift and assured penalties to be paid by companies which trade in chemical or biological weapons will greedy companies be deterred from this hideous business.

But this amendment—if passed—will result in delayed and uncertain penalties, and that is why it should be defeated.

Specifically, the bill before the Senate gives the President the authority to delay for 90 days the imposition of sanctions on a foreign company which participates in the chemical weapons trade, during which he can consult with the government with jurisdiction over that company to determine if that government will take corrective action against the offending company.

Ninety days—3 months—may seem to the person on the street to be sufficient time to delay the imposition of penalties on companies which trade in chemical weapons. Considering how heinous is the crime being inflicted by these companies, most people would feel that a 90-day grace period is more than enough time. Certainly that is the opinion of this Senator.

But 3 months are not long enough for the State Department; they want up to 9 months of grace period before having to hold a foreign company accountable for trading in chemical weapons.

That is what this amendment provides, that the State Department can delay the imposition of sanctions on a foreign company for 9 months—three times as long as the time provided for in the bill.

Mr. President, the bottom line is that foreign companies must be deterred from rebuilding Iraq's chemical and biological weapons facilities. They must be deterred from assisting Libya and Syria and Iran in this heinous trade.

But to triple the grace period for penalties on foreign companies undermines the deterrent effect of the sanctions. Nine months gives foreign companies facing sanctions plenty of time to skirt the sanctions.

Nine months, a long time, and the action for which sanctions are to be imposed will be long gone from the public memory.

Their lobbyists here in Washington and their government will work over the State Department day and night to assure that the President determines that "corrective action" is being taken by their government—thus enabling a Presidential waiver.

In addition, 9 months will give lawyers from an offending company plenty of time to come up with and implement corporate restructuring aimed at skirting the effect of sanctions.

Companies contemplating trading in chemical weapons know these avenues to avoid sanctions will be available—the assurance of swift punishment will be lost and the deterrent effect of this legislation negated.

Mr. President, through the efforts of our courageous young men and women in the gulf, Saddam's chemical and biological weapons facilities appear to have been destroyed. If the Congress does not enact a stiff deterrent to German and other foreign companies which would just as soon rebuild these facilities, we will have betrayed the trust and the brave efforts of those who risked their lives to destroy these facilities.

Now is not the time to weaken sanctions on foreign companies which trade in chemical and biological weapons and technology. I urge my colleagues to oppose the amendment.

Mr. President, I ask unanimous consent that the translation of the Stern article, to which I alluded, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRMS ALLEGEDLY SUPPLIED GAS CHAMBERS TO IRAQ

(Herbert Uniewski report: "Gas Chamber For Iraq")

In Israel, memories of the holocaust have started to come up again. Following Saddam Hussein's threats to use poison gas, the Jews are outraged at German suppliers who not only helped the dictator to develop and produce chemical weapons, but allegedly also supplied him with gas chambers. The French newspaper Liberation reported last week that in the special chambers from the Federal Republic, poison gas tests were not only carried out with animals but allegedly also with Iranian prisoners of war.

It has now been officially established that a gas chamber from the Federal Republic was supplied to Iraq. In an expert report for the Darmstadt public prosecutors, the Swiss scientist Werner Richarz, having studied confiscated business papers and blueprints, arrives at the conclusion that so-called "inhalation chambers" [quote rendered in English] were produced by the Hofheim firm "Rhema" for the Iraqi poison gas center at Samarra. The customer was "Pilot Plant," a subsidiary of the "Karl Kolb" company in Dreieich, Hesse. The company, which produces chemical facilities, is strongly suspected of having supplied know-how and blueprints for Hussein's Samarra. In his report, Richarz arrives at the conclusion that the deliveries from Dreieich were specially "designed" for poison gas production and by no means for the production of pesticides as the producers have claimed.

Richarz states on page 31 of the documentation to his report that the gas chamber of the Rhema laboratory technology company is designed for large animals. Customs investigators confirmed to STERN that the Iraqis ordered such unusually large chambers from the Germans. They said that the reason given for their large size was that in addition to dogs and cats, donkeys were also to be tested. Germans obviously also supplied the technology for eliminating the test animals. For instance, according to Richarz' report, the Preussag concern in Hanover allegedly supplied a "cremation facility for animal cadavers" to Iraq, thereby completing the destruction machinery.

There is just vague information about the suspension that Saddam Hussein also had tests carried out in the chambers with Iranian prisoners of war. In Richarz' report, the record of interrogation of a German mechanic is mentioned, who said he heard an Iraqi staff member in Samarra say that the gas from a "rack" was intended for "mice, rats, and Persians." In addition, the German had told the book authors Holger Koppe and Egmont R. Koch that the "double and triple security installations" in the bunker and the fact that the facilities were serviced from a separate room "with eye contact only through a thick bullet-proof glass pane" made him suspicious from the start.

Whatever was tested in Saddam Hussein's witches' kitchen at Samarra, the Rhema company, which had sent three engineers to Iraq to install the gas chambers, will in no case have to bear the consequences of the deal. The manager of the company which filed a bankruptcy petition more than a year ago, cannot be prosecuted because the export of the poison gas chambers was legal under the German Foreign Trade and Payments Law. Even if the lawsuit against the Kolb managers, which is scheduled to begin shortly, shows that the project at Samarra was built illegally by the Germans, Rhema manager Hans-Peter Engler is well out of it. The exporter—not the producer—will be punished; and the exporter in this case was the Kolb subsidiary, Pilot Plant.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 8) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 9

(Purpose: To prohibit foreign persons that violate the United Nations embargo against Iraq from acquiring property in the United States)

Mr. EXON. Mr. President, I rise to offer an amendment to the Export Administration Act which will give the President the power to penalize foreign firms and individuals who violate the embargo against Iraq.

There have been recent reports, most notably of alleged German violations of the U.N. embargo against Iraq. The embargo sanctions contained within the committee bill give the President power to act against foreign nations, individuals and firms which violate the embargo.

The amendment I propose today would add an additional enforcement tool to the President's economic arsenal. This amendment would give the President the power to sanction foreign firms and individuals who violate the embargo but might not necessarily be within the jurisdiction of the United States. Under this amendment, a firm, individual or government entity found by the President to violate the U.N. embargo could be barred from acquiring assets in the United States.

This is harsh action, however, with the lives of American men and women endangered in the Persian Gulf, no action could be too harsh against those who aid and abet enemy forces.

Any foreign firm, government entity or individual which chooses to violate the embargo would also choose to forego the opportunity of doing any business in the United States.

I congratulate the Senate Banking Committee for giving the President the power to take action against individuals under U.S. jurisdiction who violate the embargo. This amendment gives the President an additional tool to enforce the embargo and complements the efforts, which are good ones, of the committee.

Even if the President should not use this power, the threat of its enforcement could help deter those who might consider a transaction in violation of the embargo against Iraq. It would also encourage foreign corporations to assure that employees do not violate the embargo. If the President finds a violation, all transactions to acquire assets within the United States could be barred, including purchases of real estate, financial assets, currency or any other property. A European arms dealer, for example, who violated the embargo could be prohibited from investing in U.S. real estate or U.S. securities.

Mr. President, I ask my colleagues to give careful consideration to this important amendment. I think it is an important amendment, and I hope it will be agreed to by the managers of the bill.

Mr. President, I ask unanimous consent that an article from the Lincoln Journal entitled "Illegal Network Supplying Iraq," a Washington Post article entitled "German Firms Probed for Iraq Links," a Financial Times article, "Lebanese Traders Admit To Sanctions Busing," and a New York Times Article entitled "Soviet Ship Halted Near Red Sea May Violate Iraq Arms Embargo" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Lincoln (NE) Journal, Feb. 11, 1991]

ILLEGAL NETWORK SUPPLYING IRAQ

NICOSIA, CYPRUS.—Despite a war and a U.N. embargo, Iraq has found clandestine ways to procure supplies to keep its military machine running, officials say.

Since August, intelligence and law enforcement officials in the United States and Europe have detected more than 800 attempts by individuals and companies worldwide to sell Iraq everything from apples to ammunition.

Rep. Doug Bereuter, R.-Neb., said last week that there are indications Germany, a prime Iraqi supplier before the war, was continuing the practice but that illegal dealings with Iraq apparently are widespread.

"There are more allegations concerning Germany than any other country, but almost every Western European nation has one or more firms involved including France, the United Kingdom, Italy and some Asian countries as well," Bereuter said. He is a member of the House Intelligence Committee.

The German news magazine Der Spiegel reported Monday that the Strabag company, based in Cologne, has broken the embargo about 70 times, delivering goods worth $350,000 to Iraq. Strabag sent spare parts, tools, chemicals for water treatment, truck equipment and 500 gas masks to Iraq via a company in Jordan, Der Spiegel said.

Strabag has acknowledged it made the deliveries, but said the goods were for its employees and that the shipments included food and medicine.

Officials in Germany's Economics Ministry, which oversees export controls said they have indications that up to 110 German firms have broken the embargo. At least 11 are under criminal investigation, the Los Angeles Times reported Monday.

Throughout the 1980s, German firms sold Iraq technology and expertise used to develop, among other things, chemical weapons. Investigators say contacts made with these firms endure.

West German companies were building Iraq President Saddam Hussein bunkered poison gas factories, complete with prefabricated gas chambers, the Times said Monday.

The German news media dubbed one of the facilities, at Samarra, Iraq, "Auschwitz in the Sand." It reportedly contained "inhalation chambers" that may have been used on Iranian prisoners of war, according to press reports.

In December, the United States presented Germany with a list of 50 companies suspected of illegal trade with Baghdad.

Jordan is by far the most common smuggling route, despite the relentless bombing of the main road linking Baghdad with Amman. Jordanian businessmen remain the most active members of Saddam's procurement team, officials say.

Bulgaria and Romania are believed to have violated the embargo, imposed shortly after Iraq's Aug. 2 invasion of Kuwait, by shipping small machine parts to Iraq through Turkey and Iran last fall.

The South African government recently denied reports that its arms-making wing, ARMSCOR, had sold Iraq its entire 1990 stock of special G–5 155mm artillery ammunition, including some poison gas shells. Iraq's formidable arsenal includes hundreds of G–5s, one of the best field guns in the world, purchased from Pretoria.

Officials say that in the past six weeks the nature of the smuggling has shifted, as allied air raids have pounded strategic targets and knocked out up to 20 percent of Iraq's military hardware.

Highly sought items include electronics for command, control and communications. Also in demand are fuses, small machinery parts, additives for making jet fuel and vacuum pumps.

Last week, officials at Germany's Thyssen Rheinstahl Technik acknowledged selling pumps to Iraq. But they insisted these were sold before the U.N. embargo was imposed, and were destined for civilian oil refineries.

News reports have alleged the equipment is being used to pump fuel into Iraqi surface-to-surface missiles.

[From the Washington Post, Dec. 22, 1990]

GERMAN FIRMS PROBED FOR IRAQ LINKS

(By Marc Fisher)

BONN, December 21.—The U.S. Embassy in Bonn this week gave the German government a list of 50 German companies believed to be violating the U.N. embargo against Iraq, a spokesman for Chancellor Helmut Kohl said today.

The spokesman, Dieter Vogel, said Germany already has cleared most of the companies on the list of any suspicion but is investigating other companies to see if they violated export controls, including those imposed against Iraq by the United Nations Aug. 6 in retaliation for that country's invasion and occupation of Kuwait.

A U.S. Embassy spokesman, Cornelius Walsh, refused to comment on the existence of a list.

But U.S. government sources said that the United States, using information obtained from intercepted Middle East telephone and fax communications, has given Germany evidence that some companies are continuing to do business with Iraq.

The German weekly news magazine Der Spiegel, quoting unidentified sources, will report in its next issue that the latest illegal exports involved shipments to Iraq through third countries, including Iran, Turkey and Jordan.

Der Spiegel also reports that a German company called Interatom has provided Iraq with highly sensitive nuclear technology. The magazine, quoting unnamed "officials" and "experts," said Interatom provided crucial training in uranium enrichment to Iraqi atomic researchers and machinery to be used in the construction of a nuclear test facility.

A spokesman for Interatom, which is owned by the German electronics and computer giant Siemens, denied the allegations as "completely false and baseless."

"We have never made deliveries or [provided] training in the field of nuclear technology," spokesman Hartmut Meyer told reporters.

Interatom, which builds atomic reactors, signed a contract in mid-1989 with the Industrial Projects Co. in Baghdad to provide the Iraqi firm with training and advice, the German company confirmed. Interatom began work on a pipe-construction plant in the Baghdad area but halted work when the U.N. embargo against Iraq was enacted.

Interatom said it cut off deliveries of machinery that the Iraqis said were to be used in petrochemical and pharmaceutical plants after the Bonn economics ministry notified the company last April that it had reason to question Iraqi intentions.

Vogel said the government has no evidence that Interatom made illegal deliveries.

More than 100 German companies are under investigation for allegedly violating export laws by sending nuclear or other arms technology to Iraq, according to German authorities.

The German government boasts that it has the toughest penalties in the world for export violations. But export authorities have admitted that they are virtually powerless to stop companies that circumvent the Iraq embargo by sending their materials via third countries.

[From the Financial Times, Oct. 4, 1990]

LEBANESE TRADERS ADMIT TO SANCTIONS BUSTING

(By Lara Marlowe)

BEIRUT.—Lebanese officials estimate that the Gulf crisis is costing the country $150m

(£80m) in lost remittances and exports due to the trade embargo with Iraq. However, there's evidence that many local traders have not been put off by the trade ban and are finding their own routes around the embargo.

The Lebanese government was among the first to condemn Iraq's invasion of Kuwait and has endorsed UN sanctions. Yet it lacks the ability to control at least a dozen ports along the Lebanese coastline, most of which are illegally run by militia groups.

"Some of the local produce has to go to Iraq," says one local businessman. "There is nowhere else for us to sell it. The volume is important for Lebanon, but it is peanuts for Iraq."

Beirut traders have confirmed that the present shortage of potatoes, for instance, has been caused by the combination of legal exports to US forces in Saudi Arabia and individual violations of UN sanctions against Iraq.

The US military pays premium prices for potatoes; which are flown in from Beirut to its base in Dhahran. Shipments to Iraq, according to some traders, run a more circuitous route from Syria to Jordan, with some produce finding its way to northern Syria.

Many Sunni Muslims in northern Syria sympathise with Iraq. The Syrian government in August denied reports that there had been pro-Saddam riots in the region's city of Deirel-Zour.

There are also reports that truck loads of scrap rubber and concrete are being transported from the northern Lebanese city of Tripoli to the Lebanese-Syrian frontier near Homs and then on towards the Syrian-Iraqi border.

There are three cement factories at Chekka, just south of Tripoli. The Syrians deny that there has been any breach of sanctions in their country, but Lebanese businessmen claim that Syrian border guards are easily bribed to let shipments through.

Beirut merchants say they have been approached to send tea, sugar, powdered milk, rice and tinned goods to Iraq. One wholesaler in Beirut was asked to send produce in a container to the Shia Muslim suburb Ouzai, from where, he understood, it would be taken by road to Iraq via Damascus and Amman.

"The man who called me was a Lebanese from London," the wholesaler said. "He said I could make a lot of money, but he was in a big hurry. I'm waiting to hear from him again. If I don't sell it, someone else will."

A leading Beirut banker said that all letters of credit on behalf of Iraqi businesses ceased immediately after the invasion of Kuwait because European and American banks would no longer guarantee them. "All traffic is strictly cash up front," the banker said.

Ships are also believed to be carrying European goods into Lebanese ports for transshipment by land to Iraq.

[From the New York Times, Jan. 9, 1991]

SOVIET SHIP HALTED NEAR RED SEA MAY VIOLATE IRAQ ARMS EMBARGO

(By Andrew Rosenthal)

WASHINGTON, January 8.—United States and Spanish naval vessels are detaining a Soviet freighter near the Red Sea after searchers found tank parts, detonators and other military hardware that may be bound for Iraq in violation of the international embargo on trade with Baghdad, officials said today.

The Bush Administration said it had demanded an explanation from Moscow about the ship's cargo. But they sought to put the incident in the best light, declaring that even if the military equipment proved to be contraband, they did not believe that would signal a shift in the Soviet Union's policy of support for the international coalition against Iraq.

The Soviet freighter Dmitri Firmanov was stopped on Friday by the Spanish frigate Infanta Christina, according to accounts by the White House, the State Department and the Pentagon. It was searched by sailors from the Spanish vessel and American ships in the area.

REASONS FOR SUSPICION

Marlin Fitzwater, the White House spokesman, said the Soviet ship was found to be carrying military vehicles, rocket launchers, detonators and tank parts, some of which was not on the Dmitri Firmanov's cargo manifest. But he and other officials did not say precisely how much of the cargo was not on the manifest.

Administration officials said they had two reasons to suspect that the cargo might be headed for Iraq in violation of the embargo on trade with Baghdad.

First, a search party found part of the unlisted cargo in the Captain's stateroom. Beyond that, the kind of equipment suggested that it was not bound for Jordan, officials said. Although the shipment included Soviet tank parts, Jordan owns no Soviet tanks, they said.

"It's hard to construe some of it as being destined for Jordan," one official said.

NO REPLY FROM MOSCOW

Administration officials said the United States got in touch with the Soviet Government on Monday about the incident and asked if Moscow could account for the extra cargo. They said no reply had been received by this evening.

Mr. Fitzwater and Richard Boucher, a State Department spokesman, both said the Soviet Union had not given Washington any reason to believe it was wavering in its support for the international military operation in the Persian Gulf. That support has been crucial to the United States's ability to build and hold together the international alliance.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

Mr. SARBANES. Will the Senator withhold?

Mr. EXON. I withhold the request for the quorum call.

Mr. SARBANES. Mr. President, just in order to define the parameters, I am now going to make a unanimous-consent request that embraces this amendment as well.

I, therefore, ask unanimous consent that the only amendments remaining in order to the bill be the following: An amendment relating to Cuba and any relevant second-degree amendments related to this issue and the Exon amendment relating to sanctions against foreign violators and any relevant second-degree amendments related to this issue; and that no other amendments or motions be in order other than motions to reconsider and table votes on the above amendments.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I understand that while the amendment was sent to the desk it was not actually reported, is that correct?

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 9.

At the appropriate place in the bill insert the following:

SEC. . SANCTIONS AGAINST FOREIGN VIOLATORS.

(a) No foreign person may violate any Executive order or other regulation implementing the United Nations Security Council's economic embargo against Iraq.

(b) Whenever the President determines that a foreign person has violated subsection (a), he shall issue an order requiring such person to cease and desist from such violation and prohibiting such person from acquiring any real property or other asset in the United States for a period of time deemed appropriate by the President.

(c) For the purposes of this Act, the term "foreign person" means any foreign government (including any instrumentality thereof), any foreign national, or any corporation, a majority whose beneficial ownership is controlled by nationals of a foreign country, or any subsidiary of that corporation.

(d) The President shall issue regulations within 30 days of the date of enactment of this section which create appropriate procedures to establish a violation of subsection (a) and to implement subsection (b) of this section.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, after some consultation we have made some very minor changes to the amendment that I would like to state at this time and then send to the desk. There are only four minor changes.

On line 3, instead of the small "n" it should be changed to a capital "N", reading "No foreign person", and so forth.

On line 7, the word "shall" is struck and inserted therein the word "may".

On line 12, strike the word "act" and insert the word "section". And on line 17, strike the word "shall" and add "may".

I send this modification to the desk in written form and ask that the amendment be considered as modified.

The PRESIDING OFFICER. The pending amendment is modified to reflect the Senator's changes.

The amendment (No. 9), as modified, is as follows:

At the appropriate place in the bill insert the following:

SEC. . SANCTIONS AGAINST FOREIGN VIOLATORS.

(a) No foreign person may violate any Executive order or other regulation implementing the United Nations Security Council's economic embargo against Iraq.

(b) Whenever the President determines that a foreign person has violated subsection (a), he may issue an order requiring such person to cease and desist from such violation and prohibiting such person from acquiring any real property or other asset in the United States for a period of time deemed appropriate by the President.

(c) For the purpose of this section, the term "foreign person" means any foreign government (including any instrumentality thereof), any foreign national, or any corporation, a majority whose beneficial ownership is controlled by nationals of a foreign country, or any subsidiary of that corporation.

(d) The President may issue regulations within 30 days of the date of enactment of this section which create appropriate procedures to establish a violation of subsection (a) and to implement subsection (b) of this section.

Mr. GARN. Mr. President, on behalf of the minority, I am willing to accept the amendment.

Mr. SARBANES. With the modifications the Senator has made as now reflected at the desk we are prepared to accept the amendment.

Mr. EXON. Mr. President, I appreciate very much the cooperation of the managers of the bill and ask for the amendment's adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 9), as modified, was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN. Mr. President, I suggest we go to final passage.

Mr. SANFORD. Mr. President, I rise today to add my strong support for S. 320, the Omnibus Export Amendments Act of 1991. I believe this legislation provides an invaluable tool through which the United States can revitalize its global economic power while at the same time strengthening its national security.

Last year, I strongly supported almost identical legislation which passed both the Senate and House. I was deeply disappointed in President Bush's decision to pocket veto this legislation because it included provisions which would require sanctions on companies and countries that aid in the development of chemical or biological weapons.

We in Congress passed the Export Administration Act Amendments of 1990 last year because we recognized the need to revise the Export Administration Act and strengthen America's ability to control the development and use of chemical and biological weapons.

The course of events in the Persian Gulf has made the need to expand controls over chemical and biological weapons even more apparent. For months, we have remained under a cloud of fear that Saddam Hussein will make good on Iraqi threats and use these weapons against both innocent civilians and our troops in the gulf. This torturous experience should leave no doubt in our minds that we must take strong steps to stop the proliferation of chemical and biological weapons.

In addition, I support this bill because it makes significant strides towards increasing our country's competitive edge in the sphere of high technology and international trade. These amendments would reduce and revamp the overly burdensome and unnecessarily complex licensing procedures which have confined our exporters' abilities to compete in world markets.

The Omnibus Export Amendments Act of 1991 makes the necessary changes to create an equitable balance between our national security need to provide protection from the threat of chemical and biological warfare and the equally important national security need to foster the United States' economic competitiveness. I urge my colleagues to press for swift passage of this legislation.

Mr. RIEGLE. Mr. President, I rise in support of S. 320, the Omnibus Export Administration Act of 1991, that will, among other things, revise and amend the Export Administration Act to strengthen America's ability to control the development and use of chemical and biological weapons. This bill: First, streamlines our national security controls governing exports to the newly emerging democracies of Eastern Europe; second, institutes new export controls on goods that could assist renegade governments to develop chemical and biological weapons and the means to deliver them; and third, imposes sanctions on Iraq for its invasion and occupation of Kuwait. The bill we are asking the Senate to pass today is identical to the conference agreement bill which we developed with the House last fall and that both Houses passed without objection and sent to the President in the closing days of the 101st Congress.

Last year the Banking Committee under Senator SARBANES' leadership spent countless hours fashioning legislation to streamline our export control regime. All members of our committee participated in those efforts and the administration was fully involved in all our efforts to craft that legislation. After that bill passed the Senate, both Houses of the Congress continued to work closely with the administration during the conference to ensure that changes in our export control policy were consistent with U.S. policy in Cocom, the institution in which we and our allies coordinate controls on exports to Eastern Europe and the Soviet Union. We also labored in full consultation with the administration to ensure that the new controls we fashioned on chemical and biological weapons and the means to deliver them would be workable and effective. We made the Iraq sanction portions of the bill a strong statement of support for the President's policy of utilizing economic sanctions as one means to punish Iraq's invasion of Kuwait.

Despite this, shortly after the Senate passed the conference report on H.R. 4653 and sent it to President Bush, we began to hear reports that some of his advisers were recommending that he veto the bill because it did not provide the President with complete discretion to waive sanctions against companies that knowingly and materially assisted in the development and use of chemical and biological weapons or against countries that used such weapons in violation of international law. To deter such activity the Congress provided that any such sanctions once imposed could not be removed for one year. Some officials in the administration wanted complete discretion to waive any such sanctions at any time. Frankly the Congress did not want the President to have that sort of discretion because of fears State Department officials would always recommend he use it for one pressing diplomatic reason of the moment or another. We felt the need to get tough on stopping the proliferation and use of such weapons outweighed any short term diplomatic gains. We also believed putting the threat of mandatory sanctions on the books would deter foreign companies from knowingly and materially aiding countries to develop such heinous weaponry.

To head off a veto 79 Senators wrote to the President on October 27 and urged him to sign the conference agreement noting that a veto "would be contrary to our shared commitment to eliminate chemical weapons." The Senators signing that letter also cautioned the administration that the Congress wanted a tough sanctions policy on those companies and countries that aid in the development or which utilize chemical and biological weapons in violation of international law. The wisdom of Congress' commitment to take strong measures to deter development and use of such weapons has become clearer now that we see first hand the terrors associated with Iraq's threat to use such weapons against innocent civilian and even military targets.

Editorials appeared in both the New York Times and the Washington Post urging the President to sign the Omnibus Export Amendments Act developed by conferees. The Times stated in its October 25, 1990, editorial that "mandatory sanctions would send a strong message that the United States is serious about curbing the spread of chemical weapons." The Washington Post stated in its November 4, 1990, editorial that:

> * * * some of the President's advisers are pressing for a veto on the grounds that the bill imposes sanctions that would be mandatory. The Administration's lawyers argue that the American response to the use of these weapons ought to be left up to presidential discretion. * * * The bill says that if a country uses these weapons, the United States will impose on it a range of penalties affecting its economic and political relations with this country. After a year the President could lift the penalties. Similarly if a foreign company helps certain countries build these weapons—countries that have used them recently or are preparing to use them or are on the list of havens for terrorists—that company's products will be banned from the American market. Again after a year, the president could lift the ban. It's absurd to describe that as interference with the President's control of foreign policy.

Mr. A.M. Rosenthal, the noted New York Times columnist also wrote an article that appeared in the New York Times on November 2, 1990, urging the bill be signed. In that article he succinctly summed up why it made no sense for the President to veto the Omnibus Export Amendments Act developed by Congress. He stated:

> Yes, it's hard to believe, but it's true. President Bush is threatening to veto Congressional legislation to impose penalties on foreign companies that sell poison gas to our enemies. Yes—and right at the time when about 300,000 American soliders in the desert face the chemical-weapon power sold to Iraq by German companies.

Right now, of course, not only do our troops face Iraq's chemical and biological weapons power but so do civilian populations throughout the Persian Gulf.

The CEO's of some of America's most prestigious and responsible corporations such as John Akers of IBM, Robert Allen of AT&T and Gordon Moore of Intel also wrote to the President in November urging him to sign the conference bill.

Despite these many urgings on November 26 President Bush issued a veto message noting that he was not going to approve H.R. 4653, the Omnibus Export Amendments Act of 1990. In his message he noted that the major flaw in H.R. 4653 was not the requirement of sanctions, but the rigid way in which they are imposed, that is, they could not be waived for a year. The President stated in his veto message that "the mandatory imposition of unilateral sanctions as provided in this bill would harm U.S. economic interests and provoke friendly countries who are essential to our efforts to resist Iraq." I respectfully disagree that imposing nonwaivable sanctions on companies that knowingly and materially assist in the development of chemical or biological weapons for use by countries that use them in violation of international law is unjustifiable. I also strongly disagree that putting mandatory sanctions on countries that use chemical and biological weapons against innocent civilians is unwise. We simply must take a tough stand if we are to rid the world of the threat of such weapons.

Those of us who were conferees on the Omnibus Export Amendments Act, both Democratic and Republican and from both the Banking and Foreign Relations Committees are committed to seeing this legislation passed as quickly as possible this session of Congress. I want to thank Senators PELL and HELMS for all the work they have put in to help develop this legislation over the past 2 years, and also to Senator SARBANES, Senator GARN, and Senator HEINZ of the Banking Committee for their leadership on these issues. It is my strong hope that recent events in the Persian Gulf will have convinced the President that we are correct in urging him to pass the bill we developed last year. We must give President Bush another opportunity to sign this much needed legislation and I urge the Senate to pass this bill today so he can do so.

I ask unanimous consent that the newspaper articles and letter I mentioned in my statement be reprinted in full at its conclusion. I also ask unanimous consent that a letter I received from the Chemical Manufacturers Association endorsing the imposition of strong sanctions against countries and companies that violate export controls on chemical-weapons related materials be put into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 4, 1990]

CHEMICAL WEAPONS

President Bush is getting bad advice from the lawyers who want him to veto the bill on chemical and biological weapons. It's time to tighten the rules against countries that use these foul devices and the manufacturing companies that help them to do it. With very few exceptions—Iraq is the most notorious—the world is now moving to rid itself of these weapons. The United States ought to be leading that movement.

Instead, some of the president's advisers are pressing for a veto on grounds that the bill imposes sanctions that would be mandatory. The administration's lawyers argue that the American response to the use of these weapons ought to be left up to presidential discretion. The bill, they claim, is an infringement on the president's constitutional power to conduct foreign policy.

That's a gross exaggeration. The bill says that if a country uses these weapons, the United States will impose on it a range of penalties affecting its economic and political relations with this country. After a year, the president could lift those penalties. Similarly, if a foreign company helps certain countries build these weapons—countries that have used them recently, or are preparing to use them or are on the list of havens for terrorists—that company's products will be banned from the American market. Again, after a year, the president could lift the ban. It's absurd to describe that as interference with the president's control of foreign policy.

This legislation is a response not only to Iraq's use of gas but to the revelations that a number of European companies, particularly in Germany, helped Iraq and Libya build factories to produce gas. The German government also has reacted, tightening its restriction of suspect exports and sharply increasing the penalties for violating them. International cooperation to discourage these weapons is improving. A veto of the bill would suggest to all the wrong people that the United States was losing interest in the subject.

The breadth of congressional support for this bill is impressive. It passed the Senate 92 to 0, and 79 senators have now publicly urged him to sign it. but the president's lawyers are telling him that the next time an army uses poison gas, he might find it expedient to overlook the incident—as President Reagan overlooked the Iraqi use of gas, first on Iranian troops and then on Kurds who were Iraq's own people. In this bill Congress is saying that it doesn't want poison gas or biological warfare overlooked. That's what this quarrel is about, and this time Congress is right.

[From the New York Times, Nov. 2, 1990]

THE POISON GAS TRADE

(By A.M. Rosenthal)

Yes, it's hard to believe, but it's true. President Bush is threatening to veto Congressional legislation to impose penalties on foreign companies that sell poison gas to our enemies.

Yes—and right at the time when about 300,000 American soldiers in the desert face the chemical-weapon power sold to Iraq by German companies.

Almost every plane, tank or missile deployed by Saddam Hussein against American troops was sold to him by our old friends—Germany, France, Italy, Britain and Japan, for instance—our new friend, the Soviet Union. Moscow still keeps some hundreds of military "advisers" in Iraq.

But what makes Saddam Hussein a danger to us now, and a threat as long as his military power exists, are his chemical weapons and his nuclear potential.

After Israel wiped out Saddam Hussein's first nuclear plant in 1981, he started a new one and also stepped up his long effort to become a power in poison gas and other chemical weapons. The Italians built the first Iraq mustard gas plant. But Baghdad turned to the rather more efficient West German companies, buying chemical warfare know-how and ingredients from at least 25 of them.

Officially, Bonn said the poison gas trade was illegal and naughty. But nothing much was done to try to stop it until long after German help enabled the Iraqis to build chemical warfare plants of their own at Samarra and other sites. Coupled to his foreign-bought ballistic missiles, Iraqi poison gas shells can now be flung hundreds of kilometers.

The United States sent diplomatic notes to Bonn. That did not terrify the Germans, because they knew that the Presidents of the U.S. already had the optional power to punish poison peddlers by applying trade sanctions against companies or countries involved, but that no President had ever cared to opt.

So the current Congress made it mandatory that companies or countries that illegally sold chemical, nuclear or biological weapons, or the capacity for manufacturing them, paid some price for it—such as not being allowed to trade with the U.S. for a year or so.

Now, Americans in the Arabian desert might think mandatory penalties for selling chemical weapons is a pretty good idea. But some of Mr. Bush's advisers said it would unconstitutionally interfere with Presidential powers. Constitutional lawyers I have consulted say that is simply not so.

Or maybe he is listening to those State Department people who tell him the legislation may force him to annoy our dearest and nearest by slapping embargoes against some of their important companies. Germans already have signaled acute displeasure. Right now the poison business is in a slump because of the U.N. blockade, but if Saddam Hussein stays in power, boom days will be back.

But maybe the President just has not thought it through sufficiently. So 79 senators have sent a letter to Mr. Bush urging him not to cast the veto. It would be a moral, political and military mistake that will besmirch the record of his Presidency.

One of the signers and a prime mover of the bill was Senator Jesse Helms, the North Carolina Republican. He also has been a major player in action against nuclear proliferation, for sanctions on the butcher regime of Beijing, and a friend to Lebanese Christians, Israel and Tibet. I am in favor of abortion rights, freedom of art and affirmative action. But I think to be silent about the Helms record on other matters important to me would be to commit a falsehood of silence.

You can help the senators, but you do not have much time to do it.

The President can veto at any hour. Or, if he waits just a few more days, the bill dies under the Constitution. Then it will be held over until the next Congress. The same Presidential supporters in the Congress who dillied until the last days of the session will start dallying all over again; Mr. Helms and other pushers of the legislation may not be around. And conveniently enough for Administration opponents of the bill, the 10 days until the pocket veto becomes operative end on Nov. 7, the day after Election Day.

If you want to plead with the President not to do this thing to himself, the country and the morale of soldiers he sent abroad, you better phone the White House now—(202) 456-1414—and leave a clear message.

Maybe it will help persuade him not to veto with pen or pocket. Maybe it won't. But you will have done what you could to save this important bill and the President's honor, or at least your own.

[From the New York Times, Oct. 25, 1990]

STANDING ON CEREMONY ON POISON GAS

For years the United States did nothing while Saddam Hussein used chemical weapons, first in his war with Iran and then against Iraq's Kurdish citizens. Now U.S. troops face a chemically armed Iraq in the desert and Congress is about to vote to impose mandatory sanctions on countries that produce, acquire or use chemical weapons. How can President Bush, of all people, be threatening to veto the bill?

Mr. Bush has pledged to rid the world of the scourge of chemical weapons. And he's negotiating a global treaty to do just that. But Secretary of State Baker says mandatory sanctions limit the President's discretion. What a bizarre time to stand on ceremony. Congress is right to enact the legislation, and the President would be wrong to veto it.

Sanctions legislation has long bogged down in jurisdictional disputes between committees of Congress. Finally a House-Senate conference has agreed to appropriately tough sanctions in the Export Administration Act.

The act bars foreign companies that help countries develop chemical weapons from selling goods in the United States. Further, once the President determines that a country has used chemical or biological weapons, he must apply sanctions. The list of sanctions includes a cutoff of foreign and military aid, export and import restrictions and suspension of U.S. arms sales.

Mr. Baker says the bill limits administrative flexibility to impose or waive sanctions. But the President could waive sanctions after a year if he determined that was important for national security. In the meantime, mandatory sanctions would send a strong message that the U.S. is serious about curbing the spread of chemical weapons. This is a very good time to send such a message, and a very good cause to get serious about.

AMERICAN ELECTRONICS ASSOCIATION,
Washington, DC, November 9, 1990.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We the undersigned CEOs are writing to recommend that you sign into law the Omnibus Export Amendments Act of 1990, HR 4653. The legislation amends the Export Administration Act to reflect European unification, the significant changes in Eastern Europe and the rapid advancement of technology.

While the bill is not perfect, it will allow the U.S. electronics and telecommunications companies to have a level playing field with our European and Japanese competitors. In particular, exports represent a significant source of revenue for our companies and it is imperative that we be able to export on par with our competitors. Furthermore, the majority of our trade is with U.S. allied nations and the Export Amendments Act will allow us increased flexibility in trading with these partners. Finally, our companies fuel the nation's economic growth. Enhancing our ability to export will strengthen the U.S. economy.

Mr. President, we urge you to sign HR 4653 into law.

Sincerely,

John F. Akers, Chairman, International Business Machines Corporation; Robert E. Allen, Chairman of the Board and CEO, AT&T; Richard Ashcroft, President, International Imaging Systems; Joseph R. Canion, President and CEO, Compaq Computer Corporation; W.P. Conlin, President, CalComp; Charles E. Exley, Jr., Chairman and CEO, NCR; Joe Finney, President and CEO, International Converter; John C. Lewis, Chairman and CEO, Amdahl Corporation; Gordon E. Moore, Chairman of the Board, Intel.

Scott G. McNealy, President and CEO, Sun Microsystems, Inc.; Craig J. Mundie, President and COO, Alliant Computer Systems Corporation; Safi U. Qureshey, President, CEO, and Co-Chairman, AST Research, Inc.; John A. Rollwagen, Chairman and CEO, Gray Research Inc.; Robert Saldich, President and CEO, Raychem Corporation; John Sculley, Chairman, President and CEO, Apple Computer, Inc; Bob Stephens, President and CEO, Emulex Corporation; J. Richard Iverson, President and CEO, American Electronics Association.

CHEMICAL MANUFACTURERS ASSOCIATION,
Washington, DC, February 15, 1991.

Hon. DONALD W. RIEGLE, Jr.,
U.S. Senate, Dirksen Building 105, Washington, DC.

DEAR SENATOR RIEGLE: The Chemical Manufacturers Association (CMA) wishes to convey its strong support for effective sanctions against countries and companies that violate export controls on chemical weapons-related material. CMA hopes that Congress and the Administration will soon resolve the few items that have thus far barred enactment of S. 320, and that the U.S. commitment to multilateral proliferation controls will be reaffirmed.

CMA is a nonprofit trade association whose member companies represent 90 percent of the productive capacity for basic industrial chemicals in the United States. U.S. chemical companies do not manufacture chemical weapons. They manufacture, process, consume and export materials for legitimate uses—materials which can be diverted and misused in the production of chemical weapons. The industry has taken steps to deter the misuse of chemical weapons related materials—not unlike the deterrent intended to be imposed by S. 320.

CMA member companies have long supported international efforts to ban the manufacture, possession and use of chemical weapons. CMA has actively worked with the U.S. government for more than a decade, providing technical advice on matters arising in international negotiations which affect legitimate chemical manufacturers.

The industry made an early and determined response to the call to take an even more active role in the international dialogue to ban chemical weapons. For example, CMA participated in the Global Industry/Government Conference Against Chemical Weapons, held in Canberra, Australia in September, 1989, and in follow up activities conducted under the auspices of the Geneva Conference on Disarmament.

CMA also recognizes that, until a global convention banning chemical weapons is signed, measures to halt chemical weapons proliferation are needed. The most effective strategy for halting the spread of chemical weapons, however, lies in a multilateral approach. CMA hopes that Congress and the Administration will regard the enactment of S. 320 as an opportunity to reaffirm that effective anti-proliferation measures require the agreement of all major chemical-producing countries. The National Academy of Sciences, in its ground-breaking report (*Finding Common Ground: U.S. Export Controls in a Changed Global Environment*) expresses reservations about the potentially adverse national security and competitive consequences of stringent, unilateral controls. As part of their effort to help halt illegal proliferation, CMA member companies developed and implemented a voluntary export control guideline that in some respects goes beyond the requirements of U.S. law. This guideline—adopted by the CMA Board of Directors—encourages every CMA member company to establish a rigorous precursor control program, to cooperate with government officials in enforcing the law, and to report suspicious activities to the appropriate agencies. Periodic updates of this material, including all recent regulatory changes, are made available to all CMA member companies.

Strong sanctions against those assisting the development of a chemical weapons capability will provide another deterrent to illegal misuse of legitimate chemical products. Sanctions against the U.S. affiliates of those violating the controls will not be inadvertently imposed when, as in S. 320, the U.S. affiliate must knowingly assist in the violation. CMA is aware that Congress and the administration currently have some differences on the method by which sanctions will be imposed, and hopes that these differences can be quickly reconciled in meaningful legislation.

CMA and its member companies look forward to continuing their work with Congress and the administration as the chemical weapons anti-proliferation effort continues. If you have any questions concerning CMA's position please have a member of your staff contact Timothy F. Burns, Director, Federal Legislative Affairs (202/887-1124) or Michael P. Walls, CMA Assistant General Counsel (202/887-1170).

Sincerely,

ROBERT A. ROLAND,
President.

Mr. MURKOWSKI. Mr. President, the bill before us, the Export Administration Act of 1991, is largely a good piece of legislation which covers a wide range of extremely important and timely issues. The issues are so urgent in fact, that it would be impossible to prioritize them according to their importance.

This act not only signals the American public's abhorrence of the very manufacture of chemical and biological weapons, but it commits our policy to one of refusal to deal with those that make, trade, transfer or use these weapons of mass destruction.

This act also codifies the imposition of the strictest sanctions against the regime of Saddam Hussein, the very tyrant whose actions have put the lives of our young service people at risk. This Senator would be hard pressed to find a better action for this body to take.

Mr. President, the Export Administration Act does not only deal with punitive measures—it also promotes the expansion of U.S. exports and opportunities in trade with our foreign neighbors. The act streamlines our export control policies to the emerging democracies in Eastern Europe, countries that vitally need access to American-made products and technologies.

I want there to be no doubt that I fully support these provisions contained in the legislation before us today. However, Mr. President, there is another provision in this act which has not received the attention that these urgent matters have.

Mr. President, this act includes a complete ban on the exportation of all crude oil produced from the North Slope of the State of Alaska. This provision is simply unjust. The blanket prohibition of exportation of Alaskan crude oil also creates economic distortions in the world oil marketplace—a market which is already extremely volatile and subject to the whims of plenty of other distortions.

If Saddam Hussein has taught any lessons, one of them would have to be that we need more stability in the world market for oil, not less.

In addition, Mr. President, the ban on North Slope crude exports contained in this act infringes on the State rights of Alaska. Now is not the time to devolve into a debate on America's energy policies—we have plenty of business before us which enable that debate to occur.

However, Mr. President, it is because of this provision in the Export Administration Act of 1991, the provision which bans Alaskan crude oil exports, which forces me to vote against passage of this act.

Mr. HELMS. Mr. President, I am pleased the Senate is considering this legislation so early in the session. This bill is exactly the same as legislation passed by Congress late in the last session, but subsequently pocket-vetoed by the President on the advice of the State Department.

Although this legislation is largely intended to reauthorize the Export Administration Act, in fact, it does a great deal more: It addresses some of the most significant threats to world peace today.

Specifically, included in this bill are:

First, provisions of S. 238 of the 101st Congress, Helms-Pell legislation originally introduced by this Senator in January, 1989 to impose sanctions on foreign companies which trade in chemical and biological weapons technology;

Second, provisions of S. 195 of the 101st Congress, Pell-Helms legislation also originally introduced in January 1989. It imposes sanctions on foreign countries which use chemical weapons;

Third, wide-ranging sanctions on Iraq, many of which were included in the Pell-Helms legislation passed three times by the Senate in 1988, but effectively killed each time in the House at that time.

Fourth, provisions of the Helms amendment to the Export Administration Act, passed by the Senate last September, to require that the Pentagon review all exports of sensitive materials and technology to Iraq, Iran, Syria, and Libya.

Fifth, restrictions on the export of U.S. satellites for the purpose of being launched on Chinese missiles. Helms amendments to restrict such exports passed in 1988 and 1989 only to be dropped both times in conference at the insistence of the House.

In combination, the provisions in this bill providing for tough chemical weapons legislation, tough sanctions on Iraq, new procedures to assure that the Pentagon reviews exports to Iran, Iraq, Syria, and Libya of sensitive United States technology and materials create strong disincentives for foreign countries to use chemical weapons and for companies which would envision helping countries like Iraq to obtain chemical or biological weapons.

For the past couple of years, I have tracked the numerous, mostly foreign, companies which have ruthlessly provided Saddam Hussein with just about everything he needed to build his war machine. I cannot imagine what could have driven companies to help this madman—except simple greed. I call these companies "Saddam's Foreign Legion," and I ask unanimous consent that a current list of these companies be printed in the RECORD at the conclusion of my remarks.

Mr. President, the fact of the matter is that unless we move today to put a halt to the action of these and other companies, some of the most brutal regimes in the Middle East—Iraq, Syria, Iran and Libya—will obtain the capability to independently produce chemical weapons, biological weapons and nuclear weapons. That is what is at stake.

Beyond this imperative, it is simply unfair that while the American taxpayer must spend literally millions of dollars to provide our troops with protections against Iraqi chemical weapons, the foreign companies which helped Iraq build these weapons have gotten away scot-free with their profits intact.

Fortunately, as I mentioned earlier, this legislation includes provisions which will hit these foreign companies where it hurts—in their pockets. Specifically, this bill would prohibit any company which supports, aids or abets the chemical or biological weapons programs of Iraq, Iran, Syria, and Libya from selling products in the United States and from receiving contracts from the United States Government.

The sanctions would be imposed on the offending company for at least 1 year. After that time, the sanctions remain if the company continues its involvement with the chemical or biological weapons programs of these countries. However, also after a year, the President is provided the authority to waive the sanctions.

Mr. President, I wish that the sanctions were stronger—as was the case with the legislation originally passed by the Senate twice last year. But, the legislation now before the Senate is identical to the conference report passed by Congress last year—and as

Senators well know—conferences by nature produce compromises, and reducing the term of the sanctions was one such compromise. We are still, however, much better off than had the conferees taken the House language providing for no minimum term of sanctions.

I still cannot believe the President chose to veto last year's conference report over, in part, these sanctions provisions. After all, we are talking about legislation which has passed the Senate twice—once by a rollcall vote of 92-0. Maybe now that the conflict in the Persian Gulf has made so clear the threat posed by chemical weapons, the President will this time ignore the advice of the State Department and sign the bill.

Mr. President, the bill before the Senate also includes a provision which intends to close a loophole which companies could have otherwise used to avoid sanctions. Senators may recall that the chemical weapons bill originally passed by the Senate last year applied sanctions to the company trading in chemical or biological weapons or technology, its parent, its subsidiaries, its affiliates, its successor company, and any subsidiaries or affiliates of the parent company.

Under the original House bill, only the foreign company which assists the chemical weapons program of countries like Iraq is subject to sanctions. Not the parent company, not its subsidiaries nor its affiliates, nor the other subsidiaries of the parent would be sanctioned.

Large international conglomerates often set up their subsidiaries or affiliates to serve different and specific markets. Any clever corporate executive could set up five subsidiaries that sell principally to the United States and another, separate subsidiary—the sole purpose of which is to sell chemical weapons to Iraq, and which does not now, nor intend to in the future, sell to the United States.

Under the original Senate version, not only the parent corporation, but also the five subsidiaries selling to the United States would have become prohibited corporations because of the poison gas sales of the sixth subsidiary to Iraq. The original House version would be meaningless, because only the poison gas subsidiary would be proscribed. The other five subsidiaries could keep on selling to the United States, thereby benefiting the parent corporation, which establishes and benefits from the policies of its poison gas subsidiary.

Enactment of that original House language would be unfortunate to say the least. It would prevent this legislation from exacting a penalty on foreign companies which is stiff enough to discourage foreign executives sitting in board rooms from deciding to assist the chemical or biological weapons programs of Iraq, Iran, Syria, or Libya and not to create loopholes which could be used by greedy executives to avoid sanctions.

That is why it is necessary to penalize companies involved in the chemical weapons trade, and the subsidiaries for which such companies are responsible.

If we do not hold parent companies responsible for the actions of the subsidiary and vice versa, then we would be creating a loophole whereby greedy companies could escape responsibility by setting up subsidiaries.

And if the goal is to discourage foreign companies from participating in the chemical weapons trade, we must let foreign executives know that not only their company, but all other companies for which they are responsible, and which share in the dirty profits, will pay the price.

Fortunately, the compromise reached on this issue in last session's conference report—and the provisions in the legislation before us today would prevent corporate executives from using corporate structure to avoid accountability for assisting the chemical or biological weapons programs of countries like Iraq, Iran, Syria, and Libya. Specifically, sanctions would be applied to the specific company participating in the chemical weapons trade, any successor entity to that company, any parent or subsidiary if that entity "knowingly assisted" in the activities of the sanctioned company, and any affiliate of the sanctioned company if it too knowingly assisted in the activities of that company and was effectively controlled by that company.

In U.S. law, as interpreted by our Government, knowledge of a company's activities is commonly imputed to that company's parent, subsidiaries, and affiliates. From the discussions through which the conference language was developed, it was clear that the conferees intended that this common practice of imputing knowledge to other entities in the corporate structure be followed in imposing sanctions provided for in this legislation.

Hopefully, the State Department will administer this legislation in accordance with the wishes of the conferees. Those involved in the drafting of this legislation will be closely monitoring implementation of the corporate sanction provisions to determine whether it is being implemented in such a way that corporations intending to trade in chemical or biological weapons technology can effectively avoid sanctions through creative corporate structuring.

I was also pleased to see that the conferees agreed to retain, in substance, the provisions of an amendment I offered to the Export Administration Act Reauthorization when it was considered on the Senate floor last month, to require review by the Pentagon of exports of sensitive materials and technology to Iraq, Iran, Libya, and Syria.

Senators may recall that shortly before the Iraqi invasion of Kuwait, President Bush wisely intervened to halt the sale of a state-of-the-art titanium processing furnace to Iraq. But the President's last minute intervention was required, because the bureaucratic procedures for reviewing such sales had failed.

The problem is, Mr. President, that under current law, the Department of Commerce has nearly total say over exports to these countries. Although the law specifies that the Commerce Department may consult with the Department of Defense, they generally consult only in cases where Commerce itself has determined that an export could benefit missile technology or chemical, biological, and nuclear weapons development. But it is up to the Commerce Department—which does not have the expertise of the Department of Defense, to make that determination.

In such cases, even if the Department of Defense advises against an export, they can be overruled by the Commerce Department. This is precisely what has occurred over and over again. In the case of Iraq alone, between 1985 and 1989, the Department of Commerce reversed at least 14 Department of Defense recommendations of denials. The Defense Department had recommended the denials because they believed that the items would be exported to end-users known to be involved with missile development, and nuclear and chemical weapons development.

The Helms provision will remedy this problem by providing for automatic Department of Defense review of licenses proposed to be issued for exports to Iran, Iraq, Syria, and Libya. If the Pentagon disagrees with the Department of Commerce on whether a particular license should be issued, the two Departments will bring their respective cases to the President for him to make the final decision.

Mr. President, on September 27, 1990, more than 1 week after the Helms amendment passed the Senate, the House Subcommittee on Commerce, Consumer, and Monetary Affairs held a hearing on this very topic. At that hearing, the former Deputy Under Secretary of Defense, Dr. Stephen D. Bryen, provided the following testimony:

> The first ounce of prevention is to assure that goods that are militarily critical and of national security importance are rigorously reviewed by the Department of Defense. As we speak today, this is far from the case. Most militarily sensitve exports are handled solely by the Commerce Department and the Defense Department is not consulted * * * if the Defense Department provides a negative opinion about an export, then the White House and the National Security Council should be the sole arbitrator of any inter-

agency dispute over whether the export should go.

Mr. President, that is what this Helms provision is all about. I am encouraged and gratified that the conferees chose to include in this legislation passed last year, and that it is included in the bill before the Senate today.

Mr. President, more than 2 years ago, the chairman of the Foreign Relations Committee, Mr. PELL, and I undertook to secure legislation imposing sanctions on Iraq for its use of chemical weapons, and aiming to stem the flow of technology to Iraq.

These legislative efforts failed. And today we find our President compelled to dispatch to Saudi Arabia literally hundreds of thousands of young American men and women to meet the threat posed by Saddam Hussein.

It is beyond the point where we need to point fingers as to who was responsible for the failure of the legislative efforts of 2 years ago. There is nothing we can do to change the past.

However, Mr. President, there is a great deal we can do to change the future, and assure that some of the mistakes which helped lead us to the gulf do not recur. We can quickly pass this legislation including tough chemical weapons provisions, tough sanctions on Iraq, and new procedures to assure that the Pentagon reviews exports to Iran, Iraq, Syria, and Libya of sensitive United States technology and materials.

Mr. HEINZ. Mr. President, last Thursday I made extensive comments on this bill when it was placed on the calendar. I see no need to take a great deal of time today repeating the concerns I expressed at that time, but I do want to point out that this is something of an urgent matter. The country is presently operating under emergency regulations in the absense of an export control statute, thanks to the President's veto of this same bill last year. This is a situation which is both legally suspect and highly disadvantageous to our exporters.

It is legally suspect because the statute under which the President has issued his regulations, the International Emergency Economic Powers Act [IEEPA], was clearly not intended for this purpose. This is the statute that was used to freeze Iranian assets after our embassy personnel were taken hostage. That was a genuine international emergency, and prompt effective action was needed. But where is the emergency this time around, Mr. President? The act expired last September 30, and the President used IEEPA to continue it without change, expecting a bill in a few weeks. No one objected to that procedure because of the progress we were making on the bill.

Subsequently, the President vetoed the bill and then used the same emergency authority to issue Executive order setting up his own export control regime, picking and choosing from among the various provisions we sent him. The President implemented those he liked and ignored those he did not like. The only emergency here is that Congress passed a bill the President didn't like.

Mr. President, this is not the way the Constitution contemplated the legislative process operating. The spirit and intent to IEEPA are being perverted to allow the President to do whatever he wants without legislative authority. While I do not take strong exeception to the entirety of his Executive orders, there are some provisions that fall short of the mandate in this bill, and there are some provisions in the bill that are missing entirely. The country and the legislative process will be best served if we eliminate this embarrassing misuse of IEEPA and provide a clear statutory basis for our export control program.

The absence of statutory authority also creates uncertainty and confusion for our exporters. The President's Executive orders, as might be expected, are notable for the latitude they give administering authorities in making licensing and control decisions. In some situations this authority is ambiguous and dependent on regulations that have not been produced in final form. In all cases, there is a clear statutory basis—a bottom line if you will—for the authority, which means the basis for decisions can change at the will—or whim—of the administering authorities.

I might add that, as is usual in this area, the administering authorities themselves do not necessarily speak with one voice on control matters. Depending on which agency one contacts, one receives different advice. That, by the way, is why the Senator from Utah and I introduced legislation to combine all our export licensing functions, among other things, into an Office of Strategic Trade and Technology [OSTT]. I was pleased to see that the recent report one export controls by the National Academy of Sciences also recommended consolidation of licensing in a single agency. Although they chose an existing entity, the Commerce Department, for that purpose, it is noteworthy that the Academy joined us in recognizing the need for consolidation and unification of this function in order to make sure our exporters receive clear and consistent guidance.

The other way to provide such guidance is to provide clear statutory direction for the administering authorities; that is, to control their whims. This bill would do that, which is another important argument for its prompt enactment.

Turning to substance, Mr. President, let me also say that the arguments today for strong chemical weapons sanctions are even stronger than they were when this bill was first passed.

In the wake of the Iraqi invasion of Kuwait, President Bush depicted United States foreign policy as guardian of a new, more peaceful world order. But subsequently, the administration proceeded to enunciate a policy which, by all accounts, fails to address the greatest single threat to that vision: the proliferation of chemical, nuclear and biological weapons of mass destruction.

These instruments of disaster are flooding into the hands of rogue nations at a time when the superpowers themselves are finally making serious arms control strides. Rather than face what promises to be the ultimate threat to international peace and security in the 1990's and into the 21st century, the administration instead is continuing the policy of neglect inherited from previous administrations.

In late 1990, the President, apparently after poor advice from the State Department, vetoed the legislation we are now considering, which would have required mandatory sanctions against countries that use chemical weapons, as well as against any corporations that knowingly help those countries to acquire chemical arms. Astonishingly, the administration rejected the idea of mandatory sanctions, preferring instead to retain the executive privilege to apply sanctions on a discretionary basis.

While the measures the President has proposed involve confronting and prosecuting some American and foreign corporations, I fear that without this legislation this new policy will merely continue the incomplete and disparate sanctions of the past. In short, the United States has no clear policy with regard to the most pressing national security need of the decade; rather, we have and will continue to have a series of disjointed statements and protest masquerading as a policy.

These halting half measures cannot be dismissed as only the first stab at a new issue. The problem of proliferation is an old one, and for years both the White House and our allies have looked the other way. Despite ample warning, there has been no sustained multilateral response to what has quickly become a global threat. Western governments have known for over a decade—and in some cases even longer—that their own corporations have been aiding regimes from Asia to Africa to South America in the race to acquire weapons of mass destruction and the means to deliver them. To take but one example, it is clear that Western intelligence services were aware of the Libyan chemical weapons program at Rabta, built and staffed by the West Germans, as early as 1980. In the ensuing 8 years the State Department and the West German intelligence services prepared no less than 14 reports on Rabta. Yet, despite at least three official United States inquiries to the West Germans, no substantive action was ever taken and Rabta still stands.

We are already reaping the bitter harvest of this shortsightedness; our service men and women in the Saudi desert are confronted by a dictator who would never have been as powerful or as threatening without an arsenal of deadly chemical and biological weapons. Nor will the Iraqi threat be the last: How will the world contend with Libya should it threaten to rain anthrax on London, or with North Korea should it decide to reunify the Korean peninsula under an umbrella of nuclear missiles?

Consider the speed with which the chemical, biological, and nuclear threat has grown in the developing world. In 1980, none of the major antidemocratic states of the Middle East—Iran, Iraq, Libya, and Syria—had weapons of mass destruction. Today, all have at least some access to chemical and biological arms, and some estimates indicate that nuclear weapons might have joined this fearsome inventory had the Israelis not destroyed the Iraqi nuclear program at Osirak in 1981. Ten years from now, several more nations, including perhaps Argentina, Pakistan, Egypt, and others will have joined these ranks.

The types of weapons, and the types of regimes that possess them, should be reason enough for concerted international action. The chemical inventory includes poisons ranging from nerve gases such as Sarin and Tabun, to cyanide and mustard gases, as well as newer and more persistent agents. The biological order of battle is even more horrendous; several nations are experimenting with weapons to deliver anthrax, botulism, bubonic plague, and cholera, among others. Even more likely than a biological attack, however, is the possibility that a laboratory accident could release any of these organisms into a densely populated area, where it would then spread to other regions like any other epidemic. The Soviets can attest to this danger first hand: They suffered a major outbreak of anthrax in the city of Sverdlovsk in the early 1970's in the wake of a botched germ warfare experiment.

The inhuman nature of these chemical and biological agents is soon to be compounded by the spread of ballistic missile technology. These ghastly weapons will inevitably be united with long range missile delivery systems that will threaten major cities in Europe, Asia, and Africa, and it is only a matter of time before North America is within reach. Until then, terrorists still have the option of acquiring a device from supporters of international terrorism, like Syria or Libya, and using it in a more conventional manner against American, European, or Israeli cities.

Concerted international action is long overdue against states and leaders who would acquire this kind of weaponry, as well as against the unprincipled companies, engineers, and technicians who have abetted the transformation of petty dictators into well-armed mass murderers. Among the options open to the international community:

Sanctions, serious sanctions, can and should be imposed against states which are attempting to acquire nuclear weapons or to develop chemical and biological agents. This legislation would take that step.

Meaningful sanctions must also be taken against countries who provide such weaponry. China—a major supplier of missile technology to the developing world—is one example.

The international community should demand that each state take domestic legal action against industries in which corporate criminals have consistently flouted domestic and international laws prohibiting the transfer of these deadly technologies. German corporations are far and away the worst such offenders.

The identities of these corporations, both abroad—and yes, in the United States as well—should be made public, and international sanctions should be imposed against them should domestic prosecution be denied.

Should all else fail, another option remains. But before the United States or any other responsible member of the international community uses forces to destroy the threat of nuclear, chemical or biological state terrorism, economic and legal avenues should be pursued to their fullest extent. Unless we act, and act quickly, by the end of this decade we may become victims of a fate seen now only in silent photographs of gassed Kurds, or heard only in the quiet recollections of the survivors of the Sverdlovsk accident.

The bill before us, Mr. President, does not mandate all those actions, but it takes some important first steps—more significant and effective steps than the President has taken so far. For that reason alone, we should act promptly to pass this bill.

Mr. GRAHAM. Mr. President, the Middle East naturally continues to consume our attention.

We should be very concerned, however, that in the shadow of these events, Soviet leader Gorbachev continues to move away from democratic reform.

The repressive measure taken against the Baltic States;

Recent decisions to further restrict glasnost;

Lack of progress on economic restructuring;

Backsliding on arms control talks; and

Yes, the continuing policy of support for the Castro regime in Cuba all indicate an ascendance of antireform forces in the Gorbachev government.

The bill before us addresses very directly one of those issues—Cuba.

It puts the teeth back into our trade embargo against Cuba.

I say "put back" because, until 1975, our embargo against Cuba was much tougher than it is today.

At that time the embargo applied to American owned or controlled subsidiaries in foreign countries.

This amendment would restore that important provision.

Including subsidiaries in our embargo is entirely consistent with provisions we enforce in our embargoes with North Korea, Cambodia, and Vietnam.

Morever, the Senate has already approved identical provisions—not once—but three different times—at one point by a vote of 82 to 13.

And no wonder. The majority of our colleagues agreed that without this particular provision, an embargo can be easily circumvented. And in Cuba's case, with great effect.

By exploiting this loophole, Cuba is able to do about $300 million in hard currency trade through United States subsidiaries. That is about one-sixth of the total $1.7 billion trade Cuba does with the non-Communist world.

This figure is certain to grow as Cuba actively seeks trading partners in the West to replace a probable decline in trade with Eastern Europe.

Fidel Castro remains one of the last political dinosaurs on the world scene today. As a democratic tide breaks over the world, East and West, Castro stands with his finger in the socialist dike, trying almost comically to hold back the forces of change.

It would be comical if not for the continuing violence of his rule. Although Castro is headed for the dustbin of history, it is taking longer for him to get there than any of us would like.

Let us try to speed the process. This bill helps us do that.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 320) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Export Amendments Act of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—EXPORT ADMINISTRATION ACT AMENDMENTS

Sec. 101. Short title; reference.
Sec. 102. Types of licenses; control list.
Sec. 103. Exports to COCOM.
Sec. 104. Reexports and supercomputer exports.
Sec. 105. Standard of measurement for computers.
Sec. 106. Statement of policy toward countries representing a lesser strategic threat.

Sec. 107. East-West decontrol.
Sec. 108. Commodity jurisdiction.
Sec. 109. Controls on telecommunications.
Sec. 110. Exports subject to national discretion and favorable consideration.
Sec. 111. Statement of policy for general exception cases.
Sec. 112. Control list review.
Sec. 113. Unilateral controls.
Sec. 114. Trade shows.
Sec. 115. Exports of related technical data.
Sec. 116. Indexing procedures.
Sec. 117. Negotiations with other countries; Department of Commerce representative.
Sec. 118. Removal of section 5(k) designation.
Sec. 119. Notification of COCOM actions.
Sec. 120. Review of licenses.
Sec. 121. Criminal penalties.
Sec. 122. Policy toward countries receiving licensing benefits.
Sec. 123. Enforcement authority.
Sec. 124. Judicial review.
Sec. 125. Policy toward the People's Republic of China.
Sec. 126. Export of satellites for launch by People's Republic of China.
Sec. 127. Exports to the Soviet Union.
Sec. 128. Prohibition of certain transactions between certain United States firms and Cuba.
Sec. 129. Authorization of appropriations.
Sec. 130. Extension of the Act.
Sec. 131. Technical amendments.

TITLE II—EXPORT PROMOTION

Sec. 201. United States and Foreign Commercial Service.
Sec. 202. Qualifications for market development cooperative program.
Sec. 203. Country reports on trade practices.
Sec. 204. Report on export policy.
Sec. 205. Report on export promotion.
Sec. 206. Export promotion authorization.
Sec. 207. Interest subsidy program.
Sec. 208. Human rights in Yugoslavia.
Sec. 209. Increase of membership of advisory committee.
Sec. 210. Technical corrections relating to the International Development and Finance Act of 1989.

TITLE III—MISSILE TECHNOLOGY

Sec. 301. Policy.
Sec. 302. Amendment to the Export Administration Act of 1979.
Sec. 303. Amendment to the Arms Export Control Act.
Sec. 304. Report on missile proliferation.
Sec. 305. Repeal of duplicative provisions.

TITLE IV—CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION

Sec. 401. Short title.
Sec. 402. Purposes.

Subtitle A—Measures to Prevent the Proliferation of Chemical and Biological Weapons

Sec. 421. Multilateral efforts.
Sec. 422. United States export controls.
Sec. 423. Sanctions against certain foreign persons.

Subtitle B—Sanctions Against the Use of Chemical and Biological Weapons

Sec. 441. Determinations regarding use of chemical or biological weapons.
Sec. 442. Sanctions against use of chemical or biological weapons.

Subtitle C—Reporting Requirements

Sec. 461. Presidential reporting requirements.

TITLE V—SANCTIONS AGAINST IRAQ

Sec. 501. Short title.

Subtitle A—Response to Iraq's Invasion of Kuwait

Sec. 521. Declarations regarding Iraq's invasion of Kuwait.
Sec. 522. Consultations with Congress.
Sec. 523. Trade embargo against Iraq.
Sec. 524. Additional import sanctions.
Sec. 525. Penalties for violations of embargo.

Subtitle B—Response to Iraq's Long-Standing Violations of International Law

Sec. 541. Declarations regarding Iraq's long-standing violations of international law.
Sec. 542. Sanctions against Iraq.
Sec. 543. Waiver authority.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Soviet military assistance to Cuba.
Sec. 602. Attacks against Israelis and illegal activities in the United States.
Sec. 603. Family needs of members of the Armed forces.
Sec. 604. Sanctions against foreign violators.
Sec. 605. Terrorist Death Penalty Act of 1991.
Sec. 606. Criminal and civil penalties for production, transport, or use of biological or chemical weapons which kill, maim, or injure United States nationals abroad.

TITLE I—EXPORT ADMINISTRATION ACT AMENDMENTS

SEC. 101. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This title may be cited as the "Export Administration Act Amendments of 1991".

(b) REFERENCE TO THE EXPORT ADMINISTRATION ACT OF 1979.—Except as otherwise specifically provided, whenever in this title a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Export Administration Act of 1979 (50 U.S.C. App. 2401 and following).

SEC. 102. TYPES OF LICENSES; CONTROL LIST.

(a) TYPES OF LICENSES.—Section 4(a)(2) (50 U.S.C. App. 2403(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence by striking "in countries" and all that follows through "China"; and

(B) in the second sentence by striking "controlled countries" and inserting "an unauthorized use or consignee"; and

(2) in subparagraph (B) in the first sentence by striking "are located in countries other than controlled countries (except the People's Republic of China),".

(b) CONTROL LIST.—Section 4(b) (50 U.S.C. App. 2403(b)) is amended by adding at the end the following: "Not later than 6 months after the date of the enactment of the Export Administration Act Amendments of 1991, the Secretary shall modify each item on the control list as necessary to specify with particularity the performance and other identifying characteristics of any technical data that is subject to export controls under section 5, export controls under section 6, or export controls pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978. Technical data that is subject to licensing requirements shall be included on the control list concurrent with implementation of the 'Core List' agreed to by the group known as the Coordinating Committee.".

SEC. 103. EXPORTS TO COCOM.

Section 5(a)(4) (50 U.S.C. App. 2404(a)(4)) is amended—

(1) in subparagraph (A) by striking "No" and inserting "Subject to subparagraphs (C) and (D), no"; and

(2) by adding at the end the following:

"(C) Effective not later than December 31, 1991, no authority or permission may be required under this section for the export or reexport of goods or technology to or from a country which maintains export controls on such goods or technology cooperatively with the United States pursuant to the agreement with the Coordinating Committee or pursuant to an agreement described in subsection (k)(1).

"(D)(i) Notwithstanding subparagraph (C), the Secretary, in consultation with the Secretary of Defense, the Secretary of State, and the Secretary of Energy, may require authority or permission to export or reexport goods or technology, which are otherwise eligible for export or reexport under subparagraph (C), in the case of—

"(I) exports to such unreliable end users as the Secretary may specify by regulation; or

"(II) any reexport to a country other than a country described in subparagraph (A) of goods or technology identified under subparagraph (B).

"(ii) Notwithstanding subparagraph (C), the Secretary may require authority or permission to export or reexport goods or technology pursuant to special multilateral control arrangements agreed to unanimously by the Coordinating Committee, if all countries in which the goods or technology are produced agree to equivalent measurement parameters, performance capabilities, and licensing and other requirements. The Secretary shall notify the Congress at least 30 days before the United States proposes such control arrangements to the Coordinating Committee, and not more than 30 days after such control arrangements are agreed to by the Coordinating Committee.

"(iii) If the Secretary, in consultation with the Secretary of State, determines that a country referred to in subparagraph (A) is engaging in a pattern and practice of noncompliance with the agreement of the Coordinating Committee or other applicable agreement, the Secretary shall, during the period in which that determination is in effect, and to the extent determined by the Secretary, require authority or permission to export or reexport goods or technology to that country, and to reexport goods or technology from that country. Any such determination shall not take effect until 30 days after the Secretary of State notifies the Coordinating Committee of the determination and requests the cooperation of the Coordinating Committee in imposing comparable export controls. The Secretary shall review each determination made under this clause at least once in each 1-year period for the purpose of determining whether the country involved continues to engage in a pattern and practice of noncompliance with the applicable agreement. In making a determination under this clause, the Secretary shall consider whether the country involved has adopted the following measures:

"(I) national laws providing appropriate civil and criminal penalties and statutes of limitations sufficient to deter potential violations;

"(II) a program to evaluate export license applications that includes sufficient technical expertise to assess the licensing status of exports and ensure the reliability of end-users;

"(III) an enforcement mechanism that provides authority for trained enforcement officers to investigate and prevent illegal exports;

"(IV) a system of export control documentation to verify the movement of goods and technology; and

"(V) procedures for the coordination and exchange of information concerning violations of the agreement of the Coordinating Committee.

The provisions of section 10(o) apply to exports for which licenses are required under this section.".

SEC. 104. REEXPORTS AND SUPERCOMPUTER EXPORTS.

(a) REEXPORTS OF TECHNOLOGY.—Section 5(a)(5) is amended—

(1) in subparagraph (A) by striking "(B)" and inserting "(C)";

(2) in subparagraph (B)—

(A) by redesignating such subparagraph as subparagraph (C); and

(B) by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)"; and

(3) by inserting after subparagraph (A) the following:

"(B) Except as provided in subparagraph (C), no authority or permission may be required under this section to reexport technology subject to the jurisdiction of the United States from any country when the technology to be reexported is incorporated in other technology and—

"(i) the value of the technology subject to the jurisdiction of the United States that is incorporated in that other technology and, at the time of the reexport, would, if exported from the United States, require a validated license, is 25 percent or less of the total value of that other technology; or

"(ii) the export to a controlled country of the technology subject to the jurisdiction of the United States would require only notification of the participating governments of the Coordinating Committee.".

(b) SUPERCOMPUTER EXPORTS AND REEXPORTS.—Section 5(a) (50 U.S.C. 2404(a)) is amended by adding at the end the following:

"(7)(A) With respect to the definition of 'supercomputer' under paragraph (6)(A), the Secretary shall, not later than 6 months after the date of the enactment of the Export Administration Act Amendments of 1991, publish in the Federal Register a performance-based indexing system in order to ensure that such definition and all controls and security safeguard procedures on supercomputer exports and reexports are commensurate with technological advances in the supercomputer industry. Such indexing system shall be based upon a provision that for destinations in any country (other than a controlled country) that is a party to and, as determined by the President, is adhering to, the Treaty on the Non-Proliferation of Nuclear Weapons (done at Washington, London, and Moscow on July 1, 1968) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (done at Mexico on February 14, 1967), no security safeguard procedures may be required in connection with any export or reexport of a supercomputer with a theoretical peak performance at or below approximately 25 percent of the theoretical peak performance of the average of the two most powerful supercomputers currently available commercially in the United States or elsewhere.

"(B) Before publishing the performance-based indexing system under subparagraph (A), the Secretary shall seek the views of the appropriate technical advisory committees appointed under subsection (h), and other interested parties. Not later than 2 weeks after publication of such system in the Federal Register, the Secretary shall submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, that includes—

"(i) the text of the Federal Register notice,

"(ii) a summary of the views expressed by the technical advisory committees and other interested parties with respect to the performance-based indexing system, and

"(iii) a description of how the performance-based indexing system addresses the views of the technical advisory committees and other interested parties.

"(C) For purposes of this paragraph, the term 'security safeguard procedures' means procedures that are required by the Department of Commerce, as a condition of an authorization to export or reexport a supercomputer, primarily to restrict access to and resale of such supercomputer.".

SEC. 105. STANDARD OF MEASUREMENT FOR COMPUTERS.

Section 5(a)(6) (50 U.S.C. App. 2404(a)(6)) is amended—

(1) by inserting "(A)" after "(6)", and

(2) by adding at the end the following:

"(B) In response to recommendations received from technical advisory committees appointed under subsection (h), the Secretary shall, after appropriate consultation with the Coordinating Committee, propose regulations which update and, where appropriate, revise or replace the measurement known as the 'Processing Data Rate', which is used in part to determine licensing requirements for computers other than supercomputers. Such regulations shall reflect the performance capabilities of computers and rely, to the maximum extent possible, upon measurements of those capabilities which are objective and commonly understood by the computer industry.".

SEC. 106. STATEMENT OF POLICY TOWARD COUNTRIES REPRESENTING A LESSER STRATEGIC THREAT.

Section 5(b)(2) (50 U.S.C. App. 2404(b)(2)) is amended to read as follows:

"(2)(A) It is the policy of the United States that licensing treatment of a country on the list of controlled countries maintained by the President pursuant to paragraph (1) should be revised in any case in which that country—

"(i) represents a lesser strategic threat; and

"(ii) accomplishes the following:

"(I) implements an effective export control system, including enactment of legislation controlling shipment of goods and technology subject to controls under agreement of the group known as the Coordinating Committee to controlled countries and imposing effective penalties to deter violation of its export controls;

"(II) adopts technology security arrangements, including end-use assurances and on-site inspection and verification; and

"(III) terminates governmental policies and intelligence cooperation with other controlled countries relating to illegal acquisition and diversion of controlled technology.

"(B) The revision of controls necessary to implement the policy set forth in subparagraph (A) shall include the following:

"(i) When the Secretary, in consultation with the Secretary of State and the Secretary of Defense, determines that necessary steps have been taken to implement the criteria set forth in subparagraph (A), the Secretary of State should propose the adoption by the Coordinating Committee of the special procedure for favorable consideration of exports to such countries agreed to in the Coordinating Committee High Level Meeting of June 6 and 7, 1990, or other countries the Coordinating Committee may designate.

"(ii) The Secretary, in consultation with the Secretary of State and the Secretary of Defense, shall annually review the performance of such country in implementing the criteria set forth in subparagraph (A) and, to the extent that such performance indicates appropriate use and protection from diversion of controlled technology, the Secretary of State should propose the adoption by the Coordinating Committee of more favorable licensing treatment or, if security concerns increase, more restrictive controls on technology exports to such country.

"(iii) When, in addition to progress on the criteria set forth in subparagraph (A), a country takes steps to reduce its offensive military capabilities and phase out its participation in the Warsaw Pact, including withdrawal of Soviet military forces, the President should seek agreement in the Coordinating Committee to remove the country from the list of controlled countries and propose licensing treatment by the Committee as a free world or cooperating country destination.

"(C) The Secretary should provide the greatest possible technical assistance to countries undertaking the measures described in subparagraph (A).".

SEC. 107. EAST-WEST DECONTROL.

Section 5(c)(5) (50 U.S.C. App. 2401(c)(5)) is amended—

(1) in subparagraph (A)—

(A) by striking "Not later than 6 months after the date of the enactment of this paragraph" and inserting "Not later than 6 months after the date of the enactment of the Export Administration Act Amendments of 1991"; and

(B) in clause (i) by striking all that follows "technology" and inserting "the licensing of which under this section has been eliminated by regulations promulgated to implement the agreement reached in the Coordinating Committee High Level Meeting of June 6 and 7, 1990."; and

(2) by striking subparagraph (B) and inserting the following:

"(B) The Secretary shall issue regulations implementing fully the agreement reached in the Coordinating Committee High Level Meeting of June 6 and 7, 1990, relating to removal of controls, national discretion, and favorable consideration of export licenses, and shall provide the licensing treatment prescribed in that agreement for goods and technology in accordance with the levels of technology specified therein.

"(C) Not later than 90 days after the date of the enactment of this subparagraph, the Secretary of State shall seek the approval of the Coordinating Committee for the following: that no authority or permission may be required to export to any country computers at a level of technology the export of which to the People's Republic of China on the date which is 60 days after the date of the enactment of the Export Enhancement Act of 1988 would require only notification of the participating governments of the Coordinating Committee, or at a higher level of technology.

"(D) Not later than April 1, 1991, the Secretary, in consultation with the Secretary of Defense and the Secretary of State, shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives describing the implementation of the agreement reached in the Coordinating Committee High Level Meeting of June 6 and 7, 1990. Not later than May 1, 1991, the Under Secretary of Commerce for Export Administration, the Under

Secretary of State for International Security Affairs, and the Under Secretary of Defense for Policy shall appear before both such committees to present testimony on the report. Such report shall include descriptions of—

"(i) the status of implementing the 'Core List' provided for in the agreement and a description of the criteria used in developing the Core List,

"(ii) the status of implementing the special procedure for countries representing a lesser strategic threat provided for in the agreement,

"(iii) the status of implementing the national discretion and favorable consideration procedures contained in the agreement,

"(iv) the status of implementing a license-free zone among the governments participating in the Coordinating Committee, including a common standard of enforcement, and

"(v) the strategic justification for and impact of the agreement as they relate to the military capabilities and technology acquisition efforts of controlled countries.

"(E) In the case of goods and technology from which export controls have been removed under subparagraph (A), export controls under this section may thereafter be imposed on such goods or technology only if such controls are agreed to by the participating governments of the Coordinating Committee.".

SEC. 108. COMMODITY JURISDICTION.

(a) IN GENERAL.—Section 17 (50 U.S.C. App. 2416) is amended by adding at the end the following new subsection:

"(g) COMMODITY JURISDICTION.—(1) Notwithstanding any other provision of law, no item may be included on both the control list and the United States Munitions List, after the publication of the lists required under paragraph (6) and the resolution of any dispute with respect to such lists under paragraph (7).

"(2) Notwithstanding any other provision of law—

"(A) an item agreed for control on the International Munitions List of the group known as the Coordinating Committee shall be subject to control under the Arms Export Control Act and not under this Act; and

"(B) except as provided in paragraphs (3) and (4), an item not agreed for control on the International Munitions List of the Coordinating Committee shall be subject to control under this Act and not under the Arms Export Control Act.

"(3) An item described in paragraph (5) that is not on the International Munitions List may be subject to control under the Arms Export Control Act—

"(A)(i) for a period of 9 months after the date on which the United States proposes to the Coordinating Committee that the item be added to the International Munitions List, and

"(ii) for an additional 9-month period, but only if negotiations in the Coordinating Committee to add the item to the International Munitions List are continuing; or

"(B) if the Secretary of State, in consultation with the Secretary, so determines, except that if the Secretary disagrees with the Secretary of State with respect to such item, the item may be subject to control under the Arms Export Control Act only if the disagreement is resolved by the 2 Secretaries or by the President pursuant to the procedures set forth in subparagraphs (B) and (C) of paragraph (7).

"(4) An item that is not on the International Munitions List may be subject to control under the Arms Export Control Act if the President—

"(A) determines that extraordinary circumstances exist affecting the national security of the United States, which require that the item be controlled under the Arms Export Control Act;

"(B) proposes to the Coordinating Committee that the item be added to the International Munitions List, and

"(C) within 10 days after making the determination under subparagraph (A), submits a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, describing in detail the reasons for the determination, in appropriate classified form, as necessary.

"(5) An item referred to in paragraph (3) is an item that—

"(A) is specially designed, developed, configured, adapted, or modified for military or intelligence application;

"(B) does not have significant civil applications; and

"(C) is not a component the performance capacity and function of which are essentially equivalent to those used for civil applications.

"(6)(A)(i) Within 3 months after the date of the enactment of this subsection, the Secretary shall publish the control list and the Secretary of State shall publish the United States Munitions List, with all revisions that have been made in accordance with this subsection.

"(ii) Within 3 months after the date of the enactment of this subsection, the Secretary of State shall publish in a separate list those items remaining subject to control under the Arms Export Control Act under paragraph (3).

"(B) If either the Secretary or the Secretary of State fails to publish a revised list in accordance with subparagraph (A)(i), there shall be excluded from the list of the Secretary that did not so publish a revised list, any item included on the list of the Secretary that did so publish a revised list.

"(7)(A) Whenever—

"(i) the Secretary or the Secretary of State receives a request to determine whether an item is subject to control under this Act or the Arms Export Control Act,

"(ii) either Secretary finds that an item is included on both the control list and the United States Munitions List,

"(iii) an item appearing on the list of one Secretary under paragraph (6)(A)(i) is considered by the other Secretary to be under the jurisdiction of that other Secretary, or

"(iv) the Secretary disagrees with the inclusion of an item on the list published under paragraph (6)(A)(ii),

the Secretary or the Secretary of State (as the case may be) shall refer the matter and any relevant information to the other Secretary.

"(B) The 2 Secretaries shall have a period of 15 days following the referral of a matter under subparagraph (A) to resolve any differences with respect to the matter involved.

"(C) If the 2 Secretaries fail to resolve such differences within that 15-day period, either Secretary may refer the matter to the President who, within 15 days after receiving the referral, shall notify the Secretaries of his determination on the matter in dispute.

"(D) In the event that either the Secretary or the Secretary of State does not respond to a referral under subparagraph (A) by the other Secretary, the Secretary that did not so respond shall be deemed to concur with the other Secretary on the matter involved.".

(b) TREATMENT OF MUNITIONS LIST FOR PURPOSES OF CERTAIN STATUTES.—

(1) IN GENERAL.—Notwithstanding the amendment made by subsection (a), references in the following provisions of law to the United States Munitions List or items on the United States Munitions List, or to the Arms Export Control Act shall, after the enactment of this Act, be deemed to refer to the United States Munitions List, or the Arms Export Control Act, as in effect on May 1, 1990:

(A) Section 40 of the Arms Export Control Act (22 U.S.C. 2780).

(B) Section 902(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991.

(C) Section 317 of the Comprehensive Anti-Apartheid Act of 1986.

(2) SUNSET PROVISION.—The provisions of this subsection shall terminate on June 30, 1992.

SEC. 109. CONTROLS ON TELECOMMUNICATIONS.

(a) IN GENERAL.—Section 5(c) (50 U.S.C. App. 2404(c)) is amended by adding at the end the following:

"(8)(A) The Secretary of State shall, within 30 days after the date of the enactment of this paragraph, propose to the Coordinating Committee as part of the United States 'Core List' proposal that countries of a lesser strategic threat qualifying for the special procedure agreed to in the Coordinating Committee High Level Meeting of June 6 and 7, 1990, should, in the case of exports of telecommunications equipment and associated operations technical data as described in subsection (e)(8), be accorded the Coordinating Committee's least restrictive control procedures.

"(B) As used in this paragraph, the term 'telecommunications equipment' means all equipment used in the transmission or receipt of either voice or data information. Such term includes equipment used in the transmission of analog or digital information.

"(C)(i) In the case of countries that qualify as a lesser strategic threat under the agreement reached at the Coordinating Committee High Level Meeting of June 6 and 7, 1990, the United States should propose to the Coordinating Committee that exports of computer network software and related equipment for civilian end use shall be accorded the same licensing treatment as that permitted for computer systems exported for interconnection to such networks and shall be treated in accordance with telecommunications controls established by the Coordinating Committee.

"(ii) For purposes of this subparagraph, the term 'computer network software and related equipment' includes computer software that provides services and management for local area, intracity, intercity, and international data communications networks, and computer equipment specifically dedicated to the support of such networks.".

(b) REPORT.—The President shall study the national security implications of the transfer of telecommunications equipment and technology to controlled countries under the Export Administration Act of 1979 and, not later than 1 year after the date of the enactment of this Act, shall submit to the Speaker of the House and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report on the study, in classified form, as appropriate.

SEC. 110. EXPORTS SUBJECT TO NATIONAL DISCRETION AND FAVORABLE CONSIDERATION.

(a) LICENSING.—Section 5(e) (50 U.S.C. App. 2404(e)) is amended by adding at the end the following:

"(7) In implementing the national discretion and favorable consideration procedures agreed to by the Coordinating Committee, the Secretary shall consider the actions of other participating governments in the Coordinating Committee in approving or denying export licenses that are subject to such procedures and shall seek to ensure that United States exports are not placed at a competitive disadvantage.".

(b) IN GENERAL.—Section 10 (50 U.S.C. App. 2409) is amended by adding at the end the following:

"(p) EXPORTS SUBJECT TO NATIONAL DISCRETION.—In each instance in which an export license application is submitted to the Secretary for the export of goods or technology subject to the national discretion procedures of the Coordinating Committee, the Secretary shall formally issue or deny a license within 15 days after a properly completed application has been submitted under this section.

"(q) EXPORTS SUBJECT TO FAVORABLE CONSIDERATION.—In each instance in which an export license application is submitted to the Secretary for the export of goods or technology subject to the favorable consideration procedures of the Coordinating Committee or subject to special national discretion procedures requiring 30 days advance notification to the Coordinating Committee, the Secretary shall formally deny the license or it shall be forwarded for review to the Coordinating Committee within 15 days after a properly completed application has been submitted under this section, unless the Secretary notifies the applicant that additional time will be required to conduct a prelicense investigation, but in any case the Secretary shall deny the license or forward the application to the Coordinating Committee within 45 days after a properly completed application has been submitted.".

(c) CONFORMING AMENDMENT.—Section 10(e)(2)(A) (50 U.S.C. App. 2409(e)(2)(A)) is amended by striking "Except" and inserting the following: "For general exception cases controlled under section 5 of this Act and except".

SEC. 111. STATEMENT OF POLICY FOR GENERAL EXCEPTION CASES.

Section 3 (50 U.S.C. App. 2402) is amended by striking paragraph (15) and inserting the following:

"(15) It is the policy of the United States—

"(A) in considering the submission of cases to the group known as the Coordinating Committee on behalf of United States exporters, including general exception cases, to ensure consistency in the treatment of exporters from the United States and from other countries participating in the Coordinating Committee, and to support democracy, free enterprise, and economic development in Eastern Europe and the Soviet Union; and

"(B) to provide specific guidelines to United States exporters, through the publication of regulations, public notices, and advisory opinions, with respect to goods, sectors, and end users eligible for general exceptions referred to in subparagraph (A), and to fully and promptly notify United States exporters of all agreements and decisions adopted by the Coordinating Committee with respect to such exceptions.".

SEC. 112. CONTROL LIST REVIEW.

(a) IN GENERAL.—Section 5(c) (50 U.S.C. App. 2404(c)) is amended—

(1) in paragraph (1), by inserting before the period at the end of the second sentence the following: "and shall reflect multilateral control agreements reached by the group known as the Coordinating Committee"; and

(2) by striking paragraph (3) and inserting the following:

"(3) The Secretary shall review all goods and technology on the control list at least once each year in order to carry out the policy set forth in section 3(2)(A) of this Act and the provisions of this section. This review shall consider proposals for removing controls on exports and other changes in policy arising from applying the indexing procedures set forth in subsection (g), and shall serve as a basis for United States proposals for revision of the International Industrial List maintained by the Coordinating Committee. To this end, the United States shall seek to ensure that the Coordinating Committee reviews each item on its list at least once every 2 years and the Secretary shall conduct a periodic review of each item on the control list for national security reasons so as to achieve the same 2-year review cycle. In any case in which the Coordinating Committee has failed to review an entry on the International Industrial List within 2 years, the Secretary of State shall, based upon United States review of its comparable entry, propose a review by the Coordinating Committee of that entry. Before beginning each periodic review, which may not exceed 180 days in length, the Secretary shall publish notice of that review in the Federal Register. The Secretary shall provide a 30-day period during each review for comment and the submission of data, with or without oral presentation, by interested Government agencies and other affected parties. The Secretary shall further assess, as part of each review, the availability from sources outside the United States, of goods and technology comparable to those subject to export controls imposed under this section. After consultation with appropriate Government agencies, the Secretary shall make a determination of any revisions in the list within 30 days after the end of the review period. The concurrence or approval of any other department or agency is not required before any such revision is made. The Secretary shall publish in the Federal Register any revisions in the list, with an explanation of the reasons for the revisions. In the case of national security controls implemented in cooperation with the Coordinating Committee, such revisions in the list shall be made consistent with the scope of controls agreed to in the Coordinating Committee and shall be made effective no later than the effective date agreed to by the Coordinating Committee. The provisions of this paragraph apply to revisions in the list which consist of removing items from the list or making changes in categories of, or other specifications in, items on the list.".

(b) SUNSET OF CONTROL LIST.—Section 5(c) (50 U.S.C. App. 2404(c)) is amended by adding at the end the following new paragraph:

"(9)(A) Notwithstanding any other provision of this section, as of September 30, 1992, and as of the end of each 2-year period occurring thereafter—

"(i) all controls on the export of goods and technology to any country other than a controlled country shall terminate, after consultation with the Coordinating Committee, as appropriate, and

"(ii) there shall be included in a United States proposal to the Coordinating Committee the termination of all controls on the export of goods and technology to any controlled country,

unless a determination is made with respect to such controls under subparagraph (B).

"(B) Clause (i) or (ii) of subparagraph (A) shall not apply to a good or technology only if the Secretary determines that the good or technology shall be subject to export controls under this section on the basis of the policy set forth in section 3(2)(A). In determining whether a good or technology would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States, the Secretary shall consult with the Secretary of Defense.

"(C) The form of a determination by the Secretary under subparagraph (B) with respect to goods or technology may be either—

"(i) a separate determination with respect to a particular good or technology, or

"(ii) a determination with respect to the technological parameters descriptive of categories of goods or technology.

The Secretary shall publish each such determination in the Federal Register.

"(D) Not later than November 1, 1992, and not later than the end of each 2-year period occurring thereafter, the Secretary of State shall complete the consultations referred to in subparagraph (A)(i) and shall submit a proposal to the Coordinating Committee to terminate controls applicable to the export of all goods or technology to which subparagraph (A)(ii) applies.

"(E) Not later than 30 days after the date on which the Coordinating Committee makes a decision concerning a proposal made by the United States under subparagraph (D), the Secretary shall publish in the Federal Register those changes in export controls resulting from such decision.

"(F) Before the effective date established by the Coordinating Committee for implementing a decision described in subparagraph (E), the Secretary shall publish those changes in the regulations issued under this Act that are necessary to implement such decision.

"(G) Not later than the effective date established by the Coordinating Committee for implementing a decision described in subparagraph (E), the Secretary shall cease to require authority or permission to export any goods or technology for which the Coordinating Committee has ceased to require authority or permission to export under such decision, and shall implement any other changes in export controls that are necessary to carry out such decision.".

SEC. 113. UNILATERAL CONTROLS.

Section 5(c)(6) (50 U.S.C. App. 2404(e)(6)) is amended by adding at the end the following:

"(C) For purposes of this paragraph, an export control shall be considered to be unilaterally maintained by the United States if it is a restriction, condition, or interpretation imposed by the Secretary upon any goods or technology, or upon any license application for the export of such goods or technology, that is not imposed or implemented in similar circumstances by other participating governments of the Coordinating Committee, or that is not otherwise specifically permitted by this Act.

"(D) The Secretary shall seek to ensure that no new unilateral controls are created.".

SEC. 114. TRADE SHOWS.

Section 5(e)(6) (50 U.S.C. App. 2404(e)) is amended to read as follows:

"(6) Consistent with multilateral control arrangements, an application for a license for the export to a controlled country of any good on which export controls are in effect under this section, without regard to the technical specifications of the good, for the purpose of demonstration or exhibition at a trade show, shall carry a presumption of approval if—

"(A) the United States exporter retains title to the good and complies with any safeguard requirement imposed by the Secretary during the entire period in which the good is in the controlled country; and

"(B) the exporter removes the good from the controlled country within a reasonable period of time after the conclusion of the trade show or demonstration, as defined in regulations issued by the Secretary.".

SEC. 115. EXPORTS OF RELATED TECHNICAL DATA.

Section 5(e) (50 U.S.C. App. 2404(e)) is amended by adding at the end the following new paragraph:

"(8) Any general or validated license authorizing the export of any goods or technology shall also authorize the export of operation technical data related to such goods or technology, whether or not such data is specifically referenced in the license or license application, if the technical level of the data does not exceed the minimum level necessary to install, repair, maintain, inspect, operate, or use the goods or technology.".

SEC. 116. INDEXING PROCEDURES.

Section 5(g) (50 U.S.C. App. 2404(g)) is amended to read as follows:

"(g) INDEXING.—(1) In order to ensure that requirements for validated licenses and other licenses authorizing multiple exports are periodically removed as goods or technology subject to such requirements become obsolete with respect to the national security of the United States, the Secretary shall, not later than 6 months after the date of the enactment of the Export Administration Amendments Act of 1991, establish, in response to recommendations of technical advisory committees under paragraph (2), indexing procedures which provide for increases in the performance levels of goods or technology described in paragraph (2)(A) that are subject to any such licensing requirements. Such indexing procedures shall emphasize the technical specifications of goods or technology below which no authority or permission to export is required as compared to the most technologically advanced commercially available version of the same or equivalent goods or technology. With respect to goods or technology referred to in the preceding sentence which no longer meet the performance levels increased pursuant to such procedures—

"(A) the removal of controls on exports of such goods or technology to controlled countries shall be incorporated into United States proposals to the Coordinating Committee, and

"(B) controls under this section on exports of such goods or technology to countries other than controlled countries shall be removed, after consultations with the Coordinating Committee, as appropriate,

unless—

"(i) the Secretary, after consultation with the Secretary of Defense and the heads of other appropriate executive departments (as defined in section 101 of title 5, United States Code), issues a determination that removal of controls on the goods or technology will permit exports that will be detrimental to the national security of the United States; and

"(ii) the Secretary reports that determination in writing, together with a description of the specific anticipated impact on the national security of the United States, to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

The Secretary shall also consider, where appropriate, eliminating site visitation requirements for goods and technology from which export controls have been removed under this subsection.

"(2)(A) In carrying out this subsection, the Secretary shall direct the technical advisory committees appointed under subsection (h) to recommend indexing procedures for goods or technology—

"(i) which are eligible for export under a distribution license,

"(ii) which are eligible for favorable consideration under the rules of the Coordinating Committee,

"(iii) below which exports require only notification of the governments participating in the Coordinating Committee, and

"(iv) below which no authority or permission to export may be required under this section.

The technical advisory committees shall submit their recommendations for indexing procedures, as they are made, to the Secretary, who shall determine, within 30 days after each submission, or within 45 days after a submission in the event of an objection by the head of any other executive department, whether to accept the procedures or to refer the procedures back to the appropriate technical advisory committee for further consideration.

"(B) The proposals referred to in paragraph (1)(A) shall be made at the next meeting of the Coordinating Committee, at which list review is conducted, that is held after the procedures under this subsection are applied to the goods or technology involved.".

SEC. 117. NEGOTIATIONS WITH OTHER COUNTRIES; DEPARTMENT OF COMMERCE REPRESENTATIVE.

Section 5(k) (50 U.S.C. App. 2404(k)) is amended—

(1) by inserting "(1)" after "(k)";

(2) in the last sentence by striking "(b)(2)" and inserting "(a)(4)"; and

(3) by adding at the end the following:

"(2) The Secretary shall undertake a review of, and report to the Congress not later than 6 months after the date of the enactment of this paragraph on, the goods and technology available from newly industrialized countries to determine if such goods and technology are of such sophistication that they warrant multilateral export controls. If the Secretary determines that such multilateral controls are warranted, the Secretary of State shall propose to the Coordinating Committee to initiate negotiations with such newly industrialized countries to reach agreements with them under paragraph (1) or to obtain their participation in the Coordinating Committee.

"(3) Whenever—

"(A) the Secretary is authorized to make a decision or determination under this Act that affects exports from the United States to controlled countries,

"(B) the Secretary makes such a determination, and

"(C) such determination is final except that the approval of the Coordinating Committee is required,

the Secretary of State shall, within 7 days after receiving that determination from the Secretary, submit to the Coordinating Committee a United States proposal that would have the effect of applying that determination to exports to controlled countries.

"(4) The Secretary, or an officer or employee of the Department of Commerce designated by the Secretary, shall be a member of the permanent United States delegation to the Coordinating Committee.".

SEC. 118. REMOVAL OF SECTION 5(k) DESIGNATION.

Section 5(k)(1) (as amended by section 117) is amended by adding at the end the following: "If any country accorded the treatment authorized by the preceding sentence fails to maintain export restrictions comparable in practice to those maintained by the Coordinating Committee, as determined by the Secretary, in consultation with the Secretary of State and the Secretary of Defense, the Secretary shall restrict or terminate such treatment of that country.".

SEC. 119. NOTIFICATION OF COCOM ACTIONS.

Section 5 (50 U.S.C. App. 2404) is amended by adding at the end the following new subsection:

"(r) PUBLICATION OF COCOM ACTIONS.—(1) Within 90 days after the date of the enactment of this subsection, the Secretary shall publish the full text of the 3 International Lists of the group known as the Coordinating Committee, together with all notes and understandings concerning such lists that are agreed to by the Coordinating Committee. The Secretary shall update the publication under the preceding sentence at least once in each 1-year period occurring thereafter.

"(2) The Secretary shall publish—

"(A) the full text of any agreements of the Coordinating Committee affecting the International Lists, together with all notes, understandings, and other aspects of such agreements, all revisions to such texts, and the proposals of the United States to revise the International Lists that are submitted to the Coordinating Committee before negotiations on these proposals begin (except for classified information contained in the justification for such proposals),

"(B) subject to the limitations set forth in section 12(c), decisions on requests for general exceptions to the Industrial List portion of the International Lists of the Coordinating Committee, and

"(C) other decisions made by the Coordinating Committee, to the maximum extent possible.

Such publication shall be made within 30 days after the agreements are reached, negotiations on the proposals begin, or the decisions are made, as the case may be. The publication of a particular matter need not be made under subparagraph (A) or (C) to the extent that the Secretary makes a written finding to the Congress that to publish that matter would be contrary to national or international security, would abridge the confidentiality of the decision-making processes of the Coordinating Committee, or would otherwise be inconsistent with the obligations of the United States to the Coordinating Committee.".

SEC. 120. REVIEW OF LICENSES.

Section 10 (50 U.S.C. App. 2409) is amended by adding at the end the following:

"(r) COUNTRIES OF CONCERN REGARDING PROLIFERATION AND REGIONAL STABILITY.—(1) A determination of the Secretary to approve the export license applications described in paragraph (2) may be made only after consultation with the Secretary of Defense and the Secretary of State for a period of 20 days.

"(2) The license applications to which paragraph (1) applies are those for—

"(A) the export of goods or technology under the authority of section 6(l) to a country of concern regarding missile proliferation;

"(B) the export of goods or technology under the authority of section 6(m) to a country of concern regarding chemical and biological weapons proliferation; and

"(C) the export of goods or technology to Iran, Iraq, Libya, Syria, or any other country whose government is determined for purposes of section 6(j) to be a government that has repeatedly provided support for acts of international terrorism.

"(3) The countries of concern referred to in paragraph (2) shall be maintained on a classified list established by the Secretary of State, in consultation with the Secretary and the Secretary of Defense.

"(4) If the Secretary of Defense disagrees with the determination of the Secretary to approve an export license to which paragraph (2)(A) or (C) applies, or if the Secretary of State disagrees with the determination of the Secretary to approve an export license to which paragraph (2)(B) applies, the Secretary of Defense or State (as the case may be) shall so notify the Secretary within the 20 days provided for consultation on the determination. The Secretary of Defense or State (as the case may be) shall at the same time submit the matter to the President for resolution of the dispute. The Secretary shall also submit the Secretary's recommendation to the President on the license application.

"(5) The President shall approve or disapprove the export license application within 20 days after receiving the submission of the Secretary of Defense or State under paragraph (4).

"(6) If the Secretary of Defense or State (as the case may be) fails to notify the Secretary within the time period prescribed in paragraph (4), the Secretary may approve the license application without awaiting the notification by the Secretary of Defense or State (as the case may be). If the President fails to notify the Secretary of the President's decision on the export license application within the time period prescribed in paragraph (5), the Secretary may approve the license application without awaiting the President's decision on the license application.

"(7) Within 10 days after an export license is issued to which this subsection applies, the Secretary shall provide to the Secretary of Defense and the Secretary of State the license application and accompanying documents issued to the applicant, to the extent that the relevant Secretary indicates the need to receive such application and documents.".

SEC. 121. CRIMINAL PENALTIES.

Section 11(b) (50 U.S.C. App. 2410(b)) is amended in paragraphs (1) and (2)—

(1) by striking "five times" each place it appears and inserting "10 times";

(2) by striking "$1,000,000" each place it appears and inserting "$2,000,000";

(3) by striking "$250,000" each place it appears and inserting "$500,000"; and

(4) by striking "5 years" and inserting "10 years".

SEC. 122. POLICY TOWARD COUNTRIES RECEIVING LICENSING BENEFITS.

Section 11A (50 U.S.C. App. 2410a) is amended—

(1) in subsection (a)(1), by inserting after "Committee," the following: "pursuant to an agreement to restrict exports negotiated in accordance with section 5(k)(1), or pursuant to an export control system maintained by a controlled country that is receiving expanded licensing benefits from the Coordinating Committee because of its recognition as a lesser strategic threat as described in section 5(b)(2),"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "and" after the comma at the end;

(B) in paragraph (2), by striking the period and inserting ", and"; and

(C) by adding after paragraph (2) the following new paragraph:

"(3) the revocation by the Secretary of any validated export license previously issued for export by or to that foreign person, notwithstanding any other provision of law, and entry by the Secretary of an order denying all export privileges to that foreign person.

The Secretary shall publish any order under paragraph (3) in the Federal Register.".

SEC. 123. ENFORCEMENT AUTHORITY.

(a) FORFEITURE OF SEIZED ITEMS.—Section 12(a)(3) (50 U.S.C. App. 2411(a)(3)) is amended by adding at the end the following:

"(C) All goods or technology lawfully seized under this paragraph by authorized officers or employees of the Department of Commerce shall be forfeited to the United States. Those provisions of law relating to—

"(i) the seizure, summary and judicial forfeiture, and condemnation of property for violations of the customs laws,

"(ii) the disposition of such property or the proceeds from the sale thereof,

"(iii) the remission or mitigation of such forfeitures, and

"(iv) the compromise of claims,

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subparagraph, insofar as applicable and not inconsistent with this Act; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this subparagraph by the Secretary or such officers and employees of the Department of Commerce as may be authorized or designated for that purpose by the Secretary, or, upon the request of the Secretary, by any other agency that has authority to manage and dispose of seized property.".

(b) INVESTIGATIVE OPERATIONS.—Section 12(a) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

"(8)(A) With respect to any undercover investigative operation conducted by the Office of Export Enforcement of the Department of Commerce (hereinafter in this paragraph referred to as 'OEE') necessary for the detection and prosecution of violations of this Act—

"(i) funds made available for export enforcement under this Act may be used to purchase property, buildings, and other facilities, and to lease space within the United States, without regard to sections 1341 and 3324 of title 31, United States Code, the third undesignated paragraph under the heading 'MISCELLANEOUS' of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), sections 3732(a) and 3741 of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22), and subsections (a) and (c) of section 304, and section 305, of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254 (a) and (c) and 255);

"(ii) funds made available for export enforcement under this Act may be used to establish or to acquire proprietary corporations or business entities as part of an OEE undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31, United States Code;

"(iii) funds made available for export enforcement under this Act and the proceeds from OEE undercover operations may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18, United States Code, and section 3302 of title 31, United States Code; and

"(iv) the proceeds from OEE undercover operations may be used to offset necessary and reasonable expenses incurred in such operations without regard to the provisions of section 3302 of title 31, United States Code;

if the Director of OEE (or an officer or employee designated by the Director) certifies, in writing, that any action authorized by clause (i), (ii), (iii), or (iv) is necessary for the conduct of the undercover operation.

"(B) If a corporation or business entity established or acquired as part of an OEE undercover operation with a net value of more than $50,000 is to be liquidated, sold, or otherwise disposed of, OEE shall report the circumstances to the Secretary and the Comptroller General, as much in advance of such disposition as the Director of OEE or his or her designee determines is practicable. The proceeds of the liquidation, sale, or other disposition, after obligations incurred by the corporation or business enterprise are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

"(C) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under this paragraph are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

"(D)(i) The Director of OEE shall conduct a detailed financial audit of each undercover investigative operation which is closed and shall submit the results of the audit in writing to the Secretary. Not later than 180 days after an OEE undercover operation is closed, the Director of OEE shall submit to the Congress a report on the results of the audit.

"(ii) The Director of OEE shall also submit as part of the annual report submitted by the Secretary under section 14 a report to the Congress specifying—

"(I) the number of OEE undercover investigative operations pending as of the end of the period for which such report is submitted;

"(II) the number of OEE undercover investigative operations commenced in the 1-year period preceding the period for which such report is submitted; and

"(III) the number of OEE undercover investigative operations closed in the 1-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained and any civil claims made with respect thereto.

"(E) For purposes of subparagraph (D)—

"(i) the term 'closed' refers to the earliest point in time at which all criminal proceedings (other than appeals) are concluded, or covert activities are concluded, whichever occurs later;

"(ii) the terms 'undercover investigative operation' and 'undercover operation' mean any undercover investigative operation conducted by OEE—

"(I) in which the gross receipts (excluding interest earned) exceed $50,000, or expenditures (other than expenditures for salaries of employees) exceed $150,000, and

"(II) which is exempt from section 3302 or 9102 of title 31, United States Code,

except that subclauses (I) and (II) shall not apply with respect to the report to the Congress required by clause (ii) of subparagraph (D); and

"(iii) the term 'employees' means employees, as defined in section 2105 of title 5, United States Code, of the Department of Commerce.".

SEC. 124. JUDICIAL REVIEW.

Section 13(a) (50 U.S.C. App. 2412(a)) is amended to read as follows:

"SEC. 13. (a) APPLICABILITY.—

"(1) EXEMPTIONS FROM ADMINISTRATIVE PROCEDURE.—Except as expressly provided in this Act, sections 551, 553 through 559, and 701 through 706 of title 5, United States Code, do not apply to the functions exercised under this Act.

"(2) JUDICIAL REVIEW.—A final agency action under this Act may be reviewed by appeal to the United States Court of Appeals for the District of Columbia Circuit, to the extent provided in this paragraph. The court's review in any such appeal shall be limited to determining whether—

"(A) a regulation—

"(i) fails to take an action compelled by this Act,

"(ii) takes an action prohibited by this Act, or

"(iii) otherwise violates the express terms of this Act;

"(B) an agency action violates the express terms of this Act;

"(C) an agency action violates the express terms of an agency regulation establishing time requirements or other procedural requirements of a non-discretionary nature;

"(D) the issuance of regulations compelled by this Act complies with time restrictions imposed by this Act;

"(E) license decisions are made and appeals thereof are concluded in compliance with time restrictions imposed by this Act;

"(F) classifications and advisory opinions are issued in compliance with time restrictions imposed by this Act;

"(G) foreign availability determinations are in compliance with time restrictions imposed by this Act; or

"(H) the United States has complied with the requirements of section 5(f) after a foreign availability determination has been rendered.".

SEC. 125. POLICY TOWARD THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS AND POLICY.—The Congress finds that—

(1) the United States and the group known as the Coordinating Committee have granted special licensing preferences in favor of exports to the People's Republic of China compared to other controlled countries under the Export Administration Act of 1979, based upon a consensus that the People's Republic of China posed a reduced national security threat;

(2) the United States policy of differentiating the People's Republic of China from other controlled countries was also intended to encourage emerging democratization and economic reform in that country; and

(3) the assumptions underlying past policy must be reevaluated in light of massive abuses of human rights by the Government of the People's Republic of China and evidence that the Chinese Government has assisted in the proliferation of missiles and nuclear technology to politically volatile areas of the world.

It is therefore the policy of the United States that export licensing preferences for the People's Republic of China should be eliminated, applications for distribution licenses and comprehensive operations licenses under section 4(a)(2) of the Export Administration Act of 1979 should be denied, and access to dual-use goods and technology representing proliferation concerns should be restricted.

(b) NO PREFERENTIAL TREATMENT.—Section 5(b) (50 U.S.C. App. 2404(b)) is amended by adding at the end the following:

"(4)(A) In the context of the 'Core List' exercise undertaken pursuant to the agreement reached at the Coordinating Committee High Level Meeting of June 6 and 7, 1990, the United States representative to the Coordinating Committee should oppose preferential treatment for the People's Republic of China compared to the treatment of other controlled countries.

"(B) If the President determines that licensing treatment for the People's Republic of China should be liberalized compared to other controlled countries, no action to so liberalize such treatment should be taken until 30 days after the President reports such determination to the Congress stating the justification for the change in policy.".

(c) PROLIFERATION CONCERNS REGARDING THE PEOPLE'S REPUBLIC OF CHINA.—Section 6 (50 U.S.C. App. 2405), is amended by adding at the end the following:

"(q) PROLIFERATION CONCERNS REGARDING THE PEOPLE'S REPUBLIC OF CHINA.—(1) Requests for authority or permission to export goods or technology to the People's Republic of China which are controlled under this section, pursuant to multilateral arrangements to control proliferation of chemical weapons and missile technology, should be denied in the absence of adequate assurances regarding appropriate end-use and nontransfer of goods or technology to a country or project of concern.

"(2) In order to discourage proliferation by the People's Republic of China, the Secretary of State should seek the cooperation of other governments involved in multilateral control arrangements to restrict exports of such goods and technology in harmonizing treatment of exports to the People's Republic of China with control efforts of the United States.

"(3) The policy set forth in paragraph (1) shall remain in effect unless the President determines and reports to the Congress that the People's Republic of China has ceased to act in a manner inconsistent with multilateral nonproliferation efforts.".

SEC. 126. EXPORT OF SATELLITES FOR LAUNCH BY PEOPLE'S REPUBLIC OF CHINA.

(a) PROHIBITION.—Notwithstanding any other provision of law, no satellite of United States origin that is intended for launch from a launch vehicle owned by the People's Republic of China may be exported from the United States.

(b) WAIVER.—The prohibition contained in subsection (a) may be waived by the President on a case-by-case basis upon certification by the United States Trade Representative that the People's Republic of China is, with regard to the respective satellite, components, or technology related thereto for which the export license request is pending, in full compliance with the Memorandum of Agreement Between the Government of the United States of America and the Government of the People's Republic of China Regarding International Trade in Commercial Launch Services.

SEC. 127. EXPORTS TO THE SOVIET UNION.

(a) LITHUANIA.—It is the sense of the Congress that no exports to the Soviet Union otherwise permitted by virtue of the amendments made by this title may be licensed until the President certifies to the Congress that the Soviet Union has entered into serious negotiations with the elected Government of Lithuania for the purpose of allowing the self-determination of Lithuania and is conducting such negotiations without economic coercion.

(b) EMIGRATION RESTRICTIONS ON SOVIET JEWRY.—It is the sense of the Congress that no exports to the Soviet Union otherwise permitted by virtue of the amendments made by this title should be made if the Soviet Union takes action to restrict the emigration of Jews from the Soviet Union.

SEC. 128. PROHIBITION OF CERTAIN TRANSACTIONS BETWEEN CERTAIN UNITED STATES FIRMS AND CUBA.

Notwithstanding any other provision of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989.

SEC. 129. AUTHORIZATION OF APPROPRIATIONS.

Section 18(b) (50 U.S.C. App. 2417(b)) is amended to read as follows:

"(b) AUTHORIZATION.—There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

"(1) $46,707,000 for the fiscal year 1991, of which $150,000 shall be available only for the representation of the Secretary or the Secretary's designee at the Coordinating Committee under section 5(k)(4); and

"(2) such additional amounts for the fiscal year 1991 as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.".

SEC. 130. EXTENSION OF THE ACT.

Section 20 (50 U.S.C. App. 2419) is amended by striking "September 30, 1990" and inserting "June 30, 1992".

SEC. 131. TECHNICAL AMENDMENTS.

(a) SECTION 5.—Section 5(f) (50 U.S.C. App. 2404(f)) is amended—

(1) in paragraph (2)(A) by striking "(k)" and inserting "(k)(1)"; and

(2) in paragraph (10) by striking "subsections (f) and" and inserting "subsection".

(b) SECTION 11A.—Section 11A(k)(3) (50 U.S.C. App. 2410A(k)(3)) is amended—

(1) by striking "(3)" and inserting "(2)"; and

(2) by striking "paragraph (2)" and inserting "paragraph (1)".

(c) SECTION 16.—Section 16 (50 U.S.C. App. 2415) is amended by striking "As used" and inserting "Except as otherwise provided, as used".

TITLE II—EXPORT PROMOTION

SEC. 201. UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

(a) MINISTER-COUNSELORS.—Section 2301(d)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4721(d)(1)) is amended in the first sentence by striking "8" and inserting "12".

(b) REPORT ON TRAINING.—The Secretary of Commerce shall, not later than 6 months after the date of the enactment of this Act, submit to the Congress a report on the adequacy of the training of officers and employees of the United States and Foreign Commercial Service in the following areas: writing of commercial reports, language skills, cultural awareness, and public speaking.

(c) COMMERCIAL SERVICE OFFICERS AND MULTILATERAL DEVELOPMENT BANKS.—Section 2302 of the Export Enhancement Act of 1988 (15 U.S.C. 4722) is amended—

(1) in subsection (b)(3)—

(A) by striking "and to permit" and inserting "to permit"; and

(B) by inserting before the period the following: ", and to provide them with assistance in completing such documents"; and

(2) in subsection (c) by striking "and the African Development Fund" and inserting "the African Development Fund, and the European Bank for Reconstruction and Development (subject to the enactment of legislation authorizing participation by the United States in that bank)".

(d) Increase in Commercial Service Officers in Certain Countries.—The Secretary of Commerce shall increase the number of Commercial Service Officers, in each of the 5 countries with which the United States had the greatest trade deficit in calendar year 1990 (as reflected in the merchandise trade figures reported by the Department of Commerce), by 2 over the number of such officers assigned to each of such countries in fiscal year 1990.

SEC. 202. QUALIFICATIONS FOR MARKET DEVELOPMENT COOPERATIVE PROGRAM.

Section 2303(c)(2) of the Export Enhancement Act of 1988 (15 U.S.C. 4723(c)(2)) is amended by striking "and computer data bases" and inserting "computer data bases, and methods of distribution of goods and services".

SEC. 203. COUNTRY REPORTS ON TRADE PRACTICES.

Section 2202 of the Export Enhancement Act of 1988 (15 U.S.C. 4711) is amended in the first sentence by striking "January" and inserting "May".

SEC. 204. REPORT ON EXPORT POLICY.

(a) In General.—The Secretary of Commerce shall submit to the Congress, not later than May 31 of each year, a report on the international economic position of the United States and shall, not later than June 30 of each year, appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives to testify on issues addressed in such report.

(b) Contents.—(1) Each report under subsection (a) shall address the following:

(A) The state of United States international economic competitiveness, focusing, in particular, on Department of Commerce efforts to—

(i) encourage research and development of technologies and products deemed critical for industrial leadership;

(ii) promote investment in and improved manufacturing processes for such technologies and products; and

(iii) increase United States industrial exports of products using the technologies described in clause (i) to those markets where the United States Government has sought to reduce barriers to exports.

(B) The current Department of Commerce export development strategy, including the implementation of the United States and Foreign Commerce Service Strategic Review and the activities of the Trade Promotion Coordinating Committee.

(C) Other specific Department of Commerce recommendations to improve the United States balance of trade.

(2) The first report provided under this section shall also address Government export financing programs and actions planned or underway to improve them.

(3) Portions of each report under this section may be based upon relevant reports and testimony produced by the Department of Commerce or other agencies, but the policy views shall be those of the Secretary of Commerce.

SEC. 205. REPORT ON EXPORT PROMOTION.

The Comptroller General shall, not later than June 30, 1991, prepare and transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report that—

(1) analyzes ways to promote United States exports; and

(2) addresses—

(A) progress made in strengthening coordination of Federal export promotion efforts,

(B) efforts made to improve coordination of Federal export promotion activities with the States,

(C) efforts made to improve export promotion coordination and cooperation with private industry groups, and

(D) the adequacy of Federal, State, and private sector export finance programs.

SEC. 206. EXPORT PROMOTION AUTHORIZATION.

Section 202 of the Export Administration Amendments Act of 1985 (15 U.S.C. 4052) is amended to read as follows:

"There are authorized to be appropriated to the Department of Commerce—

"(1) to carry out export promotion programs, $167,600,000 for the fiscal year 1991; and

"(2) to carry out section 2303 of the Omnibus Trade and Competitiveness Act of 1988, $6,000,000 for fiscal year 1991.".

SEC. 207. INTEREST SUBSIDY PROGRAM.

(a) Requirement to Expend Amounts Appropriated.—Section 2(f)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(f)(1)) is amended by striking "may enter" and inserting "shall use all amounts appropriated to carry out this subsection to enter".

(b) Extension of Program Through the End of Fiscal Year 1992.—Section 2(f)(4) of such Act (12 U.S.C. 635(f)(4)) is amended by striking "1991" and inserting "1992".

(c) Limitation on Authorization of Appropriations for Fiscal Year 1992.—Section 2(f)(3) of such Act (12 U.S.C. 635(f)(3)) is amended—

(1) in subparagraph (A), by striking "and";

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) $35,000,000, for fiscal year 1992.".

SEC. 208. HUMAN RIGHTS IN YUGOSLAVIA.

(a) Findings.—The Congress finds that the Department of State's Country Report on Human Rights Practices for 1989 cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards, including infringement upon and abrogation of the rights of assembly and fair trial, freedom of speech, and freedom of the press.

(b) Report.—The President shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance, and Urban Affairs of the House of Representatives, not later than 3 months after the date of the enactment of this Act, explaining why Export-Import Bank funding for exports to Yugoslavia has not been restricted or denied pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945.

SEC. 209. INCREASE OF MEMBERSHIP OF ADVISORY COMMITTEE.

Section 3(d)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)(1)(A)) is amended by striking "twelve" and inserting "15".

SEC. 210. TECHNICAL CORRECTIONS RELATING TO THE INTERNATIONAL DEVELOPMENT AND FINANCE ACT OF 1989.

(a) Elimination of Language Made Obsolete by Ethics Reform Act of 1989.—Subsection (c) of section 101 of the International Development and Finance Act of 1989 (103 Stat. 2494; Public Law 101–240), and the amendments made by such subsection, are hereby repealed, and section 2(a)(1) of the Export-Import Bank Act of 1945 shall be applied and administered as if such subsection (c) had never been enacted.

(b) Repeal of Inadvertently Inserted Paragraph.—Paragraph (7) of section 101(b) of the International Development and Finance Act of 1989 (103 Stat. 2494; Public Law 101–240) is hereby repealed, and section 15 of the Export-Import Bank Act of 1945 shall be applied and administered as if such paragraph had not been enacted.

TITLE III—MISSILE TECHNOLOGY

SEC. 301. POLICY.

It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation, development, and production of the weapons, material, and technology necessary to produce or acquire missiles that can deliver weapons of mass destruction;

(2) to discourage countries and private persons in other countries from aiding and abetting any states from acquiring such weapons, material, and technology;

(3) to strengthen United States and existing multilateral export controls to prohibit the flow of materials, equipment, and technology that would assist countries in acquiring the ability to produce or acquire missiles that can deliver weapons of mass destruction, including missiles, warheads and weaponization technology, targeting technology, test and evaluation technology, and range and weapons effect measurement technology; and

(4) with respect to the Missile Technology Control Regime ("MTCR") and its participating governments—

(A) to improve enforcement and seek a common and stricter interpretation among MTCR members of MTCR principles;

(B) to increase the number of countries that adhere to the MTCR; and

(C) to increase information sharing among United States agencies and among governments on missile technology transfer, including export licensing, and enforcement activities.

SEC. 302. AMENDMENT TO THE EXPORT ADMINISTRATION ACT OF 1979.

(a) Missile Technology Controls.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405), as amended by section 125 of this Act, is further amended—

(1) by redesignating subsections (k) through (q) as subsections (m) through (s), respectively; and

(2) by inserting after subsection (j) the following:

"(k) Negotiations With Other Countries.—

"(1) Countries Participating in Certain Agreements.—The Secretary of State, in consultation with the Secretary, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall be responsible for conducting negotiations with those countries participating in the groups known as the Coordinating Committee, the Missile Technology Control Regime, the Australia Group, and the Nuclear Suppliers' Group, regarding their cooperation in restricting the export of goods and technology in order to carry out—

"(A) the policy set forth in section 3(2)(B) of this Act, and

"(B) United States policy opposing the proliferation of chemical, biological, nuclear, and other weapons and their delivery systems, and effectively restricting the export of dual use components of such weapons and their delivery systems, in accordance with this subsection and subsections (a) and (l).

Such negotiations shall cover, among other issues, which goods and technology should be subject to multilaterally agreed export restrictions, and the implementation of the restrictions consistent with the principles identified in subclauses (I) through (V) of section 5(a)(4)(D)(iii) of this Act.

"(2) Other countries.—The Secretary of State, in consultation with the Secretary, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall be responsible for conducting negotiations with countries and groups of countries not referred to in paragraph (1) regarding their cooperation in restricting the export of goods and technology consistent with the purposes set forth in paragraph (1). In cases where such negotiations produce agreements on export restrictions that the Secretary, in consultation with the Secretary of State and the Secretary of Defense, determines to be consistent with the principles identified in subclauses (I) through (V) of section 5(a)(4)(D)(iii) of this Act, the Secretary may treat exports, whether by individual or multiple licenses, to countries party to such agreements in the same manner as exports are treated to countries that are MTCR adherents.

"(3) Review of determinations.—The Secretary shall annually review any determination under paragraph (2) with respect to a country. For each such country which the Secretary determines is not meeting the requirements of an effective export control system in accordance with subclauses (I) through (V) of section 5(a)(4)(D)(iii), the Secretary shall restrict or eliminate any preferential licensing treatment for exports to that country provided under this subsection.

"(l) Missile Technology.—

"(1) Determination of controlled items.—The Secretary, in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies—

(A) shall establish and maintain, as part of the control list established under this section, a list of all dual use goods and technology on the MTCR Annex; and

(B) may include, as part of the control list established under this section, goods and technology that would provide a direct and immediate impact on the development of missile delivery systems and are not included in the MTCR Annex but which the United States is proposing to the other MTCR adherents to have included in the MTCR Annex.

"(2) Requirement of individual validated licenses.—The Secretary shall require an individual validated license for—

"(A) any export of goods or technology on the list established under paragraph (1) to any country; and

"(B) any export of goods or technology that the exporter knows is destined for a project or facility for the design, development, or manufacture of a missile in a country that is not an MTCR adherent.

"(3) Policy of denial of licenses.—(A) Licenses under paragraph (2) should in general be denied if the ultimate consignee of the goods or technology is a facility in a country that is not an MTCR adherent and the facility is designed to develop or build missiles.

"(B) Licenses under paragraph (2) shall be denied if the ultimate consignee of the goods or technology is a facility in a country whose government is determined for purposes of subsection (j) to be a government that has repeatedly provided support for acts of international terrorism.

"(4) Information sharing.—The Secretary shall establish a procedure for information sharing with appropriate officials of the intelligence community, as determined by the Director of Central Intelligence, and other appropriate Government agencies, that will ensure effective monitoring of transfers of MTCR equipment or technology and other missile technology.".

(b) Sanctions for Missile Technology Proliferation.—The Export Administration Act of 1979 is amended by inserting after section 11A (50 U.S.C. App. 2410a) the following:

"MISSILE PROLIFERATION CONTROL VIOLATIONS

"Sec. 11B. (a) Violations by United States Persons.—

"(1) Sanctions.—(A) If the President determines that a United States person knowingly—

"(i) exports, transfers, or otherwise engages in the trade of any item on the MTCR Annex, in violation of the provisions of section 38 (22 U.S.C. 2778) or chapter 7 of the Arms Export Control Act, section 5 or 6 of this Act, or any regulations or orders issued under any such provisions,

"(ii) conspires to or attempts to engage in such export, transfer, or trade, or

"(iii) facilitates such export, transfer, or trade by any other person,

then the President shall impose the applicable sanctions described in subparagraph (B).

"(B) The sanctions which apply to a United States person under subparagraph (A) are the following:

"(i) If the item on the MTCR Annex involved in the export, transfer, or trade is missile equipment or technology within category II of the MTCR Annex, then the President shall deny to such United States person, for a period of 2 years, licenses for the transfer of missile equipment or technology controlled under this Act.

"(ii) If the item on the MTCR Annex involved in the export, transfer, or trade is missile equipment or technology within category I of the MTCR Annex, then the President shall deny to such United States person, for a period of not less than 2 years, all licenses for items the export of which is controlled under this Act.

"(2) Discretionary sanctions.—In the case of any determination referred to in paragraph (1), the Secretary may pursue any other appropriate penalties under section 11 of this Act.

"(3) Waiver.—The President may waive the imposition of sanctions under paragraph (1) on a person with respect to a product or service if the President certifies to the Congress that—

"(A) the product or service is essential to the national security of the United States; and

"(B) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

"(b) Transfers of Missile Equipment or Technology by Foreign Persons.—

"(1) Sanctions.—(A) Subject to paragraphs (3) through (7), if the President determines that a foreign person, after the date of the enactment of this section, knowingly—

"(i) exports, transfers, or otherwise engages in the trade of any MTCR equipment or technology that contributes to the design, development, or production of missiles in a country that is not an MTCR adherent and would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under this Act,

"(ii) conspires to or attempts to engage in such export, transfer, or trade, or

"(iii) facilitates such export, transfer, or trade by any other person,

or if the President has made a determination with respect to a foreign person under section 73(a) of the Arms Export Control Act, then the President shall impose on that foreign person the applicable sanctions under subparagraph (B).

"(B) The sanctions which apply to a foreign person under subparagraph (A) are the following:

"(i) If the item involved in the export, transfer, or trade is within category II of the MTCR Annex, then the President shall deny, for a period of 2 years, licenses for the transfer to such foreign person of missile equipment or technology the export of which is controlled under this Act.

"(ii) If the item involved in the export, transfer, or trade is within category I of the MTCR Annex, then the President shall deny, for a period of not less than 2 years, licenses for the transfer to such foreign person of items the export of which is controlled under this Act.

"(iii) If, in addition to actions taken under clauses (i) and (ii), the President determines that the export, transfer, or trade has substantially contributed to the design, development, or production of missiles in a country that is not an MTCR adherent, then the President shall prohibit, for a period of not less than 2 years, the importation into the United States of products produced by that foreign person.

"(2) Inapplicability with respect to MTCR adherents.—Paragraph (1) does not apply with respect to—

"(A) any export, transfer, or trading activity that is authorized by the laws of an MTCR adherent, if such authorization is not obtained by misrepresentation or fraud; or

"(B) any export, transfer, or trade of an item to an end user in a country that is an MTCR adherent.

"(3) Effect of enforcement actions by MTCR adherents.—Sanctions set forth in paragraph (1) may not be imposed under this subsection on a person with respect to acts described in such paragraph or, if such sanctions are in effect against a person on account of such acts, such sanctions shall be terminated, if an MTCR adherent is taking judicial or other enforcement action against that person with respect to such acts, or that person has been found by the government of an MTCR adherent to be innocent of wrongdoing with respect to such acts.

"(4) Advisory opinions.—The Secretary, in consultation with the Secretary of State and the Secretary of Defense, may, upon the request of any person, issue an advisory opinion to that person as to whether a proposed activity by that person would subject that person to sanctions under this subsection. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions, and any person who thereafter engages in such activity, may not be made subject to such sanctions on account of such activity.

"(5) Waiver and Report to Congress.—(A) In any case other than one in which an advisory opinion has been issued under paragraph (4) stating that a proposed activity would not subject a person to sanctions under this subsection, the President may waive the application of paragraph (1) to a foreign person if the President determines that such waiver is essential to the national security of the United States.

"(B) In the event that the President decides to apply the waiver described in subparagraph (A), the President shall so notify the Congress not less than 20 working days before issuing the waiver. Such notification shall include a report fully articulating the rationale and circumstances which led the President to apply the waiver.

"(6) Additional Waiver.—The President may waive the imposition of sanctions under paragraph (1) on a person with respect to a product or service if the President certifies to the Congress that—

"(A) the product or service is essential to the national security of the United States; and

"(B) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

"(7) Exceptions.—The President shall not apply the sanction under this subsection prohibiting the importation of the products of a foreign person—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

"(ii) if the President determines that the person to which the sanctions would be applied is a sole source supplier of the defense articles and services, that the defense articles or services are essential to the national security of the United States, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security of the United States under defense coproduction agreements or Programs of Cooperation of the North Atlantic Treaty Association;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanctions; or

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production,

"(iii) routine services and maintenance of products, to the extent that alternative sources are not readily or reasonably available, or

"(iv) information and technology essential to United States products or production.

"(c) Definitions.—For purposes of this section, and subsections (k) and (l) of section 6—

"(1) the term 'missile' means a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems;

"(2) the term 'Missile Technology Control Regime' or 'MTCR' means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto;

"(3) the term 'MTCR adherent' means a country that participates in the MTCR or that, pursuant to an international understanding to which the United States is a party, controls MTCR equipment or technology in accordance with the criteria and standards set forth in the MTCR;

"(4) the term 'MTCR Annex' means the Equipment and Technology Annex of the MTCR, and any amendments thereto;

"(5) the terms 'missile equipment or technology' and 'MTCR equipment or technology' mean those items listed in category I or category II of the MTCR Annex;

"(6) the term 'foreign person' means any person other than a United States person;

"(7)(A) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity; and

"(B) in the case of countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), the term 'person' means—

"(i) all activities of that government relating to the development or production of any missile equipment or technology; and

"(ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment; and

"(8) the term 'otherwise engaged in the trade of' means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.".

SEC. 303. AMENDMENT TO THE ARMS EXPORT CONTROL ACT.

The Arms Export Control Act is amended by inserting after chapter 6 (22 U.S.C. 2795b et seq.) the following new chapter:

"CHAPTER 7—CONTROL OF MISSILES AND MISSILE EQUIPMENT OR TECHNOLOGY

"SEC. 71. LICENSING.

"(a) Establishment of List of Controlled Items.—The Secretary of State, in consultation with the Secretary of Defense and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the United States Munitions List, a list of all items on the MTCR Annex the export of which is not controlled under section 6(l) of the Export Administration Act of 1979.

"(b) Referral of License Applications.—(1) A determination of the Secretary of State to approve a license for the export of an item on the list established under subsection (a) may be made only after the license application is referred to the Secretary of Defense.

"(2) Within 10 days after a license is issued for the export of an item on the list established under subsection (a), the Secretary of State shall provide to the Secretary of Defense and the Secretary of Commerce the license application and accompanying documents issued to the applicant, to the extent that the relevant Secretary indicates the need to receive such application and documents.

"(c) Information Sharing.—The Secretary of State shall establish a procedure for sharing information with appropriate officials of the intelligence community, as determined by the Director of Central Intelligence, and with other appropriate Government agencies, that will ensure effective monitoring of transfers of MTCR equipment or technology and other missile technology.

"SEC. 72. DENIAL OF THE TRANSFER OF MISSILE EQUIPMENT OR TECHNOLOGY BY UNITED STATES PERSONS.

"(a) Sanctions.—(1) If the President determines that a United States person knowingly—

"(A) exports, transfers, or otherwise engages in the trade of any item on the MTCR Annex, in violation of the provisions of section 38 of this Act, section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405), or any regulations or orders issued under any such provisions,

"(B) conspires to or attempts to engage in such export, transfer, or trade, or

"(C) facilitates such export, transfer, or trade by any other person,

then the President shall impose the applicable sanctions described in paragraph (2).

"(2) The sanctions which apply to a United States person under paragraph (1) are the following:

"(A) If the item on the MTCR Annex involved in the export, transfer, or trade is missile equipment or technology within category II of the MTCR Annex, then the President shall deny to such United States person for a period of 2 years—

"(i) United States Government contracts relating to missile equipment or technology; and

"(ii) licenses for the transfer of missile equipment or technology on the United States Munitions List.

"(B) If the item on the MTCR Annex involved in the export, transfer, or trade is missile equipment or technology within category I of the MTCR, then the President shall deny to such United States person for a period of not less than 2 years—

"(i) all United States Government contracts, and

"(ii) all export licenses and agreements for items on the United States Munitions List.

"(b) Discretionary Sanctions.—In the case of any determination made pursuant to subsection (a), the President may pursue any penalty provided in section 38(c) of this Act.

"(c) Waiver.—The President may waive the imposition of sanctions under subsection (a) with respect to a product or service if the President certifies to the Congress that—

"(1) the product or service is essential to the national security of the United States; and

"(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

"SEC. 73. TRANSFERS OF MISSILE EQUIPMENT OR TECHNOLOGY BY FOREIGN PERSONS.

"(a) Sanctions.—(1) Subject to subsections (c) through (g), if the President determines that a foreign person, after the date of the enactment of this chapter, knowingly—

"(A) exports, transfers, or otherwise engages in the trade of any MTCR equipment or technology that contributes to the design, development, or production of missiles in a country that is not an MTCR adherent and would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under this Act,

"(B) conspires to or attempts to engage in such export, transfer, or trade, or

"(C) facilitates such export, transfer, or trade by any other person,

or if the President has made a determination with respect to a foreign person under section 11B(b)(1) of the Export Administration Act of 1979, then the President shall impose on that foreign person the applicable sanctions under paragraph (2).

"(2) The sanctions which apply to a foreign person under paragraph (1) are the following:

"(A) If the item involved in the export, transfer, or trade is within category II of the MTCR Annex, then the President shall deny, for a period of 2 years—

"(i) United States Government contracts relating to missile equipment or technology; and

"(ii) licenses for the transfer to such foreign person of missile equipment or technology on the United States Munitions List.

"(B) If the item involved in the export, transfer, or trade is within category I of the MTCR Annex, then the President shall deny, for a period of not less than 2 years—

"(i) all United States Government contracts with such foreign person; and

"(ii) licenses for the transfer to such foreign person of all items on the United States Munitions List.

"(C) If, in addition to actions taken under subparagraphs (A) and (B), the President determines that the export, transfer, or trade has substantially contributed to the design, development, or production of missiles in a country that is not an MTCR adherent, then the President shall prohibit, for a period of not less than 2 years, the importation into the United States of products produced by that foreign person.

"(b) INAPPLICABILITY WITH RESPECT TO MTCR ADHERENTS.—Subsection (a) does not apply with respect to—

"(1) any export, transfer, or trading activity that is authorized by the laws of an MTCR adherent, if such authorization is not obtained by misrepresentation or fraud; or

"(2) any export, transfer, or trade of an item to an end user in a country that is an MTCR adherent.

"(c) EFFECT OF ENFORCEMENT ACTIONS BY MTCR ADHERENTS.—Sanctions set forth in subsection (a) may not be imposed under this section on a person with respect to acts described in such subsection or, if such sanctions are in effect against a person on account of such acts, such sanctions shall be terminated, if an MTCR adherent is taking judicial or other enforcement action against that person with respect to such acts, or that person has been found by the government of an MTCR adherent to be innocent of wrongdoing with respect to such acts.

"(d) ADVISORY OPINIONS.—The Secretary of State, in consultation with the Secretary of Defense and the Secretary of Commerce, may, upon the request of any person, issue an advisory opinion to that person as to whether a proposed activity by that person would subject that person to sanctions under this section. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions, and any person who thereafter engages in such activity, may not be made subject to such sanctions on account of such activity.

"(e) WAIVER AND REPORT TO CONGRESS.—(1) In any case other than one in which an advisory opinion has been issued under subsection (d) stating that a proposed activity would not subject a person to sanctions under this section, the President may waive the application of subsection (a) to a foreign person if the President determines that such waiver is essential to the national security of the United States.

"(2) In the event that the President decides to apply the waiver described in paragraph (1), the President shall so notify the Congress not less than 20 working days before issuing the waiver. Such notification shall include a report fully articulating the rationale and circumstances which led the President to apply the waiver.

"(f) ADDITIONAL WAIVER.—The President may waive the imposition of sanctions under paragraph (1) on a person with respect to a product or service if the President certifies to the Congress that—

"(1) the product or service is essential to the national security of the United States; and

"(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

"(g) EXCEPTIONS.—The President shall not apply the sanction under this section prohibiting the importation of the products of a foreign person—

"(1) in the case of procurement of defense articles or defense services—

"(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

"(B) if the President determines that the person to which the sanctions would be applied is a sole source supplier of the defense articles and services, that the defense articles or services are essential to the national security of the United States, and that alternative sources are not readily or reasonably available; or

"(C) if the President determines that such articles or services are essential to the national security of the United States under defense coproduction agreements or Programs of Cooperation of the North Atlantic Treaty Association;

"(2) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanctions; or

"(3) to—

"(A) spare parts,

"(B) component parts, but not finished products, essential to United States products or production,

"(C) routine services and maintenance of products, to the extent that alternative sources are not readily or reasonably available, or

"(D) information and technology essential to United States products or production.

"SEC. 74. DEFINITIONS.

"For purposes of this chapter—

"(1) the term 'missile' means a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems;

"(2) the term 'Missile Technology Control Regime' or 'MTCR' means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto;

"(3) the term 'MTCR adherent' means a country that participates in the MTCR or that, pursuant to an international understanding to which the United States is a party, controls MTCR equipment or technology in accordance with the criteria and standards set forth in the MTCR;

"(4) the term 'MTCR Annex' means the Equipment and Technology Annex of the MTCR, and any amendments thereto;

"(5) the terms 'missile equipment or technology' and 'MTCR equipment or technology' mean those items listed in category I or category II of the MTCR Annex;

"(6) the term 'United States person' has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2));

"(7) the term 'foreign person' means any person other than a United States person;

"(8)(A) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity; and

"(B) in the case of countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), the term 'person' means—

"(i) all activities of that government relating to the development or production of any missile equipment or technology; and

"(ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment; and

"(9) the term 'otherwise engaged in the trade of' means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.".

SEC. 304. REPORT ON MISSILE PROLIFERATION.

(a) CONTENTS OF REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the Congress a report on international transfers of aircraft which the Secretary has reason to believe may be intended to be used for the delivery of nuclear, biological, or chemical weapons (hereinafter in this section referred to as "NBC capable aircraft") and international transfers of MTCR equipment or technology to any country that is not an MTCR adherent and is seeking to acquire such equipment or technology, other than those countries excluded in subsection (b). Each such report shall include—

(1) the status of missile and aircraft development programs in any such country, including efforts by such country to acquire MTCR equipment or technology and NBC capable aircraft and an assessment of the present and future capability of such country to produce and utilize such weapons;

(2) a description of assistance provided, after the date of the enactment of this Act, to any such country, in the development of missile systems, as defined in the MTCR, and NBC capable aircraft by persons and other countries, specifying those persons and other countries which continue to provide MTCR equipment or technology to such country as of the date of the report;

(3) a description of diplomatic measures that the United States has taken or that other MTCR adherents have made to the United States with respect to activities of

private persons and countries suspected of violating the MTCR;

(4) an analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other MTCR adherents to control the export of MTCR equipment or technology;

(5) a determination of whether transfers of MTCR equipment or technology by any country pose a significant threat to the national security of the United States;

(6) a summary of advisory opinions issued under section 11B(b)(4) of the Export Administration Act of 1979 and under section 73(d) of the Arms Export Control Act; and

(7) an explanation of United States policy regarding the transfer of MTCR equipment or technology to foreign missile programs, including space launch vehicle programs.

(b) EXCLUSIONS.—The countries excluded under subsection (a) are Australia, Belgium, Canada, Denmark, the Federal Republic of Germany, France, Greece, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom.

(c) CLASSIFICATION.—The President shall make every effort to submit all of the information required by subsection (a) in unclassified form. Whenever the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit simultaneously a detailed summary, in unclassified form, of such classified information.

(d) DEFINITIONS.—For purposes of this section, the terms "missile", "MTCR", "MTCR equipment or technology", and "MTCR adherent" have the meanings given those terms in section 74 of the Arms Export Control Act.

SEC. 305. REPEAL OF DUPLICATIVE PROVISIONS.

Title XVII of the National Defense Authorization Act for Fiscal Year 1991, and the amendments made by such title are repealed.

TITLE IV—CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Chemical and Biological Weapons Control and Warfare Elimination Act of 1991".

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to mandate United States sanctions, and to encourage international sanctions, against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own nationals, and to impose sanctions against companies that aid in the proliferation of chemical and biological weapons;

(2) to support multilaterally coordinated efforts to control the proliferation of chemical and biological weapons; and

(3) to urge continued close cooperation with the Australia Group and cooperation with other supplier nations to devise ever more effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; and

(4) to require Presidential reports on efforts that threaten United States interests or regional stability by Iran, Iraq, Syria, Libya, and others to acquire the materials and technology to develop, produce, stockpile, deliver, transfer, or use chemical or biological weapons.

Subtitle A—Measures to Prevent the Proliferation of Chemical and Biological Weapons

SEC. 421. MULTILATERAL EFFORTS.

(a) MULTILATERAL CONTROLS ON PROLIFERATION.—It is the policy of the United States to seek multilaterally coordinated efforts with other countries to control the proliferation of chemical and biological weapons. In furtherance of this policy, the United States shall—

(1) promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads;

(2) set as a top priority the early conclusion of a comprehensive global agreement banning the use, development, production, and stockpiling of chemical weapons;

(3) seek and support effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability; and

(4) pursue and give full support to multilateral sanctions pursuant to United Nations Security Council Resolution 620, which declared the intention of the Security Council to give immediate consideration to imposing "appropriate and effective" sanctions against any country which uses chemical weapons in violation of international law.

(b) MULTILATERAL CONTROLS ON CHEMICAL AGENTS, PRECURSORS, AND EQUIPMENT.—It is also the policy of the United States to strengthen efforts to control chemical agents, precursors, and equipment by taking all appropriate multilateral diplomatic measures—

(1) to continue to seek a verifiable global ban on chemical weapons at the 40 nation Conference on Disarmament in Geneva;

(2) to support the Australia Group's objective to support the norms and restraints against the spread and the use of chemical warfare, advance the negotiation of a comprehensive ban on chemical warfare by taking appropriate measures, and to protect the Australia Group's domestic industries against inadvertent association with supply of feedstock chemical equipment that could be misused to produce chemical weapons;

(3) to implement paragraph (2) by proposing steps complementary to, and not mutually exclusive of, existing multilateral efforts seeking a verifiable ban on chemical weapons, such as the establishment of—

(A) a harmonized list of export control rules and regulations to prevent relative commercial advantage and disadvantages accruing to Australia Group members,

(B) liaison officers to the Australia Group's coordinating entity from within the diplomatic missions,

(C) a close working relationship between the Australia Group and industry,

(D) a public unclassified warning list of controlled chemical agents, precursors, and equipment,

(E) information-exchange channels of suspected proliferants,

(F) a "denial" list of firms and individuals who violate the Australia Group's export control provisions, and

(G) broader cooperation between the Australia Group and other countries whose political commitment to stem the proliferation of chemical weapons is similar to that of the Australia Group; and

(4) to adopt the imposition of stricter controls on the export of chemical agents, precursors, and equipment and to adopt tougher multilateral sanctions against firms and individuals who violate these controls or against countries that use chemical weapons.

SEC. 422. UNITED STATES EXPORT CONTROLS.

(a) IN GENERAL.—The President shall—

(1) use the authorities of the Arms Export Control Act to control the export of those defense articles and defense services, and

(2) use the authorities of the Export Administration Act of 1979 to control the export of those goods and technology,

that the President determines would assist the government of any foreign country in acquiring the capability to develop, produce, stockpile, deliver, or use chemical or biological weapons.

(b) EXPORT ADMINISTRATION ACT.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405), as amended by the preceding provisions of this Act, is further amended—

(1) by redesignating subsections (m) through (s) as subsections (n) through (t), respectively; and

(2) by inserting after subsection (l), as added by section 302 of this Act, the following:

"(m) CHEMICAL AND BIOLOGICAL WEAPONS.—

"(1) ESTABLISHMENT OF LIST.—The Secretary, in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the list maintained under this section, a list of goods and technology that would directly and substantially assist a foreign government or group in acquiring the capability to develop, produce, stockpile, or deliver chemical or biological weapons, the licensing of which would be effective in barring acquisition or enhancement of such capability.

"(2) REQUIREMENT FOR VALIDATED LICENSES.—The Secretary shall require a validated license for any export of goods or technology on the list established under paragraph (1) to any country of concern.

"(3) COUNTRIES OF CONCERN.—For purposes of paragraph (2) and section 10(r), the term 'country of concern' means any country other than—

"(A) a country with whose government the United States has entered into a bilateral or multilateral arrangement for the control of goods or technology on the list established under paragraph (1); and

"(B) such other countries as the Secretary of State, in consultation with the Secretary and the Secretary of Defense, shall designate consistent with the purposes of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.".

SEC. 423. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

(a) AMENDMENT TO EXPORT ADMINISTRATION ACT.—The Export Administration Act of 1979 is amended by inserting after section 11B, as added by section 302 of this Act, the following:

"CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION SANCTIONS

"SEC. 11C. (a) IMPOSITION OF SANCTIONS.—

"(1) DETERMINATION BY THE PRESIDENT.—(A) Except as provided in subsection (b)(2), the President shall impose both of the sanctions described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States under this Act, or

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States under this Act,

to the efforts by any foreign country described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii); or

"(B) any foreign country whose government is determined for purposes of section 6(j) of this Act to be a government that has repeatedly provided support for acts of international terrorism.

"(3) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for a period of up to 180 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the previous sentence.

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTIONS.—

"(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

"(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(B) IMPORT SANCTIONS.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government in its efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For the purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

(b) AMENDMENT TO ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended by inserting after chapter 7, as added by section 303 of this Act, the following:

"CHAPTER 8—CHEMICAL OR BIOLOGICAL WEAPONS PROLIFERATION

"SEC. 81. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

"(a) IMPOSITION OF SANCTIONS.—

"(1) DETERMINATION BY THE PRESIDENT.—(A) Except as provided in subsection (b)(2), the President shall impose both of the sanctions described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

"(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States,

"(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States, or

"(C) through any other transaction not subject to sanctions pursuant to the Export Administration Act of 1979,

to the efforts by any foreign country described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

"(2) COUNTRIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

"(A) any foreign country that the President determines has, at any time after January 1, 1980—

"(i) used chemical or biological weapons in violation of international law;

"(ii) used lethal chemical or biological weapons against its own nationals; or

"(iii) made substantial preparations to engage in the activities described in clause (i) or (ii); or

"(B) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)) to be a government that has repeatedly provided support for acts of international terrorism.

"(3) PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.—Sanctions shall be imposed pursuant to paragraph (1) on—

"(A) the foreign person with respect to which the President makes the determination described in that paragraph;

"(B) any successor entity to that foreign person;

"(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

"(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

"(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

"(1) CONSULTATIONS.—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

"(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for a period of up to 180 days. Following these consultations, the President shall impose sanctions unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the previous sentence.

"(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

"(c) SANCTIONS.—

"(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

"(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

"(B) IMPORT SANCTIONS.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

"(2) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

"(A) in the case of procurement of defense articles or defense services—

"(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

"(C) to—

"(i) spare parts,

"(ii) component parts, but not finished products, essential to United States products or production, or

"(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

"(D) to information and technology essential to United States products or production; or

"(E) to medical or other humanitarian items.

"(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government in its efforts to acquire chemical or biological weapons capability as described in that subsection.

"(e) WAIVER.—

"(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

"(f) DEFINITION OF FOREIGN PERSON.—For the purposes of this section, the term 'foreign person' means—

"(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.".

Subtitle B—Sanctions Against the Use of Chemical and Biological Weapons

SEC. 441. DETERMINATIONS REGARDING USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) DETERMINATION BY THE PRESIDENT.—

(1) WHEN DETERMINATION REQUIRED; NATURE OF DETERMINATION.—Whenever persuasive information becomes available to the executive branch indicating the substantial possibility that, on or after the date of the enactment of this Act, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after such date of enactment, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Section 442 applies if the President determines that that government has so used chemical or biological weapons.

(2) MATTERS TO BE CONSIDERED.—In making the determination under paragraph (1), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.

(B) All information provided by alleged victims, witnesses, and independent observers.

(C) The extent of the availability of the weapons in question to the purported user.

(D) All official and unofficial statements bearing on the possible use of such weapons.

(E) Whether, and to what extent, the government in question is willing to honor a request from the Secretary General of the United Nations to grant timely access to a United Nations fact-finding team to investigate the possibility of chemical or biological weapons use or to grant such access to other legitimate outside parties.

(3) DETERMINATION TO BE REPORTED TO CONGRESS.—Upon making a determination under paragraph (1), the President shall promptly report that determination to the Congress. If the determination is that a foreign government had used chemical or biological weapons as described in that paragraph, the report shall specify the sanctions to be imposed pursuant to section 442.

(b) CONGRESSIONAL REQUESTS; REPORT.—

(1) REQUEST.—The Chairman of the Committee on Foreign Relations of the Senate (upon consultation with the ranking minority member of such committee) or the Chairman of the Committee on Foreign Affairs of the House of Representatives (upon consultation with the ranking minority member of such committee) may at any time request the President to consider whether a particular foreign government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.

(2) REPORT TO CONGRESS.—Not later than 60 days after receiving such a request, the President shall provide to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a written report on the information held by the executive branch which is pertinent to the issue of whether the specified government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. This report shall contain an analysis of each of the items enumerated in subsection (a)(2).

SEC. 442. SANCTIONS AGAINST USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) INITIAL SANCTIONS.—If, at any time, the President makes a determination pursuant to section 441(a)(1) with respect to the government of a foreign country, the President shall forthwith impose the sanctions set forth in at least 6 of the following paragraphs:

(1) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

(2) ARMS SALES.—The United States Government shall terminate—

(A) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

(B) licenses for the export to that country of any item on the United States Munitions List.

(3) ARMS SALES FINANCING.—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

(4) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

(5) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

(6) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

(7) EXPORTS OF NATIONAL SECURITY-SENSITIVE GOODS AND TECHNOLOGY.—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405) shall be used to prohibit the export to that country of any goods or technology on that part of the control list established under section 5(c)(1) of that Act (22 U.S.C. 2404(c)(1)).

(8) FURTHER EXPORT RESTRICTIONS.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of all other goods and technology (excluding food and other agricultural commodities and products).

(9) IMPORT RESTRICTIONS.—Restrictions shall be imposed on the importation into the United States of articles (which may include petroleum or any petroleum product) that are the growth, product, or manufacture of that country.

(10) DIPLOMATIC RELATIONS.—The President shall use his constitutional authorities to downgrade or suspend diplomatic relations between the United States and the government of that country.

(11) LANDING RIGHTS.—At the earliest practicable date, the United States Government shall terminate, consistent with international law, the authority of any air carrier which is controlled in fact by the government of that country to engage in air transportation (as defined in section 101(10) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(10))).

(b) ADDITIONAL SANCTIONS IF CERTAIN CONDITIONS NOT MET.—Unless, within 3 months after making a determination pursuant to section 441(a)(1) with respect to a foreign government, the President determines and certifies in writing to the Congress that—

(1) that government is no longer using chemical or biological weapons in violation of international law or using lethal chemical or biological weapons against its own nationals,

(2) that government has provided reliable assurances that it will not in the future engage in any such activities, and

(3) that government is willing to allow onsite inspections by United Nations observers or other internationally recognized, impartial observers, or other reliable means exist, to ensure that that government is not using chemical or biological weapons in violation of international law and is not using lethal chemical or biological weapons against its own nationals,

then the President, after consultation with the Congress, shall impose on that country at least 1 sanction set forth in paragraphs (1) through (11) of subsection (a) which has not previously been imposed on that country under subsection (a).

(c) REMOVAL OF SANCTIONS.—The President shall remove the sanctions imposed with respect to a country pursuant to this section if the President determines and so certifies to the Congress, after the end of the 12-month period beginning on the date on which sanctions were initially imposed on that country pursuant to subsection (a), that—

(1) the government of that country has provided reliable assurances that it will not use chemical or biological weapons in violation of international law and will not use lethal chemical or biological weapons against its own nationals;

(2) that government is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals;

(3) that government is willing to allow onsite inspections by United Nations observers or other internationally recognized, impartial observers to verify that it is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals, or other reliable means exist to verify that it is not making such preparations; and

(4) that government is making restitution to those affected by any use of chemical or biological weapons in violation of international law or by any use of lethal chemical or biological weapons against its own nationals.

(d) WAIVER.—

(1) CRITERIA FOR WAIVER.—The President may waive the application of any sanction imposed with respect to a country pursuant to this section—

(A) after the end of the 12-month period beginning on the date on which sanctions were initially imposed on that country, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States; or

(B) at any time, if the President determines and certifies to the Congress that there has been a fundamental change in leadership and policies of the government of that country.

(2) REPORT.—In the event that the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise that waiver authority.

(e) CONTRACT SANCTITY.—

(1) SANCTIONS NOT APPLIED TO EXISTING CONTRACTS.—(A) A sanction described in any of paragraphs (4) through (9) of subsection (a) shall not apply to any activity pursuant to any contract or international agreement entered into before the date of the presidential determination under section 441(a)(1) unless the President determines, on a case-by-case basis, that to apply such sanction to that activity would prevent the performance of a contract or agreement that would have the effect of assisting a country in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals.

(B) The same restrictions of subsection (p) of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405), as that subsection is so redesignated by the preceding provisions of this Act, which are applicable to exports prohibited under section 6 of that Act shall apply to exports prohibited under subsection (a)(7) or (a)(8) of this section. For purposes of this subparagraph, any contract or agreement the performance of which (as determined by the President) would have the effect of assisting a foreign government in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals shall be treated as constituting a breach of the peace that poses a serious and direct threat to the strategic interest of the United States, within the meaning of subparagraph (A) of section 6(p) of that Act.

(2) SANCTIONS APPLIED TO EXISTING CONTRACTS.—The sanctions described in paragraphs (1), (2), and (3) of subsection (a) shall apply to contracts, agreements, and licenses without regard to the date the contract or agreement was entered into or the license was issued (as the case may be), except that such sanctions shall not apply to any contract or agreement entered into or license issued before the date of the presidential determination under section 441(a)(1) if the President determines that the application of such sanction would be detrimental to the national security interests of the United States.

Subtitle C—Reporting Requirements

SEC. 461. PRESIDENTIAL REPORTING REQUIREMENTS.

(a) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and every 12 months thereafter, the President shall transmit to the Congress a report which shall include—

(1) a description of the actions taken to carry out this title, including the amendments made by this title;

(2) a description of the current efforts of foreign countries and subnational groups to acquire equipment, materials, or technology to develop, produce, or use chemical or biological weapons, together with an assessment of the current and likely future capabilities of such countries and groups to develop, produce, stockpile, deliver, transfer, or use such weapons;

(3) a description of—

(A) the use of chemical weapons by foreign countries in violation of international law,

(B) the use of chemical weapons by subnational groups,

(C) substantial preparations by foreign countries and subnational groups to do so, and

(D) the development, production, stockpiling, or use of biological weapons by foreign countries and subnational groups; and

(4) a description of the extent to which foreign persons or governments have knowingly and materially assisted third countries or subnational groups to acquire equipment, material, or technology intended to develop, produce, or use chemical or biological weapons.

(b) PROTECTION OF CLASSIFIED INFORMATION.—To the extent practicable, reports submitted under subsection (a) or any other provision of this title should be based on unclassified information. Portions of such reports may be classified.

TITLE V—SANCTIONS AGAINST IRAQ

SEC. 501. SHORT TITLE.

This title may be cited as the "Iraq International Law Compliance Act of 1991".

Subtitle A—Response to Iraq's Invasion of Kuwait

SEC. 521. DECLARATIONS REGARDING IRAQ'S INVASION OF KUWAIT.

The Congress—

(1) condemns Iraq's invasion of Kuwait on August 2, 1990;

(2) supports the actions that have been taken by the President in response to that invasion;

(3) calls for the immediate and unconditional withdrawal of Iraqi forces from Kuwait;

(4) supports the efforts of the United Nations Security Council to end this violation of international law and threat to international peace;

(5) supports the imposition and enforcement of multilateral sanctions against Iraq;

(6) calls on United States allies and other countries to support fully the efforts of the United Nations Security Council, and to take other appropriate actions, to bring about an end to Iraq's occupation of Kuwait; and

(7) condemns the brutal occupation of Kuwait by Iraq and its gross violations of internationally recognized human rights in Kuwait, including widespread arrests, torture, summary executions, and mass extrajudicial killings.

SEC. 522. CONSULTATIONS WITH CONGRESS.

The President shall keep the Congress fully informed, and shall consult with the Congress, with respect to current and anticipated events regarding the international crisis caused by Iraq's invasion of Kuwait, including with respect to United States actions.

SEC. 523. TRADE EMBARGO AGAINST IRAQ.

(a) CONTINUATION OF EMBARGO.—Except as otherwise provided in this section, the President shall continue to impose the trade embargo and other economic sanctions with respect to Iraq and Kuwait that the United States is imposing, in response to Iraq's invasion of Kuwait, pursuant to Executive Orders Number 12724 and 12725 (August 9, 1990) and, to the extent they are still in effect, Executive Orders Number 12722 and 12723 (August 2, 1990).

(b) HUMANITARIAN ASSISTANCE.—To the extent that transactions involving foodstuffs or payments for foodstuffs are exempted "in humanitarian circumstances" from the prohibitions established by the United States pursuant to United Nations Security Council Resolution 661 (1990), those exemptions shall be limited to foodstuffs that are to be provided consistent with United Nations Security Council Resolution 666 (1990) and other relevant Security Council resolutions.

(c) NOTICE TO CONGRESS OF EXCEPTIONS TO AND TERMINATION OF SANCTIONS.—

(1) NOTICE OF REGULATIONS.—Any regulations issued after the date of the enactment of this Act with respect to the economic sanctions imposed with respect to Iraq and Kuwait by the United States under Executive Orders Number 12722 and 12723 (August 2, 1990) and Executive Orders Number 12724 and 12725 (August 9, 1990) shall be submitted to the Congress before those regulations take effect.

(2) NOTICE OF TERMINATION OF SANCTIONS.—The President shall notify the Congress before the termination, in whole or in part, of any sanction imposed with respect to Iraq or Kuwait pursuant to those Executive Orders.

(d) RELATION TO OTHER LAWS.—

(1) SANCTIONS LEGISLATION.—The sanctions that are described in subsection (a) are in addition to, and not in lieu of, the sanctions provided for in subtitle B of this title, title IV of this Act, or any other provision of law.

(2) NATIONAL EMERGENCIES AND UNITED NATIONS LEGISLATION.—Nothing in this section supersedes any provision of the National Emergencies Act or any authority of the President under the International Emergency Economic Powers Act or section 5(a) of the United Nations Participation Act of 1945.

SEC. 524. ADDITIONAL IMPORT SANCTIONS.

If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq into its customs territory, and

(2) the export of its products to Iraq.

SEC. 525. PENALTIES FOR VIOLATIONS OF EMBARGO.

Notwithstanding section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) and section 5(b) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(b))—

(1) a civil penalty of not to exceed $250,000 may be imposed on any person who, after the date of the enactment of this Act, violates or evades or attempts to violate or evade Executive Order Number 12722, 12723, 12724, or 12725 or any license, order, or regulation issued under any such Executive Order; and

(2) whoever, after the date of the enactment of this Act, willfully violates or evades or attempts to violate or evade Executive Order Number 12722, 12723, 12724, or 12725 or any license, order, or regulation issued under any such Executive Order—

(A) shall, upon conviction, be fined not more than $1,000,000, if a person other than a natural person; or

(B) if a natural person, shall, upon conviction, be fined not more than $1,000,000, be imprisoned for not more than 12 years, or both.

Any officer, director, or agent of any corporation who knowingly participates in a violation, evasion, or attempt described in paragraph (2) may be punished by imposition of the fine or imprisonment (or both) specified in subparagraph (B) of that paragraph.

Subtitle B—Response to Iraq's Long-Standing Violations of International Law

SEC. 541. DECLARATIONS REGARDING IRAQ'S LONG-STANDING VIOLATIONS OF INTERNATIONAL LAW.

(a) IRAQ'S VIOLATIONS OF INTERNATIONAL LAW.—The Congress determines that—

(1) the Government of Iraq has demonstrated repeated and blatant disregard for its obligations under international law by violating the Charter of the United Nations, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (done at Geneva, June 17, 1925), as well as other international treaties;

(2) the Government of Iraq is a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights and is obligated under the Covenants, as well as the Universal Declaration of Human Rights, to respect internationally recognized human rights;

(3) the State Department's Country Reports on Human Rights Practices for 1989 again characterizes Iraq's human rights record as "abysmal";

(4) Amnesty International, Middle East Watch, and other independent human rights organizations have documented extensive, systematic, and continuing human rights abuses by the Government of Iraq, including summary executions, mass political killings, disappearances, widespread use of torture, arbitrary arrests and prolonged detention without trial of thousands of political opponents, forced relocation and deportation, denial of nearly all civil and political rights such as freedom of association, assembly, speech, and the press, and the imprisonment, torture, and execution of children;

(5) since 1987, the Government of Iraq has intensified its severe repression of the Kurdish minority of Iraq, deliberately destroyed more than 3,000 villages and towns in the Kurdish regions, and forcibly expelled more than 500,000 people, thus effectively depopulating the rural areas of Iraqi Kurdistan;

(6) Iraq has blatantly violated international law by initiating use of chemical weapons in the Iran-Iraq war;

(7) Iraq has also violated international law by using chemical weapons against its own Kurdish citizens, resulting in tens of thousands of deaths and more than 65,000 refugees;

(8) Iraq continues to expand its chemical weapons capability, and President Saddam Hussein has threatened to use chemical weapons against other nations;

(9) persuasive evidence exists that Iraq is developing biological weapons in violation of international law;

(10) there are strong indications that Iraq has taken steps to produce nuclear weapons and has attempted to smuggle from the United States, in violation of United States law, components for triggering devices used in nuclear warheads whose manufacture would contravene the Treaty on the Non-Proliferation of Nuclear Weapons, to which Iraq is a party; and

(11) Iraqi President Saddam Hussein has threatened to use terrorism against other nations in violation of international law and has increased Iraq's support for the Palestine Liberation Organization and other Palestinian groups that have conducted terrorist acts.

(b) HUMAN RIGHTS VIOLATIONS.—The Congress determines that the Government of Iraq is engaged in a consistent pattern of gross violations of internationally recognized human rights. All provisions of law that impose sanctions against a country whose government is engaged in a consistent pattern of gross violations of internationally recognized human rights shall be fully enforced against Iraq.

(c) MULTILATERAL COOPERATION.—The Congress calls on the President to seek multilateral cooperation—

(1) to deny dangerous technologies to Iraq;

(2) to induce Iraq to respect internationally recognized human rights; and

(3) to induce Iraq to allow appropriate international humanitarian and human rights organizations to have access to Iraq and Kuwait, including the areas in northern Iraq traditionally inhabited by Kurds.

SEC. 542. SANCTIONS AGAINST IRAQ.

(a) IMPOSITION.—Except as provided in section 543, the following sanctions shall apply with respect to Iraq:

(1) FMS SALES.—The United States Government may not enter into any sale with Iraq under the Arms Export Control Act.

(2) COMMERCIAL ARMS SALES.—Licenses may not be issued for the export to Iraq of any item on the United States Munitions List.

(3) EXPORTS OF CERTAIN GOODS AND TECHNOLOGY.—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) shall be used to prohibit the export to Iraq of any goods or technology listed pursuant to that section or section 5(c)(1) of that Act (50 U.S.C. App. 2404(c)(1)) on the control list provided for in section 4(b) of that Act (50 U.S.C. App. 2403(b)).

(4) NUCLEAR EQUIPMENT, MATERIALS, AND TECHNOLOGY.—

(A) NRC LICENSES.—The Nuclear Regulatory Commission may not issue any license or other authorization under the Atomic Energy Act of 1954 (42 U.S.C. 2011 and following) for the export to Iraq of any source or special nuclear material, any production or utilization facility, any sensitive nuclear technology, any component, item, or substance determined to have significance for nuclear explosive purposes pursuant to section 109b of the Atomic Energy Act of 1954 (42 U.S.C. 2139(b)), or any other material or technology requiring such a license or authorization.

(B) DISTRIBUTION OF NUCLEAR MATERIALS.—The authority of the Atomic Energy Act of 1954 may not be used to distribute any special nuclear material, source material, or byproduct material to Iraq.

(C) DOE AUTHORIZATIONS.—The Secretary of Energy may not provide a specific authorization under section 57b. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)(2)) for any activity that would constitute directly or indirectly engaging in Iraq in activities that require a specific authorization under that section.

(5) ASSISTANCE FROM INTERNATIONAL FINANCIAL INSTITUTIONS.—The United States shall oppose any loan or financial or technical assistance to Iraq by international financial institutions in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d).

(6) ASSISTANCE THROUGH THE EXPORT-IMPORT BANK.—Credits and credit guarantees through the Export-Import Bank of the United States shall be denied to Iraq.

(7) ASSISTANCE THROUGH THE COMMODITY CREDIT CORPORATION.—Credit, credit guarantees, and other assistance through the Commodity Credit Corporation shall be denied to Iraq.

(8) FOREIGN ASSISTANCE.—All forms of assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following) other than emergency assistance for medical supplies and other forms of emergency humanitarian assistance, and under the Arms Export Control Act (22 U.S.C. 2751 and following) shall be denied to Iraq.

(b) CONTRACT SANCTITY.—For purposes of the export controls imposed pursuant to subsection (a)(3), the date described in subsection (p)(1) of section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405), as that subsection is so redesignated by the preceding provisions of this Act, shall be deemed to be August 1, 1990.

SEC. 543. WAIVER AUTHORITY.

(a) IN GENERAL.—The President may waive the requirements of any paragraph of section 542(a) if the President makes a certification under subsection (b) or subsection (c).

(b) CERTIFICATION OF FUNDAMENTAL CHANGES IN IRAQI POLICIES AND ACTIONS.—The authority of subsection (a) may be exercised 60 days after the President certifies to the Congress that—

(1) the Government of Iraq—

(A) has demonstrated, through a pattern of conduct, substantial improvement in its respect for internationally recognized human rights;

(B) is not acquiring, developing, or manufacturing chemical, biological, or nuclear weapons, components for such weapons, or delivery systems for such weapons, and has forsworn the first use of such weapons; and

(C) does not provide support for international terrorism;

(2) the Government of Iraq is in substantial compliance with its obligations under international law, including—

(A) the Charter of the United Nations;

(B) the International Covenant on Civil and Political Rights (done at New York, December 16, 1966) and the International Covenant on Economic, Social, and Cultural Rights (done at New York, December 16, 1966);

(C) the Convention on the Prevention and Punishment of the Crime of Genocide (done at Paris, December 9, 1948);

(D) the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (done at Geneva, June 17, 1925);

(E) the Treaty on the Non-Proliferation of Nuclear Weapons (done at Washington, London, and Moscow, July 1, 1968); and

(F) the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (done at Washington, London, and Moscow, April 10, 1972); and

(3) the President has determined that it is essential to the national interests of the United States to exercise the authority of subsection (a).

(c) CERTIFICATION OF FUNDAMENTAL CHANGES IN IRAQI LEADERSHIP AND POLICIES.—The authority of subsection (a) may be exercised 30 days after the President certifies to the Congress that—

(1) there has been a fundamental change in the leadership of the Government of Iraq; and

(2) the new Government of Iraq has provided reliable and credible assurances that—

(A) it respects internationally recognized human rights and it will demonstrate such respect through its conduct;

(B) it is not acquiring, developing, or manufacturing and it will not acquire, develop, or manufacture chemical, biological, or nuclear weapons, components for such weapons, or delivery systems for such weapons, and has forsworn the first use of such weapons;

(C) it is not and will not provide support for international terrorism; and

(D) it is and will continue to be in substantial compliance with its obligations under international law, including all the treaties specified in subparagraphs (A) through (F) of subsection (b)(2).

(d) INFORMATION TO BE INCLUDED IN CERTIFICATIONS.—Any certification under subsection (b) or (c) shall include the justification for each determination required by that subsection. The certification shall also specify which paragraphs of section 542(a) the President will waive pursuant to that certification.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. SOVIET MILITARY ASSISTANCE TO CUBA.

It is the sense of the Congress that—

(1) continuing Soviet military assistance provided to Cuba remains a serious problem in United States-Soviet relations; and

(2) the Soviet Union, in reexamining its relationship with Cuba, should cease military assistance to the Castro regime and take all other possible steps to further the policies of Glasnost and Perestroika by adopting policies supporting the political, economic, and human rights of the Cuban people.

SEC. 602. ATTACKS AGAINST ISRAELIS AND ILLEGAL ACTIVITIES IN THE UNITED STATES.

(a) REPORT ON IMPACT OF ATTACKS AGAINST ISRAELIS ON PEACE EFFORTS.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the Congress an analysis of the impact on efforts to achieve peace in the Middle East of the following recent attacks against Israelis:

(1) On May 28, 1989, an attack by the Popular Front for the Liberation of Palestine and the Palestine Liberation Front, both PLO-affiliated organizations, in which a one-year-old Israeli was injured by a Katyusha rocket.

(2) On August 7, 1989, a rocket attack on the settlement of Maoz Haim by members of the PLO-affiliated Popular Front for the Liberation of Palestine.

(3) On September 6, 1989, a rocket attack by the PLO-affiliated Popular Front for the Liberation of Palestine aimed at Kibbutz Tel-Katzir that fell on Kibbutz Sha'ar Hagolan.

(4) On October 7, 1989, an attempted raid on Kibbutz Misgav-Am by a squad of terrorists armed with machine guns and anti-tank missiles from the PLO-aligned Palestine Liberation Front.

(5) On January 26, 1990, an attack on an Israeli Army patrol by at least three terrorists of the PLO-affiliated Democratic Front for the Liberation of Palestine headed for Kibbutz Misgav-Am.

(6) On February 4, 1990, an unprovoked ambush by the Popular Front for the Liberation of Palestine-General Command on an Israeli tour bus in Egypt that killed 9 and wounded 15 Israelis.

(7) On April 13, 1990, an attempted infiltration into northern Israel by boat by four terrorists of Yasser Arafat's Al-Fatah, equipped with machine guns and grenades.

(b) REPORT ON ILLEGAL ACTIVITIES IN THE UNITED STATES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Congress a report—

(1) outlining illegal activities being undertaken in the United States by the Palestine Liberation Organization or on behalf of the Palestine Liberation Organization, including such activities as illegal drug trafficking, money laundering, weapons purchases, and arms shipments;

(2) estimating the amount of funds associated with such activities; and

(3) describing the extent to which members of the Executive Committee of the Palestine Liberation Organization, the Central Council of the Palestine Liberation Organization, and the Palestine National Council are aware of or are involved in such illegal activities.

SEC. 603. FAMILY NEEDS OF MEMBERS OF THE ARMED FORCES.

It is the sense of the Senate that—

(1) the Department of Defense is to be commended for the efforts it has made to be sensitive to the family needs of members of the Armed Forces consistent with military requirements;

(2) the morale (and therefore the military effectiveness) of members of the Armed Forces with dependents who are deployed or otherwise assigned to areas where dependents cannot accompany them is increased when those members can be assured that appropriate steps have been taken to ensure that their dependents are being well cared for;

(3) the Department of Defense has an interest in and responsibility for protecting the best interests of dependents of members of the Armed Forces;

(4) military readiness and the interests of national security require that the Department of Defense have maximum flexibility in the assignment and deployment of military personnel; and

(5) The Secretary of Defense should promptly prescribe regulations governing the assignment of members of the Armed Forces who are parents of minor children, which should provide that—

(A) policies and procedures are uniform, insofar as practicable, among the military departments;

(B) members of the Armed Forces who are parents are required to establish adequate child care arrangements in the event of deployment;

(C) appropriate consideration is given to the unique needs of—

(i) single parents;

(ii) families in which both parents are members of the Armed Forces;

(iii) newborn children.

(D) standards and procedures are prescribed to provide for the consideration of requests for reassignment, leave, or deferment from deployment based upon unforseen family circumstances; and

(E) appropriate consideration is given to the requirements of military readiness.

SEC. 604. SANCTIONS AGAINST FOREIGN VIOLATORS.

(a) No foreign person may violate any Executive order or other regulation implementing the United Nations Security Council's economic embargo against Iraq.

(b) Whenever the President determines that a foreign person has violated subsection (a), he may issue an order requiring such person to cease and desist from such violation and prohibiting such person from acquiring any real property or other asset in the United States for a period of time deemed appropriate by the President.

(c) For the purposes of this section, the term "foreign person" means any foreign government (including any instrumentality thereof), any foreign national, or any corporation, a majority whose beneficial ownership is controlled by nationals of a foreign country, or any subsidiary of that corporation.

(d) The President may issue regulations within 30 days of the date of enactment of this section which create appropriate procedures to establish a violation of subsection (a) and to implement subsection (b) of this section.

SEC. 605. TERRORIST DEATH PENALTY ACT OF 1991.

(1) SHORT TITLE.—This section may be cited as the "Terrorist Death Penalty Act of 1991".

(2) DEATH PENALTY FOR TERRORIST ACTS.—(a) OFFENSE.—Subsection 2332(a) of title 18 of the United States Code is amended to read as follows:

"(a) HOMICIDE.—

"(A) Whoever kills a person, with the intent to commit an act of terrorism, which is any act which appears to be intended to intimidate, retaliate against or coerce a civilian population; to influence the policy of a government by intimidation, retaliation or coercion; or to affect the conduct of a government by assassination, kidnapping, hostage-taking or other violent act, while such victim is inside the United States, or

"(B) Whoever kills a national of the United States, while such national is outside the United States; shall—

"(1)(A) if the killing is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, or be fined under this title, or both; and

"(B) if the killing is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;

"(2) if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than ten years, or both; and

"(3) if the killing is an involuntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than three years, or both".

(b) DEATH PENALTY.—Section 2332 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) DEATH PENALTY.—

"(1) SENTENCE OF DEATH.—A defendant who has been found guilty of an offense under subsection (a)(1)(A), if the defendant, as determined beyond a reasonable doubt at a hearing under paragraph (3) either—

"(A) intentionally killed the victim;

"(B) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(C) acting with reckless disregard for human life, engaged or substantially participated in conduct which the defendant knew would create a grave risk of death to another person or persons and death resulted from such conduct,

shall be sentenced to death if, after consideration of the factors set forth in paragraph (2) in the course of a hearing held under paragraph (3), it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"(2) FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(i) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(ii) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(iii) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's character or record or any other circumstances of the offense that the defendant may proffer as a mitigating factor exists.

"(B) AGGRAVATING FACTORS FOR HOMICIDE.—In determining whether a sentence of death is justified for an offense described in paragraph (1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(i) DEATH OCCURRED DURING COMMISSION OF ANOTHER CRIME.—The death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1201 (kidnapping), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following a finding of not guilty only by reason of insanity), or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n) (aircraft piracy)).

"(ii) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(I) during and in relation to the commission of the offense or in escaping apprehension used or possessed a firearm as defined in section 921 of this title; or

"(II) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(iii) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(iv) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(v) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(vi) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(vii) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(viii) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(ix) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(x) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(xi) TYPE OF VICTIM.—The defendant committed the offense against—

"(I) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(II) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(III) a foreign official listed in section 1116(b)(3)(A) of this title, if that official is in the United States on official business; or

"(IV) a public servant who is a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(aa) while such public servant is engaged in the performance of the public servant's official duties;

"(bb) because of the performance of such public servant's official duties; or

"(cc) because of such public servant's status as a public servant.

For purposes of this clause, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2; a 'Federal law enforcement officer' is a public servant authorized by law or by a government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a magistrate.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(3) SPECIAL HEARING TO DETERMINE WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in paragraph (1), the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice—

"(i) that the Government in the event of conviction will seek the sentence of death; and

"(ii) setting forth the aggravating factor or factors enumerated in paragraph (2) and any other aggravating factor not specifically enumerated in paragraph (2), that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(B) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subparagraph (A) and the defendant is found guilty of an offense described in paragraph (1), the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Before such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(i) before the jury that determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury;

"(III) the jury that determined the defendant's guilt was discharged for good cause; or

"(IV) after initial imposition of a sentence under this paragraph, reconsideration of the sentence under the section is necessary; or

"(iii) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to clause (ii) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(C) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(i) any matter relating to any mitigating factor listed in paragraph (2) and any other mitigating factor; and

"(ii) any matter relating to any aggravating factor listed in paragraph (2) for which notice has been provided under subparagraph (A)(ii) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

Information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(D) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in paragraph (2) of this title found to exist and any other aggravating factor for which notice has been provided under subparagraph (A) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in paragraph (2) is found to exist, the court shall impose a sentence other than death authorized by law.

"(E) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under paragraph (2)(C) is found to exist the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factor or factors. The jury, or if there is no jury, the court, shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(F) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subparagraph (E), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subparagraph (E), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching the juror's individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"(4) IMPOSITION OF A SENTENCE OF DEATH.—Upon the recommendation under paragraph (3)(E) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release or furlough.

(5) REVIEW OF A SENTENCE OF DEATH.—

"(A) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this paragraph may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(B) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(i) the evidence submitted during the trial;

"(ii) the information submitted during the sentencing hearing;

"(iii) the procedures employed in the sentencing hearing; and

"(iv) the special findings returned under paragraph (3)(D).

"(C) DECISION AND DISPOSITION.—

"(i) If the court of appeals determines that—

"(I) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(II) the evidence and information support the special findings of the existence of an aggravating factor or factors;

it shall affirm the sentence.

"(ii) In any other case, the court of appeals shall remand the case for reconsideration under paragraph (3) of this title or for imposition of another authorized sentence as appropriate.

"(iii) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this paragraph.

"(6) IMPLEMENTATION OF A SENTENCE OF DEATH.—

"(A) IN GENERAL.—A person who has been sentenced to death pursuant to this subsection shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(B) IMPAIRED MENTAL CAPACITY, AGE, OR PREGNANCY.—A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed.

A sentence of death shall not be carried out upon a woman while she is pregnant.

"(C) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this paragraph, if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subparagraph, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(7) USE OF STATE FACILITIES.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.".

SEC. 606. CRIMINAL AND CIVIL PENALTIES FOR PRODUCTION, TRANSPORT, OR USE OF BIOLOGICAL OR CHEMICAL WEAPONS WHICH KILL, MAIM OR INJURE UNITED STATES NATIONALS ABROAD.

(1) Section 2331 of title 18, United States Code, is amended as follows:

(a) Delete the "and" at the end of subparagraph (3) and replace the period at the end of subparagraph (4)(C) with "; and";

(b) Add the following at the end of the section:

"(5) An act which knowingly and materially contributes to the production, transport, or use of biological or chemical weapons, or a component thereof, which kill, maim or injure a national of the United States shall be considered an act of 'international terrorism' and shall not constitute an 'act of war.'"; and

(2) Section 2332 of title 18, United States Code, is amended as follows: Delete the period at the end of subparagraph (e) and add instead the phrase "or constituted an act as defined in section 2331(5).".

Mr. GARN. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I want to acknowledge first of all the pleasure of working with the distinguished Senator from Utah and thank him for his efforts in bringing this legislation to fruition. I also want to acknowledge Martin Gruenberg, Patrick Mulloy, John Walsh, and Bill Reinsch from the Banking Committee staff; and William Ashworth, Peter Galbraith, Darryl Nirenberg, and William Triplett of the Foreign Relations Committee staff, who worked so effectively in supporting our efforts not only now in bringing this legislation to pass, but throughout most of last year as this legislation was formulated and refined, in conference and so on. Hopefully, we will now see it enter the statute books. I extend my appreciation to my colleagues and to the staff who have been enormously helpful and effective.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I thank my colleague from Maryland for all his work on this bill. For those who are only watching tonight, this has been going on for years. I did not expect, when I came to the Senate, that a good part of my life would be spent on reauthorizing the Export Administration Act and spending as long as 8 or 9 months in conference with the House of Representatives. So we have passed it in the Senate once more. The differences are minor compared to the bill that was sent to the President last fall.

I hope the House of Representatives will see fit simply to accept the bill as now passed, considering that the changes are not large, and not get back into another conference that will take considerable time. I hope they will simply accept it as passed and send it down to the President.

I thank my distinguished colleague from Maryland.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-573. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on deferrals of budget authority in military construction programs; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-574. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on budget rescissions and deferrals dated February 1, 1991; pursuant to the order January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Committee on Finance.

EC-575. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Nuclear Weapons Complex Reconfiguration Study"; to the Committee on Armed Services.

EC-576. A communication from the Assistant Secretary of Defense (Production and Logistics), transmitting, pursuant to law, the Strategic and Critical Materials Report; to the Committee on Armed Services.

EC-577. A communication from the Secretary of the Army, transmitting, pursuant to law, a report on certain systems that have exceeded the program acquisition unit cost baselines by 15 percent or more; to the Committee on Armed Services.

EC-578. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report describing streamlining actions being undertaken at Headquarters, United States Air Force, and its subordinate management organizations; to the Committee on Armed Services.

EC-579. A communication from the Chief of the Program Liaison Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report on programmed actions affecting installations and activities; to the Committee on Armed Services.

EC-580. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, notice that the Defense Logistics Agency intends to exercise a provision of law for exclusion of the clause concerning the examination of records by the Comptroller General; to the Committee on Armed Services.

EC-581. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Office of the Chief of Legislative Liaison, Department of the Army, transmitting, pursuant to law, a report on the conversion of the vehicle preparation function at Oakland Army Base, Oakland, California, to performance by contract; to the Committee on Armed Services.

EC–582. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Office of the Chief of Legislative Liaison, Department of the Army, transmitting, pursuant to law, a report on the conversion of the training and audiovisual services at Fort Rucker, Alabama, to performance by contract; to the Committee on Armed Services.

EC–583. A communication from the Assistant Secretary of Energy (Defense Programs), transmitting, pursuant to law, notice of a delay in the submission of a report on remanufacture of nuclear stockpile weapons; to the Committee on Armed Services.

EC–584. A communication from the Acting Assistant Secretary of the Treasury (Legislative Affairs), transmitting, pursuant to law, amendments to the Kuwaiti Assets Control Regulations and amendments to the Iraqi Sanctions Regulations; to the Committee on Banking, Housing, and Urban Affairs.

EC–585. A communication from the President of the United States, transmitting, pursuant to law, the Department of the Treasury's Kuwaiti Assets Control Regulations and Iraqi Sanctions Regulations; to the Committee on Banking, Housing, and Urban Affairs.

EC–586. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the annual report of the Commission for calendar year 1990; to the Committee on Commerce, Science, and Transportation.

EC–587. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on NASA's findings concerning the competitive award of a contract; to the Committee on Commerce, Science, and Transportation.

EC–588. A communication from the Secretary of Commerce, transmitting, pursuant to law, the 1990 annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–589. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report for 1990 on the recommendations of the National Transportation Safety Board's recommendations regarding transportation safety; to the Committee on Commerce, Science, and Transportation.

EC–590. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the status of research and development activities and obligation of funds under the Steel and Aluminum Energy Conservation and Technology Competitiveness Act for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC–591. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report of the Bonneville Power Administration for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC–592. A communication from the Director of the Office of Environmental Restoration and Waste Management, Department of Energy, transmitting, pursuant to law, notice of a delay in the submission of the report on the West Valley Project; to the Committee on Energy and Natural Resources.

EC–593. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Fourteenth Report to Congress: Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities"; to the Committee on Energy and Natural Resources.

EC–594. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the Safety Research Program of the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

EC–595. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on nondisclosure of safeguards information by the Nuclear Regulatory Commission for the quarter ended December 31, 1990; to the Committee on Environment and Public Works.

EC–596. A communication from the Secretary of Transportation, transmitting, pursuant to law, a revised estimate of the cost to complete the Dwight D. Eisenhower System of Interstate and Defense Highways prepared for the purpose of determining apportionment factors for Interstate System funds authorized for the fiscal year ending September 30, 1993; to the Committee on Environment and Public Works.

EC–597. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the third calendar quarter of 1990; to the Committee on Environment and Public Works.

EC–598. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Environmental Investments: The Cost of a Clean Environment"; to the Committee on Environment and Public Works.

EC–599. A communication from the United States Trade Representative, transmitting, pursuant to law, the report on recent developments regarding implementation of section 301 of the Trade Act of 1974; to the Committee on Finance.

EC–600. A communication from the Acting Chairman of the United States International Trade Commission, transmitting, pursuant to law, the sixty-fourth quarterly report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC–601. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a detailed report regarding the economic policy and trade practices of each country with which the United States has an economic or trade relationship; to the Committee on Foreign Relations.

EC–602. A communication from the Vice Chairman and Chief Financial Officer of the Potomac Electric Power Company, transmitting, pursuant to law, the balance sheet of the Potomac Electric Power Company as of December 31, 1990; to the Committee on Governmental Affairs.

EC–603. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report of the Administration on competition advocacy for fiscal year 1990; to the Committee on Governmental Affairs.

EC–604. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Dual Compensation Allegations Regarding a UDC Employee"; to the Committee on Governmental Affairs.

EC–605. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual reports on the Foreign Service Retirement and Disability System and the Foreign Service Pension System for fiscal year 1988; to the Committee on Governmental Affairs.

EC–606. A communication from the Postmaster General of the United States, transmitting, pursuant to law, the annual report of the Postmaster General for fiscal year 1990; to the Committee on Governmental Affairs.

EC–607. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, information on the operation of the Senior Executive Service; to the Committee on Governmental Affairs.

EC–608. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC–609. A communication from the Chairman of the United States Merit Systems Protection Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC–610. A communication from the President of the Chesapeake and Potomac Telephone Company, transmitting, pursuant to law, a statement of receipts and balances of the Chesapeake and Potomac Telephone Company for 1990; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Susannah Simpson Kent, of Pennsylvania, to be Director of the Institute of Museum Services;

William E. Strickland, Jr., of Pennsylvania, to be a Member of the National Council on the Arts for a term expiring September 3, 1996;

Walter E. Massey, of Illinois, to be Director of the National Science Foundation for a term of six years;

John Leopold, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1991; and

Mary Ann Mobley-Collins, of California, to be a Member of the National Council on Disability for a term expiring September 17, 1991.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. KENNEDY. Mr. President, for the Committee on Labor and Human Resources, I also report favorably a nomination list in the Public Health Service which was printed in full in the CONGRESSIONAL RECORD of January 4, 1991, and ask, to save the cost of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. METZENBAUM (for himself, Mr. Rudman, Mr. Biden, Mr. Gorton, Mr. Simon, Mr. D'Amato, Mr. Bentsen, Mr. Bradley, Mr. Murkowski, Mr. Sasser, Mr. Cranston, Mr. Robb, Mr. Graham, Mr. Inouye, Mr. Shelby, Mr. Kohl, Mr. Exon, Mr. Lautenberg, Mr. Kerry, Mr. Pell, Mr. Kennedy, Mr. Levin, Mr. Moynihan, Mr. Bingaman, Mr. Adams, Mr. Lieberman, Mr. Dodd, Mr. Wirth, Mr. Akaka, Mr. Burdick, Mr. Harkin, and Mr. Wellstone):

S. 429. A bill to amend the Sherman Act regarding retail competition; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. Simon, Mr. Biden, and Mr. Kennedy):

S. 430. A bill to modify the antitrust exemption applicable to the business of insurance; to the Committee on the Judiciary.

By Mr. METZENBAUM:

S. 431. A bill to increase competition in the cable industry; to the Committee on the Judiciary.

S. 432. A bill to provide certain protections to cable television subscribers; to the Committee on Commerce, Science, and Transportation.

By Mr. BUMPERS (for himself, Mr. Levin, Mr. Pryor, Mr. Leahy, Mr. Pell, Mr. Harkin, Ms. Mikulski, and Mr. Fowler):

S. 433. A bill to provide for the disposition of certain minerals on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SHELBY (for himself, Mr. Thurmond, Mr. Lugar, Mr. Lott, and Mr. Burns):

S. 434. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JOHNSTON:

S. 435. A bill to suspend for a three-year period the duty on diamino imid sp; to the Committee on Finance.

S. 436. A bill to suspend for a three-year period the duty on 2-(4-aminophenyl)-6-methylbenzothiazole-7-sulfonic acid; to the Committee on Finance.

S. 437. A bill to suspend for a three-year period the duty on sethoxydim; to the Committee on Finance.

S. 438. A bill to suspend for a three-year period the duty on 3-ethylamino-p-cresol; to the Committee on Finance.

S. 439. A bill to suspend for a three-year period the duty on 6-amino-1-naphthol-3-sulfonic acid; to the Committee on Finance.

S. 440. A bill to suspend for a three-year period the duty on B-naphthol; to the Committee on Finance.

S. 441. A bill to suspend for a three-year period the duty on rosachloride lumps; to the Committee on Finance.

S. 442. A bill to suspend temporarily the duty on Pigment Blue 60; to the Committee on Finance.

S. 443. A bill to suspend temporarily the duty on Pigment Blue 16; to the Committee on Finance.

By Mr. LEVIN:

S. 444. A bill to extend and revise the District of Columbia Civil Contempt Imprisonment Limitation Act of 1989, and for other purposes; to the Committee on Governmental Affairs.

By Mr. METZENBAUM (for himself, Mr. Jeffords, Mr. Adams, Mr. Simon, Ms. Mikulski, Mr. Harkin, Mr. Kennedy, and Mr. Dodd):

S. 445. A bill to amend the provisions of the Occupational Safety and Health Act of 1970 relating to criminal penalties, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BAUCUS:

S. 446. A bill to amend the Federal Unemployment Tax Act with respect to employment performed by certain employees of educational institutions; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. Brown):

S. 447. A bill to recognize the organization known as The Retired Enlisted Association, Incorporated; to the Committee on the Judiciary.

By Mr. SYMMS (for himself, Mr. Packwood, Mr. Riegle, Mr. Chafee, Mr. Moynihan, Mr. DeConcini, Mr. Durenberger, and Mr. Helms):

S. 448. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees; to the Committee on Finance.

By Mr. D'AMATO:

S. 449. A bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland; to the Committee on Finance.

By Mr. PELL:

S. 450. A bill to provide free mailing privileges to individuals sending letters to members of the Armed Forces engaged in military operations; to the Committee on Governmental Affairs.

By Mr. D'AMATO (for himself, Mr. Packwood, Mr. Dodd, and Mr. Levin):

S. 451. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for amounts received under qualified group legal service plans; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. Wirth):

S. 452. A bill to authorize a transfer of administrative jurisdiction over certain land to the Secretary of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 453. A bill to promote the greater use of recycled and recyclable paper by mailers of third-class mail matter, including franked mailings by Members of Congress; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. Dodd, Mr. Moynihan, and Mr. D'Amato):

S.J. Res. 74. A joint resolution designating the week beginning July 21, 1991, as "Lyme Disease Awareness Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METZENBAUM (for himself, Mr. Rudman, Mr. Biden, Mr. Gorton, Mr. Simon, Mr. D'Amato, Mr. Bentsen, Mr. Bradley, Mr. Murkowski, Mr. Sasser, Mr. Cranston, Mr. Robb, Mr. Graham, Mr. Inouye, Mr. Shelby, Mr. Kohl, Mr. Exon, Mr. Lautenberg, Mr. Kerry, Mr. Pell, Mr. Kennedy, Mr. Levin, Mr. Moynihan, Mr. Bingaman, Mr. Adams, Mr. Lieberman, Mr. Dodd, Mr. Wirth, Mr. Akaka, Mr. Burdick, Mr. Harkin, and Mr. Wellstone):

S. 429. A bill to amend the Sherman Act regarding retail competition; to the Committee on the Judiciary.

CONSUMER PROTECTION AGAINST PRICE-FIXING ACT

Mr. METZENBAUM. Mr. President, I rise today to introduce the Consumer Protection Against Price-Fixing Act of 1991. I am pleased to be joined by Senator Rudman and 28 other Senators from both sides of the aisle as original cosponsors.

This legislation has three components. First, it would codify the well established principle that resale price fixing agreements are per se unlawful. Second, it would clarify the evidentiary standard for jury consideration of certain vertical price fixing cases. Finally, it would make clear that an agreement between a manufacturer and a retailer to terminate another retailer in order to eliminate price competition is illegal, whether or not a specific price or price level is agreed upon.

This bill will promote retail competition and assure lower prices on products for the benefit of all American consumers. The recession that now confronts us makes this bill of critical importance. Across the country consumers are hurting. The bill we introduce today can and will help these consumers make it through these hard economic times. Those Senators who support this bill have labored for two Congresses to guarantee low priced goods to consumers. With each Congress the need has grown. Given the economic devastation felt by so many across this country the importance of this legislation is greater than ever. We must act expeditiously to enact this bill into law. America has already waited too long.

The basic question here is simple. Will the typical family, which is struggling to make ends meet, continue to be able to save money by buying at discount stores? All across this country people depend on discount pricing in order to buy products for a reasonable price. My Ohio staff conducted a survey that found that consumers pay on the average 18 to 30 percent less in discount stores than in full-price retail stores. The money saved over a year, over $500 for an average American household, can make a big difference to the quality of life for these consumers.

But price fixing takes away these families' choices. It takes away healthy competition. It threatens discount stores and discount pricing. This bill would codify in the antitrust statutes a simple principle which has long been held by the courts and by Congress: price fixing is harmful to competition.

In 1911, the Supreme Court held in *Dr. Miles Medical Co.* v. *John D. Park & Sons Co.*, 220 U.S. 373, that vertical price fixing is per se illegal. The Court has never refuted this principle. In fact, it has recently reaffirmed it in *324 Liquor Corp.* v. *Duffy*, 107 S.CT. 720, 724 (1987).

In 1975, Congress expressly sanctioned the national policy banning vertical price fixing when it passed the Consumer Goods Pricing Act. The statute repealed the antitrust exemptions for State fair trade laws. These laws had permitted manufacturers to mandate the minimum price at which a product could be sold. President Ford's Department of Justice actively supported outlawing the fair trade laws. Former President Reagan, then a columnist, also supported elimination of the fair trade laws. In a column, he condemned the laws as stifling competition, adding to inflation, and harming consumers.

The reason the courts and Congress have so strongly affirmed the unlawfulness of vertical price fixing is because such agreements undermine vigorous competition by independent entrepreneurs. If manufacturers are able to control the price at which otherwise independent retailers are able to sell their products, consumer welfare will be directly harmed. Discount retailers would be subject to the control of their suppliers and would no longer have the independence to set prices and to engage in healthy competition. America lived in such an environment during the years when the fair trade laws were applied at the State level. We soon realized that curtailing of competition in the distribution chain was harmful to consumers and inflationary. We did away with those laws.

Today we are presented again with the prospect of a market subject to fair trade laws. Recent Supreme Court decisions which have severely eroded the enforceability of the ban against price fixing. Beginning with the decision in the Monsanto case, the Court has made it significantly more difficult for a victim of a price-fixing conspiracy to prove his or her case. Although the Court reaffirmed the per se rule for vertical price fixing in this case, its pronouncement concerning the evidence necessary to take a case to a jury has caused confusion in the lower courts and has, in practice, made it very difficult to litigate sucessfully meritorious cases.

The Court in Monsanto stated that "premitting an agreement to be inferred merely from the existence of complaints, or even from the fact that termination came about in response to complaints, could deter or penalize perfectly legitimate conduct." 465 U.S. 763. Instead, "There must be evidence that tends to exclude the possibility that the manufacturer and nonterminated distributors were acting independently." ID. at 764. Lower courts have misapplied this test to grant summary judgment to defendants even if there is substantial, credible evidence of a conspiracy to eliminate price competition. Take, for example, the case of *Garment District, Inc.* v. *Belk Stores Services, Inc.*, 799 F.2d 905 (4th Cir. 1986) In which the manufacturer received repeated complaints from Belk, its full priced retailer, about Garment, a competing discount retailer. The Court found that Belk in fact pressured the manufacturer in order to eliminate a discount competitor and that Garment was terminated because of the pressure exerted by Belk. There was even a letter from the manufacturer to Belk acknowledging the manufacturer's decision to terminate and thanking Belk for bringing this problem to my attention. The Court, relying on Monsanto, held that this case should not go to a jury and upheld the directed verdict for the defendant.

It is hard to see how the court could prevent the jury from considering this case, but that case is a classic example of how lower courts are applying Monsanto. Even a letter acknowledging the manufacturer's acquiescence to the full priced retailer's demands is not enough to overcome Monsanto. Nor is this case unique. Courts are regularly dismissing such cases and depriving plaintiffs of the opportunity of having a jury consider the facts. This legislation would not dictate the result the jury must reach. It is intended to make sure that the jury is allowed to review all the facts and determine whether a conspiracy exists, once the evidentiary standards provided in the bill are met.

Clearly Monsanto has made proving a vertical price fixing case very difficult. As a result, not ony are the victims of price fixing not compensated for their losses, but price fixing is being encouraged as price fixers begin to rely on the difficulty of enforcing the law through private litigation.

In that regard, matters were significantly worsened when the Supreme Court handed down its decision in *Business Electronics Corp.* v. *Sharp Electronics Corp.*, 108 S. CT. 1515 (1988). Sharp so drastically limits the ability to bring a vertical price fixing case that it must be overruled outright. The facts of Sharp present a classic resale price maintenance case. In that case a high priced retailer complained repeatedly to its supplier, Sharp, about the prices of a competing discount retailer. Finally, the high priced retailer issued Sharp an ultimatum that it would end its relationship with Sharp unless the discounter was terminated. Sharp thereupon terminated the discounter. Incredibly, the Supreme Court held that an agreement to eliminate the discounter simply to stop price cutting was not per se illegal because there was no showing of an agreement between the manufacturer and the high price retailer as to the price the retailer must charge. The Court said an agreement to destroy another retailer simply to eliminate price cutting is not a restriction on price and therefore may be lawful. What is an agreement to destroy a discounter in a case like this if not a restriction on price? This decision means that one of the most harmful cases that occur in the marketplace—a high price retailer forcing his competition to stop discounting—is allowed to continue. It is quite clear to me that Congress has to act.

This bill would accomplish three things. First, it would codify the per se rule with respect to vertical price restraints. It would not change the law on nonprice vertical restraints as to which courts apply the rule of reason. For example, it would not limit the manufacturer's ability to require a dealer to comply with certain service, warranty, or other nonprice obligations or to terminate a dealer who failed to do so. In order to make clear that the rule of reason applies to territorial restraints as well as these other nonprice restaints, section 5 of the bill specifically states that vertical location clauses and vertical territorial restraints are to be reviewed under the rule of reason standard. The bill also makes clear that it would not apply to maximum resale price agreements. The bill also does nothing to change the holding in *United States* v. *Colgate & Co.*, 250 U.S. 300 (1919), that unilateral conduct by the manufacturer is not actionable. To make this clear, section 4 reiterates the law that a violation can only be found upon the determination that the defendant entered into an illegal contract, combination, or conspiracy.

Second, the bill would clarify the evidentiary standard which has been badly muddled following the Monsanto decision. It would do this by making clear what constitutes sufficient evidence of a conspiracy for the jury to be able to have the facts brought before it for their judgment. If the plaintiff can show that its supplier recieved a request from one of plaintiff's competitors that the supplier eliminate price competition and because of such request the supplier terminated the plaintiff, there is sufficient evidence for a jury to get the case, provided that the request is the major cause of such termination. This last clause was added to make it clear that where the supplier had other reasons for terminating the plaintiff, which are legitimate and not price related, that supplier will still be able to regulate his distribution network without fear of falling afoul of the law. Furthermore, price communications between suppliers and distributors alone are not sufficient evidence. As the language makes absolutely clear, such communications must be the reason for or the cause of the termination. This phrase originally required that the request to terminate be the major contributing cause, but Senator KOHL proposed that the word contributing be removed and that change is reflected in the bill in order to clarify the causation requirement.

As a further protection against innocent defendants having to go to a jury, the bill includes another suggestion by Senator RUDMAN and former Senator Wilson which provides that a court can grant summary judgment where it determines that the trier of fact could only find a conspiracy by making inferences that are implausible. This provision emphasizes the fact that the court continues to have the role of applying the standards of the legislation in accordance with the Federal Rules of Civil Procedure.

The third part of the bill simply provides that an agreement between a supplier and one of his purchasers to terminate another competing purchaser because of his pricing policies is per se unlawful, whether or not a specific price or price level is agreed upon. This provision, also proposed by Senators RUDMAN and Wilson, would stop high price retailers from conspiring with their suppliers to force competing retailers to stop discounting and would overrule the Sharp decision to the extent it is contrary.

Procedurally, the bill is in a unique position. Pursuant to an agreement between myself, Senator BIDEN, and Senator THURMOND at the end of last session, this legislation is on a fast track. We agreed the Judiciary Committee should act on this bill by April 1. We further agreed that it should be reported to the floor expeditiously and that the Senate should take up the bill by June 1. After waiting for too many years, the American public deserves fast action on this bill and they will have it.

This legislation is desperately needed and should have become law last session. I urge that we act quickly to pass this important protection for consumers into law.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Consumer Protection Against Price-Fixing Act of 1991".

SEC. 2. The Congress finds that—

(1) consumer welfare is greatly enhanced by an ability to purchase goods and services at lower prices as a result of vigorous price competition;

(2) vertical price restraints generally have an adverse impact on competition that results in higher consumer prices;

(3) recent court decisions have so narrowly construed the laws against vertical price restraints that consumer welfare has been put in jeopardy; and

(4) it is necessary to enact legislation that protects the interests of consumers in vigorous price competition while recognizing the needs of manufacturers and others to maintain reasonable service, quality, and safety standards.

SEC. 3. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

SEC. 8. (a)(1)(A) In any civil action based on section 1 or 3 of this Act, including an action brought by the United States or by a State attorney general, or by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination or conspiracy to set, change, or maintain prices, if pursuant to the Federal Rules of Civil Procedure the court finds that there is sufficient evidence, direct or circumstantial, from which a trier of fact could reasonably conclude that a person who sells a good or service to the claimant for resale entered into a contract, combination, or conspiracy with a competitor of such claimant to curtail or eliminate price, competition by such claimant in the resale of such good or service, then the court shall permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section.

"(B) For purposes of paragraph (1), the court shall find the existence of 'sufficient evidence' that a person who sells a good or service entered into a contract, combination, or conspiracy if the claimant presents sufficient evidence that such person—

"(i) received from a competitor of the claimant an express or implied request or demand, including a threat to discontinue an existing business arrangement, that the seller take steps to curtail or eliminate price competition by the claimant in the resale of such good or service, and

"(ii) because of such request, demand, or threat terminated the claimant as buyer of such good or service for resale or refused to continue to supply to the claimant some or all of such goods or services requested by the claimant: *Provided*, That a termination or refusal to supply is made 'because of such request, demand, or threat' only if such request, demand or threat is the major cause of such termination or refusal to supply.

"(2) The court shall not permit the trier of fact to consider whether such person and such competitor engaged in concerted action to set, change, or maintain prices for such good or service in violation of such section if the court determines that the trier of fact could only find that such person and such competitor engaged in concerted action by making inferences which are implausible.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought by the Federal Trade Commission under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change or maintain prices, the fact that the seller of a good or service and the purchaser of a good or service entered into an agreement to set, change, or maintain the resale price of a good or service shall be sufficient to constitute a violation of such section, except that this section shall not apply when the agreement to set, change, or maintain the resale price of a good or service is an agreement to set, change, or maintain the maximum resale price of a good or service. An agreement between the seller of a good or service and the purchaser of a good or service to terminate another purchaser as a dealer or to refuse to supply such other purchaser because of that purchaser's pricing policies shall constitute a violation of such section, whether or not a specific price or price level is agreed upon.".

SEC. 4. Nothing in this Act shall be construed to change the requirement of the Sherman Act that a violation of section 1 or 3 of that Act may only be found upon a determination that the defendant entered into an illegal contract, combination, or conspiracy.

SEC. 5. Nothing in this Act shall affect the application of the rule of reason standard to vertical location clauses or vertical territorial restraints under the antitrust laws.

Mr. RUDMAN. Mr. President, I rise to cosponsor the Consumer Protection Against Price Fixing Act of 1991. As you know, this bill was introduced in the 101st Congress, was reported by the Senate Judiciary Committee, and was sent to the floor where no action was taken. A similar bill passed in the House of Representatives. Passage of this bill this year is essential to insure continued price competition and to protect the rights of consumers. This bill addresses retail price maintenance; it simply re-establishes the rule that manufacturers are not allowed to set resale prices for their dealers. Study after study has shown that such price restraints result only in higher prices for consumers.

Mr. President, there is simply no justification, no logical basis, for permitting manufacturers to set prices for retailers. Opponents of the bill suggest that manufacturers must be allowed to set prices so they can guarantee that certain levels of service accompany a product. This is an absurd agrument. Contractual provisions requiring that services be provided will always achieve that goal better than engaging in price-fixing. And, requiring dealer services is now allowed by law, and will still be under this bill.

Does anyone really believe that high prices serve as an effective mechanism to guarantee good services? The legal profession used this argument 20 years ago, and people laughed. Price-fixing by lawyers was outlawed, and that step did not increase the supply of incompetent lawyers. This long-discredited theory is no more valid when applied to consumer products.

The fact is that some retailers can provide services at a lower cost than other retailers. That such competition will lead to the best products at the least cost, with the greatest benefit to society, is a fundamental tenet of free-market economic theory. It is unchallenged with regard to competition between manufacturers, and it applies equally to competition at the retail level. The hypothesis that interbrand competition is adequate to ensure full consumer choice and economic efficiency is an academician's pipe-dream with no grounding in reality.

Manufacturers certainly need the ability to control certain aspects of the manner in which their products are marketed. But, nothing in this bill infringes on that. Even after this measure becomes law, a manufacturer will be able to:

First, require dealers to provide training for sales people;

Second, require minimum types of servicing of the product;

Third, require showroom displays and other advertising commitments;

Fourth, select those dealers with whom he chooses to do business;

Fifth, raise the price at which he sells to dealers; and

Sixth, unilaterally terminate a dealer for any reason.

This bill only prevents a manufacturer from engaging in price-fixing conspiracies with dealers. This bill does not set any limitation on any other standards that a manufacturer may require of a retailer. It does, in fact, allow manufacturers great flexibility, as long as they do not seek to enter into an agreement to fix prices with their dealers.

The fallacious argument has been dressed up and revised in recent years and even been given a name: the free-rider problem. We are now told that consumers may shop at specialty stores that provide greater product expertise and services, and then go down the street to buy the product at a discount store. But, as I have just pointed out, the bill does not set any limitations on the nonprice standards a manufacturer may require of retailers. A manufacturer can solve the alleged free-rider problem in a direct, straightforward manner.

I use the word "alleged" deliberately. The free-rider argument is a nice-sounding theory unsupported by any evidence. What evidence there is goes the other way. For example, a 1984 FTC staff report—1984, not 1978—concluded that there "was little evidence that RPM was imposed to prevent free-riding on product-specific dealer services." Indeed, the free-rider explanation was explicitly rejected in two case studies conducted by the FTC staff.

It is important to keep in mind that 99 percent of the consumer products on the market do not require sustaining services. Resale price maintenance and fair-trade laws, before Congress outlawed them, were not usually used to penalize consumers in buying personal computers, complicated stereo equipment, or cars. Consumers were normally penalized in purchasing toothpaste, clothing, perfume, tools, and other everyday items.

MAJOR PROVISIONS OF THE BILL

The bill accomplishes three basic, but critical goals. First, it codifies the existing rule that retail price-fixing is a per se violation of antitrust laws. That rule has existed since 1911. It is now 80 years old and is well understood by all businesses.

Second, the bill clarifies the evidentiary standards necessary to avoid summary judgment against plaintiffs. This standard was obscured by the Supreme Court in Monsanto Co. versus Spray-Rite Service Corp. In that case, the Court held that the plaintiff had to virtually have a written agreement to fix prices to avoid summary dismissal. The Court's holding, regrettably, was practically an invitation to crime; all one had to do was not write it down. The result is that meritorious cases are being dismissed without the jury being able to do their job under our legal system—to determine the facts.

The bill solves this problem. It requires a judge to send the case to the jury if he determines, in accordance with the Federal Rules of Civil Procedure, that there is sufficient evidence, direct or circumstantial, of a contract, combination or conspiracy, to set change or maintain prices.

In the 100th Congress, a similar bill was passed unanimously by the House of Representatives and reported overwhelmingly by the Senate Judiciary Committee. Nonetheless, in the 101st Congress we made changes in these evidentiary standards in an effort to respond to concerns raised by several of our colleagues. For example, the definition of the causation requirement was changed to require that the plaintiff show that a communication between the manufacturer and the claimant's competitor is "the major cause" of termination or refusal to supply. The court is also permitted to grant summary judgment against the plaintiff where it determines that the trier of fact could only find a conspiracy by making inferences that are implausible. These provisions should allay concerns of those who feared extended, frivolous litigation.

Third, the bill addresses a problem that arose since the Judiciary Committee acted on this issue in the 100th Congress: it reverses the Supreme Court's decision in Business Electronics Corp. versus Sharp Electronics Corp. In that case, the Court held that unless an agreement, even if one is found, specifically mentions price levels, no per se price-fixing restraint can be found. I have the greatest respect for the Supreme Court, but that decision defies comprehension. It says, in effect, conspire all you want, even in writing, but do not write a price down on paper. The impact on the marketplace is to legalize price-fixing and, in my view, was clearly a decision written by people who do not understand the reality of the marketplace.

The facts in that case were simple. Business Electronics Corp. and Gilbert Hartwell were two Houston area retailers authorized to sell calculators manufactured by Sharp Electronics Corp. Business Electronics was a discounter. Hartwell complained about Business Electronics' competitive pricing and finally gave Sharp an ultimatum. Faced with the ultimatum, Sharp terminated the discounter, Business Electronics.

The dissent in the Sharp case characterized the decision as follows:

> * * * if instead of speculating about irrelevant vertical nonprice restraints, we focus on the precise character of the agreement before us, we can readily identify its anticompetitive nature. Before the agreements were made, there was price competition in the Houston retail market for (Sharp's) products. The stronger of the two competitors was unhappy about that competition; it wanted to have the power to set the price level in the market and therefore it 'complained to [Sharp] on a number of occasions about [Business Electronics'] prices'. * * * Although respondent has not granted Hartwell an exclusive dealership * * * its agreement has protected Hartwell from price competition. Indeed, given the jury's finding and the evidence in the record, that is the sole function of the agreement. * * * It therefore fits squarley within the category of "naked restraints of trade with no purpose except stifling of competition.

The fact is, Mr. President, that this decision lets retailers and manufacturers act in concert to stifle competition with impunity. The discount industry will suffer, but more importantly, consumers will suffer and so will American competitiveness. This change is necessary to protect and foster the competitive environment that has made America an economic power.

CONCLUSION

In 1975, the Department of Justice under President Nixon stated that consumers would save $1.2 billion annually by the elimination of State fair trade laws permitting manufacturers to fix the price of goods. Congress had the good sense to do just that.

In 1983, the former chairman of K-Mart, Bernard Fauber, testified before the House Government Operations Committee that discounting saved the American people approximately $23 billion per year. He further testified that at K-Mart alone, consumers would pay $860 million more each year if K-Mart adhered to suggested retail prices. In June 1988, Public Citizen released a study showing the substantial savings—as much as 52 percent—that discount shopping offered to consumers.

Study after study has shown that retail price competition benefits the consumers of this great country. But, we do not need to rely on economic analyses; the benefits from competition are obvious to all of us in our daily roles as consumers.

This bill is about protecting the ability of all Americans to shop for the best prices. It does that by preventing manufacturers and retailers from conspiring to terminate competitors who give consumers a choice. That is not much for our constitutents to ask for.

Mr. SIMON. Mr. President I am pleased to rise in support of the Consumer Protection Against Price Fixing Act. I have been a cosponsor of this important legislation since its introduction in Congress. I am hopeful that this will be the year the bill is enacted and will certainly do all I can to help in this effort.

The purpose of the bill is simple—to restore the legal protection the Nation's antitrust laws traditionally afford the practice of discounting. Since the fair trade laws were repealed discounting has flourished. Because the antitrust laws strictly prohibit both horizontal and vertical price-fixing agreements, consumers can benefit from a competitive marketplace. The savings that are achieved through discounting practices are enormous. In 1983 it was estimated conservatively—that discounting saved the American people $23 billion per year. Price survey after price survey documents that price cutters save consumers many of their hard-earned dollars.

Unfortunately, during the Reagan years the Department of Justice and the Federal Trade Commission which are supposed to enforce our antitrust laws were lax in doing so. More importantly, the administration actively campaigned to weaken the laws by advocating wholesale changes of the law of per se illegality, by advocating the creation of impossible evidentiary standards and by narrowing the applicability of the per se rule.

The Department of Justice was successful in part in having the Supreme Court adopt some of its theories. In the 1984 Monsanto versus Spray Rite case, the Court adopted the Department's reasoning that special heightened evidentiary requirements should apply in vertical price-fixing cases. The Court said in that case that a terminated discounter could not make out a price-fixing case by showing that it was terminated in response to price complaints. More recently in the Business Electronic Corp. versus Sharp case the Court again adopted the Department's view that an agreement between a competing retailer and a manufacturer to terminate a discounter because of its price cutting was not a price agreement. The Court held the plaintiff had to show there was an agreement between the manufacturer and the competing retailer about the price or price level it would charge. This ruling virtually defines the per se rule out of existence.

The bill being introduced today addresses these problems by creating a reasonable uniform evidentiary standard, by codifying the 77-year-old interpretation under which vertical price fixing is per se illegal and by providing that an agreement between a supplier and one of his purchasers to terminate another competing purchaser because of his pricing policy is per se unlawful. When passed, the bill should reinstate the legal protections for price cutters that existed before the onslaught of the past years. The primary beneficiaries of this legislation will be the millions of Americans who choose to save their families' money by seeking the best possible price. This bill stands for the consumer and against higher prices and for the independence of the business person against fixed prices. It is a good bill that deserves to be passed expeditiously.

Mr. LAUTENBERG. Mr. President, I am pleased to be an original cosponsor of this important legislation, which codifies the principle that vertical price fixing is per se illegal, and which modifies the evidentiary standards that govern vertical price fixing cases.

Mr. President, the goal of this bill is straightforward: to protect competition. The legislation would help ensure that prices for goods are set by the free market, not by agreements among price-fixing conspirators.

Mr. President, over the past several years, consumers have benefited from a growing number of discount retailers. these retailers sell a variety of brand name products at prices considerably below those of standard retail outlets. The savings are particularly important for people with modest incomes.

This bill would help consumers by protecting discounters from anticompetitive agreements between manufacturers and higher-price retailers to eliminate price competition from discounters. These agreements typically arise when the higher-priced distributor objects to price competition from the lower-priced distributor, and pressures the manufacturer to terminate its contract with the discounter. The result is that the discounter is denied a fair chance to compete and consumers are denied the benefits of that price competition.

Terminated discounters now find themselves in a very difficult position. Proving the existence of a vertical price fixing conspiracy is not easy. Direct evidence is often unavailable. In addition, the courts have established difficult standards for plaintiffs to overcome.

For example, under current judicially created standards, as interpreted by many legal experts, a plaintiff must not only establish an agreement to restrict price competition, but an agreement to set a specific price. Thus, if a manufacturer terminates the contract of a discounter because of a demand to do so from a competing retailer that is based on concern about the discounter's lower prices, but no specific fixed price was agreed upon, the terminated discounter may have little practical recourse.

This bill would change these evidentiary standards in a manner designed to provide more fairness to discounters and other plaintiffs who seek to establish the existence of a vertical price-fixing conspiracy.

Mr. President, I appreciate that some in the business community believe that this legislation could lead to excessive litigation. I believe this is unlikely.

For example, some argue that this bill would subject manufacturers to liability if they terminate a contract with a retailer for legitimate business reasons, such as the retailer's poor service record or inappropriate displays of a product.

As a former businessman, I believe strongly that a manufacturer should have the right to terminate distributors for such legitimate business reasons. This is particularly important in the case of high technology products that require expert, quality service.

I therefore want to emphasize that this bill is not designed to impede the ability of a manufacturer to terminate a distributor for legitimate business reasons. It effectively proscribes only one basis for termination: vertical price-fixing. The bill would not subject a manufacturer to liability if a termination of a distributor is made for other reasons.

I commend Senator METZENBAUM for his leadership in fighting vertical price-fixing. I am hopeful that this bill will see Senate action in the near future.

By Mr. METZENBAUM (for himself, Mr. SIMON, Mr. BIDEN, and Mr. KENNEDY):

S. 430. A bill to modify the antitrust exemption applicable to the business of insurance; to the Committee on the Judiciary.

INSURANCE COMPETITIVE PRICING ACT

Mr. METZENBAUM. Mr. President, today I am introducing legislation to amend the McCarran-Ferguson Act to prohibit certain anticompetitive conduct by insurance companies, thereby modifying the blanket exemption of the business of insurance from the Federal antitrust laws. I am pleased to be joined by Senators SIMON, BIDEN, and KENNEDY in this effort.

This legislation has three purposes: First, to reaffirm the authority of the States to regulate insurance; second, to promote free competition in the sale of insurance by banning the most egregious forms of anticompetitive conduct; and third, to provide a safe harbor from certain joint activities by insurers, such as pooling historical loss data, which are essential to the business of insurance and benefit consumers.

This legislation is similar to legislation pending in the House of Representatives and approved last year by the House Committee on the Judiciary. The text of this bill differs slightly from legislation I have sponsored in the past relating to McCarran-Ferguson reform, but the purpose is exactly the same: to subject insurance companies to the antitrust laws while preserving the full power of the States to regulate and tax their activities.

There is nothing inconsistent about applying the Federal antitrust laws to insurance companies while preserving State regulation of the industry. In the original debates on the McCarran-Ferguson Act, President, Franklin Roosevelt himself saw no inconsistency. In urging Congress not to sacrifice the antitrust laws, he wrote that:

> There is no conflict between the application of the antitrust laws and effective State regulation of insurance companies, and there is no valid reason for giving any special exemption from the antitrust laws to the business of insurance. The antitrust laws prohibit private rate fixing * * * the antitrust laws do not conflict with affirmative regulation of insurance by the States such as agreed insurance rates if they are affirmatively approved by State officials. (CONGRESSIONAL RECORD vol. 91, part 1, 79th Cong., 1st session p. 482 (1945))

The Congress plainly did not intend to repeal the application of the antitrust laws to insurance when it enacted McCarran-Ferguson. The history of the act was exhaustively examined by the 1979 National Commission for the Review of Antitrust Laws and Procedures. In its report to the President and the Attorney General, it concluded that:

> Both the language of the McCarran-Ferguson Act, and the act's legislative history, make clear that the purpose of the insurance immunity was to permit State regulatory mechanisms to function without Federal intervention, and not to give the industry broad license to operate without antitrust scrutiny. As the Supreme Court recently noted, the purpose of making antitrust immunity dependent on State regulation was to end the "system of private Government" prevalent in the insurance industry before McCarran-Ferguson, and while agreements among insurers might be permitted, "Public supervision of agreements is essential."
>
> Nevertheless, as historically interpreted by the courts, the examination has in fact served as a broad grant of immunity for unsupervised collective behavior by insurers. Courts have refused to require that the State regulation be comprehensive or effective as a condition for permitting immunity to attach. Rather, as one court put it "If a State has generally authorized or permitted certain standards of conduct, it is regulating the business of insurance under the McCarran Act. (Report of the Commission, P. 232)

This interpretation by the courts has given insurance companies a virtually absolute exemption from the Federal antitrust laws, contrary to the intent of the Congress when it wrote the McCarran-Ferguson Act. This is so even though many other industries that are similarly regulated by the States must nonetheless conform to the strictures of the Federal antitrust laws in the conduct of their business, this inequity cannot persist.

Whatever the reasons may have been for an exemption in 1945, there are none today. The case for repealing the insurance industry's antitrust exemption is overwhelming. Insurance is vital to the Nation. No one can be secure without it. Yet those who provide it do not have to comply with our national policy of free competition.

How can the Congress explain to the American people why the insurance industry is exempt from antitrust prohibitions that apply to every other industry, when the price of insurance has skyrocketed? How can the Congress explain that the rules of free competition should not apply to this vital industry when authoritative studies, including the landmark report of the Justice Department under President Ford, have concluded that competition, where it has existed, has been beneficial, and that the "full application of competitive principles, as embodied in the Federal antitrust laws, to the business of insurance would be consistent with the public interest." ("The Pricing and Marketing of Insurance", a report of the U.S. Department of Justice to the Task Group on Antitrust Immunities, Jan. 1977, pp.3, 31–34) The Department further found that experience with competitive pricing of insurance "dispelled the historic notion that price competition would result in price wars, mass bankruptcies or excessive profits, the very reasons advanced by the industry for the antitrust exemption granted the industry in 1945." (DOJ report at 31)

In February 1989, a special commission of the American Bar Association issued a report to the ABA House of Delegates which recommended repeal of the McCarran-Ferguson exemption. (Report of the ABA commission to improve the liability system, recommendation 3.1 and 3.2; February 1989) The commission also recommended continued protection for certain joint activities and retention of State regulatory authority over insurance. The commission offered the following rationale for repeal:

> [T]he commission recommends enhancing competitive market forces as a means of improving the insurance industry. The continued existence of McCarran-Ferguson is inconsistent with that objective. [T]he commission believes, in general, the insurance industry should be subject to normal antitrust doctrine except in those narrow circumstances where cooperative behavior has legitimate procompetitive consequences. (ABA Commission report at 66).

The ABA House of Delegates promptly endorsed the commission's recommendations.

There are several important reasons why legislation to repeal the exemption will promote competition without unduly interfering with the State's authority to regulate insurance or the ability of insurance companies to share historical risk data. First, requiring insurance companies to live by the rules of free competition would not undercut State regulatory policies regarding ratesetting. Almost all States have abandoned setting specific rates for insurance coverage. Instead, insurance companies have considerable flexibility in setting rates, subject to filing requirements. In addition, the supreme court has made clear that business conduct which is subject to a clearly articulated State regulatory scheme and actively supervised by the States is not subject to Federal antitrust law. The Supreme Court has recently held, for example, that collective ratemaking activities, permitted under a clearly articulated and actively supervised State policy, do not violate the antiturst laws. *Southern Motor Carriers Rate Conf.* v. *U.S.*, 471 U.S. 48 (1985).

Second, the proposed legislation would not prevent insurance companies from sharing information for the benefit of consumers. Courts recognize that joint activities by competitors which promote competition are permissible under the antitrust laws. Recently, the Supreme Court clearly stated that joint activities which reduce costs and enable products to be marketed more efficiently will be upheld. *Broadcast Music, Inc.* v. *Columbia Broadcasting System*, 441 U.S. 1 (1979). This principle would apply to sharing information about risk, joint underwriting of large-scale projects, and other joint activities which promote a more efficient and productive insurance industry. These considerations led the National Commission for the Review of Antitrust Laws and Procedures to recommend in 1979 that:

> The current broad antitrust immunity for the business of insurance granted by the McCarran-Ferguson Act should be repealed. In its place, narrowly drawn legislation should be adopted to affirm the lawfulness of a limited number of essential collective activities under the antitrust law. "The Commission believes that the current immunity is not only overly broad, but also unnecessary: Those collective activities by insurers that are essential to the functioning of a competitive industry would likely past muster under the traditional rule of reason analysis of Sherman Act section 1. Similarly, where collective activity or other insurance company behavior is affirmatively mandated by a State in its capacity as sovereign, and effectively supervised by independent State officials, such behavior would fall within the judicially recognized "State Action" exception to the antitrust laws. (Report of the Commission, pp. 225–26).

In short, the argument that the insurance industry requires an antitrust exemption to function effectively is nonsense. The antitrust laws allow joint activities by insurance companies which are in the public interest.

This legislation would permit challenges to blatantly anticompetitive activity that is now immune from attack. Currently, a "back room" conspiracy to fix prices or allocate markets in the insurance industry could not be challenged by the Department of

Justice, the Federal Trade Commission, or private plaintiffs. Schemes to force consumers to buy worthless insurance in order to obtain vital coverage is shielded by current law. This type of conduct cannot be defended and should not continue to be immunized.

The bill I am introducing today would simply apply the same standards of free competition and fair play to insurance that apply to other industries, without in any way diminishing the power of the States to regulate insurance as they do now.

The bill would prohibit the most blatant forms of antitrust restraints: Price-fixing, monopolization, geographic market allocation and illegal tying. In addition, the bill provides "safe harbors" to permit insurers to engage in joint data collection for historical loss data and for joint calculation of loss development factors. The bill attempts to strike a balance between conduct that benefits consumers, which should continue to receive protection, and conduct that benefits only the insurers themselves by keeping prices high and limiting coverage.

The bill provides for a delayed effective date to enable the insurance industry to review its activities for potential antitrust liability. In particular, the bill provides that the prohibition on certain anticompetitive conduct is deferred for 1 year after the date of enactment. This delay provides ample time for the industry to review its activities and insure that they are in full compliance with antitrust standards.

This industry is too big, too important to every American, to remain exempt from antitrust scrutiny. Today, access to insurance and affordable prices have become critical problems for individuals, business small and large, and even governmental bodies. Requiring insurance companies to play by the rules of free competition, just as other companies do, will not solve all of the industry's problems, but it will be a positive—and long overdue—step in the right direction.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Insurance Competitive Pricing Act of 1991".

SEC. 2. AMENDMENTS.

Section 2 of the Act of March 9, 1945 (59 Stat. 34;15 U.S.C. 1012), commonly known as the McCarran Ferguson Act, is amended—

(1) in subsection (b)—

(A) by striking ": Provided, That after June 30, 1948,: and inserting "except that",

(B) by inserting "section 5 of" after "Clayton Act, and",

(C) by inserting "as such section 5 relates to monopolies, attempts to monopolize, and unlawful restraints of trade," after "Commission Act, as amended,", and

(D) by striking "that such Business" and all that follows through "law." and inserting the following: "that—

"(1) such business is not regulated by State law; or

"(2) the conduct of a person engaged in such business involves—

"(A) price fixing;

"(B) allocation with a competitor a geographical area in which, or persons to whom, insurance will be offered for sale;

"(C) unlawful tying the sale or purchase of—

"(i) one type of insurance to the sale or purchase of another type of insurance; or

"(ii) any type of insurance to the sale or purchase of any other service or product; or

"(D) monopolizing, or attempting to monopolize, any part of the business of insurance.", and

(2) by adding at the end the following:

"(c) The conduct referred to in subsection (b)(2) shall not include making a contract, or engaging in a combination or conspiracy—

"(1) to collect, compile, or disseminate historical loss data;

"(2) to determine a loss development factor applicable to historical loss data; or

"(3) to perform actuarial services if such contract, combination, or conspiracy does not involve a restraint of trade.

"(d) For purpose of this section—

"(1) the term 'historical loss data' means information respecting claims paid, or reserves held for claims reported, by any person engaged in the business of insurance; and

"(2) the term 'loss development factor' means an adjustment to be made to reserves held for losses incurred for claims reported by any person engaged in the business of insurance, for the purpose of bringing such reserves to an ultimate paid basis."

SEC. 3. EFFECTIVE DATE.

This Act shall take effect 1 year after the date of the enactment of this Act.

By Mr. METZENBAUM:

S. 431. A bill to increase competition in the cable industry; to the Committee on the Judiciary.

S. 432. A bill to provide certain protections to cable television subscribers; to the Committee on Commerce, Science, and Transportation.

COMPETITION IN CABLE ACT AND THE CABLE TELEVISION SUBSCRIBER PROTECTION ACT

Mr. METZENBAUM. Mr. President, today I am introducing two bills aimed at reining in the monopoly power wielded by the cable industry.

These bills are similar to legislation which I introduced last Congress. The measures are necessary to protect consumers from the unregulated monopoly power wielded by the cable industry.

The fact is that today 99 percent of consumers who want cable have no opportunity to choose among competing cable systems. Meanwhile, action taken by the FCC in 1985 has precluded rate regulation in 97 percent of the cable communities across the country.

The bottom line is that virtually no cable system is subject to either competition or regulation. There are no constraints on the prices charged for cable service. Consumers are completely unprotected. It is no wonder that cable rates have jumped sharply. According to the General Accounting Office, cable rates nationwide increased 43 percent following deregulation, more than three times higher the rate of inflation for that same period. According to the GAO, approximately 1.5 million cable consumers have been subjected to rate hikes of over 100 percent since deregulation. Last year, a representative of the Consumer Federation of America testified at a hearing held by my Antitrust Subcommittee that cable consumers were being overcharged by as much as $6 billion annually.

While deregulation has led to higher prices for consumers, it also has fostered considerable vertical integration in the industry. Ten of the fifteen most popular basic cable networks are owned or controlled by multisystem cable operators. Cable companies also control four of the five top pay movie services.

This vertical integration has led some operators to discriminate in favor of programming in which they have equity interests. It also has harmed the competitive viability of cable's potential competitors. Representatives from both wireless cable and the satellite dish business have testified to my Antitrust Subcommittee that the cable industry's control over programming has seriously hampered their ability to do business. These alternative technologies have faced trouble breaking into the market because they have been shut out from popular programming like HBO, Showtime and Turner Network Television—all of which are owned by the large multisystem cable operators.

Since 1988, my Antitrust Subcommittee has been chronicling the anticompetitive and anticonsumer abuses of the cable industry. We have held three hearings on cable industry issues, put out a report on the programming access problems faced by cable's potential competitors, and kept a close eye on the growing vertical integration and horizontal concentration within the industry. Last Congress, I introduced the first bill in Congress aimed at reregulating the cable industry. I also was an original cosponsor of S. 1880, a bill introduced by Senators DANFORTH, INOUYE, and HOLLINGS. That bill came to the floor late in the last Congress with considerable bipartisan support, but its enactment was blocked by the White House and the cable industry.

This year, we are told that prospects for the enactment of a cable bill are bleak because neither the industry nor the White House wants a bill. Of course, last Congress, I was told that cable legislation would be dead on arrival. The fact is that a bill passed the House and came within a hair's breath of passing the Senate. So I do not pay much heed to pessimistic statements from those who are not interested in granting relief to consumers.

I do not believe that consumers will look kindly upon the White House if it continues to turn a blind eye to monoply abuses which are costing cable subscribers billions of dollars in overcharges every year. And I do not believe that Congress will turn its back on consumers who have been victimized by outrageous rate hikes simply because the cable industry has a powerful lobby here in Washington which doesn't want to see legislation enacted.

There is also talk that Congress need not move on cable legislation because the FCC is prepared to alter its definition of effective competition, so that more cable systems will be regulated across the nation. While it is good news that the FCC has finally decided to dispense with its absurd definition of effective competition, it is still essential for Congress to act. The FCC is proposing to exempt from regulation any monopoly cable operator who meets a so-called good actor test. There is some danger that this exemption could swallow the regulatory rules developed by the FCC.

Even if the FCC action results in the regulation of every single cable system across the country, consumers may not receive much relief. The Cable Act only authorizes regulation of basic cable service, which is defined as any program service tier which includes over-the-air broadcast signals. Many cable companies across the country are moving popular program channels such as ESPN and Turner Network Television off the basic tier in order to insulate them from any future regulatory scheme that might be imposed by the FCC. Even if the FCC wanted to stop this retiering, there is little the Commission can do under current law. In short, unless Congress acts, the cable industry will be able to skirt regulation of the program channels which impel people to buy cable in the first place.

I am pleased to see that the leaders of the Commerce Committee have not fallen under the influence of those who argue against legislation to protect cable subscribers. Senators DANFORTH, INOUYE, and HOLLINGS have reintroduced a cable bill, S. 12, and I am once again an original cosponsor. Senators DANFORTH, INOUYE, and HOLLINGS should be commended for moving quickly to reintroduce a cable bill that addresses the key problems plaguing the cable industry. S. 12 is not as strong as I would like it to be, but it is an excellent start.

The bills I am introducing today would promote competition in the delivery of cable programming to consumers and provide strict protection against unrestrained rate hikes by the cable monopolies. The reregulation bill I am introducing provides that basic cable rates can be regulated in the absence of effective competition, which is defined as the presence of more than one multichannel video programming distributor in a particular cable franchise area. The bill directs the FCC to promulgate rules and procedures which will serve as the broad regulatory framework. Local franchising authorities are empowered to administer the actual day-to-day regulation of rates. In those communities in which local franchising authorities are unable or unwilling to assume the regulatory tasks outlined in the bill, the FCC shall perform those duties. The legislation also authorizes the FCC to collect from cable operators the financial data necessary to perform the regulatory tasks specified in the bill.

The bill provides that all advertiser-supported programming services will be subject to regulation. This definition will prevent cable operators from circumventing regulation of popular program channels which are currently part of basic service on most systems—like CNN, ESPN, and Turner Network Television—by moving those channels onto higher service tiers. Premium movie channels such as HBO and Showtime will remain exempt from regulation under the bill.

The bill also enacts an antitying provision, which is designed to promote consumer choice by preventing cable operators who offer multiple tiers of basic service from forcing consumers to buy channels which they don't want in order to receive those programming services which they do want. For example, one cable operator currently offers subscribers a news and information cluster, a movies and entertainment cluster, as well as a sports cluster. This provision makes it clear that access to one cluster cannot be conditioned upon the purchase of another cluster, by limiting a cable operator's ability to force consumers to buy through one tier of service in order to get to another tier. If cable operators are going to shrink the size of the basic service tier—chop up the 30 or so channels now commonly offered on basic into 5 or 6 clusters—then consumers should not be forced to buy the clusters which they do not want.

Finally, the bill reforms the franchise renewal provisions of the 1984 Cable Act. Cable operators not only enjoy freedom from both competition and regulation, current law also virtually guarantees that their franchises will be renewed. Regardless of the quality of service they provide or the degree to which they comply with the terms of their franchise agreements.

Cable operators who provide quality service, comply with the terms of their franchise, and have the financial and technical capacity to meet the future cable-related needs of the community they serve, are entitled to an expectation of renewal. On the other hand, the threat to deny renewal of the franchise can impose some discipline on cable operators who are abusing their customers or ignoring the terms of the franchise. Unfortunately, the provisions of the 1984 Cable Act are so tilted in favor of the cable industry, that even operators who provide poor service, violate franchise terms, or refuse to upgrade their systems, need not fear denial of franchise renewal. The modifications contained in my bill will provide franchising authorities with real leverage over operators whose service is shoddy or who breach their franchise agreement.

The other bill I am introducing today, the Competition in Cable Act of 1991, is designed to help promote competition in the delivery of cable programming to consumers. There are a wealth of alternative technologies that could compete with cable, and thus help lower prices to consumers. Direct broadcast satellite [DBS], wireless cable, and the backyard dish industry are multichannel technologies that could compete with cable.

But they cannot compete unless they get the programming consumers want. Much of that programming, however—HBO, Showtime, TNT, CNN—is owned or controlled by cable operators, who would prefer to remain insulated from competition. Both Congress and the FCC have received considerable evidence that some large cable companies have withheld programming from these alternative technologies, or discriminated against them on the basis of price and terms.

The Competition in Cable Act of 1991 will require vertically integrated cable programmers to offer their programming to these alternative technologies on fair terms and at nondiscriminatory prices. The bill does not require the sale of programming to every multichannel distributor. A cable programmer covered under this bill can impose reasonable requirements on potential programming distributors regarding, for example, financial viability and signal security. The point is that the large cable companies should not be permitted to deny consumers the benefits of competition by refusing to deal with these alternative technologies.

This bill also restricts horizontal concentration in the cable industry by forbidding any one cable company from providing service to more than 25 percent of cable subscribers in the country. Limits on horizontal concentration in the broadcast industry have been in place for years. Imposing similar limits on ownership of cable systems will prevent the cable industry from becoming dominated by a few large vertically integrated cable companies which have the incentive to favor their own program channels. Such limits also will protect small cable operators from being swallowed up by the large multisystem cable operators and should help stimulate competition at the local level.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited the "Competition in Cable Act of 1991".

SEC. 2. DEFINITIONS.

Subsection (a) of the first section of the Clayton Act (15 U.S.C. 12) is amended by inserting between the second and third paragraphs the following:

"The term 'cable system' has the meaning given such term in section 602(2) of the Communications Act of 1934.

"The term 'multichannel video programming distributor' means a person, such as, but not limited to, a cable system, a multichannel, multipoint distribution service, or a television receive only satellite programming distributor who makes available for purchase by subscribers or customers multiple channels of video programming.

"The term 'cable programming service' means any video programming service offered over a cable system.".

SEC. 3. PROHIBITION ON DISCRIMINATION.

Section 2 of the Clayton Act (15 U.S.C. 13) is amended by adding at the end thereof the following:

"(g) No person engaged in the distribution of a cable programming service that is directly or indirectly owned or controlled by, or affiliated through common ownership with, any one or more cable systems shall discriminate in the price, terms, conditions, or availability for sale or license of its programming among cable systems or other multichannel video programming distributors who purchase or license such programming for the purpose of delivery to consumers; except that such person may impose reasonable, non-discriminatory requirements for creditworthiness, service and financial stability. Nothing in this subsection shall prohibit—

"(1) price differentials which are attributable to differences in cost in the creation, sale, delivery, or transmission of such programming; or

"(2) price differentials which are made in good faith to meet the equally low price of a competitor.".

SEC. 4. LIMITS ON HORIZONTAL CONCENTRATION.

The Clayton Act (15 U.S.C. 12 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 28. It shall be unlawful for any person, directly or indirectly through any parent, subsidiary or affiliate, to acquire an interest in any cable television system where such person owns, controls or is affiliated through common ownership with, cable television systems that are available to more than 25 percent of all cable subscribers in the United States.".

S. 432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cable Television Subscriber Protection Act of 1991".

SEC. 2. DEFINITIONS.

(a) AMENDMENT.—Section 602(2) of the Communications Act of 1934 (47 U.S.C. 522(2)) is amended to read as follows:

"(2) the term 'basic cable service' means any service tier which includes the retransmission of—

"(A) local television broadcast signals;

"(B) public, educational, and governmental channels; and

"(C) any other advertiser-supported video programming services;".

(b) AMENDMENTS.—Section 602 of the Communications Act of 1934 is amended—

(1) by deleting "and" at the end of clause (15);

(2) by deleting the period at the end of clause (16) and inserting a semicolon;

(3) by adding at the end thereof the following:

"(17) the term 'cable community' means all of the households in the geographical area in which a cable system has a franchise to provide cable service; and

"(18) the term 'multichannel household' means a household to which cable service is available and which subscribes to cable service or a competing multichannel video programming delivery system.".

SEC. 3. REGULATION OF RATES.

Section 623 of the Communications Act of 1934 (47 U.S.C. 543) is amended to read as follows:

"SEC. 623. REGULATION OF RATES.

"(a) PROHIBITIONS.—No Federal agency, State, or franchising authority may regulate the rates or charges for the provision of cable service, or for the installation, sale, lease, or rental of equipment used for the receipt of cable service, except to the extent provided under this section and section 612. Any franchising authority may regulate the rates or charges for the provision of cable service, or any other communications service provided over a cable system to cable subscribers, but only to the extent provided under this section.

"(b) REASONABLE RATES REQUIRED.—In any cable community where a cable system is not subject to effective competition, the Commission, or an authorized franchising authority, shall ensure that rates and charges for the provision of basic cable service, for the installation, sale, lease, or rental of equipment or services used for the receipt of basic service, and for changes in tiers of basic service, are reasonable.

"(c) EFFECTIVE COMPETITION.—(1) A cable system shall be considered subject to effective competition if—

"(A) in the cable community in which it provides service, less than 30 percent of the households to which cable service is available subscribe to such service; or

"(B) the cable community in which it provides service is served by more than one multichannel video programming delivery system.

"(2) A cable community shall be considered as served by more than one multichannel video programming delivery system if—

"(A) a comparable package of video programming is available to at least 80 percent of the multichannel households from a competing cable system, multichannel multipoint distribution system (MMDS), direct broadcast satellite (DBS), or other competing multichannel video programming delivery system; and

"(B) the number of households subscribing to such competing multichannel delivery system, or systems, exceeds 30 percent of the multichannel households in the cable community.

"(3) No competing multichannel video programming distributor serving households in a cable community which, directly or indirectly, is owned or controlled by, or affiliated through common ownership or by distribution contract with, the cable system in that cable community, shall be included in any determination regarding effective competition under this subsection.

"(d) REQUIREMENTS AND GUIDELINES.—(1) Within 120 days following the date of enactment of this section, the Commission shall prescribe by rule procedures, standards, requirements, and guidelines for the regulation of cable systems not subject to effective competition.

"(2) In establishing rules for the regulation of basic service rates and charges, the Commission shall take into account, among other factors—

"(A) the number of signals carried on the tier or tiers of service subject to rate regulation;

"(B) the costs of obtaining, transmitting or otherwise providing such signals, and changes in such costs;

"(C) such portion of the joint and common costs of the cable operator as is properly allocable to obtaining, transmitting, and otherwise providing such signals, and changes in such costs;

"(D) the revenues, including revenues from advertising, received by a cable operator from the provision of basic cable service that are derived from sources other than basic service rates charged subscribers;

"(E) a reasonable profit on the provision of basic cable service; and

"(F) the quality of the customer service provided by the cable system.

"(3) A franchising authority shall be authorized to administer such regulation pursuant to this section if it certifies in writing to the Commission that it will carry out such regulation in accordance with the procedures established by the Commission pursuant to this section.

"(4) Upon petition by a cable operator or other interested party, the Commission shall review such regulation of cable service by an authorized franchising authority. If the Commission finds that the franchising authority has acted inconsistently with the requirements of this section, the Commission shall grant appropriate relief.

"(e) REQUEST FOR INCREASE.—A cable operator shall file with the authorized franchising authority, or with the Commission if the franchising authority is not authorized pursuant to this section, a request for an increase in the rates or charges for basic cable service, or for a particular tier of basic cable service. Any such request upon which final action is not taken within 180 days after such request shall be deemed granted; except that, the Commission shall, in extraordinary circumstances have an additional 60 days to take action on such request.

"(f) REMEDIES FOR UNREASONABLE RATES OR CHARGES.—If the rates or charges levied by a cable system for basic service, or for a particular tier of basic service, are found to be unreasonable, the authorized franchising authority, or the Commission if the franchising authority is not authorized pursuant to this section, shall establish reasonable rates or charges and grant such other relief as may be necessary, including, where appropriate, refunds of the portion of such rates or charges paid by consumers which are deemed unreasonable.

"(g) Financial Information.—The Commission shall, by regulation, require cable operators to file, on an annual basis, such financial information as may be necessary for the purposes of administering and enforcing this section. A franchising authority authorized to regulate rates under this section shall be provided with the financial information required to be filed with the Commission pursuant to this section. Nothing in this section shall prohibit the Commission or a franchising authority from requiring a cable operator to provide financial information for any other lawful purpose.

"(h) Limitation on Tying.—If a cable system offers multiple tiers of basic service, the lowest-priced tier of service shall be the only service tier to which cable operators may require subscription as a condition of access to other program service tiers offered by the cable system.

"(i) Discrimination In Rates.—(1) No cable operator shall discriminate in the rates, charges, terms, conditions, or availability for purchase of its cable service among subscribers or potential subscribers in a particular cable community, but nothing in this subsection shall require a cable operator to provide service to multichannel households which are outside the geographic area in which the operator's franchise authorizes it to provide service. Nothing in this title shall be construed to prohibit a franchising authority from ordinance or franchise provisions established pursuant to this title, including, but not limited to, sections 611, 624, and 632 of this title.

"(2) Nothing in this title shall be construed as forbidding any Federal agency, State, or franchising authority from—

"(A) prohibiting discrimination among customers of cable service; or

"(B) requiring and regulating the installation, sale, or rental of equipment which facilitates the reception of cable service by persons with disabilities.".

SEC. 4. RENEWAL.

(a) Renewal Proceeding.—Section 626(a) of the Communications Act of 1934 (47 U.S.C. 546(a)) is amended by adding at the end thereof the following new paragraph:

"Submission of a timely written renewal notice by the cable operator specifically requesting a franchising authority to initiate the formal renewal process under this section is required for the cable operator to invoke the renewal procedures set forth in this subsection and subsections (b) through (g). Nothing in this section requires a franchising authority to commence the renewal proceedings during the 6-month period which begins with the 36th month before the franchise expiration.".

(b) Proposal.—Section 626(c)(1) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)) is amended—

(1) by inserting "pursuant to subsection (b)" immediately after "renewal of a franchise"; and

(2) by deleting "completion of any proceedings under subsection (a)" and inserting in lieu thereof the following: "date of the submission of the cable operator's proposal pursuant to subsection (b)".

(c) Franchise Term.—Section 626(c)(1)(A) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)(A)) is amended by inserting "throughout the franchise term" immediately after "law".

(d) Renewal Factors.—Section 626(c)(1)(B) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)(B)) is amended—

(1) by deleting "mix, quality, or level" and inserting in lieu thereof "mix or quality"; and

(2) by inserting immediately after "needs" the following: "throughout the franchise term; except that, nothing in this paragraph shall prohibit a franchising authority from considering as a factor in determining if the quality of the operator's service has been reasonable in light of community needs, the operator's response to consumer complaints concerning an operator's proposal or decision to discontinue offering a cable programming service or services over its system".

(e) Denial of Renewal.—Section 626(d) of the Communications Act of 1934 (47 U.S.C. 546(d)) is amended—

(1) by inserting "which has been submitted in compliance with subsection (b)" immediately after "Any denial of a proposal for renewal"; and

(2) by deleting all after "unless" and inserting in lieu thereof the following: "the operator has notice, or reason to know, of the events considered under subsection (c)(1)(B) or that its conduct substantially failed to comply with the material terms of the franchise, or in any case in which it is documented that the franchising authority has waived in writing its right to object.".

(f) Evidentiary Standard.—Section 626(e)(2) of the Communications Act of 1934 (47 U.S.C. 546(e)(2)) is amended—

(1) by inserting immediately after "section" in subparagraph (A) the following: "and such failure to comply actually prejudiced the cable operator"; and

(2) by deleting "not supported by a preponderance of the evidence" in subparagraph (B) and inserting in lieu thereof "is arbitrary and capricious".

(g) Revocation.—Section 626 of the Communications Act of 1934 (47 U.S.C. 546) is amended by adding at the end thereof the following:

"(i) Notwithstanding the provisions of subsections (a) through (h), any lawful action to revoke a cable operator's franchise for cause shall not be negated by the initiation of renewal proceedings by the cable operator under this section.".

SEC. 5. NUMBER OF FRANCHISES.

Section 621(a)(1) of the Communications Act of 1934 (47 U.S.C. 541) is amended—

(1) by inserting immediately after the comma following "award" the following: "in its discretion and"; and

(2) by adding at the end thereof the following: "No State may prohibit a franchising authority from awarding more than one franchise within its jurisdiction or prohibit a franchising authority from awarding franchises subject to different terms and conditions where the franchising authority determines that the issuance of such franchises would serve the public interest. No franchise shall by its own terms provide that such franchise confers an exclusive grant of authority to provide cable service in a particular cable community. Nothing in this section shall apply to any exclusive franchise granted to a cable operator prior to January 1, 1991. Nothing shall be construed as requiring a franchising authority to award more than one franchise within its jurisdiction. As used in this subsection, the term "State" has the meaning given it in section 3(v).".

By Mr. BUMPERS (for himself, Mr. Levin, Mr. Pryor, Mr. Leahy, Mr. Pell, Mr. Harkin, Ms. Mikulski, and Mr. Fowler):

S. 433. A bill to provide for the disposition of certain minerals on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

MINING LAW REFORM ACT

Mr. BUMPERS. Mr. President, I rise today to introduce the Mining Law Reform Act of 1991. I am pleased to have Senators Levin, Pryor, Leahy, Pell, Harkin, and Mikulski, join me as original cosponsors of this legislation.

As the distinguished former Secretary of the Interior, Steward L. Udall, has stated:

> The most important piece of unfinished business on the nation's resource agenda is the complete replacement of the Mining Law of 1872.

I agree. This outmoded statute, signed into law by President Ulysses S. Grant, is a relic of bygone frontier days when our national policy was to encourage the settlement of the West with the enticement of free land and minerals.

Our attitudes toward public resources have changed since the 19th century and so have most of our public policies. While the mining law has been amended indirectly over the years, its basic provisions remain in great need of reform. Over the years numerous private, government and congressional studies have recommended either revising the mining law or repealing it completely.

There are many flaws in the 1872 law, but the most outrageous practices still permitted are:

Allowing the sale of public lands and minerals for the scandalous price of $2.50 to $5 per acre;

Allowing the mining of valuable minerals without a dime in royalty payments to the government for those minerals;

not requiring diligent development and production of minerals;

allowing speculation and unauthorized uses of public land;

allowing patented land bought for $2.50 an acre to be resold at market prices—sometimes thousands of dollars per acre; and

not adequately protecting the environment or providing for the consideration of other resource values on public lands.

One of the most thorough modern studies of the mining law was conducted by the Public Land Law Review Commission during the 1960's. The Commission's work formed the basis for the Federal Land Policy and Management Act of 1976 [FLPMA]. In "One Third of the Nation's Land—A Report to Congress and the President" the Commission stated:

> The General Mining Law of 1872 has been abused, but even without that abuse, it has many deficiencies. Individuals whose primary interest is not in mineral development and production have attempted, under the guise of that law, to obtain use of public

lands for various other purposes. The 1872 law offers no means by which the Government can effectively control environmental impacts.

The Commission recommended a number of changes in the mining law. A majority recommended modifying the existing location patent system, while a minority recommended a leasing system. During the 1970's, Congress considered several legislative proposals based on these recommendations, including a leasing bill proposed by Secretary of the Interior Cecil Andrus during the Carter administration. However, all of these legislative attempts failed due to staunch opposition from the mining industry.

During the 8 years of the Reagan administration, the Department of the Interior changed its position and opposed making any changes to the 1872 mining law. I am pleased that the Bush administration and Secretary Lujan now support several changes to the 1872 mining law, although Secretary Lujan has characterized these changes as "fine tuning" only, Arizona Daily Star, December 4, 1990. I submit that a major revision of the law is both necessary and appropriate.

During the 101st Congress I introduced S. 1126 which would have revised the 1872 mining law to address many of the problems identified by the Public Land Law Review Commission and others. The Subcommittee on Mineral Resources Development and Production held a hearing on S. 1126 on June 7, 1989, a hearing on bonding and reclamation requirements for hardrock mining on April 19, 1990, and a hearing on the royalties and fees in S. 1126 on September 13, 1990. On the House side, Congressman RAHALL introduced a mining law reform bill, H.R. 3866, and held hearings on September 6, 1990. The House Committee on Appropriations also indicated its interest in mining law reform by including a 1-year moratorium on the sale of lands through the mining claim patenting process in the fiscal year 1991 appropriation for Interior and related agencies. I offered an amendment in the Senate Appropriations Committee to adopt the patent moratorium language which was successful. Unfortunately, the provision was knocked out of the bill on the Senate floor by a 50-to-48 vote on the issue of germaneness.

The legislation I am introducing today incorporates many of the suggestions we received during the hearings last Congress. My bill retains the self-initiated claim location system of the 1872 mining law but eliminates patents. At the suggestion of industry, the fees have been reduced significantly and the royalty rate reduced. At the suggestion of environmental groups, the provisions on land use planning, reclamation and bonding have been clarified and strengthened, and a fund for the reclamation of abandoned hardrock mines has been established. Finally, based on an Administration proposal, holding fees have been established to replace the assessment work requirements in the 1872 mining law.

The problems of the mining law and the proposed solutions contained in my legislation are described more fully below.

PROBLEMS WITH THE 1872 MINING LAW AND PROPOSED SOLUTIONS

SALE OF FEDERAL LANDS

Under the existing mining law, a patent—fee simple title—to a mining claim on Federal lands may be obtained for the purchase price of $2.50 an acre—for a placer claim—or $5 an acre—for a lode claim—a price which has not changed since 1872. This is a give-away—pure and simple—and is directly contrary to the national policy enunciated in the Federal Land Policy and Management Act—that the public lands be retained in public ownership.

During the past 118 years, the Government has sold over 3.2 million acres of land under the patent provision of the 1872 mining law, an area the size of the State of Connecticut. From 1980 through 1990, the Bureau of Land Management issued 657 patents, for a total of 4,752 claims, covering approximately 179,915 acres, all for $5 an acre or less.

One doesn't have to have a real estate brokers' license to know that $5 an acre is far less than the fair market value of most patented lands. The General Accounting Office has quantified this fact in recent reports to the Congress. In 1974, GAO reported, the Government received about $12,000 for 41 mineral patents—land with a fair market value of more than $1 million. In 1986, patent holders sold 17,000 acres of oil shale land—from oil shale claims that had been grandfathered in the 1920 Mineral Leasing Act—to major oil companies for $37 million. Just weeks earlier they had patented the land and paid the Government $42,500. For a 1989 report, GAO visited 20 recently patented sites. Government appraisers and local real estate brokers estimated the land values involved ranged from $200 to $200,000 an acre.

Ironically, while a miner does not need to patent his claim in order to mine it, there is no requirement that a patented claim be mined. Patented claims have become sites for vacation home developments, junkyards, tourist facilities, and casinos. While many landowners in western towns trace their chain of title back to mining patents, this historically interesting phenomenon can be a serious resource protection problem when the patented mining claim is an inholding in a national park or wilderness area. Unfortunately, there are over 700 patented mining claims in units of the National Park System and almost 1,500 unpatented claims.

A recent example of the abuse of the patent process occurred in the Oregon Dunes National Recreation Area. The area is located on the beautiful southwestern coast of Oregon and is a popular tourist destination. In 1989, BLM announced its intention of issuing a patent for an uncommon variety of sand on claims covering over 700 acres in the heart of the National Recreation Area. Although the Material Disposal Act of 1947 and the Common Varieties Act of 1955 had effectively precluded the location and patent of claims for sand and gravel, the claimants relied on an exception in the law for uncommon varieties. Six of the State's seven Congressmen wrote to the Secretary of the Interior requesting that the patent not be issued. The Secretary issued the patent. After much public consternation regarding the possibility of a major sand quarrying enterprise in one of Oregon's most popular scenic areas, the claimants let it be known that they would be open to trading their claims for suitable lands elsewhere—if the price were right. The Forest Service and BLM undertook to find lands of equal value for exchange outside the boundaries of the recreation area. The patented land is valued at $350,000 to $750,000, but the owners believe the site's potential mineral value is about $12 million. Since the claimants obtained the patented land for the 1872 mining law price of $5 an acre—about $1,950 total—it is no wonder that this incident has become known as sandscam.

The mining industry often complains that too much Federal land is off limits to hardrock mining—that millions of acres have been withdrawn from the operation of the mining law. The primary reason for these withdrawals is the mining law's patenting provision. Land managers simply cannot take the risk that private inholdings will be created in certain environmentally sensitive areas or in areas designated for military or other special uses.

Under the bill I am introducing today, mining claim holders would no longer be able to patent their claims. The sale of Federal lands for $2.50 or $5 an acre would be permanently halted.

FREE MINERALS

In addition to allowing the sale of lands for far less than fair market value, the mining law also allows individuals and corporations to mine valuable minerals from public domain lands without a dime being paid as a royalty. Oil and gas producers pay a 12.5-percent royalty to the Treasury for oil and gas production on Federal lands; coal miners pay royalties on Federal leases; royalties are charged on phosphate and other fertilizer minerals; sand and gravel and other common variety minerals are sold at fair market value. A hardrock miner on the Mark Twain National Forest in Missouri pays a royalty to the Government because he is mining on acquired lands, while a hardrock miner on the Tongass

National Forest in Alaska would pay nothing. Does this sound fair? Is this not an outrage? Hardrock mining companies routinely pay royalties to mine on private or State land. And in fact they routinely pay royalties to mine on Federal land—but not to the Government. The royalties are paid to the prospector who originally staked a claim on the land and sells his rights to a larger mining company. The real owners of the mineral—you and me—get nothing.

As a recent Wall Street Journal article pointed out, there are a number of extremely valuable deposits currently being developed on Federal lands.

> The Goldstrike mine in Nevada is the largest known gold deposit in the country, with a gross value of roughly $6 billion. The taxpayers own both the land and the gold, but the deposit belongs to American Barrick Resources, a Canadian-controlled company * * * The Sleeper mine in Nevada is one of the lowest cost major gold mines in the world. It is entirely owned by the people of the United States but completely controlled by Amax gold. In 1989, Amax extracted more than $100 million in gold and made a profit of $64 million, even after allowing for depreciation and depletion. ("There's Gold Buried Under Capitol Hill," Wall Street Journal, Jan. 16, 1991)

While these examples can provide us with some idea, the Government doesn't keep track of how much it is giving away. In 1989, the total value of nonfuel mineral production in the United States was $32.3 billion, according to statistics published by the Bureau of Mines. Deriving an estimated value for locatable minerals taken from the public lands is difficult because the Bureau does not collect the information required to determine how much mining is really being done on public lands. Our current estimates range from $3.9 billion—BLM—to $6.1 billion—Wilderness Society.

The bill I am introducing today would require the payment to the Secretary of the Interior of not less than 5-percent royalty on gross income from mineral production. The royalty rate of 5 percent is consistent with average rates generally paid by the mining industry. However, there may be specific minerals for which a higher royalty rate is appropriate. I intend to gather more data on royalty rates and may revise this section of the legislation. A royalty rate of 5 percent on mineral production totaling $3.9 billion would return almost $200 million to the Treasury.

LACK OF DILIGENT DEVELOPMENT REQUIREMENTS

The third major deficiency of the 1872 mining law is the fact that its annual work requirement no longer promotes the diligent development of mining claims. While there are over 1.2 million claims recorded under the mining law, BLM, and the Forest Service report only about 1900 active mining operations on their lands.

> Under existing law, a mining claimant is required to be reasonably diligent in the pursuit of a discovery in each claim through good faith expenditure of means and effort. As a general rule the expenditure must be for work that tends to develop the mining claim and facilitate the removal of valuable minerals * * *. The failure to make the necessary expenditure or the failure to continue in diligent possession prior to discovery may allow an adverse claimant to assert possession of the ground. [Statement of Cy Jamison, Director, Bureau of Land Management, before the Subcommittee on Mining and Natural Resources, hearing on H.R. 3866, September 6, 1990]

Such a requirement sounds fine, except that the "necessary expenditure" is set by statute at $100 a claim. As BLM Director Jamison has testified:

> The $100 of 1872, which was then about 20 days faithful work by a practical miner, will now barely pay the first 2 hours of an inexperienced consultant's fee, and certainly almost nothing but the first few minutes of operating costs of any modern mechanical equipment commonly found in an exploration or mining operation. [Jamison statement, above.]

In 1991, an annual work requirement of $100 is meaningless. It is a requirement often observed in the breach because the Bureau of Land Management has no incentive to enforce the requirement. Alternatively, in order to comply with the requirement, a claimant may merely bulldoze a trench across his claim, causing unnecessary environmental damage.

Last year, the administration proposed that the $100 work requirement be eliminated and that a $100 holding fee be substituted. Such a fee would be simple to administer and would provide approximately $97.5 million in revenues. Claim holders strenuously objected because most of them actually spend nothing on their claims, and from an environmental standpoint, I'm glad they don't. Alternatives to this approach include: retaining a work requirement but increasing the amount to reflect current values; providing the option of paying a fee or performing work; or charging escalating fees over a period of years.

My bill would adopt the administration proposal by requiring the payment of a holding fee of $5 an acre per year for the first 5 years after a claim—which would have a maximum size of 80 acres—is located. Unlike the administration proposal, the fee would double every 5 years up to a maximum of $20 an acre, reflecting the increased use of Federal land as the mineral deposit is explored and developed. Finally, in order to further encourage diligent development of a claim, my bill would provide that a claim expires after 20 years if mineral production has not begun within that time period—with a time extension for bona fide efforts to produce—on the claim or contiguous group of claims.

SPECULATION AND UNAUTHORIZED USES

The laissez faire qualities of the 1872 mining law have attracted speculators and nuisance claims throughout the act's history. In 1916, a Senator from Colorado stated that the mining law has:

> Created a veritable paradise for the blackmailer and scoundrel. The law has * * * offered and occasionally paid premiums to every disreputable individual who takes advantage of [its] possibilities, and there are many unscrupulous people, even in the West. It is easy money, as any miner will tell you, to make spurious locations over valuable claims and compel compromises by the uncertainty and expense of litigation. [Senator Charles S. Thomas, quoted in Leshy, "The Mining Law, A Study in Perpetual Motion," Resources for the Future, 1987]

Under the 1872 mining law a claim is not valid unless there is a discovery of a valuable mineral deposit. Just what constitutes a "discovery" has been and continues to be thrashed out in courts of law. Therefore, someone can file claims with no intention of developing those claims, comply with the meaningless $100 work requirement and extort money from legitimate mining companies for the right to develop the claims. Or a speculator can create a corporation and sell shares of stock in a mythical gold deposit to grandmothers in Iowa. Or how about selling some worthless claims to Uncle Sam? The Reno Gazette Journal had an interesting story 2 years ago. "Miner strikes it rich with Yucca Mountain Claims; Tonopah Man Settles with DOE for $249,500," June 4, 1989. The miner had staked some claims on Yucca Mountain, an area the Department of Energy plans to study for a possible nuclear waste repository. Although DOE geologists thought the mineral potential of the claims was probably nil, they couldn't afford the time and expense of the litigation and testing required to prove it. So for an investment of $500 in filing fees and $20,000 in assessment work on the claims, the miner received $249,500 from the Federal Government. That's a pretty high nuisance value. These are just a few examples of some of the scams that have been perpetrated under the auspices of the mining law.

My bill would eliminate the discovery test for claims, substituting the simple and easily verifiable holding fee requirement described above.

Another problem associated with the mining law is the unauthorized occupancy of claims. Someone who wants to live in a National Forest for free, or have a hunting cabin on public lands, can stake a claim and do his annual assessment work every year, with no intention of ever developing the claim. The Forest Service and BLM have some serious unauthorized occupancy problems throughout the West. In 1988, for example, district rangers on the Klamath National Forest in California, identified over 200 cases of unauthorized occupancy on mining claims. In the same forest, a methamphetamine or crank lab was discovered on an unauthorized mining claim and chemicals capable of producing 1.5 million doses of the drug were seized.

In order to evict someone from a mining claim the agencies must determine that they are not using due diligence in pursuing a deposit and that their cabin is not reasonably incident to mining activities. A legal appeal can tie the process up for years, all the while safeguarding the claim holder's occupancy.

> 'It's just an impossible situation * * *. It invites abuse.' And to top it off there is another problem: Not enough money or manpower. 'Our office has only two-full time employees to deal with 10,000 claims'. [Knudson, "Mines Yield More Garbage than Gold," *The Sacramento Bee*, March 19, 1990, quoting Deane Swickard, a BLM employee in California.]

The Bureau of Land Management announced last year that it would tighten up the regulations on residential occupancy of mining. I believe that a statutory prohibition on residential occupancy is warranted and have included such a provision in the bill I am introducing today.

INADEQUATE PROTECTION OF THE ENVIRONMENT

The 1872 mining law does not reflect modern land use and environmental protection policies. Past mining activities have left a legacy of unreclaimed lands, acid mine drainage, and hazardous waste. Over 100 sites on the Superfund national priority list are mining related and the cost for cleaning up these sites could reach billions of dollars. [Bureau of Mines, "The Mineral Position of the United States, 1989," p. 37.] About half of these sites are in the western public land States. The General Accounting Office estimated that 424,049 acres of Federal land are currently unreclaimed as a result of hardrock mining operations in the 11 western States. Of this amount about 281,581 unreclaimed acres relate to abandoned, suspended, or unauthorized mining operations. The estimated cost to the public to reclaim this land is $284 million. [General Accounting Office, "An Assessment of Hardrock Mining Damage," April 1988.]

Mining operations on public lands are subject to environmental laws of general application such as the Clean Air Act, the Clean Water Act, and the Endangered Species Act, as well as State and local environmental laws. Mining claimants are also subject to the surface management regulations promulgated by the agency with jurisdiction over the lands subject to claims, primarily the regulations of the Bureau of Land Management, adopted in 1981, and the Forest Service, adopted in 1974. The goal of these regulations is to "minimize the adverse impacts of mining on other resources" says the Forest Service, or to "prevent unnecessary or undue degradation" of the lands, says the BLM.

The 1872 mining law does not contain any bonding or reclamation requirements or any requirements for protecting the environment. BLM and Forest Service regulations address these issues but their regulations, particularly BLM's, are weak. While approximately 85 percent of all mining plans of operations on Forest Service lands are bonded, bonds are not required for over 80 percent of the mining activities on BLM lands. For the remaining 20 percent, which must involve surface disturbances greater than 5 acres, bonds were discretionary until July 1990, when BLM announced a new bonding policy. BLM has also announced it is considering issuing regulations to eliminate the 5-acre exemption.

The extent to which the environment is protected, however, depends largely upon the attitude of the mining company. The comments of the BLM employees who are responsible for implementing the regulations are instructive.

> Our regulations really aren't strong enough for us to enforce compliance in a timely fashion—and sometimes not at all, said Tim Carroll, a BLM geologist in California. 'The fact is our regulations do not permit individuals to be held accountable,' Swickard [of the BLM Folsom office] said. 'We're a very tolerant agency. Why should the public have to pay to repair their lands that are damaged by identifiable individuals?' [Quoted in "Government proves to be a lax landlord", *Sacramento Bee*, March 18, 1990.]

The Mining Law Reform Act of 1991 would provide BLM and the Forest Service with the authority to regulate mining to minimize adverse impacts to the environment. It would mandate reclamation and bonding for most mineral activities and would direct the agencies to promulgate reclamation standards.

LAND USE PLANNING

The 1872 mining law contains an implicit presumption that mineral development is the highest and best use of the public land. This presumption, if it was ever valid, is certainly no longer shared by the American people. In contrast to other activities on Federal lands—logging, grazing, oil and gas leasing, off-road vehicle use—which are explicitly dealt with in land use plans, the mining law operates independently. When mining activity is initiated on a valid claim, it becomes the dominant land use. Since mining cannot be weighed against other resource values in the land use planning process, the land manager must seek a formal withdrawal of the lands when mining would be incompatible with other land uses.

To quote former Secretary Udall again:

> It is sadly ironic that the great progress that has been made through the passage of legislation such as the Federal Land Policy and Management Act of 1976 and the National Forest Management Act has not affected mining's extraordinary position outside the framework of multiple-use management of our public lands. . . . While the mining industry has abandoned many of the damaging practices of the past, much continues today which threatens groundwater and surface streams for tomorrow. The EPA has determined that the long-term environmental safety of many mining activities is a function of the site itself, and not merely of good or bad practices. Simply put, some locations cannot be mined without creating permanent environmental damage. Yet, the 1872 Mining Law guarantees a "right" to mine any discovered ore, with no weighing of mining benefits against environmental costs. This must stop." [Testimony of Stewart L. Udall, hearing before the subcommittee on Mineral Resources Development and Prodcution on S. 1126, June 7, 1989.]

Recently, citizens in Weiser, ID tried to stop a gold mining project which had scarred the face of an area landmark, Indianhead Mountain. In a letter to the mayor of Weiser, the BLM district manager said that BLM does not have the authority to deny the mining company the right to seek gold at the site. The company "has the legal right to conduct exploration, and the extent to which it accommodates its operation to accommodate resource values is substantially voluntary." ["BLM Defends Action Taken at Mine Site," Argus Observer, July 9, 1990.]

Outside Questa, NM, dust from a molybdenum tailings pile threatens the long term health of community residents. Despite numerous complaints from townspeople, BLM initially approved a permit allowing the mining company to build another tailings pile upwind from Questa. The BLM State director said the agency had no choice. "Although we realize the controversial nature of the tailings disposal facility, the BLM is bound by the General Mining Law of 1872." [Government Proves To Be a Lax Landlord," Sacramento Bee, March 18, 1990.]

The Mining Law Reform Act of 1991 would provide BLM and the Forest Service with the authority to condition, restrict or prohibit mineral activities in specific areas where such activities are deemed to conflict with more important resource values. This determination would be made through the land use planning process, which affords the general public as well as the mining industry an opportunity to participate in the agency's decisions. Plans of operation for mining activities would be required to comply with the stipulations and conditions made applicable to the area of operation by a land use plan.

In conclusion, Mr. President, let me assure my colleagues from the public lands States, my bill, the Mining Law Reform Act of 1991, will retain the features of that law which the mining industry has indicated are most important: self initiation, or the right to go out on the public lands to prospect; the exclusive right to develop a claim; security of tenure, or the right to mine the claim to completion: and the right to use as much of the surface as necessary for the mining operation. [Statement of T. Ary, Director of Bureau of Mines, hearing on S. 1126, June 7, 1989, p. 121.] In addition, the new authorities provided to land managers in my bill, couples with the elimination of patents, could lead to a review of existing mineral withdrawals.

Most importantly, my legislation will remedy the major problems with the 1872 mining law and bring this statute into the 20th century. I ask unanimous consent that the text of the bill and a summary of major provisions be printed in the RECORD at the conclusion of my remarks.

Mr. President and colleagues, I urge you to support the long overdue reform of the 1872 mining law and to cosponsor this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 433

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Mining Law Reform Act of 1991".

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SEC. 2. DEFINITIONS.

When used in this Act—

(1) "Claim" means an individual tract of mineral lands of up to 80 acres in size, which is located, recorded and maintained in compliance with this Act. A claim shall include all locatable minerals beneath the claim vertically downward.

(2) "Claimant" means any person who, pursuant to this Act:

(A) locates a claim;

(B) explores, develops, or produces locatable minerals from such claim; or

(C) is responsible for reclamation.

(3) "Contiguous group of claims" means one or more claims, and may include intervening or adjacent lands in which the United States does not own the mineral resources, but may not exceed 1,000 acres of Federal and non-Federal lands. All the lands in a contiguous group of claims must be under the effective control of a single claimant, be able to be developed, operated, and reclaimed as a single operation, and be in reasonable proximity.

(4) "Effective date of this Act" means 1 year after the date of enactment of this Act.

(5) "Gross income" means, for purposes of this Act, "gross income from the property" as defined in section 613(c)(1) of the Internal Revenue Code and in regulations promulgated by the Treasury Department pursuant to section 613(c)(1) of the Internal Revenue Code. Any amendments or revisions of section 613(c)(1) of the Internal Revenue Code or of regulations promulgated by the Treasury Department pursuant to section 613(c)(1) of the Internal Revenue Code, shall be deemed applicable to the definition of "gross income" as used in this Act.

(6) "Locatable minerals" means any mineral not subject to disposition under:

(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 1000 et seq.); or

(C) the Act of July 31, 1947 (30 U.S.C. 601 et seq.), as amended by this Act.

(7) "Land use plans" means plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1604), and section 202 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1712).

(8) "Mineral lands" means public domain lands open to mineral entry under the Mining Law of 1872, as of the day before the date of enactment of this Act, with the exception, as of the date of enactment of this Act, of the following:

(A) lands recommended for wilderness designation by the surface managing agency;

(B) lands within Bureau of Land Management wilderness study areas;

(C) lands designated by Congress as wilderness study areas, except where mineral entry under the Mining Law of 1872 was specifically allowed to continue by the statute designating the study area; and

(D) lands within areas allocated for wilderness or further planning in Executive Communication 1504, Ninety-Sixth Congress (House Document numbered 96-119), unless such lands are allocated to uses other than wilderness by a land use plan or have been released to uses other than wilderness by an act of Congress.

Any lands excluded from mineral entry pursuant to paragraphs (A) through (D) of this subsection for which there is a final determination that such lands not be designated as wilderness or for which a withdrawal is revoked may be opened to mineral entry pursuant to this Act, subject to applicable land use planning requirements.

(9) "Mining area" means the surface and subsurface of lands, including ground and surface water, affected by, or to be affected by, any mineral activities pursuant to this Act.

(10) "Mineral activity" means any activity associated with mineral prospecting, exploration, claim location, mining, milling, processing, or beneficiation.

(11) "Minimal disturbance to the environment" means those mineral activities which do not cause more than minor, short-term alteration of the environment and which are capable of being reclaimed within one year. Such activities shall include claim location, but shall not include the use of mechanized earth-moving equipment, suction dredging, explosives, motor vehicles other than those used on existing public roads or on lands open to off-road vehicle use; the construction of roads, conveyances, or drill pads; or the use of hazardous or toxic materials.

(12) "Mining Law of 1872" as used in this Act means the general mining laws of the United States which generally comprise 30 U.S.C. chapters 2, 12A, and 16, and sections 161 and 162.

(13) "Plan of operations" means a plan subject to approval by the Secretary pursuant to this Act for mineral activities causing more than minimal disturbance to the environment and for reclamation.

(14) "Person" means citizens of the United States, associations of such citizens, or corporations organized under the laws of the United States or of any State thereof.

(15) "Produce" means removing locatable minerals from a claim for any purpose other than analysis, study or testing.

(16) "Secretary" means, unless otherwise provided in this Act, the Secretary of the Interior with respect to land under the jurisdiction of the Secretary of the Interior and all other lands subject to this Act (excluding lands under the jurisdiction of the Secretary of Agriculture), and means the Secretary of Agriculture with respect to lands under the jurisdiction of the Secretary of Agriculture.

TITLE I—DISPOSITION OF MINERAL DEPOSITS

SEC. 101. CLAIM LOCATION AND RECORDATION.

(a) LOCATION.—All mineral lands shall be open to any person for location of a claim pursuant to this section. The claim location shall conform with the United States system of public land surveys, where possible, and shall be made, modified, or relinquished in a manner as prescribed by the Secretary. Claims shall be a maximum of 80 acres in size.

(b) RECORDATION REQUIREMENTS.—The claimant, within thirty days after the date of location of a claim, shall file with the Secretary a notice of location and shall pay a recordation fee of $100 per claim. The notice shall include such information as shall be prescribed by the Secretary, including the geographic location of the claim. The filing of such location notice grants the claimant the exclusive rights, as against all other claimants, granted pursuant to subsection (d) of this section.

(c) OTHER FILINGS.—Federal location and filing requirements imposed by this section shall preempt any State or local location and filing requirements for the subject claims, except that a State or locality may require a claimant to file a copy of the notice of location required by subsection (b) of this section with such State or locality.

(d) RIGHTS.—Any claimant who has located, recorded and maintained a claim in compliance with this Act shall have the exclusive right of possession, as against all other claimants, subject to the requirements of this Act, of the claimed land for mineral activities only.

(e) UNITED STATES INTEREST.—The United States reserves all surface and subsurface rights to, and interests in, claimed lands, including the royalty required by section 105 of this Act, with the exception of locatable minerals subject to a claim located, recorded and maintained in accordance with this Act.

(f) APPLICATION OF OTHER LAWS.—(1) Except as modified by this act, the provisions of Section 4 of the Act of July 23, 1955 (30 U.S.C. 612) shall apply to all claims located, recorded, and maintained under this Act, and shall continue to apply to all claims located and maintained under existing law during the conversion period established by Section 402 of this Act. The use of a claim for residential occupancy is prohibited unless the claimant demonstrates, in an approved plan of operations, that residential occupancy is essential for the conduct of approved mineral activities. The United States shall take all steps, including filing appropriate actions for trespass, ejectment, or injunctive relief, necessary to enforce this subsection.

(2) The provisions of Sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. Sec. 524 and 526), commonly known as the Multiple Mineral Development Act, shall apply to all claims located, recorded, and maintained under this Act, and shall continue to apply to all claims located and maintained under existing law during the conversion period established by section 402 of this Act.

(g) CLAIM TERM.—Any claim or claims shall be conclusively presumed to be abandoned and shall be deemed null and void by operation of law twenty years from the date of filing the location notice required by subsection (b) of this section, unless locatable minerals have been or are being produced in sufficient quantities as determined by the Secretary by regulation on the claim or a contiguous group of claims within such time period. Prior to the expiration of twenty years, the claimant may submit an application to the Secretary demonstrating bona fide efforts, as determined by the Secretary by regulation, to produce locatable minerals from the claim or from a contiguous group of claims. The Secretary may extend the term of the claim for not more than 5 years upon the Secretary's determination that the claimant is making bona fide efforts to produce locatable minerals.

SEC. 102. ANNUAL HOLDING FEE.

(a) FEE.—(1) The following amounts shall be paid by the claimant to the Secretary each and every year to maintain the claim:

(A) $5 per acre during years one through five;

(B) $10 per acre during years six through ten;

(C) $15 per acre during years eleven through fifteen; and

(D) $20 per acre for each year thereafter.

(b) SUSPENSION.—Payment of the annual holding fee required by this section shall be suspended upon the payment of the royalty required by section 105 of this Act in an amount equal to or greater than the applicable annual holding fee. During any subsequent period of non-production, or period when the royalty required by section 105 of this Act is an amount less than the applicable annual holding fee, the claimant shall pay to the Secretary the applicable annual holding fee.

(c) FAILURE TO PAY.—(1) Upon failure to pay the annual holding fee required by this section, the claim shall be deemed conclusively to be abandoned and shall be null and void by operation of law, and the claimant shall be responsible for reclamation as required by section 203 of this Act and all other applicable requirements.

(2) The claimant shall be prohibited from locating a new claim on the lands included in such abandoned claim for 1 year from the date such claim is deemed abandoned and null and void by operation of law.

(d) RELINQUISHMENT.—A claimant deciding not to pursue mineral activity on a claim may relinquish such claim by notifying the Secretary. A claimant relinquishing a claim is responsible for reclamation as required by section 203 of this Act and all other applicable requirements. A claimant who relinguishes a claim shall not be subject to the prohibition of subsection (c) of this section; however, if the Secretary determines that a claim is being relinquished and relocated for the purpose of avoiding compliance with any provision of this Act, including payment of the applicable annual holding fee, the claimant shall be subject to the prohibition in subsection (c)(2) of this section.

SEC. 103. SURFACE USE PERMITS.

The claimant may submit to the Secretary an application for the use of the surface of lands, other than lands subject to a valid claim, which are required for milling, processing, or beneficiation activities. The Secretary shall approve such application upon determining that the use of such lands is necessary to support mineral development and production and is consistent with applicable land use plans, upon the payment of an annual surface use fee of not less than $5 per acre, and upon such terms and conditions as the Secretary prescribes, including requirements for the reclamation of such lands in accordance with section 203 of this Act.

SEC. 104. PLAN OF OPERATIONS.

(a) GENERAL.—The claimant shall submit to the Secretary a plan of operations for the mining area prior to initiating any mineral activity causing more than minimal disturbance to the environment. No mineral activities which cause more than minimal disturbance to the environment shall occur prior to approval of a plan of operations as required by this section.

(b) CONTENTS OF PLAN.—The plan of operations shall include such terms and conditions as prescribed by the Secretary, including:

(1) the name and mailing address of the claimant;

(2) a map showing existing or proposed routes or means of access and size of areas where surface disturbance will occur;

(3) identification of the claims included in the mining area;

(4) information sufficient to describe or identify the type of mineral activities proposed, how such activities will be conducted and the period during which the proposed activity will take place;

(5) measures to minimize adverse impacts to the environment, including the manner of compliance with the terms, conditions and restrictions imposed on the mining area by applicable land use plans pursuant to the requirements of section 202 of this Act, and maintenance of the area during extended periods of nonoperation;

(6) reclamation measures pursuant to the requirements of section 203;

(7) an adequate financial guarantee pursuant to the requirements of section 204;

(8) the manner of compliance with federal, state, and local laws and regulations.

(c) PLAN APPROVAL.—(1) The Secretary may approve, require modifications to, or deny a proposed plan of operations. A plan may not be approved unless the Secretary determines, in writing, that:

(A) the proposed mineral activities will be consistent with the land use plan applicable to the mining area;

(B) the reclamation measures contained in the plan of operations have a likelihood of success based on analysis of the application of such measures in areas of similar geochemistry, topography, and hydrology;

(C) the proposed operations will comply with the requirements of this Act and other applicable federal, state and local laws and regulations.

(2) Where the land use plan applicable to the mining area has not been completed or amended pursuant to section 202 of this Act, the Secretary shall condition or restrict, and may prohibit, mineral activities to protect the resources identified in section 202(b)(5) of this Act.

(d) PLAN MODIFICATION.—The Secretary may require that an approved plan be modified when necessary to prevent adverse impacts on the environment or after extended periods of nonoperation. The claimant may request that an approved plan be modified at any time. A proposed modification shall be subject to the same requirements as for a plan of operation.

(e) PLAN EXPIRATION.—The approval of a plan of operations shall be for a stated term. The term shall be no longer than necessary to accomplish the proposed mineral activities, and in no case for more than fifteen years, unless the term is modified pursuant to subsection (d) of this section.

(f) COMPLIANCE.—The Secretary shall not approve a plan of operations, and shall suspend all plans of operation approved for a claimant under this section, if the Secretary determines that such claimant, or any person or association which controls, is controlled by, or is under common control with, such claimant has failed or refused to comply in any material respect with the environmental protection requirements of this Act, the terms or conditions of an approved plan of operations, applicable laws, or rules and regulations established by the Secretary under this Act.

SEC. 105. ROYALTY.

(a) RESERVATION OF ROYALTY.—Production of locatable minerals from a claim located pursuant to this Act shall be subject to a royalty of not less than 5 per cent of gross income from such production and in no event shall be less than the applicable annual holding fee required pursuant to section 102 of this Act.

(b) PAYMENT OF ROYALTY.—Royalty payments shall be made according to regulations established by the Secretary of the Interior. The Secretary of the Interior may require to be filed with the royalty payment a copy of the parts of the tax return filed with the Internal Revenue Service determined by the Secretary of the Interior to be applicable to determining gross income. The commissioner of the Internal Revenue Service shall cooperate with the Secretary of the Interior to verify the information submitted by the claimant.

SEC. 106. DISPOSITION OF RECEIPTS.

(a) STATE AND FEDERAL SHARE.—All receipts from annual holding fees pursuant to section 102, surface use fees pursuant to section 103, and royalties pursuant to section 105, shall be paid into the Treasury of the United States, 33 percent thereof shall be paid by the Secretary of the Treasury to the State within the boundaries of which the locatable mineral deposits are or were located, 33 percent of the Hardrock Abandoned Mine Reclamation Fund established by section 301 of this Act, and 34 percent to miscellaneous receipts in the Treasury. Upon termination, such receipts shall be paid to the State within the boundaries of which the locatable mineral deposits are or were located and 50 percent to miscellaneous receipts in the Treasury.

(b) ADMINISTRATION OF ACT.—Subject to appropriation, all receipts from recordation fees collected pursuant to section 101 shall be made available to the Secretary for the administration of Titles I, II and IV of this Act.

SEC. 107. ASSIGNMENTS.

Any claim may be assigned or transferred to any qualified person pursuant to regulations issued by the Secretary that ensure compliance with the requirements of this Act.

TITLE II—ENVIRONMENTAL PROTECTION

SEC. 201. STANDARD.

Notwithstanding any other provision of law, the Secretary shall promulgate regulations and take appropriate action to assure that all mineral activities pursuant to this Act are conducted in a manner that will minimize adverse impacts on the environment.

SEC. 202. LAND USE PLANNING.

(a) PLAN PREPARATION.—Pursuant to the Federal Land Management Policy Act, as amended (30 U.S.C. 1701 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, (16 U.S.C. 1600 et seq.) and the requirements of this Act, the Secretary shall develop, maintain, and when appropriate, revise land use plans that consider, address, and provide for mineral activities, as appropriate. In preparing such land use plans, the Secretary is authorized to prohibit, restrict, or condition certain types and classes of mineral activities which conflict with other plan objectives or management decisions of the Secretary.

(b) CRITERIA.—Consideration of mineral activities pursuant to subsection (a) of this section shall include, but not be limited to, the following:

(1) the location, nature, and extent of known or inferred mineral deposits and existing mineral activities;

(2) an evaluation of the development potential of mineral deposits, together with the potential cumulative environmental impacts of exploration, development and production of such deposits;

(3) an evaluation of non-mineral resources and values that may be affected by mineral activity, including but not limited to, recreation, range, timber, watershed, wildlife and fish resources, and scenic and cultural values;

(4) an evaluation of the prospects for reclaiming the mining area to satisfy the standards established by the Secretary under section 203 of this Act; and

(5) identification of specific areas where mineral activities shall be prohibited, restricted or conditioned and identification of conditions or restrictions to be applied in such areas. Specific areas to be considered for identification pursuant to this paragraph by the Secretary shall include, but not be limited to, the following:

(A) areas of critical environmental concern established pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1531);

(B) habitat for species listed under the Endangered Species Act (16 U.S.C. 1531) and critical wildlife habitat;

(C) riparian and wetland areas;

(D) sites included on the National Register of Historic Sites and archeological and cultural sites of national significance;

(E) areas where surface and groundwater resources may be adversely and permanently affected by mineral activities.

(c) PLAN AMENDMENT.—Where a land use plan has been completed, or where substantial progress has been made toward completion of such a plan and the Secretary determines that completion and subsequent amendment of the land use plan would better serve the purposes of this section than initiating a new planning cycle, the Secretary shall take appropriate steps to amend the land use plan to comply with the provisions of this section. An amendment to a land use plan made pursuant to this subsection shall not initiate a new land use planning cycle.

(d) SCHEDULE.—Within 90 days after the the date of enactment, the Secretary shall review the status of land use plans to determine whether or not such plans conform with the requirements of this section and shall publish a schedule for amending existing land use plans with priority given to those areas of interest for mineral development. All plan amendments required by this section shall be completed within six years after the date of enactment.

(e) CONSISTENCY WITH PLANS.—The Secretary shall not approve a plan of operations pursuant to section 104 of this Act unless such plan includes applicable conditions or restrictions as required by this section.

SEC. 203. RECLAMATION.

(a) GENERAL.—The mining area shall be reclaimed in accordance with reclamation standards promulgated by the Secretary. The Secretary shall require the claimant to reclaim all surface disturbances, at a minimum, to a condition capable of supporting the same level of productive uses as existed prior to any mineral activities. Reclamation shall be conducted concurrently with operations to the maximum extent feasible.

(b) STANDARDS.—Reclamation standards shall include, but not be limted to, provisions to require the following:

(1) topsoil protection and replacement;

(2) revegetation to pre-mining production capability;

(3) soil and slope stability;

(4) reclamation of roads and other transportation and conveyance facilities;

(5) permanent sealing of all tunnels and portals;

(6) protection of surface and ground water quality and quantity;

(7) reclamation of surface and ground water quality and quantity;

(8) leach pad stabilization and neutralization;

(9) safe disposal of hazardous and toxic materials; and

(10) recontouring of dumps, heaps, and other disturbances to minimize visual impacts and blend the mining area to natural topography.

SEC. 204. FINANCIAL GUARANTEES.

(a) STANDARDS.—The Secretary shall establish by regulation such standards as may be necessary to ensure that an adequate bond, surety, or other financial guarantee will be established prior to the commencement of any mineral activity causing more than minimal disturbance to the environment, to ensure the complete and timely reclamation of the mining area. Such bond, surety, or other financial guarantee shall be conditioned upon compliance with the plan of operations required pursuant to this Act and all applicable laws and regulations.

(b) MINIMUM AMOUNT.—The Secretary shall establish by regulation minimum bond amounts or equivalent financial guarantees for mineral activities. Such minimum amounts or equivalent financial guarantees shall not be less than $10,000 per acre for mineral activities using cyanide in heap leaching operations.

(c) REVIEW.—The Secretary shall review the bond, surety, or other financial guarantee for sufficiency (1) when a plan of operations is modified pursuant to section 104 of this Act, or (2) not less than every five years.

(d) PHASED BONDING.—The Secretary may reduce proportionately the amount of bond, surety, or financial guarantee upon determination that any portion of reclamation is completed in accordance with this Act and all applicable laws and regulations.

(e) BOND RELEASE.—The Secretary shall provide for public notice prior to any reduction in, or final release of, a bond or other financial guarantee.

SEC. 205. INSPECTIONS.

The Secretary shall conduct inspections of mining areas included in a plan of operations at least twice a year to determine compliance with the requirements set forth in this Act and all other applicable laws and regulations. Such inspections shall occur without prior notice to the claimant.

SEC. 206. ENFORCEMENT.

(a) GENERAL.—The district courts of the United States shall have jurisdiction over cases and controversies arising out of, or in connection with, any claim located under this Act.

(b) ACTIONS FOR RELIEF.—At the request of the Secretary, the Attorney General or the appropriate United States Attorney is authorized to institute a civil action in the district court of the United States for a civil action in the district court of the United States for a temporary restraining order, injunction, or other appropriate remedy to enforce any provision of this Act, any regulation or order issued under this Act, or any provision of a plan of operations approved pursuant to this Act.

(c) CIVIL PENALTIES.—If any person fails to comply with any provision of this Act, or any provision of a plan of operations approved pursuant to this Act, or any regulation or order issued under this Act, after notice of such failure and expiration of any reasonable period allowed for corrective action, such person shall be liable for a civil penalty of not more than $1,000 for each day of the continuance of such failure. The Secretary may assess, collect and compromise any such penalty. No penalty shall be assessed until the person charged with a violation has been given an opportunity for a hearing.

(d) CRIMINAL PENALTIES.—Any person who knowingly and willfully: (1) violates any provision of this Act, any provision of a plan of operations approved pursuant to this Act, or any regulation or order issued under the authority of this Act designed to protect health, safety, or the environment or conserve natural resources; (2) makes any false statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under this Act; or (3) falsifies, tampers with, or renders inaccurate any monitoring device or method of record required to be maintained under this Act, shall, upon conviction, be punished by a fine of not more than $50,000, or by imprisonment for not more than five years, or both. Each day that a violation under clause (1) of this subsection continues, or each day that any monitoring device or data recorder remains inoperative or inaccurate because of any activity described in clause (3) of this subsection, shall constitute a separate violation.

(e) LIABILITY OF CORPORATE OFFICERS OR AGENTS FOR VIOLATIONS BY CORPORATION.—Whenever a corporation or other entity is subject to prosecution under subsection (d) of this section, any officer or agent of such corporation or entity who knowingly and willfully authorized, ordered, or carried out the proscribed activity shall be subject to the same fines or imprisonment, or both, as provided for under subsection (d) of this section.

(f) CONCURRENT AND CUMULATIVE NATURE OF PENALTIES.—The remedies and penalties prescribed in this Act shall be concurrent and cumulative and the exercise of one shall not preclude the exercise of the others. Further, the remedies and penalties prescribed in this Act shall be in addition to any other remedies and penalties afforded by any other law or regulation.

SEC. 207. CITIZEN SUITS.

(a) CIVIL ACTIONS.—Except as provided in subsection (b) of this section, any person having an interest which is or may be adversely affected may commence a civil action on such person's behalf to compel compliance with this Act—

(1) against the United States where the United States is alleged to be in violation of the provisions of this Act or of any rule, regulation order or permit issued pursuant thereto, or against any other person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to this title; or

(2) against the Secretary where there is alleged:

(A) a failure of the Secretary to perform any act or duty under this Act which is not discretionary with the Secretary; or

(B) where the Secretary acts arbitrarily or capriciously or in a manner inconsistent with the law.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties.

(b) NOTICE.—No action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice in writing of the violation to the Secretary and to any alleged violator; or

(B) if the Secretary has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the provisions of this Act, or any rule, regulation, order, or permit issued pursuant to this Act, but in any such action in a court of the United States any person may intervene as a matter of right; or

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice in writing of such action to the Secretary, in such manner as the Secretary shall by regulation prescribe, except that such action may be brought immediately after such notification in the case where the violation or order complained of constitutes an imminent threat to the environment or to the health or safety of the public or would immediately affect a legal interest of the plaintiff.

(c) RIGHT OF SECRETARY TO INTERVENE.—In any action under this section, the Secretary, if not a party, may intervene as a matter of right.

(d) COSTS.—The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(e) OTHER RIGHTS.—Nothing in this section shall restrict any right which any person, or any class of persons, may have under any statute or common law to seek enforcement of any of the provisions of this Act and the regulations thereunder, or to seek any other relief, including relief against the Secretary.

(f) DEFINITION.—For the purposes of this section only the word "person" shall include governmental units, including municipalities.

TITLE III—HARDROCK ABANDONED MINE RECLAMATION FUND

SEC. 301. ABANDONED HARDROCK MINE RECLAMATION.

(a) ESTABLISHMENT.—There is established on the books of the Treasury of the United States a trust fund to be known as the Abandoned Hardrock Mine Reclamation Fund (hereinafter referred to as the 'Fund'). The Fund shall be administered by the Secretary acting through the Director, Bureau of Land Management. For the purposes of this title only, "Secretary" means the Secretary of the Interior and "hardrock" means all minerals and mineral materials other than coal and fluid minerals.

(b) AMOUNTS.—The following amounts shall be credited to the Fund for the purposes of this Act:

(1) All monies received (after the commencement of the first fiscal year beginning after the enactment of this subtitle) from the disposal of mineral materials pursuant to section 3 of the Act of July 31, 1947 (30 U.S.C. 603) to the extent such monies are not specifically dedicated to other purposes under other authority of law.

(2) All monies received pursuant to section 106(a) of this Act.

(3) Donations by persons, corporations, associations, and foundations for the purposes of this title.

(4) Such other amounts as may be appropriated to the Fund.

SEC. 302. USE AND OBJECTIVES OF THE FUND.

(a) IN GENERAL.—The Secretary is authorized to use monies in the Fund for the reclamation and restoration of land and water resources adversely affected by past hardrock mining, including but not limited to, any of the following:

(1) Reclamation and restoration of abandoned surface mined areas.

(2) Reclamation and restoration of abandoned milling and processing areas.

(3) Sealing and filing abandoned deep mine entries.

(4) Planting of land adversely affected by past mining to prevent erosion and sedimentation.

(5) Prevention, abatement, treatment or control of water pollution created by abandoned mine drainage.

(6) Control of surface subsidence due to abandoned deep mines.

(7) Such expenses as may be necessary to accomplish the purposes of this title.

(b) PRIORITIES.—Expenditure of monies from the Fund shall reflect the following priorities in the order stated:

(1) The protection of public health, safety, general welfare and property from extreme danger from the adverse effects of past hardrock mining.

(2) The protection of public health, safety, general welfare and property from the adverse effects of past hardrock mining.

(3) The restoration of land and water resources previously degraded by the adverse effects of past hardrock mining practices.

SEC. 303. ELIGIBLE AREAS.

(a) ELIGIBILITY.—Lands and waters eligible for reclamation expenditures under this title shall be any lands—

(1) which were mined for hardrock minerals or which were affected by such mining or by mineral processing, and abandoned or left in an inadequate reclamation status prior to the effective date of this Act; and

(2) for which there is no continuing reclamation responsibility under State or Federal laws.

In determining the eligibility under this subsection of Federal lands and waters under the jurisdiction of the Forest Service or Bureau of Land Management, in lieu of the date referred to in paragraph (1), the applicable date shall be August 28, 1974, and November 26, 1980, respectively.

(b) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—Sites and areas desginated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or coal sites which are eligible for reclamation pursuant to the Surface Mining Control and Reclamation Act (30 U.S.C. 1201 et seq.) shall not be eligible for expenditures from the Fund under this title.

SEC. 304. FUND ALLOCATION AND EXPENDITURES.

(a) ALLOCATIONS.—(1) Monies available for expenditures from the Fund shall be allocated on an annual basis by the Secretary in the form of grants to eligible States, or in the form of expenditures under section (b) of this section, to accomplish the purpose of this title.

(2) The Secretary shall distribute monies from the Fund to eligible States and to the entities described under subsection (b) based on the greatest need for such monies pursuant to the priorities stated in section 302(b) of this Act.

(b) DIRECT FEDERAL EXPENDITURES.—Where a State is not eligible, or in instances where the purpose of this title may best be accomplished otherwise, monies available from the Fund may be:

(1) Expended directly by the Secretary for lands under the jurisdiction of the Secretary and all other lands, excluding lands under the jurisdiction of the Secretary of Agriculture.

(2) Expended through grants made by the Secretary to the Chief, Forest Service.

SEC. 305. STATE RECLAMATION PROGRAMS.

(a) ELIGIBLE STATES.—For the purpose of section 304(a) of this Act, an 'eligible State' is one which the Secretary determines to meet each of the following requirements:

(1) Within the State are lands and waters eligible for reclamation pursuant to section 303.

(2) The State had developed an inventory of such areas following the priorities established under section 302(b).

(3) The State has established, and the Secretary has approved, a State abandoned hardrock mine reclamation program for the purpose of receiving and administering grants under this title.

(b) MONITORING.—The Secretary shall monitor the expenditure of State grants to ensure they are being utilized to accomplish the purposes of this title.

(c) STATE PROGRAMS.—(1) The Secretary shall approve a State abandoned hardrock mine reclamation program submitted to the Secretary by a State pursuant to this Act if the Secretary finds that the State has the ability, and necessary State legislation, to implement such program and that the program complies with the provisions of this title and the regulations of the Secretary under this subtitle.

(2) No State shall be liable under any provision of Federal law for any costs or damages as a result of action taken or omitted in the course of carrying out an approved State abandoned hardrock mine reclamation program under this section. This paragraph shall not preclude liability for cost or damages as a result of gross negligence or intentional misconduct by the State. For purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS; TERMINATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Amounts credited to the Fund are authorized to be appropriated for the purpose of this Act without fiscal year limitations.

(b) TERMINATION.—The Fund established under this Act and the authorities provided in this title shall terminate September 30, 2007.

(c) RULEMAKING.—The Secretary shall promulgate such rules as may be necessary to implement the amendments made by this section by the effective date of this Act.

TITLE IV—SAVINGS AND ADMINISTRATIVE PROVISIONS

SEC. 401. CLAIM AND PATENT LIMITATIONS.

(a) EFFECTIVE DATE.—Notwithstanding any other provision of law, after the effective date of this Act, a claim for locatable minerals may be located, recorded and maintained only in accordance with this Act.

(b) PATENTS.—Notwithstanding any other provision of law, with respect to any mining claim located pursuant to the Mining Law of 1872, no patent for such claim shall be issued after (date of introduction), except for those claims for which a patent application had been filed and all requirements for a patent have been fully complied with by such date.

SEC. 402. EXISTING CLAIMS.

(a) SURFACE MANAGEMENT RULES.—Notwithstanding any other provision of law, as of the effective date of this Act, all claims located pursuant to the Mining Law of 1872 prior to the effective date of this Act shall be subject to the requirements of section 104 and Title II of this Act.

(b) CONVERSION.—Notwithstanding any other provision of law, as of the effective date of this Act, the holder of any mining claim located and maintained pursuant to the Mining Law of 1872 which was located on or before the effective date of this Act shall have the exclusive right to convert the claim under this subsection by filing a copy of the notice of location required by section 101(b) of this Act with the Secretary. The provisions of this Act shall apply to any such claim, effective upon the filing of such notice. Upon such conversion, any distinction between lode and placer claims shall be eliminated. Upon such conversion, valid existing extralateral rights associated with a converted claim may be maintained, subject to the payment by the holder of the extralateral rights of the annual holding fee determined by the Secretary to be equivalent to those required by section 102 of this Act.

(c) UNCONVERTED CLAIMS.—Notwithstanding any other provision of law, on the date 3 years after the effective date of this Act, each unpatented mining claim which was located on or before the effective date of this Act pursuant to the Mining Law of 1872 and not converted pursuant to subsection (b) of this section shall be deemed conclusively to be abandoned and shall be null and void by operation of the law.

(d) INTERIM PERIOD.—During the 3-year period referred to in subsection (c) of this section, no claim shall be located under this Act if the land subject to such claim is encumbered by a valid claim located and maintained pursuant to the Mining Law of 1872.

(e) CLOSED LANDS.—Claims located and maintained pursuant to the Mining Law of 1872 on mineral lands are no longer as of the date of enactment of this Act subject to mineral location, for which there is a valid discovery as of the date of enactment of this Act, shall be subject to the requirements of subsections (a) and (c) of this section and are eligible for conversion pursuant to subsection (b) of this section.

(f) MILL SITE CLAIMS.—Notwithstanding any other provision of law, as of the effective date of this Act, the holder of a mill site claim located and maintained pursuant to the Mining Law of 1872 may submit to the Secretary, and the Secretary shall approve subject to the requirements of section 103 of this Act, an application for a surface use permit pursuant to section 103 of this Act. For 3 years after the effective date of this Act, the Secretary shall not accept an application for a surface use permit for lands encumbered by a mill site claim located pursuant to the Mining Law of 1872 prior to the effective date of this Act from a person who is not the claimant of such mill site claim. Notwithstanding any other provision of law, on the date 3 years after the effective date of this Act, each mill site claim for which a surface use permit application has not been submitted to the Secretary pursuant to this subsection shall be deemed conclusively to be abandoned and shall be null and void by operation of the law.

SEC. 403. MINERAL MATERIALS AMENDMENTS.

(a) ACT OF JULY 31, 1947.—The Act of July 31, 1947 (30 U.S.C. 601), is amended as follows:

(1) Section 1 is amended by striking "common varieties of" in the first sentence;

(2) Section 3 of the Act of July 23, 1955 (30 U.S.C. 611) is amended by inserting "(a)" before the first sentence and by adding the following new subsection at the end thereof:

"(b) No deposit of a mineral material, including, but not necessarily limited to, sand, stone, gravel, pumice, pumicite, ciders, or clay, shall be deemed to have some property giving it a distinct and special value so as to be deemed subject to mineral location. All mineral materials shall only be subject to disposition under the terms and conditions of the Materials Act of 1947.".

(b) CONVERSION.—(1) All valid claims located prior to enactment of this Act for a mineral material asserted to have some property giving it distinct and special value under the Mining Law of 1872, shall be deemed conclusively to be abandoned and shall be null and void by operation of law unless the claimant demonstrates to the Secretary, within three years after the effective date of this Act, that (1) mineral material exists on the claim in a quantity and quality which will support current commercial production, at a profit; and (2) the mineral material possesses a distinct and special value under the Mining Law of 1872. If the claimant is not currently producing the mineral material from the claim in commercial quantities, but the Secretary determines that the claim meets the standards of the previous sentence, the claim shall nevertheless be extinguished unless the claimant files, and the Secretary approves, a plan of operations pursuant to section 104 of this Act within three years after the date of enactment of this Act.

(2) Upon successful demonstration of the requirements of paragraph (1), such valid claims shall be eligible for conversion pursuant to section 402(b) of this Act.

(c) Notwithstanding any other provision of law, after the effective date of this Act, all mining claims located prior to enactment of this Act for a mineral material asserted to have some property giving it a distinct and special value under the Mining Law of 1872 shall be subject to the requirements of section 104 and Title II of this Act.

(d) REPEALER.—(1) The Act of August 4, 1892 (30 U.S.C. 161), commonly known as the Building Stone Act, is hereby repealed.

(2) The Act of January 31, 1901 (30 U.S.C. 162), commonly known as the Saline Placer Act, is hereby repealed.

(e) MINERAL MATERIALS DISPOSAL CLARIFICATION.—Section 4 of the Act of July 23, 1955 (30 U.S.C. 612) is amended as follows:

(1) In subsection (b) insert "and mineral materials" after "vegetative".

(2) In subsection (c) insert "and mineral materials" after "vegetative".

SEC. 404. SAVINGS CLAUSE.

Nothing in this Act shall be construed to repeal or modify any existing law that prohibits or restricts the application of the Mining Law of 1872 to public domain lands where such law provides for greater protection of such lands than the provisions of this Act. Nothing in this Act shall be construed to effect preemption of State laws or regulations where such laws or regulations provide for greater protection of the environment, including state laws or regulations requiring higher bonding amounts or more stringent reclamation standards than this Act, except for preemption of state and local location and filing requirements pursuant to section 101(e) of this Act.

SEC. 405. ADMINISTRATIVE PROVISIONS.

(a) JURISDICTION.—As of the effective date of this Act, the Secretary of Agriculture shall have full authority to administer all activities relating to the Mining Law of 1872 and this Act on National Forest System lands.

(b) ADMINISTRATION.—The Secretary of the Interior and the Secretary of Agriculture shall consult and cooperate in the administration of the Mining Law of 1872 and this Act, including on administrative appeals, to provide consistent standards, efficiencies in operation and service to the public.

(c) REGULATIONS.—The Secretary shall issue final regulations to implement this Act within 1 year after the date of enactment of this Act. The regulations shall be effective upon publication in the Federal Register. Within 30 days after the publication of the regulations, the Secretary shall give notice to holders of mining and mill site claims maintained under the Mining Law of 1872 as to the requirements of this Act. Procedures for notice shall be established as part of the regulations. Except as otherwise provided in this Act, the Secretary of the Interior and the Secretary of Agriculture may promulgate joint regulations to implement this Act, and shall promulgate joint regulations to implement sections 101, 102, 107, 401, 402 and 403 of this Act.

(c) USER FEES.—(1) The Secretary shall establish and collect from claimants such user fees as may be necessary to reimburse the United States for a portion of the expenses incurred in administering this Act.

(2) The Secretary shall adjust the recordation fee, annual holding fee, and the surface

use fee each year for inflation, employing the Consumer Price Index published by the Department of Labor as the basis for adjustment.

(d) REPEALER.—On the date four years after the enactment of this Act, the Mining Law of 1872, and the filing requirements of section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744), are hereby repealed.

MINING LAW REFORM ACT OF 1991

SUMMARY OF MAJOR PROVISIONS

Mining Claims

May be located on "mineral lands" (public domain lands open to mineral entry under the 1872 mining law, excluding wilderness study areas and areas recommended by agency for wilderness designation)

Maximum claim size 80 acres

Claimant files notice of location and $100 recordation fee with the Secretary

Claimant has exclusive right of possession of claimed land for mineral activities if claim located, recorded and maintained in compliance with Act

Claim expires after 20 years if no production in that time period (extension for "bona fide efforts" to produce)

Holding Fee

Annual payments required to maintain claim: $5/acre, years one through five; $10/acre, years six through ten; $15/acre, years eleven through fifteen; and $20/acre, years sixteen and thereafter.

Holding fee required ceases when royalty payments for any year exceed the applicable holding fee for that year.

Failure to pay fee nullifies claim.

Surface Use Permits

Replaces mill site claims with permit system;

Annual surface use fee of $5/acre.

Royalty

Production of minerals from a claim subject to royalty of not less than 5% of gross income from the property;

Definition of gross income keyed to detailed I.R.S. definition of gross income for purposes of depletion allowance calculation.

Plans of Operation

Similar to existing BLM/Forest Service regulations;

No mineral activity causing more than "minimal disturbance to the environment" allowed without approved plan;

Compliance with applicable land use plan, and reclamation and bonding requirements.

Land Use Plans

BLM and Forest Service land use plans must consider mineral activities;

Mineral activities may be prohibited, restricted or conditioned in land use plans subject to guidelines in the Act;

Plans of operations for mining activities must comply with restrictions or conditions imposed on specific areas by land use plan;

Existing land use plans must be amended to conform with requirements in the Act within 6 years.

Reclamation and Bonding

Secretary shall require reclamation of all surface disturbances "to a condition capable of supporting the same level of productive uses as existed prior to any mineral activities";

Secretary shall promulgate reclamation standards including standards listed in Act;

Minimum bonds or other financial guarantee of $10,000/acre.

Enforcement

Inspection of mining operations twice yearly;

Criminal and civil penalties for violations of Act or regulations;

Citizen suit provision.

Abandoned Hardrock Mine Reclamation Fund

Establishes fund for the reclamation of abandoned hardrock mines on federal, state and private land;

Funded by one third of receipts from royalties, holding fees and surface use fees and receipts from mineral materials sales under Act of July 31, 1947;

Grants to states with approved programs and to federal agencies.

Administration

Secretary of Agriculture generally has full authority over administration of Act in National Forests, Secretary of the Interior for other federal lands;

Implementing regulations required within one year;

Effective date of Act: one year after enactment;

Recordation fees earmarked for administration of Act;

All other receipts shared with States and Abandoned Hardrock Mine Reclamation fund.

Existing Claims Transition

Holder of valid mining claim has exclusive right to relocate claim under Act for three years after effective date;

Claims not converted within the three year period are null and void;

No patents issued for existing claims unless application filed and all requirements complied with by date of introduction.

Miscellaneous

Mineral Materials Act of 1947 amended to eliminate the "uncommon varieties" exception.

By Mr. SHELBY:

S. 434. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Governmental Affairs.

LANGUAGE OF GOVERNMENT ACT

• Mr. SHELBY. Mr. President, I stand before the Senate today seeking a new commitment: To establish English as our official language of government through the passage of the Language of Government Act of 1991. The time has come to formulate a clear language policy for our country. We need to say to those who come here and those who live in our great land that it is important to know and understand English. It is important to know the language spoken by 98 percent of our people.

I can think of no more important reason for committing to a common language than unity. More than 150 languages are represented in the United States and the acknowledgment of a common language is becoming increasingly essential. Can you imagine the chaos in the Persian Gulf if the Armed Forces of the United States had to operate in 150 different languages? Our forces have recognized the necessity of being able to communicate in a single language, and they have conducted all internal military functions in English for the sake of a unified command.

Mr. President, the Language of Government Act that I am introducing today establishes a commitment to our national language—not because English is better than any other language, but because it is our common language. Communication among our diverse population is essential to the political, economic, and social well-being of our Nation.

A recent Gallop poll proves to critics that the public overwhelmingly supports English as our official language: 78 percent of Americans favor declaring English the official language of Government in the United States. This support cuts across all political and ethnic lines. Eighty-eight percent of respondents with a native language other than English said that official English legislation would not discriminate against them. Currently, 18 States have designated English as their official language of government. More than 10 million voters have supported this issue.

Mr. President, the Language of Government Act of 1991 does not regulate the use of English outside of government. It does not interfere with the teaching of other languages. It has nothing to do with the language of the home, the church, or the conversation between two neighbors over the back fence. It does not restrict anyone's freedom of speech. The Language of Government Act involves the language of public business, not private enterprise.

Because our Government operates in English, this law will change very little about the way the Government conducts its business. The Language of Government Act of 1991 is preventive legislation designed to avoid the increasing threat of a situation in the United States, similar to the one facing our neighbors in Canada, by designating a precise language of communication for governing. By making English our official language, we reaffirm our belief that a common language promotes unity and serves as a bridge for understanding in our diverse society.

Mr. President, stable government unifies a nation. Efficient communication among the branches of government and among our people enables stability amid diversity. This act mandates a precise, unequivocal form of communication for our Nation's government, and I urge my colleagues to join me in its passage.•

By Mr. LEVIN:

S. 444. A bill to extend and revise the District of Columbia Civil Contempt Imprisonment Limitation Act of 1989, and for other purposes; to the Committee on Governmental Affairs.

DISTRICT OF COLUMBIA CHILD CUSTODY CIVIL CONTEMPT EXTENSION AND REVISION ACT

• Mr. LEVIN. Mr. President, In the fall of 1989, Congress passed a law to limit incarceration for civil contempt in child custody cases in the District of Columbia to 12 months. That law was prompted by the well-publicized case of Dr. Elizabeth Morgan, who spent nearly 2 years in a District jail for civil contempt for refusing to reveal her daughter's whereabouts to the court. The bill I am introducing today will extend and revise the 1989 statute.

Civil contempt is considered an inherent power of courts in this country, enabling them to enforce their decrees, vindicate their authority, and protect the rights of parties to a case. Civil contempt—as opposed to criminal contempt—is not designed to punish the party in contempt but rather to coerce that party into obeying the court's order. That's why civil contempt is also sometimes called remedial contempt. Various sanctions can be used in civil contempt cases, such as a fine that accrues day-by-day, or indefinite confinement. The key to civil contempt, however, is that the sanction ends whenever the party decides to cooperate—the fine will stop or the person will be released from jail.

The problem with civil contempt is that a person can wind up in jail for a very long time without any of the traditional due process protections people get in criminal cases. In a civil contempt proceeding, there is no right to a jury trial, no presumption of innocence, and no requirement for proof beyond a reasonable doubt. This can create a particular dilemma in child custody cases, if a parent believes he or she has a compelling reason for not obeying the court in order to protect the child.

To address these concerns, the 1989 law placed a cap of 12 months on incarceration for civil contempt in child custody cases. In addition, it called for studies on the use of civil contempt in the Federal and D.C. courts by the Judiciary and Governmental Affairs Committees, respectively. The committees have now issued their reports. While the Judiciary Committee found that no changes in Federal law are warranted, the Governmental Affairs Committee made a number of recommendations. First, the committee recommended that the law be extended past its 18-month sunset date, which comes up next month. In addition, the committee recommended that several procedural protections be added to current law in order to help assure that incarceration for civil contempt in child custody cases is fairly imposed and of appropriate duration.

The bill I am introducing today embodies a number of the recommendations contained in the Governmental Affairs Committee report. It extends the 12-month limitation on incarceration for civil contempt in child custody cases that currently exists in D.C. law. Restricting the limitation to these cases takes into account the fact that the family branch accounts for the vast majority of civil contempt proceedings that arise in the D.C. courts.

In addition, my bill adds several procedural safeguards in civil contempt proceedings arising in the context of child custody cases. This additional due process protection is warranted by the deprivation of liberty at issue in civil contempt cases. Specifically, my bill gives a party facing incarceration for civil contempt in a child custody case the right to an expedited, plenary appeal, and the right to periodic review of his or her confinement—every 30 days—to make sure that it is still serving an appropriate purpose—that is, to coerce, not to punish.

I urge my colleagues to join me in supporting this modest extension and revision of current law.•

By Mr. METZENBAUM (for himself, Mr. JEFFORDS, Mr. ADAMS, Mr. SIMON, Ms. MIKULSKI, Mr. HARKIN, Mr. KENNEDY, and Mr. DODD):

S. 445. A bill to amend the provisions of the Occupational Safety and Health Act of 1970 relating to criminal penalties, and for other purposes; to the Committee on Labor and Human Resources.

OSHA CRIMINAL PENALTY REFORM ACT

• Mr. METZENBAUM. Mr. President, I rise to introduce the OSHA Criminal Penalty Reform Act. I am pleased and proud to be joined in this effort by my ranking member of the Labor Subcommittee, Senator JEFFORDS. It is fitting that this is a bipartisan effort because tough criminal enforcement of occupational health and safety standards is not a matter of politics. This bill is about saving the lives and limbs of America's working men and women by providing a meaningful deterrent for potential violators.

Let me make one thing clear at the outset: the bill targets only those employers that willfully violate safety and health standards and thereby kill or seriously injure a worker. The vast majority of employers will not be affected by this law. For example, in fiscal year 1989, OSHA issued nearly 185,000 citations, but only 2,400 of those citations—less than 2 percent—were for willful violations. That tiny percentage of willful violators should be on notice: once this law is enacted, if you willfully kill or seriously injure a worker, you will go to prison. The threat of incarceration will force potential violators to think twice before deliberately flaunting our basic workplace safety standards.

Regrettably, there is no meaningful deterrence under current law. Simply put, OSHA's criminal enforcement record has been abysmal. The sad truth is that employers, who have willfully violated Federal job safety laws, literally are allowed to get away with murder.

Mr. President, the facts speak for themselves. In the 20 years since the enactment of the Occupational Safety and Health [OSH] Act, some 200,000 workers have died in workplace accidents. During that same period, we have been able to uncover only one employer who was sent to prison for willful violation of the law—a South Dakota contractor served 45 days in jail in 1989 for safety violations that caused a 1988 trench cave-in that killed two workers. That is truly astonishing: prior to 1989, not one employer had spent a single day in jail for violating the OSH Act. Moreover, according to a Congressional Budget Office analysis, after 19 years of inspections, OSHA has referred only 58 cases to the Department of Justice for criminal prosecution, resulting in 10 convictions. The Department of Labor's own Inspector General has decried OSHA's "appalling lack of criminal enforcement."

One of the primary reasons for this embarrassing criminal enforcement record is that the OSH Act, itself, is flawed. The current criminal penalty provisions are inadequate. If an employer willfully violates a Federal job safety law and that violation results in the death of a worker, the maximum penalty is no more than 6 months in prison—a simple misdemeanor. Let me put that in some perspective. The maximum penalty for maliciously causing the death or harassment of any "wild free-roaming horse or burro" on Federal land is 1 year in prison, twice as long as the current maximum penalty for willfully killing a worker. Moreover, there is no penalty whatsoever for a willful violation that seriously injures, maims or cripples a worker.

The OSHA Criminal Penalty Reform Act puts real teeth in OSHA's criminal eforcement scheme. The bill increases the penalty for a willful violation resulting in death from 6 months to 10 years. It also creates a new criminal sanction for a willful violation that results in serious bodily injury to a worker. In addition, the bill makes clear that an individual convicted of an occupational crime will not be allowed to rely on corporate assets to pay any fines imposed for the violation. Finally, the bill expressly preserves the right of State and local authorities to prosecute violators under State or local law.

Mr. President, I am under no illusions that this bill will produce significant criminal enforcement actions overnight. But providing for real penalties is a necessary first step in the development of an effective criminal enforcement scheme.

The development of criminal environmental enforcement is a case in point. In 1980, Congress first enacted tough environmental criminal penalties. Those penalties sent a message to investigators and prosecutors to commit time and resources to stepped-up criminal enforcement. As a result, in the last 3 years, the Environmental Protection Agency and the Justice Department have joined forces to prosecute over 400 cases involving environmental crimes, with cumulative jail sentences totaling nearly 300 years. Moreover, Congress has continued to support this effort by increasing the number of investigators and prosecutors devoted to criminal environmental enforcement.

OSHA should follow EPA's lead. I am particularly encouraged because new Secretary of Labor Lynn Martin championed efforts last Congress to increase the number of environmental criminal investigators. Secretary Martin has recognized the importance of effective criminal enforcement for a clean environment. Such enforcement is equally important for a safe and healthy workplace. I am eager to work with her and Senator JEFFORDS to move this legislation forward.

The OSHA Criminal Penalty Reform Act will help bring criminals to justice. The increased penalties will provide the necessary incentives to encourage the prosecution of violators. The bill sends an emphatic message to corporate criminals: If you willfully kill or maim a worker you will pay stiff fines and do hard time in Federal prison. This message should provide a strong deterrent to potential violators. The bill is a small step that can have a large impact on protecting America's working men and women.

I urge all my colleagues to support this important legislation. I ask unanimous consent that the bill be included in the RECORD at the conclusion of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "OSHA Criminal Penalty Reform Act".

SEC. 2. OSHA CRIMINAL PENALTIES.

(a) IN GENERAL.—Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) is amended—

(1) in subsection (e)—

(A) by striking "fine of not more than $10,000" and inserting "fine in accordance with section 3571 of title 18, United States Code,";

(B) by striking "six months" and inserting "10 years";

(C) by striking "fine of not more than $20,000" and inserting "fine in accordance with section 3571 of title 18, United States Code,";

(D) by striking "one year" and inserting "20 years";

(2) in subsection (f), by striking "fine of not more than $1,000 or by imprisonment for not more than six months, " and inserting "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 2 years,";

(3) in subsection (g) by striking "fine of not more than $10,000, or by imprisonment for not more than six months," and inserting "fine in acccordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 1 year,";

(4) by redesignating subsections (h) through (l) as subsections (i) through (m), respectively;

(5) by inserting after subsection (g) the following new subsection:

"(h) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, and that violation causes serious bodily injury to any employee but does not cause death to any employee, shall, upon conviction, be punished by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 5 years, or by both, except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 10 years, or by both."; and

(6) by adding at the end the following new subsection:

"(n) If a penalty or fine is imposed on a director, officer, or agent of an employer under subsection (e), (f), (g), or (h), such penalty or fine shall not be paid out of the assets of the employer on behalf of that individual.".

(b) DEFINITION.—Section 3 of such Act (29 U.S.C. 652) is amended by adding at the end the following new paragraph:

"(15) The term 'serious bodily injury' means bodily injury that involves—

"(A) a substantial risk of death;

"(B) protracted unconsciousness;

"(C) protracted and obvious physical disfigurement; or

"(D) protracted loss or impairment of the function of a body member, organ, or mental faculty.".

(c) JURISDICTION FOR PROSECUTION UNDER STATE AND LOCAL CRIMINAL LAWS.—Section 17 of such Act (29 U.S.C. 666) (as amended by subsection (a) of this section) is further amended by adding at the end the following new subsection.

"(o) Nothing in this Act shall preclude State and local law enforcement agencies from conducting criminal prosecutions in accordance with the laws of such State or locality.".

By Mr. BAUCUS:

S. 446. A bill to amend the Federal Unemployment Tax Act with respect to employment performed by certain employees of educational institutions; to the Committee on Finance.

EXTENSION OF UNEMPLOYMENT BENEFITS TO NONPROFESSIONAL SCHOOL EMPLOYEES

• Mr. BAUCUS. Mr. President, today I am introducing legislation to allow States to extend unemployment compensation benefits to nonprofessional school employees between academic terms. This is identical to bills introduced in the 100th and 101st Congresses by our late and esteemed colleague, Spark Matsunaga.

The Social Security Amendments of 1983—Public Law 98-21—contained a provision requiring States to deny unemployment compensation benefits to nonprofessional educational service employees between academic years or terms if the employees have a "reasonable assurance" of returning to work in the next academic year. Before adoption of this provision, States had the option to grant or deny unemployment compensation benefits to such workers during these periods.

Mr. President, the legislation I am introducing today would reinstate the State option to provide or deny unemployment compensation benefits between academic terms to nonprofessional educational workers such as cafeteria workers, custodians, crossing guards, and secretaries. The current blanket denial of benefits to nonprofessional educational employees is particularly harmful to such workers because they are among the lowest paid workers in the United States. With the exception of educational employees and professional athletes, all other employees with major seasonal occupations are eligible to apply for unemployment compensation benefits. In addition, adequate mechanisms already exist within the Federal-State unemployment compensation system for denying unworthy benefit claims. Upon the enactment of this legislation, nonprofessional educational employees would have to satisfy the eligibility requirements set forth under State law for receiving unemployment compensation benefits.

This legislation is consistent with the basic objective of the Unemployment Compensation Program, which is to provide temporary protection for qualified workers who lose their jobs until they may be rehired or find new employment. It also has a very minimal cost. Most importantly, this bill would remove an inequity in our current program and restore to States their right to determine whether one group of people should be eligible for benefits. I urge my colleagues to support this much needed bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMPLOYEES PROVIDING SERVICES TO EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (ii)(I), (iii), and (iv) of section 3304(a)(6)(A) of the Internal Revenue Code of 1986 (relating to approval of State laws) are each amended by striking out "shall be denied" and inserting in lieu thereof "may be denied".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of compensation paid for weeks beginning on or after the date of the enactment of this Act.•

By Mr. THURMOND (for himself and Mr. Brown):

S. 447. A bill to recognize the organization known as the Retired Enlisted Association, Incorporated; to the Committee on the Judiciary.

RETIRED ENLISTED ASSOCIATION, INCORPORATED

• Mr. THURMOND. Mr. President, I am pleased to introduce today, along with Senator Brown, legislation which would grant a Federal charter to the Retired Enlisted Association. TREA was chartered by the State of Colorado in 1963. Senator Armstrong introduced identical legislation in past Congresses. Last year his bill, S. 670, passed the Senate with the bipartisan support of 53 cosponsors, but unfortunately, no action was taken in the House.

TREA is a nonprofit corporation which is open to membership to any enlisted person retired from the armed services of the United States for length of service or permanently medically retired. The organization has over 40 chapters nationwide with approximately 50,000 members representing all 50 States, Guam, Puerto Rico, the Virgin Islands, and overseas. In a practical sense, TREA serves its members by lobbying Congress to protect the rights and benefits of retired military personnel and to alert members to legislation which affects them. TREA also promotes national security objectives, runs a scholarship program and veterans assistance programs.

The members of TREA are those brave men and women who answered the call of their country when they were needed, and who served with honor, dedication, and personal sacrifice. It is most appropriate that the Congress of the United States recognizes this organization and gratefully acknowledges the service its members gave to our country.

I urge my colleagues to join me in cosponsoring this legislation so that TREA may further its work on behalf of enlisted retirees.•

By Mr. SYMMS (for himself, Mr. Packwood, Mr. Riegle, Mr. Chafee, Mr. Moynihan, Mr. DeConcini, Mr. Durenberger, and Mr. Helms):

S. 448. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees; to the Committee on Finance.

PENSION ARRANGEMENTS BY TAX-EXEMPT ORGANIZATIONS

• Mr. SYMMS. Mr. President, I rise today to introduce a bill to allow employers who happen to be 501(c) tax-exempt organizations to offer their employees deferred compensation plans or so-called 401(k) plans. I am happy to have as original cosponsors Senators Packwood, Riegle, Chafee, Moynihan, DeConcini, Durenberger, and Helms.

My colleagues may find this hard to believe, but a few years back the Congress made a little mistake.

When the 1986 Tax Reform Act was passed, only those 501(c) tax-exempt employers who had already established so-called 401(k) plans were allowed to offer them to their employees. Organizations which did not yet have a plan were prohibited from establishing one because it was thought at the time that other forms of salary reduction plans would be available. That's where the Congress erred. No such alternatives are available, and as a result many people who work for unions, agricultural co-ops, local chambers of commerce, and all other tax-exempt groups don't have the same saving opportunities as do employees of for-profit companies.

In introducing this bill, I am trying to establish a little fairness in the tax code by allowing employees of tax-exempt organizations to offer 401(k) plans to their employees.

The 401(k) retirement plan is one of the most effective and popular plans around. It allows employees to have their employers contribute pretax dollars to a trust on their behalf as long as certain rules which apply generally to tax-exempt plans are met, such as nondiscrimination rules. It is popular with employees because the plan gives them some control over how much of their compensation will be contributed in any given period. And it is popular with employers because it creates no new financial pressures when cash is tight.

The popularity of the 401(k) makes it all the more important that they be available as part of all employers' pay packages. Retirement packages are a critical area of employee compensation, and an important hiring tool. Because many tax-exempt employers can't offer 401(k) plans to their employees, they are at a competitive disadvantage in hiring and retaining qualified employees. It certainly doesn't seem to make much sense to encourage the establishment of tax-exempt organizations and then to make it more difficult for them to hire good people to do the job.

Late last year I introduced S. 2356 to set the matter straight and 26 Senators cosponsored the bill. The bill was identical to the Finance Committee provision that was adopted in committee in 1989 and subsequently deleted when all provisions which cost money were dropped.

Tax fairness seems to be the buzz phrase this year. I hope we can build on last year's momentum and create a little tax fairness by passing this bill.

I ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX-EXEMPT ORGANIZATIONS ELIGIBLE FOR SECTION 401(k) PLANS.

(a) In General.—Subparagraph (B) of section 401(k)(4) of the Internal Revenue Code of 1986 ia amended to read as follows:

"(B) State and local governments not eligible.—A cash or deferred arrangement shall not be treated as a qualified cash or deferred arrangement if it is a part of a plan maintained by a State or local government, or political subdivision thereof, or any agency or instrumentality thereof. This subparagraph shall not apply to a rural cooperative plan."

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 1991•

• Mr. PACKWOOD. Mr. President, I am pleased to join my distinguished colleague from Idaho, Senator Symms, in introducing a bill which would permit tax-exempt organizations to offer 401(k) plans to their employees. In 1989 during the Senate Finance Committee's consideration of the budget reconciliation bill, I offered an amendment to expand the availability of 401(k) plans to employees of tax-exempt organizations. The Senate Finance Committee adopted this amendment, but the provision was ultimately stripped from the Senate budget reconciliation bill under Senate procedural rules.

I know of no policy reason to deny the use of 401(k) plans to tax-exempt organizations. Tax-exempt organizations should be permitted to offer their employees the same benefits as can be offered by taxable corporations. I urge my colleagues to join us in extending the use of 401(k) plans to tax-exempt organizations.•

By Mr. D'AMATO:

S. 449. A bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland; to the Committee on Finance.

NORTHERN IRELAND FAIR EMPLOYMENT PRACTICES ACT

• Mr. D'AMATO. Mr. President, I rise today to introduce the Northern Ireland Fair Employment Practices Act, which seeks to deter efforts to use the workplace as an arena of discrimination in Northern Ireland.

The Northern Ireland Fair Employment Practices Act incorporates the MacBride Principles, which are modeled after the famous Sullivan Principles, one of the initial efforts to apply United States pressure to change the system of apartheid in South Africa. The MacBride Principles are named in honor of the late Sean MacBride, winner of the Nobel Peace Prize and cofounder of Amnesty International.

This legislation will enlist the cooperation of the United States companies active in Northern Ireland in the campaign to force the end of discrimination in the workplace by:

First, eliminating religious discrimination in managerial, supervisory, administrative, clerical, and technical jobs and significantly increasing the representation in such jobs of individuals from underrepresented religious group;

Second, providing adequate security for the protection of minority employees at the workplace;

Third, banning provocative sectarian and political emblems from the workplace;

Fourth, publicly advertising all job openings and undertaking special recruitment efforts to attract applicants from underrepresented religious groups, and establishing procedures to identify and recruit minority individuals with potential for further advancement, including managerial programs;

Fifth, establishing layoff, recall, and termination procedures which do not favor particular religious groupings;

Sixth, abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religious or ethnic origin;

Seventh, developing and expanding upon existing training and educational programs that will prepare substantial numbers of minority employees for managerial, supervisory, administrative, clerical, and technical jobs; and

Eighth, appointing a senior managment staff member to oversee the U.S. company's compliance with the principles described above.

It is at the workplace in Northern Ireland, which can be used to either foster or eliminate discrimination, where improving the employment opportunities for the underprivileged will help factor out the economic causes of the current strife in Northern Ireland and, hopefully, begin the process toward a peaceful resolution of the so-called troubles.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Ireland Fair Employment Practices Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Overall unemployment in Northern Ireland exceeds 14 percent.

(2) Unemployment in some neighborhoods of Northern Ireland comprised of religious minorities has exceeded 70 percent.

(3) The British Government Fair Employment Commission (F.E.C.), formerly the Fair Employment Agency (F.E.A.), has consistently reported that a member of the minority community is 2½ times more likely to be unemployed than a member of the majority community.

(4) The Industrial Development Organization for Northern Ireland lists 25 firms in Northern Ireland which are controlled by United States persons.

(5) The Investor Responsibility Research Center (IRRC), Washington, DC, lists 49 publicly held and 9 privately held United States companies doing business in Northern Ireland.

(6) The religious minority population of Northern Ireland is frequently subject to discriminatory hiring practices by United States businesses which have resulted in a disproportionate number of minority individuals holding menial and low-paying jobs.

(7) The MacBride Principles are a nine point set of guidelines for fair employment in Northern Ireland which establishes a corporate code of conduct to promote equal access to regional employment but does not require disinvestment, quotas, or reverse discrimination.

SEC. 3. RESTRICTION ON IMPORTS.

An article from Northern Ireland may not be entered, or withdrawn from warehouse for consumption, in the customs territory of the United States unless there is presented at the time of entry to the customs officer concerned documentation indicating that the enterprise which manufactured or assembled such article was in compliance at the time of manufacture with the principles described in section 5.

SEC. 4. COMPLIANCE WITH FAIR EMPLOYMENT PRINCIPLES.

(a) COMPLIANCE.—Any United States person who—

(1) has a branch or office in Northern Ireland, or,

(2) controls a corporation, partnership, or other enterprise in Northern Ireland,

in which more than 20 people are employed shall take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 5 are implemented and this Act is complied with.

(b) REPORT.—Each United States person referred to in subsection (a) shall submit to the Secretary—

(1) a detailed and fully documented annual report, signed under oath, on showing compliance with the provisions of this Act; and.

(2) such other information as the Secretary determines is necessary.

SEC. 5. MACBRIDE PRINCIPLES.

The principles referred to in section 4, which are based on the MacBride Principles, are as follows:

(1) Eliminating religious discrimination in managerial, supervisory, administrative, clerical, and technical jobs and significantly increasing the representation in such jobs of individuals from underrepresented religious groups.

(2) Providing adequate security for the protection of minority employees at the workplace.

(3) Banning provocative sectarian and political emblems from the workplace.

(4) Advertising publicly all job openings and undertaking special recruitment efforts to attract applicants from underrepresented religious groups.

(5) Establishing layoff, recall, and termination procedures which do not favor particular religious groupings.

(6) Providing equal employment for all employees, including implementing equal and nondiscriminatory terms and conditions of employment for all employees, and abolishing job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin.

(7) Developing training programs that will prepare substantial numbers of minority employees for managerial, supervisory, administrative, clerical, and technical jobs, including—

(A) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of minority employees;

(B) creating on-the-job training programs and facilities to assist minority employees to advance to higher paying jobs requiring greater skills; and

(C) establishing and expanding programs to enable minority employees to further their education and skills at recognized education facilities.

(8) Establishing procedures to assess, identify, and actively recruit minority individuals with potential for further advancement, and identifying those minority individuals who have high management potential and enrolling them in accelerated management programs.

(9) Appointing a senior management staff member to oversee the United States person's compliance with the principles described in this section.

SEC. 6. WAIVER OF PROVISIONS.

(a) WAIVER OF PROVISIONS.—In any case in which the President determines that compliance by a United States person with the provisions of this Act would harm the national security of the United States, the President may waive those provisions with respect to that United States person. The President shall publish in the Federal Register each waiver granted under this section and shall submit to the Congress a justification for granting each such waiver. Any such waiver shall become effective at the end of 90 days after the date on which the justification is submitted to the Congress unless the Congress, within that 90-day period, adopts a joint resolution disapproving the waiver. In the computation of such 90-day period, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or because of an adjournment of the Congress sine die.

(b) CONSIDERATION OF RESOLUTIONS.—

(1) Any resolution described in subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(2) For the purpose of expediting the consideration and adoption of a resolution under subsection (a) in the House of Representatives, a motion to proceed to the consideration of such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

SEC. 7. DEFINITIONS AND PRESUMPTIONS.

(a) DEFINITIONS.—For the purposes of this Act—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of Commerce; and

(3) the term "Northern Ireland" includes the counties of Antrim, Armagh, Londonderry, Down, Tyrone, and Fermanagh.

(b) PRESUMPTION.—A United States person shall be presumed to control a corporation, partnership, or other enterprise in Northern Ireland if—

(1) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the corporation, partnership, or enterprise;

(2) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(3) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(4) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(5) the United States person has authority to appoint the majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(6) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect 6 months after the date of enactment of this Act.●

By Mr. PELL:

S. 450. A bill to provide free mailing privileges to individuals sending letters to members of the Armed Forces engaged in military operations; to the Committee on Governmental Affairs.

FREE MAILING PRIVILEGES FOR LETTERS TO MEMBERS OF THE ARMED FORCES ENGAGED IN MILITARY OPERATIONS

● Mr. PELL. Mr. President, mail has long been the No. 1 morale booster of our troops. And for the soldiers, sailors, and air men and women stationed in the Middle East, the situation has not changed. Letters are an essential component of this gulf war. Like food and water, receiving mail is a need which is crucial to the survival of our troops.

In an effort to maintain the high morale of our troops, I am introducing legislation which will keep the mail flowing to the gulf area by extending free mailing privileges to individuals sending first class letters to members of the Armed Forces engaged in Operation Desert Storm.

Unless one has served in the military, one has no idea what a letter "mail call" means to service members. I remember sharing the letter box "P" with a friend and fellow serviceman in World War II and he used to get letters from his wife every, every day. Often his would be the only letter in our box and I always thought what a lucky man he was.

Over Labor Day last year, I led a Senate delegation to the Middle East to visit the troops and tour our region. Before I left, I had a "mail call" of sorts in my Providence office. I asked Rhode Islanders interested in sending letters or packages to relatives or friends stationed in the gulf to drop off their mail in my Providence office and I would deliver it to Saudi Arabia. The response was fantastic. From the time my office opened that morning till closing at 5 p.m., I received hundreds of letters and packages.

During this visit to the Middle East, I had the opportunity to meet with many of the brave men and women of our Armed Forces, and I learned firsthand the priority they place on the mail. While each story was different, they all had a common thread. Mail from home alleviates the feelings of loneliness and isolation in a strange land. A letter from a loved one makes it easier to cope with the hardship of hostilities.

Many families have been divided as a result of this war. Husbands from wives, mothers and fathers from sons and daughters, children from parents, relatives and friends have all been separated by a call to duty. A simple letter from one to the other can bridge that gulf between oceans and deserts and bring a feeling of closeness. Letters act as a reminder of the love and appreciation of our family and friends, a reminder which takes on added significance when facing the harsh reality of war.

We should be doing all that we can to encourage letter writing to keep the morale of the troops high. The bill I am introducing offers one opportunity to facilitate communications so that the men and women serving in the gulf area can hear from their loved ones at home. It will help to keep the mail flowing and will show our support for the troops. I urge your support.

I request unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FREE MAILING PRIVILEGES.

(a) IN GENERAL.—Chapter 34 of title 39, United States Code, is amended by inserting after section 3401 the following new section:

"§3402. Mailing privileges of individuals sending first-class letters to members of the Armed Forces engaged in military operations

"First-class letters sent to members of the Armed Forces described in section 3401(a)(1) may be mailed free of postage.".

(b) CONFORMING AMENDMENT.—The table of sections of chapter 34 of title 39, United States Code, is amended by inserting after the item related to section 3401 the following new item:

"3402. Mailing privileges of individuals sending first-class letters to members of the Armed Forces engaged in military operations.".

(c)j EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of enactment of this Act.●

By Mr. D'AMATO (for himself, Mr. PACKWOOD, Mr. DODD, and Mr. LEVIN):

S. 451. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for amounts received under qualified group legal services plan; to the Committee on Finance.

TAX TREATMENT OF GROUP LEGAL SERVICES PLAN

● Mr. D'AMATO. Mr. President, I rise today to introduce a measure that will foster the availability of legal services for everyday Americans. My colleagues Senators PACKWOOD, DODD, and LEVIN join me.

As it stands now, too many Americans are locked out financially from most law offices. The American Bar Association [ABA] estimates that only 24 million Americans claim the financial ability to access legal counsel. Legal services must not be a luxury for the privileged few.

This bill would amend section 120 of the Internal Revenue Code to make permanent the exclusion from employee's gross income the amount employers contribute to prepaid group legal services which are provided employees as a work benefit.

Making this exemption permanent will be a positive and substantial step forward in assuring that anyone who wants a lawyer can afford one.

Tax exclusion of group legal services is not a new provision. Employees have been allowed to exclude such benefits from their gross income since 1976. Initial enactment of this provision, however, was on a 5-year trial basis, which required Congress to revisit the issue in 1981 and 5 times thereafter. The recent instance was in the 101st Congress. The Omnibus Reconciliation Act of 1990 extended this provision only through 1991, thus necessitating this legislation.

Group legal services provided valuable and necessary assistance to millions of Americans. With the growing complexity of today's world, the need of ordinary citizens for legal counsel has become greater. Be it a real estate transaction, preparation of a will, or a simple divorce, Americans are frequently confronted with problems of a legal nature, which makes access to a lawyer indispensable. Group legal services are a low cost, effective source for legal counseling.

Mr. President, there is no reason why we should not make this tax exclusion a permanent part of the Tax Code. By making it permanent we remove the burden hanging over the legal service industry and clear up the uncertainty about legal service tax treatment that now troubles plan participants. Indeed, certainty in this context is crucial. It is unfair to require providers and participants to guess whether Congress will extend the exclusion or not each time the provision is due to expire. Such unpredictability retards the growth of group legal services and hampers financial planning.

As an institution, the Senate has repeatedly affirmed its commitment to assuring the availability of legal services by rebuffing efforts to scale back or eliminate the Legal Services Corporation [LSC]. Support for this measure and support for LSC share a central premise—Access to a lawyer is essential.

This measure enjoys the support of numerous business and labor organizations, in addition to the ABA.

I urge my colleagues, Mr. President, to join in our efforts to clarify once and for all the tax treatment of employer-provided group legal services.•

• Mr. PACKWOOD. Mr. President, I am pleased to join my distinguished colleague from New York, Senator D'AMATO, in introducing a bill to make permanent the exclusion from employees' gross income for employer-provided group legal service plans. Ever since 1976 when I was responsible for the enactment of the exclusion for employer-provided group legal services, employees have had to wonder whether Congress would allow this valuable benefit to be offered by employers for another year. Group legal services have proven to be a valuable benefit to millions of working men and women. These plans should be made a permanent part of the Internal Revenue Code.

The $70 exclusion for employer-provided group legal services permits low- and middle-income employees to have access to basic legal services they might not otherwise be able to afford. Services provided by group legal plans typically include will drafting, estate probates, paperwork related to the purchase or sale of a residence, and other family-related legal problems. These plans do not encourage excessive use of lawyers, but provide easy access to affordable counsel when the law occasionally intersects with people's daily lives.

I urge my colleagues to join Senator D'AMATO and myself in supporting the permanent extension of the exclusion for employer-provided group legal services.•

By Mr. DASCHLE (for himself and Mr. WIRTH):

S. 452. A bill to authorize a transfer of administrative jurisdiction over certain land to the Secretary of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

TRANSFER OF JURISDICTION OVER CERTAIN LANDS

• Mr. DASCHLE. Mr. President, I rise today, with my colleague from Colorado, Mr. WIRTH, to introduce legislation authorizing a land exchange between the States of South Dakota and Colorado. The legislation is the product of lengthy negotiations between the Forest Service, the Bureau of Land Management, the Farmers Home Administration and interested individuals, and I hope that it will receive timely consideration by the Senate.

Under the terms of the bill, a 427-acre inholding in the Black Hills National Forest in Pennington County, SD, near Newcastle, WY, would be transferred to the Forest Service. Attainment of the property would help consolidate Forest Service ownership and help improve management of the area, which is in line with Forest Service management objectives. In addition, the public will have access to a scenic area with important wildlife habitat. In Routt County, CO, the Bureau of Land Management and Mr. Charles Eckberg would each receive a portion of the land known as the Copper Spur Ranch. The Copper Spur Ranch is a 1,560-acre ranch that entered bankruptcy and was foreclosed upon by the Farmers Home Administration, and the BLM addition would improve management on adjacent BLM lands and help ensure access to the public domain.

Legislation to authorize the Ekberg-Copper Spur land exchange was before the 101st Congress, but questions among Mr. Ekberg, the BLM and the Forest Service over portions of the bill prevented action from being taken on it. The problem areas have been addressed, and I am not aware of any opposition to the proposed exchange. This exchange is a win-win situation—the FmHA will rid itself of unwanted property, the BLM and Forest Service will both obtain important new lands, and Mr. Ekberg will be treated fairly.

Mr. President, I urge my colleagues to join me in support of this bill, and ask unanimous consent to have the full text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMINISTRATIVE TRANSFER TO THE SECRETARY OF THE INTERIOR.

(a) AUTHORIZATION OF TRANSFER.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall transfer to the administrative jurisdiction of the Secretary of the Interior, without reimbursement, the approximately 840 acres of land located in Routt County, Colorado, described as the "Copper Spur Ranch—portion to BLM", as generally depicted on the map entitled "Ekberg-Copper Spur Ranch Land Exchange—Proposed" dated September 1989, which lands shall be administered by the Bureau of Land Management in accordance with the law generally applicable to the public lands.

(b) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives a map and a legal description of the land transferred to the administrative jurisdiction of the Secretary of the Interior pursuant to subsection (a), and the map and description shall have the same force and effect as if they were included in this Act.

(2) The Secretary of the Interior may correct clerical and typographical errors in the map and legal description filed pursuant to paragraph (1).

(3) The map and legal description filed pursuant to paragraph (1) shall be on file and available for public inspection in the office of the director of the Bureau of Land Management, Department of the Interior.

(c) RESERVATION OF EASEMENT.—The land transferred to the administrative jurisdiction of the Secretary of the Interior pursuant to subsection (a) shall be subject to the conservation easement granted to the State of Colorado (Division of Wildlife) by the United States, acting by and through the Secretary of Agriculture, dated April 27, 1988, and recorded in Routt County, Colorado (Reception Number 375283, Book 637, pages 1741–43), on October 6, 1988.

SEC. 2. EKBERG-COPPER SPUR LAND EXCHANGE.

(a) AUTHORIZATION OF EXCHANGE.—(1) As soon practicable after receipt of an offer from the owner, the Secretary of Agriculture shall accept title to the approximately 427 acres of land located in Pennington County, South Dakota, described as "Tract A" and "Tract B", as generally depicted on a map described in section 1(a), which lands shall thereupon become part of the Black Hills National Forest and shall be administered by the Secretary of Agriculture in accordance with the law applicable to the National Forest System.

(2) Upon receipt of title to the land described in paragraph (1), the Secretary of Agriculture shall convey to the owner of that land all right, title, and interest of the United States in the approximately 720 acres of land located in Routt County, Colorado, described as the "Copper Spur Ranch—portion to Ekberg", as generally depicted on the map described in section 1(a).

(b) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a map and a legal description of the land conveyed to the Secretary of Agriculture pursuant to subsection (a)(1), and the map and description shall have the same force and effect as if they were included in this Act.

(2) The Secretary of Agriculture may correct clerical and typographical errors in the map and legal description filed pursuant to paragraph (1).

(3) The map and legal description filed pursuant to paragraph (1) shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) RESERVATION OF EASEMENTS.—(1) The land conveyed into private ownership pursuant to subsection (a)(2) land shall be subject to the conservation easement granted to the State of Colorado (Division of Wildlife) by the United States, acting by and through the Secretary of Agriculture, dated April 27, 1988, and recorded in Routt County, Colorado (Reception Numbered 375283, Book 637, pages 1741–43), on October 6, 1988.

(2)(A) The land conveyed into private ownership pursuant to subsection (a)(2) shall be subject to easements for ingress and egress through such lands for the benefit of the United States and the public granted between agencies of the United States on May 10, 1989, and recorded in Routt County, Colorado (Reception Numbered 380443, Book 643, pages 0051–0055) and all other easements of record.

(B)(i) The Bureau of Land Management and the owner of the Copper Spur Ranch shall enter into a cooperative agreement to study the feasibility of constructing access routes as alternatives to those provided by the easements described in subparagraph (A).

(ii) Upon agreement by the Bureau of Land Management on alternative access routes, the construction of such access routes at the expenses of the owner of the Copper Spur Ranch, and the conveyance to the United States of easements for use of such access routes by the United States and the public, the Secretary shall execute and deliver to the owner of the Copper Spur Ranch a release or other appropriate form of instrument extinguishing the easements described in subparagraph (A).

(d) EQUALIZATION OF PAYMENT.—If the values of the lands exchanged pursuant to subsection (a) are not equal, they shall be equalized by the payment of cash as provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)) without regard to the 25 percent limitation contained in that section.

(e) DATE OF EXCHANGE.—The exchange of lands authorized by subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.•

By Mr. BINGAMAN:

S. 453. A bill to promote the greater use of recycled and recyclable paper by mailers of third-class mail matter, including franked mailings by Members of Congress; to the Committee on Governmental Affairs.

USE OF RECYCLED OR RECYCLABLE PAPER FOR THIRD-CLASS MAIL

• Mr. BINGAMAN. Mr. President, I rise today to introduce legislation which would direct the General Accounting Office to study how to promote the use of both recycled and recyclable paper by mailers of third-class mail matter. The study would also assess the feasibility of requiring the use of recycled paper for congressionally franked mail.

In 1989, the U.S. Postal Service delivered 62.8 billion pieces of third-class mail. Third-class mail consists principally of bulk business mail and advertisements. The vast majority of this mail matter is not printed on recycled material; further, much of it is printed on materials that are not recyclable, or at least difficult to recycle. As we all know, a very substantial part of this mail is discarded unopened.

The implications in terms of environmental impact and energy usage are tremendous. Moreover, the prospects for substantially reducing the volume at any time in the near future are small; if anything, the volume will increase. In order to mitigate the negative environmental impacts of this mail, we must do all we can to encourage the use of recycled paper. With recycled paper, substantial savings are realized in energy and water usage, air pollution and solid waste. It is the purpose of this bill to identify how to increase significantly the portion of third-class mail which is printed on recycled and recyclable paper.

Mr. President, there is also an opportunity for the Congress to demonstrate its commitment to the environment and to participate in the recycling effort by requiring that the franked mail sent by Members be printed on recycled paper. This would be no small contribution—the 535 Members of Congress are responsible for a half a billion pieces of franked mail a year. We are asking the GAO to report on the feasibility of requiring that this mail be printed on recycled paper.

Mr. President, this legislation is part of my continuing effort to support conservation in this country. In recent days I have introduced two related bills—S. 255, the Congressional Recycling Act of 1991 which will require Congress to use recycled paper and paper products in their daily operations, and S. 282, the National Forest Recycled Paper Act of 1991 which will require the use of recycled paper by the Forest Service.

I am pleased that Congresswoman BYRON has introduced similar legislation in the House. I urge my colleagues to support this important effort.

I ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the General Accounting Office shall study and report to Congress, in writing, on ways to encourage the greater use of both recycled and recyclable paper by mailers of third-class mail matter. The alternatives studied may include preferential postal rates and any other means within the jurisdiction of the Postal Service.

(b) The report shall include—

(1) a brief description of each proposal method;

(2) the advantages and disadvantages of each; and

(3) recommendations for any legislation or administrative action which may be necessary or appropriate.

SEC. 2. (a) The General Accounting Office also shall study and report to Congress, in writing, on requiring the use by Members of Congress of recycled paper for franked mail.

(b) The report shall include—

(1) the advantages and disadvantages of doing so, considering the cost, environmental impact, implications for the Postal Service, and other factors deemed relevant by the General Accounting Office; and

(2) recommendations for any legislation or administration action which may be necessary or appropriate.•

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. MOYNIHAN, and Mr. D'AMATO):

S.J. Res. 74. Joint resolution designating the week beginning July 21, 1991, as "Lyme Disease Awareness Week"; to the Committee on the Judiciary.

LYME DISEASE AWARENESS WEEK

• Mr. LIEBERMAN. Mr. President, today I am introducing legislation to designate the week of July 21, 1991, as Lyme Disease Awareness Week. Lyme disease derives its name from a cluster of cases identified in Lyme, CT, in 1976, but the disease is now thought to have been present in the United States since the 1940's. This tick-borne disease has now been found in 46 States. Although 22,538 cases of Lyme disease were reported to the Center for Disease Control between 1982 and 1989, few doctors and even fewer members of the general public recognize the symptoms of Lyme disease.

Left untreated, Lyme disease can cause severe arthritis, heart diesase, and neurological complications. The damage caused by untreated Lyme disease can be irreversible. Lyme disease poses particular risks to pregnant women since it can cross the placenta causing premature labor, fetal damage, miscarriages, and stillbirths. Education, prevention, and research on this disease are critical because existing diagnostic tools cannot accurately detect the presence of the disease and there is, at this time, no vaccine which protects against Lyme disease. People who contract the disease often go through years of tests and a variety of treatments before a proper diagnosis is made.

Two former Members of the House of Representatives, Ken Gray of Illinois and Berkeley Bedell of Iowa, were forced to retire from Congress because they contracted Lyme disease. Both have battled the disease for several years. Their suffering and their ongoing search for curative treatment clearly illustrate the need for additional resources for public education and for medical research.

The three keys to warding off the worst effects of Lyme disease are prevention, early detection, and early treatment. Physicians and the general public must be taught what precautions to take to prevent the disease. They must learn how to recognize its early symptoms, so that those with Lyme disease receive the immediate treatment with antibiotics necessary to prevent permanent damage. We must focus particular attention on educating children and those who care for them, since children are the group most affected by Lyme disease. Children are especially vulnerable in the summertime because of their outdoors activities. Parents, camp counselors, those leading outdoor trips, and children themselves must be taught how to protect against Lyme disease and how to recognize its symptoms. I believe Lyme Disease Awareness Week can play an important role in teaching the American people about this devastating disease.

Mr. President, I ask unanimous consent that the full text of the resolution be printed in the RECORD following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 74

Whereas Lyme disease (borreliosis) is spread primarily by the bite of four types of ticks infected with the bacteria Borrelia burgdorferi;

Whereas Lyme disease-carrying ticks can be found across the country—in woods, mountains, beaches, even in our yards, and no effective tick control measures currently exist;

Whereas infected ticks can be carried by animals such as cats, dogs, horses, cows, goats, birds, and transferred to humans;

Whereas our pets and livestock can be infected with Lyme disease by ticks;

Whereas Lyme disease was first discovered in Europe in 1883 and scientists have recently proven its presence on Long Island as early as the 1940's;

Whereas Lyme disease was first found in Wisconsin in 1969, and derives its name from the diagnosis of a cluster of cases in the mid-1970's in Lyme, Connecticut;

Whereas Lyme disease knows no season—the peak west coast and southern season is November to June, the peak east coast and northern season is April to October, and victims suffer all year round.

Whereas Lyme disease, easily treated soon after the bite with oral antibiotics, can be difficult to treat (by painful intravenous injections) if not discovered in time, and for some may be incurable;

Whereas Lyme disease is difficult to diagnose because there is no reliable test that can directly detect when the infection is present;

Whereas the early symptoms of Lyme disease may include rashes, severe headaches, fever, fatigue, and swollen glands;

Whereas if left untreated Lyme disease can affect every body system causing severe damage to the heart, brain, eyes, joints, lungs, liver, spleen, blood vessels, and kidneys;

Whereas the bacteria can cross the placenta and affect fetal development;

Whereas our children are the most vulnerable and most widely affected group;

Whereas the best cure for Lyme disease is prevention;

Whereas prevention of Lyme disease depends upon public awareness; and

Whereas education is essential to making the general public, health care professionals, employers, and insurers more knowledgable about Lyme disease and its debilitating side effects: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning July 21, 1991 is designated as "Lyme Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.•

• Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of legislation designating the week beginning July 21, 1991, as Lyme Disease Awareness Week. I commend my colleague from Connecticut, Senator LIEBERMAN, for introducing this needed legislation. It is absolutely vital that we do all we can to raise public awareness about this debilitating—and rapidly spreading—disease.

Lyme disease was first identified 16 years ago in Lyme, CT. A tick-borne disease, Lyme disease has spread to 46 States across the country. So far, it is concentrated most heavily in the Northeast, the upper Midwest, and along the northern California coast.

In New York the incidence of Lyme disease has reached epidemic proportions. Two New York counties—Westchester and Suffolk—account for 40 percent of all reported cases nationwide. While the Centers for Disease Control officially recorded 3,224 cases in New York last year, the actual total has been estimated at 5 to 10 times that high. Early reports indicate that the caseload in New York could quadruple in 1991. If accurate, these projections portend a dramatic increase in Lyme disease nationally in 1991.

The symptoms of Lyme disease mimic a host of other ailments, making early diagnosis unusually difficult. The symptoms often include a rash at the site of the tick bite accompanied by a fever, headaches, stiff neck, and fatigue. Too often, these symptoms are simply ignored or dismissed as insignificant. Unfortunately, when left untreated, Lyme disease can cause arthritis, meningitis, encephalitis, heart disease, and paralysis. In some cases, it causes irreversible joint and neurological damage.

Although there is currently no vaccine available for Lyme disease, it essentially can be cured with early diagnosis and treatment. In addition, it can easily be prevented by following a few simple precautions. Yet, both prevention and early diagnosis depend on an educated public. It is therefore crucial that we use every means available to alert the public to this spreading health threat.

The designation of July 21 to July 27 as Lyme Disease Awareness Week can be an important tool in our effort to stem the further spread of this debilitating disease. I am pleased to be an original cosponsor of this resolution, and I urge my colleagues to join me in supporting its immediate passage.•

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BIDEN, the name of the Senator from Colorado [Mr. WIRTH] was added as cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 24

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Delaware [Mr. BIDEN], the Senator from Arkansas [Mr. PRYOR], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 89

At the request of Mr. DURENBERGER, the names of the Senator from North Carolina [Mr. SANFORD], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 89, a bill to amend the Internal Revenue Code of 1986 to permanently increase the deductible health insurance costs for self-employed individuals.

S. 140

At the request of Mr. WIRTH, the names of the Senator from Utah [Mr. GARN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 143

At the request of Mr. MCCONNELL, the names of the Senator from Arizona [Mr. MCCAIN], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 143, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 152

At the request of Mr. COATS, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 152, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to $4,000.

S. 153

At the request of Mr. COATS, the names of the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 153, a bill to authorize States to regulate certain solid waste.

S. 160

At the request of Mr. MCCAIN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 160, a bill to extend the period of unemployment compensation for individuals involuntarily separated from the Armed Forces.

S. 242

At the request of Mr. GLENN, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from

Mississippi [Mr. LOTT], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 242, a bill to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by certain Government employees and for other purposes.

S. 257

At the request of Mr. METZENBAUM, the names of the Senator from Ohio [Mr. GLENN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 257, a bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

S. 264

At the request of Mr. COCHRAN, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maine [Mr. COHEN], the Senator from Montana [Mr. BURNS], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 264, a bill to authorize a grant to the National Writing Project.

S. 272

At the request of Mr. GORE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 272, a bill to provide for a coordinated Federal research program to ensure continued U.S. leadership in high-performance computing.

S. 284

At the request of Mr. BRADLEY, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 314

At the request of Mr. COHEN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 314, a bill to establish a uniform minimum package and claim procedures for health benefits, provide tax incentives for health insurance purchases, encourage malpractice reform, improve health care in rural areas, establish state uninsurable pools, and for other purposes.

S. 323

At the request of Mr. CHAFEE, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 323, a bill to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of this Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes.

S. 337

At the request of Mr. SIMON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 337, a bill to amend chapter 30 of title 38, United States Code, to provide that certain service by members of the Selected Reserve who are ordered to active duty in connection with the Persian Gulf conflict is deemed to satisfy certain requirements for basic educational assistance under such chapter, to revise the requirements for such assistance applicable to such members, and for other purposes.

S. 346

At the request of Mr. HEINZ, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 346, a bill to strengthen the Foreign Agents Registration Act of 1938.

S. 349

At the request of Mr. BUMPERS, the names of the Senator from Colorado [Mr. BROWN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such act, and for other purposes.

S. 351

At the request of Mr. METZENBAUM, the names of the Senator from Michigan [Mr. LEVIN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 351, a bill to provide participants in private pension plans which were terminated before September 1, 1974, the nonforfeitable pension benefits which were lost by reason of the termination, and for other purposes.

S. 367

At the request of Mr. METZENBAUM, the names of the Senator from Iowa [Mr. HARKIN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 367, a bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes.

S. 383

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 383, a bill to provide tax incentives for the establishment of tax enterprise zones on Indian reservations, and for other purposes.

S. 390

At the request of Mr. BOND, the names of the Senator from Kansas [Mr. DOLE], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Missouri [Mr. DANFORTH] were added cosponsors of S. 390, a bill to amend the Agricultural Act of 1949 to modify the method of calculating crop acreage for feed grains, and for other purposes.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from North Carolina [Mr. HELMS], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts of accessories installed for the use of passenger vehicles by disabled individuals.

S. 416

At the request of Mr. DANFORTH, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 416, a bill to amend the Internal Revenue Code of 1986 to make permanent the tax credit for increasing research activities.

SENATE JOINT RESOLUTION 18

At the request of Mr. SIMON, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 18, a joint resolution proposing an amendment to the constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the names of the Senator from Utah [Mr. GARN], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge.

SENATE JOINT RESOLUTION 51

At the request of Mr. SARBANES, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Wisconsin [Mr. KOHL], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 51, a joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 55

At the request of Mr. DOLE, his name was added as a cosponsor of Senate Joint Resolution 55, a joint resolution commemorating the 200th Anniversary of U.S.-Portugese Diplomatic Relations.

SENATE JOINT RESOLUTION 62

At the request of Mr. HATCH, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Nevada [Mr. REID], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 62, a joint resolution to designate the month of March, 1991 and the month of March, 1992 as "Women's History Month."

SENATE JOINT RESOLUTION 67

At the request of Mr. THURMOND, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Joint Resolution 67, a joint resolution to recognize and commemorate the centennial of the Immigration and Naturalization Service.

AMENDMENT NO. 3

At the request of Mr. THURMOND, his name was added as a cosponsor of amendment No. 3 proposed to S. 320, a bill to reauthorize the Export Administration Act of 1979, and for other purposes.

AMENDMENTS SUBMITTED

OMNIBUS EXPORT AMENDMENTS ACT

HATFIELD (AND CHAFEE) AMENDMENT NO. 4

Mr. HATFIELD (for himself and Mr. CHAFEE) proposed an amendment, which was subsequently modified, to amendment No. 3 proposed by Mr. SPECTER to the bill (S. 320) to reauthorize the Export Administration Act of 1979, and for other purposes, as follows:

Strike all of the matter proposed to be inserted and insert the following:

SEC. . MANDATORY LIFE IMPRISONMENT FOR TERRORIST MURDER.

Section 2332(a) of title 18, United States Code, is amended to read as follows:

"(a) HOMICIDE.—Whoever kills a national of the United States, while such national is outside the United States, shall—

(1) if the killing is a first degree murder as defined in section 1111(a), be punished by a mandatory term of life imprisonment and fined under this title; and

(2) if the killing is a murder other than a first degree murder as defined in section 1111(a), be imprisoned for any term of years or for life and fined under this title.".

HEINZ (AND OTHERS) AMENDMENT NO. 5

Mr. HEINZ (for himself, Mr. D'AMATO, Mr. SPECTER, Mr. WELLSTONE, Mr. SASSER, Mr. RIEGLE, Mr. KERRY, Mr. DURENBERGER, and Mr. WIRTH) proposed an amendment to the bill S. 320, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) The Senate finds that:

(1) the young men and women of the United States armed forces are making great sacrifices in the service of their country and in the defense of freedom in the Middle East;

(2) many of these men and women may be called upon to make the supreme sacrifice and, in some cases, have already laid down their lives;

(3) the changing nature of American society has created a first-rate volunteer military in which many couples now both wear the uniform of United States Armed Forces;

(4) the enemy's possession of missiles and other weapons of mass destruction combined with clear willingness to use them, has created a situation in which servicepeople throughout the imminent danger area are under constant threat of attack;

(5) there is no provision in the existing "sole survivor" regulations of the Department of Defense to protect children from the catastrophic loss of both, or their only, parents;

(6) it is a grave danger to the well-being of United States military families and their children to allow the children of American servicepersons to become orphaned through the use of these horrible weapons of mass destruction either in combat or against civilian targets; therefore

(b) It is the sense of the Senate that:

(1) provision should be made, at the request of the serviceperson, for the prevention of the assignment of two parents, or of a single parent, of a minor child or children, to the imminent danger area of Operation Desert Storm; and

(2) the Senate requests that the Secretary of Defense arrange for prompt and appropriate reassignment of one parent, in cases where both parents, or the single parent, are in the imminent danger area, to other military duties outside this area, unless such reassignment would have a negative impact upon the safety, mission capability, or combat effectiveness of the unit to which the serviceperson making the request is assigned; and further

(3) the Secretary of Defense shall report any such changes in policy regulations or rules within fifteen days of date of passage of this resolution. Such report shall include any changes made or anticipated since the commencement of Operation Desert Shield, together with the effective date of such changes.

GLENN (AND OTHERS) AMENDMENT NO. 6

Mr. GLENN (for himself, Mr. NUNN, and Mr. KOHL) proposed an amendment to amendment No. 5 proposed by Mr. HEINZ (and others) to the bill S. 320, supra, as follows:

In the pending amendment, strike out everything after "(A)" and insert in lieu thereof the following:

It is the sense of the Senate that—

(1) the Department of Defense is to be commended for the efforts it has made to be sensitive to the family needs of members of the Armed Forces consistent with military requirements;

(2) the morale (and therefore the military effectiveness) of members of the Armed Forces with dependents who are deployed or otherwise assigned to areas where dependents cannot accompany them is increased when those members can be assured that appropriate steps have been taken to ensure that their dependents are being well cared for;

(3) the Department of Defense has an interest in and responsibility for protecting the best interests of dependents of members of the Armed Forces;

(4) military readiness and the interests of national security require that the Department of Defense have maximum flexibility in the assignment and deployment of military personnel; and

(5) the Secretary of Defense should promptly prescribe regulations governing the assignment of members of the Armed Forces who are parents of minor children, which should provide that—

(A) policies and procedures are uniform, insofar as practicable, among the military departments;

(B) members of the Armed Forces who are parents are required to establish adequate child care arrangements in the event of deployment;

(C) appropriate consideration is given to the unique needs of—

(i) single parents;

(ii) families in which both parents are members of the Armed Forces;

(iii) newborn children.

(D) standards and procedures are prescribed to provide for the consideration of requests for reassignment, leave, or deferment from deployment based upon unforseen family circumstances; and

(E) appropriate consideration is given to the requirements of military readiness.

GLENN (AND OTHERS) AMENDMENT NO. 7

Mr. GLENN (for himself, Mr. NUNN, and Mr. KOHL) proposed an amendment to the bill S. 320, supra, as follows:

At the appropriate place insert the following:

It is the sense of the Senate that—

(1) the Department of Defense is to be commended for the efforts it has made to be sensitive to the family needs of members of the Armed Forces consistent with military requirements;

(2) the morale (and therefore the military effectiveness) of members of the Armed Forces with dependents who are deployed or otherwise assigned to areas where dependents cannot accompany them is increased when those members can be assured that appropriate steps have been taken to ensure that their dependents are being well cared for;

(3) the Department of Defense has an interest in and responsibility for protecting the best interests of dependents of members of the Armed Forces;

(4) military readiness and the interests of national security require that the Department of Defense have maximum flexibility in the assignment and deployment of military personnel; and

(5) The Secretary of Defense should promptly prescribe regulations governing the assignment of members of the armed forces who are parents of minor children, which should provide that—

(A) policies and procedures are uniform, insofar as practicable, among the military departments;

(B) members of the armed forces who are parents are required to establish adequate child care arrangements in the event of deployment;

(C) appropriate consideration is given to the unique needs of—

(i) single parents;

(ii) families in which both parents are members of the Armed Forces;

(iii) newborn children.

(D) standards and procedures are prescribed to provide for the consideration of requests for reassignment, leave, or deferment from deployment based upon unforeseen family care circumstances; and

(E) appropriate consideration is given to the requirements of military readiness.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, the Committee on Rules and Administration will hold three hearings in March on the subject of campaign finance. On Thursday, March 7, Wednesday, March 13, and Thursday, March 14, 1991, at 9:30 a.m. on each date, the committee will meet in SR-301, Russell Senate Office Building, to receive testimony on congressional election campaign finance reform proposals.

The hearings will focus on the following legislation referred to the Rules Committee: S. 3, to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes; S. 6, to provide a voluntary system of flexible fundraising targets for Senate elections, to increase public disclosure of activities of

Senators, to reduce special interest influence in Senate elections, to increase competition in politics, and for other purposes; S. 7, to increase competition and fairness in politics, and for other purposes; S. 53, to provide for a voluntary system of spending limits and partical public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; S. 91, to provide a comprehensive congressional campaign financing reform to encourage grassroots campaign giving, lessen the role of special economic interests, prohibit the use of soft money, discourage candidate expenditures of personal wealth, and otherwise restore greater competitive balance to the congressional electoral process; S. 128, to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; S. 143, to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes; and S. 294, to exclude from the definition of "independent expenditures" those expenditures that are not truly independent of the legislative process.

Individuals and organizations interested in testifying or submitting a statement for the hearing record are requested to contact Jack Sousa, chief counsel of the Rules Committee, on 224-5648. For further information regarding these hearings, please contact Mr. Sousa.

Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, March 6, 1991, at 9:30 a.m., to receive testimony on the projected shortfall in the Presidential Election Campaign Fund.

Individuals and organizations interested in testifying or submitting a statement for the hearing record are requested to contact Tom Zoeller of the Rules Committee staff on 224-0279. For further information regarding this hearing, please contact Mr. Zoeller.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SARBANES. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, February 20, 1991, at 1 p.m., on the subject: Pentagon rules governing media access to the Persian Gulf war.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. SARBANES. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, February 20, 1991, at 2:30 p.m. The committee will hold a markup on S. 360, the Military Reservists Small Business Relief Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SARBANES. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 20, 1991, on S. 244, a bill to provide for a referendum on the political status of Puerto Rico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SARBANES. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 20, 1991, at 10 a.m. to hold a hearing on United States-Mexico Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SARBANES. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on February 20, 1991, at 9 a.m. to hold a hearing on S. 207.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SARBANES. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on February 20, 1991, at 2:30 p.m. on the nomination of Carl Vogt, MD, to be a member of the Board of Directors of the National Railroad Passenger Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SARBANES. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be allowed to meet during the session of the Senate, Wednesday, February 20, 1991, at 10 a.m. to conduct a hearing on the Federal Reserve's First Monetary Policy Report for 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IS ASSAD ANOTHER SADDAM?: PART TWO

• Mr. DECONCINI. Mr. President, there is an Arab saying to the effect that "the enemy of my enemy is my friend." While this may be the standard for many countries in the Middle East, it is not the standard by which a democratic nation like the United States can afford to operate. I addressed this issue on the floor of the Senate last September when I traced the troubled history of the Carter, Reagan, and Bush administrations' policies of support for whichever country in the Middle East was opposed to our current enemy in the region.

First, we propped up the Shah of Iran because he took a strong line against communism and Soviet encroachment in the Arab world. Then, when he was deposed and succeeded by the Ayatollah Khomeni, we decided that Saddam Hussein of Iraq could be a useful ally because he initiated a war against Iran, the country which took our diplomats hostage in 1979. Now that Iraq has turned against us, we have made common cause with Syria. Why? Because Syria has joined the international coalition against Iraq.

But, let us not forget that this is the same Syria which has sponsored terrorist acts against American citizens. This is the same president of Syria, Hafez al-Assad, who had his Army literally destroy the Syrian town of Hamas in 1982, resulting in an untold number of deaths of his own people because they were opposed to his regime. We are rightfully appalled that Saddam used chemical weapons against his own people in 1987–88, yet appear to be nonplused by the fact that Assad has also killed his own people. President Bush met with him in Geneva a few short months ago and Secretary of State Baker went to Damascus after his failed meeting with Iraq's foreign minister earlier this month.

I am pleased that in each of these meetings United States officials have raised the issue of Syrian-sponsored terrorism. That is the very least that we can do. This unresolved issue must not take a back seat to other issues currently on the public agenda. Today the United States and Syria face a common enemy in Saddam Hussein. But Syrian support for terrorism was with us well before the gulf war began; it must not slip from the public's mind and the government's agenda because it will still be with us once this terrible war has become history.

I am also troubled by this relationship for other reasons. Has Syria joined the international coalition so it can exploit the power vacuum that may be created in the Middle East after the defeat of Saddam? What have we really received for Syria's sending approximately 19,000 troops—a full armored division—to Saudi Arabia? To date, Syrian troops have been engaged in hostilities only once, and then briefly. Unlike the troops from other coalition members such as Kuwait and Saudi Arabia, to say nothing of the United

States and Britain, Syrian troops have not been placed at significant risk.

What, actually, are the Syrian troops doing in the gulf? Syria has said that it will not attack Iraq itself, nor has it stated that it will engage in offensive military actions in the war. Does that mean that Assad's troops will not participate in any future ground operations in Kuwait in order to dislodge Saddam's forces? If all that the Syrian troops are going to do is to protect the Saudi border, is that worth the Bush administration's giving Assad a tacit green light, or at the very least turning a blind eye, to Syria's gaining a free hand in Lebanon?

Indeed, I am deeply troubled by one of Assad's recent public statements. In a speech in Damascus on January 12, Assad called upon Saddam to withdraw his troops from Kuwait so that they could together turn their attention to Israel. He claimed that Israel is the only beneficiary from the present situation because it continues to occupy Arab lands and expand its population. Additionally, he made an apparent reference to the Western members of the coalition, including the United States, when he stated that:

> We have to stand up to their ambition and to take a serious decision not dictated, not intimidated or compelled by anything else than our faith in saving the Arab nation from a catastrophe.

That statement signals to this Senator that this unnatural alliance between the United States and Syria cannot long endure once the war in the gulf has ended. For instance, German Foreign Minister Genscher suggested last week that Syria implicitly recognized Israel's right to exist when it hinted that it would be willing to recognize Israel if Israel accepted Palestinian self-determination. I am skeptical that this statement represents any official thinking on the part of the Assad government. Syrian public complaints about defensive assistance to Israel in light of the Scud attacks appears to be more consistent with its historic animosity toward Israel.

My concern is deepened when I see reports, such as one in the January 16 Christian Science Monitor, which says that the approximately $1.3 billion which Syria has received from its allies in the gulf effort has been designated for the purchase of military equipment from East European and Chinese arms dealers. If the Syrian economy is in dire straits because of the withdrawal of Soviet financial support and Syria's participation in the embargo against Iraq, why is Assad buying guns instead of butter?

Finally, I continue to be troubled by reports from Amnesty International that Syria is still engaged in human rights abuses. Recently, it has announced its concern about the extrajudicial execution of both soldiers and civilian supporters in Lebanon of General Aoun, the defeated opposition leader in Lebanon, by the Syrian army and pro-Syrian militias. Additionally, Amnesty expressed concern about the incommunicado detention of more than 150 supporters of General Aoun who were taken captive during the fighting in Lebanon or arrested after Aoun was ejected from East Beirut. The State Department's recent human rights report, however, gives a slightly softer treatment to Syria—perhaps because of our current alliance.

The New York Times reported on February 7 that a couple of foreign agents who may have been working for Israel after infiltrating a Syrian-based terrorist organization may have been uncovered as a result of intelligence shared with the Assad government by Bush administration officials last fall. There is no public proof of such a link, and this is being thoroughly investigated by the Senate Intelligence Committee. The possibility of such a development, however, demonstrates that we must maintain a healthy distance in any of our official contacts with Syria. I will ask that a copy of the above mentioned article be printed in the RECORD at the conclusion of my remarks.

Other sources claim that the Syrian military is facilitating and profiting from drug production and trafficking in the Syrian-occupied Bekaa Valley. I would remind my colleagues that a number of terrorist organizations which are reportedly planning attacks on American citizens worldwide are bankrolling their operations from this same drug trade in Lebanon. These persistent problems should give each of us cause for concern. Is President Bush willing to lose the war on drugs in order to win this other war? At the very least, we must question why Assad has chosen to side with the friend of his enemy.

In conclusion, President Bush has engaged this country in an unhealthy alliance with Syria to strengthen the international coalition against Iraq. I hope that this unholy alliance does not come back to haunt us, but I fear it will. It is wrong to ignore Syria's atrocious support for terrorism, drug trafficking, and its own regional military supremacy. I urge the Bush administration to restore some balance to its Middle Eastern policy. Either we stand up for the principles under which this Nation was founded, or we continue to make shortsighted, tactical alliances based on the diplomatic necessity of the moment. Initially, perhaps, it may have seemed appropriate to include Assad as a member of the coalition. Upon closer examination, however, I have grave doubts about the wisdom of continuing this association.

I ask that the New York Times article to which I referred be printed in the RECORD.

The article follows:

[From the New York Times, Feb. 7, 1991]

2 OR 3 AGENTS ARE BELIEVED KILLED AFTER RARE U.S.-SYRIAN CONTACTS

(By Michael Wines)

WASHINGTON, February 6.—Two or three undercover agents believed to be working for Israel in a Syrian-based terrorist group were unmasked and killed last fall, not long after the United States gave the Damascus Government information about terrorist activities in the country, several Bush Administration officials say.

The link between the two events has not been proved. But officials said American experts believe that terrorists obtained the intelligence information given to Syrian leaders and used it to track down the agents within the terrorists' ranks.

"It is a casual relationship," one person said. "There is no doubt in my mind."

POSSIBLE MOSSAD LINK

By one account, the agents killed were two or three Palestinians who had penetrated the terrorist group on behalf of Israel's intelligence service, Mossad. Other officials refused to disclose the number of agents or their sponsor, but they said they worked either for Mossad or a Western Intelligence service.

The United States first learned of the agents' deaths in November or December. It has remained a tightly held secret, in part because at a politically difficult time it raises the question of whether Syria deliberately misused American diplomatic communications to assist a terrorist group.

The United States took unusually bold steps this fall to improve its relations with Syria after the Syrians agreed to join the military coalition opposing Iraq's occupation of Kuwait. President Bush met in Geneva this past November with President Hafez al-Assad of Syria, despite the fact that Syria is on an Administration roster of nations that sponsor international terrorism.

Syria and the Bekaa region, the eastern Lebanese valley that is controlled by Syria, are longtime breeding grounds for Palestinian terrorism. But Damascus has lately sought to distance itself from groups that attack targets other than Israel. The major remaining Syrian-based group, the Popular Front for the Liberation of Palestine-General Command, engineered the bombing over Lockerbie, Scotland of a Pan American jet in 1988 in which 270 people died.

The United States has demanded that Syria expel the Popular Front-General Command and its leader, Ahmed Jabril. Syria has refused to do so without more explicit evidence of the group's role in the bombing.

The identity of the terrorist group involved in the killings of the agents last fall could not be conclusively determined.

Israel was said by one person to have protested to Washington about the disclosure of intelligence information to Syria, but the American response could not be learned. A spokeswoman for the Israeli Embassy in Washington, who was asked Tuesday and today, said she could not immediately respond to questions.

The American officials, which include civilian and military experts on intelligence and the Middle East, refused to be identified because of the sensitivity of the issue.

"It's safe to say it did hurt us," one said.

HOW WAS INFORMATION DISCLOSED?

Apart from Syria's role in the killings, the incident also calls into question how the identities of friendly intelligence agents in the Middle East—a secret as well cloaked as any in espionage—could have been revealed, even inadvertently, to the Syrian Government.

Several officials interviewed for this article said that the disclosure appears to have sprung from a strong protest about Syrian terrorist activities that Secretary of State James A. Baker had personally delivered to President Assad in a meeting in Damascus on Sept. 14.

The meeting was said to have been preceded by a sharp debate between intelligence experts and Bush Administration officials, led by the State Department, over how strongly the United States should confront Mr. Assad with evidence of Syrian involvement in terrorism.

Officials said the Administration argued that Mr. Assad should be given an unusually detailed briefing about the actions of Syrian-based terrorists to impress upon him the weight of the evidence against his Government. Intelligence officials are said to have warned that such a briefing would put undercover agents and methods of gathering information at risk.

BLOOD ON YOUR HANDS

"It was quite an argument," said one official who has been informed of the debate. "The intelligence guys finally told them, 'O.K., but the blood will be on your hands if something happens.'"

Asked about the deaths on Tuesday, Mr. Baker's spokeswoman, Margaret D. Tutwiler, issued the following statement: "Any suggestion that Secretary Baker handed over a demarche that led to the death of any individual is categorically untrue."

She refused to confirm that any deaths had taken place. But in what could be construed as an alternate explanation for the events in Syria, she added that the United States had also received a "credible and serious threat" against an American ambassador in the region last year, and had acted on it.

She said: "Any demarche that may have been passed on such a subject would have been done solely to protect the life of an American ambassador and would be fully coordinated within this Government, including our intelligence community.

U.S. CONTACTS WITH SYRIA

Miss Tutwiler refused to elaborate citing national security concerns. Other officials said that the United States has intercepted a flood of serious threats and death plots against United States diplomats since the invasion of Kuwait, and has quietly informed Syria in some cases in an attempt to thwart them.

Those officials said that they knew of no cases in which such communications had compromised intelligence agents or led to deaths.

Some officials did not exclude the possibility that the agents' deaths were coincidental to Administration contacts with Syria. One said that the terrorist group could have concluded on its own that it had been penetrated after several of its planned operations went awry.

"This is a dangerous outfit, with very skilled people and trade craft sufficiently good" to have conducted an internal spy hunt, that official said.

Most others, however, said they believe that the terrorists were given or stole data from the Syrians that enabled them to uncover the agents.

Undercover penetrations of terrorist groups are among the most difficult tasks in all espionage, and so the losses of agents are viewed as especially grave.•

S. 10—SOCIAL SECURITY EARNINGS LEGISLATION

• Mr. PACKWOOD. Mr. President, I am pleased to rise today as a cosponsor of legislation, introduced by the distinguished Republican leader, Senator BOB DOLE, which will benefit working senior citizens in my own State of Oregon and across America.

Under current law, Social Security recipients age 65 to 69 have their benefits reduced if they have wages or other earnings above $9,720 in 1991. For every $3 above this limit, beneficiaries lose $1 in benefits.

Mr. President, seniors want to work. Many continue to work to support themselves and their families. Many more of them simply want the chance to continue being a productive member of society. They want to "stay out of the rocking chair." We know that senior workers have the wisdom and practical experience that makes an employee truly valuable.

However, when you couple income taxes with the earnings limit, seniors face significant penalties for being productive. This simply is not fair.

The Republican leadership has crafted a bill that will take important steps to change that situation. Under the bill, the earnings limitation would be increased by $3,000 a year beginning in 1992, and eliminated entirely by the end of 1996 for beneficiaries above the normal retirement age (currently age 65).

The bottomline, Mr. President, is that seniors will keep more of what they earn. They will be rewarded for their efforts. That is good policy.

There are other good reasons for enacting this legislation. There will be additional revenues flowing into our government. With more senior workers in the labor pool, this group will be giving back a little of the extra wages they receive. They will be paying income and Social Security payroll taxes on higher wage levels no longer subject to an earnings limit.

The President supports a change in the earnings limit. He presented a proposal to raise the earnings limit gradually to $11,400 in 1994. It is part of the budget he presented to Congress this month. Last year, the Finance Committee approved a relaxation in the earnings limit. I supported that legislation then, and I support this bill now. I believe the time has come to end this unfair burden on senior citizens who want or need to work after age 65.•

CHARTING THEIR DESTINIES

• Mr. HEINZ. Mr. President, I rise today on the 1 year anniversary of a U.S. Supreme Court ruling that affects the lives of hundreds of thousands of our Nation's families with disabled children. These families and all of our families are the basic building blocks of our society.

In his recent State of the Union Address the President said "We must return to families, communities, counties, cities, States, and institutions of every kind, the power to chart their own destiny." His emphasis on family caused me to think again about a young Delaware County, PA boy, 12-year-old Brian Zebley.

Brian was born brain-damaged. At 4, his development was that expected of a child at age 2. He was mentally retarded and had partial paralysis. He drooled heavily, slurred his words and had very limited gross motor skills that left him unable to judge distances and falling down frequently. His parents applied for—and were denied—Federal disability benefits. A lawsuit was then filed on behalf of Brian and the estimated 50,000 children who have been denied disability benefits each year by the Government.

The Supreme Court ruled that the Government's standards used to determine whether Brian could receive disability payments were inconsistent with those used for adults. Brian's lawyer successfully argued the Social Security Administration [SSA] was using a double standard—one that was too rigid for children and used an adult's ability to work as the standard to evaluate a child's ability to function.

To make matters worse for struggling parents of a disabled child, a "no" to disability benefits had also meant those children were denied health coverage through Medicaid.

The Court's February 20, 1990, decision was an all too rare bright day for our country's thousands of disabled children and their families.

The Supreme Court said SSA must create a new procedure for evaluating eligibility for children applying for disability benefits from the Supplemental Security Income [SSI] Program. SSI provides benefits to financially needy Americans—adults and children—who are aged, blind, or disabled.

The Court's ruling was a triumph for the Nation's families because it promises to allow many of America's working parents of disabled sons or daughters to seek—for the first time—access to cash benefits from SSI and medical care through Medicaid.

Allowing greater numbers of disabled children access to Government programs helps not only parents and disabled children, but also other children in the household. SSI and Medicaid benefits for the disabled child often make the difference between institutionalizing the disabled child or keeping the whole family intact. Families face a tremendous financial strain meeting the needs of their disabled child. Being denied benefits and health coverage places additional financial burdens on the limited resources of low-income families that are needed to provide for other children living at home. The Nation's priority should be to keep these families together.

Unfortunately since the Court's ruling, the Nation's disabled children and their families have been unable to reap the full benefit of the Zebley decision. Only last week did the administration issue the final regulation required by the Court. And the burdens on families continued to grow.

The profamily parallels between the President's message and the Zebley decision are clear. The President told us "The strength of a democracy is not in bureaucracy, it is in the people." Why does it seem that some within the Federal bureaucracy have failed to comprehend those parallels and the President's priorities? The Nation's policy on care of families is being set by budget-obsessed bureaucrats who are ignoring our obligation to families.

Although a number of items in the final Zebley regulation troubled me, I am primarily concerned with the public comment period length of 60 days. The development and implementation of the Zebley regulation is an undertaking of enormous proportion and nothing short of historic. No longer should our thousands of disabled children be unfairly denied disability benefits as my young constituent Brian Zebley was.

The implementation of Zebley will barely be underway when the public comment period ends. This is not right. A 60 day comment period ensures there will be only comments from those who will be receiving benefits and no comments from anyone who is "disallowed" or denied benefits—because getting a "no" takes 100 days, according to SSA.

Today I call upon Health and Human Services Secretary Sullivan to immediately extend this period to at least 150 days. Extending the comment period will maximize the opportunity for comment from families, experts, and practitioners. Not extending it could jeopardize millions of children and their families.

With the Zebley decision, low-income disabled children, their parents, and their siblings—"families" those basic building blocks of society—have the promise of enjoying greater power to, as the President said, "chart their own destiny."

Locating all of the Zebley families is going to be difficult, but they deserve our help. On March 20, 1990, a law that mandates the Secretary of Health and Human Services establish a permanent program that makes special efforts to reach SSI eligible disabled and blind children went into effect. I offered this provision as an amendment to the 1989 Omnibus Reconciliation Act. As the first anniversary of this law approaches, I understand that outreach efforts to the families of disabled and blind children are just getting underway. Furthermore these efforts are a component of SSA's overall outreach efforts rather than a specific initiative focusing on children as mandated by law. SSA should remember the President's profamily message and its role in helping families.

The question now is whether the leadership needed within the administration can be garnered to ensure that this new regulation will keep families intact.

We must keep our promise to this country's disabled children and their families.•

TRIBUTE TO DR. PAUL VOLBERDING

• Mr. DURENBERGER. Mr. President, the devastation of AIDS has been felt in every corner of society, not least by those suffering from the disease, their families and the health care professionals who care for them. One Minnesota native has dedicated his life to discovering all he can about AIDS and to caring for its victims.

Dr. Paul Volberding, a Univeresity of Minnesota trained physician, professor, and researcher has contributed much to our understanding of AIDS. In the past decade, he has become one of this Nation's most respected experts in the field. He combines professional skills with personal compassion to lead the charge against a tough foe.

Mr. President, Dr. Volberding deserves our thanks and our congratulations for everything he has accomplished. I ask that the following article from the University of Minnesota Alumni Association magazine be entered into the RECORD in its entirety.

The article follows:

TENDER MERCY

(By Peter J. Kizibos)

When Paul Volberding showed up for his first day of work at San Francisco General Hospital in early 1981, he expected his career to follow a traditional path. Yet the young University of Minnesota-trained doctor was about to receive a jolting orientation to his life's work. From the very beginning, his personal and professional future would be closely linked to the unexpected—and historic—circumstances of that first morning on the cancer ward.

Volberding found himself staring straight into the face of a strange, unfamiliar enemy: a rare form of cancer ravaging an unlikely victim. It turned out to be one of the first disagnosed cases of what was destined to become the most deadly epidemic of the twentieth century: acquired immune deficiency syndrome, or AIDS. The disease, caused by a virus that breaks down part of the body's immune system, leaves the body vulnerable to a variety of unusual infections.

Volberding and his colleagues at San Francisco General immediately sensed that something was different about the 22-year-old male patient suffering from Kaposi's sarcoma. The rare form of cancer, usually found among elderly Jewish men and elderly men of Mediterranean descent, seemed out of place here. The man's severely wasted condition, caused by the cancer and several major infections, was alarming. "It just wasn't subtle," Volberding says. "It was a strange new disease and very challenging. From the very first patient, we recognized that we didn't know anything about what we were seeing."

Doctors in San Francisco were not the only ones aware of this new clinical phenomenon, which began to appear in metropolitan medical areas across the country. At about the same time Volberding saw his first AIDS patient, the Centers for Disease Control in Atlanta were receiving reports from New York and Los Angeles describing young, gay male patients with the rare cancer. Soon scientists identified AIDS, which proceeded to claim hundreds of thousands of American lives.

In the beginning, Volberding had little trouble looking at AIDS as a clinical phenomenon and studying it through the eyes of a detached scientists. In the next few years, however, he would be forced to confront his innermost fears about the virus. "The fear didn't really start until the end of '82 when we began to see the cases of transfusion-related AIDS," Volberding says. "That's when it became really obvious that this was an infectious disease. From the end of '82 until mid-'84, when we had one of the prototypes of the antibody test, we were running scared."

In those days, Volberding and his staff had every reason to suspect that they might already be infected with the AIDS virus. Volberding's wife, Molly Coke, is also a physician and a prominent AIDS researcher (the two met on a cancer ward when Volberding was a research fellow at San Francisco General). "We lived with the intense fear that we were going to die or that we were going to spread the virus or whatever it was to our kids," Volberding recalls. "For a long time we had an unwritten agreement that we couldn't talk about it at home. It was too frightening.

"Any time I had a fever or a cough, I was sure it was AIDS," he says. "It was an important thing to have gone through. It makes the fear much less abstract. When I hear surgeons worrying about catching HIV [human immune deficiency virus], even though I don't know the world from their perspective, I can understand. I do know fear from a personal perspective."

Yet Volberding is hard on those who harbor irrational fears based on ignorance of the disease and how it is transmitted. "We worked with these patients for years with absolutely no particular precautions, before we thought that it was an infection, and none of us in patient care was infected," he says. "It makes me very unsympathetic to people who worry about getting AIDS in their office or from a phone or from a coffee cup. We've been there, shaken hands, shared cups, hugged our patients, examined without gloves."

It's a gray, overcast midsummer morning in San Francisco, Volberding's first day back at San Francisco General Hospital—a red-brick building located in one of the city's less glamorous neighborhoods—after the Sixth International Conference on AIDS. As cochair of the conference, Volberding spent the better part of a year working to coordinate the world's premier scientific meeting on AIDS.

Volberding's office window looks out on downtown San Francisco, the city with the second-highest population of AIDS and HIV-infected patients. The gay community, one of the groups most devastated by AIDS, is highly visible and well organized here. It has challenged the medical establishment and politicians to take the epidemic seriously and forced them to confront the tremendous human toll of AIDS. A small sign on his door expresses Volberding's philosophy: "Walls will not protect us from AIDS. But knowledge can."

Dressed in a gray suit, blue-pin-striped shirt, and yellow tie, Volberding appears calm and unruffled and ready for a full day's work. He has no time to waste. His boundless energy has been a valuable asset in the war on AIDS. His efforts to stem the tide—to develop new drugs to combat the disease, to provide medical care and emotional support for those with AIDS, and to promote education to slow the spread of AIDS—have been widely recognized.

When he became chief of oncology at the hospital in 1983, Volberding and his staff established the nation's first academic AIDS division at the University of California, San Francisco. With help from the city of San Francisco and the National Institutes of Health, Volberding and his colleagues established San Francisco General's AIDS program, which has become a model that is studied and emulated by care providers throughout the United States and the world. And Volberding, as director of the AIDS program, has become a leading spokesperson for a compassionate approach to treating patients. From the very beginning, Volberding advocated a broad, community-based approach to treating AIDS and HIV-infected patients.

In addition to his hospital responsibilities, Volberding is a professor of medicine at the University of California, San Francisco, as well as director of the Center for AIDS Research and chief of the medical oncology division there. He has supervised numerous clinical research studies, including a key investigation into AZT—a drug that effectively slows the steady progress of AIDS and reduces some patients' symptoms. He has earned an outstanding reputation as an AIDS clinical researcher and is widely considered California's biggest name in the field. Among the many accolades Volberding has collected is one from former San Francisco Mayor Dianne Feinstein: "You are a bright light in the darkness of AIDS. Please continue on," she wrote. Margaret Fischl, M.D., director of the comprehensive AIDS program at the University of Miami (Florida), is another of Volberding's many boosters. "Very early in the game, they tried to assess what the demands of caring and treating AIDS patents would be and how they could serve them," she says. "He has a lot of insight and empathy for caregivers. He makes an effort to see all sides. He's been willing to adapt and change and admit mistakes, to move with AIDS and progress with it. He has very strong leadership skills."

Born in 1949, Volberding grew up on a farm near Rochester, Minnesota. Proximity to the Mayo Clinic influenced his later interest in medicine. "There was a sense of excitement about medicine there," he says. "I'm sure it's much more evident there than any place in the world. It's not just medicine, it's medicine and science."

A tenth-grade biology teacher encouraged him to pursue his scientific bent. "He was the first person I recall in my life who said, 'Paul, you have talent, you can do something.'" After Volberding's junior year in high school, and with the biology teacher's blessing, Volberding applied to a summer science program at St. Olaf College in Northfield, Minnesota. "I loved it," he says.

After high school, he headed to the University of Chicago, where he planned to prepare for a career in medicine. The school's reputation for fostering an intense academic environment appealed to his already strong work ethic. "I was masochistic, I guess. I wanted to push myself. I wanted to go to Chicago because of its reputation as an intellectual pressure cooker. And it was," Volberding says.

Life outside the ivory tower was also intense during his four years in Chicago. While he concentrated on his biology studies and worked in a lab, many of his fellow students became political activists and were swept up in the protests of the 1960s, including those at the 1968 Democratic convention in Chicago. "I worked with a wonderful virologist and pediatrician, which really kept me sane during that period," he says.

After graduation, Volberding was looking for a more "normal" environment in which to pursue his professional career. He turned to the University of Minnesota. Although he never seriously doubted his vocational direction, on first arriving at the University Medical School, he pondered the relevance of his esoteric studies of cell biology. "I remember the dean's welcoming lecture to the incoming class, talking about B-cells and T-cells and lymphocytes and the immune system. I remember thinking, 'My God, this is hopeless. Who would ever care, be able to sort this out, what relevance does this have?'" The answer comes quickly now: "That's what life is," he says.

At Minnesota, Volberding excelled in his academic studies and found himself more and more attracted to medical research. As a student researcher, he worked in the lab of Professor Charles Moldow, M.D., at the Veterans Administration Hospital. Volberding won a Livermore Award for his outstanding efforts. It gave his self-confidence a valuable boost, he says. Moldow steered Volberding to contacts he had in San Francisco, which eventually led to Volberding's job there.

Volberding's experience at San Francisco General caused him to reconsider the career path he had so carefully planned. When he first assumed primary responsibility for patient care there, he was much more interested in research, but "I quickly fell in love with [patient care], with people who were really sick and really needed help—psychological as well as physical help," he says. "Being able to sit and talk with people about real things was important to me, and still is. It's a big part of what I do here."

Volberding still carves out time to do patient consultations whenever he can. Although he enjoys being able to help someone face to face, he does not emerge from these encounters unscarred. "If you're a good doctor delivering primary care, you shouldn't get so close to the patients that you can't be at least somewhat objective, but you also can't be so distant that you don't feel their pain. With this disease, where every patient goes through horrible pain in a number of senses, and ends up dying, you hurt a lot as a physician if you care for a number of AIDS patients. And you should. You worry if it doesn't hurt," he says.

This afternoon Volberding meets with a patient from southern California. The man, who is starting to display symptoms of AIDS, is here to seek Volberding's advice on navigating through a complex maze of treatment options. Inevitably, the issues of confidentiality and health care insurance to cover AIDS treatment become central subjects of their conversation. "People try to hold on so that they can protect their job, their insurance, their confidentiality in the workplace, until their disease becomes so advanced that it becomes futile," Volberding says.

If the "them against us" mentality typifies the worst possible reaction to AIDS, Volberding offers a compelling alternative. His common-sense approach and his ability to communicate compassion have made him one of the medical community's leading spokespersons in the fight against AIDS. A voice of reason during the country's confusing and ambivalent struggle with AIDS, Volberding is frequently asked to appear on shows such as the MacNeil/Lehrer News Hour, Nightline, and This Week With David Brinkley.

"His ability to speak for the sane and sensible approach to the HIV-infected patient—especially in the national media—is his leading contribution," Moldow says. "He does very well in front of a camera or in front of a large televised public forum. He is good-looking, he has a deep sonorous voice, and he thinks slowly, sensibly, and articulately on his feet so he comes across as a balanced human being who is at once thoughtful and compassionate. That's been a lifesaver nationally at a time when there was a lot of hysteria."

Ironically, the man who shied away from the protests of the sixties found himself negotiating with some of the nineties' most vociferous protesters at the recent AIDS conference. Organizing the conference took much more than organizational savvy: Volberding's diplomatic skills were in great demand. Tension was high among the scientific community, political leaders, and AIDS activists, who were concerned that not enough is being done to combat the disease.

Volberding brought key community groups together to help plan the conference, made sure that activists could express their views on the issues, and hired a community liaison person with strong connections to and credibility in San Francisco's gay community.

Although a spirit of cooperation and openness prevailed before and during the conference, there were tense moments when Louis Sullivan, U.S. secretary of health and human services, was shouted down by demonstrators protesting the Bush administration's policy on AIDS. "My personal view right now is that it wasn't the right strategy," Volberding says. "But I guess I've learned over the past couple of years watching the activists that often what they do seems to be the wrong strategy. As often as not, I come around to saying, 'Well, they made a point.' I believe that other ways of expressing their feelings would have made the same point without alienating some of the people they did . . . . Demonstrations, which prevent a dialogue, are perpetuating the sense of conflict. My own goal is to try to bring about more healing, more of a sense of community, especially given that we have such a clear common goal here."

Volberding's inclusive spirit was important, but he was tough when he needed to be, Fischl says. "He worked hard to make sure [the activist groups] were involved, to give them the opportunity to speak, and integrate them into the program, I think he made them realize, up front, that if things got out of hand in the scientific session, police would be brought in because the conference had to go on. He was understanding, but also somewhat hard-nosed. [The conference] could not be shut down by protestors."

Volberding says he grew to appreciate the value of having activists participate in the conference. "Having the leader of New York ACT UP as part of the opening ceremony is something that probably—left to our own devices—we wouldn't have thought of two years ago. We wouldn't have been courageous enough to do that." In the end, the compromises were worthwhile, he says. "We made the point throughout the conference that there really is a necessary interaction between the physicians-scientists-policymakers and the HIV-infected community."

The gay community appreciates Volberding's leadership. "I would describe Paul in three words: fa-bu-lous," says Jesse Dobson, an ACT UP spokesperson in San Francisco. "I tried to talk him into quitting as a doctor and joining ACT UP. I think all scientists are a little too concerned with their scientific reputation and their credibility. I wish they'd be more aggressive and allow patients to take more risks, but they are clinicians and it's their job. He balances the two very well."

Dealing with the politics of AIDS is an everyday part of Volberding's job. It comes with the territory. Unlike some top researchers who might prefer to remain cloistered in the safe confines of the lab, Volberding courts controversy by serving in a high-visibility leadership role. He doesn't shy away from the need to face the tough questions directly.

"The federal government has to play a much more active role in patient care," he says. "The cities have been shouldering an undue burden. It's not San Francisco's fault or New York's fault or Miami's fault that the epidemic has landed in their midst.

"AIDS in many ways just puts a magnifying glass to our whole health care system. It shows us our strengths as well as our weaknesses. What we clearly recognize is that being limited in your access to health care because you don't have money is just not fair. And it's just not fair to expect cities to bear the brunt of the national failure."

Volberding is tough on political leaders who lack the courage to stand up and do something about AIDS, fearing that it will cost them votes. "In this sense, I've got less and less respect for a lot of politicians. They say, 'Yes we understand, privately we support you. But we can't do it publicly because we're afraid of what it's going to do to our re-election chances.'"

Neither should physicians pass the buck; they must recognize and accept their social responsibility in dealing with AIDS, Volberding says. "If our goal is to stop transmission of AIDS, develop effective treatments, and get those treatments to people, then we have to be interested in the social side of it as well as the biomedical side, because it's on the social side that those treatments actually get translated into benefits."

Keeping AIDS a high priority on the nation's agenda isn't easy as the public tires of hearing about AIDS and decides it's a problem that doesn't affect them. "It's a strategy that's not going to work, though," Volberding says. "The fact is, this virus is here. No amount of denial is going to make it go away on its own. You can get reassured or panic, depending on how you want to look at it. The virus has infected hundreds of thousands of Americans.

"We're seeing that the virus is starting to affect people literally everywhere. I know from talking with people in my parents' church in extremely rural Minnesota that there are people there who have AIDS—maybe not people in the church, but sons of people in the church who have moved back home or people in the small towns who have AIDS."

When it comes to AIDS, no man is an island, Volberding says. Yet society's mixed response to the AIDS epidemic often reflects the belief that our neighbor's problem is not our own. "It says we're willing to ignore a problem if we think it doesn't affect us—defining 'us' as narrowly as you can imagine. It's not 'us' if it's a black person, it's not 'us' if it's a poor person or a drug-using person or a gay person. We pretend that there are walls around us, when in fact we're all living in one big tent."•

JULIA CHANG BLOCH

• Mr. McCONNELL. Mr. President, this past Sunday I came across an article appearing in the Parade magazine section of the Lexington Herald-Leader. This piece on Ambassador Julia Chang Bloch, the chief United States emissary to Nepal, moved me.

Born as Chang Chih-hsing in China, Bloch and her family fled to Hong Kong shortly after the Communist takeover of China. Her successful academic achievements at both the University of California at Berkley and Harvard epitomize a Horatio Alger-like success story. When this is coupled with her achievements in the line of duty as both the head of the Agency for International Development's Asia and Near East bureau, and currently as the Ambassador to Nepal, her steady rise along the path of the American dream is certainly not surprising.

Bloch's skillful handling of American affairs during the Nepalese civil unrest of this past year, not only represented the United States Government exceedingly well in an extremely poor situation, but it protected the lives of nearly 2,000 Americans.

Julia Chang Bloch is a dedicated, sincere individual to whom we owe a debt of gratitude for so humbly, yet so effectively, serving her country, and in doing so she provides an outstanding example of what hard work and perseverance can result in.

I ask that the article to which I earlier referred be printed in the RECORD.

The article follows:

[From Parade, Feb. 3, 1991]

HER LIFE IS "A MESSAGE"

(By Jack Anderson)

The statute of the King's father was getting mauled in downtown Katmandu. More than 100,000 frenzied protesters had stormed the palace gate. Gunfire filled the square. The police were weary from the week-long demonstration.

Julia Chang Bloch stood in the eye of that unexpected political hurricane last April when it swept through this Himalayan kingdom wedged between India and China. As the newly appointed U.S. ambassador to Nepal, Bloch arrived just in time to settle in for the revolution.

Even veteran ambassadors need help in such crises. But Secretary of State James Baker could breathe easy. Bloch was keeping Washington posted around the clock and ensuring the safety and possible evacuation of nearly 2000 Americans. During the tumult, the palace and the revolutionaries both trusted her to help sift through countless rumors. When the debris settled, there were no dead Americans, none of the usual complaints that a U.S. Embassy wasn't there in a time of need. In fact, Nepal's new prime minister, K.P. Bhattarai, 66, calls Bloch an ally and a friend. "She is a very impressive person," he says.

Since April, King Birendra has freed thousands of political prisoners. Nepal's new leaders have shaped a new constitution and expect to hold springtime elections—the country's first free elections in 30 years.

Julia Chang Bloch is the first U.S. ambassador of Asian descent in American history. The job is custom-tailored to her skills. Bloch may be our government's best spokesman in the Orient. "I sound like a sugar-coated patriot," she concedes, "but in what other country could a person like me become an ambassador in less than a generation?"

Bloch, 48, was born Chang Chih-hsing in China, where her late father, Chang Fu-yun, headed the customs office before the Communist overthrow in 1949. In 1951, he fled to Hong Kong with his family. Fluent in English, Chang Fu-yun had been the first Chinese graduate of Harvard Law School. In Hong Kong, he got a visa to return to the U.S. and became an adviser to the Asian Foundation in San Francisco, then had his wife and children follow. When they joined him, he opened the Bible and picked English names for his children: Julia, Rhoda and Samuel.

His wife, Eva, worked as a supermarket clerk while studying accounting. Though only 33, when she tried to get work, she was told she was too old. Applying for a waitress job, she was told candidly that the boss did not hire Chinese.

Julia Chang's start was not auspicious either. Since she spoke no English, the school placed her with retarded students. But within a year, thanks to her father's tutoring, Julia won a speaking contest—in English—sponsored by a local debating society. Her subject, "What it means to be an American."

After graduation from the University of California at Berkeley in 1964, she joined the Peace Corps, serving in Southeast Asia until 1966. She earned her master's degree from Harvard in government and East Asia regional studies in 1967. In 1968, she married the real-estate attorney Stuart Bloch, then returned to the Peace Corps for two years. She worked on the Senate staff from 1971 to 1976 before serving as a fellow at Harvard's Institute of Politics (1980–81). From 1981 to 1988, Block worked for the Agency for International Development (AID), rising to head its Asia and Near East bureau. Lori Forman, a co-worker at AID, says: "If there was anyone still working there after I left at night, it would be Julia."

Bloch may be a workaholic, but she also knows how to relax and entertain. She's probably as good a host as any U.S. ambassador anywhere. She has a playful wit and can shift from sassy to serious in a split second.

Bloch's popularity stems from her charm and from representing the United States—the first nation to publicly urge the king of Nepal to heed the cry for human rights. Because of Bloch's Asian roots, her appointment is seen as a sign of respect for Nepal's culture. "It is like going home," she says of her post along China's border.

She says the U.S. has only limited ability to help solve Nepal's huge problems. One of the 10 poorest nations in the world, its spectacular Himalayan terrain has few roads and poor communications. The country has miles of decimated forests and has endured landslides, flooding, a loss of crops. A trade dispute with India created shortages of food and oil. The average wage in Nepal: about $160 a year.

Bloch says she had hoped Nepal's new democratic movement would inspire the U.S. to give more than the $13 million budgeted to aid Nepal this year. But the total remains generally fixed.

Of her ambassadorship, she says, "I guess my appointment in itself is a message about what America stands for, a land where there is opportunity."

Bloch says she is fortunate to be an American and proud to have been born Chinese. When sworn in as ambassador, she summed up her life in one sentence: "The road from refugee to ambassador is the American dream fulfilled."

(Our reporter, Jim Lynch, interviewed Ambassador Bloch in Nepal.)●

TRIBUTE TO ANNABELL HENDRICKSON

● Mr. DURENBERGER. Mr. President, I rise today to congratulate a distinguished Minnesotan who was recently honored at a child care conference in Mankato, MN.

Annabell Hendrickson was among those who received the Excellence in Child Nutrition Award for 1990.

Ms. Hendrickson has been a licensed child care provider for 20 years. She is a single parent who raised and educated her own 4 children with her child care income alone. Not only is she a deserving winner of the child nutrition award, but she is outstanding as a child care giver. Her home could be a national example of excellence for all people seeking to enter the world of licensed family child care. It is with pride and pleasure that I bring the name of Annabell Hendrickson to the attention of this body.

In the same breath, I would point out that each year the Child Care Food Program provides nutritious meals and snacks to over 1.2 million children in child care centers and day care homes. In the tradition of the former Senator from Minnesota, Rudy Boschwitz, I would encourage my colleagues to support efforts to guarantee child nutrition.●

SENATE QUARTERLY MAIL COSTS

● Mr. FORD. Mr. President, as required by section 6 of Senate Resolution 212, agreed to November 19, 1989, and section 318 of Public Law 101-520, I am submitting the summary tabulations of Senate mass mail costs for the quarters ending September 30 and December 31, 1990, to be printed in the RECORD, along with the quarterly statements from the U.S. Postal Service setting forth the Senate's total postage costs for the quarters.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING SEPTEMBER 30, 1990

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita
Adams	12,909	0.00271	$8,209.55	$0.00172
Akaka	415,300	.37347	60,169.31	.05411
Armstrong		0		0
Baucus	169,662	.21050	25,733.88	.03193
Bentsen	423,050	.02490	69,477.86	.00409
Biden		0		0
Bingaman	430,275	.28159	69,637.38	.04557
Bond	749,900	.14536	110,770.99	.02147
Boren		0		0
Boschwitz	402,400	.09244	62,276.71	.01431
Bradley	2,237	.00029	3,384.57	.00044
Breaux	69,500	.01586	11,277.34	.00257
Bryan	168,539	.15170	32,682.01	.02942
Bumpers	134,300	.05582	21,599.55	.00898
Burdick	93,500	.14167	14,735.38	.02233
Burns	475,910	.59046	75,400.88	.09355
Byrd		0		0
Chafee	50,250	.05035	6,945.51	.00696
Coats		0		0
Cochran		0		0
Cohen		0		0
Conrad	311,065	.47131	45,969.94	.06965
Cranston	2,679,900	.09221	417,707.81	.01437
D'Amato	3,900,640	.21731	613,063.18	.03415
Danforth		0		0
Daschle	141,669	.19814	26,785.49	.03746
DeConcini	4,070	.00114	3,467.64	.00098
Dixon	1,460,830	.12531	187,043.14	.01604
Dodd		0		0
Dole		0		0
Domenici		0		0
Durenberger	408,464	.09384	68,719.00	.01579
Exon	5,428	.00326	4,495.45	.00279
Ford		0		0
Fowler		0		0
Garn		0		0
Glenn		0		0
Gore		0		0
Gorton	1,097,200	.23046	150,239.17	.03156
Graham	432,300	.03412	68,531.95	.00541
Gramm	219,325	.01291	36,335.49	.00214
Grassley	547,881	.19292	86,056.12	.03030
Harkin	122,658	.04319	15,759.68	.00555
Hatch		0		0
Hatfield		0		0
Heflin	544,400	.13220	78,858.79	.01915
Heinz	919,050	.07633	130,828.44	.01087
Helms		0		0
Hollins	1,300	.00037	266.28	.00008
Humphrey		0		0
Inouye		0		0
Jeffords	202,500	.35714	33,675.79	.05939
Johnston	17,750	.00405	3,041.94	.00069
Kassebaum		0		0
Kasten	757,145	.15557	107,619.56	.02211
Kennedy		0		0
Kerrey		0		0
Kerry	77,925	.01318	13,874.55	.00235
Kohl	8,100	.00166	167.69	.00003
Lautenberg	576,350	.07450	90,591.60	.01171
Leahy	151,085	.26646	23,811.74	.04200
Levin		0		0
Lieberman	145,275	.04485	20,302.68	.00627
Lott	149,750	.05713	21,484.98	.00820
Lugar	201,320	.03599	31,438.41	.00562
Mack	31,533	.00249	6,085.91	.00048
McCain	19,250	.00541	3,671.22	.00103
McClure		0		0
McConnell	400,060	.10734	67,746.08	.01818
Metzenbaum		0		0
Mikulski		0		0
Mitchell		0		0
Moynihan	7,045	.00039	1,381.76	.00008
Murkowski	196,110	.37213	31,137.73	.05908
Nickles	254,000	.07878	38,009.39	.01179
Nunn		0		0
Packwood	127,320	.04515	22,721.34	.00806
Pell	492,207	.49319	71,785.37	.07193
Pressler	43,178	.06039	31,545.36	.04412
Pryor	87,885	.03653	14,189.64	.00590
Reid	457,899	.41215	142,168.10	.12796
Riegle	595,300	.06420	88,496.62	.00954
Robb		0		0
Rockefeller	241,564	.13008	138,003.28	.07432
Roth	56,100	.08336	8,807.78	.01309
Rudman		0		0
Sanford	20,000	.00304	3,501.27	.00053
Sarbanes	59,550	.01269	10,797.37	.00230
Sasser		0		0
Shelby		0		0
Simon	718,447	.06163	116,451.27	.00999
Simpson		0		0
Specter	647,200	.05375	85,966.69	.00714
Stevens		0		0
Symms	254,350	.25084	37,584.49	.03707
Thurmond		0		0
Wallop		0		0
Warner	614,450	.10076	107,156.59	.01757
Wilson		0		0
Wirth	65,530	.01976	9,111.88	.00275

Other offices	Pieces	Cost
The Vice President	0	
The President pro-tempore	0	
The majority leader	0	
The minority leader	0	
The assistant majority leader	0	
The assistant minority leader	0	
Secretary of majority conference	0	
Secretary of minority conference	0	
Agriculture Committee	0	
Appropriations Committee	0	
Armed Services Committee	0	
Banking Committee	0	
Budget Committee	0	
Commerce Committee	0	
Energy Committee	0	
Environment Committee	0	
Finance Committee	0	
Foreign Relations Committee	0	
Governmental Affairs Committee	0	
Judiciary Committee	0	
Labor Committee	0	
Rules Committee	0	
Small Business Committee	0	
Veterans' Affairs Committee	0	
Ethics Committee	0	
Indian Affairs Committee	1,095	$1,228.92
Intelligence Committee	0	
Aging Committee	0	
Joint Economic Committee	4,328	1,179.82
Joint Committee on Printing	0	
Democratic Policy Committee	0	
Democratic Conference	0	
Republican Policy Committee	0	
Republican Conference	0	
Legislative Counsel	0	
Legal Counsel	0	
Secretary of the Senate	0	
Sergeant at Arms	0	
Narcotics Caucus	0	

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1990

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita
Adams		0		0
Akaka		0		0
Armstrong		0		0
Baucus		0		0
Bentsen	137,150	.00807	$24,573.37	$0.00145
Biden		0		0
Bingaman		0		0
Bond	1,400	0.00027	240.21	.00005
Boren		0		0
Boschwitz		0		0
Bradley		0		0
Breaux	721,000	.16454	98,821.48	.02255
Bryan		0		0
Bumpers		0		0
Burdick	93,850	.14220	14,790.96	.02241
Burns	10,990	.01364	1,872.89	.00232
Byrd		0		0
Chafee	134,550	.13482	17,865.29	.01790
Coats		0		0
Cochran	880	.00034	181.91	.00007
Cohen		0		0
Conrad	276,800	.41939	40,100.03	.06076
Cranston		0		0
D'Amato		0		0
Danforth		0		0
Daschle	71,903	.10056	12,483.56	.01746
DeConcini		0		0
Dixon		0		0
Dodd		0		0
Dole		0		0
Domenici	3,300	.00216	591.43	.00039
Durenberger	26,950	.00619	4,961.55	.00114
Exon		0		0
Ford		0		0
Fowler		0		0
Garn		0		0
Glenn		0		0
Gore		0		0
Gorton		0	65.79	.00001
Graham	36,530	.00288	6,536.85	.00052
Gramm		0		0
Grassley		0		0
Harkin		0		0
Hatch		0		0
Hatfield		0		0
Heflin		0		0
Heinz	861,800	.07158	114,480.76	.00951
Helms		0		0
Hollings		0		0
Humphrey		0		0
Inouye		0		0
Jeffords	2,550	.00450	456.14	.00080
Johnston		0		0
Kassebaum		0		0
Kasten	163,700	.03363	24,852.45	.00511
Kennedy		0		0
Kerrey	630	.00039	541.17	0
Kerry		0		0
Kohl		0		0
Lautenberg		0		0
Leahy	257,410	.45399	37,544.93	.06622
Levin		0		0

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1990—Continued

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita
Lieberman	124,611	.03847	29,798.57	.00920
Lott	10,800	.00412	1,660.98	.00063
Lugar	2,600	.00046	494.64	.00009
Mack	19,009	.00150	3,967.49	.00031
McCain		0		0
McClure		0		0
McConnell		0		0
Metzenbaum		0		0
Mikulski		0		0
Mitchell	276,800	.22651	36,755.29	.03008
Moynihan	1,356,800	.07559	216,656.84	.01207
Murkowski		0		0
Nickles	147,942	.04589	25,687.96	.00797
Nunn		0		0
Packwood	33,442	.01186	7,011.29	.00249
Pell		0		0
Pressler		0		0
Pryor	151,605	.06301	25,285.98	.01051
Reid	103,834	.09346	49,480.02	.04454
Riegle	1,200	.00013	224.87	.00002
Robb		0		0
Rockefeller	27,989	.01507	11,272.58	.00607
Roth		0		0
Rudman		0		0
Sanford	53,800	.00819	8,887.74	.00135
Sarbanes	9,975	.00213	1,768.04	.00038
Sasser		0		0
Shelby	821,275	.19944	112,337.49	.02728
Simon	1,171,750	.10051	155,536.12	.01334
Simpson		0		0
Specter	395,150	.03282	52,475.29	.00436
Stevens		0		0
Symms		0	278.58	.00027
Thurmond		0		0
Wallop		0		0
Warner		0		0
Wilson		0		0
Wirth		0		0

Other offices	Pieces	Cost
The Vice President	0	
The President pro-tempore	0	
The majority leader	0	
The minority leader	0	
The assistant majority leader	0	
The assistant minority leader	0	
Secretary of majority conference	0	
Secretary of minority conference	0	
Agriculture Committee	0	
Appropriations Committee	0	
Armed Services Committee	0	
Banking Committee	0	
Budget Committee	0	
Commerce Committee	0	
Energy Committee	0	
Environment Committee	0	
Finance Committee	0	
Foreign Relations Committee	0	
Governmental Affairs Committee	0	
Judiciary Committee	0	
Labor Committee	0	
Rules Committee	0	
Small Business Committee	0	
Veterans Affairs Committee	0	
Ethics Committee	0	
Indian Affairs Committee	0	
Intelligence Committee	0	
Aging Committee	0	
Joint Economic Committee	5,088	$1,535.84
Joint Committee on Printing	0	
Democratic Policy Committee	0	
Democratic Conference	0	
Republican Policy Committee	0	
Republican Conference	0	
Legislative Counsel	0	
Legal Counsel	0	
Secretary of the Senate	0	
Sergeant at Arms	0	
Narcotics Caucus	0	

U.S. POSTAL SERVICE,
DEPARTMENT OF THE CONTROLLER,
Washington, DC, November 2, 1990.

Hon. WALTER J. STEWART,
Secretary, U.S. Senate, Washington, DC.

DEAR MR. STEWART: Detailed data on franked mail usage by the U.S. Senate for the fourth quarter, Fiscal Year 1990, is enclosed. Total postage and fees for the quarter is $5,236,359.

A summary of Senate franked mail usage based upon actual data for the four quarters of Fiscal Year 1990 is as follows:

Volume	88,095,425
Revenue per piece	$.1703
Revenue	$15,001,842.00
Provisional payments (October 1989 to September 1990)	$17,766,000.00
Excess in provisional payments	$2,764,158.00

A credit invoice is enclosed for the difference between the provisional payments and the actual charges.

Also enclosed is a copy of the comparable report for the U.S. House of Representatives.

If you or your staff have any questions, please call Tom Galgano of my staff on 268-3255.

Sincerely,

JAMES S. STANFORD
General Manager.

U.S. POSTAL SERVICE CREDIT INVOICE

Date: 11/02/90

Receivable No.: N91000245430.

Agency No.: P0*3010*, fiscal year 1990.

To: U.S. Senate, Stuart F Balderson, Financial Clerk Senate Disbursing Office Hart Senate Office Building, Washington, DC.

Credit due the U.S. Senate for Franked mail usage during F.Y. 1990, following a review of actual quarterly usage during the Fiscal Year.

Total payments	$17,766,000.00
Less usage	−15,001,842.00
Credit due agency	2,764,158.00

Please advise this office whether you wish this credit applied to FY 1991 or refunded by check to your office.

THOMAS G. GALGANO,
Official and International Mail Accounting Division, U.S. Postal Service.

SENATE FRANKED MAIL: POSTAL QUARTER IV, FISCAL YEAR 1990

Subcategories	Pieces	Rate	Amount
Letters: First class (total)	3,023,515	$0.2501	$756,181
Flats: First class (total)	160,117	.9099	145,690
Parcels:			
Priority-up to 11 ounces			
Priority-over 11 ounces	16,305	4.7095	76,788
4th class-regular	29,450	3.1770	93,563
Total	45,755	3.7231	170,351
Orange bag pouches:			
First class	182,303	.3051	55,621
Priority-up to 11 ounces	3,240	2.4000	7,776
Priority-over 11 ounces	10,012	3.9587	39,635
Total	195,555	.5269	103,032
Agriculture bulletins:			
First class			
Priority-up to 11 ounces			
Priority-over 11 ounces			
3d class			
4th class special (Bk)	5	8.7333	44
4th class regular	805	6.4117	5,161
Total	810	6.4658	5,205
Yearbooks: 4th class special (Bk) (total)	167	1.2575	210
Other (odd size parcels):			
Priority-up to 11 ounces			
Priority-over 11 ounces	612	34.4005	21,053
4th class special (Bk)			
4th class regular	2,503	11.0021	27,538
Total	3,115	15.5990	48,591
Total outside DC	421,893	.3987	168,211
3d class bulk rate	27,604,139	.1073	2,961,020
Parcel Post-Interbmc—PI	1,731	20.3588	35,241
First class single PC—PI			
Address corrections (3547's)	11,813	.3000	3,544
Address corrections (3d cl)	58,619	.2500	14,655
Mailing list corrections (10 names or less)			
Mailing list corrections (more than 10 names)			
Mailgrams:			
IPA—International priority airmail			
Mailing fees (registry, certified, etc.)			
Postage due/short paid mail			1,390
Permit fees			
Miscellaneous charges/adj (mailings pd fr other funds)			38,424
Express mail service			770,580
Subtotal	31,525,498	.1632	5,145,477
Adj. (PFY to GFY Sept. 22–30/1990)	251,369	.3615	90,882
Grand total	31,776,687	.1648	5,236,359

U.S. POSTAL SERVICE,
DEPARTMENT OF THE CONTROLLER,
Washington, DC, February 4, 1991.

Hon. WENDELL H. FORD,
Chairman, Committee On Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Detailed data on franked mail usage by the U.S. Senate for the first quarter, Fiscal Year 1991, is enclosed. Total postage and fees for the quarter is $1,610,982.

A summary of Senate franked mail usage based upon the first quarter of actual data for Fiscal Year 1991 is as follows:

Volume	7,420,690
Revenue per piece	$0.2171
Revenue	1,610,982.00
Provisional payments (prorated to Dec. 14, 1990)	6,129,032.00
Excess in provisional payments	4,518,050.00

The substantial variance in Senate quarterly mailing patterns over the past several years, including the current quarter, have made our normal projections based upon historic trends of no value. In view of this situation, we are not making a Fiscal Year 1991 projection at this time.

If you or your staff have any questions, please call Tom Galgano of my staff on 268-3255.

Sincerely,

JAMES S. STANFORD,
General Manager, Official and International Mail Accounting Division, Office of Accounting.

SENATE FRANKED MAIL: POSTAL QUARTER I, FISCAL YEAR 1991

Subcategories	Pieces	Rate	Amount
Letters: First class (total)	2,070,461	$0.2501	$517,822
Flats: First class (total)	118,378	.9442	111,773
Parcels:			
Priority—up to 11 ounces			
Priority—over 11 ounces	12,470	4.3068	53,706
4th Class—regular	22,470	3.6036	80,973
Total	34,940	3.8546	134,679
Orange bag pouches:			
First class	170,012	.3074	52,262
Priority—up to 11 ounces	1,560	2.3995	3,743
Priority—over 11 ounces	8,279	4.4786	37,078
Total	179,851	.5176	93,083
Agriculture bulletins:			
First Class			
Priority—up to 11 ounces			
Priority—over 11 ounces			
3d class			
4th class special (Bk)	1	8.7333	9
4th class regular	97	6.5835	639
Total	98	6.6122	648
Yearbooks: 4th class special (Bk) (total)	58	1.2525	73
Other (odd size parcels):			
Priority—up to 11 ounces			
Priority—over 11 ounces	447	33.2549	14,865
4th class special (Bk)			
4th class regular	2,201	11.7544	25,871
Total	2,648	15.3837	40,736
Total outside DC	291,098	.4064	118,307
3d class bulk rate	4,964,331	.1098	545,272
Parcel Post-Interbmc—PI	343	18.9446	6,498
First class single PC—PI			
Address corrections (3547's)	4,452	.3001	1,336

SENATE FRANKED MAIL: POSTAL QUARTER I, FISCAL YEAR 1991—Continued

Subcategories	Pieces	Rate	Amount
Address corrections (3d cl)	5,401	.2500	1,350
Mailing list corrections (10 names or less)			
Mailing list corrections (more than 10 names)			
Mailgrams:.			
IPA—International priority airmail			
Mailing fees (registry, certified, etc.)			
Postage due/short paid mail			827
Permit fees			
Miscellaneous charges/adj			
Express mail service			129,531
Subtotal	7,672,059	.2218	1,701,864
ADJ. (PFY TO GFY 9/22–30/1990)	251,369	.3615	90,882
Grand total	7,420,690	.2171	1,610,982•

HISTORIC CEO CONVENTION

• Mr. JEFFORDS. Mr. President, I want to take this opportunity to bring to my colleagues' attention an event that will be taking place here in Washington that I believe will be of interest to them.

For the first time in its 33-year history, the Chief Executives Organization [CEO] is holding its annual convention in Washington, DC, April 7-12, 1991. A worldwide group of corporate chief executive officers, the CEO has members in every State of this union and in 30 countries. During the 5 days of the convention, the members plan to visit with Senators, Members of the House of Representatives, and top-level officials from the Departments of Defense and State. We welcome this distinguished delegation of business chiefs, and in particular this year's chairman, Gov. Dick Snelling of Vermont, to the Nation's Capitol and wish them a most productive and educational meeting.•

RULES OF PROCEDURE FOR THE COMMITTEE ON LABOR AND HUMAN RESOURCES

• Mr. KENNEDY. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the "Rules of Procedure for the Committee on Labor and Human Resources."

The committee rules were agreed to by a unanimous voice vote in executive session on February 20, 1991.

The rules follow:

RULES OF PROCEDURE FOR THE COMMITTEE ON LABOR AND HUMAN RESOURCES

(As amended February 16, 1983)

RULE 1.—Subject to the provisions of Rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the Committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD-430, Dirksen Senate Office Building. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary.

RULE 2.—The Chairman of the Committee or of a subcommittee, or if the Chairman is not present, the ranking Majority member present, shall preside at all meetings.

RULE 3.—Meetings of the Committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of Rule 26.5 of the Standing Rules of the Senate.

RULE 4.—(a) Subject to paragraph (b), one-third of the membership of the Committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the Committee which is composed of less than a majority of the members of the Committee shall include at least one member of the Majority and one member of the Minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the Minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a Minority member, the measure or matter shall lay over for a day. If the presence of a member of the Minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the Committee or a subcommittee unless a majority of the Committee or subcommittee is actually present at the time such action is taken.

RULE 5.—With the approval of the Chairman of the Committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

RULE 6.—Proxy voting shall be allowed on all measures and matters before the Committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the Committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The Committee may poll any matters of Committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

RULE 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each Committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of Rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the Committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any Committee member. The Clerk of the Committee, or the Clerk's designee, shall have the responsibility to make appropriate arrangements to implement this Rule.

RULE 8.—The Committee and each subcommittee shall undertake, consistent with the provisions of Rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

RULE 9.—The Committee or a subcommittee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the Chairman and the ranking Minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee or a subcommittee. The Committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

RULE 10.—Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition.

RULE 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee executive meeting may be held at the same time.

RULE 12.—It shall be the duty of the Chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or caused to be reported to the Senate, any measure or recommendation approved by the Committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

RULE 13.—Whenever a meeting of the Committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of Rule 26.5 of the Standing Rules of the Senate, no person other than members of the Committee, members of the staff of the Committee, and designated assistants to members of the Committee shall be permitted to attend such closed session, except by special dispensation of the Committee or subcommittee or the Chairman thereof.

RULE 14.—The Chairman of the Committee or a subcommittee shall be empowered to adjourn any meeting of the Committee or a subcommittee if a quorum is not present within fifteen minutes of the time scheduled for such meeting.

RULE 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or a subcommittee for final consideration, the Clerk shall place before each member of the Committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added.

RULE 16.—An appropriate opportunity shall be given the Minority to examine the proposed text of Committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

RULE 17.—(a) The Committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the Committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the Committee or subcommittee shall constitute a quorum: provided, with the concurrence of the Chairman and ranking minority member of the Committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The Committee may, by a majority vote, delegate the authority to issue subpoenas to the Chairman of the Committee or a subcommittee, or to any member designated by such Chairman. Prior to the issuance of each subpoena, the ranking minority member of the Committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the Chairman of the Committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the Committee requesting same, or to any assistant to a member of the Committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the Rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the Chairman of the Committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee or subcommittee.

RULE 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (Part I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the Committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (Part II) shall not be required of any nominee when the Committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the ranking minority member, waives this waiting period.

RULE 19.—Subject to statutory requirements imposed on the Committee with respect to procedure, the rules of the Committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

RULE 20.—In addition to the foregoing, the proceedings of the Committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.•

VERTICAL PRICE FIXING

• Mr. BRADLEY. Mr. President, I rise today in support of a measure that ensures that stores will be free to set prices and discounts, and that the public can get a full range of consumer goods at the lowest possible prices. Some retailers have been able to stop manufacturers from selling their products to discount stores. This action hurts consumers by denying them the opportunity to shop at discount stores.

This legislation strengthens protections against such vertical price fixing. It is Congress' responsibility to set the standards by which the courts judge antitrust violations, and I am glad that we are addressing this issue. The Court has in recent years been undercutting the ability of consumers and discounters to successfully combat these anticompetitive practices.

For example, the present legislation will clarify the 1984 Monsanto case. Although the Court found adequate evidence in this case that a supplier had illegally terminated the plaintiff—a discounter—at the request of a competing dealer, the case raised questions about the standard of evidence that a plaintiff must submit to reach a jury trial.

This bill would resolve these questions and set clearer standards. In addition, the legislation would overrule the 1988 Sharp decision such that an agreement between a supplier and one of her purchasers to terminate another competing purchaser because of her pricing policy would become unlawful.

In 1975, Congress repealed the fair trade laws because it found that consumers could save over $1 billion a year as a result of such action. Studies had revealed that the old law which had allowed manufacturers to mandate a minimum price at which a product could be sold, increased the price of goods significantly. Congress' action allowed discounters to flourish and the consumer to benefit.

I was an original cosponsor of last year's legislation which took similar steps to prevent price fixing, and I commend my colleagues on the Judiciary Committee for reaching an agreement which will benefit the American consumer.

I urge all my colleagues to give their support to the principles of fair trade and support this legislation.•

THE 1990 AUDIT OF THE ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH ON ANTI-SEMITIC VIOLENCE

• Mr. SIMON. Mr. President, I rise today to commend the Anti-Defamation League of B'nai B'rith [ADL] for their work to expose and combat hate crimes and to bring your attention to their most recent "Audit of Anti-Semitic Incidents." For the past 12 years, the ADL has compiled data about incidents of anti-Semitism. Their efforts in data collection and in developing awareness and education projects have played a critical role in drawing public attention to this problem and helping to address it.

Unfortunately, the Anti-Defamation League's 1990 survey indicates that the number and severity of anti-Semitic hate crimes has worsened nationwide. There were 1,685 incidents reported to the ADL from 40 States and the District of Columbia in 1990 alone. This is an 18 percent increase in reported anti-Semitic violence over last year and the highest total since the ADL began compiling these statistics 12 years ago. ADL reported a total of 927 acts of vandalism, including 38 serious crimes of arson, bombing, and cemetary desecration, that were directed at Jewish institutions, Jewish-owned property, and public areas. Incidents of harassment, threats, and assaults jumped 29 percent during the last year for a total of 758 acts of threats and physical assaults, the highest total ever reported by the ADL. There is a disturbing trend in this Nation of escalating hate crime violence: In the last 5 years, the ADL has reported an overall 54 percent increase in anti-Semitic incidents.

While the numbers themselves make a powerful statement about the extent of the problem, some specific examples illustrate even more graphically the sad story of hatred present in our society today. On November 5, 1990, Rabbi Meir Kahane was shot and killed by a lone gunman while making a speech in a Manhattan hotel. The ADL reports that last November in San Francisco several synagogues, Jewish community institutions and churches which serve the gay community fell victim to a wave of bias-oriented attacks. These attacks included incidents of hateful anti-Semitic graffiti painted on synagogues, a drive-by shooting and an arson attempt at one synagogue, a molotov cocktail thrown through the window of the San Francisco Jewish Community Center, and a firebomb at an Oakland synagogue. In mid-October, a synagogue on the north side of Chicago was vandalized with pro-PLO spray-painted messages on the front and side of the synagogue. Four teenagers were arrested and charged with vandalism.

Tragically, the ADL reports that 86 percent of those arrested for committing anti-Semitic violence are under 21 years of age. On our college campuses, anti-Semitic incidents are up 36 percent over last year. In the last 3 years, anti-Semitic incidents on campus have jumped 72 percent. On Yom Kippur eve, the Dartmouth Review featured an anti-Semitic quote by Adolf Hitler as part of the paper's masthead. During August 1990 at the University of Wisconsin at Madison, there were 20 reported anti-Semitic incidents, 14 of them occurring on campus. This rising trend of violence against students is especially disturbing because university environments are meant to stimulate, not stifle, free ideological exchange in the pursuit of knowledge.

While the ADL audit greatly increases public awareness of anti-Semitic violence, there are many other minority communities in our society that are also victims of hate crimes. Therefore, I was very pleased when Congress passed the Hate Crimes Statistics Act which I sponsored last year, along with Senator HATCH. By requiring the Attorney General to collect data on crimes motivated by hatred based on race, religion, ethnicity, or sexual orientation, the act will give us a broader picture of hate crimes in our society.

On January 1, 1991, the Federal Bureau of Investigation officially began to collect statistics on hate crimes. I am pleased to report that to date the effort to accomplish this goal has been carried out with diligence and enthusiasm. I was pleased to learn that the FBI consulted many of the groups that have been active in combating hate crimes while preparing their guidelines for implementation of the Hate Crimes Statistics Act. I was also pleased to learn that training seminars are now being conducted. I urge the FBI to continue its good work and look forward to their results.

In closing, I again want to commend the ADL for its outstanding work. It is my belief that the light their continued data collection sheds on this problem will help in our efforts to eliminate dreadful acts of hate crime violence.

I ask that the Anti-Defamation League's audit be printed in the RECORD.

The audit follows:

1990 AUDIT OF ANTI-SEMITIC INCIDENTS

(Anti-Defamation League of B'Nai B'rith)

1990 AUDIT: INTRODUCTION

During 1990 there were 1685 anti-Semitic incidents reported to the Anti-defamation League from 40 states and the District of Columbia. The overall total represents a 18% increase over the 1432 such incidents reported during 1989. It is the highest total ever reported in the 12 year history of the *Audit* and it marks the fourth straight year of increasing levels of anti-Semitic acts nationwide.

Of the 1685 incidents, 927 acts of vandalism—second highest ever in this category—were directed at Jewish institutions, Jewish-owned property and other public locations. The vandalism total for 1990 is 10% higher than the 845 reported in 1989.

Included in this category are 38 serious crimes—the same as the record-high total reported in 1989—of arson, bombing and cemetery desecration.

In the category of Harassment, Threats and Assault another record total was reported in 1990. There were 758 such incidents in which Jewish individuals and their institutions were menaced by mail or phone threats, verbal abuse and even physical assault. Incidents in this category have jumped by over 29%.

Among the other disturbing trends to be discussed in greater detail later in this report are (1) the growing numbers of anti-Semitic incidents occurring on U.S. college campuses—up by more than a third in 1990, and (2) a resurgence of anti-Semitic incidents seemingly motivated by the events in the Middle East and the Persian Gulf crisis.

On a positive note, Skinhead-related anti-Semitic incidents are down significantly, although still of concern. Effective law enforcement action at the federal, state and local levels against violent neo-Nazi Skinhead activity has sent a firm and clear message to such gangs that their criminal behavior will not be tolerated. Another resounding message to the hate movement to consider the serious consequences of their conduct was communicated in 1990. A successful civil suit against hatemonger Tom Metzger, his son John, and two neo-Nazi Skinheads in Portland, Oregon, resulted in a multi-million-dollar damage judgment in favor of the estate of a black man whose brutal murder was motivated by bigotry. For more detail on this lawsuit, which was brought by the Southern Poverty Law Center and the Anti-Defamation League.

1990 anti-Semitic incidents

Vandalism:	
Institutions	253
Private property	318
Public property	356
Total	927
Harassment, threats, assaults:	
Institutions	189
Individuals	569
Total	758

1990—VANDALISM: MOST SERIOUS CRIMES

During the past year the combined total of the most serious crimes of vandalism—arson, bombing and cemetery desecration—was 38, equalling the record-high level for this category recorded in 1989.

In 1990 there were 13 arson incidents—the most ever for that category—plus three attempted arson incidents. In 1989, 8 arsons and 4 attempts were reported.

In January, fires were set at synagogues in Philadelphia, PA, and Ogden, UT. In May a cabin at a Jewish day camp was gutted by fire in Madison, CT, where anti-Jewish slurs were scrawled nearby. In June, near Los Angeles, CA, a non-Jewish couple who for some time were being victimized via anti-Semitic threats and vandalism found their home set on fire.

In August, in San Francisco, CA, two synagogues were fire-bombed. There were to be four more attacks directed at 3 other synagogues and a Jewish Community Center in the Bay Area later in November (See section on "Noteworthy Incidents").

Other arsons occurred in October in Oceanside, NY, where a sukkah was destroyed by fire at a Y.M.H.A. In November, in Tucson, AZ, a trailer belonging to a Hebrew Academy was set a fire.

Attempted arson was reported at a New York City building vandalized with anti-Semitic graffiti; evidence of a failed attempt to set a fire was left behind. Also, a private home in Somerset, New Jersey was targeted for arson but, fortunately, the incendiary device failed to ignite.

There were two bombings and one attempt reported in 1990. In 1989 there had been 5 bombing incidents.

In May, at the New York Hilton hotel in Manhattan, two Jewish groups were holding meetings. A bomb exploded in a ballroom adjacent to the meeting room where one group was convening; no injuries were reported. Later in the day, another explosive device was located near where the second Jewish organization was to gather. The second device failed to detonate.

In June, a smokebomb was thrown into the lobby area of a Brooklyn, NY, Yeshiva causing minor floor damage. Children who were in the building at the time were forced to evacuate. There were no injuries.

Finally, there were 19 cemetery desecrations reported in 10 states—the second highest total ever reported. The most cemetery desecrations occurred in 1989, when there were 21.

SKINHEAD-RELATED INCIDENTS

In 1990, gangs of young racists known as neo-Nazi Skinheads were involved in numerous anti-Semitic acts. However, the total of such episodes declined signficantly from that of 1989. Still the Skinheads' message of hate, their menacing posture and their violent nature are troubling to all concerned Americans: blacks, Jews, Hispanics, immigrant minorities and gays continue to be targeted by Skinhead-gang members for brutal assault, threats and vandalism.[1]

As noted, Skinhead-related anti-Semitic acts did show a decline in the past year, by more than one quarter (27%), representing at least a temporary reversal in the trend of such episodes in recent years. In 1987, ADL noted a dozen anti-Semitic incidents in 6 states by Skinheads. In 1988, those totals rose to 41 incidents in 15 states. In 1989, at least 116 incidents were reported in 24 states. This past year saw 87 incidents reported in 21 states. These episodes are divided into 53 instances of vandalism and 32 of harassment in which the perpetrators identified their deeds either with a scrawled Skinhead "signature" or a verbal declaration. Law enforcement authorities in areas where Skinhead visibility is most prominent (i.e., California, New Jersey, Florida, Colorado) have suggested that dozens of additional vandalism incidents—particularly at public urban sites—are most likely the work of Skinheads, but do not contain a specific identifiable Skinhead "signature," such as the name of a gang or certain symbols.

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[1] See also ADL *Special Report,* "Neo-Nazi Skinheads: A 1990 Status Report," and other ADL materials on this subject.

Twenty-four Skinhead incidents were directed at Jewish institutions. Twenty-seven occurred at public locations, including one particularly nasty episode on a Minnesota college campus (See 1990 Campus Incidents). Also, thirty-four incidents of threats and harassment targeted Jewish individuals, including two physical assaults.

As in 1989, police departments reported apprehending the Skinhead perpetrators in connection with some of the incidents. (See section on Arrests).

In a significant development, neo-Nazi Skinheads and the organized hate movement generally were dealt a serious—and still reverberating—legal blow in a Portland, Oregon courtroom last October—as described in the following article from the November/December 1990 ADL Bulletin:[2]

A DEFEAT FOR ORGANIZED RACISM

On October 23, a jury in Portland, OR, returned a $12.5 million verdict against Tom Metzger, his son, John Metzger, their racist organization, White Aryan Resistance (WAR), and two of their Skinhead followers for the 1988 murder of an Ethiopian immigrant. The verdict represents a crushing defeat for the Metzgers and their racist movement.

ADL and the Southern Poverty Law Center represented the estate of Mulugeta Seraw, the victim. In recent years, Tom Metzger, a former Ku Klux Klan leader, has actively recruited Skinheads into the white supremacist movement and trained them in racist violence.

In 1989, ADL and the SPLC brought a wrongful death action on behalf of Seraw's family which named as defendants not only the Skinheads who had been convicted of the fatal attack, but also the Metzgers and their organization for their role in orchestrating the violence. (ADL *Bulletin*, October 1990: "Skinheads on Trial.")

The trial was conducted under heavy security as Skinheads and the media converged on downtown Portland. The Metzgers represented themselves, although they clearly had been well-coached by a lawyer. While we simply set out the facts surrounding their role in instigating racist violence by Portland Skinheads, the Metzgers tried to politicize the trial, repeatedly using it as a forum to express their racist beliefs. Judge Ancer Haggerty, who is black, exhibited no reaction to the racism which emerged during Tom Metzger's testimony and in the various exhibits drawn from his racist publications.

Our case hinged largely on the testimony of David Mazzella, a former Skinhead who once served as the vice president of Aryan Youth Movement, the recruitment arm of WAR operated by John Metzger. Seeking to abandon the white supremacist movement, Mazzella approached ADL after the Seraw murder and told of his involvement with the Metzgers. He explained that in 1988 he had been sent to Portland by the Metzgers to organize the Portland East Side White Pride Skinhead group into a militant racist group. At trial, we established that Mazzella had been functioning as an agent of the Metzgers and WAR when he spurred East Side White Pride to commit acts of racial violence, including the attack that killed Mulugeta Seraw.

Recognizing the Metzgers' fundamental role in bringing about Seraw's death, the jury award was broken down precisely as we had requested: $5 million against WAR, $3 million against Tom Metzger, $4 million against John Metzger and $500,000 against two of the Skinheads who committed the murder.

Tom Metzger's $150,000 home represents the most readily available asset to satisfy the judgment. However, ADL will vigorously pursue all its collection remedies under California law. While Seraw's family may never recover the entire judgment, the jury verdict should put a significant dent in the Metzgers' racist activities. In addition, the imposition of financial reparations on right-wing extremists as the consequence of racial violence hopefully will deter others.

1990 AUDIT: CAMPUS INCIDENTS

There were 95 anti-Semitic incidents reported at 57 academic institutions in 1990 compared to 69 incidents at 54 institutions in 1989—an increase of 36%. Over the past three years, campus anti-Semitic incidents have jumped 72%.

As noted in recent ADL Audits, individual Jewish students as well as places of Jewish activity on campus have been targets including Hillels, fraternity/sorority houses and the dorms and offices of Jewish students and professors. In the summer of 1990 at the University of Wisconsin at Madison, a wave of anti-Semitic episodes erupted, following a series of similar attacks within the surrounding community. In all, 20 anti-Semitic incidents were reported in Madison during August, 14 of them on the campus.

Eleven other college campuses experienced more than one anti-Semitic episode during 1990. By and large, the incidents were singular and unrelated.

In one especially offensive incident at a small mid-western college in Manchester, Minnesota, three men—one a self-described "Skinhead"—entered a dormitory area where a kosher kitchen is maintained by Jewish students. They vandalized the premises leaving behind anti-Jewish scrawlings and a cooking utensil filled with their excrement. The three were arrested and pleaded guilty and are now awaiting sentencing.

In other reported incidents, campus publications were the instruments of anti-Semitic animus. An issue of the Dartmouth (NH) Review, published on Yom Kippur eve, featured an anti-Semitic quote by Adolf Hitler as part of the paper's masthead. The ensuing uproar led to an apology from the publication's editor-in-chief and the resignations of several members of the staff. A subsequent ADL investigation of the incident (as noted in the New York Times of January 10, 1990) concluded that a member of the Review staff must have been responsible, and that the past conduct of some staff members contributed to "the creation of an environment which condoned and even encouraged" the Hitler quote incident.

In September, The Campus, a publication of the College of the City of New York published an article on its opinion page describing Jews as "powerful, arrogant people who control everything," along with references to "this cunning Jewish clique." The school's president denounced the article in an open letter to faculty and students, and urged the publication's editors to reject such articles in the future.

(See Appendix D for a detailed listing of 1990 campus incidents.)

1990 VANDALISM: MOST ACTIVE STATES

In spite of overall record totals nationally, several traditionally most-active states—New York, New Jersey, Massachusetts and Michigan have reported slight decreases for 1990. However, this factor is more than offset by combined increases of reported incidents from Maryland, Illinois, California and Pennsylvania as well as from generally less active areas—e.g., Colorado, Wisconsin, New Mexico.

The most active states in 1990 were as follows: (See Appendix B for complete state-by-state breakdowns.)

New York with 186 is down 27 (a drop of 12.5%) from 1989. California (129) is up 54 from 1989 folllowed by New Jersey with 107, down 5. Massachusetts, which in 1989 (95 incidents) reported a 171% increase over 1988 (35), dropped 30% in 1990 (68). Next was Maryland (56) which rose sharply by 31 incidents and Florida with 65, down 1.

In the next group Pennsylvania (44) is up 14, followed by Illinois with 33, up 21, and by Colorado, sharply up for the second year in a row from 7, in 1988, to 24 last year and 35 in 1990. Wisconsin (23) also soared from just 2 in 1989 (See section on Campus Incidents.) Ohio also recorded 23, up 20. Next were Minnesota (17), up 2; Michigan (16)—, down 23; Connecticut (16), up 3, Virginia (15), up 6; and New Mexico also with 15, up 13.

Then come Arizona (11), up 6; Georgia (9), down 6; Oregon (6), down 5; followed by Texas, New Hampshire and Louisiana each with 5. Sixteen remaining states each reported fewer than 5 vandalism incidents.

1990 VANDALISM: GEOGRAPHIC BREAKDOWN

Ten Northeastern states combined for a total of 493 incidents—53% of the national total. Last year there were 500 vandalism incidents reported in that region—59%. New York in 1990 had (186), followed by New Jersey, (107); Massachusetts, (67); Maryland, (56); Pennsylvania, (44); Connecticut, (16); New Hampshire, (5); Maine, (3); Delaware, (2); and there were 6 incidents in the District of Columbia.

In the South, combined totals were similar to those reported in 1989. Ten Southern states again made up 12% of the national total during 1990. They are: Florida, (65); Virginia, (15); Georgia, (9); Texas, (5); Louisiana, (5); Tennessee, (4); Mississippi, Kentucky and Alabama (2 each) and one in North Carolina—110 in all.

Nine Mid-Western states accounted for 119 incidents—as in 1989 about 13% of the national total. Those states are: Illinois, (33); Wisconsin, (23); Ohio, (23); Minnesota, (17); Michigan, (16); Indiana, Missouri and Nebraska, (2 each); and one in Kansas.

In the West, after 2 years of reported decrease, 10 states in 1990 reported a total of 205 incidents—up 35% from 1989. California, (129); followed by Colorado, (35); New Mexico, (15); Arizona, (11); Oregon, (6); Washington, (4); Idaho, (2); and, Utah, Alaska and Hawaii, (one each). The region combined for 22% of the national vandalism total during 1990.

1990: HARASSMENT, THREATS AND ASSAULTS

1990 marked the highest number of harassment, threats and assaults ever reported. The total of 758 incidents—29% higher than the 587 reported in 1989—accounted for 44% of all reported incidents during 1990. In contrast, over the five-year period 1983–1987 such incidents were 33% of all yearly anti-Semitic acts. Then, in 1988, they increased to 36%, and then to 41% last year. Included in this category are at least 30 reported incidents of physical violence against Jewish individuals. Among those assaults was the assassination of Rabbi Meir Kahane in New York in September.

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[2] By Richard E. Shevitz, ADL Legal Affairs Department.

THE RESURGENCE OF POLITICALLY-RELATED INCIDENTS

In 1988, the ADL monitored 117 anti-Semitic incidents—9% of the overall yearly total—which related to the Palestinian uprising or *intifada*. In 1989, that factor was absent from the *Audit* picture.

Between January and August of 1990, approximately 20 incidents of anti-Israel/pro-Palestinian threats against Jews and graffiti on synagogues and other Jewish property had been reported. Although these incidents did not focus on a specific Middle East event, the reappearance of this phenomenon was again worth noting. Then, in late August, with the onset of the Persian Gulf Crisis and efforts by some to promote the notion of "linkage" to the Palestinian issue, many ADL offices began reporting anti-Semitic incidents containing references to those events. Among the more pronounced episodes were two spates of vandalism in Illinois. (See section on "Noteworthy Incidents" for details.)

By the end of 1990 an additional 25 such incidents had been reported. The resolution of events in the Gulf remained unclear at the time this report went to press, and the full measure of the impact of this crisis on *Audit*-related developments remains to be seen.

At the same time, it should be noted that such politically related acts of anti-Jewish animus cannot be considered mere expressions of political criticism. Rather, the violence and bigotry of the incidents cited place them beyond the bounds of legitimate debate. Do these findings indicate an emerging new manifestation of anti-Semitism with political overtones which will reappear in response to recurring foreign crisis? Or do they represent a different "wrinkle" in the behavior of those who would commit anti-Semitic acts—those who have simply seized upon a new vehicle to express their message of hate? The answers to these questions must wait upon unpredictable events.

1990 AUDIT: ARRESTS

In 1990 there were 110 individuals arrested in 17 states in connection with 59 of the incidents reported. As in the past years the vast majority of those arrested—86% in 1990—were under 21 years of age.

During a comparable period in 1989, 144 arrests in 14 states were made in connection with 73 incidents. Included in the 1990 total are the arrests of 16 Skinheads in California, Colorado, Florida, Michigan, New Jersey, New York and Texas.

A LOOK AT SOME NOTEWORTHY INCIDENTS

The following examples illustrate the considerable news coverage, community response and ADL counteraction which stemmed from several anti-Semitic incidents in 1989:

NEW YORK, NEW YORK

On November 5, 1990 Rabbi Meir Kahane was shot and killed by a lone gunman, El Sayyid Nosair, while making a speech in a Manhattan hotel. The assassination of Kahane, who was on a fund-raising tour of the United States for his Israeli-based Kach Party, outraged many Jews in the United States, Israel and elsewhere, most of whom did not support his political ideas, but who were appalled that a prominent—albeit controversial—Jew had been murdered. ADL National Director Abraham Foxman said in a statement after Kahane's murder: "Although we disagreed with many of his positions, we've always supported his right to express them. While Rabbi Kahane was passionate in his beliefs about Israel, his radical views and militant tactics were rejected by most Jews."

Kahane's accused killer has been indicted and, although he was originally released on $300,000 bail after he pleaded not guilty, bail was later revoked and Nosair awaits trial. A radical Palestinian guerilla group, Fatah Revolutionary Council, announced that they would pay for Nosair's defense.

CHICAGO, ILLINOIS

Jewish religious institutions on the north side of Chicago were targeted by anti-Semitic vandals in mid-October. KINS synagogue (which had been the target of a 1987 Kristallnacht vandalism) bore black, red and green spraypainted messages—"PLO" and a PLO flag—on the front entrance and the side of the synagogue. Four other institutions were also targeted. Four teenage individuals were apprehended, arraigned, charged with felony institutional vandalism, and released on $5,000 bail. They reportedly told police that their crime was retribution for violence on the Temple Mount in Jerusalem.

These events were followed in December by similar attacks on four synagogues and a Jewish college in the Chicago suburb of Skokie. All of the incidents were well-publicized, and non-Jewish members of the communities involved offered comfort and support to their Jewish neighbors.

DENVER, COLORADO

An outbreak of anti-Semitic incidents plagued Denver in May of 1990. Eight homes in the suburban community of Southmoor Vista were defaced with Skinhead style graffiti. Subsequently, another suburb reported that two abandoned homes in the area had been similarly defaced. Additionally, the vandalism was accompanied by telephone harassments which may have resulted from the publicity generated by the earlier hate crimes.

While these anti-Semitic incidents were being investigated, the Greek Orthodox Cathedral of Denver, which is across the street from the ADL office and the Jewish Community Center, was defaced with anti-Semitic graffiti. This too had the earmarks of Skinhead involvement. All of the incidents generated much media interest and community concern. The religious leaders of Denver called a press conference and the FBI was called in to investigate possible civil rights violations. The mayor of Denver, Federico Pena, spoke out strongly in support of the Jewish community, as did District Attorney Norman Early, who held a press conference to speak out against the specific incidents as well as the general problem of hate crimes in Colorado.

In December of 1990, one of the two men who was responsible for the graffiti on the Greek Orthodox church pleaded guilty to one count of felony criminal mischief, and one count of desecration of a venerable object. The perpetrator was sentenced to two years in prison—deferred because he had enlisted in the Marine Corps. Denver area clergy expressed concern about the incidents and urged that law enforcement and the community take them seriously. The other perpetrator awaits trial.

PALM BEACH AND ST. LUCIE, FLORIDA

During May and June neo-Nazi Skinheads were responsible for a rash of swastika daubings and other anti-Semitic graffiti such as "Satan is a Kike," "Adolph Hitler Lives," "Die Jew Parasites," and "Kill Jew Scum," on synagogues and other buildings in the two counties. The situation there took an unusual turn when a local Skinhead leader denied Skinhead involvement and announced that the Jews had vandalized the buildings themselves. He even went so far as to offer a reward equal to the $1,000 offered by the ADL regional office. (The local unit of the Jewish War Veterans also offered a $2,000 reward.) Local newspapers publicized the incidents and featured editorials condemning the bigots who were responsible.

SAN FRANCISCO, CALIFORNIA

During a four-day period in August, arsons occurred at two San Francisco synagogues while a third was vandalized, causing alarm and distress throughout the San Francisco Jewish community. ADL offered a reward and the San Francisco police issued an information bulletin to area rabbis.

In November several Bay Area synagogues and Jewish community institutions, along with a church which predominately serves the gay community, were the targets of another wave of serious hate crimes. The incidents included anti-Semitic graffiti painted on a synagogue's walls, a drive-by shooting at a synagogue, an arson attempt at the same synagogue, a molotov cocktail through the window of the San Francisco Jewish Community Center, a firebomb at an Oakland synagogue, and a variety of hostile and/or threatening anti-Jewish messages received at a number of Jewish institutions. All occurred during a three-week period and generated wide media coverage.

Rewards were again offered by ADL and by a local businessman, and the San Francisco police stepped up surveillance activity around Jewish institutions. To alleviate anxiety among members of the Jewish community, ADL conducted four security conferences, in cooperation with the Jewish Community Relations Councils throughout the Bay Area. To date, no arrests have been made, and the perpetrators remain unknown.

IS IT "HIP" TO HATE?

It seems that some aspects of pop culture are becoming toxic. Words images and ideas conveying hostility towards minorities and women, formerly the domain of the gutter or the extreme right, have begun to seep into mainstream culture to find surprising acceptance and legitimacy—with unfortunate consequences for their targets and for the social atmosphere of our nation.

A 1990 piece on the subject in *Time* magazine observed that the majority of Americans are bewildered by the emergence of "pop raunch . . . They wonder at the effluence of raw language and worry about its impact on old-fashioned notions of civilized discourse." Similarly, Lena Williams of the New York *Times* has earlier reflected on the subject in an article headlined "It Was a Year When Civility Really Took It on the Chin." Writing about 1988, a year of "shock radio," insult comedy and other such developments, Williams reported that there had been a noticeable decline in general politeness and public manners.

A generation ago, Dr. Martin Luther King, Jr. and the civil rights and women's movements broke new ground in challenging longtime legal and social barriers blocking the achievement of full rights for many Americans. Now, with the civil rights laws institutionalized as part of the "establishment," some elements in our popular culture and their fans, unable to remember or unwilling to accept the changes in our laws and social standards, have taken to expressing their iconoclasm in the form of a crude rejection of the taboos against stereotyping, and a loosening of restraint against scapegoating.

Recent years have seen an escalating trend toward popularizing the themes of violent sex, racism, suicide and drugs in heavy metal and rap music. The heavy metal band Guns 'n' Roses sets xenophobia to music in a song called "One in a Million." The song includes the verse: Immigrants and faggots/They make no sense to me/They come to our country/And think they'll do as they please/Like start some mini-Iran or spread some [expletive] disease."

Professor Griff, spokesperson for the rap group Public Enemy publicly spouted anti-Semitic statements in which he said Jews were responsible "for the majority of wickedness that goes on around the globe." Despite the public furor over Griff's comments, the group kept the issue of anti-Semitism alive in a recording called "Welcome to the Terrordome," with lyrics that revived the anti-Semitic slander of deicide: "Crucifixion ain't no fiction/So-called chosen, frozen/Apology made to whoever pleases/Still they got me like Jesus."

More graphically violent and misogynistic lyrics have coincided with actual hate crimes. In a *Newsweek* column, (July 30, 1990) George Will dramatically demonstrated the point by juxtaposing lyrics of the rap group 2 Live Crew describing violent sexual assaults on women with the courtroom testimony of the young men who gang raped and tortured a woman jogger in New York's Central Park. Will asked "which words are lyrics, which are testimony?"

Music to hate by has also crept in the "Top 40." Madonna recently issued a remix of a single renamed "The Beast Within" which says, "I know your tribulations and your poverty, and the slander of those who say they are Jews. They are not. They are a synagogue of Satan." The release of that record may have been more than coincidental with the vandalizing of three synagogues and a high school in Ventura County, with anti-Semitic graffiti referring to Revelations 2:9, the New Testament passage quoted by Madonna, that has been the basis of centuries-old anti-Semitic animus.

Another sign of this cultural trend has been the emergence of a comedy of bigotry, as performed by Andrew Dice Clay and others, which many critics have simply characterized as hateful speech. A review of Clay's comedy special on HBO in TV Guide described the show as "toxic spill." That review also asserted that Clay "was unrelentingly mean spiritedly filthy and pornographic. From his reworked nursery rhymes to his attacks on women in the audience, Clay was gross and insulting. There wasn't a trace of humor evident in his show." And columnist Ellen Goodman mused that his "AK-47 verbal assaults" were well received by huge concert audiences of men who, it would seem, enjoy hating women.

These and other elements of the trend—a widely publicized new novel, for example, consisting largely of scenes of graphic, sadistic violence against women—have entered the public spotlight against a backdrop of steadily increasing bias crimes in recent years, as noted by the ADL Audit and other sources. A striking aspect of this picture is that ethnic frictions and sexual crimes are reported in growing numbers on American college campuses. That there may be a correlation between life and art comes as no surprise to columnist Charles Krauthammer, who asserts that while mass culture has always aimed at the lowest common denominator, "there is no comparing the brutality of today's pop culture to that of 40 years ago. . . . Until now no society has combined total liberty with mass culture, let alone with technology that hard wires the stuff into the brain." Writing in the Los Angeles Times of July 30 (in a column sub-titled, "If good art is elevating, why deny that bad art degrades?"), Krauthammer, a former psychiatrist, sees a clear link between vicious antisocial behavior and hateful violence in films, music and on TV. "Culture," he insists, "has consequences."

Among even younger students, Harvard psychiatrist Alvin Pouissant has noted that use of formerly taboo slurs like "nigger" in certain music is likely to lead to their wider, casual acceptance and repetition by the millions of children who listen to such recordings.

Perhaps then, hate is not a failure of the imagination, as novelist Graham Greene has suggested, but a perversion of it. Time will tell whether a concerned public can shift our cultural gears to move the trend in a healthier direction.

CONCLUSION

ADL's 1990 *Audit* findings are troubling—all the more so because they follow upon the earlier significant increases in anti-Jewish acts reported in 1987, 1988 and 1989. In the vandalism category, the last four years have seen a jump of 33.5%. Acts of assault, threats and harassment over the same period have increased by 134%.

One of the major factors noted in 1989 showed continued signs of increase in 1990—the rise of anti-Jewish incidents reported on college campuses, which were up by more than a third in 1990, and which have nearly doubled over the past 3 years. At the same time, another important factor declined—namely, anti-Semitic acts by neo-Nazi Skinheads. To be sure, the violent crimes of such gangs remain a matter of serious concern.

Another factor that had virtually disappeared in 1989 after leaping to prominence in 1988—i.e., anti-Semitic acts linked by their perpetrators to events in the Middle East—again came to wide attention in 1990; such politically-related anti-Semitism calls for especially intensive monitoring.

In 1990, the most serious forms of anti-Semitic vandalism—bombings, arson, and cemetery desecrations—continued to be reported at the high level of 1989. Such serious types of violence had risen sharply in 1988 and 1989.

Many observers have noted the possible correlation between, on the one hand, a perceived decline in civility, a coarsening of public expression and popular culture, in American society and, on the other, the dramatic rise in bias crime, particularly in the area of personal harassment, which the 1990 *Audit* figures reflect. This, combined with the pressure associated with a deteriorating American economy during the past year, may well have contributed to the new record-setting levels of anti-Jewish acts.

The nationwide increase in anti-Semitic acts demands an ever more forceful response through those means available to official authorities and community leaders in a democratic society; firm enforcement of appropriate laws, regular and creative educational programming against prejudice, and enhanced public awareness of the nature and dimension of the hate crime phenomenon. ADL's active monitoring efforts, its "A World of Difference" project and its other counteraction and educational programs—including the publication of this *Audit* report—are geared toward those goals.

Despite the year's troubling statistics, the overall picture retains some positive features. Forty-nine states and the District of Columbia now have statutes dealing with hate crimes, many patterned after ADL model legislation. Numerous states and localities are working to improve communication between community groups and law enforcement authorities, while such officials, increasingly sensitized, are developing better reporting and investigative procedures on bias crimes. The new federal Hate Crime Statistics Act has begun operation. Today, public officials, educational administrators and community leaders are responding more frequently to hate-motivated incidents with sympathy and solidarity toward victims, and a determination to reject and overcome the affront to decency and threat to pluralism presented by acts of prejudice.

Unfortunately, even in this last decade of the 20th century, the age-old scourge of bigotry lingers, posing a challenge to the nation's promise of equality for all. In publishing this annual *Audit* ADL re-dedicates itself to meeting that challenge.

ADL'S COUNTERACTION PROGRAM: I

ADL has developed and supported a combination of preventative and counteraction measures over the last decade to enable the Jewish and other communities to protect themselves against vandalism and other forms of bias crimes, and to respond effectively should they occur. Major elements of this broad-ranging program are detailed here.

CONFERENCES ON SECURITY AND BIAS CRIME

In cooperation with law enforcement authorities and educational institutions, ADL offices on both the local and national levels have carried our programs of public education, emphasizing the need for effective security at houses of worship and other community-based institutions. ADL-sponsored security and bias-crime conferences have brought together all community elements—institutional leaders, clergy, educators, parents and law enforcement officials—to discuss bias-oriented attacks, and to grapple with the how-to's of stronger security measures.

During 1990, ADL regional offices have organized or cosponsored more than 30 such meetings, covering the following states: Arizona, California, Colorado, Florida, Illinois, Maryland, Massachusetts, Minnesota, Michigan, Nevada, New Jersey, New York, Ohio, Pennsylvania and Washington. In addition to involvement in these security conferences, ADL staff members have been invited to brief law enforcement officials at the local, state and federal levels on hate groups, bias crime legislation and other security-related topics throughout the year. For example, ADL was co-sponsor (and the only non-governmental participating agency) along with a coalition of federal, state and municipal civil rights agencies in a Massachusetts Human Rights Commissions Conference, entitled "Meeting the Full Human Rights Agenda: The Role of Human Rights/Relations Commissions," in November of 1990. The all-day conference included workshops on establishing human rights commissions across the state and the roles of human rights commissioners, their staffs, police departments and civil rights officers.

In August, the National Black Police Association invited ADL, in the person of Richard Hirschhaut, ADL Regional Director in San Francisco, to participate in the Hate Crimes Workshop. The two-and-one-half hour session included a general survey of Skinhead activity and an overview of ADL's work in the area of hate crimes, as well as a showing of ADL's police training video (see page 19 for more information on this film) to more than two hundred fifty law enforcement officials.

By coordinating police and local institutional leadership, ADL seminars and conferences have established greater community awareness of practical bias-crime prevention measures, stronger support among cooperating agencies and heightened sensitivity by public officials for the citizens they serve. They have also helped community members to understand how important it is to report bias crimes whenever they occur.

NEW SPECIAL PROJECTS: FOCUSING ON THE CAMPUS AND THE WORKPLACE

In 1989, ADL announced the creation of the Mildred and Samuel Levine Institute for College Campus Affairs Programming to combat bias incidents and expressions of all forms of prejudice on campuses. The Institute's first event that November was a national conference on campus prejudice held at the University of Pennsylvania. And the Institute published "Combatting Bigotry on Campus: The Problem and Strategies for Counteraction," a report distributed during the conference. The Institute followed up by also publishing the conference's proceedings.

In May, 1990 the Mildred and Samuel Levine Institute, the Civil Rights Committee of ADL's New York Regional Board and the Committee for Public Higher Education sponsored a day-long conference that explored ways to counter anti-Semitism, racism and other forms of discrimination. Held at ADL's National Headquarters, the conference featured a keynote address by Joseph Murphy, Chancellor of the City University of New York. Other participants discussed academic, administrative, legal and curricular responses to the problem.

During 1990, ADL expanded its efforts against prejudice by adding two new programs: "A Campus of Difference" and "A Workplace of Difference." Both projects are modeled after ADL's six-year-old educational and media program, "A World of Difference," which trains teachers in K–12 in 25 cities across America to reduce prejudice by increasing students' awareness of cultural and ethnic diversity and helping them learn to deal with it constructively. When corporate and academic communities wanted information and guidance in dealing with growing racial, religious and ethnic tensions they were experiencing, ADL created the new programs to respond to those needs.

"A Campus of Difference" has been offered at campuses across the country including Columbia, NYU Law School, Mt. St. Vincent's College, the University of Texas, Sarah Lawrence College, Syracuse University, University of Maryland-Baltimore campus, Morrisville College, SUNY Oneonta, and Occidental College. Also, a video called "Facing Difference: Living Together On Campus," which features college students talking about the problems they have faced in a highly diverse college environment, is now being disseminated widely.

AT&T, Security Pacific Corporation, the New York City Commission on Human Rights, Security Pacific Banks NA, Southeast Banks, and the Miami, Florida Fire Department are among those businesses and agencies which have availed themselves of the new model programming of "A Workplace of Difference." Full-day workshops allow participants in both programs to interact and openly discuss issues of diversity, prejudice and discrimination.

ADL EDUCATIONAL EFFORTS IN THE SCHOOLS

The nation's schools must be included in any program designed to address the problem of bigotry. Confronting and eliminating prejudice should be an educational priority at all levels of education—school systems, individual schools, administrators, teachers, and professional education organizations.

ADL disseminates an extensive catalogue of print and audiovisual materials for schools. Included are books, curricula, and videos on prejudice reduction, multicultural education, the Holocaust, and ways of strengthening our democratic society. This catalogue of materials is utilized by more than 100,000 teachers, administrators, and curriculum developers.

Some examples: On the elementary level—a handbook "Teacher They Called Me A—!" has 69 classroom activities on such topics as Race and Ethnicity, Religion, Differences in Life Styles, Discrimination Against the Disabled, and the Influence of Gender on How Children Are Treated.

On the secondary level a classroom activity manual, "Being Fair and Being Free," teaches students the evils of prejudice in their own lives, in other countries, and in other times.

A large variety of excellent videos such as "Behind the Mask," "Names Can Really Hurt Us," and "Shadows Between Friends" show elementary and-or high school students facing prejudice.

A series of 12 "Sports Posters" features famous athletes declaring: " If You Really Believe in America, Prejudice is Foul Play."

In 1985 (as noted earlier) ADL developed and launched a major school and media-based prejudice awareness and reduction project called "A world of Difference." Designed to reduce community racial, ethnic, and religious friction in a realistic and measurable way, AWOD has operated in cities and metropolitan areas around the country. The project uses a school curriculum written and designed by local and national education authorities, supplemented by TV programming, special newspaper sections and community-wide public events.

ADL, the National Urban League, and the League of United Latin American Citizens (LULAC) have formed a coalition to improve education. A major goal of this coalition is to work with schools to help them develop programs that teach the importance of intergroup respect and understanding within our democratic, pluralistic society. The coalition has produced two full-color posters that indicate their educational priorities. One features a "Report Card For Better Schools." The other a multicultural group of children and explains: "Learning and Playing Together Today; Living and Working Together Tomorrow." These posters are available for purchase.

In cooperation with the National PTA, ADL has prepared and the National PTA has distributed a pamphlet entitled "What To Teach Your Child About Prejudice and Discrimination." In clear and direct language the pamphlet assists parents and teachers in telling youngsters how to treat others with respect and how to deal with prejudice directed against themselves.

ADL, together with the New York State Department of Education has developed a pamphlet for high school students, "Hate Can Hurt, Let's Stop Prejudice." The pamphlet has been widely utilized to initiate discussions among youngsters on how to deal with prejudiced behaviors.

To meet the threat of anti-Semitism, the ADL has produced two educational videos with discussion guides, plus three pamphlets under the overall title "Confronting Anti-Semitism." The two videos, "A How-To for Jewish Youth" and "A Family Awareness Project" simulate various scenarios such as swastika daubings, anti-Jewish "jokes" and comments, and school policies that conflict with religious observances.

The pamphlets "Guidelines for Jewish Parents" and "Guidelines for the Jewish Community" help parents to aid young victims of hate, and Jewish communities in confronting modern anti-Semitism. the third pamphlet in the series offers "Guidelines for the Christian Community" on facing anti-Semitism.

This multimedia program is designed for schools, religious organizations, and community groups.

SECURITY HANDBOOK

In 1986 ADL published an updated version of a practical counteraction tool: *Security for Community Institutions.* This handbook, first issued in 1984, continues to be widely distributed across the United States. It aims at preventing—and coping with—destructive violence against persons and property, particularly that motivated by religious or racial prejudice. Prepared in cooperation with the Crime Prevention Section of the New York City Police Department, the handbook is based on ADL's experience in monitoring and countering anti-Jewish vandalism and other crimes directed at Jews and Jewish-owned property. It reflects the knowledge gained by the League in working closely with law enforcement agencies and in co-sponsoring security conferences and workshops. The ADL security handbook has received endorsements from local and federal law enforcement officials.

The handbook details security measures and procedures for community institutions; suggests proper reaction when incidents occur; provides information on security programs carried out by the New York City Department's Crime Prevention Section and its Bias Incident Investigating Unit; and provides a model form for reporting such incidents to local police departments, as well as the text of a model state statute developed by ADL as a tool to assist law enforcement agencies in coping with the problem of vandalism against religious and ethnic institutions.

HATE-CRIME COUNTERACTION: II

In 1990, nationwide hate crime counteraction took two additional major leaps forward—each advancement the result of extensive experience and preparation by ADL and others in both the private and public sectors.

THE HATE CRIME STATISTICS ACT

At the federal level, a major legislative goal was achieved with the enactment of the Hate Crime Statistics Act (HCSA), which requires the United States Attorney General to acquire data on crimes which "manifest prejudice based on race, religion, sexual orientation, or ethnicity." The new law also requires the Attorney General to publish an annual summary of his findings. The data will be collected through the FBI's Uniform Crime Reporting Program (UCRP), a national crime data system through which the FBI collects crime statistics from 16,000 state and local law enforcement agencies.

ADL took a leading advocacy role on the measure, which was supported by a broad range of civil rights organizations and law enforcement groups. The enactment of the bill, with overwhelming bipartisan support, is a response to both a widespread belief that the number of hate crimes is increasing and to a growing perception that government can do more to directly address this problem. Senate sponsors Paul Simon (D-ILL) and Orrin Hatch (R-UT) effectively parried opposition to the bill in that chamber. Representatives Barbara Kennelly (D-CT), John Conyers (D-MI), and Charles Schumer (D-NY) were the leading advocates of the measure in the House of Representatives.

At the White House signing ceremony on April 23, President Bush called the HCSA "a significant step to help guarantee civil rights for all Americans." He pledged to use his "bully pulpit" to "speak out against hate and discrimination everywhere it exists."

Attention now turns to implementation of the Act by the Department of Justice and state and local law enforcement officials. Because of the League's experience in collection data on anti-Semitic incidents, in designing legislative and legal responses to hate crimes, and in training law enforcement officials to recognize and respond to hate crimes, ADL representatives were invited to a series of meetings with Justice Department and FBI officials, providing imput as the nationwide implementation guidelines were crafted. ADL Regional Directors continue meeting with local officials to stress the importance of the Act.

The enactment of HCSA is a most important step in encouraging law enforcement officials to make the treatment of hate crimes a priority. In conjunction with state and federal statutes which make penalties for hate crime perpetrators more severe, the HCSA sends the unmistakable message that crimes are not mere "pranks" and, as President Bush said at the signing ceremony, "cannot be tolerated in a free society."

Implementation of the HCSA will be facilitated by the fact that thirteen states (Maryland, Connecticut, Oregon, Illinois, New York, Minnesota, Pennsylvania, Virginia, Oklahoma, Idaho, New Jersey, Florida and Massachusetts) currently require law enforcement agencies to collect hate crime statistics. In addition, Pennsylvania, Illinois, Minnesota and Oregon mandate training for law enforcement personnel in identifying, responding to, and reporting these crimes.

ADL HATE-CRIME POLICE-TRAINING VIDEO

The accuracy and uniformity of bias-crime data collected will only be as good as the "reporters." Thus, effective training for police officials on how to identify, report, and respond to hate crimes will be critical to the success of the important new initiative represented by HCSA.

To help meet this need, ADL has produced a new law enforcement training film on hate crimes, in association with the New Jersey Department of Law and Public Safety. This seventeen-minute video is designed to be shown at police training academies and to individual law enforcement agencies across the country.

The film portrays actual incidents of criminal activity motivated by prejudice. It dramatically illustrates the impact of this type of crime on the victim and the victim's community. Most importantly, the film concisely outlines appropriate law enforcement response—by showing how to identify hate crimes and how to deal with the victim's trauma, and by underlining the importance of treating the criminal action seriously. The film has been endorsed by the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the Fraternal Order of Police, and the Police Foundation. Attorney General Richard Thornburgh wrote the Foreword for the twenty-four page discussion manual for trainers that accompanies the film.

APPENDIX A.—ADL AUDIT OF ANTI-SEMITIC EPISODES—VANDALISM, HARASSMENTS, THREATS, AND ASSAULTS, YEAR-BY-YEAR NATIONAL TOTALS

Year	Vandalisms	Harassments, threats, and assaults
1979		[1]129
1980	377	112
1981	974	350
1982	829	593
1983	670	350
1984	715	363
1985	638	306
1986	594	312
1987	694	324
1988	823	458
1989	845	587
1990	927	758

[1] 1979 report recorded only "Anti-Semitic Incidents," without separate category of threats, harassment, etc.

APPENDIX B.—THE 1989 ADL AUDIT OF ANTI-SEMITIC VANDALISM AND OTHER INCIDENTS

State	1990 total	Change		Vandalism locations			Serious crimes				Cemetery desecration	Harassment, threats, and assaults				
												Targets			Change	
		1989	1990	Institutions	Private	Public	Arson	Attempts	Bombings	Attempts		Institutions	Individuals	1990 total	1989	1990
New York	186	213	−27	46	70	70	1	2	2	1	1	8	102	110	115	−5
California	129	75	+54	38	68	23	7	0	0	0	1	26	65	91	82	+9
New Jersey	107	112	−5	21	35	51	0	1	0	0	5	7	48	55	42	+13
Massachusetts	68	95	−27	9	23	36	0	0	0	0	2	10	56	66	45	+21
Florida	65	66	−1	18	20	27	0	0	0	0	1	15	45	60	40	+20
Maryland	56	25	+31	10	14	32	0	0	0	0	0	14	42	56	22	+34
Pennsylvania	44	30	+14	12	16	16	1	0	0	0	1	8	14	22	22	0
Colorado	35	24	+11	3	14	18	1	0	0	0	0	15	13	28	11	+17
Illinois	33	12	+21	20	6	7	0	0	0	0	0	10	29	39	22	+17
Ohio	23	21	+2	3	7	13	0	0	0	0	1	8	24	32	28	+4
Wisconsin	23	2	+21	17	4	2	0	0	0	0	0	2	2	4	2	+2
Minnesota	17	15	+2	2	7	8	0	0	0	0	0	5	16	21	22	−1
Connecticut	16	13	+3	8	4	4	1	0	0	0	2	5	18	23	7	+16
Michigan	16	39	−23	7	5	4	0	0	0	0	0	7	18	25	18	+7
New Mexico	15	2	+13	3	1	11	0	0	0	0	0	6	3	9	1	+8
Virginia	15	9	+6	9	2	4	0	0	0	0	2	2	6	8	3	+5
Arizona	11	5	+6	5	5	1	1	0	0	0	0	5	3	8	8	0
Georgia	9	15	−6	3	2	4	0	0	0	0	0	3	10	13	26	−13
District of Columbia	6	0	+6	0	0	6	0	0	0	0	0	1	7	8	1	+7
Oregon	6	11	−5	2	3	1	0	0	0	0	0	2	10	12	6	+6
Louisiana	5	1	+4	3	2	0	0	0	0	0	1	6	0	6	1	+5
New Hampshire	5	3	+2	1	1	3	0	0	0	0	0	0	3	3	2	+1
Texas	5	10	−5	0	0	5	0	0	0	0	0	7	14	21	7	+4
Tennessee	4	4	0	2	1	1	0	0	0	0	0	0	1	1	1	0
Washington	4	3	+1	2	1	1	0	0	0	0	0	6	6	12	9	+3
Maine	3	2	+1	0	1	2	0	0	0	0	0	0	1	1	1	0
Alabama	2	1	+1	1	1	0	0	0	0	0	0	1	1	2	6	−4
Delaware	2	1	+1	0	0	2	0	0	0	0	0	0	0	0	0	0
Idaho	2	0	+2	0	1	1	0	0	0	0	0	1	1	2	1	+1
Indiana	2	4	−2	1	0	1	0	0	0	0	0	5	2	7	11	−4
Kentucky	2	0	+2	0	2	0	0	0	0	0	0	0	1	1	2	0
Mississippi	2	4	−2	2	0	0	0	0	0	0	1	0	0	0	0	0
Missouri	2	2	0	1	1	0	0	0	0	0	0	1	0	1	2	−1
Nebraska	2	6	−4	1	0	1	0	0	0	0	1	1	2	3	3	0
Alaska	1	0	+1	1	0	0	0	0	0	0	0	0	1	1	0	+1
Hawaii	1	0	+1	0	0	1	0	0	0	0	0	0	0	0	0	0
Kansas	1	1	0	0	1	0	0	0	0	0	0	0	0	0	5	−5
North Carolina	1	5	−4	1	0	0	0	0	0	0	0	2	3	5	1	+4
Utah	1	0	+1	1	0	0	1	0	0	0	0	0	0	0	0	0
Montana	0	1	−1	0	0	0	0	0	0	0	0	0	1	1	1	0
Nevada	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
Arkansas[1]	0	1	−1	0	0	0	0	0	0	0	0	0	0	0	0	0
Iowa[1]	0	2	−2	0	0	0	0	0	0	0	0	0	0	0	0	0
Oklahoma[1]	0	2	−2	0	0	0	0	0	0	0	0	0	0	0	1	−1
Rhode Island[1]	0	4	−4	0	0	0	0	0	0	0	0	0	0	0	4	−4
South Carolina[1]	0	1	−1	0	0	0	0	0	0	0	0	0	0	0	3	−3
South Dakota[1]	0	1	−1	0	0	0	0	0	0	0	0	0	0	0	1	−1
Vermont[1]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	−2
West Virginia[1]	0	2	−2	0	0	0	0	0	0	0	0	0	0	0	0	0
1990 total	927	845	+82	253	318	356	13	3	2	1	19	189	569	758	587	+171

[1] For comparison to 1989 figures.

APPENDIX C.—STATES WITH HATE CRIME LAWS

State	Institutional vandalism	Intimidation/harassment (including cross burning and interference with religious worship)	Based on or similar ADL model	Parental liability	Data collection
Alabama	x			x	
Alaska				x	
Arizona	x			x	
Arkansas	x			x	
California	x	x	x	x	x
Colorado	x	x	x	x	
Connecticut	x	x	x	x	x
Delaware	x			x	
District of Columbia	x			x	
Florida	x	x	x	x	x
Georgia	x	x			
Hawaii	x				
Idaho		x	x		x
Illinois	x	x	x	x	x
Indiana	x			x	
Iowa		x	x	x	
Kansas	x			x	
Kentucky	x				
Louisiana	x		x		
Maine	x			x	
Maryland	x	x	x	x	x
Massachusetts	x	x	x	x	x
Michigan		x	x	x	
Minnesota		x	x	x	x
Mississippi	x	x		x	
Missouri	x	x	x		
Montana		x		x	
Nebraska				x	
Nevada	x	x	x	x	
New Hampshire		x			
New Jersey[1]	x	x	x		x
New Mexico	x	x		x	
New York		x	x	x	
North Carolina	x	x		x	
North Dakota		x		x	
Ohio	x	x	x	x	
Oklahoma[2]	x	x	x	x	x
Oregon	x	x	x	x	x
Pennsylvania	x	x	x	x	x
Rhode Island	x	x	x		x
South Carolina		x		x	
South Dakota		x		x	
Tennessee		x			
Texas	x			x	
Utah					
Vermont	x	x	x	x	
Virginia	x	x	x	x	x
Washington	x	x	x	x	
West Virginia		x		x	
Wisconsin	x	x	x	x	
Wyoming				x	

[1] Executive Directive from the New Jersey Attorney General.

[2] Legislative mandate to the Oklahoma State Bureau of Investigation to establish a standard system of data collection.

APPENDIX D.—LISTING OF COLLEGE CAMPUSES REPORTING ANTI-SEMITIC INCIDENTS

Alabama	2/22/90	U of Alabama, Tuscaloosa, Hillel vandalism.
Arizona	4/28/90	Arizona State U., Phoenix, vandalism.
Arizona	12/10/90	U of Arizona, Tucson, hate mail.
California	3/90	U of California, Santa Cruz, vandalism.
California	4/23/90	U of California, Berkeley, Hillel, hate mail.
California	5/3/90	U of California, Santa Barbara, vandalism.
California	9/30/90	Stanford U., Hillel, phone threat.
Colorado	3/2/90	U of Colorado, Boulder, fraternity vandalism.
Colorado	10/90	U of Colorado, Boulder, anti-Jewish mailings.
Colorado	12/14/90	U of Colorado, Boulder, anti-Semitic poster.
Connecticut	2/14/90	Yale, New Haven, anti-Semitic verbal.
Connecticut	5/16/90	Wesleyan U., Middletown, vandalism.
Delaware	10/18/90	U of Delaware, Newark, vandalism.
Florida	9/24/90	U of South Florida, Tampa, defaced books.
Florida	11/13/90	U of Florida, Gainesville, anti-Semitic flyers.
Hawaii	3/27/90	U of Hawaii, Honolulu, vandalism.
Illinois	12/89	U of Illinois, Urbana, Jewish sorority, harassment.
Illinois	3/10/90	U of Illinois, Urbana, Jewish sorority, vandalism.
Illinois	5/2/90	U of Illinois, Champaign, hate mail.
Illinois	12/90	Skokie Rabbinical College, vandalism.
Indiana	3/2/90	U of Indiana, Bloomington, vandalism.
Indiana	4/12/90	U of Indiana, Bloomington, hate mail.
Indiana	9/90	U of Indiana, Bloomington, vandalism.
Kansas	1/2/90	U of Kansas, Lawrence, dorm vandalism.
Maryland	3/26/90	U of Maryland, College Park, vandalism.
Maryland	8/22/90	U of Maryland, College Park, anti-Semitic posters.
Maryland	Fall/90	Montgomery County College, two vandalism incidents.
Massachusetts	3/24/90	Simmons College, Boston, vandalism.
Massachusetts	3/29/90	Boston College, Newton, dorm vandalism.
Massachusetts	10/23/90	Sharon College, Northampton, hate mail.
Massachusetts	4/90	U of Mass. Amherst, hate mail.
Massachusetts	12/5/90	U of Mass., Amherst, Hillel vandalism.
Massachusetts	4/90	Boston U., Dorm vandalism.
Michigan	4/27/90	U of Michigan, Ann Arbor, dorm vandalism.
Michigan	Fall/90	U of Michigan, Ann Arbor, verbal.
Michigan	Fall/90	Michigan State U., Lansing, Hillel vandalism.
Michigan	Fall/90	Michigan State U., Lansing, verbal.
Michigan	Fall/90	Michigan State U., Lansing, anti-Semitic mail.
Michigan	Fall/90	Michigan State U., Lansing, hate-literature distribution.
Michigan	Fall/90	Michigan State U., Lansing, assault.
Michigan	Fall/90	Eastern Michigan U., Ypsilanti, verbal.
Michigan	Fall/90	Wayne State, Detroit, anti-Semitic mail.
Michigan	Fall/90	Wayne State, Detroit, anti-Semitic message.
Minnesota	4/90	U of Minnesota, Minneapolis, vandalism.
Minnesota	11/24/90	Macalester College, St. Paul, Kosher Kitchen, vandalism.
New Hampshire	9/90	Dartmouth, Hanover, anti-Semitic publication.
New Jersey	3/4/90	Rutgers-Busch, Piscataway, vandalism.
New Jersey	3/5/90	Rutgers, New Brunswick, vandalism.
New Jersey	5/19/90	Rutgers, New Brunswick, Hillel vandalism.
New Jersey	10/5/90	Rutgers, New Brunswick, vandalism.
New Jersey	Yearlong	Montclair State U., verbal harassment, 2 incidents.
New Mexico	11/1/90	U of New Mexico, Albuquerque, anti-Semitic marking.
New York	9/90	City College, New York City, anti-Semitic publication.
New York	10/90	SUNY at Oswego, anti-Semitic graffiti and hate literature, 2 incidents.
New York	11/30/90	Columbia U., verbal.
North Carolina	10/15/90	U. of North Carolina, Chapel Hill, anti-Semitic mail.
Ohio	10/90	N.E. Ohio College of Medicine, Rootstown, anti-Semitic mail.
Ohio	10/11/90	U of Toledo, phone.
Ohio	10/15/90	Wright State U., Dayton, verbal.
Ohio	11/90	Cleveland State U., defaced books.
Pennsylvania	2/90	Bryn Mawr College, vandalism.
Pennsylvania	3/7/90	Carnegie-Mellon, Pittsburgh, vandalism.
Pennsylvania	3/28/90	Wyncote Rabbinical College, harassment.
Pennsylvania	12/5/90	Philadelphia Pharm. College, vandalism.
Texas	4/90	U of Texas, Austin, Hillel, hate mail.
Texas	Summer/90	U of Texas, Austin, Jewish fraternity, mail.
Virginia	1/27/90	George Mason U., Fairfax, anti-Semitic mail.
Virginia	Jan./90	Virginia Tech, Blackburg, swastikas—3 incidents.
Virginia	12/90	William & Mary, Williamsburg, phone.
Washington	2/90	U of Washington, Seattle, vandalism.
Wisconsin	8/9/90	U of Wisconsin, Madison Hillel, vandalism—8 incidents.
Wisconsin	8/90	U of Wisconsin, Madison, frat-sorority vandalism—4 incidents.
Wisconsin	8/90	U of Wisconsin, Madison, harassments, incl. 1 assault—2 incidents.
District of Columbia	2/8/90	American U., vandalism.
District of Columbia	10/13/90	American U., anti-Semitic mail.
District of Columbia	10/16/90	American U., dorm vandalism.
District of Columbia	9/4/90	Howard U., anti-Semitic mail.•

JAPANESE FINANCIAL BLACKMAIL THREATENS TO STRAIN OUR RELATIONSHIP

• **Mr. HEINZ.** Mr. President, I want to take this opportunity to respond to the latest confusing Japanese statement that could well represent a new obstacle on the path toward better trade relations with the United States. Japanese comments following our January 28 talks on the removal of access barriers to Tokyo's financial markets may have revealed more about high-level attitudes in Japan than they may care to admit. It appears that Japan now threatens to pull the plug on our financial interdependence if certain legislation is not resolved to their liking. If that is what was intended, it is both a naked threat and nothing less than meddling in the work of the Congress. Americans do not take kindly to blackmail, Mr. President. In fact, we can only be incensed by such irresponsible remarks.

The specifics are this: The United States has been urging Japan to liberalize their closed and protected financial markets. At the press conference following the latest inconclusive round of those discussions, Japan's Vice Minister of Finance for International Affairs, Makoto Utsumi, suggested that the passage of the Riegle-Garn bill to promote the principle of national treatment in financial markets "might not be such a problem (for Japan) as the United States might think. The United States is experiencing a credit crunch * * * and the relationship (between United States and Japanese financial institutions) could be endangered if something happens like the Riegle-Garn bill."

Mr. President, many Americans are finding it hard not to interpret this as a carefully phrased but not very subtle threat that can only be construed as an affront to our country and our efforts to promote market principles and free trade throughout the world. Such an interpretation suggests that little has changed in Japanese thinking over the past decade despite all our efforts.

It reminds us that Japan apparently not only feels no responsibility for economic or political leadership, but also admits to no obligation to be a responsible partner of those countries which have dedicated themselves to a stable, market-oriented world order.

It reminds us that Japan has hardly been the strongest of allies recently, from its initial inadequate support of the gulf, to its role in helping to undermine and perhaps torpedo the Uruguay round of trade negotiations by siding with the European Community on agricultural subsidies, to its continuing intransigence in opening up public works contracts like those at Kansai Airport in defiance of negotiated agreements.

It reminds us that the Japanese Government, in spite of the much publicized and admittedly reprehensible Toshiba case, has continued to turn a blind eye toward the sale of vast quantities of advanced equipment and critical chemicals to terrorist countries, the only logical or known purpose of which is to develop chemical and biological agents and the means for their delivery.

And now our efforts to negotiate equal access to financial markets were met with what many are interpreting as financial blackmail. Such hints are no way to treat a steadfast friend, and now increasing numbers of Americans are suggesting that we ought to reexamine other areas of our bilateral relationship.

They point to three areas of immediate concern. First, is our growing dependence on Japan in financial and high technology matters, which in the event of a deteriorating relationship, can only be highly dangerous for our critical and strategic technology sectors. This unreliability underscores the importance of adopting the Defense Production Act amendments with the provisions to rebuild an independent defense industrial base at the contractor and subcontractor level. If we come to question Japan's reliability as an ally, these assume critical importance because we must rebuild our own manufacturing base so that we can be free of dependence on those who have no scruples about using their leverage to bend us to their political will.

Second, it is said these recent hints call into question the wisdom and utility of technology sharing arrangements like the FSX. If we cannot count on Japan to stand by our side in the Persian Gulf, and if we cannot count on Japan to help us in our efforts to sustain the global trading system, why do we think we can count on them to use our technology responsibility and cooperatively?

Finally, this episode has given renewed emphasis to our efforts to come to grips with the issue of our growing dependence on foreign sources of supply. Enactment of the Defense Production Act should be only a small part of a larger blueprint to revitalize and restore U.S. global competitiveness in all sectors of the economy, from finance to national security to consumer goods.

While Vice Minister Utsumi's remarks may not destroy relations between our two countries, they are causing a sober reassessment. If the Japanese value is so slightly, perhaps we should reconsider the value we have placed on the special United States-Japan partnership. This Senator realizes there is given and take in any relationship. I strongly urge that Japan share this viewpoint and demonstrate it more clearly than the remarks I have cited indicate.●

MORNING BUSINESS

Mr. SARBANES. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THOMAS EVANS BONEY, SR.

Mr. HELMS. Mr. President, as a former newsman I have the highest regard for those who have dedicated themselves to informing the public through honest and factual journalism. Thomas Evans Boney, Sr., was just such a journalist. Now on the occasion of his death, he should be remembered for his commitment to straightforward journalism and service to his community.

Mr. President, from 1956 to 1990, Mr. Boney was editor and publisher of the Alamance News, the largest weekly newspaper in North Carolina. During that time, he was known for his opposition to government secrecy and as an ardent defender of the people's right to know the actions and activities of their government. He was recognized for his direct and forceful editorial opinions and his philosophy about the role of press in a free society.

During his tenure as editor and publisher, Mr. Boney and the Alamance News received numerous awards from the North Carolina Press Association and the National Newspaper Association, including the national award of first place for best efforts at maintaining freedom of information in 1976 and 1979 and the State awards of first place for best column in 1968 and news writing in 1972. What these awards reflect is a talent and wisdom that will be greatly missed by the people of Alamance County and of North Carolina.

This past week's edition of the Alamance News carried an article highlighting some of Mr. Boney's writings, and I ask unanimous consent that this article from the February 7, 1991, edition of the Alamance News be printed in the RECORD at the conclusion of my remarks.

Mr. President, on a final note, the legacy of Mr. Boney will continue. The Alamance News is now under the strong, competent leadership of his son, Thomas Evans Boney, Jr.—whom many of my colleagues came to know during the years Tom served on my staff in the Senate. Like his father before him, Tom, Jr., is committed to straightforward and honest journalism.

Mr. President, there could be no better legacy than this: to impart high principles to one's children and thereby to have them carried on.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Alamance News, Feb. 7, 1991]

BONEY'S JOURNALISM

Former Editor and Publisher Tom Boney believed journalism should be straightforward, honest, and fair. Citizens of all status were to be treated equally—without the favoritism that others displayed.

He was vigorous in his pursuit of implementing the people's right to know—even to the point of being jailed in 1971 by local education officials who tried to keep him from covering a student demonstration.

He was direct and forceful in his editorial opinions and his philosophy about the role of newspapers in a free society. The following are excerpts from various of his writings:

TO UNC JOURNALISM STUDENTS

People (our readers) are smart citizens, and when given all the facts, can decide what they think about a matter. It is not your job as a journalist to decide whether what is happening is good or bad, or what citizens should know or not know. You are to report the news as fully as possible.

To many, I'm an SOB editor, but even to those who call me that, my paper is the first newspaper they read to get "the straight" of a story. If you're a newspaper editor or journalist and everyone in the community loves you, you're not doing your job. Somehow the character and toughness of newspaper personnel is succumbing to wanting to be popular instead of doing our job.

TO EASTERN NORTH CAROLINA PRESS ASSOCIATION, MAY, 1977

Efforts of public officials to cover mistakes by issuing untrue information to citizens have been seen throughout history.

Recorded in the 28th chapter of the Gospel of Matthew is the planned deception by the chief priests and elderly concerning the resurrection of Christ:

. . . "And when they (the chief priests) were assembled with the elders, and had taken counsel, they gave large money unto the soldiers,

"Saying, Say ye, His disciples came by night, and stole him away while we slept.

"And if this comes to the governor's ears, we will persuade him, and secure you.

"So they took the money and did as they were taught; and this saying is commonly reported among the Jews until this day."

FROM UNDAUNTED FILE EDITORIAL

When a reporter from The Alamance News attends any public meeting it is for the purpose of relaying accurately and impartially the events to the newspaper's readers.

Reporters from this newspaper do not attend meetings simply for their own personal enlightment or to be "filled in on background information" that may or may not be officially released later.

Our reporters are there to act as the eyes and ears for the readers of this newspaper who are not there.

. . . The Alamance News' policy has always been, is, and will continue to be to report as completely as possible the happenings that influence decisions on public business.

TALK TO PRESS ASSOCIATION, 1975

The responsibility of the press is NOT to the rulers of the nation—it is to its readers, the ruled of the country. A people that do not have information are not equipped with the knowledge to make decisions.

FROM PRIZE-WINNING EDITORIAL IN 1978

(When a local company pulled its advertising because the newspaper carried the story about a lawsuit filed against the company):

We had no way of knowing what news might or might not be displeasing to him. (We informed him that) The Alamance News carried news from the public records in the courthouse without fear or favor for anyone. We were neither a publicity agency nor a censor for (the local business).

(The company) is entitled to spend or withhold its advertising from anybody it so desires. The company is under no obligation of any kind to place any with us. We, frankly, do not care. What we do care about is such a flagrant threat of financial retribution for carrying a routine news story in our news columns.

. . . As with most efforts at boycotts, this one seems angry at the messenger instead of the message . . . We make no attempt to discover or cover up any legal proceeding—only to report them.

NATIONAL ENERGY STRATEGY

Mr. DOLE. Mr. President, after 18 months of thorough study and refinement, today, President Bush announced his national energy strategy. While the critics have been lying in wait with speeches of condemnation prepared months ago, the President and his advisers have sought to ensure a credible, achievable, and comprehensive proposal was presented to the American people and to the Congress.

Mr. President, I want to pay particular gratitude to our Secretary of Energy, Adm. James Watkins, to his Chief of Staff, Polly Gault, to the Under Secretary for Policy, Linda Stuntz, and to the principle Associate Deputy Under Secretary, Mark Kerrigan, for their long and arduous work on this strategy.

As has become the trademark under his tenure at the Department of Energy, Secretary Watkins ensured this proposal told the truth, the whole truth. There are no easy answers to this Nation's dependency on foreign oil, and the strategy makes that case repeatedly. Before we rush to blind objection, let's look at the details.

We lived through the late 1970's and early 1980's when the Federal Government tried to dictate the source, supply, allocation, and price of energy. And, we learned one thing from that experiment—failure to base energy policy in the market place will lead to failure.

So, this strategy relies on the marketplace, made more open by eliminating harmful Government impediments, yet prodded by additional Federal and State governments into a more productive system.

This package admits that the world will continue to rely on the Persian Gulf for a large percentage of supply, to deny this simply ignores fact. However, through conservation, additional domestic production of oil and natural gas, and switching to alternative fuels, the United States will reduce consumption of oil by 3.4 million barrels per day by the year 2010. And, we will accomplish this while protecting and cleaning our environment.

SUPPLY

Careful exploration and production of oil from the Arctic National Wildlife Refuge and limited OCS lands would yield 3.8 million barrels per day by 2010. The United States has not lost the ability to produce oil, we have not run out of potential reserves, we have lost our will to use the resources with which this country was blessed.

The plan also calls for further development of the Alaska North Slope, leasing of the Elk Hills Naval Petroleum Reserve, removing restrictions on horizontal drilling, and other items that will increase United States production and increase revenues to the Federal Government. To protect against future price spikes, it also calls for increasing the Strategic Petroleum Reserves to 1 billion barrels.

It also removes many of the remaining Government intrusions into the natural gas market, freeing this abundant, clean-burning resource to displace imported oil. In that the United States is the Saudi Arabia of coal, the proposal also relies on new clean coal technologies to promote environmentally benign electricity generated by coal, as well as dramatically increasing the export of coal mined in the United States.

Mr. President, we have all heard the dangers of global warming. Those in the forefront in calling for action point to carbon dioxide as the major culprit, and that European nations are willing to tackle carbon dioxide head on. Under the National energy strategy, the United States will be in a position to reduce emissions of carbon dioxide, but calls on the environmental community to follow the lead of the European nations, as they have urged the United States to do. Simply put, the strategy would bring common sense to the current licensing procedures for nuclear generators, while ensuring safe disposal repositories for nuclear waste. There is simply no way to be credible in the debate on global warming while refusing to allow electricity to be generated by nuclear reactors.

And the strategy takes an additional step by promising to design and construct safer, more efficient, next generation fission and fusion reactors.

Finally on the supply side of the equation are proposals to increase our use of alternate liquid fuels derived from agricultural products. The plan calls for increasing the market by requiring the use of ethanol or other fuels in auto and truck fleets, as well as developing new technologies for producing ethanol and developing and promoting new energy crops.

CONSERVATION

Mr. President, as I have said, the critics have already begun to attack the President's national energy strategy. Most appear to believe there are no energy conservation proposals in this package. Again, I say let us look at the details.

An increase of $227 million, or 34 percent, in funding for research and development of energy conservation technologies is called for in the President's proposal. For the first time, the majority of this effort will be conducted with the financial and technical assistance by the industries which might have commercial applications for this research.

Continued support of State and utility programs including low-income weatherization, retrofits of industrial buildings, incentives for purchasing energy-efficient appliances and energy audits will be continued or expanded.

Since the transportation sector consumes about one-third of all energy and the majority of petroleum products, major attention has been given to reducing demand by automobiles, railroads, subways, buses, and aircraft. This includes everything from retiring old, gas-guzzling, and polluting automobiles to improving the efficiency of the air traffic control system. The strategy also calls for electric automobiles, high-speed and magnetic-levitation railroads and a new generation of aircraft engine.

Mr. President, this document does not contain everything I would like. I think more can be done to produce oil from existing domestic oil wells, more can be done to stimulate the use of ethanol, and more should be spent on research for exotic sources such as hydrogen. But this is the best comprehensive program we are going to get as a starting point. I again congratulate the President and his Secretary of Energy for giving us a responsible and comprehensive strategy.

And I look forward to the coming months during which I hope we move toward the adoption of this package.

THE 200TH ANNIVERSARY OF UNITED STATES-PORTUGUESE DIPLOMATIC RELATIONS

Mr. SARBANES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 55, commemorating the 200th anniversary of United States-Portuguese diplomatic relations, and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 55), with its preamble, is as follows:

S.J. RES. 55

Whereas Portuguese navigators paved the way for the discovery of the New World in the fifteenth century;

Whereas in the 1700's, the Portuguese Navy extended to American shipping protection against the Barbary Pirates;

Whereas on February 21, 1791, the United States Congress ratified President Washington's nomination of the first United States minister to Portugal, marking the formal establishment of United States-Portuguese relations;

Whereas Portugal was an important trading partner in the early years of the United States Republic;

Whereas Portugal and the United States are both maritime nations with strong seafaring traditions;

Whereas the fishing industry contributed to the immigration of many Portuguese to the United States, particularly to New England;

Whereas more than one million two hundred thousand Americans trace their roots to Portugal;

Whereas the United States Consulate in the Azores, established in 1808, is the oldest active. United States consulate post in the world;

Whereas in 1911, the United States was the first major power to recognize the new Portuguese Republic;

Whereas during both world wars, Portugal assisted the allies by allowing the use of its air base in the Azores;

Whereas since the 1974 revolution in Portugal, the United States-Portuguese relationship has continued to grow stronger;

Whereas as an active member of the European Community, Portugal is an important trans-Atlantic partner;

Whereas Portugal is a valued ally in the North Atlantic Treaty Organization: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) on February 21, 1991, the Congress joins in celebrating the two hundredth anniversary of the establishment of United States-Portuguese diplomatic relations;

(2) the Congress asserts continued friendship and cooperation between the peoples of the United States and Portugal; and

(3) the President is authorized and requested to issue a preclamation marking the bicentennial of United States-Portuguese diplomatic relations.

REMOVING LIMITATION ON EXPORT ENHANCEMENT PROGRAM BONUS AWARDS

Mr. GARN. Mr. President, on behalf of Senator DOLE, I ask unanimous consent to proceed to Senate Resolution 57 now at the desk and that the resolution be modified to reflect the change I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 57) to express the sense of the Senate that Congress should expeditiously consider and approve the President's 1991 supplemental appropriations request to remove the limitation on Export Enhancement Program (EEP) bonus awards.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, I rise today to offer a sense of the Senate resolution regarding the President's supplemental appropriations request to remove the spending limitations from the Export Enhancement Program [EEP]. This resolution is intended to expedite the consideration of the administration's legislative language.

Since its inception in the 1985 Food Security Act, the EEP has been a proven workhorse in maintaining and expanding our world market share for agricultural commodities. The EEP has enabled the United States to combat the unfair trading practices of the European Community [EC], and has been our trump card in encouraging serious reform in world agricultural trading policies. Only recently has the success of the EEP been in jeopardy, as unfair trading by the EC continues unabated and we rapidly approach our own program spending limitation.

That spending limit is looming closer by the day. With the recent buying activity by the Soviet Union and the prospects of China entering the market for United States grain, program administrators acknowledged that fiscal year 1991 funding could be expended in as soon as 2-4 weeks. In the first 4 months of this fiscal year, Mr. President, we have utilized 85 percent of the $425 million appropriated. Without increased funding, we will surely see our exports come to a standstill while our foreign competitors grab the market share that has taken us 5 hard-fought years to recover. Our expediency is the key to preventing that.

In addition to the approaching funding limitations, the United States is also approaching a critical juncture in the ongoing negotiations of the General Agreement on Tariffs and Trade [GATT]. At a time when major reforms in agricultural trade hangs in the balance and the EC has yet to make any serious contribution to a successful agreement, we simply cannot give up our most important trade tool. Unless we act quickly to restore sufficient funding for the EEP, our inaction will amount to the unilateral disarmament of our trade-readiness at a time when it may be needed the most.

Major farm legislation over the past 6 years has recognized that the agricultural sector has evolved into a world market, where a nation with the production capacity of the United States cannot rely upon domestic market growth alone. The American farmer has proven that he can provide for a growing world market, and we must follow through by providing the mechanism with which to move that production onto the world market. The EEP is the best tool we have to do that.

Mrs. KASSEBAUM. Mr. President, it is difficult to express my support for this resolution today without first expressing my extreme disappointment that we have not been successful in our negotiations on the General Agreement on Tariffs and Trade. During the farm bill debate last summer, I stated my hopes that these talks would produce real progress. Just like many whose livelihood depends on agriculture, I, too, am frustrated when our farmers are forced to deal in a distorted world marketplace. That is why I am hopeful that some compromise in these significant negotiations can be reached in the near future so that farmers in all countries can compete on a level playing field.

As you know, the farm bill slashed funding for the Export Enhancement Program in a good faith effort to eliminate subsidies. Unfortunately, this effort was not met with the same good faith by some of our trading partners in the GATT negotiations. The EEP is our only way to help maintain equity in the world marketplace.

I had hoped that we would not be required to revisit this issue. However, I believe that passage of today's resolution is essential. We must send a clear message that the United States will not idly sit back and watch our earned market share being taken over by our competitors' unfair subsidies.

I certainly do not believe that EEP is the answer to solving our world trade situation, but for now, it is the best tool we have. If there is a breakthrough in negotiations, then we should reconsider support for expanding export subsidies. Until then, we must make clear that we will not unilaterally disarm our own farmers.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as modified.

The resolution (S. Res. 57) as modified, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 57

Whereas the President's Budget of the United States Government for fiscal year 1992 contains a 1991 supplemental appropriations request which specifically recommends the removal of the current $425 million spending cap established for the EEP, with the estimated program level for fiscal year 1991 revised to $900 million.

Whereas the necessary legislative language to meet this request is incorporated in the supplemental appropriations request.

Whereas the EEP enables the United States to challenge the unfair trading practices of competitor exporting countries and encourages trade negotiations to achieve fundamental reforms in world agricultural policies and trading practices.

Whereas the United States Department of Agriculture has already expended approximately $370 million of the $425 million made available for the EEP in fiscal year 1991.

Whereas the United States Department of Agriculture projects that EEP funding could be exhausted within the next 2–4 weeks if demand for program funds continues at its current level.

Whereas given world supply/demand conditions for a number of commodities, including wheat, soybean oil, poultry, feed grains, and value-added products, the $425 million level for EEP bonuses will be insufficient to meet total program requirements during the remainder of the fiscal year.

Whereas a disruption in EEP funding would seriously jeopardize the ability of the United States to be competitive in many key markets, particularly for wheat, and would damage our image as a reliable supplier: Now, therefore, be it

***Resolved*, That it is the sense of the Senate that—**

The Senate should as expeditiously as possible to prevent disastrous consequences that would result from a disruption in the Export Enhancement Program (EEP) due to lack of funding for the balance of fiscal year 1991.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. SARBANES. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Thursday, February 21; that following the prayer, the Journal of the proceedings be approved to date; and that following the time reserved for the two leaders, there be a period for morning business not to extend beyond 10:15 a.m.; that during this period, Senator REID be recognized for up to 20 minutes and Senator BENTSEN be recognized for up to 10 minutes; that at 10:15 a.m., there be up to an hour for morning business under the control of the Republican leader or his designee; that at 11:15 a.m., Thursday, February 21, the Senate proceed to the consideration of Calendar No. 20, S. 347, the Defense Production Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. SARBANES. Mr. President, if there is no further business to come before the Senate today, and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, under the previous order, until 9:30 a.m., Thursday, February 21.

There being no objection, the Senate, at 9:02 p.m., recessed until Thursday, February 21, 1991, at 9:30 a.m.

EXTENSIONS OF REMARKS

NATIONAL RECYCLING RESOURCE ACT INTRODUCED

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. HENRY. Mr. Speaker, today I am introducing the National Recycling Resource Act of 1991.

With the forthcoming reauthorization of the Resource Conservation and Recovery Act [RCRA], we will soon be examining proposals that seek to ease our Nation's growing solid waste dilemma. At the same time, we face extreme budget constraints that could limit our ability to provide assistance to State and local governments in this regard. But we can eliminate these constraints, Mr. Speaker. The National Recycling Resource Act could generate up to $2.5 billion annually for State recycling and pollution prevention programs—with no tax increase or user fee.

The National Recycling Resource Act is certainly not the only solution to our Nation's waste management problems. But, it will greatly enhance our ability to address every aspect of solid waste management. By requiring a 10-cent refundable deposit on the 120 billion beverage containers—15 percent of all packaging by weight—that are sold nationally each year, this legislation would reduce the solid waste stream by roughly 10 percent—volume—and the litter stream by 60 percent—volume. Furthermore, approximately 80 to 95 percent of deposit containers would be returned for a refund. If we assume that 90 percent of the 120 billion containers sold nationally would be returned, for example, 12 billion containers would not be returned for a refund. At 10 cents per container, $1.2 billion in unclaimed refunds would be generated each year. Under my proposal, States would have complete authority to collect and utilize these moneys for pollution prevention programs. If they choose not to, the unclaimed refunds would be directed to the Federal Treasury. Some argue that this would effectively be a tax on consumers. If so, Mr. Speaker, it will be the most popular tax of all time, since deposits are 100 percent refundable.

We all remember the days when soda and beer were sold in returnable containers. You paid an extra 2-cent deposit at the corner grocery store, knowing all you had to do was return the empty for a refund. The bottle you took back would then be used over and over again. Store owners and bottlers invented this deposit system to ensure the return of their valuable packaging materials. Why? Because, they knew it was the most effective way of getting their packaging out of the waste stream. Today, Mr. Speaker, the demand for throwaway packaging by the retail industry has eliminated deposit systems except in nine States and several national parks that require them by law.

But, a new General Accounting Office [GAO] report says that, faced with a growing solid waste dilemma, litter problems, and tight budget constraints, a national deposit system could "play a significant role in helping the Nation meet EPA's 25 percent solid waste reduction goal." Further, the report underlines the fact that more than 70 percent of Americans say it is time for the entire Nation to return to a commonsense, reuse-and-recycle deposit system. Ironically, the same industries that invented the returnable refund system continue to exert their special interest political power to block deposit legislation. Led by Coca-Cola, Pepsi, Anheuser Busch, and the Food Marketing Institute, they have spent hundreds of millions of dollars in the past two decades opposing local, State, and national deposit initiatives. But, it is time for Congress to do more than set lofty State waste reduction goals. It is time to provide a means for achieving them.

The average American in a State without a refund system discards nearly 500 bottles and cans every year. They end up in our landfills, along our roadsides, on our beaches and in our parks and streams. It's certainly no surprise that the GAO analysis notes that "a disproportionately large percentage of the Nation's recycling is taking place in deposit-law States." The report points out that, while they account for only 18 percent of the Nation's population, deposit-law States recycle nearly two-thirds of all the glass recycled nationwide, and about 98 percent of all plastic..

While special interests will try to divert attention from these facts, our colleagues need to be reminded that the new GAO study concludes that "the vast majority of Americans—70 percent—would support a national beverage container deposit law." Less than 10 percent of those polled strongly objected to the idea. In fact, the report notes that in the nine deposit-law States, nearly 83 percent of the public approved of their State's law, while less than 6 percent disapproved. If only we had such consensus on other major issues facing our Nation.

Certainly, deposit legislation would create some business costs. The magnitude of these costs is highly disputed and often difficult to quantify. But the GAO study does reveal three important points: increases in consumer costs resulting from deposit laws have been quite small and are generally short-lived; there is no measurable correlation between the enactment of deposit laws and reductions in beverage consumption rates; and deposit laws have been an insignificant factor in the decline of glass container manufacturing jobs over the past two decades.

Realizing they can no longer argue that deposit laws raise consumer prices and jeopardize beverage industry jobs, the bottle bill's Capitol Hill opponents are singing a new tune these days. They are now strong supporters of comprehensive recycling, contending that a deposit law will hamper curbside recycling programs by removing the most valuable scrap materials in the waste stream. They argue that curbside recycling programs need the revenue from the sale of bottles and cans to pay for operating costs. Even though curbside recycling programs rely almost entirely on government subsidies to offset both operating and capital costs, this argument has provided political cover for a number of Members who might otherwise support a national deposit law. But the GAO analysis destroys this argument.

The GAO report makes it clear that all nine deposit-law States have successful curbside and other comprehensive recycling programs. And, based on this experience, officials from these States strongly believe that deposit legislation is compatible with curbside recycling. Deposit laws remove far more bottles and cans from the waste stream than do curbside programs, and at no cost to municipalities. The GAO report refers to an EPA study and to an independent academic study, both of which concluded that the two programs complement each other and should be seen as compatible tools for managing solid waste. Why else would virtually every local and State government association and every national environmental organization support deposit legislation?.

Nonetheless, Mr. Speaker, if a State feels it will be less costly and more effective to remove beverage containers from the waste stream, without a deposit system, my bill does provide an exception. If a State can remove even three fourths of the number of beverage containers that would be removed through a deposit system, their initiative shall be considered consistent with this act.

I am confident, however, that we will have a nationwide deposit system under this bill, Mr. Speaker. Opponents of my proposal have frightened some community leaders into thinking a deposit system would increase the cost of recycling. To the contrary, my bill sends a strong message that the cost of not implementing a deposit system is too high of a price for any community to bear. It should also reveal the self-serving nature of the beverage, packaging, and retailing industries procurbside recycling rhetoric. They are not interested in providing the most cost effective recycling systems for the Nation. They are interested in having the Nation's taxpayers, alone, foot the bill for the disposal and recycling of their product. I say that industry has a responsibility to internalize, to the greatest extent possible, the life cycle cost of their product. And a deposit system provides a mechanism for industry to do so.

Mr. Speaker, deposit initiatives have been introduced in this House for the past two decades. But, the U.S. House of Representatives has never voted, as a whole, on this issue. Given the new funding mechanism put forth in the National Recycling Resource Act, and

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

given the desperate situations many communities are facing because of escalating solid waste management costs, I hope we have the courage to bring this bill forward. The National Recycling Resource Act follows:

H.R. 997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Recycling Resource Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Beverage containers are the most valuable and recyclable commodity in the waste system, yet current collection methods are unable to meet the market demand for these materials.

(2) The failure to reuse and recycle empty beverage containers represents a significant and unnecessary waste of important national energy and material resources.

(3) The littering of empty beverage containers constitutes a public nuisance, safety hazard, and aesthetic blight and imposes upon public agencies, private businesses, farmers, and landowners unnecessary costs for the collection and removal of such containers.

(4) Empty beverage containers constitute a significant and rapidly growing proportion of municipal solid waste, disposal of which imposes a severe financial burden on local governments.

(5) It is difficult for local communities to raise the necessary capital needed to initiate comprehensive recycling programs.

(6) The reuse and recycling of empty beverage containers would help eliminate these unnecessary burdens on individuals, local governments, and the environment.

(7) A uniform national system for requiring a refund value on the sale of all beverage containers would result in a high level of reuse and recycling of such containers.

(8) A national system for requiring a refund value on the sale of all beverage containers would result in significant energy conservation and resources recovery, thus reducing air, land, and water pollution.

(9) A national system for requiring a refund value on the sale of all beverage containers would be anti-inflationary and help create jobs in areas of commerce.

(10) A national system for requiring a refund value on the sale of all beverage containers would be inexpensive to administer because of its self-enforcing nature.

(11) The collection of unclaimed refunds from such a system would provide the resources necessary to assist comprehensive reuse and recycling programs throughout the Nation.

SEC. 3. AMENDMENT OF SOLID WASTE DISPOSAL ACT.

(a) AMENDMENT.—The Solid Waste Disposal Act is amended by adding the following new subtitle at the end thereof:

"Subtitle K—Beverage Containers

"SEC. 12001. DEFINITIONS.

"For purposes of this subtitle—

"(1) The term 'beverage' means beer or other malt beverage, mineral water, soda water, wine cooler, or a carbonated soft drink of any variety in liquid form intended for human consumption.

"(2) The term 'beverage container' means a sealed container constructed of metal, glass, plastic, or some combination of these materials and having a capacity of up to one gallon of liquid and which is or has been used to contain a beverage.

"(3) The term 'beverage distributor' means a person who sells or offers for sale in commerce to beverage retailers beverages in beverage containers for resale.

"(4) The term 'beverage retailer' means a person who purchases from a beverage distributor beverages in beverage containers for sale to a consumer or who sells or offers to sell in commerce beverages in beverage containers to a consumer.

"(5) The term 'consumer' means a person who purchases a beverage container for any use other than resale.

"(6) The term 'refund value' means the amount required to be specified as the refund value of a beverage container under section 4.

"(7) The term 'wine cooler' means a drink containing less than 7 percent alcohol (by volume), consisting of wine and plain, sparkling, or carbonated water and containing any one or more of the following: non-alcoholic beverage, flavoring, coloring materials, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives.

"SEC. 12002. REQUIRED BEVERAGE CONTAINER LABELING.

"No beverage distributor or beverage retailer may sell or offer for sale in interstate commerce a beverage in a beverage container unless there is clearly, prominently, and securely affixed to, or printed on, the container a statement of the refund value of the container in the amount of 10 cents. The Administrator shall promulgate rules establishing uniform standards for the size and location of the refund value statement on beverage containers. The 10 cent amount specified in this section shall be subject to adjustment by the Administrator as provided in section 10.

"SEC. 12003. ORIGINATION OF REFUND VALUE.

"For each beverage in a beverage container sold in interstate commerce to a beverage retailer by a beverage distributor, the distributor shall collect from the retailer the amount of the refund value shown on the container. With respect to each beverage in a beverage container sold in interstate commerce to a consumer by a beverage retailer, the retailer shall collect from the consumer the amount of the refund value shown on the container. No person other than the persons described in this section may collect a deposit on a beverage container.

"SEC. 12004. RETURN OF REFUND VALUE OF BEVERAGE CONTAINERS.

"(a) PAYMENT BY RETAILER.—If any person tenders for refund an empty and unbroken beverage container to a beverage retailer or beverage distributor who sells (or has sold at any time during the period of 3 months ending on the date of such tender) the same brand of beverage in the same kind and size of container, the retailer or distributor shall promptly pay such person the amount of the refund value stated on the container.

"(b) PAYMENT BY DISTRIBUTOR.—If any person tenders for refund an empty and unbroken beverage container to a beverage distributor who sells (or has sold at any time during the period of 3 months ending on the date of such tender) the same brand of beverage in the same kind and size of container, the distributor shall promptly pay the beverage retailer (1) the amount of the refund value stated on the container, plus (2) an amount equal to 2 cents per container to help defray the cost of handling. This subsection shall not preclude a beverage retailer from tendering beverage containers to persons other than beverage distributors.

"(c) UNBROKEN CONTAINER.—(1) The opening of a beverage container in a manner in which it was designed to be opened and the compression of a beverage container made of metal shall not, for purpose of this section, constitute the breaking of the container if the statement of the amount of the refund value of the container is still readable.

"(2) This subsection shall not preclude agreements between beverage retailers, beverage distributors, or other persons for the crushing or bundling (or both) of beverage containers.

"SEC. 12005. ACCOUNTING FOR REFUNDS.

"(a) UNCLAIMED REFUNDS.—At the end of each calender year each beverage distributor shall pay to the Administrator an amount equal to the sum by which the total refund value of all containers sold by the distributor during the year exceeds the total sum paid during that year by the distributor under section 6 to retailers (or intermediaries). Such amount shall be treated as the 'unclaims refund amount' for the distributor for that year. Subject to annual appropriation, the total of unclaimed refunds received by the Administrator under this section shall be available to the Administrator for administration of this subtitle and to carry out pollution prevention and recycling programs of the Environmental Protection Agency.

"(b) REFUNDS IN EXCESS OF COLLECTIONS.—If the total of payments made by a beverage distributor makes in any calendar year for refund value under section 6(b)(1) exceed the total collections by the distributor in that year under section 5, the excess shall be credited against the amount otherwise required to be paid by the distributor under subsection (a) for a subsequent calendar year designated by the beverage distributor.

"SEC. 12006. RESTRICTION ON SALE OF METAL BEVERAGE CONTAINERS WITH DETACHABLE OPENINGS.

"No beverage distributor or beverage retailer may sell, or offer for sale, in interstate commerce a beverage in a metal beverage container a part of which is designed to be detached in order to open such container.

"SEC. 12007. STATE AND LOCAL LAW.

"(a) IN GENERAL.—The provisions of sections 12002 through 12005 and sections 12008 and 12009 of this subtitle shall not apply in the States of Michigan, Massachusetts, Oregon, Iowa, New York, Delaware, Connecticut, Vermont and Maine. In the case of any other State, the provisions of sections 12002 through 12005 and sections 12008 and 12009 or this subtitle shall not apply if—

"(1) the State has established a program to expend amounts equal to the total unclaimed refunds (as described in section 12005) received by the State for the implementation of solid waste management plans approved under subtitle D of this Act and for distribution to municipalities for the implementation of such plans; and

"(2) the State has either—

"(A) adopted and implemented requirements applicable to all beverage containers sold in that State which are substantially identical to the provisions of sections 12002 through 12005 and sections 12008 and 12009 of this subtitle; or

"(B) demonstrated to the Administrator that, without adopting a beverage container deposit system, the State has achieved (or will achieve by the effective date specified in section 12010) a 70 percent return rate for beverage containers sold in that State.

In allocating funds under paragraph (1), the Administrator shall ensure that the State gives a priority to those municipalities that have initiated recycling programs (including curbside pickup programs.)

"(b) DETERMINATION OF TAX.—No State or political subdivision may, for the purposes of determining the amount of any tax imposed by such State or political subdivision on the sale of any beverage container, take into account any amount charged which is attributable to the refund value of such container.

"(c) EFFECT ON OTHER LAWS.—Nothing in this subtitle shall be construed to affect the authority of any State or political subdivision thereof to enact or enforce (or continue in effect) any law respecting a refund value on containers other than beverage containers or from regulating redemption and other centers which purchase empty beverage containers from beverage retailers, consumers, or other persons.

"SEC. 12008. REGULATIONS.

"The Administrator shall prescribe regulations to carry out this subtitle. The regulations shall include a definition of the term 'beverage retailer' in a case in which beverages in beverage containers are sold to consumers through beverage vending machines. Such regulations shall also adjust the 10 cent amount specified in section 12002 to account for inflation. Such adjustment shall be effective 10 years after the enactment of this subtitle and additional adjustments shall take effect at 10 year intervals thereafter.

"SEC. 12009. PENALTIES.

"Any persons who violates any provision of section 12002, 12003, 12004, or 12006 shall be subject to a civil penalty of not more than $1,000 for each violation. Any person who violates any provision of section 12005 shall be subject to a civil penalty of not more than $10,000 for each violation.

"SEC. 12010. EFFECTIVE DATE.

"This subtitle shall take effect 2 years after the date of its enactment."

(b) The table of contents for such Act is amended by adding the following at the end thereof:

"Subtitle K—Beverage Containers

"Sec. 12001. Definitions.
"Sec. 12002. Required beverage containers labeling.
"Sec. 12003. Origination of refund value.
"Sec. 12004. Return of refund value of beverage containers.
"Sec. 12005. Accounting for refunds.
"Sec. 12006. Restriction on sale of metal beverage containers with detachable openings.
"Sec. 12007. State and local law.
"Sec. 12008. Regulations.
"Sec. 12009. Penalties.
"Sec. 12010. Effective date.".

RESERVISTS AND THEIR FAMILIES DESERVE RECOGNITION AND PRAISE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 20, 1991

Mr. KANJORSKI. Mr. Speaker, it is with pride and great respect that I mention a reserve unit from the 11th Congressional District that has been deployed for active duty as a result of the war in the Persian Gulf.

These brave men and women have sacrificed a great deal to serve our country and they have answered the call to duty with admirable bravery. Their families, too, have had to make the greatest of all sacrifices by accepting the absence of their loved ones. May their prayers not go unanswered, and may these loyal Americans return home swiftly and safely.

Reservists deployed from Ashley, PA, are working at the 300th Army Field Hospital in Saudi Arabia. This brave group of over 400 doctors, nurses, staff members, and other medical personnel has been activated to treat battlefield casualties and has been in the Persian Gulf since January 16, 1991.

Family members of the 300th Field Army Hospital have gathered to support one another in this anxious time.

I join with members of our community as well as Americans throughout the country in saluting these unselfish individuals. The hopes and prayers of the entire Nation stand behind them today as they proudly serve the United States of America.

GILMAN SPONSORS JEWISH HERITAGE WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 20, 1991

Mr. GILMAN. Mr. Speaker, today I am once again introducing legislation designating "Jewish Heritage Week," because, as we are all well aware, the spring months are of historic importance to the Jewish community. Several religious and cultural events, including Passover, Jerusalem Day, Israel Independence Day, the anniversary of the Warsaw Ghetto Uprising as well as Holocaust Memorial Day all occur during the months of April and May.

The bill designates April 14 to 21, 1991, and May 3 to 10, 1992 as "Jewish Heritage Week," noting that such congressional action promotes intergroup understanding and the principles of brotherhood. The measure also authorizes and requests the President to issue a proclamation commemorating the events surrounding this legislation.

Mr. Speaker, along with my colleague, the gentleman from New York [Mr. SCHEUER] as primary cosponsor, I urge our colleagues to cosponsor Jewish Heritage Week. The bill recognizes the rich culture, history and traditions of the Jewish people as well as the many contributions made by the American Jewish community to our Nation and society. I also request that the full text of this legislation be printed at this point in the RECORD for our colleagues' review and we thank them for their support.

H.J. RES. 134

Whereas April 18, 1991 and May 7, 1992 mark the 43d and 44th anniversaries of the founding of the State of Israel;

Whereas the months of April and May contain events of major significance in the Jewish calendar, including Passover, the anniversary of the Warsaw Ghetto Uprising, Holocaust Memorial Day, and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all ethnic groups in this Nation contributes to the unity of this Nation; and

Whereas understanding among ethnic groups in this Nation may be fostered further through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jewish people to this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks of April 14 to 21, 1991 and May 3 to 10, 1992 are designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State and local governments, and interested organizations to observe such week with appropriate ceremonies, activities, and programs.

ANNE ARUNDEL COUNTY ASSOCIATION OF REALTORS CELEBRATES 50TH YEAR

HON. C. THOMAS McMILLEN

OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 20, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay tribute to a very distinguished organization in my district which is celebrating its 50th anniversary. The Anne Arundel County Association of Realtors has long exemplified high standards of professional integrity and commitment to the community.

The Anne Arundel County Association of Realtors originated in 1941 to advance the real estate profession and to protect the public from unethical practices. Over the last 50 years, the Anne Arundel County Association of Realtors has gained a membership of over 3,000 members, whose services have been of inestimable value to the people of Anne Arundel County. These services include a computerized multiple listing service and an annual series of events to raise funds for the county's two general hospitals, the hospice service, and the paramedic service.

It is with great appreciation that I offer my congratulations to the Anne Arundel County Association of Realtors for their 50 years of service to the people of Anne Arundel County. I know that my colleagues will be pleased to join me in this well-deserved tribute.

HANDICAPPED VEHICLES SUBJECT TO LUXURY TAX

HON. BILL RICHARDSON

OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 20, 1991

Mr. RICHARDSON. Mr. Speaker, I am introducing legislation that will correct an inequity facing the handicapped as a result of an oversight in last year's Budget Reconciliation Act. I am referring to the institution of the 10-percent luxury tax imposed on vehicles costing over $30,000, and its impact on the handicapped.

Earlier this year, I was contacted by a constituent who was very concerned that the new luxury tax on automobiles would inadvertently penalize the handicapped. According to Independent Mobility Systems, Inc. of Farmington, NM, a company specializing in the conversion of minivans for use by the handicapped, it often takes expensive modifications and thousands of man-hours to meet the special needs of handicapped drivers.

The cost of adding wheelchair lifts, specialized steering units and mirrors, lowering floors, and modifying doors can easily add $10,000 or more to the cost of a vehicle, pushing it over the $30,000 luxury tax threshold.

I am sure my colleagues will agree that these vehicles are necessities to the hundreds of thousands of handicapped citizens who use them to get to work, go to the doctor, and for freedom of travel.

Because Congress did not intend to penalize the handicapped when it fashioned the luxury tax, we must act quickly to correct this inequity. My legislation will provide an exemption from the luxury tax for modifications, parts, and accessories installed on a vehicle to enable or assist the disabled to operate that vehicle, enter or exit the vehicle, or compensate for the effects of their disability. The exemption is retroactive to January 1, 1991. I strongly urge my colleagues to join me in this effort.

Mr. Speaker, I would also like to include in the RECORD a letter I recently received from Mr. Greg Anesi, president of Independent Mobility Systems, who brought this critical issue to my attention. The letter outlines many of the concerns I have raised here today.

INDEPENDENT MOBILITY SYSTEMS, INC.,
Farmington, NM, February 8, 1991.

Congressman BILL RICHARDSON,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN RICHARDSON: On behalf of Independent Mobility Systems and the hundreds of thousands of disabled Americans, I wish to express my thanks for your help and efforts in introducing a bill into Congress to exempt vehicles, built for the disabled, from the luxury tax law. I want you to know, I appreciate the help that your staff, particularly Carl McElhaney and Butch MacKee gave; and how quickly they responded to my request on this matter.

I was surprised and pleased that Senator Domenici introduced a bill yesterday also. While I was unaware of his intentions, the important issue is to help remove the barrier preventing the disabled citizen from contributing to our society. As you know, the ability to drive to work, or to the grocery store, is not a luxury. For disabled Americans, transportation is a necessity. The luxury tax served as an impediment to disabled people, to keep them from the work force or from leading active and normal lives.

We will be preparing some information to help you develop the appropriate wording, when you draw up the bill. I have talked extensively with Carl McElhaney and we should have that letter to you late next week. I will also be mentioning that in any press release. We are looking forward to releasing this information through industry periodicals, to the disabled community. They will especially appreciate your help in this matter.

When you come to Farmington, please stop by and visit our plant. I, and all of our employees, look forward to meeting you and acquainting you with the product that we build. I think you would be surprised to know what we are doing here, in Farmington, to help the disabled. Please bring Carl and Butch, if you are able. I would like to meet them also. I look forward to working with you to help change this law.

Again, I wish to thank you for your help. If we can be of any assistance with the bill, or in any other way, please feel free to ask.

Sincerely,

M. GREG ANESI,
Chief Executive Officer.

RESERVISTS AND THEIR FAMILIES DESERVE RECOGNITION AND PRAISE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. KANJORSKI. Mr. Speaker, it is with pride and great respect that I mention a reserve unit from the 11th Congressional District that have been deployed for active duty as a result of the war in the Persian Gulf.

These brave men and women have sacrificed a great deal to serve our country and they have answered the call to duty with admirable bravery. Their families, too, have had to make the greatest of all sacrifices by accepting the absence of their loved ones. May their prayers not go unanswered, and may these loyal Americans return home swiftly and safely.

Members of the 402d Army Military Police Detachment, some originally deployed from Ashley, PA, were expected to arrive in the Persian Gulf on January 31, 1991. This group of 300 brave individuals will be working at a POW camp.

I join with members of our community as well as Americans throughout the country in saluting these unselfish individuals. The hopes and prayers of the entire Nation stand behind them today as they proudly serve the United States of America.

BLACK HISTORY SALUTES MARY MAHONEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. TOWNS. Mr. Speaker. February is Black History Month. It is with immense pride that I stand to pay tribute to men and women who have contributed substantially to the history of this country.

Despite their astounding contributions, most of the profiles which I will run this month will be of people with whom you are unfamiliar. Their lack of fame is not attributable to the paucity of their efforts or the dearth of their ambition. Their contributions are often denied, their achievements are often attributed to others and their existence is overlooked in history books because of their race. It is my fervent hope that one day these African-Americans will be recognized by all Americans for the content of their character.

In the face of overwhelming obstacles black Americans have survived and often prospered. These people of strength and courage excelled in fields as varied as law, medicine, science, journalism, business, the arts, and religion.

These black Americans did not allow prejudice to douse the fire of imagination nor bigotry to put out the flame of knowledge. Instead they used their intelligence, ingenuity and determination to enlighten the world.

I hope that the knowledge of their struggle and ultimate triumph will inspire yet another generation to work to overcome any obstacle which may be encountered on the long and arduous road to freedom.

This portrait is taken from the Dictionary of American Negro Biography, edited by Rayford W. Logan and Michael R. Winston. I commend these gentleman on their enlightening work.

MARY MAHONEY

Mary Mahoney was born in 1845 in Roxbury, now a part of Boston, Massachusetts. Mahoney is best known for her contributions to nursing and decided at the age of thirty-three to pursue a career as a trained nurse. It is not known why Mahoney chose the career of a trained nurse. Perhaps the graduation of Linda Richards from the New England Hospital for Women and Children in 1873, as America's first trained nurse, inspired her. In 1879, Mahoney also graduated from the New England Hospital for Women and Children and devoted more than forty years to professional nursing and improved the status of graduate nurses.

She was employed almost entirely as a nurse in private homes, perhaps because of refusal of hospitals to employ Negro trained nurses. In 1908 she enthusiastically supported the organization in New York City of the National Association of Colored Graduate Nurses (NACGN). In 1921, the NACGN was placed on record as having been a body of 2000 trained women ready when needed for world service. In 1951 NACGN was dissolved and Negro nurses were admitted to the American Nurses Association.

SUPPORT FOR HOUSE CONCURRENT RESOLUTION 44

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, I very much regret that I made plans for today which mean that I was out of Washington when the House voted on the bill to encourage the flying of the flag as a sign of support for our troops. I would, of course, have voted enthusiastically for that bill and I am availing myself of the privilege of extending our remarks in this section of the RECORD to congratulate the leadership for bringing this forward. It is important for us to demonstrate that the American people are supportive of and grateful to the men and women who have volunteered to serve their country in the armed services. Those who willingly risk their lives when their country asks them to do so demonstrate a degree of selflessness and commitment to others that fully deserves the support the House is extending to them today. And it is important for us to show the world that it is possible for a democratic nation to debate matters vigorously without that debate in any way detracting from its ability to stand in a united fashion in support of those who carry its banners. The world should know that Americans are extremely proud of the men and women who wear the uniform of our Armed Forces.

SALUTE TO THE WEST CATHOLIC FALCONS, 1990 MICHIGAN CLASS B GIRLS BASKETBALL CHAMPIONS

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. HENRY. Mr. Speaker, on December 1, 1990, in a tense, filled-to-capacity arena, the West Catholic Falcons of Grand Rapids, MI, won the 1990 Class B Girls Basketball State Championship. It was West Catholic's first State basketball title since 1979.

What makes this championship truly amazing is the fact that West Catholic does not have a senior on the team. The starting lineup consists of one junior, three sophomores, and a freshman.

Led by the husband and wife coaching team of Mike and Chris Braunschneider, the Falcons stuck to their game plan of aggressive defense, patient offense, and teamwork.

Mr. Speaker, each member of the team contributed in her own special way to the successes of the season. It gives me great pleasure to honor each of the following players and their coaches: Kristine Barto, Stacey Dobyrgoski, Erikin Ivnik, Bridget Lamoreaux, Shari Rau, Caryn Wieber, Dana Danevicz, Colleen Hipp, Melanie Keller, Celesta Pontremoli, and Kellie Swierbut. Coaches: Mike Braunschneider and Chris Braunschneider.

"It's just a dream come true for us," Coach Mike Braunschneider said. "When you finally get here you are numb. I can hardly even fathom what we've accomplished. The credit goes to these kids, because they've done it all season."

Mr. Speaker, please join me in expressing heartiest congratulations to Michigan's 1990 Class B Girls Basketball Champions—the Falcons of West Catholic.

RESERVISTS AND THEIR FAMILIES DESERVE RECOGNITION AND PRAISE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. KANJORSKI. Mr. Speaker, it is with pride and great respect that I mention a Reserve unit from the 11th Congressional District that has been deployed for active duty as a result of the war in the Persian Gulf.

These brave men and women have sacrificed a great deal to serve our country and they have answered the call to duty with admirable bravery. Their families, too, have had to make the greatest of all sacrifices by accepting the absence of their loved ones. May their prayers not go unanswered, and may these loyal Americans return home swiftly and safely.

Members of the 365th Army Engineering Battalion, composed of people from northeastern Pennsylvania, were placed on alert status on January 13, 1991. They were mobilized on January 17, 1991, and began training at Fort Indiantown Gap on January 20, 1991.

The 700 member group's mission will be to construct and rehabilitate roads, airfields, bridges, pipeline systems, and other structures for the Army and Air Force. Although these men and women currently remain in the United States, they have nonetheless been taken from their homes, their jobs, and their loved ones.

I join with members of our community as well as Americans throughout the country in saluting these unselfish individuals. The hopes and prayers of the entire Nation stand behind them today as they proudly serve the United States of America.

UKRAINIAN AMERICAN VETERANS, INC.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation recognizing the organization known as the Ukrainian American Veterans, Inc., in order to pay tribute to the thousands of Ukrainian-Americans who have fought in the defense of the United States and the principles of liberty for which it stands.

The Ukrainian American Veterans have made a national commitment to commemorate the wars, campaigns, and military actions of the United States, in order to foster a greater understanding of, and appreciation for, the sacrifices all veterans have made on behalf of the individuals of this great Nation. I commend the Ukrainian American Veterans for stimulating, to the highest degree possible, the interest of the entire country in the problems of veterans, their widows, and orphans.

As a function of a veterans and patriotic organization, as authorized by the laws of the States where it is incorporated, the Ukrainian American Veterans will collect, edit, publish, and preserve records and mementos of the patriotic service of veterans of the Armed Forces of the United States. This organization will foster the association, growth and camaraderie of veterans of Ukrainian descent who have served in the Armed Forces, defending the virtues which we so firmly commit ourselves.

Recently my colleagues joined me in commemorating the 71st anniversary of the Declaration of Independence by the Ukraine. After years of oppression by the Soviets, the independence of the Ukrainian people has long ago ceased to be a political reality. However, the spirit of independence which lives on in the hearts of Ukrainians remains unabated and stronger than ever.

In my own congressional district, the Ukrainian American Veterans Association of Rockland County, NY, memorialized the many Ukranians who died on the battlefield both in the Ukraine, to achieve independence, and throughout the world, to protect the liberties of the United States.

Mr. Speaker, the spirit of democracy lives in the hearts of Ukrainian-Americans; thousands have served on behalf of the United States, many have made the ultimate sacrifice in order to protect the citizens of this country and the ideals which make our Nation great. My legislation would not only honor the sacrifices Ukrainian-American veterans have made on behalf of our country, but would grant this organization a Federal charter to preserve, protect, and defend the Constitution of the United States. My legislation will benefit all veterans, as it establishes, at the national level, an organization devoted to fostering appreciation, respect, and honor, for veterans both living and dead.

Mr. Speaker, I request that there be inserted at this point in the RECORD the full text of my bill for review, and invite my colleagues to pay tribute to all veterans by saluting Ukrainian-American veterans who have so bravely fought for the American way of life.

H.R. 976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARTER.

The Ukrainian American Veterans, Incorporated, organized and incorporated under the laws of the State of New York, is hereby recognized and granted a Federal charter.

SEC. 2. POWERS.

The corporation shall have only the powers granted to it through its bylaws and articles of incorporation filed in the States in which it is incorporated and subject to the laws of such States.

SEC. 3. PURPOSES.

The purposes of the corporation are those provided in its articles of incorporation and include a commitment, on a national basis, to—

(1) preserve, protect, and defend the Constitution of the United States;

(2) commemorate the wars, campaigns, and military actions of the United States in order to reflect respect, honor, and tribute for the dead and the surviving veterans;

(3) give individuals throughout the Nation a greater understanding of and appreciation for the sacrifices of the people who participated in any military action on behalf of individuals throughout the United States;

(4) stimulate, to the highest degree possible, the interest of the entire Nation in the problems of veterans, their widows, and orphans;

(5) collect, edit, publish, and preserve records and momentos of patriotic service of veterans of the Armed Forces of the United States;

(6) foster the association of veterans of Ukrainian descent who have served in the Armed Forces of the United States; and

(7) function as a veterans and patriotic organizaton as authorized by the laws of the States where it is incorporated.

SEC. 4. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and the States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 5. MEMBERSHIP.

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

SEC. 6. BOARD OF DIRECTORS.

The composition of the board of directors of the corporation and the responsibilities of the board shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the States in which it is incorporated.

SEC. 7. OFFICERS.

The officers of the corporation and the election of the officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the States in which it is incorporated.

SEC. 8. RESTRICTIONS.

(a) USE OF INCOME AND ASSETS.—No part of the income or assets of the corporation may inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. No provision in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation may not make any loan to any member, officer, director, or employee of the corporation.

(c) POLITICAL ACTIVITY.—The corporation, any officer, or director of the corporation, acting as such officer or director, may not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The corporation may not issue any shares of stock or declare or pay any dividends.

(e) CLAIMS OF FEDERAL APPROVAL.—The corporation may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities.

(f) CORPORATE STATUS.—The corporation shall maintain its status as a corporation organized and incorporated under the laws of the State of New York.

(g) CORPORATE FUNCTION.—The corporation shall function as an educational, patriotic, civic, and historical organization under the laws of the States in which it is incorporated.

SEC. 9. LIABILITY.

The corporation shall be liable for the acts of its officers, directors, employees, and agents whenever the officers, directors, employees, and agents act within the scope of their authority.

SEC. 10. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The corporation shall keep, at its principal office, a record of the names of all members having the right to vote in any proceeding of the corporation.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the corporation may be inspected by any members having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

(d) APPLICATION OF STATE LAW.—No provision of this section may be construed to contravene any applicable State law.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under the Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

"Ukrainian American Veterans, Incorporated.".

SEC. 12. ANNUAL REPORT.

The corporation shall annually submit to the Congress a report concerning the activities of the corporation during the preceding fiscal year. The annual report shall be submitted at the same time as is the report of the audit required by section 11. The report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to amend or repeal this Act is expressly reserved to the Congress.

SEC. 14. DEFINITIONS.

For purposes of this Act—

(1) the term "corporation" means the Ukrainian American Veterans, Incorporated; and

(2) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, the Trust Territories of the Pacific Islands, or any other territory or possessions of the United States.

SEC. 15. TAX EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

SEC. 16. TERMINATION.

The charter granted in this Act shall expire if the corporation fails to comply with any provision of this Act.

A LOVING COMMUNITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, one of the values greatly prized in America is that of community—of people showing a sense of commitment to each other and of acting in ways that demonstrate that commitment especially when others are in need of help. American society is sometimes criticized for lacking in examples of this sort of caring and supportive behavior, so it is especially important to cite outstanding examples of people behaving in this manner when we have them. To the credit of former Surgeon General Everett Koop and Adm. James Watkins, when he was chairing President Reagan's Commission on AIDS, both men cited in reports they issued the example of genuine loving and caring given by so many people throughout this country in response to the terrible effects of AIDS. These networks have been organized and largely run by gay men and lesbians, although they have provided an outlet for the energy and concern of a wide range of people regardless of sexual orientation.

Last week, Kirk Scharfenberg wrote a moving, eloquent editorial about the death from AIDS of Duane Draper, who was the director of the Massachusetts AIDS office. In it, Mr. Scharfenberg pays appropriate tribute to Duane's lover, Gary Leuschner, Duane's friends and coworkers in the fight against AIDS, and, through these people, lovers, AIDS buddies, and dedicated and compassionate people throughout this country who have responded in such an inspiring way to this crisis. Mr. Speaker, Duane Draper, Gary Leuschner, and the people who worked with them are extraordinarily good examples of a genuine spirit of community, and Kirk Scharfenberg's essay about them is an excellent way for that example to be presented to the widest possible audience.

The editorial follows:

A LOVING COMMUNITY

Rarely does it happen that mourners at a funeral stand and applaud, but it happened yesterday afternoon when a congregation gathered at the Old South Church, perhaps 400 in number, stood to offer an extended salute to Gary Leuschner. They had come for the funeral of Duane Draper, the courageous and resolute director of the state AIDS office, who died of AIDS at his home in Brookline Monday night at 43.

Gary Leuschner was Duane Draper's lover. Like so many thousands of others in recent years, Leuschner had nursed his partner as he struggled against the ravages of AIDS and the inevitability of death in what should have been, by rights, the prime of his life.

The barest hint of what confronts the lovers and friends of people with AIDS was suggested by Draper a couple of weeks ago. He was honored by the AIDS Action Committee, and he came in a wheelchair. It was his last public appearance. And in an act that all present swear they will remember for all their lives, Draper forced himself to his feet to accept his award. He included in his remarks "a personal word about Gary Leuschner, my lover and supporter, who for years put up with me as a bureaucrat—and now changes my diapers."

Draper's grit in the last months of his life has been often noted. For one month during his illness he came to work every day from his bed in Boston City Hospital; few of his co-workers knew it. In the middle of the summer he worked in 95-degree heat with a topcoat on, so bad were his chills. Through it all, he struggled—and accomplished.

State Public Health Commissioner David Mulligan, speaking at the funeral, credited Draper with spearheading the move to a more aggressive state policy on AIDS testing, with pushing the state to develop a program to promote the use of condoms by youths, with the development of a booklet on AIDS being used by physicians around the country. He was a hero.

But, so, too, are Gary Leuschner and thousands of other lovers and AIDS buddies and AIDS activists and AIDS workers and, yes, even AIDS bureaucrats—here in Boston and everywhere around the country—who have labored so valiantly to conquer the disease when others would have retreated in despair. Any responsible social history of this era will have to take note of the "loving community," as Mulligan called it yesterday, that has arisen around the fight against AIDS. Quoting from Isiah at the funeral, Rev. Kenneth H. Orth made a fitting offering to the mourners—"a garment of praise for the spirit of heaviness."—Kirk Scharfenberg

JOYCE R. COPPIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. TOWNS. Mr. Speaker, I rise today as we celebrate "Black History Month" to pay tribute to an exceptional educator, Ms. Joyce R. Coppin.

Ms. Coppin is being recognized for her 30 years of service with the New York City Board of Education. As a result of her hard work and dedication to the educational advancement of all students, she has made valuable contributions to the New York City School System.

Over this 30-year period, she has worked diligently to improve the quality of education in and outside of the New York Board of Education. For example, for 25 years she worked with School District 16 in Brooklyn. She served in various capacities such as district superintendent, deputy superintendent, and executive assistant to the superintendent.

Also, during the 1960's she took on the challenge of working as the district school-community coordinator and director of Human Relations. At this time, the Federal Government began to provide funds under the Elementary and Secondary Education Act (title I) for the compensatory education of students who were below grade level in reading and mathematics. Ms. Coppin became one of the first directors of federally funded programs in the city. She was also one of the first deputy superintendents in the city.

In addition, Ms. Coppin has served in various educationally related capacities such as being a member of an educational mission to Nigeria—March 1980–April 1980—to discuss practical education training and a consultant for the U.S. Department of Education; Office of Higher Education for Title III Programs, May 1953. She has been an adjunct professor for the Department of School Administration and Services, City College of New York, September 1981–June 1983; adjunct professor at Brooklyn College, September 1969; and adjunct professor at Bank Street College since September 1984.

Joyce Coppin is active in several community organizations, and has received many honors such as the Award for Outstanding Service for New York City Associations of Community Superintendents, June 1987 and Woman of the Year from National Administrative Women in Education, May 1986.

Ms. Coppin has risen steadily through the ranks of the New York City Board of Education. Presently, she is the superintendent of Brooklyn High Schools, overseeing nearly 50,000 students.

Mr. Speaker, I would like to take this opportunity to commend Ms. Coppin for her excellent achievements which have resulted in significant benefits for education in Brooklyn. I would also like to extend my personal appreciation to Joyce Coppin for adding to the education of the youth of Brooklyn.

RESERVISTS AND THEIR FAMILIES DESERVE RECOGNITION AND PRAISE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. KANJORSKI. Mr. Speaker, it is with pride and great respect that I mention a Reserve unit from the 11th Congressional District that has been deployed for active duty as a result of the present war in the Persian Gulf.

These brave men and women have sacrificed a great deal to serve our country and they have answered the call to duty with admirable bravery. Their families, too, have had to make the greatest of all sacrifices by accepting the absence of their loved ones. May their prayers not go unanswered, and may these loyal Americans return home swiftly and safely.

The 424th Army Military Police Detachment were deployed to the Persian Gulf on January 29, 1991. This unit of 30 individuals, many of whom are from northeastern Pennsylvania's Wyoming Valley, will be serving as an advisory unit to handle problems concerning Iraqi POW's.

I join with members of our community as well as Americans throughout the country in saluting these unselfish individuals. The hopes and prayers of the entire Nation stand behind them today as they proudly serve the United States of America.

IN SALUTE OF THE USO OF SAN DIEGO, CA

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. LOWERY of California. Mr. Speaker, I rise today to pay tribute to the United Services Organization of San Diego for the support and service it has provided to the men and women of the American military and their families.

The USO is a voluntary, civilian, congressionally chartered, nonprofit organization established in 1941 to meet many of the human needs of American servicemen, servicewomen, and their families. The current San Diego USO, which has been called the finest USO in the world by the USO World Headquarters, officially opened August 28, 1981. Remarkably, the 14,000-square-foot facility operates 93 hours a week, 365 days a year. Approximately 100 volunteers contribute 3,000 hours of their time every month to assist the professional staff in serving tens of thousands of military personnel and their dependents.

During the past 10 years, members of the military community have paid more than 2 million visits to the San Diego USO. Today, in the great tradition of the organization, the San Diego center provides information, friendship, recreation, entertainment, family activities, and much-needed emotional support. For those stationed in our city for a few months, the USO organizes dances, tours, beach parties, cultural events, and emergency housing. Equally important, it helps to unite the military with the civilian community of San Diego.

The United Services Organization first distinguished itself during a time of national crisis. It is, therefore, not surprising the San Diego USO has been invaluable to our city during Desert Shield and Desert Storm. The USO has brought people together in support of our troops and each other, and has successfully taken on the task of making a war seem more bearable.

Mr. Speaker, as our Nation celebrates the 50th anniversary of the USO, I hope you will join me in saluting the officers, staff, and volunteers of the world's finest USO in San Diego. Their dedication and commitment has inspired us all.

ASSISTANT SECRETARY FOR NATURAL GAS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. RICHARDSON. Mr. Speaker, I rise to reintroduce legislation I sponsored in the 101st Congress that would establish the position of Assistant Secretary for Natural Gas within the Department of Energy.

Today it is more important than ever that the Department of Energy give the attention and support necessary to adequately integrate natural gas planning into the country's energy and environmental goals. The events in the Persian Gulf have forced our Nation's leaders to recognize the fact that this country is in desperate need of a comprehensive national energy policy. Natural gas can play a critical role in a national energy strategy. Establishing the position of Assistant Secretary for Natural Gas within the Department of Energy could serve the following functions:

Coordinate all departmental activities concerning natural gas policy;

Review current R&D funding for gas technologies such as natural gas vehicles, cofiring, reburn, emission controls, and various end-use technologies and make appropriate recommendations;

Evaluate the potential for expanding research into improved drilling techniques and production of unconventional gas reserves; and

Evaluate the health of the Nation's gas production infrastructure—including the impact of the Tax Code on domestic producers of natural gas—and policies that could be pursued to sustain that infrastructure—including the impact of potential tax incentives on exploration and production activity.

This legislation is critical to our Nation's energy future and will benefit energy producing States like New Mexico—the fourth largest producer of natural gas. I urge my colleagues to support the establishment of a position of Assistant Secretary for Natural Gas within the Department of Energy as we embark upon the formation of a national energy policy.

BREAK UP THE CHINESE GULAG

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, one of the distressing inconsistencies in the Bush administration's foreign policy has been its refusal to deal seriously with the human rights abuses that are unfortunately increasing in China.

The President and his administration has failed to give consistent lip service to the cause of human rights in China and this policy must be reversed. It is morally incumbent upon us to show that our concern for human rights does not end with the boundaries of Europe, and the administration's failure to make even a serious effort to hold China to a reasonable human rights standard is a serious flaw in our foreign policy.

I am pleased that Asia Watch intends to step up its efforts to reverse this mistake in policy, and I include the eloquent article by Robert Bernstein, chairman of Human Rights Watch, of which Asia Watch is a branch.

[From the New York Times, Feb. 17, 1991]

BREAK UP THE CHINESE GULAG

(By Robert L. Bernstein)

China's sentencing last week of two dissidents to 13 years in prison is the ultimate demonstration of the failure of so-called quiet diplomacy. Wang Juntao and Chen Ziming were champions of freedom, and their names deserve to be known to the world. Their arrest and convictions are an outrage, and the Chinese Government needs to hear it, in the strongest terms.

Wang Juntao, now 32, was a teenager when he was jailed by the Gang of Four for writing a poem to mark Zhou Enlai's death in 1976. The same year, Chen Ziming, now 38, got out of prison long enough to make a rousing speech in Tiananmen Square, only to be arrested again and sent to a labor camp. Three years later, as college students, they joined the Democracy Wall movement. After graduation Mr. Wang was relegated to a low-level job at a remote physics laboratory as a result. In 1985, the two men set up a think tank that conducted unprecedented opinion polls on issues of democracy and social justice.

In 1989, they were advisers to the students in Tiananmen Square and went into hiding after the June massacre. Mr. Chen and his wife were arrested that October trying to escape to Hong Kong; she was six months pregnant and had a miscarriage in prison. She is now free. Mr. Wang was arrested about the same time. Both men have been in solitary confinement.

The West's task is to make Wang Juntao and Chen Ziming a moral cause as Andrei Sakharov and Natan Sharansky were before them—and to get the same recognition for the hundreds of others who face prison terms.

To this end, Asia Watch, a division of Human Rights Watch, has formed the Committee to End the Chinese Gulag. It is headed by the Chinese dissidents Fang Lizhi and Liu Binyan; Yuri Orlov, the former Solviet political prisoner, and myself.

We urge the boycott of professional conferences held in China until these men and women are released. (American Bar Association officials have been considering a visit to China to set up links with official law societies; they shouldn't go.) Nor should conferences held outside China include Beijing's hand-picked representatives.

We will protest any high-profile visits to China—by executives, musicians, writers and Government officials—unless these people raise the dissidents' cases. We will press for an end to the trading privileges the U.S. grants China as a most favored nation until those dissidents are freed. We demand that their release be as high on the Bush agenda as freedom for Soviet prisoners was for the Reagan Administration.

China has been completely let off the hook for the Tiananmen crack-down. Economic and political sanctions imposed by the U.S. and other governments have vanished into thin air.

In November, President Bush received China's Foreign Minister, Qian Qichen, a gesture that removed much of the force from the visit to Beijing a few weeks later of Assistant Secretary of State Richard Schifter. He took a list of 150 prisoners, but the names were never made public. The trials started just after he returned.

We have to change China's disdain for human rights. Constant attention worked for the Soviet prisoners. We have to make it work for the students, workers and intellectuals swallowed up by the Chinese gulag.

Simple justice demands it—and so does any hope for the "new world order" we hear so much about these days.

TRIBUTE TO REAR ADM. THOMAS D. DAVIES

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to grieve the passing away of an outstanding American, retired Navy Rear Adm. Thomas D. Davies. Admiral Davies was extremely accomplished, as a soldier, as a technical expert in the field of national security and navigation, and as Assistant Director of the U.S. Arms Control and Disarmament Agency.

Admiral Davies received two Distinguished Flying Crosses, the first during World War II for sinking a German submarine and the second for his recordkeeping distance flight from Perth, Australia, to Columbus, OH, in a Navy P2V Neptune, a flight record which stood for 16 years. Admiral Davies also received a Distinguished Service Medal, three Legion of Merit Medals, and two foreign medals, the Brazilian Order of the Southern Cross, and the French Comte Dela Vaulx Gold. While in the Navy, he served as commander of Airwing 3, as commander of Carrier Division 20, and as the chief of Naval Development. In 1973 Admiral Davies accepted a Presidential appointment as Assistant Director of the U.S. Arms Control and Disarmament Agency. During this time he led two United States delegations in negotiations with the Soviet Union. After retiring from the U.S. Arms Control and Disarmament Agency, he worked actively on disarmament issues. Admiral Davies was also a maverick in the field of navigation. He invented the sky compass, a device for navigating near the earth's magnetic poles. He also developed a new system for sight reduction in celestial navigation which have been incorporated in the Nautical Almanac.

Admiral Davies served the United States of America as few men have. His great contributions to our country and to the world deserve our praise and admiration and he will long be remembered for his great accomplishments.

INTRODUCTION OF THE PIPELINE SAFETY ACT OF 1991

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. WELDON. Mr. Speaker, is $20 too much to save a life? Is 20 years long enough to wait for the Federal Government to make the American public aware of a simple state-of-the-art safety device which can prevent death, injury, and the loss of property due to natural gas explosions and to mandate their use? The time is long overdue to address this issue.

Today I am introducing the Pipeline Safety Act of 1991 to require the Secretary of Transportation to issue regulations to require the installation of safety devices, known as excess flow valves [EFV's], in all new or renewed natural gas distribution systems in the United States. These excess flow valves will provide the highest level of safety for natural gas consumers. This bill is totally consistent with nearly 20 years of recommendations on the use of excess flow valves by the National Transportation Safety Board.

Since 1971 the National Transportation Safety Board [NTSB] has advocated the use of excess flow valves to eliminate or minimize damage, injuries, and fatalities associated with natural gas explosions. The EFV is designed to sense or feel the greater than normal flow of gas when a line is broken or sufficient leakage flow occurs and shuts off the gas.

The NTSB has determined as the result of its extensive investigations of gas accidents that a substantial number of gas explosions could have been prevented by the installation of an EFV. The device costs about the same as a good home smoke detector—$15 to $20. Like electrical fuses or circuit breakers, they are considered by the NTSB to be essential safety devices.

Despite this clear message from NTSB, EFV's have largely been ignored by Government and industry. A few gas utilities have recognized the advantages of improved safety for their customers and for themselves and have installed EFV's, but this trend has not spread throughout the industry, nor has the Federal Office of Pipeline Safety in the Department of Transportation yet responded to NTSB's initiatives by issuing regulations requiring EFV's. It is interesting to note that utilities using EFV's have had extremely positive results with state-of-the-art technology. None have failed in an emergency.

In its most recent look at the EFV issue in March 1990, the NTSB again strongly recommended the use of excess flow valves after a devastating series of fatal explosions in Kansas and Missouri which claimed four lives in 1988 and 1989. The NTSB is so impressed with the EFV's capability to enhance natural gas safety that it has gone a step further and put the device on a newly created "Most Wanted" list of safety improvements which it intends to pursue through the Federal rulemaking process.

But my colleagues, we cannot wait for this cumbersome process to play itself out. I am introducing the Pipeline Safety Act, because America needs this technology now. My objective is not only to educate the public regarding the EFV issue, but also to work with industry, the NTSB, and the Department of Transportation to assure natural gas consumers the highest level of safety and to expedite the process.

Until now, natural gas safety has never been publicly questioned because natural gas accidents have been poorly catalogued by the Federal Government. Because of technicalities in the reporting system, only one out of every seven accidents have been reported to the Federal authorities. Through a laborious process of reviewing newspaper accounts and other data throughout the country the Gas Safety Action Council, a consumer advocacy group, has discovered that during the period between January 1989 and July 1990 alone, 185 homes, apartments, schools, and businesses were destroyed or damaged by natural gas explosions. The number of reported injuries was 169, including 24 deaths. The total cost in property damage alone: $125 million. Only a small fraction of these accidents have been reported to, or investigated by, the Federal Government. Both the NTSB and the Gas Safety Action Council believe that excess flow valves could have prevented or minimized these tragedies.

The costs associated with natural gas explosions are also grossly underestimated as are the actual number of deaths. Cost estimates are generally made by an official at the scene based on his first observations and deaths that occur instantly are the only ones reported. Generally not included in official reports are the expenses associated with:

Insurance to pay any liability claims;
Firemen and equipment at the scene;
Police and equipment at the scene;
Evacuating people from the area;
The loss of business sales;
The loss of personal goods;
Gas lost in fire or to the atmosphere;
The utility for the repair of the line.

The importance of these facts to the welfare and safety of the general public is that if a Federal regulation is to be issued on EFV's or any issue, it must first pass the test of a Government cost/benefit analysis. All costs related to natural gas accidents and all deaths, injuries, and losses must be included in the reporting system to assure a fair cost/benefit analysis and justify the rule.

Information is available to gas utilities and to the public from NTSB and DOT's Office of Pipeline Safety which concluded after several studies that excess flow valves will improve safety. The valves are available and are technically and economically feasible. Actual tests of over 40,000 EFV's over a 13-year period have proved that the devices are reliable and have operated as designed to stop the flow of gas to damaged service lines. In 1 year alone the valves prevented 34 potentially hazardous situations from causing harm to people or property in a small test area. Further, more than a half million valves produced by one manufacturer alone have been sold to gas utilities. There have been no reports of valves having failed to operate within the design parameters or to have otherwise caused any problems to the utility.

The NTSB thinks that excess flow valves are important enough to be placed on its "Most Wanted" list of safety enhancements. I believe that they are important enough for the U.S. Congress to require that EFV's be made available to all natural gas consumers for new and renewed service so that they can be afforded the maximum level of protection consistent with NTSB recommendations.

These excess flow valves operate on the same principal as an electric circuit breaker—which are required by all local, State, and Federal building codes. When an electrical circuit is overloaded, the circuit trips and the current is shut off, likewise, when a gas line experiences excess flow, the valve trips and the gas is shut off. In both cases, the safety device provides a margin of safety for the homeowner.

What is a life worth? It must certainly be worth the $20 average cost of an excess flow valve. NTSB, DOT's Office of Pipeline Safety, and progressive gas utilities have determined EFV's to be both effective and cost/beneficial. This new technology will save lives and money all across America.

After 20 years of delay I would encourage expeditious consideration of this legislation, so that this essential safety system is made available to the public before more lives and property are lost.

IN RECOGNITION OF MORRIS WAX

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. LOWERY of California. Mr. Speaker, it gives me great pleasure to call the attention of the House to the accomplishments of Mr. Morris Wax of San Diego, CA. Morris Wax is an outstanding community leader and exceptional citizen of the 41st Congressional District.

Over the past 46 years Mr. Wax has been a tremendously successful businessman in San Diego. He serves as chairman of the board of Waxie's Enterprises, a thriving sanitary supply business. In addition to his accomplishments in business, Mr. Wax has made outstanding contributions to a number of community organizations. One of his most important contributions has been to the United Services Organization [USO].

Morris Wax is known throughout San Diego as Mr. USO, because of his work for our local USO branch and on the national level. He currently sits on the USO World Board of Directors, the budget and finance committee, the audit committee, and the executive committee. Mr. Wax has served two terms as San Diego's USO president; from 1970 to 1972 and again from 1980 to 1981. He is currently a member of the San Diego USO board of directors. The new facility in San Diego, known as the world's finest USO, is a permanent tribute to the work of Morris Wax. As chairman of the USO building committee, Morris Wax was instrumental in the creation of this wonderful building.

Morris Wax has devoted much of his life to public service. He served in the U.S. Army, retiring with the rank of major. Over the years he has served in a number of important posts: as president of the San Diego Council of the Navy League; as chairman of the Southern California Committee for Employers Support for the National Guard and Reserves; as a member of the San Diego Chamber of Commerce; and, as a board member of the Jewish Community Center. He has also served in many other civic posts and his record of community service is exemplary.

Mr. Speaker, I hope you and the Members of the House of Representatives will join me in saluting Mr. Morris Wax for his many years of dedicated service to his community and country. His accomplishments are greatly appreciated and will be long remembered by the San Diego community that he has served so well.

RESERVISTS AND THEIR FAMILIES DESERVE RECOGNITION AND PRAISE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. KANJORSKI. Mr. Speaker, it is with pride and great respect that I mention a reserve unit from the 11th Congressional District that has been deployed for active duty as a result of the war in the Persian Gulf.

These brave men and women have sacrificed a great deal to serve our country and they have answered the call to duty with admirable bravery. Their families, too, have had to make a great sacrifice by accepting the absence of their loved ones. May their prayers not go unanswered, and may these loyal Americans return home swiftly and safely.

The 322d Army Military Police Criminal Investigative Detachment expects to be deployed to the Gulf once it has competed its training. This group of 30 individuals will serve as criminal investigators and will provide security for visiting officials.

The unit was officially mobilized on February 1, 1991, and is now stationed in Alexandria, VA. Their stateside mission, which they are performing while in training, is integral to the war effort.

I join with members of our community as well as Americans throughout the country in saluting these unselfish individuals. The hopes and prayers of the entire Nation stand behind them today as they proudly serve the United States of America.

A TRIBUTE TO U.S. AMBASSADOR TERENCE TODMAN OF ARGENTINA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention and to the attention of my colleagues an article about the Honorable Terence Todman of Argentina, a diplomat of long experience who has continued to be an exemplary Ambassador.

The article was written by Shirley Christain, which appeared in the New York Times on January 16, 1991.

BLUNTLY PUT, GRAFT IS RIFE: U.S. ENVOY SPEAKS OUT

(By Shirley Christain)

BUENOS AIRES, January 15—The official corruption that is routine dinner-table talk in Argentina, but generally cannot be proved, has been thrust into banner headlines by a blunt accusation from the normally polite and circumspect American Ambassador.

In a letter made public last week, the Ambassador, Terence A. Todman, said Government officials had asked for "substantial payments" from Swift-Armour of Argentina to permit the company to import the machinery needed to build a $115 million meat processing plant.

Mr. Todman did not use the word bribe, but everyone knew that was what he was talking about.

President Carlos Saúl Menem and his Government reacted with a mixture of anger and chagrin.

On the one hand, there were those who wondered privately why the puritanical gringos had to bring all of this out so directly instead of handling it quietly, in what is said to be the Japanese or European style.

CORRUPTION "HIGHLY DEVELOPED"

On the other hand, Foreign Minister Domingo Cavallo recognized in an interview published recently that corruption is "too highly developed in all of Argentine society." He said the Menem administration was committed to ending it in the Government but was hindered by unclear rules of the economic game, poor state organization, imprecise legislation and too much discretionary power in the hands of officials.

The Argentine press jumped on the story with gusto, first pointing the fingers at one of the President's brothers-in-law, Emir Yoma, as the man who had withdrawn the Swift-Armour file from the Economy Ministry and was, therefore, in possession of the information necessary to offer to resolve the three-year-old request and demand a payment. Mr. Yoma denied the charge and threatened to sue for infamy.

Newspapers and magazines also began to focus on Mr. Menem's own flamboyant and expensive way of life and raised questions about the propriety of it.

The newspaper Pagina 12, which Mr. Menem accused of "journalistic delinquency" when it first broke the news of the Todman complaint, later reported that the red Ferrari 348 the President received in November as the gift of Italian businessmen friends was linked to ventures planned by those friends in Argentina, including four luxury hotels.

When the car was first noticed at the presidential palace in November the rumor went around that the President intended to donate it to a children's hospital, but when a television talk-show host asked Mr. Menem about that he denied such plans.

"It's mine, mine," he said. "They gave it to me. Why should I give it away?"

Ambassador Todman, a diplomat of long experience at high levels, including a stint as an Assistant Secretary of State, has normally been very supportive and optimistic toward the Menem administration in his year and a half in Argentina, particularly toward the effort to create a free-market economic system.

Even in background sessions with American journalists, he has seldom been critical of the Government, presenting an upbeat, protective attitude that differed from the style of his immediate predecessors and of American ambassadors in most other South American countries.

The fact that he went public with the reported bribe request to Swift-Armour and seven cases of reported bureaucratic roadblocks against American investments apparently reflected a growing frustration with the absence of response or action through other channels.

His letter to Economy Minister Erman González, with "very urgent" written at the top, was dated Dec. 10, but no written response had yet been received when Pagina 12 carried the first report on it on Jan. 6.

A few days later, the Economy Minister issued a written response, which led the newspaper La Nación to comment that Mr. Todman might have "a notion about time that is not very well understood here."

Pagina 12 never said how it obtained the original information on the complaint, which Mr. Todman later backed up with public statements. But despite its sometimes leftist tint, the irreverent tabloid is known to have good relations with the American Embassy staff, which appreciates the reputation for honesty and hard work of Pagina 12's reporters and the newspaper's tendency to back up its stories with lots of detail.

Swift-Armour's Argentine executives have been the most silent in the whole episode. After scheduling a news conference on Jan. 9, they canceled it and issued a statement saying their company had "not been the object of any Government pressure."

La Nación characterized this as a decision "not to make waves." Mr. González, the Economy Minister, said the Swift-Armour import request had, in fact, been approved, presumably after Mr. Todman's letter.

The other issues raised in Mr. Todman's letter—involving a Ford subsidiary, Federal Express Corporation, Firestone, Goodyear and other companies—did not allude specifically to bribes but generally complained of red tape and other hindrances.

Mr. González, in his reply, denied any discrimination against American companies and said Mr. Todman's "legitimate interest" in supporting them "could lead to an indiscriminate belief in the reasonableness of all of the requests they make to the Argentine state."

A TRIBUTE TO THE RED, WHITE, AND BLUE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. DANNEMEYER. Mr. Speaker, I realize that many of our liberal friends feel that tributes to our cherished liberties as symbolized by the American flag are trite, a bit corny, and insufferably nationalistic—which is more than enough reason for me to offer one more sincere tribute to Old Glory.

Frank Kazerski, Jr., of Orange, CA, has authored a patriotic song, a simple song, that is presently part of the Voice of America library and the Armed Forces Radio Network. Frank loves his country and deeply respects the willing commitment of America's Armed Forces in the Persian Gulf.

This is his song: Red, White, and Blue . . . God Bless You.

RED, WHITE, AND BLUE . . . GOD BLESS YOU

(By Frank Kazerski)

Across our land a flag is waving freely;
Above the sand, the deserts to the sea,
A living symbol of freedom blowing brightly,
A burning torch of our liberty,
She's our flag for you and me.
She's the emblem of the free, our flag for you and me,
From mountains, deserts to the sea.
May our flag wave above for the land that we love,
O Red, White and Blue . . . God Bless You,
O Red, White and Blue . . . God Bless You.

AS OLD GLORY SEES IT

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. MCEWEN. Mr. Speaker, it has been nearly 2 years since the Supreme Court handed down it's ruling that protected the burning of the American flag as a form of speech. That unfortunate act was compounded last summer by the failure of Congress to adopt a resolution supporting a constitutional amendment permitting the protection of the flag. If some hoped that time would diminish the intense support that the American people feel for the Stars and Stripes, or their disdain with its desecration, they must be sorely disappointed.

During the 6 months of Operation Desert Shield and Desert Storm, the vast majority of Americans have rallied behind our troops in the Persian Gulf, and the ideals and freedoms they are protecting. It should be no surprise that a small minority has chosen to abuse the freedom of speech by repeatedly burning the flag in an attempt to antagonize those who love and respect it.

Mr. Speaker, the American flag does not deserve the treatment it receives from this small minority. I recently received a wonderfully written piece by Raymond Griffith of Milford, OH, which reminds me of the unique place our flag holds in our society. I would like to place Mr. Griffith's text in the RECORD at this point.

AS OLD GLORY SEES IT

It was in 1776 when Betsy, with skillful hands, and a heart filled with pride, first brought me forth to fly over a new nation. There had been other flags before me, but when I came forth with my thirteen stars and thirteen stripes, I became a sentry watching over my young nation. As my nation grew, I grew, and more stars were added. Now I have grown from 13 stars to fifty. Today, I fly over and watch my nation from ocean to ocean and across the ocean as well.

Great was my pride as I watched my people in the infant years of my country. They were strong and courageous. They were quick to defend their love of God, and gave thanks to Him daily for the great opportunities He afforded them. I was proud when they brought forth in their lives strong ethics learned from the Holy Bible. Watching them grow and teach their children honesty, respect, and love, caused me to snap and wave in the wind with great dignity for I knew that great was the destiny of my new nation. I knew that under me was the birth of the greatest nation ever founded in the history of the world. My days, and years, have been filled with glory as I watched them invent and develop tools, and instruments, to fill their needs. I watched with pride as they grew from infancy to a full grown nation, rich and powerful. Great was my pride when I watched them come forth in defense of their rights. I flew with dignity as I watched them defend themselves from those who would defame them and desecrate their families and homes. Proud was I to be their symbol of self respect, strength and virtue.

When the freedom of my people and their rights were threatened they turned their tools into weapons, and went to war. They went into battle with courage, and valor, holding true to their convictions. I went with them to Yorktown and on to Fort McHenry where my anthem was born. To Gettysburg I went with them and sadly watched as my people fought each other. I was there in all the wars and was raised as a symbol of victory to fly from lofty heights. Great was my pride as I watched them fight with undaunted courage. At New Orleans, San Juan Hill, Belleau Woods, Mount Suribachi, Korea and Vietnam, I was lifted up as a symbol of victory. I was raised high and carried proudly when they came marching home in victory. Sadly I draped over those who gave their lives and could not march and, as a symbol of the highest honor and glory I was folded and given to their families as a comfort for their sorrow.

For 224 years I have watched my country grow from a small and insignificant beginning to becoming the greatest and most powerful country in the world. Now as I look down, great is my sorrow and waning is my pride. I have seen my people struggle in bad times. I was proud though when they came out victors with honor and integrity to go on to new heights of prosperity. I have seen my people divided, when it seemed the new nation would flounder and die, but they ceased their divison and reunited in brotherhood to resume growth and prosperity together. They healed their wounds and buried their dead, then vowed never to become divided again. All my people, regardless of their race, creed or color merged together for one purpose, freedom and a prosperous life. I have seen some of my people exalted while others were persecuted, yet I am the symbol of freedom for all. I have rejoiced for my great and wept for my persecuted. I am the symbol of equality yet as I watch you today there is no equality. I am the symbol of unity yet there is no unity, for there is now another division threatening the happiness, and welfare, of my people. It is the division of the wealthy and the poor. It is the dividing of the fortunate and the unfortunate. As I look down at you I see that division growing wider each day. It will lay waste on my country more damaging than all the wars. My people will struggle, they will weep and they will perish. My nation will cease to grow and will lay powerless and ineffective, unable to survive and defend me because some of my best will not have their rightful opportunity to flourish and develop. Many children are dying before they are born. They are being denied life, their natural inheritance.

The pride and dignity of my people is being diminished by lack of values. Honesty, and integrity are being exchanged for immoral, unvirtuous behavior. The heroes and forefathers of my country are groaning in their graves. I weep as I watch my people plunge headlong toward destruction. I am proud of they who still hold virtue and morality important in their lives. I am proud of they who still are true to honesty and integrity. My leaders who are serving for the good of the people give me hope. Even so, my pride is waning and my sorrow is great because many of my people have exchanged their freedom for enslavement of drugs, crime, and immorality. Great are their numbers and destruction will be the destiny of their behavior. Have they forgotten the principles for which I fly? Do they not care about the sacrifices of their fathers?

I am the symbol of life and liberty. I fly today because of the principles of life and sacrifices made by the fathers of my country. I am the symbol of opportunity and freedom. I am the symbol for the American family. I am the symbol of purity, values and virtues set forth by the God of our Country. Have you forgotten so soon your heritage? Where are you going America? I watch over you each day. I watch as you push and shove each other around. I see you when you kill your babies and deny them life. I see you when you torture and abuse my children. What have they done that you did not do? My families, Oh where are my families, where have they gone? Where will my children find security? Their welfare and safety have been replaced by materialism and selfishness. The God of our nation has been pushed out by your desire to be entertained. What have you done to your God, your creator, the controller of your life and all you possess. You have removed Him from your schools. You have built a wall of hate and selfishness between Him and our children. You have denied Him existence in their lives and you have opened your doors to evilness and destruction.

I am still flying America, as your symbol of freedom, look at me. I have survived the wars. I have survived assaults of hate, and I have survived the attacks of fire, and all people could do to destroy me. I will not be destroyed until you are destroyed. Look up at me America and remember. Remember those who have gone before you, and their dreams. Remember their struggles and sacrifices, their labors and dedication. Most of all remember their victories. Remember their courage in conflict, and their compassion, love and patience for one another in times of need. Remember your freedom, prosperity, and yes even your life were made possible for you by yesterday's heroes. What will be the heritage of your children? Look up at me America and be reminded it is your time to bear me up, and carry me to victory and freedom as your fathers did. It is your time to continue preservation of the elements of America's culture and pass them on to your children. Look up at me America and be reminded it is your time to hold true to the ideals and precepts of your ancestors and teach them to your children. Look up at me citizens of America with pride and dignity for you live in still the greatest country in the world. Prize your heritage and hold true to it's virtues. Look up at me children of America, and be reminded freedom does not come to you without debt to those who gave it to you and opportunity does not come to you without obligation. Look up at me children of America. I am your flag, your symbol of life, liberty and justice for all. I cannot be destroyed or desecrated, unless you are destroyed first.

RESERVISTS AND THEIR FAMILIES DESERVE RECOGNITION AND PRAISE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. KANJORSKI. Mr. Speaker, it is with pride and great respect that I mention a reserve unit from the 11th Congressional District that has been deployed for active duty as a result of the war in the Persian Gulf.

These brave men and women have sacrificed a great deal to serve country and they have answered the call to duty with admirable bravery. Their families, too, have had to make the greatest of all sacrifices by accepting the absence of their loved ones. May their prayers not go unanswered, and may these loyal Americans return home swiftly and safely.

The Marine Detachment Bravo, 4th MAW, with 64 members from Wilkes-Barre, Wyoming, and surrounding communities in northeastern Pennsylvania, was deployed January 9, 1991 for the Persian Gulf.

The group will provide logistic support and will be offering the services of its many truck drivers and mechanics. These brave men and women are key in assisting Operation Desert Storm to run smoothly and to achieve the mobility necessary for a successful operation.

The family members of this detachment have met to provide support for one another and we admire the bravery they have shown in this anxious time.

I join with members of our community as well as Americans throughout the country in saluting these unselfish individuals. The hopes and prayers of the entire Nation stand behind them today as they proudly serve the United States of America.

LUTTWAK WARNS AGAINST RUSHING GROUND WAR

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. MILLER of California. Mr. Speaker, there is a growing sense of inevitability about the beginning of a ground war in the Persian Gulf. Despite the obvious impacts of the continued air strikes against Iraqi and Kuwaiti targets and continuing diplomatic initiatives, all of the evidence strongly suggests that President Bush has determined to launch a ground assault that will certainly result in large numbers of casualties.

Edward Luttwak—certainly not one to shrink from military action when he believes it justified and practical—continues to warn against a precipitous ground assault. In today's New

York Times, Luttwak raises serious military and political questions about the impact of beginning a ground war rather than allowing the air campaign to continue to take its toll. As Luttwak notes, an invasion could set the stage for a far longer and costlier conflict, greater difficulties in restoring a political equilibrium in Iraq, and possible destabilization of the entire region in the aftermath of the war.

The President and the Congress should heed Mr. Luttwak's advice: Go slow on committing this Nation to a ground war: It isn't politically or militarily the wise or necessary course.

[From the New York Times, Feb. 20, 1991]

Stop the Clock on the Ground War . . .

(By Edward N. Luttwak)

Washington.—Make haste slowly—the most basic Roman military principle—fits the moment exactly. Even if the Gorbachev peace plan fails, and it would be reckless for the U.S. to reject it out of hand, we should still patiently continue the air offensive. If we do that, the war should end quite soon, and conclusively. If, by contrast, the ground forces are now unleashed in an urge to finish off this war quickly with one great blow, the outcome is likely to be prolonged and inconclusive—even if there is a smashing battlefield victory at first.

U.S. military sources say the long-planned ground offensive would startle the world with its rapid successes and low casualties for American troops. Such boasting is premature, to say the least. But there is no reason to doubt that Iraq's Army—already substantially reduced and almost immobilized by air power—could indeed be quickly defeated.

The heavy hand of military censorship notwithstanding, it is no longer a secret that the decisive action is to be fought by the U.S. Army's armored and mechanized forces ready and waiting near the junction of the Iraqi, Kuwaiti and Saudi borders. Moving northeast, they are to bypass virtually all Iraqi frontal defenses on their way to the Basra area. Thus, they would slice Kuwait off from Iraq without encountering any of Saddam Hussein's forces other than the heavily bombarded Republican Guards around Basra.

Because the Marine forces positioned south of Kuwait will not in fact try a frontal attack against Iraqi mine fields, artillery, fire barriers and entrenched troops, early estimates of tens of thousands of U.S. casualties no longer apply. The Marines will stage amphibious landings, but casualties should be low.

The Army's decisive move should result in as few casualties as the military sources claim: In previous episodes of Middle East desert warfare—Rommel vs. the British, Israelis vs. Arabs—superior armored forces have always advanced far and fast if their side controlled the air.

But Middle East experience should also remind us that even spectacular battlefield victories do not necessarily end wars. In fact, they may merely inaugurate far more frustrating confrontations with the inchoate yet costly resistance of enemies that will neither make war nor accept peace.

We know that there is a plan for the Army's entry into Iraq. But is there a plan to get it out again? Unless we intend to march on Baghdad to remove Iraq's ruler and install a new one, the victorious advance to cut off Kuwait would have to be followed by a wait for the emergence of a "reasonable" Iraqi government. Because Iraq has never before had a reasonable government, the wait might be long.

If, on the other hand, we create a new government, it would be seen as an American puppet, bound to be overthrown the minute U.S. forces are withdrawn.

And if, finally, we leave it to the Egyptians, Saudis and Kuwaitis to cope with the disorder, even the remnants of the Iraqi Army could drive them out. Only Syria and Iran acting jointly could control Iraq, but that would threaten U.S. interests far more seriously than a defeated Iraqi regime ever could.

President Bush's eagerness to get rid of Saddam Hussein is perfectly understandable. But now that Iraq has virtually become a protectorate of Iran, it is no longer strategically necessary to remove him, since his army can certainly be forced out of Kuwait without a ground offensive.

Iraqi deserters report that their units are almost out of food. Another week or two of air attacks on the 500,000 Iraqi troops in Kuwait and their supply trucks should force them to retreat north, or desert south.

Patience now can save many lives and avoid a protracted engagement in Iraq that would continue to divert us from addressing the domestic problems that threaten the future of America farm more fundamentally than Saddam Hussein ever could.

HOWARD WOLPE VIEWS AFRICA

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. WHEAT. Mr. Speaker, today I am proud to recognize a powerful and progressive voice in the field of U.S. foreign policy, my friend and colleague, Howard Wolpe, the distinguished Representative of the Third District of Michigan.

With his decision to step down as chairman of the Foreign Affairs Subcommittee on Africa, the House will miss Representative Wolpe's outstanding leadership on issues affecting that region. As the newly appointed chairman of a key panel of the Science, Space, and Technology Committee, he is certain to become an equally influential voice on critical domestic issues.

In little more than a decade in the U.S. House of Representatives, Representative Wolpe has established himself as the premier authority in Congress on African affairs. His extensive knowledge of the continent has given him unusual credibility with the heads of state of African nations and the leaders of major interest groups in the region. He has used his position as chairman of the Africa Subcommittee to fight poverty and oppression in that long-neglected part of the world and to press African leaders to embrace the democratic values that are a hallmark of our society.

One year ago, I was privileged to travel to South Africa as part of a congressional delegation headed by Representative Wolpe, one of Congress' most effective and outspoken opponents of apartheid. His leadership on this issue guaranteed our delegation a welcome and receptive audience among South Africa's most ardent antiapartheid activists. When the pillars of apartheid are finally toppled in South Africa, it will not be an exaggeration to say that Howard Wolpe played a large role in pushing them over.

Even though his new subcommittee chairmanship will mean a shift of focus, Representative Wolpe will continue to guide foreign policy by remaining a member of the Africa Subcommittee. In this manner, Congress will continue to benefit from the wisdom of his experience on issues concerning Africa.

I am pleased to share with my colleagues an article on Representative Wolpe that was published in the Detroit Free Press on February 2, 1991. The article serves as a fitting tribute to Representative Wolpe's enduring contributions to United States' foreign policy on Africa.

[From the Detroit Free Press, February 2, 1991]

Out of Africa, But With Hope: Michigan Congressman Helped Shape Sanction Policy

(By Patricia Edmonds)

Washington.—After a decade serving as Congress' sharpest eyes on Africa, U.S. Rep. Howard Wolpe still sees bitter images.

He still sees the starving black squatters camped outside Cape Town, their food choked off by South African police.

He still sees the "stick limbs" of children in war-torn Liberia, and the battlefields dotted with skulls.

"But it's not just the misery that stays with me," says Wolpe, departing chairman of the House Foreign Affairs Committee's Africa subcommittee. "It's the enormous courage of these people, and these societies, in fighting oppression."

Wolpe, a Lansing Democrat often called Congress' top authority on Africa, plans to trade his chairmanship for a post overseeing science and technology, a second love.

Wolpe, who will be succeeded in the chairmanship by Rep. Mervyn Dymally, D-Calif., will keep his Africa panel membership, along with his ardent hopes and sharp judgments about Africa and U.S. policy toward it.

While Wolpe is encouraged by moves toward reform in South Africa—such as Friday's government proposal to repeal apartheid laws—he warned that the situation remains fragile and far from resolved. In interviews this week, he also complained that U.S. foreign policymakers repeat this mistake with African nations: backing rulers who turn into tyrants.

Wolpe, 51, drew his Africa expertise from living two years in Nigeria, teaching African politics at Western Michigan University, and traveling to more than half the continent's 51 nations during his academic and House careers.

SANCTIONS LEADER

His 10-year stint leading the Africa panel saw passage of famine relief and development programs, increased attention to African regimes' human rights violations, and imposition of economic sanctions against the South African government—sanctions that Wolpe championed and helped get passed over President Ronald Reagan's veto.

Wolpe said one of the most gratifying aspects of his chairmanship was seeing congressional and public pressure "significantly advance the anti-apartheid struggle in South Africa."

On Friday, Wolpe responded cautiously to President F.W. de Klerk's proposal to scrap the last three pillars of apartheid. Wolpe said de Klerk's proposal was "certainly welcome," but contended that South Africans still have "a long path to travel . . . toward a non-racial democracy."

While Wolpe's activism once earned him the wrath of South African rulers, on Friday he was described as "a man of leadership and integrity" by Delarey Van Tonder, a spokesman at the South African embassy. And U.S. Rep. Amory Houghton Jr., a New York Republican who serves on the Africa subcommittee, said that while he often disagreed with Wolpe on issues, he credited him with "a depth of knowledge which few of us have."

U.S. CHOSE BADLY

Wolpe was among the first in Congress to question U.S. backing of regimes in Kenya, Zaire and Somalia—places where besieged, corrupt governments have turned U.S.-supplied weapons on their own dissenting citizens.

Wolpe remains concerned about how U.S. administrations pick their friends in Africa, such as Liberia's Samuel Doe, whose overthrow and slaying last year left a nation still torn by factional war, poverty and starvation.

"We bear major responsibility for helping encourage and support such regimes," Wolpe said, "and when they collapse into bloodshed, we kind of throw up our hands and walk away. The human tragedies that result from some of these episodes are . . . unnecessary."

Sen. Paul Simon, D-Ill., said, "There is a reluctance on the part of a lot of people to speak up on human rights in Africa, as if somehow you would sound like you're anti-black. Howard was one of those in the forefront of saying, 'We have to stand up.'"

Wolpe suggested that denouncing human rights violations is not only morally right, but prudent: "In terms of American self-interest, it makes no sense for us to be perceived as a prop for . . . regimes that are repressive, lack popular support and are inherently unstable." He was sharply critical of human rights abuses by recently-toppled Somalian President Siad Barre, Kenyan President Daniel arap Moi and Zairean President Mobutu Sese Seko.

Wolpe said he has been "struck over the years by how foreign policy is made on the basis of labels rather than . . . a genuine understanding of the issues. We tend to support X, Y or Z regimes because they call themselves anti-communist—but oftentimes these regimes have taken this label because it helped secure support from the American government, not because they share any values or interests.

Wolpe expressed hope that the cold war's end will find the United States "less prone to enter African conflicts on the premise of fighting the communist threat." However, he cautioned that, at the same time, America should not ignore the continent altogether in favor of hot spots such as Eastern Europe and the Middle East.

He also suggested that Americans should examine "how our own racial attitudes, feelings and prejudices have affected the way we approach that part of the world that is not white."

POWERFUL MOMENT

As he leaves the Africa chairmanship, Wolpe retains strong memories of his first trip to South Africa, in 1981. He toured with other lawmakers including Rep. Shirley Chisholm, the first black U.S. congresswoman. The visit ended with an airport news conference at which Chisholm spoke, and wept, and Wolpe publicly despaired "the tragic cost of racial prejudice."

Escorting the lawmakers was U.S. charge d'affaires Howard Walker, a black man who until then had been "reserved, formal, very correct," Wolpe recalled. But as Wolpe walked to the plane, he said, Walker "leaned over and whispered to me that he'd never felt prouder to be an American than he did on that occasion."

As Wolpe retold the story, his voice broke, and his eyes, still full of Africa, brimmed with tears.

TRIBUTE TO ANTON CECH

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize a truly outstanding individual in this country, Mr. Anton "Tony" Cech of Owosso, MI. Tony has been instrumental in preserving the Czechoslovakian traditions, music, culture, and heritage in mid-Michigan for over 30 years. His contributions to the local Americans of Czechoslovakian heritage throughout the years deserve acknowledgement and appreciation.

As a young man in Czechoslovakia, Mr. Cech was secretary of a politically active group of young leaders and many times risked possible exile, along with many other individuals who opposed the existing Communist regime. During World War II, as bombers flew overhead, destroying their homeland, ravaging factories, buildings, and homes, Mr. Cech and his family and neighbors stayed together praying for freedom from Nazi control.

Following the war, Mr. Cech served as a government employee, still subject to danger as his anti-Communist political views were visible. A friend of his warned that he was going to lose his job and possibly be arrested. Soon after, his friend was, in fact, arrested and tortured. Mr. Cech knew at that instance the danger was imminent. In order to save himself and his family, they would have to leave everything and flee from Czechoslovakia.

In 1947, Mr. Cech and his family fled from their beloved homeland and took refuge in a camp in Salzburg. It was in this camp that Mr. Cech kept the Czechoslovakian spirit alive through songs, dances, and stories. After 18 months, Mr. Cech and his family boarded a ship for America where they took residence in Owosso, MI.

Mr. Speaker, for the last 33 years, Mr. Cech has kept the spirit of the Czechoslovakian people alive through music and dancing. He and his wife performed traditional Czechoslovakian folk dancing at the Flint International Institute, at the East Room of the White House in Washington, DC, in Lansing for former Gov. William G. Milliken, and for the United Nation's 1970 birthday celebration at Flint's Woodside Church. Most recently, Mr. Cech hosted a 1-hour radio show music request program devoted to Czechoslovakian music, using his extensive collection of Czechoslovakian music.

Mr. Speaker, I know that you will join me in thanking and commending this truly exceptional man for all of his years of service to all of the Czechoslovakian people who lived through the same experience, as well as those Americans of Czechoslovakian descent. I know that they greatly appreciate his commitment to keeping the tradition and heritage alive. We all wish Mr. Cech well, and hope for his continued success in all future endeavors. He has indeed made a profound contribution to the Czechoslovakian-American heritage.

THE SOCIAL SECURITY BENEFITS IMPROVEMENT ACT OF 1991

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. SMITH of Florida. Mr. Speaker, today I will reintroduce a bill which will allow senior citizens to collect the benefits and earnings they so richly deserve. My bill, the Social Security Benefits Improvement Act of 1991, will repeal the earnings test for those aged 62–69, provide an adjustment for those born during the notch years, and raise the earnings ceiling for the workers collecting disability benefits.

The bill will first repeal the earnings test for all workers aged 62–69. The present structure creates a disincentive for people to work or continue working, which keeps millions of qualified, competent workers out of the labor market. The earnings test forces many skilled employees to abandon their careers and seek lower paying or part-time work in order to protect their Social Security benefits. A repeal of the earnings test will stimulate significant economic growth which will lead to an increase in Federal revenue in excess of $3 billion.

As we all know, the notch is a result of legislation passed by Congress in 1977 to forestall bankruptcy in the Social Security system. My bill will remedy this disparity. Notch babies—those born from 1917–21—will receive an increase in their benefits which will be computed by examining the old benefits—1972 formula—and increase them by 3.25 percent for each year after 1916.

Finally, this legislation will reform the test for workers collecting disability benefits. Currently, if a person is collecting disability benefits and is under age 70, he or she is subject to an earnings test. If the person is disabled, he or she is allowed to earn up to $500 per month. If the person is blind, he or she is allowed to earn up to $9,720 per year. The difference of over $300 a month between blind and nonblind disabled persons is clearly inequitable. We encourage the nonblind disabled persons to work; yet at the same time, we discourage them from working. They are oftentimes forced into accepting lower paying jobs or jobs for which they are overqualified, just to maintain a salary level below the earnings test. My bill will abolish this discrepancy in disability benefits by enabling all disabled people to earn $9,720 per year, while still collecting their benefits.

Congress must repeal and reform the earnings tests and amend the notch. It is critical that we stop punishing those seniors who are unfortunate enough to have been born from 1917–28. They have worked hard and paid a great deal into the system. It is time they reaped a portion of the benefits.

RESERVISTS AND THEIR FAMILIES DESERVE RECOGNITION AND PRAISE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. KANJORSKI. Mr. Speaker, it is with pride and great respect that I mention a Reserve unit from the 11th Congressional District that has been deployed for active duty as a result of the war in the Persian Gulf.

These brave men and women have sacrificed a great deal to serve our country and they have answered the call to duty with admirable bravery. Their families, too, have had to make the greatest of all sacrifices by accepting the absence of their loved ones. May their prayers not go unanswered, and may these loyal Americans return home swiftly and safely.

The Navy 20th Fleet Hospital, with some of its 950 members deployed from Avoca, PA, left Fort Dix, NJ for the Arabian Peninsula on January 29, 1991.

This brave group of military professionals will administer acute medical care and perform surgery at a 500 bed hospital 75 miles from the front. With the possibility of a ground war approaching, their mission will be of utmost importance and their help will be greatly needed.

Although we all pray that this unit's services will not be in great demand, Americans everywhere are grateful for the sacrifices made by these individuals.

I join with members of our community as well as Americans throughout the country in saluting these unselfish individuals. The hopes and prayers of the entire Nation stand behind them today as they serve the United States of America.

TRIBUTE TO THE LATE BENJAMIN DEYOUNG, JR.

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. PAXON. Mr. Speaker, my hometown of Akron, NY, and indeed our entire Nation have lost a tireless civic leader, a dedicated public servant, and a dear friend with the death of Benjamin DeYoung, Jr.

Ben DeYoung passed away on Tuesday, February 19, 1991, but his legacy will live on for years to come, both in the memories of those he worked so hard to serve and in his many lasting achievements that stretch across our community.

Born in Holland, MI, Ben graduated from Newark High School, in Newark, NY, and attended Syracuse University.

Since first arriving in Akron in 1942, Ben has been a leader in area agriculture and agribusiness.

He was an International Harvester farm equipment dealer serving farmers in the Akron area for many years.

Along with his wife, Jean, and their family, Ben lived on the family farm on Cedar Street in the town of Newstead. He raised prize farm animals and was one of the first to breed quarter horses in his area. He was a charter member of the Quarter Horse Club of Western New York.

His leadership in the promotion of agriculture led to his election in 1954 as a director of the Erie County Agriculture Society, operators of the Erie County Fair, one of the largest and most successful county fairs in America.

Still active on the Fair Board as a senior director at the time of his death, Ben was board president during 1968 and 1969 and board secretary from 1972 to 1978, managing daily affairs of this multimillion-dollar operation.

In recognition of his outstanding abilities, he was elected president of the New York State Association of Fairs and Expos in 1975.

The residents of Newstead quickly recognized Ben's abilities and, in 1957, he was elected town supervisor, overseeing operations of local government and also serving as a member of the Erie County Board of Supervisors. Every 2 years, Ben was easily reelected Supervisor, serving in this post for 10 years.

As town supervisor, he was responsible for many municipal improvements and planning innovations that helped make the Akron-Newstead community one of the area's most pleasant rural centers.

With the establishment of the Erie County Legislature in 1968, Ben was elected by that body as clerk, the chief administrative officer, a position he held until 1971.

This was a time of great change in Erie County government, both in the change from the board of supervisors to the legislature and with three different county executives holding office during this time. Ben's expertise and practical knowledge of government helped move Erie County forward and address many vital issues.

Always an active Republican Party leader, Ben served for 18 years as Newstead Republican chairman, and he was responsible for helping many hopefuls begin their political careers. Local, county, State, and Federal officials made the trip to his Cedar Street home, or to a cabin on a pond on his farm, to discuss politics and trade campaign stories.

When he retired as Republican town leader, he was honored by an overflow crowd at a civic dinner at the Akron Fire Hall, where he was also a longtime member. Democrats and Republicans alike noted the achievements of this remarkable man.

In addition to his farm equipment business, Ben was one of the founders of another local enterprise, Dande Farms Golf Course, on Carney Road in Newstead, established in 1961.

Ben was a member of the First United Methodist Church, the Akron Masonic Lodge, and the Akron Lions Club.

On a personal note, the Paxon and DeYoung families have enjoyed many decades of close friendship. When my father, Leon, was elected Erie County Children's Court judge, it was Ben who was chosen to succeed him as Newstead supervisor.

And, like many aspiring candidates before me, in early 1977 I, too, made the trip to Ben's Cedar Street home, to sit in his kitchen and seek his guidance in obtaining the Republican Party endorsement for Erie County legislator. He was instrumental in winning this endorsement for me and launching my successful campaign for this office.

In addition to his wife, Jean, Ben DeYoung is survived by his sons, William and Benjamin III, his daughters, Martha Lazarus and Joanne DeYoung, his sisters, Edith Conley and Anne DeYoung, and his brother, Alfred.

Mr. Speaker, today we remember the wonderful life and the noteworthy accomplishments of Benjamin DeYoung, Jr., who so well and so fully served his neighbors, his community, and his country. We extend to his family our deepest sympathy and our sincere condolences on their loss.

THE DEPOSITOR PROTECTION AND FRAUD ACT OF 1991

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. MCMILLEN of Maryland. Mr. Speaker, today my colleague CHARLES SCHUMER and I are introducing the Depositor Protection and Fraud Act of 1991. This legislation will specifically prohibit the sale of uninsured bonds through a retail branch of a federally insured bank or savings and loan.

The origins of this legislation go back to a House Banking Committee hearing held a year ago last fall where several small investors testified regarding their experiences with the Lincoln Savings and Loan Association. These investors, like many others, lost their hard-earned savings by purchasing bonds offered by Lincoln's holding company, American Continental Corp. of Phoenix. The investors purchased these bonds under the false assumption that the bonds were federally insured. This assumption was based on the fact that the bonds were being sold through the Lincoln branches, which were insured institutions. These high-yield bonds were marketed through normal channels, and relied upon an implicit understanding that they were similar to other, insured, forms of investment.

Our legislation would prevent a repetition of this tragedy by prohibiting the sale in a retail branch of a federally insured bank or S&L of certain specified types of debt or stock in any affiliate of the bank or thrift. It would also give the regulators the explicit authority and mandate to protect depositors if they determine that any uninsured product being offered by the bank or S&L could be confused by a retail customer for an insured deposit.

Both the Securities and Exchange Commission [SEC] and the Office of Thrift Supervision [OTS] support regulations prohibiting federally insured institutions from selling their own debt securities or the stock of an affiliate in areas of their branches that are commonly accessible to depositors. Furthermore, Mr. William Seidman has publicly stated the Federal Deposit Insurance Corporation's [FDIC] support for this legislation.

The prohibition of this practice is also supported by the president of the Association of Thrift Holding Companies, Patrick Forte, who has stated that the prohibition of the sale of "lobby debt" would "be supported vigorously by everyone in the S&L business."

This bill is identical to H.R. 4059 which Representative SCHUMER and I jointly introduced in the last Congress. H.R. 4059 was reviewed in a March 14, 1990, hearing before the Subcommittee on Financial Institutions, Supervision, Regulation and Insurance, and its companion measure was passed by the Senate late last year. This companion bill, S. 2058, sponsored by Senator BRYAN of Nevada, passed the Senate as part of the omnibus housing bill, S. 566, toward the end of the last session of Congress.

This legislation is long overdue. Many steps have been taken to ensure another S&L scandal does not take place, but opportunities for abuse remain. We need this bill to protect investors, but we also need it as a first step in shoring up the crisis of confidence in our financial system. For these reasons, I strongly urge the expeditious consideration and adoption of this legislation.

TRIBUTE TO THE HONORABLE SIDNEY OUWINGA

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize a truly distinguished individual in this country, the Honorable Sidney "Sid" Ouwinga, of Marion, MI. Mr. Ouwinga has diligently served as a Member of the House of Representatives in the Michigan State Legislature for the past 7 years representing the 18th legislative district. His contributions to the church and community of northern Michigan throughout the years deserve acknowledgment and appreciation.

As a family farmer of potatoes, hay, and grain in northern Michigan, Mr. Ouwinga has learned firsthand the value of determination and hard work. A devoted member of the farm bureau for 34 years, Mr. Ouwinga is a respected farmer in the agriculture community of northern Michigan. As a member of the transportation committee, the towns and counties committee, the State affairs committee, and the agriculture and forestry committee, Mr. Ouwinga's vast knowledge of agriculture, transportation issues and northern Michigan is valued by all members of the Michigan State Legislature.

Mr. Ouwinga's record of involvement in the community of northern Michigan is truly outstanding. He has served 10 years as a county commissioner, 7 of which were as the chairman. He extended his leadership past Missaukee County and into northern Michigan by serving 6 years on the board of directors of the Michigan Association of Counties, and 5 years as president of the Michigan Northern Counties Association. It is without a doubt that Mr. Ouwinga is a respected leader not only in Marion, MI, but also in Missaukee, Lake, Wexford, Clare, Osceola Counties, and all over northern Michigan.

Not only is Mr. Ouwinga admired in northern Michigan for his expertise in government, he is also a devoted family man. Mr. Ouwinga and his lovely wife Marilyn are exceptional models to follow for all parents. His active involvement in the Highland Christian Reformed Church goes far beyond just weekly attendance. He is an active member of the church council as well as an adult Sunday school instructor. Again, like his devotion to government, Mr. Ouwinga's devotion to the faith stems farther than just the local church. He served as the president of the Northern Michigan Christian Schools Association, and as past president of the Northern Michigan League of Young Calvinists.

Mr. Speaker, I know that you will join me in thanking and commending this truly outstanding man for all of his years of service to the community of Marion, MI, as well as all of northern Michigan. I know that his commitment to hard work and family values is truly appreciated. We all wish Mr. Ouwinga well, and hope for his continued success in all future endeavors. He has indeed made a profound contribution to the State of Michigan.

SOCIAL SECURITY SYSTEM

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. SMITH of Florida. Mr. Speaker, today I am introducing legislation to correct discrimination in the Social Security System.

Under current law, when a Social Security recipient dies on any day of any month, the entire month of benefits are returned to the Social Security Administration. If a person dies on the last day of the month, he or she loses the entire month of benefits. This practice simply does not seem just.

My bill will prorate the Social Security benefits in the month of death. Under this legislation, the Social Security recipient will receive a prorated benefit calculated by dividing the number of days that the individual was alive by the number of days in the month. In other words, if a person dies on July 27, he or she would receive $^{27}/_{31}$ of the monthly Social Security benefit.

I urge my colleagues to join me by cosponsoring this simple piece of legislation. Hopefully we can bring some fairness to the Social Security System.

RESERVISTS AND THEIR FAMILIES DESERVE RECOGNITION AND PRAISE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. KANJORSKI. Mr. Speaker, it is with pride and great respect that I mention a Reserve unit from the 11th Congressional District that has been deployed for active duty as a result of the war in the Persian Gulf.

These brave men and women have sacrificed a great deal to serve our country and they have answered the call to duty with admirable bravery. Their families, too, have had to make the greatest of all sacrifices by accepting the absence of their loved ones. May their prayers not go unanswered, and may these loyal Americans return home swiftly and safely.

The Air Force 92d Aerial Division, with 130 members from northeastern Pennsylvania, was deployed on November 30, 1990, to Dover Air Force Base in Dover, DE.

The unit, composed of members from various professions in the civilian sector, will load and unload cargo from transport planes and will remain stateside.

By answering the call of their country, these loyal Americans has been separated from their families, friends, jobs, and homes. They are undoubtedly missed, and their sacrifice shall not go unrecognized.

I join with members of our community as well as Americans throughout the country in saluting these unselfish individuals. The hopes and prayers of the entire Nation stand behind them today as they proudly serve the United States of America.

A TRIBUTE TO DR. WILLIAM REVELLI

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. WHEAT. Mr. Speaker, today I would like to ask my colleagues in the U.S. House of Representatives to join me in paying tribute to Dr. William Revelli, one of the world's leading figures in the field of band music and band directorship.

On February 23, 1991, Dr. Revelli's outstanding achievements will be recognized in Kansas City, MO during the Golden Anniversary Convention of the College Band Directors National Association.

This special event will be cohosted by Dr. David Kuehn, dean of the conservatory of music of the University of Missouri-Kansas City and Prof. Gary Hill, president of the southwest division of the College Band Directors National Association.

William D. Revelli, in his 89 years, has enriched the lives of countless individuals the world over with his lifelong gift of music. An early milestone of Dr. Revelli's long and distinguished career came when he developed one of the first comprehensive music programs in a public high school.

After laying the groundwork for excellence, he then led his school, the Hobart, IN High School band to victory, winning six national championships adjudicated by music greats such as John Philip Sousa and Edwin Franko Goldman.

As director of bands and head of wind music at the University of Michigan from 1935 to 1971, he built that program from 1 band and 1 person—himself—to 7 bands and a faculty of 15.

Since retiring from the University of Michigan in 1971, he has continued an active schedule of conducting, lecturing, and teaching around the world, including residencies in Austria, Japan, and Israel.

In 1941, Dr. Revelli founded the College Band Directors National Association [CBDNA] and became its first president. Throughout the past half century, the CBDNA has dedicated itself to promoting college and university bands as representatives of their schools, to fostering standards of excellence in performance and to the commissioning, performance, and growth of the wind band repertoire.

It is with great pleasure that I bring to the attention of my colleagues in the U.S. Congress these outstanding accomplishments of Dr. William Revelli. I am pleased to join the conservatory of music of the University of Missouri-Kansas City and the Southwest Division of the College Band Directors National Association in honoring a giant in the field of band music and wishing him many years of continued success.

IN RECOGNITION OF THE CITY OF MIAMI SPRINGS FOR ITS SUPPORT OF THE U.S. PERSIAN GULF POLICY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is unprecedented that so many countries could come together in global unity to speak out against Iraq's brutal aggression. As the President has stated, we have come together with our allies to ensure "peace and security, freedom, and the rule of law" in the Middle East. It truly makes me proud to see the communities of my district voicing their unified support for the U.S. political and military position in the Persian Gulf.

I would like to take this opportunity to recognize the City of Miami Springs, FL, for passing resolution 91-2876:

Whereas, despite months of efforts by the United States to negotiate the amicable withdrawal of Iraqi troops from the Country of Kuwait, the military dictatorship of Iraq, led by Saddam Hussein, defiantly ignored all attempts to end the illegal occupation of the nation he invaded; and

Whereas, in response to the savage and brutal occupation of Kuwait, the United States and the Allied Coalition have refused to allow the dictator of Iraq to continue upon a destructive course of global dimensions; and

Whereas, we as a community express our heartfelt support and solidarity for our brothers and sisters in Israel and we stand firmly behind the state of Israel and the Allied Coalition; and

Whereas, as a loyal ally of the United States, and the only country in the Middle East who represents the democratic principles of liberty, and self-government, Israel has demonstrated tremendous restraint by not staging a pre-emptive strike against Iraq; and

Whereas, we are grateful for further restraint which has been demonstrated by the Israeli government after attacks by Iraq against Israeli civilians, and we commend the citizens of Israel for their brave and composed respect of the requests made by the United States Administration; and

Whereas, the City of Miami Springs commends President Bush and the men and women of our Armed Forces and the Allied Forces for their courage and the sacrifices they are making for world peace; and

Whereas, the City Council of the City of Miami Springs extends complete support to the policies of the American Administration and to the brave Allied Forces who are fighting in the Persian Gulf as we pray for peace and the prompt resolution of this crisis:

Now, therefore, be it resolved by the City Council of the City of Miami Springs, Florida:

Section 1. That the City Council of the City of Miami Springs expresses its complete support for the United States' political and military position regarding the Persian Gulf Crisis, condemns the Iraqi government, Saddam Hussein and Iraq's malicious attacks on Israel, and we affirm our solidarity with the State of Israel and the members of our United States Armed Forces who are fighting valiantly to free the nation of Kuwait.

Section 2. That a true copy of this resolution be sent to Miami Springs' representatives in the Florida Congressional Delegation as well as to the President of the United States.

Passed and adopted by the City Council of the City of Miami Springs, Florida this 28th day of January, 1991.

The motion to adopt the foregoing resolution was offered by: Councilmember James Borgmann; seconded by: Vice Mayor Joan Hutchings, and on roll call a unanimous "aye" vote was issued by Vice Mayor Hutchings, Councilmember James Borgmann, Councilmember James Grace Jr., Councilmember Phil Ward, and Mayor C.R. Dewhurst.

In such hard times, we should view Miami Springs as an example of strength through unity. The international community has acted in an unprecedented fashion in turning back Iraq's unprovoked and brutal aggression against Kuwait. Although U.S. forces in the Persian Gulf region now number more than 500,000, 28 other countries have contributed naval deployments and ground force contingents. The high level of international support for the coalition demonstrates that this conflict is about peace, not just peace in our time, but peace for our children and grandchildren in the years ahead. Our Nation, also, should stand united behind the undaunted strives our leaders and the coalition leaders are making towards peace, freedom, and long-term stability in the Middle East.

BOY SCOUTS' OF AMERICA 1990 REPORT TO THE NATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. SMITH of New Jersey. Mr. Speaker, recently I had the honor of speaking at the Congressional Eagle Scout Breakfast. It was a pleasure for me to meet so many fine young leaders from across the country. They all are to be commended for their dedication to admirable goals and their accomplishments of the past years.

I would like to submit to the RECORD the Boy Scouts' of America 1990 Report to the Nation. This report details the programs the BSA was involved in during the past year. For instance, programs designed to end hunger and drug abuse across the Nation were expanded. In an effort to contribute to worldwide peace, BSA officials traveled to the Soviet Union to discuss the ways to strengthen already burgeoning exchange programs.

As a former Eagle Scout, I can attest to the benefit of scouting in teaching youngsters positive values and allowing them to experience events that may help them in future endeavors. And as many of us know, scouting also offers productive, interesting, educational, and fun programs as preferable alternatives to other troublesome activities that young people are exposed to today.

1990 REPORT TO THE NATION—BOY SCOUTS OF AMERICA

For more than 80 years, the Boy Scouts of America has made a significant difference in the lives of young people and Scout leaders and, through them, in the lives of their communities. Basic to all phases of the Scouting program is the fundamental belief that meaningful involvement of adults in the lives of youths strengthens both, and helps youths develop into self-reliant, moral, and socially responsible individuals.

SCOUTING FOR FOOD

Eighty million cans of food were collected by Scouts during November for distribution to the hungry in America as part of the Scouting for Food National Good Turn. The BSA received a 1990 Presidential End Hunger Award for its 1989 Scouting for Food National Good Turn, in which 72 million cans of food were collected and distributed to food banks.

DRUG ABUSE ATTACKED

The BSA's outstanding training and information campaign against drug abuse was revised in response to suggestions from students and teachers who felt that an even stronger message about the dangers of drug abuse was needed and because of the unfortunate introduction of new designer drugs. The multi-media campaign, "Drugs: A Deadly Game," begun in 1987, is the largest such effort aimed at youth. Each BSA council received a free information packet, including an 18-page brochure, full-color body chart, teacher's guide, and a new video, for use in local drug abuse awareness programs. More than 15 million brochures and support materials have been distributed to Scouts and non-Scouts alike.

OUTSTANDING PUBLICATIONS

Boys' Life and Scouting, the BSA's award-winning magazines, continued to offer excellent articles aimed at the interests of today's youth. Through these publications interest in Scouting is strengthened while an interest in reading is also encouraged. As part of its effort to promote family reading, Boys' Life magazine distributed an 8-page supplement in February to all Cub Scout and Tiger Cub family subscribers that listed titles of books chosen for their appeal to young readers. Each title was chosen for its educational and literary value.

MEMBERSHIP INCREASES

For the 11th consecutive year, membership in the Boy Scouts of America increased over the preceding year. Youth membership on December 31, 1990, was 4,292,992, a 1.4 percent increase over the preceding year. There are 130,968 packs, troops, teams, and posts providing the Scouting program for the nation's youth.

BSA PRESIDENT ELECTED

Richard H. Leet, executive vice-president of AMOCO Corporation, was elected president of the Boy Scouts of America during the Biennial National Council Meeting in Baltimore, Md., in May. An Eagle Scout, Leet has been a lifelong supporter of Scouting. He was elected to BSA's national Executive Board in 1983. His Scouting recognitions include the Silver Buffalo, Silver Antelope, and Silver Beaver Awards, and the Distinguished Eagle Scout Award.

NEW TRAINING CENTER

A ribbon-cutting ceremony was held in October for the BSA's new Center for Professional Development in Westlake, Texas. The center, which opened in August, was designed specifically for the BSA's training and development program. It houses the entire Professional Development Division. The new building includes two large classrooms, offices for the faculty and staff, and the latest audiovisual equipment. Those taking courses at the center will be housed in the nearby $27 million Marriott Hotel and will be able to use facilities at a nearby fitness center.

SILVER BUFFALO AWARDS

Recipients of BSA's Silver Buffalo Award for distinguished service to youth were honored at the National Court of Honor held in Baltimore in May. Those honored were the following: Marian Anderson, Danbury, Conn.; Margot Bogert, Bedford Hills, N.Y.; Houston A. Brice, Jr., Birmingham, Ala.; George Herbert Walker Bush, the White House, Washington, D.C.; Albert E. Cahill, Latham, N.Y.; Murry L. Cole, Wayne, N.J.; Lester E. Coleman, Wickliffe, Ohio; John R. Donnell, Jr., Atlanta, Ga.; William B. Elliott, Tulsa, Okla.; H. L. Hembree III, Fort Smith, Ark.; Harold S. Hook, Houston, Texas; Glendon E. Johnson, Miami, Fla.; Isidore J. Lamothe, Jr., Marshall, Texas; Richard H. Leet, Downers Grove, Ill.; Carl M. Marchetti, Ocean, N.J.; Jack B. Riffle, late of Utica, N.Y. (honored posthumously); William E. Slesnick, Hanover, N.H.; C. Travis Traylor, Jr., Houston, Texas; William H. Webster, Washington, D.C.; Alfred Wehr, Edina, Minn.; John R. Wooden, Los Angeles, Calif.; Dwan Jacobsen Young, Salt Lake City, Utah.

BSA OFFICIALS VISIT USSR

Chief Scout Executive Ben Love and a contingent of Scouting leaders visited the Soviet Union during the summer to meet with the leadership of various young organizations, including the Young Pioneers, and to explore ways of strengthening the recently initiated exchange program between youth of the United States and the Soviet Union. As part of that program, 16 Boy Scouts and leaders visited the Soviet Union and learned about programs and camps for Soviet youth. In exchange, 16 Soviet youth and their leaders visited in the homes of American families to learn of our culture and family life. The BSA has offered to help the USSR get established in the World Scout Bureau.

COMMENDATION PRESENTED

Pope John Paul II was presented the BSA's Distinguished Citizen of the World Commendation for his efforts in behalf of world peace and brotherhood. A custom-made plaque, featuring a medallion-type, three-dimensional profile of the pope was presented to him, at the Vatican by Chief Scout Executive Ben Love.

BIENNIAL MEETING SUCCESSFUL

Nearly 2,600 Scouting leaders attended the 1990 Biennial National Council Meeting in Baltimore, Md., during May to exchange ideas about strengthening marketing and retention efforts in Scouting, to receive training on finance and fundraising, to honor various individuals for their work with the nation's youth, and to hear a distinguished array of nationally known speakers.

EXPLORER CONFERENCE

The University of Colorado campus hosted hundreds of Explorers and Advisors during July at the National Exploring Conference. At the conference, Explorers attended career-related workshops offered by a wide variety of national associations. Areas covered included business, fire and emergency service, science and engineering, health fields, law and government, outdoor adventure, aviation, sea exploring, architecture, and sports.

NEW BOY SCOUT HANDBOOK

The 10th edition of the Boy Scout Handbook was distributed during 1990. This brings the total copies in print to 33,860,000. The excitement of Scouting is found in its action-packed 672 pages. The new book features 900 color photographs and 600 full-color drawings.

NEW SCOUTMASTER HANDBOOK

A new, shorter version of the Scoutmaster Handbook was issued to complement the issuance of the all-new Boy Scout Handbook. Approximately 100 pages shorter than its predecessor, the highly readable Scoutmaster Handbook features full-color photographs to help capture the spirit of Scouting in the 1990s.

WORLD JAMBOREE PLANNED

Regional coordinators worked with council and district scouting leaders to encourage participation in the 17th World Jamboree, to be held August 8–16, 1991, in Korea. Councils and districts were provided informational packets and slide sets to use at world jamboree rallies in promoting participation in this significant Scouting event.

RICKARD H. LEET,
President.
BEN H. LOVE,
Chief Scout Executive.

RESERVISTS AND THEIR FAMILIES DESERVE RECOGNITION AND PRAISE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. KANJORSKI. Mr. Speaker, it is with pride and great respect that I mention a Reserve unit from the 11th Congressional District that have been deployed for active duty as a result of the war in the Persian Gulf.

These brave men and women have sacrificed a great deal to serve our country and they have answered the call to duty with admirable bravery. Their families, too, have had to make the greatest of all sacrifices by accepting the absence of their loved ones. May their prayers not go unanswered, and may these loyal Americans return home swiftly and safely.

The 814th Army Supply Co., originally deployed from Bloomsburg, PA, was placed on alert status on December 1, 1990, and mobilized on December 6, 1990 to the New Cumberland Army Depot.

The group will provide installation support and will serve as a supply company. The members of this unit have been separated from their families, friends, loved ones, jobs, and homes.

I join with members of our community as well as Americans throughout the country in saluting these unselfish individuals. The hopes and prayers of the entire Nation stand behind them today as they proudly serve the United States of America.

CONGRESSIONAL PAY REFORM AND ACCOUNTABILITY ACT OF 1991

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Ms. LONG. Mr. Speaker, today I am introducing, with a number of original cosponsors, the Congressional Pay Reform and Accountability Act of 1991.

The bill is fairly straightforward and would make three changes to the current procedures by which pay raises are considered by the Congress.

First, a recorded vote would be required in both the House and Senate. This provision would facilitate public understanding of how each elected official stood on salary issues. As many Members may recall, a similar provision was passed during the last Congress as part of the Ethics Reform Act of 1989. That provision, which is contained in public law, requires a vote on pay raises that are recommended as a result of the quadrennial commission procedures. However, no similar vote requirement exists in current law to require a vote on other legislation which could be considered by the Congress. The Congressional Pay Reform and Accountability Act would clean up this situation by requiring a recorded vote on all measures to increase, or adjust, congressional pay.

Second, congressional pay votes would have to be considered independently of other appropriations. This provision would end the practice of combining congressional salary increases with pay adjustments for Federal employees and agency appropriations.

Third, current rates of pay for Members of Congress, as of the date of enactment, would remain frozen until further legislation is considered, and voted upon.

During the last Congress, we made significant progress with regard to the procedures by which congressional pay raises are considered and implemented. In particular, we required that congressional pay raises, for the most part, would not take effect until after the next election. The Congressional Pay Reform and Accountability Act of 1991, if approved, would address some of the unresolved items which still exist.

Mr. Speaker, I am including the bill, and the names of the original cosponsors, in the RECORD following my remarks.

LIST OF COSPONSORS

Mr. PENNY, Mr. DORNAN, Mr. CAMPBELL of Colorado, Mr. GALLO, Mr. BEREUTER, Mr. JONTZ, Mr. MILLER of Ohio, Mr. FAWELL, Mr. RITTER, Mr. ZIMMER, Mr. THOMAS of Georgia, Mr. ARMEY, Mr. PAYNE of Virginia, Mr. COX of California, Mr. RIDGE, Mr. SHAYS, Mr. FIELDS, Ms. MEYERS, Mr. KOPETSKI, Mr. SANDERS, Mr. ROHRABACHER, Mr. RAVENEL, and Mr. KOLBE.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Pay Reform And Accountability Act of 1991".

SEC. 2. CURRENT SALARIES TO CONTINUE UNTIL CHANGED BY LAW.

Section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is amended to read as follows:

"SEC. 601. (a) Until adjusted under section 225 of the Federal Salary Act of 1967 or any other provision of law, the annual rate of pay for—

"(1) each Senator, Member of the House of Representatives, and Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico,

"(2) the President pro tempore of the Senate, the majority leader and the minority leader of the Senate, and the majority leader and the minority leader of the House of Representatives, and

"(3) the Speaker of the House of Representatives, shall be the rate payable for each such position as of the date of the enactment of the Congressional Pay Reform and Accountability Act of 1991.".

SEC. 3. RECORDED VOTES; SUBJECT MATTER.

(a) RULEMAKING POWER.—Subsection (b) is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such shall be considered as part of the rules of each House, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of such House to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

(b) AMENDMENTS.—(1) Rule VIII of the Rules of the House of Representatives is amended by adding at the end the following:

"4. The yeas and nays shall be considered as ordered when the Speaker puts the question upon final passage or adoption, as the case may be, of any bill or resolution that would adjust, or have the effect of adjusting, the rate of pay of Members.

"5. It shall not be in order in the House to consider any bill or resolution which would be subject to clause 4 if the bill or resolution contains any item which does not relate to adjustment of Members' rates of pay.

"6. The requirements of clauses 4 and 5 shall apply (in the same manner as such clauses apply to a bill or resolution) to any amendment to any bill or resolution previously passed by the House.".

(2) Rule XII of the Standing Rules of the Senate is amended by adding at the end the following:

"5. The yeas and nays shall be considered as ordered when the Senate orders a final vote on the passage or adoption, as the case may be, of any bill or resolution that would adjust, or have the effect of adjusting, the rate of pay of Members.

"6. It shall not be in order in the Senate to consider any bill or resolution which would be subject to paragraph 5 if the bill or resolution contains any item which does not relate to adjustment of Members' rates of pay.

"7. The requirements of paragraphs 4 and 5 shall apply (in the same manner as such clauses apply to a bill or resolution) to any amendment to any bill or resolution previously passed by the Senate.".

LEGION SUPPORT FOR OPERATION DESERT STORM

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. BURTON of Indiana. Mr. Speaker, I call your attention to a petition which was sent to me by the American Legion, Post No. 79, Zionsville, IN. Submitted to President George Bush, the petition reads:

We the undersigned members of the Zionsville, IN, Post No. 79 American Legion, along with other concerned citizens of the Zionsville, IN area, would like to affirm our total support of your leadership in Operation Desert Storm. We are behind you 100 percent.

Mr. Speaker, this petition contains more than 1,000 signatures. At a time when the media is covering every anti-war protest from San Francisco to Baghdad, it is essential for our troops to know that they do have the support of the American people.

I would like to thank all the officers and members of American Legion Post No. 79 for their time and effort in organizing and gathering the signatures for this petition.

At a time when support and patriotism really needs to be shown, you and your fellow members of Post No. 79 have as always, come through with shining colors! Mr. Speaker, it is with great honor that I present this petition to the U.S. House of Representatives.

From: Zionsville American Legion, Zionsville, IN.

To: Mr. George Bush, President of the United States of America.

We the undersigned members of the Zionsville, Indiana Post No. 79 American Legion Department of Indiana, along with other concerned citizens of the Zionsville, Indiana area, would like to affirm our total support of your leadership in operation "Desert Storm". We are behind you 100 percent.

Signed by more than 1,000 members.

EARTH DAY 1991 RESOLUTION

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. OBEY. Mr. Speaker, I am introducing an Earth Day 1991 resolution tomorrow along with Mr. PORTER. We invite all Members of the House to join as cosponsors. Last year, a similar resolution passed both Houses on a voice vote.

In 1970, Senator Gaylord Nelson, from my State of Wisconsin, founded Earth Day which was the beginning of what is frequently referred to as the environmental decade.

A key part of the mission of both Earth Day 1970 and the 20th anniversary celebration last year was to afford tens of millions of people the opportunity to express their deep concern about the state of the environment and the condition of the planet Earth.

This year Senator Nelson is chairman of "Earth Day 1991" which has a different mission—a long-term mission of education aimed at imbuing our society with a guiding conservation ethic. I agree with Senator Nelson that much greater emphasis needs to be placed on environmental education as the keystone to any successful long-term approach to managing the daunting environmental challenges that confront us. It is my hope that every State will adopt a program requiring environmental education in every school K through 12, as has been done in Wisconsin.

In order to clarify the history and purpose of Earth Day, I urge my colleagues to read the following remarks which were made by Senator Nelson on October 6, 1990 when he spoke at the Catalyst Student Conference at the University of Illinois:

My remarks are titled, Earth Day—Where Do We Go From Here? That, I think, is the right question to ask and you are asking it at this conference. One of the three major objectives of this conference is to "Build on Earth Day."

Since you are going to "Build on Earth Day," it was suggested that a brief story of Earth Day and its purpose might be helpful.

For years prior to Earth Day it had been troubling to me that the critical matter of the state of our environment was, simply, a non-issue in the politics of our country. The President, the Congress, the economic power structure of the country and the press paid almost no attention to this issue which is of such staggering importance to our future. It was clear that until we somehow got this matter into the political arena and until it became part of the national political dialogue, not much would ever be achieved. The puzzling challenge was to think up some dramatic event that would focus national attention on the environment. Finally, in 1962 an idea occurred to me that was, I thought, a virtual cinch to get the environment into the political limelight once and for all.

That idea was to persuade President Kennedy to give national visibility to this issue by going on a nationwide conservation tour spelling out in dramatic language the serious and deteriorating condition of our environment and proposing a comprehensive agenda to begin addressing the problem. No President had ever made such a tour and I was satisfied this would finally force the issue onto the nation's political agenda. The President liked the idea and began his conservation tour in the Fall of 1963. Senators Hubert Humphrey, Gene McCarthy, Joe Clark and I accompanied the President on the first leg of his trip to Pennsylvania, Wisconsin and Minnesota. For many reasons the tour didn't achieve what I had hoped for—it did not succeed in making the environment a national political issue. However, it was the germ of the idea that ultimately flowered into Earth Day. While the President's tour was a disappointment, I continued to hope for some idea that would thrust the environment into the political mainstream. Six years would pass before the idea for Earth Day occurred to me in late July, 1969 while on a conservation speaking tour out West.

At that time, there was a great deal of turmoil on the college campuses over the Vietnam War. Protests called "anti-war teach-ins" were being widely held on campuses across the nation. On a flight from Santa Barbara to the University of California-Berkeley, I read an article on the teach-ins and it suddenly occurred to me, why not have a nationwide teach-in on the environment? That was the origin of Earth Day.

I returned to Washington in early August, raised the funds to get Earth Day started and prepared letters to the 50 Governors and the Mayors of all the major cities explaining the event and requesting that they issue Earth Day Proclamations. I sent an Earth Day article to all of the college newspapers explaining the event and one to Scholastic Magazine which went to most of our grade schools and high schools.

In a speech given in Seattle in September, I formally announced that there would be a national environmental teach-in sometime in the Spring of 1970. The wire services carried the story nationwide. The response was dramatic. It took off like gang busters. Telegrams, letters and telephone inquiries poured in from all over the nation. Using my Senate staff, I ran Earth Day activities out of my office. But by December the movement had expanded so rapidly that it became necessary to open an office in downtown Washington. The movement was growing so fast that my Senate office couldn't continue serving as national clearinghouse for Earth Day inquiries and activities.

After interviewing some 15 or 16 college students, I selected Denis Hayes to manage the Washington Earth Day office and to oversee the organizing of college campuses. For a stipend and expenses, we hired a group of conscientious college students who did an excellent job organizing on college campuses.

Earth Day 1970 achieved what I had hoped for. The objective was to get a nationwide demonstration of concern for the environment so large that it would shake the political establishment out of its lethargy, and finally, force this issue permanently into the political arena. It was a gamble but it worked. An estimated twenty million people participated in peaceful demonstrations all across the country. Ten thousand grade schools and high schools, two thousand colleges and one thousand communities were involved.

It was truly an astonishing grassroots explosion. The people cared and Earth Day became the first opportunity they ever had to join in a nation-wide demonstration to send a big message to the politicians—a message to tell them to wake up and so something.

It worked because of the spontaneous, enthusiastic response at the grassroots. Nothing like it had ever happened before. While our organizing on college campuses was very well done, the thousands of events in our schools and communities were self-generated at the local level. We had neither the time nor resources to organize the ten thousand grade schools and high schools and one thousand communities that participated. They simply organized themselves. That was the remarkable thing that became Earth Day.

Don't ever forget—if you want to move the nation to make hard decisions on important issues, the grassroots is the source of power. With it you can do anything—without it, nothing.

If we are going to move the nation to an environmentally sustainable economy, you and that young generation right behind you are going to have to do it—and I think you will.

ESTONIAN INDEPENDENCE DAY

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. MILLER of Washington. Mr. Speaker, I rise to speak out once again for the freedom and independence of the Baltic States. February 24 is Estonian Independence Day. A year ago, we all hoped that we were celebrating the last Estonian Independence Day in which Estonia was not independent. Sadly, despite some dramatic progress, Estonia continues to be illegally occupied by the Soviet Union.

Seventy-three years after its declaration of independence and more than 50 years after Soviet tanks rolled in, Estonia's future and the very survival of the Estonian people remain threatened by the Soviet Union.

The United States, and all democratic governments, can and must play an important role in working to help the Estonian people regain their freedom. We must continue our policy of never recognizing the Soviet occupation and annexation of the three Baltic States. We must pressure and encourage the Soviet Central Government to negotiate in good faith the withdrawal of their troops, allowing a legal, democratic Estonian Government to emerge.

Ultimately, the fate of Estonia, Latvia and Lithuania is both a symbol and a measure of freedom and democracy, both of which are now at risk everywhere in the Soviet Union. Indeed, unwavering Western support for the restoration of independence to all three Baltic nations will help promote continued democratization and reform in the Soviet Union itself, by underscoring our commitment to these processes. Lasting peace and stability cannot be achieved so long as the Soviets continue to hold by force three European nations whose people have clearly and peacefully expressed their will to be free.

INTRODUCTION OF THE WOMEN AND ALCOHOL RESEARCH EQUITY ACT OF 1991

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Ms. OAKAR. Mr. Speaker, today I am introducing legislation to increase funding at the National Institute of Alcohol Abuse and Alcoholism [NIAAA] by an additional $23 million for research on alcohol and women. Alcohol dependence and abuse will cost the nation $136.3 billion in 1990, and the $117 million spent on research at NIAAA is altogether too little of a research commitment. What is worse is the fact that of that $117 million, only 5.8 percent or about $7 million was spent on alcohol research related to women. My legislation would commit additional funding to NIAAA and direct that funding to such issues.

Mr. Speaker, the findings section of this legislation dramatically illustrates the extent of this problem. In the United States, women continue to be underrepresented in treatment programs. Women make up less than 25 percent of all publicly funded alcohol treatment admissions and about 30 percent of treatment admissions for other drug dependencies although women make up an estimated 50 percent of the total alcohol and drug dependent population. Alcohol use by pregnant women is the leading known cause of mental retardation in newborns. Most treatment programs do not provide child care or adequate alternatives for women entering treatment.

Mr. Speaker, the death rate of female alcoholics is 50 to 100 percent higher than for male alcoholics. Recent research indicates that women experience greater physiological damage from alcohol consumption than do men, and the negative effects of drinking show up earlier in women than do men. Alcohol consumption may be associated with an increased risk for breast cancer. Yet, Mr. Speaker, very little is being done by the Federal Government to investigate these and other problems. This is tragic because 90 percent of all biomedical research conducted in this country depends on Federal support.

Mr. Speaker, in light of the human and economic costs of alcoholism and alcohol abuse in our Nation, the increased commitment required by this legislation is but a small price to pay. I urge all of my colleagues to support this vital legislation.

GIVE THE GIFT OF LIFE—ENCOURAGE ORGAN DONATION

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. DURBIN. Mr. Speaker, today I am introducing legislation along with approximately 20 of my colleagues that will encourage organ donation through a highly cost-effective campaign of public education.

The importance and success of organ transplantation was highlighted last fall when the Nobel Prize for Medicine was awarded to two American doctors who pioneered the use of transplants to treat the severely ill.

Organ transplantation is an American medical success story. What was once a futuristic, daring approach to life-threatening diseases is now an accepted part of the practice of medicine. It is now possible to transplant about 25 different types of organs and tissues from people of all age groups. Thousands of people gain a new lease on life every year because of a successful organ transplant.

The most common tragedy in organ transplantation is not the patient who receives a transplant and dies, but the patient who has to wait too long and dies before a suitable organ can be found. The demand for organs greatly exceeds the supply. More than 20,000 people are currently waiting for an organ transplant and over 500 of those are children. One-third of the Americans on waiting lists for a new heart or liver die before an organ donor can be found. More than 16,000 people must have kidney dialysis while they wait for a kidney to become available.

Death is always a tragedy, and when it happens suddenly or because of an accident it is even more difficult to cope with. However, it is important for people to realize that something good can come from this kind of tragedy; they can give the gift of life.

Many opportunities to utilize organs are lost due to the public's hesitance to authorize organ donation either for themselves or their family members who die. Only about 20 percent of the 20,000 to 25,000 brain deaths that occur in the United States each year result in organ donation.

The legislation I am introducing would direct the Treasury Department to enclose with each income tax refund check mailed in 1992 an insert card that encourages organ donation. The insert would include a detachable organ donor card and a message encouraging people to sign and carry the card and let their families know about their willingness to be an organ donor. It also encourages family members to request or authorize organ donation if the occasion arises.

Even if a person signs an organ donor card, their next of kin must still authorize the donation. That is why it is essential that people who wish to donate organs inform their family members of their wishes.

Inserting this appeal with IRS refund checks poses no logistical problems for the Treasury Department, because such inserts are not a new idea. For example, last year's refund checks were accompanied by an appeal to buy a special commorative coin. There is no reason why the mailing of 1992 refund checks should not include a life-giving message about organ donation.

If an insert card is provided with every income tax refund check, approximately 80 million households will be reached. According to the Financial Management Service of the Treasury Department, designing, printing, and including the cards with income tax refund checks would cost approximately $500,000.

The population that would receive these cards is a very appropriate target population for an appeal regarding organ donation. For most transplants, the best organ donors are those between the ages of 15 and 65. The people who receive income tax refund checks tend to be adults rather than children, and younger than retirement age rather than senior citizens. They tend to be in the prime ages for organ donation themselves, and are often the next of kin for others who are in the prime ages for organ donation. Therefore, this appeal will reach a very appropriate group in a highly cost-effective manner.

Every 30 minutes, someone new is added to the national transplant waiting list. By increasing public awareness and encouraging discussion, I believe this legislation could increase the number of donors, thus decreasing the number of people who die while waiting for transplants.

The bill has the support of the National Kidney Foundation and the United Network for Organ Sharing. I urge my colleagues to join them and me by cosponsoring this measure and encouraging all Americans to "give the gift of life."

THE BALTICS QUESTION

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. BUSTAMANTE. Mr. Speaker, I participated in a Helsinki Commission fact-finding trip to the Baltics and Moscow. The delegation was led by my friend from Maryland, Representative STENY HOYER, chairman of the Commission. I wish to commend chairman Hoyer for his outstanding leadership. Under his able direction, we had an opportunity to meet with Baltic as well as Soviet leaders. From these meetings we gained a balanced perspective and greater understanding of this very complex issue.

As a result of this trip, I have become more convinced than ever that the pursuit of freedom is a force ultimately stronger than tanks and guns. It is quickly apparent to anyone who visits the Baltics that freedom will eventually triumph. Whether this will be achieved through more bloodshed or through peaceful negotiations is up to the Kremlin leadership. The Baltic leaders have chosen a nonviolent course to freedom which is rightfully theirs. The course President Gorbachev and his advisors decide to follow in responding to the Baltic quest for independence will have an effect on United States-Soviet relations far beyond this one issue.

As I visited the sites in Riga and Vilnius where innocent people were gunned down for simply exercising their right to determine their future—a right the Soviet Union committed itself to honor when it signed the Helsinki Accords in 1975—I understood why not only the people of the Baltics but Soviet citizens as well feel betrayed by the apparent reversal of Perestroika.

In Vilnius as I walked through barricades protecting the Lithuanian Parliament building from Soviet troops and spoke with President Landsbergis and the democratically elected members of the Lithuanian Parliament, it was difficult to comprehend how President Gorbachev, the advocate of reform, could allow such a situation to exist.

I was very impressed by my meetings with President Gorbunovs of Latvia and President Ruutel of Estonia. Despite the tragic events in Lithuania their end goal of independence remains absolute.

It was extremely disturbing to meet with the head of the Latvian Communist Party, Mr. Rubricks and listen to his hardline approach to the Baltic issue. In Moscow, it was even more chilling to hear the chairman of the Supreme Soviet's Committee on Nationalities, Mr. Nishanov, suggest that the Moscow Ministry of Interior had no control over Soviet troops in Lithuania. If Moscow and Gorbachev are not in control, who is?

It was clear in Moscow, after meeting with Boris Yeltsin, President of the Russian Republic, that he and the leaders of several other republics are determined to proceed with the reforms President Gorbachev set in motion. The question on everyone's mind is can President Gorbachev carry through with the democratic revolution he began. Only he and his advisors know the answer to that. But it is critical that we in the United States encourage the continuation of democratization in the Soviet Union by supporting those who are, through actions, not rhetoric, taking concrete steps to accomplish true democratic reforms which will bring about governments accountable to the people.

The peoples of the Baltic States have already taken those steps. The United States administration should reflect the courage of the Baltic citizens by increasing pressure on the central government in Moscow to recognize the Baltics as free independent states. I believe history will ultimately judge Mr. Gorbachev the reformer on how well he stood the test of genuine Democracy in action in the Baltics. The question is: Can he and will he measure up to the challenge?

CONGRESSMAN KILDEE HONORS MRS. FRANCES E. PHILLIPS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in honoring the long and dedicated career of Mrs. Frances E. Phillips.

The retirement of Frances Phillips marks the end of 27 years of dedicated and selfless service to the Genesee County Department of Social Services. In addition to raising a family and completing her college education, Mrs. Phillips was a committed worker in the department of social services, who gained the respect and admiration of her colleagues.

During her tenure as a social worker, Mrs. Phillips also found the time to serve our community in other capacities. Over the years, she has served on committees to help shape several community groups, including the Valley Area Agency on Aging, the Michigan Council of Social Service Workers, Region 5 Hospital Review, and the Flint Run Commission. Mrs. Phillips has also acted as a liaison in the Flint area for the department of social services. She has spoken to many community groups, such as the Cooperative Extension Service, Voluntary Action Center, Mott Community College, and the University of Michigan.

Mr. Speaker, it is a pleasure to honor someone who has done so much to improve the quality of life for the residents of the Flint community. Mrs. Frances E. Phillips has had an enormously successful career, and she has upheld the highest tradition of public service. We in the Flint area are deeply indebted to Frances Phillips for her efforts on behalf of those who are the most vulnerable in our society. Mr. Speaker, it is indeed an honor and privilege to pay tribute to this highly regarded woman on her retirement.

CONGRESSMAN TOM COLEMAN SPEAKS TO NAICU

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. FORD of Michigan. Mr. Speaker. On February 7, 1991, Congressman TOM COLEMAN spoke to the annual meeting of the National Association of Independent Colleges and Universities in Washington, DC. Congressman COLEMAN is the Ranking Minority Member of the Subcommittee on Postsecondary Education; and his remarks focused on the reauthorization of the Higher Education Act. Congressman COLEMAN's address is a very thoughtful and constructive review of many of the most significant issues of this reauthorization, and I look forward to working together on this very important legislative effort in this Congress. I commend his remarks to my colleagues.

SPEECH BY HON. E. THOMAS COLEMAN BEFORE THE NATIONAL ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES, FEBRUARY 7, 1991

I am very happy to be with you this morning to speak in general terms about the reauthorization of the Higher Education Act during this Congress.

BUDGET

This week you have witnessed the annual ritual of submitting the budget by the administration and the obligatory Congressional reactions. These comments and criticisms are particularly entertaining when the two branches of Government are politically divided.

Having made this disclaimer, I shall attempt, in what objectivity I can conjure to say a few words about the major 1992 budgetary recommendation, of particular relevance to private 4-year colleges.

Raising the Pell Grant from $2,400 to $3,700, but altering the award rules to target the Pell Grant on families with incomes less than $10,000. Presently, the Pell is capped at 60 percent of the cost of attendance. The percentage of need financed by the department's new formulas would be roughly 80 percent for families with incomes up to $10,000 and 30 percent for families with incomes exceeding $30,000. This would obviously disadvantage high-cost institutions. However, students at your institutions would benefit from the Pell merit-based grant for academically talented students.

You will probably like the increased Stafford loan limits from $2,625 to $3,500 for first and second year students, and from $4,000 to $5,000 for third and fourth year undergraduates. SLS limits would be increased from $4,000 to $6,000 for undergraduates and $4,000 to $10,000 for graduate students.

But overall, there would be cuts of 700,000 awards in Perkins, college work study and SEOG's (supplemental grants). A reduction of 1 million, if you include changes in Pell Grants.

To a great extent, reauthorization began with the dramatic changes made in the Stafford Student Loan Program by the last two omnibus budget reconciliation bills. Two years ago, substantial changes were made in eligibility for supplemental loans for students, reducing the loan volume by 65 percent in the proprietary school sector, and 46 percent program-wide.

Last year, Congress made a number of substantive, far-reaching legislative changes in the Stafford Loan Program. We extended the 3 day delayed disbursement to all first-year undergraduate borrowers of student loans; required third-party testing of ability-to-benefit students; authorized institutions to limit eligibility for loans and loan amounts; and eliminated from the Student Loan Program, schools with default rates in excess of 35 percent in fiscal years 1991 and 1992 and those with a rate of over 30 percent in 1993 and beyond.

We made those changes because, default costs amount to over two billion dollars annually and represent the third highest expenditure by the Department of Education. The annual report by the inspector general of the Department of Education rates the Student Loan Program as being "more vulnerable to waste, fraud, and abuse than in any other time." Certainly, the Senate hearings, chaired by Senator Nunn, confirm this bleak assessment. Two school owners took the fifth amendment when questioned about their education operations and their management of Federal student aid programs. Another former school owner was brought into the hearing manacled, from a Federal prison, to detail the ease with which he defrauded the Federal Government, taxpayers, and the law enforcement of Federal officials.

It is not then surprising that OMB has placed the student aid programs on its "list of high risk" programs that threaten—along with the savings and loan bailout and the HUD scandal—to cost taxpayers billions of dollars unless serious management weaknesses are corrected.

My point, in detailing these changes, is that many fundamental changes in law, dealing specifically with the problem of defaults in the Stafford Student Loan Program, have been enacted. And, I hope that these measures, dictated by the budget process, will enable us—indeed, free us—to deal with all of the student aid programs in a thoughtful, comprehensive manner; not just from the perspective of defaults.

However, program, "accountability" will be one of the central themes of reauthorization. We must ask ourselves—how well are our Federal student aid programs working? How can the Federal Government provide incentives for broadened access to higher education, and simultaneously improve retention and increase quality education for students at postsecondary institutions?

In 1991, we need to take a critical look at the student aid programs which were originally written in the Higher Education Act in 1965. These programs remain basically unchanged since the early 1970's. There is increasing concern by members of the Education and Labor Committee that these programs have become strained beyond their capacity, and there is a growing feeling that these programs no longer meet the needs of students adequately.

Middle income students, for whom the Guaranteed Student Loan Program was originally intended, are inadequately served by the Stafford Program and are, at best, only marginally supported by the Pell Grant Program and other campus-based aid programs. High default rates, which serve, I think, as indicators of lost educational opportunity, call into question how well these programs even serve many of the economically disadvantaged students.

Both chairman Bill Ford and I agree that this reauthorization provides the opportunity for a comprehensive re-evaluation and re-thinking of the basic structure of Title IV Student Aid Programs. Focusing on expanding access to postsecondary education, but asking the question "access to what?" One of the central tasks of reauthorization will be reducing default costs while maintaining increasingly needed job training opportunities for non-traditional, low-income, and minority students.

For good or ill, the Stafford Loan Program has become the central engine driving Federal student aid, providing roughly 12 billion dollars in leveraged capital to 4 million students attending some 3500 institutions of higher education and 5000 proprietary schools. Given the budgetary constraints within which Congress will operate in the coming years, it will be tempting to continue to fine tune a program which provides so much aid at a cost of about 40 cents on the dollar to the Federal Government.

However, due in part to the growing administrative and regulatory complexity of the current system and new budget scoring rules for entitlement programs. The concept of direct lending by the Federal Government has gained increasing attention, in recent months in the administration and on the hill. Due to new scoring rules which track subsidy costs, a direct loan program could have $1.5 to $2 billion in costs annually. Should Congress move in this direction, institutions will certainly play an increased role in the management of this program, serving as lenders to enrolled students.

Congress must address the fundamental imbalance between grants and loans. The Pell Grant, which should be the foundation of all Federal need-based assistance programs, has declined 16 percent in constant dollars since 1980. Additionally, grants as a percentage of all students assistance have also declined during the past decade, dropping from roughly one-half of a student's aid package in 1980 to less than 30 percent in 1989. I am sure that I am telling you nothing new, given that roughly only 20 percent of Pell dollars go to the independent collegiate sector.

What effect does dependence on loans, and the high level of student indebtedness, have on completion rates? On the student's willingness to incur even higher levels of indebtedness by attending graduate or professional schools? To what extent does this indebtedness affect career choices, driving graduate students toward shorter-term job training programs and college graduates toward higher paying occupations, rather than toward teaching and other areas where our Nation will be facing critical shortages in the coming decades?

The administration's plan to raise Pell Grants from $2400 to $3700 is a move in the right direction, but it comes at the expense of families with incomes above $10,000—slightly below poverty-level for a family of three. But as I said earlier, families with incomes exceeding $30,000 would have the percentage of need financed the department's new formulas will be dropped to 30 percent.

One of my goals in reauthorization will be expanding eligibility for middle-income families. During the last two Congresses, I introduced legislation which would remove from need analysis a value of a family's home and family-owned farm assets. Such non-liquid assets should never have been calculated as a resource to pay the costs of a college education. Middle income families bear a disproportionate burden of the taxes. They need assistance in meeting the rising costs of a college education, which now equals what most middle income families paid for their first home. Furthermore, participation by middle income families will strengthen the political base for Federal student aid programs.

I know that the chairman of the Education and Labor Committee, Bill Ford, is interested in expanding the Pell Grant program for the first year of postsecondary education, reserving loans for final years or possibly the last half of an educational or training program. Such an approach is very attractive, given that students would incur no debt during the critical first 2 years in college. Such a proposal would substantially eliminate the problem of loan defaults.

But, given the budgetary constraints under which we will operate in the coming years, we will have a difficult time increasing the maximum Pell Grant to $5,000, which roughly equals the current Pell maximum of $2,300 and the maximum loan amount of $2,625 for the first 2 years of undergraduate study.

I want to emphasize the point that the parameters of reauthorization will be set by spending caps in discretionary programs, which, in effect, mean that we are in a zero-sum game with student aid programs. To expand Pell will mean transferring funds from other discretionary budget accounts, such as the Perkins Loans Program, SEOG, and college work study. The department's fiscal year 1992 budget recommendations confirm this "zero-sum" context for choices. Even entitlement growth will be limited at annual baselines, determined by inflation and demographics of the recipient population.

Additionally, until we have insured program integrity and accountability, reducing loan defaults by front-ending aid with grants will be an accounting shift of Federal losses. Giving higher grants to students who cannot benefit from an educational program, or who attend a school which offers a substandard academic or training program is not access worthy of the name.

Still, the idea of increasing grant awards deserves our consideration, and I look forward to working with our new chairman in finding innovative ways to making a quality education a reality for students who need increased grant assistance.

Earlier, I mentioned the need to focus on retention of students at postsecondary institutions. Legislation passed in the last Congress, "The Student Right To Know and Campus Security Act," is, I think, a barometer of Congress' growing frustration with such poor completion rates. This legislation requires the reporting of graduation and placement rates for all postsecondary institutions. With the goal of improving educational quality, such "outcomes assessment" would help in reforming the process for approving institutional eligibility for Federal student aid programs.

Clearly, Congress must reform the current "triad" of accreditation, State licensure, and department certification. We need much stronger institutional "accountability," focusing, in addition to default rates, on outcomes like retention, graduation, and job placement rates. Assessing outcomes will provide objective criteria for focusing on educational quality in the department's certification and eligibility process.

We need to look at student aid programs which encourage entry into postsecondary educational programs, but do little to encourage retention or degree attainment. One possible approach would be to give institutions incentives to retain students by providing additional student aid funds for the number of student aid recipients who maintain enrollment as sophomores, juniors or seniors.

Another fundamental goal in reauthorization will be making college affordable for a broad range of students. College costs have consistently outpaced inflation for the past decade. For the 1991-1992 academic year, tuition and living expenses are projected to average over $7,000 at public 4-year institutions, and over $16,000 at private colleges and universities.

I want to make it clear that colleges bear a responsibility in curbing tuition increases. The lengthening number of years required to complete an undergraduate degree combined with steadily—and many think unreasonably—increasing college costs has implications for program cost containment and erodes the credibility of higher education when you lobby for needed increases in student aid programs.

One of the more disturbing side-effects of the 1980's squeeze on education money has been able to drive the top and bottom tiers of higher education farther apart. To what extent are we developing a two-tiered higher education system? High-priced, mostly private colleges, attended by those who can afford the tuitions or by those who are awarded full scholarships; and lower-cost, mostly public institutions, which are attended by middle- and lower-income students, squeezed by increased costs.

Parents bear a responsibility for helping to meet the expenses of their children's education. However, the current needs analysis provides too many disincentives for parents to save for their children's education. A family's savings reduce the amount of Federal and institutional aid available, under current needs analysis formulas. Further, borrowing for education is heavily subsidized or funds are made available at attractive rates through loans to parents. Is it any wonder then that dependence on borrowing has grown, while reliance on savings has not?

Clearly, changes in the tax codes are beyond the jurisdiction of the education and labor committee. But in the long term, the Federal Government must provide incentives for families to save. The current provision which exempts from taxation the interest income on U.S. savings bonds which are used for college needs to be expanded.

In closing, I would like to speak about the underlying context of reauthorization. Stresses in our student aid programs, I think, reflect the stresses in postsecondary education's response to the changing needs and demographics of our society. The fastest growing segment in postsecondary education is the so-called "non-traditional" student, older than the 18-24 year-old cohort, often minority and female. By the year 2020, demographic projections indicate that only one-in-five of the entering workforce will be a white male. The expansion of the proprietary school sector—enrolling approximately 3 million students in job training programs—reflects these demographic trends.

Many of the educational problems of nontraditional students are rooted in the massive, structural problems of our elementary and secondary schools. Dropout rates in high schools, particularly for minorities, are simply appalling, and those, who do graduate, too often leave school without basic literacy skills.

One of the fundamental questions of this reauthorization needs to be "To what extent are title IV Federal student aid programs going to be primary sources of funding for job-training programs?" The Department of Labor has recently issued a regulation requiring the "front-ending" of JTPA tuition assistance with Pell Grants, and given the "Zero-Sum" game of discretionary program funding, we will see additional attempts to use title IV programs, especially the entitlement program, for purposes which should be served by job training and adult education programs.

In summary, this authorization promises to ask brave and new questions about how Federal higher education policy is serving the needs of Americans who must function in a much tougher and competitive world. At the same time, we must face the fact that, in the near term, we face severe budgetary limitations which will influence how we translate priorities into practical choices. I look forward to a close working relationship with Bill Ford and we intend to move a bi-partisan reauthorization bill through the House. I welcome the participation of private colleges and universities in this process, and I look forward to working with Dick Rosser, Julianne Thift, and Linda Berkshire who do a superb job on your behalf in Washington. I will be happy to answer questions.

SUPPORT FOR CENTRAL FLORIDA'S EFFORTS TO HOST THE WORLD CUP GAMES IN 1994

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. BACCHUS. Mr. Speaker, I am proud to lend my support and enthusiastic endorsement for central Florida's bid to host the World Cup—the championship of soccer—in 1994. Bigger than the Olympics, the World Cup is the world's largest single sports spectacle. Every 4 years, 116 countries compete for the title of World Cup Champion, 1994 will be the first year the United States has ever hosted this prestigious international event.

Central Florida is currently competing with 28 other locations around the country to host the 1994 World Cup games. Our community support is building to meet the challenge of welcoming the rest of the world to the No. 1 tourist destination spot on the globe.

If the 1990's are the decade of global outreach, central Florida could not have invented a more effective calling card than the World Cup games. Central Florida's business community is beginning to realize that it is standing on the brink of an unprecedented 3-year worldwide economic development and marketing tool.

As a former trade negotiator, I can tell you that the magnitude of the event alone has the potential to create a significant ripple effect for our region for years to come. Each of the 52 World Cup matches will have an international television audience five times the size of our Super Bowl. The cumulative audience for the World Cup, from first game to last, is more than 25 billion.

I generously lend my support to bringing the World Cup to the Orlando area in 1994—a once in a lifetime opportunity for the citizens of central Florida.

NATIONAL FFA WEEK, FEBRUARY 16–23, 1991

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. NATCHER. Mr. Speaker, it is a pleasure for me to join with the 387,000 members of the FFA as they celebrate National FFA Week with the theme: "FFA—Leadership for a Growing Planet."

FFA is a vocational student organization for high school students enrolled in agricultural education courses in public high schools and area vocational education centers. FFA members in more than 7,000 chapters have organized events and activities to create awareness of, and support for, agricultural education and FFA.

In my home State of Kentucky, 11,825 members in 147 chapters participated in FFA activities during the 1989–90 school year, and over 1,000 FFA members and teachers attended a week of leadership training at the Kentucky FFA Leadership Training Center in Hardinsburg, KY.

Each FFA chapter is encouraged to participate in at least one community service activity during the school year. In the Second Congressional District of Kentucky, which I have the privilege of representing in the U.S. Congress, several chapters received honors. The Spencer County chapter was a national contest entry for the Building Our American Communities and Chapter Safety Programs.

The Breckinridge County, Spencer County, Apollo, Barren County, and Daviess County chapters received gold awards as State FFA winners. Eddie Beals (Apollo), Brent McLimore (Daviess County), Melissa Lowe (Barren County), Alan Jones (Frankin-Simpson), John Denner (Breckinridge County), Kenneth Ann Morris (East Hardin), Chris Young (Grayson County), and Eric Sweazy (Spencer County) received area award plaques.

The Apollo, Daviess County, Barren County, Franklin-Simpson, Breckinridge County, and East Hardin chapters were honored as superior chapters in the State FFA Chapter Safety Program.

Daniel Fisher (Allen County), Jay Campbell (Nelson County), and Mike T. Stevens (Spencer County) were selected as Regional Star State Members in Production. Bart C. Stinson (Franklin-Simpson) and Walter Todd Butler (Breckinridge County) were selected as Regional Star State Agribusinessmen for 1990. All of these honorees received their State degrees at the National FFA Convention this past November.

I am very pleased that 66 FFA members from the Second Congressional District of Kentucky were recognized as 1990 State Farmer degree candidates. They are Christopher Shea Bray, Clint Williams, Daniel Fisher, Gregory Scott Cook, Jarrod Scott Shirley, Jimmy Neal Gardner, Justin Keith Marsh, Michael Kelly Ransome, Amanda Gillon, Janet Kaye Bragg, Max Kinslow, Tommy Daryl Bartley, Amy Jo DeJarnette, Charlotte Lind Mattson, Debbie L. Winchell, Donna Maria Blevins, Dreama Reams, Patricia Joy Taul, Quince Dyer, Tessa Stuart Foote, Walter Todd Butler, Charles E. Stivers, John Foster, Kimberly J. Wheeler, Bart C. Stinson, Chad Konow, Jerry Wayne Goodrum, Jr., Kevin David Jernigan, Chad Howard, Jamie Lindsey, Gerald J. Cox, Kenneth C. Logsdon, Mitchel L. Logsdon, Shane Butler, Terry Gaddie, Chris Thompson, John Howard Gentry, Stephen Sprowls, Charles G. Flanagan, Joyce Ann Jones, Brian Lee Stevens, Curtis Lewis Reid, Jay Campbell, Karen Hahn, Kevin Bobblett, Susan Marie Douglas, Timmy Joe Benham, Charles David Rogers, Dewey Michael Drake, Gwendolynn Sue Lucas, Troy Long, Dale Goodlett, Eric Sweazy, Jill Coulter, Johnny Manning, Mike T. Stevens, Tracy Tindle, Troy D. Goode, Matt Pendleton, Paul B. Wolfe, Shaun E. Miller, Jerry L. Willis, L. Dow Rasdall, Tim Gravil, Travis Young, Jenny Graves, Scotty Dale Janes, and Peter C. Binkley.

At the 63d National FFA Convention held November 8–10, 1990, 1,056 members were awarded with American FFA degrees. This is one of the highest laurels the FFA can bestow and I am proud of the nine FFA members in the Second Congressional District of Kentucky who received this honor: Neysa M. Call of Glendale, Allen K. Charlton of Bowling Green, William D. Cowles of Oakland, Mark Crabtree of Utica, Keith A. Crump of Bowling Green, Steven L. Hinton of Hardinsburg, James K. King of Franklin, Kevin Trunnel of Utica, and Gregory L. Willoughby of Scottsville.

The Spencer County chapter was recognized for the National Chapter Safety Program (gold) and the Building Our American Communities Program (bronze). Other chapters recognized at the National FFA Convention for the National Chapter Awards included Breckinridge County (gold), Spencer County (silver), and Apollo, Barren County, Daviess County, and East Hardin Chapters (bronze).

L. Dow Rasdall of Smiths Grove was a national winner in the Proficiency Awards (beef production) and as part of the award, he will travel to Europe this summer.

The following FFA members from the Second Congressional District of Kentucky received medal awards in the National FFA Judging Contests at the national convention: Jason Dupin, Beth Henderson (silver emblem), Ryan McGary (bronze emblem) in farm business management; Don Paul Stovall (bronze emblem) in livestock; Angela Montgomery (gold emblem), Cindy Driskell (silver emblem), and Jeff Goodlett (bronze emblem) in meats.

Honorary American FFA degrees were bestowed upon Billy H. Stout of Taylorsville, Jerry W. Coleman of Owensboro, Mike Hughes of Bowling Green, and Johnny R. Story of Owensboro at the National FFA Convention. Also, national FFA alumni were recognized and the Apollo chapter was honored as an outstanding affiliate and was ranked gold.

Neysa Gail of Glendale, who is one of the Kentucky Association FFA officers (vice president), served as a delegate to the convention and Jeremy Hinton of Sonora played in the National FFA Band.

I am extremely proud, not only of the FFA members in the Second Congressional District of Kentucky, but of all the FFA members across our country. I know of no group of young people accomplishing more in the field of agriculture than the members of FFA. At this time I would like to commend the FFA members for their past achievements and wish them continued success in all their future endeavors.

PENALIZING BLIND AND HANDICAPPED EMPLOYEES IN SHELTERED WORKSHOPS FOR WORKING OVERTIME TO SUPPLY TROOPS IN THE PERSIAN GULF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. LANTOS. Mr. Speaker, today I am introducing legislation, together with the chairman of the Government Operations Committee, Mr. CONYERS; the ranking minority member, Mr. HORTON; ranking minority member of the Employment and Housing Subcommittee, Ms. ROS-LEHTINEN; and other members of the Employment and Housing Subcommittee, which I chair. The legislation would eliminate the penalty paid by workers who are blind and handicapped who earn more than the government-allowed cap for Social Security Disability Insurance and Medicare due to overtime work required to meet military contracts for supplies used in the Persian Gulf.

This morning at a subcommittee hearing, members listened to several blind and handicapped workers who produce supplies for the military under a 50-year-old program called the Javits-Wagner-O'Day Act [JWOD]. JWOD encourages sheltered workshops for the blind and handicapped to bid on Federal contracts for supplies and services. Over $350 million in contract supplies and services are made and performed by JWOD workers each year—from building maintenance at Federal facilities to the manufacture of canteens and duffel bags. Up to 9000 blind and handicapped workers are employed at JWOD workshops; workers who might not have an opportunity to work at all if it were not for JWOD contracts.

More than 70 percent of JWOD contracts are with the military, and those contracts have been accelerated because of Operation Desert Shield/Desert Storm. In order to meet contract demands, some workshops have added double and triple shifts, and employees are being asked to work overtime. The dilemma for these workers is that with overtime income, they lose eligibility for Social Security Disability Insurance and Medicare.

One blind worker who testified before the subcommittee today has two children in the service in the Persian Gulf. She wants to work to help supply the military services, and her children, but has to face the loss of her own disability income and health care coverage if she puts in needed overtime work.

The legislation I am introducing today would address the problem which is unique to our current actions in the gulf.

My bill is a simple one, with bipartisan support. It provides a temporary waiver on the Social Security Disability Insurance and Medicare income cap for those blind and handicapped workers who exceed the allowed monthly income because of overtime work performed under a Desert Shield or Desert Storm contract. Both the President's Committee on Purchase from the Blind and Other Severely Handicapped and the Social Security Administration were supportive of this proposal at this morning's hearing, and pledged to cooperate with Congress to make this legislation workable. With the introduction of my bill a first step has been taken. I urge my colleagues to give consideration to this bill in an expeditious fashion so that blind and handicapped workers can resolve their catch-22 situation quickly.

FEDERAL ASSISTANCE NEEDED

HON. JOHN F. REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. REED. Mr. Speaker, yesterday I introduced legislation on behalf of myself and Mr. MACHTLEY that would allow the Federal Government to assist States suffering severe hardships due to the collapse of a private deposit insurance fund. These two bills were previously introduced in the U.S. Senate by Senator JOHN CHAFEE.

On New Year's Day, the Governor of Rhode Island declared a banking emergency and closed 45 credit unions and banks in the State, freezing 300,000 personal accounts. Nearly one quarter of the Rhode Island population had their accounts frozen. This financial shock sent tremors throughout the entire State, paralyzing many businesses and thousands of individuals.

The State has assumed responsibility and taken action. Gov. Bruce Sundlun has created an assistance plan called the Depositors Economic Protection Corp. [DEPCO]. This plan would repay depositors up to $100,000 over a period of 2½ years. The State has taken the most important first step and assumed responsibility, but complimentary Federal assistance is in order. No State should be forced to shoulder alone such a tremendous burden in these difficult economic times.

The situation in Rhode Island also should serve as a significant warning to other States around the country. Private firms still insure more than $22 billion of deposits at credit unions, banks and S&L's in more than 20 States. These States cannot afford to sit idly by as the situation in Rhode Island unfolds. They could be faced with similar situations in the near future as the national and regional economies continue to decline.

It is important that the Congress take a good hard look at the situation in Rhode Island in order to ensure that it does not happen in other States. And, just as importantly, a Federal legislative framework is needed to provide assistance for depositors who may find themselves in this situation.

The legislation I am introducing today is necessary not only to provide assistance and stability to the depositors in Rhode Island but also to States with increasing deficits and troubled financial institutions.

The first bill, the Financial Assistance to Institutions Reform Act, or FAIR Act, gives States access to an emergency loan fund administered by the U.S. Treasury Department. The States would submit a comprehensive recovery plan to the Treasury Department for its review. States selected as recipients of these funds would be required to secure Federal insurance coverage through the FDIC or the NCUA upon the reopening of the institutions. The depositors would receive up to $100,000 per account, the same amount provided by the Federal Government.

These loans would be paid back over a 10-year period. This act is designed to provide a quick infusion of money to cover depositors accounts up to $100,000.

The second bill, the Qualified Depositor Protection Bond Act, would allow a State or State agency to issue tax-exempt qualified depositor protection bonds. This type of bond is purposely limited in its application; its purpose is to use the proceeds to repay depositors with accounts frozen in closed institutions.

The situation in Rhode Island should not be viewed as an isolated case that can afford to be ignored. This legislation is not a proposed bailout, but rather a precedent for temporary financial assistance to help the State and depositors. I urge my colleagues to consider this legislation in light of the situation in many of your States.

INTRODUCTION OF A CONCURRENT RESOLUTION PERTAINING TO SMALL BUSINESS ADVOCACY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. MCDADE. Mr. Speaker, today I rise to introduce a resolution long needed by America's small businesses. Given the ever-increasing role of these firms in this Nation's economy, ensuring that their voice is heard in the halls of Government is critical. Often, it is the big firm employing hundreds, with millions of dollars in sales, that has the resources necessary to influence decisions and protect its interests in Washington. What's best for the United States and its workers, however, may not be served properly by this process.

Today, according to the U.S. Small Business Administration, nearly 98 percent of all U.S. firms are classified as small. Following the massive growth of these concerns in the 1980's, during which time they increased by over 40 percent, 6 out of every 10 workers in the United States are now employed in a small firm. In addition, these firms created nearly two-thirds of all new jobs during the robust economic expansion of the last decade and now account for over 40 percent of the gross national product. And, to further demonstrate the diligence and creativity of the small entrepreneurs who endeavor to make the American dream a reality, it is these individuals who generate over 55 percent of all innovations introduced into the marketplace annually. Clearly, these businesses are the engine for long-term economic growth.

Armed with these facts, it should be clear we need to ensure that those firms which, because of their size, lack the resources to influence deliberations in Washington, have representation in critical Federal agencies. Too often, decisions made here, especially those that increase paperwork and other reporting requirements, are enacted with little or no opportunity for small firms to air their concerns. The full weight of these decisions, especially regulations, are often too much for small firms to bear, and they frequently increase the number of small business bankruptcies, failures, and shutdowns.

Specifically, this proposal urges the President to consider and appoint, to positions important in the policymaking process, individuals who have dedicated their lives to creating, operating, or assisting small businesses. Ideally, these positions would include, but not be limited to, the Department of Treasury, the Office of Management and Budget, the President's Council of Economic Advisers, the Federal Trade Commission, as well as each of the Reserve banks comprising the Federal Reserve System, and the Federal Reserve Board.

I would like to close by informing my colleagues that the SBA has estimated that over the next 25 years the United States will need to create 43 million new jobs and that small firms will have to produce nearly 75 percent of these. Failure to achieve this goal will likely result in a future unemployment rate higher than that which we have today. Maintaining the continued health and vitality of small firms, therefore, is critical to our national economy. The increased representation and greater participation of small firms in the business of Government will help ensure that America's economy will be strong and prosperous in the future.

SUPPORT FOR ENVIRONMENTAL TAX CREDITS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. POSHARD. Mr. Speaker, as an original cosponsor, I rise in strong support of the vitally important "Environmental Tax Credits Act of 1991."

When this body passed the Clean Air Act Amendments of 1990, we made a long-term commitment to our Nation's environment. Congress pledged to take many different steps to improve the quality of our air. Unfortunately, we did not make reasonable provisions for some of the negative impacts this bill will have on the American people.

The bill will almost certainly raise electric utility rates for some Americans, increase business overhead costs, and throw thousands of coal miners out of work. My district has the highest unemployment rate in the State of Illinois, and in some counties 15 to 20 percent of our workers are unemployed. The economic and social impact of another crushing blow to the high-sulfur coal industry could permanently cripple southern Illinois and many other mining communities across the Nation.

Unlike the Clean Air Act of 1970, last year's amendments did not include tax incentives for reducing sulfur dioxide emissions. Without those incentives, many utilities may be forced to make business decisions which could cost their ratepayers dearly.

That is exactly what our bill will do. It offers an investment tax credit for utilities that install scrubbers, accelerated depreciation for new pollution reduction technologies, and tax-exempt pollution control bonds. Each of the bill's provisions will make it easier for utilities to continue to use high-sulfur coal, while protecting both the environment and jobs.

Mr. Speaker, there is another important issue which the Environmental Tax Credits Act addresses—national security. One of the main reasons we are fighting in the Persian Gulf right now is because our Nation is dependent upon foreign oil. American coal offers us an alternative to Middle Eastern oil, and I personally believe it is in our Nation's best interest to shift our energy policy toward domestic energy sources.

I urge all of my colleagues to support the Environmental Tax Credit Act of 1991 and I pledge to work to see that it is enacted into law.

THE CORN AND GRAIN SORGHUM BASE CLARIFICATION ACT OF 1991

HON. BILL BARRETT

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. BARRETT. Mr. Speaker, today I am joined by my distinguished Nebraska colleague, Mr. BEREUTER, in introducing the Corn and Grain Sorghum Base Clarification Act of 1991 to expressly provide the Secretary of Agriculture the authority to allow producers to interchange corn and sorghum base acres.

Under the 1985 farm bill, producers of corn and sorghum could combine established base acres and plant the crop that best suited their rotation and production needs. This flexibility had become an integral part of proper management for Nebraska farmers.

Unfortunately, the 1990 farm bill unintentionally took away the flexibility provided since 1985. The 1990 act separates corn and sorghum base acres and does not allow their combination—eliminating the farmer's ability to undertake the best management practices in the farm operation.

The loss of this flexibility could have a dramatic impact on Nebraska's economy. The value of corn and grain sorghum production reaches over $2.2 billion annually and generated more than $1.8 billion in cash receipts in 1989 for Nebraska farmers. If the Secretary of Agriculture Clayton Yeutter had not used his discretionary authority to provide for the fair and equitable establishment of corn and sorghum bases during the 1991 crop year, we would have seen farm income decline at a time when it is most needed.

To permanently correct this unintended effect of the 1990 farm bill, I urge my colleagues to join with me and Congressman BEREUTER and support the Corn and Grain Sorghum Base Clarification Act of 1991 to fully restore the authority to combine feed grain bases through the 1995 crop year.

TRIBUTE TO JEROME E. SOBCZAK ON HIS RETIREMENT

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. SANGMEISTER. Mr. Speaker, I rise today to pay tribute to a friend and constituent, Jerome E. Sobczak, on the occasion of his retirement.

Jerry Sobczak devoted nearly 40 years of his life to the betterment of the world around him, whether in his capacity as a labor leader, journalist, or community activist.

Jerry first became involved with the movement of working men and women in 1953. He served as an officer in the Will County Federation of Labor, and its successor, the Will-Grundy Counties Central Trades and Labor Council, becoming president of the organization in 1977 until his retirement December 31, 1990.

Jerry's experience as a printer and secretary-treasurer of the Joliet Graphics Communications Union Local 111C made him the natural choice as editor of the Will County Labor Record. During his 27 years at the helm of the Labor Record, Jerry built the weekly publication into a newspaper that not only members of the labor movement, but all people of Will and Grundy Counties could turn to for the important news of their communities.

What was most impressive about Jerry Sobczak's career, however, was his tireless efforts on behalf of charitable and civic causes. His work as labor director of the United Way of Will County is just one example of his devotion to improving the lives of his fellow citizens. He was also chairman of the board of commissioners of the Joliet Housing Authority; cochairman of the referendum to save the Joliet bus system; cochairman of five public school referenda, and a leader in numerous other referenda and private fundraising drives.

Prior to his retirement, Jerry also served on the board of directors of the Three Rivers Construction Alliance, Joliet Project Pride, the Joliet Junior College Dislocated Workers Program, the lay advisory board of the St. Joseph Medical Center in Joliet, and was cochairman of the Will-Grundy Labor-Management Committee.

As Jerry says, his retirement will allow him to "stop and smell the roses," and spend time with his wife, Harriet, his children, and grandchildren.

Mr. Speaker, I wish my good friend Jerry Sobczak, whose contributions to our community will be sorely missed and certainly not forgotten, a long and happy retirement.

PROTECTION AND ADVOCACY FOR THE MENTALLY ILL

HON. NANCY PELOSI

OF CALIFRONIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Ms. PELOSI. Mr. Speaker, I would like to voice strong support for a small but truly effective program that benefits persons with mental illness. In 1986, Congress passed the Protection and Advocacy for Mentally Ill Individuals Act to protect the civil rights of persons with mental illness who reside in America's mental health institutions and to remedy abuse and neglect within these institutions. Last year, we appropriated $16 million for this program, which directly funds legal advocacy services for persons with mental illness.

Unfortunately, the President has now proposed zero funding for this program in his new budget. Here, as in other programs, he is attempting to eliminate assistance for the most vulnerable of our population. Persons with mental illness need our assistance to insure that they are not abused and neglected, left on the streets with no housing, medical and social services. They need vocational and rehabilitative services. The Protection and Advocacy System assists with access to all of these services.

One has only to look at the rates of abuse and neglect within America's mental health institutions to know that Protection and Advocacy Programs around the country are providing a vital service to these people. Such programs are mandated by Congress to investigate claims of abuse and neglect of persons with mental illness and to remedy these situations through advocacy and legal strategies. In 1990, this small program served over 21,000 clients and the need continues to grow. The Protection and Advocacy Program is cost-effective because by intervening early in situations of abuse and neglect through non-legal advocacy services, the cost of lengthy and expensive litigation may be avoided.

We are a great nation, surely we can protect the most vulnerable of our people who are at extreme risk of slipping through the institutional cracks. The Protection and Advocacy Program deserves an adequate level of funding to ensure that urgently needed services are available for our most vulnerable citizens.

GARDENA VALLEY LIONS CLUB HONORS MAYOR DONALD L. DEAR

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. DYMALLY. Mr. Speaker, on January 24, 1991, the Gardena Valley Lions Club had the honor of recognizing the Honorable Donald L. Dear, mayor of the city of Gardena at their annual Community Recognition Banquet in Torrance, CA.

Mayor Dear, born in Cleveland, OH, came to Gardena in 1946, attending Denker Elementary School, Peary Junior High, Casimir Avenue School, Gardena Junior and Senior High School, El Camino College, and the University of Southern California, has earned distinction and honors in the following areas:

PROFESSIONAL

Presently a teacher at Stephen M. White Junior High School in Carson, CA, for 25 years, Don has taught world history, U.S. history, world geography, local government, English, mathematics, physical education, and special education classes. He has general secondary and general elementary life teaching credentials and serves as youth services coordinator and chess team sponsor at White Junior High School.

CIVIC

Mayor Dear is a past president of the following organizations: Gardena Chapter of the American Field Service, Gardena High School Boosters Club, Gardena Jaycees, Gardena Valley Friends of the Library, Gardena Valley Music Association, Gardena Valley Red Cross Board of Directors, Gardena YMCA Junior-Hi Y Leader's Council, and the Hollypark Lions Club. He was chairman of the local March of Dimes, United Crusade and the Save Our Sports drives. Additionally, he was Marine league coordinator for the SOS Foundation.

Therefore, Mr. Speaker, I join with all the citizens of Gardena and the Gardena Valley Lions Club in recognizing Donald L. Dear.

DAILY POINT OF LIGHT

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. KOLBE. Mr. Speaker, with the great social problems of our time growing increasingly prominent and severe, I am pleased to say that there is a source of light. The "Daily Point of Light" is awarded by the President to American individuals, organizations, and institutions who take it upon themselves to claim our country's foremost social problems as their own, and take direct action and successful initiative to develop new leaders in community service. One such individual is Jillene Rich of Tucson, AZ. In her honor the 377th "Daily Point of Light" will be presented. She is to be highly commended for her efforts.

Through the Resettling of Soviet Jews Program, Ms. Rich matches Soviet refugees with American families to teach them about American culture, the daily tools of living, and how to confront day-to-day problems. In addition, the adoptive families assist the refugees with applications for educational programs and employment. Ms. Rich, along with her husband, is a mentor to one such family of five. In addition, she is responsible for recruiting adoptive families and pairing them with future refugees.

Ms. Rich's involvement with refugees does not stop there however. Through the Catholic Social Services Refugee Program she has temporarily mothered over 25 unaccompanied refugee children until permanent housing for them is located. She has personally become the permanent mother to two children from Vietnam.

The social responsibility illustrated by Ms. Rich extends even further. One week a month she responds to emergency requests to assist disaster victims as a member of the Disaster Action Team of the American Red Cross. Her involvement in this organization has led to her assistance in establishing shelters for victims of floods and train derailments occurring in and effecting the Tucson community.

I, along with President Bush, commend to my colleagues Ms. Jillene Rich as an active example of one individual who has made a difference by making service to others central to her work and life. The greatest social problems of our times will be most diminished by means such as those illustrated by Ms. Rich.

SUPPORT FOR HOUSE CONCURRENT RESOLUTION 44

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. RAY. Mr. Speaker, I strongly support House Concurrent Resolution 44 which we will be voting on later today.

This is an opportunity to show our appreciation to our troops serving in the Middle East and throughout the world. This legislation gives every American a challenge to rise in support of America's soldiers by displaying the symbol of liberty—the American flag.

Mr. Speaker, there is no doubt Americans overwhelmingly support our actions in the Persian Gulf. In fact, there is a shortage of American flags because the demand is so high.

However, the small minority of individuals protesting the war in the gulf has captured much of the media attention. Imagine how disheartening this must be to the morale of our troops.

Mr. Speaker, the morale of our service men and women in the gulf is a priority. It's important to show them how much we care. Support House Concurrent Resolution 44.

THE DESERT SHIELD INTERIM RESERVE ASSISTANCE BILL

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. RHODES. Mr. Speaker, I am introducing the Desert Storm interim reservist assistance, or IRA bill. This bill will affect those U.S. military reservists who have been called into active service in Operation Desert Shield and/or Desert Storm.

The IRA bill will allow these reservists to have access to the accumulated funds within their individual retirement accounts, or IRA's, without the 10-percent penalty for early withdrawal.

Mr. Speaker, I am introducing this legislation because it has come to my attention that many reservists are experiencing financial hardship due to the loss of regular income from their civilian jobs.

To help supplement this income, families of reservists are turning to savings accounts they have or what families and friends may be able to send them. While the Soldiers' and Sailors' Civil Relief Act of 1940 also provides assistance and protection to these reservists and their families, that legislation does not directly affect the principal of the outstanding obligations reservists may have incurred prior to activation and prior to their salaries being reduced to military service levels.

IRA's represent a readily available pool of savings for many reservists that could help cushion their loss of income. These accounts should be available to those who need emergency funds to compensate for the sudden loss of income stemming from the lower pay for their national defense duties.

The eligibility period begins on the date of the reservist began active service and ends 180 days after the termination of such service. This would also apply retroactively and equally to the eligible reservists who withdrew funds from their IRA after August 1, 1990.

Mr. Speaker, many of those who serve in the U.S. Reserves are, as the New York Times recently pointed out, older and more apt to hold professional jobs. They also have a greater level of financial commitments than typical full-time military personnel. These are precisely the persons who might benefit the most from greater access to IRA accounts.

My bill allows the servicepersons' resources to be used, without penalty, for the particular and specific needs their families find most urgent. I hope my colleagues will join me in allowing reservists the opportunity to do everything they can to help their families and meet their many commitments while serving their country in Operation Desert Shield and Desert Storm.

IN RECOGNITION OF MS. PATRICIA DEGAND

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. GOSS. Mr. Speaker, all across the country we are seeing people express their support for our fighting women and men in Operation Desert Storm. In Fort Myers, FL, a very special lady has turned her personal commitment to the troops into a nationwide initiative of hope and support. A local newspaper describes Ms. Patricia Degand as "the founder and dynamo behind 'Operation Red, White, and Blue,' a crusade to get an American flag flying from every business and residence as a symbol of support for all the soldiers serving in the Middle East." Among those soldiers is her son, Salvatore Genualdi.

Starting early in Operation Desert Shield, Ms. Degand began the ambitious task of writing every Governor in the Nation, urging them to join 'Operation Red, White, and Blue'. The city of Sanibel has endorsed her idea by issuing a proclamation of support, and several area businesses have been most generous in their contributions to her cause. The program has since expanded with proclamations of support from other southwest Florida cities, the State of Florida, and even a letter of support from President Bush. Still, most of the expenses come out of her own pocket.

Ms. Degand indeed personifies the selflessness and determination that defines the American character. The lesson here is clear: we should never underestimate the power of a single committed individual to affect positive change. Mr. Speaker, I take this opportunity today to add my voice to the many who have praised Ms. Degand's efforts, and to convey to her my personal thanks for showing us that our only limitations are the ones we place on ourselves.

THE 80TH ANNIVERSARY OF THE COLD SPRING CONSTRUCTION CO.

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. PAXON. Mr. Speaker, I would like to take this opportunity to congratulate the Cold Spring Construction Co., headquartered in my hometown of Akron, NY, on the celebration of the firm's 80th anniversary.

Founded in 1911 by Eugene P. Forrestel, Cold Spring Construction Co. has continually been a leader in the construction of roads, highways, and bridges throughout western New York and northern Pennsylvania.

At the same time, the company has never forgotten its roots in Akron, and they have always been a leader in our community and a source of great civic pride.

In fact, the company's first piece of heavy equipment still stands outside the Cold Spring offices on Jackson Street—a 1901 steel-wheeled steamroller.

Throughout its 80-year history, Cold Spring and the Forrestel family have earned a reputation for outstanding quality in the national construction industry.

Cold Spring projects have tremendously benefited the monitoring public in our region, and at the same time, well served the taxpayers of our State and Nation with projects consistently completed on-time and on-budget.

In 1971, Eugene relinquished the helm of Cold Spring to his sons, Richard and the late Thomas.

Dick Forrestel, a dear and personal friend, has distinguished himself not only as a contractor and businessman, but as an engineer, a lawyer, a banker, and an educator.

With a true vitality for life, Dick is a licensed pilot, an ardent skier, scuba diver, and underwater photographer.

Today, Cold Spring Construction Co. is run by Dick's three sons: Stephen, Andrew, and Richard Jr. Mr. Speaker, not many companies today are managed by a team of third-generation sons.

Cold Spring is a true family business—Eugene's experience and expertise was passed on to his son, and to his son's sons.

Under the stewardship of the Forrestel family, the future of Cold Spring Construction looks brighter than ever.

Mr. Speaker, I extend my hearty congratulations and sincere best wishes to the Forrestel family and all the employees of Cold Spring Construction Co. on this auspicious occasion.

A CONGRESSIONAL SALUTE TO MRS. NELLITA HAYDEN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to a woman who has served her community with great distinction. I would like to take this opportunity to acknowledge the outstanding achievements of Mrs. Nellita Hayden. On March 1 of this year, the Long Beach Democratic Women's Study Club will honor Mrs. Hayden as their "Woman of the Year, 1991."

This honor is just the latest in a long list of awards she has received in recognition of her continued contribution to local and national politics. Beginning as a voter registrar and inspector of polls, Mrs. Hayden has held numerous positions with local election committees and various politically active organizations within her community. Her participation in campaigns has ranged from local council races on up to the Presidential campaigns of Jack and Bobby Kennedy. For her dedicated support of the Democratic Party, Nellita has received five Democratic Key Awards, and twice been named Democratic Woman of the Year.

Mrs. Hayden has had experience on the other side of elections as well. She has served as an elected member of the 58th and 63d State Central Committees, as well as her local county committee. Uncompromising concern for her community and an intricate understanding of local issues and politics are the hallmarks of Nellita Hayden's career in and out of office.

Although her political activities have centered around her present residence of Long Beach, CA, Mrs. Hayden spent her first 14 years in northern Wisconsin. Her parents then moved her and her four brothers and sisters to Chicago, where Nellita completed her education and entered the working world. Married in 1942, she gave birth 3 years later to her only child, a lovely girl they named Sandra. In 1946 the family moved to Los Angeles where a new and politically active life was to begin. A widow in 1967, Nellita has since been blessed with three grandsons, ages 16, 15, and 8, who live nearby and provide her with great pride and happiness.

The Democratic Woman's Study Club is grateful to the contributions Mrs. Nellita Hayden has made as a member and officer of the club and as an exemplary member of the community. My wife, Lee, joins me in extending a congressional salute to her today. We wish her all the best in the years to come.

TRIBUTE TO ROD POINEAU

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. STUDDS. Mr. Speaker, on Friday, February 22, the men and women of the United Electrical Workers Union, District No. 2, will pay tribute to their retiring president, Roderique "Rod" Poineau of New Bedford, MA.

Mr. Speaker, for the past 18 years, I have had the great privilege to represent southeastern Massachusetts in this distinguished body. Over the years, I have worked with many people committed to many different causes—none has worked harder or with more dedication or with greater perseverance than Rod Poineau. Rod personifies the very best of his union. Straight-shooting, honest, caring and tough-as-nails, Rod has tirelessly advocated the agenda of his union members to those of us at various levels of government.

Before joining Morse Cutting Tool in 1966, Rod worked at several manufacturing plants in the city of New Bedford. In 1974, he was elected to his first union post—chief steward of UE Local 277. He served in that capacity until 1978 when he was elected president of his local. Rod completed his climb within the UE in 1988 when he became the president of UE District No. 2, the first member of a southeastern Massachusetts local ever elected to that position.

Rod's tenure as a UE officer was characterized by his openness and candor, and an overriding commitment to seeing to it that his members were treated fairly. Often this meant long battles over contracts in an effort to save union jobs and to better his members' standard of living. Win or lose, Rod always fought tooth-and-nail for what he knew was ultimately important, the respect of management toward those who punch the clock.

Rod Poineau leaves a union stronger for his presence, richer for his involvement, and more focused on the rank and file. Those of us who have had the privilege to work shoulder to shoulder with Rod in countless struggles, from strike-breaking legislation to national health insurance, from increases in the minimum wage to U.S. foreign policy in Central America, are better for having had the chance to work with him.

The UE has a saying of which I am particularly fond: "We vote with our feet." Rod Poineau has represented his membership remarkable well. It is my hope that he now has the time to relax, do some fishing, and rest his feet.

OPERATION DESERT HOPE RALLY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. PALLONE. Mr. Speaker, on Sunday afternoon, February 24, 1991, the students of Georgian Court College in Lakewood, NJ, will hold an "Operation Desert Hope" rally to support our men and women serving in the Persian Gulf.

This rally is being sponsored by the "Conversations About the War" student group, within the campus ministry and counseling departments. The rally will feature speakers, prayer vigil and songs. There will also be a banner to be signed by anyone who wishes to share a message with the troops involved in Operation Desert Storm.

With our Nation now at war, Americans are united in support of our men and women in uniform to a degree that has not been seen in a generation. The sense of admiration for the bravery and professionalism of our volunteers has cut across the usual lines of age, political affiliation and ideology. I will never forget that moment during President Bush's State of the Union Address when all of us assembled in the House Chamber rose for a sustained standing ovation to salute our troops in the Middle East. But the true importance of that ovation was, I believe, to offer a highly visible symbol of the tribute that citizens across our country are paying to the troops day in and day out, in ways large and small. Whenever I come back home to the Jersey shore, I am struck by the proliferation of yellow ribbons adorning homes and businesses on virtually every street, and the sincere efforts of citizens to help the troops, and the families they have left behind, in any way they can.

For today's college students, the war in the Persian Gulf is their first experience with our Nation at war. The strong support for America's troops displayed by the students at Georgian Court College, and at campuses across the country, is an encouraging signal that the future leaders of America are thoughtful citizens who care about the role of America in the world and understand the need for national unity in a time of crisis.

THE 75TH ANNIVERSARY OF THE NEWHALL LIBRARY

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. MOORHEAD. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues in the House of Representatives the 75th anniversary of the Newhall Library in Santa Clarita, CA.

From its humble beginnings in 1916 to the present date, this fine institution has served the educational, informational, and recreational needs of the Santa Clarita Valley.

The idea for a library in Newhall was conceived by Celia Gleason and Christine Woodward. Mrs. Gleason, the Los Angeles County librarian, would stop at the confectionary store of R.F. Woodward in Newhall after her long trips to Lancaster, CA, to "sip an ice." As she took her respite at Woodward's one day, she and Mrs. Woodward came upon the subject of opening a new library in Newhall. A while later, on March 1, 1916, the Newhall Library was opened on what was then Spruce Street, in a corner of Woodward's Store. The new library boasted 210 books and Mrs. Woodward served as the first librarian, or custodian, as the position was called at the time.

The library has moved a few times since it opened. It changed locations in 1919 and once again in 1923, both times to different Spruce Street addresses. In 1957, the county of Los Angeles purchased property for the library and built the facility where it is presently located, at 22704 West Ninth Street in Newhall. This new structure was hailed as the most modern building in Newhall when it was unveiled on November 18, 1957.

Mr. Speaker, let me once more voice my pleasure in congratulating the Newhall Library on 75 years of faithful service to the residents of the Santa Clarita Valley.

TRIBUTE TO CHARLES C. "BOB" EDDY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Charles C. "Bob" Eddy of my 17th Congressional District of Ohio who was named the recipient of the 1991 Time Magazine Quality Dealer Award [TMQDA].

Each year the TMQDA Program honors outstanding new car dealers in America for "exceptional performance in their dealerships combined with distinguished community service." Mr. Eddy was one of only 66 dealers in the entire Nation nominated for the Time honor.

Mr. Eddy began his career in the automotive industry as a salesman for Thombs Motors in Warren, OH, in 1956. He remained at Thombs Motors and eventually was promoted to general manager under its successor, Bud Greewood, Inc. In 1970, Mr. Eddy purchased Austintown Chrysler-Plymouth, Inc., the dealership which received the TMQD Award.

Mr. Eddy holds both membership and high-ranking positions in many automotive industry associations. As a member of the National Automobile Dealers Association, Mr. Eddy is trustee and past president of the Automobile Dealers Association of eastern Ohio, and serves as the chairman of the Pittsburgh zone Chrysler Dealer Council and the Chrysler Advertising Association. In addition, he is president, trustee, and serves on the insurance trustee committee of the Ohio Automobile Dealers Association.

Throughout his life, Mr. Eddy has served both his country and his community. As a young man, Mr. Eddy served in the U.S. Navy. Continuing his service, he began his involvement with a variety of community-service organizations. Mr. Eddy is presently a member of the Rotary Club, the Masonic Lodge of Old Erie, Carol F. Clapp, the Kiwanis, the United Way, and the YMCA. In addition, he conducts seminars at local high schools and for community groups.

Mr. Speaker, I would like to take this opportunity to recognize Charles C. "Bob" Eddy for the exceptional performance of his dealership which enabled him to receive the 1991 Time Magazine Quality Dealer Award, and for his outstanding contribution and service to the community. It is truly an honor to represent this distinguished individual.

TRIBUTE TO ANDREW ATHENS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. HAMILTON. Mr. Speaker, I would like to take this opportunity to honor Mr. Andrew A. Athens, a good friend of mine and national chairman of the United Hellenic American Congress, who is this year's recipient of the Athenagoras Award for Human Rights.

This award is made annually by the Order of Saint Andrew the Apostle, and will be presented on February 23, 1991 to Mr. Athens in Astoria, NY. Past recipients have included former President Jimmy Carter, Archbishop Iakovos, and New York University President John Brademas.

I have known Andy for many years, and have the greatest respect for him and for his leadership in the Greek-American community. Andy has been a spokesman and advocate for Greek-Americans in the Chicago area and around the Nation. The Athenagoras Award justly recognizes his dedication and concern for basic human rights and religious freedom for all people.

We can all take great pride in his accomplishments, and I am certain that his future contributions to the community will be marked by continued excellence.

TRIBUTE TO CORPUS CHRISTI IN SUPPORT FOR TROOPS IN PERSIAN GULF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to my community, Corpus Christi, TX, for their efforts to show their support for the U.S. troops in the Persian Gulf. Corpus Christi is paying a unique tribute to our men and women serving in the gulf. On Saturday, the Coastal Bend community will hold a rally where they will form a human flag to demonstrate to our soldiers that this country will not shrink from her obligation to fully and completely support the efforts of our soldiers.

The theme for this patriotic pep rally is based on the song, "I'm Proud to be an American." Radio stations KZFM and KEYS are sponsoring a call-in for those wishing to participate in this support effort. They are arranging the logistics of putting 500 people in the proper positions to form a human flag. The participants will wear T-shirts of red, white and blue, provided by the radio stations, and those who have relatives in the Persian Gulf will comprise the stars on the flag. The organizers expect a crowd of 3,000, including CNN, to turn out for this special event.

Mr. Speaker, the people of Corpus Christi have a long and outstanding tradition of patriotism and it is entirely appropriate for our community to have the insight and the fortitude to undertake this task.

I have visited with our troops and hear from several on an occasional basis. Without fail, they always tell me how very important it is to them for the American people to support them and their efforts. Corpus Christi is showing the State of Texas and the Nation their continuing legacy of patriotism and sheer American tenacity by leading this vast effort.

I would like all my colleagues to join me in paying homage to this touching tribute to our troops, coordinated by the great Americans in the Coastal Bend area.

IN HONOR OF SOUTH BAY LEADER O'DELL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 20, 1991

Mr. LEVINE of California. Mr. Speaker, it is with distinct pleasure that I rise today to honor one of my district's most prominent citizens. On Thursday, February 28, at the Harbor Gateway Holiday Inn in Torrance, Ernest H. O'Dell will conclude his term as president of the South Bay Association of Chambers of Commerce. Representatives of the public and private sectors and many elected officials will pay tribute to Ernie for his many accomplishments as chamber president.

Over the past year Ernie and I have worked together closely to preserve the presence of the U.S. Air Force in the Los Angeles area. Through grassroots organizing and his many contacts as chamber president, Ernie has helped build a broad coalition of groups all devoted to retaining the Los Angeles Air Force Base. As one of the first community leaders to enlist in the struggle to preserve the base and its critical position in the Los Angeles economy, Ernie demonstrated the foresight that has made him a productive force in our community. I am confident that Ernie will continue to devote his energies to this vital task in the months ahead.

Among Ernie's many other accomplishments are his election to the California Association of Chambers of Commerce executive board for the upcoming year and his presentation on the program of work before the South Bay Chambers of Commerce executive board. Ernie also led the SBACC's charge for the defeat of the split role initiative and arranged extensive coverage of a debate between an initiative supporter and the California chamber president. Perhaps most importantly for the South Bay Association of Chambers, however, is the fact that Ernie has been instrumental in increasing corporate membership.

Mr. Speaker, it is for these reasons and many others too numerous to mention that I strongly urge my colleagues in the U.S. House of Representatives to join with me in honoring Ernie O'Dell for his prominent role in so many important activities in California's 27th Congressional District.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 21, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 22

9:30 a.m.

Armed Services

To hold open and closed hearings on assessment of the global threat.

SH–216

Finance

Medicare and Long-Term Care Subcommittee

To hold hearings on Medicare quality assurance, focusing on a study by the Institute of Medicine on methods of assessing and assuring the quality of health care services provided under the Medicare program, and on recommendations to improve the current system.

SD–215

Governmental Affairs

To hold hearings to review the National Association of Attorney's General heating fuels report.

SD–342

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Maritime Commission, and the Securities and Exchange Commission.

S–146, Capitol

Budget

To hold hearings to review income and tax trends during the 1980's, focusing on inequality of the decade.

SD–608

FEBRUARY 25

9:30 a.m.

Governmental Affairs

To hold hearings on the Department of Energy nuclear weapons complex reconfiguration study.

SD–342

10:00 a.m.

Finance

Health for Families and the Uninsured Subcommittee

To hold hearings on the need for health care reform, focusing on expanded access and cost controls of health insurance and health care.

SD–215

FEBRUARY 26

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 173, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.

SR–253

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title III and Subtitles A and B of Title IV provisions relating to energy efficiency and renewable energy.

SD–366

Environment and Public Works

Organizational meeting to consider pending committee business.

SD–406

Governmental Affairs

To hold hearings to examine counter measures against terrorism.

SD–342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Disabled American Veterans.

345 Cannon Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the President's proposal for modernizing the financial system.

SD–538

Environment and Public Works

To hold hearings on the President's proposed budget request for fiscal year 1992 for the Federal-aid highway program and related transportation issues.

SD–406

Judiciary

To hold hearings on the nomination of Bob Martinez, of Florida, to be Director of National Drug Control Policy.

SD–226

2:00 p.m.

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Subtitle C of Title IV provisions relating to hydropower licensing and efficiency.

SD–366

2:30 p.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings on the Procurement Integrity Act.

SD–342

FEBRUARY 27

9:00 a.m.

Veterans' Affairs

To hold hearings on the President's proposed budget request for fiscal year 1992 for Veterans programs.

SR–418

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on limited partnership organizations, referred to as "rollups."

SD–538

Commerce, Science, and Transportation

To hold hearings to examine insurance company insolvency.

SR–253

Energy and Natural Resources

Business meeting, to resume consideration of S. 244, to provide for a referendum on the political status of Puerto Rico.

SD–366

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine new directions in U.S. foreign assistance, focusing on implications of the Persian Gulf war and other international developments.

SD–192

FEBRUARY 28

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing

on Title XI provisions relating to Corporate Average Fuel Economy (CAFE).
SD-366

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Blinded Veterans Association, the Vietnam Veterans of America, Military Order of the Purple Heart, and the Noncommissioned Officers Association.
345 Cannon Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer and Regulatory Affairs Subcommittee
To hold an oversight hearing on the impact of the secondary market and private mortgage insurers on community reinvestment lending and on mortgage discrimination.
SD-538

2:00 p.m.
Armed Services
To hold hearings on proposed legislation authorizing supplemental funds for fiscal year 1991 for Operation Desert Storm.
SR-222

Commerce, Science, and Transportation
To hold hearings on the nomination of J. J. Simmons III, of Oklahoma, to be a Member of the Interstate Commerce Commission.
SR-253

MARCH 4

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Research Service, the Cooperative State Research Service, and the Extension Service.
SD-138

MARCH 5

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XII, relating to two demonstration projects aimed at commercializing advanced nuclear reactor technologies, and Title XIII provisions relating to clarifying the licensing process for nuclear power plants.
SD-366

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for the Department of Labor, focusing on the Office of the Secretary of Labor, and the Office of Inspector General.
SD-192

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for the Department of Health and Human Services, focusing on the Office of Civil Rights and Policy Research.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on multilateral assistance.
SD-138

MARCH 6

9:30 a.m.
Rules and Administration
To hold hearings on the projected shortfall in the Presidential Election Campaign Fund.
SR-301

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Emergency Management Agency.
SD-138

MARCH 7

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title X provisions relating to natural gas regulatory issues, and Sections 6003 and 6004, relating to natural gas research, development, demonstration and commercialization activities.
SD-366

Environment and Public Works
To hold hearings on the President's proposed budget request for fiscal year 1992 for the Environmental Protection Agency.
SD-406

Rules and Administration
To hold hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.
SR-301

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Family Support Administration, Human Development Services, and the Office of Inspector General.
SD-192

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Social Security Administration, and the Health Care Financing Administration.
SD-192

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 210, to establish the United States Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis to maximize the long term economic value to the United States.
SD-366

MARCH 8

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Stabilization and Conservation Service, the Foreign Agricultural Service, General Sales Manager, and the Soil Conservation Service.
SD-138

MARCH 11

2:00 p.m.
Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title VII provisions relating to the Strategic Petroleum Reserve, and Title VIII provisions relating to the Outer Continental Shelf.
SD-366

MARCH 12

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title IX provisions which authorize a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge in Alaska (ANWR).
SD-366

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health, the Agency for Health Care Policy and Research, and the Centers for Disease Control.
SD-192

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Alcohol Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on development assistance programs.
SD-138

MARCH 13

9:30 a.m.
Rules and Administration
To resume hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.
SR-301

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Council on Environmental Quality, and the Environmental Protection Agency.

SD-138

MARCH 14

9:30 a.m.

Rules and Administration

To continue hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.

SR-301

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Office of Director, Buildings and Facilities, the National Cancer Institute, Heart, Lung and Blood Institute, the National Dental Institute, Allergy and Infectious Diseases, Diabetes, Digestive, and Kidney, Child Health and Human Development, Environmental Health, and the Fogarty International Center.

SD-192

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XV provisions relating to reform of the Public Utility Holding Company Act of 1935 (PUHCA).

SD-366

1:30 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Neurology Institute, the Deafness Institute, General Medical Sciences, the National Eye Institute, the National Institute on Aging, Arthritis Musculoskeletal and Skin, Division of Research Resources, Nursing Research, Human Genome, and the National Library of Medicine.

SD-192

2:00 p.m.

Energy and Natural Resources

To continue hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XV provisions relating to reform of the Public Utility Holding Company Act of 1935 (PUHCA).

SD-366

MARCH 15

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service, and the Agricultural Marketing Service.

SD-138

MARCH 18

2:00 p.m.

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title V provisions relating to coal and the applicability of new source review to existing electric steam generating units (WEPCo).

SD-366

MARCH 19

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Office of the Secretary of Education and Special Institutions.

SD-192

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on aid to Africa.

SD-138

MARCH 20

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, Office of Inspecter General, and the National Credit Union Administration.

SD-116

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Offices of the Assistant Secretaries of Education, and the Office of Inspector General.

SD-192

MARCH 21

9:30 a.m.

Energy and Natural Resources

To hold hearings to review the status of implementation of the Department of Energy's civilian nuclear waste program mandated by the Nuclear Waste Policy Act of 1982 and its 1987 revisions.

SD-366

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for ACTION, National Council on Disability, the Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.

SD-192

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Commission, the National Commission to Prevent Infant Mortality, and the Soldiers' and Airmen's Home.

SD-192

MARCH 22

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-138

APRIL 9

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on aid to Latin America.

SD-192

APRIL 10

9:30 a.m.

Environment and Public Works

Superfund, Ocean and Water Protection Subcommittee

To hold hearings to examine lender liability as related to Superfund.

SD-406

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Farmers Home Administration, the Federal Crop Insurance Corporation, and the Rural Electrification Administration.

SD-138

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Inter-agency Council on the Homeless, and the Department of Housing and Urban Development.

SD-124

APRIL 16

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on aid to Eastern Europe.

SD–138

APRIL 17

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the American Ex-Prisoners of War, the Jewish War Veterans, and the Veterans of World War I.

345 Cannon Building

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Court of Veterans Appeals, and the Department of Veterans' Affairs.

SD–138

APRIL 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

APRIL 19

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Commodity Futures Trading Commission, the Food and Drug Administration, the Farm Credit Administration, and the Farm Credit System Assistance Board.

SD–138

APRIL 23

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings to examine the science education programs of various Federal agencies.

SD–138

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–1902

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on security in the post-cold war era.

SD–138

APRIL 24

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.

SD–124

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

APRIL 25

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

APRIL 26

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.

SD–138

MAY 7

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on AID management issues and reform efforts.

SD–192

MAY 8

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.

SD–138

MAY 14

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.

SD–138

MAY 15

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.

SD–138

MAY 17

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

MAY 21

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.

SD–138

3:45 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.

SD–138

JUNE 4

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.

SD–138

HOUSE OF REPRESENTATIVES—*Thursday, February 21, 1991*

The House met at 11 a.m.

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, from whom all thoughts of truth and peace and kindness originate;

Kindle in the hearts of Your people everywhere a burning desire for justice, righteousness, and integrity of spirit;

Give wisdom to those who seek it;

Give comfort to those who call upon You;

Give blessings to those in want;

And give hope for a safer, saner world to all those who pray to know Your will and seek to follow Your command. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. WOLPE] please come forward and lead the House in the Pledge of Allegiance?

Mr. WOLPE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Haller, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 55. Joint resolution commemorating the 200th anniversary of United States-Portuguese diplomatic relations.

THIS IS NO JERRY LEWIS TELETHON

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the Americans are very proud of the contribution that our men and women in the Persian Gulf are making, and we know what that contribution is. It is visible, and one can see it, but Americans also want to know what contribution others are making to the Persian Gulf because that is not as visible, and we cannot see it. And yet this is a war that involves many of our allies, involves West Germany, Japan, those that have something to gain, those that also have something to lose.

Mr. Speaker, that is why I am supporting the Panetta-Schumer legislation today, because it is time to see first hand what it is that they are contributing. I am greatly concerned that the burden is not being shared equally. I see the administration reporting 40 to 50 billion dollars' worth of pledges, and yet at the same time we see it as less than $7 billion in hand.

Mr. Speaker, this is no Jerry Lewis telethon where everybody calls in who feels like it and makes a contribution. We want our allies to be full partners. We want them to share, and we want to know and see first hand what they are contributing. That is why I urge my colleagues to support this legislation today.

LEGISLATIVE PROCESS REFORM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, today I am introducing a resolution to create a House Commission on Legislative Process Reform, to be composed of 12 Members—8 current House Members and 4 former Members, equally divided between the two major parties.

The Commission would study the structure and operation of the legislative process in the House, and report its findings and recommendations by the end of this year. Its report would be referred to the Committee on Rules, which would hopefully report a reform package for House consideration early next year.

Mr. Speaker, according to an ABC News poll last fall, 77 percent of the American people disapprove of the job that this Congress does. That is a shame. And as usual, Mr. Speaker, the perceptions of the people are on the mark. The evidence is all around us that the legislative process is in a state of, I think, great disrepair and in need of an overhaul.

At least five major bills in the last Congress were crafted outside the standing committee system: The budget agreement, clean air, crime, ethics, and campaign reform. In the current fiscal year, 34.1 billion dollars' worth of programs and agencies are operating without their required authorizations. We are not doing our job.

Over the last 20 years, the number of subcommittees has increased by 40 percent, and committee staff by 186 percent. And yet, over that same period, the number of measures reported by committees is down 44 percent, and the number of substantive bills enacted into law is down 33 percent. The people expect better than that. Let us get busy and do something about it.

BURDEN SHARING

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I want to applaud the American people. They have offered their best—our men and women, daughters and sons—to protect the rights of an ally in a time of dire need. No truer test of our commitment to the cause of freedom could be given.

But, Mr. Speaker, the American people can only be asked to give so much. The rest of the world has no right to expect that we also bear all the financial costs of this conflict. Our economy is weak and our deficits are high. Our working families are squeezed at the margins in every way imaginable. They struggle daily with the soaring costs of health care and education and housing.

The fact is that there are other nations who—for whatever reasons—have not anteed up in this cause to the degree America has, with troops and personnel. It's time that those countries—countries with strong economies—are accountable for some of the financial costs associated with the gulf policy.

It is patriotic to demand that the costs of our policy in the gulf are fully accounted for. It is only proper in the free world to demand that the costs associated with protecting freedom are shared among free nations.

It is a sound practice of Government. And it is a fair expectation of our allies. It is the responsibility of the Congress to ensure that this occurs. A new world order cannot happen if it is only American men and women who fall in battle and American tax dollars that finance these battles.

WHY THE LAMPREY RIVER QUALIFIES FOR STUDY UNDER THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

(Mr. ZELIFF asked and was given permission to address the House for 1

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, I rise today to reintroduce a bill to designate a 9-mile segment of the Lamprey River in New Hampshire for study under the National Wild and Scenic Rivers System.

Included on the 1982 National Inventory of Potential Wild and Scenic Rivers, the Lamprey River is a remarkable pristine river in an area of New England that continues to experience explosive population growth. In 1990, the Lamprey River segment proposed for Federal study became one of only five segments designated by the State to its Rivers Management and Protection Program, based on its outstanding statewide and local resource values and characteristics. However, this State program is powerless to protect the river as intended if Federal projects are approved which destroy the very values for which the river was selected.

Today, the beauty of the Lamprey is threatened by a proposed hydroelectric facility. This facility will diminish water quality through soil erosion and fluctuating water levels. The output from this proposed facility will only provide enough energy for 30 homes, yet damage miles of river enjoyed by hundreds each year.

Mr. Speaker, as is the case with the Wildcat Brook and Merrimack and Pemigewasset Rivers studies conducted in New Hampshire, I do not envision Federal land acquisition or management as viable alternatives for the long-term protection of the Lamprey River corridor. Rather, it is my intention that the National Park Service work in partnership with the State and local governments and private landowners to protect the integrity of the river.

It is vitally important that the extraordinary qualities of the Lamprey be preserved for future generations. This objective would be best accomplished through an eligibility study and eventual qualification for listing in the National Wild and Scenic Rivers System.

□ 1110

BURDEN SHARING

(Mr. DOOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLEY. Mr. Speaker, I rise in support of H.R. 586.

As we approach that chilling moment when brave American troops and their allies in arms are sent into ground combat, let us strengthen our call to those nations who have stayed away from the desert to at the very least pay their fair share of the economic burden of this war.

Over these last few months, we have heard from most of these allies the diplomatic equivalent of, "The check is in the mail." Well, the bill is due. It is time for us to collect.

One way to ensure that collection is for the Congress and the American people to have an accurate, monthly accounting of our allies' economic contribution to the war. This bill, H.R. 586, sees to that.

The harsh, brutal reality of war is that it is ultimately paid for in the currency of blood and human life. Our allies who have decided that that cost is too steep know full well, however, that war also brings a tremendous economic burden.

As Americans, willing to invest the lives of our young men and women in the desert, that's a cost we cannot allow to go unpaid.

TAX EXEMPTION SOUGHT ON ALL SALES OF A PRINCIPAL RESIDENCE

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, I rise today to introduce legislation to correct a gross inequity in the tax treatment of Americans selling their homes. Under current law, millions of Americans sell their homes and pay no income tax on the gain due to reasonable rules providing exemptions for taxpayers over 55 or those buying more expensive homes.

About the only people who pay tax when selling their homes, are lower income taxpayers disadvantaged by economic dislocation. While the wealthiest Americans generally pay no tax, Americans who lose their jobs do pay. Divorced mothers who cannot afford mortgage payments, pay. People who become seriously ill, who lose their jobs, or seniors who used up their benefits at age 55, end up paying taxes. My bill solves this inequity by exempting the sale of a principal residence from tax.

Mr. Speaker, I urge my colleagues to join my 50 original cosponsors by adding their names to my bill.

PAYING THE COSTS OF WAR IN BLOOD AND MONEY

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, I join my colleagues in addressing the costs of war. When we speak of costs, we must remember we speak not only of money. The currency of battle is blood, seldom one's own.

And the currency of the war we fight today in the Persian Gulf could, I fear, be primarily U.S. blood. It is only right and just that our coalition partners help pay for the war we wage on behalf of all the world's freedoms.

I support our troops and I salute the job they are doing. We will give them whatever resources they need.

The legislation we will consider today introduced by Congressmen PANETTA and SCHUMER asks only for a fair and full reporting on the costs of this battle. We will see the human costs every night on the news, and we in Congress will hear and will know men and women who lose their lives fighting on our behalf.

But the financial costs, the lost equipment that must be replaced and dollars taken from our national budget already stretched to provide education, housing and other services, those costs will be harder to discern. And it is important that we know the full extent of those costs and to what degree we are being supported by our coalition partners.

We do not ask for this information in order to refuse funding. No one here today is suggesting that we not provide our troops with everything they need. But let's be honest about the costs and let's ask that everyone pay their fair share.

We must remember when we budget for Desert Storm that the men and women fighting for us today will be home with us tomorrow. We owe it to them to provide whatever services they need when they return home. And that means we can't afford to finance this war by ourselves. And we shouldn't have to.

TAKING STEPS TOWARD ENERGY INDEPENDENCE

(Mr. LEWIS of California asked and was given permission to address the House, and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, oft times major advancements in public policy take place at times of crises. The crisis in the Middle East provides us with such an opportunity in energy policy.

The President has presented his proposal for a national energy strategy. There is no question for most Members of Congress that energy security is a critical goal for the country. This crisis we face provides us with a great opportunity to enact some key policies that have too long languished in congressional committees. We possibly could lose this opportunity if we descend into political carping here in the House. Instead, we should insist that the leadership enact expedited procedures very soon to consider a broad energy package.

It is very important that Members on both sides of the aisle recognize this opportunity and carefully examine the President's proposal. The NES is the result of more than 19 months of data collection and analysis. It deserves our respect and careful examination. Of course the Congress can and will add to it our own ideas.

Mr. Speaker, by working together and setting aside partisan politics, we indeed can take a giant step toward energy security now.

INTRODUCTION OF LEGISLATION TO ENSURE DESERT STORM BURDEN SHARING

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute.)

Mr. DORGAN of North Dakota. Mr. Speaker, the most important consideration with respect to the Persian Gulf war is clearly the cost in human lives at this point, and we pray that that will be over soon and few human lives will be lost. But when the dust has settled and the conflict is over in the Persian Gulf, the question will remain: What are the financial costs and who will assume the burden of paying for them?

Many of us feel very strongly that our allies have a responsibility, a very significant responsibility, and we hope that this talk of a new world order means a new responsibility on the part of our allies to pay their fair share for mutual defense.

I have introduced House Joint Resolution 92, which establishes thresholds that Japan, Germany, and Saudis, and others must meet in their responsibility to help pay for the costs of Operation Desert Storm. If they fail to meet those thresholds, then import tariffs would be imposed on their goods sufficient to reach that threshold of money necessary to pay those costs.

Once again, Mr. Speaker, we believe our allies, many of whom have a much greater reliance on the Persian Gulf oil trade than do we, have a financial responsibility to pay a major share of the costs. The question is not so much what is pledged, although we appreciate those pledges. The question is, how much money is in the bank to fulfill those pledges? We hope again that the new world order represents a new responsibility by our allies to help pay the costs and share the burden.

Mr. Speaker, the United States cannot continue to defend the free world and pay the defense bills for our allies even as we borrow the money from them to do so.

THE 20TH ANNIVERSARY OF TITLE X, FAMILY PLANNING

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, we stand at the edge of a momentous occasion: the 20th anniversary of something we call family planning. Over the last two decades Federal taxpayers have socked away around $2 billion with the hope of preventing teen pregnancies. What have they received for their investment?

All taxpayers have received is more teen sex, more teen pregnancies and more teen abortions. Only the criminally insane could have concocted a better way to disrupt the lives of young Americans.

As the beautiful people converge on Washington to celebrate this noble achievement of teen misery, let me offer them my own award: The award presented to the most delusionary, pompous, and misguided cast of characters ever to parade themselves as impassioned liberals.

Mr. Speaker, if we truly want to help America's youth cope with adolescence, we will cut title X and hold hearings on whether to continue family planning and let parents back into the lives of their children.

NATIONAL ENERGY STRATEGY

(Mr. WOLPE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, yesterday after more than a decade with no comprehensive energy plan and 18 months of development by the Department of Energy, President Bush released his national energy strategy. It is a profound disappointment which advances not the national interest but merely the interests of the oil and nuclear industries.

□1120

Regretfully, I rise to express my dismay that this strategy does not live up to the anticipation and fanfare surrounding its long-awaited arrival. What the Bush energy strategy lacks is balance: It focuses almost exclusively on energy production, while virtually ignoring the value of energy conservation.

Mr. Speaker, energy efficiency should be the first, not the last, step in any national energy policy, if simply for the reason that a barrel of oil saved is a barrel of oil that we do not have to import from abroad. Improved energy efficiency is the cheapest and quickest means of displacing our dependence on overseas energy supplies. Energy efficiency will stimulate the economy and prove to be far better for the environment.

The Bush administration claims its plan is a free market approach to energy supplies, but this is false advertising. While energy conservation and renewable energy sources are left to fend for themselves on the open market, other energy sources, such as nuclear power, are heavily subsidized.

Over the past decade, the United States has only made itself more vulnerable by increasing its dependence on foreign oil. The war in the gulf is our most vivid evidence of the danger of energy dependence. Sadly, with the Bush formula for a national energy strategy, the United States would continue its dependence on oil imports well into the next century.

CASTRO REACTS TO HUSSEIN WITH BROTHERLY EMBRACE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, in case it has slipped anyone's attention, we should note that not only does Fidel Castro continue to treat the Cuban people with brutal cruelty, but he also wishes that the Kuwaiti people continue to suffer under the subjugation of the ruthless Iraqi dictator, Saddam Hussein.

Cuba has voted against, or abstained from voting, for the six pro United States, United Nations resolutions, which implement the removal of Iraqi troops from Kuwait. Cuba has also announced that its advisers and 200 medical personnel will remain in Iraq and its embassy there will stay open throughout the war.

Those of us who have experienced Fidel Castro's oppression are not surprised by his behavior. How else would Fidel Castro, who has blatantly violated human rights in Cuba, react to Saddam Hussein, but with a brotherly embrace?

WESTERN HEMISPHERIC ENERGY POLICY IS THE WAY TO GO

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, if there is one thing the American people understand, it is that we need to get it together where our energy policy is concerned.

The volatility in the Middle East and its inability to maintain a peaceful coexistence makes it absolutely necessary that we create a viable Western Hemisphere energy policy.

From a resource standpoint, the Western Hemisphere is completely self-sufficient. This hemispheric energy policy is well within our grasp—all that has been lacking is the political will.

The nations of our hemisphere are richly endowed with energy sources. We have proven oil, gas, coal, and hydroelectric reserves, as well as solar, wind, nuclear and geothermal possibilities. We need to create a plan that maximizes the resources of this hemisphere and frees us from the tangle of the Middle East.

This Western Hemisphere energy policy would have several benefits. It would at long last end the debt burden of Latin America. It would open a door to unprecedented prosperity in these nations. New markets would open to the United States, and the Western Hemisphere energy policy would also provide us with a counterweight to the European Economic Community.

For the nations of our hemisphere, we could usher in a new era of peace, economic security, and growth. The western hemispheric energy policy is the way to go, and it's time to get on with the job.

OPPOSE H.R. 5

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, let us take 1 minute and think about the effect of the strike replacement bill if applied to our own congressional offices, which are really small businesses.

Say that two of your staffers decide to seek a 50-percent pay increase and are turned down, these staffers walk out. Under H.R. 5, this is a labor dispute or strike. Let us suppose one staffer runs the computer and the other is a legislative assistant. Their jobs are not available on a permanent basis to anyone, so you find that no one wants the job. Your congressional office would find in short order how difficult it is to work without two chief employees. You would be forced to recall the staffers and give in to their demands.

Can you imagine what this would do for the relations with your nonstriking staff? And their pay? Also, think of the impact on your clerk hire budget.

This is what H.R. 5 is, a guaranteed no penalty prostrike bill. It must be defeated.

IT'S TIME TO SEE THE CASH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, it is time to see the cash. Where is the money? Where is all the money from the allies? Japan pledged $11 billion, and Japan gave $1 billion. Where is the other $10 billion? Did they send it over on a Stealth bomber? Because we cannot even detect it on radar, Mr. Speaker.

I want you to think about it: While Americans and troops are protecting Japan's assets, they are picking our pockets. Japanese banks are foreclosing on American companies, and Japan continues to buy America, from sundown to Sunday silence.

I say it is time for Congress to tell Japan, come up with the cash, and everbody else to come up with the cash, or we are going to put some tariffs on your products in this country, because the American taxpayers are tired of the one-way joy ride overseas.

REPUBLICAN ENERGY STRATEGY WILL LEAD WORLD INTO NEXT CENTURY

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, while the cassandras of the left wring their hands about the lack of a national energy policy, President Bush and the House Republicans have put together a national energy strategy that will be leading the world into the next century.

My constituents and yours cry out for a meaningful national energy policy, and President Bush has delivered, and delivered on time.

Some 20 months ago, long before the events in the Middle East caused a great deal of consternation about the lack of an energy policy in this country, the administration very carefully and methodically put together a series of hearings throughout the country, led by the Secretary of Energy, James Watkins, to put together something that the American people could agree with and could get behind.

That policy, after 20 months, was delivered to the Congress yesterday. I think it behooves all of us to take a solid look at how balanced and effective an approach this is.

Mr. Speaker, I do not think any Member can argue that if we go home and talk to our constituents, that our constituents are not telling us we need a national energy policy. The only national energy policy I have seen before us is what the President has put forward. I ask all Members to take a solid look at that proposal, and then get at it in crafting a policy that this Congress can be proud of and that we can lead this Nation and the world into the next century with.

PRESIDENT'S ENERGY STRATEGY LACKS CREATIVITY AND IMAGINATION

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, in this exciting time of discussing the emergence of a brave, new world order I am sorely disappointed by the President's attempt at carving a new national energy policy. It is neither brave, new, or aimed at reordering the priorities in a way that will dramatically benefit the future of this Nation and the planet.

What we have been handed by the President is a blueprint that describes our energy future in terms of maintaining the status quo. There is little in this plan that is creative and catches the imagination of the public.

For the last 10 years we have squandered our resources and wantonly dismissed our ever-increasing dependence on foreign oil. It is shameful to realize that, had a fraction of the costs incurred by Desert Shield and Storm been invested in the pursuit of alternative energy sources and conservation, the United States would not have needed to purchase oil from Kuwait at all.

It is the time to recognize that the solution to our energy dependency problems lies not in the opening up of oil fields in precious wilderness areas but first in utilizing technology that maximizes conservation and the use of alternative renewable resources. The diversification of our fuel base will create new jobs and provide an exciting frontier for our young scientists to explore that can have an immediate and positive impact on the future of our country and world.

□ 1130

DEATH PENALTY FOR TERRORIST MURDERERS WHO KILL AMERICANS AT HOME OR ABROAD

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, we all know that Saddam Hussein considers terrorism a legitimate weapon with which to attack his enemies. Since the gulf war began, he has repeatedly fired missiles on civilians in Israel, beaten coalition POW's and used them as human shields, and threatened to bring his war of terror home to the United States.

Yet, if Iraqi terrorists followed through on this threat and murdered civilians in the United States, under current Federal law the death penalty could not be imposed by the Federal Government for these diabolical crimes.

On February 5, I introduced a bill, H.R. 826, that would change that. My bill, which is the same as a bill introduced by Senator THURMOND, will allow for the death penalty to be imposed on terrorist murderers who kill Americans either at home or abroad.

By a 74 to 23 vote yesterday, the Senate approved legislation with the same goal. Now, it's the House's turn. I urge the House to move quickly and pass legislation that would hold terrorists fully accountable for their crimes. That means applying the death penalty on terrorists who commit crimes against Americans. Saddam can't win the war militarily, and we should send this firm message that he can't win it by terror either.

COLLECTING DESERT STORM PLEDGES FROM OUR ALLIES

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, two of the great statements in English literature are: "I gave at the office," and "The check is in the mail."

We are here today on the floor with the bill about to come up referring to checks that are "in the mail," something like $30 billion of checks that are in the mail from our allies and coalition partners in Operation Desert Storm. The bill requires estimates of the war's cost and reports of payment or nonpayment of burdensharing pledges.

I think that it is important that we have coalitions. They certainly augur well for the new world order: New coalitions, new grouping of nations. But, each member of a coalition has to pay its fair share of the costs of war.

I just observed a bit of television a few minutes ago, and it appears that the statements from Baghdad are anything but promising toward some extrication of the Iraqi troops from Kuwait without a land war, which means that the United States may experience heavy casualties. Lives are not quantifiable in dollars. But certainly the responsibility of our coalition partners is to pay up what they have promised to pay and then be with us when it comes time to construct the new world order in the Middle East.

So, Mr. Speaker, the bill that we will take up today is one solid step in this whole program of making sure that those checks not only are in the mail, but they are actually received.

PRAISE FOR PRESIDENT BUSH'S REJECTION OF SOVIET PEACE PROPOSAL

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCOCK. Mr. Speaker, I rise today to praise the President of the United States for his principled and firm rejection of the Soviet proposal to appease Saddam Hussein in the ongoing war in the Persian Gulf.

The President is correct in insisting upon the unconditional withdrawal of Saddam Hussein's military forces from Kuwait. There should be no backing down from the resolutions of the United Nations and of this Congress. There should be no deals with this ruthless dictator.

There is no such thing as an unconditional withdrawal with conditions. That is what the Soviet offer was. Nothing but appeasement for a vicious aggressor. That is not the path we want to take.

Everyone wants the war to end—including the President. Noboby wants to risk the lives of our brave, young service men and women for a single day longer.

But we cannot sell out our principles. If we compromise now, we only encourage aggressors in the future—and endanger the lives of our military personnel down the road even more.

I trust that my colleagues will join me in supporting the President in his sound decision.

PRESIDENT'S ENERGY STRATEGY IS ENERGY TRAGEDY

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeFAZIO. Mr. Speaker we have waited 2 years for the administration to offer a sensible and rational national energy strategy. Yesterday it was finally unveiled. And what did we receive? An oil and nuclear industry wish list, with hardly a word about the cheapest, fastest, easiest, and most environmentally benign path toward energy independence—conservation.

The administration's plan should have been a ringing declaration of energy independence. Instead, it was an unconditional surrender to continued foreign dependence and overconsumption.

It is time for the Bush administration to go back to the drawing board. Today, I am introducing a bill that would require the administration to develop and present to Congress a plan for energy independence by the year 2000 with a priority on conservation, renewable energy resources, and alternative fuels.

During the 1980's, the Federal Government backtracked on its commitment to energy independence. Spending for energy conservation and renewable technologies declined. Automobile fuel efficiency standards peaked and then fell as the Reagan administration encouraged a return to wasteful fuel consumption. The Nation abandoned energy efficiency for an emphasis on production for production's sake.

I still remember when Interior Secretary Hodel came to the Congress to argue for opening the Arctic refuge and pronounced energy conservation a "draconian" measure.

In the Pacific Northwest, we began an experiment in 1980 in planning for clean, efficient energy resources. Reeling from the collapse of a gargantuan nuclear construction program, we won enactment in Congress of a regional electricity planning and conservation act that had as its cornerstone the concept of least cost planning.

Simply put, the legislation called for identification of the full range of energy generating resources and their array on the basis of full cost. The costs were to include transmission, distribution, and disposal, as well as simple acquisition and construction. The legislation enacted the pioneering concept of conservation as an energy resource, and we had faith that a fair comparison of cost-effectiveness would reveal conservation to be a bounteous resource for the Pacific Northwest.

In fact, the Northwest's public power marketing agency, the Bonneville Power Administration, has identified conservation as the least expensive available source of new energy—cheaper by far than new nuclear, coal or gas fired generating plants—especially when the true costs of environmental cleanup are calculated.

My bill will require the same kind of planning effort on a national scale. It requires an inventory of the energy resources available to meet this Nation's future needs and calls for a plan to sponsor the acquisition of these resources. Such a plan would have to be submitted to Congress and approved before the Interior Department could undertake new oil and gas leasing off of our coasts or on our Nation's most prized public lands.

We need an energy policy that benefits the consumer, not the big oil companies. I'm afraid that the administration's energy plan is more than result of well-financed lobbying efforts and Reagan-era economic dogma than rational planning.

Mr. Speaker, energy independence should be one of our Nation's top priorities. And I'm convinced we can become energy independent by the year 2000. But the plan presented yesterday by the President doesn't get us there. The President's plan is not an energy strategy, it's an energy tragedy. We can do better.

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE ON AGING

The SPEAKER. Pursuant to the provisions of clauses 6 (f) and (i) of rule X, the Chair appoints as majority members of the Select Committee on Aging the following Members of the House:

Mr. ROYBAL of California, Chairman;
Mr. DOWNEY of New York;
Mr. FORD of Tennessee;
Mr. HUGHES of New Jersey;
Mrs. LLOYD of Tennessee;
Ms. OAKAR of Ohio;
Mrs. BYRON of Maryland;
Mr. WAXMAN of California;
Mr. DERRICK of South Carolina;
Mr. VENTO of Minnesota;
Mr. FRANK of Massachusetts;
Mr. LANTOS of California;
Mr. WYDEN of Oregon;
Mr. SKELTON of Missouri;
Mr. HERTEL of Michigan;
Mr. BORSKI of Pennsylvania;

Mr. ERDREICH of Alabama;
Mr. SISISKY of Virginia;
Mr. WISE of West Virginia;
Mr. RICHARDSON of New Mexico;
Mr. VOLKMER of Missouri;
Mr. GORDON of Tennessee;
Mr. MANTON of New York;
Mr. STALLINGS of Idaho;
Mr. KENNEDY of Massachusetts;
Ms. SLAUGHTER of New York;
Mr. BILBRAY of Nevada;
Mr. JONTZ of Indiana;
Mr. COSTELLO of Illinois;
Mr. STAGGERS of West Virginia;
Mr. PALLONE of New Jersey;
Mrs. UNSOELD of Washington;
Mr. DEFAZIO of Oregon;
Mr. LEWIS of Georgia;
Mr. OWENS of Utah;
Mr. ROE of New Jersey;
Mr. STUDDS of Massachusetts;
Mr. ABERCROMBIE of Hawaii;
Mr. SWETT of New Hampshire; and
Ms. DELAURO of Connecticut.

And the Chair also appoints to that same committee the following minority Members of the House:

Mr. RINALDO of New Jersey;
Mr. HAMMERSCHMIDT of Arkansas;
Mr. REGULA of Ohio;
Ms. SNOWE of Maine;
Mr. SMITH of New Jersey;
Mr. BOEHLERT of New York;
Mr. SAXTON of New Jersey;
Mrs. BENTLEY of Maryland;
Mr. LIGHTFOOT of Iowa;
Mr. FAWELL of Illinois;
Mrs. MEYERS of Kansas;
Mr. BLAZ of Guam;
Mr. HENRY of Michigan;
Mr. SPENCE of South Carolina;
Mrs. MORELLA of Maryland;
Mr. PORTER of Illinois;
Mr. DUNCAN of Tennessee;
Mr. STEARNS of Florida;
Mr. JAMES of Florida;
Mr. HOUGHTON of New York;
Mr. FRANKS of Connecticut;
Mr. HOBSON of Ohio;
Mr. TAYLOR of North Carolina;
Mr. GILCHREST of Maryland;
Mr. ZIMMER of New Jersey;
Mr. NICHOLS of Kansas; and
Mr. NUSSLE of Iowa.

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE ON HUNGER

The SPEAKER. Pursuant to the provisions of section 103 of House Resolution 51, 102d Congress, the Chair appoints as majority members of the Select Committee on Hunger the following Members of the House:

Mr. HALL of Ohio, Chairman;
Mr. PANETTA of California;
Mr. FAZIO of California;
Mr. KOSTMAYER of Pennsylvania;
Mr. DORGAN of North Dakota;
Mr. CARR of Michigan;
Mr. PENNY of Minnesota;
Mr. ACKERMAN of New York;
Mr. ESPY of Mississippi;
Mr. FLAKE of New York;
Mrs. PATTERSON of South Carolina;
Mr. FOGLIETTA of Pennsylvania;
Mr. BUSTAMANTE of Texas;
Mr. MCNULTY of New York;
Mr. FALEOMAVAEGA of American Samoa;
Mr. ENGEL of New York;
Mr. AUCOIN of Oregon;
Mr. WHEAT of Missouri;
Ms. LONG of Indiana; and
Mr. SYNAR of Oklahoma.

And the Chair also appoints to that same committee the following minority Members of the House:

Mr. EMERSON of Missouri;
Mrs. ROUKEMA of New Jersey;
Mr. MORRISON of Washington;
Mr. GILMAN of New York;
Mr. SMITH of Oregon;
Mr. BEREUTER of Nebraska;
Mr. UPTON of Michigan;
Mr. HUNTER of California;
Mr. WOLF of Virginia;
Mr. SMITH of New Jersey;
Mr. GILCHREST of Maryland; and
Mr. RIGGS of California.

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

The SPEAKER. Pursuant to the provisions of section 203 of House Resolution 51, 102d Congress, the Chair appoints as majority members of the Select Committee on Children, Youth, and Families, the following Members of the House:

Mr. MILLER of California, Chairman;
Mr. LEHMAN of Florida;
Mrs. SCHROEDER of Colorado;
Mr. MCHUGH of New York;
Mr. WEISS of New York;
Mr. ANTHONY of Arkansas;
Mrs. BOXER of California;
Mr. LEVIN of Michigan;
Mr. ROWLAND of Georgia;
Mr. SIKORSKI of Minnesota;
Mr. WHEAT of Missouri;
Mr. MARTINEZ of California;
Mr. EVANS of Illinois;
Mr. DURBIN of Illinois;
Mr. SKAGGS of Colorado;
Mr. SARPALIUS of Texas;
Mr. JOHNSON of South Dakota;
Mrs. COLLINS of Michigan;
Ms. HORN of Missouri;
Mr. BACCHUS of Florida;
Mr. PETERSON of Florida; and
Mr. CRAMER of Alabama.

And the Chair also appoints to that same committee the following minority Members of the House:

Mr. WOLF of Virginia;
Mr. HASTERT of Illinois;
Mr. HOLLOWAY of Louisiana;
Mr. WELDON of Pennsylvania;
Mr. SMITH of Texas;
Mr. WALSH of New York;
Mr. MACHTLEY of Rhode Island;
Mr. MCEWEN of Ohio;
Mr. BILIRAKIS of Florida;
Mr. KLUG of Wisconsin;
Mr. SANTORUM of Pennsylvania;
Mr. CAMP of Michigan;
Mr. RIGGS of California; and
Mr. BARRETT of Nebraska.

□ 1140

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

The SPEAKER. Pursuant to the provisions of section 303 of House Resolution 51, 102d Congress, the Chair appoints as majority members of the Select Committee on Narcotics Abuse and Control the following Members of the House:

Mr. RANGEL of New York, Chairman;
Mr. BROOKS of Texas;
Mr. STARK of California;
Mr. SCHEUER of New York;
Mrs. COLLINS of Illinois;
Mr. GUARINI of New Jersey;
Mr. FASCELL of Florida;
Mr. HUGHES of New Jersey;
Mr. LEVINE of California;
Mr. ORTIZ of Texas;
Mr. SMITH of Florida;
Mr. TOWNS of New York;
Mr. TRAFICANT of Ohio;
Mr. MFUME of Maryland;
Mrs. LOWEY of New York;
Mr. PAYNE of New Jersey;
Mr. MAZZOLI of Kentucky;
Mr. DELUGO of the Virgin Islands;
Mr. HOCHBRUECKNER of New York;
Mr. WASHINGTON of Texas; and
Mr. ANDREWS of New Jersey.

And the Chair also appoints to that same committee the following minority Members of the House:

Mr. COUGHLIN of Pennsylvania;
Mr. GILMAN of New York;
Mr. OXLEY of Ohio;
Mr. SENSENBRENNER of Wisconsin;
Mr. DORNAN of California;
Mr. LEWIS of Florida;
Mr. INHOFE of Oklahoma;
Mr. HERGER of California;
Mr. SHAYS of Connecticut;
Mr. PAXON of New York;
Mr. CLINGER of Pennsylvania;
Mr. COBLE of North Carolina;
Mr. GILLMOR of Ohio; and
Mr. RAMSTAD of Minnesota.

LET US MAKE SURE AMERICA WILL NOT BE VULNERABLE TO FUTURE SADDAM HUSSEINS

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, the Congress and the American people can be proud of the fact that we have supported a strong defense of our Nation. Our forces are performing well in the Persian Gulf. Before Iraq's invasion of Kuwait, we rejoiced that the Berlin Wall came down, the Eastern bloc nations renounced communism in favor of democracy, and President Gorbachev embraced glasnost and perestroika. Because of all this the administration, with acquiescence by Congress, announced a 25-percent reduction in defense for the next 5 years. Now, in view of Mr. Gorbachev's backsliding and the advent of Desert Storm, the administration and the Congress should reassess that 25-percent drawdown and make sure that America will not be vulnerable to the future Saddam Husseins of this world.

WE SHOULD BE SUPPORTIVE OF THE MISSION OF OUR NATIONAL LEADERS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, Saddam Hussein told his people this morning that he is not leaving Kuwait. He has committed his nation to continued war and possible suicide.

All of those who told us a few weeks ago that sanctions alone would drive Saddam out of Kuwait now should know better. He is willing to fight to the last Iraqi standing provided he is the last one standing.

Yet those in this body who did not want to stand up to Saddam a few weeks ago are today suggesting that they know better how to run the war than President Bush, Secretary Cheney, or Chief of Staff Powell. Instead of giving our national leaders more problems to deal with, we should be more supportive of their mission.

The American people are a little tired of those who are not willing to go to war now telling us how to run it. The American people are a little tired of those who would not fight now fighting with the people who are trying to achieve a victory. The American people are a little tired of those who say they support the troops but spend most of their time trying to undermine the leadership those troops depend upon.

THE ADMINISTRATION'S ENERGY STRATEGY WOULD TAKE AMERICA "BACK TO THE FUTURE"

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, in the words of former Yankee manager, Yogi Berra, "It's like déjà vu all over again." Yesterday the administration had the chance to begin a new chapter in this country's energy history, but instead it copied the time-worn, hackneyed script of its predecessor. Instead of a vision of the future, the administration wants to take us back to the future. Indeed, the administration has put forth an energy strategy designed for another era, a time when American oil seemed unlimited and problems like global warming were confined to the pages of science fiction novels.

The policy unveiled yesterday does not indicate that the administration has learned the hard lessons of energy dependence or understood the environmental warning signs that surround us. Moreover, events in the Persian Gulf and their impact here at home demand a fundamental shift in American energy strategy, not a half-hearted reprise of old energy policies. The administration's policy relies on the dubious promise of increased oil and nuclear energy production while it gives short shrift to the significant potential of energy conservation and safe alternative energy sources.

We need an energy policy that capitalizes on American ingenuity and creativity in the fields of conservation and alternative energy. We need leadership not gimmicks. We need an energy strategy that does not sell the American people short.

PROGRESS IN GETTING THE S&L CROOKS

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, last year, this Congress passed a law to assist the administration in getting at the S&L crooks who have stolen the taxpayers' money in the savings and loan debacle.

I am pleased to report today, that a great deal of progress has been made in this area. Some of the kingpins of the S&L industry have finally been brought to justice. Don Dixon—Vernon S&L—has been convicted. No more fancy eating trips through Europe for him, and passing the bill off to the taxpayers. Ed McBirney—Sunbelt Savings—has pleaded guilty—no more shopping sprees at Neimen Marcus for him on the taxpayers tab. Charlie Keating—Lincoln—has criminal charges filed against him and is awaiting trial, and the regulators are trying to collect $31 million from David Paul—Centrust.

All totaled, since October 1988, 566 defendants have been charged in savings and loan cases, and 403 have been convicted. Only 18 have been acquitted. Prison sentences total 768 years and $231 million in restitutions have been ordered.

Election year or not, this body can be assured that this Member and the Bush administration remain committed to getting the S&L crooks.

AN ENERGY SCAM

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, yesterday the President unveiled his energy plan. Frankly, it was not an energy plan. It was an energy scam. It went in precisely the wrong direction.

Mr. Speaker, nations all over the world are concerned about global warming. They are concerned about the greenhouse effect. They are concerned about acid rain, and they are trying to conserve and reduce global dependence on fossil fuel energy. That is the great challenge.

This pitiful excuse for an energy plan sends us right down the road to more fossil fuel production and more fossil fuel consumption, exactly what America does not need and what the world does not need.

Originally, the enlightened experts at the Department of Energy under the leadership of Adm. James Watkins, a terrific leader in the field of energy and environment, came up with a very useful and constructive plan that depended largely on renewed efforts to achieve energy efficiency, and investments in our national economy to make us more fuel-effective and more energy-effective. It depended upon conservation. It depended on production of alternative fuels. It was an excellent plan.

But the bean counters at the Office of Management and Budget apparently thought otherwise. Someone took a surgeon's scalpel to it and cut out all of those constructive and useful approaches. I do not know who the surgeon was, but I suspect his name was Sununu.

Mr. Speaker, we have asked a half million of our finest youth, men and women, to put their lives on the line in the Persian Gulf. Are we incapable of asking the American people to turn off the water, to engage in car pooling, to buy fuel-efficient cars, to turn out the lights when they leave the room? This is the approach that we need.

There are vast sources of new energy available just through conservation, just through energy efficiency. We ought to have the character and the strength and the commitment to those men and women out in the Persian Gulf to match their zeal in producing energy through conservation and energy efficiency.

COME UP WITH ENERGY POLICY DIRECTED AT NATIONAL INTERESTS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, this tragic war has made Americans realize their cherished independence is really being undercut by a heavy dependence on foreign oil. At the same time, President Bush's popularity is soaring, so it is a perfect time to couple his high popularity with American awareness and come up with an energy policy that is really directed at national interests and not special interests.

Unfortunately, instead of giving special interests the boot, it appears they were shown the front door, and we now see an energy policy that does not reflect national interests at all but what special interests would like to see.

This Congress has now got to start from square one. We have got to tackle this thing, and we have got to make sure America gets an energy policy that truly makes her independent and ready for the 21st century.

EXCHANGE OF PRISONERS OF WAR MUST BE FIRST PRIORITY

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, Members of the House, if a cease-fire should be borne out of this flurry of activities between Moscow and Baghdad, then we must make sure that any such cease-fire should contain elements of exchange of prisoners of war as a condition of the cessation of hostilities, not the other way around.

We have had sad experiences in both Korea and in Vietnam with our inability to track down and to secure the release of our prisoners of war. Whatever their numbers are, any cease-fire, any kind of accommodation that is reached by anyone in this present conflict, has to take into account now, before the cease-fire, if such a thing should exist, comes into being.

We do not want to repeat the tragedies that still go on from the remnants of the Korean conflict and from Vietnam.

□ 1150

FOCUS ENERGY POLICY ON CONSERVATION

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, like many of my colleagues, I was very distressed yesterday when President Bush came up with what he called a national energy strategy. I am disappointed because he ignores, in that program, the best, fastest, simplest, least expensive way to reduce dependence on foreign oil.

I speak, of course, of conservation. It is astonishing to me that the President would ignore conservation entirely in his program and, in fact, would recommend elimination of one existing conservation program.

Mr. Speaker, I, for one, do not intend to vote for an energy program which would dig up our wildlife refuges and create more nuclear waste, which we do not know how to dispose of, until energy conservation becomes not a part of but the centerpiece of our national energy strategy.

SHOW SADDAM THE REAL AMERICA

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, Saddam Hussein sends the United States pictures of brutalized, beaten, POW's confessing. We send him pictures of Americans protesting the war. He sends Americans pictures of dead civilians. We send him pictures of Americans burning the U.S. flag. Saddam sends the United States threats. We send him signals.

Is it not time that the news media let Saddam see some of the flag-waving supporters, shouting "U.S.A," singing "I'm proud to be an American," and "God bless the U.S.A."? Is anything wrong with that? Does that sound corny, or what?

I get upset when I see some of these things, and they are not being shown over there. I have tapes that I would like the networks or CNN to send over there at rallies I have attended, where the crowds are bigger than the sporting events. Let them see and hear what Americans are saying and how they feel. Let him know how Americans feel about America. Let him know how they feel about him.

LET'S GET SERIOUS ABOUT AN ENERGY POLICY

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, yesterday President Bush released his long-awaited proposal for a national energy policy—a plan to address the Nation's energy needs. Unfortunately, what the administration has proposed is not a plan for achieving long-term energy independence, but a shortsighted strategy which would allow us to put off the real issues.

The President's strategy focuses almost entirely on increased domestic oil production. His primary answer to our long-term energy needs is drilling—even in ecologically sensitive areas.

This strategy could have a devastating effect on my home State of North Carolina. For the last several years, we have been battling Mobil Oil's plans to drill off our Outer Banks. Drilling is unprecedented there and could prove devastating to the fragile coastal environment.

But even where environmental damage is not an immediate danger, it is shortsighted simply to rely on tapping our energy reserves. More and more drilling ultimately will not solve our energy problems. We seemed to realize this in the 1970's, but over the past decade we have abandoned, piece by piece, the incentives for energy conservation and fuel efficiency that were then in effect.

Incredibly, the President dropped measures to encourage conservation and development of renewable energy sources from his strategy. And the remaining framework is but a skeleton.

I believe any serious energy policy must have conservation, efficiency, and research at its core. If the crisis in the Persian Gulf has not impressed upon us the need for a truly serious national energy policy, I wonder if we have learned anything at all.

CORPORATIONS DONATING COMPUTERS FOR PERSIAN GULF MAIL

(Mr. HOPKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOPKINS. Mr. Speaker, we are all frustrated by the fact that mail is being delayed that we are sending from here to the Persian Gulf. Last time I was there, General Pagonis, who is doing an outstanding job with logistics, is receiving about 400 tons of mail every day. That is the heart and soul of America, traveling from here to that foreign land. We all want them to get our loved ones' mail. However, it is delayed because 400 tons a day arrive.

Now, the people of Kentucky have combined the good services of IBM, General Electric, General Telephone, and the Red Cross, and they are using computers that have been donated, so that the loved ones from that area can come to the malls in Lexington and dictate their letters. They are being sent out by satellite and downlinked right straight to Saudi Arabia in real time. That is because of the efforts of these people.

If anyone wants to help out in their community, I would suggest that they check with the Red Cross and some of these corporations that are really there to help all Americans.

WHAT WILL FREEDOM COST?

(Mr. ESPY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPY. Mr. Speaker, today I will be supporting H.R. 586, because the American people deserve to know how much this war is costing, and they also deserve to know who else besides the United States will be paying. They deserve to know how much the war will be costing Americans now, and how much it will cost our children in the future, and how much of this burden we are prepared to bear.

Mr. Speaker, freedom is not free. Since World War II, our Nation has spent about $4.6 trillion defending ourselves and our allies, and we have produced some pretty smart weapons. However, Mr. Speaker, during that same period of time some of our allies, principally Japan and Germany, have had the luxury to produce smart students. We know, Mr. Speaker, that most of the people in our Nation are watching this war on TV sets that were made in Japan.

Mr. Speaker, I will be supporting H.R. 586, because we need to know the cost of war, and our allies need to know the price of freedom.

OPPOSE FURTHER JORDANIAN AID

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, the recent statements by King Hussein of Jordan in support of Iraq are nothing short of outrageous. He has accused the United States of waging war against "all Moslems" and has politically jumped in bed with Saddam Hussein.

If he is criticizing the deaths of civilians, where is his criticism for the rapes and murders of innocent Kuwaitis? Where is his criticism of Saddam's use of nerve gas to kill thousands of innocent Iraqi women and children? Where is his criticism of Iraq's use of Scud missiles to attack Israel, endangering the lives of Jews and Palestinians alike?

King Hussein has referred to Iraq as being "brotherly." I don't know that brothers go around raping neighbors like Iraq has pillaged and raped Kuwait.

The United States and the United Nations gave Saddam plenty of time to withdraw from Kuwait. We have also given Jordan plenty of foreign aid, over $100 million in 1990 and another $58 million for the current fiscal year. Mr. Speaker, it is Jordan's right to side with Saddam, and against much of the rest of the world. By the same token, it is our right—no, Mr. Speaker, it is our duty—to find the best use for our tax dollars. We know who our friends are now, and clearly Jordan is not among them. Accordingly, I urge the President to cut off all foreign aid to Jordan, and I ask my colleagues to join me in opposing any further aid to Jordan.

WHERE WILL PRESIDENT BUSH GET $30 BILLION?

(Mr. SANDERS asked and was given permission to address the House for 1 minute.)

Mr. SANDERS. Mr. Speaker, in the midst of the war in the Persian Gulf, it is imperative that we not lose focus on other issues of major consequence to this country. The savings and loan fiasco is the biggest single act of thievery in the history of humanity. It is estimated that it will cost the American taxpayer some $500 billion.

Mr. Speaker, very shortly, perhaps within a week or two, this body is going to be asked to appropriate another $30 billion for the savings and loan fiasco. It seems to me that given the fact that we have a $300 billion deficit, that before we appropriate another penny, that the President come before the people of this country and tell Americans exactly who is going to be paying this $30 billion. It seems to me that given the fact that during the last decade, that the richest people in this country have become wealthier, while the middle class and poor have become poorer, that the richest people have enjoyed huge tax breaks, while the middle class and the poor are paying more in taxes, that those are the people who should be asked to bail out the S&L crooks, and not the ordinary American people.

I believe we should say no, not another penny for the S&L fiasco, until the President tells Americans exactly who is going to pay for it. It should be his wealthy friends and the corporations who are not paying their fair share of taxes.

□ 1200

NATIONAL ENERGY STRATEGY

(Mr. McMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Speaker, yesterday the President unveiled his much awaited national energy strategy. This proposal was intended to lead our Nation into a new era of energy security. Unfortunately, this proposal has fallen short of that goal.

While the administration's proposal contains some positive initiatives, it is lacking in several key areas. The most glaring omission is the lack of a serious conservation and efficiency strategy. The President's strategy is based primarily on increasing production of oil. By relying on continued dependency on oil, we are not breaking the oil addiction. The fact is that will not remedy the economic difficulties that are associated with oil dependence. This country will continue to be adversely affected by fluctuations in the oil world markets, even if the bulk of our oil is produced domestically.

The kind of energy strategy we need is one that will utilize American ingenuity and technology to tap our nonoil resources, such as coal, shale, and natural gas. By doing so, we can make the best use of our own indigenous national resources.

In addition, we must look to increase our use of alternative fuel and alternative energy sources. By focusing on these areas and making conservation and efficiency programs equal partners in a national energy strategy, we will succeed in providing this Nation with a truly secure energy policy.

If history has taught us something in the last 12 years, it is that energy efficiency works. The Japanese have shown that, and relying on supply-side economics in oil is a bad idea.

IN SUPPORT OF HOUSE RESOLUTION 19, CALLING FOR CERTAIN INFORMATION REGARDING OPERATION DESERT SHIELD

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, later today the House will debate a bill to require detailed reporting by the administration on the costs of the Persian Gulf War and the contributions by our allies to defray those costs. I urge passage of this measure.

The legislative branch of our Government has the responsibility for determining any needed appropriations for the Gulf War, and it is imperative that we be provided information as to what those remaining costs might be after all allied contributions are received.

Mr. Speaker, I urge our colleagues to pay for this war now, rather than putting it on the national credit card. Earlier this year, with our colleague, the gentleman from Massachusetts [Mr. FRANK], I introduced House Concurrent Resolution 37 that expresses the sense of Congress that the cost of the Persian Gulf military operations be covered by our allies and any remaining expenditures be covered by reductions in other military programs and through a surtax on high income taxpayers.

Fairness to our children and future generations demands that we pay for this war now. Passage of today's resolution is a step in the right direction.

INTRODUCTION OF INDIVIDUAL RETIREMENT OPTIONS IMPROVEMENT ACT OF 1991

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, during the past few months our attention has been focused primarily on two concerns—the economy and the Middle East. Consumer confidence is at an all-time low in New England and decreasing throughout the Nation.

The administration stated the country is experiencing a recession and it is time to take positive steps to turn around the economy. We need to increase our national savings rate. This is the reason why I am introducing the Individual Retirement Options Improvement Act of 1991.

This bill takes the first step toward increasing savings. We have become a nation that pays with plastic and lives on credit. We need to give people the incentive to start or increase their personal savings. Prior to the Internal Revenue Code of 1986, individual retirement accounts were an extremely popular form of savings. This legislation will amend the Internal Revenue Code of 1986 to encourage savings by increasing the amount of deductible contributions which may be made to an individual retirement account. IRA's are a proven way to help people plan for retirement, while providing a stimulus for improving our national savings rate.

In addition, this bill provides for distributions from individual retirement accounts to be used without penalty to purchase a first home, to pay for higher education expenses, or to pay for certain medical costs of a catastrophic illness. This legislation will encourage individuals to save and it will give them peace of mind to know that they will not be penalized for using their savings for purposes other than retirement. Buying a first home, higher educations and medical costs of an unexpected catastrophic illness are three of the most costly expenditures of working class families and also three of the most important.

I urge my colleagues to take a hard look at this legislation and decide they want to play a role in increasing national savings.

CALLING FOR SUBMISSION TO THE CONGRESS OF CERTAIN INFORMATION REGARDING OPERATION DESERT SHIELD

Mr. ASPIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 586) to require regular reports to the Congress on the amount of expenditures made to carry out Operation Desert Shield and Operation Desert Storm and on the amount of contributions made to the United States by foreign countries to support Operation Desert Shield and Operation Desert Storm, as amended.

The Clerk read as follows:

H.R. 586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORTS ON UNITED STATES COSTS IN THE PERSIAN GULF CONFLICT AND FOREIGN CONTRIBUTIONS TO OFFSET SUCH COSTS.

(a) Reports Required.—The Director of the Office of Management and Budget shall prepare periodic reports on the incremental defense-related costs to the United States of the Persian Gulf conflict and on the amount of contributions made to the United States by foreign countries to offset those costs. The Director shall prepare these reports in consultation with the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, and other appropriate Government officials.

(b) Costs of Persian Gulf Conflict.—

(1) Period costs and cumulative costs.—Each report prepared under subsection (a) shall specify—

(A) the incremental costs incurred by the United States in the Persian Gulf conflict during the period covered by the report; and

(B) the cumulative total of such costs, by fiscal year, from August 1, 1990, to the end of the period covered by the report.

(2) Nonrecurring costs and costs offset.—In specifying the costs incurred by the United States in the Persian Gulf conflict during the period covered by a report and the total of such costs, the Director shall identify those costs that—

(A) are one-time and nonrecurring;

(B) are offset by in-kind contributions; or

(C) are offset (or proposed to be offset) by the realignment, reprogramming, or transfer of funds appropriated for activities unrelated to the Persian Gulf conflict.

(3) Only costs associated with the Persian gulf conflict.—In determining costs incurred by the United States in the Persian Gulf conflict, the Director shall include only those incremental costs directly related to conducting defense-related activities in the Persian Gulf conflict and shall not include costs that would have been incurred as part of normal operations in the absence of the Persian Gulf conflict.

(c) Specific Cost Areas.—Each report prepared under subsection (a) on the costs incurred by the United States in the Persian Gulf conflict shall divide the total cost to show the allocation of costs by category, including the following categories:

(1) Airlift.—Airlift costs related to the transportation by air of personnel, equipment, and supplies in connection with the Persian Gulf conflict.

(2) Sealift.—Sealift costs related to the transportation by sea of personnel, equipment, and supplies in connection with the Persian Gulf conflict.

(3) Personnel.—Personnel costs, including pay and allowances of members of the reserve components of the Armed Forces called or ordered to active duty and increased pay and allowances of members of the regular components of the Armed Forces incurred because of deployment in connection with the Persian Gulf conflict.

(4) Personnel support.—Personnel support costs, including subsistence, uniforms, medical costs.

(5) Operating support.—Operating support costs, including equipment support, costs associated with an increased operational tempo, spare parts, stock fund purchases, communications, and equipment maintenance.

(6) Fuel.—Fuel costs.

(7) Procurement.—Procurement costs, including ammunition, weapon systems improvements and upgrades, and equipment purchases.

(8) Military construction.—Military construction costs.

(d) Contributions to the United States.—

(1) Amount of contributions.—Each report prepared under subsection (a) shall specify the amount of contributions made to the United States by each foreign country that is making contributions to defray the cost to the United States of the Persian Gulf conflict. The amount of each country's contribution during the period covered by each report shall be indicated as follows:

(A) Cash payments pledged.

(B) Cash payments received.

(C) Description and value of in-kind contributions pledged.

(D) Description and value of in-kind contributions received.

(2) Pledge period and use restrictions.—In specifying the amount of each contribution pledged, the Director shall indicate—

(A) the time period, if any, for which that contribution applies; and

(B) any restrictions on the use of that contribution.

(e) Submission of Reports.—

(1) First report.—The first report required by subsection (a) shall be submitted to the Congress not later than 14 days after the date of the enactment of this Act and shall cover the period beginning on August 1, 1990, and ending on December 31, 1990.

(2) Second report.—The next report shall be submitted to the Congress not later than the 15th day of the first month after the date of the enactment of this Act and shall cover—

(A) January 1991, in the case of information required under subsections (b) and (c); and

(B) January and February 1991, in the case of information required under subsection (d).

(3) Subsequent reports.—Subsequent reports shall be submitted to the Congress not later than the 15th day of each month thereafter and shall cover—

(A) the month before the preceding month, in the case of information required under subsections (b) and (c); and

(B) the preceding month, in the case of information required under subsection (d).

(f) Definitions.—For purposes of this section—

(1) the term "Director" means the Director of the Office of Management and Budget; and

(2) the term "Persian Gulf conflict" means Operation Desert Shield, Operation Desert Storm, and succeeding and related operations conducted as a consequence of the invasion of Kuwait by Iraq on August 2, 1990.

SEC. 2. REPORTS ON FOREIGN CONTRIBUTIONS IN RESPONSE TO THE PERSIAN GULF CRISIS.

(a) Reports Required.—The Secretary of State and the Secretary of the Treasury shall prepare periodic reports on the contributions made by foreign countries as part of the international response to the Persian Gulf crisis. The Secretaries shall prepare these reports in consultation with the Secretary of Defense and other appropriate Government officials.

(b) Information To Be Provided.—Each report required by this section shall include the following information for each foreign country making contributions as part of the international response to the Persian Gulf crisis:

(1) Participation in the international military coalition.—In the case of each foreign country whose armed forces are participating in the international military coalition confronting Iraq, any information available regarding the aggregate amount of the incremental costs associated with such country's participation, including a description of the forces committed in terms of personnel, units, and equipment deployed.

(2) Contributions to those countries significantly affected by the Persian gulf crisis.—Any information available on—

(A) any additional special assistance (financial, in-kind, or host-country support) pledged as a contribution to each of those countries significantly affected by the Persian Gulf crisis, and

(B) the value and a description of the types of such assistance received by each such country.

The information provided pursuant to this paragraph shall include information on such assistance as reported to the Gulf Crisis Financial Coordination Group.

(3) CONTRIBUTIONS TO OTHER FOREIGN COUNTRIES.—Any information available on the types of any additional special assistance (financial, in-kind, or host-country support) pledged and received as a contribution to other foreign countries as a result of the Persian Gulf crisis.

(4) CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—Any information available on the value and nature of contributions pledged—

(A) to any United Nations organization,

(B) to the International Committee of the Red Cross, and

(C) to the extent the Secretary of State considers appropriate, to other international or nongovernmental organizations,

for the purpose of dealing with consequences of the Persian Gulf crisis (such as contributions to be used for humanitarian assistance for displaced persons or for assistance for responding to oil spills), and the value and nature of such contributions received by each such organization.

(5) OTHER FORMS OF CONTRIBUTIONS.—A description of any prepositioning rights, base or other military facilities access rights, or air transit rights that have been granted to the United States as a result of the Persian Gulf crisis. Information provided pursuant to this paragraph may be submitted in classified form if necessary.

(6) AGGREGATE AMOUNT OF CONTRIBUTIONS.—Any information available on the aggregate value of the contributions made by each contributing country.

(c) SUBMISSION OF REPORTS.—

(1) TIME FOR SUBMISSION, PERIOD COVERED.—(A) A report prepared pursuant to subsection (a) shall be submitted to the Congress not later than 30 days after the date of the enactment of this Act with respect to the contributions pledged and the contributions paid or otherwise delivered during the period beginning on August 1, 1990, and ending on December 31, 1990.

(B) A report prepared pursuant to subsection (a) shall be submitted to the Congress not later than April 15, 1991, or 30 days after the date of the enactment of this Act (whichever is later) with respect to the contributions pledged and the contributions paid or otherwise delivered during the period beginning on January 1, 1991, and ending on March 31, 1991.

(C) Subsequent reports prepared pursuant to subsection (a) shall be submitted to the Congress not later than the 15th day after the end of each calendar quarter with respect to the contributions pledged and the contributions paid or otherwise delivered during that calendar quarter.

(2) CUMULATIVE TOTALS.—In addition to the required information regarding the contributions pledged and the contributions paid or otherwise delivered during the specified calendar quarter, each report submitted pursuant to paragraph (1)(B) or (1)(C) shall include cumulative totals for the contributions that have been pledged, and for the contributions that have been paid or otherwise delivered, by each foreign country as of the end of the calendar quarter covered by that report.

(3) CLASSIFIED INFORMATION.—The information required to be submitted to the Congress pursuant to this section shall be submitted in unclassified form to the extent possible, with a classified annex if necessary.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "countries significantly affected by the Persian Gulf crisis" means Egypt, Jordan, Turkey, and Israel, and any other country whose economy the President determines is significantly affected by the Persian Gulf crisis; and

(2) the term "Persian Gulf crisis" means the military conflict, the United Nations Security Council embargo against Iraq, and other consequences associated with Iraq's invasion and occupation of Kuwait and its failure to comply with the resolutions of the Security Council.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, as part of the arrangement here, I ask unanimous consent to yield 10 minutes of my 20 minutes to the gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. WELDON. Mr. Speaker, likewise, I ask unanimous consent to yield the gentleman from Michigan [Mr. BROOMFIELD], the distinguished minority leader of the Committee on Foreign Affairs 10 minutes and also allow the gentleman to designate such time as he may allot to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 586, the Schumer-Panetta bill.

The bill is designated to improve congressional oversight of the cost accounting and burdensharing aspects of the Persian Gulf crisis. Specifically, the bill would require the administration to report regularly to Congress on a number of critical issues related to the Persian Gulf crisis.

Since the invasion of Kuwait by Iraq on August 2, 1990, the administration has had no systematic procedure for providing information to Congress on Persian Gulf-related matters. Information has been released by the administration in a sporadic and haphazard way. It has been impossible to get a handle on both the defense-related cost to the United States of the Persian Gulf conflict and the related issue of allied support.

In the interest of improving congressional access to information pertaining to the Persian Gulf crisis, a task force was convened at the request of the Speaker of the House, under the auspices of the majority leader, to negotiate compromise legislation that the administration would not oppose.

A series of meetings was held this month with representatives of the Committees on Armed Services, Foreign Affairs, and Budget—including the bill's original cosponsors—and representatives of the Departments of Defense, State, the Office of Management and Budget, and the White House. Consensus was reached on an amendment in the nature of a substitute that was adopted yesterday morning by the Committee on Armed Services and yesterday afternoon by the Committee on Foreign Affairs.

I strongly believe that information on the cost and burden sharing aspects of the Persian Gulf conflict should be made available to Congress in a routine fashion, in the interest of effective oversight. In my judgment, it is critical for us to have a complete picture of the defense-related cost of our current involvement in the Persian Gulf. Furthermore, the American people need to understand the full extent of the support our allies have provided with respect to, first U.S. military efforts in the Persian Gulf, second, the multinational coalition, and third, third countries affected by the crisis.

Mr. Speaker, I want to yield time to the two cosponsors of the bill, first to the gentleman from New York [Mr. SCHUMER] and then to the gentleman from California [Mr. PANETTA].

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, today the House will consider H.R. 586, legislation which requires monthly reports from the administration on the costs of the war in the Persian Gulf and the extent to which these costs are offset by contributions from our allies.

This information is absolutely essential if Congress is to exercise its oversight responsibility in an informed and thorough manner. The reports will break expenses down into categories such as sealift, airlift, personnel expenses. and so forth, and will distinguish between one time and recurring costs. With these reports, Congress will have the information it needs to assess the administration's supplemental budget request for the war. More important, the concrete information contained in these reports will move discussion of the financial cost of the war from speculation to fact, from guesswork to analysis.

The bill also requires data on the burden sharing efforts of our allies. There are two problems with our allies' efforts so far. First, though many nations have made enormous promises to support our efforts in the gulf, too often we have seen those promises disappear when it is time to pay up. If the bill passes, our allies will no longer be able to hide their paltry contributions behind grandiose promises.

Second, many allied contributions come in forms which are of no real value to our forces in the desert. Part of Japan's contribution has consisted of fax machines, Jeeps, and other items, not cash. Needless to say, all of these so-called contributions are purchased in Japan, helping Japanese industry more than it helps our troops in the gulf. Germany has included over $500 million of unusable East German military equipment as part of their contribution. Because this bill requires the administration to describe in detail the in-kind contributions our allies have pledged, we will be able, for the first time, to assess the real value of allied contributions.

The American people are tired of rhetoric, promises, and pledges; they want the truth, and this bill will give it to them. These reports will shed badly needed light on the confusion surrounding allied support for our troops in the desert. They will provide the facts, not what we hope to get, not what we have been promised, but the bottom line: How much money we have in our coffers.

Burden sharing is an issue of vital strategic concern to the United States. As our troops fight in the gulf, our attention is, of course, focused on the tactical situation in the Middle East. But Congress and the administration must focus on a larger issue as well, the long-term strategic position of the United States. Our Nation's security is not the product of military might alone; rather, it is a function of economic strength, our ability to create wealth and to function competitively in the world market.

It would be tragic if we won the shooting war in the gulf, but lost the economic war in the aftermath. This is exactly what will happen if our allies continue to pour all of their resources into bolstering their own economies, while we allocate our wealth to their defense as well as our own. We cannot allow our allies to use this war to improve their economic position at the expense of the United States. Arming ourselves with the facts about burden sharing will give us the leverage we need to prevent our allies from evading their responsibilities.

Tomorrow, this body expects to receive the President's supplemental budget request to fund Operation Desert Storm. Congress will not be able to give this request fair consideration unless we have detailed information on the kinds of costs we face, and the extent to which our Nation's taxpayers are unfairly carrying the financial weight of this operation.

Right now, we have no way to gauge whether the President's request is appropriate, or whether his assessment of allied contributions is accurate. It is our responsibility to bring greater knowledge to this debate. I believe passage of this bill will ensure that we and the American people are properly informed.

□ 1210

Mr. WELDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to applaud both committees for bringing here this bipartisan amendment in the nature of a substitute to H.R. 586. I would like to particularly commend the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], and the ranking member, the gentleman from Michigan [Mr. BROOMFIELD]; the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN]; the ranking member, the gentleman from Alabama [Mr. DICKINSON]. Especially as a member of the Committee on Armed Services, I commend the gentleman from Wisconsin [Mr. ASPIN] and the gentleman from Alabama [Mr. DICKINSON] for the series of hearings and briefings that have been held for committee members and all Members of Congress throughout the months of December, into January, and February. As a matter of fact, I would like to submit for the RECORD, Mr. Speaker, a list of approximately 160 briefings and updates that have been provided by the administration to Members of Congress since Operation Desert Shield, and now Desert Storm, began on August 2. I think the information has been forthcoming, and I think we who have desired to have access to data have certainly been able to take advantage of that during the months from August until this point in time.

What this particular legislation does, however, is in a cooperative way with the administration establish a format and a procedure for getting regular updates to Congress about the costs incurred by this country and by the allied nations.

The amendment that is offered today in the form of a substitute offered by the gentleman from South Carolina [Mr. SPRATT] and myself in committee yesterday meets the requirements of H.R. 586 and actually goes beyond the initial concerns that are raised in H.R. 586. It allows the committee to play their proper oversight role and allows them to have the information that all of us have collectively felt is necessary and that all of us who have sat through these hearings over the last 6 months have asked continual questions to the administration about. It also clarifies the cost categories that are required from OMB, and, finally, it establishes a workable and realistic timeframe for the report to be issued to Congress.

Section 1 of the report goes to the specific United States costs that will be incurred including airlift, sealift, personnel, personnel support, operating support, fuel procurement, and military construction. There are established dates in the legislation that these reports will be provided to us both now, covering the period since August 2, and in the future on a regular and monthly basis. Also it will require the contributions, both pledged and received, to be specifically delineated by the administration. In addition, description and value of in-kind, pledged and received, dollars and items is also included in the legislation. Section 2 deals with foreign contributions, burden sharing, and it requires reports and documentation from the administration that deal with the allied commitment and the costs incurred by the allied nations, both contributions by our allies to other allied nations, as well as contributions by our allies to international organizations such as the United Nations, the Red Cross, and other nonprofit and governmental groups around the world who are in fact contributing to Operation Desert Storm.

The legislation even goes so far, Mr. Speaker, as to include special contributions. These include such items as basing rights, prepositioning rights and air transit rights, so this legislation, I think, goes far beyond what was originally proposed. I think it gives Congress the kind of information that all of us want to have access to.

I applaud the administration for being forthright in the past. I applaud the administration for working with the two committees in bringing this piece of legislation to Congress and for the administration not opposing it, but working for an acceptable compromise, and, with that, I urge my colleagues' support.

DESERT SHIELD HEARINGS/BRIEFING COMPLETED

HOUSE

8/4—DIA/CIA briefing for House Armed Services Committee staff.

8/8—Congressional leadership is notified about President's decision to commit troops. SECDEF and Chairman Powell brief Members in the afternoon.

8/9—SECDEF and Chairman Powell brief Members.

8/10—OSD/LA begins distributing Public Affairs memoranda upon request.

8/15—DOD Comptroller releases fact sheet on Desert Shield costs. This information is disseminated to the Hill.

8/23—Desert Shield information packet distributed to all Hill offices.

8/28—Briefing at the White House.

8/31—House CODEL departs for the Middle East.

9/5—White House meeting with the President for CODEL members.

9/10—HPSCI has a briefing from State, DIA, and CIA on intelligence support for Desert Shield.

9/12—House Postal Personnel and Modernization Subcommittee held a hearing on legislation to provide free mailing privileges for members of the Armed Forces serving in the Middle East.

9/19—SECDEF and Chairman Powell appeared before the HAC Defense Subcommittee on Desert Shield, primarily on supplemental funding issues.

9/26—House Merchant Marine and Fisheries Subcommittee heard from Vice Admiral

Donovan of the Military Sealift Command about Desert Shield sealift requirements.

10/3—Two HFAC Subcommittees met and heard from Wolfowitz and Bartholomew on the issue of the Saudi Arms sale.

10/10—House Public Works Subcommittee held a hearing on Civil Reserve Air Fleet Program (CRAF) and heard from DOD witnesses.

10/17—HASC had a closed hearing on Desert Shield, and DIA represented the building.

10/24—Cheney and Baker appeared before a group of House members who wanted a briefing about Desert Shield before the Congress went out for the year.

10/30—White House briefing.

11/12—White House briefing.

11/13—SECDEF and Chairman Powell appeared before a group of House members who wanted an update on Desert Shield.

12/14—SECDEF and Chairman Powell appeared before HASC on Desert Shield.

1/3/91—SECDEF and SecState brief House in closed-door session.

1/4/91—SECDEF meets with House Freshmen at Pentagon.

1/10/91—SECDEF meets with House Republican Caucus.

SENATE

8/4—DIA and CIA brief 70 Members of the Senate.

8/8—OSD/LA notifies selected Senators on the President's decision to commit troops to the Middle East. SECDEF and Chairman Powell brief Senators about Operation Desert Shield.

8/9—SECDEF and Chairman Powell brief Senators.

8/10—OSD/LA begins distributing Public Affairs memoranda upon request.

8/15—DoD Comptroller issues Desert Shield cost fact sheet. OSD/LA distributes to the Hill.

8/23—Desert Shield information packets are distributed to all Hill offices.

8/28—White House briefing.

8/31—Senate CODEL departs for the Middle East.

9/5—White House meeting for CODEL members.

9/7—SAC Defense Subcommittee held a briefing on burden sharing in the Middle East.

9/11—SECDEF and Chairman Powell testified before SASC on Desert Shield.

9/12—Steve Duncan and Chris Jehn brief Veterans Affairs Committee.

9/12—Wolfowitz testified before SSCI on intelligence aspects of Desert Shield.

9/13—Wolfowitz testified in a closed SASC hearing about Desert Shield.

9/25—SECDEF and Chairman Powell met with SAC Defense Subcommittee—this was not a formal hearing.

10/4—Two SFRC Subcommittees heard from Wolfowitz and Bartholomew about the Saudi Arms sale.

10/24—Cheney and Baker briefed members of the Senate about Desert Shield prior to the adjournment of Congress.

10/30—White House briefing.

11/12—White House briefing.

Week of 11/12—SECDEF and Chairman Powell brief Senators Nunn and Warner.

Week of 11/12—Cheney and Baker brief members of the Senate.

11/27—DIA appeared before Senate Armed Services Committee about intelligence aspects of Desert Shield.

12/3—SECDEF and Chairman Powell appear before SASC on Desert Shield.

1/3/91—SECDEF and SecState brief Senate in closed-door session.

1/4/91—Senate Freshmen invited to Pentagon for briefing (none attended).

DESERT STORM [DS] HEARINGS/BRIEFING COMPLETED

[Status as of Feb. 5, 1991]

Subject	Requested by	DOD OPR	Date provided
DS Daily Ops briefing, Senate and House.	Senate and House leadership.	OSD/LA	January 19—DIA–JCS, Capitol (Fri).
Aspin, Dickinson	Aspin, Dickinson	JCS	January 19, General Powell, Pentagon (Sat).
Nunn, Warner	Nunn, Warner	JCS	January 20, Gen. Powell, Pentagon (Sun).
Daily Ops briefing, Senate and House.	Senate and House leadership.	OSD/LA	January 21, DIA–JCS, Capitol (Mon–MLK).
Daily Ops briefing, Senate and House.	Senate and House leadership.	OSD/LA	January 22, DIA–JCS, Capitol (Tues).
Daily Ops briefing, Senate and House.	Senate and House leadership.	OSD/LA	January 23, DIA–JCS, Capitol (Wed).
DS Intell briefing, SSCI, HPSCI.	Senate and House Intell/ldrship.	OSD/LA	January 23, DIA–CIA–NSA, Capitol (Wed).
Daily Ops briefing, Senate and House.	Senate and House leadership.	OSD/LA	January 24, DIA–JCS, Capitol (Thurs).
"Big 8" Ops brief.	SECDEF	SECDEF, OSD/LA, JCS.	January 24, Sec Cheney, Gen Powell, Pentagon (Thurs).
DS Intell briefing HAC–D.	House Appro., ldrship.	OSD/LA, DIA	January 24, DIA–CIA–NSA, Capitol (Thurs).
DS Ops briefing	OSD Reserve Fcs Policy Bd.	JCS Chairman	January 25, Gen. Burr, Pentagon (Fri).
Ops/Intel briefing.	Senator Mitchell	JCS/DIA	January 26, JCS–DIA, Capitol (Sat).
Ops/Intel briefing.	Mitchell/Dole, Cohen.	JCS/DIA	January 28, JCS–DIA, Capitol (Mon).
Daily Ops briefing, Senate and House.	Senate and House leadership.	OSD/LA	January 29, JCS–DIA, Capitol (Tues).
DS Ops briefing for Dutch MFA, Van den Broek.	DASD/Europe and NATO.	DIA/JCS	January 29, DIA–JCS, Pentagon (Tues).
DS Ops briefing, Dep Def Min, Robert Fowler.	Canadian Emb	DIA Foreign Liaison.	January 30, DIA–JCS, Pentagon (Wed).
DS Equipment briefing.	HASC, Full committee.	Service DCS/Log and Dep DCS/Ops.	January 30, Services, Rayburn, (Wed).
DS Intel weekly briefing.	HPSCI	DIA, NSA, State	January 30, DIA, NSA, State, Capitol, (Wed).
DS Intel weekly briefing.	SSCI	DIA, NSA, State	January 30, DIA, NSA, State, Capitol, (Wed).
All Senate MLAs	Scott Harris	OSD/LA	January 30, OSD/LA, FM&P
DS Equip Perform and Operations.	SASC Full committee.	OSD/LA	January 31, Service DCS Ops, Capitol, (Wed).
Defense Cmtes, Prof staff & MLAs, SASC, SAC–D, HASC, HAC–D.	OSD/LA	OSD/LA, FM&P	February 1, OSD/LA, FM&P Capitol, (Fei).

IRAQ/KUWAIT BRIEFINGS

Date	Audience	Briefer
July 25	SSCI staff	DIO
July 27	Senator Murkowski—Joint CIA/DIA session.	NIO and DIO
Aug. 2	SSCI staff	DIO
Aug. 3	HAC DEF SCTE and staff	DIO
Aug. 4	67 Senators in S–407	DR and DIO
Aug. 4	HASC staffer, Clark Murdock	DR and DIO
Aug. 17	HASC staffer, Warren Nelson	DIO
Aug. 22	HASC staffer, Warren Nelson	DIO
Aug. 24	SASC staffer, Les Brownlee	A/DIO
Sept. 7	Senator Inouye JCS Desert Shield brief.	JS
Sept. 11	HPSCI hearing on Persian Gulf	DIO
Sept. 12	SSCI hearing on Persian Gulf	DIO
Sept. 13	Senator Nunn IQ/KU update by JCS.	JS
Sept. 13	Senator Nunn IQ/KU update by OSD.	DIO
Sept. 14	Senator Kerrey IQ/KU update	DIO
Sept. 17	SSCI staff IQ/KU update	DIO
Sept. 27	SSCI staff IQ/KU update	DIO
Sept. 27	Represenative Gingrich Saddam's terror options.	DB–5
Sept. 28	SSCI staff IC brief on IQ/KU update.	NIO and DIO
Oct. 1	HFAC minority staff support ISA	JSI briefer
Oct. 2	Representative Gingrich IQ/KU update.	DIO
Oct. 4	SSCI and staff IQ/KU update	DIO and Richey[1]
Oct. 4	HPSCI and staff IQ/KU update	DIO and Richey[1]
Oct. 4	Representative Gingrich IQ/KU update.	Richey[1]
Oct. 17	HASC hearing on Persian Gulf	NIO and DIO
Oct. 18	Representative Gingrich IQ ground forces caps.	DIO
Oct. 18	Representative Gingrich IQ economic limitations.	DB–5
Oct. 25	Senators Boren and Cohen Iraqi update.	DIO
Oct. 25	SASC staffer George background papers on Iraq.	ITF
Oct. 25	HASC members of OPS and INTEL JSC sponsored update.	JSI briefer
Oct. 26	Representative Gingrich SNIE (IQ) discussions.	NIO and ITF
Oct. 29	HASC staffer Clark Murdock Iraq update.	DIO
Oct. 30	HASC staffer Tom Garwin Iraq's NBC caps.	DT–2
Nov. 2	HPSCI staffers Sheehy and Fitch Mideast update.	DIO
Nov. 5	Senators Glenn and Sasser Persian Gulf update.	DIO and DB–5
Nov. 8	HPSCI and SSCI staffs DIA/CIA Persian Gulf update.	NIO and DB–8
Nov. 9	HASC staffer Garwin Iraqi CBW capabilities.	DT–5
Nov. 13	SSCI staff Persian Gulf update	DIO
Nov. 14	Representative Owens Iraq CBW capabilities.	DT–5
Nov. 15	HPSCI and SSCI staffers Mideast update.	NIO and DIO
Nov. 15	SSCI staffer Thomas hostage situation.	DB–5
Nov. 19	HASC staffer Nelson Persian Gulf update.	DIO
Nov. 21	HPSCI and SSCI staffs Persian Gulf update.	OICC
Nov. 25	18 representatives IR disposition at AAB.	JSI–1
Nov. 27	SASC brief on Persian Gulf	NIO and DIO
Nov. 28	HPSCI and SSCI staff Persian Gulf update.	OICC
Nov. 29	HASC staffers Persian Gulf update.	DIO
Nov. 30	Mr. Tom Garwin, HASC staffer IQ nuclear caps.	DT–1
Nov. 30	Mr. S. Roth, SD A&P SCTE, HFAC sanctions.	DIO
Dec. 4	HFAC briefing on Persian Gulf	NIO and DIO
Dec. 4	SSCI briefing on Iraqi sanctions	OICC
Dec. 5	HPSCI hearing on Persian Gulf	DDCI/DIO
Dec. 6	SSCI briefing on political intentions of P.G. allies.	DIO
Dec. 19	Support C3I HPSCI staffer prior Desert Shield brief.	C3I
Dec. 20	HPSCi staff Iraq update	OICC
Jan. 3, 1991	HPSCI staff Persian Gulf update	NIO and OICC
Jan. 4	Paper on chronology of Intel support to Desert Shield (Note: Paper prepared for C3I for SSCI.)	ITF
Jan. 9	SSCI brief on Persian Gulf by DDI mainly sanctions.	DDI/DIO
Jan. 10	HPSCI and staff Persian Gulf update.	NIO/DIO
Jan. 11	Senate brief on sanctions	DDI/DIO
Jan. 18	SSCI Desert Storm	NIO/DIO
Jan. 18	Senate Desert Storm	DIO
Jan. 18	House Desert Storm	DIO
Jan. 18	HPSCI Desert Storm	DIO
Jan. 19	Full House brief Desert Storm	DIO/JCS
Jan. 19	Full Senate brief Desert Storm	DIO/JCS
Jan. 21	Full House brief Desert Storm	DIO/JCS
Jan. 21	Full Senate brief Desert Storm	DIO/JCS
Jan. 22	Full House brief Desert Storm	DIO/JCS
Jan. 22	Full Senate brief Desert Storm	DIO/JCS
Jan. 23	Full House brief Desert Storm	DIO/JCS
Jan. 23	Full Senate brief Desert Storm	DIO/JCS
Jan. 23	HPSCI brief Desert Storm	NIO/DIO
Jan. 23	SSCI brief Desert Storm	NIO/DIO
Jan. 24	Full House brief Desert Storm	DIO/JCS
Jan. 24	Full Senate brief Desert Storm	DIO/JCS
Jan. 24	HAC defense SCTE Desert Storm	NIO/DIO
Jan. 25	Full House brief Desert Storm	DIO/JCS
Jan. 25	Full Senate brief Desert Storm	DIO/JCS
Jan. 28	Senators Mitchell and Dole brief Desert Storm.	DIO

IRAQ/KUWAIT BRIEFINGS—Continued

Date	Audience	Briefer
Jan. 29	Full House brief Desert Storm	DIO/JCS
Jan. 29	Full Senate brief Desert Storm	DIO/JCS
Jan. 30	HPSCI brief Desert Storm	NIO/JCS
Jan. 30	SSCI brief Desert Storm	NIO/JCS
Jan. 30	Senate military LA'S Desert Storm brief.	JSI–1
Jan. 31	Senator Mitchell brief Desert Storm.	DIO
Jan. 31	Full House brief Desert Storm	DIO/JCS
Jan. 31	Full Senate brief Desert Storm	DIO/JCS
Jan. 31	SSCI brief Desert Storm	NIO/JCS
Feb. 1	HASC AND HAC staffs Desert Storm brief.	DIO/JCS
Feb. 1	SASC and SAC staffs Desert Storm brief.	DIO/JCS
Feb. 4	Senators Mitchell and Dole Desert Storm brief.	DIO
Feb. 6	HPSCI brief Desert Storm	NIO/DIO
Feb. 6	CH and RM of HPSCI collection assets brief.	CA/DC
Feb. 6	SSCI brief Desert Storm	NIO/DIO

[1] Colonel Richey was the former U.S. defense attache in Baghdad.

Note: In addition, 8 oversight committees receive DIA's daily finished intelligence products. Since August 2, 1991, these products have included daily assessment updates of the Desert Shield/Storm crisis.

Mr. FASCELL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of H.R. 586, requiring regular reports to the Congress on the costs of the United States of Operation Desert Shield and Operation Desert Storm, on the contributions made by foreign countries to offset such costs, and on other contributions made by foreign countries in response to the Persian Gulf crisis. At the outset, let me commend my colleagues Mr. SCHUMER and Mr. PANETTA, the distinguished chairman of the Committee on the Budget, for introducing the legislation and for working with the Committees on Foreign Affairs and on Armed Services to reach an agreement on compromise language which enjoys broad bipartisan support in the Congress and the support of the administration. I would also like to thank the chairman of the Armed Services Committee, Mr. ASPIN, to whom this legislation was also referred, for his cooperation and assistance in developing this legislation. In addition, I would like to thank the ranking minority member of the Committee on Foreign Affairs, Mr. BROOMFIELD, for his support and assistance in developing the language before the House today.

Mr. Speaker, this legislation sets up a system for ensuring that the Congress is kept fully and currently informed on the cost accounting and burden sharing aspects of Operations Desert Shield and Desert Storm. I would like to emphasize that while there is considerable public support in the United States for Operation Desert Storm, the American public is intensely and legitimately interested in the extent to which our allies are sharing the burden of the cost of the war. The information required by this legislation is not all inclusive. But it goes a long way in keeping the Congress more fully informed on the issue of burdensharing. These reports will also provide a sound foundation for congressional oversight and for consideration of both U.S. military and foreign assistance requirements.

In closing, I would like to note that the committee worked closely with the White House, the National Security Council, the Office of Management and Budget, and the Departments of State, Defense, and the Treasury in developing this legislation.

Mr. Speaker, I urge my colleagues to support H.R. 586, as amended.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also am very pleased to be a cosponsor of the Schumer-Panetta bill as reported by the Committees on Foreign Affairs and Armed Services.

Yesterday the Committee on Foreign Affairs was given a choice between two pieces of legislation: One, a resolution of inquiry which could have done grave harm to our national security; the other, a bill which will ensure that Congress has access to substantive information on the gulf war, yet will also preserve the President's need for secrecy in matters that could jeopardize our conduct of the war.

The resolution of inquiry, sponsored by Mrs. BOXER, will be tabled at the conclusion of this debate. Had it been adopted, it could have forced the President to reveal a wide range of extremely sensitive information.

For example, I am told the resolution would have requested: Assessments of United States vulnerabilities to terrorist attack in connection with combat operations against Iraq, and the casualties that terrorists could cause by exploiting those vulnerabilities; casualty estimates that have been made regarding combat operations against Iraq; projections about the possibility that combat operations against Iraq may lead to wider regional conflict; assessments of Iraqs chemical and biological weapons capability and our options for neutralizing that capability; information about United States efforts to encourage other governments to support Operation Desert Shield, including memoranda summarizing specific meetings that the President, the Secretary of State, and the Secretary of Defense have held with foreign leaders; and analyses of postwar options for Iraq.

You may remember our vote authorizing the President to use force in the gulf. Speaker after speaker said they would commit themselves to support our troops, whatever the outcome of the vote. Congress would present Saddam Hussein with a united front.

The Boxer resolution would have driven a wedge into the united front. It would have set up a needless confrontation with the White House at the very moment that our troops in the gulf needed the undivided support of their Government. It would have sent a message to our troops that their Government was still infected with the Vietnam syndrome.

The Foreign Affairs Committee had quite a debate over this resolution yesterday. We had a choice between an irresponsible resolution of inquiry and a bill which asserts the prerogatives of Congress in a responsible manner.

In choosing the Schumer-Panetta bill, the committee chose wisely. Much of the credit should go the chairman, DANTE FASCELL, and the other Members and staff who worked tirelessly to shape a bill which is satisfactory to both Congress and the White House.

The Schumer-Panetta bill would accomplish the objective of informed congressional oversight, yet it would do it without putting our troops or our military strategies at risk.

It requires the President to provide reports in two important areas—how much the war is costing and how much our allies are doing to help us defray those costs.

The Schumer-Panetta bill has the support of both the Committees of Foreign Affairs and Armed Services. The administration has no objection to the bill. In fact, it is already supplying Congress with information on the contributions of our allies.

It is a reasonable bill, and it will help Congress play a role in formulating a sound and responsible foreign policy. I urge my colleagues to vote for it.

□ 1220

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. PANETTA], with the understanding that the gentleman from Florida [Mr. FASCELL], chairman of the Committee on Foreign Affairs, also yields 1½ minutes to the gentleman so that he will get a total of 3 minutes.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from California [Mr. PANETTA] is recognized for 3 minutes.

Mr. PANETTA. Mr. Speaker, first of all, let me express my thanks to the chairmen of both committees and the ranking minority members of both the Committee on Armed Services and the Committee on Foreign Affairs and to the leadership for their cooperation in fashioning the final version of H.R. 586 as it comes to the floor.

This is an extremely important piece of legislation in that it provides the kind of comprehensive information that is absolutely necessary if we are to meet our responsibility to the American people to justify the costs and the role of our allies with regard to this war.

Let me say at the outset that there are two very important principles: First, we are unified in the Congress and in the country on getting Iraq out of Kuwait, and our troops need not fear that they will somehow not have the adequate resources necessary to do that job. The resources will be provided. But the important issue that is presented by this bill is the need to accurately and adequately determine what the costs of the war will be, and we need to ensure that our allies carry their fair share of the burden.

The purpose of this legislation is to provide that information and to require the Office of Management and Budget on a monthly basis to present to us the incremental costs. It is extremely important that we understand that what we are dealing with here are the incremental costs, the costs above the defense budget level agreed to last year. We need to know what those are, and it is not easy because it involves very careful decisions about airlift, sealift, personnel costs, personnel support costs, operating costs, fuel, procurement, and military construction. These are all areas that need to be carefully analyzed in terms of looking at incremental costs.

Second, we want to look at the contribution of our allies. That is another key element that is involved in determining these costs. At the present time our allies have pledged something in the range of $50 to $52 billion. We have only received something in the vicinity of $10 billion. It is important that we keep the pressure on our allies to meet their responsibilities as well.

Tomorrow we will receive a supplemental request. That is probably the first installment involving the cost of this war that we will consider, and we look forward to the information we will be provided at that time from the administration. But I want to warn all of my colleagues that regardless of the length of this war, there is the huge job we will have over these next few months in itemizing the costs, in looking at the incremental nature of those costs, and in looking at the role of our allies. I need not remind my colleagues here as chairman of the Budget Committee that we face very difficult constraints as a result of the budget and as a result of record deficits at the present time. We have a duty not only to provide the resources necessary here but to justify those costs to the American people and to ensure that the role of our allies in this new world order is not just a role that confirms a slogan but is a reality in terms of meeting those costs. This bill will help us to fulfill that responsibility.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. PANETTA] has expired.

Mr. SPRATT. Mr. Speaker, if I might and if the gentleman from Michigan [Mr. BROOMFIELD] will allow us to have a brief colloquy, I yield 1 additional minute to the gentleman from California [Mr. PANETTA].

Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, we had testimony from Mr. Boucher, the Comptroller General, to the effect that the GAO has not yet been allowed access to any of the costs incurred in connection with Desert Shield or Desert Storm. Is it the gentleman's understanding as one of the authors of this bill that this bill would authorize the General Accounting Office, considering the intent of it as provided by existing law, to have access on request to costs incurred, their accuracy, and their allocation as incremental costs to these accounts?

Mr. PANETTA. Mr. Speaker, the gentleman is absolutely correct, that this bill would in fact authorize us to go to the GAO and ask them to audit the presentation for the administration, and indeed we would try to seek that out because we think we need the assistance of the GAO in order to evaluate these presentations.

Mr. FASCELL. Mr. Speaker, will the gentleman yield on that point?

The SPEAKER pro tempore. The time of the gentleman from California [Mr. PANETTA] has again expired.

Mr. FASCELL. Mr. Speaker, I yield an additional one-half minute to the gentleman from California [Mr. PANETTA].

Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the chairman of the committee.

Mr. FASCELL. Mr. Speaker, the issue is whether or not, as far as Defense is concerned, GAO will have access to both classified and unclassified material. Is it the intent of this legislation that GAO on behalf of the Congress will have access to classified and unclassified material so it will not be necessary to negotiate a contract between GAO and any agency of Defense in order to get the information? Is that the gentleman's understanding?

Mr. PANETTA. Mr. Speaker, that is my understanding.

Mr. FASCELL. Is that the gentleman's understanding of the purpose of the legislation?

Mr. PANETTA. Mr. Speaker, that is my understanding of the purpose of the legislation.

The SPEAKER pro tempore. The Chair will state that the gentleman from Flordia [Mr. FASCELL] has 6 minutes remaining, the gentleman from Michigan [Mr. BROOMFIELD] has 7 minutes remaining, the gentleman from South Carolina [Mr. SPRATT] has 2 minutes remaining, and the gentleman from Pennsylvania [Mr. WELDON] has 7 minutes remaining.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. SOLOMON], the ranking Republican on the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I just want to commend both the Committee on Armed Services and the Committee on Foreign Affairs, on which I had the privilege of serving for many, many years, for the substitute they are bringing to the floor, and which I intend to support wholeheartedly.

I really had serious reservations about the resolution of inquiry, which we will be voting on a little later. That resolution of inquiry, House Resolution 19 without casting any reflections on the sponsor, the gentlewoman from California [Mrs. BOXER] or the cosponsors, because certainly their integrity, their sincerity, and their patriotism cannot be questioned at all—could have really hurt our war effort in the Persian Gulf.

As I read that resolution, it would have required within 10 days after the adoption of the resolution that the President of the United States furnish the House of Representatives with all kinds of classified information, information such as any document prepared for his use that would have described or discussed the possibility of U.S. combat operations in the Persian Gulf. It would have required furnishing any document prepared by and for the President describing or discussing the effects of bombing or attacking Iraqi facilities that produce biological or chemical weapons or components of these weapons; I think that would certainly have telegraphed our intentions to this tyrant, Saddam Hussein.

□ 1230

Last, it would have required furnishing any document prepared by and for the President concerning possible targets of terrorist activities as a result of the participation of the United States in combat activities in the Persian Gulf. That would have exposed, in my opinion, our entire FBI operations in this country and our entire intelligence operations overseas. And it would have revealed those facilities or areas that we believe are vulnerable to terrorist activity.

I just say to both the Committee on Armed Services and the Committee on Foreign Affairs, that the resolution of inquiry certainly ought to be defeated. The committees are to be commended, because after we pass H.R. 586, which I hope will be by a unanimous vote—we should by all means defeat the Boxer resolution of inquiry by voting to table it.

If something were to go awry, and the resolution of inquiry were to pass, we would end up sending more extensive and useful intelligence information to Saddam Hussein than he is already getting from his best intelligence source, CNN.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I would like to clarify some questions I have about this bill. It appears to marry two thoroughly incompatible ideas.

On the one hand, the bill seeks to specify and delimit what is an incremental cost for Operation Desert Storm, with an eye to holding down what the Pentagon can ask for in its supplemental appropriations request for this conflict. On the other hand, the bill seeks detailed and timely information on what our allies are doing to help pay for the war. Congress needs both types of information. Putting them together in the same report will, I fear, cause mischief.

The incremental costs required to be reported are just a narrow set of the costs of this war. While the incremental costs may have run as high as $200 million a day during the Desert Shield portion and as high as $1 billion a day since January 16, these costs do not count all of what we are spending to prosecute this war. Indeed, we spend nearly $1 billion a day on supporting our Defense Establishment, most of which has been devoted to running Desert Storm. The Government has incurred other costs in terms of work by other agencies, used up or destroyed equipment, backfilling positions in Government held by reservists, and higher energy costs. And, as we all know, the American people have paid a very high price for this war in terms of careers interrupted, families separated, city hospitals stripped of medical personnel, and American men and women killed in the Saudi desert.

On the other hand, our allies get credit under this legislation for every penny they contribute, whether in kind or in cash. Take the case of Japan: The report will list the new Japanese pledge of $9 billion. And this figure will be compared with an incremental cost of, perhaps, $70 billion, of which the United States out-of-pocket cost may be as little as $19 billion. This will inaccurately suggest that Japan, which has no troops in the gulf, which has no citizens at risk, is paying more, as a percentage of GNP, to support the war than the United States is. This does not pass the test. Moreover, while the United States spends 5 percent of its GNP on defense, including a large portion to defend Japan and the sealanes it needs to sell its goods abroad, Japan spends only 1 percent of its GNP on defense. Worse, a substantial portion of the $9 billion contribution will be paid out of this tiny defense budget.

The fact is that the report required under this bill does not compare apples to apples. It compares a tiny fraction of all U.S. costs to every cost of our allies. The result will be that our allies will say they have already paid too much. It happened last week. Congressman DAVE MARTIN and I were in Seoul and Tokyo trying to get increased contributions from Korea and Japan. While we were there, President Bush announced that the allies had paid 80 percent of the cost of the war in 1990. Japanese officials we met with asked us how we could possibly ask for a greater contribution.

So, the first point to be made is that the incremental U.S. costs reported under this bill cannot and should not be compared to the allied contributions reported under the bill. I would like to ask the sponsors of this bill whether they agree.

Mr. PANETTA. If the gentlewoman will yield, she makes a relevant point. The purpose of the bill is to ensure that Congress receives information from the administration concerning the incremental costs of Operation Desert Shield/Storm and the contributions made by our allies to offset those costs. It will not be possible to use the reports required by the bill to answer the question of whether Germany or Japan or any ally is bearing its fair share in the broader context of burdensharing, including our operations in the Persian Gulf.

Mrs. SCHROEDER. My second question has to do with in-kind contributions. We know that various countries have loaned us vehicles, permitted us to overfly their territory, released war materiel, supplied commercial flights for refugees, and done numerous other things to help the effort. These countries ought to be congratulated for this. Still, I do not want Dick Darman deciding that these sorts of actions are worth a great deal of money and, thereby, make it look like our allies are doing more than they are in fact doing. In fact, while Korea promptly sent commercial aircraft and ships to help with the deployment, they presented us with a bill for the insurance. I wonder what the sponsors of the legislation would say about the valuation of in-kind contributions.

Mr. PANETTA. The gentlewoman is absolutely correct. We don't want the administration to unilaterally set a value on in-kind contributions. That is why in addition to requiring the administration to estimate the value of in-kind contributions, the bill requires a description of such contributions so that Congress can review those estimates. The bill should not be interpreted to mean that Congress will necessarily accept the administration's determination of the value of in-kind contributions.

Mrs. SCHROEDER. Next, the bill is completely silent on what commitments the United States has made to other countries to get their help. We know about the fact that we forgave Egypt's debt of $6 billion to get their support. I certainly heard people in Korea say that we should stop pressing them to open up their markets to United States firms in exchange for a larger payment. I wonder why the bill does not require a disclosure of these side deals.

Mr. PANETTA. The gentlewoman is correct. The bill does not ask the administration for information concerning the broader commitments made during the gulf crisis. However, this issue is far broader than the narrow focus of the Schumer-Panetta bill. The Schumer-Panetta bill addresses the incremental defense costs of the war and the allies' contributions pledged and received to offset those costs of the war. We are requesting information only on the incremental defense costs—a much narrower issue than you suggest.

Mrs. SCHROEDER. In terms of offsetting allied contributions against American expenditures, I think we should make it clear that in-kind contributions should be counted on both sides of the ledger. In other words, if the Saudis are to get credit for the huge amount of fuel and water they have provided, the incremental cost side must show this fuel and water as a cost and the contribution side should show the same amount as a contribution. Is this correct?

Mr. PANETTA. The gentlewoman is correct. In-kind support is counted in H.R. 586 on both sides of the ledger—as costs and contributions.

Mrs. SCHROEDER. My final point is this. I have studied what our allies have done to support the war in the gulf. Kuwait, Saudi Arabia, and Japan are all contributing substantial amounts of money to the effort. Yet, in terms of their ability to contribute and in terms of the total cost of the effort, these contributions are inadequate. Do you agree that no one should use these reports as a basis for saying that the allies are paying their fair share?

Mr. PANETTA. The gentlewoman is correct. The purpose of the bill is to enable Congress to get timely and accurate information on the incremental costs of Operation Desert Shield/Storm. The reports required by the bill cannot be, by themselves, used to answer the question of whether any ally is paying its fair share in the broader context of burdensharing.

Mrs. SCHROEDER. I thank my colleague for his assurances.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I thank the managers of this bill, and especially want to thank the gentlewoman from Colorado [Mrs. SCHROEDER] and the chairman of the Committee on the Budget, Mr. PANETTA, for that very important colloquy on the technical aspects of this bill. It is extremely important that we all understand this.

Mr. Speaker, I rise in strong support of this legislation. As Congress works to support the President and our troops in Operation Desert Storm, it is only right that such support be returned. But we also have the right and the obligation to know what this war will cost us, and what assistance we are receiving from abroad. H.R. 586 compels the administration to produce the economic facts—the costs of Desert Storm—equipment, personnel, transportation, and supplies.

Perhaps more important, however, are the provisions concerning foreign nations involvement in this conflict. I will say that, on the surface, the expressions of our allies have been expressions of good intentions for the most part.

Yet, as I have long maintained, we cannot finance this war on promises. We must have cold, hard cash. That is true burdensharing.

For that reason, I am particularly supportive of the provisions in this bill that would require the administration to inform Congress exactly what our allies have done—and given—to this united effort. Month by month, Congress must know what our allies have pledged us and, more important, what they have given.

This is not an American war. And we cannot and will not allow our allies—and the rest of the world for that matter—to forget that fact.

This bill is a first step toward ensuring that Congress gets the information it needs—to which it is entitled. Only then can we hope to turn promises and commitments into dollars and cents.

I urge my colleagues to support this legislation, and assure Congress the role to which it is entitled.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise that the gentleman from Pennsylvania [Mr. WELDON] has 7 minutes remaining, the gentleman from Michigan [Mr. BROOMFIELD] has 2 minutes remaining, the gentleman from South Carolina [Mr. SPRATT] has 1 minute remaining, and the gentleman from Florida [Mr. FASCELL] has 4 minutes remaining.

Mr. WELDON. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I rise in favor of the legislation, and certainly hope that the legislation will pass. But I am disturbed by where this whole process began. This whole process began with a resolution of inquiry.

Now, that may sound like it is a fairly normal thing, but a resolution of inquiry is a very abnormal thing. For one thing, it is one of those privileged measures that has to come to the floor, unless it is acted on in some other manner, which means that Congress is forced to take action on such a resolution.

Therefore, we began this process with a resolution of inquiry. Understand something else about a resolution of inquiry; a resolution of inquiry is typically a resolution designed against an administration which we do not trust. So a resolution of inquiry is borne in distrust of the leadership in the White House.

It is also, because of the nature of the resolution of inquiry we have before us, a resolution which was willing to risk making very important classified information public. So it was absolutely necessary for the leadership of the Congress to figure out some means to deal with something that was undermining of leadership, and also possibly dangerous to our own troops.

In other words, what we had here at the beginning was an activity designed to find ways to criticize, rather than to compliment, what was happening in the Persian Gulf. The "blame America first" crowd has not had much to work with in the last several weeks.

□ 1240

America is actually winning the war. We are doing it with weapons that many of the blame-America-first crowd did not even want to build, and we are doing that job. We are obtaining the victory as a part of an alliance that is actually holding together in very remarkable ways.

What do the critics of the administration seek to achieve in what they are doing? One has to believe that if possible they would like to find defeat in the face of victory. The perceived defeat of this Nation in Vietnam has served their cause very well for many years. They would like to cast doubt on the ability of our military to do its job and do it well, and they would like to raise suspicions about the very nature of our alliance. Some of those suspicions have been dealt with on the floor even in the course of this debate.

What they seem to want then is a flow of information that will give them the basis on which to raise those kinds of criticisms. I find that a little bit disturbing. The fact is that our regular process for determining authorizations and appropriations probably would get us the information that is going to be gotten by this resolution anyway. The Appropriations Committee is certainly able to ask any questions of the Defense Department or of the Department of State. They can bring the folks up here that are going to answer these questions and ask them those questions within the committee anyhow, so this resolution probably does not get us any new information.

But it does not do much harm either, and so we are all going to vote for it because there is nothing in particular wrong with asking for the kinds of things that are in this resolution.

But the original intent of the resolution of inquiry I think is very troublesome and something that we should not lose track of as we move forward here. Instead of trust in the Presidential leadership, the process began with distrust. Instead of doing what is best for our troops, this process began with a resolution of inquiry which literally could have put their lives at risk.

I am happy that we ended up with a resolution that all of us can support and that the administration feels comfortable with. But I do not think that as a Congress we should ever allow people to put us at the kind of risk that we were originally facing.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am very happy to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding and first appreciate his support of the legislation. As he stated, this legislation is not intended to be partisan. I think just about everyone who supports the legislation is fully in support of the war effort, but it is our responsibility to know both the costs of that effort and who is paying for it. We all want to see our allies pay a fair share.

Mr. WALKER. I was going to say to the gentleman that I think we could have found out that information probably without the resolution.

Mr. SCHUMER. That is the very point I wish to make to the gentleman. I have made several inquiries of the relevant authorities, and I know the chairman of the Budget Committee has asked them to come and testify on these particular issues, and we could not really get answers.

Mr. WALKER. The fact is that next week we will have a supplemental appropriation bill coming to the Hill. In the course of determining the nature of that supplemental appropriation, the administration witnesses are obviously going to have to answer questions related to the amounts of money they have in it. That is the way the normal process works. One would have to believe that that is exactly what would happen in this particular case.

Mr. SCHUMER. If the gentleman will yield further, until the legislation—until this legislation was drafted and had its genesis in the points I have mentioned, and the gentleman from California and I had talked about, we just were not getting those answers when we asked questions. We were getting very good information, for instance, on how much the allies had pledged. We were not getting very good information at all about how much they had actually paid. I am sure the gentleman will agree that a pledge is not worth very much; actual money in the bank is.

So the purpose of this, I would say to the gentleman, is not nefarious, it is not partisan, it is not intended to undercut anybody, as I do not think the resolution of inquiry was, and as I am sure the gentlewoman from California will talk about.

Mr. WALKER. I would simply say to the gentleman that the resolution of inquiry, though, had many troublesome aspects to it.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER].

Mr. SPRATT. Mr. Speaker, I yield 30 seconds to the gentlewoman from California.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentlewoman from California is recognized for 2½ minutes.

Mrs. BOXER. Mr. Speaker, I thank both gentlemen for yielding me the time.

I rise in support of the Schumer-Panetta proposal, and I support the tabling of House Resolution 19, the resolution of inquiry that has been discussed here today.

The resolution of inquiry was introduced in the spirit of this Congress needing information to make a very difficult choice. It was written before the war broke out, and clearly the kind of information we were asking for was information that we needed in order to make an intelligent decision.

I for one can say that I did not come here to Congress to make decisions based on hopes and dreams, but on solid information. I am very pleased to say that because of the development that came out of the resolution of inquiry and other independent issues surrounding it, we are going to get the information that we need. We are going to get the information through the Schumer-Panetta bill, information regarding burdensharing, very important information regarding what our allies will actually pay over to the taxpayers of this country.

Our men and women are taking the gamble on their own lives here, and we need to know that our allies are doing their fair share. Everyone has stated that.

Since the resolution was introduced, not only did the Schumer-Panetta bill come forward, but the chairman of the Armed Services Committee, the gentleman from Wisconsin [Mr. ASPIN] and the chairman of the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], have written some very important letters to the President asking for some very important information that goes back to the history of this situation and that talks to the future of the Middle East. So I think No. 1, certainly the war broke out and that changed the need for the resolution of inquiry that was written before the war broke out, and our collegues, Mr. SCHUMER and Mr. PANETTA, have moved very aggressively on the budgetary issues surrounding the war. The fact that the two chairmen have pledged to do all they can to get the information they need means that today we have a wonderful compromise here. We can pass Schumer-Panetta and we can table House Resolution 19, and all of us, the 17 Members who are on that bill, can feel very comfortable that we are going to get the information we need.

I want to point out to this body something that is critical here. Of course this body does receive classified information. It does so all the time, and the rules of the House state how that can be handled, and everything going along with this resolution or going along with the Schumer-Panetta bill will be dealt with in that fashion.

I thank the gentlemen very much for yielding the time.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania, [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I just rise with a question for the gentlewoman from California. She states that her resolution of inquiry was drafted before the war began. The war began on August 2. Was the resolution of inquiry drafted before August 2?

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from California.

Mrs. BOXER. Mr. Speaker, we are talking about before the Congress voted, I would have to say, on the war, because to me, under our Constitution, Congress has to vote.

Mr. WALKER. Reclaiming my time, I would say to the gentlewoman that we began to deploy troops to the Middle East and put them in harm's way as of August 2. So the fact is that that is when the war broke out, and that is when troops began to get in harm's way. So the gentlewoman is saying to us that her resolution of inquiry was drafted in fact after our troops were placed in harm's way.

Mrs. BOXER. As the gentleman knows, the President of the United States came to this Congress in January, and this Congress did not vote on that war resolution until January, and this resolution was drafted before.

Mr. WALKER. The Congress did not vote until the lives of our troops were at stake, and the gentlewoman has admitted that her resolution of inquiry came after that time.

The SPEAKER, pro tempore. The Chair would advise that the gentleman from Pennsylvania [Mr. WELDON] has 1 minute remaining; the gentleman from Michigan [Mr. BROOMFIELD] has 1 minute remaining; the gentleman from South Carolina [Mr. SPRATT] has 30 seconds remaining; and the gentleman from Florida [Mr. FASCELL] has 2 minutes remaining.

Mr. FASCELL. Mr. Speaker, I yield 1 minute 30 seconds to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I thank my dear friend, chairman of the committee, for having made available this time to me. I commend him and the two committees for the fine leadership which they have displayed in terms of bringing this legislation to the floor.

□ 1250

I do feel very strongly that stronger provisions, however, are needed, and it is my feeling that as events go forward we are going to have to encourage our so-called friends and allies around the world that they should participate to a greater degree both in terms of real efforts and also financial efforts to resolve the problem in the gulf.

Just 2 weeks ago, the administration reported that the allies had pledged $51 billion to the war effort. That is good news. The bad news, however, is that only $7 billion of these pledges have been paid. Japan, for instance, has pledged a total of $13 billion, but still owes $9 billion. As the Japanese Government continues to debate with itself, the United States cannot be certain whether the pledge will ever be paid or whether, indeed, any meaningful contribution will flow from that country.

A similar problem exists with regard to Germany, where Germany has made healthy payments to the Soviet Union for the housing and other benefits to be conferred upon the soldiers that the Soviets have withdrawn from Eastern Germany, but where very little in terms of real assistance comes to the United States.

This is not a war that is being fought by the United States for American interests. The United States and our friends and allies and members of the coalition are engaged in a major effort to see to it that the U.N. resolutions are carried forward.

It is outrageous that some nations will continue to sit on the fence while the United States spends its treasure and blood to restore balance to one of the most dangerous and troublesome areas of the world and to prevent not only economic dominance of that area real political, economic, financial, and other dominance of the world by Saddam Hussein.

It is time others participated in this effort with cash and not promises.

Mr. Speaker, I rise today in support of H.R. 586, which requires the administration to submit reports to the Congress on the cost of the Persian Gulf war as well as the contributions made by our allies. I only wish that some of the stronger provisions which I authored in H.R. 317 could have given this bill more teeth. My bill allowed the President to use additional import duties to ensure that laggard allies pay their fair share when the bill comes due. While H.R. 586 does not go this far, I am hopeful that it will ensure that the costs of this war will be shared fairly.

Just 2 weeks ago the administration reported that the allies have pledged $51 billion to the war effort. However, only $7 billion of those pledges have been paid. Japan, for instance, has pledged a total of $13 billion, but still owes $9 billion. As the Japanese Government continues to debate amongst itself, the United States can not be certain that its pledge will ever be paid.

It is outrageous that some nations continue to sit on the fence while the lives of our men and women are being lost. The burden must be shared with cash, not promises. And it must be shared now.

Mr. WELDON. Mr. Speaker, I yield myself 1 minute, the remainder of my time.

Mr. Speaker, in closing, I would just like to say I think this is a good piece of legislation. I would hope that no one would misconstrue the fact that the administration has not over the last 6 months provided this Congress and its Members with the information and access to documents relevant to the operation of Desert Shield and Desert Storm.

For the record, I have submitted the detailed descriptions of over 170 briefings, both classified and unclassified, and access to information by Members of this body and the other body on the operation of Desert Shield and Desert Storm.

At this time I am submitting for the RECORD a letter dated February 20 from Brent Scowcroft to the honorable chairman of the Committee on Foreign Affairs outlining additional information and documents that have been provided, and I would also state for the record that the information as to dollars placed and received as of this point in time is available and has been available for at least a week in classified form to any Member of this institution who wished to get access to that information.

I urge my colleagues to support H.R. 586.

THE WHITE HOUSE,
Washington, DC, February 20, 1991.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am responding on behalf of the President to your letter of February 7, 1991, concerning H. Res. 19, a resolution of inquiry on Operation Desert Shield. I hope you will agree that since the onset of Operation Desert Shield the Administration has made every effort to provide accurate and timely information to the Congress. As part of the Administration's commitment to close consultation with Congress, the President has had over 25 meetings with the congressional leadership and Members. Secretary of State Baker, Secretary of Defense Cheney, and Chairman of the Joint Chiefs of Staff Powell have appeared numerous times before your Committee and at meetings to which the full membership of the House and Senate were invited. In addition, their departments have provided regular briefings to the full congressional membership. We fully intend to maintain this level of consultation and dialogue.

In response to your request for specific documentation, I am enclosing documents from the White House and the Departments of State and Defense. Included among the White House documents are (1) a list of congressional hearings, briefings, and meetings involving Administration officials, and (2) a fact sheet and table on burdensharing. The State Department documents consist of (1) a list of congressional hearings and briefings involving Secretary Baker, and (2) tables concerning burdensharing. The Defense Department documents include (1) a list of military briefings and testimony that have been provided to Congress, (2) a list of intelligence briefings that have been provided, (3) casualty reports through February 11, (4) a January 14 report by the Comptroller of the Defense Department on contributions to the Defense Cooperation Account, and (5) Desert Storm Advisory Reports that have been provided to members of Congress. The Central Intelligence Agency also will be providing you with a list of finished intelligence products and briefings on Persian Gulf topics raised by H. Res. 19 that have been provided to the House Armed Services or Foreign Affairs Committees since August 2, 1990. The CIA information will be provided to you in classified form under separate cover.

I emphasize that all of this information is current and therefore relates to both the Desert Storm and Desert Shield phases of the Persian Gulf deployment. The information therefore is broader than that requested by H. Res. 19, which was restricted to the Desert Shield phase. While this information is not presented in the detailed format requested by your letter, it is the best that we have been able to do in the limited time afforded by your request. In an effort to be as responsive as possible, I provide below additional observations about the specific categories of information requested by H. Res. 19.

1. Casualty Estimates.—We have promptly advised the two Armed Services Committees of every casualty sustained in Operation Desert Shield/Storm. This information is recapitulated in the casualty reports through February 11, included among the materials enclosed from the Defense Department. This information relates to actual casualties, not estimates, and therefore should be of greater interest than the casualty information requested by H. Res. 119.

2. Catalyst for Wider Regional Conflict.—All Members of the House and Senate have been invited to briefings by Secretaries Baker and Cheney on numerous occasions to discuss Operation Desert Shield/Storm. On each occasion, the Secretaries have frankly discussed the international relations ramifications of the Operation, and Members have had the opportunity to ask questions. In addition, the Intelligence Community provides daily finished intelligence products to eight congressional committees, including your Committee. This material routinely analyzes relationships among countries of the region.

3. Biological and Chemical Weapons.—The Armed Services, Foreign Affairs, Intelligence, and Appropriations Committees of both houses have been briefed in detail about Iraq's biological and chemical weapons capability. The periodic update briefings for all Members of the House and Senate have included detailed discussions of the damage inflicted by Coalition air strikes on Iraqi biological and chemical weapons facilities. Again, the information provided in these briefings relates to damage actually inflicted rather than projections of the damage that could be inflicted.

4. Disruption of Oil Supplies from the Persian Gulf.—Secretary Watkins' congressional testimony has discussed this issue. In addition, congressional meetings with Secretaries Baker and Cheney and General Powell have addressed this subject, as have the periodic update briefings for all Members.

5. Terrorism.—The two Intelligence Committees and the House Foreign Affairs Committee have been briefed in detail on the terrorist threat by representatives of the CIA, the State Department, and the FBI. In addition, intelligence analysts have provided numerous updates on the terrorist threat during periodic briefings for Members.

6. Burdensharing.—Detailed information on this subject is enclosed. The congressional meetings with Secretaries Baker and Cheney, in particular, have included lengthy discussions of their meetings with representatives of Coalition governments.

7. Budgetary Options for Paying for Operation Desert Shield.—Administration officials have stated on numerous occasions that Desert Shield/Storm will be funded separately through a supplemental appropriation. Congress agreed to this approach as part of the budget agreement reached in October 1990, and we anticipate submitting the proposed supplemental in the very near future.

8. Post-Conflict Options for Iraq.—Secretary Baker has commented extensively on this subject in congressional testimony.

I hope that this information is useful to your Committee. Please contact me if you have any additional questions.

Sincerely,

BRENT SCOWCROFT.

Mr. FASCELL. Mr. Speaker, I yield the remainder of my time to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in support of this resolution.

But we are here because our allies have pledged $50 billion and have only delivered $10 billion. We are here because we do not think that enough pressure is being brought on our allies to do their share.

We are also anticipating that our allies will not pay their share, and that we will be forced, with another supplemental, to pay for that share.

And, last, we are here because if our allies do not pay their share, that means money from health care, education programs, that our people want and need.

Mr. Speaker, if there has been one Persian Gulf war issue on which there is unequivocal unanimity among Americans, it is that it not be fought, or paid for, by the United States alone.

Determining equitable burdensharing among nations at the best of times is not simple. In wartime the problem is even more complex. What assumptions do you make for military and civilian planning purposes? How do you compare contributions in areas as different as manpower, logistical support, aid in kind, and aid to front-line states? How do you compare dependence on Middle Eastern oil among countries of wildly differing sizes, resources, and needs? There can be no precision in estimating costs when we do not know how long the war will be fought and the type of warfare which will be conducted. But comparisons and assumptions have been made by the executive branch. I support this resolution's requirement that periodic reports on allied contributions be made to the Congress, and to the American people. We, too, must make plans for the future of this country.

Comparisons I have made to date based on available public information prove there are still blatant discrepancies in who is funding and fighting this war. Another way of putting it, is the burdensharing glass half empty or half full? For the President, the glass is half full, and destined to be filled. For my part, the glass is still half empty, and the prospects for filling it are dim.

From an analysis of the President's proposed fiscal year 1992 budget, it is clear the administration is assuming that the fighting will be over by summer and that, as a result, the United States share of the war will only cost $15 billion. To implement these assumptions, the administration is now preparing a two-part supplemental request to Congress for money to pay for military costs in the Persian Gulf for the first 3 months, or 1 fiscal year quarter, of 1991. First, President Bush will ask for congressional approval to spend about $40 billion in new contributions from U.S. allies. Second, the administration will seek congressional authority to spend about $15 billion in American funds if the allied contributions prove to be inadequate.

Even while Congress is being asked to approve additional spending, the Pentagon cannot document precisely how the funds will be spent, nor can the administration promise the allies will, in fact, pick up 80 percent of the war's costs as the United States plans. But the costs keep mounting. We have been at war now for 36 days, and there is no sign that we will not be at war 36 days from now. Will allied contributions increase proportionately, or have their contributions peaked?

The lowest figure being used to asses daily warfighting costs is $500 million a day since January 17, 1991; more often one hears of estimates of $1 billion per day. Between August 2 and December 31, 1990, the allies have contributed 88 percent, or $9.7 billion of the $11.1 billion total spent on the war. They are to be commended for their commitments and contributions.

However, of the six countries that offered the largest contributions to Operation Desert Shield at its outset in August, only Kuwait has given all the money it originally promised—yet its armed forces stand now at only 7,000, less than half of its preinvasion 16,000-man army. The Japanese Government, after a tardy and stingy first offer of $1.74 billion, is in danger of falling prey to a vote of no confidence over their request to the Diet for a further $9 billion appropriation for warfighting costs. Chancellor Kohl of Germany churlishly denied Pentagon complaints about the tardiness of its promised contributions, and is coy about future levels of financial commitment. Estimates of Arab windfall profits from increased oil revenues have not readily translated into increased economic support for the frontline troops.

Can we really plan on more money being made available if the war drags on? Or is a half full glass all we will get to slake the desert-induced thirst?

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we are 6 months into Desert Shield-Desert Storm, and it is past due that we have an accounting of what costs have been incurred and what contributions have been received since this bill is long overdue, and I urge everyone to support its passage.

By the same token, we have accountants at the General Accounting Office who have an equal entitlement. In fact, they have a statutory authorization in title 31, section 716, of the United States Code, access to the supporting documentation, and I hope we pass this bill with confirmation of that authority and the right to audit the accuracy and the allocation of the information we seek to have reported in this bill.

Mr. WOLPE. Mr. Speaker, I rise in strong support of H.R. 586, legislation that would require the administration to provide the Congress with reports on the incremental costs to the United States of the Persian Gulf war, and on the contributions of allied nations.

Allied pledges have poured in during the last few weeks to help offset the mounting costs of the Persian Gulf war. These gestures are welcome, but we must not be lulled into complacency by allied promises of cost sharing.

Nor should we forget the enormous financial costs of Operation Desert Storm. Before the war broke out, the congressional budget office estimated that war could add from $17 billion to $35 billion to the Pentagon's fiscal 1991 budget. The high-technology gulf war is estimated to cost $600 million a day, and this figure could climb to as high as $2 billion a day once a ground war starts.

H.R. 586 would put in place an important mechanism to chart both the financial costs of the war in the gulf and the amount of the contributions made to the United States by foreign countries to offset those costs.

With persistent budget and trade deficits, a growing recession, and many urgent domestic needs, we must be diligent in our assessment of the incremental costs of the war effort. Moreover, it's time that we demand that our allies pay their fair share for our common defenses.

Mr. Speaker, I urge strong support of H.R. 586.

Mr. KANJORSKI. Mr. Speaker, I rise today in support of the measure before us.

Many of this bill's provisions mirror those of legislation I introduced earlier this year. Both require that the President submit to Congress reports detailing the cost of the war to the American taxpayer, as well as the contribution of our allies.

The American people, and Congress, need to know how many of our tax dollars are being spent on Operation Desert Storm. This knowledge will enable us to plan and perform to the best of our abilities.

By knowing the extent of our obligation in this area, we will be better able to estimate what resources are available for dealing with other concerns. This is true not only for the upcoming fiscal year, but also for years to come.

Furthermore, the Amercian people deserve to know what the contributions of our allies are in this war. This will enable us to determine who really put their money where their mouth is. This could offer us a valuable lesson for the future.

A new world order has often been discussed. By knowing whether multiple countries are truly willing to work together and contribute to this struggle to force Iraq to withdraw from Kuwait, we will be able to determine the likelihood of future global police force actions.

I urge my colleagues to support the measure.

Mr. GOSS. Mr. Speaker, well we are at it again—debating how we can properly do our job without doing the President's job for him. We have had this debate before and we will surely have it again * * * and it is a good debate to have. However, put in the context of war, the merits of the decisions made in this Chamber could very well be measured in the life and death of our troops in the Middle East. Now, more than ever, we must be aware of the fine line between legislative duty and legislative meddling.

The measure before us today allows us to do what we were sent here to do. The principle function of Congress is oversight, and in having the President report to us on the fundamental costs of Operation Desert Storm, we are fulfilling our obligation to our constituents and our country. I support H.R. 586 for this reason, and I urge my colleagues to do the same.

What troubles me Mr. Speaker, have been the attempts of some of my colleagues to micromanage every aspect of this war. There has even been an initiative to force the administration to release some very sensitive information—information that, if leaked during wartime, could have devastating consequences to our troops in the field. During my time in the CIA, I saw firsthand that leaked secrets cost lives—plain and simple. They undercut our policy objectives and undermine our credibility throughout the world.

This war cannot and should not be fought with 435 commanders in chief. I believe the administration has done an excellent job in providing this Congress with timely and accurate information—and I am confident that this cooperation will continue.

We will not be left out in this process, the Constitution guarantees that. In these extraordinary times of war, we owe it to our troops in the field to give them every opportunity to come back to us safely. Let the President do his job and let us do ours. That is the way the Constitution intended, and that is the way Government works best.

Mr. GEPHARDT. Mr. Speaker, the President has done a masterful job in assembling a political coalition against Saddam Hussein. He has marshaled the forces of democracy and justice, calling upon some of our wealthiest allies to join in this cause.

The Congress, and the administration, has reminded our allies that with prosperity comes responsibility. Although the United States is now the dominant country capable of assembling the might to eject Saddam from Kuwait, there are many nations around the world who must also share the burden, particularly the economic burden, of fighting this war.

We have now amassed $53 billion of IOUs from our allies, but they have only written checks for $13 billion in direct payments and in-kind contributions. We know this is an expensive endeavor, but we still do not know how expensive it has been, or will be. Our citizens are deeply concerned that the allies are engaging in burden-shirking rather than burden-sharing, that America will have to borrow billions upon billions of dollars to finance the war, and that we will bear too heavy a burden and pay too high a price for sacrifices that must be equally shared.

This legislation requires the administration to provide Congress with the information about the costs of Desert Shield and Desert Storm from the day our deployment began and every month thereafter. This legislation will give us information about the actual size of the contributions from our allies to help offset the costs of this operation. And finally it requires periodic reports of contributions made by our allies to other members of the coalition allied against Saddam Hussein.

Mr. Speaker, our Nation now feels the special unity that comes during wartime. We have seen an outpouring of pride in our country, our soldiers, the performance of our technology, and, most of all, in a cause that is just.

Resting below these deep feelings of pride, I think it is fair to say, are also feelings of anxiety—concern about what this new world order will bring, what the war will mean for our economy, and what the war will mean for our future.

The legislation before us today is about all of these things, even as it addresses directly an accounting issue and, indirectly, a matter of principle. That principle is simply this: When you mobilize the world on behalf of a cause that is just, the world has a responsibility to stand with us on all fronts: moral, military, diplomatic and financial. The bill before us will help us ensure that responsibility is fulfilled.

Mr. LEVINE of California. Mr. Speaker, I rise today in strong support of the legislation sponsored by my friend from New York to insure that Congress gets adequate information about the costs of the gulf war and the contributions made by our allies to the war effort.

On the first day of this session, I introduced House Joint Resolution 50, which included a similar requirement for monthly reports to Congress on allied burdensharing pledges and actual contributions.

The administration claims our allies have been very forthcoming with contributions to offset U.S. costs in the Middle East, but many of us, Mr. Speaker, are not impressed.

Aid has been offered only grudgingly, and very little of what has been promised has actually materialized.

The Saudis and the United Arab Emirates are raking in billions in additional profits from their increased oil production as a result of the war, while they benefit from the protection of U.S. forces and U.S. military expenditures.

The Germans are excusing themselves from extensive aid, citing the cost of reunification and other economic woes.

The Japanese have tried to hide behind their constitution to avoid their fair share of the burden.

Meanwhile, the costs to the United States are mounting at the rate of nearly $500 million a day. Unfulfilled allied promises will not pay those bills. And we all know the U.S. taxpayer has no one else to pass the buck to.

While our allies shuffle their feet and make excuses, American blood is being shed in defense of Saudi Arabia and other Arab targets of Saddam's aggression, and to preserve the oil lifeline that is much more vital to most of our allies than it is even to us.

If our allies are indeed going to pick up the overwhelming share of Desert Shield and Desert Storm costs, then let's have the figures to prove it.

There's still considerable uncertainty over the extent to which allied contributions are to be applied to offset U.S. costs directly, or whether they are intended for aid in kind or aid to frontline states. While all assistance is appreciated, the distinction is still crucial to the U.S. bottom line.

The information required by this bill will give us the ability to make a fair assessment of U.S. costs and allied contributions. It will put our allies on notice that their responsibility to pay a fair share of the economic burden is taken seriously by the Congress, and will be monitored closely.

I urge my colleagues to lend their full support to the bill.

Mr. TALLON. Mr. Speaker, it is time that our allies help us in bearing the burden of Operation Desert Shield. And H.R. 586 a bill to require reports on the Cost of Persian Gulf Operations is the first step in the right direction.

This measure requires the administration to submit periodic reports on the cost of military operations in the Persian Gulf region and on the contributions of allied countries. At this time, our allies have pledged $50 billion and so far they've only given us $10 billion. This bill is long over-due in order to see that our allies cover their share of the costs.

Clearly the United States is the only world power to lead such awesome international coalition against Saddam Hussein. We can do it because of our outstanding military and because of our political stability. We are also sacrificing much more than any other country in terms of human costs. However, we should not be the ones to bear the financial responsibility as well. After all, this is a global crisis.

The provisions of H.R. 586 will provide Congress and the American people with hard data to determine what the next step should be in getting our allies to comply with their fair share of the burden.

The administration will have to report costs of any defense-related expenditures above those that normally would have been incurred during peace-time. At the same time, the administration will also have to report the actual financial contributions made by foreign nations to defray the costs to the United States of the Persian Gulf war.

Once we have rock-solid figures through the provisions of H.R. 586, the administration and Congress can shape an allied burden-sharing policy with teeth. I am a cosponsor of H.R. 317 which represents the type of burden sharing agenda we should pursue. It poses economic penalties in the form a twenty-percent duty on all goods of any nation that is not paying its share. Moreover, all funds earmarked by H.R. 317 will go to pay for American contributions to Operation Desert Storm.

Japan, Germany, Saudi Arabia, Kuwait and others need to know that if they do not contribute their fair share in this urgent world crisis that there will be a high economic penalty. If they do not physically give us the money, the American Congress and administration will take steps to extract it from noncompliant Allies.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Wisconsin [Mr. ASPIN] that the House suspend the rules and pass the bill, H.R. 586, as amended.

The question was taken.

Mr. SPRATT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 1, not voting 39, as follows:

[Roll No. 23]

YEAS—393

Abercrombie
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Martin
Martinez
Matsui
Mazzoli
McCandless

McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny

Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton

Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weldon
Wheat
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff

NAYS—1

Stump

NOT VOTING—39

Ackerman
Barnard
Bartlett
Barton
Brown
Bustamante
de la Garza
Dornan (CA)
Dreier
Duncan
Dymally
Fields
Ford (TN)

Hayes (LA)
Huckaby
Hunter
Jefferson
Lehman (CA)
Lent
Marlenee
Mavroules
Miller (OH)
Ortiz
Ridge
Roberts
Rostenkowski

Schulze
Solarz
Sundquist
Thomas (CA)
Torres
Traxler
Udall
Washington
Waters
Weiss
Whitten
Wilson
Zimmer

□ 1315

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "An Act to require regular reports to the Congress on the costs to the United States of Operation Desert Shield and Operation Desert Storm, on the contributions made by foreign countries to offset such costs, and on other contributions made by foreign countries in response to the Persian Gulf crisis.".

A motion to reconsider was laid on the table.

PERSONNEL EXPLANATION

Mr. ZIMMER. Mr. Speaker, I was unable to vote on H.R. 586 because I was unavoidably detained. Had I been able to vote on the measure, I would have voted in the affirmative.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time so that I might inquire of the distinguished majority leader the program for the balance of this week and next week, and I yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

There will be one additional vote this afternoon on a motion to table. That motion will be made imminently and the vote will come right away, without debate.

There will be no session or no votes tomorow.

On Monday, February 25, the House will meet at noon, but there will be no legislative business.

On Tuesday, February 26, the House will meet at noon to take up suspensions, but suspension votes will be postponed until Wednesday, February 27. We will consider House Joint Resolution 100, recognizing the 200th anniversary of the establishment of dipomatic relations between the United States and Portugal.

On Wednesday, February 27, the House will meet at 2 p.m. to consider H.R. 111 to provide for VA grants to assist medical schools in establishing new research centers. Of course, the vote, if there is one, on Tuesday, will be held on Wednesday.

On Thursday, February 28, the Hosue will meet at 11 a.m. to take up a House resolution concerning the Resolution Trust Corporation funding. That is subject to a rule.

On Friday, March 1, the House will not be in session.

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader.

ADJOURNMENT TO MONDAY, FEBRUARY 25, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesdy rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MAKING IN ORDER ON WEDNESDAY, FEBRUARY 27, 1991, MOTION TO CONSIDER BILL UNDER SUSPENSION OF THE RULES

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, February 27, to consider a motion to suspend the rules and pass the bill, H.R. 111, to provide for VA grants to assist medical schools in establishing new research centers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 19 CALLING FOR SUBMISSION TO HOUSE OF REPRESENTATIVES OF CERTAIN INFORMATION REGARDING OPERATION DESERT SHIELD

Mr. FASCELL, from the Committee on Foreign Affairs, submitted a privileged report (Rept. No. 102-5, part II) on the resolution (H. Res. 19) calling for the submission to the House of Representatives of certain information regarding Operation Desert Shield, which was referred to the House Calendar and ordered to be printed.

□ 1320

REGARDING INFORMATION ON OPERATION DESERT SHIELD

Mr. FASCELL. Mr. Speaker, pursuant to the order of the House of February 20, 1991, I call up the resolution (H. Res. 19) calling for the submission to the House of Representatives of certain information regarding Operation Desert Shield, and ask for its immediate consideration.

Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of House Resolution 19 is as follows:

H. RES. 19

Resolved,

SECTION 1. INFORMATION TO BE FURNISHED.

Within 10 days after the adoption of this resolution, the President shall furnish to the

House of Representatives the following information with respect to Operation Desert Shield:

(1) CASUALTY ESTIMATES.—(A) Any document prepared for or by the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the chief of staff of any military service, or the United States Central Command in Saudi Arabia that describes or discusses—

(i) the estimated casualties that would be suffered by United States military personnel in the event that combat operations commence under Operation Desert Shield; or

(ii) the estimated casualties that would be suffered by military and civilian personnel of other countries in the event that combat operations commence under Operation Desert Shield.

(B) The documents submitted pursuant to this paragraph shall include any document describing or discussing casualty estimates under any or all types of scenarios considered plausible, including defensive and offensive operations.

(2) OPERATION DESERT SHIELD AS CATALYST FOR A WIDER, REGIONAL CONFLICT.—Any document prepared for or by the President, the Secretary of Defense, the Secretary of State, the Chairman of the Joint Chiefs of Staff, or the chief of staff of any military service that describes or discusses the possibility that a United States combat operation, defensive or offensive, would be the catalyst for a wider, regional conflict.

(3) BIOLOGICAL AND CHEMICAL WEAPONS.—Any document prepared for or by the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, or the chief of staff of any military service that describes or discusses—

(A) the long-term effects of exposure to the biological and chemical weapons now available to the Iraqi Government; or

(B) the effects of bombing or attacking Iraqi facilities that produce biological or chemical weapons or components of these weapons.

(4) DISRUPTION OF OIL SUPPLIES FROM THE PERSIAN GULF.—Any document prepared for or by the President, the Secretary of Defense, the Secretary of Energy, or the Secretary of any other executive department that describes or discusses the effect of an armed conflict on the flow of oil from the Persian Gulf region to the United States, our Western allies, or Japan.

(5) TERRORISM.—Any document prepared for or by the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, or the chief of staff of any military service that describes or discusses—

(A) possible targets of terrorist activity as a result of the participation of the United States in combat activities in the Persian Gulf; or

(B) estimated casualties of possible terrorist activities within the United States as a result of such activities.

(6) BURDENSHARING.—(A) Any document prepared for or by the President, the Secretary of State, or the Secretary of Defense that describes or discusses efforts on behalf of the United States Government—

(i) to obtain the participation of other countries in Operation Desert Shield, or

(ii) to increase the participation of those countries already participating in Operation Desert Shield, including the commitment of additional military forces.

(B) Any document prepared for or by the President, the Secretary of State, or the Secretary of Defense that describes the commitments made by any foreign country to provide military personnel for Operation Desert Shield, including—

(i) any document describing the number of, the military service of, or the functions to be performed by, the military personnel that such foreign country committed itself to provide, and

(ii) any document describing the number of military personnel actually deployed by that foreign country, the military service to which they belong, or the functions they perform.

(C) Any document prepared for or by the President, the Secretary of State, or the Secretary of Defense that describes or discusses efforts on behalf of the United States Government to achieve agreement, by other countries participating in Operation Desert Shield, that military force should be considered an option in resolving the conflict with Iraq.

(D) Any document prepared for or by the President, the Secretary of State, or the Secretary of Defense that describes or discusses efforts on behalf of the United States Government to gain commitments by other countries to provide financial support for Operation Desert Shield, to provide humanitarian assistance for those affected by Iraq's aggression, or to provide assistance to other foreign governments to offset the effects of the economic embargo against Iraq.

(E) Any document prepared for or by the President, the Secretary of State, or the Secretary of Defense that describes the commitments made by any foreign country to contribute funds to the United States to help defray the costs of Operation Desert Shield, to provide humanitarian assistance for those affected by Iraq's aggression, or to provide assistance to other foreign governments to offset the effects of the economic embargo against Iraq, including—

(i) any document describing the amount of the contribution that such foreign country committed itself to provide, and

(ii) any document describing the amount that country has actually contributed.

(F) In the case of any foreign country with respect to which a document is required to be submitted pursuant to subparagraph (A) or (D), any document prepared for or by the President, the Secretary of State, the Secretary of Defense, or the Secretary of Energy that describes the percentage of that country's oil needs that are currently derived from the Persian Gulf region.

(G) The documents submitted pursuant to this paragraph shall include any document describing or discussing any "tradeoff" or other agreement or understanding between the United States and any foreign government resulting from United States efforts to obtain support by that foreign government for Operation Desert Shield.

(H) The documents submitted pursuant to this paragraph shall include any document describing or discussing any meeting by the President, the Secretary of State, or the Secretary of Defense with any foreign government official to discuss Operation Desert Shield, including the meetings held on or about the following dates in the following locations:

(i) August 11, 1990: meeting in Brussels with representatives of member countries of the North Atlantic Treaty Organization.

(ii) September 6, 1990: Jeddah, Saudi Arabia.

(iii) September 8, 1990: Israel and Egypt.

(iv) September 9, 1990: Helsinki, Finland.

(v) September 10, 1990: meeting in Brussels with representatives of member countries of the North Atlantic Treaty Organization.

(vi) September 11, 1990: Moscow.

(vii) September 13/14, 1990: Syria.

(viii) September 16, 1990, Bonn and London.

(ix) September 28, 1990: United Nations, New York.

(x) October 18, 1990: Washington.

(xi) November 3-11, 1990: Moscow, Turkey, Syria, Egypt, Saudi Arabia, Bahrain, Kuwait, Paris, and London.

(xii) November 13, 1990: Bermuda.

(xiii) November 16, 1990: Brussels.

(xiv) Week of November 19, 1990: Egypt, Syria, Saudi Arabia, Paris, and Yemen.

(xv) Week of November 26, 1990: New York.

(7) BUDGETARY OPTIONS FOR PAYING FOR OPERATION DESERT SHIELD.—Any document prepared for or by the President that describes or discusses budgetary options with regard to the additional expenses incurred by the United States as a result of Operation Desert Shield, such as increases in taxes or reductions in spending for other United States Government programs or activities, including any document indicating any decision made by the President with respect to any such option.

(8) POST-CONFLICT OPTIONS FOR IRAQ.—Any document prepared for or by the President, the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, or the chief of staff of any military service that describes or discusses options regarding a post-conflict Iraq should a military conflict occur, specifically including any such documents concerning the possibility of a permanent United States or United Nations presence in Iraq.

SEC. 2. DEFINITIONS.

As used in this resolution—

(1) the term "document" includes any plan, report, memo, or briefing paper, whether classified or unclassified; and

(2) the term "Operation Desert Shield" means those military operations undertaken by the United States and other countries in response to Iraq's invasion and occupation of Kuwait.

Mr. FASCELL. Mr. Speaker, this resolution was introduced on January 3, 1991 by the gentlewoman from California, Mrs. BOXER, and joined by 19 cosponsors. This resolution was referred jointly to the Committee on Foreign Affairs and the Committee on Armed Services and directs the President to provide to the House of Representatives any documents detailing information with respect to Operation Desert Shield.

Pursuant to clause 5 of rule XXII of the House of Representatives, the Congress has exercised its right to request information from the executive branch through the use of resolutions of inquiry since its earliest days, with the first rule on this subject adopted by the House in 1820. This procedure for obtaining information from the executive branch is available to all Members of the House and recognizes the right of the legislative branch to request such information as part of its constitutional responsibilities. As such, resolutions of inquiry are given highest privilege both in committees and in the House as a whole. Historically, this parliamentary procedure for seeking information from the executive branch has been utilized by Members of both parties regardless of the party in power in the executive branch.

House Resolution 19 relates to Operation Desert Shield and was introduced prior to the authorization of the use of force in the Persian Gulf by the Congress. It should be noted that the invasion of Kuwait occurred on August 2, 1990. On August 9, 1990, the President of the United States notified the Congress pursuant to the provisions of the War Powers Resolution that U.S. Armed Forces were being deployed to the Persian Gulf. The President stated in his notification that he "did not believe that involvement in hostilities was imminent." Indeed, it was the President's belief as stated in his notification that the deployment was defensive in nature and "would facilitate a peaceful resolution of the crisis."

On November 16, 1990, the President notified the Congress that the further deployment of U.S. forces "would ensure that the coalition has an adequate offensive military option should that be necessary to achieve our common goals." The November 16 letter, however, reaffirms "that involvement in hostilities was not imminent." On November 29, 1990, the U.N. Security Council voted to authorize the use of force, at the request of the administration, to secure the immediate and unconditional withdrawal of Iraq from Kuwait and secure Iraq's compliance with appropriate U.N. Security Council resolutions. After the adoption of this resolution, it became clear that the President had determined that it was necessary to move from a defensive to an offensive posture in order to implement the resolutions of the Security council. On January 3, the Honorable BARBARA BOXER, along with 19 other cosponsors, introduced House Resolution 19, a resolution of inquiry requesting information concerning options for and the implications of going to war in the Persian Gulf. Shortly thereafter, on January 8, 1991, the President formally requested that the Congress authorize the use of force to implement U.N Security Council Resolution 678.

There has been a great deal of confusion and misunderstanding with regard to the intent of House Resolution 19. The sponsors of the resolution, inasmuch as it was introduced prior to the outbreak of hostilities in the Persian Gulf involving U.S. forces, never intended in the request for information to put into harm's way U.S. forces stationed in the Persian Gulf. Furthermore, the resolution would in no way compromise the provision of classified material provided to the House. I would like to remind my colleagues that classified material submitted to the House is treated pursuant to the rules and procedures of the House of Representatives whether it is provided pursuant to a resolution of inquiry, through the normal disposition of congressional oversight, or through executive branch communications.

House Resolution 19 has proven to be a catalyst for the executive branch to be more forthcoming with the Congress in providing necessary and appropriate information in order to satisfy the oversight responsibilities of the Congress. In fact, the executive branch on February 20 submitted a more detailed and substantive response to the resolution than the initial executive branch response. I would like to commend the administration for the cooperation in providing information and documentation to the Congress in response to this resolution. All of the correspondence between the Congress and the executive branch on this resolution, as well as the additional documents submitted by the executive branch, have been included in the Committee's report on House Resolution 19. I would also like to insert at this point in the RECORD the letters I have referred to in my statement.

Because this resolution has been overtaken by events and because major portions of this resolution were incorporated in H.R. 586, the sponsors of the resolution have requested that House Resolution 19 be tabled. I would assure the sponsors of this resolution that the Committee on Foreign Affairs will continue its oversight of the issues relating to Operation Desert Storm which fall within the jurisdiction of the committee and will continue to work with them in this regard.

I urge my colleagues to support the motion to table House Resolution 19.

THE WHITE HOUSE,
Washington, DC, August 9, 1990.

Hon. THOMAS S. FOLEY,
Speaker,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On August 2, 1990, Iraq invaded and occupied the sovereign state of Kuwait in flagrant violation of the Charter of the United Nations. In the period since August 2, Iraq has massed an enormous and sophisticated war machine on the Kuwaiti-Saudi Arabian border and in southern Iraq, capable of initiating further hostilities with little or no additional preparation. Iraq's actions pose a direct threat to neighboring countries and to vital U.S. interests in the Persian Gulf region.

In response to this threat and after receiving the request of the Government of Saudi Arabia, I ordered the forward deployment of substantial elements of the United States Armed Forces into the region. I am providing this report on the deployment and mission of our Armed Forces in accordance with my desire that Congress be fully informed and consistent with the War Powers Resolution.

Two squadrons of F-15 aircraft, one brigade of the 82nd Airborne Division, and other elements of the Armed Forces began arriving in Saudi Arabia at approximately 9:00 a.m. (EDT) on August 8, 1990. Additional U.S. air, naval, and ground Forces also will be deployed. The Forces are equipped for combat, and their mission is defensive. They are prepared to take action in concert with Saudi forces, friendly regional forces, and others to deter Iraq aggression and to preserve the integrity of Saudi Arabia.

I do not believe involvement in hostilities is imminent; to the contrary, it is my belief that this deployment will facilitate a peaceful resolution of the crisis. If necessary, however, the Forces are fully prepared to defend themselves. Although it is not possible to predict the precise scope and duration of this deployment, our Armed Forces will remain so long as their presence is required to contribute to the security of the region and desired by the Saudi government to enhance the capability of Saudi armed forces to defend the Kingdom.

I have taken these actions pursuant to my constitutional authority to conduct our foreign relations and as Commander in Chief. These actions are in exercise of our inherent right of individual and collective self-defense. I look forward to cooperation with the Congress in helping to restore peace and stability to the Persian Gulf region.

Sincerely,
GEORGE BUSH.

THE WHITE HOUSE,
Washington, DC, November 16, 1990.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: There have been a number of important developments in the Persian Gulf region since my letter of August 9, 1990, informing you of the deployment of U.S. Armed Forces in response to Iraq's invasion of Kuwait. In the spirit of consultation and cooperation between our two branches of Govenment and in the firm belief that working together as we have we can best protect and advance the Nation's interests, I wanted to update you on these developments.

As you are aware, the United States and Allied and other friendly governments have introduced elements of their Armed Forces into the region in response to Iraq's unprovoked and unlawful aggression and at the request of regional governments. In view of Iraq's continued occupation of Kuwait, defiance of 10 U.N. Security Council resolutions demanding unconditional withdrawal, and sustained threat to other friendly countries in the region, I determined that the U.S. deployments begun in August should continue. Accordingly, on November 8, after consultations with our Allies and coalition partners, I announced the continued deployment of U.S. Armed Forces to the Persian Gulf region. These Forces include a heavy U.S. Army Corps and a Marine expeditionary force with an additional brigade. In addition, three aircraft carriers, a battleship, appropriate escort ships, a naval amphibious landing group, and a squadron of maritime prepositioning ships will join other naval units in the area.

I want to emphasize that this deployment is in line with the steady buildup of U.S. Armed Forces in the region over the last 3 months and is a continuation of the deployment described in my letter of August 9. I also want to emphasize that the mission of our Armed Forces has not changed. Our Forces are in the Gulf region in the exercise of our inherent right of individual and collective self-defense against Iraq's aggression and consistent with U.N. Security Council resolutions related to Iraq's ongoing occupation of Kuwait. The United States and other nations continue to seek a peaceful resolution of the crisis. We and our coalition partners share the common goals of achieving the immediate, complete, and unconditional withdrawal of Iraqi forces from Kuwait, the restoration of Kuwait's legitimate government, the protection of the lives of citizens held hostage by Iraq both in Kuwait and Iraq, and the restoration of security and stability in the region. The deployment will ensure that the coalition has an adequate offense military option should that be necessary to achieve our common goals.

In my August 9 letter, I indicated that I did not believe that involvement in hostilities was imminent. Indeed, it was my belief that the deployment would facilitate a peaceful resolution of the crisis. I also stated that our Armed Forces would remain in the Persian Gulf region so long as required to contribute to the security of the region and desired by host governments. My view on these matters has not changed.

I appreciate the views you and other members of the congressional leadership have expressed throughout the past 3 months during our consultations. I look forward to continued consultation and cooperation with the

Congress in pursuit of peace, stability, and security in the Gulf region.

Sincerely,

GEORGE BUSH.

THE WHITE HOUSE,
Washington, DC, January 8, 1991.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The current situation in the Persian Gulf, brought about by Iraq's unprovoked invasion and subsequent brutal occupation of Kuwait, threatens vital U.S. interests. The situation also threatens the peace. It would, however, greatly enhance the chances for peace if Congress were now to go on record supporting the position adopted by the UN Security Council on twelve separate occasions. Such an action would underline that the United States stands with the international community and on the side of law and decency; it also would help dispel any belief that may exist in the minds of Iraq's leaders that the United States lacks the necessary unity to act decisively in response to Iraq's continued aggression against Kuwait.

Secretary of State Baker is meeting with Iraq's Foreign Minister on January 9. It would have been most constructive if he could have presented the Iraqi government a Resolution passed by both houses of Congress supporting the UN position and in particular Security Council Resolution 678. As you know, I have frequently stated my desire for such a Resolution. Nevertheless, there is still opportunity for Congress to act to strengthen the prospects for peace and safeguard this country's vital interests.

I therefore request that the House of Representatives and the Senate adopt a Resolution stating that Congress supports the use of all necessary means to implement UN Security Council Resolution 678. Such action would send the clearest possible message to Saddam Hussein that he must withdraw without condition or delay from Kuwait. Anything less would only encourage Iraqi intransigence; anything else would risk detracting from the international coalition arrayed against Iraq's aggression.

Mr. Speaker, I am determined to do whatever is necessary to protect America's security. I ask Congress to join with me in this task. I can think of no better way than for Congress to express its support for the President at this critical time. This truly is the last best chance for peace.

Sincerely,

GEORGE BUSH.

Mr. LAGOMARSINO. Mr. Speaker, I rise in opposition to House Resolution 19, the resolution of inquiry requiring a very broad range of detailed classified and unclassified information regarding Operation Desert Storm. Yesterday, when this resolution was before the House Foreign Affairs Committee, I voted for an unfavorable recommendation. My position has not changed.

Congress already receives a sufficient amount of information through frequent Defense Department briefings. I have attended many of these closed meetings. They are informative and most questions asked by Members are answered. I am concerned that some, including proponents of this resolution, claim their concerns are not being addressed by the Pentagon. However, I have listened to some of those questions, and I know they cannot be answered at the time, usually because there isn't an answer. The Pentagon, unlike the media and some Members, doesn't try to speculate, guess, and spread around information that is unconfirmed or unverified. Of course, if the Pentagon did speculate, these same critics would attack the Pentagon for doing just that.

Some questions are left unanswered because of their very sensitive nature. For example, we do not need to know the exact location of every military unit in the threater. If such information were leaked, even by accident, it could result in greater losses of American and allied lives. As we used to say in World War II, loose lips sink ships. American men and women shouldn't lose their lives to satisfy the curiosity of some Member of Congress. Besides, the House and Senate Intelligence Committees are privy to all information, including the most sensitive. Congress, not the Pentagon, established this system of using the Intelligence Committees. The system works and now, in the middle of a war, is not the time to change it.

Frankly, I know why this resolution is really before us. It is pure and simple politics. While the vast majority of the American public and Congress strongly support Operation Desert Storm and our brave troops fighting in the Persian Gulf, there is a minority that does not. While most Americans understand why we are in the Persian Gulf and the very real dangers Saddam Hussein poses to our own national security interests, this vocal minority continues to try to misconstrue the reasons and, in some cases, the actual events that have occurred. Thus far, they have failed.

Now, this minority wants the Defense Department to help its efforts. Many items on the long list of this inquiry would require the Defense Department to speculate—guess at what possible answers could be. Of course, because many of these questions focus on possible future events and future outcomes, the Pentagon's guessing could be wrong. President Bush, Secretary Cheney and the Defense Department will, I believe, be attacked every time a guess is not 100 percent correct. Some questions involve very sensitive issues that could adversely affect our relations with important coalition partners. I'm certain that war critics will exploit this situation, again to the detriment of our forces on the front lines.

For example, this resolution asks for speculation on post-conflict options for Iraq and the gulf. I know that we're already focusing on this important issue. This resolution lets Saddam Hussein and others who do not need to know exactly what we're thinking. Believe me, his propaganda machine will use and abuse this information to benefit Iraq. That could cost more American lives and undercut our strategy and alliance unnecessarily.

As I said, all of the issues raised by this resolution are being addressed through the appropriate fora, whether it be through Member briefings or the work of the Intelligence Committee. Congress is getting the information to which it is entitled and it is happening in a timely way. Clearly, the recent lengthy hearings including Secretary of State Baker, Secretary of Defense Cheney and Joint Chiefs of Staff Chairman General Powell exemplify that. This resolution only really helps the Iraq intelligence services by providing a very easy answer to many questions Saddam Hussein would like answered.

Further, there are some issues that require detailed, indepth analysis. Yet, as far as Congress is concerned, if that is done immediately or after the war, it really doesn't matter. Let's fight to win first instead of diverting valuable resources away from our forces in the desert. Frankly, with a war going on, the Secretary of Defense and others have a lot to do on very time-sensitive issues. Why unnecessarily increase their work and force them to, therefore, spend less time on critical issues affecting our troops and the war they are fighting?

The bottom line is Congress is getting what it needs in a timely manner. This resolution only forces the Defense Department to take extra time to provide critics of the gulf war with speculative ammunition to use against U.S. involvement. That only benefits Iraq and could increase American casualties.

I strongly urge my colleagues to table this faulty resolution.

MOTION TO TABLE OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Speaker, I move to lay House Resolution 19 on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 43, as follows:

[Roll No. 24]

YEAS—390

Abercrombie
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt

Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Martin
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Stump
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—43

Ackerman
Barnard
Bartlett
Barton
Bevill
Brown
Bustamante
de la Garza
Dellums
Dornan (CA)
Dreier
Duncan
Dymally
Fields
Ford (TN)
Gallegly
Gingrich
Hayes (LA)
Huckaby
Jefferson
Kostmayer
Lehman (CA)
Lent
Marlenee
Mavroules
Miller (OH)
Ortiz
Ridge
Roberts
Rostenkowski
Schulze
Skaggs
Solarz
Studds
Sundquist
Thomas (CA)
Torres
Traxler
Udall
Washington
Waters
Weiss
Whitten

☐ 1337

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall votes. Had I been present on the House floor I would have cast my vote as follows:

Roll No. 23, yea on suspending the rules and passing H.R. 586, calling for submission of certain information regarding Operation Desert Shield.

Roll No. 24, yea on laying House Resolution 19 on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just tabled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 759

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 759.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

ELECTION AS MEMBERS OF JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE ON THE LIBRARY

Mr. ROSE. Mr. Speaker, I offer a resolution (H. Res. 84) electing members of the Joint Committee on Printing and the Joint Committee of Congress on the Library and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, I yield to the gentleman from North Carolina [Mr. ROSE] for an explanation of the resolution.

Mr. ROSE. Mr. Speaker, this resolution incorporates the recommendations of both the majority and the minority, and is in the customary form used in previous Congresses. With the adoption of the resolution, these joint committees can organize and get on with their respective businesses.

Mr. SOLOMON. Mr. Speaker, the gentleman from North Carolina [Mr. ROSE] has explained the resolution. The leadership on this side of the aisle is in concurrence.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 84

Resolved, That the following named Members be, and they are hereby, elected to the following joint committees of Congress to serve with the chairman of the Committee on House Administration:

JOINT COMMITTEE ON PRINTING: Mr. Gejdenson, Connecticut; Mr. Kleczka, Wisconsin; Mr. Roberts, Kansas; and Mr. Gingrich, Georgia.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Kolter, Pennsylvania; Mr. Manton, New York; Mr. Barrett, Nebraska; and Mr. Roberts, Kansas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SKAGGS. Mr. Speaker, I ask unanimous consent that all members have 5 legislative days in which to extend their remarks and to include therein extraneous material on H.R. 586, which passed the House today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

☐ 1340

DECLARATION OF ENERGY INDEPENDENCE

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, today I am introducing legislation—or I should say reintroducing legislation—that when approved and implemented will improve the lifestyle of Americans for years to come.

This legislation will declare our independence from a growing reliance on foreign oil. Our country needs an alternative energy and conservation program. My legislation will authorize a number of alternative fuel and energy conservation programs to address an energy crisis that has resulted because this country is too dependent on foreign oil.

Mr. Speaker, yesterday the administration submitted to Congress a "national energy strategy" that will do nothing to curtail this country's escalating dependence on foreign oil. Because of the administration's failure to deal with this situation, the once used phrase "oil shock" and its consequences will again be a part of our everyday life. My legislation is needed to correct the administration's shortcomings.

When this legislation is passed, the Congress will declare this country's independence from foreign oil. I want to urge my colleagues to join me and support this legislation to free America from foreign oil.

MONEY-SAVING PLAN ON EEOC ENFORCEMENT

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to propose an idea which I believe will save the taxpayers of the United States $31 million in the 1992 fiscal year budget.

Americans are overtaxed and our Government is overextended, and I think that each of us has a responsibility to try to do something about that. I would invite my colleagues' critical review and suggestions for improvements to one idea that I believe can work to save us money.

My idea pertains to the Equal Employment Opportunity Commission, the EEOC. Let me begin by saying that I believe it is and should be a matter of national policy in our country that there is a strong, tough, well-enforced law against discrimination. No one should be denied a job or a promotion or a business opportunity because of color or gender or race or national origin. The issue before us is how best to enforce that law, and the orthodox thinking that we hear seems to say that there are two choices. Our choice is that we spend less money and do less enforcement, and the other choice is that we spend more money, that we put more Government revenues into enforcement.

I would suggest to the Members that if we view those suggestions as our only choices, we are locked in the prison of the status quo, that there is a better way to achieve more vigorous enforcement at a lower cost to the taxpayers.

My proposal, Mr. Speaker, which I will be submitting to our colleagues for their careful consideration is that the EEOC enabling legislation be amended so that when the EEOC successfully settles or wins a claim for employment discrimination, it is empowered to collect attorneys' fees from the defeated losing party. It is a practice that is common in other areas of our law, and it comes down to the basic, simple, common sense proposal that those who violate the law should pay for the cost of its enforcement.

In fiscal year 1990, the last year for which statistics are available, the data show that the EEOC collected $93 million on behalf of persons victimized by discrimination. About $77 million was collected as a result of settled cases, and about $16 million was collected as a result of lawsuits brought by the EEOC and won by the EEOC. If we use as a rule of thumb the practice that is common in the plaintiffs' personal injury field, which is that the attorney collects one-third of the recovery from the client, and if we add that one-third to the moneys collected, we would achieve new revenues in the neighborhood of $31 million.

This proposal, I believe, would achieve three things: First of all, it would act as a greater disincentive and deterrent for people who break the law. If you discriminate against someone because of their color or their religion or their national origin, not only will you pay damages, you will pay attorney fees and you will reimburse the public for the cost of the enforcement action. I believe also it would help to unclog our court system and encourage more settlements because the longer the litigation goes, the more it costs in counsel fees and the greater the risk to the defendant.

Most importantly, at a time when our national debt is one-half of our gross national product, at a time when Americans all across this country are stifled with burdensome taxation at the local, State, and Federal levels, it will save the taxpayers of the country $31 million. This is better service at a lower cost. That is the new option and the new way of looking at this problem.

Mr. Speaker, I urge our colleagues to review this legislation once it is introduced, contact us with suggestions for improvements, and work together with us so that we can improve enforcement and save the taxpayers money.

THE ROLE OF THE UNITED KINGDOM IN THE PERSIAN GULF CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, I take this opportunity to call to the attention of this body a salient feature of the Persian Gulf conflict that has not, perhaps, received the notice or acclaim that is its due. Nations, like individuals, are wont from time to time to take their closest friends for granted. We do so, I expect, because of an instinctual belief, bred by intimate association over many years, that in times of trial and crisis our friends will always be there.

Of the friends who have stood shoulder to shoulder with the United States in outfacing Saddam's threat to the world community, none has stood taller than the United Kingdom.

Since the earliest days of this crisis, Great Britain has rendered invaluable assistance to the U.N.-led effort to evict Saddam and his band of larcenous brigands from Kuwait. The Thatcher and Major governments have steadfastly demonstrated unequivocal resolve in resisting Iraqi aggression and upholding the rule of law. Importantly, Whitehall's principled policy has been given the overwhelming support of Parliament and the British nation. By economic sacrifice, by diplomatic exertion, and by the supreme act of placing its finest young men and women in harms way, Great Britain has made it emphatically clear that Saddam's outrageous aggression will not be allowed to stand.

Particularly impressive has been Great Britain's military deployment in the gulf. Aside from the United States, no other nation has made a greater military commitment to this U.N. authorized endeavor than that currently being made by the United Kingdom. In the earliest days of August, London responded with determination and dispatch to requests for assistance from the GCC states to help deter further Iraqi aggression. At the start of military operations on January 16, the United Kingdom had committed some 35,000 men and women to the gulf. Reinforcements announced since then—including the additional half squadron of Buccaneer aircraft sent to reinforce the courageous and skillful pilots of the RAF—will put total United Kingdom personnel in the gulf at approximately 42,000.

Given our common outlook, common cultural heritage, common historical bond, and common interest in a new world order, one can only conclude that the special relationship between Washington and London is as close and vital as ever. I know I express the views of all Members in extending gratitude and appreciation to Prime Minister Major and his government, as well as to the people and armed forces of the United Kingdom, for their unwavering support of the United Nations and all the countries united in a commitment to ensure that unbridled aggression will be deterred rather than rewarded.

□ 1350

CHANGES TO REGULATORY STRUCTURE OF BANKING INDUSTRY

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, I rise today in support of the Department of Treasury's proposed changes to the regulatory structure of America's banking industry. With some exceptions, it appears to provide the necessary mix of broadened powers, streamlined regulation—not deregulation—and enhanced safety to ensure that our banking industry can once again resume its leading position in the competitive world marketplace of financial services. Easier banking, enhanced product and service powers, and a simplier regulatory structure will serve to correct many of the industry's problems, which have been caused, in part, by the need to deal with a 1930's regulatory structure in the world of the 1990's.

Mr. Speaker, my support is not without reservation. I am concerned that the Treasury Department's proposals limiting the number of accounts per individual that can be insured are unworkable and attack a problem which does not exist. Far more useful would be a reevaluation of the too-big-to-fail policy as it is currently being implemented.

Additionally, I think it would be irresponsible on our part to carry out such sweeping reforms without also dealing with the recapitalization of the bank insurance fund in a way which restores it to a safe level without fatally wounding the very industry it is intended to protect.

To conclude, Mr. Speaker, I urge this body to move expeditiously to consider the Department of Treasury's proposals, and to act quickly to reform our 50-year-old banking laws.

THE GROWING NEED FOR A CARBON TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, as a nation we are facing a variety of seemingly unrelated crises. Our budget deficits and unimaginable debt hinder us at every turn. We lack a national energy strategy that makes any sense, and partly as a result of this have ended up in a war in the Middle East. We face mounting environmental problems, with this administration ignoring arguably the most important one, global warming from increased carbon dioxide emissions.

Elegantly, a carbon tax squarely addresses each of these problems. A carbon tax, quite simply, places a tax on fossil fuels based on their carbon content. The affected fuels are coal, oil, and natural gas. The emission of carbon into the atmosphere is one of the main causes of global warming.

Global warming is one of the most serious environmental problems facing not just the United States but the entire globe. More than 100 scientists were brought together by the United Nations under the Intergovernmental Panel on Climate Change. Their conclusion was global warming is a certainty. A few in industry would say that global warming is not happening or is insignificant, they sound more and more like the tobacco companies claiming cigarettes are healthy and don't cause cancer. The scientific level of certainty on global warming is 100 percent with the vast majority of scientists believing that the greenhouse effect will cause climate change posing great risks to society and to the natural world. The levels of carbon tax in the legislation are estimated to significantly slow the growth in U.S. carbon emissions.

That the United States lacks an energy policy is obvious. The Bush administration's proposed energy policy is filled with ways to drain America first and little else. Only one thing really affects the way we use energy in this country—price. The carbon tax by affecting price, implements a sound, market-oriented, energy policy. By including environmental damage in the price, energy conservation and efficiency decisions become built in. Each individual's decision whether to buy the most efficient toaster for home or the most efficient blast-furnace for the company is influenced by the carbon tax. Costly, complicated, command and control regulations are unnecessary.

The carbon tax puts industry on the road to international competitiveness. Energy prices are significantly higher in both Western Europe and Japan. Japanese industry uses energy 20 to 40 percent more efficiently than we do. U.S. businesses need to make sound energy investment decisions. The carbon tax will help. Energy conservation and efficiency will help American business position themselves for the next century, the greenhouse century. It will have them develop and market new ranges of products and services. A carbon tax, unlike regulations, will continue to foster innovations as increased efficiency is strived for. We must be ready to deal with the certainty of higher energy prices and energy efficient foreign competition.

One of the lessons of the war in the Persian Gulf must be that we deal with energy more responsibly. A carbon tax imposes that responsibility. A carbon tax can position the U.S. economy so that access to energy does not become part of a reason to launch a war. Indeed, the Japanese are imposing an additional tax on petroleum to pay for their part of the war effort.

We face huge budget deficits, with additional items still to be added to the burden. The cost of the savings and loans debacle spirals by tens of billions. The Persian Gulf war bill is well over $50 billion and that is not the total cost. The recession is forcing revenues down. The carbon tax is estimated to bring in $7 billion in the first year growing by $7 billion per year. When phased in over 5 years, the carbon tax will bring in $35 billion per year with a 5-year revenue total of $105 billion. This will go a long way toward dealing with Federal red ink.

The carbon tax will have many positive effects on the economy. There will be new investment in energy saving devices by both individuals and corporations. The tax will encourage increased use of alternative energy sources. Research and development in energy efficiency will be spurred. Money saved on energy will be spent for other goods. The economic advantages of a reduced budget deficit will ripple through the economy and help international competitiveness.

A carbon tax will not affect all sectors of the national economy equally. I believe that some of the money raised by the carbon tax should be used to mitigate problems caused by the carbon tax whether the problems are regional or those felt by low-income individuals.

It is important to note that the levels of the carbon tax introduced this year are higher than in last year's bill. The effects of carbon emissions are cumulative. By delaying action, we will confront a compounded problem, and the solution will have to be more drastic and painful. The legislation reflects the fact that we have delayed a year by increasing the charge per ton of carbon from $25 per ton to $30 per ton. Procrastination on this issue has its price.

The United States is almost unique in the industrialized world in that it is not addressing the carbon emissions problem seriously. The European Economic Community is setting targets to reduce carbon emissions. Japan is acting in a similar fashion. Both are seriously discussing using carbon and energy taxes to achieve their goals. With their energy prices already significantly higher, failure to act on our part will only put the United States farther behind and require more drastic measures to catch up.

The carbon tax fits into the comprehensive approach that the Bush administration is taking to controlling greenhouse gases. The carbon tax also meets U.S. global obligations to reduce carbon emissions, obligations that fall on us as the largest emitters of carbon.

Mr. Speaker, economists have joined scientists in the call for a carbon tax. Robert Samuelson writing in the Washington Post on more than one occasion has endorsed the need for energy taxes and specifically a carbon tax. Economist Roger Dower with the World Resources Institute, testifying last spring before the Ways and Means Committee, strongly touted the economic benefits of a carbon tax. It is an efficient regulator, consistent with market capitalism.

The broad spectrum of ills addressed by the carbon tax makes it an almost unbelievable solution. All evidence points to the fact that we must enact a carbon tax as soon as posible. We must address the environmental damage, foreign policy problems, domestic ills, and economic disadvantages that the carbon tax can help us solve.

If one doubts the hardship and economic distress that results from climate change, I invite them to visit my home State of California which is facing a fifth straight year of drought.

Following is the text of the legislation:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPOSITION OF CARBON TAX ON PRIMARY FOSSIL FUELS.

(a) GENERAL RULE.—Chapter 38 of the Internal Revenue Code of 1986 (relating to environmental taxes) is amended by adding at the end thereof the following new subchapter:

"Subchapter E—Carbon Tax on Primary Fossil Fuels

"Sec. 4691. Tax on coal.
"Sec. 4692. Tax on petroleum.
"Sec. 4693. Tax on natural gas.
"Sec. 4694. Inflation adjustments.

"SEC. 4691. TAX ON COAL.

"(a) GENERAL RULE.—There is hereby imposed a tax at the rate specified in subsection (b) on coal sold by the producer or importer thereof.

"(b) RATE OF TAX.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the rate of the tax imposed by subsection (a) shall be $18 per ton.

"(2) PHASE-IN.—

Effective during calendar year:	The rate of the tax imposed by subsection (a) shall be the following amount per ton:
1992	$3.60
1993	7.20
1994	10.80
1995	14.40

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) COAL TO INCLUDE LIGNITE.—The term 'coal' includes lignite.

"(2) TON.—The term 'ton' means 2,000 pounds.

"(3) USE TREATED AS SALE.—If the producer or importer of any coal uses such coal, such producer or importer shall be liable for tax under this section in the same manner as if such coal were sold by such producer or importer.

SEC. 4692. TAX ON PETROLEUM.

"(a) GENERAL RULE.—There is hereby imposed a tax at the rate specified in subsection (c) on any petroleum with respect to which there is a taxable event.

"(b) TAXABLE EVENT.—For purposes of this section, the term 'taxable event' means any event which would result in tax being imposed under section 4611 if—

"(1) such section were applied without regard to subsections (b)(2), (e), and (f) thereof, and

"(2) section 4612(b) were applied by substituting 'section 4692' for 'section 4611'.

"(c) AMOUNT OF TAX.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the rate of the tax imposed by subsection (a) shall be $3.90 per barrel.

"(2) PHASE-IN.—

Effective during calendar year:	The rate of the tax imposed by subsection (a) shall be the following amount per barrel:
1992	$.78
1993	1.56
1994	2.34
1995	3.12

"(d) PERSON LIABLE FOR TAX.—The person required to pay the tax imposed by this section on any petroleum shall be determined under the principles of section 4611(d).

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) PETROLEUM.—The term 'petroleum' means any petroleum product including crude oil.

"(2) BARREL.—The term 'barrel' means 42 United States gallons.

"(3) FRACTION OF BARREL.—In the case of a fraction of a barrel, the tax imposed by this section shall be the same fraction of the amount of such tax imposed on a whole barrel.

"(4) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c) and (e) of section 4612 shall apply to the tax imposed by this section.

"SEC 4693. TAX ON NATURAL GAS.

"(a) GENERAL RULE.—There is hereby imposed a tax at the rate specified in subsection (c) on—

"(1) natural gas received at a United States pipeline facility, and

"(2) natural gas entered into the United States for consumption, use, or warehousing.

"(b) TAX ON CERTAIN USES, ETC.—

"(1) IN GENERAL.—If—

"(A) any domestic natural gas is used in or exported from the United States, and

"(B) before such use or exportation, no tax was imposed on such natural gas under subsection (a),

then a tax at the rate specified in subsection (c) is hereby imposed on such natural gas.

"(2) EXCEPTION FOR CERTAIN USES ON PREMISES WHERE PRODUCED.—Paragraph (1) shall not apply to any use of natural gas for extracting oil or natural gas on the premises where such natural gas was produced. The preceding sentence shall not apply to any use involving the combustion of the natural gas.

"(c) RATE OF TAX.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the rate of the taxes imposed by this section shall be 48 cents per MCF.

"(2) PHASE-IN.—

Effective during calendar year:	The rate of the taxes imposed by this subsection shall be the following amount per MCF
1992	$.096
1993	.192
1994	.288
1995	.384

"(d) PERSONS LIABLE FOR TAX.—

"(1) RECEIPT AT PIPELINE.—The tax imposed by subsection (a)(1) shall be paid by the operator of the United States pipeline facility.

"(2) IMPORTATION.—The tax imposed by subsection (a)(2) shall be paid by the person entering the natural gas for consumption, use, or warehousing.

"(3) TAX ON USE OR EXPORTS.—The tax imposed by subsection (b) shall be paid by the person using or exporting the natural gas, as the case may be.

"(e) DEFINITIONS.—For purposes of this section—

"(1) NATURAL GAS.—The term 'natural gas' includes any natural gas liquid which is not treated as petroleum for purposes of the tax imposed by section 4692.

"(2) DOMESTIC NATURAL GAS.—The term 'domestic natural gas' means any natural gas produced from a well located in the United States.

"(3) UNITED STATES PIPELINE FACILITY.—The term United States pipeline facility means any pipeline in the United States for purposes of transporting natural gas (other than a pipeline which is part of a gathering system).

"(4) MCF.—The term 'MCF' means 1,000 cubic feet.

"(5) OTHER DEFINITIONS.—The terms 'United States' and 'premises' have the respective meanings given such terms by section 4612(a).

"(6) FRACTIONAL PART OF MCF.—In the case of a fraction of an MCF, the tax imposed by this section shall be the same fraction of the amount of such tax imposed on a whole MCF.

"(7) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of subsections (b), (c), and (e) of section 4612 shall apply to the tax imposed by this section.

"SEC. 4694. INFLATION ADJUSTMENTS.

"(a) GENERAL RULE.—Each rate of tax which would otherwise be in effect under this subchapter during any calendar year after 1992 shall be increased by the percentage (if any) by which—

"(1) the CPI for the preceding calendar year (as defined in section 1(f)(4)), exceeds

"(2) the CPI for calendar year 1991 (as so defined).

"(b) ROUNDING.—Any increase under subsection (a) shall be rounded—

"(1) to the nearest multiple of 10 cents in the case of a rate in effect under section 4691,

"(2) to the nearest multiple of 1 cent in the case of a rate in effect under section 4692, and

"(3) to the nearest multiple of 1/10 cent in the case of a rate in effect under section 4693."

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 38 of such Code is amended by adding at the end thereof the following new item:

"Subchapter E. Carbon Tax on Primary Fossil Fuels

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1992.

COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS' INVESTIGATION OF BANCA NAZIONALE DEL LAVORO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, this is the second in a series of special orders that I have planned concerning the Committee on Banking, Finance and Urban Affairs of the U.S. House of Representatives' investigation of the Banco Nazionale del Lavoro, otherwise known as the BNL, scandal.

As explained in the first special order on February 4, the BNL scandal is a sensational bank fraud and regulatory blunder in which former employees of the Atlanta agency of the BNL, which is really an Italian Government-owned bank, were able to loan Iraq $3 billion without presumably reporting those loans to its headquarters in Rome or to the Federal Reserve and State banking officials.

I brought out also in the first special order that in effect the alarming thing about this, as we first began to look into it more than a year and a half ago, was that it revealed an absence of suitable regulatory oversight on the part of our American regulatory system, which means that the United States is the only nation in the industrialized world, West or East, that permits such a tremendous volume of foreign money, in effect better than $635 billion right now, with little or no accountability or regulatory power exerted from the national interest standpoint of the United States.

The bank regulatory failure in this case is and continues to be the main focus of attention of the Committee on Banking, Finance and Urban Affairs. The committee will pursue legislative remedies to ensure that entities like BNL are properly supervised.

As a matter of fact, this morning in the Washington Post there was a considerable story in which it was reported that the Federal Reserve Board was looking into a Washington-based bank's control or ownership influence by Iraq or Iraqi elements.

Well, let me say that if that is coming to light, it is coming too late, as in the case of BNL.

What continues to be disturbing to me is that nobody knows what the type of activity involving this huge amount of money in the United States, in which foreign entities owned by foreign governments can, in the exercise of their business, be acting contrary to the basic national policy as set forth by our own Government.

The second main facet of the investigation deals with BNL's relationship with Iraq. The committee is investigating the role BNL played in upgrading the military capability of Iraq, which is quite considerable.

If our boys, as it looks now, unfortunately and tragically will be the case, will go into the ground fighting, they will be facing death or serious bodily harm by missiles or chemical weapons actually funded and paid for by U.S. businesses and guaranteed by the American taxpayer.

As astounding as this is, it is and has happened, and continues to, incidentally.

BNL was one, not the only one, but probably one of the more significant, sources of funding for a complicated Iraqi scheme to obtain sophisticated Western technology and know-how.

BNL financed the sale of chemicals, specialty steel products, sophisticated computer controlled industrial machinery, electronic components, computers, and engineering and construction services. Much of this technology had civilian as well as military uses.

Evidently the United States and other Western nations ignored the true intentions of Iraq, though personally I think that those intentions were well-known, except that at that time, and I think in view of what is happening today, and being that we seem to have very short memories nowadays, we find it difficult to evoke the environment that existed during the Iraq-Iran War for 8 years, and the years immediately following the truce, in which we actually had, as a matter of Government policy, been aiding and abetting the Iraqis against the Iranians.

□ 1400

That sounds unbelievable today, but it is true. Truth is stranger than fiction.

It is equally true that 47.6 billion dollars—worth in an 8-year period of sophisticated weaponry was provided Iraq by not only the United States but almost every other country, including the so-called People's Republic or People's Country of China which used the technology that our licensing agreements enabled the Chinese to produce, such as the Silkworm missile which, incidentally, was the missile that sank or damaged and killed 37 of our sailors just a few years ago fired by an Iraqi source when our Navy was flying the flag for Kuwaiti oil tankers and patrolling the gulf.

Incidentally, the reason that all this financing could be done by the Iraqi Government through its central bank and through these foreign government-owned banks with either branches or agencies, as they call them, in the United States, and the one particularly in Atlanta, is that President Reagan in 1983 saw fit to remove Iraq from the list of nations that he himself listed as terrorist nations. And when he removed Iraq from that designation it opened the sluice gates for considerable commerce and weapons trading.

The BNL was also a major source of agricultural financing for Iraq. BNL financed the sale of over $850 billion in United States agricultural products to Iraq; $720 million of that amount was guaranteed and ultimately is being paid for by the United States Department of Agriculture's Commodity Credit Corporation, or the taxpayer.

Between 1983 and 1990, the CCC granted credit guarantees which enabled Iraq to purchase a total of $5.5 billion in United States farm products. In addition, the Export-Import Bank granted Iraq a $200 million insurance policy to protect United States companies against the potential risk of loss related to exporting goods to Iraq, and of course they did suffer that loss and, of course, the taxpayers pay that guarantee or insurance.

These United States Government guarantees were very important to Iraq. It not only permitted Iraq to purchase high-quality food for its people and its army, it freed up a like amount in foreign exchange, more importantly, which was used to purchase the technology and military goods from various countries around the globe.

The BNL scandal which burst onto the scene publicly in August 1989 played a key role in the disintegration of United States-Iraq relations. As we are now tragically aware, the break in United States-Iraq relations ultimately ended in war.

Revelation of the BNL scandal was important to United States-Iraq relations because of several reasons. BNL was a major bank participant in the Commodity Credit program with Iraq. Alleged violation of CCC regulations by BNL in Iraq, still being investigated by our United States attorney in Atlanta and by the Department of Agriculture, made and compelled the administration, this administration, to rethink the billions of dollars in agriculture credit guarantees provided to Iraq. Iraq received $1 billion in agriculture credit from 1989.

Mind you, it was in August 1989 that we had the first exposure of the deal, but at that time the climate was very favorable in our country and in our Government as a matter of policy toward Iraq, as contradistinguished from Iran. The Department of Agriculture was in the midst of granting Iraq another $1 billion program for 1990 when the BNL scandal surfaced.

Facing pressure from possible irregularities in the Iraq program, the Agriculture Department was reluctantly forced to limit the program with Iraq in 1990 to $500 million. The Iraqis were incensed, because Iraq was effectively bankrupt and had little money to purchase food with. It was counting on an increase in the CCC program, and not a huge cut in the program. This was a blow at the time for Iraq. Iraq took the lowering of the $500 million level as an insult. They claimed this action was indefensible because they were not violating American law at that time, as indeed they were not since Mr. Reagan removed them from the list in 1983, and that no formal charges had been filed against them because of the BNL scandal.

Lowering the level of the CCC credit to $500 million also placed increased pressure on Iraq's already scant resources.

The implication of the BNL scandal did not end there. As I have mentioned earlier, BNL was a major source of financing for a complicated Iraqi technology procurement network. During the 1980's, Iraq established ownership or control of a sophisticated network of United States and European front companies whose primary mission was to obtain Western military technology and know-how and export it back to Iraq.

Of course, the Iraqis were very secretive in their dealings and were careful to conceal their true affiliation. During the latter half of the 1980's they relied heavily on these BNL loans to finance the procurement of much of the Western technology they were seeking, including the so-called big gun, the chemical weapons component and other missile and munition facilities, one of which plants was established in Baghdad.

But BNL loans were not ordinary financing. BNL contracted to loan Iraq $2.155 billion at interest rates that were not economically feasible. In addition, a good portion of those loans did not have to be paid back for many years; they were long term, which is incredible. The Small Business Administration has not in many years been able to do anything one-tenth as much for any U.S. businessman.

The former employees of BNL were operating like a charity, not a bank. The BNL raid in August 1989 put an end to this practice at that point and certainly put a damper on the Iraqi procurement of a long list of United States and Western technology. About $1 billion at that point had not yet been disbursed under the charity loan schemes when BNL was raided in August 1989.

The BNL scandal also made the Baghdad diplomatic community worry that Iraq was so desperate for credit it was willing to engage in illegal activity. Iraq feared its already tarnished financial reputation because of their defaults would be further damaged by BNL's scandal, and they were worried that the scandal would possibly jeopardize high-profit Iraqi projects being constructed by foreign companies.

While BNL money and United States credit guarantees would not have been significant to a financially strong nation, it was critically important to a country like Iraq because it was in such a poor financial shape after the terribly inhuman 8-year war with Iran.

□ 1410

By the end of 1989, Iraq had already defaulted on most of its debts with the governments and private companies of most Western countries as well as with Japan and Korea. Until the BNL scandal, the United States had almost been the only exception in this rule. Iraq had remained relatively current on its United States obligations.

But limiting United States Government credit programs because of BNL and stopping the flow of BNL lending to Iraq was eventually the proverbial last straw that broke the camel's back in that effectively rendering Iraq bankrupt.

The impact of the BNL scandal and its effect on Iraq is echoed in the words of the Iraqi Foreign Minister during his meeting with Secretary of State James Baker just prior to the allied offensive against Iraq. Iraq had offered many excuses for its brutal invasion of Kuwait. Among others, it accused the United States, other Western nations, Israel, and Kuwait of conspiring to destroy it economically. Related to the United States role in this supposed scheme, Tariq Aziz, the diplomat and Foreign Minister, stated in his Geneva meeting with Secretary Baker, and I am going to quote:

> The United States actually implemented an embargo on Iraq before August 2, 1990. We had dealings with the United States in the field of foodstuffs. We used to buy more than $1 billion of American products. Early in 1990, the American administration suspended that deal which was profitable for both sides. Then the United States Government decided to deny Iraq the purchase of a very large list of items.

Evidently, to the Iraqis, the impact of the BNL scandal was a key factor in the decline of United States-Iraqi relations.

As we know, Saddam Hussein reacted to his dire financial straits by invading Kuwait which ironically, along with several other Arab nations, had loaned Iraq tens of billions of dollars during the conflict with Iran.

To summarize, the failure of our bank regulatory system to detect the $3 billion in shady loans to Iraq, coupled with billions in questionable credits to Iraq, along with our inability to stop Saddam from importing BNL-financed technology which was used for military purposes, is being used now in which our soldiers will confront, all worked together to cause our war with Iraq.

Hopefully the committee's investigation of BNL will shed light on how these failures occurred. I would hope an understanding of these failures would work to reduce the risk of more Iraqis on our horizon, even now especially before we are forced to risk many more lives of our soldiers.

I would like to take this opportunity to demonstrate another important reason for proceeding with the Banking Committee's investigation. I have obtained from a source I must protect a memorandum that indicates a top-ranking administration official from a Cabinet-level Department had knowledge that BNL was used for purchasing military goods. This administration official was concerned that the revelation of BNL financing of military articles would be bad for his particular program, because it would cause considerable adverse congressional reaction and press coverage.

He stated in this memorandum:

> In the worst-case scenario, congressional and other investigators would find a direct link to financing Iraqi military expenditures, particularly the Condor missile.

The astounding contents of this memorandum shed significant light on the administration's and the Federal Reserve Board's efforts to thwart our Banking Committee and its investigation of BNL. To date, they remain silent on the topic of BNL financing of military articles.

With all the lessons we could learn from the BNL scandal, let me say by way of parentheses, I am submitting in furtherance of what this comment from this official implies, in this RECORD, Mr. Speaker, at this point, an article in the Financial Times of London, an article of February 21, 1991, entitled "Warning Forced Bechtel Out of Iraq Chemical Project," and believe it or not, this involves a former Secretary of State, George Shultz, who after he left the secretaryship went back to his employer, the Bechtel Corp., which is where he had come from, and this article by Alan Friedman, reporting out of New York for the London Financial Times, says, "I said something is going to go very wrong in Iraq, and if Bechtel was there, it would get blown up."

[From the Financial Times, Feb. 21, 1991]

WARNING FORCED BECHTEL OUT OF IRAQ CHEMICAL PROJECT

(By Alan Friedman)

Bechtel, the California construction group, withdrew from an Iraqi petrochemicals project on the advice of Mr. George Shultz, the former US secretary of state, who joined the company's board of directors after leaving the Reagan administration in 1989. Mr. Shultz disclosed his role in an interview with the Financial Times.

Bechtel has also revealed, separately, that it was instructed by the government of Iraq to obtain payment for work it did on the petrochemicals project from the Atlanta, Georgia, branch of Banca Nazionale del Lavoro (BNL).

BNL is the Italian bank caught up in the scandal over $3bn (£1.5bn) of Iraqi loans made in 1988–89 by its Atlanta branch. Indictments of US bank employees and Iraqi officials implicated in the scandal were due to have been announced last week, but they have been delayed after a fresh round of consultations in Washington.

The disclosures by Bechtel come amid allegations by US chemical weapons experts that Baghdad planned to use intermediate products from the apparently civilian Iraqi project) known as PC2—for the manufacture of mustard gas.

Mr. Shultz, who had served as president of Bechtel before joining the Reagan administration in 1982, said he first learned of Bechtel's work as project manager of the Iraqi petrochemicals complex in 1989 when he "spent a little time at Bechtel's London office and found there was work going on in Iraq".

Mr. Shultz said he checked into the PC2 project in 1989 and was given assurances that it had nothing to do with chemical weapons. "But I thought about it a little more and I gave my advice they should get out," said the former secretary of state.

He recalled that at a Bechtel meeting in the Spring of 1990, as work was continuing, "I really hit it very hard and I said something is going to go very wrong in Iraq and blow up and if Bechtel were there it would get blown up too. So I told them to get out."

The revelations by Bechtel, which says it had no knowledge of any plans by Iraq to apply the petrochemical plant's products for military use, mark the first time a U.S. company has provided details of the direct involvement of Iraqi officials in the BNL Atlanta affair.

Western intelligence officials say that a substantial portion of the $3bn of BNL money was used by Iraq to finance its development of unconventional weapons systems, including the Condor-II ballistic missile project and nuclear and chemical weapons projects.

The Iraqi project was handled by Bechtel Overseas of Hammersmith Road in London, the company's U.K. affiliate. The Financial Times has obtained a copy of a 1988 telex instruction from the central bank of Iraq to BNL's Atlanta branch, asking that Bechtel's U.K. subsidiary be paid $10m.

Mr. Tom Flynn, a senior vice-president at Bechtel, said the company never knew there was anything suspect about the $10m of BNL funds, provided in the form of two letters of credits that were issued in September 1988 and amended three months later.

"We were hired by the government of Iraq to be the project manager for an ethylene plant. Our client, the government of Iraq, told us we would be paid through letters of credit from the BNL Atlanta branch."

The Bechtel official also said that the company received "direct encouragement" for the PC2 project from the U.S. Department of Commerce. A spokeswoman for the Commerce Department said "we were aware of Bechtel's work in Iraq through the U.S. embassy in Baghdad, but our role was a passive one".

Bechtel said there was no suggestion at the time about the final use that Iraq might make of ethylene oxide, a product that has multiple civilian applications, but also has military uses.

Mr. Seth Carus, an expert on Iraq's chemical weapons programs who is a fellow at the Washington Institute for Near East Policy, said the PC2 Iraqi project was intended for several purposes, both military and civilian.

"I think it is very clear, however, that the Iraqis understood what they were doing. It is evident that they wanted to limit their import dependence on chemicals that are used for weapons."

A key feature of the PC2 project was the plan to manufacture ethylene oxide, a precursor chemical that Mr. Carus said "is easily converted to thyodiglycol, which is used in one step to make mustard gas".

Mr. Shultz, asked about the possible production of mustard gas, said he was not "a technically proficient person" but that "I kept going back and saying these things could be converted pretty easily". Bechtel subsequently followed the advice of Mr. Shultz, just months before the invasion of Kuwait.

Bechtel is currently one of several U.S. and U.K. firms seeking contracts for the eventual reconstruction of Kuwait.

Well, of course, Bechtel was there and, of course, after the Secretary left being Secretary, he was bound to know that ultimately Iraq was going to be a problem. But this is just one example of the nature and type of the largest corporations in our country that did extensive business. And what in? Chemical projects.

With all the lessons we could learn from the BNL scandal, I am saddened, of course, as I always am, and have been, and perplexed to report that the Banking Committee's investigation of BNL is being obstructed and frustrated by the Federal Reserve, the Justice Department, the State Department, the State of Illinois, and the Treasury Department.

Another serious example of the obstruction faced by the Banking Committee is the unwillingness of the Federal Reserve to supply over 70 BNL-related documents subpoenaed by the committee. Our committee subpoenaed, on my request, better than 40 documents.

The Federal Reserve states that it has reacted or withheld these State documents at the request of the Justice Department, and in the February 4 first report that I made, I incorporated the exchange of letters I had with the Attorney General, Thornburgh, who apparently was, and maybe continues to be, ignorant of the constitutional prerogatives involved here in the U.S. Congress' basic right to know, which is one of the last three basic powers that the Congress, I think, still preserves inviolate.

Supreme Court decision after Supreme Court decision has said nothing, not even a pending investigation, not even a pending contemporaneous judicial procedure shall prevent the Congress from having knowledge, and the Congress knowing what the facts are.

But we are obstructed blatantly, premeditatedly and coldly, and in defiance of the plain constitutional prerogative of the Congress to know. The Justice Department, at first, said, well, they were involved in a criminal prosecution in Atlanta, and they did not want to have anything to frustrate it. Well, of course not. We are sensitive to that. We are not an executive branch investigating body. We are not a judicial body. We are not a prosecutorial body. We are a legislative body, and under the rules of the House and pursuant to the Constitution, we have investigative powers in pursuance of legislative objectives which is what we are.

There is no doubt the committee has the right and needs to have and obtain this information. If we have reached the point in our country, and we have in other respects, where in effect there is no Constitution, who else but the Congress then remains?

□ 1420

If the Congress abdicates, then, in effect, ironically, at this 200-year point, or a little bit better, of the celebration over this system of constitutional government, we in effect have repudiated it through our abdication of our plain constitutional responsibilities. The committee must not be needlessly thwarted in fulfilling its legislative and oversight responsibilities.

Accordingly, the Justice Department has the responsibility to show the Committee on Banking, Finance and Urban Affairs, not the other way around, access to the subpoenaed documents, and how, if they were to comply with the subpoena, that would hinder their criminal prosecution. They cannot, and they have not, up to this date, given any reason that that would happen. The Justice Department failed to reveal to the committee and failed to give the committee access to these documents, and after repeated requests, to show how the delivery of those documents would diminish their ability to successfully prosecute the case against the former employees of BNL in Atlanta.

The documents being withheld, the carelessness in which some documents were redacted, and the number of people with access to redacted documents, all lead me to question absolutely the Justice Department and the Federal Reserve employees for trying to live up to their responsibility. They are needlessly, I charge again, impeding the committee investigation. I doubt that they have, even now, recognized their true understanding of the investigative and legislative functions of the Congress. But I will not yield, and I will continue to insist, and the committee will pursue this matter, because time has long gone by that our regulatory system needs to be overhauled, where the American people will be insured that they will not continue to be patsies of foreign governments and banking interests operating in our country, as they are now.

There is nobody, the Federal Reserve Board of the banking commissions in the individual States that charter these banks, this is how they get around it. The Federal Reserve Board says, "Well, these are chartered by the State of Georgia, so what?" The Federal Reserve Board is the prime responsible regulatory body for foreign entities doing business, banking business, in the United States. Yet they cannot, and no banking commission can, tell any person in America today, including the Congress, how those 635 plus billions of dollars are operating, even along the same channels as a BNL bank in Atlanta. I think this is grievous. I think this is unpardonable. I think this is a serious attack on our basic tenets, upon which our Government is predicated. I am concerned, as chairman of this committee, that the regulation and examination of the U.S. branches and agencies of foreign banks is inadequate. As I stated, these entities command over $500 billion in assets, in the United States, and a significant portion of their liabilities are now being guaranteed by the Federal Deposit Insurance Corporation. That is the bank insurance fund. It is broke right now. Those foreign entities, this massive, and I said $500 billion, someone else said $600 billion, most of these are in such form that they are insured deposits. It is incredible.

For years, I had unsuccessfully, before I was chairman of this committee, attempted to convince two prior chairmen of the committee to have some kind of hearings with respect to this international financing. I was chairman of the Subcommittee on International Development, Finance, Trade, and Monetary Policy, so I think I have some reason to be charged with knowledge. The magnitude of the BNL fiasco certainly raises a question of the adequacy of State and Federal regulations and oversight of these entities. The Committee on Banking, Finance and Urban Affairs has a responsibility to ensure that U.S. branches and agencies of foreign banks are properly and accountably regulated and supervised. The BNL case provides a clear case of regulatory breakdown that first must be understood and analyzed, and then immediately addressed and remedied. Those documents that provide clues to help the committee understand and correct these breakdowns. This is a reason we had them subpoenaed. However, the Justice Department and the Federal Reserve apparently feel the Committee on Banking, Finance and Urban Affairs could not have the right to know the committee story surrounding the BNL scandal. I can understand. It is embarrassing now, in view of the fact that our boys, will be facing death or serious bodily harm with the very procurement that those banking credits made it possible for Saddam Hussein to obtain, this weaponry. It is embarrassing.

However, it ought to be worse than that. It ought to be defined as criminal negligence by denying the committee information related to the BNL affair. The Justice Department and the Federal Reserve could very well be impeding the committee's ability to legislate, a responsibility given to the people's representative and surely one of the cornerstones of our democratic form of government. The State Department has also asked the Federal Reserve to withhold subpoenaed documents related to its involvement in the BNL scandal. Well, I guess so. If we have now former secretary of states saying, "Hey, I told this corporation once. I came back and said, hey, you better get out," well, I think in retrospect, a lot of these documents will point a sort of a culpatory finger to that State Department. One can only speculate what these documents contained. Obviously, the State Department played the key role in the United States-Iraqi relations. When did the State Department learn about the BNL scandal? Did the State Department know that BNL was financing companies that were exporting technology to Iraq, that was employed in its Iraqi military machine? Certainly former Secretary Shultz' statement indicates they must have. The State Department documents withheld by the Federal Reserve may or may not provide answers to these documents. At this time, the committee can only guess about the content of these important documents.

The Federal Reserve is, of course, better known as the Nation's equivalent to a central bank. But over the years, Congress has entrusted the Federal Reserve with substantial banking regulatory responsibilities. The Congress relies on the Federal Reserve to carry out many of the banking laws it has enacted. It regulates thousands of our Nation's domestic banks, large and small, and has prime supervisory authority over foreign banks operating in the United States. In that capacity, Congress relies on the Federal Reserve, as well as the other banking regulatory bodies, to ensure our Nation's financial system is operating in a safe, sound, and efficient manner.

I always ask this question when bankers and everybody else who have become inured to being the biggest reliefers on the Government dole ever. Why is it that we have had thousands, tens of thousands of bank failures in 100 years, and especially here in this last decade, when Great Britain, England, has not had any major banks fail? Why? During the Depression when we had a moratorium and the banks were closed, Canada never did. Why?

□ 1430

There is a good reason, and this is what I have been trying for 29 years to broach to the committee that I have belonged to for 30 years, the U.S. House of Representatives Banking Committee.

First, the Federal Reserve has been derelict in its responsibilities because it never notified the Congress about the 43 billion BNL scandal. Obviously, it is not possible for the Congress to monitor each of the roughly 30,000 Federal financial institutions operating in the United States. This is why we have the constitutional responsibility of being the policymaking body and the executive branch being the faithful executor of that policy, faithfully executing the laws.

The Congress created the Bank Regulatory Agency, like the Federal Reserve, to perform this function. The Federal Reserve and other Federal bank regulatory agencies have a responsibility to keep the Congress informed of significant developments affecting our financial system.

I will say this in all fairness, and I have said this for 30 years. No matter how much I may point my finger at the Federal Reserve, if the Congress had not abdicated its responsibility all through these years, the Federal Reserve Board would not have gotten away with any of this. It always has to be traced back to somewhere in our system, this marvelous apparatus that has given us all your opportunities and our freedom. Whenever we have had a shortchanging of that constitutional system, we have always had a great deal of mischief to the national interest.

I feel that no longer do we have the luxury of time as we have had in the past and that hanging perilously dangling by a thin thread is a very great threat to our basic freedoms.

The Federal Reserve also attempted to frustrate the request of the committee for information involving a Bank of Italy examination report of the BNL.

Now, mind you, meanwhile I have had delegations of the Italian Parliament, the Italian Senate, who are investigating their Government because the BNL is primarily owned by the Government of Italy, and they are distressed because all of the deals, the settling of the letters of credit and the like, have been done by Iraq in the banking room in secret. So now is not only the United States, but the Italian Government, is out a couple billion dollars because of Iraqi defaults; so the Italian Parliament, the Senate did the investigating, and while the Federal Reserve Board says, "Oh, we can't give you this because we don't want to impair our relationship with the Italian bank."

Can you believe that? The Italian Government officials are giving us what is otherwise denied by our own agencies.

We are not interested in knowing every leaf falling from the Banking and Federal Reserve Board system. We do not want to know when a bank executive stubs his toe, but it surely is reasonable to expect that a $3 billion bank fraud falls into a category that would be worthy of congressional notification.

Sadly, this Banking Committee chairman had to learn about the BNL scandal from other independent sources, mostly foreign journalists, which to this day continues to be a great source of information to me, as they have throughout the years.

Another example of the efforts of the Federal Reserve to frustrate the committee was the request or the information involving the Bank of Italy, and its examination of the BNL. The Bank of Italy is the official bank. The Bank of Italy acts as Italy's central bank, as well as having supervisory authority over all Italian banks. Being an Italian government-owned bank, BNL's worldwide banking operations are subject to regulation by the Bank of Italy. Upon being notified of the BNL scandal in August 1989, the Bank of Italy decided to do an examination of the Atlanta agency of BNL, which was completed shortly thereafter.

The Central Bank of Italy shared the result of its examination with the Federal Reserve and provided the Federal Reserve with a copy of its examination.

The Federal Reserve has acted irresponsibly by refusing to provide to the Banking Committee a copy of this examination report. To this date, they are refusing.

The Bank of Italy examination report would be valuable to the committee's investigation, for several reasons. First, it would offer the committee a chance to compare and contrast the Bank of Italy's examination with those of the Federal Reserve, or the Commission of Georgia.

In effect, this would provide the committee with insight into the competency of the Federal Reserve, and this is why the Federal Reserve does not want us to see it.

By comparing examination results, the committee might find the Federal Reserve did do an exact and exemplary job and that its findings are far more comprehensive than that of the Bank of Italy. Such a comparison might also reveal the Federal Reserve was asleep at the switch and that the examination of BNL was totally inadequate.

By refusing to allow the committee to see the Bank of Italy's examination of BNL, are we not then to feel suspicious of the motives of the Fed?

The Bank of Italy examination may turn out to be the key document in the committee's investigation of BNL.

Did BNL finance the sale of military articles to Iraq? Did top officials of BNL in Rome know about the activities of the Atlanta Branch? Were the former employees of BNL that perpetrated the fraud Iraqi agents? Was the CIA involved with BNL? Did the Bank of Italy examination of BNL find answers to any of these critically important questions? Only the Bank of Italy and the dozens of employees of the Federal Reserve know.

By refusing to provide the Bank of Italy examination, the Federal Reserve takes the position that the Congress of the United States does not have the right to know if the Bank of Italy report even addresses these issues.

Of course, the Federal Reserve knows what the report says. It is the Congress that does not have the right to know.

I find the Federal Reserve position preposterous and absolutely outlandish. It is a prime example of a regulatory agency that is no longer accountable, either to the Congress or to the President, but particularly to the Congress that created it.

BNL has branches in New York, Los Angeles, Miami, and Chicago. The State examination reports of the BNL offices were among the subpoenaed documents that we requested. The Federal Reserve notified each State that the documents had been subpoenaed. After initial delays, the reports of examination by the States of California, Florida, Georgia, and New York, were provided to this committee. Illinois, however, objected to the production of documents by the Federal Reserve and filed a lawsuit to prohibit the Federal Reserve from providing the committee with Illinois' examination report of the BNL's Chicago office.

To date, the courts have sided, that is, the State courts have sided with the State of Illinois, but we are appealing this decision in the Congress. Hopefully we will prevail, because without the Illinois examination report the committee does not have a complete picture of how BNL was examined by bank regulators, State bank regulators who chartered the bank to begin with.

The Federal Reserve used the Illinois decision as the basis for withholding information taken from examination reports of BNL prepared by other State regulators. In addition, the superintendent of banks for the State of New York wrote the committee requesting that the committee reach an accommodation with each State bank regulatory agency related to the confidentiality of their bank examination process.

The committee understands that request, as well as other State communications related to this issue, to mean that every State and perhaps every company and bank will want individual treatment if such treatment is granted to the State of Illinois.

The actions of New York and the Federal Reserve confirm the committee's suspicion that forcing the committee to subpoena documents from each State would result in an endless round of negotiations, then rumors, then disputes and coordination problems related to such negotiations, causing the investigation to grind to a halt.

☐ 1440

The State of Illinois lawsuit has delayed the committee's investigation, and in the process is damaging the national interest. First, it prevents the Congress from finding out how BNL's offices in the United States facilitated the arming of our enemy. It is intolerable that the Congress should be enjoined, by court order, from obtaining records related to how this bank helped arm Iraq, and whether or not the Federal Reserve and State bank supervisory officials were, as they claim, blameless for not discovering this travesty.

Second, entities similar to BNL hold over $7.5 billion in deposits that are guaranteed by the Federal Deposit Insurance Corporation [FDIC]. As the world knows, the FDIC is already in a very unwholesome position. If there is, in fact, a structural flaw in the system of regulating and supervising entities like BNL, the FDIC, and sadly, as we have learned from the savings and loan crisis, the American taxpayer, face a substantial financial risk.

To date, the Illinois lawsuit has delayed the committee's inquiry into this matter. It has prevented the Congress from fully identifying structural weaknesses in bank supervision that were exploited by BNL and its lending officers. As a result, unevenness and flaws in the system of bank supervision, which could be revealed by the committee's investigation, remain hidden and unresolved. The FDIC and the American taxpayer remain at risk, because in the subterranean there flourish these scandals and frauds which are flourishing and finding nuture only in secrecy. We want to bring the sunlight in. What is wrong with that?

Third, the Illinois lawsuit prevents the Congress from having all the information necessary as to what exact legislative reforms involving not only foreign banks but our dual system of bank regulation are warranted.

Finally, the Illinois lawsuit creates a dangerous precedent that could seriously hinder future congressional oversight and investigations, our investigatory efforts.

The Secretary of the Treasury Department acts as the Chairman of the National Advisory Council [NAC], an interagency coordination body which was responsible for approving the $5.5 billion in agriculture credits to Iraq as well as a $200 million insurance policy, as I explained, offered by the Export-Import Bank to cover exports to Iraq. One component of the committee's investigation deals with the role of the NAC in granting such a large credit line to Iraq and the effect the BNL scandal had on Iraq participation in agriculture and export credit programs.

On October 6, 1990, I wrote Secretary Brady requesting that Banking Committee investigators be permitted to review the minutes of NAC meetings dealing with BNL involvement with Iraq in the above programs. The Treasury Department could not find the time to permit this to occur for over a period of 4 months. Finally, after repeated insistence on our part on February 14, 1991, Treasury allowed a committee investigator an opportunity to review the pertinent NAC minutes. There were roughly 40 pages of minutes, of which only a portion were related to the decision of the NAC to approve the Iraqi credits. But Treasury withheld minutes from the two most important NAC meetings in 1989 and 1990.

Why would they withhold? If they were so right then, even though it may not look so good now, why would they be hesitant? When you are right, you want to proclaim it from the rooftops, you do not want to hide it. It is only when you fear something, as Treasury does, that you have fear.

To the committee's surprise, the Treasury had classified the minutes of the meetings and would not permit the committee to look at them because of a lack of security clearance. Of course the Treasury Department had failed to mention that the minutes of the two important meetings had been classified. When asked how often the Treasury Department classified minutes of meetings of the NAC, the counsel, the lawyer, for the Treasury Department stated, "To the best of my recollection, and I may be wrong, I cannot remember the minutes of the meetings being classified over the roughly 10 years I have had contact with them."

The Treasury's unusual action raises several interesting questions. What is the Treasury Department and the other NAC participants hiding? I wonder if they are embarrassed by their decision to grant billions in credit to Iraq even though Iraq was not creditworthy? It had already defaulted. I bet the United States taxpayer, who is out over $2 billion because of Iraqi defaults on these programs, would sure like to know if this was the case. It couldn't be that NAC participants, the State

Department, the Federal Reserve, the United States Trade Representative, the Commerce Department, the Agency for International Development and the Export-Import Bank are embarrassed by their decision to grant billions in credit to Iraq even though Iraq was:

Using poison gas on its own people;

Using poison gas in its war with Iran;

Supporting international terrorism;

Repeatedly violating the human rights of its people including placing severe limits on free speech, and freedom of assembly;

Detaining political prisoners without charge or trial;

Torturing and executing political prisoners;

Destroying cities housing over 100,000 Kurds and making refugees out of these people;

Developing nuclear weapons;

Cheating on Agriculture Department programs; and

Executing a foreign journalist, just to mention a few of the known faults of the Iraq regime.

Can it be that this august body, known as the National Advisory Council, knowing full well and charged with knowledge of this, would still grant these huge billions of dollars of credit to Iraq? I guess it would be embarrassed.

Rest assured, the Banking Committee, as long as I am chairman, plans to investigate the factors pertinent to the administration's decision to grant billions in credit to the oppressive regime of Saddam Hussein and also to act forthwith and as soon as possible to prevent ongoing transactions that are now going underway in the case of other foreign banking institutions that could be contrary to the national interest. In fact, after the President announced and issued the two Executive orders on August 2, the decision to freeze assets—and by that time, of course, the country of Iraq did not have any assets, it had its liabilities over here on which it had defaulted—but we also announced the embargo.

In November, Germany alone—and there are a lot of German banking interests' activities in our country—were given a list of 50 companies in Germany by the National Security Agency that were violating the embargo in November. Was anything done? No.

How much of that is still going on?

Rest assured, the Banking Committee will not let go of this.

While the committee continues to encounter efforts to thwart its BNL investigation, the BNL investigation is going to go through. I plan to go ahead full steam with the investigation to learn the entire truth about the scandal in order to understand fully its effect on United States-Iraqi relations, plus the other and most important, which is the necessary legislative reforms to plug up these leaks and patch up and, if possible, develop an efficient regulatory system in our country.

We must learn from our mistakes in order to stop avoidable wars. The public demands and deserves no less from us, their Representatives.

□ 1450

LESSON NO. 4: WAR AND OIL

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, those of us who speak during these special order times are often asked by our constituents back home why the Chamber is empty because the regular legislative business is over, and the major reason that we use these special order times is that it is a quiet time of the day where we are uninterrupted, where we can talk more than 5 minutes on issues that are rather complex, and so today I rise during this special time to present lesson No. 4 of a series that I have been doing the war in the Persian Gulf and its relationship to oil.

Mr. Speaker, as this war continues, we are simultaneously working with other nations to implement a framework for a lasting, equitable peace in the Middle East. If we can do that, we can certainly implement a national energy independence policy here at home.

The President's national energy plan, as proposed yesterday, was truly a disappointment.

To win a war, a durable peace must be achieved. The ability for people to be free and not to fear, nor hunger, nor want, are just reasons to go to war. We Americans understand this and even while at war do our utmost to foster peace as our ultimate objective in the Middle East, and we further understand that we also need to take the steps here at home that minimize the chances of future conflicts. Those Americans who are serving in the Persian Gulf deserve no less from us, nor do those we especially remember here, the 19 Americans already killed in action, the 135 Americans that have been killed in noncombat deaths already related to the war, the 30 Americans missing in action, and finally the eight Americans that are prisoners of war. All who have died or suffered are worth our questioning how to avoid war again.

During the course of this conflict I have analyzed the events and circumstances, and I have put them on the record, that have led to this war. Through careful analysis and candor with one another the lessons learned will carry America and the world to a new day.

Mr. Speaker, our colleague from Ohio, Senator JOHN GLENN, in an interview that appeared in my hometown newspaper, the Toledo Blade, while he supported President Bush's handling of the war so far, faulted the President for telling the public that the war was being fought solely over the takeover of Kuwait and not the world's oil reserves. Senator GLENN said, and I quote.

> Why else are we down in that sand pile? There's aggressiveness all over the world, but we're not sending our troops to those places. This is one major area where I feel the President has not communicated to the American people. The fact is that a ten-square-mile area of shipping lanes in the Persian Gulf provides access to 71 percent of the world's oil reserves. Whoever controls that area has mastery of the industrial world.

Senator GLENN said that somehow, equating the war effort with open access to oil reserves has been viewed negatively by the public. But he went on to say,

> But it shouldn't be because we're talking about 71 percent of the world's oil reserves and what that can do to other countries' economies.

It is a fact that Iraq and Kuwait, when taken together, account for 20 percent of the world's oil reserves, 13 percent of world petroleum export trade and billions upon billions of dollars of wealth. This economic power translates directly into political power. One has to only imagine how many arms have been bought and would have continued to be bought with that oil money.

Mr. Speaker, we cannot blindly ignore the fact that the West's involvement was driven because of our dependency on foreign imported oil. For the most legitimate of national security reasons, the security of our entire industrialized world, the West was drawn into that region to ensure the West's supply of energy. Can my colleagues imagine our national security, our energy supply, being held hostage to the whims of a man like Saddam Hussein? That was simply unacceptable.

Saddam Hussein will be effectively dealt with. He has undertaken to mistreat captured airmen, bombed solely for purposes of terror, threatened to unleash an international terrorist campaign, and used chemical weapons. Any decent human being abhors these actions. This kind of brutality runs counter to our most basic conception of how human beings should treat one another.

For a long while though, the world had quite an idea of Saddam Hussein's character. It would have been difficult to predict exactly what treachery this one man was capable of, but a pretty good inkling of it was described in a New York Times article that I submit for the RECORD. Briefly the article pointed out how the United States supplied the Iraqis before August with trade credits, Federal subsidies and agriculture, as well as intelligence and arms. The Congress tried to stop the executive branch from doing this and at the same time condemned Iraqi use of chemical weapons against its own Kurdish people. Last summer the Bush administration opposed Congress in these attempts. I am fully convinced, nonetheless, that after this war is over Saddam Hussein will not be able to pose the threat that he once did, which leaves us with the question of why we initially entered this conflict.

The United States and the West in general have a problem and it is not only with us. The Gulf States have the flip side of the same problem. We are both mutually dependent on oil. On the one hand, we have the Gulf States that are totally dependent on exporting oil for the sake of their own economic and political well-being. Oil is virtually the only commodity they have to export. On the other hand, we have the West, including the United States, dependent on oil to fuel its economy. This mutual dependency on oil is literally the starting fluid from which the present fire burns.

No person, nor any nation, likes to admit that they are dependent on a substance, oil in this case, that we do not have complete control over. This is probably why we, as a nation, are having such a hard time in coming to terms with the fact that the Gulf States are dependent on exporting oil, and we are in turn dependent on importing it. If we are to learn from this war, then denial of our mutual dependency has no place.

When contemplating the present economies of the Gulf States, a certain analogy comes to mind from history. The Gulf State economies can be likened in many ways to those of Central American countries in the late 1800's and early into this century.

In the case of the Central American countries, there was a systematic attempt to gear their economies to one commodity: bananas. There were very few countries in the world that could grow bananas, and because they were in high demand, foreign companies intervened to reap huge profits. In the process, governments were corrupted, boundaries were redrawn. There were even cases of foreign armed intervention to reassert the companies' control over those banana plantations. Needless to say, this all happened at the expense of the people, the indigenous people, who lived in those areas. Bananas played such an important role in these nations' economies that, as hard as it seems to us today to understand, that everything became geared toward them. Even when national governments tried to take back control of their production and diversify their economies, they met with little success. Their economies had become too dependent on the revenues that the bananas brought in. These same Central American countries, rich with natural resources, are still today in a weak economic position. Most have extremely corrupt and brutal regimes because of their initial total dependency on the export of one commodity.

□ 1500

Is this analogy a fair one to make of the gulf State economies in the world that we know today? Are they totally dependent on one commodity? Let us look at the facts.

I will systematically analyze each major gulf country. The numbers I use are those supplied through OPEC, the Organization for Petroleum Exporting Countries in the Middle East and elsewhere, probably the most reliable source of information for that region. The figures are from 1989, so that we may get a true picture without the distortions brought about by the war.

The United Arab Emirates, which is just next door to Saudi Arabia and is a very wealthy nation, had a gross national product, or the measure of all goods and services for that country, of $27.4 billion in 1989. Of that figure, oil accounted for nearly half of everything that country produced, or more than $11.5 billion earned from its sale. More importantly—and this is the key number—oil accounted in the Arab Emirates for 74 percent of all exports from that country. That is the country's ability to make money from its exports and create new wealth. All of it was largely tied to oil.

Iran had a gross national product of $195 billion. It is a more self-sufficient economy than the United Arab Emirates, being a larger country, but oil accounted for about 6 percent of everything Iran produced, equaling over $12.5 billion for that country. But oil still for Iran accounted for 93 percent of its total exports.

Now, let us move on to Kuwait, which had a gross national product of over $31 billion, and of that oil accounted for 35 percent of everything Kuwait produced, equaling over $10 billion from its sale. But more importantly, oil accounted for nearly 96 percent of Kuwait's total exports.

These countries are not exporting wheat, they are not exporting machinery goods, and they are not even exporting bottled sand; they are exporting oil in order to make money worldwide.

Now, let us take a look at Saudi Arabia. It had a gross national product at the end of the 1980's of $79 billion, and of that oil accounted for about 30 percent of everything that Saudi Arabia produced, equaling over $24 billion, but oil accounted for nearly 90 percent of its total exports.

Finally—and this is really interesting—for Iraq, which had a gross national product of $66 billion, oil accounted for about a quarter, 25 percent of everything Iraq produced, equaling $14.5 billion, but oil accounted for an incredible 99.3 percent, nearly 100 percent, of total exports. Iraq was totally dependent and is totally dependent on oil for wealth generation for that nation.

The role oil plays as a percentage of total exports is an extremely important indication of a country's dependency on that one commodity. Exports are a country's main source of foreign currency revenue, the money that a country needs to buy goods from the outside. Without a good source of foreign currency like the dollar, that country will have a stagnated economy and little prospect for growth.

Foreign currency from exports is also used by countries, especially those here in the Middle East, where the amount of arms equals security and power. The vast amount of their oil dollars earned were spent to buy arms. With this region being traditionally volatile, more and more dollars gotten from exports were being used to buy weapons of war. For example, between 1983 and 1987 Iraq bought close to 30 billion dollars' worth of arms, mostly from the Soviet Union but from many other places, including Italy and the West; 99.3 percent of Iraq's foreign currency earings came from oil. Thus, for Iraq specifically and the region in general, oil money is the basis for economic, political, and military power.

These countries' economic power consists of oil reserves, their production capability, how much they can produce and how fast, and how much is left underground, as well as their market share worldwide. We knew when the war started that Saudi Arabia and Kuwait alone controlled about 70 percent of the oil generated and the wealth that moved from that region, and Algeria, Libya, and Iraq controlled only about 30 percent. So there was a real effort on the part of the nationalist states like Iraq, like Libya, and like Algeria to gain a greater share of the wealth and power that were held by Kuwait and by Saudi Arabia.

The major gulf countries were willing to use oil as a weapon of war—and we know that all too well now—as they did in 1966 by closing the Suez Canal, in 1967 when the war with Israel occurred, and again in 1973, when these countries used the oil embargo as the equivalent of a declaration of war against the West. And we have never been the same in this country since that first oil embargo of 1973. We have been in a steady state of recession and erosion of the innards of this economy because we are paying so much more money for the oil that we buy from that region and other places.

Oil has now even been used physically in itself as a weapon of war, as we have seen with Saddam Hussein's dumping of oil directly into the Persian Gulf as a military tactic to make beach landings more difficult in the Kuwait area.

We must also remember that it was Iraq's claims against Kuwait, saying that it was producing more than its quota to drive the prices down and slant-drilling into the Rumalia oil field, which spans both Iraq and Kuwait, that helped to motivate Iraq's invasion of Kuwait in August.

It is fair to make the analogy that the economies of the major Gulf States are like those of Central America. In fact, we may ask, have we moved from banana republics to oil republics. The facts speak for themselves. 74 percent, 88 percent, 93 percent, 95 percent, and 99 percent are the percentages that indicate how much these countries rely on oil. They are totally captive to it.

As the countries of the gulf are dependent on exporting oil, we in the West are equally dependent on importing cheap foreign oil. Modern economies depend on it for economic growth. Without oil, countries in the West could come to an absolute standstill.

Nearly 20 years ago, while he was President, Richard Nixon once said, and I quote:

> We use 30 percent of all the energy here in America that the world produces. That isn't bad. That is good. That means that we are the richest, strongest people in the world, and that we have the highest standard of living in the world. That is why we need so much energy, and may it always be that way.

Mr. Nixon said this before the 1973–1974 oil embargo, which cost the United States 7 percent of our gross national product for that year and threw us and the rest of the world into a major recession, one of the worst we have experienced since World War II. Even after this rude awakening, the West continues to become even more dependent on imported oil. Have we learned nothing?

France is dependent on imported oil for nearly 90 percent of its total consumption, Germany is dependent on imported oil for 82 percent of its consumption, Italy for 84 percent, and Belgium for 85 percent. Japan, which used to be 99 percent dependent on foreign oil, has reduced that dependency largely through conservation, to 90 percent. But all of these major industrial powers are extremely dependent on oil.

□ 1510

Traditionally, because of its original wealth of natural resources, the United States was self-sufficient for its oil needs. In fact, we were a net exporter of oil at one time. But then we used up all of our reserves. There are some left, but really, except for Alaska and a few other places in the country, our situation has radically changed in the last 25 years.

The United States, during most recent history, became totally dependent on imported oil for over half of what we use in this country.

In 1967, when the Gulf States were first contemplating an oil embargo, the United States was in good shape. We were dependent on imported oil for only about one-fifth, or 20 percent, of total oil, and we were exporting oil at that point to other countries, including Europe, to cover their needs.

When the Gulf States did successfully impose an oil embargo in 1973, we were up at that point to a 37-percent dependency on oil, just over one-third.

This was exacerbated, however, by the end of the decade, in 1977, by speculation on the oil market, driving dependence up at that time, this was in the late 1970's, to nearly half, 47.7 percent.

Because of Presidential leadership by Jimmy Carter and a new national awareness of the problem in the late 1970's, and because of the embargoes in 1973 and 1974, and then price hikes in 1977 and 1978, our dependency began to drop, after great Presidential leadership, reaching a level back to 32 percent in 1983.

However, unfortunately, this did not last. The Reagan administration lost sight of the big picture on energy and on America's defense security needs in terms of energy.

Mr. Speaker, we are now even more dependent on foreign oil. This is America's highest rate of dependency in our history, now at 55 percent, and it is growing.

The Congressional Competitive Caucus, of which I am a cochair, works extremely hard to keep America strong. Among other things, this means strengthening our industrial base, safeguarding people's jobs, and making sure our farmers and businesses get a good price for their goods in the international market. I am, of course, concerned about our continuing trade deficit, a sure sign of an economy's health or sickness.

At present we have been annually in the red to the tune of approximately $100 billion. Of that $100 billion in the red every year, 55 percent is related to the continuing import of foreign oil.

That is how dependent we have become, a nation that began its history with a declaration of independence.

As I alluded to before, this dependency has every indication of getting worse.

The United States not only has the possibility of being more dependent on imported oil, but also more dependent on oil from the gulf region. The same region to which we have committed half a million American lives.

An article that recently appeared in Amphibious Warfare Review, a prestigious publication on military matters, states:

> With the world's proven oil reserves of some 1.011 trillion barrels steadily declining, market supplies will come increasingly from the 640.5 billion oil reserves presently found in the Middle East. According to a 1987 report by the National Petroleum Council on the "U.S. Oil and Gas Outlook," approximately 35 to 46 percent of the world's oil will originate from the Middle East by the year 2000 if present trends continue. The vast oil reserves in the Middle East are likely to provide the majority of the world's oil well into the next century if world production peaks by the year 2000 as some futurists predict.

Given the predictions for the future, the mutual dependency on oil of the Gulf States and the West is going to become even more intertwined. Both sides, each in their own way, are becoming more prone to violence, as their dependence on oil increases. The war in the gulf is the latest, and most dramatic, example of this desperate dependency. Many people are dying because of it. And I say now: any further delay in dealing with this mutual depenency on oil, and the hard political questions that accompany it, would have grave consequences.

However, I know that breaking this cycle of dependency is going to be extremely difficult. There is going to be a great temptation to do nothing. The President's new energy policy leads exactly where?—nowhere. Business as usual. Every indication points to the fact that there will be a world oil glut after the war. The price of a barrel of oil is already near the prewar level, and falling. When this conflict is over, Kuwait and Iraq will begin producing oil again, and producing as much as they can to pay for the costs of the reconstruction. Other Gulf States, such as Saudi Arabia, which has already upped daily oil production by 3 million barrels since the beginning of the conflict, will face heavy political pressure to also continue producing as much as they can, because economic power translates into political power in this region. All of this oil production will have the cumulative effect of driving prices down even further, possibly to $10 a barrel.

This would seem to be good news, would it not, for a struggling U.S. economy. However, let there be no mistake: If the price of oil goes down to $10 a barrel, the long-term effects would be disastrous. America's addiction to foreign oil would even skyrocket at that price. Our domestic oil production and alternative energy sources could not be induced to compete. We would be held hostage to foreign sources. There would be no incentive here in America to develop new sources of energy, and, with oil itself, no incentive to explore for new supplies.

Southern States, like Texas and Louisiana, that rely on producing oil, would be thrown into a deep recession. When the price of oil collapsed in 1986, that is exactly what happened to those States, and it proved to be one of the primary reasons that the savings and loan crisis centered in that part of our country.

If the price of oil drops too much, the United States could find itself 60, 70, even 80 percent dependent on imported oil. With competition being pushed out of the domestic market, prices will boomerang back at some point, possibly well beyond what we are paying now. All our decisions would then be held hostage to our dependency on imported oil. To me, this is not in America's national security interest.

That is not all. The international ramifications could even be graver. The limited competition that exists in the international oil market now would be driven out. Multinational oil corporations, big oil, would literally continue to rule our lives. And in the gulf region, where we would increasingly depend for our oil, a vicious production war to gain market share could spawn even more vicious wars than what we are experiencing now. We would have to intervene again, and again, because we would be more dependent on their oil.

Believe me, this scenario is not a pleasant one to draw. It is scary to contemplate. But it could happen, and it is already beginning to happen.

We must break this cycle of mutual dependency on oil while we still can. To do so, the United States must formulate a comprehensive energy plan. It is not enough to only touch on the surface of this problem, as efforts in the past have done. Legislation proposed in Washington is all too often a peacemeal approach. Special interests must not be allowed to block the national interest in our collective pursuit of shaking our oil dependency. Quite frankly, it has gone way beyond fears of Government intervention; increased regulation of oil is our only means of survival, and taxing those who make profits out of taking America down the wrong path.

It is in our Nation's best interests to develp alternative energy sources. We are not a poor nation in natural resources. Why should we act like one?

□ 1520

Let us take just one small section of our country and look at it under a microscope. In States like Ohio where I come from, or Pennsylvania, or West Virginia and others in the Midwest, in fact the belt that runs all the way from Lorain, OH, to Denver, CO, cleaning coal would amply fill most of our Nation's energy needs, both industrial and residential for hundreds of years. Cleaning coal in closed systems with no emissions to the atmosphere could produce methanol and other fuels that would be cleaner than burning oil. Oil is dirty with the hydrocarbons and the emittants that it produces, unfortunately.

President Bush's budget eliminates all clean coal research funds, and we know under the ground in America today we have more recoverable coal reserves than the Middle East has oil. Why have we allowed ourselves to become so dependent on dirty oil when we have the ability to mine and refine our own coal here in the United States? Even the highest sulfur coal can be cleaned.

We know that recoverable coal reserves worldwide are three times as great as oil. In these same States, farmers grow enough corn and related crops on their fields to engineer an incredible supply of ethanol-based fuels. And there is always enough Sun for solar energy which makes sense in some parts of America and the world, and this is to say nothing of hydrogen power and even the nuclear reprocessing of spent fuels, which is a process that the world demands an answer to.

The emphasis of President Bush's new energy policy was on increased oil production for the most part, and as the Toledo Blade from my district calls it, this energy policy is a "half-baked energy plan."

Actually, it is a nonpolicy because not only does it offer nothing new, it increases our dependence on oil, which is not in this Nation's national security interest.

As I have pointed out in these remarks, this is the kind of plan that will lead to our ruin, not tomorrow but in the next century. We owe our children and grandchildren so much more.

No, we need something greater. Each and every one of us must be challenged to conserve energy. Just using a new type of building and automotive glass, perfected by Libby Owens Ford Co., a major producer in my district, can on an annual basis, because of the way that it filters the Sun's rays, save the equivalent of what we bring through the Alaska pipeline every year. There are hundreds of other companies and talented individuals in this country that can help us find energy alternatives, both on the conservation and production side, and I like those who suggest that what America needs in terms of energy is what we had in terms of producing atomic power with the Manhattan project. If we can do that in this Nation, we can produce alternative fuels.

America lowered our dependence on foreign oil in the early 1980's after President Carter's leadership lead us in that direction, and on a wider scale we as a nation must begin to wean ourselves from oil by replacing private interests with the national interest, seriously developing new sources of energy and cutting our consumption. Internationally the oil market must be stabilized.

It may seem strange, but it is imperative that we assist organizations like OPEC to reestablish product quotas. The world simply cannot withstand a volatile oil market with prices careening from highs to lows. This situation is what leads to war and unsettled regional conflicts.

Congressman LEON PANETTA'S bill is a good start in stabilization, but frankly, the world oil market needs something even more comprehensive. A price range must exist that allows for an equitable return for the oil exporting countries and a measure of security for oil importing countries. Specifically, for the Middle East, this stabilization must take place in connection with a general political framework for peace. Pouring billions of dollars into a chaotic region is morally wrong. We can no longer allow the money we spend on imported oil which has most often been used to buy more arms, arms that in turn are used to repress the people of that region, and now used against American and allied soldiers and forces.

Saddam Hussein would not pose the threat that he does today without the weapons that he bought with that oil money. And after this war is over, after Saddam is defeated, we must press for a political conciliation between the warring factions and provide them with the means to end their own dependency and our dependency on them.

In conclusion, I appeal to the good sense of the American people and to the world at large: Break this vicious mutual dependency on oil where we have been lead by the major oil companies of the world who have been largely silent as this conflict proceeds. We owe it to every young person that is fighting in this war to learn from it. Our hopes for the future and prosperity are riding on our ability to understand and accept the need for change and then to do it.

Mr. Speaker, I will place in the RECORD the news article that I referenced in my remarks as well as three charts, one that documents in detail the estimated recoverable coal reserves around the world, the number of Btu's that are available worldwide, showing the United States as the world's leader in coal reserves, and then a chart documenting the oil reserves which are about only one-fourth as great worldwide as the coal reserves, and finally natural gas reserves which are the least of the three, but nonetheless significant in terms of worldwide reserves.

The documents referred to follows:

U.S. SAT AS IRAQ GOT POWER, CRITICS SAY

WASHINGTON.—For 10 years as Iraq developed a vast army, chemical weapons, nuclear ambitions and a long record of brutality, the Reagan and Bush administrations quietly courted Iraq President Saddam Hussein as a counterweight to Iran's revolutionary fervor.

Now, critics say, Washington is paying the price for that policy.

Iraq is a power with a 100,000-man army entrenched in Kuwait and designs on the world's petroleum stocks while the United States has hastily mounted its largest military mobilization since Vietnam to keep Saudi Arabia from sharing Kuwait's fate.

Iraq reached these heights with American acquiescence and sometimes its help.

It benefited from a thriving grain trade with American farmers, cooperation with U.S. intelligence agencies, oil sales to American refiners that helped finance its military, and muted White House criticism of its human rights and war atrocities.

The United States removed Iraq from its list of nations supporting terrorism in 1983. The action was significant for it opened the door to federal subsidies and loan guarantees.

Since 1982, Baghdad has become one of the biggest buyers of U.S. rice and wheat, purchasing some $5.5 billion in crops and livestock with federally guaranteed loans and agricultural subsidies and its own hard cash.

It also has been extended some $270 million in government-guaranteed credit from the Export-Import Bank to buy other American goods, despite repeated failures to make loan repayments on time.

Current and former government officials also say the CIA provided the Iraqis with valuable information on the military operations of their Iranian foes.

In return, the United States received what the officials called largely disappointing data on terrorism, the Soviet Union and Iran.

Many critics, and some former administration officials, say the potential costs of the Reagan and Bush administrations dance with Hussein threaten to be especially steep.

The muted American reaction to the use of mustard and nerve gases by Iraq against Iran, first reported in March 1984, and its rocketing of Iranian cities with intermediate-range ballistic missiles may have encouraged the spread of such weapons.

Speaking Sunday on the ABC News program "This Week With David Brinkley," Secretary of State James Baker said as much.

"I do think it's worth looking at, in the future, arms sales practices and policies," Baker said. "We're very concerned about chemical weapons proliferation. These things, though, have all come about in the last three of four years. We would have been more concerned about all of this, perhaps going further back."

In an interview last week, a senior Pentagon official in the Reagan administration, Richard Armitage, said that "in retrospect, it would have been much better at the time of their use of gas and IRBMs if we'd put our foot down."

"The mistake we made was not pushing very hard and loud for international action," he said.

Armitage and other officials said they did not press for further punishment of Iraq at the time because they hoped to expand American influence with Hussein and shore up Iraq's ability to pursue the war with Iran.

After the war the argument was that economic and political ties were the only hope of influencing Hussein.

In the weeks before the Iraqi invasion of Kuwait, the White House abandoned even that tack, fighting trade sanctions against an increasingly belligerent Iraq by contending they would hurt American farmers and businesses without swaying Baghdad in the least.

Some Members of Congress, especially from agricultural states, also lobbied strongly against sanctions and for increased trade.

Now, administration officials concede the policy did not work. But they insist, in the words of senior State Department official Edward Gnehm, that "it was incumbent on us to try."

"There were lots of things in the equation that didn't work," Gnehm said, "but we hoped to be able to weave him into the fabric of Western nations. And we never tried to build that relationship with an extended hand without pointing out these problems with the other hand. I can only say it failed."

World crude oil reserves—Jan. 1, 1989

[Quadrillion Btu]

North America	515.88
Mexico	318.24
United States	157.65
Central and South America	400.00
Venezuela	341.76
Western Europe	108.82
Norway	61.18
Eastern Europe and U.S.S.R	354.71
U.S.S.R	344.12
Middle East	3,847.06
Saudi Arabia	1,500.00
Iraq	588.24
United Arab Emirates	577.06
Kuwait	555.88
Iran	546.47
Africa	334.71
Libya	129.41
Nigeria	94.12
Algeria	49.41
Far East and Oceania	265.29
China	138.82
Total	5,827.06

Source: Oil & Gas Journal, Dec. 26, 1988.

World estimated recoverable reserves of coal—1987

[Quadrillion Btu[1]]

North America	6,677.78
United States	6,463.11
Central and South America	126.22
Western Europe	2,726.22
Germany	1,513.78
Eastern Europe and U.S.S.R.	7,376.44
U.S.S.R.	5,994.67
Poland	1,046.22
Middle East	4.44
Africa	1,584.22
Far East and Oceania	4,139.78
China	2,420.00
Total	22,635.11

[1] 1 Quadrillion Btus of coal energy is equivalent to 170 million barrels of crude oil or 28 days of U.S. petroleum imports.

Source: The World Energy Conference.

World natural gas reserves—Jan. 1, 1989

[Quardrillion Btu]

North America	337.9
United States	168.0
Canada	95.1
Mexico	74.8
Central and South America	161.2
Venezuela	102.2
Argentina	26.7
Western Europe	199.9
Norway	85.5
Netherlands	62.5
Eastern Europe and U.S.S.R	1,529.0
U.S.S.R	1,500.0
Middle East	1,182.1
Iran	494.4
United Arab Emirates	201.5
Oman	156.7
Qatar	152.0
Africa	253.3
Algeria	104.2
Nigeria	85.0
Far East and Oceania	272.4
Indonesia	83.6
Malaysia	51.7
China	31.7
Total	3.935.9

Source: Oil & Gas Journal, Dec. 26, 1988.

LEGISLATIVE PROCESS REFORM

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 30 minutes.

Mr. SOLOMON. Mr. Speaker, today, I have introduced a resolution to establish a House Commission on Legislative Process Reform. The Commission would be composed of 12 members, including 8 current and 4 former House Members, equally drawn from the two major political parties.

The Commission would be charged with conducting a thorough investigation of the structure and operation of the legislative process in the House and reporting its findings and recommendations by the end of this year.

Mr. Speaker, as a member of the Rules Committee which has jurisdiction over House rules and procedures, it is with some reluctance that I am urging the creation of a special commission to initially look into what is at least partially under our jurisdiction. But I think the erosion of the legislative process is serious and urgent enough to warrant such a special and comprehensive review by such a unique, new panel.

Moreover, the Rules Committee will soon be preoccupied with processing legislation from other committees to the House floor, and will not have time to do such a reform effort justice. And finally, I think this reform effort, like many of its predecessors, deserves broader representation both from current House Members as well as former Members, and that it should be completely bipartisan if it is to succeed.

I think it is important to emphasize that whatever the Commission does report will be referred to the committees of jurisdiction so that any legislative measure or rules changes which are recommended will have to be reported from those committees before coming to the House floor. So this in no way constitutes a complete bypass of the committee system. Indeed, I am confident that any final product that is reported to the House will bear the distinct imprint of the committees reporting it.

Mr. Speaker, Winston Churchill once said that "democracy is the worst form of Government except all those other forms that have been tried from time to time." Indeed, our own unique democratic system of divided powers and checks and balances was intentionally designed to produce inefficiency, delay, and conflict. Jefferson is often quoted as saying that "Democracy is cumbersome, slow and inefficient." "But," he went on to add, "in due time the voice of the people will be heard and their latent wisdom will prevail."

Mr. Speaker, I think we all recognize that democracy is inherently messy, slow, and inefficient. But that is no excuse for us to deliberately make things worse by our actions or inaction. It should be our aim to make our system of Government work for the people to the best of our ability and its potential. Instead, we seem to be more intent on building our little warring fiefdoms than in restoring a working and workable committee system.

Mr. Speaker, the American people recognize that something is drastically wrong with the way Congress is being run today. An ABC News election day poll taken last November reveals that only 23 percent of the American people approve of the job we are doing while the remaining 77 percent disapprove.

The evidence is all around us that our once vaunted committee system is deteriorating. In fact, "Crumbling Committees" is the title of the award winning article by Richard Cohen in the August 4, 1990, Congressional Journal. In that article Cohen points to all the instances in which the Democratic leadership found it necessary to go around the standing committee system to craft legislation on major issues, including the budget agreement, and the crime, clean air, ethics, and campaign reform packages.

Since that article was written, a number of disgruntled House Democrats have pushed through a caucus rule to require any leadership task force products to be referred to the committees of jurisdiction for at least 5 days before being brought to the floor. So there is clearly concern being evidenced on the part of the majority about the apparent breakdown in the committee system and a deliberative legislative process.

The roots of this breakdown are fairly easy to trace. They go back to the so-called congressional reform revolution of the 70's which attempted to democratize the committee system by allowing for the unbridled proliferation of semiautonomous subcommittees.

Between 1970 and 1990, the number of subcommittees increased by 40 percent from 136 to 158, even though the number of committees remained relatively constant. During that same period, committees' staff rose 186 percent, from 738 to 2,109.

Has Congress been all that more productive legislatively to warrant such increases in subcommittees and staff? Not to judge by the number of bills reported, passed and enacted. House committees reported 635 measures in the last Congress, 44 percent fewer than the 91st Congress two decades ago. The House passed 968 measures in the 101st Congress—162 fewer than the 91st Congress. And we enacted 650 measures into law in the 101st Congress, 45 fewer than the 91st Congress. But that figure is deceptive since 36 percent of our enactments in the 101st Congress were so-called commemorative measures while only 9.8 percent of the enactments in the 91st Congress were commemoratives. That leaves just 418 substantive enactments in the 101st Congress or 33 percent less than the 627 substantive enactments in the 91st Congress.

Mr. Speaker, I would be the last person who would argue that Congress should be churning out more laws. If anything, we should be passing fewer. The only point I am trying to make here is that we have long ago reached the point of diminishing returns when it comes to the proliferation of staff and subcommittees. Perhaps the biggest reason for this is the adoption in 1974 of a rule permitting the referral of the same bills to more than one committee while not realigning committee jurisdictions along more functional and rational lines.

It is little wonder the leadership must often resort to extra-committee means to bring legislation to the floor when major bills are sometime hopelessly entangled in five or more committees, each having completely different ideas of what the final version should look like.

Members are also hopelessly stretched out over this rack of tangled committee and subcommittee assignments, so much so that they are unable to do justice to any one assignment. That in turn has produced in our rules such phantom legislative devices as one-third quorums, proxy voting, and increasing reliance on the use of the suspension of the rules procedure on the floor to pass bills when no one is here. Whereas in the 95th Congress (1977–78) 389 measures passed the House under suspension (or 38 percent of all bills passed by the House), in the 101st Congress 502 measures passed the House under suspension, or 52 percent of all measures passed by the House. This should be cause for considerable concern though little is heard.

In conclusion, Mr. Speaker, I think the American people are realistic about the limitations of democracy but they are also acutely aware of when we do not live up to our potential as legislators or the system's potential for better representing their interests and the national interest. And make no mistake about it, they are giving us a failing grade at present. It is high time we resolve to do something about it by reforming ourselves before the system collapses on top of us and ends all hope for the success of this great democratic experiment.

My proposal for a 1-year study and report is a modest one yet one which I think will help to put us back on the track toward a more representative, deliberative and accountable legislative process. We must act before it is too late. I urge early action on this proposal for a bipartisan House Commission on Legislative Process Reform.

At this point in the RECORD, Mr. Speaker, I am inserting the text of my resolution, two tables containing data to which I have referred, and the article by Richard Cohen to which I have made reference. The materials follow:

H. RES. —

Resolved, That there is established in the House of Representatives a commission to be known as the House Commission on Legislative Process Reform (hereinafter referred to as the "Commission").

FUNCTIONS

SEC. 2. The Commission is authorized and directed to conduct a full and complete investigation of the current structure and operation of the legislative process in the House of Representatives including, but not limited to—

(1) the jurisdictions of committees;

(2) the size of committees;

(3) the number of subcommittees;

(4) the number of Member committee and subcommittee assignments;

(5) the use of select and joint committees;

(6) the effect of committee rules on the legislative process, including proxy voting, one-third quorums, open meetings and hearings, scheduling and the prior availability of materials for hearings and meetings;

(7) the size, costs, funding and allocation of committee staff;

(8) committee budgeting systems and resource allocation;

(9) the multiple referral of legislation to committees;

(10) the foreign and domestic travel of committees;

(11) restrictions on the amendment process in the House;

(12) the use of the suspension of the rules procedure;

(13) commemorative legislation;

(14) unauthorized appropriations and legislative provisions in appropriations measures;

(15) continuing appropriations resolutions;

(16) waivers of the Budget Act and extraneous matters in reconciliation bills;

(17) oversight of Federal laws, agencies and programs;

(18) the presentment of bills to the President; the prompt consideration of return vetoes; and the appropriate use of the pocket veto.

APPOINTMENT AND MEMBERSHIP

SEC. 3. (a) The Commission shall be composed of twelve members to be appointed by the Speaker as follows: eight current Members of the House equally drawn from the two major political parties, one of whom the Speaker shall designate as chairman; and four former Members of the House equally drawn from the two major political parties.

(b) Any vacancy occurring in the membership of the Commission shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section the term "Members" shall mean any Representative in, or Delegate or Resident Commissioner to the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 4. (a) For purposes of carrying out this resolution the Commission, or any subunit thereof authorized to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the Commission.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives the Commission may incur expenses in connection with its duties under this resolution.

(b) In carrying out its functions under this title, the Commission is authorized to—

(1) appoint, either on a permanent basis or as experts or consultants, such staff as the Commission considers necessary;

(2) to utilize the services of the staffs of those committees of the House from which Members have been selected for membership on the Commission;

(3) to prescribe the duties and responsibilities of such staff;

(4) to fix compensation of such staff at a single per annum gross rate as provided by clause 6(c) of rule XI of the Rules of the House of Representatives;

(5) to terminate the employment of such staff as the Commission considers appropriate; and

(6) to reimburse members of the Commission and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the Commission, other than expenses in connection with any meeting of the Commission held in the District of Columbia.

(c) Members of the Commission who are not current Members of the House shall each be paid at a rate equal to the rate of pay for level III of the Executive Schedule for each day (including travel time) during which they are engaged in the performance of duties vested in the Commission.

REPORTS, RECORDS AND TERMINATION

SEC. 6. (a) The Commission shall transmit its final report to the House not later than December 31, 1991, and such report shall contain a detailed statement of the findings and conclusions of the Commission together with its recommendations for such action as it deems advisable, and any such report shall be referred to the committee or committees which have jurisdiction over the subject matter thereof.

(b) The Commission shall cease to exist ninety days after the submission of its final report, at which time its records and files shall be transferred to the Committee on Rules.

TABLE 1.—COMPARATIVE LEGISLATIVE DATA FOR HOUSE OF REPRESENTATIVES

[91st, 96th, and 101st Congresses]

Item	91st Cong. 1969–70	96th Cong. 1979–80	101st Cong. 1989–90
Days in session[1]	350	326	281
Hours in session[1]	1,613	1,876	1,688
Avg. hours per day	4.6	5.8	6.0
Total public measures reported[1]	1,137	878	635
Public measures reported but not acted upon[1]	61	131	66
Total public measures passed[1]	1,130	929	968
Unreported measures passed as percent of total	4.8	19.6	41.2
Total public laws enacted[1]	695	613	650
Avg. pages per statute[2]	4.2	8.1	NA
Commemoratives enacted[3]	68	96	232
Commemoratives as percent of total enactments	9.8	15.7	36
Substantive laws (total minus commemoratives)[3]	627	517	418
Rollcall votes[4]	443	672	878
Average votes per measure passed[5]	3.8	2.2	1.6
Congressional Record pages of House proceedings	25,855	25,079	23,160
Average record pages per measure passed[5]	15	17	17
House standing committees	21	22	22
Select committees[6]	2	5	5
Subcommittees[7]	136	158	158
House committee staff[8]	738	2,017	2,109
House appropriations[9] (in millions of dollars)	203.1	645.9	1,129

[1] Data taken from "Resume of Congressional Activity," Daily Digest, Congressional Records, & House Calendars, 91st, 96th, and 101st Congresses. "Public measures" are bills and joint resolutions of a public nature, and do not include private bills, nor do they include simple or concurrent resolutions.

[2] Source: "Indicators of House of Representatives Workload & Activity," CRS Report for Congress by Roger H. Davidson and Carol Hardy, June 8, 1987 (Rept. No. 87–492 S).

[3] Commemoratives are isolated here as a subcategory of public laws, to be distinguished from more substantive enactments. The term "commemoratives" includes proclamations, commemorations, memorials, namings, coins and medals, and recognitions. Source: "Commemorative Legislation," by Stephen W. Stathis & Barbara L. Schwemle, Congressional Research Service, March 30, 1990 (Rept. No. 90–183 GOV).

[4] "Rollcall votes" include yea and nay votes and recorded votes, but not recorded quorum calls. Prior to 1971, recorded votes were not permitted on amendments in the Committee of the Whole. Sources: Daily Digest, "Resume of Congressional Activity," final Congressional Records for 91st, 96th, and 101st Congresses.

[5] "Measures passed" here includes not only bills and joint resolutions, but simple and concurrent resolutions as well.

[6] Select committees include an ad hoc legislative committee in the 96th Congress.

[7] Subcommittees include the subcommittees, panels and task forces of standing and select committees. Sources: Vital Statistics on Congress, 1984–85, by Ornstein, by Mann, Malbin, Schick and Bibby (AEI, 1984); Congressional Staff Directory, 1990, Ann Brownson, editor (Staff Directories, Ltd.: 1990).

[8] Figures for staff include statutory and investigative staff of all House standing and select committees plus H.I.S. staff. Sources: Vital Statistics on Congress, 1984–85, op. cit.; Congressional Staff Directory, 1970, 1980, 1990; House Administration Committee minority staff for 101st Congress; Report of the Clerk of the House, April-June, 1990 (House Doc. 101–230).

[9] Figures represent the budget authority appropriated for the House in the Legislative Branch Appropriations bills for the 91st (FY 1969–70), 96th (FY 1979–80), and 101st (FY 1989–90) Congresses. Sources: "U.S. House of Representatives and Senate: Budget Authority FY 1962—FY 1988," by Paul Dwyer, Congressional Research Service (Rept. No. 88–260 GOV); Budget of the U.S., Fiscal 1991; and Legislative Branch Appropriations Bill, 1991, House Report 101–648.

TABLE 2.—BILL AND JOINT RESOLUTIONS PASSED UNDER SUSPENSION OF THE RULES BY THE HOUSE

Item	Congress						
	95th	96th	97th	98th	99th	100th	101st
Total measures passed by House[1]	1,027	929	704	978	973	1,061	968
Total measures passed under suspension of rules[1]	389	340	251	371	349	510	502
Suspensions as perceant of total measures passed	38	37	36	38	36	48	52

[1] "Measures" as used here refers only to bills and joint resolutions and does not include simple and concurrent resolutions which are not presented to the President for his approval or disapproval.

Sources: Final Calendars of the House, 95th–100th Congress; and Table 1 in "Patterns of Floor Consideration in the House of Representatives," by Stanley Bach, Congressional Research Service, Dec. 9, 1989, for the 95th–99th Congresses; and H.I.S. data for 101st Congress.

[Compiled by the Minority Council, Subcommittee on the Legislative Process, House Committee on Rules.]

[From the National Journal, Aug. 4, 1990]

CRUMBLING COMMITTEES

(By Richard E. Cohen)

Woodrow Wilson would hardly recognize Congress these days. "Congress in its committee rooms is Congress at work," the 32nd President, while a graduate student in 1885, wrote in Congressional Government.

Wilson's book, still a political science classic a century later, talked of how Congress handled most legislation through a hierarchical system dominated by committee chairmen.

In recent years, however, internal changes have quietly revolutionized the sources of legislative power on Capitol Hill, eroding the influence of once all-powerful committees and of their bosses. Today, committees are often irrelevant or, worse yet, obstacles.

Congress has turned to these new arrangements, in part, to ease the lawmakers' burden. "The erosion of the committee process has made life more difficult in the Senate," said a former top Senate aide who is now a corporate lobbyist. But the informal, closed-door sessions that have resulted from this erosion "may be an attribute for Senators working in a fishbowl, where every lobbyist knows what is happening before he does."

There are other reasons for the new procedures, including the reforms of the 1970s that some blame for exacerbating committee turf battles and producing too many subcommittee chairmen. The move away from committee dominance is also driven by non-legislative concerns: On some politically volatile issues, party leaders have simply concluded that the committee process doesn't work.

Here's how Congress, especially the Senate, has gone outside the committee system to handle key legislation during the past year.

This summer's efforts by White House and congressional budget summiteers to force deep cuts in the deficits have largely preempted the jurisdiction of congressional committees, notably the tax-writing panels. Although the members of the House Ways and Means and Senate Finance Committees would probably have a major voice in writing the details of any tax bill that emerges from a summit deal, they have already largely relinquished their authority to make the broad decisions. Their chairmen—Rep. Dan Rostenkowski, D-Ill., and Sen. Lloyd Bentsen, D-Texas—have consented to arrangements that allow a wider group of Members to craft tax policy. "All Members see (raising taxes) as a tar baby, and they want to get rid of it," a close observer said.

The Senate version of the clean air bill was drafted early this year during a monthlong series of meetings convened and masterminded by Senate Majority Leader George J. Mitchell, D-Maine. The meetings were held in Mitchell's office, with key Senators and Bush Administration officials attending. This extraordinary step was taken after it had become clear that the Senate would never approve the legislation written by the Environment and Public Works Committee because of the opposition of the Administration and powerful private interests. Even in the House, where the bill was handled largely by the Energy and Commerce Committee, most of the major issues were resolved privately by the committee's leaders, sparing the full committee and the House from the potentially painful task of choosing sides.

The Senate version of a comprehensive anticrime bill, which was approved in July, came to the floor despite the almost total absence of debate or formal action by the Judiciary Committee and with most of the important decisions made off the floor by party leaders. In the House, where the rules give the majority party added leverage, Judiciary Committee Democrats worked with party leaders on their own version of the bill, which has been sent to the floor.

The internal debate over campaign finance legislation began after Democrats and Republicans developed separate positions and sought—with little success—to bridge the differences in bipartisan negotiations. The House and Senate committees with jurisdiction over the issue have been largely bypassed.

The pay raise-ethics package Congress approved late last year was developed outside the formal committee structure by special leadership-controlled panels in each chamber.

A common feature of these informal arrangements is that all of them have taken shape behind closed doors, with party leaders controlling the process. In at least one aspect, therefore, Wilson's portrayal of Congress remains valid. "One very noteworthy result of this system," he wrote, "is to shift the theater of debate upon legislation from the floor of Congress to the privacy of the committee rooms."

SHIFTING POWER

This topsy-turvy handling of major issues reflects some broader internal changes. They include the breakdown of the seniority system, an erosion of party discipline, the paralysis resulting from divided party control of the White House and Congress, increased partisan sloganeering and the growing influence of 30-second campaign spot commercials.

The new, less formal procedures have led to other shortcomings in the legislative work product. "The committee process is designed to weed out problems," J. Thomas Sliter, a former top Senate Democratic aide, said. "But when bills are put together on an ad hoc basis, the trouble can be that there are no hearings and more staff control, which increases the risk of unintended consequences."

Members of Congress have complained that they have little idea what they are voting on when they are presented on the floor with an anticrime or an environmental bill, for example, that runs several hundred pages. Although tax bills are typically written inside the Ways and Means and Finance Committees, even those panels assign the task of writing the details to the committee staffs. The committees have been embarrassed occasionally when they have learned about the impact of the bills that have emerged.

The crumbling of the committee system has not affected all major bills. In addition to tax measures, appropriations and defense policy legislation are still mostly committee-produced products that generally receive rubber-stamp approval on the House and Senate floors. Nevertheless, the chairmen of these committees have been forced to be mindful of the wishes of their party leaders and of the full chamber. As the budget negotiations have demonstrated, even influential chairmen can find that their maneuverability is severely limited, often to the benefit of party leaders.

"Budget realities have had an enormous impact on the way tax legislation is written," David H. Brockway, former chief of staff of the congressional Joint Committee on Taxation, said.

"In the not-distant past, the hallmark of the Senate was weak leaders and strong chairmen," said Robert G. Liberatore, who was staff director of the Senate Democratic Policy Committee from 1981–84. "The loss of power by committee chairmen and the increased chaos in the use of Senate rules to promote a Senator's views have required leadership to be more involved in keeping things going."

The altered power relationships have come in response to the often-tumultuous political changes of the 1980s—notably, the division of policial power between the White House and Congress and the shifts in control of the Senate in 1980 and again in 1986.

"The institution is groping to find ways to get things done when it's difficult to do anything," said Norman J. Ornstein, a congressional scholar at the American Enterprise Institute for Public Policy Research.

Congress is resorting more frequently to the informal procedures in part because the Bush Administration has been "more aggressive in arguing its views," Sen. Wendell H. Ford, D-Ky., said. "With the Administration leading the [Senate] Republicans almost in lockstep, that means that even if a bill is reported by a committee, the bill often won't move" without further negotiations. The President's effective use of the veto, which he has exercised 13 times without an override, has enhanced his influence at Congress's expense.

In the Senate more than in the House, Democrats have been forced to improvise because of turnover in the ranks of committee chairmen and party leaders. "Prior to 1980, there was an entrenched senior Member-staff structure in the Senate that had been there for more than a decade," said Leon G. Billings, a lobbyist who was a top aide to then-Sen. Edmund S. Muskie, D-Maine. "That was seriously disrupted for Democrats in the six-year hiatus [of 1981–87, when the GOP controlled the Senate]. More-junior Senators, who were less well versed on specific issues, took over."

Two key examples are the Senate Budget Committee and the Environment and Public Works Subcommittee on Environmental Protection, both of which Muskie chaired until he resigned in 1980 to become Secretary of State. Last year, those panels were taken over by new chairmen with little leadership experience on the issues at hand; in each case, control of these issues has been moving toward the leadership.

Mitchell, who also took office as Majority Leader last year, has denied any significant loss of committee influence. But a process that puts the budget and clean air and other issues in the leadership's hands seems tailor-made for him because he is more issue-oriented than recent Senate leaders.

The Senate Budget Committee has become virtually a nonparticipant in budget policy, as evidenced by the decision this year of chairman Jim Sasser, D-Tenn., not to bring to the Senate floor the committee's annual resolution setting spending and revenue targets for the next fiscal year.

At the Senate Appropriations Committee, chairman Robert C. Byrd, D-W.Va., this year in effect set his own spending ceiling to guide his panel's work.

Though the Senate Environment Committee ultimately lost control of the clean air bill to the Mitchell-sponsored negotiations, the chairman of its Environmental Protection Subcommittee, Max Baucus, D-Mont., has been a central figure in moving the bill; he has worked closely with Mitchell, who preceded him as subcommittee chairman. "The committee could have met the Administration's objections earlier if they had been fully stated," Baucus said. He rejected the view of some observers that his own inexperience was a factor.

Lawmakers also have made many issues more difficult to handle because they want to use legislation to make political statements—for themselves or for their party, as Senate Democrats sought to do on the crime bill. And legislative procedures, never models of efficiency, have become more cumbersome as they are subjected to greater demands.

"The problems we face are becoming more complex, and the solutions don't fit neatly into the baskets represented by the committee system," said David E. Johnson, a former top aide to Mitchell who is now a Washington lobbyist and an informal adviser to the Majority Leader. "When I started working for Muskie in 1973, the Senate was a much different place. There was more respect for seniority and learning your committee assignment. Now, it seems that there is more of an entrepreneurial spirit in the Senate and in politics, generally."

CONSTITUENT COMMITTEES

Wilson's observation in 1885 that committees predominate because "the House is conscious that time presses" remains apt.

Congress functions most smoothly when bills are written in committee with bipartisan support. On most committees, the members generally seek that approach, if only because what they produce is more likely to win support on the House or Senate floor if a consensus has developed.

"Task forces usually are created only after a committee has run into a problem moving a bill," said Thomas A. Daschle of South Dakota, the co-chairman with Mitchell of the Senate Democratic Policy Committee. "They may enhance the influence of a chairman if they can improve his ability to move a bill through the floor."

Members often seek assignments to committees that deal with the issues in which they and their constituents are most interested. And that means that the committees can become captives of the interest groups most affected by their work. Seats on the Agriculture Committees tend to be filled by lawmakers representing farmers, for example, and western and southern Senators gravitate toward the Energy and Natural Resources Committee.

"On the key committees that Senators want to be on—Finance, Appropriations, Armed Services—there tend to be more-balanced views," said Liberatore, who is a lobbyist for Chrysler Corp. "Many of the others are constituent committees, which generally have more staff control, and there is less interest by members in the details of programs."

Trouble can arise if committees ignore the views of other Members—for example, industrial state lawmakers who object to environmental controls on power plants—or if they fail to find common ground on politically polarizing issues.

"There is no concert effort to bypass committees," said Sen. Wyche Fowler Jr., D-Ga., whom Mitchell tapped as assistant floor leader. "That's much more difficult for leadership to manage." The need for informal mechanisms, in part, "has to do with the personalities and effectiveness" of chairmen, Fowler added.

Even seemingly routine action on bills can often become snarled. When the Senate in June 1989 acted on the child care bill—one of the Democrats' top domestic priorities—it was initially written by Labor and Human Resources Committee Democrats, who are mostly sympathetic to organized labor and child care groups. Before the measure could win Senate passage, however, Mitchell was forced to file a floor substitute that substantially watered down the original version and added provisions that the Finance Committee had prepared. Because most Republicans opposed the measure, the support of Orrin G. Hatch of Utah, the Labor Committee's senior Republican, was vital to Senate passage.

Hatch took a more traditional minority role when his strong oppositon triggered an angry debate on the pending Civil Rights Act, which the Labor Committee drafted. As a result, committee chairman Edward M. Kennedy, D-Mass., sought but ultimately failed to work out differences directly with White House chief of staff John H. Sununu. Kennedy and Sununu had conducted similar negotiations a year ago to expedite Senate passage of landmark legislation expanding the rights of disabled persons.

In the House, the two committees with child care jurisdiction—Education and Labor and Ways and Means—were badly split over the financing mechanism. Their differences stemmed, in part, from a jurisdictional fight.

House Speaker Thomas S. Foley, D-Wash., and Majority Leader Richard A. Gephardt, D-Mo., worked for months to resolve those differences but ultimately failed; in March, the House passed a bill that included the two conflicting approaches. Republicans hope that the threat of a presidential veto will give them leverage in a House-Senate conference committee, where they favor the Ways and Means approach of greater tax credits and fewer strings on federal grants.

Some committees and committee chairmen have been ill-equipped to deal with hot-button issues—controversial topics requiring quick action and a sensitivity to partisan implications.

Pay raise and campaign finance bills, for example, have become known as "leadership issues." They require party leaders' extensive participation because "they involve the Members themselves and need bipartisan support," said Rep. Martin Frost, D-Texas, who has served on informal leadership panels dealing with both issues.

The committees with nominal legislative jurisdiction over these issues—chiefly, the House Administration Committee and the Senate Rules and Administration Committee—have become housekeeping panels to which most members devote little time. That represents a change from the early 1970s, when those committees were central in drafting campaign finance laws. But House and Senate party leaders have included members of those committees on the informal pay raise and campaign finance panels.

"These are issues that require the leadership to play a critical role to overcome the parochial interests of individual Members," Common Cause president Fred Wertheimer said. "After 15 years of the parties' battling each other and incumbents benefiting from the current system, that makes it harder to resolve. . . . On these issues, accountability is not with the committee system, it's with the party leaders."

It's not only the majority leadership that can preempt a committee. According to Ford, who chairs the Rules Committee, he and other Senators from each party earlier this year were working on major parts of the campaign finance bill when Minority Leader Robert Dole, R-Kan., forced an end to the negotiations. "We were making progress, and then some other Republicans got their noses out of joint," Ford said. "I understood that it was because of Dole." Dole, who has opposed Democratic efforts to impose strict spending limits, eventually joined Mitchell in creating an informal group that tried but failed to reach a bipartisan agreement.

Sometimes, overlapping committee jurisdictions are obstacles to moving legislation to the floor. Issues such as education, trade and drug control may be in the jurisdiction principally of a single committee of the House or Senate. But several other committees can and often do argue for a share of the jurisdiction so that their members can get a piece of the action.

"There are so many overlapping jurisdictions, which create difficulties in working out problems," Daschle said. "And many more Members desire to be involved, even though they are not on the committee with jurisdiction." That helps to explain, for example, why eight Senate committees and nine House committees worked on parts of the 1988 Trade Act.

Reformers made several efforts in the 1970s to overhaul committee jurisdiction but failed, for the most part, because of opposition from Members who feared a loss of influence. The most far-reaching plan was prepared in 1973–74 by the House Select Committee on Committees, which was chaired by Richard Bolling, D-Mo., who retired in 1982 after serving 34 years as an influential Member.

"It's not possible for many bills to go through the committee system until Congress redoes itself," said Bolling, who has become an adviser of Gephardt. "It's nutty now. But this is not the time to reform, either strategically or politically."

Other major changes in the mid-1970s, which were the culmination of lengthy efforts by Bolling and other Democratic reformers, served to weaken the roles of the once-autocratic committee chairmen. They included the adoption of the new congressional budget process; the election in 1974 of the "Watergate babies," nationally oriented House Democrats with little respect for their elders or for House traditions; and the strengthening of the House Democratic Caucus, which demonstrated its new muscle in 1975 by ousting three senior committee chairmen. Intentionally or not, these changes contributed to Congress's internal gridlock.

Ford said that a study of Senate committee jurisdictions would be timely. "I don't preclude it in the next session," he said.

"Congress prefers strong chairmen," Fowler said. "But the proliferation of chairmen has weakened the committee system. You no longer have the whales on any complex issues. You usually have two to three committee chairmen and eight or nine subcommittee chairmen, all jealous of their turf."

ASSERTIVE MEMBERS

Reduced committee influence can open up many opportunities for rank-and-file Members. Sen. Phil Gramm, R-Texas, may be the best example. In 1985, as a first-year Senator, he prepared and cosponsored a floor amendment that resulted in radical changes in the federal budget process. Four years earlier, while a second-term House Democrat, Gramm pulled off a similar coup when he successfully sponsored a floor amendment that made major cuts in domestic spending programs.

Those moves did not endear Gramm to the many lawmakers in both parties who take a more traditional view of the legislative process. But they have made him one of Congress's most influential Members.

Many Senators prefer the relative stability of the committee process—when it is working well. "Politicians generally don't like grandstanding and how it affects their colleagues," Billings said. "Most of them want to accomplish the best legislation that they can. That requires a normalized process."

Informal mechanisms that substitute for the more structured committee process often strengthen the hands of individual Members. "A Senator can have more leverage in an extra-committee context," Sliter said. "It's more likely to be free-form because you are not going against the chairman. . . . Task forces can be more democratic in their operation and can prod a chairman not to be autocratic."

In the closed-door negotiations on the clean air bill, for example, individual negotiators—including those from the Administration—could stymie an agreement more easily than they could have done in a standing committee, which is ruled by majority vote.

Baucus justified the informal approach, noting that "it's such a complex bill with so many titles that it was more appropriate to address it on a cohesive basis within the core group. The proof of our success is in the pudding. We met the objective of passing a bill that is a major improvement over current law."

Supporters of more-stringent clean air requirements contend that the cost and complexity of the provisions and the growing number of Members with an interest in the legislation made a battle royal unavoidable, especially in the Senate, where opponents can more easily put up roadblocks. "We knew that there were people in the weeds waiting to make a big fight and that some parts of the committee bill would be whittled away," said Robert Hurley, the Environment Committee's minority staff director. "Had we known the intensity of the opposition, we might have made some adjustments in committee."

In other cases, so many Members want a piece of the action that a chairman willing to work outside the formal structure can turn the chaos to his advantage. When the Senate took up the broad crime bill this spring, for example, Senators offered more than 300 floor amendments. Judiciary Committee chairman Joseph R. Biden Jr., D-Del., worked for days with Strom Thurmond of South Carolina and Hatch, the committee's senior Republicans, to narrow the list to a more manageable 18, half from each party. These private negotiations became, in effect, a makeshift bill-drafting session involving 100 Senators and their aides, not the 14 Judiciary Committee members.

A host of political factors shaped the backroom dickering off the Senate floor. Democrats wanted to place their imprint on a crime bill but also wanted to limit votes on controversial issues that might prove embarrassing to Democratic Senators seeking reelection in the fall. Republicans wanted to help President Bush get a crime bill, but many of them were unhappy about efforts to expand the bill to include gun control measures. Members of both parties who are up for reelection wanted an opportunity to offer amendments that would display their "law and order" credentials.

"Many Members wanted to offer an amendment so that they could be on C-SPAN or have a 30-second campaign spot," a Democratic aide working on the bill said. "The reality is that this is a big part of the legislative process."

Earlier, Biden had decided to make the fight on the Senate floor rather than in his committee, which never formally acted on the omnibus measure. Still stung by the 1988 presidential campaign, in which Bush scored points by attacking Democratic nominee Michael S. Dukakis on crime issues, Senate Democrats sought to use the bill to make a partisan statement.

"The Biden bill does more to combat crime than the Administration's proposal, while at the same time remaining more sensitive to constitutional concerns," a July 10 handout prepared by Biden's staff declared.

FLEXIBLE LEADERS

New procedures intended to supplement the work of the committees may also enhance the power of congressional leaders, especially those in the Senate. "By picking who is on the team and putting a spin on the outcome, leadership can exert more control," a Senate Democratic source said.

At the same time, the added reponsibilities can complicate the lives of party leaders, who already have to balance a range of legislative and political demands. Increasingly, however, Members are selecting leaders—such as Mitchell, Gephardt, Dole and House Minority Whip Newt Gingrich, R-Ga.—who have demonstrated that they can not only speak to national constituencies but can also deal with internal pressures.

In addition, Bush and top White House officials have been more interested in resolving legislative details with congressional leaders than their recent predecessors have—in part, congressional sources suggest, because Bush spends less time than other Presidents did developing a White House legislative agenda.

Until recent years, active Presidents did not have to contend with strong congressional leaders seeking their own podiums. Sam Rayburn of Texas, who was House Speaker in 17 of the years from 1940–61 and was probably the century's most skillful lawmaker, prided himself on his ability to work closely with Presidents and committee chairmen. But to the public at large, he was not very well known.

"Rayburn had half the power" of later Speakers, said Bolling, whom many regarded as Rayburn's protégé. "But he had enormous prestige from the ability to understand what could be done and how to tell a President."

Mitchell may be setting a new model for Senate leaders as he tries to combine the roles of legislative agenda-setter and national party spokesman. Last fall, for example, he engaged in public and private lobbying to kill, virtually single-handedly, Bush's proposed cut in the capital gains tax rate, which was backed by a majority of Senators, including members of the Finance Committee.

"George Mitchell takes a much more flexible approach to leadership," Ornstein said. "This is an era when leaders use whatever tools work and seek new ones, where necessary. . . . They have to be more creative and improvisational."

Byrd, who was Mitchell's prdecessor as Majority Leader, used task forces and other ad hoc arrangments chiefly to help establish a party position on issues. But on legislative procedures, Byrd was more inclined to be deferential to committee chairmen. Dole, for his part, has been a more assertive leader than his predecessors and seeks to wield influence from the top.

Mitchell, in effect, has taken elements of each approach. "Sen. Mitchell uses task forces as an opportunity to be more directly involved in negotiations," Daschle said.

Mitchell, in an interview, denied that Senate operations or leadership responsibilities have been overhauled. "The issues are more complex, and individuals are more involved," he said. "But there is not a change in the way the Senate does its business."

For Mitchell and other party leaders, the budget summit has been an important test. With the deficit remaining at high levels and tax and spending issues increasingly difficult to resolve, both the White House and congressional leaders have, in effect, given up on the committee process. They view the summit talks as the best opportunity to break the stalemate.

"I do think that it's a way of highlighting the importance of the issue," said Fowler, whom Mitchell tapped as his budget summit representative. "The President is trying to head off a crisis of budget sequestration," or across-the-board spending cuts.

Many factors have complicated the process of seeking a budget agreement, not the least of which is the relationship between party leaders and committee chairmen. On the one hand, the summiteers have wanted to present Congress and the public with a fait accompli that would require a single up-or-down vote in the House and Senate. But they also have sought to develop the framework for an agreement that is politically supportable, while relying on several committees to write the details—chiefly, Appropriations, Armed Services and the tax-writing panels.

A budget accord would make "academic" the money bills that have been working their way through Congress, House Minority Leader Robert H. Michel, R-Ill., said. The Appropriations and tax-writing committees would be working under tight deadlines and following a detailed outline prepared by the summiteers as they wrote the legislation.

Whether it is the budget or other issues, party leaders have often said that they do not want to put their own "stamp" on issues. In an increasing number of cases, however, they have found that if they don't, no one else can.

AMENDING FOREIGN AID POLICY OF UNITED STATES TOWARD COUNTRIES IN TRANSITION FROM COMMUNISM TO DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 10 minutes.

Mr. ROHRABACHER. Mr. Speaker, we have heard a lot about oil dependency today, and just a few notes on America's oil dependency.

It is very interesting that so often we hear people talking about how horrible it is that the United States is dependent on oil, especially foreign oil, and quite often people who complain the loudest are those who have opposed over the years the development of America's own energy and oil resources. Those people, for example, who are concerned about our dependency on foreign oil also oppose America's offshore oil development, which is a source of energy that is just there, and it is a potential source of energy that we have just not tapped, even though offshore oil development is actually safer, a safer source of energy than receiving that same oil via tanker.

We also have had, of course, over the years, opposition to nuclear energy, which is another very, very clean source of energy, especially for the air, and in southern California we are very concerned about the atmosphere.

□ 1530

And yet we have seen opposition from liberal circles in the United States to development of nuclear energy to the point that other nations have raced ahead of us in providing their countries with safe and clean nuclear energy. Instead, America, since the 1970's, has heard much from our academic circles about exotic alternatives rather than real alternatives to energy and, at the same time, the development of our own energy, and whether it is oil or whether it is nuclear energy, it has been opposed, and the exotic alternatives have been presented as if they were real alternatives. Quite often they are not.

Let us note that when this philosophy held sway back in the late 1970's, it was said that America was less dependent on oil because of what was happening and the leadership that was provided in the late 1970's, but let us note that that leadership gave America one of the worst economic downturns in American history, decimating the middle class and lower classes and left us in such a bad economic situation that we are just now actually recovering from that economic debacle.

Mr. Speaker, today what I would like to speak about is not as much about domestic issues in terms of domestic energy resources as it is about America's foreign policy and American foreign aid.

Mr. Speaker, what has been happening in the Soviet Union has brought us to a point where we have got to make some decisions as to what relationship we will have with Mr. Gorbachev and the current Soviet Government.

Mr. Speaker, it is time for this Nation to decide between Mikhail Gorbachev and human freedom, because as much as we may like Mikhail Gorbachev and as much as we may appreciate some of the reforms that have taken place and wish to hang on to the hopes that we had for reform in the Soviet Union, today it is becoming ever more clear that Gorbachev and his clique in the Kremlin represent the last gasp of communism on this Earth.

The brutal repression of the Baltic States and the ominous return of repression by the Soviet central government demonstrate a need for a fundamental change on how we hand out foreign aid in that part of the world. Today I have introduced the Direct Aid to Democracies Act, legislation that would make it a fundamental policy of the United States to give our aid whenever feasible and to provide that aid through democratically elected constitutent republic governments rather than repressive central governments.

Now, since the end of World War II and the introduction of the Marshall plan, we have used foreign aid to help those less fortunate and to further our ideals around the world and, yes, to combat communism and other forms of tyranny. A policy of funneling our aid through a central government like that in the Soviet Union or in Yugoslavia, Communist dictatorships, doing this undermines the very purposes of American foreign aid.

The Baltics are the most prominent but not the only example of this dilemma. Attacks against the forces of democracy in Lithuania and Latvia are but a replay of the massacres of democratic demonstrators in the Republics of Georgia and Azerbaijan in 1989 and 1990. In Yugoslavia there are reports of human rights violations against ethnic Albanians in Serbia, and the threat of military force against efforts to establish an independent and democratic government in both Croatia and Slovenia.

BOB DOLE is the sponsor of my bill in the Senate. He relates how he was told by the Prime Minister of Moldavia of President Gorbachev's threat to cut off U.S. grain to any republic which failed to sign the Union Treaty, and the Union Treaty, of course, is a renouncement of independence and democracy.

U.S. foreign aid must not be used as a club to beat the forces of democracy into submission.

Secretary of State Jim Baker's announcement last week that medical aid will be given directly to the Baltic governments is a welcome step, but what is needed is a complete change of course. The Dole-Rohrabacher Direct Aid to Democracies Act will ensure that our aid furthers our ideals and bolsters the cause of democracy.

I am pleased that this bill is cosponsored in the Senate by both the Senate Foreign Relations Committee chairman, CLAIBORNE PELL, and the ranking Republican, JESSE HELMS.

In the House, original cosponsors include the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs, the gentleman from Michigan [Mr. BROOMFIELD], ranking Republican on the

Committee on Foreign Affairs, the gentleman from Georgia [Mr. GINGRICH], the Republican whip, and 24 other Members.

Mr. Speaker, I ask all of my colleagues for their support of this legislation so we can establish once and for all that United States aid must go to help people in Communist countries who are fighting for democracy, not go to Communist dictatorships to try to bolster their control over the people.

We have got many decisions like this to make, and as we see that area of the world go into transition, because, indeed, we are witnessing a transition that is of historic significance in the Eastern block, it is clear to all Americans as we have seen the Berlin Wall come down, as we have seen the vast changes that have gone through Eastern Europe, while those changes are taking place in the Soviet Union today and just as we should have been on the side of democracy in the cases of Eastern Europe, we must be on the side of democracy, and in this great transition that is going on in the Soviet Union.

Unfortunately, the Communist dictatorship lingers on. The last residue of this clique that has maintained control through terror and through a raw exercise of power over these many years remains in the Kremlin. Mr. Gorbachev, unfortunately, seems to be unduly influenced by this clique, if that clique, indeed, has not overwhelmed him.

Mr. Speaker, it is time for the United States to go on the record and to make it a matter of policy that in this historic moment we are, indeed, on the side of those who are struggling for democracy in that part of the world, whether it be those people in the Baltics, whether it be those people in Byelorussia or the Ukraine or whether it be those people in Soviet Georgia or Armenia. Those people who would wish to establish independent democracies are the friends of the United States.

Because if we in America do not stand for freedom and we do not stand for those people, what is it that we stand for?

There has been a lot of talk lately about a new world order. What does a new world order mean? Well, if a new world order means that we are in some way casting aside our commitment to freedom and democracy and siding with brave individuals who are struggling for freedom and democracy, then the new world order can count me out. But if, instead, the new world order means that we in the United States will reaffirm that freedom and democracy are the rights of every individual on this planet and that we will struggle to build a planet in which every country guarantees those human rights which we feel are the rights of every man, woman, and child on this planet, then that is the new world order that will receive the allegiance not only of the American people but will capture the imagination of this planet and, indeed, will not only aid this historic transition but will, indeed, become the spirit of a new era of human history.

I thank the Speaker, and I ask my colleagues to join with me today on this vital piece of legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION FOR DIRECT UNITED STATES ASSISTANCE TO DEMOCRATIC GOVERNMENTS AT THE REPUBLIC LEVEL.

An essential purpose of United States foreign assistance is to foster the development of democratic institutions and free enterprise systems. In regard to United States assistance to those nations which are in transition from communism to democracy, it is the policy of the United States to provide foreign aid, to the extent feasible, directly to democratic governments at the republic level that exist within countries which include a ruling communist majority in other republic governments and/or at the Federal level.

HIGH-SPEED RAIL TRANSPORTATION POLICY AND DEVELOPMENT ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. SWIFT] is recognized for 5 minutes.

Mr. SWIFT. Mr. Speaker, today I join my colleague from Pennsylvania, Congressman DON RITTER, in introducing legislation that will move our transportation system into the 21st century, the High-Speed Rail Transportation Policy and Development Act of 1991. There is at least one mode of transportation which, if infused with some vision and innovation, could keep our country moving forward. Mr. Speaker, I am strong in my belief that passenger rail travel, something this country has known well for over 100 years, is a concept whose time has come again.

In 1965, Congress passed the High-Speed Ground Transportation Act, recognizing the need for an efficient, vital transportation network. Under authority granted in that act, and subsequently expanded under the Federal Railroad Safety Act of 1970, the Federal Railroad Administration initiated a variety of research efforts to evaluate and test new forms of high-speed rail transportation.

The most significant result of these efforts was the development of the linear electric motor, the drive system on which emerging high-speed systems are based today. In 1974, a research vehicle powered by linear induction reached a speed of 255 miles per hour during tests in Colorado. The groundwork for a system we all know and benefit from today, Amtrak's 125-mile-per-hour Metroliner, was also laid at that time. However, Federal funding for these efforts dried up in 1976.

Since then, we've witnessed troubling developments. Our existing transportation system, marvel that it is, has become choked to the point of capacity: airports and interstates are clogged, creating a drag on our economy at the cost of billions of dollars a year. In addition, increasing volumes of car and air travel are having unknown cumulative effects on the environment.

Germany and Japan, meanwhile, have seized on the innovations we uncovered in the 1960's and 1970's and moved ahead with attempts to advance existing transportation technology to new levels of efficiency. Full-scale magnetic levitation prototypes are in development in both countries; in fact, the German system is up and running, capable of carrying passengers at 300 miles per hour on a test track. France and Japan have fully developed advanced steel-wheel trains that are in revenue service today, carrying riders from city to city at 200 miles per hour.

Our transportation problems are not going to go away. They are things we must reckon with as we seek to maintain our quality of life at home and our competitive position abroad. The legislation we put before the House today represents the culmination of a bipartisan effort begun last Congress to invigorate the Nation's passenger railroad system. Quite simply, it proposes to see through the investment begun by this country 26 years ago.

This bill would require the Federal Railroad Administration to complete indepth economic and technical analyses of existing high-speed rail technology. Among the questions it will seek to answer is which technologies currently at hand would be commercially viable in terms of potential markets here and abroad. In addition it will seek to determine means by which high-speed rail development projects can be undertaken, and their potential construction costs, revenue structures, and operating costs.

Upon completion of the analysis, the Administration would be asked to establish a national high-speed rail policy based on its findings within 6 months. Such policy would be aimed at promoting the competitiveness of U.S. industry in the field of high-speed rail by providing guidance on how technologies could be effectively integrated with the existing transportation system. Lastly, this legislation would amend the Railroad Revitalization and Regulatory Reform Act of 1976 to make certain provisions within that statute applicable to the development of additional high-speed rail systems.

Mr. Speaker, this legislation represents a sensible approach to moving one significant aspect of the national transportation system forward. It does not ask for massive commitment of Federal resources; instead it aims at developing expertise that will be instrumental to industry, as well as State and local government, in making safe, efficient high-speed transportation a reality. In fact, the level of appropriations authorized in this legislation does not exceed the administration's request for fiscal year 1992. Furthermore, this act does not seek to supercede current efforts to develop high-speed rail technology. Rather, it seeks to complement and enhance those efforts.

Today, we've started to reexamine and build from the progress we made beginning in 1965. A small investment and a little ingenuity back then led to technology that has brought important new transportation systems within reach today. Now it is time to truly benefit from this investment and set forth a policy that will transport America boldly forward.

RULES OF PROCEDURE FOR THE COMMITTEE ON AGRICULTURE FOR THE 102D CONGRESS

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD pursuant to the rules of the House a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting on February 7, 1991. The rules were agreed to by a unanimous voice vote.

RULES OF THE COMMITTEE ON AGRICULTURE

I. GENERAL PROVISIONS

a. Rules of the U.S. House of Representatives.—The Rules of the House shall govern the procedure of the Committee so far as applicable, and the rules of the Committee shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees. (See Appendix B for the applicable Rules of the U.S. House of Representatives.)

b. Applicability to Subcommittees.—The following rules shall apply to meetings, hearings, and other activities of Subcommittees, which are part of the Committee and subject to its authority and direction, only when specifically so stated.

II. COMMITTEE OR SUBCOMMITTEE BUSINESS MEETINGS

a. Regular and Additional Meetings.—The Committee shall meet on the first Tuesday of each month while Congress is in session. The Committee also shall meet at the call of the Chairman at such other times as he considers to be necessary, subject to advance notice to all Committee members. Insofar as practicable, an agenda for all regular and additional Committee meetings, setting forth all the measures and matters to be considered, shall be furnished each Committee member prior to the meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman determines that any meeting convened by him need not be held, he shall give all members of the Committee notice to that effect as far in advance of the meeting day as practicable, and no meeting shall be held on such day. See Rule VI. e. for provisions which apply to meetings of Subcommittees.

b. Special Meetings.—If at least three members of the Committee file a written request in the Committee offices that a special meeting be called by the Chairman to consider a specific measure or matter, the Staff Director shall immediately notify the Chairman of the filing of such request. If, within three calendar days after the filing of such request, the Chairman does not call the requested special meeting to be held at a time within seven calender days after the filing of such request, a majority of the members of the Committee may file in the Committee offices their written notice that a special meeting will be held at a specified date and hour to consider a specified measure or matter. If such a notice is filed, the Committee shall meet on that date and hour. Immediately upon the filing of such a notice, the Staff Director shall notify all members of the Committee that such special meeting will be held at the specified date and hour to consider the specified measure or matter. Only the measure or matter so specified in the meeting notice as filed by the majority of Committee members and transmitted to all Committee members may be considered at a special meeting.

c. Vice Chairman.—The member of the majority party on the Committee ranking immediately after the Chairman of the Committee shall be the Vice Chairman of the Committee, and the member of the majority party on each Subcommittee ranking immediately after the Chairman of the Subcommittee shall be the Vice Chairman of that Subcommittee.

d. Presiding Member.—If the Chairman is not present at any Committee meeting or hearing, the Vice Chairman or, in the absence of the Vice Chairman, the ranking member of the majority party on the Committee who is present shall preside. If the Chairman is not present at any Subcommittee meeting or hearing, the Vice Chairman or, in the absence of the Vice Chairman, the ranking member of the majority party who is present shall preside.

e. Committee and Subcommittee Meetings Prohibited.—The Committee or any of its Subcommittees may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

f. Open Business Meetings.—Each Committee or Subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than members of the Committee or Subcommittee and such congressional staff and departmental representatives as the Committee or Subcommittee may authorize shall be present at any business or markup session that has been closed to the public. This clause does not apply to Committee or Subcommittee hearings or to any meeting that, as announced by the Chairman of the Committee or Subcommittee, relates solely to internal budget or personnel matters.

g. Records and Rollcalls.—A complete record of all Committee or Subcommittee action shall be kept in the form of written minutes, including a record of the votes on any question as to which a rollcall is demanded. A rollcall vote shall be ordered on demand by one-fifth of the members present. The record of such action and the results of the rollcall votes during each session of Congress shall be made available by the Committee, on request, for public inspection during regular office hours in the Committee offices and on telephone request. The information so available on rollcall votes shall include a brief description of the amendment, motion, order, or other proposition; the name of each member voting for and each member voting against such amendment, motion, order, or other proposition; whether such vote was by proxy or in person; and names of those members present but not voting. A stenographic record of a business meeting of the Committee or Subcommittee may be kept and thereafter may be published if the Chairman of the Committee determines there is need for such a record. The proceedings of the Committee or Subcommittee in a closed meeting other than rollcall votes shall not be divulged unless otherwise determined by a majority of the Committee or Subcommittee. See Rule IV. f. for publication of the minutes of meetings.

h. Quorum.—A majority of the members of the Committee or Subcommittee shall constitute a quorum of the Committee or Subcommittee for the purpose of convening meetings, conducting business, and voting on any matter: *Provided*, That the Chairman of the Committee may determine that one-third of the members of the Committee shall constitute a quorum of the Committee at any meeting for such purpose (other than for the reporting of any measure or recommendation, and voting on the authorization of subpoenas and on the closing of hearings and business meetings to the public) if he gives written notice to that effect to the members prior to the meeting.

i. Proxy Voting.—A member may vote by proxy on any matter before the Committee or Subcommittee other than the issuance of a subpoena pursuant to Rule III. c. The proxy authorization shall be in writing, shall assert that the member is absent on official business or otherwise is unable to be present at the Committee or Subcommittee meeting, shall designate the member who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the member assigning the vote and shall contain the date and time of day the proxy is signed as well as the date or dates during which it is to be effective. (See Appendix A for the proxy form required by the Committee or Subcommittee.) In order to be cast in a vote, a proxy shall be filed with the Committee or Subcommittee during such vote and must be placed on file with the Staff Director. Proxies shall not be counted toward a quorum.

j. Location of Persons at Meetings.—No person other than a Member of Congress or Committee or Subcommittee staff may walk in or be seated at the rostrum area during a meeting of the Committee or Subcommittee unless the Chairman or a majority of the Committee or Subcommittee determines otherwise.

k. Consideration of Amendments and Motions.—A member, upon request, may be recognized at a meeting for not more than five minutes on behalf of an amendment or motion offered by himself or another member, or upon any other matter under consideration, unless he receives unanimous consent to extend the time limit. Every amendment, substitute amendment, amendment to an amendment, or amendment in the nature of a substitute made in Committee or Subcommittee that is substantial as determined by the Chairman shall, upon the demand of any member present, be reduced to writing, and a copy thereof shall be made available to all members present: *Provided*, That such amendment shall remain pending before the Committee or Subcommittee and may not be voted on until the requirements of this section have been met.

l. Points of Order.—No point of order, other than a point of order that a quorum is not present, against the hearing or meeting procedures of the Committee or Subcommittee shall be sustained unless it is made in a timely fashion either at the commencement of the hearing or meeting or at the time such occasion for a point of order first occurs.

III. COMMITTEE OR SUBCOMMITTEE HEARINGS

a. Power to Hear.—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. See Rule VI. e. for provisions relating to Subcommittee hearings and meetings.

b. Announcement of Hearings.—The Chairman of the Committee or Subcommittee shall publicly announce the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or Subcommittee or the Chairman of the Committee or Subcommittee, after consultation with the Ranking Minority Member of the Committee or Subcommittee, as applicable, determines that there is good cause to begin such hearing at an earlier date, in which case the announcement of the hearing shall be made by the Chairman of the Committee or Subcommittee at the earliest possible date. The Staff Director shall notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement has been made and enter the announcement into the Committee scheduling service of the House Information Systems.

c. Power to Subpoenas.—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. A subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the Committee or by a Subcommittee when authorized by a rollcall vote of the majority of the members of the Committee, a majority being present, except that no proxies may be used to vote on the authorization and issuance of such a subpoena. Authorized subpoenas shall be signed by the Chairman of the Committee or by any other member the Committee may designate. Notice of a meeting to consider a motion to authorize and issue a subpoena shall be given to all members of the full Committee by 5 p.m. of the day preceding the day of such meeting. Compliance with a Committee or Subcommittee issued subpoena may be enforced only as authorized or directed by the House.

d. Scheduling of Hearings and Witnesses.—Except as otherwise provided in this clause, the scheduling of hearings and witnesses and determination of the time allowed for the presentation of testimony and interrogation shall be at the discretion of the Chairman or a majority of the Committee or Subcommittee. Whenever any hearing is conducted by the Committee or Subcommittee on any measure or matter, the Committee's or Subcommittee's minority party members shall be entitled, on request by a majority of them to the Chairman of the Committee or Subcommittee before the completion of the hearing, to call witnesses selected by them to testify with respect to that measure or matter during at least one day of hearing.

e. Witnesses' Statements in Advance.—Each witness who is to appear before the Committee or Subcommittee shall, insofar as practicable, file with the Staff Director a written statement of the witness's prepared testimony at least two working days in advance of the witness's appearance in order to permit the testimony to be distributed to and reviewed in advance by Committee or Subcommittee members. Witnesses shall provide sufficient copies of their statement for distribution to Committee or Subcommittee members, staff, and the news media. The Committee or Subcommittee staff shall distribute such written statements to all members of the Committee or Subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter.

f. Testimony of Witnesses.—The Chairman of the Committee or Subcommittee or any member designated by him may administer an oath to any witness. Each witness who has been subpoenaed, on the completion of the witness's testimony, may report in person or in writing to the Staff Director and sign appropriate vouchers for travel allowances and attendance fees. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allowed to them, at the discretion of the Chairman of the Committee or Subcommittee in light of the nature of the testimony and the length of time available.

g. Questioning of Witnesses.—Committee or Subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or Subcommittee for that purpose. Each member so recognized shall be limited to questioning a witness (or panel of witnesses) for five minutes until such time as each member of the Committee or Subcommittee who so desires has had an opportunity to question the witness (or panel of witnesses) for five minutes, and, thereafter, the Chairman of the Committee or Subcommittee may limit the time of further questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless the Chairman or a majority of the Committee or Subcommittee determines otherwise, no person shall interrogate witnesses other than members and Committee or Subcommittee staff.

h. Open Hearings.—Each hearing conducted by the Committee or Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided*, That the Committee or Subcommittee may, by the same procedure, vote to close one subsequent day of hearing. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule III. k. or (2) may vote to close the hearing, as provided in Rule III. k. In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its meetings to members by means of the above procedure.

i. Quorum.—The quorum for taking testimony and receiving evidence shall be two members of the Committee or Subcommittee.

j. Record of Hearing.—An accurate stenographic record shall be kept of all testimony taken at public hearings. Any public witness, during Committee office hours in the Committee offices and within two weeks of the close of hearings, may examine the transcript of his or her own testimony and make such grammatical or technical changes as will not substantially alter the nature of testimony given. Members of the Committee or Subcommittee shall receive copies of transcripts for their prompt review and correction for return to the Committee. The Chairman of the Committee may order the printing of a hearing record without the correction of any member or witness if he determines that such member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is the subject of the hearing. The record of a hearing closes ten calendar days after the last oral testimony, unless the Chairman of the Committee or Subcommittee otherwise determines. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record closes. No written statement becomes part of the record and thus publicly available until such time as it has been approved by the Chairman of the Committee or any Committee staff he designates, and the Chairman of the Committee or Subcommittee or his designee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

k. Investigative Hearings.—The Chairman of the Committee or Subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provision of the House Rules set forth in Appendix B) shall be made available to each witness. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or Subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt. Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(1) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of Rule III, h., if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or Subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; or

(2) the Committee or Subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the Committee or Subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the Committee or Subcommittee shall afford such person an opportunity voluntarily to appear as a witness; and the Committee or Subcommittee shall receive and the Committee shall dispose of requests from such person to subpoena additional witnesses.

Except as provided above, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or Subcommittee. In the discretion of the Committee or Subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee or Subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee or Subcommittee.

l. Broadcasting and Photography.—Television, film making, and live radio broadcasting of all or part of any Committee hearing or meeting shall be permitted only when the Committee by a majority vote agrees or, if the Committee cannot be polled in a timely manner, when approved by the Chairman of the Committee after consultation with the Ranking Minority Member. Except as otherwise determined by the Committee, television, film making, and live radio broadcasting of all or part of any Subcommittee hearing or meeting shall be permitted only when the Subcommittee by a majority vote agrees or, if the Subcommittee cannot be polled in a timely manner, when approved by the Chairman of the Committee or the Chairman of the Subcommittee after consultation with the Ranking Minority Member of the Committee or Subcommittee. Radio broadcasting that is not live and still photography are permitted of any Committee or Subcommittee meeting or hearing unless otherwise determined by the Chairman of the Committee or applicable Subcommittee after consultation with the Ranking Minority Member of the Committee or Subcommittee. *Provided*, That when such radio broadcasting is conducted, written notice to that effect shall be placed on the desk of each Member. Each Committee or Subcommittee Chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room. Any broadcasting, electronic recording, film making, or still photography of all or part of a hearing or meeting shall be subject to the provisions of House Rule XI, clause 3(f), which appear in Appendix B.

IV. THE REPORTING OF BILLS AND RESOLUTIONS

a. Filing of Reports.—The Chairman shall report or cause to be reported promptly to the House any bill or resolution approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill or resolution to a vote. A Committee report on any bill or resolution approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Staff Director of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Staff Director of the Committee shall notify the Chairman immediately when such a request is filed.

b. Content of Reports.—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) the results of the rollcall vote on the motion to report such bill or resolution, including the total number of votes cast for and total number of votes cast against such reporting;

(4) the detailed statement described in section 308(a)(1) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures;

(5) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 403 of the Congressional Budget Act of 1974 and submitted in timely fashion to the Committee;

(6) any oversight findings and recommendations made by the Committee or the Committee on Government Operations or both to the extent such were available during the Committee's deliberations on the bill or resolution;

(7) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy;

(8) an estimate of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the five fiscal years following the fiscal year of reporting, whichever period is less, together with a comparison of these estimates with those made and submitted to the Committee by any Government agency (the provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(9) the changes in existing law (if any) shown in accordance with Rule XIII, clause 3, of the House Rules;

(10) the determination required pursuant to section 5(b) of Public Law 92-463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(11) such other matter as the Chairman of the Committee determines to be useful for public understanding of the intent and effect of the bill or resolution.

c. Supplemental Minority, or Additional Views.—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the Staff Director of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee on that measure or matter shall be printed in a single volume, which shall:

(1) include all supplemental, minority, or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of paragraph (1)(3) of House Rule XI, clause 2) are included as part of the report.

This clause shall not preclude the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this clause or the filing by the Committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

d. Availability of Printed Hearing Records.—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House.

e. Committee Prints.—All Committee or Subcommittee prints or other Committee or Subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

f. Publication of Minutes.—The Chairman of the Committee, in consultation with the Ranking Minority Member, shall cause to be published as a Committee Print on a periodic basis (and insofar as practicable on a semiannual basis) the minutes of all business meetings and hearings of the Committee and any of its Subcommittees; and such minutes shall include a record of the attendance of members, all recorded votes, and the action on all amendments and motions relating to legislation.

V. OTHER COMMITTEE ACTIVITIES

a. Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

b. Budget Act Compliance: Views and Estimates. (See Appendix C).—The Committee shall, within 6 weeks after the President submits a budget under section 1105(a) of title 31, United States Code, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974) that are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

c. Budget Act Compliance: Subdivision of Allocation. (See Appendix C).—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 602 of the Congressional Budget Act of 1974.

d. Budget Act Compliance: Recommended Changes. (See Appendix C).—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

e. Conference Committees.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall determine the number of conferees he deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be chosen, the names of those members of the Committee who were primarily responsible for the legislation and, to the fullest extent feasible, those members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee members of the majority party as the Chairman may designate in consultation with the members of the majority party. Such recommendations shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the Committee. In making recommendations of minority party members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

f. Committee Records.—All Committee or Subcommittee hearing materials, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman, and such records shall be the property of the House with all Members of the House having access thereto. The Staff Director shall promptly notify the Chairman and Ranking Minority Member of any request for access to such records.

g. Archiving of Committee Record.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

VI. SUBCOMMITTEES

a. Number and Composition.—There shall be such Subcommittees as specified in clause b of this rule each of which shall be composed of the number of members set forth in such clause, including ex officio members. The Chairman may create additional Subcommittees of an ad hoc nature as he determines to be appropriate.

b. Jurisdiction.—The Subcommittees shall have the following general jurisdiction and number of members.

COMMODITY SUBCOMMITTEES

Cotton, Rice, and Sugar (20 members, 12 majority and 8 minority).—Cotton, cottonseed, rice, and sugar matters, generally.

Livestock, Dairy, and Poultry (23 members, 14 majority and 9 minority).—Livestock (including aquaculture), dairy, poultry, and bees, generally.

Peanuts and Tobacco (10 members, 6 majority and 4 minority).—Tobacco and peanut matters, generally.

Wheat, Soybeans, and Feed Grains (20 members, 12 majority and 8 minority).—Wheat, soybeans, feed grains, oilseeds not otherwise assigned, dry beans, peas, and lentils, generally.

OPERATIONAL SUBCOMMITTEES

Conservation, Credit, and Rural Development (21 members, 13 majority and 8 minority).—Soil and water conservation, small watershed program, commodity futures, agricultural credit, and rural development matters, generally.

Department Operations, Research, and Foreign Agriculture (25 members, 15 majority and 10 minority).—Foreign agricultural programs, agency review and analysis, research, and pesticides, generally.

Domestic Marketing, Consumer Relations, and Nutrition (11 members, 7 majority and 4 minority).—Marketing orders, domestic marketing, food stamps, nutrition and consumer programs, generally.

Forests, Family Farms, and Energy (15 members, 9 majority and 6 minority).—Family farming, forestry, and energy matters, generally.

c. Referral of Legislation.—In the case of any measure or matter not specifically described above, or that includes the jurisdiction of two or more Subcommittees, the Chairman may, unless the Committee by a majority vote decides otherwise, refer such measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts reflecting different subjects and jurisdiction and refer each part to a different Subcommittee, or refer the matter to an ad hoc Subcommittee appointed by him for the specific purpose of considering that matter and reporting to the Committee thereon, or make such other provisions as may be appropriate. The Chairman, with the approval of a majority of the Committee, shall have authority to discharge a Subcommittee from further consideration of any bill, resolution, or other matter referred thereto and have such bill, resolution, or other matter considered by the Committee. All legislation and other matters referred to the Committee shall be referred to all Subcommittees of appropriate jurisdiction within two weeks unless, by majority vote of the members of the Committee, consideration is to be by the Committee.

d. Service on Subcommittees.—The Chairman and the Ranking Minority Member shall serve as ex officio members of all Subcommittees and shall have the right to vote on all matters before such Subcommittees, but shall not be counted for the purpose of establishing a quorum. Any member of the Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and participate therein, but shall not have authority to vote on any matter, nor be counted present for the purpose of a quorum for any Subcommittee action, nor, except as the Subcommittee Chairman or a majority of the Subcommittee may permit, participate in questioning of witnesses under the five-minute rule, nor raise points of order unless such member is a member of such Subcommittee.

e. Subcommittee Hearings and Meeting.—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it or under its jurisdiction. Subcommittee Chairmen shall set dates for hearings and meetings of their Subcommittees, after consultation with the Chairman of the Committee and one another, with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings whenever possible. Notice of all such meetings shall be given to the Chairman and the Ranking Minority Member of the Committee by the Staff Director. No Subcommittee shall hold meetings or hearings outside of the House unless permission to do so is granted by the Chairman, or a majority, of the Committee. If a vacancy should occur in a Subcommittee chairmanship, the Chairman of the Committee may set the dates for hearings and meetings of the Subcommittee during the period between the date of the vacancy and the date the vacancy is filled. The provisions of Rule II. a. regarding notice and agenda of Committee meetings and of Rule II. b. regarding special meetings shall apply as well to Subcommittee meetings.

f. Subcommittee Action.—Any bill, resolution, recommendation, or other matter ordered reported to the Committee by a Subcommittee shall be promptly reported by the Subcommittee Chairman or any Subcommittee member authorized to do so by the Subcommittee. Upon receipt of such report, the Staff Director shall promptly advise all members of the Committee of the Subcommittee action. The Committee shall not consider any matters reported by Subcommittees until two calendar days have elapsed from the date of reporting, unless the Chairman or a majority of the Committee determines otherwise.

g. Subcommittee Investigation.—Except for the Subcommittee on Department Operations, Research, and Foreign Agriculture, no investigation shall be initiated by a Subcommittee without the approval of the Chairman of the Committee or a majority of the Committee.

VII. COMMITTEE BUDGET, STAFF, AND TRAVEL

a. Committee Budget.—The Chairman, in consultation with the majority members of the Committee, shall for each session of the Congress prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and Subcommittee thereof. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

b. Committee Staff.—The staff of the Committee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman. Staff assigned to each Subcommittee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman of the Committee and the Chairman of the Subcommittee. Committee members seeking assistance from the staff shall make their requests through the Chairman or Ranking Minority Member. The Chairman shall ensure that each Subcommittee is adequately funded and staffed to discharge its responsibilities.

c. Committee Travel.—Funds authorized for the Committee under clause 5 of House Rule XI are for expenses incurred in the Committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee and its employers engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of members of the Committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(2) Each member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

VIII. AMENDMENT OF RULES

These rules may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each member of the Committee prior to the meeting date on which such changes are to be discussed and voted upon.

RULES OF PROCEDURE FOR THE COMMITTEE ON HOUSE ADMINISTRATION FOR THE 102D CONGRESS

(Mr. ROSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROSE. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House of Representatives, I submit herewith a copy of the rules of the Committee on House Administration for publication in the RECORD. The Committee on House Administration approved the rules at its organizational meeting on February 20, 1991.

RULES FOR THE COMMITTEE ON HOUSE ADMINISTRATION

RULE NO. 1.—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee and is subject to the authority and direction of the committee and to its rules so far as applicable.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and (subject to the adoption of expense resolutions as required by House Rule XI, clause 5) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under House Rules X and XI during the Congress ending at noon on January 3, of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO. 2.—REGULAR AND SPECIAL MEETINGS

(a) The regular meeting date of the Committee on House Administration shall be the first Wednesday of every month when the House is in session in accordance with Clause 2(b) of House Rule XI. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with Clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the chairman subject to Clause 2(c) of House Rule XI. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at the meeting.

RULE NO. 3.—OPEN MEETINGS

As required by clause 2(g), of House Rule XI, each meeting for the transaction of business, including the markup of legislation, of the committee or its subcommittees, shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public. This provision does not apply to any meeting that relates solely to internal budget or personnel matters.

RULE NO. 4.—RECORDS AND ROLLCALLS

(a) The result of each rollcall vote in any meeting of the committee shall be made available for inspection by the public at reasonable times at the committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against, and whether by proxy or in person; and the members present but not voting.

(b) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto.

(c) In order to facilitate committee compliance with House Rule XI, Clause 2(e)(1), each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall vote shall be promptly made available to the full committee for inspection by the public at reansoable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition; the name of each member voting for and against such, and whether by proxy or in person; and the names of members present but not voting.

(d) All subcommittee hearings, records, data, charts, and files, shall be kept distinct from the congressional office records of the member serving as chairman of the subcommittee. Such records shall be coordinated with the records of the full committee, shall be the property of the House, and all members of the House shall have access thereto.

(e) House records of the committee which are at the National Archives shall be made available pursuant to House Rule XXXVI. The chairman of the committee shall notify the ranking minority party member of any decision to withhold a record pursuant to the rule, and shall present the matter to the committee upon written request of any committee member.

RULE NO. 5.—PROXIES

A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing and in the hands of the clerk of the committee or the clerk of the subcommittee, as the case may be, during each rollcall in which such member's proxy is to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. The member does not have to appear in person to present the proxy.

RULE NO. 6.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee, or any subcommittee thereof, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents; as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths of any witness.

(b)(1) A subpoena may be authorized and issued by a committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpoena issued by the committee or subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

RULE NO. 7.—QUORUMS

No measure or recommendation shall be reported to the House unless a majority of the committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating Committee orders, or changing the Rules of the Committee, the quorum shall be one-third of the members of the Committee. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

RULE NO. 8.—AMENDMENTS

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9.—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least 1 week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witness only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of a witness in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (f)(5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 10.—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar' days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to House Rule X, of clause 2(b)(1) separately set out and clearly identified;

(2) the statement required by section 308(a)(1) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under House Rule X, clause 4(c)(2) separately set out and clearly identified whenever such findings and recommendations have been submitted to the committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure or matter by the committee, any member, of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views and any material submitted under subparagraphs (c)(3) and (c)(4) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c); or

(B) the filing of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings printed and available for distribution to the members of the House prior to the consideration of such measure or matter in the House.

RULE NO. 11.—SUBCOMMITTEE OVERSIGHT

The standing subcommittees of the committee shall conduct oversight of matters within their jurisdiction in accordance with House rule X, clauses 2 and 3.

RULE NO. 12.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriation for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, on or before February 25 of each year, submit to the Committee on the budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocation made to it, the joint explanatory statement accompany the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 13.—BROADCASTING OF COMMITTEE HEARINGS

The rule for the broadcasting of committee hearings shall be the same as Rule XI, clause 3 of the Rules of the House of Representatives.

RULE NO. 14.—COMMITTEE AND SUBCOMMITTEE STAFF

Except as provided in House Rule XI, clause 5(d), the staff of the Committee on House Administration shall be appointed as follows:

A. The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman within the budget approved for the subcommittee by the full committee;

B. The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee;

C. The employees of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the chairman within the budget approved for such purposes by the committee.

RULE NO. 15.—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel will occur;

(3) The locations to be visited and the length of time to be spent in each;

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the chairman. Before such authorization is given, there shall be submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States shall be initiated by the Chairman and shall be limited to members and permanent employees of the committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. 16.—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be six Standing Subcommittees. The ratio (majority/minority) and jurisdiction of the subcommittees shall be:

Subcommittee on Procurement and Printing (4/2)—Matters pertaining to procurement contracts for goods. Matters pertaining to printing, depository libraries, material printed in Congressional Record, and executive papers.

Subcommittee on Accounts. (7/4)—Internal budget matters; expenditures from the contingent fund; changes in amounts of allowances; and consultant contracts for committees.

Subcommittee on Elections. (5/3)—Matters pertaining to the Federal Election Commission (FEC) authorization, FEC regulations, presidential public funding checkoff, federal voter registration provisions, poll closing provisions, Overseas Citizens' Voting Rights Act, and Voter Accessibility Act.

Subcommittee on Personnel and Police. (6/3)—Matters pertaining to House employees and Police, parking, restaurant, barber and beauty shop, and other House facilities and services.

Subcommittee on Libraries and Memorials. (4/2)—Matters pertaining to the Library of Congress; statuary and pictures; acceptance or purchase of works of art for the Capitol; purchase of books and manuscripts; erection of monuments to the memory of individuals; matters relating to the Smithsonian Institution and the incorporation of similar institutions.

Subcommittee on Office Systems. (4/2)—Matters pertaining to furniture and furnishings for District offices; approval of all electrical and mechanical office equipment and other accoutrements for use in the offices of Members, Officers or Committees.

(b) The Chairman of the Committee may appoint such ad hoc subcommittees as he deems appropriate.

(c) The Chairman of the Committee and the ranking minority member may serve as ex officio on all subcommittees of the committee and may be counted in determining the presence of a quorum.

RULE NO. 17.—POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the chairman of the full committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of committee or subcommittee meetings or hearings wherever possible. It shall be the practice of the committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the chairman through the clerk of the committee.

RULE NO. 18.—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

All legislation and others matters referred to the committee shall be referred by the chairman to the subcommittee of appropriate jurisdiction within 2 weeks, unless by majority vote of the members of the full committee, consideration is to be otherwise effected. The chairman may refer the matter simultaneously to two or more subcommittees, consistent with House Rule X, clause 5, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations), or divide the matter into two or more parts and refer each such part to a different subcommittee, or refer the matter to an ad hoc subcommittee appointed by the chairman for the specific purpose of considering that matter and reporting to the full committee thereon, or such other provisions as may be considered appropriate. The chairman may designate a subcommittee chairman or other member to take responsibility as "floor manager" of a bill during its consideration in the House.

RULE NO. 19.—OTHER PROCEDURES AND REGULATIONS

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 20.—DESIGNATION OF CLERK OF THE COMMITTEE

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the committee shall act as the clerk of the committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RIDGE (at the request of Mr. MICHEL), for today, on account of illness in the family.

Mr. DUNCAN (at the request of Mr. MICHEL), for today, on account of medical reasons.

Mr. WEISS (at the request of Mr. GEPHARDT), for today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEACH) to revise and extend their remarks and include extraneous material:)

Mr. CHANDLER, for 5 minutes, today.

Mr. SOLOMON, for 30 minutes, today.

Mr. GINGRICH, for 60 minutes each day, on February 26, 27, and 28.

Mr. LEACH, for 5 minutes, today.

(The following Members (at the request of Mr. SKAGGS) to revise and extend their remarks and include extraneous material:)

Mr. PEASE, for 5 minutes, today.

Mr. WHEAT, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. KAPTUR, for 60 minutes, today.

Ms. KAPTUR, for 60 minutes each day, on February 26, 27, and 28.

(The following Member (at the request of Ms. KAPTUR) to revise and extend his remarks and include extraneous material:)

Mr. SWIFT of Washington, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ROHRABACHER, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LEACH) and to include extraneous matter:)

Mrs. BENTLEY.
Mr. GALLEGLY.
Mr. GALLO.
Mr. GUNDERSON.
Mrs. MORELLA.
Mr. CALLAHAN.
Mr. GEKAS.
Mr. SUNDQUIST in two instances.
Mr. BUNNING.
Mr. RIGGS.
Mr. EMERSON.
Mr. GOODLING.
Mr. ROTH.

(The following Members (at the request of Mr. SKAGGS) and to include extraneous matter:)

Mrs. LLOYD.
Mr. RAHALL.
Mr. REED.
Mr. VENTO.
Mr. FAZIO.
Mr. PEASE.
Mr. FUSTER.
Mr. DOWNEY in three instances.
Mr. RICHARDSON.
Mr. AUCOIN.
Mrs. MINK.
Mr. FAZIO.
Mr. REED.
Mrs. LOWEY of New York.
Mr. MAVROULES.
Mr. LANTOS.
Mr. FALEOMAVAEGA.
Mr. HUBBARD.
Mr. HOCHBRUECKNER.
Mr. ORTIZ.
Mr. SWETT.
Mr. STOKES in three instances.
Mr. TALLON.
Mr. KOPETSKI.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 55. Joint resolution commemorating the 200th anniversary of United States-Portuguese diplomatic relations; to the Committees on Foreign Affairs and Post Office and Civil Service.

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Thereupon (at 3 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, February 25, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

689. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's 1990 report on the Supportive Housing Demonstration Program, pursuant to 42 U.S.C. 11387; to the Committee on Banking, Finance and Urban Affairs.

690. A letter from the Office of Thrift Supervision, Department of the Treasury, transmitting the Annual Report on Enforcement Issues, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

691. A letter from the Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Brazil (Transmittal No. DTC-21-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

692. A letter from the Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially (Transmittal No. DTC-7-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

693. A letter from the U.S. Information Agency, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL. Committee on Armed Services. H.R. 586. A bill to require regular reports to the Congress on the amount of expenditures made to carry out Operation Desert Shield and Operation Desert Storm and on the amount of contributions made to the United States by foreign countries to support Operation Desert Shield and Operation Desert Storm; with amendments (Rept. 102-4, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL. Committee on Armed Services. H. Res. 19. A resolution calling for the submission to the House of Representatives of certain information regarding Operation Desert Shield (Report No. 102-5, Pt. 2). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEGATE:

H.R. 1046. A bill to amend title 38, United States Code, to increase, effective as of December 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; to the Committee on Veterans' Affairs.

H.R. 1047. A bill to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation and pension programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AUCOIN:

H.R. 1048. A bill to establish within the Department of Education an Office of Community Colleges; to the Committee on Education and Labor.

By Mrs. BENTLEY (for herself, Mr. LEWIS of California, Mr. ARMEY, Mr. RAVENEL, Mr. DORNAN of California, Mr. WOLF, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. ROHRABACHER, Mr. WALSH, and Mr. DYMALLY):

H.R. 1049. A bill to establish radio broadcasts to the peoples of Asia; to the Committee on Foreign Affairs.

By Mr. BEREUTER:

H.R. 1050. A bill to revise the national flood insurance program to provide for mitigation insurance coverage and claims payments to reduce damages to structures suffering severe or repetitive flooding or subject to shoreline erosion, to promote compliance with requirements for mandatory purchase of flood insurance, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1051. A bill to amend the Federal Election Campaign Act of 1971 to make Federal elections more competitive, open, and honest by reducing the influence of nonparty multicandidate political committees, and for other purposes; to the Committee on House Administration.

By Mr. BILBRAY:

H.R. 1052. A bill to establish the grade of General of the Army and to authorize the President to appoint Generals Colin L. Powell and H. Norman Schwarzkopf, Jr., to that grade; to the Committee on Armed Services.

By Mr. BLILEY:

H.R. 1053. A bill to extend until January 1, 1993, the existing suspension of duty on 1-(3-Sulfopropyl) pyridinium hydroxide; to the Committee on Ways and Means.

By Mr. BRUCE (for himself, Mr. POSHARD, Mr. WISE, Mr. DURBIN, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. CLINGER, Mr. COSTELLO, Mr. ECKART, Mr. EVANS, Mr. HYDE, Mr. KOLTER, Mr. LIPINSKI, Mr. MILLER of Ohio, Mr. MURPHY, Mr. ROWLAND, Mr. SAWYER, and Mr. YATES):

H.R. 1054. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to utilities installing acid rain reduction equipment; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 1055. A bill to amend the Internal Revenue Code of 1986 to provide that income of certain spouses will not be aggregated for purposes of the limitations of sections 401(a)(17) and 404(1) of such code; to the Committee on Ways and Means.

By Mr. COLEMAN of Texas:

H.R. 1056. A bill to rename the El Paso Job Corps Center; to the Committee on Education and Labor.

By Mr. DEFAZIO:

H.R. 1057. A bill to require the Secretary of the Interior to prepare a national least-cost energy plan and to prohibit any oil and gas leasing on Federal lands currently withdrawn from, or not available for, oil and gas leasing until such a plan is submitted to the Congress; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. DOOLITTLE (for himself and Mrs. VUCANOVICH):

H.R. 1058. A bill to designate the Lake Tahoe Basin National Forest in the States of California and Nevada to be administered by the Secretary of Agriculture, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. DOWNEY:

H.R. 1059. A bill to amend section 311 of the Older Americans Act of 1965 to require the Secretary of Agriculture to provide assistance for two meals served daily per person; to the Committee on Education and Labor.

By Mr. ERDREICH:

H.R. 1060. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. FLAKE:

H.R. 1061. A bill to amend the Civil Rights Act of 1964 to clarify the burden of proof for unlawful employment practices in disparate impact cases, and for other purposes; to the Committee on Education and Labor.

H.R. 1062. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, home ownership plans; to the Committee on Ways and Means.

By Mr. GAYDOS (for himself, Mr. SHAYS, Mr. BERMAN, Mr. CLAY, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. FORD of Michigan, Mr. GEJDENSON, Mr. HAYES of Illinois, Mrs. KENNELLY, Mr. KILDEE, Mr. KOLTER, Mr. MARTINEZ, Mr. MILLER of California, Mr. MURPHY, Mr. MURTHA, Mr. OWENS of New York, Mr. PENNY, Mr. PERKINS, Mr. POSHARD, Mr. ROYBAL, Mrs. SCHROEDER, Mr. TOWNS, Mr. TRAXLER, Mrs. UNSOELD, Mr. VISCLOSKY, Mr. WASHINGTON, Mr. WILLIAMS, and Mrs. JOHNSON of Connecticut):

H.R. 1063. A bill to amend the Occupational Safety and Health Act of 1970 to establish an Office of Construction Safety, Health, and Education, to improve inspections, investigations, reporting, and recordkeeping on construction sites, to require the appointment of project constructors to monitor safety on construction sites, to require construction employers to establish safety and health programs, and for other purposes; to the Committee on Education and Labor.

By Mr. HASTERT (for himself, Mr. PACKARD, Mr. HEFLEY, Mr. BARNARD, Mr. CLINGER, Mr. DELAY, Mr. HANCOCK, Mr. COX of California, Mr. GRADISON, Mr. DUNCAN, Mr. EMERSON, Mr. MURPHY, Mr. BAKER, and Mr. ARMEY):

H.R. 1064. A bill to amend titles 23 and 49, United States Code, relating to motor carrier transportation, and for other purposes; jointly, to the Committees on Public Works and Transportation and the Judiciary.

By Mr. HOCHBRUECKNER (for himself and Mr. DOWNEY):

H.R. 1065. A bill to prohibit land known as the Calverton Pine barrens, located on Department of Defense land in Long Island, NY, from being disposed of in any way that allows it to be commercially developed; jointly, to the Committees on Armed Services and Government Operations.

By Mr. KENNEDY (for himself, Mr. ROE, Mr. BROWN, Mr. SCHEUER, Mr. MINETA, Mr. YATRON, Mr. GORDON, Mr. DEFAZIO, Ms. PELOSI, Mr. DWYER of New Jersey, Mr. ATKINS, Mr. OWENS of New York, Mr. OWENS of Utah, Mrs. MORELLA, Mr. ECKART, Mr. DELLUMS, Mr. JONTZ, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. TORRES, and Mr. WHEAT):

H.R. 1066. A bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors; jointly, to the Committee on Energy and Commerce, Science, Space, and Technology, and Education and Labor.

By Mrs. KENNELLY (for herself, Mr. DONNELLY, Mr. RANGEL, Mr. COYNE, Mr. VANDER JAGT, Mrs. JOHNSON of Connecticut, Mr. SCHULZE, Mr. FORD of Tennessee, Mr. DOWNEY, Mr. GUARINI, Mr. BUNNING, Mr. MATSUI, Mr. ANDREWS of Texas, Mr. CHANDLER, Mr. ANTHONY, Mr. THOMAS of California, Mr. CARDIN, Mr. SHAW, Mr. SUNDQUIST, Mr. DORGAN of North Dakota, Mr. GRANDY, Mr. RINALDO, Mr. BERMAN, Mr. SMITH of New Jersey, Mrs. ROUKEMA, Mr. PRICE, and Ms. PELOSI):

H.R. 1067. A bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds; to the Committee on Ways and Means.

By Mr. LEHMAN of California (for himself and Mr. DOOLITTLE):

H.R. 1068. A bill to authorize the Secretary of the Interior to execute and implement a contract for the design, construction, operation, and maintenance of facilities in the South Delta, CA, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. LLOYD:

H.R. 1069. A bill to amend section 1201 of title 18, United States Code, to assure a sufficiently severe penalty for kidnapings of children that are not returned unharmed; to the Committee on the Judiciary.

By Mr. MACHTLEY:

H.R. 1070. A bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the mortgage revenue bond provisions; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 1071. A bill for the relief of certain importers, wholesalers, and users of industrial fasteners; to the Committee on Ways and Means.

By Mrs. MORELLA:

H.R. 1072. A bill to amend the Public Health Service Act to establish a program of grants regarding the prevention of acquired immune deficiency syndrome in women; to the Committee on Energy and Commerce.

H.R. 1073. A bill to amend the Public Health Service Act to establish programs of research with respect to acquired immune deficiency syndrome in women; to the Committee on Energy and Commerce.

By Mr. NEAL of Massachusetts:

H.R. 1074. A bill to amend the Internal Revenue Code of 1986 to encourage savings by increasing the amount of deductible contributions which may be made to an individual retirement account and to allow distributions from individual retirement accounts to be used without penalty to purchase a first home, to pay for higher education expenses, or to pay for certain medical costs of a catastrophic illness; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 1075. A bill to amend the Agriculture Act of 1949 to repeal the reduction in the milk price support for calendar year 1992; to the Committee on Agriculture.

By Mr. PICKETT:

H.R. 1076. A bill to amend the Internal Revenue Code of 1986 to allow the one-time exclusion on gain from the sale of a principal residence to be taken before age 55 if the taxpayer is permanently and totally disabled; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mrs. Boxer, Mr. Dornan of California, Mr. Herger, Mr. Kolbe, Mr. Owens of Utah, Mr. Rhodes, Mr. Sensenbrenner, Mr. Walsh, Mrs. Vucanovich, Mr. Packard, Mr. Mrazek, and Mr. Coble):

H.R. 1077. A bill to amend title 5, United States Code, to deny annuity benefits with respect to any Member of Congress convicted of a felony; to the Committee on Post Office and Civil Service.

By Mr. RAHALL:

H.R. 1078. A bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to promote the production of coal and other extractive energy resources, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RAHALL (for himself, Mr. Downey, Ms. Snowe, Mr. Payne of Virginia, Mr. Applegate, Mr. Richardson, Mr. de Lugo, and Mr. Barrett):

H.R. 1079. A bill to authorize funds for mass transportation programs, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ROHRABACHER (for himself, Mr. Broomfield, Mr. Gingrich, Mr. Montgomery, Mr. Gilman, Mr. Solomon, Mr. Hyde, Mr. Lantos, Mr. McCollum, Mr. DeLay, Mr. Cox of California, Mr. Duncan, Mr. Franks of Connecticut, Mr. Campbell of Colorado, Mr. Hancock, Mr. Inhofe, Mr. Bunning, Mr. Kyl, Mr. Ritter, Mr. Dornan of California, Mr. Jones of Georgia, Mr. Armey, Mr. Cunningham, Ms. Molinari, Mr. Goss, Mr. Ballenger, and Mr. Walsh):

H.R. 1080. A bill to amend the foreign aid policy of the United States toward countries in transition from communism to democracy; to the Committee on Foreign Affairs.

By Mr. ROTH (for himself, Mr. Feighan, Mr. Sensenbrenner, Mr. Petri, and Mr. Serrano):

H.R. 1081. A bill to amend title 10, United States Code, to provide that members of the Armed Forces in the same family may request duty assignments so that not more than one member of the family is assigned to an area in which hostile fire or imminent danger pay is paid and to provide similar protection for single parents; to the Committee on Armed Services.

By Mr. SCHUMER (for himself, Mr. Annunzio, Mr. Berman, Mrs. Boxer, Mr. Bustamante, Mrs. Collins of Illinois, Mr. Eckart, Mr. Evans, Mr. Fascell, Mr. Fuster, Mr. Horton, Ms. Kaptur, Mr. Lipinski, Mrs. Lowey of New York, Mr. Neal of North Carolina, Mr. Payne of Virginia, Mr. Payne of New Jersey, Mr. Rangel, Mr. Ravenel, Mr. Sanders, Mr. Stokes, Mr. Tallon, and Mr. Valentine):

H.R. 1082. A bill to require the Federal Deposit Insurance Corporation and insured depository institutions to provide clear and concise information to depositors concerning the amount of deposit insurance available on deposit at depository institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHAW (for himself, Mr. James, Mr. McCollum, Ms. Ros-Lehtinen, Mr. Lehman of Florida, Mr. Johnston of Florida, Mr. Lewis of Florida, Mr. Bennett, Mr. Goss, Mr. Young of Florida, Mr. Ireland, Mr. Bacchus, Mr. Stearns, Mr. Hutto, Mr. Peterson of Florida, Mr. Fascell, Mr. Smith of Florida, Mr. Bilirakis, and Mr. Gibbons):

H.R. 1083. A bill to authorize the Secretary of Education to make a grant to Stetson University for the construction of library facilities; to the Committee on Education and Labor.

By Ms. SLAUGHTER of New York (for herself, Mr. Dorgan of North Dakota, Mr. Horton, Mr. Gordon, Mr. Towns, Mr. Frost, Mr. Lancaster, Mr. Fish, and Mrs. Unsoeld):

H.R. 1084. A bill to amend title II of the Social Security Act to exclude from amounts treated as wages in applying the earnings test remuneration for certain part-time service for a public elementary or secondary school; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 1085. A bill to provide disaster loan eligibility to small business concerns owned and controlled by members of Reserve components of the Armed Forces; to the Committee on Small Business.

By Mr. STARK:

H.R. 1086. A bill to amend the Internal Revenue Code of 1986 to reduce emissions of carbon dioxide by imposing a tax on certain fuels based on their carbon content; to the Committee on Ways and Means.

By Mr. SWIFT (for himself and Mr. Ritter):

H.R. 1087. A bill to authorize a high-speed rail transportation development and commercialization program, to establish a national high-speed rail transportation policy, to promote development and commercialization of high-speed rail transportation by providing Federal guarantees of certain investments in high-speed rail transportation facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TALLON (for himself, Mr. Derrick, Mr. Spratt, Mrs. Patterson, and Mr. Spence):

H.R. 1088. A bill to establish on a temporary basis a minimum basic formula price for the computation of class I milk prices; to the Committee on Agriculture.

By Mr. TAUZIN (for himself, Mr. Synar, Mr. Wise, Mr. Boucher, Mr. Sharp, and Mr. Bliley):

H.R. 1089. A bill to limit the jurisdiction of the Federal Energy Regulatory Commission over local distribution company sales for resale and transportation of natural gas for ultimate consumption as a fuel in motor vehicles; to the Committee on Energy and Commerce.

By Mr. TORRICELLI:

H.R. 1090. A bill to promote environmental remediation of transferred real property and to assess a possible role for the Federal Government in such transfers; to the Committee on Energy and Commerce.

H.R. 1091. A bill to amend title XVIII of the Social Security Act to provide Medicare coverage of wigs and hairpieces for individuals with alopecia that resulted from treatment of malignant disease; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TRAFICANT:

H.R. 1092. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign Department of Defense personnel to assist the Immigration and Naturalization Service and the United States Customs Service perform their border protection functions; to the Committee on Armed Services.

By Mr. UPTON:

H.R. 1093. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide certain protections under that act for members of the Armed Forces on active duty who have entered into housing leases and are unexpectedly deployed or reassigned to new duty assignments requiring relocation; to the Committee on Veterans' Affairs.

By Mr. VANDER JAGT:

H.R. 1094. A bill to extend until January 1, 1996, the suspension of duty on certain clock radios; to the Committee on Ways and Means.

H.R. 1095. A bill to extend through December 31, 1995, the existing temporary suspension of the duty on diphenyldichlorosilane and phenyltrichlorosilane; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 1096. A bill to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1992, 1993, 1994, and 1995; to improve the management of the public lands; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VOLKMER:

H.R. 1097. A bill to authorize funding for certain alternative fuel source and energy conservation programs, and for other purposes; jointly, to the Committees on Energy and Commerce; Ways and Means; Science, Space, and Technology; Banking, Finance and Urban Affairs; and Agriculture.

By Mr. WILLIAMS:

H.R. 1098. A bill to amend title 38, United States Code, to extend to veterans of the Persian Gulf War eligibility for readjustment counseling services provided by the Department of Veterans Affairs for Vietnam-era veterans and to ensure that family members of such Vietnam-era veterans may continue to receive such counseling services in a case in which the veteran is subsequently ordered to active duty during the Persian Gulf war; to the Committee on Veterans' Affairs.

By Mr. ZELIFF:

H.R. 1099. A bill to amend the Wild and Scenic Rivers Act by designating segments of the Lamprey River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WHITTEN (for himself and Mr. Mineta):

H.J. Res. 139. Joint resolution providing for the reappointment of Barnabas McHenry as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. BURTON of Indiana (for himself, Mr. Bevill, Mr. Bliley, Mr. Clement, Mr. Dornan of California, Mr. Dwyer of New Jersey, Mr. Espy, Mr. Gilchrest, Mr. Harris, Mr. Horton, Mr. Hubbard, Mr. Hamilton, Ms. Long, Mr. McEwen, Mr. Moorhead, Mr. Poshard, Mr. Roe, Mr. Roybal, Mr. Vander Jagt, and Mr. Wolf):

H.J. Res. 140. Joint resolution designating November 19, 1991, as "National Philanthropy Day"; to the Committee on Post Office and Civil Service.

By Mr. DOWNEY:

H.J. Res. 141. Joint resolution designating the week beginning May 13, 1991, as "National Senior Nutrition Week"; to the Committee on Post Office and Civil Service.

By Mr. GOODLING:

H.J. Res. 142. Joint resolution to designate the week beginning September 1, 1991, as

"National Campus Crime and Security Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. KYL:

H.J. Res. 143. Joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures for a fiscal year shall neither exceed revenues for such fiscal year nor 19 percentum of the Nation's gross national product for the last calendar year ending before the beginning of such fiscal year; to the Committee on the Judiciary.

By Mr. OBEY (for himself, Mr. Porter, Mr. Brown, Mr. Roe, Mr. Mavroules, Mr. Annunzio, Mr. Oberstar, Mr. McDermott, Mr. Vento, Mr. Dwyer of New Jersey, Mr. Dellums, Mr. Gejdenson, Mr. Henry, Mr. Horton, Mr. Lewis of Georgia, Mr. Nagle, Mr. Nowak, Mr. Wolpe, Mr. Schumer, Mr. Moody, Mr. Gilman, Mr. Fascell, Mr. Aspin, Ms. Pelosi, Mr. Kleczka, Mr. Payne of Virginia, Mr. Towns, Mr. Ackerman, Mr. Bacchus, Mr. de Lugo, Mr. Coyne, Mrs. Johnson of Connecticut, Ms. Oakar, Mr. Perkins, Mr. Ravenel, Mr. Spratt, Mr. Sikorski, Mr. Pickett, Mr. Mfume, Mr. Fuster, Mr. Ramstad, Mr. Martin, Mr. Hyde, Mr. Gingrich, Mr. Wise, Mr. Andrews of Maine, Mr. Clement, Mr. Huckaby, Mr. Poshard, Mr. Berman, Mr. Beilenson, Mr. Klug, Mr. Eckart, Mr. Green, and Mr. Bryant):

H.J. Res. 144. Joint resolution to designate April 22, 1991, as "Earth Day"; to the Committee on Post Office and Civil Service.

By Mr. WHEAT:

H.J. Res. 145. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. WHEAT (for himself, Mr. Towns, Mr. Clay, Mrs. Collins of Michigan, Mrs. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Dixon, Mr. Dymally, Mr. Espy, Mr. Flake, Mr. Ford of Tennessee, Mr. Gray, Mr. Hayes of Illinois, Ms. Norton, Mr. Jefferson, Mr. Lewis of Georgia, Mr. Mfume, Mr. Owens of New York, Mr. Payne of New Jersey, Mr. Rangel, Mr. Savage, Mr. Stokes, Mr. Washington, and Ms. Waters):

H. Con. Res. 72. Concurrent resolution to express the sense of Congress regarding racially offensive remarks by officials of the Japanese Government; to the Committee on Foreign Affairs.

By Mr. ROSE:

H. Res. 84. Resolution electing members of the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

By Mr. SOLOMON:

H. Res. 85. Resolution to establish a House Commission on Legislative Process Reform; to the Committee on Rules.

By Mr. GONZALEZ:

H. Res. 86. Resolution impeaching George Herbert Walker Bush, President of the United States, of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H. Res. 87. Resolution calling for freedom and democracy for the people of Kashmir; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself, Mr. Broomfield, Mr. Yatron, Mr. Torricelli, Mr. Lagomarsino, Mr. Bereuter, Mr. Smith of New Jersey, Mr. Goss, Ms. Ros-Lehtinen, and Mr. Burton of Indiana):

H. Res. 88. Resolution condemning Cuba's human rights violations, and commending the United Nations Human Rights Commission for its attention to the human rights situation in Cuba; to the Committee on Foreign Affairs.

By Mr. FASCELL (for himself and Mr. Broomfield):

H. Res. 89. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Foreign Affairs in the 1st session of the 102d Congress; to the Committee on House Administration.

By Mr. FLAKE:

H. Res. 90. Resolution expressing the sense of the House of Representatives regarding the steps which the United States must take to ensure that all Americans have decent and affordable housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STOKES:

H. Res. 91. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee of Standards of Official Conduct in the 1st session of the 102d Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Ms. DeLAURO:

H.R. 1100. A bill for the relief of Luis Fernando Bernate Christopher; to the Committee on the Judiciary.

By Mr. EMERSON:

H.R. 1101. A bill for the relief of William A. Cassity; to the Committee on the Judiciary.

By Mr. MATSUI:

H.R. 1102. A bill to make a technical correction to the Omnibus Trade and Competitiveness Act of 1988 to provide for the reliquidation of certain petroleum products; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. Towns.

H.R. 20: Mr. Kopetski, Mrs. Boxer, Mr. Mfume, Mr. Engel, Mr. Edwards of California, Mr. Gilman, Mr. Smith of Florida, Mr. Stark, Mr. Towns, Mr. Wilson, Mr. Ackerman, Mr. Bilbray, Mr. Brown, Mr. Condit, Mr. Dicks, Mr. Dymally, Mr. Gordon, Mr. Hamilton, Mr. Holloway, Mr. Kanjorski, Mr. Kolter, Mr. Kostmayer, Mr. Levine of California, Ms. Long, Mr. McCloskey, Mr. McCurdy, Mr. Mavroules, Ms. Molinari, Mr. Myers of Indiana, Ms. Oakar, Mr. Parker, Mr. Payne of New Jersey, Mr. Pease, Mr. Perkins, Mr. Pickett, Mr. Poshard, Mr. Rahall, Mr. Ridge, Mr. Shays, Mr. Sikorski, Mr. Andrews of Texas, Mr. Andrews of New Jersey, Mr. Early, Mr. Ford of Michigan, Mr. Goodling, Mr. Hertel, Mr. Jones of Georgia, Mr. Sawyer, Mr. Schumer, Mr. Young of Alaska, Mr. Torricelli, Mr. Waxman, Mr. Bonior, Mr. DeFazio, Mr. Jones of North Carolina, Mr. Jontz, Mr. Peterson of Minnesota, Mr. Rangel, Mr. Ravenel, Mr. Stallings, Mr. Wheat, Mr. Skelton, Mr. Guarini, Mr. Roe, Mr. Frost, Mr. Sanders, Mr. Vento, Mr. Wolpe, Mr. Nowak, Ms. Kaptur, Mr. Carper, Mr. Clinger, Mr. Coleman of Texas, Mr. Jacobs, Mr. Lewis of Georgia, Ms. Norton, Mr. Russo, Mr. Fish, Mr. Abercrombie, Mr. Dwyer of New Jersey, Mr. Berman, Mr. de Lugo, Mr. Hayes of Illinois, Mr. Martin of New York, Mr. Mazzoli, Mr. Mineta, Mrs. Morella, Mr. Stokes, Mr. Studds, Mr. Hochbrueckner, Mr. AuCoin, Mr. Costello, Mr. Frank of Massachusetts, Mr. Bruce, Mr. Bryant, Mr. Campbell of Colorado, Mr. Carr, Mr. Downey, Mr. Fascell, Mr. Feighan, Mr. McMillen of Maryland, Mr. Gejdenson, Mr. Hefner, Mr. Hughes, Mr. Johnson of South Dakota, Mr. Kleczka, Mr. Lancaster, Mr. LaFalce, Mr. McGrath, Mr. Machtley, Mr. Manton, Mr. Miller of California, Mr. Mrazek, Mr. Murtha, Mr. Olin, Mr. Pallone, Ms. Pelosi, Mr. Ray, Mrs. Schroeder, Mr. Serrano, Mr. Udall, Mr. Volkmer, Mr. Yatron, Mr. Moran, Mr. Glickman, Ms. Horn, Mr. Hall of Ohio, Mr. Annunzio, Mr. Eckart, Mr. Gallo, and Mr. Houghton.

H.R. 26: Mr. Carper and Mr. Hubbard.

H.R. 62: Mr. Hamilton.

H.R. 63: Mrs. Bentley.

H.R. 74: Mr. McMillen of Maryland.

H.R. 77: Mr. Goodling, Mr. Bevill, Mr. Stump, Mr. Inhofe, and Mr. Rahall.

H.R. 78: Mr. DeLay, Mr. Livingston, and Mr. Gallegly.

H.R. 83: Mr. Tauzin.

H.R. 109: Mr. Gejdenson, Mr. Sikorski, Mr. Slaughter of Virginia, Mr. Traxler, and Mr. Mfume.

H.R. 127: Mr. Natcher, Mr. LaFalce, Mr. Gillmor, Mr. Schiff, Mr. Wise, Mr. Smith of Oregon, Mr. Lightfoot, Mr. Stokes, Mr. Hammerschmidt, Mr. Barnard, Mr. Berman, Mr. Mineta, Mr. Goodling, Mr. Wyden, Mr. Dymally, Mr. Swift, Mr. Spence, Mr. Nagle, and Mr. Carper.

H.R. 134: Mr. Jontz, Mr. Lightfoot, Mr. Frost, Mrs. Collins of Illinois, Mr. Levine of California, Mr. Santorum, Mr. Gallo, Mr. Payne of New Jersey, Mr. Mfume, Mr. Goss, and Mr. Bilbray.

H.R. 135: Ms. Slaughter of New York, Mrs. Patterson, and Mrs. Vucanovich.

H.R. 150: Mr. Rangel, Mr. Jacobs, Mr. Guarini, Mr. McGrath, and Mrs. Kennelly.

H.R. 159: Mr. Valentine.

H.R. 251: Mr. Hochbrueckner.

H.R. 252: Mr. Dornan of California, Mr. Rinaldo, Mr. Traficant, Mr. Weiss, Mr. Young of Florida, Mr. Lewis of Georgia, and Mr. Dellums.

H.R. 357: Mrs. Meyers of Kansas, Mr. Hayes of Louisiana, Mr. Valentine, Mr. Geren, Mr. Campbell of Colorado, Mr. Washington, Mr. Taylor of Mississippi, Mr. Mfume, Mr. Sikorski, and Mrs. Unsoeld.

H.R. 371: Mr. Oxley, Mr. Smith of Texas, and Mr. Ramstad.

H.R. 376: Mr. Wolf.

H.R. 418: Mr. Jenkins, Mr. Payne of Virginia, Mr. Emerson, and Mr. Hughes.

H.R. 424: Mr. Annunzio.

H.R. 426: Mr. Cunningham, Mr. Dreier of California, Mr. Lightfoot, Mr. Gallo, and Mr. Lewis of Georgia.

H.R. 459: Ms. Pelosi, Mr. Lewis of Georgia, Mr. Sundquist, Mr. Valentine, Mr. Gallo, and Mr. Jefferson.

H.R. 467: Ms. Ros-Lehtinen, Mr. Inhofe, Mr. Hancock, Mr. Smith of Florida, Mr. Boucher, Mr. Wilson, and Mr. Durbin.

H.R. 480: Mr. Owens of Utah.

H.R. 482: Mr. Dymally.

H.R. 483: Mr. Wilson, Mr. Pease, Mr. Murphy, and Mr. Beilenson,

H.R. 507: Mr. Stearns, Mr. Fish, and Mr. Towns.

H.R. 516: Mr. FROST, Mr. CAMPBELL of Colorado, Mr. ENGEL, Mr. DWYER of New Jersey, Mr. ANDREWS of Texas, and Mr. TORRES.

H.R. 524: Mr. BENNETT, Mr. WEBER, Mr. BOEHNER, Mr. RAVENEL, Mr. JEFFERSON, Mr. HANCOCK, Mr. COX of California, Mr. ALLARD, Mr. MCEWEN, and Mr. INHOFE.

H.R. 550: Mr. JOHNSTON of Florida, Mr. RAVENEL, and Mr. NEAL of Massachusetts.

H.R. 552: Ms. KAPTUR.

H.R. 557: Mr. ABERCROMBIE, Mr. FAZIO, Mr. SANDERS, Mrs. LLOYD, Mr. MONTGOMERY, Mr. ROWLAND, and Mr. LANTOS.

H.R. 565: Mr. BEVILL, Mr. HARRIS, Mr. MRAZEK, Ms. PELOSI, Mr. HUGHES, Mr. SPENCE, and Mr. KOPETSKI.

H.R. 572: Mr. HUGHES, Mr. CLINGER, Mr. ABERCROMBIE, Mr. SANDERS, Mr. MORAN, Mr. DWYER of New Jersey, Mr. JEFFERSON, Mr. TORRICELLI, and Mr. ECKART.

H.R. 583: Mr. POSHARD.

H.R. 587: Mr. LIPINSKI and Mr. JACOBS.

H.R. 602: Mr. BEVILL, Mr. BILBRAY, Mr. CAMP, Mr. EMERSON, Mr. FROST, Mr. GILMAN, Mr. HORTON, Mr. HUCKABY, Mr. LANCASTER, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. MCCRERY, Mr. NOWAK, Mr. RAVENEL, Mr. ROBERTS, Mr. SANTORUM, Mr. STEARNS, Mr. TAUZIN, Mr. WALKER, and Mr. WALSH.

H.R. 617: Mr. SANTORUM, Mr. PAYNE of Virginia, and Mr. KOLBE.

H.R. 644: Mr. LAFALCE and Mrs. BOXER.

H.R. 650: Mr. LEHMAN of Florida and Mr. ANNUNZIO.

H.R. 651: Mr. LEHMAN of Florida and Mr. ANNUNZIO.

H.R. 667: Mr. JOHNSON of South Dakota, Mr. WOLPE, Mr. PAYNE of Virginia, Mr. THOMAS of California, Mr. COSTELLO, Mr. EVANS, Mr. DYMALLY, Mr. ENGEL, Mr. DELLUMS, Mr. LOWERY of California, Mr. EDWARDS of California, Mr. BOUCHER, Mr. LEHMAN of California, and Mr. PAYNE of New Jersey.

H.R. 672: Mr. PEASE, Mr. PARKER, and Mr. MILLER of California.

H.R. 673: Mr. ENGLISH, Mr. TORRES, Mr. MCCURDY, Mr. SERRANO, Mr. YATRON, Mr. MONTGOMERY, Mr. LANCASTER, Mr. TALLON, Mr. POSHARD, Mr. CHAPMAN, Mr. ACKERMAN, Mr. FOGLIETTA, Mr. SCHIFF, Mr. PAYNE of New Jersey, Mr. KOLBE, and Mr. EVANS.

H.R. 686: Mr. BEVILL, Mr. BILBRAY, Mrs. LLOYD, Mr. MACHTLEY, Mr. RAVENEL, and Mr. ROBERTS.

H.R. 700: Mr. BATEMAN, Mr. RAVENEL, Mr. PENNY, Mr. PETRI, and Mr. ANDERSON.

H.R. 702: Mr. COMBEST and Mr. SENSENBRENNER.

H.R. 713: Mr. GINGRICH and Mr. MACHTLEY.

H.R. 738: Mr. EVANS, Mr. DEFAZIO, Mr. CARPER, and Mrs. VUCANOVICH.

H.R. 741: Mr. OBERSTAR, Mr. OLIN, Mr. ROE, Mr. LAFALCE, Mr. BUSTAMANTE, Ms. KAPTUR, Mr. TRAFICANT, Mr. RAVENEL, Mr. DELLUMS, Mr. EVANS, Mr. FASCELL, and Mr. BEVILL.

H.R. 745: Mr. LEVINE of California.

H.R. 751: Mr. SHAYS, Mr. FAWELL, Mr. BILIRAKIS, Mr. HENRY, Ms. MOLINARI, and Mr. TOWNS.

H.R. 765: Mr. FUSTER, Mr. MURPHY, Mr. LIPINSKI, and Mr. PERKINS.

H.R. 766: Mr. KOPETSKI, Mr. AUCOIN, Mr. TOWNS, Mr. LEHMAN of Florida, Mr. STUDDS, Mr. MILLER of California, Mr. FROST, Mr. BERMAN, Mr. MCDERMOTT, Mr. YATES, Ms. PELOSI, Mrs. BOXER, Mr. MACHTLEY, Mr. STARK, Mr. UDALL, Mr. CONYERS, Mr. SCHEUER, Mr. LEVINE of California, Mr. FRANK of Massachusetts, Mr. FORD of Tennessee, Mr. DELLUMS, Mr. BROWN, Mr. MOODY, Mr. KOSTMAYER, and Mr. PAYNE of New Jersey.

H.R. 789: Mr. ABERCROMBIE, Mr. BUSTAMANTE, Mr. HAYES of Illinois, Mrs. BOXER, Mr. JACOBS, Mr. HORTON, Mr. TORRICELLI, Mr. MARTINEZ, Mr. GUARINI, Mr. FRANK of Massachusetts, Mr. ENGEL, Mr. LEVINE of California, Mr. RANGEL, Mr. VENTO, Mr. POSHARD, Mr. ROE, and Mr. SMITH of Florida.

H.R. 811: Mr. GOODLING.

H.R. 821: Mr. RANGEL, Mr. ABERCROMBIE, Mr. COLEMAN of Texas, Mr. MRAZEK, Mr. ACKERMAN, Mr. DWYER of New Jersey, Mr. GUNDERSON, Mr. VENTO, Mr. JEFFERSON, Mr. FORD of Tennessee, Mr. SKEEN, Mr. PETERSON of Minnesota, Mrs. BOXER, and Mr. WALSH.

H.R. 824: Ms. OAKAR, Mr. OWENS of New York, Mr. FRANK of Massachusetts, Mr. EDWARDS of California, Mr. ACKERMAN, and Mr. JEFFERSON.

H.R. 828: Mr. ABERCROMBIE, Mr. BONIOR, Mr. ENGEL, Mr. FUSTER, Mr. LEWIS of Georgia, Mrs. MEYERS of Kansas, Mr. OWENS of Utah, and Mr. PAYNE of New Jersey.

H.R. 830: Mr. AUCOIN and Mr. FORD of Tennessee.

H.R. 840: Mr. HENRY, Mr. WOLPE, Mr. PENNY, Mr. RAHALL, Mr. TOWNS, Mr. SCHEUER, Mrs. UNSOELD, Mrs. MINK, and Mr. RAVENEL.

H.R. 841: Mr. ABERCROMBIE, Mr. AUCOIN, Mr. BILBRAY, Mr. BROWN, Mr. DELLUMS, Mr. DWYER of New Jersey, Mr. FROST, Mr. GEJDENSON, Mr. GILMAN, Mr. GOSS, Mr. HUGHES, Mr. INHOFE, Mr. LEVINE of California, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MFUME, Mr. MRAZEK, Mr. PAYNE of New Jersey, Mr. PERKINS, Mr. PETERSON of Minnesota, Mr. RAVENEL, Mr. RICHARDSON, Mr. SKAGGS, Ms. SLAUGHTER of New York, Mr. TOWNS, and Mr. YOUNG of Alaska.

H.R. 842: Mr. DWYER of New Jersey and Mr. ECKART.

H.R. 865: Ms. OAKAR, Mr. LANCASTER, Mr. JONTZ, and Mr. MFUME.

H.R. 866: Mr. LANCASTER and Mr. FISH.

H.R. 888: Mr. RAHALL, Mr. ERDREICH, Mr. ABERCROMBIE, Mr. AUCOIN, Mr. TOWNS, Mr. ACKERMAN, Mr. HARRIS, Mr. EVANS, Mr. JEFFERSON, and Mr. APPLEGATE.

H.R. 906: Mr. SCHEUER, Mr. ABERCROMBIE, Mr. MATSUI, Mr. LEVINE of California, Mr. MARTINEZ, Mr. EDWARDS of California, Mr. FAZIO, Ms. SLAUGHTER of New York, Mrs. UNSOELD, Mr. WASHINGTON, Mr. JEFFERSON, Mr. SANDERS, Mr. CAMPBELL of Colorado, and Mr. DWYER of New Jersey.

H.R. 907: Mr. BACCHUS, Mr. LEWIS of California, Mr. PICKETT, Mr. GILMAN, Mr. MORAN, Mr. RANGEL, and Mr. JONES of North Carolina.

H.R. 916: Mr. VENTO, and Mr. WALSH.

H.R. 919: Mr. SPENCE.

H.R. 945: Mr. HUCKABY, Mr. TALLON, Mr. MCCRERY, Mr. ROWLAND, Mr. WEBER, Mr. LENT, Mr. DOWNEY, and Mr. Hyde.

H.R. 974: Mr. ACKERMAN, Mr. MURPHY, Mr. BUNNING, Mr. BALLENGER, Mr. VENTO, and Mr. WALSH.

H.J. Res. 9: Mr. HAMILTON.

H.J. Res. 18: Mr. TAUZIN.

H.J. Res. 19: Mr. SLAUGHTER of Virginia.

H.J. Res. 49: Mr. FISH.

H.J. Res. 58: Mr. ZIMMER, Mrs. LOWEY of New York, Mr. WYLIE, Mr. GUARINI, Mr. DIXON, Mr. DAVIS, Mr. DOWNEY, Mr. YATRON, Mr. RITTER, Mr. FORD of Tennessee, Mr. MACHTLEY, Mr. WAXMAN, Mr. FEIGHAN, Mr. SHAYS, Mr. MOODY, Mr. COUGHLIN, Mr. TRAFICANT, Mr. LAGOMARSINO, Mrs. PATTERSON, Mr. KOPETSKI, Mr. GONZALEZ, Mr. LEWIS of Florida, Mr. EVANS, Mr. SHAW, Mr. YATES, Mr. GRANDY, Mr. CRANE, Mr. DEFAZIO, Mr. LAFALCE, Mr. WOLPE, Mr. THOMAS of Georgia, Mr. POSHARD, Mr. FROST, Mr. MINETA, Mr. SANTORUM, Mr. MARTINEZ, Mr. GEKAS, Mr. MARKEY, Mr. FISH, Mr. SCHEUER, Mr. STARK, Mr. KOLTER, and Mr. STUDDS.

H.J. Res. 91: Mr. ACKERMAN, Mr. FROST, Mr. MARTINEZ, Mr. LEVIN of Michigan, Mr. FISH, Mr. ENGEL, Mr. MANTON, Mr. MATSUI, Mr. DWYER of New Jersey, Mr. COLEMAN of Texas, Mr. SANDERS, and Mr. ECKART.

H.J. Res. 92: Mr. ENGEL, Mr. JONTZ, Mr. STOKES, Mr. VENTO, Mr. EVANS, and Mr. APPLEGATE.

H.J. Res. 101: Mr. SHAYS, Mr. OXLEY, Mr. PETERSON of Minnesota, Mr. WILSON, Mr. FRANK of Massachusetts, Mr. HAMILTON, Mr. HOYER, Mr. LIVINGSTON, Mr. BONIOR, and Mr. SKAGGS.

H.J. Res. 102: Mr. HUGHES, Mr. BUSTAMANTE, Mr. ROWLAND, Mr. HAYES of Illinois, Mr. EMERSON, Mr. ERDREICH, Mr. JENKINS, and Mr. HATCHER.

H.J. Res. 128: Mr. JEFFERSON, Mr. STARK, Mr. LEVIN of Michigan, Mr. JOHNSON of South Dakota, Mr. NICHOLS, Mr. DORGAN of North Dakota, Mr. PAYNE of Virginia, Mr. GUNDERSON, and Mrs. VUCANOVICH.

H. Con. Res. 42: Mr. LAFALCE, Mr. IRELAND, Mr. PORTER, Mr. ROGERS, Mr. SUNDQUIST, Mr. LANCASTER, and Mr. BATEMAN.

H. Con. Res. 47: Mr. RAVENEL, Mr. LAGOMARSINO, Mr. HERGER, Mr. BILBRAY, Mr. FALEOMAVAEGA, Mr. RINALDO, Mr. PAXON, Mr. QUILLEN, Mr. MCNULTY, Mr. EMERSON, and Mr. GILMAN.

H. Con. Res. 56: Mr. FORD of Tennessee and Mr. EVANS.

H. Con. Res. 58: Mr. MRAZEK, Mr. MCGRATH, Mr. ACKERMAN, Mr. FISH, Mr. GUARINI, Mr. DELLUMS, Mr. DWYER of New Jersey, Mr. DORNAN of California, Mr. FEIGHAN, Mr. WOLF, Mr. ENGEL, Mr. RITTER, Mr. LOWERY of California, Mr. ABERCROMBIE, Mr. JACOBS, Mrs. MORELLA, Mr. GILMAN, Mr. SCHUMER, Mr. RAVENEL, Mr. BILBRAY, Mr. FROST, Mr. HUGHES, Mr. WAXMAN, Mrs. BOXER, Mr. HEFNER, Mr. EVANS, Mr. VENTO, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. MCNULTY, and Mrs. VUCANOVICH.

H. Res. 64: Mr. HANCOCK.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 759: Mr. HEFLEY.

PETITIONS, ETC.

Under clause 1 of rule XXII.

32. The SPEAKER presented a petition of the Association of Pacific Island Legislatures, relative to the creation of Association of Pacific Island Legislatures Regional Medical Clinic Task Force, which was referred jointly to the Committees on Foreign Affairs and Interior and Insular Affairs.

SENATE—*Thursday, February 21, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by a guest chaplain, Father Dan Hopkins, the Church of the Holy Redeemer, Denver, CO.

Father Hopkins.

PRAYER

The Reverend Father Dan Hopkins, Church of the Holy Redeemer, Denver, CO, offered the following prayer.

Let us pray:

Almighty God, stir up Your power and come among us who offer to You this prayer of thanksgiving and who seek Your guidance in each of our endeavors for, Lord, we know that it is from You that all good gifts and all perfect desires do proceed.

We give You thanks, O God, for the beauty and majesty of this great land which bears Your fruit to feed and nourish Your people. We pray that You will give us the wisdom to use it rightly for the welfare of all persons.

Teach us not to exploit or misuse the great resources of this land, either human or natural, but to be removed from our prejudice, fears, and greed; that we might show forth Your love throughout the world.

We pray particularly for the Members of the U.S. Senate assembled, that they might enact laws that work toward the welfare of all persons and glorify You in this world; for the leaders of this Nation and all the nations of the world, particularly those in conflict in the Middle East, that You will guide their deliberations and their actions and move them toward decisions that will show forth Your justice and peace throughout the world; for the men and women of our Armed Forces, that You will surround them with Your love, defend them from all peril, and keep them from hurt and harm, for it is in Your powerful and loving name that we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time reserved for the two leaders, there will be a period for morning business until 11:15 a.m. Senator REID will be recognized for up to 20 minutes and Senator BENTSEN will be recognized for up to 10 minutes. The time between 10:15 a.m. and 11:15 a.m. will be under the control of the Republican leader or his designee.

Once morning business closes at 11:15 a.m., the Senate will proceed to the consideration of Calendar No. 20, S. 347, the Defense Production Act.

It is my hope, Mr. President, that we can complete action on that legislation today. It is also my hope that we will be able to get unanimous consent to proceed to consideration and disposition of the amendments to the Soldiers' and Sailors' Relief Act without amendment and that we will be able to complete action on that today.

As the Members of the Senate will recall, we sought to gain such consent prior to the recess. We were unable to do so. Now that the only matter which was then indicated as an amendment to that legislation has been disposed of in connection with other legislation, it is my hope that the Senate can proceed to act promptly on that measure.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and all of the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of the two leaders will be reserved.

ORDER OF PROCEDURE

The PRESIDENT pro tempore. Is it the wish of the majority leader that other than the time set aside for Mr. REID and Mr. BENTSEN, that Senators during morning business be permitted to speak for not to exceed a certain amount of time?

Mr. MITCHELL. It is. It is my understanding that that was included in the previous order of last evening but, if not, I now ask unanimous consent that it be so ordered.

The PRESIDENT pro tempore. Very well. Without objection then, the time during the next 40 minutes will be under the control of Mr. BENTSEN in the amount of 10 minutes and under the control of Mr. REID in the amount of 20 minutes, with other Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. BENTSEN is recognized for not to exceed 10 minutes.

THE NATIONAL ENERGY STRATEGY

Mr. BENTSEN. Mr. President, early this week the administration released its long-awaited, eagerly anticipated national energy policy. The fact we have a half million American men and women fighting a war in the Persian Gulf, the fact that it costs up to $1 billion a day suggests to me that our country desperately needs an energy strategy. We need to look to conservation, to alternative sources of energy, and a decreased reliance on imported OPEC oil.

However, the only remarkable aspect of the administration's energy policy is that so many people worked so long on an issue of urgent national importance and produced such a hollow, shallow, timid approach in their policy recommendations.

The result is not an energy strategy. It is a bureaucratic retreat to the lowest common denominator—a loose amalgam of palliatives and platitudes that evade the real issues, ignores the tough choices.

This administration's attitude toward energy is like President Reagan's head-in-the-sand approach that we saw for so many years. It is the kind of easy-answer, content-free approach to problem solving that produced deficits exceeding trillions of dollars into the future.

Mr. President, many people think that energy policy has a mystique like foreign policy. There is a notion that you have to be an expert to understand all the complexities of that issue and to try to avoid the kinds of pitfalls that are there.

That may be true when it comes to predicting future prices or events like Iraq's invasion of Kuwait, but the fundamental energy realities that are confronting America this year are really very straightforward. I am sure it does not take 18 months to understand these realities.

It is a fact that our domestic oil production in this country has gone down by 16 percent between 1985–1990. It is a fact that this country has enormous natural gas resources that are not being utilized. It is a fact that we have over a 400-year supply of coal and we know how to burn it and burn it clean. It is a fact that the price of oil is determined in cartel meetings and by countries like Saudi Arabia, not by the magic of the marketplace or the invisible hand of supply and demand. It is also a fact that you have major industrial nations like Germany and Japan

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

with far fewer domestic energy resources than we have in this country that have nevertheless been able to insulate themselves from the frequent trauma of reliance on foreign oil through aggressive promotion of energy conservation and greater efficiency in energy usage.

The basic purpose of any energy strategy is to recognize these facts and determine how we can make better use of our assets while diminishing our vulnerabilities. If there were easy answers on the margins, we would have found them a long time ago.

When the White House and OMB took the policy ax to the national energy strategy's original recommendations on energy conservation, they presented us with a two-legged stool. To suggest conservation has no place in a national energy strategy I think is totally illogical, totally lacking in courage.

Secretary Watkins clearly understood this problem. He understood the central role of conservation in an effective energy policy as he drafted the national energy strategy. His original plan included measures to encourage not only conservation, but efficiency as well. But by the time the White House had worked its will, nothing of any significance concerning conservation or efficiency remained.

Reduced to its most basic elements, America's energy equation during the 1980's had three factors. We have produced less. We have consumed more. And we have made up the difference in imports.

You simply cannot balance the equation that way. You cannot come up with a strategy that makes sense without a major, sustained program of conservation.

America has demonstrated we can become more energy efficient. We made major strides in that direction in the late 1970's when we had an energy policy. Sure, that policy was far from perfect. But even with its imperfections, it demonstrated what could be done.

We increased efficiency by 12 percent. We increased the average gas mileage of our cars by 15 percent. Oh, I know we had to drag some of the automobile manufacturers kicking and screaming to do that. They said it just could not be done. But the Congress imposed it, it was effective, and it was done.

Today, we use a lot less gasoline per mile than we did in the 1970's. We decreased our dependence on imported energy from 47 to 27 percent. But those efforts at conservation were mocked and abandoned by the Reagan administration when energy became cheap and plentiful during the 1980's.

Today, we are seeing how risky and expensive it is to opt out of an energy policy. We can chart that dangerous drift toward more dependence on oil from the Persian Gulf and the Middle East. In 1985, we imported 425,000 barrels a day from the region, about 3 percent of our total consumption. That was just in 1985. By 1990, our imports were up to 2.1 million barrels a day, 12 percent of our consumption, an increase of 400 percent.

During the late 1970's, we learned important lessons about conservation, about which programs worked and which ones did not. One of the lessons we learned was that tougher CAFE standards have a significant positive impact on our energy security and balance of trade. Tighter CAFE standards must be an integral part of an energy policy in the 1990's. That is not popular with the big auto manufacturers; that is true—but essential, I think, to the future security of our country.

Any comprehensive national energy strategy has to appreciate that American people have a prodigious appetite for gasoline. On a per capita basis we use 484 barrels a year, which is more than twice as much as Sweden, the second highest consuming country. The average American consumed more gasoline than his Japanese, Italian, and British counterparts combined. Higher CAFE standards can help us close that gap and become more efficient users of energy.

The strategy must also encourage production of our still substantial domestic energy assets. I mentioned a few moments ago that our production of oil has dropped by 16 percent since 1987. There are many reasons for that falloff, but none is more important than the lack of price stability.

During the past 5 years, we have seen wild gyrations in the price of oil from a low of $10 to a high of almost $40 during the fall of last year. Those fluctuations are brought about by OPEC quotas, Saudi production, rivalry among producing foreign states, and upheavals like the current war.

We have very little control over those kinds of variables. It is not a free marketplace deciding that kind of a price.

The notion that we ought to retreat from conservation and let the market do the job just does not make any sense. It is the last thing we need to do. There is no free market in OPEC oil. There is only manipulation, spike, and plunge price patterns. And that jeopardizes any energy security in this country.

Mr. President, there are thousands of domestic producers who want to get back into the business of drilling for oil and gas. Last year, during the process of deficit reduction and budget reconciliation, we were able to provide them some modest incentives in key areas like tax credits for nonconventional fuels, enhanced oil recovery, and alternative minimum tax relief for independent producers. That was an important start. And the initiative came from Congress.

But that was not enough. Incentives can help. But price is still the primary determinant of domestic energy production.

Today the prices are attractive. Most producers can make money at $20 a barrel. But most of them also remember when the price was $10, and trying to get the banks to finance with that kind of instability in prices is almost impossible.

Floor price proposals are controversial and unpopular in some parts of the country. It would be a tough call for any administration and for many Members of the Senate. But if you want to encourage domestic production of oil and gas, a price floor is surely the most important policy weapon at our disposal. But it will never happen without the enthusiastic support of the administration, and there is no reason to believe that support might be forthcoming.

I realize there are reasons why the President does not want to support a floor price for oil. But what I can't understand is why the administration would shy away from significant production incentives and then quick-kick on conservation.

Take away those two pillars and you have an energy strategy that is ineffective by definition; you have a policy that nibbles at the margins rather than attacking a problem that has brought us to war.

If the administration is serious about looking for a national energy strategy, they would be well advised to look at the energy security act recently proposed by the distinguished chairman of the Energy Committee, Senator JOHNSTON, and his ranking Republican Member, Senator WALLOP. It steps up to the key issue of conservation, accepts the importance of tougher cafe standards, and provides a much more comprehensive approach to the whole problem of energy security.

Mr. President, there is no reason for America to remain at the mercy of OPEC when it comes to energy security. We have major energy assets, and we can decrease our dependence by using them more effectively and efficiently.

Conservation—tighter cafe standards—have to be a central element in any energy policy.

But America also has a 400-year supply of coal, and the know-how to make it burn cleaner.

We have abundant stocks of clean-burning natural gas; it is time to get serious about finding new ways to use it.

We need to invest more in public transportation so we can rely less on OPEC oil.

All options should be on the table—and that includes nuclear power. Look around the world, and you will see countries like France and Japan relying heavily—and successfully—on safe nuclear power. Those countries have settled on a reactor model, satisfied their safety conerns, and made nuclear power work for them. The nuclear option is one that can give us a greater energy self-sufficiency and greater control over our own destiny.

We should be encouraging greater efforts in enhanced oil recovery, because two-thirds of all the oil ever discovered in America is still under the ground.

At today's prices, much of that oil can be recovered with new techniques.

For most of this century, people with credentials have been predicting the demise of America's energy reserves. And time after time, they have been proven wrong. It would be naive to think America can ever become self-sufficient in energy, but it is equally important to understand that we have major, untapped energy assets and options that can cushion our dangerous reliance on oil from the Persian Gulf. And Mr. President, when you realize that in 1990 America spent $65 billion on imported energy, it is obvious that there are powerful economic and security incentives for policies that emphasize conservation and greater domestic production.

The administration has had a year and a half to ponder the options on energy policy. They have undertaken a mighty labor and produced a mouse. There has probably never been a time when the importance of energy policy has been so apparent to all Americans. I hope that this crisis will compel us to move forward, together, beyond the tight, artificial, politically benign constraints of the administration's national energy strategy and seek some honest answers to the urgent energy problems facing our Nation.

So they are holding back, unwilling to commit their capital in such an uncertain price environment.

Of course there is a way to provide price stability to encourage conservation over the long run and possibly to generate new revenues. We could enact a price floor for oil, enforced with a variable import fee. Prof. Bill Fischer, the highly respected energy authority at the University of Texas in Austin, has done studies that suggest a $20 floor price will increase domestic production by 520,000 barrels a day over 5 years. That additional production would save us $10 million a day on imports and make a substantial contribution to America's energy security.

The PRESIDENT pro tempore. The Senator from Nevada [Mr. REID] is recognized for not to exceed 20 minutes, under the previous order.

THE AMERICAN MINING INDUSTRY

Mr. REID. Mr. President, yesterday the American mining industry was attacked. Using a western term, "bushwhacked"—we were ambushed.

I am here today to defend one of America's finest industries. But I guess, using the words of Will Rogers, I think we can put this in the proper perspective.

Will Rogers said, "There is no credit to being a comedian when you have the whole Government working for you. All you have to do is report the facts. I don't even have to exaggerate," he said. Today I do not even have to exaggerate. I am going to report the facts.

From 1980 to 1984, the United States imported about 7 billion dollars' worth of gold for jewelry, electronic equipment, the defense industry, medical supplies. From 1985 to 1989, the United States had dropped its imports to only $2 billion. From 1990 to 1994, part of which, 1 year, is gone, it is estimated we will have an $8 billion surplus.

So we have gone, in a period of a decade, from a deficit of $7 billion to a net exporter of $8 billion—a favorable balance of payments, Mr. President. This is refreshing.

Is not it great that we have an American industry which is now exporting? It is not an industry that is part of a great decline of American industry. No. It is a new exporter. During the 1980's, gold production increased nine times.

Mr. President, this is an industry that has not come as a result of the Japanese putting money into America. It is not a result of the Germans taking our technology like they did magnetic levitation. No. It is something which has been done with American ingenuity, figuring a better way to get the minerals out of the land. There has been great progress made.

I can remember a young man that I went to high school with, someone who is now a Ph.D. who developed a new method of extracting gold from ore. As a result of that, the value of the gold has so significantly increased that you can mine profitably. That is why this industry is so important—because American ingenuity is again coming to the forefront. It is an industry where we are using Americans to develop an American product, namely our ore.

In the 1990's we are going to pass the Soviet Union in gold production. Right now the United States is third in order of production, South Africa, Soviet Union, and the United States. We are going to pass the Soviet Union, and very quickly.

Let us talk about jobs in this industry that was so maligned yesterday. In 11 years we have gone from 6,000 people directly employed in the mining industry to well over 20,000 directly employed. Indirect employment has gone from 15,000 to about 80,000. This is a huge industry we now have in America today.

These jobs, Mr. President, are not like the jobs being created by McDonald's, Arby's, Burger King, and service-type jobs.

These are good jobs, jobs that the Presiding Officer understands are trying to be hung onto in his own State, jobs that are skilled jobs. Most people who are not familiar with mining think that miners are unskilled people. Some of the most skilled workmen we have in America are miners. That is true, Mr. President, in this tremendous increase in the minerals industry in recenty years. These are good jobs. These are skilled jobs. These are good paying jobs.

People not only work to get the gold out of the ground, but people have to provide equipment for them to get gold out of the ground. When my father worked in the mines, even then in underground small mines, you needed good equipment, such as jackhammers and compressors. But now the equipment is much bigger. You have trucks that you could not get two of in this Chamber, huge trucks. You have earth-moving equipment that is necessary, huge hoists, huge compressors, cranes. All this equipment is now being manufactured for use in the American mining industry.

There was talk yesterday about the taxpayers that get nothing. Well, there could not be anything further from the truth. We hear a lot now about the Patriot missiles. But you know, Mr. President, we need metals and minerals to make the Patriot missile. Just two that I mentioned are gold and titanium. But for those, we could not have Patriot missiles, the space program, the computer industry, or the building industry.

There is also a more direct royalty, if you want to talk about royalties, paid the taxpayers. These are in the form of taxes paid by the mining industry. These taxes levied against the precious metals industry include property taxes, mining specific taxes; for example, severance taxes, net proceeds taxes, sales and use taxes, State income taxes. We have talked about the taxes that must be paid on the equipment used in these mines. These taxes, in just the five largest producing States, amounted to approximately $130 million in 1990 alone, Mr. President, which is not a bad royalty for the precious metals industry.

I think it is also important to elaborate on a statement that I made yesterday, and following with the esteemed chairman of the Finance Committee, a man who has dedicated his life to try to make the United States a competitive country. The chairman of the Finance Committee just finished a statement on this floor, talking about a long-term energy policy of this country. I could not agree more with the statement of the finance chairman, that we need to have a long-term, reasonable energy policy. But, Mr. President, I can remember coming back here in 1974. I had never seen a long gas line. I saw it in 1974 when I came to Washington. They were lined up for blocks. We finally got them in Nevada a few months later. Since that time, we still have done nothing to develop a long-term energy policy.

Well, it is important, Mr. President, that we recognize that we also need a long-term mineral policy in this country. We do not have one, and we should have one. As I mentioned with the Patriot missile, that is only one weapon system that the minerals industry is critical to.

We need to do something about establishing a long-term mineral policy and, in effect, we are trying to do that. I have worked in the other body, and now in this body, and I am happy to report that the President, in his budget this year, has finally given some recognition to the National Critical Materials Council that was established several years ago. In this year's budget, the administration has requested money for that program. Congress has put money in it, but it has always been over the objections of the President.

We now have the executive branch of Government agreeing that we need a long-term mineral policy, and they are going to do it through the National Critical Materials Council. What the Council is doing is trying to establish a long-term mineral policy, because we need one. We are too dependent, according to the Council, on foreign countries. Let me run over some of the things that we have to import into this country. For example, we have to import some 75 percent of the chromium that is used in this country. This is a mineral essential to the construction and manufacture of automobiles, aircraft, furnaces, and even stainless steel. Cobalt; 95 percent of all cobalt is imported. Cobalt is crucial to many different things, such as jet engines, tool building, and oil refining. The town where I went to high school in Nevada is a community that was developed during the war because of the manganese that was used there. Many of our weapons systems need manganese. One hundred percent of it is now imported. Platinum, which is vital to chemical processing and petroleum refining; 92 percent is imported. Most of it, Mr. President, comes from the Soviet Union and from South Africa.

We have, I think, for once in the recent history of this country, a program to get our minerals industry in line. Yet, we have a statement made by the senior Senator from Arkansas yesterday demeaning the mining industry, and that is wrong. You see, if we take gold as an example, gold is produced in large quantities in 11 States, the States of Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, South Carolina, South Dakota, Utah, Washington, and there are other States that produce almost 40,000 ounces of gold each year. This is an industry that in the year 1990 produced almost 10 million ounces of gold. That does not take into consideration the large amount of silver that was also produced.

There were statements made on this floor, and the word "scam" was used yesterday. Let us not go into a lot of detail, but just to show you that we should do a better job of checking the facts when we talk about things like scams. The Sierra Club; I think you can say what you want about them, but I do not think anyone would question the credentials of the Sierra Club being an environmental group. They recently presented an award to a company in Nevada, Viceroy Gold, for constructing a great gold separation process. It is also important to note that Viceroy Gold has received numerous other awards. Why? Because, for example, the senior Senator from Arkansas spent hours on this floor talking about preserving battle sites during the Civil War. We in Nevada do not have Civil War battle sites, but we have historical things that we want preserved. However, in Nevada, we were not able to get Congress to appropriate many millions of dollars to buy these sites; but we did get Viceroy Gold to preserve an institution we are proud of, and that is the home of Rex Bell and Clara Bow, probably the most famous actress ever in the history of the United States. Clara Bow had a ranch 7 miles from my hometown of Searchlight. Viceroy Gold made this part of the national historic monuments. People go there without paying and visit this very unique ranch house that was built during the 1930's, during the heyday of Rex Bell and Clara Bow. In addition to that, they have been instrumental in preserving an endangered species called the desert tortoise, a turtle, as many refer to them. They have made available a large area of land, thousands and thousands of acres, in which to place these desert tortoises to preserve them. This is Viceroy Gold, one of the "scam artists" as referred to yesterday.

Echo Bay Mines is in or near Hawthorne, NV. Here in this Congress we are familiar with Hawthorne because it is the largest ammunition storage depot in the world. While it may not have had that distinction during the last few years, for 50 years it was the largest ammunition depot in the world. But right outside Hawthorne, NV, is a mine, the Borealis mine. The parent company, Echo Bay Mines, recently received a Governors award for restoration of an area back to almost new. It is difficult to determine if, in fact, there has ever been a mine there. It was a big open-pit mine.

I could go on with other examples of how the mining industry has done their job, and they are, in fact, not scam artists.

Nevada, California, all these States that I have mentioned that are mining States have strong reclamation projects and reclamation laws. But I would like to think, and say a word, that in listening to the senior Senator from Arkansas yesterday, I was struck by his indignation over what he considered the giveaway of taxpayers' dollars under the 1872 mining law. He claims this law costs the American public.

Mr. President, when we were debating the 1990 Agriculture Act last year, I did not sense the same indignation at the $55 billion cost of the agricultural bill. That cost the American taxpayers, and my friend, the senior Senator from Arkansas, voted in favor of that legislation.

In fact, when I offered my amendment to take away subsidies from the fat-cat farmers of this country, that is 14,000 farmers whose average income is almost $800,000 a year, some 14,000 farmers, when I offered an amendment to not allow those fat-cat farmers Government subsidies—welfare payments—my friend voted against that amendment. This amendment would have eliminated subsidies—I repeat—to the richest one-half of 1 percent of the farmers in this country.

While the Senator is outraged that maybe miners in Nevada are not paying enough for the opportunity to explore and produce minerals, it does not seem to bother him that some of the richest farmers in Arkansas received direct subsidy payments from the American taxpayer.

Another irony of the argument is that while the Senator from Arkansas thinks we should increase the barrier for exploration of production by America's hard-rock miners, he supports programs that pay American farmers, including Arkansas farmers, not to produce.

I am not going to go into some of the other problems we have in the agricultural industry because of time not permitting, but I have not forgotten about the action taken on this floor as it relates to chicken farmers and how, in fact, the accounting laws of this country were changed by Congress to protect big chicken farmers.

Let us talk also about land patents. We had a debate here last year about land patents. The good guys won, but only by two votes. But there is a hue and cry that mineral patents are somehow bad.

There must be an education take place as to land patents. Mineral patents, for those that exist, we can take care of those. Let us look at how much it costs. It takes an average of over 4 years to get a mineral patent. The costs are significant. The average cost per acre to get a land patent is over $3,000. This is made up of $50,000 for mining claims recordation. The patent process then goes for over $100,000. And then, remember, finding minerals on land, you must prove it to the agency, the Forest Service, BLM. You must prove there are minerals on that land. You cannot just go out and say there are minerals on that land. Exploration must have taken place.

As I indicated, the average cost per acre on a patent mining claim—that is low, low—is $1,000 to $5,000 an acre. Just over half of the estimated cost per acre comes up to over $3,000.

So, it costs a lot of money to get a mineral patent. But it is interesting to note that mineral patents are only a small part of the patents given by this country. Since we have been a country, 3 percent of public lands have been patented. There have been agricultural patents, and I have no objection to that. But let us talk facts. Agricultural patents make up 25 percent of all the patents that have been given on land; railroads, 8 percent; States, 29 percent. Again, I repeat, mineral patents are 3 percent; by far the smallest.

You see, when you are talking about a mineral patent, you are talking about a business decision. You are talking about a decision as to processing a resource. You need heavy capital investment, and you also have to borrow money. And it is tougher to borrow money if you do not own the land, and that is in fact what a patent does.

My friend from Arkansas said yesterday it is the attitude of the mining company that determines the extent to which the environment is protected. That is simply not factual. The BLM is controlled by FLPMA, the Federal Land Policy Management Act, and NEPA, the National Environmental Policy Act. These laws require mineral exploration and development to be conducted in an orderly manner that ensures the protection of nonmineral values.

The BLM has a bonding process. They were late in developing one, but they have one. States have requirements, as I have already indicated. For example, there are now Federal and States laws requiring cyanide and other leachates to have 100 percent bonding—it is mandatory—of the estimated costs of the cleanup.

My friend from Arkansas harps on the GAO about these outlandish things.

Mr. President, there were statements made yesterday about GAO and their report. But the General Accounting Office reported illegal occupancy as 0.24 percent. That means 99.76 percent of the occupancies on these lands are OK. We are talking about a problem which relates to 0.24 percent of all that work done.

And if there is a problem with that 0.24 percent, we can fix it without violating this law, which is now making us a net exporter of gold and is also allowing the National Critical Materials Council to develop a long-term process with chrome, platinum, cobalt, and manganese.

In 1990, I talked about the tremendous contribution in taxes that the States have obtained as a result of the mining industry. Now, it seems that my friend from Arkansas wants more taxes.

Mr. President, there are some people who have never seen a tax they did not like. But I think we have to recognize that the mining industry in this country is a great industry. It is an industry that allows us to be competitive on a worldwide basis.

And we have to also understand that we cannot take for granted that the mining industry is going to remain strong. Because of what States are doing, and what the Federal Government is doing with the mischievous stuff, like my friend from Arkansas, we now have mining companies looking at other places, such as Indonesia and South America. And they are, in fact, now processing large amounts of minerals in those other countries. Why? Because it is cheaper to operate. There may not be the richness of the ore, but it is cheaper to operate, so they are willing to take those chances.

So if there are problems, Mr. President, in the mining industry, let us fix them; let us not destroy one of America's great businesses.

I yield the floor.

A DESERT STORM

Mr. LEAHY. Mr. President, hanging in a local National Guard office in my State is a very moving poem written by a young Vermonter, 16-year-old Sarah Amell.

Millions of us watch this war on television day after day. Few have put into words the feelings we have about the pictures we see as effectively as this young Vermonter.

I ask unanimous consent that this poem be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

A DESERT STORM

(By Sarah Amell, age 16)

Like a cyclone rolling across the sand,
Your voice is heard throughout the land.
You broke on a dark and fateful morn;
You are the thunder of a desert storm.

Electric fire, ballistic light
Illuminates the Persian night.
Out of technology you were born;
You are the lightning of a desert storm.

In a deluge red rain will fall
Your losses are deeply felt by all.
The price of peace is bloodily borne;
You are the flood of a desert storm.

You carry destruction in your gale,
Ironically insuring that peace will prevail.
Your gusts are keeping freedom warm;
You are the winds of a desert storm.

You've been building up strength for five months now,
We knew it would happen but we didn't know how.
Even though we had all been warned;
We were still surprised by the desert storm.

You are the finest, the best of the best;
Now you are facing the ultimate test.
Always remember the red, white and blue,
America is proud of you.

THE MURDER OF DAN HOTZ: A 1-YEAR RETROSPECTIVE

Mr. DURENBERGER. Mr. President, 19 months ago, today, a young man lost his life in Washington, DC. Dan Hotz refused to yield to an armed robber outside his Capitol Hill home. The impact of Dan's death is still being felt; by his family and friends in Nebraska and Minnesota; his neighborhood in Washington, DC, and the Senate community. Dan's death is a reminder to all of us of our own responsibility to find solutions to society's ills.

In a recent issue of St. John's magazine, the publication of the alumni office of St. John's University, Collegeville, MN, Dan was remembered by Michael Holscher. I ask unanimous consent that the article be printed in the RECORD as notice that Dan's life and death have not been forgotten.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALUMNUS DAN HOTZ'S MURDER: A 1-YEAR RETROSPECTIVE

(By Michael Holscher '89)

On July 21, 1989, Washington, D.C. recorded its 243rd murder of that year. It was a grim milestone down Washington's bloody road to a record 438 homicides.

The victim was 23-year-old Daniel Hotz, a native of Omaha, Neb., who had moved to Washington only 10 days earlier, just weeks after graduating from Saint John's in May. He went to Washington to begin his post-college career with a commercial real estate firm, and had taken up residence on Capitol Hill in a house owned by his 31-year-old brother Tom '82, who also worked in commercial real estate. Dan Hotz still had boxes to unpack that fateful Friday, when he was gunned down in front of his new home during a street robbery.

Around 9 p.m. that evening, after finishing his first week on the job, Hotz was at home readying himself for an evening out with his brother and several friends, including his roommate Mike McFadden, 27, an Omaha native who moved to the District only days after Dan.

According to Tom Hotz, his brother had invited a young woman friend who was arriving on the subway around 9:15, and since Dan didn't want her to have to walk the several blocks from the station to his house, he offered to pick her up. He left home shortly after 9, hopped into his 1985 Mazda, and took off for the subway station. At the time, Tom was upstairs unpacking his own belongings, which he was in the process of moving from another of his properties, an apartment a short distance away. McFadden was downstairs in the living room with four others waiting for Dan to return.

Ten minutes after he left Dan was back with his friend. As they turned onto his street, according to police, both noticed two black youths, wearing baseball caps and dark clothing sitting on the front steps of a house next to Dan's. Dan parked his car across the street from his house. He and his friend finished the conversation they were having, opened their doors and stepped out.

No sooner had they emerged from the car, when the two youths approached them and demanded their money—one confronting Dan, the other his friend. The friend, whose name has been withheld by police, looked quickly to Dan to see how he would respond. When the youth facing him asked again for his money, Dan said, "No way," and tried to brush off the would-be robber.

Suddenly, two shots rang out.

Police say Dan's friend threw her wallet to the ground instantly, and one of the two assailants grabbed it before fleeing with the other down a dark alley. Dan's friend rushed into the house and screamed, "Dan's been shot!" McFadden scrambled to the phone to report the shooting to the 911 emergency operator, while Tom and the others ran to the street.

They found Dan lying face-up near the curb in front of his house, where he had collapsed after struggling across the street from his car. He was lapsing in and out of consciousness.

"There were already 100 people standing around outside trying to find out what had happened," remembers Tom Hotz. "When I got out there, I thought [Dan] was dead. He was laying on his back, his face white, and he was unconscious. then he started shaking, having convulsions and gurgling . . . His lungs were already filing with blood.

"It was a nightmare . . . It was as if nature had been disturbed. There was no order to anything."

When McFadden came outside and saw Dan, he was shocked. "I remember kneeling down next to Dan's body and saying a prayer, and I had this really sick feeling. It's hard to describe," anid McFadden. "It was an overwhelming feeling of sorrow and sadness, but not just for Dan. I had a feeling of sorrow for whoever it was that shot him. I remember thinking, 'They don't even understand the pain they've caused a huge number of people. They don't even know the number of people they've affected' ".

Within minutes the ambulance arrived. Dan had regained consciousness, and while paramedics lifted him into the ambulance, Tom climbed into the front seat to ride with him to D.C. General Hospital, an inner-city hospital specializing in gunshot wounds. On the way, Tom talked with his brother and asked frequently how he was feeling. Dan muttered replies to the questions, until paramedics were forced to place an oxygen mask over his mouth.

As doctors rushed Dan through the crowded emergency room into surgery, Tom telephoned his family in Omaha to break the news. Two of his brothers and one sister were having dinner with his parents that evening, and were present when Tom's mother answered the phone. "There was no easy way to say it," recalls Tom. "I didn't say anything except, 'Mom? Tom. Dan's been shot.' There's absolutely no other way to do it."

As he waited with his girlfriend, Karen, in the hospital waiting room, Tom continued to telephone his family once every hour or so, despite the fact there was little information about his brother's condition. When McFadden finished helping homicide investigators at the scene of the shooting, he and other friends joined Tom at the hospital.

"I was really bummed out for Tom," McFadden says. "Dan was my friend . . . but he was Tom's brother. And I couldn't even begin to think how Tom must have been feeling."

Doctors worked for hours trying to repair the damage done by the two bullets. One of the bullets had passed through Dan's stomach—a serious, but not always mortal, wound. But the other bullet smashed through both his heart and his lungs, making the doctors' chances of saving him all but impossible.

At about 2:30 a.m. on Saturday morning, after Dan had been in surgery for five hours, Tom knew his brother had died. Nobody had told him; he just knew it.

"I was sitting in the waiting room and at one certain moment I knew Dan had died," Tom recalls. "I turned to Karen and said, 'Dan just died. He's dead.' A few minutes later the nurse came in and said, 'Dan's not doing very well.' And I said, 'It's all right. I already know he's died.' "

Later Saturday morning, after returning home, Tom and McFadden faced a steady stream of newspaper and television reporters pursuing the murder story. But McFadden admits being perplexed about why there was so much interest in it. "I asked them, 'Why do you even care? This is the 243rd murder of the year. Why do you care about this one?' [*Washington Post* reporter] Michael York said that Dan's death was unusual. He said there were certain things that shock the conscience."

Meanwhile, D.C. homicide investigators continued pursuing leads provided by the friend who witnessed the shooting, as well as neighborhood residents. Information was also received from others who were held up at gunpoint on the same evening and in the same neighborhood as Hotz.

Within days, the clues led them to Daniel "Stink" Kinard, an 18-year-old who lived only a block from where the shooting occurred. Kinard eventually implicated Shawn Blair, 19, another local who had a substantial police record, including drug offenses and other felonies. Both were youths from broken homes, high school drop-outs without a steady job.

After making written confessions to D.C. homicide investigators, Kinard and Blair were charged with felony murder and held without bail. Police said it was Kinard who fired the shots, although Blair was said to have had a gun as well.

One of those who helped identify the two assailants was Karin Hope, a 23-year-old Minnesota native and graduate of Bethel College who worked in the Washington office of Minnesota Senator Dave Durenberger '55. One hour before Hotz was shot, Hope and her roommate were robbed by Kinard and Blair in the parking lot behind Hope's apartment building as she and her roommate returned from grocery shopping.

Details of Hope's ordeal are similar to Hotz's. According to Hope, she and her roommate saw Kinard and Blair riding bicycles in front of the apartment building before parking their car. And like Hotz and his friend, Hope and her roommate were accosted as they emerged from their car—Kinard confronting Hope, Blair her roommate.

Perhaps the critical difference was that Hope and her roommate could clearly see the guns being wielded by their assailants. They both handed over their cash. "I was in an unreal state of mind," remembers Hope a year later. "I kept thinking, 'This is a dream. This isn't happening'."

Hotz's death sent shock waves through his neighborhood across the District and through much of the country. For the people in his neighborhood—only blocks from the U.S. Capitol, but an even shorter distance from an economically depressed area where serious crimes are a nightly occurrence—the murder was a frightening indicator of how close they were living to a virtual war zone. For citizens throughout the District, who read about the senseless killing on the front page of *The Washington Post* and watched the aftermath on the television news, it was a startling reminder of just how bad the violence in their city had become. And in many places around the country—where stories appeared in *USA Today* and many other newspapers—many Americans read with dismay the grim truth about their nation's capital.

Few places were as shocked and saddened by Hotz's death as Omaha, where he was born and raised as the youngest of nine children, and Saint John's, where he had left his mark as an outgoing, caring, honest, and gregarious young man who was as thoughtful as he was energetic. He has at various times been described as a "real go-getter," a "good guy," and a "great friend." Jay Cutrara '89, who lived with Hotz for two years at SJU, said he always "[made] everyone part of the crowd."

Within days of his death, more than 1,000 people flocked to St. Leo's Catholic Church in Omaha to attend Hotz's funeral, presided over by the bishop of Omaha and Hotz's brother Bob, a Jesuit priest. In Minnesota more than 250 mourners gathered in St. Paul to remember Hotz at a separate service attended by many of his classmates, teachers and administrators from Saint John's. Hotz's neighbors in Washington held candlelight vigils and neighborhood meetings, and other memorial services were held around the city.

Among those offering their condolences were President George Bush, who telephoned Hotz's parents within days of the murder, and Rep. Peter Hoagland (D-Neb), a friend of the Hotz family who later met with the residents on Capitol Hill to discuss their concerns in the aftermath of the killing. Sen. Durenberger sent a personal letter to the Hotz family in which he wrote: "I have been moved by the impact your son's death has had on the D.C. community. It is real. His loss to you and many is enormous. But neither his life nor his death has been in vain."

Durenberger also made mention of Karin Hope. "One of my staff was held up just before Dan," he wrote. "She identified the killer. We are all involved now and will remain so."

Not everyone in the Washington community, however, regarded Hotz's murder as unusual and worthy of the extraordinary attention. Some blacks, noting that most of those killed in Washington are black residents in predominately black neighborhoods, were outraged that Hotz's killing caused an uproar in the District.

These feelings were given expression in a letter from a District woman appearing in *The Washington Post* two weeks after the murder. She wrote: "Don't misunderstand me. What happened to Daniel Hotz is tragic. But it never ceases to amaze me, the deafening outcry when a crime victim is white. . . Mindless killings have taken hundreds of innocent lives in . . . predominately black neighborhoods. I speak for these citizens. We have always been outraged. [But] suddenly, in the aftermath of the Daniel Hotz killing, street crime is intolerable. We need more police, more protection, more jails, more money, more government."

"[Crime and drugs] have become an unfortunate part of life that we native Washingtonians have always fought and have learned to live with. It is ludicrous and racist to try to relegate these problems to a particular segment of the community . . . I too was robbed at gunpoint in a . . . parking lot two years ago, but I am alive to tell about it because I did not foolishly resist or try to be a hero. Some people come to this city and expect to be able to walk around as though they were in Norman Rockwell land.

"Do you think Washington should be a 'shining city on the hill' just becasue it is the nation's capital?" the letter continued. "Grow up. Anyone anywhere is a potential victim . . . When someone points a gun in your face, you cooperate. People must choose their fights carefully.

"Daniel Hotz has his posthumous honor. I have my life."

The writer of that letter wasn't the only person who complained. Anger surfaced on television shows and in street conversations as well. And one Georgetown law student recalls a class in which Georgetown professor and longtime civil rights activist Eleanor Holmes Norton, who was recently elected as District delegate to Congress, used reaction to the Hotz murder as "a perfect example" of racism among the media and the criminal justice system.

Dr. Bill MacDonald, professor of sociology and deputy director of the Institute for Criminal Law and Procedure at Georgetown University, believes that Hotz's response to his robber had as much to do with the attention paid to his murder as anything else.

"That kind of response—to sort of stand up and stand for your principles—can get you killed real quickly, and people in this city know that," MacDonald says. "People around [Washington] make a point of carrying mugging money with them. You don't go out without enough money to satisfy a person that might mug you. People who have this urban mentality are surprised by what happens to people who respond the way Dan did."

"None of this is to say we condone crime or are complacent about it," MacDonald explains. "But that's what we live with here. You never accept a wrongful death, but living in the urban areas, you come to expect things as part of the price you pay for living there."

Today more than 500 days and 570 homicides later, there are still those who have differing perspectives about Dan Hotz's murder and the outrage it caused. Even though many have forgotten Hotz's name, there are many others who still recall "that young guy from Omaha." For Tom Hotz, Mike McFadden and Karin Hope, however, the killing remains an inexplicable tragedy.

Two weeks after Hotz's funeral, McFadden returned to Washington to begin classes at Georgetown University Law Center, but he arrived at the house he had shared with Hotz to discover that it had been burglarized while he was gone. His television, a stereo and watch his grandfather had given him were all missing. "I just thought, 'Nothing like kicking a guy when he's down'," he says.

That was only the beginning. Within days of his return, during a bike ride through his neighborhood, McFadden witnessed two men shoving an elderly man into the man's home during a robbery. McFadden jumped off his bicycle and ran toward the house. But when he got to the doorway, he froze.

"I don't think I would have stopped if Dan hadn't been killed," McFadden says. "I doubt I would've even thought about guns."

McFadden left the house and called police from a neighbor's home, but the police didn't arrive in time. The robbers escaped and the elderly man had been beaten.

After that incident, McFadden decided he had enough of Capitol Hill and moved to northwest Washington, to a safer neighborhood. But the crimes didn't stop. Less than a week later, McFadden's mountain bike was stolen from in front of the Georgetown Law Center.

"I talked to Tom a lot in the weeks after the funeral, and it seems like every time he called I told him about a robbery or some crime I'd seen," McFadden recalls humorously. "He started calling me 'Taint'. Every time I'd talk with him he'd say, 'Well, what happened today?"

Out of frustration, McFadden decided to write a letter to his fellow law students in an effort to do whatever he could to increase their awareness of crime. "Of the 2,000 students at the Law Center, it seemed like no one had ever had anything worse than a car theft," McFadden explains. "Many of them felt as if they had a shield of invincibility."

McFadden says he wanted to use the letter to make the threat more personal.

"I had a bad day today," he wrote. "First my bike got stolen from in front of the Law Center. I then walked to my Capitol Hill residence to find an ambulance bill addressed to my old roommate Dan Hotz. Dan Hotz was the 243rd murder victim in DC this year.

". . . This letter isn't easy to write, but it would be harder on me not to write it. In trying to make sense out of things, I have come to the conclusion that I will never know why Dan was shot. But I do know that I have responsibility to do whatever I can to ensure that tragedies like Dan's don't happen again."

McFadden has since moved back to Capitol Hill and is living only blocks away from his former home there. He says Hotz's murder has deepened his social convictions. "I've gained a much better understanding of why things happen here . . .," McFadden explains. "Not necessarily an understanding of Dan's death, but about the city in general."

"It's amazing how much [the old neighborhood] has changed. It's strengthened the bond. They now have occasional meetings and there's much more dialogue there."

On the other hand, McFadden says there hasn't been enough change in the city in ways that really matter. He notes there are nearly 90 more murders in Washington this year than at this point last year. And he is frustrated by continuing racial tensions like the ones that surfaced after the Hotz killing.

"What's alien to people here is a sense of community—the sense of community we have in Nebraska."

Karin Hope agrees. A year after her own ordeal, she continues living in Capitol Hill in an apartment only a few blocks from where she was robbed. (Her roommate has since moved to the Virginia suburbs.) Hope says she's remained in the neighborhood because she's stubborn and doesn't want anything to force her to leave.

"I want to be part of the solution instead of simply a victim of the problem," Hope says. The daughter of a Baptist minister, she has become more active in a non-denominational church near her home, where she works as a tutor in the church's neighborhood learning center. "I've always had those religious roots and religious commitments," she explains. "If anything, my incident cemented that."

Like McFadden, Hope wishes Washington would discover the sense of community she left behind in Minnesota, and insists that real change will only come when it does. "It's tough. I think it's difficult to legislate a sense of community or caring, so I think it's going to have to be one kid at a time, one family at a time," Hope says. "Part of the sense of community is people taking an interest in other people's kids . . . And part of the problem among the youth is that they want shortcuts to everything. In some cases, that means crime or drug-dealing."

When asked about her feelings regarding Blair and Kinard, Hope responds with forgiveness. "I'm not angry," she explains. "I'm a bit confused about how I should feel, really. I have a religious commitment to forgiving people no matter what they do. But I don't want them free to hurt other people. If I knew somehow they'd changed, I'd want them to be free. But I don't know how I could ever know that."

In early October, Shawn Blair stood before a judge in D.C. Superior Court and pled guilty to second degree murder in the death of Hotz, and to armed robbery in the case of Hope. He is scheduled to be sentenced in January 1991, when he faces a maximum of life imprisonment without parole. Kinard's trial, slated to begin in late October, has been delayed until March 18, 1991. Both men remain in jail. Blair declined to be interviewed for this story.

Tom Hotz was present in the courtroom, along with the friend who witnessed Dan's murder, when Blair entered his guilty plea. "When I sat in the court room, I felt sorry for him," Hotz says. "He's only 20 years old and he's going to jail for a long, long time."

Today, however, Tom has other things on his mind as well. After selling a few of his District properties including the house his brother had lived in, he and his fiancee were married and have moved to a house in Alexandria, Virginia. Tom, who has lived in Washington since 1984, continues to work at a commercial real estate firm in Virginia.

He admits the past year has not been easy, but says he has finally gotten back into a daily routine. "The first three months were like being lost in the clouds," he explains. "I didn't do anything but work. There's no way to describe what I went through. I was just stunned. I'd lived here a long time, and it was tough being without Dan—whether here or anywhere else.

"Dan and I were best buds. I asked him to be best man at my wedding before I asked Karen to marry me."

Reflecting on the past year, Tom says he isn't quite sure how he's dealt with the loss of his brother, but he does know it hasn't been a cerebral process. "You don't make these choices," he says. "You're overwhelmed with sadness and then you start to get back into your daily life. It's like riding out a storm when the sail's torn. You just ride it out and hope you make it."

In Omaha, the Hotz family has used a memorial fund set up after Dan's death to sponsor an "employability program" at Sacred Heart High School, a Catholic school in Omaha's inner city which has a predominately black student population. The program trains minority students in job skills with the goal of preparing them for the job market both during and after high school.

If tragedy is, as playwright Tom Stoppard once wrote, when "the bad ends unhappily, the good unluckily," then what happened to Dan Hotz is unquestionably a tragedy. He made his trek from Omaha to the nation's capital for the same reason most young college graduates do: to pursue career and personal opportunities that promise eventual financial security and personal satisfaction.

He came full of hope, looking for the good life. He left less than two weeks later on an operating table at D.C. General Hospital, after five hours of surgery failed to repair the punishment he endured for refusing to give up his wallet—a wallet containing only eight dollars.

If Dan Hotz's death produced any silver lining in an otherwise dark and sorrowful cloud, it is surely that this death served to remind Washingtonians that there is still a part of America where crime is not accepted as a part of life, where murder is still met with outrage.

It is the part of the country where Dan Hotz was born. It is where he was raised and educated. And now, in a quiet cemetery not far from his home, it is where he rests in peace.

(Mike Holscher '89 is director of research for Cornerstone Associates, Inc., a strategic issues management firm in Washington, DC.

TRIBUTE TO DR. FRANK ROSE

Mr. HEFLIN. Mr. President, I rise today to remember one of my dear friends, Dr. Frank Rose, who recently died following a long bout against cancer. Some of you may remember Frank Rose from his days with Cassidy & Associates and University Associates here in Washington, but he is best known for his outstanding work as the president of the University of Alabama from 1958 to 1969.

Dr. Rose provided the university with truly outstanding leadership through the tumultuous period during which the school was successfully integrated. His calm head and inspiring presence helped the university avoid what could have been an extremely violent time. Frank Rose's courage in standing up against powerful State leaders aligned against integration deserve him a chapter in the annals of this Nation's "profiles of courage."

In 1954, Frank was named by the National Chamber of Commerce as one of the 10 Outstanding Young Men of America for his accomplishments as president of Transylvania University. Bobby Kennedy was also a recipient of the award that year. The friendship that Frank developed with U.S. Senator Robert Kennedy and President John F. Kennedy helped make the integration of the University of Alabama proceed more smoothly.

Although Frank is remembered for this transition, he also provided the catalyst for the unprecedented period of growth the university experienced under this presidency. One of the most important results of this 10-year expansion was the improvement in the faculty pay scale and the university's endowment. At the same time, the school's facilities expanded and academic standards rose. This building program also included the development of the Birmingham and Huntsville campuses of the University of Alabama. The University of Alabama as it is today serves as a lasting legacy to Dr. Frank Rose's vision of an impressive educational institution.

Many others remember Frank Rose for hiring Paul "Bear" Bryant to coach the football team. The football team achieved athletic success parallel to the academic success seen in the entire university. During Dr. Rose's tenure as president, the university won three national football championships.

Frank was truly a southern gentleman. He talked with equal ease to awkward freshmen, polished professors, or world leaders and made each feel comfortable. Perhaps this was because Frank truly cared about each of his students and each of his professors.

Born in Meridian, MS, Frank Rose graduated from Transylvania University in Lexington, KY. Soon after earning his doctorate from Lynchburg College, Frank became the youngest college president in the country when he was selected to head Transylvania.

Dr. Rose's activities here in Washington are far too numerous to list here but I want to mention a few of them. He founded an extremely important, nonprofit consulting firm called University Associates. This firm helped historically black schools obtain Federal assistance. He also was a senior consultant with Cassidy & Associates. He gave freely of himself to numerous charities and worthy causes and his contributions will be greatly missed.

Mr. President, Dr. Frank Rose was an oustanding man and a good friend whose accomplishments will long bear testimony to his devotion and his vision.

Mr. President, I ask unanimus consent that articles about Dr. Rose be inserted in the RECORD.

There being no objection, the articles ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Feb. 2, 1991]

FORMER UA PRESIDENT FRANK ROSE DIES AT 70

(By Robin DeMonia)

Former University of Alabama president Frank Rose, whose time on campus spanned integration and the arrival of Coach Paul "Bear" Bryant, died Friday at the age of 70.

Rose took the reins at UA in 1958, when he was only 38 years old and morale at the university was low after an unsuccessful attempt to bring black students onto the campus, friends said. He left the university in 1968 to start a consulting business.

"Frank Rose came in and created a new excitement," said John Blackburn, who was dean of men under Rose and recently retired as a vice president.

Rose was also optimistic, even though he knew what lay ahead for the university, friends said.

"He was very ambitious, and I don't think he had any doubts at all," said Frank Moody, a retired Tuscaloosa banker.

In 1963, the school was successfully integrated. Rose's leadership in the face of state leaders' resistance drew praise.

What may have helped was Rose's personal relationship with President John Kennedy, an acquaintance that sprang from an honor that had been bestowed upon Bobby Kennedy and Rose together in 1954.

"The president of the United States had confidence in the president of the University of Alabama," Blackburn said.

Alabama's political leaders, from Gov. George Wallace to the legislators of the day, did not always share the same affinity for Rose.

"He got along very well with them under the circumstances," said Moody. "They clashed—I started to say many times—but they clashed continuously."

David Mathews, who was a student and administrator under Rose and later succeeded him, said Rose had an inner moral compass and the courage to follow its lead.

"Without being heavy-handed or moralistic, he had a keen sense of what was right," Mathews said.

When Bear Bryant was accused of fixing a game early in his career with the Crimson Tide, Rose jumped to Bryant's defense without hesitation.

Later, according to Mathews, Bryant told Rose, "I don't know if it's wrong for one man to say to another man 'I love you.' But I really do love you for what you did."

In later life, friends recall that Rose, bound to a wheelchair and an oxygen tank, continued to enjoy his favorite leisure pursuit: bird hunting.

"How he managed not to blow himself to kingdom come, I do not know," Mathews said.

Rose left Alabama in 1969 for Washington, D.C., where he formed University Associates, a firm that helped colleges, particularly historically black schools, get federal assistance, said Mathews.

He also worked with communities nationwide that were in the process of integrating, Mathews said.

Rose was born in Meridian, Miss., in 1920. He graduated from Transylvania University and the Lexington Theological Seminary, and had worked as pastor and teacher.

At age 30, be became the youngest college president in the country, at Transylvania. In 1954, he was named, along with Bobby Kennedy, one of the 10 outstanding young men in America by the National Chamber of Commerce.

When he made the ambitious leap to the University of Alabama four years later, he proved among other things to be an outstanding fundraiser.

Roger Sayers, the current UA president, said of Rose: "His leadership of this university spanned a decade of unparalleled growth and transformation. During this period . . . enrollment and financial resources multiplied, the university's plant underwent a significant expansion, and numerous faculty positions were added."

Citing the "singular impact" Rose had on the school, Sayers directed that the university's flags be flown at half-staff until the funeral.

The funeral will be Monday at 1 p.m. at Central Christian Church in Lexington, Ky. The family will also receive friends Sunday from 5-8 p.m. at Morrison Hall at the Transylvania University campus in Lexington. Milward Funeral Directors is directing.

Rose is survived by his wife, Tommye Rose; two sons, Frank A. Rose, Jr. of Mobile and Julian Rose of Texas; two daughters, Susan Rose Dabney of Lexington, Ky., and Elizabeth Barr Rose of Pensacola, Fla.; a brother, Ramon C. Rose of Dallas; and eight grandchildren.

[From the Washington Post, Feb. 3, 1991]

FRANK ROSE, FORMER PRESIDENT OF UNIVERSITY OF ALABAMA, DIES

Frank Anthony Rose, 70, a Washington consultant who had served as president of the University of Alabama from 1958 to 1969, died Feb. 1 at Georgetown University Hospital. He had pneumonia and cancer.

He was president of Alabama in 1963 at the tense moment when that university was racially integrated. As the nation watched, Alabama's governor, George C. Wallace, pledged that the university would never be integrated, and that he would stand in the doorway of the university if anyone tried to enroll blacks.

The federal government announced that the university would be integrated, even if federal troops had to be used to accomplish the task. Dr. Rose, a political opponent of Wallace's, announced that the law would be maintained, along with some semblance of dignity and civility. Southern-born and educated, the 6-foot-2-inch educator took on the unenviable task of middleman between federal authorities and Wallace.

Dr. Rose seemed careful not to take sides on racial issues, saying he was neither a segregationist nor an integrationist, but a realist. He devoted his attention to maintaining peace at the university.

Due in no small part to his tact and diplomatic skills, some observers said, integration took place amid relative calm. Although Wallace stood in his doorway and had his say, federal authorities enrolled black students and Dr. Rose was able to resume his usually quiet and effective work as a university president.

During his years at Alabama, the university's physical plant, faculty size and endowment all grew, and academic standards increased. However, some voiced opinions that Dr. Rose, who was more the dynamic administrator than professional scholar, devoted too much attention to sports.

He told critics that "character is not built by a losing team," and brought back the legendary Paul "Bear" Bryant as head football coach.

Dr. Rose left Alabama in 1969 to become president of General Computing Corp. in Washington. A short time later, he founded the nonprofit consulting firm, University Associates, whose clients included black colleges. At the time of his death, he was a senior consultant with the public affairs firm of Cassidy and Associates here. Cassidy had been affiliated with University Associates since 1984.

Over the years, he also had been active in the Salk Institute for Biological Studies, and had served on the executive committees of the National Association of State Universities and Land Grant Colleges and Reading Is Fundamental. He also had chaired the board of visitors of the U.S. Military Academy at West Point and was on the board of the March of Dimes.

Dr. Rose, who had homes in Washington and Lexington, Ky., was a native of Meridian, Miss. He graduated from Transylvania University in Lexington in 1942, and received a bachelor's degree in divinity from Lexington Seminary in 1946. He held honorary doctorates from several schools.

Ordained by the Disciples of Christ, he was a pastor in Kentucky. He was on the staff at Transylvania as a philosophy professor before serving as that school's president from 1951 to 1958.

Survivors include his wife of 48 years, the former Tommye Stewart of Lexington and Washington; four children, Susan Rose Dabney of Lexington, Frank Anthony Rose of Daphne, Ala., Julian Rose of Dallas and Elizabeth Rose of Milton, Fla.; and a brother, Ramon, of Dallas.

[From the Montgomery (AL) Advertiser, Feb. 2, 1991]

FORMER UA PRESIDENT DR. FRANK ROSE DIES

(By Mary Orndorff)

Former University of Alabama president Dr. Frank A. Rose, an instrumental force in the push for racial integration at the university, died Friday morning in Washington, DC.

Dr. Rose, 70, had been battling cancer.

Dr. Rose was president of the university from 1958–1969. His administration dealt with former Gov. George C. Wallace and his famous stand at the schoolhouse door in 1963. Dr. Rose successfully integrated the school later that year, avoiding the violence that occurred during a previous integration attempt in 1957.

"He was a leader for the University at the right time," said Dr. John L. Blackburn, retired Alabama vice president for development. Dr. Blackburn was hired by Dr. Rose in 1958 as Dean of Men.

"When he came in 1957, the University had just gone through its first attempt at integration and morale and funding were low. And the football team had lost all its games the previous year," Dr. Blackburn said. "He brought us spirit, which was really needed."

Dr. Rose had a close relationship with U.S. Senator Robert Kennedy and President John Kennedy that aided in the university's integration. Dr. Blackburn said.

Dr. Rose and Robert Kennedy were elected as two of the 10 Outstanding Young Men of America in 1954, enabling him to become friends with John Kennedy while he was still a senator.

Financial growth and expansion were prevalent under Dr. Rose, who instituted a ten-year building program under which campuses at Huntsville and Birmingham were developed and added in 1966. With private donations and increased funds from the federal government, Dr. Rose improved the faculty pay scale, emphasizing that faculty performance decides the excellence of an institution.

"Buildings, machines, books, and even budgets are only instruments to enhance the faculty's effectiveness," Dr. Rose once said.

Dr. Rose suggested a joint effort with other state universities to approach the state legislature for increased funding, Dr. Blackburn said.

"The key was that he brought leadership. He was the right person for the '60s."

Paul "Bear" Bryant was hired by Dr. Rose to coach the Alabama football team. He led the Crimson Tide to three national football championships during the Rose administration.

"The spirits and morale of the school really improved" when Mr. Bryant was hired, said Dr. Blackburn.

An administration building on campus, a married-student residence hall, and a scholarship bear Dr. Rose's name.

In a 1989 editorial, The Montgomery Advertiser wrote about Dr. Rose ". . . a streak of down home humor allowed him to keep a common touch which could put the shyest freshman at ease."

During his tenure, the university's assets nearly tripled and student enrollment grew by about 8,000, according to Mrs. Janet Griffiths, Alabama's news services director.

Dr. Rose was born in Meridian, Miss., and graduated from Transylvania University in Lexington, Ky. He became an ordained Christian minister his sophomore year and went on to teach religion and philosophy. He received his graduate-level bachelor of divinity degree from Lexington Theological Seminary in 1946 and a doctorate from Lynchburg College in Virginia. He was a pastor at a Kentucky church until 1951, when he became president of Transylvania University at age 30.

When Dr. Rose resigned from the post at Alabama in 1969, he became president of the General Computing Corp. in Washington, DC, where he later founded a non-profit organization.

He lived in Lexington with his wife Tommye Anita, and is survived by her and four children, Susan, Frank Anthony (Tony), Julian and Elizabeth. Funeral arrangements are being handled in Lexington.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business has expired.

ORDER OF PROCEDURE

The PRESIDENT pro tempore. The time for the next 1 hour will be under the control of the Republican leader.

Mr. COCHRAN. Mr. President, may I inquire if it would be appropriate to proceed with the use of the 1 hour under the control of the Republican leader without the Republican leader personally being here?

The PRESIDENT pro tempore. If the Republican leader would so designate Senators to take the time, that, of course, is under his jurisdiction.

Mr. COCHRAN. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senator from Mississippi be permitted to proceed under the order reserved for the Republican leader.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE LEGISLATIVE AGENDA

Mr. COCHRAN. Mr. President, the purpose for taking this time on the floor of the Senate this morning is to talk about some of the items on the legislative agenda from the perspective of the Republican conference.

The Republican Senators, of course, are operating at somewhat of a disadvantage politically because we are not in the majority. What that means is sometimes overlooked, at least not fully understood, by those who observe the proceedings of the U.S. Senate. We understand, as Members of this body, that the majority party controls the chairmanships of all the committees and thereby establishes the agenda, determines what hearings are held and when they are held, and what subjects are explored at the hearings.

The majority leader, in consultation with our side of the aisle, through our Republican leader, decides on the agenda for the floor of the Senate, what bills are called up, when they are called up, and, to a large extent, this is not understood very well by the American public.

One of the things that happens necessarily in all of this is that the alternatives that might be suggested by Republican members of committees, for legislation, for hearings, for witnesses who would testify at these hearings, may not be a matter of public information. So our purpose in taking this time this morning is to talk about some of the initiatives that are being recommended to the Senate this year by Republican Senators; to describe some of the ideas that are being brought forth by Republicans in the Senate.

The PRESIDENT pro tempore. There will be order in the Senate. Senate aides will have seats.

The Chair apologizes to the Senator for the interruption. The Senator will proceed.

Mr. COCHRAN. I thank the Chair.

The fact is, Mr. President, that this year, for example, we have seen the Senate begin its business with an emphasis on a few bills that have been introduced largely under the sponsorship of Democratic Senators, which gives the impression to those who may not understand how the Senate works as an institution that the Republicans are not in favor of some of these initiatives.

I give one example. The first bill that was taken up and passed this year was at the top of the so-called Democratic Policy Committee list of priorities. It was a cost-of-living adjustment for veterans, and a bill that dealt with claims for disability benefits arising as a result of contact with agent orange. This has been a very controversial subject, as everybody knows, and Republicans have been very actively involved in helping to craft legislation that would deal effectively with that problem. In the Veterans' Affairs Committee and in the administration, Republicans have been very much involved with that. But the bill was, I think, listed as S. 1, or at least one of the top five initiatives of the Democratic Policy Committee this year.

The impression then could be drawn that, had it not been for the fact that it had that degree of priority, it would not have been dealt with. But we think it would have been. Republicans were certainly in favor of it, and I think the legislation was passed without a dissenting vote.

Another illustration is S. 2. It is a bill described as a literacy bill; it deals with education. There are 21 sponsors of S. 2, all Democrats. Not one Republican was invited to sponsor this bill, and it includes a wide variety and wide range of education issues. The impression is created when that bill is introduced, and with that degree of visibility and priority, that only Democrats are in favor of education reform.

But if we look at what S. 2 is, it is largely the bill that was passed by the Senate last year with not only the sponsorship of Republican Senators, but with the help of the administration in crafting the language that was approved by the Senate.

What I am hoping by my remarks today, Mr. President, is to emphasize the fact that this Senate operates in a bipartisan way when it is effective. When legislation is passed and signed by this Republican President, it has to have the active support of Republican Senators.

So I am hoping that, as we begin our work this year, maybe we concentrate a little less on the politics of some of these legislative initiatives and concentrate a little bit more on the practicalities of getting something done; being effective legislators so that we do have a work product at the end of this 102d Congress that we can all be proud of as Americans, not just as Democrats, not just as Republicans; and that we not just embark on a year of politics as usual—what I see, Mr. President, really is more politics than usual. I hope we learn from the experience we have all had in this body and we realize we need to put education ahead of politics this year, just as we are right now in the Persian Gulf putting national defense ahead of politics by all uniting to support our troops as we did when we approved a resolution the other day expressing that formally as the sense of the Senate.

We need another sense-of-the-Senate resolution right about now saying that we are all in favor of improving education. Not just because we are Democrats but because we are U.S. Senators and we have a responsibility to all of the citizens of this country to improve our education system. It was all of the Governors who joined with President Bush to establish the six goals for our country on education. These are not Democratic goals, Mr. President. These are American goals.

I challenge the U.S. Senate this year, and I particularly challenge the Democratic majority to put more emphasis on cooperation; bipartisan efforts to work together to achieve these goals rather than to achieve some sort of imagined benefit for a political party in the process.

The PRESIDENT pro tempore. Who yields time?

Mr. COCHRAN. Mr. President, under the unanimous-consent arrangement I ask unanimous consent that the time on this side be controlled by the distinguished Senator from Oklahoma [Mr. NICKLES].

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, the Senator from Kentucky wishes——

Mr. McCONNELL. Ten minutes. I will probably use less.

Mr. NICKLES. Mr. President, I yield to the Senator from Kentucky 10 minutes.

The PRESIDENT pro tempore. The Senator from Kentucky [Mr. McCONNELL] is recognized for not to exceed 10 minutes.

CAMPAIGN FINANCE REFORM

Mr. McCONNELL. Mr. President, both the majority and minority parties here have affirmed through the introduction of bills by both the Democratic and Republican leaders, that campaign finance reform remains a top priority of all of us to improve the system.

The problem, Mr. President, is what is the goal of each of the respective parties? We could go through yet another exercise in which the majority, through sheer force of numbers, pushes through a partisan bill. We had that experience last year. That will not become law. The President will not sign it and we will be back where we have been, unfortunately, for the last 3 years.

Some people may like it that way. There are some, for example, who feel that the majority prefers it that way. They continue to benefit from the status quo, all the while screaming for reform and blaming it on the Republicans.

Citizen activist groups also, arguably, benefit from that approach. They continue to rake in direct mail solicitations by beating up on Congress and calling for reform. That is what has happened in the past.

We have an opportunity, Mr. President, to try to do it differently and I hope we will. We could decide at the outset what this Senator has argued for the last 3 years, that we could pass a bill containing real reform that does not tilt the playing field one way or the other. Real reform, of course, is not going to benefit either party at the expense of the other.

We could start, Mr. President, on those areas upon which we agree and devise a bill to reduce campaign costs, thus reducing spending and time spent raising money. We could reduce special interest influence through a ban on PAC's and limits on independent expenditures, bundling, and 501(c)'s, in other words nonmoney and soft money, through gaping loopholes through which unregulated funds are spent in great quantities every year.

To some extent those elements are already addressed in both the Democratic and Republican proposals. But, Mr. President, if the majority refuse to compromise by putting aside roadblocks to reform and by putting up roadblocks to reform such as spending limits and public finance, there just cannot be a campaign finance reform bill.

In that case, we can go through the exercise that we went through before on several other occasions. Let me repeat, Mr. President, that virtually every scholar in America, almost without exception, opposes spending limits.

S. 3, the new version of the majority, is clearly unconstitutional and will not make it through the courts for one principal reason: It seeks to bludgeon people into submitting to a spending limit, unlike the Presidential system which entices people into it by the supplying of a very generous public subsidy, a subsidy so generous that only one candidate for President since 1976 has been able to resist it. That is the way, of course, entitlement programs work.

Given the budgetary constraints under which we currently operate, the majority seeks to hold down the exposure of Treasury funds and, in effect, punish people into voluntarily accepting this kind of limit. That is what makes it unconstitutional.

S. 3, nevertheless, has some enticing public funds, broadcast vouchers, best called food stamps, for politicians. Of course, S. 3 should also be labeled the lawyer bureaucrat relief act.

The FEC would be micromanaging all of our races. It would require an army of functionaries. As I said in last year's debate, the FEC would soon be the size of the Veterans' Administration. Once congressional races dip into public funds, then the necessary audits begin to unfold.

Finally, of course, the system simply will not work. We have the Presidential example of that. It is rife with abuse and it is seeking to skirt the rules with massive amounts of soft money. Everybody who has studied it knows it simply does not work.

The justification for the wrong kind of reform, Mr. President, probably will be argued once again. How many times have we heard about the money chase?

I think it is interesting, Mr. President, that once again campaign spending went down in the last cycle. In 1990, Senate spending was down 10 percent from 1988 and, of course, 1988 was down 5 percent from 1986. Clearly, the spending increases earlier associated with congressional races has capped out and begun to decline.

The other argument that was made time and time again—and we all heard—it is that the Senators are out everywhere for 6 years raising money; they do not do anything but raise money. Everybody just gets wound up around here tight as a tick, spun loose and we all go out and raise money for 6 years.

We ought to have some kind of truth requirement on the floor of the Senate. There is absolutely no evidence of that and never has been. I pointed out on the floor last summer and would like to again today that in the 1986 and 1988 classes and the Senate class of 1990, it is all the same.

Over 80 percent of the funds raised for political campaigns are raised in the last 2 years. Any Senator who is prepared to be competitive, may think he has a challenge, is probably likely to gear up in the last 2 years. It is the sensible thing to do. That is what happens. There is no evidence that Senators are out raising money for 6 years. They do in the last 2 years and they are raising less than ever and spending it going down.

So when the debate comes, Mr. President, like a little truth in packaging, particularly from the majority, let us talk about the facts; let us not create things that do not exist. Let us start out with a spirit of bipartisan cooperation and deal with the things that really need doing.

Let me close by pointing out once again what really needs to be done more than anything else is a reduction in broadcast advertising costs. There are lawsuits springing up all around the country already against broadcasters for not complying with the existing broadcast discount that is supposed to be supplied to candidates.

The FTC did a study last year of five markets, Mr. President. It was interesting that in those five markets they studied, not only were the broadcasters not giving us the discount entitled under present law, they were charging more than commercial customers. Immediately, a race for political spots began to decline, and now there are lawsuits being filed all across America. I suggest every candidate who ran last year ought to consider this.

I expect there will be massive refunds for violation of existing law. Existing law does not go far enough. There ought to be a real discount, not only for the commercials that are typically run by candidates, as all other advertisers—30-second, 60-second commercials—but also, Mr. President, we ought to require a certain amount of free time. This is the peoples' business we are talking about.

This kind of reform of the broadcast industry providing us some relief will not hurt that industry. Political advertising amounts to three-fourths of 1 percent of broadcast advertising revenue. If we could just get a little break in that three-fourths of 1 percent, the money chase, if it ever existed at all, would be over.

So, Mr. President, my hopes are high again that we can approach this issue in a bipartisan way. But if we cannot, many on this side, including this Senator, intend to aggressively pursue the right kind of reform one more time.

Mr. President, I yield the floor.

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague, Senator MCCONNELL from Kentucky, for his speech and also for his homework and his leadership on this issue.

The Senator from New Hampshire requests 7 minutes.

Mr. President, I yield 7 minutes to the Senator from New Hampshire.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. SMITH] is recognized for not to exceed 7 minutes.

WHICH ROAD WILL AMERICA CHOOSE

Mr. SMITH. I thank the Senator from Oklahoma for yielding.

Mr. President, over the next several months, the American people will be witnesses to a debate in this body, and that debate will be over which road America will choose during the last decade of the 20th century and into the 21st century.

The choices are very startling. The liberal agenda will consist of increased taxes, more spending, and the reduced right of the American people to choose how to manage their money and their lives. Those who are promoting this agenda have a vision, and their vision is on the wallet of the American taxpayer.

Their liberal agenda for 1991 consists of little more than huge spending programs which will bust last year's budget agreement, dismantle our Nation's defenses, and ensure record deficits for the foreseeable future.

First, there is S. 2, the education boondoggle. In 1989, President Bush proposed a modest program to emphasize excellence and choice in Federal education assistance. Although small in cost, this program, had it been enacted, could have had a huge impact on declining educational standards.

As a price for President Bush's modest $50 million program, liberals on the Senate Labor and Human Resources Committee demanded $750 million in spending for more of the same failed programs which have brought our educational system to the sorry state that it is today. Fortunately, this nightmare died at the end of the 101st Congress.

Unfortunately, this bill seems to be coming "the bad idea that would not die." As just one example of the cost of this bill, S. 2's increase from 8 percent to 40 percent of the Federal share for educating disabled children would increase Federal spending by $7 billion a year. Even if we had $7 billion, the cost of this expenditure would be more Federal intrusion and less local control, the same policies which have led to escalating illiteracy and declining test scores over the last 40 years.

Mr. President, the choice in education is clear. It is a choice between more local control, more parental choice, and return to basics versus more Federal intrusion, throwing more money at the problem and less local control.

Another liberal Democrat idea for spending lots of Federal tax dollars is S. 4, the so-called Democrat child welfare proposal. This relatively stingy bill would spend $2 billion over a 5-year period. This is an area in which we are currently spending $274 million a year without having had much impact at all. S. 4 overlooks an alarming 180-percent increase in administrative costs, Mr. President, under Federal foster care programs. It weakens the family and, worse, it does not remedy the role of the Federal Government in destroying families. It does nothing to address the fact that the net effect of all Federal Government programs is to make intergenerational transfers which take money away from kids.

In short, S. 4 blindly throws more money at a problem which existing Federal money has done nothing to solve already. In addition to these programs, the Democrat agenda is awash with ideas to impose burdensome costs on business. These proposals include such things as parental leave, a quota bill, and the prohibition of striker replacement, and on and on.

Taken as a whole, these ideas represent more of the tired old formula which have failed, failed, failed in the past. It is instructive to note that as recently as 1960, total Federal human resources spending was $26 billion. That was at a time when inflation and unemployment were below 5 percent, when black youth unemployment was below 10 percent, and when our schools did an effective job of teaching our young people.

In 1990, human resources spending was $619 billion, and even under the President's request, that figure is slated to increase to $956 billion by 1996. This represents a thirty-sixfold increase in 36 years, ironically.

What has our thirty-sixfold increase achieved? Unemployment is now permanently stuck at 1½ times the 1960 level,

Black youth unemployment is four times as high as it was in 1960, and our educational system is marked by plunging test scores. In addition, despite last year's "deal to end all deals," the deficit will almost centainly be at least $310 billion this year and probably will be higher than that. The Federal debt is rapidly reaching $4 trillion.

The one segment of the Government work force which would receive little compassion from the liberal agenda, ironically, is the contingent of men and women serving in the Persian Gulf. The proposed 250,000 soldier manpower reduction would throw many of these troops onto the umemployment rolls. In essence, we are saying "Thank you for your service. Here is 26 weeks of umemployment, I hope you find a job."

Mr. President, the American people are going to be faced with a very clear choice over the next 2 years: Which agenda is their agenda, the agenda of higher taxes, more Government, more spending, or the agenda of choice, lower taxes and more self-reliance.

In the opinion of this Senator, the last thing we need is another series of budget-busting, big-spending programs to suck the tax dollars from the wallets of the American people. This is not to say the Federal Government does not have a legitimate role to play in improving the lives of Americans.

Let me quickly say a couple of things the Federal Government should be doing. It ought to be removing Federal impediments so we can make our streets safe by putting dangerous criminals behind bars. That is one thing we should be doing.

Second, we ought to be eliminating Federal policies which destroy the American family and impoverish America's children and keep people in the welfare cycle year after year. We ought to be creating incentives for the private sector to produce rather than the disincentives which drain the life blood out of American economy.

In conclusion, Mr. President, this Democrat agenda is not America's agenda; it is a policy of failure which for some perverse reason we seem to be compelled to visit year after year.

I yield back the remainder of my time.

The PRESIDENT pro tempore. Who yields time?

Mr. SIMPSON. Mr. President, on behalf of the manager of this time, I yield 7 minutes to the Senator from Oklahoma.

The PRESIDENT pro tempore. The Senator from Oklahoma is recognized for not to exceed 7 minutes.

THE REPUBLICAN AGENDA

Mr. NICKLES. I thank the Chair. Also, Mr. President, I want to compliment Senator SIMPSON for his leadership in assembling a lot of Republicans to express ideas that are very important to them and to our country as well.

NATIONAL ENERGY STRATEGY

Mr. President, the Bush administration submitted its energy proposal yesterday and it was received with a lot of criticism throughout the country. A lot of people said, well, it did not do enough. A lot of people said, well, it emphasized production instead of conservation. Some people said, well, wait a minute, this is the first new program we have had in energy in 10 years; or, we have not had one for 10 years.

Coming from an energy State, serving on the Energy Committee for the last 10 years, Mr. President, let me say we spent the better part of the last 10 years trying to undo some of the mistakes that were made in the previous decade, primarily by the Carter administration and by Congress at that time.

Congress passed an energy program in 1978, 1979, and 1980 which at least in this Senator's opinion left a lot to be desired, as a matter of fact, not just in my opinion, but by the majority of Members of Congress, because we repealed most of the actions that were taken by Congress during that 3-year period of time.

The Carter administration proposed and the Congress passed a windfall profits tax that raised $79 billion from the domestic oil industry. It did not raise it from oil imports, only from the domestic oil industry. So, it discouraged domestic production and it encouraged foreign imports. That makes no sense. Congress finally realized that. We repealed that law in 1988.

The Carter administration proposed a massive Federal Government corporation called the Synthetic Fuels Corporation to produce and subsidize synthetic fuel production. I want synthetic fuels. I just do not want the Federal Government writing billions of dollars in checks in subsidies. So Congress in its wisdom repealed that law beginning in 1982.

The Carter administration passed a Fuel Use Act. It said we are running out of natural gas, and so we will not sell natural gas to industrial plants and to electric utilities. We repealed that act as well in 1981 and 1987.

Finally, the Carter administration passed the Natural Gas Policy Act of 1978 which had 28 different price categories for one commodity, natural gas. Mr. President, a year and a half ago we passed our bill to deregulate natural gas.

So we spent the better part of the 1980's undoing the mistakes of the Carter administration in the 1970's.

Yes, I want to see an energy policy and an energy package, but I want it to be a fruitful one, a positive one, one we do not have to spend the next 10 years undoing. we do not want to make a bunch of serious, expensive, mistakes.

I think the proposal by the Bush administration took too long to put together; it took 18 months. I personally think we could have done it in a much shorter period of time. But finally it is before us and I think Congress needs to act upon it. I hope Congress will act upon it, and I also hope that Congress will strengthen it and improve it.

I will tell you, from a producing State, we do not see much in the proposal to encourage domestic oil production and so likewise I hope we will make some tax changes to encourage domestic production in the lower 48 in addition to taking a balanced approach on OCS and allowing environmentally sound production from ANWR.

CAMPAIGN FINANCE REFORM: THE DIFFERENCES BETWEEN REPUBLICANS AND DEMOCRATS

Mr. President, I suppose every Republican and every Democrat on Capitol Hill is in favor of reforming our campaign finance laws. Later this year, on this floor, we will have an opportunity to test the merits of the various proposed reforms.

We do not lack for proposals. Seven comprehensive campaign finance reform bills, and one constitutional amendment, were introduced in the Senate on the first day that bills were introduced in 102d Congress:

We have S. 3, the Senate Election Ethics Act of 1991. This is the bill that is sponsored by the Democratic leadership.

We have S. 6, the Comprehensive Campaign Finance Reform and Ethics Act of 1991 and S. 7, the Fairness in Politics Act of 1991. These bills are sponsored by the Republican leadership.

We have S. 53, Senator DECONCINI's Senate Election Reform Act of 1991.

We have Senator DOMENICI's S. 91, the Grassroots Campaigning and Election Reform Act of 1991.

We have S. 128, the Senate Election Campaign Ethics Act of 1991, which is the Kerry-Biden-Bradley bill for public financing.

And, we have S. 143, the Comprehensive Campaign Finance Reform Act of 1991. This is a McConnell-Dole bill based on the initiative from last Congress that received the unanimous support of Senate Republicans.

When the bills were introduced, several Senators spoke of bipartisan progress during the 101st Congress. Indeed, there was some bipartisan progress last year, but deep partisan differences remain: Of the seven omnibus bills introduced on the first day, four were introduced by Republicans and three were introduced by Democrats, but none of the Republican bills has a Democratic cosponsor and none of the Democratic bills has a Republican cosponsor.

Of course, there are narrower initiatives that do have broad bipartisan support. For example, last year when the Senate was debating campaign finance reform, my amendment restricting franked mass mailings was adopted by a vote of 98 to 1, 136 CONGRESSIONAL RECORD S11207 (daily ed. July 31, 1990), and all major Senate bills of this Congress have provisions restricting mass mailings. For example, sections 403 and 404 of S. 3; sections 411–417 of S. 6; and section 204 of S. 143.)

But, Mr. President, Republicans and Democrats continue to have vastly different views about politics and money, particularly public money mixing with partisan politics. Most Republicans oppose the kind of spending limits that Democrats continue to push, and nearly every Republican in America opposes using taxpayers' money to subsidize congressional campaigns. Too many Democrats have no such qualms.

A. SPENDING LIMITS: THE DIFFERENCES BETWEEN REPUBLICANS AND DEMOCRATS

Every Republican who was in the Senate last year voted for the idea of "flexible fundraising targets." These targets place caps on contributions: First, from the candidate's personal funds; second, from individuals living out of State if the contribution is more than $250; and third, from PAC's—if PAC's survive. Contributions from individuals within the candidate's State and small contributions made by persons living outside the State would not be capped; indeed, they would be encouraged and welcomed. A fundamental belief behind this Republican proposal is that persons living within a particular State should not be prevented from giving to a campaign being waged within their State.

Democrats, on the other hand, continue to press for spending limits based on a State's voting age population, as shown below for S. 3:

STATE SPENDING AND AGGREGATE PAC LIMITS UNDER S. 3

State	General	Primary	Cycle
Alabama	$1,271,200	$851,704	[1] $2,122,904
Alaska	950,000	636,500	1,586,500
Arizona	1,093,600	732,712	1,826,312
Arkansas	950,000	636,500	[1] 1,586,500
California	5,481,250	2,750,000	8,231,250
Colorado	1,110,100	743,767	1,853,867
Connecticut	1,125,400	754,018	1,879,418
Delaware	950,000	636,500	1,586,500
Florida	2,807,500	1,881,025	[1] 4,688,525
Georgia	1,679,500	1,125,265	[1] 2,804,765
Hawaii	950,000	636,500	1,586,500
Idaho	950,000	636,500	1,586,500
Illinois	2,709,000	1,815,030	4,524,030
Indiana	1,597,900	1,070,593	2,668,493
Iowa	1,033,300	692,311	1,725,611
Kansas	950,000	636,500	1,586,500
Kentucky	1,210,900	811,303	2,022,203
Louisiana	1,337,800	896,326	2,234,126
Maine	950,000	636,500	1,586,500
Maryland	1,388,500	930,295	2,318,795
Massachusetts	1,714,500	1,148,715	2,863,215
Michigan	2,251,250	1,508,337	3,759,587
Minnesota	1,316,200	881,854	2,198,054
Mississippi	950,000	636,500	[1] 1,586,500
Misouri	1,510,600	1,012,102	2,522,702
Montana	950,000	636,500	1,586,500
Nebraska	950,000	636,500	1,586,500
Nebraska	950,000	636,500	1,586,500
Nevada	950,000	636,500	1,586,500
New Hampshire	950,000	636,500	1,586,500
New Jersey	2,880,000	1,929,600	4,809,600
New Mexico	950,000	636,500	1,586,500
New York	3,953,500	2,648,845	6,602,345
North Carolina	1,766,500	1,183,555	[1] 2,950,055
North Dakota	950,000	636,500	1,586,500
Ohio	2,567,750	1,720,392	4,288,142
Oklahoma	1,113,100	745,777	[1] 1,858,877
Oregon	992,800	665,176	1,657,976
Pennsylvania	2,844,000	1,905,480	4,749,480
Rhode Island	950,000	636,500	1,586,500
South Carolina	1,127,500	755,425	[1] 1,882,925
South Dakota	950,000	636,500	[1] 1,586,500
Tennessee	1,459,300	977,731	2,437,031
Texas	3,493,000	2,340,310	[1] 5,833,310
Utah	950,000	636,500	1,586,500
Vermont	950,000	636,500	1,586,500
Virginia	1,665,500	1,115,885	2,781,385
Washington	1,368,700	917,029	2,285,729
West Virginia	950,000	636,500	1,586,500
Wisconsin	1,447,300	969,691	2,416,991
Wyoming	950,000	636,500	1,586,500

[1] States with primary run-offs—allowed a higher spending limit in the primary equal to 20 percent of the general election limit.

Note.—Threshold: 10 percent of the general election limit raised in contributions of $250 or less (50 percent must be from in-state individuals). General election add-on: General election limit may be increased by up to 25 percent of the spending limit if that amount is raised in contributions of $100 or less from in-state individuals.

Republicans, as I have said, generally oppose spending limits. Why? Prof. Larry Sabato of the University of Virginia has summarized the case against limits as well as I have seen, and his position bears repeating:

> (1) Expenditure ceilings, in most circumstances, will favor incumbents and make it even more difficult for challengers to defeat entrenched legislators. While some * * * electorally threatened [Members of Congress] may disagree, our political and governmental system is heavily weighted toward incumbents—too much so, in my opinion. With more than 92 percent of incumbent U.S. House members regularly reelected (98 percent in 1986), discouraging competition ought to be the last thing we do.
>
> (2) Ceilings will not stop or even slow campaign expenditures; they will merely redirect the flow and channels of money. Specifically, I would expect an increase in independent expenditures—the least accountable and often most negative form of election spending. Once again, an unintended, undesirable consequence will result from well intended campaign finance reform.
>
> (3) Inevitably, ceilings will lead to creative accounting practices and other methods that will have the effect of "stretching" the ceilings. We have already seen this occur at the presidential level. The effect is to undermine respect for the campaign finance system generally. Why build into the law artificial devices that almost unavoidably lead to barely-legal cheating and encourage non-compliance?
>
> (4) Designed to reduce special interest influence on government, ceilings may actually increase the power of some interests at the expense of others. Ceilings would favor the large, organized interests which are in a position to contribute early in an election cycle, before the ceiling for a given candidate is reached. Smaller or later-organizing groups that lack capital early in the election cycle may be forbidden from contributing directly to a candidate. Since officeholders are especially likely to give access to those who have donated money to their election campaigns, spending ceilings may also have the unintended consequence of granting more access to the "haves" and less to the "have nots."—136 CONGRESSIONAL RECORD S11621 (daily ed. Aug. 1, 1990).

B. USING TAX DOLLARS TO ENFORCE SPENDING LIMITS: THE DIFFERENCES BETWEEN REPUBLICANS AND DEMOCRATS

Most Republicans object to the kind of spending limits that Democrats are proposing because we believe spending limits are counterproductive and even dangerous to the health of the Republic. But we also oppose spending limits because we reject the idea of using tax moneys to entice, to encourage, or to enforce participation in any scheme that uses spending limits. Of all the things in the world that are said to require a Federal subsidy, political campaigns for the U.S. Senate or the U.S. House of Representatives are at the very bottom of most Republican lists.

In S. 3, a qualifying candidate who agrees to the spending limits will receive the following five benefits; these benefits are going to cost big money, and they are going to be paid for—if Democrats have their way—by the American taxpayer:

First, broadcast vouchers "amounting 50 percent of the general election limit would be provided to purchase television advertising in segments of between 1 and 5 minutes." (137 CONGRESSIONAL RECORD S478, daily ed. Jan. 14, 1991)—remarks of Senator FORD. Last year, the vouchers in the Democrats' bill were worth 20 percent of the general election limit; now they are worth 50 percent. The taxpayers of the United States are going to be required to pay for the dubious honor of having candidates for the Senate and House buy more air time.

CBO estimated that last year's Democratic campaign reform bill would cost the Federal Government about $30 million in 1992 just for Senate elections. (S. Rpt. 101–353, 101st Cong., 2d Sess. 23 (1990).) If we attribute two-thirds of these costs, $20 million, to the general election then a 50-percent voucher for television advertising would add another $10 million to the bill we hand the taxpayers.

Second, low cost mail rates. "First-class mail would be available at one quarter the regular rate for candidate mailings. Third-class rates would be 2 cents lower than first class. Candidates would be permitted to spend up to 5 percent of the general election limit on such mailings." (137 CONGRESSIONAL RECORD S478, daily ed. Jan. 14, 1991)—(remarks of Senator FORD).

Mail rates have just been raised. A first-class stamp now costs 29 cents, so when Mr. or Mrs. American Stamp Buyer mails a letter it costs 29 cents. Mr. and Mrs. Stamp Buyer do not get reduced rates, but the Democrats' bill will allow candidates to mail a first-class letter for 7.25 cents and a third-class letter for 5.25 cents. Frankly, I don't think American stamp buyers will stand for it. They will be especially upset when they learn that candidates for Congress will be able to send out mail at a rate far below that which is available even for nonprofit organizations. Postal rate structures can be complicated, but the average second-class rate for nonprofit organizations is 12.3 cents, and the average third-class rate for nonprofit organizations is 9.5 cents.

S. 3's postal subsidies will not be paid for by taxpayers, per se, but by stamp buyers. According to CBO, "The provisions of (the Democratic bill) that would mandate lower postal rates for eligible candidates would not affect net Federal spending. The Postal Service, which is required by law to break even, would have to raise overall rates to offset the lost volume." (S. Rpt. 101–253, 101st Cong., 2d Sess. 24 (1990).)

Third, reduced broadcast rates. Under S. 3, broadcasters would be required "to charge eligible candidates during the general election no more than 50 percent of the lowest unit charge for the same amount of time for the same time of day and day of week. Eligible candidates would be entitled to the lowest unit charge during the 45-day period prior to a primary." (137 CONGRESSIONAL RECORD S478, daily ed. Jan. 14, 1991)—(remarks of Senator FORD). As I read S. 3, political candidates would be entitled to one-half of the lowest rate charged to any other advertiser, whether for-profit or not-for-profit, whether big or small.

Fourth, under S. 3 "eligible candidates would receive public funds to respond to independent broadcast ads exceeding $10,000 from any source during the general election period." Id. These are "public funds" which come from the Treasury of the United States, and under S. 3 they will be used to counter private funds that have been given voluntarily to a private political organization for the purpose of making a lawful political statement.

Fifth, "eligible candidates would receive additional public funding if an opposing candidate exceeds the spending limits." Id. Again, "public funding" will be used to counter funds that have been contributed voluntarily for a political purpose. This benefit and the benefit that allows a participating candidate to get public money to counter independent expenditures raise important constitutional questions.

S. 3 does not say where the money will come from to pay for the benefits it bestows on candidates for political office. In part, it is said, that silence is in deference to the House's constitutional prerogatives on taxation. In part, that silence is intended to obscure the fact that taxpayers are about to be told to pick up the tab for our political campaigns.

Last year, Senator MCCONNELL offered an amendment that would have struck from the Democratic campaign reform bill all public subsidies to political campaigns. Unfortunately, by a three vote margin, the Senate defeated the McConnell amendment—but not one Republican voted against it. (136 CONGRESSIONAL RECORD S11100, daily ed. July 30, 1990). In contrast, 49 of 51 Democrats voted against the McConnell amendment.

When it comes to public money and political campaigns, the difference between Republicans and Democrats is neither theoretical nor free. Democrats are willing and ready—and some appear eager—to spend money collected from the taxpayers of the United States on political campaigns. Republicans, on the other hand, are nearly unanimous in thinking that public funds should not be diverted to political campaigns for the Senate and House of Representatives. And on this issue, Mr. President, Senate Republicans will not be budged.

There are significant differences, as Senator MCCONNELL pointed out, between the Republicans' philosophy on campaign finance reform and the Democrats'.

For example, most Republicans—I believe all Republicans—are opposed to the taxpayers subsidizing congressional campaigns, and the bill introduced by the Democratic leadership has massive Federal subsidies for campaigns.

In my State of Oklahoma, if I were to participate, I would receive $556,000 from the taxpayers to go out and purchase broadcast time. I think that is ridiculous. I do not think the taxpayers are clamoring to help subsidize congressional campaigns.

Also, in the Democratic leadership bill, postal rates for participating candidates would be one-fourth that of normal taxpayers. Where normal taxpayers have had their postal rates go up to 29 cents for a stamp, if you are in a campaign, you can mail a first class letter for 7.25 cents. That is lower than the rate we give nonprofit charitable organizations for third class mail. Again, that is ridiculous. That is a massive subsidy because most of us involved in campaigns know we mail a lot.

The big difference between the Democrats' proposal and the Republicans' proposal is not on the PAC's because, frankly, in the Senate we are going to pass a bill to eliminate PAC's or reduce them, to the $1,000 that an individual can contribute.

There is some agreement, but where we disagree fundamentally, totally, completely, is in the area of public financing. I do not believe Republicans will support a bill, I do not believe the President will support a bill, that has massive taxpayer subsidies to Federal campaigns.

Again, I thank my friend and colleague, Senator SIMPSON from Wyoming, for his assistance this morning.

Mr. SIMPSON. Mr. President, I would now yield 7 minutes of the time to Senator HEINZ of Pennsylvania.

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. HEINZ] is recognized for not to exceed 7 minutes.

THE SOCIAL SECURITY EARNINGS TEST FAILS OUR SENIORS

Mr. HEINZ. Mr. President, once again this year the Senate is going to have an opportunity to take a stand on an issue of principle. The issue is the elimination of the Social Security earnings test since the earnings test is nothing less than an unfair tax that discourages Americans between ages 65 and 69 from continuing to work. The principle centers around a policy that discriminates against people who simply want to work; a policy in direct contradiction with the work ethic that our Nation believes in, which singles out just one group of people, those between 65 and 69, for discriminatory treatment.

Mr. President, those principles are worth fighting for. What we have is age discrimination. It amounts to nothing less than the callous, unfeeling, shortsighted, and unfair punishment of millions of older Americans who simply want to continue to work for mental, physical, emotional, or fiscal health reasons.

It is also important to point out that in addition to this matter of principle, the earnings test is a direct cause of 60 percent of all the overpayments made by the Social Security Administration.

So for these and the other reasons I have described I am pleased to have cosponsored S. 10, introduced by the distinguished Republican leader from Kansas, Senator DOLE.

On the one hand we support our seniors against age discrimination in the workplace. We have ended age discrimination by eliminating forced retirement at age 70. We say that our older workers should be allowed to work as long as they want to and that they should be treated like any other worker. Yet, the Social Security earnings test is nothing less than a reverse means test. It punishes rather than encourages seniors age 65 to 69 who want to be productive members of the work force—retired Americans of all ages and incomes.

What an irony. Our older workers have a wealth of experience and skills that are needed to guarantee our continued success as a world leader, yet we keep them relegated to the sidelines or we simply ask them to give up a part of what they have rightfully earned.

Mr. President, I think most of us in the Senate understand that as our population ages and the pool of today's workers fails to keep pace with the increasing demand for labor, older workers are needed in the work force more than ever. We have to do everything we can now to reduce age discrimination, to remove employment barriers and eliminate Government-enforced disincentives for older people to work. But unfortunately, Mr. President, the administration and Congress as a whole are guilty of perpetuating a double standard. The Social Security earnings test not only dissuades older workers from pursuing a paycheck, but it also causes the country to lose the valuable perspective, the skills, the wisdom, and the judgment of some of our most experienced workers. That is why we need to stop sending contradictory messages to our older citizens. Eliminating the earnings test would send a clear signal to our seniors that we unequivocally support and welcome them as members of our country's work force.

The earnings test is grossly unfair because it imposes another form of discrimination as well. The earnings test creates two classes of beneficiaries—those with earned income and those with unearned income. And it treats each class differently. Therefore, it ends up being a reverse means test. The earnings test discriminates against those who must work to supplement their retirement benefits. Senior citizens who have stocks and bonds, private pensions, and other forms of invested income receive full Social Security benefits. Only the Nation's working parents and grandparents between 65 and 69 open their Social Security envelopes to find that their checks are reduced $1 for every $3 they have earned. I think it is both unfair and unjust to treat investment income more favorably than earnings, which are needed for self support. It is time to create a level playing field for seniors of all income sources.

The Democratic majority of the House and Senate continue to frustrate our efforts to encourage our older workers to contribute their valuable contribution to our Nation's economy. The Congress must end this double standard and end this injustice. We must take up this issue and vote to end the earnings test which falls unfairly on just one group of elderly wage earners. This, Mr. President, is the matter of principle that the Senate must face this year.

Mr. President, the Social Security earnings test is also the single largest cause of overpayments to Social Security beneficiaries. In order to police the earnings levels of our seniors, the Social Security Administration [SSA] spends more than $200 million to administer the earnings test. It is unconscionable that after spending $200 million to monitor income levels, the earnings test is responsible for 60 percent of all SSA overpayments.

Elimination of the earnings test would mean less frustration and inconvenience for Social Security beneficiaries, and would substantially reduce millions of dollars of administrative waste.

Pennsylvanians tell me the explanations of the earnings test provided by SSA are very confusing. Such misunderstandings create emotional and financial hardships when overpayments must be recovered—especially from beneficiaries who rely upon Social Security to meet day-to-day living expenses.

Take for example the case of my constituent, John Rooney, of Phoenixville. Income earned by Mr. Rooney early in 1990 exceeded the earnings test limit by $560. However in December when the Social Security Administration came around to recover the overpayments it had made to Mr. Rooney, his wife and their four children, the agency withheld benefits totaling around $1,600 or nearly three times as much as Mr. Rooney's $560 of earnings over the earnings test amount. It is understandable that when Mr. Rooney contacted me in early December that he was extremely concerned about his family's Christmas.

Mr. President, we must encourage our older workers to contribute their valuable contribution to the Nation's economy. We must treat our senior citizens who must work to supplement their Social Security benefits with equity and respect. And we must ensure that once our citizens retire, their retirement benefits are not unexpectedly withheld due to previous earnings.

The earnings test is failing our seniors—it is yet another form of age discrimination. It must be eliminated.

Mr. SIMPSON. Mr. President, I yield 7 minutes of the remaining time to Senator BOND of Missouri.

The PRESIDENT pro tempore. The Senator from Missouri [Mr. BOND] is recognized for not to exceed 7 minutes.

FEDERAL-STATE PARTNERSHIP BLOCK GRANT

Mr. BOND. Mr. President, I thank the Chair, and I thank my distinguished colleague from Wyoming.

I rise today to discuss a small, but I think significant, part of President Bush's budget proposals for 1992—the Federal-State partnership block grant. This proposal seeks to give States and possibly localities funds and flexibility rather than mandates and lip service for them to carry out their service to their constituents.

Just so my colleagues can be aware of what we mean by the burden of mandates, let me point out some figures that come from the National Governors Association.

Some States, my State in particular, the State of Missouri, will in the coming year see that mandates, such as Medicaid and other programs which involve Federal spending but require State funds to go along with it, will absorb a very large portion of the new funds coming into the State for the following year.

In my State I think it is going to be about 85 cents of every additional dollar which will be used to pay for Federal mandates. Since most States would be paying a large percentage of the new dollars out for education and higher education, which I think all of us agree are very high priorities, that means, in the State of Missouri, rather than having a dollar to divide up, with perhaps 50 cents going to education and higher education, there is only 15 cents left out of that dollar to be divided up. Thus only 7.5 cents might go to improve elementary, secondary, and higher education programs.

And these mandates, such as Medicaid, which we expanded again last year, continue to grow. We expand the mandates, demanding the States must cover more, the caseloads also grow, as do the number of people eligible, and the costs of servicing these patients. As a result, we are actually commanding from this body how our States spend their money.

This proposal, which has been articulately described by the President as an opportunity for the Nation to recognize more fully the potential of States as laboratories, has caused quite a bit of stir. In fact, Mr. President, yesterday, the Senate Budget Committee held a hearing on just this one issue. As a member of the committee, I must say I was pleased that we were addressing the subject, but I only wish that the chairman could have waited until after March 9 when the Governors will have unveiled their fleshed-out views on the program, specifically which of the many categorical grants should be included. Perhaps then we could have spent more time discussing how to make it work instead of listening to a few mayors tell us how it cannot work.

As a former Governor, whose second term began just as Federal revenue-sharing ended and who inherited a $270 million budgetary shortfall as well, I am deeply aware of and sympathetic toward the many cities and States who are facing budget crises. Like Missouri, many of these units of government have balanced-budget requirements, and thus, unlike us in Congress, are forced to deal with their deficits. However, I must say that I don't believe concern for cash should cloud judgment. Unfortunately, I believe that is what we were seeing in some of the highly emotional partisan complaints about the proposed block grant.

The Federal Government has a long and cherished tradition of passing the buck of shifting responsibility, and being unwilling to stand up and say no. Instead, for example, Members will continue to try and solve our health care crisis by placing more requirements, and therefore more budgetary outlays, on States through Medicaid or on businesses by additional mandates. Then we can pat ourselves on the back for doing all this "at no cost to the Treasury." There is a cost. The cost is to the economy; the cost is to other entities—in many instances, to States and localities.

Mr. President, that is why the administration's proposal is such a breath of fresh air. It says that sometimes Washington does not know best. Sometimes Washington can let someone else set the priorities, or even, in this instance, more particularly, carry out the programs which have already been mandated.

Unfortunately, there are always those who question motives and doubt explanations. In this case, certain big-city mayors have taken on that role, while the National Governors Association, Republicans and Democrats alike, as well as, I hope, bipartisan Members of this Congress, have said it looks good; let us see if we can make it work.

In yesterday's hearing in the Budget Committee, the only mayors who testified were opposed to the proposal, arguing what is needed for cities is more dollars, not block grants to States.

I did not have time to ask one of the mayors yesterday what his hometown newspaper was talking about when it said: "This mayor and his administration have made grave fiscal mistakes, especially by negotiating costly labor contracts. They have produced an unrealistic spending plan that will be difficult to carry out, and have yet to cut programs enough or to weigh structural changes."

Mr. President, in contrast I point out that the mayor of our city, Washington, DC, Mayor Dixon, has already indicated that she is willing to take the hard steps and begin cutting employees and services to try to get the budget back in balance.

Getting back to the question before us on the block grants to the State, when I pressed the mayors who were before the Budget Committee as to why cutting red tape between the feds and the States should be a worry, much less should be any of the business of the mayors, their response was a steady chorus of: Cities have lost Federal dollars, and this will mean more lost funds.

I went back and reasked the question: Why increased State flexibility, lower administrative burdens, and costs for programs now run solely by States should be opposed by anyone, much less big city mayors? Once again, the answers did not address the question. Instead, they restated their problems and that cities want more Federal dollars.

Unfortunately, this type of discourse is not too helpful in understanding whether anything can be done to make the proposal workable, short of ponying up $20 billion additional per year, which is what the mayors want, but which we in this body know is precluded by the budget agreement entered into by Congress and the administration last year.

We must explore the block grant proposal. Opportunities to make Government more efficient and better able to deliver quality service should not be allowed to fall by the wayside simply because some mayors cannot balance their books without a bigger check from Uncle Sam.

I hope we can review the 450 or so categorical grant programs and see which ones make sense to block grant, and which ones do not. I am encouraged that Congress has shown their willingness to consider these types of proposals, as last year we consolidated several housing programs into a block grant as well as created a new childcare block grant. In addition, we have been steadily expanding the State and local law enforcement assistance grant since it was created in the 1986 Drug bill.

Mr. President, I ask if my time is running out; if I might have 90 seconds.

Mr. SIMPSON. Mr. President, 60 seconds would be more appropriate.

The PRESIDENT pro tempore. The Senator is recognized for an additional 60 seconds.

Mr. BOND. To sum up, Deputy OMB Director Diefendefer testified that the number of Federal Register pages shrunk from 905 to 31 when the first big block grant was created in 1981, and that the 11 large programs used in the administration's example grant now consumed 1,028 pages.

I can assure you, we will get more bang for the buck. I can assure you that the local officials and State officials will be better able to do the job, if they do not have to comply with Federal rules, regulations, and redtape, and fill out reports as to what they are doing. I hope we are willing to give this breath of fresh air a chance.

Mr. President, I reserve the remainder of my time.

Mr. SIMPSON. Mr. President, I yield 6 minutes to Senator GORTON from Washington.

SOCIAL SECURITY EARNINGS

Mr. GORTON. Mr. President, much has been written and spoken about the "fairness" issue in recent months. In this Republican's opinion, the higher effective taxation of earnings solely on the basis of age is an issue of fairness which dwarfs all others. I fail to understand the continued support of that form of taxation by so many Democrats.

The current Social Security earnings test mandates benefit reductions for all seniors who choose to remain productive between the ages of 62 and 72. Current regulations cause a $1 reduction in benefits for every $3 earned by seniors over a ceiling of $9,700 a year. This 33⅓ percent tax is on top of all other taxes which seniors must pay on their earned income.

I remind my colleagues that Social Security, unlike most other entitlement programs, is designed to be social insurance, very much like private insurance. Benefits are paid in part on the basis of money paid into the system over a lifetime of working. If a private insurer decided that the insured really did not need as much money as the insured contracted and paid for over the life of the policy, he would be thrown in jail for failing to live up to his agreement. It would be jail or fine for being unfair to the client.

Mr. President, it is blatantly unfair for the Federal Government to insist that our seniors pay for a social insurance policy and then to renege on its promise to pay solely because the beneficiary continues to work.

Every study shows that millions of the "young" old, those between the ages of 62 and 72, want to continue to contribute to the productive base of this society. Why is our Government's policy designed to penalize them for continued productivity? Again, Mr. President, I am talking about fairness.

How can anything be fair which compels an individual to participate in the name of protecting his future, but restricts his ability, positively and productively, to contribute to his well-being once that future has arrived? In my view, it is only fair for us to allow all of our citizens the full use of every bit of productive capacity they possess.

But, Mr. President, beyond the fairness issue lies a question every thoughtful Member must instinctively ask about any piece of legislation. Is it good public policy? Every current demographic projection shows it is not good public policy to penalize valuable workers, thereby encouraging them to withdraw their labor from our economy.

Mr. President, these studies show that not only is it unfair for the Federal Government to have a policy which asks them to forego some of the most potentially productive years of their lives, but that we will need these educated, experienced, and motivated workers in the years to come.

We need these workers for two reasons. First, the longer a citizen stays productive, the more he adds to our economy and tax base. We currently have enough workers who are not retired to support the retiring workers for the near future. As the baby boomers approach retirement, however, the problem of too few workers supporting too many retirees will become a major challenge to society. We should start to encourage, not discourage, the voluntary extension of working years past the traditional limit of 65 years of age.

Second, we on this side of the aisle realize that to penalize, and therefore to discourage, the continued participation of workers who are educated and experienced in the face of a nationwide labor shortage is bad public policy. In the immediate future, we face a shortage of labor at virtually every level of skill. Our public policy should be to encourage it. Whether it is using the experience of a lifetime to start a second career, or taking a part-time job at a local retail store for extra income, we need these workers in our work force, not on the economic sidelines.

Not only is continued productivity a behavior which adds to our tax base; it also promotes a positive sense of well-being and importance to our seniors. It connects them to their communities. We should not lock out or penalize seniors who get satisfaction and fulfillment from contributing to our economy.

Mr. President, it runs counter to every Republican instinct to discourage the productive performance of any American. That policy is especially important with respect to Americans who are among the most highly trained and motivated workers our society can call upon. For our Federal Government to penalize and discourage the active participation in our work force of any willing segment in our society runs counter to the most basic instincts of all Americans.

The Social Security earnings tax should be repealed.

The PRESIDING OFFICER. (Mr. ROBB). The Chair recognizes the Senator from Wyoming, who controls 6 minutes and 16 seconds.

EXTENSION OF MORNING BUSINESS

Mr. SIMPSON. Mr. President. I ask unanimous consent that the period for morning business be extended not to exceed 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

MILITARY PREPAREDNESS

Mr. SEYMOUR. Mr. President, Saddam Hussein's days are numbered. We know it, he knows it, and the rest of the world knows it. I believe it will only be a matter of time when Kuwait is liberated and war ends. When that day comes I am also confident we will hear the siren songs of those who want America to beat a hasty retreat into a new isolationism. There will be those who, as they did in the 1980's in the time before the gulf crisis turned into the gulf war, will call for reduced spending for our Armed Forces.

Such an action would be the only way in which our ultimate victory in the gulf could be turned into an eventual defeat. There is no getting around it. In the future peace can only be achieved and sustained by a strong defense today.

Given the situation in the Soviet Union, we are the world's only superpower. We lead the world in standing for a world order everywhere else, and shrinking from this leadership is the response that would only promote world instability. Liberals have often been quick to accuse our military leadership or preparing to fight the last war, but they are just as quick to deny the necessary funds and equipment to effectively defend vital interests should that day ever come.

As the whole world has seen, it is the equipment which is so critical to success. Many of the most effective weapons currently winning the war in the gulf were the result of bitter partisan battles in the Congress. In war, technology does not cost; it saves. Our high technology weapons not only furthered our objectives in the gulf, but has saved lives; American lives, Israeli lives, the lives of our allies in the gulf and, yes, innocent Iraqi lives as well. The weapons which have proven so effective in the war are there only because of Ronald Reagan's leadership and vision, as President Ronald Reagan never allowed the budget to dictate his military strategy. He insisted that his strategy dictate the budget.

As Charles Krauthammer pointed out in a recent article in Foreign Affairs magazine, taxes have remained steady as a portion of the GNP over the last 30 years while the defense budget has gone down and spending on welfare and other entitlements have doubled.

Let us not fool ourselves, Mr. President, more taxes and skyrocketing spending at home will not cure our economic ills and the Defense Department has not caused them. We need to control our own excesses by requiring a balanced Federal budget and instead of reacting to congressional impulses, give the President what he needs to run the Government, a line-item veto.

After a decade of experimenting with budget summits and continuing resolutions we now know what works and what does not. Budgetary restraint chiseled in law works; new taxes and paper legislating to control spending do not.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming [Mr. SIMPSON].

PARTICIPATION IN DECISIONS

Mr. SIMPSON. Mr. President, I thank the majority leader for the extension of time and I think we can proceed even before that. But it was an opportunity for those on our side of the aisle to present some of their views on the Government and things that they believe should be considered by the Congress; some presenting a Republican alternative if you will, some speaking on things that are of great bipartisan interest, but principally showing that we have a unique group of people who are ready to try to participate in the heavy decisions that confront the country.

I think that is good. We propose to do that periodically. I thank the Chair for courtesies.

MEDICARE AND THE BUDGET

Mr. SIMPSON. Mr. President, my comments will be on Federal spending on mandatory or entitlement programs. This is a harrowing area to be in. I have done it before, to my great pain sometimes. But those programs are growing faster than any other portion of our Government or of the budget. Unlike discretionary programs, for which Congress must decide how much to spend each year, the entitlements just grow automatically based on factors such as benefit levels, population size, and inflation. Entitlements are now 52 percent of all Federal spending. That means over half of the budget is not subject to even the imperfect scrutiny of the appropriations process, but just grows. I am sure that is just as disturbing to the previous occupant of the Chair, our distinguished senior Senator from West Virginia, the chairman of the Appropriations Committee. It is just there; the Appropriations Committee does not even get to scrutinize it. It just grows.

In truth, we probably do not want to subject entitlements, our most important social welfare programs, to the political whims and the vagaries of the budget and the appropriations process. That could produce some very bad results. But neither can we afford to let those programs continue to grow at their present rate—unchecked and in the direction of providing crucial dollars to more and more people who are not genuinely needy. We would not be doing our duty as trustees of the public coffers or as makers of public policy.

The President's budget takes a far-sighted approach to the tax, spend, and distributional issues that are raised by unchecked growth in entitlement spending. His proposal is fair, it is prudent, and it is timely. In essence, he proposes to restore the original mission of Government entitlement programs. That is: reliable assistance directed to individuals who are most in need. We have forgotten that completely. In the school lunch program—students loans, agriculture, veterans dependency benefits—in all of these worthy programs, the President's budget proposes to restore some rational relationship between publicly subsidized assistance, which I heartily support, and genuine need, and what it really is.

This year the Health and Human Services budget for the United States is $525 billion, about one-third of the total $1.4 trillion budget. Social Security, an entitlement program, accounts for almost half of that, and Medicare, another entitlement program, for half of what is left over. Medicare will consume $115 billion in 1992. That is a major chunk of the total $1.4 trillion budget.

The administration proposes to slow the exponential growth of program outlays. Otherwise, before the turn of the century, Medicare will cost more than Social Security.

There are three ways to slow the growth in Medicare outlays; all require changes in the statutory entitlements. One way would be to seek all savings from cuts in provider benefits for reimbursements, or to restrict the services for which Medicare will reimburse at all. We have been on that course for years now, and the providers are telling us they cannot take much more without compromising services to Medicare patients.

Second, we could require greater cost sharing from beneficiaries in the way of increased copayments and deductibles. But increased cost sharing at the point of service too frequently discourages people from seeking appropriate medical attention. In addition, that is a very regressive way to finance savings.

Finally, Medicare's subsidy to individuals could be adjusted to reflect income status. That is, rather than curtailing services, we will curtail the public subsidization on behalf of individuals who can pay more of their own freight. That is what the President's budget proposes.

So the proposed budget is to reduce growth, and get this, to reduce growth from 13 percent to 11 percent and that will be referred to as a cut. I hope that the American people will figure that one out before we get into the anguish of a debate like we had last October. We are going to reduce growth from 13 percent to 11 percent, and that is in no way a cut. It is still an 11-percent increase.

Most of the reductions come from adjustments and refinements in provider payments; establishing fee schedules for certain procedures, adjusting the timing of billing payments, and so on. No cuts in benefits.

Part B, (physician) premiums increased from $29.90 to $31.80—a relatively modest jump—necessary to keep premiums payments apace with inflation.

Premiums used to make up 50 percent of part B program costs. The rest was financed through general revenues—taxes paid by the workers. Today, the proportional financing burden has shifted. Beneficiary premiums now constitute just 25 percent of part B program costs. When we talk about the future dependency ratio of baby boom retirees to workers, we usually are thinking in terms of Social Security retirement burdens.

It is important to remember that Medicare is a part of that equation as well.

Under the administration's proposal, for individuals earning over $125,000 per year, $150,000 for couples, premiums would go up. The subsidy would slip to 25 percent of program costs, with wealthy individuals then paying 75 percent of the value of their benefits, or $90 a month. Few would argue that individuals earning above $125,000 would have difficulty in managing that increase.

This, to me, seems a very welcome and very logical extension of sound public policy changes we adopted over the past 2 years. Specifically, we have finally begun to recognize in our policies that "the elderly" are not a homogenous group. Those over the age 65 are not all poor and decrepit; neither are they all vigorous and affluent. This is the reality—quite new to some, admittedly—and I am encouraged by signs that it has taken hold.

For example, we recently enacted a requirement that Medicaid pay Medicare premiums on behalf of those who are dually eligible. That is, we recognized and responded to the fact that some seniors are simply economically unable to pay the freight for Medicare.

Similarly, there are those who are capable of paying more than current law requires, and the President's budget asks them to do so. The President and his budget director argue these changes in terms of targeting. We will hear other terms about that procedure. I would use another word: with changes such as these, we are modernizing our entitlement programs. We are finally bringing them into alignment with the economic and demographic realities of the nineties and beyond. Those realities have changed markedly since the 1960's, when most of our major public welfare programs were conceived and enacted.

On June 30, 1966, the day before Medicare was enacted—and needed to be done, at that point, at least in the national consciousness and the consciousness of Congress—nearly 45 percent of the elderly lacked any form of health insurance whatsoever, and the poverty rate among seniors was 30 percent. Today, of course, the economic status of the elderly very nearly mirrors that of the general population.

Let me also add, in conclusion, that even under the President's proposed changes to the Medicare Program, beneficiaries above the $125,000 income threshold will still receive an effective Medicare part B subsidy of $363 a year, compared with their current subsidy of $1,113 a year which all beneficiaries below the threshold will continue to receive.

In my mind, this is highly responsible and appropriate policy. Entitlement spending—that is, Federal payments to individuals—over the past quarter century has been gradually but definitely tilting toward individuals who simply are not needy. Total payments to individuals have risen to 45 percent of the budget, most of which does not go to the poor. In fact, last year—and please hear these statistics—last year, less than half of Federal transfer payments went to households with incomes in the bottom fifth of income distribution. However, $26 billion of those benefits went to households in the top fifth of income receipts.

Reducing, where possible, Federal subsidies to those who are clearly not needy is the only way we can preserve a responsible safety net for those who are.

These changes, while they will not be warmly received by the beneficiaries, and will be politically hot to deal with, are so necessary if we want to keep the rest of the Health and Human Services programs intact. If you really want to keep child care, Meals on Wheels, maternal and child health money, immunizations, home care, it is either back off some of these programs—and I do not want to do that—or continue to get what you can from the edges of the big one, and the big one is Medicare.

So these proposals will affect only half a million wealthy seniors, will save $1.2 billion, and will set an important principle for the future of the entitlement programs.

A final note. Medicare will be on the books for the next 100 years or more. Baby boomers as retirees will be able to dictate anything they want. That is a political reality, a political fact against which no middle-aged backlash will stand a chance.

Our challenge then, as it is now, is to reconcile demography, economics, and politics in a way that can adapt entitlement programs to the future without bankrupting the future work force. We have to provide alternatives and allow truly creative discussion over the next 10 years or so. This must involve the public, seniors, their advocacy groups, and their children. That takes real leadership. This is a hard and tough area in which to exercise political leadership because the penalties are so vivid and powerful and final. They are called defeat in the election process. And they can be well manipulated by the special interest forces. The mantle of responsibility is heavy, but it is ours. The President is to be commended for his farsighted and principled leadership. With $1.2 billion we can do a lot of good for people who really do need the help of a generous Congress.

I thank the Chair.

The PRESIDING OFFICER. Does any Senator seek recognition?

THE DEMOCRATS' PARTISAN LEGISLATIVE AGENDA

Mr. SYMMS. Mr. President, I devoutly hope the 102d Congress is not a repeat of the 101st—a series of confrontations between Congress and the President generating great amounts of heat but little light. At one point last year, politically charged veto-bait filibuster items became so predominant on the Senate schedule that four such items were simultaneously locked into unanimous-consent agreements in a single week.

Thus far, the Senate has been given little reason to hope the situation will be much changed in the 102d Congress. Of the five top-priority items introduced by Senate Democrats at the beginning of the session, at least one—the Orwellian parental leave bill—was subject to a veto battle last year, and will almost certainly be subject to another veto fight. Ironically, hearings have already been held on this piece of legislation.

The second item on the House Democrat agenda—the quota bill—was also vetoed by President Bush last year.

The so-called campaign finance reform bill, S. 3, was never vetoed because its blatantly political nature provoked a filibuster supported by virtually every Senate Republican.

The child welfare bill, S. 4, would bust the budget summit agreement by spending over $2 billion over 5 years—much of it in entitlements—to deal with problems against which similar, existing Federal programs have been largely ineffectual.

In the area of education, President Bush last year proposed a series of initiatives constituting a first step toward reasserting competence and choice in the Nation's education systems. Senate Democrats took the President's $50,000,000 program, added $750,000,000 of Democratic sweeteners, and attempted to send the bill to the President's desk. But that bill was stopped by the objections of several Senators concerned about some of its most controversial provisions.

Now, the bill is back, bloated with more Federal funds than ever but stripped of any of President Bush's proposals. In other words, the Democrats are proposing to spend all the tax dollars the President asked for and way, way more, but those dollars aren't buying any of the reforms the President had proposed to get the Nation's educational system back on track.

What the American people want from their schools is not forced busing and a curriculum emphasizing the latest liberal ideological fad. What they want are schools that teach their kids to read and write, test standards to help monitor what kind of job the schools are doing, and teacher competency requirements to help ascertain the qualifications of teachers. The Democrats' bill will not address any of these issues.

In short, the Democrats' agenda is just a tired retread of three decades of failed social experimentation with the taxpayers' money.

Missing from the liberals' legislative program are issues of the greatest importance to working men and women, issues that will make or break our American way of life: Where is the tax policy to promote rather than smother economic growth, where is the regulatory reform to encourage rather than discourage American entrepreneurs, and where is the criminal law reform to attack the crime and drugs turning our city's streets into combat zones?

So, Mr. President, there are priorities and then, there are priorities. America has needs which are unmet, but if we continue servicing the parts at the expense of the whole, we will reach a point where the engine of American life fails to run at all. I hope this Congress will stick to the real problems of the Nation and focus its attention on enacting some effective solutions.

Mr. SIMPSON. Mr. President, I yield back the remainder of the time. I again thank the majority leader for his consideration.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that there be a period for morning business, not to extend beyond 12 noon, with Senators permitted to speak therein for up to 5 minutes each, with the privilege of asking for further time if no other Senator is requesting time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUERTO RICO REFERENDUM

Mr. MOYNIHAN. Mr. President, I rise in a mood of dismay the likes of which I have never before encountered in what is now my 15th year in the Senate.

Yesterday, the Energy Committee, under its distinguished and fearless chairman, the distinguished senior Senator from Louisiana [Mr. JOHNSTON] took up, once again, as it did in the 101st Congress, legislation that would provide for a referendum in Puerto Rico to choose one of three statuses that have been offered Puerto Rico by American Presidents, without exception, since Harry S. Truman, which is to say the choice of Commonwealth—which it now has—statehood, or independence.

Without exception, our Presidents have said that Puerto Ricans were free to choose their status. Without exception that I am aware of, and I doubt there is one, from the time of Henry Cabot Lodge at the United Nations under President Eisenhower, through my own service under President Ford, to our able and inspiring representative, Ambassador Pickering, who is now there under President Bush, we have repeated to the United Nations that this is a choice freely open to the people of Puerto Rico. We have told the Cubans, who have perenially wanted to raise the issue of Puerto Ricans' right of self-determination, to keep out of a question of American citizens exercising their free rights as American citizens.

In his first address as President to a joint session of Congress on February 9, 1989, President Bush asked the Congress "to take the necessary steps to allow the people [Puerto Rico] to decide in a referendum."

Why had he done it? The heads of the three major parties representing these three choices in Puerto Rico had said we are ready, let us vote. Vote, the American way to do things; vote. The President said: Let there be a vote.

Well, we waited. We did not fulfill that commitment in the 101st Congress. Senator JOHNSTON did. His committee reported out in the summer of that first session in 1989 a bill. I went down to San Juan as an observer from the Finance Committee to see how things were going and to hear what was going on.

We waited 1 year in the Finance Committee before we got around to the subject, and the Senate never did anything in the end. The House hurriedly passed a very different bill, a very spare bill, which merely set the procedures for a referendum, without attempting to delineate what the three statuses imply. The effort over here was to say specifically what they would imply. Senator BENTSEN wanted to do that. So did I, but the Senate never completed its work.

Now, sir, yesterday, in the Committee on Energy and Natural Resources, we saw the most shameful display of nativism I have yet to encounter in 15 years in the Senate. One Senator after another took occasion to say he was not sure Puerto Ricans belong in American society.

Mr. President, they sure as hell belong in the gulf, the Persian Gulf, with some 15,000 of them on ships and planes; in the sands, in tanks, as they were in Vietnam, as they were in Korea. I do not take any pleasure in citing competitive statistics about whose State had the most persons killed or wounded. Neither would the Presiding Officer, who was there in one of those wars. But let no one doubt that high on each of those lists has been Puerto Rico. They are American citizens. They are drafted. They volunteer.

Mr. President, I see I am about to be told my 5 minutes are up. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I would like to spend another 5 hours on this; 5 hours.

Those Americans in Vietnam had been drafted, in Korea had been drafted, in the Persian Gulf they volunteered. They are citizens, but they cannot vote for anybody in this body. They cannot vote for President.

That has been a choice that has been made, and that may be a choice they continue to make. But it is not a choice we can deny them. And yesterday in the Committee on Energy and Natural Resources, it became very clear that many on that committee are prepared to deny them. It is nativism, the close associate of racism, that lived in this body for a century and a half, in this Chamber and the one to the left down the hall, the nativism that all of us have acquired.

Not all of us, but most of us, at one time or another, in the history of American society, encountered the experience of newcomers not being very much appreciated, sounding different, looking different, being, yes, different, and very quickly finding themselves part of this society.

Now, Puerto Ricans did not ask to be in this situation. As a matter of fact, Puerto Ricans up until now have not been asked much of anything. They were a prize of an imperialist war, that "splendid little war," as Theodore Roosevelt called it, the War of 1898, the Spanish-American War, which began with the explosion of the battleship *Maine* in Havana Harbor.

It may be of interest to the Senate to know that the U.S. Navy has now concluded, contrary to its finding at the time, that the *Maine* blew up because its coal bunkers exploded. Admiral Rickover points this out in his book "How the Battleship Maine Was Destroyed." Coal was new to battleships at that time, and people did not know that if it got hot inside of a coal bunker, it would explode.

But, all right; one of the prizes was Puerto Rico. We took Puerto Rico; we grabbed it. We took Guantanamo. That was how the world worked in those days. But every year for 40 years we have told the world Puerto Rico is free to choose.

And, oh, sir, how President Gorbachev must enjoy even now receiving the report from the New York Times by Martin Tolchin, that able and accurate journalist, that says that "Hopes Wane on Bill for Puerto Rico Referendum"; or from the Washington Times, by J. Jennings Moss, a journalist I do not know, but I am sure I look forward to meeting, "Senators Leery of Puerto Rico as 51st State."

Mr. President, Senators may be leery, but what is this talk of they do not fit culturally? They sure as hell fit culturally in the 82d Airborne Division, sir. They fit culturally in the troops that fought alongside you, sir, in Vietnam. They fit fine enough to be killed in Korea.

But, sir, this is not, in my view, an option the Senate has. We have committed ourselves to the world. I stood on the floor of the General Assembly and said that the American Presidents have told the world this island is free to choose, and the Cubans can keep their hands off American citizens exercising their rights.

I knew Munoz Marin; I knew Ted Moscoso. I came to Washington 30 years ago, sir, in the Kennedy administration, and was an Assistant Secretary of Labor involved with Puerto Rico in the Alliance for Progress. The Commonwealth Party was very much then the party of populares.

Mr. President, I see the ever diligent timekeeper looking at you. I observe that the minority has not appeared on their side of the aisle to take up the pending legislative business. And if the distinguished Senator, the manager of the bill, has no objection, I ask for another 5 minutes, as in morning business.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, the Senator from New York is recognized for an additional 5 minutes.

Mr. MOYNIHAN. I do thank the Chair. I do thank Senator DIXON, who is very generous.

Sir, the point is, to resume, that we have told the world that Puerto Rico is not in a colonial status, that it is in the status of a freely chosen relationship. We cannot undo that fact.

We cannot undo that "splendid little war" that Roosevelt spoke of. But we can resolve the matter of the aftermath of the 19th century in the 20th century, and we said we would. Now we are breaking our word.

Sir, I do not know whether I ought to amend the term "breaking our word." We never as a body gave any such commitment, but we never objected to the recurring Presidential commitment. We never objected to our Representative in the United Nations saying this is what we will do. Now we are talking about people who do not fit culturally. That will come as a great surprise to the people of my State.

I believe New York City now has 178 recognized ethnic groups. At the fear of bringing down the delayed thunder of some of those Senators of the early 19th century, I believe I can point out that the Roman Catholic Church, the archdiocese of New York and the diocese of Brooklyn, conduct Mass on Sundays in about 30 languages in New York City.

There is no majority in the world. This country represents the world. This feature of our national identity has been important to us, and the world knows it. That is why people come here. And for us to act this way now is inexplicable.

The leaders of this body have a responsibility—every Member of this body has a responsibility—to see that President Bush's commitment is kept. The Members on that side of the aisle have a commitment to see that it is kept. They have an obligation. I correct that. I do not strike it from the record. Commitment is one thing and obligation is another. They have not made that commitment but I feel they are obliged to give a choice—just to let people vote. That is how we decide things in our country.

I see the distinguished Presiding Officer is a member of our newest State, Hawaii. I cannot doubt, sir, that there were people on this floor who were not sure whether the residents of Hawaii would fit culturally. I am sure someone said it. I do not doubt people thought it. But we had the good sense to know better. We had the good sense to recognize people who had paid—I do not like to speak of blood, but when people fight for a country, they get a claim on a country. They do. And when Spark Matsunaga and DANNY INOUYE fought for this country, even as their fellow Americans were interned in California, they made claims and they were acknowledged, and a good thing, too.

I do not take a position on statehood. It seems to me that you could with good reason choose commonwealth. I have heard good arguments for many years now, going back to Ted Moscoso and the Alliance for Progress. I know the commonwealth status may mean different things for Puerto Ricans than it does for us. There are some ambiguities, in the term. We speak of the Commonwealth of Virginia and we think of a State.

In Puerto Rico, the term "commonwealth" is often translated back into Spanish as estado libre asociado, which is not the same thing. An "associated free State" is not a commonwealth. But that was an accommodation reached in that time, 1952, if I am correct.

Mr. President, once again there being no other Senator seeking recognition, I ask unanimous consent that I might continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I thank you, sir.

As regards statehood, I have known distinguished Governors elected on that platform, including Gov. Romero Barcelo and that magnificent gentleman, former Governor Ferre, who is the benefactor of the arts and all good things, in his Commonwealth and elsewhere. No less distinguished is Gov. Hernandez Colon, a leader of the Populares Party and an advocate of the Commonwealth States. I have known some very impressive representatives of the independence movement, a point of view very much in evidence in the University of Puerto Rico in San Juan; and a legitimate view. I have found the statements of Senator Ruben Berrios-Martinez, the president of the Puerto Rican Independence Party, a very important contribution to the debate.

What do we do about differences of opinion in our country? We vote. Two of the status options would in fact be irreversible or close to it. A vote for statehood when it was finally consummated would make you a State. That is irreversible. Independence is not irreversible, but nearly so. It is pretty serious when you become independent. You can always merge somehow later. Commonwealth continues the status quo, which is also subject to modification.

I am very much aware that the people who conceived Commonwealth status did not see it as an interim arrangement. You can hear different views, sir, from people like Munoz Marin, who was kind of a New Yorker too, lived much of his youth as a poet in Manhattan. You can hear it both ways, but it does not matter. We have what we have.

What we never expected was this kind of raw nativism. But what pleasure this must give the black berets in Vilnius. With what joy they must learn that we, too, deny the right of a plebiscite. With what extra energy they can crank up their tanks in the morning—if need be, that afternoon—to run over with their tread another person, with another placard, asking for the right to vote.

The Lithuanians did, of course, vote. There was a plebiscite on February 9, despite the murders. Overwhelmingly, the Lithuanian people voted for independence. Latvia will vote now, I believe, and Estonia cannot be far behind. We see in Yugoslavia also the inevitable demands for a new arrangement. I read this morning that the Slovenes overwhelmingly voted for independence, and Ljubljana is a more than credible capital. If I did not live in New York and have Albany, I could think of living in Slovenia and having Ljubljana. But that kind of issue will arise with greater and greater frequency; especially in the Soviet Union.

Twelve years ago, I wrote in Newsweek magazine that the 1980's will see the breakup of the Soviet Union, and it began then and continues now.

We, who declared a Declaration of Independence and spoke of the rights of men to dissolve relations with the central authority when they become intolerable, it is hardly for us to now intervene on behalf of the Red army or what remains of Mr. Gorbachev's regime. I do not mean to speak one way or the other about that. But Mr. Gorbachev must enjoy the prospect of the U.S. Senate saying "No." That is what he says, "No." He says it with tanks; we say it with unworthy arguments, sir, unworthy arguments.

Mr. President, I do not wish to keep the Senate, but I wish I would be heard in Puerto Rico saying that this matter is not concluded. The conscience of the Senate has not yet been aroused, and it has not yet spoken. I cannot believe that we will not give the right of self-determination, a right pledged by President after President, pledged before the world, the United Nations, in the face of that miserable dictator in Havana, who himself said we would never allow the Puerto Rican people to choose. We said, "what do you know of choice, Fidel Castro?"

Well, I can imagine Fidel Castro has read the press with interest today. I can imagine it being reported by the Communist-controlled media, from Havana and elsewhere, that the United States is denying people the right of self-determination. And why? Because of their language and their color, sir. Because of their language and their color. At this time, in our Nation, in this age, you could want to weep. You could want to pray for this body. I should ask the Chaplain to be on hand and think about that in our next session.

I say again, sir, that the conscience of the Senate has not been aroused. We are involved with many things, such as the war, but there was no war in the last Congress, and we did nothing with very little arousal.

I want to ask, sir, if I may have printed in the RECORD at this time, the report in the New York Times by Martin Tolchin; in the Washington Times by J. Jennings Moss, of yesterday's events, along with a very able, eloquent letter that also appears in this morning's New York Times by that most distinguished public person, Rafael Hernandez Colon, who is Governor of Puerto Rico, describing the commitments made at the United Nations, in this case by then representative George Bush, who spoke of the Puerto Rican people, when establishing the commonwealth relationship, as having "freely entered into a compact with the United States and freely adopted their own constitution."

Finally, Mr. President, in the closing days of the last Congress I gave an address on this subject which included a sequence of statements, documents and such, saying, all right, we did not do it in the 101st Congress, we will get to it in the 102d right away. I ask that that be printed in the RECORD as well, sir.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 21, 1991]

HOPES WANE ON BILL FOR PUERTO RICO REFERENDUM

(By Martin Tolchin)

WASHINGTON, February 20.—The prospects for Congressional approval of a referendum on Puerto Rico's political status dimmed today as most members of a crucial Senate committee expressed serious misgivings about the legislation.

After a hearing in which only 3 of the 19 members of the Energy and Natural Resources Committee expressed support for the referendum, Senator J. Bennett Johnston, the committee chairman and chief sponsor of the measure, said, "I don't know whether we'll be able to pass this legislation."

To appease critics, Mr. Johnston, a Louisiana Democrat, agreed to delete from the measure an assurance that Congress would make a "moral commitment" to be guided by the results of the referendum, which would give Puerto Ricans the choice of statehood, independence or enhanced commonwealth status. Supporters said the assurance gave muscle to the legislation.

The three Senators supporting the measure were Bill Bradley of New Jersey, Paul Wellstone of Minnesota and Daniel K. Akaka of Hawaii, all Democrats.

Jaime B. Fuster, Puerto Rico's resident commissioner who represents the island in Congress and supports enhanced commonwealth status, said: "I'm very disappointed about what happened today. I realize that many members have serious reservations about statehood, but giving us a plebiscite that binds Congress in no way is a cruel hoax."

Mr. Johnston said he hoped for final committee action next Wednesday. Even if some committee members opposed to the measure vote to send it to the Senate floor out of courtesy to Mr. Johnston, their misgivings darkened the prospect of Congressional approval. Last year the House passed a bill by voice vote that called for a referendum issue.

SIMPLER BILL PROPOSED

Although President Bush supports statehood for Puerto Rico, a growing number of Republicans in Congress fear that a Puerto Rican state would send an overwhelmingly Democratic delegation to Congress. And in the Senate, both Democrats and Republicans fear the expense of a Puerto Rican state in which a majority of the population would qualify for welfare benefits.

Carlos Romero Barcelo, a former Governor of Puerto Rico who is president of the New Progressive Party, which supports statehood, said today's committee session persuaded him that "we have to look at a much more simple bill."

After today's session, Mr. Romero Barcelo wrote Senator Johnston proposing that the bill be modified to authorize a plebiscite, coupled with Congress's agreement to consider a petition for statehood, in the event that the voters chose the statehood option.

Several Senators criticized the bill, saying it unwisely hastened Puerto Rico's road to statehood. "Let Puerto Rico make a decision, and vote and petition us, and then we'll decide whether to accept them," said Senator Wendell H. Ford, Democrat of Kentucky. He noted that Puerto Rico was a separate culture, and added, "Separate cultures everywhere are demanding their independent status."

[From the Washington Times, Feb. 21, 1991]

SENATORS LEERY OF PUERTO RICO AS 51ST STATE

(By J. Jennings Moss)

The bill authorizing a referendum on Puerto Rico's future appears to be in critical condition.

During a Senate Energy and Natural Resources Committee hearing yesterday a majority of the members present said it was either opposed to the bill or had serious concerns. Several members said they feared if such a bill passes, Congress could be forced to make Puerto Rico the 51st State.

The committee is scheduled to vote next Wednesday.

Key to the senators' qualms is how Puerto Rico, a U.S. commonwealth since 1952, would fit into the rest of the nation.

"Nationalism cannot be stamped out. . . . It can be surpressed, in my opinion, for the moment, but it is going to rise again," said Senate Majority Whip Wendell H. Ford, Kentucky Democrat. He predicted that if Puerto Rico became a state, Congress could at some point be faced with the question of what to do with a state that wants to secede.

Last year, the committee voted 11-8 to send a similar bill to the Senate floor. But committee Chairman J. Bennett Johnston, Louisiana Democrat and chief sponsor of the bill, pulled it from consideration because of differences with the House.

Under the bill, the people of Puerto Rico would vote in a plebiscite either statehood, independence or an enhanced commonwealth status. The legislation lays out how each choice would be implemented but Congress would still have to pass a bill after the plebiscite making it into law.

"They are not children. They are not colonial appendages to this country. They are entitled to an answer, a choice," Mr. Johnston said.

Even though the bill would not force Congress to follow the wishes of Puerto Ricans, Mr. Johnston has said he would support the plebiscite's outcome.

"If we have no serious intent of allowing one of the three options, then we're really engaging in a cruel hoax on the people of Puerto Rico," said Sen. Kent Conrad, North Dakota Democrat. Mr. Conrad said he had no intention of voting for statehood for Puerto Rico, saying that could create a situation similar to French-speaking Quebec province's attempts to leave Canada.

Language is one objection to statehood because 60 percent of Puerto Ricans do not speak English. Economics is another because although Puerto Rico has the highest per capita income in the Caribbean Basin, it would be the poorest state and could end up costing the U.S. Treasury. Fairness is a third as the citizens of the state of Puerto Rico would receive a lower level of welfare benefits than residents of other states.

Sen. Malcolm Wallop of Wyoming, the ranking Republican on the committee, said he would propose an alternative next week that would allow a plebiscite but not require a specific congressional action after the vote. Instead, leaders of the winning movement would be able to negotiate the terms of Puerto Rico's future.

Supporters of the bill said Congress should be morally bound to the plebiscite's outcome.

[From the New York Times, Feb. 21, 1991]

PUERTO RICO WILL CHOOSE, DESPITE WHITE HOUSE

To the Editor:

The Department of Justice's challenge of enhanced commonwealth status as an option for Puerto Ricans to vote on (news article, Feb. 8) is yet another attempt by the Bush Administration to load the dice for statehood in Puerto Rico's referendum.

Testifying before the Senate Energy and Natural Resources Committee, Attorney General Dick Thornburgh tried to disqualify commonwealth status as a legitimate alternative, stating that "an area within the sovereignty of the United States that is not included in a state must necessarily be governed by or under the authority of Congress." He cited the territorial clause of the Constitution, to imply that Puerto Rico is nothing but a colony of the United States. As became evident in an exchange with Senator Bennett Johnston, this statement runs afoul of longstanding Federal court precedents.

It also contradicts the United Nations understanding of the commonwealth relationship, particularly General Assembly Resolution 748 (VIII) of 1953, which found commonwealth to be a new noncolonial self-governing political status for Puerto Rico. As United States representative at the United Nations in 1971, Mr. Bush himself told the General Assembly that in establishing the commonwealth relationship, the Puerto Rican people "freely entered into a compact with the United States and freely adopted their own constitution."

Mr. Thornburgh's statement is just the latest of a series of crass breaches of neutrality and objectivity for partisan reasons by the Bush Administration. Last May, Andrew Card and Chase Untermeyer, two White House officials, flew to Puerto Rico to attend pro-statehood rallies and Republican fund raisers, giving repeated statements to the local press on the benefits of statehood and the allegedly unstable and undemocratic nature of commonwealth status. Every Bush Administration witness before a Congressional committee on referendum bills has tried to impugn commonwealth status and promote statehood, disregarding a longstanding Federal policy of respect for Puerto Rico's self-determination.

Commonwealth status remains the commonsensical political expression of the two essential aspirations of the Puerto Rican people: their allegiance to the United States and their United States citizenship; and their will to maintain their sense of identity as a people in their own right, with a distinct heritage, culture and the Spanish language. This is why the pro-commonwealth party I preside over has held a majority of the seats in the Legislature and a majority of the Island's mayoralties since 1980, and the governship and office of resident commissioner since 1984.

Congress has worked with Puerto Rico's political leadership for two years to define mutually acceptable terms and transitions for each status alternative. However, self-determination means that the ultimate choice lies with the people of Puerto Rico. We must repudiate the Bush Administration's repeated attempts to skew the process in favor of statehood, unabashedly violating the principle of government by consent and the right of Puerto Ricans to self-determination.

RAFAEL HERNÁNDEZ COLÓN,
Governor of Puerto Rico.
SAN JUAN, PR, *February 11, 1991.*

[From the CONGRESSIONAL RECORD, Oct. 27, 1990]

THE THIRD QUESTION: THE LEAST UNDERSTOOD

Mr. MOYNIHAN. Mr. President, in the final hours of the last day of the 101st Congress, I rise to discuss the last of the three questions on American foreign policy which I spoke of yesterday morning.

The subject may come as a surprise to some Senators; possibly an unwelcome surprise. If this should be the case, however, I would plead that it will not be the first such occasion. In the CONGRESSIONAL RECORD of April 27, 1990, and again, of May 24, 1990, I addressed the same subject. On both occasions my remarks were given the same heading in the RECORD: "The Decolonization of Puerto Rico."

This question has been with us from the outset of the 101st Congress. In his address to the joint session of February 10—his first address as our new President—President Bush summoned us to a large undertaking:

"There is another issue I decided to mention here tonight. I have long believed that the people of Puerto Rico should have the right to determine their own political future. Personally, I favor statehood. But I ask the Congress to take the necessary steps to let the people decide in a referendum."

That was at the beginning of the Congress: we are now at the close; we have done no such thing.

The House has passed a bill, albeit a perfunctory one. Two committees of the Senate have reported bills, or portions of bills, but none has reached the floor, and none has passed. In the meantime, the administration has been silent, save for the occasional aide dispatched to the island to urge that the new State vote Republican.

In fairness, we have worked hard, if intermittently on the matter here in the Senate. Even so we failed to finish our work. This does not speak well of the Senate for the simple fact that we failed to do our duty in a situation where we could accurately be described as irresponsible. That is to say the citizens of Puerto Rico do not have a vote in the U.S. Senate. No one represents them. None of us is reponsible to them.

The more then ought we, as a matter of principle rather than politics, to have responded to the President's summons—1989 and 1990 were the years that saw the end of the cold war and the reestablishment in Eastern and Central Europe of the effective sovereignty of the nations established there after the First World War.

Those events of 1917—when the Republic of Czechoslovakia was proclaimed in Pittsburgh—to 1920 were, in effect, the first great wave of decolonization of this century. It was not a matter of breaking away of one colony or another, but rather of the acceptance by the international community of the right to independence of former colonies. There was a relapse under Hitler, then Stalin, but the principle has emerged triumphant once more.

That principle, enunciated by Woodrow Wilson in an earlier address to a joint session of Congress, applies no less to American colonies than to those of the Hapsburgs or the Hohenzollerns, or their assorted "cousins" in other capitals of Europe. It applies to Puerto Rico. Which is what President Bush acknowledged in his first address to the Congress.

On April 27 I asked on the Senate floor: "Is Puerto Rico a colony today?" I had asked the same question at hearings of the Committee on Energy and Natural Resources in San Juan in 1989. And I gave the same answer.

"Most obviously, not. In July 1952 Puerto Rico became a full self-governing commonwealth."

Even so, the issue of status, as the islanders correctly term the matter, remains unresolved.

Commonwealth is one option. There are two others. Statehood. Independence. Every President since Harry S. Truman has asserted that the people of Puerto Rico were and are free to choose any of the three. In 1952 Commonwealth status was achieved. As I have more than once stated during this nondebate, commonwealth status was not seen by those who conceived it as a way station to statehood, the position or an applicant or candidate for full membership in the Union. To the contrary, statehood was seen as a plenitudinous condition, comparable to that of commonwealths in other devolving empires. Or such is my understanding; I do not claim to speak in any sense for present day advocates of commonwealth status, nor yet to represent the views of the predecessors. I can claim to have known two generations of commonwealth leaders in Puerto Rico, but no more. Similarly, I have known two generations of statehood leaders. I can claim to understand their position with some confidence simply because statehood is a clearly understood concept within the American Union. Similarly, I assume that I can understand the position of those who advocate independence. I cannot claim any close acquaintance, which is surely a fault of mine, yet I have met "independistas," and have been most impressed with their presentations at Senate hearings.

What this Senator knows or does not know is of small consequence. What matters is that at the outset of the Congress, Puerto Rico was given to understand that it would have the opportunity to choose; but here we are at the end of the Congress having, in effect, denied that opportunity.

Let me be clear. I have to assume that we will get to work on this matter first thing in the next Congress. We have now, mercifully, finished with the endless work of the Summit. We have a 5-year budget plan. It will last at least until next April. The more then should we be about the business of Puerto Rico before next April.

The plain fact is that the Senate does not see this subject in the light that the rest of the world sees it, or would do if attention were called to it. This does us no discredit. Puerto Ricans are fellow citizens. As many live on the mainland today as live on the island itself—more properly, the islands. They fight in our wars, contribute to our affairs, add to our lives the special attributes of an Hispanic culture. No matter. Puerto Rico remains a place of undetermined status. As a matter of honor, the Senate, the Congress must permit our fellow citizens there to choose. As a matter of elemental prudence, we ought to do so directly we return to Washington next January.

If the Senate would indulge me, I would ask that a series of statements I have made on this subject in this Congress be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"[From the CONGRESSIONAL RECORD, July 14, 1989]

"POLITICAL STATUS OF PUERTO RICO

"Mr. MOYNIHAN. Mr. President, early last spring Senators JOHNSTON, MCCLURE, and SIMON introduced S. 712, a bill "to provide for a referendum on the political status of Puerto Rico." This is a bill of the uttermost importance to the people of the commonwealth, and of no less moment to the American union.

"The bill provides for a referendum to be held in 1991 presenting the choice of statehood; independence; or commonwealth status. In the event that no status option obtains a majority, there will be a runoff.

"In his State of the Union Message, President Bush indicated his firm support of statehood, as does the just previous Governor of Puerto Rico, Romero Barcelo. The present Governor of Puerto Rico, the Honorable Rafael Hernandez Colon, is a supporter of "enhanced" commonwealth status. There are, of course many supporters of independence.

"There are many considerations involved. Obviously. Absolutely central, however, will be the tax provisions associated with the respective choices. I need not spell out for the Senate the importance, for example, of section 936 of the Internal Revenue Code which provides extraordinary tax incentives for manufacturing firms located on the island. Perhaps a third of Puerto Rican employment is attributable to "936" benefits. There is a great variety of tariff questions to be dealt with, maritime statutes, excise taxes, and the like. The Social Security law and related social welfare measures are of transcendent importance to Puerto Ricans as they are to all American citizens. Each of the three options that are to be presented to the people of Puerto Rico will entail different provisions with respect to these matters.

"With these decisions in the offing, I have been assembling materials that I hope will be of use to the Finance Committee when we settle down to fill in the blanks having to do with the duration of present statutes and such like matters which will be referred to us by the Committee on Energy and Natural Resources.

"Imagine our consternation, then, when the Treasury Department, testifying before the Energy Committee yesterday morning, stated that it saw no reason why our plebicite bill should be "encumbered at this stage" by any specifics concerning the tax and financial provisions that would accompany the three options.

"We are evidently to ask the people of Puerto Rico to make their decision in the dark. They are evidently not to know in advance whether, for example, statehood would mean the end of section 936 tax benefits or not; not to know whether "enhanced" commonwealth status will bring equal social welfare benefits to Puerto Rico, or perhaps yet further restricted ones. They are not to know anything about the very questions which will be most on the minds of the voters.

"If the Treasury Department's position was not so transparently untenable, one would be forced to suspect that it is deliberately perverse. That somewhere in the upper echelons of the Department there are persons determined to thwart the President's state of the Union commitment.

"This is not something the Congress can settle. But one would surely advise the President do so, and quickly, on his return from Paris. For obviously no plebiscite can go forward if the Treasury position remains that of the executive branch.

"Mr. President, I ask to reproduce the opening portion of the testimony of Kenneth W. Gideon, Assistant Secretary—Tax Policy, U.S. Department of the Treasury, before the Senate Energy Committee.

"The excerpt follows:

"TESTIMONY OF KENNETH W. GIDEON

"Mr. Chairman and Members of the Committee: It is a pleasure to be here today on behalf of the Administration, to discuss S. 712, a bill "To Provide for a Referendum on the Political Status of Puerto Rico." This bill would give the people of Puerto Rico an historic opportunity to vote upon the status of that island. The bill would provide for a referendum, to be held in 1991, in which the Puerto Rican people could decide among the options of statehood, independence, or commonwealth status.

"The Administration strongly supports the right of the people of Puerto Rico to decide for themselves on the status of the island. Further, as the President has noted a number of times, he favors the admission of Puerto Rico to the Union as a state, thereby assuring the people of Puerto Rico an equal standing with other United States citizens. However, by providing for a status referendum, the United States Government would be assisting the Puerto Rican people to exercise the basic political right to determine the nature of their government.

"The choice facing the people of Puerto Rico is fundamentally a political one, with long-term implications for their rights and obligations as citizens. Each voter must determine relationship that should exist between Puerto Rico and the United States. By its very nature, a status referendum determines a people's political future. Individual voters must weigh the implications of their vote not only for themselves but also for future generations.

"The Administration firmly believes that the Puerto Rican people should be given an opportunity to express their will in a manner that recognizes the historic and fundamentally political nature of their decision of self-determination. The importance of the decision they face as people transcends any narrow concern about specific aspects of economic or fiscal structures.

"For this reason, the Administration believes that the discussion of Puerto Rico's future status should not be encumbered at this stage by the tax and financial provisions in the current bill. The selection among the possible status options should be a choice made by the people of Puerto Rico unaffected by the bias which specific economic costs and benefits could bring to the process. After that choice has been made, appropriate tax and financial relationships between Puerto Rico and the United States could be formed consistent with the choice of the Puerto Rico and the United States could be formed consistent with the choice of the Puerto Rican people.

"The Administration recognizes the difficulty of isolating the impact of tax and financial issues from the question of Puerto Rico's future status. Appropriate transition mechanisms will ultimately have to be developed to minimize economic disruption to Puerto Rico resulting from any change from the current commonweatlh status. In addition, we believe that a transition to statehood can be structured so that the Puerto Rican government, after making appropriate use of its own resources, would not be forced to incure a new revenue loss during this transition. The Administration would support a "transition grant" to Puerto Rico to assist in achieving that result. The budgetary treatment of a transition to statehood should be consistent with sound budget discipline. Finally, we believe that there should be a level economic playing field among options.

"The development of provisions which will properly achieve these goals will require a careful cooperative analysis by the Administration, Congress, and the government of Puerto Rico. The resulting package would probably consist of interrelated provisions affecting Puerto Rico's own tax system, the Federal tax system, and direct Federal grants. Accordingly, depending on the specific alternatives chosen, many will be involved in the process, including, for example, the tax-writing committees of the Congress.

"The Administration looks' forward to working with your committee at the appropriate time in fashioning an integrated economic package which meets the Administration's commitments to Puerto Rico and which is fully acceptable to both Congress and the Puerto Rican government. To lay a foundation for that process, I would like to review with you today some of the technical issues which are presented by the provisions in the current bill. While not intended as either an endorsement or rejection of these provisions, my comments will hopefully highlight particular problems which the current language raises.

"Each of the political options covered by the bill—statehood, independence, and commonwealth status—raises special issues that affect the tax systems of both Puerto Rico and the United States. The following comments are limited to those issues. They are not intended to reflect any views on the desirability of any of the status options.

"Regardless of the status option under consideration, we believe that a primary goal of the bill in question should be to ensure that the tax implications of the option are clearly defined. Certainty in the application of the tax law is always a goal of tax policy, and we believe that it is especially important to strive for that certainty in these circumstances, where the Puerto Rican people are facing the possibility of fundamental changes to their government's structure. The focus of my testimony, therefore, will be to identify the tax results of this bills provisions as drafted, to note those ambiguities which the bill raises, and to highlight those issues which the bill's tax revisions do not currently address.

"I. GENERAL REVENUE EFFECTS OF S. 712

"It is difficult to present very precise estimates of the Federal revenue consequences of the various options described in the bill, but it may be helpful for purposes of this discussion to consider some rough guidelines.

"Both the independence and the statehood options assume some form of reduction of the tax incentives currently provided under Internal Revenue Code ("Code") section 936. It should be noted that even under the commonwealth option, Congress can continue to review and revise section 936 and other tax benefits as necessary.

"We estimate that in FY 1989 the tax benefits received by section 936 corporations amount to about $1.9 billion. If section 936 benefits are phased out, some section 936 corporations may choose to leave Puerto Rico. However, the nature of most section 936 company operations makes it unlikely that they could find a good substitute for Puerto Rico in some low-tax foreign location. Thus, if companies do leave the island, it is most likely that they would move back to the mainland where they would be subject to U.S. tax.

"A phase-out of section 936 benefits would cause economic dislocation on Puerto Rico, at least in the short run. Employment in 936 companies now accounts for about 12 percent of total Puerto Rican employment. However, it is very difficult to project the extent to which Federal tax collections would be affected by this dislocation. Under the statehood option, collections of personal income tax may be somewhat reduced for a time; but as discussed below, fully phased-in Federal personal income tax collections from Puerto Rico can be expected to be relatively modest.

"The statehood option presents the issue of how a newly-imposed Federal income tax will interact with a Puerto Rican state tax system. The effects of this change must be considered for both individual and business tax revenues.

"[From the CONGRESSIONAL RECORD, Aug. 4, 1989]

"PUERTO RICO STATUS REFERENDUM ACT

"Mr. MOYNIHAN. Mr. President, the Senate Committee on Energy and Natural Resources has now reported the Puerto Rico Status Referendum Act which has been referred to the Finance Committee for consideration of the taxation and social welfare aspects of the three options set forth which are, of course, independent statehood, or as the term as come to be used "enhanced commonwealth."

"In anticipation of this consideration by the Finance Committee and the Senate's fuller debate on the whole matter. I asked the Congressional Research Service to analyze the effect on selected programs of each status option and also to assess how the Federal tax relationship with Puerto Rico would change under these various options. The first of the these analyses was completed earlier this week, and the other a month ago.

"I am placing them in the Record today in order that the discussion of this hugely important matter may go forward on the basis of relevant facts, which is to say that we might, to some extent at least, know what we are talking about and ultimately voting about.

"I would call attention to the important findings concerning social welfare programs under statehood, under the statehood option. I now cite the CRS studies.

"Under statehood, extension of the earned income tax credit to Puerto Rico where it is not currently available inasmuch as the Federal income tax does not apply in Puerto Rico, could be a significant new program expenditure and a new social welfare benefit, it having had its origin for that precise purpose. If I may say, it is beginning to be the basis of an American family.

"The Congressional Research Service estimates that the earned income tax credit could cover up to 65 percent of all families with children in Puerto Rico, two-thirds of the population which are families with children. That is a cash return, and as we expect it will be at the end of this Congress, a refundable tax refund.

"It needs to be refundable in the case of Puerto Rico in particular because the relevance of Puerto Rico is that under the 1986 tax legislation we put an end to the taxation of families with children with incomes under the poverty line.

"Mr. President, under statehood, the second finding, replacing the nutrition assistance block grant with the food stamp program, including open-ended funding, would greatly reduce Puerto Rico's program design flexibility and could expand the case-load and program costs by one-third or more.

"The third finding, Mr. President, under statehood, replacing the program of aid to the aged, blind, or disabled with the supplemental security income program, an open-ended funding which is the case, would significantly expand the eligibility of the population in Puerto Rico for increased benefits to recipients by as much as tenfold, and consequently greatly increase Federal costs, but also greatly increase social welfare benefits.

"I might add that the supplementary security income is the one provision of the family assistance plan that was sent to Congress in 1969 to be extended to the four income-determined, noncontributory, programs under Social Security: Aid to Families with Dependent Children, aid to the blind, aid to the permanently and totally disabled, and aid to old-age assistance.

"It was the intention of that proposal that the benefits be nationwide and openended. So the great disparities, for example, in the program and benefits to AFDC would not continue. Well, the only group for whom that provision was to adopted were the children. But the other three programs were incorporated into SSI and now would make their way to the commonwealth under statehood.

"Last of the findings, Mr. President, under statehood, the capital and Medicaid funds that currently apply to Puerto Rico would be removed, and a more generous Federal matching formula would be used. As a result, Federal spending for Medicaid in Puerto Rico would more than double. In addition, Puerto Rico would become subject to new requirements for furnishing more extensive coverage to some classes of individuals, while cutting off coverage to others, and Puerto Rico would no longer be able to restrict Medicaid providers to public facilities.

"Mr. President, the analysis of the tax relationship that I shall include in the RECORD this afternoon is not as extensive as that concerning social welfare programs, as much as a further study from the staff of the Joint Committee on Taxation is, now in preparation. It should be available in little more than a week's time, and I would inform Senators that my office will have copies, should any of them wish to obtain them.

"However, on the basis of what we already have, and indeed what we have some time known, I call attention at this time to a major central fact. The tax benefits associated with section 936 of the Internal Revenue Code now account for about one-third of the total employment in the Commonwealth of Puerto Rico. I should make explicit, Mr. President, that this is direct and indirect employment, but a third of the jobs there come from 936 industries—the multiplier effect, as economists call the further benefits from wages earned and then spent.

"The legislation reported by the Energy and Natural Resources Committee provides for phaseout of section 936 benefits under statehood ending in 1998, obviously something such would be required under the uniformity laws of the Constitution.

"I emphasize that by present reckoning, the majority of Puerto Rican families have incomes below the Federal poverty line, as I mentioned. In our 1986 tax legislation, we went to great lengths to see that no such family pays Federal income taxes. Hence, the majority of Puerto Rican families would, for the immediate future at least, be free of Federal income tax, while they would have available a very considerable range of Federal social welfare programs.

"It would thus appear that statehood offers Puerto Ricans the prospect of immediate social welfare benefits, but long-term economic losses, the losses being those to be associated with the disappearance, at least as much as we know, the inevitable disappearance of section 936 benefits, and the assumed decline in those economic activities.

"By contrast, the Commonwealth promises long-term economic gains, the continued availability of the very considerable tax incentives associated with 936, such that a third of the island's employment comes from that section, a section originally designed to promote economic investment by American firms in the Philippines, if I may say.

"By contrast, the Commonwealth promises long-term economic gains, I say again, but with no immediate social welfare enhancements, or none in the legislation we have before us, and which we will take up in an openminded manner in the Finance Committee.

"These are serious matters and will be seriously debated. A minimum responsibility here in Washington is to ensure that, as much as possible, the facts be made available to those who wish to make informed choices. Imagine our consternation when the Treasury Department testified before the Energy Committee on July 13, stated that it saw no reason why the referendum bill should be "encumbered at this stage" by any speculation concerning the tax and economic consequences of the three options. It cannot be that they would wish the people of Puerto Rico to make their decisions in the dark, but certainly they had not shed any light on those decisions. The people of the Commonwealth want, and should have, the facts necessary to make an informed choice.

"Mr. President, earlier this year, the distinguished chairman of the Committee on Energy and Natural Resources, and the distinguished ranking member, held hearings in San Juan on this subject. I was asked to join as an observer from the Finance Committee, which I did, and I think it was probably the case that during our 3 days of hearings, something like half the adult population of Puerto Rico was attacking us on television. It was an extraordinary event in the evenings to walk about the old city and be recognized not just by the occasional viewer of the evening news, but by everyone. This is central to the lives of the people of the Commonwealth, as it ought to be.

"Of course, it is very much in the mind of President Bush, who proposed this referendum to us in his State of the Union message and stated that his preference—very clear, and it has been well understood—was statehood. I am sure if President Bush were aware of the Treasury Department's view that there is no need to encumber this decision with facts, "do not trouble me with the facts" point of view, that he would be of a different view, and perhaps Treasury would respond.

"In any event, Mr. President, the reports I now place in the RECORD are a beginning—I believe a good one. I would like most especially to express my appreciation to Carolyn Merck of the Congressional Research Service, which is a branch, of course, of the Library of Congress, and who headed the study on the effects of the proposal for a referendum on the status of Puerto Rico. I express my appreciation also to David Brumbaugh, of the CRS, who did the analysis of Federal taxes and Puerto Rico under statehood, independence, and commonwealth options.

"Mr. President, may I say that I am aware that I place a large document in the RECORD on this concluding day, as we hope or expect, of this portion of the session of the 101st Congress, but I do so because we are at exactly the point where the issue of the consequences in terms of social welfare benefits and taxation of the three options to be considered by Puerto Rico comes before us.

"The Senate Finance Committee will hold hearings, I am sure, in the autumn. Before we do, it is well that the public should have available the analysis of what the choices before us entail.

"Mr. President, I ask unanimous consent to have two memoranda prepared by CRS printed in the RECORD at this time.

"There being no objection, the material was ordered to be printed in the RECORD, as follows:

"MEMORANDUM

"CONGRESSIONAL RESEARCH SERVICE,
"*Washington, DC, July 6, 1989.*

"To: Hon. Daniel P. Moynihan. Attention: Ted Zukoski.

"From: David L. Brumbaugh, Analyst in Public Finance, Economics Division.

"Subject: Federal Taxes and Puerto Rico under the Statehood, Independence, and Commonwealth Options of S. 712, 101st Congress.

"This memorandum responds to your request for an explanation of how the Federal tax relationship with Puerto Rico would change under each of the options that S. 712 would present to the people of Puerto Rico for referendum. The discussion that follows begins by explaining how current Federal tax laws apply to Puerto Rico. Under S. 712's Commonwealth option, these laws would generally remain in place. The memorandum continues by looking at the changes the particular statehood and independence options contained in S. 712 would bring.

"CURRENT LAW

"Puerto Rico's current tax relationship with the Federal Government is best understood by looking at how the United States defines its jurisdiction to tax and how Puerto Rico fits into that jurisdiction. In general, the United States asserts its tax jurisdiction on the basis of both the source of income and the identity of the person of firm earning the income. If income has its source in the United States, the United States generally taxes that income, regardless of who earns it. Thus, all individuals and corporations are generally subject to U.S. taxes on income earned in the United States, regardless of their nationality. On the other hand, if an individual is a U.S. citizen, the U.S. taxes the person's income regardless of the country in which it is earned; U.S. citizens are taxed on their foreign as well as domestic income. To alleviate double-taxation, however, the U.S. permits foreign taxes to be credited against U.S. taxes on foreign-source income.

"As with U.S. citizens, the United States taxes corporations that are chartered in the United States on their worldwide income but permits the crediting of foreign taxes. Thus, if a firm conducts its foreign operations through a foreign branch of the U.S. parent corporation, its foreign income is subject to U.S. taxes on a current basis. At the same time, however, foreign-source income of foreign corporations is beyond the U.S. tax jurisdiction. Thus, if a U.S. firm conducts its foreign operations through a subsidiary corporation chartered in a foreign country, income the subsidiary earns is exempt from U.S. taxes until it is remitted to the U.S. parent corporation as intra-firm dividends. U.S. taxes on foreign-source income can thus be postponed indefinitely. This characteristic of the U.S. tax code is usually referred to as the deferral principle.

"Puerto Rico fits into this structure much like a foreign country but with some very important differences. U.S. corporations and firms, for example, are generally permitted to claim Puerto Rican taxes as foreign tax credits.[1] Also, Puerto Rico is not considered part of the United States for tax purposes.[2] For firms, the result is that corporations chartered in Puerto Rico are treated like foreign corporations and are not subject to U.S. taxes on income earned outside the mainland United States. As in foreign countries, then, the deferral principle is generally available in Puerto Rico for U.S. firms that wish to use it.

"Instead of deferral, however, more firms that invest in Puerto Rico use the possessions tax credit: an alternative tax benefit that is not available in foreign countries. The credit, provided by section 936 of the Federal tax code, provides a full exemption from Federal taxes rather than mere postponement and is widely used by U.S. firms with operations in Puerto Rico. Under its terms, qualifying U.S. corporations can receive a tax credit equal to the Federal income taxes they would otherwise owe on income from active business operations and certain financial investments in Puerto Rico. Thus while section 936 technically provides a tax credit, the credit is, in effect, a tax exemption for income earned in Puerto Rico. To qualify for the credit, a firm must be incorporated in the United States (a subsidiary corporation cannot therefore qualify for both deferral and the possessions tax credit), must earn at least 80 percent of its income in the possessions, and must derive at least 75 percent of its income from the active conduct of a business in the possessions. Firms with extensive operations in the mainland United States and elsewhere ordinarily meet these requirement by setting up separate subsidiary corporations for their Puerto Rican operations.[3]

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[1] U.S. Internal Revenue Code, Section 901(b).

[2] U.S. Internal Revenue Code, Section 7701(a).

[3] For further information of the possession tax credit see: U.S. Library of Congress, Congressional Research Service. "The Possessions Tax Credit (IRC Section 936): Background and Issues." Report No. 88-

"Section 936 generally provides a more generous tax benefit than the deferral principle. Under deferral, U.S. firms can invest in Puerto Rico, through corporations chartered in Puerto Rico, and, as long as the subsidiaries' earnings are not repatriated to the U.S. parent corporations, they are exempt from Federal taxes. When the earnings are repatriated, however, they are subject to Federal taxes in the hands of the U.S. parent corporation. Under section 936, possession-source business income of qualifying U.S. corporations is exempt from Federal taxes. Further, since parents can deduct from taxable income dividends received from subsidiary U.S. (but not foreign) corporations, the possessions-source income is also not taxed upon repatriation to the parent corporation.

"Turning now to individuals, Puerto Ricans are citizens of the United States and, as noted above, U.S. citizens are subject to U.S. taxes on their worldwide income. Normally, then, Puerto Rican citizens would be subject to Federal taxes on their worldwide income just like other U.S. citizens. Special provision is made for Puerto Rico, however, by section 933 of the Internal Revenue Code. Under its terms, year-long residents of Puerto Rico are exempt from Federal taxes on income from Puerto Rican sources. Puerto Rican residents, however, are subject to Federal taxes on income from any other geographic source, including the mainland United States. Also Puerto Rico levies its own individual income tax on residents of Puerto Rico.

"The tax code also makes special provision for Puerto Rico with regard to excise taxes. Under section 7652 of the Internal Revenue Code, revenues from Federal excise taxes on goods manufactured in Puerto Rico generally are rebated or "covered over" to the treasury of Puerto Rico. Since 1984, however, certain limitations have been imposed on the rebates. With respect to distilled spirits, rebated taxes are limited to those imposed on rum. Rebate of taxes on other items is prohibited unless more than 50 percent of the value of the taxed items is actually added in Puerto Rico.[4]

"STATEHOOD

"The statehood option specified by S. 712 generally provides that Puerto Rico will ultimately be treated like the fifty States for purposes of Federal income taxes. Individuals residing in Puerto Rico would be subject to Federal taxes on their worldwide income. And at least in the long run, corporations would be subjected to full Federal taxation on income earned in Puerto Rico; neither the possessions tax credit nor deferral would apply. But while the bill provides that "Provisions of the Internal Revenue Code concerning Federal Income Taxes shall immediately apply to Puerto Rico" (section 16 of the bill), S. 712's statehood language also contains important transition provisions designed to "expedite the adjustment of the Commonwealth of Puerto Rico from the tax structure of the territory to the fiscal and economic system of the State" (section 16(a)).

"Among the transition provisions is a general statement that "Provision shall be made by Congress so that economic and fiscal exceptions of the Internal Revenue Code, already granted" would temporarily remain in effect. The possessions tax code is explicitly listed by the bill as one of the tax code's "exceptions." The bill would continue the full application of section 936 for an unspecified period of time before gradually phasing the credit out, also over an unspecified time period.

"Section 993's tax exemption for individuals residing in Puerto Rico would certainly be construed as an "exception" to normally applicable tax treatment in the case of Puerto Rico. The nature of the deferral of taxes on income earned by corporations chartered in Puerto Rico is less certain, but could also be considered an exception. Still, neither of these tax provisions are explicitly listed as exceptions by S. 712. Whether they would be temporarily continued is thus uncertain."

Another transition provision relates to tax revenue. The statehood language of S. 172 provides that the existing income tax laws of Puerto Rico would stand repealed upon admission of Puerto Rico as a State, a measure that would deprive the State government of an important source of revenues. Under the statehood provisions, however, proceeds from the application of Federal income taxes to Puerto Rico are to be transferred into Puerto Rico's treasury in gradually diminishing amounts for an unspecified number of years.

Finally, the statehood language provides that an "omnibus act" will be enacted by Congress "to ensure that the people of Puerto Rico attain equal social and economic opportunities with the residents of the several States" (section 16(c)).

STATEMENT OF SENATOR DANIEL PATRICK MOYNIHAN

I wish to state my growing sense that by the close of this session of Congress, and accordingly, of the 101st Congress itself, we will not have sent to the President a bill providing for a plebiscite on the status of Puerto Rico.

This would not be my wish. To the contrary. What I am about to say is sensitive. I have a limited, but I dare to hope, sufficient sense of just how sensitive. I mean no offense to anyone and devoutly hope that in the end I shall not have given any offense.

We recall with what great expectations this matter came before us at the outset of the first session of this Congress. On January 17 the Majority Leader received a letter from the heads of the three principle political parties of Puerto Rico (identical letters having been addressed to the Speaker of the House and to the President) asking for a "resolution of the status issue" through a vote of the people of the Commonwealth. The text is as follows:

"In the past election held on November 8, 1988, all three political parties, which represent the three alternatives for the ultimate political status of the People of Puerto Rico, included the need for the resolution of the status issue in the platforms they presented to the electorate.

"In accordance with the platform of the Popular Democratic Party, the Governor of Puerto Rico announced in his Inauguration the intention of the Government of Puerto Rico to pursue the resolution of the status question with the Government of the United States of America and convened a meeting of the leadership of the three political parties that represent the three formulas.

"As a result of this meeting we, the Presidents—of the Popular Democratic Party, representing Commonwealth, the New Progressive Party, representing Statehood, and the Independence Party, representing Independence—have agreed to express to the President and to the Congress of the United States of America, that the People of Puerto Rico wish to be consulted as to their preference with regards to their ultimate political status and the consultation should have the guarantee that the will of the People once expressed shall be implemented through an act of Congress which would establish the appropriate mechanisms and procedures to that effect.

"Towards the formulation of such an act of Congress and related policies, we request to meet with you at your earliest convenience.

"Conscious that since Puerto Rico came under the sovereignty of the United States of America through the Treaty of Paris in 1898, the People of Puerto Rico have not been formally consulted by the United States of America as to their choice of their ultimate political status, and in the understanding that we are taking a momentous decision in Puerto Rican history and confident of the commitment of the United States of America and of the People of Puerto Rico to the principles of self-determination and government by the consent of the governed, we remain.

"Cordially yours,

"Baltasar Corrada del Rio, President, New Progressive Party, Rafael Hernandez Colon, President; Popular Democratic Party; Ruben Berrios Martinez, President, Puerto Rican Independence Party."

Some weeks thereafter, in an address to a Joint Session of the Congress on February 9, 1989, President Bush endorsed this proposal. He said:

"There's another issue that I've decided to mention here tonight. I've long believed that the people of Puerto Rico should have the right to determine their own political future. Personally, I strongly favor statehood. But I urge the Congress to take the necessary steps to allow the people to decide in a referendum."

The response in Puerto Rico was one of great satisfaction and even greater interest. In June a year ago I accepted the kind invitation of the Committee on Energy and Natural Resources to take part in a hearing on the issue held in San Juan. I think it likely that a third of the population of the island watched our televised hearings all day long, and two-thirds watched the reruns during the evening. That same evening, I could not walk anywhere in town without being greeted by name, usually with some apt comment on the (few) questions which I had asked that day. The Energy Committee went forward with deliberate dispatch, and on August 2nd reported out the bill which is now before the Finance Committee.

That was three-quarters of a year ago. Nothing much has happened. It begins to look as if nothing might. On April 10, the chairman of the House Insular and International Affairs Subcommittee, Ron de Lugo, stated:

"The House is still waiting for legislation from the Senate that was promised last year. At some time soon, we will cross a point when it will become impossible to pass a bill in the House."

Here I must declare, indeed assert, the limits of my knowledge, still more my understanding. I am no stranger to Puerto Rico. I first was there in the Navy near to half a

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200 E. by David L. Brumbaugh. Washington, 1988, p. 9.

[4] For additional information on the cover-over of excise taxes. See: Hoff, Karla, "U.S. Federal Tax Policy Toward the Territories: Past, Present, and Future." Tax Law Review. v. 37. Fall, 1981, p. 56–7. For information on the 1984 limitations, see: U.S. Congress, Joint Committee on Taxation. "General Explanation of the Revenue Provisions of the Deficit Reduction Act of 1984." Joint Committee Print., 98th Cong., 2d Sess. Washington, U.S. Govt. Print. Off. 1984. p. 1222, 1226.

century ago. (And, come to think, before that had spent more time than my mother knew in a pool hall called Los Muchachos in the original Manhattan barrio just north of 96th Street where the tracks come above ground on Park Avenue.) In the Kennedy years I came to know and to admire Luis Munoz Marin, and, indeed, worked with many of his lieutenants and associates. I did not fail to note that for them the English term "Commonwealth" was rendered "Estado Libre Asociado" with the further provision in one of the party conferences that the latter never be translated back in English.

At the United Nations I came upon the fierce accusations from Cuba and other elements of the so-called nonaligned nations that Puerto Rico was held in colonial captivity. On behalf on President Ford I answered back with, I hope, equal fierceness that it was the fixed policy of the United States that the people of Puerto Rico were free to choose any relationship with the United States that they wished: commonwealth, statehood, independence.

Shortly thereafter I came to the Senate and am now in my fourteenth year on the Finance Committee. During this time I have recurrently found myself dealing with matters affecting Puerto Rico in the most direct and important ways. I think it fair to say that my colleagues have assumed my interest in these matters reflects the large number of Puerto Rican residents in New York State, which it surely does. But it also reflects my experience at the United Nations and generally with the process of colonization and decolonization. For make no mistake: in the first instance Puerto Rico was the spoil of a colonial war. It became an American colony. It has since evolved into much more than that, yet no one should doubt the explosive nature of the original relationship.

Morever, I began to sense how precarious the situation of Puerto Rico was in the Congress. Puerto Rico had friends; it had no fully empowered member. A nonvoting resident commissioner in the House; no one at all in the Senate. Thus, in November 1984 the Reagan administration announced a wholesale revision of the Internal Revenue Code. The first version, known as Treasury I, simply abolished Section 936 of the Code, the economic cornerstone of the whole development policy conceived by Munoz and those of his time. We managed to block this; but only just. Treasury I was the work of the permanent government; it would be back.

This experience only confirmed my view that statehood would come sooner than anyone seemed to think. I had presented this view in a speech on the Senate floor the previous August.

"Having known Luis Munoz Marin, and being a friend and admirer of so many Puerto Rican leaders who carry on in his tradition, I must say that I have always assumed that this tradition views Commonwealth status as interim, as transitional.

"Temporary economic advantages can help prepare a society for statehood but can never indefinitely outweigh the civil advantage of full citizenship, which only statehood can confirm.

"I look to a Puerto Rico that appears at our portals asserting that the obligation of citizenship can never be fully met by a citizenship that is incomplete. In a word, I look to the day when a Puerto Rican sense of equality will animate a sense of the shared responsibility of equals.

"What I dread is a Puerto Rico coming to us in frustration and resentment at what it considers unequal treatment, looking to statehood as a remedy for grievances rather than a call to duty. Do these terms seem archaic, idealized? Perhaps. Yet I believe they would be recognized by the founders of this Republic, who have nothing to apologize for as regards to the realism of their ideals."

I might add that on that occasion I was defending the right of Puerto Rico to receive back excise taxes paid on liquor produced there. Nothing new in this. The second bill enacted by the first Congress imposed a tariff on Caribbean rum. I concluded:

"I urge the Senate to give consideration to this measure, and especially hope that it will come to the attention of our distinguished majority and minority leaders, who will one day, they or their successors, stand on the floor of this Senate and deal with the application by the Commonwealth of Puerto Rico for entry into the American union, asking that a pledge repeatedly made to the people of Puerto Rico be honored."

In the course of the years my views have not changed. They are known in Puerto Rico, and ought to be made known in the present debate. But I would make an important point in this regard. I have no quarrel with commonwealth status. To the contrary I have come to sense that too many of Munoz's time, and those who follow him, commonwealth was not a way station, an interim period prior to statehood. It was, to the contrary, the closest economically viable option to independence. Or at least, it was something this side of absorption into the union of the mainland.

I respect that. Just as I respect those for whom independence is the only acceptable outcome. My concern is that the process of making a viable choice should continue.

Leaving aside independence, where neither consideration arises, those who would choose between statehood and commonwealth status face a basic dilemma.

It is this.

Statehood automatically brings a huge increase in social welfare benefits. By an order of magnitude! Consider Supplementary Security Income. The current benefit in the commonwealth is about $32 a month for the blind, disabled, and aged who have insufficient Social Security or other benefits. The day statehood becomes effective, this benefit rises to $386, a tenfold increase, thereafter automatically indexed to inflation. Similar results occur across what is now a very wide range of programs. In the 1950s and later these benefits in the United States either did not exist or varied greatly from state to state. In the past 30 years, however, we have more and more tended to national benefits standards.

The impact of statehood on perhaps half the population of the island would be instantaneous and profound. And yet, at the same time, statehood means the loss of Section 936 benefits to industry, such that the economy loses a stimulus which has been absolutely central to economic growth in the past two generations. (Section 936, incidentally, was a program begun in the 1920s to encourage investment in the Philippines.)

By contrast, commonwealth status retains—for a period at least—the economic stimulus of Section 936. But it probably means a continued low level of social welfare benefits. And the absence of a considerable range of Federal taxes. Given those perplexities, I would offer a number of suggestions.

First of all, the executive branch and the Congress have got to undertake as much analysis as the remaining time allows. With no intent to criticize, I must state that some of the departments of the executive branch have been fair to mute on this subject. The Treasury, at least, has come before us and "endorsed' S. 712 as reported out by the Energy Committee, and offered a number of suggestions and reservations. Other departments with programs affected have simply come up here with no views and less data.

Second, the parties in Puerto Rico should try to avoid taking positions that cause anxieties here in the Congress. Those supporting statehood should be most careful about advertising its welfare attractions. Members of Congress altogether friendly to the people of Puerto Rico—they are, after all our fellow citizens—could very well not wish them to fall into the "welfare trap", as it is called, and not without reason. Take the Food Stamp program, as an example. This began in early 1975. By 1982 fully 60 percent of the Puerto Rican population was receiving food stamps. This cost the Federal government some $.9 billion a year. But what did it cost the people of Puerto Rico? I have to report that my impression from travels in the interior that it virtually destroyed Puerto Rican agriculture. As is well known, the Congress thereupon cut back on the program.

Similarly, those supporting continued commonwealth status should take great care that the present seeming preference for statehood, as reflected in opinion polls, not persuade them that the best course is to put off a plebiscite. It is now common to read of this in the Puerto Rican press. I would presume to suggest, for example, that there is no reason the House of Representatives should be waiting on the Senate for a bill.

Let them write their own bill, and we will go to conference with them. This is the normal way in which we do business. One could wish that voices were heard in San Juan asking why the House seems to be running out the clock. For there will be no winners in such an eventuality, or at all events, that is my view. As for "enhanced" commonwealth status, that is surely a matter the Finance Committee will want to consider. I will make proposals. I hope others will do so as well. But time presses.

In the end, the great issues involved here are civic, not economic. Do the people of Puerto Rico wish to become Americans? For that is what statehood ineluctably implies. That is what statehood brings. Or do they wish to retain a separate identity? Of, but not in, the American union. This could be a perfectly intelligent choice, and of course, the option of eventual statehood or independence remains.

But to say again, the Congress must act. It is almost a century now since William Graham Sumner composed his bitter epitaph on the Spanish American War entitled, "The Conquest of the United States by Spain." His thesis, of course, was that by entering the colonial lists, we would become like other imperial nations, and suffer all their decadence and decline. Well, that hasn't happened. But we won't know until it is made perfectly clear that our offer to Puerto Rico of choice is in fact a fair-minded and efficacious offer. Which is to say, an offer which will shortly issue in an actual choice being made.

I ask that two important editorials one from the New York Times, the other from the Washington Post, be appended to this statement.

[From the New York Times, Apr. 1, 1990]

The 51st and 52d States

Puerto Rico is not America's Lithuania, but it is unhappy with its status as a highly dependent commonwealth. An overwhelming majority of 3.3 million islanders are agreed that they want change. But as Congress is learning, agreement stops there. What adds to the perplexity is a parallel but unrelated campaign to grant statehood to the District of Columbia.

A Senate bill supported by the Bush Administration would offer Puerto Ricans a chance to choose, by a binding vote next year, statehood, improved commonwealth status or independence. The problem is to assure a fair choice. If one or another side has plausible reasons for charging bad faith, the referendum could prolong the argument it is meant to end.

Polls for the first time show a narrow majority of Puerto Ricans now favors statehood. As sentiment has shifted, so has the tone of a longstanding debate. Statehood supporters now join with advocates of independence in decrying colonialism. Those clamoring for enhanced commonwealth status contend that the Senate bill is frontloaded unfairly in favor of statehood.

The argument springs from a complicated history. The U.S. acquired Puerto Rico from Spain almost incidentally in 1900. In 1917, Puerto Ricans became U.S. citizens, but not until 1947 did they elect a Governor. Five years later, Congress approved an ingenious commonwealth arrangement, giving a Spanish-speaking island home rule and exemption from Federal taxes but no vote in federal elections.

Economically, the plan made sense. Using an additional tax break known as Section 966 of the revenue code, Puerto Rico has provided generous incentives for mainland investors. But politically, the island has been virtually a ward of Congress, without the clout it would wield with two senators and six or seven representatives, plus a Presidential vote.

The sense of being second-class citizens has given potent impetus to the statehood campaign. As statehood sentiment has waxed, so has uncertainty about Puerto Rico's tax exemptions, causing investors to hold back. To end the debate once and for all, Gov. Hafael Hernandez Colon, a commonwealth advocate, proposed a binding referendum.

But he now faults the Senate will as "terribly, dangerously unbalanced." It would phase in Federal taxes and phase out Section 936 over four years. Meanwhile, says the Congressional Budget Office, statehood could cost other U.S. taxpayers as much as $9.4 billon in additional Federal social spending; more than half the island's population remains below the national poverty line.

A very different view is taken by former Gov. Carlos Romero Barcelo, a statehood proponent. He persuasively cites similar preferential treatment granted other incoming states. Congress can redress the balance by rewording the commonwealth choice to give its proponents more of what they seek: an increased international role, an open port for air carriers, a voice in Federal appointments and jurisdiction over natural resources.

What is unarguable and fundamental is Puerto Rico's right to self-determination. The choice is primarily between two forms of association with the United States. Even the minority favoring independence relies on reason rather than passion. Congress can reciprocate by specifying clearly and fairly what Puerto Ricans can expect, whichever way they vote.

[From the Washington Post, Apr. 24, 1990]

Puerto Rican Statehood

A game is being played in a mostly indifferent Congress with the people and the future of Puerto Rico. The issue is the recurrent one in island politics of statehood or independence versus the present mixed status of commonwealth.

The last election on the island in 1983 was won by the commonwealth party, but it was close. In hopes of taking the distracting status issue away from the statehood advocates nipping at their heels, the commonwealthers decided to ask Congress to authorize a binding referendum. Puerto Ricans would choose among the three broad relationships with the United States, and Congress would agree in advance to give effect to the result.

The other Puerto Rican parties also supported the idea, as did the administration, on record as favoring statehood. Then came the problem, which persists, of defining the alternatives that would be voted on. The administration wanted to leave them vague. The Senate Energy and Natural Resources Committee rightly resisted, on grounds that the voters should know what they were voting for. But the committee then produced a seriously misshapen bill, titled sharply in favor of statehood. The legislation frontloaded the statehood option by providing that benefits would go up right away and taxes only later. Opinion polls on the island picked up an instant pro-statehood shift.

Now the Congressional Budget Office has done a study of the likely economic effects of statehood as outlined in the committee bill. From what might be called a welfare standpont the island would gain (and the Treasury lose). Benefits would rise not just earlier than taxes, but as much as $2 billion to $3 billion a year more. But the Puerto Rican economy is dependent on a special provision in the U.S. tax code exempting from tax part of the income of U.S. companies that invest there. As a condition of statehood the exemption would be phased out. CBO says that would mean loss of jobs and calculates that within 10 years this loss on the job side would be greater than the gain in benefits. Puerto Rico would be both more dependent and worse off.

The bill has now gone to the Finance Committee, whose chairman ordered the CBO study. Finance, which has jurisdiction over taxes and many benefit programs, is scheduled to hold a hearing this week. The Agriculture Committee, which has jurisdiction over the food stamp program, an island mainstay, must also be heard from before the legislation can go to the floor. Then the whole process would have to be repeated in the House. There isn't time, and therefore there isn't likely to be a bill. The way the idea has been abused and managled thus far, that would be merciful result. But in the meantime the people of Puerto Rico have been badly jerked around.

[From the Congressional Record, Apr. 27, 1990]

The Decolonization of Puerto Rico

Mr. MOYNIHAN. Mr. President, the decolonization enterprise initiated by President Woodrow Wilson in his Fourteen Points speech is still very much with us. What was once known as the Mandatory Territory of South-West Africa has just become the independent nation of Namibia. The headlines are dominated by what is, in fact, a decolonization struggle between the Soviet Union and its colony, Lithuania. The Senate has just voted to appropriate funds for earthquake victims in another Soviet colony: Armenia. The decolonization of the Soviet empire is an issue which will occupy our attention for, perhaps, decades to come.

I rise today, however, to remind my colleagues that the United States has not been immune to the attractions of empire building. We once lived in the era of Admiral Mahan and the age of coal-fired ships of the line and the strategic need for a global string of coaling stations. American strategists wrote of the vital American need for stepping stones across the Pacific: Hawaii, Guam, the Philippines. The Hearst press whipped up a war hysteria against Spain over its treatment of Cuba. Then on February 15, 1898 the battleship *Maine* went to the bottom of Havana harbor with the loss of 266 American lives. The warhawks claimed that Spain was responsible and demanded revenge and America went to war with the cry "Remember the *Maine!*"

Mr. President, we now know that it was not a Spanish mine which sank the *Maine*. In a masterful investigation headed by Adm. Hyman Rickover the U.S. Navy concluded in 1976 that "In all probability, the *Maine* was destroyed by an accident which occurred inside the ship." But no matter.

We went to war with Spain ostensibly over its treatment of our neighbors in Cuba and the sinking of the *Maine* in Cuba, but it was in the Philippines that Admiral Dewey first struck, sinking the Spanish fleet handily and gaining for the United States an empire with an afternoon's work. We, therefore, invaded Cuba, defeated the Spanish forces and acquired, in the process, the island of Puerto Rico. At the close of the war and as a result of the Treaty of Paris, America became a transoceanic empire. America's imperial phase had all the trappings of the colonialist, paternalistic mentality. Many Americans snicker over the Frence mission civilitrice, but they forget William Howard Taft's commitment to look after "our little brown brothers" in the Philippines.

Most of this empire has now been shed, but we are still grappling with the problem of the island of Puerto Rico. For 2 years Puerto Rico was governed by the military and from 1900 to 1952 the island was governed, frankly, as a possession of the United States. It was "non-self-governing" in the language of the Charter of the United Nations.

Is Puerto Rico a colony today? Most obviously, not. In July 1952, Puerto Rico became a full self-governing Commonwealth. Its constitution was approved by nearly 82 percent of those voting. Repeatedly, its citizens have had the opportunity to express their opnion through free and open elections. In 1967 only 0.6 percent of its voters opted for independence.

And yet, Mr. President, it would be folly to ignore the island's colonial legacy. It was a colony. This fact requires a special sensitivity on the part of the United States, a sensitivity which I am not at all sure we are today demonstrating. If we do not pay attention to Puerto Rico's colonial legacy, the world does. Resolutions calling for investigations of Puerto Rico's status became standard fare in the U.N. Decolonization Committee during the early 1970's. Only the most intensive lobbying effort in 1975 prevented a similar resolution from being adopted, an event which the New York times hailed as "a victory for comonse sense." I am happy to report that since that time the United States has successfully resisted resolutions condemning the U.S. role in Puerto Rico.

Mr. President, will this situation continue? We cannot be sure. It is a matter of the utmost delicacy. We are in the process of considering arrangements for a plebiscite there and I fear that too little attention is being paid here to this important process. I ask unanimous consent that a statement which I made yesterday in the Committee on Finance and an article from the San Juan Star concerning a congressional visit to the island in June 1989.

I hope that my colleagues will pay close attention to this situation. Mr. President, I urge my colleagues to work diligently to ease the United States through this final stage of its own "decolonization" process.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the San Juan Star, June 17, 1989]

SENATORS COOL TO PDP "SPECIAL TREATMENT" PLAN

(By Carlos Galarza)

The Popular Democratic Party's proposal for special federal policy treatment contintued to get the cold shoulder from U.S. senators during status hearings in Old San Juan Friday.

When PDP Vice President Miguel Hermandez Agosto defended the party's key proposal of getting special legislative treatment from Congress, the idea got the same rebuff as when Gov. Hernandez Colon made the proposal in Washington two weeks ago.

Sen. J. Bennett Johnston, D-La., Chairman of the Senate Energy and Natural Resources Committee, and ranking Republican Sen. James McClure of Idaho, rejected giving Puerto Rico the power to challenge the applicability of federal laws to Puerto Rico.

Hernandez Agosto contended such a policy would cut litigation because Puerto Rico then could not challenge any federal law which Congress deemed to have "overriding national interest."

The senators, who were joined by Sen. Daniel P. Moynihan, a New York Democrat and member of the Finance Committee, did not appear to buy the argument.

Johnston offered Hernandez Agosto a counter-proposal, suggesting that unless Congress mentioned Puerto Rico in federal legislation, it would not apply to the island.

"It's a good idea, but we like our idea better." Hernandez Agosto said later during an interview. "I see a very positive attitude on their part of trying to understand our proposal and it all boils down to negotiations on this issue."

Hernandez Agosto was one of the main speakers during the daylong hearings at the Government Reception Center that saw a parade of island political leaders address the senators about status and a proposed plebiscite.

PDP Resident Commissioner Jaime Fuster, who preceded Hernandez Agosto on the stand, also made a defense of the federal policy proposal. "We are sensitive to the issue of federal policy as applied to Puerto Rico," he said.

Johnston and the other senators had a rough moment when they confronted the radical left of the island's independence movement.

Puerto Rican Socialist Party Secretary-General Carios Gallisa pointed his finger at them and said, "You represent the colonial power and cannot be judge and player in this process."

Gallisa was followed to the witness stand by former PSP Secretary-General Juan Mari Bras, who predicted that the senators would see "thousands of independentistas" turn out for a demonstration today.

"You'll see that the people will not assimilate," Mari Bras told the senators.

The PIP-sponsored demonstration will begin with a 10 a.m. rally in front of the El Escambron sports complex and conclude with a march to the site of the hearings.

Former Resident Commissioner Jaime Benitez made a pitch in favor of enhanced Commonwealth.

"If the PDP had not made the mistake of losing the elections in 1976, we would have had enhanced Commonwealth by now because that's what the people of Puerto Rico want," he said.

The other key PDP proponent to testify during the morning session was House Speaker José "Rony" Jarabo, who greeted the senators by saying, "Welcome to the marvelous world of Puerto Rico status politics, where everything is black and white, good and evil . . ."

Former NPP President Baltasar Corrada del Rio was one of four members of the prostatehood faction who testified in the morning.

He attacked Commonwealth status, corporate tax exemption under Section 936 of the Internal Revenue Code. Corrada said that without statehood, Puerto Ricans would have "second-class citizenship."

Sen. Oreste Ramos, NPP-San Juan, said Puerto Rico is defined by U.S. law as an unincorporated territory and contended that Commonwealth status does not exist and thus cannot be enhanced.

Sen. Rolando Silva, NPP-San Juan, adding a personal touch to his testimony, said he is a Vietnam War veteran who fought for the United States and now wants the right to equal representation.

Sen. Nicolas Nogueras, NPP-at-large, proposed to the senators that Commonwealth status go alone in a referendum. He said that if it fails to garner 51 percent of the votes, then statehood and independence should go alone in a plebiscite run-off.

During the afternoon session development administrator Antonio J. Colorado was submitted to tough questioning on Section 936. He and representatives of the islands business sector said that without 936 benefits Puerto Rico's economy would collapse.

However, their testimony was disputed by prostatehood tax expert Luis Costas Elena who said 936 could be eliminated immediately without affecting the island's economy.

He quoted a U.S. Treasury report that said 936 tax breaks in Puerto Rico cost the Treasury $1.641 billion in 1983. However, Colorado had told the senators that 936 does not cost the United States anything.

Moynihan, who is a member of the Senate Finance Committee, said 936 is not safe from attempts by Congress to eliminate it as has been attempted in the past.

Today's hearings are scheduled from 9 a.m. to 12 p.m. After a day off Sunday, the hearings will conclude Monday with a session scheduled from 8:30 a.m. to 11:30 a.m.

SENATOR CALMS FEARS STIRRED BY MEMORANDUM

(By Manny Suarez)

Sen. J. Bennett Johnston, D-La., said categorically Friday that Puerto Ricans' U.S. citizenship could not be revoked by Congress under either commonwealth or statehood.

"Citizenship should not, will not and cannot be changed under statehood or commonwealth. Citizenship should not, will not and cannot be modified in any way under statehood or commonwealth. It is guaranteed," said Johnston in his opening statement at the Senate Energy and Natural Resources Committee hearings on status here.

Johnston's statement helped ease a controversy over Puerto Ricans' U.S. citizenship sparked at the start of June by a Library of Congress memo.

In the news conference before the hearings started at the Government Reception Center in Old San Juan, Johnston also said:

He did not have an opinion about the size of a majority that would be needed to permit Puerto Rico to become a state.

He did not consider that Puerto Rico was a colony under commonwealth.

That there was growing support in Congress for a "self-executing" bill that would enact whatever status preference the people select without more congressional legislation.

That the island's three parties would share equally in a $1.5 million federal appropriation to help them carry out their plebiscite campaigns.

The committee will not be able to extend the hearings in Puerto Rico as Gov. Hernandez Colon had requested.

Johnston addressed the citizenship issue at a morning news conference, helping defuse the uproar sparked by a Library of Congress staff member. A memo from the staffer released during June 1–2 status hearings said Congress might be able to revoke Puerto Ricans' U.S. citizenship if the island became independent.

Johnston's comments that the memo was only concerned with the effects of Puerto Rican independence were praised by Hernandez Colon, president of the proautonomy Popular Democrats.

Johnston's reassurance, however, had little impact on former Gov. Carlos Romero Barceló, leader of the pro-statehood New Progressive Party.

"The only way to guarantee citizenship is under statehood," he said. "Under commonwealth there will always be doubts, uncertainty and fear."

Also taking issue with Johnston were Dr. Myriam Ramirez de Ferrer, president of the pro-statehood Citizens in Civic Action, and by former Secretary of Justice Blas Herrero.

Ramirez de Ferrer said, "A little of what Johnston had to say was to resolve the hysteria that arose over the issue. But although we may not have it revoked under the present version of commonwealth, we do not know what would happen if the island became an 'associated republic.'"

"Associated republic" is used by the NPP to describe PDP plans for Puerto Rico's relations with the United States. NPP members contend it is a plan for independence.

Herrero said he had been studying the matter and found that citizenship legislation was contradictory.

"The matter is not as clear as Johnston presents it," he said. "I'll have my study done in about two weeks."

Johnston was also asked about another memo to the committee that said the island would have to vote overwhelmingly for statehood before Congress would grant it.

The memo pointed to such offshore states as Alaska and Hawaii that had several prostatehood referendums in which the people voted 90 percent in favor before they were accepted into the union as examples of the "super majority" required.

"The question of the majority needed is not one to be decided right at this moment," Johnston said.

When asked for a reaction, Romero Barceló said the "super majority" issue was raised by Hernandez Colon and the PDP.

"If you must have a super majority it should be for commonwealth which deprives you of representatives and senators and sovereignty," he said. "To be able to participate as a state all you would need is a majority."

Aida Montilla, who attended the news conference as an analyst with WPAB radio on Ponce, asked if the committee truly intended to resolve the island's colonial status.

"That's a loaded question," Johnston responded. "To answer yes or no is to say I believe that Puerto Rico's status is colonial and I do not believe that."

Montilla, a retired University of Puerto Rico professor, is an outspoken advocate of independence and is scheduled to address the committee Monday.

Johnston said there were three bills submitted to deal with the plebiscite, one of which was "self-executing." That means Congress would spell out the terms under which statehood or independence would be granted depending on which alternative won or what enhancement would be given if commonwealth won.

[From the Washington Post, June 2, 1989]

SENATE COMMITTEE OPENS HEARINGS ON PUERTO RICO

(By Judith Havemann)

With impassioned testimony televised live to Puerto Rico, a Senate committee opened hearings yesterday aimed at the permanent settlement of the Puerto Rican question: should the island seek to become the 51st state, an independent nation, or an "enhanced commonwealth" of the United States?

The Senate Committee on Energy and Natural Resources, which has jurisdiction over territories, began consideration of legislation calling for Puerto Ricans to decide their fate in a referendum in 1991.

The issue is nearly 100 years old, and sentiments have run so strong in Puerto Rico that extremists attempted to assassinate President Harry S. Truman in 1950 and shot up the House of Representatives in 1954 in the cause of independence. The question of status has dominated politics on the island since the Spanish American War.

But with the strong support of President Bush, committee chairman J. Bennett Johnston (D-La.) and the three major Puerto Rican political parties, a referendum seems more likely now than it has in decades.

Details of the three alternatives have been submitted to the Senate for consideration in hearings in the energy, finance, judiciary, commerce and armed services committees.

"I can assure you that Congress will make substantial changes to all three definitions, and I fully expect that the advantages of each option will be reduced from what the parties have proposed," Johnston said. "Congress will make budget neutrality an objective." The island receives about $6 billion annually in federal funds.

Former governor Carlos Romero Barcelo argued for statehood. "We are U.S. citizens with a difference: we are second class citizens who have no voice in our nation's future, who have no vote in Washington."

When Americans attacked Libya, "a Puerto Rican Air Force Commander was in the eye of the raid, and [Capt. Fernando L.] Ribas-Dominicci gave his life for his country," Romero Barcelo testified. "His mother did not vote for the president who gave the order to take action against Libya. She has no right to vote—she lives in Utuado, Puerto Rico."

Ruben Berrios Martinez, the Oxford-educated president of the Puerto Rican Independence Party, countered with testimony echoing claims that usually garner 4 percent to 7 percent of the vote in island elections.

The U.S.-Puerto Rican relationship "by whatever name, and whether by imposition or consent, contradicts the principle of representative democracy, is inconsistent with the values and principles of the American people and constitutes a growing source of embarrassment to the United States in the international community," he said.

Gov. Rafael Hernandez Colon, speaking for what he called the "real world" solution of an "enhanced commonwealth," called independence "impracticable," saying it "would wreck the Puerto Rican economy and it runs counter to the unswerving desire of the people of Puerto Rico to maintain their American citizenship."

"Statehood was and is unworkable because it would also disrupt the Puerto Rican economy and does not take into account an-other given: the fact that Puerto Ricans form a people, a distinct society with its own culture, ethos and language," Hernandez Colon said.

He was the only panel member to testify in detail, with the others scheduled to answer questions today.

Hernandez Colon explored several major problems: the official language, whether Puerto Ricans should continue to be exempt from federal taxes, and whether the commonwealth can be legally enhanced to allow Puerto Rico the degree of autonomy it seeks.

The pro-commonwealth forces want tariffs on selected foreign imports; bilateral air transportation agreements with foreign countries; a non-voting commissioner in the Senate; recovery of excess federal lands; block grant funding from federal agencies; Spanish-language testimony in U.S. courts if requested; and the power to enter international organizations and agreements.

The existing commonwealth was established in 1952. In a 1967 plebiscite on Puerto Rico's status, 60 percent of the voters chose the commonwealth, 30 percent backed statehood and the Independence Party received less than 1 percent of the vote after boycotting the process.

[From the San Juan Star, June 2, 1989]

RHC STATUS PROPOSAL RAKED

(By Harry Turner)

WASHINGTON.—Gov. Hernandez Colon and his vision of an enhanced Commonwealth ran into a buzzsaw of objections Thursday from Sen. J. Bennett Johnston, D-La., who found fault with nearly all the pro-autonomy proposals during a torturous afternoon for the governor.

One by one, Johnston picked apart the commonwealth provisions, suggested some be taken out of the plebiscite bill, said others should be sharply modified and contended still others were unworkable.

Johnston's unrelenting criticisms appeared to shake Hernandez Colon, who looked worried and huddled with his advisers during breaks in the first day's plebiscite hearings by the Senate Energy and Natural Resources Committee.

To those with long memories, the attack was remindful of other occasions over the past 30 years when Popular Democratic Party leaders came enthusiastically to Congress with autonomy proposals, only to have their hopes shattered.

Johnston's views are all the more important because he is committee chairman and the driving force behind the plebiscite. It was to him that Hernandez Colon first appealed late last year to get the plebiscite process moving.

Hernandez Colon was the first witness to undergo extensive questioning by the committee. Puerto Rican Independence Party President Ruben Berrios and New Progessive Party President Carlos Romero will appear today.

The hearings are the start of the legislative process that is supposed to end in 1991 when Puerto Rico residents vote in a plebiscite between enhanced Commonwealth, statehood and independence and settle Puerto Rico's status turmoil for a long time, if not forever.

Johnston, although mild-mannered, was especially harsh with the centerpiece of the Popular Democratic Party's proposals—the creation of a federal policy that, in effect, would allow the Puerto Rican government to reject most federal laws and regulations.

This proposed policy mandates that almost all federal laws and regulations must take into consideration Puerto Rico's special economic, cultural, ecological and other conditions.

If a law doesn't, then Puerto Rico could either go to court to block its applicability or ask the president to declare it nonapplicable if Congress doesn't act.

"I think this (allowing the president to declare a law nonapplicable) would violate the separation of powers." Johnston told the governor. "This is probably not a good way to do it * * *. It may not be a good policy and it may not be workable."

The Louisiana Democrat also complained at several points that the proposed federal policy would result in "endless litigation."

He seemed more sympathetic, however, to giving Puerto Rico some kind of control over federal regulations and their administration on the island.

In what appeared to be a warning to all three statuses, Johnston said he believed that Congress, given the budget deficit situation, wouldn't pass a plebiscite bill that led to a further drain on the U.S. Treasury.

"It is certain that if a [status] definition includes an increased benefit, then Congress will be looking for a way to offset the cost of that benefit * * *. Congress will make budget 'neutrality' an objective during its consideration of these definitions."

Johnston backed up his words by telling Hernandez Colon that the Commonwealth proposals of forcing Congress to treat Puerto Rico equally in all federal programs—worth between $850 million and $1 billion a year—were not feasible.

Johnston suggested that the mandatory provision be replaced with watered down language in which Congress would adopt equal treatment as a "goal" to be sought sometime in the future.

Although he didn't spell out his objections, Johnston also seemed disturbed by the PDP leadership's use of "autonomy" when describing the enhanced Commonwealth it seeks.

In the face of the committee chairman's steady objectives, Hernandez Colon appeared to backtrack on most issues during what must have been a long afternoon for him.

However, Johnston indicated in an opening statement that the other two statuses will also take their share of criticism from him and the rest of the committee.

"I can assure you that Congress will make substantial changes to all three definitions, and I fully expect that the advantages of each option will be reduced from what the parties have proposed," he said.

The Thursday hearings began in the morning with brief statements from Hernandez Colon, Romero and Berrios on their status goals. The three then sat together to take preliminary questions from committee members as a crowded hearing room audience, mostly from Puerto Rico, watched.

The political spectrum of those present ranged from San Juan attorney Jorge Farinacci, accused as a Maschetero terrorist in a Hartford, Conn., armed robbery, to former Gov. Luis Ferre, 85, who recounted for the committee how he had first tesitified in Congress on behalf of statehood in 1936.

The morning session stayed pretty much on track until Romero and Hernandez Colon got off on a tangent of why so many Puerto Ricans can't speak English.

A sizable number of committee members were on hand for the morning session, but in the afternoon usually only Johnston and Sen. James McClure, R-Ida., were present.

Berrios, in his testimony, made a strong plea to the committee to establish safeguards for the plebiscite campaigning so that neither the federal nor the Commonwealth government could skew the process.

Asked later whether he thought the Hernandez Colon administration would use government resources to win the plebiscite, he snorted and said, "Of course."

Here are other major Commonwealth plebiscite proposals and Johnston's reaction to them:

The transfer to the Puerto Rican government of the power to negotiate with foreign countries over air routes. "It seems to me that that would be a burden for Puerto Rico," Johnston said, suggesting that Puerto Rico have some other kind of "input" on air routes.

The empowerment of Puerto Rico to license tuna boats, as part of its proposed jurisdiction 200 miles out to sea.

"We'd probably be better off not to accept that [tuna licensing]," the Senator remarked.

[From the Congressional Record, May 24, 1990]

THE DECOLONIZATION OF PUERTO RICO

Mr. MOYNIHAN. Mr. President, yesterday's Washington Post carried an important article by Mr. Ruben Berrios-Martinez, the president of the Puerto Rican Independence Party. It is entitled, "Puerto Rico—Lithuania in Reverse?" It appears to me to raise many of the issues I addressed here on the Senate floor on April 27 in a statement which appears in the Record under this title. "The Decolonization of Puerto Rico."

May I first say that Mr. Berrios-Martinez' views deserve a most respectful hearing. Puerto Rico was acquired as a U.S. colony almost a century ago—91 years to be exact—in a classic colonial war. Nothing is more normal in our time than for colonies acquired in the 17th, 18th, or 19th century to demand independence in the 20th century. Indeed, all but tiny remnants have done so in what must now be called the aftermath of the age of decolonization. Puerto Rico is a singular exception.

The doctrine, for it is nothing less, of American exceptionalism leads us to think otherwise. We will note, for example, that since 1917 Puerto Ricans have been citizens of the United States. What is one to say? Algerians were free to be citizens of France. The cause of independence marches to a different drummer. In truth, when the Senate Committee on Energy and Natural Resources held hearings in San Juan a year ago June, by far the most impressive demonstration came on a Saturday morning when some 40,000 independence supporters peacefully marched passed the site of our hearings—I was present as a guest of the committee—chanting, "Yankees go home."

I have related before, and will not dwell on it here, my own involvement with this subject. In the Kennedy years I came to know the advocates of Commonwealth status—Estado Libre Asociado, as the term is in Spanish. I acquired them, and still held the impression, it can be little more given my very limited knowledge, that Monoz and his followers were at heart nationalists. They did not see Commonwealth as a kind of way station on the road to full statehood. To the contrary, many saw it as an acceptable variation of independence. Later, as U.S. Representative to the United Nations, I had to deal with a Cuban resolution in the United Nations Decolonization Committee dealing with the "inalienable right of the people of Puerto Rico to self-determination and independence." Our view, stated with some force to the members of the Decolonization Committee, was that every President since Harry S. Truman had affirmed that right and that we needed no advice from a Communist dictator on the subject of our political arrangements. Yet, note that it was thought a considerable "victory for common sense," as the New York Times observed in an editorial, when a motion not to take up the resolution carried by 11 votes to 9. For the word is made up of ex-colonies. Not least of which of course, is the United States itself.

May I restate my own view that our relationship has, in fact, changed over the course of 91 years. On June 17 last year, the final day of our hearings, the issue of Puerto Rico's status was raised. I offered the comment "Is Puerto Rico a colony? We can say it was a colony * * * but have things not changed?" This remark was widely reported and, I believe, is legitimate.

Even so, I quite understand the position of the independentistas who hold that there is no alternative save to establish Puerto Rican nation. Mr. Berrios-Martinez writes:

"[W]hat is wrong with statehood, the traditional solution for dealing with territories peopled with settlers moving west, or with ethnic minorities coalescing around the American way of life?

"Just this: Puerto Rico, a distinct Latin American nationality 60 percent of whose people do not speak English, presents a radically different situation. We Puerto Rican independentistas will never give up our inalienable right to struggle for independence, even under statehood. Minorities and majorities come and go; but nationalities remain. The United States is a unitary, not a multinational, country, and statehood was made for Americans, not for Puerto Ricans or other distinct nationalities."

Then this, with a touch of sarcasm not undeserved:

"A recent study by the Congressional Budget Office has calculated the additional cost to the American taxpayer of Puerto Rico as a state at $25.6 billion in the first nine years. That is why the Puerto Rican statehooders' battle cry is 'Statehood is for the poor'—a far cry from 'Give me liberty or give me death!' Not to be outdone, Commonwealth leaders have petitioned the U.S. Senate for parity with the states in federal funding, but without Puerto Ricans paying federal taxes."

That is why in an opening statement at the Finance Committee hearing on April 26, I pleaded that at the rate we were moving—especially with no action in the House whatever—we were not going to get a bill to the President by the end of this Congress. Without intending we were going to break his promise of a free plebsicite in 1991, I reviewed the assorted economic forecasts and analyses. But concluded:

"In the end, the great issues involved here are civic, not economic. Do the people of Puerto Rico wish to become Americans? For that is what statehood ineluctably implies. That is what statehood brings. Or do they wish to retain a separate identity? Of, but not in, the American union. This could be a perfectly intelligent choice, and of course, the option of eventual statehood or independence remains.

"But to say again, the Congress must act. It is almost a century now since William Graham Sumner composed his better epitaph on the Spanish American War entitled, 'The Conquest of the United States by Spain.' His thesis, of course, was that by entering the colonial lists, we would become like other imperial nations, and suffer all their decadence and decline. Well, that hasn't happened. But we won't know until it is made perfectly clear that our offer to Puerto Rico of choice is in fact a far-minded and efficacious offer. Which is to say, an offer which will shortly issue in an actual choice being made."

Since then, things have got both better and worse. Better in the House where at long last there is some legislative activity. Worse on the island, where a recent visit of White House representatives produced a storm of controversy, having evidently given the appearance that statehood was the cause of the Republican Party in the United States. Whereupon Gov. Hernandez Colon accused "President Bush * * * of wanting self-determination for Puerto Rico the way the Soviet Premier Mikhail Gorbachev wants self-determination for Lithuania" (The San Juan Star, May 17, 1990).

As for the Senate, the Finance Committee will shortly be reporting our section of the plebiscite legislation which deals with taxes, tariffs, and social welfare benefits. In this respect, I believe three general observations are possible.

First, under independence, there will be none of the above. A parting gift, to be sure. A continuing relationship of some kind—Mr. Berrios-Martinez suggests some form of "sovereign free association option, as defined by international law." But no taxes, no tariffs, no Social Security benefits, save those already earned.

Second, under statehood, there will be full taxes, no refunding of tariffs—as is now partially the case—and full Social Security and other benefits. There may be a symmetrical phase-in of taxes and benefits, but at the end of the decade, the situation of Puerto Rico will be indistinguishable from that of Idaho, with just possibly—and why not—a few tax benefits such as Hawaii still enjoys.

It is inevitable that statehood will bring a huge increase in per capita Federal transfers to Puerto Ricans. I have recently received from the Congressional Budget Office an estimate of this increase.

"CBO estimated Federal transfers in 1995, as specified in S. 712, for four entitlement programs—Food Stamps, Aid to Families with Dependent Children, Medicaid, and Supplemental Security Income (Aid to the Aged, Blind, and Disabled under commonwealth status). These are the major federal entitlement programs funded by general revenues. CBO estimates that per capita federal spend-

> ing for these programs under commonwealth status would be about $400. Under statehood, this figure would rise * * *."

Mr. MOYNIHAN. On the very last day of the 101st Congress, on Saturday, October 27, I rose to say:

> Mr. President, in the final hours of the last day of the 101st Congress, I rise to discuss the last of the three questions on American foreign policy which I spoke of yesterday morning.

I had spoken of three questions of foreign policy. The first was the new world order; the second was ethnic conflict; and the third question was what I termed "the least understood"—the question of commonwealth, statehood, or independent status for Puerto Rico.

I say, one last time, with great appreciation for the patience and the careful attention of the Presiding Officer, that this issue will not go away. I will not let it go away. We will debate and vote on a bill reported from the Committee on Energy and Natural Resources, or we will vote up or down on an amendment offered on whatsoever vehicle is necessary on this floor, about the right of the people of Puerto Rico to choose their status. Right here from this desk, there will be amendment offered, after amendment offered, after amendment offered. Let nobody on the Committee on Energy and Natural Resources think that they can speak of cultural differences and all the other shorthand, for you know very well, sir—and I will not repeat the name—nativism is the closest perhaps acceptable terms. If they will not report the bill from the committee, they will have multiple opportunities to vote for it up or down in this Chamber offered as an amendment to whatever legislation comes by. We know the rules of this body, sir; they make that possible. I promise that, Mr. President.

Mr. President, thank you for your great courtesy. Observing that no Senator is seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the qourum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ENERGY STRATEGY

Mr. AKAKA. Mr. President, yesterday, the Bush administration unveiled its long-promised national energy strategy—a proposal to provide for the Nation's energy needs through the year 2000 and beyond. Nineteen months ago, the President requested that the Energy Department prepare a national energy plan. Yesterday's proposal is the product of 15 separate hearings at various sites around the country, including 1 hearing at which I testified in Hawaii. Unfortunately, the energy plan unveiled yesterday falls short of what this country needs—and deserves—to achieve true energy security.

As I examined this energy plan, I was reminded of the fairy tale Rip Van Winkle. It is the story of a man who falls into a deep, deep sleep and awakes 20 years later, having missed all the profound changes that took place while he was snoozing. My colleagues, the energy plan we received yesterday is a "Rip Van Winkle energy strategy." It appears that the Bush administration has missed the events of the past 20 years which shaped the energy problems we face today.

There is no other way to explain an energy policy that continues to promote energy consumption at the expense of conservation. As has been pointed out in analysis after analysis, the problem with our country is that we are addicted to cheap oil.

Unfortunately, our addiction is linked to supplies from this very dangerous neighborhood—the Middle East. Our service men and women are now preparing for a ground offensive against Iraq. They are about to find out just how dangerous the Middle East can get.

The administration's energy plan barely scratches the surface in two vital areas—conservation and renewable energy. Although often overlooked, energy conservation is America's greatest untapped source of energy. And, while improvements in energy efficiency have yielded real savings since the oil crisis of the 1970's, the United States has not come close to exhausting the full potential for savings through conservation.

Conservation makes sense not merely for economic, environmental, and energy security reasons. Utilities, businesses, government, environmental and consumer groups must come to recognize that conservation is in their best interests, too. In many cases, we are not talking about dramatic transformations. Significant savings are attainable through subtle but sustained changes in our habits or life styles. The administration is beginning to wake up to renewable energy, but this newfound appreciation follows a long period of neglect.

The Federal Government's commitment to renewable energy research and development reached its peak in 1980. Since then, the Federal support for renewable energy has fallen sharply. Over the past decade, renewable energy research has been cut by 80 percent! Low oil prices throughout the same period have only been a wolf in sheep's clothing, lulling Americans into complacency about their energy security. Unfortunately, the budgets of the past decade have simply failed to advance a credible agenda for meeting this challenge. And after 10 years of neglect by the Reagan and Bush administrations, it should come as no surprise that the United States has fallen behind other countries in nearly every area of energy technology.

The national energy strategy is an important first step on the road to achieving real energy security. But it is only a first step. Many proposals which should have been included in yesterday's energy strategy were ommitted from the document.

We face a pressing need to develop a truly comprehensive energy strategy based on increased energy independence and decreased reliance on exhaustible energy sources that threaten our environment. My colleagues and I on the Senate Energy Committee will use the administration's proposal as a starting point as we formulate a comprehensive energy policy bill. I commend Chairman JOHNSTON and Senator WALLOP for the comprehensive proposal they have introduced. I look forward to working on energy legislation that serves the interests of our Nation.

I yield the floor.

SADDAM HUSSEIN'S RADIO SPEECH

Mr. DURENBERGER. Mr. President, what we are learning today is that Saddam Hussein may actually prefer defeat to surrender. If that is the case, the coalition has no choice but to grant him his wish.

We are in the process of reviewing this morning's speech and watching carefully what Tariq Aziz does and says in Moscow. But at this late hour, it would be cause for great surprise if Saddam Hussein were to come to his senses and withdraw from Kuwait. He has shown no respect for the international community, no concern for civilians in his own country or anywhere else, and he showed no compassion for what his 500,000 troops in the Kuwaiti theater are enduring. This is indeed a tragic moment, because it appears that the last embers of hope for a settlement are going cold.

At this important moment, we should as a nation reaffirm that the decisions the President and Congress have made on behalf of the American people have been correct. We are standing up for clear and historic principles. The world community is strongly behind us. The plans we have made for a ground campaign will indeed maximize its effectiveness and minimize our casualties. A more peaceful and stable world order is indeed at stake.

The American people can and should have utmost confidence in those on whom this fateful decision now rests.

SADDAM HUSSEIN'S SPEECH

Mr. D'AMATO. Mr. President, the world waited anxiously today for Saddam Hussein's speech, to hear what he might say. I think the entire world hoped and prayed that Saddam would finally come to his senses, that he would end the hostilities in Iraq, that he would withdraw his troops unconditionally, that he would undertake to move them out as the President had indicated within that 4-day period.

Once again, Saddam Hussein has chosen the path of war. He alone has chosen that path. I think Saddam Hussein must be deaf, dumb, and blind. His statement is nothing more than a death sentence for the Iraqi army. It is like going to a Milli Vanilli concert: His lips moved, but nothing came out.

So here we are at this critical juncture. The inevitability of a ground war becomes more and more apparent. But it also will be another brutal event made inevitable by Saddam Hussein. I have no doubt that we will be victorious, but obviously we are concerned. We are concerned about our valiant young men and women who are in the desert.

It is my hope that the President will continue the very successful air campaign against the Iraqi forces in Kuwait until the time comes that is absolutely dictated because of military necessity. Then when the Iraqi army is swept away, we should insist that Saddam Hussein is brought to trial for his crimes against humanity.

Saddam Hussein cannot be allowed to rearm and fight another day. The Iraqi military must be told that this will be inevitable; they will be crushed and Saddam Hussein removed from power.

Our men and women in the gulf are America's finest. I am very, very proud of them, but their actions in the gulf cannot be in vain. No reasonable person can now doubt that Saddam will pursue his warmaking in the future if given the chance. That chance certainly should not be given to him.

All Americans today, Mr. President, are praying for the safety of our valiant troops in the gulf. Saddam Hussein's actions today make it probable that they will have to fight a ground war. We must make sure that it will be the last war against Saddam Hussein; we must make sure that our young men and women get the best of support, that the casualties are held to a minimum. I know under the leadership of our President and the commanders in the field that that will be the case.

Finally, Mr. President, I know and I hope and I sense throughout America that there is a different spirit. America's finest, these young men and women, will not return home as they did after the Vietnam war, but they will return home to a grateful America, one that is proud of them, one that acknowledges their sacrifices. Our country will be together in spirit, appreciative of the great sacrifices that these young men and women are undertaking. This will not be another Vietnam. Thank you, Mr. President,

THE SAVINGS AND LOAN BAILOUT

Mr. EXON. Mr. President, I rise today to once again express my concerns regarding the savings and loan bailout passed by Congress some time ago. There have been many reports regarding the progress of that bailout, and I am aware that the Senate may soon be acting on a bill to provide additional billions of dollars to the Resolution Trust Corporation to allow that agency to continue taking over failed thrifts.

I was one of only eight Senators who opposed the bailout when it passed the Senate in April 1989. One of my major concerns at that time was that we had only addressed the tip of the iceberg of the whole affair. I predicted then that the same people would be back requesting additional billions of taxpayer funding. In one aspect, my prediction did not come true. Mr. Danny Wall, who was specifically assured of his position as the chief regulator of the thrift industry, no longer holds that important position.

I bring up Mr. Wall because he testified before the Senate Budget Committee back in October 1988, and I was impressed by his comments. He then said that the cost of the bailout would be between $45 and $50 billion.

In January of this year, Secretary Brady testified, and I quote, "The Board estimated in June 1990 that the final cost of the savings and loan cleanup would be in the estimated range of $90 to $130 billion in present value terms." Secretary Brady then said, "The estimated range is still valid, however, the cost has moved up within the range." If I might restate what Secretary Brady said, this is going to cost about $130 billion.

Mr. President, I have not found the American public to be very pleased with this entire mess. It is not surprising, given the wildly changing and escalating costs of the bailout, that there is not a large amount of confidence in the Government's ability to handle this effort.

Congress needs to restore some of that credibility and one of the ways to do that is make certain that someone is accountable for the expenditure of the billions of dollars that are being provided. If we are going to pour $30 billion more into this effort as has been recommended, then we absolutely must assure our citizens that we are not going to waste any more money than has already been wasted.

On February 7 of this year, my colleague from Nebraska, Senator KERREY, introduced his proposal, Senate bill 389, to help establish some accountability in this process. I am a cosponsor of that legislation along with Senator BUMPERS, Senator DASCHLE, Senator RUDMAN, and Senator PRYOR. A similar proposal was made during the floor debate on the savings and loan bailout but was defeated by a vote of 32 to 66.

Mr. President, I am here today to urge my colleagues to once again consider the merits of this important proposal. In doing so, I urge that they take a look at an article entitled, "How to Hold Down S&L Losses," that was printed in the February issue of Fortune magazine.

The article has much to say about the organizational structure of the bailout effort which is labeled "cumbersome." It adds, "Executive authority is split between an oversight board that sets basic policy and controls funding and a board of directors that conducts operations." Pointing to the fact that members of the oversight board already have full-time jobs, the article adds, "simply arranging meetings is difficult."

The article continues, "the bigger problem is that the board of directors does not cotton to an oversight board, and turf battles erupted nearly as soon as the RTC opened for business. Despite the fact that the RTC was ready to shut down several big thrifts the day it was created, the oversight board restricted major action for months, insisting that it had to formulate a long range policy first. "The fallout: a slower start to the cleanup and lost opportunities to sell thrifts and assets when prices were higher."

The proposal I have cosponsored directly addresses this fundamental flaw. It would collapse the RTC Board of Directors, and the RTC Oversight Board into a single entity of nine members. Five of those members would be from the private sector who would be joined by the Secretary of the Treasury, the Chairman of the Federal Reserve System, the Secretary of HUD, and the chairperson of the Federal Deposit Insurance Corporation.

The new governing body would not be cumbersome, and the problem of turf battles between competing boards would be eliminated. But more importantly, we would have a single board which could be held accountable for its actions. The article that I have mentioned endorses this proposal as a way to enhance the effectiveness of the RTC and to help keep costs of the bailout at a minimum. Restoring some accountability to this effort would go a long way in restoring the public's confidence in our Government's ability to resolve this fiasco.

I noticed that several of the cosponsors of this proposal are former Governors of their States. I was Governor of my State of Nebraska for 8 years before joining this body. If I wanted to get something done and get it done right, I most assuredly would not have done so by first appointing a board of directors and then appointing an oversight board, composed of some of the busiest people in my State, to tell the board of directors how to do their work. That is surely a formula to conceal accountability and to cause unnecessary delay. Yet, that is just what we have accomplished with the structure of the S&L bailout.

Mr. President, the bailout effort is now nearly 2 years old. It is not too late to admit that some mistakes were made and to make some changes. This was a good proposal when it was made 2 years ago, and it remains a good and greatly needed proposal today.

I am forwarding a copy of the article to the desk and ask unanimous consent that it be printed in the RECORD directly following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Fortune magazine, Feb. 11, 1991]

HOW TO HOLD DOWN S&L LOSSES

(By Terence P. Paré)

Here is a happy thought: If the Resolution Trust Corp., the unwieldy government agency charged with cleaning up the savings and loan mess, closed every sick S&L immediately and sold all the assets tomorrow, the bill for the S&L disaster could be cut by $50 billion plus interest. So says a study by the nonpartisan Congressional Budget Office. To each taxpayer, whose bill for the fiasco averages out to $2,200 plus interest over nine years, prompt action could mean a savings of about $440. That would more than offset the average increase in 1991 personal taxes levied in last year's federal budget agreement.

Don't start spending the money. At the rate the RTC is going now, shutting down and selling off the nation's troubled thrifts will grind on for nine years and chew up every cent of the $250 billion currently estimated on a present value basis. But the cleanup does not have to take that long, and there is plenty that the RTC and the federal government can do right now to save billions.

No one can say how much of that $250 billion can be salvaged. Some $142 billion is gone irretrievably, lost to the real estate slump, bad business decisions by S&L executives, government foot-dragging, and crooks. But at the very least, taxpayers could save $2.5 billion per year if the RTC simply stopped sick S&Ls from paying excessive rates of interest on their deposits. Step up the pace of asset sales, and the savings mount. Close insolvent and weak thrifts quickly, says Robert Litan, senior fellow of the Brookings Institution, and taxpayers could salvage a total of $12 billion to $24 billion.

To realize any of these savings, the RTC must be restructured top to bottom. It is huge, clumsy, and hopelessly slow. Congress and the Bush Administration have to stop playing politics with it and let the agency do its job. It is more than a year into its task of resolving the disaster and, says Henry B. Gonzalez, chairman of the House Banking Committee, "the method and the manners of RTC resolutions are far from being what they ought to be. From every section of the country, including my own, we have reports that reflect deficiencies."

Apologists counter that the thrift mess beggars the financial management skills of banking experts. But even L. William Seidman, the RTC's tough-minded chairman—he is also chairman of the Federal Deposit Insurance Corp.—admits it could be doing a better job: "How well have we done? Not as well as we could have, but a hell of a lot better than people think."

Created in August 1989 by the Financial Institutions Reform Recovery and Enforcement Act, of Firrea, the RTC began life as the Baby Huey of banking—wanting to be helpful, but clumsy, just like the cartoon tyke. The agency started with $104 billion in assets that had once belonged to the Federal Savings and Loan Insurance Corp., which Firrea had dissolved. Now, 17 months later, a mere toddler, the RTC is bursting its buttons with assets of $140.6 billion and an army 5,000 strong, recruited mainly from the Federal Deposit Insurance Corp. Says David C. Cooke, 45, formerly Seidman's deputy at the FDIC and today the RTC's executive director who runs day-to-day operations: "Sometimes I feel a little bit bewildered by it all."

No wonder. A vast government agency has been thrown together with a speed reminiscent of New Deal organizations like the Civilian Conservation Corps. But rather than plant trees and build roads, the RTC's field force of lawyers, accountants, and bookkeepers fans out across the country to audit the financial statements of failed thrifts, bring shoddy loan documentation up to standard, and repossess property from deadbeats. At the agency's main office in Washington, where even the executive director's office is cluttered with cardboard boxes stuffed with papers, Cooke and his crew put in 50-, 60-, and even 100-hour weeks, postpone vacations, and munch brown-bag lunches at their desks to organize the information from the field. The spotlight thrown on the S&L disaster only makes a tough and politically sensitive job harder. Says Cooke: "You're walking on a tightrope, and you've got all these people throwing rocks at you."

The agency's mission seems straightforward: Either sell insolvent thrifts or nurse them until it can shut them and pay off depositors. Shuttered thrifts go into the RTC's receivership ward, where the agency tries to dispose of loans, repossessed property, and other assets. Sick institutions are placed in its conservatorship program, whereby the S&L stays in business while the RTC shrinks it and tries to find buyers for it.

It is possible to hawk an S&L in conservatorship because the customer deposit base can be valuable to commercial banks or sound thrifts that want to expand. Since the value of the assets falls far short of the deposit obligations, the RTC writes a check to the acquirer for the difference—literally paying him to take the failing institution off its hands. This so-called whole bank transaction, experts say, is the cheapest way to effect the cleanup.

Unfortunately, the acquirer typically cherry-picks the best assets instead of taking them all, and still demands bushels of cash from the government to balance the books. The RTC calls this type of arrangement a "clean-thrift sale" or simply a "resolution." Clean-thrift sales cost the taxpayers more than whole bank deals, and they leave unappetizing assets—the ones the buyers turned down—moldering on government shelves.

Since the agency began operations it has inherited 499 sick and dying institutions and taken over assets worth $251 billion. These include properties that the S&Ls foreclosed on as their loan customers went bust and their own foolish direct investments as well. The list reads at times like a catalogue of excess: uranium mines, luxury hotels, a pool hall, and $3.3 billion of junk bonds. At least 594 more S&Ls with $327 billion in assets are ailing. By the end of 1992 the RTC will likely have liquidated or sold 1,000 thrifts—one-third of those in existence in 1987.

The agency has already closed or sold 296 insolvent thrifts, roughly three-fifths the total number of S&Ls it has taken over. But because of the clean-thrift sales, it has unloaded only $113 billion in assets, less than half the total. Some 203 expiring thrifts still wait to be auctioned off or shut.

Buyers are scarce. Commercial banks, which were supposed to help finance asset sales, are not eager to do so. In December the RTC became its own bank, pledging to lend qualified purchasers up to 85% of the cash they need to buy RTC assets. Even so, peddling these damaged goods demands a sleek, limber, aggressive sales organization—exactly what the agency is not. Says Edward J. Kane, an economics and finance professor at Ohio State University: "The RTC does not have the gas, and it is not the right vehicle for the trip it has to take."

Its organizational structure is cumbersome. Executive authority is split between an oversight board that sets basic policy and controls funding and a board of directors that conducts operations. The members of the oversight board, including Treasury Secretary Nicholas Brady, Housing and Urban Development Secretary Jack Kemp, and Federal Reserve Chairman Alan Greenspan, already have full-time jobs. Simply arranging meetings is difficult.

A bigger problem is that the board of directors does not cotton to an oversight board, and turf battles erupted nearly as soon as the RTC opened for business. Despite the fact that RTC was ready to shut down several big thrifts the day it was created, the oversight board restricted major action for months, insisting that it had to formulate a long-range policy first. The fallout: a slower start to the cleanup and lost opportunities to sell thrifts and assets when prices were higher.

Management difficulties multiply further down in the organization, where the RTC must contend with layer upon layer of bureaucracy. For example, six different government bodies monitor the operations of the agency. Says Seidman: "We often go through transactions where there are more auditors than there are participants."

Mircomanagement is the rule. Private asset managers hired by the agency need its approval for all material changes in their budgets. But one contractor complained that it took 18 weeks and 12 revisions to get a two-page budget approved. The RTC's board of directors or various credit committees must okay all sales, and prices have to meet government-set benchmarks. That seems sensible, particularly if the sale is big. But approvals for purchases of distress real estate worth as little as $5,000 must go through the same process, which can take months.

The paperwork that the agency requires from investors interested in buying thrifts is staggering. A potential buyer must provide the RTC with a comprehensive list of everything he owns, for instance. After flipping through the inches-high stack of forms he had to fill out to qualify to purchase a thrift, one deep-pocketed investor dropped the idea, saying, "These people ask for stuff none of my wives know. I'm not telling the government."

The nervous paper shuffling goes beyond the usual red tape that binds any government bureaucracy, and reflects a pervasive anxiety that that agency is going to be ripped off. Given the new magnitude of venality revealed by the S&L mess, the RTC's fear of larceny is understandable. But the assets aren't moving. Says Lowell Bryan, a director of McKinsey & Co.: "They have been acting like they are selling gold."

While it looks over its shoulder, the agency is stumbling into potholes right under its nose. Elaborate selection processes and safeguards to prevent even the appearance of favoritism in hiring outside accountants, appraisers, and assets managers grind slowly and often counterproductively. The agency is prepared to pay about $1.5 billion this year to all its outside contractors, but it selects the contractors from its database of 30,000 real estate agents, accountants, and other experts. To get into the database, one needs only to fill out the inevitable form. The agency checks for ethical improprieties but does not have the resources to evaluate the quality of the contractor's work. Thus the RTC can easily alight on a well-meaning but ill-equipped individual who just happens to tumble through all the right holes in the colander.

Witness the agency's much ballyhooed $300 million real estate auction that was never held. Set to take place last November, the gavel never got off the podium because the RTC claims the auctioneer it hired, Auction Co. of America, failed to put up the $1.8 million promotional money that was required of it by the terms of its contract. Jim Gall, chairman of Auction Co., denies this but admits that his firm had never handled any deal even close to the size of what the RTC proposed.

The agency desperately needs competent outside professionals, particularly bankers. Although the real estate portfolio hogs all the conversation at cocktail parties, 59% of the RCT's assets are loans, most of which are paying interest. Looking after loans requires first-rate banking skills. But acquirers who bought S&Ls from conservatorship complain about the shoddy management techniques used by the RTC's home-grown bureaucrats.

Politics adds to the jumble. Says Charles Schumer, a New York Democrat on the House Banking Committee: "The thrift mess is not an issue where you can be on the side of the angels." And an issue without angels is a devil of a problem for politicians. The sticky wicket is that the S&L mess is largely a failure of the same government that is supposed to be cleaning it up. As a result, everybody is pointing fingers.

Last fall, for example, Congress adjourned without authorizing the funds the agency needed to operate through the end of the year. This was a rebuke to Treasury Secretary Brady, who had asked for more money but failed to appear before the House Banking Committee to explain where the money was going. It was only by slipping through a loophole in Firrea that the agency was able to continue operating. One of the few politically useful mandates that Firrea gave to the RTC requires that low-income citizens get a chance to purchase some of the RTC's housing stock. Congress threatens to continue the RTC's stop-and-start funding as a stick to make sure the agency follows its orders.

What can be done to enhance the effectiveness of the RTC and save some of that $50 billion? After interviews with dozens of experts, Fortune offers the following:

Congress should eliminate the dual boards. A workable proposal from Nebraska Senator Bob Kerrey, a Democrat, would collapse the oversight board and the board of directors of the RTC into a single board of governors modeled on the Federal Reserve. Seidman or his successor would get a seat on the board, but the chairman, appointed by the President, would have to come from outside the government.

Congress should appropriate money annually for the RTC. Instead of being funded by the whim of Congress, as it is now, the RTC should be funded annually like any other government agency. Management should be given a set of objectives and then left to do its job without interference. When the agency comes up for the next year's appropriation, management should be held to account for the money it has already spent. Except for its administrative expenses—about $250 million a year—every penny the RTC spends goes in one way or another to make sure depositors get their money back.

The RTC should impose interest rate caps on sick S&Ls. Right now the thrifts that the RTC has under its wing in conservatorship pay about one-half a percentage point more in interest than healthy thrifts do to hold on to their highest-cost deposits, usually CDs. Bert Ely, a banking consultant in Alexandria, Virginia, estimates that the lofty rates sick S&Ls pay drain $2 billion to $2.5 billion a year out of the taxpayers' pockets. The RTC should put a cap on these rates.

Ely admits that wobbly thrifts would require a huge cash infusion to pay off the depositors who will leave in search of better rates. But the RTC will have to pay off the depositors sooner or later, and the longer bad thrifts pay excessive interest rates, the more taxpayers will have to fork over in the end.

The RTC should negotiate whole bank deals when selling thrifts. Unloading the thrifts in conservatorship will be easier once their interest rates are capped because buyers will know that they are getting stable deposits. While healthy S&Ls and banks are the logical acquirers, private investors should also be encouraged to take advantage of whole bank deals.

The 1988 takeovers by tycoons like Ronald Perelman and Robert Bass sparked a storm of bad press. The problem, however, was not the buyers but the structure of the deals. Purchasers were guaranteed profits through lavish tax incentives, which meant ultimately that taxpayers were guaranteed further losses. Well-heeled investors were not loath to press their advantage with desperate regulators. Today, properly funded and managed, the RTC should be able to press right back and work out sound deals.

AUBURN, WA, CENTENNIAL CELEBRATION

Mr. GORTON. Mr. President, 100 years ago in the newly formed State of Washington, the small town of Slaughter incorporated as the city of Auburn. Originally named after William Slaughter, an Army lieutenant killed during the early Indian conflicts of the region, the town was given a new name by its founders Mary and Levi Ballard. During the fall of 1891, the rich colors of the season, with its shades of red and brown greeted the Ballards as they filed the first plat of land. Thus was the city of Auburn born.

The land was settled in part by Japanese-Americans who farmed the rich terrain as they still do today. Auburn was the site of the Northern Pacific Railroad's main line connection between the two surrounding population centers of Seattle and Tacoma, WA. While cities and industry grew around Auburn, it managed to retain the quality of life which drew Mary and Levi Ballard to the spot over a century ago.

Mr. President, each State has cities like Auburn within its boundaries: cities where children can play in neighborhoods without fear; cities whose high school football stadiums are full on Friday nights; cities that give us noted heroes like Auburn native Dick Scobee, NASA space pilot, lost to America during the tragic explosion of the *Challenger*, as well as the everyday heroes whose sons and daughters look up to them. These are cities where churches are full on weekends and neighbors still watch the house while families vacation; cities which take the time to educate school children about the evils of drug use. And in this time of war, Auburn and other patriotic cities across this Nation are filled with love and support for our troops in the Persian Gulf, proudly displaying American flags and yellow ribbons.

In short, Mr. President, Auburn is an all-American city in which we justly can take pride.

Mr. President, I wish to extend my congratulations to Auburn and its citizens today. It is comforting during these times of uncertainty to know that certain things do not change; that traditional values of 100 years ago continue to be held dear in the city of Auburn. It is my hope that those values will survive and shape the next 100 years, not only for those who live in Auburn, but for all of our citizens as well.

GULF ORPHANS WILL BE WITH US STILL

Mr. HEINZ. Mr. President, for several weeks now, citizens across this country have been struggling to persuade the Pentagon that our war effort demands not just smart bombs but smart and coherent policy as well; that if our respect for human life demands that our soldiers make special efforts to protect the lives of young Iraqi children, then surely it also demands that the military and our Nation do the same thing for our soldiers' young children.

Members of Congress, writers, scholars, civilians, all of these and more, have taken part in that fight. Last night, 38 Members of this body joined together to support a sense-of-the-Senate resolution urging the Pentagon to address, right now before any ground war might begin, the serious threat that assigning sole or single parents to the war zone—or assigning both parents of a military couple—poses to vulnerable young military children.

Mr. President, the Pentagon mounted an all-out effort to defeat this legislation, and some Senators, understandably, became reluctant to support the resolution. It can be difficult to break with the Pentagon on what may be the eve of a wide-ranging ground war.

Yet the Gulf Orphans proposal that I offered last night would not—indeed it does not—compromise the combat readiness of our troops in the Persian Gulf. And for two reasons: In part, it is because so few of our military under the most extensive of assumptions would be affected.

A maximum of 1 percent would be eligible; a fraction of that 1 percent would likely take advantage of the opportunity provided to request appropriate other duty. Second, the legislation explicitly provided for the Pentagon being able to reject any such request for assignment if, in the Pentagon's judgment, the performance of that duty were militarily critical or essential to carry out the combat mission of the unit to which the person was assigned; the safety of that or other units—in fact, any good, sensible reason to say no.

The resolution, in other words, anticipated that the Pentagon could and would refuse to reassign any service man or woman whose departure would jeopardize the war effort or endanger fellow soldiers. No doubt, the Pentagon's unfortunate failure to address or, I might add, even mention this crucial exception in its letter here to the Senate, to the majority leader, clouded the issue for many.

I have spoken to several of our colleagues today who did not know of the exception in the sense-of-the-Senate resolution. By our actions last night, we of the Senate transmitted a clear signal to the Pentagon that says: All is not well. With the many votes cast in favor of the orphans resolution and, I might add, the overwhelming success of Senator GLENN'S more general, perhaps less focused but nonetheless equally well-intended amendment, which I was pleased to support, the Senate confirmed the seriousness of both the family issues our modern military must confront and the Pentagon's failure, at least to date, to do so.

Having recognized, but not resolved, the problem, we are certain to see it again. If not soon in the midst of a ground war, then later upon the victorious close of the hostilities.

I hope, however, that Senators and those in a position to get things done in the Pentagon realize that there will be an accounting after the war and this Senator hopes that between now and the time that the war ends, the Pentagon will take whatever measures they may require, whether they be public or by stealth, to remove the parents of children who would otherwise be orphaned from the imminent danger area. So when the final accounting comes, I am hopeful that we will be able to say that no American child was needlessly orphaned by an outdated Pentagon, which dug in its heels.

Mr. President, I yield the floor.

GEN. CHARLES HORNER AND SHAW AIR FORCE BASE AT WAR

Mr. HOLLINGS. Mr. President, we are now 5 weeks into the Persian Gulf war, which is to say that we are 5 weeks into the most massive, intensive, and successful air campaign in the history of warfare. Some time back, I heard a military analyst say in reference to the Iraq-Kuwait theater—with its flat, treeless terrain and its mostly cloudless skies—that the gods of war created the Air Force for exactly this kind of environment. In the same vein, it strikes me that the good Lord selected Lt. Gen. Charles Horner as exactly the man to orchestrate this unprecedented air campaign.

General Horner is chief of the 9th Air Force, headquartered at Shaw Air Force Base in Sumter, SC, giving him command of all fighter bases east of the Mississippi. Since early August, he has been in Riyadh, Saudi Arabia, directing the combined air forces of the anti-Iraq coalition—800 United States warplanes and another 450 from Saudi Arabia, Kuwait, Britain, Italy, and France.

At the heart of this air armada is the contingent from Shaw Air Force Base, including 50 F-16 fighters from Shaw's 363d Tactical Fighter Wing and personnel from Shaw's 507th Tactical Air Control Wing. For 5 weeks now, pilots from Shaw have carried out combat missions on a daily—virtually an hourly—basis against Iraq's Republican Guard and other targets in Iraq and Kuwait. Beyond their courage, what impresses me is the sheer competence and professionalism of these men and women from Shaw—the pilots, the ground crews, the controllers, you name it. My hat is off to every one of them, and I join all Americans in praying for their safe and speedy return home. We will welcome them back as the heroes they are.

Sadly, Mr. President, one of those heroes will be returning sooner than his comrades in arms. All South Carolinians were tremendously saddened to learn of Capt. Dale Thomas Cormier's death last Friday when his F-16 crashed while returning from a combat mission. We grieve for his loss, and we stand eternally grateful for the last full measure of devotion which he gave for his country.

I am sure the death of Captain Cormier was felt especially strongly by his superior officer from Shaw, General Horner. Yet dispite this loss, the air campaign continues, as it must until the unconditional surrender of Iraq's forces is achieved.

Mr. President, since January 17, there has been no shortage of high-profile generals and Pentagon officials on our TV screens. But, it is a low-profile Charles Horner, more than anyone else, who has planned an executed the air campaign that has dismantled Saddam's army and brought our coalition forces to the brink of victory. It has been a virtuoso performance—a performance not of words and briefings, but of deeds.

General Horner and his superb staff have coordinated the vast and varied air forces of all the allied nations. They have carried out some 86,000 sorties to date, attacking around the clock for 5 straight weeks. The coalition has lost only 30 aircraft—a loss rate that would be remarkable even under noncombat training conditions, but is nothing less than spectacular considering the stress on men and machines of nonstop combat. This is the ultimate tribute to the readiness and excellence of General Horner's entire team—from top to bottom: Planners, pilots, controllers, ground crews, you name it. They are simply the best, and their dedication to being the best begins with General Horner.

Most impressively, Charles Horner is a thoroughly modern general. He is not one for swagger sticks, pearl-handled Colt 45's, or custom tunics. Desert fatigues will do, plus a diamond-movement IQ, an MBA, and slew of decorations for bravery in air combat over Vietnam. He has left his mark in the rearranged skylines of Baghdad and Basra, and in the shattered ranks of Saddam's armies.

The full story of this historic air campaign has not yet been told. But already General Horner has blown away the conventional wisdom that insists wars can only be won on the ground. Infantrymen may yet be called upon to deliver the coup de grace, but make no mistake about it: It is General Horner and his pilots who have brought Iraq's Army to its knees.

Mr. President, General Horner has set an extraordinary new standard of air generalship—a standard that will be studied and emulated for years to come. Charles Horner began this campaign as a war hero. He will finish it as a war legend.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,168th day that Terry Anderson has been held captive in Lebanon.

HOUSING CRISIS IN HAWAII AND THE PRESIDENT'S HOUSING BUDGET

Mr. AKAKA. Mr. President, I rise today to remind my collegues again of the critical shortage of affordable housing in Hawaii and to express my disappointment with the administration's proposed housing budget.

The details of Hawaii's devastating housing shortage were recently reported in an excellent series of articles written by Vickie Ong for the Honolulu Advertiser.

According to the articles, the average rent for a two-bedroom condo on Oahu is $1,131 a month. The median price for a single family home in Oahu was $355,000 in 1990. Less than 10 percent of Oahu families have the income to qualify for a mortgage.

The Advertiser series also put a human face on these dire numbers. They told of a mother and her two children who are forced to live in a homeless shelter even though she earns $1,385 per month as a clerk-typist at a community college. The articles also described how a young Hawaii family left the State because they could not afford to purchase a two-bedroom condominium.

These articles fully report the misery and anxiety that the people in Hawaii are experiencing because of the lack of affordable housing.

Mr. President, the administration's proposed fiscal year 1992 budget for the Department of Housing and Urban Development does too little to ease that misery and anxiety. Although the administration has proposed increasing the HUD budget, it has misplaced its housing priorities. There is not enough emphasis on the need to increase the supply of affordable housing.

I am disturbed that the administration has proposed no funds for section 8 certificates and instead requested funds only for section 8 vouchers. But, the problem in Hawaii, and elsewhere in this country, is not that people are unable to move into existing housing, which problem vouchers are designed to remedy. Rather, the problem in Hawaii is that there is not enough existing affordable rental housing—the problem certificates are designed to solve. I urge my colleagues to reject the administration's proposal and provide adequate funding for section 8 certificates.

I am also concerned, Mr. President, that the administration's funding request for the Homeownership and Opportunity for People Everywhere [HOPE] initiatives have been made at the expense of efforts to increase the supply of affordable housing.

Authorized last year as part of the National Affordable Housing Act, HOPE grants will enable low-income Americans to buy public housing units, multifamily rental housing and Government-owned single family properties. I remain committed to increasing home ownership, and I supported the enactment of the HOPE initiatives last year.

However, during these times of limited budgets, I think that less emphasis should be given to converting Government housing to private ownership, as proposed by the administration. Rather, greater emphasis must be given to increasing housing opportunities for all people.

The fact is that more housing is needed in Hawaii and many other parts of this country, I urge my colleagues to give greater importance to increasing the affordable housing supply than does the administration. I urge the Senate to remember that many people's hope for a decent home rests with the Government's willingness to stimulate new housing opportunities.

I commend the Honolulu Advertiser for publishing Ms. Ong's series describing Hawaii's housing crisis. I ask unanimous consent that the text of the first of those articles be published in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Honolulu Star Bulletin and Advertiser, Feb. 10, 1991]

THERE'S NO PLACE LIKE HOME—IF YOU CAN FIND AND AFFORD IT

(By Vickie Ong)

Islanders are always talking about how expensive it is to rent or buy in Hawaii. Many are calling it a housing crisis.

Here's the view of a top state official:

"Hawaii has had a serious housing problem for many years. Due to inadequate government action and a private industry which is either unable or unwilling to meet the housing needs of the bulk of Hawaii's families, the problem has now become a crisis."

The official was Lt. Gov. Thormas Gill. The year was 1970. He was reporting on "Hawaii's Crisis in Housing."

Fast-forward to 1991. State Senate Housing Chairman Mike Crozier says:

"We have not been able to resolve the problem historically. We let the problem get larger and fester and fester. Now it's pandemic proportions. We have a crisis situation. We have to get going now."

Consider:

Growth in the supply of housing units slightly exceeded demand—that is, the growth in the formation of households—from 1970 to 1980. But in the past decade, supply couldn't keep pace with the demand.

During the 1980s, median family income on Oahu increased 75 percent (from $23,554 in 1980 to $41,200 last year), but median single-family home prices jumped 147 percent (from $143,500 to $355,000).

While home prices were 3½ times above median incomes in 1970, prices last year were eight times median income—pushing home ownership more and more out of reach for average families.

Consumer prices in Honolulu for the first half of 1990 were 35.5 percent above 1982–84, but shelter costs went up a whopping 50.7 percent.

Today's rents—an average $1,131 a month for a two-bedroom condominium on Oahu—make it difficult for a young family to save for a down payment.

Couples who make decent incomes are increasingly frustrated that they can't afford a house for their families. So reluctantly, they begin to scale down their expectations—keep on renting, look for a townhouse or condo, consider moving to the Mainland.

The number of the working homeless continues to grow. As rents escalate, they move in with relatives, camp on the beach or find temporary haven in a government shelter.

Affordable housing has become an overwhelming concern of Island residents. Nearly half of the 800 Hawaii adults surveyed in the Hawaii Poll last August put affordable housing at the top of their list of important problems facing Hawaii today. Poll experts say that rarely, if ever, has one problem so dominated the mind of the public.

"No matter how you look at it or pencil it out, it's pretty tough for the average familiy," said Paul Brewbaker, Bank of Hawaii assistant vice president and economist.

Gov. John Waihee, his administration and the Legislature have worked to get more housing going. With the creation of the state Housing Finance and Development Corporation in 1987—set up specifically to push development of affordable homes and make financing accessible—housing has had a high profile.

It was a centerpiece issue during the governor's race last fall, and images of Waihee proudly showing off home construction at the new second city, Kapolei, endure.

This session, state officials and legislators will be rolling up their sleeves to tackle a related housing issue—making more affordable rental units available. The needs of homeless families, condominium leasehold reform and anti-speculation are among other housing issues that will be aired this session.

In his State of the State Address, Waihee said: "Urban core rental housing is at the top of the state's priority list. We currently have over 900 such units under development. But it will take state, county and private sector partnerships to really do the job."

Crozier, who has worked in the construction industry for years, says "housing is the root of many of our social problems, such as the overcrowding with three generations (and their families) in one house."

"This causes social stress," Crozier said. "Your husband who used to sit around in his shorts cannot do that anymore. You have a baby, but who's the boss—grandma, grandpa or uncle?

"Even the couple, when it comes time to fight, where can they go because mama and papa are sitting at the table choosing sides? The whole fabric of our society is being stretched because of that.

"You hear over and over again how the kids are moving to the Mainland because they can't find a home here."

Home ownership rates have always been low in Hawaii and, in 1989, just 41.6 percent of the housing units here were owner-occupied. (Nationally, the home ownership rate was 63.9 percent.)

These days, Crozier said, a family of four needs to earn $50,000 just to enter the real estate market. But median incomes in Hawaii (or the "middle" of all incomes) are far below that—for Honolulu, $41,200; Maui, $37,700; Kauai, $34,900; and Big Island, $32,000.

Michael Sklarz, director of research at Locations Inc., said a family with an income of $50,000 could buy a $185,000 house or apartment If the family has a $35,000 down payment and IF it could make $1,500 monthly mortgage payments.

And IF the family could find something to buy for $185,000. (In December, the median sales price of a house on Oahu was $390,000 and a condominium was $193,000.)

But most people here don't go out and buy a $390,000 home as their first purchase. That home is usually being purchased with $200,000-plus equity from a previous home or condo.

A survey of lenders here showed the average purchase price in 1990 was $251,430, with a loan amount of $168,936, a down payment of $82,494 and monthly payments of $1,481.

But those who don't have the big down payments have lost one of the dreams of the middle class—"the belief they can own their own home," Crozier said. Without that dream, "they're not in the middle class, they're part of the poor."

And that, Crozier said, is "not a healthy sign for the whole society."

WHAT HAPPENED?

In the 1970s and '80s, government left housing to private enterprise, Crozier said, but developers targeted the more lucrative upscale market.

Both Crozier and Sklarz say government put the brakes on growth in the 1970s and 1980s, often in the form of bureaucratic "building barriers" in front of developers.

Crozier said lengthy delays added up to 35 percent to the cost of a house and slowed down production. Meanwhile, households were forming at a faster rate than even the population was growing.

While the number of households increased 23 percent from 1980 to 1989, housing wasn't keeping pace: The overall housing stock went up 18 percent and the number of resident units (excluding condos for tourists) expanded by 16 percent.

In short, lots of families wanting housing and not enough homes to go around.

The housing market is now so tight that Oahu had a vacancy rate of 1.5 percent in 1989.

"That's a fantastically low figure," said state statistician Robert Schmitt.

During the Reagan administration, the federal government drastically cut back on funding for low-income and other housing projects. It was left to local and state governments to figure a way out of the housing mess.

HERE COMES GOVERNMENT

Waihee laid out his "housing initiative" in his 1988 State of the State address. Plans identified the need for 64,000 affordable housing units by the year 2000. Waihee felt 95 percent of the need, or 61,000 units, could be met—with 28,000 units built by the state, 5,600 by the counties, 27,000 by the private sector and 2,300 by the military.

Legislators created the housing finance corporation, set up multimillion-dollar funds to spur development of homes for sale and apartments for rent and empowered the state administration to act as master land developer, offer private developers low-cost construction loans and use government's borrowing power to make inexpensive mortgages available.

Government-sponsored housing was targeted at residents who could afford something in the range of $98,000 to $155,000.

But many cannot save the down payment needed even to get in that market. It's hard to save when rents are running $1,000 or more.

"These are the most fragile because it doesn't take much for them to become homeless," Crozier said.

Renters are vulnerable when condominium prices spike, as they did over the past few years. From 1989 to 1990, the median price of a condo on Oahu jumped from $135,000 to $185,000.

"Landlords raise rents and tenants get squeezed out," Crozier said. "We've got to crank up the engines of government to create more rental units."

The 1991 Legislature will be called upon to do just that, by adding money to rental development funds, by allocating more bonds for the purchase of rental buildings.

Those who work with homeless families will also press the Legislature to make affordable rentals a priority. They say many families are working, but they're in homeless shelters simply because they can't afford rents in the private market.

IS THIS CRISIS NEW?

Twenty years ago, Gill said: "The problem has been allowed to develop over a period of three decades and has now reached severe proportions. There is now strong demand for public action. . . ."

Schmitt, who has kept his finger on Hawaii's statistical pulse for decades, said, "Actually, we've had a tight housing situation since the mid-1950s."

The 1970 State of Hawaii Data Book said: "Housing was in short supply through most of the past decade." The words are virtually the same in the newly issued 1991 Data Book.

Housing has "always been unaffordable to varying degrees," Sklarz said. He attributes Hawaii's high prices to the "classic clash between supply and demand."

But in the past few years, the "wild card was the Japanese coming in and having a catalytic effect on the market," Sklarz said.

People who were waiting out the market saw Japanese buying properties. "It prompted local buyers to act, and they acted all at one time, and it amplified the prices," Sklarz said.

The real estate market is stabilizing now, he said. Sklarz said median prices of homes peaked at $392,000 in August, drifted down over the next few months and was up to $390,000 in December, but the overall pattern is a sidewise, "sawtooth" movement. Condo prices from July have held steady at about $200,000, dipping to $193,000 in December.

"When we have price spikes, the assumption is this type of appreciation will go on forever. That isn't sustainable," Sklarz said.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEFENSE PRODUCTION ACT AMENDMENTS OF 1991

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 347, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 347) to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes.

The Senate proceeded to consider the bill.

Mr. DIXON. Mr. President, I urge my colleagues to give swift approval to S. 347, the Defense Production Act Amendments of 1991. Essentially this bill contains the text of the conference report accompanying H.R. 486, the Defense Production Act of 1990 which was approved by the House but not acted upon by the Senate in the closing days of the last Congress.

Mr. President, that conference report represents more than a simple blending of the provisions of H.R. 486 with those of its Senate companion, S. 1379, which I sponsored. Many important concerns were raised by members of the conference committee and by various representatives of the administration. Important accommodations were agreed upon and changes were made to the bill.

By the time the conference report was filed, on October 23, the conference agreement enjoyed strong bipartisan support within the conference committee. The conference report was approved by all but one of the conferees on behalf of the Senate. Among the many House conferees representing four different committees, only three people did not sign the conference report. On October 25, the conference report was unanimously approved by the full House of Representatives and sent over here.

Mr. President, in the hectic last days of the session, final action by the Senate was blocked on behalf of the administration. I want to review the array of concerns giving rise to this action as I understand them and the remedial actions taken to address those concerns, both on the final day of the session and in the bill before us.

One thing I can absolutely assure my colleagues is that the amendments to the Defense Production Act before us today represent the product of a long and a very careful legislative process in both the Senate and the House.

The Senate Banking Committee, Mr. President, held 7 days of hearings on S. 1379. During the hearings we noted the need to modernize the Defense Production Act of 1950 and the declining capability of the Nation's industrial base and technology base to continue to meet national defense requirements.

S. 1379 was reported by the Banking Committee on May 24 without a single dissenting vote. Throughout the Senate's deliberations, the Banking Committee worked with other committees of the Senate to address matters of concern to them.

I see on the floor the distinguished Senator from Utah, who was very much involved in a great deal of these deliberations as the ranking member and former chairman of the Senate Banking Committee.

Substantial modifications were made to the bill to address concerns raised on behalf of the Armed Services Committee and the Antitrust Subcommittee of the Committee on the Judiciary. So two other committees—the Armed Services Committee and the Antitrust Subcommittee of the Committee on the Judiciary—have looked at this bill. That means that three committees of the Senate—Banking, Armed Services, and the Judiciary—and four committees of the House at different times sequentially have considered this bill.

We made certain that administration proposals regarding waivers to the Federal Advisory Committee Act and various conflicts-of-interest statutes were acceptable to the Committee on Governmental Affairs. So that means, in effect, that while they did not exercise any jurisdiction over the work product, actually a fourth committee of the

Senate has looked at it. So, in effect, four different committees from the House and four different committees from the Senate have considered this legislation.

On October 3 of last year, Mr. President, S. 1379 was passed by the Senate by a voice vote. So, essentially, this product passed here once before on a voice vote on October 3, last year.

The House companion to S. 1379 also received a thorough review during both sessions of the last Congress. H.R. 46 was introduced by Representative OAKAR on January 4, 1989, and four hearings on the bill were held by the House Banking Committee's Subcommittee on Economic Stabilization. These hearings were preceded by two hearings held during the 2d session of the 100th Congress on the need to reauthorize and strengthen the Defense Production Act.

The bill was favorably reported by this subcommittee on July 19 of last year and considered by the full House Banking Committee which ordered it favorably reported on September 11. And on September 24 of last year, H.R. 46 was considered by the full House and passed by an overwhelming vote.

To me, Mr. President, last year's conference report on the Defense Production Act of 1990 is worthy of favorable consideration by the Senate. We should have done it then and S. 347 captures that agreement. I feel that we should promptly return it to the House for their consideration.

I would be glad in time to go through the details of this legislation, and, Mr. President, if that becomes necessary, I will. There are, of course, perhaps a half dozen changes that I consider improvements in this bill as contrasted to existing law. I consider this major legislation, particularly in view of what is now happening in the Persian Gulf, where we see once again the tremendous importance of protecting our own defense industrial base, making sure that we have the surge capacity for our industries and producing what is necessary and to protect critical items that we must have for a major war effort.

I just want to give you an example right now of that, Mr. President. This morning, the Secretary of Defense, Dick Cheney, who I think has done a tremendous job in his capacity as Secretary of Defense, and Gen. Colin Powell, who I believe has done a fantastic leadership job as Chairman of the Joint Chiefs, were before the Armed Services Committee.

I happen to chair a subcommittee of the Armed Services Committee known as Readiness, Sustainability, and Support. That subcommittee does a lot of things, some of which are not very exciting. We do not have the big strategic weaponry. We do not do the B-2 in my subcommittee. We do not do the MX in my subcommittee. We do not consider the strategic defense initiative in my subcommittee. We do things like jurisdiction over all the military bases in this country and the world at large; jurisdiction over depot maintenance, Mr. President, such as fixing the tanks, fixing the airplanes, and repairing the ships. And one of the things that has proved so effective, I believe, in the Persian Gulf has been the performance of our equipment.

And then finally we do in my subcommittee ammunition—I hate to use the word dumb, Mr. President, but what is called "dumb ammunition" as distinguished to what they have called "smart ammunition." We do not do the Tomahawk. We do not do the Patriot. We do the iron bombs you drop from the B-52's. We do the artillery shells and the mortar shells that are so important in a land war.

I asked the Secretary of Defense and I asked the general, the Chairman of the Joint Chiefs, this morning, to give me their assurance that we are OK in our ammunition accounts. I just want to tell you something. In 1982, 10 years ago, we spent $3.2 billion on ammunition. It was down last year to $1.4 billion. And it is down this year to $1.2 billion. We are only buying half as much as we bought 10 years ago and we are buying that with those inflation dollars, so we are only getting a third as much for the buck.

I said to them, "Look. I believe in your judgment and your leadership capacity. You know what we need. But are we protecting our industrial base?" Manufacturers of ammunition are going out of business. We are closing this year four of our armed services ammo production facilities. And you literally get to the problem where you are not able to protect the base to produce this stuff if you are not careful. I do not think I need to lecture my colleagues or the public at large at all about the importance of the ammunition. You can have all the finest stuff in the world but if you do not have the bullets to shoot, you have a problem.

This Defense Production Act has existed since 1950. This Defense Production Act, as I recall, is a product of the Korean war. This has been around a long time. We are trying to refine it and improve it.

I would just like to say in conclusion, before I yield the floor, Mr. President, that there could be legitimate differences of opinion between men and women of good faith, honorably motivated, about exactly what ought to be said in this bill.

I understand that some of my friends on the other side have a problem with one of the amendments that was adopted in this bill. My friend, who is here on the floor, the distinguished ranking member of the Banking Committee and I have had a conversation about that. I have talked with the distinguished Senator from Texas [Mr. GRAMM] who has some concerns. I have talked to the minority leader who expressed some concerns from the administration's point of view.

I would be glad to discuss those matters, Mr. President, with the appropriate people. But I think essentially what we are doing here in the improvement of this act is a tremendous improvement over existing law.

I am going to yield the floor now, Mr. President, and give others an opportunity to be heard.

I do not know if my distinguished colleague wants to be heard at this point in time, but let me say I hope we can resolve our differences. I would like very much, Mr. President, to outline, openly, my ambitious hopes about this bill. I would like to have an opportunity, if my colleagues on the other side and the administration have a problem with that one provision of the bill, to have an up or down vote on that provision and whoever wins, wins.

I would like to get this bill to a conference where I pledge to the administration, Mr. President, and to my distinguished colleague—with whom I have had a warm relationship, who is the ranking member on Banking and former chairman of the Banking Committee where I served under him for 6 years when he chaired it, and I think he will confirm our relationship was always a cordial one—I would like to work with the administration to see if we can resolve the differences that exist between the administration and those of us who advocate this bill.

Ultimately I think we can do that in conference, so I hope we are able to proceed to this legislation and pass what I consider to be meaningful and important legislation.

I thank my distinguished colleague from Utah and I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Utah.

PRIVILEGE OF THE FLOOR

Mr. GARN. Mr. President, I ask unanimous consent the privilege of the floor be accorded to Jo-Anne Jackson during the pendency of S. 347.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, today I rise in support of S. 347, the Defense Production Act Amendments of 1991. This bill is the same as the conference report which, at the end of the 101st Congress, passed the House but failed to pass the Senate because of administration and Member objections to several procurement and reporting provisions. The administration is in the process of issuing a policy statement concerning their objections. I hope these objections can be worked out with the administration.

In the meantime, the critical issue for the Congress is to reinstate basic DPA authorities. The authorities that lapsed in October are needed to ensure full authority for the President to support the war in the Middle East.

I have introduced the administration bill, S. 259, which would extend the DPA with minor modification to October 20, 1991. I understand the House will be reporting this same bill in the near future. We should work out an agreement with the House as soon as possible.

With respect to the substance of S. 347, the bill contains a number of provisions that deserve Senate support. I would like to comment on one in particular. Title IV of the bill is the text of the Fair Trade in Financial Services Act. It is intended to give the Treasury negotiating leverage to open up markets for U.S. financial services companies where they are now being denied national treatment, or equal market access. This is an approach I have long favored, which is badly needed in light of the Treasury's most recent national treatment study.

I hope Congress will restore DPA authorities and act on the broader issues in this bill without delay.

Mr. President, I suggest the absence of a quorum.

Mr. DIXON. Mr. President, if my colleague will withhold?

Mr. GARN. I will be happy to withhold.

Mr. DIXON. I thank my distinguished colleague from Utah.

I see my friend from Texas on the floor.

Mr. President, there had been suggestions by some that they just wanted to do another extension of the existing act. What my colleague from Utah has pointed out is tremendously pertinent to that discussion because there are improvements in this bill of tremendous fundamental importance to people in this country, including that provision my friend has alluded to, largely written by the Senator from Utah, in this bill. That was a provision put in by the chairman of the Banking Committee, the Senator from Michigan, Senator RIEGLE, and the ranking member and former chairman of the Banking Committee, the distinguished Senator from Utah, Senator GARN, in which they in effect open up the world market for our financial institutions to prosper and compete in other lands. Just, Mr. President, as we let those financial institutions come into this country.

The absurdity of it, if I may make a simple explanation, is banks from other nations, Japan, Germany, any place in the world, come in here, do whatever our banks do here. Ours go into their countries and cannot do the same things in their countries that their banks do there.

There are about a half dozen things in this bill that are profound improvements over existing law. I really say in all candor I think there is only one provision in this bill that bothers those who are concerned about the bill very much. My attitude about that is why do we not have an up-or-down vote on that, by amendment, and a healthy debate on that, and then send this to a conference where Senators like the Senator from Utah [Mr. GARN] and the Senator from Illinois [Mr. DIXON] and others, who I think have been pretty accommodating people in their careers here, can work with others to get a bill that is a worthwhile bill, because there are positively things in this bill worth doing.

I do not want to pass a bill the President is going to veto. I am wise enough to know you cannot pass a law here alone. He has the final pen and he makes the final judgment call. I do not have any problem with that, incidentally, and I do not want to change the system. I want to pass a bill that can become a law.

I see my friend from Texas here. That speech was largely directed to his receptivity, because I know he is a warm and gentle person who always is motivated to do kind and thoughtful things in the interests of his colleagues. He is moved to speak now, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, let me begin by thanking our dear colleague from Illinois for his kind comments. The distinguished Senator from Illinois and I are old and dear friends. Unfortunately, we have convened here today on a subject matter on which we have a lot of fundamental differences.

Mr. President, I did not want to spend my time in the initial statement this afternoon focusing on those differences. Those differences really have to do with how we should rewrite the Defense Production Act. They have to do with what we are trying to achieve with the Defense Production Act. They involve the issue of whether or not we are simply preserving the President's emergency powers or whether we are beginning to channel those powers toward peacetime industrial development. They are concerned with the question of whether America should have an industrial policy as it relates to the defense industry or whether it should not.

I think that is an important debate. While I fundamentally disagree with our distinguished colleague from Illinois on that subject, I think it is a subject that deserves our full attention, and I think it is a subject that ought to be debated. It is a subject on which we ought to see if it is possible—since we are talking about an area where there is a great deal of unanimity, at least in terms of our purpose in providing for the common defense—to see if we can find a vehicle the White House will vigorously support and that will allow us to move together to work for that common purpose.

Rather than focusing on those issues today, I wanted to remind us of the fact we are in the midst of a war in the Middle East. Ground hostilities could begin at any moment. The President has asked that we simply extend existing law.

I have a letter here—I just got it when I got to work this morning—from the Deputy Secretary of Defense.

I have talked to National Security Adviser Brent Scowcroft on this subject. The basic position of the administration is that we are in the midst of a war in which we are in fact putting the defense establishment of the Nation to a test. It is a war in which we have mobilized a fairly substantial amount of our industrial base. I think many people are not aware of the degree to which that has occurred. In the midst of that conflict, rather than institute a major reform of existing law—a reform that in its present form, as it would be presented here today, or as it is in the bill before us, is objected to by the White House—what has been asked for is a simple extension of existing law.

Mr. President, I ask that the letter from Deputy Secretary Atwood be included in the RECORD. It is a letter dated February 20, yesterday.

I also ask unanimous consent that the text of the attached objections to the pending bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, February 20, 1991.

Hon. PHIL GRAMM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMM: We seek your support for S. 259, short-term extension of the Defense Production Act (DPA). An extension is needed so that the DPA authorities, especially those in title I allowing priority performance of defense contracts, are available while negotiations proceed on an acceptable long-term reauthorization of the Act.

We have major objections to several provisions of H.R. 486, as reported by the Conference Committee, and its successor, S. 347. Enactment now of the Administration's Bill, S. 259, will extend the DPA to October 20, 1991, and will provide sufficient time to resolve our differences. While we have a number of concerns with S. 347, Sections 111, 201, and 133 are especially troublesome. Additional concerns are identified in the enclosure.

Section 111 provides authority to limit procurement of critical items to domestic sources. This would increase the cost of our weapon systems, invite retaliation by our allies, adversely impact the U.S. defense industrial base, reduce our long-term international competitiveness, and diminish our ability to sustain technological superiority. Additionally, sufficient authority already exists to restrict procurement of critical items to domestic sources, and this authority is used regularly whenever it is necessary to do so for national security reasons. Section 201 requires establishment of a government-wide procurement policy to restrict participation to domestic suppliers in defense contracts for critical items and is opposed for the same reasons as section 111. Section 133 on delegation of authority is unworkable as drafted and should be revised.

We need your support in enacting a suitable short-term extension of the DPA to ensure that the entire range of logistics support presently provided to U.S. Forces in Operation Desert Storm continues without interruption. This extension will allow a reasonable time to pursue a long-term reauthorization of the DPA and provide needed flexibility to resolve the present flaws in S. 347.

Sincerely,

D.J. ATWOOD.

DOD MAJOR OBJECTIONS TO S. 347 ON DEFENSE PRODUCTION ACT AMENDMENTS OF 1991

SECTION 111. STRENGTHENING OF DOMESTIC CAPABILITY

We oppose this section which provides authority to limit procurement of "critical components and critical technology items" to domestic sources.

DoD regularly evaluates the need to restrict procurements to domestic sources in the interest of maintaining a defense industrial base for mobilization purposes. DoD has the authority to restrict procurements to domestic sources for industrial mobilization purposes under 10 U.S.C. 2304(b)(1)(b) or 10 U.S.C. 2304(c)(3). Therefore, the H.R. 486 authority is unneeded. Moreover, the requirements of the proposed Sec. 107 would cause inefficiencies and increased costs in defense procurement and would not strengthen our national defense posture. Sec. 107 might also be perceived as contravening major DoD initiatives (some of which originated in Congress) to increase weapons commonality with our allies. Sec. 107 might be viewed as discriminatory by our allies and result in our allies reducing their purchases of U.S. made arms. This would adversely impact the U.S. defense industrial base, reduce our long term international competitiveness, diminish our ability to sustain technology superiority, and increase the cost of DoD procurements because R&D and other fixed costs would be spread over a smaller production output.

SECTION 133. DELEGATION OF AUTHORITY

We oppose Section 133, as long as this section could be interpreted to mean that a general or flag officer or GS-16 or above must approve the "priority rating" applied to each and every DoD contract. This would create an enormous bottleneck because of the large number of Defense contracts for material which are "rated." The Defense Logistics Agency alone rates over one million contracts a year.

SECTION 201. PROCUREMENT OF CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS

We oppose this section which provides for the issuance of a government-wide procurement policy to ensure participation of domestic suppliers in contracts for the procurement of designated critical components essential to the production, repair, maintenance, and operation of essential weapons systems and other items of military equipment, and of designated critical technology items.

This section is related to the provisions of the proposed DPA Section 107. The comments about that section also apply here. The proposed policy would duplicate and needlessly constrain industrial mobilization policies. In addition, it would be extremely burdensome and difficult to implement, be ineffectual in achieving the objective of bolstering the domestic defense industrial base for critical items, and be viewed as "protectionist" by our allies and could cause retaliatory trade action. Mandating domestic sourcing for critical components or critical technology items would also impose a considerable burden on the acquisition process and would increase the cost of defense weapon systems.

DOD'S SECONDARY CONCERNS WITH S. 347 ON DEFENSE PRODUCTION ACT AMENDMENTS OF 1991

SECTION 123. OFFSET POLICY

This section codifies the President's policy on offsets for military exports in DPA Section 309 and requires an annual report to Congress on the progress of international consultations to limit the adverse effects of offsets in defense procurement.

Codifying the President's policy would prevent the President from adjusting the policy to meet changing circumstances. Requiring formal reports on consultations impedes the Executive's flexibility in such consultations.

SECTION 124. ANNUAL REPORT ON IMPACT OF OFFSETS

This section amends DPA Section 309 to require the Secretary of Commerce to prepare an annual report to Congress on offsets. U.S. representatives are required to consider the report findings and recommendations during negotiations to reduce the adverse effects of offsets.

As five annual reports based on two comprehensive surveys of industry have already shown, offset-associated military exports provide net benefits to U.S. industry. More reports on offsets are not needed. The notification requirement places an unnecessary and useless burden on industry and the Government.

SECTION 136. INFORMATION ON THE DEFENSE INDUSTRIAL BASE

This section adds a new DPA Section 722, which requires: (1) establishment of a defense industrial base information system; (2) a systematic continuous procedure to collect and analyze defense industrial base information; (3) a report to Congress on a strategic plan for establishing the information system; (4) establishment of a task force to ensure full agency participation in the information system; and (5) a biennial report on shortfalls in domestic industrial capabilities. For the purposes of this section, $10M is authorized.

Establishment and maintenance of the information system required by this section could require tens of hundreds of millions of dollars. Moreover, requirements concerning defense industrial base information and analyses have already been specified by the 1989 Defense Authorization Act. It would be more effective to have DoD incorporate and build on "lessons learned" from these analyses in the existing Defense Industrial Network (DINET) rather than being required to perform additional analyses.

SECTION 202. RECOGNITION OF MODERNIZED PRODUCTION SYSTEMS AND EQUIPMENT IN CONTRACT AWARD AND ADMINISTRATION

This section requires amendments to the FAR to provide for contract solicitation provisions that encourage acquisition of modern industrial facilities and equipment which would increase productivity and reduce costs for government procurements.

Implementation of this section could add burdensome requirements with little value to the acquisition process and would be contrary to the DoD initiative to streamline the acquisition process. Through the Industrial Modernization Incentives Program (IMIP), DoD already provides incentives to contractors to modernize facilities and equipment to achieve increased productivity and reduced costs. In addition, as DoD continues to expand its emphasis on buying "best value," contractors will be rewarded for increased productivity and reduced costs by receiving contract awards.

Mr. GRAMM. Mr. President, to save time, let me just read part of one paragraph:

> We have major objections to several provisions * * * of S. 347. Enactment now of the administration's bill, S. 259, will extend the DPA to October 20, 1991, and will provide sufficient time to resolve our differences. While we have a number of concerns about S. 347, sections 111, 201, and 133 are especially troublesome. Additional concerns are identified in the enclosure.

Mr. President, my request is a fairly simple one. We are going to be in session for a year, roughly, after October 20. By October 20, the conflict in the Middle East should be over.

We will have an opportunity before that time to go back and look at what we learned from this conflict. We will get an opportunity to look at the industrial base of the United States and how it responded to the demands of the Defense Department. The White House will have an opportunity to sit down with Senator DIXON and with others who are proponents of these reforms and negotiate with them to see if we can come up with a bill that everyone can support.

The President needs these powers. He has asked for them. The Defense Production Act expired Saturday, October 20. I think it is important we have a temporary extension. The White House and the Department of Defense have asked us to make the extension until October 20, 1991, to give us an opportunity to get through the conflict in the Middle East, and to give them then an opportunity to work with Senator DIXON and with others to try to work out a compromise.

I understand and I greatly appreciate the fact that our distinguished colleague from Illinois has worked long and hard on this bill. I know that he believes that this bill is important and that he believes this as strongly as I believe that some of its provisions are unwise.

I think, however, that the prudent course of action when the country is at war, when the President has asked us simply to extend existing law through October 20, would be to go ahead and do that. Then, let us agree that once the war in the Middle East is over, interested parties, especially the Department of Defense and the White House, can sit down and try to work out the differences they have with Senator DIXON and Senator HEINZ so that we could have a bill that would unify our effort.

I commend that course of action to our colleagues, and I hope that that is the course of action that we follow. I, for my own part, have committed that I would work toward that action. I think it is the prudent thing to do, and I hope that our colleagues will decide to follow that course.

I yield the floor.

Mr. DIXON. Mr. President, I thank my colleague from Texas, who, in his usual and thoughtful manner, has pointed out his views about this. I have great respect for his views. I always enjoy those times when we are together on issues, because I do respect his views. I have some honorable differences with him concerning this legislation. But let me address point by point some of the issues raised by my colleague from Texas.

First of all, a simple extension does not take care of the entire problem. We already have passed in this body an extension until March 18. There is no problem at all with further extensions of existing law until we ultimately are able to iron out whatever differences exist with reference to this piece of legislation in a conference committee, Mr. President.

But there are a lot of things in this bill that are important things that are not part of existing law. I had already talked about the important contribution made by the Senator from Utah, the ranking member of the Banking Committee and the former chairman, a distinguished Republican, who has many thoughtful contributions to make on this and other issues, and who is responsible for one of the titles in this bill, it is a good and important provision.

The Department of Energy is very concerned and supportive about a provision of this bill that is not in the existing Defense Production Act that had existed until time ran out last October.

The Department of Energy is interested in provisions of this bill that would deal with the energy crisis and energy shortages.

I ask my colleagues, Mr. President, what could be more critical? There are a lot of reasons why we are in the Persian Gulf, but I am pretty sure nobody is going to deny that one of the reasons that leads to the problems that we have there is our continued dependence upon foreign energy sources.

The President just yesterday issued a statement reflecting his point of view that has to do with a variety of things: More energy production in the United States, which I am sure my friend from Texas warmly supports, and I do. Incidentally, as the Senator from Illinois, Mr. President, it may surprise some here to know that Illinois is a fairly important oil-producing State, and particularly in southern Illinois, where I come from, oil is a major economic interest. So enhanced domestic productivity certainly is a matter that this Senator supports, as does the Senator from Texas.

The President yesterday talked about additional alternative energy. I support that enthusiastically, Mr. President. My State of Illinois, with Iowa, is the biggest corn producer in the country. There is a contest every year between Iowa and Illinois with corn, which produces ethanol. We have ADM and Staley, the two biggest producers in the world, in my State. So I am surely concerned about alternate energy sources.

I feel like going into another speech about that, Mr. President, because I remember when I ran for the U.S. Senate in 1980, how proud many of us were of the efforts by then President Jimmy Carter to do more to produce alternative energy sources in this country, most of which have been abandoned, I am sad to say, in the last decade. So that part of the problem that exists is the lack of alternative energy sources.

The Department of Energy wants this bill. That is a correct statement.

I want to read a letter, Mr. President, of January 17, 1991. This is a letter from J. BENNETT JOHNSTON, the chairman of the Committee on Energy and Natural Resources, the distinguished senior Senator from Louisiana. I believe even my friend from Texas would recognize him as a man who cares a great deal about adequate energy sources, and certainly he has supported as enthusiastically and as diligently over the years as my friend from Texas the ability of our country to produce adequate oil supplies.

That letter is cosigned by the ranking minority member, the distinguished Senator from Wyoming, Senator MALCOLM WALLOP. What do those two worthy Senators say?

> We are very concerned about the failure of the Congress to have reauthorized the Defense Production Act * * * at the end of the 101st Congress. Expiration of the Act has called into question the President's authority to assure prompt delivery of energy supplies and related goods to meet national security requirements that may arise out of the present crisis in the Middle East.
>
> Of particular concern to our committee is that the Secretary of Energy may lack the authority to meet the Department's own needs. For example, without the DPA the Secretary lacks the authority to demand priority treatment for contracts supplied outside of the United States. It is also vitally important that several changes—

Now listen to this part, Mr. President—

> It is also vitally important that several changes to the energy-related aspects of the DPA be made in whatever DPA extension legislation is adopted by the Congress.

There are two important provisions in this bill. First is repeal of the section of the act which prohibits the use of voluntary agreements to implement international agreements relating to petroleum products. Without the repeal United States oil companies will be reluctant to work together to fulfill oil supply obligations under the North Atlantic Treaty or other international agreements. Also, should damage come to oil fields in other countries—do you think there is a good chance of that, Mr. President? It is a certainty—it is doubtful U.S. oil companies would be able to work together to rebuild the fields.

The second change would clarify that the Defense Production Act's contract priority provisions apply to 'service' contracts. Repairs to the strategic petroleum reserve pipeline and airlifting troops and equipment are examples of the type of services that would be covered. And the letter goes on.

So, Mr. President, Senator BENNETT JOHNSTON and Senator MALCOLM WALLOP are saying that the provisions of this bill, not in existence in any existing law or not in existence in the extension of any existing law, are imperative. I read this line again for my colleagues in the Senate who are in their offices now and ought to know this: "Should damage come to oil fields in other countries, it is doubtful U.S. oil companies would be able to work together to rebuild the fields without the provisions of this bill" before us now, without this legislation.

So, Mr. President, this bill embodies the fruitful efforts of a lot of people. I see my distinguished colleague, the distinguished senior Senator from Pennsylvania, on the floor. There is a provision in this bill which, frankly, I think the administration has some trouble with that is the contribution in its entirety of the Senator from Pennsylvania. I support that provision. I agree with it.

An oversimplification of that provision says that, if we find in our examination of critical items that we need, with respect to some critical item for which we are totally dependent on a foreign nation, we need to do something about it, to present an adequate domestic industrial base to produce that critical item so we are not dependent upon a foreign country.

Why, Mr. President, I tell you, in a time of war I think the contribution of the Senator from Pennsylvania is fundamentally important. Here you have a bill I am talking about that addresses energy provisions. Nothing could be more critical right now. The things I read from that letter are exactly what is happening in the Persian Gulf right now. Critical in this bill is a contribution by the distinguished senior Senator from Pennsylvania on the other side of the aisle, a matter I consider fundamentally important to our national security interests, a matter pertaining to our financial institutions. Mr. President, at a time when our session this year on matters domestic as distinguished from the Persian Gulf will almost be entirely devoted to commercial banking concerns: increased powers for the banks, risk-based deposit insurance, mandatory annual examinations, an alteration in bad basic motives of the too-big-to-fail theory, limitation of the number of insured accounts, use of the reserves that are held sterile now, to take some of the interest from those reserves held sterile from the standpoint of banks and put in the FDIC to augment the funds; all those issues. There is nothing more important than giving the banks an opportunity to be more competitive in the international markets. The contribution in this bill by the Senator from Utah, Senator JAKE GARN, the ranking member and former chairman of the Banking Committee, and the Senator from Michigan, the chairman of the Banking Committee now, Senator RIEGLE, simply says, "Your banks come into this country from all over the world and do exactly what we do, and all we want to do is be able to come into your country, Japan, Germany, Italy, wherever it is, and do exactly what you do there." All of that, in the view of this Senator, is fundamentally important, treating the basic illnesses of our society as they exist right at this very moment as we are here on the floor of the Senate.

But I say again in conclusion, in response to my dear friend from Texas, we are open to modifications. I understand that when this bill goes out of this place, it goes to a conference. I understand the administration wants to make some changes. We are open to discussing that. I know that you cannot make a bill into law unless the President will sign it or you have a two-thirds majority in both Houses, and I suspect we do not have a two-thirds majority in both Houses. So fundamentally we need the President's signature. My door is open, and I am prepared to do business. But we want to pass this bill. I urge my colleagues to give that very serious consideration.

I thank my friend from Texas for his usual thoughtful remarks. He is a valuable Member and a warm friend, but I feel very strongly that this bill is a uniquely important bill, substantially different than existing law, all of which is absolutely necessary at this critical time.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Texas.

Mr. GRAMM. Let me briefly respond to the questions our dear colleague has raised. Again, I hope that at some point in the not too distant future we can come to a resolution.

First of all, let me make it clear that the House has said it is going to take up a simple extension at the subcommittee level today and that that bill will be taken up at the full committee level next week. It will be an extension that will last until September 30.

Let me read to my colleagues a memo that was sent out by the majority subcommittee staff of the Committee on Banking, Finance and Urban Affairs in the House to members of the Subcommittee on Economic Stabilization. I will read just one paragraph:

> The subcommittee expects to hold a series of hearings in anticipation of moving a comprehensive DPA reauthorization bill this year. The focus of the hearings will be a review of controversial provisions included in the conference report adopted last Congress and insight into any adjustments required by the Desert Shield and Desert Storm experiences.

My first point, Mr. President, is that the House is moving to do what the President has asked us to do, and that is to move with a simple extension.

Second, while our dear colleague from Illinois talks about the important input of the distinguished Senator from Pennsylvania and others, let me make it clear that, with a war going on, the most important input is that of the Commander in Chief, the input of the President of the United States. The President has asked us to send him a simple extension which will allow us to get through this war period. Then we will have an opportunity to sit down and to work out our differences on the larger issues.

I have just passed out to some of our colleagues here on the floor—and I ask unanimous consent that a copy be put in the RECORD—a Statement of Administration Policy. Let me read the first paragraph:

> The Secretary of Defense will recommend that the President veto S. 347 unless the provisions pertaining to industrial policy, delegatory authority, and the Defense Production Act fund's contingency liabilities are deleted.

Mr. President, we have now a clear statement of the intention of the Secretary of Defense to recommend that this bill in its current form be vetoed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Office of Management and Budget,
Washington, DC, Feb. 21, 1991]

STATEMENT OF ADMINISTRATION POLICY

(S. 347—Defense Production Act
Amendments of 1991—Riegle and 7 others)

The Secretary of Defense will recommend that the President veto S. 347 unless the provisions pertaining to industrial policy, delegatory authority, and the Defense Production Act Fund's contingency liabilities are deleted. In particular, S. 347 would:

Permit or require the limitation of the production and procurement of critical military components and technology to domestic sources, (sections 111 and 201);

Circumvent necessary budgetary controls on spending by authorizing purchase guarantees and other actions that could result in obligations in excess of available budgetary resources (section 122); and

Require that only officers appointed by the President and confirmed by the Senate approve the priority rating applied to each Defense contract, creating an enormous bottleneck due to the large number of Defense contracts that are currently rated (section 133).

In lieu of S. 347, the Administration urges Congress to enact its proposal, S. 259, which would extend the Defense Production Act of 1950 (DPA) until October 20, 1991. S. 259 also contains two amendments which include the provision of contract services and energy aspects of the current Persian Gulf conflict. Enactment of the Administration's proposal would support the defense requirements of Operation Desert Storm.

The DPA authorizes the President to direct materials and facilities from civilian to military use to ensure adequate industrial production and supply for national security purposes. Additionally, the DPA authorizes loans, loan guarantees, purchase guarantees, and antitrust protection to participants in voluntary agreements to assist in production and supply to promote the national defense.

Although S. 347 would extend the essential DPA authorities, it would also establish entirely new industrial policy initiatives, extensive data collection and reporting requirements, procurement restrictions, and protectionist trade practices. These provisions would weaken the Nation's defense industrial base, increase the cost of weapon systems, and invite reprisal among our trading partners and military allies. More specifically, the Administration objects to:

Sections 123, 402, 403, and 404, which would mandate certain diplomatic initiatives and require disclosure to Congress of information relating to the initiatives. These provisions would interfere with the President's exercise of his constitutional authority to conduct foreign affairs and to maintain the confidentiality of the international negotiations.

Section 124, which would require the Secretary of Commerce to prepare, on behalf of the President, an annual report on the impact of offsets that would be unnecessary and burdensome on U.S. industry. Section 124 would also require the Secretary of Commerce to report alternative findings and recommendations submitted by Executive agencies. Such requirements interfere with the management of the Executive branch and violate the President's authority to maintain the confidentiality of the Executive branch deliberative process.

Section 136, which would establish an information system on the defense industrial base that would be burdensome, costly and unnecessary.

Section 138, which would fail to provide proper or adequate conflict of interest and antitrust production for members of the National Defense Executive Reserve.

Sections 202 and 203, which would establish acquisition preference policies before the Executive branch has completed its review of these policies.

Section 301(b), which would require a biennial report on alternative energy fuel sources for supporting the defense industrial base.

Title IV, which would establish a policy of reciprocity in financial services which would be contrary to the historic open investment policy of the United States, which under certain circumstances would violate certain U.S. international obligations, and which would interfere with the President's constitutional authority to conduct foreign affairs.

Mr. GRAMM. The President's National Security Adviser, as well as Deputy Secretary of Defense Atwood in a letter that I have already put in the RECORD, and the President have all asked that we have a simple extension.

Let me say, Mr. President, with regard to the energy-related amendments, the substitute that we are prepared to offer, which extends existing law through October, would include the two noncontroversial energy amendments. Since the House is moving with a simple extension that includes these amendments, I submit that those noncontroversial amendments can become law as part of an extension, and that they will not become law as a part of this bill.

Again I ask my colleagues simply to wait until another day, when the war is over, to have an opportunity to debate a change in policy with regard to the defense industrial base. The President, the Commander in Chief, the Secretary of Defense, the Deputy Secretary of Defense, the National Security Adviser to the President, have all asked that in this period of conflict that we simply extend existing law. They support including the two energy-related amendments that were alluded to by the distinguished Senator from Illinois.

I would ask again that we move ahead with a simple extension, including the two noncontroversial petroleum amendments. That will conform to what the House is doing. We all know this issue is not going away. We are going to have the experience of the conflict in the Middle East. Mr. President, during this period when the President has asked us simply to extend existing law, we must remember that we do not have the Defense Production Act in effect. The Nation is at war. Yet, we do not have this defense legislation in effect. I submit that while we probably can survive and prosper without it, it makes sense to go ahead and extend existing law. We can do it to last through October.

I would be willing to sit down, as I am sure the White House would, and work out another date if that is what is desired to get us through the conflict in the Middle East, to give us the ability to allow the administration to work with members of the Banking Committee, to work with members of the Armed Services Committee, to try to negotiate a compromise. I submit that if we are passing a comprehensive revision of the Defense Production Act while we are carrying out a war, and the President vetos this bill, we will not have well served the purpose that brought us to consider this bill to begin with.

I know we can all argue that we have great and important contributions to make. There is a fundamental difference here. I am not asserting that my position is necessarily right and that the distinguished Senator from Illinois and the distinguished Senator from Pennsylvania are wrong. All I am saying is that we are in a war, and the Commander in Chief has asked that we extend existing law to get us through the war—and I am asking that we give him an opportunity to work out a compromise on the other matters in the days to come. It seems to me, Mr. President, that this is an eminently reasonable request.

I know the distinguished Senator from Illinois has a great proprietary interest in this work and has spent a great amount of time on it. I understand that and respect it. But this issue is not going away. We are simply talking about an extension through October. We are going to be in session a whole year from that time.

There is no way that the desire of the distinguished Senator from Illinois to rewrite this law in a comprehensive way can be delayed or stopped for an entire year.

I urge my colleagues again to remember during a period when we have a war underway that our own inputs are important, but ultimately when we are talking about the defense of the Nation I think the opinion of the Commander in Chief ought to be the dominant factor in the debate. While we can give great arguments as to why some of these reforms are good, important, and serve a noble purpose the bottom line is the Commander in Chief does not want this bill to become law.

The President and his representatives have said they are willing to negotiate, that they are willing to try to work out the differences, but they stand ready to veto this bill. So I renew my request that we go ahead today and pass an unfettered extension of the Defense Production Act. My proposal was to extend it through October. That does not mean we have to wait until October to start the process of negotiating a compromise. Let us extend it through October and let the war end. Then I would urge that the Department of Defense and the White House sit down with the distinguished Senator from Illinois, the distinguished Senator from Pennsylvania, and seek to work out their differences.

I hope that is deemed to be reasonable.

Mr. President, having committed to the Commander in Chief and to the Secretary of Defense my best efforts to try to prevent us from moving ahead with a bill that they are going to have to veto, I think that we can save ourselves a lot of time and wasted energy by working out a compromise. I am certainly willing to try to come to a compromise.

If the distinguished Senator thinks October is too long, I would just say that while I think it is important that we have this act in effect during the war, I am willing to listen and to approach the White House concerning their ability to look at a different timetable.

But their position is perfectly clear. I believe that under these extraordinary circumstances the President's opinion on the area of national defense production ought to be an important factor in our deliberations.

I yield the floor.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I rise this afternoon to join with my distinguished colleague from Illinois, Senator Dixon, to urge prompt passage of the Defense Production Act. Economic decline has sapped the strength of defense industries across the country. And the American firms that manufacture the equipment and the parts essential to our national defense have been left unprotected.

Tens of thousands of small subcontractors have left the defense industry since its peak in the 1980's. We must change that, for unless we do our domestic defense subcontractor base will continue to dwindle and erode, and our dependence on foreign companies for critical component parts will steadily erode.

We must safeguard the Nation's capacity to meet the demands of wartime defense requirements. To count on foreign subcontractors to supply American defense needs is, in this Senator's judgment, to put our national security under the influence of the internal policies of other foreign countries. This is something we must not do. And this much was indeed apparent when we considered the Defense Production Act a few months ago.

Unfortunately, recent reports confirm exactly those risks.

In part, I am referring to an October 1990 report to Congress from the Department of Defense' own Office of Industrial Base Assessments. That report confirms that the U.S. defense industries' competitive edge has been lost or is being threatened in 9 out of 20 key technologies that can be converted for military use.

That report states in part:

> The essential issue is that all nations will exercise sovereignty over their economies and the national interests of our friends and allies will not always be consistent with those of the United States.

Mr. President, it is a fact, a sorry fact, a sad fact, but nonetheless an irresistible fact, that foreign companies and their U.S.-located operations are indeed subject to regulation by their home countries.

And they might be encouraged, they can be encouraged, and they have been encouraged, or at times required by those countries to take actions inconsistent with U.S. national security interests.

We hope, in cases like the Persian Gulf, that many nations' interests will coincide, and we will do our best to persuade everybody of that fact. But even in the Persian Gulf we have seen that even those nations that vote for U.N. security resolutions have very different policies. Some will send troops to the Persian Gulf; some will not. Some supported the beginnings of military hostilities; others did not. Some said that we should commence hostilities, but not threaten to invade Iraq; some did not. And some decided that they did not want to either send troops or pay any of the costs of Desert Shield or Desert Storm, even though they supported the U.N. resolutions.

In the final analysis, if the Persian Gulf proves anything, it proves that even when nations say they agree on a policy, they do not always act in a fully consistent manner, and national governments therefore will continue, even within a bloc such as the European Community, to decide for themselves. And we will have to live with the consequences of that.

Mr. President, Bernard Schwartz, the chairman and chief executive officer of Loral Corp. noted:

> Shipments could be cut off in a protracted crisis or war, either directly or through political pressure on the source nation, crippling this country's ability to sustain its defense effort.

Mr. President, let me cite that of the French Government, which refused to allow United States planes to fly over France during the Libyan crisis. Japan's slowness in making a commitment to contribute to the United Nations' effort against Iraq, when it is in fact the chief beneficiary of stability in the Middle East is a more recent example.

No other country imports more oil from the Persian Gulf than Japan. The fact that both of those countries are close allies of this country should make us think long and hard about the likelihood of timely support from our allies in other situations where there is less unanimity in the future.

Can we be confident that our allies will always be able and willing to make and deliver something, whenever we need it? I do not think anyone can answer that question. But I am sure of one thing, and that is that this country cannot afford to bet on the answer. It is becoming more difficult to predict, even from month to month, who will be our allies and where their national interests lie.

Following a recent meeting with the U.S. Treasury Department and its officials, some disturbing remarks were made by a high-ranking Japanese official, Makoto Utsumi, the Japanese Vice Finance Minister for International Affairs. He made these comments in response to United States requests for better access to Japanese markets for American financial institutions.

According to the report that I, on a previous occasion, put in the CONGRESSIONAL RECORD, Mr. Utsumi warned that if the United States applied sanctions against his country because of slowness in opening financial markets and failing to provide national treatment to U.S. firms, Tokyo would respond by curbing credit to the United States. Mr. President, I know that sounds incredible, but that is how those remarks were interpreted and reported. Tokyo would respond to our requesting of market liberalization by curbing credit to the United States.

That is what we used to call a threat, Mr. President. And I think that is what it still is.

This incident is significant in the context of this debate, when you consider that we rely upon Japan for many critical component parts used in United States defense systems. Therefore I ask the question, can we be assured that our supply of critical component parts will not be threatened as well, if our credit is going to be threatened, simply because we stand up and demand our rights under international agreements and law?

In a report released by Ernst and Young concerning the key defense issues for the 1990's, a majority of industry and Government representatives agreed that conscious efforts must be made to prevent foreign suppliers from becoming predominant on the component and subcontractor level.

The insufficient domestic productive capacity in the face of foreign manufacturers inroads has reached a crisis point, and as a result a smaller and weaker industrial base is all too evident. The Federal Government, the private sector, and academics all have expressed concern over the increasing trend of procuring products made in foreign countries and in foreign-owned U.S. facilities.

Indeed, the Defense Department's own Office of Industrial Base reports that, "There is a concern that market control over some products critical to our defense needs is becoming concentrated in the hands of a few foreign countries."

The Department's Critical Technology Plan, released in March of last year, concedes that the United States has lost its world manufacturing leadership position. It states:

> The Implications of the decline in technology and manufacturing leadership for the Defense Department include the potential for foreign dependence in critical areas.

I have a list that I intend to read. All of the items on it rely on at least one foreign sourced critical component part. All rely on at least one, and in some cases far more than one, foreign sourced critical component part. Most of these—and they are all missiles—are being used in the gulf war right now. Most rely on several foreign sourced component parts.

First, there is the Apache helicopter's Hellfire antiarmor missile. We all know what that is. It was used just last night.

The Patriot ground-to-air missile, which has done such a splendid job in protecting civilians and military installations; Tomahawk C, sea- or sub-launched cruise missiles; the Sparrow air-to-air missile; the Harpoon antiship missile; the Phoenix air-to-air missile; the Standard sea-to-air missile; the Mark 46 torpedo; the infra-red Maverick air-to-ground missile; the laser-guided Maverick air-to-ground missile; the Skipper air-to-ship or ground missile; the Copperhead artillery round anti-armor weapon; the Tow anti-armor missile; all of the Sidewinder missiles; and the Stinger ground-to-air missile.

Mr. President, what I have just read to the Senate is a list of all the so-called smart weapons, the effects of which we have seen in those amazing photographs from our Wild Weasel F-117's and other aircraft that have been flying over Iraq and conducting these precision strikes with tremendous effect.

It is not a shock to most of the people in this Chamber that every single one of the systems that I have mentioned, indeed, almost our entire inventory of so-called Smart weapons cannot be manufactured in whole in the United States?

We simply do not have the key parts for those missiles in this country any longer. What if, Mr. President, one of the countries upon which we are dependent—and I can think of at least one where we are solely dependent—should have a major foreign policy difference with us on the continuation of the war in the gulf, and due to domestic political pressures in that country might have to say, "I am sorry we cannot sell you the critical component for your Hellfire missile, your Patriot missile, your Phoenix missile, your Maverick missile, your Copperhead missile, your TOW antitank missile?" Where would we be? What would we do? How would we react?

I do not know the answer to that question either, Mr. President, except that that is a position I hope the United States never finds itself in. Yet we are already in that position. We are, indeed, dependent for critical parts used in critical U.S. weapons systems.

So I hope my colleagues will agree with me that we can ill-afford to be dependent on foreign components essential to the operation of these Smart weapons, particularly in the light of their proven necessity and proven effectiveness in Operation Desert Storm so far.

The semiconductor industry, in particular, is one which has been a growing source of concern to defense experts. The semiconductor, as we all know, is an American invention; however, its future in the United States is in serious jeopardy. Some of the most strategic weapons employed by the United States are solely dependent on foreign microchips. These include the Global Positioning System (satellites), Defense Satellite Communication System—major parts and systems—F-16 Fighting Falcon, M-1 Abrams main battle tank and the FIA-18 Hornet.

The Department of Defense's own October 1990 report on the defense industrial base confirms the threat of over dependence on foreign microchips.

> If the domestic industry's capability to maintain advances in circuit design and to supply advanced chips diminishes, the necessary leading edge capabilities may be available only from foreign sources, particularly Japan.

The fiscal year 1990 Critical Technologies Plan of the Department of Defense estimates that although the United States leads its NATO allies and the Soviet Union in most aspects of new technology development, Japan has emerged as the world leader in many technologies that are critical to our future defense. National security concerns arising from the offshore movement of both the technology base and the production base have been underscored by the Congressional Budget Office which in their report says:

> * * * the deterioration of U.S. semiconductor producers could soon lead to dependence on foreign sources for components for sophisticated weapons systems, or to a decline in the technological base needed to develop and use these components.

A spring 1990 report from Center for Strategic and International Studies and the Massachusetts Institute of Technology published in the Washington Quarterly, contends that—

> * * * larger defense contractors have consolidated their leading positions, integrating vertically at the expense of many smaller, entrepreneurial contractors and subcontractors. In an era of increasing competitiveness, U.S. government policies are generating an environment in which industry is less able to compete.

The legislation before us, the amendments to the Defense Production Act, which we are considering, will provide new and adequate incentives to bolster the defense industrial base and at the same time safeguard a section of the U.S. manufacturing base critical to national security.

The former Under Secretary of Defense for Acquisition—he served with great distinction during the Reagan administration—Dr. Robert B. Costello, made the dependency point clear in testimony before our Banking Committee when he said:

> The Department of Defense is becoming increasingly dependent on foreign-sourced hardware and technology in the acquisition of the technologically superior weapon systems that are fundamental to our strategy of offsetting numerical inferiority with technological superiority.

America cannot reasonably expect to offset potential adversaries' numerical superiority with only technological equivalence. The United States is rapidly losing its technological superiority to countries that have destroyed our capability to be self-sufficient in critical technology. For example, the November 1989, report of the National Advisory Committee on Semiconductors, "A Strategic Industry at Risk," refers to the notorious book by Sony chairman Akio Morita and former Japanese Minister Shintaro Ishihara, "The Japan That Can Say No." These two men suggest that the change in the world of high technology "highlights the growing issues of Japan's pivotal role in developing leading-edge military electronics technology that contributes to the U.S.-Soviet balance of power. * * *"

They contend that—

> * * * the United States could become almost totally dependent on Japan to supply chips for its weapon systems. They go on to point out that if the supply of advanced Japanese chips to the United States were interrupted, and if Japan were to make these chips available to the Soviet Union instead, the balance of power would change dramatically.

I hope everybody will reflect on that for a moment, Mr. President, and do so because it is essential that Congress render assistance to strengthen subcontractor base, especially in the light of critical component shortages which have arisen due to the Persian Gulf crisis. I refer to shortages that have already arisen and have been documented in an article published in the November 26, 1990, Chicago Tribune that said in part:

> To get the first wave of U.S. planes into Saudi Arabia last August, Air Force mechanics had to strip hundreds of parts from those left behind because of a parts shortage.

Fears of critical component shortages are not only confined to times of crisis. A report prepared by the Air Force Association states:

> The United States has depended for years on uncertain sources overseas for raw materials. Now it is increasingly dependent on other nations for manufactured goods as well. The domestic industrial base is losing its capability to meet defense needs even in peacetime.

Having a healthy defense industrial base is crucial to U.S. national security and is a primary component of the strategy of deterrence, because increasingly in today's world, a nation's strength is defined in economic terms rather than simply military terms. Our ability to project our interests in far corners of the globe is directly related to others' perceptions of our strength, and that strength is defined in economic and technological terms. From that perspective strength means computers and semiconductors as much as it means tanks and missiles. Maintaining a technological advantage is fundamental to the continuation of our status as a world leader and if anybody does not believe that, they have not been watching CNN.

The steady erosion of the U.S. industrial base has raised serious doubts as to whether or not it can meet the criteria for deterrence. In 1988 the then Under Secretary of Defense Costello stated:

> * * * the vitality of our manufacturing economy in general ultimately determines the war-fighting power of our nation's force structure. The economy's latent capability to enhance current forces in response to strategic threats is a critical element of our deterrence strategy.

By providing incentives for prime contractors to nurture a domestic subcontractor base, this bill, which is modeled after legislation that was introduced during the latter stages of the 101st Congress, will help restore our manufacturing competitiveness.

The global environment has changed dramatically over the last two decades, and the place of the United States in that environment is at risk as it never has been before. Our continued ability to lead depends on a strong and viable defense industrial base. That base in turn depends on strong subcontractors and components manufacturers. We need to act now to alleviate our current decline.

In closing, Mr. President, I urge my colleagues to adopt this legislation in the present form for the sake of ensuring the continued growth of our defense industrial base.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Missouri.

Mr. BOND. Mr. President, I rise today because I have very grave concerns about the measure before us. I do not know whether it has been pointed out earlier in this debate that when this bill passed the Banking Committee last year there were strong views in opposition attached to it by the Senator from Texas, myself, and others. We also expressed those reservations on the floor when it was brought up at that time.

We have before us today a statement of administration policy coordinated by OMB. It is dated February 21. It refers to S. 347, the Defense Production Act Amendments of 1991. It states: "The Secretary of Defense will recommend that the President veto S. 347 unless the provisions pertaining to industrial policy, delegatory authority, and the Defense Production Act fund's contingency liabilities are deleted."

Mr. President, there are many problems we have with our defense industrial base in this country, and they do not come from a lack of Government regulation and redtape.

There are positive things we can do to help the defense industrial base. I trust that my colleague, Senator DODD of Connecticut, will be introducing an amendment which will strengthen our defense industrial base by encouraging exports to allied countries of defense equipment.

We in the State of Missouri are very proud of our defense production capabilities. We have some of the finest workers in the world at McDonnell

Douglas who are producing the F-15E's, FA-18's, the AV-8B Harrier jets, and the men and women at Southwest Mobile Systems in West Plains, are producing the cannisters for the Patriot missiles. We have good production workers in our State and we do not want to see them cut out of jobs by ill-considered Defense Production Act amendments at this stage of a military action.

Mr. President, I point out our Nation is at war. A major ground offensive may begin at any moment. This is clearly not the time to be making significant changes in the laws governing our purchase of defense items.

What I hope we could do and what the President has asked is to extend the authorization of the DPA to October 20 of this year. Once the conflict is resolved, then we can sit down, review the lessons of the war and, if necessary, pass legislation which addresses any shortfalls that arose during the gulf war.

I do not believe anybody has cited any shortfalls that have come from the current DPA. There are areas where I believe it can be improved.

But even setting aside the fact that we should not be making major policy changes at this time, there are a number of reasons to support an amendment which I understand my colleague from Texas will offer to provide a simple extension through October.

One obvious flaw in this legislation immediately comes to mind. This bill would begin the stockpiling of so-called critical components and technology. Now, had this been in effect over the past decade, I ask my colleagues, would we have been stockpiling items needed for a ground war in Europe with no thought toward a major desert conflict such as the one we now face?

I think there is no evidence to suggest we would be doing anything else.

Although I have no idea which items would have been deemed critical, I would be willing to bet we would not have focused on many of the items that are now in great demand, proving or may prove to be most critical in this conflict—Patriotic missile parts, for example, or even "desert brown" paint, which is in great need in many areas as new equipment is prepared for the Middle East conflict.

I believe there are many other serious problems with the legislation. It goes far beyond the current act, which has served for decades. It expands its breadth. It creates new layers of Government bureaucracy, and it adds new layers of Government control on defense companies, American companies, and their workers.

The bill starts from the premise the defense industrial base is in need of assistance and protection and goes on to assert that assistance can only come from more Government control, more Government regulation and more Government redtape.

I submit very few areas have benefited by such overreaching Government control as is expressed in this measure.

Although I will agree there are times when it is appropriate for Government to be involved in assisting private business, I believe this bill goes too far. It goes in the wrong direction and prescribes precisely the wrong medicine for the ailment in the defense industrial base that its supporters believe exists.

The best thing the Government can do for the companies that make up the defense industrial base and the 40,000 workers in Missouri who are employed in those companies is to reduce the burdens on them, not increase them. This means eliminating unnecessary paperwork and reporting requirements, not increasing them as this bill would do. It means enacting trade laws which facilitate and favor competition in the world marketplace, not enacting trade barriers, as this bill will do. It means providing payment and reimbursement policies which encourage research and development and investment in new plant and equipment, one area which I quite frankly would say this bill does make some positive steps.

The companies and the workers who make up America's defense industrial base would be far better served by less far-reaching and better directed legislation than that before us today. That is why I hope this body will consider, act upon, and adopt a simple measure extending the current provisions of the DPA through October 20, 1991.

I yield the floor.

Mr. DIXON. Mr. President, my good friend, the distinguished senior Senator from Pennsylvania, made some very significant contributions in his remarks that I think are valuable to us all in connection with this issue.

I, of course, appreciate the remarks just made by my friend from Missouri. We share a common border and many of the firms he is referencing in his remarks are firms in which good Illinois folks enjoy sound employment opportunities. I share his concern about those organizations.

One of the things I hope is clear to our colleagues who are watching this in their separate offices, Mr. President, and that I want to stress—because we are talking here about the distinctions between existing law, which has been on the books since 1950, the Defense Production Act, that is essentially a product of the Korean experience, and how we improve that in this bill is that the new changes in this DPA legislation provide a new information system that will for the first time allow the Department of Defense to identify the critical components of vital weapons systems that we are currently forced to buy abroad. Now, think about that. This bill provides for the Department of Defense a new information system so the Department will be able to identify critical components of vital weapons systems we are currently forced to buy abroad.

This is a real problem. I just want to read from a GAO report. I hope my friend from Missouri stays here, because the F/A-18 is talked about in this report.

Here is a report from the U.S. General Accounting Office dated January 1991 on our industrial base problems. This is dated January 10 of this year.

I should point out, this is to the Honorable JEFF BINGAMAN, Senator BINGAMAN, who is chairman of the Subcommittee on Technology and National Security of the Joint Economic Committee of the U.S. Senate. The distinguished Senator from New Mexico, as many here know, is a very fine member of the Armed Services Committee. He chairs an important subcommittee. He is a very well-informed Member concerning our defense needs.

DEAR MR. CHAIRMAN:

This is from the General Accounting Office—

> As you requested, we have reviewed several matters relating to the Department of Defense's (DOD) use of foreign sources for critical components of its weapon systems. More specifically, we analyzed (1) the significance of U.S. dependencies on foreign sources, (2) DOD's awareness of foreign dependencies and whether previously identified foreign dependencies still exist for the Abrams tank and F/A-18 Hornet aircraft, (3) the use of buy American restrictions during the procurement of items essential to the production of the Abrams tank and the F/A-18 aircraft, and (4) two major DOD efforts to assess the significance of foreign dependencies on the U.S. defense industrial base: the U.S. defense industrial base information system and revised DOD guidance for assessing foreign dependence throughout the acquisition process.

Now, listen to this. This is the GAO, Mr. President, the General Accounting Office talking. It is not Senator DIXON. It is the GAO.

> The overall extent of foreign sourcing and foreign dependency and their significance for national security are unknown—

They are unknown. We do not know—

> because, among other things, DOD has only limited information on foreign sources of supply at the lower tiers of the supplier base. Moreover, no criteria have been established for determining what the levels of foreign dependency tolerance should be for various items and what actions DOD could or should take to reduce the associated risks.

That is really something. We do not know. We have weapons systems out there with component parts from foreign sources, and we do not even know what they all are.

I am still quoting from the GAO. This is not Senator DIXON; this is the GAO:

> DOD officials have little awareness of the extent of foreign sourcing or dependency in their weapons systems, particularly beyond the prime contractors and their immediate subcontractors. DOD program officials are

> not required, and take no special action, to maintain visibility into foreign sourcing/dependency.
>
> Several items for the Abrams tank continue to be foreign dependent. Domestic sources were usually not awarded the work under DOD contracts or subcontracts because of availability, quality and cost considerations. For those items in which cost was the primary consideration, contractors stated that even if DOD were willing to pay the higher prices of domestic suppliers, they would be unable to satisfy DOD's total requirements because of production capacity constraints.
>
> The ejection seat for the F/A-18 aircraft is currently foreign dependent, but plans now exist to develop a second source that will be domestically located.
>
> Program officials and the contractors for the Abrams tank and the F/A-18 aircraft items that we reviewed stated that the use of buy American restrictions has been limited by exceptions that mainly recognize other U.S. policy goals. Such goals include (1) the standardization and interoperability of weapon systems and equipment with North Atlantic Treaty Organization (NATO) allies and (2) the desire for minimizing the cost of weapon systems.

Now I want to go on down here. I quote further down the page, on page 2; GAO still talking.

> The concern over foreign sourcing relates to whether a dependency constitutes a risk, or vulnerability, to the United States.

Of course, that is the question. Does a dependency on a foreign source constitute a risk? Well, my goodness gracious, my friend from Pennsylvania, in his speech a while ago, was talking about the fact that from time to time, you do not know who your friends and your enemies are around here.

I do not need to go into ancient history. Let us talk about real recent history. I have been in the U.S. Senate since we favored Iraq in the Iraq-Iran 9-year war. Mr. President, that was not very long ago. We loved them then; we hate them now.

Syria, our ally and a member of the coalition: I am cochairman of the Terrorism Caucus; I can remember when Syria, very recently, was one of the big, bad boys around town.

Dependency on foreign sources can constitute a risk.

Now I read from the GAO report. This is not Senator DIXON; this is the GAO.

> Such a risk would exist if the United States were to become so dependent on a foreign source that its ability to produce a critical weapons system and/or secure the most advanced technology for the development of a future weapons system were to become compromised.

I am delighted that Japan is our friend now. I can remember when it was a bitter enemy in my lifetime. I am glad they are our friend now. Some of the checks are still in the mail. Some of the checks are still in the mail.

I already made my speeches about the FSX and some of the bad ideas I thought were inherent in that. But I can think of scenarios where we would not want to be dependent on certain critical items if that were the only source.

I want to go over here to page 4 of the GAO report. Again, I read the GAO report, the General Accounting Office. The title is, "The Significance of Foreign Dependence Is Unknown."

> The overall extent—

I am directly quoting—

> of foreign sourcing and foreign dependency and their significance for national security is unknown.

This is GAO.

> The inadequacy of DOD's data bases and models is cited as a problem hindering effective industrial base planning.

And then they cite citations.

> Determining if foreign sourcing results in dependency, and whether this dependency poses a national security threat requires not only collecting and assessing data, but also determining acceptable levels of foreign dependency tolerance.

Mr. President, I ask unanimous consent that this GAO report of January 1991, directed to the Honorable JEFF BINGAMAN, chairman, Subcommittee on Technology and National Security, Joint Economic Committee, U.S. Senate, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[General Accounting Office, Report to the Chairman, Subcommittee on Technology and National Security, Joint Economic Committee, January 1991]

INDUSTRIAL BASE: SIGNIFICANCE OF DOD'S FOREIGN DEPENDENCE

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, January 10, 1991.

Hon. JEFF BINGAMAN,
Chairman, Subcommittee on Technology and National Security, Joint Economic Committee, U.S. Senate.

DEAR MR. CHAIRMAN: As you requested, we have reviewed several matters relating to the Department of Defense's (DOD) use of foreign sources for critical components of its weapon systems. More specifically, we analyzed (1) the significance of U.S. dependencies on foreign sources, (2) DOD's awareness of foreign dependencies and whether previously identified foreign dependencies still exist for the Abrams tank and F/A-18 Hornet aircraft, (3) the use of buy American restrictions during the procurement of items essential to the production of the Abrams tank and the F/A-18 aircraft, and (4) two major DOD efforts to assess the significance of foreign dependencies on the U.S. defense industrial base: the U.S. defense industrial base information system and revised DOD guidance for assessing foreign dependence throughout the acquisition process.

RESULTS IN BRIEF

The overall extent of foreign sourcing and foreign dependency and their significance for national security are unknown because, among other things, DOD has only limited information on foreign sources of supply at the lower tiers of the supplier base. Moreover, no criteria have been established for determining what the levels of foreign dependency tolerance should be for various items and what actions DOD could or should take to reduce the associated risks. We also found that:

DOD officials have little awareness of the extent of foreign sourcing or dependency in their weapon systems, particularly beyond the prime contractors and their immediate subcontractors. DOD program officials are not required, and take no special action, to maintain visibility into foreign sourcing/dependency.

Several items for the Abrams tank continue to be foreign dependent. Domestic sources were usually not awarded the work under DOD contracts or subcontracts because of availability, quality and cost considerations. For those items in which cost was the primary consideration, contractors stated that even if DOD were willing to pay the higher prices of domestic suppliers, they would be unable to satisfy DOD's total requirements because of production capacity constraints.

The ejection seat for the F/A-18 aircraft is currently foreign dependent, but plans now exist to develop a second source that will be domestically located.

Program officials and the contractors for the Abrams tank and the F/A-18 Aircraft items that we reviewed stated that the use of buy American restrictions has been limited by exceptions that mainly recognize other U.S. policy goals. Such goals include (1) the standardization and interoperability of weapon systems and equipment with North Atlantic Treaty Organization (NATO) allies and (2) the desire for minimizing the cost of weapon systems.

DOD's planned revisions to its acquisition and industrial preparedness regulations would require program managers to assess the capability of the U.S. industrial base to meet production requirements for weapon systems, but concerns remain about the enforcement and coordination of these revisions.

BACKGROUND

In an interdependent global economy, foreign sources of supply, manufacturing, and technology abound in both the commercial and defense sectors. There are economic, political, and military advantages to using foreign sources of supply for military equipment, components, material and technology. The concern over foreign sourcing relates to whether a dependency constitutes a risk, or vulnerability, to the United States. Such a risk would exist if the United States were to become so dependent on a foreign source that its ability to produce a critical weapon system and/or secure the most advanced technology for the development of a future weapon system were to become compromised.

DOD officials have stated that in this global market, domestic manufacturers seek out suppliers based on factors other than location, such as cost, quality, performance, and delivery time. When these factors are considered, a domestic manufacturer may determine that a foreign supplier provides the greatest benefit. Selecting foreign sources has also occurred as a result of cooperative programs with other NATO countries. These programs are designed to encourage participation of NATO manufacturers in the production of U.S. weapons systems to achieve rationalization, standardization, and interoperability. Finally, foreign sourcing could be the result of offset agreements whereby the effect of U.S. prime contractors' sales of equipment to another country are offset by subcontracted parts from that country. Although foreign sourcing does not necessarily mean dependency, many experts agree that the trend toward increasing foreign sources should be closely monitored to reduce potential national security risks.

A framework for assessing the national security risks that may arise from overseas purchases was established in a National Defense University report.[1] According to the report, foreign sourcing, that is, the use of sources of supply, manufacture, or technology that are located outside the United States or Canada, may result in a foreign dependency, if there are no immediately available alternatives. Not all foreign dependencies will pose a threat to national security and require action. The existence of a threat depends on whether the lack of available alternatives jeopardizes national security by significantly reducing the capability of a critical weapon system.

In December 1984, the Joint Logistics Commanders (JLC) concluded that an investigation into the nature and scope of foreign dependency was needed to provide clear direction for subsequent mission tasking to the military services. In 1986, the JLC issued a report, A Study of the Effect of Foreign Dependency, with recommendations on how DOD could reduce the damage to the U.S. defense industrial base due to existing foreign dependencies and help identify and prevent future foreign dependencies.

Currently, there are legislative mandates and DOD directives that restrict, or allow DOD to restrict, procurement of selected foreign products. Among other things, these restrictions are intended to protect and preserve the U.S. defense industrial base, and are generally referred to as "buy American" restrictions.[2]

THE SIGNIFICANCE OF FOREIGN DEPENDENCE IS UNKNOWN

The overall extent of foreign sourcing and foreign dependency and their significance for national security is unknown. The inadequacy of DOD's data bases and models is cited as a problem hindering effective industrial base planning.[3] Determining if foreign sourcing results in dependency and whether this dependency poses a national security threat requires not only collecting and assessing data but also determining acceptable levels of foreign dependency tolerance.

In an increasingly interdependent global economy, foreign sources of supply are an economic reality. Overseas sources of supply provide economic and political advantages that may include lower costs, better technology, better integration with our allies, and access to an industrial base much larger than our domestic base. However, there are potential disadvantages associated with foreign source procurement that may include (1) dependencies on foreign sources that may be less reliable than domestic ones, (2) questionable or reduced domestic production capabilities because domestic manufacturers may not have sufficient demand to keep lines of production open, and (3) questionable access to advanced technology that may be important to superior weapon systems performance.

Several studies provide valuable information on the benefits and risks associated with foreign sources of supply, the need for collection and analysis of systematic and selective data to demonstrate that a dependency poses a risk to national security, and proposals on how to measure such risks. These studies are discussed in appendix I.

DOD'S AWARENESS OF DEPENDENCIES IS LIMITED AND JLC-IDENTIFIED DEPENDENCIES STILL EXIST

DOD program and procurement command officials for the weapon systems we reviewed stated that, in general, program and procurement officials are not required, and take no special action, to maintain visibility into foreign sourcing or foreign dependency.

We reviewed selected items from two weapon systems, the M1 Abrams tank and the F/A-18 Hornet fighter aircraft, identified as foreign dependent in the 1986 JLC study. These items continue to be foreign dependent as shown in table 1, and the reasons are discussed in appendix II.

(Mr. DODD assumed the chair.)

Mr. DIXON. Mr. President, Adm. Bobby Inman, former Deputy Director of the CIA—here is the former Deputy Director of the CIA, not Senator DIXON talking, here is Admiral Inman; I quote him directly:

Nevertheless, there does not currently exist a systematic method for assessing import dependency in critical items. This was noted in at least two of the major reports on the defense industrial base. The CSIS report concluded that no service has a complete set of analysis on the ability of the defense industry to supply its needs for future conflict situations. The report by the Under Secretary of Defense for Acquisition entitled "Bolstering Defense Industrial Competitiveness" concluded the Department of Defense does not know the extent to which foreign-sourced parts and components are incorporated in the systems it acquires. There is no systematic, established means to identify foreign-sourced parts and components and, hence, no way to determine the extent of foreign dependencies or vulnerabilities.

Admiral Inman says:

We must improve our analytical capabilities in order to do as the Under Secretary for Defense acquisition report proposes and provide visibility of critical foreign-sourced items.

Here is Bernard Schwartz, chairman of the Laurel Corp., and I do believe my friend Senator HEINZ referred to him as well. Bernard Schwartz, testifying before our committee:

The Government needs to systematically collect and analyze data related to foreign ownership and foreign dependency. It is one of the most astounding facts of the computer age that the U.S. Government does not now know the extent of the foreign penetration in our defense marketplace and the degree to which we depend on foreign suppliers for key materials.

Mr. President, we do not advocate what the administration should ultimately do here or make the decisions for the Commander in Chief. He is the Commander in Chief. I support him. All we say is you ought to be able to have an information system that lets you know. I cannot believe that any fair and concerned American would not want to know, and I cannot believe that the administration would not want to know and that the Department of Defense would not want to know the critical component parts of major weaponry that are foreign supplied and, in some cases, could become the kind of critical items that we could not produce in a surge capacity in the United States.

One of the reasons, for instance, that I am not worried about the ammunition supply that much when you get right down to it is because we still have a great surge capacity in our industrial base in this country. But we have seen innumerable instances, Mr. President, in recent years of an absolute erosion or elimination of productive capacity in this country in certain items. If some of those items are critical items in war machinery, we could have a serious problem.

Again, let me say in conclusion, this bill has in it a variety of important things that are not now in existing law. Again, I point out it has the Riegle-Garn provision; Senator JAKE GARN, the distinguished ranking member of the Banking Committee and former chairman, and Senator DON RIEGLE, the chairman of the Banking Committee. Their provision, title IV of the bill, is a fair trade in financial services section which gives the Treasury Department new discretionary leverage to help open foreign financial markets to our U.S. banks that desperately need the opportunity to be competitive in foreign countries.

So there is this new information system that I just discussed and all of the critical information I have given to the U.S. Senate concerning the General Accounting Office, Admiral Inman, and other folks, and their views about that and a variety of other things I will comment upon later. So I hope we can shortly vote on this, Mr. President.

Again, let me say—and I see my dear friend from Missouri here and I see his concerns are similar to those of my friend from Texas—we are open in the conference committee to considering changes in this bill that people think are important changes that ought to be adopted. We are open still to the amendatory process here and later in the conference committee. Again, I stress that this Senator has been in this business a little while. I know the President has to sign this. I do not think that we have a two-thirds majority in both Houses to override him if he does not. So we are open to some modifications.

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[1] U.S. Industrial Base Dependence/Vulnerability, a 1987 report of The Mobilization Concept Development Center of the National Defense University.

[2] Buy American restrictions that affect DOD procurement include those mandated by Congress, DOD-wide class restrictions imposed by the Office of the Secretary of Defense to bolster the U.S. defense industrial-mobilization base, those imposed for mobilization requirements on certain defense equipment by the military departments and the Defense Logistics Agency, and those related to the Buy American Act and the DOD Balance of Payments Program that offer price preferences to domestic firms but do not preclude purchases from foreign sources. It should be noted that the Buy American Act applies to end items, and does not generally apply to components or subcontracted items.

[3] Industrial Base: Adequacy of Information on the U.S. Defense Industrial Base (GAO/NSIAD-90-48, Nov. 15, 1989) discusses our evaluation of certain aspects of the federal government's data collection and coordination efforts among agencies that play an important role, including the Department of Commerce and the Federal Emergency Management Agency.

I hope that the Senate will see the value of what sincere people of both political persuasions have tried to do, and I stress again this fact: four committees of the U.S. Senate have had to sign off on this. Four committees in the House have had to sign off on this. Modifications have taken place in great abundance over 4 years now. So we have spent 4 years and taxed the intellectual capacity of four major committees of both Houses to come to this place, and, if there is some little difference of opinion left, we are willing to talk about that.

I even had a note here about something the administration did not like too much that my friend from Texas, who is against this bill did in the Banking Committee, and now the President's people do not like it. I suppose maybe my friend from Texas does not know that. It is some correspondence I received. We are going to do our best to accommodate people to the extent they need to be accommodated. Certainly at the very top of that list would be the Commander in Chief.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am always glad to work with my good friend from Illinois because we do share many interests and we do share employment opportunities for people in both our States. We do share a love for a certain baseball team which will in a few months start its comeback from unnecessary depression in the past year.

But there are several things he said that I would like to follow up on. First, he talked about perhaps working on this in the conference committee. I would certainly appreciate it if he could use his good offices to see that the Senator from Texas and I get on that conference committee. And he did propose several modifications might be in order.

I believe the distinguished Presiding Officer and I have considered a measure which I think could be a very real boost and probably one of the significant additions to this bill, if we are serious about improving our defense production.

Mr. DIXON. Will my colleague yield briefly. I hate to interrupt him.

Mr. BOND. Certainly.

Mr. DIXON. I certainly would be delighted to have both Senators on the conference committee. I really mean that. Senator GRAMM was on the conference committee before. If this lowly Senator, in his insignificant office, can influence opinion sufficiently well to have anything to do with the composition of the conference, I would be more than delighted to have my friend from Missouri on that conference committee on give us the benefit of his deep intellectual understanding of the subject matter and to elighten us further with his good ideas.

Mr. BOND. I thank my colleague. He, unfortunately, belittles his influence in the Senate, but I respect and admire the role that he has played. I know that it is not possible to determine in advance who will be on the conference committee, but I do feel there is significant change needed in this bill. I think specifically, as I have said before, this is not the time to be doing a major rework on the Defense Production Act.

Yes, clearly the President wants the continued authority, the authority he has had before and the authority he has now. That needs to be continued through October 20, 1991. I hope that we could work on this measure after passing a simple extension and deal with some of the questions GAO has raised. I think there are good answers for some of that. I would like to have an opportunity to hear again how the mobilization for Desert Shield and Desert Storm worked and whether there were any shortcomings. I think that would be appropriate. We have a lot more experience now to work on than we did when we last considered this legislation.

I certainly agree with my friend from Illinois when he said that in the past we were friends with Iraq, now we say we are friends with Syria, and they would not be reliable suppliers of defense components.

Mr. President, I have to tell you, if they were supplying something that we badly needed, I, too, would say that we really need to get somebody other than Iraq, Libya, or Syria to supply vital components for our defense materials. As a matter of fact, last year when we were still supposedly friendly with Iraq, I doubt that my colleague will recall it, but when I was arguing for an accidental launch protection system to protect populations from an accidentally launched missile or perhaps a missile launched by a terrorist nation, and I named Libya, Syria, and Iraq, even then we called the attention of this body to the dangers that Iraq might someday launch missiles. We did not know they would be launching scuds at Saudi Arabia and at Israel. Unfortunately, that is one prophecy I wish had not come true. But we do know that there are certain countries on which we would not rely.

We also know there are certain countries on which we do rely every day: Canada, Great Britain, countries that have been our great allies in these efforts. We have worked with them. We have not only bought from them; we have sold to them.

I should like to quote from a letter of February 20 from the Honorable Donald Atwood, Deputy Secretary of Defense. I believe my colleague from Texas has already introduced this letter into the record, so I would invite attention to the third paragraph in which Deputy Secretary Atwood sets forth his objections to this measure. He said:

> Section 111 provides authority to limit procurement of critical items to domestic sources. This would increase the cost of our weapons systems, invite retaliation by our allies, adversely impact the U.S. defense industrial base, reduce our long-term international competitiveness, and diminish our ability to sustain technological superiority.

I do not see much ambiguity there. I tell you, Mr. President, I have had the opportunity to speak with Mr. Cass Williams and other officers of the employee organization representing our good Missouri and Illinois workers at McDonnell Douglas, and they realize with the cutbacks we have made in the defense budget of the U.S. Government we are going to have to depend upon competing worldwide among our trusted allies for the sale of military equipment, if we are to maintain a defense industrial base.

From my discussions with those officers, the men and women of that union, they say we have to be able to sell to Korea, to Switzerland, to Turkey, to other countries which are our strong allies and with which we can deal to provide them a good product and also keep the expense of our production down so that ultimately we save money for the production of goods purchased by the United States military.

So the need to maintain international competitiveness as we sell to our allies is extremely important.

The final quotation I would add follows directly from the one I just gave from the letter from Secretary Atwood. That is directly to the point that GAO has raised. I believe Deputy Secretary Atwood brings a great deal of credibility to his office. I believe he merits at least equal consideration to that of the GAO report, and I suggest it would be appropriate later on this year to have hearings in which we fully explore the questions raised by GAO because it seems to me that Mr. Atwood has answered those. He says:

> Additionally, sufficient authority already exists to restrict procurement of critical items to domestic sources, and this authority is used regularly whenever it is necessary to do so for national security reasons.

It is clear that Secretary Atwood, who has been much written about and who has been commended for a very effective job of managing procurement for the Pentagon, has said they do have sufficient authority, that the authority is used regularly.

That should cause all of us great concern as to why we want to race forward and impose restrictions which the Secretary of Defense, OMB, and ultimately the President may well feel are too burdensome. It is clear from the statement of administration policy issued today that despite the need to continue the provisions of the underlying DPA, the Secretary of Defense will recommend the President veto S. 347.

My friend from Illinois says we do not have the votes to override it—I would certainly hope not—so we would have an opportunity to come back again and vote on a simple extension of the Defense Production Act until October 20, 1991.

Although I enjoy these dialogs and conversations with my good friend from Illinois, I suggest the better part of wisdom, the simpler approach would be to say, yes, we must go ahead and extend the DPA, a simple extension to October 20, 1991, and come back during the year and provide a forum for the Defense Department to answer the questions raised in the GAO report and also to provide us information on the working of the DPA in the Desert Storm and Desert Shield operations.

I thank the Chair, and I yield the floor.

Mr. DIXON. Mr. President, I thank my friend from Missouri for his usual thoughtful remarks. I think this matter has been fairly thoroughly debated. The Senator from Texas has expressed his view and it otherwise engaged presently in a matter of importance but will be back here shortly. The Senator from Missouri has expressed his view. I see no reason to belabor this matter at great length.

My understanding is that the Senator from Texas may want to offer as an amendment essentially what now is S. 259. At least he indicated that he might want to do that in his remarks earlier. And there may be others who want to offer an amendment. I hope they would be germane, although that is not always the case around here, I am sorry to say.

I would like to dispose of this matter. The majority leader has indicated that this is the last item of business of any important magnitude for the balance of this work week and it would not offend, I am sure, many of us if we can conclude it shortly.

I am more than happy to suggest the absence of a quorum briefly while this percolates through the system. Mr. President, I would be delighted to shortly suggest that we ought to advance this to third reading and vote on it, have it over with, if nobody wants to offer an amendment.

Why do not I suggest the absence of a quorum? Perhaps my friend from Missouri, my friend from Texas, the distinguished minority leader, the distinguished Senator from Kansas, and others could confer a little bit to see what we ought to do next. I think this side is prepared to go ahead.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. President, I yield the floor.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. BROWN. I thank the Chair.

(The remarks of Mr. BROWN pertaining to the introduction of S.J. Res. 75 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Ms. MIKULSKI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Madam President, I ask unanimous consent to proceed as though in morning business very briefly on a matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the introduction of S. 460 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DIXON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Madam President, may I inquire as to the present status? Are we in morning business?

Mr. DIXON. Does the Senator want to offer his amendment?

Mr. EXON. I would first request that I be granted what time I might need for morning business for a brief period of time, or I am prepared to offer an amendmnent as requested by the leader of the bill.

The PRESIDING OFFICER. In answer to the question the Senator from Nebraska asked, we are in legislative business. The pending legislative item is S. 347, the Defense Production Act.

Mr. EXON. May I inquire of the Senator from Illinois, the manager of the bill, whether or not he thinks it would be appropriate for me to offer the amendment that we have discussed at this juncture.

Mr. DIXON. Madam President, the Senator is prepared to offer an amendment that is commonly known as the Exon-Florio amendment by those of us who are familiar with this legislation.

We are prepared to take that amendment, and I am delighted to have the Senator make whatever comments he wants to make and then offer the amendment. The manager over here is prepared to take it.

Mr. EXON. I thank my friend from Illinois.

AMENDMENT NO. 10

(Purpose: To exempt section 721 of the Defense Production Act of 1950 from termination)

Mr. EXON. Madam President, I rise to offer a simple, noncontroversial amendment.

As you will recall, in 1988 as part of the omnibus trade bill, the Congress enacted the Exon-Florio law which gives the President the power to investigate, and if necessary, stop a foreign takeover of an American company when the transaction is determined by the President to threaten the national security.

The Exon-Florio provisions were drafted as an amendment to the Defense Production Act as a result of a negotiation between the Senate Commerce and Senate Banking Committees.

Following the lapse of the Defense Production Act in October 1950, the U.S. Department of Treasury determined that the Exon-Florio law had also lapsed. While there are grounds to disagree with the Treasury Department's conclusion, the safest thing to do at this point would be to explicitly exempt the Exon-Florio law from the Defense Production Act sunset provisions.

This amendment simply makes the Exon-Florio law among the provisions of the Defense Production Act which do not sunset.

I know of no opposition to this amendment.

I appreciate the offer from the manager of the bill to accept the amendment.

Therefore, Madam President, I send the amendment to the desk at this time and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 10.

At the appropriate place in the bill insert the following:

SEC. . EXEMPTION FROM TERMINATION.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "and 719" and inserting "719, and 721."

Mr. EXON. Madam President, the amendment is now before us.

The PRESIDING OFFICER (Mr. GORE). The Senator from Illinois.

Mr. DIXON. Mr. President, may I inquire about the state of the record? My friend, the distinguished senior Senator from Nebraska, had offered the amendment commonly known as the Exon-Florio amendment and the managers on both sides were prepared to take it. I am now advised by staff that that has not yet been adopted. Is that the state of the record?

The PRESIDING OFFICER. The amendment is still pending.

Mr. DIXON. We are prepared to vote on that amendment at any time the Chair is willing to call for the vote.

Mr. GORE. Mr. President, at this point in our deliberations regarding the Defense Productions Act, I would like to take a moment to discuss section 721, the Exon-Florio provision. As our colleagues know, this provision establishes a procedure by which the President can review and, when appropriate, block proposed takeovers of American companies by foreign entities if those takeovers would threaten the national security.

Over the past several months, I have had occasion to look closely at how this administration has implemented the Exon-Florio provision. In particular, in my role as chairman of the Senate's Science Subcommittee I looked at how the administration reviewed one particular case that would have a major adverse impact on one of our country's leading research projects, the Sematech research consortium. I as not pleased with what I saw. In this case, at least, the administration paid little attention to the cumulative impact that this acquisition and other recent acquisitions in the semiconductor equipment industry would have on the ability to meet defense needs; ignored the fact that damaging Sematech, a project which receives half its funding from the Defense Department on national security grounds, also would threaten our security; approved the sale before getting firm, written guarantees from the foreign purchaser that it would protect Sematech's intellectual property; failed to inform Sematech and the appropriate committees of Congress about the sale when it was first proposed; and even went to the extreme of forbidding Government technical experts to make site visits to the U.S. company and to Sematech. It was not an impressive performance by the executive branch.

Out of over 500 proposed sales reviewed since Exon-Florio became law in 1988, the President has blocked only one. Yet many of these cases involved some of the best of our Nation's high-technology firms. At a time when the great success of the Patriot missile and our other weapons systems shows how important advanced technology is to our national defense, the loss of these American firms to foreign entities is a serious matter. It is especially serious when one considers that these foreign companies and countries may see their national interests as very different from ours. Given the way the administration has implemented Exon-Florio, we have no credible guarantees that these foreign entities will help us meet our defense needs. Without high-technology firms, and without research projects such as Sematech, we will lose the American technology and manufacturing know-how needed to build new generations of weapons such as the Patriot.

Mr. President, I believe that the distinguished Senator from Nebraska and I agree on two points. First, our top priority now must be to reauthorize the Exon-Florio provision. We need this important law, and cannot afford to see it lapse for any substantial period of time. Absent the law, this administration is not likely to pay attention to these critical issues.

Second, during the course of this year we need to explore further how the administration is implementing the law and how they could do better. This process of exploration may very well include further hearings in either the Commerce Committee or the Armed Services Committee. This process of exploration could lead to proposals to improve the guidance that Exon-Florio gives to the administration, so that the intent of the legislation is more reliably executed. National security and access to the technology needed to maintain national security are subjects that are too important to neglect.

Mr. EXON. Mr. President, I would like to say that I agree with the Senator from Tennessee on these two points. My highest priority now is to see that Exon-Florio is reauthorized and reauthorized soon, so that we are not left without a formal process for reviewing these proposed takeovers.

I also agree with the Senator that we need to take a further look at how this important law is being implemented. As I have said before, if this administration continues to pay so little attention to the actual effects of these foreign acquisitions, then Congress may very well reconsider its position on this legislation. I look forward to working with the Senator from Tennessee as we consider these issues.

Mr. GORE. I thank the Senator from Nebraska for his comments, and I want to add that I, too, look forward to working together on these issues in the months ahead.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 10) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, for the edification of my colleagues in the Senate I now advise them we have achieved an accommodation with the administration and others on the other side concerning this legislation now pending. I will not yet announce that accommodation until we reduce it to writing. But I wish to inform Senators generally that it appears we will dispose of this by some reasonable time this afternoon.

There is a remote possibility of one rollcall. There is a possibility there will be none, but there is a possibility that there could be one and that is still an issue and will not be resolved for a brief period of time. But I think my colleagues can understand that within the next 30 to 40 minutes I could make everything known, including whether there will be the necessity for one rollcall.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, again for the edification of my colleagues in the Senate—I know I always appreciate knowing what is going on with reference to pending legislation—we have achieved an accommodation between the administration and the managers with reference to this bill. We have prepared, and I should correct myself by saying we are presently preparing a unanimous-consent agreement, subject to approval on both sides, which I will have in hand shortly and will read for the information of all Senators. I ask them to have their staff watching to see whether they have any problem with the unanimous-consent request that I will shortly propound.

There will possibly be, and in fact we expect there will be, one rollcall unless it is otherwise worked out, an amendment to be offered by Senators DODD and BOND essentially to be opposed by Senator SARBANES.

We are hoping there can be a very tight time contraint applied to that, but that depends upon the individuals. The proponents have agreed on a very short time period. It depends upon the view of the distinguished senior Senator from Maryland as to whether there will be a time limit and how short that might be. Other than that, I think I can report excellent progress and the probability is that if there is a rollcall vote, there will be one and I suppose I lean in favor of 60-40 there will be one rollcall vote this afternoon. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. DIXON. Mr. President, I advise the distinguished acting Republican leader that I am about to propound a unanimous-consent agreement that has been worked out over the last several hours between administration representatives, representatives of the minority leader and of the majority leader, and advocates of the bill on this side.

Mr. President, I ask unanimous consent that the only further amendment in order to S. 347 be an amendment to be offered by Senator DODD and Senator BOND dealing with export financing.

I further ask unanimous consent that following the disposition of the Dodd-Bond amendment, the Senate proceed to third reading and final passage of S. 347, as amended, without any further action or debate.

I also ask unanimous consent that immediately following the disposition of S. 347, Senator HEINZ or his designee be recognized to offer the text of S. 259 with the fair trade in financial services language, and changing the expiration date to September 30, 1991, on which there be 10 minutes of debate to be equally divided in the usual form.

I further ask unanimous consent that following the use or yielding back of time, the Senate proceed to third reading and final passage of the original bill, without any further action or debate.

Mr. SARBANES. Reserving the right to object, I would inquire of the manager of the bill, the Senator from Illinois, whether the Dodd amendment that he is speaking about is the amendment which we have just reviewed. Is that the amendment at issue?

Mr. DIXON. Mr. President, I understand the Dodd amendment to be the one that the distinguished senior Senator from Connecticut is now prepared to offer. Essentially, it is an amendment providing for the Eximbank to make loans for military sales.

Mr. DODD. Mr. President, if the manager will yield, I will respond to my colleague by saying that the amendment we have been formerly discussing is the amendment that I intend to offer.

Mr. SARBANES. So it is as we were looking at it?

Mr. DODD. As we were looking at it.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Mr. President, reserving the right to object, just to clarify—if I may have the manager's attention—that the final disposition, if the Dodd-Bond amendment is adopted, it would be included. If it were adopted, then the Dodd-Bond amendment would be a part of the final product as described by the manager?

Mr. DIXON. If the Dodd-Bond amendment prevails, it will be part of S. 347, as amended. That is the understanding of all parties.

If it fails, obviously, the bill in its present form, without that amendment, will be the form of the bill, as amended, with the Exon-Florio amendment already adopted.

Mr. DODD. I thank the Senator.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate as in morning business for a period of 5 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing none, the Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 466 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, just this one further clarification of the unanimous-consent request previously propounded by this Senator. I further ask unanimous consent that no amendments or motions to commit be in order with respect to Senator HEINZ' bill referenced in this consent request. That is the unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request?

Mr. DIXON. Mr. President, I am not going to ask for the unanimous consent to be approved at this time. I suggest instead that we go ahead with the Dodd amendment and we will propound this again at the conclusion of the debate on the Dodd amendment. I thank the Chair.

The PRESIDING OFFICER. The Senator withdraws his request.

Who seeks recognition?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Connecticut.

AMENDMENT NO. 11

(Purpose: To amend the Export-Import Bank Act of 1945)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. BOND, and Mr. LIEBERMAN, proposes an amendment numbered 11.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. EXPORT-IMPORT BANK AUTHORITY.

Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended by adding at the end the following subparagraph:

"(H) Notwithstanding subparagraph (A) of this paragraph and section 32 of the Arms Export Control Act, the Bank in the exercise of its functions may guarantee or insure the commercial sale of defense articles or services to any country which is a member of the North Atlantic Treaty Organization, Japan, Israel, Australia and New Zealand, except that—

"(i) not more than $1,000,000,000 of the loan and guarantee authority available to the Bank in any fiscal year may be used by the Bank to support commercial sales of defense articles and services exclusive of any support provided by the Bank under subparagraph (B); and

"(ii) support for any such sale may only be provided if the Bank determines that loan and guarantee authority available to the Bank in the year of the sale is in excess of requirements for commercial, nonmilitary exports for that year.".

Mr. DODD. Mr. President, let me briefly describe what this amendment is that Senator BOND and I are offering. It is not a new amendment. It has been modified substantially. Basically it is the same proposition that was offered less than a year ago on other legislation that was adopted by this body and by a vote of some 16 to 5 of the Senate Banking Committee. It then went to conference with the House and did not survive the conference. So we are back again this year in a modified fashion offering similar legislation.

Mr. President, I am offering it on this bill, on the Defense Production Act, because, frankly, it deals exactly with the question of industrial base and whether or not we are going to be able to maintain an adequate defense production given the shrinking budget base in this country and inclination, I suppose, to reduce spending in those areas generally while simultaneously our NATO allies and several others I will mention in a moment are still in the market in which we should be actively competitive, and that is really what this is all about.

Briefly, Mr. President, the amendment would amend the U.S. Export-Import Bank Act to enable the U.S. Export-Import Bank to assist U.S. defense industries in meeting the competition it faces in certain foreign markets. Specifically, it would allow the Eximbank to establish a pilot program, it is a pilot program, to provide support for commercial sales of defense articles or services to members of NATO, Japan, Israel, Australia, and New Zealand. It would also permit the Eximbank to use up to $1 billion of its annual guarantee authority for this purpose. The annual guarantee authority runs between $9 and $10 billion. This legislation does not mandate that $1 billion of that guarantee authority be expended; it rather says it "may be" expended. So there is no budgetary impact of this particular amendment.

Mr. President, why is such a program needed at this time and why on this bill? I have explained this is the Defense Production Act. We are dealing here with defense production scarce dollars and a competitive market in NATO and other countries that are almost NATO allies or close allies or fall into the category of nations where there is competition for these sales.

Second, despite the recent outbreak of hostilities in the Persian Gulf, it is fairly clear, I think, to most people that the new international order which emerged in the dismantling of the Berlin Wall seems to lower the demand, in the minds of some, for the spending of enormous sums of dollars on increasingly sophisticated and very costly defense systems; nor can the current sorry state of the Federal budget sustain such spending.

Ironically, the result is these charged circumstances have put to risk the continued viability of the U.S. defense industry as it is currently configured. Plant closings have threatened the livelihoods of millions of American workers and hold out the grim prospect of economic hardships for entire communities across this country. These are the veterans of the cold war. Understandably, corporate planners and strategists throughout the industry have attempted to adjust to the new realities of less U.S. defense spending by seeking out alternative commercial opportunities. The more successful they are in finding commercial alternatives, the greater the cushion to companies and to workers, to communities, and to maintaining an industrial base in these important areas.

Let me be clear about what our amendment does and does not do. With respect to Eximbank and with respect to existing procedures for ensuring that U.S. national security interests would be protected, aside from waiving the two provisions of law which cast doubt on whether Eximbank can legally undertake this effort, the amendment in no way alters any of the other safeguards and standards sets forth in Eximbank's charter, nor would this amendment require the Eximbank approve any and all requests for assistance—it says "may" not "shall"—without regard to the commercial soundness of the sale or its national security implications. The Government review and licensing requirements which currently apply to the export of defense equipment and services would continue to apply to Eximbank-assisted defense exports.

Mr. President, nor is it our intention that this program should come at the expense of other Eximbank activities. In order to reassure the traditional clients of the bank; namely, nondefense exporters, that is not our intention. We have specifically included an annual cap on the level of guarantee authority that can be used during this pilot phase of the program. Since Eximbank has historically never come close to exhausting its $9 billion or more in annual authority, there is clearly ample room for the Eximbank to undertake this new intiative.

Mr. President, I believe it now is the time for Congress to authorize this very modest expansion in Eximbank activities to provide some measure of Government support to the U.S. defense industries as it grapples with the enormous challenges of the coming decade. In my view, Eximbank can and should play a full role in assisting these industries at this critical juncture.

There is the question that the products and services offered by our industries are top of the line and highly sought after by other governments, but they are very expensive, and to be attractive to foreign purchasers, they must be accompanied from time to time by financing packages as attractive as those offered by our competitors.

Mr. President, let me tell you, our competitors offer a very attractive package with major governmental incentives. We go through experience after experience where major allies of ours use some of the most extensive support systems in order to see to it that their industries receive the most attractive packages as they compete for sales in NATO countries.

So, Mr. President, we feel that it is only proper, if we are going to be able to be competitive at all, to be able to offer some incentives and some support, and we wanted to introduce it with this pilot program. There is little dispute that most foreign competitors have available to them well-established, official guarantees in loan programs that improve their prospects for capturing sales.

In most cases, this is done by the very agency that provides credits and guarantees to nondefense exporters. However, since the early 1970's, Eximbank has generally declined to assist U.S. exporters of defense articles and services both as a matter of law and policy. Legislative efforts on my behalf and others over the last several years to alter that policy have until now met resistance by Eximbank and by certain U.S. Government agencies, although I must say some have been sympathetic to the change.

And, by the way, this amendment we are offering, I believe, enjoys the support of the administration. They have a proposal that is virtually identical to this that they may be offering at some later date. So rather than some of the opposition we saw a year ago today, we are receiving very good support from the administration on this change.

Mr. President, this amendment is very similar, as I mentioned at the outset, to a provision that Senator BOND and I offered to a Banking Committee bill last year. That provision was adopted by the committee by a vote of 16 to 5 during consideration of S. 2927, a bill to amend and extend the Export Administration Act of 1979. That bill subsequently passed the Senate without opposition. But for a variety of reasons, as I mentioned, in conference, including administration opposition, the provision never became law.

Since last October when this matter was last considered, it appears that the administration has had a change of heart. I believe that the administration now supports the use of Eximbank guarantees to assist defense-related exports.

In drafting the pending amendment, we attempted to take into account concerns raised last year during consideration of our proposal. For example, our amendment incorporates many of the suggestions made by Eximbank during discussions and includes suggestions made by the distinguished Senator from Pennsylvania, who offered an amendment not entirely dissimilar to the one we are offering today. We also believe this version would allay any fears that the traditional users of the Eximbank may have that they will be crowded out by Eximbank's efforts to assist defense exporters.

Mr. President, I believe that this amendment is long overdue and contains sufficient safeguards to ensure that the Eximbank can play a critical role in assisting our defense industries while not crowding out commercial exporters to compete and not be forced to compete with one hand tied behind its back during this particularly difficult economic adjustment period.

Mr. President, I should also point out, and I want to emphasize, that we are very narrowly limiting the countries that can receive this kind of assistance. It is NATO, it is Israel, it is Japan, New Zealand, and Australia.

Mr. President, I would oppose any amendment that would try to expand the use of the Export-Import Bank to allow defense articles to be sold in developing countries. I think that would be a mistake and be harmful. But to at least compete with our NATO allies and with Israel, Japan, Australia, and New Zealand seems only appropriate.

So on this particular bill, the Defense Production Act, when we are trying to deal with some of the adjustments, I feel this legislation is appropriate and proper and needed if we are going to protect some of these areas, maintain production lines; maintain research and development, and, at the same time, reducing spending in some of these areas so that we do not look back and wish that we had been more competitive in more markets and some of these industries would have been able to maintain that human intelligence curb, the expertise, the background that is absolutely necessary in this particular field.

Mr. President, I yield the floor at this time.

Mr. BOND. Mr. President, I am very pleased to join my distinguished colleague from Connecticut in proposing this amendment.

We in this body spend a lot of time and effort talking about and passing legislation intended to make U.S. companies more competitive in the international marketplace and ensuring that they will not be at a disadvantage when they compete against foreign companies. Given the growing importance of the world marketplace, this is a very important goal for us to continue to pursue, and I think this amendment gives us an opportunity to do that.

The amendment before us now will serve to help one of our most important exporting sectors to remain competitive by removing an existing disadvantage. Currently, American defense companies which are competing for international sales against foreign companies are at a serious disadvantage when it comes to financing. In an effort to sweeten their offer, companies from France, Japan, the United Kingdom, and Canada can all go to their nation's Export-Import Bank for concessional financing. American companies do not have that option.

I think it is important to point out, as my colleague from Connecticut already has, that this amendment has been carefully drafted to ensure that financing will go only to our closest allies, not to third world nations, and that the current process for approving a foreign military sale will remain in place.

Now my colleagues I see have received, courtesy of our distinguished Senator from Maryland, a copy of a letter addressed to the New York Times and printed February 16, 1991, from a former senior staffer of the Export-Import Bank, which raises some concerns about financing of defense exports to third world countries. The article also may raise some legitimate concerns—indeed, it does—but they are all irrelevant to the proposal that is in this amendment.

Mr. SARBANES. Will the Senator yield on that point?

Mr. BOND. Yes.

Mr. SARBANES. Actually, the letter, if the Senator will read it very carefully, makes reference to a period of time when we used the Eximbank to finance military sales to Australia and to Britain, which of course are two of the very countries that are permitted under this amendment. The author of that letter points out what he sees as the dangers of doing that. The letter is premised not on the sales to the less developed countries but on the very sales that are contained in this amendment.

That is the issue. I just want the Senator to be clear that this letter is not limited in its focus, as the Senator has just indicated, and in fact uses as its focus the sales to Australia and to Great Britain which occurred some 25 years ago, at a time when the Eximbank could be used to finance military sales to such countries.

(Mr. LIEBERMAN assumed the chair).

Mr. BOND. I thank my colleague from Maryland for the explanation. I would only point out that the objections raised in this letter are, No. 1, that the use of Export-Import Bank financing would squeeze out nondefense exports. And there is an addition to the amendment which explicitly provides that support for any such sale may only be provided if the bank determines that loan and guarantee authority available to the bank in the year of the sale is in excess of requirements for commercial, nonmilitary exports for that year. As I read the letter—and obviously my colleague will place whatever interpretation he wishes on it—he goes down to list the horrors of the debts that were piled upon Egypt; he talks about exports to Ghana; and how terrible it is to sell military equipment to most developing countries, where the military equipment will not generate the funds to pay for the loans which have been given.

What we are saying here, by limiting this amendment to the NATO countries and a few others which clearly are our allies, many of whom are engaged with us at this very moment in the activities in the Persian Gulf in the Middle East, we are saying that we will remain competitive in providing export financing to companies who are engaged in selling to our allies who are working with us.

Mr. DODD. Will the Senator yield for a moment?

Mr. BOND. I am happy to yield to my distinguished colleague from Connecticut.

Mr. DODD. I would point out, as well, one of the problems with the letter from Mr. Hamilton is he fails to make any reference to what occurred after the adoption of the Export-Import Bank. And that was, there has been a whole variety of legislation adopted that would preclude the very activities that have been raised by our distinguished friend from Maryland. The Arms Export Control Act and the Export Administration Act requirement and a whole different budget process that is in place, all of that has been in place since the adoption of the Export-Import Bank legislation in 1964.

So, the very concerns that are raised in this letter have been accommodated and dealt with by legislation that was adopted subsequently. So those concerns and objections have been met and addressed and I make that point as well to the argument raised.

Mr. BOND. I thank my colleague from Connecticut. I believe he states his point very well. We believe that this letter is irrelevant. I am sure my colleague from Maryland will have other views to express on it.

Mr. SARBANES. Well, if the Senator will just yield for a moment?

Mr. BOND. I will be happy to.

Mr. SARBANES. Obviously when I get up to speak I will quote the letter and then Members will be able to make their own judgments about the thrust of the letter, but I only point out that in the second paragraph he points out that the bank authorized loans of $134 million to finance military sales to Australia and $110 million for such sales to Britain. And then he goes on to say that there have been articles that expose this thing, and that is when we put restraints upon it.

So the very practice that is going to be permitted under this amendment is a practice that was criticized in this letter. But I am going to, obviously, read it into the RECORD and each Member will make his or her own judgment as to its import.

Mr. BOND. We appreciate the comments of our colleague from Maryland. We are sorry he does not view the letter as we do.

Basically, for my colleagues who may want to read the letter, I suggest that in reading that letter they consider that the points raised by the gentleman who wrote it in the New York Times on February 16, have been addressed by other legislation controlling exports of defense items and also by specific limitation in this measure which will allow the bank to deal only with NATO and other strong, developed country allies, as well as ensuring that export/import financing for defense items does not squeeze out the bank's financing of commercial sales.

To get to the basic reason for this legislation, Mr. President, we can all cite many cases in which American jobs have been lost. That is what we are talking about here, American jobs lost because competitive financing was not available.

Let me cite an example. In 1985, Turkey announced its intention to purchase more than 1,000 armored combat vehicles. The contract was eventually awarded to the FMC Corp. at a San Jose, CA, location, as a joint venture with a Turkish company. However, when FMC went to its banks to secure financing for the deal it was unable to obtain competitive financing. Of course, Export-Import Bank financing was not available at the time so FMC was forced to look to Europe. FMC eventually found financing in Europe supported by the export/import banks of Holland, Belgium, and the United Kingdom. Because of this support, FMC was forced to move a large part of the production work to these countries. Jobs that almost certainly would otherwise have been retained in California went abroad simply because this country would not provide Exim financing.

A second example also happens to involve Turkey. It arose in 1987 when the Turkish Government issued a proposal for a mobile radar for a ground-based defense system. Westinghouse was a finalist in the program along with Thomson, CSF of France. Thomson offered an attractive financing package including a 10-year grace period and a 3.5-percent interest rate. Westinghouse was unable to obtain similar financing in the United States. It decided, therefore, to shift a significant portion of its planned production to Canada in order to obtain Canadian Government financing. Eventually the French company was awarded the contract anyhow. Westinghouse officials attribute their loss to the financing troubles and the fact that they could not get financing from the U.S. Eximbank.

At this time when we are scaling back on our defense purchases, when we are worried about our defense industrial base—and I can assure Senators that we in Missouri are worried about that and I know many other States have the same problem, ensuring we maintain the top quality production that American workers have developed in defense—it only makes sense to give our defense industry, and the skilled workers employed there, every tool possible to make them competitive in the international marketplace.

As the Pentagon buys fewer and fewer products, international sales will become more and more important to the continued health of our defense companies.

This is not to say that I or any other Senator who supports this measure is in favor of indiscriminate weapons sales to any country without limit. Certainly, we are not. That is not the proposal that we have before us. This measure has been carefully crafted to assure that financing would be available only to our close and long-term allies. NATO countries, Israel, and Australia are some examples. The amendment will have no impact on the long-term prohibition on Eximbank financing of defense sales to third world nations.

I also point out to my colleagues that this provision will not alter the current process for considering sales of military equipment. As my colleague from Connecticut has already pointed out, the existing system under which sales are screened and approved by the Departments of State and Defense with congressional oversight would not be affected at all. The only change will be the added involvement of the Export-Import Bank, making a financial decision as to whether or not a particular deal is viable—the same decision they now make on nonmilitary deals.

Mr. President, last week during the President's day recess I traveled back to my home State of Missouri. I met with some of the 40,000 defense workers in my State. Needless to say, they are very proud, and rightfully so, of the tremendous contribution that they have made to our efforts in the Persian Gulf. They are proud of the fact that the fine products they produce are now protecting the lives of our young men and women in the gulf. Despite their pride, however, they all remain concerned about the long-term viability of the companies for which they work. This is not surprising given the fact that almost 10,000 of their colleagues in my State alone have lost their jobs over the past year.

The men and women I talked to understood that their jobs are tied in large part to foreign sales, to foreign sales to our strong allies. They realize that U.S. companies must sell military products to our allies if our defense companies are to stay healthy. They told me, again and again, of the need to win sales to countries such as Korea, Switzerland, Spain, and Italy, because, as they pointed out, these products will either be made in Missouri or they will be made in London and Paris and in other NATO countries.

If we are to keep a defense industrial base, if we are to keep those workers productively and profitably employed in doing what they do best, then we have to provide them the same kind of assistance from our Government that Canada, Great Britain, and France provide their companies involved in defense production.

This amendment is simply one tool to help ensure we keep jobs in this country rather than losing them to the Eximbank financing of companies in Europe. I strongly urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Pennsylvania [Mr. HEINZ].

Mr. HEINZ. Mr. President, I have examined the Dodd and Bond amendment, and of course I recognize it. It is an amendment that was considered during the course of our discussion last year in the Banking Committee on the Defense Production Act. I say I recognize it because one of its key provisions are mine. That is to say, an original Dodd-Bond amendment was offered which I opposed because I took the position then, as I do as a matter of principle now, that the Export-Import Bank should not be used for arms sales, even to NATO countries; that it would be best that those exports were financed as any other military sale is financed.

So I offered an amendment in committee to make sure that normal commercial sales, which are what the Export-Import Bank finances, would be protected. I offered an amendment which provided priority for commercial sales in the event the Export-Import Bank decided and was given the authority to provide financing for sales of military items to authorized destinations in NATO—that those would not ever be at the expense of ordinary commercial sales, from one commercial customer to another.

That amendment lost on a close vote. The Senator from Connecticut has incorporated my amendment into the text of his amendment today, and I commend him for doing so. It is his last paragraph, which reads:

> Support for any such sale may only be provided if the Bank determines that loan and guarantee authority available to the Bank in the year of the sale is in excess of the requirements for commercial nonmilitary exports for that year.

That, I think, is a very clear and unambiguous statement that says that commercial, nonmilitary exports will get priority. If there are excess resources, they can be used for military purposes.

So, Mr. President, I am in the position of meeting myself coming the other way because, frankly, I had not been enthusiastic about the underlying proposition. In the article that the Senator from Maryland has referred to, the New York Times article entitled "Don't Use Export-Import Bank for Arms Sales," I find myself in continuing sympathy with many of the arguments made by Mr. Hamilton. The one that resonates most with me is the point that there is a risk in using Eximbank resources for this purpose and that is taking on the risk of financing nonproductive military exports, along with the associated risk of subsequent political backlash.

So I cannot muster a lot of enthusiasm for the amendment of the Senator from Connecticut and the Senator from Missouri. But at the same time, I am not going to stand here and fight it tooth and nail. I am willing to take it to conference, which I think is probably the most expeditious course for the Senate.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland [Mr. SARBANES].

Mr. SARBANES. Mr. President, the Members of the Senate face a very fundamental judgment. What is being proposed is prospectively a fundamental reorientation of the focus of the Eximbank programs.

Mr. HEINZ. Will the Senator from Maryland withhold for just a second?

Mr. SARBANES. At the request of my dear friend, I will be happy.

Mr. HEINZ. Without losing his right to the floor, so that I might propound a unanimous-consent request.

Mr. SARBANES. I do yield, Mr. President.

UNANIMOUS-CONSENT AGREEMENT

Mr. HEINZ. Mr. President, I ask unanimous consent that the only further amendment in order to S. 347 be the pending amendment.

I further ask unanimous consent that following the disposition of the pending amendment, the Senate proceed to third reading and final passage of S. 247, as amended, without any further action or debate.

I also ask unanimous consent that immediately following the disposition of S. 347, that the Senator from Pennsylvania or his designee be recognized to introduce for immediate consideration a bill which is the text of S. 259 with the fair trade and financial services language and changing the expiration date to September 30, 1991, on which there would be 10 minutes of debate to be equally divided in the usual form; that no amendments or motions to commit be in order in relation to the bill of the Senator from Pennsylvania; and that following the use or yielding back of time, the Senate proceed to third reading and final passage of the bill of the Senator from Pennsylvania without any further action or debate.

The PRESIDING OFFICER. Is there objection? Hearing none, that will be the order.

Mr. HEINZ. I thank my friend and colleague from Maryland for yielding.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. SARBANES. Mr. President, as I had begun to observe, the amendment before us presents Members of the Senate with a very clear, I think, and basic judgment; and that is whether Exim credits should be used to finance the sale of defense articles and services.

Prospectively, this has the potential of being a fundamental reorientation in the focus of Eximbank programs and I for one believe that the Eximbank programs should not be used to finance military sales.

This amendment is similar to one offered by my colleague from Connecticut last year in the Banking Committee at a markup of the Export Administration Act which, incidentally, is not the act that covers this area of activity. It was, as he noted, adopted in the committee on a divided vote and taken to conference but did not come out of the conference. We now have an effort to add it here to the Defense Production Act, which also does not deal with the subject matter of the amendment.

I simply make the point that no hearings have been held on this proposal. We have not had a chance to have a full-scale hearing and examination of whether it is wise policy, whether it is sensible to make this departure in order to allow the Eximbank now to undertake this financing of defense articles.

We have heard that the administration is considering shifting its position in order to permit a certain amount of this to happen. But that fundamental shift in policy has not been presented to the Congress and no hearings have been held on whether this represents a wise thing to do.

There are several reasons why I oppose this amendment. First of all, as I have just indicated, if we are going to make this kind of change, there ought to be a set of hearings in which we can hear the pros and cons of it and have a chance to examine very carefully the import of this change, particularly when in the past there was a time in the making of national policy when because such use of financing was permitted we, in effect, changed the policy.

This is not an issue that emerges in a sense for the first time historically. It was here before, and at that time a different judgment was made. The practice was going on and the judgment was made that the practice ought not to go on.

Now we have an amendment which seeks to permit the practice and, of course, as I say, we are dealing with it here on the floor without having had the sort of hearings that I think ought to be behind or precede any change of this sort.

The Eximbank, as we all know, is important in financing the export of U.S. commercial products. We, of course, are anxious to do that. It has not engaged in recent years in financing military goods or services. We now confront an amendment which would permit a shift in that policy.

In fact, for now more than 20 years the Eximbank has been prohibited from financing military sales to the developing countries and has as a matter of practice or policy refrained from providing such support for developed countries, thereby enabling it to focus its resources on commercial export financing.

One argument which will be made—and it is a reasonable argument—is that the Eximbank has not fully used all of the financing resources that are available to it, and therefore, having failed to do so, at least some of that gap, if not all of it, should be picked up by financing military sales.

Of course, one answer is we really need them to push harder in financing commercial sales. In fact, it is expected that the demand for such sales will increase dramatically with the evolving of free markets in Eastern Europe, the return of free market economies in Latin America, their new and significant opportunities for American suppliers, but they will need the support of the Eximbank in order to do it.

So you have a situation in which I think a reasonable argument can be made that while not all of its guarantee authority available in the past has been fully used, obviously those resources are not unlimited, and there are opportunities now for their utilization.

That is the direction, in my judgment, in which we ought to be pushing the bank. In fact, that is the area of the bank's expertise. The bank has no expertise in the financing of military sales. The basic judgment on whether military sales ought to take place is essentially not a commercial judgment. It is a security-foreign policy judgment, which is not an area of competence or expertise for the Export-Import Bank.

The Senator from Missouri cited a letter which I have had distributed that appeared in the New York Times about a week ago. It is one of those, from my perspective, happy coincidences that this letter arrived, and fortunately I happened to notice it.

The reason the letter came in apparently is it was the author's concern because he understood the administration was thinking of shifting position. But it in effect anticipates the amendment that is now before us, and I want to now make reference to that letter and quote from it.

Mr. President, I ask unanimous consent that the full letter be included in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. This is a letter from a gentleman I do not know, Albert H. Hamilton, who says at the very outset that he was a senior staff employee of the Export-Import Bank from 1964 until 1987, and expressing his concern by reports that the administration is considering requiring the bank to revert to financing exports of U.S. military equipment and services. He says his concern:

> stems from the bank's experience in the fiscal years 1966 through 1968, when it was made a major participant in the export of weapons, in part because of budget constraints caused by the Vietnam war, and in part because of the balance-of-payments problem then.

Of course, we now face budget constraints. We face balance-of-payments problems. We face defense cutbacks which are impacting on defense production. And I must say to my colleagues we experience those in my State just as they are experienced in other States. So the real question here is on this basic issue of whether you think the Eximbank ought to be used to finance the sale of arms.

The letter goes on and says:

> In fiscal year 1966, the bank authorized loans of $134 million to finance military sales to Australia, $110 million for such sales to Britain, and $237 million for weapons sales to "miscellaneous countries," not otherwise specified.

During the following 12 months the comparable figures were $159 million to Australia—that was compared to $110 million the year before—$435 million to Britain—compared to $110 million—and $353 million to miscellaneous countries. Then he points out in the following year the figures dropped.

He says:

> The drop to zero in fiscal year 1968 resulted from a series of articles in the New York Times derived from interviews with Department of Defense officials who were elated that they had been able to tap into the bank's resources to finance these exports, limiting their department's role to a repayment guarantee of the bank's loans.
>
> The articles provoked extended congressional hearings—

Extended congressional hearings.

I repeat again we have had no hearings on this issue. It was first brought up as an amendment in the markup last summer of the Export Administration Act and it is now back before us. But there have been no hearings, none in the course of considering reauthorizing the Export-Import Bank or any legislation specifically applying to the Export-Import Bank.

The letter goes on:

> where the technique was referred to as "back-door financing" and an evasion of the appropriations process. The result of these hearings was legislation in March 1968 which imposed a limit on the amount of weapons sales to developing countries, followed that October—

This is October 1968—

> by Public Law 90-269 which imposed an outright ban on Export-Import Bank financing of military equipment sales to developing countries.

Much, of course, has changed since 1968, as the letter points out, including the development of a more serious Federal budget crisis. In fact, the bank's authority for dealing with the export of commercial products is not keeping up with the amount of exports.

So I think there is a strong case to be made that there is a real need for these credits for the exporters of commercial goods, even though the bank in past years has not utilized them, partly because of the way they are required to score matters for purposes of budget impact.

Now, in effect what is going to happen here is the Defense Department will provide financing for the sale of military articles and services with respect to resources provided to the Defense Department for that purpose, and in addition now they will find other financing for military articles and services in the Export-Import Bank.

I know my colleague who has offered the amendment makes a point of the countries to which it pertains, but I predict now to the Members of this body that the next step they will face—and I predict it with great assurance because it apparently is not going to happen today, but it might well have happened today—is the Members will be coming, offering other countries to be put into the list so that the Export-Import Bank money can be used to finance military weapons and sales.

The real question is are we going to keep the Export-Import Bank committed to what has been its clearly defined objective in the past, an objective which is very important to our national interests, and objective which if realized will strengthen our competitiveness in the international world economy, provide, as it were, jobs through the export market in the lasting sector of the production of civilian goods? Are we going to move it over into providing financing for military articles?

One of the dangers, of course, is you finance military articles, and then if the payments cannot be met, you get a national security-foreign policy argument for excusing the debt.

That should not come as any surprise to Members of the Senate because we just did that with respect to Egypt in this body to the tune of close to $7 billion.

So, what is happening now is you are going to put an assignment on the Export-Import Bank which is completely outside of its area of competence. I mean this is an institution that analyzes commercial sales, and makes judgments with respect to direct loans and guarantees that pertain to commercial sales.

Military equipment does not generate cash-flow for debt service. The financing of such exports cannot be based on commercial considerations, which are the considerations that governed heretofore for more than the last 20 years the Export-Import Bank.

I think—there is no doubt in my mind—that if you once permit the Export-Import Bank to support military exports to this list of countries, there will be pressures to make the program available to other countries, as well. It will be inevitable. It may well be difficult to resist. It constitutes an open invitation to every country.

Given all the other pressures, the budget pressures that affect the resources available in the Defense Department, the balance of payments pressures, countries will say, "Are we not as much a friend as the country that is on the list? We want to be on the list. We want to be on the list, as well." For that, you are going to have a tremendous demand.

It is true the amendment as written provides some protection on the commercial side by making this, as I understand it, residual. But I think over time, the dynamics for the expansion of this program, both to countries and in amount, will be very strong, and may well be irresistable.

So the basic question comes down to whether you want to now take the Export-Import Bank, which has been performing a very important service, and without a full set of hearings, and put it into the business of financing arms sales. That is what this amendment does. It moves it into the financing of arms sales.

We have a system for financing arms sales. It works its way through the appropriations process. It therefore receives the scrutiny in the Congress that the appropriations process requires, and it enables foreign policy and security and economic judgments to be made as to whether that financing ought to take place.

You permit this in the Eximbank. They operate under a grant of authority. There is not a congressional review of each of the decisions which they make. They are not equipped to deal with military sales.

I assume what this amendment will force them to do is to develop an additional or a supplemental administrative structure within the bank in order to try to be able to handle military sales and develop that competence and expertise. Then I do not know how the Eximbank is going to factor into its judgments the national security foreign policy factors which are currently factored into the judgments as to whether there ought to be the financing of military sales.

Obviously, I feel very strongly that we should not adopt such a fundamental shift in the focus of the Eximbank. Certainly, it is my own view, having looked at it, that it ought not to happen. But I certainly do not think it should happen without the kind of hearings that would enable us to examine the issue in every respect; to take a very careful look at it, and to make the judgment whether this is a sensible way to proceed.

This is a highly controversial issue. The House, in fact, and only recently, has taken a position completely opposite, the House committee, completely opposite; namely, precluding the use of the Eximbank for military sales in any circumstance.

My own preference, obviously, would have been that we go through the hearing process before we reached that point, and then debated this issue. There is not a hearing record to support this amendment.

I appreciate the pressures that bring it forth. They are felt by everyone. But I urge Members to stop and think very carefully whether they want to put the Eximbank into the arms sales business. Do we want the Eximbank, which has had a clear charter and a clear mandate, to do more with that charter and more with that mandate? Do we now want to push them into the arms sales business?

I submit that we do not want to do so, that we ought to oppose this amendment, because I think it is starting us down the path of great difficulty. It will inevitably, in my judgment, crowd out the traditional functions of the Eximbank. It may not do it immediately.

But before too long, I am prepared to predict here on the floor of the Senate, that if this amendment becomes law it will crowd out the traditional functions of the Eximbank, and the encouragement of commercial sales, which has been the Bank's focus, will be impeded and set back. It makes no sense at a time when the opportunities for such commercial sales are opening up both in Latin America and in Eastern Europe.

Mr. President, I know that the administration may change its posture. Of course, that is a matter that also ought to be subjected to hearings if, in fact, that is the case, and they press that forward. I understand there is a division within the administration about which way to go on this thing.

But, again, that is a matter that I think ought to be examined by the Congress. I think this represents a hasty effort to respond to pressures that exist that all of us feel with respect to defense industries that are confronting difficult production problems.

But the answer to it is not to put the Eximbank in the business of financing arms sales. The Eximbank has been, and ought to be, and should continue to be in the business of financing commercial sales, building up those exports, of improving the American balance of payments through that commitment and should not now be shifted into the financing of military articles and services.

Mr. President, I know that the manager of the bill is anxious to move along, and I am sympathetic to his problems. I say to the manager that I will conclude in just a moment or two. I sense his unease, and I want to respond to it and try to be helpful to him. I indicated to him at the outset that I am prepared for Members to make this basic judgment. Members are going to go on the line, and then they are going to have to in the future, as things develop, live with the judgment they are going to make here now as to whether they are going to put the Eximbank into the arms sales business. That is what it amounts to.

We talk about the new world order, the post cold war international environment, all of the hopes for peace and prosperity, and then we come here, and one of the first things some Members want to do is take the Eximbank and put it in the arms sales business. I submit that the Eximbank ought to stay with its current mission and its current charter, to encourage commercial sales. It ought not to be put into the arms business. Members ought not to vote for an amendment that, in effect, allows the Eximbank to go down the path of being the financier of arms sales, and I very much hope Members will vote against the amendment.

EXHIBIT 1

[From the New York Times, Feb. 16, 1991]

DON'T USE EXPORT-IMPORT BANK FOR ARMS SALES

To the Editor:

As a senior staff employee of the United States Export-Import Bank from 1964 until 1987, where my duties included liaison with other Federal agencies, I am deeply disturbed by reports that the Administration is considering requiring the bank to revert to financing exports of United States military equipment and services. My concern stems from the bank's experience in fiscal years 1966 through 1968, when it was made a major participant in the export of weapons, in part because of budget constraints caused by the Vietnam War, and in part because of the balance-of-payments problem then.

In fiscal year 1966, the bank authorized loans of $134 million to finance military sales to Australia, $110 million for such sales to Britain and $237.7 million for weapons sales to "miscellaneous countries," not otherwise specified. During the following 12 months the comparable figures were $159.7 million, $435 million and $353.1 million. The amounts for fiscal year 1968 were $50 million, $100 million and nil.

The drop to zero in fiscal year 1968 resulted from a series of articles in the New York Times derived from interviews with Department of Defense officials who were elated that they had been able to tap into the bank's resources to finance these exports, limiting their department's role to a repayment guarantee of the bank's loans.

The articles provoked extended Congressional hearings, where the technique was referred to as "back-door financing" and an evasion of the appropriations process. The result of these hearings was legislation in March 1968 (Public Law 90-267), which imposed a limit on the amount of weapons sales to developing countries, followed that October by Public Law 90-269, which imposed an outright ban on Export-Import Bank financing of military equipment sales to developing countries.

Much has changed since 1968, including the development of a more serious Federal budget crisis. In the mid-1960's the bank's authorizations were equal to about 12 percent of United States exports; last year they were equal to less than 2 percent.

With United States exporters of commercial goods desperate for export credit support, the Administration should conserve its severely limited resources to support exports that contribute to development of markets abroad for United States goods and services. If exports of military equipment are deemed to be in the national interest, clearly the responsibility for such transactions should rest with the Department of Defense. After all, that agency is supposed to know about strategy and the legitimate needs for weapons of other countries.

Also, retaining the responsibility for such transactions in the Department of Defense will make the information on amounts, types of weapons and buyers available to Congress and the public through the authorization and appropriation process.

The Export-Import Bank should not now, when commercial goods exports are perhaps the only bright spot in our bleak economy, be used to assume the risks of financing nonproductive military exports, with the associated risks of subsequent political backlash. Debt relating to military procurement is the easiest kind not to pay, particularly when the buyer is asked to join the supplier country in military action, for example, Egypt and the United States, and earlier, Egypt and the Soviet Union.

Since leaving the bank I have been with a consulting organization that analyzes the export credit agencies of other countries—counterparts to the Export-Import Bank. This has enabled me to see how many of these agencies have gotten into serious political and financial difficulties by supporting exports of military equipment. For example, the British export credit agency some years ago was heavily involved in supporting military sales to the Kwame Nkrumah Government in Ghana. When that Government changed, its successor sought to repudiate the arms-related debt, with resulting financial losses and claims payments.

Arms sales, by their nature, are highly political and noncommercial. Military equipment doesn't generate cash flow for debt service, a serious problem in most developing countries. The financing of such exports cannot be based on the commercial considerations that govern export credit agencies, including the Export-Import Bank.

The Export-Import Bank deserves to be supported in its commercial export finance functions; financing military exports is an inappropriate, unprofitable and unpromising role for it.

ALBERT H. HAMILTON,
Senior Associate,
First Washington Associates Ltd.

ARLINGTON, VA, *January 25, 1991.*

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, very briefly, in all fairness, I have to respond to some of the statements made by my good friend from Maryland, and he is a good friend. There are some clarifications that are necessary here.

First of all, this is not unprecedented activity. Let us make it clear that, in fact, years ago the Export-Import Bank was used, as the Senator from Maryland pointed out, in a number of cases for military sales. There were mistakes made, I agree with him, in the Third World developing countries area, and that has been shut down, as it should be.

But the problem is, of course, that we are dealing now with NATO countries, with Israel and Japan, places where our manufacturers are denied the same level playing field to compete for those sales. If I can sell a jet engine for commercial use in England, why can I not also use the Eximbank for the sale of that jet engine for military purposes? That is not to suggest we are dealing with banana republics. We are talking about Japan, Israel, New Zealand, and Australia; that is it. I oppose any amendment that expands this to include developing nations. But over the last few years, we have already done it.

The Eximbank is allowed for the sale and use the guaranteed authority in narcotics, as in Colombia and in a list of other countries which are approved for that particular purpose. We have approved the Eximbank acts, the use of that authority for the sale of helicopters and other equipment to the Turkish police. It is not as if we are charting an altogether new course here today. This is not unprecedented at all. Hearing requirements and so forth, as suggested, would imply somehow that this is altogether new.

Second, the sales will have to go through the same process they go through without the Exim financing. They would be required to get the export licenses as required by the State Department, the Department of Defense, and others. So this is not somehow allowing these things to go forward. All we are suggesting here is, in a highly competitive market, NATO countries with our allies use guaranteed loan authorities to enhance the ability of their contractors to compete. We would like a level playing field, that is all, within NATO countries, such as Israel, Japan, New Zealand, and Australia, so when we are selling those things, we will be on a level playing field.

I hope this amendment will be adopted. If you are concerned about what is happening to some of your employees and about layoffs, and if you are concerned about research and development, about production lines, here is one way, a small way, to make some difference, with a cap and a pilot program of less than 10 percent of the entire loan authority that is there. So, Mr. President, I urge the adoption of this amendment.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I oppose this amendment. I think we should understand what it is. I was watching this debate. As chairman of the Foreign Operations Subcommittee, I am concerned about a move which would, in effect, create a new military assistance program in the foreign aid budget. Let me tell you that there is a subsidy cost to this military financing program. We are going to be required, if this passes in the foreign aid bill when it comes up, to appropriate an extra $65 million out of the foreign aid budget to subsidize the military exports. We would have to appropriate an extra $65 million or take it out of one of the regular humanitarian programs.

Foreign aid already provides $3 billion in direct military aid and loans for military sales. We have all the things that everybody on this floor wants, and I see several Members on the floor who have asked for various programs, from Eastern Europe, to Israel, to Turkey, to Greece, to everywhere else; and I wonder who is willing to step up here, a proponent, and say they will take the $65 million out of that humanitarian program to pay for this. Maybe some day there should be a new financing facility on commercial military exports. We will have hearings on that issue.

It is true, as the distinguished Senator from Connecticut says, that other nations do directly finance their military exports. The American defense industry does not have a level playing field. He is right on that. Maybe there is an argument for it, but we have not had the hearings, and we do not know. I do not think it is the way to settle this issue. We are going to vote it up or down, I suppose, but I suggest to those who want to vote for it that I hope they will understand when they come to me on the foreign aid bill and say they want help for Poland, or they want help for Greece, or Israel, or Turkey, or Egypt, or Lord knows where else, that we are going to have to find the $65 million in there somewhere to take out to pay for this.

Mr. DODD. Will the distinguished Senator yield on that point?

Mr. LEAHY. I yield the floor.

Mr. DODD. There is no mandate that the money be used. The language says "may," not "shall." So the suggestion that somehow this is going to cost additional money is absolutely untrue. There will be no request for an appropriation here. It is language made within that authority that is provided for this, absolutely no budgetary impact, as my colleague knows, because a similar measure was offered on the appropriations bill and enjoyed his support. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. HARKIN). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. To answer the Senator from Connecticut, if it is authorized, it is required to be funded under the Exim line in the foreign aid bill.

Mr. LIEBERMAN. Mr. President, I strongly support the amendment of my colleague, the senior Senator from Connecticut. With this amendment, we are creating a program within the Eximbank that would help defense exporters, while not "crowding out" commercial users of the Bank.

The only sales that can be guaranteed by this amendment are to other members of NATO, as well as Japan, Israel, Australia, and New Zealand. It is important to remember that these are not sales to developing countries. These are sales to developed nations that will buy defense related items from the Nation offering them the best terms. With this amendment, we are simply trying to level the playing field for our exporters.

The amendment also limits the total amount of funding available for defense exports. No more than $1 billion of direct loan or guarantee authority can be used for this purpose. In addition, before financial support for a defense sale is approved, the Bank must take into consideration the "likely demand" during a fiscal year for the sale of nondefense articles, consulting with other government agencies during the process. These are important safeguards for commercial exporters.

This language is approximately the same as the language the administration has suggested be used to facilitate the Bank's involvement with military sales. It is a thoughtful, balanced approach designed to help our defense exporters who create so many jobs for our people.

If this amendment is enacted, we will have to revisit the whole issue of the Eximbank's involvement with the financing of defense exports in the context of the Bank's charter renewal, due to come up next year. If we determine that this program is not working the way we want it to, we can eliminate it or otherwise change it during our debate over the charter renewal.

The defense industry is key to my State's economy. We depend on it to create jobs and keep our industrial base strong. It is clear that over the next few years there will be cutbacks in defense spending, despite the war in the gulf. One way to ease the pain of those involved with the industry is to help them with exports to developed nations. It is crucial to remember that this is not simply a program to help big business. There are thousands of subcontractors involved with the defense industry, providing thousands of jobs to the people of Connecticut and throughout the country.

Connecticut is not the only state which relies on defense contracts. The defense industry is a key component of our Nation's manufacturing base. Since defense dollars will not be flowing as freely as they did in the last decade, we must ease the plight of those dependent on this spending. This amendment is an important step in that direction.

I urge my colleagues to support the amendment.

Mr. DIXON. Yeas and nays, Mr. President.

The PRESIDING OFFICER. The yeas and nays have already been granted.

Is there further debate?

The Senator from Maryland.

Mr. SARBANES. Mr. President, I simply underscore, on the basis of what the Senator from Vermont has just pointed out, the pitfalls that are associated with this amendment.

I urge Members to vote against it. If debate is finished, I am going to move to table the amendment.

Mr. President, I move to table the amendment.

Mr. LEAHY. Yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There is a sufficient second on the motion to table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland to lay on the table the amendment of the Senator from Connecticut. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN] is necessarily absent.

I also announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. BROWN], the Senator from Vermont [Mr. GARN], and the Senator from Vermont [Mr. JEFFORDS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—48

Adams
Akaka
Baucus
Bentsen
Boren
Bradley
Bryan
Bumpers
Burdick
Byrd
Coats
Daschle
DeConcini
Dole
Ford
Glenn
Gore
Gorton
Grassley
Harkin
Hatfield
Heinz
Johnston
Kassebaum
Kerrey
Kohl
Lautenberg
Leahy
Levin
Lugar
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Packwood
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Simon
Wellstone
Wirth

NAYS—47

Biden
Bond
Breaux
Burns
Chafee
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Dixon
Dodd
Domenici
Durenberger
Exon
Fowler
Graham
Gramm
Hatch
Heflin
Helms
Hollings
Inouye
Kasten
Kennedy
Kerry
Lieberman
Lott
Mack
McCain
McConnell
Murkowski
Nunn
Pell
Pressler
Robb
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—5

Bingaman
Brown
Cranston
Garn
Jeffords

So the motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I support quick action to renew the Defense Production Act of 1950 [DPA]. The failure of the Congress to reauthorize the DPA last year has called into question the President's authority to assure prompt delivery of materials and services to meet national security requirements particularly in the Middle East. Of particular concern to the Committee on Energy and Natural Resources, which I chair, is that the Secretary of Energy may lack the authority to meet the Department's own needs. For example, without the DPA the Secretary lacks the authority to demand priority treatment for contracts supplied outside of the United States.

It is also vitally important that several changes to the energy-related aspects of the DPA be made. First is the repeal of section 708A of the act which prohibits the use of voluntary agreements to implement international agreements relating to petroleum products. For example, the Department will be hindered in its ability to help Kuwait rebuild its oil fields because without the use of voluntary agreements United States oil companies will be unable to work together.

The second change would clarify that the Defense Production Act's contract priority provisions apply to "service" contracts. Repairs to the strategic petroleum reserve pipeline and airlifting troops and equipment are examples of the type of services that would be covered.

S. 347 contains both of these provisions. I commend the members of the Committee on Banking, Housing, and Urban Affairs for including them. However, one of the most important changes needed to be made to the Defense Production Act is not adequately dealt with by S. 347.

A waiver of certain criminal conflict-of-interest statutes, certain ethics provisions and a statutory antitrust waiver for those who serve in the National Defense Executive Reserves is vitally needed by the Secretary of Energy. In times of war or emergencies, the Secretary needs to employ experts from the private sector to assist in meeting its responsibilities. The purpose of the executive reserve is to allow the Secretary to create a group of individuals it can call upon to render such assistance. The individuals are either paid by their company while serving the Government or are paid by the Government but with the expectation of returning to their company when the emergency has passed. Both situations violate existing conflict-of-interest laws and antitrust laws, criminal as well as civil. These laws were not designed to deal with this special circumstance.

In 1973 in response to the Arab oil embargo, the Department of Interior proposed to activate industry members. Conflict of interest and antitrust questions prevented activation. Almost 20 years later and over a month into the war with Iraq, the Government still cannot call upon the executive reservists.

S. 347 does purport to offer protection to the reservists. However, the language used in section 138 of the bill on executive reserves is woefully inadequate.

There are numerous objections to the language, but I will only highlight some of the more significant ones. S. 347 would preclude the President from delegating the new waiver authority. The waiver authority extends only to one of the several conflict of interest statutes that impede use of executive reservists. The description of the purpose for which the Department might seek waivers is too narrow. The requirement of a postemployment report indicating all the particular activities engaged in that, but for the waiver, are "otherwise prohibited by this section," is burdensome and presents a potential chilling effect on attempts to use executive reservists. S. 347 limits the total number of waivers that may be granted by the President to 50. The Department is limited to 25. For the Department to gain benefit from calling up the executive reserves, no less than 50 people are needed. Finally, all of the waivers are to terminate on September 31, 1991.

Even if one believes that the language used by S. 347 grants sufficient legal authority it makes little difference because if industry still refuses to serve, then government will be unable to fulfill its obligations. I remind my colleagues that it is government seeking help from the private sector, and not the private sector seeking help from the government.

In this regard, it is particularly important to note that the National Petroleum Council, in its January 1991 report to the Secretary, entitled "Industry Assistance to Government * * * Methods for Providing Petroleum Industry Expertise During Emergencies," concluded that the conference report on H.R. 486 from the 101st Congress—which is identical to the language used in S. 347—"does not appear to meet the concerns (regarding application of the antitrust and conflict of interest laws to the Executive Reserves) * * * and future enactment of these provisions need not be expected to eliminate the legal obstacles to activation of a petroleum NDER (Executive Reserve). In particular, the waiver provisions for various conflict of interest restrictions are especially inadequate."

Last year the House passed H.R. 486 on September 24. H.R. 486 with a few minor modifications gives the protection the executive reservists need. Mr. President, I would like to see the language used in the House bill included in S. 347.

Mr. RIEGLE. Mr. President, I rise in favor of S. 347, a bill to renew and amend the Defense Production Act of 1950. I am proud to be an original sponsor of this legislation along with Senators GARN, DIXON, HEINZ, SARBANES, D'AMATO, DODD, and SASSER, all of whom contributed to its development.

The Defense Production Act [DPA] was originally passed to meet the national emergency caused by the Korean war. Only three titles of the original law—I, II, and VII—were kept in effect after that war. Title I of the DPA provides to the President the authority to require the priority performance of contracts which have been determined to be necessary for the national defense. Title III authorizes the use of a broad range of economic incentives to assure that American industry will be able to provide the broad range of materials and services that are required for the national defense. These incentives include purchase guarantees, loan guarantees and loans. Title VII authorizes the President to encourage joint industry undertakings to improve industrial preparedness and given them protection from antitrust suits. That title also gives the President the authority to suspend or prohibit the acquisition, merger or takeover of a domestic firm by a foreign firm if such action would threaten to impair the national security.

The DPA has been reauthorized and amended numerous times since 1950 and Congress attempted to do that again in the 101st Congress. The bill before the Senate today with minor nonsubstantive technical changes, is the exact same legislation that was developed in a House/Senate Conference last October that was held to reconcile the differing provisions of H.R. 486 and S. 1379 the respective bills developed by the House and Senate to renew and amend the Defense Production Act of 1950. The Senators sponsoring S. 347 are the Senate conferees who signed last year's conference report.

The conference report on H.R 486, found in House Report No. 101-933 printed on October 23, 1990, was taken up by the House on October 25, 1990 and was passed without objection. Let me repeat the conference report on H.R. 486 which we are reintroducing today passed the House without objection. It was held up in the Senate by last minute concerns raised by certain individuals within the Department of Defense. At the exact same time the Department of Energy was actively lobbying for its passage.

Last October we were led by DOD officials to believe that the administration had other authorities that could substitute for the DPA and that it did not need the conference bill. That assertion has turned out not to be accurate. As a result, the Federal Government finds itself without emergency authority to allocate supplies of oil among civilian users and without authority to block foreign takeovers of U.S. firms whose ownership by foreigners could threaten the national security. The President also lacks other authorities in the DPA that are needed to safeguard our Nation's national defense and security.

As further evidence of the administration's need for the DPA authorities I note that it recently submitted to the Congress legislation to renew the Defense Production Act. In its transmittal letter the administration stated that "in light of Operation Desert Shield, there is an urgent need to act quickly" on its proposal. The bill submitted by the administration would not only renew the current DPA law, but would also amend it to give the Department of Energy authorities not found in present law to deal with oil shortages that may be occasioned by the Persian Gulf war. These new authorities sought by the administration were in the DPA conference report passed by the House without objection and they are in the conference report bill which we are introducing today.

We believe it is very important to pass this legislation that will, among other things, renew and amend the Defense Production Act. Both Houses of Congress spent countless hours working on this bill and we should get it on the books as soon as possible. This is much needed legislation as certain actions now being taken by our Government to supply our troops with the goods they need could be subject to legal challenge without it.

I believe very strongly that in addition to renewing the current DPA law we need to pass the changes to it that were developed last year and included in the conference report on H.R. 486. Events in the Persian Gulf have demonstrated how important it is for the United States to have the industrial and technical capabilities to develop and produce high technology weapons systems. These events have made me even more convinced that the legislation we developed last year is needed. Let me explain why.

The steady erosion of America's defense industrial and technology base has been the subject of numerous DOD, industry, GAO and congressional reports. A 1988 Defense Department report entitled "Bolstering Defense Industrial Competitiveness" stated the problem succinctly:

> Many basic industries of importance to defense production have declined, threatening the responsiveness of our industrial base. Left unchecked, such erosion could rob the U.S. of industrial capabilities central to national security.

These views of the Defense Department were echoed by most witnesses at the seven hearings held on this matter by the Banking Committee during the 101st Congress.

The competitive standing of many industries vital to our military industrial base is in decline. Since 1982 two-thirds of the contractors who sell manufactured goods to the Department of Defense have left as suppliers to the DOD. In 1982 there were more than 118,000 companies providing goods to the DOD in relevant defense sectors. In 1987 only 38,000 companies in those sectors provided such goods. This shrinkage is even more remarkable in light of the fact that the defense procurement budget increased almost two-fold during the same 5-year period.

The result of the departure of so many suppliers from the defense business combined with quality and productivity deficiencies in our industrial sector have made us increasingly dependent on foreign suppliers for the procurement of parts, components, and systems critical to U.S. national security. Former Secretary of Defense Frank Carlucci emphasized this point during his July 11, 1989, testimony before the committee by stating "one could single out any number of areas where the Department of Defense is dependent on foreign imports for critical components."

It is my belief that growing dependence on foreign suppliers for critical defense components could be detrimental to the national security of the United States since it raises the risk that foreign interests may gain undue influence over U.S. foreign and domestic policy by leveraging our need for their products and technology against their policy objectives.

Of equal concern is our ignorance regarding the extent of U.S. dependence on foreign suppliers. Although a great number of American industry and Government leaders believe the United States is dependent in certain defense-related industries, there is no precise knowledge of what those areas are or the extent to which we are dependent on foreign suppliers for key weapons technologies. There is no single Government-wide or for that matter DOD-wide system for gathering data that systematically reflects the extent to which defense contractors are dependent on materials provided by foreign sources. Our current knowledge is based on anecdotal information or ad hoc studies of the defense industrial base by Government and non-governmental organizations. This is not acceptable and the provisions of this bill attempt to deal with it.

The amendments to the Defense Production Act in our bill address the problems I have just outlined. To improve the competitive position of domestic defense suppliers, the act provides the President authority to undertake peacetime projects to preserve and enhance the capacity and capabilities of segments of the Nation's overall industrial and technology base essential to the national defense. To achieve this end, our bill establishes a separate revolving fund to act as a stable source of financing for eligible projects which foster development or utilization of critical technologies. A revolving fund received strong support from both the public and private sectors. This fund is seen as an effective mechanism for reversing a long history of anemic and erratic financing for industrial resource projects.

This bill also modifies the act's current offset reporting requirements. Section 309 of current law requires the President to annually prepare and submit a report on the impact of offsets on defense preparedness, industrial competitiveness, employment, and trade to the House and Senate Banking Committees. The provisions in the conference report bill are merely designed to improve data gathering procedures so that such reports will better address the effects of offsets on our defense industrial base and nondefense industry sectors, including the effects resulting from technology transfers.

In order to better identify and analyze areas of growing U.S. dependence on foreign suppliers for critical defense components and technology items, which I discussed earlier, the bill establishes a continuous data collection and analysis system with respect to the operations of defense contractors and subcontractors. Such a system has become increasingly necessary as technology development and high technology manufacturing have become global during the 1980's. To the extent the United States builds down its defense posture in response to the thawing of the cold war, our national security will rely increasingly on contingent military capabilities such as our existing industrial and technological potential. It is imperative that we know where our strengths and weaknesses lie in areas of the industrial base that would have to be mobilized to meet a national emergency.

Title IV of S. 347 is designed to ensure that our financial institutions in foreign markets receive national treatment, that is an equality of competitive opportunity to compete with domestic firms. We treat foreign firms in our country the same as our domestic firms. We do not always receive similar treatment in some important foreign markets. We must give our negotiators strengthened authority to open foreign markets now effectively closed to our institutions. Title IV does so in a very nonthreatening way. Under its provisions Treasury and the banking and securities regulators are not required to take any actions against firms from countries that discriminate. They are required to negotiate with such countries. To strengthen Treasury's hand in any negotiations, the bill permits our banking and securities regulators, in consultation with the Treasury, to deny applications for regulatory approval filed by banking and securities firms from countries that discriminate against U.S. firms. Any denials would not force foreign financial firms to shrink their existing operations, but could limit their opportunities for future expansion. Before regulators could exercise their authority, however, the Secretary of the Treasury would have to publish in the Federal Register a determination that discrimination against U.S. financial institutions is taking place in a given foreign country. Let met stress that no action is mandated by this legislation. This is totally discretionary legislation. The Treasury Secretary and the regulators have complete discretion under it whether to use the grant of authority being given to them and the regulators are expected to use this new authority only in full consultation with the Treasury Department.

New evidence of the Treasury Department's need for this type of leverage in negotiating to open financial markets is provided in its most recent national treatment study submitted to the Congress on December 1, 1990, as required by section 3601 of the omnibus trade bill of 1988. In his letter transmitting the 1990 national treatment study to Congress, Secretary Brady noted that Canada and many European countries have made significant progress in removing barriers to full entry of U.S. financial firms but that "only modest progress has been made in many Asian economies [and] numerous Latin American countries still maintain restrictive financial systems." The report itself notes with regard to Japan that "despite modest improvements, a variety of factors have kept the Japanese banking market difficult to penetrate and the slow pace of liberalization and deregulation has provided domestic banks with an unfair competitive advantage over foreign banks both in Japan and globally * * * a number of factors including regulated interest rates, restrictive operating regulations, strong ties among related firms (keiretsu), excessive compartmentalization of financial markets, and lack of transparency effectively reduce foreign banks' competitive opportunities."

That report also noted with regard to Japan's securities market that "foreign firms have been excluded from the $400 billion investment trust (mutual funds) market. * * *

Other restrictions on pension fund managers and securities firms mean, according to Treasury's report, that "full and easy access to the Japanese investor base and entire range of securities activities remains difficult" for foreign firms.

On January 29 the New York Times carried an article on the latest negotiations held between U.S. Treasury and Japanese Ministry of Finance officials about opening Japan's financial markets. According to the Times article the Japanese Vice Minister of Finance warned U.S. officials that if Congress passed the Riegle-Garn Fair Trade in Financial Services Act and Treasury used the authorities provided in that bill to impose restrictions on the operation of Japanese financial firms in this country as leverage to get fair treatment for our firms there, then "Tokyo would respond by curbing credit to the United States." It astounds me that a senior Japanese Finance official believes Japanese banks should continue to enjoy opportunities to grow and expand in our market, where they already control 15 percent of all banking assets, but that our firms should continue to be bottled up in Japan, and that if we seek to give our negotiators more leverage to open up their markets they will drive interest rates up in our country. That sort of threat certainly gives us additional reasons to get our economic house in order. If we were not borrowing from Japan to finance our budget deficits, that country could not use this type of threat. Americans should not be in a position where we have to suffer discrimination without complaining lest if we complain we'll suffer greater mistreatment. This sort of threat makes me even more determined to get this title enacted into law as soon as possible and also makes me more convinced than ever that we must reduce our dependence on foreign capital.

The bill also includes an important study on the interdependence of capital markets. This report will give the Congress and administration needed information about the role of foreign financial institutions in our economy and the impact such growing foreign presence has on our monetary policy and national economic sovereignty. The report will also provide needed information about whether a loss of domestic market share by U.S. financial services firms will have a deleterious impact on certain of our high technology industries such as telecommunications and computers. Having an understanding of the synergies involved in these matters will better prepare us to make good public policy on them.

Let me conclude by saying that the bipartisan cooperation we achieved last year in both Houses of Congress in formulating S. 347 the conference bill we are passing here today signals that there is a strong consensus to deal with the problems it addresses. I am very pleased we are passing this bill and will ask unanimous consent that the January 29 New York Times article I mentioned above be reprinted in full following my statement.

Senators DIXON, HEINZ, and D'AMATO along with Representatives OAKAR and WYLIE did much to develop this bill last year in our conference and can take great pride in it. If properly implemented it will enable us to develop the information we need to determine where we are dependent on foreign suppliers for critical parts and components of essential weapons systems and begin a process of reversing that dependence where appropriate.

Let me also take this opportunity to commend some of the Senate staff who worked so diligently to help us develop this bill which addresses problems in our defense industrial base, and also provides authority to the administration to end discriminatory treatment of our financial service firms in overseas markets. Bill Montalto, the procurement policy counsel of the Small Business Committee, lent his expertise to our committee in dealing with the amendments to the DPA in this bill. I also want to thank Charle Smith and Bill Mattea of Senator DIXON's staff.

Rick Samans of my personal staff, and Chuck Schneider a PMI fellow who worked with the Banking Committee last year also made major contributions to those DPA portions of the bill. I also want to commend Rick Carnell of our committee staff for his work on title IV of this legislation. Let me also extend my thanks to Patrick Mulloy of my banking committee staff who worked tirelessly on title IV and helped pull together the entire package.

I also want to thank each of the Senate conferees and their staff and particularly Senator GARN the ranking member of our committee and his staffers John Walsh and Ray Natter along with Bill Reinsch of Senator HEINZ' staff.

Let me conclude by saying the bipartisan cooperation we achieved in formulating and passing this conference agreement certainly signals that the problems addressed in it need addressing.

I ask that the article to which I referred earlier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 29, 1991]

JAPAN'S STERN WARNING ON TRADE SANCTIONS

(By Clyde H. Farnsworth)

WASHINGTON, January 28.—A top Japanese Treasury official warned today that if the United States applied sanctions against his country because of slowness in opening financial markets, Tokyo would respond by curbing credit to the United States, creating a "very, very harmful" situation.

The warning by Makoto Utsumi, the Vice Minister of Finance for International Affairs, was considered unusually blunt, underscoring rising tensions in negotiations that Washington and Tokyo are holding over longstanding American demands for better access to Japanese financial markets for American financial institutions.

It has been speculated that American sanctions against Japan could lead to Japanese reprisals in the financial sector. But rarely have Japanese officials spoken so openly about consequences for the United States.

DIFFERENCES NOT NARROWED

After a daylong meeting here, Mr. Utsumi and his American counterpart, David C. Mulford, the Under Secretary of the Treasury for International Affairs, failed to narrow any of their differences over the pace of Japanese financial services deregulation. No date was even set to continue negotiations.

Mr. Utsumi's remarks were delivered at a news conference with Mr. Mulford after the meeting. The meeting was a continuation of talks that began in 1984 to remove barriers in Japan's financial services industry.

The talks have assumed rising importance against the backdrop of a strong Congressional push for legislation that would impose sanctions and Bush Administration plans, expected to be announced soon, for reforming the nation's banking system.

The sanctions bill—introduced by Senator Donald W. Riegle Jr. of Michigan, the chairman of the Senate Banking Committee, and Jake Garn of Utah, its ranking Republican—would authorize regulators to deny bids for expansion on the United States by financial institutions based in countries that bar American companies from comparable competitive opportunities.

The bill is aimed mainly at Japan, which despite some changes over the years, still maintains an elaborate web of laws and practices that Washington believes keeps foreign banks and securities firms from competing on equal terms with the Japanese.

American officials assert, for example, that controls over interest rates allow Japanese banks to compete more successfully for money, giving them substantial advantages when they expand overseas, like in the United States.

NO BUSH SUPPORT

But the Bush Administration opposes the Riegle-Garn legislation, saying that narrow reciprocity as a principle of trade policy would lead to escalating retaliation.

Mr. Mulford told reporters today that the United States was trying to get Japan to "address the changing environment with regard to rising Congressional concerns about deregulation and access in Japan." He spoke of "new forces that could result in a substantial politicization of the process unless there could be very rapid progress in Japan."

Responding to questions about the Riegle-Garn legislation, which almost cleared the last session of Congress and was recently reintroduced, Mr. Utsumi noted pointedly that the United States "is experiencing a credit crunch."

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as amended, as follows:

S. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Defense Production Act Amendments of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

PART A—DECLARATION OF POLICY

Sec. 101. Declaration of policy.

PART B—AMENDMENTS TO TITLE I OF THE DEFENSE PRODUCTION ACT

Sec. 111. Strengthening of domestic capability.
Sec. 112. Limitation on actions without congressional authorization.

PART C—AMENDMENTS TO TITLE III OF THE DEFENSE PRODUCTION ACT

Sec. 121. Expanding the reach of existing authorities under title III.
Sec. 122. Defense Production Act Fund.
Sec. 123. Offset policy.
Sec. 124. Annual report on impact of offsets.

PART D—AMENDMENTS TO TITLE VII OF THE DEFENSE PRODUCTION ACT

Sec. 131. Small business.
Sec. 132. Definitions.
Sec. 133. Delegation of authority; appointment of personnel.
Sec. 134. Regulations and orders.
Sec. 135. Technical amendments restoring antitrust immunity for emergency actions initiated by the President.
Sec. 136. Information on the defense industrial base.
Sec. 137. Public participation in rulemaking.
Sec. 138. Waivers of certain employment restrictions.

PART E—TECHNICAL AMENDMENTS

Sec. 141. Priorities in contracts and orders.
Sec. 142. Technical correction.
Sec. 143. Investigations; records; reports; subpoenas.
Sec. 144. Employment of personnel.
Sec. 145. Technical correction.

PART F—REPEALERS AND CONFORMING AMENDMENTS

Sec. 151. Synthetic fuel action.
Sec. 152. Voluntary agreements.
Sec. 153. Repeal of interest payment provisions.
Sec. 154. Joint Committee on Defense Production.
Sec. 155. Persons disqualified for employment.
Sec. 156. Feasibility study on uniform cost accounting standards; report submitted.
Sec. 157. National Commission on Supplies and Shortages.

PART G—REAUTHORIZATION OF SELECTED PROVISIONS

Sec. 161. Authorization of appropriations.
Sec. 162. Extension of program.
Sec. 163. Exemption from termination.

TITLE II—ADDITIONAL PROVISIONS TO IMPROVE INDUSTRIAL PREPAREDNESS

PART A—ENCOURAGING IMPROVEMENT OF THE DEFENSE INDUSTRIAL BASE

Sec. 201. Procurement of critical components and critical technology items.
Sec. 202. Recognition of modernized production systems and equipment in contract award and administration.
Sec. 203. Sustaining investment.

PART B—MISCELLANEOUS

Sec. 211. Discouraging unfair trade practices.

TITLE III—AMENDMENT TO RELATED LAWS

Sec. 301. Energy security.

TITLE IV—FAIR TRADE IN FINANCIAL SERVICES

Sec. 401. Short title.
Sec. 402. Effectuating the principle of national treatment for banks and bank holding companies.
Sec. 403. Effectuating the principle of national treatment for securities brokers and dealers.
Sec. 404. Effectuating the principle of national treatment for investment advisers.

Sec. 405. Financial interdependence study.
Sec. 406. Conforming amendments specifying that national treatment includes effective market access.

TITLE V—EFFECTIVE DATES

Sec. 501. Effective dates.

TITLE I—AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

PART A—DECLARATION OF POLICY

SEC. 101. DECLARATION OF POLICY.

Section 2 of the Defense Production Act of 1950 (50 U.S.C. App. 2062) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

"(a)(1) The vitality of the industrial and technology base of the United States is a foundation of national security. It provides the industrial and technological capabilities employed to meet national defense requirements, in peacetime and in time of national emergency. In peacetime, the health of the industrial and technological base contributes to the technological superiority of our defense equipment, which is a cornerstone of our national security strategy, and the efficiency with which defense equipment is developed and produced. In times of crisis, a healthy industrial base will be able to effectively provide the graduated response needed to effectively meet the demands of the emergency.

"(2) To meet these requirements, this Act affords to the President an array of authorities to shape defense preparedness programs and to take appropriate steps to maintain and enhance the defense industrial and technological base.

"(b)(1) In view of continuing international problems, the Nation's demonstrated reliance on imports of materials and components, and the need for measures to reduce defense production lead times and bottlenecks, and in order to provide for the national defense and national security, our defense mobilization preparedness effort continues to require the development of preparedness programs, domestic defense industrial base improvement measures, as well as provision for a graduated response to any threatening international or military situation, and the expansion of domestic productive capacity beyond the levels needed to meet the civilian demand. Also required is some diversion of certain materials and facilities from civilian use to military and related purposes.

"(2) These activities are needed in order to improve domestic defense industrial base efficiency and responsiveness, to reduce the time required for industrial mobilization in the event of an attack on the United States or to respond to actions occurring outside the United States which could result in the termination or reduction of the availability of strategic and critical materials, including energy, and which could adversely affect national defense preparedness of the United States. In order to ensure national defense preparedness, which is essential to national security, it is also necessary and appropriate to assure the availability of domestic energy supplies for national defense needs.

"(c)(1) In order to ensure productive capacity in the event of an attack on the United States, it is the policy of the Congress to encourage the geographical dispersal of industrial facilities in the United States to discourage the concentration of such productive facilities within limited geographical areas which are vulnerable to attack by an enemy of the United States. To ensure that essential mobilization requirements are met, consideration should also be given to stockpiling strategic materials to the extent that such stockpiling is economical and feasible.

"(2) In the construction of any Government-owned industrial facility, in the rendition of any Government financial assistance for the construction, expansion, or improvement of any industrial facility, and in the production of goods and services, under this or any other Act, each department and agency of the executive branch shall apply, under the coordination of the Federal Emergency Management Agency, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of the geographical dispersal of such facilities in the interest of national defense. However, nothing in this paragraph shall preclude the use of existing industrial facilities.

"(3) To ensure the adequacy of productive capacity and supply, executive agencies and departments responsible for defense acquisition shall continuously assess the capability of the domestic defense industrial base to satisfy peacetime requirements as well as increased mobilization production requirements. Such assessments shall specifically evaluate the availability of adequate production sources, including subcontractors and suppliers, materials, and skilled labor, and professional and technical personnel.

"(4) It is the policy of the Congress that plans and programs to carry out this declaration of policy shall be undertaken with due consideration for promoting efficiency and competition.

"(5) It is also necessary to recognize that—

"(A) the domestic defense industrial base is a component part of the core industrial capacity of the Nation; and

"(B) much of the industrial capacity which is relied upon by the Federal Government for military production and other defense-related purposes is deeply and directly influenced by—

"(i) the overall competitiveness of the United States industrial economy; and

"(ii) the ability of United States industry, in general, to produce internationally competitive products and operate profitably while maintaining adequate research and development to preserve that competitive edge in the future, with respect to military and civilian production.

"(6)(A) The domestic defense industrial base is developing a growing dependency on foreign sources for critical components and materials used in manufacturing and assembling major weapons systems for our national defense.

"(B) This dependence is threatening the capability of many critical industries to respond rapidly to defense production needs in the event of war or other hostilities or diplomatic confrontation.

"(C) The inability of United States industry, especially smaller subcontractors and suppliers, to provide vital parts and components and other materials would impair our ability to sustain our Armed Forces in combat for more than a few months.

"(D) In the event our Armed Forces must face an adversary with a numerical advantage, in the context of a conventional war, it is imperative to preserve and strengthen the industrial and technological capabilities of the United States.".

PART B—AMENDMENTS TO TITLE I OF THE DEFENSE PRODUCTION ACT

SEC. 111. STRENGTHENING OF DOMESTIC CAPABILITY.

Title I of the Defense Production Act of 1950 (50 U.S.C. App. 2071, et seq.) is amended by adding at the end the following new section:

"SEC. 107. STRENGTHENING OF DOMESTIC CAPABILITY.

"(a) IN GENERAL.—To assure availability of critical components and critical technology items essential for the execution of the national security strategy of the United States in peacetime and during graduated mobilization, the President shall take action to implement the requirements of subsection (b)(3) within a 5-year period.

"(b) DOMESTIC PRODUCTION OF CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS.—

"(1) ESSENTIAL WEAPON SYSTEMS.—

"(A) DESIGNATION.—The President, acting through the Secretary of Defense, shall review the inventory of weapon systems and defense equipment and designate as an essential weapon system those items deemed appropriate.

"(B) MAINTENANCE OF LIST.—The President shall maintain a list of such weapon systems and other items of military equipment.

"(2) CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS.—

"(A) DESIGNATION.—The President, acting through the Secretary of Defense, shall identify critical components, and critical technology items, including those relating to essential weapon systems, utilizing information from the Defense Industrial Base Information System established pursuant to section 722(a) of this Act and other appropriate sources.

"(B) MAINTENANCE OF LIST.—The President shall cause an unclassified list of critical or emerging technologies to be maintained and published at least annually in the Federal Register.

"(3) RELIANCE ON DOMESTIC SOURCES.—

"(A) IN GENERAL.—To assure adequate domestic sources for critical components and critical technology items to meet national security requirements, including those relating to essential weapon systems, the President is authorized to limit procurement of such items to domestic sources.

"(B) AUTHORITY.—The authority under subparagraph (A) may be exercised pursuant to—

"(i) section 2304(c)(3) of title 10, United States Code;

"(ii) section 303(c)(3) of the Federal Property and Administrative Services Act of 1949; or

"(iii) any other provision of law (including section 201 of the Defense Production Act Amendments of 1990).

"(4) CRITICAL INDUSTRIES FOR NATIONAL SECURITY.—The President shall cause—

"(A) a list to be maintained containing any industry (or industry sector) identified or designated as a critical industry for national security; and

"(B) an unclassified version of such list to be published at least annually in the Federal Register.

"(c) USE OF TITLE III AUTHORITIES TO DEVELOP DOMESTIC CAPACITY.—Pursuant to authorities provided by title III of this Act or any other provision of law, the President may provide appropriate incentives to develop, maintain, modernize, or expand the productive capacities of domestic sources for critical components, critical technology items, or industrial resources within an industry essential for national security.

"(d) ASSISTANCE FOR MODERNIZATION.—

"(1) MODERNIZATION OF EQUIPMENT.—Funds authorized under title III may be used to guarantee the purchase or lease of advanced manufacturing equipment, and any related service with respect to such equipment, for purposes of this Act.

"(2) SMALL BUSINESSES.—In providing any assistance pursuant to title III of this Act, the President shall accord a strong preference for projects to be undertaken by business concerns which are small business concerns, in accordance with section 3 of the Small Business Act, who perform as contractors or subcontractors in a critical industry for national security.

"(e) STOCKPILING OF CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS.—The President, acting through the Secretary of Defense, is authorized to stockpile appropriate supplies of critical components and critical technology items to meet the needs of the Department of Defense and the production needs of firms furnishing essential weapon systems to the Department during peacetime and various stages of graduated mobilization, whenever it is determined that necessary quantities of such items cannot be obtained from domestic sources.

"(f) REPORT.—

"(1) IN GENERAL.—The President shall transmit to the Congress by January 31 of each odd-numbered year a report on actions taken to preserve and revitalize the domestic defense industrial base, as described in paragraph (2).

"(2) CONTENT.—The report required by paragraph (1) shall contain, in addition to such matters as the President deems appropriate—

"(A) a detailed description of the specific actions taken, or to be taken, to implement the requirements of—

"(i) paragraphs (1), (2), and (3) of subsection (b);

"(ii) subsection (c); and

"(iii) subsection (e); and

"(B) an assessment of the capability of the domestic defense industrial base to meet the requirements of various stages of a graduated mobilization for a period of 6 months.

"(g) COORDINATION WITH MEMORANDA OF UNDERSTANDING.—

"(1) QUALIFICATION FOR PERMITTED EXCLUSION.—Actions taken pursuant to the authority of subsection (b)(3) shall qualify for any exclusion permitted by an existing memorandum of understanding (including memoranda relating to a specific project or the general conduct of procurement activities between the signatories) for the purposes of maintaining defense mobilization capabilities.

"(2) PRESIDENTIAL AUTHORITY.—The President is authorized, at his discretion, to seek to modify any existing or future memorandum of understanding to give effect to any action taken pursuant to the authority of subsection (b)(3).".

SEC. 112. LIMITATION ON ACTIONS WITHOUT CONGRESSIONAL AUTHORIZATION.

Section 104 of the Defense Production Act of 1950 (50 U.S.C. App. 2074) is amended to read as follows:

"SEC. 104. LIMITATION ON ACTIONS WITHOUT CONGRESSIONAL AUTHORIZATION.

"(a) WAGE OR PRICE CONTROLS.—No provision of this Act shall be interpreted as providing for the imposition of wage or price controls without the prior authorization of such action by a joint resolution of Congress.

"(b) CHEMICAL OR BIOLOGICAL WEAPONS.—No provision of this Act shall be exercised or interpreted to require action or compliance by any private person to assist in any way in the production of or other involvement in chemical or biological warfare capabilities except—

"(1) in time of war, or

"(2) in time of national emergency (A) as declared by joint resolution of Congress, or (B) upon the written authorization of the President, which power to authorize may not be delegated.".

PART C—AMENDMENTS TO TITLE III OF THE DEFENSE PRODUCTION ACT

SEC. 121. EXPANDING THE REACH OF EXISTING AUTHORITIES UNDER TITLE III.

(a) GUARANTEE AUTHORITY.—Section 301 of the Defense Production Act of 1950 (50 U.S.C. App. 2091) is amended—

(1) in subsection (a)(1), by striking "to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense" and inserting "to expedite or expand production and deliveries or services under Government contracts for the procurement of industrial resources or critical technology items essential for the national defense";

(2) by amending subsection (a)(3)(A) to read as follows:

"(A) the guaranteed contract or operation is for industrial resources or a critical technology item which is essential to the national defense;";

(3) in subsection (a)(3)(B), by striking "the capability for the needed material or service" and inserting "the needed industrial resources or critical technology item";

(4) in subsection (e)(1)(A), by striking "Except during periods of national emergency declared by the Congress or the President" and inserting "Except as provided in subparagraph (D)";

(5) in subsection (e)(1)(C), by striking "$25,000,000" and inserting "$50,000,000"; and

(6) by adding at the end of subsection (e)(1) the following new subparagraph:

"(D) The requirements of subparagraphs (A), (B), and (C) may be waived during periods of national emergency declared by Congress or the President.".

(b) LOANS TO PRIVATE BUSINESS ENTERPRISES.—Section 302 of the Defense Production Act of 1950 (50 U.S.C. App. 2092) is amended—

(1) in subsection (a), by striking "for the procurement of materials or the performance of services for the national defense" and inserting "for the procurement of industrial resources or a critical technology item for the national defense";

(2) in subsection (c)(1), by striking "No such loans may be made under this section, except during periods of national emergency declared by the Congress or the President" and inserting "Except as provided in paragraph (4), no loans may be made under this section";

(3) in subsection (c)(3), by striking "$25,000,000" and inserting "$50,000,000"; and

(4) in subsection (c), by adding at the end the following new paragraph:

"(4) The requirements of paragraphs (1), (2), and (3) of this subsection may be waived during periods of national emergency declared by Congress or the President.".

(c) PURCHASES AND PURCHASE COMMITMENTS.—

(1) Section 303(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)) is amended to read as follows:

"(a)(1) To assist in carrying out the objectives of this Act, the President may make provision—

"(A) for purchases of or commitments to purchase an industrial resource or a critical technology item, for Government use or resale; and

"(B) for the encouragement of exploration, development, and mining of critical and strategic materials, and other materials.

"(2) Purchases for resale under this subsection shall not include that part of the supply of an agricultural commodity which is domestically produced except insofar as such domestically produced supply may be purchased for resale for industrial use or stockpiling.

"(3) No commodity purchased under this subsection shall be sold at less than—

"(A) the established ceiling price for such commodity, except that minerals, metals, and materials shall not be sold at less than the established ceiling price, or the current domestic market price, whichever is lower, or

"(B) if no ceiling price has been established, the higher of—

"(i) the current domestic market price for such commodity; or

"(ii) the minimum sale price established for agricultural commodities owned or controlled by the Commodity Credit Corporation as provided in section 407 of the Agricultural Act of 1949.

"(4) No purchase or commitment to purchase any imported agricultural commodity shall specify a delivery date which is more than one year after the expiration of this section.

"(5) Except as provided in paragraph (7), the President may not execute a contract under this subsection unless the President determines that—

"(A) the industrial resource or critical technology item is essential to the national defense;

"(B) without Presidential action under authority of this section, United States industry cannot reasonably be expected to provide the capability for the needed industrial resource or critical technology item in a timely manner;

"(C) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need; and

"(D) the United States national defense demand for the industrial resource or critical technology item is equal to, or greater than the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the purchase, purchase commitment, or other action.

"(6) Except as provided in paragraph (7), the President shall take no action under this section unless the industrial resource shortfall which such action is intended to correct has been identified in the Budget of the United States or amendments thereto, submitted to the Congress and accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence. Any such action may be taken only after 60 days have elapsed after such industrial resource shortfall has been identified pursuant to the preceding sentence. If the taking of any action or actions under this section to correct an industrial resource shortfall would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed $50,000,000, any such action or actions may be taken only if specifically authorized by law.

"(7) The requirements of paragraphs (1) through (6) may be waived during periods of national emergency declared by Congress or the President.".

(2) Section 303(b) of such Act is amended by striking "September 30, 1995" and inserting "a date that is not more than 10 years from the date such purchase, purchase commitment, or sale was initially made".

SEC. 122. DEFENSE PRODUCTION ACT FUND.

Section 304 of the Defense Production Act of 1950 (50 U.S.C. App. 2094) is amended to read as follows:

"SEC. 304. DEFENSE PRODUCTION ACT FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a separate fund to be known as the Defense Production Act Fund (hereafter in this section referred to as 'the Fund').

"(b) MONEYS IN FUND.—The following moneys shall be credited to the Fund:

"(1) All moneys appropriated after October 19, 1990, for the Fund, as authorized by section 711(c).

"(2) All moneys received after October 19, 1990, on transactions entered into pursuant to section 303.

"(c) USE OF FUND.—The Fund shall be available to carry out the provisions and purposes of this title, subject to the limitations set forth in this Act and in appropriations Acts.

"(d) DURATION OF FUND.—Moneys in the Fund shall remain available until expended.

"(e) FUND BALANCE.—The Fund balance at the close of each fiscal year shall not exceed $250,000,000, excluding any moneys appropriated to the Fund during that fiscal year or obligated funds. If at the close of any fiscal year the Fund balance exceeds such amount, the amount in excess of $250,000,000 shall be paid into the general fund of the Treasury.

"(f) FUND MANAGER.—The Secretary of the Treasury shall designate a Fund manager. The duties of the Fund manager shall include—

"(1) determining the liability of the Fund in accordance with subsection (g);

"(2) ensuring the visibility and accountability of transactions engaged in through the Fund to the Secretaries of Defense, Treasury, and Commerce, and to the Congress; and

"(3) reporting to Congress each year regarding fund activities during the previous fiscal year.

"(g) LIABILITIES AGAINST FUND.—

"(1) IN GENERAL.—When any agreement entered into pursuant to this title after December 31, 1990, imposes contingent liabilities upon the United States, such liability shall be considered an obligation against the Fund. The total amount of such obligations shall be determined for each fiscal year in accordance with paragraph (2).

"(2) DETERMINATION OF LIABILITY.—For purposes of paragraph (1), the total amount of obligations against the Fund is the amount which is equal to—

"(A) the aggregate outlays required by purchase or purchase commitment contracts or financing agreements; minus

"(B) the sum of—

"(i) the anticipated aggregate receipts from resale of materials purchased with moneys from the Fund; and

"(ii) the anticipated receipts from the direct sale of materials by the producer to customers.

"(3) TREATMENT OF ANTICIPATED RECEIPTS AND REDUCTIONS.—Anticipated receipts and anticipated reductions in purchase commitments shall be included under paragraph (2) only if a written plan for sale of materials has been developed, specifying probable customers, amount, time of the sales, and sales price.".

SEC. 123. OFFSET POLICY.

Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by adding a new subsection (a) as follows:

"(a) OFFSET POLICY.—

"(1) IN GENERAL.—Recognizing that certain offsets for military exports are economically inefficient and market distorting, and mindful of the need to minimize the adverse effects of offsets in military exports while ensuring that the ability of United States firms to compete for military export sales is not undermined, it shall be the policy of the United States Government that—

"(A) no agency of the United States Government shall encourage, enter directly into, or commit United States firms to any offset arrangement in connection with the sale of defense goods or services to foreign governments;

"(B) United States Government funds shall not be used to finance offsets in security assistance transactions except in accordance with policies and procedures that were in existence as of October 20, 1990;

"(C) nothing in this section shall prevent agencies of the United States Government from fulfilling obligations incurred through international agreements entered into before October 20, 1990; and

"(D) the decision whether to engage in offsets, and the responsibility for negotiating and implementing offset arrangements, resides with the companies involved.

"(2) PRESIDENTIAL APPROVAL OF EXCEPTIONS.—The President may approve an exception to the policy stated by paragraph (1) after receiving the recommendation of the National Security Council.

"(3) CONSULTATION.—The President shall designate the Secretary of Defense, in coordination with the Secretary of State, to lead an interagency team to consult with foreign nations on limiting the adverse effects of offsets in defense procurement. The President shall transmit an annual report on the results of these consultations to the Congress as part of the report required under subsection (b).".

SEC. 124. ANNUAL REPORT ON IMPACT OF OFFSETS.

Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099) (as amended by section 123 of this Act) is amended—

(1) in subsection (b) (as so redesignated by section 123(1) of this part)—

(A) by striking "(b) REPORT REQUIRED.—Not later" and inserting:

"(b) ANNUAL REPORT ON IMPACT OF OFFSETS.—

"(1) REPORT REQUIRED.—Not later";

(B) by striking the second sentence; and

(C) by adding at the end the following new paragraph:

"(2) DUTIES OF THE SECRETARY OF COMMERCE.—The Secretary of Commerce shall—

"(A) prepare the report required by paragraph (1);

"(B) consult with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative in connection with the preparation of such report; and

"(C) function as the President's Executive Agent for carrying out the requirements of this section.";

(2) by amending subsection (c) (as so redesignated by section 123(1) of this part) to read as follows:

"(c) INTERAGENCY STUDIES AND RELATED DATA.—

"(1) PURPOSE OF REPORT.—Each report required under subsection (b) shall identify the cumulative effects (indirect as well as direct) of offset agreements on—

"(A) the full range of domestic defense productive capability (with special attention to the firms serving as lower-tier subcontractors or suppliers); and

"(B) the domestic defense technology base as a consequence of the technology transfers associated with such offset agreements.

"(2) USE OF DATA.—Data developed or compiled by any agency while conducting any interagency study or other independent study or analysis shall be made available to the Secretary of Commerce to facilitate the Secretary in executing the Secretary's responsibilities with respect to trade offset and countertrade policy development."; and

(3) by adding at the end the following new subsections:

"(d) NOTICE OF OFFSET AGREEMENTS.—

"(1) IN GENERAL.—If a United States firm enters into a contract for the sale of a weapon system or defense-related item to a foreign country or foreign firm and such contract is subject to an offset agreement exceeding $5,000,000 in value, such firm shall furnish to the official designated in the regulations promulgated pursuant to paragraph (2) information concerning such sale.

"(2) REGULATIONS.—The information to be furnished shall be prescribed in regulations promulgated by the Secretary of Commerce. Such regulations shall provide protection from public disclosure for such information, unless public disclosure is subsequently specifically authorized by the firm furnishing the information. Nothing in this paragraph authorizes the withholding of such information from the Congress.

"(e) CONTENTS OF REPORT.—

"(1) IN GENERAL.—Each report under subsection (b) shall include—

"(A) a net assessment of the elements of the industrial base and technology base covered by the report;

"(B) recommendations for appropriate remedial action under the authorities provided by this Act, or other law or regulations;

"(C) a summary of the findings and recommendations of any interagency studies conducted during the reporting period under subsection (c);

"(D) a summary of offset arrangements concluded during the reporting period for which information has been furnished pursuant to subsection (d); and

"(E) a summary and analysis of any bilateral and multilateral negotiations relating to use of offsets completed during the reporting period.

"(2) ALTERNATIVE FINDINGS OR RECOMMENDATIONS.—Each report shall include any alternative findings or recommendations offered by any departmental Secretary, agency head, or the United States Trade Representative to the Secretary of Commerce.

"(f) UTILIZATION OF ANNUAL REPORT IN NEGOTIATIONS.—The findings and recommendations of the reports required by subsection (b), and any interagency reports and analyses shall be considered by representatives of the United States during bilateral and multilateral negotiations to minimize the adverse effects of offsets.".

PART D—AMENDMENTS TO TITLE VII OF THE DEFENSE PRODUCTION ACT

SEC. 131. SMALL BUSINESS.

Section 701 of the Defense Production Act of 1950 (50 U.S.C. App. 2151) is amended to read as follows:

"SEC. 701. SMALL BUSINESS.

"(a) PARTICIPATION.—Small business concerns shall be given the maximum practicable opportunity to participate as contractors, and subcontractors at various tiers, in all programs to maintain and strengthen the Nation's industrial base and technology base undertaken pursuant to this Act.

"(b) ADMINISTRATION OF ACT.—In administering the programs, implementing regulations, policies, and procedures under this Act, requests, applications, or appeals from small business concerns shall, to the maximum extent practicable, be expeditiously handled.

"(c) ADVISORY COMMITTEE PARTICIPATION.—Representatives of small business concerns shall be afforded the maximum opportunity to participate in such advisory committees as may be established pursuant to the provisions of this Act.

"(d) INFORMATION.—Information about the Act and activities under the Act shall be made available to small business concerns.

"(e) ALLOCATIONS UNDER SECTION 101.—Whenever the President makes a determination to exercise any authority to allocate any material pursuant to section 101 of this Act, small business concerns shall be accorded, so far as practicable, a fair share of such material, in proportion to the share received by such business concerns under normal conditions, giving such special consideration as may be possible to new small business concerns or individual firms facing undue hardship.".

SEC. 132. DEFINITIONS.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended to read as follows:

"SEC. 702. DEFINITIONS.

As used in this Act—

"(1) CRITICAL COMPONENT.—The term 'critical component' includes such components, subsystems, systems, and related special tooling and test equipment essential to the production, repair, maintenance, or operation of weapon systems or other items of military equipment as are identified by the Secretary of Defense as being essential to the execution of the national security strategy of the United States.

"(2) CRITICAL INDUSTRY FOR NATIONAL SECURITY.—The term 'critical industry for national security' means any industry (or industry sector) identified pursuant to section 2503(6) of title 10, United States Code, and such other industries or industry sectors as may be designated by the President as essential to provide industrial resources required for the execution of the national security strategy of the United States.

"(3) CRITICAL TECHNOLOGY.—The term 'critical technology' includes any technology that is included in 1 or more of the plans submitted pursuant to section 2508 of title 10, United States Code (unless subsequently deleted), or such other emerging or dual use technology as may be designated by the President.

"(4) CRITICAL TECHNOLOGY ITEM.—The term 'critical technology item' shall mean materials directly employing, derived from, or utilizing a critical technology.

"(5) DEFENSE CONTRACTOR.—The term 'defense contractor' means any person who enters into a contract with the United States to furnish materials, industrial resources, or a critical technology, or to perform services for the national defense.

"(6) DOMESTIC DEFENSE INDUSTRIAL BASE.—The term 'domestic defense industrial base' means domestic sources which are providing, or which would be reasonably expected to provide, materials or services to meet national defense requirements during war or national emergency.

"(7) DOMESTIC SOURCE.—The term 'domestic source' means a business entity—

"(A) that performs in the United States or Canada substantially all of the research and development, engineering, manufacturing, and production activities required of such firm under a contract with the United States relating to a critical component or a critical technology item, and

"(B) that procures from entities described in subparagraph (A) substantially all of the components and assemblies required under a contract with the United States relating to a critical component or critical technology item.

"(8) ESSENTIAL WEAPON SYSTEM.—The term 'essential weapon system' shall mean a major weapon system and other items of military equipment identified by the Secretary of Defense as being essential to the execution of the national security strategy of the United States.

"(9) FACILITIES.—The term 'facilities' includes all types of buildings, structures, or other improvements to real property (but excluding farms, churches or other places of worship, and private dwelling houses), and services relating to the use of any such building, structure, or other improvement.

"(10) FOREIGN SOURCE.—The term 'foreign source' means a business entity other than a 'domestic source'.

"(11) INDUSTRIAL RESOURCES.—The term 'industrial resources' means materials, services, processes, or manufacturing equipment (including the processes, technologies, and ancillary services for the use of such equipment) needed to establish or maintain an efficient and modern national defense industrial capacity.

"(12) MATERIALS.—The term 'materials' includes—

"(A) any raw materials (including minerals, metals, and advanced processed materials), commodities, articles, components (including critical components), products, and items of supply; and

"(B) any technical information or services ancillary to the use of any such materials, commodities, articles, components, products, or items.

"(13) NATIONAL DEFENSE.—The term 'national defense' means programs for military and energy production or construction, military assistance to any foreign nation, stockpiling, space, and any directly related activity.

"(14) PERSON.—The term 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative thereof, or any State or local government or agency thereof.

"(15) SERVICES.—The term 'services' includes any effort that is needed or incidental to—

"(A) the development, production, processing, distribution, delivery, or use of an industrial resource or a critical technology item, or

"(B) the construction of facilities.".

SEC. 133. DELEGATION OF AUTHORITY; APPOINTMENT OF PERSONNEL.

Section 703 of the Defense Production Act of 1950 (50 U.S.C. App. 2153) is amended to read as follows:

"SEC. 703. DELEGATION AND CIVILIAN PERSONNEL.

"(a) DELEGATION OF AUTHORITY.—Except as otherwise specifically provided, the President may—

"(1) delegate any power or authority of the President under this Act to any civilian officer of the Government appointed by and with the advice and consent of the Senate;

"(2) except with regard to title I, authorize redelegation by that officer to an officer or employee of that officer who—

"(A) if a member of the armed forces, is a general or flag officer; or

"(B) if a civilian, is serving in a position in the grade GS-16 or above (or in a comparable or higher position under any other schedule for civilian officers or employees);

"(3) delegate only to an individual described in paragraph (1) the authority to establish policies and procedures for exercising authority under title I; and

"(4) establish such new agencies as may be necessary to manage Federal emergency preparedness programs.

"(b) CIVILIAN PERSONNEL.—Any officer or agency head may appoint civilian personnel without regard to section 5331(b) of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may fix the rate of basic pay for such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule, as the President deems appropriate to carry out the provisions of this Act.".

SEC. 134. REGULATIONS AND ORDERS.

Section 704 of the Defense Production Act of 1950 (50 U.S.C. App. 2154) is amended to read as follows:

"SEC. 704. REGULATIONS AND ORDERS.

"Subject to section 709, the President may prescribe such regulations and issue such orders as the President may determine to be appropriate to carry out the provisions of this Act.".

SEC. 135. TECHNICAL AMENDMENTS RESTORING ANTITRUST IMMUNITY FOR EMERGENCY ACTIONS INITIATED BY THE PRESIDENT.

Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended—

(1) in subsection (a), by striking "and subsection (j) of section 708A";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) DEFINITIONS.—For purposes of this Act—

"(1) ANTITRUST LAWS.—The term 'antitrust laws' has the meaning given to such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(2) PLAN OF ACTION.—The term 'plan of action' means any of 1 or more documented methods adopted by participants in an existing voluntary agreement to implement that agreement.";

(3) in subsection (c)(1)—

(A) by striking "Except as otherwise provided in section 708A(o), upon" and inserting "Upon"; and

(B) by inserting "and plans of action" after "voluntary agreements";

(4) in subsection (c)(2), by striking the last sentence;

(5) in the 2d sentence of subsection (d)(1)—

(A) by inserting "and except as provided in subsection (n)" after "specified in this section"; and

(B) by striking ", and the meetings of such committees shall be open to the public";

(6) in subsection (d)(2), by striking out "section 552(b)(1) and (b)(3)" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(7) in subsection (e)(1), by inserting "and plans of action" after "voluntary agreements";

(8) in subsection (e)(3)(D), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(9) in subsection (e)(3)(F)—

(A) by striking "General and to" and inserting "General, the"; and

(B) by inserting ", and the Congress" before the semicolon;

(10) in subsection (e)(3)(G), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(11) in subsections (f) and (g)—

(A) by inserting "or plan of action" after "voluntary agreement" each place such term appears; and

(B) by inserting "or plan" after "the agreement" each place such term appears;

(12) in subsection (f)(1)(A) (as amended by paragraph (11) of this subsection) by inserting "and submits a copy of such agreement or plan to the Congress" before the semicolon;

(13) in subsection (f)(1)(B) (as amended by paragraph (11) of this subsection) by inserting "and publishes such finding in the Federal Register" before the period.

(14) in subsection (f)(2) (as amended by paragraph (11) of this subsection) by inserting "and publish such certification or finding in the Federal Register" before ", in which case";

(15) in subsection (h)—

(A) by inserting "and plans of action" after "voluntary agreements";

(B) by inserting "or plan of action" after "voluntary agreement" each place such term appears;

(C) by striking "and at the end of paragraph (9);

(D) by striking the period at the end of paragraph (10) and inserting "; and"; and

(E) by adding at the end the following new paragraph:

"(11) that the individual designated by the President in subsection (c)(2) to administer the voluntary agreement or plan of action shall provide prior written notification of the time, place, and nature of any meeting to carry out a voluntary agreement or plan of action to the Attorney General, the Chairman of the Federal Trade Commission, and the Congress.";

(16) in subsection (h)(3), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraph (1), (3), or (4) of section 552(b)"; and

(17) in paragraphs (7) and (8) of subsection (h), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(18) by striking subsection (j) and inserting the following new subsection:

"(j) DEFENSES.—

"(1) IN GENERAL.—Subject to paragraph (4), there shall be available as a defense for any person to any civil or criminal action brought under the antitrust laws (or any similar law of any State) with respect to any action taken to develop or carry out any voluntary agreement or plan of action under this section that—

"(A) such action was taken—

"(i) in the course of developing a voluntary agreement initiated by the President or a plan of action adopted under any such agreement; or

"(ii) to carry out a voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement, and

"(B) such person—

"(i) complied with the requirements of this section and any regulation prescribed under this section; and

"(ii) acted in accordance with the terms of the voluntary agreement or plan of action.

"(2) SCOPE OF DEFENSE.—Except in the case of actions taken to develop a voluntary agreement or plan of action, the defense established in paragraph (1) shall be available only if and to the extent that the person asserting the defense demonstrates that the action was specified in, or was within the scope of, an approved voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement and approved in accordance with this section. The defense established in paragraph (1) shall not be available unless the President or the President's designee has authorized and actively supervised the voluntary agreement or plan of action.

"(3) BURDEN OF PERSUASION.—Any person raising the defense established in paragraph (1) shall have the burden of proof to establish the elements of the defense.

"(4) EXCEPTION FOR ACTIONS TAKEN TO VIOLATE THE ANTITRUST LAWS.—The defense established in paragraph (1) shall not be available if the person against whom the defense is asserted shows that the action was taken for the purpose of violating the antitrust laws.";

(19) in subsection (k), by inserting "and plans of action" after "voluntary agreements" each place such term appears;

(20) in subsection (l), by inserting "or plan of action" after "voluntary agreement";

(21) by adding at the end the following new subsections:

"(n) EXEMPTION FROM ADVISORY COMMITTEE ACT PROVISIONS.—Notwithstanding any other provision of law, any activity conducted under a voluntary agreement or plan of action approved pursuant to this section, when conducted in compliance with the requirements of this section, any regulation prescribed under this subsection, and the provisions of the voluntary agreement or plan of action, shall be exempt from the Federal Advisory Committee Act and any other Federal law and any Federal regulation relating to advisory committees.

"(o) PREEMPTION OF CONTRACT LAW IN EMERGENCIES.—In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken during an emergency to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section. Such defense shall not release the party asserting it from any obligation under applicable law to mitigate damages to the greatest extent possible.".

SEC. 136. INFORMATION ON THE DEFENSE INDUSTRIAL BASE.

The Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) is amended by adding at the end the following new section:

"SEC. 722. DEFENSE INDUSTRIAL BASE INFORMATION SYSTEM.

"(a) ESTABLISHMENT REQUIRED.—

"(1) IN GENERAL.—The President, acting through the Secretary of Defense and the heads of such other Federal agencies as the President may determine to be appropriate, shall provide for the establishment of an information system on the domestic defense industrial base which—

"(A) meets the requirements of this section; and

"(B) includes a systematic continuous procedure to collect and analyze information necessary to evaluate—

"(i) the adequacy of domestic industrial capacity and capability in critical components, technologies, and technology items essential to the national security of the United States; and

"(ii) dependence on foreign sources for industrial parts, components, and technologies essential to defense production.

"(2) INCORPORATION OF DINET.—The defense information network as established and maintained by the Secretary of Defense on the date of the enactment of the Defense Production Act Amendments of 1990 shall be incorporated into the system established pursuant to paragraph (1).

"(3) USE OF INFORMATION.—Information collected and analyzed under the procedure established pursuant to paragraph (1) shall constitute a basis for making any determination to exercise any authority under this Act and a procedure for using such information shall be integrated into the decisionmaking process with regard to the exercise of any such authority.

"(b) SOURCES OF INFORMATION.—

"(1) FOREIGN DEPENDENCE.—

"(A) SCOPE OF INFORMATION REVIEW.—The procedure established to meet the requirement of subsection (a)(1)(B)(ii) shall address defense production with respect to the operations of prime contractors and at least the first 2 tiers of subcontractors.

"(B) USE OF EXISTING DATA COLLECTION AND REVIEW CAPABILITIES.—To the extent feasible and appropriate, the President shall build upon existing methods of data collection and analysis and shall integrate information available from intelligence agencies with respect to industrial and technological conditions in foreign countries.

"(C) INITIAL EMPHASIS ON PRIORITY LISTS.—In establishing the procedure referred to in subparagraph (A), the Secretary may place initial emphasis on the production of parts and components relating to priority lists such as the Commanders' in Chief Critical Items List and the technologies identified as critical in the annual defense critical technologies plan submitted pursuant to section 2508 of title 10, United States Code.

"(2) PRODUCTION BASE ANALYSIS.—

"(A) TOP-TO-BOTTOM REVIEW.—Effective on or after October 1, 1991, the analysis of the production base for any major procurement project which is included in the information system maintained pursuant to subsection (a) shall, in addition to any information and analyses the President may require—

"(i) include a review of all levels of acquisition and production, beginning with any raw material, special alloy, or composite material involved in the production and ending with the completed product;

"(ii) identify each contractor and subcontractor at each level of acquisition and production with respect to such project which represents a potential for delaying or preventing the production and acquisition, including the identity of each contractor or subcontractor whose contract qualifies as a foreign source or sole source contract and any supplier which is a foreign or sole source for any item required in the production; and

"(iii) include information to permit appropriate management of accelerated or surge production.

"(B) INITIAL REQUIREMENT FOR STUDY OF PRODUCTION BASES FOR NOT MORE THAN 6 MAJOR WEAPON SYSTEMS.—In establishing the information system under subsection (a), the President, acting through the Secretary of Defense, shall require an analysis of the production base for not more than 2 weapons of each military department which are major systems (as defined in section 2305(5) of title 10, United States Code).

"(3) CONSULTATION REGARDING THE CENSUS OF MANUFACTURERS.—

"(A) IN GENERAL.—The Secretary of Commerce, acting through the Bureau of the Census, shall consult with the Secretary of Defense and the Director of the Federal Emergency Management Agency with a view to improving the application of information derived from the Census of Manufacturers to the purposes of this section.

"(B) ISSUES TO BE ADDRESSED.—Such consultations shall address improvements in the level of detail, timeliness, and availability of input and output analyses derived from the Census of Manufacturers necessary to facilitate the purposes of this section.

"(c) STRATEGIC PLAN FOR DEVELOPING COMPREHENSIVE SYSTEM.—

"(1) PLAN REQUIRED.—Not later than December 31, 1992, the President shall provide for the establishment of and report to Congress on a strategic plan for developing a cost-effective, comprehensive information system capable of identifying on a timely, ongoing basis vulnerability in critical components, technologies, and technology items.

"(2) ASSESSMENT OF CERTAIN PROCEDURES.—In establishing plan under paragraph (1), the President shall assess the performance and cost-effectiveness of procedures implemented under subsection (b) and shall seek to build upon such procedures as appropriate.

"(d) CAPABILITIES OF SYSTEM.—

"(1) IN GENERAL.—In connection with the establishment of the information system under subsection (a), the President shall direct the Secretary of Defense, the Secretary of Commerce, and the heads of such other Federal agencies as the President may determine to be appropriate to—

"(A) consult with each other and provide such information, assistance, and cooperation as may be necessary to establish and maintain the information system in a manner which allows the coordinated and efficient entry of information on the domestic defense industrial base into, and the withdrawal, subject to the protection of proprietary data, of information on the domestic defense industrial base from the system on an on-line interactive basis by the Department of Defense;

"(B) assure access to the information on the system, as appropriate, by all participating Federal agencies, including each military department;

"(C) coordinate standards, definitions, and specifications for information on defense production which is collected by the Department of Defense and the military departments so that such information can be used by any Federal agency or department which the President determines to be appropriate; and

"(D) assure that the information in the system is updated, as appropriate, with the active assistance of the private sector.

"(2) TASK FORCE ON MILITARY-CIVILIAN PARTICIPATION.—Upon the establishment of the information system under subsection (a), the President shall convene a task force consisting of the Secretary of Defense, the Secretary of Commerce, the Secretary of each military department, and the heads of such other Federal agencies and departments as the President may determine to be appropriate to establish guidelines and procedures to ensure that all Federal agencies and departments which acquire information with respect to the domestic defense industrial base are fully participating in the system, unless the President determines that all appropriate Federal agencies and departments, including each military department, are voluntarily providing information which is necessary for the system to carry out the purposes of this Act and chapter 148 of title 10, United States Code.

"(e) REPORT ON SUBCONTRACTOR AND SUPPLIER BASE.—

"(1) REPORT REQUIRED.—At the times required under paragraph (4), the President shall issue a report which includes—

"(A) a list of critical components, technologies, and technology items for which there is found to be inadequate domestic industrial capacity or capability; and

"(B) an assessment of those subsectors of the economy of the United States which—

"(i) support production of any component, technology, or technology item listed pursuant to paragraph (1); or

"(ii) have been identified as being critical to the development and production of components required for the production of weapons, weapon systems, and other military equipment essential to the national defense.

"(2) MATTERS TO BE CONSIDERED.—The assessment made under paragraph (1)(B) shall consider—

"(A) the capacity of domestic sources, especially commercial firms, to fulfill peacetime requirements and graduated mobilization requirements for various items of supply and services;

"(B) any trend relating to the capabilities of domestic sources to meet such peacetime and mobilization requirements;

"(C) the extent to which the production or acquisition of various items of military material is dependent on foreign sources; and

"(D) any reason for the decline of the capabilities of selected sectors of the United States economy necessary to meet peacetime and mobilization requirements, including stability of defense requirements, acquisition policies, vertical integration of various segments of the industrial base, superiority of foreign technology and production efficiencies, foreign government support of nondomestic sources, and offset arrangements.

"(3) POLICY RECOMMENDATIONS.—The report may provide specific policy recommendations to correct deficiencies identified in the assessment, which would help to strengthen domestic sources.

"(4) TIME FOR ISSUANCE.—The report required by paragraph (1) shall be issued not later than July 1 of each odd-numbered year which begins after 1991, based upon data from the prior fiscal year and such prior fiscal years as may be appropriate.

"(5) RELEASE OF UNCLASSIFIED REPORT.—The report required by this subsection may be classified. An unclassified version of the report shall be available to the public.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for purposes of this section not more than $10,000,000, to remain available until expended, of which not more than $3,000,000 shall be available for the purposes of subsection (b)(2).".

SEC. 137. PUBLIC PARTICIPATION IN RULEMAKING.

(a) IN GENERAL.—Section 709 of the Defense Production Act of 1950 (50 U.S.C. 2159) is amended to read as follows:

"SEC. 709. PUBLIC PARTICIPATION IN RULEMAKING.

"(a) EXEMPTION FROM THE ADMINISTRATIVE PROCEDURE ACT.—Any regulation prescribed or order issued under this Act shall not be subject to sections 551 through 559 of title 5, United States Code.

"(b) OPPORTUNITY FOR NOTICE AND COMMENT.—

"(1) IN GENERAL.—Except as provided in subsection (c), any regulation prescribed or order issued under this Act shall be published in the Federal Register and opportunity for public comment shall be provided for not less than 30 days, consistent with the requirements of section 553(b) of title 5, United States Code.

"(2) WAIVER FOR TEMPORARY PROVISIONS.—The requirements of paragraph (1) may be waived, if—

"(A) the officer authorized to prescribe the regulation or issue the order finds that urgent and compelling circumstances make compliance with such requirements impracticable;

"(B) the regulation is prescribed or order is issued on a temporary basis; and

"(C) the publication of such temporary regulation or order is accompanied by the finding made under clause (A) (and a brief statement of the reasons for such finding) and an opportunity for public comment is provided for not less than 30 days of public comment before any regulation or order becomes final.

"(3) All comments received during the public comment period specified pursuant to paragraph (1) or (2) shall be considered and the publication of the final regulation or order shall contain written responses to such comments.

"(c) PUBLIC COMMENT ON PROCUREMENT REGULATIONS.—Any procurement policy, regulation, procedure, or form (including any amendment or modification of any such policy, regulation, procedure, or form) issued under this Act shall be subject to section 22 of the Office of Federal Procurement Policy Act.".

(b) SCOPE OF APPLICATION.—Section 709 of the Defense Production Act of 1950 (50 U.S.C. App. 2159), as amended by subsection (a) of this section, shall not apply to any regulation prescribed or order issued in proposed or final form on or before the date of enactment of this Act.

SEC. 138. WAIVERS OF CERTAIN EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Section 208 of title 18, United States Code, is amended by adding at the end the following:

"(e)(1) The President may grant a waiver of a restriction imposed by this section to a special Government employee if the President determines and certifies in writing that it is in the public interest to grant the waiver and that the services of the special Government employee are critically needed for the benefit of the Federal Government. Not more than 50 special Government employees currently employed by the Federal Government at any one time may have been granted waivers under this paragraph, of which 25 may be granted only for special Government employees of the Department of Energy for use in discharging the responsibilities of the Department with respect to ensuring adequate energy supplies during the current crisis in the Middle East. A waiver under this paragraph shall not extend to the negotiation or execution of a Government contract with a private employer of an appointee or with any person—

"(A) in which the appointee has a financial interest within the meaning of this section; or

"(B) with which the appointee has an official relationship.

"(2) Waivers under paragraph (1) may be granted only to special Government employees of the executive branch, other than such employees in the Executive Office of the President.

"(3) A certification under paragraph (1) shall take effect upon its publication in the Federal Register and shall identify—

"(A) the special Government employee covered by the waiver by name and by position, and

"(B) the reasons for granting the waiver.

A copy of the certification shall also be provided to the Director of the Office of Government Ethics.

"(4) The President may not delegate the authority provided by this subsection.

"(5)(A) The designated agency ethics official (as defined in section 109 of the Ethics in Government Act of 1978) of the agency which employs a person granted a waiver under this subsection shall prepare, at the termination of that person's service as a special Government employee (with respect to which the waiver was granted), a report stating whether the person has engaged in activities otherwise prohibited by this section, and if so, what those activities were. Before the report is filed under subparagraph (B), the person with respect to whom the report was prepared shall certify that the contents of the report are complete and accurate, to the person's best knowledge and belief.

"(B) A report under subparagraph (A) shall be filed with the President and the Director of the Office of Government Ethics not later than 60 days after the date of the termination of that person's service as a special Government employee, but in no event later than November 30, 1991.

"(C) If the report required to be filed under subparagraph (B) is not filed, the person who is the subject of the report shall be ineligible for any Federal Government employment until such report is filed.

"(D) If an agency fails to prepare and file a report under this subsection by the date required by subparagraph (B), no employee of that agency may, after such date, be granted a waiver under this subsection until such report is prepared and filed.

"(6) Any waiver granted under this subsection shall terminate on September 30, 1991.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 710 of the Defense Production Act of 1950 (50 U.S.C. App. 2160) is amended—

(1) by striking paragraph (4) of subsection (b);

(2) by striking the last sentence of subsection (c);

(3) in subsection (d), by striking out "needed; and he is" and inserting "needed."; and

(4) by striking the last sentence of subsection (e).

PART E—TECHNICAL AMENDMENTS

SEC. 141. PRIORITIES IN CONTRACTS AND ORDERS.

Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended—

(1) in subsection (a)(2) by striking "materials and facilities" and inserting "materials, services, and facilities";

(2) in subsection (c)(1) by striking "supplies of materials and equipment" and inserting "materials, equipment, and services";

(3) by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) The authority granted by this subsection may not be used to require priority performance of contracts or orders, or to control the distribution of any supplies of materials, service, and facilities in the marketplace, unless the President finds that—

"(A) such materials, services, and facilities are scarce, critical, and essential—

"(i) to maintain or expand exploration, production, refining, transportation,

"(ii) to conserve energy supplies; or

"(iii) to construct or maintain energy facilities; and

"(B) maintenance or expansion of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection."; and

(4) by redesignating paragraph (4) as paragraph (3).

SEC. 142. TECHNICAL CORRECTION.

Section 301(e)(2)(B) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(e)(2)(B)) is amended by striking "and to the Committees on Banking and Currency of the respective Houses" and inserting "and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives".

SEC. 143. INVESTIGATIONS; RECORDS; REPORTS; SUBPOENAS.

Section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155) is amended—

(1) in subsection (a), by striking "subpena" and inserting "subpoena";

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking "$1,000" and inserting "$10,000"; and

(4) in subsection (d) (as redesignated by paragraph (2)), by striking all after the first sentence.

SEC. 144. EMPLOYMENT OF PERSONNEL.

(a) NOTICE OF APPOINTMENT AND FINANCIAL DISCLOSURE FOR EMPLOYEES SERVING WITHOUT COMPENSATION.—Section 710(b)(6) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)(6)) is amended to read as follows:

"(6) NOTICE AND FINANCIAL DISCLOSURE REQUIREMENTS.—

"(A) PUBLIC NOTICE OF APPOINTMENT.—The head of any department or agency who appoints any individual under this subsection shall publish a notice of such appointment in the Federal Register, including the name of the appointee, the employing department or agency, the title of the appointee's position, and the name of the appointee's private employer.

"(B) FINANCIAL DISCLOSURE.—Any individual appointed under this subsection who is not required to file a financial disclosure report pursuant to section 101 of the Ethics in Government Act of 1978, shall file a confidential financial disclosure report pursuant to section 107 of such Act with the appointing department or agency.".

(b) TECHNICAL AMENDMENTS.—Section 710(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)) is amended—

(1) in paragraph (7)—

(A) by striking "Chairman of the United States Civil Service Commission" and inserting "Director of the Office of Personnel Management"; and

(B) by striking "and the Joint Committee on Defense Production"; and

(2) in paragraph (8), by striking "transportation and not to exceed $15 per diem in lieu of subsistence while away from their homes and regular places of business pursuant to such appointment" and inserting "reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions for which they were appointed in the same manner as persons employed intermittently in the Federal Government are allowed expenses under section 5703 of title 5, United States Code".

SEC. 145. TECHNICAL CORRECTION.

Section 711(a)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended by striking "Bureau of the Budget" and inserting "Office of Management and Budget".

PART F—REPEALERS AND CONFORMING AMENDMENTS

SEC. 151. SYNTHETIC FUEL ACTION.

Section 307 of the Defense Production Act of 1950 (50 U.S.C. App. 2097) is amended—

(1) in subsection (b), by striking the 2d sentence; and

(2) by striking subsection (c) and all that follows through the end of the section.

SEC. 152. VOLUNTARY AGREEMENTS.

Section 708A of the Defense Production Act of 1950 (50 U.S.C. App. 2158a) is repealed.

SEC. 153. REPEAL OF INTEREST PAYMENT PROVISIONS.

Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) by striking subsection (b),

(2) by striking "(a)(1) Except as provided in paragraph (2) and paragraph (4)" and inserting "(a) Except as provided in subsection (c)",

(3) by striking in subsection (a) in the parenthetical "and for the payment of interest under subsection (b) of this section", and

(4) by striking paragraph (2) and redesignating paragraph (3) as subsection (b), and

(5) by striking subparagraph (B) of paragraph (4) and redesignating paragraph (4)(A) as subsection (c).

SEC. 154. JOINT COMMITTEE ON DEFENSE PRODUCTION.

Section 712 of the Defense Production Act of 1950 (50 U.S.C. App. 2162) is repealed.

SEC. 155. PERSONS DISQUALIFIED FOR EMPLOYMENT.

Section 716 of the Defense Production Act of 1950 (50 U.S.C. App. 2165) is repealed.

SEC. 156. FEASIBILITY STUDY ON UNIFORM COST ACCOUNTING STANDARDS; REPORT SUBMITTED.

Section 718 of the Defense Production Act of 1950 (50 U.S.C. App. 2167) is repealed.

SEC. 157. NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES.

Section 720 of the Defense Production Act of 1950 (50 U.S.C. App. 2169) is repealed.

PART G—REAUTHORIZATION OF SELECTED PROVISIONS

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

Section 711(c) of the Defense Production Act of 1950 (as amended by section 143 of this Act) is amended to read as follows:

"(c) There are authorized to be appropriated for each of fiscal years 1991, 1992, and 1993 not to exceed $130,000,000 to carry out the provisions of title III of this Act.".

SEC. 162. EXTENSION OF PROGRAM.

The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "October 20, 1990" and inserting "September 30, 1993".

SEC. 163. EXEMPTION FROM TERMINATION.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "and 719" and inserting "719, and 721".

TITLE II—ADDITIONAL PROVISIONS TO IMPROVE INDUSTRIAL PREPAREDNESS

PART A—ENCOURAGING IMPROVEMENT OF THE DEFENSE INDUSTRIAL BASE

SEC. 201. PROCUREMENT OF CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS.

(a) POLICY REQUIRED.—The President, acting through the Administrator for Federal Procurement Policy, shall issue a procurement policy providing for the solicitation and award of contracts for the procurement of critical components or critical technology items in accordance with the requirements of subsection (b).

(b) PERFORMANCE BY DOMESTIC SOURCES.—Except as provided in subsection (c), any solicitation for the procurement of a critical component or a critical technology item shall—

(1) contain a specification that only domestic sources are eligible for award; or

(2) contain provisions that—

(A) specify the minimum percentage of the total estimated value of the contract that is to be performed by 1 or more domestic sources;

(B) provide for the attainment of such requirement by the firm selected as prime contractor or through subcontractors pursuant to a subcontracting plan submitted with the prime contractor's offer;

(C) specify that offers shall be evaluated for award on a basis reflecting the extent that each offer meets or exceeds the specified percentage, such evaluation factor being accorded significant weight (not more than 10 percent of the total value of all evaluation factors to be considered in making the award decision).

(c) WAIVER.—

(1) IN GENERAL.—The requirements of paragraphs (1) and (2) of subsection (b) may be waived in accordance with regulation specifying circumstances under which the contracting officer may make a determination that such restrictions are likely to result in a significant adverse impact on the national interests of the United States.

(2) PROCEDURE.—The determination of the contracting officer shall be—

(A) supported by a specific written finding which justifies such determination; and

(B) approved by the senior procurement executive of the department or agency (designated pursuant to section 16(3) of the Office of Federal Procurement Policy Act) or a designee of such officer.

(3) PUBLIC AVAILABILITY.—Copies of waiver determination approved pursuant to paragraph (1) (including the supporting written justifications and approvals) shall be made available upon request to—

(A) the public, consistent with the provisions of section 552 of title 5, United States Code, or

(B) any member, or duly constituted committee, of the Congress.

(d) ACQUISITION REGULATIONS REQUIRED.—Before the end of the 270-day period beginning on the date of the enactment of this Act, the single Government-wide Federal Acquisition Regulation, referred to in section 25(c)(1) of the Office of Federal Procurement Policy Act, shall be modified to provide for the solicitation, award, and administration of contracts for the procurement of critical components or critical technology items in accordance with provisions of the policy required by subparagraph (A).

(e) DEFINITIONS.—For the purpose of this section, the terms "critical component", "critical technology item", and "domestic source" have the meanings given to such terms in section 702 of the Defense Production Act of 1950.

SEC. 202. RECOGNITION OF MODERNIZED PRODUCTION SYSTEMS AND EQUIPMENT IN CONTRACT AWARD AND ADMINISTRATION.

(a) IN GENERAL.—The single Government-wide Federal Acquisition Regulation, referred to in section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)), shall be amended to specify the circumstances under which an acquisition plan for any major system acquisition, or any other acquisition program designated by the Secretary or agency head responsible for such acquisition, shall provide for contract solicitation provisions which encourage competing offerors to acquire for utilization in the performance of the contract modern industrial facilities and production systems (including hardware and software), and other modern production equipment, that increase the productivity of the offerors and reduce the costs of production.

(b) AUTHORIZED SOLICITATION PROVISIONS.—Contract solicitation provisions referred to in subsection (a) may include any of the following provisions:

(1) An evaluation advantage in making the contract award determination.

(2) A provision for a domestic contractor to share in any demonstrated cost savings that are attributable to increased productivity resulting from the following contractor actions not required by the contract—

(A) the acquisition and utilization of modern industrial facilities and production systems (including hardware and software), and other modern production equipment, for the performance of the contract; or

(B) the utilization of other manufacturing technology improvements in the performance of the contract.

(c) DOMESTIC CONTRACTOR DEFINED.—For purposes of this section and section 203, the term "domestic contractor" has the meaning given to the "domestic source" in section 702(7) of the Defense Production Act of 1950.

SEC. 203. SUSTAINING INVESTMENT.

It is the sense of the Congress that, in order to encourage investment to maintain our Nation's technological leadership, to preserve the strength of our industrial base, and to encourage contractors to invest in advanced manufacturing technology, advanced production equipment, and advanced manufacturing processes, the Secretary of Defense as part of his implementation of changes to defense acquisition policies pursuant to the Defense Management Review shall consider—

(1) full allowability of independent research and development bid and proposal costs;

(2) appropriate regulatory changes to increase the progress payment rates payable under contracts; and

(3) an increase of not more than 10 percent in the amount which would otherwise be reimbursable to a domestic contractor as the Government's share of costs incurred for the acquisition of production special tooling, production special test equipment, and production special systems (including hardware and software) for use in the performance of the contract.

PART B—MISCELLANEOUS

SEC. 211. DISCOURAGING UNFAIR TRADE PRACTICES.

(a) SUSPENSION OR DEBARMENT AUTHORIZED.—Subpart 9.4 of title 48, Code of Federal Regulations (or any successor regulation) shall be amended to specify the circumstances under which a contractor, who has engaged in an unfair trade practice, as defined in subsection (b), may be found to presently lack such business integrity or business honesty that seriously and directly affects the responsibility of the contractor to perform any contract awarded by the Federal Government or perform a subcontract under such a contract.

(b) DEFINITIONS.—For purposes of this section, the term "unfair trade practice" means the commission of any of the following acts by a contractor:

(1) An unfair trade practice, as determined by the International Trade Commission, for a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

(2) A violation, as determined by the Secretary of Commerce, of any agreement of the group known as the "Coordinating Committee" for purposes of the Export Administration Act of 1979 or any similar bilateral or multilateral export control agreement.

(3) A knowingly false statement regarding a material element of a certification concerning the foreign content of an item of supply, as determined by the Secretary of the department or the head of the agency to which such certificate was furnished.

TITLE III—AMENDMENT TO RELATED LAWS

SEC. 301. ENERGY SECURITY.

(a) CONGRESSIONAL INTEREST MANIFEST IN OTHER LAWS.—The Congress hereby finds that congressional interest in energy security and the availability of energy for defense mobilization, industrial preparedness, and other purposes of the Defense Production Act of 1950 has also been expressed in various statutes enacted since the date of the enactment of such Act, including the provisions of Geothermal Energy Research, Development, and Demonstration Act of 1974, the Biomass Energy and Alcohol Fuels Act of 1980, and the Synthetic Fuels Corporation Act of 1985 which relate to geothermal energy, alcohol, and synthetic fuel projects.

(b) REPORTS REQUIRED.—To assist the Congress in discharging congressional responsibility for energy security and the availability of energy for defense mobilization, industrial preparedness, and other purposes of the Defense Production Act of 1950, the President shall prepare and transmit to the Congress, no less frequently than the end of each odd-numbered year, the projected capacity and potential prospects for the use of alternative and renewable sources of energy for such purposes.

(c) GEOTHERMAL ENERGY PROGRAM.—Section 203 of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1143) (relating to period of guarantees and interest assistance) is amended by striking "1990" and inserting "1993".

TITLE IV—FAIR TRADE IN FINANCIAL SERVICES

SEC. 401. SHORT TITLE.

This title may be cited as the "Fair Trade in Financial Services Act of 1990".

SEC. 402. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR BANKS AND BANK HOLDING COMPANIES.

The International Banking Act of 1978 (12 U.S.C. 3101 et seq.) is amended by adding at the end the following:

"NATIONAL TREATMENT

"SEC. 15. (a) PURPOSE.—This section is intended to encourage foreign countries to accord national treatment to United States banks and bank holding companies that operate or seek to operate in those countries, and thereby end discrimination against United States banks and bank holding companies.

"(b) REPORTS REQUIRED.—

"(1) CONTENTS OF REPORT.—The Secretary of the Treasury shall, not later than December 1, 1992, and biennially thereafter, submit to the Congress a report—

"(A) identifying any foreign country—

"(i) that does not accord national treatment to United States banks and bank holding companies—

"(I) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988; or

"(II) on the basis of more recent information that the Secretary deems appropriate indicating a failure to accord national treatment; and

"(ii) with respect to which no determination under subsection (d)(1) is in effect;

"(B) explaining why the Secretary has not made, or has rescinded, such a determination with respect to that country; and

"(C) describing the results of any negotiations conducted pursuant to subsection (c)(1) with respect to that country.

"(2) SUBMISSION OF REPORT.—

"(A) IN GENERAL.—The report required by paragraph (1) may be submitted as part of a report submitted under section 3602 of the Omnibus Trade and Competition Act of 1988.

"(B) MOST RECENT REPORT DEFINED.—If the report required by paragraph (1) is submitted as part of a report under such section 3602, that report under section 3602 shall be the 'most recent report' for purposes of paragraph (1)(A)(i)(I).

"(c) NEGOTIATIONS REQUIRED.—

"(1) IN GENERAL.—The Secretary of the Treasury shall initiate negotiations with any foreign country—

"(A) in which, according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, there is a significant failure to accord national treatment to United States banks and bank holding companies; and

"(B) with respect to which no determination under subsection (d)(1) is in effect,

to ensure that such country accords national treatment to United States banks and holding companies.

"(2) NEGOTIATIONS NOT REQUIRED.—Paragraph (1) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(A) determines that such negotiations would be fruitless or would impair national economic interests; and

"(B) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

"(d) DISCRETIONARY SANCTIONS.—

"(1) SECRETARY'S DETERMINATION.—The Secretary of the Treasury may, at any time, publish in the Federal Register a determination that a foreign country does not accord national treatment to United States banks or bank holding companies.

"(2) ACTION BY AGENCY.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, any Federal banking agency—

"(A) may include that determination and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and other reports under subsection (b)(1) among the factors the agency considers in evaluating any application or notice filed by a person of that foreign country; and

"(B) may, based upon that determination and in consultation with the Secretary, deny the application or disapprove the notice.

"(3) REVIEW.—The Secretary of the Treasury may, at any time, and shall, annually, review any determination under paragraph (1) and decide whether that determination should be rescinded.

"(e) PREVENTING EXISTING ENTITIES FROM BEING USED TO EVADE THIS SECTION.—

"(1) IN GENERAL.—If a determination under subsection (d)(1) is in effect with respect to a foreign country, no bank, foreign bank described in section 8(a), branch, agency, commercial lending company, or other affiliated entity that is a person of that country shall, without prior approval pursuant to paragraph (3) or (4), directly or indirectly, in the United States—

"(A) commence any line of business in which it was not engaged as of the date on which that determination was published in the Federal Register; or

"(B) conduct business from any location at which it did not conduct business as of that date.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to transactions under section 2(h)(2) of the Bank Holding Company Act of 1956.

"(3) STATE-SUPERVISED ENTITIES.—

"(A) This paragraph shall apply if—

"(i) the entity in question is an uninsured State bank or branch, a State agency, or a commercial lending company;

"(ii) the State requires the entity to obtain the prior approval of the State bank supervisor before engaging in the activity described in subparagraph (A) or (B) of paragraph (1); and

"(iii) no other provision of Federal law requires the entity to obtain the prior approval of a Federal banking agency before engaging in that activity.

"(B) The State bank supervisor shall consult about the application with the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act). If the State bank supervisor approves the application, the supervisor shall notify the appropriate Federal banking agency and provide the agency with a copy of the record of the application. During the 45-day period beginning on the date on which the appropriate Federal banking agency receives the record, the agency, after consultation with the State bank supervisor—

"(i) may include the determination under subsection (d)(1) and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and other reports under subsection (b)(1) of this section among the factors the agency considers in evaluating the application; and

"(ii) may issue an order disapproving the activity in question based upon that determination and in consultation with the Secretary of the Treasury.

The period for disapproval under clause (ii) may, in the agency's discretion, be extended for not more than 45 days.

"(4) FEDERAL APPROVAL.—If the transaction is not described in paragraph (3)(A), the entity in question shall obtain the prior approval of the appropriate Federal banking agency.

"(5) INFORMING STATE SUPERVISORS.—The Secretary of the Treasury shall inform State bank supervisors of any determination under subsection (d)(1).

"(6) EFFECT ON OTHER LAW.—Nothing in this subsection shall be construed to relieve the entity in question from any otherwise applicable requirement of Federal law.

"(f) NATIONAL TREATMENT DEFINED.—A foreign country accords national treatment to United States banks and bank holding companies if it offers them the same competitive opportunities (including effective market access) as are available to its domestic banks and bank holding companies.

"(g) PERSON OF A FOREIGN COUNTRY DEFINED.—A person of a foreign country is a person that—

"(1) is organized under the laws of that country;

"(2) has its principal place of business in that country;

"(3) in the case of an individual—

"(A) is a citizen of that country, or

"(B) is domiciled in that country; or

"(4) is directly or indirectly controlled by a person described in paragraph (1), (2), or (3).

"(h) EXERCISE OF DISCRETION.—In exercising discretion under this section—

"(1) the Secretary of the Treasury and the Federal banking agencies shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress; and

"(2) the Federal banking agencies, in consultation with the Secretary of the Treasury—

"(A) shall consider, with respect to a bank, foreign bank, branch, agency, commercial lending company, or other affiliated entity that is a person of a foreign country and is already operating in the United States—

"(i) the extent to which that foreign country has a record of according national treatment to United States banks and bank holding companies; and

"(ii) whether that country would permit United States banks and bank holding companies already operating in that country to expand their activities in that country even if that country determined that the United States did not accord national treatment to that country's banks and bank holding companies; and

"(B) may further differentiate between entities already operating in the United States and entities that are not already operating in the United States, insofar as such differentiation is consistent with achieving the purpose of this section.".

SEC. 403. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR SECURITIES BROKERS AND DEALERS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

"NATIONAL TREATMENT

"SEC. 36. (a) PURPOSE.—This section is intended to encourage foreign countries to accord national treatment to United States brokers and dealers that operate or seek to operate in those countries, and thereby end discrimination against United States brokers and dealers.

"(b) REPORTS REQUIRED.—

"(1) CONTENTS OF REPORT.—The Secretary of the Treasury shall, not later than December 1, 1992, and biennially thereafter, submit to the Congress a report—

"(A) identifying any foreign country—

"(i) that does not accord national treatment to United States brokers and dealers—

"(I) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988; or

"(II) on the basis of more recent information that the Secretary deems appropriate indicating a failure to accord national treatment; and

"(ii) with respect to which no determination under subsection (d)(1) is in effect;

"(B) explaining why the Secretary has not made, or has rescinded, such a determination with respect to that country; and

"(C) describing the results of any negotiations conducted pursuant to subsection (c)(1) with respect to that country.

"(2) SUBMISSION OF REPORT.—

"(A) IN GENERAL.—The report required by paragraph (1) may be submitted as part of a report submitted under section 3602 of the Omnibus Trade and Competition Act of 1988.

"(B) MOST RECENT REPORT DEFINED.—If the report required by paragraph (1) is submitted as part of a report under such section 3602, that report under section 3602 shall be the 'most recent report' for purposes of paragraph (1)(A)(i)(I).

"(c) NEGOTIATIONS REQUIRED.—

"(1) IN GENERAL.—The Secretary of the Treasury shall initiate negotiations with any foreign country—

"(A) in which, according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, there is a significant failure to accord national treatment to United States brokers or dealers; and

"(B) with respect to which no determination under subsection (d)(1) is in effect,

to ensure that such country accords national treatment to United States brokers and dealers.

"(2) NEGOTIATIONS NOT REQUIRED.—Paragraph (1) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(A) determines that such negotiations would be fruitless or would impair national economic interests; and

"(B) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Energy and Commerce of the House of Representatives.

"(d) DISCRETIONARY SANCTIONS.—

"(1) SECRETARY'S DETERMINATION.—The Secretary of the Treasury may, at any time, publish in the Federal Register a determination that a foreign country does not accord national treatment to United States brokers or dealers.

"(2) ACTIONS BY COMMISSION.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, the Commission—

"(A) may include that determination and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and paragraph (1) of this subsection among the factors the Commission considers (i) in evaluating any application filed by a person of that foreign country, or (ii) in determining whether to prohibit an acquisition for which a notice is required under paragraph (3) by a person of that foreign country; and

"(B) may, based upon that determination and in consultation with the Secretary, deny the application or prohibit the acquisition.

"(3) NOTICE REQUIRED TO ACQUIRE BROKER OR DEALER.—

"(A) IN GENERAL.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, no person of that foreign country, acting directly or indirectly, shall acquire control of any registered broker or dealer unless—

"(i) the Commission has been given notice 60 days in advance of the acquisition, in such form as the Commission shall prescribe by rule and containing such information as the Commission requires by rule or order; and

"(ii) the Commission has not prohibited the acquisition.

"(B) COMMISSION MAY EXTEND 60-DAY PERIOD.—The Commission may, by order, extend the notice period during which an acquisition may be prohibited under subparagraph (A) for an additional 180 days.

"(C) EFFECTIVE DATE.—The requirements of subparagraph (A) shall apply to any acquisition of control that is completed on or after the date on which the determination under paragraph (1) is published, irrespective of when the acquisition was initiated.

"(4) REVIEW.—The Secretary of the Treasury may, at any time, and shall, annually, review any determination under paragraph (1) and decide whether that determination should be rescinded.

"(e) NATIONAL TREATMENT DEFINED.—A foreign country accords national treatment to United States brokers and dealers if it offers them the same competitive opportunities (including effective market access) as are available to its domestic brokers and dealers.

"(f) PERSONS OF A FOREIGN COUNTRY DEFINED.—A person of a foreign country is a person that—

"(1) is organized under the laws of that country;

"(2) has its principal place of business in that country;

"(3) in the case of an individual—

"(A) is a citizen of that country; or

"(B) is domiciled in that country; or

"(4) is directly or indirectly controlled by a person described in paragraph (1), (2), or (3).

"(g) EXERCISE OF DISCRETION.—In exercising discretion under this section—

"(1) the Secretary of the Treasury and the Commission shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress; and

"(2) the Commission, in consultation with the Secretary of the Treasury—

"(A) shall consider, with respect to a broker or dealer that is a person of a foreign country and is already operating in the United States—

"(i) the extent to which that foreign country has a record of according national treatment to United States brokers and dealers; and

"(ii) whether that country would permit United States brokers or dealers already operating in that country to expand their activities in that country even if that country determined that the United States did not accord national treatment to that country's brokers or dealers; and

"(B) may further differentiate between entities already operating in the United States and entities that are not already operating in the United States, insofar as such differentiation is consistent with achieving the purpose of this section.".

SEC. 404. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR INVESTMENT ADVISERS.

The Investment Advisers Act of 1940 (12 U.S.C. 80b-1 et seq.) is amended by adding at the end the following new section:

"NATIONAL TREATMENT

"SEC. 223. (a) PURPOSE.—This section is intended to encourage foreign countries to accord national treatment to United States investment advisers that operate or seek to operate in those countries, and thereby end discrimination against United States investment advisers.

"(b) REPORTS REQUIRED.—

"(1) CONTENTS OF REPORT.—The Secretary of the Treasury shall, not later than December 1, 1992, and biennially thereafter, submit to the Congress a report—

"(A) identifying any foreign country—

"(i) that does not accord national treatment to United States investment advisers—

"(I) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988; or

"(II) on the basis of more recent information that the Secretary deems appropriate indicating a failure to accord national treatment; and

"(ii) with respect to which no determination under subsection (d)(1) is in effect;

"(B) explaining why the Secretary has not made, or has rescinded, such a determination with respect to that country; and

"(C) describing the results of any negotiations conducted pursuant to subsection (c)(1) with respect to that country.

"(2) SUBMISSION OF REPORT.—

"(A) IN GENERAL.—The report required by paragraph (1) may be submitted as part of a report submitted under section 3602 of the Omnibus Trade and Competition Act of 1988.

"(B) MOST RECENT REPORT DEFINED.—If the report required by paragraph (1) is submitted as part of a report under such section 3602, that report under section 3602 shall be the 'most recent report' for purposes of paragraph (1)(A)(i)(I).

"(c) NEGOTIATIONS REQUIRED.—

"(1) IN GENERAL.—The Secretary of the Treasury shall initiate negotiations with any foreign country—

"(A) in which, according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, there is a significant failure to accord national treatment to United States investment advisers; and

"(B) with respect to which no determination under subsection (d)(1) is in effect, to ensure that such country accords national treatment to United States investment advisers.

"(2) NEGOTIATIONS NOT REQUIRED.—Paragraph (1) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(A) determines that such negotiations would be fruitless or would impair national economic interests; and

"(B) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Energy and Commerce of the House of Representatives.

"(d) DISCRETIONARY SANCTIONS.—

"(1) SECRETARY'S DETERMINATION.—The Secretary of the Treasury may, at any time, publish in the Federal Register a determination that a foreign country does not accord national treatment to United States investment advisers.

"(2) ACTIONS BY COMMISSION.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, the Commission—

"(A) may include that determination and the conclusions of the reports under section

3602 of the Omnibus Trade and Competitiveness Act of 1988 and paragraph (1) of this subsection among the factors the Commission considers (i) in evaluating any application filed by a person of that foreign country, or (ii) in determining whether to prohibit an acquisition for which a notice is required under paragraph (3) by a person of that foreign country; and

"(B) may, based upon that determination and in consultation with the Secretary, deny the application or prohibit the acquisition.

"(3) NOTICE REQUIRED TO ACQUIRE INVESTMENT ADVISER.—

"(A) IN GENERAL.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, no person of that foreign country, acting directly or indirectly, shall acquire control of any registered investment adviser unless—

"(i) the Commission has been given notice 60 days in advance of the acquisition, in such form as the Commission shall prescribe by rule and containing such information as the Commission requires by rule or order; and

"(ii) the Commission has not prohibited the acquisition.

"(B) COMMISSION MAY EXTEND 60-DAY PERIOD.—The Commission may, by order, extend the notice period during which an acquisition may be prohibited under subparagraph (A) for an additional 180 days.

"(C) EFFECTIVE DATE.—The requirements of subparagraph (A) shall apply to any acquisition of control that is completed on or after the date on which the determination under paragraph (1) is published, irrespective of when the acquisition was initiated.

"(4) REVIEW.—The Secretary of the Treasury may, at any time, and shall, annually, review any determination under paragraph (1) and decide whether that determination should be rescinded.

"(e) NATIONAL TREATMENT DEFINED.—A foreign country accords national treatment to United States investment advisers if it offers them the same competitive opportunities (including effective market access) as are available to its domestic investment advisers.

"(f) PERSONS OF A FOREIGN COUNTRY DEFINED.—A person of a foreign country is a person that—

"(1) is organized under the laws of that country;

"(2) has its principal place of business in that country;

"(3) in the case of an individual—

"(A) is a citizen of that country; or

"(B) is domiciled in that country; or

"(4) is directly or indirectly controlled by a person described in paragraph (1), (2), or (3).

"(g) EXERCISE OF DISCRETION.—In exercising discretion under this section—

"(1) the Secretary of the Treasury and the Commission shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress; and

"(2) the Commission, in consultation with the Secretary of the Treasury—

"(A) shall consider, with respect to an investment adviser that is a person of a foreign country and is already operating in the United States—

"(i) the extent to which that foreign country has a record of according national treatment to United States investment advisers; and

"(ii) whether that country would permit United States investment advisers already operating in that country to expand their activities in that country even if that country determined that the United States did not accord national treatment to that country's investment advisers; and

"(B) may further differentiate between entities already operating in the United States and entities that are not already operating in the United States, insofar as such differentiation is consistent with achieving the purpose of this section.".

SEC. 405. FINANCIAL INTERDEPENDENCE STUDY.

Subtitle G of title III of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5341 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 3605. FINANCIAL INTERDEPENDENCE STUDY.

"(a) INVESTIGATION REQUIRED.—The Secretary of the Treasury, in consultation and coordination with the Securities and Exchange Commission, the Board of Governors of the Federal Reserve System, the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), and any other appropriate Federal agency or department to be designated by the Secretary of the Treasury, shall conduct an investigation to determine the extent of the interdependence of the financial services sectors of the United States and foreign countries whose financial services institutions provide financial services in the United States, or whose persons have substantial ownership interests in United States financial services institutions, and the economic, strategic, and other consequences of that interdependence for the United States.

"(b) REPORT.—The Secretary of the Treasury shall transmit a report on the results of the investigation under subsection (a) within 2 years after the date of enactment of this section to the President, the Congress, the Securities and Exchange Commission, the Board of Governors of the Federal Reserve System, the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) and any other appropriate Federal agency or department as designated by the Secretary of the Treasury. The report shall—

"(1) describe the activities and estimate the scope of financial services activities conducted by United States financial services institutions in foreign markets (differentiated according to major foreign markets);

"(2) describe the activities and estimate the scope of financial services activities conducted by foreign financial services institutions in the United States (differentiated according to the most significant home countries or groups of home countries);

"(3) estimate the number of jobs created in the United States by financial services activities conducted by foreign financial services institutions and the number of jobs created in foreign countries by financial services activities conducted by United States financial services institutions;

"(4) estimate the additional jobs and revenues (both foreign and domestic) that would be created by the activities of United States financial services institutions in foreign countries if those countries offered such institutions the same competitive opportunities (including effective market access) as are available to those countries' domestic financial services institutions;

"(5) describe the extent to which foreign financial services institutions discriminate against United States persons in procurement, employment, providing credit or other financial services, or otherwise;

"(6) describe the extent to which foreign financial services institutions and other persons from foreign countries purchase or otherwise facilitate the marketing from the United States of government and private debt instruments and private equity instruments;

"(7) describe how the interdependence of the financial services sectors of the United States and foreign countries affects the autonomy and effectiveness of United States monetary policy;

"(8) describe the extent to which United States companies rely on financing by or through foreign financial services institutions, and the consequences of such reliance (including disclosure of proprietary information) for the industrial competitiveness and national security of the United States;

"(9) describe the extent to which foreign financial services institutions, in purchasing high technology products such as computers and telecommunications equipment, favor manufacturers from their home countries over United States manufacturers; and

"(10) contain other appropriate information relating to the results of the investigation under subsection (a).

"(c) DEFINITIONS.—As used in this section, the term 'financial services institution' means—

"(1) a broker, dealer, underwriter, clearing agency, transfer agent, or information processor with respect to securities, including government and municipal securities;

"(2) an investment company, investment manager, investment adviser, indenture trustee, or any depository institution, insurance company, or other organization operating as a fiduciary, trustee, underwriter, or other financial services provider;

"(3) any depository institution or depository institution holding company (as such terms are defined in section 3 of the Federal Deposit Insurance Act); and

"(4) any other entity providing financial services.".

SEC. 406. CONFORMING AMENDMENTS SPECIFYING THAT NATIONAL TREATMENT INCLUDES EFFECTIVE MARKET ACCESS.

(a) QUADRENNIAL REPORTS ON FOREIGN TREATMENT OF UNITED STATES FINANCIAL INSTITUTIONS.—Section 3602 of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5352) is amended—

(1) in paragraph (3), by striking "and securities companies" and inserting ", securities companies, and investment advisers"; and

(2) by adding at the end the following: "For purposes of this section, a foreign country denies national treatment to United States entities unless it offers them the same competitive opportunities (including effective market access) as are available to its domestic entities.".

(b) NEGOTIATIONS TO PROMOTE FAIR TRADE IN FINANCIAL SERVICES.—Section 3603(a)(1) of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5353(a)(1)) is amended by inserting "effective" after "banking organizations and securities companies have".

(c) PRIMARY DEALERS IN GOVERNMENT DEBT INSTRUMENTS.—Section 3502(b)(1) of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5342) is amended—

(1) by striking "does not accord to" and inserting "does not offer";

(2) by inserting "(including effective market access)" after "the same competitive opportunities in the underwriting and distribution of government debt instruments issued by such country"; and

(3) by striking "as such country accords to" and inserting "as are available to".

TITLE V—EFFECTIVE DATES

SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on October 20, 1990.

(b) SPECIAL RULES.—(1) No action taken by the President or the President's designee between October 20, 1990, and the date of enactment of this Act shall prejudice the ability of the President or the President's designee to take action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170).

(2) Title IV of this Act takes effect on the date of enactment of this Act.

(3) The acquisition policies required by this Act shall be incorporated as part of the Federal Acquisition Regulation within 270 days after enactment. Such policies shall apply to solicitations issued 60 days after such regulations are issued.

(4) No report under section 107(f) of the Defense Production Act of 1950 (as added by section 111 of this Act) shall be required before January 31, 1993.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, under the previous order, the Senator from Pennsylvania will now offer the Fair Trade and Financial Services Act. This was S. 259. It is my understanding there is no Member of the Senate who desires a rollcall vote on this amendment. If that is the case, we are going to enact this by voice vote.

We have cleared on both sides the amendments to the Soldiers' and Sailors' Relief Act. If there is no request for a rollcall vote on that, that will be approved by a voice vote.

Thereafter, the Senate will be in recess until tomorrow when there will be a session merely for the reading of the address on Presidents' Day. There will be no votes tomorrow, and the Senate would then not be in session until next Tuesday afternoon.

Unless a Senator requests a rollcall vote on either the amendment which the Senator from Pennsylvania is now about to offer, or the Soldiers' and Sailors' Relief Act amendments, and I am advised by staff that they both have been cleared and that no Senator does wish to have a rollcall vote on those, then the vote we just had will be the last rollcall vote until, at the earliest, next Tuesday afternoon.

Mr. President, I yield the floor and I thank the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

DEFENSE PRODUCTION ACT EXTENSION AND AMENDMENTS OF 1991

Mr. HEINZ. Mr. President, in accordance with the unanimous-consent agreement, I send to the desk a bill and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 468) to amend the Defense Production Act of 1950.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. By previous order, the time on the bill, 10 minutes, is divided equally.

Mr. HEINZ. Mr. President, I will be brief. I hope we can expedite the work of the Senate. Effectively, what I have sent to the desk is the full text of the DPA extension proposed by the administration introduced by Senators GARN and WALLOP as S. 259. That extends the Defense Production Act authority to September 30, not October 20 as proposed by the administration, and this conforms to House committee action.

Mr. President, further, it adds energy amendments that are urgently requested to deal with emergency energy supply problems that may arise due to the gulf war.

Finally, as the majority leader has pointed out, it adds the text of the Fair Trade and Financial Services Act granting discretion to the Secretary of the Treasury to deny national treatment to foreign financial institutions, if necessary, to support U.S. efforts to open foreign markets that are closed to U.S. firms.

Mr. President, I think many of us have spoken on these issues at length today and on other occasions. I have no desire to prolong the discussion in the Senate. I reserve the remainder of my time.

Mr. RIEGLE. Mr. President, I rise in favor of S. 468, a bill to renew and amend the Defense Production Act of 1950.

The Defense Production Act [DPA] was originally passed to meet the national emergency caused by the Korean war. Only three titles of the original law—I, II, and VII—were kept in effect after that war. Title I of the DPA provides to the President the authority to require the priority performance of contracts which have been determined to be necessary for the national defense. Title III authorizes the use of a broad range of economic incentives to assure that American industry will be able to provide the broad range of materials and services that are required for the national defense. These incentives include purchase guarantees, loan guarantees, and loans. Title VII authorizes the President to encourage joint industry undertakings to improve industrial preparedness and give them protection from antitrust suits. That title also gives the President the authority to suspend or prohibit the acquisition, merger, or takeover of a domestic firm by a foreign firm if such would threaten to impair the national security.

The bill we are passing today, S. 468, restores those important authorities and also improves the current DPA law by amending it with two important authorities sought by the Department of Energy to deal with oil shortages that may be occasioned by the Persian Gulf crisis. These new authorities, sought by DOE were incorporated in last year's conference bill on the DPA that failed to pass the Senate at the end of last year's session.

I am also pleased that S. 468 also includes as title II the provisions on fair trade and financial services that were in last year's DPA conference bill that passed the House. Let me explain why.

For the last 50 years America has followed a practice of giving foreign financial firms which operate in this country national treatment, that is we treat them the same as we do our domestic firms and they have profited from it. In 1978, the Congress enacted the International Banking Act codifying our national treatment policy in law. At the time we did so we noted our concerns about discriminatory treatment against our banks abroad. The Senate Banking Committee in its report on the 1978 law stated:

> European Common Market countries have been most receptive to the benefits of competition brought by American banks to their economies. Japan is a contrast. By the restrictive practices of its officials, American banks are competitively disadvantaged in Japanese banking markets.

Congress hoped in 1978 that discriminatory treatment against U.S. financial firms abroad could be resolved by U.S. negotiators without further congressional action. That was a vain hope. Last November, Under Secretary Mulford of the Treasury who has been negotiating with the Japanese for 6 years to open their market stated:

> It is particularly disheartening to see foreign banks and securities firms blocked from offering international proven services and products in Japan. Statutory restrictions and regulatory practices continue to be a firm barrier to full access of foreign firms to the Japanese financial services industry.

Since the passage of the International Banking Act of 1978, foreign banks have dramatically expanded in the U.S. market. Japanese banks alone have 14 percent of the 25-percent market share held by all foreign banks. In contrast the United States share of the Japanese market continues to decline and is now at 1 percent. Foreign banks as a whole have only a 3-percent share of the Japanese market and that too is declining.

Japan's own closed financial market is not unrelated to the ability of their banks to expand here. At our April 5, 1990, hearing on our fair trade bill Under Secretary Mulford told us:

> I have always had the view that one of the reasons we're in the business of opening the Japanese markets is that there is a very low cost of capital there * * * Japanese institutions are engaging in a sort of unfair practice because they work off a cheap source of capital at home and use that to expand their position overseas in much the same way that an industrial company might be accused of an unfair trading practice. * * * [They] go after market share by offering highly competitive, possibly in some cases, we fear, submarket terms.

David Silver of the Investment Company Institute who testified for title II made the same point noting that:

> Profits gleaned from growth in their protected environment may provide a significant boost for entry into another market such as the U.S.

A witness for the Independent Bankers Association agreed.

As Japanese banks expand market share here by cut-rate prices made possible in part by a closed market at home, United States banks are losing good customers and are compelled to make riskier loans. A vice president of Standard & Poor's told our committee at a September 12 hearing that:

> Foreign banks are willing to compete on price, and to go after good quality business, the result of which many U.S. banks have had to seek earnings elsewhere * * * in higher risk areas.

This could create new problems for our deposit insurance fund and our taxpayers who back that fund.

So we must give our negotiators strengthened authority to open foreign markets now closed to our institutions. Title II does so in a very nonthreatening way. Under its provisions Treasury and the banking and securities regulators are not required to take any actions against firms from countries that discriminate. They are required to negotiate with such countries. To strengthen Treasury's hand in any negotiations, the bill permits our banking and securities regulators, in consultation with the Treasury, to deny applications for regulatory approval filed by banking and securities firms from countries that discriminate against U.S. firms. Any denials would not force foreign financial firms to shrink their existing operations, but could limit their opportunities for future expansion. Before regulators could exercise their authority, however, the Secretary of the Treasury would have to publish in the Federal Register a determination that discrimination against U.S. financial institutions is taking place in a given foreign country. Let me stress that no such action is mandated by this legislation. The Treasury Secretary and the regulators have discretion under it whether to use the grant of authority being given to them and the regulators are expected to use this new authority only in full consultation with the Treasury Department.

New evidence of the Treasury Department's need for this type of leverage in negotiating to open financial markets is provided in its most recent national treatment study submitted to the Congress on December 1, 1990, as required by section 3601 of the omnibus trade bill of 1988. In his letter transmitting the 1990 National Treatment Study to Congress, Secretary Brady noted that Canada and many European countries have made significant progress in removing barriers to full entry of U.S. financial firms but that "only modest progress has been made in many Asian economies [and] numerous Latin American countries still maintain restrictive financial systems." The report itself notes with regard to Japan that "despite modest improvements, a variety of factors have kept the Japanese banking market difficult to penetrate and the slow pace of liberalization and deregulation has provided domestic banks with an unfair competitive advantage over foreign banks both in Japan and globally * * * a number of factors including regulated interest rates, restrictive operating regulations, strong ties among related firms (keiretsu), excessive compartmentalization of financial markets, and lack of transparency effectively reduce foreign banks' competitive opportunities."

That report also noted with regard to Japan's securities market that "foreign firms have been excluded from the 400 billion dollar investment trust (mutual funds) market. * * *"

Other restrictions on pension fund managers and securities firms mean, according to Treasury's report, that "full and easy access to the Japanese investor base and entire range of securities activities remains difficult" for foreign firms. Title II is needed to help the Treasury get rid of such restrictions.

Title II also includes an important study on the interdependence of capital markets. This report will give the Congress and administration needed information about the role of foreign financial institutions in our economy and the impact such growing foreign presence has on our monetary policy and national economic sovereignty. The report will also provide needed information about whether a loss of domestic markêt share by U.S. financial services firms will have a deleterious impact on certain of our high-tech industries such as telecommunications and computers. Having an understanding of the synergies involved in these matters will better prepare us to make good public policy on them.

It is my firm hope that we can get S. 468 enacted into law as soon as possible and that later this year Congress will enact the other DPA legislation, S. 347, which the Senate is also passing today.

I thank Senators DIXON, GARN, GRAMM, and HEINZ for the key roles they played in passing S. 468 today.

The PRESIDING OFFICER. Who yields time?

Mr. HEINZ. Mr. President, if there is no further request for time on either side, which might well be the case since this was a unanimous-consent item, I am about to propose that both sides yield back all their time.

I just want to announce that to see if there is anybody in the Cloakroom who would like time on either side of the aisle.

I will wait a few seconds to see what happens.

Mr. President, hearing no commotion either on the floor or in the Cloakroom, I ask unanimous consent that all time be yielded back on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Defense Production Act Extension and Amendments of 1991".

TITLE I: AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

SEC. 101. EXTENSION OF PROGRAMS.—The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "October 20, 1990" and inserting "September 30, 1991".

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. Section 711(a)(4) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(4)) is amended to read as follows:

"(4)(A) There are authorized to be appropriated for fiscal year 1991, not to exceed $50,000,000 to carry out the provisions of sections 301, 302, and 303.

"(B) The aggregate amount of loans, guarantees purchase agreements, and other action under sections 301, 302, and 303 during fiscal year 1991 may not exceed $50,000,000."

VOLUNTARY AGREEMENTS

SEC. 103 Section 708A of the Defense Production Act of 1950 (50 U.S.C. App. 2158a) is repealed.

TECHNICAL AMENDMENTS RESTORING ANTITRUST IMMUNITY FOR EMERGENCY ACTIONS

SEC. 104. Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended—

(1) in subsection (a), by striking "and subsection (j) of section 708A";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) For purposes of this Act the term—

"(1) 'Antitrust laws' has the meaning given to such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(2) 'Plan of action' means any of 1 or more documented methods adopted by participants in an existing voluntary agreement to implement that agreement.";

(3) in subsection (c)(1)—

(A) by striking "Except as otherwise provided in section 708(o), upon" and inserting "Upon"; and

(B) by inserting "and plans of action" after "voluntary agreements";

(4) in subsection (c)(2), by striking the last sentence;

(5) in the second sentence of subsection (d)(1)—

(A) by inserting "and except as provided in subsection (n)" after "specified in this section"; and

(B) by striking ", and the meetings of such committees shall be open to the public";

(6) in subsection (d)(2), by striking out "section 552 (b)(1) and (b)(3)" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(7) in subsection (e)(1), by inserting "and plans of action" after "voluntary agreements";

(8) in subsection (e)(3)(D), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(9) in subsection (e)(3)(F)—

(A) by striking "General and to" and inserting, "General,"; and

(B) by inserting ", and the Congress" before the semicolon;

(10) in subsection (e)(3)(G), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(11) in subsections (f) and (g)—

(A) by inserting "or plan of action" after "voluntary agreement" each place such term appears; and

(B) by inserting "or plan" after "the agreement" each place such term appears;

(12) in subsection (f)(1)(A) (as amended by paragraph (11) of this subsection) by inserting "and submits a copy of such agreement or plan to the Congress" before the semicolon;

(13) in subsection (f)(1)(B) (as amended by paragraph (11) of this subsection) by inserting "and publishes such finding in the Federal Register" before the period;

(14) in subsection (f)(2) (as amended by paragraph (11) of this subsection) by inserting "and publish such certification and finding in the Federal Register" before ", in which case";

(15) in subsection (h)—

(A) by inserting "and plans of action" after "voluntary agreements";

(B) by inserting "or plan of action" after "voluntary agreement" each place such term appears;

(C) by striking "and" at the end of paragraph (9);

(D) by striking the period at the end of paragraph (10) and inserting "; and"; and

(E) by adding at the end the following new paragraph:

"(11) that the individual designated by the President in subsection (c)(2) to administer the voluntary agreement or plan of action shall provide prior written notification of the time, place, and nature of any meeting to carry out a voluntary agreement or plan of action to the Attorney General, the Chairman of the Federal Trade Commission and the Congress."

(16) in subsection (h)(3), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraph (1), (3), or (4) of section 552(b)"; and

(17) in paragraphs (7) and (8) of subsection (h), by striking, "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(18) by striking subsection (j) and inserting the following new subsection:

"(j) Defense for violation of Federal or State antitrust laws—

"(1) Subject to paragraph (4), there shall be available as a defense for any person to any civil or criminal action brought under the antitrust laws (or any similar law of any State) with respect to any action taken to develop or carry out any voluntary agreement of plan of action under this section that—

"(A) such action was taken—

"(i) in the course of developing a voluntary agreement initiated by the President or a plan of action adopted under any such agreement; or

"(ii) to carry out a voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement, and

"(B) such person—

"(i) complied with the requirements of this section and any regulation prescribed under this section; and

"(ii) acted in accordance with the terms of the voluntary agreement or plan of action.

"(2) Except in the case of actions taken to develop a voluntary agreement or plan of action, the defense established in paragraph (1) shall be available only if and to the extent that the person asserting the defense demonstrates that the action was specified in, or was within the scope of, and approved voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement and approved in accordance with this section. The defense established in paragraph (1) shall not be available unless the President or the President's designee has authorized and actively supervised the voluntary agreement or plan of action.

"(3) Any person raising the defense established in paragraph (1) shall have the burden of proof to establish the elements of the defense.

"(4) The defense established in paragraph (1) shall not be available if the person against whom the defense is asserted shows that the action was taken for the purpose of violating the antitrust laws.";

(19) in subsection (k), by inserting "and plans of action" after "voluntary agreements" each place such term appears;

(20) in subsection (l), by inserting "Or plan of action" after "voluntary agreement";

(21) by adding at the end the following new subsections:

"(n) Notwithstanding any other provision of law, any activity conducted under a voluntary agreement or plan of action approved pursuant to this section, when conducted in compliance with the requirements of this section, any regulation prescribed under this subsection, and the provisions of the voluntary agreement or plan of action, shall be exempt from the Federal Advisory Committee Act and any other Federal law and any Federal regulation relating to advisory committees.

"(o) In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken during an emergency to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section. Such defense shall not release the party asserting it from any obligation under applicable law to mitigate damages to the greatest extent possible.".

TECHNICAL AMENDMENTS TO PRIORITIES IN CONTRACTS AND ORDERS

SEC. 105. Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended—

(1) in subsection (a)(2) by striking "materials and facilities" and inserting "materials, services, and facilities";

(2) in subsection (c)(1) by striking "supplies of materials and equipment" and inserting "materials, equipment, and services";

(3) by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) The authority granted by this subsection may not be used to require priority performance of contracts or orders, or to control the distribution of any supplies of materials, services, and facilities in the marketplace, unless the President finds that—

"(A) such materials, services, and facilities are scarce, critical, and essential—

"(i) to maintain or expand exploration, production, refining, transportation,

"(ii) to conserve energy supplies; or

"(iii) to construct or maintain energy facilities; and

"(B) maintenance or expansion of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection."; and

(4) by redesignating paragraph (4) as paragraph (3).

EFFECTIVE DATE

SEC. 106. (1) This Act shall take effect on October 20, 1990; and

(2) No action taken by the President or the President's designee between October 20, 1990, and the enactment of this Act shall prejudice the ability of the President or the President's designee to take action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170).

TITLE II—FAIR TRADE IN FINANCIAL SERVICES

SEC. 201. SHORT TITLE.

This title may be cited as the "Fair Trade in Financial Services Act of 1991".

SEC. 202. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR BANKS AND BANK HOLDING COMPANIES.

The International Banking Act of 1978 (12 U.S.C. 3101 et seq.) is amended by adding at the end the following:

"NATIONAL TREATMENT

"SEC. 15. (a) PURPOSE.—This section is intended to encourage foreign countries to accord national treatment to United States banks and bank holding companies that operate or seek to operate in those countries, and thereby end discrimination against United States banks and bank holding companies.

"(b) REPORTS REQUIRED.—

"(1) CONTENTS OF REPORT.—The Secretary of the Treasury shall, not later than December 1, 1992, and biennially thereafter, submit to the Congress a report—

"(A) identifying any foreign country—

"(i) that does not accord national treatment to United States banks and bank holding companies—

"(I) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988; or

"(II) on the basis of more recent information that the Secretary deems appropriate indicating a failure to accord national treatment; and "(ii) with respect to which no determination under subsection (d)(1) is in effect;

"(B) explaining why the Secretary has not made, or has rescinded, such a determination with respect to that country; and

"(C) describing the results of any negotiations conducted pursuant to subsection (c)(1) with respect to that country.

"(2) SUBMISSION OF REPORT.—

"(A) IN GENERAL.—The report required by paragraph (1) may be submitted as part of a report submitted under section 3602 of the Omnibus Trade and Competition Act of 1988.

"(B) MOST RECENT REPORT DEFINED.—If the report required by paragraph (1) is submitted as part of a report under such section 3602, that report under section 3602 shall be the 'most recent report' for purposes of paragraph (1)(A)(i)(I).

"(c) NEGOTIATIONS REQUIRED.—

"(1) IN GENERAL.—The Secretary of the Treasury shall initiate negotiations with any foreign country—

"(A) in which, according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, there is a significant failure to accord national treatment United States banks and bank holding companies; and

"(B) with respect to which no determination under subsection (d)(1) is in effect,

to ensure that such country accords national treatment to United States banks and holding companies.

"(2) NEGOTIATIONS NOT REQUIRED.—Paragraph (1) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(A) determines that such negotiations would be fruitless or would impair national economic interest; and

(B) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

"(d) DISCRETIONARY SANCTIONS.—

"(1) SECRETARY'S DETERMINATION.—The Secretary of the Treasury may, at any time, publish in the Federal Register a determination that a foreign country does not accord national treatment to United States banks or bank holding companies.

"(2) ACTION BY AGENCY.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, any Federal banking agency—

"(A) may include that determination and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and other reports under subsection (b)(1) among the factors the agency considers in evaluating any application or notice filed by a person of that foreign country; and

"(B) may, in consultation with the Secretary, deny the application or disapprove the notice.

"(3) REVIEW.—The Secretary of the Treasury may, at any time, and shall, annually, review any determination under paragraph (1) and decide whether that determination should be rescinded.

"(e) PREVENTING EXISTING ENTITIES FROM BEING USED TO EVADE THIS SECTION.—

"(1) IN GENERAL.—If a determination under subsection (d)(1) is in effect with respect to a foreign country, no bank, foreign bank described in section 8(a), branch, agency, commercial lending company, or other affiliated entity that is a person of that country shall, without prior approval pursuant to paragraph (3) or (4), directly or indirectly, in the United States—

"(A) commence any line of business in which it was not engaged as of the date on which that determination was published in the Federal Register; or

"(B) conduct business from any location at which it did not conduct business as of that date.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to transactions under section 2(h)(2) of the Bank Holding Company Act of 1956.

"(3) STATE-SUPERVISED ENTITIES.—

"(A) This paragraph shall apply if—

"(i) the entity in question is an uninsured State bank or branch, a State agency, or a commercial lending company;

"(ii) the State requires the entity to obtain the prior approval of the State bank supervisor before engaging in the activity described in subparagraph (A) or (B) of paragraph (1); and

"(iii) no other provision of Federal law requires the entity to obtain the prior approval of a Federal banking agency before engaging in that activity.

"(B) The State bank supervisor shall consult about the application with the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act). If the State bank supervisor approves the application, the supervisor shall notify the appropriate Federal banking agency and provide the agency with a copy of the record of the application. During the 45-day period beginning on the date on which the appropriate Federal banking agency receives the record, the agency, after consultation with the State bank supervisor—

"(i) may include the determination under subsection (d)(1) and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and other reports under subsection (b)(1) of this section among the factors the agency considers in evaluating the application; and

"(ii) may issue an order disapproving the activity in question based upon that determination and in consultation with the Secretary of the Treasury.

The period for disapproval under clause (ii) may, in the agency's discretion, be extended for not more than 45 days.

"(4) FEDERAL APPROVAL.—If the transaction is not described in paragraph (3)(A), the entity in question shall obtain the prior approval of the appropriate Federal banking agency.

"(5) INFORMING STATE SUPERVISORS.—The Secretary of the Treasury shall inform State bank supervisors of any determination under subsection (d)(1).

"(6) EFFECT ON OTHER LAW.—Nothing in this subsection shall be construed to relieve the entity in question from any otherwise applicable requirement of Federal law.

"(f) NATIONAL TREATMENT DEFINED.—A foreign country accords national treatment to United States banks and bank holding companies if it offers them the same competitive opportunities (including effective market access) as are available to its domestic banks and bank holding companies.

"(g) PERSON OF A FOREIGN COUNTRY DEFINED.—A person of a foreign country is a person that—

"(1) is organized under the laws of that country;

"(2) has its principal place of business in that country;

"(3) in the case of an individual—

"(A) is a citizen of that country, or

"(B) is domiciled in that country; or

"(4) is directly or indirectly controlled by a person described in paragraph (1), (2), or (3).

"(h) EXERCISE OF DISCRETION.—In exercising discretion under this section—

"(1) the Secretary of the Treasury and the Federal banking agencies shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress; and

"(2) the Federal banking agencies, in consultation with the Secretary of the Treasury—

"(A) shall consider, with respect to a bank, foreign bank, branch, agency, commercial lending company, or other affiliated entity that is a person of a foreign country and is already operating in the United States—

"(i) the extent to which that foreign country has a record of according national treatment to United States banks and bank holding companies; and

"(ii) whether that country would permit United States banks and bank holding companies already operating in that country to expand their activities in that country even if that country determined that the United States did not accord national treatment to that country's banks and bank holding companies; and

"(B) may further differentiate between entities already operating in the United States and entities that are not already operating in the United States, insofar as such differentiation is consistent with achieving the purpose of this section.".

SEC. 203. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR SECURITIES BROKERS AND DEALERS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

"NATIONAL TREATMENT

"SEC. 36. (a) PURPOSE.—This section is intended to encourage foreign countries to accord national treatment to United States brokers and dealers that operate or seek to operate in those countries, and thereby end discrimination against United States brokers and dealers.

"(b) REPORTS REQUIRED.—

"(1) CONTENTS OF REPORT.—The Secretary of the Treasury shall, not later than December 1, 1992, and biennially thereafter, submit to the Congress a report—

"(A) identifying any foreign country—

"(i) that does not accord national treatment to United States brokers and dealers—

"(I) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988; or

"(II) on the basis of more recent information that the Secretary deems appropriate indicating a failure to accord national treatment; and

"(ii) with respect to which no determination under subsection (d)(1) is in effect;

"(B) explaining why the Secretary has not made, or has rescinded, such a determination with respect to that country; and

"(C) describing the results of any negotiations conducted pursuant to subsection (c)(1) with respect to that country.

"(2) SUBMISSION OF REPORT.—

"(A) IN GENERAL.—The report required by paragraph (1) may be submitted as part of a report submitted under section 3602 of the Omnibus Trade and Competition Act of 1988.

"(B) MOST RECENT REPORT DEFINED.—If the report required by paragraph (1) is submitted as part of a report under such section 3602, that report under section 3602 shall be the 'most recent report' for purposes of paragraph (1)(A)(i)(I).

"(c) NEGOTIATIONS REQUIRED.—

"(1) IN GENERAL.—The Secretary of the Treasury shall initiate negotiations with any foreign country—

"(A) in which, according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, there is a significant failure to accord national treatment to United States brokers or dealers; and

"(B) with respect to which no determination under subsection (d)(1) is in effect, to ensure that such country accords national treatment to United States brokers and dealers.

"(2) NEGOTIATIONS NOT REQUIRED.—Paragraph (1) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(A) determines that such negotiations would be fruitless or would impair national economic interests; and

"(B) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Energy and Commerce of the House of Representatives.

"(d) Discretionary Sanctions.—

"(1) SECRETARY'S DETERMINATION.—The Secretary of the Treasury may, at any time, publish in the Federal Register a determination that a foreign country does not accord national treatment to United States brokers or dealers.

"(2) ACTIONS BY COMMISSION.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, the Commission—

"(A) may include that determination and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and paragraph (1) of this subsection among the factors the Commission considers (i) in evaluating any application filed by a person of that foreign country, or (ii) in determining whether to prohibit an acquisition for which a notice is required under paragraph (3) by a person of that foreign country; and

"(B) may, in consultation with the Secretary, deny the application or prohibit the acquisition.

"(3) NOTICE REQUIRED TO ACQUIRE BROKER OR DEALER.—

"(A) IN GENERAL.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, no person of that foreign country, acting directly or indirectly, shall acquire control of any registered broker or dealer unless—

"(i) the Commission has been given notice 60 days in advance of the acquisition, in such form as the Commission shall prescribe by rule and containing such information as the Commission requires by rule or order; and

"(ii) the Commission has not prohibited the acquisition.

"(B) COMMISSION MAY EXTEND 60-DAY PERIOD.—The Commission may, by order, extend the notice period during which an acquisition may be prohibited under subparagraph (A) for an additional 180 days.

"(C) EFFECTIVE DATE.—The requirements of subparagraph (A) shall apply to any acquisition of control that is completed on or after the date on which the determination under paragraph (1) is published, irrespective of when the acquisition was initiated.

"(4) REVIEW.—The Secretary of the Treasury may, at any time and shall, annually, review any determination under paragraph (1) and decide whether that determination should be rescinded.

"(e) NATIONAL TREATMENT DEFINED.—A foreign country accords national treatment to United States brokers and dealers if it offers them the same competitive opportunities (including effective market access) as are available to its domestic brokers and dealers.

"(f) PERSONS OF A FOREIGN COUNTRY DEFINED.—A person of a foreign country is a person that—

"(1) is organized under the laws of that country;

"(2) has its principal place of business in that country;

"(3) in the case of an individual—

"(A) is a citizen of that country; or

"(B) is domiciled in that country; or

"(4) is directly or indirectly controlled by a person described in paragraph (1), (2), or (3).

"(g) EXERCISE OF DISCRETION.—In exercising discretion under this section—

"(1) the Secretary of the Treasury and the Commission shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress; and

"(2) the Commission, in consultation with the Secretary of the Treasury—

"(A) shall consider, with respect to a broker or dealer that is a person of a foreign country and is already operating in the United States—

"(i) the extent to which that foreign country has a record of according national treatment to United States brokers and dealers; and

"(ii) whether that country would permit United States brokers or dealers already operating in that country to expand their activities in that country even if that country determined that the United States did not accord national treatment to that country's brokers or dealers; and

"(B) may further differentiate between entities already operating in the United States and entities that are not already operating in the United States, insofar as such differentiation is consistent with achieving the purpose of this section.".

SEC. 204. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR INVESTMENT ADVISERS.

The Investment Advisers Act of 1940 (12 U.S.C. 80b-1 et seq.) is amended by adding at the end the following new section:

"NATIONAL TREATMENT

"SEC. 223. (a) PURPOSE.—This section is intended to encourage foreign countries to accord national treatment to United States investment advisers that operate or seek to operate in those countries, and thereby end discrimination against United States investment advisers.

"(b) REPORTS REQUIRED.—

"(1) CONTENTS OF REPORT.—The Secretary of the Treasury shall, not later than December 1, 1992, and biennially thereafter, submit to the Congress a report—

"(A) identifying any foreign country—

"(i) that does not accord national treatment to United States investment advisers—

"(I) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988; or

"(II) on the basis of more recent information that the Secretary deems appropriate indicating a failure to accord national treatment; and

"(ii) with respect to which no determination under subsection (d)(1) is in effect;

"(B) explaining why the Secretary has not made, or has rescinded, such a determination with respect to that country; and

"(C) describing the results of any negotiations conducted pursuant to subsection (c)(1) with respect to that country.

"(2) SUBMISSION OF REPORT.—

"(A) IN GENERAL.—The report required by paragraph (1) may be submitted as part of a report submitted under section 3602 of the Omnibus Trade and Competition Act of 1988.

"(B) MOST RECENT REPORT DEFINED.—If the report required by paragraph (1) is submitted as part of a report under such section 3602, that report under section 3602 shall be the 'most recent report' for purposes of paragraph (1)(A)(i)(I).

"(c) NEGOTIATIONS REQUIRED.—

"(1) IN GENERAL.—The Secretary of the Treasury shall initiate negotiations with any foreign country—

"(A) in which, according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, there is a significant failure to accord national treatment to United States investment advisers; and

"(B) with respect to which no determination under subsection (d)(1) is in effect, to ensure that such country accords national treatment to United States investment advisers.

"(2) NEGOTIATIONS NOT REQUIRED.—Paragraph (1) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(A) determines that such negotiations would be fruitless or would impair national economic interests; and

"(B) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Energy and Commerce of the House of Representatives.

"(d) DISCRETIONARY SANCTIONS.—

"(1) SECRETARY'S DETERMINATION.—The Secretary of the Treasury may, at any time, publish in the Federal Register a determination that a foreign country does not accord national treatment to United States investment advisers.

"(2) ACTIONS BY COMMISSION.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, the Commission—

"(A) may include that determination and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and paragraph (1) of this subsection among the factors the Commission considers (i) in evaluating any application filed by a person of that foreign country, or (ii) in determining whether to prohibit an acquisition for which a notice is required under paragraph (3) by a person of that foreign country; and

"(B) may, in consultation with the Secretary, deny the application or prohibit the acquisition.

"(3) NOTICE REQUIRED TO ACQUIRE INVESTMENT ADVISER.—

"(A) IN GENERAL.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, no person of that foreign country, acting directly or indirectly, shall acquire control of any registered investment adviser unless—

"(i) the Commission has been given notice 60 days in advance of the acquisition, in such form as the Commission shall prescribe by rule and containing such information as the Commission requires by rule or order; and

"(ii) the Commission has not prohibited the acquisition.

"(B) COMMISSION MAY EXTEND 60-DAY PERIOD.—The Commission may, by order, extend the notice period during which an acquisition may be prohibited under subparagraph (A) for an additional 180 days.

"(C) EFFECTIVE DATE.—The requirements of subparagraph (A) shall apply to any acquisition of control that is completed on or after the date on which the determination under paragraph (1) is published, irrespective of when the acquisition was initiated.

"(4) REVIEW.—The Secretary of the Treasury may, at any time, and shall, annually, review any determination under paragraph (1) and decide whether that determination should be rescinded.

"(e) NATIONAL TREATMENT DEFINED.—A foreign country accords national treatment to United States investment advisers if it offers them the same competitive opportunities (including effective market access) as are available to its domestic investment advisers.

"(f) PERSONS OF A FOREIGN COUNTRY DEFINED.—A person of a foreign country is a person that—

"(1) is organized under the laws of that country;

"(2) has its principal place of business in that country;

"(3) in the case of an individual—

"(A) is a citizen of that country; or

"(B) is domiciled in that country; or

"(4) is directly or indirectly controlled by a person described in paragraph (1), (2), or (3).

"(g) EXERCISE OF DISCRETION.—In exercising discretion under this section—

"(1) the Secretary of the Treasury and the Commission shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress; and

"(2) the Commission, in consultation with the Secretary of the Treasury—

"(A) shall consider, with respect to an investment adviser that is a person of a foreign country and is already operating in the United States—

"(i) the extent to which that foreign country has a record of according national treatment to United States investment advisers; and

"(ii) whether that country would permit United States investment advisers already operating in that country to expand their activities in that country even if that country determined that the United States did not accord national treatment to that country's investment advisers; and

"(B) may further differentiate between entities already operating in the United States and entities that are not already operating in the United States, insofar as such differentiation is consistent with achieving the purpose of this section.".

SEC. 205. FINANCIAL INTERDEPENDENCE STUDY.

Subtitle G of title III of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5341 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 3605. FINANCIAL INTERDEPENDENCE STUDY.

"(a) INVESTIGATION REQUIRED.—The Secretary of the Treasury, in consultation and coordination with the Securities and Exchange Commission, the Board of Governors of the Federal Reserve System, the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), and any other appropriate Federal agency or department to be designated by the Secretary of the Treasury, shall conduct an investigation to determine the extent of the interdependence of the financial services sectors of the United States and foreign countries whose financial services institutions provide financial services in the United States, or whose persons have substantial ownership interests in United States financial services institutions, and the economic, strategic, and other consequences of that interdependence for the United States.

"(b) REPORT.—The Secretary of the Treasury shall transmit a report on the results of the investigation under subsection (a) within 2 years after the date of enactment of this section to the President, the Congress, the Securities and Exchange Commission, the Board of Governors of the Federal Reserve System, the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) and any other appropriate Federal agency or department as designated by the Secretary of the Treasury. The report shall—

"(1) describe the activities and estimate the scope of financial services activities conducted by United States financial services institutions in foreign markets (differentiated according to major foreign markets);

"(2) describe the activities and estimate the scope of financial services activities conducted by foreign financial services institutions in the United States (differentiated according to the most significant home countries or groups of home countries);

"(3) estimate the number of jobs created in the United States by financial services activities conducted by foreign financial services institutions and the number of jobs created in foreign countries by financial services activites conducted by United States financial services institutions;

"(4) estimate the additional jobs and revenues (both foreign and domestic) that would be created by the activities of United States financial services institutions in foreign countries if those countries offered such institutions the same competitive opportunities (including effective market access) as are available to those countries' domestic financial services institutions;

"(5) describe the extent to which foreign financial services institutions discriminate against United States persons in procurement, employment, providing credit or other financial services, or otherwise;

"(6) describe the extent to which foreign financial services institutions and other persons from foreign countries purchase or otherwise facilitate the marketing from the United States of government and private debt instruments and private equity instruments;

"(7) describe how the interdependence of the financial services sectors of the United States and foreign countries affects the autonomy and effectiveness of United States monetary policy;

"(8) describe the extent to which United States companies rely on financing by or through foreign financial services institutions, and the consequences of such reliance (including disclosure of proprietary information) for the industrial competitiveness and national security of the United States;

"(9) describe the extent to which foreign financial services institutions, in purchasing high technology products such as computers and telecommunications equipment, favor manufacturers from their home countries over United States manufacturers; and

"(10) contain other appropriate information relating to the results of the investigation under subsection (a).

"(c) DEFINITIONS.—As used in this section, the term 'financial services institutions' means—

"(1) a broker, dealer, underwriter, clearing agency, transfer agent, or information processor with respect to securities, including government and municipal securities;

"(2) an investment company, investment manager, investment adviser, indenture trustee, or any depository institution, insurance company, or other organization operating as a fiduciary, trustee, underwriter, or other financial services provider;

"(3) any depository institution or depository institution holding company (as such terms are defined in section 3 of the Federal Deposit Insurance Act); and

"(4) any other entity providing financial services.".

SEC. 206. CONFORMING AMENDMENTS SPECIFYING THAT NATIONAL TREATMENT INCLUDES EFFECTIVE MARKET ACCESS.

(a) QUADRENNIAL REPORTS ON FOREIGN TREATMENT OF UNITED STATES FINANCIAL INSTITUTIONS.—Section 3602 of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5352) is amended—

(1) in paragraph (3), by striking "and securities companies" and inserting ", securities companies, and investment advisers"; and

(2) by adding at the end the following: "For purposes of this section, a foreign country denies national treatment to United States entities unless it offers them the same competitive opportunities (including effective market access) as are available to its domestic entities.".

(b) NEGOTIATIONS TO PROMOTE FAIR TRADE IN FINANCIAL SERVICES.—Section 3603(a)(1) of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5353(a)(1)) is amended by inserting "effective" after "banking organizations and securities companies have".

(c) PRIMARY DEALERS IN GOVERNMENT DEBT INSTRUMENTS.—Section 3502(b)(1) of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5342) is amended—

(1) by striking "does not accord to" and inserting "does not offer";

(2) by inserting "(including effective market access)" after "the same competitive opportunities in the underwriting and distribution of government debt instruments issued by such country"; and

(3) by striking "as such country accords to" and inserting "as are available to".

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

Mr. President, I withdraw my suggestion.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask unanimous consent to proceed as in morning business, if I may.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRENGTHENING OUR NATION'S CIVIL RIGHTS LAWS

Mr. SIMPSON. Mr. President, I wish to introduce legislation to strengthen our Nation's civil rights laws. Every Member of this Congress is proud of the tremendous strides our Nation made toward equality of opportunity in the last 30 years. Because we have not eliminated discrimination in our country, every Member of this Congress agrees that our civil rights laws are a very important underpinning of our temporary legal structure.

Every American must have an equal opportunity to achieve that which he or she is capable of and willing to work for. No person's potential should be frustrated by discrimination. I believe every Member of Congress shares this conviction. There is surely a clear consensus on that point.

In fact, our Nation's major civil rights laws have always been passed with broad support on both sides of the aisle, on both sides of the Rotunda, and at 1600 Pennsylvania Avenue, as well as on Capitol Hill.

However, last year's civil rights bill lost this element of consensus. It became a highly charged exercise in partisan politics and the process left me quite disappointed and even a bit disgusted.

I am indeed not the only person who has noted the destructive nature of last year's legislative battle. Morris Abram, one of the early champions in the early 1960's, noted:

> All my life, beginning in the darkest days of segregation in my home State of Georgia, I have fought against the principle of color preference known then as "white supremacy."

However, when discussing last year's civil rights bill, Mr. Abran observed, "This bill institutionalizes color preference under the false flag of civil rights. It is not a civil rights bill; it is a quota bill that would achieve exactly what the landmark Civil Rights Act stood foursquare against."

Mr. President, I think it is time to leave behind these contentious approaches toward civil rights reform. Let us reject partisan skirmishing and work together to achieve the consensus that propelled the 1964 Civil Rights Act into law.

I will be introducing legislation placing myself on record about these civil rights reforms which are needed and about these proposed changes in the law which must be avoided. Let me emphasize I am not speaking for the President; I am not speaking for the administration; I am not speaking for the Republican leadership or the Republican Party. This is just one Senator, myself, saying what he thinks is fair and right and, most importantly, what is possible.

This bill reflects my four main goals. I wish to expand existing civil rights protections for employees, and especially women, who suffer harassment on the job. I wish to clarify that even after the Wards Cove decision, plaintiffs may still bring suits under the theory of disparate impact. I seek to avoid enacting civil rights laws which will force employers to play it safe, and thus hire by quota. Finally, I seek to avoid enacting civil rights laws which fulfill the dreams of legions of lawyers but create a nightmare for American employers and consumers.

I will be very pleased to work with those on both sides of the aisle in crafting the legislation, working with the administration, cosponsoring the administration proposal.

I will ask unanimous consent later that a copy of the legislation be placed in the RECORD. That will be done next week. A section-by-section analysis of the bill will be printed in the RECORD at that time.

I embark upon this tough task of improving our Nation's civil rights laws in good faith, and I commend this legislation to my colleagues.

I thank the Chair.

Mr. BOND. Mr. President, I ask unanimous consent to proceed for up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHRISTIAN HALEY PRINCE

Mr. BOND. Mr. President, yesterday we attended services at St. Columbus Church for Christian Haley Prince, a young man whose tragic loss was widely noted in the media last Saturday night, early Sunday morning, at Yale University.

The newspapers gave his basic biography, and it truly is an outstanding biography. He was a scholar, an athlete, a leader. President Bush called the parents at the visitation the night before to extend his condolences and to say that Christian Prince obviously was an all-American young man.

Certainly, his credentials indicate that he was an all-American: Dean's list, all-American lacrosse player, leader in prep school, recognized by his peers as an outstanding young man. He was going to be an intern in my office in the Senate this summer, and I am very disappointed that my colleagues and the Senate family did not have a chance to get to know him, because he truly was an outstanding young man.

The services was billed as a thanksgiving and celebrating the life of Christian Prince. It is difficult for me, as a layman, to be able to go to a service like that and to realize that in services for a 19-year-old, it could be a celebration. But there were some aspects of that service—the love that was evident there—that convinced me that, yes, maybe we could celebrate this life because, you see, the accomplishments on paper do not tell all there was to know about Christian.

One of the people who knew him much better than I, his headmaster, a teacher at Lawrenceville, said that it is unusual for a boy to do so well, so fast, in so many ways; just get out of his way and let him keep going.

The headmaster at his school said that Christian was a man of character in the best sense of the word. He took on responsibilities not for acclaim and not for the public recognition that they would draw but because he believed it was right to help a friend in a crisis situation; to spend time tutoring some person who was slow. His uncle told me that he was a tremendous athlete. To put his arm around him was like putting his arm around an oak tree. Yet, he was a very gentle young man. He never spoke a word in anger. He had that great ability, even though he was shy, to make friends, because he was full of love.

His sister, in her tribute to him, said that he was a man that she would have chosen as her best friend, had he not been a brother. Another friend who has teenaged daughters said that this is the kind of person that a father hopes his daughter will ultimately meet.

We saw at those services not only the strength of his parents, Sally and Ted Prince; his brother Teddy, who delivered an eloquent homily; and his sister Jackie—and our hearts go out to them—but we saw such a warmth and a genuine feeling of love for Christian, and a concern for his family, that in the darkest of dark, we could look back in celebration at the life of a young man who in 19 years had achieved more than most of us will ever achieve, and who leaves his mark very eloquently among thousands who came to pay respects: friends from the lacrosse team at Yale, friends from high school, from prep school, from the neighborhood, from the church.

I truly regret that my friends in the Senate will not have an opportunity to get to know him. But I think his life has left us a wonderful legacy of love and accomplishment that I wanted to recognize tonight and to share with my colleagues.

I thank the Chair. I yield the floor.

PERSIAN GULF PRESS BRIEFINGS

Mr. SIMPSON. Mr. President, I ask unanimous consent that a very powerful article that appeared in the Washington Post today concerning the conduct of the media and military in the Persian Gulf war, entitled "The Gulf Between Media and Military," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 21, 1991]

THE GULF BETWEEN MEDIA AND MILITARY

(By Henry Allen)

The Persian Gulf press briefings are making reporters look like fools, nit-pickers and egomaniacs; like dilettantes who have spent exactly none of their lives on the end of a gun or even a shovel; dinner party commandos, slouching inquisitors, collegiate spitball artists; people who have never been in a fistfight much less combat; a whining, self-righteous, upper-middle-class mob jostling for whatever tiny flakes of fame may settle on their shoulders like some sort of Pulitzer Prize dandruff.

They ask the same questions over and over. In their frustration, they ask questions that no one could answer; that anyone could answer; that no one should answer if they could answer. They complain about getting no answers, they complain about the answers they get. They are angry that the military won't let them go anywhere, the way they could in Vietnam. They talk about war as if it were a matter of feelings to be hashed out with a psychotherapist, or a matter of ethics to be discussed in a philosophy seminar. A lot of them seem to care more about Iraqi deaths than American deaths, and after the big oil spill in the gulf, they seemed to care more about animals than people—a greasy cormorant staggered around on CNN until it seemed like a network logo, along the lines of the NBC peacock.

They don't always seem to understand that the war is real.

They don't seem to understand the military either. Meanwhile, the military seems to have their number, perfectly. Media and military cultures are clashing, the media are getting hurt and it's all happening on television, live from Riyadh and the Pentagon.

It is a silly spectacle.

It is so silly that 80 percent of Americans say they approve of all the military restrictions on the reporting of the war, and 60 percent think there should be more. When a Washington Post-ABC News poll asked if we should bomb a Baghdad command and control center in a hotel where American reporters are staying, 62 percent said we should give a warning and then bomb even if the reporters are still there, and 5 percent said we should bomb with no warning.

Yesterday the Los Angeles Times quoted John Balzar, one of its correspondents in Saudi Arabia: "I was a sergeant in Vietnam and now I am a journalist here. In both wars, I feel like I'm in the wrong place at the wrong time, and I am going to go home and have people throw rocks at me."

It is so silly that "Saturday Night Live" recently went after the media with the same wise-guy irony it might have used on the military back in the '70s.

An actor playing a briefing officer says: "I am happy to take any questions you might have with the understanding that there are certain sensitive areas that I'm just not going to get into, particularly information that may be useful to the enemy."

A reporter asks: "I understand there are passwords our troops on the front lines use. Could you give us some examples of those?"

And so on, the point being that the reporters are either fools or traitors.

The point could just as well have been media self-righteousness, or their obsession with contradictions and ironies.

After a Marine reconnaissance team was trapped near Khafji, a reporter asked Air Force Gen. Pat Stevens IV: "You said recently our communications were 'superb,' but the Marine recon team was taken by surprise. How then can you call our communications 'superb'?"

In a briefing after U.S. planes bombed a building where civilians were hiding, one reporter adopted the Mike Wallace autograph-model tone of astonished innocence: "Are you saying then that you're not watching these buildings that you're going to target 24 hours a day?"

One reporter asked if we had put a limit on the number of Iraqi casualties we will inflict. Then there was the young woman with the National Public Radio accent, that elegant confection of crispness and offhandedness that you hear on "All Things Considered." After the big oil spill, she wanted to know if Gen. Norman Schwarzkopf had been aware before the war began of the damage such a spill could do, and if so, had such a possibility entered his moral reasoning when he was deciding whether to start the war.

Why is this happening? Why do the reporters at the briefings seem to be on one side and the briefers on the other? And why do so many people cringe and hoot at the reporters, and admire the briefers?

Oil and water, dogs and cats, Hatfields and McCoys.

In "Battle Lines: Report of the Twentieth Century Fund Task Force on the Military and the Media," Peter Braestrup, a former Marine and journalist, cites studies indicating that military values "are closer to those of Middle America than to those of the more permissive members of the media. * * * Not surprisingly, given the media's focus on conflict, deviance, and melodrama, most senior military men do not see the media as allies of civic peace and virtue. * * * There is no counterpart in journalism to 'duty, honor, country,' or to the military leader's ultimate responsibility for life and death and the nation's security."

The military demands team play, journalists fight not only with the people they cover but with each other.

The military is hierarchical. Reporters have no rank.

The military values loyalty and confidence in superiors. The press values objectivity and skepticism.

At a Senate hearing yesterday, former CBS anchor and war correspondent Walter Cronkite said the military "has the responsibility of giving all the information it possibly can to the press and the press has every right, to the point of insolence, to demand this."

Sen. John Heinz (R-Pa.) went to the point of insolence himself when he cited a long list of media woesayings about the military before the war started, and a long list of successes since, concluding: "Any advice for your colleagues?"

"No," Cronkite said.

The military is average guys who take pride in their anonymity. The big-time press is high-achievers struggling for the brief candle that passes for stardom in the media. (What's the last time you thought about Dorothy Kilgallen? Westbrook Pegler? Chet Huntley?)

When the military makes a mistake in combat, its own people die. When the press makes a mistake, it runs a correction.

For 20 years, they've been getting further apart, each heading in its own direction, proud of becoming an island of virtue, unto itself.

But why do the reporters looks so bad? What's hard for viewers to understand is that they are merely doing the poking, nagging, whining, demanding, posturing and hustling that are the standard tricks of the reporting trade—people don't have to tell them anything, after all, so they have to worm it out of them. And there are many reporters there who have never covered the military before. It's an ugly business, and in the Persian Gulf they do it on television, and they do it with the tone of antagonism, paranoia and moral superiority that arose two decades ago in response to the lies and failures of Vietnam and Watergate.

There is a lot of history here.

Back in the '70s, reporters were heroes of sorts—one bumper sticker even said "And Thank God for The Washington Post."

Government officials and military officers were the villains.

In the years since, the press has changed very little, and the military has changed a lot.

Besides polishing its public relations techniques with courses at Fort Benjamin Harrison, the military seems to have studied the master, Ronald Reagan, and the way he buffaloed the press with his nice-guy rope-a-doping—rope-a-dope, you recall, seeing how Muhammad Ali let George Foreman punch himself into exhaustion.

In the Persian Gulf briefings, the military briefers adopt the Reagan/Ali style, taking punch after punch, looking humble, cocking their heads, being polite and playing the tarbaby. They don't let the reporters get to them. They confess errors—deaths by friendly fire, bombs that missed. Like the Viet Cong, they only fight when they know they'll win. They come on like the silent majority in desert fatigues, while the reporters come on like Ivy League Puritans, pointing bony fingers and working themselves into rages.

Why, the reporters demand, can't they drive north and interview whatever troops they want? Why can't they talk to fighter pilots? Why are they restricted to pools? Why are so few journalists going to be allowed to cover the ground war?

This is not Vietnam, where combat was only a helicopter ride away—although it's interesting to note that one study says in Vietnam no more than about 40 reporters were ever out where the bullets were flying, except during the Tet Offensive of 1968 when the number might have gone to 70 or 80. Access to the siege of the Marines at Khe Sanh was limited to 10 or 12 reporters.

In Saudi Arabia, the military is keeping journalists on a short leash, but no shorter, probably, than it would keep them on in peacetime if they were doing stories at Fort Hood or Camp Pendleton. Corporations, professional football teams, police stations and political conventions keep a close eye on journalists too. And no journalist would expect to get very far with businessmen and politicians by being as quarrelsome and ignorant as some of the journalists covering this war.

The parallel between other institutions and the military doesn't go very far, though. The military is a separate culture that is difficult to explain to anyone who hasn't been in it. As Bernard Trainor, a retired Marine lieutenant general, writes: "Whereas businessmen and politicians try to enlist journalists for their own purposes, the military man tries to avoid them, and when he cannot, he faces the prospect defensively with a mixture of fear, dread and contempt."

Trainor covered military affairs for the New York Times after he retired. He has seen the military-media war from both sides. Last December in Parameters, an Army War College magazine, he wrote: "Today's officer corps carries as part of its cultural baggage a loathing for the press. * * * Like racism, anti-Semitism, and all forms of bigotry, it is irrational but nonetheless real. The credo of the military seems to have become 'duty, honor, country, and hate the media.'"

With the end of the draft, Trainor says, the military "settled into the relative isolation of self-contained ghettos and lost touch with a changing America. It focused on warlike things and implicitly rejected the amorality of the outside world it was sworn to defend. In an age of selfishness, the professional soldier took pride in his image of his own selflessness. A sense of moral elitism emerged within the armed forces."

Hate! Scores to settle! As Secretary of Defense Dick Cheney recently told the U.S. Chamber of Commerce, "You might never know from all the stories we saw in recent years about $600 toilet seats that our defense industry was capable of producing effective systems and weapons to support our men and women in uniform." He went on about "doom and gloom reporting," and cited a 10-year-old story in the Boston Globe attacking the Tomahawk missile, even giving the exact date—Nov. 22, 1981.

The media have pulled away from mainstream America too.

Once, reporters were part of whatever team they covered, in a vague and unreliable way. They cut deals, they protected their favorites. But after Vietnam and Watergate, they declared a sort of ethical independence, and came to think of themselves as inhabiting a neutral territory of objectivity and value-free analysis. (It should be pointed out that objectivity is not an attitude that goes down well when there's an enemy shooting at American troops—hence the antagonism directed at Peter Arnett, the CNN reporter covering the war from Baghdad.)

Anyway, things changed in the '70s. Suddenly, the media had prestige. Instead of drawing their staffs from high-school graduates, failed novelists and the occasional aristocrat looking to get his hands smudged, big-time media were getting résumés from people who had grown up in the class segregation of upscale suburbs, day-school products who had never been in places where you don't let your mouth write checks that your butt can't cash, had never even been yelled at with the professional finesse of a drill sergeant, a construction boss or a shop teacher. The most important experience in their life had been college. During the summers, they had internships, not jobs. A lot more of them were women. After the draft ended, virtually none of them even knew anyone who had been in the military, much less served themselves. They were part of what sociologists called the new class, the governing class, the professional class. They were a long way from most Americans.

The military came closer.

An Army infantry battalion commander in Saudi Arabia recently told his troops what kind of people they all are. "Like I told you before, this is not the Izod, Polo-shirt, Weejuns loafers crowd. Not a whole lot of kids here whose dads are anesthesiologists or justices of the Supreme Court. We're the poor, white, middle class and the poor, black kids from the block and the Hispanics from the barrio. We're just as good as the * * * rest, because the honest thing is, that's who I want to go to war with, people like you."

Not people like the media.

But the military can't go to war without the media, either.

And oh, how the military wants to be honored, to have its deeds recorded for history. And how good journalists are at doing it, if their audiences and editors want to hear it. Both sides, in fact, like to sit around telling stories about their adventures, giving it all a mythological glow. Both feel they are underpaid and undervalued. Both feel they are sacrificing for a greater good. And in wars, journalists for once share a little of the risk with the people they are covering—in most peacetime stories, a story about an election or a stock speculator, say, this would be called a conflict of interest. Secretly, you suspect, the military admires the media's soldier-of-fortune independence, and the media admire the orderliness of blood-and-dirt courage of the military.

They're so close, you say. There's no reason they can't work together. And then you turn on the TV and watch the press briefings.

"General," a reporter drawls, "I wonder if you could dwell for a moment on the apparent contradiction between * * *."

Mr. SIMPSON. Mr. President, I do not usually do this, but this is a very pungent, powerful, and highly provocative article in today's Post, by Henry Allen, and it is particularly important to me because I have suffered the slings and arrows of the media these last days for making some pungent and powerful and provocative remarks myself about the conduct of those in the Western media who are hosted by an enemy government.

I made some of those comments, and some of them, unfortunately, portrayed, and perhaps at some appropriate time the target of those remarks and I will visit and discuss that. I hope that can be done.

But for that, I was referred to then as sleaze and slime, and McCarthy. And in 25 years of life in the public, I have never been called McCarthy or sleaze or slime. So it is a double standard, and this article sets it out beautifully.

I commend the Washington Post for their real courage to print this. It will create some great discussion and discourse, just what should be created by a good newspaper, and what it should try to generate.

This ought to do it because it is what I have said. It is said by a journalist, and it is what I say again. This is not a war about reporting; it is a war about competition and ratings, fame, and potential Pulitzer Prizes.

So this is one worth pursuing. I certainly commend it to my colleagues. It is worth a look. It is a genuinely extraordinary article by a journalist about those in his craft. I commend it.

Mr. FORD. Regular order, Mr. President.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1991

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. 330, a bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 330) to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DECONCINI. Mr. President, as ranking Democratic member of the Committee on Veterans' Affairs, I am pleased to respond to Senator CRANSTON's request to manage S. 330 today, the Soldiers' and Sailors' Relief Act amendments of 1991.

As we all know, Senator CRANSTON has been ill. He is getting better. I talked to him yesterday. He wants us to proceed with this. He has had his treatment for cancer and is recuperating. I know he wishes he could be here.

This is a very important piece of legislation. It deals with the current problems that our soldiers and sailors have and will encounter and may be encountering at this very moment, at least their families.

As my colleagues will recall, the Committee on Veterans' Affairs favorably reported S. 3248 last year, a bill substantially the same as the pending measure, S. 330. Unfortunately, there were objections to unrelated veterans' legislation which blocked the passage in the last Congress. Fortunately, a compromise was reached on that legislation paving the way for this and other bills vital to America's fighting men and women.

Mr. President, since our last attempt in October to pass S. 3248, America has once again called upon our men and women in the National Guard and Reserves to answer the call to arms. At great risk to themselves and great hardship to their families, these citizen-soldiers have once again selflessly answered that call. Given their dedication to duty, we in Congress must continue to meet ours.

The SSCRA was first passed in 1940 to provide certain civil and financial protection for those called up on active duty. Once again as reservists respond to the call of duty, many are faced with a harsh pay reduction as they leave their civilian jobs and responsibilities. The SSCRA has not been substantially amended since it was first enacted nearly 50 years ago. While it is still a sound piece of legislation, its effectiveness has been grossly eroded by time and inflation.

Thank goodness, there are some reservists with the good fortune to work for businesses like General Motors Corp. which are financially sound enough to provide full compensation to their employees called to duty. I applaud GM and others I have yet to hear of which have stepped in to support their employees in the gulf. Very few employees are so fortunate. Nearly all have left for the gulf while their spouses were left with the grim prospect of paying the mortgage or feeding their children.

In such circumstances, one wonders how effective a soldier and sailor in combat can be with the knowledge that their family back home is in financial disarray and there are problems.

The bill before us today offers a package of updated remedies supplementing current law. Taken together, the provisions of S. 330 will resolve most of the financial problems plaguing these reservists and their families while the reservist is on active duty. S. 330 would protect these families by increasing the maximum rental delinquency prior to eviction from $150 to $1,200 while the reservist is on active duty.

The bill would also require automatic reinstatement of employer-provided health insurance. It would prohibit credit discrimination related to the service member's exercise of financial relief under this act and suspend civil action against servicemen and women.

Another important feature would protect physicians who are called to the gulf by suspending their malpractice and insurance premium payments until their return to the United States and private practice.

Last, S. 330 would clarify reemployment rights for reservists called to active duty for a period of 90 days or longer.

Mr. President, passage today is the only way to assure these citizen-soldiers and sailors that their country will not fail to match their commitment to duty. I am sure that more will need to be done. I am confronted with new ideas and dilemmas every day. As acting chairman of the Committee on Veterans' Affairs, I can assure you that each and every proposal will be reviewed and acted upon as soon as humanly possible.

I am confronted with the idea of not having this in place, and things happening where this encounter in the Persian Gulf ends and we have not acted. So I think it is very important that we finish this today.

Let the word go out that America has nothing but uncompromising support for each and every reservist wherever they serve, whenever they serve, and however they may serve. I urge my colleagues to support passage of this most important legislation to America and its citizen-soldiers and sailors.

I want to make mention of Ed Scott and Bill Brew and Chuck Lee and also Tim Gearan, of my staff, for the work put in on this; Todd Mullins, and Chris Yoder from the minority staff; and Doug Loon and Scott Waitlevertch of Senator SPECTER's staff.

I yield to the distinguished ranking member, who worked on this last year and tried very hard to see that it was passed, only to see it go down. I thank him for staying around tonight to help usher this through.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, at the outset, as the ranking Republican on the Veterans' Affairs Committee, I associate myself with the remarks made by the distinguished Senator from Arizona, the acting chairman, and would note only briefly the importance of this kind of legislation. It is regrettable, really, that it takes the Congress as long as it does to enact this legislation. It was introduced last year. The bill passed the House by a vote of 414 to 0 on January 29.

As we were preparing to bring this bill to the floor there was a news conference announcing what may be, hopefully, a resolution of the gulf war. So it may well be that Congress finally acts after much of the emergency has subsided.

But the fact is there are many legal proceedings going on in many courts involving many servicemen. In my practice of law, I have had occasion to deal with the Soldiers' and Sailors' Civil Relief Act of 1940. It alters contractural arrangements between individuals, but it does so on a statement of national public policy which supersedes State laws, supersedes private contracts because of the public policy in protecting the interests of those who are in the service. While they are in the service they cannot protect themselves where there are circumstances which arise where they need extra protection. The supremacy of Federal law comes in to accomplish just that.

I know our distinguished colleague from Rhode Island has some questions. In view of the lateness of the hour, I shall not speak further at this juncture.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Thank you, Mr. President.

First of all, I would like to voice my support for the Soldiers' and Sailors' Civil Relief Act Amendments of 1991. This bill will update a law which dates back to 1940, and certainly is in critical need of revision and expansion. I will just briefly touch on some of the items, and then I have a couple of questions that I would like to address.

This bill would stay the eviction of a family or of a reservist called to active duty if the monthly rent is $1,200 or less. The current limit is $150. This is an updating. I believe we will discover in the questions that that $150 was set way back in 1966. The landlords would be required to get a court order to evict the individual or his or her family.

The bill provides for 6 percent interest cap on loans or obligations of Reserve members called up to active duty if those obligations were made while the service person was a civilian. It guarantees the immediate reinstatement of private health insurance for military personnel returning to civilian life and guarantees the right of the military reservists to return to civilian jobs after serving on active duty.

There is one provision that I am particularly interested in, having talked with many physicians from my State.

The problem they face, the very real one, is their liability insurance. Liability insurance for doctors in some types of practice can run as high as $10,000 a month. You might think that $120,000 a year is unbelievable. Well, it is not impossible. Some of them are carrying burdens as high as that. And to continue the protection for past possible liability claims, they have to keep their insurance in force. So what happens? There is no way in the world under a service person's salary that they can carry premiums of $10,000 a month.

This bill addresses that problem and says that while on active duty, the suspension of those premiums will be in force; that is, there will be a suspension while the individual is on active duty.

This bill also requires courts to suspend legal proceedings at the request of a reservist on active duty in the Armed Forces, and would stay payments such as taxes, premiums, fines, and penalties. Those suspensions of payments cannot be used for a negative credit rating.

I would like to ask the distinguished managers of the bill a couple of questions, if I might. The first deals with the point I raised in my remarks earlier, and that is the $150 limit; when was that set?

Mr. DECONCINI. That was set in 1966, when the limit was increased from $80 to $150 by Public Law 89-358. As the Senator knows, this raises it to $1,200 per month. It is a long overdue adjustment.

Mr. CHAFEE. My next question has to do with the fact that a landlord cannot evict a service individual falling into this category, except pursuant to a court order. Then in section 6 it says that the reservist can apply for a stay of all noncriminal judicial proceedings until June 30, 1991. Am I correct in saying that since we are now in February, the landlord could not take any action against the reservist who is paying less than $1,200 a month, until 5 months from now?

Mr. DECONCINI. The Senator is correct. Under the provisions of current law, the court would have the discretion to stay eviction proceedings for up to 3 months, thus allowing the family time to find other shelter. The rent due, however, would generally remain the obligation of the tenant, unless the court were to order otherwise. As the Senator mentioned, another provision is section 6, which would stay any civil judicial actions or proceedings, and this would include eviction proceedings, involving a member of the Armed Forces, until after June 30, 1991.

Mr. SPECTER. Mr. President, if I might supplement the answer given by the distinguished Senator from Arizona, it is vital to vest the discretion with the court but not have it automatic. There are many State proceedings which would allow a confession of judgment, for example, or a cognovit note for the landlord to go into court, and as a matter automatically done by a clerk without examining any of the underlying facts, which is very different than if it goes before a court and the judge hears the equities of the case. It may be that on such a hearing and such an inquiry there would not be any right to evict at all. Then, in addition, there is the extension of discretion in the court to extend the opportunity of the lessee to stay in the premises even if the landlord has a right otherwise for eviction.

Mr. CHAFEE. My next question deals with whether this applies to a contract that the reservist entered into for a tenancy after the reservist was called to active duty. What I am concerned about is that we may have a reverse effect here. If we say that the landlord cannot take action to get his rent in a contract that the reservist has entered after the reservist has been called to active duty, we may be doing a disservice to the reservist. The prospective landlord, knowing about this provision, might say that he did not want to rent to that reservist on active duty, because the reservist would have the opportunity of not paying the rent. In other words, am I correct in believing that this applies to contracts entered into by the reservist before he was called to active duty?

Mr. DECONCINI. If the Senator would yield, it does not apply to contracts that are entered into after he had been called to active duty.

Mr. CHAFEE. I see. So that when the reservist is called to active duty, he then knows what his income is going to be, what his new rent is going to be when he entered into a contract. Therefore the landlord is perfectly willing to rent to the reservist knowing that there would not be this opportunity or this possibility of the rent not being paid and, thus, doing a disservice to the reservist?

Mr. DECONCINI. The Senator from Rhode Island is correct.

Mr. CHAFEE. That point that I raise, is that clearly covered in here?

Mr. DECONCINI. That is the current law, and we are making no changes in that with amendments that are before us today.

Mr. CHAFEE. All right. I think the distinguished manager of the bill sees my concern. We might well be doing a disservice to the reservist who is trying to find a place to live next to a military camp where he is being reassigned or moving his family close or to another area. Getting new lodging is not always that easy.

Mr. DECONCINI. If the Senator will yield, let me call the Senator's attention to something. There has not been, from what we gather, a lot of discrimination by lenders or lessors regarding Reserve members who have been called to active duty. We have not heard of much of that. Of course, it has been a short time for many of them. To some extent, there has been a partriotic response, at least so far, in this encounter, since these are men and women who are called to defend our Nation.

Section 7 of this bill provides that the exercise of the protective provisions of the law shall not itself adversely affect the individual's opportunity for certain future financial transactions. So it addresses exactly what the Senator is talking about. I also note that, for the Senator's information, under the veterans reemployment law, chapter 43 of title 38, United States Code, it is illegal for employers to discriminate in hiring, retention, or promotion of any individual because he or she is a reservist.

I think the Senator is concerned about that, and we are not making any alterations in that part of the law that I think has served very well.

Mr. CHAFEE. I know what the law has been. As a matter of fact, I operated under it myself on two separate occasions.

I particularly congratulate the authors, the managers of this legislation, and the Veterans' Committee for the provision dealing with liability insurance. I believe in the bill it is called professional liability insurance. This applies to lawyers as it does to doctors.

The people who were really hit under this, I suspect in most instances are doctors called to active duty who were paying these extremely high premiums, and they have to continue to have that protection.

Under the bill, as I understand it—and I am confident I am correct in this—there is a suspension of the payment of those premiums and then the reservist has a right to get back with that insurance company when he returns to active duty; is that not correct?

Mr. DECONCINI. The Senator from Rhode Island interprets it correctly.

Mr. CHAFEE. I think that is a splendid provision, and I think the managers and the committee have done a good job on this legislation. I think it gives a lot of not solely financial relief but mental relief to those individuals who are called to active duty frequently in a very swift manner without being able to get their affairs in total order. This bill provides some relief for them not only when they go into the service but when they come back.

In other words, they are entitled to their jobs again and are entitled to reinstatement of their accident and health insurance which is a new provision.

Mr. DECONCINI. Yes, that is a new provision as to health insurance, also liability insurance.

Mr. CHAFEE. Both those provisions plus the original provisions are good.

I am so glad that this legislation is before us, and I am glad it is going to pass swiftly. As I understand, there has not been a request for a rollcall vote. It will go through. I wish to join as a cosponsor.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senator from Rhode Island be added as original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate?

Mr. DECONCINI. Mr. President, I thank the Senator from Rhode Island for his leadership here. He served as Secretary of the Navy and, having been covered by this legislation, I think it is very commendable that he has come here and got involved in ensuring that these provisions are as he understood them to be. I thank him very much.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I join my colleagues from Arizona in commending the distinguished Senator from Rhode Island for his astuteness in raising quite a number of interesting legal questions. We had a more protracted discussion off the record before we went on the record and I made some significant inquiries as to the legal background of the distinguished Senator from Rhode Island, and I think he has done Harvard Law School proud this evening.

Mr. DECONCINI. Will the Senator from Pennsylvania yield back the remainder of his time?

Mr. SPECTER. I have concluded.

Mr. CHAFEE. I might just thank the managers of the bill for their kind comments, and I thank them for the judicious manner in which they have handled this legislation. I would like to thank them very much for their kind comments.

Mr. BIDEN. Mr. President, I am proud to join in cosponsoring S. 330, amending the Soldiers' and Sailors' Civil Relief Act of 1940.

The onslaught of war has placed tremendous burdens on our service members in the gulf and on their families. Both have had to face challenges and difficulties that only months ago one probably could not have imagined, much less planned for.

In too many cases, the war has meant that fundamental aspects of family life—paying rent and mortgages, meeting health care costs, creating and maintaining a credit record—have become onerous tasks, sometimes ones that cannot be fulfilled. Particularly for the families of Reserve and Guard members, the departure of a parent or spouse has often meant a decline in income and the lapse or even loss of health insurance.

S. 330 will lift some of these burdens from the shoulders of service members and their families. It provides several protections to ease some of the responsibilities of daily life that have increased as a result of the war.

One provision of S. 330, section 7, addresses an issue that could be of significance to virtually every person deployed in the gulf. It attempts to protect service people from credit discrimination in the future if they exercise various financial rights available to them in wartime.

Letters, comments, and complaints from many of my constituents have convinced me that this provision is needed. I have learned, to my dismay, that some creditor institutions have not complied as completely with the original Soldiers' and Sailors' Civil Relief Act as I would hope and expect. Specifically, not all institutions have been consistent in granting the interest rate relief promised in the 1940 act.

In fact, I was so concerned by the complaints on this matter that I had received from Delawareans that I recently wrote to Treasury Secretary Brady asking him to see to it that the appropriate Federal agency issue clear guidelines on creditors' responsibilities, and act aggressively to ensure creditor compliance with the act. I ask that the letter be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 1, 1991.

Hon. NICHOLAS F. BRADY,
Secretary, Department of the Treasury, Washington, DC

DEAR SECRETARY BRADY: I write to call your attention to a matter bearing on the well-being of hundreds of thousands of American servicemen and women in the Persian Gulf and their families at home. I ask that you take all appropriate steps to ensure creditor compliance with the Soldiers and Sailors Civil Relief Act of 1940.

Enacted on the eve of America's involvement in World War II, the Act was designed to ensure that persons unexpectedly called from higher-paying civilian jobs into active duty military service are not distracted from their military duties by worries over prior financial obligations which they and their families may suddenly have difficulty sustaining. With over 200,000 Guardsmen and reservists now serving bravely in the Persian Gulf, it has never been more important that the law be enforced. It is a small compensation for the great personal sacrifices these men and women are making for their country.

Sadly, I have received numerous complaints from families of activated reservists and Guardsmen from Delaware about creditors not granting the relief promised by the Act, especially with regard to interest rates. Section 526 of the Act clearly limits interest on debts incurred prior to being activated to 6 percent for the full period of active duty. Yet qualifying applicants have been asked by creditors to make up for this lost interest in one way or another—either through extra principal payments or higher interest charges in the future. In my view, those practices are contrary to both the spirit and the letter of the law.

When contacted by my staff with regard to individual cases, creditors have said their rights and responsibilities under the Act are unclear. If so, legislative changes may be needed in the long run, but the war in the Gulf will not wait. What is needed as soon as possible is a clear set of guidelines from the Federal government instructing all creditor instituions on how to comply with the Act. In tandem, there should be aggressive enforcement actions against any willful violators of the Act. Since the Act does not specify, it is up to the Administration to determine which federal agency(ies) should handle the tasks of clarifying and enforcing the Act.

Whether intentional or not, creditor noncompliance has been a considerable hardship to families already straining under the emotional weight of the separation, fear and uncertainty of having their loved ones in harm's way in the Gulf. I urge that you take immediate steps to make the rules crystal clear, and to see that any willful violators are punished.

Sincerely,

JOSEPH R. BIDEN, Jr.,
U.S. Senator.

Mr. MURKOWSKI. Mr. President, today I am pleased to rise in strong support of the proposed Soldiers' and Sailors' Civil Relief Act Amendments of 1991. This important and timely bill will bring up to date many of the provisions included in the original law which was enacted in 1940.

I am pleased to be an original cosponsor of S. 330 and to have had the opportunity to help to craft this legislation during the last session of Congress during which time I served as ranking Republican on the Veterans' Affairs Committee.

This legislation will assist those National Guard and reservist members who have been called to active duty as a result of the gulf crisis. These dedicated men and women have left behind their civilian jobs and their families to serve our Nation in this difficult time. This Congress should acknowledge their sacrifices and help to make the transition a little easier. This bill will go a long way toward accomplishing that objective.

This bill would, among other things,

Protect the service member from eviction in cases where the monthly payments for the residence is less than $1,200 per month.

Permit physicians who are called to active duty to suspend their medical liability insurance during the period of such duty.

Clarify that service members called to active duty for 90 days or more are entitled to reemployment benefits.

Provide that returning service members would be entitled to the same health insurance through their employers as if they had never left the organization and would require insurance companies to reinstate their insurance.

Mr. President, nearly identical legislation (H.R. 555) passed the House on January 29 by a vote of 414 to 0. I applaud my colleagues on the House side for their quick passage of this legislation.

Mr. President, I urge my colleagues to support this measure which will provide prompt relief to those who have been called upon to serve our Nation during the gulf crisis and to their families.

Mr. THURMOND. Mr. President, I rise today in support of S. 330, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991. This legislation will protect our reserve personnel and their families from the severe hardships caused by the activation of reserves for the Persian Gulf war. These members of our Armed Forces are already making extreme sacrifices as they bravely serve this great Nation far from home. We should not ask them to sacrifice the financial stability of their families as they fight for freedom. The men and women called to active duty in Operation Desert Storm must be provided with every advantage available. These amendments to the Soldiers' and Sailors' Civil Relief Act are an important step toward this goal.

The amendments will provide several advantages to those ordered to active duty. First, the maximum rental amount of a residence from which the family of a service member ordered to active duty may not be evicted will be increased from $150 to $1,200. The amendments will provide for an automatic extension of a power of attorney of a service member who is missing in action and will provide for the stay of judicial actions or proceedings involving a member of the Armed Forces until after June 30, 1991, if that member applies for the stay and is on active duty and serving outside the State in which the court having jurisdiction is located. The amendments further provide for reinstatement of health insurance, without waiting periods or exclusion of coverage for preexisting conditions. Additionally, professional liability insurance for physicians and members of other professions who are ordered to active duty would be suspended upon written request to the insurance carrier for the period of the individual's active duty.

Finally, the measure will provide that a service member may not be discriminated against in terms of creditworthiness by reason of the exercise of rights under the Soldiers' and Sailors' Civil Relief Act.

I have stated many times that the highest obligation of American citizenship is to defend this country in its time of need and that the highest obligation of a grateful nation is to provide for those who make sacrifices in the defense of America and freedom. Those men and women called to duty in the Persian Gulf are bravely making the sacrifices this Nation has asked of them. We now have the opportunity to send a clear message of support to these members of our Armed Forces. I am pleased to be an original cosponsor of this important measure and I urge my colleagues to join in support of the 1991 amendments to the Soldiers' and Sailors' Civil Relief Act.

Mr. MITCHELL. Mr. President, as Members of the Senate are aware, Senator CRANSTON is unable to be here today because he is recovering from treatment for cancer. Thus, I am submitting for him the following statement on S. 330.

• Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge my colleagues to give their unanimous approval to the pending measure, S. 330, the proposed Soldiers' and Sailors' Civil Relief Amendments of 1991. This measure would modify and make technical amendments to the Soldiers' and Sailors' Civil Relief Act of 1940 [SSCRA] (50 U.S.C. App. 510 et seq.) and the Veterans' Reemployment Rights [VRR] law, which is codified in chapter 43 of title 38, United States Code.

Mr. President, the measure being considered today is very similar to S. 3248, which I introduced in the 101st Congress on October 25, 1990, and which was identical in most respects to H.R. 5814, introduced in the House of Representatives by my good friend and chairman of the House Veterans' Affairs Committee, Representative MONTGOMERY, on October 11 and passed by the House on October 15. Unfortunately, in the last days of the 101st Congress all veterans legislation in the Senate was blocked as a result of objections to several provisions in S. 2100, the Veterans Benefits and Health Care Amendments of 1990. The controversy, which has been resolved, had no substantive connection with the proposed amendments to the SSCRA or VRR.

On January 17, Chairman MONTGOMERY introduced H.R. 555, a bill very similar to H.H. 5814, with two additional provisions which he and I developed together. That bill, as amended slightly, was passed by the House on January 29 by a vote of 414 to 0. The legislation being considered by the Senate today is a companion to the one passed by the House.

The SSCRA was enacted by Congress in 1940 to protect individuals called to active duty. It is intended in large part to promote the national defense by suspending enforcement of civil liabilities of servicemembers in order to enable them to devote their entire energies to the defense needs of the Nation. Thus, it does not relieve an individual of any indebtedness or obligation; it seeks to ensure fair and equitable treatment of individuals called to active duty by providing for the suspension of various obligations. For example, the act provides for forbearance and limited interest on certain obligations incurred prior to service and restricts default judgments against servicemembers and rental evictions of servicemembers and their dependents.

Reservists called to active duty also are concerned about having jobs when they return to civilian life—preferably their old jobs—and not losing seniority and other employment benefits because of their absence while serving their country. Under the VRR law, reservists ordered to active duty under section 673(b) of title 10, United States Code—as in the case of those individuals currently serving by virtue of Executive Order 12727—are entitled to return to their civilian jobs after an honorable discharge or release from service if they apply for reemployment within 31 days after separation from active duty. For purposes of rights and benefits based upon length of service, employees are entitled to be treated as though they had never left. Thus, returning veterans step back on the seniority escalator at the point they would have occupied without the interruption for military service.

Mr. President, this measure addresses concerns raised in a September 12, 1990, joint hearing of the Senate and House Committees on Veterans' Affairs. The two new provisions—one to allow a stay of civil action pending against servicemembers until after June 30, 1991, and the other to prohibit creditors or insurers from taking adverse action against a servicemember because he or she exercised rights available under the act—were added at the request of the Department of Defense.

Chairman MONTGOMERY and I—together with the two committees' ranking minority members—Mr. MURKOWSKI during the 101st Congress and Mr. STUMP—agreed to seek in this bill only those changes to the SSCRA and VRR necessary to address the application of these laws in connection with Operation Desert Storm. In the near future, we plan to carry out a more comprehensive review of these laws.

The similarities between the House-passed bill and the measure being considered today reflect our continuing joint effort to develop legislation that will bring timely relief to those who answered their nation's call.

SUMMARY OF PROVISIONS

Mr. President, this measure contains seven substantive provisions that would:

First, increase from $150 to $1,200 the maximum rental amount of a residence from which the family of a servicemember who has been ordered to active duty may not be evicted.

Second, expand the authority under the SSCRA for automatic extension of a power-of-attorney of a servicemember who is missing in action that otherwise would have expired as of July 31, 1990.

Third, provide that the professional liability insurance for physicians and members of other professions who are ordered to active duty would be suspended upon written request to the insurance carrier for the period of the individual's active duty.

Fourth, provide under both VRR and SSCRA for reinstatement of health insurance, without waiting periods or exclusion of coverage for preexisting conditions, for a reservist who is ordered to active duty and his or her family.

Fifth, provide for the stay of any judicial action or proceeding—other than a criminal case—involving a member of the Armed Forces until after June 30, 1991, if the member applies for the stay and is on active duty and serving outside the State in which the court having jurisdiction over the action or proceeding is located.

Sixth, provide that the servicemember may not be discriminated against in terms of creditworthiness and certain other contexts by reason of exercise of rights under the SSCRA.

Seventh, clarify existing reemployment rights for reservists called to active duty for preiods of 90 days or longer.

BACKGROUND

Mr. President, in response to the August 22, 1990, mobilization of over 46,000 members of National Guard and other Selected Reserve units for what was then called Operation Desert Shield, the Senate and House Veterans' Affairs Committees held a joint hearing, on September 12, 1990, to assess the adequacy of protections provided by the Soldiers' and Sailors' Civil Relief Act of 1940 and the Veterans' Reemployment Rights Law. Witnesses included representatives from the Departments of Veterans Affairs, Defense, and Labor; veterans service organizations; and institutions and trade associations in the financial and housing industries. Now, 6 months later, we have nearly 200,000 National Guard and reservists on active duty, many of whom are serving in the Persian Gulf, amidst the hostilities of Operation Desert Storm—and still the number continues to climb toward the 319,000 strength ceiling established by the Department of Defense.

INCREASE IN RENTAL CAP ON EVICTION PROTECTION

Section 2 of the bill would amend section 300 of the SSCRA, which protects servicemembers and their families against eviction from rental homes. Under current law, this protection applies only in cases in which the rent is not more than $150 a month. This ceiling clearly is unrealistically low, considering the rent that even a family of three or four must pay for a modest apartment or house—especially in high-cost areas, such as my own State of California, which has a large number of the Nation's military and Reserve members.

The Department of Housing and Urban Development [HUD] compiles annual data on current rent levels in the United States for standard-quality rental housing units. According to HUD, these levels reflect estimated rentals for privately owned, decent, safe, nonluxury housing. The most recent compilation includes rents of $1,144 per month for a three-bedroom home and $1,281 for a four-bedroom home in the San Francisco metropolitan area; $1,087 for a three-bedroom home and $1,217 for a four-bedroom home in Boston; and $1,042 for a three-bedroom home and $1,164 for a four-bedroom home on Long Island. These data were printed in volume 55 of the Federal Register on October 1, 1990—pages 40044-40117.

This provision would amend section 300 of the SSCRA to increase the maximum rental amount from $150 to $1,200 for purposes of staying eviction proceedings, and would apply to actions for eviction or distress that are begun after July 31, 1990.

POWERS OF ATTORNEY

Section 701 of the SSCRA provided for an extension of powers of attorney executed by servicemembers who later are missing in action. Section 3 of the bill would amend this provision, which currently applies only to powers of attorney executed during the Vietnam era, to cover powers of attorney that expire after July 31, 1990.

PROFESSIONAL LIABILITY INSURANCE

Mr. President, one critical issue addressed at the September 12 hearing was the effect of a callup on the professional liability insurance of a reservist ordered to active duty who is a physician or other health care professional. As a result of changes in the malpractice insurance industry, there has been a shift toward claims-made policies, which provide coverage for claims filed during the period of coverage, rather than in connection with actions or injuries that occur during the coverage. Thus, to ensure that they are covered for claims made while on active duty, reservists must continue paying malpractice insurance premiums after being called to active duty. In some medical specialties, the malpractice insurance premiums could far exceed the reservist's military pay and allowances during the period of active service.

Section 4 of the bill, which would add a new section 702 to the SSCRA to address this issue, is derived from draft legislation proposed by the Department of Defense. It would require a professional-liability insurance carrier, if requested by a professional who is a reservist ordered to active duty after July 31, 1990, to suspend coverage under a claims-made policy during the individual's period of service. Under a claims-made policy, the individual is protected against liability for claims presented during the period of coverage, regardless of whom the events giving rise to the alleged liability occurred. Under new section 702, a claim based upon abandonment—the failure of a professional to make adequate provision for patients to be cared for during the period of active duty—would be considered to be based on an action or failure to take action before the beginning of the period of suspension of professional liability insurance. Under this legislation, an insurance company could not require premium payments during the period of suspension and would be required either to refund any prepayments or, if the servicemember chooses, to apply any such prepayments to coverage after reinstatement. After the individual's release from active duty, the insurance carrier would also be required to reinstate coverage on the date the servicemember submits a written request, if such a request is submitted within 30 days after release. The premium would be due within 30 days after the insurance carrier provides notice of the amount owed. This provision also would prohibit discriminatory rate increases and would stay civil and administrative actions for damages brought against the servicemember by holding such claims in abeyance until after the individual leaves active duty.

REEMPLOYMENT RIGHTS

Mr. President, when I visited the Middle East in September, many servicemembers with whom I met expressed concerns about how their active duty might affect their ability to regain their jobs after military service. They wanted clarification of how much time they had to apply for their reemployment upon release from active duty and how long after their return they were protected from discharge without cause. Currently, section 2024(g) of title 38 makes clear that reservists ordered to active duty for not more than 90 days have 31 days to apply for reemployment and that they will be given 6 months of protection upon return. However, those rights are in doubt when there is an extension of the reservists' active duty for more than 90 days, as has been the case since late November—90 days from the initial August callup. To address this concern, section 6 of the bill would amend the VRR law to clarify that all reservists called to active duty under section 673(b) of title 10 would have 31 days after their service to apply for reemployment and 6 months of job protection upon returning to work.

HEALTH INSURANCE PROTECTION

Mr. President, section 5 of the bill addresses concerns regarding the reinstatement of health-insurance coverage for reservists called to active duty and their families. It would amend section 2021(b) of title 38, a VRR provision, and add a new section 703 to the SSCRA to provide for health-insurance reinstatement for servicemembers and their families—with no waiting period or exclusion of coverage for preexisting conditions—in cases in which coverage would have been provided if the servicemember had not been called to active duty. Our bill would provide the same reinstatement rights under the SSCRA for returning reservists—and their families—who, as self-employed persons, were covered by health insurance prior to being called to active duty.

STATE OF JUDICIAL PROCEEDINGS

Mr. President, section 201 of the SCCRA currently provides a court with discretion to stay a judicial proceeding—other than a criminal case—involving a person in the military service if, in the opinion of the court, the ability of the servicemember, as either plaintiff or defendant, is materially affected by reason of his or her military service.

Under recent military buildups and deployments, personal mobility has been greatly restricted. In many instances, servicemembers have not been able to leave their military facility or have been transferred great distances on short notice. Reserve and National Guard personnel have been activated and deployed with little time to settle their personal affairs. For many, the last 6 months have been a time of turmoil.

The Department of Defense has expressed to the committee its concern that servicemembers who were involved in court proceedings but unavailable for a court appearance could be adversely affected by reason of their military service if a court, exercising its discretion, decided it would not grant a stay of proceedings until the individual would again be available. It was noted that at least one court, several years ago, treated a letter from a servicemember requesting a stay of proceedings as a court appearance, allowing jurisdiction to be established and a default judgment to be entered.

The Defense Department and I, however, are equally concerned that the legal process not be unduly restricted. Section 6, which represents a temporary remedy pending a more comprehensive review of the SSCRA, provides for the suspension of court discretion regarding stays until July 1, 1991. Courts will not be able to deny a request for a stay of judicial action or proceeding—including criminal cases—if, at the time of application, the servicemember is on active duty and is serving outside the State in which the court of jurisdiction is located. After June 30, 1991, provisions of current law will again be in force, providing that a stay of judicial proceedings would be subject to the court's discretion.

PROTECTION OF RIGHTS

Mr. President, section 7 of the bill, which would add a new section 108 of the SSCRA, expresses the intent of Congress that lenders, creditors, insurers, and others involved in financial transactions not take adverse action against a person in the military because he or she exercises the rights available under the SSCRA. The provision prohibits certain adverse actions, including denial or revocation of credit by a creditor, adverse reports relating to the credit record of a servicemember, and refusal to insure a servicemember, based solely upon the application for or receipt of relief under the SSCRA. New section 108 would underscore our support for the dedicated men and women who wear the uniform of this great Nation by ensuring that the exercise of rights under the act does not have a negative impact on their future financial transactions.

I would like to state, by way of caution, that the amendment proposed in section 7 is not intended to prohibit insurers or lenders from making decisions based on the usual qualifying criteria for credit or insurance. For example, a reduction in income would remain permissible criteria, when fairly applied, for determining continued eligibility for existing lines of credit.

Moreover, the bill is not intended to prohibit creditors from taking actions based on valid business considerations when responding to a servicemember's request for relief under the SSCRA. For example, capping an account for preexisting debts being converted to a reduced interest rate and simultaneously reopening a new account with residual credit and the same terms as the original account would not be considered a "revocation of credit."

Finally, I would also like to note that the prohibition against an "adverse report" relating to the creditworthiness of a servicemember would not preclude accurately reporting, as an integral part of a servicemember's credit history, the fact of his or her military status and the invocation of his or her legal rights under the SSCRA.

CONCLUSION

Mr. President, the Soldiers' and Sailors' Civil Relief Act of 1940 and the veterans' readjustment rights law are intended to protect individuals called to active duty and their families. The measure being considered today is intended to ensure that those protections reflect current legal and economic realities. The committee will again look very closely at these two important laws in the near future, when we have more time to investigate and deliberate the numerous issues we have already encountered and others which will undoubtedly arise.

Mr. President, H.R. 555 will be amended with the text of S. 330 and then returned to the House. S. 330 differs from H.R. 555 only in the correction of technical and clerical matters that were discovered subsequent to the House passage of the bill. It is our expectation that the House will pass H.R. 555 as amended, thus clearing the legislation for the President's signature.

Mr. President, in closing, I express my deep appreciation to the distinguished chairman and ranking minority members of the House Committee on Veterans' Affairs, Mr. MONTGOMERY and Mr. STUMP, as well as the former ranking minority member of the Senate Committee, Mr. MURKOWSKI, and the current ranking minority member, Mr. SPECTER, for their cooperation and many courtesies on this measure.

Mr. President, it has been a pleasure to work with all the members of the Senate committee in the development of this legislation. I note the contributions of, and express my deep gratitude to, the committee staff members who have worked on this legislation—on the minority staff, Todd Mullins, Cris Yoder, who recently left the committee staff, and Al Ptak; and, on the majority staff, Kim Morin, Shannon Phillips, Michael Cogan, Chuck Lee, Bill Brew, and Ed Scott.

I also note the fine work, as always, on the staff of the House Committee on Veterans' Affairs—Jill Cochran, Kingston Smith, Pat Ryan, and Mack Fleming.

Additionally, I am pleased to recognize the significant technical assistance provided by staff from the Department of Defense—Col. Don Deline, Lt. Col. James Schwenk, and Capt. T.D. Keating.

Finally, we are deeply indebted to Bob Cover, Charlie Armstrong, and Greg Scott of the legislative counsels' offices for their fine work.

Mr. President, I urge the Senate to give its unanimous approval to this measure.●

The PRESIDING OFFICER. If there is no further debate, the clerk will read the bill a third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the House companion bill, H.R. 555, Calendar No. 9; that all after the enacting clause be stricken and the text of S. 330 be substituted in lieu thereof; that the bill be read the third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 555), as amended, was passed.

Mr. DECONCINI. I ask unanimous consent that S. 330 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. I thank the Chair and yield to the distinguished acting majority leader.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 9. Susannah S. Kent, to be Director of the Institute of Museum Services;

Calendar No. 10. William E. Strickland, Jr., to be a Member of the National Council on the Arts;

Calendar No. 11. Walter E. Massey, to be Director of the National Science Foundation;

Calendar No. 12. John Leopold and Mary Ann Mobley-Collins, to be Members of the National Council on Disability; and

All nominations placed on the Secretary's desk in the Public Health Service.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Susannah Simpson Kent, of Pennsylvania, to be Director of the Institute of Museum Services.

William E. Strickland, Jr., of Pennsylvania, to be a member of the National Council on the Arts for a term expiring September 3, 1996.

NATIONAL SCIENCE FOUNDATION

Walter E. Massey, of Illinois, to be Director of the National Science Foundation for a term of 6 years.

NATIONAL COUNCIL ON DISABILITY

The following-named persons to be Members of the National Council on Disability for the terms indicated:

John Leopold, of Maryland, for a term expiring September 17, 1991.

Mary Ann Mobley-Collins, of California for a term expiring September 17, 1991.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Alan R Baker, and ending Maria E Stetter, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 4, 1991.

The PRESIDING OFFICER. Under the previous order, the Senate returned to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 58. An original resolution to authorize the printing of a collection of the rules of the committees of the Senate.

By Mr. FORD, from the Committee on Rules and Administration, without amendment and with a preamble:

S. Con. Res. 11. Concurrent resolution to establish an Albert Einstein Congressional Fellowship Program.

MESSAGES FROM THE HOUSE

At 3:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 44. Concurrent resolution calling upon the people of the United States to display the American flag in show of support of the United States troops stationed in the Persian Gulf region.

The message also announced that the House has agreed to the following resolution:

H. Res. 76. Resolution relative to the death of the Honorable Silvio O. Conte, a Representative of the Commonwealth of Massachusetts.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCONNELL:

S. 454. A bill to provide for a comprehensive health care plan for all Americans, and for other purposes; to the Committee on Finance.

By Mr. MITCHELL (for himself, Mr. CHAFEE, and Mr. LAUTENBERG):

S. 455. A bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors; to the Committee on Environment and Public Works.

By Ms. MIKULSKI (for herself, Mr. D'AMATO, Mr. MOYNIHAN, Mr. SARBANES, and Mr. LEAHY):

S. 456. A bill to amend chapter 83 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Governmental Affairs.

By Mr. DODD (for himself, Mr. PELL, and Mr. KENNEDY):

S. 457. A bill to provide for a National Board for Professional Teaching Standards; to the Committee on Labor and Human Resources.

By Mr. ROTH (by request):

S. 458. A bill to provide for Government-wide procurement ethics reform, and for other purposes; to the Committee on Governmental Affairs.

By Mr. McCAIN:

S. 459. A bill to declare that the United States holds certain lands in trust for the Camp Verde Yavapai-Apache Indian Community, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DIXON (for himself, Mr. BURDICK, and Mr. DASCHLE):

S. 460. A bill to amend the United States Warehouse Act to allow States to require grain elevators with Federal warehouse licenses to participate in State grain indemnity funds or to require collateral security; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH (for himself and Mr. RUDMAN):

S. 461. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating segments of the Lamprey River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 462. A bill to amend section 401 of the Act of December 19, 1980; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 463. A bill to establish within the Department of Education an Office of Community Colleges; to the Committee on Labor and Human Resources.

By Mr. GARN:

S. 464. A bill for the relief of John Gabriel Robledo-Gomez Dunn; to the Committee on the Judiciary.

By Mr. GLENN (for himself and Mr. INOUYE):

S. 465. A bill to require the Secretary of Agriculture to conduct a pilot program to permit two States to enter into a reciprocal agreement for the interstate shipment and marketing of State inspected meat and poultry products and to establish a task force to advise the Secretary with respect to such pilot program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself and Mr. DASCHLE):

S. 466. A bill to amend the Internal Revenue Code of 1986 to provide for a renewable energy production credit, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 467. A bill to amend the Internal Revenue Code of 1986 to restore a capital gains tax differential for small and high-risk business stock held for more than 5 years; to the Committee on Finance.

By Mr. HEINZ:

S. 468. A bill to amend the Defense Production Act of 1950; considered and passed.

By Mr. DODD (for himself, Mr. BYRD, Mr. LEAHY, Mr. GLENN, Mr. DECONCINI, Mr. WIRTH, Mr. LIEBERMAN, Mr. HARKIN, Mr. BRYAN, Mr. ADAMS, Mr. ROBB, Mr. SANFORD, Mr. LEVIN, Mr. LAUTENBERG, Mrs. KASSEBAUM, Mr. BINGAMAN, and Mr. REID):

S. 469. A bill to amend the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989 to apply the same honoraria provisions to Senators and officers and employees of the Senate as apply to Members of the House of Representatives and other officers and employees of the Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. KOHL (for himself and Mr. DASCHLE):

S. 470. A bill to amend the Agricultural Act of 1949 to repeal the reduction in the milk price support for calendar year 1992; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCAIN:

S. 471. A bill to protect consumers by regulating certain providers of 900 telephone services; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. SIMPSON, Mr. THURMOND, Mr. COCHRAN, Mr. KASTEN, Mr. BURNS, Mr. D'AMATO, Mr. LUGAR, Mr. McCAIN, Mr. MURKOWSKI, Mr. ROTH, Mr. SEYMOUR, Mr. STEVENS, and Mr. WARNER):

S. 472. A bill to secure the right of women to be free of sexual harassment and violence, to promote equal opportunity for women, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN:

S.J. Res. 75. Joint resolution pertaining to U.S. economic sanctions against Iraq; to the Committee on Foreign Relations.

By Mr. DODD (for himself, Mr. CRANSTON, Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. KERRY, Mr. SIMON, Mr. SANFORD, Mr. MOYNIHAN, Mr. ROBB, Mr. LUGAR, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. MURKOWSKI, Mr. MCCONNELL, Mr. KENNEDY, Mr. BENTSEN, Mr. BOREN, Mr. RIEGLE, and Mr. DECONCINI):

S.J. Res. 76. Joint resolution commending the Peace Corps and the current and former Peace Corps volunteers on the thirtieth anniversary of the establishment of the Peace Corps; considered and passed.

By Mr. DOLE (for himself, Mr. BURNS, Mr. GORE, Mr. MCCAIN, Mr. LOTT, Mr. KASTEN, Mr. WARNER, Mr. CRAIG, Mr. THURMOND, Mr. DOMENICI, Mr. MACK, Mr. COATS, Mr. GRASSLEY, Mr. COHEN, Mr. BREAUX, Mr. ROBB, Mr. WIRTH, Mr. DASCHLE, Mr. NUNN, Mr. FORD, Mr. DANFORTH, Mr. HEINZ, Mr. INOUYE, Mr. HOLLINGS, and Mr. CHAFEE):

S.J. Res. 77. Joint resolution relative to telephone rates and procedures for Operation Desert Storm personnel; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 58. An original resolution to authorize the printing of a collection of the rules of the committees of the Senate; placed on the calendar.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. MITCHELL, and Mr. DOLE):

S. Res. 59. Resolution relative to the death of Representative Silvio O. Conte, of Massachusetts; considered and agreed to.

By Mr. FORD (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 60. Resolution to authorize Senate employees to testify and to produce records of the Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL:

S. 454. A bill to provide for a comprehensive health care plan for all Americans, and for other purposes; to the Committee on Finance.

COMPREHENSIVE AMERICAN HEALTH CARE ACT

• Mr. MCCONNELL. Mr. President, while our attention is focused abroad naturally on our brave service men and women serving in Operation Desert Storm, we should not forget that there are needs yet to be met here at home. I rise today in reintroduce the Comprehensive American Health Care Act, a bill which seeks to improve access to the American health care system.

HEALTH CARE: A CHALLENGE FOR THE '90'S

Our system of health care is characterized by contradiction. Although the United States has the highest quality of care available anywhere in the world, many Americans do not have adequate access to—or cannot afford—that high-quality care. The cost of health care has skyrocketed to the point where it is beyond the reach of families, small businesses, and especially those living on a fixed income, like our senior citizens.

The United States spends more on health care than any other nation. We now spend between 11 to 12 percent of our gross national product on health care, and may spend as much as 15 percent of our GNP by the turn of the century. We spend between $500 to $660 billion on health care each year—roughly $2 billion each and every day. Given a national health expenditure of this magnitude, I think it is both fair and appropriate that we question what we are getting for our money.

Although roughly 85 percent of the American population is covered by health insurance, as many as 37 million Americans go without health insurance because they can't afford it. Health care inflation, coupled with regional and societal barriers to access, threatens to further erode the access to care which the majority of Americans now enjoy.

Mr. President, there have been no shortage of proposals to reform America's health care system. More committees, commissions, task forces, and ad hoc groups have been organized around health care than any other issue within my memory. Indeed, there have been nearly as many health care proposals introduced in the Congress as there are Members—and I could not even begin to estimate the number of proposals put forth in the private sector.

Thus, Mr. President, I introduce this bill today with the understanding that, although the health care agenda is crowded, fair and comprehensive health care reform has thus far defied our best efforts. Although my bill will not solve all of the American health care system's problems at a stroke, I respectfully suggest that my proposals address America's most urgent health care problems in a reasonable, appropriate, and yet comprehensive manner.

If we are to be at all effective, we must acknowledge that no one segment of society—particularly not the Federal Government—has either the means or the resources to adequately address health care reform. In addition, we must recognize that the polar extremes of the health care debate—staying the present course on health care, or replacing our hybrid American system with national health care—are simply unworkable and unacceptable. We must combine individual responsibility, business and corporate contributions, as well as the efforts of government at every level, to adequately and effectively address America's health care problems.

OUTLINE OF THE COMPREHENSIVE AMERICAN HEALTH CARE PLAN

Mr. President, the legislation I introduce today addresses what I believe to be America's most urgent health care problems in an appropriate, responsible, and yet comprehensive manner. My bill seeks to improve low- and moderate-income Americans' access to health care by increasing the availability of health insurance and by strengthening our rural health care system. I believe that we must address, in addition, an important component of health care inflation by enacting certain accepted medical malpractice reforms and by promoting preventive health care practices for seniors. Finally, I propose that we recognize the degree to which our society is aging, and take further steps to assist seniors with their long-term and catastrophic health care needs, and to protect seniors from deceptive or confusing insurance practices.

EXPANDING HEALTH CARE ACCESS

To expand health care access for uninsured and underserved Americans, my plan provides a tax credit for health insurance to low- and moderate-income families. Those who qualify would receive a refundable credit of up to $1,750. The amount of the credit received would be reduced by any benefits received under the new supplemental earned income tax credit.

In addition, my plan increases Federal support for rural health care by ending the discrimination against rural hospitals in Medicare, and by revitalizing the National Health Service Corps, which has a long history of encouraging health professionals to work in underserved rural areas.

CONTAINING HEALTH CARE COSTS: MEDICAL MALPRACTICE REFORM

We cannot hope to solve our health care problems unless we tackle its skyrocketing cost. For that reason, my plan offers some needed reforms of the medical liability system.

Liability costs are the fastest growing portion of health care expenses, accounting for $25 billion of the Nation's health bill, by some estimates. Even worse, medical malpractice fears have catastrophically affected rural health care, curtailing prenatal care and delivery in 73 of Kentucky's 120 counties.

The reforms I am proposing—abolishing joint and several liability, requiring anyone who brings a frivolous malpractice suit to pay part of the other side's legal costs, and encouraging alternative dispute resolution—are endorsed by the American Hospital Association and the American College of Nurse-Midwives, among others.

LONG-TERM CARE

Finally, my plan addresses the most difficult problem facing America's seniors: the cost of long-term and catastrophic care. My plan provides a refundable tax credit to pay for long-term care insurance premiums, and restores several of the remaining benefits lost in the repeal of the Medicare Catastrophic Coverage Act.

In addition, my plan would build on protections adopted in last year's reconciliation bill to help protect seniors from deceptive or confusing insurance practices, by requiring the Secretary of Health and Human Services to establish uniform health insurance disclosure standards, enforced by marketplace incentives.

CONCLUSION

Mr. President, there are considerable problems which we must address to improve access to health care—the cost of health care being none the least. We don't need—and cannot afford—grandiose schemes that would require massive tax increases or raise the Federal deficit even higher. And Mr. President, we should not force our recessionary economy—particularly the small business backbone of our economy—to shoulder the cost of health care, or else we will put a lot of companies out of business, and a lot of people out of work.

I firmly believe that the solutions to our problems can be found right here at home without ruining our economy in the balance. All we need is the same American ingenuity and commitment to excellence which has made our health care system—and our Nation—the envy of the world.

Mr. President, I look forward to working with my colleagues in addressing America's health care needs and challenges, and I welcome their interest in my proposals.

Mr. President, I ask unanimous consent that the text of the bill and a summary of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF S. 454, THE COMPREHENSIVE AMERICAN HEALTH CARE ACT

I. HEALTH CARE ACCESS FOR UNINSURED AND UNDERSERVED AMERICANS

Health Insurance Tax Credits for Low and Moderate Income Americans.

Rural Health Initiatives.

II. HEALTH CARE COST CONTROL

Medical Malpractice Reform.

Preventative Medicine Initiative.

III. LONG-TERM CARE AND SENIOR HEALTH PROMOTION

Long-Term Care Insurance Tax Credits.

Medicare Benefits Expansion.

Senior Health Insurance Consumer Protection.

I. HEALTH CARE ACCESS FOR UNINSURED AND UNDERSERVED AMERICANS

Health Insurance Tax Credits.

Rural Health Initiatives: Eliminate Medicare Urban/Rural Differential; Expand and Target National Health Service Corps Assistance; Study Barriers to Prenatal Care in Rural Areas; Increase Funding for Area Health Education Centers; and Review Medicare Regulation of Rural Hospitals.

A. Health Insurance Tax Credits

Provides low and moderate income Americans tax-based assistance to purchase health insurance. Amount of credit is determined by income level and actual insurance expenditures. Credit is not available at income levels of $40,000 and above, and is made refundable to reach taxpayers below filing threshold. Health Insurance credit is reduced by the amount of health benefits received through the Supplemental Earned Income Tax Credit.

Income level	Maximum credit
$20,000 and below to $24,999	$1,750
25,000 to $29,999	1,250
30,000 to $34,999	750
35,000 to $39,999	250

B. Rural Health Initiatives

1. Eliminate Medicare Urban/Rural Hospital Differential—Eliminates Medicare Part A reimbursement differential between urban and rural hospitals by FY-92, rather than FY-95 as is scheduled under current law. Harmless to urban hospitals.

2. Expand and Target National Health Service Corps Assistance.—Revitalizes National Health Service Corps program and increases funding for the NHSC loan repayment program. The NHSC program provides scholarships to and repays health practitioners willing to practice in rural and other medically underserved regions. Populations with high percentages of uninsured would be targeted.

3. Study of Prenatal Care in Rural Areas.—Establishes a demonstration project to evaluate availability, accessibility, and use of prenatal care services by pregnant women residing in rural areas.

4. Increase funding for Area Health Education Centers.—Area Health Education Centers provide continuing education and clinical instruction in or near medically underserved areas for physicians, nurse practitioners, and other health care professionals. AHECs provide an important incentive for health care professionals to settle in rural areas.

5. Target Preventative Grants to County Health Departments.—Allows county health departments to apply for grants to provide immunization services, maternal and infant health care, health education, and preventative health services.

6. Review Medicare Regulation of Rural Hospitals.—Requires the Secretary of Health and Human Services to review regulations applying to rural hospitals to determine which requirements could be made less administratively and economically burdensome without diminishing quality.

II. HEALTH CARE COST CONTROL

Medical Malpractice Reform.

Preventative Health Practices Promotion.

A. Medical Malpractice Reform

Provides urgently needed reforms of the medical liability system recommended by the American Hospital Association and the American College of Nurse Midwives. Abolishes joint and several liability, deters frivolous suits by requiring the losing party to pay the attorneys' fee and costs of the prevailing party, and promotes the use of alternative dispute resolution in medical malpractice cases.

B. Preventative Health Practices Promotion

Requires the Secretary of Health and Human Services to develop and distribute to Medicare beneficiaries a summary of recommended health care practices for elderly individuals.

III. LONG-TERM CARE AND SENIOR HEALTH PROMOTION

Long-Term Care Insurance Tax Credits.

Medicare Program Enhancements.

Senior Health Insurance Consumer Protection.

A. Long-Term Care Insurance Tax Credits

Provides senior and other Americans with tax-based assistance to purchase long-term care insurance. Assistance weighted to provide most assistance to seniors, but all taxpayers are eligible to receive the credit, which varies by age and income. The credit is equivalent to the applicable percentage of qualified long-term care insurance premiums, subject to the dollar limitation. Credit is not available at income levels of $40,000 and above, and is made refundable to reach low-income Americans.

Age	Dollar limitation
More than 70	$3,000
More than 60 but less than 70	2,400
More than 50 but less than 60	1,800
More than 40 but less than 50	1,200
40 or less	600

Income	Applicable percentage
$20,000 and below to $24,999	70
25,000 to 29,999	50
30,000 to 34,999	30
35,000 to 39,999	10

B. Medicare Program Enhancements

Restores certain important benefits lost in the repeal of the Medicare Catastrophic Coverage Act. Home Health Care coverage would be expanded to a maximum of 38 consecutive days. Medicare Coverage would be provided for Home Intravenous Drug Therapy Services. In-home respite care would be provided for chronically dependent individuals.

C. Senior Health Insurance Consumer Protection

Requires the Secretary of Health and Human Services to establish a certification system for health insurance for the elderly. Certified policies would be required to meet or exceed the National Association of Insurance Commissioners Model Act Standards. Certified policies would be guaranteed to be renewable at the same premium rate or be adjusted on a class basis. Exclusion of preexisting conditions would be limited. Provides purchasers with a 30-day period to rescind their purchase of a certified policy. Requires the Secretary of Health and Human Services to study health insurance policies for the elderly three years after enactment.

S. 454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive American Health Care Act".

TITLE I—HEALTH CARE ACCESS FOR UNINSURED AND MEDICALLY UNDERSERVED INDIVIDUALS

Subtitle A—Tax Credits for Low and Moderate Income Individuals

SEC. 101. CREDIT FOR HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by inserting after section 34 the following new section:

"SEC. 34A. HEALTH INSURANCE EXPENSES.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to—

"(A) the applicable percentage of the qualified health insurance expenses paid by such individual during the taxable year, less

"(B) the amount of the health insurance credit allowable to such individual for such taxable year under section 32.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

"If adjusted income is:	The applicable gross percentage is:
Less than $25,000	70
$25,000 but less than $30,000	50
$30,000 but less than $35,000	30
$35,000 but less than $40,000	10
$40,000 or more	0 .

"(b) QUALIFIED HEALTH INSURANCE EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified health insurance expenses' means amounts paid during the taxable year for insurance which constitutes medical care (within the meaning of section 213(d)(1)(C)). For purposes of the preceding sentence, the rules of section 213(d)(6) shall apply.

"(2) DOLLAR LIMIT ON QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a)(1) shall not exceed $2,500.

"(3) ELECTION NOT TO TAKE CREDIT.—A taxpayer may elect for any taxable year to have amounts described in paragraph (1) not treated as qualified health insurance expenses.

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means, with respect to any period, an individual who is not covered during such period by a health plan maintained by an employer of such individual or such individual's spouse.

"(d) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment is made to the individual under section 101(b) of the Comprehensive American Health Care Act during any calendar year, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under this subpart.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) MEDICARE-ELIGIBLE INDIVIDUALS.—No expense shall be treated as a qualified health insurance expense if it is an amount paid for insurance for an individual for any period with respect to which such individual is entitled (or, on application without the payment of an additional premium, would be entitled to) benefits under part A of title XVIII of the Social Security Act.

"(2) SUBSIDIZED EXPENSES.—No expense shall be treated as a qualified health insurance expense to the extent—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient.

"(3) COORDINATION WITH MINIMUM TAX.—Rules similar to the rules of subsection (h) of section 32 shall apply to any credit to which this section applies.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) ADVANCE PAYMENTS OF CREDIT FOR SOME INDIVIDUALS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall enter into an agreement with each State to provide for advance payments of the credit provided by section 34A of the Internal Revenue Code of 1986 (as added by this subtitle) to eligible individuals in the form of certificates usable for the purchase of health insurance. The certificates shall be available at such locations as the Secretary determines will ensure the widest distribution.

(2) ELIGIBLE INDIVIDUALS.—

(A) IN GENERAL.—An individual shall be eligible for advance payments described in paragraph (1) if such individual—

(i) has income for the taxable year which results in a poverty ratio of not more than 1.49, and

(ii) has filed a certificate with the Secretary of the Treasury or the Secretary's delegate described in subparagraph (C).

(B) POVERTY RATIO.—For purposes of subparagraph (A)(i), the poverty ratio for any individual shall be determined by dividing such individual's family income for the taxable year (as determined for purposes of title XIX of the Social Security Act) by the income official poverty line for such year (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

(C) CERTIFICATE OF ELIGIBILITY.—A certificate described in this subparagraph is a statement furnished by the individual which—

(i) certifies that the individual will be eligible to receive the credit provided by section 34A of the Internal Revenue Code of 1986 for the taxable year,

(ii) certifies that the poverty ratio of the individual for such year will be not more than 1.49,

(iii) certifies that the individual does not have another certificate with respect to such credit in effect for such year,

(iv) estimates the amount of qualified health insurance expenses (as defined in section 34A(b) of such Code) for such year, and

(v) estimates the amount of health insurance credit under section 32 of such Code allowed for such year.

(c) PROGRAM TO INCREASE PUBLIC AWARENESS.—Not later than the first day of the first calendar year following the date of enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, in consultation with the Secretary of Health and Human Services, shall establish a public awareness program to inform the public of the availability of the credit for health insurance expenses allowed under section 34A of the Internal Revenue Code of 1986 (as added by this subtitle) and the coordination of such credit with the health insurance credit allowed under section 32 of such Code. Such public awareness program shall be designed to assure that individuals who may be eligible are informed of the availability of such credit and filing procedures.

(d) COORDINATION WITH DEDUCTIONS FOR HEALTH INSURANCE EXPENSES.—

(1) SELF-EMPLOYED INDIVIDUALS.—Subparagraph (B) of section 162(l)(3) of the Internal Revenue Code of 1986 is amended by inserting "or section 34A" after "section 32".

(2) MEDICAL, DENTAL, ETC., EXPENSES.—Subsection (f) of section 213 of such Code is amended—

(A) by inserting "or section 34A" after "section 32", and

(B) by inserting "OR SECTION 34A" in the heading thereof after "SECTION 32".

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 34 the following new item:

"Sec. 34A. Health insurance expenses.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

Subtitle B—Rural Health Initiatives

SEC. 111. ELIMINATION OF SEPARATE AVERAGE STANDARDIZED AMOUNTS FOR HOSPITALS IN DIFFERENT AREAS.

Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end thereof the following new subsection:

"(j)(1) On or before September 1, 1991, the Secretary and the Prospective Payment Assessment Commission established under subsection (e) (in this subsection referred to as the 'Commission') shall each submit to the Congress a report recommending a methodology that provides for the elimination of the system of determining separate average standardized amounts for subsection (d) hospitals (as defined in subsection (d)(1)(B)) located in large urban, other urban, or rural areas under subsection (d)(2)(D). The methodologies set forth in such reports shall provide for the complete elimination of the average standardized amounts applicable to large urban, other urban, or rural area hospitals for discharges occurring on or after January 1, 1992. Such methodologies may provide for such changes to any of the adjustments, reductions, and special payments otherwise authorized or required by this section as the Secretary or the Commission determines to be necessary and appropriate to carry out the purposes of this subsection. But in no case may the Secretary or the Commission recommend or provide for a methodology that will result in total payments under part A of this title to hospitals at a level less than such hospitals were receiving on October 1, 1991.

"(2) Not later than October 1, 1991, the Secretary shall promulgate interim final regulations to implement the recommendations of the Secretary under paragraph (1) (including any recommended changes in the adjustments, reductions, and special payments otherwise authorized or required by this section).

"(3) If the Congress does not enact legislation after the date of enactment of this subsection and before December 1, 1991, with respect to the average standardized amounts applicable to large urban, other urban, or rural area hospitals, then, notwithstanding any other provision of this section, the average standardized amounts for such hospitals for discharges occurring on or after January 1, 1992, shall be determined in accordance with the interim final regulations promulgated under paragraph (2).

"(4) On or before July 1, 1992, the Secretary and the Commission shall each submit to the

Congress a report specifying the manner in which the average standardized amounts determined under the regulations and which became effective in accordance with paragraph (3) should be adjusted appropriately to reflect differences in the operating costs of providing inpatient hospital services (as defined in subsection (a)(4)) for different categories of subsection (d) hospitals.".

SEC. 112. SCHOLARSHIP AND LOAN REPAYMENT PROGRAM PRIORITIES.

(a) SCHOLARSHIP PROGRAM.—Section 338A(d) of the Public Health Service Act (42 U.S.C. 2541(d)) is amended—

(1) in paragraph (1), by striking "and" at the end thereof;

(2) in paragraph (2)(C), by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(3) to individuals who reside in health manpower shortage areas;

"(4) to disadvantaged individuals and minorities;

"(5) to individuals who attend or plan to attend health professions schools that have records of training graduates who then intend to work in primary care fields and with underserved populations;

"(6) to nurses, nurse midwives, nurse practitioners, and physician assistants to increase access to perinatal care; and

"(7) to physicians who are willing to serve in a Health Manpower Shortage Area that has been identified by the Corps as having difficulties in attracting physicians.".

(b) LOAN REPAYMENT PROGRAM.—Section 338B(d) of the Public Health Service Act (42 U.S.C. 2541-1(d)) is amended—

(1) in paragraph (1), by striking "and" at the end thereof;

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(3) to applications from individuals who are legal residents of health manpower shortage areas or who, at the time of the submission of the application, reside in a health manpower shortage area;

"(4) to applications from disadvantaged individuals and minorities;

"(5) to applications from individuals who have demonstrated an interest in providing primary care service for the underserved through the participation of such individuals in internship and externship programs such as the commissioned officer, student training and extern program, and other programs;

"(6) to applications from nurses, nurse midwives, nurse practitioners, and physicians assistants to increase access to perinatal care and other essential primary care health services; and

"(7) to applications from physicians in the primary care fields of pediatrics, general internal medicine, general practice, and obstetrics and gynecology who are willing to serve in a health manpower shortage area that has been identified by the Corps as having difficulties in attracting such physicians.".

SEC. 113. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS.

"(a) GENERAL RULE.—Gross income shall not include any qualified loan repayment.

"(b) QUALIFIED LOAN REPAYMENT.—For purposes of this section, the term 'qualified loan repayment' means any payment made on behalf of the taxpayer by the National Health Service Corps Loan Repayment Program under section 338B(g) of the Public Health Service Act.".

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 338B(g) of the Public Health Service Act is amended by striking "Federal, State, or local" and inserting "State or local".

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 136 and inserting the following:

"Sec. 136. National Health Service Corps loan repayments.

"Sec. 137. Cross references to other Acts.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to payments made under section 338B(g) of the Public Health Service Act after the date of enactment of this Act.

SEC. 114. DEMONSTRATION PROJECT TO EVALUATE AVAILABILITY OF PRENATAL CARE SERVICES IN RURAL AREAS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services (hereinafter referred to as the "Secretary") shall from amounts retained by the Secretary under section 502(b)(1)(A) of the Social Security Act (42 U.S.C. 702(b)(1)(A)) as amended by section 6502 of the Omnibus Budget Reconciliation Act of 1989, provide for a demonstration project evaluating the availability, accessibility, and use of prenatal care services by pregnant women residing in rural areas (as defined in section 1886(d)(2)(D) of the Social Security Act).

(b) EFFECTIVE DATES.—(1) The Secretary shall conduct the demonstration project described in subsection (a) within 18 months of the date of enactment of this Act.

(2) The Secretary shall transmit a summary of the demonstration project conducted under subsection (a) to relevant committees of Congress no later than 3 months after the date of completion of such project as provided in paragraph (1).

SEC. 115. INCREASED FUNDING FOR AREA HEALTH EDUCATION CENTERS.

Section 781(h)(1) of the Public Health Service Act (42 U.S.C. 295g-1(h)(1)) is amended by striking "$20,000,000 for each of the fiscal years 1990 and 1991" and inserting "$25,000,000 for each of the fiscal years 1991 and 1992".

SEC. 116. PREVENTIVE HEALTH SERVICES.

Part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) is amended—

(1) in section 1901, by adding at the end thereof the following new subsection:

"(c) Of the amounts appropriated for each fiscal year under subsection (a), the Secretary shall make available not less than $25,000,000 in each such fiscal year to carry out section 1910A."; and

(2) by adding at the end thereof the following new section:

"SEC. 1910A. PREVENTIVE GRANTS FOR COUNTY HEALTH DEPARTMENTS.

"(a) IN GENERAL.—From amounts made available under section 1901(c), the Secretary shall make grants to county health departments to enable such departments to provide preventive health services.

"(b) APPLICATION.—To be eligible to receive a grant under subsection (a), a county health department shall prepare and submit, to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require.

"(c) USE OF FUNDS.—A county health department shall use amounts provided through a grant received under this section to—

"(1) provide immunization services to control the spread of infectious diseases;

"(2) improve maternal and infant health;

"(3) reduce adolescent pregnancy and improve reproductive health;

"(4) improve health education and the access of individuals to preventive health services; and

"(5) provide such other services as the Secretary determines appropriate.

"(d) DEFINITION.—Not later than 30 days after the date of enactment of this section, the Secretary shall promulgate regulations that define 'county health department' for purposes of this section.".

SEC. 117. REVIEW OF HOSPITAL REGULATIONS WITH RESPECT TO RURAL HOSPITALS.

(a) IN GENERAL.—Within 12 months of the date of enactment of this Act, the Secretary of Health and Human Services shall review the requirements in regulations developed pursuant to section 1861(e) of the Social Security Act to determine which requirements could be made less administratively and economically burdensome for hospitals defined in section 1886(d)(1)(B) of the Social Security Act that are located in a rural area as defined in section 1886(d)(2)(D) of the Social Security Act without diminishing the quality of care provided by such hospitals to individuals entitled to receive benefits under part A of title XVIII of the Social Security Act. Such review shall specifically include standards related to staffing requirements.

(b) REPORT.—The Secretary of Health and Human Services shall report to Congress by April 1, 1992, on the results of the review conducted under subsection (a), and include recommendations on which regulations if any, should be modified with respect to hospitals located outside a metropolitan statistical area as described in subsection (a).

TITLE II—HEALTH CARE COST CONTROL

Subtitle A—Medical Malpractice Reform

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) there are serious flaws in the civil justice system under which tort claims are filed and resolved, including spiraling costs, unpredictability, impediments to United States competitiveness and inefficient use of the civil justice system;

(2) the cost of litigation has risen at a dramatic rate over the past 25 years and threatens to continue to rise at a similar rate for the foreseeable future;

(3) the rising cost of litigation has a direct and undesirable effect on interstate commerce and international competitiveness, and decreases the availability of products and services in commerce;

(4) excessive litigation has contributed to health care inflation through defensive medical practices and the high cost of medical malpractice insurance accounting for an estimated $25,000,000,000 of the health care bill of the United States in 1987;

(5) the medical malpractice crisis has contributed to the diminution of the availability of health care across the country, particularly in rural areas;

(6) there is a need for reasonable limits on the potential exposure of health care provid-

ers to liability for damages resulting from the provision of medical services, which contributes to the availability of health care, the net output of the economy of the United States, to the American consumer, and the general welfare; and

(7) because of the interstate nature of commerce and the pervasive nature of the involvement of the Federal Government in the provision of health care, no single State can act to address flaws in the civil justice system without threatening to inflict disparate and potentially discriminatory burdens, thereby diminishing the general welfare of the Nation and of the several States.

(b) PURPOSE.—It is the purpose of this subtitle to establish uniform rules of medical malpractice law, to encourage alternate means of dispute resolution, to provide fair and reasonable compensation for accident or injury, and to promote the free flow of commerce and the availability and affordability of liability insurance.

SEC. 202. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b) or (c), this subtitle shall apply to any civil action against any individual based on professional medical malpractice, in any State or Federal court, in which damages are sought for physical injury or for physical or mental pain or suffering or for economic loss.

(b) PREEMPTION.—This subtitle shall preempt and supersede Federal or State law only to the extent such law is inconsistent with this subtitle. Any issue arising under the provisions of this subtitle that is not governed by the provisions of this subtitle shall be governed by applicable State or Federal law.

(c) CONSTRUCTION.—Nothing in this subtitle shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) waive or affect any defense of sovereign immunity asserted by the United States;

(3) supersede any Federal law, except the Federal Employees Compensation Act and the Longshoremen's and Harborworkers' Compensation Act;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code, commonly known as the Foreign Sovereign Immunities Act of 1976;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation on the ground of inconvenient forum.

(d) ATTORNEY'S FEES.—

(1) IN GENERAL.—Subject to paragraph (3), and except as provided in paragraph (2), in any action brought pursuant to the provisions of this subtitle, the court shall provide for an award of costs and reasonable attorney's fees to be paid to the prevailing party by the other parties to such action.

(2) EXCEPTION.—Paragraph (1) shall not apply in any case in which the losing party was qualified for assistance by the Legal Services Corporation, in the State in which such party resides, pursuant to the limits and guidelines described in part 1611 of title 45, Code of Federal Regulations.

(3) LIMITATION.—The amount of attorney fees ordered to be paid to the prevailing party under this subsection shall be limited to either—

(A) a percentage of the prevailing party's costs and fees equal to the percentage of any damage award such losing party had agreed to pay as a contingency fee to the attorney of such party if such party had prevailed, if the attorney for such losing party was to receive compensation based on a percentage of the recovery; or

(B) an amount that does not exceed the amount of attorney's fees such party is paying the attorney of such party in such matter, if the attorney for such losing party was not receiving compensation based on a percentage of the recovery.

SEC. 203. JOINT AND SEVERAL LIABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), joint and several liability shall not be applied to a civil liability action that is subject to this subtitle. A person found liable for damages in any such action may—

(1) be found liable, if at all, only for those damages directly attributable to the pro rata share of fault or responsibility of such person for the injury; and

(2) not be found liable for damages attributable to the pro rata share of fault or responsibility of any other person (without regard to whether that person is a party to the action) for the injury, including any person bringing the action.

(b) CONCERTED ACTION.—

(1) APPLICATION.—This section shall not apply as between persons acting in concert where the concerted action proximately caused the injury for which one or more persons are found liable for damages.

(2) DEFINITION.—As used in this section, the terms "concerted action" and "acting in concert" mean the participation in joint conduct by two or more persons who agree to jointly participate in such conduct with actual knowledge of the wrongfulness of the conduct.

SEC. 204. ALTERNATIVE DISPUTE RESOLUTION.

(a) POLICY.—Because the traditional litigation process is not always suited to the timely, efficient, and inexpensive resolution of civil actions, it is the policy of the United States to encourage the creation and use of alternative dispute resolution techniques, and to promote the expeditious resolution of such actions.

(b) EXISTENCE OF OPTIONS.—In any action to which this subtitle applies, each attorney who has made an appearance in the case and who represents one or more of the parties to such action shall, with respect to each party separately represented, advise the party of the existence and availability of alternative dispute resolution options, including extrajudicial proceedings such as minitrials, third-party mediation, court supervised arbitration, and summary jury trial proceedings.

(c) CERTIFICATION.—Each attorney described in subsection (b) shall, at the time of the filing of the complaint or a responsive pleading, file notice with the court certifying that the attorney has so advised the client or clients of the attorney as required under subsection (b), and indicating whether such client will agree to one or more of the alternative dispute resolution techniques.

(d) ORDER GOVERNING FURTHER PROCEEDINGS.—If all parties to an action agree to proceed with one or more alternative dispute resolution proceedings, the court shall issue an appropriate order governing the conduct of such proceedings. The issuance of an order governing such further proceedings shall constitute a waiver, by each party subject to the order, of the right to proceed further in court.

SEC. 205. DEFINITIONS.

(a) DEFINITIONS.—As used in this subtitle:

(1) CLAIMANT.—The term "claimant" means any person who brings a civil action under this subtitle, and any person on whose behalf such action is brought, and, if such an action is brought through or on behalf of an estate, such term includes the decedent of the claimant, or, if it is brought through or on behalf of a minor or incompetent, such term includes the parent or guardian of the claimant.

(2) HARM.—The term "harm" means any harm recognized under the law of the State in which the civil action is maintained.

(3) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 206. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle shall become effective on the date of enactment of this Act, and shall apply to all civil actions filed on or after such date, including any civil action in which the harm or the conduct complained of occurred before such effective date.

(b) APPLICABLE TIME PERIOD.—If any such provision of this subtitle would shorten the period during which a person would otherwise be exposed to liability, the plaintiff may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this subtitle not later than within 1 year after the effective date of this subtitle.

SEC. 207. SEVERABILITY.

If any provision of this subtitle or the application of any such provision to any person or circumstance is held to be unconstitutional, the remainder of this subtitle and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Subtitle B—Preventive Health Practices Promotion

SEC. 211. DISTRIBUTION OF INFORMATION ON RECOMMENDED PREVENTIVE HEALTH PRACTICES.

(a) IN GENERAL.—Section 1804 of the Social Security Act (42 U.S.C. 1396b-2) is amended—

(1) in the heading, by inserting "AND DISTRIBUTION OF PREVENTIVE HEALTH INFORMATION" after "MEDICARE BENEFITS";

(2) by inserting "(a)" after "SEC. 1804."; and

(3) by adding at the end the following new subsection:

"(b)(1) The Secretary shall develop (and, from time to time, shall revise) a summary of recommended preventive health care practices for elderly individuals entitled to benefits under this title.

"(2) The summary shall be developed in consultation with national physician, consumer, and other health-related groups and shall be based on recommendations of any appropriate task force or similar group established by the Secretary.

"(3) The Secretary shall provide for the distribution of—

"(A) the summary developed under paragraph (1) to each individual at the time of the individual's first becoming eligible for benefits under part A under section 226(a) or section 1818, as part of other materials sent to such an individual at such a time, and

"(B) the summary developed under paragraph (1) to individuals entitled to benefits under this title in conjunction with general mailings sent under this title to such individuals.".

(b) DEVELOPMENT OF SUMMARY AND FORM.—The Secretary of Health and Human Services shall initially develop the summary described in section 1804(b) of the Social Security Act (as added by subsection (a)) not later than April 1, 1992, and shall first provide for the distribution of such summaries by not later than October 1, 1992.

TITLE III—LONG-TERM CARE AND SENIOR HEALTH PROMOTION

Subtitle A—Long-Term Care Insurance Promotion

SEC. 301. TREATMENT OF LONG-TERM CARE INSURANCE OR PLANS.

(a) General Rule.—Chapter 79 of the Internal Revenue Code of 1986 (relating to definitions) is amended by inserting after section 7702 the following new section:

"SEC. 7702A. TREATMENT OF LONG-TERM CARE INSURANCE OR PLANS.

"(a) General Rule.—For purposes of this title—

"(1) a long-term care insurance contract shall be treated as a health insurance contract,

"(2) amounts received under such a contract with respect to qualified long-term care services shall be treated as amounts received for personal injuries or sickness, and

"(3) any plan of an employer providing qualified long-term care services shall be treated as an accident or health plan.

"(b) Long-Term Care Insurance Contract.—For purposes of this title, the term 'long-term care insurance contract' means any insurance contract if—

"(1) the only insurance protection provided under such contract is coverage of qualified long-term care services,

"(2) such contract does not cover expenses incurred for services or items to the extent that such expenses are reimbursable under title XVIII of the Social Security Act or would be so reimbursable but for the application of a deductible or coinsurance amount,

"(3) such contract is guaranteed renewable,

"(4) such contract does not have any surrender value, and

"(5) all refunds of premiums, and all policyholder dividends or similar amounts, under such contract are to be applied as a reduction in future premiums or to increase future benefits.

"(c) Qualified Long-Term Care Services.—For purposes of this section—

"(1) In general.—The term 'qualified long-term care services' means necessary diagnostic, preventive, therapeutic, and rehabilitative services, and maintenance or personal care services, which—

"(A) are required by a chronically ill individual in a qualified facility, and

"(B) are provided pursuant to a plan of care prescribed by a physician.

"(2) Chronically ill individual.—

"(A) In general.—The term 'chronically ill individual' means any individual who has been certified by a physician as—

"(i) being unable to perform (without substantial assistance from another individual) at least 2 activities of daily living (as defined in subparagraph (B)), or

"(ii) having a similar level of disability due to cognitive impairment.

"(B) Activities of daily living.—For purposes of subparagraph (A), each of the following is an activity of daily living:

"(i) Bathing.—The overall complex behavior of getting water and cleansing the whole body, including turning on the water for a bath, shower, or sponge bath, getting to, in, and out of a tub or shower, and washing and drying oneself.

"(ii) Dressing.—The overall complex behavior of getting clothes from closets and drawers and then getting dressed.

"(iii) Toileting.—The act of going to the toilet room for bowel and bladder function, transferring on and off the toilet, cleaning after elimination, and arranging clothes.

"(iv) Transfer.—The process of getting in and out of bed or in and out of a chair or wheelchair.

"(v) Eating.—The process of getting food from a plate or its equivalent into the mouth.

"(3) Qualified facility.—The term 'qualified facility' means—

"(A) a nursing, rehabilitative, hospice, or adult day care facility, including a hospital, retirement home, nursing home, skilled nursing facility, intermediate care facility, or similar institution, licensed under State law, or

"(B) an individual's home if a physician, certifies that without home care the individual would have to be cared for in a facility described in subparagraph (A), except that such home shall be treated as a qualified facility only to the extent the cost of such services is not greater than the cost of similar services provided in a facility described in subparagraph (A).

"(4) Maintenance or personal care services.—The term 'maintenance or personal care services' means any service the primary purpose of which is to provide needed assistance with any of the activities of daily living described in paragraph (2)(B).

"(5) Physician.—The term 'physician' has the meaning given to such term by section 213(d)(4).".

(b) Clerical Amendment.—The table of sections for chapter 79 of such Code is amended by inserting after the item relating to section 7702 the following new item:

"Sec. 7702A. Treatment of long-term care insurance or plans.".

SEC. 302. QUALIFIED LONG-TERM SERVICES TREATED AS MEDICAL CARE.

(a) General Rule.—Paragraph (1) of section 213(d) of the Internal Revenue Code of 1986 (defining medical care) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) for qualified long-term care services (as defined in section 7702A(c)), or".

(b) Technical Amendment.—

(1) Subparagraph (D) of section 213(d)(1) of such Code (as amended by subsection (a)) is amended by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (A), (B), and (C)".

(2) Paragraph (6) of section 213(d) of such Code is amended—

(A) by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (A), (B), and (C)", and

(B) by striking "paragraph (1)(C)" in subparagraph (A) and inserting "paragraph (1)(D)".

(3) Paragraph (7) of section 213(d) of such Code is amended by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (A), (B), and (C)".

SEC. 303. EMPLOYER PAYMENTS FOR LONG-TERM CARE INSURANCE NOT TREATED AS DEFERRED COMPENSATION.

(a) General Rule.—Subparagraph (B) of section 404(b)(2) of the Internal Revenue Code of 1986 (relating to plans providing certain deferred benefits) is amended to read as follows:

"(B) Exceptions.—

"(i) Welfare benefit funds.—Subparagraph (A) shall not apply to any benefit provided through a welfare benefit fund (as defined in section 419(e)).

"(ii) Premiums for long-term insurance contracts.—

"(I) In general.—Except as provided in subclause (II), subparagraph (A) shall not apply to any amount paid or incurred for any long-term care insurance contract.

"(II) Exception.—Subclause (I) shall not apply to any amount paid or incurred by the taxpayer during any taxable year to the extent such amount exceeds the premium which would have been payable under the contract for such year under a level premium structure.".

(b) Cafeteria Plans.—Paragraph (2) of section 125(c) of such Code (relating to deferred compensation plans excluded) is amended by adding at the end thereof the following new subparagraph:

"(D) Exception for long-term care insurance contracts.—For purposes of subparagraph (A), amounts paid or incurred for any long-term care insurance contract shall not be treated as deferred compensation to the extent section 404(b)(2)(A) does not apply to such amounts by reason of section 404(b)(2)(B)(ii).".

SEC. 304. LONG-TERM CARE INSURANCE TAX CREDIT.

(a) General Rule.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits), as amended by section 101, is amended by redesignating section 35 as section 36 and by inserting after section 34A the following new section:

"SEC. 35. LONG-TERM CARE INSURANCE CREDIT.

"(a) General Rule.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to applicable percentage of the qualified long-term care premiums paid during such taxable year.

"(b) Applicable Percentage.—For purposes of subsection (a)—

"If adjusted gross income is:	The applicable percentage is:
Less than $25,000	70
$25,000 but less than $30,000	50
$30,000 but less than $35,000	30
$35,000 but less than $40,000	10
$40,000 or more	0.

"(c) Dollar Limitation on Amount Deductible.—

"(1) In general.—The amount of the qualified long-term care premiums taken to account under subsection (a) for any taxable year shall not exceed the limitation determined under the following table:

"In the case of an individual with an attained age before the close of the taxable year of:	The limitation is:
40 or less	$600
More than 40 but not more than 50	1,200
More than 50 but not more than 60	1,800
More than 60 but not more than 70	2,400
More than 70	3,000.

In the case of a joint return, the limitation of this paragraph shall be applied separately with respect to each spouse.

"(2) Indexing.—

"(A) In general.—In the case of any taxable year beginning after December 31, 1992, each dollar amount contained in paragraph (1) shall be increased by the medical care cost adjustment for such taxable year. If any increase determined under the preceding sentence is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10.

"(B) MEDICAL CARE COST ADJUSTMENT.—For purposes of clause (i), the medical care cost adjustment for any taxable year is the percentage (if any) by which—

"(i) the medical care component of the Consumer Price Index (as defined in section 1(f)(5)) for August of the calendar year preceding the calendar year in which the taxable year begins, exceeds

"(ii) such component for August of 1991.

"(d) QUALIFIED LONG-TERM CARE PREMIUMS.—For purposes of this section, the term 'qualified long-term care premiums' means the amount paid by the taxpayer during the taxable year for any long-term care insurance contract covering the taxpayer, but only to the extent the amount so paid does not exceed the premiums which would have been payable under the contract for such taxable year under a level premium structure.

"(e) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment is made to the individual under section 304(b) of the Comprehensive American Health Care Act during any calendar year, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) Reconciliation of payments advanced and credit allowed.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under this subpart.

"(f) COORDINATION WITH MINIMUM TAX.—Rules similar to the rules of subsection (h) of section 32 shall apply to any credit to which this section applies.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) ADVANCE PAYMENTS OF CREDIT FOR SOME INDIVIDUALS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall enter into an agreement with each State to provide for advance payments of the credit provided by section 35 of the Internal Revenue Code of 1986 (as added by this subtitle) to eligible individuals in the form of certificates usable for the purchase of long-term care insurance. The certificates shall be available at such locations as the Secretary determines will ensure the widest distribution.

(2) ELIGIBLE INDIVIDUALS.—

(A) IN GENERAL.—An individual shall be eligible for advance payments described in paragraph (1) if such individual—

(i) has income for the taxable year which results in a poverty ratio of not more than 1.49, and

(ii) has filed a certificate with the Secretary of the Treasury described in subparagraph (C).

(B) POVERTY RATIO.—For purposes of subparagraph (A)(i), the poverty ratio for any individual shall be determined by dividing such individual's family income for the taxable year (as determined for purposes of title XIX of the Social Security Act) by the income official poverty line for such year (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

(C) CERTIFICATE OF ELIGIBILITY.—A certificate described in this subparagraph is a statement furnished by the individual which—

(i) certifies that the individual will be eligible to receive the credit provided by section 35 of the Internal Revenue Code of 1986 for the taxable year,

(ii) certifies that the poverty ratio of the individual for such year will be not more than 1.49,

(iii) certifies that the individual does not have another certificate with respect to such credit in effect for such year, and

(iv) estimates the amount of qualified long-term care premiums (as defined in section 35(d) of such Code) for such year.

(c) PROGRAM TO INCREASE PUBLIC AWARENESS.—Not later than the first day of the first calendar year following the date of enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, in consultation with the Secretary of Health and Human Services, shall establish a public awareness program to inform the public of the availability of the credit for long-term care insurance expenses allowed under section 35 of the Internal Revenue Code of 1986 (as added by this subtitle). Such public awareness program shall be designed to assure that individuals who may be eligible are informed of the availability of such credit and filing procedures.

(d) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Long-term care insurance credit.

"Sec. 36. Overpayments of tax.".

SEC. 305. EXEMPTION FROM 10-PERCENT ADDITIONAL TAX; CERTAIN EXCHANGES NOT TAXABLE.

(a) EXEMPTION FROM ADDITIONAL TAX.—

(1) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to additional tax not to apply to certain distributions) is amended by adding at the end thereof the following new subparagraph:

"(E) DISTRIBUTIONS USED TO PAY FOR LONG-TERM CARE INSURANCE CONTRACTS.—Any distribution made on or after the date on which the employee attains age 50 to the extent such distribution is used, not later than the day 60 days after the day on which such distribution is made, to pay premiums on a long-term care insurance contract for such employee.".

(2) TECHNICAL AMENDMENT.—Subparagraph (B) of section 72(t)(2) of such Code is amended—

(A) by striking "subparagraph (A) or (C)" and inserting "subparagraph (A), (C), or (E)",

(B) by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, any premiums paid on a long-term care insurance contract shall not be treated as paid for medical care to the extent such premiums are taken into account under subparagraph (E).".

(b) CERTAIN EXCHANGES NOT TAXABLE.—Subsection (a) of section 1035 of such Code (relating to certain exchanges of insurance contracts) is amended by striking the period at the end of paragraph (3) and inserting "; or", and by adding at the end thereof the following new paragraph:

"(4) in the case of an individual who has attained age 50, a contract of life insurance or an endowment or annuity contract for a long-term care insurance contract.".

SEC. 306. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to taxable years beginning after the date of enactment of this Act.

Subtitle B—Medicare Benefit Improvements

SEC. 311. IN-HOME RESPITE CARE FOR CERTAIN CHRONICALLY DEPENDENT INDIVIDUALS.

(a) IN GENERAL.—Section 1832(a) of the Social Security Act (42 U.S.C. 1395k(a)) is amended—

(1) in paragraph (2)(A)—

(A) by inserting "(i)" after "(A)", and

(B) by inserting before the semicolon at the end the following: ", and (ii) in-home respite care for a chronically dependent individual for up to 80 hours in any 12-month period described in section 1861(kk)(4), but not to exceed 80 hours in any calendar year"; and

(2) by adding at the end the following new sentence:

"In the case of in-home respite care (described in paragraph (2)(A)(ii)) provided to a chronically dependent individual on any day, such care provided for 3 hours or less on the day shall be counted (for purposes of the limitation in such paragraph) as 3 hours of such care.".

(b) IN-HOME RESPITE CARE FOR CHRONICALLY DEPENDENT INDIVIDUAL DEFINED.—Section 1861 of such Act (42 U.S.C. 1395x) is amended by inserting after subsection (jj) the following new subsection:

"In-Home Respite Care; Chronically Dependent Individual

"(kk)(1) The term 'in-home respite care' means the following items and services furnished, under the supervision of a registered professional nurse, to a chronically dependent individual (as defined in paragraph (2)) during the period described in paragraph (4) by a home health agency or by others under arrangements with them made by such agency in a place of residence used as such individual's home:

"(A) Services of a homemaker/home health aide (who has successfully completed a training program approved by the Secretary).

"(B) Personal care services.

"(C) Nursing care provided by a licensed professional nurse.

"(2) The term 'chronically dependent individual' means an individual who has been certified by a physician as—

"(A) being unable to perform (without substantial assistance from another individual) at least 2 activities of daily living (as defined in paragraph (3)), or

"(B) having a similar level of disability due to cognitive impairment.

"(3) The 'activities of daily living', referred to in paragraph (2), are as follows:

"(i) Eating.

"(ii) Bathing.

"(iii) Dressing.

"(iv) Toileting.

"(v) Transferring in and out of a bed or in and out of a chair.

"(4)(A) The 12-month period described in this paragraph is the 1-year period beginning on the date that the Secretary determines that a chronically dependent individual has incurred out-of-pocket part B cost sharing (as defined in paragraph (5)(A)) in an amount equal to the part B limit (as determined under paragraph (5)(B)) for the year.

"(B) In the case of an individual who qualifies under subparagraph (A) within 12 months after previously qualifying, the subsequent qualification shall begin a new 12-month period under this paragraph.

"(5) For purposes of this subsection:

"(A) The term 'out-of-pocket part B cost sharing' means, with respect to an individual covered under part B, the amounts of expenses that the individual incurs that are attributable to—

"(i) the deductions established under section 1833(b), and

"(ii) the difference between the payment amount provided under part B and the payment amount that would be provided under part B if '100 percent' and '0 percent' were substituted for '80 percent' and '20 percent', respectively, each place either appears in sections 1833(a), 1833(i)(2), 1834(c)(1)(C), 1835(b)(2), 1866(a)(2)(A), 1881(b)(2), and 1881(b)(3).

"(B)(i) The part B limit for 1992 is $1,780. The part B limit for any succeeding year shall be such an amount (rounded to the nearest multiple of $1) as the Secretary estimates, for that succeeding year, will reflect a level of out-of-pocket part B expenses that only 5.5 percent of the average number of individuals enrolled under part B (other than individuals enrolled with an eligible organization under section 1876 or an organization described in section 1833(a)(1)(A)) will equal or exceed in that succeeding year.

"(ii) Not later than September 1 of each year (beginning with 1992), the Secretary shall promulgate the part B limit under this subparagraph for the succeeding year.".

(c) PAYMENT.—Section 1833(a) of such Act (42 U.S.C. 1395l(a)) is amended—

(1) in paragraph (2), by inserting "(A)(ii)," after "subparagraphs" the first place it appears,

(2) in paragraph (3), by striking "(D)" and inserting "(A)(ii), (D),", and

(3) by adding at the end the following:

"Payment for in-home respite care for chronically dependent individuals shall be paid on the basis of an hour of such care provided. In applying paragraph (2) in the case of an organization receiving payment under clause (A) of paragraph (1) or under a reasonable cost reimbursement contract under section 1876 and providing coverage of in-home respite care, the Secretary shall provide for an appropriate adjustment in the payment amounts otherwise made to reflect the aggregate increase in payments that would otherwise be made with respect to enrollees in the organization if payments were made other than under such clause or such a contract if payments were to be made on an individual-by-individual basis.".

(d) CERTIFICATION.—Section 1835(a)(2) of such Act (42 U.S.C. 1395n(a)(2)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) in the case of in-home respite care provided to a chronically dependent individual during a 12-month period, the individual was a chronically dependent individual during the 3-month period immediately preceding the beginning of the 12-month period.".

(e) STANDARDS FOR UTILIZATION.—

(1) Section 1862(a) (42 U.S.C. 1395y(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking "and" at the end,

(ii) in subparagraph (F), by striking the semicolon at the end and inserting ", and", and

(iii) by adding at the end the following new subparagraph:

"(G) in the case of in-home respite care for chronically dependent individuals, which is not reasonable and necessary to assure the health and condition of the individual is maintained in the individual's noninstitutional residence;"; and

(B) in paragraph (6), by inserting "and except, in the case of in-home respite care, as is otherwise permitted under paragraph (1)(G)" after "paragraph (1)(C)".

(2) The Secretary of Health and Human Services shall take appropriate efforts to assure the quality, and provide for appropriate utilization of, in-home respite care for chronically dependent individuals under the amendments made by this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 1992.

SEC. 312. COVERAGE OF HOME INTRAVENOUS DRUG THERAPY SERVICES.

(a) IN GENERAL.—Section 1832(a)(2)(A) of the Social Security Act (42 U.S.C. 1395k(a)(2)(A)), as amended by section 311(a) of this Act, is further amended—

(1) by striking ", and (ii)" and inserting ", (ii)"; and

(2) by striking "calendar year" before the semicolon and inserting ", calendar year, and (iii) home intravenous drug therapy services".

(b) HOME INTRAVENOUS DRUG THERAPY SERVICES DEFINED.—Section 1861 of such Act (42 U.S.C. 1395x), as amended by section 311(b) of this Act, is further amended by adding at the end the following new subsection:

"Home Intravenous Drug Therapy Services

"(ll)(1) The term 'home intravenous drug therapy services' means the items and services described in paragraph (2) furnished to an individual who is under the care of a physician—

"(A) in a place of residence used as such individual's home;

"(B) by a qualified home intravenous drug therapy provider (as defined in paragraph (4)) or by another person under arrangements with such person made by such provider; and

"(C) under a plan established and periodically reviewed by a physician.

"(2) The items and services described in this paragraph are such nursing, pharmacy, and related services and products (including pharmaceutical products, medical supplies, intravenous fluids, delivery, and equipment) as are necessary to conduct safely and effectively an intravenously administered drug regimen through use of a covered home intravenous drug.

"(3)(A) The term 'covered home intravenous drug' means an approved drug dispensed to an individual that the Secretary of Health and Human Services has determined can generally be administered safely and effectively in a home setting.

"(B) Not later than January 1, 1992, and periodically thereafter, the Secretary shall publish a list of covered home intravenous drugs that may be used in conjunction with the provision of home intravenous drug therapy services under this title.

"(4) The term 'qualified home intravenous drug therapy provider' means any entity that the Secretary determines meets the following requirements:

"(i) The entity is capable of providing or arranging for the items and services described in paragraph (2) of this subsection and covered home intravenous drugs.

"(ii) The entity maintains clinical records for each patient.

"(iii) The entity adheres to written protocols and policies with respect to the provision of items and services.

"(iv) The entity makes services available, as needed, 7 days a week on a 24-hour basis.

"(v) The entity coordinates all services provided to a patient with the physician of such patient.

"(vi) The entity conducts a quality assessment and assurance program, including a drug regimen review and the coordination of patient care.

"(vii) The entity assures that only trained personnel provide—

"(A) covered home intravenous drugs; and

"(B) any other service for which training is required to safely provide the service.

"(viii) The entity assumes responsibility for the quality of services provided by another person under arrangements with a State agency (or the appropriate agency or department of a political subdivision of a State) or the entity.

"(ix) In the case where the State or a political subdivision of the State in which the entity operates has a licensing program applicable to such entity, such entity—

"(A) is licensed pursuant to applicable laws; or

"(B) has been approved by the State agency or department (or the appropriate agency or department of the political subdivision of the State) responsible for conducting such licensing program as meeting the standards for licensing under such program.

"(x) The entity meets such other requirements as the Secretary may determine are necessary to assure the safe and effective provision of home intravenous drug therapy services and the efficient administration of such services under this title.".

(c) PAYMENT.—

(1) IN GENERAL.—Part B of title XVIII of such Act (42 U.S.C. 1395j et seq.) is amended—

(A) in section 1833—

(i) in paragraph (2) of subsection (a)—

(I) in subparagraph (D), by striking "and" at the end of the subparagraph;

(II) in subparagraph (E), by striking the semicolon and inserting "; and"; and

(III) by adding at the end of the paragraph the following new subparagraph:

"(F) with respect to home intravenous drug therapy services, the amounts described in section 1834(d)(1);"; and

(ii) in subsection (b) of such section, by striking "services, (3)" and inserting "services and home intravenous drug therapy services, (3)"; and

(B) by adding at the end of section 1834, the following new subsection:

"(d) HOME INTRAVENOUS DRUG THERAPY SERVICES.—

"(1) IN GENERAL.—With respect to home intravenous drug therapy services, payment under this part shall be made in an amount equal to the lesser of the actual charges for such services or the fee determined under the fee schedule established under paragraph (2).

"(2) ESTABLISHMENT OF FEE SCHEDULE.—Not later than January 1, 1992, and annually thereafter, the Secretary shall establish by regulation, with respect to each calendar year, a fee schedule for home intravenous drug therapy services for which payment is made under this part. Each fee schedule established under this subsection shall be on a illness-specific basis.".

(d) CERTIFICATION.—

(1) IN GENERAL.—Section 1835(a)(2) of such Act (42 U.S.C. 1395n(a)(2)), as amended by section 311(d) of this Act, is further amended—

(A) by striking "and" at the end of subparagraph (F);

(B) by inserting "and" at the end of subparagraph (G); and

(C) by inserting after subparagraph (G) the following new subparagraph:

"(H) in the case of home intravenous drug therapy services—

"(i) such services are or were required because the individual needed such services for the administration of a covered home intravenous drug;

"(ii) a plan for furnishing such services has been established and is reviewed periodically by a physician;

"(iii) such services are or were furnished while the individual is or was under the care of a physician;

"(iv) such services are administered in a place or residence used as the home of such individual; and

"(v) with respect to such services initiated before January 1, 1994, such services have been reviewed and approved by a utilization and peer review organization under section 1154(a)(16) before the date such services were initiated (or, in the case of services initiated on an outpatient basis, within 1 working day (as used in section 1154) of the date of initiation of the services, except in exceptional circumstances, as determined by the Secretary).".

(2) PRIOR APPROVAL REQUIRED.—Section 1154(a) of such Act (42 U.S.C. 1320-c3(a)), is amended by adding at the end the following new paragraph:

"(16) The organization shall conduct a review described in paragraph (1) with respect to home intravenous drug therapy services (as defined in section 1861(ll)(1)) initiated before January 1, 1994, within 1 working day of the date of the receipt of a request for such review. The Secretary shall establish criteria to be used by the organization in conducting a review of the appropriateness of home intravenous drug therapy services pursuant to this paragraph.".

(e) CERTIFICATION OF HOME INTRAVENOUS DRUG THERAPY PROVIDERS; INTERMEDIATE SANCTIONS FOR NONCOMPLIANCE.—

(1) TREATMENT AS PROVIDER OF SERVICES.—Section 1861(u) of such Act (42 U.S.C. 1395x(u)) is amended by inserting "qualified home intravenous drug therapy provider," after "hospice program,".

(2) CONSULTATION WITH STATE AGENCIES AND OTHER ORGANIZATIONS.—Section 1863 of such Act (42 U.S.C. 1395z), is amended by striking "and (dd)(2)" and inserting "(dd)(2), and (ll)(4)".

(3) USE OF STATE AGENCIES IN DETERMINING COMPLIANCE.—Section 1864(a) of such Act (42 U.S.C. 1395aa(a)), as amended by section 4163(c)(2) of the Omnibus Budget Reconciliation Act of 1990, is amended—

(A) in the first sentence, by inserting "or a qualified home intravenous drug therapy provider," after "hospice program", and

(B) in the second sentence, by striking "or hospice program" and inserting "hospice program, or qualified home intravenous drug therapy provider".

(4) APPLICATION OF INTERMEDIATE SANCTIONS.—Section 1846 of such Act (42 U.S.C. 1395w-2), as amended by section 4154(e)(2) of the Ominibus Budget Reconciliation Act of 1990, is amended—

(A) in the heading, by adding at the end "AND FOR QUALIFIED HOME INTRAVENOUS DRUG THERAPY PROVIDERS";

(B) in subsection (a), by inserting "or that a qualified home intravenous drug therapy provider that is certified for participation under this title no longer substantially meets the requirements described in clauses (i) through (x) of section 1861(ll)(4)" after "under this part"; and

(C) in subsection (b)(2)(A)(iv), by inserting "or home intravenous drug therapy service" after "clinical diagnostic laboratory tests".

(f) USE OF REGIONAL INTERMEDIARIES IN ADMINISTRATION OF BENEFIT.—Section 1816 of such Act (42 U.S.C. 1395h) is amended by adding at the end the following new subsection:

"(k) With respect to carrying out functions relating to payment for home intravenous drug therapy services, the Secretary may enter into contracts with agencies or organizations under this section to perform such functions on a regional basis.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 1992.

SEC. 313. EXTENDING HOME HEALTH SERVICES.

(a) IN GENERAL.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended by adding at the end the following new sentence: "For purposes of paragraphs (1) and (4) and sections 1814(a)(2)(C) and 1835(a)(2)(A), nursing care and home health aide services shall be considered to be provided or needed on an 'intermittent' basis if they are provided or needed less than 7 days each week and, in the case they are provided or needed for 7 days each week, if they are provided or needed for a period of up to 38 consecutive days.".

(b) PAYMENT UNDER PART B.—Section 1833(d) of such Act (42 U.S.C. 1395l(d)) is amended—

(1) by striking "(d) No payment" and inserting "(d)(1) Except as provided in paragraph (2), no payment"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of home health services furnished to an individual enrolled under this part for which payment is made only as a result of the application of the last sentence of section 1861(m), payment shall be made under this part.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished in cases of initial periods of home health services beginning on or after January 1, 1992.

Subtitle C—Senior Health Insurance Consumer Protection

SEC. 321. CERTIFICATION OF HEALTH INSURANCE POLICIES FOR THE ELDERLY.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereinafter referred to as the "Secretary") shall no later than 90 days after the date of enactment of this Act establish a procedure whereby health insurance policies for the elderly may be certified by the Secretary as meeting minimum standards and requirements set forth in subsection (b). Such certification shall remain in effect if the insurer files a notarized statement with the Secretary no later than June 30 of each year stating that the policy continues to meet such standards and requirements and if the insurer submits such additional data as the Secretary finds necessary to verify independently the accuracy of such notarized statement. Where the Secretary determines such policy meets (or continues to meet) such standards and requirements, he shall authorize the insurer to have printed on such policy (but only in accordance with such requirements and conditions as the Secretary may require) an emblem which the Secretary shall cause to be designed for use as an indication that a policy has received the Secretary's certification. The Secretary shall provide each State commissioner or superintendent of insurance with a list of all the policies which have received his certification.

(b) CERTIFICATION AND REQUIREMENTS.—The Secretary shall certify under this section any health insurance policies for the elderly, or continue certification of such a policy, only if he or she finds that such policy—

(1) meets or exceeds the National Association of Insurance Commissioners Model Act Standards;

(2) is guaranteed to be renewable on the basis of the same premium rate (or, if a different rate, a rate that is adjusted on a class basis);

(3) limits the exclusion of preexisting conditions in accordance with regulations prescribed by the Secretary;

(4) allows purchasers 30 days to rescind their purchase of the policy;

(5) provides that policies of such health insurance be written in simplified language which can be understood by purchasers, as specified in regulations prescribed by the Secretary; and

(6) meets or exceeds such other requirements as the Secretary (in consultation with State commissioners or superintendents of insurance) shall by regulation prescribe.

(c) STUDY AND REPORT.—The Secretary shall 3 years after the date of enactment of this Act conduct a study and issue a report to Congress on health insurance policies for the elderly. Such study and report shall be conducted and issued no later than 6 months after the 3-year period commencing after the date of enactment of this Act.●

By Mr. MITCHELL (for himself, Mr. CHAFEE, and Mr. LAUTENBERG):

S. 455. A bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors; to the Committee on Environment and Public Works.

INDOOR AIR QUALITY ACT OF 1991

Mr. MITCHELL. Mr. President, today I am reintroducing legislation to address the significant threats to human health posed by exposure to contaminants in the air indoors.

This legislation, titled the "Indoor Air Quality Act," was passed by the Senate in the last Congress. Comparable legislation was introduced in the House by Representative KENNEDY but did not reach the House floor for consideration.

I am very pleased that Senator CHAFEE, the ranking Republican member of the Environment and Public Works Committee, and Senator LAUTENBERG, the chairman of the subcommittee with jurisdiction over this bill, have joined me in introducing this important legislation. With their help, and the help of the many other Senators who have worked on and supported this legislation, I am confident that we will be able to enact indoor air legislation in this Congress.

Most Americans spend up to 90 percent of the day indoors and have a significant exposure to contaminants in the air in homes, schools, workplaces, and other buildings.

Indoor air contaminants include radon, asbestos, volatile organic chemicals, combustion by-products, environmental tobacco smoke, biological contaminants, and respirable particles.

There is growing evidence that exposure to contaminants in the air indoors is a deadly serious problem.

The Environmental Protection Agency submitted a four-volume report to Congress in August 1989 describing the indoor air quality problem which concludes that, while additional research is needed—

> Indoor air pollution represents a major portion of the public's exposure to air pollution and may pose serious acute and chronic health risks. This evidence warrants an expanded effort to characterize and mitigate this exposure.

The report further notes—

> The information available suggests that exposure to indoor air pollutants poses a significant health threat to the domestic population.

The foundation for these conclusions is a series of EPA research projects which, taken together, offer compelling documentation of the serious health threats posed by indoor air contaminants.

In June 1987, the EPA published results of a major, multi-year research effort addressing total exposure to air pollutants. The report states—

> The major finding of this study is the observation that personal and indoor exposures to these toxic and carcinogenic chemicals are nearly always greater—often much greater—than outdoor concentrations. We are led to the conclusion that indoor air in the home and at work far outweighs outdoor air as a route of exposure to these chemicals.

The EPA completed a major study of indoor air quality in public buildings in September 1988. The report from this study concluded—

> VOCs (volatile organic chemicals) are ubiquitous indoors. About 500 different chemicals were identified in just four buildings * * * Almost every pollutant was at higher levels indoors than out.

In December of 1988, the EPA published the results of studies of environmental priority setting in three regions of the country. The report concludes—

> Risk associated within most environmental problems does not differ much across the (geographic) areas studied. For example, indoor air pollution consistently causes greater health risks than hazardous waste sites whether one is concerned with New England, the Middle Atlantic region, or the Pacific Northwest. Such consistent findings should play an important role in setting national environmental priorities.

Some of the health effects of exposure to indoor air contaminants include lung cancer, reduced heart function, developmental effects, mutagenicity, respiratory illness, and skin and eye irritation.

A single indoor air contaminant, radon gas, is estimated by the EPA to cause up to 16,000 lung cancer deaths each year. The EPA report to Congress cites studies estimating that between 1,000 and 5,000 lung cancer deaths each year are due to indoor exposure to 6 specific volatile organic chemicals. The report also cites studies estimating an additional 2,500 to 5,200 deaths each year from exposure to environmental tobacco smoke.

Illnesses caused by indoor air contaminants take a toll in death, suffering, and discomfort. These illnesses, however, also have a cost to society in the form of increased medical expenses, increased sick leave, and declines in worker productivity.

The EPA report to Congress provides a detailed review of the health effects of indoor air contaminants. It places the direct medical costs associated with only a select group of contaminants at over $1 billion a year.

When the costs of increased sick leave and reduced productivity associated with these illnesses are considered, costs to society of indoor air pollution climb even higher. The EPA report provides a conservative estimate of lost productivity costs at between $4.4 and $5.4 billion a year.

In summarizing the overall costs of indoor air pollution, the EPA report concludes—

> Many costs of indoor air pollution have not been calculated. Nevertheless, because of the large number of people and buildings potentially affected, as well as the wide range of effects for which there is a cost component, it is reasonable to conclude that the aggregate costs of indoor air pollution amount to tens of billion of dollars per year.

For the past several years, I have worked with Senator CHAFEE, Senator LAUTENBERG, and other members of the Environment Committee to document the health effects and the costs of indoor air contamination and to develop legislation to reduce exposure to these contaminants.

In April 1987, I chaired hearings of the Subcommittee on Environmental Protection addressing the health effects of indoor air contaminants. Additional hearings were held in 1989. Based on these hearings, I worked with other Senators to develop the Indoor Air Quality Act. This legislation passed the Senate in September 1990.

A key objective of the bill is to expand and strengthen research of indoor air contaminants. The bill establishes a comprehensive research program for indoor air quality, describes basic research authorities, and creates a grant program for development of indoor air control technology.

The bill calls for programs to reduce indoor air contaminants in various types of buildings. It provides for the development of building technology and management practice bulletins identifying measures to reduce exposure to indoor air contaminants. It establishes training courses for building managers and calls for a national study of ventilation standards.

The bill establishes health advisories to assess the health risks posed by specific indoor air contaminants at a range of concentrations. This information will help the Federal Government focus its efforts on the most serious contaminants and avoid duplication of State research and assessment efforts. I want to stress that the bill does not provide for setting enforceable standards for indoor air contaminants.

A key provision of the bill directs the Environmental Protection Agency to develop a national response plan. The plan, which focuses and directs the relevant authorities which exist in current statutes, is intended to identify contaminants of concern and specify actions to reduce exposures. I want to point out that the bill provides no new authority to regulate indoor air contaminants beyond the authorities which already exist in current statutes and regulations.

Another key objective of the bill is to demonstrate very basic indoor air quality management strategies and assessments at the State level. States have the option of applying for grant assistance to develop programs in this area. States also may apply for grant assistance to respond to specific indoor air contaminants in selected geographic areas of a State.

States have proven to be essential partners in implementing many of our environmental programs. I hope that this provision of the bill will foster an improved understanding of the role of State governments in responding to indoor air quality problems.

The bill also addresses the problem of coordination of indoor air quality activities among Federal agencies. The nature of indoor air pollution problems requires that a wide range of Federal agencies participate in assessment and control efforts. The bill establishes a Council on Indoor Air Quality to oversee the indoor air activities of various Federal agencies.

The bill also expands the authority of the National Institute for Occupational Safety and Health [NIOSH] to conduct assessments of sick buildings. This expanded effort will help develop the most effective measures to identify the causes of sick building syndrome and the most effective measures to mitigate these problems.

I urge all my colleagues to join me in supporting this important legislation. With your support, we can assure that Americans have clean, safe air to breathe indoors as well as outdoors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. TITLE.—(a) This Act, together with the following table of contents, may be cited as the "Indoor Air Quality Act of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Definitions.
Sec. 5. Indoor air quality research.
Sec. 6. Management practices and ventilation standards.
Sec. 7. Indoor air contaminant health advisories.
Sec. 8. National indoor air quality response plans.
Sec. 9. Federal building response plan and demonstration program.
Sec. 10. State indoor air quality programs.
Sec. 11. Office of Indoor Air Quality.
Sec. 12. Council on Indoor Air Quality.
Sec. 13. Indoor air quality information clearinghouse.
Sec. 14. Building assessment demonstration.
Sec. 15. State and Federal authority.
Sec. 16. Authorizations.

FINDINGS

SEC. 2. The Congress finds that—

(1) Americans spend up to 90 per centum of a day indoors and, as a result, have a significant potential for exposure to contaminants in the air indoors;

(2) exposure to indoor air contamination occurs in workplaces, schools, public buildings, residences, and transportation vehicles;

(3) recent scientific studies indicate that pollutants in the indoor air include radon, asbestos, volatile organic chemicals (including, formaldehyde and benzene), combustion byproducts (including, carbon monoxide and nitrogen oxides), metals and gases (including, lead, chlorine, and ozone), respirable particles, biological contaminants, microorganisms, and other contaminants;

(4) a number of contaminants found in both ambient air and indoor air may occur at higher concentrations in indoor air than in outdoor air;

(5) indoor air pollutants pose serious threats to public health (including cancer, respiratory illness, multiple chemical sensitivities, skin and eye irritation, and related effects);

(6) up to 15 per centum of the United States population may have heightened sensitivity to chemicals and related substances found in the air indoors;

(7) radon is among the most harmful indoor air pollutants and is estimated to cause between five thousand and twenty thousand lung cancer deaths each year;

(8) other selected indoor air pollutants are estimated to cause between three thousand five hundred and six thousand five hundred additional cancer cases per year;

(9) indoor air contamination is estimated to cause significant increases in medical costs and declines in work productivity;

(10) as many as 20 per centum of office workers may be exposed to environmental conditions manifested as "sick building syndrome";

(11) sources of indoor air pollution include conventional ambient air pollution sources, building materials, consumer and commercial products, combustion appliances, indoor application of pesticides and other sources;

(12) there is not an adequate effort by Federal agencies to conduct research on the seriousness and extent of indoor air contamination, to identify the health effects of indoor air contamination, and to develop control technologies, education programs, and other methods of reducing human exposure to such contamination;

(13) there is not an adequate effort by Federal agencies to develop response plans to reduce human exposure to indoor air contaminants and there is a need for improved coordination of the activities of these agencies;

(14) there is not an adequate effort by Federal agencies to develop methods, techniques, and protocols for assessment of indoor air contamination in non-residential, non-industrial buildings and to provide guidance on measures to respond to contamination; and

(15) State governments can make significant contributions to the effective reduction of human exposure to indoor air contaminants and the Federal Government should assist States in development of programs to reduce exposures to these contaminants.

PURPOSE

SEC. 3. The purposes of this Act are to—

(1) develop and coordinate through the Environmental Protection Agency and at other departments and agencies of the United States a comprehensive program of research and development concerning the seriousness and extent of indoor air contamination, the human health effects of indoor air contaminants, and the technological and other methods of reducing human exposure to such contaminants;

(2) establish a process whereby the existing authorities of Federal statutes will be directed and focused to assure the full and effective application of these authorities to reduce human exposure to indoor air contaminants where appropriate;

(3) provide support to State governments to demonstrate and develop indoor air quality management strategies, assessments, and response programs; and

(4) to authorize activities to assure the general coordination of indoor air quality-related activity, to provide for reports on indoor air quality to Congress, to provide for assessments of indoor air contamination in specific buildings by the National Institute for Occupational Safety and Health, to assure that data and information on indoor air quality issues is available to interested parties, to provide training, education, information, and technical assistance to the public and private sector, and for other purposes.

DEFINITIONS

SEC. 4. For the purposes of this Act, the term—

(1) "Agency" means the United States Environmental Protection Agency;

(2) "indoor" refers to the enclosed portions of buildings including non-industrial workplaces, public buildings, Federal buildings, schools, commercial buildings, residences, and the occupied portions of vehicles;

(3) "indoor air contaminant" means any solid, liquid, semisolid, dissolved solid, biological organism, aerosol, or gaseous material, including combinations or mixtures of substances in indoor air which may reasonably be anticipated to have an adverse effect on human health;

(4) "Federal agency" or "agency of the United States" means any department, agency or other instrumentality of the Federal Government, including any independent agency or establishment of the Federal Government or government corporation;

(5) "Federal building" means any building which is used primarily as an office building, school, hospital, or residence that is owned, leased, or operated by any Federal agency and is over ten thousand square feet in area and any building occupied by the Library of Congress;

(6) "Administrator" means the Administrator of the Environmental Protection Agency;

(7) "Administration" means the Occupational Safety and Health Administration;

(8) "Director" means the Director of the National Institute of Occupational Safety and Health;

(9) "local education agency" means any educational agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381); and

(10) "local air pollution control agency" means any city, county, or other local government authority charged with the responsibility for implementing programs or enforcing ordinances or laws relating to the prevention and control of air pollution including indoor air pollution.

INDOOR AIR QUALITY RESEARCH

SEC. 5. (a) AUTHORITY.—(1) The Administrator shall, in coordination with other appropriate Federal agencies, establish a national research, development, and demonstration program to assure the quality of air indoors and as part of such program shall promote the coordination and acceleration of research, investigations, experiments, demonstrations, surveys, and studies relating to the causes, sources, effects, extent, prevention, detection, and correction of contamination of indoor air.

(2) In carrying out the provisions of this section, the Administrator is authorized, subject to the availability of appropriation to—

(A) collect and make available to the public through publications and other appropriate means, the results of research, development and demonstration activities conducted pursuant to this section;

(B) conduct research, development and demonstration activities and cooperate with other Federal agencies, with State and local government entities, interstate and regional agencies, other public agencies and authorities, nonprofit institutions and organizations and other persons in the preparation and conduct of such research, development and demonstration activities;

(C) make grants to the States or to local government entities, to other public agencies and authorities, to nonprofit institutions and organizations, and to other persons;

(D) enter into contracts or cooperative agreements with public agencies and authorities, nonprofit institutions and organizations, and other persons;

(E) conduct studies, including epidemiological studies, of the effects of indoor air contaminants or potential contaminants on mortality and morbidity and clinical and laboratory studies on the immunologic, biochemical, physiological, and toxicological effects including the carcinogenic, teratogenic, mutagenic, cardiovascular, and neurotoxic effects of indoor air contaminants or potential contaminants;

(F) develop and disseminate informational documents on indoor air contaminants describing the nature and characteristics of such contaminants in various concentrations;

(G) develop effective and practical processes, protocols, methods, and techniques for the prevention, detection, and correction of indoor air contamination and work with the private sector, other governmental entities, and schools and universities to encourage the development of innovative techniques to improve indoor air quality;

(H) construct such facilities and staff and equip them as may be necessary to carry out the provisions of this section;

(I) call conferences concerning the potential or actual contamination of indoor air giving opportunity for interested persons to be heard and present papers at such conferences;

(J) utilize, on a reimbursable basis, facilities and personnel of existing Federal scientific laboratories and research centers; and

(K) acquire secret processes, technical data, inventions, patent applications, patents, licenses, and an interest in lands, plants, equipment and facilities and other property rights, by purchase, license, lease, or donation. If the Administrator expects or intends that research pursuant to this subsection will primarily affect worker safety and health, he shall consult with the Assistant Secretary of Occupational Safety and Health and the Director.

(b) PROGRAM REQUIREMENTS.—The Administrator, in coordination with other appropriate Federal agencies, shall conduct, assist, or facilitate research, investigations, studies, surveys, or demonstrations with respect to, but not limited to, the following—

(1) the effects on human health of contaminants or combinations of contaminants at various levels whether natural or anthropogenic including additive, cumulative, and synergistic effects on populations both with and without heightened sensitivity that are found or are likely to be found in indoor air;

(2) the exposure of persons to contaminants that are found in indoor air (including exposure to such substances from sources other than indoor air contamination including drinking water, diet, or other exposures);

(3) the identification of populations at increased risk of illness from exposure to indoor air contaminants and assessment of the extent and characteristics of such exposure;

(4) the exposure of persons to contaminants in different building classes or types, and in vehicles, and assessment of the association of particular contaminants and particular building classes or types and vehicles;

(5) identification of building classes or types and design features or characteristics which increase the likelihood of exposure to indoor air contaminants;

(6) identification of the sources of indoor air contaminants including association of contaminants with outdoor sources, building or vehicle design, classes or types of products, building management practices, equipment operation practices, building materials, and related factors;

(7) assessment of relationships between contaminant concentration levels in ambient air and the contaminant concentration levels in the indoor air;

(8) development of methods and techniques for characterizing and modeling indoor air movement and flow within buildings or vehicles, including the transport and dispersion of contaminants in the indoor air;

(9) assessment of the fate, including degradation and transformation, of particular contaminants in indoor air;

(10) development of methods and techniques to characterize the association of contaminants, the levels of contaminants, and the potential for contamination of new construction with climate, building location, seasonal change, soil and geologic formations, and related factors;

(11) assessment of indoor air quality in facilities of local education agencies and buildings housing child care facilities and development of measures and techniques for control of indoor air contamination in such buildings;

(12) development of protocols, methods, techniques and instruments for sampling indoor air to determine the presence and level of contaminants including sample collection and the storage of samples before analysis and development of methods to improve the efficiency and reduce the cost of analysis;

(13) development of air quality sampling methods and instruments which are inexpensive and easy to use and may be used by the general public;

(14) development of control technologies, building design criteria, and management practices to prevent the entrance of contaminants into buildings or vehicles (for example, air intake protection, sealing, and related measures) and to reduce the concentrations of contaminants indoors (for example, control of emissions from internal sources of contamination, improved air exchange and ventilation, filtration, and related measures);

(15) development of materials and products which may be used as alternatives to materials or products which are now in use and which contribute to indoor air contamination;

(16) development of equipment and processes for removal of contaminants from the indoor air;

(17) research, to be carried out principally by the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health, for the purpose of assessing—

(A) the exposure of workers to indoor air contaminants including assessment of resulting health effects; and

(B) the costs of declines in productivity, sick time use, increased use of employer-paid health insurance, and worker compensation claims;

(18) research, to be carried out in conjunction with the Secretary of Housing and Urban Development, and the Secretary of the Department of Energy for the purpose of developing—

(A) methods for assessing the potential for radon contamination of new construction, including (but not limited to) consideration of the moisture content of soil, permeability of soil, and radon content of soil; and

(B) design measures to avoid indoor air pollution, and

(19) research, to be carried out in conjunction with the Secretary of Transportation, for the purposes of—

(A) assessing the potential for indoor air contamination in public and private transportation; and

(B) designing measures to avoid such indoor air contamination.

(c) TECHNOLOGY DEMONSTRATION PROGRAM.—(1) The Administrator may enter into cooperative agreements or contracts, or provide financial assistance in the form of grants, to public agencies and authorities, nonprofit institutions and organizations, employee advocate organizations, local educational institutions, or other persons, to demonstrate practices, methods, technologies, or processes which may be effective in controlling sources or potential sources of indoor air contamination, preventing the occurrence of indoor air contamination, and reducing exposures to indoor air contamination.

(2) The Administrator may assist demonstration activities under paragraph (1) of this subsection only if—

(A) such demonstration activity will serve to demonstrate a new or significantly improved practice, method, technology or process or the feasibility and cost effectiveness of an existing, but unproven, practice, method, technology, or process and will not duplicate other Federal, State, local, or commercial efforts to demonstrate such practice, method, technology, or process;

(B) such demonstration activity meets the requirements of this section and serves the purposes of this Act;

(C) the demonstration of such practice, technology, or process will comply with all other laws and regulations for the protection of human health, welfare, and the environment; and

(D) in the case of a contract or cooperative agreement, such practice, method, technology, or process would not be adequately demonstrated by State, local, or private persons or in the case of an application for financial assistance by a grant, such practice, method, technology, or process is not likely to receive adequate financial assistance from other sources.

(3) The demonstration program established by this subsection shall include solicitations for demonstration projects, selection of suitable demonstration projects from among those proposed, supervision of such demonstration projects, evaluation and publication of the results of demonstration projects, and dissemination of information on the effectiveness and feasibility of the practices, methods, technologies and processes which are proven to be effective.

(4) Within one hundred and eighty days after the date of enactment of this Act, and no less often than every twelve months thereafter, the Administrator shall publish a solicitation for proposals to demonstrate, prototype or at full-scale, practices, methods, technologies, and processes which are (or may be) effective in controlling sources or potential sources of indoor air contaminants. The solicitation notice shall prescribe the information to be included in the proposal, including technical and economic information derived from the applicant's own research and development efforts, and other information sufficient to permit the Administrator to assess the potential effectiveness and feasibility of the practice, method, technology, or process proposed to be demonstrated.

(5) Any person and any public or private nonprofit entity may submit an application to the Administrator in response to the solicitations required by paragraph (4) of this section. The application shall contain a proposed demonstration plan setting forth how and when the project is to be carried out and such other information as the Administrator may require.

(6) In selecting practices, methods, technologies or processes to be demonstrated, the Administrator shall fully review the applications submitted and shall evaluate each project according to the following criteria—

(A) the potential for the proposed practice, method, technology, or process to effectively control sources or potential sources of contaminants which present risks to human health;

(B) the consistency of the proposal with the recommendations provided pursuant to paragraph (8) of section 8(d);

(C) the capability of the person or persons proposing the project to successfully complete the demonstration as described in the application;

(D) the likelihood that the demonstrated practice, method, technique, or process could be applied in other locations and circumstances to control sources or potential sources of contaminants, including considerations of cost, effectiveness, and technological feasibility;

(E) the extent of financial support from other persons to accomplish the demonstration as described in the application; and

(F) the capability of the person or persons proposing the project to disseminate the results of the demonstration or otherwise make the benefits of the practice, method, or technology widely available to the public in a timely manner.

(7) The Administrator shall select or refuse to select a project for demonstration under this subsection in an expeditious manner. In the case of a refusal to select a project, the Administrator shall notify the applicant of the reasons for the refusal.

(8) Each demonstration project under this section shall be performed by the applicant, or by a person satisfactory to the applicant, under the supervision of the Administrator. The Administrator shall enter into a written agreement with each applicant granting the Administrator the responsibility and authority for testing procedures, quality control, monitoring, and other measurements necessary to determine and evaluate the results of the demonstration project.

(9) The Administrator shall enter into arrangements, wherever practicable and desirable, to provide for monitoring testing procedures, quality control, and such other measurements necessary to evaluate the results of demonstration projects or facilities intended to control sources or potential sources of contaminants.

(10) Each demonstration project under this section shall be completed within such time as is established in the demonstration plan. The Administrator may extend any deadline established under this subsection by mutual agreement with the applicant concerned.

(11) Total Federal funds for any demonstration project under this section shall not exceed 75 per centum of the total cost of such project. In cases where the Administrator determines that research under this section is of a basic nature which would not otherwise be undertaken, or the applicant is a local educational agency, the Administrator may approve grants under this section with a matching requirement other than that specified in this subsection, including full Federal funding.

(12) The Administrator shall, from time to time, publish general reports describing the findings of demonstration projects conducted pursuant to this section. Such reports shall be provided to the Indoor Air Quality Information Clearinghouse provided for in section 13 of this Act.

(d) ASSESSMENT OF SCHOOLS AND CHILD CARE FACILITIES.—(1) The Administrator shall conduct a national assessment of the seriousness and extent of indoor air contamination in buildings owned by local educational agencies and child care facilities.

(2) The Administrator shall establish an advisory group made up of representatives of school administrators, teachers, child care organizations, parents and service employees and other interested parties, including scientific and technical experts familiar with indoor air pollution exposures, effects, and controls, to provide guidance and direction in the development of the national assessment.

(3) The Administrator shall provide a report to Congress of the results of the national assessment not later than two years after the date of enactment of this Act. The report required by this paragraph shall provide such recommendations for activities or programs to reduce and avoid indoor air contamination in buildings owned by local educational agencies and in child care facilities as the Administrator determines to be appropriate.

(e) REPORT TO CONGRESS.—The Administrator shall, within twenty-four months of the date of enactment of this Act, prepare and submit to the Congress a report reviewing and assessing issues related to chemical sensitivity disorders, including multiple chemical sensitivities. The Advisory Committee established pursuant to subsection 7(c) of this Act shall review and comment on the report prior to submittal to the Congress.

(f) CLARIFICATION OF AUTHORITY.—Title IV of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 7401 note) is repealed.

MANAGEMENT PRACTICES AND VENTILATION STANDARDS

SEC. 6. (a) TECHNOLOGY AND MANAGEMENT PRACTICE ASSESSMENT BULLETINS.—(1) The Administrator shall publish bulletins providing an assessment of technologies and management practices for the control and measurement of contaminants in the air indoors.

(2) Bulletins published pursuant to this subsection shall, at a minimum—

(A) describe the control or measurement technology or practice;

(B) describe the effectiveness of the technology or practice in control or measurement of indoor air contaminants and, to the extent feasible, the resulting reduction in risk to human health;

(C) assess the feasibility of application of the technology or practice in buildings of different types, sizes, ages, and designs;

(D) assess the cost of application of the technology or practice in buildings of different types, sizes, ages, and designs, including capital and operational costs; and

(E) assess any risks to human health that such technology or practice may create.

(3) The Administrator shall establish and utilize a standard format for presentation of the technology and management practice assessment bulletins. The format shall be designed to facilitate assessment of technologies or practices by interested parties, including homeowners and building owners and managers.

(4) The Administrator shall provide that bulletins published pursuant to this subsection shall be published on a schedule consistent with the publication of health advisories pursuant to subsection 7(b) of this Act to the extent practicable.

(5) In development of bulletins pursuant to this subsection, the Administrator shall provide for public review and shall consider public comment prior to publication of bulletins. Where the technology or management practice is expected to have significant implications for worker safety or health, the Administrator shall consult with the Director prior to seeking review and comment.

(6) Bulletins published pursuant to this subsection shall be provided to the Indoor Air Quality Information Clearinghouse provided for in section 13 of this Act and, to the extent practicable, shall be made available to architecture, design, and engineering firms and building owners and managers and to organizations representing such parties.

(b) MODEL BUILDING MANAGEMENT PRACTICES TRAINING.—(1) Within twelve months of the date of enactment of this Act, the Director of the National Institute of Occupational Safety and Health, in consultation with the Administrator of the General Services Administration and the Administrator, shall develop an indoor air training course providing training in—

(A) principles, methods, and techniques related to ventilation system operation and maintenance including applicable ventilation guidelines and standards;

(B) maintenance of records concerning indoor air quality, including maintenance of ventilation systems, complaints of indoor air quality, and actions taken to address indoor air quality problems;

(C) health threats posed by indoor air pollutants, including a knowledge of health advisories published pursuant to this Act and other information concerning contaminant levels;

(D) identification of potential indoor air pollutant sources and options for reducing exposures to contaminants;

(E) special measures which may be necessary to reduce indoor air contaminant exposures in new buildings and in portions of buildings which have been renovated or substantially refurbished within the past six months; and

(F) special measures which may be necessary to reduce exposures to contaminants associated with pesticide applications, installation of products, furnishings, or equipment, and cleaning operations.

(2) Within twenty-four months of the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health shall provide, or contract for the provision of, training courses pursuant to paragraph (1) of this subsection sufficient, at a minimum, to assure training on a schedule consistent with the requirements of paragraph 9(f)(2).

(3) The Director of the National Institute of Occupational Safety and Health, or firms or organizations operating under contract with such Administrator, are authorized to establish a fee for training pursuant to this subsection. Fees shall be in an amount not to exceed the amount necessary to defray the costs of the training program.

(4) The Director of the National Institute of Occupational Safety and Health, in consultation with the Administrator of the General Services Administration, and the Administrator, shall prepare a report to Congress within forty-eight months of the date of enactment of this subsection assessing the training program pursuant to this subsection and making recommendations concerning the application of training requirements to classes and types of buildings not covered by this subsection.

(c) VENTILATION PROGRAM.—(1) The Administrator, in coordination with other Federal agencies, shall conduct a progam to analyze the adequacy of existing ventilation standards and guidelines to protect the public and workers from indoor air contaminants.

(2) The Administrator shall—

(A) identify and describe ventilation standards adopted by State and local governments and professional organizations, including the American Society of Heating, Refrigerating and Air Conditioning Engineers;

(B) determine the adequacy of the standards for protecting public health and promoting worker productivity;

(C) assess the costs of compliance with such standards;

(D) determine the degree to which such standards are being adopted and enforced;

(E) identify the extent to which buildings are being operated in a manner which achieves the standard; and

(F) assess the potential for such standards to complement controls over specific sources of contaminants in reducing indoor air contamination.

(3) The Administrator shall submit to the Congress, within thirty-six months of the enactment of this Act a report which shall—

(A) describe the ventilation program carried out under this Act; and

(B) make recommendations concerning—

(i) the establishment of ventilation standards which protect public and worker health and take comfort and energy conservation goals into account; and

(ii) ensuring that adequate ventilation standards are being adopted and that buildings are being operated in a manner which achieves the standard.

INDOOR AIR CONTAMINANT HEALTH ADVISORIES

SEC. 7. (a) LIST OF CONTAMINANTS.—(1) Within two hundred and forty days after the date of enactment of this Act, the Administrator shall prepare and publish in the Federal Register a list of the contaminants (hereinafter referred to as listed contaminants) that may occur or are known to occur in indoor air at levels which may reasonably be expected to have an adverse impact on human health. The list may include combinations or mixtures of contaminants and may refer to such combinations or mixtures by a common name.

(2) The Administrator shall from time to time and as necessary to carry out the provisions of this Act, but not less often than biennially, review and revise such list adding other contaminants pursuant to the requirements of this Act.

(3) The list provided for in paragraph (1) of this subsection shall include, at a minimum: benzene, biological contaminants, carbon monoxide, formaldehyde, lead, methylene chloride, nitrogen oxide, particulate matter, asbestos, polycyclic aromatic hydrocarbons (PAHs), and radon.

(4) In development of the list provided for in paragraph (1) of this subsection or in revision of such list pursuant to paragraph (2), the Administrator shall consult with the advisory panel provided for in subsection (c) of this section and provide for public review and shall consider public comment prior to issuance of a final list.

(5) The listing of contaminants under this subsection is not an agency rulemaking. In considering objections raised in any judicial or related action, the Administrator's decision to list a particular contaminant shall be upheld unless the objecting party can demonstrate that the decision was arbitrary or capricious or otherwise not in accordance with the law. The list of contaminants prepared in accordance with this subsection shall not be construed to indicate that those contaminants not listed are safe for human exposure or without adverse health effect.

(6) Upon application of the Governor of a State showing that a contaminant or potential contaminant in the indoor air which is not listed pursuant to paragraph (1) of this subsection may reasonably be anticipated to have an adverse effect on human health as a result of its presence in the indoor air, the Administrator shall, within ninety days, revise the list established by paragraph (1) of this subsection to include such contaminant or publish in the Federal Register the reasons for not making such a revision.

(b) CONTAMINANT HEALTH ADVISORIES.—(1) The Administrator shall, in consultation with the advisory panel, provided for in subsection (c) of this section, and after providing for public review and comment pursuant to paragraph (6), publish advisory materials addressing the adverse human health effects of listed contaminants.

(2) Such advisory materials shall, at a minimum, describe—

(A) the physical, chemical, biological, and radiological properties of the contaminant;

(B) the adverse human health effects of the contaminant in various indoor environments and in various concentrations;

(C) an analysis of the risk posed by the contaminant to human health at the full range of concentration levels, including risk to subpopulations which may be especially sensitive to exposure to the contaminant;

(D) the extent to which the contaminant, or a mixture of contaminants, is associated with a particular substance or material and emissions rates which are expected to result in varying levels of contaminant concentration in indoor air;

(E) any Technology and Management Practice Assessment Bulletin which is applicable to the contaminant and any actions which are identified for the contaminant in the National Indoor Air Quality Response Plan prepared pursuant to this Act; and

(F) any indoor air contaminant standards or related action levels which are in effect under any authority of a Federal statute or regulation, the authority of State statutes or regulations, the authority of any local government, or the authority of another country, including standards or action levels suggested by appropriate international organizations.

(2) Health advisories published pursuant to this section shall in no way limit or restrict the application of requirements or standards established under any other Federal statute.

(3) The Administrator shall establish and utilize a standard format of presentation of indoor air contaminant health advisories. The format shall be designed to facilitate public understanding of the range of risks of exposure to indoor air contaminants and shall include a summary of the research and information concerning the contaminant which is understandable to public health professionals and to those who lack training in toxicology.

(4) The Administrator shall publish health advisories for listed contaminants as expeditiously as possible. At a minimum, the Administrator shall publish not less than six advisories within eighteen months of the date of enactment of this Act and shall publish an additional six advisories within thirty-six months of the date of enactment of this Act.

(5) Health advisories shall be based on the most current available scientific and related findings or information and shall be reviewed, revised, and republished to reflect new scientific and related findings or information on a periodic basis but not less frequently than every five years.

(6) In development and revision of health advisories pursuant to this subsection, the Administrator shall provide for public review and comment, including provision of notice in the Federal Register of the intent to publish a health advisory not less than ninety days prior to publication, and shall consider public comment prior to issuance of an advisory.

(c) ADVISORY PANEL.—The Indoor Air Quality and Total Human Exposure Committee of the Environmental Protection Agency Science Advisory Board shall advise the Administrator with respect to the implementation of this section including, but not limited to, the listing of contaminants, the contaminants for which advisories should be published, the order in which advisories should be published, the content, quality, and format of advisory documents, and the revision of such documents. The Administrator shall provide that a representative of the Agency for Toxic Substances and Disease Registry, the Department of Energy Office of Health and Environmental Research, the National Institute for Occupational Safety and Health, and the National Institute for Environmental Health Sciences shall participate in the work of the Advisory Panel as ex officio members.

NATIONAL INDOOR AIR QUALITY RESPONSE PLAN

SEC. 8. (a) AUTHORITY.—(1) The Administrator shall, in coordination with other appropriate Federal agencies, develop and publish a national indoor air quality response plan.

(2) The response plan shall provide for implementation of a range of response actions identified in subsections (b) and (c) which will result in the reduction of human exposure to indoor air contaminants listed pursuant to section 7(a) of this Act and attainment, to the fullest extent practicable, of indoor air contaminant levels which are protective of human health.

(b) EXISTING AUTHORITY.—The Administrator, in coordination with other appropriate Federal agencies, shall include in the plans provided for in subsection (a) of this section a description of specific response actions to be implemented based on existing statutory authorities provided in—

(1) the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) the Toxic Substances Control Act (15 U.S.C. 201 et seq.);

(3) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(4) the Safe Drinking Water Act (42 U.S.C. 300 et seq.);

(5) the authorities of the Consumer Product Safety Commission;

(6) the authorities of the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health; and

(7) other regulatory and related authorities provided under any other Federal statute. In implementation of response actions pursuant to paragraph (6) of this subsection the Assistant Secretary for Occupational Safety and Health shall consult with representatives of State and local governments and their employees with respect to States where the Occupational Safety and Health Administration lacks jurisdiction over State and local employees.

(c) SUPPORTING ACTIONS.—The Administrator, in coordination with other appropriate Federal agencies, shall include in the plans provided for in subsection (a) of this section a description of specific supporting actions including, but not limited to—

(1) programs to disseminate technical information to public health, design, and construction professionals concerning the risks of exposure to indoor air contaminants and methods and programs for reducing exposures to such contaminants;

(2) development of guidance documents addressing individual contaminants, groups of contaminants, sources of contaminants, or types of buildings or structures and providing information on measures to reduce exposure to contaminants including—

(A) the estimated cost of such measures;

(B) the technologic feasibility of such measures; and

(C) the effectiveness and efficiency of such measures.

(3) education programs for the general public concerning the health threats posed by indoor air contaminants and appropriate individual response actions;

(4) technical assistance including design and implementation of training seminars for State and local officials, private and professional firms, and labor organizations dealing with indoor air pollution and addressing topics such as monitoring, analysis, mitigation, building management practices, ventilation, health effects, public information and program design;

(5) development of model building codes, including ventilation rates, for various types of buildings designed to reduce levels of indoor air contaminants;

(6) identification of contaminants, or circumstances of contamination for which immediate action to protect public and worker health is necessary and appropriate and a description of the actions needed;

(7) identification of contaminants, or circumstances of contamination, where regulatory or statutory authority is not adequate to address an identified contaminant or circumstance of contamination and recommendation of legislation to provide needed authority;

(8) identification of contaminants, or circumstances of contamination, where continued reduction of contamination requires development of technology or technological mechanisms; and

(9) identification of remedies to "sick building syndrome", including proper design and maintenance of ventilation systems, building construction and remodeling practices, and safe practices for the application of pesticides, herbicides, and disinfectants, and a standardized protocol for investigating and solving indoor air quality problems in sick buildings.

(d) CONTENTS OF PLAN.—In describing specific actions to be taken under subsections (b) and (c) of this section, the Administrator, in coordination with other appropriate Federal agencies, shall—

(1) identify the health effects, and any contaminant or contaminants thought to cause health effects to be addressed by a particular action and to the fullest extent feasible, the relative contribution to indoor air contamination from all sources of contamination;

(2) identify the statutory basis for the action;

(3) identify the schedule and process for implementation of the action;

(4) identify the Federal agency with jurisdiction for the specific action which will implement the action; and

(5) identify the financial resources needed to implement the specific action and the source of these resources.

(e) SCHEDULE.—Response plans provided for in subsection (a) shall be submitted to Congress within twenty-four months of enactment of this Act and biennially thereafter.

(f) REVIEW.—(1) The Administrator shall provide for public review and comment on the response plan provided for in this section, including provision of notice in the Federal Register for public review and comment not less than three months prior to submission to the Congress. The Administrator shall include in the response plan a summary of public comments.

(2) The Administrator shall provide for the review and comment on the response plan by the Council on Indoor Air Quality provided for under section 12 of this Act.

(g) ASSESSMENT OF MONITORING AND MITIGATION SERVICES.—The Administrator shall include in the first plan published pursuant to this section an assessment of indoor air monitoring and mitigation services provided by private firms and other organizations, including the range of such services, the reliability and accuracy of such services, and the relative costs of such services. The assessment required by this subsection shall include a review and analysis of options for oversight of indoor air monitoring and mitigation firms and organizations, including registration, licensing, and certification of such firms and organizations and options for imposing a user fee on such firms and organizations.

FEDERAL BUILDING RESPONSE PLAN AND DEMONSTRATION PROGRAM

SEC. 9. (a) AUTHORITY.—The Administrator and the Administrator of the General Services Administration shall develop and implement a program to respond to and reduce indoor air contamination in Federal buildings and to demonstrate methods of reducing indoor air contamination in new Federal buildings.

(b) FEDERAL BUILDING RESPONSE PLAN.—(1) The Administrator of the General Services Administration, in consultation with the Administrator, the Assistant Secretary for Occupational Safety and Health Administration, the Director, and affected Federal departments or agencies shall prepare response plans addressing indoor air quality in Federal buildings. The plans shall, to the fullest extent practicable, be developed in conjunction with response plans pursuant to section 8 of this Act.

(2) The response plan shall provide for implementation of a range of response actions which will result in the reduction of human exposure to indoor air contaminants listed pursuant to section 7(a) of this Act, and attainment, to the fullest extent practicable, of indoor air contaminant concentration levels which are protective of public and worker health.

(3) Federal building response plans provided for in paragraph (1) of this subsection shall include—

(A) a list of all Federal buildings;

(B) a description and schedule of general response actions including general building management practices, product purchase guidelines, air quality problem identification practices and methods, personnel training programs, and other actions to be implemented to reduce exposures to indoor air contaminants in those buildings listed in paragraph (A);

(C) a list of individual Federal buildings listed in paragraph (A) for which there is sufficient evidence of indoor air contamination or related employee health effects to warrant assessment of the building pursuant to section 14 of this Act and a schedule for development and submittal of building assessment proposals pursuant to subsection 14(d) of this Act;

(D) a description and schedule of specific response actions to be implemented in each specific building identified in paragraph (C) and assessed pursuant to section 14 of this Act;

(E) an identification of the Federal agency responsible for funding and implementation of each response action identified in paragraphs (B) and (D); and

(F) an identification of the estimated costs of each response action identified in paragraphs (B) and (D) and the source of these resources.

(4) The response plan provided for in this subsection shall address each Federal building identified in paragraph 3(A), except that specific buildings may be exempted from coverage under this subsection. Such buildings may be exempted on the grounds of—

(A) national security;

(B) anticipated demolition or termination of Federal ownership within three years; and

(C) specialized use of a building which precludes necessary actions to reduce indoor air contamination.

(5) The plan provided for in subsection (b) shall be submitted to Congress within twenty-four months of enactment of this Act and biennially thereafter.

(6) The Administrator of the General Services Administration shall provide for public review and comment on the response plan provided for in this section, including provision of notice in the Federal Register not less than three months prior to submission to the Congress.

(7) The response plan shall include a summary of public comments. The Council on Indoor Air Quality, provided for under section 12 of this Act, shall review and comment on the plan.

(c) INDOOR AIR QUALITY RESERVE.—(1) The Administrator of the General Services Administration shall reserve 0.5 per centum of any funds used for construction of new Federal buildings for design and construction of measures to reduce indoor air contaminant concentrations within such buildings.

(2) Measures which may be funded with the reserve provided for in this subsection may include, but are not limited to—

(A) development and implementation of general design principles intended to avoid or prevent contamination of indoor air;

(B) design and construction of improved ventilation techniques or equipment;

(C) development and implementation of product purchasing guidelines;

(D) design and construction of contaminant detection and response systems;

(E) development of building management guidelines and practices; and

(F) training in building and systems operations for building management and maintenance personnel.

(3) Upon completion of construction of each Federal building covered by this section, the Administrator of the General Services Administration shall file with the Administrator, with the Clearinghouse established under section 13 of this Act, and with the Council established under section 12 of this Act, a report describing the uses made of the reserve provided for in this subsection. Such report shall be in sufficient detail to provide design and construction professionals with models and general plans of various indoor air contaminant reduction measures adequate to assess the appropriateness of such measures for application in other buildings.

(4) The Administrator of the General Services Administration, with the concurrence of the Administrator, may exempt a planned Federal building from the requirements of this subsection if he finds that such exemption is required on the grounds of national security or that the intended use of the building is not compatible with the authority of this section.

(d) NEW EPA BUILDING.—Any new building constructed for use by the Environmental Protection Agency as headquarters shall be designed, constructed, maintained, and operated as a model to demonstrate principles and practices for protection of indoor air quality.

(e) BUILDING COMMENTS.—(1) The Administrator of the General Services Administration, in consultation with the Administrator, the Assistant Secretary for Occupational Safety and Health Administration, and the Director, shall provide, by regulation, a method and format for filing and responding to comments and complaints concerning indoor air quality in Federal buildings by workers in such buildings and by the public. The procedure for filing and responding to worker complaints shall supplement and not diminish or supplant existing practices or procedures established under the Occupational Safety and Health Act and executive orders pertaining to health and safety for Federal employees.

(2) A listing of each such filing and an analysis of such filings shall be included in each response plan prepared pursuant to this section. Such listing shall preserve the confidentiality of individuals making filings under this section. Such listing shall preserve the confidentiality of the individuals making filings under this section.

(3) Regulations implementing this subsection shall be promulgated at the earliest possible date, but not later than twenty-four months from the date of enactment of this Act.

(f) Building Ventilation and Management Training.—(1) Within six months of the date of enactment of this Act the Administrator of the General Services Administration shall designate, or require that a lessee designate, an Indoor Air Quality Coordinator for each Federal building which is owned or leased by the General Services Administration. An Indoor Air Quality Coordinator shall not serve more than one building.

(2) Within forty-eight months of the date of enactment of this Act, each Indoor Air Quality Coordinator shall complete the indoor air training course operated pursuant to section 6(b) of this Act. After thirty-six months from the date of enactment of this Act, each newly designated Indoor Air Quality Coordinator shall complete the indoor air training course within twelve months of designation.

(3) In any case where the Administrator of the General Services Administration finds that a lessee has failed to designate and train an Indoor Air Quality Coordinator pursuant to the requirements of this Act, the Administrator of the General Services Administration shall not reestablish a lease for such building.

STATE AND LOCAL INDOOR AIR QUALITY PROGRAMS

Sec. 10. (a) Management and Assessment Strategy Demonstration.—(1) The Governor of a State may apply to the Administrator for a grant to support demonstration of the development and implementation of a management strategy and assessment with respect to indoor air quality within such State.

(2) State indoor air quality management strategies shall—

(A) identify a lead agency and provide an institutional framework for protection of indoor air quality;

(B) identify and describe existing programs, controls or related activities concerning indoor air quality within State agencies including regulations, educational programs, assessment programs, or other activities;

(C) identify and describe existing programs, controls, or related activities concerning indoor air quality of local and other sub-State agencies and assure coordination among local, State, and Federal agencies involved in indoor air quality activities in the State; and

(D) assure coordination of indoor air quality programs with ambient air quality programs and related activities.

(3) State indoor air quality assessment programs shall—

(A) identify indoor air contaminants of concern and, to the extent practicable, assess the seriousness and the extent of indoor air contamination by contaminants listed in section 7(a) of this Act;

(B) identify the classes or types of buildings or other indoor environments in which indoor air contaminants pose the most serious threat to human health;

(C) if applicable, identify geographic areas in the State where there is a reasonable likelihood of indoor air contamination as a result of the presence of contaminants in the ambient air or the existence of sources of a contaminant;

(D) identify methods and procedures for indoor air contaminant assessment and monitoring;

(E) provide for periodic assessments of indoor air quality and identification of indoor air quality changes and trends; and

(F) establish methods to provide information concerning indoor air contamination to the public and to educate the public and interested groups, including building owners and design and engineering professionals, about indoor air contamination.

(4) As part of a management strategy and assessment pursuant to this subsection, the applicant may develop contaminant action levels, guidance, or standards and may draw on health advisories developed pursuant to section 7 of this Act.

(5) States which are selected to demonstrate the development of management and assessment strategies shall provide a management strategy and assessment pursuant to subsections (2) and (3) to the Administrator within thirty-six months of selection and shall certify to the Administrator that the strategy and assessment meet the requirements of this Act.

(6) States shall provide for public review and comment on the management strategy and assessment prior to submission of such strategy and assessment to the Administrator.

(b) Response Programs.—(1) A Governor of a State or the executive officer of a local air pollution control agency may apply to the Administrator for grant assistance to develop a response program designed to reduce human exposure to an indoor air contaminant or contaminants in the State, or in a specific class or type of building in that State, or in a specific geographic area of that State.

(2) A response program shall—

(A) address a contaminant or contaminants listed pursuant to section 7(a) of this Act;

(B) identify existing data and information concerning the contaminant or contaminants to be addressed, the class or type of building to be addressed, and the specific geographic area to be addressed;

(C) describe and schedule the specific actions to be taken to reduce human exposure to the identified contaminant or contaminants including the adoption and enforcement of any ventilation standards;

(D) identify the State or local agency or public organization which will implement the response actions;

(E) identify the Federal, State, and local financial resources to be used to implement the response program; and

(F) provide for the assessment of the effectiveness of the response program.

(3) As part of a response program pursuant to this subsection, an applicant may develop contaminant action levels, guidance, or standards based on health advisories developed pursuant to section 7 of this Act.

(4) As part of a response program pursuant to this subsection, an applicant may develop a standard establishing a ventilation rate or rates for a class or classes of buildings including development assessment and compliance programs needed to implement the standard.

(5) As part of the response program pursuant to this subsection, an applicant may develop a response plan addressing indoor air quality in State and local government buildings. Such plans shall, to the fullest extent practicable, be consistent with response plans developed pursuant to section 9 of this Act.

(c) Grant Management.—(1) Grants under subsection (a)(1) of this subsection shall not be less than $75,000 for each fiscal year.

(2) In selecting States for demonstration and implementation of management strategies and assessments under subsection (a)(1) the Administrator shall consider—

(A) the previous experience of the State in addressing indoor air quality issues;

(B) the seriousness of the indoor air quality issues identified by the State; and

(C) the potential for demonstration of innovative management or assessment measures which may be of use to other States.

(3) In selecting States for demonstration of management strategies and assessments under subsection (a)(1), the Administrator shall focus resources to assure that sufficient funds are available to selected States to provide for the development of comprehensive and thorough management strategies and assessments in each selected State and to adequately demonstrate implementation of such strategies and assessments.

(4) Grants under subsection (b)(1) of this section shall not exceed $250,000 per fiscal year and shall be available to the State for a period of not to exceed three years.

(5) In selecting response programs developed under subsection (b) for grant assistance, the Administrator shall consider—

(A) the potential for the response program to bring about reductions in indoor air contaminant levels;

(B) the contaminants to be addressed, giving priority to contaminants for which health advisories have been developed pursuant to section 7 of this Act;

(C) the type of building to be addressed, giving priority to building types in which substantial human exposures to indoor air contaminants occur;

(D) the potential for development of innovative response measures or methods which may be of use to other States or local air pollution control agencies; and

(E) the State indoor air quality management strategy and assessment, giving priority to States with complete indoor air management strategies and assessments.

(6) The Federal share of grants under subsections (a) and (b) of this section shall not exceed 75 per centum of the costs incurred in demonstration and implementation of such activities and shall be made on the condition that the non-Federal share is provided from non-Federal funds.

(7) Funds granted pursuant to subsections (a) and (b) of this section in a fiscal year shall remain available for obligation for the next fiscal year in which obligated and for the next following fiscal year.

(8) No grant shall be made under this section in any fiscal year to a State or local air pollution control agency which in the preceding year received a grant under this section unless the Administrator determines that such agency satisfactorily implemented such grant activities in such preceding fiscal year.

(9) States and air pollution control agencies shall provide such information in applications for grant assistance and pertaining to grant funded activities as the Administrator requires.

OFFICE OF INDOOR AIR QUALITY

SEC. 11. (a) ESTABLISHMENT.—The Administrator shall establish an Office of Indoor Air Quality within the Office of Air and Radiation at the Environmental Protection Agency.

(b) RESPONSIBILITIES.—The Office of Indoor Air Quality shall—

(1) list indoor air contaminants and develop health advisories pursuant to section 7 of this Act;

(2) develop national indoor air quality response plans as provided for in section 8 of this Act;

(3) manage Federal grant assistance provided to air pollution control agencies under section 10 of this Act;

(4) assure the coordination of Federal statutes and programs administered by the Agency relating to indoor air quality and reduce duplication or inconsistencies among these programs;

(5) work with other Federal agencies, including the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health, to assure the effective coordination of programs related to indoor air quality; and

(6) work with public interest groups, labor organizations, and the private sector in development of information related to indoor air quality including the health threats of human exposure to indoor air contaminants, the development of technologies and methods to control such contaminants, and the development of programs to reduce contaminant concentrations.

COUNCIL ON INDOOR AIR QUALITY

SEC. 12. (a) AUTHORITY.—There is established a Council on Indoor Air Quality.

(b) RESPONSIBILITIES.—The Council on Indoor Air Quality shall—

(1) provide for the full and effective coordination of Federal agency activities relating to indoor air quality;

(2) provide a forum for resolution of conflicts or inconsistencies in policies or programs related to indoor air quality;

(3) review and comment on the national indoor air response program developed pursuant to section 8 of this Act and the Federal Building Response Plan developed pursuant to section 9(b); and

(4) prepare a report to Congress pursuant to subsection (d) of this subsection.

(c) ORGANIZATION.—(1) The Council on Indoor Air Quality shall include senior representatives of Federal agencies involved in indoor air quality programs including—

(A) the Environmental Protection Agency;

(B) the Occupational Safety and Health Administration;

(C) the National Institute of Occupational Safety and Health;

(D) the Department of Health and Human Services;

(E) the Department of Housing and Urban Development;

(F) the Department of Energy;

(G) the Department of Transportation;

(H) the Consumer Product Safety Commission; and

(I) the General Services Administration.

(2) The Environmental Protection Agency shall chair the Council in the two years following enactment of this Act. In each subsequent year, members of the Council shall select the chair for that year.

(3) The Council shall be served by a staff to include an Executive Director and not less than three full-time equivalent employees.

(d) REPORT TO CONGRESS.—(1) The Council shall submit to the Congress, within eighteen months of enactment of this Act, and biennially thereafter, a report which shall—

(A) describe and assess the seriousness, extent, and characteristics of indoor air contamination throughout the country;

(B) summarize the major research issues concerning the protection of indoor air quality, describe the research accomplishments of Federal agencies over the previous two years, and provide an agenda of indoor air quality research for individual Federal agencies over a three-year period;

(C) summarize actions taken pursuant to this Act over the previous year, including publication of health advisories, implementation of national and Federal building response plans, and assistance to States;

(D) provide a general description of the activities to be conducted by Federal agencies to address indoor air quality problems over the following three-year period; and

(E) make recommendations for any actions needed to assure the quality of indoor air, including recommendations relating to institutional structures, funding, and legislation.

(2) The Council shall provide for public review and comment on the report required by this subsection.

INDOOR AIR QUALITY INFORMATION CLEARINGHOUSE

SEC. 13. (1) The Administrator is authorized and directed to establish a national indoor air quality clearinghouse to be used to disseminate indoor air quality information to other Federal agencies, State, and local governments, and private organizations and individuals.

(2) The clearinghouse shall be a repository for reliable indoor air quality related information to be collected from and made available to government agencies and private organizations and individuals. At a minimum, the clearinghouse established by this section shall make available reports, programs, and materials developed pursuant to the requirements of this Act.

(3) The clearinghouse shall operate a toll-free "hotline" on indoor air quality which shall be available to provide to the public general information about indoor air quality and general guidance concerning response to indoor air quality contamination problems.

(4) The Administrator may provide for the design, development, and implementation of the clearinghouse through a contractual agreement with a nonprofit organization.

BUILDING ASSESSMENT DEMONSTRATION

SEC. 14. (a) AUTHORITY.—(1) The Director of the National Institute for Occupational Safety and Health shall, in consultation with the Administrator, implement a Building Assessment Demonstration Program to support development of methods, techniques, and protocols for assessment of indoor air contamination in nonresidential, nonindustrial buildings and to provide assistance and guidance to building owners and occupants on measures to reduce indoor air contamination.

(2) In implementation of this section, the Director shall have the authority to conduct on-site assessments of individual buildings, including Federal, State, and municipal buildings.

(3) Nothing in this section shall in any way limit or constrain existing authorities pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651).

(b) ASSESSMENT ELEMENTS.—Assessments of individual buildings conducted pursuant to this section shall, at a minimum, provide—

(A) an identification of suspected contaminants in the air in the building and the level of such contaminants;

(B) an assessment of the probable sources of contaminants in the air in the building;

(C) a review of the nature and extent of health concerns and symptoms identified by building occupants;

(D) an assessment of the probable association of indoor air contaminants with the health and related concerns of building occupants including assessment of occupational and environmental factors which may relate to the health concerns;

(E) identification of appropriate measures to control contaminants in the air in the building, to reduce the concentration levels of contaminants, and to reduce exposure to contaminants; and

(F) evaluation of the effectiveness of response measures in control and reduction of contaminants and contaminant levels, the change in occupant health concerns and symptoms, the approximate costs of such measures, and any additional response measures which may reduce occupant's health concerns.

(c) ASSESSMENT REPORTS.—(1) The Director shall prepare—

(A) a preliminary report of each building assessment which shall document findings concerning assessment elements (A) through (E) of subsection (b); and

(B) a final report which shall provide an overall summary of the building assessment including information on the effectiveness and cost of response measures, and the potential for application of response measures to other buildings.

(2) Preliminary assessment reports shall be prepared not later than one hundred and eighty days after the selection of a building for assessment. Final assessment reports shall be prepared not later than one hundred and eighty days after completion of the preliminary report.

(3) Preliminary and final reports shall be made available to building owners, occupants, and the authorized representatives of occupants.

(d) BUILDING ASSESSMENT PROPOSAL.—(1) The Director shall consider individual buildings for assessment under this section in response to a proposal identifying the building and the building owner and providing preliminary, background information about the nature of the indoor air contamination, previous responses to air contamination problems, and the characteristics, occupancy, and uses of the building.

(2) Building assessment proposals may be submitted by a building owner or occupants or the authorized representatives of building occupants, including the authorized representatives of employees working in a building.

(e) BUILDING ASSESSMENT SELECTION.—(1) In selection of buildings to be assessed under this section, the Director shall consider—

(A) the seriousness and extent of apparent indoor air contamination and human health effects of such contamination;

(B) the proposal for a building assessment submitted pursuant to subsection (d) of this section;

(C) the views and comments of the building owners;

(D) the potential for the building assessment to expand knowledge of building assessment methods including identification of contaminants, assessment of sources, and development of response measures; and

(E) the listing of a building pursuant to paragraph (C) of section 9(b)(3).

(2) The Director shall provide a preliminary response and review of building assessment proposals to applicants and the applicable building owner within sixty days of receipt of a proposal and, to the extent practicable, shall provide a final decision concerning selection of a proposal within one hundred and twenty days of submittal.

(f) BUILDING ASSESSMENT SUPPORT.—(1) The Director may enter into agreements with private individuals, firms, State and local governments, or academic institutions for services and related assistance in conduct of assessments under the authority of this section.

(2) The Director may enter into agreements with other Federal agencies for the assignment of Federal employees to a specific building assessment project for periods of up to one hundred and eighty days.

(g) SUMMARY REPORT.—(1) The Director shall provide, on an annual basis, a report on the implementation of this section to the Administrator of the Environmental Protection Agency and to the Council on Indoor Air Quality established pursuant to section 12 of this Act.

(2) The Director shall, from time to time and in consultation with the Administrator, publish general reports containing materials, information, and general conclusions concerning assessments conducted pursuant to this section. Such reports may address concerns related to remediation of indoor air contamination problems, assessment of health related concerns, and prevention of such problems through improved design, materials and product specifications, and management practices.

(3) Reports prepared pursuant to this subsection and subsection (c) of this section shall be provided to the Indoor Air Quality Information Clearinghouse provided for in section 13 of this Act and, to the extent practicable, such reports shall be made available to architectural, design and engineering firms and to organizations representing such firms.

STATE AND FEDERAL AUTHORITY

SEC. 15. (a) GENERAL AUTHORITY.—Nothing in this Act shall be construed, interpreted, or applied to preempt, displace, or supplant any other State or Federal law, whether statutory or common or any local ordinance.

(b) OCCUPATIONAL SAFETY AND HEALTH.—In exercising any authority under this Act, the Administrator shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), be deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

AUTHORIZATIONS

SEC. 16. (a)(1) For the purpose of carrying out sections 5, 6, and 7 of this Act there is authorized to be appropriated $20,000,000 for each of the fiscal years ending September 30, 1992, 1993, 1994, 1995, and 1996. Of such sums appropriated, one quarter shall be reserved for implementation of section 7 of this Act and one quarter shall be reserved for implementation of section 5(c) of this Act and $1,000,000 shall be reserved for implementation of section 6(b) of this Act.

(2) For the purpose of carrying out sections 8, 9, 11 and 13 there is authorized to be appropriated $10,000,000 for each of the fiscal years ending September 30, 1992, 1993, 1994, 1995, and 1996. Of such sums appropriated, one-fifth shall be reserved for implementation of section 13 and one-fifth shall be reserved for implementation of section 9.

(3) For the purpose of carrying out section 10 of this Act, there is authorized to be appropriated $12,000,000 for each of the fiscal years ending September 30, 1992, 1993, 1994, 1995, and 1996. Of such sums appropriated, one-third shall be reserved for the purpose of carrying out section 10(b) of this Act.

(4) For the purpose of carrying out section 12 of this Act there is authorized to be appropriated $1,500,000 for each fiscal year ending September 30, 1992, 1993, 1994, 1995, and 1996.

(5) For the purpose of carrying out section 14 of this Act there is authorized to be appropriated $5,000,000 per year for each fiscal year ending September 30, 1992, 1993, 1994, 1995, and 1996.

Mr. CHAFEE. Mr. President, I am pleased that we are today introducing the Indoor Air Quality Act of 1991. This ill will provide for a substantial research and development initiative to uncover harmful pollutants in our indoor environment, and will focus the efforts of the Federal Government to address this problem.

By focusing our efforts on providing clean indoor air, we will make strides toward preventing health problems before they occur. Our Nation spends billions of dollars each year on health care. Many of the illnesses we experience are preventable. In terms of public health, this bill will provide us with a much-needed ounce of prevention, and help us to avoid the costly pound of cure in treating respiratory illnesses.

Over the last decade we have made considerable progress in abating some of the most harmful pollutants of our outdoor environment. Emissions from cars are no longer as injurious to the air quality, and, under the new Clean Air Act, auto emissions will be reduced even more. Leaded gasoline, known to cause health effects in children, is being phased out. Once unsightly rivers are now returning to a state where they are fishable and swimmable.

Yet for all this progress, we have not turned out attention to the environment where Americans spend an average of 90 percent of their time: indoors. Much is known about the effects of some indoor contaminants such as radon, asbestos, and tobacco smoke. However, there are several other contaminants prevalent in the indoor environment about which very little is known. These include formaldehyde, volatile organic chemicals, combustion byproducts and respirable particles. There is a great likelihood that these pollutants pose a serious threat to public health.

The threat from these chemicals may be heightened by the fact that many of us live and work in virtually airtight buildings. Soaring energy costs over the past two decades spurred conservation efforts which led to the construction of office buildings in which you cannot open the windows. These well-insulated, energy efficient buildings often seal in potentially hazardous substances while reducing the amount of fresh air.

To date, relatively little attention has been given to the quality and potential health effects of the air inside our homes and offices. But there is mounting evidence that the air we breathe indoors may be at least as polluted with cigarette smoke, radioactive radon gas, and formaldehyde as the smog outside.

In a significant development, EPA now concludes that the risk to human health from indoor air contaminants may be at least as great as those from the outdoor environment. In a recent report, EPA notes that:

> Sufficient evidence exists to conclude that indoor air pollution represents a major portion of the public's exposure to air pollution and may pose serious acute and chronic health risks. This evidence warrants an expanded effort to characterize and mitigate this exposure.

This statement represents a major step forward in the Agency's thinking about what needs to be done to address indoor air pollution.

One of the most ubiquitous forms of indoor air pollution is environmental tobacco smoke. With over 54 million smokers in the United States, cigarette fumes will undoubtedly rank as one of the most significant sources of indoor air pollution. Passive smoking may be associated with a wide range of health problems, including increased risk for respiratory illnesses, lung cancer, and heart disease. It is estimated by the Surgeon General that up to 5,000 nonsmokers may die each year from lung cancer caused by inhaling other people's smoke.

At a hearing on the health effects of indoor air pollution before the Committee on Environment and Public Works, it became painfully clear that there is not an adequate effort by Federal agencies or States to conduct research on indoor air contaminants. This bill will direct the various agencies responsible for indoor air quality to coordinate their response plans to address these contaminants. The bill will place the Environmental Protection Agency squarely in the lead in developing the Federal response to indoor air contamination.

Let me describe the key elements of this legislation.

First, the bill establishes a research program for indoor air. This is an appropriate Federal role, to identify the risk posed by our indoor environment. Information developed by this research must be shared with the States and the private sector.

Second, the legislation will require EPA to establish health advisories. These advisories must be written in plain English, and must make it clear to the average citizen how he can best minimize exposure and adverse health effects from indoor contaminants.

Third, the measure also provides for limited grant assistance to States for development of management strategies and response programs.

Fourth, the bill will authorize the National Institute of Occupational Safety and Health [NIOSH] to conduct assessments of "sick buildings." Estimates of lost worker productivity due to symptoms attributable to sick buildings is in the billions of dollars.

Also, I have added a provision to the legislation requiring EPA to conduct an assessment of the seriousness and extent of indoor air contamination in schools. As with radon, children may be at greater risk from harmful chemicals due to a higher respiratory rate, and the fact that their internal organs are still developing.

I would like to make it clear that this legislation does not place the Federal Government in the living rooms of Americans. The bill does not provide authority to regulate indoor air contaminants, but rather takes an informational approach. The health advisories, for example, will indicate the health risks at various concentration levels, and inform homeowners of ways to reduce and minimize the risk from various contaminants.

The best defense we have against an unhealthy indoor environment is an informed consumer. For example, homeowners need to be made aware of the health risks associated with using certain pesticides in the home. If this information can be communicated effectively, the marketplace will send a strong signal to pesticide manufacturers: Consumers demand safe pesticides for home use. The same can be true for cleaning solvents, furniture stripper, and a host of other chemicals which we bring into our home.

Americans need to know how to ensure that the quality of the air inside their home and office is healthy. We must begin to address the health threat posed by contaminants of the air indoors. This legislation, which was approved unanimously by the Senate last year, is a major step in this direction.

Mr. LAUTENBERG. Mr. President, I am pleased to join Senator MITCHELL and Senator CHAFEE in reintroducing the Indoor Air Quality Act of 1989. This legislation would require EPA to comprehensively address the threat to human health posed by indoor air contamination.

During the last Congress, the administration made action on the Clean Air Act one of its highest priorities. But concern about our air must not stop at our front doorsteps.

According to EPA's "Report to Congress on Indoor Air Quality":

> Indoor air pollution represents a major portion of the public's exposure to air pollution and may present serious health risks.
>
> The total costs of indoor air pollution, including medical costs and lost productivity, are in the tens of billions of dollars a year.

We need to expand efforts to mitigate exposure to indoor air pollutants.

We need to invest in an expanded research program.

Indoor air pollutants such as radon, asbestos, volatile organic compounds, environmental tobacco smoke, carbon monoxide, biological contaminants and pesticides pose a serious threat to the health of our citizens. As early as 1987, EPA identified indoor radon and other indoor air pollutants as areas of relatively high risk but low EPA efforts.

In a more recent EPA study of indoor air quality in 10 large buildings focusing on a class of pollutants known as volatile organic compounds [VOC's], EPA concluded that VOC's are ubiquitous indoors, almost every compound is found at higher levels indoors than out, and in some new buildings, some VOC's were measured at levels 100 times higher than outdoor levels. Similarly, the World Health Organization has determined that up to 30 percent of new or remodeled commercial buildings may have high rates of health or comfort complaints related to indoor air pollutants.

This is of particular concern because people spend approximately 90 percent of their time indoors, making the risk to health from indoor air pollutants potentially greater than air pollution outdoors. The people most exposed to indoor air pollution, the young, the elderly and the chronically ill, are often the most susceptible to its adverse effects.

The effects of indoor air pollutants are serious. Radon is estimated to cause up to 20,000 cancer deaths a year. Other indoor air pollutants may be responsible for another 11,000 deaths annually. The Surgeon General has determined that environmental tobacco smoke is a cause of disease, including lung cancer, in nonsmokers. Other long-term effects to exposure of harmful levels of indoor air pollutants include respiratory illnesses, central nervous system disorders, and reproductive problems. Acute reactions to certain pollutants include headaches, throat, skin and eye irritation, fatigue, shortness of breath, and nausea. The Consumer Federation of America estimates that the health costs from indoor air pollution approach $100 billion a year.

In addition, an estimated 15 percent of the U.S. population have an increased allergic senstitivity to common chemicals. Many of these people have a predisposition to become allergic to certain chemicals after a sensitizing exposure. Hypersensitivity can occur upon reexposure. Among the more common symptoms are those involving the nervous system including tension, and fatigue, and the respiratory system.

EPA has been slow to react to the threat posed by indoor air pollutants. That is why the majority leader and I introduced the legislation, which was enacted as title IV of the Superfund Amendments and Reauthorization Act of 1986, requiring EPA to establish a radon and indoor air pollution research program.

The Indoor Air Quality Act of 1991 builds on our prior legislation. It would require EPA to: Expand and strengthen indoor air research, and establish a technology demonstration program, conduct an assessment of indoor air quality in schools, develop health advisories on indoor air contaminants which may occur in indoor air at levels which may reasonably be expected to have an adverse impact on human health, prepare a response plan using existing regulatory authorities and other specified nonregulatory authorities to reduce exposure to indoor air contaminants, and make grants to States to develop and implement indoor air pollution strategies.

The bill also expands the authority of the National Institute of Occupational Safety and Health to conduct assessments of sick buildings.

As chairman of the Senate Subcommittee on Superfund, Ocean and Water Protection, I held hearings on this bill in May 1989 and the subcommittee approved the bill later that year with a number of changes. These changes include requiring EPA to: Prepare a report on multiple chemical sensitivities and expand its research program to address the effects of indoor air pollutants on all people, including those who suffer from multiple chemical sensitivities; conduct an assessment of indoor air problems in buildings housing child care facilities; conduct research with the Department of Transportation on indoor air pollution in public and private transportation; establish a program to address the role of ventilation in protecting the public from indoor air contaminants, and provide an assessment of indoor air monitoring and mitigation services provided by private firms.

The amendments also require the National Institute of Occupational Safety and Health to develop an indoor air training course which indoor air quality managers for every Federal building will have to take.

The amendments my subcommittee adopted last year are contained in the bill being introduced today.

This legislation passed the Senate last year. Unfortunately, the Congress ended before the House had a chance to act. I am optimistic the House will pass indoor air legislation during this Congress.

Mr. President, Americans want clean air, and that concern does not end when they step into their home, place of employment, school, or their house of worship. The Indoor Air Quality Act establishes a comprehensive, balanced program to address the public health threat posed by indoor air contamination.

I urge my colleagues to support this bill.

By Ms. MIKULSKI (for herself, Mr. D'AMATO, Mr. MOYNIHAN, Mr. SARBANES, and Mr. LEAHY):

S. 456. A bill to amend chapter 83 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Governmental Affairs.

RETIREMENT BENEFITS FOR CERTAIN HAZARDOUS OCCUPATIONS

• Ms. MIKULSKI. Mr. President, I rise today to introduce legislation to permit certain employees of the U.S. Customs Service, Immigration and Naturalization Service, and Internal Revenue Service who are working in hazardous occupations to retire at age 50 with 20 years of Federal service. I am pleased to introduce this legislation on behalf of myself and Senators D'AMATO, MOYNIHAN, SARBANES, and LEAHY.

Under current law, Federal law enforcement officers and firefighters are eligible to retire at age 50 with 20 years of Federal service. This legislation would provide the same retirement benefit to U.S. Customs inspectors and canine enforcement officers, immigration inspectors, and IRS revenue officers. Like law enforcement officers and firefighters, these employees also have very hazardous, physically taxing occupations, and it is in the public's interest to ensure a young and vigorous work force in these jobs.

Customs and Immigration inspectors are our first line of defense against terrorism and the smuggling of illegal drugs. Recently, Customs instituted an antiterrorist program called Border Shield, which put employees on full alert at all border crossings and airports and required inspectors to carry firearms at all times. A clear and constant threat of severe bodily injury means that all Customs inspectors are authorized to carry firearms and must meet one of the highest qualification standards of all law enforcement officers.

In February, 1990, a tragic reminder of this threat occurred when Timothy McGaghren, a U.S. Customs inspector, was killed in the line of duty on the Southwest border.

According to an FBI uniform Crime Report, in 1988 IRS officers suffered more assaults than any law enforcement group in the Federal Government, and Customs and Immigration officers were assaulted at a rate exceeding that experienced by the FBI, U.S. Marshalls Service, and the U.S. Secret Service. In addition, between 1984 and 1988, more Customs officers died due to service-related injuries than any other group except DEA and Bureau of Prisons officers.

In the 101st Congress, I introduced S. 513, which covered the same employee groups and provided the same employee benefits as this bill. S. 513 was cosponsored by 36 other Senators.

I urge my colleagues to join me again in this Congress in expressing support for this bill and finally getting it enacted. This bill will improve the effectiveness of our inspector and revenue officer work force to ensure the integrity of our borders and proper collection of the taxes and duties owed to the Federal Government.

Mr. President, I ask unanimous consent that the text of the bill appear in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICATION OF CIVIL SERVICE RETIREMENT PROVISIONS.

(a) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended

(1) by striking "and" at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting "; and"; and

(3) by adding at the end the following new paragraphs:

"(26) 'revenue officer' means an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns, including an employee engaged in this activity who is transferred to a supervisory or administrative position;

"(27) 'customs inspector' means an employee of the United States Customs Service, the duties of whose position are primarily to—

"(A) enforce laws and regulations governing the importing and exporting of merchandise;

"(B) process and control passengers and baggage;

"(C) interdict smuggled merchandise and contraband; and

"(D) apprehend (if warranted) persons involved in violations of customs laws, including an employee engaged in this activity who is transferred to a supervisory or administrative position;

"(28) 'customs canine enforcement officer' means an employee of the United States Customs Service, the duties of whose position are primarily to work directly with a dog in an effort to—

"(A) enforce laws and regulations governing the importing and exporting of merchandise;

"(B) process and control passengers and baggage;

"(C) interdict smuggled merchandise and contraband; and

"(D) apprehend (if warranted) persons involved in violations of customs laws,

including an employee engaged in this activity who is transferred to a supervisory or administrative position; and

"(29) 'Immigration and Naturalization inspector' means an employee of the Immigration and Naturalization Service, the duties of whose position are primarily the controlling and guarding of the boundaries and borders of the United States against the illegal entry of aliens, including an employee engaged in this activity who is transferred to a supervisory or administrative position.".

(b) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of such title is amended—

(1) in subsection (a)(1), by striking "a law enforcement officer," and inserting "a law enforcement officer, a revenue officer, a customs inspector, a customs canine enforcement officer, an Immigration and Naturalization inspector,"; and

(2) in the table in subsection (c), by striking "and firefighter for firefighter service." and inserting ", firefighter service, revenue officer for revenue officer service, customs inspector for customs inspector service, customs canine enforcement officer for customs canine enforcement officer service, and Immigration and Naturalization inspector for Immigration and Naturalization inspector service".

(c) MANDATORY SEPARATION.—Section 8335(b) of such title is amended by striking "law enforcement officer or a firefighter" and inserting "law enforcement officer, a firefighter, a revenue officer, a customs inspector, a customs canine enforcement officer, or an Immigration and Naturalization inspector".

(d) IMMEDIATE RETIREMENT.—Section 8336(c)(1) of such title is amended by striking "law enforcement officer or firefighter," and inserting "law enforcement officer, a firefighter, a revenue officer, a customs inspector, a customs canine enforcement officer, or an Immigration and Naturalization inspector,".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to all persons employed as revenue officers of the Internal Revenue Service, customs inspectors and canine enforcement officers of the United States Customs Service, and inspectors of the Immigration and Naturalization Service upon or after the expiration of the 90-day period which begins on the date of the enactment of this Act.•

By Mr. DODD (for himself, Mr. PELL, and Mr. KENNEDY):

S. 457. A bill to provide for a National Board for Professional Teaching Standards; to the Committee on Labor and Human Resources.

NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS ACT

• Mr. DODD. Mr. President, today I am pleased to introduce, along with my colleagues Senators KENNEDY and PELL, the National Board for Professional Teaching Standards Act of 1991. This will be the third Congress in which we have introduced such legislation, Mr. President, and I hope the saying "third time's the charm" applies—not for our sake, but for the sake of American education.

The bill we are introducing is, save a change in effective dates, identical to that passed by the Senate last February—1990—as a part of the President's Educational Excellence Act of 1990. That bill passed the Senate by a vote of 92 to 8. The legislation would provide $25 million in matching funds over 4 years to the national board for professional teaching standards for the research and development of equitable and comprehensive methods of assessment for high and rigorous certification standards for teachers.

If any of my colleagues are not familiar with the plans and goals of the National Board for Professional Teaching Standards [NBPTS], let me commend their important work to you. This outstanding national project was started in 1987 as a result of the recommendations of the Carnegie forum of education and the economy outlined in "A Nation Prepared: Teachers for the 21st Century." The NBPTS board of directors consists of 63 members—64 counting the president—who together come from 34 States plus the District of Columbia. The super-majority of the board—two-thirds—are teaching professionals, and the remainder are members of the public such as Governors and representatives of business, parents, and others from the education community such as school board members, administrators, and chief State school officers. The majority of the teaching professionals category are regular practicing classroom teachers. The presidents of both teachers unions, the NEA and the AFT, sit on the board.

The NBPTS has set as its task the goal of developing exemplary standards for teachers and devising state-of-the-art methods for assessing those standards, so that all of America's outstanding teachers may have access to a national system which will certify that they are tops in their field of teaching. It is important to understand that these certifications would be for advanced certifications—not to be confused with State licensing standards and procedures—and would be voluntary for teachers.

Right now, the board plans to develop some 30-plus certificates—categorized by grade level and subject matter. The standards for each one are being devised by expert teachers in that field from around the country. The board intends to launch their first certificates in 1993. They are now in the very early stages of developing four certificates.

The potential benefits to be derived from the board's work are great. First, the recognition and esteem with which the profession is held will rise. Parents will know that the schools their children attend are good because board certified teachers are on the faculty. Teacher education will adjust, as did medical education in this country when board certification was introduced to the medical profession. This is because education schools and departments will want their graduates to have high pass rates on the boards. Overtime, teachers who might have been tempted to leave the profession will stay because the work environment and rewards have improved, as has the status of teachers in the community. The best and brightest of our Nation's college students will see teaching as an attractive profession, not just for a short, "do good" stint, but as a real career, and, finally, the real beneficiaries, of course, will be the students, who will receive a better education because the quality of teachers in the classroom will improve.

Of course, these benefits will not accrue overnight. Nor will national board certification solve all the problems in American education. But this effort can be a very important cog in the machinery of educational improvement in our country, one which can have benefits nationwide far outstripping some other programs we may enact which in fact cost far more.

The Congress should make this investment of $25 million so the vital research and development work to create national board certification may proceed at as fast a pace as is possible. It is in all of our interests to see certifications in all important fields in elementary and secondary education available to teachers at the earliest possible date. It took the medical profession over 150 years to develop specialty boards in all the important fields of medicine. We do not want to wait 50 years for teaching. With these funds and with those matching funds provided by the private sector, the board will be able to complete certificates covering the majority of elementary and secondary teachers in this country.

Meanwhile, the NBPTS has not sat still while waiting for us to help. On the contrary, they have proceeded to start the research with money raised privately. But without our help, it will surely take many years longer to complete.

Mr. President, it is certainly true that our best efforts up here often not achieved overnight—our best programs have often taken several Congresses for birthing, several more for refinement. And it is also true that those programs which have had the shortest gestation period have also often had the shortest life span, if they've ever gotten off the ground at all. So, I am neither surprised nor especially chagrined that it has taken my efforts and the efforts of many of my colleagues two Congresses to build support for and refine this important proposal.

And refine it we have. The bill contains the tightest accountability requirements possible. It requires all the research funded to be undertaken under recognized systems of merit review. Only the board's research and development activities will be funded, not its general administrative and operating expenses. It requires the board to undertake certificates first in the areas Congress deems of highest priority—math, science, literacy, and the like. It requires that the research findings be shared, so that States and localities can benefit from the new state-of-the-art methods of assessment. All these features of the bill ensure that this important work will indeed be undertaken under the highest standards and in the national interest.

Mr. President, I urge my colleagues to lend their support to this measure and thus make a Federal commitment to one of the most important initiatives aimed at raising the standard of American education being undertaken in our country today.

I ask unanimous consent that the full text of the bill be printed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Board for Professional Teaching Standards Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the economic well-being and national security of the United States depends on efforts to strengthen the educational system to provide all children with an education which will ensure a well-educated workforce;

(2) improved teaching is central to the goal of ensuring a well-educated workforce;

(3) incentives to enhance the professionalism and status of teaching can be provided through the development and promulgation of voluntary standards of professional certification that are rigorous and unbiased, that complement and support State licensing practices and recognize the diversity of American society;

(4) the National Board for Professional Teaching Standards, a private nonprofit organization has been created to establish such voluntary standards and a significant initial investment in research and development from non-Federal sources will be required to create such a system of professional certification; and

(5) the Federal Government has played an active role in funding vital educational research and can continue to support this national effort by providing limited but essential support for critical research activities.

(b) PURPOSE.—It is the purpose of this Act to provide financial assistance to the National Board for Professional Teaching Standards to enable the Board to conduct independent research and development related to the establishment of national, voluntary professional standards and assessment methods for the teaching profession.

SEC. 3. DEFINITIONS.

For the purpose of this title—

(1) the term "Board" means the National Board for Professional Teaching Standards;

(2) the term "Committee" means the Research and Development Advisory Committee established pursuant to section 5 of this Act;

(3) the term "Director" means the Director of the National Science Foundation;

(4) the term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965;

(5) the term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965. Nothing in this Act shall be construed to infringe upon the practice or accreditation of home school or private school teaching; and

(6) the term "Secretary" means the Secretary of Education.

SEC. 4. PROGRAM AUTHORIZATION.

(a) PROGRAM AUTHORIZED.—From sums appropriated pursuant to the authority of subsection (b) in any fiscal year, the Secretary is authorized and directed to provide financial assistance to the National Board for Professional Teaching Standards, in order to pay the Federal share of the costs of the activities described in section 6.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000,000 for the period beginning October 1, 1990 and ending September 30, 1994 to carry out the provisions of this Act.

(c) TERMS AND CONDITIONS.—(1) No financial assistance may be made available under this Act except upon an application as required by section 7.

(2) No financial assistance may be made available under this Act unless the Secretary determines that—

(A) the Board will comply with the provisions of this Act;

(B) the Board will use the Federal funds only for research and development activities in accordance with section 6, and such teacher assessment and certification procedures will be free from racial, cultural, gender or regional bias;

(C) the Board—

(i) will widely disseminate for review and comment announcements of specific research projects to be conducted with Federal funds, including a description of the goals and focus of the specific project involved and the specific merit review procedures and evaluation criteria to be used in the competitive award process; and

(ii) will send such announcements to the Secretary, the Director, the National Research Council, and the educational research community;

(D) will make arrangements with the Secretary to have the announcement described in subparagraph (C) published in the Federal Register (or such other publication deemed appropriate by the Secretary) and in publications of general circulation designed to disseminate such announcements widely to the educational research community;

(E) the Board will, after offering any interested party an opportunity to make comment upon, and take exception to, the projects contained in the announcements described in subparagraph (C) for a 30-day period following publication, and after reconsidering any project on which comment is made or to which exception is taken, through the Secretary issue a request for proposals in the Federal Register (or such other publication deemed appropriate by the Secretary) containing any revised project information;

(F) the Board will make awards of Federal funds competitively on the basis of merit, and, in the award process, the Board will select for such awards, to the extent practicable consistent with standards of excellence—

(i) a broad range of institutions associated with educational research and development; and

(ii) individuals who are broadly representative of the educational research and teaching communities with expertise in the specific area of research and development in question;

(G) the Board will adopt audit practices customarily applied to nonprofit private organizations and will comply with the provisions of section 9(c);

(H) the Board will not use Federal funds to meet the administrative and operating expenses of the Board;

(I) the Board will submit an annual report to Congress in accordance with the provisions of section 9(a); and

(J) the Board will, upon request, disseminate to States, local educational agencies, or other public educational entities the results of any research or research project produced with funds authorized by this Act, upon the payment of the cost of reproducing the appropriate material.

(d) AVAILABILITY OF FUNDS.—(1) Notwithstanding any other provision of law, funds appropriated to carry out the provisions of this Act shall remain available for obligation and expenditure until the end of the second fiscal year succeeding the fiscal year for which the funds were appropriated.

(2) No Federal funds shall be made available to the Board after September 30, 1994, except as authorized by paragraph (1) of this subsection.

SEC. 5. RESEARCH AND DEVELOPMENT ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Board shall establish a Research and Development Advisory Committee composed of 10 recognized scholars and experts in teaching, assessment, and other relevant fields. In carrying out the previous sentence the Board shall appoint two individuals selected by the Secretary. The Board shall consult with the Secretary, the Director, the National Research Council, and the educational research community on the appointment of other members to the Committee.

(b) FUNCTIONS.—The Committee shall advise the Board on the design and execution of the overall research and development strategy for activities assisted under this Act, including procedures to assure compliance with the provisions of this Act. The procedures shall include—

(1) an outline of a specific research and development agenda and activities to be conducted with the Federal funds; and

(2) provisions to ensure compliance with the open competition and merit review requirements of this Act for proposals and projects assisted under this Act.

SEC. 6. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—Federal funds received under this Act may be used only for research and development activities directly related to the development of teacher assessment and certification procedures for elementary and secondary school teachers.

(b) PRIORITIES.—(1) The Board shall give priority to research and development activities in—

(A) mathematics;

(B) the sciences;

(C) foreign languages; and

(D) literacy, including the ability to read, write and analyze.

(2) The Board shall give priority to research and development activities for the certification of elementary and secondary school teachers and the need and ability of such teachers to teach special educational populations, including—

(A) limited English proficient children;

(B) gifted and talented children;

(C) children with disabilities; and

(D) economically and educationally disadvantaged children.

SEC. 7. APPLICATION.

(a) IN GENERAL.—The Board shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities for which assistance is sought; and

(2) provide assurances that the non-Federal share of the cost of activities of the Board shall be paid from non-Federal sources, together with a description of the manner in which the Board will comply with the requirements of this paragraph.

(b) APPROVAL.—The Secretary shall approve an application submitted pursuant to subsection (a) unless such application fails to comply with the provisions of this Act.

SEC. 8. PAYMENTS; FEDERAL SHARE.

(a) IN GENERAL.—The Secretary shall pay to the Board the Federal share of the costs of the activities described in the application approved pursuant to section 7 for the period for which the application is approved under section 7.

(b) AMOUNT OF FEDERAL SHARE.—The Federal share shall be 50 percent.

SEC. 9. REPORTS AND AUDITING PROVISION.

(a) NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS REPORT.—(1) The Board shall submit an annual report to the appropriate committees of the Congress not later than December 31, 1991, and each succeeding year thereafter, for any fiscal year in which Federal funds are expended pursuant to this Act. The Board shall disseminate the report for review and comment to the Secretary, the Director, the National Research Council, and the education research community. The report shall—

(A) include a detailed financial statement and a report of the audit practices described in section 4(c)(2)(G);

(B) include a description of the general procedure to assure compliance with the requirements of section 6; and

(C) provide a comprehensive and detailed description of the Board's agenda, activities, and planned activities for the preceding and succeeding fiscal years, including—

(i) the Board's overall research and development program and activities;

(ii) the specific research and development projects and activities conducted with Federal funds during the preceding fiscal year, including—

(I) a description of the goals and methodology of the project;

(II) a description and assessment of the findings (or status and preliminary findings if the project is not yet complete);

(III) a description of the competitive bidding process, the merit review procedures, and the evaluation criteria used to award project funds; and

(IV) a description of the Board's plans for dissemination of the findings described in subclause (II);

(iii) the specific research and development projects and activities planned to be conducted with Federal funds during the succeeding fiscal year, including the goals and methodologies to be used; and

(iv) a listing of available publications of the Board, including publications related to policies, standards and general information, research reports, and commissioned papers of the Board.

(2) The first annual report required by this subsection shall include a description of the Board's research and development agenda for the succeeding 5-year period. Such first report shall include, to the maximum extent practicable, a description of specific research and development projects and activities, and the goals and methodologies of such projects and activities.

(b) ADDITIONAL REPORTS.—The Secretary, the Director, and the National Research Council shall report to the appropriate committees of the Congress on the compliance of the Board with the requirements of this Act not later than 30 days after the Board submits each annual report described in subsection (a).

(c) AUDITING PROVISION.—The Comptroller General of the United States, and any of his authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the Board, and to any recipient of funds from the Board, that are pertinent to the sums received and disbursed under this Act.

SEC. 10. CONSTRUCTION.

Nothing in this Act shall be construed to—

(1) establish a preferred national curriculum or preferred teaching methodology for elementary and secondary school instruction;

(2) infringe upon the rights and responsibilities of the States to license elementary and secondary school teachers;

(3) provide an individual certified by the Board with a right of action against a State, local educational agency, or other public educational entity for any decisions related to hiring, promotion, retention or dismissal; or

(4) authorize the Secretary to exercise supervision or control over the research program, standards, assessment practices, administration, or staffing policies of the Board.•

By Mr. ROTH (by request):

S. 458. A bill to provide for Governmentwide procurement ethics reform, and for other purposes; to the Commitee on Governmental Affairs.

PROCUREMENT ETHICS REFORM ACT

• Mr. ROTH. Mr. President, I rise today to introduce, at the request of the administration, a bill titled the "Procurement Ethics Reform Act."

The administration believes that certain procurement-specific statutes are no longer needed. These provisions have been criticized by contractors and by administration officials as complex, inconsistent, and sometimes redundant. In response to the criticism and for other reasons, certain provisions of section 27 of the Office of Federal Procurement Policy Act were suspended for 1 year by the Ethics Reform Act and a portion of them suspended again for an additional 6 months.

This proposal would repeal the statutes which the administration sees as most bothersome. First, it would replace the procurement-integrity provisions set out in section 27 of the Office of Federal Procurement Policy Act, with a new provision that the administration believes more squarely address the same basic concerns which is protecting procurement sensitive information. Second, it would remove section 27's gratuities and revolving-door restrictions, and repeal three other sets of revolving-door statutes applicable to officers and employees of the Department of Defense and the Department of Energy.

I believe that the force and effect of these proposed changes need to be clearly understood. While I do not fully agree with the administration's proposal, I believe it is a good starting point and will permit the Senate to proceed with the debate and negotiations that are necessary to reaching consensus on whether there is a need to reform procurement-integrity statutes and if so, what is needed.

Mr. President, I ask unanimous consent that the bill be printed in full in the RECORD along with a section-by-section analysis and the administration's statement of purpose and need. I think these documents will provide an excellent reference for our upcoming debate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Procurement Ethics Reform Act."

SEC. 2. FINDINGS AND PURPOSE.

(a) The Congress finds that enacting a statute addressing the disclosure and receipt of contractor bid or proposal information and source selection information will clarify existing lain. By focusing on the information to be protected, rather than the status of persons who might disclose or obtain the information, or the stage of a Federal agency procurement when the information may be generated, this Act will increase the general understanding of the conduct expected and limitations imposed.

(b) The purpose of this Act is to clarify existing lain governing participation in Federal agency procurements by adding a new provision addressing the disclosure and receipt of contractor bid or proposal information or source selection information and repealing certain conflict of interest statutes that apply to individual employees on a selective basis.

SEC. 3. DISCLOSING AND OBTAINING CONTRACTOR BID OR PROPOSAL INFORMATION OR SOURCE SELECTION INFORMATION.

(a) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended to read as follows:

"SEC. 27. DISCLOSING AND OBTAINING CONTRACTOR BID OR PROPOSAL INFORMATION OR SOURCE SELECTION INFORMATION.

"(a) A present or former officer or employee of the United States, or a person who is acting or has acted for or on behalf of or who is advising or has advised the United States with respect to a Federal agency procurement and who—

"(1) by virtue of that office, employment, or relationship has or had access to contractor bid or proposal information or source selection information, and

"(2) other than as provided by law, knowingly and willfully discloses that information before the award of a Federal agency procurement contract to which the information relates,

is subject to the penalties and administrative actions set forth in subsection (d).

"(b) Whoever, other than as provided by law, knowingly and willfully obtains contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates is subject to the penalties and administrative actions set forth in subsection (d).

"(c) Whoever, other than as provided by law, knowingly and willfully violates the terms of a protective order, issued by the Comptroller General or the board of contract appeals of the General Services Administration in connection with a protest against the award or proposed award of a Federal agency procurement contract, by disclosing or obtaining contractor bid or proposal information or source selection information is subject to the penalties and administrative actions set forth in subsection (d).

"(d) The penalties and administrative actions for an offense under subsection (a), (b), or (c), are as follows:

"(1) CRIMINAL PENALTIES.—

"(A) Whoever engages in the conduct constituting the offense shall be imprisoned for not more than one year or fined in the amount set forth in 18 U.S.C. 3571, or both.

"(B) Whoever engages in the conduct constituting the offense for the purpose of either

"(i) exchanging the information covered by subsections (a), (b), and (c), for anything of value, or

"(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract,

shall be imprisoned for not more than five years or fined in the amount set forth in 18 U.S.C. 3571, or both.

"(2) CIVIL PENALTIES.—The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under subsection (a), (b), or (c). Upon proof of such conduct by a preponderance of the evidence, the person is subject to a civil penalty. An individual who engages in such conduct is subject to a civil penalty of not more than $50,000 for each violation plus twice the amount of compensation which the individual received or offered for the prohibited conduct. An organization that engages in such conduct is subject to a civil penalty of not more than $500,000 for each violation plus twice the amount of compensation which the organization received or offered for the prohibited conduct.

"(3) ADMINISTRATIVE ACTIONS.—If a Federal agency receives information that a contractor or a person has engaged in conduct constituting an offense under subsection (a), (b), or (c), the Federal agency shall consider one or more of the following actions, as appropriate:

"(A) Canceling the Federal agency procurement when a contract has not been awarded;

"(B) Declaring void and rescinding a contract in relation to which there has been either

"(i) a conviction for an offense under subsection (a), (b), or (c), committed by the contractor or someone acting for the contractor, or "(ii) a determination by the head of the agency based upon clear and convincing evidence that the contractor or someone acting for the contractor has engaged in such conduct.

If such action is taken, the United States is entitled to recover in addition to any penalty prescribed by law, the amount expended under the contract;

"(C) Initiating suspension or debarment proceedings for the protection of the Government in accordance with procedures in the Federal Acquisition Regulation. In this regard, engaging in conduct constituting an offense under subsection (a), (b), or (c), affects the present responsibility of a Government contractor or subcontractor; or

"(D) Initiating adverse personnel action, pursuant to the procedures in chapter 75 of title 5, United States Code, or other applicable law or regulation.

"(e) For purposes of this section:

"(1) The term 'contracting officer' means a person who, by appointment in accordance with applicable regulations, has the authority to enter into a Federal agency procurement contract on behalf of the Government and to make determinations and findings with respect to such a contract.

"(2) The term 'contractor bid or proposal information' means the following information submitted to a Federal agency as part of or in connection with a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

"(A) Cost or pricing data;

"(B) Indirect costs and direct labor rates;

"(C) Proprietary information about manufacturing processes, operations, or techniques marked by the contractor in accordance with applicable law or regulation; or

"(D) Information marked by the contractor as 'contractor bid or proposal information,' in accordance with applicable law or regulation.

"(3) The term 'Federal agency' has the meaning given that term in section 3 of the Federal Property and Administrative Services Act (40 U.S.C. 472).

"(4) The term 'Federal agency procurement' means the competitive acquisition by contract of supplies or services (including construction) from non-Federal sources by a Federal agency using appropriated funds.

"(5) The term 'protest' means a written objection by an interested party to the award or proposed award of a Federal agency procurement contract, pursuant to section 111 of the Federal Property and Administrative Services Act (40 U.S.C. 759) or subchapter V of chapter 35 of title 31, United States Code.

"(6) The term 'source selection information' means the following information prepared for use by a Federal agency for the purpose of evaluating a bid or proposal to enter into a Federal agency procurement contract, if the information has not been previously made available to the public or disclosed publicly:

"(A) Bid prices submitted in response to a Federal agency solicitation for sealed bids or lists of those bid prices prior to public bid opening;

"(B) Proposed costs or prices submitted in response to a Federal agency solicitation or lists of those proposed costs or prices;

"(C) Source selection plans;

"(D) Technical evaluation plans;

"(E) Technical evaluations of proposals;

"(F) Cost or price evaluations of proposals;

"(G) Competitive range determinations which identify proposals that have a reasonable chance of being selected for award of a contract;

"(H) Rankings of bids, proposals, or competitors;

"(I) The reports and evaluations of source selection panels or boards or advisory councils; or

"(J) Other information marked as 'source selection information' based upon a case-by-case determination by the head of the agency, his designee, or the contracting officer that its disclosure would jeopardize the integrity or successful completion of the Federal agency procurement to which the information relates.

"(f) No person may file a protest against the award or proposed award of a Federal agency procurement contract alleging an offense under subsection (a), (b), or (c), of this section, nor may the Comptroller General or the board of contract appeals of the General Services Administration consider such an allegation in deciding such a protest, unless that person reported information to the Federal agency responsible for the procurement that he believed constituted evidence of the offense no later than ten working days after he first discovered the possible offense.

"(g) This section does not:

"(1) Restrict the disclosure of information to or its receipt by any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

"(2) Restrict a contractor from disclosing its own bib or proposal information or the recipient from receiving that information;

"(3) Restrict the disclosure or receipt of information relating to the Federal agency procurement after it has been cancelled by the Federal agency prior to contract award unless the Federal agency plans on resuming the procurement;

"(4) Authorize the withholding of information from nor restrict its receipt by the Congress, a committee or subcommittee thereof, the Comptroller General, a Federal agency, or an Inspector General of a Federal agency;

"(5) Authorize the withholding of information from nor restrict its receipt by any board of contract appeals of a Federal agency or the Comptroller General in the course of a protest against the award or proposed award of a Federal agency procurement contract; or

"(6) Limit the applicability of the requirements, sanctions, contract penalties, and remedies established under any other law or regulation.".

(b) Government-wide regulations and guidelines deemed appropriate to carry out this Act shall be issued in the Federal Acquisition Regulation by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration, in coordination with the Federal Acquisition Regulatory Council. Proposed regulations and guidelines shall be issued within 120 days after the date of enactment. Implementing regulations and guidelines shall be issued within 180 days of enactment.

SEC. 4. REPEALS.

The following laws are repealed:

(a) Sections 2397, 2397a, 2397b, and 2397c of title 10, United States Code.

(b) Section 281 of title 18, United States Code.

(c) Section 801 of title 37, United States Code.

(d) Sections 604, 605, 606, and 608(c) of the Department of Energy Organization Act (42 U.S.C. 7214-7216 and 7218(c)).

SEC. 5. CONFORMING AMENDMENTS.

(a) Chapter 141 of title 10, United States Code, is amended by striking the items relating to sections 2397, 2397a, 2397b, and 2397c in the table of sections at its beginning.

(b) Chapter 15 of title 18, United States Code, is amended by striking the item relating to section 281 in the table of sections at its beginning.

(c) Chapter 15 of title 37, United States Code, is amended by striking the item relating to section 801 in the table of sections at its beginning.

(d) The Department of Energy Organization Act is amended:

(1) In section 601(c)(1) by striking "through 606" and inserting "and 603";

(2) In section 601(d) by striking ", 603(a), 605(a), and 606" and inserting "and 603(a)";

(3) In section 607(a) by striking ", 604, or 605";

(4) In section 607(b) by striking "sections 603, 604, and 605" and inserting "section 603", and by striking "Personnel Management" wherever it appears and inserting "Government Ethics";

(5) In section 607(c) by striking ", 603(c), 605(a), or 606(c)" and inserting "and 603(c)"; and

(6) In section 608(b) by striking ", 603, 604, 605, or 606" and inserting "or 603".

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED PROCUREMENT ETHICS REFORM ACT

SECTION I—SHORT TITLE

Section I provides that the proposed Act may be cited as the "Procurement Ethics Reform Act."

SECTION 2—FINDINGS AND PURPOSE

Section 2(a) states the finding of Congress that enacting a statute addressing the disclosure and receipt of contractor bid or proposal information and source selection information would clarify existing law. By focusing on the information to be protected, rather than the status of persons who might disclose or obtain the information, or the stage of a Federal agency procurement when the information is generated, the proposed Act would increase the general understanding of the conduct expected and limitations imposed.

Enactment of individual statutes addressing conflicts of interest in Federal agency procurements has, over time, contributed a measure of uncertainty and complexity to the body of conflict interest lain. These statutes were intended, in part, to protect the integrity of the procurement process. They help to ensure that no bidder or offeror for a Federal agency procurement will gain an unfair competitive advantage by unauthorized access to procurement-sensitive information or by the inappropriate use of influence. In many cases, however, the restrictions they impose overlap similar restrictions imposed by Government-wide statutes. As a net result of the accretion of these statutes, officers and employees of executive branch agencies are subject to multiple layers of seemingly inconsistent rules, and the executive branch ethics program is encumbered by a complex, multi-tiered system of statutory restrictions that make it difficult to provide effective ethics training and counseling.

There are four sets of statutes that are directed specifically at the conduct of personnel involved in procurement-related activities, either as current or former officers or employees: the procurement integrity provisions (section 27 of the Office of Federal Procurement Policy Act); the Department of Defense restrictions at 10 U.S.C. §§2397 through

2397c; the military selling statutes at 18 U.S.C. §281 and 37 U.S.C. §801; and the Department of Energy statutes at sections 604 through 606 of the Department of Energy Organization Act. At the time of their enactment, most of these statutes served to supplement existing Government-wide remedies by creating civil remedies for conduct similar to that prohibited by the criminal conflict of interest statutes. However, with the addition of 18 U.S.C. §216 as part of the Ethics Reform Act of 1989, Congress created a new class of misdemeanor violations and added civil penalties and injunctive relief for violations of most of the conflict of interest statutes at Chapter 11 of title 18 of the United States Code.

To a great extent, these four sets of statutes are duplicative in purpose of the general conflict of interest statutes, 18 U.S.C. §§201, 207, and 208. For example, the restrictions on seeking employment imposed by the procurement integrity provisions and 10 U.S.C. §2397a are similar in their application to the prohibitions that apply to all executive branch personnel under 18 U.S.C. §208 and the standards of conduct. The post-employment restrictions imposed by the procurement integrity provisions, 10 U.S.C. §2397b, the military selling statutes, and section 605 of the Department of Energy statute mirror the purpose, but not the scope and coverage of the Government-wide post-employment statute, 18 U.S.C. §207.

The overlapping of the various statutory requirements results in considerable confusion for those who must follow the rules and who risk stiff criminal, civil, and administrative sanctions for failure to do so. The overlapping statutory requirements also create considerable administrative burden for those charged with administering agency ethics programs.

Section 2(b) states that the purpose of the proposed Act is to reduce the confusion resulting from the overlapping statutory requirements, while protecting the Government from potential conflicts of interest by those who participate in Federal agency procurements. To accomplish this purpose, the proposed Act would replace the protections afforded proprietary and source selection information by the procurement integrity provisions with less complex provisions that would prohibit disclosing or obtaining contractor bid or proposal information or source selection information. The proposed Act would also repeal several conflict of interest statutes that are duplicative of general conflict of interest laws.

SECTION 3—DISCLOSING AND OBTAINING CONTRACTOR BID OR PROPOSAL INFORMATION OR SOURCE SELECTION INFORMATION

Section 3 would replace section 27 of the Office of Federal Procurement Policy Act (the procurement integrity provisions) with a new section 27 which would prohibit improperly disclosing or obtaining contractor bid or proposal information or source selection information. One who violates the prohibitions of section 27 of the proposed Act would be subject to criminal and civil penalties and to appropriate administrative actions. In terms of the conduct it circumscribes, the proposed Act is similar in scope to the prohibitions on disclosing and obtaining proprietary and source selection information contained in the procurement integrity provisions.

Unauthorized access to a competitor's bid or proposal information or the agency's source selection information may provide a bidder or offeror an opportunity to obtain an unfair advantage in competing for a Government contract. The Government has a substantial interest in maintaining a level playing field for all competitors for Government contracts and any perception that the process is unfair is likely to discourage potential competitors. The net result of diminished competition in Government procurements is increased costs to the Government, whether because of a higher contract price or less satisfactory products or performance. The proposed Act would provide needed protections to ensure that competing contractors do not obtain access to information that would give them an unfair competitive advantage and, thereby, jeopardize the integrity of the procurement process.

The proposed Act would simplify the application of protections similar to the procurement integrity provisions. The proposed prohibitions would focus on the information protected, rather than on whether it was disclosed or obtained by a person having the status of a "procurement official" or a "competing contractor" or at a particular point in the procurement process. Until the contract to which it pertains is awarded, contractor bid or proposal information and source selection information would be protected by proposed subsection 27(a) from unauthorized disclosure. Anyone who had access to that information by reason of being an employee of the United States or acting for or advising the United States with respect to the particular procurement would be prohibited from such disclosure. The corollary restriction of proposed subsection 27(b) would make it a violation for anyone to obtain such information prior to contract award. Subsection 27(c) would prohibit anyone from violating the terms of a protective order, issued in the course of a protest to the award or proposed award of a Federal agency procurement contract, by disclosing or obtaining information protected by the Act. An offense under subsections 27 (a), (b), or (c), would occur only if the information is disclosed or obtained "knowingly and willfully," in violation of the Act.

Proposed subsection 27(d) establishes both criminal and civil penalties for violations of subsections 27(a), 27(b), and 27(c), and prescribes appropriate administrative actions that may be taken by the procuring agency. Subsection 27(s) (1)(A) would make persons who engage in conduct proscribed by subsection 27(a), 27(b), or 27(c) subject to imprisonment for up to one year and fines set forth in 18 U.S.C. §3571, or both. Subsection 27 (d)(1)(B) would make persons who engage in such conduct for the purpose of either exchanging the information covered by subsection 27(a), 27(b), or 27(c) for anything of value, or obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract subject to imprisonment for up to five years and fines set forth in 18 U.S.C. §3571, or both. Subsection 27(d) (2) would allow the Attorney General to bring a civil action to recover from an individual up to $50,000 for each violation plus twice the amount of any compensation received or offered for the prohibited conduct. An organization that engages in the prohibited conduct would be subject to a civil fine of up to $500,000 for each violation plus twice the amount of any compensation received or offered for the prohibited conduct.

Where a Federal agency receives information that a contractor or any person has engaged in conduct constituting an offense under the Act, subsection 27(d) (3) provides that the procuring agency shall consider appropriate administrative action. Prior to contract award, and without regard to whether any penalty has been imposed, appropriate action may include cancelling the procurement. Appropriate action may also include declaring the contract void and rescinding the contract, where there has been a conviction related to the procurement for an offense committed by the contractor or someone acting for the contractor, or where the head of the procuring agency makes a determination that such an offense has occurred.

Regardless of the stage of the procurement, appropriate action may include debarment or suspension, i.e., excluding or temporarily excluding a contractor or person from Government contracting and Government-approved subcontracting for a specified period. Subsection 27 (d) (3) facilitates the initiation of debarment or suspension proceedings by making it clear that an offense under the proposed Act affects the present responsibility of a Government contractor or subcontractor. In the case of a Government employee who engages in conduct constituting an offense under the Act, appropriate administrative action may include initiating adverse personnel action. It is anticipated that regulations implementing Subsection 27 (d) (3) would provide further guidance to procuring agencies on taking appropriate administrative actions.

Proposed subsection 27(e) provides definitions of the information protected, along with definitions of the terms "contracting officer," "Federal agency," "Federal agency procurement," and "protest." By the definition at subsection 27 (e) (2), two categories of information are specifically protected as biG or proposal information and there is provision for extending the statute's protections to other information marked by the contractor in accordance with applicable law or regulation. Proposed section 27 uses the term "contractor bid or proposal information", rather than "proprietary information" used in the procurement integrity provisions, to characterize more precisely the class of information protected. The term "source selection information" is the same as that used in the procurement integrity provisions. However, unlike the procurement integrity provisions' generic definition, subsection 27 (e) (6) lists nine specific categories of information generated within the agency or for use by the agency in selecting the successful bid or proposal. There is provision for extending the statute's protections to other information that is marked as source selection information based on the determination that its disclosure would jeopardize the integrity or successful completion of the procurement.

Proposed subsection 27(f) would preclude the filing of a protest alleging a violation of the substantive restrictions of subsection 27 (a), (b), or (c), unless the protestor reported information to the Federal agency responsible for the procurement that he believed constituted evidence of the offense no later than 10 days after he first discovered the possible offense. This restriction is intended to provide the agency an opportunity to take administrative action or initiate investigations, as appropriate, where the information gives the agency reason to believe that a violation has occurred.

Proposed subsection 27(g)(I) contains language to ensure that contractor bid or proposal information and source selection information may properly be disclosed in accordance with applicable procedures and regulations. Subsection 27(g)(2) would make it clear that the Act is not intended to restrict a contractor from disclosing its own bid or proposal information. Subsection 27(g)(3) provides that otherwise protected information may be disclosed when a procurement has been cancelled prior to award and the agency does not plan on resuming the procurement. Subsection 27(g)(4) would ensure that the proposed Act is not construed to authorize the withholding of information from Congress, the Comptroller General, a Federal agency, or an Inspector General of a Federal agency. Subsection 27(g)(5) would make it clear that the proposed Act would not authorize withholding information from a board of contract appeals or the Comptroller General incident to the bid protest process. Subsection 27(g)(6) is intended to preserve the applicability of any requirements, sanctions, contract penalties and remedies provided by other law or regulation.

Subsection 3(b) of the proposed Act would require that appropriate implementing regulations and guidelines be issued in the Federal Acquisition Regulation in coordination with the Federal Acquisition Regulatory Council. This subsection would require that proposed regulations and guidelines be issued within 120 days of enactment, and that implementing regulations and guidelines be issued within 180 days of enactment.

While portions of the procurement integrity provisions served a similar purpose to proposed section 27, the procurement integrity provisions used definitions and imposed certification requirements that introduced a measure of uncertainty and complexity not presented by the proposed Act.

SECTION 4—REPEALS

Section 4 would repeal three sets of statutes that, on a selective basis, impose additional restrictions upon the conflict of interest standards that apply to all personnel in the executive branch. Together with the proposed changes to section 27 of the Office of Federal Procurement Policy Act, repeal of these statutes would eliminate much of the complexity that now burdens the executive branch ethics program and encumbers agency efforts to provide meaningful ethics training and counseling.

The Ethics Reform Act of 1989 was passed in the wake of comprehensive executive and legislative branch reviews of the conflict of interest statutes that apply to all three branches of Government. As a result of that review, major amendments were made to 18 U.S.C. 207 to establish a single, comprehensive, post-employment statute applicable to executive and legislative branch personnel who leave Government service; the basic conflict of interest statute, 18 U.S.C. §208 was modified; new misdemeanor and civil remedies were added for violations of 18 U.S.C. §5207 and 208; and 5 U.S.C. §7353 was added to establish uniform standards for the receipt of gifts by all Government personnel. A major purpose of the Ethics Reform Act of 1989 was to create a comprehensive body of conflict of interest restrictions applicable to employees throughout the three branches of the Government. That purpose is thwarted by the continued existence of the overlapping sets of statutes that would be repealed by this section.

Those portions of the procurement integrity provisions designed to protect procurement-sensitive information would be superseded by the new protections for bid or proposal information and source selection information added by section 3. The gratuities and revolving door restrictions on the procurement integrity provisions would be eliminated as duplicative in purpose of gratuities and revolving door statutes that apply to personnel throughout the executive branch.

To reduce the multiple layers of overlapping restrictions that burden the Defense Department ethics program, section 4 would repeal several revolving door statutes targeted at Defense Department personnel and their employment with contractors who do work for the Defense Department. The restrictions on seeking employment contained in 10 U.S.C. §2397a and the post-employment restrictions of 10 U.S.C. §2397b would be repealed because they are duplicative in purpose of the revolving door restrictions that apply to all executive branch personnel under 18 U.S.C. §207 and 208. The post-employment reporting requirements of 10 U.S.C. 2397 and 2397c would be repealed because they encumber the Defense Department's ethics program with procedural requirements that do not contribute to the enforcement of the substantive post-employment restrictions.

Because they have been superseded in purpose by the more appropriate post-employment restrictions of 18 U.S.C. §207, the military selling statutes, 18 U.S.C. §281 and 37 U.S.C. §801, would also be repealed. Their repeal could eliminate the unfairness of burdening retired military officers with two or more layers of overlapping post-employment restrictions than apply to any other officer or employee in the executive branch.

Finally, section 4 would repeal the Energy Department revolving door statutes, sections 605 and 606 of the Department of Energy Organization Act (42 U.S.C. 7215 and 7216), and their related sanctions and reporting and disclosure provisions. Enacted as a prototype for the one year no-contract ban contained in 18 U.S.C. §207(c), the Energy Department post-employment statute, section 605, makes Energy Department supervisory employees the only employees in the executive branch below level V of the Executive Schedule to be subject to a one-year no-contact ban. Under section 606, Energy Department employees are the only employees subject to a "reverse" revolving door statute that mandates their recusal from matters affecting a former employer with whom they have severed all financial ties.

SECTION 5—CONFORMING AMENDMENTS

Section 5 would amend the appropriate tables of sections in titles 10, 18, and 37, to strike references to the repealed provisions, and would amend the Department of Energy Organization Act to conform to the repeal of the provisions of that Act identified in section 4.

STATEMENT OF PURPOSE AND NEED FOR THE PROCUREMENT ETHICS REFORM ACT

The purpose of the attached bill is twofold. First, it would replace the procurement integrity provisions, section 27 of the Office of Federal Procurement Policy Act, with a new provision that more squarely addresses the same basic concerns: unauthorized disclosure and receipt of contractor bid or proposal information and source selection information. Second, it would remove section 27's gratuities and revolving door restrictions, and repeal three other sets of revolving door statutes applicable to officers and employees of the Department of Defense (DOD) and the Department of Energy (DOE).

Congress passed the Ethics Reform Act in November, 1989. The Ethics Reform Act added provisions to the existing body of conflict of interest laws applicable throughout the executive branch, and extended the application of many of those laws to all three branches of the Government. The Ethics Reform Act added a new provision restricting the receipt of gifts by officers and employees of all three branches and amended most of the basic statutes underlying the Government's ethics program. Amendments were made to 18 U.S.C. §208, which places restrictions on negotiating for other employment while still in Government service, and 18 U.S.C. §207, which restricts activities after Government service has ended. In addition, a new statute, 18 U.S.C. §216, created a new class of misdemeanor violations and added civil remedies and injunctive relief for violations of most of the conflict of interest statutes in Chapter 11 of title 18 of the United States Code.

Section 507 of the Ethics Reform Act of 1989 suspended for one year, until December 1, 1990, section 27 and three other sets of statutes that impose additional and overlapping conflict of interest restrictions applicable to narrow classes of executive branch personnel. Section 815 of the National Defense Authorization Act for Fiscal Year 1991 continued the suspension of the post-employment provisions of section 27(f) and the other three sets of statutes through May 31, 1991. The suspended statutes include the DOD revolving door statutes at 10 U.S.C. §52397a and 2397b, the military selling statute at 18 U.S.C. §281, and most of the DOE conflict of interest statutes at 42 U.S.C. §57211–7218. The perpetuation of these ethics statutes addressing similar conduct but applying different prohibitions to limited classes of officers and employees is at odds with the comprehensive purpose and structure of the Ethics Reform Act of 1989.

THE PROCUREMENT INTEGRITY PROVISIONS

Section 27 subjects Government procurement officials (i.e., those who participate personally and substantially in specified activities in the conduct of a procurement prior to award) to four separate restrictions, with three corollary restrictions made applicable to competing contractors. Throughout the conduct of a procurement prior to award, it prohibits a procurement official from (1) seeking employment with a competing contractor; (2) soliciting or receiving gratuities from a competing contractor; and (3) making an unauthorized disclosure of proprietary or source selection information. For each of these three restrictions, there is a corollary restriction applicable to competing contractors. A separate provision extends the prohibition on unauthorized disclosure of proprietary and source selection information to anyone who has authorized or unauthorized access to such information. An additional restriction prohibits a former procurement official for two years from participating on behalf of a competing contractor (1) in any negotiations leading to award or modification of any contract for such procurement or (2) in the performance of such contract. There are a number of definitions and certification requirements that, in combination with recusal procedures and requirements to issue "safe harbor" opinions, make it difficult to integrate section 27 into the executive branch ethics program.

Protection of procurement-sensitive information

Although section 27 is broader in scope, its focus and important contribution to the scheme of Federal ethics-related legislation lies in its prohibitions on disclosing and obtaining procurement-sensitive information. The draft bill is a modified version of subsections 27(a)(3), (b)(3) and (d) (formerly (c)), constituting those portions of section 27 that protect proprietary and source selection information. It strengthens those protections while at the same time simplifying their application. The draft bill substitutes the phrase "contractor bid or proposal information" for "proprietary information" and provides a more specific definition of the information protected. It identifies nine categories of "source selection information" and includes a provision under which other information can be marked and protected as source selection information based on a case-by-case determinaton that its disclosure would jeopardize the integrity or successful completion of the procurement to which it relates.

One of the difficulties encountered in implementing section 27 has been the definitional problem of determining whether and when its substantive prohibitions have been triggered. Because of the variety of procedures under which procurement is conducted, it is often difficult to determine whether a particular procurement has begun or whether a particular individual is a procurement official and, thus, whether the prohibitions apply. For purposes of protecting procurement-sensitive information, the draft bill eliminates those difficulties by prohibiting the knowing and willful pre-award disclosure, other than as provided by law, of bid or proposal information and source selection information by anyone, who, by reason of his office, employment, or relationship with the United States, has access to such information. The draft bill would include remedies similar to those contained in subsections 27 (h), (i), and (j) (formerly (g), (h), and (i)).

The recent "Ill Wind" investigations are frequently cited as justification for the restrictions imposed by section 27. An earlier review of completed investigations indicated that the Justice Department had been successful in obtaining convictions using statutes such as the criminal conspiracy and conversion statutes that have long been on the books. Nevertheless, the fact that many of the Ill Wind cases involved individuals or companies who were trafficking in procurement-sensitive information tends to confirm the value of a statute designed to provide clear notice that those who improperly disclose or obtain bid or proposal or source selection information will be subject to criminal prosecution, civil fines, and appropriate administration action.

Unlike section 27, the draft bill does not rely on a complex system of certifications to ensure compliance. A primary lesson learned from the Ill Wind investigations to date has been that the conduct prosecuted has been conscious, deliberate, and in some cases, highly sophisticated criminal conduct. Such deliberate criminal conduct is unlikely to be deterred by the risk of additional penalties resulting from false statement violations under 18 U.S.C. § 1001. Furthermore, such deliberate criminal conduct is unlikely to be detected as part of the certification process required of the vast majority of individuals who have not engaged in criminal conduct. The practical value of certifications, then, would be to force procurement officials and contractor personnel periodically to consider the matters prohibited by the bill. This practical value must be weighed against the administrative costs involved.

The cumulative effect of the various certifications required of contracting officers, procurement officials, and contractor personnel by section 27 is to create an administrative burden that focuses limited agency resources on procedural rather than substantive requirements. To the extent that persons gained some knowledge of section 27 in the certification process, they would have learned that the wisest course of action would be to seek advice from agency ethics officials on specific matters. Statutory requirements to certify familiarity and compliance with a complex statute, coupled with requirements to report any information concerning a violation or possible violation of the statutory provisions, do not ensure that clear guidance is provided to the great majority of Government and contractor employees who want to abide by the rules. The time spent on completing certifications would be better spent on ethics training.

Restrictions on seeking employment

Given the effect of other statutes and standards of conduct that apply to officers and employees throughout the executive branch, the restrictions on seeking or offering employment imposed by subsections 27(a)(1) and 27(b)(1) are unnecessary. At the time of its enactment, section 27 supplemented these statutes and standards by creating civil remedies for conduct similar to that already prohibited. With the enactment of 18 U.S.C. § 216 as part of the Ethics Reform Act of 1989, Congress added a new civil remedies to the existing criminal remedies of 18 U.S.C. § 208, thus eliminating much of the purpose of Subsections 27(a)(1) and 27(b)(1). The draft bill would remove those prohibitions based on the enactment of 18 U.S.C. § 216 and the understanding that the subject of seeking employment is addressed in agency standards of conduct and is soon to be dealt with comprehensively across the executive branch in the uniform standards of ethical conduct soon to be issued under Executive Order 12674, April 12, 1989.

Every officer and employee in the executive branch is subject to 18 U.S.C. § 208(a), a criminal statute that prohibits his participation in a matter affecting the financial interests of any person with whom he is negotiating for or has an arrangement concerning future employment. Under this statute, any employee who is participating in a procurement on behalf of his agency must recuse—disqualify—himself from further participation in that procurement if he wishes to engage in employment negotiations with a competing contractor. Both the Department of Justice and the Office of Government Ethics view even the unilateral submission of a resume to a competing contractor—conduct short of "negotiating"—as conduct requiring an employee's recusal from further involvement in a procurement under the standards of conduct. A contractor's offer of employment to an executive branch employee who is working on a procurement that affects the contractor's interests may, depending on the circumstances, also constitute a bribe or illegal gratuity.

The prohibitions of subsections 27(a)(1) and 27(b)(1) on seeking and offering employment are, thus, largely duplicative of standards now applicable throughout the executive branch. Consistent with these standards, the Defense Authorization Act of 1990 amended section 27 to establish procedures that would allow many procurement officials to recuse themselves from further involvement in a procurement in order to seek employment with a competing contractor. As amended, section 27 imposes an absolute ban on employment negotiations with a competing contractor for only those procurement officials which have participated personally and substantially in (1) evaluation of bids or proposals; (2) selection of sources; or (3) conduct of negotiations.

The recusal of an employee from any further participation in a procurement ensures that an employee seeking outside employment cannot use his Government position to take action that might benefit a potential employer. Thus, the absolute restrictions on seeking employment imposed by section 27 serve only the collateral purpose of reducing the opportunities for employees and competing contractors to engage in communications that might result in disclosure of procurement sensitive information. Upon the enactment of a statute that prohibits unauthorized disclosure and receipt of bid or proposal or source selection information, even those concerns become redundant.

As applied to DOD personnel whose duties relate to procurement, the prohibitions of subsection 27(b)(1) compound with 10 U.S.C. § 2397a, discussed below, and Government-wide standards on seeking employment to create a structure consisting of three sets of rules governing essentially the same conduct. Because each involves different procedural requirements, they result in DOD personnel having to learn and comply with three overlapping sets of rules. This layering of restrictions is counterproductive to efforts to provide meaningful training and administer an overall agency ethics program.

Post-employment restrictions

The draft bill would remove as unnecessary the post-employment restrictions imposed upon former procurement personnel by subsection 27(f) (formerly (e)). An earlier review of the factual information underlying the "Ill Wind" indictments and pleas indicated that none of the individuals or companies involved had engaged in conduct that would have violated subsection 27(f). Specifically, there is no indication that, after leaving Government service, any individual performed work under a contract or assisted a competing contractor in negotiations leading to the award of a contract on which he had participated during Government service.

Every former officer or employee within the executive branch is subject to the criminal post-employment statute, 18 U.S.C. § 207. This statute was recently subject to extensive review. As part of the Ethics Reform Act of 1989, major amendments were made to 18 U.S.C. § 207 to establish a single, comprehensive, post-employment statute applicable to former executive and legislative branch personnel. Among its several proscriptions is a lifetime bar that prohibits a former officer or employee who participated personally and substantially in a procurement from representing any other person before a department or agency of the United States in connection with that same contract.

Potentially, there are three ways in which Government personnel can abuse the trust of their public office when seeking employment with Government contractors. Before leaving government, they may seek to curry favor with a potential employer by acting in a procurement with less than the perfect impartiality required of Government service. The disqualification requirements, discussed above, are an effective check on this type of conduct. After leaving the Government, there are the dual concerns that they may take unfair advantage of their former positions to benefit a new employer either by using their influence with former associates or by revealing or using nonpublic information obtained as a result of their Federal employment. By banning contacts back with their former associates on matters in which former employees were involved, 18 U.S.C. § 207 adequately addresses the potential for improper use of influence. The draft bill squarely addresses the latter concern that a former employee, advisor, or consultant will reveal procurement-sensitive information.

Given the Government-wide post-employment statute and assuming the existence of legislation such as the draft bill, there is no need for post-employment restrictions that single out procurement personnel for restrictions more onerous than those imposed upon other employees whose actions may have an equally significant impact upon potential employers. Because it does not involve contacts with former associates and because source selection and bid and proposal information lose their importance with respect to a particular procurement once a company has been awarded a contract, the prohibition at subsection 27(f)(2) on performing work under a contract circumscribes conduct that poses no potential for abuse of former position. After award, the Government and the contractor instead have a shared interest in successful performance, and the efforts of former Government employees devoted to that end are ultimately beneficial to the Government. Arguably, the prohibition at subsection 27(f)(1) on participation in negotiations may provide some collateral insurance that procurement-sensitive information is not disclosed. That additional insurance is needed, however, only if the information is not adequately protected, as it would be under the draft bill. And, that insurance comes at a high cost to executive branch efforts to administer a meaningful ethics program and to recruit and retain qualified personnel.

For individual employees, the post-employment proscriptions of subsection 27(f) add a second, third or fourth layer of post-employment restrictions. The net effect of imposing multiple overlapping and inconsistent post-employment restrictions is to render the post-employment portion of the executive branch ethics program so complex that even senior agency ethics officials are challenged to master the matrix of applicable restrictions. A military officer retiring from a position that involves procurement responsibilities is subject to 5 different post-employment statutes, three of which contain multiple prohibitions; DOD and DOE civilians are subject to three. In view of the complexities of 18 U.S.C. §23G(7)(b) and section 27(f), even the double layering of post-employment restrictions that applies to non-DOD and non-DOE agencies is counterproductive to efforts to provide ethics training and advice regarding the responsibilities of former employees.

Congress recognized the complexity of section 27's post-employment restrictions and concluded that education and counseling alone cannot be expected to provide notice of whether particular employment arrangements will violate those restrictions. The Defense Authorization Act of 1990 amended section 27 to add a new subsection (k), which requires agency ethics officials to provide procurement officials with "safe harbor" opinions regarding the applicability of section 27. Because the statute provides other mechanisms for employees to determine whether they may seek employment or disclose information, the safe harbor opinions required by subsection 27(k) will deal primarily with the post-employment restrictions at subsection 27(f).

DOD has now had considerable experience in issuing safe-harbor opinions under 10 U.S.C. §23G(7)(b) to DOD employees who have performed procurement functions. DOD contractors as a matter of practice refuse to hire former DOD personnel who have not obtained a safe-harbor opinion guaranteeing that their employment cannot be challenged. These opinions are not pro forma. Each must be written by a lawyer and tailored to address the propriety of employment with a specific contractor based on the particular procurement duties the employee performed. At a considerable cost in terms of lawyer hours expended, DOD has provided approximately 4,400 of these safe harbor opinions over the past 2½ years. In only about two hundred cases, would the employee's post-employment activities have been restricted by 10 U.S.C. §2397b.

Based on the DOD experience, it is unlikely that any Government contractor would offer employment to a Government employee who has had procurement-related responsibilities without first obtaining a safe harbor opinion under subsection 27(k). Thus, agency ethics officials, particularly those in the procurement agencies, can expect to be inundated with requests for these opinions. The very substantial effort expended on these opinions will redirect resources better used in implementing other aspects of agency ethics programs. As a matter of principle, safe harbor opinions should be unnecessary in the ethics arena. Ethics laws must be sufficiently straight-forward that most employees can understand and comply with their limitations without obtaining a written legal opinion.

Gratuities restrictions

The draft bill would repeal the gratuities prohibitions contained in subsections 27(a)(2) and 27(b)(2). There are a number of statutes other than section 27 that restrict the ability of Federal officers and employees to accept gratuities. Executive branch employees, including those with responsibilities relating to procurements, are prohibited by U.S.C. §209 from accepting any supplementation of salary as compensation for their services. The status contains corollary restrictions that prohibit contractors from supplementing the salary of Federal employees. Subsection 201(c) of title 18 subjects both the donor and the public official recipient of an illegal gratuity to criminal prosecution. As defined in that statute, the term "public official" would extend the provision's coverage to contractors, experts or advisors assisting an agency with respect to a procurement. 18 U.S.C. §218 provides authority for voiding contracts where there is a related violation of 18 U.S.C. §§201 or 209. The cause inserted into many contracts pursuant to 10 U.S.C. §2207 gives the Government a contractual remedy against a contractor who offers or gives any gratuity to an officer or employee of the United States in order to receive favorable treatment in connection with a Government procurement.

In addition to these longstanding statutory prohibitions, executive branch employees are subject to the standards of conduct regulations issued under Executive Order 11222. Under agency implementing regulations, officers and employees who have responsibilities relating to a particular procurement are prohibited from accepting gifts from a contractor with an interest in the procurement, unless the gift comes within one of a very few narrowly-drawn exceptions.

The gift restrictions imposed by Executive Order 11222 are carried forward and broadened by the new Principles of Ethical Conduct for Government Officers and Employees contained in Executive Order 12674 of April 12, 1989 and in 5 U.S.C. §7353 which was added by the Ethics Reform Act of 1989. The Office of Government Ethics is drafting new standards of ethical conduct that, as required by the new Executive order, will establish "a single, comprehensive and clear set of executive branch standards of conduct that shall be objective, reasonable and enforceable." The new standards of ethical conduct will concurrently implement the gift restrictions contained in the Executive order and in the new statute. Because they will apply uniformly throughout the executive branch and supersede individual agency regulations that adopt varying exceptions to the basic gift prohibitions, the uniform standards of conduct will eliminate the problem of contractors having to learn different gift rules for each agency they contract with.

In terms of substantive restrictions, subsections 27(a)(2) and 27(b)(2) largely duplicate the standards of conduct. They impose a stricter standard by mandating the issuance of an implementing regulation defining prohibited gifts from competing contractors to include "a single uniform Government exclusion at a specified minimal dollar amount." The new standards of conduct will achieve the uniformity contemplated by this requirement. Because it would be unworkable and unjustifiably restrictive, however, their exclusions will not be limited to a single exclusion at a specified minimal dollar amount. A single exclusion of this nature would not provide appropriate exceptions such as those necessary to allow employees to accept entertainment and gifts from family members who happen to be employed by prohibited sources. Nor would a single exclusion allow employees to accept certain commercial discounts. The necessity for reasonable exceptions such as these makes it unnecessarily harsh to restrict gifts to procurement personnel to those that meet a single *de minimis* standard. Moreover any such requirement targeted only at procurement personnel defeats a major goal of the President's ethics program—a uniform bill of gift and other standards of conduct applicable to all personnel within the executive branch.

THE DOD STATUTES

The draft bill would repeal the four sections of title 10 directed at DOD personnel and their potential or actual employment with DOD contractors. Sections 2397a and 2397b remain suspended under section 815 of the National Defense Authorization Act for Fiscal Year 1991. The former imposes recusal and related procedural requirements applicable to mid-level and senior-level DOD personnel who have performed a procurement function in connection with a defense contract and who wish to seek other employment. The latter imposes a set of post employment restrictions directed at a selected subclass of those same personnel. The other two statutes impose post-employment reporting requirements. Section 2397 requires former mid-level and senior-level DOD personnel to file reports if they are employed by a major defense contractor at an annual pay rate of $25,000 within the two years after leaving DOD. Section 2397c, a corollary to section 2397, requires major defense contractors to submit annual reports identifying former DOD personnel who, within two years after leaving DOD, were compensated by the contractor.

Restrictions on seeking employment

The draft bill would repeal section 2397a on the basis that it is duplicative and subjects a selected class of employees to unnecessary procedural requirements intended to ensure that they do not improperly use their positions to further the interests of a potential employer.

The procedures required by section 2397a apply to DOD personnel in positions at GS-11 or 0-4 and higher who have performed a procurement function with respect to a contract awarded by DOD and who contact or are contacted regarding future employment opportunities by the defense contractor to whom the contract was awarded. Unless the employee simply rejects an unsolicited employment overture by the contractor, he must file a written report of the contact and recuse himself from further participation in the performance of procurement functions relating to contracts of that defense contractor for any period during which the future employment opportunity has not been rejected.

18 U.S.C. § 208 and the standards of conduct already require the employee's recusal under essentially the same conditions. To this substantive requirement of recusal, section 2397a adds only the procedural requirement that the employee give written notice of the contact and file a written recusal statement. It mandates compliance with these procedures even though an employee is no longer performing duties that impact upon his prospective employer and, as a consequence, is recused in fact from the performance of procurement functions relating to the contracts of that particular defense contractor. Section 2397a imposes significant penalties for a DOD employee's failure to comply with these procedural requirements.

The subject of seeking employment is to be dealt with comprehensively in the standards of ethical conduct soon to be issued under Executive Order 12674 for application to all personnel in the executive branch. In the interest of uniformity and because it is discriminatory to subject DOD procurement personnel to procedural requirements and penalties that differ from those applicable to other officers and employees of the executive branch, the draft bill would repeal section 2397a.

Post-employment restrictions

The draft bill would repeal the cumbersome post-employment restrictions contained in 10 U.S.C. § 2397b for the reason that they burden DOD's ethics program with an additional layer of complex post-employment restrictions applicable only to a selected class of officers and employees.

Section 2397b prohibits former mid-level and senior-level DOD personnel from receiving compensation from particular major defense contractors for two years after separating from DOD if, during their last two years of DOD service, they performed certain procurement-related functions with respect to those contractors. The prohibitions apply to those SES and 0-7 level personnel who, during the two-year period prior to separation, served as a primary representative of the United States in the negotiation of a contract or settlement of a claim over $10,000,000 and to employees who, during a majority of their working days during the 2 year period prior to separation, performed a procurement function:

(1) at a contractor's plant which was the employee's principal location of work on that procurement; or

(2) relating to a major weapons system and participated in a manner involving decision-making responsibilities with respect to a contract for that system through contact with a contractor.

Subsection 2397b(e) provides that any person may request that the designated agency ethics official provide advice on the applicability of section 2397b and requires issuance of a written opinion not later than 30 days after receipt of all relevant information pertaining to the request.

DOD experience indicates that these restrictions have a potential for application to very few DOD personnel. Notwithstanding its narrow application, section 2397b has created an administrative burden that probably was not envisioned and that would appear to be disproportionate to the purpose it serves. Because of the penalties to which they may be subject (up to $500,000 for a single violation by a contractor), most defense contractors, as a matter of practice, now refuse to hire any former DOD officer or employee who, regardless of his activities while in Government service, has not obtained a safe harbor opinion under subsection 2397b(e). From April 6, 1987, when the section became effective, through December 1, 1989, when it was suspended, DOD was required to prepare approximately 4,400 lengthy written opinions, only 4% of which indicate that any limitations were applicable under the law.

Section 2397b uses concepts and definitions of such complexity that it would probably be unfair to leave employees and contractors to their own resources to determine whether a particular employment relationship is precluded. Yet, the necessity to provide definitive legal advice has diverted thousands of manhours that could better be used in providing ethics training and counseling. This complexity, when layered on top of the Government-wide post-employment standards which all DOD employees must learn, makes it difficult for DOD to provide meaningful training to its many employees involved in procurements. With the three layers of post-employment statutes (18 U.S.C. § 207, 10 U.S.C. § 2397b and section 27) applicable to civilians, the best that ethics training can hope to accomplish is to give employees the impression that employment after Government service has so many pitfalls that they must seek individualized counseling before leaving government. The challenge of providing meaningful training for military officers is compounded by two additional layers of post-employment restrictions imposed by 18 U.S.C. § 281 and 37 U.S.C. § 801 (discussed below).

Reporting requirements

The draft bill would repeal the reporting provisions of 10 U.S.C. §§ 2397 and 2397c because they encumber DOD's ethics program with procedural requirements that do not contribute to the enforcement of the post-employment restrictions.

The reporting requirements of section 2397 are imposed upon current and former military officers in grade 0-4 and above and current and former employees at the GS-13 level and above. If employed by a major defense contractor at an annual pay rate of at least $25,000 within the two-year period after leaving DOD, they must file a report which, among other things, describes their current duties and the duties they performed within their last two years of service with DOD. During a two year period after leaving DOD, a new report must be filed each time there is a significant change in the employee's duties and upon employment with a different contractor. Current DOD employees must file reports if they were employed by a major defense contractor at an annual rate of at least $25,000 within the two-year period prior to beginning employment with DOD.

Section 2397c requires a major defense contractor to submit an annual report to the Secretary of Defense identifying former or retired DOD officers and employees who have been compensated by the contractor during the period covered by the report and received that compensation within two years after leaving DOD. Contractors reports contain information similar to that reported by former employees under section 2397.

These two statutes single out DOD personnel and contractors for the imposition of requirements not applicable to personnel and contractors of other agencies. Such differential treatment is at odds with Congressional and Administration efforts to provide uniformity in ethical standards that apply throughout the executive branch. The reports they elicit have not proved to be of value in enforcing any of the substantive conflict of interest provisions. Neither section has provided a basis for initiating action for violation of any requirement other than the requirement to file the reports themselves.

The burden of collecting, analyzing and obtaining clarifications on the information required to be filed under both sections is substantial. The General Accounting Office has estimated that compliance with the individual filing requirements of section 2397 has been as low as 30% and DOD ethics personnel have on several occasions been diverted from other duties in attempts to contact thousands of non-filers. The resources dedicated to collecting these reports would be better spent in more productive areas, such as providing ethics advice and training relating to the substantive post-employment restrictions of 18 U.S.C. § 207.

THE MILITARY SELLING STATUTES

The draft bill would repeal two post-employment statutes which are generally referred to as the "selling statutes." These statutes, 18 U.S.C. § 281 and 37 U.S.C. § 801, apply only to certain retired military officers and have been superseded in purpose by the Government-wide post-employment statute, 18 U.S.C. § 207.

The criminal selling section of the statute, 18 U.S.C. § 281(a), prohibits a retired officer of the armed forces, for two years after retirement, from representing anyone in the sale of anything, including services, to the United States through the military department in which he retired. Section 281(b) prohibits a retired officer of the armed forces, for two years after retirement, from acting as agent or attorney for prosecuting or assisting in the prosecution of any claim against the United States involving the department in which he retired or involving any subject matter with which he was directly connected while on active duty. Section 281(b) affects very few individuals, but adds to the confusion of laws. Although it is a representation restriction rather than a selling restriction, the considerations discussed below apply to section 281(b), as well as section 281(a).

18 U.S.C. § 281 remains suspended through May 31, 1991. The civil companion to the criminal selling statute, 37 U.S.C. § 801, provides for the loss of retired pay by a retired regular officer of the uniformed services if, within three years after his name is placed on the retired list, he engages in activities involving the sale of supplies or war materials to DOD, the Coast Guard, NOAA or the Public Health Service. This particular section was not suspended.

Like 18 U.S.C. § 207, the two selling statutes are directed at the improper use of influence by former Government officials and, thus, prohibit representational activities. The Government-wide post-employment statute, however, establishes a more appropriate scheme of restrictions. Section 207 provides a comprehensive series of bans on post-Government activities that relate directly to both the level and nature of a former official's Government service and to the particular matters on which he worked as a Government official.

Under 18 U.S.C. § 207, certain very senior personnel, including former officers at 0-9 and above, are subject to a one-year ban on contacts back with their former agencies. It is an anomaly that all retired officers, including those at lower ranks, are subject to two-year and three-year restrictions, respectively, on contacts made for the purpose of selling to their former agencies or departments. Under subsections 207(a)(1) and (a)(2), applicable to former officers and employees regardless of grade, the prohibitions on representational activities are triggered only if the employee has participated personally and substantially in a particular matter involving specific parties, or if that matter fell under this official responsibility while in Government service. His representational activities are only limited with respect to that same matter. The sort of nexus which makes this restriction appropriate and meaningful is lacking in both selling statutes. For example, a retired Regular officer with a career of operational fleet assignments and no involvement with procurement is restricted in his selling activities on behalf of a DOD contractor for 2 and 3 years, respectively, under the criminal and civil selling statutes. At a time when most of the procurement work of DOD is conducted by civilians, there would seem to be no basis for singling out subclasses of retired military personnel for more restrictive post-employment rules regarding sales to the Government.

Military officers are subject to an unbelievably complex and confusing scheme of post-employment restrictions. Retired Regular officers of the armed forces can, immediately following their retirement, represent others in the sale of service to each military department except that in which they hold retired status. They may sell their own services directly to the military department in which they hold retired status. Representing others in the sale of anything to that department would, however, violate 18 U.S.C. §281; selling supplies and war materials to any agency of the DOD or to any uniformed service not under the jurisdiction of the Department would violate 37 U.S.C. §801. Two years after their retirement, they can legally begin to represent others in selling services, but not supplies or war materials, to the military department in which they hold retired status, to the other DOD agencies, and to the uniformed services not under the jurisdiction of DOD. One year later, they can represent themselves or others in selling anything to any agency of DOD and to the uniformed services not under the jurisdiction of DOD. None of these restrictions apply to former civilian employees of DOD, officers leaving prior to retirement, or retired enlisted personnel regardless of the nature of their prior duties.

Notably, the selling statutes are only two of five layers of post-employment restrictions that former officers must take care not to violate. In addition, each is subject to the Government-wide post-employment statute, 18 U.S.C. §207 and, if his duties related to procurement, section 27 and 10 U.S.C. §2397b may apply. These five layers of post-employment statutes create a system of restrictions of such complexity as to be destructive of efforts to administer a meaningful ethics program and provide training and counseling for officers.

THE DEPARTMENT OF ENERGY STATUTES

The draft bill would repeal two DOE revolving door statutes, sections 605(a) and 606 of the DOE Organization Act (42 U.S.C. §§7215(a) and 7216), and the related reporting requirements of sections 604 and 605(b) (42 U.S.C. §7214 and 7215(b)).

Post-employment restrictions

The draft bill would repeal the substantive post-employment restrictions of section 605(a) on the basis that they have been superseded in purpose by the Government-wide post-employment statute, 18 U.S.C. §207, and result in a layering of restrictions that encumber the DOE ethics program. It would repeal the related reporting requirements of section 605(b), along with the relevant sanctions at sections 608 (b) and (c), on the basis that these procedural requirements and sanctions do not aid in the enforcement of any of the substantive post-employment restrictions. Section 605 is suspended through May 31, 1991.

For one year after their DOE employment has ceased, section 605(a) provides that former "supervisory employees" of DOE may not knowingly "(A) make any appearance or attendance before, or (B) make any written or oral communication to, and with the intent to influence the action of the Department" in a matter pending before DOE. In terms of the activity it restricts, the DOE statute is virtually identical to the one-year no-contact ban imposed by 18 U.S.C. §207(c) on higher-level employees thoughout the executive branch. As part of a comprehensive revision of the Government-wide post-employment statute, the one-year no-contact ban applies as of January 1, 1991, to anyone in a position for which the basic rate of pay is equal to or greater than the basic rate for level V of the Executive Schedule.

The DOE statute has the practical effect of extending the one-year no-contact ban to lower level DOE employees. Within the statutory definition of "supervisory employees" are all employees holding GS–16 or comparable positions, Directors and Deputy Directors of field offices, any employee who has primary responsibility for the award, review, modification, or termination of any grant, contract, award, or fund transfer and other employees designated by the Secretary.

The DOE statute pre-dates the major revisions to 18 U.S.C. §207 made by the Ethics in Government Act of 1978. In a sense, section 605(a) served as the prototype for the one-year no-contact ban enacted in 1978 as 18 U.S.C. §207(c). Because 18 U.S.C. §207 was intended to establish uniform standards for application throughout the executive branch, the DOE statute should have been repealed at that time. There appears to be no rational basis for extending to DOE employees at lower grades the same restriction that Congress, after much deliberation, concluded should apply only to those at level V of the Executive Schedule and above. It is discriminatory to single out former DOE employees as the only employees in the Government barred from contacting their former agency for one year based on their former employment in certain positions below level V of the Executive Schedule.

For DOE employees, section 605 adds a layer of post-employment restrictions atop the procurement integrity provisions of section 27 and the Government-wide post-employment statute, 18 U.S.C. §207. This triple layering of post-employment restrictions compounds the difficulty of providing ethics training and advice for DOE personnel.

The second part of the same statute, section 605(b) creates a post-employment reporting system applicable to former supervisory DOE employees. It requires former DOE supervisory personnel to report any employment with an energy concern for two years after DOE employment. The reports filed under section 605(b) identify the energy concern that employs or will employ the former DOE employee and the nature of the duties performed or to be performed by the former DOE employee. As with the DOD post-employment reports filed under 10 U.S.C. §2397, these reports are of no value for the purpose of identifying violations of the substantive post-employment restrictions.

Participation restrictions

The draft bill would repeal the one-year participation restrictions of section 606 applicable to supervisory employees of DOE. Along with the relevant sanctions at section 608(b), it would repeal the related reporting and disclosure requirements of sections 604 and 607 (42 U.S.C. §§7214 and 7217).

In the nature of a "reverse" revolving door restriction, section 606 imposes one-year cooling-off periods upon newly-appointed supervisory employees. These prohibit participation in Departmental proceedings if a former employer which is an energy concern is involved. Specifically, a supervisory employee is prohibited from participating:

(1) for a period of one year after terminating any employment with an energy concern, in a DOE proceeding, other than rulemaking, in which his or her former employer is involved; and

(2) for a period of one year after commencing service with DOE, in a DOE proceeding for which, within the previous five years, the employee had direct responsibility or participated personally and substantially as an employee of the energy concern.

Employees of DOE are the only employees in the executive branch subject to a recusal requirement of this nature. The Government-wide conflict of interest statute, 18 U.S.C. §208, requires all executive branch employees to recuse themselves from participation in matters affecting their own financial interests. Those who come to Government service while retaining a financial interest in a former employer, as through continued participation in a retirement or insurance plan, are subject to a recusal obligation under 18 U.S.C. §208 that continues for as long as the employee retains the interest. Others who have severed all ties with a former employer at the time they enter Government service are subject to the standards of conduct which require them to avoid even the appearance of lack of impartiality or preferential treatment. Depending on the circumstances, this may require employees to recuse themselves from participation in matters affecting their former employers.

For DOE employees, the participation restrictions of section 606 add one more layer of selective restrictions that have failed to prove their effectiveness in protecting the Government's interests. To administer these participation restrictions, section 604 imposes an additional reporting requirement upon newly-appointed supervisory employees requiring them to describe former relationships with energy concerns. Those reports are required to be made available to the public under section 607(a) and partially duplicate financial disclosure requirements under the Ethics in Government Act. The DOE ethics program would function more efficiently with no loss of effectiveness without the reporting and disclosure burdens imposed by these sections.●

By Mr. McCAIN:

S. 459. A bill to declare that the United States holds certain lands in trust for the Camp Verde Yavapai-Apache Indian community, and for other purposes; to the Committee on Energy and Natural Resources.

YAVAPAI-APACHE LAND TRANSFER ACT

• Mr. McCAIN. Mr. President, I rise today to introduce a bill which would transfer certain Federal lands located in the Verde Valley in Arizona to the Yavapai-Apache Indian community and the town of Camp Verde.

Under the terms of this bill, approximately 6,000 acres of U.S. Forest Service base for exchange land would be transferred to the Secretary of the Interior to be held in trust for the benefit of the Indian community. Approximately 200 acres would be transferred directly to the Indian community to be held in fee simple. In addition, about 570 acres would be transferred to the town of Camp Verde for such municipal uses as parks, landfills, cemeteries, and airports.

Mr. President, this bill reflects 4 years of extensive negotiations between the tribal government and the local governments in the Verde Valley. Many private citizens and local organizations have also participated in the discussions which led to the development of this bill. There is a broad, although not perfect, consensus behind the provisions of this bill. There are a few individuals who do not agree with all or part of the bill. I am hopeful that we will be able to resolve any remaining concerns as the bill moves through the Congress.

The lands proposed for transfer to the town of Camp Verde are essential to the future vitality of that small community. All of the lands are within the current town limits and will be utilized solely for local governmental purposes. The lands have little or no value as forest lands, but should prove to be very helpful to the efforts of the town of Camp Verde to continue its steady progress toward an improved standard of living for all of its residents.

The lands proposed for transfer to the Secretary of the Interior for the benefit of the Indian community will enable the tribe to advance its longstanding desire to improve its economic condition. The Yavapai-Apache people have a long and proud history in the Verde Valley. They have endured in the valley in spite of Federal policies and sanctions which were not in their interest.

In 1864, non-Indian settlers in the valley petitioned the Federal Government to subdue the Indian residents. Yavapai chiefs Delshay and Chalipun surrendered their people to General Crook in 1872. A treaty was then negotiated and signed which reserved to the tribe most of the Verde Valley, including the sites of the present day towns of Jerome, Sedona, Cottonwood, Rimrock, and Camp Verde.

During 1875, corrupt military contractors from Tucson succeeded in persuading the War Department to take away the Indian lands. More than 1,500 Indians were rounded up in 1875 and marched to the San Carlos Apache reservation. Over 100 of the Indians died during the forced march.

The Yavapai-Apache were not permitted to return to the Verde Valley for several years. When they finally did return, they were settled on four small, noncontiguous reservations where they have resided throughout this century. The lands to be transferred under the bill I am introducing today will not become part of the existing reservations, but will be held in trust. These lands will provide the tribe with its first real hope of building an economy from which the entire Verde Valley will benefit.

The tribe has already made an impressive start on developing a tourism-based economy with the construction and operation of a motel. They plan to use a sizeable portion of the lands transferred by this bill to establish a natural recreation area to complement their tourism activity.

I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Subject to the other provisions of this Act and the prohibition against the establishment of reservations in section 2 of the Act of May 25, 1918 (25 U.S.C. 211), all rights, title, and interests of the United States in the following lands (including all improvements thereon and appurtenances and accretions thereto) located in Yavapai County, Arizona, are hereby declared to be held by the United States in trust for the benefit and use of the Camp Verde Yavapai-Apache Indian Community:

Gila and Salt River Base and Meridian, Arizona:

T. 15 N., R. 4 E.

Sec. 25: S½ (unsurveyed), consisting of 320 acres, more or less.

Sec. 26: S½, consisting of 320 acres, more or less.

Sec. 35: All, consisting of 636 acres, more or less.

Sec. 36: All, containing N½; N½S½; and lots 1, 2, 3, and 4 consisting of 636 acres, more or less.

T. 15 N., R. 5 E.

Sec. 30: Portion of lot 2 lying south of a line from the E¼ corner of sec. 25, T. 15 N., R. 4 E., extended thence due east to the east line of lot 2; and lots 3 and 4 consisting of 134.42 acres, more or less.

Sec. 31: Lots 1, 2, 3, and 4, consisting of 196.24 acres, more or less.

T. 14 N., R. 4 E.

Sec. 1: Lots 5, 6, 10, 11, 7, 8, and 9; SW¼NW¼; E½ SW¼; lots 14, 15, 12, and 13; and S½SE¼ containing 665.56 acres, more or less.

Sec. 12: N½; NE¼SW¼; and lots 6, 7, 8, 9, 11, and 12 consisting of 531.82 acres, more or less.

Sec. 13: NE¼NE¼; N½SE¼NE¼; and lots 12 and 13 containing 89.84 acres, more or less.

T. 14 N., R. 5 E.

Sec. 4: Lots 2, 3, and 4; and portion of SW¼NE¼ and S½NW¼ situated northerly from Interstate Highway 17 northern most easement line, as shown on Arizona Department of Transportation (ADOT), Job Numbers 1–17–2(10) and (15), containing 198.09 acres, more or less.

Sec. 5: Lots 1 and 2; S½NE¼; lots 3, 4, 5, 6, 7, 8, 11, and 12; SW¼SW¼; lots 13, 10, and 14; and portion of lots 9 and 15 situated northwesterly from Interstate Highway 17 northwestern most easement line, shown on Arizona Department of Transportation (ADOT), Job Numbers 1–17–2(10) and (15), containing 665.78 acres, more or less.

Sec. 6: Lots 1, 2, 7, and 8; S½ NE¼; lots 3, 4, 5, 6, and 9; SE¼NW¼; E½ SW¼; lots 10 and 11; and SE¼ consisting of 703.80 acres, more or less.

Sec. 7: NE¼; E½NW¼; lots 3 and 4; NE¼SW¼; lots 6, 12, and 7; N½SE¼; and lots 8 and 9 consisting of 613.71 acres, more or less.

Sec. 8: Portion of W½ NE¼, NW¼ and N½N½SW¼ situated northwesterly from northwestern most easement line for Interestate Highway 17, as shown on Arizona Department of Transportation (ADOT), Job Numbers 1–17–2(10) and (15); S½NW¼SW¼; SW¼SW¼, containing 285 acres, more or less, and specifically not including any land lying south and east of Interstate Highway 17.

Sec. 17: Portion of lot 1 lying westerly of Beaver Creek as found by the survey of Vance McDonald of April, 1984 consisting of 2 acres, more or less.

Sec. 18: lot 8; Tract 37; lots 17, 9, 15, 1, 11, 16, 10, 18, 19, 20, 21, and 22; and Tract 38 consisting of 330.89 acres, more or less.

Sec. 19: E½, exclusive of FX PAT. 02–73–0040, FX PAT. 02–78–0005, FX PAT. 02–75–0005 and HE PAT 789, consisting of 93.13 acres, more or less.

Sec. 20: Portions of E½NW¼ and lots 5, 1, 2, and 6 which lie west of Beaver Creek, as found by the survey of Vance McDonald of April, 1984, consisting of 146 acres, more or less.

(b) All lands lying in sections 17, 18, 19, and 20, which are south and east of the present day alignment of Interstate Highway 17 and which are transferred to the Yavapai-Apache Indian Community shall be held by the Indian Community in fee simple.

(c) Nothing in this Act shall be construed as diminishing or affecting the status of the Yavapai-Apache Reservations currently established at Camp Verde, Middle Verde, Clarkdale, Rimrock and Cliff Castle.

SEC. 2. All rights, title, and interests of the United States in the following lands (including improvements thereon and apportenances thereto) Gila and Salt River Base and Meridian, Arizona, are transferred to the Town of Camp Verde in fee simple:

T. 13 N, R. 5 E.

Sec. 9, S½, a parcel consisting of 10 acres, more or less, known as the Clear Creek Cemetery.

Sec. 9, NW¼, a parcel consisting of 120 acres, more or less, known as the Camp Verde Airport.

Sec. 4, W½, a parcel consisting of 280 acres, more or less, known as the Camp Verde Airport and the Camp Verde Sanitary District.

Sec. 5, NW¼, a parcel consisting of 27 acres, more or less, contiguous with the eastern shore of the Verde River on the west and including Quarterhorse Lane and Murdock Lane on the east; excluding an easement for a right-of-way for an irrigation ditch to be granted by the Secretary of the Interior within 180 days following the date of enactment of this Act to the Diamond S Ditch Company.

T. 14 N. R. 5 E.

Sec. 33, SW¼, a parcel consisting of 160 acres, more or less, known as the Camp Verde Sanitary District; S½ NW¼ consisting of 80 acres, more or less.

SEC. 3. Subject to the provisions of section 9 of this Act, there is hereby reserved to the holder of the livestock grazing permit issued by the Forest Service of the Department of Agriculture for the Montezuma Allotment an easement on the customary and usual passageways along and in the bed of Beaver Creek within the lands described in section 1(a) for the purpose of moving livestock to and from pastures.

SEC. 4. The Camp Verde Yavapai-Apache Indian Community is hereby granted a permanent public easement over United States Forest Service Highway, No. 119A from the United States Forest Service Highway, No. 119 to the Middle Verde Road, within sections 3, 24, 25, 26, 34, and 35, township 14 north, range 4 east, and sections 18 and 19, township 15 north, range 5 east, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

SEC. 5. There is hereby reserved a corridor for elective utility power lines in, upon, and through the lands described in subsections (a) and (b) of section 1 of this Act. Such corridor shall be 40 feet in width. Special use permits issued by the United States as trustee of the Camp Verde Yavapai-Apache Indian Community for the construction, operation, and maintenance of power lines in the corridor shall be upon such terms and conditions as are customary for the grants of such rights on Indian lands and shall provide for payment of full rental value by the permittee.

SEC. 6. The Montezuma Castle Background Management Unit shall remain in effect over those lands described in section 1(a) to the extent provided in the Memorandum of Understanding dated April 1, 1970, between the Forest Service of the Department of Agriculture and the National Park Service of the Department of the Interior. The Camp Verde Yavapai-Apache Indian Community shall be treated as if it were a signatory to such Memorandum of Understanding with respect to such lands.

SEC. 7. The Camp Verde Yavapai-Apache Indian Community may, subject to the approval of the Secretary of the Interior, or his delegate, transfer, assign, exchange or lease, up to 40 acres of the lands described in section 1(a) for an educational or charitable use or for other purposes.

SEC. 8. Except as otherwise provided by this Act, all permits issued by the Forest Service of the Department of Agriculture for uses on lands described in section 1(a), which are in effect on the date of enactment of this Act, shall remain in effect until the earlier of—

(1) the date that is 15 years after the date of enactment of this Act, or

(2) the date on which such uses are abandoned.

Thereafter, all such uses shall be subject to the approval of the Camp Verde Yavapai-Apache Indian Community or the Secretary of the Interior under any authority provided by a law relating to Indians. Fees or rentals charged for such uses shall be based upon fair market value.

SEC. 9. (a) The flood plain area east of the Montezuma Castle Highway within sections 17, 18, 19, and 20 of Township 14 North, Range 5 East, Gila and Salt River Base and Meridian, Arizona, and further described as beginning at the toe of the slope, may be designated as the Yavapai-Apache Tribal Natural Recreation Area by the Yavapai-Apache Tribal Council. The local planning and zoning authorities (Yavapai-Apache Tribal Council and the Town of Camp Verde) shall approve activities or land developments within such Recreation Area only if such activities or developments are compatible with duly adopted land use regulations, or management plans.

(b) Notwithstanding subsection (a), the following activities are authorized within the Yavapai-Apache Tribal Natural Recreation Area:

(1) limited camp site development and low-speed access roads and restroom facilities;

(2) effluent ponds for waste water treatment; and

(3) any other type of development that may be compatible with such area as determined by a duly adopted master plan and pertinent zoning.

(c) Notwithstanding subsection (a), the following activities are not allowed within the Yavapai-Apache Tribal Natural Recreation Area:

(1) residential development;

(2) major structural development;

(3) sand and gravel extraction;

(4) any disturbance within the stream side riparian zone and a 50-yard buffer of mature mesquite forest; and

(5) any other development that may be in conflict with a duly adopted master plan and pertinent zoning.

(d) Nothing in this Act shall affect the right of any person to canoe or float along Beaver Creek, including the right to portage obstacles.

SEC. 10. The Secretary of the Interior shall grant an easement for right-of-way for roadway purposes, within 180 days following the date of the enactment of this Act, to the United States Department of Transportation, at no cost to the grantee in damages or rentals, in perpetuity or until abandoned for the purposes originally granted, for that portion of Interstate Highway 17 which transects the lands transferred by this Act located in sections 4, 5, 7, 8, and 18, township 14 north, range 5 east, Gila and Salt River Base and Meridian, Arizona said easement being approximately 1.0 mile in length and containing approximately 60.0 acres.

SEC. 11. The Secretary of the Interior shall grant an easement for right-of-way purposes, within 180 days following the date of the enactment of this Act, to the Town of Camp Verde, at no cost to the grantee in damages or rentals, in perpetuity or until abandoned for the purposes originally granted, for roadways as follows:

(1) Middle Verde Cemetery access road located in sections 11 and 12, T. 14 N., R. 4 E.; said easement being approximately 0.1 mile in length by 68 feet wide and containing approximately 0.82 acre.

(2) South Middle Verde Road located in sections 7 and 18, T. 14. N., R. 5. E., and sections 12 and 13, T. 14. N., R. 4. E.; said easement being approximately 0.7 mile in length by 68 feet wide and containing approximately 5.77 acres.

(3) Montezuma Castle Highway (Forest Service Highway 646) located in sections 8, 17, 18 and 19, T. 14. N., R. 5. E., said easement being approximately 1.2 miles in length by 110 feet wide and containing approximately 16.00 acres.

(4) Rainbow Drive located in section 12, T. 14. N., R. 4. E.; said easement being approximately 0.4 mile in length by 68 feet wide and containing approximately 3.30 acres.

(5) Private access road located in section 12, T. 14. N., R. 5. E.; said easement being approximately 0.2 mile in length by 50 feet wide and containing approximately 1.2 acres, to remain as a private access road.

(6) Private access road located in section 12, T. 14. N., R. 4. E.; said easement being approximately 0.1 mile in length by 50 feet wide and containing approximately 0.61 acre, to remain as a private access road.

SEC. 12. The Secretary of the Interior shall grant an easement for right-of-way for roadway purposes, within 180 days following the date of the enactment of this Act, to the Bureau of Indian Affairs, at no cost to the grantee in damages or rentals, in perpetuity or until abandoned for the purposes originally granted, for Forest Road No. 119A located in sections 26 and 35, T. 15. N., R. 4. E.; said easement being approximately 1.4 miles in length and containing approximately 8.5 acres; and for Forest Road No. 119A located in section 26, T. 15. N., R. 4. E.; said easement being approximately 0.8 mile in length and containing approximately 4.8 acres.

SEC. 13. The Secretary of the Interior shall transfer the existing easement for right-of-way for Forest Road No. 119A (Middle Verde Road) located in sections 18 and 7, T. 14. N., R. 5. E., and sections 12 and 1, T. 14. N., R. 4. E., said easement being approximately 1.8 miles in length by 110 feet wide and containing approximately 24.0 acres; and the existing easement for right-of-way for Verde Drive Road located in section 12, T. 14. N., R. 4. E.; said easement being approximately 0.5 mile in length by 68 feet wide and containing approximately 4.12 acres; to the Town of Camp Verde within 180 days of receipt of a written request from the Town of Camp Verde for such transfers, all terms and conditions of the easements otherwise shall remain the same.

SEC. 14. The Secretary of the Interior shall grant an easement for right-of-way for an irrigation ditch, located in section 13, T. 14. N., R. 4. E., within 180 days following the date of the enactment of this Act, to the Eureka Irrigation Ditch Company, at no cost to the grantee in damages or rentals, in perpetuity or until abandoned for the purposes originally granted; said easement being approximately 0.6 mile in length and containing approximately 2.9 acres.

SEC. 15. The Secretary of the Interior, prior to approving any land use plan, land use ordinance, land development plan, land management plan, or commercial development plan (under any authority provided by a law relating to Indians) for activities to be undertaken within the lands described in section 1 of this Act and held in trust by the United States for the benefit of the Camp Verde Yavapai-Apache Indian Community, shall first consult with those authorities who represent the Town of Camp Verde and provide a forum for input and recommendations from the public for revisions and implementation of such ordinances or plans. To the maximum extent feasible, the Secretary shall ensure that any such ordinance or plan is in substantial conformity with any comparable laws of the State of Arizona.

SEC. 16. There is authorized to be appropriated to the Secretary of the Interior the sum of $75,000, which the Secretary shall make available to the Camp Verde Yavapai-Apache Indian Community pursuant to Public Law 93-638 (25 U.S.C. 450 et seq.) for the purposes of assisting the community in the development of a comprehensive land use plan and defraying any direct or indirect costs for the lands transferred to the community pursuant to this Act.

By Mr. DIXON (for himself, Mr. BURDICK, and Mr. DASCHLE):

S. 460. A bill to amend the U.S. Warehouse Act to allow States to require grain elevators with Federal warehouse licenses to participate in State grain indemnity funds or to require collateral security; to the Committee on Agriculture, Nutrition, and Forestry.

STATE GRAIN FUND PROTECTION ACT

Mr. DIXON. Mr. President, I rise today, joined by Senators BURDICK and DASCHLE, to introduce legislation which addresses a serious problem facing farmers and our rural communities. The intent of this legislation, the State Grain Fund Protection Act of 1991, is to ensure that all farmers are protected from severe financial loses resulting from the failure of a grain warehouse facility.

In a recent U.S. district court decision, it was ruled that elevators that are federally licensed are not required to participate in a State's indemnity program. There are federally licensed elevators which have opted to participate in State grain funds. At the same time, however, there are many federally licensed elevators which have not.

Mr. President, farmers are not concerned with the type of license an elevator possesses. Rather, farmers are concerned, and rightly so, with the protections they are accorded by storing their grain with an elevator. It is my firm belief that every farmer is entitled to have his or her investment protected, to the fullest extent, when it is stored with an elevator, regardless of whether the elevator holds a State or a Federal license.

Mr. President, history has demonstrated that federally licensed warehouses are not immune from the financial difficulties which can plague State licensed facilities. It is an unfortunate fact, but the Federal requirements provide only limited and inadequate protection to our farmers. Those elevators not participating in State programs do not provide the same degree of protection that farmers receive from elevators which do participate in the State programs.

In my State of Illinois, there are 67 elevator facilities licensed by the Federal Government which do not participate in the State insurance program. The current protection system, established under the U.S. Warehouse Act, provides that grain storage companies licensed by the Federal Government must post a storage bond to cover losses. These bonds, however, would not be adequate to cover the losses incurred by all farmers with grain stored in federally licensed elevators.

The farmers of Illinois are adversely affected by this recent court ruling, but they are not alone. Other States which currently have some form of State indemnity funds on the books included Iowa, Ohio, South Carolina, Oklahoma, Kentucky, New York, Idaho, and Washington. Moreover, the States of Michigan and South Dakota are presently considering the establishment of State indemnity programs to protect their farmers.

The legislation that we are introducing will amend the U.S. Warehouse Act to allow States to require that all elevators participate in State grain funds, regardless of whether they are licensed by the Federal Government or the State government. In essence, this will allow States the right to decide how they want to handle elevator liability in the event of a failure.

The State Grain Fund Protection Act of 1991 restores protection to farmers while their grain is being warehoused. It is an approach which represents both common sense and fairness. I urge my colleagues to join me in this important and worthy effort.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Grain Fund Protection Act of 1991".

SEC. 2. PARTICIPATION OF FEDERALLY LICENSED GRAIN ELEVATORS IN STATE GRAIN INDEMNITY FUNDS OR PROVISION OF COLLATERAL SECURITY.

Section 6 of the United States Warehouse Act (7 U.S.C. 247) is amended—

(1) by striking "That each" and inserting "(a) Each"; and

(2) by adding at the end the following new subsection:

"(b) This Act shall not prevent or preempt any State from requiring a licensee under this Act to participate in any form of grain indemnity fund or from requiring any bond or other form of collateral security designated to secure the faithful performance of grain obligations.".

By Mr. SMITH (for himself and Mr. RUDMAN):

S. 461. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating segments of the Lamprey River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

LAMPREY RIVER STUDY ACT

• Mr. SMITH. Mr. President, today I will submit legislation to designate a segment of New Hampshire's Lamprey River for study as a potential addition to the National Wild and Scenic Rivers System. I am delighted that my friend and New Hampshire colleague, WARREN RUDMAN, has agreed to join me as an original cosponsor of this legislation.

The Lamprey River stretches over 60 miles along New Hampshire's seacoast. It is the longest river to enter the Great Bay, a federally designated estuarine research reserve that empties into the Atlantic Ocean. The Lamprey has one of the few successful anadramous fish restoration projects on the Atlantic coast, and it was cited by the National Park Service in 1982 as an outstanding river.

The 10-mile segment of the Lamprey that our bill would address flows through the New Hampshire towns of Durham and Lee. This segment serves as a critical breeding ground and habitat for many species of fish, mammals, and birds. It is heavily used by recreationists: Ice skaters, swimmers, canoists, kayakers, and fishermen. It also contains the extensive remains of a 19th century mill complex—a site recognized for its historical importance by the National Register of Historic Places. The 3-year, National Park Service study required under our bill is a necessary first step toward the long-term protection of these resources.

Beyond its study provisions, our bill would effectively stop the Federal Energy Regulatory Commission from proceeding with a dam application for Wiswall Falls in Durham, NH. The dam proposed for this area is widely opposed by the communities it would affect, the FERC's June 1989 decision to license the project has been formally appealed by the New Hampshire State Attorney General.

Everything needed to support the case for a wild and scenic study of the Lamprey is available, including solid local support from the New Hampshire towns that the study would affect: Durham, Lee, and Newmarket. Proposals to study the Lamprey have received 90 percent approval from riverfront landowners in the town of Durham, and 50 percent approval from those in the town of Lee. Our legislation also has overwhelming support from the Selectmen and Council Members of Lee, Durham, and Newmarket.

Our proposal to study the Lamprey has strong support at the State level as well. The Governor of New Hampshire, Judd Gregg, called for a study of the Lamprey's outstanding scenic and historical resources last year, while the New Hampshire Fish and Game Department singled out the Lamprey as "the most important coastal river for anadromous fish in the State." The New Hampshire Environmental Commissioner also has gone on record in support of Federal legislation to provide for a study of the Lamprey.

I fully expect that a comprehensive study of the Lamprey will lead to the preparation of a long-term protection plan for the Lamprey. Accordingly, I urge my colleagues' support for this important legislation.

I ask unanimous consent that a copy of my bill and letters in support of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lamprey River Study Act of 1991".

SEC. 2. STUDY RIVER DESIGNATION.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended—

(1) by redesignating the second paragraph (106), relating to the St. Mary's River, added by section 1(a) of Public Law 101-364 (104 Stat. 428), as paragraph (108);

(2) by designating the paragraph relating to the Mills River, added by section 1 of Public Law 101-538 (104 Stat. 2376), as paragraph (109);

(3) by designating the paragraph relating to the Sudbury, Assabet, and Concord Rivers, added by section 703 of the Sudbury, Assabet, and Concord Wild and Scenic River Study Act (104 Stat. 4497), as paragraph (110); and

(4) by adding at the end thereof the following new paragraph:

"(111) LAMPREY, NEW HAMPSHIRE.—The segment from the southern Lee town line downstream to the confluence with Woodman's Brook at the Base of Sullivan Falls in Durham.".

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended—

(1) by amending the second paragraph (8), relating to the St. Mary's River, added by section 1(b) of Public Law 101-364 (104 Stat. 428), as paragraph (10); and

(2) by adding at the end thereof the following new paragraph:

"(11) The study of the Lamprey River, New Hampshire, shall be completed by the Secretary of the Interior and the report thereon submitted not later than 3 years after the date of enactment of this paragraph.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

STATE OF NEW HAMPSHIRE,
Concord, NH, November 14, 1989.

Hon. ROBERT C. SMITH,
House of Representatives, Washington, DC.

DEAR BOB: As Governor, I would like to bring to your attention my support for the proposal of a study for the designation of a segment of the Lamprey River as Wild and Scenic under the National Wild and Scenic River System. In our review of the proposal, it would appear that there is wide spread support for the study in the area affected. This is substantiated by support from elected leaders from the region, and public input that we have received.

The Lamprey River Watershed Association has submitted a nomination for a 9.5 mile segment of the river under New Hampshire's Rivers Management Protection Program. I believe that the river's proximity to the Great Bay provides outstanding resources in terms of its scenic beauty, its value for anadromous fish, and its historic contributions. Thus, I would support federal legislation relative to a study for the inclusion of this part of the Lamprey River for Wild and Scenic designation.

Sincerely,

JUDD GREGG,
Governor.

STATE OF NEW HAMPSHIRE,
DEPARTMENT OF ENVIRONMENTAL SERVICES,
Concord, NH, September 5, 1990.

Hon. ROBERT C. SMITH,
House of Representatives, Washington, DC.

DEAR MR. SMITH: Thank you for the opportunity to review and comment on your draft bill for a Wild and Scenic Rivers System study of a ten-mile segment of the Lamprey River. This department has the primary responsibility for managing the rivers, lakes, streams and other public waters of the state, and as such we have a keen interest in any federal action that affects these waters.

As you know, essentially this same stretch of the Lamprey River has recently been designated under the New Hampshire Rivers Management and Protection Program. This legislative designation relies on a combination of state-enforced protection measures, (e.g., protected instream flows) and voluntary local river corridor planning and management. The designation effort involved extensive local input, and the actual designation received strong local support.

We see the proposed National Park Service study, and the possible Wild and Scenic River designation, as a parallel and complimentary effort that would guide federal actions affecting the Lamprey River. We support your draft bill for the federal study and look forward to its passage.

Sincerely,

ROBERT W. VARNEY,
Commissioner.

LAMPREY RIVER WATERSHED ASSOCIATION,
Durham, NH, August 14, 1990.

RE: Lamprey River Wild and Scenic.

Rep. ROBERT SMITH,
Washington, DC.

DEAR MR. SMITH: Ms. Estes was kind enough to fax me a copy of the bill several weeks ago. As I told her at that time, the LRWA approves of this bill. We appreciate your support and anxiously look forward to the introduction of this bill in the House.

Sincerely,

RICHARD H. LORD,
President.

LAMPREY RIVER WATERSHED ASSN.,
Durham, NH, November 21, 1989.

Re: Support of Study Legislation, Lamprey River—Durham & Lee, NH.

GOV. JUDD GREGG,
State House,
Concord, NH.

DEAR GOVERNOR GREGG: On behalf of the Lamprey River Watershed Association, and the Riverfields Association, I wish to extend our sincere appreciation for your official support of Congressional legislation for the study of the Lamprey River basin in Durham and Lee, New Hampshire.

Your personal interest in the study is of great importance at this time, considering the increased interest in land ownership and "near water" development, anywhere in the seacoast or Great Bay region.

It is hoped that the scenic and natural resources of this area may be preserved with the general growth and prosperity of our fine state.

If the study is allowed, we are certain the results will open the eyes of many of our citizens as to the quality of life and recreation we are attempting to conserve and preserve for future generations from this beautiful river.

We have been most fortunate to have assistance and guidance from Ms. Evelyn Estes, Legislative Assistant to Cong. Robert Smith; and Ms. Sue Stahl, Staff Assistant to Sen. Warren Rudman.

Our thanks to the N.H. State officials who gave time from their busy schedules to review our proposal and lend their support. We are most grateful to Senator Franklin Torr for his dedication to our program—a gracious gentleman and a fine credit to his District 21.

We now look forward to state designation of the Lamprey under the N.H. Rivers Management and Protection Program.

With kindest regards,

FRANK M. GRAHAM.

TOWN OF LEE,
Lee, NH, September 14, 1989.

Senator GORDON J. HUMPHREY,
1 Eagle Square, Suite 507,
Concord, NH.

DEAR SENATOR HUMPHREY: The Selectmen of Lee are deeply concerned about the threat posed to the Lamprey River by the proposed construction of a hydropower facility at Wiswall Dam, Durham. We believe this facility has the potential of causing serious and irreversible damage to the quality and character of riverine life, not only in Durham, but in Lee as well.

The Selectmen have long recognized that the Lamprey River provides our residents with many outstanding scenic, recreational, ecological, cultural, historical and other resource opportunities. In order to protect these resources, not only from the threat of hydropower development, but also from the long-term pressures of rapid growth in the Seacoast region, we urge you and other members of the New Hampshire delegation to work toward the enactment of legislation to designate the Lamprey River for study under the provisions of the National Wild and Scenic Rivers Act.

If such legislation is enacted, the Selectmen intend to work with the National Park Service and with other river towns to assist in the preparation of a local conservation plan to protect the Lamprey River and its environs for future generations.

We hope that you and your colleagues will do everything possible to assist us in this important effort.

Sincerely,

JOSEPH P. FORD, *Chairman,*
Lee Board of Selectmen.

TOWN OF DURHAM,
Durham, NH, August 14, 1990.

Representative ROBERT C. SMITH,
House of Representatives,
Cannon Building,
Washington, DC.

DEAR REPRESENTATIVE SMITH: Thank you very much for your August 8, 1990 letter on the Lamprey River legislation that you plan to introduce in the House of Representatives. The Town of Durham endorsed Senator Humphrey's legislation designating the Lamprey River as part of the National Wild and Scenic Rivers System. We encourage you to introduce this legislation in the House of the Representatives.

The bill as drafted addresses the needs and concerns of the Town of Durham. Thank you very much for your support for designating the Lamprey River as part of the National Wild and Scenic Rivers Systems.

Sincerely yours,

RALPH FREEDMAN,
Town Administrator.

TOWN OF DURHAM,
Durham, NH, September 19, 1989.
Representative BOB SMITH,
90 Washington Street,
Dover, NH.

DEAR CONGRESSMAN SMITH: The Durham Town Council at their meeting on September 18, 1989 approved the attached Resolution which supports a study for the Lamprey River under the provisions of the National Wild and Scenic Rivers Act. The property owners along the Lamprey River and the community at large support the preservation and the protection of the Lamphrey River in its current state.

The Town Council urges you to support our efforts in designating the Lamprey River for study. Please contact me on what additional steps the Town of Durham must undertake to achieve this result. Thank you very much for your prompt consideration of this request.

Sincerely yours,
RALPH FREEDMAN.
Town Administrator.

RESOLUTION NO. 89-12; TOWN OF DURHAM, NH

Now comes the Durham Town Council, the governing body of the Town of Durham, and resolves as follows:

Whereas, the majority of landowners along the Lamprey River in Durham, NH have petitioned by signature the Durham Town Council to pass a resolution requesting members of Congress to enact legislation designating the Lamprey River for study under the provisions of the National Wild and Scenic Rivers Act; and

Whereas, the petitioners and the Durham Town Council recognize that the Lamprey River provides residents with many outstanding recreational, ecological, scenic, historic, and other resources; and

Whereas, local concern about this important river has increased due to a number of factors, including the proposed development of a hydroelectric facility, which may diminish or preclude local control of this resource; and

Whereas, the National Park Service, under the provisions of the National Wild and Scenic Rivers Act, can assist local communities in preparing a long-term protection plan for the Lamprey River which will rely on the use of existing state and local government authorities, as well as voluntary private landowner actions;

Now, therefore, be it resolved that the Durham Town Council hereby urges members of Congress to enact legislation to designate that segment of the Lamprey River within the Durham Town boundaries for study under the provisions of the National Wild and Scenic Rivers Act; and

Be it further resolved that our intent is to protect the river and its important related adjacent land areas for future generations through the development of a locally prepared and controlled river management plan.

OFFICE OF CONSERVATION COMMISSION,
Newmarket, NH, February 6, 1991.

PROPOSED RESOLUTION—LAMPREY RIVER WILD & SCENIC STUDY

(1) In accordance with the Wild and Scenic Legislation, the study area would be from the southern Lee town line downstream to the confluence with Woodman Brook, that being the area at the base of Sullivan Falls.

(2) In accordance with the Wild and Scenic Legislation, the study shall be completed by the Secretary of the Interior (NPS) and the report submitted not later than 3 years after the date of enactment.

(3) The study includes an in-depth section on water quality analysis and recommendations for projected water use for such activities as town public drinking water supplies and residential and commercial development.

(4) A member or delegate from the Newmarket Town government be a permanent member of the study committee.

(5) If the study is approved, the Newmarket Town government be notified of the study's results and given ample time (minimum 60 days) to respond with comments before any legislation is introduced recommending the study area be designated in the Federal, Wild, Scenic & Recreational Program.

(Signed by the Newmarket Town Councilors.)

• Mr. RUDMAN. Mr. President, I rise today to cosponsor legislation introduced by my colleague, Senator SMITH, authorizing the National Park Service to study a 10-mile segment of the Lamprey River running through Lee and Durham, NH.

This legislation is the culmination of aggressive and carefully coordinated local efforts to protect the Lamprey from hydroelectric development. In response to plans to construct a dam on the Lamprey River, the Lamprey River Watershed Association [LRWA] was born. This organization has actively pursued Federal legislation authorizing a National Park Service study of the Lamprey River and has successfully garnered the strong support of Governor Gregg, the towns of Durham and Lee, the Strafford Regional Planning Commission, as well as the vast majority of local residents and landowners.

Mr. President, the Lamprey River is worth protecting. It is the largest estuary system north of the Chesapeake, which feeds into George's Bank. The Lamprey also serves as a major tributary to the recently protected Great Bay, which has been designated as part of the National Estuarine Research Reserve System. In order to meet the protection goals of Great Bay, we must carefully manage and preserve the tributaries that feed into it. With this in mind, in August 1989 Governor Gregg stated:

> The whole question of how we address the issue of use of lakes, rivers and Great Bay is a core concern * * * I look at them as the crown jewels in the State's natural environment.

The Lamprey River and its shoreline serves as an important breeding ground and habitat for anadromous and game fish, mammals, and birds. One Audubon Society observer has noted 140 species of birds in the Lamprey River corridor. The New Hampshire Fish and Game Department has cited the presence of 26 species of commonly seen mammals, including otter, beaver, mink, coyote, red fox, and fisher. Moose and signs of black bear have also been reported.

The Lamprey River corridor contains two historically significant sites that are worth noting. In 1987, the Wiswall Falls Mill Site was placed on the National Register of Historic Places, a site which contains extensive remains of a 19th century mill complex. Archeological digs have discovered Indian sites along the river corridor, one of which is estimated to be over 8,500 years old.

Recreational opportunities abound on the Lamprey River—everything from canoeing and kayaking to swimming, tubing, and fishing. In fact, a survey conducted by the New Hampshire Fish and Game Department found that anglers spent 875 fishing hours on a three-quarter-mile stretch of river in a single month. The "AMC River Guide" highlights several portions of the river for canoeing and goes on to note the challenging rapids at Durham's Packers Falls recreation area for those looking for more adventurous canoeing and kayaking.

Enactment of the legislation we are introducing today will mean a careful study by the National Park Service of the outstanding values I noted previously, along with the development of a comprehensive river management plan in conjunction with the State and local governments as well as private groups, citizens, and landowners. This process has worked well in New Hampshire.

Let me highlight the very positive experience in Jackson which led to congressional designation of Wildcat Brook as a wild and scenic river. The New Hampshire congressional delegation continues to be committed to river protection. In fact, last year the congressional delegation jointly introduced the Pemigewasset and Merrimack River bills, both of which passed both the House and Senate and were subsequently signed into law by President Bush. Additionally, New Hampshire has further emphasized the importance of the Lamprey River by incorporating it as part of the State river protection plan. It is also included in the National Inventory System.

Passage of this legislation is critical to delaying the construction of a hydroelectric facility at Wiswall Dam in Durham, which has tentatively received a Federal Energy Regulatory Commission license. Barring a reversal by the FERC or a Federal court, the project is expected to go forward. It is obvious to me that an overwhelming majority of the citizens in these two communities oppose this project and support the legislation we are introducing today.

I continue to support local efforts to preserve our natural resources. I am happy to support this legislation and I look forward to the Senate considering it in the very near future.•

By Mr. DOMENICI:

S. 462. A bill to amend section 401 of the Act of December 19, 1980; to the Committee on Energy and Natural Resources.

VERMEJO PROJECT RELIEF

• Mr. DOMENICI. Mr. President, I rise today to introduce legislation to allow the Bureau of Reclamation to transfer a lake known as "Lake 13" to the Vermejo Conservancy District.

I am pleased to state that my colleague, Senator BINGAMAN, is a cosponsor of this legislation. I am also pleased to state that Congressman RICHARDSON is preparing to introduce a similar bill in the House. I applaud the efforts and continued support of both of these gentlemen.

This bill would clarify a law that I authored in 1980. That law, Public Law 96-550, was designed to defer payments and transfer certain facilities of the Vermejo Project from the Bureau of Reclamation to the Vermejo Conservancy District.

The amendatory contract required under Title IV has never reached final approval because an Interior Solicitor's Opinion has interpreted the fish and wildlife exception to prevent a transfer of Lake 13 to the District.

Despite the fact that Lake 13 has been a part of the Vermejo Project since 1954 and the Maxwell National Wildlife Refuge was not established until 1966, the Solicitor's Opinion argues that the use since 1969 of Lake 13 by the Maxwell Refuge under certain contractual arrangements means that the United States holds Lake 13 within the meaning of the transfer exception.

While the district does not dispute, and will honor, the contractual right of the United States to use Lake 13 for fish and wildlife purposes, Lake 13 should not fall within the transfer exception to Title IV.

Instead, the transfer exception refers to approximately 2,800 acres acquired by the United States from individual landowners for the Maxwell Refuge, and not to any project facilities acquired by the United States for the Vermejo Project.

Lake 13 is an important component of the district's water supply and delivery system. Releases from the lake are used to irrigate much of the 7,400 acres in the Vermejo Project.

Control of this integral part of the district's water system should rest with the district. Transferring Lake 13 to the district would permit more efficient operation of the Vermejo Conservancy District. In addition, this transfer is justified because the district has made a significant investment in Lake 13 by undertaking costly improvements and repairs to the Lake.

Mr. President, this bill is needed to correct the erroneous interpretation by the Department of the Interior of Title IV of Public Law 96-550. It clarifies that Lake 13 should be transferred to the district under title IV and also requires that the district continue to honor its contractual agreements with the Maxwell National Wildlife Refuge.

I ask that the text of the bill be inserted in the RECORD immediately following my remarks.

In the 1950's, the Vermejo Conservancy District and the Bureau of Reclamation entered into a repayment contract that obligated the district to pay the government $2.1 million for facilities that the Bureau constructed for the Vermejo Project. Over the years, the district was unable to make substantial repayments.

Title IV of Public Law 96-550 allowed the district to defer repayment and to obtain the project facilities. Under the law, the Bureau and the district were required to develop an amendatory contract on the repayment and transfer question. In order to protect the interests of the Maxwell National Wildlife Refuge, title IV included language added at the Bureau's request that excluded fish and wildlife lands and any attendant water rights from the transfer to the district. This allowed title to those lands and waters to remain with the United States.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VERMEJO PROJECT RELIEF, NEW MEXICO.

Section 401 of the Act of December 19, 1980 (94 Stat. 3227) is amended by striking the text that begins: "Transfer of project facilities to the district shall be without . . ." and ends with ". . . . shall be maintained consistently with existing arrangements" and inserting in lieu thereof "Effective as of the date of the written consent of the Vermejo Conservancy District to amend Contract 178r-458, all facilities are hereby transferred to the District. The transfer to the district of project facilities shall be without any additional consideration in excess of the existing repayment contract of the district and shall include all related lands or interest in lands acquired by the Federal Government for the project, but shall not include any lands or interests in land, or interests in water, purchased by the Federal Government from various landowners in the district, consisting of approximately two thousand eight hundred acres, for the Maxwell Wildlife Refuge and shall not include certain contractual arrangements, namely Contract Numbered 14-06-500-1713 between the Bureau of Reclamation and the Bureau of Sport Fisheries and Wildlife, and concurred in by the district, dated December 5, 1969, and the lease agreement between the district and the Secretary dated January 17, 1990, and expiring January 17, 1992, for 468.38 acres under the district's Lakes 12 and 14, which contractual arrangements shall be maintained consistent with the terms thereof. The Secretary, acting through the United States Fish and Wildlife Service, shall retain the right to manage Lake 13 for the conservation, maintenance, and development of the area as a component of the Maxwell National Wildlife Refuge in accordance with Contract Numbered 14-06-500-1713 and in a manner that does not interfere with operation of the Lake 13 dam and reservoir for the primary purposes of the Vermejo Reclamation Project.".•

By Mr. HATFIELD:

S. 463. A bill to establish within the Department of Education an Office of Community Colleges; to the Committee on Labor and Human Resources.

OFFICE OF COMMUNITY COLLEGES

• Mr. HATFIELD. Mr. President, in the last several decades, this Nation's community colleges have risen from virtual obscurity to become a large and critically important component of our higher education system. In fact, community colleges across the country have a larger combined enrollment than any other segment of higher education. Between 1965 and 1975 alone, community college enrollment jumped by 215 percent—and the numbers continue to rise every year.

In Oregon, our 16 community colleges are practically bursting at the seams with students—over 300,000 men and women are attending at least one community college class in Oregon this year. The four community colleges in the Greater Portland Area alone have almost 150,000 students coming through their doors annually. From vocational education to English as a second language to preparation for transfer to a 4-year institution, all of Oregon's community colleges are developing innovative programs and projects to meet the needs of a very wide range of people. From what my colleagues tell me about community colleges in their States, the trends in Oregon are reflected throughout the Nation.

Given the contributions community colleges are making to higher education, to the quality of life in our communities, and certainly to the Nation's economy, it is hard to believe that there is no higher level position within the Department of Education to represent their interests. Hard to believe, Mr. President, but true—and I am convinced that the creation of such a position is long overdue.

I rise today to introduce legislation to establish an Office of Community Colleges within the Department of Education, and to encourage my colleagues to talk with community college representatives in their own States about this proposal.

When we consider the reauthorization of the Higher Education Act later this year, I hope very much that this proposal can be incorporated into the legislation debated here in the Senate. In the weeks ahead, I look forward to talking with my colleagues on the Senate Labor and Human Resources Committee about this long overdue proposal, and working with them and others to see that it becomes a reality.•

By Mr. GARN:

S. 464. A bill for the relief of John Gabriel Robledo-Gomez Dunn; to the Committee on the Judiciary.

THE RELIEF OF JOHN GABRIEL ROBLEDO-GOMEZ

• Mr. GARN. Mr. President, today I am introducing a bill for the relief of John

Gabriel Robledo-Gomez Dunn of Brigham City, UT.

John was born in Perera, Columbia to very meager circumstances. As an infant this young man was deserted by his natural father. Although his mother worked very hard to support her family she could not provide even the most basic essentials. In the summer of 1987 the Dunn family of Brigham City, UT heard of John's situation and decided to see what they could do to help. With their sponsorship he was able to come to Utah to study at Box Elder High School on a student visa. He arrived malnourished and in need of a great deal of medical and dental care. Through his diligent efforts he learned English and progressed very well in school. He graduated from high school in May 1989 and began his college education at Weber State University in Ogden, UT.

Once John arrived in Utah the Dunns realized that they wanted him to become a part of their family permanently. This was not a new experience for them. Richard and Deon have eight children. Four of the children were born to them and the others have joined their family under a variety of special circumstances. This was the first time, however, that they had adopted a child from overseas. They proceeded with the adoption. When it became final in November of 1987 they were excited and wanted to be certain that John received all the opportunities they had provided their other children. They realized they needed to change John's immigration status since he was now the son of U.S. citizens. Only then did they become aware of the fact that the immigration law does not recognize the adoption of a child over the age of 16 as conveying immediate relative status to the child. John could not remain in the United States unless he was a student.

The family was very upset and concerned. John was a part of their family and now there was a possibility he could not stay with them. Each family member has expressed to me how much they love and depend on John as a part of their family. John has expressed his desire to remain with his new brothers and sisters. He is pleased to have a new mom because now he has two. But perhaps his most telling comment was how much he was pleased to finally have a father. He allowed as how it wasn't always easy because it was a new experience for him but was grateful for his Dad and the lessons he was learning from him.

This young man has made a profound impact on his family. If the letters and phone calls that have come to my office are any indication of his impact on the community, his school and his church then there is no question that John Robledo Dunn makes a very positive mark on all who meet him. Two of his goals in life are to serve his church and to get a college education. He has started on his educational goal. For the last year John has been serving his church by working with the Hispanic community in Cleveland, OH. He is enthusiastic in his service and grateful for the opportunity and challenge of helping others. Passage of this bill would allow the Dunn family to remain complete and John to continue to pursue his goals. I am confident he will be a valued addition to Brigham City, to Utah and to the United States.•

By Mr. GLENN:

S. 465. A bill to require the Secretary of Agriculture to conduct a pilot program to permit two States to enter into a reciprocal agreement for the interstate shipment and marketing of State-inspected meat and poultry products and to establish a task force to advise the Secretary with respect to such pilot program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RECIPROCAL STATE MEAT AND POULTRY AGREEMENTS.

• Mr. GLENN. Mr. President, I rise today, with Senator INOUYE to introduce legislation to establish a pilot program to permit States to enter into reciprocal agreements for the interstate shipment and marketing of State-inspected meat and poulty products and to establish a task force to advise the Secretary of Agriculture concerning the pilot program. This bill will provide an enormous benefit to the small and mid-sized meat and poultry processing plants by among other things expanding their markets. These expanded markets also mean a greater variety for our consumers—without compromising one bit of safety. The large plants are not losers under this bill either. They also can benefit from greater selling opportunities.

Federal inspection of meat and poultry is carried out under the authority of the Federal Meat Inspection Act and the Poultry Products Inspection Act.

About 97 percent of all red meat and 99 percent of all poultry is inspected by Federal inspectors who are employees of the U.S. Department of Agriculture's Food Safety and Inspection Service [FSIS]. These inspectors are stationed in private slaughtering and processing plants, and 100 percent of the cost of inspection is borne by USDA, except for overtime charges, which are paid by the packers.

Twenty-eight, States operate their own programs for inspecting meat and poultry for sale in intrastate commerce. I would just like to take a minute to list these States: Alabama, Alaska, Arizona, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Mississippi, Montana, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

About 3 percent of all red meat and 1 percent of all poultry is State-inspected. The Wholesomeness Meat Act of 1967 and the Wholesome Poultry Act of 1968 amended the existing Federal meat inspection legislation to require that State inspection programs be equal to Federal inspection and be subject to periodic USDA review. The costs of State inspection are borne half by the State, half by USDA. If the State program does not meet Federal standards, USDA may terminate the State program and convert all meat and poultry inspection to the Federal system.

The Food Safety Inspection Service [FSIS], by allowing State inspection programs to continue, is certifying that meats inspected under their system meet or exceed the requirements for federally-inspected meats. States may also choose to terminate their own inspection programs (usually for budgetary reasons) and opt for Federal inspection. Meat and poultry products from State-inspected packers may be marketed only within that State, and they are not eligible for export.

A number of questions have been raised regarding the desirability of permitting interstate shipment of State-inspected meat and poultry products. For instance, some argue that not all State inspection programs are equal to Federal inspection and that consumer confidence in the safety of all meat and poulty products would be lowered if contamination were discovered in State-inspected products in interstate commerce. First of all, I am confident that a meat product inspected in an Ohio-inspected plant will also be safe for consumption in any other state. Additionally, food poisoning outbreaks have been traced to meat from federally as well as State-inspected plants.

I do not believe that State-inspected meats are any more likely to have occasional contamination problems than Federally-inspected meats. Moreover, consumer confidence is jeopardized by contamination problems regardless of who did the inspection.

However, in order to answer these important questions, this legislation establishes a task force to advise the Secretary of Agriculture concerning the desirability of continuing the pilot program. The task force would be composed of members of USDA; State departments of agriculture; industry, including large and small processors; consumer groups; and labor organizations.

It is unfair that imported meats can be shipped anywhere within the United States when State-inspected meats cannot. The USDA's review program for assuring the wholesomeness of State-inspected meat is at least as good as, if not better than, its program for reviewing meat and poultry inspection in foreign countries cleared to export products to the United States.

The prohibition against shipment across State lines unfairly limits small packers' marketing areas, especially for plants located near State borders. Allowing State-inspected products to go out of State could benefit larger packers as well as smaller ones. For example, large packers in Ohio and elsewhere would be able to purchase carcasses from local, State-inspected slaughtering plants across the border in neighboring States, which could prove cost-effective. Or a large packer could purchase a line of specialty meats from a State-inspected packer to expand its product line and reach different markets.

Mr. President, this bill is very simple. It establishes a 2-year pilot program which will permit States to enter into agreements to allow for the interstate shipment and marketing of State-inspected meat and poultry products. The bill also establishes a task force to determine the effectiveness of the pilot program.

Should a State have some reason to question the State inspection program of a neighboring State, it is not required to enter into a reciprocal agreement with that State. I would like to stress that no State is required to accept what it perceives as inferior meat or poultry. It is simply given the option to safely expand market opportunities for small and midsized packers. I have long had confidence in the quality of the State-inspected meats produced by our plants in Ohio. I am sure that my colleagues share the same confidence in the products coming from State-inspected plants in their own States.

I believe this bill to be a good starting point for evaluating interstate commerce of State-inspected meat and poultry products. It is limited in its scope in that the program operates for 2 years and is evaluated by a representative task force.

For these reasons, Mr. President, I urge my colleagues to join me in allowing States the freedom to enter into reciprocal agreements for the interstate shipment of State-inspected meats.•

By Mr. GRASSLEY (for himself and Mr. DASCHLE):

S. 466. A bill to amend the Internal Revenue Code of 1986 to provide for a renewable energy production credit, and for other purposes; to the Committee on Finance.

RENEWABLE ENERGY PRODUCTION CREDIT

Mr. GRASSLEY. Mr. President, together, with my distinguished colleague, Senator DASCHLE, we are introducing legislation to address what we consider to be a significant gap in the administration's national energy strategy.

This void concerns the lack of stronger incentives in the strategy for our Nation to dramatically increase the production of renewable fuels. Any successful national energy and environmental policy must seriously move in the direction of shifting our reliance away from finite supplies of fossil fuels toward the infinite supply of alternative energy fuels.

The administration has taken the first steps in reiterating its support for ethanol and other alternative fuels. However, more aggressive steps are going to have to be taken.

So this legislation we are introducing today would provide a tax credit for the production of electricity created through renewable fuel technologies including solar, wind, photovoltaic, and geothermal. It would also extend the renewable fuels investment tax credit. These alternative fuels, along with ethanol, are the keys toward a cleaner and safer environment and a virtually unlimited supply of energy.

Ironically, this legislation was a part of the original national energy strategy that was forwarded to the White House from the Department of Energy. So, the Energy Department has recognized the need for this legislation. Unfortunately, some officials in the White House apparently think otherwise.

The war in the gulf has only highlighted the dangerous reliance we have placed on oil, especially foreign oil, to fuel our Nation. Everyone seems to recognize that we need to lessen our dependence on oil. However, the administration's response puts too much emphasis on further oil production.

In last year's budget reconciliation bill, a number of tax incentives for the oil industry was passed into law. Although ethanol incentives that I strongly supported were included, the bulk of assistance went to oil production.

However, our oil reserves are going to run dry eventually. Everyone knows that. So, we have to be looking further ahead than just the next generation, or we are going to fail once again. If we can provide a few billion dollars in tax incentives to the oil industry, as we did last year, which is flush with cash at this time, then we can be more forward looking and provide commensurate assistance to the energies of the future.

Mr. President, the administration's energy strategy is just the beginning, and President Bush, to his credit, has started the ball rolling. I hope this legislation will fill in a very important gap, as Senator DASCHLE and I see it. Now, the Congress has the responsibility to move ahead and help mold the President's initiative into a winning strategy.

I look forward to working with Senator DASCHLE and others as we begin making our contributions to this process by introducing this legislation and building upon it.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENEWABLE ENERGY PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end thereof the following new section:

"SEC. 30. RENEWABLE ENERGY PRODUCTION CREDIT.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to—

"(1) the applicable amount, multiplied by

"(2) the kilowatt hours of electricity produced with qualified technologies property—

"(A) sold by the taxpayer to an unrelated person during the taxable year,

"(B) the production of which is attributable to the taxpayer.

"(b) APPLICABLE AMOUNT.—

"(1) IN GENERAL.—For purposes of subsection (a)(1), the applicable amount shall be determined under the following table:

"Taxable year qualified technologies property placed in service:	The applicable amount is:
1992–1996	2.0 cents
1997	1.6 cents
1998	1.2 cents
1999	0.9 cents
2000	0.6 cents
2001	0.3 cents

"(2) REDUCED APPLICABLE AMOUNT FOR GEOTHERMAL PROPERTIES.—In the case of qualified technologies described in subsection (e)(1)(D), the applicable amount for any taxable year shall be equal to 50 percent of the applicable amount otherwise determined under paragraph (1).

"(3) CREDIT ADJUSTMENT BASED ON INFLATION.—

"(A) IN GENERAL.—The applicable amount in paragraph (1) shall be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs.

"(B) PUBLICATION.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor for the preceding calendar year in accordance with the paragraph.

"(C) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GNP implicit price deflator for the calendar year and the denominator of which is the GNP implicit price deflator for calendar year 1992. The term 'GNP implicit price deflator' means the first revision of the implicit price deflator for the gross national product as computed and published by the Department of Commerce.

"(c) APPLICATION OF SECTION.—This section shall apply with respect to electricity—

"(1) produced with qualified technologies property—

"(A) placed in service after December 31, 1991, and before January 1, 2002,

"(B) for which an energy credit has not been allowed, and

"(2) sold after December 31, 1991, and before January 1, 2009.

"(d) LIMITATIONS.—

"(1) CREDIT REDUCED FOR GRANTS, TAX-EXEMPT BONDS, AND SUBSIDIZED ENERGY FINANCING.—The amount of the credit allowable under subsection (a) with respect to any qualified technologies property for any taxable year shall be reduced by an amount determined under rules similar to the rules of section 29(b)(3).

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 28, and 29, over

"(B) the tentative minimum tax for the taxable year.

"(d) QUALIFIED TECHNOLOGIES DEFINED.—For purposes of this section—

"(1) QUALIFIED TECHNOLOGIES.—The term 'qualified technologies' means—

"(A) solar thermal,

"(B) photovoltaic,

"(C) wind,

"(D) geothermal (other than dry steam geothermal),

"(E) biomass, and

"(F) any other technology identified by the Secretary, after consultation with the Secretary of Energy, within 1 year of the date of the enactment of this section.

"(2) BIOMASS.—The term 'biomass'' means any organic material, including wood and other agricultural crops, which—

"(A) is available on a renewable basis, and

"(B) is—

"(i) produced by a facility used exclusively for growing biomass for energy purposes on a sustained basis; or

"(ii) converted to electricity by a conversion technology with a net heat rate of 10,500 Btu's per kilowatt hour or less.

The term 'biomass' shall not include aquatic plants and waste residues from wood, animal, municipal, agricultural, or other sources.

"(3) DRY STEAM GEOTHERMAL.—The term 'dry steam geothermal' means geothermal produced from a dry steam geothermal reservoir which—

"(A) has no mobile liquid in its natural state,

"(B) has steam quality of 95 percent water or more, and

"(C) has an enthalpy for the total produced fluid at least equal to 1,200 Btu's per pound.

"(e) ADDITIONAL DEFINITIONS AND SPECIAL RULES.—

"(1) ONLY PRODUCTION WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—Sales shall be taken into account under this section only with respect to electricity produced within—

"(A) the United States (as defined in section 7701(a)(9), or

"(B) a possession of the United States.

"(2) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a qualified technologies property in which more than 1 person has an interest, except to the extent provided in regulations prescribed by the Secretary, production from such property shall be allocated among such persons in proportion to their respective interests in the gross sales from such property.

"(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity produced with qualified technologies property to an unrelated person if such electricity is sold to such a person by another member of such group.

"(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(5) FLOW-THRU FOR PUBLIC UTILITIES.—

"(A) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy, shall prescribe regulations within 1 year of the date of the enactment of this section for the flow-thru of credits allowed under this section for public utilities.

"(B) PUBLIC UTILITY.—For purposes of subparagraph (A), the term 'public utility' means a person, State agency, or local unit of government engaged in the sale of electricity."

"(b) EXTENSION OF SOLAR AND GEOTHERMAL ENERGY CREDITS.—Section 448(a)(2)(B) of the Internal Revenue Code of 1086 (relating to termination) is amended by striking "1991" and inserting "1996".

"(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 30. Renewable energy production credit."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

Mr. DASCHLE. Mr. President, I rise today to join with my distinguished colleague from Iowa, Senator GRASSLEY, to introduce the Renewable Energy Development Act of 1991. This bill provides incentives for the production of electricity through the use of renewable technologies, and is designed to supplement other legislative initiatives focusing on energy policy.

Our legislation is taken almost verbatim from legislation drafted by the Department of Energy in its development of a national energy strategy, but inexplicably shelved when final recommendations were made by the White House and Office of Management and Budget.

This bill is by no means comprehensive. First of all, it is only directed at promoting the development of renewable energy technologies. It does not address conservation, the development and utilization of fossil fuels, or enhancing strategic energy reserves, all of which must be a part of an overall energy strategy. Moreover, this bill focuses on electrical generation and does not address renewable energy technologies that produce liquid transportation fuels. Approximately half the oil utilized in this country is consumed by the transportation sector, and there must be a greater emphasis placed on renewable fuels. Senator GRASSLEY and I intend to consider these additional concerns in the weeks and months ahead.

The past weeks have generated a proliferation of energy policy bills, and we may only have seen the beginning. The focus of the national energy policy effort has been, for the last 18 months, the development of the national energy strategy by the Department of Energy and the administration. Secretary Watkins made an ambitious attempt to talk to all sides and to look into all alternatives. The list of options presented to the White House included some extremely aggressive and farsighted proposals. I sincerely believe that Secretary Watkins made an honest effort in trying to address a politically and substantively thorny issue. If nothing else, he has helped focus the Nation's attention on the issue of energy policy. For that, he deserves considerable credit. Unfortunately, Secretary Watkins turned 18 months of hard work over to ideologues in the White House, and the result is a mere shell, long on style and hype but sadly lacking in solutions.

The national energy strategy released yesterday has a fatal flaw. It does little to reverse the course that we have followed for the last decade toward greater dependence on oil, and, in particular, foreign oil. The proposal is based on wildly optimistic assumptions about future oil production and demand, and is centered around the dubious proposition of developing our most environmentally sensitive and remote areas. The national energy strategy, at best, has modest conservation measures, and is seriously lacking in the area of renewable energy incentives.

The energy problems facing America are not due to foreign oil—the problems are due to our dependence on oil. Period. As much as we may wish for it, producing more oil from the United States will not insulate the Nation from the wild price swings of the world oil market. Oil is a fungible commodity—if the world oil price goes up, the cost of American oil goes up and the cost to American consumers will also go up. While better utilizing our own resources is a worthwhile goal, in reality it only helps protect us from foreign blackmail.

But the problems with oil go well beyond volatile consumer prices. They range from massive spills on our coastal and inland waters to toxic emissions from refineries; from deadly urban smog to military tanker escorts; from leaking underground storage tanks to all-out war in the Persian Gulf. These are all costs of our dependency on oil. We cannot produce our way out of this vulnerability—we must find alternatives. That is what this bill is all about.

The legislation that we are introducing today would provide a tax credit based on the production of electricity through an array of renewable technologies, including solar, geothermal, photovoltaics, wind, and biomass technologies. The amount of the credit would be determined according to the amount of kilowatt hours of electricity produced.

In addition, solar and geothermal facilities, which have utilized the section 46 investment tax credit in the past, will be permitted to continue using that credit, if they choose to do so. Under current law, the section 46 credit expires at the end of this year. Therefore, the legislation we are introducing today would extend the current law section 46 credit for 5 years, an extension that exceeds both the administration and DOE proposals. The new production credit and the current investment credit would be offered in the alternative, to avoid any double benefit.

I must emphasize that the measure we are introducing today is only a start. As chairman of the Finance Committee's Subcommittee on Energy and Agricultural Taxation, I plan to hold hearings on the measure in the near future. Senator GRASSLEY, who is also a member of the subcommittee, and I will be interested in hearing comments on the measure, as well as suggestions for additional renewable development provisions that would be appropriate under the Tax Code. After having the benefit of comments from industry representatives and other interested parties, we hope to introduce a revised renewable energy development package.

By Mr. KERRY:

S. 467. A bill to amend the Internal Revenue Code of 1986 to restore a capital gains tax differential for small and high-risk business stock held for more than 5 years; to the Committee on Finance.

SMALL AND HIGH-RISK BUSINESS INVESTMENT ACT

• Mr. KERRY. Mr. President, I rise today to introduce the Small and High-Risk Business Investment Act of 1991. This legislation would establish a two-tiered tax rate structure for investments in new, small, and emerging businesses that are held for a specified length of time.

Mr. President, as many of my colleagues know, the entire Northeast region is in the midst of a severe economic downturn. In Massachusetts, the lack of available capital threatens to aggravate the recession. Banks, faced with large loan losses and tougher capital standards, are shutting off credit lines to sound business opportunities and even to reliable, credit-worthy customers. As a result, many small companies and new businesses find themselves without the investment capital necessary to expand and contribute to the growth of the regional and national economy.

On January 28, 1991, Gov. William Weld and I held a day-long economic conference in Boston to gather our State's banking, public, business, and academic leaders and to hear first hand their views on how best to get the Massachusetts economy moving again. Perhaps the most vital issue raised by conference participants was the urgency of finding new ways to get capital flowing into Massachusetts again. Capital must be available to small companies today if they are to grow into the large employers of tomorrow.

Mr. President, I introduce this legislation to address that particular concern and also to correct one aspect of the Tax Reform Act of 1986 which I believe has contributed, in part, to a general decline in the availability of investment capital for small businesses.

However, unlike President Bush, I do not believe a broad-based cut in the capital gains tax represents the best way to promote job-creating initiatives. My bill, by establishing a two-tier tax rate structure that distinguishes the type and holding period of a qualified investment, will encourage the flow of capital into emerging growth companies and set the stage for future income growth and job creation.

For direct equity investments in businesses worth $100 million or less, my bill will lower the tax rate on capital gains to 15 percent after a 5-year holding period. After a 10-year holding period, the tax rate decreases to 10 percent.

For investments in high-risk or emerging companies worth $10 million or less, the tax rate on capital gains will start at 10 percent after a 5-year holding period and decrease to 5 percent after 10 years.

I believe the institutions of this two-tiered capital gains differential will encourage increased investment in the startup and expansion of small- and medium-sized businesses. This kind of targeted approach is vital and fair—one that encourages capital formation and rewards patient capital.

Mr. President, I would also like to make another distinction between my proposal and President Bush's across-the-board capital gains tax cut. My approach does not have the regressive income distributional effect. By limiting the tax cut to certain types of investments, my bill excludes profits from short-term paper investments and targets long-term job producing investment. Thus, the cost to U.S. taxpayers and the regressive consequences are limited.

Last, I want to emphasize how important this measure is in terms of addressing the deepening concerns in Massachusetts and throughout the Northeast regarding the lack of available capital. I urge my colleagues to join me in supporting this narrowly targeted incentive to get capital flowing in this Nation's economy again.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small and High-Risk Business Investment Act of 1991".

SEC. 2. ALTERNATIVE TAX RATES ON CAPITAL GAINS FROM CERTAIN SMALL AND HIGH-RISK BUSINESS STOCK.

(a) TAXPAYERS OTHER THAN CORPORATIONS.—

(1) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 1201 the following new section:

"SEC. 1202. ALTERNATIVE RATES FOR CAPITAL GAINS ON SMALL AND HIGH-RISK BUSINESS STOCK HELD BY TAXPAYERS OTHER THAN CORPORATIONS.

"(a) GENERAL RULE.—If for any taxable year a taxpayer other than a corporation has a small business stock net capital gain, then in lieu of the tax imposed by section 1, there is hereby imposed a tax (if such tax is less than the tax imposed by section 1) in an amount equal to the sum of—

"(1) a tax computed on the taxable income, reduced by the amount of small business stock net capital gain, at the rates and in the manner as if this subsection had not been enacted, plus

"(2) the tax on small business stock net capital gain determined under subsection (b).

"(b) TAX ON SMALL BUSINESS STOCK NET CAPITAL GAIN.—The tax under this subsection shall be the sum of the amounts determined in accordance with the following table:

"In the case of:	**The tax is:**
10-year high-risk gain	5 percent
5-year high-risk gain	10 percent
10-year small business gain	10 percent
5-year small business gain	15 percent.

"(c) DEFINITIONS.—For purposes of this section—

"(1) SMALL BUSINESS STOCK NET CAPITAL GAIN.—The term 'small business stock net capital gain' means the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the net capital gain for the taxable year determined by taking into account only gain or loss from qualified small business stock which has been held for more than 5 years.

"(2) 10-YEAR HIGH-RISK GAIN.—The term '10-year high-risk gain' means the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the net capital gain for the taxable year by taking into account only gain or loss from high-risk business stock held for 10 years or more.

"(3) 5-YEAR HIGH-RISK GAIN.—The term '5-year high-risk gain' means the lesser of—

"(A) the net capital gain for the taxable year, reduced by 10-year high-risk gain, or

"(B) the net capital gain for the taxable year determined by taking into account only gain or loss from high-risk business stock held for 5 years or more but less than 10 years.

"(4) 10-YEAR SMALL BUSINESS GAIN.—The term '10-year small business gain' means the lesser of—

"(A) the net capital gain for the taxable year, reduced by 5-year high-risk gain and 10-year high-risk gain, or

"(B) the net capital gain for the taxable year determined by taking into account only gain or loss from qualified small business stock (other than high-risk business stock) held for 10 years or more.

"(5) 5-YEAR SMALL BUSINESS GAIN.—The term '5-year small business gain' means the lesser of—

"(A) the net capital gain for the taxable year, reduced by 5-year high-risk gain, 10-year high-risk gain, and 5-year small business gain, or

"(B) the net capital gain for the taxable year determined by taking into account only gain or loss from qualified small business stock (other than high-risk business stock) held for 5 years or more but less than 10 years.

"(6) QUALIFIED SMALL BUSINESS STOCK.—

"(A) IN GENERAL.—The term 'qualified small business stock' means stock which—

"(i) is issued by a qualified small business after the date which is 6 months after the date of the enactment of this section,

"(ii) is first acquired (whether directly or through an underwriter) by the taxpayer, and

"(iii) is not issued in redemption of (or otherwise exchanged for) stock not issued during the period described in clause (i).

"(B) QUALIFIED SMALL BUSINESS.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified small business' means a corporation the paid-up capital of which immediately after the date of issuance described in subparagraph (A) is $100,000,000 or less.

"(ii) ACTIVE TRADE OR BUSINESS REQUIREMENT.—A corporation shall not be treated as a qualified small business unless such corporation—

"(I) was engaged in the active conduct of a trade or business during the 5-year period ending on the date of issuance described in subparagraph (A) (or if shorter, its period of existence), and

"(II) is so engaged immediately after such date.

"(iii) EXCEPTION FOR PERSONAL SERVICE CORPORATIONS.—The term 'qualified small business' shall not include a personal service corporation (within the meaning of section 269A(b)(1)).

"(7) HIGH-RISK BUSINESS STOCK.—The term 'high-risk business stock' means stock which is qualified small-business stock under paragraph (6) determined by substituting '$10,000,000' for '$100,000,000' in subparagraph (B)(i) thereof.".

(2) MAXIMUM RATE.—Subsection (h) of section 1 of the Internal Revenue Code of 1986 is amended to read as follows:

"(h) MAXIMUM CAPITAL GAINS RATE.—

"(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rate and in the same manner as if this subsection had not been enacted on the greater of—

"(i) taxable income reduced by the amount of the net capital gain, or

"(ii) the amount of taxable income taxed at a rate below 28 percent, plus

"(B) a tax of 28 percent of the amount of taxable income in excess of the amount determined under subparagraph (A).

"(2) SPECIAL RULE WHERE TAXPAYER HAS SMALL BUSINESS STOCK NET CAPITAL GAIN.—

"(A) IN GENERAL.—If a taxpayer has a small business stock net capital gain for any taxable year, then the tax imposed by this section shall not exceed the lesser of—

"(i) the amount determined under paragraph (1), or

"(ii) the sum of—

"(I) the amount determined under paragraph (1) without taking into account small business stock net capital gain for purposes of subparagraphs (A) and (B) thereof, plus

"(II) the amount determined under section 1201(b).

"(B) SMALL BUSINESS STOCK NET CAPITAL GAIN.—For purposes of this paragraph, the term 'small business stock net capital gain' has the meaning given such term by section 1202(c)."

(b) CORPORATIONS.—Section 1201 of the Internal Revenue Code of 1986 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) QUALIFIED SMALL BUSINESS STOCK NET CAPITAL GAIN.—

"(1) IN GENERAL.—If for any taxable year a corporation has a small business stock net capital gain, then—

"(A) in lieu of the tax imposed by section 11, 511, or 831 (a) or (b) (whichever is applicable), there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) in an amount equal to the sum of—

"(i) a tax computed on the taxable income reduced by the amount of the small business stock net capital gain, at the rates and in the manner as if this subsection had not been enacted, plus

"(ii) a tax on the small business stock net capital gain determined in the same manner as under section 1202(b), and

"(B) paragraph (2) of subsection (a) shall be applied as if it read as follows:

"'(2) a tax equal to the sum of—

"'(A) the amount determined under clause (ii) of subsection (b)(1)(A), plus

"'(B) 34 percent of the net capital gain, reduced by small business stock net capital gain.'

"(2) SMALL BUSINESS STOCK NET CAPITAL GAIN.—For purposes of this subsection, the term 'small business stock net capital gain' has the meaning given such term by section 1202(c).".

(c) TREATMENT AS PREFERENCE ITEM FOR MINIMUM TAX.—Section 57(a) of the Internal Revenue Code of 1986 (relating to items of tax preference under the alternative minimum tax) is amended by adding at the end thereof the following new paragraph:

"(8) CAPITAL GAINS ON SALE OF CERTAIN SMALL AND HIGH-RISK BUSINESS STOCK.—

"(A) IN GENERAL.—In the case of a taxpayer with small business stock net capital gain, an amount equal to the rate differential portion for the taxable year determined under subparagraph (B).

"(B) RATE DIFFERENTIAL PORTION.—

"(i) IN GENERAL.—The rate differential portion of 5-year high-risk gain, 10-year high-risk gain, 5-year small business gain and 10-year small business gain is the same proportion of such amount as—

"(I) the excess of the highest applicable rate over the alternative tax rate, bears to

"(II) the highest applicable tax rate.

"(ii) HIGHEST APPLICABLE TAX RATE.—The term 'highest applicable tax rate' means the rate determined under section 904(b)(3)(E)(ii), whichever is applicable.

"(iii) ALTERNATIVE RATE.—The term 'alternative rate' means the rate determined under section 1202(b).

"(C) DEFINITIONS.—For purposes of this paragraph, any term used in this paragraph which is used in section 1202 shall have the same meaning as when used in section 1202.".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (4) of section 691(c) of such Code is amended by striking "1(h), 1201, and 1211" and inserting "1(h), 1201, 1202, and 1211, and for purposes of section 57(a)(8)".

(2) Clause (iii) of section 852(b)(3)(D) of such Code is amended by striking "66 percent" and inserting "the rate differential portion under section 904(b)(3)(E) or section 57(a)(8)(B), whichever is applicable,".

(3) Section 904(b)(3)(E) of such Code is amended by striking "1(h)" in clause (iii)(I) thereof and inserting "1(h) (without regard to paragraph (2) thereof)".

(4) Section 1445(e)(1) of such Code is amended by striking "34 percent (or, to the extent provided in regulations, 28 percent)" and inserting "34 percent (or, to the extent provided in regulations, the alternative tax rate determined under section 904(b)(3)(E)(iii) or section 57(a)(8)(B)(iii), whichever is applicable)".

(5) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by inserting after the item relating to section 1201 the following new item:

"Sec. 1202. Alternative rates for capital gains on small and high-risk business stock held by taxpayers other than corporations.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to stock issued after the date which is 6 months after the date of the enactment of this Act.●

By Mr. DODD (for himself, Mr. BYRD, Mr. LEAHY, Mr. GLENN, Mr. DECONCINI, Mr. WIRTH, Mr. LIEBERMAN, Mr. HARKIN, Mr. BRYAN, Mr. ADAMS, Mr. ROBB, Mr. SANFORD, Mr. LEVIN, Mr. LAUTENBERG, Mrs. KASSEBAUM, Mr. BINGAMAN, and Mr. REID):

S. 469. A bill to amend the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989 to apply the same honoraria provisions to Senators and officers and employees of the Senate as apply to Members of the House of Representatives and other officers and employees of the Government, and for other purposes; to the Committee on Governmental Affairs.

BAN ON HONORARIA FOR SENATORS AND OFFICERS AND EMPLOYEES OF THE SENATE

● Mr. DODD. Mr. President, today, I am introducing legislation to ban the receipt of honoraria by Senators, as well as by Senate staff and officers. I am pleased to be joined in this effort by the distinguished President pro tempore, ROBERT BYRD, and by my colleagues, Senators LEAHY, GLENN, DECONCINI, WIRTH, ROBB, ADAMS, LIEBERMAN, HARKIN, KASSEBAUM, LEVIN, LAUTENBERG, REID, BRYAN, BINGAMAN, and SANFORD.

My belief that Senators should be paid only by their employers—the people—is well-known. It is only fitting given that we serve the public in the very highest chambers of government. Unfortunately, under the current pay system, Senators are permitted to supplement the salary received from the Treasury with honoraria received from a handful of interest groups for a speech or a roundtable meeting. Senators who choose this route can boost their earnings by nearly $30,000 a year.

The code of ethics for Government service states "a public office is a public trust." Honoraria creates the appearance of a betrayal of this trust for direct financial benefit and should be banned.

Mr. President, it is not my belief that Senators in this Chamber sell their influence; my colleagues are men and women of integrity and honor. However, this practice casts the institution in a poor light; it creates the perception of influence peddling, of an institution whose Members have a $2,000 price tag and, thereby, it erodes public support and confidence.

This support is essential to democratic government. Without it, this institution has no base, no future. Yet, according to a 1990 Harris Poll, only 15 percent of Americans had "a great deal of confidence" in Congress and we have all seen the political cartoon where a couple opens a savings account and gets "one toaster and two U.S. Senators." We have a responsibility as Members of this great body to preserve it and to encourage others to serve here. We cannot effectively do so with honoraria tarnishing our institution and cheapening our work. Even the appearance of impropriety, which honoraria creates, should be reason enough for us to end this system that does nothing but add fuel to the fire of public cynicism about the motives of its highest elected officials. Adoption of this measure will help restore public confidence in the integrity of this institution.

Although this change is long overdue, this bill is not new to the Senate. It is substantially the same as the measure I introduced in the last Congress. Beginning in 1992, it would conform the Senate's rules on honoraria and outside income to those that apply to the House of Representatives, as well as to the executive and judicial branches.

As such, the bill prohibits the acceptance of honoraria by Senators and, at the same time, limits outside earned income to 15 percent of a Senator's salary. In addition, no payments in lieu of honoraria may be paid on behalf of a Senator, officer, or employee directly to a charitable organization if such payments exceed $2,000 or are made to a charitable organization from which the individual or an immediate family member derives any direct financial benefit.

The bill also places other limitations on outside earned income. A Senator may not: First, affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services that involve a fiduciary relationship for compensation; second, permit his or her name to be used by any such firm, partnership, association, corporation, or other entity; third, practice a profession that involves a fiduciary relationship for compensation; fourth, serve for compensation as an officer or member of the board of any association, corporation, or other entity; or fifth, receive compensation for teaching without prior notification and approval of the Senate Ethics Committee.

However, it is not the intent of this bill to limit income from copyright royalties from established trade publishers that are consistent with usual and customary contract terms. The House has granted such an exemption in its regulations interpreting language identical to that contained in this bill, and I fully anticipate that the Senate would do the same under this measure.

Mr. President, in effect, this bill has already received the approval of the Senate. It was considered and approved last year by an overwhelming 77 to 23 margin as an amendment to S. 137, the Senatorial Election Campaign Act. Unfortunately, the conference committee was unable to resolve differences between the Senate and House bills. Beyond the overall value of the campaign financing legislation, it is most unfortunate that the honoraria ban was not enacted into law during the last Congress. In every other part of the Federal Government, officials are governed by these ethics rules; in 1991, Senators and Senate staff stand alone as the only public servants who can legally accept honoraria.

This measure does not address compensation of U.S. Senators. While the elimination of honoraria has, in the past, been linked to a pay raise for the Members of this body, it does not appear that such a linkage will be pursued in this Congress. Nevertheless, I believe the acceptance of honoraria, which some have come to see as a substitute for an official increase in pay, can be separated from the issue of compensation and should be discussed on its own merits.

Mr. President, the level of compensation we receive should be the level provided by the public through the U.S. Treasury, not through checks provided by private interest groups. It means something when a Senator accepts his or her check from the Treasury, as when any employee receives a paycheck from his employer; it means he is performing his job—he is working in the public interest. When a Senator receives a check from a special interest group, what does it mean? Mr. President, I don't like what I think it means, or what it could be construed to mean. The source of compensation received is significant. And that is the issue on which debate on this bill should focus—"Who pays the Senate?"

Finally, let me make it clear that this bill does not affect the amount of unearned outside income a Senator may accept. I strongly believe that efforts to do so would be inappropriate as well as unprecedented in American history. It is true that the Senate has many millionaires, men and women who have been successful in business or, in some cases, in birth. However, in America there is no law against financial success; indeed, our system of private enterprise encourages such success, as I believe it should. To limit outside unearned income would be a grave error, a punishment to those who have done no wrong under our laws, and it would preclude many who could bring much to this institution from serving.

I recognize that the issue before us is a difficult one, with an impact that is so personal, so close to home. But it is an issue we can no longer avoid. The executive and judicial branches have outlawed the taking of honoraria, as have our colleagues in the House. Let us delay no longer. It is imperative we abolish this practice and strengthen public confidence in this institution.

Mr. President, there is a Russian proverb that says, "You cannot drive straight on a twisting lane." With this measure, I hope we can put the Senate on the straight and narrow with respect to the source of our salaries. I thank you and yield the floor.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO TITLE 5 OF THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) ADMINISTRATION.—Section 503(1) of the Ethics in Government Act of 1978 is amended by—

(1) inserting "or the Senate" after "House of Representatives" the first place it appears; and

(2) inserting "or the Senate, as the case may be" before the semicolon.

(b) DEFINITIONS.—Section 505 of the ethics in Government Act of 1978 is amended—

(1) in paragraph (1) by inserting "a Senator or" after "means"; and

(2) in paragraph (2) by striking "(A)" and all that follows through "(B)".

SEC. 2. AMENDMENTS TO THE ETHICS REFORM ACT OF 1989.

Section 1101(b) of the Ethics Reform Act of 1989 is repealed and section 1101(c) is redesignated section 1101(b).

SEC. 3. CONFORMING AMENDMENTS.

(a) FEDERAL ELECTION CAMPAIGN ACT OF 1971.—Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is repealed.

(b) SUPPLEMENTAL APPROPRIATIONS ACT, 1983.—Section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is repealed.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect on January 1, 1992.•

• Mr. LEAHY. Mr. President, the privilege of serving in the U.S. Senate is hard-earned, and emanates from public trust in one's ability to conduct all business with fealty to no master other than the Constitution of the United States.

The public demands its elected representatives adhere to a higher standard—of ethics, morality, and judgment. Public doubt about any activity condoned by this body requires our most serious attention. And if that doubt is not dispelled, public demand requires that we reevaluate such practices.

Mr. President, the practice of accepting honoraria for appearances or speeches before special interest groups is not acceptable to the public. I had a clear message from Vermonters to end the practice—and I did. Once again this year, I rise as a original cosponsor of the legislation offered by Senator DODD to ban the receipt of honoraria by Senators.

The American people want Senators to draw one paycheck, and not supplement their salaries through honoraria.

During the debate on congressional pay in the 100th Congress, the House of Representatives voted for a significant pay increase and to phase out the honoraria system by January 1, 1991.

The Senate decided to accept a much smaller increase in salary, and allowed the practice of honoraria to continue. I concurred with the House decision on honoraria, and as of January 1, 1991, no longer accept such speaking fees. Though not required to, I am voluntarily following the more restrictive rules of the House of Representatives.

The question of honoraria influencing a vote or decision of any senator is implausible to me.

But accepting honoraria does further the perception that special interest groups have unusual and unhealthy access to Members of Congress.

And doubt cast upon this body denigrates the trust that is the very basis of our democratic institutions. A practice that we accepted, perhaps too cavalierly as a perquisite of public office, has become a symbol of the abuse of power by elected officials.

Power comes only from the people we represent. Those who insist that honoraria has not influence in their deliberations are missing the point.

The public perception is that it can—not that it does. In retrospect, we should have raised this issue ourselves and dealt with it ourselves.

The public has raised the issue of accepting honoraria—and, however late, it is time for us to resolve it.

For myself, I no longer want any part of it. I urge the adoption of the bill introduced by Senator DODD.•

• Mr. WIRTH. Mr. President, today I am cosponsoring legislation to ban honoraria that is being introduced by the Senator from Connecticut [Mr. DODD].

Members of this body will recall that last year I announced that I no longer accept honoraria payments despite Senate rules that allow it.

In past years, while I have accepted honoraria from various groups, I have been careful in selecting the groups to which I spoke. For example, while chairing a major subcommittee in the House of Representatives, I did not accept speaking fees from companies with legislation before my subcommittee.

This care in selecting audiences and honoraria was important in order to avoid the reality or appearance of a conflict of interest. But the public climate has changed, and even this careful policy is now not acceptable. So, I changed my personal policy and no longer accept honoraria.

I had hoped that this issue would be resolved in 1989 during the debate on the ethics reform bill, but it wasn't. If you recall, Congress approved ethics legislation that contained a number of reforms for both congressional and administration officials. Unfortunately, the Senate did not have an opportunity to vote on an honoraria ban during consideration of this bill. The final bill, which I opposed, included a 25-percent pay raise for the House of Representatives and a 10-percent cost-of-living adjustment for Senators. The bill only included a partial reduction of the honoraria limit for Senators.

Last year I introduced legislation, S. 2020, similar to that being introduced today by Mr. DODD. Last year my legislation banned honoraria outright for Senators, Senate officers, and employees.

The Dodd bill that is being introduced today will eliminate the practice of honoraria altogether for Members, staff, and employees of the Senate. It also limits outside income from certain sources and bans income from other sources outright. This is similar to a provision that now covers House Members, enacted in 1989.

The Dodd bill is a way to remove the real or perceived influence of money in this body and I urge my colleagues to join me in cosponsoring and supporting this bill.

I think it is clear to all of us that the system needs reform. Steps must be taken to restore confidence in the Congress and our Government—the elimination of honoraria is crucial to accomplishing this goal. I am hopeful that 1991 will bring about an opportunity to pass a full ban on honoraria into law.

Finally, I hope that when the Senate resolves the honoraria issue, it will move on to the even more important issue of campaign finance reform. I am a cosponsor of broad sweeping campaign finance legislation which will be considered by the Senate later this year. With the passage of the Dodd bill and campaign finance reform, we will have reaffirmed for the American people that their government is here to work for them and not engage in a money chase.•

By Mr. KOHL (for himself and Mr. DASCHLE):

S. 470. A bill to amend the Agricultural Act of 1949 to repeal the reduction in the milk price support for calendar year 1992; to the Committee on Agriculture, Nutrition, and Forestry.

FAIR BUDGET TREATMENT FOR DAIRY FARMERS ACT

Mr. KOHL. Mr. President, I rise today to introduce the Fair Budget Treatment for Dairy Farmers Act of 1991. I am pleased to be joined by Senator DASCHLE as a cosponsor of this measure, and I would like to commend my friend and colleague, Congressman DAVE OBEY, for introducing companion legislation in the House today.

Dairy farmers are currently suffering from the lowest milk prices since 1978. The M-W price for milk last month was $10.16 per hundredweight, down nearly $4 from last January's price. Dairy economists estimate that Wisconsin's gross farm receipts are likely to drop between $500 million and $700 million this year as a result.

While the 1990 farm bill provided some price stability for dairy farmers by setting a $10.10 dairy price support floor for the next 5 years, that stability was undermined by last year's budget package. The Omnibus Budget Reconciliation Act of 1990 instituted a 5-cent-per-hundredweight milk assessment on dairy farmers in 1991, and an 11.25-cent assessment in 1992–95.

I was unhappy with those assessments, as I know many of my colleagues were. And I joined with many of my colleagues to try to reduce the level of those assessments. But we were unsuccessful. And we were unsuccessful, in part, because of the administration's claims regarding the cost of the dairy program.

Last summer, the administration's midsession review estimated the cost of the dairy program in 1992 at $815 million. That cost estimate encouraged many of my colleagues to support the use of assessments to reduce the cost of the dairy program.

Yet the administration has now substantially revised its dairy program baseline. The President's fiscal year 1992 budget proposal estimates the program's cost at $392 million in 1992. That amounts to a $423 million reduction in 1992 spending for the dairy program.

Needless to say, Mr. President, I am puzzled by this dramatic revision in just 6 months. I would like to believe USDA's justifications for this downward adjustment—a change of assumptions regarding the use of bovine growth hormone, lower-than-expected milk prices, higher-than-expected export sales, and offsets from the collection of assessments.

Whatever the reason, USDA's earlier forecast led this Congress to establish assessments on dairy farmers to offset expected program costs. And now that this forecast has been dramatically revised, I do not believe that dairy farmers should be forced to pay millions of dollars in milk taxes for the forecasting errors of USDA.

The legislation I am introducing today is simple: It would repeal the 11.25-cent-per-hundredweight milk assessment required in 1992. It does not affect the collection of this year's 5-cent assessment. Nor does it affect the collection of assessments in 1993–95, although I hope we can eliminate those assessments as well at a later date.

I suspect, Mr. President, that some of my colleagues will view this legislation as an attempt to undermine last year's budget agreement—an agreement, I might add, that I supported, albeit reluctantly. But let me respond in two ways. First, even with the repeal of the 1992 assessment, the cost of the dairy program will still be more than $250 million below last year's estimate. And second, I am fully prepared to come up with an offset for the cost of this legislation, and will be exploring ways to do so with my colleagues on the Agriculture Committee in the months ahead.

Mr. President, dairy farmers across the country are already facing 1978 milk prices and 1991 costs of production. They should not have to face assessments as well when the justification for these assessments is gone.

I urge my colleagues to join with me in support of this legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be known as the Fair Budget Treatment for Dairy Farmers Act of 1991.

SEC. 2. REPEAL OF MILK PRICE SUPPORT REDUCTION FOR 1992.

Section 204 of the Agricultural Act of 1949 (as added by section 101 of the Food Agriculture, Conservation, and Trade Act of 1990 (104 Stat. 3374) and amended by Section 1105(g) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508)) is amended in subsection (h)(2)(B) by striking "1992 through 1995" both places it appears and inserting "1993 through 1995".

By Mr. McCAIN:

S. 471. A bill to protect consumers by regulating certain providers of 900 telephone services; to the Committee on Commerce, Science, and Transportation.

THE 900 SERVICES CONSUMER PROTECTION ACT

• Mr. McCAIN. Mr. President, in the last decade, we have seen an explosion in the 900 service provider industry. This industry has afforded consumers a broad array of services right in their own homes, giving them the convenience of receiving services and entertainment through an interactive system. Consumers have benefited from the growth of this industry, which is largely comprised of honest, legitimate 900 service providers. Unfortunately, Mr. President, there are some providers who are maligning this industry by deceiving consumers and manipulating young children. The result has been costly to both consumers and the industry.

For this reason, I am introducing the 900 Services Consumer Protection Act of 1991. This legislation addresses the issues of cost disclosure to the consumer, the option of blocking access to 900 services, and regulating advertising aimed at attracting young children.

Mr. President, there are 900 services providers who do not see fit to clearly disclose their prices for the services they offer. Time and time again you hear of the case where a consumer calls a 900 service, then later receives a phone bill and is shocked to discover that the cost of the call was much higher than he or she was led to believe. This legislation requires the Federal Communications Commission to issue regulations which mandate that the provider broadcast a preamble announcement at the beginning of each service transaction. The preamble would include such information as the initial cost of the call, the cost-per-minute if it differs from the initial cost, a description of the service to be provided, and an announcement of the time involved in each 900 service transaction if the duration of the call is not at the discretion of the caller. The consumer would also be permitted sufficient time to terminate the call before any charges are incurred. This is the clearest way for consumers to learn what they need to know about the service in order to make in informed decision.

There is great concern, particularly on the part of parents, about the access to 900 services by children. Minors are not in a position where they can make an informed decision about whether or not they should incur the cost of 900 services. So-called latch key kids are particularly susceptible to the temptation of making a call, since they cannot ask their parents for permission or guidance because their parents are away at work. Addressing this concern, the bill contains a provision which would permit consumers to block address to 900 services in the home without incurring any additional cost for equipment, installation, or service. Consumers should not have to run the risk of having direct access to a service they do not want if having that access to a service they do not want if having that access results in service charges made by an uninformed consumer, or an unsupervised minor.

It is clear that children are generally susceptible to the temptation of phoning in for services, and many of these services do not deliver what they promise. One such example is the Santa Claus line which promised a conversation with Santa. During the Christmas holidays, this is particularly enticing to young children. However, upon calling one particular Santa line, the child was informed that Santa was in the restroom, and that the child should call back in 10 minutes. Regardless of whether or not the call was authorized by an adult, the child did not receive the service he or she was promised. If the child is still interested enough in contacting Santa Claus, he will continue to call in the hopes of speaking to him. While adults may be unable to see past a cleverly produced advertisement, they are still in a better position to decide if a child should make a 900 services call. For this reason, this bill encourages children to first get permission from a parent or guardian before placing such a call. The bill requires 900 services providers to include in radio and television advertising directed at children notification that parental permission is required to use the service. This will encourage children to first ask their parents to place the call, and further serves to put 900 service providers on notice that their services will be under scrutiny by adults.

Another notorious case involving children is that of a different Santa Claus advertisement which directed children to put the phone up to the television set and delivered a series of tones which automatically dialed the phone number for the service. Clearly, the advertisement was aimed at very young children who may have difficulty dialing the telephone. If a child is too young to dial a telephone, then that child is obviously too young to make an informed consumer decision. This legislation prohibits the use of automatic tone dialing in advertisements directed at young children. Automatic tone dialing has many legitimate uses for adults who are unable to dial a telephone themselves, but it only leads to high costs incurred by minors when the system is used to promote a service for children.

The 900 services industry has undeniably provided consumers with many great opportunities to use the interactive system in the home. This legislation is not intended to hamper its growth. Indeed, the industry itself has taken steps to police itself and weed out those providers who are hurting the industry. Nonetheless, this legislation is needed to stop some providers from defrauding consumers with hidden costs, and luring innocent children into placing phone calls which later encumber the entire family. I encourage my colleagues to support this legislation and help further the cause for consumers in this country.●

By Mr. DOLE (for himself, Mr. SIMPSON, Mr. THURMOND, Mr. COCHRAN, Mr. KASTEN, Mr. BURNS, Mr. D'AMATO, Mr. LUGAR, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROTH, Mr. SEYMOUR, Mr. STEVENS, and Mr. WARNER):

S. 472. A bill to secure the right of women to be free of sexual harassment and violence, to promote equal opportunity for women, and for other purposes; to the Committee on the Judiciary.

WOMEN'S EQUAL OPPORTUNITY ACT OF 1991

Mr. DOLE. Mr. President, I join today with my distinguished colleagues, Senators SIMPSON, THURMOND, COCHRAN, KASTEN, BURNS, D'AMATO, LUGAR, MCCAIN, MURKOWSKI, ROTH, SEYMOUR, STEVENS, and WARNER, in introducing the Women's Equal Opportunity Act of 1991.

Comprehensive in approach, this bill seeks to reaffirm our Nation's historic commitment to an important principle—the principle of equal opportunity for all Americans.

Mr. President, as we see American women on the front lines in the Persian Gulf, we must also open our eyes to the battles women must fight today here at home.

It's just plain common sense that the women of American cannot share fully in the promise of equal opportunity if they are sexually harassed in the workplace.

They cannot have equal opportunity if they are the victims of violent crime—at home and on the streets.

And the women of this country cannot have equal opportunity if they must struggle to overcome artificial—and sometimes insurmountable—barriers to job placement, job promotion, and job advancement.

Mr. President, the Women's Equal Opportunity Act of 1991 confronts these issues head on. It expands Federal civil rights protections against sexual harassment. It attacks domestic and street crime violence. And it takes a hard and close look at expanding employment opportunities for women—not only in the executive board room, but also on the construction site.

I want to commend my colleague, Senator BIDEN, for holding hearings last year on the horrifying problem of violence against women. Needless to say, there's plenty of room for bipartisanship on this issue and the other issues addressed by this bill.

And it is my hope that we will be able to reach a bipartisan consensus as this Congress unfolds.

While each of us may have different concerns and different approaches, we all agree on one simple point: America can be no stronger abroad than she is at home.

And an America that refuses to tolerate barriers in her workplaces, and fear in her streets, is the only America that our soldiers, and all our citizens, deserve.

SEXUAL HARASSMENT IN THE WORKPLACE

As someone who was smack in the middle of last year's debate on the so-called Civil Rights Act of 1990, I can attest to the intensity of conviction on both sides of the aisle.

The civil rights debate got hot, and at times, it was anything but civil.

But despite all the partisan bickering and all the heated rhetoric, I must admit that I learned a few things last year.

I learned, for example, about the meaning of "parity." I learned that Federal law treats victims of sexual harassment differently—less favorably—than the victims of racial harassment.

And I learned that—in many cases—the only remedy that a victim of sexual harasssment can obtain under the Civil Rights Act of 1964 is declaratory and injunctive relief—a remedy that is hardly adequate, and one that is particularly unfair for those victims of sexual harassment who may suffer medical and psychological harm.

MONETARY REMEDY

Title I of the Women's Equal Opportunity Act attempts to close this gap in the law by providing—for the first time in our Nation's history—a court-ordered monetary remedy for intentional sexual harassment in the workplace—up to $100,000 for first offenses, and up to $150,000 for each subsequent act of sexual harassment.

These are maximum penalties—payable to the aggrieved party—that a court may adjust in light of the employer's financial condition and its history of resolving sexual harassment complaints through internal grievance procedures.

FAST-TRACK RELIEF

Title I also recognizes that prolonged exposure to workplace sexual harassment can have lasting detrimental effects on the victim. As a result, title I directs the courts to give expedited—fast-track—relief to those persons claiming sexual harassment on the job.

TECHNICAL ASSISTANCE FOR SMALL EMPLOYERS

And, finally, title I directs the Equal Employment Opportunity Commission to establish technical assistance programs to educate our small employers on the law of sexual harassment.

Unlike large corporations, most small employers cannot afford the cost of compliance advice from private law firms and consultants. An EEOC technical assistance program will help fill this void and will produce some very desirable results—a reduction in the number of sexual harassment complaints and a reduction in the quantity of litigation for an already overburdened court system.

VIOLENCE AGAINST WOMEN

Mr. President, the second title of this bill addresses the horrifying problem of violence against women, a problem that was vividly highlighted 2 weeks ago on television—during "The Marla Hanson Story."

My distinguished colleague from Delaware and chairman of the Judiciary Committee, Senator BIDEN, conducted several hearings on this issue last year. Once again, I want to commend Senator BIDEN for holding these hearings, which have helped to make violence against women an issue of truly national concern.

Mr. President, if anyone doesn't think that violence against women is a serious problem today, they should read the story of Aileen Hefferren, who—as a jogger in Washington's Rock Creek Park last August—was knocked to the ground by a 12-year-old assailant, taunted, and then left shaking, bleeding, falling in and out of consciousness, only to be picked up almost an hour later by an emergency room ambulance.

A minor event in a busy city. Perhaps an event that is repeated hundreds of times each day throughout this country. Yes.

But an event that this Nation should countenance as routine, as the price we pay for living in a free society? Absolutely not.

Mr. President, those who don't think that violence against women is a serious national problem should also read the testimony of Nancy Ziegenmeyer—a Grinnell, IA, homemaker—who was abducted and raped in a supermarket parking lot, only to then suffer 13 months of indignities and delay in a court system that treated her more like a suspect on trial than the real-life victim of a brutal crime.

And they should read the recent report of the Justice Department's Bureau of Justice Statistics, which estimated that a staggering 2.5 million violent crimes have been committed against women each year from 1979 through 1987.

Mr. President, violence against women is a national disgrace. It's a disgrace that we must have the courage to recognize, and the commitment to reform.

We can, and must, do better. While title II of this bill does not have all the answers to the problem of violence against women, it does offer a few proposals that, I believe, deserve our consideration and could serve as the basis for reform at the State level as well.

CAMPUS SECURITY

First, title II addresses the issue of safety on our university campuses.

Last year, Congress passed legislation requiring universities to inform students of campus crime statistics. Title II builds on this approach by requiring the disclosure of these statistics to the parents of students and to the local police authorities.

It goes without saying that more disclosure, more information, leads to better education and more safety.

TOUGHER PENALTIES

Second, title II imposes tougher penalties for Federal sex offenders—capital punishment for murders committed in the course of sexual assaults and child molestations, increased penalties for recidivist sex offenders, and a doubling of the penalty for distributing illegal drugs to pregnant women.

RESTITUTION

Third, it amends the Federal restitution statute to allow sex crime victims to seek restitution for medical expenses related to sexually transmitted diseases and for child care, transportation and other costs.

Title II also increases the opportunities for victim restitution by incorporating the Pornography Victims Compensation Act, which was introduced last year by my distinguished colleague from Kentucky, Senator MITCH MCCONNELL.

REFORM OF THE FEDERAL RULES OF EVIDENCE

Fourth, title II reforms the Federal rules of evidence to make absolutely clear that evidence of past acts of sexual abuse and child molestation are admissible in court. A recent Delaware Supreme Court decision overturned a defendant's conviction for raping his 11-year-old daughter because evidence of past molestations was improperly admitted.

Mr. President, this decision—a decision based on legal technicalities—is an outrage that should never be repeated in any court, anywhere.

PROFESSIONAL CONDUCT BY LAWYERS

Fifth, title II outlines several model rules for professional conduct by lawyers. These rules make absolutely clear that lawyers should never engage in a trial tactic designed solely to—harass, embarrass, or humiliate—a sex crime victim. Lawyers have a lot of tricks in their litigation bags, but the harassing technique is one trick that should be bagged. The model rules would also require lawyers to disclose normally confidential client information if disclosure is necessary to prevent the commission of a sexual assault or child molestation.

AIDS TESTING

Sixth, title II requires the AIDS testing of an individual charged with a Federal sex offense at the time of that individual's pretrial release hearing. Women who have been sexually abused, assaulted, or raped should not have to endure the pain of waiting 6 months, a year, even 2 years, to learn whether or not the alleged assailant tests HIV-positive. AIDS testing at the pretrial release stage will give sex crime victims the full panoply of information they need, and they want. And in this Senator's view, an AIDS test on a person accused of a sex offense is only a minor intrusion into that person's privacy—an intrusion that is far outweighed by the palpable emotional benefit that full information could offer the sex crime victim.

Mr. President, I recognize that AIDS testing is not a fail-safe and that counseling for the victim is a critical complement to such testing. To ease the financial burden for the victim, title II amends the Victims' Rights and Restitution Act of 1990 to require Government payment of up to two HIV tests for the victim as well as the cost of an AIDS counseling session.

SEXUAL ASSAULT

Seventh, title II authorizes $25 million each year—over the next 3 years—for rape prevention and education grants under the Victims of Crime Act of 1984. These grants will provide sorely-needed funds to rape crisis centers, hotlines, and other essential services for the victims of sexual assault.

DOMESTIC VIOLENCE

And finally, Mr. President, title II addresses the hidden side of violence against women—domestic violence—the violence that occurs in the family home.

For the skeptics, let me cite some frightening statistics. An estimated 3 million American women are battered each year by their husbands or partners.

More than 1 million women seek medical assistance annually for injuries caused by battering.

And the FBI reports that 30 percent of female homicide victims are killed by their husbands or boyfriends.

To assist those who are on the frontlines against domestic violence—the shelters and local community groups that provide care to the victims—title II adopts many of the provisions contained in the Domestic Violence Prevention Act of 1990, which was introduced last year by my distinguished colleague, Senator DAN COATS.

Title II also authorizes $60 million each year—over the next 3 fiscal years—for the Family Violence Services and Prevention Act. This act has been the lifeblood for hundreds of shelters throughout the country, and additional funding is well deserved.

EQUAL EMPLOYMENT OPPORTUNITIES

Mr. President, the third title of the bill is directed at improving employment opportunities for women and minorities.

What I am talking about is making the playing field level to ensure that women and minorities have equal access to the same career-enhancing experiences, the same jobs, and the same promotions. It's a matter of simple fairness, and an issue that deserves much closer attention and review.

THE GLASS CEILING

Subtitle A of title III is directed at the "Glass ceiling."

The issue is one of access to upper level decisionmaking positions that women and minorities who are qualified to move up the corporate ladder can see, but all too often seem unable to reach. Instead, they find themselves bumping their heads on an invisible—and impenetrable—ceiling that blocks their advancement to the most coveted management positions.

A recent study by the UCLA Anderson Graduate School of Management and the Korn-Ferry executive search firm found that during the past decade little progress has been made in breaking through that ceiling. Indeed, while women and minorities currently account for over half the work force, they hold less than 5 percent of upper level positions in Fortune 500 companies which represents a mere 2-percent increase since 1979. While there is, of course, no right or correct number and I strongly oppose any notion of employment or promotion-related quotas, such figures do suggest that artificial barriers exist with respect to the upward mobility of women and minorities.

While this legislation is only a first step forward in identifying, understanding, and reforming business attitudes and practices that have kept the glass ceiling in place, it is an important step forward to ensuring that the glass ceiling meets the same fate as the Berlin Wall.

GLASS CEILING COMMISSION

First, this subtitle establishes the Glass Ceiling Commission which is provided with the resources and powers to examine those practices and policies in corporate America which impede the advancement of women and minorities.

REPORT

Second, this legislation specifically charges the Commission with preparing a report for the President and Congress due 15 months after enactment examining the reasons behind the existence of the Glass ceiling and making recommendations with respect to policies which would eliminate any impediments to the advancement of women and minorities.

NATIONAL AWARD

Finally, this legislation provides for the establishment of the National Award for Diversity and Excellence in American Executive Management to be made by the President on an annual basis to a business which has made substantial efforts to promote opportunities for women and minorities to advance to top levels.

Mr. President, it is my firm belief and my firm commitment that by raising the national awareness of the existence of the Glass ceiling from the assembly line to the board room, by studying and better understanding why the Glass ceiling exists and what keeps it in place, and finally by having recommendations in hand as to how corporate America can break that ceiling, we will have ensured that everyone has access to the same employment opportunities.

THE STEEL DOOR

Subtitle B of the third title focuses on promoting equal opportunity for women and minorities in apprenticeship programs registered with the Department of Labor.

Apprenticeship programs are a well-recognized and time-tested means of getting workers off the unemployment and welfare roles and out of low paying, subsistence-level jobs. They are, in short, that ticket to opportunity to the skilled trades jobs where wages are typically in the $14 to $25 per hour range and where fringe benefits are higher, work schedules are more flexible, and advancement opportunities are greater. And yet, Mr. President, where upwardly mobile women and minorities are often blocked from upper level management jobs by the Glass ceiling, women and minorities seeking access to apprenticeship programs in the skilled trades jobs often face a steel door.

Nothing illustrates this steel door better than the fact that while women and minorities account for more than half the work force, only 7 percent of individuals presently enrolled in apprenticeship programs registered with the Department of Labor are women, and if a breakdown is made of participation by women and minorities in particular trades, the numbers become even more disturbing.

As with the Glass ceiling, these types of numbers suggest that very real barriers exist with respect to the recruitment and participation of women and minorities in apprenticeship programs. Some of these barriers may relate to the socialization process and the perceived unacceptability of women working in nontraditional jobs.

Unfortunately, Mr. President, such perceived unacceptability translates in the real world into discriminatory recruitment and placement practices and sexual harassment on the job.

Another reason is the lack of information about apprenticeship programs.

In addition, recent studies suggest that even with adequate education and outreach efforts, women and minorities often lack the necessary skills needed to qualify them for participation in a particular program.

Mr. President, this subtitle seeks to break down the steel door and to address some of these problems by:

First, directing the Secretary of Labor to establish an extensive and well-targeted outreach and public relations program designed to expand the opportunities for women and minorities in registered apprenticeship programs;

Second, providing for the authorization of $8 million for grants to be made to educational institutions, employers, employer associations, unions, State apprenticeship councils, sponsors of apprenticeship programs, and other related groups and individuals in connection with the Secretary's Outreach Program;

Third, providing for the authorization of $15 million for grants to be made to sponsors of registered apprenticeship programs for preapprenticeship training of women and minorities;

Fourth, providing that the Secretary of Labor may reserve up to 5 percent of funds appropriated under the subtitle to carry out the enforcement of the nondiscrimination and affirmative action requirements relating to registered apprenticeship programs; and

Fifth, requiring the Department of Labor to conduct a study relating to the participation of women and minorities in apprenticeship programs focusing on such issues as barriers to entry, recruitment, sexual harassment, and discrimination.

With women and minorities emerging as the major source of new entrants into the labor force between now and the year 2000, it is critical that such individuals not only be empowered with the necessary skills to meet the labor challenges of the future, but that they be afforded the same opportunities—equal opportunities—when it comes to employment and training.

One area urgently in need of change is equal opportunities in the skilled trades jobs.

Everyone deserves equal access, and this legislation works to ensure that access.

ALTERNATIVE WORK ARRANGEMENTS

The last subtitle relates to alternative work schedules.

As more and more households find both parents working instead of just one parent, the need to accommodate an employee's family and child care responsibilities has increased dramatically.

In response to this situation, Congress authorized Federal agencies in 1982 to establish alternative work schedules to assist Federal employees who are trying to manage the precarious balancing act between work and family.

Since that time, the Office of Personnel Management has been instrumental in encouraging Federal agencies to establish alternative work schedule programs such as flexitime, compressed workday scheduling, and job sharing.

This subtitle provides that it is the sense of the Congress that OPM has made commendable efforts with respect to the development, use, and expansion of alternative work schedule programs and that such efforts should be continued to help Federal employees, as well as to serve as a model for State and local governments and private sector employers.

Mr. President, I ask unanimous consent that the full text of the Women's Equal Opportunity Act of 1991, and a section-by-section analysis, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Women's Equal Opportunity Act of 1991".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL CIVIL RIGHTS REMEDIES

Subtitle A—Federal Remedies for Sexual Harassment in the Workplace

Sec. 101. Findings.
Sec. 102. Enhanced remedies for sexual harassment.
Sec. 103. Expedited injunctive relief for sexual harassment.
Sec. 104. Technical assistance.

Subtitle B—Expansion of Other Federal Civil Rights

Sec. 111. Expansion of protections against all racial discrimination in the performance of contracts.
Sec. 112. Expansion of right to challenge discriminatory seniority systems.
Sec. 113. Congressional coverage.
Sec. 114. Effective date.

TITLE II—DOMESTIC AND STREET CRIME VIOLENCE AGAINST WOMEN

Subtitle A—Safety on College and University Campuses

Sec. 201. Required campus reporting of sexual assault.

Subtitle B—Stronger Penalties for Federal Sex Offenses

Sec. 211. Capital punishment for murders in connection with sexual assaults and child molestations.
Sec. 212. Increased penalties for recidivist sex offenders.
Sec. 213. Definition of sexual act for victims below 16 years of age.
Sec. 214. Drug distribution to pregnant women.

Subtitle C—Enhanced Compensation and Restitution for Victims of Sex Crimes

Sec. 221. Short title.
Sec. 222. Findings, purpose, and construction.
Sec. 223. Cause of action.
Sec. 224. Definitions.
Sec. 225. Restitution in sex offense cases.

Subtitle D—Reform of Procedure and Evidentiary Requirements in Sex Offense and Other Cases

Sec. 231. Admissibility of evidence of similar crimes in sexual assault and child molestation cases.
Sec. 232. Right of the victim to an impartial jury.
Sec. 233. Rules of professional conduct for lawyers in Federal practice.
Sec. 234. Statutory presumption against child custody.
Sec. 235. Full faith and credit for protective orders.
Sec. 236. HIV testing and penalty enhancement in sexual abuse cases.

Sec. 237. Payment of cost of HIV testing for victim.
Subtitle E—National Task Force on Violence Against Women
Sec. 241. Establishment.
Sec. 242. Duties of task force.
Sec. 243. Membership.
Sec. 244. Pay.
Sec. 245. Executive director and staff.
Sec. 246. Powers of task force.
Sec. 247. Report.
Sec. 248. Authorization of appropriations.
Sec. 249. Termination.
Subtitle F—Prevention of Sexual Assault
Sec. 251. Education and prevention grants to reduce sexual assaults against women.
Subtitle G—Domestic Violence Prevention Act of 1991
Sec. 261. Short title.
Sec. 262. Expansion of purpose.
Sec. 263. Expansion of State demonstration grant program.
Sec. 264. Grants for public information campaigns.
Sec. 265. State commissions on domestic violence.
Sec. 266. Indian tribes.
Sec. 267. Funding limitations.
Sec. 268. Grants to entities other than States; local share.
Sec. 269. Shelter and related assistance; rural areas.
Sec. 270. Law enforcement training and technical assistance grants.
Sec. 271. Authorization of appropriations.
Sec. 272. Report on recordkeeping.
TITLE III—EMPLOYMENT OPPORTUNITIES
Subtitle A—Glass Ceiling Commission
Sec. 301. Short title.
Sec. 302. Findings and purpose.
Sec. 303. Establishment of Glass Ceiling Commission.
Sec. 304. Research on advancement of women and minorities to executive management and senior decisionmaking positions in business.
Sec. 305. Establishment of the National Award for Diversity and Excellence in American Executive Management.
Sec. 306. Powers of the Commission.
Sec. 307. Confidentiality of information.
Sec. 308. Staff and consultants.
Sec. 309. Authorization of appropriations.
Sec. 310. Termination.
Subtitle B—Opportunities in Apprenticeship
Sec. 321. Short title.
Sec. 322. Findings and purpose.
Sec. 323. Outreach and education program.
Sec. 324. Preapprenticeship training grant program.
Sec. 325. Study of participation of women and minorities in apprenticeship.
Sec. 326. Authorization of appropriations.
Subtitle C—Opportunities for Alternative Work Arrangements
Sec. 331. Findings.
Sec. 332. Sense of the Congress.

TITLE I—FEDERAL CIVIL RIGHTS REMEDIES

Subtitle A—Federal Remedies for Sexual Harassment in the Workplace

SEC. 101. FINDINGS.

Congress finds that—

(1) title VII of the Civil Rights Act of 1964 prohibits discrimination in the terms and conditions of employment, including sexual harassment in the workplace;

(2) sexual harassment in the workplace can have very serious and lasting detrimental effects on the victim of the harassment;

(3) under the current remedial scheme of title VII, often the only remedies that a victim of sexual harassment can obtain are declaratory and injunctive relief against the continuation of the harassment;

(4) as the result of the lack of an effective remedy under title VII for sexual harassment, victims of sexual harassment may not receive restitution for monetary losses relating to medical and psychological harm caused by the misconduct of an employer;

(5) as the result of the lack of an effective remedy under title VII for sexual harassment, victims of sexual harassment who are driven to resign from jobs often fail to recover any relief under title VII; and

(6) additional equitable remedies for sexual harassment in the workplace are clearly appropriate and warranted.

SEC. 102. ENHANCED REMEDIES FOR SEXUAL HARASSMENT.

Section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) With respect to a complaint involving an alleged unlawful employment practice relating to harassment on the basis of sex, the court may, if the plaintiff pleads and proves that the respondent intentionally engaged in such practice, award to the aggrieved party an amount not to exceed $100,000 for the first such offense by the respondent, and not to exceed $150,000 for each subsequent offense. The court shall exercise the equitable discretion of the court and determine whether an enhanced remedy is appropriate under this paragraph based upon the criteria set forth in subparagraph (C).

"(B)(i) In order to obtain an award under subparagraph (A), the plaintiff shall demonstrate that—

"(I) the aggrieved party has submitted the grievance to any grievance procedure established by the employer; and

"(II) the aggrieved party has obtained a determination from the grievance procedure, the grievance procedure is inappropriate for resolution of sexual harassment complaints, or use of the procedure has resulted in an unreasonable delay in resolving the grievance.

"(ii) The participation by any party in the grievance procedure shall not be considered an admission of liability for any purpose, and determinations resulting from the grievance procedure shall not be entitled to deference in any judicial or administrative proceeding, including a subsequent proceeding under this paragraph.

"(C) In determining the appropriateness and magnitude of an award under subparagraph (A), the court shall consider whether—

"(i) the aggrieved party has incurred any medical bills or suffered any monetary or other out-of-pocket loss as a result of the unlawful conduct of the employer;

"(ii) enhanced relief under subsection (a) is necessary to make injunctive relief ordered by the court meaningful, considering—

"(I) the financial resources and employment history of the respondent;

"(II) whether the respondent has initiated compliance programs designed to ensure that the employment practices of the respondent are lawful; and

"(III) whether the respondent has instituted programs or policies designed to prevent, and resolve complaints of, harassment on the basis of sex in the workplace.

"(D)(i) Except as provided in clause (ii), a judge shall hear and determine all issues in cases arising under this paragraph.

"(ii) If a plaintiff seeks a monetary award under paragraph (2)(A) of this section and the court determines that such award cannot constitutionally be granted unless a jury determines liability on one or more issues with respect to which the award is sought, the court may impanel a jury to hear and determine such liability issues and no others.

"(E) For purposes of this paragraph, each distinct, physically separate subdivision of a respondent shall be considered a separate respondent if—

"(i) the subdivision provides separately for the employment practices (including hiring and discharge) of the subdivision, without reference to the practices of another subdivision; and

"(ii) the operations of the subdivision are not under the control of another subdivision, or under the common control of the subdivision with another subdivision.

"(F) As used in this paragraph, the terms 'aggrieved party', 'harassment on the basis of sex', and 'plaintiff' have the meanings given the terms in section 706(f)(2)(B)(v).".

SEC. 103. EXPEDITED INJUNCTIVE RELIEF FOR SEXUAL HARASSMENT.

Section 706(f)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(f)(2)) is amended—

(1) by inserting "(A)" after the paragraph designation; and

(2) by adding at the end thereof the following new subparagraph:

"(B)(i) Notwithstanding any other provision of this title, and except as otherwise provided in this subparagraph, a plaintiff who files a charge of discrimination alleging that an individual has been subject to harassment on the basis of sex in violation of this title shall have the right to seek temporary or preliminary injunctive relief against a respondent in any court having jurisdiction over such a claim, without regard to any period of time following the filing of the charge and without obtaining a right-to-sue letter from the Commission.

"(ii)(I) Except as provided in subclause (II), any order granting the relief described in clause (i) shall be issued in accordance with Rule 65 of the Federal Rules of Civil Procedure.

"(II) If the plaintiff establishes a substantial probability of success on the merits of the harassment claim, the continued submission to unlawful harassment shall be deemed injury sufficiently irreparable to warrant the entry of temporary or preliminary relief.

"(iii)(I) In order to obtain permanent injunctive relief for a grievance under this subparagraph, the plaintiff shall demonstrate that—

"(aa) the aggrieved party has submitted the grievance to any grievance procedure established by the employer; and

"(bb) the aggrieved party has obtained a determination from the grievance procedure, the grievance procedure is inappropriate for resolution of sexual harassment complaints, or use of the procedure has resulted in an unreasonable delay in resolving the grievance.

"(II) The participation by any party in the grievance procedure shall not be considered an admission of liability for any purpose, and determinations resulting from the grievance procedure shall not be entitled to deference in any judicial or administrative proceeding, including a subsequent proceeding under this subparagraph.

"(III) The court shall not grant permanent injunctive relief to a plaintiff under this section unless such relief is granted simultaneously with or after the imposition of a monetary award under subsection (g)(2).

"(iv) It shall be the duty of a court having jurisdiction over proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be expedited in every way practicable.

"(v) As used in this subparagraph:

"(I) The term 'aggrieved party' means a party suffering an alleged unlawful employment practice relating to harassment on the basis of sex in violation of this title.

"(II) The term 'harassment on the basis of sex' means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where—

"(aa) submission to such conduct is made explicitly or implicitly a term or condition of employment of an individual;

"(bb) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

"(cc) such conduct has the purpose or effect of creating a working environment that a reasonable person would consider intimidating, hostile, or abusive.

"(III) The term 'plaintiff' means an aggrieved party, the Attorney General, or the Commission who files the charge described in clause (i).".

SEC. 104. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Chairman of the Equal Employment Opportunity Commission, acting through the Directors of the district offices of the Commission, shall establish programs to provide technical assistance concerning sexual harassment law to employers who have fewer than 50 employees.

(b) SUBJECTS.—The programs shall provide assistance concerning—

(1) the requirements of sections 706 (f)(2)(B) and (g)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5 (f)(2)(B) and (g)(2)); and

(2) recommended practices and procedures for avoiding—

(A) practices that constitute harassment on the basis of sex; and

(B) litigation related to harassment on the basis of sex.

(c) DEFINITIONS.—As used in this section, the terms "employer" and "employee" have the meaning given the terms in section 701 (b) and (f), respectively, of the Civil Rights Act of 1964 (42 U.S.C. 2000e (b) and (f)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for each of fiscal years 1992, 1993, and 1994.

Subtitle B—Expansion of Other Federal Civil Rights

SEC. 111. EXPANSION OF PROTECTIONS AGAINST ALL RACIAL DISCRIMINATION IN THE PERFORMANCE OF CONTRACTS.

Section 1977 of the Revised Statutes (42 U.S.C. 1981) is amended by adding at the end thereof the following new sentences: "The rights protected by this section are protected against impairment by nongovernmental discrimination as well as against impairment under color of State law. This section affords the same protection against discrimination in the performance, breach, modification, or termination of a contract, or in the setting of the terms or conditions thereof, as it does in the making or enforcement of the contract.".

SEC. 112. EXPANSION OF RIGHT TO CHALLENGE DISCRIMINATORY SENIORITY SYSTEMS.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) For purposes of this section, an alleged unlawful employment practice occurs—

"(A) when a seniority system is adopted, when an individual becomes subject to a seniority system, or when a person aggrieved is injured by the application of a seniority system or provision of the system; and

"(B) if the system is alleged to have been adopted for an intentionally discriminatory purpose, in violation of this title, whether or not that discriminatory purpose is apparent on the face of the seniority provision.".

SEC. 113. CONGRESSIONAL COVERAGE.

Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new section:

"SEC. 719. CONGRESSIONAL COVERAGE.

"Notwithstanding any other provision of this title, the provisions of this title shall apply to the Congress, and the means for enforcing this title as such applies to the House of Representatives and the Senate shall be as determined by such House of Congress.".

SEC. 114. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of enactment of this Act.

TITLE II—DOMESTIC AND STREET CRIME VIOLENCE AGAINST WOMEN

Subtitle A—Safety on College and University Campuses

SEC. 201. REQUIRED CAMPUS REPORTING OF SEXUAL ASSAULT.

Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)), as added by section 204(a) of the Crime Awareness and Campus Security Act of 1990 (Public Law 101-542), is amended—

(1) in paragraph (1)(F), to read as follows:

"(F) Statistics concerning the occurrence on campus, during the most recent school year, and during the 2 preceding school years for which data are available, of the following criminal offenses reported to campus security authorities or local police agencies—

"(i) murder;

"(ii) rape, sexual assault, or any other abusive sexual conduct;

"(iii) robbery;

"(iv) aggravated assault;

"(v) burglary; and

"(vi) motor vehicle theft."; and

(2) in paragraph (3), to read as follows:

"(3) Each institution participating in any program under this section shall make timely reports on criminal offenses described in paragraph (1)(F) that the institution considers to be a threat to other students and employees. The institution shall provide the reports to students, parents or guardians of students, and employees, at the institution, and to local police agencies, in a manner that is timely and that will aid in the prevention of similar occurrences.".

Subtitle B—Stronger Penalties for Federal Sex Offenses

SEC. 211. CAPITAL PUNISHMENT FOR MURDERS IN CONNECTION WITH SEXUAL ASSAULTS AND CHILD MOLESTATIONS.

Title 18 of the United States Code is amended—

(1) by adding at the end of chapter 51 the following new section:

"§ 1118. Capital Punishment for Murders in Connection with Sexual Assaults and Child Molestations

"(a) OFFENSE.—It is an offense to cause the death of a person intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or to cause the death of a person through the intentional infliction of serious bodily injury.

"(b) FEDERAL JURISDICTION.—There is Federal jurisdiction over an offense described in this section if the conduct resulting in death occurs in the course of another offense against the United States.

"(c) PENALTY.—An offense described in this section is a Class A felony. A sentence of death may be imposed for an offense described in this section as provided in subsections (d) through (l), except that a sentence of death may not be imposed on a defendant who was below the age of eighteen at the time of the commission of the crime.

"(d) MITIGATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider whether any aspect of the defendant's character or record or any circumstance of the offense that the defendant may proffer as a mitigating factor exists, including the following factors:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired.

"(2) DURESS.—The defendant was under unusual and substantial duress.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (pursuant to section 2 of this title) in the offense, which was committed by another, but the defendant's participation was relatively minor.

"(e) AGGRAVATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider any aggravating factor for which notice has been provided under subsection (f), including the following factors:

"(1) KILLING IN COURSE OF DESIGNATED SEX CRIMES.—The conduct resulting in death occurred in the course of an offense defined in chapter 109A, 110, or 117 of this title.

"(2) KILLING IN CONNECTION WITH SEXUAL ASSAULT OR CHILD MOLESTATION.—The defendant committed a crime of sexual assault or crime of child molestation, as defined in subsection (x), in the course of an offense on which Federal jurisdiction is based under subsection (b).

"(3) PRIOR CONVICTION OF SEXUAL ASSAULT OR CHILD MOLESTATION.—The defendant has previously been convicted of a crime of sexual assault or crime of child molestation as defined in subsection (x).

"(f) NOTICE OF INTENT TO SEEK DEATH PENALTY.—If the Government intends to seek the death penalty for an offense under this section, the attorney for the Government shall file with the court and serve on the defendant a notice of such intent. The notice shall be provided a reasonable time before the trial or acceptance of a guilty plea, or at such later time as the court may permit for good cause. The notice shall set forth the aggravating factor or factors set forth in subsection (e) and any other aggravating factor or factors that the Government will seek to prove as the basis for the death penalty. The factors for which notice is provided may include factors concerning the effect of the offense on the victim and the family of the victim. The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(g) Judge and Jury at Capital Sentencing Hearing.—A hearing to determine whether the death penalty will be imposed for an offense under this section shall be conducted by the judge who presided at trial or accepted a guilty plea, or by another judge if that judge is not available. The hearing shall be conducted before the jury that determined the defendant's guilt if that jury is available. A new jury shall be impaneled for the purpose of the hearing if the defendant pleaded guilty, the trial of guilt was conducted without a jury, the jury that determined the defendant's guilt was discharged for good cause, or reconsideration of the sentence is necessary after the initial imposition of a sentence of death. A jury impaneled under this subsection shall have twelve members unless the parties stipulate to a lesser number at any time before the conclusion of the hearing with the approval of the judge. Upon motion of the defendant, with the approval of the attorney for the Government, the hearing shall be carried out before the judge without a jury. If there is no jury, references to 'the jury' in this section, where applicable, shall be understood as referring to the judge.

"(h) Proof of Mitigating and Aggravating Factors.—No presentence report shall be prepared if a capital sentencing hearing is held under this section. Any information relevant to the existence of mitigating factors, or to the existence of aggravating factors for which notice has been provided under subsection (f), may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing the admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The information presented may include trial transcripts and exhibits. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument, the defendant shall be permitted to reply, and the Government shall then be permitted to reply in rebuttal.

"(i) Findings of Aggravating and Mitigating Factors.—The jury shall return special findings identifying any aggravating factor or factors for which notice has been provided under subsection (f) and which the jury unanimously determines have been established by the government beyond a reasonable doubt. A mitigating factor is established if the defendant has proven its existence by a preponderance of the evidence, and any member of the jury who finds the existence of such a factor may regard it as established for purposes of this section regardless of the number of jurors who concur that the factor has been established.

"(j) Finding Concerning a Sentence of Death.—If the jury specially finds under subsection (i) that one or more aggravating factors set forth in subsection (e) exist, and the jury further finds unanimously that there are no mitigating factors or that the aggravating factor or factors specially found under subsection (i) outweigh any mitigating factors, then the jury shall recommend a sentence of death. In any other case, the jury shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(k) Special Precaution to Assure Against Discrimination.—In a hearing held before a jury, the court, before the return of a finding under subsection (j), shall instruct the jury that, in considering whether to recommend a sentence of death, it shall not consider the race, color, religion, national origin, or sex of the defendant or any victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim. The jury, upon the return of a finding under subsection (j), shall also return to the court a certificate, signed by each juror, that the race, color, religion, national origin, or sex of the defendant or any victim did not affect the juror's individual decision and that the individual juror would have recommended the same sentence for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim.

"(l) Imposition of a Sentence of Death.—Upon a recommendation under subsection (j) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

"(m) Review of a Sentence of Death.—The defendant may appeal a sentence of death under this section by filing a notice of appeal of the sentence within the time provided for filing a notice of appeal of the judgment of conviction. An appeal of a sentence under this subsection may be consolidated with an appeal of the judgment of conviction and shall have priority over all non-capital matters in the court of appeals. The court of appeals shall review the entire record in the case including the evidence submitted at trial and information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under subsection (i). The court of appeals shall uphold the sentence if it determines that the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor, that the evidence and information support the special findings under subsection (i), and that the proceedings were otherwise free of prejudicial error requiring reversal of the sentence that was properly preserved for review and raised on appeal. In any other case, the court of appeals shall remand the case for reconsideration of the sentence or imposition of another authorized sentence as appropriate. The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(n) Implementation of Sentence of Death.—A person sentenced to death under this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal. The Marshal shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed, or in the manner prescribed by the law of another State designated by the court if the law of the State in which the sentence was imposed does not provide for implementation of a sentence of death. The Marshal may use State or local facilities, may use the services of an appropriate State or local official or of a person such an official employs, and shall pay the costs thereof in an amount approved by the Attorney General.

"(o) Special Bar to Execution of Pregnant Women.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(p) Conscientious Objection to Participation in Execution.—No employee of any State department of corrections or the Federal Bureau of Prisons and no person providing services to that department or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at, or to participate in, any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(q) Appointment of Counsel for Indigent Capital Defendants.—A defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, under this section, shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in subsection (v) has occurred, if the defendant is or becomes financially unable to obtain adequate representation. Counsel shall be appointed for trial representation as provided in section 3005 of this title, and at least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel. Except as otherwise provided in this section, the provisions of section 3006A of this title shall apply to appointments under this section.

"(r) Representation After Finality of Judgment.—When a judgment imposing a sentence of death under this section has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the court that imposed the sentence. The court, within 10 days of receipt of such notice, shall proceed to make a determination whether the defendant is eligible for appointment of counsel for subsequent proceedings. The court shall issue an order appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel. The court shall issue an order denying appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation or that the defendant rejected appointment of counsel with an understanding of the consequences of that decision. Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(s) Standards for Competence of Counsel.—In relation to a defendant who is entitled to appointment of counsel under subsections (q) and (r), at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(t) CLAIMS OF INEFFECTIVENESS OF COUNSEL IN COLLATERAL PROCEEDINGS.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a case under this section shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"(u) TIME FOR COLLATERAL ATTACK ON DEATH SENTENCE.—A motion under section 2255 of title 28, United States Code, attacking a sentence of death under this section, or the conviction on which it is predicated, must be filed within 90 days of the issuance of the order under subsection (r) appointing or denying the appointment of counsel for such proceedings. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. Such a motion shall have priority over all non-capital matters in the district court, and in the court of appeals on review of the district court's decision.

"(v) STAY OF EXECUTION.—The execution of a sentence of death under this section shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subsection (u), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the Supreme Court disposes of a petition for certiorari in a manner that leaves the capital sentence undisturbed, or the defendant fails to file a timely petition for certiorari; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of such a decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(w) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subsection (v) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim is the result of governmental action in violation of the Constitution or laws of the United States, the result of the Supreme Court's recognition of a new Federal right that is retroactively applicable, or the result of the fact that the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"(x) DEFINITIONS.—For purposes of this section—

"(1) 'crime of sexual assault' means a crime under Federal or State law that involved—

"(A) contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person;

"(B) contact, without consent, between the genitals or anus of the defendant and any part of the body of another person;

"(C) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

"(D) an attempt or conspiracy to engage in any conduct described in paragraphs (A) through (C);

"(2) 'crime of child molestation' means a crime under Federal or State law that involved—

"(A) contact between any part of the defendant's body or an object and the genitals or anus of a child;

"(B) contact between the genitals or anus of the defendant and any part of the body of a child;

"(C) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

"(D) an attempt or conspiracy to engage in any conduct described in paragraphs (A) through (C); and

"(3) 'child' means a person below the age of 14."; and

(2) by adding the following at the end of the table of sections for chapter 51:

"1118. Capital punishment for murders in connection with sexual assaults and child molestations.".

SEC. 212. INCREASED PENALTIES FOR RECIDIVIST SEX OFFENDERS.

(a) REDESIGNATION.—Section 2245 of title 18, United States Code, is redesignated section 2246.

(b) NEW SECTION.—Chapter 109A of title 18, United States Code, is amended by inserting the following new section after section 2244:

"§ 2245. Penalties for subsequent offenses

"Any person who violates a provision of this chapter after a prior conviction under a provision of this chapter or the law of a State (as defined in section 513 of this title) for conduct proscribed by this chapter has become final is punishable by a term of imprisonment up to twice that otherwise authorized.".

(c) TABLE OF SECTIONS.—The table of sections for chapter 109A of title 18, United States Code, is amended by—

(1) striking "2245" and inserting in lieu thereof "2246"; and

(2) inserting the following after the item relating to section 2244:

"2245. Penalties for subsequent offenses.".

SEC. 213. DEFINITION OF SEXUAL ACT FOR VICTIMS BELOW 16 YEARS OF AGE.

Paragraph (2) of section 2246 of title 18, United States Code, as redesignated by section 212 of this Act, is amended—

(1) in subparagraph (B) by striking "or" after the semicolon;

(2) in subparagraph (C) by striking "; and" and inserting "; or"; and

(3) by inserting a new subparagraph (D) as follows:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;".

SEC. 214. DRUG DISTRIBUTION TO PREGNANT WOMEN.

Section 418 of the Controlled Substances Act (21 U.S.C. 845) is amended by inserting ", or to a woman while she is pregnant," after "to a person under twenty-one years of age" in subsection (a) and subsection (b).

Subtitle C—Enhanced Compensation and Restitution for Victims of Sex Crimes

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "Pornography Victims' Compensation Act of 1991".

SEC. 222. FINDINGS, PURPOSE, AND CONSTRUCTION.

(a) FINDINGS.—The Congress finds and declares that—

(1) protecting freedom of speech, within the bounds of safety to individuals and society, is essential to the preservation of a just and free society;

(2) consistent with the constitutional protection of freedom of speech, the State has a legitimate interest in restricting sexually explicit material, if there is a danger of harm or actual harm to individuals, such as the sexual exploitation of children by child pornography or the promotion of rape and sexual homicide by violent sexual material;

(3) the Attorney General's Commission on Pornography in 1986 found clinical and experimental evidence of a causal relationship between exposure to sexually explicit materials and sexual aggression, including the commission of unlawful sexual acts;

(4) the Attorney General's Commission on Pornography also found evidence that sexually explicit material need not be legally obscene to stimulate anti-social and potentially unlawful sexual aggression, if the material presents violent acts in a clear sexual context, or the sexual abuse of children;

(5) behavioral studies of serial murderers conducted by the Federal Bureau of Investigation have revealed a strong correlation between heavy exposure to violent sexual material and violent serial criminality;

(6) investigations conducted by the Child Pornography and Protection Unit of the United States Customs Service have revealed a strong correlation between heavy consumption of child pornography and child sexual abuse, including the use of child pornography to entrap children into the performance of sexual acts;

(7) recent psychological studies indicate a correlation between the growing number of children and youths who commit rape and other violent sexual offenses, and the declining age of first exposure to sexually explicit materials;

(8) sexual crimes such as rape and child abuse usually leave life-long psychological scars that may prevent the victim and his or her family from leading normal, fulfilled lives;

(9) the State has a legitimate interest in protecting its citizens, including children, from sexual crimes and in preventing such crimes through reasonable, effective, and constitutional means; and

(10) the State has a legitimate interest in providing adequate compensation to the victims of sexual crimes for their physical injuries, complete medical and psychological

treatment, and continuing pain and suffering.

(b) PURPOSE.—It is the purpose of this subtitle to require the producers, distributors, exhibitors, and sellers of sexually explicit material to be jointly and severally liable for all damages resulting from any sexual offense that was caused, in substantial part, by the sexual offender's exposure to the sexually explicit material.

(c) CONSTRUCTION.—The cause of action created by this subtitle shall be available in addition to, and not exclusive of, any other civil or criminal cause of action against a sex offender for any sexual offense.

SEC. 223. CAUSE OF ACTION.

(a) CAUSE OF ACTION.—Notwithstanding any other provision of law, a civil action may be instituted in an appropriate United States district court against a producer, distributor, exhibitor, or seller of sexually explicit material, pursuant to the provisions of this subtitle, by—

(1) a victim of a rape, sexual assault, act of sexual abuse, sexual murder, or other sexual crime as described under the relevant State or Federal law, whether or not such rape, assault, abuse, murder, or crime has been prosecuted or proven in a separate criminal proceeding,

(2) the estate of such a victim, or

(3) the guardian or survivors of any such victim.

(b) BURDEN OF PROOF.—To recover pursuant to the provisions of this subtitle, the individual bringing such action must prove, by a preponderance of the evidence, that—

(1) the victim was a victim of a rape, sexual assault, act of sexual abuse, sexual murder, or other sexual crime, as defined under the relevant State or Federal law, whether or not such rape, assault, abuse, murder, or other crime has been prosecuted or proven in a separate criminal proceeding;

(2) the material—

(A) is obscene;

(B) constitutes child pornography; or

(C) in the case of rape, sexual assault, sexual abuse, sexual murder, or any other violent sexual crime, is both sexually explicit and violent;

(3) the material was a proximate cause of the offense, by inciting the sexual offender to commit the offense perpetrated against the victim;

(4) the defendant is a producer or distributor of the material, or exhibited or sold the material to the sexual offender;

(5) the producer, distributor, exhibitor, or seller of the material knew or should have known that such material was sexually explicit; and

(6) the sale or transport of the material affects interstate or foreign commerce.

(c) PROXIMATE CAUSE OF THE OFFENSE.—For purposes of this subtitle, the finder of fact may reasonably infer that the material was a proximate cause of the offense, by inciting the offender to commit the offense if any of the following are found—

(1) extraordinary similarities between the acts described in such material and the actual offense;

(2) testimony of the offender to the effect that such material incited the commission of the offense; and

(3) testimony of experts that such material incited the offender to commit the offense.

(d) RECOVERY.—Any person who has brought an action pursuant to the provisions of this subtitle and has met the requirements of the provisions of this subtitle shall be awarded economic damages and compensation for pain and suffering as well as reasonable attorney's fees and costs of the suit.

(e) ACTION BARRED AFTER 6 YEARS.—Any action commenced under this section shall be forever barred unless the complaint is filed within 6 years after the right of action first accrued or, in the case of a person under a legal disability, not later than 3 years after the termination of such disability.

SEC. 224. DEFINITIONS.

For the purposes of this subtitle, the term—

(1) "child pornography" means a description of a minor engaging or participating in sexually explicit conduct as defined in section 2256(2) of title 18, United States Code;

(2) "minor" means a person under the age of 18 years;

(3) "sexual murder" means a murder that follows a rape, sexual assault, act of sexual abuse, or other sexual crime;

(4) "sexually explicit" means the depiction or description of actual or simulated—

(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(B) bestiality;

(C) masturbation;

(D) lascivious exhibition of the genitals of any person; or

(E) sadistic or masochistic abuse; and

(5) "violent" means an act, behavior, or material that depicts or describes such act or behavior, in which women, children, or men are—

(A) victims of sexual crimes such as rape, sexual homicide, or child sexual abuse;

(B) penetrated by animals or inanimate objects; or

(C) tortured, dismembered, confined, bound, beaten, or injured, in a context that makes these experiences sexual or indicates that the victims derive sexual pleasure from such experiences.

SEC. 225. RESTITUTION IN SEX OFFENSE CASES.

Section 3663(b) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and";

(3) by striking "an offense resulting in bodily injury" in paragraph (3) and inserting "an offense described in paragraph (2) or (5) that"; and

(4) by adding at the end the following new paragraph:

"(5) in the case of an offense under chapter 109A or chapter 110 of this title—

"(A) pay an amount equal to the cost of necessary medical and related professional services relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;

"(B) pay an amount equal to the cost of necessary physical and occupational therapy and rehabilitation;

"(C) reimburse the victim for income lost by such victim as a result of the offense;

"(D) make payment or reimbursement as provided in subparagraphs (A) through (C) for costs and losses related to any disease transmitted to the victim through the commission of the offense; and

"(E) reimburse the victim for necessary child care, transportation, and other expenses related to participation in the investigation of the offense or attendance at proceedings related to the offense.".

Subtitle D—Reform of Procedure and Evidentiary Requirements in Sex Offense and Other Cases

SEC. 231. ADMISSIBILITY OF EVIDENCE OF SIMILAR CRIMES IN SEXUAL ASSAULT AND CHILD MOLESTATION CASES.

The Federal Rules of Evidence are amended by adding after rule 412 the following new rules:

"Rule 413. Evidence of Similar Crimes in Sexual Assault Cases

"(a) In a criminal case in which the defendant is accused of an offense of sexual assault, evidence of the defendant's commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

"(d) For purposes of this rule and rule 415, 'offense of sexual assault' means a crime under Federal law or the law of a State that involved—

"(1) any conduct proscribed by chapter 109A of title 18, United States Code;

"(2) contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person;

"(3) contact, without consent, between the genitals or anus of the defendant and any part of another person's body;

"(4) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

"(5) an attempt or conspiracy to engage in conduct described in paragraphs (1) through (4).

"Rule 414. Evidence of Similar Crimes in Child Molestation Cases

"(a) In a criminal case in which the defendant is accused of an offense of child molestation, evidence of the defendant's commission of another offense or offenses of child molestation is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

"(d) For purposes of this rule and rule 415, 'child' means a person below the age of fourteen, and 'offense of child molestation' means a crime under Federal law or the law of a State that involved—

"(1) any conduct proscribed by chapter 109A of title 18, United States Code, that was committed in relation to a child;

"(2) any conduct proscribed by chapter 110 of title 18, United States Code;

"(3) contact between any part of the defendant's body or an object and the genitals or anus of a child;

"(4) contact between the genitals or anus of the defendant and any part of the body of a child;

"(5) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

"(6) an attempt or conspiracy to engage in conduct described in paragraphs (1) through (5).

"Rule 415. Evidence of Similar Acts in Civil Cases Concerning Sexual Assault or Child Molestation

"(a) In a civil case in which a claim for damages or other relief is predicated on a party's alleged commission of conduct constituting an offense of sexual assault or child molestation, evidence of that party's commission of another offense or offenses of sexual assault or child molestation is admissible and may be considered as provided in rule 413 and rule 414.

"(b) A party who intends to offer evidence under this rule shall disclose the evidence to the party against whom it will be offered, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.".

SEC. 232. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.

(a) Federal Rules of Criminal Procedure.—Rule 24(b) of the Federal Rules of Criminal Procedure is amended by striking "the Government is entitled to 6 peremptory challenges and the defendant or defendants jointly to 10 peremptory challenges" and inserting "each side is entitled to 6 peremptory challenges".

(b) Prohibition of Discrimination in Selection of Jury.—Section 243 of title 18, United States Code, is amended by designating the text of the section as subsection (a) and by adding a new subsection at the end thereof as follows:

"(b) In a proceeding in a court of the United States, an attorney representing a criminal defendant shall not exercise peremptory challenges to exclude any person from the jury on the basis of race or color, or on the basis of any other classification that could not lawfully be used by a prosecutor as the basis for exercising peremptory challenges. The prosecutor shall have the same right as the defense attorney to challenge the exercise of peremptory challenges on this ground. In determining whether a defense attorney has engaged in discrimination in violation of this subsection, a court shall apply the same standards that would apply in making a like determination concerning the exercise of peremptory challenges by a prosecutor, and shall have the authority to grant the same relief that would be available in case of unlawful discrimination by a prosecutor.".

SEC. 233. RULES OF PROFESSIONAL CONDUCT FOR LAWYERS IN FEDERAL PRACTICE.

The following rules, to be known as the Rules of Professional Conduct for Lawyers in Federal Practice, are enacted and shall be included as an appendix to title 28, United States Code:

"RULES FOR PROFESSIONAL CONDUCT FOR LAWYERS IN FEDERAL PRACTICE

"Rule 1. Scope
"Rule 2. Litigation Abuses Prohibited
"Rule 3. Expediting Litigation
"Rule 4. Duty to Prevent Commission of Crime

"Rule 1. Scope

"(a) These rules apply to the conduct of lawyers in their representation of clients in relation to proceedings and potential proceedings before Federal tribunals.

"(b) For purposes of these rules, 'Federal tribunal' and 'tribunal' mean a court of the United States or an agency of the Federal Government that carries out adjudicatory or quasi-adjudicatory functions.

"Rule 2. Litigation Abuses Prohibited

"(a) A lawyer shall not engage in any action or course of conduct for the purpose of increasing the expense of litigation for any person, other than a liability under an order or judgment of a tribunal.

"(b) A lawyer shall not engage in any action or course of conduct that has no substantial purpose other than to distress, harass, embarrass, burden, or inconvenience another person.

"(c) A lawyer shall not offer evidence that the lawyers knows to be false or attempt to discredit evidence that the lawyer knows to be true.

"Rule 3. Expediting Litigation

"(a) A lawyer shall seek to bring about the expeditious conduct and conclusion of litigation.

"(b) A lawyer shall not seek a continuance or otherwise attempt to delay or prolong proceedings in the hope or expectation that—

"(1) evidence will become unavailable;

"(2) evidence will become more subject to impeachment or otherwise less useful to another party because of the passage of time; or

"(3) an advantage will be obtained in relation to another party because of the expense, frustration, distress, or other hardship resulting from prolonged or delayed proceedings.

"Rule 4. Duty to Prevent Commission of Crime

"(a) A lawyer may disclose information relating to the representation of a client to the extent necessary to prevent the commission of a crime or other unlawful act.

"(b) A lawyer shall disclose information relating to the representation of a client where disclosure is required by law. A lawyer shall also disclose such information to the extent necessary to prevent—

"(1) the commission of a crime involving the use or threatened use of force against another, or a substantial risk of death or serious injury to another; or

"(2) the commission of a crime of sexual assault or child molestation.

"(c) For purposes of this rule, the term 'crime' means a crime under Federal law or the law of a State, and the term 'unlawful act' means an act in violation of the law of the United States or the law of a State.".

SEC. 234. STATUTORY PRESUMPTION AGAINST CHILD CUSTODY.

(a) Findings.—The Congress finds that—

(1) State courts have often failed to recognize the detrimental effects of having as a custodial parent an individual who physically abuses his or her spouse, insofar as the courts do not hear or weigh evidence of domestic violence in child custody litigation;

(2) joint custody forced upon hostile parents can create a dangerous psychological environment for a child;

(3) physical abuse of a spouse is relevant to child abuse in child custody disputes;

(4) the effects of physical abuse of a spouse on children include actual and potential emotional and physical harm, the negative effects of exposure to an inappropriate role model, and the potential for future harm where contact with the batterer continues;

(5) children are emotionally traumatized by witnessing physical abuse of a parent;

(6) children often become targets of physical abuse themselves or are injured when they attempt to intervene on behalf of a parent;

(7) even children who do not directly witness spousal abuse are affected by the climate of violence in their homes and experience shock, fear, guilt, long lasting impairment of self-esteem, and impairment of developmental and socialization skills;

(8) research into the intergenerational aspects of domestic violence reveals that violent tendencies may be passed on from one generation to the next;

(9) witnessing an aggressive parent as a role model may communicate to children that violence is an acceptable tool for resolving marital conflict; and

(10) few States have recognized the interrelated nature of child custody and battering and have enacted legislation that allows or requires courts to consider evidence of physical abuse of a spouse in child custody cases.

(b) Sense of the Congress.—(1) It is the sense of the Congress that, for purposes of determining child custody, credible evidence of physical abuse of a spouse should create a statutory presumption that it is detrimental to the child to be placed in the custody of the abusive spouse.

(2) This section is not intended to encourage States to prohibit supervised visitation.

SEC. 235. FULL FAITH AND CREDIT FOR PROTECTIVE ORDERS.

(a) Enforcement.—A protective order issued by a court of a State shall have the same full faith and credit in a court in another State that the order would have in a court of the State in which issued, and shall be enforced by the courts of any State as if it were issued in the State.

(b) Definitions.—As used in this section:

(1) The term "protective order" means an order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

(2) The term "State" has the meaning given the term in section 513(c)(5) of title 18, United States Code.

SEC. 236. HIV TESTING AND PENALTY ENHANCEMENT IN SEXUAL ABUSE CASES.

(a) In General.—Chapter 109A of title 18, United States Code, is amended by inserting at the end thereof the following new section:

"§ 2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty

"(a) Testing at Time of Pre-Trial Release Determination.—In a case in which a person is charged with an offense under this chapter, a judicial officer issuing an order pursuant to section 3142(a) of this title shall include in the order a requirement that a test for the human immunodeficiency virus be performed upon the person, and that follow-up tests for the virus be performed six months and twelve months following the date of the initial test, unless the judicial officer determines that the conduct of the person created no risk of transmission of the virus to the victim, and so states in the order. The order shall direct that the initial test be performed within 24 hours, or as soon thereafter as feasible. The person shall not be released from custody until the test is performed.

"(b) Testing at Later Time.—If a person charged with an offense under this chapter was not tested for the human immunodeficiency virus pursuant to subsection (a), the court may at a later time direct that such a test be performed upon the person, and that follow-up tests be performed six months and twelve months following the date of the initial test, if it appears to the court that the conduct of the person may have risked transmission of the virus to the victim. A testing requirement under this subsection may be imposed at any time while the charge is pending, or following conviction at any time prior to the person's completion of service of the sentence.

"(c) Termination of Testing Requirement.—A requirement of follow-up testing imposed under this section shall be cancelled if any test is positive for the virus or the person obtains an acquittal on, or dismissal of, all charges under this chapter.

"(d) Disclosure of Test Results.—The results of any test for the human immunodeficiency virus performed pursuant to an order under this section shall be provided to the judicial officer or court. The judicial officer or court shall ensure that the results are disclosed only to the victim (or to the victim's parent or legal guardian, as appropriate), the attorney for the Government, and the person tested.

"(e) Effect on Penalty.—The United States Sentencing Commission shall amend existing guidelines for sentences for offenses under this chapter to enhance the sentence if the offender knew or had reason to know that he was infected with the human immunodeficiency virus, except where the offender did not engage or attempt to engage in conduct creating a risk of transmission of the virus to the victim.".

(b) Clerical Amendment.—The chapter heading for chapter 109A of title 18, United States Code, is amended by inserting at the end thereof the following new item:

"2247. Testing for human immunodeficiency virus; disclosure of test results to victim; effect on penalty.".

SEC. 237. PAYMENT OF COST OF HIV TESTING FOR VICTIM.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 is amended by inserting before the period at the end thereof the following: ", the cost of up to two tests of the victim for the human immunodeficiency virus during the twelve months following the assault, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of the human immunodeficiency virus to the victim as the result of the assault".

Subtitle E—National Task Force on Violence Against Women

SEC. 241. ESTABLISHMENT.

Not later than 30 days after the date of enactment of this subtitle, the Attorney General shall establish a task force to be known as the "National Task Force on Violence against Women" (referred to in this subtitle as the "task force").

SEC. 242. DUTIES OF TASK FORCE.

(a) General Purpose of Task Force.—The task force shall develop a uniform Federal, State, and local law enforcement strategy aimed at protecting women against violent crime, punishing persons who commit such crimes, and enhancing the rights of victims of such crimes.

(b) Duties of Task Force.—The task force shall perform such functions as the Attorney General deems appropriate to carry out the purposes of the task force, including—

(1) considering the reports of past Federal and State task forces or commissions on violent crime, family violence, and crime victims, including the President's Task Force on Victims of Crime (1982), the Attorney General's Task Force on Family Violence (1984), and the task forces and commissions established by the States of Alabama, Alaska, Arkansas, Hawaii, Idaho, Indiana, Kansas, Louisiana, Michigan, Minnesota, Nebraska, New Mexico, New York, North Carolina, Rhode Island, Virginia, Texas, and Wyoming;

(2) developing strategies for Federal, State, and local law enforcement designated to protect women against violent crime, and to prosecute and punish those responsible for such crime;

(3) evaluating the adequacy of sentencing, incarceration, and release of violent offenders against women, and making recommendations designated to ensure that such offenders receive appropriate punishment; and

(4) evaluating the adequacy of the treatment of victims of violent crime against women within the criminal justice system, and making recommendations designed to improve such treatment.

SEC. 243. MEMBERSHIP.

(a) In General.—The task force shall consist of up to 10 members, who shall be appointed by the Attorney General not later than 60 days after the date of enactment of this subtitle. The Attorney General shall ensure that the task force includes representatives of State and local law enforcement, the State and local judiciary, and groups dedicated to protecting the rights of victims.

(b) Chairman.—The Attorney General or his designee shall serve as the chairman of the task force.

SEC. 244. PAY.

(a) No Additional Compensation.—Members of the task force who are officers or employees of a governmental agency shall receive no additional compensation by reason of their service on the task force.

(b) Per Diem.—While away from their homes or regular places of business in the performance of duties for the task force, members of the task force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

SEC. 245. EXECUTIVE DIRECTOR AND STAFF.

(a) Executive Director.—

(1) Appointment.—The task force shall have an Executive Director who shall be appointed by the Attorney General not later than 30 days after the task force is fully constituted under section 243.

(2) Compensation.—The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable under GS-18 of the General Schedule as contained in title 5, United States Code.

(b) Staff.—With the approval of the task force, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the task force.

(c) Applicability of Civil Service Laws.—The Executive Director and the additional personnel of the task force appointed under subsection (b) may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) Consultants.—Subject to such rules as may be prescribed by the task force, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

SEC. 246. POWERS OF TASK FORCE.

(a) Hearings.—For the purpose of carrying out this subtitle, the task force may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the task force considers appropriate. The task force may administer oaths before the task force.

(b) Delegation.—Any member or employee of the task force may, if authorized by the task force, take any action that the task force is authorized to take under this subtitle.

(c) Access to Information.—The task force may secure directly from any executive department or agency such information as may be necessary to enable the task force to carry out this subtitle, to the extent access to such information is permitted by law. On request of the Attorney General, the head of such a department or agency shall furnish such permitted information to the task force.

(d) Mail.—The task force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 247. REPORT.

Not later than 1 year after the date on which the task force is fully constituted under section 243, the Attorney General shall submit a detailed report to the Congress on the findings and recommendations of the task force.

SEC. 248. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1992, $500,000 to carry out the purposes of this subtitle.

SEC. 249. TERMINATION.

The task force shall cease to exist 30 days after the date on which the Attorney General's report is submitted under section 247. The Attorney General may extend the life of the task force for a period of not to exceed one year.

Subtitle F—Prevention of Sexual Assault

SEC. 251. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

The Victims of Crime Act of 1984 is amended by inserting after section 1404 (42 U.S.C. 10603) the following new section:

"SEC. 1405. RAPE PREVENTION AND EDUCATION PROGRAMS.

"(a) Definition.—As used in this section, the term 'rape prevention and education' includes education and prevention efforts directed at offenses committed by—

"(1) offenders who are not known to the victim; and

"(2) offenders known to the victim.

"(b) Establishment.—The Attorney General shall establish a program of grants to assist States in supporting rape prevention and education programs.

"(c) Use of Funds.—A State may use a grant awarded under subsection (b) to support rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities, including programs that—

"(1) conduct educational seminars;

"(2) operate hotlines;

"(3) conduct training programs for professionals;

"(4) prepare informational materials; and

"(5) undertake other efforts to increase awareness of the facts about, or help prevent, sexual assault.

"(d) Application.—To be eligible to receive a grant under subsection (b), a State shall submit an application at such time, in such manner, and containing such agreements, assurances, and information as the Attorney General determines to be necessary to carry out this section. At a minimum, the application shall include—

"(1) an assurance that the State will use at least 15 percent of the grant money made available under this section to support education programs targeted for junior high school and high school students; and

"(2) an assurance that the State will pay for the full cost of forensic medical examinations for victims of sexual assault, and will, if the State receives funds under section 1403, pay for the cost of the examinations with such funds.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for each of the 1992 through 1994 fiscal years.".

Subtitle G—Domestic Violence Prevention Act of 1991

SEC. 261. SHORT TITLE.

This subtitle may be cited as the "Domestic Violence Prevention Act of 1991".

SEC. 262. EXPANSION OF PURPOSE.

Section 302(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10401(1)) is amended by striking "to prevent" and inserting "to increase public awareness about and prevent".

SEC. 263. EXPANSION OF STATE DEMONSTRATION GRANT PROGRAM.

Section 303(a)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(1)) is amended by striking "to prevent" and inserting "to increase public awareness about and prevent".

SEC. 264. GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

The Family Violence Prevention and Services Act is amended by adding at the end thereof the following new section:

"GRANTS FOR PUBLIC INFORMATION CAMPAIGNS

"SEC. 314. (a) The Secretary may make grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

"(b) No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) has been approved by the Secretary.

"(c) An application submitted under subsection (b) shall—

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

"(2) include a complete description of the plan of the application for the development of a public information campaign;

"(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

"(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

"(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

"(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

"(7) contain such other information as the Secretary may require.

"(d) A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

"(e) The criteria for awarding grants shall ensure that an applicant—

"(1) will conduct activities that educate communities and groups at greatest risk;

"(2) has a record of high quality campaigns of a comparable type; and

"(3) has a record of high quality campaigns that educate the population groups identified as most at risk.".

SEC. 265. STATE COMMISSIONS ON DOMESTIC VIOLENCE.

Section 303(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) provides assurances that, not later than 1 year after receipt of funds, the State shall have established a Commission on Domestic Violence, which will include as members representatives of antidomestic violence organizations and whose expenses will be paid out of funds other than those dedicated to providing services in domestic violence cases, to examine issues including—

"(i) the use of mandatory arrest of accused offenders;

"(ii) the adoption of 'no-drop' prosecution policies;

"(iii) the use of mandatory requirements for presentencing investigations;

"(iv) the length of time taken to prosecute cases or reach plea agreements;

"(v) the use of plea agreements;

"(vi) the testifying by victims at post-conviction sentencing and release hearings;

"(vii) the consistency of sentencing practices;

"(viii) restitution of victims;

"(ix) the reporting practices of and significance to be accorded to prior convictions (both felonies and misdemeanors); and

"(x) such other matters as the Commission believes merit investigation.

SEC. 266. INDIAN TRIBES.

Section 303(b)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(b)(1)) is amended by striking "is authorized" and inserting "shall make no less than $1,000,000 available for".

SEC. 267. FUNDING LIMITATIONS.

Section 303(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(c)) is amended by striking ", and" and all that follows through "fiscal years".

SEC. 268. GRANTS TO ENTITIES OTHER THAN STATES; LOCAL SHARE.

The first sentence of section 303(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(f)) is amended to read as follows: "No demonstration grant may be made under this section to an entity other than a State unless the entity provides 50 percent of the funding of the program or project funded by the grant.".

SEC. 269. SHELTER AND RELATED ASSISTANCE; RURAL AREAS.

Section 303(g) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(g)) is amended to read as follows:

"(g)(1) The Secretary shall ensure that, of the funds distributed under subsection (a) or (b)—

"(A) not less than 60 percent of the funds shall be distributed to entities for the purpose of providing shelter and related assistance to victims of family violence and their dependents, such as—

"(i) food, shelter, medical services, and counseling with respect to family violence, including counseling by peers individually or in groups;

"(ii) transportation, legal assistance, referrals, and technical assistance with respect to obtaining financial assistance under Federal and State programs;

"(iii) comprehensive counseling about parenting, preventive health (including nutrition, exercise, and prevention of substance abuse), educational services, employment training, social skills (including communication skills), home management, and assertiveness training; and

"(iv) day care services for children who are victims of family violence or the dependents of such victims; and

"(B) not less than 20 percent of the funds (which may include funds distributed under subparagraph (A)) shall be distributed to entities in rural areas.

"(2) As used in this subsection, the term 'rural area' means a territory of a State that is not within the outer boundary of any city or town that has a population of 20,000 or more, based on the latest decennial census of the United States.".

SEC. 270. LAW ENFORCEMENT TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Section 311(b) of the Family Violence Protection and Services Act (42 U.S.C. 10410(b)) is amended by adding at the end thereof the following new subparagraph:

"(C) Training grants may be made under this section only to private nonprofit organizations that have experience in providing training and technical assistance to law enforcement personnel on a national or regional basis.".

SEC. 271. AUTHORIZATION OF APPROPRIATIONS.

Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 310. (a) There are authorized to be appropriated to carry out this title, $60,000,000 for each of fiscal years 1992, 1993, and 1994.

"(b) Of the sums appropriated under subsection (a) for any fiscal year, not less than 85 percent shall be used by the Secretary for making grants under section 303.

"(c) Of the sums authorized to be appropriated under subsection (a) for any fiscal year, not more than 3 percent shall be used by the Secretary for making grants under section 314.".

SEC. 272. REPORT ON RECORDKEEPING.

Not later than 1 year after the date of enactment of this subtitle, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

TITLE III—EMPLOYMENT OPPORTUNITIES

Subtitle A—Glass Ceiling Commission

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Glass Ceiling Act of 1991".

SEC. 302. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) despite a dramatically growing presence in the workplace, women and minorities remain underrepresented in executive management and senior decisionmaking positions in business;

(2) artificial barriers exist to the advancement of women and minorities in the workplace;

(3) United States corporations are increasingly relying on women and minorities to meet employment requirements and are increasingly aware of the advantages derived from a diverse work force;

(4) the "Glass Ceiling Initiative" recently undertaken by the Department of Labor has been instrumental in raising public awareness of—

(A) the underrepresentation of women and minorities at the executive management and senior decisionmaking levels in the United States work force; and

(B) the desirability of eliminating artificial barriers to the advancement of women and minorities to such levels;

(5) the establishment of a commission to examine issues raised by the Glass Ceiling Initiative would help—

(A) focus greater attention on the importance of eliminating artificial barriers to the advancement of women and minorities to executive management and senior decisionmaking positions in business; and

(B) promote work force diversity;

(6) a comprehensive study that includes analysis of the manner in which executive management and senior decisionmaking positions are filled, the developmental and skill-enhancing practices used to foster the necessary qualifications for advancement, and the compensation programs and reward structures utilized in the corporate sector would assist in the establishment of practices and policies promoting opportunities for, and eliminating artificial barriers to, the advancement of women and minorities to executive management and senior decisionmaking positions;

(7) a national award recognizing employers whose practices and policies promote opportunities for, and eliminate artificial barriers to, the advancement of women and minorities will foster the advancement of women and minorities into higher level positions by—

(A) helping to encourage United States companies to modify practices and policies to promote opportunities for, and eliminate artificial barriers to, the upward mobility of women and minorities; and

(B) providing specific guidance for other United States employers that wish to learn how to revise practices and policies to improve the access and employment opportunities of women and minorities; and

(8) employment quotas based on race, sex, national origin, religious belief, or disability—

(A) are antithetical to the historical commitment of the Nation to the principle of equality of opportunity; and

(B) do not serve any legitimate business or social purpose.

(b) Purpose.—The purpose of this subtitle is to establish—

(1) a Glass Ceiling Commission to study—

(A) the manner in which business fills executive management and senior decisionmaking positions;

(B) the developmental and skill-enhancing practices used to foster the necessary qualifications for advancement into such positions; and

(C) the compensation programs and reward structures currently utilized in the workplace; and

(2) an annual award for excellence in promoting a more diverse skilled work force at the executive management and senior decisionmaking levels in business.

SEC. 303. ESTABLISHMENT OF GLASS CEILING COMMISSION.

(a) In General.—There is established a Glass Ceiling Commission (referred to in this subtitle as the "Commission"), to conduct a study and prepare recommendations concerning—

(1) eliminating artificial barriers to the advancement of women and minorities; and

(2) increasing the opportunities and developmental experiences of women and minorities to foster advancement of women and minorities to executive management and senior decisionmaking positions in business.

(b) Membership.—

(1) Composition.—The Commission shall be composed of 17 members—

(A) five individuals appointed by the President;

(B) three individuals appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate;

(C) one individual appointed by the Majority Leader of the House of Representatives;

(D) one individual appointed by the Minority Leader of the House of Representatives;

(E) one individual appointed by the Majority Leader of the Senate;

(F) one individual appointed by the Minority Leader of the Senate;

(G) two Members of the House of Representatives appointed jointly by the Majority Leader and the Minority Leader of the House of Representatives;

(H) two Members of the Senate appointed jointly by the Majority Leader and the Minority Leader of the Senate; and

(I) the Secretary of Labor.

(2) Considerations.—In making appointments under subparagraphs (A) and (B) of paragraph (1), the appointing authority shall consider the background of the individuals, including whether the individuals—

(A) are members of organizations representing women and minorities, and other related interest groups;

(B) hold executive management or senior decisionmaking positions in corporations or other business entities; and

(C) possess academic expertise or other recognized ability regarding employment and discrimination issues.

(c) Chairperson.—The Secretary of Labor shall serve as the Chairperson of the Commission.

(d) Term of Office.—Members shall be appointed for the life of the Commission.

(e) Vacancies.—Any vacancy occurring in the membership of the Commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(f) Meetings.—

(1) Meetings prior to completion of report.—The Commission shall meet not fewer than five times in connection with and pending the completion of the report described in section 304(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(2) Meetings after completion of report.—The Commission shall meet once each year after the completion of the report described in section 304(b). The Commission shall hold additional meetings if the Chairperson or a majority of the members of the Commission request the additional meetings in writing.

(g) Quorum.—A majority of the Commission shall constitute a quorum for the transaction of business.

(h) Compensation and Expenses.—

(1) Compensation.—Each member of the Commission who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) Travel expenses.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Federal service, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(3) Employment status.—A member of the Commission, who is not otherwise an employee of the Federal Government, shall not be deemed to be an employee of the Federal Government except for the purposes of—

(A) the tort claims provisions of chapter 171 of title 28, United States Code, and

(B) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

SEC. 304. RESEARCH ON ADVANCEMENT OF WOMEN AND MINORITIES TO EXECUTIVE MANAGEMENT AND SENIOR DECISIONMAKING POSITIONS IN BUSINESS.

(a) Advancement Study.—The Commission shall conduct a study of opportunities for, and artificial barriers to, the advancement of women and minorities to executive management and senior decisionmaking positions in business. In conducting the study, the Commission shall—

(1) examine the preparedness of women and minorities to advance to executive management and senior decisionmaking positions in business;

(2) examine the opportunities for women and minorities to advance to executive management and senior decisionmaking positions in business;

(3) conduct basic research into the practices, policies, and manner in which executive management and senior decisionmaking positions in business are filled;

(4) conduct comparative research of businesses and industries in which women and minorities are promoted to executive man-

agement and senior decisionmaking positions, and businesses and industries in which women and minorities are not promoted to executive management and senior decisionmaking positions;

(5) compile a synthesis of available research on programs and practices that have successfully led to the advancement of women and minorities to executive management and senior decisionmaking positions in business, including training programs, rotational assignments, developmental programs, reward programs, employee benefit structures, and family leave policies; and

(6) examine any other issues and information relating to the advancement of women and minorities to executive management and senior decisionmaking positions in business.

(b) REPORT.—Not later than 15 months after the date of the enactment of this subtitle, the Commission shall prepare and submit to the President and the appropriate committees of Congress a written report containing—

(1) the findings and conclusions of the Commission resulting from the study conducted under subsection (a); and

(2) recommendations based on the findings and conclusions described in paragraph (1) relating to the promotion of opportunities for, and elimination of artificial barriers to, the advancement of women and minorities to executive management and senior decisionmaking positions in business, including recommendations for—

(A) policies and practices to fill vacancies at the executive management and senior decisionmaking levels;

(B) developmental practices and procedures to ensure that women and minorities have access to opportunities to gain the exposure, skills, and expertise necessary to assume executive management and senior decisionmaking positions; and

(C) compensation programs and reward structures utilized to reward and retain key employees.

(c) ADDITIONAL STUDY.—The Commission may conduct such additional study of the advancement of women and minorities to executive management and senior decisionmaking positions in business as a majority of the members of the Commission determines to be necessary.

SEC. 305. ESTABLISHMENT OF THE NATIONAL AWARD FOR DIVERSITY AND EXCELLENCE IN AMERICAN EXECUTIVE MANAGEMENT.

(a) IN GENERAL.—There is established the National Award for Diversity and Excellence in American Executive Management, which shall be evidenced by a medal bearing the inscription "National Award for Diversity and Excellence in American Executive Management". The medal shall be of such design and materials, and bear such additional inscriptions, as the Commission may prescribe.

(b) CRITERIA FOR QUALIFICATION.—To qualify to receive an award under this section a business shall—

(1) submit a written application to the Commission, at such time, in such manner, and containing such information as the Commission may require, including at a minimum information that demonstrates that the business has made substantial effort to promote the opportunities and developmental experiences of women and minorities to foster advancement to executive management and senior decisionmaking positions within the business, including the elimination of artificial barriers to the advancement of women and minorities, and deserves special recognition as a consequence; and

(2) meet such additional requirements and specifications as the Commission determines to be appropriate.

(c) MAKING AND PRESENTATION OF AWARD.—

(1) AWARD.—After receiving recommendations from the Commission, the President or the designated representative of the President shall annually present the award described in subsection (a) to businesses that meet the qualifications described in subsection (b).

(2) PRESENTATION.—The President or the designated representative of the President shall present the award with such ceremonies as the President or the designated representative of the President may determine to be appropriate.

(3) PUBLICITY.—A business that receives an award under this section may publicize the receipt of the award and use the award in its advertising, if the business agrees to help other United States businesses improve with respect to the promotion of opportunities and developmental experiences of women and minorities to foster the advancement of women and minorities to executive management and senior decisionmaking positions.

SEC. 306. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission is authorized to—

(1) hold such hearings and sit and act at such times;

(2) take such testimony;

(3) have such printing and binding done;

(4) enter into such contracts and other arrangements;

(5) make such expenditures; and

(6) take such other actions;

as the Commission may determine to be necessary to carry out the duties of the Commission.

(b) OATHS.—Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(c) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency such information as the Commission may require to carry out its duties.

(d) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the Chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

(e) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Commission.

(f) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

SEC. 307. CONFIDENTIALITY OF INFORMATION.

(a) INDIVIDUAL BUSINESS INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding section 552 of title 5, United States Code, in carrying out the duties of the Commission, including the duties described in sections 304 and 305, the Commission shall maintain the confidentiality of all information that concerns—

(A) the employment practices and procedures of individual businesses; or

(B) individual employees of the businesses.

(2) CONSENT.—The content of any information described in paragraph (1) may be disclosed with the prior written consent of the business or employee, as the case may be, with respect to which the information is maintained.

(b) AGGREGATE INFORMATION.—In carrying out the duties of the Commission, the Commission may disclose—

(1) information about the aggregate employment practices or procedures of a class or group of businesses; and

(2) information about the aggregate characteristics of employees of the businesses, and related aggregate information about the employees.

SEC. 308. STAFF AND CONSULTANTS.

(a) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The Commission may appoint and determine the compensation of such staff as the Commission determines to be necessary to carry out the duties of the Commission.

(2) LIMITATIONS.—The rate of compensation for each staff member shall not exceed the daily equivalent of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Commission. The Commission may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Chairperson of the Commission may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

(c) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Commission, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(d) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this subtitle. The sums shall remain available until expended, without fiscal year limitation.

SEC. 310. TERMINATION.

(a) COMMISSION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall terminate 4 years after the date of the enactment of this subtitle.

(b) AWARD.—The authority to make awards under section 305 shall terminate 4 years after the date of the enactment of this subtitle.

Subtitle B—Opportunities in Apprenticeship

SEC. 321. SHORT TITLE.

This subtitle may be cited as the "Opportunities in Apprenticeship Act of 1991".

SEC. 322. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) there is a history of underrepresentation of women and minorities in apprenticeship programs;

(2) artificial barriers exist to the participation of women and minorities in apprenticeship programs;

(3) United States business is increasingly relying on women and minorities to meet employment requirements and is increasingly aware of the advantages derived from a diverse work force;

(4) the "Skilled Trades Initiative" recently undertaken by the Department of Labor has been instrumental in raising public awareness of the problems of underrepresentation and barriers to participation in apprenticeship programs;

(5) expansion of outreach and education activities and preapprenticeship training would increase the participation of women and minorities in apprenticeship programs;

(6) a comprehensive study of the barriers to the participation and retention of women and minorities in apprenticeship programs would assist in the development of recommendations for eliminating such barriers and improving overall participation; and

(7) employment or participation quotas based on race, sex, national origin, religious belief, or disability—

(A) are antithetical to the historical commitment of the Nation to the principle of equality of opportunity; and

(B) do not serve any legitimate business or social purpose.

(b) Purpose.—The purpose of this subtitle is to establish programs that will expand the opportunities for women and minorities in registered apprenticeship programs by—

(1) providing outreach, education, and technical assistance to make women and minorities aware of, and encourage their participation in, registered apprenticeship programs;

(2) providing information, skills development, and preapprenticeship training to women and minorities to enable them to enter registered apprenticeship programs; and

(3) conducting a comprehensive study to examine the barriers to the participation of women and minorities in registered apprenticeship programs and to develop recommendations for eliminating such barriers.

SEC. 323. OUTREACH AND EDUCATION PROGRAM.

(a) In General.—The Secretary of Labor (referred to in this subtitle as the "Secretary") shall establish in the Department of Labor an outreach and education program designed to expand the opportunities for women and minorities in apprenticeship programs registered with the Department of Labor pursuant to the National Apprenticeship Act (referred to in this subtitle as "registered apprenticeship programs"). The program shall include the activities described in this section.

(b) Information.—

(1) Development.—The Secretary shall develop and disseminate information regarding opportunities for women and minorities in registered apprenticeship programs, which may include information on—

(A) the nature and advantages of apprenticeship;

(B) requirements for admission to apprenticeship;

(C) sources of apprenticeship applications; and

(D) existing programs and organizations assisting in the preparation of women and minorities for apprenticeable occupations.

(2) Dissemination.—The Secretary shall disseminate information developed in accordance with paragraph (1) to educational institutions, employers, employer associations, unions, State apprenticeship councils, sponsors of apprenticeship programs, organizations representing and assisting women and minorities, and other appropriate organizations, institutions, groups, and individuals.

(c) Model Programs.—The Secretary shall identify and develop model preapprenticeship and apprenticeship programs that promote training and employment opportunities for women and minorities, and disseminate information relating to the programs.

(d) Technical Assistance.—The Secretary shall provide appropriate technical assistance to the organizations, institutions, groups, and individuals described in subsection (b)(2) to promote outreach to, and the recruitment of, women and minorities for registered apprenticeship programs. The technical assistance may include—

(1) participation in annual workshops conducted for the purpose of familiarizing school, employment service, and other appropriate personnel with the apprenticeship system and current opportunities in the system;

(2) cooperation with local school boards and vocational education systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs; and

(3) organization of and participation in conferences and seminars involving groups representing and assisting women and minorities to inform the groups about the apprenticeship system and available apprenticeship opportunities.

(e) Outreach Grants.—

(1) Establishment.—The Secretary may award grants to eligible organizations to pay the Federal share of conducting outreach and recruitment activities designed to increase the participation of women and minorities in registered apprenticeship programs.

(2) Use of funds.—An eligible organization shall use funds provided under this subsection to conduct outreach and recruitment activities designed to increase the participation of women and minorities in registered apprenticeship programs. The activities may include—

(A) dissemination of information to make women and minorities aware of, and encourage participation in, registered apprenticeship programs;

(B) preparation of women and minorities for apprenticeship selection procedures, including tutoring for tests and coaching for job interviews; and

(C) outreach combined with skills development and preparatory trade training to enable women and minorities to become eligible for apprenticeship selection.

(3) Application.—To be eligible for a grant under this subsection, an organization shall submit to the Secretary an application for assistance at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(4) Eligibility.—Organizations eligible to receive funds under this subsection shall include educational institutions, employers, employer associations, unions, State apprenticeship councils, sponsors of registered apprenticeship programs, and organizations representing and assisting women and minorities.

(5) Payment of federal share.—

(A) Federal share.—The Federal share of the cost of conducting outreach and recruitment activities under this subsection shall not exceed 75 percent.

(B) Other sources.—The portion of the costs of the activities conducted under this subsection that is not paid by the grant may be paid from any other Federal or non-Federal sources.

SEC. 324. PREAPPRENTICESHIP TRAINING GRANT PROGRAM.

(a) Establishment.—The Secretary may establish in the Department of Labor a program of grants to sponsors of registered apprenticeship programs to pay the Federal share of providing preapprenticeship training to women and minorities.

(b) Use of Funds.—

(1) In general.—Sponsors of registered apprenticeship programs shall use funds provided under this section—

(A) to conduct preapprenticeship training programs for women and minorities, as described in paragraph (2); and

(B) to provide supportive services, such as child care and transportation, to women and minorities necessary to enable them to participate in preapprenticeship training.

(2) Preapprenticeship training program.—A preapprenticeship training program shall include an organized training plan in which candidates for apprenticeship are provided with intensified training activities for the purpose of placement into a registered apprenticeship program on completion or soon after completion of the preapprenticeship training.

(3) Training.—Training under the program described in paragraph (2) may include—

(A) dissemination of information to the participant relating to the content of a trade;

(B) development of the manipulative skills of a participant relating to a trade;

(C) development of the skills of a participant in using materials, tools, and equipment relating to a trade; and

(D) technical instruction in a trade.

(c) Application.—To be eligible to receive a grant under this section, a sponsor of a registered apprenticeship program requesting assistance shall submit an application for assistance to the Secretary at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require. At a minimum, the application shall include—

(1) a description of the need for the assistance;

(2) a description of the preapprenticeship training program to be conducted, including a description of any supportive services to be provided;

(3) assurances that there are or will be suitable and appropriate positions available in the apprenticeship program of the sponsor on completion of the preapprenticeship training; and

(4) commitments that all reasonable efforts shall be made to place participants in the apprenticeship program of the sponsor on completion of training.

(d) Payment of Federal Share.—

(1) Federal share.—The Federal share of the cost of providing preapprenticeship training under this section shall not exceed 75 percent.

(2) Other sources.—The portion of the costs of the activities conducted under this subsection that is not paid by the grant may be paid from any other Federal or non-Federal sources.

SEC. 325. STUDY OF PARTICIPATION OF WOMEN AND MINORITIES IN APPRENTICESHIP.

(a) Study.—The Secretary shall conduct a study of the participation of women and minorities in registered apprenticeship programs. The study shall examine—

(1) the barriers to the participation of women and minorities in registered appren-

ticeship programs, including whether the lack of adequate preapprenticeship training and supportive services constitutes a significant barrier to participation, and methods for eliminating the barriers;

(2) techniques by which women and minorities have been recruited into registered apprenticeship programs and methods for improving recruitment;

(3) the retention rates for women and minorities in registered apprenticeship programs and methods for increasing the rates;

(4) the extent to which women and minorities are employed following the completion of registered apprenticeship programs, the nature of the employment, the extent to which the employment is retained, and methods for enhancing employment;

(5) model apprenticeship programs for women and minorities and methods for incorporating and expanding the programs into other registered apprenticeship programs;

(6) the effectiveness of the preapprenticeship grant training program established in section 324; and

(7) other relevant issues affecting the participation of women and minorities in registered apprenticeship programs.

(b) REPORT.—The Secretary shall submit a report containing the study described in subsection (a) and such recommendations as the Secretary determines to be appropriate to the appropriate committees of Congress not later than 2 years after the date of the enactment of this Act.

SEC. 326. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR OUTREACH PROGRAM AND STUDY.—There are authorized to be appropriated to carry out section 323 (other than subsection (e)) and section 325, $2,000,000 for fiscal year 1992, and such sums as may be necessary for each subsequent fiscal year.

(b) AUTHORIZATION FOR OUTREACH GRANTS.—There are authorized to be appropriated to carry out section 323(e), $8,000,000 for fiscal year 1992, and such sums as may be necessary for each subsequent fiscal year.

(c) AUTHORIZATION FOR PREAPPRENTICESHIP GRANTS.—There are authorized to be appropriated to carry out section 324, $15,000,000 for fiscal year 1992, and such sums as may be necessary for each subsequent fiscal year.

(d) RESERVATION.—The Secretary may reserve not more than 5 percent of the funds appropriated in accordance with subsections (a), (b) and (c) in each fiscal year to carry out the enforcement of nondiscrimination and affirmative action requirements relating to registered apprenticeship programs, including the training of Department of Labor personnel for the enforcement purposes.

Subtitle C—Opportunities for Alternative Work Arrangements

SEC. 331. FINDINGS.

Congress finds that—

(1) since 1982, Federal agencies have had authority under subpart II of chapter 61 of title 5, United States Code, to establish alternative work schedules to assist Federal employees who are trying to balance work and family responsibilities;

(2) one form of alternative work schedule allows Federal employees considerable leeway in setting arrival and departure times at work;

(3) under these flexible schedules, employees must be present during a fixed "core time" and must cooperatively work out arrangements with supervisors and coworkers to ensure that office operations run smoothly;

(4) another form of alternative work schedule enables Federal employees to work more than 8 hours in a day and thus complete their 80-hour biweekly work requirement in fewer than 10 workdays;

(5) using flexible scheduling, agencies may authorize a variety of work arrangements to assist employees with family responsibilities;

(6) agencies that use alternative work schedules permit parents—

(A) to begin work earlier in order to be home when children return from school in the afternoon; or

(B) to work additional hours per day, and fewer days per week in order to be home with children an additional number of days;

(7) the Office of Personnel Management encourages Federal agencies to consider using the flexible schedule programs as valuable tools to help employees meet dependent care needs and enhance employee morale and productivity;

(8) the Office of Personnel Management provides technical assistance and training in the use of alternative work scheduling;

(9) the Office of Personnel Management has recently promoted job sharing for Federal employees;

(10) job sharing is a form of part-time employment in which two part-time employees voluntarily share the duties and responsibilities of one full-time position;

(11) under job sharing, each employee is considered to be an individual part-time employee for the purposes of appointment, pay, classification, leave, benefits, and other personnel considerations;

(12) a variety of different arrangements can be used under job sharing, including those in which—

(A) one job sharer works mornings and the other afternoons;

(B) job sharers alternate days or alternate weeks; or

(C) job sharers overlap schedules to provide extra coverage at peak times or to allow time for meetings;

(13) the Office of Personnel Management has recently—

(A) issued guidance to Federal agencies encouraging the agencies to establish additional job-sharing positions and to inform Federal employees of the option to work less than full-time;

(B) published a booklet entitled "Job Sharing for Federal Employees" that gives detailed information on setting up a job sharing arrangement and making the arrangement work effectively; and

(C) established "The OPM Connection," a pilot program currently operating in Boston, Chicago, Los Angeles, and Washington, D.C., that—

(i) matches Federal employees who want to work part-time with Federal agencies trying to fill part-time and shared jobs; and

(ii) helps current Federal employees find other employees interested in job sharing; and

(14) job sharing can be especially beneficial for employees who have child care responsibilities because of the flexible nature of the arrangement.

SEC. 332. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the Office of Personnel Management has made commendable efforts to develop alternative work arrangements through flexible scheduling and job sharing; and

(2) the Office of Personnel Management should continue efforts to develop and expand alternative work arrangements to assist Federal employees with family responsibilities and to serve as an example for State and local governments and private sector employers and employees.

THE WOMEN'S EQUAL OPPORTUNITY ACT OF 1991—SECTION-BY-SECTION ANALYSIS

(Introduced by Senators DOLE, SIMPSON, ROTH, KASTEN, D'AMATO, MCCAIN, MURKOWSKI, BURNS, THURMOND, COCHRAN, WARNER, STEVENS, LUGAR, and SEYMOUR)

Section 1—Short Title.

The legislation may be cited as the "Women's Equal Opportunity Act of 1991."

TITLE I—FEDERAL CIVIL RIGHTS REMEDIES

Subtitle A—Federal Remedies for Sexual Harassment in the Workplace

Section 101. Statement of Findings.

Section 102. Enhanced Remedies for Sexual Harassment. Title VII currently prohibits intentional discrimination in the terms and conditions of employment, but provides inadequate remedies for certain unlawful practices, including sexual harassment in the workplace, which the Supreme Court has recognized as actionable under Title VII. See *Meritor Savings Bank, FSB* v. *Vinson*, 477 U.S. 57 (1986). Such harassment will frequently not be so intolerable that an employee subjected to it immediately leaves the job. In such circumstances, the only remedy that the victim of harassment can obtain under title VII's current remedial scheme is declaratory and injunctive relief against the harassment.

Additional remedies for this situation are clearly appropriate and warranted. The mere threat of an injunctive order requiring the employer to stop engaging in acts of sexual harassment is clearly insufficient to deter this type of misconduct.

To deter harassment on the basis of sex, section 102 provides that the court shall be empowered, upon pleading and proof that such practice was intentionally engaged in, to award the plaintiff an amount not to exceed $100,000 for the first offense and an amount not to exceed $150,000 for each subsequent offense.

Because of the equitable nature of the relief to be awarded under this section, the courts should find a judge-ordered remedy consistent with the Seventh Amendment. See *Local No. 391* v. *Terry*, 110 S. Ct. 1339 (1990); *Tull* v. *United States*, 107 S. Ct. 1831 (1987). This provision is important in maintaining to the greatest extent possible the current structure of Title VII's remedies provisions and preventing it from being replaced with a tort-like approach. Because the question of constitutionality is not entirely free from doubt, however, section 102 also provides that should a court hold that a jury trial with respect to issues of liability is constitutionally required, it may empanel a jury to hear those issues and no others. This ensures that the additional relief this scheme makes available will not become a dead letter should a court find that the Seventh Amendment requires a jury trial on liability.

In determining the appropriateness and magnitude of an award under this section, the court shall consider whether a) the plaintiff has incurred any medical bills or suffered any monetary or other out-of-pocket loss as a result of the respondent's unlawful conduct and b) such relief is necessary to make injunctive relief ordered by the court meaningful. The court shall also consider a) the financial resources and employment history of the respondent, b) whether the respondent has initiated compliance programs designed to ensure that the employment practices of the respondent are lawful, and c) whether the respondent has instituted programs or policies designed to prevent, and resolve complaints of, harassment on the basis of sex in the workplace.

For purposes of this title, the term "harassment on the basis of sex" is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where 1) submission to such conduct is made explicitly or implicitly a term or condition of employment of an individual, 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or 3) such conduct has the purpose or effect of creating a working environment that a reasonable person would consider intimidating, hostile, or abusive." This definition of "harassment on the basis of sex" is taken largely from an EEOC regulation at 29 CFR Section 1604.11(a).

Section 103. Expedited Injunctive Relief for Sexual Harassment. Prolonged exposure to sexual harassment in the workplace can have serious and lasting detrimental effects on the victim. As a result, persons claiming sexual harassment on-the-job should be entitled to expedited relief through the court system.

Section 103 allows an individual alleging sexual harassment to seek temporary or preliminary injunctive relief, without regard to any period of time following the filing of a charge of unlawful discrimination and without obtaining a right-to-sue letter from the EEOC. Prior to obtaining permanent injunctive relief, the charging party must first demonstrate that he or she (1) has submitted the charge of sexual harassment to any grievance procedure established by the employer, and (2) has obtained a determination from the grievance procedure, or establishes that the grievance procedure is inappropriate for resolution of sexual harassment complaints or that its use has resulted in an unreasonable delay in resolving the grievance. The purpose of this provision is to ensure that lawsuits seeking injunctive relief do not become a substitute for employer-established grievance procedures.

Finally, Section 103 directs the courts to assign sexual harassment cases at the earliest practicable date and to cause such cases to be expedited in every way practicable.

Section 104. Technical Assistance. Section 104 directs the Chairman of the EEOC, acting through the Directors of the EEOC's district offices, to establish programs to provide technical assistance on the law of sexual harassment to small employers with fewer than 50 employees. Unlike large corporations, most small employers cannot afford the cost of compliance advice from private law firms. An EEOC technical assistance program for small employers will help reduce the instances of sexual harassment in the workplace and the quantity of litigation for an already over-burdened court system.

For these technical assistance efforts, Section 104 authorizes an additional $500,000 in funding for the EEOC for each of fiscal years 1992, 1993, and 1994.

Subtitle B—Expansion of Other Federal Civil Rights

Section 111. Expansion of Protections against All Racial Discrimination in the Making of Contracts. Section 111 would overrule the Supreme Court's decision in *Patterson v. McLean Credit Union*, 109 S. Ct. 2362 (1989). In *Patterson*, an employee sued under 42 U.S.C. 1981, alleging that her employer had harassed her on the job, failed to promote her, and ultimately discharged her, all because of her race. The Court held that Section 1981 is limited by its terms to prohibiting discrimination in "mak[ing] and enforc[ing] contracts," and does not extend to "problems that may arise later from the conditions of continuing employment." *Patterson*, 109 S. Ct. at 2372. Thus, the Court held, the statute prohibits discrimination—whether governmental or private—only in the formation of a contract and in the right of access to a legal process that will enforce established contract obligations without regard to race. While the plaintiff's allegation that she had been discriminatorily denied promotion might fall within the prohibition against discrimination in making contracts, her allegations of harassment on the job addressed only conditions of employment.

The law as interpreted in *Patterson* leaves a significant gap in Section 1981 coverage that should be filled. This section would also remove any possible ambiguity for future cases by codifying the holding in *Runyon v. McCrary*, 427 U.S. 160 (1976), that Section 1981 prohibits private, as well as governmental, discrimination.

Section 112. Expansion of Right to Challenge Discriminatory Seniority Systems. Section 112 would overrule the Supreme Court's ruling in *Lorance v. AT&T Technologies, Inc.*, 109 S. Ct. 2261 (1989). In *Lorance*, a group of female employees challenged a seniority system under Title VII, claiming that the system was adopted with an intent to discriminate against women. Although the system was facially nondiscriminatory and treated all similarly-situated employees alike, it produced demotions for the plaintiffs, who claimed that the employer had adopted the seniority system intentionally to alter their contract rights. The Supreme Court held that the claim was barred by Title VII's requirement that a charge must be filed within 180 days (or 300 days if the matter can be referred to a state agency) after the alleged discrimination occurred.

The Court held that the time for the plaintiffs to file their complaint began to run when the employer adopted an allegedly discriminatory seniority system, since it was the adoption of the system with a discriminatory purpose that allegedly violated their rights. According to the Court, that was the point at which the plaintiffs suffered the diminution in employment status about which they complained.

The *Lorance* holding is contrary to the position taken by the Justice Department and the EEOC. It would shield existing seniority systems from legitimate discrimination claims. The discriminatory reasons for adoption of a seniority system may become apparent only when the system is finally applied to affect the employment status of the employees that it covers. In addition, a rule that limits challenges to the period immediately following adoption of a seniority system will promote unnecessary litigation. Employees will be forced to challenge the system before it has produced any concrete impact or forever remain silent. Given such a choice, employees who might never suffer harm from the seniority system may be forced to file a charge—an especially difficult choice since they may be understandably reluctant to intiate a lawsuit against an employer if the lawsuit is not clearly necessary.

Section 113. Congressional Coverage. Section 113 extends the protections of Title VII to all employees of Congress. The means of enforcing Title VII shall be determined by each House of Congress.

Section 114. Effective Date. Section 114 specifies that the provisions of Title I shall take effect upon enactment.

TITLE II—DOMESTIC AND STREET CRIME VIOLENCE AGAINST WOMEN

Subtitle A—Safety on College and University Campuses

Section 201. Amendments to the Higher Education Act of 1965. Last year, the 101st Congress passed, and President Bush signed into a law, a bill called the "Crime Awareness and Campus Security Act of 1990." This legislation amended the Higher Education Act of 1965 to require colleges and universities to establish and disclose campus security policies and to inform students and employees of campus crime statistics.

Section 201 would require colleges and universities to disclose and specify crimes involving sexual contact, sexual assault, and rape. It would also require the disclosure of this information to (a) local and state police authorities and (b) the parents of students.

Subtitle B—Stronger Penalties for Federal Sex Offenses

Section 211. Capital Punishment for Murders in Connection with Sexual Assaults and Child Molestations. Section 211 authorizes capital punishment for murders committed in connection with sex crimes that occur in the course of federal offenses. For example, in a case in which a kidnapping was committed in violation of 18 U.S.C. 1201, and the kidnapper raped and murdered the victim, the death penalty could be imposed pursuant to the provisions of this section.

This section adds a new section 1118 to the criminal code (title 18). Subsections (a)–(b) generally provide federal jurisdiction to prosecute murders committed in the course of other federal offenses. The basic definition of murder in subsection (a)—causing death intentionally, knowingly, or through recklessness manifesting extreme indifference to human life—is similar to the corresponding definition in the Model Penal Code (MPC section 210.2) and various state codes. *See, e.g.*, Ala. Code section 13A–6–2(a)(1)–(2); N.D. Cent. Code section 12.1–16–01(1)(a)–(b).

Subsection (a) also covers deaths resulting from the intentional infliction of serious injury. This is substantially the same as a clause in the definition of capital murder in title I of S. 2970, as passed by the Senate in the 101st Congress. There is also support in state law for the inclusion of this category of homicides in potentially capital murders. *See* Ill. Ann. Stat., ch. 38, section 9.1; N.S. Stat. Ann. section 2C:11–3.

Under subsection (c), murders in violation of proposed section 1118 would be Class A felonies, punishable by up to life imprisonment. The death penalty could be imposed for a subcategory of these murders as provided in subsections (d)–(l).

Subsection (e) identifies the classes of murders for which the death penalty would be available. Under the procedures of the section, a finding of at least one of the aggravating factors specified in subsection (e) would be a prerequisite to the jury's consideration of capital punishment. These aggravating factors are as follows:

First, under paragraph (1) of subsection (e), the death penalty could be considered if the conduct resulting in death occurred in the course of an offense defined in chapters 109A, 110, or 117 of the criminal code. Chapter 109A defines the federal crimes of sexual abuse, including the crimes within federal jurisdiction that would commonly be characterized as rape or child molestation. Chapter 110 defines the federal crimes relating to sexual exploitation of children, including crimes involved in the production of child pornography. Chapter 117 includes crimes involved in the management of interstate prostitution, "white slavery" and child prostitution operations.

Second, under paragraph (2), the death penalty could be considered if the conduct resulting in death occurred in the course of a federal offense, and the defendant committed a crime of sexual assault or child molestation in the course of the same offense. For example, as noted above, if the victim were kidnapped in violation of 18 U.S.C. 1201, and the kidnapper raped and murdered the victim, the death penalty would be available under this paragraph.

Third, under paragraph (3), the death penalty could be considered if a defendant committing a murder in violation of this section had a prior conviction for sexual assault or child molestation. Subsection (x) defines the terms "sexual assault" and "child molestation" for purposes of this paragraph and paragraph (2).

If the jury found that at least one of the aggravating factors specified in subsection (e) existed, and further found that there were no mitigating factors or that the aggravating factors outweighed any mitigating factors, then the death penalty would be imposed pursuant to subsections (j) and (l).

The remaining provisions of the section set out the general procedures required for conducting a capital sentencing hearing, and for reviewing and carrying out the death penalty in cases in which it is imposed. These procedural provisions take the same approach as the Administration's death penalty legislation of the 101st Congress. They are substantially the same in almost all respects as the death penalty procedures passed by the House of Representatives in title II of H.R. 5269 in the 101st Congress, and the death penalty procedures passed by the Senate in title XIV of S. 1970 in the 101st Congress. They are also the same or similar in many respects to the death penalty procedures passed by the Senate in title I of S. 1970.

Section 212. Increased Penalties for Recidivist Sex Offenders. Section 212 amends the penalties applicable under the sexual abuse chapter (chapter 109A) of title 18 of the United States Code by providing that second or subsequent offenses are punishable by a term of imprisonment of up to twice that otherwise authorized. The prior conviction may be either a violation of the chapter or a violation of state law involving a type of conduct proscribed by chapter 109A. This amendment, which was passed by the Senate in S. 1970 (section 2425), is designated to correct the inadequacy of current penalties with respect to recidivist sex offenders.

Section 213. Definition of Sexual Act for Victims below the Age of 16. Section 213 amends the definitional section for federal sexual abuse offenses to provide greater protection for victims below the age of 16. Recently, the maxium penalty for engaging in a sexual act with a minor between the ages of 12 and 16 (by a person at least 4 years older than the victim) was raised from five to fifteen years' imprisonment (section 322 of the Crime Control Act of 1990). Both the original Senate-passed and House-passed versions of this legislation—section 2425 of S. 1970 and section 2919 of H.R. 5269—also contained amendments addressing deficiencies in the definition of the term "sexual act" in relation to victims below the age of 16. However, the enacted bill did not contain these amendments, presumably because of other differences in the sections in which they appeared.

Section 213 is the same as the corresponding amendments to the definition of "sexual act" in S. 1970 and H.R. 5269. It would extend the definition of "sexual act" to include intentional touching, not through the clothing, of the genitals of a person who is less than 16 years of age, provided the intent element common to the other touching offenses is present. This form of molestation can be as detrimental to a young teenager or child as the conduct currently covered by the term sexual act.

The current definition of sexual act and sexual contact also involve a gender-based imbalance that effectively tends to give more lenient treatment to cases in which the victim is a boy. Under the current definitions, sexual touching that involves even a slight degree of penetration of a genital or anal opening constitutes a sexual act, rather than just sexual contact, and the former is punished more severely than the latter under the existing statutory scheme. Since penetration is more likely with female than male victims, such conduct would more likely constitute sexual act when committed with females than with males.

The amendment corrects this gender-based imbalance by treating all direct gential touching of children under the age of 16, with intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person as sexual acts, regardless of whether penetration has occurred. Moreover, it eliminates the difficulties of proving penetration for many sexual abuse offenses against children—both boys and girls—in which there are typically no adult witnesses.

Section 214. Drug Distribution to Pregnant Women. 21 U.S.C 845 prescribes enhanced penalties for the distribution of controlled substances to persons below the age of twenty-one. Section 214 amends 21 U.S.C. 845 to make the same enhanced penalties apply to the distribution of control substances to pregnant women.

Conduct covered by this amendment frequently involves exploitation by the drug dealer of the pregnant mother's drug dependency or addiction to facilitate conduct on her part that carries a grave risk to her child of pre-natal injury and permanent impairment followng birth. Such conduct by a trafficker in controlled substances is among the most serious forms of drug-related child abuse and plainly merits the enhanced penalties provided by 21 U.S.C. 845.

Subtitle C—Enhanced Restitution for Victims of Sex Crimes

Sections 221–224. Pornography Victims Restitution. Sections 221–224 create a federal cause of action against a producer, distributor, exhibitor, or seller of sexually explicit material by a victim of a rape, sexual assault, or sexual crime. Section 222 conditions recovery of damages on proof by a preponderance of the evidence that: a) the victim was a victim of a sexual crime, as defined by State or Federal law, whether or not such crime has been prosecuted or proven in a separate criminal proceeding; b) the material is either obscene, child pornography, or sexually explicit and violent; c) the defendant knew or should have known the nature and character of the contents of the material; and d) the material was a proximate cause of the offense, by inciting the sexual offender to commit the offense against the victim.

The Pornography Victims Compensation Act was originally introduced by Senator Mitch McConnell in the 101st Congress.

Section 225. Restitution in Sex Offense Cases. Section 225 amends the restitution statute, 18 U.S.C. 3663, to provide for restitution by offenders to the victims of sexual abuse crimes defined in chapter 109A of Title 18 and crimes involving sexual exploitation of children defined in chapter 110 of Title 18.

Section 3663(b)(2) of Title 18 currently authorizes restitution covering medical and therapeutic costs and lost income in cases involving "bodily injury" to a victim. However, the sex crimes defined in chapters 109A and 110 do not necessarily involve physical damage to the body of the victim. For example, there may not be such physical damage where rape against an adult victim is committed through the threat of force, but without the actual use of force, or where a child molestation or exploitation offense is committed without physically injurious violence.

This section would add a new paragraph (3) to 18 U.S.C. 3663(b) which makes it clear that restitution is authorized in all federal sex offense cases, whether or not the offense involved "bodily injury" on a narrow interpretation of that phrase. Subparagraphs (A)–(C) of the new paragraph track the authorization in current paragraph (2) for restitution covering necessary medical and therapeutic costs and lost income.

Subparagraph (D) of proposed paragraph (3) provides that the medical and therapeutic costs and lost income for which restitution is awarded may include costs and losses related to a disease that was transmitted to the victim through the commission associated with sex offenses. While restitution for costs and losses related to such a disease could be independently based on current 18 U.S.C. 3663(b)(2) or subparagraphs (A)–(C) of proposed new paragraph (3), the explicit authorization of proposed subparagraph (D) forecloses any argument that such costs and losses are too remote a result of the offense to be included in an order of restitution.

Subparagraph (E) of proposed paragraph (3) recognizes child care, transportation, and other costs to the victim from involvement in the investigation and prosecution of the crime as resultant costs of the crime for which the offender may properly be required to make restitution.

Finally, section 226 makes a conforming amendment in the second-to-last paragraph of 18 U.S.C. 3663(b), which currently provides for restitution of funeral expenses in "bodily injury" cases in which death also results.

Subtitle D—Reform of Procedure and Evidentiary Requirements in Sex Offense and Other Cases

Section 231. Admissibility of Evidence of Similar Crimes in Sexual Assault and Child Molestation Cases. In cases where the defendant is accused of committing an offense of sexual assault or child molestation, courts in the United States have traditionally favored the broad admission at trial of evidence of the defendant's prior commission of similar crimes. The contemporary edition of Wigmore's treaties describes this tendency as follows (IA Wigmore's *Evidence* sec. 62.2 (Tillers rev. 1983)):

"[T]here is a strong tendency in prosecutions for sex offenses to admit evidence of the accused's sexual proclivities. Do such decisions show that the general rule against the use of propensity evidence against an accused is not honored in sex offense prosecutions? We think so.

"[S]ome states and courts have forthrightly and expressly recogniz[ed] a "lustful disposition" or sexual proclivity exception to the general rule barring the use of character evidence against an accused. . . . [J]urisdictions that do not expressly recognize a lustful disposition exception may effectively recognize such an exception by expansively interpreting in prosecutions for sex offenses various well-established exceptions to the character evidence rule. The exception for common scheme or design is frequently used, but other exceptions are also used."

More succinctly, the Supreme Court of Wyoming observed in *Elliot v. State*, 600 P. 2d 1044, 1047–48 (1979):

"[I]n recent years a preponderance of the courts have sustained the admissibility of the testimony of third persons as to prior or subsequent similar crimes, wrongs or acts in cases involving sexual offenses . . . [I]n cases involving sexual assaults, such as incest, and statutory rape with family members as the victims, the courts in recent years have almost uniformly admitted such testimony."

The willingness of the courts to admit similar crimes evidence in prosecutions for serious sex crimes is of great importance to effective prosecution in this area, and hence to the public's security against dangerous sex offenders. In a rape prosecution, for example, disclosure of the fact that the defendant has previously committed other rapes is frequently critical to the jury's informed assessment of the credibility of a claim by the defense that the victim consented and that the defendant is being falsely accused.

The importance of admitting this type of evidence is still greater in child molestation cases. Such cases regularly present the need to rely on the testimony of child victim-witnesses whose credibility can readily be attacked in the absence of substantial corroboration. In such cases, the public interest in admitting all significant evidence that will illumine the credibility of the charge and any denial by the defense is truly compelling.

Notwithstanding the salutary tendency of the courts to admit evidence of other offenses by the defendant in such cases, the current state of the law in this area is not satisfactory. The approach of the courts has been characterized by considerable uncertainty and inconsistency. Not all courts have recognized the area of sex offense prosecutions as one requiring special standards or treatment, and those which have, have adopted admission rules of varying scope and rationale.

Moreover, even where the courts have traditionally favored admission of "similar crimes evidence" in sex offense prosecutions, the continuation of this approach has been jeopardized by recent developments. These developments include the widespread adoption by the states of codified rules of evidence modeled on the Federal Rules of Evidence, which make no special allowance for admitting similar crimes evidence in sex offense cases.

Section 231 would amend the Federal Rules of Evidence to ensure an appropriate scope of admission for evidence of similar crimes by defendants accused of serious sex crimes. The section adds three new Rules (proposed Rules 413, 414, and 415), which state general rules of admissibility for such evidence. The proposed new rules would apply directly in federal cases, and would have broader significance as a potential model for state reforms.

Proposed Rule 413 relates to criminal prosecutions for sexual assault. Paragraph (a) provides that evidence of the defendant's commission of other sexual assaults is admissible in such cases. If such evidence were admitted under the Rule, it could be considered for its bearing on any matter to which it is relevant. For example, it could be considered as evidence that the defendant has the motivation or disposition to commit sexual assaults, and a lack of effective inhibitions against acting on such impulses, and as evidence bearing on the probability or improbability that the defendant was falsely implicated in the offense of which he is presently accused.

Paragraph (b) of proposed Rule 413 generally requires pretrial disclosure of evidence to be offered under the Rule. This is designed to provide the defendant with notice of the evidence that will be offered, and a fair opportunity to develop a response. The Rule sets a normal minimum period of 15 days notice, but the court could allow notice at a later time for good cause, such as later discovery of evidence admissible under the rule. In such a case, it would, of course, be within the court's authority to grant a continuance if the defense needed additional time for preparation.

Paragraph (c) makes clear that proposed Rule 413 is not meant to be the exclusive avenue for introducing evidence of other crimes by the defendant in sexual assault prosecutions, and that the admission and consideration of such evidence under other rules will not be limited or impaired. For example, evidence that could be offered under proposed Rule 413 will often be independently admissible for certain purposes under Rule 404(b) (evidence of matters other than "character").

Paragraph (d) defines the term "offense of sexual assault." The definition would apply both in determining whether a currently charged federal offense is an offense of sexual assault for purposes of the Rule, and in determining whether an uncharged offense qualifies as an offense of sexual assault for purposes of admitting evidence of its commission under the Rule. The definition covers federal and State offenses involving conduct proscribed by the chapter of the criminal code relating to sexual abuse (chapter 109A of title 18, U.S. Code) in light of subparagraph (1), and other federal and state offenses that satisfy the general criteria set out in subparagraphs (2)–(5).

Rule 414 concerns criminal prosecutions for child molestation. Its provisions are parallel to those of the sexual assault rule (Rule 413), and should be understood in the same sense, except that the relevant class of offenses is child molestations rather than sexual assaults. The definition of child molestation offenses set out in paragraph (d) of this Rule differs from the corresponding definition of sexual assault offenses in Rule 413 in that (1) it provides that the offense must be committed in relation to a child, defined as a person below the age of fourteen, (2) it includes the child exploitation offenses of chapter 110 of the criminal code within the relevant category, and (3) it does not condition coverage of such offenses on a lack of consent by the child-victim.

Rule 415 applies the same rules to civil actions in which a claim for damages or other relief is predicated on the defendant's alleged commission of an offense of sexual assault or child molestation. Evidence of the defendant's commission of other offenses of the same type would be admissible, and could be considered for its bearing on any matter to which it is relevant.

Background of Section 231 in the Law of Evidence

The common law has traditionally limited the admission of evidence of a defendant's commission of offenses other than the particular crime for which he is on trial. This limitation, however, has never been absolute. The Supreme Court has summarized the general position of the common law on this issue as follows:

"Alongside the general principle that prior offenses are inadmissible, despite their relevance to guilt . . . the common law developed broad, vaguely defined exceptions—such as proof of intent, identity, malice, motive, and plan —whose application is left largely to the discretion of the trial judge. . . . In short, the common law, like our decision in [*Spencer v. Texas*], implicitly recognized that any unfairness resulting from admitting prior convictions was more often than not balanced by its probative value and permitted the prosecution to introduce such evidence without demanding any particularly strong justification." (*Marshall v. Lonberger*, 459 U.S. 422, 438–39 n.6 (1983)).

The Federal Rules of Evidence—which went into effect in 1975—follow the general pattern of traditional evidence rules, in that they reflect a general presumption against admitting evidence of uncharged offenses, but recognize various exceptions to this principle. One exception is set out in Rule 609. Rule 609 incorporates a restricted version of the traditional rule admitting, for purposes of impeachment, evidence of a witness's prior conviction for felonies or crimes involving dishonesty or false statement. The other major provision under which evidence of uncharged offenses may be admitted is Rule 404(b). That rule provides that such evidence is not admissible for the purpose of proving the "character" of the accused, but that it may be admitted as proof concerning any non-character issue:

"(b) Other crimes, wrongs, or acts. Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident."

Rule 404(b), however, makes no special allowance for admission of evidence of other "crimes, wrongs, or acts" in sex offense prosecutions. There was perhaps little reason for the framers of the Federal Rules of Evidence to focus on this issue, since sex offense prosecutions were not a significant category of federal criminal jurisdiction.

This omission has been widely reproduced in codified state rules of evidence, whose formulation has been strongly influenced by the Federal Rules. *The practical effect of this development is that the authority of the courts to admit evidence of uncharged offenses in prosecutions for sexual assault and child molestations has been clouded, even in states that have traditionally favored a broad approach to admission in this area.*

The actual responses of the courts to this development have varied. For example, in *State v. McKay*, 787 P. 2d 479 (Or. 1990), in which the defendant was accused of molesting his stepdaughter, the court admitted evidence of prior acts of molestation against the girl. The court reached this result by stipulating that evidence of a predisposition to commit sex crimes against the victim of the charged offense was not evidence of "character" for purposes of the state's version of Rule 404(b), although it apparently would have regarded evidence of a general disposition to commit sex crimes as impermissible "character" evidence.

In *Elliot v. State*, 600 P. 2d 1044 (1979), the Supreme Court of Wyoming reached a broader result supporting admission, despite a state rule that was essentially the same as Federal Rule 404(b). This was also a prosecution for child molestation. Evidence was admitted that the defendant had attempted to molest the older sister of the victim of the charged offense on a number of previous occasions. The court reconciled this result with Rule 404(b) by indicating that proof of prior acts of molestation would generally be admissible as evidence of "motive"—one of the traditional "exception" categories that is explicitly mentioned in Rule 404(b). *Id.* at 1048–49.

In contrast, in *Getz v. State*, 538 A.2d 726 (1988), the Supreme Court of Delaware overturned the defendant's conviction for raping his 11-year-old daughter because evidence that he had also molested her on other occasions was admitted. The court stated that "a lustful disposition or sexual propensity exception to [Rule] 404(b)'s general prohibitions . . . is almost universally recognized in cases involving proof of prior incestuous relations between the defendant and the complaining victim," but that "courts which have rejected this blanket exception have noted that in the absence of a materiality nexus such propensity evidence is difficult to reconcile with the restrictive language of [Rule] 404(b)." The court went on to hold that the disputed evidence in the case was impermissible evidence of character and could not be admitted under the state's Rule 404(b).

The foregoing decisions illustrate the increased jeopardy that the current formulation of the Federal Rules of Evidence has created for effective prosecution in sex offense cases. While the law in this area has never been a model of clarity and consistency, the widespread adoption of codified state rules based on the Federal Rules has aggravated its shortcomings. In jurisdictions that have such codified rules, the courts are no longer free to recognize straightforwardly the need for rules of admission tailored to the distinctive characteristics of sex offense cases or other distinctive categories of crimes. Important evidence of guilt may consequently be excluded in such cases.

Where the courts do admit such evidence, it may require a forced effort to work around the language and standard interpretation of codified rules that restrict admission, or may depend on unpredictable decisions by individual trial judges to allow admission under other "exception" categories. The establishment of clear, general rules of admission, as set out in proposed Rules 413–415, would resolve these problems under current law in federal proceedings, and would provide a model for comparable reforms in state rules of evidence.

Section 232. Right of the Victim to an Impartial Jury. Section 232 contains provisions to protect the right of crime victims and the public to an impartial jury. Subsection (a) amends Fed. F. Crim. P. 24(b) to equalize the number of peremptory challenges that may be exercised by the defense and the prosecution in jury selection. Currently, the Rule gives the prosecution and defense 3 challenges each in misdemeanor cases and 20 challenges each in capital cases. however, in felony cases—including rape cases and other felony cases involving violence against women—the defense is given 10 peremptory challenges and the prosecution is only given 6.

This means that the selection process in felony cases is skewed in the direction of enabling the defense to select a jury that is biased in favor of the defendant and against the victim. Section 232 corrects this imbalance by equalizing the number of peremptory challenges provided to each side in felony cases at 6. A provision equalizing the number of peremptories for the defense and prosecution has previously been passed by the Senate as part of S. 1970 in the 101st Congress.

Subsection (b) of Section 232 amends 18 U.S.C. 243 to prohibit invidious discrimination by the defense in using peremptory challenges. Under the decision in *Batson v. Kentucky*, 476 U.S. 79 (1986), a prosecutor is barred from using peremptory challenges to exclude potential jurors on the basis of race. However, courts have not generally adopted a like rule for defense attorneys. This means, for example, that a defense attorney could use his peremptories to obtain an all-white jury in a case in which white racists were charged with murdering blacks, and there would be nothing the government could do about it.

Further concerns arise from the possibility that the *Batson* Rule will be applied—but only one-sidedly—to exclusion of jurors on the basis of gender. This would mean, for example, that a defense attorney could use his peremptories to get an all-male or nearly all-male jury in a rape case, and the prosecutor would potentially be barred from using his peremptories to strike male jurors in order to obtain a more balanced jury. In general, crime victims are victimized by rules that leave the defense free to choose an unrepresentative jury, while barring the prosecutor from attempting to redress the imbalance by striking jurors from the complementary population group.

Section 232 resolves this problem by providing that a defense attorney cannot exercise peremptories on the basis of race or other grounds that would be prohibited to a prosecutor, and by giving the prosecutor the same right to challenge such misconduct by the defense that the defense has in relation to the government.

Section 233. Rules of Professional Conduct for Lawyers in Federal Cases. Section 233 proposes new standards of professional conduct for lawyers involved in federal litigation. The proposed rules are of fundamental importance in preventing abuse by lawyers of victims of crime and civil misconduct, including rape victims and other women victimized by criminal violence, and victims of sexual harassment and discrimination.

Existing standards of professional conduct for lawyers are usually modeled on the American Bar Association Model Rules of Professional Conduct. These existing rules are highly tolerant of practices by lawyers that thwart the search for truth and subject victims and witnesses to gratuitous humiliation and traumatization.

For example, the current rules prohibit a lawyer from offering evidence that he knows to be false, but they contain no corresponding prohibition of attempting to discredit evidence that the lawyer knows to be true. In other words, the current rules countenance deliberate efforts by a lawyer to deceive a tribunal by making it appear that a witness is lying or mistaken, when the lawyer knows that the witness is telling the truth.

The concerns raised by this practice go beyond its inconsistency with "the very nature of a trial as a search for truth." *Nix v. Whiteside*, 475 U.S. 157, 166 (1986). Victims of rape and other highly serious crimes frequently report that the traumatic effect of their abuse by the criminal justice system is comparable to the traumatic effect of the crime committed against them. The efforts of defense counsel to portray the victim as a liar and perjuring criminal figure prominently in the accounts of why this is so.

No rational justification exists for permitting such conduct by a lawyer if the lawyer knows that the victim is telling the truth because his client has admitted to him that the allegations are true, and the lawyer's investigation of the case shows no grounds to doubt the veracity of the client's admissions. In such a case, the lawyer's effort to discredit the victim is calculated to thwart the search for truth.

The Rules proposed in this section would bar this abuse by prohibiting efforts to discredit evidence that the lawyer knows to be true, as well as perpetuating the existing prohibition of offering evidence that the lawyer knows to be false. This would establish as a standard of professional conduct the principle that was once—but is no longer—endorsed by the ABA, that a lawyer "should not misuse the power of cross-examination or impeachment by employing it to discredit or undermine a witness if he knows the witness is testifying truthfully." ABA Standards, The Defense Function Section 7.6(b) (1974); ABA Standards, The Prosecution Function Section 7(b) (1974).

Another area of concern is the inadequacy of the current rules to curb unjustified delay and other litigation tactics that are designed to make litigation more burdensome or expensive. *In rape cases and other criminal cases, for example, lawyers can and do make efforts to slow down the progress of litigation in the hope that witnesses favorable to the other side will become unavailable, that the memories of such witnesses will become less certain or more subject to impeachment by the time of trial, or that the victim will be sufficiently frustrated and traumatized by repeated delays that the case will be dropped.*

These abuses are antithetical to the search for truth. Their impact on the lives of crime victims, particularly sex crime victims, are an equally grave concern: "victims . . . are burdened by irresolution and the realization that they will be called upon to relive their victimization when the case is finally tried. The healing process cannot truly begin until the case can be put behind them. This is especially so for children and victims of sexual assault or any other case involving violence." *Report of the President's Task Force on Victims of Crime* 75 (1982).

The rules proposed in this section address effectively the litigation abuse that flourishes under the current standards. They make it unequivocally clear that a lawyer is not permitted to pursue such objectives as increasing the expense of litigation for another party, bringing about the loss or deterioration of another party's evidence through delay, or gaining some other advantage over another party as a result of the distress or hardship caused by prolonged proceedings.

A third area of concern is the inadequacy of the ABA Model Rules to permit and require disclosure of information received from clients where such disclosure is necessary to prevent the commission of serious crimes. In this connection, the ABA Model Rules only qualify the requirement of attorney-client confidentiality to the extent of providing that a lawyer "may" reveal information "to prevent the client from committing a criminal act that the lawyer believes is likely to result in imminent death or substantial bodily harm."

In other words, a lawyer is not permitted under the current ABA standards to make disclosures necessary to prevent the commission of such crimes as child molestation, arson, espionage, blackmail, or defrauding a person of his life's savings, so long as the lawyer does not believe that the offense threatens imminent death or bodily injury.

Moreover, under these standards a lawyer is never *required* to make such a disclosure to prevent the commission of a crime, regardless of its seriousness—even such crimes as rape or murder.

The current position of the ABA rules on this issue is regressive in comparison with the earlier ABA Model Code of Professional Responsibility, which permitted disclosure of the client's intention to commit any crime. Not surprisingly, most states have rejected the current ABA position and provide substantially broader authorizations or requirements for disclosure of client confidences to prevent crime. The rules proposed in this section likewise take a broader approach, authorizing disclosure to prevent crimes or other unlawful acts, and requiring disclosure to prevent the commission of violent crimes and serious sex offenses.

The proposed rules are important both for their direct effect in federal litigation, and as a model for reforms by the states in their standards of attorney conduct. These rules are not meant to be an exhaustive statement of the professional responsibilities of lawyers. Rather, they focus on the areas where there is a clear need for reform. Government attorneys will continue to be subject to additional standards and requirements under the policies of their employing agencies, and private attorneys will continue to be subject to additional standards and requirements under the bar disciplinary rules of the States in which they are admitted to practice. The specific provisions of the rules are as follows:

Rule 1

Rule 1 sets out the general scope of the Rules, which apply to representation of clients in the relation to federal proceedings. The Rules apply both to government attorneys and to private attorneys in federal practice. Representation in litigation before the federal courts and representation before federal administrative agencies are both covered.

Rule 2

Rule 2 prohibits various abusive practices. Paragraph (a) generally prohibits engaging in any action or course of conduct for the purpose of increasing the expense of litigation to another person. In other words, the fact that proceeding in a particular manner will make litigation more costly for an adversary cannot count as a positive consideration in a lawyer's decision whether to proceed in that manner. Paragraph (b) generally prohibits malicious or petty acts whose only substantal purpose is to hurt others or make life more difficult for them. It is partially comparable to ABA Model Rule 4.4's strictures against acts having no substantial purpose other than to embarrass or burden a third person, but it adds explicit strictures against pointlessly distressing, harassing, and inconveniencing others.

ABA Model Rule 3.3(a)(4) prohibits a lawyer from offering evidence that he knows to be false. Paragraph (c) of the proposed Rule goes beyond this standard by also prohibiting a lawyer from attempting to discredit evidence that the lawyer knows to be true. This bars both efforts to discredit particular assertions in adverse testimony that the lawyer knows to be true, and efforts at general impeachment of the credibility of an adverse witness who the lawyer knows is telling the truth.

Standards of this type have sometimes been opposed on the view that a lawyer cannot assess or pass judgment on the truth or falsity of matters affecting the interest of his client, and should simply present the best case in favor of the client's position. However, this view, if valid, would be equally fatal to the current prohibition of presenting testimony or other evidence that the lawyer knows to be false. This existing prohibition also presupposes that a lawyer may know matters to be true or false, and may be ethically constrained on the basis of such knowledge.

Realistically, a lawyer often does know facts that implicate the standards of this rule. The client may admit facts adverse to his interest to the lawyer, and the lawyer's investigation of the case may show no grounds to doubt the veracity of the client's admissions. Or prior consultation with the client and the lawyer's investigation may foreclose any genuine doubt that certain damaging facts exist, and show that the client's contrary assertions represent an effort to fabricate a failed claim or defense. *See, e.g., Nix v. Whiteside*, 475 U.S. 157 (1986).

In such circumstances, presenting evidence that denies these known facts, or attempting to discredit evidence that confirms them, would constitute a deliberate effort to deceive the tribunal. Conduct of this type by a lawyer impedes the search for truth without furthering any legitimate function of advocacy, and frequently involves gratuitous defamation and traumatization of truthful witnesses, particularly in sex offense cases. Paragraph (c) prohibits such actions by lawyers as unprofessional conduct.

The ABA has taken inconsistent positions at different times concerning the propriety of attempting to discredit evidence that a lawyer knows to be true. The original ABA Standards Relating to the Defense Function (section 7.6(b)) and to the Prosecution Function (section 5.7(b)), which were adopted by the ABA House of Delegates in 1971, stated that a lawyer should not misuse the power of cross-examiniation "to discredit or undermine a witness if he knows that the witness is testifying truthfully." However, the revised ABA Criminal Justice Standard, adopted by the House of Delegates in 1979, retained this standard for prosecutors, but declined to state a corresponding standard for defense lawyers. Paragraph (c) reflect the view that justice is due to victims and the public as well as defendants, and evenhandedly prohibits this abuse by all lawyers.

Rule 3

Paragraph (a) of Rule 3 states the general principle that a lawyer should seek to expedite the conduct and conclusion of litigation.

Paragraph (b) of Rule 3 specifically prohibits efforts to delay or prolong litigation for illegitimate purposes. Subparagraphs (1) and (2) preclude such efforts where, for example, they are motivated by the hope or expectation that witnesses helpful to an adverse party will become unavailable, or that such witnesses' memories will become less certain or more subject to impeachment if procedings are delayed. Subparagraph (3) prohibits efforts to secure other advantages arising from the expense, frustration, distress, or other hardship that is caused by prolonged or delayed proceedings—for example, trying to win by depleting an adverse party's financial resources for litigation, or attempting to wear down an adverse party or secure a favorable settlement through the distress or hardship caused by prolonged litigation.

Rule 4

Lawyers must normally maintain the confidentiality of information received from clients. In some circumstances, however, this presumption must give way to overriding considerations of fidelity to the law or respect for the rights of others. Rule 4 identifies a number of situations in which disclosure of such information is permitted or required. Paragraph (a) permits disclosure to the extent necessary to prevent violent crimes, crimes involving a substantial risk of death or serious injury, *and crimes of sexual assault or child molestation.*

Section 234. Statutory Presumption against Child Custody. Section 234 provides that it is the sense of the Congress that, for purposes of determining child custody, credible evidence of physical abuse should create a statutory presumption that it is detrimental to the child to be placed in the custody of the abusive spouse.

Section 235. Full Faith and Credit for Protective Orders. Section 235 requires the States to give full faith and credit to valid protective orders of other States.

Section 236. Mandatory HIV-Testing and Penalty Enhancement in Sexual Abuse. The trauma of victims of sex crimes may be greatly magnified by the fear of contracting AIDS as a result of the attack. Section 1804 of the Crime Control Act of 1990 created a funding incentive for the States to require HIV testing of sex offenders and disclosure of the test results to the victim. There is, however, no comparable requirement or authorization for federal sex offense cases.

Section 236 remedies this omission by requiring HIV testing in federal cases involving a risk of HIV transmission. It also requires enhanced penalties for federal sex offenders who risk HIV infection of their victims.

Section 236 would add a new section (proposed section 2247) to the chapter of Title 18 of the United States Code that defines the federal crimes of sexual abuse (chapter 109A). Subsection (a) of proposed section 2247 would require HIV testing of a person charged with an offense under chapter 109A, at the time of the pre-trial release determination for the person, unless the judicial officer determines that the person's conduct created no risk of transmission of the virus to the victim. The test would be conducted within 24 hours or as soon thereafter as feasible, and in any event before the person is released. Two follow-up tests would also be required (six and twelve months following the initial test) for persons testing negative. Under subsection (d), the results of the HIV test would be disclosed to the person tested, to the attorney for the government, and—most importantly—the victim or the victim's parent or guardian.

In some instances testing may not be ordered pursuant to proposed 18 U.S.C. 2247(a) because the information available at the time of the pre-trial release determination indicated that the person's conduct created no risk of HIV transmission, but in light of information developed at a later time it may subsequently appear to the court that the person's conduct may have risked transmission of the virus to the victim. Subsection (b) of proposed section 2247 accordingly authorizes the court to order testing at a later time if testing did not occur at the time of the pre-trial release determination.

Subsection (c) of proposed section 2247 provides that a requirement of follow-up HIV testing is canceled if the person tests positive—in which case further testing would be superfluous—or if the person is acquitted or all charges under chapter 109A are dismissed.

Subsection (e) of proposed section 2247 directs the Sentencing Commission to provide enhanced penalties for offenders who know or have reason to know that they are HIV-positive and who engage or attempt to engage in criminal conduct that creates a risk of transmission of the virus to the victim. This requirement reflects the higher degree of moral reprehensibility and depravity involved in the commission of a crime when it risks transmission of a lethal illness to the victim, and the exceptional dangerousness of sex offenders who create such a risk to the victims of their crimes.

Section 237. Payment of Cost of HIV Testing for Victim. Section 5039(c)(7) of the Victims' Rights and Restitution Act of 1990, enacted as part of the Crime Control Act of 1990, currently provides that a federal government agency investigating a sexual assault shall pay the costs of a physical examination of the victim, if the examination is necessary or useful for investigative purposes. Section 237 in this title extends this provision to require payment for a) up to two HIV tests for the victim in the twelve months following the sexual assault, and b) the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of the human immunodeficiency virus to the victim as a result of the assault.

Subtitle E—National Task Force on Violence against Women

This subtitle establishes a "National Task Force on Violence against Women." The general purpose of the task force is to develop a uniform federal, State, and local law enforcement strategy aimed at protecting women against violent crime, punishing persons who commit such crimes, and enhancing the rights of victims.

The task force shall consist of up to 10 persons, who shall be appointed by the Attorney General not later than 60 days after the date of enactment. Not later than 1 year after the date that the task force is fully constituted, the Attorney General shall submit a detailed report to Congress on the findings and recommendations of the task force.

Subtitle F—Prevention of Sexual Assault

This subtitle authorizes $25 million for each of fiscal years 1992, 1993, and 1994 to establish a grant program under the Victims of Crime Act of 1984 for rape prevention and education.

Grants under this subtitle may be used to support rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities, including programs that a) conduct eductional seminars, b) operate hotlines, c) conduct training programs for professionals, d) prepare informational materials, and e) undertake other efforts to increase awareness of the facts about, or help prevent, sexual assault.

To be eligible to receive a grant under this subtitle, a State must assure the Attorney General that a) the State will use at least 15 percent of the grant money to support education programs targeted for junior high school and high school students, and b) the State will pay for the full cost of forensic medical examinations for the victims of sexual assault.

Subtitle G—Domestic Violence; Funding for Shelters; Amendments to the Family Violence Prevention and Services Act

Many of the provisions of this subtitle are modelled after the provisions contained in S. 3134, the "Domestic Violence Prevention Act of 1990," which was introduced last year by Senator Dan Coats.

Section 261. Short Title. Section 261 sets forth the short title of the subtitle, The "Domestic Violence Prevention Act of 1991.".

Section 262. Expansion of Purpose. Section 262 expands the purpose of the Family Violence Prevention and Services Act to increase public awareness about, and prevention of, domestic violence.

Sections 263–264. Expansion of State Demonstration Grant Program. Section 263 and Section 264 authorize the Secretary of HHS to make grants for public information campaigns about domestic violence.

Section 265. State Commissions on Domestic Violence. Section 265 requires states to provide assurances, as a condition of receiving Family Violence funds, that they will establish a Commission on Domestic Violence to examine a variety of issues including the use of mandatory arrest of accused offenders, the adoption of "no-drop" prosecution policies, the consistency of sentencing practices, and the testifying by victims at post-conviction and release hearings.

Section 266. Indian Tribes. Section 266 authorizes a minimum grant of $1,000,000 for Family Violence grants to Indian Tribes.

Section 267. Funding Limitations. Section 267 eliminates the $150,000 cumulative grant limitation for states.

Section 268. Grants to Entities other than States; Local Share. Section 268 reduces the match required for grants to entities other than States to 50%.

Section 269. Shelter and Related Assistance; Rural Areas. Section 269 provides a list of services that should be provided by shelters and safe homes receiving assistance under the Family Violence Prevention and Services Act. Section 269 also provides that not less than 20% of the funds available under Section 303 of the Family Violence Prevention and Services Act must be distributed to entities in rural areas.

Section 270. Law Enforcement Training and Technical Assistance Grants. Section 270 requires that law enforcement training grants go to those with experience providing training and technical assistance to law enforcement personnel on a national or regional basis.

Section 271. Authorization of Appropriations. Section 271 authorizes an additional $75 million for each of fiscal years 1991, 1992, and 1993 to provide grants under the Family Violence Prevention and Services Act.

Section 272. Report on Recordkeeping. Section 272 requires the Attorney General to complete a study of problems associated with recordkeeping of criminal complaints involving domestic violence. Report is to be completed within 120 days.

TITLE III—EMPLOYMENT OPPORTUNITIES

Subtitle A—Glass Ceiling Commission

Section 301. Short Title. Section 301 sets forth the short title of the subtitle, the "Glass Ceiling Act of 1991".

Section 302. Findings and Purpose. Section 302 sets forth the findings and purpose of the subtitle.

Section 303. Establishment of Glass Ceiling Commission. Section 303 establishes the "Glass Ceiling Commission" and authorizes the appointment of 17 persons, five of whom are appointed by the President, three of whom are appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate, one of whom is appointed by the Majority Leader of the House of Representatives, one of whom is appointed by the Minority Leader of the House of Representatives, one of whom is appointed by the Majority Leader of the Senate, one of whom is appointed by the Minority Leader of the Senate, two of whom are Members of the House of Representatives appointed jointly by the Majority Leader and the Minority Leader of the House of Representatives, two of whom are Members of the Senate appointed jointly by the Majority Leader and the Minority Leader of the Senate, and one of whom is the Secretary of Labor who is also the Chairperson of the Commission. This section also specifies that in making their appointments, the Speaker of the House of Representatives and the Majority Leader of the Senate, in connection with their jointly-made appointments, and the President should consider the background of each appointee, including individuals from business and from organizations representing women and minorities, as well as individuals with academic expertise or other recognized ability regarding employment and discrimination issues. Appointment is for the life of the Commission.

This section also specifies rates of pay for members who are not public officials, authorizes payment for travel costs, fixes a quorum for meetings, and requires that the Commission hold a minimum of five meetings prior to the completion of its report and once a year thereafter.

Section 304. Research on Advancement of Women and Minorities to Executive Management and Senior Decisionmaking Positions in Business. Section 304 requires the Commission to conduct a comprehensive study concerning opportunities for, and artificial barriers to, the advancement of women and minorities to executive management and senior decisionmaking positions in business, including the preparedness of women and minorities to advance to upper-level decisionmaking positions, businesses in which women and minorities are promoted to such positions and those in which they do not receive advancement opportunities, practices and policies which result in a diverse workforce and the successful promotion of women and minorities to senior management positions, and other matters related to the glass ceiling. This section also requires that the report contain recommendations relating to the promotion of opportunities for, and the elimination of artificial barriers to, the advancement of women and minorities to executive management and senior decisionmaking positions in business. This section further provides that the report of the Commission must be completed within 15 months after the date of enactment and identifies to whom it is to be sent. Finally, this section provides that the Commission may conduct such additional research and study relating to the glass ceiling as a majority of its members determines to be necessary upon the completion and dissemination of its report.

Section 305. Establishment of the National Award for Diversity and Excellence in American Executive Management. Section 305 establishes the "National Award for Diversity and Excellence in American Executive Management" to be presented on an annual basis by the President or the designated representative of the President to a business which has made substantial efforts to promote the opportunities and development experiences of women and minorities to foster their advancement to executive management and senior decisionmaking positions (including the elimination of artificial barriers to such advancement) and is deserving special recognition as a consequence.

Section 306. Powers of the Commission. Section 306 prescribes the powers of the Commission, including conducting hearings, taking testimony, entering into contracts, making expenditures, and receiving voluntary service, gifts and donations.

Section 307. Confidentiality of Information. Section 307 requires that all information acquired by the Commission in carrying out its duties relating to the employment practices and procedures of individual businesses and regarding employees of the business shall be kept confidential unless the prior written consent of the particular business or employee, as the case may be, is obtained. Information concerning the aggregate employment practices and procedures of a class or group of businesses or the employees of such businesses is not subject to this confidentiality restriction.

Section 308. Staff and Consultants. Section 308 authorizes the Commission to appoint staff and employ experts and consultants and sets out rates of pay for such individuals. This section also authorizes the Commission to obtain materials, personnel, or other support from Federal agencies.

Section 309. Authorization of Appropriations. Section 309 authorizes the appropriation of such sums as are necessary to carry out the provisions of the subtitle which sums are to remain available until spent, without fiscal year limitation.

Section 310. Termination. Section 310 provides that the Commission and the authority to make the award will terminate four years after the date of enactment.

Subtitle B—Opportunities in Apprenticeship

Section 321. Short Title. Section 321 sets forth the short title of the subtitle, the "Opportunities in Apprenticeship Act of 1991".

Section 322. Findings and Purpose. Section 322 sets forth the findings and purpose of the subtitle.

Section 323. Outreach and Education Program. Section 323 directs the Secretary of Labor to establish an outreach and education program designed to expand the opportunities for women and minorities in apprenticeship programs registered with the Department of Labor. Such outreach and education program shall include the development and dissemination of information on apprenticeship programs, the provision of technical assistance, and the establishment and promotion of model preapprenticeship and apprenticeship programs directed at women and minorities. The Secretary's program shall include assistance to such groups and entities as educational institutions, employers, employer associations, unions, state apprenticeship councils, sponsors of apprenticeship programs, and organizations representing and assisting women and minorities.

This section also provides that the Secretary is authorized to award grants from appropriated funds to the foregoing groups and entities as part of the education and outreach program. Such grants shall be based on an application for assistance pursuant to standards set by the Secretary, with the grant amount equaling up to 75 percent of the costs of the outreach activities undertaken by the recipient.

Section 324. Preapprenticeship Training Grant Program. Section 324 directs the Secretary of Labor to establish a program of grants to sponsors of registered apprenticeship programs in connection with the provision of preapprenticeship training and related support services to women and minorities. Sponsors of eligible preapprenticeship training programs must indicate that positions are available in the apprenticeship program for which the preapprenticeship training is provided and use all reasonable efforts to place eligible participants in the apprenticeship program following completion of such preparatory training. Such grants shall be based on an application for assistance pursuant to standards set by the Secretary, with the grant amount equaling up to 75 percent of the costs of the preapprenticeship and supportive service activities undertaken by the recipient.

Section 325. Study of Participation of Women and Minorities in Apprenticeship. Section 325 requires the Secretary to conduct a comprehensive study relating to the participation of women and minorities in registered apprenticeship programs, including barriers to participation in such programs, recruitment, retention in such programs, preapprenticeship training, employment success following completion of the apprenticeship program, model apprenticeship programs, and other relevant issues affecting the participation of women and minorities in registered apprenticeship programs. This section also requires that the report of the Secretary be completed within two years after the date of enactment and identifies to whom it is to be sent.

Section 326. Authorization of Appropriations. Section 326 authorizes the appropriation of $8 million for fiscal year 1992 for the education and outreach grants pursuant to section 323(e) and $2 million for the activities of the Department of Labor in connection with its outreach and education program and the completion of the study. This section further authorizes the appropriation of $15 million for fiscal year 1992 for the preapprenticeship grants pursuant to section 324. Finally, this section provides that the Secretary may reserve not more than five percent of such appropriated funds to carry out the enforcment of nondiscrimination and affirmative action requirements relating to registered apprenticeship programs, including the training of Department of Labor personnel for such enforcement purposes.

Subtitle C.—Opportunities for Alternative Work Arrangements

This subtitle expresses the sense of the Congress that the Office of Personnel Management has made commendable efforts to develop alternative work arrangements through flexible scheduling and job sharing programs and that such efforts should be continued. Alternative work arrangements assist federal workers in meeting family responsibilities, and through OPM's efforts, such programs serve as a model for state and local governments and private sector employers and their respective employees.

Mr. SEYMOUR. Mr. President, I am proud to rise with the distinguished minority leader, Senator DOLE, and several of my colleagues to introduce the Women's Equal Opportunity Act of 1991.

For too many years, we as a society have failed to confront and adequately eliminate the problems and fears that women are subjected to in the workplace, in their communities and, sadly, in their own homes.

Many statistics will be cited here on the floor today and throughout what I anticipate will be a lively, substantive debate to describe the instance of discrimination and abuse. In this regard, I would like to take a few moments to comment on three specific provisions in our legislation where progress must be made.

First, I am especially pleased our bill would impose stiffer penalties for drug dealers convicted of plying their trade on pregnant women. Let's be clear: The victims of this crime are not just the addicted mothers, but their unborn children who will enter this world with two strikes against him.

When I was chairman of the California Senate Select Committee on Substance Abuse, I had the privilege of conducting numerous hearings throughout the State on the effects of drug and alcohol abuse on the fetus and children. As many members already know, the degree of pain and suffering a substance-exposed child must endure throughout their lifetime is criminal.

I ask each of you. How can we live with the shocking fact that approximately 375,000 babies are born each year already addicted to drugs. In California alone, this number stands at about 30,000 addicted newborns who will face a life of turmoil. These statistics don't include those babies who die a few hours or a few short days after birth, the innocent victims of drug abuse and drug trafficking. Very simply, it is child abuse through the umbilical cord.

This legislation will not resolve all sides of the drug baby issue. It will, however, send a strong and unequivocal message to drug dealers: If you are convicted of dealing drugs to a pregnant worman, you will face up to 30 years in prison for a first offense. The second time around your debt to society will increase up to 45 years in prison.

Second, keeping a woman safe must begin within her own home. In that regard, this legislation addresses the issue of domestic violence. I am pleased to see that recently there has been a growing awareness of the problem, and want to recognize the efforts Senator BIDEN and other Members in the last Congress made to bring about reforms in this area. It does not take much to see that action is needed:

Every 18 seconds, a woman is beaten.

Three to four million women are battered each year.

Each day, three women in our Nation will die, victims of domestic abuse.

Looking at these numbers, I have to ask myself how many cases go unreported? Is this just the tip of the iceberg? Obviously, one of our goals must continue to be the focus on community awareness, which can lead to better prevention. Women must have the assurance that we do not condone intrafamilial abuse, and that we will do everything possible to protect them and their children. We must provide them with the tools to escape a life-threatening, violent environment. Failure to do so only adds to the pain and increases the likelihood that other members of the family, namely children, will become emotional if not physical victims of abuse.

This measure takes a multifaceted approach to the problem. It focuses on increasing victim services by coordinating local efforts. It recognizes the need for outreach, education, and prevention. And it places a special emphasis on protecting our children by urging the courts to consider domestic violence as evidence of child endangerment in custody decisions.

A third point I want to raise on the floor today surrounds a rape victim's right to know whether or not her assailant is infected with the HIV virus. The reasoning is simple: Every 6 minutes, a woman is raped. Currently, crisis centers in California are dealing with between 20,000 and 30,000 victims of sexual assault each year, and I'm sure many more victims are terrified and consequently do not report such attacks. With the rapid spread of the HIV virus, it's clear that rape victims, their partners and children are at higher risk of contracting AIDS.

Our bill would mandate HIV testing of sex offenders and the disclosure of the test results to the victims.

Mr. President, the intent of this legislation is clear: it seeks to protect women from the abuses of society, whether they occur in the home, the workplace, or in our communities. I have only touched on three aspects of this omnibus measure, but I know there will be an opportunity at a later date to discuss each provision of the bill in greater detail.

Needless to say, this body must continue in its resolve to protect all of our citizens, and this bill takes a major step in that direction. I can attest to the fact that these issues are on the front burner for people in California, so I do hope we can join together in true bipartisan spirit to implement critically needed reforms in this Congress. The women and children of this Nation deserve no less.

Mr. MURKOWSKI. Mr. President, I am pleased to join as an original cosponsor of the proposed Women's Equal Opportunity Act of 1991. This legislation, which is sponsored by the Republican leader in the Senate, addresses many of the key issues which face women including domestic and street violence, sexual harassment in the workplace, and equal job opportunities.

This important and comprehensive legislation would, among other things:

Provide additional monetary remedies for persons alleging harassment;

Require colleges to disclose sex crime statistics to police and parents;

Authorize capital punishment for murders committed during a sex crime;

Increase penalties for those who sell drugs to pregnant women;

Establish a task force on violence against women;

Authorize the victim of Federal sex offenses to seek restitution for medical expenses associated with related sexually transmitted diseases;

Require AIDS testing of any person charged with Federal sex offenses; and

Establish a commission to conduct a study on the opportunities for and the barriers to employment advancement for women.

This bill should go a long way in addressing the important and valid concerns of many women. I hope that the Senate Judiciary takes prompt action on this legislation.

Mr. McCAIN. Mr. President, I am pleased to offer my wholehearted support for the Women's Equal Opportunity Act of 1991. Equality is one of the bedrocks upon which our Nation stands. Yet, for all the progress we have made in the past to ensure equal opportunity, and Mr. President we have done much; we must do more. We must make sure that, in principle and practice, women are afforded the same opportunities and protections that are offered to men. The legislation introduced today by the distinguished Republican leader is an important step in that direction.

First, I am extremely pleased that this legislation addresses the safety of women on our streets. We must deter criminals from committing the violent and heinous crimes which affect the lives of so many women. Certainly, any solution to this problem will be multifacetted. Nonetheless, the result is the same. Those individuals in our communities who prey on women and count on society's passive reaction to their vile behavior are on notice that we will no longer tolerate such action. This legislation will establish tough penalties to serve as a deterrent. Criminals must know that if they commit atrocities against women, then they will face harsh penalties rightly imposed by a society seeking justice.

Additionally, Mr. President, for far too long we have put the rights of the perpetrators of these sick crimes ahead of those of the victims. This bill seeks to remedy this unjust situation. There is no reasonable rationale for maintaining the status quo in this area. The legislation we are introducing today will work to correct this inequity.

Title II of this legislation specifically addresses domestic and street crime perpetrated against women. First, the bill requires colleges and universities to disclose crimes involving sexual contact, sexual assault, and rape. Second, it increases the penalties for murders in connection with sexual assaults and child molestations by authorizing the death penalty for those convicted of these crimes. Third, it increases penalties for repeat sex offenders by providing that second or subsequent offenses be punishable by a term of imprisonment of up to twice that presently authorized by law.

Additionally, title II establishes a Federal cause of action against a producer, distributor, exhibitor, or seller of sexually explicit material by a victim of a rape, sexual assault, or sexual crime. In this way, pornography victims can receive restitution from the criminal who has abused them. The bill also amends the Federal restitution statute to allow victims of Federal sex offenses to seek restitution for medical expenses related to sexually transmitted diseases, child care, and other costs related to the prosecution of the crime. It also facilitates the prosecution of these crimes by ensuring that evidence about prior sexual offenses is admissible in court. It further seeks to facilitate prosecution by proposing new standards for professional conduct by lawyers which prohibit trial tactics intended to embarrass, harass, or humiliate a victim of a sex crime.

Furthermore, this act would further protect victims of sexual assault by requiring the testing of any person charged with a Federal sex offense for the HIV virus. While I believe that it is important to protect the privacy of those who may be infected with the virus, the victim of sexual assault must be given the right to know if he or she is at risk of contracting the disease. When a sexual assault occurs, combined with the spread of the HIV virus in our communities against their will, victims can be placed in a life threatening situation, one that not only affects the victim, but where the repercussions may echo through all of society.

The bill also establishes a 10-member national task force which addresses violence against women under the direction of the Attorney General. It also authorizes $60 million under the Family Violence Prevention and Services Act for fiscal years 1992, 1993, and 1994. This is an increase of $35 million over the current authorization.

The bill also provides a $25 million authorization to be used for programs dealing with rape prevention and education. Recognizing the increase in assaults commonly referred to as date rapes, these programs would address the issues affecting victims who are assaulted by unknown as well as known assailants.

In addition to addressing violence against women, this legislation also promotes employment opportunities for women. Mr. President, the Bureau of Labor Statistics reports that women earn only 68 percent of what men earn. This figure points to something patently wrong in our society, and I can find no justification for this disparity. The statistics substantiate the unfortunate fact that in many sectors of our society women are treated as second-class citizens. We only need to look as far as this esteemed institution to see the results of such inequity. Women are 51 percent of our population, yet only 2 percent of the Senate. There is no viable reason for this disparity.

Mr. President, much remains which needs to be done in this area, and this bill is an important step toward augmenting the body of labor and civil rights laws that govern gender discrimination and employment. First, it establishes a Glass Ceiling Commission charged with proposing policies for businesses which would promote opportunities for the advancement of women and minorities, and ultimately eliminate artificial barriers to their advancement. Second, it establishes the "National Award for Diversity and Excellence in American Executive Management" to be given by the President annually to a business which successfully breaks down these barriers.

Third, it directs the Secretary of Labor to establish an outreach and education program directed at providing women and minorities opportunities to participate in registered apprenticeship programs. Related to this effort, it authorized $2 million for the program and a study of women and minorities' participation in these programs.

Fourth, this legislation seeks to provide preapprenticeship training to women and minorities, and authorizes $8 million for grants to groups involved in outreach and education programs, and $15 million for grants to registered apprenticeship programs.

Another aspect to the bill addresses equal opportunity interests for women already in the workplace. It establishes a court-ordered remedy under title VII of the Civil Rights Act for sexual harassment. Currently, the only remedies available to a victim of sexual harassment are back-pay, declaratory, and injunctive relief. This bill provides an additional remedy of up to $100,000 for the first act of sexual harassment, and $150,000 for each subsequent act. Further, it allows persons alleging sexual harassment to seek temporary or preliminary injunctive relief and directs the courts to expedite these cases. Finally, it directs the Equal Employment Opportunity Commission to establish technical assistance programs for small employers to more effectively implement laws addressing sexual harassment.

Mr. President, I believe that our Founding Fathers intended for the phrase "all men are created equal" to include women. We must ensure that the rules of our society accurately reflect that concept. If our Nation is to continue to be the torchbearer of freedom and equality in the world, we must be vigilant in our efforts to protect our citizens and their constitutional rights. This bill seeks to do just that, and I urge my colleagues to support this important legislation.

Mr. ROTH. Mr. President, I am pleased to join with the distinguished minority leader today in offering the Women's Equal Opportunity Act of 1991.

I commend Senator DOLE for bringing forward legislation to advance opportunities and bring redress for women in the work force, at home, and at school and to promote action against domestic street crime and violence against women. The statutory changes embodied in the bill represent an effort to move forward constructively beyond simple rhetorical characterizations to effect positive change.

Specifically title I of the legislation advances Federal civil rights remedies. It overturns the Supreme Court decisions in Patterson and Lorance and enhances the remedies for sexual harassment in the workplace under title VII. By advancing the civil right against invidious discrimination in the workplace women should be guaranteed the right to come forward without fear of personal reprisal for refusing to tolerate insufferable conditions in their place of employment. Title III of the bill seeks to open up employment opportunities for women. Following through on an initiative of former Labor Secretary Elizabeth Dole, the legislation establishes a glass ceiling commission to conduct a study on the advance and promotion of women and minorities to senior management and decisionmaking positions and establishes an annual national award for excellence in the advance of women and minorities in business to bring recognition to businesses which bring a progressive approach to their employment practices. Under title III the legislation seeks to address the lack of participation of women and minorities in the Bureau of Apprenticeship and Training and Certifies Apprenticeship and Training Programs which provide access to the higher paying skilled jobs in the manufacturing and construction industries. The final component of title III of the legislation gives recognition to alternative work arrangements developed by the Office of Personnel Management for the Federal Government and urges the continuation of these efforts.

Title II of the legislation contains several components which address domestic and street crime violence against women and promotes safety on college and university campuses. The bill expands on the law enacted in the 101st Congress which required schools to establish and disclose campus security policies and inform students and employees of campus crime statistics. It would require schools to disclose and specify crimes involving sexual contact, sexual assault, and rape and would require colleges and universities to disclose any such information to local and State police authorities. Mr. President, a national magazine recently highlighted the dramatic problem of sexual abuse on our college campuses and the lack of appropriate response to such serious crimes. The provisions of the Women's Equal Opportunity Act would help reverse this attitude and create an environment where women on our campuses could be secure and where any personal violence is dealt with swiftly and surely. Title II contains several other measures in the area of criminal conduct against women and children. It includes provisions to provide for stronger penalties for Federal sex offenses, enhanced penalties for drug distribution to pregnant women, enhanced restitution for victims of sex crimes, reform of Federal civil and criminal procedure in sex offense cases, promotes the right of victims to an impartial jury, establishes a Federal task force on domestic and street crime violence against women and expands funding and the provisions of the Family Violence Prevention and Services Act.

Again, Mr. President, I commend Senator DOLE for this initiative and I hope we will be able to act promptly on this important legislation.

Mr. BURNS. Mr President, I want to thank Senator DOLE for his leadership on this important issue. I am pleased to be an original consponsor of the Women's Equal Opportunity Act—a bill which makes a two-pronged attack on the problems of discrimination against women.

In the workplace, it protects women from harassment and addresses issues of equal opportunity for advancement. By the year 2000, women will make up 47 percent of the work force. We need to make sure that employment practices provide the flexibility needed to ensure their advancement. This bill establishes a "Glass Ceiling Commission" to explore ways to break the artificial barrier which keeps women and minorities from advancing to upper level management positions. One area which I think deserves special attention is the advancement of single mothers in the work force. Often times our businesses are biased toward the advancement of those who can work 60- to 80-hour weeks. It is my hope that the Commission can explore ways for business to advance capable women—single mothers in particular—whether or not they fill the traditional, hardworking executive stereotype.

On our campuses and in our streets, this legislation brings the force of the law down harder on those who commit acts of violence against women and children. In recent years we have passed laws to crack down on the drug dealers who wreak havoc on our streets, I believe that the perpetrators of violent crimes against women and children deserve a treatment just as severe. This bill does just that by authorizing the death penalty for murders connected to sex crimes which occur under the Federal jurisdiction. It also doubles the penalties for repeat sex offenders and for drug dealers who sell drugs to pregnant women. In addition, the bill changes the way in which the courts prosecute crimes of sexual assault and child molestation and establishes a "National Task Force on Violence Against Women" to help develop national uniformity in the laws that protect women from violent crimes.

We have all heard a lot lately from our college campuses regarding safety problems. For too long, colleges and universities have been secretive about crimes involving sexual contact, sexual assault, and rape. This bill requires them to come forward and disclose information about these crimes. This practice is not to incite fear, but rather to increase awareness and safety on our campuses.

Finally, I am sure many people also remember the chilling interview between Dr. James Dobson and Ted Bundy before he was executed. In that interview, Bundy talks about the influence pornographic material had on his mindset which ultimately led him to commit those heinous crimes. This legislation holds the producers, distributors, exhibitors, and sellers of pornographic material accountable for their actions. It gives the victims of pornography-inspired crimes—who are most often women—redress against them in the civil justice system. The provision is narrowly defined in order to protect the first amendment rights of those who choose to produce and distribute pornography, yet it recognizes, for the first time, the rights of the victim.

I have not summarized the entire bill, but rather I have highlighted provisions which I find particularly noteworthy. I urge my colleagues to look seriously at this legislation in its entirety.

Mr. D'AMATO. Mr. President, I am pleased to lend my support today to legislation that will secure the right of women to be free of sexual harassment and violence and better able to achieve meaningful advancement on the job. The bill that Senator DOLE and I are introducing today, the Women's Equal Opportunity Act of 1991, attacks problems that currently diminish our society. Once enacted, this bill will develop a level playing field for women in the workplace, and a safe environment on the streets and in the home.

The first section of this bill establishes provisions for the receipt of monetary damages of up to $150,000 for acts of sexual harassment in violation of civil rights law. This takes the place of the current remedy which only allows backpay and declaratory and injunctive relief. In addition, victims would be able to seek injunctive relief at a pace quicker than is currently available. By legislating the remedies under this section, the Supreme Court decisions in Patterson versus McLean and Lorance versus AT&T would be vitiated.

The second section of this bill addresses the increasing tragedy of street crime and violence against women. Presently, we are not doing enough to stop these heinous acts. Under this section, penalties for sex crimes will be increased. For repeat offenders and those who distribute drugs to pregnant women, current penalties will be doubled. For anyone convicted of murder while in connection with a sexual assault or child molestation, the death penalty will be authorized. Also, this bill incorporates the provisions of the Pornography Victims Compensation Act. This allows for a Federal cause of action against producers and distributors of pornography if connected with a sex crime. In addition, HIV testing will be required of anyone charged with a Federal sex offense before pretrial release. It also enhances penalties for knowingly transmitting HIV. This section also establishes a "National Task Force on Violence Against Women" to determine ways to decrease such violence.

The third section of this bill establishes a 17-member Glass Ceiling Commission. The duty of this Commission will be to conduct a study and report back to the Congress within 15 months on why this ceiling exists and what remedies would best remove these barriers. Incentive programs would also be established to recognize businesses that have made substantial efforts to remove the glass ceiling. Also, grant funds would be made available to women and minorities for apprenticeship training programs.

I believe that this bill goes a long way toward fostering equality in the workplace and safeguarding aganst violence. The provisions in this legislation are sorely needed in our modern society and I am pleased to be a cosponsor of this bill. I commend Senator DOLE for his leadership on this issue and it is my hope that this bill will be quickly enacted.

Mr. WARNER. Mr. President, I am pleased to join my colleagues in cosponsoring the Women's Equal Opportunity Act of 1991. This comprehensive piece of legislation covers three main issues which are of concern to all women in our society. The three issues are: Federal civil rights, employment opportunities, and domestic and street violence against women.

With respect to the issue of Federal civil rights, title VII currently prohibits intentional discrimination in the terms and conditions of employment, but it does not provide adequate remedies for certain unlawful practices, such as sexual harassment in the workplace. This is a problem in our society and additional remedies for this situation are warranted.

Promoting opportunities for the advancement of women and minorities in the business world is a goal that we should be striving to achieve. I have hosted a number of forums called Virginia Woman '90s in my State. The forums are comprised of workshops lead by numerous professionals who provide information and guidance to women entering or assuming positions in the business community.

One issue which I am particularly concerned about is the increase in domestic and street violence against women. The facts are sobering indeed: Every fifth women in a hospital emergency room is there because of battering, and 30 percent of female homicide victims die at the hands of their husbands or boyfriends. Physical abuse at home is the most common cause of women's injuries: It occurs more often than auto accidents, muggings, and rapes combined. According to the U.S. Surgeon General, battering is the single largest cause of injury to women in the United States.

Last September, the attorney general of the Commonwealth of Virginia created an attorney general's task force on domestic violence to investigate and address these issues.

Because domestic violence is a multifaceted problem that demands a multifaceted response, the attorney general's task force on domestic violence includes law enforcement officers, prosecutors, judges, probation officers, persons providing services to victims of domestic violence, and other concerned citizens. The task force will seek to make recommendations in three major areas: immediate intervention by law enforcement officers; reporting by law enforcement, medical personnel and others; and education.

While legislation is only one part of a comprehensive response to the problem of domestic violence, it is an important part. Appropriate laws make it clear that while domestic violence is, indeed, a problem facing our society, it will not be tolerated.

By Mr. BROWN:

S.J. Res. 75. Joint resolution pertaining to United States economic sanctions against Iraq; to the Committee on Foreign Relations.

AMERICAN PRISONERS OF WAR IN IRAQ

Mr. BROWN. Mr. President, I am introducing a resolution to require the return of all America's POWs and a full accounting for all of our missing in action to date. These steps would be required before the economic sanctions that are imposed on Iraq are rescinded.

Throughout our experience with the Vietnam war, this Nation sadly found that many of our POWs, that we had strong evidence were in the hands of the North Vietnamese, were never returned following the war. This is a mark of shame on this country and on North Vietnam. We must make sure that folly, that mistake not be repeated.

If we owe any group in this Nation our full support, it surely must be the brave men and women who put their lives on the line to defend this Nation and defend freedom around the world. To turn our backs on the men and women who serve us in combat surely must be a mark of shame that we cannot stand to be repeated.

This resolution clearly states the policy of this Nation must be to require full accounting of all of the missing in action and require the return of all of our POWs before we relax those economic sanctions. I am convinced have a real impact on the country of Iraq.

I hope all the Members of the Senate will join me in this effort. I believe we have in our hands the ability to ensure American service men and women in Iraq are not forgotten. We have the ability to insist our POWs are returned.

We should not allow this conflict to end and our efforts to be relaxed without insisting that American men and women have the full force and effect of this Nation that stands behind them. We can end this conflict and end it quickly, but hopefully we will also insist at the termination of it that the missing in action and the POWs are treated fairly as well.

Mr. President, in the past weeks, Americans everywhere have joined in sincere displays of support and affection for our men and women serving in the Persian Gulf. Buildings around the Nation have been decorated with yellow ribbons and flags, some so large they can be seen from the air. Billboards announce our backing for Operation Desert Storm, cars fly yellow ribbons from their antenna and homes in every town across our country are decorated to proclaim their solidarity with our troops in the Middle East.

No group of service men and women have received more of our concern and our attention than have the brave captives being held as prisoners of war in Iraq. All Americans were saddened and enraged as we saw them paraded before television cameras, obviously beaten, and forced to denounce the country they have fought for so courageously.

The joint resolution I am introducing today I introduce on their behalf, and on behalf of their families. These seven men and at least one woman have suffered to stop aggression and liberate Kuwait from the clutches of Iraq's merciless dictator. Not only are these men and women suffering, but their families suffer too as they face the difficult battle of maintaining hope in the face of uncertainty.

Once Kuwait is liberated, we must take every possible action to ensure every American held prisoner is freed, and that those missing in action are accounted for to the fullest extent possible.

This resolution maintains those economic sanctions already in place against Saddam's regime until all the coalitions' prisoners of war are released, and those missing in action are fully accounted for. Keeping sanctions in place ensures we keep the pressure on Saddam even after Kuwait is liberated.

To be certain the effectiveness of our sanctions is not undermined, the resolution also requires the President to make every effort to ensure the members of the international coalition maintain the full range of their sanctions as well until all allied prisoners of war held by Iraq are released.

Why continue worldwide sanctions even after Saddam withdraws or is forced from Kuwait? The reason is clear. There are still 8,177 American prisoners taken during the Korean war who have yet to be accounted for by the Government of North Korea. Furthermore, there are 2,285 American prisoners taken during the Vietnam conflict who have yet to be accounted for by the Government of North Vietnam.

The United States ended hostilities but failed to maintain any leverage over these two governments. When we asked, requested and finally pleaded for their return or for any knowledge about their disappearance, the Governments of North Vietnam and North Korea ignored us. We cannot allow history to repeat itself.

Continuing sanctions will allow us to maintain our leverage and our vigilance, that these men and women who are so bravely imprisoned might one day be free.

I urge my colleagues to join me in passing this resolution. I ask that a copy of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 75

Whereas the United States, as the world's leading democracy, is at the forefront of the United Nation's effort to liberate Kuwait from the hand of a destructive tyrant, Saddam Hussein.

Whereas the American people are deeply committed to the brave men and women serving in the Armed Forces of this Nation.

Whereas over half of a million of America's servicemen and women are risking their very lives to liberate the people of Kuwait, and to prevent further aggression by Saddam Hussein.

Whereas 8,177 American prisoners taken during the Korean war have yet to be accounted for by the Government of North Korea.

Whereas 2,285 American prisoners taken during the Vietnam conflict by the Governments of North Vietnam and Laos have yet to be accounted for.

Whereas the American people owe no greater obligation than to stand up for those who have been captured or are missing in action while risking their lives in defense of country.

Whereas a complete return of all those known to be captured by the Government of Iraq and a fullest possible accounting of those known to be missing in action during the current war in the Persian Gulf is of the highest national priority: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President shall not lift United States economic sanctions currently in place against Saddam Hussein's regime in Iraq until the regime has released all prisoners of war and accounted as fully as possible for all those missing in action.

(b) In addition, the President shall make every effort to ensure the multinational coalition maintains the full range of econmic sanctions against Saddam Hussein's regime in Iraq until the regime has released all prisoners of war and accounted as fully as possible for all those missing in action.

By Mr. DOLE (for himself, Mr. BURNS, Mr. GORE, Mr. MCCAIN, Mr. LOTT, Mr. KASTEN, Mr. WARNER, Mr. CRAIG, Mr. THURMOND, Mr. DOMENICI, Mr. MACK, Mr. COATS, Mr. GRASSLEY, Mr. COHEN, Mr. BREAUX, Mr. ROBB, Mr. WIRTH, Mr. DASCHLE, Mr. NUNN, Mr. FORD, Mr. DANFORTH, Mr. HEINZ, Mr. INOUYE, Mr. HOLLIINGS, and Mr. CHAFEE):

S.J. Res. 77. Joint resolution relative to telephone rates and procedures for Operation Desert Storm personnel; to the Committee on Commerce, Science, and Transportation.

TELEPHONE RATES FOR OPERATION DESERT STORM PERSONNEL

Mr. DOLE. Mr. President, recent news accounts have described how America's service men and women deployed in the gulf, and their families, have discovered how easy it is to call their loved ones in, or from, the war zone—and then gotten a nasty shock when the phone bill arrived. Dependents and families already bearing the burdens of separation—and, in the case of some activated reservists, reduced incomes—have been confronted with the additional financial hardship of three- and four-figure phone bills.

There are even instances of disconnection of telephone service due to inability to pay these steep bills immediately.

I ask unanimous consent an article appearing in the Washington Post be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. Ironically, the largest single factor in these high bills is the surcharge imposed by Saudi Arabia, the nation our troops have been helping to defend since last August. For every call to or from the United States that uses Saudi circuits, the long distance carrier pays the Saudis $1.05 per minute.

But even for calls that use American satellite earthstations, bypassing Saudi facilities altogether, the Saudis get paid $.73 per minute—still more than half the cost of the call. Since August 2, almost $15 million has been paid to the Government of Saudi Arabia for long distance phone calls to, or from, the States.

Mr. President, it seems to me that is a bum deal—A real wrong number. Our fighting forces and their families deserve better. If anyone should get a fair shake, it is those who are doing the hard work of freedom, not only for Americans, but for Saudis as well.

The Federal Communications Commission has just today expressed its concern about these rates, and is seeking to work with local authorities to prevent service cutoffs. But talking will not do it. Fast action is required. At this rate, coalition forces may liberate Kuwait before our service families are free from crushing telephone rates.

This resolution: calls on the State Department to seek elimination of the $.73 surcharge required by the Saudi Government on calls not using Saudi equipment, and reduction of the rates on calls transmitted by, or to U.S. Armed Forces personnel in the gulf;

Asks the FCC to ensure that local telephone companies adopt flexible billing procedures for spouses or families incurring extraordinary phone bills because of calls to, or from loved ones on duty in the gulf;

Asks the FCC to work with State authorities to ensure that service families aren't cut off from telephone service because they are unable to pay such bills immediately; and

Urges long distance carriers to file new, lower emergency rates with the FCC, to be in effect for the duration of the war.

Mr. President, I urge my colleagues to join me in seeking this easing of the burdens already borne by our service personnel, their spouses and families.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 77

Whereas United States service men and woman deployed in the Persian Gulf for Operation Desert Storm rely heavily on telephone service to communicate with their families at home;

Whereas in addition to the significant cost of a call to or from Saudi Arabia there is imposed a $.73 per minute surcharge by Saudi Arabia on all calls not using Saudi telecommunications facilities;

Whereas the expense of these calls has placed an additional burden on members and families of the armed forces at a time when they are already bearing great burdens for the Nation and the world;

Whereas the Federal Communications Commission has special tariff procedures which allow for promotional offerings such as an "Operation Desert Storm Special Offering": Now, therefore be it

Resolved, That in recognition of the sacrifices borne by the men and women of the United States Armed Forces participating in Operation Desert Storm, and by their families;

(1) the Department of State immediately undertake to convince the government of Saudi Arabia to eliminate the $.73 per minute surcharge where Saudi facilities are not used in transmission, and to reduce the charge applicable to calls using Saudi facilities; and

(2) the Federal Communications Commission exercise its existing regulatory authority to ensure that local and inter-exchange telephone service providers adopt flexible billing and procedures and policies in connection with costs incurred by service persons or their families for telephone calls to and from the gulf; and

(3) that the Federal Communications Commission work with appropriate state authorities to ensure that no family or spouse is disconnected from basic telephone service due to financial hardship imposed by such costs; and

(4) United States long distance service carriers should file, and the Federal Communications Commission should immediately consider, special reduced rates to and from the Saudi Arabia theatre, to be effective for the duration of the conflict.

EXHIBIT 1

[From the Washington Post, Feb. 12, 1991]

FAMILIES FACE HIGH BILLS WHEN GIS PHONE HOME

MANY DON'T REALIZE COSTS, CAN'T PAY

(By John Burgess and Sue Anne Pressley)

For seven straight nights recently, Diana Steele of Rockville had the thrill of speaking to her husband, Lt. Cmdr. Jeffrey S. Steele, a U.S. Navy medical officer serving in the Persian Gulf.

Forewarned that overseas phone rates were steep, the Steeles tried to economize. They limited their calls to just a few minutes each and the conversations seemed to be over before they began.

Then Diana Steele got her phone bill: $250. "I was shocked," she said yesterday.

Around the country, many families with loved ones in the Persian Gulf feel the same way. Although telephone calls to the war zone are a treasured link and source of comfort, many families are ignorant of the cost and in some cases cannot pay the bills.

"Clearly there has been some disinformation and confusion" over billing rates, said AT&T spokesman Herb Linnen. Despite efforts to inform GIs of the costs, Linnen said, rumors abound in the war zone that all calls are billed as if they orginated in New York or are free, as AT&T's were briefly last fall.

One family ran up a $1,400 bill, Linnen said. And the local phone company of a Texas woman last month disconnected her newly installed phone after she declined to pay immediately a $424 bill run up talking to her husband in the gulf.

According to Marta Greytok, a member of the Public Utility Commission of Texas, who has taken up the issue, bills of $500 to $800 are common in military families.

AT&T last week set up a special hot line, 1-800-323-HELP, which families can call to hash out gulf bills, and is getting more than 1,000 calls a day on it. It is intended only for people with family in the gulf.

Officials at the Federal Communications Commission have begun studying how it might lower the rates. "We want to make sure our servicemen and women are charged fair prices that reflect only legitimate, underlying costs," FCC Chairman Alfred Sikes said in a statement yesterday.

The phone service in the gulf marks another wartime first: allowing soldiers to call home simply, if not inexpensively, from a combat zone. Pilots can return from raids over Iraq and call home almost immediately. Long-distance companies have set up large phone centers in the desert, with satellite dishes beaming their calls directly home.

AT&T has installed 1,000 special phones in Saudi Arabia. GIs who pick them up are immediately connected to an operator in the United States. If they call collect, a 10-minute conversation costs $19; if they use a credit card, it runs about $16.

MCI Communications Corp. is also present, with 120 phones, as is a company called Military Communications Corp., which in normal times handles telephones on military bases in the United States. US Sprint Communications Co. has a service that provides free phone calls through amateur radio operators.

Saudi Arabia is collecting fees on calls, according to AT&T—73 cents per minute in the case of the company's special phones—even when they make no use of the Saudi phone system, a practice that has engendered some criticism in the United States. "We're over there defending them," said Greytok, suggesting the Saudis should waive the charge.

Confusion over billing has been heightened by the fact that some calls were free. AT&T offered free calls for three one-week periods before war broke out, but otherwise it has charged for them. Linnen said that rates are posted at its telephones in Saudi Arabia but that not everyone seems to have gotten the message. Linnen said the free calling cost AT&T about $7 million; it has spent about $1.3 million more on a free service that lets people send facsimile messages to the gulf from military bases and AT&T retail stores. Rates it charges for gulf toll calls to the United States are set essentially at a break-even basis, he said, while AT&T loses money on every call from Saudi Arabia to U.S. bases in Gemany, from which many servicemen were shipped to the gulf. Currently, about 25,000 calls are being placed daily on the AT&T special phones, up from about 13,000 before war began on Jan. 16.

Linnen said AT&T is not offering to waive charges for families with big bills. Callers to the AT&T hot line are counseled on rates and generally referred to their local telephone companies, which act as bill collectors for AT&T and can offer installment payment plans. Linnen said some of the calls to the hot line were from people offering to donate money to offset bills run up by service families.

The FCC believes it has authority to set up special rates for gulf calls, which would be subsidized by other callers. But an official said yesterday the FCC has no plans for that now.

Mr. FORD. Mr. President, will the distinguished Republican leader yield?

I am a cosponsor of this piece of legislation, and I think it is outrageous that our servicemen and women over there would have the Saudi Government add 73 cents a minute when we do not use any of their equipment, and $1.05 when we do.

As I understand it, the telephone company is giving the time free, without any charge, but the charge is horrendous just for the added tax, if we want to call it that, from the Saudi Government.

I compliment the Republican leader for introducing this, and hopefully we might even think about getting a refund to those, as you say, men and women, whose income has been reduced considerably. When that reduction is there, and then to find three- and four-figure telephone bills, I think it is completely out of order.

I compliment the Republican leader, and I am proud I am a cosponsor of that bill.

Mr. McCAIN. Mr. President, I am pleased to join Senator DOLE in introducing this resolution which will serve to facilitate communication between our troops in Saudi Arabia and their loved ones here at home. During this time of war, the members of our armed services bravely face loneliness and concern for their spouses, families, and friends back home. These stressful feelings are further fueled by the uncertainty inherent in war. As a result, our soldiers have understandably been wanting to call home, wanting to calm the fears of those they love, and wanting to find consolation from hearing a familiar voice.

However, Mr. President, Saudi Arabia is very far away, and long distance has a high price. The result has been extremely high long-distance telephone costs that must be borne by soldiers and their families. Some are seeing monthly telephone bills as high as $600. In a great many households, this cost cannot be readily absorbed, and families that are already burdened by concern about their relatives in the gulf are now feeling the extreme economic burden as well. This resolution seeks to encourage local and long-distance telephone companies to reduce these economic hardships by implementing flexible payment programs to assist families in meeting their obligations. By doing so, telephone companies would help ease the burden felt by these families, and would ultimately facilitate collection from families who may not have the funds necessary to pay these high phone bills.

Several telephone and long-distance companies have taken steps to provide easier and more direct access to our troops in the gulf, and they should be commended and encouraged to continue in this effort. However, their efforts have not resulted in lower costs due to the imposition of a per-minute surcharge by the Saudi Government on all calls, regardless of whether or not Saudi facilities are used. This resolution reflects our support of efforts to have this surcharge removed, which would result in lowering long-distance costs for our men and women in the gulf, who have given so much of themselves in an effort to establish peace.

In this age of sophisticated technology, one marvels at the ways in which this technology can be used to impart comfort and support in times of trouble and great concern. It is my hope that this resolution will facilitate its continued use in raising the spirits of our troops in the Persian Gulf.

DESERT STORM FAMILY COMMUNICATIONS RELIEF RESOLUTION

Mr. BURNS. Mr. President, I rise today, with the distinguished minority leader, Senator DOLE, to introduce the "Desert Storm family communications relief resolution."

Mr. President, at a time when U.S. servicemen and women deployed on the sands of the desert in the Persian Gulf deal with great burdens for the Nation and the world, it has come to our attention that the families and loved ones of our soldiers are incurring high telephone bills to communicate with troops in the gulf.

It is understandable to all Americans that our troops and their loved ones would rely heavily on telephone service to bridge the great distance between them. Almost every family in America knows the fear and anxiety that a separation of this type brings. In order to deal with these anxieties, telephone communication is essential.

New communication technologies for the first time permit American troops to communicate on a regular basis with family and loved ones at home here in the United States. It is incumbent on policymakers to take the necessary steps to ensure that rates for such telephone calls remain as low as possible and that no family members lose basic telephone service due to financial hardship.

A one-way call between the United States and Saudi Arabia costs $1.18 per minute if it goes through Saudi facilities. In addition to this significant cost, there is imposed a $0.73 per minute surcharge by Saudi Aradia on those calls that do not utilize Saudi facilities.

AT&T has installed, near front-line troops, millions of dollars of satellite link-ups which permit long-distance calls to be made without going through Saudi facilities. In order to provide that service, however, AT&T needs permission from the Saudi Government, which requires the $0.73 per minute surcharge, even though none of its facilities are involved.

As a result, the resolution instructs the State Department to make every effort to convince the Saudi Government to: First, reduce the charge applicable to calls using Saudi facilities; and second, eliminate the surcharge where Saudi facilities are not used in completing the call.

Additionally, the resolution calls on the Federal Communications Commission to ensure that local and long-distance telephone companies adopt flexible billing and collection procedures to ease the burden and sacrifice borne by our Desert Storm troops and families. For instance, telephone companies could take any number of actions including, but not limited to, a waiver of certain payments or allow payment through an installment plan.

State regulatory authorities are instructed to implement policies which ensure that no spouse or family member is disconnected from basic telephone service due to financial hardship imposed by the high costs incurred while talking to loved ones in the gulf.

Finally, the resolution encourages long-distance carriers to implement special reduced rates to and from the Saudi Arabia theater for the duration of the Persian Gulf conflict.

Mr. President, enactment of this resolution is the very least we can do to say to the families of our troops in the Middle East that our support, our thoughts and our prayers are with you. And it sends a small but meaningful message to our men and women, who stand on the sands of the desert in harm's way that we are with them and we pledge to support them all the way.

Mr. President, I would be remiss if I failed to enumerate the many actions taken over the last several weeks by the Federal Communications Commission, State Department, and local and interexchange telephone companies to address many of the problems identified in the resolution.

First, I would also like to recognize the substantial contributions made by the FCC already to help establish, for the first time in history, instantaneous communication between troops in a war zone and their family and friends half a world away. I commend the efforts of the FCC to ensure that the troops are able to contact their loved ones, even in remote desert positions, by licensing additional facilities, sometimes within 24 hours, and by actively pursuing reductions in the price of telephone calls home from Saudi Arabia. I also understand that the FCC has requested that the telephone companies renew their efforts with the Saudi Arabian telecommunications administration to lower the charges the Saudis place on each telephone call originating there. We strongly support this request and expect that, through the reduction or elimination of these charges, cost savings will be reflected in the telephone bills received by the families of military personnel serving in the Mideast. Finally, we would like to acknowledge and encourage the continuing actions by the FCC, working with local telephone companies, to ensure that military families have ample opportunity to pay for the calls from the gulf and avoid service cutoffs.

In an effort to avoid any disconnection of service, many local exchange telephone companies, who act as the collection agents for the long-distance carriers in many instances, have instructed their billing and collection departments to work with and be sensitive to the needs of family members who run up large long-distance bills on Persian Gulf calls, including the offer of extended payment plans.

AT&T has already lost over $10 million providing service to Saudi Arabia while installing equipment near the battle zones that could be easily and quickly lost through Iraqi attack. For instance, AT&T has expanded network capacity, provided several weeks of free calling, introduced lower price USA Direct service, donated funds to military assistance organizations, offered free desert fax facsimile service, and offered an 800 hot line for payment problems. MCI also set up a special 800 number for military families to receive advice on long-distance bills.

Thank you, Mr. President. I yield the floor.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. ROTH, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 39, a bill to amend the National Wildlife Refuge Administration Act.

S. 55

At the request of Mr. METZENBAUM, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 104

At the request of Mr. PRESSLER, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 104, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid by a physician as principal and interest on student loans if the physician agrees to practice medicine for 2 years in a rural community.

S. 105

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 105, a bill entitled "The Drug Kingpin Death Penalty Act."

S. 139

At the request of Mr. DASHLE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 139, a bill to amend the Internal Revenue Code to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs.

S. 242

At the request of Mr. GLENN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 242, a bill to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by certain Government employees and for other purposes.

S. 245

At the request of Mr. SPECTER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 245, a bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders.

S. 270

At the request of Mr. GRASSLEY, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Vermont [Mr. LEAHY], the Senator from Maryland [Mr. SARBANES], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Dakota [Mr. BURDICK], the Senator from Colorado [Mr. WIRTH], and the Senator from Alaska [Mr. MURKOWSKI] were added as a cosponsors of S. 270, a bill to require regular reports to the Congress on the amount of expenditures made to carry out Operation Desert Shield and Operation Desert Storm and on the amount of contributions made to the United States by foreign countries to support Operation Desert Shield and Operation Desert Storm.

S. 278

At the request of Mr. SARBANES, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Tennessee [Mr. SASSER] were added as a cosponsors of S. 278, a bill to provide for certain notice and procedures before the Social Security Administration may close, consolidate, or recategorize certain offices.

S. 284

At the request of Mr. BRADLEY, the names of the Senator from Oregon [Mr. PACKWOOD], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 294

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 294, a bill to amend the Federal Election Campaign Act to exclude from the definition of "independent expenditures" those expenditures that are not truly independent of the legislative process.

S. 305

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 305, a bill to authorize Federal depository institution regulatory agencies to revoke charters, terminate deposit insurance, and remove or suspend officers and directors of depository institutions involved in money laundering or monetary transaction reporting offenses, to amend chapter 53 of title 31, United States Code, to require the Secretary of the Treasury to issue regulations concerning the identification of nonbank financial institutions subject to the Bank Secrecy Act, to prohibit illegal money transmitting businesses, and for other purposes.

S. 311

At the request of Mr. ROTH, the names of the Senator from Virginia [Mr. WARNER], the Senator from Delaware [Mr. BIDEN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 311, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 313

At the request of Mr. SPECTER, the name of the Senator from Colorado [Mr. WIRTH], was added as a cosponsor of S. 313, a bill to carry out obligations of the United States under the United Nations Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from a person who engages in torture or extra judicial killing.

S. 315

At the request of Mr. KASTEN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 315, a bill to amend the Internal Revenue Code of 1986 to increase to 100 percent and make permanent the deduction for health insurance for self-employed individuals.

S. 316

At the request of Mr. CRAIG, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 316, a bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process.

S. 329

At the request of Mr. PELL, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Nebraska [Mr. EXON], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 329, a bill to strengthen the teaching profession, and for other purposes.

S. 330

At the request of Mr. DECONCINI, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 330, a bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38 United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

S. 335

At the request of Mr. KENNEDY, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 335, a bill to provide relief for active duty military personnel serving in connection with Operation Desert Storm on obligations under the Robert T. Stafford Student Loan Program, to alleviate health care provider shortages resulting from hostilities, and for other purposes.

S. 340

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 340, a bill to amend the Internal Revenue Code of 1986 to impose a tax on the excess profits of large oil companies, and for other purposes.

S. 341

At the request of Mr. JOHNSTON, the names of the Senator from Utah [Mr. GARN], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 341, a bill to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation and for other purposes.

S. 349

At the request of Mr. BUMPERS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such Act, and for other purposes.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 413

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts [Mr. KERRY], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 413, a bill to authorize supplemental appropriations for fiscal year 1991 for relief, rehabilitation, and reconstruction in Liberia.

S. 433

At the request of Mr. BUMPERS, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 433, a bill to provide for the disposition of certain minerals on Federal lands, and for other purposes.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge.

SENATE JOINT RESOLUTION 55

At the request of Mr. PELL, the names of the Senator from Georgia [Mr. NUNN], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arizona [Mr. DECONCINI], the Senator from Idaho [Mr. CRAIG], the Senator from Michigan [Mr. LEVIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Alabama [Mr. SHELBY], the Senator from Pennsylvania [Mr. SPECTER], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. GARN], the Senator from Missouri [Mr. DANFORTH], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 55, a joint resolution commemorating the 200th Anniversary of U.S.-Portugese Diplomatic Relations.

SENATE JOINT RESOLUTION 57

At the request of Mr. THURMOND, the names of the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the month of May, 1991, as "National Foster Care Month."

SENATE JOINT RESOLUTION 63

At the request of Mr. KASTEN, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of Senate Joint Resolution 63, a joint resolution to designate June 14, 1991 as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 65

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 65, a joint resolution designating the week beginning May 12, 1991, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 70

At the request of Mr. LIEBERMAN, the names of the Senator from Michigan [Mr. RIEGLE], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 70, a joint resolution to establish April 15, 1991, as "National Recycling Day."

SENATE JOINT RESOLUTION 73

At the request of Mr. SPECTER, the names of the Senator from Nevada [Mr. REID], the Senator from Washington [Mr. ADAMS], the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Alabama [Mr. SHELBY], the Senator from North Dakota [Mr. BURDICK], the Senator from Arkansas [Mr. BUMPERS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Georgia [Mr. FOWLER], the Senator from Arizona [Mr. DECONCINI], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 73, a joint resolution designating October 1991 as "National Domestic Violence Awareness Month."

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Joint Resolution 73, supra.

SENATE CONCURRENT RESOLUTION 1

At the request of Mr. HARKIN, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Vermont [Mr. LEAHY], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Concurrent Resolution 1, a concurrent resolution expressing the sense of the Congress regarding policy on underground nuclear explosions.

SENATE RESOLUTION 22

At the request of Mr. D'AMATO, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Resolution 22, a resolution to urge the President to grant full diplomatic recognition to the Republics of Lithuania, Latvia, and Estonia.

SENATE RESOLUTION 41

At the request of Mr. LIEBERMAN, the names of the Senator from Michigan [Mr. RIEGLE], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Resolution 41, a resolution to establish April 15, 1991, as "National Recycling Day."

AMENDMENT NO. 3

At the request of Mr. SPECTER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of amendment No. 3 proposed to S. 320, a bill to reauthorize the Export Administration Act of 1979, and for other purposes.

SENATE RESOLUTION 58—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE PRINTING OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. FORD, from the Commiteee on Rules and Administration, reported the following original resolution; which was placed on the calendar;

S. RES. 58

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 600 additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 59—RELATIVE TO THE DEATH OF REPRESENTATIVE SILVIO O. CONTE

Mr. KENNEDY (for himself, Mr. KERRY, Mr. MITCHELL, and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 59

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Silvio O. Conte, late a Representative from the Commonwealth of Massachusetts.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

SENATE RESOLUTION 60—RELATING TO THE AUTHORIZATION OF SENATE EMPLOYEES TO TESTIFY AND TO PRODUCE RECORDS OF THE SENATE

Mr. FORD (for Mr. Mitchell) submitted the following resolution; which was considered and agreed to.

S. Res. 60

Whereas, the Select Committee on Ethics has referred to the Department of Justice for its attention matters relating to the conduct of Senator Dave Durenberger;

Whereas, the Department of Justice is seeking information from present and former employees of the Senate of the United States in connection with this referral;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the provision by Senate employees of information acquired in the course of their official duties is needful for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That present and former employees of the Senate are authorized to testify and to produce records of the Senate, except as to matters for which a privilege should be asserted, in connection with the referral of the Select Committee on Ethics to the Department of Justice of matters relating to the conduct of Senator Dave Durenberger.

AMENDMENTS SUBMITTED

DEFENSE PRODUCTION ACT AMENDMENTS

EXON AMENDMENT NO. 10

Mr. EXON proposed an amendment to the bill (S. 347) to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes, as follows:

At the appropriate place in the bill insert the following:

SECT. . EXEMPTION FROM TERMINATION.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "and 719" and inserting "719, and 721".

DODD (AND OTHERS) AMENDMENT NO. 11

Mr. DODD (for himself, Mr. Bond, Mr. Lieberman, Mr. D'Amato, and Mr. Seymour) proposed an amendment to the bill S. 347, supra, as follows:

At the appropriate place, insert the following:

SEC. . EXPORT-IMPORT BANK AUTHORITY.

Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended by adding at the end the following subparagraph:

"(H) Notwithstanding subparagraph (A) of this paragraph and section 32 of the Arms Export Control Act, the Bank in the exercise of its functions may guarantee or insure the commercial sale of defense articles or services to any country which is a member of the North Atlantic Treaty Organization, Japan, Israel, Australia, and New Zealand, except that—

"(i) not more than $1,000,000,000 of the loan and guarantee authority available to the Bank in any fiscal year may be used by the Bank to support commercial sales of defense articles and services exclusive of any support provided by the Bank under subparagraph (B); and

"(ii) support for any such sale may only be provided if the Bank determines that loan and guarantee authority available to the Bank in the year of the sale is in excess of requirements for commercial, nonmilitary exports for that year.".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests be authorized to meet during the session of the Senate, 2 p.m., February 21, 1991, to receive testimony on the recent agreement to transfer control of the Yosemite Park and Curry Co. from MCA, Inc. to the National Park Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet Thursday, February 21, 1991, (in lieu of Wednesday, February 20, 1991) at 9 a.m. in open session to receive testimony on the Defense authorization request for fiscal years 1991 and 1993 and the fiscal years 1992–97 future year Defense plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 21, at 2 p.m. to hold a hearing on the civil war in Yugoslavia; the U.S. response.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent for the Senate Select Committee on Indian Affairs to hold an oversight hearing on the administration's fiscal year 1992 budget requests for Indian programs from 9:30 a.m. to 1 p.m. on February 21, 1991, in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 21, 1991, to receive testimony on the administration's national energy strategy

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TOXIC SUBSTANCES, ENVIRONMENTAL OVERSIGHT RESEARCH, AND DEVELOPMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances, Environmental Oversight, Research and Development, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, February 21, beginning at 2 p.m., to conduct a hearing on the administration's proposals to address lead poisoning and contamination.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts and Humanities of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, February 21, 1991, at 10 a.m., for a hearing on the reauthorization of the Higher Education Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be allowed to meet during the session of the Senate on Thursday, February 21, 1991, at 10 a.m., to conduct a hearing on the condition of the banking industry and its broader economic implications.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Consumer Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 21, 1991, at 8:30 a.m. on S. 279, the Motor Vehicle Fuel Efficiency Act.

The PRESIDING OFFICER. Without objection it is so ordered.

ADDITIONAL STATEMENTS

WHAT WE CAN'T SAY CAN HURT US

• Mr. SIMON. Mr. President, a little more than a year ago, I was handed a statement published by the American Council on Education developed by their Commission on International Education.

At that time I glanced through it and applauded it, but I was concentrating on some other issue, which one I do not remember now. The other day, in preparation for reauthorization of the Higher Education Act, which we will have to do this year, I got out that report and re-read it. It is so striking in its wisdom and its call for the United States to do better, that I will be asking that it be printed in the RECORD following my remarks.

Those who served on the commission were: Leon E. Boothe, chair, president, Northern Kentucky University; Steven C. Beering, president, Purdue University; Richard Berendzen, president, the American University; William C. Cassell, president, Heidelberg College; Max Castillo, president, San Antonio College; Gordon P. Eaton, president, Iowa State University; Claire Gaudiani, president, Connecticut College; Janet Greenwood, president, University of Bridgeport; James B. Holderman, president, University of South Carolina; Roger H. Hull, president, Beloit College; Edward Kormondy, chancellor, University of Hawaii at Hilo; John Lombardi, provost, the Johns Hopkins University; Thomas A. Manion, president, St. Norbert College; Richard S. Meyers, president, Western Oregon State College; Iqbal Paroo, president, Hahnemann University; Wesley W. Posvar, president, University of Pittsburgh; Tyronza Richmond, chancellor, North Carolina Central University; Olin Robison, president, Middlebury College; Isaura Santiago Santiago, president, City University of New York—Hostos community College; Robert A. Scott, president, Ramapo College of New Jersey; Clint E. Smith, program officer, the William and Flora Hewlett Foundation; Niara Sudarkasa, president, Lincoln University; Elwin V. Svenson, vice chancellor, University of California, Los Angeles; Humphrey Tonkin, president, University of Hartford; Richard M. Turner III, president, Nashville State Technical Institute; Delbert Weber, chancellor, University of Nebraska at Omaha; Richard J. Wood, president, Earlham College; Robert L. Woodbury, chancellor, University of Maine Systems; Valerie Woolston, director, International Education Services, University of Maryland; James H. Young, chancellor, University of Arkansas at Little Rock.

They have a great number of recommendations including: First, Foreign language training for Americans to start as early as possible, preferably in elementary school, and be carried through secondary school; second, teacher training should include foreign language competence and maintenance and opportunities to study abroad; third, colleges and universities should encourage adult foreign language learning; fourth, language requirements at every level should be expressed in terms of competency—ability to use the language—rather than number of courses taken; fifth, intensive foreign language programs and study abroad are essential elements of achieving real proficiency in a foreign language; sixth, library resources must be sufficient to support the institution's language instruction program; and seventh, language instruction at both undergraduate and graduate levels must be better integrated with other studies and programs.

I urge my colleagues to read this report in the CONGRESSIONAL RECORD. You will find a great many additional recommendations and supporting material for it.

The report is a brief one, but length is not always an indication of wisdom, as the Gettysburg Address of Abraham Lincoln shows.

We will in a few months be looking at the whole question of where we go in reauthorizing the Higher Education Act, and my hope is that we can find at least partial answers to encouraging the study of foreign languages, a desperate need in this country, an area where we are behind virtually every other country on the face of the Earth.

I ask to insert the recommendations of the American Council on Education's Commission on International Education at this point.

The material follows:

[American Council on Education Policy Statement]

WHAT WE CAN'T SAY CAN HURT US

A CALL FOR FOREIGN LANGUAGE COMPETENCE BY THE YEAR 2000

"All college and university graduates must be knowledgeable about the broader world and conversant in another language."—America in Transition: The International Frontier, National Governors Association, 1989.

FOREWORD

American educators and policymakers have come to the sobering conclusion that learning other languages is an essential part of an education for today's and tomorrow's world. Other nations have succeeded in teaching their young people to be proficient in a second and even third language; but our great nation has been unable or unwilling to do the same.

This statement, developed by the American Council on Education's Commission on International Education and endorsed by the ACE Board of Directors, calls on higher education leaders to make foreign language competence an integral part of a college education. Every baccalaureate holder should be competent in a second language; we can settle for no less as we move into the next century.

The following pages elaborate on how we can achieve this ambitious goal, providing concrete suggestions that will help us move forward and shed our unenviable image of "tongue-tied Americans," to use a phrase of Senator Paul Simon. We recognize that the task we face is considerable, but the payoff to our national well-being will be worth the effort. We cannot be a leader in the world while our citizens are captive of their inability to communicate beyond our borders.

We offer this statement to colleges and universities in the hope that it will provide a point of departure, a basis for discussion and for much-needed action.—Robert H. Atwell, President, American Council on Education.

A CALL TO ACTION

This new call to action on foreign language competence is addressed to the leaders of American higher education—the presidents and chancellors, academic vice presidents, provosts and deans who are responsible for giving academic direction to our colleges and universities. It calls for action by all who are shocked and dismayed by reports of the level of ignorance of Americans regarding the rest of the world and those who are concerned by our continued inability to communicate with other people using their native language.

The statement is addressed primarily to presidents and academic officers because they are the people who can lead institutions, through the faculty, to sustained commitment to increase their students' understanding of other cultures and languages. The goal of competency in a foreign language requires institution-wide activity and commitment; it is not business of language departments alone. If an institution is truly committed to providing students with an opportunity to achieve proficiency in a foreign language, that effort will effect the undergraduate curriculum, graduate education, institutional ogranization, and the faculty development and reward system.

Several recent reports point out the damage to U.S. interests caused by our ignorance of other cultures and languages. The President's Commission on Foreign Languages and International Studies, the National Governors' Association, the Council of Chief State School Officers, the New England Board of Higher Education, the Business-Higher Education Forum, and several higher education associations have issued statements on the need for international and foreign language competence for our economic competitiveness, national security, and the protection of America's position in the world.

The recent report of the National Governor's Association (1989) states emphatically:

"Knowledge of other languages is essential for business and trade with economic competitors. Foreign language study also can be an important bridge to the understanding of other countries and cultures. . . . All college and university graduates must be knowledgeable about the broader world and conversant in another language."

American colleges and universities are not yet succeeding in their mission to equip our students for life in an independent world and to prepare them to communicate with people who speak other languages. The problem cannot and will not be solved by foreign language departments acting alone. We call for focus and coordination from leadership at the highest levels.

Few American colleges and universities require foreign language for degrees. Most students who do take foreign language courses cannot use the language to communicate effectively.

Fewer than one half of one per cent of the 12 million students enrolled in American colleges and universities study abroad in any one year.

Eighty per cent of all American-made goods now face direct international competition at home or abroad.

Few American business leaders or employees can speak any foreign language; therefore corporations are increasingly hiring language-competent graduates from abroad.

Over twenty per cent of American corporations now conduct business abroad; by the year 2000, that figure will be thirty per cent.

The professions of science, medicine, engineering and agriculture are increasingly global. The percentage of scientific research published in other languages is increasing.

The American educational system should produce sufficient numbers of language-competent citizens to meet national needs—in business, in the professions, and in government. We urge U.S. colleges and universities to set goals for foreign language competence by the year 2000.

Achieve usable levels of proficiency for all baccalaureate graduates. Achieve professional levels of foreign language proficiency for a significant proportion of all undergraduate and graduate students in order to meet foreign language needs for business and the professions.

Provide opportunities for students in all disciplines and pre-professional programs to achieve high levels of foreign language proficiency by a combination of preparatory courses, intensive courses, and foreign study and internships, as well as the infusion of international and foreign language materials into substantive disciplinary courses.

Increase significantly the percentage of all students who study abroad, their diversity, and the number of places to which they go.

Provide opportunities for the achievement and maintenance of foreign language proficiency for faculty in all disciplines.

Increase the number of language-competent elementary and secondary school teachers.

Give students an awareness of how one learns languages as well as knowledge of specific languages.

RECOMMENDATIONS

1. Provide continuity in language learning throughout the educational process

Foreign language training for Americans should start as early as possible, preferably in elementary shcool, and be carried through secondary school. Colleges and universities can support this goal by encouraging applicants to demonstrate foreign language competence as part of the admissions procedure. The purpose of introducing language in elementary and secondary schools is not to allow students to "examine out" of language requirements in college, but to give them a base on which to build higher level proficiency.

Teacher training includes foreign language competence and maintenance and opportunities to study abroad. Teachers at the elementary and secondary levels should be able to communicate in foreign languages and relate to other cultures.

Colleges and universities should be prepared to build on language skills acquired at the secondary school level by offering advanced language training and opportunities for use. Since secondary schools are increasingly providing foreign language instruction even in some previously rarely taught languages such as Japanese, Chinese, and Russian, colleges should do the same.

Colleges and universities should promote cooperative arrangements between elementary, secondary and postsecondary institutions in order to improve language instruction at all levels and to facilitate sequential learning. Coordination and cooperation among the different levels of education will increase efficiency and enhance our ability to achieve our goals. Furthermore, colleges and universities should strengthen teacher preparation programs in order to provide the necessary numbers of qualified language teachers at all levels of instruction.

Colleges and universities should encourage adult foreign language learning. Many adults discover a new need for learning or relearning a foreign language—for business, for travel, for general intellectual development. Genuine competence in a second language is attainable by all individuals, including adults, but it may require less emphasis on reading and writing, grammar and literature, than many college-level courses provide, and more work on speaking and listening skills, that is, on competence in using the language to communicate. Intensive programs like those of the Foreign Service Institute should be considered.

2. Stress language competence as a vital educational outcome

Foreign language training should be considered a normal part of the education of every American. At least minimal levels of competence should be expected for every bachelor's degree. Foreign language and international competence should not be only for language and international studies majors.

Entrance requirements for foreign language can encourage students to begin their foreign language study during elementary or secondary school and are a proven method of increasing attention to foreign language teaching at the secondary school level. We encourage adoption of entrance requirements but note that care must be taken that such requirements do not limit access for students without adequate opportunity to study language in high school or for learning-disabled students for whom special provisons must be made.

Language requirements at every level should be expressed in terms of competency—ability to use the language—rather than number of courses taken. All four language skills—speaking, listening, reading and writing should be emphasized.

Because competency in communicating in foreign languages is key to cultural competence, proficiency should be the major goal of language instruction. Cultural competence is understanding how to deal with cultural differences, it requires effective use of the language of the culture.

Institutions should provide special opportunities for highly motiviated and talented students to achieve high-level language proficiency. Institutions should create incentives to encourage students to acquire these skills. Upper level foreign language courses should include a variety of materials rather than only literature.

Intensive foreign language programs and study abroad are essential elements of achieving real proficiency in a foreign language. Success is higher if instruction is followed by use of the language in the country where it is spoken or by total immersion programs. This may require examining the structure of financial aid to ensure that financial aid students can enroll in full-time study opportunities at least for intensive summer work, and that aid is available for the serious language student for study or internship abroad. Study abroad programs should be built into the budgeting and pricing structure of any institution which is serious about foreign language instruction.

Leaders should promote and support use of the full range of technologies for providing individualized language instruction and for communicating with the world. Satellite links, new computer software, expanding computer networks, and video disks are especially important for the less commonly taught languages, where demand on an individual campus may be low.

Library resources must be sufficient to support the institution's language instruction programs. Budgets for new or expanded language programs should include funds for initial and ongoing library acquisitions.

Language instruction at both undergraduate and graduate levels must be better integrated with other studies and programs. This requires discussion and coordination both with the rest of the international program and with other departments, including pre-professional and professional studies such as business, agriculture, engineering, and health sciences. Institutions should examine the organizational structure to determine the best way to support such integration. A high-level coordinating committee and/or the appointment of a faculty-level administrator with appropriate resources can ensure that foreign languages, international studies, study abroad, and faculty development in international and foreign language fields support common institutional goals of international competence for all.

3. Provide institutional initiatives that will facilitate the process of language learning for students and faculty

Academic leaders should keep track of and make public the percentage of their students in each major field who are taking foreign language courses and at what level. They should insist on evidence of proficiency attained by students in foreign language courses at various levels. Foreign language instructors should agree on attainable standards of performance and on appropriate courses and models to achieve the language competency goals.

Institutions should cooperate with each other in foreign language teaching wherever possible. Consortia and other forms of interinstitutional cooperation maximize the availability of resources and can be especially effective for the less commonly taught languages and area studies and for summer or inter-term intensive language institutes.

Faculty in other disciplines should be supported and encouraged to acquire or improve their foreign language skills and international knowledge. They can use these skills to increase opportunities for language competent students to use foreign languages and international expertise in a variety of disciplinary majors.

Institutions should inventory the foreign language and international competencies of their students, faculty, and staff and utilize that expertise in the education of their students. Utilization of already available resources is advisable. Use of native-born or foreign-born language competent individuals can help students achieve the goal of language competency.

Student/faculty campus programs using foreign languages should be expanded. Interest in foreign languages can be enhanced by exposure through multilingual social and cultural activities.

Faculty, administration, and students must be convinced of the importance to the mission of the institution of the international and foreign language dimension. We are educating now the students who will be the future leaders of America. Presidential leadership is crucial in obtaining these goals.

MYTHS ABOUT LANGUAGE LEARNING

Americans do not need foreign language since English is an international language.

The great majority of the peoples of the world are not English-speaking. Communicating and transacting business internationally is more effective when an effort is made to communicate in the relevant local language.

American businesses do not need multilingual employees because they can hire English-speaking local residents and interpreters abroad. In fact, dependence on translation puts the American businessperson at a disadvantage and frequently leads to misunderstandings and possibly loss of business.

Americans are incapable of learning foreign languages. Americans are not less capable than any other peoples of the world. However, most other people start the study of a second language earlier than we do, when it is easier for them to learn, and therefore have a head start when they reach college.

Adults cannot learn foreign languages. There is no evidence that suggests that adults cannot learn other languages, but alternative techniques of language learning may be needed. Foreign language teachers already know a great deal about the most effective techniques.

College students are not interested in studying foreign languages. Low levels of interest may reflect both societal attitudes and geographic factors. We now know a variety of ways to increase student motivation to become proficient in a foreign language. Good counseling and curriculum changes in incorporating international studies enhance student interest. In an increasingly interdependent world, communication in multiple languages is a vehicle to better understanding of cultures and business transactions.

APPENDIX 1—THE CURRENT STATUS OF INTERNATIONAL AND FOREIGN LANGUAGE COMPETENCE

A new major study conducted by Richard Lambert for the American Council on Education describes the problems:

Fewer than half of the college students whose transcripts were examined had taken college level language courses past the intermediate level.

Less than 9 percent of American universities require a foreign language for the baccalaureate degree for all students (although 22 percent of baccalaureate colleges do).

Of those institutions that do require foreign language for all students, many require one year or less.

The National Governors' Association in its 1989 report, America in Transition—The International Frontier, states:

The vast majority of U.S. citizens cannot speak a language other than English . . .

Only 17 percent of U.S. public elementary schools offer any form of language instruction. Many that do offer classes offer only introductory exposure.

Only one in five American high school graduates take more than two years of a foreign language and less than one in ten enroll in four years of language.

A recent analysis of U.S. postsecondary students transcripts revealed that 53 percent took no basic foreign language classes during their undergraduate years.

Twenty-six states report a shortage of foreign language teachers at either the elementary or secondary level.

Most students who do take a foreign language cannot use it to communicate.

They do not study language long enough or under the necessary conditions to master it.

An insufficient number of advanced courses concentrate on speaking and listening skills; most emphasize literature.

Fewer than 50 thousand, or about .04 percent of over 12 million American college level students study abroad each year.

Of those, 33 thousand studied in non-English speaking countries.

Only 20 percent of those studying abroad stayed for the whole academic year.

The Council on International Education Exchange states in its 1988 report, "Educating for Global Competence," that:

The U.S. is the only major world power with no language requirement for entering its foreign service. Key posts are filled by ambassadors who do not speak the local language and cannot read the local newspaper.

Only 3 percent of American high school graduates and only 5 percent of our college graduates reach a meaningful proficiency in a second language despite the fact that many of them come from bilingual homes.

As recently as three years ago, 33 states did not require any foreign language study in high school, and one of every five high schools did not offer any foreign language instruction at all.

The U.S. continues to be one of the few nations in the world where a student can graduate from college without ever having studied a foreign language.

Fewer than 1 percent of U.S. military personnel stationed abroad are able to use the language of their host country.

APPENDIX 2—THE NEED FOR INTERNATIONAL AND LANGUAGE COMPETENCY

International trade and interdependency of financial markets continue to increase while the U.S. is facing international financial problems partly due to the deterioration of our international competitiveness:

In 1987 the U.S. exported $243 billion and imported about $400 billion, generating a trade deficit of over $150 billion.

In 1986, U.S. assets abroad amounts to $1,067 billion while foreign assets held in the U.S. amounted to $1,331.5 billion.

In 1985 the U.S. became the largest debtor nation in the world.

The World bank reports that between 1965–80 U.S. exports were growing 6.9 percent annually; during 1980–86 the rate was 2.7 percent annually. Growth in imports increased from 6.2 percent to 9 percent annually during those periods.

According to the U.S. Department of Commerce, 80 percent of all American-made goods now face international competition either at home or abroad.

To eliminate the significance deficits and the world's largest debtor nation status, Americans must become more active in trading and therefore must better understand and communicate with the world. Speaking other languages and understanding other cultures is a key element in maintaining our leadership role in the world community. The need for foreign language competence is exemplified by articles in business magazines and government and international association reports.

"How are we to sell our products in a global economy when we neglect to learn the language of the customer? How are we to open overseas markets when our cultures are only dimly understood."—Governor of Virginia, L. Baliles, in America in Transition: The International Frontier, the National Governor's Association, 1989.

Speaking local languages is one way to gain competitive advantage. In increasingly competitive markets every little edge counts.

42% of a sample of British businessmen thought they could have done better if they had taken the trouble to speak the local language.

One reason Americans find it so difficult to do business with the rest of the world is that they are so ignorant of it. International comparisons of the number of Americans learning foreign languages rank the nation woefully low.

Virtually all of Caterpillar's, an American maker of bulldozers, 550 staff in Geneva are at least bilingual.

In the European subsidiaries of Dupont managers normally speak the local language. All the international executives of Nestle, a Swiss multinational, speak two languages without exception.—The Economist of May 16, 1987.

Widespread culture innocence and language illiteracy is one of the three factors of prime importance in resolving the persistent U.S. trade deficits.

At least one factor contributing to the failure to cure the U.S. trade deficit seems to be the shocking lack of preparation expatriates receive before they go overseas. . . . The importance of competence in the language of the host country cannot be stressed too much.

The Business Council for International Understanding of Washington, D.C., estimates, based on their 30 year experience, that managers who go abroad without cross cultural preparation have a failure rate ranging from 33 percent to 66 percent. This contrasts with a rate of less than 2 percent failure for those with such training.—Arthur Whitehill, In "America's Trade Deficit: The Human Problems" in Business Horizons, Jan/Feb, 1988.

More technical journals are being published in other languages and the English speaking percentage of the total world population continues to decrease.

A growing number of foreign governments, in the interest of exercising their national sovereignty are requiring the sole use of their national languages in all contracts and contract negotiations.

It is often desirable for U.S. Managers to speak directly with lower level employees in their foreign subsidiary and this usually requires the use of foreign language. Some international executives have encountered great difficulty in managing subordinates because of the inability to communicate verbally.

Knowing the language facilitates one's comprehension of the culture, politics, laws, and environment of a foreign country, and breeds closer familiarity with the customer's business customs and decision making constraints. Language skills are also important in the growing need to understand and anticipate foreign economic and political developments in order to assess business risks.—Nancy Henderson, In "Selling Abroad: Speaking Their Language", in Business America, Sept. 7, 1981.

Shifting dynamics in world trade means that, more and more, the language of trade is the language of the customer. If the U.S. is to compete effectively and expand trade, it must continue to place a greater emphasis on adequate language instruction.—The National Governor's Association Committee on International and Foreign Relations statement "Educating Americans for Tomorrow's World", July 87.

To fully appreciate differences in cultures we must understand other languages. It is no longer possible to assume that we will be able to sell our products, conduct our negotiations and understand our world in English. If we cannot communicate with the rest of the world, we will lose markets for our products and our ideas.—The Southern Governor's Association Advisory Council on International Education, report on "Cornerstone of Competition", November, 1986.

Education must prepare us to participate fully in the global community.

Urge colleges and universities to establish second langauge requirements for admissions to and graduates from appropriate post-secondary programs. The requirements should include demonstrated proficiency in speaking, understanding, reading and writing the second language.—The Council of Chief State School Officers, report "International Dimensions of Education", November 1985.

"International ignorance is a luxury that America can no longer afford."—Business Higher Education Forum, summer 1988 meeting.

ANNIVERSARY OF THE TAKING OF VINCENNES BY GEORGE ROGERS CLARK

• Mr. LUGAR. Mr. President, I want to take this opportunity to recognize the anniversary of the capture of Fort Sackville and Vincennes by George Rogers Clark on February 25, 1779.

The heroic deeds of George Rogers Clark are a significant event in the history of both Indiana and the United States of America. George Rogers Clark led 135 men on a 240-mile journey through the slush and icy floods of southern Illinois and strategically acquired the Old Northwest Territory for our fledgling country. The leadership exhibited by George Rogers Clark, the superior marksmanship of American frontiersmen, and the sound strategy of attack surprised the British and forced an unconditional surrender. This single action doubled the size of the Original Thirteen Colonies and paved the way for the westward expansion of the United States.

The noted scholar and author, Ross F. Lockridge, addressed the Vincennes Chamber of Commerce in Vincennes, IN, on December 21, 1926, and brought the rich experience of George Rogers Clark to light. I ask that the following excerpt be printed in the CONGRESSIONAL RECORD.

The excerpt follows:

If ever there was an example of inspired leadership in great historical accomplishment it was in this case of George Rogers Clark. At least he thought he was inspired. He believed, as he said, that he had a divine mission. His success was not the result of chance or fortune—not even in any single small particular.

It was the result of glorious vision and careful forethought. He carefully contemplated and definitely determined every phase of his conduct in advance. This was a monumental example of the right man for the right thing. He knew where he was going, he knew how to get there and he did not falter on the way. Carlisle has said "the history of the world is the biography of great men." It would be difficult, indeed, to find in all the annals of history a more significant demonstration of the truth of this dictum than in the heroic episode which culminated here at Vincennes. For certainly the conquest of the Northwest was peculiarly and distinctively the deed of George Rogers Clark. Certainly vast and grateful credit is due many for the success of this great enterprise. We pay due tribute to Patrick Henry and Thomas Jefferson for their patriot faith in supporting Clark when his enterprise seemed but a wild young dream. We are profoundly indebted to Francis Vigo, the big-hearted Sardinian, the broad-minded Spanish merchant who impoverished himself to help furnish supplies for the expedition. We owe deference and regard to Father Pierre Gibault for his invaluable and timely aid by which he was impoverished and ultimately forced into exile. Let us grant him the honored title of Patriot Priest of the Northwest. We can freely give imperishable renown to those intrepid backwoodsmen, the gallant riflemen who endured incredible hardships and reduced and English fort by sheer gallantry and peerless marksmanship. Certainly they deserve to be ranked with the Immortals, but over all there must ever be eternal glory for George Rogers Clark! He was ever the Captain Courageous, the soul, mind and arm of this great enterprise. Let us remember that it was he who first conceived this desperate undertaking. It was not Patrick Henry. It was not Thomas Jefferson. It was not George Washington. It was George Rogers Clark who conceived it. His the patriotic vision that conceived the undertaking, his the keen and powerful mind that organized it in every detail, and his the valiant arm that executed it. Let us crown him forever with a nation's tribute as the conquering hero of the Northwest.

At the time of this immortal achievement he was a mere youth twenty-six years of age, a perfect figure of a triumphant hero. It is usually the way of romance and always the policy of the movies to leave the hero in his ascendancy, as is fit, but I regret to say that it is not always the way of history. It seems almost unbelievable that a life which had such a bright and glorious morning, such a brillant forenoon, should have had such a dismal afternoon and evening. During practically all the rest of his life for forty years, he was destined to experience discouragement, disappointment, humiliation and anguish almost without parallel in the history of outstanding men. This experience of George Rogers Clark is worthy of thoughful contemplation as a reflection upon the uncertainties of life and the perverse ways of fate. It is a sad commentary upon the ingratitude of humanity and particularly upon the ingratitude of republics.

I cannot enter into a discussion of all the reasons for this later career, but wish to mention briefly a few of the most outstanding. I told you that his resources and provisions had become entirely exhausted with the conquest of Kaskaskia. In order to push the expedition to Vincennes and later to carry on further campaigns against the Indians, he had to pledge his own name and credit for provisions and supplies, which he ordered in the name of Virginia and for which he thought Virginia would certainly reimburse him; but Virginia never did. He thus became bound for claims and debts in large amounts which were not justly his, but which he was compelled to pay as far as his means extended. He thought that he was a man of wealth, as he would have been in due course, since he had taken large land holdings in Kentucky, but those claims and bills of credit were bought up for trifling amounts by unscrupulous "sharks" who hounded and harassed him all the rest of his life. All his property was taken from him and then there was not enough. He was never permitted to hold property in his own name. He could not share in the patrimony of his father's estate because of greedy claimants. For five years he did not receive officers' pay for his services as colonel and as brigadier general, until finally given a grant of poor land in Kentucky as compensation, and even this poor pittance was seized on execution for debts that were not justly his. By way of explanation of Virginia's neglect in this matter, we must remember that Virginia ceded the Northwest Territory to the United States in 1783, and by this she thought that she had relieved herself from all the debts and obligations that went with it, and so in the confusion and misunderstanding between Virginia and the Continental Congress, Clark's just and righteous claims went unheeded and he was impoverished and beggared in the empire which he had won.•

BLACK HISTORY

• Mr. SARBANES. Mr. President, in honor of African-Americans, their proud heritage, and ongoing contributions to this Nation, I want to take a moment to reflect on the history of their service in the U.S. military—a history replete with struggles, sacrifices and determination, and remarkable accomplishments. I join with pride in the celebration of Black History Month and in paying homage to African-Americans for their outstanding contributions to this Nation's military.

The participation of black Americans in the military can be traced back to the colonial period. They fought in most major battles of the Revolutionary War. By the end of that war, nearly 10,000 black Americans had served in the colonial armies of the Revolution. During the Civil War, President Lincoln was reluctant to have black American units in the Union military because he was afraid that the border States would join the Confederacy. Meanwhile, free black Americans, abolitionists, union commanders, and others lobbied for black participation.

On July 17, 1862, Congress authorized Lincoln to employ "persons of African descent" in the U.S. military. Although some States had already established their own regiments of black troops, the War Department in 1863 created a bureau to handle the recruitment and organization of black regiments. The units were known as the U.S. Colored Troops [USCT]. More than 200,000 black Americans served during the Civil War. Most notably, 23 black soldiers and sailors were awarded the Nation's highest military award, the Medal of Honor, for their outstanding service. I am especially pleased that nine of those courageous men were from the great State of Maryland. In my view, the courage and bravery of these African-Americans should serve as inspiration to all Americans.

Unfortunately, during World War I black Americans still had to endure a segregated military. Yet, they volunteered in force, many of them serving as combat troops in the all-black 92d and 93d Divisions. The 93d Division served with the French Army which later bestowed its highest military honor, the Croix de Guerre, to 171 black American troops for their outstanding service. Black heroes of that war include Henry Johnson of Albany, NY and Needham Roberts from Trenton, NJ. Both received the French award for successfully dispersing German infiltrators during a camp invasion.

During World War II, an all-black 332d Fighter Group, known as the Tuskegee Airmen, was activated under President Roosevelt in 1941. The group was trained at Tuskegee Army Air Field where a combat pilot program had been set up. This became known as the "Tuskegee Experiment." The group's record included more than 15,000 combat sorties and the downing of 261 enemy aircraft in North Africa and Italy during the last 2 years of the war. The Tuskegee-trained unit included about 1,000 pilots and thousands of support workers. Distinguishing themselves in combat technique, aggressiveness and courage, they received a Presidential Unit Citation on March 23, 1945. Some notable members of this exceptionable group are Representative LOUIS STOKES of Ohio; Detroit's former mayor, Coleman Young; and Gen. Daniel (Chappie) James, the first black four-star Air Force general. Black heroes from this distinguished group have formed several chapters of their organization throughout the United States and Europe, dedicated to uniting those who shared the frustrations, aspirations, and triumphs of being pioneers in black military aviation.

The commander of the 332d Fighter Group and an African-American pioneer in his own right, Benjamin Davis, Jr., became the Air Force's first black American general in 1954. He was also the first of his race to graduate from West Point during this century. Remarkably, General Davis, Jr., followed in the footsteps of his father, Benjamin O. Davis, Sr., who became the first black general of the U.S. Army in 1940. General Davis, Sr., is credited with mediating race relations in the military and helping to make opportunities available for his fellow African-Americans.

Indeed the outbreak of the Vietnam war in 1965 brought more career opportunities for these American soldiers to serve their country. African-Americans gained higher rank and entry into specialized fields that could be used in the civilian work force as well. It was also the first U.S. war with totally integrated forces, an important achievement for African-Americans, especially those who had struggled for recognition and equality in past wars.

The contributions of African-Americans in the U.S. military reflect their steadily increasing participation. Of the men and women serving in the Armed Forces in the Persian Gulf, 22 percent are African-American, the highest percentage ever to have served in the United States military thus far. It is especially significant that Gen. Colin L. Powell, an African-American, is the Chairman of the Joint Chiefs of Staff. General Powell has a unique background of combat service and international relations expertise. During college, he became an Army officer in the Reserve Officers Training Corps [ROTC]. He served in Vietnam for two tours of duty, and by the conclusion of the war, he had received 11 medals. Powell quickly rose to the top of the ranks, serving in the White House as Deputy National Security Adviser and then National Security Adviser under President Reagan. General Powell is an inspiration to all African-Americans.

African-Americans have surely overcome many obstacles in this Nation's military with great pride and success. As we honor them in celebration of Black History Month, we must assure young African-Americans that the doors of opportunity will remain open. All Americans must continue to seek to fulfill those laudable goals for this Nation's greatest strengths are drawn from the individual talents of every American.•

CHINA LEGAL SCHOLAR FACES DEATH PENALTY IN DEMOCRACY TRIAL

• Mr. SIMON. Mr. President, many of us continue to be concerned about the insensitivity of the Government of China to the whole area of human rights.

I am particularly concerned about the fate of Chen Xiaoping, a 29-year-old law lecturer who helped support students who were demonstrating at Tiananmen Square.

In our country and in freedom loving countries everywhere, he is a hero of freedom.

I hope our Government is making clear to the Government of China in unmistakable terms, while they may imprison those who fight for freedom in China, we regard them as heroes.

I hope representatives of the Chinese Government who follow what happens in the CONGRESSIONAL RECORD will recognize that by this type of action, they are creating problems for themselves in terms of their economic future and their political future.

We want to work with the Government of China, but as the Government of China moves away from freedom, that becomes increasingly difficult.

Mr. President, I ask to insert into the RECORD an article titled, "China Legal Scholar Faces Death Penalty In Democracy Trial" by Sheryl WuDunn at this point.

The article follows:

CHINA LEGAL SCHOLAR FACES DEATH PENALTY IN DEMOCRACY TRIAL

(By Sheryl WuDunn)

BEIJING, February 5—A legal scholar went on trial today for "conspiracy to overthrow the Government," the most serious criminal charge known to be leveled so far in the latest round of trials of Tiananmen democracy advocates. Conviction could bring the death penalty.

The scholar, Chen Xiaoping, a 29-year-old law lecturer with a reputation for intellectual brilliance, is one of at least four democracy advocates known to be charged so far with "conspiring to overthrow the Government."

Mr. Chen, who helped organize a citizens' group to support demonstrating students at Tiananmen Square, was a teacher at the University of Politics and Law until his arrest sometime shortly after the military crackdown on June 4, 1989. A graduate of Beijing University, Mr. Chen had a background in constitutional law and had taken part in previous student demonstrations.

If convicted, he would face a minimum jail sentence of 10 years, and if his case is deemed particularly serious, he could receive the death penalty. The trial was closed to foreigners, and it was not clear whether it ended today but no sentence was announced. In the past, sentences have been announced sometime after the end of the trial.

COOPERATION BRINGS RELEASE

Many foreign diplomats and Chinese lawyers say they rule out the death sentence, or even life imprisonment, for any of the students or scholars who took part peacefully in the Tiananmen democracy movement.

But most defendants brought to trial are convicted, although some have then been released because of their cooperative attitude. In China, legal punishment is often governed by the principle, "leniency to those who confess, harshness to those who resist."

The court has recently held political trials for nearly 30 Tiananmen democracy advocates, sentencing students to under four years and intellectuals and workers to longer terms.•

TRIBUTE TO OEA

• Mr. WIRTH. Mr. President, it was my great pleasure on January 25, 1991, to tour the OEA, Inc., offices and manufacturing plant near Aurora, CO.

OEA, formerly known as Ordnance Engineering Associates, is the world's leading manufacturer of airbag initiators, which cause the bags to inflate on impact. OEA produces 20,000 of these every day, and yet not a single one has ever failed to work properly. This record of flawless production and performance is not only remarkable, but is absolutely imperative.

It is because of OEA's record of 100 percent reliable performance that this company is one of our most important defense subcontractors. OEA equipment is used on virtually every U.S. military aircraft including those now deployed in the Persian Gulf. OEA systems are an essential component of every Tomahawk cruise missile. Furthermore, OEA provides the thrust necessary to propel pilots safely out of injured aircraft. Beginning with the *Discovery* in 1988, OEA has provided similar systems to our Space Shuttle Program, allowing up to eight crew members to exit the craft safely during an emergency.

As impressive as OEA's products are, and as important as they are to our national defense, most impressive is the dedication and pride of the company's 450 Colorado employees. Beginning with the example set by President Charles Kafadar and Chairman Ahmed Kafadar, the people at OEA demonstrate a unique ability to solve complex problems. They also exhibit pride in their work that comes from knowing how important their work is to security and to the well-being of the United States.

Companies like OEA are a shining example that American know-how is alive and well, and that America can lead the way into a 21st century that will be safer and more peaceful. Finally, Mr. President, I take this opportunity to salute and thank OEA and its many fine workers.•

RULES OF PROCEDURE, SELECT COMMITTEE ON INTELLIGENCE

• Mr. BOREN. Mr. President, paragraph 2 of Senate rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each committee be published in the RECORD.

In compliance with this provision, I ask that the Rules of the Select Committee on Intelligence be printed in the RECORD.

The material follows:

RULES OF PROCEDURE FOR THE SELECT COMMITTEE ON INTELLIGENCE, U.S. SENATE

(Adopted June 23, 1976)

(Amended October 24, 1990)

David L. Boren, Oklahoma, Chairman.

William S. Cohen, Maine, Vice Chairman.

Sam Nunn, Georgia; Ernest F. Hollings, South Carolina; Bill Bradley, New Jersey; Alan Cranston, California; Dennis DeConcini, Arizona; Howard M. Metzenbaum, Ohio; John H. Glenn, Jr., Ohio.

Orrin Hatch, Utah; Frank Murkowski, Alaska; Arlen Specter, Pennsylvania; John Warner, Virginia; Alfonse M. D'Amato, New York; John C. Danforth, Missouri.

George Mitchell, Maine, Ex Officio.

Robert Dole, Kansas, Ex Officio.

George J. Tenet, Staff Director.

James H. Dykstra, Minority Staff Director.

L. Britt Snider, General Counsel.

Kathleen P. McGhee, Chief Clerk.

RULES OF PROCEDURE FOR THE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meetng held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of five committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Commitee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4 No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5 The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPENAS

Subpenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpenas. Each subpena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2nd Session and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 *Notice.*—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2 *Oath or Affirmation.*—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3 *Interrogation.*—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4 *Counsel for the Witness.*—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5 *Statements by Witnesses.*—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6 *Objections and Rulings.*—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7 *Inspection and Correction.*—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8 *Requests to Testify.*—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 *Contempt Procedures.*—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the Committee to forward such recommendation to the Senate.

8.10 *Release of Name of Witness.*—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1 Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4 Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6 No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committee may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need to know such information for an official governmental purpose related to the work of the Committee Information discussed in Executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the Committee may be disclosed only to persons outside the Committee who have a need to know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf. Failure to abide by this provision shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400.

9.7 Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.8 Attendance of persons outside the Committee at closed meetings of the Committee shall be kept to a minimum and shall be limited to persons with appropriate security clearances and a need to know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1 For purposes of these rules, Committee staff includes employees of the Committee, employees of the Members of the Committee assigned to the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2 The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of Senate Resolution 400 of the 94th Congress.

10.3 The Committee staff works for the Committee as a whole, under the general supervision of the Chairman and Vice Chairman of the Committee. Except as otherwise provided by the Committee, the duties of Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4 The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5 The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, 2d Session, and to abide by the Committee's code of conduct.

10.7 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or in the event of the Committee's termination the Senate of any request for his or her testimony, either during his or her tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8 The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9 Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10 The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1 Under direction of the Chairman and Vice Chairman designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2 The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3 The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1 The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2 Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1 No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2 When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3 No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A

[94th Congress, 2d Session]

S. RES. 400

(Report No. 94–675)

(Report No. 94–770)

IN THE SENATE OF THE UNITED STATES

March 1, 1976

Mr. Mansfield (for Mr. Ribicoff) (for himself, Mr. Church, Mr. Percy, Mr. Baker, Mr. Brock, Mr. Chiles, Mr. Glenn, Mr. Huddleston, Mr. Jackson, Mr. Javits, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Morgan, Mr. Muskie, Mr. Nunn, Mr. Roth, Mr. Schweiker, and Mr. Weicker) submitted the following resolution; which was referred to the Committee on Government Operations

May 19, 1976

Considered, amended, and agreed to

To establish a Standing Committee of the Senate on Intelligence, and for other purposes

Resolved, That it is the purpose of this resolution to establish a new selected committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolutoin referred to as the "select committee"). The select committee shall be composed of fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause

(E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purpose of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters, requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5 (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct[1] and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

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[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95-1, Feb. 4, 1977.

SEC. 8. (A) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[1] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct,[1] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct[1] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigations, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

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[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95–1, Feb. 4, 1977.

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule by procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee to Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign of policy, national security, or related policies the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, miltary force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and convert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (This section authorized funds for the select committee for the period May 19, 1976, through Feb. 28, 1977.)

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

APPENDIX B

[94th Congress, 1st Session]

S. RES. 9

IN THE SENATE OF THE UNITED STATES

January 15, 1975

Mr. Chiles (for himself, Mr. Roth, Mr. Biden, Mr. Brock, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Hatfield, Mr. Hathaway, Mr. Humphrey, Mr. Javits, Mr. Johnston, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Muskie, Mr. Packwood, Mr. Percy, Mr. Proxmire, Mr. Stafford, Mr. Stevenson, Mr. Taft, Mr. Weicker, Mr. Bumpers, Mr. Stone, Mr. Culver, Mr. Ford, Mr. Hart of Colorado, Mr. Laxalt, Mr. Nelson, and Mr. Haskell) introduced the following resolution; which was read twice and referred to the Committee on Rules and Administration.

RESOLUTION

Amending the rules of the Senate relating to open committee meetings

Resolved, That paragraph 7(b) of rule XXV of the Standing Rules of the Senate is amended to read as follows;

"(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion or portions—

"(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

"(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

"(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

"(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

"(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

"(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

"(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.".

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102 (d) and (e) of the Congressional Budget Act of 1974 are repealed.•

BREAK UP THE CHINESE GULAG

• Mr. SIMON. Mr. President, one of the areas where we have not stood up on human rights is on China.

I say that not by way of hindsight, but as one who joined Chinese students in their protests both in Chicago and some days after Tiananmen Square in front of the Chinese Embassy here in Washington, DC.

Recently, the New York Times featured an op-ed piece by Robert L. Bernstein, chairman of Human Rights Watch, that calls on us to be more sensitive to the human rights situation in China.

I applaud his message.

Everytime we start waffling on human rights we end up doing damage to the cause of freedom in other countries, and we ultimately do damage to the respect and political effectiveness of our own country.

I urge my colleagues, who may not have seen the Robert Bernstein piece, to read it. I ask to insert the column in the RECORD at this point.

The column follows:

[From the New York Times, Feb. 17, 1991]

BREAK UP THE CHINESE GULAG

(By Robert L. Bernstein)

China's sentencing last week of two dissidents to 13 years in prison is the ultimate demonstration of the failure of so-called quiet diplomacy. Wang Juntao and Chen Ziming were champions of freedom, and their names deserve to be known to the world. Their arrest and convictions are an outrage, and the Chinese Government needs to hear it, in the strongest terms.

Wang Juntao, now 32, was a teenager when he was jailed by the Gang of Four for writing a poem to mark Zhou Enlai's death in 1976. The same year, Chen Ziming, now 38, got out of prison long enough to make a rousing speech in Tiananmen Square, only to be arrested again and sent to a labor camp. Three years later, as college students, they joined the Democracy Wall movement. After graduation Mr. Wang was relegated to a low-level job at a remote physics laboratory as a result. In 1985, the two men set up a think tank that conducted unprecedented opinion polls on issues of democracy and social justice.

In 1989, they were advisers to the students in Tiananmen Square and went into hiding after the June massacre. Mr. Chen and his wife were arrested that October trying to escape to Hong Kong; she was six months pregnant and had a miscarriage in prison. She is now free. Mr. Wang was arrested about the same time. Both men have been in solitary confinement.

The West's task is to make Wang Juntao and Chen Ziming a moral cause as Andrei Sakharov and Natan Sharansky were before them—and to get the same recognition for the hundreds of others who face prison terms.

To this end, Asia Watch, a division of Human Rights Watch, has formed the Committee to End the Chinese Gulag. It is headed by the Chinese disidents Fang Lizhi and Liu Binyan; Yuri Orlov, the former Soviet political prisoner, and myself.

We urge the boycott of professional conferences held in China until these men and women are released. (American Bar Association officials have been considering a visit to China to set up links with official law societies; they shouldn't go.) Nor should conferences held outside China include Beijing's hand-picked representatives.

We will protest any high-profile visits to China—be executives, musicians, writers and Government officials—unless these people raise the dissidents' cases. We will press for an end to the trading privileges the U.S. grants China as a most favored nation until those dissidents are freed. We demand that their release be as high on the Bush agenda as freedom for Soviet prisoners was for the Reagan Administration.

China has been completely let off the hook for the Tiananmen crackdown. Economic and political sanctions imposed by the U.S. and other governments have vanished into thin air.

In November, President Bush received China's Foreign Minister, Qian Qichen, a gesture that removed much of the force from the visit to Beijing a few weeks later of Assistant Secretary of State Richard Schifter. He took a list of 150 prisoners, but the names were never made public. The trials started just after he returned.

We have to change China's disdain for human rights. Constant attention worked for the Soviet prisoners. We have to make it work for the students, workers and intellectuals swallowed up by the Chinese gulag.

Simple justice demands it—and so does any hope for the "new world order" we hear so much about these days.●

VICTOR POOLE, LEADER FOR ALABAMA

● Mr. SHELBY. Mr. President, I rise today to pay tribute to an outstanding Alabamian. Mr. Victor Poole is the seventh district representative on the Alabama State Board of Education and the president of the Bank of Moundville. Further, he has been a positive influence in Alabama civic affairs for over 30 years.

As an influential member of the State Board of Education since the 1960's, Victor Poole has helped oversee the work of its 60,000 employees and the appropriation of its $2.7 billion budget. Victor Poole's career on the State Board of Education has been filled with outstanding accomplishments. In the 1970's, he was able to secure millions of dollars to build six vocational schools in his district's poorest region. Poole also worked to upgrade instruction in schools with heavy minority enrollment. This commitment led to a dramatic increase in average test scores in the region.

Victor Poole's greatest accomplishments may be his decade of work to establish statewide teacher certification. At the time, this program was a national breakthrough and served as a model for other States. Like much of Victor's work, he was able to achieve this goal at a time when people believed it was impossible.

Victor Poole has been equally successful in the business arena. As president and chairman of the Board of the Bank of Moundville since 1956, he has directed its emergence as one of the State's most secure financial institutions. The bank has grown from $500,000 in assets when he came on board to over $37 million today.

Victor Poole is a man of strong convictions and character who works within the framework of the State Board of Education to make sure Alabama's schools focus on the essentials in education as he sees them—the three R's, patriotism, and physical education. Victor is an accomplished consensus builder and motivator who achieves results through direct involvement and determination.

It is with great pleasure that I have shared the accomplishments of one of Alabama's leading citizens with my Senate colleagues.●

TRIBUTE TO DAN RODRIGUEZ AND HISPANIC BUSINESS

● Mr. WIRTH. Mr. President, I would like to take this opportunity to recognize the achievements of a Coloradan who is a leader of national significance on behalf of Hispanic business.

Mr. Dan Rodriguez is the executive director of the Colorado Hispanic Chamber of Commerce—and has been the driving force in this organization's growth for the last 5 years. Under Dan's leadership, the Hispanic Chamber has grown from 150 to more than 700 members. That is a remarkable achievement, and underscores the significant growth of Hispanic entrepreneurship in the last few years.

I have had the opportunity to work with the Colorado Hispanic Chamber of Commerce on a number of projects, and my staff and I have great respect for Dan and the men and women who make the chamber work so well.

Dan Rodriguez is a remarkable person. In many ways his personal story mirrors the stories of Hispanic Americans across the Nation. He started out on a cotton farm in Texas, served the country in the Air Force and worked his way to a position of political and commercial importance as the executive director of the chamber.

Coloradans of all political affiliations and representing every ethnic group and community have reason to be proud of a man like Dan Rodriguez, and I am pleased to use this occasion to recognize his considerable achievements.

Mr. President, I ask at this time that the following article from the Denver Post be printed in the RECORD:

The article follows:

[From the Denver Post, Feb. 8, 1991]

HISPANIC CHAMBER HEAD HAS CLOUT

(By Richard Johnson)

In October 1989, 400 military officers—including the commander of Lowry Air Force Base—gave Dan Rodriguez an enthusiastic ovation.

For Rodriguez, who grew up on a cotton farm in Texas, it was a sweet moment.

He had just finished an hour-long presentation as the keynote speaker at a Hispanic Heritage Luncheon sponsored by Lowry's officers' club.

"I couldn't help but be conscious that 28 years earlier I was stationed at Lowry as an airman," the 47-year-old Rodriguez recalled recently, with a faint, bemused smile. "In those days, I certainly didn't socialize with officers."

In those days, he couldn't pick up a telephone and get through to Gov. Roy Romer or to a legislator for that matter. Today, he can.

Rodriguez is executive director and chief operating officer of the Hispanic Chamber of Commerce Inc. The Denver-based organization's metropolitan membership has grown an impressive 366 percent since Rodriguez took the helm five years ago—from 150 to 700 members.

About 600 of the chamber's members are among metro Denver's 4,000 Hispanic-owned businesses. Fifty members are businesses owned by non-Hispanics, and another 50 are big corporations—like Adolph Coors Co.—with an interest in Hispanic consumers.

The chamber is no lobbying organization itself, but the size of its membership and three sister organizations in Pueblo, Colorado Springs and Trinidad—there are another 4,000 Hispanic-owned businesses throughout Colorado—should carry some political clout.

The four groups, in fact, collectively are considered a member of the new Hispanic League, a lobbying organization that this year for the first time will present a Hispanic agenda to the legislature.

To join the local chamber, corporate sponsors pay a $2,500 annual fee. Hispanic-owned businesses or small businesses owned by non-Hispanics pay $140 per year plus $2 per employee.

Rodriguez acknowledged that chamber members expect something for their investments of time and money in the organization.

"In the case of big corporations," he said, "they belong because Hispanics—and Hispanic businesses—buy things."

According to Denver furniture-store owner Zee Ferrufino, who helped organize the chamber in 1970 when it was founded as the Latin Chamber of Commerce, a projected 34 million Hispanics in the United States will have $500 billion in purchasing power by the year 2000.

"Ninety percent of our members," said Rodriguez, "are firms with fewer than 10 employees. We bring company representatives and buyers together at procurement breakfasts and luncheons. The owner of a small business doesn't feel intimidated. It's fun, and they learn that networking pays off in business gains."

Rodriguez is dignified but amiable.

He is modest about his accomplishments but will share his formula for success—respect for oneself and others, hard work, and continual education.

As the youngest child of Mexican parents who immigrated to Texas to do farm labor, he was the only Hispanic student in a series of country schools near San Angelo, Texas.

After high school, he studied at a San Angelo business school and then enlisted in the Air Force, which assigned him first to Lowry and then to Germany in office administration.

After his discharge, he moved to Denver and eventually became a real estate agent, as well as a director of the Latin Chamber of Commerce. He left two years later to help form an office-supply business, but in 1985, the Hispanic chamber's board of directors brought Rodriguez back to remedy a dwindling membership.

He has succeeded beyond even his own expectations.•

BUT ARE THERE ENOUGH JOBS FOR THE POOR?

• Mr. SIMON. Mr. President, I do not think, in all my years in Congress, I've ever asked that a letter to the editor be inserted into the CONGRESSIONAL RECORD. The other day I read a letter to the editor of the New York Times written by David R. Riemer, director of administration for the city of Milwaukee, that made so much sense, I believe it deserves larger circulation.

It talks about the need for a jobs program in this Nation.

It is one of the things that we seem to avoid facing.

We are either going to pay people for being productive or nonproductive, and I favor paying them for being productive.

I will be speaking more about the need for a jobs program on the floor of the Senate during the coming months, but I urge my colleagues to read this letter to the editor, which I ask to insert in the RECORD at this point.

The letter follows:

BUT ARE THERE ENOUGH JOBS FOR THE POOR?

To the Editor:

Your series on poverty in America ("The Missing Agenda: Poverty and Policy," Jan. 27, 28, 29), while hitting most of the issues, missed the biggest one: Are there enough jobs for the poor?

If the number of low-income welfare recipients, unemployed and "discouraged workers" is less than the supply of available jobs, then either the conventional conservative solution (increase motivation by cutting benefits) or the conventional liberal solution (remove barriers to entry such as racial discrimination and lack of job training) may be sound public policy.

If, on the other hand, the number of those whom we expect to work substantially exceeds the supply of available jobs, then neither motivation nor the removal of barriers will do much good. Most of the poor will remain poor—because there will literally be too few jobs for them to fill.

We don't have a lot of data as to how the number of persons expected to work compares to the supply of unfilled jobs, but such data as do exist all point to the same conclusion: The supply of officially unemployed workers alone exceeds the supply of unfilled jobs.

National studies by Katherine Abraham and Harry Holzer show that—depending on the official unemployment rate—the number of officially unemployed consistently exceeds the number of unfilled jobs by ratios ranging from 10:1 to 3:1. When welfare recipients and "discouraged workers" are thrown into the mix, the ratios get worse. In Milwaukee, a forthcoming study by the Social Development Commission will show that, since 1987, the sum of welfare recipients plus unemployed plus discouraged workers has exceeded the estimated supply of unfilled jobs by ratios ranging from 10:1 to 6:1. And this when the official jobless rate was generally below both state and national averages.

As I suggest in my recent book, "The Prisoners of Welfare: Liberating America's Poor from Unemployment and Low Wages," while any individual's poverty in the United States may be the result of inadequate motivation or frustrating barriers to entry, aggregate poverty in this country is the result of two simple shortcomings of the labor market: too few jobs, and too many jobs that pay wages too low.

To eliminate poverty, therefore, it is necessary to correct for these two basic labor market deficiencies. Empowering the poor—as that concept is defined by Housing Secretary Jack Kemp, i.e., letting the poor choose to enroll in any school, buy public housing units, etc.—however meritorious, will not work, because empowerment neither creates millions of new extra jobs nor augments the earnings provided by the low-wage jobs at the bottom of the wage structure. More or better social services won't work either, for the same reasons: No new jobs are created and wages are not augmented.

Welfare reform generally won't work either, and again for largely the same reasons. Reform usually does not expand the supply of jobs, and it usually does not function to supplement low wages. To the extent that some welfare reform initiatives do achieve these goals, they suffer from two fundamental flaws. First, welfare reform's efforts to create jobs (by "workfare" or other means) or bolster wages (by letting benefits remain in place after recipients get employment) terminate at some fixed point in time. Second, and worse, welfare reform's attempts to create jobs or bolster wages help only the relatively small percentage of poor who get welfare in the first place. Welfare reform by its very nature does not help the vast majority of poor—who aren't on welfare—to get jobs or augment earnings.

The poor will benefit, of course, from any general expansion of employment in the economy—the last solution mentioned in your series. It is universally acknowledged, however, that the poor benefit in only a limited way when employment expands across the board. Too many of the new jobs are taken by non-poor competitors (such as teenagers, college students, second-earners, and the elderly), who always enter and advance quickly in the queue for "untargeted" new jobs when more jobs are created on a general scale. One can hardly begrudge these competitors: while not officially poor, many are far from well-off. They need the money too.

In the final analysis, there are only two practical methods of ending poverty in the United States. Give the poor money—so much money that they get out of poverty. Or get the poor into jobs—and then make sure the jobs they then take or already hold (for most poor adults work in the first place) yield an "earnings-related income," consisting of wages and earnings supplements, higher than the poverty line. Only these two approaches correct for the basic problem: the economy's shortage of jobs and its plethora of low-wage jobs.

The first solution, whether it be called the Guaranteed Annual Income or the Negative Income Tax or something else, fell from grace over a decade ago. And for good reason. The poor don't want free money: they want jobs. And the rest of us don't want to give the poor free money: we expect the overwhelming majority of them, who are fit for work, to perform work to earn a living, just like us.

The second solution—basically, a combination of a revived Civilian Conservation Corps and an expanded Earned Income Tax Credit—thus emerges as the only practical, justifiable and politically acceptable solution to poverty in the United States. I add politically acceptable with care. Public opinion poll after public opinion poll has confirmed that the great majority of Americans believe that the unemployed poor should be offered community service employment if they cannot secure jobs in the private sector.

A revived C.C.C., an expanded E.I.T.C., and some help (based on ability to pay) with the high cost of child and health care—financed by eliminating Aid to Families With Dependent Children, Food Stamps, half of Medicaid, and most every other Federal program that deals with the symptoms of poverty—is the combination of public policies that the United States needs to transform its missing agenda into its rediscovery of justice.—David R. Reimer, Director of Administration, City of Milwaukee, Milwaukee, Jan. 31, 1991.•

INDEPENDENCE OF REPUBLIC OF ESTONIA

• Mr. LEVIN. Mr. President, this weekend commemorates the 73d anniversary of the declaration of independence of the Republic of Estonia on February 24, 1918. Because of the recent inspiring actions of the people in the Baltic nations, this year's commemoration is special.

After 50 years of forced occupation and subjugation by the Soviet Union, Estonia, Latvia, and Lithuania are engaged in a historic struggle to reclaim their freedom and sovereignty. Their oppression has been long, their struggle has been hard, and their will has been steadfast. The turns and twists in the different road ahead are unclear and unknown, but it is clear that they are embarked on an inevitable march to freedom.

In 1939, Estonia and the other Baltic nations were forcefully and illegally annexed by the Soviet Union as the result of the secret Molotov-Ribbentrop pact between Hitler and Stalin. On the 50th anniversary of the Hitler-Stalin pact, a Soviet parliamentary commission acknowledged the existence of the pact, and officially acknowledged its illegality. Mr. President, even organs of the Soviet State have recognized that the pact was illegal, and violated international law.

The United States has never recognized the Soviet annexation of the sovereign Baltic nations, and our Government should not, must not, ever waver in this.

The current and ongoing standoff in Estonia, Latvia, and Lithuania has inspired freedom-loving people throughout the world. The repression of the Soviet Empire did not extinguish the desire for freedom in the Estonian people. The bravery of the people of Estonia, Latvia, and Lithuania is opening a new chapter in freedom. The people will prevail, and the Baltics will again be free, independent, and sovereign.•

LES TESCH TO BE AWARDED RED CROSS CERTIFICATE OF MERIT

• Mr. KOHL. Mr. President, on March 3, 1991, the American Red Cross will present Les Tesch, of Prairie du Sac, WI, with the Certificate of Merit, the highest award the Red Cross can present to recognize selfless efforts to save the life of another human being.

On June 2, 1989, Mr. Tesch and his late son, Chuck, in whose memory the award will also be presented, responded immediately to an automobile accident which occurred some 200 feet from their business, Tesch's Flowerland. By all accounts, both vehicles involved in the accident appeared to be totally destroyed. When a police officer reached the scene of the accident, he saw Mr. Tesch and his son inside one of the automobiles checking the occupant, a Mr. John Klozotsky, for breathing, bleeding, and other possible life-threatening problems. When the officer asked Mr. Tesch what the situation was, Mr. Tesch responded that he needed an ambulance for the victim and began giving Mr. Klozotsky mouth-to-mouth resuscitation. Mr. Tesch remained in the demolished vehicle providing care to Mr. Klozotsky until an Emergency Medical Unit arrived some 25 minutes later.

I believe that this incident reveals two of Mr. Tesch's outstanding qualities. First, Mr. President, this unfortunate accident displayed Mr. Tesch's willingness to help others, even if that action involved some risk to his own safety. As the police officer at the scene stated in a letter to the American Red Cross recommending Mr. Tesch for this award, "I have very seldom come across a citizen willing to endanger himself in order to save another person's life." But second, and equally important, Mr. Tesch had taken the steps necessary to be able to help others. No matter how well motivated he was, if Mr. Tesch had not been trained in American Red Cross advanced first aid and CPR, Mr. Klozotsky would probably not be alive today.

Mr. Tesch's action exemplifies the highest degree of concern of one human being for another. Mr. President, Les Tesch deserves the award the Red Cross will present to him and he deserves the gratitude of the Senate, the State of Wisconsin, and the Nation.•

INDIVIDUAL RESPONSIBILITY IN HEALTH CARE

• Mr. DURENBERGER. Mr. President, today, as we await the turn of events which will take us toward peace or a deeper involvement in war, we are reminded what it means to take personal responsibility for something larger than ourselves. On the homefront, we also are concerned with domestic issues which will be with us long after the Middle East is clear of the sights and sounds of conflict.

In a recent speech before an audience at Yale University, Dr. Louis Sullivan, Secretary of Health and Human Services, discussed the importance of having a sense of personal responsibility as we develop a more effective, efficient, and humane health care system.

Mr. President, I ask that the following remarks by Secretary Sullivan be printed in the RECORD, with my compliments.

The remarks follow:

REMARKS BY LOUIS W. SULLIVAN, M.D., SECRETARY OF HEALTH AND HUMAN SERVICES

Thanks very much, Dr. Lytton, and thank you all for that warm welcome. It's a great honor to have been invited by Jonathan Edwards College and Yale University to join you as a Tetelman Fellow, following in the footsteps of so many distinguished scientists and physicians upon whom you have previously bestowed this singular honor.

My lecture this morning will range far beyond what we normally consider science and medicine. Indeed, we will venture into some territory that this college's namesake, Jonathan Edwards, would have found familiar. For I propose to talk about the role of individual responsibility in health care today, and our need to cultivate a new "culture of character" within this nation.

But first, a word of context. My discussion today is part of a larger dialogue that I am conducting with the American people, about the problems afflicting our nation's health care system, and some possible solutions. Recent events in Washington have reminded us once again that, before we attempt to make significant change and reform in our health care system, we must first explore thoroughly with the American people the problems we face, and the difficult and painful choices we must make.

Upon the firm foundation of mutual understanding and trust, we can build the widespread and durable consensus that must undergird any proposed changes in our system of health care.

Last month, at Stanford, I discussed the factors that have driven the dramatic rate of increase in health care costs. In future presentations, I will talk about providing essential health care to those who are currently underserved; the structure of public and private insurance; and the effectiveness of our medical practices.

But today, I wish to discuss the critical role that a renewed sense of personal responsibility must play, as we seek to forge a more effective, less costly, and more humane system of health care. For the harsh truth is that a high percentage of the disease and disability afflicting the American people is a consequence of unwise choices of behavior and lifestyle.

Those poor choices result in lives that are blighted, stunted, and less fulfilling, and they cause an unnecessary, costly drain on the resources available for health care.

The decision to smoke, for instance, is responsible for one of every six deaths in America each year. The cumulative toll is 390,000 deaths per year, including 21 percent of heart disease deaths, 87 percent of lung cancer deaths, and 30 percent of all cancer deaths. In addition, smoking is responsible for 20 to 30 percent of low birth weight babies. Smoking costs our society over $52 billion annually.

Abuse of alcohol was responsible for one half of the 30,000 motor vehicle deaths in 1988, and 40 percent of the drownings. Drinking is a major cause of cirrhosis, the ninth leading cause of death in the United States; it has been linked to violence, homicide and suicide; and its costs to society amounted to some $70 billion in 1989.

Improper diet and inadequate exercise are other major contributors to poor health outcomes. Poor diet is related to five of the ten leading causes of death in the United States, including coronary heart disease, some types of cancer, stroke, and diabetes. Together, unhealthy diet and sedentary habits contribute to 300,000 to 400,000 deaths each year.

For children and youth, injuries are the leading cause of death. The lifetime costs of injuries were estimated to be $158 billion in 1985.

Problems of behavior and lifestyle contribute to some of the leading health problems facing this nation, including infant mortality, heart disease, and cancer.

If we are to bring better lives to all Americans—and if we are to cope with the dramatic increases in health care costs in America—it will be necessary for us to address directly the problem of ill-advised choice of behavior and lifestyle. And taking on this challenge, carries us well into the difficult realms of ethics and culture.

Now, this is not a comfortable passage for physicians and health care professionals—nor for Americans in general. By our actions, it would appear that we would rather avoid the issue of appropriate, healthy behavior altogether. But, clearly, our avoidance is ill-advised, both from the standpoints of healthy, fulfilling lives, and of financial costs.

Why do we approach health this way? In part, I believe, because we have seen such miraculous achievements in medical science that we believe that medical science can, indeed, fix virtually any ailment. Our faith in medicine grows ever stronger as we push out the frontiers of research, unveiling more of the secrets of life. Consequently, we have come to think of medicine as a safety net, strong and wide enough to catch all who fall from the high wire of an unhealthy lifestyle.

Even as our trust as a society in medical science grows, however, I am troubled by diminishing confidence in our willingness and ability as a society and individuals to make sound judgments about healthy human behavior and lifestyles. Linked to this declining faith in ethical and value judgment is an erosion of those institutions that have generated, shaped, and sustained our ethical and cultural standards—family, neighborhood, church, school, and voluntary associations. As a consequence of this institutional decline, we have fewer sources of instruction in healthy, constructive behavior.

I leave it to the students and faculty of this splendid university to explore fully the profound issues of science, ethics, and philosophy into which we've ventured as a society. But from my practical standpoint—as a physician, and as Secretary of Health and Human Services—let me simply say this: every day, all about me, I see the toll of our ethical dilemma, the tragic price of our cultural indifference—not only in the prevalence of preventable disease and injury, but also in the vast range of social problems afflicting the American people—drug and alcohol addiction, escalating child abuse and neglect, children born to unwed teen mothers, families abandoned or never formed. So many of these problems have their roots in the alienation, isolation, and lack of direction that follow from the collapse of societal standards, and the institutions that generate them.

That is why I have travelled from one end of the country to the other over the past two years, calling for a renewed sense of personal responsibility on the part of every American citizen—in short, a new "culture of character."

By "character," I mean the personal values and qualities encompassed by that sturdy, time-honored word—values like self-discipline, integrity, taking responsibility for one's acts, respect for others, perserverance, moderation, and a commitment to serve others and the broader community.

By "culture," I mean these values that must be embraced as cornerstones of our society. I seek to remind Americans that we can best cultivate character in our citizens by reinvigorating and shoring up those institutions that teach and nurture values and principles of healthy behavior, especially the institutions of family and communtiy.

I certainly came to appreciate, in my own experience, the critical value of strong families and communities, and the standards they nurture. The neighborhoods in Atlanta and Blakely, Georgia, where I grew up, were by no means wealthy, but they were genuine communities—joined together in joy and sorrow, sharing our benefits and burdens, committed to common values and principles.

I was not just the child of my father and mother—I was in fact a child of the entire neighborhood. When I was out of sight of the folks and thought I could get away with something, Mr. Jones or Mrs. Smith down the block was sure to step in and administer appropriate, corrective caring—whether I like it, or not.

Now, I have to admit, there were times when all this caring about my personal life was not particularly welcome. But I have since come to appreciate just how critical that attention and discipline are. Through it I learned certain values—reinforced at every turn by my family, neighbors, church, and school—values that carried me to medical school, and that carried you into your studies and professions—values like self-esteem, self-discipline, the desire to learn, responsibility, and service.

In short, my neighborhood built around me a culture of character—an ethic of personal responsibility. As my beloved mentor, the late Dr. Benjamin Elijah Mays, former president of Morehouse College, put it, I learned that "It is not your environment, it is you—the quality of your mind, the integrity of your soul, the determination of your will—that will decide your future and shape your life."

Translated into strategies that would mean healthier, longer lives for all citizens, a new culture of character calls upon Americans to end drug abuse; avoid the high risk behavior that spreads the AIDS virus; reduce consumption of alcohol; seek early prenatal care; improve eating habits; wear seat belts and take other necessary precautions; increase exercise; learn to resolve conflicts without resorting to violence; seek the necessary medical examinations and vaccinations; and, yes, stop smoking.

Were we to follow these injunctions, studies have shown that we could eliminate 45 percent of deaths from cardiovascular disease, 23 percent of deaths from cancer, and more than 50 percent of the disabling complications of diabetes. Indeed, control of fewer than ten risk factors, including the above—could prevent between 40 and 70 percent of all premature death, a third of all cases of acute disability, and two-thirds of all cases of chronic disability.

Just as important, a new culture of character in America, nurtured by stengthened families and communities, would do much to alleviate the alienation, isolation and despair that fuel teen pregnancy, violence, drug and alcohol abuse and other social problems afflicting us. The lives of Americans would be healthier in every sense of the word.

Now, I have heard it said that my call to a new culture of character is in fact nothing more than a way of diverting attention from a Federal government and a society that refuses to provide the resources necessary for better health care for all Americans.

To be sure, proverty is linked to ill health and social dysfunction—so let us never be guilty of suggesting to our citizens that first they must be wealthier, before they can be healthier. But, many impoverished families and neighborhoods have sustained the values and institutions necessary for healthy, productive lives—lives that will eventually lead them out of poverty.

To suggest that our poor and minority citizens cannot improve their lives, by drawing on their own strong, traditional values and institutions, is not only inaccurate, it is patronizing and insulting. To counsel them to sit and wait patiently for massive new Federal (or other) programs is to counsel resignation, defeat, pessimism, and despair.

Ill-advised choices of behavior and lifestyle characterize all strata of American society. And so the call for a new culture of character applies with equal force to all Americans, regardless of income, race, sex, or other status.

Let me be clear about another aspect of the "culture of character." It by no means puts the onus for healthy behavior exclusively on the individual, nor does it rely simply on a heightened sense of personal responsibility. that's why our culture—the broader realm of social, economic, and political institutions that shape our lives—figures centrally in my message. We must mobilize all those institutions in the cause of healthier, more productive lives for our citizens.

The Federal government is playing a leadership role by marshalling all facets of society behind disease prevention and health promotion, as demonstrated most recently by our report of health goals for the nation, entitled "Healty People 2000"—a careful, thorough enunciation of certain clearly defined health goals to be reached by the turn of the century. We are also working to elevate the status of preventive services in our approach to health care delivery and health policy reform.

More broadly, the federal government today is working to revitalize institutions like the family and local community, which cultivate healthier, life-sustaining values. This approach carries us beyond the attitude of the 60s, 70s, and 80s, when government retreated from active social policy.

We now know that Federal programs are most effective when they work through, and help to reinforce, active, indigenous community groups. And so today, we are providing resources and assistance to community coalitions that are striving to prevent the spread of AIDS; halt drug and alcohol abuse; provide early childhood development programs; counsel young minority males; reduce violence; bring expectant mothers into prenatal care programs; and a vast range of other activities.

Workplace America also has a role to play in building a new culture of character. Businesses must become far more attentive to the health and lifestyle of their employees, both by discouraging unhealthy behavior like smoking and drug and alcohol abuse, and by encouraging positive behavior, like exercise and proper diet.

Equally important, some corporations must be held accountable when they undertake actions that erode the culture of character. Heavily promoting alcohol and tobacco sales in low-income communities is one such reprehensible act.

The media and cultural leadership groups also have a vital role in play in shaping a new culture of character in America. If they can help us celebrate solid values and institutions, then Americans will be far more likely to adopt healthy lifestyles.

A step in the right direction is the dramatic turn-about in Hollywood's and Madison Avenue's treatment of drug use. Where once it was accepted, today it is the target of a highly effective, voluntary multi-million dollar prevention campaign. This is a good example of what can be accomplished, if our media leaders can be mobilized behind healthier lifestyles.

Finally, within my own profession of medicine, health promotion and disease prevention must play a much larger role. We must work to redress the imbalance in health care expenditures devoted to promoting health versus treating disease—currently, only 4 percent of total expenditures go to prevention—and we must make prevention a central part of the improved primary health care that we are striving to make available to all Americans. Above all, physicians must overcome their reluctance to venture into the personal, private behaviors of those to whom we minister, in order to give them thoughtful counsel about the effect their choices have on their health.

This brings me to one final comment about my vision for a new culture of character in America. It is a culture in which we not only are more careful about our own health behavior, but also more attentive to the behavior of those around us—our family members, friends, neighbors, and coworkers.

We must have the courage to point out the dangers of unhealthy, self-destructive behaviors in those around us, as well as voice approval for their healthy behaviors. And when these judgments are rendered—not out of smugness, or self-righteousness, or condemnation, but out of compassion, concern, and love—when they come in the spirit of family and friendship—then the message of a new culture of character will have discovered its most effective and profound voice.

My plea for a new culture of character, a new ethic of personal responsibility, is by no means intended to be a substitute for the changes that we must make in our broader system of health care. Government will have to be more active on behalf of those who are underserved by current health care arrangements—especially our poor and minority citizens—as I will discuss at another time.

But I believe that, as we struggle to overcome the barriers to healthier lives for all citizens, we can learn much from the experience of the Black community in America. That experience teaches us that progress and reform are most likely to come when we pursue a two-fold strategy: first, strive to change the external circumstances that are unjust and hold us back; but second, strive to reinforce the strength of character necessary to survive and prosper in spite of adverse circumstances.

Neither strategy in isolation is sufficient; both strategies together cannot fail to bring significant progress and reform. Frederick Douglas, for example, worked not only to abolish the social circumstance of slavery; he also sought to build better individuals, by emphasizing the importance of character. "With character we can be powerful," he proclaimed. "Nothing can harm us so long as we have character."

In our time, the outstanding leaders of our community continue to pursue both strategies simultaneously. Dr. Martin Luther King, Jr. resolutely pursued changes in society's laws and institutions, so that one day his daughters would not be judged by the color of their skin. But at the same time, he worked to prepare people for the day when they would be judged by the "content of their character."

Similarly, Jesse Jackson's quest for social and economic change in the larger society is joined inseparably to a call for personal reform, for better character. As he put it, "When you drink liquor, and when you take drugs, and when you sell drugs, and when you shoot people and when you rob people * * * nobody can save you but you from yourself."

So today, as we search for ways to ensure that our expenditures for health care are wisely spent, and not squandered treating unnecessary and preventable disease—more important, as we search for ways to bring healthier, safer, more fulfilling and productive lives to all our citizens—let us pursue both strategies at once. Let us not only seek ways to change and improve our health care system—let us search for ways to improve ourselves—our behavior and lifestyles, our values, indeed, our very character.

A new culture of character is not the entire answer to the health care dilemmas we face. But it is an essential, crucial part of the answer. And it is a vital key to better lives for all Americans.

Thank you very much.

• Mr. **BOREN**. Mr. President, America struggles today, perhaps more than at any other time in our history, to create a sense of community. We Americans have too few shared experiences to help us realize how much, in the midst of our diversity, we share common values, and common goals. In many ways we are becoming dangerously fractured, thinking of ourselves first in terms of regional, social, religious, ethnic, or economic identities before we think of ourselves as members of one American family. Our willingness to help each other, to pull together for the common good and for the next generation has become frayed and strained. We are a great nation because each succeeding generation of Americans has cared more about opportunities for the next generation than it has about its own well-being and we must not lose that spirit of commitment.

Even the tragic experience of war which once brought together all of the diverse segments of society into one group—living, working and fighting side by side with the tremendous mutual respect for the human dignity which flows from such a common effort in dangerous circumstances—is no longer having the same impact. In this age of the all-volunteer military force, parts of our society, principally lower and middle income Americans, are now taking more of the risks than others. In fact, the current crisis in the Persian Gulf has made us aware of the divisions among us as well as the failure to bond together as we did in the aftermath of the attack on Pearl Harbor in 1941.

The very term underclass emphasizes conditions of poverty and inequality so extreme as to have alienated a segment of our society to the point where they no longer even share the hope of entering into what has in the past been called mainstream America.

No one values diversity more than I. Our Nation is unique and exceedingly rich culturally and spiritually because of its diversity. It thrills me when I see native Americans in my own State rediscovering and preserving their own rich culture and language which was in danger of being lost. America is like a rich tapestry, vibrant and alive with each brilliant thread of color and hue adding to the beauty of the whole. Without the integrity and separate identity of each thread, the whole would lose its vitality. But without the threads being sewn together into one tapestry, each thread would have far less impact.

In many ways, it is in our colleges and universities that the battle for the future of our society is being waged. With intellectual openness, students and faculties alike struggle with the proper balance between unity and diversity.

One of the greatest and most thoughtful educators in our country, Donald Kagan, Colgate professor of history and classics at Yale University who currently serves as dean of Yale College, examined this difficult and controversial issue in an address to Yale's income class of 1994 last September. Some have reacted to Dean Kagan's call for the study of certain common elements of our national heritage without thoughtfully considering his comments in the context of his entire message. Don Kagan, himself the product of an immigrant family, demonstrates enormous respect for diversity in Amercia. He calls upon students to "take pride in your family and in the culture which they and your forebears have brought to our shores. Learn as much as you can about that culture and share it with all of us. Learn as much as you can about what the particular cultures of others have to offer."

At the same time, he urged his audience to gain a common understanding of the special gifts of western civilization which have served as the basis for so many of our institutions, including our political institutions. He clearly understands that we cannot even intelligently criticize—or much less reform—these institutions with the perspectives other experiences may give us unless we first understand their historic roots and evolution. He concludes with an appeal that all Americans should heed: "Do not let our separate heritages draw us apart and build walls between us, but use them to enrich the whole."

Mr. President, it is not easy to present a lecture like the challenging address of Dean Donald Kagan. It is much easier to remain silent out of the fear that one may be misunderstood. It is easier to carefully mark the bounds of what passes for politically acceptable at too many of today's universities. Dean Kagan's address could only have come from a person who truly loves this country, who understands that mutual respect for the dignity and diversity of each person can only exist where there is also a spirit of comity and community. Such an address could only come from the honest heart and clear mind of one who truly loves this generation of young Americans. I sincerely hope that some day the students who heard him, the colleagues who teach with him, and indeed all of us as Americans will have the wisdom to understand and appreciate the full meaning of his words.

Mr. President, I ask that the full text of Dean Kagan's address be printed in the RECORD.

The remarks follow:

THE ROLE OF THE WEST

(Donald Kagan, the Colgate Professor of History and Classics, took office as Dean of Yale College on July 1, 1989, prompting a vociferously mixed reaction among students and faculty. A distinguished scholar, Kagan has long been known for his outspoken—and often unpopular—views on athletics, politics, acauemic discipline, and educational philosophy. In a profile of him in this magazine one year ago, the dean was quoted as saying that, "There are places in this university where a motion to wish me a happy birthday would get a close vote."

(In his September 1 speech in Woolsey Hall welcoming the Yale College Class of 1994, Kagan addressed one of the most hotly-debated issues on the campus today—the place of Western Civilization in today's academic curriculum—and took a characteristically provocative stand. The speech struck *YAM* as an appropriate companion piece to the profile on page 38 of Mario T. Garcia, Professor of History and American Studies, who is Yale's first tenured Chicano faculty member and its first director of ethnic studies. The dean's text follows.)

Ladies and gentlemen of the Class of 1994, parents, and friends, greetings and welcome to Yale. To a greater degree than ever before this class is made up of a sampling, not of Connecticut, not of New England, not even of North America, but of all the continents of the world. As I stood a year ago greeting the Class of 1993 I was thrilled by how much Yale and America have been enriched in the three centuries since its foundation by the presence and the contribution of the many racial and ethnic groups rarely if ever represented in Yale's early years. The greater diversity among our faculty and student body, as in the American people at large, is a scource of strength and it should be a source of pride, as well.

But ethnic and racial diversity is not without its problems. Few governments and societies have been able to combine diversity with internal peace, harmony, freedom, and the unity required to achieve these goals. Perhaps the greatest success in ancient times was achieved by the Roman Empire, which absorbed a wide variety of peoples under the single government, generally tolerated cultural diversity, and gradually granted to all Roman citizenship, the rule of law, and equality before the law. But the Romans had imposed their rule over independent nations by force and maintained peace and order by its threat. From the nations whose cultures they tolerated they did not create a single people; they did not and could not rely on the voluntary and enthusiastic participation in government and society of a unified population, as a modern democratic republic must.

From the Middle Ages until its collapse in 1918, the Hapsburg Empire did a remarkable job of bringing a great variety of different ethnic groups into the main stream of government and society, but it never succeeded in dissolving the distinct identities of the different groups, living together in separate communities, speaking their native languages, competing and quarreling with one another, and finally hostile to the dominant ethnic groups. The destruction of the Hapsburg Empire and its dissolution into smaller units did not end ethnic dissension, which threatens the survival of such successor states as Czechoslovakia and Yugoslavia.

In our time nationalism and ethnicity have emerged as immensely powerful forces, for good, but also for evil. Optimistic hopes for a diminution of differences among peoples and for a movement toward the unity of all mankind have been dashed as national and ethnic hostilities have played a major part in bringing on two terrible world wars. Even today they endanger the integrity of the Soviet Union and threaten peace both in Europe and in Africa. They have brought interethnic slaughter to Nigeria and all but destroyed the beautiful land of Lebanon.

From its origins the United States of America has faced a new challenge and opportunity. Its early settlers from the old world were somewhat diverse but had much in common. Most were British, spoke English, and practiced some form of Protestant Christianity. Before long, however, people of many different ethnic, religious, and national origins arrived with different cultural traditions, speaking various languages. Except for the salves brought from Africa, most came voluntarily, as families and individuals, usually eager to satisfy desires that could not be met in their former homelands. They swiftly became citizens and, within a generation or so, Americans. In our own time finally, after too long a delay, African-Americans also have achieved freedom, equality before the law, and full citizenship. People of different origins live side by side, often in ethnic communities, but never in enclaves of the country separated from other such enclaves. Although some inherit greater advantages than others, all are equal before the law, which does not recognize ethnic or other groups but only individuals. Each person is free to maintain old cultural practices, abandon them for ones found outside his ethnic group, or to create some mixture or combination.

Our country is not a nation like most others. "Nation" comes from the Latin word for birth; a nation is a group of people of common ancestry, a breed. Chinese, Frenchmen, and Swedes feel a bond that ties them to their compatriates as to a greatly extended family and provides the unity and commitment they need. But Americans do not share a common ancestry and a common blood. They and their forebears come from every corner of the earth. What they have in common and what brings them together is a system of laws and beliefs that shaped the establishment of the country, a system developed within the context of Western Civilization. It should be obvious, then, that all Americans need to learn about that civilization if we are to understand our country's origins, and share in its heritage, purposes, and character.

At present, however, the study of Western Civilization in our schools and colleges is under heavy attack. We are told that we should not give a privileged place in the curriculum to the great works of its history and literature. At the extremes of this onslaught, the civilization itself, and therefore its study, is attacked because of its history of slavery, imperialism, racial prejudice, addiction to war, its exclusion of women and people not of the white race from its rights and privileges. Some criticize its study as narrow, limiting, arrogant, and discriminatory, asserting that it has little or no value for those of different cultural origins. Others concede the value of the Western heritage but regard it as only one among many, all of which have equal claim to our attention. These attacks are unsound. It is both right and necessary to place Western Civilization and the culture to which it has given rise at the center of our studies, and we fail to do so at the peril of our students, our country, and of the hopes for a democratic, liberal society emerging throughout the world today.

In response to those who claim that Western culture is relevant only to a limited group, it is enough to quote W.E.B. Du Bois, the African-American intellectual political leader, writing at the turn of the century in a Jim Crow America: I sit with Shakespeare and he winces not. Across the color line I walk arm in arm with Balzac and Durnas, where smiling men and welcoming women glide in gilded halls. From out of the caves of evening that swing between the strong-limbed earth and the tracery of the stars, I summon Aristotle and Aurelius and what soul I will, and they come all graciously with no scorn or condescension. So, wed with Truth, I dwell above the veil." For him the wisdom of the West's great writers was valuable for all, and he would not allow himself or other to be deprived of it because of the accident of race. Such was and is the view of the millions of people of both genders and every ethnic group who have personally experienced the value and significance of the Western heritage.

The assault on the character of Western Civilization badly distorts history. Its flaws are real enough, but they are common to almost all the civilizations known on any continent at any time in human history. What is remarkable about the Western heritage and what makes it essential is the important ways in which it has departed from the common experience. More than any other it has asserted the claims of the individual against those of the state, limiting its power and creating a realm of privacy into which it cannot penetrate. By means of the philosophical scientific, agricultural, and industrial revolutions that have taken place in the West, human beings have been able to produce and multiply the things needed for life so as to make survival and prosperity possible for over-increasing numbers, without rapacious wars and at a level that permits dignity and independence. It is the champion of representative democracy as the normal way for human beings to govern themselves, in place of the different varieties of monarchy, oligarchy, and tyranny that have ruled most of the human race throughout history and rule most of the world today, it has produced the theory and practice of the separation of church from state, thereby protecting each from the other and creating a free and safe place for the individual conscience. At its core is a tolerance and respect for diversity unknown in most cultures. One of its most telling characteristic is its encouragement of criticism of itself and its ways. Only in the West can one imagine a movement to neglect the culture's own heritage in favor of some other. The university it self, a specially sheltered place for such self-examination, it a Western phenomenon only partially assimilated in other cultures.

My claim is that most of the sins and errors of Western Civilization are those of the human race. Its special achievements and values, however, are gifts to all humanity and are widely seen as such around the world today, although its authorship is rarely acknowledged. People everywhere envy not only is science and technology but also its freedom and popular government and the institutions that make them possible. Their roots are to be found uniquely in the experience and ideas of the West. Western culture and institutions are the most powerful paradigm in the world today. As they increasingly become the objects of emulation by people everywhere, their study becomes essential for those of all nations who wish to understand their nature and origins. How odd that Americans should choose this moment to declare it irrelevant, unnecesssary, and even vicious.

There is, in fact, great need to make the Western heritage the central and common study in American schools, colleges, and universities today. Happily, students bodies have grown vastly more diverse. Less happily, students are seeing themselves increasingly as parts of groups, distinct from other groups. They often feel pressure to communicate mainly with others like themselves within the group and to pursue intellectual interests that are of particular importance to it. The result that threatens is a series of discreet experiences in college, isolated from one another, segregated, and partial. But a liberal education needs to bring about a challenge to the ideas, habits, and attitudes that students bring with them, so that their vision may be broadened, their knowledge expanded, their understanding deepened. That challenge must come from studies that are unfamiliar, sometimes uncomfortably so, and from a wide variety of fellow-students from many different backgrounds, holding different opinions, expressing them freely to one another, and exploring them together.

If the students are to educate each other in this way some part of their studies must be in common, and their natural subject is the experience of which our country is the heir and of which it remains an important part. There is, after all, a common culture in our society, itself various, changing, rich with contributions of Americans who come or whose ancestors came from every continent in the world, yet recognizably and unmistakably American. At this moment in history an objective observer would have to say that it derives chiefly from the experience of Western Civilization, and especially from England, whose language and institutions are the most copious springs from which American culture draws its life. I say that without embarrassment, as an immigrant from a tiny country on the fringe of the West, without any connection with the Anglo-Saxon founders of the United States. Our students will be handicapped in their lives after college if they do not have a broad and deep knowledge of the culture in which they live and the roots from which it comes.

There are implications, too, for our public life. Constitutional government and democracy are not natural blessings; they are far from common in the world today, and they have been terribly rare in the history of the human race. They are the product of some peculiar developments in the history of Western Civilization, and they, too, need to be thoroughly understood by all our citizens if our way of governing ourselves is to continue and flourish. We must all understand how it works, how it came to be, and how hard it is to sustain.

Our country was invented and has grown strong by achieving unity out of diversity while respecting the importance and integrity of the many elements that make it up. The founders chose as a slogan *e pluribus unum*, which kept a continuing and respected place for the plurality of the various groups that made up the country, but they emphasized the unity which was essential for its well-being. During the revolution that brought us independence, Benjamin Franklin addressed his colleagues, different from one another in so many ways, yet dependent on one another for survival and success, using a serious pun to make his point. He told them that they must all hang together or assuredly they would all hang separately. That warning still has meaning for Americans today. As our land becomes more diverse the danger of separation, segregation by ethnic group, mutual suspicion and hostility increases and with it the danger to the national unity which, ironically, is essential to the qualities that attracted its many people to this country. Our colleges and universities have a great responsibility to communicate and affirm the value of our common heritage, even as they question it and continue to broaden it with rich new elements.

Ladies and gentlemen of the Class of 1994, you, too, have important responsibilities. Take pride in your family and in the culture they and your forebears have brought to our shores. Learn as much as you can about that culture and share it with all of us. Learn as much as you can of what the particular cultures of others have to offer. But most important, do not fail to learn the great traditions that are the special gifts of that Western Civilization which is the main foundation of our university and our country. Do not let our separate heritages draw us apart and build walls between us, but use them to enrich the whole. In that way they may join with our common heritage to teach us, to bring us together as friends, to unite us into a single people seeking common goals, to make a reality of the ideal inherent in the motto *e pluribus unum*.

TRIBUTE TO R.J.R. JOHNSON

• Mr. DURENBERGER. Mr. President, after 38 years of service to the readers of the St. Paul Pioneer Press, R.J.R. Johnson retired not long ago. In his time as a wielder of the pen, Bob covered a variety of beats and served in a number of editors' positions. He capped his pen as assistant editor of the editorial page.

As an editorial writer, a journalist enjoys only a modicum of personal expression. He or she is distinguished by the ability to reflect a collective philosophy, the consensus of a group of fellow opinion leaders. Bob did that well, and he will be missed.

Before R.J.R. Johnson retired, he drafted a column which appeared under his name in the St. Paul newspaper he has come to love. Mr. President, I ask that his review of his career be printed in the RECORD with my best wishes.

The column follows:

> The tendency to look backward is intensified when the time comes to say goodbye. That time has come for me. So I'm looking back, and I am satisifed with what I see,
>
> That sounds smug, but think on that good word: satisfied. Think of putting down the glass after a cold drink on an August afternoon or, more seasonally, of stretching your tired frame under warm blankets after a hard day's work. Rewarded and fulfilled. That kind of satisfied.
>
> Actually, I am amazed when I telescope 38 years at this newspaper and let the good times (properly) dominate the view. What I see is a great adventure, the newspaper life I dreamed of when I signed on so long ago.
>
> Just imagine: a job that takes you to the ends of the Earth, to the stones of Carthage, to the trails of the Voyageurs; a job where you work with surgeons and astronomers and poets, cops and crooks and loonies; a job that changes with the big themes of the day; a job that has such marvelous people in it as I have been blessed to know.
>
> Amazed and grateful. That kind of satisfied.
>
> Yes, there have been times when I wanted to kick something or someone down an elevator shaft, times when I despaired over my craft, my newspaper, my colleagues, my bosses or myself, but we're talking percentages here, and telescopic views of time and action, and it is hard to imagine a more rewarding life, at least for the unsaintly. Figure a satisfaction/frustration ratio of even 70/30 over the span and that ain't bad, especially if the 70 sparkles.
>
> There are people who think a job is just a job, people who cannot comprehend the idea of the job as craft—a source of satisfaction in the doing. Such people are foolish and they will never be satisfied.
>
> You may wonder, "Who is this guy, and why does he carry on so?"
>
> My name is Johnson and I am a small town boy—a jackpine savage from Deer River—who came to the city to be a newspaperman; specifically, to be a reporter for the St. Paul Dispatch and Pioneer Press, newspapers that in the '50s were delicious fun and fair. I wore a trenchcoat then, and a hat. I chainsmoked, drank too much, and loved to beat the Minneapolis Star and Tribune. Today, I am duller, but more reputable. Only the last of those vices remains.
>
> Some of you may recognize the byline from reporting assignments I have had: City Hall, police, science, medicine, the environment. Later, as often happens in this business, I became an assistant city editor, Sunday magazine editor, an editorial writer, and finally, associate editor of the editorial pages—a lay preacher. After today I won't be a newspaperman, or preacher, at all.
>
> I am carrying on because that is the prerogative of retiring newspaper writers. Our last perk. The next best thing to being able to write our own obituaries. It is a chance to brag a bit, to recall good times and good people. But one should keep it short. The good times and good people live.
>
> I am carrying on because I want to celebrate good work; specifically, to celebrate the craft of newspapering, of journalism; the gathering and shaping and sharing of information about the people and events. It is fun and important work, when it does not slip into tawdriness. It begins, always, with curiosity and ends, at best, in poetry. Sometimes good journalism moves people to change the world, or a little part of it, or themselves.
>
> It has been grand to be here these nearly four decades, but now it is time and possible to try a different way. I leave with no regrets, with curiosity intact, and satisfied, immensely satisfied.—ROBERT J.R. JOHNSON.•

S. 242—AMENDING ETHICS REFORM ACT OF 1989

• Mr. SARBANES. Mr. President, recently I joined in introducing S. 242, legislation to correct an inequity caused by the Ethics Reform Act of 1989 which prohibits Federal employees from collecting fees for non-job-related appearances or written material.

Prior to the changes in the Ethics Reform Act of 1989, Federal employees were allowed to receive payment for speeches, articles, and appearances which were not related to their employment. Workers could engage in these activities to fulfill personal interests, for career development, or in the interest of their community. Resulting revenue could supplement their income or be an integral part of their standard of living.

Clearly, Congress did not intend to prohibit rank-and-file Federal employees from engaging in outside writing and speaking activities of personal interest to them. This bill does not affect rules regarding honoraria for Member of Congress nor their staff. It simply corrects an inequity created by previous legislation and allows Federal employees to accept contributions for non-job-related activities. I commend Senators GLENN and ROTH for their work in this area and for the speed in which they have addressed this problem. The Senate Committee on Governmental Affairs has already heard testimony on this issue and I urge my colleagues to join in working for swift passage of this important measure.•

POULTRY AND EGG WEEK IN ARKANSAS

• Mr. PRYOR. Mr. President, today I rise to bring the attention of this body to the recognition in Arkansas of Poultry and Egg Week, which is currently underway.

This is a week to celebrate the contributions of one of the largest and fastest growing industries in my State. The benefits provided to the communities this industry serves are numerous and meaningful. The farm value of poultry and egg products grown in Arkansas approached $2 billion in 1990. That is twice the value produced in 1980. During this past decade, we witnessed more jobs created by the poultry and egg industry, in manufacturing as well as production, than in any other industry in Arkansas.

My State has been the Nation's leading broiler producer for two decades, and it isn't by chance. Industry, government, and the education system have undertaken a number of cooperative and individual efforts in order to continue providing a safe and high quality food supply of poultry products to consumers in America and the rest of the world. The accomplishments have been vast, surpassed only by the goals and expectations for the future.

I could not adequately address this constituency without acknowledging the role played by the Univesity of Arkansas. The university has been a vital link in defining new initiatives and discovering new technologies that have served the industry and the consuming public well. The University of Arkansas has developed and expanded highly specialized skills in environmental engineering, food technology, and animal science.

With the assistance of Government and industry, the University of Arkansas serves as the lead institution in a food safety consortium that is nationally recognized as the premier resource for research projects and results. The school is also constructing a $2 million poultry health laboratory which will be one of only two poultry labs in the country with the highest rating for containment of disease organisms.

The University of Arkansas has also established the Poultry Center for Excellence, which will include a department of poultry science with an expanded faculty concentrating on food safety, poultry research, and environmental protection.

Too often the public is told of an isolated instance in which the food industry has not fulfilled its obligation to produce a safe food supply, and this is misrepresented as normal operating procedure. Clearly, this is not the case. In Arkansas and the rest of the Nation, the poultry and egg community has defined for itself the highest standards, and they have met those goals because they realize it is in the best interest of their business and the American diet to do so.

In Arkansas, poultry is more than chicken feed. It is a multibillion-dollar industry that employs almost 1 out of 12 members in my State's work force. Just this past year 4,000 new jobs were created by the State's poultry industry, and they serve the public in more ways than the dinner table. The industry is the single largest buyer of so many products in Arkansas, from 18 wheelers and paper clips to pulpwood and feedgrains, from natural gas and electricity to water and telephone service, and from computers to fenceposts. The impact is felt by local, State, and Federal taxing units as well. The poultry industry's performance in Arkansas means better dividends for schools, highways, health care, social services, and teacher salaries. These contributions are made possible by the farmer who utilizes his land to put food on our table, the person on the line in the factory, the truckdriver who delivers the product, the scientist in the lab who keeps a constant eye on the future, and the companies that insure we receive the best service possible.

Throughout the world's history many have posed the question, which came first, the chicken or the egg? This has been pondered by students and scholars alike, sometimes in jest and at times seriously. Mr. President, in Arkansas the chicken and the egg come together, and they put the consumer first.•

HUNGER IN AFRICA

• Mr. AKAKA. Mr. President, I rise to express my deep concern over the millions of Africans who are threatened with starvation because of severe food shortages resulting from an extreme drought, devastating civil wars, and uncooperative governments blocking international relief efforts. The challenges faced by this region of the world are simply overwhelming.

Whether hunger strikes in an inner city of America or in a rural African village, it is a human tragedy which demands our immedate attention. No responsibility is more significant and no task more urgent than to ensure that people are adequately fed. Our success in this endeavor will depend not only on our commitment to this challenge, but also on the collective effort by all nations to work cooperatively to end world hunger.

In Ethiopia, 5 million people face starvation. In the Sudan, which faces the harshest problems plaguing the African continent, over 40 percent of its 25 million people face severe food shortages. According to the Agency for International Development, starvation in the Sudan this year could be particularly pervasive unless emergency food assistance reaches afflicted areas immediately.

Emergency food relief alone, however, will not overcome hunger. To deal effectively with hunger in Africa, the international community and African states must engage in a comprehensive dialog to resolve civil wars, reform economies, and build a framework of trust and cooperation in which the pressing needs and requirements for the African continent can be addressed.

The problems in the Sudan underlie the critical challenges which confront us. A prolonged civil war has claimed the lives of over 1 million people from combat and war-induced famine, and has left millions living on the edge of starvation. The situation has been made worse by the Sudanese Government's obstruction of international food relief efforts, producing unnecessary hardship and deepening the prospect of widespread starvation.

Through coordinated international food relief efforts to Africa, we can make an important contribution in the fight against hunger. We must also continue to work with other countries and organizations such as the United Nations to reach peaceful settlements to existing armed conflicts. We have a unique opportunity to assist those African nations in need to move forward in the process of economic reform, to restore peace and stability, and to help their citizens assume their rights and guarantee their safety and welfare.

The movement to end hunger is not an American effort alone, it is an international effort. The commitment and dedication we bring to this endeavor can be a major force in Africa for change, the improvement in the lives of the people, and a future without suffering and war. Mr. President, let us work together with the international community and engage the nations of Africa in a cooperative effort to end hunger, to resolve armed conflict, and to pursue the process of reform.•

COMMEMORATING THE BICENTENNIAL OF THE APPOINTMENT OF DAVID HUMPHREYS AS THE FIRST AMBASSADOR TO PORTUGAL

• Mr. DODD. Mr. President, I rise today exactly 200 years since the U.S. Senate advised and consented to President Washington's very first ambassadorial nominee. On this date two centuries ago, Col. David Humphreys of

Derby, CT, became minister resident from the United States to her most faithful majesty and Queen of Portugal.

I take enormous pride in reminding my colleagues that it was a Connecticut son—a decorated patriot and close friend of George Washington—who was chosen to represent a nation still in its infancy at the court of Lisbon. This appointment serves as the opening chapter of U.S. diplomacy, and more specifically, of our longstanding and honored friendship with Portugal. This particular relationship is in fact the subject of Senate Joint Resolution 55, of which I am a cosponsor, a resolution to commemorate the bicentennial of our diplomatic ties with Portugal.

Historians can appreciate that with modes of communication being what they were at the time, Colonel Humphreys had officially been functioning as Minister Resident for over 2 months when notification finally reached him in early May, 1791. He was later presented at court as the newly appointed Minister Resident on May 22. On the eve of his formal presentation, a member of the royal family is reported to have said to Colonel Humphreys: "Young as your Nation is it advances in improvements with the step of a giant." In hindsight, this comment was perhaps not merely cordial—it was indeed prophetic.

It is fitting that Colonel Humphreys, whose career of service to his country culminated at the court of Lisbon, should have hailed from a state that today is home to a great many Portuguese-Americans. I know too that the citizens of the towns of Derby and Ansonia, which once comprised Humphreys' town of Old Derby, take special pride in their native son, and are this week celebrating this important bicentennial.

I would like to thank the Old Derby historical society for helping me to pay tribute to David Humphreys. I hope my words in behalf of Colonel Humphreys are worthy of him, his work, and his legacy to American diplomacy.•

SENATE JOINT RESOLUTION 70—NATIONAL RECYCLING DAY

• Mr. LIEBERMAN. Mr. President, due to a computer error, the list of cosponsors for Senate Joint Resolution 70 to establish April 15, 1991 as National Recycling Day printed in the February 7 Congressional Record at page S1839 was incomplete. The complete list of cosponsors is:

Mr. Chafee, Mr. Mitchell, Mr. Burdick, Mr. Pell, Mr. Warner, Mr. Inouye, Mr. Domenici, Mr. Jeffords, Mr. Durenberger, Mr. Lautenberg, Mr. Conrad, Mr. Murkowski, Mr. Ford, Mr. Hollings, Mr. Levin, Mr. Adams, Mr. Nunn, Mr. Kerry, Ms. Mikulski, Mr. Cranston, Mr. Pryor, Mr. Gore, Mr. Sasser, Mr. Akaka, Mr. Sanford, Mr. Bumpers, Mr. Moynihan, Mr. Dixon, Mr. Gorton, Mr. Wellstone, Mr. Dodd, Mr. Graham, Mr. Fowler, Mr. Sarbanes, Mr. Symms, Mr. Daschle, Mr. DeConcini, Mr. D'Amato, Mr. Reid, Mr. Thurmond, Mr. Luger, Mrs. Kassebaum, Mr. Kasten, Mr. Hatch, Mr. Cohen, Mr. Packwood, Mr. Bryan, Mr. Kennedy, Mr. Biden, Mr. Simpson, Mr. Breaux, Mr. Simon, Mr. Boren, Mr. Metzenbaum, Mr. Roth, Mr. Heinz, Mr. Brown, Mr. Grassley, Mr. Rockefeller, Mr. Helms, Mr. Bond, Mr. Exon, Mr. Craig, Mr. Cochran, Mr. Kerrey, and Mr. Heflin.•

S. 445—OSHA CRIMINAL PENALTY REFORM ACT

• Mr. JEFFORDS. Mr. President, with the introduction of S. 445, the OSHA Criminal Penalty Reform Act, Senator Metzenbaum and I are continuing the work begun in the last Congress to augment the seriousness and vigor of governmental enforcement efforts in the area of occupational safety and health. The bill originally introduced last year as S. 2154 was a sincere effort to address such bewildering facts as:

That in the first 18 years under the OSH Act nearly 200,000 workers were killed in workplace accidents, but until 1989 not 1 day of jail time was served for willful violations of the act resulting in those deaths; and

That from 1971 to 1990 OSHA referred a mere 63 cases to the Justice Department for possible criminal prosecution, while in the last 3 years alone the Environmental Protection Agency and Justice have combined to prosecute over 400 cases involving environmental crimes.

Clearly, if there is a purpose for having criminal penalties associated with safety, health, or environmental laws, then those penalties ought to be invoked when warranted in pursuit of that purpose. Prosecutors and Justice Department officials have let it be known over the years that their interest in prosecuting such cases would be enhanced if meaningful fines and penalties were involved. Perhaps this difference explains why environmental enforcement has raced so far ahead. In the absence of the changes we now propose, and in this era of tight budgets and cost benefit analysis, prosecutors will continue to have bigger fish to fry.

As much as I agreed with the intent of the original bill, there were points on which I felt that it went too far. To his credit, the Senator from Ohio was willing to work with us to make this a more reasonable effort. We worked very hard and came up with the amendment to his bill which was favorably reported last year by the Labor Committee. The Metzenbaum-Jeffords substitute amendment to S. 2154 was truly a combination of our ideas.

It retained the provision of S. 2154 that increased the current OSHA penalty for a willful violation resulting in death from 6 months in prison to 10 years for a first offense, 20 years for a second offense;

It retained the provision stating that any individual convicted of an occupational crime remains personally responsible for the payment of any criminal fines imposed on that individual; and

It retained the provision that preserves the ability of State and local authorities to prosecute these cases under State and local criminal laws.

In the spirit of compromise which brought us together on this project, Senator Metzenbaum agreed to suggestions on the bill that:

Reduced the maximum penalty for willful violations that result in serious bodily injury from 7 years in prison to 5 years for a first offense, and from 14 years in prison to 10 years for a second offense;

Narrowed the definition of "serious bodily injury": First, to ensure that actual bodily injury, not mere risk of such an injury, must be present; second, to permit unconsciousness be considered as an element of "serious bodily injury" only if it is protracted in nature; and third; to eliminate "extreme physical pain" as an element sufficient to invoke the sanctions called for in this section;

Eliminated "reckless endangerment" as an occupational crime; and

Maintained current law regarding criminal prosecution of corporations in the person of their officers, directors, and so forth.

In fact, we believe that we negotiated a bill which balances the twin objectives of:

First, protecting the working men and women of this country from egregious employer failures in providing safe workplaces; and

Second, retaining enough flexibility for OSHA to emphasize civil enforcement efforts first, with criminal enforcement in reserve for those few "bad actor" employers who choose not to comply.

S. 445 is identical to last year's Labor Committee-approved version of this legislation reflecting all of our negotiated changes. I believe in the substance of this measure. It is a good bill which represents sound policy. It is a bill which can withstand the scrutiny of full and open debate, and through such debate it may well be made an even better piece of legislation. In that spirit, we intend to hold hearings on the bill next week to gather the information and support which I am certain will move it on to final passage. We invite our colleagues to join us in this endeavor.•

TRIBUTE TO PROJECTS, INC.

• Mr. COHEN. Mr. President, I think we all realize the importance of raising the aspirations of our youth, of sparking their imaginations so that they can dream greater dreams and reach higher goals. But while this realization comes easily, taking action, for most individuals, is much more difficult.

It gives me great pleasure, then, to recognize the efforts of one group from my home state that has been remarkably successful in giving opportunities to local youth and providing much-needed services to the rest of the community. Projects, Inc., founded 15 years ago in the Rockland, ME, area, has developed a unique and successful youth service agency, known as the Community Service Project. Under the project, young people of diverse backgrounds volunteer their time to assist senior citizens with shopping, home maintenance, and similar tasks. After a youngster has completed 30 hours of community service, he or she is given the opportunity to serve an educational apprenticeship with local businesses or other area organizations of their choice. The work experiences often spark a tremendous personal or career interest—one young man went onto dental school after spending time with a local dentist.

The programs carried out by Projects, Inc. deserve our highest praise. They seek to involve all members of the community: young and old, local businessmen and professionals, and students from a wide range of socioeconomic backgrounds. What's more, they have proven how far strong and innovative leadership can go on a very limited budget.

I am glad that I am not alone in recognizing the efforts of Projects, Inc. I recently learned that on February 28, Maine Gov. John R. McKernan will be presenting Projects, Inc. with the "Governor's Award for Outstanding Achievement in Human Resource Development." It is only the second time that this award has been presented. Today, I join Governor McKernan in recognizing the 2,400 people who are involved in Projects, Inc. I wish them the best for many, many years of continued service in Maine, and I hope that they can serve as a model for other communities throughout the country.•

IN HONOR OF PAUL WILLIAM McKENNA

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Paul Willima McKenna who is retiring from the Morris County Prosecutors Office after 28 years of distinguished service.

Paul McKenna has dedicated his career to making New Jersey a better and safer place. After serving 4 years in the U.S. Navy he joined the Madison Police Department, where he spent 8 years. He subsequently joined the Morris County Prosecutors Office where he devoted the past 28 years.

In addition Mr. McKenna has spent much of his career speaking out against drug abuse. He has received such honors as the Morris County Grand Jurors Award in 1981, the Morris County "Dope Open" Man of the Year Award in 1981, and Morris County Freeholders Resolutions in 1981, and 1986. He is a member of the New Jersey PBA, the founder and president of Morris County Chapter No. 3 Police and Firefighters Emerald Society, and has been included in the Who's Who in American Law Enforcement for the years 1980, 1986, and 1990.

I would like to extend my warmest congratulations to Paul William KcKenna and his family. His dedication to the citizens of Morris County and to New Jersey should serve as a model for all those in the law enforcement community.•

REVISED BUDGET AGGREGATES AND ALLOCATIONS AND THE FISCAL YEAR 1991 BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate revised budget aggregates and allocations for fiscal year 1991 and the first current level report for the 1st session of the 102d Congress.

These reports show that for fiscal year 1991, current level on-budget spending is under the revised budget aggregates by $1.7 billion in budget authority and by $1.3 billion in outlays. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $325.7 billion, $1.3 billion below the maximum deficit amount for 1991 of $327 billion.

REVISED BUDGET ALLOCATIONS AND AGGREGATES

The tables below show revised and outyear budget aggregates and allocations for fiscal year 1991. These revisions were made in accordance with section 13112(f) of the budget enforcement act of 1990 (title XIII of Public Law 101-508). This section requires that "after the convening of the 102d Congress, the chairman of the Committee on the Budget of the Senate shall file with the Senate revised and outyear budget aggregates and allocations under section 602(a) consistent with this act.

The intent of this provision is to bring congressional enforcement procedures in line with the spending and revenue limitations contained in the Budget Enforcement Act. Absent these revisions, congressional scoring could not adequately enforce the requirements of the new law for the remainder of this fiscal year. The outyear aggregates and allocations will remain in effect until Congress adopts a budget resolution for 1992.

REVISED AND OUTYEAR ON-BUDGET ALLOCATIONS

The Appropriations Committee allocations made pursuant to section 602(a)(2) of the Budget Act were not revised since they are consistent with the statutory limits on discretionary spending set in the Budget Enforcement Act. The allocations to the authorizing committees were revised to reflect all legislation enacted through 1990.

In addition to revised allocations for 1991, each authorizing committee receives a similarly revised 5-year allocation of budget authority and outlays pursuant to section 602(a)(2) of the Congressional Budget Act. To avoid a point of order under section 602(c) of the Congressional Budget Act as amended, any increase in direct spending or decrease in revenues due to legislative action must be offset in 1991 and for the 5-year total 1991-95.

Under section 602(b)(2) of the Congressional Budget Act, authorizing committees are no longer required to file committee suballocations. If committees choose not to file these suballocations, points of order under section 602(c) of the Budget Act will apply to the total committee allocation.

CREDIT ALLOCATIONS

Pursuant to section 507(b)(2) of the Congressional Budget Act, a point of order under section 302(f)(2) of the act will lie against any committee which breaches its allocation for direct loans or loan guarantees for fiscal year 1991. The mandatory credit allocations contained on the table below reflect all legislation enacted through 1990. Discretionary credit allocations for the Appropriations Committee have not been revised.

OFF-BUDGET ALLOCATIONS

Allocations for Social Security outlays are included for 1991 and for the 5-year total (1991-95) pursuant to section 602(a)(2).

REVISED AND OUTYEAR BUDGET AGGREGATES

The revised on-budget outlay aggregates are simply the sum of the revised allocations for 1991, adjusted to be consistent with the economic and technical assumptions underlying the 1990 budget agreement. The revised and outyear on-budget revenue aggregates are also adjusted for summit estimating assumptions and reflect all legislation enacted last session. These revised budget aggregates will be used to enforce section 311(a) of the Budget act. The maximum deficit amount calculation for 1991 is that set forth in the act in section 601(a)(1) and has not been revised.

OFF-BUDGET AGGREGATES

Off-budget aggregates for social security outlays and revenues are made pursuant to section 13303(a)(6) and section 13303(a)(7) of the Budget Enforcement Act. These allocations are for 1991 and for the 5-year period, 1991-95.

CURRENT LEVEL REPORT

The current level report for the first session of the 102d Congress shows the effects of congressional action on the budget for fiscal year 1991 and is current through February 1, 1991. This report is submitted under section 308(b)

and in aid of section 605(b) and section 311 of the Congressional Budget Act, as amended, and meets the requirement for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the 1986 first concurrent resolution on the budget.

The material follows:

REVISED AND OUTYEAR BUDGET ALLOCATIONS FOR FISCAL YEAR 1991–95

[In millions of dollars]

	Direct spending jurisdiction		Entitlements in appropriations	
	1991	1991–95	1991	1991–95
Appropriations:				
Budget authority	685,616			
Outlays	696,649			
Agriculture, Nutrition, and Forestry:				
Budget authority	9,094	64,822	28,131	106,765
Outlays	10,621	68,229	21,732	55,248
Armed Services:				
Budget authority	48,011	315,537		
Outlays	34,694	235,167		
Banking, Housing, and Urban Affairs:				
Budget authority	79,242	310,077		
Outlays	75,335	159,817		
Commerce, Science, and Transportation:				
Budget authority	2,017	13,506	427	3,192
Outlays	37	−125	426	3,171
Energy and Natural Resources:				
Budget authority	1,417	9,340	72	391
Outlays	1,110	7,769	73	393
Environment and Public Works:				
Budget authority	14,795	103,686		
Outlays	430	9,749		
Finance:				
Budget authority	466,773	5,395,919	80,884	659,061
Outlays	433,901	4,845,717	80,523	658,183
Social Security outlays	234,214	1,284,366		
Foreign Relations:				
Budget authority	9,015	64,444		
Outlays	9,082	62,776		
Government Affairs:				
Budget authority	66,845	487,210	500	1,250
Outlays	42,350	309,182	500	1,250
Judiciary:				
Budget authority	2,300	9,997	135	987
Outlays	2,182	10,427	133	980
Labor and Human Resources:				
Budget authority	3,698	46,022	5,986	17,081
Outlays	2,886	44,043	6,022	16,785
Rules and Administration:				
Budget authority	37	235		
Outlays	29	2,562		
Veterans' Affairs:				
Budget authority	1,067	9,366	16,161	106,766
Outlays	876	9,313	16,194	106,740
Select Indian Affairs:				
Budget authority	479	3,022		
Outlays	475	2,968		
Small Business:				
Budget authority	0	709		
Outlays	0	−1,176		
Not allocated:				
Budget authority	−201,188	−1,813,665		
Outlays	−178,263	−1,745,217		
Total:				
Budget authority	1,189,217	9,761,853	132,296	895,494
Outlays	1,132,395	8,808,586	125,602	842,751
Social Security outlays	234,214	1,284,366		

REVISED CREDIT AUTHORITY ALLOCATIONS FOR FISCAL YEAR 1991

[In millions of dollars]

	Direct loans	Loan guarantees
Appropriations	8,701	71,969
Agriculture, Nutrition, and Forestry	8,019	6,100
Armed Services		
Banking, Housing, and Urban Affairs	3,250	251
Commerce, Science, and Transportation		104
Energy and Natural Resources		
Environment and Public Works	299	
Finance	2	
Foreign Relations		
Government Affairs		
Judiciary		
Labor and Human Resources		13,100
Rules and Administration		
Veterans Affairs	675	15,649
Select Indian Affairs		
Small Business		
Not allocated		
Total	20,946	107,173

Revised and outyear aggregate allocations for Fiscal Year 1991

On-budget:	*Billions*
Budget authority	1,189.2
Outlays	1,132.4
Revenues:	
1991	805.4
1991–95	4,690.3
Maximum deficit amount (MDA)	327.0
Off-budget:	
Social Security:	
Outlays:	
1991	234.2
1991–95	1,284.4
Revenues:	
1991	303.1
1991–95	1,736.3

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC February 21, 1991.
Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report, my first for the first session of the 102nd Congress, shows the effect of Congressional action on the budget for fiscal year 1991 and is current through February 20, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101–508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., AS OF FEB. 20, 1991

[In billions of dollars]

	Revised on-budget aggregates[1]	Current level[2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,187.5	−1.7
Outlays	1,132.4	1.131.1	−1.3
Revenues:			
1991	805.4	805.4	
1991–95	4,690.3	4,690.3	
Maximum deficit amount	327.0	325.7	−1.3
Direct loan obligations	20.9	20.6	−0.3
Guaranteed loan commitments	107.2	106.9	−0.3
Debt subject to limit	4,145.0	3,341.1	−803.9
Off-budget:			
Social Security outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

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[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (title XIII of P.L. 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of P.L. 101–508) current level excludes $1.0 billion in budget authority and $1.2 billion in outlays for Operation Desert Shield; $0.1 billion in budget authority and $.2 billion in outlays for debt foregiveness for Egypt and Poland; and $.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the Committee attributes to the Omnibus Budget Reconciliation Act (P.L. 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (P.L. 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS FEB. 20, 1991

[In billions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions: Revenue			834,910
Permanent appropriations and trust funds	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this sesssion			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses: Extending IRS deadline for Desert Storm troops (H.R. 4)			−1
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−6,307	799	
VI. Economic and technical assumption used by Committee for budget enforcement act estimates	15,000	31,300	−29,500
On-budget current level	1,187,482	1,131,113	805,409
Revised on-budget aggregates	1,198,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	1,733	1,283	1

Note:—Numbers may not add due to rounding.•

THE CONSUMER PROTECTION AGAINST PRICE-FIXING ACT, S. 429

• Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of legislation that will strengthen consumer protections for all Americans. As we all know, a competitive marketplace is the bedrock of our economic system and must be preserved. This bill, S. 429, will codify the accepted norm that vertical price fixing is per se illegal, thereby allowing consumers greater ability to buy goods at a fair price.

Some have argued that manufacturers must remain free to set prices for retailers in order to maintain a particular level of service or quality in a product. Not only is that wrong, it lacks common sense. Why in the world should anyone pay more for a particular product or service than they absolutely have to? The theory of supply and demand should be the barometer that sets prices in a free market economy, not artificially determined criterion.

As we all should know, there are businesses, suppliers, retailers, and so forth that can provide for the American people at lower prices than other businesses, suppliers, and retailers. This practice must be maintained. Sadly, though, there are some in the business world who seek to take unfair advantage of the consumer. Quite simply, this bill will no longer allow retailers and manufacturers to enter into collusive agreements to set prices to the detriment of discounters. Price fixing hurts the consumer and must be stopped.

Mr. President, this bill will not negatively impact businesses that comply fully with fair and accepted economic standards. Ensuring a competitive marketplace will benefit both businesses and consumers. I believe that this bill will help achieve this goal. I am pleased to cosponsor S. 429, and I urge my colleagues to join me in supporting this bill.•

S. 349, FAIR LABOR STANDARDS ACT TECHNICAL CORRECTIONS

• Mr. D'AMATO. Mr. President, I rise today to cosponsor legislation that will correct an unforeseen burden upon America's small businesses. This bill, S. 349, will clarify the intent of Congress in the adherence to Federal minimum wage law for those small businesses dealing in interstate commerce. I commend both the chairman and ranking Republican member of the Small Business Committee, Senators BUMPERS and KASTEN, for bringing this inequity to the attention of this body.

When Congress raised the small business exemption from $362,500 to $500,000 in the minimum wage bill, it was intended to keep small businesses from going under due to the higher labor costs associated with a higher minimum wage. However, a deletion error was made that has changed the intent of Congress. Because of this deletion error, the Department of Labor has had no choice but to determine that all businesses with employees engaged in interstate commerce are not covered under the small business exemption. This deletion has, in effect, rendered the small business exemption useless and has threatened the economic well-being of many small businesses in our Nation.

The conforming amendments that led to this current situation will place hardships upon small businesses that have been unheard of in over 50 years of labor law. Under the DOL's interpretation of the law, any small business employee who accepts an out-of-State credit card, makes an out-of-State telephone sale, or even offloads a truck from another State could be construed as engaging in interstate commerce, and thus, making the small business ineligible for the exemption. I cannot think of any small companies that do not conduct even a modicum of such or similar transactions. To place such burdens upon small businesses, especially in our current economic situation, is unfair and needs to be corrected.

The intent of Congress on this issue is well documented, but, the actual interpretation of the law necessitates that we pass legislation that will allow this exemption to remain effective. This bill will return fairness to the very businesses that make America great. I am pleased to cosponsor S. 349, and I urge my colleagues to join me and support the passage of this bill.•

ESTONIAN INDEPENDENCE DAY

• Mr. RIEGLE. Mr. President, I would like to take this opportunity to honor the 73d anniversary of Estonian Independence Day—a day of great importance in the Estonian people's quest for freedom and democracy.

The Republic of Estonia declared its independence on February 24, 1918, ending 700 years of repression and occupation by foreign powers. The Peace Treaty of Tartu signed on February 2, 1920 with the Soviet Union cemented this declaration of independence by establishing the Government of the Republic of Estonia as the sole governing body in the country. These actions, coupled with Estonia's affiliation with the democratic postwar European community of nations, unequivocally affirmed Estonia's identity as one of the free nations of the world.

Estonia's short existence as an independent, free state was cut short in 1940 when Stalin's tanks forcibly occupied the Baltic States following the criminal Molotov-Ribbentrop pact between Nazi Germany and the Soviet Union. Tragically, the Soviet military occupation of Estonia continues to dominate the lives of citizens of that republic even today. Despite this brutal oppression, and strengthened by a history of suffering, the Estonian people persevere in their valiant efforts to preserve their right to self-determination and freedom.

This past year, the Estonian people have displayed remarkable courage and tenacity in facing disturbing circumstances of terror and psychological oppression. Moscow's campaign of intimidation against the Baltic nations, most specifically military assaults in neighboring Latvia and Lithuania has been a cause for great concern in Estonia. In solidarity with its Baltic sister nations, Estonia has prepared itself for difficult times ahead.

Of imminent concern is the Soviet mandated referendum to be held on March 17. Many Estonians feel that a clear expression of the will of the people is impossible in light of recent events in the Baltics. Such a referendum, it is felt, would only serve to legitimize future Soviet control of the

Estonian Republic. Despite very real progress in terms of expanding relations with the West, Estonia must still contend with ruthless Soviet rule and the presence of the Red army.

Because of these difficult times, America must continue to reaffirm its adherence to the doctrine of nonrecognition of the illegal Soviet occupation of the Baltics. Our Government must work in a real and meaningful way to support Estonia's drive for self-determination and to encourage the Soviet Union to begin good faith negotiations with Lithuania, Latvia, and Estonia on their independence. In an attempt to persuade Moscow to end its continuing crackdown in the Baltics, I have introduced legislation which would terminate various U.S. economic benefit programs until the Soviets cease their intimidation of the Baltic nations, withdraw their military forces and launch meaningful negotiations with the democratically elected Baltic governments.

Once again, on this important day for the people of Estonia, I wish to recognize and commend their courage, spirit, and perseverance. As we recall the establishment of a free and independent Estonian nation 73 years ago, it is imperative that we stand firmly behind the Estonian people in their struggle for self-determination and independence.•

S. 9—ASSISTANCE TO EMERGING DEMOCRATIC GOVERNMENTS

• Mr. D'AMATO. Mr. President, I rise today to cosponsor S. 9. This legislation provides for direct financial assistance to emerging democratic governments still under Communist rule. The bill amends existing policy by permitting the Federal Government greater flexibility in foreign aid policy. I believe it will greatly enhance the effectiveness of money given as aid to these countries.

This legislation is of special importance right now. With the recent developments in the Baltics, the need for assistance from the United States is greater than ever. However, existing policy would require us to channel our aid to these countries through the Central Government, thereby taking the serious and foolish risk that the people of the Baltics will receive no benefit from our aid. Mr. Gorbachev has already demonstrated that the distribution of these funds is conditional upon cooperation with his dictatorial mandates. Senator DOLE has informed us in his statement introducing S. 9 that Gorbachev has made it clear that the only Republics that will get U.S. grain and feed are those who sign up for the Union Treaty.

I commend Senator DOLE for introducing this important legislation and for his leadership in ensuring that we are on the right side in an historic struggle to free the captive nations. I urge my colleagues to give this bill their strong support.•

NATIONAL ENERGY STRATEGY

• Mr. BINGAMAN. Mr. President, today the Secretary of Energy is providing the Senate Energy Committee with details of the administration's national energy strategy. Unfortunately, elements of the strategy appear to raise more questions than they answer.

The stated objectives of the strategy, namely achieving a balance among our need for energy at reasonable prices, protecting the environment, maintaining a strong economy, and reducing our dependence on unreliable energy suppliers, are laudable. One would be hard pressed to argue with any of them. Whether the measures proposed will even marginally allow this country to attain those objectives is another question.

The cornerstone of the strategy is "reliance on the market to determine prices, quantities, and technology choices." In fact, the strategy makes it clear that market forces alone will determine our national energy policy. The Bush administration's policy in this respect mirrors that of the previous administration. It may be well to remind ourselves where this approach has taken us. In the early 1980's, this country imported less than 30 percent of its oil. When the current administration took office in 1988, the percentage was up to 35 percent. Today it is close to 50 percent. Will market forces change this trend?

I want to return to the reasons for having an energy strategy in the first place. The obvious reason is that the current energy policies are unsatisfactory. That is an understatement. The severe problems this Nation faces today, from the economic and political crisis represented by the war in the gulf to the potential for global climate change, require a realistic view of the future and inspired leadership. We must eschew dogma in favor of practical and realistic measures which will allow us to achieve our objectives. It requires major changes in the patterns of energy consumption and supply in this country. Further, these changes do not have to occur at the expense of our quality of life—whether economic or environmental. Many of the changes to which I refer emphasize reductions in energy consumption. The American people are strongly in favor of reducing consumption through conservation and adoption of alternative energy strategies. If they are ready, why aren't their leaders?

The administration has articulated a set of objectives for the national energy strategy which are commendable. What it has not done is take the next logical step and establish concrete goals. Rather, the administration prefers to make projections of where we will be in the future. Mr. President, the Department of Energy sent a letter to the chairman of the Senate Energy Committee on January 16 of this year, an auspicious in world history. In that letter, the administration stated they would not provide the energy targets for net imports, domestic production, and end-use consumption that are required by law to be transmitted to the Congress every 2 years. Rather the administration would provide projections because, and I quote: "Government prescribed targets are inconsistent with the Bush administration's policy of allowing energy markets to determine energy supply and demand."

Mr. President, I have to take issue with the administration's refusal to set goals. Goals are not established as constraints, but to provide direction. The real difference between mere projections and effective goals can be summed up in a word—commitment. The national energy strategy purports to provide a road map to a more secure and cleaner energy future. Frankly, it is difficult to know whether we have the right road map when we do not know what the destination is. That is what this country needs to know—not where we might be, but where we should be. Goals tell us what we want our destination to be.

I plan to introduce legislation shortly which lays out the kind of broad goals we need to serve as the basis for an effective energy strategy. The goals are set for the year 2000. It would be useful if we were able to set goals beyond that period of time, but I want to be realistic. By then there will be technological breakthroughs which we cannot anticipate. Let us set new goals for ourselves at that time. For now, let us concentrate on attaining these goals.

There are only four goals in this bill. They are:

First, to reduce overall oil consumption in the United States while decreasing the percentage of oil that is imported;

Second, to reduce the use of fossil fuels;

Third, to increase energy efficiency in all sectors of the economy; and

Fourth, to reduce carbon dioxide emissions.

The kind of targets I am proposing are specific and realistic. In fact, in many cases they parallel some of the projections we see in the national energy strategy. They are consistent with environmental goals. Moreover, they are attainable, but only through concerted and consistent efforts by all concerned. While the bill does not dictate the paths by which the goals are to be reached, the nature of the goals will not allow business as usual. To attain them will require aggressive action and innovative approaches to energy policy. I regret the administration has not chosen to follow that path. I hope Congress has the will to take effective action.•

CIVIL SERVICE RETIREMENT OF CERTAIN FEDERAL EMPLOYEES

• Mr. D'AMATO. Mr. President, I rise today as a primary cosponsor of legislation introduced by Senator MIKULSKI to amend chapter 83 of title 5 of the United States Code. This bill seeks to extend the civil service retirement provisions applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the Customs Service, and revenue officers of the Internal Revenue Service.

The bill is designed to allow those personnel listed above to retire at age 50 with 20 years of service. Under current law, these particular employees are not permitted the option of 20-year retirement at age 50. During the 101st Congress, Senator MIKULSKI introduced identical legislation. It had the support of 36 cosponsors and I was an original cosponsor.

Each of the Federal employee positions specified in the bill have a demanding and dangerous job equal to that of other law enforcement officers who are now granted a 20-year retirement option. In addition, we must provide incentives for recruits to enter and, more importantly, to stay in these positions.

Mr. President, I urge my colleagues to support this important legislation. By doing so, we will also be supporting those Federal personnel who deserve our attention and thanks.•

ARMENIAN GENOCIDE

Mr. PRESSLER. Mr. President, 1 year ago yesterday, on February 20, 1990, I had the privilege to make the first speech in one of the most heated debates the Senate ever has had—whether to proceed to a vote on the Armenian genocide resolution. As our colleagues may recall, the supporters of that resolution were not able to defeat the filibuster against the motion to proceed. But the record established during that debate has had a good educational result. It has made people more aware of the Armenian genocide than if the Senate simply had quickly passed the resolution.

Political pressure from Turkey prevented passage of that resolution. Obviously, Turkey's value as a United States ally has increased with the gulf war. As I and many other supporters of the resolution stated last year, we highly value our relationship with Turkey. However, Turkey must come to understand that its relationship with the United States and its standing in the entire international community would be enhanced if it acknowledged and came to terms with the Armenian Genocide, just as modern Germany's image is enhanced by its acknowledgment of the Holocaust perpetrated by the Nazi government.

I believe that one of the most important lessons we will learn from the gulf war is that double standards or selective morality on international human rights matters can have drastic consequences. While Turkey was able to stop the resolution in Congress last year, Turkey will never be able to whitewash the issue because the international community recognizes the genocide perpetrated against the Armenians by the Ottoman Turks.

Israeli Prime Minister Yitzhak Shamir expressed solidarity with Armenians in commemorating the genocide in a radio broadcast last year. Similarly, President Bush effectively took the Genocide resolution issue out of Congress' hands last year by commemorating the 75th anniversary of the Armenian genocide himself—reaffirming his solemn pledge that:

> The United States must acknowledge the attempted genocide of the Armenian people in the last years of the Ottoman Empire based on the testimony of survivors, scholars, and indeed our own representatives at the time, if we are to insure that such horrors are not repeated. The American people, our government, and certainly the Bush administration will never allow political pressures to prevent our denunciation of crimes against humanity.

During the Senate debate, President Bush endorsed a concurrent Armenian genocide resolution which, again because of a procedural objection, was never considered. His statement in April, however, set the record straight. Similarly, in December of last year, the Federal District Court for the District of Columbia also had occasion to address the Armenian Genocide issue in the Freedom of Information Act case of Krikorian versus Department of State. That court explicitly noted "the U.S. policy of recognizing the Turkish genocide of the Armenians."

Besides the United States and Israel, the Europeans continue to acknowledge the Armenian genocide, and I know that the European Parliament continues to make Turkey's acknowledgment of the genocide a condition to full membership in the European Community. So again, while the congressional debates on last year's genocide resolution ended with an apparent political victory for Turkey, it is clear that Turkey's continued denial of the genocide will do it far more harm than good.

Last year, many Senators voted to sustain the filibuster because Turkish officials repeatedly promised that the relevant Ottoman Archives would be opened imminently. Then, Senator DOLE produced statements by Turkish observers that those archives have been scoured to remove any incriminating documents. Today, a year later, I still have not heard that the relevant archives have been opened. More importantly, it is clear that those who deny the genocide have not uncovered a single document in those archives which disproves the verdicts of Turkey's own courts—finding the responsible officials guilty of "destroying the Armenian race"—or any of the other overwhelming evidence of the massacres, deportations, and forced conversions.

Since the debate of last year, however, the internationally respected publishing house of Chadwych-Healy has announced publication of "The Armenian Genocide in the U.S. Archives 1915–1918." This microfiche publication contains approximately 30,000 pages of documents that details, with eyewitnesses accounts, the planning and execution of what Arnold Toynbee called "the murder of a race." I will ask unanimous consent that the announcement of this publication be placed in the RECORD immediately following my remarks, and I urge my colleagues to read it for its accurate view of the U.S. record on this important issue.

Finally, let me make a point I have made before. I became interested in the Armenian Genocide while I was a student at Oxford University. My interest in this matter developed long before I came to public service. While some may see denial of the Armenian Genocide to satisfy Turkey as in the interests of the United States or themselves, we need look no further than our experience with Saddam Hussein to see that applying double standards on human rights issues eventually harms the United States. I have been in Washington long enough to know that as long as Turkey denies the Armenian Genocide, some Americans will be willing to join those denial efforts. The solution to this problem is for Turkey to accept the reality of the genocide—something the rest of the world understands. Until then, we will continue to value Turkey as a staunch strategic ally, but it will never achieve its full potential standing in the international community unless it accepts these facts.

I ask that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ARMENIAN GENOCIDE IN THE U.S. ARCHIVES, 1915–1918

INTRODUCTION

The United States National Archives holds the most comprehensive documentation in the world on the Armenian Genocide. Up to 1914, England, France, and Russia had been the states most involved with the question of the Armenian people in Ottoman Turkey. After war broke out between the Ottoman Empire and the Allies in November 1914, the United States, which remained neutral, was left as the sole major Western state with official representation at the court of the Sultan. In 1915, the Ottoman government, under the control of the Young Turk Committee, began implementing a policy to annihilate the Armenians of the empire through deportation and massacres. Inevitably, the U.S. Embassy in Constantinople became the primary focus of attention for those reporting on the escalating violence directed against the Armenian population of the Ottoman state.

The interest of Americans in the condition of the Armenian people in Turkey grew out of a near century-long relationship between American missionaries and Armenians of the Middle East. Many had converted to Protestantism. Thus, in a way, thousands of Armenians had become wards of the American mission schools, hospitals, and churches. Living among the Armenian people, the missionaries witnessed their daily tribulations under Turkish rule and became a source of direct information on the treatment of the Armenians in the Ottoman Empire. American missions were located in some of the major cities of Anatolia—Sivas, Kayseri, Marash, Hadjin, Adana, Aintab, Urfa—and further east in historic Armenia—Harput, Bitlis, Erzerum, and Van.

The United States government maintained a number of consular posts in Turkey, at Smyrna, Trebizond, Mersin, Harput, and Aleppo. The presence of the American consuls in two of these sites proved crucial in closely monitoring the events of the spring and summer of 1915 when the Ottoman government expelled the Armenians from their homes and deported them to the Syrian desert. Large masses of Armenians were moved through the Harput region on the Euphrates as the point of exit for the population of Armenia proper and their exodus to the south. Many of the caravans of deportees were sent on to Aleppo. From Aleppo and other collection centers, they were marched into the desert and left to die of thirst and exposurre. Others were sent to specific killing sites, such as Deir-el-Zor. On a regular basis, the American consuls at Harput and especially at Aleppo kept the U.S. Embassy in Constantinople informed of the arrival of the exhausted refugees.

Independent of the consuls, the U.S. Embassy also received reports from citizens of other neutral countries and heard directly from Armenians who had managed to survive. Alarmed at the increasing frequency of the reports of mistreatment and massacre, and faced with the admission of government officials that wholesale measures were being taken against the Armenians, Henry Morgenthau, the U.S. Ambassador to Turkey, reached the conclusion that a systematic effort was under way to exterminate the Armenian population. Ambassador Morgenthau relayed his findings directly to the Secretary of State in Washington. His cables included reports substantiating that the Armenians in Turkey were in the throes of a state-organized campaign aimed at annihilating their entire population being carried out under the guise of a resettlement policy. In addition, the Department of State received correspondence from diplomatic sources outside the Ottoman Empire who had obtained evidence further substantiating the policy of genocide.

Persuaded of the danger faced by the Armenian population, the Department of State authorized Ambassador Morgenthau to submit formal protests to the appropriate Ottoman officials. It instructed him also to warn the representatives of Germany, Turkey's ally in war, that, under the circumstances, their government too would be held accountable for failing to intervene in order to stop the indiscriminate killings. Congress also gave its approval for setting up a private relief agency to raise funds in the United States to send aid to the Armenian deportees scattered across Syria. The Ambassador, consuls, and missionaries played key roles in disbursing aid to the Armenians, in spite of regular interference from Ottoman officials, and at risk to their own lives.

Formal relations between the United States and the Ottoman Empire were discontinued in April 1917 after Congress declared war on Germany. However, hostilities were never announced and an American presence in Turkey continued. After the war, Near East Relief was instrumental in providing shelter for thousands of orphans, rescuing hundreds of Armenian women from their abductors, and feeding and clothing tens of thousands of survivors.

President Woodrow Wilson's pronounced commitment to the principle of self-determination for the oppressed peoples of the defeated Ottoman Empire kept the United States involved in Middle Eastern affairs after the end of World War I. In an effort to resolve the disputed political situation, fact-finding commissions were sent to Turkey and other countries in the region. Hence, throughout the period of World War I until the establishment of the Republic of Turkey in 1923, which marked the end of the era of massacres and deportations, Americans were on site and reported in detail from direct observation and through reliable eyewitness accounts the entire course of events that enveloped the Armenian people.

A complete picture of the Armenian Genocide can thus be found in more than 30,000 pages of documents deposited in the National Archives. Largely spanning the years 1915 to 1918, these documents from the Department of State and other government agencies relate in chilling detail the entire process by which the Armenian population of the Ottoman Empire was made the subject of a racial policy aimed at destroying all vestiges of its existence in Armenia and Anatolia. They describe the forcible evacuation of Armenians from numerous towns and cities and the physical abuse of the deportees. They pinpoint the sites predetermined as places of execution by the authorities in charge. They list by town and village the number of people deported and further report on the number who survived, revealing that the deportations were nothing more than death marches. They verify the appalling conditions of induced famine, and recount innumerable instances of wanton killing and mass murder. In all, this important collection of documents records the demise of a people that was singled out as the object of incomprehensible violence and hatred and an unstoppable policy of extermination.

These documents also preserve a piece of American history. They tell of valiant diplomats, like Ambassador Morgenthau, who did everything within their personal and professional means to end the carnage and bring aid to the survivors. Leslie A. Davis, U.S. consul in Harput from 1915–1917, secretly housed Armenians in the consulate and helped many flee Turkey via escape routes to Russia. Jesse Jackson, U.S. Consul at Aleppo during 1915–1917, was actively involved in the distribution of aid to the survivors and defied the strict orders of Turkish authorities to "never aid the Armenians." These documents are also a testament to the hundreds of dedicated American relief workers and volunteers who went to the Middle East and under conditions of extreme difficulty arranged for the delivery and distribution of relief aid to the survivors. And they tell the story of countless Americans at home who collected and donated millions of dollars for the "starving Armenians." In short, these documents are the evidence of a little-known chapter in the history of the humanitarian generosity of the American people who came to the assistance of a beleaguered nation at the moment of its greatest agony and rescued it from near extinction.

SAMPLE LIST OF DOCUMENTS FROM THE NATIONAL ARCHIVES AND LIBRARY OF CONGRESS

(23 January 1914) Report by U.S. military attache Maj. J.R.M. Taylor on character and politics of Enver Pasha.

(12 April 1915) Report from U.S. Consul Jesse Jackson at Aleppo regarding attempted massacres at Marash and Aintab.

(26 July 1915) Letter from U.S. Consul at Beirut describing how only secret orders confirmed by Djemal Pasha were to be obeyed and that others were to be ignored.

(30 July 1915) Correspondence from James L. Barton of the American Board of Commissioners for Foreign Missions to Secretary of State Robert Lansing reporting massacres and concluding that "the Turks have apparently and avowedly set out to annihilate the Armenians as a race through massacre, torture and most drastic exile. . . ."

(18 August 1915) Report from U.S. Ambassador Henry Morgenthau to the Secretary of State, with attachments of 28 July 1915 and 3 August 1915 concerning deportations from Trebizond, Aleppo and 20 other cities and villages.

(23 August 1915) Cable from Ambassador Morgenthau to Washington noting massacres of Armenians at Ourfa and his efforts to intervene with Interior Minister Talaat Bey.

(29 September 1915) Report from U.S. Consul Jackson offering detailed accounting of movements of deportees by train and foot, noting that less than 25% were surviving the deportation process.

(22 October 1915) Letter from Imperial Persian Consulate in New York to President Woodrow Wilson acknowledging the "over five hundred thousand Armenian men, women and children have been deported from their homes and cruelly murdered. . . ."

(21 July 1916) Coded cable from Constantinople discussing orders from Interior Minister Talaat Bey for mass round-up of Armenians who had managed to escape thus far.

(22 July 1916) Cable from Constantinople smuggled out of Turkey via Copenhagen noting that Turkish actions are characterized by a "steady policy to exterminate these people but to deny the charge of massacres."

(16 August 1916) Report from Ambassador Morgenthau concerning the influence and position of German advisors in Turkey.

(7 September 1916) Coded cable from U.S. Consulate in Constantinople noting that Turkey is obstructing relief efforts.

(1916) Register from the Aleppo consular post records of Armenians seeking assistance from family members in the U.S.

(1 February 1919, 15 February 1919, 11 March 1919) Telegrams from Constantinople regarding arrests of members of Committee of Union and Progress on charges of complicity in the deportations.

DEATH OF REPRESENTATIVE SILVIO O. CONTE OF MASSACHUSETTS

Mr. FORD. Mr. President, on behalf of Mr. Kennedy, Mr. Kerry, Mr. Mitchell, and Mr. Dole, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 59, now at the desk.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 59) relative to the death of Representative Silvio O. Conte, of Massachusetts.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Silvio O. Conte, late a Representative from the Commonwealth of Massachusetts.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAFEE. Mr. President, I think it is fitting that we agree to this resolution. I had the privilege of knowing him for some 20 years. He was a remarkable legislator, a man who made great impact on this Nation through his work in the House of Representatives particularly through his very strong leadership posts on the Appropriations Committee of the House of Representatives. He was a very wonderful individual as well as being an outstanding legislator. We will all miss him.

Mr. FORD. I might add, Mr. President, this was a Republican all Democrats loved.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 59) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE 30TH ANNIVERSARY OF THE ESTABLISHMENT OF THE PEACE CORPS

Mr. FORD. I ask unanimous consent the Senate proceed to the immediate consideration of Senate Joint Resolution 76, a joint resolution commending the Peace Corps and its volunteers on the 30th anniversary of the establishment of the Peace Corps, introduced earlier today by Senators DODD, BIDEN, KASSEBAUM, LUGAR, and other Senators; that the resolution be read three times, passed, and that the motion to reconsider be laid upon the table; and that a statement by Senator DODD be inserted at the appropriate place in the RECORD as well as one inserted by me on behalf of Senator CRANSTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution was engrossed for a third reading, was deemed read a third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 76

Whereas, on March 1, 1991, the Peace Corps of the United States of America concludes 30 years of promoting world peace and friendship, making available volunteers to help the peoples of other countries to meet their needs, and promoting mutual understanding between such peoples and the American people;

Whereas over 125,000 Americans have served in the Peace Corps in over 100 countries around the world;

Whereas Peace Corps programs and the efforts of individual volunteers have added significantly to mutual understanding between the people of the United States and the peoples of other countries;

Whereas Peace Corps volunteers work with their host country counterparts in seeking long-term solutions to complex human problems through efforts in education, agriculture, health, the environment, urban development, and small business;

Whereas Peace Corps volunteers have returned to their communities enriched by their experiences, more knowledgeable of the world, and more understanding of the challenges of building a lasting peace;

Whereas former Peace Corps volunteers continue to maintain friendships with the people of the countries with whom they served, thereby furthering the goals of international understanding and peace;

Whereas former Peace Corps volunteers continue to engage in volunteer-related activities in the United States, including activities that meet educational and other needs in the United States;

Whereas Peace Corps volunteers are now serving in more countries than ever before in all regions of the world; and

Whereas the response of Americans to the Peace Corps' call to serve continues to exceed the Peace Corps' recruiting requirements: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, on the occasion of the thirtieth anniversary of the establishment of the Peace Corps, the Congress (1) commends the Peace Corps and all those who have served as Peace Corps volunteers for the great contributions they have made to world peace and understanding, to the betterment of the lives of the citizens of the countries where volunteers have served, and to our own country, (2) reaffirms the United States' commitment, through the Peace Corps, to help peoples in countries around the world to meet their needs, and (3) urges the President to issue a proclamation commending Peace Corps volunteers for their service in the promotion of world peace and understanding.

Mr. CHAFEE. Mr President, I ask unanimous consent to be listed as a consponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I rise today to offer a joint resolution commending the Peace Corps on the date of its 30th anniversary. The text of this resolution is indentical to that of House Joint Resolution 131, introduced in the House by Representative HENRY.

Mr. President, it is with great personal pride that I offer this resolution. I say that not out of ego or vanity, but in recognition of the deep kinship that I share with the Peace Corps. As a former volunteer who spent two of my toughest yet most rewarding years in the Dominican Republic, I know the Peace Corps has made a strong influence on my life. I would venture to say that for most Peace Corps volunteers, the same holds true.

Over 125,000 volunteers have shared in the Peace Corps experience, serving in over 100 countries throughout the globe. They have helped to address important social issues, such as poverty, malnutrition, and disease. They have aided the citizens of other nations in the fields of agriculture, environmental preservation, and small business. They have engaged in numerous construction projects, such as the building of roadways, homes, and bridges.

But the most important bridges that Peace Corps volunteers have built, Mr. President, are bridges of understanding. Thousands of citizens around the world know only of the goodness of Americans through the effort and outreach of Peace Corps volunteers. For many citizens of the world, their only knowledge of Americans is through the ones that one day came out to build a hut, help dig an irrigation trench, or teach a child. I know from personal experience that there are a few people living in the mountains near Moncion, in the Dominican Republic, who know just how much the smallest things can make a difference.

And Mr. President, the Peace Corps is an experience that works both ways. Just as Peace Corps volunteers improve the lot of the people around them in the countries to which they have been assigned, so do they improve themselves as well. And that is the true wonder of the Peace Corps. Thousands of volunteers have returned from overseas, enriched by their experiences, and rededicated toward the principles of peace, sharing and understanding. Many former volunteers continue to contribute to their own society once back at home, sharing with other Americans the values instilled by the Peace Corps.

Sargent Shriver, the original Director of the Peace Corps, called it "a two-way street." allow me to cite a speech given by him in 1961:

> We hope that the activities of our volunteers will help the people of other Nations to understand the true nature of America—and that our volunteers will gain a greater knowledge and a deeper understanding of the people of other nations. It is a two-way street. It is this mutual understanding—this deeper appreciation—that leads to mutual respect and to world peace.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

Mr. FORD. Mr. President, since Senator CRANSTON cannot be here today because he is in California continuing to recover from cancer treatment, I am submitting the following statement for him.

THE 30TH ANNIVERSARY OF THE PEACE CORPS

• Mr. CRANSTON. Mr. President, I am very pleased to join with Senator DODD in introducing this resolution, which is cosponsored by all members of the Foreign Relations Committee, to honor Peace Corps Volunteers and the Peace Corps on the agency's 30th anniversary. Since the Peace Corps' inception 30 years ago, 125,000 volunteers have served in more than 90 countries around the world, working with men, women, and children on a grassroots level to better the often harsh conditions of their lives. I am particularly proud that 17,673 Californians have served as Peace Corps volunteers since 1961—more than from any other State.

Though the attention of our country is understandably riveted to the war raging in the Persian Gulf, we pause today to celebrate a noble goal, and an organization that embodies it, to promote peace and international understanding in all corners of the Earth.

On October 14, 1960, at the University of Michigan in Ann Arbor, as a candidate for the Presidency of the United States, John F. Kennedy first announced his proposal to launch the Peace Corps. It was the first time an American President had proposed to support and fully fund a volunteer movement of men and women dedicated to the pursuit of peace. It is remarkable and a testament to the value of the agency that it has thrived and prospered during often tumultuous times—times of war and peace, of social upheaval and consensus. The success of a person-to-person, volunteer effort is always hard to measure, but I believe the number of new countries requesting volunteers, the growing number of volunteer applications and the ongoing respect of the American public for the institution are signs of its immeasurable value.

Mr. President, on the occasion of the 30th anniversary of the Peace Corps, I believe it is appropriate for us to recognize the individuals who have served and are serving as volunteers. Charged with finding small scale solutions to often huge social and environmental problems, volunteers most certainly have a very tough job. To succeed, they must be innovative, creative, culturally sensitive, enthusiastic, persistent, encouraging, realistic, and sympathetic. Since 1961 volunteers have developed, adapted, and applied new techniques and appropriate technologies to a myriad of problems. From tropical gardening in the Marshall Islands to providing rehabilitative services to disabled children in Morocco and improving fisheries techniques in Honduras, volunteers have not only contributed greatly to the field of development efforts of Peace Corps countries, but have also taught, learned, and shared invaluable lessons in respective national and personal problems.

While the dramatic political changes in Eastern Europe, the easing of tensions in Central America, and the war in the Persian Gulf capture the headlines, Peace Corps volunteers strive quietly on in the pursuit of peace, not as official representatives of U.S. foreign policy but rather as representatives of the American people and of the American ideals of volunteerism, service to others, and the importance of the individual.

Mr. President, I also ask that we remember the 213 individuals who have died during their Peace Corps service. Although these volunteers and their families can never be fully repaid for their great losses, they are comforted by the knowledge that their loved ones died in service to their fellow man and in the pursuit of international peace.

Finally, Mr. President, I think that the war in which this Nation is now engaged reminds each of us of the tremendous value of peace and the tremendous costs involved when peace is lost. Our continued commitment to our now 30-year-old Peace Corps is more important than ever in demonstrating that our willingness to work for peace is not overshadowed by our willingness to prepare for war.•

UNANIMOUS-CONSENT AGREEMENT—S. 419

Mr. FORD. Mr. President, I ask unanimous consent the majority leader, following consultation with the Republican leader, may at any time proceed to the consideration of Calendar 22, S. 419, to amend the Federal Home Loan Bank Act and enable the Resolution Trust Corporation to meet its financial obligations, notwithstanding the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALLING UPON THE PEOPLE OF THE UNITED STATES TO DISPLAY THE AMERICAN FLAG IN SHOW OF SUPPORT FOR U.S. TROOPS STATIONED IN THE PERSIAN GULF REGION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 44, now at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 44) calling upon the people of the United States to display the American flag in show of support for the United States troops stationed in the Persian Gulf region.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Is there further debate? The Chair hearing none, the question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 44) was agreed to.

The preamble was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE ON THE JUDICIARY DISCHARGED, AND CONSIDERATION OF CERTAIN MEASURES

Mr. FORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from consideration of the following resolutions: Senate Joint Resolution 50, 51, 52, 53, 56, 59, 62, 63, and Senate Resolution 17; that the Senate proceed en bloc to their consideration; that the joint resolutions be deemed read a third time and passed; that the resolution be agreed to; that the preambles be agreed to; and that the motion to reconsider the action on these resolutions be laid upon the table and that the consideration of these items appear individually in the RECORD.

Mr. CHAFEE. Mr. President, do I have those numbers right? Is it Senate Joint Resolution 50, 51, 52, 53, 56, 59, 62, and 63, and Senate Resolution 17?

Mr. FORD. Yes, the Senator is correct.

The PRESIDING OFFICER. Is there objection? The Chair hearing none, the request is agreed to.

The joint resolutions deemed read a third time and passed, and the resolution agreed to, read as follows:

S.J. RES. 50

Whereas the student-athlete represents a role model worthy of emulation by the youth of this Nation;

Whereas the past athletic successes of many business, governmental, and educational leaders of this Nation dispel the myth that successful athletes are one-dimensional;

Whereas such worthy values and behaviors as perseverance, teamwork, self-discipline, and commitment to a goal are fostered and promoted by both academic and athletic pursuits;

Whereas participation in athletics, together with education, provides opportunities to develop valuable social and leadership skills and to gain an appreciation of different ethnic and racial groups;

Whereas in spite of all the positive aspects of sport, overemphasis on sport at the expense of education may cause serious harm to the future of an athlete;

Whereas the pursuit of victory in athletics among the schools and colleges of this Nation too often leads to exploitation and abuse of the student-athlete;

Whereas less than 1 in 100 high school athletes have the opportunity to play Division I college athletics;

Whereas although college athletes graduate at the same rate as other students, fewer scholarship athletes in revenue producing sports graduate from college;

Whereas only 1 in 10,000 high school atheletes ever realize an aspiration of a career in professional sports, and those students who become professional athletes may expect a professional sports career of less than 4 years;

Whereas thousands of the youth of this Nation sacrifice academic achievement to the dream of professional athletics;

Whereas the practice of keeping athletes eligible for participation on a team, even at the high school level, must be abandoned for a policy of ensuring a meaningful education and degree;

Whereas coaches, parents, and educators of student athletes must express high expectations for academic performance as well as for athletic performance; and

Whereas there is a need in this Nation to reemphasize the student in the term "student-athlete"; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 6, 1991, is designated as "National Student Athlete Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate programs, ceremonies, and activities.

S.J. RES. 51

Whereas Federal employees serve the people of the United States by enabling the Federal Government to carry out its duties in an efficient manner;

Whereas more than three million individuals are employed by the Federal Government;

Whereas many valuable services performed by Federal employees are often inadequately recognized by Federal officials and by the people of the United States; and

Whereas Federal employees should be recognized for the contributions that they make to the efficient operation of the Federal Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning March 4, 1991, is designated "Federal Employees Recognition Week," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

S.J. RES. 52

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas an estimated four million children become victims of child abuse in this Nation each year;

Whereas an estimated five thousand of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including Child Help U.S.A., Parents Anonymous, the National Committee for the Prevention of Child Abuse, the American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages of abuse and neglect and to help child abusers break this destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations such as Parents Anonymous, and other members of the National Child Abuse Coalition, are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of April, 1991 and 1992, are designated as "National Child Abuse Prevention Month", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

S.J. RES. 53

Whereas members of the armed forces of the United States have been recently captured by the armed forces of Iraq and have been held as prisoners of war;

Whereas the prisoners of war held by Iraq have endured incredible hardships and the events surrounding the holding of such prisoners remind us of the thousands of members of the armed forces of the United States who served in past armed conflicts and were held as prisoners of war;

Whereas many prisoners of war have been subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war;

Whereas many former prisoners of war died, or were disabled, as a result of such treatment;

Whereas, in 1985, the United States Congress directed the Department of Defense to issue a medal to former prisoners of war recognizing and commemorating their great sacrifices in service to our Nation; and

Whereas the great sacrifices of prisoners of war and their families deserve national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1991 and April 9, 1992, are designated as "National Former Prisoner of War Recognition Day" in honor of the members of the armed forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such day with appropriate ceremonies and activities.

S.J. RES. 56

Whereas during the second week of March 1988, a revolutionary sequence of historic social events evolved on the campus of Gallaudet University, the only university in the Nation which teaches exclusively deaf and hard of hearing students;

Whereas the events which occurred at Gallaudet University in the Spring of 1988 had great significance to all Americans, especially those who are deaf or hard of hearing;

Whereas the week long social protest at Gallaudet University awakened the people of nations around the world to the fact that deaf and hard of hearing individuals are able to achieve at the same level as others and need to be recognized as individuals with unique abilities and qualities; and

Whereas the week long social protest at Gallaudet University served to educate and sensitize the American people concerning the hopes and dreams of the more than 24,000,000 Americans who are deaf or hard of hearing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on March 10, 1991, and ending on March 16, 1991, is designated as "Deaf Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this week by remembering the significance of the historic social movement, which began in March 1988 at Gallaudet University, through appropriate ceremonies and activities.

S.J. RES. 59

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece informing our representative democracy;

Whereas March 25, 1991, marks the one hundred and seventieth anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire;

Whereas these and other ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1991, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy,' and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

S.J. RES. 62

Whereas American women of every race, class, and ethnic background have made historic contributions to the growth and strength of the United States in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the United States by constituting a significant portion of the labor force working inside and outside of the home;

Whereas American women have played a unique role through out the history of the United States by providing the majority of the volunteer labor force;

Whereas American women have been particulary important in the establishment of early charitiable, philanthropic, and cultural institutions of the United States;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

Whereas American women not only served as leaders in causes to secure the right of suffrage and equal opportunity for women, but also served in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and in other causes to create a more fair and just society for all; and

Whereas despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That

(1) the month of March, 1991 and the month of March, 1992, are designated as "Woman's History Month"; and

(2) the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the months with appropriate programs, ceremonies, and activities.

S.J. RES. 63

Whereas on June 14, 1941, the Soviet Union began mass deportation to Siberia of people from the Baltic Republics of Estonia, Latvia, and Lithuania;

Whereas the United States has for the past 50 years refused to recognize the forced incoporation of the Baltic Republics into the Soviet Union;

Whereas the Soviet Union has consistently refused to follow the request of the United States that it begin negotiating a peaceful end to the occupation of the Baltic Republics;

Whereas the Baltic Republics, which in 1990 reaffirmed independence from the Soviet Union, have not been allowed to pursue policies which would realize the intent of these declarations;

Whereas the armed forces and secret police of the Soviet Union continue to maintain an extensive presence in the Baltic Republics;

Whereas, although the Soviet Union has stated its intention to pursue policies of glasnost and perestroika, recent events in the Baltic Republics indicate that the Soviet Union is not fully committed to those policies;

Whereas the Soviet Union has consistently pursued measures which are contrary to its stated goal of sovereignty for Soviet republics; and

Whereas the Soviet Union has not acted in accordance with the Helsinki agreements, which it signed 15 years ago, because it has not allowed the Baltic Republics to exercise their respective rights to self-determination: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 14, 1991, is designated as "Baltic Freedom Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

S. RES. 17

Whereas over 400,000 American service men and women are risking their lives in defending the interests and principles of the United States of America;

Whereas these American troops are performing with remarkable success against Saddam Hussein and his military-industrial complex;

Whereas all citizens of the United States, including Congress, should take great pride in the manner in which our brave service men and women are representing our Nation in the Middle East; and

Whereas all Americans eagerly await a successful and expedient conclusion to the Persian Gulf war and the safe return of our courageous sons and daughters serving in that region: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate strongly supports and endorses "Operation Homefront" as a national grassroots effort to support our service men and women participating in "Operation Desert Storm" and their families here at home; and

(2) the Senate encourages Federal, State, and local governments and private businesses and industry to organize "Operation Homefront" task forces intended to provide support for the families of the troops while they are deployed and to plan and organize welcome home celebrations for the service men and women upon their arrival home.

Mr. SYMMS. Mr. President, tonight we adopted "Operation Homefront." As the eyes of the Nation and the world are focused on the Persian Gulf through the eyes of the camera lens, our hearts are with the soldiers and their families.

While we have all seen the pictures of the intense strategic bombing of Baghdad and the foiled Scud missile attacks on Israel and Saudi Arabia, most importantly, we've seen a highly trained, well-equipped and very motivated United States military force.

Mr. President, I could not be more proud of our men and women in the military than I am now. And it is for this reason, that I rise today.

Tonight, with the adoption of Senate Resolution 17 we are showing our strong support for the men and women serving in "Operation Desert Storm."

While we have previously passed unanimously resolutions of support, the "Operation Homefront" resolution urges Americans, whether mayors, school principals, parent-teacher organizations, local businesses, church leaders, rotary clubs and countless others, to organize nation-wide "Operation Homefront" task forces.

On Friday, January 19, during a rally on the capitol steps in Boise, ID sponsored by the local posts of the American Legion, the Veterans of Foreign Wars and the Disabled American Veterans, we kicked off Idaho's "Operation Homefront."

This is a nonpartisan, nonpolitical, volunteer effort to encourage everyone to support the troops by assisting their families here at home in numerous ways, and to plan for the arrival home of our military men and women.

Nothing hurt me more than to see the reception Vietnam veterans received upon returning home. While I recognize the right of every American to disagree, it is my hope that any disagreement is limited to our policy in the Gulf, not the men and women who are serving there; the same people who have accepted the responsibility to defend America and her interests.

Though I strongly support the President and his actions, I realize others may not. But I believe every American should support the men and women we've asked to risk their lives fighting for their country.

"Operation Homefront" is to assure that when these individuals finish their jobs and return home, they will be greeted as the heroes they are.

In Idaho, "Operation Homefront" volunteers are organizing gatherings for family members of servicemen and women, planning welcome home events and assembling Welcome Home packages of discounts and gift certificates from local businesses.

These welcome home packages are being sponsored by hotels and motels, restaurants and movie theaters, stores, even a ski resort and the many, many other businesses and community organizations to give these men and women a local "Thank You".

While it may not seem like much when compared to the risks our soldiers, sailors, airmen and Marines have taken, every thing we can do helps make the point that we appreciate the job they are doing, and that the men and women in the armed forces should be proud to wear the uniforms of the U.S. military—because we are proud of them.

"Operation Homefront" is underway in Idaho, Texas, Georgia, Colorado, and other States, and I hope we can extend this support in each State, each county, and each city and town across America.

There is so much we as Americans can do to support our troops, and this Senator hopes the resolution will be the catalyst to get the movement going.

Most importantly, Mr. President, my heart goes out to the families of the men who have paid the ultimate price for freedom and to those whose loved ones are being held prisoner by Saddam Hussein. They are the truest of heroes in the most difficult of times.

RECORD TO REMAIN OPEN UNTIL 2 P.M. TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that on Friday, February 22, the RECORD remain open until 2 p.m. for the introduction of bills and statements, and for the filing of Legislative and Executive Calendar business, notwithstanding a recess of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING SENATE EMPLOYEES TO TESTIFY AND PRODUCE RECORDS

Mr. FORD. Mr. President, on behalf of the majority leader and the distinguished Republican leader, Senator DOLE, I send to the desk a resolution to authorize testimony and document production by Senate employees, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 60), to authorize Senate employees to testify and produce records of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, last year, at the conclusion of its inquiry into the conduct of Senator DURENBERGER, the Select Committee on Ethics referred the matter, in accordance with the committee's resolution and rules, and as it has done in prior cases, to the Department of Justice for its attention. In the course of its examination of the committee's referral, the Justice Department is seeking information from present and former employees of the Senate. Senator DURENBERGER wishes to cooperate fully with the Department, and, in keeping with the Senate's usual practice, this resolution would authorize the employees to provide information sought by the Justice Department, except for material as to which a privilege should be asserted, in order to assist the Department in this matter.

The PRESIDING OFFICER. Is there further debate on Senate Resolution 60? If there be no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 60) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 60

Whereas the Select Committee on Ethics has referred to the Department of Justice for its attention matters relating to the conduct of Senator Dave Durenberger;

Whereas the Department of Justice is seeking information from present and former employees of the Senate of the United States in connection with this referral;

Whereas by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that the provision by Senate employees of information acquired in the course of their official duties is needful for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That present and former employees of the Senate are authorized to testify and to produce records of the Senate, except as to matters for which a privilege should be asserted, in connection with the referral of the Select Committee on Ethics to the Department of Justice of matters relating to the conduct of Senator Dave Durenberger.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 472 and Senate Joint Resolution 77 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SALUTE TO PHIL PISTILLI

Mr. DOLE. Mr. President, on March 1 much of the business community of Kansas City will gather to honor Phil Pistilli, one of the most respected and successful leaders in the hospitality industry.

I am proud to call Phil my friend, and had hoped to be there as he is honored. Unfortunately, previous commitments will prevent me from attending.

I did want to take this occasion, however, to share with my colleagues, my admiration and respect for this remarkable man.

Phil is a true American success story. He arrived in Kansas City over 40 years ago, where the duties of his first job in the hotel industry included washing dishes. Phil quickly learned the ropes, and he never looked back.

Today, Phil is president and chief operating executive of the Raphael Hotel Group, which operates hotels in Kansas City, Chicago, and San Francisco.

He is recognized by his peers as one of the most innovative leaders in the field, and he has been honored time and again by hospitality industry associations in the Midwest and across America.

More importantly, Phil has never failed to give something back to the community. He has served as president, or chairman, of countless civic organizations, and he has received the National Humanitarian Award from the City of Hope.

Phil and I also share a common mission in helping persons with disabilities to find meaningful employment. His service on the Missouri Governor's Committee on Employment of the Handicapped stands as an inspiration to all business men and women.

To all those gathered to honor Phil, I extend my best wishes and thanks for honoring a true gentleman.

And to Phil, I offer my heartiest congratulations and a warning—just remember that all those saying such nice words at your dinner, may soon be asking for a 10-percent discount.

GULF PEACE PLAN

Mr. DOLE. Mr. President, I thank the distinguished majority floor leader, the distinguished Senator from Kentucky [Mr. FORD]. I apologize for taking more time than I intended.

With reference to what we are hearing on television now with reference to the gulf and the Iraqi plan that the Soviets are now trumpeting, let us be very cautious. Let us be very certain we have examined it carefully. Let us remember that the Soviet Union has only been an observer in the process. They have not committed any material or any young men or young women to the gulf coalition forces. And let us remember that Saddam Hussein may be playing a stalling game.

I am certain President Bush will consider this very carefully, consider the source, consider whether or not this may be a stall by Saddam Hussein, and then, obviously, make the judgments in the best interests of our long-term national concerns in that area. Keeping in mind, yes, if they withdraw from Kuwait, do it immediately. If they are prepared to make reparations—you do not reward an aggressor; do not reward Saddam Hussein. He does not deserve it.

Yes, we want a peaceful settlement, all of us. We would like to have it. We would like to have the young men and women home in the next 10 days, 2 weeks, 30 days, 60 days. But the bottom line is we do not want to bring them home in 10 days, 2 weeks, 30 days, or 60 days, and have them back there a year from now, 2 years from now, or 5 years from now.

The PRESIDING OFFICER. The Senator from Kentucky.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Friday, February 22; and that following the prayer, the Journal of proceedings be approved to date; that following approval of the Journal, the distinguished Senator CONRAD BURNS of Montana be recognized to deliver Washington's Farewell Address; that upon the conclusion of Washington's address delivered by the distinguished Senator, the Senate stand in recess until 2:30 p.m., Tuesday, February 26.

Mr. President, I further ask unanimous consent that on Tuesday, February 26, following the time for the two leaders, there be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELEPHONE TAX

Mr. CHAFEE. Mr. President, I ask unanimous consent to proceed for 1 minute first in connection with the telephone joint resolution that was introduced by the distinguished Republican leader. I further ask unanimous consent to be added as a cosponsor to that joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I further say, Mr. President, that it makes eminent sense to me. I think we certainly want to work out a system with the Saudis whereby there is not a tax levied on those particular calls. We are in a modern world where apparently there is considerable accessibility to telephone over three and that is a form of communication that our service men and women are using. I think we ought to encourage it and certainly there is no need for anybody to add a tax, for the Saudis to add a tax to those particular calls. So I support the joint resolution and hope that it will achieve passage. I want to thank the Chair, and I want to thank the distinguished acting leader.

SCHEDULE

Mr. FORD. Mr. President, for the information of my colleagues, let me just reiterate what will transpire. On tomorrow, no legislative business will be conducted. The Senate will be in session only for the purpose of Washington's Farewell Address.

RECESS UNTIL 10 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, as under the provisions of Senate Resolution 59, until 10 a.m., Friday, February 22, in memory of the late Congressman Conte.

There being no objection, the Senate, at 7:48 p.m., recessed until Friday, February 22, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 21, 1991:

DEPARTMENT OF STATE

DAVID FLOYD LAMBERTSON, OF KANSAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

MICHAEL T. F. PISTOR, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENITARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

JENNIFER C. WARD, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARTA ISTOMIN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1996, VICE CARLOS MOSELEY, TERM EXPIRED.

CONFIRMATION

Executive nominations confirmed by the Senate February 21, 1991:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SUSANNAH SIMPSON KENT, OF PENNSYLVANIA, TO BE DIRECTOR OF THE INSTITUTE OF MUSEUM SERVICES.

WILLIAM E. STRICKLAND, JR., OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1996.

NATIONAL SCIENCE FOUNDATION

WALTER E. MASSEY, OF ILLINOIS, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF 6 YEARS.

NATIONAL COUNCIL ON DISABILITY

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COUNCIL ON DISABILITY FOR THE TERMS INDICATED:

JOHN LEOPOLD, OF MARYLAND, FOR A TERM EXPIRING SEPTEMBER 17, 1991, VICE BRENDA PREMO, TERM EXPIRED.

MARY ANN MOBLEY-COLLINS, OF CALIFORNIA, FOR A TERM EXPIRING SEPTEMBER 17 1991, VICE JONI TADA, TERM EXPIRED.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING ALAN R. BAKER, AND ENDING MARIA E. STETTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 4, 1991.

EXTENSIONS OF REMARKS

TRIBUTE TO GLORIA GARY LAWLAH

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to express my appreciation for the important contributions that African-Americans have made to America's political development. The Honorable Hiram Revels of Mississippi became the first black to serve in Congress when he took his seat in the Senate on February 25, 1870. Joseph Rainey of South Carolina became the first black Member of the House of Representatives when he took the oath of office on December 12, 1870. Today, in the 102d Congress, there are 26 African-Americans serving.

When the Maryland General Assembly began its 397th session in Annapolis, there were seven African-Americans serving in the senate. The seventh member was recently elected, November 6, 1990, as the first African-American woman from Prince Georges County to serve in the Maryland Senate. She follows an outstanding woman who has made contributions to the State of Maryland, State Senator Verda F. Welcome, Legislative District 40, who served from 1963 to 1982. Mrs. Gloria Lawlah is the second African-American woman elected to the Maryland State Senate in 8 years.

Mrs. Lawlah was elected to the Democratic Central Committee in 1982 to represent the 26th Legislative District. In 1984, Senator Lawlah, as an elected official, was appointed as an alternate delegate to the Democratic National Convention in San Francisco. She cofounded the Prince Georges County Chapter of the National Political Congress of Black Women and currently serves on the national board of directors. Lawlah has diligently devoted her time and attention to voter registration and established closer communication between local and State government and the communities they serve. She is active in many civic, political, and social organizations, having contributed as a member of the board of directors Prince Georges Coalition on Black Affairs, Prince Georges Political Women's Caucus, Hillcrest Heights Civic Association, the NAACP, Alpha Kappa Alpha Sorority, Southern Leadership Conference and, the fourth Congressional Rainbow Coalition.

In honor of Black History Month, I salute Mrs. Gloria Gary Lawlah and the many others for their outstanding leadership and significant contributions to improving the quality of life in our communities.

THE USPS: AN UNNATURAL MONOPOLY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. CRANE. Mr. Speaker, although the United States was built and continues to thrive on the shoulders of capitalism, a major service, reaching all Americans, is protected by Federal law from the very force that has made this country the envy of world markets—competition. In 1980, the Hunt brothers tried to corner the silver market and only a few years ago did Ma Bell dissolve her privilege as the matriarch of long distance. But by far the most dishonorable monopoly in U.S. history is the one vested in the hands of our Government under the guise of the U.S. Postal Service. Americans are forced to accept the USPS's sluggish delivery, constant reduction in services, and postage rate hikes which have risen 33 percent faster than the rate of inflation. Moans are heard again at the USPS's recent proposal to add four cents more to the cost of sending a letter to your grandmother, payment to your utility company, or a note to a friend.

The time has come to abolish this monopoly and to stop cheating American consumers out of efficient service and reasonable postal costs. It is for the above reasons that I favor privatization of the post office and am reintroducing a bill to accomplish this goal by giving the employees full ownership of the corporation.

My solution is simple and straightforward. Under this legislation, all assets of the post office would be given to a corporation owned by the employees by establishing an employee stock ownership plan [ESOP] which will transfer stock to the employees. Regulations will assure that rural service and general performance standards exceed current levels. The new firm will be given a 5-year grace period during which it will face no competition, giving it time to get its feet on the ground. Thereafter, the monopoly will be abolished and free competition in all classes of mail will be allowed.

I urge my colleagues to join me in the task of providing more efficient, less expensive postal services to the American people and to support privatization of the U.S. Postal Service.

COUSIN MINNIE CELEBRATES 50TH OPRY ANNIVERSARY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. CLEMENT. Mr. Speaker, I rise today to pay tribute to an elegant lady, Grand Ole Opry star, queen of country comedy and a national treasure—Mrs. Sarah Cannon, better known as Cousin Minnie Pearl.

Cousin Minnie made her first appearance on the Grand Ole Opry in November 1940. Today, more than 50 years later, she is known and loved throughout the world.

"Howdeeeee, I'm just so proud to be here!" Everyone knows that greeting signals the arrival of Cousin Minnie Pearl.

The Nashville Banner newspaper recently did a series of special stories outlining Cousin Minnie's long and illustrious career. The descriptions of Cousin Minnie shared by her friends and colleagues in the newspaper indicate just how special she is:

Chet Atkins: "I've learned so much from her down through the years. She just has so much class."

Hank Snow: "Minnie has always been a powerhouse. She's always been a strong lady. She's always been there to help. She's a woman we're all proud of and we all love her very much."

Pee Wee King: "One of the secrets of her success is her sincerity and her concern. She always has a kind word for everybody."

Hank Williams, Jr.: "Minnie Pearl put the 'Grand' in Grand Ole Opry, cause she's the grandest lady of all and I love her sincerely."

Hal Durham, (Grand Old Opry general manager): "Her achievement in country comedy is astonishing. She came to what was essentially a country music show and made comedy a big part of the Grand Old Opry. It is a different and better show today because of what she contributed."

These are but a few of the accolades from Minnie's peers. They are certainly indicative of the influence she has had on generations of performers and others whose lives she has touched.

I can personally attest to the warmth, charm, sincerity, and selflessness of Cousin Minnie Pearl. I first became acquainted with this dear lady when I was a mere 9 or 10 years old. She and her husband Henry Cannon, were friends with my late father, Frank G. Clement, who was a former Governor of Tennessee. I often told Minnie that she should be grateful Henry never decided to become a comedian, because he is even funnier than her.

On Tuesday, January 22, 1991, the cancer center at Centennial Medical Center was renamed in honor of Mrs. Sarah Cannon. She was treated for breast cancer at the center in 1985.

I ask that each of my colleagues in the U.S. House of Representatives join me in paying tribute to one of the dearest people I have ever known. She is a woman of whom it has been said, "She epitomizes the joy of life." She truly does—and she has added great joy to the lives of millions of fans for more than half a century.

It is my honor to count Cousin Minnie Pearl as my friend.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I have included a list of historical milestones of Cousin Minnie's career from the Nashville Banner:

[From the Nashville Banner]

PEARL-Y DATES

(By Jay Orr)

Among the many highlights of comedian Minnie Pearl's career:

Oct. 25, 1912—Born Sarah Ophelia Colley in Centerville.

1932—Graduates from fashionable Ward-Belmont finishing school (now Belmont College) in Nashville.

1934-1940—Works for the Sewell Production Company, a dramatic troupe that stages plays all over the South by training and using local talent.

January 1936—Stays with a rural family in northern Alabama. Her host kindles the idea of Colley's Minnie Pearl and Brother character.

October 1940—Representatives of the National Life and Accident Insurance Company, owner of radio station WSM and the Grand Ole Opry, hear Colley at a convention where she plays the part of Minnie Pearl. They invite her to appear as a guest on the Saturday night radio show.

November 1940—Minnie Pearl makes her first appearance on the Grand Ole Opry.

Jan. 1, 1941—Leaves on her first Grand Ole Opry road trip with Roy Acuff and his band.

August 1941—R.J. Reynolds Tobacco Company and the Grand Ole Opry organize the *Camel Caravan*. The traveling unit of 20 country entertainers included Minnie Pearl, Pee Wee King and his Golden West Cowboys and young Eddy Arnold. By late 1942, the wartime troupe has traveled more than 50,000 miles in 19 states and Panama, presenting 175 shows in 68 army camps, hospitals, air marine bases.

February 1942—Colley becomes a regular member of the 30-minute "Prince Albert Tobacco" Opry segment, broadcast nationally over the NBC radio network. Eager to go on during the network segment, she gets hit on the head with a sandbag, a counterweight to the changing stage scenery. Her popular comedy character incorporates jokes about Brother, her boyfriend Hezzie and Uncle Nabob in the community of Grinder's Switch, Tenn.

March 1942—Minnie Pearl and the other members of the Grand Ole Opry Caravan travel to Panama to entertain American troops.

1947—Marries Air Force pilot Henry Cannon.

1947—Performs with other Opry stars at Carnegie Hall.

November 1949—Goes with Roy Acuff, Red Foley, Hank Williams, Little Jimmy Dickens and Rod Brasfield to entertain U.S. troops in Europe. Visits Germany and Austria.

1952—As Minnie Pearl, Cannon performs with the Nashville Symphony Orchestra.

1961—Travels to New York with Opry stars Grandpa Jones, Patsy Cline, Bill Monroe, Jim Reeves and Faron Young to perform in a Musicians' Aid Society benefit at Carnegie Hall.

1967—Cannon's sister Dixie dies from cancer.

November 1969—Comes to wider national attention through appearances on the nationally syndicated show *Hee Haw* beginning in 1969.

March 16, 1974—Cries onstage at the Ryman Auditorium during the concluding performance of the Opry from that location.

1975—Inducted into the Country Music Hall of Fame.

1980—Simon and Schuster publishes her autobiography, *Minnie Pearl*, written with Joan Dew.

1984—Opens her own museum on Music Row.

April and October 1985—Undergoes a double-mastectomy for breast cancer.

January 1986—Rings in Homecoming '86 with Gov. Lamar Alexander.

March 29, 1986—Appears with fellow musicians, Billy Crystal, Whoopi Goldberg and Robin Williams in Comic Relief, a comedy concert in Los Angeles to benefit National Health Care for the Homeless.

April 8, 1986—The Educational Auditory Research Foundation holds a "Hats Off to Minnie" dinner at the Belle Meade Country Club to announce the Minnie Pearl E.A.R. Foundation scholarship for hearing impaired students enrolled in a college program.

April 1987—Receives the Academy of Country Music's Pioneer Award.

April 3, 1987—Receives the American Cancer Society's Courage Award, presented in President Reagan's Oval Office.

Nov. 17, 1987—Receives the Country Music Foundation's Roy Acuff Award for community service.

July 2, 1988—Honored by the American Academy of Achievement as a "giant of endeavor" at the banquet of the Golden Plate held in Nashville.

Jan. 7, 1989—Receives the Community Service Award from the Nashville Academy of Medicine for her work in promoting cancer awareness.

April 1989—Minnie Pearl Museum moves to Opryland from Music Row.

March 16, 1990—Receives a pacemaker to correct an irregular heartbeat.

July 1990—Travels to Houston with other members of the Opry to entertain world leaders at the Economic Summit of Industrialized Nations.

Nov. 3, 1990—Celebrates her 50th anniversary on the Grand Old Opry.

TRIBUTE TO NOEL PACHTA

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to an outstanding citizen who has worked in the Federal service for 33 years. For 4 years Mr. Noel Pachta was a dedicated member of the U.S. Navy Seabees in the 1950's. Over the last 29 years, he has worked as a superintendent in the National Park Service at Chaco Canyon National Monument, Big Bend National Park, Grand Canyon National Park, Denali National Park, Mesa Verde National Park, Cape Hatteras National Seashore, Gulf Island National Seashore, Virgin Islands National Park, and since 1987, on Long Island at the Fire Island National Seashore.

Mr. Pachta leaves a large pair of shoes which his successor must try to fill. His careful work to resolve conflicts sets a standard for Federal employees serving the public. His careful attention to service and detail are widely respected in the service. While we will miss his hard work and dedication to the Park Service, we wish both him and his wife, Sammie, happiness and success in their future pursuits.

NATIONAL COAL AND EXTRACTIVE ENERGY STRATEGY ACT OF 1991

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. RAHALL. Mr. Speaker, the administration's highly touted years in the making national energy strategy is turning out to be nothing but a paper tiger—or actually, an Exxon tiger in your tank judging from the reliance the alleged strategy places on drilling for oil in the Arctic National Wildlife Refuge to address the Nation's pressing energy problems.

In my view, drilling for oil in sensitive areas, promoting nuclear power and cutting corners by fast tracking the Federal permitting process for natural gas pipelines and hydroelectric powerplant projects alone simply isn't going to cut it.

The fact of the matter is that vast deposits of coal and other forms of energy remain relatively untapped, onshore, in the lower 48 States.

Yet, incredible as it may seem, the word "coal" hardly appears in the legislative changes the administration supports as part of its national energy strategy. While I find it hard to believe that the Bush administration really believes that the Nation's most abundant energy resource has no role in our country's future energy security, I can assure my colleagues that if we simply rubber stamp its proposal we will continue down the same path the Nation has traveled since the dismantlement by the Reagan administration of the Carter coal-based national energy policy of the late 1970's.

In light of the fact that the administration has failed to include necessary legislative proposals relating to the coal and extractive energy industries, today I am introducing the National Coal and Extractive Energy Strategy Act of 1991. This measure represents what I believe should be an element in any national energy legislation formulated by the Congress.

Now is the time to make a bold stroke for coal. For energy independence. For our national security.

We have vast deposits of coal being ignored in previously mined areas that can be remined. We have an incredible amount of pipeline quality methane trapped in coalbeds in the Appalachian region and elsewhere just waiting to be extracted. Low-sulfur metallurgical coal resources, also prevalent in the central Appalachian coalfields, while traditionally used in steelmaking, can serve to assist the electric utility industry comply with more stringent clean air requirements. Federally owned coal can be more efficiently developed to the benefit of the Western markets while allowing Eastern coal to serve its traditional markets. Meanwhile, federally owned oil and gas resources on public domain lands, can be brought to play if we further reduce speculation.

This legislation seeks to balance energy development with social considerations. The demands placed on local communities and the adverse impacts on roads and facilities from energy development cannot be ignored. This measure would provide for the more efficient disbursement of the State's share of Federal mineral leasing receipts, and establish a new trust fund to provide for some compensation to these communities.

Responsible energy development in an environmentally and socially responsible manner is possible, and is the premise of this legislative initiative.

AMERICAN HEART MONTH

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. GEKAS. Mr. Speaker, Monday, February 25, is the first in a series of congressional luncheon briefings, "Biomedical Research and You," sponsored by the National Institutes of Health in cooperation with Partners in Discovery. I encourage my colleagues to attend this briefing, "Coronary Heart Disease: What It Means to You," presented by the National Heart, Lung, and Blood Institute [NHLBI] from 12:15 to 1:45 p.m. in room B-340, Rayburn House Office Building. The agenda features remarks by two American Heart Association [AHA] volunteers, Nanette Wenger, M.D., professor of medicine—cardiology—at Emory University School of Medicine in Atlanta and Renee Hartz, M.D., associate professor, department of surgery at Northwestern University School of Medicine in Chicago. Dr. Wenger will focus on diagnosis, treatment, and prevention of coronary heart disease. Dr. Hartz will address invasive procedures for the treatment of coronary heart disease. Please RSVP to the division of legislative analysis at the National Institutes of Health on (301) 496–3471.

February, American Heart Month, is an excellent opportunity to focus on coronary heart disease—the No. 1 killer in the United States. Recognizing the need for all Americans to take part in the continuing battle against diseases of the heart and blood vessels, by a joint resolution in December 1963, Congress requested the President to issue annually a proclamation designating February as American Heart Month. On February 7 in an Oval Office ceremony, President Bush, an active fundraising volunteer for the AHA in the 1960's signed the 28th annual proclamation. The President has held a signing ceremony for this event each February since he has held office.

The AHA, a nonprofit voluntary health organization funded by private contributions, is dedicated to the reduction of disability and death from cardivocascular diseases, including heart attack and stroke. To this end, the AHA invests heavily in research. Research remains the central focus of the AHA. Since 1949, the AHA has invested more than $900 million in research. In fiscal year 1989–90, the AHA, including its 56 affiliates nationwide, has invested over $77 million to research. The size of this financial commitment makes the AHA second only to the federally sponsored National Heart, Lung, and Blood Institute [NHLBI], in the amount contributed to cardiovascular research.

In accomplishing its mission, the AHA works closely with related Federal research, education, and prevention programs. Programs of the AHA, the NHLBI, and the National Institute of Neurological Disorders and Stroke [NINDS], have had a striking impact. According to the AHA, from 1978 to 1988, the age-adjusted death rate from coronary heart disease fell 29.2 percent and that from stroke fell 33.2 percent.

Despite these advances, cardiovascular diseases remain the leading cause of death in the United States and worldwide. The AHA reports that annually, nearly 1 million Americans die from heart and blood vessel diseases which claim a life every 32 seconds in the United States. The President's proclamation noted that women, too, are at risk, heart attack is the No. 1 killer of American women, surpassing even breast cancer and lung cancer. According to the AHA, heart attack alone kills almost three times as many as breast and lung cancer combined.

Continued progress against cardiovascular diseases is contingent on sufficient Federal resources. I urge my colleagues to join in the battle against cardiovascular disease.

WILL HER SOLDIER COME BACK HOME?

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. SUNDQUIST. Mr. Speaker, my district in Tennessee is the proud home to the 101st Airborne Division, currently deployed as part of Operation Desert Storm.

On my last visit to Clarksville and Fort Campbell, Debbie D. McGaha handed me a poem she had written for her sister, Gayla Baty, whose husband, CW3 James L. Baty, pilots a Blackhawk helicopter in Saudi Arabia.

Because there are many wives and husbands of soldiers in the same circumstance as Gayla Baty, I wanted to share Ms. McGaha's poem with this House. I ask that it be reprinted in the CONGRESSIONAL RECORD.

WILL HER SOLDIER COME BACK HOME?[1]

(By Debbie D. McGaha)

She pins on her red, white and blue ribbon
She wears to work now everyday
As a mother, she maintains a routine
While her soldier's gone away

She says a prayer while driving
As she sees the headlights on
And deep inside she wonders
Will her soldier come back home?

Her mind is full of wonder
Her heart is full of hope
But its her undying love for the soldier
That makes her strong enough to cope

Sometimes without a reason
She just has to stop and cry
Each tear asking Dear Jesus
To bring her soldier home alive

Will her soldier so far away
To make a stand in the desert sand
Come back home with honor from Saudi
And hold her in his arms again?

Will her soldier come back home
In victory or defeat?
Will he be sitting in a wheelchair?
Or standin' on his feet?

Will her soldier survive the crisis
That's breaking America's heart?
Will America stand up for the soldier
If he comes home torn apart?

He left in such a hurry
There was little time to talk
He was sent to defend the world
From a mad man in Iraq

She writes her brave man faithfully
And runs to the mail box each day
Looking for words of love from Saudi
So she'll know her soldier's okay

When the children cry for daddy
She hugs the soldier's daughter and son
Telling them oh so gently
He'll be home when the job is done

Sometimes without a reason
She just has to stop and cry
Each tear asking dear Jesus
To bring her soldier home alive

Will her soldier so far away
To make a stand in the desert sand
Come back home with honor from Saudi
And hold her in his arms again?

INTRODUCTION OF A RESOLUTION TO IMPROVE JAPANESE-AFRICAN AMERICAN RELATIONS

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. WHEAT. Mr. Speaker, today I am reintroducing a resolution from the 101st Congress that expresses the outrage of the American people about the continuing, reprehensive racist remarks directed toward African-Americans and other ethnic minorities by officials of the Japanese Government.

Together with my colleagues in the Congressional Black Caucus, I feel it is imperative that the Congress speak out against the failure of Japanese leadership to address the pervasive presence of bigotry and racial insensitivity within corporate and governmental circles.

That bigotry and insensitivity has been demonstrated on far too many occasions in recent years by caustic remarks that are not only an affront to African-Americans, but to all Americans.

Last year in a well-publicized remark, the Justice Minister of the Japanese Government, Seiroku Kajiyama, compared the entry of prostitutes into local communities in Japan to African-Americans who "run white people out of neighborhoods in America when they move in, lowering property values and imperiling safety" [summary of quote].

In 1988 Michio Watanabe, the policy chief for the governing Liberal Democratic Party of Japan, stated that American blacks had few qualms about going bankrupt, implying that African-Americans are financially irresponsible and walk away from debts.

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[1] Dedicated to author's sister, Gayla Baty, wife of Blackhawk pilot, CW3 James L. Baty, and all other wives of soldiers serving in Operation Desert Storm.

In 1986 then-Prime Minister Yasuhiro Nakasone suggested that America was intellectually inferior to Japan "Because of a considerable number of blacks, Puerto Ricans, and Mexicans."

These are just a few examples of the racial slurs from the highest levels of the Japanese Government that have degraded African-Americans and other ethnic minorities. The racist impulse of these remarks has also been reflected in the discovery that Japanese department stores and other shops routinely feature racially stereotype mannequins that discredit all African-Americans.

These practices have been tolerated for too long by the Congress, the President, and the American people; they must come to an end.

Despite the regrettable incidents we have witnessed, there exists a foundation of goodwill upon which our two cultures could build a bridge of respect and understanding.

The histories of the Japanese people and African-Americans have long been intertwined. Over the past several decades, African-American soldiers stationed in Japanese cities have assisted schools, hospitals, orphanages, and homeless people with the very substance of survival.

Even today, African-American soldiers have placed their lives on the line to protect American, Japanese, and allied interests in the Middle East.

Surely this basis of goodwill can be nurtured so that a deeper understanding and a heightened sense of mutual respect is developed between Japanese Government officials and their African-American brethren in the United States. Such is my hope and conviction, and I hope passage of this resolution will start us down the road to a more fruitful and rewarding relationship.

The sense of the Congress resolution that I am introducing was first introduced in the waning days of the 101st Congress as House Concurrent Resolution 378 and is slightly modified from the original version. While the full House of Representatives did not have the opportunity to vote on House Concurrent Resolution 378 before adjournment, the resolution did receive the unanimous approval of the House Foreign Affairs Committee before the session ended.

Among House Concurrent Resolution 378's provisions was language demanding the resignation of then-Justice Minister Seiroku Kajiyama for his offensive statement mentioned above. Although Japanese Prime Minister Toshiki Kaifu never explicitly asked Kajiyama for his resignation, an eventual reshuffling of the cabinet resulted in Kajiyama leaving the post of Justice Minister. Therefore, the resolution I am introducing today does not call for the resignation of Kajiyama or any other cabinet official.

The resolution does, however, ask the President to request an official apology to all Americans from Prime Minister Kaifu for Kajiyama's remarks. It also requests that Prime Minister Kaifu's administration take immediate action to combat racist attitudes by pursuing an aggressive educational initiative to enhance the Japanese people's understanding of the virtues of multiethnic and multiracial societies.

Finally, the resolution expresses the firm belief of the Congress that the Japanese Government, as one of the world's leading democracies, should demand of its officials the highest level of respect for the diverse peoples of the world.

This CBC-sponsored initiative deserves the full support of President Bush and his administration. In the wake of Justice Minister Kajiyama's offensive remark last year, the CBC was very disappointed in the virtual silence that subsequently enveloped the White House.

The CBC feels firmly that President Bush, the leader of the free world, cannot selectively challenge racism, bigotry, and anti-Semitism in Eastern Europe and other parts of the world and fail to speak out when American citizens are maligned by Government officials from allied nations. We urge the President to lend his full support to this resolution and make clear his intolerance to racism in any form, anywhere, anytime.

Racism has pushed Japanese/African-American relations to the darkness of misunderstanding and resentment. It is time to clasp our hands together and walk toward the light of day.

STATE TAXATION OF SOCIAL SECURITY BENEFITS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. CRANE. Mr. Speaker, recently I introduced two bills, H.R. 307 and H.R. 312, regarding the taxation of Social Security benefits by State governments. H.R. 307 would require that any State or local taxes imposed and collected on benefits paid thereunder must be returned to the appropriate Social Security trust fund. My second bill, H.R. 312, would prohibit States and local governments from taxing Social Security benefits.

Legislation is necessary because the 1983 Social Security Amendments significantly reduced Social Security benefits for middle-income retirees. Without this bill, many of these same individuals are also being forced to pay additional taxes on their Social Security benefits, thus reducing their benefits even further. Although it is difficult to get exact information from the States, we know that seniors in about 16 States face the possibility of paying State taxes on their benefits.

Many States have laws that parallel Federal tax law. Therefore they use the adjusted gross income reported on the Federal tax forms as the basis for an individual's income to compute State liability. Although some States have taken legislative action to provide a State income tax exemption for Social Security benefits included in Federal adjusted gross income, many have not. Unless specific legislation to the contrary is enacted by States adopting current Federal code provisions, Social Security benefits will automatically be included in those States' income tax bases. Obviously States will not be inclined to change their tax laws because of the tens of millions of dollars in potential revenues for their needy treasuries.

While revenues from the Federal tax on Social Security benefits will be passed along by the Treasury to the Social Security trust fund, the revenues from a State tax on Social Security benefits do not go back into the Social Security trust fund. Instead, most State governments will use these revenues to trim their State budget deficits and finance future State programs. The States, in an effort to increase their revenues, are at the same time further penalizing those individuals who do save for their retirement. This double taxation of Social Security benefits by the Federal Government and the States creates an unjust burden on these recipients and a large disincentive for those who would otherwise want to continue working to supplement their income.

The 1983 Social Security Amendments did not intend to allow States to tax Social Security benefits. The intention was to restore solvency to the system upon which so many Americans depend. The legislation that I introduced will remedy this unfair burden levied on our seniors and restore justice to the system.

A TRIBUTE TO DR. ARIS ALLEN

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, it is always very difficult to come here and pay tribute to a man or woman who has died, and it is all the more difficult when that individual made such an indelible imprint on every life he touched. Dr. Aris Allen of Anne Arundel County, MD, was such a man—he died on February 8, 1991.

Dr. Allen was currently serving in the Maryland Legislature, having just been elected to that body to serve his third time at the age of 80. A man of impeccable quality and human compassion, Aris Allen embodied the drive, determination and success of every black American. He was a physician, a scholar, a devoted public servant, a patron of the arts, a remarkable individual by any standard of measurement.

Aris Allen was born in a small Texas town in the early part of this century, with few benefits or comforts that we take for granted. But the determination of this young man led him to strive against the odds, get a diploma, and work his way through Howard University and its medical school. The people of Annapolis were fortunate that Aris Allen chose our community to set up a practice, for we benefited not only from his skill but from his understanding and leadership.

His political career was distinguished and unique: 6 years on the county board of education, the first black to serve in that position; 8 years in the Maryland House of Delegates; candidate for Lieutenant Governor in 1978; Maryland senator; secretary of the Republican National Convention in 1980; medical affairs advisor to the Health Care Financing Administration; and was reelected to house of delegates just this past November.

Mr. Speaker, it is impossible to convey the loss that my community and my State feels at the death such a great man. His character was legendary—he was quick with a smile and a handshake. Aris Allen was a gentleman in every sense of the word and no one was immune from his charm or healing powers. In fact, on one occasion he rushed to the aid of a senate colleague who collapsed with a heart attack during a debate.

There are certain individuals who pass through our lives, touching everyone and everything they come in contact with a warmth, understanding, and kindness. Aris Allen was such a man. I commend to my colleagues a recent biography of this outstanding public servant, and ask you to join me in extending our sympathies to his family and friends.

EXPANDING NURITION PROGRAMS TO STENGTHEN ELDERLY INDEPENDENCE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. DOWNEY. Mr. Speaker, as the chairman of the House Select Committee on Aging's Subcommittee on Human Services, I am today introducing a bill which would provide first-time Federal reimbursement to senior nutrition providers under the Older Americans Act who offer two meals a day, each one meeting one third of the minimum dietary allowance required by law.

This bill is very important to thousands of seniors who participate in nutrition programs across the Nation. Eligibility for USDA commodities or cash in lieu of commodities is authorized in the Older Americans Act, which is currently being reviewed for reauthorization this year. The Older Americans Act also establishes the meals requirements as stated in title III c (1) and (2).

Section 331 states:

> The Commissioner shall carry out a program for making grants to states under State plans approved under Section 307 for the establishment and operation of nutrition projects—(1) which, 5 or more days per week provide at least one hot or other appropriate meal per day and any additional meals which the recipient of a grant or contract under this subpart may elect to provide, each of which assures a minimum of one third of the daily recommended allowances as established by the Food and Nutrition Board of the National Academy of Sciences National Research Council.

Unfortunately, some nutrition directors are finding it extemely difficult to obtain reimbursement for a second meal despite its obvious importance to their clients. The elderly we will help with this bill are among our neediest and most vulnerable citizens. The typical meal served at a nutrition site or in a home delivered situation, consisting of 3 ounces of meat, one-half cup vegetable, one half cup fruit or juice, a starch, 8 ounces of milk, a serving of butter and one half cup of dessert usually far exceeds the minimum requirement. Two such meals would be excessive for most older people to eat.

It is the intention of the Older Americans Act nutrition program to provide safe, nutritious and appetizing meals to our needy senior population. This can be accomplished by allowing two meals that meet a combined nutritional quality of two thirds the required dietary allowance. Basically, what would be reimbursed under this bill would be snacks or take-home food packages for weekends and holidays, which are presently not covered under the existing program. Because of this situation, many seniors go without a decent meal for 2 or 3 days at a time.

It is a documented fact that providing adequate nutrition to elderly people can keep them out of nursing homes. It is our responsibility to work together to allow our seniors to remain independent as long as possible.

A SALUTE TO THE CUYAHOGA COUNTY BAR ASSOCIATION ANNUAL PUBLIC SERVANTS MERIT AWARD RECIPIENTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. STOKES. Mr. Speaker, on February 27, 1991, the Cuyahoga County Bar Association will host its Annual Public Servants Merit Awards Luncheon. The event recognizes the exceptional work and contributions of selected county court system employees.

I would like to salute the Cuyahoga County Bar Association and this year's six public service award recipients. The honorees are: Olin Jules Ford; Minne L. Hall; Corinne C. Hogan; Thomas Yates Morris; Ella M. Rawls; and Mary Loretta Stanton. At this time I am pleased to share the accomplishments of the honorees with my colleagues.

Mr. Speaker, Olin Jules Ford serves as deputy clerk for the call day processing department. He is a graduate of East Technical High School and received a diploma in structural drafting from the Cleveland Engineering Institute. Mr. Ford also served in the U.S. Army and received an honorable discharge in 1951. He has been employed as a laborer, draftsman, and mail carrier.

Mr. Ford is single and the father of Alvis K. Ford, a member of the U.S. Coast Guard. He is a member of Planned Parenthood, G-PAC and affiliated with the National Rifle Association. In his spare time, he enjoys jazz and classical music, books on politics and history, gardening and walking.

For the past 4 years, Minnie L. Hall has served as assistant office manager for the civil division. Her career with the clerk of the courts spans approximately 29 years. Mrs. Hall previously served as assistant department head for the civil filing department; supervisor of alimony and child support; oath counterperson for the motor title division; and deputy clerk for the index department.

Mrs. Hall is a graduate of John Hay High School. She and her husband, George, are the parents of two children, James and Gladys V. Hall. They are also the proud grandparents of two, Melissa and Sophia. In her spare time, Mrs. Hall enjoys participating in activities involving young people, including the YWCA and Junior Achievement. She is also an avid reader and enjoys traveling.

Corinne C. Hogan is the deputy clerk/administrative secretary for the probate court. She has served in this capacity for 20 years. A graduate of St. Augustine Academy, Mrs. Hogan received a B.S. degree in political science from Miami University. She and her husband, Bill, are the parents of two children, Molly Megan Hogan and Daniel Patrick Connors.

Mrs. Hogan and her family are active at St. Malachi Church. She also chairs various committees at her children's schools. In addition, she is a member of West Side Irish American Club, and past treasurer of the United Ireland Society. Mrs. Hogan is also an avid traveler. In addition to several visits to Ireland, she has traveled to England, Europe, and Mexico.

Thomas Yates Morris is the chief investigator for the investigation department, domestic relations court. He has been employed with the domestic relations court for 26 years. Mr. Morris is a graduate of Berea High School and received his bachelor of arts degree from Baldwin-Wallace College. He and his wife, Madonna, are the parents of three children; Thomas Y. Morris II; W. Brendan Morris; and Karin Alexandra Morris.

Mr. Morris is a member of the American Correctional Association; the Ohio Correctional & Court Services Association; and the United Commercial Travelers Association. He is a member of St. Mark Catholic Church. In his leisure time, Mr. Morris enjoys racquetball and swimming. He also collects newspaper clippings and enjoys sports trivia.

Ella M. Rawls serves as the deputy director of the central scheduling department. She is the past supervisor of Ohio Boys' Town from 1961 to 1964. Mrs. Rawls joined the Cleveland Municipal Court Probation Department in 1964 and the scheduling department in 1974. For the past 7 years, she has held the position of deputy director. Mrs. Rawls was born in Cleveland and she is a graduate of John Hay High School. She and her husband, Donald V. Rawls, are the parents of three children: Donald Rawls, Jr.; Deon Rawls and Delisa Rawls.

In her spare time, Mrs. Rawls enjoys traveling, watching old movies, and reading. She is also a sports fan and enjoys basketball and softball.

Mary Loretta Stanton serves as jury bailiff for the common pleas court. She began her employment with the common pleas court in 1966, and has held her current position since 1970. She was previously employed with Fisher Body; the War Assets Administration; Cleveland Pneumatic; and the Laborers', Cement Masons & Plasterers' Local Unions. Ms. Stanton was born in Cleveland and graduated from Saint Stephen's High School.

Ms. Stanton is single and a member of Our Lady of Angels Church. In addition, she is a member of the St. Stephen's Alumni and the West Side Irish American Club. In her spare time, she enjoys horse racing and politics. She is the sister of former Congressman James V. Stanton, and was active in his campaigns for city council and the House of Representatives.

Mr. Speaker, it is a special honor for me to join in the salute to these exemplary public servants. Employees such as Mr. Ford, Mrs. Hall, Mrs. Hogan, Mr. Morris, Mrs. Rawls, and Ms. Stanton make the system work for all of the residents of the Cleveland metropolitan area.

I join the Cuyahoga County Bar Association, and the chairperson of the annual awards luncheon, Mercedes Spotts, in paying tribute to the 1991 Public Service Award recipients.

JUDGE SHELTON PENN

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. WOLPE. Mr. Speaker, I want to pay tribute to a constituent and very special friend of mine, Judge Shelton C. Penn. On January 11, 1991, Judge Penn will be honored by the Calhoun County Bar Association as he retires from over 15 years of distinguished public service on the 10th district circuit court bench.

Judge Penn received his law degree from the University of Michigan where he graduated in the top 10 percent of his class and was the first black law student admitted into the law school's Case Club. He came to Battle Creek in 1952 after accepting a position to practice law with James R. Golden. He left private practice in 1957, to work in the prosecutor's office and in 1964 became chief assistant prosecutor. From 1973 until his appointment to the bench in 1975, he was a hearing referee for Michigan's Civil Rights Commission. Among his important contributions as a member of the legal profession was the establishment in Calhoun County of a defense bar contract for indigent defendants.

Judge Penn's contributions, however, have not been limited to the legal profession and to the 10th circuit court. He has also committed both time and energy to a vast array of professional and community organizations including the Calhoun, MI and National Bar Associations, the Battle Creek Area Urban League, the NAACP, and the Lions Club. He passionately cares about his community and has been deeply involved in issues of social concerns.

Mr. Speaker, over the years of his judicial service, Judge Penn's integrity, sensitivity, and fairness have earned him the respect and admiration of all who have been privileged to work with him. His presence on the bench will be sorely missed. We are all in his debt.

I have felt honored to have Judge Penn as a constituent and I value his and his wife, Sadie's friendship. I know my colleagues will want to join with me in extending congratulations to Judge Penn upon his retirement, and in wishing him and his family all possible happiness in the years ahead.

THE CALVERTON PINE BARRENS PRESERVATION ACT

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, today I am introducing the Calverton Pine Barrens Preservation Act. The legislation would prevent the federally owned buffer zone around the Grumman facility in my district, known as the Calverton Pine Barrens, from ever being commercially developed. The bill would result in protecting the underground water supply from pollution.

In recent years the U.S. General Services Administration has proposed selling off portions of the 3,234 acres of Pine Barrens owned by the Departemnt of Defense that serve as a buffer area around the Grumman plant in Calverton. Currently that land is managed by the New York State Department of Environmental Conservation as a wildlife preserve and recreation area. Since such land could be sold for commercial development under existing law, I have introduced this bill to mandate preservation of the Calverton Pine Barrens in its undeveloped state.

The Calverton Pine Barrens Preservation Act states that in the event the Navy were ever to declare any portion of the land to be in excess to its needs, the Secretary of the Navy must designate the buffer areas as a protected tract. Under this designation, the land could not be disposed of in any way that would allow development to take place on it. If some future owner were to attempt to use the land for development, ownership of the protected tract would automatically revert to the Federal Government.

The buffer area is currently open to the public for hunting, fishing, hiking, canoeing, birding, photography and other outdoor activities. A small portion of it is leased for agricultural purposes. The area is also used for educational activities at the elementary and secondary school level as well as for undergraduate and graduate studies.

Mr. Speaker, I urge my congressional colleagues to join with me in supporting the Calverton Pine Barrens Preservation Act. Every step we take to protect our environment counts.

CALLING ABORTION FOES' BLUFF

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. RICHARDSON. Mr. Speaker, in this year of the 20th anniversary of the Roe versus Wade decision, we must approach the issue of reproductive freedom more broadly and begin to emphasize the need for more contraceptive research, development, and accessibility. Family planning is an important theme frequently raised, and lost, amidst the heightened debate about abortion rights. But, protecting reproductive freedoms is not solely about access to abortion: unwanted pregnancies should be prevented by increased access to family planning services and a variety of birth control methods. Adequate family planning would help obviate the need for abortion in a great number of cases.

My constituents are fervent in their recommendation that family planning must be explored more thoroughly. I would like to recommend the following editorial from the New Mexican to my colleagues:

CALLING ABORTION FOES' BLUFF

It's time to call the bluff of those people who have been picketing family planning clinics and fighting to prevent the spread of birth control devices and information.

They say they want to eliminate abortions. But their strategy has been to hamstring agencies whose principal business is birth control. The effect has been to keep birth control devices and information out of the hands of people who need them.

You don't have to be a mental giant to conclude that if they succeed in this mission, there will be more unwanted pregnancies than the 3.4 million now occurring each year, more unwanted and abused children, more teenage mothers dropping out of school and applying for welfare—and far more women clamoring for abortions than the 1.6 million a year who have them now.

Nobody wants to make abortion a form of family planning. But birth control advances in the United States lag so far behind warnings and withdrawals of birth control products—partially because of federal cutbacks in contraceptive and fertility research—that couples have fewer choices today than they had 10 years ago. They also have fewer choices than in much of the Third World.

Without access to contraceptives taken off the market in response to lawsuits or not yet available in this country because of opposition from abortion foes, and leery of the pill, many women are using methods dating from Cleopatra's day, with predictable results: more contraceptive failures and pregnancies.

There is only one way to curb abortions, and that is to reduce unwanted pregnancies. No serious effort is possible that does not focus on getting the most effective methods of birth control to people who need them. Yet abortion foes go on slinging mud at Planned Parenthood, which provides birth control and other non-abortion services to 2.3 million patients a year. Only about 100,000 of the women counseled opt for abortion.

If abortion foes want abortion obsolete, they should pressure their lawmakers to increase funding for contraceptive research. They should demand the establishment of sex education and birth control counseling in schools. They should understand that chastity is a laudible but futile goal, unless it is combined with other approaches when most teens already are sexually active.

Americans won't tolerate foot-dragging in any other health area affecting 52 percent of the population. Why should we with birth control?

TRIBUTE TO LCPL. ARTHUR GARZA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. ORTIZ. Mr. Speaker, I rise in tribute to a young man from my community who made the ultimate sacrifice for his home and country.

U.S. Marine LCpl. Arthur Garza of Kingsville, TX, was killed on January 26, 1991, as he and his unit prepared to engage the enemy in battle. Corporal Garza's mother, Mary Helen Garza, still lives in Kingsville. His wife, Jennifer, and his 6-month-old daughter reside in San Diego, CA, near Camp Pendleton where Corporal Garza was stationed prior to deployment.

Corporal Garza grew up in Kingsville, but finished high school in Jersey City, near Houston, where his father, Oscar Garza, now resides. He joined the Marines shortly after his graduation because his dream was to join the corps.

We all love our country, but there are precious few who are willing to make the ultimate sacrifice and die in the defense of our country; for freedom and independence. The words "duty, honor and country" were not just empty words for Arthur Garza—he embodied their spirit.

Freedom loving people all over the world have taken on the difficult task of liberating the tiny country of Kuwait, a relative unknown in the community of nations. Corporal Garza joined the thousands of Americans who have died in the pursuit and protection of freedom for two centuries all over the world.

The communities of south Texas have a rich heritage of patriotism and dedication to principal—and we have lost a magnificent example of that in Corporal Garza.

My deepest sympathies are with the Garza family and with the community of Kingsville. We have lost a superb man and a heroic citizen. Semper Fi.

CHILD ABDUCTORS' MANDATORY LIFE SENTENCING ACT

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mrs. LLOYD. Mr. Speaker, today I am introducing the Child Abductors' Mandatory Life Sentencing Act. This bill addresses the inadequate sentencing our justice system uses for convicted kidnapers of children, when the child has not been recovered.

I believe that a criminal convicted of kidnaping a child who has not been recovered must be held responsible for the unknown condition of the child. A kidnaper who has not provided information leading to the child's recovery should not be rewarded by our sentencing codes. This convicted kidnaper should not be treated less severely when sentenced because he has successfully concealed from authorities the whereabouts of the victim.

In recent years, we have become more and more outraged by the increasing exploitation and victimization of American children. Highly publicized kidnaping cases such as that of Melissa Brannen from Virginia, have, I believe, created a ripe environment for Congress to mandate the U.S. Sentencing Commission to amend its existing guidelines for the offense of kidnaping a child, when the child is not recovered. The sentencing guidelines must take into consideration the grim realities that families face when a child is kidnaped, never recovered, and yet there is no evidence of murder. The reality is that the child will probably never be seen alive again.

Mr. Speaker, this legislation is critical. Across the Nation, children are being sexually assaulted, murdered, and forgotten. Unfortunately, the press, law enforcement, politicians, and the general public are unaware of just how common the problem is. According to the Department of Justice's comprehensive study of the number of children missing in the United States, as many as 4,600 children were abducted nationwide by nonfamily members in 1988 alone, and more than 114,000 children were the targets of attempted abductions. Many of these abductions ended within hours, often after sexual assaults, but for some families, the nightmare lasted much longer and may live on to this day.

The National Center for Missing and Exploited Children has maintained records for the past 6 years and reports that there are at least 1,096 cases of nonfamily abductions, and of this number, 245 children have been located alive and 132 have been found dead. This leaves 719 reported cases of abduction where the status of the child, as living or dead, is unknown. We just don't know if these children are alive, but we do know that they have been taken away—against their will—from their families, friends, and schools, and that they could be victims of sexual abuse, sadistic torture, child pornography, or other forms of exploitation. The legacies of the children of these unsolved cases and countless other child victims should motivate us to change the Federal sentencing guidelines for the offense of kidnaping when the child is not returned within 30 days.

Mr. Speaker, currently under the existing Federal Sentencing Guidelines for kidnaping, a convicted kidnaper, even when the child has not been recovered, faces a minimum sentence of 5 to 6 years of imprisonment. Recognizing that children are being victimized in alarming numbers and that we must do more, my bill would amend the sentencing guidelines by stating that if the child victim had not been recovered within 30 days after the abduction, the minimum sentence would be increased by 19 levels to life imprisonment. This is the equivalent to the sentencing imposed for first degree murder, which more closely resembles the probable realities of the victim's situation. This bill simply amends section 1201(g)(2) of title 18 of the United States Code relating to offenses involving children.

We may not be able to convict this person of murder, sexual exploitation, or torture, but we can certainly punish him more appropriately for abducting a child whose innocent face we will never see again. We must not be fooled into protecting the rights of kidnapers to have short prison terms, when they have made a farce of children's rights to live freely. This is not justice; it is stupidity and it ignores the fact that a kidnaper sentenced to 5 to 6 years in prison may return to society to take your child or mine.

It is high time we get tougher with criminals who harm and take our children. The price we pay for short sentences, which do not deter kidnapers nor motive them to disclose the child's whereabouts, all allow criminals to return to our communities, is simply too high.

Mr. Speaker, I urge my colleagues to join me in supporting the Child Abductors' Mandatory Life Sentencing Act. This bill recognizes the increased suffering involved in a lengthy kidnaping or one where the child is never recovered. It is my hope that it will further several basic purposes of criminal punishment: deterring crime, incapacitating offenders, providing just punishment, and in this case providing an incentive for the child's safe return.

SUPPORT FOR LITHUANIA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. CRANE. Mr. Speaker, today I would like to take this opportunity to reaffirm my strong support for Lithuania and its struggle for independence.

Lithuanians can take pride in the fact that they were the first country under Soviet occupation to reestablish the independence that was guaranteed them under the 1920 peace treaty with Moscow, yet cruelly taken away 20 years later. With the stroke of a pen, Adolf Hitler and Joseph Stalin negotiated a secret pact illegally annexing Lithuania, as well as the other two Baltic States, Latvia and Estonia. For the past 51 years, the United States has steadfastly refused to recognize Moscow's rule over these countries. However, it has only been recently that we have been asked to make difficult choices with respect to our longstanding policy.

I find it extremely hypocritical of President Mikhail Gorbachev to so generously offer to negotiate a peace proposal between Iraq and the allied coalition in the Persian Gulf, yet at the same time refuse to peacefully address the issue of his own country's illegal annexation of the Baltic States. What I find even more troublesome, however, is the heretofore highly respected Nobel Peace Commission's decision to award Gorbachev the 1990 peace price only 6 months after he imposed an economic and cultural blockage of Lithuania. In fact, I wish to take this opportunity to applaud my colleague from Texas, DICK ARMEY, for sponsoring a resolution calling upon the Nobel Committee to withdraw the peace prize and urge my colleagues to cosponsor the resolution.

The recent brutality displayed by the Soviet authorities in their effort to suppress the growing independence movement in the Baltic nations simply cannot be tolerated. On January 23, we unanimously passed a resolution condemning the Soviet Union for their brutal violence and urged President Gorbachev to immediately cease the use of force against the Baltic States. While I supported this resolution, in my view, the language clearly was not strong enough. There have been a number of worthy bills introduced in this body to require our Government to take swift action against the Soviet Union in response to the crackdown. I urge the various committees of jurisdiction over these measures to move forward and allow the Members of the full House the opportunity to make our voices heard on this issue.

There is little question that Gorbachev planned the crackdown in the Baltic States to coincide with the ongoing war effort to liberalize Kuwait from the grasp of Iraq. However, we must not fall prey to his scheme by allowing ourselves to become preoccupied with the liberalization of Kuwait. Clearly the struggle for freedom in Lithuania is no less important than it is in the Persian Gulf. The United States must do more than merely pay lip service to the cause of freedom in one part of the world while shedding blood for it in another part.

SALUTE TO GRAMMY WINNERS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. CLEMENT. Mr. Speaker, last night in New York City the National Academy of Recording Arts and Sciences [NARAS] paid tribute to the top performers, songwriters, and music industry personnel in the recording industry during the 33d Annual Grammy Awards.

I would like to take this opportunity to salute the Grammy winners in every category—particularly those in the country music categories and those who have connections with the ever-growing music industry in my hometown of Nashville, TN.

During the past 60 years, the country music business has grown into an industry with annual sales approaching $600 million. According to a recent Harris survey, country music is the best-liked music in America, with over 60 percent of adult Americans stating that country music is their favorite music.

Last year, for the second consecutive year, my colleagues in the U.S. House of Representatives joined me in adopting a House joint resolution officially proclaiming the month of October as Country Music Month.

I am very, very proud to represent "Music City U.S.A.", the home of country music. I am equally proud to honor this year's Grammy Award winners who are part of the Nashville music scene. I ask my House colleagues to join me in recognizing every nominee with a Nashville connection as well as the contributions of these outstanding individuals who were awarded Grammys:

Song of the year—"From a Distance," Julie Gold.

Pop vocal male—"Oh Pretty Woman," Roy Orbison.

Country song—"Where've You Been," by Jon Vezner and Don Henry and performed by Kathy Mattea.

Country vocal male—"When I Call Your Name," Vince Gill.

Country vocal female—"Where've You Been," Kathy Mattea.

Country group—Kentucky Headhunters.

Country vocal collaboration—"Poor Boy Blues," Chet Atkins and Mark Knopfler.

Country Instrumental—"So Soft, Your Goodbye," Chet Atkins and Mark Knopfler.

Lifetime Achievement Awards—Kitty Wells.

In particular I want to single out the group Take 6 who won the Grammy for best contemporary soul gospel album for their album "So Much 2 Say." Just a few weeks before winning their Grammy, I had the opportunity to hear this marvelous Nashville-based group sing a rendition of the Star Spangled Banner on the steps of the U.S. Capitol. Their performance stirred patriotic feelings deep within my soul.

I also want to salute Nancy Shapiro, executive director of NARAS in Nashville, and Lisa Neideffer, her executive assistant, for the outstanding job they do year after year in coordinating Grammy-related events in Nashville. They should also be recognized for their time and effort for civic and charitable causes in the Nashville area on behalf of NARAS.

I have said before that "there is nothing more American than apple pie, our flag and country music." It is my distinct honor and privilege to pay tribute to this talented group of music industry personnel.

AFL-CIO DESIGNATES FEBRUARY 21 AS "FREE CUBA DAY"

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate the American Federation of Labor and Council of Industrial Organizations [AFL-CIO] for assisting Cuban workers in their struggle for freedom by designating February 21 as "Free Cuba Day."

The AFL-CIO is working to assist Cuban workers in their struggle to develop free trade unions and assure human rights in Cuba. Their program is based on the American labor movement's earlier successful effort to bolster democracy and trade unions in Poland and Eastern Europe.

The AFL-CIO's Labor Committee for a Free Cuba has spent the last 6 months documenting the worker and human rights abuses under the Castro government so they can ask the International Labor Organization to take action. Specifically, the committee has tried unsuccessfully to visit Cuban Government officials in Washington to demand freedom for two Cuban trade unionists who have been in jail more than 25 years, and to deliver letters written by United States unionists to Cuban dictator Fidel Castro urging the release of these two prisoners.

These two men, Mario Chanes de Armas and Ernesto Diaz Rodriguez both fought for human rights in Cuba, first against the Batista regime, then against Castro. Chanes de Armas, a leader of workers at the Polar Brewery, was arrested on the false charge of conspiring to kill Fidel Castro in 1961, and is now the longest-held political prisoner in the world. Diaz Rodriguez, a bus driver and fisherman, was arrested in 1968 after risking his life to smuggle a group of freedom fighters into Cuba. To date, the Castro regime has refused to meet with the committee, or acknowledge the letters for the release of these two fighters for human rights.

"Free Cuba Day" will begin in Miami with a luncheon in honor of these two brave men. Other events that day will include a wreath-laying ceremony at the monument of Jose Marti in Miami's Jose Marti Park by AFL-CIO president Lane Kirkland, and reception honoring Cuban community and labor activists at Casablanca Hall.

As cochairman of the House Cuba Freedom Caucus, I recently met with Secretary of Labor designate Lunn Martin, along with the Free Cuba Committee in Miami, to discuss what can be done to improve human rights in Cuba. Among those attending were Jorge Bello, a director of the Comision de Trabajadores Cubanos Unidos; Luis Villas, field representative for the South Florida AFL-CIO Organizing Program; Marty Urra, president of the South Florida AFL-CIO; Luis Vinas, business representative for the United Steelworkers of America; Dr. Guillermo J. Grenier, director of the Center for Labor Research and Studies at Florida International University; Anita Cofino, the international representative for the Amalgamated Clothing and Textile Workers Union; Terry Corrieri, the business representative for the United Food & Commercial Workers Union Local 1625; Jose "Pepe" Candelaria, a director of the Comision de Trabajadores Cubans Unidos; Yvonne Perez, bargaining agent representative for the United Teachers of Dade; Orlando Urra, executive director of Allapattah Community Action, Inc,; Dan Miller of the Florida AFL-CIO; and Rafael Cabezas of Brigade 2506.

Let us take a moment to remember today these men who have sacrificed many years of their lives to fight for human rights in Cuba. I wish to thank the AFL-CIO's Labor Committee for a Free Cuba for its efforts to bring human rights to the people of Cuba.

CONSTITUTIONAL AMENDMENT TO ABOLISH THE ELECTORAL COLLEGE

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. WHEAT. Mr. Speaker, today I am introducing a joint resolution to amend the Constitution to provide for the direct election of the President of the United States and to do away with the electoral college.

If there was ever a time when the electoral college was a good idea, that time has long since passed. In 20th century America, a direct vote of the people should be the sole determinate of our Nation's leader.

Whereas most of the principles set forth in the Constitution by the Founding Fathers have served us well and stood the test of time, the electoral college has become little more than a constitutional anachronism. At best, the electoral college is today a useless ritual. At worst, it subverts the democratic process and the will of the people.

The electoral college is part of the Constitution due to a compromise reached between different factions of the delegates to the Constitutional Convention. One faction favored direct popular election of the President, while another faction supported election by the Congress.

Those delegates who favored election of the President by the Congress believed that the people simply could not make an informed choice for the leader of a new and still fragile democracy.

They felt that the common people of 18th century America did not have enough access to information about the Presidential candidates and lacked the education to make a wise choice. As a compromise between election by the people and election by Congress, the delegates decided on a system whereby the people would select electors from their communities to make the all-important Presidential choice for them.

In theory, these electors were to be well-educated and respected community leaders who were more familiar with national political figures and thus more capable of making an informed decision. The compromise was agreed upon by the constitutional delegates, and the electoral college was born.

Mr. Speaker, maybe there was some validity in 18th century America to the notion of an electoral college making an informed decision about the Presidency. Communication was, in fact, poor and citizens had little access to accurate, timely information about the candidates.

Whatever validity can be seen in that reasoning, however, disappears today in a country where TV, radio, and major newspapers have revolutionized the flow of information to ordinary citizens. Each of these new media outlets brings almost instant awareness of national issues and candidates' views to millions of voters. These voters do not need electors to make their choice for them. Yet, the electoral college lives on.

There are many reasons to abolish the electoral college, but chief among them is the winner take all system which has been adopted by every State in the Nation except Maine.

Under this system, a Presidential candidate who wins an election in a State by a single vote is awarded 100 percent of the State's electoral votes. In effect, the popular vote for the losing candidate in a State is discounted in the final electoral vote count. This situation essentially denies the vote to a different kind of minority in this country: all those who oppose the winning candidate.

It is ironic that we have amended the Constitution seven times to expand the right to vote to a broader class of Americans, yet we continue to effectively deny that right every 4 years to everyone who does not support the candidate who wins a majority in his or her State.

When casting their votes, electors could theoretically vote for any candidate—or any native-born citizen over the age of 35—of their wishes. In practice, electors nearly always cast their surrogate votes for the candidate who wins a majority in their State.

So what is the point of using electors at all? A Senate report in 1826 condemned the use of the Presidential elector as "useless if he is faithful, and dangerous if he is not."

Even if electors are faithful to the candidate who wins their State, a President could still be elected who receives fewer popular votes than an opponent but more electoral votes. Indeed, this has already happened on three occasions in our Nation's history with the elections of John Quincy Adams, Rutherford B. Hayes, and Benjamin Harrison.

Some say the electoral college favors small States, others say it favors large States. Reasonable people may differ on that issue. But it is clear that the electoral college magnifies the importance of campaigning in certain key States, thus raising issues relevant to those States to a level of prominence they might not otherwise have. That is unwise and unfair.

The bill I am introducing today requires that the winning Presidential candidate receive a majority of all votes cast in the Nation. If no candidate receives a majority, then a runoff election would be held in which the choice for President would be between the two persons who previously received the highest number of votes. That runoff would be held within 30 calendar days after the results of the original election had been declared.

Our "Living Constitution" has aged gracefully, providing a framework for democracy that has evolved with the times. Still, the electoral college clings to our Constitution, an outmoded habit that we cannot seem to drop. With the strength of our convictions, we can drop this habit.

A SPECIAL SALUTE TO FELIX GILES: BLAZING THE TRAILS IN OFF-ROAD RACING

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. STOKES. Mr. Speaker, as you know, during the entire month of February our Nation celebrates Black History Month. This occasion affords us the opportunity to recognize the myriad contributions of African-Americans to our society.

I am proud to rise today to salute Felix Giles, a former Clevelander and outstanding race car driver. Felix recently changed the pages of history by becoming the first African-American to race in the Baja 1,000. This represents an important achievement and I take this opportunity to applaud this young man's efforts.

The Baja 1,000 is known as one of the world's most demanding automobile and motorcycle races. The 728-mile course was routed through the mountain and desert regions between Ensenada, Baja CA, and the Sea of Cortez town of San Felipe. The race is known to create tremendous hardships for drivers. In fact, of the more than 200 starters, only approximately 70 completed the race. That Felix Giles was able to successfully complete the race and, in doing so, make history, represents a two-fold achievement.

Mr. Speaker, it is also interesting to note that prior to the Baja 1,000, Felix became the first African American driver in a High Desert Racing Association event, the Nevada 500. He and his Rick Sieman team crew finished fifth in the race.

Off-road racing is not the only arena where Felix Giles has excelled. Felix, who is employed by McDonnell Douglas in Long Beach, CA, as a senior engineer scientist, devotes his time and talents to instructing young people. He serves as a positive role model as he successfully delivers the message that the art of racing knows no bounds.

Mr. Speaker, Felix Giles is the son of Jim and Lelia Giles who reside in Cleveland, OH. Jim and Lelia are old friends and I was proud to learn of the many accomplishments of their son. I ask that my colleagues join me in a special salute to Felix Giles, and I extend my best wishes as he continues to make racing history.

NATHANIEL McCASLIN

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to a constituent who is both a former university colleague of mine and a very special friend, Mr. Nathaniel McCaslin, a professor in the school of social work at Western Michigan University. On January 12, 1991, Nat will be honored by his friends and colleagues in acknowledging his retirement from the university.

Nat began his career as a social worker in 1962 with the department of social services in New York City. From 1967 until 1971, he served as a psychiatric social worker for Queens General/Hillside Hospital and a branch office supervisor with the North Shore Child Guidance Clinic. Nat came to Western Michigan University in 1971 as assistant professor in the school of social work and, subsequently, was promoted to assistant professor and, later, to that of full professor.

I came to know Nat during the period of my own service as a member of Western's political science faculty. Nat was deeply involved in all aspects of university life, and was deeply committed to the welfare of the entire university community. Aside from making countless scholarly contributions to a broad array of social issues, Nat invested a great deal of his personal time serving as an adviser to various groups at the university—the black American advisory committee, the WMUK committee on minority affairs, the hearing committee on termination and disability, the intellectual skills committee, the mentor-mentee program, as well as student retention and college promotion committees.

Nat's commitment to education and public service has always found its expression off as well as on campus. He has committed both time and energy to a vast array of community organizations and causes: past trustee of the Kalamazoo Public Schools; board member of the Borgess Community Mental Health Center; cochair for the Kalamazoo United Negro College Fund Drive; board member of the Kalamazoo Public Schools Foundation; and past chair of program development for the Salvation Army's tutorial program for elementary school students. He has been a consistent voice on behalf of our youth, on behalf of social justice, on behalf of those who are the most vulnerable and the most powerless. For his selfless service, and for his sensitivity and courage, all of the Kalamazoo community is in his debt.

Mr. Speaker, I am certain that my colleagues will want to join me in paying tribute to Nat for his multiple contributions to public education and to his community. We congratulate him upon his retirement and wish him and his family all possible happiness in the years ahead.

IN MEMORY OF JUDGE THOMAS C. FERGUSON

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. PICKLE. Mr. Speaker, the people of central Texas lost one of their most outstanding public servants last Sunday with the passing of Judge Thomas C. Ferguson. Over the last 60 years, Judge Ferguson truly shaped the community life in the Texas hill country.

A retired district judge, a founding director of the Lower Colorado River Authority, a former mayor and county judge, and a tireless public servant, Tom Ferguson was a "renaissance Texan" and one of the best legal minds of his day. He began as the owner and editor of several newspapers in the Texas hill country, before becoming the attorney for the city of Burnet. He was appointed one of the founding members of the Lower Colorado River Authority in 1935, and went on to serve several terms over the years. In 1947, he was appointed to fill an unexpired term as district judge and was re-elected three times. He continued to serve as a senior judge up until a few months before his death.

Tom Ferguson loved the hill country and the people who lived there, and he dedicated his life to improving their standard of living. His tireless efforts made it possible to bring water and sewer services to rural areas; he helped pave the streets and bring electricity to rural areas. Along with then-Congressman Lyndon Johnson, he helped to make the development of the hill country possible.

Judge Ferguson was widely recognized as an outstanding jurist and community leader. His passing leaves a void that the hill country can never adequately fill. Tom Ferguson was one of a kind, and we in central Texas are fortunate to have had him among us.

Mr. Speaker, in my 27 years in the Congress, I have never known a man more loved or respected than Judge Ferguson. I have asked for his advice and counsel, and he gave it freely and honestly. I know that this community literally revered him. He was a sweet and lovable person, yet he was a strong leader because everyone believed in his honesty and integrity and intelligence we are all better people in central Texas because of the life of this good man.

RETURN PUBLIC HOLIDAYS TO THEIR TRADITIONAL DATES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. CRANE. Mr. Speaker, today I will introduce a bill to return the observance of legal public holidays to their traditional calendar dates. I chose this day because tomorrow is the official date of Washington's birthday. As a former history professor, I place great value in national holidays, for they remind us of the sacrifice and bravery of those who fought for the precious freedoms we enjoy today. Even more important is the role of such holidays in teaching our children about our Nation's heritage. But by arranging the dates to allow for the famed 3-day weekends, we neglect to acknowledge these valiant individuals and concentrate instead on our scramble to get out of town.

In the battle to have the dates changed to Monday, we successfully destroyed the meaning of the holidays by equating them with business and profits. Indeed, a brief look at the CONGRESSIONAL RECORD during the 1968 debate illustrates this fact. The arguments that carried the day were those which lamented the money which industries lost in absenteeism and in closing down and startup costs resulting from a holiday.

Since 1971, when the Monday holidays first took effect, the meaning of the special days has become increasingly more obscure. An editorial in the New York Times on February 9, 1971, noted this fact and suggested that since we were honoring the dollar over the holidays by moving the dates of observation, why not do away with the names altogether and simply number the holidays.

This past Monday we celebrated President's Day, and I would bet that a large number of Americans did not know what we were celebrating that day. And as the years pass, I believe that more and more of our Nation's citizens, in their anticipation of the long weekends, will neglect to take the time to pause and remember our Nation's history.

I urge my colleagues to cosponsor my bill to return our legal holidays to their traditional dates and return our heritage to the children of our future.

"WE DO NOT WANT WAR"

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. RICHARDSON. Mr. Speaker, representatives from New Mexico participated in a 4-day national peace conference in Washington, DC, in January 1991. The conference, organized by Military Families Support Network, explored ways to avoid conflict in the Middle East through negotiation. The text of their statement to all Members of Congress is as follows:

STATEMENT TO ALL MEMBERS OF THE U.S. CONGRESS

All across the United States hundreds and hundreds of groups are spontaneously emerging and growing because millions of ordinary citizens, from every walk of life, feel frustrated and are desperately trying to get their voices heard before it is too late.

WE DO NOT WANT WAR

We feel that war is no longer a viable option. War solves no problems. Force solves no problems. Occupation solves no problems. Cases in point: Northern Ireland, Israel, Central America.

Sooner or later negotiations must take place. These negotiations must be conducted with open minds and hearts and can only be succcessful if there is no loser, no vanquished, no humiliated—otherwise resentments simply smolder beneath the surface to flare up again at a later date.

We feel that these negotiations and all global peacekeeping is the responsibility of the United Nations. We believe the United States should gradually withdraw forces from the Persian Gulf to be replaced by a United Nations peacekeeping force comprised of member nations.

We feel that sanctions, and there are many more that could be applied, and negotiations in good faith are the only possible solutions to this situation and all other global situations which currently exist or may arise in the future.

Ladies and gentlemen, you have a tremendous responsibility and our hearts go out to you. In your hands you not only hold our lives and the lives of our sons and daughters, husbands, wives, mothers, fathers and lovers, but the lives of countless innocent Kuwaitis and Iraquis. Indeed, the very country of Kuwait may be destroyed in the name of liberation.

We leave you with our prayers and our credo, "We believe the peoples of this earth, if allowed to speak together without interference, will discover a solution to the earth's problems. We believe this begins person to person . . . with love."

Peace to you all.

A TRIBUTE TO VERONICA CASTRO: MR. AMIGO 1990

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Ms. Veronica Judith Saenz Castro, the newly selected Mr. Amigo.

Every year, members of the Mr. Amigo Association, who represent the city of Brownsville, TX, travel to Mexico City to select a new Mr. Amigo to serve as the honored guest of the Charro Days festivities in Brownsville, TX. Charro Days is a 4-day international event in which the United States and Mexico join in a celebration featuring the cultures of both countries.

During Charro Days, originally a pre-Lenten festival, Brownsville citizens participate in a series of parades, dances, and parties to demonstrate the good will of both countries. It is a much anticipated, annual festival enjoyed by south Texans and our winter visitors here.

Ms. Veronica Castro is the 27th Mexican citizen to be honored by the Mr. Amigo Association. She was born on October 19, 1951, in Mexico City, to Mrs. Socorro Castro Alba and Mr. Fausto Saenz. At a very young age, she demonstrated her artistic abilities by impersonating the characters of the children's stories read by her mother. Mrs. Socorro Castro Alba has been Veronica's principal adviser and staunchest supporter throughout her career.

At age 15, Veronica began to work in "fotonovelas," while still attending high school. Her first television opportunity came from Manuel "Loco Valdez" in Operation Ja-Ja. She graduated from the Autonomous University of Mexico.

In 1970, Ms. Castro was chosen as "Rostro" of "El Heraldo" in Mexico City. Immediately she made her debut in the movies, "La Fuerza Inutil," and "Arte de Amar." While filming, she gave birth to her first child, Christian. Shortly thereafter, she met Mr. Ernesto Alonso, who offered her the role of Mariana in the soap opera, "Los Ricos Tambien Lloran" which enjoyed incredible success. Michele, her second son, was born while filming the soap.

The prestigious Mr. Amigo designate is selected on the basis of his or her contribution to international friendship and development of mutual understanding and cooperation between Mexico and the United States. Ms. Castro should be recognized for both her artistic ability and for her contribution to the commitment of understanding between nations.

As Mr. Amigo, Ms. Veronica Castro will receive extraordinary treatment when she visits Brownsville as the city's honored guest during the Charro Days celebration. During her 3 day visit to the border, she will make personal appearances in the Charro Day parade and at other fiesta events. Official welcome receptions will be conducted by organizations in Cameron County, TX, and the cities of Brownsville, TX, and Matamoros, Mexico. Ms. Castro will also be the special guest at the Mr. Amigo Association luncheon and the president's party.

I ask my colleagues to join me in extending congratulations to Veronica Castro for being honored with this exclusive award.

PENNSYLVANIA YOUTH HONORED FOR EAGLE SCOUT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating a young man from the 17th Congressional District of Pennsylvania.

On March 10, 1991, Todd L. Heintzelman of Selinsgrove will join a distinct class of individuals in receiving the award of Eagle Scout, the highest and most prestigious honor in the Boy Scouts of America.

Todd joined the Scouts in 1984. As a Cub Scout he earned the Arrow of Light Award. He was part of the Susquehanna Council contingent to the 1989 National Jamboree at Fort A.P. Hill, VA. Todd was also a member of Troop No. 419 contingent to Philmont Scout Ranch in New Mexico. He has been inducted into the Order of the Arrow and received the World Conservation Award, 50 Mile Canoe Award, 50 Mile Afoot Award, and the Historical Trails Award. Since joining the Scouts, Todd has received 30 merit badges.

Todd has served in the positions of troop quartermaster, assistant patrol leader, patrol leader, scribe, and assistant senior leader. He is currently serving as the troop guide.

In addition to his Scouting activities, Todd attends Selinsgrove High School as a freshman where he is a member of the bowling team.

The award of Eagle Scout represents years of discipline, devotion, leadership, honor, and determination—all of which are characteristics of Todd and the Boy Scouts of America. For his Eagle Scout project, Todd built a nature trail at Walker Lake in western Snyder County which I am happy to have experienced. It was quite obvious that Todd put several weeks of hard work into his project. It is a great addition to the community and one that will continue to provide educational values to all who experience it.

I am very proud of Todd for the accomplishments he has made. He has worked very hard to achieve this goal, and is well-deserving of it. I join his family and friends in congratulating him on this great achievement.

TRIBUTE TO MARVIN TORRES

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mrs. MINK. Mr. Speaker, as Members of Congress it is often our good fortune to meet some of the most outstanding people from our district, from our home State, and from the Nation. I rise today with great pride to bring to the attention of this House an individual from the State of Hawaii who proves that the spirit of people helping people that helped make Hawaii and this Nation what they are today is still alive and well.

The incident I am about to relate, Mr. Speaker, has nothing to do with anyone famous, influential or well-to-do. It is about an average citizen who performed a truly heroic act: Mr. Marvin Torres of Loaa Street in the town of Waipahu, a Honolulu suburb. After I read the account of his deeds in our local daily newspaper, the Honolulu Advertiser, I was filled with renewed pride and appreciation of the American spirit of helping our neighbors and the knowledge that there still exists unselfishness and bravery in this wonderful country of ours. I believe each and every Member of the House will agree after learning of what Mr. Marvin Torres did.

On January 31 of this year Mr. Torres was driving in Waipahu when he saw smoke. On that alone, Mr. Torres turned his van around and headed for the burning home of Rolando Pagatpatan on Ulieo Street. Babysitting their grandchildren at their son's house were Mr. and Mrs. Cadalino Pagatpatan. When Mr. Torres arrived at the Roland Pagatpatan home, frantic neighbors told him they feared a child—namely 4-month-old Christian Lliongson—was still inside the burning home. News accounts say that without any hesitation Mr. Torres tried to enter the burning home's front door, but was driven back by the blaze. He then ran to the back of the house where the grandfather—already suffering from burns—was trying to get in the window of the baby's room. Thick smoke and heat forced both men back, so Torres broke a neighboring bedroom window, climbed in, and opened the door to the hallway. However, the heat and smoke was too heavy to allow him to enter. Torres climbed back out the window and broke a second window of the baby's bedroom on the other side of the house. Holding his breath, Torres leaned through the window despite intense heat and smoke and felt around the baby's bed until he found the baby and lifted her up through the window.

Mr. Speaker, fire officials say that because of the heroic act of Marvin Torres little Christian Lliongson, daughter of Mr. and Mrs. Raymond Lliongson of Kalihi, is alive today. She escaped with only smoke inhalation.

In a time when too many people in this country are unwilling to help their fellow man, Mr. Speaker, I am pleased to bring this inspiring incident to the attention of this body. It proves to me that the overwhelming majority of the people of Hawaii and of the United States retain the values and moral convictions that made my State and our Nation what they are today. I am sure you agree, Mr. Speaker, that Mr. Marvin Torres deserves the admiration, respect and gratitude of every Member of this body and ask that we extend our highest regards and recognition of his heroic actions:

UNCOMMON VALOR SAVES LIFE OF INFANT IN WAIPAHU

MAN ENTERS BURNING HOME TO RESCUE GIRL

(By Terry McMurray)

A Waipahu man was credited yesterday with saving the life of a 4-month-old Kalihi girl trapped in a fire in her uncle's Waipahu home Tuesday.

Investigators believe the fire was started by children playing with matches.

Marvin Torres of Loaa Street was driving in Waipahu when he saw smoke. He turned his van around and headed for the fire at Rolando Pagatpatan's home at 94-537 Ulieo St.

Torres found neighbors yelling that children were inside the burning home, said Glenn Solem, Honolulu Fire Department investigator.

Torres tried to enter the front door, but the blaze drove him back. He then ran to the back of the house where the girl's grandfather, Cadalino Pagatpatan, 68—already suffering from burns—was trying to get in the window of the baby's room.

Thick smoke and heat forced both men back, so Torres broke in a window of a neighboring bedroom, climbed in, and opened the door to the hallway; However, the heat and smoke was too heavy to allow him to enter, Solem said.

Torres climbed back out the window, went to the other side of the house and broke in a second window of the baby's bedroom.

"Heat and smoke poured out but people were crying that the baby was there. He said, 'what the heck,' climbed up, leaned through the window, felt the heat, held his breath, felt the baby's bed, then his hands touched the baby and lifted her up through the window," Solem said.

"I don't know how she got away with just some smoke inhalation except maybe that, when Torres opened the other bedroom door, it let some of the heat and smoke out."

The baby—Christian Lliongson, daughter of Mr. and Mrs. Raymond Lliongson of Kalihi—was treated at Kapiolani Medical Center for Women and children, then released yesterday. Her grandfather, Pagatpatan, was in serious condition at Straub Clinic and Hospital with burns over a third of his body.

Solem said the grandfather discovered a living room couch burning where two other grandchildren, ages 2 and 3, had been playing.

The grandfather tried to beat out the fire with his hands. He then pulled his wife outside when she came from the baby's room to see what was happening. The other two children ran out on their own.

Solem said the grandfather suffered more burns trying to re-enter the living room. He then ran around back where Torres found him at the baby's room window.

The grandparents were baby-sitting their daughter's baby and three-year-old son, Mark, and their son's daughter, Christy, 2.

The fire did an estimated $160,000 damage.

Solem said he plans to submit Torres' name for Mayor Frank Fasi's "Good Guy" award.

CHRISTIAN BROTHERS CHEERLEADERS—NATIONAL CHAMPIONS

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. SUNDQUIST. Mr. Speaker, earlier this month, the cheerleading squad from Christian Brothers High School in Memphis captured the 1991 UCA National Championship, its fourth national title in the last 6 years.

I would like to ask this House to join me in saluting these fine young men and women, who have demonstrated not only athletic excellence, but academic achievement as well. They are wonderful examples of young people of character and commitment of which our community is justly proud.

I ask that the following roster of team members and accompanying account of their championship season be reprinted in the CONGRESSIONAL RECORD.

The Christian Brothers High School Cheerleaders captured the 1991 UCA National High School Cheerleading Championship on February 3, 1991, at Sea World in Orlando, Florida.

Christian Brothers High School cheerleading team has competed in the UCA National Championship for the past 6 years, capturing the national title four times (1986, 1987, 1989, 1991). In 1988 and 1990 the team placed third in the country. CBHS is the only co-ed cheerleading team in the country to win four national titles.

The National High School Cheerleading Championship is administered by Universal Cheerleaders Association and is sponsored in part by the Personal Products Company, a division of Johnson and Johnson. Jeff Webb, president and founder of UCA, hosted the 1991 National Championship along with Julianne McNamara, 1984 Olympic Gymnastic Gold Medalist. The 1991 National Championships will be televised by ESPN in March.

This year the Personal Products Company awarded $67,100 in scholarship prize money to the top five teams in each division. The CBHS team received $17,000. Each cheerleader received a $1,000 U.S. Savings Bond, a National Champion jacket, and an individual trophy. The school's cheer fund will receive $1,000 as well as a big trophy. In the 6 years of competition, the CBHS varsity cheerleading squad has won $31,400 in scholarship money.

The Universal Cheerleaders Association has conducted the National High School Cheerleading Championship for the past 12 years. More than 30,000 high school cheerleading squads in the United States are eligible for the competition at the regional level. The regional champions, as well as the other top squads, are invited to participate in the National Championship. There were 29 coed teams competing for the national title this year.

The CBHS cheer team consists of 16 young men and women and two alternates. The young men attend Christian Brothers High School, an all-male private Catholic high school, while the young women attend either St. Agnes Academy or Immaculate Conception High School, both are all-girl private Catholic high schools. The 1991 National championship squad consisted of seven seniors, six juniors, three sophomores, and three freshmen. The squad is coached by two former Memphis State cheerleaders and has a financial and travel advisor as well as a CBHS faculty advisor.

CHRISTIAN BROTHERS HIGH SCHOOL 1991 NATIONAL CHAMPION CHEERLEADING SQUAD

Captain	Rachel Galler	Senior.
Cocaptain	Wendy Lucchesi	Senior.
Cocaptain	Rileyann Williams	Senior.
	Christine Batts	Junior.
	Melanie Bosi	Junior.
	Lila Paig	Junior.
	Michelle Headley	Sophomore.
	Jennie Robilio	Sophomore.
	Michelle Thoda	Sophomore.
	Erin O'Connell	Freshman.
	Cynthia Thompson.	Freshman.
	Leslie Thompson	Freshman.
Captain	Jack Trim	Senior.
Cocaptain	Steven Evers	Senior.
	Mitch Dunn	Senior.
	Billy Holloway	Senior.
Alternate	Heath Peterson	Junior.
Alternate	John Piovarcy	Junior.
Coach	Gordon Kelly	6th year coach at CBHS; former head cheerleader at Memphis State University
Coach	Van VanEaton	2d year coach at CBHS; former head cheerleader at Memphis State University
Sponsor	Patty McCullough	5th year sponsor; travel and financial adviser.
Faculty Advisory	Br. Ray Bonderer, FSC.	4th year faculty adviser; liaison between the squad and the school administration.
Principal	Br. Chris Englert, FSC.	Christian Brothers High School.
Principal	Mrs. Marion Swicker.	St. Agnes Academy.
Principal	Mrs. Cheri Camler.	Immaculate Conception High School.

NATIONAL SENIOR NUTRITION WEEK

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. DOWNEY. Mr. Speaker, as chairman of the House Select Committee on Aging's Subcommittee on Human Services, I am pleased to introduce a resolution declaring the week of May 13, 1991 as "National Senior Nutrition Week."

This week, celebrated annually by the National Association of Nutrition and Aging Services Providers [NANASP] in conjunction with Older Americans Month, is a time for all nutrition programs and providers to stress the importance of meals programs in the daily lives of our Nation's senior citizens. Many of the services provided by NANASP are done through title III of the Older Americans Act, an historic legislative masterpiece designed to provide basic human and social services to our Nation's elderly.

One of the most visible signs of the success of the Older Americans Act lies within its meals programs, both congregate and home delivered. When Congress first authorized the Elderly Nutrition Program in the early 1970's, it envisioned the program to serve as an important mechanism for fostering social interaction among participants and facilitating social service delivery as well as providing nutrition services.

The Nutrition Program is viewed as a means of providing health promotion services through sound nutrition practices, while at the same time providing a range of supportive activities to those elderly most in need of supportive services. Since its enactment, the Nutrition Program of the Older Americans Act has received the greatest share of funding.

This year it is expected that approximately 260 million meals will be served in a combination of congregate and home delivered programs. About 145 million will be congregate and 115 million home delivered. The role of NANASP and other meals providers, which is much more than just providing a meal, is crucial in this procedure. Almost every community in America has access to a senior nutrition program. Often these nutrition programs provide the elderly with a viable alternative to institutionalization, and become increasingly important as our elderly population grows. When a senior has access to a center within their community, the program nourishes them physically, as well as socially, and emotionally. All too often the personal visit by the Meals on Wheels volunteer or driver, or the interaction with others at a congregate site, is the only social contact for many elderly Americans.

Later this year, Congress will be called upon to reauthorize the Older Americans Act. I can think of no better way to reinforce our commitment to older Americans than by ensuring that the meals programs, funded by the Older Americans Act, remain intact so they can continue to serve seniors, especially those who need it the most.

As we prepare to celebrate Older Americans Month, and National Senior Nutrition Week, I would like to take a moment to congratulate NANASP and all other senior nutrition providers for the invaluable services they are providing. The board of directors, the staff, the membership, and the volunteers are all to be commended for the fine work they do, the energy they constantly display and the compassion they always exhibit. They are the ones who make National Senior Nutrition Week more than just a week out of the year, and the meal more than just a meal.

REV. OTHA GILYARD

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to a constituent and very special friend of mine, Rev. Otha Gilyard, the pastor of Mount Zion Baptist Church in Kalamazoo, MI. On Tuesday, November 20, the Upjohn Institute presented Otha with the E. Earl Wright Community Achievement Award. The award is presented annually to an individual who has made a significant impact on the quality of life in Kalamazoo County, and who exemplifies the values and commitments of the late Dr. Wright—an individual whose humanitarian contributions were felt throughout the Kalamazoo community.

Otha began his impressive ministerial career as a chaplain at Homsburg Prison in Pennsylvania. From there, he went on to serve as the pastor of the Second Calvary Baptist Church in New Jersey until 1975 when he arrived in Kalamazoo, MI, to become the pastor of Mount Zion Baptist Church. His care and concern for others have not been limited to his congregation, but have been felt throughout Kalamazoo.

Otha Gilyard is deeply committed to community service. He simply cannot say no when there are people in need, or problems to be solved. He has invested both time and seemingly endless energy in a vast array of community and professional organizations. His leadership roles include the presidency of the Kalamazoo Ministerial Alliance, board member of the Kalamazoo Alcoholic and Drug Abuse Center, board member of the Kalamazoo Offender Aid and Restoration Program, board of trustees member of Kalamazoo College, board member of the Girl Scout Council, task force member of the Kalamazoo County Jail, board member of the Northside Community Development Association, board member of Safe House—an aftercare facility for alcoholics and addicts; in addition, Otha is past president of the Kalamazoo chapter of the NAACP.

Otha's leadership, drive, and selflessness have been repeatedly recognized by his friends and colleagues. Most recently, in tribute to his effective advocacy on behalf of seniors within the minority community, he received the 1990 Aging America Award of Excellence from the Southcentral Michigan Commission on Aging.

Mr. Speaker, I know my colleagues will want to join with me in acknowledging an individual who personifies the very best in America's tradition of community service, and in thanking Otha Gilyard for the sensitive and caring leadership he has given to the Kalamazoo community these past several years. I feel privileged to represent an individual who gives so much of himself in service to others. Otha's multiple contributions to those in need and to his community make him truly deserving of the E. Earl Wright Community Achievement Award.

A SALUTE TO MORTON L. MANDEL, BUSINESS EXECUTIVE OF THE YEAR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. STOKES. Mr. Speaker, I am proud to rise and take this occasion to salute Morton L. Mandel, chairman of Premier Industrial Corp., in Cleveland, OH. Mr. Mandel was recently honored by the Sales and Marketing Executives of Cleveland as the Local Business Executive of the Year. Mr. Mandel is an outstanding individual and certainly deserving of this honor.

Morton Mandel and his brothers, Jack and Joe Mandel, founded Premier Industrial Corp., in Cleveland in 1940. The autoparts firm was started with a capital investment of $900. Over the years, Premier has grown into a Fortune 500 company with annual sales of $626 million.

Mr. Speaker, in a recent interview, Morton Mandel stated that paying attention to customer service, including keeping a large inventory of parts on hand, and taking care to deliver parts when needed, have been the key to the company's success. That success is evidenced by a recent incident where the firm rushed a sophisticated electronics part to a company supplying naval satellite and radar navigation equipment to troops in the Persian Gulf. The part was rushed to Norfolk, VA, and then flown by helicopter to the deck of an aircraft carrier already en route to the Middle East.

Mr. Speaker, Mort Mandel continues to be very active in the day-to-day operations of Premier. He is highly respected as a top executive with extraordinary management skills. However, these management skills are not devoted solely to Premier; Mort was also instrumental in the planning and development of Cleveland's MidTown Corridor project, a successful neighborhood revitalization effort.

Mr. Speaker, I have enjoyed a deep friendship with Mort Mandel that has spanned many years. He is an outstanding businessman, a leader, and a dedicated and caring individual. I am pleased that he is our Local Business Executive of the Year, and I take pride in saluting him at this time. I ask that my colleagues would join me in paying tribute to this outstanding individual.

BALANCED BUDGET/SPENDING LIMITATION AMENDMENT

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. KYL. Mr. Speaker, I rise today to introduce the balanced budget/spending limitation amendment to the Constitution.

Although it was hailed by some as landmark deficit reduction legislation, last year's budget accord has done little to reduce the deficit. Red ink will flow at a record $318.1 billion this year, and, if the administration's forecast is not overly optimistic, the deficit will total $280.9 billion next year.

The reason that the agreement failed is that it relied on massive tax increases, rather than spending constraints, to accomplish its goal. The American people know by now that Congress will not voluntarily reduce spending. Congress has already spent last year's tax increase and more.

Statutory fixes of the budget process have also proven ineffective. In fact, every budget process reform that has been made over the years has been routinely waived, ignored, amended, or repealed.

The fact is, the only way to impose fiscal discipline on the Congress and reduce the Federal budget deficit is with a balanced budget amendment to the Constitution.

Unlike the balanced budget amendment that the House considered last July, the amendment I am introducing today gets at the heart of the problem—excessive Government spending. The balanced budget/spending limitation amendment not only requires a balanced budget, but also caps Federal spending at 19 percent of gross national product, a level that roughly reflects the average level of Federal receipts over the last 25 years.

The spending cap will prevent the balanced budget requirement from simply becoming an excuse to impose massive tax increases. It will provide Congress with a positive incentive to enact policies that encourage economic growth and opportunity. As the economy grows, so too does revenue, allowing Congress to spend proportionately more on the programs it deems most desirable.

Mr. Speaker, I invite my colleagues to join me in cosponsoring the initiative, and ask that the text of the amendment be reprinted in the RECORD at this point:

H.J. RES. —

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Except as provided in this article, expenditures of the United States Government for any fiscal year shall not exceed its revenues for that fiscal year.

"SEC. 2. Except as provided in this article, the expenditures of the United States Government for a fiscal year may not exceed 19 per centum of the Nation's gross national product for the last calendar year ending before the beginning of such fiscal year.

"SEC. 3. The Congress may, by law, and subject to article I, section 7 of the Constitution, provide for suspension of the effect of sections 1 and 2 of this article for any fiscal year for which three-fifths of the total membership of each House shall provide, by a rollcall vote, for a specific excess of outlays over estimated revenues.

"SEC. 4. The Congress shall implement and enforce this article by appropriate legislation.

"SEC. 5. This article shall apply to the first fiscal year beginning after its ratification and subsequent fiscal years, but not to fiscal years beginning before October 1, 1996.".

THE LAKE TAHOE BASIN NATIONAL FOREST

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. DOOLITTLE. Mr. Speaker, along with our colleague, BARBARA VUCANOVICH, I am today introducing legislation which, if enacted, would rename the Lake Tahoe Basin Management Unit to the Lake Tahoe Basin National Forest. The Lake Tahoe Basin Management Unit consists of portions of three national forests: El Dorado and Tahoe in California, and Toiyabe in Nevada.

Mr. Speaker, there are two main reasons to pass this legislation:

First, it would provide identity to the national forest lands in the Lake Tahoe Basin, and eliminate confusion among the public and others concerning the national forest status of the Lake Tahoe Basin. Presently, the Lake Tahoe Basin Management Unit's name is unique in the National Forest System and lacks national forest identification.

Second, this legislation would reduce administrative costs of operating a management unit by consolidating the three forests which comprise the management unit.

Mr. Speaker, I want to stress that this legislation has no local opposition. Furthermore, this legislation has no effect in current multiple-use management practices or on the proportion of tax receipts directed to the counties within the Lake Tahoe Basin Management Unit.

Mr. Speaker, I urge quick action on this noncontroversial legislation.

TAX CONCERN

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. HUBBARD. Mr. Speaker, I have received an excellent letter from one of my constituents, Joan Ausenbaugh of Dawson Springs, KY.

In her letter Joan Ausenbaugh, a 14-year-old student at Dawson Springs Junior High School, expresses her deep concern that the ability of average Americans to save money for their children's college educations is being jeopardized by the amount of taxes they are being asked to pay. She feels current tax policy favors the rich and unduly burdens middle-income taxpayers, and she would like to see this inequity corrected.

I urge my colleagues to read the letter from Joan Ausenbaugh. The letter follows in its entirety:

DAWSON SPRINGS, KY,
November 26, 1990.

Congressman CARROLL HUBBARD,
Rayburn Office Building,
Washington, DC.

DEAR CONGRESSMAN HUBBARD: I am 14 years old and I attend Dawson Springs Junior High. I don't understand why President Bush wants to raise taxes on average people and not on rich people. I think he should let the people vote for it, because everyone in the Congress is rich and they aren't going to vote to have their taxes raised.

The President says to keep saving money for college to get an education, but how are we going to save for college when we have to save our money to pay for the taxes. Rich people don't even have to save. They just say what they want and they have it.

I just want to ask the President two things: does he want us to get an education or pay for taxes, and is he raising our taxes instead of the rich because the Government is broke and doesn't have the money right now to pay for taxes because they blew it?

Sincerely,

JOAN AUSENBAUGH.

IN SUPPORT OF THE MOBILITY ASSISTANCE ACT OF 1991

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. DOWNEY. Mr. Speaker, I rise as an original cosponsor of the Mobility Assistance Act of 1991 being introduced today by my colleague and friend, Representative NICK J. RAHALL II.

This legislation, designed to move our Nation toward a more balanced distribution of Federal transit money with a precise targeting of aid to those citizens who need it the most, is an innovation plan that shows great promise. While the bill is mainly directed at those living in rural areas, it also responds to the special needs of seniors and other transportation dependent groups through expansion of section 16 of the Urban Mass Transportation Act. The addition of section 16 in 1970 to UMTA marked the beginning of special efforts by Congress to plan, design, and set aside funds for the purpose of modifying transportation facilities for improved access by the elderly and disabled. This year, as we face the reauthorization of the Urban Mass Transportation Act, we have a unique opportunity to improve transportation services for the elderly and the transportation-dependent by supporting this legislation.

As the chairman of the House Select Committee on Aging's Subcommittee on Human Services, with oversight responsibility over all federally funded human and social programs for the elderly, I am a strong advocate of programs designed to help the elderly remain active, independent, and living within their own communities. One critical method of achieving that form of independence lies within whatever transportation services are available in those communities. Transportation is a vital lifeline for older Americans and a critical factor in their ability to maintain their independence. Lack of transportation services undermine the effectiveness of the programs that serve the elderly and the disabled.

Another key piece of legislation being reauthorized this year is the Older Americans Act, which for over 25 years has provided critical human and social services to older Americans 60 years of age and over. In fiscal year 1989, nearly 7 million persons were recipients of transportation services under the Older Americans Act. Approximately 10 percent of Older Americans Act funds are used for transportation services.

At a hearing held by my subcommittee in February 1990, Commissioner Joyce T. Berry of the Administration on Aging presented the subcommittee members with a congressionally mandated study outlining the unmet needs of our country's elderly population. Transportation emerged as a key unmet need across the Nation.

On January 29, 1991, the Subcommittee on Human Services held its first hearing of the 102d Congress. The title was "Transportation in the 90's: Keeping America's Elderly Moving." At this hearing, testimony received from the Honorable BROCK ADAMS, former Secretary of Transportation, from area agency on aging directors, from the Community Transportation Association of America, and from the Urban Mass Transportation Administration detailed important concerns about the status of transportation services in our Nation. Unfortunately, many of the concerns expressed at the hearing were also raised in the past. Among those concerns were the need for increased funding; the coordination of existing programs; the targeting of beneficiaries; changes in funding patterns; the differences that exist in rural and urban transportation needs; the absence of reported data, as well as the safety of older drivers.

The Mobility Assistance Act of 1991 is a good first step towards addressing many of these concerns, and it is a plan that is long overdue. We all agree there is a need for improved transportation services for the elderly and the disabled. I would like to commend Mr. RAHALL for his foresight in introducing this legislation, and I urge my colleagues to support it.

DESERT STORM PRAYER

HON. JOHN F. REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. REED. Mr. Speaker, since the days of its founding the people of Rhode Island have been fiercely proud of their Nation and the courageous members of our Armed Services. Today there are several hundred Rhode Islanders serving in Operation Desert Storm. I have had an opportunity to talk to some of them before they left for Saudi Arabia. They were filled with the emotions any highly trained soldier about to face combat; they were excited and nervous, with an edge of trepidation. Now, they face battle, and Virginia Louise Doris of Warwick has written a poem for them. The poem, "Desert Storm Prayer," eloquently expresses our hope for their continued safety, and our desire for peace. I would like to share this message with my colleagues.

DESERT STORM PRAYER

God bless our fighter's stand!
Keep them in heart and hand one with our own!
From all their foes defend,
Be their brave comrade's friend,
On all their realms descend,
Protect their home!

Father, with loving care,
Guard thou our nation's fair,
Guide all their ways:
Thine arms their shelter be,
From them by land and sea,
Bid storm and danger flee,
Prolong their days!

Lord, let war's tempest cease,
Fold the whole Earth in peace,
Under thy wings!
Make all the nations one,
All hearts beneath the sun,
Till thou shalt reign alone,
Great King of Kings!

COLUMNIST TOM WICKER CRITICIZES STATEHOOD FOR PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. FUSTER. Mr. Speaker, as the House and the Senate move toward resolution of legislation providing for a political status plebiscite in Puerto Rico, I think it incumbent that my colleagues really think through the statehood option. I have great respect for the institution of statehood, Mr. Speaker, but I am convinced that the existing Commonwealth status option in such a plebiscite is not in the best interests of both Puerto Rico and the United States.

More and more, Mr. Speaker, other voices seem to share that point of view, and these voices range across the political spectrum: Democrat and Republican, liberal and conservative. Surprisingly, they come from such disparate voices as the conservative syndicated columnists James Kilpatrick and Patrick Buchanan and the liberal columnist Tom Wicker of the New York Times. Even though I, a Democrat, seldom share the views of Mr. Kilpatrick and Mr. Buchanan, I inserted their columns in the RECORD last year in which they questioned granting statehood to Puerto Rico.

Now comes Tom Wicker, the celebrated columnist of the New York Times, and I think his observations of February 9, 1991, make good food for thought as my colleagues in the 102d Congress ponder anew, legislation in the House and the Senate that would authorize a three-way political status plebiscite in Puerto Rico:

THE 51ST STATE?

(By Tom Wicker)

"I want Puerto Rico to become the 51st state," President Bush has said. Does he realize that would mean fewer Puerto Ricans in private-sector jobs, more on welfare, and a probable additional cost of $17 billion to the U.S. Treasury?

Attorney General Dick Thornburgh told Congress this week that the Administration favors a plebiscite in which Puerto Ricans might well vote for statehood. Senator Bennett Johnston of Louisiana, the chairman of the committee preparing plebiscite legislation, says Puerto Ricans' choice in that vote would be "morally binding" on Congress.

Mr. Thornburgh questioned the constitutionality of the only other likely status alternative—an improved, virtually autonomous version of the present Puerto Rican "commonwealth." A third option, independence, is not believed to have sufficient support to be a real possibility for the island.

Mr. Bush's desire for statehood is hard to understand, although the island's Republican Party also favors it. From a narrowly partisan point of view, Puerto Rico as a state would rate two senators and five or six members of the House. That's larger than a number of present delegations, including some that usually vote Republican; and the Puerto Rican delegation might well be all or mostly Democratic.

From a broader perspective, moreover, the island insists on maintaining its Spanish culture, which would make it the only state with Spanish as its official language. Even Puerto Rican Republicans agree on that—though mainland Republicans hardly can be enthusiastic about such an exception.

Economically, statehood would be a disaster for the island. It would mean the loss of the Commonwealth of Puerto Rico's exemption from U.S. taxes, under Section 936 of the Internal Revenue Code. No state is entitled to claim such an exemption, which has been applicable to Puerto Rico since before commonwealth status was achieved in 1952. That's one good reason the island's annual per capita income has risen since then from a few hundred dollars to more than $6,000 a year.

Not only would statehood bring the Federal income tax to Puerto Rico; a Peat Marwick study estimated that 72 percent of the companies that have put about 2,000 industrial plants on the island, because of its tax advantages, might leave once statehood caused the loss of those advantages. That would mean the flight of 80,000 to 145,000 jobs, the study suggested.

A Congressional Budget Office report similarly found that if Puerto Rico's commonwealth tax advantages were lost, unemployment—averaging 14.6 percent even now—would increase by 100,000 within the decade. Under statehood, Puerto Rican gross product would fall by 10 to 15 percent in the same period.

Under the prevailing commonwealth status, however, economic growth is projected at a real annual rate of 2.5 to 4 percent. That's important to other Americans because Puerto Rico already buys more mainland goods than Brazil, Chile, Argentina and Columbia combined—$9.4 billion in 1989.

Why would Puerto Ricans opt for statehood if it meant they had to pay United States income taxes while their economy was shattered? One reason is that many islanders are too poor to pay income tax, and statehood would make many eligible for nearly double welfare benefits—causing an estimated $17 billion rise in Federal outlays for Puerto Rico, a short-term bonanza.

Statehood would allow the islanders to participate in Presidential elections, and to send a voting delegation to Congress. Many Puerto Ricans seem also to believe that it would magically produce for them a living standard equal to that of mainland Americans, whose per capita income if far higher—even in Mississippi, the poorest of the current states.

Commonwealth supporters, like Gov. Rafael Hernández Colón, believe they can win a plebiscite, though polls now give statehood a narrow lead. They hope commonwealth status can be so defined in the Senate's plebiscite legislation that, if voters opt for it, Congress could not change it in the future. But Mr. Thornburgh said the Constitution required United States territories, other than states, to be controlled by Congress; therefore, he argued, Congress could take away commonwealth status any time it chose.

If sustained by Bennett Johnston's committee, that's a telling argument against commonwealth and for statehood—and one that raises the question whether President Bush grasps the real consequences of what he says he wants for Puerto Rico.

THE COMPUADD CORPORATION

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. PICKLE. Mr. Speaker, last week, I visited the CompuADD Corp. facility in my home city, Austin, TX. CompuADD is a company which designs, manufactures, and markets personal computers. It was started in 1982 by a former Texas Instruments engineer, Bill Hayden. Today, the company employs over 1,500 people and currently has sales of more than $500 million.

The company's growth and track record is impressive. However, what is most impressive about CompuADD is that it has been chosen by the U.S. Central Command to provide personal computer equipment and supplies for behind-the-scenes support of Operation Desert Storm. This $31 million contract is being paid for by the gulf peace fund which administers Japan's cash contribution to Operation Desert Storm.

After touring the CompuADD facility I had an opportunity to speak with the employees as they are changing shifts. They are very proud to provide our troops in the Middle East with the very best equipment possible. The employees worked around the clock to get the first order of computer equipment to the Middle East within 3 weeks. They seemed to each be personally committed to the men and women serving in the Persian Gulf.

They explained to me that each pretested computer is packed in a specially made rugged carrying case and includes everything the user will need to operate his or her work station including peripheral equipment and supplies, a handbook with phone numbers for the 24-hour number at CompuADD in Austin and things like T-shirts and sunglasses to boost the troops' morale.

Mr. Speaker, I was impressed and proud of what I saw at the CompuADD facilities in Austin and I commend them for their good work and commitment to the troops in the Persian Gulf. I know that other companies across the land are likewise rendering service to our troops. We are proud of American enterprise and I am pleased that one of these companies is from my district.

MORTGAGE REVENUE BOND BILL INTRODUCED

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mrs. KENNELLY. Mr. Speaker, today I am introducing with 19 of my colleagues from the Ways and Means Committee, legislation to make permanent the Mortgage Revenue Bond Program.

The MRB Program has been a tremendous success, but unfortunately it expires at the end of this year. It has helped hundreds of thousands of people achieve their dream of homeownership—individuals who could not otherwise have purchased their first home.

According to recent census figures, the national rate of homeownership declined between 1980 and 1989, the first decade-long decline since the 1930's. And only 14.5 percent of renters age 24 to 34 would qualify for a conventional loan. The MRB Program is an important component of any effort to reverse this trend.

The MRB Program has been extended each time it has come up for renewal. Now is the time to make this proven program permanent.

I urge all of my colleagues to cosponsor this legislation and help bring the dream of homeownership, to those to whom it might otherwise, only remain a dream.

THE EISENHOWER LEGACY

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. EMERSON. Mr. Speaker, it is with great pleasure that I rise today to commend Mr. Ralph E. Becker, author of "Miracle on the Potomac" for his contributions to the cataloging of the history of the Kennedy Center. Mr. Becker's work is especially notable in one particular achievement: restoring to the record the cultural role played by President Dwight Eisenhower, during whose administration the first authorizing legislation for the Center was passed.

While the name Dwight Eisenhower usually brings to mind his achievements as a great military leader and someone who through his great leadership brought peace and prosperity during his 8 years in office, his contributions to our Nations cultural fabric has been largely overlooked. To neglect the role he has played in our cultural history, especially in the development of the Kennedy Center, not only omits a significant item of cultural history but also serves to perpetuate an image of the man that does disservice to his memory.

Mr. Speaker, I would like to request that Mr. Ralph Becker's remarks from his address, "The Cultural Legacy of Eisenhower," which he gave in October, 1990 at "the Eisenhower Centennial Celebration, A Retrospective View" sponsored by Gettysburg College and the Dwight D. Eisenhower Society, be inserted into the RECORD. I would also like to take this time to recommend to my colleagues, that they take the opportunity presented to them and read Mr. Ralph Becker's address:

THE EISENHOWER LEGACY

(Remarks of Ralph E. Becker)

Friends of Eisenhower, I am very proud to join my esteemed colleagues gathered here: Richard Coe, critic emeritus of the Washington Post, was a strong advocate for a national cultural center despite major opposition from his colleagues and the editor of his newspaper, a long-time friend, he is the perfect individual to moderate this panel of experts. No one is more qualified than author Dr. Elise Kirk to discuss Eisenhower's musical and entertainment programs at the White House:

Unfortunately, Abbott Washburn has to be in Washington as Chairman of the celebration at the Eisenhower Theater of the Kennedy Center. However, he sent as a substitute his distinguished cousin, Dr. Malcolm McLean of Minnesota. Dr. McLean is past president of Northland College of Minnesota, a political and cultural officer of USIA who served in Brazil, Vietnam and the Dominican Republic. He was Director of Arts of St. Paul, Minnesota and will speak about USIA, Voice of America and the People-to-People Program. Raymond Freeman, deputy director of the National Park Service for many years, is intimately acquainted with Mission 66 and the renaissance of the National Park Service, including restoration of Ford's Theatre and Independence Hall. The International Cultural Exchange Program initiated by Ike—notably the US/USSR cultural exchange agreement he negotiated with Nikita Khrushchev—will be covered adeptly by Guy E. Coriden, Jr., for many years a member of the United States Department of State.

No accurate portrait of President Eisenhower, whose eight years in office brought peace and prosperity, would be complete without his cultural achievements being fully recognized. His devotion to the betterment of the cultural fabric of our lives has been hidden, whatever the reason, under a bushel basket for thirty years. It is now time to illuminate this dimension of our 34th President.

William Bragg Ewald, his biographer and an official of his administrations, is also a panelist of this symposium. Paraphrasing Carl Sandburg, Ewald described him best when he said: "Ike was steel and velvet . . . as hard as rock and soft as drifting fog, one who held in his heart and mind the paradox of terriblé storm and peace unspeakable and perfect." It is undoubtedly from these overlooked qualities—the "velvet" and the "heart" in him—that Eisenhower's commitment to the arts derived.

It was in 1800 that President John Adams issued a mandate for the new capital city of Washington, D.C. He mandated that it should become "the capital of a great nation, advancing with unexampled rapidity in arts, in commerce, in wealth and population—a seat of government and of culture."

Turning the dream of an early President into reality took the initiative of a modern one and nearly 200 years. It was Eisenhower who answered the call. His commitment became public record in 1955 in his second State of the Union message, when he said ". . . the Federal government should do more to give official recognition to the importance of the arts and other cultural activities. I shall recommend the establishment of a Federal Advisory Council on the Arts . . . to advise the Federal government on ways to encourage artistic endeavor and appreciation." He made good on his promise and on July 1, 1955 in Newport, Rhode Island, he signed Public Law 128 creating the D.C. Auditorium Commission. The act established a 21-member bipartisan commission to formulate "plans for the design, location, financing and construction in the District of Columbia for a civic auditorium . . . and a music, fine arts and mass communication center." The commission endured continued onslaughts and opposition over the site chosen in Foggy Bottom for almost two years but on August 8, 1957 the House Appropriations Committee refused the request for a $25,000 operation budget and its effort died for lack of funding by Congress.

Perseverance, however, paid off and like a phoenix rising from its own ashes, the cultural center regenerated itself in the form of bills introduced in the House and Senate by Congressman Frank Thompson and Senator William Fulbright in January of 1958. These bills were successors to pioneer bills introduced in the House in 1953, Eisenhower's inaugural year, by Congressman Carroll Kearns, Republican of Pennsylvania and Congressman Charles D. Howell, Democrat of New Jersey.

Unprecedented and historic, the story behind the funding and construction of the Center is exciting. The origins of the Center during the Eisenhower years were not smooth sailing. We were beset with problems from the outset. We had to deal with a constant lack of funds, opposition from Capitol Hill and vitriolic criticisms from native Washingtonians.

The site originally chosen for the National Cultural Center was the spot on the Mall now occupied by the National Air & Space Museum. Selection of this site inspired a controversy that lasted seven long years and was resolved only by intervention of the Eisenhower White House. As a result of actions taken by Sherman Adams, Ike's Chief of Staff, and Secretary of Interior Fred Seaton, the Center was able to obtain from the Corps of Engineers the magnificent site in Foggy Bottom where it stands today. This led directly to passage of the National Cultural Center Act—Public Law 85-874—which Ike signed on September 2, 1958. It also cleared the way for construction of both the Air & Space Museum and the Theodore Roosevelt Bridge, which provided a much-needed Potomac River crossing.

During the heat of battle, debates and hearings were held and Congressman Bob Jones of Scottsboro, Alabama, Chairman of the Public Buildings Committee and a great quarterback for the Center, requested a letter from President Eisenhower supporting the Center. I phoned Chief of Staff Sherman Adams who immediately had Bryce Harlow write the letter for the President's signature. At the time we had troops in Lebanon and Eisenhower taking the time to dispatch such a letter sent a powerful message to Congress concerning its importance. The letter was sent to Chairman Buckley in August—and truly became the turning point in the entire struggle to locate the Center in Foggy Bottom, in the closing days of the Session. I quote from it now:

"Dear Mr. Chairman: I am writing you with reference to legislation pending before your committee which would authorize the national cultural center here in Washington on a site mandated by the Federal government with funds raised by voluntary contributions. There has long been a need for more adequate facilities in the Capital for the presentation of the performing arts. An auditorium and other facilities such as are provided for in pending legislation, established and supported by contributions from the public, would be a center of which the entire Nation could be proud. I hope that the Congress will complete action on this legislation during this session."

The stalemate was a long and arduous one but those in favor of the site persevered and at long last on September 2, 1958 Ike signed the legislation authorizing a national cultural center—Public Law 85-874—the National Cultural Center Act. His message at the time was clear, succinct, and prophetic:

"The cultural center belongs to the entire country. The challenge of its development offers to each of us a noble opportunity to add to the aesthetic and spiritual fabric of America."

As President, he championed the concept of a national cultural center, strongly endorsing the legislation creating it.

These three milestones are yet another dimension of his cultural commitment for the City and the Nation, which recast Washington's bleak cultural history. Just one of these projects alone constitutes a monumental feat, the three together point out the awesome scope of his legacy. An added major benefit was that his foresight paved the way for Federal participation in the arts—the establishment of the National Endowment for the Arts and Humanities—which occurred during the Johnson administration. Look at Federal and state participation in the arts today, running into billions of dollars.

In 1959 I was appointed by President Eisenhower as a founding trustee and general counsel of the National Cultural Center. My recent book, "Miracle on the Potomac: The Kennedy Center from the Beginning," chronicles the monumental task of creating a cultural center worthy of the Nation. I wrote it as a tribute to President Eisenhower. Although the Center is named for President John F. Kennedy, to be reminded of Eisenhower's seminal contribution in no way diminishes the appropriateness of the Center as a living memorial to President Kennedy. His love for the arts and the importance he gave them in the achievement of national goals are as much a part of the Center as its architecture. But to neglect the role that Eisenhower played in the Center's chancy beginnings not only omits a significant item of cultural history but also serves to perpetuate an image of the man that does disservice to his memory.

During his lifetime and since his death, most historians have focused with good reason on Eisenhower's accomplishments as soldier and statesman. But there was more to Ike, even the public Ike, than his effectiveness as a leader in difficult times. For him, the arts were part of a much larger quest for better understanding among the peoples of the world. He encouraged Americans of all races, creeds and occupations to visit and communicate with their counterparts in many different lands. His interest in cultural performances at the White House included many first, particularly Broadway musicals as well as opera, ballet and symphony presentations.

Eisenhower, the professional military man, had observed firsthand the impact of propaganda during World War II, and from this experience he had learned something about psychological warfare. What Ike saw of men and women in wartime only served to reinforce his basic faith in the good will and good sense of ordinary people. "People want peace so badly," he once observed, "that someday governments are going to have to get out of the way and let them have it."

From this sentiment derived the international cultural exchange and People-to-People programs. He did not stop there, he was the first President to initiate restoration of Ford's Theatre as a historic site and a viable theatrical venue.

However, I believe the National Cultural Center, renamed the John F. Kennedy Center for the Performing Arts in 1964, must be numbered among Eisenhower's finest achievements. It is for the reasons I have mentioned that I wanted to write Miracle on the Potomac—to bring the genesis of this great institution to the public. It is the story behind the struggle to bring the Center to life, the story behind the struggle to bring Eisenhower's dream to life.

Despite the dire predictions of its early critics, today the Center flourishes. Former Librarian of Congress Daniel Boorstin put it succinctly when he said, "It is the greatest institution built in the last century."

The Center's programming and activities are unparalleled in the world. It is not just a showcase for the rich, it is a gift to the entire nation, as its founders envisioned it. Reduced ticket prices, senior citizen and handicapped programs, education, recreation, every possible facet of the performing arts—all are served by the existence of the Center. Its umbrella is wide and its diverity unique, so much can be found within the workings of the Center that the whole country benefits and should know it. This is President Dwight D. Eisenhower's legacy to the United States.

Even after he left office, the National Cultural Center was still a priority with him. He espoused the early philosophy of President Adams and added his own to it in an essay called "The Creative Purpose" for the book "Creative America," published in 1962 for the benefit of funding the Center. It is worthy quoting here:

"The founding fathers' dream of a new society in a new world included beauty widely enjoyed as well as wealth widely shared. They dreamed of a nation adept at the arts of humanism as well as the works of industry. They strove for cultural growth as well as for economic increase. Artists fully aware of and dedicated to their responsibility strengthen our national spirit. Their new place in American life should, I think, inspire new and finer accomplishments—in all the arts. It is my hope that they, in turn, will inspire us with new pride in the concepts of mind and heart that have made our country great."

During "An American Pageant on the Arts", a national fundraiser telecast on November 29, 1962, he reaffirmed his dedication via satellite from Augusta, Georgia to "an American center of culture in Washington to which all artists of the United States could repair . . . and where people would come to see what America was capable of . . . in the arts and all that is spiritually aesthetic to the senses of man."

President Kennedy wanted his predecessor's approval of each stage in the creation of the Center and in September of 1962, officials of the Center journeyed to the Eisenhower Farm right here in Gettysburg to unveil the new model for the Center. He and Mamie wholeheartedly approved it. The National Cultural Center, which he had championed for so long, was actually going to be a reality. It was a proud and jubilant day for the former President.

As he said in his 1960 treatise "Goals for Americans", "In the eyes of posterity the success of the United States will be judged by the creative activities of its citizens in the arts, architecture, literature, music and the sciences." His contributions to our cultural history, all too often overlooked, were significant and lasting.

It was an honor and a privilege to watch the dream become a reality, an honor and privilege to know such a great man with such far-reaching goals and such staunch commitment to culture and to a Nation.

TO AMEND SECTIONS 401(a)(17) AND 401(l) OF THE INTERNAL REVENUE CODE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. COBLE. Mr. Speaker, today, I am introducing legislation to amend an arcane provision of our Tax Code governing retirement plans. The need for taking this action was brought to my attention by two constituents, James and Cynthia Matthews, who are being penalized pursuant to the Tax Reform Act of 1986 because they are married to each other.

The Matthews are both licensed physicians practicing in a five-person medical group. The organization's corporate stock is divided equally among the members; each participates in a tax-qualified retirement plan.

Section 401(a)(17) of the tax code limits the annual compensation for each employee participating in a qualified trust—retirement plan—to $200,000. This figure is adjusted annually for inflation. In lay terms, compensation is simply that amount of money attributed each year to an employee who participates in such a retirement plan. As a practical matter, compensation is the basis from which the employee draws his or her benefits upon retirement.

The provision hurts working couples with this further restriction: Any 5-percent owner of an affected company or employee who is 1 of the 10 highest paid company workers in a given year, his or her spouse, and any of their lineal descendants who have not attained 19 before the close of the year are considered one employee for the purposes of section 401(a)(17). In effect, this means that the Matthews, by virtue of their marriage, cannot participate in their retirement plan as individuals to the same extent as the other three group members.

Congress enacted this measure primarily to discourage small businesses from padding their payrolls and pension plans with spouses and children of key employees who do little, if any, work. This scenario necessarily contrasts with that involving the Matthews, both of whom routinely devote 70 hours or more per week to their practice. Given this background, the limitations imposed on legitimately hard-working couples by section 401(a)(17) hardly seem fair.

My bill corrects this problem in a narrowly confined and straightforward way. For the purposes of determining each employee's compensation, the restriction attributing compensation between spouses will not apply if both spouses are licensed to perform services in the same professional field and perform these services on a full-time basis for the same employer. This slight adjustment will ensure that both spouses are treated equitably and equally, relative to each other as well as their co-workers. It should be noted that my bill would retain the section 401(a)(17) restriction in all other cases.

In this regard, I more than welcome any suggestions from my colleagues, especially those serving on the Ways and Means Committee, as to how the overall abuse leading to the creation of section 401(a)(17) can be eliminated in a just manner. I am not interested in spotlighting this particular bill so much as I am in supporting a vehicle which can pass and will afford the Matthews and others like them the relief they deserve.

Mr. Speaker, selective application of section 401(a)(17) of the Tax Code is not the front-burner issue of the 102d Congress. But it does speak to a basic concern which permeates all our work: fairness. I urge my colleagues to support me in this endeavor.

IN SUPPORT OF CROATIA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. LIPINSKI. Mr. Speaker, although the Americans are focused on the brutal Iraqi occupation of Kuwait, the plight of other oppressed peoples deserves greater public acknowledgement. Throughout the world ethnic minorities are literally fighting for their lives against tyrannical, oppressive governments. The ruling parties only seek to further their own agendas at the expense of a helpless minority. Mr. Speaker, I have addressed my colleagues many times about the terrible events taking place in the Soviet Union, and I remain deeply concerned for our men and women in the gulf. Today, however, I would like to take this opportunity to share with my colleagues, a letter which I received from my constituent, Mr. Anthony Peraica. the original copy of his letter was published in the Chicago Sun-Times on January 31, 1991.

While America's attention is turned to the Persian Gulf crisis and, to a lesser extent, to Soviet oppression in the Baltic states, a fledgling democracy is quietly being threatened with violent extinction. Little attention is given by the media and the government to the problems currently occurring in Croatia.

It should be known, however, that the centrally controlled government in Belgrade has held a strong-arm rule over the democratically inclined State of Croatia since the end of World War II. The ethnic, political and economic suppression that Belgrade has exercised over Croatia is finally being challenged.

Croatia has been fighting and continues to fight for freedom and democracy. The people of Croatia have recently elected a democratic government that has a chance to give them the democracy and self-determination that they have long sought.

Americans should not turn away from Croatia while its legitimate government is being threatened with military force by the communist-controlled central government in Belgrade, which seeks to exploit the current world situation to topple the newly democratically elected Croatian state government led by the Croatian Democratic Assembly.

I therefore urge all Americans to write their local representatives in Congress to express their concern and support for the people of Croatia and their elected representatives.

MR. ANTHONY J. PERAICA.

It gives me great pleasure to share this timely and instructive letter with my colleagues. Mr. Peraica echoes the thoughts of many ethnic Americans. Regardless of their heritage, day after day they pore over newspaper and television reports hoping to gain even the slightest amount of information about the disturbing events in their homeland. In an ever-increasing number of cases, the plight of the oppressed is simply being ignored by the Western media. The Iraqi invasion of Kuwait removed a legitimate government from power and dominated news reports. Tragically, the same kind of illegal occupation and violent oppression continues to happen in other regions, with little or no coverage. Without consistent and reliable sources of information, the American people and their elected representatives will be unable to correctly assess the situation and take steps to help alleviate the sorrow. I would like to commend Mr. Peraica for his initiative and join him in his call for increased awareness of the Croatian situation.

MALCOLM X, "OUR SHINING BLACK PRINCE"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. RANGEL. Mr. Speaker, 26 years ago today a great African-American leader, Malcolm X, was killed while addressing his supporters in Harlem. I would like to recognize the 26th anniversary of his death.

On February 27, 1991, as part of a Black History Month Special Order sponsored by the Congressional Black Caucus, Members will honor and review the achievements of Malcolm X. I encourage every Member of Congress, especially those who are not familiar with Malcolm X, to take this opportunity to revisit his life and legacy.

One need not be an African-American to appreciate Malcolm X. Despite pervasive discrimination and the early breakup of his family, Malcolm X developed an indomitable sense of his self. Although he left school in the eighth grade, he became an articulate speaker, an innovative theoretician, and a tireless promoter of education. Unwavering in his commitment to a beleaguered and oppressed community, he urged self-reliance and promoted a fierce sense of ethnic and historical price—values of great appeal to all Americans, regardless of race.

The eulogy delivered by Ossie Davis at the funeral of Malcolm X aptly salutes his dedication to oppressed peoples in America and throughout the world. I offer my colleagues "Our Shining Black Prince," spoken on February 27, 1965, at Faith Temple Church of God in Harlem.

OUR SHINING BLACK PRINCE

EULOGY DELIVERED BY OSSIE DAVIS AT THE FUNERAL OF MALCOLM X—FAITH TEMPLE CHURCH OF GOD

Here—at this final hour, in this quiet place—Harlem has come to bid farewell to one of its brightest hopes—extinguished now, and gone from us forever.

For Harlem is where he worked and where he struggled and fought—his home of homes, where his heart was, and where his people are—and it is, therefore, most fitting that we meet once again—in Harlem—to share these last moments with him.

For Harlem has ever been gracious to those who have loved her, have fought for her, and have defended her honor even to the death. It is not in the memory of man that this beleaguered, unfortuante but nonetheless proud community has found a braver, more gallant young champion than this Afro-American who lies before us—unconquered still.

I say the word again, as he would want me to: Afro-American—Afro-American Malcolm, who was a master, was most meticulous in his use of words. Nobody knew better than he the power words have over the minds of men. Malcolm had stopped being a "Negro" years ago.

It has become too small, too puny, too weak a word for him. Malcolm was bigger than that. Malcolm had become an Afro-American and he wanted—so desperately—that we, that all his people, would become Afro-Americans too.

There are those who will consider it their duty, as friends of the Negro people, to tell us to revile him, to flee even from the presence of his memory, to save ourselves by writing him out of the history of our turbulent times.

Many will ask what Harlem finds to honor in this stormy, controversial and bold young captain—and we will smile.

Many will say turn away—away from this man, for he is not a man but a demon, a monster, a subverter and an enemy of the black men—and we will smile.

They will say that he is of hate—a fanatic, a racist—who can only bring evil to the cause for which you struggle!

And we will answer and say unto them: Did you ever talk to Brother Malcolm? Did you ever touch him, or have him smile at you? Did you ever really listen to him? Did he ever do a mean thing? Was he ever himself associated with violence or any public disturbance? For if you did you would know him. And if you knew him you would know why we must honor him: Malcolm was our manhood, our living, black manhood! This was his meaning to his people. And, in honoring him, we honor the best in ourselves.

Last year, from Africa, he wrote these words to a friend: "My journey," he says, "is almost ended, and I have a much broader scope than when I started out, which I believe will add new life and dimension to our struggle for freedom and honor and dignity in the States. I am writing these things so that you will know for a fact the tremendous sympathy and support we have among the African States for our Human Rights struggle. The main thing is that we keep a United Front wherein our most valuable time and energy will not be wasted fighting each other."

However much we may have differed with him—or with each other about him and his value as a man—let his going from us serve only to bring us together, now. Consigning these mortal remains to earth, the common mother of all, secure in the knowledge that what we place in the ground is no more now a man—but a seed—which, after the winter of our discontent, will come forth again to meet us. And we will know him then for what he was and is—a Prince—our own black shining Prince!—who didn't hesitate to die, because he loved us so.

THE DEMOCRATS AND THEIR TAXES

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. GINGRICH. Mr. Speaker, I want to make sure everyone takes notice of the following "Dear Colleague" that I sent out today.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE REPUBLICAN WHIP,
Washington, DC, February 21, 1991.

DEAR COLLEAGUE: I recommend that all my colleagues read this editorial by New York City's former Democratic Mayor Ed Koch that appeared in the Wall Street Journal on February 5. He presents a convincing argument against quotas, and regarding the Civil Rights bill, he states that "* * * so long as this bill encourages quotas, and it does, it should not be acceptable no matter what compromise is offered."

Sincerely,

NEWT GINGRICH,
Republican Whip.

[From the Wall Street Journal, Feb. 5, 1991]

CIVIL RIGHTS BILL: THE WAY TO RELIGIOUS QUOTAS

(By Edward I. Koch)

Why is the newly introduced Civil Rights Bill still a quota bill?

Because, like the 1990 version known as Kennedy-Hawkins, the legislation finds that an unlawful employment practice is established when "a complaining party demonstrates that an employment practice or group of practices results in a disparate impact on the basis of race, color, religion, sex or national origin, and the respondent fails to demonstrate that such practice is required by business necessity."

The employer would have the burden of proving that the hiring practice or group of practices bear a "significant relationship to successful performance of the job." Contrary to the claims of the legislation's supporters, this standard is more stringent than the standard consistently applied in this area by the Supreme Court. The court says that employers may justify hiring practices if they bear a "manifest relationship to the employment in question."

Under the Supreme Court test, employers can justify many hiring practices as bearing a "manifest relationship" to the employment. Under the bill's proposed test, it is unlikely that employers would be able to prove that a challenged job requirement bears a "significant relationship" to "successful" job performance. To avoid potential liability under such a murky standard, employers would, of necessity, resort to quota hiring.

Cases under the disparate-impact standard have focused on racial and gender discrimination. But under the bill, disparate impact will be so easy to prove that it will be applied to alleged religious discrimination, and employers will react defensively to the threat of such lawsuits.

Proponents of the bill note that some Jewish organizations, traditionally opposed to quotas, endorse the legislation. I suggest that Jewish organizations haven't alerted their memberships to the fact that under such a law employers probably will have to justify why there are more Jews on a percentage-basis in a particular job than in the applicant job pool.

To defend themselves from suits, employers would have to justify the disparate impact. Surely that would mean keeping statistics on the number of Jews, Catholics, Protestants, Muslims, etc. It might even mean keeping track of all the subdivisions—such as Jehovah's Witnesses and Seventh Day Adventists; Sunni and Shiite Muslims; Orthodox, Conservative and Reform Jews—as well.

The proposed law would particularly create a misplaced incentive for governments and universities to hire on the basis of race, color, religion, gender or national origin. They would feel intense pressure to select the lesser-qualified individual of a group not adequately represented from a statistical standpoint—both to avoid the "disparate impact" and exposure to costly lawsuits they would be likely to lose, as well as to avoid student unrest, picket lines and adverse publicity. They will hire the statistically correct. (In New York City, those who would suffer disproportionately would be white Jewish males.)

Few employers, would be likely to want to run the risk of costly lawsuits. Attorneys' fees and massive back-pay awards. The mere filing of a lawsuit could hurt sales and public acceptance of the company's product.

Nationwide, the percentage of blacks is 12%; Hispanics about 8%; Asians about 2%. Among whites, those who are Jewish would still suffer the most because they are only 2% of the population.

Many who support this bill deny they support quotas, but acknowledge support of affirmative-action programs requiring goals, timetables and sanctions; they claim that these programs do not entail preferences and reverse discrimination. But goals and timetables quickly become de facto quotas when employers face sanctions if they don't achieve them, and when the burden of proof falls upon the employer to justify hiring practices.

It is not "immoral" to be for quotas nor is it "immoral" to oppose them. New York Mayor David Dinkins publicly supports quotas, as do many other New York City leaders: they think the benefits outweigh the costs. But there is much more to be said in support of the position that this bill would create reverse discrimination and would be bad for America as a whole.

During November's election campaign, many editorials around the country denounced Sen. Jesse Helms's ad depicting a white worker losing his job as a result of quota preferences. What if his opponent, Harvey Gantt, had run an ad that showed two black hands and commentary saying, "Is it unfair for us to be given preferential treatment to catch up from the burden of slavery?" Would that ad have been denounced? I doubt it.

Will the supporters of this bill attack those of us who oppose it as racists because we honestly believe that it will foster quotas? Unfairly, they will probably do so again this year, as they did last year. False charges of racism are the refuge of those who cannot argue on the merits.

Civil-rights groups have been seeking a fig-leaf compromise with some opponents of the bill to facilitate an override of any presidential veto. Their latest ploy has been to approach some big businesses with a new offer. These civil-rights groups are hoping that if the damages available under the bill for intentional discrimination are reduced, the businesses will agree to language that, while ostensibly "solving" the quota problem, does not do so. But so long as this bill encourages quotas, and it does, it should not be acceptable no matter what compromise is offered.

WE NEED A RADIO FREE ASIA

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mrs. BENTLEY. Mr. Speaker, millions of individuals throughout the world have come to depend upon the Voice of America [VOA] and Radio Free Europe [RFE] broadcasts as a source of dependable and timely news. Unfortunately, if one looks at Indochina, it becomes apparent that there is a serious lack of broadcasting directed at those held captive there. Total VOA broadcasts to Cambodia, Laos, and Vietnam amount to less than 32 hours per week versus almost 1,400 hours per week of VOA and Radio Free Europe broadcast hours to Eastern Europe and the Soviet Union. I find this appalling!

U.S. broadcasts have played a tremendous role in spreading democratic ideas. In countless instances, our efforts to fill the information vacuum in Eastern Europe and the Soviet Union have been successful as witnessed by the new governments in Poland, Hungary, and Czechoslovakia, not to mention the unification of Germany. However, the task of fostering political and economic change is not an easy one and some of our radio broadcast services—to Lithuania or Ukraine—may need to continue indefinitely.

But the need to broadcast into Lithuania or Romania should not preclude us from focusing more attention on countries like Cambodia and Vietnam, where propaganda masquerades as news. In time, we should aggressively explore the possibility of expanding service to other areas where freedom continues to be an elusive dream—places such as Burma or North Korea. I am firmly convinced that now is the time for us to consider seriously trying to duplicate the successes that our radio broadcasts have wrought in Eastern Europe.

Some may ask, why do we need a new Radio Free Asia when we already have the VOA? It is true that over the years, the VOA has broadcast into Indochina; but it is important to remember that there is a profound difference between the Voice of America and the type of service that we need—a Radio Free Asia that is modeled after Radio Free Europe.

The VOA broadcasts information about the United States—while Radio Free Europe informs people about their own country, which is vital in nations that have firm control over the internal media. While VOA's broadcasts are informative, they do not concentrate solely on providing hard news and commentary to the information starved people of a country like Vietnam. When the Prime Minister of Vietnam, Mr. Thach, says that the decision to impose communism upon that country was the worst mistake the regime ever made, the Vietnamese people should hear about it.

Mr. Speaker, I happen to think that it makes good sense to broadcast to a country of 66 million people. Some might not agree. I also happen to think that the United States has distinct strategic interests in that region that make our interest more than just a luxury. The Soviets and the Chinese certainly feel this way. Again, some may not agree with me.

One thing is for certain, the Hanoi regime will go to great lengths to argue why we shouldn't step up our broadcasts. They will talk about past colonialism and then highlight some recent achievements such as reattaining their status as a large rice exporting nation. They will stress also the supposed warming of relations between our two countries as well as continue to dangle the POW issue before us. Vietnam's leaders will do this because all they have to do is look at Eastern Europe to gauge the power of our broadcast message. They are the true masters of propaganda and I can easily understand their fear about dying by the same sword that they have used to intimidate their own people and their neighbors for so long.

The Communists in Vietnam certainly don't want their subjects to hear stories about the plight of Vietnamese workers abroad. Why would they want people back home to hear about small groups of Vietnamese workers or student groups in Czechoslovakia, who are beginning to publish newspapers about their experiences, or about life under communism?

Unfortunately, Vietnam's leaders won't be the only ones to question the need for expanded radio broadcasts. I'm sure that some people right here at home are going to question the necessity of starting up a Radio Free Asia. They may argue that we shouldn't invest resources into such projects because democracy is already on the move in places like Vietnam and Cambodia. They will argue that we should leave well enough alone and not upset the apple cart by broadcasting hostile propaganda into those countries.

Well, I'm not quite convinced that providing the people of Saigon with information about the whereabouts of long lost family members qualifies as hostile propaganda. How many Vietnamese have any idea as to the whereabouts of hundreds of thousands of their fellow citizens who fled for their lives in rickety boats?

In Cambodia, there are disturbing indications that the murderous Khmer Rouge are again making headway. The People's Republic of China has lent support to the Khmer Rouge broadcasting effort by allowing them to beam their message into Cambodia from sites in China. Our State Department admits that the Khmer Rouge are successfully propagandizing villages in Cambodia. Shouldn't the United States—rather than the Khmer Rouge—be providing accurate and timely information to the people of Cambodia? Efforts by this administration to prevent the Khmer Rouge from returning to power should be waged at many levels—including increased U.S. broadcasting—and should not be considered as upsetting the apple cart.

Mr. Speaker, last session I introduced the Radio Free Asia Act in an effort to facilitate surrogate broadcasts to Cambodia, Laos, and Vietnam. It was through my many trips to Eastern Europe—be it Poland or Romania or Yugoslavia—that I first became convinced about the power of our international radio broadcasting services like the Voice of America and Radio Free Europe. Today, I am again introducing the Radio Free Asia Act of 1991 in the hope that we will place more emphasis on radio broadcasting to this critical region.

I hope that my colleagues will join me in supporting this legislation.

PRESIDENT'S NATIONAL ENERGY STRATEGY

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. RIGGS. Mr. Speaker, the President's national energy strategy has focused America on the task of formulating a policy that guarantees dependable energy for the future and national energy independence. I am confident that the Americans are ready to make the hard choices necessary to guarantee an economic and environmentally viable future.

The national energy strategy should be viewed as a working document. Over the next few months Members of Congress will be adding their views, their ideas, their visions. But in a number of areas, a good start has already been made.

For the first time the administration has suggested ways to slow down the increase of greenhouse gases. The NES promotes strategies to reduce oil consumption. It suggests sound ways to promote energy conservation, reducing the need to consume valuable and finite resources. Likewise, it recognizes the importance of developing energy efficiency technologies that reduce waste and improve performance.

The national energy strategy recognizes that our greatest natural resources are human resources. Through education, entrepreneur-ship and commitment we can build a secure energy future. Importantly, it pledges Government support for long-term programs of research and development for clean, renewable technologies such as solar, wind, biomass, and thermal.

Over the next few months, I will work with my colleagues to continue the process to develop a viable energy strategy started by the President 18 months ago. I am hopeful that in its final form, our new national energy policy will encompass the best of the NES, discard the discredited dependencies and dead ends of the past, and contain the new ideas that will energize America's future.

Mr. Speaker, I submit and commend the following editorial from my hometown newspaper, the Santa Rosa Democrat, for my colleagues' consideration. This commentary is especially relevant in light of today's debate and vote on H.R. 586.

PAYING THE PRICE FOR THE GULF WAR

During the buildup to the Persian Gulf war, there was plenty of talk about the need to learn the lessons of Vietnam. Now that the war has arrived, one critical lesson that that earlier conflict can provide is a lesson in economics.

War is expensive. Not paying the bills when they come due can undermine the economy.

Lyndon Johnson's delay in imposing a surtax to help pay for the Vietnam War is often blamed for the damaging inflation that followed. This week, Alan Greenspan, chairman of the Federal Reserve Board, urged Congress not to raise taxes now to pay for war costs, which are estimated at a minimum of $500 million per day.

Greenspan has some sound reasons. The total cost of the Persian Gulf war is not yet clear. The effort to get more help from other countries must be a top priority. U.S. taxpayers should be at the back of the line in the search for more money. And tax increases are hardly the medicine for an economy already in a recession.

But that doesn't change the fact that the federal deficit, despite last fall's much-touted budget deal, is at record levels and growing. The recession will cut tax revenues, and raise the cost of social services. Meanwhile, the administration, which is expected to ask Congress for $30 billion for additional costs, is also seeking a blank check to continue the S&L bailout.

In the long run, those ever-growing deficits will produce an ever-weaker economy.

The final bill for Operation Desert Storm will depend on many variables: how long the war lasts, how much of the equipment used must be replaced, how much other countries contribute, even the war's effect on long-term oil prices. All of those variables are unpredictable.

What can be predicted, however, is that the costs will be sizable, and foreign contributions won't cover all of them. Some combination of tax hikes and program cuts will be needed.

For now, Congress should at least approve a proposal requiring the administration to file a monthly report on war costs and the amount being contributed by allies.

Then, when the costs become more clear, and, let's hope, when the economic picture brightens, Congress must face another grim fact of war. Its price isn't only paid on the battlefield.

IDEALS IN ACTION

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. SCHAEFER. Mr. Speaker, since the beginning of Operation Desert Shield last year, and especially since it became Operation Desert Storm, there have been numerous displays of patriotism by Americans from all walks of life throughout the country. The yellow ribbons, flags, and other symbols of support have shown how deeply Americans support the troops defending their country—and the world—against Iraq's brutal dictator Saddam Hussein.

With soldiers like Cpl. Brian E. Ivers, USMC, who is serving in the Persian Gulf, Americans have good reason to be proud. Shortly before Christmas, Corporal Ivers wrote an inspiring letter to me, which I just recently received. I would like to share part of it with you, for I think it reflects the sentiments of many of our troops, troops prepared to put their lives on the line to serve their country and the cause of justice.

Corporal Ivers writes,

Morale is still high here in the desert and our resolve to defeat the forces of tyranny is as strong as it was when we first got here. We support the President in all his efforts and stand ready to recover Kuwait. If a vote should be taken in Congress on whether to stay here and fight, vote yes, as it is the wish of myself and many here that we remove Hussein from power. We are all infantry and will end up getting shot at if war should come, and yet we feel it is a moral obligation to stop this demagogue before he gets nuclear weapons. And before Kuwait is reduced to a concentration camp.

I salute Corporal Ivers and all our fighting men and women serving in the Persian Gulf. Thanks to them, the future for peace and freedom in the world remains bright.

I AM THE FLAG

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. BENNETT. Mr. Speaker, my constituent, Steve Schaffer, has produced a beautiful statement entitled "I am the Flag." It is inspiring, and I am proud to present this matter for the CONGRESSIONAL RECORD. It is as follows:

I AM THE FLAG

I am the flag. I came to life with the ideas of liberty, justice and freedom back in 1776; the same year America was born. I remember Betsy Ross putting me together the first time for General Washington. Everyone thought I was very special and they were excited to have me. At first I had only 13 stars but that was enough. As I was carried around this new country I found men and women who were willing to die for me; they would give up their lives for the ideas I stood for. How proud I was to fly over Yorktown when America became a free Country!

I wasn't much older when another war broke out in 1812. I got shot up pretty badly that night at Fort McHenry, but when daylight came I was still there. I guess you've heard the song Francis Scott Key wrote about me—"The Star Spangled Banner". After that, America started to grow. I got to wear a new star for every state.

Then came the Civil War. Some people wanted a new flag; they did not want me anymore. When the end finally came I was flying over Appomattox when General Lee surrendered.

By now the world knew me. People came from everywhere to have me as their flag. They knew they would be safe with me protecting their freedom in America. I got more stars.

The price of freedom is high and in 1917 I had to go to Europe for a year.

The next 20 years were pretty quiet, but on December 7, 1941 things changed. In the next four years I went all over the world. I'll never forget those Marines taking me up that little hill on Iwo Jima. I know how important I was to them, as they were to me. In 1945 I came back home the proud leader of the free world.

Only five years later I was off to Korea for three years then back home.

In the 60's I went to Vietnam. Things weren't the same then, either over there or here at home. I know some of you weren't as proud of me as you used to be and I came home bloodied but unbowed.

Now, I have 50 stars and have even been to the moon. These days I often wonder if you still love me as much as your fathers and grandfathers did. You don't treat me the same somehow. I know I'm over 200 years old but I still look the same. I still stand for the same things I did back when Betsy first put me together. I fly over you just like always.

We've been through an awful lot together, haven't we? You know I need your devotion, respect and commitment to keep America Strong and Free.

I hope you realize that if it weren't for me, the things I stand for and the men and women who have served beneath my colors, there wouldn't be any freedom, there wouldn't be an America.

LOUIS KELSO—AMERICAN INNOVATOR AND HERO

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. ROHRABACHER. Mr. Speaker, it is with a heavy heart and a great sense of sadness that I mark the passing away this past Sunday of a great American. The name Louis Kelso might not have the familiar ring of other famous people but it echoes in the heart of the millions of Americans that have become owners in their own companies because of the idea that Mr. Kelso had some 35 years ago.

Louis Kelso once said that "a basic truth is not invented but discovered." He argued that the basic problem with capitalism is the fact that there are not enough capitalists. He went on to discover the ESOP in 1956 to try to rectify this situation.

His answer was to have corporations and companies borrow money against their assets to purchase their own stock for their employees. Kelso won support for his idea from Senator Russell Long, the then chairman of the Senate Finance Committee. Together they created the legal status for ESOP's in the 1974 Employee Retirement Income Security Act [ERISA]. ESOP's took off soon after that.

The tax breaks given to ESOP's helped generate the ESOP explosion. Today, more than 13 percent of the private-sector work force in the United States, over 11 million Americans, work for employee-owned companies.

Economic freedom and private ownership are prerequisites for political liberty and human progress. What we do to expand ownership and broaden the base of participation in our free enterprise system will bolster the underpinnings of American democracy and strengthen the economic foundation which has supported our country's unparalleled prosperity. Louis Kelso made it his life's goal to expand America's base of ownership.

Mr. Kelso was born on December 4, 1913, in Denver, CO. He held degrees in finance, cum laude, and a J.D. from the University of Colorado at Boulder, where he later taught constitutional law. After serving in the Navy during World War II, he moved to San Francisco, where he was active in many civic programs.

But Mr. Kelso will always be known as an American innovator and hero whose ideas will live on. I offer my deep sympathy to Louis Kelso's family and promise to work to further his life's work—extending the opportunity of ownership to all of America's employees.

SOUTH CAROLINA'S DAIRY FARMERS IN BIG TROUBLE

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. TALLON. Mr. Speaker, South Carolina's dairy farmers are in big trouble. Erratic, damaging price swings over the past year are threatening to put over one-half of the State's dairy producers out of business.

As a result of a Federal milk order, which sets prices for milk in South Carolina, farmers' prices have dropped more than 35 cents per gallon over the past 8 months. I don't know of any industry in this country that could sustain such a severe cut.

At the same time however we know somebody's making money out there, and consumers have become accustomed to today's prices. Recent retail prices are steady despite declining producer revenues. Milk in most retail outlets in the State has been selling from $1.99 to $2.69 per gallon for the past several months. I simply cannot reconcile this with the fact that many dairy farmers will be lucky to survive another 6 months. What the dairy farmer in South Carolina and other regions across the country needs and deserves is a fairer share.

That's why today I'm introducing legislation to restore stability in the prices provided to dairy producers. My bill freezes the Minnesota-Wisconsin price formula at the last August level which was the last time South Carolina farmers received a fair and reasonable price. The Minnesota-Wisconsin basic price is a pricing mechanism that was established in 1961. Unfortunately, as milk production has enlarged and altered, the M&W has lost relevance as an accurate price indicator.

The 1990 Food, Agriculture Conservation and Trade Act acknowledged this and requires a proposed replacement price series be put forth by USDA by October 1. Unfortunately, however, South Carolina's dairy farmers cannot afford the luxury of waiting. Time is one commodity they have run out of. If we fail to act, we could lose half of our producers and hundreds of jobs. I urge my colleague to join me in support of this legislation and the American dairy farmer.

INTRODUCTION OF BLM REAUTHORIZATION BILL

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. VENTO. Mr. Speaker, I am today introducing a bill to again authorize appropriations for programs, functions, and activities of the Interior Department's Bureau of Land Management [BLM].

During the last Congress, the House passed such a bill, but the Senate did not act on it.

Mr. Speaker, the BLM is an important agency. It has exclusive management jurisdiction over more than 270 million acres of public lands, and in addition has important responsibilities with respect to millions of acres of other lands that are wholly or partially the property of the American people.

The basic statutory authority for BLM's activities is the Federal Land Policy and Management Act of 1976, or "FLPMA." That act established a system of periodic reviews and reauthorizations intended to be the basis for the appropriation of amounts adequate for BLM to carry out its diverse and difficult responsibilities.

The last authorization for BLM expired at the end of fiscal 1982. Since then, of course, Congress has in fact appropriated funds for the work of the agency, but each appropriations bill including such funding has had to be brought to the House floor under a rule that waived the point of order against BLM funding that otherwsie would lie against this unauthorized spending.

I believe that this is an undesirable situation, and for that reason I took the initiative in the last Congress to again provide authorization for BLM appropriations for the fiscal years 1990 through 1993.

However, I believed then and continue to believe now that more than just a reauthorization of appropriations is needed. I believed then and believe now that we need to make revisions in FLPMA in order to improve the management of the public lands and their very important resources and values.

A number of such revisions were included in the reauthorization bill for BLM that was reported by the Interior Committee and passed by the House in 1989. As I said, however, the Senate did not act on that measure, which therefore died at the end of the 101st Congress.

The bill I am introducing today is very similar to the one that passed the House in 1989. One major difference relates to the use of BLM-managed lands by State military agencies. The House-passed bill of 1989 contained a number of provisions relating to this important matter. But because I believe that this is only one part of a larger picture, I have omitted such provisions from the BLM reauthorization bill I am introducing today. It is my intention to later introduce another bill that will address a variety of issues related to military use of Federal lands, including such use by the National Guard (technically State agencies under existing law) as well as by the national military services.

Like the House-passed bill of 1989, the bill I introduce today has several principal purposes, including strengthening BLM's professionalism; furthering true, balanced multiple-use management of the public lands; improving BLM's planning processes; and broadening public involvement in BLM's programs and activities. In addition, the provisions of the bill address the need to strengthen enforcement of applicable rules and regulations, including the prohibition of "subleasing" of grazing allotments on public rangelands.

Mr. Speaker, I believe that consideration of this BLM reauthorization bill should be a priority matter, and I intend to work for its early approval by the Interior Committee and the House, so that there will be every opportunity for it to be enacted in a timely manner during this session of Congress.

A SALUTE TO THE PILOTS OF OPERATION DESERT STORM

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. CLINGER. Mr. Speaker, today I bring to the attention of my colleagues an ad that appeared recently in USA Today. This ad was placed by the Air Line Pilots Association [ALPA] which represents 42,000 professional pilots who fly for 51 of our U.S. carriers. In it, the men and women of ALPA salute the brave efforts of their brothers and sisters who are flying for the Allied forces in Operation Desert Storm. Approximately 2,500 U.S. airline pilots, through the Reserves and National Guard, have left their loved ones behind to fly for our Armed Forces fighting the tyranny of Saddam Hussein while approximately another 1,000 have been flying support missions for our country under the Civil Reserve Air Fleet Program. The success of these outstanding aviators and their fellow airmen of the international force has been overwhelming. I wish to express my deep appreciation to those dedicated men and women and to thank ALPA for its public expression of support. Indeed, all persons supporting our efforts in the gulf region are to be saluted. Mr. Speaker, I insert the following in the RECORD and commend it to my colleagues' attention.

ALPA SALUTES THE PILOTS OF OPERATION DESERT STORM

The 42,000 members of the Air Line Pilots Association wear the wings of commercial aviation, harnessing technology for peacetime pursuits. But there comes a time when different wings, those of the war eagle, must rise to the defense of freedom.

We salute our fellow pilots of the allied forces, including the military reservists from our own membership ranks. Through their courage, daring and remarkable skills, they are serving the cause of justice well.

We remember those who have paid the ultimate price. Their bravery will never be forgotten.

And we pray for the safe return of those who have been taken captive. We join with our government in demanding that they be treated in a humane fashion in accordance with the Geneva Convention.

Godspeed to the pilots of the international force—American, British, Canadian, French, Italian, Kuwaiti, Qatari and Saudi. May our exploits help bring about a speedy and honorable peace—A Message from the Air Line Pilots Association.

NEW HAMPSHIRE REMEMBERS WILLIAM "BUD" DUNFEY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. SWETT. Mr. Speaker, on February 9, 1991, New Hampshire lost a great family man, business executive and nationally known political figure when William "Bud" Dunfey died after a long illness.

Bud was extremely well-known in the business community as the founder and chief officer of the international Dunfey Hotels chain, a family business which began as a fried clam stand shortly after World War II.

But for the past 40 years, Bud was also a tireless and generous Democratic polticial supporter, campaigning for a variety of candidates and causes from the local to the national level.

Bud served as the New England coordinator for John F. Kennedy's 1960 Presidential campaign and in 1964 held the same position with Lyndon Johnson's campaign. In 1968, Bud chaired Robert Kennedy's Northern New England Presidential Committee.

Locally, Bud founded the New Hampshire Young Democrat Club in 1952 and served as the party's State chair throughout the 1960's. During the 1970's and 1980's, he continued to be recognized as a highly effective political organizer and fundraiser who gave both his time and money to causes and candidates he believed in.

I first met Bud 4 years ago, but grew to know him well last year when he agreed to serve as cofinance chair to my fledgling congressional campaign, a move that helped legitimize my run. His decision to work on my campaign typified the type of person Bud Dunfey was. He was always willing to take a prominent role in causes and campaigns, even when initially it appeared they didn't have much chance of succeeding.

Bud gave himself over and over again to a variety of causes, but he never tried to make himself the center of attention. He did not care about how much political mileage he could get from supporting something, he cared about making a difference. There is much to be learned from the example Bud set.

Mr. Speaker, as I got to know Bud better on a personal level, I was impressed by the devotion he felt for his family and friends. It was clear from watching Bud with his daughter Julie, how much he loved her and how important his family was to him.

Bud will be sorely missed by his family and many friends who were attracted to a charming man who tried throughout his life to help those around him, regardless of how much effort that took.

Mr. Speaker, the New Hampshire papers carried many wonderful tributes to Bud Dunfey, as would be expected. However, because his reputation spread outside of New Hampshire, other papers paid tribute to him as well. On February 12, 1991, the Washington Post carried an excellent tribute to him by Mary McGrory, which I would like to share with my colleagues.

The article follows:

BILL DUNFEY

[From the Washington Post, Feb. 12, 1991]

(By Mary McGrory)

To a generation of reporters, Bill Dunfey was the New Hampshire primary. The place to stay was his family's hotel, the Wayfarer, in Bedford. It was full of reporters and full of Dunfeys, Bill being one of 12, and there was always a brother around to pass on the latest political gossip.

Bill Dunfey was involved with another large Irish clan from the first time he met a skinny congressman. He prevailed upon Jack Kennedy to show his stuff by entering the New Hampshire primary in 1960. In 1968, he was with Bobby Kennedy, and in 1980, when his brothers were supporting Jimmy Carter, Bill chose to stand with Teddy.

A personal note about Bill Dunfey: He was responsible for my being right, in advance, about a political outcome for the first and only time in my life. In 1969, all the reporters around the Wayfarer Bar were writing that Eugene McCarthy's anti-war presidential bid was a joke. "He doesn't even know where the I Corps is" they said contemptuously over their scotch, forgetting that McCarthy wanted to remove them as swiftly as possible from wherever it was.

What was supposed to sink McCarthy conclusively was the invasion of college students knocking on doors on his behalf. New Hampshire's celebrated xenophobia was cited as decisive in what was supposed to be a lopsided contest with a president staging a write-in campaign. I was accepting this conventional wisdom until Bill Dunfey, who was neutral in the race as befitted a former Democratic national committeeman, set me straight. "Remember, Mary," he said, "old people like young people."

The day of the primary, we talked again. "I have seen something I never saw before," he said. "I drove across the state, and at every crossroads, I saw young people standing with literature outside polling places, holding the flag." McCarthy did not win the primary, but he polled an astonishing 42 percent of the vote.

Bill Dunfey taught me a lesson about the importance of being open to new information.

Bill Dunfey was a spectacularly pleasant man, even-tempered, civil on all occasions. He was a businessman and a successful one—the Dunfeys founded a hotel chain and once owned Aer Lingus—but his passion was politics. The Dunfeys wanted to make a difference. They founded the New England Forum and brought speakers in from everywhere. Bill Dunfey was the first New Hampshire businessman to fight the nuclear power plant in Seabrook. When he was already sick with cancer, he founded a magazine called The Spectator, a lively review of the political scene in New Hampshire.

HIGH SPEED RAIL TRANSPORTATION AND POLICY DEVELOPMENT ACT

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. RITTER. Mr. Speaker, as the original cosponsor of the High Speed Rail Transportation and Policy Development Act, I want to express my strong support for this legislation, introduced today by Mr. SWIFT, the chairman of the Transportation and Hazardous Materials Subcommittee of the Energy and Commerce Committee. I serve as ranking Republican member of that subcommittee. This legislation would take an important step forward in the long-overdue development and exploitation of some of the most promising transportation technologies of our era.

It is not widely known that, although Germany and Japan have become closely identified in the public consciousness with high-speed rail and magnetic-levitation technology, the original breakthrough research on maglev—including the development of the linear motor—was conducted in the United States. As is so often the case, however, we then voluntarily—and foolishly—surrendered the field to our foreign competitors when we terminated Federal support for this technology in 1975. As a result, there is as yet no operational maglev system in the United States, even though the Germans and the Japanese have operational pilot projects in place with commercial uses in the construction phase. This illustrates all too vividly, in the arena of international competitiveness, a maxim popular in certain scientific circles: If you are not part of the solution, you are part of the precipitate.

Technically, maglev and its lower-technology relative, high-speed rail—such as the French TGV and the Japanese Shinkansen—offer high-efficiency, environmentally benign, all-weather, high-reliability transportation for huge numbers of commuters and travelers. Given the state of our congested airline system and the environmental and energy impact of our clogged and crumbling roads, it is almost criminal that we have not yet meaningfully exploited this technology. In the case of maglev systems, cruise speeds of some 400 miles per hour have already been achieved, and high-speed rail in France already has broken the 300 mph mark. By comparison, our topline Amtrak service on the Northeast Corridor makes 125 mph, and the cross-country Amtrak trains—which must use freight-train rights-of-way—are lucky to average 40 to 50 mph.

There are potential technological synergies of extraordinary magnitude at stake here, Mr. Speaker. A good illustration is a recent report in the Financial Times of London on the methods the Japanese are exploring to upgrade their Shinkansen or bullet-train system, which first went operational in the 1960's. The areas they are now exploring—with an eye to minimum noise levels in their densely populated country—are airplane fuselage technologies, lighter materials, and new vibration-reducing bogie springs and dampers. On this last point, any rider of Amtrak can tell you that there is a vast potential retrofit market for rail car technologies which may eliminate the lateral sway that now makes writing on a passenger train almost impossible.

The legislation I am helping to introduce today directs the Department of Transportation's Federal Railroad Administration to conduct a comprehensive commercialization study of maglev and high-speed rail technologies, including both an economic analysis and a technical assessment. Based on that study, as well as input from the public and other Federal agencies, the FRA Administrator is to formulate a national high-speed rail transportation policy. A key element in this policy will be the promotion of American competitiveness. The policy will also include elements designed to promote the active commercial use of high-speed rail and maglev technology, and will address the issue of integrating different types of advanced technology into a true national network. The Administrator is also specifically directed to evaluate whether the United States can "leapfrog" the current maglev technologies now being operated in Germany and Japan, possibly with superconductive systems. In short, the mandate to assemble a comprehensive national policy may help us to begin the process of winning back the international competitive position in high-speed rail travel that we unilaterally surrendered in the midseventies.

Looking farther ahead, this bill also places high-speed rail and maglev efforts on an equal footing with conventional railroads in our national infrastructure policies. Specifically, the bill amends the Railroad Revitalization and Regulatory Reform Act—4R Act—of 1976 to make high-speed rail and maglev projects equally eligible for the existing section 511 Federal Loan Guarantee Program, relative to the conventional railroad rehabilitation and improvement projects already permitted to use that program.

If, as Oscar Wilde put it, "experience is simply the name we give our mistakes," then the United States has had more than enough experience with false starts in high-speed rail and magnetic-levitation travel. It is high time that we focused our national policy on this fantastic opportunity to improve our own productivity through more efficient travel, to modernize the technical basis of our industries and our infrastructure, and to restore our international prominence in a technical field where we literally "reinvented the wheel," or at least a technically superior replacement for it.

WOMEN—THE FASTEST GROWING GROUP OF AIDS VICTIMS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mrs. MORELLA. Mr. Speaker, today I am pleased to reintroduce two bills to encourage research on human immunodeficiency virus [HIV] infection in women, and to improve access to health services for women with AIDS in this country. These bills will be included in the Women's Health Equity Act, to be introduced next week by the congressional caucus on women's issues.

Because AIDS in the United States was originally a disease predominantly affecting men, there is a common misconception of AIDS as a man's disease. The fact of the AIDS epidemic in the United States, however, is rapidly changing as more women and children become infected with this fatal disease.

According to the Centers for Disease Control [CDC], women now comprise the fastest growing group of persons with AIDS in this country. Of those individuals who have contracted the disease through heterosexual contact, women now outnumber men. In New York City, AIDS not only has become the leading cause of death among women age 20 to 40 years, but 1 out of 80 births is to an HIV-infected woman. If current mortality trends continue, by the end of this year, HIV/AIDS can be expected to become one of the five leading causes of death in women of reproductive age nationwide.

Despite these devastating statistics, most AIDS research, treatment, and prevention programs focus predominantly on men. Women are routinely omitted from experimental protocols and thus have limited access to the few medicines available to treat AIDS. To date, there is not one clinical trial designed to explore or address the specific clinical concerns of HIV-infected women.

Because the AIDS epidemic in the United States first emerged among predominantly white males, the case definition of AIDS is based on the disease's manifestation in men. AIDS, however, appears to manifest itself differently in women, often appearing as a disease of the reproductive tract. Although the CDC has broadened the case definition of AIDS over time, it still does not reflect the clinical manifestations of HIV in women.

Women, not expected to have AIDS, may be misdiagnosed and given insufficient and incorrect treatment by health care providers. For these reasons, countless cases of HIV infection in women are believed to go unrecognized and unreported. Physicians find little information available to help them understand the unique manifestations of HIV infection in women.

Many of the factors involved in the transmission of HIV from mothers to their children also remain obscure. It is still not known why some of the infants born to HIV-positive women become infected themselves, while others never develop the disease.

With regard to the prevention of the sexual transmission of HIV, the sole physical method available to obstruct transmission from men to women is the use of the condom, a procedure which necessitates active male cooperation. So far, little or no research has been done on a wider range of chemical and physical barriers that rely on the women and are under her control.

The two bills I am reintroducing today seek to remedy the neglect of the growing AIDS epidemic among women.

The women and AIDS research initiative would expand the focus of current AIDS research to include research on women as persons at risk of AIDS. The bill would authorize $10 million in fiscal year 1992 for a women and AIDS research initiative within the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration that would support both intramural and extramural research concerning the transmission, development, treatment, and prevention of HIV infection in women.

This bill would also authorize $6 million to create a new program under the community based clinical research initiative, which provides funds for the establishment of research organizations located in community settings to provide access to clinical research for populations at high risk for HIV infection. Under the legislation, funds would be used to expand clinical trials involving AIDS treatment for women. Funds under this program will also be available for support services, such as child care and transportation, to enable women to participate in clinical trials.

The women and AIDS Outreach and Prevention Act authorizes $10 million in fiscal year 1992 for select family planning clinics and other public health clinics that provide preventive health services for women in high-risk areas. This funding would be used to design and carry out innovative programs of outreach, referral, services, and training.

Under this legislation, funds would be available for family planning clinics and community health centers to provide preventive health services, including family planning, screening, and treatment for sexually transmitted diseases, and counseling and testing for HIV; as well as to provide outreach to inform women and their partners of the availability of these services.

Clinics would also develop improved referral arrangements with agencies that serve women and their partners, including drug abuse clinics, sexually transmitted disease clinics, and homeless shelters, and would provide appropriate followup services. In addition, funds would be available to train clinic personnel in dealing with persons at high risk of AIDS, sexually transmitted diseases, and unintended pregnancy.

Women have been called the invisible victims of the AIDS epidemic. I urge my colleagues to remedy this neglect by joining me in support of these two crucial pieces of women's health legislation.

TRIBUTE TO THE PEOPLE OF ESTONIA ON THEIR INDEPENDENCE DAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. LANTOS. Mr. Speaker, on Sunday, February 24, the people of Estonia will celebrate their Independence Day. I would like to take this opportunity to pay tribute to their strength, their courage and the commitment of the Estonian people to the principles of democracy.

Estonians are a proud people. They have all too often faced formidable obstacles in realizing their nation's potential free of dictatorship. Annexed in 1940 as a result of a depraved alliance between Adolf Hitler and Josef Stalin, Estonia has struggled long and hard for its freedom.

In the course of their drive for independence from the Soviet colossus, the people of Estonia have demonstrated time and again the courage of their convictions. They have chosen the path toward a more free and pluralistic society. That path has proven perilous, but their commitment to a democratic form of government is unwavering.

Mr. Speaker, having just returned from a visit to Estonia, I am struck by the firm and unequivocal commitment to freedom and democracy of the Estonians. Rightfully proud of their national heritage, they demonstrate a sense of purpose and historical direction which is inspiring.

With our attention diverted toward the Persian Gulf in these trying times, we should be particularly vigilant in monitoring the state of affairs in Estonia. It is important that the Estonian cause not be overlooked or neglected.

I urge my colleagues to join me in paying tribute to the proud Estonian people as they celebrate their National Day. It is my hope, and the hope of countless others, that one day soon Estonians will live free of Soviet domination.

PRESIDENT BUSH'S ENERGY STRATEGY INITIATIVE IS ONE-THIRD OF A NATIONAL ENERGY POLICY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Ms. OAKAR. Mr. Speaker, after 18 months of effort, and nearly 2 years after the due date, President Bush has brought forth one-third of a national energy policy. In my opinion, the President's proposals are not adequate for the energy emergency facing this country, and he is not entitled to a passing grade.

It is apparent to me that the House and Senate should make major changes in order to produce a balanced package, and that we should move ahead to do so in this Congress, so that our country does not lose the golden opportunity associated with the Persian Gulf situation to reach national agreement on how to address one of the Nation's most basic and serious problems.

U.S. ENERGY DEPENDENCE INCREASING

On the basis of the dozen hearings on energy policy that I have conducted since the Persian Gulf reflagging operation in 1988, we have learned that U.S. dependence on imported oil has climbed from 28 percent in 1982 and 1983 to 45 percent in the first half of 1990, before the current recession in the U.S. economy. In January 1989, President Reagan found that the 38.1-percent rate in 1988 "threatened to impair the national security." According to testimony of the Gas Research Institute, the United States might be 60 percent dependent in the year 2000 and 65 percent in 2010. I have informed the House of these matters in interim reports at the conclusion of the 1989 and 1990 sessions.

This trend places our country—which has prided itself for 200 years as being the land of the free—firmly on the path toward being "the land of the dependent." Despite the statistics on the rising tide of imports, despite President Reagan's warning, and despite the massive deployment of American Armed Forces to the Persian Gulf, the President's proposals will not change that course.

ONE-THIRD OF A POLICY

To begin at the beginning, the President's policy has no beginning and no end. The President's proposals do not contain any 5- and 10-year goals, as explicitly required by the 1977 Energy Department Organization Act that calls for a national energy policy to be established and revised every 2 years. Without goals, we do not have a sense of overall direction, and cannot measure whether or not we are making progress toward energy security, adequacy of supply at reasonable prices for economic growth, better management of our resources through energy efficiency, reliability of electricity, and related environmental protection.

The second major part of the policy that was missing is a commitment and concerted program for energy efficiency and conservation. Certain recommendations to this effect by the Department of Energy were crossed out of the package by the President's Budget Office.

Since new technologies in such area as lighting can save 80 to 90 percent of the energy used for that purpose and clean coal technologies promise to save up to two-thirds of the energy used to generate more than half of the Nation's electric power, it is absolutely incredible that lighting was eliminated from the President's proposals and that the President's clean coal budget proposal for 1992 was $76 million lower than in 1991.

In the absence of long-term goals and demand side management, the President's proposals deal only with the supply side. The President's proposals are obviously not balanced, and his statement to this effect would be laughable if the subject was not so serious.

WORKABLE ENERGY GOALS FOR THE YEAR 2000

Mr. Speaker, as you know, on January 28, 1991, I introduced House Concurrent Resolution 53, offering 10 energy policy goals for the year 2000 that I believe are a starting point for the debate on a practical, workable national energy policy, such as: reducing imports to 35 percent of consumption, increasing automobile mileage by 30 percent per vehicle/mile, increasing energy efficiency by 25 percent, reducing overall energy intensity in the economy by 15 percent, increasing electric reserve safety margins to 17 percent for the country and each region, reducing emissions of all greenhouse gases by 10 percent, improving the balance of payments in energy related products and services by at least $10 billion a year, restoring low- and moderate-income energy weatherization assistance to previous levels, and assuring consultation between Federal, State, and local policymakers on energy and energy-related policy matters, assuring the linkage of all energy policies to environmental protection.

BENEFITS TO HOMEOWNERS

A prominent consequence of my policy would likely be a reduction in the utility bills of the average homeowner by about 25 percent. This can be accomplished with existing technology.

SUMMARY

In conclusion, I feel that the President's proposals are not in the interest of homeowners, consumers, motorists, small business owners, industrialists, or of those concerned with the environment. They are not adequate to the troubled times we are living in, nor the even more uncertain future.

It is thus apparent to me that Congress must enter the policy process at this point and complete a viable, balanced national energy policy plan for the Nation to agree upon. As chair of the Subcommittee on International Development, Trade, Finance and Monetary Policy, i will be continuing my work on these issues. I also hope that the 10-year goals set forth in my House Concurrent Resolution 53 are considered as part of that process.

CRUEL GAME WITH THE POOR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, the administration's proposal for child health is one of the worst I have seen come forward from an administration since I've been in Congress. It adds to the injury of grossly inadequate funding the insult of setting various sectors of the low-income population against each other in a competition for these inadequate funds. The Boston Globe editorial critical of this program is aptly titled, "Bush's Cruel Game With the Poor." Because the editorial makes so compelling the case in such a lucid fashion, no further preface is needed and I ask that the editorial be reprinted here.

[From the Boston Globe, Feb. 9, 1991]

BUSH'S CRUEL GAME WITH THE POOR

The budgetary shifts that President Bush has in mind for medical services for poor women and children amount to cruel and capricious shell game. In the guise of strengthening services to lower infant mortality in 10 American cities, he would scavenge million of dollars from programs that already work to prevent infant deaths.

Twenty-four million dollars is to be slashed from grants to the community health centers that serve as front line of care for indigent and working-poor families. Much of the money buys treatment for expectant mothers and children who have no other means—insurance or Medicaid—to obtain medical care.

Thirty-three million dollars is to be taken from Maternal and Child Health Services, a program of federal block grants to states. This money is parceled out to hospitals and health centers to pay for maternity and pediatric care for women and their children.

These mothers and babies are so disadvantaged that they also qualify for supplementary food under the federal-waste Women and Infants Care program. The combination of medical care and food has proved its worth in fending off newborn deaths and other physical and mental consequences of deprivation early in life.

The robbing of funds from one program for another stems from budget procedures adopted last year to limit domestic spending and separate it from defense spending. Yet, increases in a desired health program could be garnered elsewhere—such as from the $15.7 billion that has been proposed for the National Aeronautics and Space Administration, a $1.7 billion increase.

Instead, Health and Human Services Secretary Louis Sullivan is pitting basic programs for women and children against each other. And President Bush appears to be playing to the political grandstand with the infant mortality issue.

Bush's budget says that only 10 cities would be chosen from those "with exceptionally high infant mortality rates." Though sections of Boston have a devastating infant mortality rate, with three times as many deaths in black newborns as in white newborns, it is not citywide. Whether Boston would qualify for the Bush initiative is uncertain.

Under Bush's proposed cuts, however, Massachusetts could lose substantially unless Congress intervenes. Of the 56 community health centers in the state—24 of them in Boston—18 are federally funded. In 1990, they received nearly $8 million in federal health grants. Massachusetts received slightly more, $10.9 million, in Maternal and Child Health Service grants.

Two of every three of the 5.5 million people nationwide who rely on community health centers have incomes below the poverty level of $13,360 for a family of four; and the remaining third is only marginally better off.

"Considering the fragile underpinnings beneath all of us," says James Hunt, head of the Massachusetts League of Community Health Centers, "it makes no sense to take from one group of poor people to give to another."

Targeting more money for the 10 cities with the worst infant mortality rates seems singularly absurd to Dr. Deboarh Frank, director of Boston City Hospital's clinic for malnourished children.

"What happens to the babies in the 11th-worst city?" Frank asks. "We should not be asked to trade off the survival of infants in one city for the survival of others in a different city. Nor should we be asked to help a child survive during the first year of life, only to let him die as he becomes a year older."

JEANNETTE JAYCEES HONOR PAUL SMIY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. MURTHA. Mr. Speaker, I would like to take a moment to salute Mr. Paul R. Smiy, who is being honored by the Jeannette, PA, Jaycees as their 1991 Man of the Year. The Jaycees could not have chosen a more deserving individual.

Paul is the president and chief executive officer of the Elliott Co. in Jeannette, and has been a valued resident of the community for many years. Most importantly, Paul has been extremely active in community affairs. He is chairman of the Jeannette District Memorial Hospital Board of Directors, he is a member of the Westmoreland County Community College Technical Advisory Committee, he is past president of the Irwin Lions Club, and is a member of the board of directors of the Norwin YMCA.

Paul's experience with the Elliott Co. shows that the American dream is still very much alive for someone with the dedication and devotion that he has shown. A graduate of Jeannette High School, Paul attended Penn State University's Extension School and took evening classes at Carnegie-Mellon University while at the same time advancing through the Elliott Co. He began his service with the Elliott Co. as a mailboy, moved up to foreman, worked in various engineering positions, eventually became vice president of operations, and then president and chief executive officer of the company. In 1987, when the Elliott Co.'s parent corporation threatened to shut down the Jeannette division, it was Paul who organized a group of senior management to buy the company and keep Jeannette's largest employer in business.

Paul's success, and his work in the community, demonstrates not only that hard work and dedication will be rewarded, but also that this hard work can be combined with a devotion to family, as Paul's wife, Anna, and their three children and three grandchildren can attest, and to the community. I know Paul would love to spend more time on the golf course, but I know personally his involvement in the community, to his family, and to the Elliott Co. takes a back seat to nothing. I'm honored to call Paul Smiy a friend, and I'd like to congratulate him on this award, and to tell the Jeannette Jaycees that they could have picked no finer individual for this honor.

CAMPUS CRIME AND SECURITY AWARENESS WEEK

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. GOODLING. Mr. Speaker, during the 101st Congress, I introduced legislation requiring colleges and universities to provide their students and faculty with information on crimes on campus. This legislation was enacted into law as a part of the Student Right-to-Know and Campus Security Act, signed into law by President Bush on November 8, 1990.

Beginning September 1, 1991, schools will have to begin collecting crime data—which they are required to provide to students and faculty beginning September 1, 1992. They will also be required to report violent crimes to students and faculty on a timely basis so they can take precautions to insure they do not become victims.

Since this new law does not actually become effective until 1992 and crime is not going to take a vacation until that time, I am today introducing a resolution designating the week of September 1, 1991 as Campus Crime and Security Awareness Week.

It is my hope schools will use this week, in most instances the first week of classes on campus, to provide students and faculty with information on the security policies and procedures in place on campus, crime prevention techniques, existing drug and alcohol education, prevention and treatment programs—because of the strong link between drug and alcohol and violent crime—and any crime trends which currently exist on campus.

I encourage my colleagues to join me in cosponsoring the important resolution and to urge colleges and universities in their congressional districts to conduct appropriate activities during this week.

PATRIOTISM, NOT FANATICISM

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. KOSTMAYER. Mr. Speaker, if war brings out the best in us, it also, sometimes, brings out the worst.

Some Americans have forgotten our own values even as we go to war to protect the values of others. Our own freedom mustn't be lost in the struggle to liberate Kuwait from the monstrous grip of Saddam Hussein.

In the past few weeks Americans have demonstrated their overwhelming support for the brave men and women in the Persian Gulf. This is positive and welcome. But, unhappily, there have been some incidents which should cause pain in the hearts of all Americans.

Joseph Reedy was the editor of the Kutztown Patriot, a small weekly newspaper in Kutztown, PA. A few weeks ago, at the beginning of the war, he wrote an editorial against the war. Steve Esser, the son of the publisher of the paper and the president of the Kutztown Publishing Co., fired Mr. Reedy last week.

Obviously, a publisher has the right to make such a decision. But this decision should sadden all Americans who value editorial independence.

Then there is the case of Marco Lokar, the Italian citizen who played basketball for Seton Hall University. When athletes around the Nation were putting American flag patches on their uniforms, he refused. Citing his religious beliefs, he said he was unable to wear the flag of either the United States or his native Italy in support of war. Mr. Lokar was taunted by fans in the arena, his pregnant wife received threatening telephone calls, and he finally decided to go home to Italy.

Such conduct, whether on the part of sports fans or a newspaper publisher, is not real patriotism. What the newspaper publisher appealed to and the fans reacted with was the darkest and most mean spirited side of patriotism.

Patriotism, Mr. Speaker, cannot be forced on people. Nor can we stifle opinions that are contradictory to popular sentiment. An editor fired for voicing an unpopular opinion and a foreign citizen hounded out of the country for not participating in a voluntary show or support are not things we should be proud of. In fact, we should be deeply ashamed. I am.

Such acts dishonor the brave men and women now serving in the Persian Gulf.

I include two articles from the Philadelphia Inquirer about these incidents.

[From the Philadelphia Enquirer, Feb. 14, 1991]

FLAP OVER FLAG ENDS WITH FOREIGN ATHLETE HEADING BACK HOME

(By Jere Longman and Tim Panaccio)

Angry displays of patriotism are driving a Seton Hall University basketball player out of the country.

In the final game he played, Marco Lokar was taunted and booed for declining to wear an American flag on his uniform jersey. He and his pregnant wife received threatening telephone calls. So he is taking the advice of hecklers who jeered, "Go back to Italy."

Lokar, 21, a sophomore guard on scholarship, yesterday quit the Seton Hall team, withdrew from the university, and said he would return to his home in Trieste, Italy.

"The consequences of my decision have been quite surprising to me," Lokar said of his choice not to wear a flag and of the harassment that resulted.

"I have received many threats directed both at me and my wife, Lara, so that our life has become very difficult here," he said in a prepared statement from Seton Hall, in South Orange, N.J.

"In order to complete her pregnancy in tranquility and peace (which is more important than anything else to us), we have decided to return to our home town."

The statement ended, "Peace be with you."

Seton Hall coach P.J. Carlesimo yesterday expressed sorrow that Lokar was leaving. He said that Lokar would be welcome to return next year and that his scholarship still would be available to him.

"It's very disappointing and sad," Carlesimo said. "It's sad that he can't stay here and do what he wants to do."

Lokar decided last month not to join his teammates in adding a U.S. flag patch to his jersey—something many college and professional athletes have done to show support for American troops in the Persian Gulf war.

"I knew, if he didn't want to wear it, then he had good reasons," Carlesmino said.

Lokar's reason was that wearing a flag would imply support for a war.

"From a Christian standpoint, I cannot support any war, with no exception for the Persian Gulf war," Lokar said in his statement. "I have heard many people saying that the flag should be worn in support of the troops and not in support of the war. This is a foolish argument. The troops are in the gulf fighting a war!"

Lokar's decision apparently went unnoticed until a Jan. 29 game at Providence. At the time, Lokar told reporters that his choice was personal.

Then things escalated. The night before a Feb. 2 game against St. John's at Madison Square Garden in New York, Carlesimo said, Lokar got a phone call from his wife, saying that she had received threatening calls.

"That was the first time I knew about the calls," Carlesimo said. "I did not ask what the callers were saying. Marco said threats. He has a command of the English language. I assumed he meant it."

At the St. John's game, Lokar was heckled during warm-ups. When he entered the game, he was booed lustily every time he touched the ball.

"Where's your flag?" St. John's students taunted. "Go back to Italy."

The hecklers presumably did not stop to consider, among other things, that Italy is part of the U.S.-led coalition fighting in the gulf.

"The worst experience for him was the Garden," Carlesimo said. "They taunted him in pregame, at halftime and whenever things got quiet."

Two days later, Lokar accompanied the Seton Hall team to Pittsburgh for a game but did not play. Carlesimo said there was no heckling.

However, telephone calls to Lokar's home continued, and Lokar last week asked Carlesimo for time away from the team. He did not attend recent practices or either of the team's two most recent games, on Saturday and Tuesday.

NOT A SNAP DECISION

Seton Hall athletic director Larry Keating said Lokar had told him on Tuesday that he was leaving.

"This hasn't been something off the top of his head," Keating said. "Some kids do that. Not Marco. This is something consistent with his philosophy. It doesn't surprise me."

"I know the team supports Marco's right to make a stand," Carlesimo said. "I know they believe in Marco's sincerity. I believe they will support his decision."

Senior center Anthony Avent yesterday declined to comment on Lokar's decision to leave school.

Lokar's basketball career at Seton Hall was uneven.

In his first game last season, against Pitt, Lokar scored 41 points—a Big East Conference record for a freshman. He went on to average five points a game.

This season, however, he suffered a pulled groin muscle, his playing time decreased, and he was averaging 3.1 points per game.

Still, there was speculation that Lokar intended to try to pursue a professional career in Italy.

Carlesimo and Keating discounted that as a motive for Lokar's departure.

"I don't know if Marco is going to a pro league," Carlesimo said. "It is something that we've been aware of—that if he played well, he might go back to Italy. I don't see a cause-effect relationship here. It has never come up in our conversations."

"HE WAS . . . READY TO STAY"

"His concern is really for his wife," Keating said. "The consequences of his decision were something he was fully ready to stand up to and stay here for.

"If he were not married, he'd still be here, not wearing the flag, and there would be no story. But when he started getting phone calls at home, his wife became upset. She's in the third or fourth month of pregnancy. Rightfully, he took a step back and realized this was affecting someone other than himself."

Carlesimo said that "the whole bothersome part to me is that Marco and his wife have to go back to Italy. He wanted an education in the United States, and now he can't get it. I never thought it would get this extreme."

Earlier, Lokar had talked of the importance of getting an education before returning to Italy.

"Any athlete in the U.S. has a great opportunity in life to graduate and get a degree," Lokar said. "That's a big plus in the U.S. In Europe, you don't have to make a choice. The [sports] clubs don't have colleges, so it's difficult to do both. Many people don't realize the importance of this—not here at Seton Hall, but in general."

A member of the family said that Lokar and his wife went to Washington last night to join other relatives.

Before he left Seton Hall, Carlesimo said yesterday, Lokar was considering changing his major from business to theology.

[From the Philadelphia Enquirer, Feb. 17, 1991]

AN EDITOR IS FIRED OVER PEACE PLEA

(By Paul Nussbaum)

KUTZTOWN, Pa.—Here, where every lamppost on Main Street sports a brace of American flags and a rain-soaked yellow ribbon, is not the place one would normally turn for anti-war fervor.

In the heart of sober Pennsylvania Dutch country, this is where values are as traditional as shoo-fly pie, where quilt-makers close for the Sabbath, and where the weekly newspaper is named the Patriot.

But this is one of the few places in America where the home-town paper devoted nearly a full page to an impassioned editorial against the Persian Gulf war, under a headline that proclaimed "PEACE" as boldly as most newspapers announced "WAR."

This is also the place where the author of the editorial got fired.

Joseph Reedy, a 37-year-old Pennsylvania journalist who had been editor of the Patriot for 5½ years, was dismissed earlier this month by the newspaper's owners for "philosophical differences" after he wrote an editorial calling the war "obscene," describing President Bush as "the world's number one hawk," and wondering why American blood is "being spilled for the obscenely rich kings of Kuwait?"

"War is humiliation. War is injury, illness and death," Reedy wrote in a signed editorial that was published the week after the fighting started. "The only real cure," he concluded, "is peace. Let's go for it."

His editorial prompted angry telephone calls, withdrawn advertising, letters to the editor both irate and supportive, and a counter-editorial by the newspaper's owners in the next edition.

"We want you, the Patriot readers, to know that the opinions of the editor of this paper expressed in last week's editorial are not the opinions of the publisher (Jacob R. Esser) or the Esser family," said that editorial, under the headline, "The Patriot's Yellow Ribbon."

". . . It is the opinion of the publisher and owners of the Patriot that the time for debate has passed. The time has come to stand behind those people that we have put into positions of power."

The time had also come to find a new editor.

Steve Esser, the president of the Kutztown Publishing Co. and the son of the newspaper's publisher, said the peace editorial was only one factor in the family's decision to fire Reedy.

"We believe a weekly newspaper like the Patriot should just report on the news in this area," said Esser, whose great-grandfather founded the paper 116 years ago. "We wanted it to be refocused to the social atmosphere of the community—church news, news on the granges and so forth."

As the Patriot's editor, photographer, sportswriter and news reporter, Reedy had not been serving up that kind of traditional small-town newspaper fare.

A former sportswriter and news reporter for several area newspapers and a former housing inspector for the city of Reading, Reedy covered local government meetings as entertainment as much as news. When the borough secretary retired after 44 years on the job, Reedy wrote that the secretary "didn't seem too broken up about attending his last meeting. In fact, he was smiling when I left Council chambers. After all, he no longer has to listen to [certain types] of council business."

He accused local police of overreacting to what they called a "riot" by Kutztown University students last year.

He waxed irate about the town's decision to dump 5,000 brand-new bowling shoes when it inherited an old shoe-making factory.

And he was threatened with death after he editorialized against a constitutional amendment to outlaw flag-burning.

"Joe has been much different than any editor they've had," said Harry Eshleman, a former Kutztown University journalism professor. "He's been very entertaining. I think he has made for a lot of dissatified people . . . but I think everything he's written has been accurate."

Nothing, however, attracted as much attention as his Jan. 24 editorial that was headlined, "How about a little PEACE!" with the last word set in type 2½ inches high.

"I just got tired of seeing the word 'war' enlarged beyond even Attila the Hun's wildest dreams," Reedy wrote in his opening paragaph. "Doesn't 'peace' look better? I thought I'd publicize it, just to give it a chance."

Sprinkled with spelling errors and typographical mistakes, the editorial ran unchanged, just as it flowed angrily from Reedy's computer terminal. He had intended to publish an editorial criticizing Gov. Casey's plan to lay off 2,000 state employees, but wrote the anti-war editorial when the paper unexpectedly had more space than anticipated.

"Maybe I should have run the Bob Casey editorial," Reedy said ruefully last week, as he pondered unemployment, sitting in his third-floor walk-up apartment on Kutztown's Main Street.

"But I just wrote what was in my heart," he said, "I can't see any reason for this war that can't be decisively refuted. I don't like the jingoism that is sweeping the country. I get sick when I see these yellow ribbons around here."

"America is a land of dissent . . . I don't equate militarism with patriotism."

The reaction in Kutztown was quick and predictable.

The newspaper, which has a circulation of about 4,000, "appears to be more of a Scud than a Patriot," wrote one reader.

"The freedom [of speech] allows you to waste an entire page," wrote another. "To say I was incensed by your editorial . . . would not adequately describe the fury that filled me when I read it."

"This community has always been a conservative community," said Steve Esser last week. "It's probably more supportive of the war than the country as a whole. And we've got considerable comments on the editorial, both pro and con."

Esser called Reedy into his office to fire him from the $22,000-a-year job last Monday, after the editor returned from a week's vacation.

"I'm still a little bit in shock," said Reedy. "I'm still shaken. I'm not ashamed of what I wrote. It was just an outcry of a person who is in pain over what is going on."

LEGISLATION TO RELIEVE COUNTERVAILING DUTIES ON INDUSTRIAL FASTENERS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation which will relieve certain importers, wholesalers and users of industrial fasteners of countervailing duties that were unfairly and erroneously assessed against them.

This matter arises out of mistakes made by the U.S. Customs Service in 1979, 1980, and 1981, around the time when responsibility for the administration of the countervailing duty laws was transferred from the Treasury Department to the Department of Commerce. The U.S. Customs Service assessed countervailing duties prematurely on entries that subsequently were determined not to be subject to such duties.

In June 1979, the Treasury Department published a final countervailing duty determination concerning certain fasteners from Japan. (Treasury Decision 79–158.) The Treasury determination provided for the suspension of liquidation of entries of the affected fasteners, and for the deposit of estimated countervailing duties at the rates of 4.0 and 4.2 ad valorem. Under the scheme of the countervailing duty law, contained in the Tariff Act of 1930, as amended, a final affirmative countervailing duty determination does not lead immediately to the assessment of duties. Instead, estimated duties are required to be deposited until the administering agency—Treasury prior to 1980, Commerce since that time—has conducted an administrative review to determine the actual degree of subsidization of the entries during specified periods of time. Thus, pending such an administrative review and ascertainment of the actual duty rate, Customs is required to suspend the liquidation of entries of the affected merchandise.

In this case, importers wholesalers and users made entries of these fasteners covered under Treasury Decision 79–158 between June 4, 1979 and December 31, 1981. The injured parties deposited estimated countervailing duties of approximately $1,266,000. Instead of suspending liquidation and waiting for Commerce to conduct an administrative review to ascertain the amount of countervailing duties actually payable, the Customs Service immediately liquidated these entries—at the estimated duty rates of 4.0 and 4.2 percent ad valorem. The injured parties, meanwhile, did not realize that this had occurred as they did not expect that their entries would be liquidated until after Commerce had performed its administrative review.

When Commerce issued its final results of the 1979, 1980, and 1981 administrative reviews, it found, with one exception, that no countervailing duties were payable for entries in these years. The exception arose in the 1979 review, in which Commerce found that countervailing duties of 0.37 percent ad valorem were due with respect to entries in 2 of the 17 tariff items covered by the countervailing duty order. With respect to these entries, for which deposits of 4.2 percent ad valorem had been required, the injured parties are simply seeking a refund of the difference between the amount at which the entries were liquidated and the amount actually due, that is, 4.2 percent minus 0.37 percent. Had Customs not already liquidated the petitioner's entries, the petitioners would have had the full amount of the deposits for estimated countervailing duties refunded to them.

The injured parties have now spent over 7 years seeking to have Customs' errors in 1979 through 1981 undone, and they have exhausted all avenues of administrative and judicial relief available to them. In August 1983, in response to requests made in 1982 to correct the clerical error it had made in assessing countervailing duties on certain 1980 entries, the Customs Service issued a ruling holding that liquidations of entries of industrial fasteners prior to the issuance of the administrative review results were valid. This same ruling, however, acknowledged "a mistake of fact or inadvertence" with respect to the liquidation of the suspended entries, and stated that reliquidation would be permitted if "timely filed relief" was requested—that is, within the period of time provided for protest or requests for reliquidation under 19 U.S.C. sections 1514 and 1520(c). Susbsquently, Customs denied the parties' requests on the basis that they have been made out of time. The injured parties protested these denials, and these protests were again denied.

The injured parties challenged the Customs Service ruling in the Court of International Trade, and in the court of appeals for the Federal circuit, and finally petitioned the Supreme Court for certiori, all to no avail. The lower courts ruled against the injured parties on a technicality, finding that the injured parties had not raised their objections with Customs within the 1-year period provided for by statute for bringing to Customs' attention "a clerical error, mistake of fact, or other inadvertence." The injured parties took the position that this 1-year period for correcting errors should not have been tolled when Customs inadvertently liquidated the entries, because these liquidations were in and of themselves unauthorized acts. This position was consistent with the void liquidation doctrine which had been enunciated by the Court of Customs and Patent Appeals in 1968.

The errors made by Customs require correction; foreclosing recovery by the injured parties would represent a great injustice. Throughout the administrative and judicial review process, it has been undisputed that the injured parties entries should not have been liquidated when they were, and that they should not have been assessed countervailing duties. In addition, the circumstances under which Customs liquidated these entries explain why the injured parties were not able to bring this matter to Customs' attention within the 1-year period provided for by statute. A number of the parties did not have actual notice that liquidations had occurred. However, all the injured parties were charged with constructive notice because such notices were posted in the customhouse. While such constructive notice may be adequate in other instances where an importer is expecting that Customs will liquidate its entries, that is not the case in this situation. Given the operation of the countervailing duty law, which states that duties are not actually assessed until there has been an administrative review, the injured parties quite reasonably did not expect that Customs would err and prematurely liquidate their entries.

Mr. Speaker, for all these reasons, it is only fair that this bill be enacted. This legislation provides for the reliquidation of the injured parties' entries, and for the refund of all countervailing duties paid on those entries with interest according to law. It is, quite simply, the only equitable manner of resolving this unfortunate matter.

VETERANS COUNSELING PROGRAM ELIGIBILITY FOR THOSE SERVING IN THE PERSIAN GULF

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. WILLIAMS. Mr. Speaker, today I am introducing amendments to the Vietnam Veterans Readjustment Counseling Program Preservation Act of 1987.

My amendments would extend to veterans of the Persian Gulf war eligibility for readjustment counseling services provided by the Department of Veterans Affairs and to ensure that family members of these veterans may continue to receive such counseling services in a case in which the veteran is ordered to active duty.

Mr. Speaker, the Readjustment Counseling Program provided through these community based centers, was created in response to the authorizing legislation contained in Public Law 96–22 on June 13, 1979. In the 11 years since its inception, the program has provided readjustment services to over 700,000 Vietnam era veterans and more than 200,000 family members. While at the same time the program's cost has remained fairly constant at $50 million each year.

These vet centers were established with the same sense of urgency that we face now: To assist those veterans coming home from our most recent war. There is no doubt that this model is very effective in accomplishing that purpose and needs to be extended to veterans and their families from the Persian Gulf war.

Mr. Speaker, my legislation authorizes the vet centers to make the following changes: First, open the vet centers to Persian Gulf war veterans; second, make families of veterans serving in the gulf war eligible for vet centers services; and third, eliminate the requirement for 2 years of active duty to qualify for vet center services.

We must never ask our service men and women to do the job without committing ourselves to an appropriate and immediate response to their needs during and after battle.

DOUG WILLIAMS—AN ASSET TO POINTE COUPEE PARISH

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. HOLLOWAY. Mr. Speaker, it is my pleasure to rise today in tribute to Doug Williams, a man best known for his exploits on the football field—first as an all-star at Grambling University, later as one of professional football's best quarterbacks. I need not recount what was Doug Williams' finest hour: When he led the Washington Redskins to a record-breaking Super Bowl victory. No, Mr. Speaker, I do not rise here to recall Doug Williams' heroics on the gridiron, or to discuss the considerable esteem in which he is held by Louisianians and Washingtonians alike. His athletic skill and personal class speaks for itself.

I am proud to pay tribute to Doug Williams, a new and welcome addition to the public school system of Pointe Coupee Parish, LA, which I am privileged to represent in the 102d Congress. Doug Williams has been appointed as head football coach and athletic director of the new Pointe Coupee Central High School. He is an outstanding choice.

Doug Williams knows more than football. He knows people, he loves Louisiana, he understands youngsters, and he knows how to lead by example. He will make a tremendous teacher, coach, and builder of character. I know I speak for thousands in wishing Doug Williams every success.

COMMUNITY COLLEGES NEED OUR SUPPORT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. AuCOIN. Mr. Speaker, today I am introducing legislation to advance the cause of community colleges across the country by increasing their profile in the U.S. Department of Education. My distinguished colleague from Oregon, Senator MARK O. HATFIELD, is introducing a companion bill in the Senate.

Our bill will establish an Office of Community Colleges within the Department of Education, to be administered by an Assistant Secretary of Community Colleges.

In changing the name of this office, Mr. Speaker, I intend more than a cosmetic change at the Department of Education. I want to change the reality. The fact is that the Department has failed to recognize the critical role community and junior colleges have come to play in building a competitive work force in this country.

The new Office of Community Colleges will administer Federal programs relating to community colleges, technical institutions and junior colleges. It will also serve to coordinate those Federal, interagency programs applicable to community colleges.

Why should the Department pay more attention to community colleges? Today, community colleges have the largest enrollment of any of the higher education institutions—over 5 million students. In Oregon, 50 percent of our freshman and sophmores are enrolled in community colleges.

Predictions are that 75 percent or more of new jobs between now and the year 2000 will require more than a high school degree. Community colleges are the best resource this Nation has for providing a trained and competent work force to meet these demands in the future.

Basic education, up-to-day technical training and technolgy transfer are essential to ensure that our Nation maintains a strong economy and keeps its competitive edge. Partnerships between training institutions and the business community have come of age and community colleges are uniquely suited to meet this challenge. In many rural communities they are the only source of technical or higher education available to the local population.

To recognize the increased role of community colleges does not in any way discount the importance of other institutions of higher education—universities, colleges, and graduate schools. Educating our citizens and work force in a changing world is the job of many different kinds of institutions. But we need to recognize, and—where we can—enhance the contribution of community colleges to these major challenges. And I say this as trustee of one of the finest private universities in the country.

Mr. Speaker, during this legislative session we will be considering the reauthorization of the Higher Education Act. It is, in my opinion, highly appropriate that we recognize the importance of community colleges and give them the status within the Department of Education that they have long deserved. I am not asking my colleagues to support a costly new program for education, but rather, a practical proposal to enable the Department to better organize new and existing programs applicable to community colleges.

The bill we are introducing today will, I hope, be a first step toward the recognition that community colleges are critical to providing our students access to a quality education and addressing the needs of a 21st century work force.

INTRODUCTION OF THE SULLIVAN ACT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. ROTH. Mr. Speaker, this afternoon, we may be only hours from the start of a ground war in the Persian Gulf. Support for our troops is strong because Americans recognize the threat Saddam Hussein poses to the stability of the Mideast and to the hopes for peace that we all share.

We must give our troops and their families every bit of the support they need to fight this war. But we have to think about after the war. Losing one member of a family is a real tragedy. Losing more than one, especially when we could have acted in time to prevent it, is too great a sacrifice for any family. If we wait until another tragedy like that which the Sullivans had to endure, it will be too late. Afterward, the Government may decide to act, but we should act now to prevent this tragedy before it happens again.

Americans thought the tragedy that struck the Sullivans was no longer possible because Congress had already passed the Sullivan Act. Well that's incorrect. The Sullivan Act is only a Defense Department directive that lets members of the same family serving together request to be separated. My legislation does what Congress should have done decades ago—protect the families of those who serve our Nation.

It is important to point out that the Department of Defense down graded its regulation on this issue to the directive I mentioned. Regulations carry the weight of law. Directives are little more than policy recommendations. It seems to me that in light of the current situation, the Department of Defense is moving in the wrong direction.

That's why Congress needs to pass my bill—the Sullivan Act.

My legislation does three things.

First, it allows members of the same family to request transfers out of a combat zone, rather than just off the same ship or unit as is the case now.

Second, it requires that the Department of Defense honor the request of at least one of those family members making a request.

Third, and it requires the Department of Defense to honor the request of single parents with sole custody of their chidlren to transfer out of a combat zone.

The modern battlefield is much different than it was in World War II. Today, long range missiles can carry chemical, biological, and nuclear destruction thousands of miles behind the battlefront.

That's why my legislation expands the existing Department of Defense directive to include a combat zone, not just a ship or a unit.

Today, there is no guarantee that the Department of Defense will honor the requests of members of the same family to be separated. My legislation would guarantee the safety of at least one family member.

Finally, my legislation addresses the issue of single parents in order to prevent war orphans.

We are proud of our men and women in uniform. We're proud of their families—but these families should be protected from the tragedy of suffering the loss of more than one parent or child. The loss of one family member, as tragic as it is, is enough for one family.

CRISIS ON CAREER TEACHERS JOBS

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Ms. SLAUGHTER of New York. Mr. Speaker, over the next decade 1.3 million teachers, roughly half of our teaching force, are expected to leave their jobs either because of retirement or a change of career. Next year alone at least a third of the new teachers needed in our schools will not be hired because of a severe teachers' shortage. As a result our educational system now faces the Herculean task of improving curricula and producing better trained students with a dwindling supply of teachers.

Compounding the crisis even further is the fact that many of our young children now entering school are coming from families that are barely able to function. Indeed, hundreds of thousands of school-aged children today are homeless and one in four of these children cannot even get to school regularly, much less succeed when they get there. Besides a solution to their transportation problems, these children often require special tutoring and after-school supervision that their full-time teachers are unable to give them.

Last year I introduced new legislation that would break down the barriers that prevent up to 100,000 homeless children from attending school regularly. The bill, passed by Congress and signed into law last fall, provides $7 million for transportation services as well as tutoring, books, supplies and before and after school care for homeless kids. Although the President's new budget would eliminate the program next year, I am determined to save this small but important program and, if I can, add to it.

Today, for example, I am introducing again the Retired Teacher Act, with my distinguished colleague from North Dakota, Mr. DORGAN. This bill addresses the growing teacher's shortage as well as the needs of our homeless children. It would exempt from the Social Security earnings test any income obtained through part-time work as a substitute teacher, a teacher's aide or a provider of before-school or after-school care. Currently under the Social Security Act beneficiaries under 65 are taxed $1 for every $2 earned after their income exceeds $6,840 a year. Beneficiaries 65 to 70 are taxed $1 for every $3 in earnings once their income exceeds $9,360. This policy has discouraged thousands of retired persons, including many former teachers, from working part-time.

By encouraging retired teachers to return to the classroom part-time, this bill would foster the independence and productivity of America's senior citizens while enriching the lives of our youngsters most in need. I envision this bill creating a new legion of senior instructors who can provide before and after school care and tutorials for many homeless youngsters.

Although senior citizens are the fastest growing segment of our population, they represent an untapped, often overlooked resource. By the year 2020, the number of people 65 and older will have nearly tripled from 18.5 million in 1965 to 52 million. Older Americans, in fact, have much to offer prospective employers. Studies repeatedly show that older workers are more dependable, have better attendance records and stay at their jobs longer than young workers. In addition, intergenerational contact can benefit both students and senior citizens alike. One study conducted in Dade County, Florida demonstrated that intergenerational programs can have a positive effect on students who are at risk of dropping out of school.

Giving retired teachers the freedom to return to the class room on a part time basis without financial penalty makes for sound Federal policy—a policy committed to helping our senior citizens as well as improving the education of our children.

Without innovative measures that address the problems of our schools, hundreds of thousands of our children run a high risk of joining the ranks of the unemployed and the underemployed. Today, there are two workers paying into Social Security for every one recipient. Our country will not be able to meet the needs of its senior population in the future, if we deny these children a chance to become productive participants in our society. It is time that we re-evaluate our priorities and pledge to do all we can to improve the health, education and safety of our most precious resource.

CONGRESSMAN MAVROULES SALUTES JAN ERNST MATZELIGER DURING BLACK HISTORY MONTH

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. MAVROULES. Mr. Speaker, in recognition of Black History Month I would like to take this opportunity to commend to my colleagues the immeasurable contributions of Mr. Jan Ernst Matzeliger. Born in Surinam, South Africa on September 15, 1852, Jan Matzeliger has been recognized by former Gov. Michael S. Dukakis who wrote into law a measure naming the Fayette Street Bridge for the Lynn inventor. Mr. Matzeliger will again be acknowledged at the September 15, 1991, issuance and first day sale of the Jan Matzeliger black history series commemorative stamp in the Lynn Post Office, city of Lynn, MA.

At the age of 10 Matzeliger began his preoccupation with machines working as an apprentice to his father in a machine shop in Surinam. In 1871 Matzeliger set out to see the world on an East Indian vessel and was drawn to Lynn, MA where he settled in the late 1870's. Shortly after coming to Lynn, Matzeliger began work in a shoe factory. After years of observation and practical experience Matzeliger developed a machine designed to last shoes. The primitive lasting machine was constructed out of wire, wood, and cigar boxes. Four years later construction of the new model was complete. The patent for the lasting machine was granted on March 20, 1883. Financial support for the patent was supplied by C.H. Delnow and M.S. Nichols in exchange for two-thirds ownership of the invention.

Matzeliger's machine tripled the production of 60 men, significantly improved working conditions, and made well-made shoes affordable to those who could not previously buy shoes on their meager salaries.

In the summer of 1886 Matzeliger contracted what turned out to be tuberculosis and died in Lynn Hospital on August 24, 1889. Unfortunately all proper recognition for his invention came posthumously. In 1901 Matzeliger was awarded the Gold Medal and Diploma at the Pan American Exposition. On May 16, 1967, the NAACP celebrated Jan Matzeliger Day at Lynn. In 1970 the American Negro Commemorative Society issued a Matzeliger medal, coined by the Franklin Mint.

Matzeliger's contributions to the underprivileged black community were perhaps greater after his death than during his life. In 1885 Matzeliger's financiers, Denlow and Nichols, established the Union Lasting Co. The same year two other businessmen, George W. Brown and Sidney B. Winslow, established the Consolidated Hand-Method Lasting Machine Co. In 1899 Winslow established the United Shoe Machinery Corp.; he had already bought the Goodyear and McKay shoe machinery interests and held a worldwide monopoly on the lasting machine business. McKay—with money made from Matzeliger's invention—established the McKay Institute for the education of Negro boys at Kingston, RI. McKay also donated $6 million to Harvard University, and an undisclosed amount to the Massachusetts Institute of Technology.

Matzeliger's invention of the shoe lasting machine revolutionized the shoe industry and made the city of Lynn the shoe capital of the United States. It is important to remember that the shoe lasting machine has not substantially changed since Jan Matzeliger invented it over 110 years ago. Crucial to our technological progress is our continuing appreciation and cultivation of the manufacturing genius of men like Jan Matzeliger.

ONE-TIME EXCLUSION TO INCLUDE DISABLED AMERICANS

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. PICKETT. Mr. Speaker, today I introduced legislation to extend to disabled Americans a much-needed tax break.

Under my proposal, the one-time exclusion on gain from the sale of a principal residence which is now available only to Americans aged 55 and over, would be extended to the permanently and totally disabled, regardless of age.

Congress created this exclusion in the mid-1970's. The underlying principle was to lessen the tax liability for older Americans who wanted to move out of their larger, more expensive homes into smaller, less expensive living quarters. This exclusion is fair, and it makes good sense from a tax policy standpoint.

This same benefit should be extended to the disabled. In fact, there is probably no group in our society that is more deserving of this special tax benefit than Americans with disabilities.

Many times, individuals who become disabled have no choice but to sell their homes. This may be because of pressing medical and personal expenses, because of changes in physical condition, or because of inadequate access to needed transportation.

No matter what the reason, Americans confronted with total and permanent disability should be allowed to dispose of their house without having to incur a burdensome tax liability.

My proposal is simple. It provides additional flexibility to the disabled in the handling of their financial affairs—something our public policies should encourage.

It is estimated that some 2.4 million disabled individuals would be eligible to take advantage of this proposal.

Disabled Americans made great strides last year with the passage of the Americans with Disabilities Act. In a loud and clear voice, our country said it is time to break down barriers to the disabled, to end discrimination, and to bring Americans with disabilities into the mainstream of American life. My proposal is consistent with and builds upon what we did last year. This bill can help improve the lives of thousands of Americans.

THE INDOOR AIR QUALITY ACT OF 1991

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. KENNEDY. Mr. Speaker, today we are faced with a growing threat to the people of our country. What I am speaking of is not about the war in the Middle East, this problem is closer to home. It's not about an administration which has forgotten about domestic policy, it's even closer to home than that. What I am speaking of is actually taking place within our workplaces, schools, and homes. The problem is declining indoor air quality. Every breath we take puts us at a greater risk of exposure to airborne contaminants and their side effects, yet we do nothing about the problem.

As Americans, we spend an average of 90 percent of our time indoors, and the air we breathe inside of our classrooms and workplaces can be as much as 1,000 times more toxic than the air outside. Over the last 10 years we've spent over $200 billion to clean up the outdoor air. Over that same period of time, we've spent far too little money, and have paid far too little attention to the air we breathe indoors: The air in our children's schools, in our homes, and in our workplaces.

Mr. Speaker, I am here today to reintroduce legislation that has been in the works since the 100th Congress. The Indoor Air Quality

Act of 1991 will not only bring about increased awareness of the problem, but will fund the research, and begin the arduous task of cleaning up the air we breathe.

I think the radon issue provides a good foundation for dealing with other indoor air pollutants. With radon, we saw news reports, special television programs and magazine articles that brought the issue to the attention of the citizens and the Government. We then saw the Environmental Protection Agency, along with congressional support, enact policies to deal with radon gas that included informing, testing, and, where necessary, abating the radon gas. It stands to reason that the same successful approach could be used to mitigate the problem of other unhealthy indoor air pollutants. The National Institute for Occupational Safety and Health has undergone a virtual restructuring due to the burden of declining indoor air quality. From 1971 through 1978, one-third of 1 percent of all health hazard evaluations concerned indoor air quality. Currently, 20 percent of all health hazard evaluations concern indoor air quality problems. In 1988, an average of 60 phone calls per month came in on the Institute's toll free number concerning indoor air quality. In 1990, that average was tripled to 180 calls per month. These numbers represent nothing less than a giant red flag. We must create a sound policy, and provide the resources necessary, dedicated to lowering that red flag.

The act I introduce today has been continuously improved upon over the past 4 years. It now pays special attention to the 15 percent of Americans that are more sensitive to poor indoor air quality, such as those with respiratory illnesses, the elderly, and the children.

I am particularly concerned for children because, not only are they the most vulnerable to illnesses caused by indoor air contaminants, but they are also exposed more often to contaminants through the classroom, the daycare center, and sadly, even the home. The legislation will require a national assessment of buildings owned by local educational agencies and child care facilities of indoor air quality.

The first major change in the act is a product labeling specification that first, sets standards for the measurement of indoor air contaminant emissions of products, then second will require these products to bear appropriate labels, thus informing the consumer of the possible consequences of the purchase. This is the age of the consumer, and it is high time the consumer is given all the facts, not just what big business wants them to see. The new specifications will be enforced by the EPA and will also make illegal the importation into this country of products not bearing the required labels.

A further improvement is the requirement of ventilation standards for all new public and commercial buildings. These standards will make it law to have a certain ratio of fresh air in every room. The standards will be based on the American Society of Heating, Refrigerating and Air Conditioning Engineers, or ASHRAE requirements. These standards are already widely accepted and widely adopted by building managers and owners. Older buildings must comply with all applicable heating, ventilating, and air-conditioning [HVAC] building codes. These improvements will be enforced by OSHA, which will be given the power to fine and imprison offenders.

We have at our disposal, now more than ever, the technology to deal with poor indoor air quality. My office is swamped with mail and literature dealing with indoor air quality improvement techniques. Mr. Speaker, it must start here in the U.S. Congress, but it doesn't have to end here, and it won't. This act provides financial assistance in the form of grants to any State that undertakes its own "response plan" to the problem.

It wasn't long ago that the term "sick building syndrome" meant a building badly in need of a paint job. Due to the quickly deteriorating indoor air quality of the 1980's and the 1990's, we now know it means sickness and possibly permanent disability for its occupants. This act will provide the necessary funds for Federal buildings to pay for their own clean air technology.

It is time that the House follows the Senate's lead and pass this act. Mr. Speaker, we work hard every day to help the American people by establishing measures to protect them on the streets, providing care to those who are sick, and helping them take home a decent paycheck. I ask you, what good does all that work do when the very place that paycheck is earned isn't safe? Please join me in making sure this modest goal is attained.

ENVIRONMENTAL TAX CREDIT ACT

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. BRUCE. Mr. Speaker, when Congress passed the Clean Air Act Amendments of 1990, we did a great deal to improve the quality of our Nation's air. In many parts of the bill, we also helped improve domestic energy security by providing incentives to use ethanol blends, for example. However, when it came to protecting the use of America's most abundant fuel, coal, we fell short.

The Environmental Tax Credit Act of 1991 would correct many of the Clean Air Act's energy security deficiencies by reinstating tax credits for the installation of pollution control equipment which had existed prior to 1986. The reinstatement of these tax relief measures will merge the goals of maintaining lower electric rates, improving air quality, and protecting domestic energy resources.

The economic impact of this legislation will be revenue positive since these incentives will encourage investments in pollution control devices, a multimillion dollar acquisition. It will create more jobs in this industry, preserve thousands of coal and support jobs, and allow the continued use of millions of tons of coal which would be abandoned under the clean air bill.

The legislation would allow the following measures for accomplishing these goals: 20 percent environmental tax credit for pollution control devices; tax exempt pollution control bonds; 60-month amortization for pollution control devices; 20 percent credit for minerals used in cleaning coal; and tax exemption for the revenue a utility receives from selling allowance credits—set up by clean air allowance trading system.

As Congress considers enacting a national energy strategy, it is imperative that we not restrict use of our most abundant fuel.

This bill is cosponsored by Congressmen POSHARD, WISE, DURBIN, ANNUNZIO, APPLEGATE, CLINGER, COSTELLO, ECKART, EVANS, HYDE, KOLTER, LIPINSKI, MILLER of Ohio, MURPHY, ROWLAND of Georgia, SAWYER, and YATES. Each of these Congressmen have long recognized the need to derive the bulk of the Nation's energy from domestic resources. We look forward to being joined by others in pursuing this policy.

I would like to insert into the RECORD at this point an article forwarded to me by one of the bill's cosponsors, Congressman APPLEGATE, which details what will happen if this bill is not enacted, followed by the text of this legislation.

OHIO POWER DECISION COULD CLOSE COAL MINE

COLUMBUS (AP).—The new U.S. Clean Air Act may force Ohio Power Co.'s coal-fired Gavin plant to switch to low-sulfur coal, forcing the shutdown of a Meigs County mine that employs 1,258 workers, a company official said yesterday.

But Gerald P. Maloney, executive vice president of American Electric Power Co., Ohio Power's parent company, said installation of scrubbers to clean the high-sulfur coal also could be an option.

He said compliance with the statute requires lengthy preparation and that a decision on either a fuel switch or scrubbers must be made no later than mid-1991 and should be made by April 1.

The first compliance deadline is Jan. 1, 1995.

Maloney said the act required electric utilities to cut sulfur dioxide emissions by 40 percent to 50 percent on average over the next 10 years to reduce environmental damage from acid rain.

Maloney said that based on the data available, fuel switching at Gavin might produce the lower cost of compliance for Ohio Power customers. But if that decision is made, production would be halted at the Meigs mine by early 1994, he said.

"There are energy costs and social costs to either option," Maloney said.

AEP, the nation's largest coal buyer, is the parent company of eight electric subsidiaries serving 7 million people in portions of seven states from Michigan to Tennessee.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Environmental Tax Credit Act of 1991."

SEC. 2. TAX CREDIT FOR EQUIPMENT TO MEET ACID RAIN REDUCTION STANDARDS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end thereof the following new section:

"SEC. 30. ACID RAIN CONTROL PROPERTY.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—If qualified acid rain control property is placed in service during any taxable year, there shall be allowed as a credit for each taxable year in the credit period an amount equal to 6⅔ percent of the taxpayer's qualified investment in such property.

"(2) CREDIT PERIOD.—For purposes of paragraph (1), the term 'credit period' means, with respect to any qualified acid rain control property, the 3-taxable year period beginning with the taxable year such property is placed in service.

"(3) ACID RAIN CONTROL QUALIFIED PROGRESS EXPENDITURES.—In the case of any taxpayer who so elects under subsection (g) the amount of the credit allowed under paragraph (1) shall be increased in the taxable year of construction and in the two succeeding taxable years by 6⅔ percent of the qualified progress expenditures, (as defined in section 46(d)(3) and applied under section 46(d)(4)) made in the taxable year of construction to construct property which it is reasonable to believe (i) has a normal construction period of two years or more and (ii) will be qualified acid rain control property when it is placed in service. Any credit allowable under paragraph (1) in the taxable year the qualified acid rain control property is placed in service and in each of the two succeeding taxable years shall be reduced by one-third of the aggregate amount of credits allowed under this paragraph during the construction of such property. If the property shall fail to qualify as qualified acid rain control property when placed in service, the taxpayer's tax for the taxable year in which such failure occurs shall be increased by (i) the credits allowed under this paragraph with respect to the property and (ii) interest for the period from the due date for the filing of the return of tax imposed by chapter 1 for the taxable year for which such credit was allowed to the due date for the taxable year in which the property is placed in service.

"(b) QUALIFIED ACID RAIN CONTROL PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified acid rain control property' means—

"(A) tangible property which—

"(i) is installed in order to comply with the sulfur dioxide emission limitations under title IV of the Clean Air Act (as in effect after the Clean Air Act Amendments of 1990), and

"(ii) reduces sulfur dioxide emissions by 70 percent or more at the source (or sources) in connection with which such property is installed, or

"(B) property which is installed on or in connection with property described in subparagraph (A).

"(2) ONLY DEPRECIABLE PROPERTY ELIGIBLE.—The term 'qualified acid rain control property' includes only—

"(A) property to which section 168 applies (without regard to any useful life), or

"(B) any other property—

"(i) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(ii) which has a useful life (determined at the time the property is placed in service) of 3 years or more.

"(3) PROPERTY MUST BE NEW.—

"(A) IN GENERAL.—The term 'qualified acid rain property' includes only property the original use of which commences with the taxpayer.

"(B) RECONSTRUCTION.—For purposes of subparagraph (A), a rule similar to the rule of the last sentence of section 48(b)(1) shall apply.

"(4) CERTAIN OTHER REQUIREMENTS.—In determining whether property is qualified acid rain control property, rules similar to the rules of the following provisions of section 48(a) shall apply:

"(A) Paragraph (2) (relating to the requirement that property must be used predominately in the United States).

"(B) Paragraphs (4) and (5) (relating to exclusion of property of certain tax-exempt organizations, governmental units, and foreign persons and entities).

"(C) Paragraph (7) (relating to property completed abroad or predominately of foreign origin).

"(5) TERMINATION.—The term 'qualified acid rain control property' shall not include property placed in service after December 31, 2000.

"(c) QUALIFIED INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified investment' means, with respect to any qualified acid rain control property, the basis of such property as of the time such property is placed in service.

"(2) LIMITATIONS WITH RESPECT TO CERTAIN PERSONS.—In determining qualified investment, rules similar to the rule of section 46(e) shall apply.

"(d) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed—

"(A) the sum of—

"(i) the taxpayer's minimum tax liability under section 55(a) for such taxable year, plus

"(ii) the taxpayer's regular tax liability for such taxable year (as defined in section 26(b)) over

"(B) the sum of the credits allowable against the taxpayer's regular tax liability under subparts A and D of this part and sections 27, 28, and 29.

"(2) CARRYBACK AND CARRYFORWARD OF UNUSED CREDIT.—

"(A) IN GENERAL.—If the amount of the credit allowed under subsection (a) for any taxable year exceeds the limitation under paragraph (1) of this subsection for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an acid rain control credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an acid rain control credit carryforward to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit under subsection (a) for such years. If any portion of such excess is a carryback to a taxable year beginning on or before the date of the enactment of this section, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit shall be carried to the earliest of the 18 taxable years to which such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in paragraph (1), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) LIMITATIONS.—The amount of the unused credit which may be taken into account under subparagraph (A) for any succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under subsection (a) for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(e) RECAPTURE UPON DISPOSITION.—

"(1) IN GENERAL.—If a taxpayer disposes of qualified acid rain control property during any taxable year (or the property otherwise ceases to be qualified acid rain control property with respect to the taxpayer) before the close of the 5-year period beginning on the date such property was placed in service, the tax under this chapter for such taxable year shall be increased by the recapture percentage of the aggregate decrease in the credits allowed under this section for all taxable years which would have resulted solely from reducing to zero the qualified investment taken into account with respect to such property.

"(2) RECAPTURE PERCENTAGE.—For purposes of paragraph (1), the term 'recapture percentage' has the meaning given such term by section 47(a)(5)(B).

"(3) OTHER RULES.—Rules similar to the rules of section 47 (a)(5)(D) and (a)(6) shall apply for purposes of this subsection.

"(f) OTHER LIMITATIONS.—For purposes of this section—

"(1) LIMITATION IN CASE OF CERTAIN REGULATED COMPANIES.—No credit shall be allowed under this section with respect to any property which is public utility property (as defined in section 46(f)(5) with respect to which a credit would not be allowed under section 38 if section 46(f)(2) (relating to cost of service and base rate reductions) applied to such property, except that subparagraph (B) of section 46(f)(2) shall be applied by inserting 'not' before 'reduced'.

"(2) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowable under subsection (a) with respect to qualified acid rain control property, the basis of such property shall be reduced by the amount of such credit (determined as if the entire credit with respect to such property was allowable in the taxable year such property was placed in service).

"(g) ELECTION.—An election under subsection (a)(3) may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to qualified acid rain control property constructed in the taxable year for which the election is made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.".

(b) CONFORMING AMENDMENTS.—(1) Section 196 of the Internal Revenue Code of 1986 (relating to deduction for certain unused business credits) is amended by adding at the end thereof the following new subsection:

"(e) ACID RAIN CONTROL CREDIT.—The provisions of subsections (a) and (b) shall apply in the same manner to the credit allowable under section 30(a).".

(2) Section 383(a)(2) of such Code (defining excess credit) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma and "and", and by adding at the end thereof the following new subparagraph:

"(C) any unused acid rain control credit of the corporation under section 30(d).".

(3) (A) Section 6411(a) of such Code (relating to tentative carryback and refund adjustments) is amended by inserting "by an acid rain control credit carryback provided in section 30(d)," after "section 172(b),".

(B) Section 6411(a) of such Code is amended—

(i) by inserting "unused acid rain control credit," after "net capital loss,", and

(ii) by inserting "or an acid rain control credit carryback" after "business credit carryback".

(C) Sections 6411(b) and 6411(c) of such Code are each amended by inserting "unused acid rain control credit," after "net capital loss," each place it appears.

(4) Subparagraph (C) of section 6511(d)(4) of such Code is amended by inserting "or any acid rain control credit carryback under section 30(d)" after "section 39".

(5) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting at the end thereof the following new item:

"Sec. 30. Acid rain control equipment."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after October 1, 1992, in taxable years ending after such date.

SEC. 3. TAX-EXEMPT FINANCING OF ACID RAIN CONTROL PROPERTY.

(a) IN GENERAL.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bonds) is amended by striking "or" at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting ", or", and by adding at the end thereof the following new paragraph:

"(12) qualified acid rain control property."

(b) QUALIFIED ACID RAIN CONTROL PROPERTY DEFINED.—Section 142 of such Code is amended by adding at the end thereof the following new subsection:

"(j) QUALIFIED ACID RAIN CONTROL PROPERTY.—For purposes of this section, the term 'qualified acid rain control property' means tangible depreciable property installed by the taxpayer to meet requirements of the sulfur dioxide emissions limitations under title IV of the Clean Air Amendments of 1990."

"(c) EXEMPTION FROM VOLUME CAP.—Subsection (g) of section 146 of such Code is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(5) any exempt facility bond issued as part of an issue described in paragraph (12) of section 142(a) (relating to qualified acid rain control property)."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after January 1, 1992.

SEC. 4. TAX CREDIT FOR MINERALS USED TO REDUCE THE SULFUR IN COAL.

(A) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by inserting after section 42 the following new section:

"SEC. 43. TAX CREDIT FOR COAL CLEANING MINERALS.

"(a) GENERAL RULE.—For purposes of section 38, the credit for qualified coal cleaning minerals for the taxable year shall be an amount equal to 20 percent of the expenses paid or incurred during the taxable year for qualified coal cleaning minerals.

"(b) QUALIFIED COAL CLEANING MINERALS.—For purposes of this section, the term 'qualified coal cleaning minerals' means minerals and ores used in connection with qualified acid rain control property to remove or reduce the sulfur content of coal.

"(c) QUALIFIED ACID RAIN CONTROL PROPERTY.—For purposes of this section, the term 'qualified acid rain reduction facility' means tangible depreciable property installed by the taxpayer to meet requirements of the sulfur dioxide emissions limitations under title IV of the Clean Air Act Amendments of 1990."

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of such Code (relating to business credits) is amended by striking "plus" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", plus", and by adding at the end thereof the following new paragraph:

"(6) the coal cleaning minerals credit determined under section 43(a)."

(2) Section 162 of such Code (relating to deduction of trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) COAL CLEANING MINERALS.—

"(1) IN GENERAL.—The deduction allowed by subsection (a) shall not exceed 80 percent of the expenses paid or incurred during the taxable year for qualified coal cleaning minerals.

"(2) DEFINITION.—For purposes of this subsection, the term 'qualified coal cleaning minerals' means minerals and ores for which a credit shall be allowable in the taxable year under section 43."

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 43 Credit for coal cleaning minerals."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

SEC. 5. EXCLUSION FROM GROSS INCOME OF RECEIPT OF QUALIFIED CLEAN AIR ALLOWANCE AND PROCEEDS OF DISPOSITION THEREOF.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and inserting after section 135 the following new section:

"SEC. 136. QUALIFIED CLEAN AIR ALLOWANCES.

(a) RECEIPT OF ALLOWANCES.—Gross income does not include the value of qualified clean air allowances allocated to the taxpayer.

"(b) DISPOSITION OF ALLOWANCES.—

"(1) IN GENERAL.—At the election of the taxpayer, gross income does not include amounts received or accrued from the sale or exchange of qualified clean air allowances.

"(2) LIMITATION.—The amount to which an election under paragraph (1) applies shall not exceed the aggregate adjusted basis of the qualified acid rain control property held by the taxpayer at the beginning of the taxable year following the taxable year in which the sale or exchange occurs.

"(3) SPECIAL RULES.—

"(A) ELECTION.—Any election under paragraph (1) shall be made in the manner prescribed by the Secretary by regulations and shall be made not later than the due date prescribed by law (including extensions) for filing the return of tax under this chapter for the taxable year in which the amounts were received or accrued.

"(B) BASIS REDUCTION.—The amount excluded from gross income under this subsection shall reduce the basis of the qualified acid rain control property of the taxpayer under subsection (a)(26) of section 1016.

"(C) TAXABLE YEAR OF BASIS REDUCTION.—The basis reduction described in subparagraph (B) shall be made at the beginning of the taxable year following the taxable year in which the sale or exchange occurs.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CLEAN AIR ALLOWANCES.—The term 'qualified clean air allowances' means allowances allocated to the taxpayer by the Administrator of the Environmental Protection Agency under section 403 of the Clean Air Act (as in effect after the Clean Air Act Amendments of 1990).

"(2) QUALIFIED ACID RAIN CONTROL PROPERTY.—The term 'qualified acid rain control property' means tangible depreciable property installed by the taxpayer to meet requirements of the sulfur dioxide emissions limitations under title IV of the Clean Air Act Amendments of 1990."

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of such Code (relating to adjustments to basis) is amended by striking "and" at the end of paragraph (24), by striking the period at the end of paragraph (25) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(26) for amounts excluded from gross income pursuant to an election under section 136(b)(1)."

(2) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 136. Qualified clean air allowances.
"Sec. 137. Cross references to other Acts."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1992.

SEC. 6. 60-MONTH AMORTIZATION OF ACID RAIN CONTROL PROPERTY.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding as section 169A the following new section:

"SEC. 169A. AMORTIZATION OF QUALIFIED ACID RAIN CONTROL PROPERTY.

"(a) ALLOWANCE OF DEDUCTION.—Every person, at his election, shall be entitled to a deduction with respect to the amortizable basis of any qualified acid rain control property (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the amortizable basis of the qualified acid rain control property at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such amortizable basis at the end of such month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any month shall be in lieu of the depreciation deduction with respect to such qualified acid rain control property for such month provided by section 167. The 60-month period shall begin, as to any qualified acid rain control property, at the election of the taxpayer, with the month following the month in which such property was completed or acquired, or with the succeeding taxable year.

"(b) ELECTION OF AMORTIZATION.—The selection of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the property is completed or acquired, or with the taxable year succeeding the taxable year in which such property is completed or acquired, shall be made by filing with the Secretary in such manner and form, and within such time as the Secretary may by regulations prescribe a statement of such election.

"(c) TERMINATION OF AMORTIZATION DEDUCTION.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such property.

"(d) Definitions.—

"(1) Qualified acid rain control property.—For purposes of this section, the term 'qualified acid rain control property' means any tangible property other than a building and its structural components (except for a building which is exclusively a treatment property) that—

"(A) is installed in order to comply with sulfur dioxide emission limitations under title IV of the Clean Air Act Amendments of 1990, and has been certified by the Administrator of the EPA as reducing sulfur dioxide emissions at the source (or sources) where such property is installed, or

"(B) is installed on or in connection with property described in subparagraph (A).

Tangible property installed in order to comply with the sulfur dioxide emission limitations shall include additions to or replacements of facilities or parts of facilities in existence prior to 1990 provided that the additions or replacements are certified by the Administrator as contributing to the sulfur dioxide emission/reduction required by the Clean Air Act Amendments of 1990.

"(e) Amortizable Basis.—

"(1) Defined.—For purposes of this section, the term 'amortizable basis' means that portion of the adjusted basis (for determining gain) of the tangible property of a qualified acid rain control property which may be amortized under this section.

"(2) Special rules.—

"(A) If any tangible property constituting all or part of a qualified acid rain control property which has a useful life (determined as of the first day of the first month for which a deduction is allowable under this section) in excess of 15 years, the amortizable basis of such property shall be equal to an amount which bears the same ratio to the portion of the adjusted basis of such property, which would be eligible for amortization but for the application of this subparagraph, as 15 bears to the applicable recovery period of such property determined under section 168.

"(B) The amortizable basis of an acid rain control property with respect to which an election under this section is in effect shall, at the election of the taxpayer, be increased for purposes of this section, for additions or improvements after the amortization period has begun, effective with the month following the month of completion which month shall be deemed the first month of the 60 month period applicable to such addition or improvement.

"(f) Depreciation Deduction.—The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not the amortizable basis.

"(g) Cross Reference.—

"For the special rule with respect to certain gain derived from the disposition of property the adjusted basis of which is determined with regard to this section, see section 1245."

(b) Conforming Amendments.—

(1) Section 1245(a)(3) of such Code is amended by striking "(or subject to the allowance of amortization provided in section 185 or 1253(d) (2) or (3)" after "section 167" and inserting in lieu thereof "(or subject to the allowance of amortization provided in section 169A, 185, or 1253(d) (2) or (3)".

(2) The table of sections of part VI of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 169 the following new item:

"Sec. 169A. Amortization of clean air facilities."

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 1992.

THE FATHER OF OUR COUNTRY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. BOEHLERT. Mr. Speaker, and fellow colleagues, this week we celebrate the 259th birthday of George Washington—fearless leader in the War for Independence, skillful chairman of the Constitutional Convention, and precedent-setting statesman. He was a pioneer in congressional relations, unifier of the colonies, and master foreign diplomat; the first-born son of the New World.

This is the week we honor this man through holidays, laying a wreath at his monument, and a reading of his farewell address by the House and Senate. A small tribute to a man who gave so much to the Nation.

We must never take for granted all that George Washington gave to his country. Carl Sandberg once said, "A nation has already begun to decay which ignores its great men." Now more than ever, this country must look to its great men in history for knowledge and reassurance. We could not do better than to pay tribute today to this Mason from Virginia, George Washington, who layed the foundation of freedom, liberty, and all that Americans hold so dear.

Daniel Webster said it best, "America has furnished to the world the character of Washington. And if our American institutions had done nothing else, that alone would have entitled them to the respect of mankind."

HOLMES STUDENT HONORED

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. BUNNING. Mr. Speaker, frequently we discuss the shortcomings of the educational system in our country and what we should do about it. In the same vein, however, we should not overlook the successes when they occur and recognize individual achievement when it happens.

For this reason, it is my great pleasure today to call the attention of my colleagues to James Jefferson Smith, a senior at Holmes High School in Covington, KY who was recently selected as one of eight outstanding high school seniors from across the country to be named as a regional recipient of one of the 50 annual AAU/Mars Milky Way High School All-American Awards. He is one of our educational system's obvious successes.

An outstanding student who is ranked first in his class, Jeff was named the outstanding student in science, math, history, English, French and the humanities. He has also been selected as a Governor's Scholar, an honor reserved for the top one percent of high school juniors in the State, and has attended the Hugh O'Brien Youth Leadership Conference.

Jeff has distinguished credentials in football and track and field and has earned varsity letters in each sport. In football, he received the Tom Ellis Mr. Bulldog Award and was named Academic All-State First Team and School Fall Sports Scholar Athlete. In track and field, Jeff was awarded the Most Valuable Thrower Award for the discuss and shotput.

Despite a demanding schedule, Jeff finds time for a broad range of community service activities. He has used his artistic talent to illustrate two children's books, with the profits donated to Easter Seals. He has also sketched pet portraits to benefit the Cincinnati Veterinarian Society. Jeff has been awarded the Golden Galaxy Award for Community Service by WKRC–TV, the Cincinnati Enquirer and the Cincinnati Youth Collaborative.

James Jefferson Smith is a young man we can all be proud of.

I congratulate Jeff for being selected for such an honor and I thank the folks who sponsor the AAU/Mars Milky Way High School All-American Awards for doing their part to recognize student achievers and encourage academic advancement through higher education.

CUTTING SOCIAL SECURITY TAXES

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. GUARINI. Mr. Speaker, on January 14, 1991, I, along with Representatives Armey, Rangel, Roe, LaFalce, Larry Smith, and Kaptur, introduced H.R. 524, companion legislation to that introduced by Senator Moynihan in the Senate, cutting the payroll tax and returning Social Security to pay-as-you-go financing. Since then, almost two dozen of my colleagues have cosponsored this legislation.

Under this proposal, the current Social Security tax rate of 6.2 percent will be reduced over 5½ years to 5.2 percent. In order to deal with the recession, the first cut, to 5.7 percent, takes effect on July 1, 1991. The rate remains at 5.7 percent until January 1, 1994, when it goes to 5.5 percent. On January 1, 1996, the rate drops again to 5.2 percent, where it stays until 2010. To maintain the actuarial soundness of this financing mechanism, the rate begins to rise again in 2010. However, we do not reach the present 6.2 percent rate for 25 years, until 2015.

The maximum savings for an individual worker would be $134 for the last half of 1991. This figure will grow to $279 in 1992. When the cut is fully in effect, a worker or couple could receive as much as a $693 tax cut. On a cumulative basis, the tax cut will save the individual worker as much as $2,300 over the 5½-year transition to pay-as-you-go financing. That is real money, an increase in take-home pay and disposable income for all working Americans.

Under this plan, Social Security will be actuarially sound over the next 75 years. In 1991, we will have a reserve equal to about 83 percent of annual benefits. This is referred to as the so-called fund or reserve ratio. Even with the tax cut, the reserve ratio will reach 106 percent in 1993, 131 percent by 1996, and 142 percent by the end of the century.

With such reserves, one can be assured that pay-as-you-go financing for Social Security is consistent with the safety and soundness of the system. Indeed, most actuaries would agree that 6 months to 1 year's reserves is more than adequate. Under this plan, we will get to 18 months' worth of benefits. Consequently, it should come as no surprise that the American Academy of Actuaries have endorsed the tax cut and a return to pay-as-you-go.

Last year's budget agreement placed Social Security completely off budget. It is running huge surpluses, which can be cut without affecting the Government's operating budget. Nonetheless, there are costs. CBO has estimated the cost of the cut in 1991 to be $5.5 billion; in 1992, $21.1 billion; in 1993, $21.1 billion; in 1994, $30.2 billion; in 1995, $34.5 billion, and in 1996, $49.5 billion—a total of $161.9 billion over 5½ years. These figures do not include the economic multiplier effect, which should increase general revenues, albeit not by an amount sufficient to offset the total cost of the cut.

The budget deficit exclusive of Social Security will be cut to about 2 percent of GNP or less by 1995, according to most estimates. From 1947 through the mid-seventies, deficits averaged about 1 percent of GNP. From 1975 to the present day, they have exceeded 2.6 percent of GNP, with one exception in 1979—minus 1.6 percent. Thus, our deficit by 1995 will certainly be manageable by historical standards. Still, we can and should do better.

I am confident that there are a variety of deficit-reduction alternatives that can be identified, all of which will be preferable to using Social Security to fund the day-to-day costs of Government. But we will be able to implement these alternatives only if we break our addiction to using the trust funds to finance the Government.

Under this legislation, the maximum wage base subject to the Social Security tax is raised from the present level. The projected wage base in 1992 goes from $55,800 to $60,000; in 1993 from $59,100 to $64,200; in 1994 from $62,400 to $70,200; in 1995 from $66,700 to $73,800; and in 1996 from $69,300 to $82,200.

Raising the wage base reduces the cost of the tax cut. Not only is this fair, but it makes the financing system more progressive. Even with the increase in the maximum wage base, every taxpayer will pay less in payroll taxes than they do today. It is a tax cut for everyone.

Cutting Social Security taxes is important for several reasons. First, it is the most effective way for us to fight the recession. Second, reducing the payroll tax is an absolutely necessary first step to genuine deficit reduction. Third, fairness to our workers demands a payroll tax cut. Finally, it is the only way we can restore trust and honest budgeting to the Government.

HONESTY AND TRUST

Social Security is not like any other Government program. It is financed under the Federal Insurance Contributions Act, "FICA," as it is known. It is a social insurance program, a retirement system funded, in effect, through premiums. People believe that they are putting something away for retirement and that they will get something back. That is why Social Security has so much support and why the charge "messing with Social Security" is so feared. We are not just messing with Social Security; we are stealing from it.

President Roosevelt realized there was a danger that this could happen. Trust was to be the linchpin of the system. Social Security was not to be considered just another Government program. Senator MOYNIHAN tells the story of a visit by Prof. Luther Gulick of Columbia University to F.D.R. in 1941 to discuss, among other things, Social Security. Why not, said Gulick, finance Social Security out of the income tax like any other Government program. Roosevelt said "no":

> I guess you are right on the economics, but those payroll taxes were never a problem of economics. We put those payroll contributions in so as to give the contributors a legal, moral, and political right to collect their pension and unemployment benefits with those taxes in there. No damned politician can ever scrap my Social Security program.

What F.D.R. feared may come to pass if we don't act soon to stop this raid on the trust funds. Many Americans now question whether Social Security will be there for them when they retire. It is a question of trust, and that trust is being eroded.

Under present budgetary practices, the Treasury is borrowing the Social Security surpluses to finance the deficit. Consequently, there are no surpluses, just IOU's, nonmarketable Treasury securities. When the time comes to redeem those IOU's, the Government will have to raise taxes, cut spending, or borrow the money.

Before coming to Congress, I was a practicing attorney. We had clients' trust funds. If I had dipped in to these trust funds to pay my office expenses, I would have been disbarred. Similarly, if a company raided its workers' pension funds to cover its operating costs, it would be brought up on charges, very likely criminal. It's really that simple.

Just imagine the anger when the workers of today realize that they are not just paying now but will have to pay again in the future to get their benefits. Will we recognize the contributors' "legal, moral, and political right" to these benefits, especially if we have to pay twice for them? I don't know, but I do not want to take the chance. Senator JIM EXON described this situation as follows:

> We have significantly increased the taxes on the working people of America, not to make Social Security solvent in future years, but to fool them into the belief that they are paying into a trust fund when in actuality it is just another very regressive form of taxation that is not being employed for the purpose for which it was assessed.

The General Accounting Office [GAO] has also closely examined this issue and come to some very straightforward conclusions:

> If Congress and the President are unable to agree upon and implement the strategy for restoring fiscal balance in the non-Social Security part of the budget, we believe that the Congress should reconsider the pattern of payroll tax increases that is producing the current and projected Social Security surpluses. To implement this option, it would be appropriate to return Social Security to a pay-as-you-go financing basis once the Social Security reserves have reached the desirable contingency level of about 100 to 150 percent annual outlays.

FIGHTING THE RECESSION

Restoring the integrity of the trust funds is essential. But there are very practical reasons for considering a payroll tax cut at this time. Virtually every economist will admit what the people have known for some time. We are in a recession. But, how do we get out of it when we are running such huge deficits?

As I have said before, and it deserves repeating, Social Security is now completely off budget and running a huge surplus. Cutting Social Security taxes would reduce this surplus without increasing the non-Social Security budget deficit. It would also provide a critical stimulus to enable us to work our way out of the recession. Putting money into the pockets of working Americans is the best counter-cyclical move we can make.

Consumer confidence will receive a needed boost. Business, particularly small business, will get some relief from the payroll tax burden. Social Security taxes must be paid, regardless of whether business is making a profit. It is a tax on labor which depresses overall employment.

Prof. Gary Hufbauer of Georgetown University estimates that cutting the payroll tax will create 1 million new jobs over the next 4 years. These jobs will produce substantial new tax revenues and help lead us out of the recession. Michael Boskin, now Chairman of the President's Council of Economic Advisers, has also made similar statements. And Nobel Laureate Franco Modigliani of MIT has endorsed a Social Security tax cut as economically sound.

FISCAL RESPONSIBILITY

Critics of this plan will complain that cutting Social Security taxes will increase the overall deficit, lead to more Government borrowing, higher interest rates, and the like. In short, that the plan is fiscally irresponsible. This is a phony argument, which masks our inability to make real inroads on the deficit.

I find it ironic that efforts to prevent us from squandering the Social Security trust funds on the day-to-day costs of Government could be considered irresponsible. But even more troubling is the fundamental lack of knowledge on the part of these critics as to the relationship between Social Security and financing the deficit.

When the Treasury borrows money from the trust funds, the amount borrowed is added to the national debt. The Government also incurs interest obligations to the trust funds, which are counted as interest outlays in the general budget. I would be surprised if more than a handful of people know that trust fund borrowings count as part of the national debt.

What then is the significance of this fact? First, it completely destroys any suggestion that cutting payroll taxes will increase Government borrowing. We will merely be borrowing from a different source, and a shift, as opposed to an increase in borrowing, will have no impact on national savings.

It is also far preferable to borrow in the marketplace from those willing and able to invest than to continue the present system of forced or mandatory borrowing from working men and women who cannot afford to make such investments and who are not paid an interest for doing so.

We may also find that reducing Social Security taxes actually increases national savings. Martin Feldstein, the distinguished Harvard economist and former Chairman of the Council of Economic Advisers in the Reagan administration, has written that the introduction of the Social Security system to the United States depressed private savings in this country by as much as 50 percent.

Needless to say, much controversy surrounds Feldstein's findings. But there seems little doubt that Social Security has had some negative effect on private savings, which is compounded when Social Security taxes are excessively high and these revenues are not saved, as is now the case.

If Feldstein is correct, or even partially so, reducing payroll taxes will not have the adverse consequences for national savings that some have suggested.

THE DISCIPLINE NEEDED FOR DEFICIT REDUCTION

While cutting the payroll tax will only shift, not increase, Government borrowing, clearly we need to improve our national savings rate. This means reducing the non-Social Security budget deficit.

Some progress has been made in reducing the deficit. As I stated, the deficit exclusive of Social Security will be cut to less than 2 percent of GNP by 1995. Still, last year's budget agreement did not adequately address the deficit situation. Spending was not really cut, only the rate of increase slowed. Indeed, over the next 5 years actual spending will increase some $180 billion.

We really don't seem serious about deficit reduction. Why? The Social Security Trust Funds are just sitting there, easy money to be had without making the difficult choices that our current fiscal condition requires.

Social Security takes in much more than it needs to pay current benefits. These surpluses are rising by as much as $1.5 billion per week. The surplus in fiscal year 1990 was $58 billion. In fiscal year 1991, it is expected to be $74 billion; $126 billion in 1995; and in the year 2000, $200 billion. The trust fund surplus peaks in 2025 at $9.2 trillion—$2.4 trillion in 1990 dollars.

The reason why we have such surpluses was that in 1983, Congress and President Reagan decided to switch from a pay-as-you-go system to a partially funded one. We were going to save the surplus in order to have the resources to pay for the baby boomers' retirement. It seemed to make sense at the time. The only trouble is, however, that we are not saving this surplus. We are spending it as fast as we can to finance the day-to-day costs of Government.

Robert J. Myers, formerly Chief Actuary of the Social Security Administration, warned us that this could happen. He said, "Go back to pay-as-you-go financing. Because * * * you are never going to save the surplus."

Mr. Myers' warnings echo those of Senator Vandenberg over 50 years ago in a similar debate over Social Security financing. F.D.R. planned to build up a large surplus. Vandenberg, along with Henry Cabot Lodge, proposed to cut the payroll tax. As Vandenberg stated, that such a large reserve could "remain intact and not suffer periodical depletions is more than human nature in a political democracy can rationally anticipate."

How right both Senator Vandenberg was and Mr. Myers is. The temptation to spend the surpluses has been just overwhelming. Look at last year's budget agreement. Much was made of this $500 billion deficit reduction package. How many people know that over the next 5 years $495.2 billion in surplus Social Security funds will be used to finance the operating costs of Government? Social Security is, in effect, financing the entire deficit reduction package.

Senator JIM EXON summed up this situation well during the Senate's debate on the payroll tax cut last year:

> Yes, you will hear opponents of this proposition say it will add to the deficit. What they are really saying is that the trust funds should pay for the day-to-day operations of the Federal Government.

Not until the Government gets its hands out of the Social Security cookie jar will we be able to develop the discipline to consider alternative means of dealing with the deficit.

Nobel Laureate and professor of economics at MIT, Franco Modigliani, shares this perspective. Professor Modigliani has written regarding the proposal to cut Social Security taxes that:

> A common objection is that under this proposal, Social Security will contribute less to offsetting the huge Government deficit and therefore to supporting the national savings rate. But in fact the elimination of the Social Security surplus does not mean, as is usually implied, that the national savings rate will necessarily fall. This depends on Congress and how serious it is in its commitment to a savings rate. Clearly once the Congress will have to face the question of whether to live with the huge and indecent deficit by borrowing more from the public (rather than from Social Security) or whether to pay for Government expenditure and bolster the saving rate by higher progressive taxes, expenditure cuts, or both.

As chairman of the Budget Committee's Task Force on Urgent Fiscal Matters, I intend to hold hearings this session to examine these many alternatives. I believe our focus should be on spending reductions, including entitlement reform, perhaps means-testing some programs, further cuts in defense, especially weaponry no longer needed with the end of the cold war, and more restraint in order domestic and international programs.

I would hope that spending reductions would be sufficient both to make up for some of the revenue lost through the payroll tax cut and to further reduce the non-Social Security budget deficit. We cannot continue to rely on regressive payroll taxes to finance the Government. I am confident that whatever solution we come up with will be preferable to the status quo, especially in terms of fairness.

The task is certainly manageable. The Congressional Budget Office estimates that the deficit, exclusive of Social Security, will fall from 5.6 percent of GNP today to 1.9 percent of GNP in 1995, without any further Government action. Surely, we should be able to summon the will and discipline to deal with a deficit of this magnitude.

There are plenty of alternatives available other than the Social Security tax to finance the costs of Government. But one step at a time. First, break our addiction to payroll taxes. Then, we will have to consider the alternatives.

FAIRNESS: HELPING THE WORKER

A Social Security tax cut is also necessary to give American working men and women a break. They need it. From 1977 to 1988 average family income has risen just 2.2 percent. For the first 80 percent, average family income actually went down. Those in the bottom 10 percent found their average family income dropping 14.8 percent. It is not until the top 90 percent that we see an increase, just 1 percent. The top 1 percent of families made out very well indeed. Their income rose 49.8 percent from 1977 to 1988.

Here are some more sobering statistics. In 1959, when Dwight Eisenhower was President, gross earnings—in constant dollars—were $163.78 and Social Security was $4.09, leaving average weekly earnings at $159.69. In 1989, 30 years later, average weekly earnings were about $154.01. Social Security payments had tripled, accounting for much of this decline in average earnings.

Today, average earnings are just about where they were in 1962, and we still have not reached the median family income of 1973, despite much higher female work force participation. As of 1989, we are still $452 behind 1972 levels.

Our tax structure is also becoming more and more regressive, especially with Social Security financing so much of the day-to-day costs of government. As a percent of Federal revenue, Social Security taxes rose by 23 percent from 1980 to 1989, while personal taxes declined by 6 percent and corporate taxes by 23 percent. In 1990, seventy-four percent of all Americans will pay more Social Security taxes than income taxes! The Democratic Report of the National Economic Commission observed:

> The Nation struggled for a generation to ratify the 15th amendment. We are not about to see it effectively repealed by a reform in the financing of Social Security.

CONCLUSION

Much is at stake here. We are in a recession. For those Americans struggling to make ends meet, the extra money provided by this tax cut can make all the difference. This is also no partisan matter. The organizations supporting a payroll tax cut range from the AFL–CIO and the Democratic National Committee on one side to the U.S. Chamber of Commerce and the Heritage Foundation on the other.

Senator MOYNIHAN has said, "We don't need the money for Social Security, so let's give it back to the workers who earned it and need it. It's just not fair to keep it for other Government expenses." Professor Modigliani has also written, "Mr. President, read our lips, no more high Social Security taxes to cover your deficit."

I agree with both these observations, and I urge my colleagues in the House to support me in this effort.

THE DEPOSITOR INFORMATION ACT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. SCHUMER. Mr. Speaker, I'm sure that you and our colleagues share my sympathy for the uninsured depositors who lost their shirts in the liquidation of Freedom National Bank, depositors who included worthy charities and religious institutions. This bank failure captured national attention because of the place in history Freedom held as a minority-owned institution, and because it appeared to have been singled out for a strict interpretation of FDIC regulations.

At hearings in New York on this closing, what struck me was that so many depositors misunderstood or had been misinformed about the FDIC's insurance policy. The nuances, which included the tallying of different accounts, are simply not made clear enough to depositors: The FDIC stickers in the window don't do the job. Many people only come to understand their insurance when the FDIC gives them the bad news.

It files in the face of logic to have insurance without an explanation of the policy. Therefore, today I am introducing the Depositor Insurance Information Act, which does the following: It requires the FDIC to publish the criteria it uses to make reimbursement decisions; it makes this information available to all depositors; and it requires banks to designate an officer to respond to deposit insurance inquiries from customers. I am pleased that 22 of my colleagues have joined me as original cosponsors of the bill.

In increasingly trying times for the banking industry, it is important that consumers be protected, and that confidence in our banks be bolstered by clear information from the FDIC. This legislation is an important step in that direction.

A CONGRESSIONAL SALUTE TO DR. O.J. FINCH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to a man who has served his community with great distinction. On February 26 of this year, Dr. O.J. Finch will celebrate his 90th birthday in the company of his friends and colleagues.

Dr. Finch was born in Barnsville, OH on February 27, 1901. Shortly thereafter, his family moved to the flatlands of Nebraska and homesteaded throughout the early 1900's.

Dr. Finch's lifelong commitment to higher education began with his attendance at Olivet Nazarene College in Kankakee, IL. He later attended Pasadena College in Pasadena, CA, from which he graduated in 1922.

Ordained into the Christian ministry in 1924, Dr. Finch pastored local parishes of the Church of the Nazarene in Nebraska, Kansas, Michigan, and California. He was elected by his peers to the position of district superintendent, and served in this capacity in districts of Kansas, New York, and Colorado.

An outstanding educator and administrator, Dr. Finch was elected by his church to serve as president of two of their colleges, Bethany Nazarene College and his alma mater, Pasadena College. He has also sat on the board of trustees for Bresee College, Southern Nazarene University, Eastern Nazarene College, and for Point Loma Nazarene College, where he currently serves as president emeritus.

On February 26, his former students and fellow church leaders will meet in Ontario, CA to pay tribute to Dr. Finch for his many years of service. Through his efforts, a host of young people have reached a solid foundation for their life and work. Dr. Finch has been an influence and an example for all those who have known and worked with him. It is with grateful hearts that his church and his friends will say "Thank You" and "God Bless You" to O.J. Finch on his 90th birthday.

My wife, Lee, joins me in extending a congressional salute to Dr. Finch. We wish him all the best in the years to come.

INTRODUCTION OF THE MOBILITY ASSISTANCE ACT, WHICH AMENDS AND EXTENDS THE URBAN MASS TRANSPORTATION ACT OF 1964

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. RAHALL. Mr. Speaker, one of the many priority tasks of this Congress is the reauthorization of Federal public transportation assistance programs. As a Member of the Public Works and Transportation Committee, and of its Surface Transportation Subcommittee, which has initial responsibility for this assignment, I am conscious not only of the obligation involved but also of the opportunity. A number of us on the Subcommittee, as well as two Members of the Select Committee on Aging, Reps. TOM DOWNEY and OLYMPIA SNOWE, have come to the conclusion that, in approaching reauthorization of the Urban Mass Transportation Act this year, it is essential that we reemphasize some basic principles:

First, we need to reverse the trend in recent years toward near-withdrawal of the Federal Government from the partnership that has been the core of transit policy since 1964. In real terms, Federal support of public transportation has been cut in half during the last decade. In terms of its relative importance in the Federal budget, public transportation has fallen to one-fourth of the status that it had 10 years ago. We can't afford continued erosion in support of this essential component of our economic infrastructure.

Second, we need to remember that investment in mobility is investment in economic productivity and growth. It makes possible a full use of our human resources as well as a full life for all of our people. It is an investment in greater and longer independence in place of increased spending on institutionalization and dependency.

Finally, we need to recognize that mobility needs exist and when unmet, limit opportunities for people and communities in all parts of America—rural as well as urban, and small as well as large.

MOBILITY ASSISTANCE ACT

In response to those needs, I and a group of my colleagues are today introducing a specific set of proposals for extending and amending the Urban Mass Transportation Act of 1964.

Our bill proposes a level of overall investment in public transportation that is, in our view, both necessary and reasonable.

Equally important, our bill will move us toward a more balanced distribution of Federal transit assistance and toward a more effective targeting of that assistance to meet the unmet needs of the transportation-dependent. It is because of its focus on meeting mobility needs that we have called this proposal The Mobility Assistance Act of 1991.

The Mobility Assistance Act has three features of particular importance:

I. INCREASED BALANCE

As indicated, it carries out a modest but much-needed shift in the allocation of Federal transit assistance by directing a significant proportion of the overall increases in assistance to rural and small urbanized areas—places of less than 200,000 population.

Rural areas, as defined in transit legislation, account for more than 37 percent of the Nation's population. They currently receive less than 4 percent of Federal transit assistance. Nationwide, some 35 percent of our nonmetropolitan counties have no federally assisted public transportation service at all. In many of those that do have service, it is confined to a portion of the county and/or to only 1 or 2 days a week. This means that a clear majority of our rural residents currently have no access to public transportation services. And, it should be remembered, a disproportionate share of the elderly and the poor live in rural areas. In my own State of West Virginia, 56 percent of the rural counties are unserved by public transportation and in my own congressional district, 5 out of every 8 counties are in that situation.

In response to that existing disparity, the Mobility Assistance Act would allocate 7.5 percent of the transit funds to rural areas—still only one-fifth of their per capita share.

Small urbanized areas (those between 50,000 and 200,000 in population) account for about 11 percent of our total population. Currently, those areas receive less than 6 percent of UMTA assistance. About 30 percent of the more than 250 such small urbanized areas currently designated by the Census Bureau's do not get any of these funds. Moreover, the number of designated small urbanized areas is expected to increase by as many as 50 in the next couple of years and at least half of those newly-created places will lack public transportation services.

In my congressional district, if you allow me to get parochial for a moment, the only small urbanized area is Huntington, West Virginia, the home of the Tri-State Transit Authority, encompassing the Huntington-Ashland (KY) small urban area. Mrs. Vickie Shaffer, who is the general manager of Tri-State, has given her wholehearted support to the Mobility Assistance Act. Small urban areas elsewhere in the State, are located in Charleston, Parkersburg, Steubenville-Weirton, and Wheeling, WV. As will be noted elsewhere in my remarks, the Mobility Assistance Act increases from 8.6 to 10 percent the funding earmarked for small urban areas, in order to respond to this unmet and growing need. How would it help West Virginia small urban areas specifically? In fiscal year 1991, West Virginia's small urban areas received their apportionment of formula funds set at $2.8 million. Under the Mobility Assistance Act, the formula plus funding from the new MAP program—described elsewhere—their fiscal year 1992 funding would rise to $7.265 million. Non-urbanized areas in West Virginia would see an increase from their fiscal year 1991 funding level of $1.134 million to $5.787 million in fiscal year 1992 under the bill.

Given the overall level of investment proposed, it needs to be stressed that this improved balance in the distribution of transit assistance can be achieved while holding all programs and all areas harmless in actual dollar terms.

II. TARGETING TO THE TRANSPORTATION-DEPENDENT

Enactment last year of the Americans with Disabilities Act [ADA] reflected congressional recognition of the central role which transportation plays in giving people access to a decent life. That recognition has also been reflected in the substantial level of transportation costs existing in a whole range of human services programs—for the elderly, for the poor, for people with limiting disabilities. It is estimated that at least a billion dollars a year in Federal human service funds goes for transportation activities essential to bringing together the people and the services and benefits they need.

The importance of these human services transportation activities is especially great in rural areas where there is such a serious lack of public transportation resources. In my own State, rural agencies serving the elderly report that they spend as much as half of their funds on transportation. Nationally, transportation is the third largest cost item for programs under the Older Americans Act.

In the area of needed transit services within the community of disabled Americans, I speak for the Members who join with me in introducing the Mobility Assistance Act today, by assuring the House that our respective legislative counsels responded by frankly acknowledging a congressional responsibility to make the commitments of the Americans with Disabilities Act a reality, coupled with the need also to broaden policy to take into account, and better utilize, all Federal investments in transportation activities among various existing Federal assistance programs. The Mobility Assistance Act responds by earmarking 10 percent of each year's spending from the mass transit account for a special Mobility Assistance Program [MAP].

MAP funds will be distributed to all areas—large and small—on a formula basis and will be available for three types of activities: meeting the requirement of ADA that all new vehicles for fixed-route service be lift-equipped; meeting the requirement of ADA that all fixed-route systems provide as well complementary paratransit services for those remaining unable to utilize accessible fixed-route service; and establishing and expanding formal arrangements for the coordination of public transportation and human service transportation activities.

III. REVERSING THE TREND TOWARD RURAL ISOLATION

The lack of adequate transit service in rural areas and small towns is only part of the story. In recent years, other essential connections between rural America and the rest of the Nation have been cut. Airline deregulation has meant less and less service to many small towns. Passenger rail service has all but disappeared in rural areas. And deregulation of the intercity bus industry led to an acceleration in the decline in small town service. Between 1982 and 1986, nearly 4,000 communities lost all intercity service, and we have seen a resumption of that decline in the last year or two. These trends mean that rural areas are increasingly isolated—from the rest of the economy and even from each other. Hardest hit are the old, the very young, the poor and the disabled—the people most dependent on public transportation.

The bill we are introducing today responds to this situation by creating a new State initiative block grant program, which will become available in the second year of the 5-year reauthorization period. Block grant funds would be available to the States for use in areas which have suffered substantial loss of transportation service or which have not previously had any such service. It thus becomes a new starts program for rural and small urban areas and provides a flexible tool for the States to use in reconnecting rural and small town America with the rest of the country.

IV. OTHER PROVISIONS

Our proposal includes other features. It will change the name of UMTA to better reflect its role as an agency responsible for public transportation in all areas. It will increase funding for the section 16(b)(2) program of capital assistance for elderly and handicapped transportation, and it will increase flexibility in that program. It will allow the Secretary of Transportation to reduce the match requirement for assistance in rural areas with very low incomes where the State and local tax effort is already above the national average—as was done under the much loved, lately lamented Revenue Sharing Act. And it will increase and stabilize funding for research and technical support activities, especially those under the Rural Transit Assistance Program [RTAP]. But it makes no dramatic changes in the structure of any existing program.

I am inserting immediately after my remarks a summary description of the Mobility Assistance Act, and I urge all of my colleagues, both on and off the Public Works Committee, to join as cosponsors those of us who are already on the bill. I believe that it is a proposal that is not only responsible, but also responsive to those basic principles I spelled out at the beginning of my remarks.

Mr. Speaker, I strongly believe that our bill, the Mobility Assistance Act, is fairer and certainly more supportive, of the UMTA programs and the people they are intended to serve who are transportation-dependent—than anything the administration has proposed.

If you would like to cosponsor the Mobility Assistance Act, please call me or Ms. Kyle on my staff at X53452.

MOBILITY ASSISTANCE ACT OF 1991

SUMMARY OF MAJOR PROVISIONS

The Mobility Assistance Act of 1991 is designed to restore Federal funding for public transportation to a level more in keeping with the economic, social and environmental importance of these programs, to allocate a significant portion of the increased funding toward meeting new and previously unmet mobility needs, and to renew the level of Federal support in planning, research and technical assistance as well as in financial aid. While proposing two new program initiatives to help meet priority needs, it leaves largely unchanged the basic structure of current assistance programs. In keeping with the recognition that public transportation programs are important to all Americans in all areas, it changes the name of the Urban Mass Transportation Administration (UMTA) to the Federal Public Transportation Administration (FPTA).

OVERALL FUNDING LEVELS

The Act holds annual Federal spending for public transportation out of general funds at the current $2 billion level plus an adjustment for inflation. It takes advantage of the current substantial surplus in the Mass Transit Account of the Highway Trust Fund to increase support from that dedicated source of funding by a regular amount each year, rising from $1.9 billion in Fiscal 1992 to $3.5 billion in Fiscal 1996. The combination of these two funding sources will make possible the following levels of Federal investment in transit: Fiscal year 1992—$3,900 million; fiscal year 1993—$4,380 million; fiscal year 1994—$4,863 million; fiscal year 1995—$5,350 million; fiscal year 1996—$5,840 million.

INCREASED ASSISTANCE TO RURAL AND SMALL URBAN AREAS

In recognition that more than one-fourth of the nation's small urbanized areas (those with less than 200,000 population) are currently not served by Federally-assisted public transportation and that the number of such areas will increase dramatically as a result of the 1990 Census, the Act increases the share of assistance going to small urbanized areas to 10 percent. Similarly, in recognition of the substantial growth in recent years of public transportation in rural areas and of the fact that as many as one-third of the nation's transit dependent population live outside of urbanized areas, the Act increases to 7.5 percent the share of total assistance allocated to non-urbanized areas. In addition, to increase FPTA's ability to reach low-income rural communities, the Act authorizes adjustment in the required non-Federal match from rural communities with income levels well below the national average, provided that local government is already taxing its residents at a rate above average.

Under the Act, the following levels of formula assistance will be provided:

[In millions]

Fiscal	Large UZA's	Small UZA's	Rural areas
1992	$1,849	$390	$292
1993	2,049	438	328
1994	2,247	486	365
1995	2,448	535	401
1996	2,657	584	438

PLANNING, RESEARCH AND TECHNICAL SUPPORT

In order to link funding for planning, research and technical support in a logical manner to the over-all levels of Federal investment in transit, the Act provides for an ear-mark of 2 percent of the total FPTA appropriations for such programs as Section 8 planning, Section 4(i) and 6 demonstrations, and other research and technical assistance activities. It further allocates 10 percent of this ear-mark for the highly successful Rural Transit Assistance Program (RTAP), which would thus be able to expand as assistance to rural areas expands.

MOBILITY ASSISTANCE PROGRAM

The major program initiative of the Act is the creation of a special Mobility Assistance Program (MAP) designed to help public transportation providers respond to the requirements of the Americans with Disabilities Act of 1990 (ADA) and to secure more effective coordination of human service transportation provision with public transportation. MAP will be allocated 10 percent of the net funding available from the Mass Transit Account (after deduction of the amounts distributed by formula under existing law to Section 9 and Section 18 recipients). Total funding for MAP will begin at $130.75 million in Fiscal 1992 and rise to $198.75 million in Fiscal 1996.

Two-thirds of MAP funds will be apportioned to the states and large urbanized areas on the basis of their relative shares of the nation's total elderly and disabled population and the remaining one-third will be used to continue funding for the Section 16(b)(2) program of assistance to private non-profit agencies in meeting the special transportation needs of the elderly and handicapped. The present 16(b)(2) program remains unchanged except to make it clear that leasing is permitted to achieve coordinated transportation. Funds from the Section 16(b)(1) program will be used to carry out three purposes: meeting the costs of fixed route vehicle accessibility required by ADA, meeting the costs of establishing or expanding paratransit as required by ADA, and encouraging and underwriting at the state and local level a formalized process of establishing coordinated transportation systems involving both public transportation providers and human service transportation providers.

STATE INITIATIVE BLOCK GRANT

Another new program initiative ear-marks a portion of the increased Federal investment in public transportation for a block grant to the states. Despite more than two decades of Federal assistance, the availability of transit resources continues to vary sharply from place to place. Half of the nation's rural residents remain unserved by public transportation. The continuing decline in intercity bus service deepens the isolation of many persons and areas. The State Initiative Block Grant established by the Act is designed to allow the states to respond in a flexible manner to this situation and to other special mobility needs.

Beginning at a $40 million level in Fiscal 1993, the Block Grant rises to $160 million in Fiscal 1996. Funding is drawn equally from general funds and the Mass Transit Account to provide maximum flexibility of assistance type. It is to be made available in urbanized areas of less than 200,000 population and in rural areas and the states are required to place particular emphasis on meeting the needs of currently unserved areas and areas that have lost service.

CONCLUSION

This combination of significant increases in total funding, more appropriate allocation of that increased funding and establishment of the new Mobility Assistance Program and the State Initiative Block Grant Program responds to basic economic and mobility needs and will serve to make Federal transit investment a more effective component of our national transportation policy.

IN HONOR OF LOU BURGELIN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. FAZIO. Mr. Speaker, I rise today to honor Lou Burgelin, who retired last year after spending 19 years as the executive secretary of the Armed Services Committee for the Vallejo Chamber of Commerce.

As executive secretary, Lou has worked tirelessly to represent the needs and concerns of the Mare Island Naval Shipyard in Vallejo, CA. During my 12 years in Congress, my staff and I have worked extensively with Lou on Mare Island issues. While he can be credited with many accomplishments during his tenure as executive secretary, Lou's successful resolution of a dredging issue, crucial to the shipyard's operations, is one of his most significant achievements.

Lou's involvement with Mare Island began long before his appointment to the Armed Services Committee in 1972. After attending the University of California, Berkeley, he entered the Mare Island Apprentice School in the marine machinist trade. Shortly after World War II began, Lou was called to duty at Mare Island. In 1943, he was transferred to the Hunter's Point Naval Shipyard in San Francisco. After several promotions, he eventually became the acting industrial relations officer. He later returned to Mare Island and continued to be recognized and rewarded for his outstanding work. He subsequently became the head of the production facilities and engineering division in the shipyard's production department. During the 1960's, Lou conducted a study for the Navy's Office of Special Projects to establish a system of cost projections for new construction, and he also represented Mare Island in the naval study conducted to develop long-range facilities requirements.

Lou's talents have not been limited to his work with Mare Island. He has given tremendously of himself to many charitable organizations. He has been very active in the Combined Federal Campaign, having served as its first general chairman at Mare Island. He was instrumental in forming the Vallejo Naval and Historical Museum. The Napa-Solano United Way, the Vallejo Senior Citizens Council, the Salvation Army, and several other organizations have all benefited from his volunteer efforts.

Lou has been a longtime friend and adviser to me, and I am honored to have the opportunity to recognize his efforts on behalf of Mare Island Naval Shipyard and for making Vallejo and Solano County a better place to work and live. I join my colleagues today in wishing Lou and his wife, Betty, a happy and fulfilling retirement.

THE SABBATH OF REMEMBRANCE—SHABBAT ZACHOR

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. MARKEY. Mr. Speaker, I rise today to commemorate the anniversary of the deaths of four young Jewish women from Damascus who were killed trying to escape from Syria on February 23, 1974. On this important anniversary let us not forget that at the present time 4,000 Jews in Syria are still denied fundamental civil and human rights, including the right of emigration. As Operation Desert Storm brings the United States and Syria into closer contact and cooperation, we must not soften our resolve that Syria must rescind its repressive policies. We must continue to speak out against the gross violations of human rights that continue to be committed by the Syrian Government today.

AMERICAN SAMOA LEGISLATURE HOUSE CONCURRENT RESOLUTION 22-9 DECLARING AMERICAN SAMOA'S HEARTFELT SUPPORT FOR THE MEN AND WOMEN OF THE U.S. ARMED FORCES AND THEIR FAMILIES DURING THE CONFLICT IN THE PERSIAN GULF

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. FALEOMAVAEGA. Mr. Speaker, I want to share with my colleagues the House Concurrent Resolution 22-9 passed by the 22d Legislature of American Samoa during its first regular session. This House concurrent resolution declares American Samoa's heartfelt support for the men and women of the U.S. Armed Forces and their families during the conflict in the Persian Gulf.

More than 500 members of the Armed Forces from American Samoa are presently stationed in Saudi Arabia or on naval ships assigned to that conflict; and the people of American Samoa, while showing deep concern for their sons and daughters, are also justifiably proud of them and are continually praying for their safety and well-being.

The people of American Samoa fully support the determination of President Bush to prosecute the war to its logical conclusion, offering prayers for divine guidance upon the President at these trying moments.

Mr. Speaker, the legislature on its behalf and on behalf of the people of the territory of American Samoa declare its dedication to the principles upon which are founded world order and world peace; and declare its unswerving support of the President, and his policies; and also declare its wholehearted support for the sons and daughters of American Samoa involved in the war.

My distinguished colleagues may be interested to know that American Samoa, with its population of almost 50,000 people, on a per capita basis, has the most men and women serving in the gulf, a ratio of about 100 to 1.

I, along with the people of American Samoa, hope that this conflict will come to an early end. It is our common wish to see our sons and daughters return home with a minimal loss of lives.

The resolution follows:

HOUSE CONCURRENT RESOLUTION 22-9

Whereas on January 16, 1991, pursuant to the United Nation's Resolution and Congressional Authorization, and following months of attempts to negotiate with Iraq, the United States led a multinational force in an attack on Iraq; and

Whereas more than 500 members of the Armed Forces from American Samoa are presently stationed in Saudi Arabia or on naval ships assigned to that conflict; and

Whereas the people of American Samoa, while showing deep concern for their sons and daughters, are also justifiably proud of them and are continually praying for their safety and well-being; and

Whereas many families of soldiers so deployed in the Gulf of Persia War have suffered personal and economic hardships; and

Whereas some of the families of the servicemen have returned to the Territory to await the outcome of the conflict and the return of their loved ones; and

Whereas the people of American Samoa fully support the determination of President George Bush to prosecute the war to its logical conclusion, offering prayers for divine guidance upon the President at these very trying moments; and

Whereas the people of this Territory wish to express support for the President and their courageous sons and daughters who now stand ready to make the supreme sacrifice for the preservation of world order and peace between nations: Now, therefore, be it

Resolved by the House of Representatives of the Territory of American Samoa (the Senate concurring), That the Legislature on its behalf and on behalf of the people of the Territory of American Samoa declare, and hereby do so, its dedication to the principles upon which are founded world order and world peace; and that it declare, and hereby do so, its unswerving support of the President, and his war policies; and also declare its wholehearted support for the sons and daughters of Samoa involved in the war; and

Be it further resolved, That the Chief Clerk of the House of Representatives is directed to transmit certified copies of this concurrent resolution to: the President of the United States, Honorable George Bush; the United States Secretary of Defense, Honorable Dick Cheney; the United States Secretary of the Interior; Honorable Lujan Manuel, Jr.; the Honorable Senator Daniel K. Inouye; Congressman Faleomavaega E. Hunkin; and to the Honorable Peter T. Coleman, Governor of American Samoa.

LETULI TOLOA,
President of the Senate.
TUANA'ITAU F. TUIĀ,
Speaker of the House.

THE ACCOMPLISHMENTS OF THE HORATIO ALGER ASSOCIATION

HON. DEAN A. GALLO

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 21, 1991

Mr. GALLO. Mr. Speaker, it is with great pleasure that I recognize the outstanding accomplishments of the Horatio Alger Association of Distinguished Americans, a privately funded, nonprofit organization, which for more than 40 years has provided the means for deserving young Americans to pursue their goals through higher education.

In response to the spiraling costs of education, the Horatio Alger Association selects annually, one senior in every State, the District of Columbia, Puerto Rico and the Virgin Islands to receive a $5,000 scholarship to alleviate some of the heavy financial burden associated with higher education. Members scholars are carefully chosen according to outstanding character traits with emphasis placed on financial need, academic achievement, participation in school activities, community services and ability to overcome adversity.

Financial assistance, however, is not this organization's only focus. Most importantly, students are encouraged to actively participate in year-round events: seminars, internships, conferences and award activities which foster a sense of pride and honor in their hard work and achievement.

These events also provide students with role models representing every major profession to serve as living examples of the "American Dream"—men and women who started from humble beginnings to achieve success and who honor their communities by inspiring patriotism and educating students that America is still the land of opportunity for all, regardless of race, religion, or economic status.

As Members of Congress, we should recognize and applaud the contributions of privately funded organizations such as the Horatio Alger Association of Distinguished Americans which are committed to educating students about the many virtues of the free enterprise system and which encourage continued education through scholarship assistance.

TRIBUTE TO JAMES PURCELL, DEFENDER OF CIVIL RIGHTS

HON. NORMAN Y. MINETA

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 21, 1991

Mr. MINETA. Mr. Speaker, it is with a mixture of sadness and gratitude that I rise today to speak in tribute to an American who never feared to stand up and defend civil rights guaranteed by the U.S. Constitution.

James C. Purcell, the San Francisco lawyer, was his name, and his death on February 13, 1991 left California with a proud 50-year legacy of civil liberties defended. His passing silences a voice that never failed to rise up in support of causes just and what some would call causes lost.

Jim Purcell was born in San Francisco in 1906, the year the great earthquake shook the city to its foundations. So, too, would Jim shake the city to its foundation by defending the unpopular, the disenfranchised, and the accused.

Jim began to learn about the American system of justice as a child growing up on the grounds of Folsom Prison, where his father worked as a guard. Jim clearly wanted to learn more, and in 1930 he graduated from Stanford Law School in the middle of the Great Depression.

The depression was an upheaval like none in our Nation's history. With the beginning of the Second World War, the depression ended, but another American tragedy began.

On February 19, 1942, President Roosevelt signed Executive Order 9066. Soon thereafter, more than 120,000 Americans of Japanese ancestry were forcibly removed by the U.S. Government from their homes and interned in stark, barren camps scattered throughout the United States. I was one of those interned, beginning when I was 10 years old.

It had made no difference to the Federal Government that when the Empire of Japan had attacked the United States that the attack had been aimed at every American, including Americans of Japanese ancestry.

It had made no difference to the Federal Government that the Constitution guaranteed Americans of Japanese ancestry the same rights of due process accorded every other American.

It had made no difference to the Federal Government that no charges were ever filed against us, or any disloyalty ever proven.

At such a time in history, our friends were few; our ability to defend our rights, very limited. But Jim Purcell was one of the few who stood up in our defense, and he defended our rights well.

Shortly after Japan attacked Pearl Harbor on December 7, 1941, the State of California fired all State employees who were Americans of Japanese ancestry. Jim Purcell recognized the firings as outrageous violations of constitutional protections and filed a pro bono civil class action suit known as the Mitsuye Endo case.

Mitsuye Endo was born in the United States, had never visited Japan, and spoke no Japanese. To Jim Purcell, the fact that she was fired by the State of California for no reason other than her Japanese ancestry epitomized the violations of civil liberties he wanted to confront head on. While the Endo case was in court, the President signed Executive Order 9066. Jim then used the new travesty of civil liberties, the internment, to convert the Endo case into a habeas corpus case in Federal court.

It took Jim Purcell until the fall of 1944 to do it, after the Government had delayed and otherwise manipulated the case. But he won, and did so in part because he stuck with it. That's how determined and committed Jim was. He stuck with other cases, too, such as the Masaoka case, the Fujii case, and the Koda case, because he believed that the rights of individuals are not to be ignored when convenient or expedient to do so.

For all of this, Jim Purcell had the eternal gratitude of Americans of Japanese ancestry. On August 10, 1988 in Seattle, on the very day President Reagan signed the Civil Liberties Act into law in Washington, DC and offered redress to surviving former internees, the Japanese American Citizens League presented Jim Purcell with a special award for all that he had done for us, for our country, and for our Constitution.

Mr. Speaker, Jim's death is a great loss to the United States, because when he defended the rights of Americans of Japanese ancestry he defended the rights of every American. Few had his courage, his conviction, or his loyalty. Because of Jim's efforts, perhaps there are today more Americans devoted to civil liberties than there would have been without him.

Mr. Speaker, I ask my colleagues to join me in extending condolences to Jim's wife of 51 years, Helen; his nine children: James M. Purcell, Mary Murphy, Helen Casbon, Lawrence Purcell, Elizabeth Purcell, Janet Purcell, Kathleen Purcell, Patricia Purcell, and Eileen Purcell; and his 15 grandchildren.

TRIBUTE TO THE LATE COL. CHARLES WILLIS DAVIS

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. CALLAHAN. Mr. Speaker, I rise to advise the House of the passing of one of America's military heroes.

Col. Charles Willis Davis passed away in San Francisco on January 18. Colonel Davis was an Alabama native and was the first Alabamian to receive the Congressional Medal of Honor for heroic actions on Guadalcanal. He was buried with full military honors in Arlington National Cemetery on January 29.

Willis Davis was born in Gordo, AL, and graduated from Sidney Lanier High School in Montgomery. He entered the University of Alabama on a baseball scholarship and completed 3 years of pre-law and the first year of law school before entering the U.S. Army as a first lieutenant of infantry on July 5, 1940. He and his bride, Joan Kirk, were transferred to Fort Shafter, Honolulu, in July of 1941, and were present there during the Japanese attack on Pearl Harbor on December 7.

Colonel Davis began his distinguished service in the Pacific Theater of Operations in November 1942. On January 12, 1943, then-Captain Davis, executive officer of an infantry battalion, volunteered to carry instructions to the leading companies of his battalion which had been caught in crossfire from Japanese machineguns. With complete disregard for his own safety, he made his way to the trapped units, delivered the instructions, supervised their execution, and remained overnight in this exposed position. On the following day, he again volunteered to lead an assault on the Japanese position which was holding up the advance. When his rifle jammed at its first shot, he drew his pistol, and waving his men on, led the assault over the top of the hill. Electrified by this action, another body of soldiers followed and seized the hill. The capture of this position broke Japanese resistance and the battalion was then able to proceed and secure the corps objective. The courage and leadership displayed by Captain Davis inspired the entire battalion and unquestionably led to the success of its attack.

For this act of bravery, Colonel Davis was presented the Congressional Medal of Honor and was cited "for distinguishing himself conspicuously by gallantry and intrepidity of the risk of his life above and beyond the call of duty in action with the enemy on Guadalcanal Island."

Between his laudable service in World War II and his retirement in 1972, Colonel Davis held important positions in the Army, served in Vietnam and with the Army Staff, and received numerous awards and decorations in addition to the Congressional Medal of Honor. He was a soldier of the finest order.

Mr. Speaker, as we marvel at the courage of our troops in the Persian Gulf, we should not lose sight of those who preceded them in battles that have kept this Nation safe. I am honored to pay tribute to one of those heroes—the late Col. Charles Willis Davis. To his widow, Joan, to his children, Carol Denier and Kirk Davis, and to his brother, Emmett, I extend my deepest sympathies. I also would express to them my gratitude for the tremendous contribution Willis Davis made to his country.

A FLYING TRIBUTE TO OUR BRAVE SOLDIERS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. GUNDERSON. Mr. Speaker, I would like to recognize the efforts of a community in northern Wisconsin that is showing its support for our troops in the gulf.

Chetek, WI, is known for its display of Americans flags throughout the entire city from Memorial Day to Labor Day. So pervasive are the flags that the town has been dubbed by many the Flag City. This year, however, the city of Chetek started to put its flags up early—at the beginning of the war in the Persian Gulf—to honor the brave men and women serving there.

Already, 75 flags are flying on one street alone. And, Chetek has begun a fund drive to raise enough money to cover the entire business district with brandnew flags. That's almost 150 flags.

It is the efforts such as these that lend that vital moral support to the soldiers who are laying their lives on the line for our country. Chetek serves as an example of what every community can do to let our troops know that the people back home care about them and pray for their safe return.

THE DEATH OF TOLEDOAN ABE HADDAD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Ms. KAPTUR. Mr. Speaker, on February 7, Toledo lost one of its most valued civic leaders, Mr. Abe Haddad. For over 60 years, Abe Haddad was a leader in our community—taking on projects and responsibilities in a dedicated and selfless manner. He was truly one of those citizens that every community needs—a citizen that contributes so much to the well-being of others, but asks for nothing in return.

A native of Charleston, WV, and a graduate of the University of West Virginia, Abe Haddad moved to Toledo in the 1930's. By 1940, he had joined ranks with former Ohio Governor and Toledo mayor Michael V. DiSalle, to set up the law firm of DiSalle, Green & Haddad. Mr. Haddad's enthusiasm for the political process was evident in his work on behalf of the local Democratic party. He was a member of the party's executive board and a former finance committee chairman. During the 1948 Democratic national convention, he served as an assistant sergeant at arms.

An avid sports fan, Mr. Haddad was named athletic facilities program director at the University of Toledo in 1967 after he had served on the university's board from 1960 to 1967. His hard work on behalf of the university's athletic program was recognized in 1989 when he was inducted into the City League Sports Hall of Fame. He also served as president of the Downtown Coaches Association and the Toledo chapter of the National Foundation and Hall of Fame.

Perhaps Mr. Haddad's most significant contribution to the community was his stewardship of the Toledo Area Regional Transit Authority. His leadership in bringing accessible transportation to thousands of Toledoans will be remembered has one of his many contributions to our city.

The role Abe Haddad played in our community will long be remembered, and his contributions felt by our citizens for years to come. I know I join the citizens of the Ninth District of Ohio in extending my most sincere sympathies and our community's profound sense of loss to his wife Genevieve and the members of his family.

TRIBUTE TO TOM STEMNOCK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. GALLEGLY. Mr. Speaker, it is with great pleasure that I rise to inform the House that one of my constituents, Tom Stemnock, has received from the American Society of Civil Engineers, the Nation's oldest engineering society, the prestigious Harland Bartholomew Award for his career achievements in urban planning and development. Mr. Stemnock was presented the award at the society's annual convention in San Francisco on November 7.

Tom Stemnock is president of Engineering Technology, Inc., one of southern California's leading planning and engineering firms. After receiving his master's degree from Purdue University in 1965, Tom moved to Los Angeles to join the city's planning department. He quickly rose through the ranks of that department to become the advisory agency and, finally, the deputy zoning administrator for the city of Los Angeles.

During his time with the city of Los Angeles, Tom Stemnock was responsible for preparing major elements of the city's general plan, including the transportation and public facilities plans.

In 1978, Tom joined ETI and following the death of its founder, became its chief executive officer in 1987. The firm he heads does not only land planning and civil engineering, but environmental studies, government liaison, surveying, and a variety of highly technical tasks for both private and Government clients.

The award Tom received is in recognition of his outstanding professional contributions to the enhancement of the role of the civil engineer in urban planning and development. The society proclamation says, "Stemnock's career exemplifies the principle that professional planners and engineers must recognize the impacts of their work on the environment and act responsibly to provide solutions, rather than create more problems."

Mr. Speaker, I wish to echo those sentiments and ask my colleagues to join with me in congratulating my constituent, Tom Stemnock, on the contribution he has made to make southern California a better place to live.

MARLOW TACKETT TRIBUTE

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. PERKINS. Mr. Speaker, it is with great honor that I would like to recognize today a true Santa Claus in eastern Kentucky, a gentleman by the name of Marlow Tackett.

Mr. Speaker, I ask you and everyone assembled here today: What is Christmas all about?

For Marlow Tackett, my friends and colleagues, the answer was simple. Christmas is about giving, about helping those in need, and about brightening the lives of people who've been dealt a bad hand somewhere along the way.

Back in Pike County, KY, where whole communities have collapsed by coal fields bled dry, Marlow Tackett gave. He gave of his time, his energy, and the little money he owned to provide toys, clothes, fruit, food, you name it, to those families and children who needed it most.

Mr. Speaker, 14 years ago, Marlow brightened one family's Christmas by responding to a little girl's written plea for help for her family.

Now, my friends and colleagues, the people of my district in eastern Kentucky are a proud folk that are reluctant to accept handouts from anybody. So when Marlow showed up at that little girl's doorstep in Pike County laden with gifts, food, and good will, her mother greeted him with a whole deal of skepticism, because, you see, she didn't know that her daughter had written Marlow.

But when that mother looked at Marlow and saw that he was genuine, that he truly wanted to help her and her family enjoy the best Christmas possible, she welcomed him with open arms and a warm heart.

Distinguished friends and colleagues, 14 years later, Marlow is still doing what he does best, spreading cheer and good will to families throughout Pike County and beyond. He is still giving everything of himself so that others less fortunate may enjoy a truly Merry Christmas. So at this time, I would like to turn the tables, and humbly recognize and honor the real Saint Nick of Pike County and eastern Kentucky, Mr. Marlow Tackett.

God bless him.

HONORING IGOR KOSTIN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring my colleages' attention to the work of a magnificent photographer, Igor Kostin, whose devastating images of the Chernobyl nuclear accident are being displayed at the Sacramento Lite Rail Gallery from January 14 to Feburary 22, 1991.

Mr. Kostin took these pictures just hours after the explosion of U.S.S.R. power plant Chernobyl, reactor No. 4, on April 26, 1986. His silent photo images capture the devastation and destruction power of human error visited on a nuclear powerplant. The lethal amounts of radiation released by this error have left the lands and villages of more than 135,000 people fallow and sterile for generations to come.

The Lite Rail Gallery and its sponsors are proud to share this collection commemorating those who were directly affected by this tragedy and, perhaps more importantly, to honor the heroic actions taken by the many firefighters and volunteers who died to save the lives of thousands.

As Mr. Kostin said, "Living once again through its trials without colossal and irreversible losses will be impossible." We must not forget this event, for if we do, there is a much greater chance that tragedy will repeat itself, and that tragedy could be much closer to our own homes.

Mr. Speaker, I know that my colleagues join me in honoring the efforts of Mr. Igor Kostin, and wish that anyone who can, will visit this important exhibit at the Lite Rail Gallery, Sacramento, CA.

SUPPORT FOR OUR TROOPS IN OPERATION DESERT STORM

HON. JAMES M. INHOFE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. INHOFE. Mr. Speaker, today, I want to express my support for our troops in Operation Desert Storm and my admiration for out citizens here at home who so strongly support them. It is in these times of crisis that we realize how important it is that we all pull together. The First District of Oklahoma has been no exception in their show of support and gratitude for our troops.

I would like to applaud the work of all of those like George Freeman and Carol and Jim Stanley who have donated their time and services to spreading the voices of approval to our troops. Mr. Freeman is a metalworker and designed Desert Shield bracelets for the family support group of the 145th Medical Company of the Oklahoma National Guard. The money he charges for the bracelets, which have been snatched up by many customers, only covers the cost of the supplies and postage. For each bracelet sold, George Freeman then donates $1.50 to the family support group.

Carol and Jim Stanley are also to be commended for their donations. They own a silk-screening firm and offered for a week free silk screening of a particular three-color image which stated "I Support Our Troops in Desert Storm." They, too, were overwhelmed by the huge response they received.

I am proud of these individuals and of everyone who has given his time and service to make it easier for the families with members in the gulf, and for the troops themselves.

THE DAVID L. CARRASCO JOB CORPS CENTER

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mr. COLEMAN of Texas. Mr. Speaker, today, I am introducing legislation to rename the Job Corps Center in El Paso, TX, and to designate it as the David L. Carrasco Job Corps Center.

This is a minor piece of legislation. But for those to whom this question of naming is significant, it is nevertheless an important piece of legislation. Many people have eulogized David Carrasco. I did so myself last October, shortly after his death.

David Carrasco was the El Paso Job Corps Center. And just as the center was more than a physical plant, more than bricks and mortar, so it is important to the students and staff at the center, and to the Mexican-American community in El Paso, and to all West Texans, that not just a building be named after David, but the entire Jobs Corps campus.

David Carrasco directed the center for the 20 years of its existence prior to his death. That center has been the top-ranked Job Corps Program in the United States for 13 consecutive years. Statistically and politically, that is a remarkable achievement. More importantly, the quality of the Job Corps Program at El Paso has implied that thousands and thousands of young people who have needed a leg up in looking for a job got one. Many of El Paso's disadvantaged, who desperately needed a positive role model, had one in David Carrasco.

This is not an idle choice or a political payback. El Paso is unanimous in wanting this center named for David as it is united in very few other things. I am sure that the Department of Labor will concur in the appropriateness of doing this. My hope is that this bill will be discharged from the committee of jurisdiction very shortly—and then passed under suspension of the rules. I urge my colleagues to join in this small but important effort.

THE WHITE HOUSE NATIONAL ENERGY STRATEGY

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 21, 1991

Mrs. UNSOELD. Mr. Speaker, I wish I could tell our brave troops in the Persian Gulf—our men and women who are there partly to protect our addiction to cheap oil—that the administration has unveiled an energy plan to prevent this kind of war from happening again.

Unfortunately, we have been presented a timid, tired, tunnel-visioned plan.

Increasing oil production 3.8 million barrels a day in the next 20 years does nothing to promote even the simplest conservation measures. And increasing nuclear production funding 88 percent—while spending for renewable resources wouldn't even keep pace with inflation—is an insult to American technology.

This plan shows a reckless disregard for offshore fisheries, the arctic wilderness, and the need to safely dispose of our nuclear waste.

The Arab oil embargo of the 1970's served as our first wake-up call, and this war is the second. We can't afford—our children can't afford—to let the administration wait any longer.

SENATE—*Friday, February 22, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we reverence our God and the God of our father, the Senate will be led in prayer by the Senate Chaplain, the Reverend Richard C. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The Lord is my rock, and my fortress, and my deliverer; my God, my strength, in whom I will trust * * *.—Psalm 18:2.

Almighty God, perfect in truth and justice, help us never forget the faith of our fathers, the holy faith which is the strength of our Nation. Renew in us that faith which motivated and guided the father of our country, who so often acknowledged his dependence upon Thee. In his first inaugural address, George Washington said:

"* * * It would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes * * *."

Remind us that we forget Thee, O God, to our own peril.

We pray in Jesus' name, the Lord of history. Amen.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the order of January 24, 1901, the Senator from Montana [Mr. BURNS] will now read George Washington's Farewell Address.

Senator BURNS.

Mr. BURNS, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiations by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of factions, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by unsurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, but ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation within its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defense posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible to my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 62. An original resolution authorizing biennial expenditures by committees of the Senate (Rept. No. 102–15).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI (for himself, Mr. HATCH, and Mr. BRADLEY):

S. 473. A bill to amend the Lanham Trademark Act of 1946 to protect the service marks of professional and amateur sports organizations from misappropriation by State lotteries; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself, Mr. HATCH, Mr. BRADLEY, and Mr. SPECTER):

S. 474. A bill to prohibit gambling under State law; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 475. A bill to promote nondiscrimination medical licensure and medical reciprocity standards, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BRYAN:

S. 476. A bill to authorize the Secretary of Agriculture to acquire lands in the Toiyabe National Forest through exchange or otherwise, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 477. A bill to afford congressional recognition of the National Atomic Museum at Kirtland Air Force Base, Albuquerque, NM, as the official atomic museum of the U.S. Government under the aegis of the Department of Energy, and to provide a statutory basis for its betterment, operation, maintenance, and preservation; to the Committee on Energy and Natural Resources.

By Mr. SIMPSON:

S. 478. A bill to strengthen and improve the Civil Rights Act of 1964, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. THURMOND, Mr. BIDEN, Mr. DECONCINI, Mr. GRASSLEY, Mr. KOHL, Mr. SIMON, Mr. SPECTER, and Mr. JEFFORDS):

S. 479. A bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY:

S. Res. 61. Resolution relating to the role of the Corps of Engineers in the management of the Missouri River system; to the Committee on Environment and Public Works.

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 62. An original resolution authorizing biennial expenditures by committees of the Senate; placed on the calendar.

By Mr. LEVIN (for himself and Mr. SIMON):

S. Con. Res. 12. Concurrent resolution to express the sense of the Congress that the civil rights and civil liberties of all Americans, including Arab-Americans, should be protected at all times, and particularly during times of international conflict of war, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI (for himself, Mr. HATCH, and Mr. BRADLEY):

S. 473. A bill to amend the Lanham Trademark Act of 1946 to protect the service marks of professional and amateur sports organizations from misappropriations by State lotteries; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself, Mr. HATCH, Mr. BRADLEY, and Mr. SPECTER):

S. 474. A bill to prohibit sports gambling under State law; to the Committee on the Judiciary.

SPORTS SERVICE MARK PROTECTION ACT AND THE PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT

Mr. DECONCINI. Mr. President, my distinguished colleague from Utah, Mr. HATCH, and I today are introducing legislation that will prohibit State-sanctioned sports gambling. Gambling in general, and sports gambling in particular, continues to appear attractive to States as a means of raising revenue in these times of serious budgetary problems. However, Senator HATCH and I feel strongly it is inappropriate for the States to trade on the good will of professional and amateur sports and in the process risk causing serious harm to the integrity of sports.

The first bill, the Sports Service Mark Protection Act, is similar to legislation we introduced last Congress. It amends the trademark statute, known as the Lanham Act of 1946, to prohibit the use of professional or amateur sports organization's service marks in connection with State sports lotteries. The second bill, the Professional and Amateur Sports Protection Act, is the Senate companion to legislation introduced in the House of Representatives by Mr. BRYANT (H.R. 74). It prohibits all sports gambling conducted pursuant to State law, except legalized sports betting and sports lotteries already in existence prior to August 31, 1990.

Both of these approaches merit serious consideration by the Senate, and I urge my colleagues to act quickly to halt the spread of State-sponsored sports gambling.

BACKGROUND

In September 1989, the State of Oregon initiated a lottery based on the results of National Football League games. The State soon initiated additional lotteries based on the results of National Basketball Association games. Proposals for similar sports lotteries were debated in other States last year, and such proposals are certain to be renewed this year, despite the opposition of professional and amateur sports, law enforcement authorities, and church groups.

In October 1989, Senator HATCH and I introduced legislation (S. 1772) to declare State-sponsored sports lotteries unlawful under the Lanham Act. On June 26, 1990, a hearing was held before the Subcommittee on Patents, Copyrights and Trademarks. Among those testifying in support of the bill were Reggie Williams, former linebacker for the Cincinnati Bengals, and Jeff Ballard, pitcher for the Baltimore Orioles; Paul Tagliabue, commissioner of the National Football League, Stephen D. Greenberg, deputy commissioner of major league baseball; Gary Bettman, senior vice president and general counsel of the National Basketball Association, and Richard R. Hilliard, director of enforcement of the National Collegiate Athletic Association. State lottery officials testified against the bill. In addition, a distinguished panel of intellectual property experts debated the merits of addressing the sports-gambling problem through an amendment to the Lanham Act.

On July 23, the House Judiciary Committee, without dissent, adopted an amendment by Representative BRYANT to the Comprehensive Crime Control Act prohibiting sports gambling pursuant to State law. This bill was passed overwhelmingly by the House on October 5. On October 19, the Senate adopted a similar sports lottery ban as a Senate amendment to the Copyrights Amendments Act of 1990 (S. 198). Thus, both the Senate and House passed a lottery ban last Congress. Unfortunately, S. 198 was not approved by the House, for reasons unrelated to the sports lottery issue, and in the last hours of Congress, the crime bill conferees were only able to pass a very limited version of the crime bill. Consequently, the ban on sports lotteries was not enacted during the 101st Congress.

Mr. President, let me now analyze in more detail the two bills we are introducing today.

THE SPORTS SERVICE MARK PROTECTION ACT

Professional and amateur sports organizations work hard to make their games a wholesome form of entertainment. They have a right to protect the image and character of their games and prevent States from turning team sports into a gambling vehicle. State lotteries effectively misappropriate the service marks of the sports organizations of whose games the lotteries are based. A service mark identifies the source of the services provided by the owner of the mark. For example, the Phoenix Cardinals or the Washington Redskins are service marks. The services rendered are the games played by these teams. Were it not for the enormous popularity of these teams, States would have no interest in exploiting their service marks by conducting lotteries based on the outcome of these games.

Prof. Arthur Miller of Harvard Law School, an authority on intellectual property law, put the matter well when he told my subcommittee last year:

> The National Football League, baseball, basketball, and hockey have created values. They have created values in the homes of all of us around the country. It is that value that has been misappropriated by the Oregon lottery and will be misappropriated by other lotteries if this pattern continues.
>
> What the leagues would like is to control their product. They would like to protect their reputation. They would like the games themselves, not the prospect of making money, to be the main attraction in the stadium. They want the games, not betting on the games, to be the national pastime.

Presently, there is no satisfactory legal remedy available to sports organizations for such misappropriation of their service marks. Federal law does not allow private parties to sue violators of the Federal lottery and gambling statutes, and Federal prosecutors are understandably reluctant to prosecute State lottery officials under those laws. While the Lanham Act prohibits a State from suggesting that a sports organization endorses its lottery that protection is limited.

The Sports Service Mark Protection Act would protect the service marks and integrity of professional and amateur sports organizations by prohibiting States from sponsoring or operating any lottery or other gambling scheme based directly or indirectly—through the use of geographical references or otherwise—on professional or amateur sporting events. The legislation would not apply to Oregon or Delaware, which instituted sports lotteries prior to the introduction of this legislation in the last Congress, or to parimutuel racing. It also would not prohibit any State from using a sports-related theme in a scratch-card game that does not involve or depend on real games between real teams.

THE PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT

The Professional and Amateur Sports Protection Act represents a different, and broader, approach to the problem of sports gambling and is the by-product of information put forth during the subcommittee hearing on the Sports Service Mark Protection Act. It would prohibit not only State sponsored sports lotteries but also any sports gambling conducted pursuant to State law. Under the legislation, civil actions for declaratory and injunctive relief, to enjoin violations of the law by any State, could be brought by the Department of Justice or any affected sports organizations. Whether sponsored or authorized by the State, sports gambling threatens the integrity and character of, and public confidence in, professional and amateur sports, and instills inappropriate values in our Nation's youth.

Like the Service Mark Protection Act, the new bill would not apply to the Oregon or Delaware sports lotteries or to parimutuel racing, and it would not apply to private sports gambling in Nevada. Neither would it prohibit any State from using a sports theme in a scratch-card game. Existing Federal prohibitions, of course, would remain fully applicable to all of these activities, as they would under the service mark bill.

Although I firmly believe that all sports gambling is harmful, I feel it is unfair to apply this new prohibition retroactively to Oregon or Delaware, which instituted sports lotteries prior to the introduction of this legislation. In addition, I have no intention of threatening the economy of Nevada, which over many decades has come to depend on legalized private gambling, including sports gambling, as an essential industry.

In the best of all worlds, Congress would not permit any sports gambling to be conducted pursuant to State law. But we cannot let the best be the enemy of the good. As Sports Illustrated stated, "Nothing has done more to despoil the games Americans play and watch than widespread gambling on them." What is critical for us is to ensure that State-sponsored sports gambling will not be permitted to expand further.

Mr. President, proposals to institute sports lotteries and to legalize private sports gambling are being pressed with increasing insistence in the States by gambling interests. Congress has a choice to work to stop sports gambling now or to see it corrupt one of our most cherished American traditions. I hope my fellow Members will join Senator HATCH and myself and act swiftly to meet this issue.

Mr. President, I ask unanimous consent that the text of both bills be included in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sports Service Mark Protection Act".

SEC. 2. MISAPPROPRIATION OF SERVICE MARKS OF PROFESSIONAL OR AMATEUR SPORTS ORGANIZATIONS BY STATE LOTTERIES PROHIBITED.

The Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 and following) (commonly referred to as the "Lanham Trademark Act of 1946") is amended by adding after section 39 the following new section:

"SEC. 40. MISAPPROPRIATION OF SERVICE MARKS OF PROFESSIONAL SPORTS ORGANIZATIONS BY STATE LOTTERIES; PROHIBITION.

"(a) No State or other jurisdiction of the United States or any political subdivision or any agency thereof may sponsor, operate, advertise, or promote any lottery, sweepstakes, or other betting or gambling scheme that uses or exploits in any fashion, directly or indirectly (through the use of geographical references or otherwise), a service mark owned by a professional or amateur sports organization.

"(b) For purposes of this section, a lottery, sweepstakes, or other betting or gambling scheme that is based, directly or indirectly, on any game or games engaged in or conducted or scheduled by any professional or amateur sports organization, or on any performance or performances therein, shall be deemed to use or exploit the service mark owned by the professional or amateur sports organization.

"(c) This section shall not apply to—

"(1) any lottery, sweepstakes, or other betting, gambling or wagering activity in a State to the extent that the activity actually was conducted in that State pursuant to the laws of that State prior to August 31, 1990, or

"(2) parimutuel racing.".

SEC. 3. DEFINITIONS.

Section 45 of such Act (15 U.S.C. 1127) is amended by adding after the item defining the term "counterfeit" the following:

"The term 'amateur sports organization' means a person who sponsors, organizes, or conducts any competitive games in which amateur athletes participate, and any league or association of such persons.

"The term 'professional sports organization' means a person who owns and operates a professional sports team engaged in providing entertainment by playing competitive games, and any league or other association of such persons.

"The term 'State' means any State or territory of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and any agency or other political subdivision thereof.".

S. 474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Professional and Amateur Sports Protection Act".

SEC. 2. FINDING.

The Congress finds that sports gambling conducted pursuant to State law threatens the integrity and character of, and public confidence in, professional and amateur sports, instills inappropriate values in the Nation's youth, misappropriates the goodwill and popularity of professional and amateur sports organizations, and dilutes and tarnishes the service marks of such organizations.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "amateur sports organization" means a person which sponsors, organizes, or conducts any competitive games in which amateur athletes participate and any league or association of such persons,

(2) the term "professional sports organization" means a person which owns and operates a professional sports team engaged in providing entertainment by providing competitive games and any league or association of such persons, and

(3) the term "State" means any State or territory of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and any agency or other political subdivision thereof.

SEC. 4. SPORTS GAMBLING PURSUANT TO STATE LAW PROHIBITED.

No State or other jurisdiction of the United States, or any political subdivision or any agency thereof, may sponsor, operate, advertise, authorize, license, or promote any lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (though the use of geographical references or otherwise), on any game or games engaged in or conducted or scheduled by any professional sports organization or amateur sports organization, or on any performance or performances therein.

SEC. 5. INJUNCTIONS.

Actions to restrain violations of section 4 may be brought in the district courts of the United States by the Attorney General of the United States, acting through the several United States Attorneys, or by any professional sports organization or amateur sports organization whose games or performances are the subject of a prohibited lottery, sweepstakes, or other betting, gambling, or wagering scheme. Such a civil action may be brought in the United States district court for any judicial district in which the defendant resides.

SEC. 6. APPLICABILITY.

The prohibition of section 4 shall not apply to—

(1) any lottery, sweepstakes, or other betting, gambling, or wagering activity in a State to the extent that such activity actually was conducted by that State prior to August 31, 1990, or was conducted in the State between September 1, 1989, and August 31, 1990, or

(2) parimutuel racing.

By Mr. BRYAN:

S. 476. A bill to authorize the Secretary of Agriculture to acquire lands in the Toiyabe National Forest through exchange or otherwise, and for other purposes; to the Committee on Energy and Natural Resources.

GALENA REGIONAL RECREATIONAL DEVELOPMENT ACT OF 1991

• Mr. BRYAN. Mr. President, I rise today to introduce the Galena Regional Recreational Development Act of 1991, an act designed to facilitate the acquisition for public recreational use a very special section of the Sierra Nevada Mountain Range. This land lies just outside of Reno, NV, along the Mount Rose Highway.

This is a unique area for several reasons. It lies along a narrow mountain road which connects the urban Reno area to Lake Tahoe, and quickly climbs to a summit of nearly 9,000 feet elevation. It comprises stands of Alpine timber, pristine wetlands, and lush wildlife. Yet for the majority of northern Nevada residents, it is only a short, scenic drive away from the congestion of daily life.

For a number of years, this area has been under consideration as a destination resort, including a large ski area, homes, condominiums, and a hotel-casino. Since the time the project was first contemplated, the Reno area has grown considerably, traffic has increased, a drought has persisted for 5 years, and the air quality in Reno has diminished despite careful planning efforts conducted by the local governments. It is thus no longer clear that a new large resort in this pristine mountain area represents the best use of this property for all Nevadans, now and in the future.

The measure I have introduced is designed to facilitate discussion and negotiations to determine if it is feasible, through land exchanges or otherwise, to maintain this area for low intensity recreational use for all Nevadans and our visitors from other States. I believe the prospects for a negotiated acquisition should be fully explored before the character of the Galena area is lost forever. As Edmund Burke noted: "We are not so poor that we have to spend our wilderness, nor so rich we can afford to."

Furthermore, a public acquisition of this property makes long term sense for the taxpayers of northern Nevada.

The Mount Rose Highway which is the only means to access this area, is a twisting, two-lane mountain road, which is already carrying nearly its full capacity of traffic. In order to improve or widen this road has been estimated to cost up to $100 million. If a major development is added, the taxpayer's burdens for additional services will certainly be costly. And if left undeveloped, the recreational value of this asset to the residents can only grow over time as more people choose to live in the Reno area and the open spaces become fewer.

The Federal Government still owns nearly 87 percent of Nevada's land. I believe there are many areas, still federally owned, that can and should be developed for private sector uses. By selling a small part of that land—or by direct exchange—I believe adequate funds will be generated to acquire the rights to the Galena development without burdening the taxpayers. The legislation also allows for the possible contribution to this effort of a portion of local, State, or Federal Government appropriations if necessary and desirable.

I will look forward to working with the rest of the Nevada delegation, the Governor, other elected officials, and interested citizens to see that this area will be available for the enjoyment of generations of Nevadan's to come.

I am also entering into the RECORD a Reno Gazette Journal editorial "opinion" on this subject, and ask unanimous consent that it be printed.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reno Gazzette, Jan. 13, 1991]

IF THERE'S A CHANCE TO BUY GALENA LAND, WE'VE GOT TO TRY

Can the Mount Rose area be preserved from large-scale development? Maybe. Partners in the proposed Galena Resort say they might be willing to sell their land. If such a deal could be arranged, this area would be taking one of the most important environmental steps it has ever taken. If there is any chance, public and private agencies both must make every effort to buy this magnificent property and keep it as it is, in all its wild splendor.

Readers of this newspaper consistently vote the Mount Rose Road their favorite drive. But if the 3,700-acre Galena Resort is built, that drive will never be the same. The area will never be the same for hikers, either. And while the developers will have to meet stringent environmental guidelines, the area will never be the same for wildlife.

This is one of the largest projects ever planned in this area. Certainly it is a huge project for the mountains that surround our valley. While it has been scaled down considerably since the original proposal, it still includes a large ski area, three separate villages, a hotel-casino with 720 rooms, 100 single-family homes, 1,400 condominiums and 125 employee apartments. The impact of the project will be massive and permanent.

Lake Tahoe might also be affected. The developers sincerely believe that the Galena Resort will not generate much traffic toward Tahoe, because it would be a destination resort complete in itself. But Tahoe is a major scenic attraction, and if you were visiting from a distant place, wouldn't you want to see it? And even though Galena provided gaming, wouldn't you want to see the Tahoe casinos as well? Sure you would. And that would place even greater stress on this fragile basin.

MONEY MUST BE RAISED QUICKLY

So if the developers are really willing to sell, it behooves us to try to raise the money. The price could be close to $30 million, which would include the developers' costs as well as the value of the land itself. That is a considerable amount of money, but later generations might think it a real bargain.

In the long run, a purchase might not be as costly as it sounds anyway. That is because the state and local governments would save large amounts of money by not having to provide services for the development. A clear example is the Mount Rose Road. The developers will have to make improvements to the road in order to handle the increased traffic flow. But in the years to come further road expansions will probably be needed, and these expansions would cost the taxpayers millions of dollars.

The main problem at this point is finding the funds. But the funds could be raised if a variety of sources are used. Washoe County could put a bond issue before the voters to acquire part of the land. The state Legislature could appropriate some funds and acquire another part. The federal government could become involved, adding land to the Toiyabe National Forest. And, of course, there are private trusts that specialize in buying sensitive land to preserve it from development. If all of these forces can be rallied, this precious heritage could be preserved for us and our children.

But the window of opportunity may be short. Local officials, our state legislators and our congressional delegation must investigate the possibility immediately, and the general public must become deeply involved. If there is an opportunity, we can't let it slip through our hands.•

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 477. A bill to afford congessional recognition of the National Atomic Museum at Kirtland Air Force Base, Albuquerque, NM, as the official atomic museum of the U.S. Government under the aegis of the Department of Energy, and to provide a statutory basis for its betterment, operation, maintenance, and preservation; to the Committee on Energy and Natural Resources.

NATIONAL ATOMIC MUSEUM ACT

• Mr. DOMENICI. Mr. President, today I stand before the Congress for two purposes: to introduce the National Atomic Museum Charter Act, and to recognize a man, Mr. Herman Roser, who was dedicated to protecting the National Atomic Museum with a congressional charter. Regrettably, Mr. Roser is no longer able to see his dream come to fruition—he passed away last December.

Herman Roser left behind a legacy of hard work and commitment to the National Atomic Museum, and to this Nation's laboratories. He will be sorely missed by his family and friends, who are now actively supporting this legislation.

One of Herman's last commitments was to the National Atomic Museum Act, an act that would grant a congressional charter to the National Atomic Museum at Kirtland Air Force Base in Albuquerque, NM. The congressional charter would provide a basic for improvement—without funding from the Government—in operation, maintenance, and preservation of the existing museum. The charter will ensure the longevity of this important museum.

In 1969, what is now the Atomic Museum opened in a building used as a missile repair facility. The museum houses the most comprehensive repository of unclassified nuclear technology, a well stocked public document room—used by historians and students—and full-scale cases of the bombs Little Boy and Fat Man—reminders that these weapons helped bring World War II to an end.

The National Atomic Museum attracts a growing number of tourists—some 210,000 visitors this year alone—from all around the world. The museum provides free education about the atomic age through a collection of unclassified material, artifacts, models, and replicas of items pertaining to nuclear science. Frankly, I believe the museum places a special emphasis on the history of nuclear weapons, research, and development, with information on the Manhattan Project being one of its main attractions. The museum performs a valuable service, of educating the public on this fascinating and important aspect of our history.

It is my hope, and I believe my esteemed colleague Senator BINGAMAN feels the same way, that through this charter we can ensure a continued interest in atomic energy. In its historic setting, this unique facility provides the people of the world with an informative and important resource. It provides a tangible view of the past, as well as a thought-provoking look into the future.

In closing, Mr. President, I urge swift passage of this bill. The National Atomic Museum is a symbol of our dedication to pursuing new sources of energy while remembering past accomplishments and breakthroughs. A museum reminds us not of what was, but of what we can and will be.●

● Mr. BINGAMAN. Mr. President, today I am pleased to join my colleague from New Mexico in introducing the National Atomic Museum Charter Act.

This congressional charter would place the Atomic Museum at Kirtland Air Force Base in Albuquerque, NM on a firm footing and would honor a fine man, Mr. Herman Roser, whose diligence and dedication to the National Atomic Museum and the Department of Energy's weapons laboratories were amply displayed throughout a long career in Government during which he rose to the position of Assistant Secretary of Energy for Defense Programs. This legislation would preserve his dream and the museum's historical and educational significance. Herm passed away last December and is sorely missed by all who knew him.

Since 1969, the Atomic Museum has provided visitors with a comprehensive historical survey of the development of nuclear weapons and the peaceful application of nuclear energy. The museum's free educational program provides hundred of thousands of visitors each year with riveting information on the atomic age. Its collection of original documentation, artifacts, models, and replicas in the field of nuclear technology makes this museum internationally significant. The museum also furnished an outstanding collection of unclassified material on nuclear technologies for students and scholars from all parts of the world. From the Manhattan project to the present, nuclear power has changed the way we think about the world. It is entirely appropriate that we charter a museum to preserve the history of this pivotal historical period.

The National Atomic Museum Charter Act would grant a congressional charter to the National Atomic Museum. The charter would provide a basis for improvement in operation, maintenance, and preservation of the existing museum at no cost to the Government. The museum performs a valuable service to the public and through this act of Congress it will be better able to accomplish its goals and fulfill Herm's dream.

I urge my colleagues to support this important legislation.●

Mr. SIMPSON:

S. 478. A bill to strengthen and improve the Civil Rights Act of 1964, and for other purposes; to the Committee on Labor and Human Resources.

CIVIL RIGHTS AMENDMENTS OF 1991

● Mr. SIMPSON. Mr. President, today I rise to introduce legislation to amend our Nation's civil rights laws.

Fairness in the workplace is one of the most important protections possessed by every American. Civil rights laws ensure that everyone in the workplace is operating on a level playing field, and that no one is subject to special rules which would create unfair advantage or disadvantage in our system of free and fair economic competition.

Americans do not believe that everyone should have the same job, nor that every job should command the same salary. However, Americans firmly believe that every person should have an equal opportunity to achieve that which he or she is capable of and willing to work for. Our civil rights laws are an essential mechanism to insure that no person's potential is frustrated by discrimination based on race, color, religion, sex, or national origin.

Yet, despite the important role of our civil rights laws, last year's debate on the civil rights bill was extremely disappointing to me it was fraught with distortions, misunderstandings, half-truths, mind-numbing legal jargon, and crass politics. Foremost in my mind was the claim by some in the civil rights community that last year's Kennedy-Hawkins bill merely restored the law to where it was before a number of Supreme Court decisions in 1989. Then, after President Bush's veto of that bill was sustained by the Senate, the New York Times ran the following story:

> * * * The bill's proponents argued at first that their bill did not go beyond Griggs, and that because there had not been a pervasive use of quotas since Griggs, the measure would not foster quotas.
>
> "We thought that, given the current Supreme Court and its demonstrated hostility toward civil rights, that the language had to be stronger to get the result we think *Griggs*, mandated," Morton Halperin, director of the Washington office of American Civil Liberties Union, conceded today in an interview (New York Times, October 26, 1990, p. A25).

This form of distortion—claiming a mere restoration, but in fact proposing a major expansion, of civil rights laws—is truly distressing and even manipulative. I sincerely hope we will not witness such tactics in this Congress.

I am introducing legislation this year to put myself on record as to those reforms which are needed, and as to those changes in the law which must be avoided.

My bill has three main goals: First, I wish to expand existing civil rights protections for certain employees and potential employees who have faced unfair treatment. Second, I wish to avoid enacting civil rights laws which will encourage employers to play it safe by hiring by quota. Third, I wish to avoid enacting civil rights laws which fulfill the dreams of trial attorneys, and create a nightmare for American employers and consumers.

Let me outline the major components of the bill.

DISPARATE IMPACT

The bill adopts the following rules for a suit which charges that specific employment practices are causing a statistical disparity in an employer's hirings, discharges, or promotions even though the employer is not intentionally discriminating:

First, to establish a prima facie disparate impact case, the plaintiff must identify a specific employer practice or practices—each separately identified—which is causing a statistically significant disparity between the employer's workforce and the relevant labor force. My bill's rule follows what has always been the law in this area, since the Griggs versus Duke Power Co. decision created the "disparate impact" suit in

1971, through the Wards Cove versus Atonio decision of 1989.

Second, after the plaintiff has established a prima facie case, the employer may avoid liability if he demonstrates that the employment practice challenged by the plaintiff is justified by business necessity. The definition of business necessity in the bill is taken directly from the 1971 Griggs decision and from Justice Stevens' opinion in the 1979 decision New York Transit Authority versus Beazer.

Third, if an employer justifies its employment practice on business necessity grounds, a plaintiff still has the opportunity to demonstrate that there are alternative employment practices, comparable in cost and equally effective in measuring job performance, which will reduce the statistical disparity. If the employer refuses to adopt such an alternative, the plaintiff will then win his title VII case. This rule comes from the 1975 case *Albemarle Paper Co.* v. *Moody*.

And rules on disparate impact cases that are more favorable to the plaintiff are much more likely to encourage employers to simply resort to hiring by quota. Quotas are such a likely result because, as is obvious, these suits are based on statistical disparities existing in the workplace. If all a plaintiff has to do is assert a statistical disparity, and if the employer is then left with difficult or impossible defenses—which was the case with the Kennedy-Hawkins bill—employers may feel they have no choice but to hire by quota and avoid expensive litigation. This is the result that my legislation will avoid.

REMEDIES FOR HARASSMENT IN THE WORKPLACE

I strongly believe that all Americans have the right to work in an environment which is free of abuse, intimidation, coercion, or other forms of harassment. No one should have to tolerate unacceptable behavior in order to keep his or her job. Therefore, I believe an expansion of current civil rights laws is warranted in order to provide relief to persons who have been harassed on the job.

However, we must not expand these harassment remedies to such an extent that the only persons getting relief are the legions of lawyers who file suits on a contingency fee basis. This, in fact, is what the Kennedy-Hawkins bill would have done. Kennedy-Hawkins allowed, for the first time, a plaintiff to receive compensatory and punitive damages for harassment. Thus, an exact duplicate of today's tort system—which also allows compensatory and punitive damages—would have been created in the employment discrimination context.

I don't have to tell anyone about the problems that current tort law is causing in our country. The cry for tort reform is but one indication that unrestrained juries, egged on by avaricious lawyers, are threatening the financial stability of many industries. One need only look at the rapid growth in automobile insurance rates to know that a system of unlimited damages hits all U.S. consumers right in the place they can least afford it, the pocketbook. The last thing our economy needs is to become even less efficient and competitive by adopting the tort-law system when fashioning remedies for employment discrimination.

My bill creates a remedy which provides meaningful relief to harassed employees while avoiding the disastrously expensive damages which are available under our tort system—and which the Kennedy-Hawkins bill would have imposed on our Nation's consumers. Here is how the remedy would work:

First, a person subject to harassment must attempt to resolve the situation through an employer's internal dispute resolution mechanism. If the dispute cannot be resolved—or if the employer does not have such a mechanism—then the employee should contact the Equal Employment Opportunity Commission [EEOC] to register a complaint.

Second, if the EEOC cannot bring about a meaningful resolution within 60 days, then the employee has the right to file suite in the U.S. district court.

Third, the district court may immediately issue an injuction to stop the harassment, and it may take other actions which are permitted under title VII to end the discrimination.

Fourth, if the district court believes additional restitutory relief is necessary to make whole the employee who was harassed, the court may award that employee up to $100,000. This amount is double the average amount previously awarded to harassment plaintiffs under 42 U.S.C. 1981, according to a study by a reputable law firm. However, the court must consider the size and gross annual income of the responsible employer when setting the amount of the remedy, in order to balance the equities. It is not the intention of this section to put small employers out of business.

Fifth, if an award of double back pay is higher than the maximum of $100,000 that a judge may award, then the double back pay may be awarded instead double back pay is provided for in the Equal Pay Act and in the Fair Labor Standards Act, and my bill thus provides for the largest damage amount that Congress has ever expressly allowed for a labor law or employment discrimination law claim by an employee against his or her employer.

"MIXED MOTIVE" DISCRIMINATION

In the Price Waterhouse versus Hopkins case, former, Justice Brennan created a reasonable method for handling cases where discrimination was a partial motive for an employment decision, but where it was also demonstrated that the employer would have made the same decision even without the discriminatory motive. My bill codifies Justice Brennan's decision. This is the resulting rule: An employer is liable under the civil rights laws if an employee demonstrates that discrimination was a motivating factor for any particular employment practice, and if the employer fails to demonstrate that it would have taken the same action, absent any discrimination.

Under Kennedy-Hawkins, an employer would have been liable for damages or attorney's fees even if it proved that it would have taken the same action absent any discrimination. This is a classic example of how overreaching lawyers would have been the chief beneficiaries of the Kennedy-Hawkins bill.

CHALLENGES TO PREVIOUS ORDERS AND CONSENT DECREES

In Martin versus Wilkes, the Supreme Court held that the Federal Rules of Civil Procedure applied to challenges to consent decrees and orders regarding previous discrimination in the same manner and those rules applied to normal civil litigation. My bill adopts the basic philosophy of that decision: The same litigation rules should apply to everyone, no matter what type of case is before the court. While civil rights plaintiffs might be deserving of special relief from the courts, they should not be granted special advantages under our rules of litigation. I firmly believe that, unless everyone plays by the same litigation rules, we risk failing to do justice to a particular party in the suit.

NON-CONTROVERSIAL ISSUES

In agreement with the administration, Senator KENNEDY, and the civil rights groups, my bill would also overturn two recent Supreme Court Cases: First, Lorance versus AT&T technologies (narrowing the rights of plaintiffs to challenge discriminatory seniority systems); and second, Patterson versus McLean Credit Union (disallowing suits on the terms and conditions of employment under 42 U.S.C.

Issues not considered in the 101st Congress.

Finally, my bill addresses two problems in the discrimination law area which were not addressed last year: The adjustment of tests scores in a discriminatory fashion, and the use of discrimination testers to determine whether an employer is violating civil rights laws.

My bill would not allow an employer to use a neutral, nondiscriminatory ability test if the employer where to adjust the results of the test based on the employee's race, color, religion, sex, or national origin. My bill would also prohibit a civil rights plaintiff from attempting to require an employer to adjust the scores from ability tests based on the employee's race, color, religion, sex, or national origin. If a test is neutral and nondiscriminatory, then it is clearly discriminatory to subsequently adjust the scores of someone merely because that person was a racial or religious minority, or a woman. The EEOC is reportedly considering a proposal to require test-score adjustment, and my bill would prohibit such a discriminatory policy from being implemented.

Finally, the EEOC has also been considering using discrimination testers to enter an employer's workplace, apply for employment, and observe the employer's hiring practices without ever intending to take the job. While the Department of Housing and Urban Development [HUD] has conducted similar tests of discrimination in public housing, the employer-employee relationship is far more complex than that of landlord-tenant. There are so many more variables present in deciding whether to hire someone, that I believe it is necessary for Congress to establish some reasonable ground rules with respect to this sort of "testing."

My bill does not prohibit in any way any testing programs in the employment context. Rather, it only prohibits the testers from misrepresenting their education, experience, or other qualifications for the job being offered. As long as the testers use their own, accurate resumes, and do not invent their qualifications, then the testing program may go forward. I believe this is only fair for employers who might be subject to liability under title VII because of a testing program.

CONCLUSION

Mr. President, our Nation's rights laws have been effective because they have represented a near consensus of the executive branch and Congress. Every other civil rights bill since 1964 has been enacted with broad support from both parties. However, last year's civil rights bill was an intensely partisan exercise which met with strong resistance by Republicans in the Congress and the executive branch. There was clearly no consensus on last year's bill, and that is exactly why that bill failed.

My bill attempts to regain that lost consensus. I offer this legislation in all good faith as a vehicle for civil rights improvements with a broad base of support. I encourage my colleagues on both sides of the aisle, and on both sides of the rotunda, to join with me in this effort to enact mutually acceptable legislation to strengthen our civil rights laws.

Mr. President, I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE CIVIL RIGHTS AMENDMENTS OF 1991

Section 1. Short Title.

Short title—"Civil Rights Amendments of 1991."

Section 2. Definitions.

Description: defines the key term "business necessity" in a manner consistent with the 1971 case *Griggs* v. *Duke Power Co.* ("manifest relationship to the employment in question") and one of its key progeny, the 1979 decision *New York Transit Authority* v. *Beazer* ("the respondent's legitimate employment goals are significantly served by (even if they do not require) the challenged practice").

Policy: this section does exactly what last year's Kennedy-Hawkins bill claimed to do in its "purposes" section: ". . . respond to the Supreme Court's recent decisions by restoring the civil rights protections that were dramatically limited by those decisions" (S. 2104, 101st Cong., 2d Session, §2(b)(1)).

Proponents of last year's civil rights bill claim that *Wards Cove* v. *Atonio* overturned a long line of cases, beginning with *Griggs*. This section restores the language from *Griggs* and one of the key cases that later interpreted it (Justice Stevens wrote the majority opinion in *Beazer*).

The Kennedy-Hawkins bill contained a definition which not only overturned the *Wards Cove* decision, but overturned the *Griggs* decision as well and imposed a test on employers that was nearly impossible for them to satisfy.

Section 3. Disparate Impact Cases.

Description: requires a plaintiff, when alleging unintentional discrimination by an employer (through use of statistics comparing the workplace in question to the relevant labor market) to identify the particular employment practice which is claimed to cause the statistical imbalance in the employer's workplace. If a plaintiff identifies a statistical imbalance and an employment practice which is causing the imbalance, then the employer must demonstrate that the challenged practices are justified by "business necessity" in order to avoid Title VII liability. If an employer justifies its practice on business necessity grounds, the plaintiff then has a further opportunity to demonstrate that the practice was a pretext for unlawful discrimination, and may show (as evidence of such a pretext) that there are alternative practices available that would also serve the employer's legitimate employment goals.

Policy: this section does what last year's Kennedy/Hawkins bill claimed to do in its "purposes" section: ". . . respond to the Supreme Court's recent decisions by restoring the civil rights protections that were dramatically limited by those decisions." The section overturns the requirement in *Wards Cove* v. *Atonio* that the employer need only *introduce* evidence that its practice was justified by business necessity. It adopts the burden of proof scheme proposed by the dissent in *Wards Cove:* once a prima facie disparate impact case has been established, the *employer* has the burden of demonstrating that a challenged practice is justified by business necessity.

In addition, the section retains the requirement, derived from the *Griggs* opinion and the rule in the majority of the circuit court (before the *Wards Cove* decision) that a plaintiff must identify which specific employment practices have caused the statistical imbalance in the defendant-employer's workforce. In fact, the *Griggs* case itself centered on two specifically identified and challenged employment practices: 1) a requirement that job applicants have a high school diploma, and 2) a requirement that job applicants receive a minimum score on general intelligence tests. The plaintiffs prevailed in *Griggs* and eliminated these specific practices, and this section would preserve such a result.

Finally, the section follows the policy set forth in *Albemarle Paper Co.* v. *Moody* (a 1975 opinion by former Justice Stewart) by allowing a plaintiff—after the employer has demonstrated "business necessity"—to nonetheless prevail if he or she can demonstrate that the employment practice in question was a pretext for unlawful discrimination. *Albemarle* specifically noted that, if a plaintiff could identify an alternative practice which would also serve the respondent's legitimate employment goals but which would avoid the statistical disparity, then this would be evidence that the employment practice was pretextual. The bill codifies this portion of *Albemarle*.

The Kennedy-Hawkins bill allowed a plaintiff to challenge a "group of employment practices" without specifically identifying which practice caused a disparate impact. Under such a rule, a plaintiff could sue an employer with evidence only that a statistical difference existed, claim that *all* of the employer's practices resulted in the disparate impact, and force the employer to defend itself against such a baseless suit.

Kennedy-Hawkins would have resulted in quotas because: (1) plaintiffs could drag employers into court without identifying which specific practices they claimed were causing a statistical disparity, (2) employers would have the unfair and costly requirement that they defend *all* of their employment practices, (3) employers would have been unable to defend their practices on the ground of "business necessity" because that definition was made so difficult to prove, and (4) instead of facing this costly prospect, employers would simply resort to "hiring by the numbers"—i.e., put quotas in place—in order to avoid giving plaintiffs any basis at all for a lawsuit.

Section 4: "Mixed Motive" Discrimination.

Description: this section plurality opinion in the *Price Waterhouse* decision, which held that an employment discrimination charge may be sustained when: 1) a plaintiff demonstrates that race, color, religion, sex or national origin was a "motivating factor" in an employer's practice, and 2) the employer fails to demonstrate that it would have taken the same action if the discriminatory factor had not existed.

Policy: this provision adopts the rule created by former Justice Brennan's opinion in *Price Waterhouse*. If a plaintiff can show that an employer relied on race, color, religion, sex or national origin in making an employment decision, an employer will be liable under Title VII unless it can prove that it would have made the same decision even if it had not taken the plaintiff's race, color, religion, sex or national origin into account.

The provision rejects the Kennedy-Hawkins language which would allow a valid employer defense to alleviate only an award of back pay, but would still allow a plaintiff to be granted compensatory and punitive damages, declaratory or injunctive relief, and attorney's fees. This portion of the Kennedy-Hawkins bill is an excellent example of why that bill was a lawyer's relief act: it would grant a plaintiff reimbursement of his or her attorney's fees—and a chance for the lawyer to receive a contingency fee based on any compensatory or punitive damages—even though the employer proved that the same employment decision would have been made if it had not taken the plaintiff's race, color, religion, sex or national origin into account.

Section 5. Employment Performance Tests.

Description: would prohibit the adjustment of ability-test scores of employment applicants if the adjustments were based on the applicant's race, color, religion, sex, or national origin. Also prohibited would be a plaintiff's attack on an employment practice proven to be justified by business necessity if the complainant argues that the disparate impact of the test could be reduced by the adjustment of the test scores based on the applicant's race, color, religion, sex or national origin.

Policy: Employment ability tests are a useful method of determining the ability, knowledge or potential job performance of job applicants. Plaintiffs have at times sued over such tests, claiming that they have a disparate impact on minority job applicants. As with all such suits, an employer will not be found liabile (and may retain the use of these tests) if, after the plaintiff establishes a prima facie case, the employer demonstrates that the test is justified by "business necessity." However, some Title VII plaintiffs have argued that innocent employers nonetheless should be required or permitted to adjust the results of such tests on the basis of race, color, religion, sex or national origin of the test takers. A staff recommendation on this point has been under consideration by the EEOC.

Under the EEOC staff approach, even if the test accurately predicted job performance or efficiency, the employer still would have to adjust the test scores of minorities or women who did less well on the test. These adjustments clearly would discriminate against other employment applicants who scored higher on the test, but were of the wrong race, color, religion, sex or national origin. This result would be antithetical to the national policy against discrimination, and this section would bar such test adjustment.

Section 6: Discriminatory Seniority Systems.

Description: this section expands the amount of time that a plaintiff has to file a charge against a seniority system alleged to be discriminatory.

Policy: this section overturns the decision in *Lorance* v. *AT&T Technologies* and broadens the opportunities for employees to challenge seniority systems alleged to have been adopted with an intent to discriminate.

Section 7: Awarding of Expert Fees.

Description: allows the award of expert-witness fees as part of the costs assessed against the losing party (i.e., in addition to attorney's fees being assessed against the losing party), but limits the expert fees to no more than $250 per day. Under current law, the limit on expert witness fees is $30 per day.

Policy: the basic purpose of civil rights statutes is to remedy the improper employer behavior and to encourage mediation and conciliation between employer and employee. It is contrary to the public interest of fostering settlement of employer-employee disputes to encourage mammoth-scale litigation with handfuls of expert witnesses on each side of the suit.

Therefore, this section allows expert fees to be awarded, but limits the amount of the award to a level aimed at avoiding the encouragement of expensive litigation.

The Kennedy-Hawkins bill would have allowed for unlimited "expert fees and other litigation expenses." This is another example of how that legislation encourages expensive attorneys to conduct expensive litigation.

Section 8: Equitable Relief for Victims of Harassment.

Description: Significantly expands the remedies available under current law to persons facing intentional employment discrimination which rises to the level of "harassment." The section provides a remedy for harassment based on race, color, religion, sex or national origin.

Possible penalties are the greater of: (1) up to $100,000, or (2) an award equal to any back pay liability (in addition to any earlier awards of back pay). The section thus provides at least the maximum relief authorized in any congressionally-designed remedies scheme for labor law purposes (double back pay is provided in the Equal Pay Act and the Discrimination in Employment Act)—and in most cases will provide much more.

The remedy provided is equitable; there is no right to a jury trial or to damages other than the ones specified. In order to seek this new equitable relief, the plaintiff must first participate in any employer programs established to investigate and remedy harassment.

Policy: this section does what last year's Kennedy-Hawkins bill claimed as an objective in its "purposes" section: "* * * strengthen existing protections and remedies available under Federal civil rights laws to provide more effective deterrence and adequate compensation for victims of discrimination" (S. 2104, 101st Cong., 2d Session, §2(b)(2)). In particular, this section provides to women a meaningful remedy against employment-based sexual harassment which the proponents of the Kennedy-Hawkins note does not exist in current law. Indeed, the relief allowed is twice the typical damage award level—$50,000, as found in last year's study by Shea & Gardner, "Analysis of Damage Awards under Section 1981"—and goes as high as the amount of any possible back-pay award under present employment laws (for example, the plaintiff in the *Price Waterhouse* case received a back pay award of $371,175, *Hopkins* v. *Price Waterhouse*, 737 F. Supp. 1202 (D.D.C. 1990)).

The Kennedy-Hawkins bill would have allowed compensatory and punitive damages to be awarded by juries. This would expose employers to the same liability that many now face under the tort law system. The tort system has increased overhead costs for some U.S. industries to such an extent that they have become much less competitive. The Kennedy-Hawkins bill would potentially extend that increased overhead cost to every single U.S. employer.

Section 9: Fair Resolution of Challenges to Employment Practices Implementing Litigated or Consent Judgments or Orders.

Description: would apply the Federal Rules of Civil Procedure to suits challenging existing consent decrees in the same manner that these Rules are applied to other civil litigation. This section establishes rules for "reverse discrimination" suits of the type addressed by the Supreme Court in *Martin* v. *Wilks* (where non-minority plaintiffs challenged an earlier consent decree imposed on the Birmingham, AL fire department).

Policy: this ensures that the basic ground rules of litigation are followed in all cases, including the specific type of challenge here to existing consent decrees. While special forms of relief might be reasonable once a civil rights plaintiff has proven that discrimination exists, special litigation rules should *not* be established in the plaintiff's favor before a defendant has been proven guilty of discrimination. Any other rule might result in unfair, unjust results.

Section 10: No Fraud or Misrepresentation by Persons Testing the Existence of Employment Discrimination.

Description: would prohibit the EEOC from designing or using the results from any program to test the existence of employment discrimination, if that program allowed purported employment applicants to misrepresent their education, experience, or other qualifications when applying for employment.

Policy: this section would establish rules for a recent proposal under consideration by the EEOC to allow individuals to make spurious applications for employment with certain employers in order to determine whether or not such employers are discriminating based on race, color, religion, sex or national origin. This section does not prohibit testing itself, but merely requires that testers actually possess the qualifications they claim to possess when they "apply" for employment. While discrimination testing has been used without serious incident in the public housing context, the employment situation is much more complicated. The decision to hire someone involves consideration of a much larger number of variables (such as education, job experience, special training, etc.) than the decision to rent an apartment to someone, and therefore additional guidelines should exist to ensure that the "test" of the employer is a fair one.

Section 11. Expansion of Protections Against All Racial Discrimination in the Performance of Contracts.—

Description: clarifies that not only is discrimination in hiring prohibited under 42 U.S.C. §1981, but so is discrimination in the terms and conditions of employment, and in discharge.

Policy: this section overturns the Supreme Court's decision in *Patterson* v. *McLean Credit Union*, which read §1981 in a narrow fashion.

Section 12. Severability.—

Description/Policy: this is standard language which ensures that, if any one section or portion of the bill is found unconstitutional, the remaining constitutional portions of the bill will still have effect. Identical language was included in the Kennedy-Hawkins bill.

Section 13. Effective Date.—

Description: all portions of the bill will take effect on the day the President signs it. No litigation or administrative action that was commenced before the date of enactment will be subject to the provisions of this bill.

Policy: it is standard policy to apply new laws either on the date of enactment, or on some date after the date of enactment. It would not be fair to current litigants or parties before an agency to change the rules in the middle of a suit or proceeding by providing retroactive application of these new laws.•

By Mr. LEAHY (for himself, Mr. THURMOND, Mr. BIDEN, Mr. DECONCINI, Mr. GRASSLEY, Mr. KOHL, Mr. SIMON, Mr. SPECTER, and Mr. JEFFORDS):

S. 479. A bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States; to the Committee on the Judiciary.

NATIONAL COOPERATIVE RESEARCH ACT EXTENSION OF 1991

• Mr. LEAHY. Mr. President, today I am pleased to be joined by Senators BIDEN and THURMOND, the distinguished chairman and ranking member of the Judiciary Committee, in introducing the National Cooperative Research Act Extension of 1991. Similar

to S. 1006 of the 101st Congress, this legislation will strengthen the competitiveness, technological leadership, and economic growth of the United States by extending the National Cooperative Research Act of 1984 to allow joint production ventures, as well as joint research and development ventures. As American firms come under increased pressure from fast-paced technological innovation and development abroad, it is more important than ever to make sure that our companies do not function at a disadvantage. The National Cooperative Research Act Extension will begin to level the international playing field, without risking harm to the competitive marketplace or the integrity of our antitrust laws.

American scientists and engineers are the world's best innovators. We continue to make scientific breakthroughs and invent new and improved products. But good ideas and breakthrough inventions alone will not spell America's success in global markets. World technological leadership depends on our ability to convert research and development advances into commercial production at a rapid pace. This is often a costly and risky endeavor.

In 1984, Congress passed the National Cooperative Research Act which addressed the significant financial commitment involved in high technology innovation. That act encouraged American firms to join forces—to share the cost and risk of research and development projects—by clarifying antitrust law regarding combined research ventures. Specifically, the 1984 act applied the rule-of-reason standard to joint research and development ventures so that, if legal action were taken against a venture, a court could consider the competitive benefits of the venture. It also limited antitrust recoveries against joint R&D ventures to single damages and attorneys' fees, if the ventures follow the act's notification procedure.

The National Cooperative Research Act has been a success. Since its enactment, companies have established over 150 joint research ventures to develop everything from chipmaking and steelmaking processes to superconductors. Many argue that the 1984 act was critical to the formation of SEMATECH, the industry-Government research consortium whose mission is to restore the U.S. world leadership in semiconductor manufacturing technology.

With its success, however, the 1984 act has its limitations. The act does not address the need for joint production ventures and it is precisely in the area of manufacturing that the United States faces its most serious competitive challenges. We must recognize the significance of this country's manufacturing capability by giving joint production ventures the same treatment as joint research and development ventures under the National Cooperative Research Act.

While this legislation will benefit American businesses across the board, it will have perhaps the greatest impact on our electronics industry—an industry which employs 2.6 million Americans and which represents a $750 billion global market. Over the past decade, we have witnessed the erosion of America's leadership in high-technology electronics. As chairman of the Judiciary Committee's Subcommittee on Technology and the Law, I have been particularly concerned about the decline of the U.S. semiconductor industry.

Considered the crude oil of our electronics chain, semiconductor chips are at the heart of the technology revolution. These tiny silicon wafers are critical to this Nation's economic growth and national security. Nearly every domestic industry depends, directly or indirectly, on the products of the semiconductor industry. Semiconductor chips drive everything from wristwatches, to medical diagnostic equipment, to desk-top computers, to fighter jets. We should all be proud that this important tool is an American invention. But what was once an American product has become a product "made in Japan."

The statistics paint a gloomy picture. America's percentage of the global semiconductor market dropped from 57 percent in 1980, to 36 percent in 1989 and, according to a report of the National Advisory Committee on Semiconductors released this week, "the problems facing the U.S. semiconductor industry are very serious and are growing worse." What does this mean for the U.S. economy? Every percentage point drop in the U.S. share of the world semiconductor market results in nearly 3,000 semiconductor industry jobs lost, $130 million in lost wages, $59 million less spending for R&D, and $40 million less Federal tax revenue.

This same report details the remarkable come-from-behind success of our foreign competitors in Asia and Europe. It attributes the success of foreign firms to the strategic importance they place on high technology and their willingness to pool their resources in precompetitive efforts to advance technology.

Do American companies understand the significance of their declining share of the global semiconductor market and, in order to regain their competitive edge, are they willing to alter the way they do business? After many discussions with industry representatives—both inside and outside the hearing room—I can say, emphatically, yes. I think the late Bob Noyce, inventor of the integrated circuit and president of SEMATECH, said it best last March when he told my subcommittee that companies simply cannot afford to go it along anymore. "Cooperation," Bob said, "is not only important for survival today, it's essential."

Some critics of this legislation claim that cooperation means mergers and acquisitions—that it means a boost for the big guy at the expense of our smaller entrepreneurs. This is not the case at all. As a matter of fact, in testimony before the Antitrust Subcommittee in July, Prof. David Teece of the Berkeley University School of Business emphasized that this legislation would take away the incentives for mergers and acquisitions. It would allow small- to middle-sized firms to maintain their independence and yet join with other companies for R&D and production when a project is too big or too costly or too risky to pursue alone. This Nation's industrial strength depends on the inventive dynamism located in our small enterprises. The National Cooperative Research Act Extension of 1991 will guarantee diversity and economic prosperity for all American companies.

Mr. President, we must recognize that our foreign competitors do not labor under the same antitrust restrictions that confront American businesses. Their R&D and manufacturing muscle is unlimited, and their R&D and manufacturing ventures are formed on strictly pragmatic grounds: What is needed and what will work. As a result, they move ahead while the United States falls woefully behind.

I do not believe that joint production ventures are a panacea for this Nation's competitiveness ills. No one blames our decline in international high-technology markets solely on antitrust barriers to cooperation. But joint research, development, and production ventures are an important part of our long-term, comprehensive industrial strategy. By passing the National Cooperative Research Extension Act of 1991, Congress can remove a significant impediment to the creation of joint production ventures.

Let me emphasize that passage of this bill will not weaken our antitrust laws. By extending, rather than supplanting the 1984 R&D Act, this legislation retains the 1984 act's protections against antitrust violations. The Department of Justice and the Federal Trade Commission retain their authority to investigate the scope and structure of a joint R&D or production venture. The 1984 act's safeguards against price fixing and market allocation arrangements are maintained, as are its notice provisions.

Mr. President, it is time to level the playing field in the international marketplace. I urge my colleagues to support this proposal and ask unanimous consent that the text of the legislation as well as statements by Senators BIDEN and THURMOND be printed in the RECORD.●

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Cooperative Research Act Extension of 1991".

SEC. 2. JOINT VENTURES.

SEC. 2. The National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.) is amended—

(1) by inserting after section 1 the following:

"SEC. 1A. FINDINGS AND PURPOSE.

"(a) The Congress find that—

"(1) technological innovation and its profitable commercialization are critical components of the United States ability to raise the living standards of Americans and to compete in world markets;

"(2) cooperative arrangements among nonaffiliated firms in the private sector are often essential for successful technological innovation and commercialization; and

"(3) the antitrust laws may inhibit cooperative innovation arrangements because of uncertain legal standards and the threat of private treble damage litigation.

"(b) It is the purpose of this Act to promote innovation, facilitate trade, and strengthen the competitiveness of the United States in world markets by establishing a procedure under which firms may notify the Department of Justice and Federal Trade Commission of their cooperative ventures and thereby qualify for the single-damage limitation on civil antitrust liability and judgment by a rule of reason standard.";

(2) in section 2(a)(6) by—

(A) striking "and development" and inserting ", development, or production";

(B) redesignating subparagraphs (D) and

(E) as subparagraphs (E) and (F), respectively;

(C) inserting after subparagraph (C) the following new subparagraph:

"(D) the production or testing of any product, or service,";

(D) inserting "and production" after "research" in subparagraph (E);

(E) striking "and (D)" and inserting "(D), and (E)" in subparagraph (F); and

(F) by amending the matter following subparagraph (F) to read as follows:

"and may include the integration of existing facilities or the establishment and operation of new facilities for the conducting of such venture on a protected and proprietary basis, and the prosecuting of applications for patents and the granting of licenses for the results of such venture, but does not include an activity described in subsection (b).";

(3) in section 2(b)—

(A) in the matter before paragraph (1) by striking "or development" and inserting ", development, or production";

(B) in paragraph (1) by striking "conduct the" and inserting "carry out the"; and

(C) in paragraph (2) by striking "production or the" each place it appears;

(D) in paragraph (3)(B) by striking "and development" and inserting ", development, or production";

(4) in section 3 by—

(A) inserting "or production" after "development" the first place it appears; and

(B) striking "and development" the second place it appears and inserting "development product, process, or service";

(5) in section 4 by striking "and development" and inserting ", development, or production" each place it appears in subsections (a)(1), (b)(1), (c)(1), and (e);

(6) in section 5(a) by striking "and development" and inserting ", development, or production";

(7) in section 6 in the section heading by striking "AND DEVELOPMENT" and inserting ", DEVELOPMENT, OR PRODUCTION"; and

(8) in section 6—

(A) in subsection (a) by inserting "and any party to a joint production venture, acting on such venture's behalf, may, not later than 90 days after entering into a written agreement to form such venture or not later than 90 days after the date of enactment of the National Cooperative Research Act Extension of 1991, whichever is later," after "whichever is later"; and

(B) in subsections (d)(2) and (e) by striking "and development" and inserting ", development, or production" each place it appears.

● Mr. BIDEN. Mr. President, today I am pleased to join Senators LEAHY and THURMOND in introducing the National Cooperative Research Act Extension of 1991. The purpose of this act is to strengthen the competitiveness of American firms in world markets. The act would establish a procedure under which firms may notify their cooperative production ventures to the Department of Justice and Federal Trade Commission and thereby qualify for a single-damage limitation on civil antitrust liability and judgment by a rule of reason standard.

The need for action to increase our competitiveness is obvious. The United States has watched its trade deficit grow from $2.3 billion in 1971 to $128.1 billion in 1988. Imported products have flooded our domestic markets, while U.S. exports have failed to keep pace. As a result, America's position in the world economy has fallen dramatically. During the past two decades, an ever-increasing perception has taken hold that American firms are producing second-rate products, that American firms are less able than their foreign counterparts to commercialize products based on innovative breakthroughs, and that we are losing ground to the rest of the world.

In response, many Americans have begun to ask: "Who or what is to blame? How can we improve our products and our productivity so that the United States will never lose its position as the world's economic leader?"

Our future greatness as a nation rests on our finding the answers to these questions. The very notion of world power is changing, and becoming redefined as a measure of economic power. It is increasingly clear that the role we will play today, and the role our children will play tomorrow, in shaping the course of history depends greatly on the strength of the U.S. economy. We must do all that we can to reverse the present trends we find so troubling.

The solutions needed to cure our present international competitiveness ills are complex. The solutions include changes in our Government's fiscal policies and in our educational system; in the ways our workers work and in the ways our managers manage—and much more.

Included in this set of solutions is a need to review our antitrust laws, to determine if they hamper our international competitiveness.

In May 1987, I chaired 2 days of Judiciary Committee hearings on the subject of antitrust law and international competitiveness. In my opening statement, at those hearings nearly 4 years ago, I summarized my views as follows:

> We wish today to learn whether we have cleared away all antitrust obstacles [to U.S. competitiveness]. That, of course, does not mean we intend to clear away the applicable antitrust laws, which have been a linchpin of this country's growth and prosperity during the past 100 years. Rather, our concern is over any remaining impediments to legitimate research and development or commercialization activities that will enhance the international competitiveness of our economy into the next century.

At that time, the 1984 National Cooperative Research Act was fairly new. It authorized U.S. companies to work jointly to research and develop new products for world markets. Yet already—by the time of our 1987 hearings—a good deal of support had emerged for proposals to amend the 1984 act to go a step further: to permit collaboration in joint production ventures. That is precisely what the Leahy-Thurmond-Biden bill would accomplish.

While I do not feel that much of the blame for our competitiveness problem should be laid at the feet of our antitrust laws, I am convinced that we can, and should, eliminate antitrust uncertainty with respect to joint production ventures. I believe that the economic logic for productive cooperation is strong and real and that the offsetting risks of restraint of trade and cartelization can be minimized. The Leahy-Thurmond-Biden bill would ensure that the antitrust laws will be properly interpreted with regard to joint production ventures. Anticompetitive behavior would not be given any protection, but the antitrust laws would be amended so as to pose no significant obstacle to production-enhancing collaboration.

I want to praise the leadership of Senators LEAHY and THURMOND on this matter. As chairman of the Judiciary Committee, I intend to give this bill a priority. I urge my colleagues to join me in supporting this bill.●

● Mr. THURMOND. Mr. President, I am happy to again join Senator LEAHY, Senator BIDEN, and several other of my colleagues in reintroducing the National Cooperative Research Act Extension of 1991. This legislation amends the National Cooperative Research Act of 1984 [NCRA] by extending its provisions to include manufacturing as well as research and development. The 1984 act enjoyed broad bipartisan support and I am hopeful that the same will be true for this act.

Mr. President, competition in worldwide markets is strong and is getting stronger every year. It is my expectation that these amendments will enable American businesses to respond more effectively to the competitive challenges that face them in international markets. American firms cannot afford to settle for less than the most advanced means of manufacturing and production if they are to be successful in this challenge. Although costly, substantial investments must be made in state-of-the-art facilities. Joint manufacturing ventures will ease such investment burdens, and may provide just the answer for firms which cannot make the needed investments in new production technology, but do not want to merge their entire operations to achieve the benefits such ventures provide.

Mr. President, in 1984, Congress passed the National Cooperative Research Act in the hopes of addressing some of these very concerns. That act has two simple features: First, it guarantees that joint research and development ventures, if they are ever called into question under the antitrust laws, will be analyzed under the rule of reason standard so that the competitive benefits of such ventures can be considered; and, second, antitrust liability with respect to a joint venture disclosed to the Government, is limited to actual damages plus pre-judgment interest.

The NCRA, although limited to research and development, has proven to be very successful. It is my understanding that over 100 joint research and development ventures have been undertaken under the auspices of the NCRA protections. Mr. President, I hope that we will shortly enact these proposed amendments to the NCRA. It is time for us to extend the same benefits and the same encouragement to manufacturing joint ventures. I urge all my colleagues who are not now cosponsors of this legislation, to carefully consider its provisions and to support its passage.•

ADDITIONAL COSPONSORS

S. 173

At the request of Mr. HOLLINGS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 308

At the request of Mr. MITCHELL, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 311

At the request of Mr. ROTH, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 311, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 330

At the request of Mr. MITCHELL, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Oregon [Mr. PACKWOOD], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 330, a bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that act; to amend title 38 United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatment of health insurance, and for other purposes.

SENATE JOINT RESOLUTION 76

At the request of Mr. CHAFEE, his name was added as a cosponsor of Senate Joint Resolution 76, a joint resolution commending the Peace Corps and the current and former Peace Corps volunteers on the 30th anniversary of the establishment of the Peace Corps.

SENATE CONCURRENT RESOLUTIONS 12—RELATING TO THE PROTECTION OF THE CIVIL LIBERTIES OF ARAB-AMERICANS

Mr. LEVIN (for himself and Mr. SIMON) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 12

Whereas reports of harassment and violence against Arab Americans increased after Iraq invaded Kuwait on August 2, 1990, and increased again after the war began on January 17, 1991;

Whereas, on September 24, 1990, President Bush declared that death threats, physical attacks, vandalism, religious violence and discrimination against Arab Americans must end and that a crisis abroad is no excuse for discrimination at home;

Whereas the Federal Bureau of Investigation has reportedly interviewed more than 200 Arab Americans regarding possible terrorist threats in the United States and abroad, and continues to interview other Arab Americans;

Whereas the selection of individuals to be questioned based solely on their ethnicity or national origin unfairly arouses suspicion of Arab Americans, reinforces offensive stereotypes, and encourages hate crimes and other discrimination against Arab Americans;

Whereas the Federal Bureau of Investigation is reported to have questioned some Arab Americans about their lawfully protected political beliefs, activities, and affiliations;

Whereas the Constitution of the United States protects the right to freedom of speech, political expression and association;

Whereas the Constitution and laws of the United States prohibit discrimination on the basis of race, religion, creed, and national origin; and

Whereas the Federal Bureau of Investigation is responsible for protecting civil rights and civil liberties: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the civil rights and civil liberties of all Americans, including Arab Americans, should be protected at all times, and particularly during times of international conflict of war;

(2) the Federal Bureau of Investigation should work with other Federal, State, and local government agencies and community leaders to prevent, investigate and report hate crimes and other discrimination against Arab Americans and other minorities; and

(3) Federal agencies should avoid activities that—

(A) threaten or encroach upon the civil rights and civil liberties of citizens or legal residents of the United States; or

(B) reinforce ethnic stereotypes.•

• Mr. LEVIN. Mr. President, I am introducing today, along with Senator SIMON, a resolution to express the sense of the Congress that protection of the rights of all Americans, including Americans of Arab descent, not be diminished while our Nation is at war.

Reports of incidents of discrimination and violence against Arab-Americans rose significantly after the invasion of Kuwait last August and again after the war began on January 17. In my home State of Michigan which has the largest community of Arab-Americans in North America, there has been an increase in threats, harassment and attacks against Arab-Americans and their property since the war began.

Arab-Americans have looked to the Government to defend and protect them and to condemn these crimes. I've received letters from constituents asking that the Congress make clear that Americans' patriotism should not be questioned because of their ethnicity, religion, national origin, or their position on a particular government policy. One such letter asked that we "help us put an end to the intimidation and harassment. Speak up on our behalf. * * * Tell the American people that we stand firm behind our country."

Instead of an unambiguous condemnation of acts against them, the Arab-American community has gotten a mixed message. The President has stated that these acts must stop and that a crisis abroad is no excuse for discrimination at home. But the Federal Bureau of Investigation [FBI] has interviewed at least 200 Arab-Americans about possible terrorist threats in the United States and abroad. Although the FBI has said that the individuals interviewed are not targets of an investigation, and that its intention was not to intimidate or harass the individuals, many have interpreted it that way.

While the Government ought to take appropriate steps to protect against terrorist attacks, it should not and need not do so at the expense of the liberties guaranteed by the Constitution. In fact, I believe the Government has heightened obligation during times of war and increased threats of terrorism to condemn related attacks against innocent Americans and defend their rights and freedoms.

The resolution we're introducing today expresses the sense of the Congress that civil rights and civil liberties should be protected during the war and that Federal agencies should avoid activities that threaten or encroach civil rights or civil liberties and should instead help prevent, investigate, and report hate crimes and other discrimination against Arab-Americans and other minorities.

The National Association of Arab Americans, the American-Arab Anti-Discrimination Committee, and the American Jewish Committee have endorsed this resolution.

I urge my colleagues to support this resolution so that we send a strong message that the rights of all Americans, including those of Arab descent, must be protected.

I ask unanimous consent that the text of a recent Washington Post editorial be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 16, 1991]

SINGLING OUT ARAB AMERICANS

The Gulf crisis has raised the threat of terrorism—instigated by Saddam Hussein and directed against American targets both abroad and in this country. Hence, the increased security at federal buildings and airports, and the decision of the Immigration and Naturalization Service to photograph and fingerprint visitors holding Iraqi and Kuwaiti passports. These have been telling signs of a nation assuming a wartime footing. Given the pronouncements out of Baghdad, these countermeasures are inconvenient but necessary security precautions against possible terrorist attacks.

Yet it is exactly at times such as these that government must take care not to circumscribe the rights and freedoms of its citizens. Regrettably, that may have happened last week during the course of a special Federal Bureau of Investigation program focused on Arab Americans.

FBI agents contacted more than 200 Arab-American business and community leaders across the country, ostensibly to inform them of the bureau's intention to protect them against any backlash from the Persian Gulf crisis. Investigating and prosecuting hate crimes and ethnically motivated violence spawned by Middle East turbulence is a legitimate job of federal law enforcement officials, so that aspect of the bureau's initiative was welcomed by Arab Americans. But FBI agents also used the occasion to gather intelligence about possible terrorist threats. This is where the FBI quickly wore out its welcome.

Organizations representing Arab Americans contend that agents asked citizens about their political beliefs, their attitudes toward the Persian Gulf crisis, Saddam Hussein and their knowledge or suspicions about possible terrorism. Deputy Attorney General William P. Barr denies any FBI intention to intimidate Arab Americans, as some community leaders fear. "At the same time," he says, "in the light of the terrorist threats . . . it is only prudent to solicit information about potential terrorist activity and to request the future assistance of these individuals."

But why does the government presume that Americans of Arab descent should know about "potential terrorist activity" or that this group of Americans is any more knowledgeable about such activity than any other? FBI spokesman Thomas F. Jones says it's because the bureau is aware of a number of terrorist organizations in the United States that "consist of people of Middle East descent" and that the "possibility exists that [terrorist] are living in Arab-American communities." In that way, he said, Arab Americans "could come into possession of information on potential terrorist acts."

It is a perilously flimsy rationale. It leaves the U.S. government wide open to the accusation that is dividing Americans by ethnic background and singling out one group as a suspect class. If that were true, the government's conduct would clearly be constitutionally offensive and morally repugnant. To imply that Arab Americans—some of whom are members of families that have been in this country since the turn of the century—may have a special link to terrorists is both insidious and harmful. The government cannot go around making judgments and presumptions about citizens on the basis of their descent.

Like all Americans, Arab Americans have the right to be accepted and treated as individuals, and the government has a constitutional duty to observe and protect that right. Neither should the government invade the privacy or trample the dignity of one class of citizens. What is being seen now recalls the negative stereotyping that served as a basis for the shameful treatment of Americans of Japanese ancestry during World War II. Such stereotyping, with all its ugly and unfair implications, should not be allowed to take hold.•

SENATE RESOLUTION 61—RELATIVE TO MAINTENANCE OF THE MISSOURI RIVER

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on Environment and Public Works;

S. RES. 61

Whereas the Army Corps of Engineers is the Federal agency in charge of the operation of dams and reservoirs on the Missouri River;

Whereas this includes the planning and coordination of the timing and quantity of releases from the reservoir system to best satisfy system requirements;

Whereas there has been a severe drought in the upper region of the Midwest that affects upstream reservoir levels as well as the flow levels of the Missouri River; and

Whereas the proper method to review the current operation of the river system is through review and revision of the Corps of Engineers' master manual for system operation, which review is currently in process with the full participation of the States and other affected parties with an interest in the management of Missouri River flows: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Congress should not impede the role of the Corps of Engineers and the affected States and other interests by considering actions to alter the management of the Missouri River System until recommendations for a change have been received from the Corps upon completion of its review or from the States along the Missouri River mainstream as a consensus recommendation.

• Mr. GRASSLEY. Mr. President, there has been a dispute in the Midwest for many years about the maintenance of the Missouri River basin, specifically the issue of water flow levels. This dispute has been heated, with both sides adamant that their position be heard. The upstream States have their opinion, the downstream States have their opinion.

Recently the Governors from upstream States in the Missouri River basin have sued the Army Corps of Engineers in reference to the flow levels on the Missouri River. This comes on the heels of an unsuccessful lawsuit last year.

Needless to say, I was outraged when I heard of this most recent attempt to punish downstream States to the benefit of upstream States. I am hopeful that the courts will remain consistent and reiterate the ruling of last year.

A court of law is not the proper format to decide the issue of the care of the Missouri River. The proper method to review the current operation of the river system is through review and revision of the Army Corps of Engineers master manual for system operation, currently in progress. This involves the full and fair participation of all involved States and the affected parties in these States.

What does not need to happen at this point is for the Congress of the United States to involve itself in this dispute.

Unfortunately, Mr. President, there have been numerous attempts in the last Congress and in the current Congress on the part of my colleagues from upstream States to involve the U.S. Congress in this dispute. These attempts have occurred in both the Senate and the House of Representatives.

It is because of this that I stand today to introduce a Senate resolution that would urge the Congress to not impede the role of the Army Corps of Engineers and the affected States and other interested parties by considering actions to alter the management of the Missouri River system until recommendations for a change have been received from the corps upon completion of its review or from the States along the Missouri River mainstream, as a consensus recommendation.

Mr. President, I request that the text of this resolution be printed in the RECORD at this point.

Mr. President, the upstream States would like to frame this argument into an issue of upper basin recreation versus downstream navigation, as if these were the only issues.

This is not only an issue of upper basin recreation versus downstream navigation. There are numerous other issues of concern: wetlands preservation, recreation, power production, water supply, water quality and fish and wildlife. This issue cannot be framed into a singular discussion of upstream recreation and downstream navigation. It is a very complicated discussion with numerous competing interests involved with numerous issues to relate. Politics should not be the determining factor in this question.

I urge all parties involved in this issue to work with the Army Corps of Engineers to develop a consensus on how to manage one of the greatest resources we have in the Midwest. If there is one thing I have learned in my many years of public service it is that a consensus can always be reached no matter how complicated or awesome the problem may seem. We must work in a cooperative manner in order to reach harmony that will balance all the interests concerned. This can and must be resolved at the negotiating table, not in a court of law or in the Halls of Congress.●

SENATE RESOLUTION 62—ORIGINAL RESOLUTION REPORTED AUTHORIZING BIENNIAL EXPENDITURES BY THE COMMITTEES OF THE SENATE

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 62

Resolved, That this resolution may be cited as the "Omnibus Committee Funding Resolution for 1991 and 1992."

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1991, through February 29, 1992, in the aggregate of $55,873,148, and for the period March 1, 1992, through February 28, 1993, in the aggregate of $58,069,231 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms, United States Senate, Department of Telecommunications, or (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the appropriations account for "Expenses of Inquiries and Investigations.".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,981,783, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,054,457, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,879,959, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,058,867, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,024,631, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,143,243, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,253,043, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,374,143, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,382,402, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,526,693, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science and Transportation is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,769,571, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,930,949, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,727,832, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,844,527, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,701,485, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,804,715, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Seante, the Committee on Finance is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its dicretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on reimbursable, or nonreinbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed

$3,461,745, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,559,803, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,774,561, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,891,437, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,056,605, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,267,105, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees of employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interest against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the law of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall effect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this section the committee, or any duly authorized commit-

tee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 66 of the One Hundred First Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1992, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department of agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,979,958, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,171,893, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(j) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department of agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,361,330, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,595,597, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,495,163, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March, 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,521,403, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,047,108, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,094,447, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,202,351, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,252,528, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, as amended, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,213,792.

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,239,556.

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,356,636, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,453,497, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, and in exercising the authority conferred on it by such section, the Select Committee on Indian Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,239,193, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,284,371, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL RESERVE

SEC. 22. Of the funds authorized for the Senate committee by Senate Resolution 66, agreed to February 28, 1989, as amended, for the funding period ending on the last day of February 1991, any unexpected balance remaining after such last day shall be transferred to a special reserve for such committee, which shall not be less than the following amounts for the following committees:

Agriculture, Nutrition, and Forestry ($29,632);
Appropriations ($300,000);
Armed Services ($179,000);
Banking, Housing, and Urban Affairs ($500);
Budget ($278,606);
Commerce, Science, and Transportation ($307,138);
Energy and Natural Resources ($221,948);
Environment and Public Works ($140,000);
Finance ($48,130);
Foreign Relations ($817,853);
Governmental Affairs ($405,435);
Judiciary ($146,790);
Labor and Human Resources ($94,136);
Rules and Administration ($120,791);
Small Business ($87,683);
Veterans' Affairs ($1,000);
Aging (Special) ($39,587);
Intelligence (Select) ($189,745);
Indian Affairs (Select) ($0);

The reserve shall be available to such committee for the period commencing March 1, 1991, and ending with the close of September 30, 1991, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1991, and (2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1991.

SEC. 23. Of the funds authorized for any Senate committee by this resolution for the funding period ending on the last day of February 1992, any unexpended balance remaining after such last day shall be transferred to a special reserve for such committee, which shall not be less than the following amounts for the following committees:

Agriculture, Nutrition, and Forestry ($14,816);
Appropriations ($150,000);
Armed Services ($89,500);
Banking, Housing and Urban Affairs ($250);
Budget ($134,315);
Commerce, Science, and Transportation ($145,760);
Energy and Natural Resources ($105,253);
Environment and Public Works ($70,000);
Finance ($24,065);
Foreign Relations ($408,926);
Governmental Affairs ($194,935);
Judiciary ($73,395);
Labor and Human Resources ($32,068);
Rules and Administration ($58,551);
Small Business ($40,344);
Veterans' Affairs ($500);
Aging (Special) ($29,000);
Intelligence (Select) ($92,884);
Indian Affairs (Select) ($0);

The reserve shall be available to such committee for the period commencing March 1, 1992, and ending with the close of September 30, 1992, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1992, and (2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1992.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on mercenaries and drug cartels.

These hearings will take place on Wednesday, February 27, 1991, at 10 a.m., in room 216 of the Hart Senate Office Building and on Thursday, February 28, 1991, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel F. Rinzel of the subcommittee's minority staff at 224-9157.

ADDITIONAL STATEMENTS

TERRY ANDERSON

• Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,169th day that Terry Anderson has been held captive in Lebanon.•

INEVITABLE FIFTH HORSEMAN

• Mr. SIMON. Mr. President, Prof. Thomas Ferguson, of the University of Massachusetts in Boston, had an article in the New York Times, which points out the debt problem that comes with the Middle East war.

As my colleagues in the Senate know, I have been suggesting that, insofar as possible, we ought to pay for this war on a pay-as-you-go basis.

The economic reasons for doing this are obvious.

The social reasons are less obvious but even more important. We should not get into a war and think that the only people who must sacrifice are soldiers in Saudi Arabia and their families here at home. If we're going to get into a war, all of us ought to sacrifice.

If we fail to do this, we're going to have even more of a squeeze on education and health care and the other great needs of this country.

Professor Ferguson accurately comments:

> Spending on virtually everything besides the military will be even more desperately squeezed. Financial pressures on States and cities will intensify. However, many of the foregone expenditures are precisely those that are most vital to the revival of American productivity.

I urge my colleagues in the House and Senate to read Professor Ferguson's comments, and I ask to insert them in the RECORD at this point.

The article follows:

[From the New York Times, Feb. 3, 1991]

THE WAR'S INEVITABLE FIFTH HORSEMAN

(By Thomas Ferguson)

As the Four Horsemen of the Apocalypse rampage east of the Suez, yet another scenario for a short, bargain-priced war is vanishing in the sands. The ghastly implications of this "creeping Vietnamization" are clear. But human sacrifices will not be the only costs.

In modern wars, a Fifth Horseman always trails behind the more familiar quarter to claim the toll on mountains of debt run up by the armies as they fire the cash equivalent of Mercedes-Benzes back and forth at each other. In 1991, this horseman's long, black shadow already stretches far across America.

Back in November 1990, when Desert Storm was still Desert Shield, the Center for Defense Information, a private research organization in Washington, estimated that the operation added about $74 million a day—or $27 billion a year—to the military budget.

This sum, however, did not take account of subsequent deployments, later revelations that the Pentagon was paying premium prices for equipment acquired on short notice or the gigantic costs of canceled debts and foreign-aid payments funneled to third world economies devastated by the crisis. For example, the United States has already forgiven about $7 billion in loans to Egypt alone. As of last December, at least half a dozen more countries had also received money from the allied coalition.

Once the air war started—at about $500 million a day—the sky became the limit in many senses. A recent Congressional Budget Office report suggests that a short, one-month war could cost about $28 billion while a longer one of six-months would cost $86 billion. But these widely repeated figures also neglect the costs of foreign aid and debt forgiveness.

The Administration, however, argues against any tax increase, claiming that the war amounts to an extraordinary one-time expense, which should simply be rolled into the deficit.

The Bush team also suggested that the allies and the gulf states will bail out the United States by agreeing to pick up much of the tab, a claim the President advanced himself in the State of the Union address.

These assertions essentially represent a very curious new "voodoo economics" of war.

While Administration economists sit in one room of the White House explaining that the war is a one-time expense, their colleagues down the hall at the National Security Council and across town at the State Department are leaking sweeping plans to restructure the whole Middle East once the shooting dies away.

Now it is perfectly obvious that the web of bilateral treaties and special security agreements American policy makers envision for the region will be spun from threads of the purest gold. Foreign aid "loans"—better read as grants—and, particularly, foreign military assistance, are destined to skyrocket. And while the Chairman of the Federal Reserve, Alan Greenspan, argues that costs can be contained by not replenishing depreciated equipment, the postwar scenarios envision a massive pre-positioned buildup in the desert for possible future use.

The golden cloud does come with a silver lining: Saddam Hussein is an authentic monster whose departure will be extensively unlamented.

But there is a tunnel at the end of the light. Apparently unaware of how its "new world order" looks to the vast mass of poor Arabs, Washington now appears determined to throw its full weight behind a set of quasi-feudal regimes on the verge of a head-on collision with democracy and the 20th century. This we have all seen before and as we know, implies further visits by all Five Horsemen.

As for the allied promises to pay, the paltry amounts actually anted up thus far suggest that for purposes of realistic fiscal planning, these must be regarded as the equivalent of sovereign "junk bonds": worth something, but less than face value.

Nor is it reasonable, once the war ends, to expect either the gulf states or the allies to finance a Middle Eastern Pax Americana at anything remotely resembling concessionary rates. Obtaining foreign financing for two major wars cost Britain its empire; in the long run, Americans cannot expect to pay any less if they go that route. Citizens and especially the Congress, accordingly, should recall that the policy makers who now assure them that foreigners will open their wallets are the same ones who said the allies would open their markets.

The Fifth Horseman, however, is implacable. He must still be paid. How?

Probably not in steeply inflated dollars. For this to occur, the political and economic establishment would have to be prepared to cede the international role of the dollar. This is about as likely as flowing uphill.

In the end, it is all too clear who will pay. American overseas assistance to less strategic areas will be cut even more, but most of the costs will come out of the domestic civilian sector.

Spending on virtually everything besides the military will be even more desperately squeezed. Financial pressures on states and cities will intensify. However, many of the foregone expenditures are precisely those that are most vital to the revival of American productivity.

But the Fifth Horseman will claim still more in the short run, extra military spending will help pull the economy out of recession. But as the economy revives, the tumescent deficit will keep fueling total demand. To limit inflation, the Federal Reserve will have to tighten the money supply, bringing the economy right back to the devastating combination of tight money and expansive fiscal policy that defined real-life Reaganomics.

In the short run, as we learned in the 1980's, such policies can produce political business cycles substantial enough to guarantee the re-election of almost any regime. But as we also learned in the 80's, the cost in terms of long-term industrial competitiveness is steep: fixed investment by business—outside of the military sectors—is desperately squeezed, while import-competing and interest-sensitive industries like automobiles are hammered.

The Fifth Horseman's ultimate victims will thus be the middle- and working-class Americans whose real earnings will continue falling while racial and economic inequality increase.

(Thomas Ferguson is professor of political science and senior associate at the John W. McCormack Institute of Public Policy at the University of Massachusetts.)●

THE MOSCOW-IRAQ CONDITIONAL PEACE ITEMS

● Mr. EXON. Mr. President, in my view the President took the stand today that was the correct one, as difficult a decision as I know that must have been for him.

Last night after hearing the Soviet-Iraq proposal, I said I did not believe that the President would or should accept it. The deadline of Saturday noon that the President issued on behalf of the coalition was clear and unequivocal and should end the diplomatic banter by the Soviets and the Iraqis, obviously designed to protect Saddam and his future. This is something I believe totally unacceptable.

Had the offer been accepted, Saddam would have been retained as the leader of Iraq for as far as we can see in the future and I believe that in the long term he would have been declared the victor in this struggle. This would be unconscionable.

With the ultimatum given today, Saddam Hussein clearly has in his hands the decision to retreat and withdraw and forever give up his dream of unlimited power and of force in the world and otherwise he is going to force a great deal of death and hardship on all.●

THE SHAPE OF THE POST-GULF WAR, MIDDLE EAST

● Mr. SIMON. Mr. President, through a mutual friend, Myron Cherry of Chicago, I have had the opportunity to come into contact with Jawad Hashim, former Presidential adviser to Saddam Hussein, who is familiar with most of the major leaders in Iraq and very familiar with the economic situation there.

Recently, he sent me a paper titled "The Shape of the Post-Gulf War, Middle East."

Considering his background, it contains important insight and suggests that we ought to be paying much more attention to the postwar situation.

I am pleased that Secretary of State Jim Baker, in his recent testimony before our Foreign Relations Committee, has focused on that.

But Jawad Hashim's statement contains so much insight into the overall situation, that I urge my colleagues of the House and Senate to read it.

I ask to insert it into the RECORD at this point.

The statement follows:

THE SHAPE OF THE POST-GULF WAR, MIDDLE EAST

AN OPINION

(By Jawad Hashim, M.Sc. Ph.D.)

1. On Monday, January 14, 1991, the New York Times published an article on the effectiveness of U.N. sanctions against Iraq. The article was a summary of the extensive analysis of 115 cases of economic sanctions since World War One. Estimated by Gary C. Hufbauer and Kimberly A. Elliott, the authors concluded that the cost of the embargo would reach 48% of Iraq's Gross National Product, which makes the probability of sanctions succeeding nearly 100% over a short period of time. The reasons for that

probable and dramatic success were attributed to the following factors:

(i) 100% of Iraq's foreign trade and financial resources are subject to sanctions;

(ii) The resulting loss of 48% of Iraq's GNP is twenty times the average economic impact in other successful episodes;

(iii) The embargo of Iraq is comprehensive and draconian.

2. I, for one, always thought that even with 50% chance of success, the sanctions imposed by the U.N. Security Council against Iraq would eventually bring the Iraqi Government to its knees.

The Iraqi economy has for some years been so badly managed that within a maximum period of 18 months there could have been a change of Government. That change could have resulted in a negotiated settlement of the Kuwaiti crisis. It would only be a matter of time for the Iraqi regime to collapse, because oil and credit embargoes were sufficient to create enormous difficulties, bearing in mind that the Government fought an eight-year war with Iran dependent on two main sources of revenue: aid from the Gulf States and credit lines from the United States and other Western countries.

3. On January 17, 1991 at 2:44 a.m., Baghdad time, the war against Iraq erupted. Military communiques commenced to flow and each warring party is claiming victory or expecting one. It behooves us now to think positively towards working out the best possible scenario which genuinely makes the outcome of this war a starting point towards the solving of Iraq's problems, the Arab countries' problems and the Arab-Israeli issue. But, first I would like to emphasize that the opinion expressed in this document relies on:

(i) Personal experience as a Minister and Presidential Advisor who closely worked with Saddam Hussein and the Ba'ath regime during the period 1968 to 1982 and thus privy to a considerable number of very confidential matters including Saddam's perception of the Gulf region in general and Kuwait in particular;

(ii) Monitoring the crisis through international media and discussions with American, British and other Western politicians.

4. I set out three scenarios for post-war Iraq within the context of the Middle East with a view to long-term to stabilize the region politically and economically including the international oil market.

5. This document also deals with three major matters:

a background on the Arab region;

post-Gulf war scenarios;

the international oil market;

But, before doing so, I should emphasize the following:

5.1 The majority, if not all, Iraqis strongly believe that Saddam Hussein was created and vigorously supported by the West, despite continuous warnings from many quarters of his ruthless and fearful regime.

5.2 The people of Iraq act as they do simply because they are told to, not because they share the regime's convictions. It is, therefore, important to make a very clear distinction between the people of Iraq and the governing regime in order to dispel any doubts or misunderstanding about the role of the Iraqi people. They have been brutalized and downtrodden for the past twenty years. This war should not be pursued to the point of increasing the suffering of the Iraqis, hence creating internal support for the regime.

5.3 War is no more than the climax of tragedy that touches the most extreme elements of human spirit. It is no more than the eruption of hostilities and violence with huge loss of human lives within a political event. Unless this war comes to an end quickly, the world will be living its effects for decades to come. Hence it is imperative for the United States, Britain, and indeed the international community to focus as a matter of urgency on the political and economic structure within which the Middle East should be reshaped. This point is of great importance because since August 2, 1990, the American Administration focused only on the "diplomatic" and military aspects of the crisis.

From the debates in the American Congress, the British Parliament and from various analyses, it is quite apparent that there has not been enough thinking about the shape of peace. Indeed, the "new world order" has not even been defined in proper and clear terms seeming to remain some ethereal hope.

5.4 It is widely accepted that with power comes responsibility. Hence, it is for the United States and Britain in particular to frame a genuine peace plan for the region and to bring about its implementation. Iraq, naturally, is outmatched in all departments of the allied war machine and military intelligence. This in inself places a special burden on the United States to refrain from and indeed to resist any impulse to destroy Iraq. It is not in the world's long-term interests to reduce Iraq and its people to some primitive level of existence.

The outcome of this war and so in effect its ultimate aim should be the attainment of a final settlement of the regions problems leading to a stable political climate.

If the war drags on and Iraq's infrastructure is destroyed and the Ba'athist regime stays in power, then the Americans, British and other allies will be perceived by the people of the Arab region as vengeful crusaders. The war would then cut the deepest wounds and millions of Arabs would turn to embrace fundamentalism fueled with feelings of anger and resentment of their present rulers, the United States and the West in general.

I suspect that Egypt will be the first casualty in this event.

6. Historically, Iraq and Iran were the two major regional powers in the Gulf because of:

(i) their population and levels of cultural and educational achievement;

(ii) their enormous economic resources.

Other Gulf states (Saudi Arabia, UAE, Qatar, Oman, Bahrain) put together cannot match Iraq or Iran in these terms.

7. The Arab Region: Background.

7.1 The Arab region has been and, of course, still is a troublesome part of the world. The region is like the human body and tends to reject foreign objects even if that object could be a possible curing medicine.

7.2 The early forties witnessed most Arab countries achieving independence. Since then, they have been ruled by a variety of Government structures. Democracy, however, is non-existent and no Arab king or president is accountable to his people.

It is interesting to note that between the early forties and 1989 the Arab region has witnessed a number of coups and attempted coups. As far as I can recall, they were as follows:

Syria: 15 attempted coups; 8 successful;

Iraq: 17 attempted coups; 6 successful;

North Yemen: 9 attempted coups; 4 successful;

South Yemen: 4 attempted coups; all successful;

Libya: 7 attempted coups; 1 successful;

Morocco: 5 attempted coups; none successful;

Jordan: 4 attempted coups; none successful;

Egypt: 4 attempted coups; 2 successful;

Lebanon: 4 attempted coups; none successful;

Tunisia: 5 attempted coups; one successful;

Oman: 4 attempted coups; 2 successful;

U.A.E.: 1 unsuccessful attempted coup;

Qatar: 1 successful coup;

Bahrain: 1 unsuccessful attempted coup.

7.3 As a result of all these attempted coups, whether successful or not, the people of the region suffered politically, economically and socially.

There are also recognizable phenomena in almost all Arab countries, which may be summarized:

Revocation of each countries constitution and replacement with "Provisional Constitutions" which are, in turn, abrogated every now and then to be replaced by yet further "provisional" codes.

The creation of revolutionary courts, special courts and similar bodies, with no right of appeal in the majority of instances.

Centralization of government authority and the restriction of personal freedom.

Creation of one-party systems and the prohibition of multiple party organizations.

Continuous in-fighting in attempts to seize power and rule by the barrel of the gun leading to horrifying abuses of human rights.

The fall of five monarchies: Egypt (1952), Tunisia (1956), Iraq (1958), Yemen (1962) and Libya (1969).

7.4 Despite those negative phenomena, Arab countries lived, until the late sixties, amid the euphoria of Arab nationalism and unity.

The rulers, by means of state controlled media and educational systems sold two dreams to their people: economic development and the liberation of Palestine.

The dreams were rekindled, nurtured and promoted by President Nasser of Egypt and the Ba'ath Party. After the defeat of Arab armies in 1967 and the subsequent death of Nasser in 1970, the call for Arab unity began to fade and the pattern of Arab politics took a new dimension, especially after the huge increase in oil revenues.

The economics of oil in itself introduced new parameters to the region, which became more unstable as its social structure changed and we were (and still are) faced with two distinct strata of the Arab population: the rich and the poor, the "haves" and the "have-nots". Pan-Arab ideology has been further shattered by the conduct and brutality of Arab leaders who were the proponents of that ideology.

7.5 Looking at a map we can observe that, from the political viewpoint, the region is ruled by two systems of Government: eight monarchies or family skeikhdoms; and thirteen republics.

Note that the monarchies and sheikhdoms are:

(i) all (except Morocco) clustered geographically in the South-Eastern part of the Arab region and have common borders with Saudia Arabia;

(ii) all (with the exception of Morocco) ruled by family and tribal structures;

(iii) all (except Morocco and Jordan) producers and exporters of oil, enjoying huge financial surpluses but with sparse populations;

(iv) all autocratic governments depending either on religious or tribal allegiance or both, to justify their legitimacy.

The "republican" Arab governments, on the other hand, are very unusual. Though they are "Republics", none of them have any legitimacy, i.e., no government was properly elected by the people. They rule, and justify their rule either by:

(i) ideology; or

(ii) dictatorship.

These "Republics" govern through a variety of structures including:

Revolutionary Councils;

National Fronts;

One Party Systems;

Leading Party Systems.

It distresses me, as an Arab, that I have never been able to exercise any voting right in my country through a genuine democratic process. The assemblies which those governments created, whether called "Parliaments" or "National Assemblies" or "Peoples' Assemblies", are no more than phony structures created to provide an aura of legitimacy to the ruling elite. As such they are an insult to the intelligence and dignity of their people—a denial of freedom.

7.6 In examining whether or not there are significant differences between Arab "Monarchies" and Arab "Republics" in their practice of governing, it is my opinion, there are no fundamental differences at all. Both systems share common ground:

(i) All systems are no more than dictatorships. Personal, family and tribal loyalties play an important role in the process of decision-making;

(ii) All systems live in continuous fear, thus surrounding themselves with various and innovative structures of protection such as: national guards, republican guards, popular militia and the like. The fire power of these "guards" is not less than that of each countries regular army;

(iii) All systems have a strong and powerful internal security apparatus, armed with up-to-date technology, for torture and suppression;

(iv) All systems follow a policy of spreading fear and threatening physical liquidation making it known that there is no other alternative;

(v) All systems create, every now and then, external crises to divert attention from domestic unrest;

(vi) All systems, in one way or another, sell dreams to their people;

(vii) None of the Arab rulers genuinely attempted to build up democratic institutions in order to develop and allow the evolution of a political system to make the countries they rule more stable, more accountable to their subjects.

All of these factors have created citizens with dual personalities, afraid to express their opinions, unable to enhance their knowledge and practically living in continuous fear.

Fear attracts as many people as it repels and those afraid can do nothing.

8. The Arab Region: Post-War Scenario:

Despite the pain and destruction associated with this war and the anti-American and British feelings in the region, I believe that there comes an opportunity to deal with the outcome of this war in a positive manner and to overcome any difficulty of managing a successful political re-entry. The United States and European allies (especially Britain) should not miss this opportunity to bring into the Arab region genuine political and economic reforms bearing in mind the following points:

(i) There can be no stability without true political reforms and the establishment of democratic system of Governments;

(ii) There can be no stable balance of power in the region without a redistribution of wealth to reduce the immense disparity between the "haves" and the "have-nots";

(iii) That the Israeli-Palestinian conflict constitutes the root and the substance of the continuous crisis in the region and Arab countries' increasing military expenditure. It is the focal point of inflammation.

8.1 *Scenario One:*

(i) Iraq is laid waste and defeated but Saddam Hussein and the Ba'ath regime remains in power in Iraq;

(ii) The Gulf States' system of Governments remains the same;

(iii) Iraq is required to pay war reparations.

8.2 *Scenario Two:*

(i) Iraq is destroyed and defeated but Saddam Hussein and the Ba'ath Regime is removed from power and replaced with another military government;

(ii) The Gulf States' system of Governments remains the same;

(iii) Iraq is not required to pay war reparations.

8.3 *Scenario Three:*

(i) Iraq is decimated and defeated, Saddam and the Ba'ath Regime removed and a civilian transitional government takes over.

(ii) Gulf states are restructured as follows:

U.A.E., Bahrain and Qatar become part of Saudi Arabia;

Kuwait remains part of Iraq;

(iii) Iraq is not required to pay war reparations.

(iv) The whole Arab region starts genuinely to proceed towards the democratization of the systems of Government.

(v) Elections are held under the scrutiny of an international inspectorate.

8.4 The first scenario in particular and the second scenario to a lesser extent have some negative impacts. For if the existing "systems of government" in the Arab region are not changed to true democratic systems, solidly based on democratic institutions, then for the coming thirty years, the whole region will be much worse off than now because:

(i) History has shown that "family" rule leads to political, social and economic disaster.

(ii) Instead of the "Palestine" issue, the rulers will find some other issue to create a cover for their military buildup and expenditure, to the detriment of economic growth which, in my opinion, is much more important for the well-being of the local population in particular and the world community in general;

(iii) The region will face an acute political crisis, not because of the oil surplus and the haves and have-nots, but because of a new element much more important than oil, namely: the scarcity of water. The issue of water has already arisen between Syria, Turkey, Iraq, and Iran;

(iv) The defeat of Iraq, though temporarily bolstering the Gulf states, would certainly lead the Arab masses to fundamentalism and boil up in the United States, Britain and other allies' face and scar them for decades to come. It will also leave open the eastern flank of the Arab region to territorial and political disintegration.

8.5 Scenario three, may seem far-fetched, but in my opinion it is the scenario which will bring, in the long term, stability to the region and so to the world. It will create three centers of local power in the region: Iraq, Iran and Saudi Arabia. It would further create a Middle East that is capable of political modernization based on freedom. The United States and Western democracies, who embraced and encouraged the democratic tendency in Poland and other Eastern European countries must not turn their backs on the horrifying consequences of continuing undemocratic, brutal and corrupt systems of government in the Arab region.

9. Iraq: Post War:

In order to bring this war to a quick end and avoid the alienation of Iraqi people, to reduce their suffering and avoid possible militant tendencies in the region, the United States and its Western Allies should move quickly towards the implementation of a postwar plan. The plan should consider the following:

(i) The United States, Europe and Japan should come up with a form of Marshall plan to rebuild Iraq immediately. The implementation of the plan could be under the supervision of either the "Regional Development Bank" proposed below, under the World Bank, or by way of a Committee of Experts;

(ii) A regional development bank, akin to the World Bank, be established with generous contributions from the United States, Europe, Japan and the Gulf states to develop the non-oil exporting Arab countries;

(iii) All border and water disputes between Turkey, Syria, Iran and Iraq be referred to the International Court of Justice;

(iv) Iraq's access to the sea should be resolved;

(v) All United Nations Resolutions imposing economic sanctions against Iraq should be revoked;

(vi) All Iraqi foreign assets should be released;

(vii) A civilian transitional government be set up on the same lines as the Government of post-1958 Revolution, i.e.

A Sovereign Council of three members: a Shiite, a Sunni and a Kurd. Chairmanship of the Council revolves every six months. The Council assumes the duties of "President".

A Prime Minister (preferably Shiite) with full executive powers.

Within a maximum period of two years a democratic election is to be held with full proportional representation.

(viii) A British style of permanent Civil Service be established;

(ix) A two house parliament along American lines be established.

10. The International Oil Market:

10.1 The international financial community will await the outcome of the Gulf crisis mainly concerned over price and production patterns of oil. Not only because oil is the largest internationally traded commodity, commanding 20% of the world's merchandise trade, but also since any uncontained upheaval in the price and production structure of oil will cause untold damage to the world economy.

10.2 Over the past three decades certain factors have contributed to the present anxiety:

(i) The high economic growth which the industrialized countries experienced in the post World War II era was fueled by cheap oil. Due to depressed prices, the proportion of oil of the total energy used was progressively increased from 29% in 1950 to 39% in 1960 and to about 55% in the eighties;

(ii) In 1973, when the first major oil price increase took place, the shock that followed was not so much a result of the absolute change in the price level, but more importantly the sudden realization that the world could no longer finance economic growth on what has been a cheap source of energy and a building block of many chemically produced products;

(iii) Since its recognition as an internationally important and vital growth resource, oil has suffered from a singularly incoherent, irrational and very shortsighted policy of pricing and production.

10.3 This will turn out to be the most crucial issue in the last decade of this century. The destiny of nations and their peoples depends on the orderly conduct of international economic growth.

Can one simply allow "free market forces" to determine this destiny?

In my opinion, it is the task of the governments of industrialized nations and of oil-producing countries to put the long-term interests of their people at the top of their list of priorities. At the present, we are attempting to share out the inheritance of future generations; the environment in which they will live, without any effective consideration of their future.

10.4 As an optimist, I believe that, despite the present depressing international situation, there are certain positive elements:

(i) There is greater awareness and, indeed, recognition of the fact that national economies are much more inter-dependent than previously acknowledged;

(ii) Pressure for integration and interdependence is likely to increase more rapidly in years to come, triggered by advanced telecommunications, mass media and micro-chip technology in the face of shrinking national resources, environmental and political forces;

(iii) There is growing awareness among people of different nations that their problems are becoming more complementary than contradictory.

10.5 Such a situation will eventually impress upon decision-makers, and indeed governments, the need to move from the micro self-interest level to a macro view that takes into account the needs, rights and obligations of others. To bring stability and discipline to the oil market and hence to the international financial situation, a comprehensive and objective view of the interaction between consumers and producers should be taken. To achieve this we must accept:

(i) The era of cheap energy is over, and the world cannot depend entirely upon an oil-based energy source.

(ii) Oil will continue to play an important role in any future supply mix. However, since the mid-seventies, OPEC countries have assumed the unenviable role of the world's residual suppliers. Such a position should continue but through positive dialogue and the realization of commonality of purpose rather than conflict and division.

(iii) International investment and environmental promoters and managers should avail themselves of the financial surpluses of oil-exporting countries. It therefore behoves the industrialized nations to remove barriers to international investment and to encourage the fruitful investment of oil funds. Such a policy should be coupled with international agreement on the protection of foreign investment and the guarantee of foreign assets. In other words, politically motivated actions which may result in an adverse discriminatory effect on foreign investment must be avoided for the benefit of the international community. This, of course, must be coupled with a stable and planned supply of oil and suitably funded and managed research into alternatives.

10.6 Who should bring together the major consumers and oil producers? Who should set out the agenda that will inspire confidence and stability in the international markets, and lead to long-term policies and objectives?

In my view, the United Nations is perhaps best qualified to organize such an international gathering, because:

(i) It comprises both major oil producers and major oil consumers;

(ii) Its leading members are industrial countries and they are important participants in the G7 and the European Community;

(iii) Re-inforced by Britain it enjoys a commonwealth relationship with many developing countries whose interest in the long-term establishment of stability in the financial and economic order is of paramount importance to their national development.

Such a call by the major players in the U.N. for an effort to bring rationalization to the oil situation should be led by the European Community, the United States, and by other non-OPEC producers. Never again should an upwards spiral in oil prices cause the shock and sufferings of the past.

FEBRUARY 5, 1991.•

H.R. 555, THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1991

• Mr. ADAMS. Mr. President, I rise today in support of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991. Over 500,000 American troops are presently serving in the Persian Gulf. All of these troops are at risk, and that risk will increase greatly if and when allied forces decide to undertake a ground offensive. Though the decision to initiate war in the gulf has caused divisiveness within this Chamber, and outbreaks of protest around the country, I am proud of Congress' and the American people's overwhelming, unified support for the troops. While I continue to pray for the safety and well being of our troops, and for a quick resolution to the war, H.R. 555 provides the opportunity to offer tangible support for U.S. forces. Like the COLA and agent orange bills passed earlier in the session, passage of H.R. 555 will reassure out troops that their sacrifices in the name of our country will continue to be honored long after they return from the battlefield. I urge unanimous support for the Soldiers' and Sailors' Civil Relief Act Amendments of 1991.

As a veteran, I understand the strains of participation in military actions. The Soldiers' and Sailors' Civil Relief Act was first passed at the outset of World War II to moderate the tremendous burdens that overseas duty can pose to service members and their families. Though updated twice during the course of the Vietnam conflict, the proposal before us today offers a comprehensive overhaul of the original Soldiers' and Sailors' Act. Today, our military is an All Volunteer Force whose combat success is predicated on a total force policy. Instead of relying on the draft to provide a large pool of potential fighting forces, present policies rely heavily on Selected Reserve and National Guard units to supply a significant portion of our Nation's defenses. The burden of being called to active duty, particularly for those who leave civilian careers and responsibilities behind as well as their families, has increased dramatically. H.R. 555 will go a long way to help U.S. service men and women deal with the potential financial and other hardships of their service.

First among the provisions of H.R. 555 is protection against eviction or distress of family members. This provision, which previously protected families paying rent up to $150 per month, raises that amount to $1,200. Housing issues continue to dominate the conerns of American families, and this increase will keep affected families in their homes.

Another crucial provision allows active duty personnel to suspend professional liability insurance protection—and premium payments—and to stay any court actions covered by their policy. Over 60 percent of the total Desert Storm medical capability comes from reserve personnel, yet premium payments for many doctors exceed military pay for an entire year. Because of the ongoing nature of professional liability claims, continued coverage is an absolute necessity. This provision will protect reserve troops from the prospect of being financially crippled by their service in the Persian Gulf.

The availability of health insurance, and the high associated cost, is a concern to all American families, and may present a particular problem to Reserve Forces called to active duty. The act before us today, which guarantees the reinstatement of health insurance upon reemployment in a previously held civilian position, allays those concerns. Furthermore, the act provides for reinstatement of the original policy immediately upon return to the civilian position, and allows no exclusions for conditions which may arise while the policyholder is on active duty. This will ensure the continued coverage of family members for the duration of the conflict.

In conjunction with the health-insurance provision, the act includes an unequivocal statement on veterans reemployment rights, clarifying title 38 of United States Code. This clarification is the most basic assurance we can give our veterans that their civilian jobs will be there for them upon their return.

Finally, among certain other benefits, the act provides that exercise of the rights guaranteed will not affect future financial or credit status. This protection is critical to reassure personnel returning from the gulf they can take full advantage of the acts provisions without fear of retaliation from creditors or insurers. The Soldiers' and Sailors' Civil Relief Act is more than a token of congressional support for American troops. It is a concrete package of financial support and assistance for active duty troops and their families. This final provision ensures that the act will be observed and honored throughout the Nation.

As long as men and women continue to serve this country in the Armed Forces, we must continue to recognize and address the problems they and their loved ones face as a result of their service. I am a committed supporter of veterans and veterans causes, and am particularly pleased to have been appointed to Senate Persian Gulf Military Personnel and Families Task Force. Yesterday, the task force reviewed more than 30 separate bills and proposals to benefit military personnel stationed in the Persian Gulf or their families. Today we forwarded a series of those bills, including a proposal I promoted to allocate funds for school counselors to help children whose parents are deployed in the gulf, to the White House Office of Management and Budget for cost estimates. These initiatives are on a legislative fast track, and will provide real benefits for those deployed and their families.

With passage of the Soldiers' and Sailors' Civil Relief Act Amendments of 1991, we begin to address the real needs of our Armed Forces presently serving in the Persian Gulf. Adoption of the act will send a particularly strong signal to those troops called from the Guard and the Reserves who left jobs and families behind to serve their country. In so doing, we can encourage Reserve and Guard personnel to stay in the armed services after their period of active duty has ended, and continue the all-volunteer tradition that has served our country so well. My support of H.R. 555 symbolizes my pride in the entire contingent of U.S. troops presently serving in the gulf, particularly the 6,000 brave men and women of Washington State. I urge my colleagues to join me in supporting this legislation.●

THE PERSIAN GULF CRISIS GIVES SCHOLARS A CHANCE TO ENCOURAGE MORE ACCURATE DEPICTIONS OF ARABS

● Mr. SIMON. Mr. President, I am concerned by the rising indications of attacks against people because of the groups they belong to.

This phenomena is occurring on our campuses and in communities everywhere.

The Washington Post recently ran a story indicating that anti-Semitic acts have almost doubled over the last year in the D.C. metropolitan area.

The Chicago Sun-Times has reported that anti-Arab activities have grown substantially since the war.

The particular danger at a time when we are in conflict with Iraq that Iraqi- and Arab-Americans will be treated unfairly.

We have to learn the simple lesson that people are people, and judge them as individuals and not because of any racial or religious or national or ethnic group they belong to.

I recently had the opportunity to read an article that appeared in the Chronicle of Higher Education written by Prof. Jack Shaheen of Southern Illinois University at Edwardsville, who is a professor in mass communications there.

He writes about the depiction of Arab-Americans in movies, and while I am no expert in the field, I fear that what he has to say is accurate.

I also recently wrote a column for the newspapers in my State commenting on this whole question of hatred against groups.

I ask to insert into the CONGRESSIONAL RECORD both the column I wrote and the article by Prof. Jack Shaheen.

The material follows:

THE PERSIAN GULF CRISIS GIVES SCHOLARS A CHANCE TO ENCOURAGE MORE ACCURATE DEPICTIONS OF ARABS

(By Jack G. Shaheen)

Operation Desert Shield has transported more than 200,000 American military men and women to Saudi Arabia. Thousands of armed forces from Egypt, Morocco, Syria, and other Arab countries are stationed alongside U.S. troops in the Saudi desert. How much do Americans, particularly members of our armed forces, know about the Arab peoples?

Prior to the Persian Gulf crisis, many Americans had probably never met an Egyptian, a Saudi, or a Syrian; most had never visited an Arab country. Their knowledge of Arabs came from the mass media, which provide virtually all the images average Americans have of the people of the world.

Yet the media's Arab lacks a human face. Images on television and movie screens present the Arab as a bogeyman, the quintessential Other. Nothing is shown of the Arab world's tradition of hospitality or its rich culture and history. We are shown nothing of value about its principal religion, Islam, a faith embraced by some 180 million Arabs in 21 nations.

Plato recognized the power of fiction when he said, "Those who tell the stories also rule society." In more recent times, Professor George Gerbner of the Annenberg School of Communications has said, "If you can control the storytelling of a nation, you don't have to worry about who makes the laws."

For nearly two decades, I have studied how the Arab people are depicted in our culture, giving special emphasis to the "entertaining" images of television programs and motion pictures. My research has produced convincing evidence that lurid and insidious portraits and themes are the media's staple fare. The abhorrence of the Arab has embedded itself firmly in the psyche of viewers. In more than 450 feature films and hundreds of television programs that I studied, producers bombarded audiences with rigid and repulsive depictions that demonized and delegitimized the Arab. In the process, they have created a mythical "Ay-rabland," an endless desert with occasional oil wells, tents, 12th-century palaces, goats, and camels. Emotions are primitive, with greed and lust dominant; compassion and sensitivity are virtually non-existent. These images do not just entertain; they narrow our vision and blur reality. Most Arabs are poor, not rich; they are farmers, not desert nomads; they have never mounted a camel, lived in a tent, or seen an oil well.

What are the predominant portrayals in the media? Arab males are billionaires and bombers. They are corrupt, dimwitted, sneaky, hook-nosed, obese, oily, and oversexed. Only two basic categories exist: wealthy sheiks and grotesque, seething-at-the-mouth terrorists. Arab women fare little better. They appear as obese belly dancers or as chattel—mindless harem maidens or silent bundles of black cloth who carry jugs on their heads as they trek across the desert behind camels.

On television and in motion pictures, the media's sheik is projected as uncultured and ruthless, attempting to buy media conglomerates (*Network*, 1977); destroy the world's economy (*Rollover*, 1981); use nuclear weapons against America and Israel (*Wrong is Right*, 1982); influence foreign policies (*Protocol*, 1984); and kidnap Western women (*Jewel of the Nile*, 1985). The sheik image parallels the image of the Jew in Nazi-inspired German films. Just as the Jew was made the scapegoat for Germany's problems in such movies as *Jüd Suss* (1940), today the sheik appears as a swarthy menace lurking behind imbalances in our own economic life.

As for the Palestinian-as-terrorist image, the stereotype has evolved over a period of four decades. There are numerous similarities between the savage American Indian depicted in early Westerns and the dehumanized Palestinian portrayed in current movie dramas. In the 1980's, 10 of the 11 feature films that focused on the Palestinian portrayed him as Enemy Number One. Made-for-television movies such as *Hostage Flight* (1985), *Terrorist on Trial* (1988), and *Voyage of Terror* (1990), augment the film image. Producers selectively frame the Palestinian as a demonic beast with neither compunction nor compassion, who abducts, abuses, and butchers men, women, and children.

What is forgotten in all this is that the great majority of Palestinians, like all other human beings, seek peace and abhor violence. Yet, on silver screens Palestinians, adorned in fatigues and kuffiyehs, almost never appear as victims of violence or even as normal human beings. When, if ever, has the viewer seen a Palestinian embracing his wife or children, writing poetry, or attending the sick? As journalist Edward R. Murrow said, what we do not see is often as important, if not more important, as what we do see.

Print journalists help perpetuate the stereotype. Recently, Meg Greenfield, the editorial-page editor of the *Washington Post*, wrote in a *Newsweek* column that Muslim women are slavish, submissive, and forced to stay at home. She noted "the contempt with which the Saudis treat women." One wonders where she obtained this information and how extensive her contacts with Saudis actually have been. A letter to the editor recently printed in the *Chicago Tribune* supplemented Greenfield's thesis: In Saudi Arabia, the writer asked, "Why should our female soldiers have to endure the baleful, lustful stares of the Arabs?" This remark is on a par with past hate-mongering stereotypes of Jews lusting for money and blacks lusting for white women.

Although there are nearly 500 million Muslim women—the Muslim world ranges from Guinea on the west coast of Africa to Borneo in the South China Sea—the most distorted and misunderstood aspect of Islam concern the status of women. For centuries Muslim women had property and legal rights greater than those afforded to women in Europe and North America. The media, however, usually portray Arab women as mute, uneducated, unattractive, enslaved beings who exist solely to serve men. It is true that in Western eyes there are problematic aspects to the status of Arab women, just as there are problematic aspects to the status of Western women from an Arab perspective. In the United States and in the 14 Arab nations I have visited, I have come to know women, Muslim and Christian, who are protected, loved, honored, and respected for being physicians, teachers, journalists, architects, and/or homemakers. We almost never see Arab women portrayed in those roles in the entertainment media, much less anyone modeled after Anwar Sadat's widow, Jihan, whose life is clearly the antithesis of the prevailing stereotype.

Who benefits when people are denigrated? All groups contain some Attila-the-Hun types, but they are in the minority. History teaches us that a major obstacle to world peace is the tendency of image makers to dehumanize others and to enhance myths. As a recent *New York Times* editorial states: "Bigotry thrives on slanderous stereotypes, and the crazed Arab is today's version of the Teutonic hordes and the yellow peril. . . . To hold a diverse Arab world collectively responsible for a single leader's misdeeds traduces an entire people."

Members of the academic community often play an important role in producing and critically analyzing portraits of various groups. But most have ignored the harm done by the Arab stereotypes. Those who do examine this phenomenon risk being accused of being prejudiced themselves or of promoting some hidden agenda. While researching the image, for example, I was characterized by some academics as an "anti-Israeli Arab lover" who engages in "Arab propaganda."

Why was my research attacked? Several possibilities exist. Did the accusers have their own prejudices? Is there an assumption that we do not need to know the Arab people? Because of the Arab-Israeli conflict, which frequently clouds scholarly objectivity with deeply held fears for the future of countries in the region, some academics label research into the media's depiction of Arabs as being pro-Arab and anti-Israeli, ignoring the fact that numerous Jewish scholars have also criticized the Arab stereotype. My Arab heritage is occasionally brandished as an excuse to discount my studies by people who would never consider advancing the equally absurd notion that blacks or women cannot objectively study their own groups.

College administrators and heads of departments actively and rightly seek out Jewish, Hispanic, Asian, female, and black scholars to teach courses related to their particular racial and ethnic backgrounds. The presence of those faculty members reflects a university's sensitivity and commitment to increasing understanding of minorities and ethnic groups. Yet, to my knowledge, no university offers classes studying the Arab image in popular culture; no university actively seeks to recruit faculty members who could address that need.

Some academics, notably film historians and those who study perceptions of racial and ethnics groups, women, and the elderly, are beginning to recognize the importance of including Arab portraits in their analyses of pervasive cultural images.

Soon after he launched Operation Desert Shield, President Bush said that the actions of Saddam Hussein went "against the tradition of Arab hospitality, against the tradition of Islam." The President's words help dilute prejudice by debunking prepackaged Arab stereotypes. We need more such high-level declarations to encourage us to examine carefully the realities of the region, both bad and good.

The current crisis in the Persian Gulf gives scholars the chance to promote more accurate portraits of Arabs. They could challenge students and the general public to look beyond the obvious by focusing on the telling effects of myths. As President John F. Kennedy said: "The great enemy of truth is very often not the lie, deliberate, contrived and dishonest, but the myth, persistent, persuasive, and realistic."

Popular culture's messages teach us whom to love and whom to hate. There is a dangerous and cumulative effect when such messages remain unchallenged. I am confident that educators will eventually define, document, and discuss the racism prevalent in the media's images of Arabs. Our present preoccupation with Saddam Hussein and his villainy should not blind educators to the need for that effort. The ultimate result should be an image of the Arab as neither saint nor devil, but as a fellow human being, with all the potentials and frailties that condition implies.

(Jack Shaheen is professor of mass communications at Southern Illinois University at Edwardsville and author of The TV Arab (Bowling Green State University Press, 1984).●

WARNING SIGNS IN ADMINISTRATION'S CIVIL RIGHTS RECORD

● Mr. SIMON. Mr. President, it was discouraging to read the statement of Assistant Attorney General for Civil Rights, John R. Dunne. I had hopes that the appointment of John Dunne, after the very weak attempted appointment of William Lucas as Assistant Attorney General for Civil Rights, might indicate that the administration was willing to move ahead.

Regrettably, John Dunne apparently is following the administration line.

My hope is that John Dunne will examine his conscience carefully, and if he does not see the administration standing up on civil rights, he will do the honorable thing and resign, and tell the world why he is resigning.

Mr. Dunne's statement to the House Judiciary Subcommittee on Civil and Constitutional Rights makes it appear that the great threat to our society is not racism but quotas.

In the conference on this civil rights bill last year, we went out of our way to make clear, beyond any question, that quotas were not a part of affirmative action in this Nation.

Yet the President decided to use quotas as an excuse of vetoing the bill.

The uproar over minority scholarships came after the Assistant Secretary for Education consulted with some people in the White House. Who he consulted with is not clear.

The combination suggests that in 1992, the President intends to campaign in a way that divides America rather than uniting America. He won in that way, in part, in 1988 with the Willie Horton ad, but I hope there will be citizens of both political parties who will stand up and denounce this drift in the same divisive direction.

There is clearly a lack of sensitivity by the administration on the questions faced by less fortunate Americans of whatever color.

We need leadership that pays attention to the problems of less fortunate Americans. We need leadership that brings Americans together, and John Dunne's statement to the House committee is a great disappointment.

I was pleased to note the comment of Congressman JOHN CONYERS of Michigan at the hearing, "The nearest thing that I know of to a quota is the disproportionate number of African-Americans in the Armed Forces in the Persian Gulf."

John Dunne has to make a decision whether he is going to follow the lead of an administration that is anemic in the area of moving on the problem of racism. I hope he rescues his own reputation by standing up.

I ask to insert the New York Times article by Steven A. Holmes into the RECORD at this point.

The article follows:

RIGHTS BILL SEEN AS AIDING QUOTAS: U.S. AIDE'S COMMENTS SIGNAL HARDENING IN OPPOSITION

(By Steven A. Holmes)

WASHINGTON, February 7.—A top Justice Department official said today that hiring and promotion quotas favoring minority members and women are prevalent in American society, and that a civil rights bill pending in Congress would only make quotas more pervasive.

"Quotas, regrettably, are alive and well," the official, John R. Dunne, Assistant Attorney General for Civil Rights, told the House Judiciary Subcommittee on Civil and Constitutional Rights.

Mr. Dunne's statement was the first official response to the introduction of the proposed Civil Rights Act of 1991, meant to counter discrimination in hiring and promotions. A somewhat weaker anti-discrimination bill was passed by Congress last year but vetoed by President Bush.

The two sides remain far apart on the bill as indicated by Mr. Dunne's remarks, including his comments about one of the Supreme Court rulings that the bill is intended to overturn.

Last year the Administration, which had been seeking to cut longtime Democratic support among blacks, conceded the need to modify a key 1989 Supreme Court decision, Wards Cove Packing Company v. Atonio. Proponents of the bills maintain that the Court's ruling made it easier for companies to defend hiring practices resulting in exclusion of minority groups or women. If businesses find it difficult to prevail in court cases, proponents assert, they will turn to quotas to avoid litigation.

ADMINISTRATION SHIFT SIGNALED

Today, signaling a harder line on Wards Cove by the Administration, Mr. Dunne disputed the contention that the Court ruling made it too easy for companies to win such cases. He cited a Justice Department study showing that in Federal cases since the

Court's ruling, plaintiffs prevailed nearly as many times as the defendant.

Like the bill vetoed last year, the new measure would overturn the Wards Cove ruling and five other Court decisions that the civil rights groups contend have seriously weakened Federal anti-employment discrimination laws. It would also amend the Civil Rights Act of 1964 to permit victims of intentional job discrimination to win larger monetary awards in court.

Both Mr. Dunne's comments and the bill itself indicate that both sides are much further apart than they were when negotiations to forge a compromise bill collapsed last fall.

The hardening of attitudes toward the bill indicates the difficulty in reaching a consensus.

A Senate Republican aide put it this way: "Last year, the sponsors of the bill and the Administration started out a mile apart. Then through the efforts of people like Danforth, Specter and Jeffords you got them a foot apart." The reference was to Senators John C. Danforth of Missouri, Arlen Specter of Pennsylvania and James M. Jeffords of Vermont, all Republicans. "Now they're starting off a mile apart again," the aide said. "That's not encouraging."

Last year, in an effort to gain White House acceptance, sponsors of the bill placed a ceiling of $150,000 on punitive damages that can be awarded to plaintiffs who prove intentional discrimination. This year's bill contains no such ceiling.

HIGH CHARGED ATMOSPHERE

The Senate aide added that the debate over the bill is taking place in an even more highly charged political environment than last year. "Ninety-two is closer," he said, referring to the next Presidential election.

Democratic supporters of the bill have assailed the Administration for opposing the measure, while blacks make up such a large percentage of the ground troops serving in the war in the Persian Gulf.

"The nearest thing that I know of to a quota is the disproportionate number of African-Americans in the armed forces in the Persian Gulf," said Representative John Conyers Jr. a Michigan Democrat.

For their part, Republican opponents of the bill point to last November's elections, saying few, if any, party candidates were rejected because of the veto.

Sponsors of the measure oppose quotas, but voiced skepticism at Mr. Dunne's contention of the pervasiveness of quotas.●

RECESS UNTIL 2:30 P.M. TUESDAY

The PRESIDENT pro tempore. Under the order previously entered, the Senate will stand in recess until the hour of 2:30 p.m. on Tuesday next.

Thereupon, the Senate, at 10:59 a.m., recessed until Tuesday, February 26, 1991, at 2:30 p.m.

HOUSE OF REPRESENTATIVES—*Monday, February 25, 1991*

The House met at 12 noon, and was called to order by the Speaker pro tempore [Mr. HOYER].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 25, 1991.

I hereby designate the Honorable STENY H. HOYER to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty God, from the beginning You have breathed into us the very breath of life and have nurtured and directed us along life's way, so now we pray for Your presence with those to whom great responsibility has been given and with those who are in danger and risk. As we hear the sound of battle and feel the anxiety of the day, so too may we hear Your still small voice in the quiet of our hearts. May Your blessing, O God, that transcends all the barriers of time and space, be with the men and women of our Armed Forces and give them Your peace that passes all human understanding. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio [Mr. HOBSON] for the purpose of leading the House in the Pledge of Allegiance.

Mr. HOBSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HON. JOHN SHERMAN COOPER OF KENTUCKY

(Mr. NATCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NATCHER. Mr. Speaker, it is with deep regret that I now announce the death of John Sherman Cooper of Kentucky who died on Thursday, February 21 at his home in Washington, DC. My friend, John Sherman Cooper, served in the U.S. Senate for a period of 20 years and 6 months.

He was born in Somerset, Pulaski County, KY, on August 23, 1901, and after attending public schools at Somerset and Centre College in Danville, graduated from Yale College in the year 1923. After attending Harvard Law School from 1923 to 1925, he was admitted to the bar in 1928 and began the practice of law in Somerset, KY. He served in the Kentucky State House of Representatives from 1928 to 1930 and then he was elected as county judge of Pulaski County and served from 1930 to 1938. From time to time, he served on the board of trustees of the University of Kentucky and this was during the period from 1935 to 1946. During World War II, he served in the U.S. Army from 1942 to 1946.

Following the war, John Sherman Cooper was elected circuit judge of the 28th Judicial District of Kentucky in 1945 and served until his resignation in 1946 since he had been elected to the U.S. Senate to fill the vacancy brought about as a result of the resignation of A.B. Chandler. Senator Chandler was selected to be the baseball commissioner and resigned his seat in the U.S. Senate. John Sherman Cooper served in the Senate from November 6, 1946, to January 3, 1949. He was an unsuccessful candidate for reelection in 1948 and at that time resumed the practice of law. Next, he served as a delegate to the General Assembly of the United Nations in 1949 and was an alternate delegate in 1950 and 1951. He served as an adviser to the Secretary of State at the London and Brussels meetings of the council of ministers of the North Atlantic Treaty Organization in 1950.

He then was elected again to the U.S. Senate to fill the vacancy caused by the death of Virgil M. Chapman and served from November 5, 1952, to January 3, 1955. He was an unsuccessful candidate for reelection in 1954 and then served as Ambassador to India and Nepal from 1955 to 1956. Next, he was elected again to the U.S. Senate in 1956 to fill the vacancy caused by the death of former Vice President Alben W. Barkley and was reelected in 1960 and again in 1966. He served from November 7, 1956, to January 3, 1973, and was not a candidate for reelection in 1972. Following his service in the Senate, he was selected as our Ambassador to the German Democratic Republic and served from 1974 to 1976. He then again resumed the practice of law and practiced here in our Nation's Capital.

He was a good man who served his country well and he always kept the common touch. His name will be known in all time to come at home and in the far corners of the Earth for his monumental works in behalf of representative government which is the source and the protector of all human rights in all nations where freedom prevails. He was a man of the soil. Throughout all of his mature years, regardless of all of his other achievements, and they were many, he was considered as the friend of the American farmer. He labored with dedicated devotion and with a passion on the ramparts of individual freedom, honesty and constitutional government. His service in all of his achievements was marked by a high sense of conscience and duty. His character, his achievements and his faithful service will be an inspiration to generations yet to come.

Mr. Speaker, I have lost a true friend and the United States of America has lost a great statesman.

He will be buried at Arlington National Cemetery on Wednesday, February 27, 1991.

To the members of his family, I extend my deepest sympathy in their bereavement.

A TRIBUTE TO THE LATE HONORABLE JOHN SHERMAN COOPER OF KENTUCKY

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, I intend to seek a special order later in the week after the funeral services of Senator Cooper to allow Members of the House to have their say in regard to this man.

We are all diminished by the passing of Senator Cooper. Here was a man who was beloved on both sides of the aisle. He was elected repeatedly as a Republican in a State that was at that time 3 to 1 Democratic. He was a man who was, thankfully, honored in his lifetime, and I hope he will be deeply hon-

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ored further during this week and during the funeral services.

Senator Cooper was the favorite son of my hometown, Somerset, KY. His brother and I serve there on a bank board together. His family has been a deep part of the history of Kentucky since it has been around. It is a great family, and Senator Cooper, of course, being the erudite politician that he was, was only the head of a very large family of public servants.

We are all diminished by the passing of Senator Cooper. He was a man who was very popular. I must say that in our State he was the most popular of all politicians on both sides of the aisle, and yet continually he was striving to improve himself. He was a man of great and deep humility, in the mold of our native son, Abraham Lincoln, and yet he had an independence and integrity that matched that of Henry Clay, another of our great sons. So I think Senator Cooper belongs in that league, in a league with our native sons, Lincoln and Henry Clay.

Mr. Speaker, we hope that many of you will attend the public funeral services at 11 o'clock on Wednesday at Arlington National Cemetery and, of course, like all of you, we join in extending to his family our deepest sympathies.

HONOR THE SACRIFICES MADE BY THE TROOPS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I rise to voice my support for our troops as they wage the final battle to liberate Kuwait.

Saddam Hussein has used every trick in his terrorist handbook to block our desire for a just peace in Kuwait. He has failed in these efforts and now his time has run out.

Saddam rejected peace by pretending to seek a negotiated settlement to this crisis. As late as Saturday, Saddam was offering to pull out of Kuwait—but at the same time he was burning oil wells and committing genocide against innocent Kuwaitis.

I believe that the brave men and women of our Armed Forces will soon complete their mission to right these wrongs.

I also pray that the positive reports we are now receiving from the front will continue so our troops can win this war with minimal bloodshed.

And once the job is done, Americans for generations to come will look back in awe on the sacrifices these men and women have made for freedom.

THE WAR IN THE GULF

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, reports from the battlefield suggest that the coalition forces, led by ground and air troops of the United States, have achieved an extraordinary degree of success.

We cannot tell at this time when the war will end. We know with certainty that it will end with a victory for the forces of freedom.

We are all thankful to God that thus far casualties have been very low.

I just want to take this time to publicly extend my thanks to Mr. SOLARZ and all those who joined with us in the bipartisan resolution that authorized the President to use force against Saddam Hussein. A little over a month ago it was not easy to vote to send our troops into combat in the face of the dire predictions that were heard at the time. And some of the most pessimistic predictions, I might add, were aired right here on the floor of this House.

Before our memories fade, I just want to remind our colleagues that in January an excruciating tough choice had to be made, and I am deeply grateful to those who joined us in that effort. The bipartisan coalition in the House made the tough choice, the right choice, for our troops, for our country, and for the cause of international justice.

Mr. Speaker, as I indicated, again I want to thank all those Members who joined in that very momentous effort. It certainly is paying dividends today.

□ 1120

TRIBUTE TO ARMY CHIEF WARRANT OFFICER HAL H. REICHLE

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, today I rise to honor the memory of Army CWO Hal H. Reichle, one of the State's first soldiers to die in combat in Operation Desert Storm and a resident of Marietta, GA. He was a member of Company A, 1st Battalion, 24th Infantry Division, based at Fort Stewart at Hinesville, GA.

It has been reported that he was killed this past Thursday in a combat-related helicopter crash which also claimed the lives of seven marines, Chief Warrant Officer Reichle was said to have died after the helicopter he was piloting crashed upon return from a reconnaissance mission along Saudi Arabia's border with Iraq. His body will be returned to his family this week and will be laid to rest at Marietta National Cemetery.

While the war in the Persian Gulf has resulted in minimal casualties so far, it does not minimize the feelings of loss when one of our soldiers loses his life. I would like to take this time to extend our sympathy to the family of Chief Warrant Officer Reichle. His courage and dedication to fighting for his country will be remembered for many years to come, especially by the people of northwest Georgia.

SILVER MEDAL FOR GULF TROOPS

(Mr. LAROCCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAROCCO. Mr. Speaker, today, I am introducing legislation to authorize the creation of a silver medallion to be given to the U.S. military personnel serving in the gulf as a token of both Congress' and the Nation's gratitude to the U.S. troops.

The final battle to free Kuwait from occupation has now begun. While we meet this morning, brave young men and women are risking their lives and performing acts of heroism, large and small. Indeed, many have made the ultimate sacrifice for their country. While many of our troops are regular military personnel, some are reservists who were packing their children's lunches and catching the bus to work just a few weeks ago.

The men and women of Operation Desert Shield and Operation Desert Storm will no doubt receive appropriate military decorations from the Pentagon for their service. But I believe they should also receive from us civilians in Congress a small symbol of gratitude on behalf of the Nation as a whole. I urge Members to join me as sponsors of this legislation.

GERMANY, JAPAN, AND SOUTH KOREA MUST CONTRIBUTE MORE TO DESERT SHIELD

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, on this very ominous day, when we hope things continue to go so well, I want to say to our allies, especially three of them—Germany, Japan, and South Korea—that there are no three countries on this planet that owe their prosperity and well-being more to the United States than those three countries. Yet when we look at the cost of this war, those three countries are really doing the least compared to what they could do.

Mr. Speaker, this is terribly disappointing to me. Their attitude has been that after all of their people have health care, which our people do not have in the United States, that after all of their young people are educated in college or whatever they want, which our people do not get in the United States, and after many more programs that they fund, if there is anything left, they will throw some change in the tin cup.

You cannot be a superpower and a super debtor very long. I think we have to say to these allies, especially these three, our patience is running out, and we really expect a whole lot more than loose change. I think that is very, very important. Congress is going to be talking about this as we look at the cost of this war and start trying to pay the bill, which is going to be very difficult, in the next few months.

TRIBUTE TO JOHN SHERMAN COOPER

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, it had been my intention to come to the floor today to talk about the activities in Desert Storm and the fact that this would appear in the early days to be one of the most brilliantly conceived and brilliantly executed battlefield plans in the history of modern warfare, and at the same time to caution against the use of that very word the President used in January, which is "euphoria." We cannot succumb to euphoria, because the battle is not yet won. It appears, however, that the battle so far is a remarkable testimony to the courage and patriotism of our men and women in Desert Storm.

But, Mr. Speaker, rather than Operation Desert Storm I speak today for those of us from the Commonwealth of Kentucky of the sad passing of one of the giants of American politics and one of the giants of Kentucky politics—former Senator John Sherman Cooper, a great man, a great leader, a great statesman, and a great Kentuckian. A person who, despite his world stage, never forgot that his roots were in the mountains of southeastern Kentucky.

Mr. Speaker, I have one very quick vignette. When I was a new Member 20 years ago and had my swearing-in reception over at the Rayburn Building, John Sherman Cooper, who did not have to come—he was not of my party; he was a distinguished leader at that time and I was a newcomer—came. I have never in my life forgotten that great favor of that great gentleman.

It is with great sorrow we announce his death to the country. I extend my condolences to all of his family.

TRIBUTE TO JOHN SHERMAN COOPER

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I intended to speak solely about the fact that Kentucky and our country lost one of our most respected leaders last Thursday when Senator John Sherman Cooper died here in Washington at age 89.

However, I must take a moment to compliment and extend my congratulations to the 101st Airborne Division from Fort Campbell, KY, upon their tremendously successful air assault missions during the weekend into Kuwait and southern Iraq.

John Sherman Cooper was active in local Somerset, KY, politics and was first elected to the Kentucky House of Representatives in 1928, the same year he was admitted to the Kentucky Bar. He served one term as Pulaski County's State representative and then was elected Pulaski County judge for the next 8 years.

Senator Cooper first won election to the Senate in November 1946 to fill the vacancy caused by the resignation of Albert B. "Happy" Chandler, who resigned to become commissioner of baseball. Senator Cooper was defeated for election for a full term in 1948.

For the next 4 years Senator Cooper was a delegate to the United Nations. In November 1952, he again won election to the Senate, this time to fill the 2 years remaining in the term of Senator Virgil M. Chapman, who had died in office.

Kentucky, where most elected officials through the years have been Democrats, elected this outstanding Republican to the U.S. Senate five times.

In the years before television advertising became the most valuable campaign asset, Senator Cooper usually campaigned alone, visiting the cities and towns across Kentucky and seeking support person to person.

President Harry S. Truman made him a delegate to the United Nations. He was a roving Ambassador for Secretary of State Dean Acheson, an Ambassador to India under Dwight D. Eisenhower, and a friend and confidant of John F. Kennedy. Lyndon B. Johnson appointed him to the Warren Commission for the investigation of Kennedy's assassination. Gerald Ford appointed him Ambassador to East Germany.

My wife Carol and I have been very fond of Senator Cooper for many years. I'm very proud of the large autographed photo of him that hangs in my office in the Rayburn Building. I was always so pleased that in recent years Senator Cooper would ask me to assist him in his annual trips to the Fancy Farm political picnic in my home county in western Kentucky.

Actually, my wife Carol met Senator Cooper and his lovely, talented wife Lorraine long before I did. After Carol was selected Miss Kentucky in 1959, Senator and Mrs. Cooper contributed $300 toward her expenses related to the 1959 Miss America Pageant in Atlantic City.

During the many times Carol and I had the privilege of visiting with Senator Cooper, he and Carol always enjoyed discussing mutual friends and current events in Somerset, where Carol lived and was an elementary teacher for 14 years.

Truly, Senator Cooper was a man loved, appreciated, and admired by those of us fortunate enough to have known him.

SOUTH KOREA HAS CONTRIBUTED TO CAUSE OF WORLD STABILITY

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, on this floor a few minutes ago the gentlewoman from Colorado [Mrs. SCHROEDER] criticized three countries, namely, Germany, Japan, and the Republic of Korea, for not participating fully in Operation Desert Storm. Let me concur with her on the first two countries, Germany and Japan, but let me suggest to her that she delete the name of South Korea, because South Korea has participated and continues to participate fully in the struggle for freedom and national self-determination around the world.

Let me point out to the gentlewoman that it was South Korea, standing shoulder to shoulder with the United States of America, that stopped communism dead in its tracks back in 1950. That was the turning point against that deadly, atheistic philosophy—communism—that is even worse than that of Saddam Hussein. The Republic of Korea has stood as a staunch ally of the United States in the fight against communism ever since.

Let me suggest that the gentlewoman from Colorado ought to withdraw the name of South Korea and put in its place that of the Soviet Union, which has contributed not one dollar, which has contributed not one life, to this important cause for which we are all fighting for in Saudi Arabia.

Since joining with the United States to vote for the creation of the United Nations, the Soviet Union has more often than not been a stumbling block for the cause of freedom by means of the votes it cast in that international organization. At last—after more than 40 years—the Soviet Union did cast a truly constructive vote for freedom when it supported the international coalition against Saddam Hussein's occupation of Kuwait. Now, however, it has reverted to form, offering diplomatic escape hatches for Saddam Hussein that, while currying favor for the Soviet Union in the Middle East, work against the allies' efforts to bring long-term stability to the region.

Again, Mr. Speaker, let me suggest that the gentlewoman from Colorado delete her criticism for a good, staunch ally, the Republic of Korea, and aim that criticism where it is well deserved.

□ 1220

PRINTING IN RECORD OF REMARKS OF HOUSE MEMBERS AT OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the program and remarks of the Members representing the House of Representatives, the gentleman from Virginia [Mr. OLIN] and also the gentleman from Virginia [Mr. WOLF] at the wreath-laying ceremony at the Washington Monument for the observance of George Washington's Birthday on February 22, 1991, be inserted in today's CONGRESSIONAL RECORD.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The remarks referred to follow:

WASHINGTON MONUMENT WREATH-LAYING CEREMONY, FEBRUARY 22, 1991

PROGRAM

Presentation of the Colors: Joint Armed Services Color Guard, Military District of Washington.

The National Anthem: Stevens Elementary School Glee Club.

Welcome by the Master of Ceremonies: Arnold Goldstein, Superintendent National Capital Parks-Central.

Remarks: Frank Addison, Washington National Monument Society; Robert G. Stanton, Regional Director, National Park Service; Honorable Jim Olin, U.S. House of Representatives, 10th District, Virginia; Honorable Frank R. Wolf, U.S. House of Representatives, 6th District, Virginia.

Musical Selection: Stevens Elementary School Glee Club and Bell Ringing Choir, Sharon Strange, Director.

Presentation of the Wreaths

Wreath of the U.S. House of Representatives: Honorable Jim Olin, Honorable Frank R. Wolf.

Wreath of the Washington National Monument Society: Frank Addison.

Wreath of the National Park Service: James M. Ridenour, Robert G. Stanton, Lucas Andrews.

Taps and Retiring of the Colors: Military District of Washington.

REMARKS OF CONGRESSMAN JIM OLIN, WASHINGTON MONUMENT, FEBRUARY 22, 1991

Today we are privileged to take part in honoring perhaps the greatest leader in our history, at a monument inspired by his service to his country, at a time when young American men and women are risking their lives abroad to protect our national interest.

When we look back at the formative years of our nation, it is important to remember how fragile our democracy was. The United States of America was frankly an experiment in self government. Our Founding Fathers set up a system of government unlike any other in history in the extent to which the people would rule.

Fortunately for us, the first man to lead our nation was a man of integrity whose commitment to the democratic ideal was unshakable. The people of his time recognized George Washington's extraordinary talents and entrusted their future to him. Such was his popularity that he could have made the office of the Presidency anything he wanted. Suggestions were made to crown him King. Such was his integrity that he preserved the fundamentally democratic nature of our government and retired after two terms, leaving the Presidency to a democratically elected successor. The importance and courage of that act in preserving our democracy cannot be overestimated.

As a Virginian, I am particularly proud that our first President was a fellow Virginian. Born in Westmoreland County, George Washington spent part of his career as a surveyor in the Shenandoah Valley, the area I am honored to represent in the House of Representatives. He also was elected to the Virginia House of Burgesses and served the Commonwealth in the state militia. Our capital, Richmond, has the distinct honor of being the first locality to sponsor a public celebration of Washington's Birthday.

So, today we celebrate the birth of the Father of our country. And, in doing so, our thoughts inevitably go to our troops in the Mideast. The turmoil in that troubled region contrasts sharply with the peaceful democratic tradition instilled in us by George Washington. Today, our soldiers are poised to stop a brutal dictator unconstrained by the will of his own people. As a result of the foundation laid by George Washington, our nation has both the values and the resources to turn back this aggression. But more importantly we have the people, the men and women in our armed services, who are willing to serve—and fight, if necessary—to preserve our vital interests.

This ceremony honors George Washington, but it also honors them, our soldiers, fighting to safeguard George Washington's heritage.

Thank you.

STATEMENT OF REPRESENTATIVE FRANK R. WOLF, FEBRUARY 22, 1991

IN HONOR OF A TRUE AND GREAT AMERICAN: GEORGE WASHINGTON

It is a privilege for me to speak here today in honor of one of the greatest men who ever lived and one of the finest presidents ever to serve our country—George Washington.

I am particularly proud to speak in his honor because he was born in Virginia. Although I was born in Philadelphia, Pennsylvania, Northern Virginia has been my home for the past 29 years. I and my family live and worship in the Commonwealth. My five children were educated in Virginia public schools. And I have had the great privilege and responsibility of serving the people of the 10th District of Virginia as their elected representative in Congress for six terms.

We from Virginia, and the District of Columbia and Maryland, have the opportunity to view each day these monuments which have been erected to memorialize George Washington and other great leaders of our nation. But these monuments stand here to be viewed by all Americans—citizens of every race, creed, gender, age, and ethnic heritage. They are here to inspire all Americans to achieve greatness and to keep alive the values and principles for which men like George Washington stood—freedom, democracy, and patriotism among them.

In an address he gave on September 19, 1796, George Washington said:

"Citizens by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you, in your national capacity, must always exalt the just pride of Patriotism, more than any appellation derived from local discriminations."

George Washington was a true American in that he placed the good of the nation before his own personal interests. It was his outstanding and unequalled leadership which helped our nation achieve independence. It is fitting that we regard him as the father of our country.

In 1789, Washington was elected to serve as the first President of the United States by unanimous vote. His ability to lead the nation as well as he had led its army was soon recognized, even by those who had opposed him.

Through years of hard work and unselfish devotion, Washington, together with our founding fathers, launched the new government on its course and laid the foundation for a strong government which has well-served each succeeding generation of American citizens.

In 1799, George Washington died at 67 years of age at his home in nearby Mount Vernon. But his memory lives on, not only here at the site of the Washington Monument and at Mount Vernon, but in the hearts of all Americans. And I believe the spirit and vision which moved George Washington toward greatness lives within all of us. Thank you.

RANKING OF MEMBER ON COMMITTEE ON SMALL BUSINESS

Mr. HOYER. Mr. Speaker, I ask unanimous consent that in House Resolution 43 adopted by the House on January 24, 1991, electing the gentleman from New Jersey, Mr. ROBERT ANDREWS, to the Committee on Small Business, Mr. ANDREWS be elected to rank ahead of the gentleman from Maine, Mr. THOMAS ANDREWS.

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Maryland?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. HOBSON) to revise and extend his remarks and include extraneous material:)

Mr. CLINGER, for 5 minutes, on February 27.

(The following Members (at the request of Mr. DARDEN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ANDREWS of New Jersey, for 5 minutes, on February 27.

Mr. CLEMENT, for 60 minutes, on March 14 and March 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HOBSON) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN in two instances.

Mr. GALLO in two instances.

Mr. COUGHLIN.

Mr. SOLOMON in two instances.

(The following Members (at the request of Mr. DARDEN) to revise and extend their remarks and include extraneous material:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. TOWNS.

Mr. DE LUGO.

Mr. ACKERMAN.

Mr. KOSTMAYER.

Mr. MAZZOLI.

Mr. BROOKS.

ADJOURNMENT

Mr. DARDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, at 12 o'clock and 24 minutes p.m.) the House adjourned until tomorrow, Tuesday, February 26, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

694. A letter from the Administrator, Farmers Home Administration, transmitting the report on target participation rates for Farmers Home Administration [FmHA] Farm Ownership [FO] Loans and Acquired Property Outreach Program for members of socially disadvantaged groups, pursuant to 7 U.S.C. 2003; to the Committee on Agriculture.

695. A communication from the President of the United States, transmitting his request for emergency fiscal year 1991 supplemental appropriations for various civilian Executive Branch agencies, pursuant to 31 U.S.C. 1107 (H. Doc. No. 102–44); to the Committee on Appropriations and ordered to be printed.

696. A communication from the the President of the United States, transmitting a request for fiscal year 1991 supplemental appropriations for the Department of Defense in support of Operation Desert Shield/Desert Storm, pursuant to 31 U.S.C. 1107 (H. Doc. No. 102–43); to the Committee on Appropriations and ordered to be printed.

697. A letter from the Secretary of the Air Force, transmitting notification that major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

698. A letter from the Directors of the Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the technical assumptions to be used in preparing estimates of national defense function (050) outlays for fiscal year 1992, pursuant to Public Law 101–189, section 5(a) (103 Stat. 1364); to the Committee on Armed Services.

699. A letter from the Adjutant General, the Veterans of Foreign Wars of the United States, transmitting proceedings of the 91st national convention, pursuant to 36 U.S.C. 118; 44 U.S.C. 1332 (H. Doc. No. 102–45); to the Committee on Armed Services and ordered to be printed.

700. A letter from the Comptroller of the Currency, Department of the Treasury, transmitting the annual report on enforcement actions for the period of January 1, 1990 through December 31, 1990, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

701. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–344, "Board of Trustees of the University of the District of Columbia Compensation Amendment Temporary Act of 1990," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

702. A letter from the Assistant Secretary for Fossil Energy, Department of Energy, transmitting notice that the annual/quarterly report on the status of the strategic petroleum reserve will be delayed, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

703. A letter from the Administrator, Environmental Protection Agency, transmitting the third annual report on the Asbestos Hazards Abatement Program for 1988, pursuant to 20 U.S.C. 4016, 4020(7); to the Committee on Energy and Commerce.

704. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to section 3(e) of the AECA, pursuant to 22 U.S.C. 2314(d); to the Committee on Foreign Affairs.

705. A letter from the Secretary of State, transmitting a list of all sales and licensed commercial exports of major weapons or weapons-related defense equipment, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

706. A letter from the Assistant Sercretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by David Floyd Lambertson, of Kansas, to be Ambassador Extraordinary and Plenipotentiary-designate to the Kingdom of Thailand, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

707. A letter from the Assistant Secretary, Department of the Treasury, transmitting its report on activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

708. A letter from the Chairman, Nuclear Regulatory Commission, transmitting its report on activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

709. A letter from the Administrator, Environmental Protection Agency, transmitting a report on 1991–95 revisions to the Agency's long-range research agenda, pursuant to 42 U.S.C. 4361; to the Committee on Science, Space, and Technology.

710. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1992 and 1993 and for other purposes; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ:

H.R. 1103. A bill to provide additional funding for the Resolution Trust Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BROOKS:

H.R. 1104. A bill to declare certain portions of Pelican Island, TX, nonnavigable; to the Committee on Energy and Commerce.

By Mr. CRANE:

H.R. 1105. A bill to provide for annual observances of certain legal public holidays on their traditional dates; to the Committee on Post Office and Civil Service.

H.R. 1106. A bill to provide for the privatization of the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. LAROCCO:

H.R. 1107. A bill to establish a silver congressional commemorative medal for members of the U.S. Armed Forces who serve in a combat zone in connection with the Persian Gulf conflict; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MONTGOMERY (for himself, Mr. PENNY, Mr. SMITH of New Jersey, Mr. STUMP, Mr. EDWARDS of California, and Mr. NAGLE):

H.R. 1108. A bill to amend titles 10 and 38, United States Code, to restore certain education benefits of individuals serving as part of Operation Desert Shield or Operation Desert Storm; jointly, to the Committee on Armed Services and Veteran's Affairs.

By Mr. ROHRABACHER:

H.J. Res. 146. Joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990; to the Committee on the District of Columbia.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

20. By the SPEAKER: Memorial of the General Assembly of the State of Indiana, relative to support for the men and women serving in the Armed Forces of the United States; to the Committee on Foreign Affairs.

21. Also, memorial of the Legislature of the State of Nevada, relative to the desecration of the flag of the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 66: Mr. DICKS, Mr. RANGEL, Mr. BERMAN, Mr. JENKINS, Ms. MOLINARI, Mr. KOLBE, Mr. TALLON, Mr. ECKART, Mr. MURPHY, Mr. HAMMERSCHMIDT, Mr. CLINGER, Mr. HORTON, Mr. COSTELLO, and Mr. HUGHES.

H.R. 315: Mr. LIPINSKI.

H.R. 328: Mr. AUCOIN.

H.R. 375: Mr. LEVIN of Michigan and Mr. DE LUGO.

H.R. 451: Mr. GUARINI, Mr. HERTEL, Mr. TOWNS, Mr. CAMPBELL of Colorado, Mr. THOMAS of Wyoming, Mr. COSTELLO, Mr. ROGERS, and Mr. SERRANO.

H.R. 553: Mr. SERRANO, Ms. KAPTUR, Mr. JEFFERSON, and Mr. JONES of North Carolina.

H.R. 661: Mr. KOLBE, Mrs. VUCANOVICH, Mr. FISH, Mr. RANGEL, Mr. WASHINGTON, and Mr. JEFFERSON.

H.R. 766: Mrs. ROUKEMA.

EXTENSIONS OF REMARKS

SANTA TERESA, NM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. RICHARDSON. Mr. Speaker, Mr. Charles Crowder is the moving force behind the planning of the eastern-most crossing on the United States-Mexico border in Santa Teresa, NM. This project is the first and only binational master-planned community along the United States-Mexico border. Mr. Crowder has worked tirelessly to make this program commercially successful by focusing on quality-of-life issues such as housing, schools, and medical facilities. In light of the pending free-trade agreement with Mexico, it is important that we recognize the possibilities of productive, long-term cooperation between our two countries.

PORT OF ENTRY AT SANTA TERESA, NM

(By Ken Flynn)

Developers of the new port of entry at Santa Teresa, N.M. are predicting a soon-to-be-opened crossing facility that will herald unprecedented growth for the town.

But Santa Teresa will always be a good place to live and will not take on any of the characteristics of a shabby, dusty border town, vows Charlie Crowder, 58, mastermind behind the planning of the eastern-most land crossing on the U.S.-Mexico border.

The U.S. Government has already set aside $6.1 million to eventually construct permanent inspection facilities at the new port, he said.

Diplomatic notes have established the Santa Teresa land mass as a port of entry, Crowder said. Crossing facilities will be temporary at first followed by permanent structures.

Crowder predicted the new port of entry will be opened in a few months, bringing the first traffic from Old Mexico just west of the Texas-New Mexico line. The new port of entry will connect with the Casas Grandes Highway south of Juarez. The road has been compacted, sub-graded and stabilized with private funds and is ready for paving he said.

Low-cost housing, based on an attainable market price, not produced by the government to meet demands, is a key to the orderly construction of "infrastructure" on the Mexican side of the crossing, Crowder said.

Santa Teresa is a community of 2,000 located on the U.S.-Mexico border across the New Mexico state line just west of the El Paso Country Club area. It is a 15-minute drive to downtown El Paso, 18 minutes by car to Ciudad Juarez, Mexico.

The community boasts hospital facilities, a bank, offices, shops, two 18-hole golf courses, the Santa Teresa Country Club, swanky residential developments, an airport with runways long enough to accommodate 737-type jets, housing for a variety of budgets, paved roads, an adequate underground water supply and lots of wide-open spaces.

Craig Paton, developer of El Mirador, a heavily-covenanted residential area, said the international port of entry would bring more prosperity to Santa Teresa but the crossing is not the only reason the town will grow.

He rattled off a litany of reasons why land and homes in the New Mexico community are more advantageous than those in the Country Club area of neighboring El Paso.

"Taxes are lower in New Mexico," he said. "There is no pollution here. Most of the pollution in El Paso settles to the east. Crime in Santa Teresa is almost non existent. Homes are covered by private security arrangements."

A water supply estimated to last 500 years, tennis, golf and swimming at affordable prices and beautiful views of the desert from all sides are also being touted to lure homeowners from Texas and other parts of the country, he said.

"The desert here is beautiful," Paton said. "We plan to enhance the beauty of the desert by building and landscaping to blend into the Southwest."

El Mirador, he said, has been patterned after the Southwestern desert communities of Scottsdale and Phoenix in Arizona.

Preserving the beauty of the residential areas of Santa Teresa is not the only concern of the community. John Dillon, development manager of the Santa Teresa Land Company, said the esthetics of a proposed industrial park at the Santa Teresa Airport should become a model for all such operations in the United States.

The airport industrial park is being developed on 220 acres of land that will be fully master planned. The engineering work, laying out of streets, site specific engineering, utilities, etc., is being supervised by two prestigious developers, John O'Donnell of Irvine, Calif., and Marshall Bennett of Chicago, Ill., who are the owners of the park. Bennett was a former senior partner in the firm of Bennett and Kahnweiler, one of the largest developers in the Chicago area. O'Donnell has developed 18 million square feet of industrial property on the West Coast.

"We have placed covenants on the industrial park to insure that the property will be a quality development," Dillon said. "We are conscious of the environment and esthetics is very much a part of our operation."

Industrial facilities will be built to suit the needs of the tenants, Dillon said.

"The El Paso area is absorbing 2 million square feet of industrial space a year and we expect to get our fair share," he said. "We expect to attract manufacturing and warehouse facilities, especially those businesses associated with the 'maquiladora' industry."

Dillon said the Santa Teresa industrial park will be patterned after the Irvine Ranch, an 80,000-acre industrial development that has been hailed as the best in southern California.

While developers are anticipating a boom when traffic begins to flow through the port of entry, industrial development efforts have already begun. Dillon said sites are now available at the airport industrial park. The Santa Teresa Land Company has already opened an office at 1212 Country Club Road, Suite B-1.

Santa Teresa is only 20-25 minutes away from El Paso International Airport, he said, and only 10 minutes from downtown El Paso, giving residents the best of both worlds—a small desert community next to the 1.7 million El Paso-Juarez international metroplex.

The town is already host to Charter Hospital, a psychiatric facility, Santa Teresa Immediate Care Center, one of two medical centers for immediate care, and Rio Valle Recovery Center providing a unique cultural alcohol and substance abuse program. A 24-hour care facility is scheduled to open some time in 1991.

The First National Bank of Dona Ana County has a branch in Santa Teresa. Developers say a second bank from Albuquerque is considering setting up a branch in the town.

Future plans call for development of a house-oriented residential development in the near future, Paton said.

Crowder, who is president and Chief Executive Officer of Santa Teresa International, Inc., gives the credit for development of Santa Teresa to a former President of Mexico, Adolfo Lopez Mateos, who suggested to him that the New Mexico desert west of El Paso be developed as a port of entry.

"Lopez Mateos had the vision that is now becoming a reality," he said. "It has taken a long time to get to where we are now."

Crowder first acquired land in the Santa Teresa area in 1970, built a country club with two 18-hole golf courses in 1974 and sold it to golf great Lee Trevino, who opened it in 1975.

Trevino, beset with financial problems, sold the club back to Crowder in 1979.

The effort to buy federal land adjoining the border was finalized in 1985 when Crowder acquired 21,000 acres of Bureau of Land Management land contiguous to his country club and the international border.

"If I'd have known it was going to take me that long to acquire the land I would have quit," he quipped.

Santa Teresa's location is a quirk in the geography of the border. When the crossing is opened it will be the easternmost land crossing along the 2,000-mile U.S.-Mexico border.

The Rio Grande flows south from the highlands of Central New Mexico, intersecting the state, and turns southeast downstream at El Paso. From the westernmost tip of Texas for the next 1,200 miles to the Gulf of Mexico, the Rio Grande is the border between Mexico and the United States.

But at Santa Teresa, the only boundary between the two countries is an imaginary line in the desert.

Crowder said he envisions a palm-lined port of entry with a population on both sides supported by industry.

A Harvard group headed by Professors Charles W. Harris and Jonathan S. Lane reported in 1989 that the Santa Teresa development plan was the first and only binational master-planned community along the U.S.-Mexico border.

Consultants say the population of Santa Teresa has the capability of expanding to 225,000 residents over the next 10 years.

The success of Santa Teresa will hinge on continued progress in the "maquiladora" or twin-plant industry.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Under the "maquiladora" plan the U.S. industries provide raw materials and unfinished goods to factories they own in Mexico. The products are assembled in Mexico and sent back to the United States for sale. U.S. tariffs are charged only on that portion of the product improved or assembled in Mexico.

Americans profit from Mexico's low wages, which are now about $4 a day. Most of the work is labor intensive.

Crowder said he was concerned with the rapid development of communities along the border, where thousands of people have flocked, creating problems of housing, water and sewage.

"The key to prevent these kinds of problems is to provide housing at prices that can be afforded by Mexican workers," he said. "We propose to build low-cost housing in village clusters near industries so that workers will be able to walk to work."

Moderate income housing for workers will also be developed in the 28,000 acre community on the U.S. side of the border, he said.

Crowder envisions the development of low-cost housing that could be purchased by factory workers and paid off in five years. He said the housing would establish a stable labor pool in Santa, Teresa.

Barron's National Business and Financial Weekly pointed out in a recent article that Santa Teresa's master-planned residential industrial and commercial development could become the prototype of all projects involving the development of infrastructure in border communities.

Santa Teresa International Inc. is not only building infrastructure but also will improve transportation between the two countries. The Southern Pacific rail system, a major east-west line, goes directly through the community.

Crowder said he is concentrating on the quality of life issues such as housing, schools and medical facilities. Plans are on the drawing boards to dedicate land in Santa Teresa for a high school, when the population warrants it, he said.

New Mexico has a good public school system, he said, with a high percentage of students who are accepted in college. Residents of Santa Teresa are close to the University of Texas at El Paso, just a few minutes away, and New Mexico State University in Las Cruces, 50 miles north.

Developers say the construction of buildings on both sides of the border at Santa Teresa in the years to come could exceed $1 billion.

The community already boasts a $10 million fiber optics plant built by U.S. West, a Foamex plant, Griffith Miro Sciences, Acme Mills, Prepared Foods and the oil-well division of USX.

Developers also agree a key factor to the successful development of Santa Teresa is the continued popularity of the "maquiladora" or twin-plant industry.

International planners say the "maquiladora" industry will flourish, even though the United States and Mexico are headed for a free-trade agreement which will lower tariffs.

Juarez has witnessed a tremendous growth as a result of the industry. The city has 300 plants, hiring 140,000 workers.

Nationwide, the industry has become the third largest producer of foreign capital, behind the oil industry and tourism. There are 1,750 "maquiladora" plants in Mexico, employing more than 450,000 workers. Within the next five years planners in Mexico forecast an increase to 2,600 plants, employing 625,000 workers.

Crowder insists that the proper social infrastructure for Santa Teresa to successfully capture its share of that predicted increase must include meeting the needs of low-income workers in order for any border community to succeed.

"The social infrastructure must accommodate the least affluent," he said. "We must offer housing at cost-driven prices, not demand-driven. We don't want to build a company town—this is not welfare. It's an investment in human capital. We must enable workers to provide a decent life for their families."

Crowder said the plans for development of the Mexican side of Santa Teresa take into consideration the needs of a 1-year-old infant and an 85-year-old grandmother.

"There's an old saying, don't step on people on your way up because you may meet them on the way down," he said. "We have to recognize the real people of the world and they don't buy $100,000 homes."

Crowder said the development of Santa Teresa will be sensitive to the environment and will protect what they can.

"Money is attracted to attractive communities," he said.

Crowder said he believes the most important element of U.S. relations with Mexico is the investment of human capital.

"Mexico's ability to raise the standard of living for its population will determine to what degree and at what time it becomes an equal trading partner withn the United States," he said.

BLACK HISTORY MONTH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. TOWNS. Mr. Speaker, February is Black History Month. It is with immense pride that I stand to pay tribute to men and women who have contributed substantially to the history of this country.

Despite their astounding contributions, most of the profiles which I will run this month will be of people with whom you are unfamiliar. Their lack of fame is not attributable to the paucity of their efforts or the dearth of their ambition. Their contributions are often denied, their achievements are often attributed to others and their existence is overlooked in history books because of their race. It is my fervent hope that one day these African-Americans will be recognized by all Americans for the content of their character.

In the face of overwhelming obstacles black Americans have survived and often prospered. These people of strength and courage excelled in fields as varied as law, medicine, science, journalism, business, the arts, and religion.

These black Americans did not allow prejudice to douse the fire of imagination nor bigotry to put out the flame of knowledge. Instead they used their intelligence, ingenuity, and determination to enlighten the world.

I hope that the knowledge of their struggle and ultimate triumph will inspire yet another generation to work to overcome any obstacle which may be encountered on the long and arduous road to freedom.

DR. MEREDITH GOURDINE

Born in 1929 in New Jersey and growing up on the streets of Harlem and Brooklyn, Meredith Gourdine was inspired to pursue a career in science. He attended Cornell University and received his Ph.D. in engineering science from California Institute of Technology. Afterward, he was to become a successful researcher and entrepreneur.

Gourdine is most remembered for his ideas in the field of electrogasdynamics [EGD]. EGD is the study of forces produced by the motion of electrically charged particles—ions—carried by an insulating gas flowing through an electric field. Until Gourdine, there was little information about EGD. Although experimentation in the field had been conducted in the 1920's, no successful model had been produced. His research constituted a major breakthrough.

Basically, EGD generates electric current by means of the interaction of an electrically conducting fluid and a magnetic field. The advantage of that is the devices' generator facilities produce less air and pollution than do conventional powerplants.

Through the commercialization of his ideas, Gourdine built a million-dollar corporation.

LLOYD AUGUSTUS HALL

Lloyd Augustus Hall was born in 1894, and is best known for his research and findings in chemistry. He began his academic career as an honor graduate in science from East High School of Aurora, IL. Afterward, he went to college where he received a B.S. in pharmaceutical chemistry from Northwestern University. He increased his scientific knowledge by continuing his graduate work at the University of Chicago.

Due to his excellent capabilities, Hall became the chief chemist and director of research for Griffith Laboratories of Chicago.

Hall has served as president of Chemical Products Corp. in Chicago. His major breakthrough while working in Chicago occurred when he discovered curing salts for the preserving and processing of meats. As a result of these efforts he revolutionized the meatpacking industry. Through his vast research, Hall has published many monographs detailing his findings. Moreover, he holds more than 100 patents for processes used in the manufacturing and packing of food products, especially meat and bakery products.

A SPECIAL DAY FOR THE PLIGHT OF SYRIAN JEWS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, as a member of the Congressional Caucus for Syrian Jews, I am delighted to acknowledge a very special reception taking place on February 26, from 5:30 to 7 p.m. in B–354 Rayburn. All are welcome to attend for the purposes of viewing a film entitled "Shadows," which documents the plight of Syrian Jews.

Many people forget the community of Syrian Jews who have hopes of emigrating from the misery that they live through on a day to day basis. But for Ms. Cayle Chernin, the Toronto director of the 40-minute film, "Shadows," her life was affected in a way she will never forget.

She tells of a story where she is interviewing Victor Abadi, who came home to find his wife and children murdered in 1983. He and others sit in the shadows while telling their terrifying stories. They must speak behind close doors so they do not jeopardize the lives of relatives left behind. According to Ms. Chernin, Syrian Jews live in a society where everyone is taught to hate Jews.

There are about 4,300 Jews left in Syria. They are not allowed to leave the country and, if caught trying to escape, they are jailed and tortured. But there are also cases of Jewish men and children in the last few years who have been jailed for no apparent reason.

I encourage everyone to attend a viewing of this extraordinary film, "Shadows." I commend Ms. Cayle Chernin for her bravery of this production and for bringing attention to the plight of the beleaguered Jews of Syria. I would like to thank the congressional caucus for Syrian Jews, B'nai B'rith International, and the Council for the Rescue of Syrian Jews for their efforts of putting together this remarkable event.

NEW JERSEY PRIDE HONOR ROLL: CU'CHULLAIN PIPE BAND

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. GALLO. Mr. Speaker, honoring our heritage and our traditions is a significant part of what America is all about. We are all Americans, in part, because we celebrate our diversity.

As we prepare to celebrate St. Patrick's Day, I would ask my colleagues to recognize the determination, as well as the accomplishments, of the Cu'Chullain Pipe Band of Morris County, NJ, this year's Eastern U.S. Pipe Band champions.

The Cu'Chullain Pipe Band is the first New Jersey winner of this distinguished competition in 18 years.

Special congratulations are also in order to the band's solo pipers and drummers who either won or placed in all events this year.

The Cu'Chullain Pipe Band was founded in September 1977, under the direction of Michael J. Smith. He began with a core group of 18 dedicated individuals who had no prior musical experience and with the valued help of Joseph McGonigal as instructor.

In 1978, Mike and Joey led the first St. Patrick's Day Parade in Wharton. The band entered its first competition in 1981 and has been working very hard since that time to achieve this year's championship status.

In 1988, the band expanded its role with the creation of its school of piping.

Mr. Speaker, I ask my colleagues to recognize the dedication of the members of the Cu'Chullain Pipe Band under the direction of Michael J. Smith and to recognize their accomplishment as this year's Eastern U.S. Pipe Band champions.

A SPECIAL SALUTE TO THE NATIONAL BLACK NURSES ASSOCIATION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. STOKES. Mr. Speaker, as you know, February is designated Black History Month. This is a time when we recognize outstanding individual and organizational achievements in the African-American community. Just recently one such organization, the Black Nurses Association, hosted its Third Annual Black Nurses Day celebration. For many years, the National Black Nurses Association has successfully advanced the goals and ambitions of black nurses throughout the United States. During Black History Month, we pause to salute the National Black Nurses Association, and to reflect upon the history of the Black nurses.

Mr. Speaker, history has shown us the tremendous impact and vital role black women have had on the nursing profession. As early as colonial times, black women were involved in nursing. Often times, it was a slave who performed the duties of a nurse. During the Civil War, many black women and men answered the plea to assist the wounded soldiers. Dorethea Lynde Dix was one such individual. She traveled to Washington to offer her services in assisting the sick and wounded soldiers. By 1861, she was appointed to the post of superintendent of nurses. This was a most distinguished position, especially for a black female at this time. From these modest beginnings, black women have evolved into a prestigious and dedicated force within the nursing profession. From the Civil War to the Persian Gulf war, black nurses have shown a steadfast commitment to provide and care for our armed services.

Twenty years ago, a group of black nurses met in Cleveland, OH, and unanimously decided to form the National Association of Black Nurses. Through a tireless commitment to ensure improved health care for the underprivileged, this organization has provided a much needed service around the Nation. Under the capable leadership of President Alicia Georges, the National Association of Black Nurses has advanced black women's role in nursing as well as providing excellent health care in the black community.

Mr. Speaker, it is a privilege to honor the National Black Nurses Association during our Black History Month celebration. Their devotion to health care is unsurpassed and should be highly commended. They are a true benefit to the betterment of our society.

TRIBUTE TO THE CREW OF THE "POINT JUDITH" AND THE COAST GUARD FOR THE RESCUE OFF ANACAPA ISLAND

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. LAGOMARSINO. Mr. Speaker, last weekend I had the opportunity to sail aboard the Coast Guard cutter *Point Judith* which is stationed at Santa Barbara in my district. I was very impressed by the professionalism and knowledge of the crew ably led by Lt. Tom Greger, the *Point Judith* skipper. Providing maritime safety, search, and rescue—the "911 of the seas," law enforcement environmental protection, and defense readiness, the Coast Guard fulfills many critically important responsibilities for which I believe it does not receive the credit it deserves.

I know from personal experience that the Coast Guard units in my district, namely the *Point Judith* and the Channel Islands Harbor Coast Guard station, do an outstanding job carrying out their numerous missions. For example, during the brief time I spent aboard the *Point Judith*, the crew inspected pleasure craft on the high seas to ensure compliance with safety and environmental laws, ran law enforcement checks, and was scheduled to support the U.S. Navy with security at Port Hueneme, an important naval facility involved with Operation Desert Storm.

During my time aboard the *Point Judith*, I recall discussing the extreme dangers that can be found in the waters off the California coast, especially abound the Channel Islands. While my sailing aboard the cutter on Saturday, February 16, was smooth, I could easily imagine how a change in wind could turn a light swell into a small boaters' nightmare. Apparently just that happened the very next day.

The following account from the Los Angeles Times describes the courageous actions of the *Point Judith*, the 44-foot motor lifeboat from Channel Islands Harbor, and a Coast Guard helicopter from Los Angeles in saving the lives of three men who surely would have drowned when their fishing boat was smashed apart by 15-foot waves. I commend the *Point Judith* Captain Greger and his crew, and the other units for their bravery, professionalism, and a job well done.

Through my association with the *Point Judith* and reading about this challenging rescue, I can verify that the Coast Guard does live up to its motto, "Semper Paratus"—always ready. For me and millions of other Americans, knowing the Coast Guard is there and prepared to help is very comforting indeed.

As a long time supporter of the Coast Guard, I urge my colleagues to carefully review this snapshot of just one of the many important duties fulfilled by the Coast Guard and join me in continuing to ensure that the Coast Guard receives the resources it needs to carry out its many missions successfully.

[From the Los Angeles Times, Feb. 18, 1991]

THREE DROWN AFTER WAVES SPLIT OPEN BOAT'S HULL

(By Christopher Pummer)

Three men drowned off Anacapa Island Sunday after their fishing boat's wooden hull was split open by the force of 15-foot waves, authorities said.

A U.S. Coast Guard rescue team plucked all six passengers from the chilly waters, but only three survived. The rescue was complicated by high winds and pitching seas that snapped towlines and nearly drove a Coast Guard boat into Anacapa's rocky shoreline.

"All I could think of was my kids," said survivor Derrick E. Heller, who spent an hour in the turbulent waters of Santa Barbara Channel.

The Ventura County coroner's office identified two of the dead as Ronald Bailey, 50, and his nephew, Thomas Lee Moyd, 33, both of Oxnard. The third victim was the boat's owner, Billy Joe Halfacre, 62, of Culver City.

The preliminary cause of death for all three men was listed as drowning, with severe hypothermia a contributing factor, said Deputy County Coroner Craig Stevens.

The six-member party departed from the Channel Islands Harbor at 8:30 a.m. Sunday to fish for halibut off Anacapa Island, Heller said. The harbor in Oxnard was the home dock of the 30-foot boat, the Galliano.

As they departed, swells were only two to three feet high, Heller said. But as they neared the halfway mark of the 12-mile voyage to their fishing grounds, the swells grew to 12 feet or higher.

"It started really hammering us, so we tried to head to the island," said Heller, the manager of a farming supply company.

But the force of the boat smacking the water as it rode over the crest of each wave eventually ripped it to pieces, said survivor Ron Scott, 33, of Venice. About three miles off Anacapa, he said, "the hull banged the water so hard it split open, and we were down in less than five minutes."

"I've been on the boat a couple hundred times," added Scott, a garage-door builder. "I guess the old boy just died."

Coast Guard Petty Officer Ray Manacio was in the radio room at the Channel Islands Harbor station when the distress call came in at 11:18 a.m. "The last transmission I heard was 'We're going down! We're going down!' " he said.

Heller said everyone on board anticipated trouble and was wearing life jackets. But Moyd removed his for an unknown reason and held onto the boat as it capsized and began to sink, he said.

Heller said the group urged Moyd to join them as they huddled together in the water, clutching a flotation mattress. But he said Moyd ignored their pleas.

The five were in the water when the boat flipped over, said Heller, who last saw Moyd clinging to the capsized hull.

Scott said the five men held firmly to the mattress for about 40 minutes before it became water-logged and lost buoyancy. All five men let go at the same time, Scott said. "It became too hard to keep together, and no one had the strength to hold hands."

Heller said he and the others knew Bailey and Halfacre were having difficulty staying afloat, but "it got so choppy and we got so spread out, there was nothing we could do."

It was about that time that a Coast Guard helicopter from Los Angeles arrived, followed by the Coast Guard cutter Point Judith from Channel Islands Harbor.

"It was a beautiful sight seeing that big old boat coming over the waves," Scott said.

Lt. Thomas A. Greger, the cutter's commander, said conditions in the channel were the roughest he had ever seen, with swells reaching 15 feet high.

"When we got there, it had already sunk. There were only pieces floating around," Greger said. "It looked like it took a wave to the bow, the bow disintegrated and it went down."

Rescue team members found all six men floating within 600 yards of each other, Greger said, but not without considerable difficulty.

Initially, Greger launched a 13-foot, inflatable craft from his 82-foot cutter to retrieve the victims. But the rescue boat lost its engine after retrieving Heller, Scott and Halfacre, who apparently died in the water. Swift currents swept the small boat toward Anacapa's rocky coastline.

Greger said that as the disabled boat drifted to within 20 yards of the rocks, the helicopter dropped a towline and pulled it 50 yards farther out to sea before the tow-line snapped.

The cutter used a shot-line gun to get a second towrope to the disabled boat, which was again approaching the rocks. "They couldn't even pull anymore because they were getting so tired," Greger said. The second line snapped as well.

Meanwhile, the helicopter's pilot tried unsuccessfully to use the force of the wind from his spinning blades to push the boat out of harm's way. Eventually, a second Coast Guard rescue boat came alongside the boat and towed it to calmer waters on the opposite side of the island. There, the two survivors were taken aboard the cutter along with Halfacre's body.

Meanwhile, the cutter had retrieved the three other passengers. They were survivor Ernest Hanson and the bodies of Moyd and his uncle, Bailey, who showed signs of life but no pulse, Greger said.

"The helo dropped me a paramedic and they jolted him" to try to restore his heartbeat, Greger said. Bailey was flown to St. John's Regional Medical Center in Oxnard, where he was pronounced dead at 4:11 p.m., Stevens said. "They worked on him like crazy but they never got anything out of him."

Stevens said Hanson, 45, of Port Hueneme, was flown by a second helicopter to St. Johns, where he was treated for mild hypothermia and released.

BASS MUSEUM OF ART PRESENTS: ART AND EXULTATION: TREASURES FROM THE JEWISH MUSEUM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, in a time when the world is once again experiencing ruthless aggression of one nation against another, we must keep in mind a time when the Jewish people and their culture almost perished from our world. In a desperate effort to keep their heritage alive during an era of German aggression, Jewish communities around the world sent many of their sacred artifacts to America for safekeeping. Exquisite ceremonial objects were sent to New York on the eve of the Holocaust by the Danzig Jewish community, which tragically perished in its entirety.

We in south Florida have the rare opportunity of seeing and learning about these unique treasures of the Jewish community and the world. The Bass Museum of Art in Miami Beach, FL, is featuring an exhibit entitled "Art and Exaltation: Treasures from the Jewish Museum." This stunning array from the Nation's greatest collection of Judaica is on display through March 17, 1991.

This collection of Jewish antiques, ceremonial art, paintings, graphics, and sculpture is on loan from the Jewish Museum of Art in New York. During 1991, the Warburg Mansion on Fifth Avenue, which houses the museum, will be closed for renovations, providing a one-time opportunity to bring to south Florida the museum's most treasured possessions.

Norman L. Kleeblatt, curator of collections for the Jewish Museum, and Dr. Vivian B. Mann, curator of Judaica, are cosponsors of the exhibition, organized by the Jewish Museum, under the auspices of the Jewish Theological Seminary of America.

The Bass Museum of Art is recognized by the State of Florida as a major cultural institution and receives major funding from the State of Florida through the Florida Department of State, the Florida Arts Council, and the Division of Cultural Affairs. Major support is provided by the city of Miami Beach and Friends of the Bass Museum. The museum also receives funding from the Metropolitan Dade County Cultural Affairs Council, the Miami Beach Visitors and Convention Authority, the Institute of Museum Services, and the National Endowment for the Arts.

Mr. Speaker, it gives me great pleasure to recognize the executive director of the museum, Diane W. Camber, as well as the Bass Museum's board of trustees: Mr. Rob W. Parkins, city manager of the city of Miami Beach, Mr. Robert E. Bass, Mr. Roger E. Bass, Mr. Anthony Noboa, chairman of the Miami Beach Chamber of Commerce, and Judge Seymour Gelber.

PILOT KNOB VOLUNTEER FIREMEN SHOW YANKEE INGENUITY IN BUILDING TANKER

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. SOLOMON. Mr. Speaker, a recent article in my hometown newspaper, the Glens Falls, NY Post-Star, caught my attention because it combines two things close to my heart, volunteer fire companies and saving taxpayer dollars.

The Pilot Knob Volunteer Fire Department needed a new tanker. Rather than burdening taxpayers, it rounded up the necessary parts and built one itself, saving the taxpayers about $75,000. It's an All-American story of can-do resourcefulness, and as a volunteeer fireman for over 20 years, I am as proud as I can be. I insert the article in today's RECORD.

[From the Glens Falls (NY) Post-Star, Feb. 17, 1991]

BARGAIN BASEMENT FIREFIGHTING—FIRE DEPARTMENT SAVES $75,000 WITH DO-IT-YOURSELF TRUCK

(By Janet Marvel)

LAKE GEORGE.—Thanks to patience, a network of firefighting contacts and a little ingenuity, the Pilot Knob Volunteer Fire Department built a new tank truck and saved taxpayers about $75,000 in the process.

The department needed a tank truck because more and more new homes are being built and once-seasonal homes are becoming year-round residences in the district, where it is sometimes difficult to access water from Lake George.

Chief Gary Willett, a 30-year firefighter, said a tanker gives the department a 3,000-gallon supply.

A brand-new truck would have cost nearly $100,000, which was out of the department's price range. So Willett began looking for used equipment, putting out "feelers" to his many friends and contacts in the field.

About six months ago, Willett found a truck portion of a trailer truck that had been used at the U.S. Military Academy at West Point. It cost $8,000.

Then another friend told Willett about a 3,300-gallon stainless steel milk tank being sold by a dairy farm that was going out of business. The price: $7,500.

"We really wanted stainless steel because of the rust factor," Willett said.

For another $3,700, the department had the truck frame lengthened and the tank attached. After a coat of paint, new tires and other "odds and ends," the grand total for the truck was $25,000, Willett said.

The new truck joins the department's pumper, its drafting truck that pulls water from the lake and its four-wheel-drive truck used for fighting brush fires.

MEXICO AND ITS WALL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. RICHARDSON. Mr. Speaker, the well-known expert on Mexico, C. Allen Ellis, has written a thoughtful piece on Mexican-American relations. He argues persuasively that the dramatic economic, political, and social change in Mexico under President Salinas de Gortari should be recognized and built upon by the United States, such as through a free trade agreement. I urge my colleagues to carefully examine this article.

MEXICO AND ITS WALL

(By C. Allen Ellis)

Two great walls are disappearing from the world scene.

The first, the Berlin Wall, recently was torn down in dramatic fashion after less than 40 years, and was followed on October 2nd by the union of the two Germany's.

The second, the wall of ignorance, distrust and deep cultural differences between Mexico and the United States, has risen since the early days of the British and Spanish colonies in the New World.

The wall with Mexico also in coming down, but it is being done quietly with little general awareness in our country of what has been happening. However, the far-reaching consequences of this gradual removal will, in coming years, be comparable in importance, and possibly even more important, than the German union.

An understanding of what has happened in Mexico in recent years is necessary to appreciate the dramatic changes underway at present and their possible future course, particularly as they relate to our own country.

From World War II to the early 1970's Mexico grew and prospered. In the resulting population explosion and migration to Mexico City and many other urban centers, a significant middle-class has emerged in what had previously been a society of a wealthy few and a vast, primarily rural, underclass.

Economic policy during this period involved import substitution in a relatively closed economy, with capable political leadership following generally sound fiscal and monetary policies. The results were single digit annual inflation, modest foreign borrowings and exchange rate stability.

Two consecutive failed presidencies, during the 1970–1982 terms of Presidents Luis Echeverría A. and José Lopez-Portillo followed, which have come to be known as "The Tragic Dozen." These were characterized by political demagoguery, and confidence-destroying, inept economic policies, accomponied by massive corruption even at the highest political levels.

In addition, there was forced-draft growth of the public sector, particularly in the oil industry, fueled by improvident foreign borrowings from international banks recycling Middle Eastern petro-dollars to perceived strong credits such as Mexico, and encouraged to do so by their own governments and the international financial agencies.

The stage thus was set for an international financial crisis precipitated by Mexico in early 1982. For Mexico the result was massive capital flight accompanied by a vicious cycle of currency devaluations with theretofore unknown but continuing high inflation.

The flawed policies of President Lopez-Portillo culminated on September 1, 1982 when, three months before leaving office, he informed his nation of his decision to nationalize its commercial banking system which he thereby sought to make the scapegoat for the failings of his administration. This system had become the principal source of capital investment for Mexico. Its nationalization not only resulted in the virtual disappearance of this vital resource, but deprived the capable private sector of Mexico of the entrepreneurial leadership which private banking groups earlier had provided.

The return from the brink of political and economic disaster for Mexico and its long-suffering people has been arduous. In the process it has been an example to all nations, including our own, of realistically addressing its problems in timely fashion with politically highly unpopular but sound long-term economic policies. Credit for this is due primarily to President Miguel de la Madrid and his administration which opened Mexico's economy to the outside world, quietly began confronting many of Mexico's vested, antediluvian political, capital and labor interests, and focused on the essential element of beginning to re-establish confidence in a dramatically changed political and economic world for Mexico.

In 1988 Carlos Salinas de Gortari, a Harvard-trained economist, was the personal and surprising choice of the incumbent president to be the candidate of the Partido Revolucionario Institucional (PRI), Mexico's unchallenged ruling political party for over 50 years, and thereby continue the policies President de la Madrid had only been able to begin during his term.

Strong candidates of both the left and right of Mexico's political spectrum waged effective campaigns because of the earlier failed presidencies followed by the harsh economic policies attributed in part to Carlos Salinas as their principal architect. After a week-long delay in determination of the result, the Federal Electoral Commission of Mexico announced the election of President Salinas, with 50.8% of the total votes cast, to Mexico's single six year presidential term.

The present youthful administration of President Salinas is bringing political astuteness, courage, strong administrative talents and new thinking to the modernization of Mexico. Confidence in the abilities and policies of President Salinas and his team is growing both in Mexico and abroad, and Mexico may well be returning to its earlier long-term growth and development. But it is doing so in a considerably more open economic and political system, emphasizing the role of private enterprise and local initiative, rather than following the earlier statist and centralized government model.

The next few years will be critical for Mexico and for our own country in the vast range of our inter-dependence.

In the economic arena, Mexico is our third most important trading partner, after Japan and Canada, with bilateral annual trade at present exceeding $50 billion. Most importantly, the integration of its economy with our own is far along, although there is little awareness in our country, and even in our government, of this process and in the magnitude of its present and future consequences for both nations.

As one example among many, I cite the state-of-the-art Ford Motor Company stamping and assembly plant in Hermosillo, northern Mexico, where 130,000 Escorts and Mercury Comets are being produced annually for sale principally in our market. In this Japanese-designed plant, over 2,000 highly-skilled workers appear to be out-numbered on the stamping and assembly lines by Japanese-made robots.

Mexico traditionally has feared the threat of its economic domination by the United States and underlying this, to its own national identity with its extraordinary-pre-Colombian, Spanish-colonial, and strongly nationalistic history and traditions.

Notwithstanding this deep-seated concern of his countrymen, President Salinas has recognized the vast opportunity, if not virtual necessity, for substantially increased trade and investment between our two interdependent countries. As a result, Mexico recently has requested the administration of President George Bush to begin negotiations on a possible Free Trade Agreement. The required negotiating authority is expected to be granted by the Senate Finance Committee by early next year. Such an agreement, with participatioin in the negotiations by Canada with which we have a similar agreement ably negotiated by our Princeton classmate, Jimmy Baker, could be concluded by 1992, the 500th anniversary of the discovery of the New World.

A Free Trade Agreement with Mexico could be perceived as merely the confirmation of the opening by Mexico of its economy and political system I have described above, and our country's own vital interest in trade liberalization and international investment opportunities. In my judgment, it will represent far more—the recognition by both countries that "their relationship will inevitably be the most important for each of them because they are where they are

* * *"[1] In the telling perception of Dr. Sidney Weintraub who, as a distinguished scholar and senior State Department official, has followed United States-Mexico relations for many years.

JACQUELINE CHARITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. TOWNS. Mr. Speaker, I rise today to honor an individual who has used her remarkable talent to make a notable impact in the New York educational system, Ms. Jacqueline Charity.

She has served as deputy director of the office of access and compliance with the New York Board of Education since 1987.

In addition, Ms. Charity has a long history in education. She began her affiliation in approximately 1958 as a teacher in Community School District 16. Here she specialized in working with learning difficulties and intellectually gifted children of grades 2–6.

In 1963 she became a supervisor of volunteers for the Hudson Guild where she supervised 38 volunteers in a after-school instructional program. Nearly 200 students have benefited from a result of this program.

Jacqueline Charity worked as a teacher-trainer in Community School District 16 from 1969 to October 1970. In this capacity, she worked with elementary school teachers. Her responsibility was to supervise teachers through daily classroom visits, individual and group conferences on lesson planning and development, classroom management, instructional methodology, and assessment of instruction. As a teacher-trainer, Ms. Charity played an important role in developing the teachers' ability to better educate students.

From 1978 to 1981 she worked in the College Bound Program. As a coordinator, she organized the chapter I program in 31 high schools. Also, she supervised the different staffs within the program, oversaw expenses, planned and implemented extensive cultural enrichment programs such as the College-Bound Summer Program. Within this same program, she worked as the assistant director from 1978–79.

Ms. Charity became the executive assistant for Pupil Personnel Services in 1981. In this position, she was involved in such activities as planning, organization, and working with heads of Pupil Personnel Services. Ms. Charity continued to work in this position until her promotion in 1987 as the deputy director of the Office of Access and Compliance.

Presently, as deputy director her primary duty is to assist the director in the overall operation of the office. For example, she implements policy, oversees the organization and coordinates a diversity of programs.

Individuals such as Ms. Charity who work as teachers and supervisors make meaningful contributions that are vital to the education of our youth. Jacqueline Charity has done an excellent job through the years in working with students, teachers, and various programs that are directed at improving the quality of education for New York students.

NEW JERSEY PRIDE HONOR ROLL: EARLY CHILDHOOD LEARNING CENTER KEY CLUB

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. GALLO. Mr. Speaker, I would like to bring to the attention of my colleagues an historic event which will occur on March 7 in Chatham, NJ.

On that day, the Kiwanis Club at the Chathams will officially charter a new Key Club Chapter that expands this important leadership program to include nongraded high schools for the first time.

The chartering of this newest Key Club Chapter at the Early Childhood Learning Center [ECLC] of New Jersey, now located in Chatham, is the culmination of many years of dedication on the part of local Kiwanis Chapters in Morristown and Chatham, as well as the strong support of New Jersey State Kiwanis, to push for a national bylaws change in order to make this day possible.

This chartering is the first worldwide charter to an ungraded school in the history of Kiwanis International. The Kiwanis Club of the Chathams is justly proud to have had a part in this event and will continue to provide advice and guidance to the new club.

The Key Club program provides our young people with the opportunity to develop leadership skills and fosters a sense of what it means to be part of a community of people.

The ability to make a positive contribution to the betterment of your community is one of the most rewarding experiences an individual can have, especially at a time in history when we need a greater commitment by all people in the process of promoting common good through participation in local improvement projects.

The ECLC Key Club will be breaking new ground, but its commitment to leadership and personal participation are a part of an ongoing and very distinguished tradition.

I know they will meet the challenge and the world will be a better place because of their efforts.

Mr. Speaker, I would like to recognize these young pioneers: Chris Cornell, Yanick Venescar, Adam Kendler, Joann Ramos, Jim Cuber, Jerr Everitt, Wendy Ingram, Mike Markwith, Victor Melichore, Donna Rowe, Earl Sell, Walter Sims, Dwayne Smith, Darlin Anderson; and Tyra Williams.

I ask my colleagues to officially recognize the significance of this event for the students, advisors, parents, and school staff, as well as for the participating Kiwanians who have worked so hard to turn this dream into a reality.

WHY THE UNITED STATES COULD NOT GO ALONG WITH THE SOVIET PEACE PROPOSALS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. LAGOMARSINO. Mr. Speaker, over the weekend the President resisted the temptation to take the easy road out of the confrontation against Iraq. He was forced to reject the proposal that the Soviets made after consultations with the Iraqi leadership. This was because these proposals did not provide for immediate and unconditional Iraqi withdrawal from Kuwait pursuant to U.N. Security Council resolution No. 660. They also would have resulted in the cancellation of other relevant Security Council Resolutions. Among these were resolutions which could lay the basis for continued controls on exports to Iraq, claims for reparations, and possible proceedings for war crimes.

It has become increasingly clear that Operation Desert Storm cannot be ended prior to the ouster of Iraqi forces from Kuwait. In addition, following liberation of Kuwait other steps must be taken immediately to lay the foundation for post-war stability in the Persian Gulf. I wish to draw the attention of my colleagues to an excellent op-ed written on this subject by the ranking Republican member of the Foreign Affairs Committee, BILL BROOMFIELD. It was published in the Detroit News on Sunday, February 24.

IRAQI WITHDRAWAL ALONE WON'T GUARANTEE PEACE

(By Congressman William S. Broomfield)

Last-ditch diplomatic efforts to avoid a land war in the gulf once again raise questions about U.S. objectives in the war against Iraq. Some argue that these must be limited to ensuring compliance with the resolutions of the United Nations Security Council, implying that the most the United States may seek is unconditional withdrawal of Iraqi forces from Kuwait. They suggest it would be prudent for the United States to settle for withdrawal to avoid the bloodshed of ground combat.

Despite the potential costs of a land war, however, many people would prefer to hold out for more. They believe a mere withdrawal would not complete the mission of allied forces in the gulf, nor even the terms of the UN resolutions. Even if Iraqi withdrawal were not accompanied by troublesome conditions or linked to other problems, such as the Palestinian issue, it alone would not resolve the current crisis. For that, at least three further objectives should be achieved.

First, Iraqi withdrawal from Kuwait must be expeditious and irreversible. Iraq must not be allowed sufficient time to regroup or resupply its forces in Kuwait during a ceasefire. Iraqi withdrawal must occur over a period of days, not weeks. An Iraqi withdrawal also would leave a large body of troops in southern Iraq just over the border from Kuwait; they must not be allowed to remain there for long.

Second, Iraq's future military potential must be controlled. Iraqi forces have already sustained severe losses. But Iraq's strategic position and oil wealth—especially if left in the hands of Saddam Hussein—would clearly pose a threat to regional peace and security even after the war. Lasting peace in the area can be achieved only through strict controls on the shipment of military supplies and sensitive technology to Iraq in the future.

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[1] "A Marriage of Convenience," by Dr. Sidney Weintraub, p. 210.

Economic sanctions have been imposed in Iraq not only through Security Council resolutions. The United States and other countries have also moved to tighten up their exports of military equipment and nuclear, chemical and biological technology to Iraq and other problem countries. The United States and its coalition partners should insist on maintaining these controls and working to strengthen them. The UN embargo should not be relaxed until adequate controls are in place over future military shipments.

Third, Saddam's potential for mischief-making must be restrained as part of any negotiated outcome. Saddam's removal should not be made an explicit condition for peace. The Iraqi people are entitled to a government of their own choosing, despite our hope that they heed President Bush's advice to topple their dictator. But if Saddam remains in power in Iraq, even for the short term, he must not be allowed to retain the tools of his trade.

As the President has also reportedly insisted, any negotiated conclusion to the war must provide for the immediate return of prisoners of war. We have seen enough of Saddam's heartless manipulation of POWs and even innocent civilians to permit him to hold allied POWs after a settlement.

The United States and other countries also cannot give up their future military options. If Saddam once again orders a buildup against Kuwait or another country, if the Iraqi government continues to sponsor terrorism throughout the world, if Saddam tries to foment unrest in Muslim countries that are part of the coalition, the United States and other nations retain the right to respond militarily. This right is recognized under international law and specifically preserved through Article 51 of the UN Charter.

It is clear for these reasons that simple Iraqi withdrawal from Kuwait is not sufficient to preserve lasting peace in the region. The President may well decide to accept a negotiated withdrawal of Iraqi forces from Kuwait. But he should remain firm in his desire to reach a solution that will truly preserve the peace.

IN HONOR OF MIAMI DADE COMMUNITY COLLEGE DURING COMMUNITY COLLEGE MONTH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, during a time when our Nation's education system may come under fire by some analysts, we must not forget to take inventory of our assets. The month of February, Community College Month, does just that.

I would like to take this opportunity to recognize Miami-Dade Community College for its many outstanding accomplishments which benefit the residents of Dade County. As the largest single district multicampus community college in the Nation, it enrolls about 125,000 credit and noncredit area students annually, and has awarded over 123,000 degrees and certificates since 1960. The opportunities a Miami-Dade education has afforded its many area students is immeasurable. For some, an associate degree is a stepping stone to a 4-year institution, while others enjoy the 30 percent average increase in wages earned over those with only a high school diploma.

We all know of the unfortunate statistics which show unequal education opportunities for foreigners and minorities. I can proudly say that Miami-Dade enrolls more foreigners and Hispanic students and the fourth highest number of black students of any U.S. higher education institution.

It gives me great pleasure, Mr. Speaker, to acknowledge Dr. Robert H. McCabe, president of Miami-Dade Community College, as well as campus and district vice presidents for a job well done. They include: Dr. Jon Alexiou, district vice president for education; Dr. Lester Brookner, vice president for business affairs; Dr. Horace Traylor, vice president for institutional advancement; Dr. M. Duane Hansen, Sr., vice president for administration; Dr. Eduardo J. Padron, vice president of the Wolfson Campus; Dr. William Strokes, vice president of the South Campus; Dr. Terence Kelly, vice president of the North Campus; Dr. Tessa Tage, vice president of the Medical Campus; and Dr. Roy Phillips, vice president of the Homestead Campus.

It is great administrators such as these who have allowed community colleges to graduate success stories like Walt Disney, Jeane Kirkpatrick, Calvin Klein, and O.J. Simpson. Let us not forget valuable institutions of learning such as Miami-Dade Community College as we celebrate Community College Month.

SPECIAL SALUTE TO GLENVILLE HIGH SCHOOL NATIONAL BICENTENNIAL COMPETITION WINNERS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. STOKES. Mr. Speaker, I am proud to take this occasion to recognize 20 outstanding students from Glenville High School in Cleveland, OH, who recently participated in the National Bicentennial Competition on the Constitution and the Bill of Rights. The competition was held earlier this month on February 15, in Columbus, OH. I would like to express my warmest congratulations to these exceptional students and their faculty adviser, James Benedict.

The purpose of the National Bicentennial Competition is to encourage young people to develop a comprehensive knowledge of the Constitution, the Bill of Rights and the standards and values they embrace. This program examines the principles of constitutional democracy and the history of the Constitution.

Mr. Speaker, this competition is supported and funded through the Congress and is cosponsored by the Commission on the Bicentennial of the U.S. Constitution. It has proven to be a highly effective way to teach students about our Constitution and the Bill of Rights.

These exceptional students, representing the 21st Congressional District of Ohio, are true role models for not only their school, but to other young people throughout the Nation. I must mention that these students overcame perilous blizzard conditions to reach the competition in Columbus, OH. Their gallant efforts did not go unrewarded. Out of six units in the competition, the Glenville High School students scored the highest score in unit two of this competition. This area is considered one of the toughest areas as it deals with issues pertaining to the history and experience of constitutional government. Even though they did not win the overall competition, their efforts demonstrated a superior knowledge of our Constitution.

Mr. Speaker, I share the pride that Principal Elbert Cobbs, the faculty and students of Glenville High School must feel for these students. This outstanding group of young people include: Tonya Berry, Sonjia Bethea, Mashunda Blackston, Dale Boldware, Marzell Brown, Teresa Chatmon, Tamara Dennis, Tjader France, April Harrison, Lillian Jagers, Johnny Johnson, Katrese Knowles, Nichole Massengale, Monica Nicholas, Annette Nicholson, Eric Payne, Deborah Robinson, Marquita Rodgers, Andrea Smith, and Trina Smith. I hope my colleagues join me in congratulating this group of dynamic students.

DR. CHARLES R. EISENHART: EDUCATOR, CIVIC LEADER, AND AMERICAN PATRIOT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. SOLOMON. Mr. Speaker, I cannot describe to you the loss I felt at the death of Dr. Charles R. Eisenhart of Glens Falls, NY. And I know I am speaking for everyone who knew this great man, everyone whose life was enriched by his unselfish efforts.

Mr. Speaker, just up the road from my home is one of Glens Falls' finest assets, Adirondack Community College. When Dr. Eisenhart became the first president of ACC in 1961, it had no classrooms and a handful of students. In 17 years under Dr. Eisenhart's wing, ACC grew to one of the finest institutions of its kind in the country, with 3,000 full- and part-time students and a campus of 141 acres.

That would be enough to merit Dr. Eisenhart our lasting tribute, but that only begins to describe his contributions to his community and his country.

He was a member of Glens Falls' Mohican Council, Boy Scouts of America, and received both the Silver Beaver Award and the Distinguished Eagle Scout Award for his many years of service.

He was a two-term Queensbury Town Board councilman and a town historian. He served as a lay preacher, Sunday school teacher and ruling elder of the First Presbyterian Church, and a member of the Hyde Museum board of directors. He also was a member of the Friends of Free China, the International Arts and Culture Association, American Post 233, and the National Rifle Association. He was past president of the United Way and Glens Falls Rotary Club, which presented him with its highest award, the Charter Day Award.

Mr. Speaker, Dr. Eisenhart was a natural choice for my Service Academy Selection Committee, and performed yeoman service in picking outstanding young men and women to those academies.

Dr. Eisenhart served with the Army Air Corps in World War II and retired from the Air Force Reserves in 1972 with the rank of colonel. Just recently, he delivered the invocation at a student rally in support of our troops in the Middle East.

Before coming to ACC, he was dean of the Defiance College. He could have stayed at that established institution, but chose to accept the challenge of establishing a college "from scratch."

Adirondack Community College will always be his monument. He loved the classroom, loved working with students, and loved inspiring them to strive for the highest standards. He succeeded enormously.

Along with his countless accomplishments, he was known as a good neighbor who raised ducks in a backyard pond that was a favorite attraction for young people.

He was that kind of man, a man who was good at many things and who left everything he touched richer than before. And he was one of the best friends I ever had. When I say I will miss him terribly, I speak for an entire community.

The entire Glen Falls area joins his wife Judith, his two sons, Charles R. Eisenhart, Jr. and John B. Eisenhart, his daughter, Judith Smullen, and the rest of the Eisenhart family in mourning his loss.

Mr. Speaker, I ask you and the entire House to join with me in paying our own tribute to Dr. Charles R. Eisenhart, educator, public servant, and great American.

SALUTE TO CHRIS JACKMAN

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. GUARINI. Mr. Speaker, on January 29, 1991, New Jersey lost a favorite son. Today, I rise to salute a good friend and a great legislator, State Senator Christopher J. Jackman of West New York.

I knew Chris personally for over 30 years and had the privilege of serving with him in the New Jersey State Legislature for 6 of those years. Chris was an example of both compassion and commitment. He believed in what he was doing and he did it well. Chris Jackman left the world significantly better than when he found it.

He was a true public servant who was one of Hudson County's strongest advocates in the State government. He believed in the principles of good government, devoted much of his time to charity, and was a loyal friend of the labor movement, senior citizens, and educators. In fact, all New Jersey citizens whose lives he touched mourn his loss.

The bells of West New York's town hall tolled 21 times in a salute to Chris Jackman—a salute well deserved for he served eight terms in the assembly and two terms in the State senate. During those 23 years as a senior member of Hudson County's legislative delegation he championed many noble causes and had many admirers and supporters. Through his efforts, laws were passed to help working men and women, to aid seniors, to improve education, and to better protect animals, to name a few. Chris sponsored more bills and had more bills signed into law than any other State legislator in New Jersey's history.

His most recent legislative accomplishment was a bill to allow senior citizens in State-subsidized housing to own pets. He fought long and hard for this issue. He said that he received letters from people who had no one else but their pet and they would have been devastated if they had to give them up. He argued tirelessly for the mental and physical importance of pet ownership to convince his fellow legislators that the bill was worthy of passage. The bill passed.

He showed kindness wherever he went, giving to others without any thought for himself. For example, I will never forget the time he discovered that a State trooper had been killed because he had not been issued a bullet-proof vest. Jackman set out to provide all New Jersey State troopers with bullet-proof vests. Unfortunately, the State treasury had no allocation for these funds. But that would not stop Chris. After reading about Jackman's commitment, Robert Brennan, chairman of the board of regents at Seton Hall University and chairman of the board of the Garden State Racetrack, informed Chris that he would purchase the vests. Chris spoke with Brennan and steered a resolution through both houses to allow the contribution. Troopers' lives are still being saved today thanks to those vests.

Chris Jackman was a man who could always be trusted because his word was his bond. In these days of deals and strategy, that really means something. Chris Jackman was truly the voice of the people and for 23 years dedicated himself to serving them. He was a humble man with simple wants, always extending a helping hand to those in need. His loss leaves the world much emptier.

FULL COMMITMENT TO IMPLEMENTATION OF VOTE IN PUERTO RICO URGED

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. FUSTER. Mr. Speaker, on Wednesday, February 27, the committee of jurisdiction in the other body is scheduled to mark up S. 244, which authorizes a political status plebiscite in Puerto Rico between statehood, independence, and an enhancement of the existing commonwealth status, which I favor. A similar bill, which I co-sponsored, has been filed in the House again this year; as you know, the 101st Congress enacted plebiscite legislation in the House but not in the Senate.

But, Mr. Speaker, I rise today to vigorously criticize a proposed amendment in S. 244 that the Senate Energy and Natural Resources Committee is scheduled to consider at its markup on Wednesday, February 27. Unfortunately, this amendment would not bind Congress to the results of a plebiscite, pledging instead only a weak sense of Congress offer merely to introduce a bill favoring the winning status choice.

Mr. Speaker, the intention all along of getting Congress involved in the plebiscite process was precisely that in so doing the House and Senate would thus give a commitment to the people of Puerto Rico that the winning status formula would be implemented. Otherwise, the plebiscite process could degenerate into a mere popularity contest and not a real act of self-determination.

I have conveyed those very thoughts to Chairman BENNETT JOHNSTON and to all members of the Senate Energy Committee. I would like to share those thoughts with my colleagues today in both the House, where we may well be asked to debate the issue again this year, and in the Senate, where a crucial committee markup is scheduled for Wednesday. I am thus making a copy of that letter available here below:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 1991.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: In January of 1989 when the leaders of the three political parties in Puerto Rico called upon Congress to authorize a federal political status plebiscite, they made it clear that they wanted one in which Congress would honor the results of such a referendum on self-determination between the choices of statehood, independence and an enhancement of the existing commonwealth status.

In their letter of January 17, 1989, which was addressed to the leaders in Congress, the three party presidents said that the plebiscite process should include "the guarantee that the will of the people, once expressed, shall be implemented through an act of Congress. . ." The reasons for such a guarantee are obvious: that without such assurances a plebiscite could degenerate into a mere popularity contest and not a real act of self-determination.

The intention all along of getting Congress involved in the plebiscite process was precisely that in so doing the House and Senate would thus give a commitment to the people of Puerto Rico that the winning status formula would be implemented. Puerto Rico's Legislative Assembly has all the necessary authority locally to provide for a referendum, as it did in 1967, if the purposes were merely to accertain the people's preference and then to petition Congress for implementation of such a preference. But, precisely because Congress paid no attention to the results of the 1967 plebiscite, the leaders of the three parties in Puerto Rico decided they wanted a Congressionally authorized referendum that carried with it the commitment to honor its results.

Thus, the need for this commitment has been made clear from the very beginning and has been reiterated over and over again by the Puerto Rican leadership. Recently, the governing party in Puerto Rico, the Popular Democratic Party, meeting in Ponce, Puerto Rico, last November, passed a resolution directed to Congress which stated, among other things, that a plebiscite bill must have "adequate guarantees that the Government of the United States will implement the political status democratically selected by the people of Puerto Rico.

Moreover, Governor Rafael Hernandez-Colon, testifying on January 30, 1991, before the Senate Energy Committee, emphasized that plebiscite legislation must "meet certain basic criteria," among them "a commitment from Congress to respect the will of the Puerto Rican people, and to implement whatever option is chosen in the referendum." The Governor added that "a mere popularity contest between the statuses would serve no purpose." In a letter to Senator Bennett Johnston dated February 18, 1991, the Governor again emphatically stated that any attempt at weakening the necessary Congressional commitment to implement the winning option "would seriously compromise the value of this process to Puerto Rico and the United States . . . Absent a commitment to implement the winning formula, federal legislation for a status referendum would be inconsequential and unnecessary."

This year's bill, S. 244, as originally drafted by the Senate Energy Committee contained such a commitment. It states, in part, that "Enactment of this section constitutes a commitment by Congress to implement the status receiving a majority" in the plebiscite. Unfortunately, an amendment was tentatively approved at yesterday's mark-up by the Senate Energy Committee withdrawing this commitment in favor of a weak "sense of Congress" offer merely to introduce a bill favoring the winning status choice. This retreat from the original language in the bill would constitute what several Senators characterized yesterday as a "cruel hoax" on the 3.6 million U.S. citizen in Puerto Rico.

If, because of the opposition to statehood, the bill has degenerated into such a sad situation, I for one would rather have no bill at all. I see no purpose in putting detailed status definitions in a referendum bill if such definitions are not at all binding. Such a bill would only mislead the people of Puerto Rico. I fully agree with Governor Hernandez Golón that without a commitment to implement the winning status formula a plebiscite would be inconsequential and unnecessary.

But I sincerely hope that you will work to reinstate the original language of commitment in S. 244 as ain indispensable part of the bill, a crucial element without which the will should not be enacted.

Cordially yours,

JAIME B. FUSTER,
Member of Congress.

CALIFORNIA ASSOCIATION OF RESOURCE CONSERVATION DISTRICTS RESOLUTION OPPOSING HIGH SEAS DRIFTNET FISHERY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. LAGOMARSINO. Mr. Speaker, the California Association of Resource Conservation Districts adopted a resolution opposing the use of driftnets in the high seas. Their strong concern is warranted as driftnets have a horrific impact on many different marine life. Driftnets indiscriminately trap all types of fish and marine mammals in a manner described by some as "stripmining of the sea." In addition, as these synthetic fiber nets occasionally break loose, they drift aimlessly but destructively in virtual perpetuity with all possible economic benefits lost.

I became outraged at the use of high seas driftnets and introduced legislation in 1989 supporting the creation of a driftnet-free zone in the Pacific. The operative language of the resolution was included in legislation passed by the Congress.

It is reassuring to see that most of the countries whose fishing fleets were engaged in high seas driftnet fishery have ceased such practices. By this summer a driftnet-free zone should in fact exist in the Pacific; by July 1, 1992, high seas driftnet fishery is to cease worldwide if all countries comply with the December 1989 U.S. Driftnet Resolution.

The following is the resolution of the California Association of Resource Conservation Districts opposing high seas driftnet fishery adopted at the 45th annual conference in Redding, CA, November 14, 1990:

RESOLUTION NO. FW-2

Subject: High seas driftnet fishery.

Origin: Fisheries and wildlife committee.

Date: September 12, 1990.

Issue: Salmon and steelhead depend on a period of feeding and maturation in the high seas. Most of these fish originate in the rivers of North America and a historical native American sport and commercial fishery have depended on these species for economic subsistence. The populations of these species have fallen drastically since the onset of high seas drift gillnet fishery and these fish have historically not been harvested by gill netting in the high seas. These high seas gillnet fisheries represent nations that produce few, if any, of these fish. The high seas gillnet fishery is supposedly designed for taking squid rather than salmon and steelhead.

Position: CARCD and NACD go on record opposing the high seas gillnet fishery.

Action: Resolved, the California Association of Resource Conservation Districts in conference at Redding, California, November 11–14, 1990, endorses action that might be taken by the State of California and the Federal Government of the United States of America to prohibit future harvesting of these species by the destructive high-seas gillnet fisheries as undertaken by Japan, Korea, Taiwan, and other Pacific Rim nations.

(Adopted by the California Association of Resource Conservation Districts at the 45th annual conference in Redding, California, November 11–14, 1990.)

PALS: THE CONGRESSMAN AND THE KID

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, in the February 17, 1991, edition of the Miami Herald, viewpoint section, our colleague Congressman WILLIAM LEHMAN of Florida was highlighted in an article by the publisher of the Miami Herald, David Lawrence. Congressman LEHMAN is a well-known and respected figure in the south Florida community, not only for his legislative leadership, but for his genuine warmth as a person. Anyone who has ever known the Congressman can tell you that.

I respectfully submit to the RECORD the article in which Congressman LEHMAN was featured. In his article, Mr. Lawrence speaks of a physically needy child, Asta Philpot, a neighbor of Congressman Lehman, who is blessed with a good spirit and a warm heart.

I believe the title of the article sums up the two's relationship with each other, "Pals: The Congressman and the Kid."

[From the Miami Herald, Feb. 17, 1991]

PALS: THE CONGRESSMAN AND THE KID

(By David Lawrence, Jr.)

The older of the two is among the most powerful of Americans. The younger is, in the everyday sense, almost powerless. Sixty-nine years and one city block separate them. They are friends and neighbors in Biscayne Park.

Whenever the older man is in town, they spend some time together. He often will bring his young friend a little present, maybe a toy gun or a flashlight or a plastic model car. They will talk about important matters—one day the situation in the Persian Gulf, another day what's going on in the third grade at Biscayne Gardens Elementary.

Their friendship, "just something that grew," the older man says, goes back a couple years. "What appealed to me is that he wasn't excluded by the kids in the neighborhood. Instead, he was the sparkplug, the center of activities. He brings the neighborhood together."

This youngster and his friends typify a close neighborhood. They play the games of my own childhood—"Hide and Seek," "Cops and Robbers," and "Cowboys." He cannot run with his friends, but he can keep up with them. Where else will you see a kid doing "wheelies," raring up his wheelchair as though he were a cowboy on a mustang? Or see skateboards attached to a wheelchair?

"I dont' have to look for him," the older man says. "He just pops up. His little brother will come up and ring my doorbell and say, 'Asta is here.' Then the older man and his young friend might "just sit out by the car and talk." Or "I might show him the bananas growing on a tree in a neighbor's backyard."

You see them together whenever the older man comes home from Washington. William Lehman is 77 years old, a member of Congress from North Dade since 1973, and the key person in the House through whom all transportation funding flows. He and his wife, Joan, the well-known sculptor, live just a block from the Philpot family: parents Dermot and Brenda Philpot and their three children—Simon, 14 and in the eighth grade at Norland Middle School; Asta, 9 next month and in the third grade at Biscayne Gardens; and Robin, 5, in kindergarten at Scott Lake.

Congressman Lehman makes things happen in this republic. He is, among other measures of clout, chairman of the House appropriations subcommittee on transportation. He can make million-dollar bridges happen. But even a 10-term congressman can only do so much for Asta Philpot, age 8.

Asta was born with arthrogryposis. I had never heard of it until a few days ago, but it affects thousands of Americans. Asta's muscles never developed. His joints are frozen in place.

FOUR OPERATIONS * * * SO FAR

There is no way to repair every part of Asta's body that is awry, but a series of operations can help. Asta Philpot already has had four—the first, on his feet, when he was 6 months old; then on his knees, his hips, his left leg. Next, perhaps this spring at Miami Children's Hospital, comes an operation for his arms. A successful operation could mean that Asta could lift his arms to feed himself. The operation costs an awful lot, and success isn't guaranteed.

"At first you feel sorry about him," the congressman says. "But the more you are around him, the less hopeless it seems."

His father, Dermont Philpot, talks about his middle son:

"He is great. He brings happiness to a lot of people. He is very rarely down. He hardly complains. He puts me to shame."

The instant that Asta was born, in North Shore Medical Center, Brenda Philpot knew something was seriously wrong. They named him "Asta," a diminutive version of the name of a prophet from India, a crippled man who endured taunts and shared great wisdom.

A week later, en route from the hospital to home along Alton Road, Mrs. Philpot saw a banner stretched across the roadway. "ASTA: We're Glad You're Here," the banner read. "Oh, my God," she thought to herself. "It is an omen." Perhaps it was. It also was a greeting to the American Society of Travel Agents.

Now, almost nine years later, Brenda Philpot must spend much of her life helping her son to accomplish functions that most of us take for granted—to eat, to go to the bathroom, to do his before-bedtime stretching exercises. She is a trained secretary, skilled in typing and shorthand; her obligations at home mean that she cannot go out and get a job.

Husband Dermot, from England like his wife, is scrambling these days for every dollar that he can muster to make the family's monthly mortgage and car payments. Because the banks are less likely these days to lend money, Philpot recently lost his sales job in equipment leasing. Now he's trying to learn the college bookselling business. What he really needs is a well-paying sales job in Dade County. "I'm trying to hang in there," he says.

LOVES TO COLOR AND TO SING

Asta, meanwhile, is getting ready for the future.

He's doing well in school. He loves to color ("I use a mouth stick for everything") and to sing (especially rap songs).

When he grows up, he'd like to be a policeman "so I can protect people. I'd like to help people."

The next time you are feeling sorry for yourself, please know that Asta Philpot would probably think that there was a better way to approach the world.

His smile and his spirit, I tell you, set a good example.

MAIL TO TROOPS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of our colleagues the following articles which appeared in the February 15, 1991, edition of USA Today concerning the delivery of mail to Operation Desert Storm troops stationed in the Middle East.

The prompt and efficient delivery of mail from home must be a major priority of the war effort. Mail maintains the morale of the troops and keeps the men and women of Desert Storm in touch with families and friends. Therefore, it is vital that postal and military officials do everything possible to ensure the prompt and efficient delivery of mail to the troops and the prompt and efficient delivery to the United States of return mail from the troops.

Our valiant men and women in the gulf deserve no less.

GULF POSTAL BOSS URGES PATIENCE

(By Judy Keen)

EASTERN SAUDI ARABIA.—Air Force Maj. Michael Whitaker was shocked when he got a letter Tuesday from a pen pal in Ohio.

It was postmarked Dec. 27.

U.S. troops, whose biggest gripe is slow mail service, might get a satisfied chuckle from Whitaker's plight: He's the military's head mail official in the Persian Gulf.

Whitaker, commander of the 4401st Air Postal Squadron, says mail service is "doing relatively well, with a war going on."

He and his 1,400 workers can get letters and packages from mother to soldier in about two to three weeks, he says. Before the war, the turnaround time was about five days.

Whitaker, 39, of Phoenix, understands mail's key role in troop morale, but he thinks those who complain about mail service may not understand the complexity of moving tons of letters and packages.

"We've raised a generation of children who believe in instant gratification," he says.

Army Spec. James Brown, 35, of Charleston, S.C., doesn't expect instant gratification. He just thinks it's a little ridiculous that he received a Christmas card from his wife, Carlene, on Wednesday.

"I was very depressed, I thought I was going to lose it," he says of the wait for the card and love letter Carlene promised to send.

"My heart was breaking. When it finally came, it was a joyful moment—I knew she cared."

Army Capt. Kevin Walker of Fort Bragg, N.C., recently wrote his parents from the front: "Mail is almost non-existent at this point because we just moved out here. Eventually it will catch up with us so keep writing."

But sometimes, the mail system produces miracles: On Thursday, one of Whitaker's aides, Phil Harper, a sergeant, got a package from a next-door neighbor in Round Rock, Texas.

Inside were peanuts, Girl Scout cookies and other goodies. The postmark: Feb. 11.

And sometimes, it doesn't work out that well. Army Spec. Hobert Byrge, 26, of La Follette, Tenn., got a letter he wishes had been lost in the mail. It arrived in December from his wife, who said she was divorcing him.

"I kind of wish that one had never showed up," he says. Still, he's looking forward to his next letter. "It'll be from my folks, and they're sending me pictures of my son."

HOW TO ADDRESS MAIL

To any soldier, airman/woman, Marine: Operation Desert Storm, APO New York 09848-0006

To any sailor or Marine on ships: Operation Desert Storm, FPO New York 09866-0006.

HOW MAIL GETS TO THE PERSIAN GULF

About 140 tons of mail are sent to troops in the Persian Gulf each day—about the same amount that's delivered to the city of Denver. Here's how it gets there:

From local post offices mail goes to one or two large city mail processing centers. Letters to troops are separated out and put in bins. That takes three to five days.

Then it's on to one of five regional postal facilities. New York's Kennedy Airport handles letters and packages from the Northeast; Chicago's O'Hare, Midwest; San Francisco, West; Dallas/Ft. Worth, Southwest; and Washington, D.C., Dulles, Southeast.

Clerks separate mail by Army or Air Force post office (APO) or fleet post office (FPO) number, which are military ZIP codes. Letters stay at airports about 36 hours; packages 48 hours.

Mail is placed in 3½-foot by 4-foot cardboard boxes. Each box contains about 300 pounds of mail and has a sticker with its destination: Riyadh, Dhahran, Jubail, all in Saudi Arabia or Bahrain.

Mail is driven to one of three Air Force bases. McGuire Air Force base in New Jersey gets 70% of gulf-bound mail. Mail is then loaded onto huge C-141 transport planes or leased commercial cargo DC-8s and 707s. Time at McGuire: 30 hours. Five to six planes leave McGuire each day for the 20-hour trip to the gulf.

Once the planes land in the gulf, postal troops sort the mail and Saudi customs officials do spot checks, looking for pornography, alcohol and other forbidden items.

Mail is put on planes, helicopters or flatbed trucks and delivered to their APO or FPO—often just a tent. Once at the APO, it's up to each company's mail clerk to come and get it. For front-line troops, that may mean a drive of two hours or more. When clerks return, it's mail call.

[From the USA Today, Feb. 15, 1991]

MISSING OUT ON MAIL CALL

(By Andrea Stone)

CHANTILLY, VA.—Delivering valentines and chocolate chip cookies to the troops may not seem vital to the war effort.

But when morale rides on 140 tons of mail a day—twice the daily volume of military mail sent during the Vietnam War—it's crucial.

Listen to James Benimon, a postal clerk at the Dulles Air Mail Facility here. "It's real important they know people back here care."

But since the war started a month ago, it's been harder for the folks back home to show they do.

Letters and packages that used to take a week to arrive now take two to three—sometimes more. The delays are maddening for everyone.

Rhonda Graham, whose brother, Marine Cpl. Randy Davis, is near the front, says it takes at least six weeks to exchange letters. His sometimes contain pleas for personal items.

"If it was six weeks before I could get a razor, I'd be pretty down in the dumps,' Graham says. "I'm sure a lot of times he thought we were ignoring his requests."

Military and civilian postal officials say they're doing their best to catch up. The load isn't as heavy as before Christmas, when daily volume exceeded 300 tons. One reason for the letup: the military has asked for a voluntary stop to package mailings now that the war has started.

The war complicates everything—especially delivering the mail. Blame glacial delivery on:

Troop movements to the front. The mail must be "routed to people who are not exactly standing under a sign that says the 200 block of Main Street," says U.S. Postmaster General Anthony Frank. "These are moving towns."

And they sometimes don't leave a forwarding address.

"We're not privy to strategic information," says Air Force Maj. Michael Whitaker, who commands 1,400 postal troops in the gulf. Frontline units near the Kuwaiti border "don't always . . . tell the postman where they're going."

Result: It may be a week or more before a unit calls and says, "Oh, we're here now . . . send the mail."

Supplies have top priority. The same planes and trucks that deliver the mail are "also moving beans and bullets" to the front, Whitaker says.

Mail "is just one of many things that has to move rapidly now," says Air Force Col. Richard Delaney, who runs "Operation Desert Mail" at New Jersey's McGuire Air Force Base, one of three ports nationwide for gulf-bound mail.

Sheer volume that isn't letting up. In December, 22 million tons of mail were shipped to the gulf; in January, 14 million tons; in February, it'll probably end up at 16 million tons. All that's affecting post offices at home, too.

In Hinesville, GA, the volume of mail has nearly doubled since soldiers from neighboring Fort Stewart deployed to Saudi Arabia six months ago.

Mail processing supervisor Terry Gordon says workers are working 25 percent more overtime to keep up. "It doesn't look like it's going to let up," he says. "Business just keeps going on, and on, and on, and on."

"It's been like Christmas since August; that's the only way to describe it," says dispatch clerk Wade Calhoun, 46. "This is the most mail I've seen in 25 years."

TIPS TO SPEED MAIL TO TROOPS

Don't send parcels to troops at the front, who have to travel light. They'll have to "eat it, wear it, burn it or bury it," says Air Force Maj. Michael Whitaker, head of mail operations in Saudi Arabia.

Send 3-by-5-inch cards with your home address on the front to troops. They can write on it and post it—military mail weighing less than 11 ounces is sent free—without having to hunt for envelopes.

Send important mail registered, certified or insured so it can be tracked if lost.

Don't write addresses or return addresses with felt-tipped markers; rain washes them away. And pack your address and the soldier's inside boxes so contents can be rerouted if the box is destroyed.

Don't ship items banned in Saudi Arabia. Alcohol and pornographic material is seized. If someone wants to send an intimate, revealing photo to a loved one, Whitaker suggests sending it in a letter. Saudi customs officials usually inspect packages, not letters.—Judy Keen.

TRIBUTE TO JIM LUCAS, PRESIDENT OF LOCAL 888, UNITED FOOD AND COMMERCIAL WORKERS UNION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. OWENS of New York. Mr. Speaker, I rise to pay tribute to Jim Lucas, president of New York City's Local 888 of the United Food & Commercial Workers Union [UFCW], who is being honored March 2, as the Dr. I Fund Foundation's 1991 Man of the Year at its fourth annual labor dinner-dance. The more than 18-year-old foundation has given over $2 million in grants to scientists for medical research in the areas of diabetes, cardiology, cancer, immunology, nephrology, urology, mental retardation, lyme disease, and cholesterol.

It is fitting that the Mount Vernon, New York-based foundation chose Jim Lucas as its Man of the Year, for throughout his life and labor career he has been active in helping others. In 1987, Mr. Lucas urged his union local to forego its annual Christmas party and contributed the money that would have paid for the event to the pediatrics ward of the North General Hospital in Harlem, where he hosted a Christmas party there for 400 children. He has spearheaded fundraising campaigns to help fight such diseases as leukemia, cystic fibrosis, muscular dystrophy, tuberculosis, and AIDS. Mr. Lucas is an active member of St. Charles Church where he is on the financial review board of the school, has served as president of the parish council, and has given gifts to the church's children as Santa Claus every year.

Mr. Lucas was born and raised in Harlem. He is of Caribbean descent. He comes from a family of activists, which includes Father Lawrence Lucas, a pastor in Harlem, and William Lucas, who ran for Governor of the State of Michigan. His brother, John, is a retired police officer, and his brother Howard is a retired officer of the Letter Carriers Union. His sister Pat, is a Roman Catholic nun who is principal in Ethiopia's Nazareth School System.

Mr. Lucas began his labor union career as a shop steward in Korvettes Department Store in 1962. His activities in Local 888 increased over the years to the point where his talents were rewarded by his appointment as the local's business representative and organizer in January 1969. Continuing his rise through the ranks, he was appointed an organizing coordinator for Local 888 in 1971, and subsequently became the director of organizing for the union. In 1981, he was elected, and eventually reelected, to the post of secretary-treasurer by the members.

In addition to being the president of Local 888, he is also the international vice president of the largest international union within the AFL–CIO. Mr. Lucas is the first black local president to hold the position of international vice president. The international UFCW boasts a membership of 1.3 million.

Jim Lucas wears many hats within the international and regional UFCW. He heads the minority coalition, whose purpose is the advancement of women and people of color in the union. He is the vice president of the Union Label and Service Trades Council to the UFCW conventions and the New York State AFL–CIO. He serves as the secretary-treasurer of the UFCW's District Council of New York, which has 13,000 members covering Connecticut and northern New Jersey. He cochairs the affirmative action committee of the UFCW, is a member of the New York City Central Labor Council, and is a standing member of the UFCW International—National Black Caucus of State Legislators.

Among his extensive community activities is a life membership in the Harlem branch of the NAACP. He is a member of its executive board and is on the executive board of the senior citizens council. Mr. Lucas is an active member of the Angel Guardians for the Elderly, Inc.

In 1985, he was appointed to the committee for the elderly by New York State Gov. Mario M. Cuomo. Mr. Lucas is a member of One Hundred Black Men, Inc., an organization that has drawn together black leaders from many walks of life. He is one of 13 board members of the Inner-City Labor Alliance working on a very special project in honor of the late civil and labor rights leader, A. Philip Randolph.

Jim Lucas' labor activism has taken him overseas. He has served on a special assignment as the ambassador for the UFCW International in the African nations of Botswana and Zimbabwe, and has organized labor seminars in Jamaica and Barbados.

Mr. Lucas and his wife are the proud parents of Nadyne, Elissia, and James, Jr., and the proud grandparents of Qiana, James III, and Christopher.

Mr. Speaker, I applaud Jim Lucas for his life of service, his tireless dedication and commitment to labor, and his unceasing devotion to the cause of black advancement and empowerment. The Dr. I Fund Foundation is to be congratulated for having chosen this outstanding individual as its 1991 Man of the Year, for he truly exemplifies the foundation's spirit of generosity and achievement.

PRAISE FOR ROTARY'S 1991 MAN OF THE YEAR ATHNEIL "ADDIE" OTTLEY

HON. RON de LUGO

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. DE LUGO. Mr. Speaker, I am proud to make a statement today in praise of an outstanding Virgin Islander and dear personal friend, Athneil "Addie" Ottley, who has been chosen by the St. Thomas Rotary Club II as their 1991 Man of the Year.

Addie owns and manages radio station WSTA, the Lucky 13, and as the host of the Morning Show, he has become a broadcasting institution in the Virgin Islands with one of the highest rated radio programs in the country.

Addie and his Lucky 13 staff operated the only radio communications link still functioning in the Virgin Islands after the onslaught of Hurricane Hugo in September 1989. His expertise, his voice of reason and calm, almost literally kept the community united as one in the dark and often frightening days after that terrible storm.

Addie has been a community activist all his life, from his government service as a Senator and Lieutenant Governor to his participation in community organization such as the St. Thomas-St. John Chamber of Commerce where he is again serving as president.

Addie comes from a proud Virgin Islands family. His father, Aubrey, who served as postmaster of the Virgin Islands, was also a well known painter. One of his works, a portrait of the town and harbor of Charlotte Amalie, hangs in my Washington office.

We can rest assured that because of the unselfish and untiring contributions Addie has made to the Virgin Islands, ours is truly a better community, one where Addie has shown that Virgin Islanders like him can, and do, make a difference.

My congratulations to Addie Ottley and to St. Thomas Rotary II for his selection as the 1991 Man of the Year.

ORANGE BOWL COMMITTEE OLYMPIC BID WILL PAY OFF IN THE FUTURE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to recognize the Orange Bowl Committee for its major effort to bring the U.S. Olympic Festival to the Miami area.

While their effort to bring the festival to south Florida was not successful this time, they laid the ground work which will be vital for the success of future bids. The U.S. Olympic Committee informed the Orange Bowl Committee that its efforts will definitely be rewarded by the opportunities created for bringing future events to the Miami area, including the Pan American Games in 1995 and the Olympic Games in 1996.

Many positive benefits came out of their bid. South Florida took one more step toward creating a national awareness of what it has to offer in the world of sports. A good line of communication was formed with the national governing bodies of all sports. South Florida's three major counties—Broward, Dade, and Palm Beach—worked together to create a totally unified tricounty effort which will benefit our area in future endeavors.

Local organizers putting together a future bid will have the advantage of south Florida's outstanding facilities including the Miami Arena, the Mark Light Stadium, the International Hall of Fame, and Mission Bay pools. South Florida has a rich history in putting on major sporting events including six Super Bowls, a Breeder's Cup, an NBA all-star game and the annual Orange Bowl. South Florida also has a long-term record of supporting the Olympic movement—having been host to numerous national swimming and diving championships, the 1990 Sunshine Games and the 1988 U.S. Olympic weight-lifting trials.

I wish to thank the Orange Bowl Committee for their effort, including Robert A. White, the chairman of the Olympic Festival Committee; Steven J. Hatchell, the executive director of the Orange Bowl Committee; and Pam Gerig, the special events coordinator of the Orange Bowl Committee.

A BILL WAIVING NAVIGATIONSERVITUDE OVER PORTIONS OF PELICAN ISLAND, TX

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. BROOKS. Mr. Speaker, today, I am introducing legislation to waive the Federal Government's right of navigation servitude over portions of Pelican Island in Galveston, TX, in my district. This bill, which I am sponsoring at the request of the city of Galveston, is necessary to promote development on Pelican Island, Bolster the city's property tax base, and remove the cloud hanging over the title to certain properties on the island.

Today, Pelican Island comprises some 3,900 acres in Galveston Bay. In the 1800's, however, Pelican Island and nearby Pelican Spit were two relatively small upland masses surrounded by large areas of marsh land called flats. In the early 1900's the U.S. Army Corps of Engineers began using the flats as a deposit site for the spoil from its local dredging operation in Galveston channel. As a result, by the 1960's Pelican Island, Pelican Spit and the surrounding flats formed one land mass. Ownership of the island today is shared by the Federal Government, the city of Galveston, and dozens of other public and private property owners.

Over the past few years, the Corps of Engineers has been analyzing various options for a future spoil deposit site. In a preliminary report issued in 1988, the corps indicated that one likely option would involve acquiring the site by asserting the right of navigation servitude over properties on Pelican Island.

Derived from the commerce clause of the Constitution, navigation servitude permits the Federal Government to use, regulate, or compel the removal of obstructions in navigable waters—without providing compensation to affected property owners. The right may even be asserted over lands—such as portions of Pelican Island—that are now fast lands due to artificial fill and natural accretion, but were once the site of navigable waters.

Mr. Speaker, the prospect of the Federal Government asserting navigation servitude has created a number of problems for the city of Galveston and property owners on Pelican Island. A dark cloud now hangs over title to lands owned by the city and others. This cloud affects the value of Pelican Island properties for ad valorem tax purposes and hinders further economic development. Under current conditions, any owner of property on Pelican Island will think twice before investing too heavily in improvements.

Last Congress, I introduced a bill to address these problems by waiving the Federal Government's right of navigation servitude over all Non-Federal properties on Pelican Island. The bill I am introducing today is a slightly modified version of that legislation intended to address concerns raised by the Corps of Engineers.

While this bill waives the right of navigation servitude, it does not waive important Federal environmental requirements, such as the Federal Water Pollution Control Act and the National Environment Policy Act. The bill specifically states that these and other important statutes and regulations remain in place, where applicable.

Mr. Speaker, this legislation is not unique. On over 60 separate occasions, dating back to 1894, the Federal Government has waived its right of navigation servitude over certain specific waterways and lands. The bill is a carefully balanced and prudent proposal to provide the certainty needed for beneficial development of Pelican Island while protecting important Federal interests. I am hopeful the House will give this proposal its prompt and overwhelming approval.

HONORING BERNARD ROSENBERG

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Bernard Rosenberg, who recently earned his doctorate from Rutgers University after a 20-year career as business representative for the International Brotherhood of Electrical Workers of New York. It is a great achievement for anyone to earn a doctorate degree, but we recognize Mr. Rosenberg's dedication to his work and research with labor unions.

Mr. Rosenberg's dissertation, entitled "The First Accredited Labor College in the U.S.," concerns the achievement of the Harry Van Arsdale, Jr. College in being accepted into the State University of New York system via Empire State College in 1971. Since then, the college has been America's only college offering both associate and bachelor's degrees in labor studies. This is the recognition of the importance of the labor movement in the United States and the great work it has done in protecting the rights of workers against unfair labor practices. Both Mr. Van Arsdale and Mr. Rosenberg served Local Union No. 3 in Flushing, NY, and are well aware of the impact labor unions have on so many working Americans. This dissertation will go down as an important work in the field of industrial and labor relations.

Mr. Speaker, we should never forget the advances made by the labor movement. I hope that we will continue to recognize men like Bernard Rosenberg, who have dedicated their careers toward fairness in the workplace. His earning a doctorate in this field is an accomplishment that should not go unnoticed. I ask my colleagues in the House of Representatives to join me in honoring Mr. Rosenberg for all his great work and to wish him our best in his future endeavors.

U.S. GOALS IN THE GULF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. ENGEL. Mr. Speaker, a large part of the debate on the Persian Gulf conflict focuses on what our ultimate military and political objectives should be.

When I watched the Scud missiles landing in the streets of Tel Aviv and Riyadh, I could not help but think what would have happened if Israel had not taken out Iraq's nuclear facility in 1981.

Since voting to support the President on January 12, I have also reflected on what could have happened if the United States had waited a year or more to confront Saddam's aggression. Those missiles could well have carried chemical, biological, or even nuclear warheads, with incredibly tragic results.

Although President Bush has made the liberation of Kuwait the prime objective of this conflict, I have stated from the start that driving Saddam out of Kuwait is not the be-all and end-all. The real issue is not merely punishing an aggressor for trampling an innocent neighbor but also taking away his means to try it again.

Saddam Hussein is a threat to the vital interests of the United States. He is a threat to our economy, a threat to world stability and a threat to our friends in the region.

It is clear from Saddam's behavior that he has little or no regard for human life. Only a ruthless aggressor would gas his own people, hurl missiles at civilian populations, and torture prisoners of war. This is a man who has to be stopped in his tracks because he clearly has designs on controlling the entire Middle East, its resources, and ultimately the world economy.

Clearly, a main objective in this conflict has and should continue to be the removal of Iraq's ability to attack its neighbors in the Middle East. In fact, the completion of that objective is already well underway.

Additionally, since Saddam Hussein himself has been the driving force behind the Iraqi aggression, it can be argued that removing him from power falls under the objective of preventing future aggression by Iraq.

No one can say with any certainty if Saddam will survive the current conflict and I am not advocating that he be targeted for assassination, but there is every reason to believe that he will do all he can to remain in power even as his troops go down to defeat.

He must not succeed.

By parading Allied POWs in front of television cameras and by launching missiles against civilian targets, Saddam attempted to widen the scope of the war and weaken American public support. These despicable ploys did not work, and I believe they will ultimately come back to haunt him.

In Congress, I have introduced a joint resolution that would hold Saddam accountable for the war crimes committed against American and other allied prisoners of war. In addition to calling for an international tribunal to prosecute Saddam for violations of the Geneva Convention, the resolution also states that "under no circumstances should the nations allied against Iraq agree to an arrangement whereby Saddam Hussein would resign as President of Iraq in exchange for his not being prosecuted for war crimes."

President Bush was adamant in refusing to cut deals with Iraq prior to the outbreak of fighting. It should be the official policy of the United States to continue its no deals stand against Saddam Hussein.

Our military leaders have eloquently stated that the coalition nations have no argument with the people of Iraq. Only Saddam's intimidations and ruthlessness have prevented the Iraqi people from rising up against him. I recently saw an Iraqi soldier on television who said he would fight in the war because the "United States can kill me but Saddam Hussein can kill my entire family."

The Iraqi public and the entire world community can do without Saddam Hussein and his brand of militarism. The liberation of Kuwait is certainly a prime objective of Operation Desert Storm, but we must also look forward to the day when Saddam Hussein and his war machine are effectively eliminated from the world scene.

REGARDING THE BIRTH OF MARK ISAAC NUSSLE

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. NUSSLE. Mr. Speaker, I rise today to announce the birth of my son, Mark Isaac Nussle, who was welcomed into this world at 5:17 a.m. this morning. Mark tips the scales at 8 pounds and 8½ ounces. Mark's mother, Leslie Nussle, is doing well and recovering in Delaware County Memorial Hospital in my hometown of Manchester, IA. Mark has a 2-year-old sister, Sarah.

A TRIBUTE TO SUPER SUNDAY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I take great pleasure in recognizing the Greater Miami Jewish Federation's annual countywide drive called Super Sunday. On March 3, 1991, this exciting event will take place at the Greater Miami Jewish Federation building in Miami, FL.

Super Sunday, which raises funds for a network of 35 social, health, welfare, and educational programs and services in Israel, in Miami and in 34 other countries, will be held from 9 a.m. to 9 p.m. on behalf of the 1991 Federation/United Jewish Appeal. All volunteers are asked to staff 3-hour phone shifts.

Now more than ever, the Jewish community needs the help of everyone. The terrorist Scud attacks of Saddam Hussein have not hit military installations, rather, community institutions and residential sectors. The funds raised could contribute to the well being of those citizens directly effected.

I would like to wish the many people involved in this event the best of luck in making Super Sunday a tremendous opportunity. I pay tribute for a job well done to Gail Meyers, Howard R. Scharlin, Donald E. Lefton, Michael M. Adler, Gary Gerson, Steven J. Kravitz, Nancy Lipoff, Maxine E. Schwartz, David Schaecter, Michael Scheck, Jack H. Levine, Dr. Mark Oron, Myron J. "Mike" Brodie, Arthur L. Fink, and Jacob Solomon.

DESERVING OF OUR GREATEST TRIBUTE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. KOSTMAYER. Mr. Speaker, I rise today to remember those brave men and women who have been taken as prisoners of war in the Persian Gulf. We all know the struggle each of them now faces.

I want to mention specifically one of them who comes from my congressional district. Air Force Maj. Jeffrey Tice of Sellersville has been held for over 2 weeks now; we all pray for his speedy and safe return.

I recently called Major Tice's father to assure him of the concern all of us here in the Congress feel for him, his family, and most especially his brave son, Jeff.

We are all deeply concerned about those Americans who have fallen into the hands of the Iraqis because we know they are being mistreated. For my part, I join with President Bush in holding Saddam Hussein personally responsible for their care.

For these men and women, the hardest part of the war may just be beginning. But we want them to know that we remember them and love them, and will do everything we can to bring them home soon.

To this end, people around the country are rallying to help the families of American prisoners of war. In Perkasie, a small town in the northern part of my district where Major Tice grew up, Ms. Linda Holmes is organizing "Operation Desert Song." This country music jamboree will take place on March 10 from 2 to 6 p.m.

"Operation Desert Song" will raise funds to help the family of Major Tice and a support group for other local military families, "Lean on Me."

Maria Millar, who heads "Lean on Me" recently brought me a T-shirt that the group is selling. These citizens are truly contributing to the morale of the men and women serving in the gulf and deserve our praise and our thanks.

Mr. Speaker, I join with the citizens of the upper Bucks County in recognizing Major Tice and I also want to commend the communities of upper Bucks County for hosting "Operation Desert Song."

SALUTE TO ILENE R. OLANSKY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. WAXMAN. Mr. Speaker, I ask you and my other colleagues in the House of Representatives to join me in saluting Ilene R. Olansky on the occasion of her receiving the coveted Hannah G. Solomon Award from the

National Council of Jewish Women. This honor shall be conferred on March 14, 1991 at the Music Center.

Ilene Olansky has devoted an enormous amount of her time, energy, and great talent to the benefit of the community. She has served not as a rank and file volunteer, but as a key leader with vast and complex responsibilities.

At the current time, Ms. Olansky holds the sensitive post of chair of the Los Angeles City Board of Zoning Appeals. The entire city has benefitted from the sound judgment and irreproachable integrity Ms. Olansky has shown in this key position.

The Olansky family has long been active in Jewish affairs locally, nationally, and in Israel. Ilene Olansky has undertaken major responsibilities with both the Council of Jewish Federations and the Jewish Federation Council of Greater Los Angeles. She has made substantial contributions as a result of her technical expertise in the complex fields of personnel recruitment, pensions, and benefit plans.

Nothing better epitomizes the universal outlook and deep compassion of Ilene Olansky than the Los Angeles-Jerusalem Cooperative Cities Project. This unique and visionary program works for community improvement and the realization of the full human potential of disadvantaged communities in Jerusalem, East Los Angeles and Watts.

Please join me in congratulating Ilene R. Olansky, her family, and friends on the auspicious occasion of her well-earned recognition by the National Council of Jewish Women. Please join me in wishing Ms. Olansky many years of good health and continued vibrant activity in the advancement of the noble ideals she so deeply holds.

NO SUBSIDIES FOR OPPRESSORS OF LITHUANIA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. PALLONE. Mr. Speaker, for the sencond time in recent years, the image of a government's tank rolling over a protester has gripped our attention. The last time was Tiananmen Square, and the administration issued a statement. This time, it was Lithuania, and again, we responsed only with words.

While the entire world awaits the unveiling of some new world order, the Soviet Union has deployed troops in support of the old Kremlin order. While the citizens of Eastern Europe meet the immense challenges of democracy, the citizens of Lithuania wait in terror for the sound of tank treads.

We must domonstrate to Lithuania that the lesson of her situation is not lost at her borders; her desire for freedom is ours as well. What should also transcend geography is our definition of a new world order. Order should be found in national sovereignty, economic prosperity, and political freedom. If Mr. Gorbachev rejects such notions, then we should reject him.

Mr. Gorbachev can't do the reform dance while Soviet television has returned to the art of doublespeak and outright deception. Mr. Gorbachev's glimmer as a recipient of the Nobel Peace Price is surely extinguished with the deployment of black berets to the Baltics. At this point in history, we need to respond to heavyhanded oppression with more than lighthanded rebukes.

What is required of us is to send a signal to Mr. Gorbachev—those who grease the wheels of oppression and terror will not be subsidized by this Government or the world community.

HOPE FOR YOUTH IN PUBLIC HOUSING

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I want to draw attention to a woman whose vision and compassion for Miami's urban youth has changed many young lives, Ms. Dorothy Perry. Ms. Perry's leadership in facing the problems of teenage pregnancy, poverty, drug abuse, and violence often goes unnoticed, but her efforts have made a great impact. I had the privilege of meeting Ms. Perry in Miami while she was being honored by Vice President QUAYLE as one of the "thousand points of light" nominees.

In June 1975, Ms. Perry began taking dislocated and troubled youths in her housing project into her home. Overcome with the sense of hopelessness many youths face, she began to plan an outreach to the children in her area, in her words, "A people building project." Fifteen years later, her youth outreach called "Youth Progressing in Public Housing, Inc." works with 57 kids in her area, ages 2 through 18.

The program she started has evolved over the years into daily activities that both instruct and encourage. One afternoon includes an ambition rap, a time when kids can dream big about their future and be affirmed in it. Other activities are more practical, dealing with drug abuse, teen-pregnancy, and basic money management. They also celebrate life through singing, games, and community service. Together these activities work to build character and self-esteem.

The program which Ms. Perry started works. She works boldly from the principle that unless children believe they can achieve something better and have the practical skills to do it, they will remain in their desperation, their potential untapped. This principle has made its impact. Ms. Perry proudly told me about the graduates of "Youth Progressing," many of whom have gone on to college or taken jobs in the community or military.

Mr. Speaker, one woman took her conviction that "If there is any hope for tomorrow, it lies with building up our children today," and has made an impact on her community. Ms. Perry should be commended for her vision and courage in giving the children near her, growing up in public housing, a real opportunity to succeed. Indeed by her example we should all be inspired to do some people building wherever we are.

THE BUSINESS ENTERPRISE TRUST

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. LEVINE of California. Mr. Speaker, I would like to call your attention to an outstanding example of American business in action—the Business Enterprise Trust and the first annual Business Enterprise Trust Awards being presented on March 21 in New York City.

In 1989, an unprecedented group of 18 prominent U.S. business leaders, including James E. Burke, Katherine Graham, John F. Akers, Warren E. Buffett, James T. Lynn, Walter A. Haas, Jr., and Norman Lear, gathered to form a new national nonprofit organization dedicated to identifying and promoting acts of courage, integrity, and social vision that exemplify the highest standards of business responsibility. Kirk O. Hanson, a professor of business ethics at Stanford University was named as president of the trust and Professor Hanson and his staff immediately commenced development of criteria for the wards.

After a lengthy national solicitation and search, the board of directors fo the trust selected five recipients to be honored with the first of these awards, which the trust and its directors plan as an annual event.

The fact that business leaders, supported by funding from Mr. Lear, were interested and dedicated to forming the trust to promote and call attention to those who have done honorable ethical and meaningful business deeds is commendable.

We all should support organizations such as the Business Enterprise Trust and wish the trust and its leaders success in the future.

COLOMBIA'S ANTIDRUG EFFORTS DESERVE CONGRESSIONAL PRAISE, NOT ATTACKS

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. COUGHLIN. Mr. Speaker, as the United States faces war in the Persian Gulf, our Nation's eyes are naturally on that conflict. Nonetheless, just as our brave troops are fighting in the sands of the Mideast, Colombians are sacrificing their young lives in the jungles of the Andes for a cause just as worthy: the war against the drug cartels. Because the Colombian effort can reduce the availability of cocaine to Americans, one would think their bravery would earn praise from a congressional committee reviewing Andean drug policy. Sadly, the House Government Operations Committee, with an assist from the Institute for Policy Studies, has released a report unfairly criticizing that country's antidrug effort. The separate views of the report, inserted by Congressman HORTON and other minority members of the committee are drafted with a much fuller understanding of the narcotics threat to the United States and Colombia.

Colombia's drug war has resulted in the death of over 500 Colombian police officers since January 1 of this year. For a country little more than a tenth the size of the United States, this is a heavy loss. Nonetheless, they fight on, raiding laboratories, seizing cocaine, and tracking down drug kingpins.

As the Republican chairman of the House Select Narcotics Committee, I had an opportunity to visit Colombia with our indefatigable chairman, CHARLES RANGEL, twice in the last several months. In our most recent meetings with President Gaviria and members of his cabinet last month, the President himself and his most senior cabinet officials expressed frustration and disappointment with the House Government Operations Report entitled, "United States Anti-Narcotics Activities In the Andean Region." It harshly criticizied both the Colombian Government and the Bush administration's international drug policy. The report is dated November 30, 1990, and is House Report 101–991 of the 101st Congress, 2d session.

Clearly, it is in the interests of U.S. policy for congressional committees to make in-depth studies of critical issues and, when appropriate, to make their findings available to the public for discussion. Nonetheless, it is imperative that Members be aware of the impact such reports can have on our allies abroad. The Government Operations report on antinarcotics activities in the Andes risked damaging United States/Colombian relations and setting back antinarcotics efforts because of its harsh and uninformed criticisms of Colombian/United States counter-narcotics policy. There can only be one result from damage inflicted to the United States-Colombian partnership: more cocaine on United States streets. The Members of the Government Operations Committee who endorsed that report should have considered the consequences more carefully.

I believe that the vast majority of Members of Congress, Republicans and Democrats, would strongly disagree with many of the report's conclusions. During our recent committee delegation visit to Colombia, there was bipartisan support for continued United States military, law enforcement, economic and trade assistance to Colombia. Our votes to support the Colombian efforts have been overwhelming. To further the debate on this issue, I would like to discuss, point by point, the Government Operations Committee's criticisms of Colombian-United States antidrug policy.

"The drug war is being militarized"—page 89.

It is not the United States or the Colombian Government which has militarized the drug war, but the drug traffickers. The major drug cartels have hired private armies and made arrangements with violent insurgent groups, resulting in a severe threat to personnel carrying out interdiction and other law enforcement measures. A large part of Colombia's antidrug crackdown consists of raids on sometimes well defended drug processing labs, airstrips, and trafficker headquarters. These are missions presenting logistical, operational, and tactical challenges, and they cannot be done without adequate security measures.

The report fails to recommend any alternative to using the military to support the Colombian National Police in these drug missions. It also fails to point out that the Colombian National Police are a division of the Defense Ministry. It is not clear whether the report is suggesting that the Colombian Government should stop trying to combat drugs in this manner. It is my view, the view of the Bush administration, and I believe the view of the majority of Members of Congress, as well as the international community, that Colombia's antidrug crackdown is the single most important element of any regional effort to interdict Andean cocaine. The United States should be praising and supporting this effort, not making proposals which could curtail it.

It is true that Colombia's new policy (encouraging traffickers to surrender in return for reduced sentences and a pledge not to extradite them to the United States carries risks. Thus far several major drug traffickers have turned themselves in, but are yet to be sentenced. We will watch carefully to see that these criminals receive and serve significant sentences. Nonetheless, Colombia, considering its sacrifices, deserves the benefit of the doubt. To launch a political attack on Colombia at this perilous time is simply irresponsible.

"The United States is ignoring judicial reform"—page 89.

The report rightly stresses the importance of judicial reform, but in sharply criticizing administration policy fails to recognize that different types of aid have different time tables. Helicopters and other military equipment can be put into the field upon delivery; judicial reform is a long-term project that does not produce immediate results. The Colombians are making the difficult transition from a Napoleonic code-type judicial system to a prosecutorial system. This is not something which can be delivered by the U.S. in an airplane. The Colombians themselves needed time to decide where they wanted to go with these fundamental changes in their judicial system.

Judicial reform is a top priority for the United States Embassy in Bogota. U.S. officials are working closely with President Gaviria and the Ministry of Justice in this area. In the Select Committee delegation's meeting, Colombian officials expressed satisfaction with the aid and appreciation for the United States judicial assistance program.

Thus far, United States judicial assistance to Colombia has included the development of legal reference libraries, provision of computers for regional tribunals, distribution of law codes, the purchase of security equipment, such as walk-through metal detectors, mylar window film, and bullet-proof doors and glass for key judicial facilities. Also provided has been $1,000,000 in communications equipment, 30 armored cars, and 320 bullet-proof vests. Additionally, over 1,000 Colombians have received training courses in personal security awareness, techniques of protection, management of protective operations, building security surveys, or threat evaluation/investigation. Onsite training also has been provided on the use of metal detectors and x-ray devices. While these programs must be continually evaluated and improved by both the Colombia Government and the United States to ensure maximum effectiveness, I think it is apparent that judicial reform is not a low-level priority.

"The United States-Colombian policy is over-emphasizing the narco-guerrilla link"—page 92.

There is substantial evidence that, despite their ideological differences, the insurgents in Colombia—as well as in Peru—cooperate with drug-trafficking organizations. To argue, as the report does, that the relationship between traffickers and guerrillas is "extremely hostile," as the report alleges on page 92, is simply ludicrous. M–19 leader Antonio Navarro Wolff has confirmed that his guerilla movement—now demobilized—had a nonaggression pact with the Medellin cartel in the mid-1980s. Further, Revolutionary Armed Forces of Colombia [FARC] units have been found guarding large coca complexes, and National Liberation Army [ELN] insurgents have kidnapped journalists on behalf of Pablo Escobar. In 1985 M–19 was hired by the traffickers to attack the Palace of Justice. Was it simply a coincidence that they murdered the 11 Supreme Court judges who had voted in favor of extradition for drug traffickers?

The report also suggests that the guerrillas' role in the drug trade is primarily reflected in the protection it provides peasant coca farmers—page 92. The Colombian media has reported the discovery of a million-dollar coca processing facility operated by FARC in Guaviare Department—El Tiempo, July 10, 1988. More recently, coca farms and labs run by the FARC and ELN in South Boliver and Putumayo have been found.

All of this is not to argue that the traffickers and insurgents are one and the same. Yet, insurgent groups are by their nature starved for funds to pay for their operations. It is only logical that they would turn to involvement in the lucrative drug trade to raise money. If we are to have an effective counternarcotics policy in the region, we must have an accurate assessment of traffickers' strategy, operations, and alliances. To deny the trafficker-insurgent link because we do not wish it to be there, or because it complicates policy making does a disservice to both Colombian and United States personnel who are risking their lives to fight the drug war. The report's naivete on the narco-guerrilla link is shocking.

"The Colombian Military is corrupt"—page 91.

The report cites a 1983 case in which the Colombian military provided protection for drug traffickers. This was a serious case, but it was over 8 years—and three Colombian administrations—ago. Couldn't the report do better than that? Obviously, an element of drug corruption exists in any nation that is involved in drug production, trafficking or consumption. The best information available to me suggests that the more the Colombian Government, and particularly the Colombian military, has become involved in the drug fight, the more professional pride Colombian personnel have taken in performing their duties in a professional, non-corrupt manner. Is it the position of the report's signatories that because of the recent corruption cases in the U.S. Coast Guard, Customs Service, and DEA, U.S. law enforcement agencies should get out of the counternarcotics business?

"Colombia is profiting from the drug trade"—page 81.

The report implies that defeating drug trafficking is not in Colombia's economic interest. This suggests, of course, the implicit smear that Colombian officials really condone drug trafficking. A close look at the role of narcotics in Colombia's economy reveals that drug trafficking, and the employment and profits resulting from it, has done great damage to the Colombian economy.

A report entitled "Cost-Benefit Analysis of Drug Trafficking in the Colombian Economy" by Miguel Urrutia Montoya, Director of the Colombian Federal for Development, discussed the harm done to the Colombian economy by narcotics trafficking. Dr. Montoya explained that even though the agricultural and construction sectors benefited during the 1980–85 golden era of drug trafficking, much of the rest of Colombia's economy was de-industrialized. The violence unleashed by the trafficking, and the associated deterioration of the justice system scared off many investors. Only those investments with high profit margins in the short-term remained good risks. Most investors consider a nation's political and institutional stability, security of ownership, and the ability to turn to an efficient system of justice that is capable of defending contractors before they risk their money. These investors have resisted putting money into Colombia.

Further, drug trafficking has decimated the tourism industry and forced the Colombian Government to divert scarce resources for law enforcement and defense. This is not to mention the social cost reflected in the rising homicide rate in Colombia. In the mid-1970's, Colombia had a homicide rate 16.8 per 10,000 inhabitants. By 1988, it had climbed to 62.8, which made Colombia one of the most violent countries in the world.

Finally, the profits derived from the drug trade tend to return to Colombia in the form of undervalued products, not in the form of cash. This tends to destroy the domestic Colombian industries which might compete with these products.

In sum, the Government Operations Majority Report in its substance and its conclusions demonstrated a failure to appreciate the environment in which drug policy is implemented in Colombia. The report also did not, in my view, adequately recognize the sacrifices made by the Colombian people in prosecuting the drug war. These are not remote efforts in a far away land; these are sacrifices which benefit American families and communities.

Colombia is the single most important ally of the United States in the struggle against cocaine. This deadly drug has brought tragedy and despair to millions of Americans and caused hundreds of billions of dollars worth of damage to the U.S. economy. Any nation that helps fight this menace is an important friend of the United States. When a country like Colombia places the very existence of its government on the line to battle this enemy, it deserves our deepest gratitude.

The Government Operations Committee has an important oversight role to play in U.S. counternarcotics efforts. In the past, we have seen several thought provoking antinarcotics reports coming from its subcommittees. If it is now the official position of the majority members of this committee that United States military assistance to Colombia should be severely limited, it would be most unfortunate. Nonetheless, I believe that support for Colombia runs very deep in the United States, and I look forward to debating this issue before the watchful eyes of the American people.

TRIBUTE TO WESTERN RESERVE COUNCIL NO. 461, BOY SCOUTS OF AMERICA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the Boy Scouts of America, Western Reserve Council No. 461 of Trumbull County, Warren, OH. The council camp, Camp Chickagami, will be celebrating its 50th anniversary of Scouting on August 17, 1991. The Western Reserve Council has grown enormously over the past 50 years, and they indeed have a great deal to celebrate.

The history of the Western Reserve Council dates back to March 19, 1919, when the Warren Rotary Club, under the leadership of John B. Estabrook, organized a Boy Scout council in Warren. Although the council had no camp that first year, a hike was scheduled each weekend throughout the summer as a substitute for the summer camp. By the summer of 1921, a temporary campsite had been secured off the shore of Lake Erie, a short distance west of Ashtabula Harbor. A total of 104 boys participated that summer.

In late 1921, it was suggested that countywide organization could better serve the boys of the area. The Niles council and the Warren council were officially joined on April 18, 1921, but it was not until June 24, 1930, that the Trumbull County council was organized. As the council grew, townships in both Geauga and Portage counties were included in the council area and on January 30, 1948, the name was changed to the Western Reserve Council to describe the area represented by the council.

A permanent campsite, Camp Skudewecook in Windham, OH, was established in 1922. In 1940, the Windham property was purchased by the Federal Government as part of the land needed for the Ravenna Arsenal. The council's executive board authorized the purchase of land northwest of Parkman for a new campsite. Camp Chickagami was dedicated on June 21, 1941, and remains the official camp of the Western Reserve Council No. 461.

Mr. Speaker, I would like to take this opportunity to recognize the Western Reserve Council No. 461 for its 50 years of service to the youth of Trumbull County. Organizations such as the Boy Scouts of America help to build today's youth into tomorrow's leaders. It is truly an honor to represent this outstanding organization.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 26, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 27

9:00 a.m.

Governmental Affairs

To hold an organizational meeting to consider committee's rules of procedure for the 102d Congress and other administrative and legislative business.

SD-342

Veterans' Affairs

To hold hearings on the President's proposed budget request for fiscal year 1992 for Veterans programs.

SR-418

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold hearings on limited partnership organizations, referred to as "rollups."

SD-538

Commerce, Science, and Transportation

To hold hearings to examine insurance company insolvency.

SR-253

Energy and Natural Resources

Business meeting, to resume consideration of S. 244, to provide for a referendum on the political status of Puerto Rico.

SD-366

10:00 a.m.

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1992 budget for the Federal Government, focusing on labor and employment policies.

SD-608

Finance

To hold hearings on proposed benefits for troops in the Middle East.

SD-215

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine the activities of foreign mercenaries as related to international drug trafficking and arms diversions.

SH-216

2:00 p.m.

Armed Services

To hold hearings to examine current trends in eastern Europe.

SR-222

5:00 p.m.

Foreign Relations

Closed briefing on the annual estimate and justification for proposed arms sales for 1991 (Javits Report).

S-116, Capitol

FEBRUARY 28

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XI provisions relating to Corporate Average Fuel Economy (CAFE).

SD–366

Governmental Affairs

Permanent Subcommittee on Investigations

To continue hearings to examine the activities of foreign mercenaries as related to international drug trafficking and arms diversions.

SD–342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Blinded Veterans Association, the Vietnam Veterans of America, Military Order of the Purple Heart, and the Noncommissioned Officers Association.

345 Cannon Building

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Supreme Court of the United States; The Judiciary, and the Federal Trade Commission.

S–146, Capitol

Banking, Housing, and Urban Affairs

Consumer and Regulatory Affairs Subcommittee

To hold an oversight hearing on the impact of the secondary market and private mortgage insurers on community reinvestment lending and on mortgage discrimination.

SD–538

Foreign Relations

European Affairs Subcommittee

To hold hearings on the U.S. response to Soviet disunity.

SD–419

Labor and Human Resources

Labor Subcommittee

To hold hearings on S. 445, to revise the provisions of the Occupational Safety and Health Act of 1970 to increase criminal penalties for, and to encourage the prosecution of, employers who willfully violate safety and health standards in the workplace.

SD–430

10:30 a.m.

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1992 budget for the Federal Government, focusing on child welfare issues.

SD–608

12:30 p.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Transportation.

SD–138

1:30 p.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of J. J. Simmons III, of Oklahoma, to be a Member of the Interstate Commerce Commission.

SR–253

2:00 p.m.

Armed Services

To hold hearings on proposed legislation authorizing supplemental funds for fiscal year 1991 for Operation Desert Storm.

SR–222

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 173, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.

SR–253

Foreign Relations

To hold hearings on the promotion and protection of human rights.

SD–419

MARCH 1

9:30 a.m.

Joint Economic

To hold hearings to review the President's proposals to improve Federal economic statistics.

SD–628

10:00 a.m.

Foreign Relations

To hold hearings on the nomination of Jon David Glassman, of the District of Columbia, to be Ambassador to the Republic of Paraguay.

SD–419

MARCH 4

2:00 p.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Research Service, the Cooperative State Research Service, and the Extension Service.

SD–138

MARCH 5

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XII, relating to two demonstration projects aimed at commercializing advanced nuclear reactor technologies, and Title XIII provisions relating to clarifying the licensing process for nuclear power plants.

SD–366

Environment and Public Works

To hold an organizational meeting to consider pending committee business, to be followed by hearings on the President's proposed budget request for fiscal year 1992 for the Federal-aid highway program and the proposed Surface Transportation Assistance Act of 1991.

SD–406

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for the Department of Labor, focusing on the Office of the Secretary of Labor, and the Office of Inspector General.

SD–192

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1992 budget for the Federal Government, focusing on health care issues.

SD–608

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for the Department of Health and Human Services, focusing on the Office of Civil Rights and Policy Research.

SD–192

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on S. 272, to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.

SR–253

Foreign Relations

Western Hemisphere and Peace Corps Affairs Subcommittee

To hold hearings to examine issues relating to a bilateral free trade agreement with Mexico.

SD–419

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on multilateral assistance.

SD–138

MARCH 6

9:30 a.m.

Rules and Administration

To hold hearings on the projected shortfall in the Presidential Election Campaign Fund.

SR–301

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for Amtrak and the Federal Railroad Administration, Department of Transportation.

SD–138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Secret Service and the U.S. Customs Service, both of the Department of the Treasury.

SD–124

Foreign Relations

European Affairs Subcommittee

To resume open and closed hearings on the U.S. response to Soviet disunity.

SD–419

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Emergency Management Agency.

SD–138

MARCH 7

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title X provisions relating to natural gas regulatory issues, and Sections 6003 and 6004, relating to natural gas research, development, demonstration and commercialization activities.

SD-366

Environment and Public Works

To hold hearings on the President's proposed budget request for fiscal year 1992 for the Environmental Protection Agency.

SD-406

Rules and Administration

To hold hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.

SR-301

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Family Support Administration, Human Development Services, and the Office of Inspector General.

SD-192

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Social Security Administration, and the Health Care Financing Administration.

SD-192

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on S. 210, to establish the United States Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis to maximize the long term economic value to the United States.

SD-366

MARCH 8

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Stabilization and Conservation Service, the Foreign Agricultural Service, General Sales Manager, and the Soil Conservation Service.

SD-138

Judiciary

Constitution Subcommittee

Business meeting, to mark up S.J. Res. 18, proposing an amendment to the U.S. Constitution relating to a Federal balanced budget.

SD-226

Veterans' Affairs

Business meeting, to mark up the proposed budget for fiscal year 1992 for Veterans programs.

SR-418

MARCH 11

2:00 p.m.

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title VII provisions relating to the Strategic Petroleum Reserve, and Title VIII provisions relating to the Outer Continental Shelf.

SD-366

MARCH 12

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title IX provisions which authorize a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge in Alaska (ANWR).

SD-366

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health, the Agency for Health Care Policy and Research, and the Centers for Disease Control.

SD-192

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Alcohol, Drug Abuse and Mental Health Administration, the Health Resources and Services Administration, and the National Council on Disability.

SD-192

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on development assistance programs.

SD-138

MARCH 13

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the Department of Veterans Affairs and Department of Defense emergency preparedness plan.

334 Cannon Building

9:30 a.m.

Rules and Administration

To resume hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.

SR-301

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Transportation.

SD-138

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Council on Environmental Quality, and the Environmental Protection Agency.

SD-138

2:00 p.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for the Motor Carrier Safety Assistance Program.

SR-253

MARCH 14

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Highway Traffic Safety Administration.

SR-253

Rules and Administration

To continue hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.

SR-301

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Office of Director, Buildings and Facilities, the National Cancer Institute, Heart, Lung and Blood Institute, the National Dental Institute, Allergy and Infectious Diseases, Diabetes, Digestive, and Kidney, Child Health and Human Development, Environmental Health, and the Fogarty International Center.

SD-192

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XV provisions relating to reform of the Public Utility Holding Company Act of 1935 (PUHCA).

SD-366

1:30 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Neurology Institute, the Deafness Institute, General Medical Sciences, the National Eye Institute, the National Institute on Aging, Arthritis Musculoskeletal and Skin, Division of Research Resources, Nursing Research, Human Genome, and the National Library of Medicine.

SD-192

2:00 p.m.

Energy and Natural Resources

To continue hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XV provisions relating to reform of the Public Utility Holding Company Act of 1935 (PUHCA).

SD-366

MARCH 15

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service, and the Agricultural Marketing Service.
SD-138

MARCH 18

2:00 p.m.
Energy and Natural Resources
To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title V provisions relating to coal and the applicability of new source review to existing electric steam generating units (WEPCo).
SD-366

MARCH 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Office of the Secretary of Education and Special Institutions.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on aid to Africa.
SD-138

MARCH 20

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, Office of Inspecter General, and the National Credit Union Administration.
SD-116

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 12, to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.
SR-253

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

2:00 p.m.
Energy and Natural Resources
To resume hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XI provisions relating to transportation issues, and on the Administration's proposal contained in the National Energy Strategy relating to alternative-fuel fleets.
SD-366

MARCH 21

9:30 a.m.
Energy and Natural Resources
To hold hearings to review the status of implementation of the Department of Energy's civilian nuclear waste program mandated by the Nuclear Waste Policy Act of 1982 and its 1987 revisions.
SD-366

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for ACTION, the Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-192

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Commission, the National Commission to Prevent Infant Mortality, and the Soldiers' and Airmen's Home.
SD-192

MARCH 22

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

APRIL 9

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for certain transportation programs.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on aid to Latin America.
SD-192

APRIL 10

9:30 a.m.
Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings to examine lender liability as related to Superfund.
SD-406

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Farmers Home Administration, the Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Inter-agency Council on the Homeless, and the Department of Housing and Urban Development.
SD-124

APRIL 11

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Research and Special Programs Administration of the Department of Transportation, and the National Transportation Safety Board.
SD-138

APRIL 16

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on aid to Eastern Europe.
SD-138

APRIL 17

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the American Ex-Prisoners of War, the Jewish War Veterans, and the Veterans of World War I.
345 Cannon Building

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the United States' Court of Veterans Af-

fairs, and the Department of Veterans Affairs.

SD–138

APRIL 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Highway Administration, Department of Transportation.

SD–138

APRIL 19

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Commodity Futures Trading Commission, the Food and Drug Administration, the Farm Credit Administration, and the Farm Credit System Assistance Board.

SD–138

APRIL 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings to examine the science education programs of various Federal agencies.

SD–138

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–1902

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on security in the post-cold war era.

SD–138

APRIL 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.

SD–124

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.

SD–138

APRIL 26

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.

SD–138

MAY 7

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.

SD–138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on AID management issues and reform efforts.

SD–192

MAY 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.

SD–138

MAY 9

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation.

SD–138

MAY 14

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.

SD–138

MAY 15

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.

SD–138

MAY 16

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.

SD–138

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veteran's Affairs, Housing and Urban Development, and independent agencies.

SD–138

MAY 21

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.

SD–138

3:45 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.

SD–138

MAY 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for certain transportation programs.

SD–138

JUNE 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.

SD–138

CANCELLATIONS

FEBRUARY 27

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine new directions in U.S. foreign assistance, focusing on implications of the Persian Gulf war and other international developments.

SD–192

MARCH 20

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Offices of the Assistant Secretaries of Education, and the Office of Inspector General.

SD-192

HOUSE OF REPRESENTATIVES—*Tuesday, February 26, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our hearts go out, O gracious God, to those who bear the distress of battle and the scars of war. We pray specially for the families who have experienced any sadness or sorrow that Your ever-present spirit will give them the comfort and reassurance that is Your promise to all people.

Remind each of us, O God, that Your perfect love is at the center of life, that Your gift of faith is for each person, and Your benediction of hope is Your free gift to all. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Missouri [Mr. SKELTON] will please come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 59

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Silvio O. Conte, late a Representative from the Commonwealth of Massachusetts.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 44. Concurrent resolution calling upon the people of the United States to display the American flag in show of support for the U.S. troops stationed in the Persian Gulf region.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 555. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 320. An act to reauthorize the Export Administration Act of 1978, and for other purposes;

S. 347. An act to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes;

S. 468. An act to amend the Defense Production Act of 1950;

S.J. Res. 50. Joint resolution to designate April 6, 1991, as "National Student Athlete Day";

S.J. Res. 51. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week";

S.J. Res. 52. Joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month";

S.J. Res. 53. Joint resolution to designate April 9, 1991 and April 9, 1992, as "National Former Prisoner of War Recognition Day";

S.J. Res. 56. Joint resolution to designate the period commencing March 10, 1991, and ending on March 16, 1991, as "Deaf Awareness Week";

S.J. Res. 59. Joint resolution designating March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy";

S.J. Res. 62. Joint resolution to designate the month of March, 1991 and the month of March, 1992, as "Women's History Month";

S.J. Res. 63. Joint resolution to designate June 14, 1991, as "Baltic Freedom Day"; and

S.J. Res. 76. Joint resolution commending the Peace Corps and the current and former Peace Corps volunteers on the 30th anniversary of the establishment of the Peace Corps.

APPOINTMENT AS MEMBER OF NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER. Pursuant to the provisions of section 2501 of title 44, United States Code, the Chair appoints on the part of the House the gentleman from Indiana, Mr. SHARP, to the National Historical Publications and Records Commission.

IN SUPPORT OF THE U.S. TROOPS IN THE PERSIAN GULF

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, as the sixth week of the Persian Gulf war ends, America can take great pride in her troops: their selfless courage, their skill, and their dedication to bring the conflict to a decisive and conclusive victory.

The success of the air campaign and the wisdom exhibited by commanders—which have led to the extraordinary facility with which our American troops have implemented the ground campaign with minimal loss of life—must hearten each of us.

I am also encouraged that our troops and other Allied forces have met minimal resistance and that reports indicate a relatively quick end to the fighting.

As we exhibit our pride, we must also continue to offer our prayers: for the families of those who have fallen, for those who have been injured, and for the safe return of those who continue to press for a decisive victory.

SEND THE BILL TO SADDAM

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, daily, the news brings the images of war into our living rooms, a pictorial documentation of the incredible disruption and destructiveness caused by modern warfare. Rubble in Tel Aviv where once a vibrant residential neighborhood stood. Frantic civilians desperately reaching for gas masks. The blue waters of the Persian Gulf now fouled by a deliberate oilspill many times larger that the *Exxon Valdez* disaster, all victims of Saddam Hussein's selfcentered grab for power and prestige.

The costs of fighting this war are great, as will be the costs of rebuilding after the war is over. But while the costs of fighting are now being borne by the multinational coalition, and the hundreds of thousands of families whose loved ones now serve in Operation Desert Storm, ultimately the costs should be borne by Saddam Hussein.

Mr. Speaker, let us not forget who started this war. Let us not forget that it was Saddam Hussein who thumbed his nose at dozens of peace proposals

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and 12 U.N. resolutions. It was Saddam Hussein who has stood in defiance of civilized behavior and world opinion.

This war will not last forever. When it's over, the United States and the United Nations must hold Saddam Hussein accountable for the destruction and the suffering. Who will pay for this war? I say, send the bill to Saddam.

COURAGE AND BRAVERY OF AMERICAN MEN AND WOMEN IN THE PERSIAN GULF WAR

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, it appears that the American Forces are on the brink of a stunning military victory. The President is correctly staying the course for Iraq's complete compliance with the U.N. resolutions. Such a successful effort is possible only because of the high quality of our American men and women in uniform.

This has not been an easy task. Long months in the desert, extensive training, and a professional attitude prepared them for their task. But, Mr. Speaker, it is more than that. In these days when the words "courage" and "bravery" are little used, we see American courage and bravery on the battlefield writing a new chapter in the annals of military history.

Francis Scott Key penned this question when he wrote the Star Spangled Banner: "Oh, say does that star spangled banner yet wave o'er the land of the free and the home of the brave?"

That eternal question is being answered with a resounding yes by the young Americans who wear our uniform.

Mr. Speaker, I am so very proud of them. I know that all of our countrymen share in that pride.

FULL REPARATIONS DUE KUWAIT FROM IRAQ

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, we must not let the Iraqi dictator off the hook. Should we let his troops surrender? Yes, we should! Should we let them keep their arms intact to be used again in terror another day? No, we must not!

Most importantly, due to the destruction of Kuwait and its people, we must demand reparations. In fact, if reports are accurate and we have control of southwestern Iraq and the Republican Guard encircled, we should hold Iraqi territory until reparations are paid and war criminals punished.

While Iraq has destroyed much of Kuwait and its oil resources, Iraqi oil fields are intact in territory U.N. Forces control. I say we drain these fields until such time that they have paid for Operation Desert Storm in full; until they have compensated allied families for the loss of loved ones; and until they have paid to rebuild Kuwait in full.

SADDAM HUSSEIN SEEN AS A LOSER, "WHOPPED" GOOD

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, Saddam Hussein has been whopped, and whopped good. The United States and coalition forces have done an outstanding job in Desert Shield. Now, Saddam Hussein should not be let off the hook. The vanquished has no right to call the shots. Saddam Hussein's forces should not be allowed to walk away from the atrocities that have been committed in Kuwait. They should be rounded up and held accountable. All U.N. resolutions should be fully enforced. Saddam Hussein may call himself a victor, but he should be treated as the loser he is and the terms of surrender should exclude him as the leader of Iraq.

INTRODUCTION OF THE DESERT STORM FAMILY COMMUNICATIONS RELIEF RESOLUTION

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, today I have introduced House Joint Resolution 147, the Desert Storm family communications relief resolution. This measure seeks to reduce the pressure on the Desert Storm troops and their families by easing the strain of their sometimes burdensome phone bill.

AT&T, MCI, and Sprint have all set up phone links between Saudi Arabia and the United States. They exemplify the latest in high technology. Nevertheless, the families often receive exorbitant phone bills. Bills of $500 to $800 are not uncommon in military families. Ironically, the surcharge imposed by the Saudi Government represents the single largest factor in these bills. If the phone calls are routed through Saudi facilities, they impose a $1.05 per minute surcharge. If the call uses one of the AT&T satellite linkups, the Saudi Government still imposes a $.73 surcharge for the permission to establish the linkups. To date, the American consumers; namely, the families of the Desert Storm troops, have paid over $15 million to the Saudi Government in telephone surcharges.

This resolution seeks different methods to achieve a single goal—the reduction of the financial burden placed on the Desert Storm families. This, in turn, reduces the stress on the troops which results from loneliness, concern for their families, and the dangers of fighting a war. I empathize with the troops who must spend every day in the Saudi Desert, engaged in the defense of our Nation. We can certainly understand why our soldiers want to call home to calm the fears of those they love and find the consolation of a familiar voice. I urge Members to support this resolution, and consider cosponsoring the legislation.

□ 1210

CNN'S COVERAGE OF SCUD ATTACK

(Mr. RAY asked and was given permission to address the House for 1 minute.)

Mr. RAY. Mr. Speaker, I support the rights of a free press, but clearly during the Desert Storm operation there are times when discretion should be used. In that respect, I rise today to reprimand the Cable News Network, CNN, for its coverage of yesterday's Iraqi Scud missile attack. This attack left 28 American soldiers dead and another 100 wounded.

Due to CNN's coverage, many other American and allied forces were placed in grave danger. CNN reported the attack within an hour of its occurrence. The Iraqi military could easily have used this report to strategically coordinate an additional Scud launch.

CNN should have delayed its desire to report the news, with the fact that lives were at stake. The Department of Defense has gone out of its way to allow the news media to closely cover the war. In exchange, the media must show some degree of discretion and responsibility.

OPPOSE H.R. 5, THE STRIKE BILL

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, H.R. 5 is designed to prevent the hiring of permanent replacement workers during a strike.

Current labor policy is designed to prevent every garden variety economic demand from triggering a strike, or to prevent unions from having unrestricted economic leverage during bargaining and strikes. When union members voluntarily walk away from $38,000 a year production jobs in Maine, or $98,000 a year jobs as pilots, or $200,000 a year jobs as professional football players, they know there is a substantial risk that other workers might find such pay to be acceptable. If the unions miscalculate, if their economic demands are unreasonable, they should not be accorded the same right to automatic reinstatement as if they were protecting an employer's unfair labor practices.

The strike bill (H.R. 5) would remove the distinction between an unfair labor practice dispute and an economic strike. Under H.R. 5, an employer's inability or unwillingness to accede to a union's economic bargaining demand, no matter how unreasonable, would be treated the same as if the employer had committed an unfair labor practice.

H.R. 5 is a strike promotion bill—it is not what our country or our economy needs.

THE OVARIAN CANCER RESEARCH ACT OF 1991

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, I rise to call attention to my bill, H.R. 148, the Ovarian Cancer Research Act of 1991, which I introduced on January 3, 1991. H.R. 148 has 73 cosponsors as of this date.

The status of women's health is vital to our country. Children, families, the national economy are all dependent upon the well-being of women.

Ovarian cancer is one of the deadliest cancers affecting women. It has no recognizable symptoms, is nearly impossible to detect, and kills most of the women who are diagnosed. Among diseases that strike women exclusively, ovarian cancer is the major killer.

In 1991, an estimated 20,500 American women will be diagnosed with ovarian cancer, and 12,400 women will die from the disease, more than will die from cervical and uterine cancer combined.

Unlike other types of cancer, no effective screening test for ovarian cancer exists. In 70 percent of the women diagnosed with ovarian cancer, the condition will already have developed into its advanced stages. For these women, the 5-year survival rate is only 13 to 26 percent, compared to over 76 percent for breast cancer patients after surgery. The long-term survival rate has increased little in the past 30 years.

Although some doctors believe that up to 10 percent of ovarian cancer cases run in families, little is known for certain about this disease. According to the National Cancer Institute, it "has not been possible to determine whether these cancers are due to genetic factors or whether they occur merely by chance."

The lack of information about this disease stems in part from the limited research funding that ovarian cancer has received. The Ovarian Cancer Research Act of 1991, H.R. 148, would authorize $30 million a year for fiscal years 1992 through 1996 to be spent by the National Cancer Institute on basic research to develop an early detection test and to determine whether there is a genetic basis for ovarian cancer.

This legislation is important not only to the women who have died and their families, but it is important to the women who could live because of it.

INTERNATIONAL BLOWHARD MUST NOW FACE THE MUSIC

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, the world is now experiencing the mother of all retreats. For the last 6 months, we have seen a madman's army invade a sovereign nation, rip babies from their incubators, rape innocent women and children, fire Scud missiles wantonly into civilian neighborhoods, parade allied POW's in humiliation, and attempt to ambush our troops by faking a surrender.

This international blowhard must now face the music. Paraphrasing the words of the 1970s hit by the Guess Who, "Saddam, it is too late, you've gone too far, You've lost this one, you've come undone."

This groundhog continues to hide in his reinforced bunker behind the skirts of Iraqi women and children. Punxsutawney Saddam, come out, because Desert Storm is not going to end until you face the weather ahead of you.

STRENGTH, COURAGE AND PROFESSIONALISM OF ALLIED TROOPS WILL WIN OUT

(Mr. PETERSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Florida. Mr. Speaker, last night Saddam Hussein upped the ante. We knew that when we entered the final phase of this war we would have more casualties and there would be serious losses, but last night we felt a tragic loss. In firing on a military barrack only moments after the announcement of a so-called Iraqi withdrawal, Saddam Hussein sent a message. And we are sending one back: Our troops will press on. Their courage and strength will not fail. Not by this act of savage aggression or anything else Mr. Saddam Hussein has to offer. He has grossly underestimated our capabilities and fails to realize our supreme advantage. It is not military technology, it is the strength, courage, and professionalism of our American troops.

At this hour we stand on the brink of victory, and our thoughts go out to these brave soldiers. Their safety in achieving victory is our prime concern, and our goals will not change. If Saddam Hussein wants to send a crystal clear message, he will personally call for a cease-fire now, the Iraqi troops will lay down their weapons, and they will walk back to Iraq. Until then, we press on.

CONGRESS MUST RECOGNIZE THE RELATIONSHIP BETWEEN SPENDING AND DEFICITS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today to talk about an issue which, other than the Middle East matter, is the most important before the Congress, and sadly one that seems not to attract too much attention except during the closing hours of the session, and that is reducing the deficit and balancing the budget.

As important as this issue is to the American taxpayers and to this Congress, there appears to be precious little concern about it on a day-to-day basis. Typically Members of this body rise to insist on additional spending for nearly every program, attacking the President's budget because it does not spend enough, and persist in the notion that the country will absolutely collapse if every agency and program is not in a growth spending mode, as if no program nor spending area could be reduced or eliminated.

Mr. Speaker, there is a relationship between spending and deficits. That seems very simple and logical. But it is clear that that relationship is not always recognized.

Mr. Speaker, there is a direct correlation between the size of Government and deficits, and we need to behave that way, every day.

MARY McGRORY: FOREMOST CHAMPION OF BLAME-AMERICA-FIRST CROWD

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, the blame-America-first crowd has always considered columnist Mary McGrory as one of its foremost champions!

Through the years Mary McGrory has criticized just about every statement or action of each American President I have served under, and this is my 17th year in Congress.

Consider Mary McGrory's comments today in the Post:

1. "The Soviet president got off on the wrong foot by imagining that Americans like peace better than war."
2. "Americans until about January 16 thought war was a downer."
3. "This is George Bush's war. George Bush is president of the planet."
4. "Americans who never heard of Saddam Hussein until August 2 now speak of him as a deterrent to their pursuit of happiness."

Naturally, as expected, columnist Mary McGrory does not write one critical word regarding Saddam Hussein.

What does Mary McGrory today say about yesterday's Iraqi Scud missile attack that has killed dozens of American soldiers in Saudi Arabia? Nothing.

I am proud that none of the newspapers published in my Kentucky district prints the articles of this biased, cynical, blame-America-first syndicated columnist.

SUPPORT WOMEN'S HEALTH EQUITY ACT

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, tomorrow, the Congressional Caucus for Women's Issues will be introducing a package of bills, the Women's Health Equity Act. The legislation goes a long way toward improving the health of American women.

There are a wide range of statistics which demonstrate the need for this package. One clear example is the neglect of women in research on HIV-AIDS. Women now comprise the fastest growing group of persons with AIDS in this country. Of those individuals who have contracted the disease through heterosexual contact, women now outnumber men. In New York City, AIDS not only has become the leading cause of death among women between the ages of 20 and 40, but one out of every 80 births is to an HIV-infected woman. If current mortality trends continue, by the end of this year, HIV-AIDS can be expected to become one of the five leading causes of death in women of reproductive age nationwide.

Despite these devastating statistics, most AIDS research, treatment, and prevention programs focus predominantly on men. I have introduced legislation to remedy the neglect of the growing AIDS epidemic among women. The two bills, which are part of the Women's Health Equity Act, would encourage research on HIV infection in women, and would improve access to health services for women with AIDS in this country.

The Women's Health Equity Act represents a first step toward addressing the tragic lack of attention given to women's health. I urge you to join me in cosponsoring these crucial pieces of legislation.

□ 1220

THE COST OF FREEDOM MUST BE SHARED

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, the United States has a long history of fighting for freedom and democracy around the world. Fifty years ago FDR sent American troops to Europe and the Far East in defense of freedom against the forces of nazism and tyranny and then rebuilt Germany and Japan. Forty-five years ago the Truman doctrine was established to defend western values against expansionist Soviet communism and then rebuilt Western Europe and Turkey and Greece. Today, American men and women, have been called again to protect and defend another country from the grasp of a dictator.

Mr. Speaker, what is different today however is that among all those countries who have benefited from past American generosity and who will benefit in the future from the American resolve against Saddam Hussein, very few are coming forward and contributing their share of the cost of this war. Those countries to whom we have been so generous suddenly have short memories and tight purse strings.

Well, Mr. Speaker, today, I am introducing legislation to loosen those purse strings so that all countries who benefit from Persian Gulf oil and our effort to free Kuwait and Saudi Arabia and the Middle East from the destabilizing effect of Saddam Hussein will have to share the cost of this effort.

Mr. Speaker, my legislation is more than a report, in order to defray the cost of the Persian Gulf war, it requires that we impose a tariff on every import coming into America from those countries who use Persian Gulf oil.

Mr. Speaker, it is a simple as this—those countries who benefit from the war will pay for the war, otherwise they are not going to be allowed access to the American marketplace. I urge my colleagues to join me in this effort.

NO UNITED STATES AID TO REBUILD KUWAIT OR IRAQ

(Mr. APPLEGATE asked and was given permission to adddress the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, when this war is over, and we assume that it will be in a matter of a day or two or so, the United States is going to be asked to rebuild Kuwait and Iraq. My vote will be an unequivocal no, no, we will not spend 1 red cent of American taxpayers' money.

This is absolutely wrong. The United States has already spent much in money and in casualties. The cost has been horrendous to our Nation for Iraq and Kuwait, two nations, neither of which support the United States in the United Nations.

We need to keep our money in the United States to rebuild America's crumbling infrastructure, and we have not had any bombs dropped on it. If Kuwait and Iraq are to be rebuilt, let them be rebuilt with the moneys from Japan and Europe. Those are the nations who are benefiting most from this war. And better yet, why not let Iraq and Kuwait rebuild their own infrastructure. They still have oil and they still have billions of dollars.

SUPPORT FOR PRESIDENT BUSH'S DECISION TO REJECT SADDAM HUSSEIN'S LATEST OFFER OF WITHDRAWAL

(Mr. McCURDY asked and was given permission to address the House for 1 munute and to revise and extend his remarks).

Mr. McCURDY. Mr. Speaker, as the walls of his underground bunker close in on Saddam Hussein, I rise today to offer words of respect and admiration for the superb job our Armed Forces are doing in the Persian Gulf. Although there remains some work left to do before we claim total victory in this conlfict, the American people have every reason to feel a sense of national pride in how the men and women in our Armed Forces have carried out their mission against Saddam Hussein. And in stark contrast to the early predictions made by some that we would suffer tens of thousands of casualties in a ground war, our Armed Forces and those of our allies are liberating Kuwait with minimum loss of life.

But beyond the success of our military operations, I believe that we can now begin to reflect on the rightness of American purpose in this war. For some in this country and elsewhere in the world, the war against Saddam Hussein when it began was just another example of American imperialism, or merely a war on behalf of the big oil companies and Israel. The record speaks for itself—these accusations come from both the far right as well as the far left.

But for most of us, Mr. Speaker, this conflict has held much greater meaning. It has affirmed this country's leadership in the post-cold-war world and our respect for the rule of law. It has erased lingering doubts that the United States will not act with force if necessary to defend our vital interests. And despite Mikhail Gorbachev's recent diplomatic maneuvers to find a way to prevent Saddam Hussein from committing national suicide, this conflict has affirmed the utility of forming international coalitions, whenever possible, to confront international aggression.

Therefore, Mr. Speaker, I hope my colleagues will join me in supporting President Bush's decision to reject Saddam Hussein's latest attempt to save his own neck and what remains of his military. The only path left for the Iraqi Army to reach Baghdad is through full implementation of all 12 U.N. resolutions. Until the Iraqi leadership takes this step, we should continue our military operations.

SOVIETS MANEUVERING FOR CONTINUED ARMS SALES TO IRAQ

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, it has become increasingly obvious that hardliners in the Kremlin allied with Mr. Gorbachev are trying to save Saddam Hussein's skin, and this is occurring at the same time that the prodemocracy forces are cheering the U.S. position in the Persian Gulf; 100,000 people cheered the other day when our policy was mentioned.

Mr. Speaker, before the war in the gulf the Soviet Union imported large quantities of Iraqi oil in exchange for billions of dollars in Soviet armaments and weapons, and then they sold this oil to other nations for a profit, like Bulgaria and India. It was a very lucrative business for the Soviet military-industrial complex.

I urge my colleagues to take a look at the Monday issue of the Journal of Commerce. It really documents it very well. The military had an almost unlimited market for Soviet-made tanks, mines, Scud missiles, yes, the same Scud missiles that just killed 26 Americans while Saddam Hussein is talking peace and withdrawal.

Now many members of this Communist old guard in the Soviet Government and military have gotten hit hard in the wallet by the United States-United Nations sanctions against Iraq, and they want their military economic relationship restored with Saddam Hussein's Iraq, and they want it restored as quickly as possible.

Col. Viktor Alksinis, a member of the Supreme Soviet and the leader of the hardline faction which claims to have outsted Shevardnadze, has called for resumption of arms shipments to Iraq. He said:

> We have to think about lifting the sanctions against Iraq, if only for the reason that we are bound by Iraq by a bilateral treaty. This treaty includes possible shipments of defense systems to Iraq.

Mr. Speaker, the United States and the Members of Congress need to send a clear signal to the Soviet military and hardline factions that are backing Gorbachev that we will not stand for resumed military shipments from the Soviet Union to Iraq, and that we see their diplomatic initiatives as misplaced cover for a crackdown in the Baltic States.

I would like to include in the RECORD, hereafter, a copy of the Feb. 25, 1991, article by Mark Berniker that discusses this in the Journal of Commerce:

[From the Journal of Commerce, Feb. 25, 1991]

LOST REVENUES FROM IRAQ TRADE BAN SQUEEZE SOVIETS

(By Mark D. Berniker)

MOSCOW.—The Soviet Union is feeling the squeeze of lost revenues resulting from the world trade embargo of Iraq.

As United Nations-sponsored trade sanctions enter a seventh month, the Soviets are assessing the impact of the embargo and certain circles are even pushing for revising Soviet trade policy toward Iraq.

During the first six months of the trade embargo of Iraq, the Soviet Union lost "about $4 billion, or maybe more," from the canceled re-export sales of Iraq oil, said Igor Mordvinov, speaking for the Soviet Ministry of External Economic Relations at a Journal of Commerce interview in Moscow.

Before the gulf war, Soviet-Iraqi trade revolved around a triangular arrangement, whereby Iraqi crude oil was shipped to the Soviet Union and then re-exported, primarily to India, Bulgaria and other East European countries.

In return, the Soviets received hard currency and shipments of a variety of consumer goods, including Indian paint and Bulgarian cigarettes. The three-sided trade deal culminated with Iraq receiving billions of dollars worth of Soviet armaments and military hardware.

The Soviet government has been steadfast in supporting the trade embargo of Iraq, following Baghdad's invasion of Kuwait and the ensuing U.N. sanctions.

Mr. Mordvinov said there has been "absolutely no trade" between the Soviet Union and Iraq since the U.N.-sponsored complete trade embargo of Iraq began in August. However there are members of the Soviet military-industrial complex who would like to see the resumption of Soviet trade and arms shipments with Iraq once the war is over.

"We have to think about lifting the sanctions against Iraq, if only for the reason that we are bound with Iraq by a bilateral treaty. This treaty includes possible shipments of defense systems to Iraq," said Col. Viktor Alksinis, a member of the U.S.S.R. Supreme Soviet, speaking to The Journal of Commerce during a parliamentary intermission.

He is a leader of the hard-line wing known as Soyuz.

Soyuz, which has gained strength in recent weeks, includes members of the military. The group boasts that it was responsible for the ousting of Edward Shevardnadze, the former Soviet foreign minister who recently resigned.

During the decade of the 1980s, the Soviet Union had a close military alliance with Iraq, which was fighting its long and drawn-out war with neighboring Iran at the time. Moscow supplied Iraq with $13.25 billion worth of arms, according to the Stockholm International Peace Research Institute.

The bulk of the military hardware in Saddam Hussein's arsenal—from tanks to missiles—was delivered by the Soviet Union in exchange for valuable Iraqi crude oil.

Iraqi payments for the weapons, in crude oil and cash, had begun slipping far behind the weapons deliveries by early 1990. Iraq's failure to hold up its end of the trade bargain led to negative consequences for the Soviets and India as well. The post-invasion embargo froze that imbalance into place.

Sources familiar with Indian-Soviet trade relations said India in recent months has had to pay 3 billion rupees (more than $100 million) because of the breakdown of the Soviet-Iraqi-Indian trade triangle.

India has been forced to turn to the world market for oil procurements, receiving deliveries primarily from Saudi Arabia.

Based on statistics released by Goskomstat, the Soviet State Committee for Statistics, Iraq owes the Soviet Union 3.8 billion rubles, or $6 billion. Total Soviet-Iraqi trade was nearly $2 billion in 1989. Figures for 1990 are not yet available.

Mr. Mordvinov described Soviet-Iraqi trade as "stable in recent years," adding that Moscow will likely resume trade links with Iraq after the war is over. The Soviet Union produced a peace proposal last week aimed at ending the war.

Despite the United Nations embargo of Iraq and Baghdad's large debt to the Soviets, Moscow has in no way severed its trade links with Iraq. The Soviets are expected to play an important role in the post-war reconstruction of the ravaged Iraqi economy.

The Soviets already are involved in a series of major industrial projects designed to develop a variety of sectors of the Iraqi economy.

The Turkish construction concern Enka has agreed to cooperate with the Soviet Union on a $5 billion railway construction plan to link Baghdad and Basra, a port at the northern tip of the Persian Gulf near the Kuwaiti border.

"Enka will take part in planning, steel construction, production and assembly and signalization phases of the project," reported the Turkish newspaper Anatolia.

In another example of Soviet-Iraqi cooperation, Zarubezhneftegazstroi, a Soviet oil and gas construction association, "will continue oil pipeline work in Iraq," according to Ecotass, a daily economic news service of the official Soviet news agency Tass.

Mr. Mordvinov confirmed that other major Soviet-Iraqi joint industrial projects include a 1,680-megawatt heat and electric power station at al-Yusufiyah; a grain elevator with 40,000-ton capacity in Sulaymaniyah; development of oil fields in western al-Qurnah; oil drilling operations in southern Iraq; and plans for construction of a gigantic hydropower complex on the Euphrates River.

According to Mr. Mordvinov, all these projects are being "suspended" until after the war is over. There is speculation here that as part of Mikhail Gorbachev's peace plan, Moscow has guaranteed that it will help rebuild the Iraqi economy, assuming Saddam Hussein unconditionally withdraws from Kuwait in compliance with U.N. Security Council Resolution 660.

While the Soviet Union does not share a border with Iraq, the Moscow leadership has clearly expressed its concern over the expansion of the gulf war on the security interests of its southern and predominantly Muslim republics. Iraq borders Turkey to the north and Iran to the east, two of the Soviets' most important neighbors.

The conflict may not be on the Kremlin's doorstep, but northern Iraq is less than 200 miles from the Soviet border, a sensitive issue for the Moscow leadership and a reason why the Soviets are forcing the diplomatic card.

The Soviet Union has depended on oil generated by its massive sales of military hardware to Iraq for cheap consumer goods from India, Eastern Europe and elsewhere.

Now with shrinking revenues from lost Iraqi oil re-exports, the Soviets are facing huge financial losses, prompting certain conservative forces within the country's parliament to call for a resumption of arms trade for oil with Iraq.

PRAISE, PRAYER, AND CONTINUED CARE FOR OUR TROOPS IN THE MIDDLE EAST

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, for 7 months American and allied troops have been stationed in the Persian Gulf. They spent 6 of those months hunkered down in the sand enduring unbearably hot days and bone-chilling nights. Many of them haven't seen their families since August.

Some of them are flying through enemy territory dodging antiaircraft fire. Others face deadly bullets and pray that the Scud missiles don't make it to their targets. They are risking their lives every single day.

Since the outset of Operation Desert Storm, these brave young men and women have acted courageously and selflessly. They have made us very proud.

In fact, the beginning of the ground offensive is going so well that the biggest problem they've come across is how to handle the multitude of Iraqi surrenders.

Our noble enlisted men and women and our military leaders are doing an excellent job. Their bravery, dedication, and patriotism are serving as an inspiration to all Americans.

They have devoted themselves to the ideals for which this country stands. Let's get ready for the return of America's sons and daughters. Because, Mr. Speaker, our troops are today's true heroes.

We owe it to them to make sure they have jobs and homes to come back to; they must be able to educate their kids, and, if they need it, they have full health care.

Let's pray for a swift victory and give them the homecoming they deserve. We have much to be proud about, we cannot let them down.

□ 1230

SUPPORT H.R. 920, THE RECLAMATION DROUGHT RESPONSE ACT

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, like everyone, I want to join in heralding the courageous men and women who have been fighting for the cause of freedom in the Persian Gulf.

Mr. Speaker, I want to take a few moments to talk about a very important domestic issue, especially for my State.

The current drought that is ravaging California threatens the State's economy and our standard of living. Water conservation is not new to Californians, but 5 straight years of inadequate water supplies has pushed conservation to a new extreme. Drastic times require drastic measures.

I applaud the swift and definite action of Governor Wilson in creating the California drought action plan. The Governor's plan acknowledges the need for the tough decisions and cooperation if California is to survive this disaster.

I am also encouraged that Interior Secretary Lujan has appointed a Federal coordinator for the Government's drought action team. To complement this effort, I urge my colleagues to support H.R. 920, the Reclamation Drought Response Act, sponsored by my colleague, the gentleman from Arizona [Mr. RHODES]. This measure gives the Secretary of the Interior the permanent authority to conduct drought-related programs to protect people, agriculture, and wildlife.

Mr. Speaker, I continue to pray for rain in California.

SERVICE MEN AND WOMEN SHOULD NOT HAVE TO FACE DELAYS REGARDING VETERANS' BENEFITS

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, we are now nearly 6 weeks into this conflict. The soldiers serving in the Persian Gulf have our full support and our prayers.

Mr. Speaker, supporting our troops means we all have to participate in some way. Giving blood, writing letters, sending care packages, and displaying the flag and yellow ribbons are important. But we all must look deeper to see what more we can do to support the troops.

Certainly, when these brave men and women return home, they deserve a hero's welcome, but they also deserve ready access to the GI bill, job training, vet's counseling, health care, and the other programs we promised them when they enlisted. These are the ongoing costs of war that we must all be willing to pay.

After facing Scud missile attacks, land mines, and Iraqi firepower, American service men and women should not have to face delays or hassles regarding their veterans' benefits upon their return home.

THE FEDERAL GOVERNMENT AND CONGRESS SHOULD BUY REAL RECYCLED PAPER

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I invite Members to cosponsor a bill which will support the Government's purchase of real recycled paper. My bill will amend the Resource Conservation and Recovery Act which currently requires the Federal purchasing agents to implement affirmative procurement programs for paper products containing recovered material. That is an interesting concept, but the truth of the matter is, Mr. Speaker, the act does not promote the use of paper with postconsumer-waste content; that is, paper which has already been used once, thrown away, and collected for recycling which would be deinked and put back into use.

With no standard to include postconsumer waste paper, the affirmative procurement programs have not helped create a market in this country for separated paper and do nothing at all to help us solve the solid-waste problems plaguing the country.

My bill will change the standards for paper to ensure that paper purchased by the Government contains a percentage of postconsumer waste. This bill will correct the affirmative procurement programs to help us accomplish what we meant to accomplish in the first place.

I hope that the Members will join me as cosponsor of this bill and help to truly and honestly address the waste problems facing our country.

NATIONAL AND COMMUNITY SERVICE TECHNICAL AMENDMENTS ACT OF 1991

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the Senate bill (S. 379) to make certain technical amendments to the National and Community Service Act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. RAY). Is there objection to the request of the gentleman from Michigan?

Mr. GOODLING. Mr. Speaker, reserving the right to object, I do not plan to object, and I yield to the gentleman from Michigan [Mr. FORD], my chairman, to explain what we are doing, which I support.

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the National and Community Service Technical Amendments Act of 1991 corrects several errors included in the national service bill which the Congress passed last year. It also accedes to the President's request to modify the procedures by which members are appointed to the Board of Directors of the Commission on National and Community Service.

Essentially, the President argues that Congress does not have the right to prescribe qualifications for offices subject to Presidential appointment and that we also lack the authority to ask the President to choose from a list of congressionally designated nominees.

I believe that Congress' right to prescribe qualifications is beyond doubt. I am also convinced that there is no serious infringement on the President's appointment powers as long as the President has the final say in appointing only those who meet his criteria.

I was surprised that the President objected to these procedures when he signed the bill, because his agents never raised these issues when we negotiated the bill with them. I wish they had, because I believe we could have resolved these problems to our mutual satisfaction and thus avoided this needless delay in implementation of the National and Community Service Act. In order to finally establish the Commission and enable it to fulfill its mandate and get these important programs off the ground, I have agreed to modify the appointments process as the President has requested.

I hope that now, at this critical juncture, we can work with the administration to make these programs work as we intended them to.

Mr. GOODLING. Mr. Speaker, further reserving the right to object, I thank the chairman for his explanation. As I indicated, I will not object.

The White House has approved all of these changes, and the Senate has already passed it on a voice vote.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of he gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National and Community Service Technical Amendments Act of 1991".

SEC. 2. REFERENCES.

Except as otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National and Community Service Act (Public Law 101–610).

SEC. 3. DEFINITIONS.

Section 101 (42 U.S.C. 1241) is amended—

(1) by inserting after paragraph (6), the following new paragraph:

"(7) INDIAN.—The term 'Indian' means a person who is a member of an Indian tribe.";

(2) by redesignating paragraphs (7) through (29) as paragraphs (8) through (30), respectively;

(3) in paragraph (8) (as so redesignated), by inserting "an Indian or" before "Indian tribes" each place that such appears;

(4) in paragraph (14) (as so redesignated), by adding at the end thereof the following new sentence: "Participants shall not be considered employees of the program.".

(5) in paragraph (23) (as so redesignated), by striking out "students or out of school youth" and inserting in lieu thereof "participants";

(6) in paragraph (24) (as so redesignated)—

(A) by striking out "MEMBER" in the paragraph heading and inserting in lieu thereof "PARTICIPANT"; and

(B) by striking out "member" and inserting in lieu thereof "participant"; and

(7) in paragraph (30) (as so redesignated), by inserting "corps" after "youth service".

SEC. 4. PROGRAMS FOR STUDENTS AND OUT-OF-SCHOOL YOUTH.

Subtitle B of title I (42 U.S.C. 12421 et seq.) is amended—

(1) by striking out the subtitle heading and the heading of part I and inserting in lieu thereof the following:

"SUBTITLE B—PROGRAMS FOR STUDENTS AND OUT-OF-SCHOOL YOUTH

"PART I—SERVICE-AMERICA"

(2) in section 111(a)(2)(B)(i) (42 U.S.C. 12421(a)(2)(B)(i)), by striking out ", and that is representative of the community in which such services will be provided";

(3) in section 112 (42 U.S.C. 12422)—

(A) by inserting "the Virgin Islands," before "Guam" in subsection (a);

(B) by inserting "solely" after "activities" in subsection (c);

(C) by striking out "section 111(a)(2)" in subsection (c) and inserting in lieu thereof "paragraphs (2), (3), or (4) of section 111(a)"; and

(D) by inserting "and Indian Tribes" before "on a competitive basis" in subsection (e);

(4) in section 114 (42 U.S.C. 12424)—

(A) by striking out "Youth Service Corps and National Service" in subsection (c)(7); and

(B) by striking out "role" and inserting in lieu thereof "volunteer and";

(5) in section 117(b)(1) (42 U.S.C. 12427(b)(1)), by inserting "evaluations," after "insurance,"; and

(6) in section 118(d)(7) (42 U.S.C. 12428(d)(7))—

(A) by striking out "in the program"; and

(B) by striking out "project" and inserting in lieu thereof "program".

SEC. 5. AMERICAN CONSERVATION AND YOUTH SERVICE CORPS.

Subtitle C of title I (42 U.S.C. 12441 et seq.) is amended—

(1) in the subtitle heading by inserting "**Service**" before "**Corps**";

(2) in section 122(e) (42 U.S.C. 12442(e)), by inserting "service" after "youth";

(3) in section 123(c) (42 U.S.C. 12443(c))—

(A) by striking out "and" at the end of paragraph (13);

(B) by redesignating paragraph (14) as paragraph (15); and

(C) by inserting after paragraph (14) the following new paragraph:

"(14) a plan for ensuring that post-service education and training benefits are used solely for the purposes designated in this subtitle; and";

(4) in section 124 (42 U.S.C. 12444)—

(A) by striking out "human services" in subsection (a)(2) and inserting in lieu thereof "youth service"; and

(B) by striking out "services in any project" and all that follows through "projects" in subsection (c) and inserting in lieu thereof "any specific activity for more than a 6-month period. No participant shall remain enrolled in programs";

(5) in section 128(a)(3) (42 U.S.C. 12448(a)(3)), by striking out "project or service" and inserting in lieu thereof "activity";

(6) in section 133(d)(1) (42 U.S.C. 12453(a)(3)), by striking out "subsections (a) and (c)" and inserting in lieu thereof "subsection (a)"; and

(7) by striking out section 136 (42 U.S.C. 12456).

SEC. 6. NATIONAL AND COMMUNITY SERVICE.

(a) ELIGIBILITY.—Section 145(c) (42 U.S.C. 12475(c)) is amended—

(1) by striking out "member" and inserting in lieu thereof "participant" in the matter preceding paragraph (1); and

(2) by striking out "membership" and inserting in lieu thereof "participation" in paragraph (2).

(b) POST-SERVICE BENEFITS.—Section 146(e)(2) (43 U.S.C. 12476(e)(2)) is amended by inserting "benefit" before "provided".

SEC. 7. INNOVATIVE AND DEMONSTRATION PROGRAMS AND PROJECTS.

Section 157(c) (42 U.S.C. 12502(c)) is amended—

(1) in paragraph (7)—

(A) by striking out "in the program"; and

(B) by striking out "project" and inserting in lieu thereof "program"; and

(2) in paragraph (8), by striking out "in a program".

SEC. 8. ADMINISTRATIVE PROVISIONS.

Subtitle F of title I (42 U.S.C. 12531 et seq.) is amended—

(1) in section 178(b)(1)(B) (42 U.S.C. 12538(b)(1)(B)) by striking out "youth service corps" and inserting in lieu thereof "youth corps"; and

(2) by inserting after section 185 (42 U.S.C. 12545) the following new section:

"SEC. 186. REGULATIONS.

"Prior to the end of the 180-day period beginning on the date of enactment of the National and Community Service Act of 1990, the Commission shall issue final rules or regulations necessary to implement the provisions of this title.".

SEC. 9. COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

Section 190 (42 U.S.C. 12551)—

(1) in subsection (b)—

(A) by striking out "Senate," in paragraph (1)(A) and all that follows and inserting in lieu thereof the following: "Senate. To the maximum extent practicable, an effort should be made to appoint members—

"(i) who have extensive experience in volunteer and service opportunity programs and who represent a broad range of viewpoints; and

"(ii) so that the Board shall be diverse according to race, ethnicity, age, gender, and political party membership."; and

(B) by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following new paragraph:

"(2) TERMS.—Each member of the Board shall serve for a term of 3 years, expect that seven of the initial members of the Board shall serve for a term of 1 year and seven shall serve for a term of 2 years, as designated by the President.";

(2) in subsection (c)(7), by striking out "national service demonstration program" and inserting "program authorized by subtitle D"; and

(4) in subsection (f)(3), by striking out "National and regional clearinghouses" and inserting in lieu thereof "Clearinghouses".

SEC. 10. YOUTHBUILD.

Section 715 of the Domestic Volunteer Service Act of 1973 is amended by striking out "Secretary" and inserting "Director".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on S. 379, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken on tomorrow, Wednesday, February 27, 1991.

COMMEMORATING 200TH ANNIVERSARY OF UNITED STATES-PORTUGUESE DIPLOMATIC RELATIONS

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 55) commemorating the 200th anniversary of United States-Portuguese diplomatic relations.

The Clerk read as follows:

S.J. Res. 55

Whereas Portuguese navigators paved the way for the discovery of the New World in the fifteenth century;

Whereas in the 1700's, the Portuguese Navy extended to American shipping protection against the Barbary Pirates;

Whereas on February 21, 1791, the United States Congress ratified President Washington's nomination of the first United States minister to Portugal, marking the formal establishment of United States-Portuguese relations;

Whereas Portugal was an important trading partner in the early years of the United States Republic;

Whereas Portugal and the United States are both maritime nations with strong seafaring traditions;

Whereas the fishing industry contributed to the immigration of many Portuguese to the United States, particularly to New England;

Whereas more than one million two hundred thousand Americans trace their roots to Portugal;

Whereas the United States Consulate in the Azores, established in 1808, is the oldest active United States consulate post in the world;

Whereas in 1911, the United States was the first major power to recognize the new Portuguese Republic;

Whereas during both world wars, Portugal assisted the allies by allowing the use of its air base in the Azores;

Whereas since the 1974 revolution in Portugal, the United States-Portuguese relationship has continued to grow stronger;

Whereas as an active member of the European Community, Portugal is an important trans-Atlantic partner;

Whereas Portugal is a valued ally in the North Atlantic Treaty Organization: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That—

(1) on February 21, 1991, the Congress joins in celebrating the two hundredth anniversary of the establishment of United States Portuguese diplomatic relations;

(2) the Congress asserts continued friendship and cooperation between the peoples of the United States and Portugal; and

(3) the President is authorized and requested to issue a proclamation marking the bicentennial of United States-Portuguese diplomatic relations.

□ 1240

The SPEAKER pro tempore (Mr. RAY). Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Joint Resolution 55, recognizing the 200th anniversary of the establishment of diplomatic relations between the United States and Portugal.

This resolution passed the Senate February 20 and differs only very slightly from House Joint Resolution 100 the House version of this resolution that we passed in committee last week. The State Department supports this resolution.

This resolution is an important statement of recognition of the close and mutually beneficial relations we have long shared with our friend and NATO ally, Portugal.

The links between the United States and Portugal date back to the 15th century when Portuguese navigators were busy exploring the oceans for the New World. Since these early beginnings we have shared many common goals and traditions with the people of Portugal land the Azores. In NATO, through our relations with the European Community and in wartime—during World Wars I and II and today, in the Persian Gulf—the United States has worked closely with Portugal to promote our common objectives in the world community. Portugal has been a valued ally and friend through the years.

I commend the Rhodes Island delegation, led by Senator PELL and Congressman MACHTLEY, and my colleague from the Committee on Foreign Affairs, Mr. STUDDS, for their leadership on issues involving the United States and Portugal and for bringing this resolution before Congress. I urge its adoption.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also am happy to join with the gentleman from Indiana [Mr. HAMILTON] in support of this resolution, recognizing the warm relationship between the United States and Portugal, which was introduced by the gentleman from Rhode Island [Mr. MACHTLEY].

This relationship was forged through 200 years of shared experiences in cross-Atlantic trade, a partnership in two world wars, and a commitment to the postwar security of nations sharing the ideals of democracy.

Portugal is a valued member of the North Atlantic Treaty Organization. It has volunteered to shoulder part of the coalition effort against Iraq by providing naval and cargo shipping support to the allies. Furthermore, the use of military facilities in Portugal by allied airmen has made their missions to Iraq and Kuwait both safer and more effective.

We are grateful for the leadership demonstrated by Portugal in this crisis, and the continued friendship of the Portuguese Government as we move toward a new era of global peace and prosperity.

This resolution authorizes and requests the President to issue a proclamation recognizing the 200th anniversary of United States-Portuguese relations. I urge my colleagues to join me in strong support of this resolution.

Mr. Speaker, I yield such time as he may consume to the principal sponsor of this resolution, the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, it was truly an honor for me to sponsor this resolution, and it is an honor for me to speak on its behalf. I wish to thank the committee for giving me the opportunity to speak, and to tell the Nation of the close relationship which has been a tradition between the United States and Portugal.

Two hundred years ago, the United States Congress ratified President Washington's nomination of the first United States Minister to Portugal. This act marked the beginning of United States diplomatic relations with Portugal.

It is today, 200 years later, that we recognize this important event. Even before these diplomatic ties, Portugal had played an important role for this American Nation. The advances of the Portuguese explorers and navigators paved the way for the discovery of America. But for Henry the Navigator and Vasco da Gama, the world certainly would be different today.

Portugal also extended a hand in friendship to young America by providing Portuguese Navy protection from

Barbary pirates who had seriously threatened American commerce. During both World Wars Portugal provided assistance to the allied forces by allowing the use of the Portuguese air base in the Azores. Today Portugual, as a NATO ally, is continuing its support for defending freedom and liberty by providing for the use of its air base in the Azores to support the coalition military efforts to defeat Iraq.

The early importance of Portugal to our young country's maritime interests led America to the Azores as a site for its first consulate. Today, our consulate in the Azores is the oldest active consulate post of the United States, underscoring the historic ties between our two countries and peoples.

In the 200 years since the formal establishment of diplomatic ties between Portugal and the United States, the United States-Portuguese relationship has continued to be strengthened. The maritime industry, which has played an important role in both the United States and particularly New England. More than 1 million Americans trace their routes to Portugal, and approximately one-sixth of this number make their home in Rhode Island. In Rhode Island, I am proud to see a magnificent monument to this Portuguese-American friendship.

This monument at Brenton Point in Newport, dedicated to the Portuguese explorers, is a special tribute to the especially strong bilateral ties between both the United States and Portugal and between the people of Rhode Island and Portugal.

Americans appreciate the Portuguese people and the many fine quality goods exported by Portuguese, most notably the pottery and marvelous wines which are quite possibly the best in the world. In fact, it was Portuguese Madeira wine, used by our forefathers to toast our independence in 1776, and even to toast our first President, George Washington, whose picture hangs in the Chamber.

We in Rhode Island feel a special warmth toward Portugal because of the strong Portuguese culture which has made its home in our State. Portuguese Americans provide a powerful and positive voice in Rhode Island and throughout America, and in this regard our ties to Portugal should also be heralded.

Today in the House of Representtives we not only recognize the tradition of the diplomatic relations between our two countries, but also reaffirm the continued friendship and cooperation between the people of the United States and of Portugal.

Obrigado.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Speaker, I rise today in recognition of the 200th anniversary of formal diplomatic relations between the United States and Portugal.

It is appropriate that the inscription on the Statue of Liberty: "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore" was written by the Portuguese-American poet Emma Lazarus. And Joe Raposo, the Portuguese-American composer, wrote the musical score for the 100th year celebration of the Statue of Liberty.

Portuguese Americans have played an integral role in shaping American history and culture for hundreds of years. Portuguese contributions can be traced all of the way back to the Revolutionary War. Abbe Correia da Serra, a Portuguese American, was a personal friend and confidant of Thomas Jefferson. While he was not a politician, he was seen by Jefferson's side quite frequently.

In my home State of Rhode Island, Portuguese Americans constitute approximately 11 percent of the State's population. The Touro Synagogue in Newport, the oldest synagogue in the United States, was founded by Portuguese and Spanish Jews. Newport, RI, is also home to the Portuguese Navigator's Monument which symbolizes the contributions of Portuguese navigators to the opening of the New World.

Portuguese Americans have made great contributions in the areas of art and literature as well. John dos Passos, John Philip Sousa, and Joe Raposo are just a few who trace their roots back to Portugal.

I am proud today to honor the Portuguese in Rhode Island and all across the country. The American-Portuguese community is exemplary of the diversity championed in our Constitution; their achievements demonstrate that diversity stimulates growth, creativity, and productivity.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to support the passage of House Joint Resolution 100 which recognizes the 200th anniversary of the establishment of diplomatic relations between the United States and Portugal.

Mr. Speaker, 200 years of diplomatic relations between our two countries has certainly fostered a strong positive alliance. Since Portuguese navigators paved the way for the discovery of the New World in the 15th century, Portugal has continued to make significant contributions to the United States primarily in the areas of international trade, diplomacy, defense, science, maritime administration, and fishing. Also more than 1,200,000 people of the United State trace their roots to Portugal. These Portuguese Americans continue to build upon that alliance by contributing to their communities.

Mr. Speaker, the United States and Portugal are both maritime nations with strong seafaring traditions. I represent a district or jurisdiction which hosts a large tuna industry. This private sector enterprise is the backbone of my district's economy and employs the largest private work force. Our tuna industry is dependent on the tuna purse seiners that catch the tuna and transport it to Samoa for processing. Many of the captains and owners of these boats are Portuguese Americans, and I might add, some 400 million dollars' worth of tuna vessels that are vital to our Nation's tuna industry. I commend these men for their major contributions to our country's tuna industry and to the economy of my own district. I specifically would like to commend Capt. Avelino Gonsalves, owner of the *Pacific Princess* tuna vessel, which continues to catch tuna for Samoa's tuna canneries for the past 10 years. Other tuna boat owners of Portuguese descent are Mr. Manuel Silva, Mr. Joseph Medina, Mr. John Freitas, Mr. George Sousa, Mr. Robert Virissimo, Mr. Roland Virissimo, Mr. John Balelo, Mr. Leo Correia, Mr. Chris Da Rosa, Mr. Joseph DeSilva, Mr. Fermin Ferreira, Mr. Ray Medeiros, Mr. John Silveira, and Mr. Frank Souza.

Mr. Speaker, I would like to call your attention to other famous Americans and officials of Portuguese ancestry. Ambassador Joao Pereira Bastos, Portugal's Ambassador to Washington; the late John Phillip Sousa, noted musician and composer; John Dos Passos, novelist; William Bereira, architect and civil engineer; Frank De Lima, a noted comedian and entertainer in Hawaii; Elmer Oliveira, violinist; and Nathan Oliveira, painter artist.

Mr. Speaker, I would like to commend my distinguished colleague from Rhode Island for sponsoring this legislation, and I urge my colleagues to pass House Joint Resolution 100.

Mr. Speaker, I would like to submit the following highlights of United States-Portuguese relations for the RECORD.

HIGHLIGHTS OF UNITED STATES-PORTUGUESE RELATIONS

Diplomatic relations between Portugal and the United States began on May 13, 1791, when the first minister, David Humphreys, presented his credentials to the court at Lisbon. (He was the first diplomat to be appointed Minister Resident under the Constitution, our representatives at other diplomatic posts being Chargés d'Affaires.) Despite Humphreys' high rank, his mission was less important than those at other European posts. The reasons for this included the language barrier between the Portuguese and the Americans, the significance of U.S. relations with Spain and Spanish America, and the centuries-old affiliation of Portugal with Great Britain.

U.S.-Portuguese relations continued on a friendly basis, even when the court at Lisbon was forced by the Napoleonic invasion in 1807 to flee to Rio de Janeiro, Brazil. In 1809 the

U.S. Senate commissioned a minister, Thomas Sumter, Jr., to the court at Rio; he became the first formal diplomatic agent of the United States to reside in Latin America.

The establishment of diplomatic relations between the United States and Portugal had not led to the granting of commercial privileges, because Portugal was tied to England by treaties dating from 1386 as well as by British control of the seas, so necessary for Portuguese colonial trade. In 1815, after Portugal elevated Brazil in status from a colony to a kingdom, the court seemed disposed to negotiate a commercial treaty on terms favorable to the United States, but nothing came of this. It was not until August 1840, nearly twenty years after the Portuguese King had returned to Lisbon, that a commercial treaty was signed between the United States and Portugal.

The return of King John to Portugal in 1821, and the establishment of the independent Empire of Brazil under John's son the following year, gave rise to a brief period of friction between the United States and Portugal. After some hesitation because of the form of government adopted in Brazil, the United States recognized the Empire in 1824. The Portuguese Chargé in Washington, promptly lodged a "vehement" protect. In his reply, Secretary of State John Quincy Adams justified the act of recognition by stating that it was "in no wise intended as an act unfriendly to the Government or people of Portugal. It was the recognition of a Government existing in fact. . . . " As it turned out, in August of the following year, Portugal, at British insistence, also recognized Brazilian independence.

Throughout the remainder of the 19th century, the most important aspect of U.S.-Portuguese relations lay in trade. In addition, Portugal's Azores and Cape Verde islands in the Atlantic as well as St. Helena and Luanda along the South American coast served as waypoints along the routes of the New Englander fishing fleets, and many Portuguese sailors who signed on American whaling ships in the islands later settled in New England towns.

During this period and until the end of World War II, Portugal still allied itself with Great Britain. The disemememberment of the British empire following the war, however, caused Portugal to move close to the United States. With the beginning of the Cold War, Portugal's continental coast and Atlantic islands increased in strategic importance to the West. The Azores, which has been used by the Allies as bases during World War II, again became vital to the West's policy of containment. Portugal joined the North Atlantic Treaty Organization as a charter member on April 4, 1949, and in 1951 it signed a defense agreement with the United States. This agreement became an important feature of the U.S.-Portuguese relationship that continues to the present.

Portugal was one of the few Western European countries in the postwar period not to receive American aid via the Marshall Plan. In the early years following the war Salazar did not request aid because he feared the political consequences of economic dependence that aid would bring, and believed that "Portugal will do it by herself." In addition, because of the Salazar regime's authority, the West viewed Portugal as politically secure from Communist influence, despite the fact it was one of NATO's poorest members.

In the 1950's, however, because of the slow growth of the Portuguese economy (later aggravated by the African colonial wars in the early 1960's) Portugal requested assistance and foreign investment. The United States did extend aid, through the U.S. Operations Mission (1950–November 1956), the American Embassy at Lisbon, the Export-Import Bank, and the U.S. Mission to the European Regional Organization in Paris. This aid was used primarily in the building of hydroelectric power plants, the establishment of paper industries, and the development of agriculture. In the 1960's military assistance decreased but economic and financial aid escalated, especially after each extension of the Azores bases agreements.

Portugal became somewhat irritated over the United States stand on the colonialism question in the United Nations in the early 1960's. This discontent never extended beyond threats to deny further extensions of the treaties permitting American military bases on the Azores. There has also been occasional friction since the April 1974 revolution. All in all, however, relations between the two countries have been on a friendly basis since their inception.

Mr. FASCELL. Mr. Speaker, I rise in support of Senate Joint Resolution 55, which commemorates the 200th anniversary of United States-Portuguese diplomatic relations. I would like to commend the sponsor of the House companion measure, House Joint Resolution 100, Mr. MACHTLEY, as well as the chairman and ranking member of the Committee on Post Office and Civil Service, and the chairman and ranking member of the Census Subcommittee for their efforts to bring this measure before the House today.

Clearly, American and Portuguese relations are constructed upon the solid foundation of friendship and respect. This foundation of friendship can be traced back to the Portuguese Navy's extension of protection to American shipping against the Barbary pirates in the late 18th century—an earlier version of the kind of protection that the United States Navy extended to reflagged Kuwaiti oil tankers during Operation Earnest Will. Thus, the infancy of our relations were bonded in our common interest in defeating illegal piracy on the high seas.

Our relations have also withstood the tests of time and are based upon our shared heritage and common interests. Portugal is and remains an important trading partner of the United States. Our seafaring traditions have contributed to the establishment of a Portuguese-American community of more than 1 million American citizens of Portuguese extraction.

And as we now enter the third century of United States-Portuguese diplomatic relations, we know that it is a relationship that will continue to endure and evolve. Today, as NATO partners we both share and commonly seek to solidify the achievements on the end of the cold war era. We are bound on this path together and no doubt will continue in working to make what were once dreams, realities. In this regard, it remains my hope that passage of Senate Joint Resolution 55, will contribute to the drawing of this new era on world affairs.

Mr. STARK. Mr. Speaker, I rise in support of this resolution recognizing the 200th anniversary of the establishment of diplomatic relations between the United States and Portugal.

I have one quibble with the wording of the resolution where it states "Whereas the fishing industry has contributed to the immigration of many Portuguese to the United States, particularly to New England."

Mr. Speaker, the drafters of this resolution have obviously not been to San Leandro and San Lorenzo, CA, and the surrounding communities. There is a tremendously active Portuguese-American community in the bay area—and I will match our Portuguese-inspired seafood dishes with anything from New England.

As the lead paragraph of the resolution points out, Portuguese navigators paved the way for the discovery of the New World in the 15th century. California was first explored by a Portuguese in the service of the King of Spain named Joao Cabrilho.

I hope that as we observe the 500th anniversary of Columbus' voyages—which also coincides with the 450th anniversary of Cabrilho's voyage of discovery—that we will do more to educate the American public about the great role played by Portugal in the development of the New World.

Mr. STUDDS. Mr. Speaker, I rise in strong support of House Joint Resolution 100. As a proud cosponsor of this measure to commemorate the bicentennial of United States-Portuguese diplomatic relations, I urge its approval by the House.

Portugal is a friend, a trading partner, a fellow maritime nation, and a NATO ally whose ties to this country—particularly southeastern Massachusetts—are as close today as they were in February 1791, when Congress ratified President Washington's nominee as the first U.S. diplomatic minister to Portugal. This legislation celebrates those historical ties, pledges continued friendship and cooperation between the Portuguese and American people, and authorizes the President to issue a proclamation for the bicentennial of diplomatic relations.

Like American history, the Portuguese past is replete with heroes and heroines, philosophers and poets. From the European Continent to the Azores, from Brazil and Angola, every corner of the world has been touched by the Portuguese people. Similarly, 1 million Americans trace their roots back to Portugal. From San Diego to New Bedford, our country is richer for their contribution.

The city of New Bedford, MA, which I have the honor of representing in the Congress, has very strong ties to Portugal. Our community resounds with Portuguese music, cheers the local soccer clubs, feasts on Portuguese delicacies, and is sustained by the hard-working tradition of the Portuguese people.

This legislation celebrates 200 years of friendship between the United States and Portugal. I hope the next 200 years bring continued warmth on both sides of the Atlantic Ocean.

Mr. ABERCROMBIE. Mr. Speaker, in connection with the anniversary of the establishment of diplomatic relations between Portugal and the United States, I would like to draw your attention to the contributions of the Portuguese community in Hawaii.

The first Portuguese came to Hawaii as sailors aboard whaling and merchant vessels in the early 19th century. Hawaii's need for labor on our sugar plantations brought a wave of Portuguese immigration around the turn of the century. Those immigrants were the founders of a community that now numbers more than 50,000.

Portuguese-American professionals, public officials, workers, educators, and business men and women are counted prominently among the builders of modern Hawaii. They were pivotal in the fight to achieve social justice. Their efforts helped shape our State's infrastructure and economy.

That is why I take this opportunity today to salute the achievements of Hawaii's Portuguese community at the same time we mark the bicentennial of Portuguese-United States diplomatic relations.

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Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RAY). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and pass the Senate joint resolution (S.J. Res. 55).

The question was taken.

Mr. MACHTLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on Senate Joint Resolution 55, the Senate joint resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMENDING THE PEACE CORPS ON ITS 30TH ANNIVERSARY

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 76) commending the Peace Corps and the current and former Peace Corps volunteers on the 30th anniversary of the establishment of the Peace Corps, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. BROOMFIELD. Reserving the right to object, Mr. Speaker, I do so to afford the gentleman from Indiana an opportunity to explain the purpose of this resolution, and I yield to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I thank the gentleman from Michigan for yielding to me.

Mr. Speaker, today I offer for consideration Senate Joint Resolution 76, which pays tribute to the Peace Corps on this, its 30th anniversary.

It is hard to believe that it's been 30 years since President Kennedy issued the call to our Nation's young people to join what was then nothing more than a notion. It was a notion of what Americans could and should be doing to help those less fortunate around the world. It didn't take long for that notion to become one of our country's most admired achievements.

Recent months have seen dramatic changes around the globe. In central Europe, in Latin America, and in Africa, emerging democracies have requested the kind of assistance that only Peace Corps can provide. Volunteers are teaching English in central Europe and will soon be helping the people of Uruguay. Volunteers are serving in more countries now than ever before.

This people-to-people effort is the hallmark of what the volunteer experience is all about. It is a movement that, 30 years later, continues to draw Americans from all walks of life. The number of those wanting to serve continues to exceed recruiting requirements. I am proud to say that well over 2,000 Hoosiers have answered President Kennedy's call.

This resolution will serve as a statement of this body's gratitude for the sacrifice and dedication of these fine men and women who have done so much to further our goals of world peace and understanding. They have taught the world much about the giving nature of Americans and they have taught Americans much about the world.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to congratulate the Peace Corps on its 30th anniversary and my colleague, the gentleman from Michigan [Mr. PAUL HENRY], who is a former Peace Corps volunteer and the principal author of this legislation, and who will be speaking on this matter shortly.

In a speech at the University of Michigan, Senator John F. Kennedy, campaigning for the Presidency, announced his intention to create the Peace Corps. On March 1, 1961, the newly elected President Kennedy kept his campaign promise, issuing an Executive order that called for the establishment of the Peace Corps. In the 30 years since, over 125,000 men and women have volunteered to serve in the Peace Corps. These individuals have reached out to over 100 countries, providing the necessary skills to help some of the poorest people of the world meet basic living requirements.

The 1980's were a time of tremendous growth for the Peace Corps, growth not witnessed since the Peace Corps' early days. We can thank former Director Loret Ruppe, another Michigander, who is now U.S. Ambassador to Norway, for initiating this expansion, which continues today under Director Paul Coverdell. Currently, over 6,000 Peace Corps volunteers work in more than 70 nations. With plans to begin programs in 14 new countries this year, the Peace Corps is well on its way to the congressionally mandated goal of 10,000 volunteers worldwide.

This resolution recognizes that for three decades volunteers of the Peace Corps have served the goals of world peace and friendship. President Bush hopes to sign this resolution on the March 1 anniversary. I urge my colleagues to support Senate Joint Resolution 76, and grant the Peace Corps the further recognition it deserves.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. HENRY], the sponsor of this legislation.

Mr. HENRY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would also like to thank the gentleman from Indiana [Mr. HAMILTON], as well as the gentleman from Michigan [Mr. BROOMFIELD], for facilitating the timely consideration of this resolution.

As my colleague, the gentleman from Michigan, has pointed out, we take unique pride in Michigan because it was on the steps of the Ann Arbor Commerce Building of the University of Michigan 30 and a quarter years ago that a young Senator by the name of John Fitzgerald Kennedy, first proposed the concept of a citizen cadre of volunteers that would go across the world to demonstrate American values, American enthusiasm, and share what we had, both by way of commitment to democratic ideals, but also technical skills, to people around the world.

Over the years, as we stated, over 125,000 volunteers have responded to that call.

Mr. Speaker, I would also like to point out with some degree of pride the number of Members of this body who have served as Peace Corps volunteers: The gentleman from Wisconsin [Mr. PETRI] served as a Peace Corps volunteer. The gentleman from Ohio [Mr. HALL], the gentleman from Connecticut [Mr. SHAYS], the gentlewoman from Washington [Mrs. UNSOELD], the gentleman from New York [Mr. WALSH], as well as myself—six Members of this House today, Mr. Speaker, are former Peace Corps volunteers.

Further, three Members of this House formerly served in professional staff positions with the Peace Corps: the gentleman from Wisconsin [Mr. MOODY], the gentlewoman from South Carolina [Mrs. PATTERSON], and the gentleman from Michigan [Mr. WOLPE]. So the Peace Corps is well-sprinkled throughout this body with people who have shared in that vision.

I also want to express my very high regard for the recent leadership in the Peace Corps. There is no doubt that under the directorship of Loret Ruppe, and now the equally vigorous leadership of Mr. Coverdell, that the Peace Corps continues to innovate and branch its programs in new areas that hitherto we have not been called to serve, programs particularly in central Europe, where immediate assistance and new kinds of programs and technical education, technical engineering, particularly the teaching of English to the newly emerging democracies, have proven to be an important new role for the Peace Corps.

I also take some pride in the increased competitiveness of the Peace Corps. Many Americans are not aware of the fact that only one out of every six candidates for admission to the Peace Corps Program is ever accepted for service. I say that not by way of trying to discourage anyone from applying, but simply to point out that Americans can take pride in the character and the integrity and the quality of the people representing this Nation in over 100 countries in the world.

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Thanks again to the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Michigan [Mr. BROOMFIELD] for very generously supporting the quick and prompt consideration of this resolution.

Mr. FASCELL. Mr. Speaker, I rise today in support of Senate Joint Resolution 76, a resolution recognizing the Peace Corps on its 30th anniversary.

This Friday, March 1, marks the 30th anniversary of the issuance of the Executive order creating the Peace Corps. President Kennedy issued a challenge to our Nation's young people to give 2 years of their lives to help needy people around the world help themselves.

Thirty years later, I can say with certainty that this challenge has been met and, indeed, surpassed, by over 125,000 Americans. The Peace Corps is now serving in more countries than ever before, with volunteers in over 70 countries.

Early next month, the first group of volunteers ever will be sent to Romania to help teachers learn about modern special education techniques. These techniques will be applied in the education of that Nation's vast number of orphaned children.

From the time the first 50 volunteers set off to teach English in the secondary schools of Ghana in August 1961, Peace Corps volunteers have offered their talents and skills wherever they are needed. Whether it be combating malaria in Kenya, or teaching farming techniques in Honduras, their mission remains the same: People-to-people assistance to fight the complex human problems of hunger, disease, poverty, and illiteracy.

In so doing, volunteers enhance global understanding and peace. These individuals serve as goodwill ambassadors to a world that often knows very little about our country. As Sargent Shriver, the first Peace Corps Director noted, "These men and women are our finest. To my mind they will serve abroad with a distinction in which all Americans can take pride. They are Americans whose very act of volunteering represents the highest dedication * * *" And when they return home, they bring with them an enhanced understanding of the world and the challenges of building a lasting peace.

Mr. Speaker, we all are enriched by the experiences of these dedicated volunteers. This anniversary provides us with the opportunity to publicly acknowledge their contributions to building a better world and to express our deepest gratitude for their service.

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. RAY). Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 76

Whereas, on March 1, 1991, the Peace Corps of the United States of America concludes 30 years of promoting world peace and friendship, making available volunteers to help the people of other countries to meet their needs, and promoting mutual understanding between such peoples and the American people;

Whereas over 125,000 Americans have served in the Peace Corps in over 100 countries around the world;

Whereas Peace Corps programs and the efforts of individual volunteers have added significantly to mutual understanding between the people of the United States and the peoples of other countries;

Whereas Peace Corps volunteers work with their host country counterparts in seeking long-term solutions to complex human problems through efforts in education, agriculture, health, the environment, urban development, and small business;

Whereas Peace Corps volunteers have returned to their communtities enriched by their experiences, more knowledgeable of the world, and more understanding of the challenges of building a lasting peace;

Whereas former Peace Corps volunteers continue to maintain friendships with the people of the countries with whom they served, thereby furthering the goals of international understanding and peace;

Whereas former Peace Corps volunteers continue to engage in volunteer-related activities in the United States, including activities that meet educational and other needs in the United States;

Whereas Peace Corps volunteers are now serving in more countries than ever before in all regions of the world; and

Whereas the response of Americans to the Peace Corps' call to serve continues to exceed the Peace Corps' recruiting requirements: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, on the occasion of the thirtieth anniversary of the establishment of the Peace Corps, the Congress (1) commends the Peace Corps and all those who have served as Peace Corps volunteers for the great contributions they have made to world peace and understanding, to the betterment of the lives of the citizens of the countries where volunteers have served, and to our own country, (2) reaffirms the United States' commitment, through the Peace Corps, to help peoples in countries around the world to meet their needs, and (3) urges the President to issue a proclamation commending Peace Corps volunteers for their service in the promotion of world peace and understanding.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. HAMILTON] is recognized for 1 hour.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman for yielding.

I also thank the gentleman from Michigan [Mr. HENRY] for sponsoring this resolution.

Mr. Speaker, I rise in support of House Joint Resolution 131 which commends the Peace Corps, and the current and former Peace Corps volunteers, on the 30th anniversary of the establishment of the Peace Corps.

Mr. Speaker, since its inception, the members of the Peace Corps have been fine ambassadors on behalf of the United States to foreign countries. They have contributed tremendously to establishing good will as well as lending technical assistance to the host country. Many successful economic programs in host countries were due largely to the technical expertise provided by the Peace Corps.

Mr. Speaker, I recently returned from a codel trip to Tonga and Western Samoa in the South Pacific. During my trip I received briefings from representatives of the Peace Corps. For the record, I want to state that I was thoroughly impressed with the Peace Corps activities in these countries and I want to especially commend Director Paul Coverdell and his staff for their keen leadership of the Peace Corps. I also would like to specifically commend Director Coverdell for the operation of the World Wise Program in the States and territories. This program has certainly helped bring our world closer together.

Mr. Speaker, my only regret is that we are not providing sufficient Federal funding for the Peace Corps. Yet, the Peace Corps budgetary request amounts to only one quarter of the cost of one Stealth bomber. Perhaps we need to reassess our priorities.

Mr. Speaker, I strongly urge my colleagues to support the passage of House Joint Resolution 131.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CREDIT UNIONS: IF THEY'RE NOT BROKE, DON'T FIX THEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, my belief that credit unions are the shining star of the financial services industry has been reaffirmed after thoroughly reviewing the annual report of the National Credit Union Share Insurance Fund.

Many of us are well aware, Mr. Speaker, of the credit union difference—that credit unions are member-owned financial cooperatives, operated not for the profit of an anonymous group of corporate shareholders, but rather to provide basic, low-cost financial services to over 50 million Americans.

"Not for profit, not for charity, but for service" is the motto of American credit unions, and from the early part of this century, credit unions have admirably met the goals embodied in that motto.

But there is another credit union difference.

Credit unions' success cannot be measured only by the service they have provided to millions of Americans, many of whom would have been without low-cost, basic financial services had credit unions not been there to fill the void. As the 1990 report of the National Credit Union Share Insurance Fund [NCUSIF] makes very clear, after a decade in which banks and S&L's suffered record losses, credit unions are America's safest and soundest institutions.

Some might think that cooperative financial institutions, democratically operated by their savers and borrowers on a one-man-one-vote manner, would be confronted with irresistible temptations to make bad loans, pay excessive rates on savings, and—in short—lose money. On the other hand, some might think that corporate financial institutions operated by profit-motivated shareholders through independent boards of directors would be guaranteed financial success. However, the facts of the matter prove that such generalizations do not hold up to close scrutiny. Mr. Speaker, I would like to spend a few moments reviewing these facts.

First, credit unions' insurance fund is strong, especially when compared to its counterpart.

Since 1987, the FDIC's Bank Insurance Fund [BIF] has declined from a reserve-to-insured-deposit ratio of 1.10 percent to under 0.50 percent at the end of 1990, and is predicted by the FDIC to be in the range of 0.20 percent by the end of this year. While BIF will have been reduced by a shocking 80 percent during the 5-year period ending this year—and other reputable experts suggest that this estimate may be optimistic—the credit union insurance fund has remained at a constant reserve ratio of 1.25 percent. This is the level which Congress mandated in 1989 as a goal for the bank fund, a goal which will clearly remain unachieved as far as the eye can see.

Second, losses experienced by the credit union fund are decreasing.

Insurance losses per $1,000 in insured accounts decreased from 58 cents in 1989 to 51 cents in 1990. Additionally, while the bank fund's net losses for 1990 grew by fivefold to approximately $4.5 billion, the NCUSIF posted a net gain of $35 million, an increase of 44 percent over the previous year.

Third, credit unions themselves are faring quite well. Consider that:

(1) Credit unions' average core capital ratio stands at 7.5 percent and is increasing, whereas the average core capital ratio for FDIC-insured institutions is under 6.5 percent;

(2) The delinquency rate for credit union loans is at a decade-long low of 1.6 percent and has been decreasing in recent years, while the loan delinquency rate for FDIC-insured institutions is nearly two-thirds higher at 2.65 percent and has been rising in recent years.

(3) The number of troubled credit unions has declined by one-third in the last 2 years, from 1,022 to 678—or just 5.2 percent of all federally insured credit unions—while the number of troubled banks stands at 1,006, or 8.1 percent of FDIC-insured institutions; and,

(4) Credit unions' profitability has remained steady while bank earnings have been lower and in a state of decline. Credit unions' rate of return on assets has consistently averaged over 0.90 percent in recent years, while the same measure of profitability for banks has averaged below 0.70 percent for most of the last 10 years and has been gradually declining.

Credit unions have achieved these successes not by entering new, risky, and previously unknown lines of business, but by sticking to their knitting. By focusing not on untraditional activities but, rather, on better ways to deliver basic financial services, credit unions have survived—indeed prevailed—during difficult financial times which have resulted in massive failures of other types of financial institutions.

In no region of the country are credit unions' relative strength resulting from these prudent practices more clearly defined than in the State of Texas, where more banks and S&L's have failed than in any other State in the Nation. During three of the most difficult years for financial institutions in Texas, 1986 through 1988, credit unions have far outperformed other financial institutions.

During these years, Texas credit unions were considerably more profitable than their counterparts; their return on assets averaged 1.27 percent, compared to 0.73 percent for Texas banks and minus 3.1 percent for Texas S&L's.

Texas credit unions were also considerably more solvent; their average capital ratio was 5.3 percent, compared to Texas banks' average capital ratio of 2.83 percent and minus 27 percent for S&L's.

The asset quality of Texas credit unions was considerably better as well. Problem assets as a percentage of total assets averaged only 1.33 percent for Texas credit unions during these years, compared to 4.37 percent for Texas banks and 31 percent for Texas S&L's.

One would think, Mr. Speaker, that after compiling this tremendous track record of meeting consumer needs while simultaneously establishing themselves as America's safest and soundest financial institutions, credit unions would be sought out and commended for their exemplary accomplishments. Once again, appearances prove to be deceptive, and reality has proven contrary to expectations.

After years of serious, yet unwarranted attacks from the Nation's bankers, the Treasury Department had added its voice to those who have unjustly criticized credit unions. In its recently released report on deposit insurance reform, Treasury has recommended that credit unions alter both the structure of the NCUSIF and the independent regulatory agency which administrates the fund and regulates credit unions, the National Credit Union Administration [NCUA].

Both changes are designed to make credit unions more closely resemble the less successful banking system. In so doing, the Treasury recommendations violate two rules of effective public policy.

The first rule is: If it ain't broke, don't fix it. From the statistics cited above, it is clear that credit unions are enjoying great success in both real and relative terms during very difficult times. Until such a time when credit unions begin to face problems even closely resembling those confronting the banking industry, I believe it would be highly irresponsible to make any dramatic or harmful changes in the way they do business.

Very often, Federal policymakers are justly criticized by the American people for proposing changes in successful enterprises for no reason, except perhaps to make themselves look busy. I believe that there is no greater folly in government than to abandon practices and policies that have withstood the test of time and have repeatedly and overwhelmingly met with proven success, merely for the sake of change.

To exchange the tried and true for the untested and the unknown—especially when there are no facts specific to the matter at hand to indicate that the old ways are bad and the new ways are good—is risky and often foolhardy business. Yet, such is the case with the currently proposed credit union reform proposals.

The second rule of effective public policymaking is that success should be emulated. When certain practices and policies have met their objective, when an initiative has succeeded where others have failed, policymakers have an obligation to learn what they can from such experiences and apply these lessons elsewhere. This rule too is violated by the various credit union reform proposals which have been proposed.

It has been said that such reform proposals are necessary in order to bring credit union regulation up to the standards of bank regulation.

This statement is puzzling. Is it not the bank insurance fund that has declined by 80 percent in 5 short years and is soon to be insolvent, while the credit unions' fund has grown?

Is it not the banks that have been closing in record high numbers, while the credit unions have closed in record low numbers.

Do credit union capital standards—which have resulted in average capital of 7.5 percent—need to be brought up to bank capital standards, which stand at 6.45 percent?

Have not the credit unions' loan delinquency rates reached new lows while the banks' delinquency rates hit new highs. I can go on and on.

Yet, it is the credit unions which must change and come up to bank standards, so credit union critics argue. The logic of these so-called proposals is questionable.

It has been proposed that an official of the new Federal bank agency be appointed to serve on the board of the National Credit Union Administration for the purpose of keeping credit union regulation up to bank standards. It would seem to me that they have it backward—I suggest that perhaps Congress should require credit union regulators to have a say in banking regulation to guarantee that it be kept up to the clearly higher credit union standards. This would make a lot more sense than the vice versa.

It has also been suggested that credit unions abandon their deposit-based insurance fund and adopt a structure identical to the FDIC's Bank Insurance Fund. Yet proponents of this approach fail to point out several important facts.

First, the unique structure of the NCUSIF has allowed the fund to grow at the same rate as the institutions it insures and double in size since 1985, while the FDIC's strength has declined by over one-half during the same period. Are these losses what make FDIC the preferable structure?

The second point proponents of this change fail to note is that if the NCUSIF structure were in place today at the FDIC, the Bank Insurance Fund would have at least twice as much money in reserves as it does today and Congress would not need to consider legislation to recapitalize it. I ask you, which is the better structure?

Last, these critics also ignore the fact that—unlike the structure employed by the FDIC and the former FSLIC—the NCUSIF structure provides for a fail-proof insurance fund which would require insured institutions to use the very last dime of their own capital before turning to the taxpayers to bail out their insurance fund. Again, I ask which structure is preferable: The one which requires an industry bailout of a troubled fund or the one which requires a taxpayer bailout.

Consider one last area which demonstrates the extent to which we have witnessed the Alice in Wonderland, world-turned-upside-down assumptions which surround these so-called credit union reforms.

Those who have proposed such dramatic, needless, and counter-productive measures for a credit union system that is clearly working have remained oddly silent on the premier deposit insurance issue facing the United States today—the recapitalization of the Bank Insurance Fund. The bank fund, I remind you, is currently being measured by those inside and outside the executive branch of Government not by the amount of funds available today, but the extent to which the fund will be in default in the near future.

It is mind-boggling that those who have abdicated their responsibility to address precisely how we as a nation should respond to an imminent, multibillion dollar taxpayer bailout of a second deposit insurance fund apparently prefer to dabble in harmful changes to the one system in which taxpayers are protected from such a bailout and which is enjoying unequaled success in every conceivable area.

Congress should approach suggestions to fiddle around with that which works with extreme caution, especially while the structure of deposit insurance burns before us and remains unaddressed.

That is why I have introduced the Bank Account Safety and Soundness Act (H.R. 31) which would adopt the NCUSIF structure and apply it to the FDIC. This would result in an immediate inflow of a much needed $25 billion into the Bank Insurance Fund, guarantee that this fund would never again drop any lower than twice its current level, and protect the taxpayers from being asked once more to pick up the tab for another deposit insurance fund failure.

Success, not failure, is to be emulated, Mr. Speaker, not eliminated. Rather than making needless and detrimental changes to a credit union system which is outperforming every other segment of the financial sector in every way imaginable, we should learn from it and apply its success whenever possible to where we find failure.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MACHTLEY) to revise and extend their remarks and include extraneous material:)

Mr. ROGERS, for 60 minutes, on March 5.

Mr. BURTON of Indiana, for 60 minutes each day, on March 5, 6, and 7.

(The following Members (at the request of Mr. FALEOMAVAEGA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HAYES of Illinois, for 5 minutes, on February 27.

Mr. EDWARDS of California, for 60 minutes, on March 19.

Mr. GONZALEZ, for 60 minutes, on March 4, 7, 8, 11, 14, 15, 18, and 21.

Mr. FALEOMAVAEGA, for 60 minutes, on March 7, 11, 14, and 15.

Mr. OWENS of New York, for 60 minutes, on March 4, 5, 6, 7, 8, 11, 12, 13, 14, and 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MACHTLEY) and to include extraneous matter:)

Mr. GOODLING.
Mr. COUGHLIN.
Mr. GINGRICH.
Mr. SOLOMON.
Mr. PETRI.

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Mr. DIXON.
Mr. STOKES in two instances.
Mr. LANTOS.
Mr. VENTO.
Mr. STARK in three instances.
Mr. MATSUI in two instances.
Mr. ROEMER.
Mr. MARKEY.
Mr. FUSTER.
Mr. TOWNS.
Mr. MILLER of California.
Mr. LEHMAN of Florida.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 320. An act to reauthorize the Export Administration Act of 1979, and for other purposes; to the Committees on Foreign Affairs and the Judiciary.

S.J. Res. 50. Joint resolution to designate April 6, 1991, as "National Student-Athlete Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 51. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 53. Joint resolution to designate April 9, 1991, and April 9, 1992, as "National Former Prisoner of War Recognition Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 56. Joint resolution to designate the period commencing March 10, 1991, and ending on March 16, 1991, as "Deaf Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 59. Joint resolution designating March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

S.J. Res. 62. Joint resolution to designate the month of March 1991, and the month of March 1992, as "Women's History Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 63. Joint resolution to designate June 14, 1991, as "Baltic Freedom Day"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 27, 1991, at 2 p.m.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

711. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to provide for recovery of costs associated with furnishing tobacco statistics or estimates and other marketing information to tobacco growers; to the Committee on Agriculture.

712. A letter from the Comptroller of the Department of Defense, transmitting two reports of violations that occurred in the Department of the Army and the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

713. A letter from the the Comptroller of the Department of Defense, transmitting one report of violation that occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

714. A letter from the Department of the Air Force, transmitting notice that the Air Force plans to conduct the cost comparisons for base operating support at Avon Park Bomb and Gunnery Range, FL, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

715. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's Defense manpower requirements report for fiscal year 1992, pursuant to 10 U.S.C. 115(b); to the Committee on Armed Services.

716. A letter from the Assistant Secretary of Defense, transmitting notification that the annual report on national defense stockpile [NDS] will be delayed this year because of the extended time required to determine strategic and critical material requirements; to the Committee on Armed Services.

717. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend title X of the Public Health Service Act to authorize a program of grants to States for family planning services; to the Committee on Energy and Commerce.

718. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend title XX of the Public Health Service Act to authorize appropriations for the adolescent family life program; to the Committee on Energy and Commerce.

719. A letter from the Department of State, transmitting the 14th annual report on Americans incarcerated abroad, pursuant to 42 U.S.C. 2151n-1; to the Committee on Foreign Affairs.

720. A letter from the clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 1990 through December 31, 1990, pursuant to 2 U.S.C. 104a (H. Doc. No. 102-46); to the Committee on House Administration and ordered to be printed.

721. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

722. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

723. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

724. A letter from the Adjutant General, the United States Spanish War Veterans, transmitting the proceedings of the 91st national encampment held in Toledo, OH, September 8 to 13, 1989, pursuant to 44 U.S.C. 1332 (H. Doc. No. 102-47); to the Committee on Veterans' Affairs and ordered to be printed.

725. A letter from the Executive Director, Resolution Trust Corporation, transmitting the status report for the month of January, 1991, review of 1988-89 FSLIC assistance agreement, pursuant to section 21A(b)(11)(B) of the Federal Home Loan Bank Act; jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

726. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize funds for construction of highways, for highway safety programs, for mass transportation programs, and for other purposes; jointly, to the Committees on Public Works and Transportation, Ways and Means, and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN:

H.R. 1109. A bill to prohibit the Resolution Trust Corporation from abrogating residential leases for dwelling units located in low vacancy areas subject to rent control, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. Kostmayer (for himself, Mrs. Morella, Mr. Abercrombie, Mr. Atkins, Mr. Beilenson, Mr. Berman, Mr. Boehlert, Mr. Boucher, Mrs. Boxer, Mr. Brown, Mr. Bryant, Mr. Bustamante, Mr. Campbell of California, Mr. Campbell of Colorado, Mr. Cardin, Mr. Cooper, Mr. DeFazio, Mr. Dellums, Mr. de Lugo, Mr. Dicks, Mr. Dixon, Mr. Downey, Mr. Durbin, Mr. Dymally, Mr. Engel, Mr. Espy, Mr. Evans, Mr. Feighan, Mr. Foglietta, Mr. Frost, Mr. Frank of Massachusetts, Mr. Gejdenson, Mr. Gonzalez, Mr. Gray, Mr. Green, Mr. Hoagland, Mr. Hochbrueckner, Mr. Hoyer, Mrs. Johnson of Connecticut, Mr. Johnston of Florida, Mr. Kennedy, Mrs. Kennelly, Mr. Lantos, Mr. Leach of Iowa, Mr. Levine of California, Mr. Machtley, Mr. Markey, Mr. Matsui, Mr. McDermott, Mr. McHugh, Mr. Miller of California, Mr. Mfume, Mr. Mineta, Mr. Moody, Mr. Morrison, Mr. Mrazek, Mr. Nagle, Mr. Owens of New York, Mr. Panetta, Mr. Payne of New Jersey, Ms. Pelosi, Mr. Porter, Mr. Price, Mrs. Roukema, Mr. Roybal, Mr. Sabo, Mr. Scheuer, Mrs. Schroeder, Mr. Schumer, Mr. Serrano, Mr. Shays, Mr. Skaggs, Mr. Smith of Florida, Mr. Stark, Mr. Studds, Mr. Swift, Mr. Udall, Mrs. Unsoeld, Mr. Washington, Mr. Waxman, Mr. Weiss, Mr. Wilson, Mr. Wolpe, and Mr. Wyden):

H.R. 1110. A bill to authorize increased funding for international population assistance and to provide for a United States contribution to the United Nations Population Fund; to the Committee on Foreign Affairs.

By Mr. DELLUMS (for himself, Mr. Bilbray, Mrs. Collins of Illinois, Mr. Conyers, Mr. de Lugo, Mr. Edwards of California, Mr. Engel, Mr. Evans, Mr. Frost, Mr. Hayes of Illinois, Mr. Hertel, Mr. Hochbrueckner, Mr. Jefferson, Mr. Mfume, Mr. Mineta, Mr. Owens of New York, Mr. Panetta, Mr. Payne of New Jersey, Ms. Pelosi, Mr. Rangel, Mr. Roybal, Mr. Sabo, Mr. Serrano, Mr. Shays, Mr. Slattery, Mr. Stark, Mr. Torres, Mr. Towns, Mr. Vento, and Mr. Washington):

H.R. 1111. A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes; jointly, to the Committees on Foreign Affairs; Armed Services; Intelligence (Permanent Select); Interior and Insular Affairs; Banking, Finance and Urban Affairs; Ways and Means; Rules; and Energy and Commerce.

By Mr. MARKEY:

H.R. 1112. A bill to amend the Internal Revenue Code of 1986 to require any general election candidate who receives amounts from the Presidential election campaign fund to participate in debates with other such candidates; to the Committee on House Administration.

By Mr. MATSUI:

H.R. 1113. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals from individual retirement plans to pay for higher education expenses by taxpayers or their children or grandchildren; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. Schulze, and Mr. Bonior):

H.R. 1114. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals from individual retirement plans for first home acquisitions by taxpayers or their children or grandchildren; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. AuCoin, Mrs. Johnson of Connecticut, and Mr. Schulze):

H.R. 1115. A bill to amend the Trade Act of 1974 to provide for the review of the extent to which foreign countries are in compliance with bilateral trade agreements with the United States; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Ms. Pelosi, Mr. Poshard, Mr. Berman, Mr. Yates, Mr. Stark, Mr. Frost, Mr. Applegate, Mr. Rangel, Mr. Fazio, Mr. Towns, Mrs. Boxer, Mr. Kopetski, Mr. Andrews of New Jersey, Mr. Campbell of Colorado, Mr. Bonior, Mr. Lipinski, Mr. Frank of Massachusetts, Mr. Jontz, Mr. Lancaster, Mr. Murtha, Mr. Dellums, Mr. Vento, and Mr. DeFazio):

H.R. 1116. A bill to permit certain coal miners and their survivors to have their claims reviewed under the Black Lung Benefits Act; to the Committee on Education and Labor.

By Mrs. ROUKEMA:

H.R. 1117. A bill to amend the Higher Education Act of 1965 to improve needs analysis in the student aid programs under that act; to the Committee on Education and Labor.

H.R. 1118. A bill to amend the Higher Education Act of 1965 to reduce student loan defaults, and for other purposes; to the Committee on Education and Labor.

By Ms. SNOWE:

H.R. 1119. A bill to provide for the applicability of combat-related tax benefits to certain additional participants in the Persian Gulf conflict; to the Committee on Ways and Means.

By Mr. VENTO (for himself, Mr. Bacchus, Mr. Boucher, Mrs. Boxer, Mrs. Collins of Illinois, Mr. DeFazio, Mr. Dellums, Mr. Dicks, Mr. Dixon, Mr. Dwyer of New Jersey, Mr. Emerson, Mr. English, Mr. Evans, Mr. Fazio, Mr. Foglietta, Mr. Gejdenson, Mr. Gilman, Mr. Hertel, Mr. Horton, Mr. Hughes, Mr. Hyde, Mr. Jefferson, Mr. Johnson of South Dakota, Ms. Kaptur, Mr. Kolter, Mr. Lagomarsino, Mr. Lancaster, Mr. Lewis of Florida, Mr. Lipinski, Mrs. Lloyd, Mr. Mfume, Mrs. Morella, Mr. Murtha, Mr. Oberstar, Mr. Pease, Ms. Pelosi, Mr. Penny, Mr. Poshard, Mr. Rangel, Mr. Regula, Mr. Roe, Mr. Serrano, Mr. Smith of New Jersey, Mr. Smith of Florida, Ms. Snowe, Mr. Towns, Mr. Walsh, Mr. Wise, and Mr. Wyden):

H.R. 1120. A bill to amend title XVIII of the Social Security Act to provide coverage of respiratory therapy under the Medicare Program as part of extended care services in a skilled nursing facility; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. VOLKMER:

H.R. 1121. A bill to amend the Trade Act of 1974 to provide temporary import surcharges to compensate for the disproportionate cost to the United States of America of the Persian Gulf war of 1991; to the Committee on Ways and Means.

By Mr. OXLEY (for himself, Mr. Fields, Mr. Lent, Mr. Bilirakis, Mr. Schaefer, Mr. Eckart, and Mr. Rinaldo):

H.J. Res. 147. Joint resolution relating to telephone rates and procedures for members of the U.S. Armed Forces deployed in the Persian Gulf conflict; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

By Mr. DYMALLY:

H.J. Res. 148. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Henry Ossian Flipper; to the Committee on Post Office and Civil Service.

By Mr. HUNTER (for himself, Mr. Ballenger, Mr. Baker, Mr. Bateman, Mr. Bilirakis, Mr. Bustamante, Mr. Cox of California, Mr. Dannemeyer, Mr. Dornan of California, Mr. Dreier of California, Mr. Goss, Mr. Herger, Mr. Livingston, Mr. McCollum, Mr. Oxley, Mr. Rohrabacher, Ms. Ros-Lehtinen, Mr. Solomon, Mrs. Vucanovich, and Mr. Zeliff):

H. Con. Res. 73. Concurrent resolution to express the sense of the Congress concerning the shooting down of a U.S. Army helicopter and murder of the survivors, two members of the U.S. Army, by the Farabundo Marti National Liberation Front [F.M.N.L.F.]; to the Committee on Foreign Affairs.

By Mr. LENT:

H. Con. Res. 74. Concurrent resolution authorizing the 1991 Special Olympics Torch Relay to be run through the Capitol Grounds; to the Committee on Public Works and Transportation.

By Mr. RINALDO:

H. Con. Res. 75. Concurrent resolution expressing the sense of the Congress with respect to the strengthening and expansion of the missile technology control regime; to the Committee on Foreign Affairs.

By Mr. GAYDOS:

H. Res. 92. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the first session of the 102d Congress; to the Committee on House Administration.

By Mr. CONYERS (for himself and Mr. Horton):

H. Res. 93. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Government Operations in the first session of the 102d Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BOXER:

H.R. 1122. A bill for the relief of Lois Evelyne Shaff; to the Committee on the Judiciary.

H.R. 1123. A bill for the relief of Howard W. Waite; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mr. Coleman of Texas, Ms. Long, Mr. McMillen of Maryland, Mr. Petri, Mr. Livingston, Mr. Walker, Mr. Pickle, Mr. Parker, Mr. Bennett, Mr. Boehner, Mr. Kolbe, Mr. Schiff, Mr. Weldon, and Mr. Zeliff.

H.R. 77: Mr. Burton of Indiana, Mr. Goss, Mrs. Vucanovich, Mr. Eckart, Mr. Zimmer, Mr. Packard, Mr. Petri, Mr. Campbell of Colorado, and Mr. Hertel.

H.R. 78: Mrs. Vucanovich, Mr. Bacchus, and Mr. Cox of California.

H.R. 90: Mr. Flake, Mr. Manton, Mr. Lehman of Florida, Mr. Kostmayer, Mr. Dwyer of New Jersey, Mrs. Lowey of New York, Mr. Mazzoli, Mr. Fascell, and Mr. Serrano.

H.R. 111: Mr. Brewster, Mr. Spence, Mr. Peterson of Florida, Mr. Hefner, Mr. Payne of Virginia, Mr. Parker, Mr. Staggers, Mr. Reed, Mr. Quillen, Mr. Harris, Mr. Stenholm, Mr. Jenkins, Mr. Richardson, Mr. Edwards of California, and Mr. Laughlin.

H.R. 116: Mr. Ravenel, Mr. de Lugo, and Mr. Spratt.

H.R. 179: Mr. Gejdenson, Mr. Jones of North Carolina, Mr. Bruce, Mr. Mollohan, Mr. Peterson of Florida, Mr. Price, and Mr. Packard.

H.R. 303: Mr. Callahan and Mr. Ritter.

H.R. 311: Mr. Parker.

H.R. 460: Mr. Sanders and Mr. Dwyer of New Jersey.

H.R. 535: Mr. Inhofe.

H.R. 587: Mr. Campbell of California.

H.R. 639: Mr. Payne of Virginia, Mr. Packard, Mr. Goss, Mr. Fawell, Mr. Rinaldo, Mr. Hefley, Mr. Dannemeyer, Mr. Chandler, Mr. Dornan of California, Mr. Cox of California, Mr. Zeliff, Mr. Schiff, Mr. Solomon, and Mr. Franks of Connecticut.

H.R. 652: Mr. Early.

H.R. 724: Mrs. Kaptur.

H.R. 735: Mr. Lightfoot.

H.R. 763: Mr. Conyers, Mr. Hayes of Illinois, Mr. Bacchus, Mr. Ravenel, Mr. Flake, and Mr. Rahall.

H.R. 773: Mr. Lagomarsino.

H.R. 830: Mr. Wyden, Mr. Campbell of Colorado, and Mr. Ravenel.

H.R. 902: Mr. Sisisky, Mr. Olin, and Mr. Slaughter of Virginia.

H.R. 905: Mr. Sundquist.

H.R. 1052: Mrs. Patterson, Mr. Smith of Florida, Ms. Molinari, Mr. Rangel, Mr. Ravenel, and Mr. Lagomarsino.

H.J. Res. 58: Mr. Callahan, Mr. Coble, Mr. Carper, Mr. Green of New York, Mr. Ford of Michigan, Mr. Bennett, Mr. Kennedy, Mr. Skaggs, Mr. Johnson of South Dakota, Mrs. Morella, Mr. Towns, Mr. Carr, and Mr. Weiss.

H.J. Res. 73: Mr. Vento, Mr. Nagle, Mr. Sanders, and Mr. Jefferson.

H.J. Res. 81: Mr. Solomon and Mr. Callahan.

H.J. Res. 95: Mr. Clinger, Mr. Santorum, Mrs. Vucanovich, Mr. Shaw, Mr. Levin of Michigan, Mr. Fish, Mr. Dwyer of New Jersey, Mr. Mfume, Mr. de la Garza, and Mr. Martin of New York.

H.J. Res. 97: Ms. Kaptur, Mr. Levin of Michigan, Mr. Payne of New Jersey, Mr. Johnson of South Dakota, Mr. Evans, Mr. Smith of Texas, Mr. Costello, Mr. Ford of Michigan, Mr. Young of Florida, Mr. Wheat, Mr. Natcher, Mr. Gonzalez, Mrs. Meyers of Kansas, and Mr. Bateman.

H.J. Res. 98: Mr. Ackerman, Mr. Applegate, Mr. Bevill, Mr. Brown of California, Mr. Clement, Mr. de Lugo, Mr. Emerson, Mr. Espy, Mr. Evans, Mr. Ford of Tennessee, Mr. Hastert, Mr. Johnson of South Dakota, Mr. Jones of North Carolina, Mr. Leach of Iowa, Mr. Lewis of Florida, Mr. McGrath, Mr. Owens of Utah, Mr. Ritter, Mr. Wolpe, Mr. Kasich, Mr. Annunzio, Mr. Baker, Mr. Borski, Mr. DeLay, Mr. Derrick, Mr. Ford of Michigan, Mr. Gibbons, Mr. Holloway, Mr. Livingston, Mr. McHugh, Mrs. Mink, Mr. Olin, Mr. Perkins, Mr. Pickett, Mr. Rhodes, Mr. Saxton, Mr. Skeen, Mr. Smith of Iowa, Mr. Spratt, Mr. Stump, Mr. Valentine, Mrs. Vucanovich, Mr. Walsh, Mr. Weldon, Mr. Gordon, Mr. Hammerschmidt, Mr. Hertel, Mr. Erdreich, Mr. McDade, Mr. Manton, and Mr. Weiss.

H.J. Res. 100: Mr. Studds, Mr. Ramstad, and Mr. Faleomavaega.

H.J. Res. 108: Mr. Nichols, Mr. Evans, Mr. Spratt, and Mr. Stallings.

H.J. Res. 123: Ms. Kaptur, Mr. Harris, Mr. Bonior, Mr. Skaggs, Mr. Hughes, Mr. Ackerman, Mr. Kasich, Ms. Slaughter of New York, Mr. Bunning, Mr. Poshard, Mr. Torricelli, Mr. Vento, Mr. Lewis of Florida, Mr. Lipinski, Mr. Walsh, Mr. Horton, Mr. McNulty, Mr. Sangmeister, Mr. Ford of Michigan, Mrs. Unsoeld, and Mr. Zimmer.

H.J. Res. 128: Mr. Combest, Mr. Hatcher, Mr. Hyde, Mr. Levine of California, Mr. Olin, Mr. Peterson of Florida, Mr. Schiff, Mr. Walsh, Mr. McEwen, Mr. Tallon, Mr. Rangel, and Mr. Campbell of Colorado.

H.J. Res. 131: Mr. Fascell, Mr. Broomfield, Mr. Lipinski, Mr. Erdreich, Mr. Hyde, Mr. McNulty, Ms. Kaptur, Mr. Skaggs, Mr. Jefferson, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mrs. Boxer, Mr. Poshard, Mr. Vento, Mr. Evans, Mr. Horton, Mr. Paxon, Ms. Long, Mr. Hertel, and Mr. Lagomarsino.

H. Con. Res. 37: Mr. Coleman of Texas.

H. Con. Res. 39: Mr. Spence and Mr. Ravenel.

H. Con. Res. 55: Mr. Hefley, Mr. Jontz, Mr. Cox of California, Mr. Solomon, Mr. Ireland, Mr. Armey, Mr. Jefferson, Mr. Fish, Mr. Owens of Utah, Mr. Ballenger, Mr. Ravenel, Mr. Lipinski, Mr. Santorum, and Mr. Frost.

H. Con. Res. 56: Mr. Mineta, Mr. Carper, and Mr. Frost.

H. Con. Res. 66: Mr. Murphy, Mr. Serrano, Mr. Dellums, and Mr. Andrews of Maine.

H. Con. Res. 70: Mr. Lightfoot, Mr. Coyne, Mr. Payne of Virginia, Mr. Burton of Indiana, Mr. Bacchus, Mr. Zeliff, Mr. de Lugo, Mr. Wolpe, and Mr. Solomon.

H. Res. 14: Mr. Jones of Georgia, Mr. Wolpe, Mr. Lewis of Georgia, Mr. Gillmor, Mr. Berman, and Mr. Ackerman.

H. Res. 64: Mr. Blaz and Mr. Lagomarsino.

SENATE—*Tuesday, February 26, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

My soul, wait thou only upon God; for my expectation is from him. He only is my rock and my salvation: he is my defence; I shall not be moved. In God is my salvation and my glory: the rock of my strength, and my refuge, is in God.—Psalm 62:5-7.

God of mercy, love, and grace, we are grateful for the news from the Persian Gulf, but our blessings are mixed as we think of the human life that has been squandered, especially among civilians. We pray for an early and just resolution to the conflict. Grant wisdom to leadership in Congress and the administration and to world leaders who will be involved in the next delicate steps to reconstruction and peace. Comfort those who have lost loved ones and grant guidance which transcends human wisdom to all who must deal with the ravaged Earth, divided people, and seething resentments.

We ask this in His name who is the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 26, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, today following the time reserved for the two leaders, there will be a period for the transaction of routine morning business not to extend beyond 3:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

It is my intention at 3:30 to proceed to S. 419, the Resolution Trust Corporation funding bill. That will be at or about 3:30 p.m., following the close of morning business.

ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I wanted to formally again consent to extend the morning business to 3:30.

I ask unanimous consent that following the use or the reserving of time by the distinguished Republican leader, there then be a period for morning business not to extend beyond 3:30 p.m. with Senators permitted to speak therein for up to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader under the standing order is recognized.

PERSIAN GULF WAR: NO TIME-OUTS, LET'S FINISH THE JOB: TIME FOR SOVIETS TO BUTT OUT—NO MORE FREE ADVICE

Mr. DOLE. Mr. President, the heroes of Operation Desert Storm are routing Saddam Hussein's war machine. Six weeks ago, it was the fourth most powerful army on Earth. Today, it is in shambles and disarray, with mass surrenders amidst mass destruction.

One thing is clear: Saddam Hussein now realizes he stepped into the ring with a real heavyweight and he is going down. Yet, despite the death and destruction he has brought upon his own people, despite yesterday's cowardly Scud attack on allied forces, he is still trying to call the shots; still trying to throw a few more sucker punches; still spewing out the same old double talk; still trying to convince the world that continued Iraqi military aggression is somehow an honorable retreat with victory.

That is why the President is right: There will be no letup, no cease-fire, no timeouts until Saddam Hussein himself raises the white flag. This is still our bottom line.

Meanwhile, the shocking details are emerging from the Kuwait he has terrorized for the past 6 months. We are finally learning what Saddam Hussein's henchmen have been doing behind closed doors—it is a record of atrocities that are sure to rival the most grisly in history.

So, our mission is clear: It is time to finish the job, once and for all.

And while hundreds of thousands of brave American men and women continue to risk their lives to get the job done, it is also time to send a signal to Moscow: It is time for you to butt out—we do not need any more free advice.

We thanked you for your initial efforts, but let us face it, you have not risked a single life, or a single ruble in this conflict. Let me tell you, the American people are in no mood for any more Kremlin interference, promoting terms that could well endanger allied lives, save Saddam Hussein's neck, and preserve his Soviet-supplied war machine.

I have just returned from the heartland, and every Kansan I talked to does not appreciate what they are hearing from Moscow.

The people are supporting President Bush, General Powell, Secretary Cheney, and our entire military command to do what is right for America, right for the coalition, right for our troops, and right for peace.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour 3:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. KOHL. I thank the Chair.

(The remarks of Mr. KOHL pertaining to the introduction of S. 501 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SIMON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois [Mr. SIMON].

Mr. SIMON. I thank the Chair.

(The remarks of Mr. SIMON pertaining to the introduction of S. 481 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana [Mr. BAUCUS].

EXTENSION OF THE URUGUAY ROUND

Mr. BAUCUS. Mr. President, the adminsitration has decided to seek an extension of "fast track" negotiating authority to continue the Uruguay round of trade negotiations.

The request for an extension marks yet another chapter in the long history of the Uruguay round.

The round has proceeded in fits and starts over the last 4 years.

But the Uruguay round negotiations remain a critical element of United States trade policy.

HISTORY OF THE URUGUAY ROUND

The Uruguay round trade negotiations are being held under the auspices of the General Agreement on Tariffs and Trade—the GATT.

The GATT was created in 1947. It is the charter of world trade. But the GATT is an evolving document. Periodically, the nations of the world must enter into a new set of negotiations—known as a round—to stengthen GATT rules and apply them to emerging trade problems.

The first five rounds of negotiations dealt primarily with lowering tariffs. The sixth round—known as the Tokyo round—addressed such problems as quotas, subsidies, and predatory pricing as well as tariffs.

The Uruguay round is the seventh GATT round. The round was officially launched in 1986 in Punte del Este, Uruguay—hence the name Uruguay round. It was aimed primarily at strengthening trading rules and extending them to three new areas: Trade in agricultural products, services, and intellectual property.

The negotiations almost broke down in 1988 when the United States and the EC could not make progress on lowering trade barriers in agriculture. The differences were temporarily patched over. But when the negotiations were scheduled to conclude in Brussels last December, the dispute over agriculture flared again.

The EC, Japan, and Korea would not commit to any meaningful agricultural trade liberalization. Many developing countries refused to negotiate over intellectual property, services, and other key issues if progress was not made on agriculture. This deadlock forced the United States to suspend the negotiations.

Once again, the round appeared ready to collapse over agriculture.

Over the last few weeks, the Director General of the GATT, Arthur Dunkel, has attempted to patch together the negotiations. Finally, last week he was able to convince all nations in the negotiations to commit to "specific binding commitments" to reduce all types of agricultural protection.

On the strength of this commitment, the administration has decided to seek a 2-year extension on fast track negotiating authority from Congress in order to continue the round.

BENEFITS OF THE ROUND

Why does the United States want to keep these troubled negotiations alive?

Mr. President, we continue to negotiate because the potential benefits of a successful Uruguay round are huge. Estimates vary widely, but the administration estimates that a successful round could increase U.S. exports by $200 billion and expand the U.S. economy by $400 billion over the next 10 years.

The round could open new opportunities in many sectors.

In agriculture, the United States already exports $40 billion each year. If foreign trade barriers—particularly EC export subsidies—were eliminated, U.S. agricultural exports could expand by as much as $15 billion annually.

The United States is also a leading exporter of intellectual property—movies, books, and other copyrighted and patented material. The International Trade Commission estimated that foreign piracy of U.S. intellectual property costs the United States $60 billion in lost exports each years.

The United States is also seeking to abolish tariffs in a number of key industrial sectors, including wood and paper products, semiconductors, and aluminum. A Uruguay round agreement to abolish those tariffs would expand United States exports by many billions of dollars each year.

EXTENSION

Clearly, the stakes are high. But, even though I have long supported the round, I am now concerned that the benefits we hoped for may not materialize.

Many of our trading partners, particularly the EC, seem to lack the political will to forge a meaningful trade agreement.

But on the strength of last week's announcements by Director General Dunkel and signs of progress both the EC and Japan, I am willing to support an extension of the Uruguay round negotiating authority.

However, I believe we should pursue the round as part of a coordinated trade strategy to promote U.S. trade interests. That strategy should include at least four major elements.

First, the President must become directly involved in bringing the GATT negotiations to a prompt, successful conclusion.

Ambassador Carla Hills has done a fine job of leading the United States in the negotiations. But she cannot do it alone. The President and the Secretary of State must throw their full weight into winning concessions from the EC and our other trading partners.

The President has understandably been distracted by the Persian Gulf crisis in recent months. But we must fight to protect U.S. interests on many fronts. The Uruguay round is likely to have a much greater impact on the standard of living of American citizens than the Persian Gulf war.

Second, the United States should continue to aggressively conclude bilateral trade agreements with our trading partners. We have already concluded such agreements with Israel and Canada. Negotiations are now under way to conclude a similar agreement that includes both Canada and Mexico.

Such agreements demonstrate to our trading partners that the United States has other options if the GATT collapses.

Third, we must continue to aggressively use section 301 to enforce existing trade agreements and open foreign markets. We must demonstrate to our trading partners that the United States will continue to press to tear down their trade barriers. And if the round fails, we will open foreign markets with section 301.

The administration should join with Congress to strengthen section 301. It should also aggressively use existing section 301 provisions.

In particular, it is time for the administration to finally implement the special 301 provisions of the 1988 Trade Act. Special 301 is a portion of section 301 specifically aimed at preventing piracy of U.S. intellectual property. The administration is yet to initiate any section 301 cases under special 301. Now, it is time to start cases to send a message to the world that the United States will not tolerate continued piracy.

Finally, the United States must continue to aggressively use its agricultural export programs. We cannot let the EC subsidize American farmers out of business. We must be willing to meet the competition. To do less is to demonstrate to the EC and the world that their protectionism works.

The only way to promote U.S. trade interests is to pursue such an integrated strategy. We should work to make the GATT round a success, but it cannot be our only option.

American exports and American jobs are too important to put all of our eggs in the GATT basket.

The Congress should agree to extend negotiating authority for the round as part of this coordinated strategy.

Next week, I plan to discuss the merits of the fast track negotiating authority in more detail.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the submission of Senate Resolution 63 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 491 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. Who seeks recognition?

The Chair recognizes the Senator from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. I thank the Chair.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 483 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Jersey [Mr. BRADLEY].

Mr. BRADLEY. I thank the Chair.

(The remarks of Mr. BRADLEY pertaining to the introduction of S. 484 and S. 485 are located in today's RECORD under "Statements on Introducted Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nevada [Mr. REID].

DOMESTIC VIOLENCE

Mr. REID. Mr. President, I rise today to point out the fact that during the approximate 5-minute presentation that I will give here on the Senate floor today, in our country, 16 women will be battered by their husbands or companions.

You see, Mr. President, in our country, every 18 seconds a woman is battered. This adds up to 200 women, approximately, every hour, or almost 5,000 battered every day. And, Mr. President, there are no weekends off; no holidays off. This goes on day after day after day, week after week, month after month, year after year, in our country.

I learned in holding two hearings in Nevada last week, one in Las Vegas and one in Reno, about the violence that takes place in Nevada homes. But I learned, Mr. President, that the violence that takes place in Nevada homes is like it is every place else in our country.

One out of every five women that goes to an emergency room at a hospital is there as a result of being beaten by her husband—20 percent—20 percent of the women that go to emergency rooms are there as a result of being battered by their husbands.

According to the Center for Women Policy Studies, violence against women will occur in two-thirds of all marriages. Twenty percent of all women will be beaten severely at some time in their marriages. Mr. President, if this violence were directed toward men, we would do something about it.

Domestic violence, though, is a misery which does not discriminate. It knows no bounds of income, no bounds of class, race, or religion.

In preparing for these hearings that I had held in Nevada, I was shocked to learn that the only law on the books at the Federal level concerning domestic violence is one that provides grant money to women's shelters. While this law is a much-needed one, I do not need to tell anyone in this body that the money that is provided by virtue of this law is very minimal. In fact, it is almost nonexistent. It is not nearly enough to help America's women feel safe in their homes and safe in the streets.

Mr. President, I toured in Las Vegas and in Reno crisis shelters. These are shelters for battered women and their children. The greater metropolitan area in Las Vegas is about 850,000 people. In that 850,000-person area, there is one shelter for battered women with 27 beds.

Now, most women that go to these facilities have children. So you can imagine, if a woman has one child or two children, how quickly those beds are taken. And I might add that these beds are not as nice as you would see in an extended care facility, in a hospital, in a hotel; even, Mr. President, a cheap motel. They do the best they can, but they need more help.

In Reno, it is much the same: 250,000 people with 20 beds. Remember, Mr. President, every 18 seconds a women is battered. One out of every five women that goes to an emergency room at a hospital is there as a result of being beaten by her husband or her companion. There are more women beaten every year than are married.

Mr. President, I am grateful to our colleague, the Senator from Delaware, the chairman of the Judiciary Committee, Senator BIDEN, for designing legislation to stop violence against women, S. 15. I joined Senator BIDEN in sponsoring this legislation. I am happy to do so.

Our legislation will make life for women outside the home safer, as well as inside the home. It will also make sex crimes a violation of Federal civil rights. Violence against women should not be tolerated in American society. Today, we begin a move toward its elimination.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from South Carolina.

CURRENT EVENTS IN KUWAIT

Mr. THURMOND. Mr. President, over the last 48 hours, we have witnessed history in the making. We have been inspired by the professionalism and fighting spirit of our allied fighting men and women, saddened to hear of casualties, and astonished by the surrender of enormous numbers of Iraqi soldiers.

Although this conflict is far from over, it seems clear that the determination of the leaders of the allied nations, not to mention the splendid performance of our troops, has shown Saddam Hussein how gravely he underestimated the resolve of the forces arrayed against him.

Many of Hussein's soldiers, hungry, tired, and with no support from their Commander in Chief, are either gratefully turning themselves over to allied troops or retreating.

Mr. President, even as events continue to unfold in Kuwait, I believe that we should acknowledge the magnificent leadership which President Bush has shown and continues to show. He has demonstrated insight, courage, and commitment from day one of this crisis, and I believe that the weakening of Iraqi resolved which we have seen over the last few days is a direct result of his unshakeable determination.

As our troops continue to prosecute the war against the brutal dictatorship of Saddam Hussein, I would like to reaffirm my solidarity with our President and my great and lasting pride in America's men and women in uniform.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Nebraska, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I also ask, if we are in morning business, what is the order for recognition of Senators?

The PRESIDING OFFICER. It is morning business with Senators to be allowed to speak for a period of 5 minutes.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 483 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MURDER OF NICARAGUAN FREEDOM FIGHTER ENRQUE BERMUDEZ

Mr. HELMS. Mr. President, it was 10 days ago, Saturday night, February 16, when shots rang out in the parking lot of Managua's Intercontinental Hotel. An unarmed man, with no bodyguards, died instantly.

The victim was Enrique Bermudez, who for almost a decade was the chief military commander of the Nicaraguan freedom fighters. His brutal assassination sent shock waves throughout Central America, particularly in Nicaragua.

Mr. President, Mr. Bermudez led thousands of his countrymen in battle to liberate Nicaragua from the Communist Sandinistas. For 10 years he lived deprived of the companionship of his wife and three children so that, one day, they might all be free to return to their homeland; but that day was never to come.

Last year's historic repudiation of the Communist Sandinista government is due in large part to the sacrifices of freedom fighters like Enrique Bermudez.

In February 1990, the Communist Sandinistas were defeated at the polls by the U.S.-financed candidate, Violeta Chamorro. Some Nicaraguans were hopeful that the defeat of the Sandinistas would signify the establishment of a free and just democracy in Nicaragua. But true freedom and democracy continues to elude the Nicaraguan people.

Mr. President, it is important to assess what is really going on in Nicaragua today.

First, the Nicaraguan Government continues to repress its own people;

Second, former freedom fighters who attempt to return to civilian life continue to be massacred;

Third, according to the Agency for International Development, there has been no privatization of state-owned entities;

Fourth, confiscated land has not been returned to its owners;

Fifth, political opponents continue to be intimidated, threatened, jailed and tortured without due process;

Sixth, the Sandinista Army continues to subvert its neighbors by shipping weapons to the Communist guerrillas in El Salvador who are attempting to overthrow the popularly elected government of President Alfredo Cristiani;

Seventh, Nicaragua is still governed by the Sandinista Constitution, which entrenches the Sandinista officials and the Sandinista Army in the governmental system; and

Eighth, all of the Nicaraguan courts are still controlled by the Communist Sandinistas.

None of this, Mr. President, should surprise anyone because the Ortega brothers are still in charge. Gen. Humberto Ortega commands the Sandinista Army. Yes, it is still the Sandinista Army, and it is precisely the same army that terrorized the Nicaraguan people during the Ortega dictatorship. Daniel Ortega, the general's brother, still heads and controls Sandinista Party. It is beyond question that Daniel Ortega has successfully retained the real power in Nicaragua after losing the title to President at the polls last year.

I have never met the new President of Nicaragua, Mrs. Chamorro. I am sure that she is a charming and well-intentioned lady. But she lacks the ability—perhaps even the will—to wrest power away from her predecessors.

Reports reaching me indicate that the Nicaraguan people are not merely disappointed. They are disillusioned and depressed. They did not go to the polls to elect Mrs. Chamorro as their president only to have the Sandinistas retain the real power. They certainly never anticipated that Mrs. Chamorro would, for whatever reason, tolerate the continued Sandinista reign of terror.

Furthermore, it is impossible to understand the Chamorro government's lack of gratitude to the thousands of men and women freedom fighters who fought and shed their blood so that all Nicaraguans might live in freedom. Worse yet, members of President Chamorro's government have repeatedly criticized the role played by the Nicaraguan resistance. Strange indeed, since Mrs. Chamorro would have never been elected President had it not been for the freedom fighters.

Many freedom fighters took Mrs. Chamorro at her word when she said she could and would guarantee their safe return to Nicaragua. But what has happened? The returning freedom fighters have been subjected to intimidation, threats, arrests, torture, and murder. Their crime? They fought for a free Nicaragua.

Mr. President, let me return to the murder of Enrique Bermudez at the Managua Intercontinental on February 16. Mr. Bermudez had returned to Nicaragua late last year for two reasons: First, he wanted to reclaim two of his properties that had been confiscated by the Communists; second, he wanted to work to assure that his former soldiers would receive all they had been promised by the Chamorro government.

I have no proof as to who murdered Mr. Bermudez. But there is a logical explanation circulating in Nicaragua: The assassination of Enrique Bermudez is not an isolated incident, nor is it the first one.

In November 1990, another freedom fighter was arrested, jailed and tortured. But that man, Aristides Sanchez, was spared death only after a Catholic clergyman, Cardinal Obando y Bravo, intervened with President Chamorro.

Mr. Sanchez was tortured by the Communist Sandinistas. While he was being tortured, among those present were Commandante Rene Vivas, chief of the Sandinista police, and Commandante Lenin Cerna, chief of the dreaded Sandinista State Security.

It is noteworthy that even the State Department Human Rights report takes note of the torture of Mr. Sanchez. It is also worthy to note that Rene Vivas is the same man who was sent to investigate the Bermudez murder.

When Mr. Sanchez was arrested, he was informed that he had been arrested under orders from Mrs. Chamorro's government—specifically from Carlos Hurtado, the Minister of Government. His Sandinista captors told him something else: They had plans to murder Mr. Bermudez.

Mr. President, when the Communists finished their torture of Mr. Sanchez, who has a severe heart condition, he was expelled from his homeland. When he arrived in the United States, he took the Sandinista threat concerning Mr. Bermudez seriously. He immediately contacted Mrs. Enrique Bermudez in Miami and warned her that the Sandinistas intended to kill her husband, and urged that he leave Nicaragua.

Alarmed, Mrs. Bermudez contacted her husband in Nicaragua and pleaded with him to leave immediately for the United States. Mr. Bermudez felt an obligation to see to it that the Chamorro government kept its promises to the freedom fighters. However, he wrote a sealed letter to Miguel Cardinal Obando y Bravo, the primate of Nicaragua. Mr. Bermudez specified that the letter was to be opened only in the event of his own death.

In his letter, Mr. Bermudez informed the cardinal of the Sandinista threat on his life, and that the Sandinistas should be held responsible if he was killed. The letter was dated November 21, 1990. On Sunday, February 17, the cardinal read the letter during his Sunday homily.

The tragedy is that if the Sandinistas had been removed from power—as they should have been after the elections last February—Bermudez and others undoubtedly would be alive today.

Mr. President, I recall that many in the United States Congress were outraged when six Spanish priests were killed in late 1989 in El Salvador. Not only did our liberal colleagues protest; they also managed to take advantage of the free propaganda in the liberal media, and cut off half of El Salvador's military aid. It will be interesting to see how many of those same critics are now willing to cut off aid to Nicaragua.

Mr. President, is it not time to begin the debate on what the American taxpayers are getting for the millions of dollars in United States aid being sent to Nicaragua? Last year, Congress approved $300 million in aid to Nicaragua.

Mr. President, 1 year ago, the world's eyes were focused on Nicaragua. the overwhelming defeat of the Sandinistas was presumed to be a concrete victory for President Reagan's principled stand against the Communist Sandinistas, but one election obviously does not constitute the establishment of freedom.

Today, Nicaragua remains a police state. And the Chamorro government gives the growing impression that it is nothing more than a recycled version of the same old Sandinista regime.

The same old cast of Communist characters retain, and brutally exercise, power today in Nicaragua.

No Senator, certainly not this Senator, expected that the challenge confronting the Chamorro government would be easy. Communist regimes are adept at locking themselves into the whole fabric of society. But there is no evidence to indicate a willingness by the Chamorro government to rid itself of the Brothers Ortega.

Furthermore, I have seen no aggressive efforts by the State Department to consolidate the gains of President Reagan's policy. The sad fact is that there is growing strife amongst the disillusioned masses in Nicaragua who believed that last year's election was more than a cynical game of musical chairs, with the same old Communists calling the tune.

Mr. President, Mrs. Chamorro has been invited to come for a State visit next month, in honor rarely afforded a Latin American President. But there is a question—a legitimate question—about that: Is this really the time for photo-ops and gracious toasts at the White House?

Would not it be wise, under the circumstances, for the State Department to postpone this State visit until there can be a full accounting of the Bermudez assassination, and the crimes against other former members of the freedom fighter movement?

SOUTH AFRICAN SANCTIONS

Mr. HELMS. Mr. President, on Friday, February 1, F.W. de Klerk, State President of South Africa, made another historic speech at the opening of the South African Parliament in Cape Town. He not only announced, as expected, his Government's intentions to abolish the Lands Acts and the Group Areas Act; he surprisingly announced the intended repeal of the Population Registration Act, the last bastion of apartheid codified in South African law. As one South African friend said to me, he never thought he would live to see that happen.

Mr. de Klerk has now, in my opinion, met all of the requirements in the Comprehensive Anti-Apartheid Act of 1986 [CAAA] for the lifting of United States sanctions against South Africa. My understanding is that, by April 30, all political prisoners will have been released, and therefore, under the provisions of that act itself, United States sanctions against South Africa will be null and void.

Mr. President, I understand that this is the way that President Bush is looking at the matter, and rightly so. I simply have one word of advice for any Member of this body who might seek to prolong those sanctions after our law has been complied with—or who might seek other legislative ways to continue to hamper the establishment of normal relations between our country and South Africa: This Senator will do all in my power to see that they do not succeed.

Mr. President, a lonely band of about 18 Senators and I vehemently opposed the passage of the CAAA and the congressional override of President's Reagan's veto of that measure. For such efforts, many were branded as racists—never mind that none of the major concerns addressed the effect such sanctions would have on the black people themselves in South Africa.

Many of us predicted that blacks would be hurt more by United States and other economic sanctions than would any other group in South Africa—and certainly much more than the white minority which has actually been castigated for building a nation on the southern tip of Africa which is, in many respects, a full-fledged country of the first world—something which cannot be said of any other sub-Saharan African nation.

The climate which was built up here on Capitol Hill by the liberal proponents of sanctions, and which was amplified by our national media, quickly labeled all who opposed those sanctions as pro-apartheid.

Nothing could have been further from the truth. No Senator, to my knowledge, has ever condoned apartheid or opposed equal rights for all South Africans, no matter what their race.

Our concern was—and still is, to a large degree—what sort of government would eventually evolve in South Africa? Would it be friendly to the United States? Would it preserve South Africa as a viable member of the first world community; or would it take South Africa down the path that we have seen so many African countries go since World War II when they were granted independence and so-called freedom?

Mr. President, I say so-called because many people in the countries north of South Africa have found that, despite their new-found freedoms, they could not put food in the mouths of their families unless they went into South Africa to seek jobs in the mines and elsewhere. Yes, freedom is precious and is, in my opinion, the God-given right of every human on this globe. But freedom must also include freedom from want and that usually means living in a country where you can hold a job, feed your family, and care for your children. While this has not been true of many blacks in South Africa, it has been even less true for the majority of citizens in the newly independent states in sub-Saharan Africa.

I remember remarking to a friend as we left the office of the mayor of Soweto in 1987 that, had I been faced with job reservation and other inhibiting and degrading laws and practices of apartheid, I would probably have found myself out demonstrating and doing everything I could to change that system.

I would have taken only lawful means of protest, working within the system; I would not have resorted to such heinous violence as necklacing and other inhuman practices which, to my mind, still have no real connection with gaining political freedom. Of one thing I am sure: I would never have turned to the Communist philosophy.

But, as I have often said before on other matters, my shoulders are broad enough—and those people who count know me well enough—to know that my purpose in opposing the CAAA had absolutely nothing to do with condoning apartheid. And, while I cannot speak for them, I feel sure that no others of that small band of Senators who stuck with President Reagan had any thought of defending apartheid—a system which really is abhorrent to all Americans.

We were truly worried about the fate of the majority of the people in South Africa; and we were also really concerned about what the impact might be on the United States of an ANC-controlled government in that country.

I, for one, am still extremely concerned about that latter possibility.

In the December 1990 issue of the South Africa Foundation's Review, there was a very thought-provoking article by Deon Geldenhuys, professor of political studies at Rand Afrikaans University. It was entitled, "South Africa's Post-Apartheid Foreign Policy," and should be read by all who are truly interested in that part of the world—and in its relations with our own country. I will quote here only the first and last paragraphs:

> It is ironic that the ANC, that has for so long and with considerable success, promoted a pariah image of the South African government abroad, should make common cause with foreign leaders who display pariah images themselves. One thinks here of Fidel Castro of Cuba, Muammar Ghadaffi of Libya and Yassir Arafat of the PLO and,

more recently, his condemnation of western actions agaisnt Iraq.

Public identification with foreign leaders of doubtful character is no recipe for winning respectable friends and influencing important people abroad. Perhaps this is an indulgence the ANC can afford while in opposition. To repeat it in power, could prove a rather costly error in judgment.

Mr. President, I ask unanimous consent that this article by Professor Geldenhuys be printed in the CONGRESSIONAL RECORD in its entirety at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the South Africa Foundation Review, December 1990]

SOUTH AFRICA'S POST-APARTHEID FOREIGN POLICY

(By Deon Geldenhuys, professor of Political Studies, Rand Afrikaans University)

It is ironic that the ANC, that has for so long and with considerable success, promoted a pariah image of the South African government abroad, should make common cause with foreign leaders who display pariah images of themselves. One thinks here of Fidel Castro of Cuba, Muammar Ghadaffi of Libya and Yassir Arafat of the PLO and, more recently, his condemnation of western actions against Iraq.

The ANC's international loyalties clearly differ from the governing National Party. And Nelson Mandela's utterances are a timely indication that a future SA government in which the ANC is strongly represented, will follow a very different foreign policy from that of previous white governments.

The first premise in this projection of a South African post-apartheid foreign policy is thus that our first new government will consist predominantly but not exclusively of ANC representatives. The second assumption is that South Africa's new political order will be largely acceptable internationally and will put an end to decades of forced isolation.

The new freedom of movement that a post-apartheid South Africa will enjoy in its foreign policy will, of course, not be unlimited.

Firstly, the composition of the government—should it include one or more of the parties to the right of the ANC—should, in itself, have a moderating effect on its foreign policy.

Secondly, South Africa's urgent need for foreign capital will probably force a new government, at least initially, to take a moderate and cautious stand in relations with leading western powers.

Thirdly, seen in global context, South Africa belongs to the league of small states. This implies a limited ability to exert influence internationally.

A fourth factor is that South Africa forms part of Africa and is in danger of being condemned, along with the rest of the continent, to the periphery of the international system.

Finally, it will be difficult to convince the international community that it owes a new South Africa anything. Once the dismantling of apartheid has eliminated the need for international pressure, there will be a strong temptation to forget South Africa. The world can get along quite easily without South Africa.

But against these negative factors South Africa will have at its disposal one particularly potent bargaining instrument: its status as a regional power. On the assumption that South Africa's economic and military capabilities will be maintained, the country will in the future still be in a position to exert a decisive influence on the destiny of southern Africa.

The foreign policies of a post-apartheid South Africa may be outlined in terms of a number of external orientations and role conceptions, as defined in the relevant literature.

Basically, sovereign states have the option of three foreign policy orientations; dissociation, neutrality and association. Dissociation entails voluntary isolation, ie, a state voluntarily withdraws from international relationships. This is a highly improbable orientation for a new South Africa. It is much more likely that a future South African government will try to integrate itself as fully as possible into the international community in order to prove to the world that the era of forced isolation under apartheid is finally over.

International participation is fully compatible with two forms of neutrality, namely neutrality as defined in international law, and non-alignment. South Africa may possibly in the future declare itself neutral in respect of a specific war, but it is doubtful whether a new government would subscribe to neutrality as a general orientation (as in the case of certain Scandinavian countries in the past, and of Switzerland and Austria today). Such a permanent neutrality would place considerable restrictions on South Africa's external freedom of action.

Non-alignment, on the other hand, would be a very attractive option for a future South African government. The ending of the cold war will force the Non-aligned Movement to re-orientate itself; it makes no sense any longer to attempt to play the role of a conciliating middle group between East and West. Non-alignment will therefore come to be defined even more strongly in terms of the North-South division, and this movement will most probably become the foremost third world forum in determining its relations with the first world. South Africa will probably feel itself at home in the ranks of the non-aligned states, where it may attempt to act at least as a regional spokesman.

Experience has shown that nonalignment is not necessarily irreconcilable to close association with a major power. If such a relationship was possible during the cold war era, it might be even more common in the future. In theory, at least, South Africa would therefore be able to combine its non-alignment with a diplomatic or economic coalition or even a military alliance—the three typical forms of association—with a major power. Any such association with the Soviet Union or China seems out of the question since it would hold little benefit for any of the parties. As far as the western powers are concerned, a direct economic coalition in particular could involve major benefits for South Africa. But it is an open question whether this would be of interest to western countries. And a liberated South Africa would also be cautious not to compromise its new-found external freedom of action, at least not during its first few years. Initially, associations would probably be limited to other third world countries such as those within the Commonwealth, the Organisations of African Unity and regional organisations in southern Africa. South Africa would also be able to associate indirectly with the West by means of the Lomé Convention.

A variety of national role conceptions has been identified in the literature on foreign policy by which states give expression to their basic international orientations. A nonaligned South Africa could pursue a number of these.

As the dominant power in its region, South Africa could be expected in the future to position itself as regional leader, shouldering special political responsibilities with regard to other states in southern Africa. As regional protector South Africa would like to help in ensuring the security of neighbouring states. The role of regional co-operator would entail taking the initiative in promoting closer co-operation in the region. Being the regional developer would involve a special obligation to assist neighbouring developing states. South Africa would have to play these related roles with great circumspection, as its neighbours would remain wary of the "big brother in the South" that could impair their own independence and dignity. Furthermore, a new South Africa would have to reconcile its regional roles with its internal capabilities and needs in order to avoid the very real danger of over-extension.

A further role conception that is closely linked with non-alignment is that of active independence. This role emphasises the extension and expansion of foreign relations over a broad front, without this affecting the state's independence. This role would be of major importance for a new South African government in order to emphasise its break with apartheid and international isolation.

The role of mediator may also be an attractive one. A mediator state regards itself as particularly suited to settling conflicts elsewhere. Post-apartheid South Africa's qualifications may flow from its regional status, successful constitutional negotiations, national reconciliation, and the perception that a new South Africa owes something to other nations in return for their earlier assistance in the struggle against apartheid.

Finally, it is to be expected that a post-apartheid South Africa would also play a strong missionary role in its foreign relations. Freed of apartheid and white authoritarianism, a non-racial, democratic South Africa would probably present itself as a crusader against practices such as racism and oppression, and as a model of reconciliation and liberation.

Public identifications with foreign leaders of doubtful character is no recipe for winning respectable friends and influencing important people abroad. Perhaps this is an indulgence the ANC can afford while in opposition. To repeat it in power, could prove a rather costly error in judgment.

Mr. HELMS. To further emphasize the fact that a new South African Government completely dominated by the ANC will not be a friend of the United States, I would also call attention to the January 19, 1991, statement by the ANC itself with regard to the war in the Persian Gulf.

It calls for the withdrawal of United States and other foreign forces from the gulf, and the convening of an international conference to elaborate a comprehensive settlement of the Middle East question which would restore the national rights of the Palestinian people, oblige Israel to withdraw from all occupied Arab lands and ensure the security of all countries in the region.

It also expresses the ANC's opposition to efforts by the white minority

Pretoria government further to fan the flames of war in the gulf and to draw our country into this tragic conflict by encouraging some of the belligerents and offering them facilities in our country. That last statement really shows where the sympathies of the ANC lie—not with the United States, because we are the belligerents to which the South African Government offered the use of military facilities in their country if we had need of them.

Many who so actively worked for sanctions against South Africa in this body made the argument that, if we did not condemn apartheid and come down on the side of the ANC, when the ANC finally gained power in South Africa, that government would be no friend of the United States. I wonder what those fortune tellers think now? We passed the sanctions; those who supported them give them all credit for the changes in South Africa; but the ANC is certainly not in our corner. It is rooting for Yasser Arafat, and, by implications from its statement on the gulf, for Saddam Hussein.

Mr. President, I ask that the January 19, 1991, statement of the ANC on the war in the Persian Gulf be printed in full at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the African National Congress, Mission to the United States, Johannesburg, Jan. 19, 1991]

ANC STATEMENT ON THE GULF: END THE WAR NOW

The ANC wishes to express very grave concern at the outbreak of war in the gulf. Accordingly we call for the immediate cessation of hostilities and the resumption of diplomatic initiatives, in particular by the Secretary General of the United Nations, to arrive at a peaceful resolution of all relevant issues.

We believe that the following are critical of the settlement of the conflict in the gulf;

The withdrawal of Iraq from Kuwait and the resolution of the dispute between these two countries through bilateral negotiations;

The withdrawal of United States and other foreign forces from the gulf;

The convening of an international conference to elaborate a comprehensive settlement of the Middle East question which would restore the national rights of the Palestinian people, oblige Israel to withdraw from all occupied Arab lands and ensure the security of all countries in the region.

We further wish to express our opposition to efforts by the white minority Pretoria Government further to fan the flames of war in the gulf and to draw our country into this tragic conflict by encouraging some of the belligerents and offering them facilities in our country.

We further call on this Government and its police force to stop harassing and persecuting those of our people who are engaged in peaceful public demonstrations to express their views about the situation in the gulf.

The war must be brought to an end now.

ANC INFORMATION DEPARTMENT.

Mr. HELMS. One other point I would make, Mr. President, about those in the Congress who are still saying that sanctions must be maintained. Actually, it is a point made very well by the Washington Times in its editorial of Monday, February 4, in which it stated:

> (T)he pro-sanctions party consists of a good many who actually want suffering among blacks in South Africa as a goad to the very kind of destabilization and radicalism that have emerged. So, just because sanctions hurt blacks doesn't mean that self-proclaimed foes of apartheid and racism will favor repeal.
>
> Nor will they support repeal of sanctions just because South African President F.W. de Klerk has all but done away with apartheid and met many of the conditions that sanctions demand * * *.
>
> "Of course, that (de Klerk's gutting his own political base), too, is OK by the troglodytes of the pro-sanctions party, which includes the ANC itself and which sees in violent white backlash even more chance for destabilization. If the South African pot can be made to boil over, they believe, there will be more chance for a black one-party state to emerge without any messy compromises * * *.

Mr. President, I ask that the Times editorial, entitled "Three Men and South Africa," also be reprinted in full at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Times, Feb. 4, 1991]

THREE MEN AND SOUTH AFRICA

When African National Congress leader Nelson Mandela and Inkatha Freedom Party head Chief Mangosuthu Buthelezi met last week to end the five-year-long bloodbath between their black followers, the American press was quick to crow about the new-born harmony between South Africa's two largest black political movements. But the meeting and the agreement that ensued may not be any more reliable an indicator of the South African future than the horoscopes also carried by the newspapers.

The meeting was the first between the two since before Mr. Mandela went to jail 28 years ago, and it also was the first time they, as leaders of rival organizations, had agreed to end the violent struggle between them and their adherents. Mr. Mandela is a Marxist, and since being freed about a year ago he has failed to discover that his ideology is defunct just about everywhere else in the world. Mr. Buthelezi is a "promarket" foe of apartheid and, unlike Mr. Mandela's ANC, has never endorsed violence, "armed struggle" or terrorism as a sensible way of achieving the freedom he wants. But despite their embracing last week, the differences between the two men and their followers will not go away, and Mr. Buthelezi, for one, was explicit in saying so. There also are two other major reasons for the deaths of some 4,000 South African blacks in intertribal violence in the last few years and of nearly 1,000 in the last six months.

First, Mr. Buthelezi's followers are Zulus, and the ANC's cadres are largely Xhosas—the two major tribes of South Africa's 28 million blacks. The two groups have never liked each other for all sorts of historical, cultural and ethnic reasons (or unreasons), and the ideological and personality clashes between their two leaders have only exacerbated, but are not the cause of, their deeply rooted conflict. Second, sanctions, applied by the United States and most Western nations, haven't helped either. As their opponents argued when they were imposed, sanctions mainly hurt South African blacks. They force businesses to close or lay off workers, and, unemployed and idle, many blacks in South Africa's segregated townships find streetfighting a diversion.

Probably there is not much, save time, that can do much about the first reason, but repeal of sanctions could start removing the second. Of course, the prosanctions party consists of a good many who actually want suffering among blacks in South Africa as a goad to the very kind of destabilization and radicalism that have emerged. So, just because sanctions hurt blacks doesn't mean that self-proclaimed foes of apartheid and racism will favor repeal.

Nor will they support repeal of sanctions just because South Africa President F.W. de Klerk has all but done away with apartheid and met many of the conditions that sanctions demand. He has released Mr. Mandela, legalized the ANC and repealed major apartheid legislation. This week he is vowing to repeal most of what is left, including the Group Areas Act, which establishes racially segregated living areas and which in many places has long been honored in the breach; the Land Acts, which severely restrict black ownership of land; and the Population Registration Act, which classifies South Africans according to race. In undertaking these reforms, Mr. de Klerk has polished off whatever unity remained in his dominant National Party and raised up a powerful far-right opposition that favors undoing most of his changes. Just as Parliament was about to convene, Mr. de Klerk refused to meet with outraged white farmers who didn't want the government to take their land and give it to blacks. His announcement of the new changes was met with cries of "traitor" in Parliament. If Mr. de Klerk had not already gutted his political base, his present plans will ensure its disappearance and the blossoming of the far right.

Of course, that, too, is OK by the troglodytes of the pro-sanctions party, which includes the ANC itself and which sees in violent white backlashes even more chance for destabilization. If the South African pot can be made to boil over, they believe, there will be more chance for a black one-party state to emerge without any messy compromises with the likes of Mr. Buthelezi.

Mr. Buthelezi and Mr. Mandela can meet, embrace and agree all they want, and Mr. de Klerk can sign or repeal whatever laws he can. But in South Africa today and among many in the anti-apartheid movement outside it, it's not lawmakers and peacemakers who set the pace of change but those whose will to power outweighs their commitment to either law or peace.

Mr. HELMS. In closing, let me summarize: The CAAA should never have been enacted by this Congress, if for no other reason than because its main victims have been ordinary blacks in South Africa; the goodwill, commonsense, foresight, and human concerns of F.W. de Klerk were responsible for the abolition of apartheid in South Africa, not the sanctions imposed by the CAAA and the ANC, and any government dominated by it, is not, and will not be, a friend of the United States.

Thus, we must strengthen the hand of South African whites, Asians, Coloreds, and moderate blacks in the forthcoming negotiations for a new constitution. The best way we can do that is to repeal the CAAA sanctions, not only for the spur that might give the South African economy, but also simply because it is the right thing to do.

Our law is clearly written. When certain conditions have been met, those sanctions should be repealed. To do any less, is to join those who really wanted revolution and a resultant one-party state in that country. That is not acceptable to this Senator, and should not be acceptable to any Member of this body or to any American.

CHIEF JUSTICE JOE BRANCH—A TARHEEL STATESMAN

Mr. HELMS. Mr. President, after 18 years in the Senate, away from home, the realization grows that there are ever-increasing reports of sad news from home. Time passes, life goes on; but too often comes word that a very special friend is gone.

I was particularly saddened by the news of Joe Branch's death last week. The newspaper headlines emphasized that Joe was a retired chief justice of North Carolina. He was that, yes, but he was a lot of other things, too. He was a kind, considerate and durable friend. He was proudly a product of a small town in Halifax County, in northeastern North Carolina. He never desired nor acquired a big city affectation. He was what he was—and that was good and wholesome.

Mr. President, Joe Branch and his family joined Hayes Barton Baptist Church in Raleigh the same Sunday in 1966 that our family did. Both of us taught Sunday school, but Joe was far better than I. Joe Branch was good at whatever he undertook. Moreover, his quiet, kindly personality created respectful friendships. He was a good guy. He will be missed, and Dorothy and I extend our deepest sympathy to his wife Frances and her family.

Mr. President, Jane Ruffin and Treva Jones, reporters for the Raleigh News and Observer, jointly wrote the story about Joe Branch's death, published on February 19. In it, they appropriately obtained comment from a few of Joe's friends. I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUSTICE BRANCH DIES AT 75

(By Jane Ruffin and Treva Jones)

Joseph Branch, a Halifax County native whose 20-year tenure on the state Supreme Court culminated with seven years as chief justice, died Monday at Rex Hospital. He was 75.

He had been hospitalized since Dec. 13 with multisystem dysfunction, meaning that he had a number of illnesses affecting different systems in his body, a hospital spokesman said.

His friends and fellow justices remembered him as a statesman and gentleman who had continued to lend an ear and offer advice after his retirement from the court in 1986.

"Joe Branch was one of the great North Carolinians of our time," said Chief Justice James G. Exum Jr., who often turned to Mr. Branch for help with tough decisions.

"He served with real wisdom and effectiveness, and I and all who served with him and under his leadership really count ourselves fortunate to have been the beneficiaries of his warm friendship."

Mr. Branch, a Democrat, was appointed to the court in 1966 by then-Gov. Dan K. Moore, two years after he headed Mr. Moore's successful gubernatorial campaign. Former Gov. James B. Hunt Jr. named him chief justice in 1979.

Before coming to Raleigh, he was town attorney in Enfield and served several terms as chairman of the Halifax County Democratic Party. He served four consecutive terms in the state House, from 1947 to 1953, and was legislative counsel to two governors, Luther H. Hodges and Mr. Moore.

On the court, Mr. Branch, a conservative by nature, eased tension and was a peacemaker.

"I think Joe Branch was the greatest chief justice of my life time," and J. Phil Carlton, a former associate justice. "He had an uncanny ability to bring about consensus, and he could do that without causing anyone to compromise their views."

Mr. Branch relied on a gentle demeanor to maintain a cohesive court that carefully adhered to precedent.

"In a real quiet way, he was the conscience of the court while he was there," said Malcolm R. "Tye" Hunter Jr., whom Mr. Branch appointed as state appellate defender. "He could look at a case and know just sort of at a gut level as to whether this had been a fair trial. He wasn't so much proceeding from a particular ideology except his notion that everyone should be treated fairly."

Mr. Branch was tall—six-feet-three—silver-haired, and craggy-faced. At the time of his appointment as chief justice in 1979, he was described as a pragmatist with practical knowledge of the court and legislature.

"Legislators, judges, other court officials and lawyers immediately felt that they were dealing with a man who was above reproach," said Franklin E. Freeman Jr., director of the state Administrative Office of the Courts.

Mr. Branch once explained his judicial philosophy: "I reckon you would say I believe in precedent until circumstances are such that we ought to overrule it."

As chief justice, Mr. Branch emphasized the need for judges to run open courtrooms. During his tenure, cameras were permitted to record trials in North Carolina courtrooms and the court issued crucial opinions on the separation of powers between the legislative and executive branches of government.

"The word that will describe him as well as any is 'judicious,'" said David M. Britt, a retired associate justice. "He was very patient in dealing with people, whether they were litigants or lawyers or the general public."

When the N.C. Center for Public Policy Research released ratings of judges by attorneys in 1980, Mr. Branch was described as the court's most objective member, and he was rated outstanding on overall performance. But he criticized the ratings. "It doesn't do anyone any good to be rated like a five-gaited show horse," Justice Branch said at the time.

Mr. Branch, whose father, James C. Branch, owned farmlands, a funeral home and a store in Enfield, received an LL.B. degree from Wake Forest College in 1938. He practiced law in his hometown until 1966, when he came to Raleigh.

In 1980, he received the Carroll Wayland Weathers Distinguished Alumnus Award from Wake Forest University School of Law. He served on the Wake Forest Board of Trustees and held a leadership position in the 1980s when the university severed its formal connection to the Baptist State Convention.

"Justice Branch courageously led his alma mater through a momentous period of change," Wake Forest President Thomas K. Hearn Jr. said in a statement "I shall miss this great friend and adviser."

Associate Justice Louis B. Meyer, who is from Enfield, said that Mr. Branch, whom he considered a mentor and adviser, had helped him get into and stay at Wake Forest.

"I had to borrow a lot of money to go to both undergraduate and law school, and he always was good enough to stand behind my notes," Justice Meyer said, "He was always my ideal as a lawyer and community leader and justice of the court."

Associate Justice Burley B. Mitchell Jr. said he, too, would remember Mr. Branch as a friend and adviser.

"Every time I went to him with a problem, no matter how low I might feel, he always did something to make me feel a little better about myself," Justice Mitchell said. "I think there are literally hundreds of other lawyers of my generation who had the same experience with him."

The funeral will be at 11 a.m. Wednesday at Hayes Barton Baptist Church in Raleigh and at 2 p.m. Thursday at Enfield Baptist Church. Burial will be in Elmwood Cemetery in Enfield.

He is survived by his wife, Frances Kitchin Branch; daughter, Jane Branch McRee of Raleigh; son, James C. Branch of Raleigh; sister, Mrs. R. Hunter Pope of Enfield; brother, Harry Branch of Enfield; and six grandchildren.

AMBASSADOR EARL SMITH: A REMARKABLE AMERICAN

Mr. HELMS. Mr. President, America lost a distinguished and dedicated statesman on February 15—Hon. Earl E.T. Smith died at his home in Palm Beach, FL. I suppose it's a fact that Earl Smith was 87, but it was hard for me to believe. Like Senator THURMOND, whom Earl admired, and vice versa, Ambassador Smith, as he was always called, possessed a keen intellect and a remarkable dedication to his country.

The last time I saw Earl Smith was a couple of years ago. I was in Palm Beach for a meeting. Afterward there was a reception at the home of some mutual friends. There was a pool table in the basement family room. The tall, handsome, and erect Ambassador Smith acknowledged that he had never played pool, but that he wanted to try it. I shall always remember his trying. He enjoyed it, and so did the spectators.

Mr. President, when the news came that Ambassador Smith had passed away, a dozen thoughts and memories crossed my mind. Here was a man, a great man, who had done it all. His life, by every measurement, was a success. He had been a U.S. diplomat, the mayor of his hometown, a successful financier, a corporate director. He had been a member of the New York Stock Exchange for 60 years. During World War II, he was a lieutenant colonel in the Army, and also served as an intelligence officer with the 8th Air Force.

Four Presidents—Roosevelt, Eisenhower, Kennedy, and Reagan—called on Earl Smith for important service to the United States. If I were to attempt now to identify all the honors that came to him, an enormous amount of time would be consumed. But let me touch on one in particular.

In 1962, Ambassador Smith wrote a best-selling book—"The Fourth Floor" which was an account of Castro's Communist revolution in Cuba. As United States Ambassador to Cuba at the time, Earl Smith tried his best to warn President Eisenhower that Fidel Castro was a Communist and that, if Castro succeeded in taking over Cuba, it would be disastrous in countless ways. The bureaucracy at the State Department intercepted Ambassador Smith's repeated messages; they never reached the President.

So Earl Smith, dismayed at not receiving a response from the President, turned in his resignation. Weeks later, when Ambassador Smith and President Eisenhower attended a function in Washington, the President saw his longtime friend, Earl Smith in the audience and directed that Earl join him at the head table.

Ike asked Earl why he had not contacted him before turning in his resignation. Earl replied, "I tried repeatedly to get word to you about the impending disaster in Cuba, but I couldn't penetrate the State Department bureaucracy. I quit because I didn't want to be a party to the disaster."

Mr. President, I could go on for a very long while about my friend, Earl Smith, but I will not further consume the Senate's time. Suffice it to say that I have lost a dear friend—and America has lost a remarkable public servant.

Mr. President, in closing, I ask unanimous consent that two articles from the February 17 edition of the Palm Beach Daily News be printed in the RECORD at the conclusion of my remarks. One was written by Margie Kacoha, and is headed, "Smith Recalled for His Service, Political Career." The other is headed, "Smith Was a Gallant and Gentle Persuader" and was written by Agnes Ash. Both of these reporters describe the late Ambassador Earl E.T. Smith's life and career in eloquent fashion.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Palm Beach Daily News]

SMITH RECALLED FOR HIS SERVICE, POLITICAL CAREER

(By Margie Kacoha)

Residents throughout Palm Beach expressed shock and sadness Saturday at the news of the death of Ambassador Earl E.T. Smith.

Mr. Smith died at his Palm Beach home late Friday afternoon following a brief illness. He was 87.

Mr. Smith was best known internationally as ambassador to Cuba from 1957 to 1959, an appointment he received from President Dwight D. Eisenhower. He then turned his focus to the local arena, serving as the mayor of Palm Beach from 1971 to 1977. Mr. Smith also was the chairman emeritus of the Preservation Foundation of Palm Beach, of which he was a founder.

Palm Beach was his home for 50 years, during which time he became a leader in local, state and national politics.

"His most outstanding contribution was his tenure in Cuba," said longtime friend Guilford Dudley. "He did try his best to explain what was happening in Cuba, but it fell on deaf ears. He did try to warn the State Department about Castro," Dudley said.

In 1962, Mr. Smith wrote the best-selling book, The Fourth Floor, recounting the Castro revolution. In it he detailed why Castro need not and should not have come to power.

Mr. Smith was a four-time delegate to the Republican National Convention and was a member of the Republican platform committee in 1960 and 1980. He was widely credited with being the force behind the establishment of a viable Republican party in Florida.

His election as mayor in 1971 was described as the hardest fought in the town's history. Mr. Smith admitted spending $15,000 to win 2,169 votes.

His years as mayor brought strict enforcement of zoning laws, approval of cable television franchises, a successful fight to permit city employees to enter the Social Security system and a brief but unsuccessful attempt to bar Hustler magazine from Palm Beach newsstands. Above all, there was the continuing effort to maintain the character of Palm Beach.

Betty Reed, a noted member of the Women's National Republican Club, remembered Mr. Smith as "a very fine man with lots of influence in the Republican party." She said Saturday that one remembrance she'll hold is Mr. Smith's "thorough enjoyment of President Reagan." According to Reed, "They thought alike."

President Reagan, in fact, visited Mr. Smith frequently in Palm Beach and in 1982 appointed him as a member of the Presidential Commission on Broadcasting to Cuba.

Palm Beach Mayor "Deedy" Marix had a similar recollection of Mr. Smith. "Ambassador Smith introduced me to Ronald Reagan at a party," Marix said Saturday. "It was a reception at The Breakers and he came up to me and said, 'Come over and meet the president.'"

Marix remembered Mr. Smith as being "always absolutely honest and straightforward." She said Mr. Smith was known for his sense of humor and his decision-making ability. "He never wavered around," Marix said.

Marix recounted a Palm Beach Town Council meeting several years ago when the Brinkley's property was being offered to the town for $1 million. "I didn't think the town should spend that kind of money for a parking lot," she said. Marix then suggested the land be purchased by the Preservation Foundation and used as a park. Mr. Smith, according to Marix, jumped up from the audience during the meeting and exclaimed, "We will."

That property was then acquired by the Preservation Foundation of Palm Beach and the site was dedicated as the Earl E.T. Smith Park for his service to the town.

"He should be remembered for his absolute commitment and devotion to fighting for what he thought was right," said Polly Earl, Preservation Foundation director. "He had a wonderful feeling for Palm Beach as a town of and for the people."

Earl said Mr. Smith should also be remembered for his fondness for animals. "When he was mayor, his dalmation, Spottie, used to come to work with him. He even had a dalmation hood ornament on his car," she said. And that love of animals extended to all, she said.

In fact, after a doberman pinscher was dragged a mile by a moving car and killed in 1973, Mr. Smith sat through the trial of those responsible. Mr. Smith later lobbied state legislators to pass tougher anti-cruelty legislation.

Born in 1903 in Newport, R.I., Mr. Smith attended Taft School and Yale University, where he was a heavyweight boxing champion. In addition to his career as a diplomat, Mr. Smith was also a financier and corporate director.

In 1925 he borrowed $5,000 from his father and bought a seat on the New York Coffee and Sugar Exchange. A year later he sold the seat, borrowed again, and bought a $125,000 seat on the New York Stock Exchange, where he remained a member for 60 years. In 1927 he joined Livingston & Co. as a junior partner, and founded his own brokerage firm of Paige, Smith & Remick two years later.

He was the director of the Bank of Palm Beach & Trust Co., CF&I Stell Corp., Lionel Corp., The New York Central Railroad, Sotheby's and the U.S. Sugar Corp.

President Franklin D. Roosevelt appointed Mr. Smith to the War Production Board before the bombing of Pearl Harbor on Dec. 7, 1941. He was commissioned a captain in the U.S. Army in 1942, shortly after Pearl Harbor. He served in the European theater and was discharged in 1945 with the rank of lieutenant colonel.

Twice Mr. Smith was asked to run for the governorship of Florida, and twice he refused. The first time, in 1954, he did not think he could win. The second time, 10 years later, he refused due to an illness in the family.

In the meantime, President Kennedy wanted to appoint Mr. Smith ambassador to Switzerland. Switzerland, however, was reluctant to accept an American diplomat who opposed Castro. Mr. Smith asked that his name be withdrawn and the president, expressing regrets, withdrew the nomination.

Nevertheless, Mr. Smith remained close to Kennedy—the only Democrat he said he ever supported for president. After the abortive Bay of Pigs invasion, Mr. Smith told President Kennedy, "I'd start another invasion and I'd finish it."

Mr. Smith is survived by his wife, the former Lesly Stockard; three children, Iris Christ of Mill Neck, N.Y., Virginia Burke of Palm Beach and Earl Jr. of Brookline, Mass.; one stepdaughter, Danielle Hickox of Palm Beach; nine grandchildren and 17 great-grandchildren.

SMITH WAS A GALLANT AND GENTLE PERSUADER

(By Agnes Ash)

How many times has it been written when a prominent man dies, that his passing marked the end of an era? The banality was erased from the phrase when Earl E.T. Smith died Friday. With him went a personal style Palm Beach will never see again. By international standards, he was a gentleman.

Smith understood the definition of gentleman. To him, it meant a man did his best for his country, his community and his family. He believed a gentleman, privileged by birth or effort, took part in building intangibles as well as things all eyes could see. He respected differing opinions. There was no political chasm wide enough to mute other voices. Smith heard them all and, typical of effective leaders, rationally monographed his course and energetically pursued it.

This past month when there has been so much talk of divisiveness, often by those who initiated it, I frequently thought of Smith. I never encountered a man I liked so much while he was disagreeing with me so strongly. We always ended a discussion finding some common ground and he never failed to convince me on one or two points. On issues of town preservation we usually agreed. On methods of accomplishing goals, we sometimes did not. Smith never traded his sense of fair play for a flawed victory.

He certainly scored some big hits on me. One day in 1977, he came striding into my office, an infectious grin spread over his face, and arranged his tall frame in the cramped space allotted to visitors. It is an old newspaper trick not to make politicians too comfortable so they won't stay too long.

"Ambassador Smith, what can I do for you?" I asked.

"Mayor Smith," he corrected me, indicating pride in the local title. "I came to offer you a well written opinion column and there isn't going to be any charge because I want this man's image kept fresh in the public mind. I think he is presidential material."

I explained that the Palm Beach Daily News did not publish an editorial page and that if we did decide to print politically conservative columnists we would be journalistically obligated to balance it off by using a liberal one as well.

Smith gave a pragmatic reply: "That would be all right with me. But what Palm Beacher would read it?"

When I learned the editorial was written by Ronald Reagan, I thought Smith was blinded by his political convictions. That Reagan would be governor of California is understandable. But a movie star in the White House, improbable.

In 1980, Smith was back in my office and sensitive enough not to mention the fact I had turned down a president of the United States as a stringer. This time he wanted to organize a citizens group to preserve Mar-a-Lago. Smith's plan was to raise enough money to buy the property and somehow use it as a park and golf course for the town. Later this evolved into the Preservation Foundation when Donald Trump raised the purchase price before Smith could manage it. At that time, Smith was convinced the only way to save the property intact was to own it. He was right.

It is ironic that an hour or so after Smith died, Donald Trump filed plans to subdivide Mar-a-Lago. Smith will not be able to voice an opinion on this issue but he left a legacy, the Preservation Society, and that group owes him a well-fought battle.

The town council, should give Smith, in absentia, the courtesy of a hearing as he would have given Trump and the local people who speak for him.

There's a theatrical farewell, usually associated with John Barrymore, that came to mind when I heard of Smith's death. It is the line "Good night, sweet prince." It may sound maudlin, but those who knew Smith as a gallant opponent and a gentle persuader will find it appropriate.

The staff of the Palm Beach Daily News extends its deep sympathy to Smith's wife Lesly and to his children.

THE MONTREAL PROTOCOLS, SUPPLEMENTAL COMPENSATION PLAN

Mr. MACK. Mr. President, in recent days, the Senate Foreign Relations Committee favorably reported the Montreal protocols, with its supplemental compensation plan.

One of the best written statements regarding this treaty is written by Vicki Cummock of Coral Gables, FL. Her husband John was one of the 270 passengers killed in the bombing of Pan Am flight 103 in December 1988. Ms. Cummock's personal interest in this issue has made her an eloquent speaker regarding the Montreal protocols.

Mr. President, I ask unanimous consent that the following article by Vicki Cummock, which appeared in the October 15–28 edition of the International Business Chronicle, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the International Business Chronicle, Oct. 15–28, 1991]

INTERNATIONAL FLYERS' LIVES WORTH ONLY $75,000

(By Vicki Cummock)

There seems to be a major misconception among Americas international air passengers and crew members that if a plane goes down—for any reason—quick and adequate compensation will be made to the victims' families.

The sad truth of the matter is that compensation for international air disasters is limited by an outdated treaty ratified in 1929—The Warsaw Convention. American citizens killed or injured flying to or from the United States have just two choices: to accept $75,000 or to prove willful misconduct, on the part of the airline, (which involves an average of 7 to 10 years of costly and emotionally painful litigation.) Interestingly, if your family member died on a domestic flight, or if they died aboard any other form of public transportation (such as a bus or train), the burden of proving willful misconduct does not apply. Willful misconduct in international aviation has only been proven nine times in the past 60 years.

During the past five administrations, the U.S. Senate has been repeatedly asked to ratify the Montreal Protocol, with the Supplemental Compensation Plan, replacing the outdated Warsaw Convention. Specifically, the new treaty would require the airlines to immediately compensate victims $130,000 per incident, without having to prove fault on the part of the airline. Further, the Supplemental Compensation Plan would provide unlimited economic and non-economic compensation, depending on each victim's long-term financial loss, up to $500 million per plane per accident. If the offer of money damages is not adequate or swift enough, you still maintain your right to sue in court. The additional cost per ticket would be $2 to $3 per passenger.

So why haven't our legislators ratified the new treaty? Politics.

Although President Bush, the Department of Transportation, the President's Commission on Aviation Security and Terrorism, the General Accounting Office, all international and domestic airlines, all air passenger groups, air victims groups and the American Bar Association support ratification, there is a very strong opposition by the Trial Lawyers Association. The Trial Lawyers' strategy is to make sure the Montreal Protocols do not go to the Senate floor for a vote during this congressional calendar.

The 101st Congress will adjourn during the next three to four weeks. If the Montreal Protocols are not put up for a vote, it is not clear when—if ever—this critically-needed new treaty will come into force. With the Mid East crisis, there is a very real and potentially deadly threat that exists to the 37 million air travelers flying to and from this country on American or foreign carriers (including those in the armed services flown on commercial passenger carriers to their bases overseas.) International air disasters will occur. Planes crash due to mechanical or structural reasons, pilot error, acts of God, or terrorist bombs. Planes are shot down by error or design, such as the KAL 007 flight.

On December 21, 1988, my husband, John, was in London on business. He boarded Pan Am flight 103 to New York, which exploded and killed all 270 passengers. I was left to raise alone and financially support three small children: Ashley, 2 years old; Matthew, 4 years, and Christopher, 6 years. It was then that I found out that John's life, and the lives of all those who perished, were valued only at $75,000 because of the outdated Warsaw Convention. None of the victims' families have received any compensation through the current American court system. Even more tragic are the KAL 007 victims' families still stuck in the court system after more than seven years of the appeal process.

Ironically, the Iranian airbus victims' families were immediately offered from $350,000 to $500,000 after the United States accidentally shot down that plane. It seems our lawmakers place a greater-than-$75,000-value on an Iranian life and are willing to go the extra mile to ensure that Iranian victims' families get swift and adequate compensation. There was no reason for the Trial Lawyers Association to get involved in the Iranian airbus disaster, so settlement was quick and adequate.

The ratification of the Montreal Protocols with Supplement Compensation Plan will not help the Pan Am 103 or the KAL 007 victims' families or any current international air disaster cases. We have been sentenced to endure the years of emotional and financial hardship based on current limits. It is time for the U.S. Senate to act responsibly on behalf of American citizens who travel abroad by supporting the Montreal Protocols. Opportunity to guarantee certain, speedy and full compensation for future disasters is at hand; a change in the current system is long overdue.

(M. Victoria Cummock, a Coral Gables, Fla., resident, is the widow of John B. Cummock and an active lobbyist for airline passenger rights.)

SDI, PATRIOT, AND THE LESSONS OF THE GULF WAR

Mr. COATS. Mr. President, I rise to discuss the success of the Patriot missile system and its implications for the SDI program. In this regard, I would like to start by praising President Bush for the speech he delivered to the employees at the Raytheon Missile System plant on February 15, 1991. President Bush's speech is an important statement, and I will ask unanimous consent that it appear following my statement. Before making several observations of my own, let me quote a key passage from the President's speech:

> In the past, we've often depended more for our protection on theories of deterrence than technologies of defense. Some critics of missile defense have even said that we and our adversaries would be better off defenseless, open to attack, and therefore equally vulnerable.
>
> Well, we know now that some of the adversaries we face today—and Saddam Hussein is a prime example—are more rash than rational, less impressed by theories than by a nation with the means and will to defend itself.
>
> Thank God that when the Scuds came the people of Israel and Saudi Arabia, and the brave forces of our coalition had more to protect their lives than some abstract theory of deterrence.

Since the first Scud missile was intercepted by a Patriot on January 18, and with growing frequency as the Patriot has become a household term, we have heard a variety of arguments on what lessens to draw from this successful example of ballistic missile defense in action. Many assertions have been overly simplistic on both sides of the debate, but it is clear that there are important lessons to be gleaned. While I realize that Patriot was not an SDI program, it has nonetheless demonstrated that ballistic missile defense works and is worthwhile. Obviously, Patriot's success does not prove per se that any given SDI technology will be equally successful. Certainly, however, the data gathered from Patriot's performance will assist in advancing a number of missile defense concepts, especially in the area of theater missile defense. Moreover, several important nontechnical lessons have direct bearing on the future of SDI.

Perhaps the most important lesson from the gulf war is that deterrence as we have defined it in the United States over the last 45 years can and will break down, even when backed up by a nuclear guarantee. The United States-Soviet model of deterrence based on the threat of nuclear retaliation may be virtually inapplicable in dealing with the emerging Third World missile threat. Even Israel's extremely credible retaliatory threat has been insufficient to deter Saddam Hussein from launching wave after wave of ballistic missiles at Tel Aviv and other major Israeli cities. These findings have major implications for the refocused SDI Program, which is now being oriented toward Global Protection Against Limited Strikes [GPALS].

This leads to the conclusion, which is rather obvious to anyone watching the news coverage of the gulf war, that even an imperfect ballistic missile defense is better than no defense at all. Some have argued, however, that an imperfect defense is only valuable against conventionally armed missiles, that if nuclear weapons are involved even a single failure to intercept an incoming missile could result in massive destruction. This standard anti-SDI argument misses the basic point that every successful missile interception saves lives, perhaps hundreds of thousands if nuclear weapons are involved. Can anyone seriously argue that, since there is always a chance that a missile will get through, we should not even try to prevent it. The only alternative, unfortunately, is to rely solely on deterrence, which, as we have seen, is like asking Saddam Hussein to be reasonable. Would anyone argue that we should not use the Patriot if Saddam's Scud missiles were armed with nuclear warheads? If anything, we would be even more dedicated to the task of intercepting and destroying incoming missiles.

Rather than giving up on SDI because Patriot has certain limitations, the lesson we should draw from the gulf war is that additional ballistic missile defense capabilities are needed to handle the emerging threat. By deploying a multilayer theater and U.S. defense system, to include overlapping space-based defenses, we will be more capable of defending against advanced threats, including long-range missiles with nuclear warheads.

We have also learned how difficult it is to search out and destroy mobile missiles. Despite the diversion of massive airpower from their intended targets, coalition forces have been unable to thoroughly suppress Iraq's Scud launching capability. This has major implications, not only for dealing with the emerging Third World threat but also for evaluating Soviet strategic forces, which include the largest mobile missile force in the world. Preemptively destroying hostile missiles before they can be launched is clearly the preferred option, but the gulf war has demonstrated that relying on this to happen is wishful thinking. In the future, where a mobile missile threat exists, the United States and its allies must provide countervailing missile defenses.

While we can never discount other means of delivery, the gulf war has demonstrated that ballistic missiles are likely to be weapons of choice for hostile Third World countries. Although Saddam Hussein has the ability to deliver conventional weapons through a variety of means, including delivery by individual terrorist, he has resorted to ballistic missile attack to fulfill the terror mission. As technology for missiles and weapons of mass destruction improves we can only assume that ballistic missiles will continue to be viable, perhaps preferred, means of delivery. This tends to contradict those who have argued that Third World countries would simply smuggle bombs through normal means of transportation. Of course, we cannot assume that such forms of attack will not occur in the future, but we make similar assumptions about missile attack at our own peril.

We have also learned that providing defense against ballistic missiles serves important political functions. Traditionally, the United States has extended a nuclear guarantee over allies, particularly in Europe. While this form of extended deterrence will remain important, it will need to be supplemented by extended missile defense protection. In the case of the gulf war, this reassuring function was clearly central to Israel's decision not to promptly retaliate against Iraq's missile attacks. A similar type of guarantee extended to allies around the world can have an important stabilizing effect in any number of situations in the future. U.S. extended missile defense protection can also play a critical part in cementing and bolstering existing and future alliances and bilateral relationships.

Finally, we have learned that arms control and technology transfer limitations are inadequate for dealing with the worsening problem of proliferation. While we must seek to establish a tigher regime for controlling weapons technology, this effort must be complemented by missile defense deployments. Many of the countries that cause us the greatest concern in this area have or will acquire indigenous production capabilities for ballistic missiles and weapons of mass destruction. It would be wishful thinking to assume that arms control alone can deal with this situation.

Taken together, these findings argue strongly for proceeding with SDI along the course mapped out by the GPALS Program. The Patriot proves that ballistic missile defense works and is a worthwhile investment. It also demonstrates that the time has come for the United States itself to be defended against ballistic missile attack.

I ask that the remarks of the President to which I earlier referred be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF PRESIDENT GEORGE BUSH, RAYTHEON MISSILE SYSTEMS PLANT, ANDOVER, MA, FEBRUARY 15, 1991

Thanks, Tom (Phillips, Raytheon Chairman), for those kind words. Let me recognize my friend and your Governor, Bill Weld—and his able Lieutenant Governor, Paul Cellucci, who I understand is out in the audience. It is an honor to be here today, to come to Raytheon, the home of the men and women who build the Scudbusters.

I've just sat in the command post of an engagement control station—I've heard about the years of painstaking work that produced the split second accuracy of the Patriot Missile Defense System. Let me tell you: I'm impressed with the technology, but I'm even more impressed with the people behind the machines.

Just days after Saddam Hussein rolled into Kuwait, the people of this plant went into overdrive.

Since mid-August, it's been an around-the-clock effort. Three shifts a day, seven days a week—I know many of you gave up your own Thanksgiving and Christmas to be right here—to keep the lines moving.

Well, in the last month, the world has learned why. Patriot works—and not just because of the high-tech wizardry. It's because of all the hours, all the attention to detail—all the pride and all the professionalism that every one of you brings to the job.

PATRIOT WORKS BECAUSE OF PATRIOTS LIKE YOU

What has taken place here is a triumph of American technology. It's a triumph taking place every day—not just here at Raytheon—but in factories and firms all across America: wherever American workers are pushing forward the bounds of progress—keeping this country strong, firing the engines of economic growth. What happens right here is critical to America's competitiveness—now, and into the next century.

Let me focus for a moment not simply on high-tech workers like yourselves who build the Patriot system—but on the highly-skilled servicemen and women, who operate it in the field. We hear so often how our children and our schools fall short: I think it's time we took note of the success stories—of the way the brave young men and women who man the Patriot stations perform such complex tasks with unerring accuracy.

They—along with all the children in our schools today—are part of a generation that will put unparalleled American technology to use as a tool for change.

As I was touring the plant a few minutes ago, I saw one sign that said: "Patriot—a Revolution in Air Defense." We are witnessing a revolution in modern warfare—a revolution that will shape the way we defend ourselves for decades to come.

For years, we've heard that anti-missile defenses won't work. That shooting down a ballistic missile is impossible—like trying to "hit a bullet with a bullet." Some people called it impossible—you called it your job.

They were wrong—you were right.

Critics said this system was plagued with problems—that results from the test range wouldn't stand up under battlefield conditions.

You knew the critics were wrong—all along. And now the world knows it too. Beginning with the first Scud launched on Saudi Arabia—and the Partiot that struck it down—and with the arrival of Patriot battalions in Israel: All told—Patriot is 41 for 42. 42 Scuds engaged—41 intercepts. Imagine what course this war might have taken—without the Patriot.

No—Patriot's not perfect. No system is—no system ever will be. Not every intercept results in total destruction. But Patriot is proof positive that missile defense works.

I've said many times that missile defense threatens no one—that there is no purer defensive weapon than one that targets and destroys missiles launched against us.

We know this is a dangerous world.

Today, our Cold War concern about a large-scale nuclear exchange is more remote than at any point in the post-war era. At the same time, the number of nations acquiring the capability to build and deliver missiles of mass destruction—chemical and even nuclear weapons—is on the increase. In many cases, these missiles will be superior to Scuds—smaller, capable of flying farther, faster: in short, more difficult targets.

Between now and the year 2000—in spite of our best efforts to control their spread—additional nations may acquire this deadly technology. And as we've been taught by Saddam Hussein, all it takes is one renegade regime—one ruler without regard for human decency—one brutal dictator who willfully targets innocent civilians.

In the past, we've often depended more for our protection on theories of deterrence than technologies of defense. Some critics of missile defense have even said that we and our adversaries would be better off defenseless, open to attack—and therefore equally vulnerable.

Well, we know now that some of the adversaries we face today—and Saddam Hussein is a prime example—are more rash than rational—less impressed by theories than by a nation with the means and will to defend itself.

Thank God that when the Scuds came—the people of Israel and Saudi Arabia, and the brave forces of our coalition had more to protect their lives than some abstract theory of deterrence. Thank God for the Patriot missile.

The success of Patriot is one important reason why Operation Desert Storm is on course and on schedule. We will continue to fight this war on our terms, on our timetable—until our objectives are met. Make no mistake about it, Kuwait will be liberated.

The people who build Patriot have every reason to be proud. Because of you, the world now knows we can count on missile defenses. Because of you, a tyrant's threat to rain terror from the skies has been blunted—cut short. Because of you, innocent civilians—priceless human lives—have been spared.

When we think of war, we think first of the soldiers in the field—the brave men and women serving now half a world away. But Woodrow Wilson once said that in war, there are "a thousand forms of duty." In this room today stand thousands of reasons why our cause shall succeed.

You—and people like you all across the country—have given our brave men and women in the Gulf the fighting edge they need to prevail—and, what's more, to protect precious lives.

Once again, thank you all for this warm welcome—for the invaluable contribution you have made to the defense of America and its allies—and may God bless the United States of America.

JOHN SHERMAN COOPER: A UNIQUE SENATOR

Mr. DURENBERGER. Mr. President, the Senate family lost an important person last week when former Senator John Sherman Cooper of Kentucky died at age 89. His life and career were a glowing testament to a vitally important character trait of each genuine public servant: independence.

From the beginning of his service in the Senate in 1946 until his retirement in 1973, Senator Cooper knew that he wasn't in Washington to represent the Republican party or any narrow interest. He believed that all the people of Kentucky had elected him, and that he had an obligation to use his judgment on their behalf.

He also served his country as a diplomat in the United Nations, India, Nepal and East Germany.

I have enjoyed many pleasant and insightful hours with Senator Cooper over the last few years, in the context of our weekly Senators' prayer breakfast. Senator Cooper was with us just a few weeks ago, and always provided us with a link to the heritage and best traditions of the Senate.

He was a man of moral courage, and integrity. We should all be thankful for the contribution he made to this institution, and for those who knew him personally, for the richness he added to our lives.

Mr. President, I ask unanimous consent that a copy of an article from Saturday's New York Times appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LONGTIME SENATOR FROM KENTUCKY

(By Albin Krebs)

John Sherman Cooper, a liberal Republican from Kentucky who represented his state in the Senate for more than two decades, died in a Washington retirement home on Thursday. He was 89 years old.

His brother, Richard, said Mr. Cooper died of heart failure.

Throughout his long career in the Senate, Mr. Cooper, a patrician Kentuckian who served his country in diplomatic posts as well as in Congress, maintained a reputation for absolute independence.

His first roll-call vote, transferring investigatory powers to a special War Investigation Committee soon after World War II, went against the wishes of his party's leaders. So did his second vote, which prompted Senator Robert A. Taft, Republican of Ohio, to storm up the aisle and demand: "Are you a Republican or a Democrat? When are you going to start voting with us?"

"If you will pardon me," Senator Cooper replied, "I was sent up to represent my constituents, and I intend to vote as I think best."

LED OPPOSITION TO MC CARTHY

In the years that followed, Senator Cooper proved that he meant what he said. He was one of the first Republicans in the Senate to denounce Senator Joseph R. McCarthy of Wisconsin for the tactics of Mr. McCarthy's anti-Communist campaign. When it was unpopular to do so, Mr. Cooper also opposed legislation to remove from reluctant witnesses the Fifth Amendment's protection against compelled self-incrimination.

In the Vietnam War, Mr. Cooper joined with a Democratic, Senator Frank Church of Idaho, in drafting the Cooper-Church amendment, which was aimed at barring further United States miltiary action in Cambodia.

Mr. Cooper worked quietly, avoiding histrionics. He left behind no ringing calls to action, perhaps because he was, by his own admission, "a truly terrible public speaker." On the rare occasions when he did take the

Senate floor, he was often inaudible. He mumbled and swallowed his words, and apparently made no effort to avoid use of Kentucky dialect in which "great" sounded like "grett," "government" became "guv-ment," and "revenue" was pronounced "rev-noo."

Mr. Cooper was born on Aug. 11, 1901, in Somerset, the seat of Pulaski County in Kentucky. He was named for his father the wealthiest man in town. The elder Mr. Cooper, like his own father and grandfather before him, was a county judge and a circuit judge, and it was always assumed that the next generation of Coopers would provide the county its leaders.

After a year at Centre College in Danville, Ky., Mr. Cooper went to Yale, where he was captain of the basketball team, and in 1923 was voted most likely to succeed.

He went on to Harvard Law School but had to withdraw in 1925 after learning from his dying father that the recesson of 1920 had virtually wiped out the family's resources.

Assuming his father's debts, Mr. Cooper sold the family mansion. Over the next 25 years he paid off the debts and sent six brothers and sisters to college. He passed the state bar examination and was admitted to law practice in 1928.

Mr. Cooper won his first elective officer in 1927, a two-year term in the Kentucky Legislature. From 1930 to 1938 he served as county judge, a powerful local administrative post that controlled county patronage.

Mr. Cooper was elected three times to fill unexpired terms in the United States Senate. The first was in 1946, after A.B. (Happy) Chandler resigned to beocme commissioner of baseball. Mr. Cooper failed to win in the 1948 general election, but in 1952 he was elected to fill the unexpired term of Virgil Chapman.

In the next general election he was defeated by Alben W. Barkley, a Democrat who was Vice President under Harry S. Truman, but Mr. Barkley subsequently died and Mr. Cooper was elected to fill his unexpired term in 1956. Mr. Cooper's Senate service continued until his retirement in 1973.

SERVICE IN MILITARY GOVERNMENT

In 1942, after he had campaigned unsuccessfully for the Republican nomination for governor, Mr. Cooper enlisted in the Army as a private. Earning a commission in Officer Candidate School, he was assigned to a military government unit. After Germany surrendered, he was put in charge of reorganizing the court system of Bavaria. While in the Army he married a registered nurse, Evelyn Pfaff. They were divorced in 1949.

Mr. Cooper's brief first stint in the Senate won him friends, among them Arthur Vandenberg, a Republican maverick, and President Truman. In 1949 Mr. Truman made Mr. Cooper a delegate to the United Nations; in subsequent years Mr. Cooper served in other missions to the United Nations and as a special assistant to secretary of State Dean Acheson.

In 1955, shortly before he had become Ambassador to India and Nepal, Mr. Cooper married the former Lorraine Rowan Shevlin, a Washington Social figure. But their stay in Asia lasted only a year because, after the death of Mr. Barkley, President Dwight D. Eisenhower summoned Mr. Cooper back to Kentucky to run for Mr. Barkley's unexpired term.

In the 17 years of Senate service that followed, Mr. Cooper, a member of the Foreign Relations Committee, generally followed the liberal internationalist line on foreign policy. In so doing, he was often in conflict with Old Guard Republicans, notably Senator Everett McKinley Dirksen of Illinois. In 1959 Mr. Cooper sought to become Republican leader of the Senate, but Mr. Dirksen defeated him by four votes.

LIMITS ON COMBAT TROOPS

Perhaps Mr. Cooper's greatest Senate victory was his move in 1969 to bar the use of United States combat troops from the fighting in Laos and Thailand.

At first it appeared that the Cooper drive had little chance of success, but after Mr. Cooper had enlisted the aid of Senator Mike Mansfield of Montana, the leader of the Democratic majority, the measure was passed by the Senate and then the House, and President Richard M. Nixon signed it into law.

After leaving office early in 1973, Mr. Cooper joined the Washington law firm of Covington & Burling. Mr. Nixon chose him to be the first United States Ambassador to East Germany shortly after Washington formally recognized that Government. But Mr. Nixon was forced from office in 1974 before he could make the actual appointment, and it was his successor, President Gerald R. Ford, who did so. Mr. Cooper remained in the East German post for two years.

He is survived by his brother, who still lives in Somerset, and a niece, Rebecca Spencer, of Lexington, Ky.

TRIBUTE TO THE HONORABLE SILVIO CONTE

Mr. THURMOND. Mr. President, I rise today to pay tribute to a fine man and a true patriot, the Honorable Silvio Conte of Massachusetts, who passed away on February 9, 1991. Congressman Conte was a man of great courage, character, and compassion, and he will be missed by his many friends and admirers, including this Senator.

In his 32 years in the House of Representatives, Silvio Conte rose to be ranking member of the House Appropriations Committee and third in seniority among the Republican Members of the House. He was both a sought-after ally and a formidable and respected opponent.

Congressman Conte possessed a blend of rock-solid integrity, humor, and warmth which made him one of the most beloved lawmakers on Capital Hill. He had great tenacity of purpose, but his determination was tempered by his keen wit and genial personality. His zest for living and unabashed enjoyment of politics were legendary.

Also legendary was his love of sports, particularly baseball. He was a devoted fan of the Boston Red Sox, and he was the energetic coach of the House Republican softball team as well as their loudest cheerleader. He was an avid fisherman and hunter as well, and he took great pleasure in preparing meals of fish and game for large groups of friends.

As the only Republican in the Massachusetts delegation, the Congressman was somewhat outnumbered in a partisan sense. However, his delightful personality earned him the affection of even his most earnest legislative opponents, and everyone respected his independence and his strongly held views. He was dedicated to doing what was right and what was best for his State and this Nation.

Congressman Conte had a very active and mischievous sense of humor, which often manifested itself in verse. Many late-night sessions of the House were enlivened by his rhymes in support of or opposition to some piece of legislation.

While the Congressman was well-known for his geniality and his keen wit, it was clear to all that he was a gifted legislator and a man of his word. He was a master of the art of compromise and he truly enjoyed the sometimes byzantine process of garnering support for legislation he favored.

Silvio Conte's work on the House Appropriations Committee earned him a reputation as a strong advocate of fiscal responsibility. He was a well-known adversary of needless spending, attacking ballooning figures with the pinprick of conscience and common sense. However, his thrift was always balanced with compassion, and he did a great deal for the poor and underprivileged both in his State and on the national level.

Congressman Conte was born to immigrant parents in Pittsfield, MA, in 1921. He was no stranger to hard work, beginning his career as a machinist and then serving in the Seabees in World War II. After the war, he attended Boston College and Boston College Law School on the GI bill. He was always grateful for the great advantage his education gave him, and he was a strong supporter of educational programs for the rest of his life.

In 1951, at the age of 29, Silvio Conte was elected to the Massachusetts State Senate. He was elected to the U.S. House of Representatives in 1958 and was recently reelected to his 17th term in the House with an overwhelming 78 percent of the vote.

Mr. President, Silvio Conte was eminently worthy of the appellation "honorable." He was a man of strength and dedication as well as a true gentleman, and he will be sorely missed by those he served so ably. I shall particularly miss the energy he brought to all his undertakings. His love for life was enormous, and he shared it generously with us all.

I join with Congressman Conte's other friends and colleagues in mourning his passing. My wife, Nancy, and I extend our deepest condolences to his lovely wife Corinne and his fine family at this difficult time.

I ask unanimous consent that editorials from the Boston Herald and the Washington Post be included in the RECORD after my remarks.

There being no objection, the editorials ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Feb. 11, 1991]

SILVIO O. CONTE

In an era of blow-dried, button-down politicians for whom politics seems more just labor than a labor of love, Rep. Silvio O. Conte was a throwback, a man who seemed genuinely to relish both the legislative whirl and the opportunity to make a better life for his constituents and those in need of government assistance across the land.

Conte, who died Friday evening at age 69 after representing his western Massachusetts district for 32 years, could stand in the well of the House and unabashedly sing the praises of the Red Sox or don a mask fashioned like a pig's snout to decry pork barrel legislation; he could also with equal verve fight in the congressional trenches for fuel aid for the poor or funds to clean Boston Harbor or rebuild the Central Artery.

Conte was a Republican by political accident as much as anything, and in the last decade particularly he moved to a rhythm far different than the conservative drumbeat to which most of his GOP colleagues marched. Last month he was one of but three House Republicans to vote for continued reliance on sanctions in the showdown with Iraq.

His rise to the position of ranking Republican on the House appropriations committee gave those who believe one of government's principal functions is to serve the poor an invaluable ally at the very center of decision-making about government spending.

It was only typical that just last week housing advocates across the country were looking to Conte to rectify what they judged as insufficient money in President Bush's housing budget.

Conte will be missed in the state and across the country for what he could get done. But he will be missed even more for who he was—a man who brought compassion, humor and a joyous spirit to American politics.

[From the Washington Post, Feb. 12, 1991]

SILVIO CONTE

Much has been made of the fact that Rep. Silvio Conte, who died here on Friday at the age of 69, was a multiple-minority. The child of Italian immigrants, he grew up in a part of western Massachusetts that was dominated by Yankees. He was a Republican in an overwhelming Democratic state and at a time when power in the House was held by an unbroken line of Democrats. And within his party, he was part of that dwindling cadre of moderates that has been losing power and influence since the mid-'60s. Yet in spite of these circumstances—or perhaps actually because of them—he was the consummate insider, a master of the legislative machinery, a man with friends and allies on both sides of the aisle and a representative who was beloved by his constituents and unusually effective on their behalf.

A great deal of his success was a result of his personality. He was a man with strong convictions, no pretensions and a straightforward style. He was merry. If he could make a point by putting on a pig mask to protect pork-barrel politics, he would. He led the House Republican softball team and wrote poems to celebrate victories and taunt opponents. When he really got going, he could have the whole House happily shouting out the punch line as his rhetoric climbed to a crescendo. Throughout his 32 years in the House Mr. Conte gave every appearance of having a great time.

With all this, he was a serious and effective legislator. He believed the government had responsibilities—particularly to the poor—and he was willing to assume them. Even as a member of the minority party, he had great power on the Appropriations Committee, and he used it to promote education, housing and low-cost fuel for the poor. The needs of New England, and in particular his own district, were given a high priority, but his vision was not parochial. He believed in this country's leadership role in the world and was a strong supporter of foreign aid and the United Nations. As his security grew with his circle of friends, he accumulated clout and contacts and used both to good effect.

Silvio Conte was a master politician and an ebullient personality, cherished by colleagues and constituents. He will also be missed by countless others in this city who admired his accomplishments and delighted in his company.

MAYOR KOCH SPEAKS OUT ON QUOTA BILL

Mr. HELMS. Mr. President, sometime this year the Senate will most likely again consider another so-called Civil Rights Act. Judging by the version I have seen this legislation should be called a Quota Act, not a Civil Rights Act.

In looking over this legislation there are several surprises which will oblige Senators to choose between an America stratified by racial and ethnic quotas, an America whose law codifies a system where benefits and advantages are doled out according to group identity—or an America where citizens advance through individual initiative and excellence.

Mr. President a distinguished American has spoken out on the harm this bill would do to the very fabric of American society. Former mayor of New York City, Ed Koch shared his heartfelt concerns with me and others about the direction in which enactment of the current version of the Civil Rights Act would send our Nation.

Ed Koch speaks from a unique perspective. The son of Jewish immigrants and the thrice elected leader of America's largest melting pot, Mayor Koch has experienced the promises and obstacles embodied in the American dream. I am privileged to make certain his thoughts on this important subject are made a part of the CONGRESSIONAL RECORD and I ask unanimous consent to do so. Needless to say, I hope Senators will review Mayor Koch's statement before the Senate considers the so-called Civil Rights Act of 1991.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY EDWARD I. KOCH, JAN. 7, 1991

The Kennedy-Hawkins Bill of 1990—the so-called "Civil Rights Bill of 1990"—is not a civil rights bill at all. Let there be no misunderstanding. The Kennedy-Hawkins Bill of 1990 is a bill that will lead to quotas and, if passed, would create incentives for employers to hire based on quotas and would do tremendous harm to the socioeconomic structure of America, especially in its large cities.

The drafters of the legislation have provided much window dressing to the bill in their attempt to sell it as a "civil rights" bill. First, it is titled "The Civil Rights Act of 1990." Second, perhaps to respond to anticipated challenge to the bill as a quota bill, Section 13 states that the Act shall not be "construed to require or encourage" an employer to adopt hiring or promotion quotas. Third, Section 2 of the Act states that the purpose of the Act is, in part, to respond to the Supreme Court's recent decisions—most notably *Ward's Cove Packing Co., Inc.* v. *Atonio*, 109 S. Ct. 2115 (1989)—by restoring the civil rights protections that purportedly were dramatically limited by those decisions. Against this rhetorical backdrop, the bill's crucial language allegedly "restoring" the burden of proof in disparate impact cases, reads as follows: "An unlawful employment practice based on disparate impact is established . . . when . . . a complaining party demonstrates that an employment practice (or a group of employment practices) results in a disparate impact on the basis of race, color, religion, sex or national origin, and the respondent fails to demonstrate that such practice is required by business necessity . . ." The term, "required by business necessity," was the subject of much debate with the final definition being an employment practice or group of practices having a "significant relationship to successful performance of the job."

The bill's proponents urge that this burden of proof for disparate impact cases and the proposed "business necessity" standard are consistent with earlier Supreme Court cases beginning with the seminal case in this area, *Griggs* v. *Duke Power Company*, 401 U.S. 424 (1971), which allegedly has been eroded by recent Supreme Court decisions including Ward's Cove. This is just not the case.

One must look beyond the rhetoric and the arguments of the bill's proponents to get to the truth of the matter. First, neither the Griggs case, nor its progeny, altered the standard allocation of the burdens of proof in Federal civil actions set forth in Federal Rule of Evidence 301. Under Ward's Cove, for example, a disparate impact case proceeds in three stages. Initially, the plaintiff identifies the specific employment practice (or practices) and shows that it causes a disparate impact on his or her group—the prima facie case. Next, the employer has the burden of production to produce evidence justifying the use of the employment practice in question—the "business necessity." Under consistent Supreme Court precedent since the 1971 *Griggs* v. *Duke Power* case, "business necessity" means "manifest relationship to the employment in question." Lastly, the plaintiff (employee) has the burden to persuade the fact finder and to prove that the employer's evidence is unpersuasive—that the employer discriminated or that the employer could employ another rule of hiring that would cause less of a disparate impact. The Supreme Court in *New York City Transit Authority* v. *Beazer*, 440 U.S. 568, 587 n. 31 (1979), made clear that the "ultimate burden of proving" a case under Title VII rests with the plaintiff. Ward's Cove was nothing new, just a restatement by the Supreme Court of the fact that the burden of proof in disparate impact cases, as it has since Griggs, rests with the plaintiff. This has always been true in Title VII intent cases, as well. Moreover, Ward's Cove discussion of "business necessity" is fully consistent with Griggs. Indeed, the Supreme Court in its 1979 Beazer decision, alleged that some or all of an employer's practices resulting in the imbalance, relying on the Griggs "manifest relationship" language, used virtually the same language which is being criticized in Ward's Cove. Yet no one, so far as I know, complained in 1979.

The new bill would severely alter this state of affairs. The plaintiff under Kennedy-Hawkins need only identify a statistical imbalance in a job, without identifying even a single, specific employment practice allegedly causing the imbalance. Then, the plaintiff rests his or her case. The employer now has the burden of production and persuasion and must therefore prove an affirmative defense—a result inconsistent with the Federal Rules of Evidence and with prior caselaw, such as Beazer. The new burden of proof has the effect of presuming an employer guilty with the virtually insurmountable burden of proving its defense—that the challenged practice is justified by "business necessity."

And what of the new definition of "business necessity?" The proponents of the bill urge that the Act would revive the disparate impact test set forth in Griggs. However, the Griggs standard, applied in many cases following Griggs, is that a hiring requirement is a "business necessity" if it has a "manifest relationship to the employment in question." See *Watson* v. *Ft. Worth Bank and Trust*, 108 S. Ct. 2777 (1988), *Connecticut* v. *Teal*, 457 U.S. 440 (1982), *New York Transit Authority* v. *Beazer*, 440 U.S. 568 (1979), and *Albermarle Paper Co.* v. *Moody*, 422 U.S. 405 (1975). In contrast, the proposed bill defines "business necessity" as having a "significant relationship to successful performance of the job." As any lawyer would quickly perceive, the proposed standard is clearly more onerous than the Griggs test. It is much more difficult under the new standard to define what hiring criteria will pass muster as a "business necessity."

The proposed bill also amends existing law by allowing juries to award compensatory damages and punitive damages in cases of intentional discrimination in addition to the backpay available under existing civil rights law. It also changes Title VII in a variety of ways making it more difficult to settle cases. Thus, if the plaintiff is charging intentional discrimination, the consequences of the employer's failure to prevail could be jury awards of compensatory damages (unlimited in amount) and punitive damages (with a "limit" being the greater of $150,000 or the sum of compensatory damages, backpay and other equitable monetary relief).

Why then is Kennedy-Hawkins really a bill leading to quotas? To answer this question one must look at the practical effect of such a bill on employers. Because "business necessity" is so hard to define, and because the burden of proof would be so onerous under the new act, employers will do everything in their power to avoid lawsuits under Kennedy-Hawkins. This will undoubtedly cause an extreme reaction by employers in one of two forms. Either the employer will move out of town or will use a quota hiring system. In either case, the only absolute protection an employer will have is in the numbers because "business necessity" defenses will be so hard to prove. An employer may resort to hiring a team of statisticians to analyze the relevant labor market where the business is located and to develop percentages based on categories of race, color, religion, sex and national origin. The possibilities are endless and in some cases absurd. For example, with respect to religion, employers will have to keep count of the number of Jews, Christians, Muslims, etc., and perhaps subdivisions, e.g., Lutherans, Catholics, Seventh-Day Adventists, Sunni and Shiite Muslims, Orthodox, Conservative and Reform Jews.

I believe that if the algorithm gets too complex, an employer is likely to move to an area of the country that reflects the national applicant pool on the basis of race, religion, gender and national origin. For example, nationally, Blacks are about 12% of the population; Hispanics are about 8%; Asians are approximately 2%; and whites make up the balance. In New York City, the Black and Hispanic population is about 50%. Obviously, relocating would give the emloyer far greater options in hiring and less fear of lawsuits, large backpay awards and the legal fees in disparate impact cases, and the compensatory and punitive damages that might be awarded if it loses a lawsuit in an international discrimination case. I believe multi-national and national corporations would do exactly that. In addition, it may be that these corporations could hire nationally and internationally in their principal offices and send their people to cities like New York rather than hiring locally. If that is legally permissible, who would suffer? Obviously, the local labor pool.

And what if employers remained in their locations and were subject to Kennedy-Hawkins? Employers would feel forced to hire on the basis of the numbers and not the most qualified persons on job-related qualifications. The equal employment opportunity that the civil rights laws were to afford to all people qualified for a particular job will now be transformed into equal employment numbers for all groups of people without regard to differences in qualifications. For example, a well-qualified white male in New York City could be rejected by many employers because the applicant pool would be at least 50 percent Black and Hispanic and 25 percent white female. In order to avoid disparate impact—a presumptively illegal outcome—employers will, in many cases hire Blacks, Hispanics and white women, in proportion to the applicant pool, even if they are less qualified, over better qualified applicants then being considered in order to avoid costly disparate impact litigation they are almost certain to lose. How could an employer hope to justify hiring in many of these situations a more qualified white male over a minimally qualified Black, Hispanic, white female or other nationality applicant as a "business necessity" under Kennedy-Hawkins?

In addition, the threat of a plaintiff's charge of intentional discrimination and the monetary consequences of a jury's finding of liability and award of compensatory and punitive damages, would be a further incentive to employers to use quota hiring. Wouldn't employers simply hire on the basis of race, national origin, gender and religion, filling the required percentages, so as to avoid compensatory and punitive damage awards set by a jury?

For example, with Jews constituting only 3 percent of the total population of America, would they not be subject, as they were in the Soviet Union and other anti-Semitic regimes elsewhere in Europe, to a type of "numerus clausus" provision which limited entry of Jews to the universities to a percentage roughly reflecting their percentage of the general population? Haven't we agreed and didn't Martin Luther King, Jr. hope that someday each individual would be judged on his or her own merits without regard to their race, religion, gender or national origin? What I believe we should seek to do in assisting minorities who have indeed suffered from discrimination is to open the blocked avenues and end the invidious discrimination without imposing new such discriminations on others.

Can you imagine what would happen to a corporation accused of intentional discrimination against Hispanics or Blacks in the Bronx and tried by a jury in that borough? Can you conceive the damage awards such a jury would render? If you can't, then do a little research with the New York City Corporation Counsel on simple negligence cases that are tried in the Bronx against the City of New York as defendant. You will find that the judgments in many cases are grossly excessive. The Corporation Counsel in New York City rarely tries a case to conclusion in that borough, preferring to settle rather than depend on a fair jury outcome in a milieu where jurors see New York City as Mr. Deep Pockets without realizing that monies taken from the city treasury for such judgments make for less monies available to provide essential City services. But that consideration is a fact of life, and I suspect there would be even worse outcomes when the juries are judging major corporations as defendants and find intentional discrimination.

The new proposed law applies not only to the private commercial sector but also to universities and to government as well. So, when it is enacted, and it failed by only one vote in the Senate in the veto override attempt, you can expect a new assault upon the universities and local governments. In the case of the universities, the objective would be to have the professors mirror the national population of post-secondary instructors or applicant pool in skin tone, gender, nationality and religion; and in the case of local government, all appointed positions from Commissioner on down would be made within the statistical hiring requirements so as to avoid disparate outcome. Is this what America is all about? I hope not.

Even worse, this so-called "civil rights" act will, in application, do more harm to our already suffering economy by reducing private and public sector efficiency (not having the most qualified employees) and will also exacerbate existing social problems in the communities where preferential affirmative action has actually caused problems.

With respect to efficiency, employers will consider either relocating or hiring less qualified individuals to fill the jobs and to meet the implicit numbers' requirement of the bill. The weakening economies of the cities which employers are likely to leave (i.e. New York City, Los Angeles, Chicago) would suffer with a further loss of jobs, reductions in corporate tax collections and a reduction in economic activity in general. However, the relocation costs would ultimately be borne by all of us in these central cities in the form of reduced services and higher taxes.

As to the already existing social problems caused by preferential affirmative action programs several scholars, including the noted professor and sociologist Thomas Sowell, have observed that racial quotas and discriminatory affirmative action programs have not helped the intended beneficiaries. Those who are often preferred are the very ones who could have competed with the best.

The Kennedy-Hawkins bill misses the mark on all counts. If we are to uphold our commitment to civil rights—as we should—we must set in motion programs to ensure that all deprived persons—without regard to race, color, religion, sex or national origin—have the opportunity to achieve their full potential. Yes, in the words of Griggs, the employer should use employment criteria bearing a "manifest relationship to the employment in question." As the Court there added: "Congress has not commanded that the less qualified be preferred over the better qualified because of minority origins. Far from disparaging job qualifications as such, Congress has made such qualifications the controlling factor, so that race, religion, nationality, and sex become irrelevant." 401 U.S. at 436. Kennedy-Hawkins is in direct conflict with these principles.

We should focus our efforts on assisting minorities who have suffered from unequal opportunity by providing additional and better education and vocational training for these individuals, never excluding from these programs others equally poor or deprived simply because they are white. The solution is not to place unqualified minority workers, or others of different national origin, in jobs for which they are not adequately trained as a band-aid to end discrimination. If anything, this is the way to destroy the self-esteem of many workers, heightening anger and discrimination among fellow employees when some members of the workforce are unable to carry their fair share of the load. Furthermore, such practices often unfairly reflect adversely upon the many minority members who were hired because they were qualified and are better than other applicants. They unfairly become judged, not as individuals, but as members of a protected class, not able to compete with others.

Opposition to the proposed bill, which has been reintroduced in 1991 as HR1, in even more discriminatory form than the amended version of 1990, must continue. Although many proponents of the bill will insist that to oppose this so-called "civil rights" bill is racist, I urge them to take a closer look at the damage their bill would do if passed. And I urge those who in good conscience have concluded the proposed legislation is bad for everyone concerned, not to be intimidated by false charges of racism.

CHARLESTON GOES TO WAR

Mr. HOLLINGS. Mr. President, we are now in day 41 of Desert Storm—day 41 of the most massive, relentless, and successful air campaign in the history of warfare, now combined with the largest ground offensive since World War II. We cannot help but be impressed by the courage of America's warriors. But beyond courage, what impresses me is the sheer competence and can-do professionalism of our men and women in the gulf.

Mr. President, people in my hometown of Charleston take justifiable pride in a long and rich tradition of military service, a tradition that stretches back to Francis Marion and the Revolutionary War. In the latest conflict, F–16 fighters piloted by Charlestonians have flown daily combat sorties against Iraq's Republican Guard. Appropriately enough, the 157th Tactical Fighter Reserve unit, which flies those F–16's, calls itself the Swamp Fox Squadron. It is a thrill to see video on CNN of those F–16's with South Carolina painted in bold letters on their tailfins.

Mr. President, Charlestonians are serving in the Persian Gulf war on the ground, in the air, and at sea. Naturally, the public's attention has been focused on the heroics of our fighter and bomber pilots in the Iraq-Kuwait theater, but there is another group of pilots and support crews whose role in this campaign, though largely unsung, has been truly heroic in its sheer scale and intensity. I refer to the men and women—active duty and reserve alike—attached to the 437th Military Airlift Wing based at Charleston Air Force Base.

Charleston is the premier Military Airlift Command facility in the United States, homebase for 58 of the Air Force's huge C–141 Starlifter aircraft. To date, these mammoth cargo planes from Charleston—each with a cargo capacity of 91,000 cubic feet—have hauled countless tons of war-fighting supplies and personnel to the Persian Gulf. The airlift has been an extraordinarily demanding, round-the-clock effort that surged on August 7 and hasn't let up since. More than 40 of Charleston's 58 C–141's are in action at any given time. As Defense Secretary Dick Cheney put it, Charleston's pilots have "flown the wings off" their C–141's in support of Desert Storm.

Led by Wing Comdr. Col. John W. Handy and Vice Comdr. Howard J. Ingersoll, it has been an inspired team effort that has won recognition for the 437th Military Airlift Wing as truly an elite unit, and I mean from top to bottom: Loadmasters, pilots, copilots, flight engineers, maintenance crews, you name it. They have kept 100 percent of the C–141's mission ready, and they have flown without a single mishap. This is a sterling performance, and I can't imagine a more eloquent tribute to the professionalism and dedication of these men and women.

To handle this nonstop Desert Storm surge, Charleston's four active-duty flying squadrons have been supplemented by two reserve squadrons—drawn from the 315th Military Airlift Wing Reserve—whose pilots and support crews come from across South Carolina and several other Eastern States. One of these reservists is Sgt. Gideon Pearson, who in peacetime is principal at Ronald E. McNair Elementary School in north Charleston.

All totaled, some 1,500 reservists from the 315th Military Airlift Wing have been mobilized, including military police, loadmasters, maintenance personnel, and other specialists. The entire 315th USAF Reserve Clinic has been activated, totaling more than 100 specialists. Their job will be to help staff the medical facilities at Charleston Air Force Base, which is one of three major stateside hubs for casualties returning from the war. Another 200 medical flight nurses and in-flight medical technicians of the 31st Aeromedical Evacuation Squadron have been activated to accompany C–141's carrying wounded troops from the war theater to hospitals in Germany and the States. One reserve unit, the 38th Aerial Port Squadron—commanded by a Citadel graduate, Maj. Murray Compton of Charleston—has been deployed at several air bases in Saudi Arabia.

To put it mildly, it has not been business as usual at Charleston Air Force Base for some time now. Not only has there been a drastically increased tempo of flights and ground activity, there have also been several notable wartime innovations. On that score, the biggest success has been Desert Express—the brainchild of Charleston-based planners and flown exclusively by Charleston C–141 pilots. Two Desert Express flights leave Charleston daily, carrying critical "show-stopper" repair parts and supplies for our forces in the Persian Gulf. Each flight arrives 17 hours later in Saudi Arabia after a brief refueling stopover in Europe. In effect, this is the Air Force's answer to Federal Express overnight delivery, and it has been a brilliant success.

Mr. President, a proud Charleston naval tradition also continues in this war. Ten combat ships, with crews totaling more than 3,000, have departed their piers on the Cooper River to take up station in the Persian Gulf. They include two guided missile destroyers, the *MacDonough* and the *William V. Pratt*; the guided missile cruiser *Richmond K. Turner*; the destroyer *Moosbrugger*; three guided missile frigates, the *Nicholas*, the *Hawes*, and the *Halyburton*; two minesweepers, the *Avenger* and the *Leader*; and the ammunition ship *Santa Barbara*. The *Nicholas* and her crew of 200 under Comr. Dennis G. Morral of Charleston directly supported the Jan. 18 commando raid on Iraqi-held oil platforms off of Kuwait and took onboard the first Iraqi POW's of this war.

Rear Adm. Stanley E. Bump, commander at the Charleston Naval Base and head of the Navy's Mine Warfare Command, has deployed to the gulf, as has the command staff of Cruiser Destroyer Group II under Rear Adm. Douglas J. Katz. In addition, Charleston-based mine warfare and surface warfare specialists, as well as explosives-ordinance disposal experts are today at war in the Persian Gulf.

Mr. President, these sailors, airmen, and soldiers from Charleston are among our best and finest. They are doing an extraordinary job for our country, and they are doing South Carolina proud. My hat is off to every one of them, and I pray for a safe and speedy conclusion to their Desert Storm mission. We will welcome them back as heroes.

MYRTLE BEACH AIR FORCE BASE: PRIDE OF SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, we are now in the sixth week of the Persian Gulf war, which is to say that we are in week 6 of the most massive, intensive, and successful, air campaign in the history of warfare. Much has been written about the pride Americans have taken in the performance of our airmen and aircraft. The infantry may yet be called upon to deliver the coup de grace, but make no mistake about it: It is United States airpower that has brought Iraq's Army to its knees.

Mr. President, I can tell you that no community takes greater pride in this performance than Myrtle Beach, SC. A-10 Warthogs from the 354th Tactical Fighter Wing based at Myrtle Beach Air Force Base have been the surprise overachiever of this air campaign. These warplanes were supposedly too old, too slow, too low-tech, and too ugly, but they have played a starring role in the air campaign against Iraq's armor and artillery. And when and if the ground phase begins, once again it will be the Warthogs that will do the heavy lifting—providing tactical support to advancing American infantry.

The reason for this is simple: The A-10 has proved its mettle as the world's premier tank-killing aircraft. In the hands of superbly trained pilots from Myrtle Beach's 354th, these planes have become the scourge of Iraq's Republican Guard. Round the clock for more than 5 weeks now, these planes have blasted Iraqi tanks, bunkers, supply convoys, artillery, you name it. One A-10 even scored an unheard of air-to-air kill, knocking an Iraqi helicopter out of the sky. Saddam has met his match, and it came courtesy of Myrtle Beach, SC.

Mr. President, the A-10 pilots have put on an awesome demonstration of skill and professionalism—not to mention raw courage and tenacity under fire. In addition to hitting Iraq's army with murderous efficiency, A-10 pilots also have played a key life-saving role by assisting in the rescue of downed pilots behind enemy lines. In the first week of the war, we marveled at the heroics of two pilots of the 354th, Capt. Paul Johnson and Capt. Randy Goff, who helped to locate a downed Navy pilot and then provided cover fire during the helicopter rescue.

Of course, it goes without saying—but it must be said—that the pilots of the 354th Tactical Fighter Wing stand on the shoulders of an equally superb and skilled team of technicians, mechanics, munitions loaders, and other ground-support personnel. Base Commander Col. James A. Moen and Wing Comdr. Col. Ervin C. Sharpe have molded an elite fighter wing, and they have proved their excellence under the most difficult and exhausting conditions. Their performance is the most eloquent rebuttal I can imagine to those so-called Pentagon experts who, a short year ago, were hellbent on retiring the A-10 and closing down Myrtle Beach Air Force Base.

Mr. President, the men and women of the Myrtle Beach's 354th Tactical Fighter Wing are among our best and finest. They are doing an extraordinary job for our country, and they are doing South Carolina proud. My hat is off to every one of them. I join all Americans in praying for their safe and speedy return. We will welcome them back as the heroes they are.

HONORING GEN. MAXWELL R. THURMAN

Mr. NUNN. Mr. President, I want to pay tribute today to an outstanding American and professional military man who has served his country with distinction. Gen. Maxwell R. Thurman ends a career of service in the U.S. Army that has spanned nearly 38 years. He will be honored in a retirement ceremony today at Fort Myers, and he departs active service with the thanks and admiration of a grateful nation.

Commissioned a second lieutenant in 1953 after graduating from the Reserve Officer Training Commission Program at North Carolina State University, General Thurman began his outstanding career of service in the Army. He joined the artillery branch and, over the years, held many operational and staff assignments that took him to Germany, twice to Vietnam where he commanded a battalion in combat, command of the 82d Airborne Division Artillery, and many other key assignments in and out of the United States.

I recall one of the early opportunities I had to work with General Thurman. In the mid to late 1970's he was the Army's top program analyst. On very short notice he provided me with a coherent and precise assessment of the Army's shortfalls and what budgeting fixes were necessary. We were able to highlight these shortfalls and to make changes in the budget over time to correct them.

That was typical of Max Thurman. He would tackle a tough problem directly, and work tirelessly to solve it once it was known.

One of General Thurman's greatest contributions is probably least well known. The Army entered the 1980's needing to improve the quality of its enlisted force. General Thurman commanded the Army's Recruiting Command and put in place the policies that reversed many of the negative personnel trends and led directly to a U.S. Army that today is the highest quality in our Nation's history.

From this position, General Thurman was promoted to become the Vice Chief of Staff for 4 years, essentially running the day-to-day operations of the Army. In so many ways, the foundations upon which our highly capable Army is built are thanks to the tireless dedication and efforts of General Thurman.

After serving as the Vice Chief of Staff, General Thurman continued his service as the commander responsible for the training and doctrine for the entire Army. The air-land battle doctrine in use in the Persian Gulf today, and systems such as the Army Tactical Missile System and the Joint Surveillance and Target Acquisition Radar System [JSTARS] and many other systems were supported and pushed by General Thurman when he commanded TRADOC. Without exaggeration, General Thurman's good work has touched every facet of the U.S. Army.

Then, with this full and successful record of service, General Thurman took on the challenge of commanding the United States Southern Command in Panama in July 1989. Immediately upon taking command, General Thurman oversaw an extensive planning sequence that eventually led to the highly successful Operation Just Cause in Panama. Senator WARNER and I had the opportunity to visit with General Thurmond while the operation was ongoing, and I can attest to the key elements of his leadership.

Many times General Thurman testified before committees of the Senate and the House of Representatives. I always welcomed his testimony, knowing it would be crisp, concise, well-informed, and straightforward. General Thurman always told it like he saw it.

During recent months, General Thurman has waged a personal battle with a serious illness. I wish him well in his continued recovery, as General Thurman has much more to offer this country in his retired status. I know he will remain active in service to the Army, the Department of Defense, and his beloved country as a private citizen.

This Nation and the Army will suffer a loss with the conclusion of General Thurman's active service in uniform, but we are far richer for the long and dedicated service he rendered.

I am honored to have worked with Gen. Maxwell R. Thurman and he knows he leaves with the highest accolade one can give a combat soldier—a nation's thanks for a job well done.

Mr. President, I ask unanimous consent that complete biographical information on General Thurman be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESUME OF SERVICE CAREER OF MAXWELL REID THURMAN, GENERAL

DATE AND PLACE OF BIRTH: 18 February 1931, High Point, North Carolina

YEARS OF ACTIVE COMMISSIONED SERVICE: Over 37

PRESENT ASSIGNMENT: Medical Hold, Office of the Chief of Staff, Army, Washington, DC 20310, since December 1990

MILITARY SCHOOLS ATTENDED: The Ordnance School, Basic Course; The Artillery School, Basic and Advanced Courses; United States Army Command and General Staff College; United States Army War College

EDUCATIONAL DEGREES: North Carolina State University at Raleigh—BS Degree—Chemical Engineering

FOREIGN LANGUAGE(S): None recorded

MAJOR DUTY ASSIGNMENTS

Jul 53–Oct 53: Student, Associate Ordnance Officer Course, United States Army Ordnance School, Aberdeen Proving Ground, Maryland

Nov 53–Mar 54: Student, Field Artillery Officer Basic Course, United States Army Artillery School, Fort Sill, Oklahoma

May 54–Mar 55: Reconnaissance and Survey Officer, Battery C, 457th Airborne Field Artillery Battalion, Fort Campbell, Kentucky

Mar 55–Jun 55: Aide-de-Camp to the Commanding General, 11th Airborne Division Artillery, Fort Campbell, Kentucky

Jun 55–Aug 55: Assistant Adjutant, 11th Airborne Division Artillery, Fort Campbell, Kentucky

Aug 55–Jan 57: Liaison Officer, later Assistant S-2, 11th Airborne Division Artillery, United States Army Europe

Feb 57–Nov 57: Platoon Commander, Battery C, 377th Artillery (Airborne) (Honest John), 11th Airborne Division, United States Army Europe

Nov 57–Nov 58: Platoon Commander, Battery D, 1st Field Artillery Battalion (Rocket/Howitzer), 34th Artillery, United States Army Europe

Dec 58–Aug 59: Assistant Adjutant, 1st Officer Student Battery, United States Army Artillery and Missile School, Fort Sill, Oklahoma

Aug 59–Jun 60: Student, Artillery Officer Advanced Course, United States Army Artillery and Missile School, Fort Sill, Oklahoma

Jun 60–Dec 61: Instructor, Battery Operations Unit, Hawk Branch, Officer Instruction Division, Low Altitude Missile Department, and later Air Defense Missile Tactics Officer, Air Defense Tactics Division, Command and Staff Department, United States Army Air Defense School, Fort Bliss, Texas

Dec 61–Apr 63: Intelligence Officer, I Vietnamese Corps and Tactical Zone I, Danang, United States Military Assistance Command, Vietnam

Apr 63–Jul 66: Company Tactical Officer, later Cadet Activities Officer, Staff and Faculty, United States Military Academy, West Point, New York

Jul 66–Jun 67: Student, United States Army Command and General Staff College, Fort Leavenworth, Kansas

Jun 67–Sep 67: Student, Defense Language Institute, Biggs Fields, Fort Bliss, Texas

Oct 67–Jan 68: Assistant Group Commander and later Executive Officer, 54th Artillery Group, II Field Force Vietnam, United States Army, Vietnam

Jan 68–Sep 68: Commander, 2d Howitzer Battalion, 35th Artillery, 54th Artillery Group, II Field Force Vietnam, United States Army, Vietnam

Sep 68–May 69: Training Staff Officer, Policy and Programs Branch, Office of the Deputy Chief of Staff for Personnel, Washington, DC

Jun 69–Jun 70: Student, United States Army War College, Carlisle Barracks, Pennsylvania

Jun 70–Nov 72: Analyst, later Team Chief, Office, Assistant Vice Chief of Staff, Army, Washington, DC

Nov 72–Feb 73: Special Assistant to the Assistant Vice Chief of Staff, Army, Washington, DC

Mar 73–Feb 75: Commander, 82d Airborne Division Artillery, 82d Airborne Division, Fort Bragg, North Carolina

Mar 75–Apr 77: Deputy Chief of Staff for Resource Management, United States Army Training and Doctrine Command, Fort Monroe, Virginia

Apr 77–Nov 79: Director, Program Analysis and Evaluation, Office, Chief of Staff, United States Army, Washington, DC

Nov 79–Jul 81: Commanding General, United States Army Recruiting Command, Fort Sheridan, Illinois

Aug 81–Jun 83: Deputy Chief of Staff for Personnel, United States Army, Washington, DC

Jun 83–Jun 87: Vice Chief of Staff, United States Army, Washington, DC

Jun 87–Jul 89: Commanding General, United States Army Training and Doctrine Command, Fort Monroe, Virginia

Jul 89–Dec 90: Commander-in-Chief, United States Southern Command, Quarry Heights, Panama, APO Miami

Promotions	Dates of appointment	
	Temporary	Permanent
2 LT	19 Jul 53	19 Jul 53
1 LT	19 Jan 55	19 Jul 56
CPT	2 Sep 59	19 Jul 60
MAJ	19 Jun 63	19 Sep 67
LTC	10 Mar 67	19 Jul 74
COL	17 Apr 73	19 Jul 77
BG	4 Jun 75	7 Oct 77
MG	1 Dec 73	7 Oct 77
LTG	30 Jul 81	
GEN	23 Jun 83	

U.S. DECORATIONS AND BADGES: Defense Distinguished Service Medal; Distinguished Service Medal (with 3 Oak Leaf Clusters); Legion of Merit (with Oak Leaf Cluster); Bronze Star Medal with "V" Device; Bronze Star Medal; Meritorius Service Medal (with Oak Leaf Cluster); Air Medals; Army Commendation Medal (with Oak Leaf Cluster); Joint Service Achievement Medal; Master Parachutist Badge; Army Staff Identification Badge

SOURCE OF COMMISSION: ROTC

SUMMARY OF JOINT ASSIGNMENTS

Assignment	Dates	Grade
Intelligence Officer, I Vietnamese Corps and Tactical Zone I, Danang, United States Military Assistance Command, Vietnam.	Dec 61–Apr 63	Captain/Major.
Vice Chief of Staff, United States Army, Washington, DC.	Jun 83–Jun 87	General.

* Joint Equivalent

As of 5 December 1990.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,173d day that Terry Anderson has been held captive in Lebanon.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I ask unanimous consent that Ruth Amberg be given privileges of the floor during the pendency of S. 419, the RTC Funding Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

RESOLUTION TRUST CORPORATION FUNDING ACT

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 22, S. 419; I do so at the request of the majority leader, who has the authority to call up this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 419) to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means.

Mr. RIEGLE. Mr. President, I will now begin the discussion on this legislative item. I will make an opening statement, and I gather that my colleague from Utah, the ranking minority member of the committee, will do likewise.

I know there are colleagues who have indicated that they have collateral issues to this measure that they wish to raise. I know particularly that the Senator from Ohio has so indicated. I assume he may come to the floor a bit later to raise some of those issues.

I rise at this time, Mr. President, as chairman of the Senate Banking Committee, to express my strong support, and the support of the committee, for the Resolution Trust Corporation Funding Act of 1991.

This is a simple and straightforward piece of legislation intended to accomplish three things: First, and most important, the bill would provide the RTC $30 billion in interim funding to continue its necessary task of closing insolvent thrift institutions through the end of this fiscal year.

Second, the bill requires the RTC to provide Congress with detailed financial operating plans and schedules of projected insolvencies.

Third, the bill requires the RTC to provide audit and financial statements within 6 months from the end of the fiscal year. As it is in current law, there is no set time limit, and the statements for fiscal year 1989 are still not completed and available to us.

The need to provide the Resolution Trust Corporation with additional funds presents the Congress with a simple choice. Either we act now to decrease the cost that American taxpayers will have to invest in order to resolve the thrift crisis, or, on the other hand, we delay that cleanup process with the inevitable effect of increasing the cost of getting it done.

Today, according to the administration's latest estimates, the total cost of this problem will be somewhere in the area of $175 billion, expressed in present value terms. If you stretch that out over a 30-year timeframe, obviously, a different number can be developed. But in present value terms, the projected figure that they now foresee is in the range of $175 billion.

If we delay in providing the additional funds that are needed at this particular time, and if we delay in enacting this legislation, then that price necessarily goes up. And it will rise, according to administration estimates, by a figure of between $750 and $850 million or more each quarter.

So that every 90 days, we could imagine tacking on a figure of roughly $750 million, or more, in extra costs, avoidable costs, that this legislation would be able to prevent us from having to incur.

It was 18 months ago that Congress enacted, and the President signed into law, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. In that act, we provided $50 million in funds to cover anticipated losses of federally insured thrift institutions, and we also provided access to temporary working capital to facilitate the resolution of failed thrift institutions.

We thought at that time that that was not enough money, although that was the amount that was officially requested by the administration. And later events have shown, indeed, that more has been made.

We find ourselves today with a situation where the funds that Congress initially provided are nearly exhausted. But a massive job still remains to be done. The committee's report that accompanies this bill states, "As of January 31, 1991, 183 thrifts with total assets of $105 billion were in the RTC conservatorship," and that the Office of Thrift Supervision had designated an additional 161 thrifts, with a total of $115 bilion of assets as likely to be placed also into RTC conservatorship.

In addition to that, the Office of Thrift Supervision recognized that there were still an additional 356 more thrifts with total assets of $191 billion, that were listed as "troubled," or in effect "in trouble," and in some danger of failure. So that we can anticipate, as well, that some part of that group will also, at some point, have to be shut down.

As long as the RTC lacks the money that it needs to close the insolvent thrifts, we find then that we have a situation where they are left open. And as they are left open, they are incurring increasing loses and, eventually, those losses also have to make their way in to be paid for.

We want to avoid that in every way that we can, because every additional dollar that is lost by an insolvent thrift that remains open represents another dollar that all of us as taxpayers are going to have to provide.

Bringing this legislation to the floor is an unpleasant but necessary task. Like everyone else, I wish we had available to us a better and less painful way to resolve this particular problem. There is not another way open to us that one can see.

I want to take a moment to try to dispel two myths that have grown up around this issue, which would make it seem as if there were somehow simple or easy answers that we might turn to.

First, there is a misimpression that the money being provided pays off the shareholders in savings and loans, or developers who borrowed money and misinvested it, or the owners and managers of failed savings and loan organizations, and that is not the case.

They do not get one dime of the money that is provided here. The money that is provided in this legislation is for one purpose and that is to redeem the certificates of individual savers who have deposited their money into a given savings and loan.

So, within the levels of the insurance limit protection, depositors trust that we are standing behind the Federal deposit guarantee to make sure that the money is there and that they can receive the money that they have saved and put into that institution.

That is the only place the money goes. It does not go to anybody else. So the depositers who otherwise would lose the value of their deposits are the ones for whom this money is intended.

Second, some have said why do we not just have the RTC take the assets of failed thrifts that they now have in their possession and sell those off and use the proceeds from the sale of those assets, buildings, securities, and other things and use that money to cover the losses in the savings and loan system and in effect provide the money to pay off these depositors in insolvent institutions?

That money is not free and available for that purpose. In order to come up with the working capital to be able to take and hold the assets that were on the balance sheets of failed savings and loans, the RTC actually has gone to the Federal Financing Bank and borrowed money to be able to handle that inventory of assets that has taken from insolvent thrifts prior to the time that those assets can be recycled and sold off. When those assets are sold, no matter what they may be, that money is not free to cover losses in the savings and loan system. That money has to be used to repay these borrowings of working capital that have come from the Federal Financing Bank.

The sale of assets which we want to encourage and which we would like to see moving along at a faster pace is a part of the problem that needs to be dealt with, but the proceeds from that activity are not available to cover the losses that have to be met with the bill that is before the Senate at the present time.

There should be no misunderstanding about that. There is not a magic way to accelerate the sale of existing assets to produce cash that in turn can be used to cover the losses that this particular legislation is aimed at dealing with.

Now, what that all means is that the RTC has exhausted the financial resources available to it to cover losses and as a result is not in a position to be able to close any more insolvent savings and loans. Those that remain open continue to run up increasing losses, and that is what we are all going to be stuck with unless we can provide the money so they can be shut down in an orderly way.

After the 101st Congress adjourned, the RTC stretched its resources by using a drafting error in the FIRREA bill to increase its temporary borrowing authority by several billion, to come up with the working capital that I have just cited. But in testimony to the Banking Committee on January 23, Secretary Brady indicated that the RTC can stretch no further in that area. He told the committee:

> If the RTC fulfills its goals for January and February and does not receive additional funds it will have expended all available loss funds and it will be forced to stop closing and selling institutions by the end of February; namely, this month.

He further questioned, without funds the RTC will have to practice forbearance on insolvent thrifts that remain open and told us, as I already indicated, that the RTC estimates that forbearance for even one quarter would cost American taxpayers $750 to $850 million if we do not allow the orderly shutting down of institutions that are losing money.

At the same time the administration asked the committee to provide the RTC with permanent indefinite funding; namely, a blank check. They said, "Do not just give us a specified amount of money. We would like you to sign an open-ended authority of an unlimited amount, and as we need to draw money out to do this job, we will just take it as we need it."

It was not the desire or the thought that the committee should take that step and this bill does not do that. We decided to provide only interim funding in the amount of $30 billion that will take us down through the remainder of this fiscal year, or until September 30, 1991.

The reason for that is really very straightforward. First of all, that is the amount they anticipated they will need to carry out the work down through the end of the fiscal year. But I think it would be irresponsible for us to sign a blank check when there are a lot of questions about the internal operations of the RTC and a number of suggestions as to how it might be restructured and made more efficient. We want to have an opportunity to look at those ideas and be in a position to recommend changes in the actual structure and work process of the RTC before we provide any money beyond the $30 billion contained in this bill, which takes us down through the end of September. That, obviously, gives us enough time between now and then to see what changes might be in order for the RTC.

I know some of my colleagues will wonder whether $30 billion is not too much money, whether we should keep the RTC on a tighter leash. I must say I have some sympathy for that point of view. I think with so much money at stake it is altogether proper for Congress to insist that the RTC be held to very high standards of accountability, and make sure that RTC does not have so much money available to it that waste ensues as a result of that.

I have to say, on the other side, I think reducing the funding amount below what we asked for would actually be counterproductive to that goal. The transactions that the RTC must engage in are very complicated, they are very sophisticated transactions. RTC is a huge organization. It has come into being in a relatively short space of time. It is roughly the size of Citicorp, now the largest private bank in our banking system, to give you some idea of the sheer magnitude of the organization that has come into being. So it takes a lot of people and a lot of planning to accomplish the assignment and the objectives that are set forth for the RTC.

I think if we were to say, in essence, look, we will give you, say, $10 billion now, and come back when that $10 billion runs out and we will give you another $10 billion, I think that probability creates enough uncertainty in terms of cash-flow and lead times with respect to case resolutions that are now backed up and ready to go, which they need to try to deal with on an orderly basis. I suspect that the result of that would be fewer resolutions and on less favorable terms. I think more institutions that are losing money would stay open longer and the losses would mount up to taxpayers beyond what they otherwise will be.

The weight of argument is on the side of saying it is February now, almost March. Let us provide enough money to carry them with the planning horizon down through the end of September and give us time to see how the machinery itself might be reengineered.

I have mentioned the fact that colleagues, and certainly some who are on the floor at the present time, have voiced concerns over the structure and the operational practices of the RTC, and I certainly share some of those concerns myself. I think the RTC could have moved faster to resolve its huge case backlog of conservatorships. I think it could be doing a better job of assets sales, although it is not an easy task in face of the kind of depressed real estate market we find across the country. I am concerned that the RTC complex administrative structure may in and of itself contribute to organizational inertia.

I have previously stated here on the floor that the committee will look closely at these issues in this session and consider what reforms, if any, it should enact. And that remains my intention.

We are going to have a hearing on that very subject on April 11 in the committee. I invite colleagues who have ideas for restructuring of the RTC to plan to come in and testify and offer their ideas at that time. I know Senator WIRTH and Senator KERREY of Nebraska both have proposed legislation to reform the structure of the RTC. Senator AKAKA has proposed legislation concerning RTC asset sales and environmental issues, and there are others that have been suggested as well. So anyone who has ideas in this area, we are interested in them, will look at them carefully and see what changes seem to make sense.

Finally, I want to say that the GAO Comptroller General Bowsher testified just last week on this issue:

> With reference to this problem, such close slowdowns simply add to the eventual cost of resolution by allowing failed institutions to continue operating and incurring losses.

Continuing to quote him, he said:

> We believe short-term funding bills covering less than 1 year would prove inefficient and costly.

So you have the comptroller general, who has been very much an arm's length independent party in examining the S&L workout situation, on record within the matter of a week or so telling us that he thinks this legislation provides the right amount of money, that it represents good operating practice, and a way to save some money for the taxpayer in this situation.

So this bill does not provide the blank check that was the administration's preferred funding alternative. Despite that, the administration is supporting this bill. It is needed.

We acted at the end of the last Congress to provide additional funding for closing of insolvent thrifts. It was not acted upon in the House, so we were not able to move that matter through and into law. We are coming back around again today. I know the House was acting on it in committee today. But it is very important that this legislation be taken up and acted upon because there is an awful lot of savings that I think rides on it that ought to be realized.

I urge my colleagues on both sides of the aisle to support this legislation. I yield the floor.

Mr. GARN. Mr. President, the Senate is today taking up S. 419 for consideration, the Resolution Trust Corporation Funding Act of 1991. While this bill is the vehicle before the Senate today, it is not the issue before the Senate today.

The question before the Senate is whether or not we are going to lay politics aside and do what will impose the least cost upon the taxpayer.

The issue is not whether we are going to meet our obligation to the millions of depositors in our Nation's financial institutions: The question is whether we are going to do so as quickly and expeditiously as Government can, or whether we are going to delay meeting our obligations once again.

Mr. President, when I refer to delay, I do not wish to level any criticism at this body or its Members. Time and time again throughout the savings and loan insurance crisis the Senate has acted to provide funds to meet our obligations, only to see the process stifled by inaction on the part of the House of Representatives.

Last year it became clear that additional resources would be needed for the RTC to continue to shut down and dispose of bankrupt savings and loans. The Senate passed legislation last October providing funds for the RTC to continue its operations. That legislation was not taken up in the House. The 101st Congress subsequently adjourned without providing the RTC, an agency created by the Congress, with the additional funds necessary to do its job.

Mr. President, perhaps we should pause to remind ourselves just what that job is. The RTC was created by the Congress for one purpose alone. All other functions it performs are to further that purpose.

That purpose is to honor the solemn commitment of the Federal Government to the men, women, children, mothers, fathers, grandmothers, small businesses, shopkeepers, Elks clubs, and anyone else with an insured deposit in a failed savings and loan association, that their money is secure, and to do so in a way that takes back the least amount of money out of the taxpayers' pocket.

I do not remember that commitment ever being in question in this body. I know of no Senator who rejects that commitment, who does not acknowledge that obligation.

Unfortunately, and for a long list of reasons that I will not discuss today, the agency that originally insured those deposits, the Federal Savings and Loan Insurance Corporation, itself became bankrupt. That bankruptcy, however, did not end our obligation to those depositors. Standing behind the obligations of the FSLIC was the full faith and credit of the Federal Government.

When FSLIC resources were exhausted it fell to the Federal Government to honor those obligations. The alternatives would have been to turn to the millions of depositors and say, "I am sorry, but your deposits are gone. There is no money left. Get along as best you can."

I do not remember anyone suggesting that course of action. Instead, after extensive hearings, debate, and legislative deliberations, the Congress enacted the law creating the Resolution Trust Corporation. The RTC was given the charge, as an agency of the Federal Government, to be the instrumentality through which the Federal Government met it obligations to insured depositors.

I do not believe, and again I do not hear anyone making a proposal, that because the cost of that obligation has grown we should walk away from it, that the RTC should not go forward and do its job. So the question before us today is not whether we are going to meet our obligation. The question again is only how—how specifically we handle it, and how expeditiously.

Today, as always in this process, the clock is against us. The longer we wait, the more it will cost. The problem will neither go away nor become easier as time goes by. The exact opposite is true.

Because of insufficient funds over the last few months, the RTC has already had to slow down it activities. When the RTC slows down its activities, that means that brain dead savings and loans stay in business. They do not make new loans. They merely continue existing operations, servicing existing deposits. But those existing deposits have to be serviced with money from somewhere, and that means more deposits are taken in or other liabilities are obtained in order to honor earlier deposits and pay employees.

This Government-operated pyramid scheme continues until the institution can be closed down. As the failed thrift stays open, this cycle goes on, and the cost continues to grow.

The RTC estimated that the lack of resources has already cost taxpayers an additional $250 million to $300 million. That is what the House of Representatives is responsible for. If they had considered taking up the Senate-passed bill they could have saved $250 to $300 million. I wish more of the taxpayers would understand that and start calling their Representatives and letting them know that they do not appreciate that. The RTC estimates it will cost another $750 to $800 million if another 90 days pass without the RTC receiving needed funding.

I have not yet heard any good arguments for why we should increase the already heavy burden that must be carried by taxpayers. We cannot escape the costs of meeting our commitments to insured depositors. We can and should do all that is possible to avoid increasing costs.

We will not do that by avoiding the job before us today, no matter how distasteful that job may be. We can minimize costs only by doing all we can to get bankrupt savings and loans out of business, and that means giving the RTC the resources it needs to press forward with full speed.

I can only wonder what those who are reluctant to pass this bill today would do in the future when failure to act now will make the bill many times larger.

Mr. President, I presume that the doctor in the emergency room of a hospital would just as soon not have any patients. He would be much happier to stay home and spend a quiet evening with his family. But he knows that when an accident victim is brought in, failure to act is not an option.

That is not an option for us today either. We need healthy financial institutions to provide the loans for economic recovery, growth, and development. Keeping bankrupt S&L's in business undermines the health of other well-run, well-managed financial institutions. Delaying the job of cleaning them up prolongs financial weakness.

We should have provided new funds for the RTC last fall. As I said, the Senate tried, but the House failed to act. Of all of the unfortunate costs in this catastrophe, the most unfortunate are the ones that could have been avoided. So I suggest there be no more delay.

I experience a great deal of frustration, I suppose, because, having been a member of the Senate Banking Committee for the last 15 years, I have given literally dozens and dozens of speeches on the floor of this Senate on the need to modernize our financial system. I have argued not to continue with Band-Aids, and splints, and tourniquets, that we should not always be facing an emergency situation, but that we should look at structural reform that would make our system more competitive while also providing for more safety and soundness.

Congress, particularly the House of Representatives, year after year after year has failed to do that. We are paying the price for that delay. And beyond the issue of not providing structural reform and modernization for our financial system, when the bills come due, bills that we have been the main cause that they have been created, then we are unwilling to pay them because, I guess, it looks good to the taxpayer to say, "No, I am against $30 billion."

So is this Senator. No more than two or three Senators of this whole body have a more fiscally conservative voting record than I do over the last 16 years. But if I run up a charge account on my VISA or MasterCard, I have to pay the bill. Congress has run up that charge account, and now to say we are not going to pay it is not fiscally responsible. Just like that charge account, the interest and the penalties grow and grow. That is exactly what is happening in this situation.

My frustration grows because I have given this speech over and over again. I gave it in October 1986, when I stood on this floor and begged for a $15 billion FSLIC recap—not from the Federal taxpayers but from the savings and loan industry. We were proposing that they pay the full charges, interest and principal, to bail out FSLIC at that time. The Senate passed it, but the House turned it down.

How many tens of billions of dollars has that cost us? Yet, politically, they seem to be able to get away with it over there. I wish I understood that. Mind you, that is 4½ years ago.

I look at all the criticism of the so-called 1988 deals. A lot of that criticism is justified. There is no doubt about it. Some of them obviously were not in the best interests of the taxpayers. But there was only one other choice the Federal Loan Bank Board had at that time: Keep the failed savings and loans open. Keep them open because Congress did not provide the money to close them down, even when that money was going to be provided by the savings and loan industry itself, not by the taxpayers. We turned them down. And so the Federal Home Loan Bank Board tried to put together the best deals they could, even if they were not the most efficient, or they would have had to keep the failed thrifts open.

I do not know how we estimate what the costs would be of keeping those institutions open, but it would certainly be a great deal more than the cost of those 1988 deals.

In these last few months we are doing it all over again. We did not give the RTC the money in the fall, so the distinguished chairman of the Banking Committee, the Senator from Michigan, has outlined what the RTC had to do in the last few months under the FIRREA legislation to keep operations going. They took advantage of a drafting error in the FIRREA legislation.

In a way it almost makes me wish they had not found a way to keep their operations in place, so that the true burden would lie where it should—with the Congress of the United States for not providing the funds.

I sometimes wonder after 8 or 9 years of coming to the floor and giving essentially the same speech—just the numbers are different, and a lot bigger—

how many times some of us have to come to the floor, give that speech over and over again, warn about the cost to the taxpayers, be ignored and then have those who defeat it somehow escape the political wrath they deserve for greatly exacerbating the problem.

One of the excuses they use is that, well, $15 billion was not enough to solve the problem in 1986. Correct. It was not. But it would have made the problem today a small portion of what it is.

I remember one example of an institution in California, one of those State-chartered California institutions, that did not even have a retail office. It existed in one of those steel and glass high-rise office buildings in Los Angeles where they took brokered deposits from all over the country by phone. Nobody knew they existed. They just advertised high rates and so on.

The Federal Home Loan Bank Board did not have the money to close that thrift down in the fall of 1986. They could have closed it then for a little over $80 million. That thrift was finally closed in 1989 for a little over $800 million—just one institution.

So the record is very, very clear. Whatever the fundamental causes—interest rate mismatches, fraud, dishonesty, State legislatures allowing powers that were too speculative, too risky—we could discuss for days all those fundamental problems of why this occurred. But, interestingly enough, all of those problems combined have not created as much cost to the taxpayers as has Congress' unwillingness to deal with the problem up front, to have a little political courage, to say we do not like it but this is the problem and we are going to deal with it.

If anybody had told me on a late night in October 1986, when the chairman and I stood in back of this Chamber to try to get that legislation through, that 4½ years later we would still be debating the same problem—still trying to get the House of Representatives and some of our own Members in this body to deal with the issue rather than hide from it, rather than try to get political advantage by condemning the problem instead of endorsing solutions to the problem, I would not have believed it. I could not believe 4½ years later and less than an inch or two of hairline I would still be out here giving the same speech.

But the record is clear. It is in the CONGRESSIONAL RECORD—over and over again in great detail. Some of us were standing here, warning about the problem, how we should deal with it, and how we could minimize the cost. To be giving the same speech on February 26, 1991, is almost incomprehensible to me.

But I hope a few of our colleagues are listening and, once again, that the Senate will act responsibly as we have over and over again. And maybe somebody will start sending a message to the House of Representatives that you cannot demagog the problem forever. You cannot play games with it forever and someday not have your voters catch up and find out who increased the costs, literally, by many, many times—hundreds of billions of dollars—because action has not been taken in the past.

Again, that is not hindsight. It is a matter of fact. It is a matter of CONGRESSIONAL RECORD to anybody who wants to take the time to go back and read it. They will find out there are a lot of people in this body who tried to do something about it. So I hope my colleagues will pass this swiftly, even recognizing that there are some problems with the RTC.

If I could rewrite the bill, that created the RTC, it would be different. It was a remarkable compromise at the time, a year and a half ago, considering all of the competing interests. It was a remarkable bipartisan effort under the circumstances. But there are some changes that need to be made. There is no doubt about that. Both the chairman and I agree, and on most of those issues for a change we are also in agreement on the specifics.

But today, on an emergency funding bill to minimize the cost, this is not the time to deal with those structural changes. On most of the proposed amendments to this bill that I have looked at, while some of them may be meritorious, we have held no hearings. We have had no testimony on them in the Senate Banking Committee. There is a time and place to consider those proposals, but not on this emergency funding bill. Let us get this bill out of here as quickly as we can and for once tell the American taxpayer that Congress has taken an action that will reduce the costs of the S&L bailout rather than increase them.

Before I yield the floor, I ask unanimous consent that a letter from Secretary Brady be printed in the RECORD, as well as a number of news articles that discuss the cost of delay.

There being no objection, the material ordered to be printed in the RECORD, as follows:

OVERSIGHT BOARD,
RESOLUTION TRUST CORPORATION,
Washington, DC, February 26, 1991.

Hon. ROBERT J. DOLE,
Republican Leader,
U.S. Senate,
Washington, DC.

DEAR LEADER: As Chairman of the Oversight Board of the Resolution Trust Corporation (RTC), I am writing to emphasize that unless Congress promptly provides adequate funding to the RTC, the RTC will be forced to further curtail its efforts to close bankrupt savings and loans. Already, the delay in authorizing additional funds has slowed case activity and cost the American taxpayer at least $250 to $300 million.

The Oversight Board has testified that full funding to permit the thrift clean-up would be perferable to interim funding. However, the $30 billion of loss funds that is provided by the Senate bill will permit the RTC to continue operating through the remainder of the fiscal year.

I am afraid that if any less than $30 billion is provided, the result will be a start and stop cleanup process that produces further delays, substantial additional costs to taxpayers, and confusion and fear in the minds of depositors.

Accordingly, I repeat the Administration's urgent request that the Senate provide adequate funds to the RTC without controversial amendments that would delay the provision of funds and add to taxpayers' costs.

Sincerely,

NICHOLAS F. BRADY.

[From the Market News Service, Oct. 30, 1990]

CONGRESS FAILS TO PASS RTC BILL; THRIFT BAILOUTS COULD BE HALTED

WASHINGTON.—Congress adjourned early Sunday morning until January without passing a bill providing urgently needed funds for the Resolution Trust Corp.

The RTC has already halted its efforts to close large failed thrifts for lack of funds, and its bailout operations could come to a complete halt before the end of the year, agency officials said last week. Failure to close the hundreds of failed thrifts currently awaiting action could cost taxpayers almost $1 billion by the end of the first quarter next year. RTC Chairman William Seidman said in a letter to key lawmakers last week.

The RTC may have access to nearly $24 billion in funds that could carry it through until early next year, a senior House Banking Committee staff member told Market News Service. Additional funds could come from accelerated asset sales, he added.

The RTC has a $5 billion line of credit with the Treasury, which the agency could use in the interim, the staff member said. In addition, a drafting error in the original thrift bailout bill did not count the original funds appropriated from the Treasury toward the total $50 billion in bailout funding, leaving $18.8 billion in untapped funding that could now be used, he said.

The Treasury and RTC, under a gentleman's agreement with the House and Senate banking committees, have not tapped the extra funding authority created by the drafting error. It is unclear whether the Treasury would now feel justified to use the funds or would wait for formal authority from Congress to tap them. Treasury and RTC officials could not be immediately reached for comment.

Congress is scheduled to return Jan. 3. Drafting of a new RTC funding bill in both the House and the Senate would likely take several weeks. President Bush could also call Congress back into session after the Nov. 6 election to deal with the problem, as Sen. Jake Garn. R-Utah, ranking Republican on the Senate Banking Committee, suggested Sunday.

A smoldering dispute between Treasury Secretary Nicholas Brady and members of the House Banking Committee appears to have played the major role in blocking passage of the funding bill. House Banking Committee Chairman Henry Gonzalez, D-Texas, and other committee members were infuriated that Brady would not testify before their panel on the request for additional funds.

Despite his dispute with Brady, Gonzalez passed through his committee a bill authorizing an additional $10 billion in funding for thrift losses and formally authorizing the

RTC to use the $18.8 billion caused by the drafting error. The funds would have been sufficient to last through the end of February, RTC officials had said.

The Senate, in one of its final acts before adjourning, approved a bill identical to that pased by the House Banking Committee.

But neither the House bill nor its Senate twin came up for a vote on the House floor, as first Rep. Frank Annunzio, D-Ill., and then Rep. William Dannemeyer, R-Calif., objected on procedural grounds to the vote, staff aides said. Because of general unhappiness with the slow progress of the bailout, its huge cost, and Brady's unwillingness to testify, the House would have voted down the bill anyway, senior House Democratic aides, said.

Annunzio, a senior member of the banking panel, told Market News Service that the RTC "doesn't need $10 billion," and suggested that the agency accelerate asset sales to raise funds. Brady "should have honored the invitation" to testify, Annunzio said.

Objections to the administration's handling of the bill were not confined to the House. The Senate was unable to consider the $57 billion funding bill passed by the Senate Banking Committee because of an objection by Sen. Bob Kerrey, D-Neb., primarily due to Brady's failure to appear before the House panel. Kerrey was persuaded to remove his objection only after he was assured that the bill would be scaled down to the House level to ensure that Brady did appear before Congress again early next year to seek more funding.

[From the Wall Street Journal, Oct. 30, 1990]

FUNDING DELAYS FOR S&L CLEANUP TO COST TAXPAYERS $1 BILLION TO $8 BILLION MORE

(By Paulette Thomas)

WASHINGTON.—Delays in funding the savings and loan cleanup are expected to cost taxpayers an additional $1 billion to $3 billion, the result of a battle between Congress and the administration.

The Resolution Trust Corp. said it will postpone the sale of 18 large, failed thrifts with total assets of $30 billion. The agency originally had planned to sell them this quarter. The delay will pile on additional losses to the government, which is operating the S&Ls, and it will decrease the institutions' value, thus lowering their eventual sales prices.

The S&L cleanup agency won't advertise the sale of the large thrifts until it is certain that Congress will give it the cash necessary to complete the sales. "Until we know which way they will go, we have to hold tight," said David Cooke, director of the RTC.

The agency requires funds to compensate buyers for bad investments held by the S&Ls. With an election days away, Congress failed to provide additional funds for the S&L cleanup, even though all sides acknowledged that delays would cost huge sums.

"The biggest factor is delay," said Bert Ely, an industry consultant in Alexandria, Va. "We are back in the exact same game again." He estimated that the cost of holding the S&Ls will be $2.6 billion for three months, and much higher if the delays continue longer than that.

The RTC estimated that operating losses alone would total $950 million for two quarters. It didn't estimate the costs from deterioration of government-held thrifts and their assets, but said those would "substantially add" to the costs.

Congress and the administration blamed each other for the funding failure. John Robson, deputy Treasury secretary, said the fault lay solely with the House. "This was a failure of the House to meet an important national responsibility," he said. "We broke our necks to get this through."

But Rep. Henry Gonzalez (D., Texas), chairman of the House Banking Committee, said the administration didn't do enough. "There was absolutely no evidence that anyone in the administration turned a hand to help us gain support in the closing hours of the session," he said. He added that he would hold hearings before the next congressional session on the RTC's performance before considering funding for next year.

Late yesterday, the RTC was awaiting word from the Treasury about whether it will be permitted to exercise a drafting loophole in the S&L cleanup law, which would have the effect of giving the agency $18.8 billion more for short-term capital. Even with that funding, however, the sales of the large thrifts will be postponed. The RTC still plans to sell 65 smaller S&Ls this quarter. So far it has sold nine.

[From the New York Times, Oct. 30, 1990]

A SCRAMBLE FOR NEW BAILOUT FUNDS

(By Stephen Labaton)

WASHINGTON, October 29.—The Bush Administration began scrambling today for ways to finance the bailout of the savings and loan industry in the wake of Congress' decision in its waning hours over the weekend not to supply any more money to the limping rescue effort.

A senior Treasury official, Deputy Secretary John E. Robson, said in an interview today that the department was considering use of an ambiguous provision in last year's bailout legislation that could permit the Resolution Trust Corporation, the agency overseeing the bailout, to borrow an additional $18.8 billion. But he said it would probably be days or longer before a decision was made as the Administration evaluated the political and practical consequences of borrowing without Congressional approval. He added that even if some funds were borrowed, the pace of the bailout would be forced to slow considerably.

"We will now have to fashion a low-calorie or no-calorie diet plan that will enable us to keep something going," he said.

WARNINGS WERE ISSUED

The Resolution Trust has virtually run out of cash. In the last two weeks, Administration officials and regulators, who sought $40 billion for the next 12 months, had warned that the failure of Congress to appropriate new money would halt the rescue.

While those warnings now appear overdrawn, the most conservative estimates by regulators are that the delay will increase the bailout costs by at least $2 million a day for the next three months and $6 million daily after that as sales of institutions slow and they remain in Government hands.

Some experts predict that the cost of the financing delay could ultimately total more than $2 billion a quarter if the costs of delaying the seizure and sale of hundreds of institutions still under private management were included.

"The delay can now easily drag to six months and there is nothing good about it," said Bert Ely, an industry consultant, who predicted that it would now cost taxpayers $2 billion to $2.5 billion a quarter in extra financing because of the fund delay. "Coming into a recession, this is probably the worst time to be slowing down."

MOVE IN HOUSE BLOCKED

The effort to get more financing had been making headway in Congress, but just before the recess on Sunday morning a last-ditch effort by the House banking chairman, Henry B. Gonzalez, to authorize $10 billion in new financing until February was blocked by the second-making Democrat on the banking committee, Frank Annunzio of Illinois.

Mr. Annunzio, who has been critical of how the Administration has conducted the bailout, is facing a fierce race to retain his Chicago seat, in large part because of his close ties to the savings and loan industry. After his objection, the Senate went on to approve the interim financing measure by voice vote, but by then it was a dead issue in the House.

The tug-of-war between the Treasury Department and lawmakers is the most visible sign yet of how politically unpalatable the costly savings and loan bailout has become. While Democrats and Republicans have recognized that the financing is needed to keep the costs from increasing further, neither the Administration nor Congress wanted to be seen as taking the lead on authorizing new funds.

"Congress ran away from the problem," Mr. Robson said, continuing the political rancor between the Administration and lawmakers that developed after Treasury Secretary Nicholas F. Brady refused repeated invitations to appear this month before Congress to justify the $40 million request. "It doesn't help a bit to have Congress put a banana peel on the side-walk right when we're rolling at a good pace."

Aides to Mr. Brady said he declined to testify because he saw it as little more than an attempt to haul him before the cameras and use him for political fodder just before the elections. His decision was harshly criticized by both Democrats and Republicans on Capital Hill who maintained that he had a responsibility to testify and who used his refusal as a basis to oppose further appropriations.

Mr. Gonzalez continued today to blame the Administration, saying in a statement today, "The objections raised Saturday night to the consideration of additional funding are reflective of widespread concern about the cost of the savings and loan cleanup, the manner in which the program is being administered and the slow peace of resolutions and asset sales."

L. William Seidman, chairman of the Resolution Trust Corporation, said he expected the Administration would approve borrowing the $18.8 billion in financing quickly. "Assuming that it is available, we will be able to push forward, but it will cost extra money no matter what happens," he said, nothing that the uncertainly over the agency's budget had already forced regulators to slow the pace of the rescue effort significantly in recent weeks.

But Mr. Robson said the Administration and the Resolution Trust's Oversight Board would not act hastily in interpreting the law to permit an addition $18.8 billion in borrowing.

"We have to decide whether it is appropriate to proceed in the face of some ambiguity and whether it is just the right thing to do," he said.

AN AMBIGUOUS PROVISION

Because of what even its authors now consider an error in last year's bailout legislation, an ambiguous provision may permit Resolution Trust to exceed the cap limiting its borrowing authority and borrow up to an additional $18.8 billion, according to the General Accounting Office and some lawmakers, including Mr. Gonzalez. Before this week, Resolution Trust had said it believed the ambiguity would not permit such borrowings. The Treasury Department has not formally issued its interpretation of the provision.

William H. Roelle, director of the Resolutions and Operations Division of Resolution Trust, said the budget crunch would not affect the agency's ability to dispose of 65 savings associations with assets of less than $500 million each, but that it would make it difficult, if not impossible, to sell or close larger institutions whose plight is more costly to resolve.

"This program is like a supertanker," Mr. Roelle said. "Once you slow it down, it takes a lot to start up again."

Mr. KERREY. Mr. President, I rise because I intend later to offer an amendment. I want to make certain that I, in addition to notifying my colleagues of my intent to do so, explain why.

I thank the distinguished chairman of the committee and the ranking member for agreeing to hear my amendment, and those of other Senators, that would attempt to change the structure of the Resolution Trust Corporation. Mine is a fairly simple approach. I discussed it with the chairman before. He sees merit in it. He has been kind enough to assist me in making some improvements in it and I appreciate that ever so much.

However, I find myself in a rather difficult dilemma. I, indeed, found myself there last fall, when this appropriation was being discussed. The House did not take action so we were relieved of the responsibility of having to decide whether or not to vote on it here in the Senate. The fundamental problem, Mr. President, is that the Congress finds itself in an unusual position that is not really comparable to 1986. We understand there is a problem there.

Very few people will stand and disagree with that. Very few people will stand and disagree with the assertion that we have a problem that needs to be addressed with taxpayers' money, as well as an obligation to the taxpayers to fulfill loan obligations. I think very few people will stand and say we should not pay it out at all or, in the contrary, finding individuals who stand up and say there really is not a problem and it is being overstated, which was sort of the case, as I understand it, in 1986.

I think, if anything, today there is a tendency to overestimate the severity of the problem and grow pessimistic. I guess that is one of the reasons President Bush in his State of the Union Address talked about negativism at times drying up credit.

In this situation, I simply do not have permission from my voters to vote the money. It is not because they do not identify the problem. They are not saying, "We know there is a problem there and we just do not want you to spend the money." They are saying, "We do not trust how the money will be spent; we do not trust after hearing the factual accounts of the 1988 deals how our money will be spent; we do not trust, based upon the stories at the local level about assets that were held up for a long period of time or sold at prices below markets eventually after bids came in which were higher."

There are all sorts of documented pieces of evidence offered to taxpayers that say it is not being run right. Plus, they find themselves in a very unusual position, Mr. President. That is, they do not know what is going on. They do not have the requisite accountability that would provide in every other area of spending.

Today, Secretary of Defense Cheney and the Director of Office of Management and Budget, Mr. Darman, were before the Appropriations Committee and were presenting their estimates and analysis of what Desert Storm would cost, another item that is off budget. They were much more detailed in their presentation, much more sure and confident of what they were spending, even though, Mr. President, I would argue there is much more uncertainty about the likely outcome of the appropriation itself.

But last fall, in comparison, Mr. President, we saw no such willingness on the part of Secretary Brady to come before the Banking Committee of the Senate or the House and say here is how we are going to use the money. Instead, Mr. President, he sent a letter and said, "We need additional money and actually we would like to have a blank check without a great deal of limitation and just trust we are going to do OK with it."

To cover himself in the event he did not get the money, he said, "Gee, if I do not get the money, it is going to cost us more in the long term because of this delay."

The problem is not that we do not recognize what the delay will cost. The problem is we have not heard how the money is going to be spent. We do not trust, because our people just with common sense and intuition say something is wrong. They are not asking us to walk away from the responsibility that we have. They are not suggesting we abandon people who have deposited money. They just intuitively have said to me, and I suspect to many of my colleagues, "We do not like what is going on and we do not want you to appropriate any more money until we get more information or a procedure in which accountability can be increased."

My amendment, offered with great respect for the chairman and the ranking member—I was presiding earlier when this bill was brought before the Senate and was thinking about the frightening burden of seniority around this place. I offered, with great respect, or will offer later with great respect, an amendment that is very simple. It simply changes the board. Very little analysis needs to be done. It is directed entirely at the question: How do we increase accountability for tax money? That is all it does.

It does not take away authority of the President to appoint. It does not take away authority of the Banking Committees for jurisdiction over this. It simply puts somebody in charge who can devote full-time to tasking and answering questions relating to policy.

Currently, with all due respect to Secretary Brady, he is the chairman of the board that is supposed to be exerting policy oversight. I just find it impossible to imagine any human being, let alone the Treasury Secretary, with all the other things he has on his plate, to do the sorts of things that would make me comfortable and I believe make my taxpayers comfortable that we are being careful in providing accountability for the money that is being spent, rather than measuring, as again I have heard many of my citizens tell me, measuring almost every decision and trying to determine is this going to be politically popular, is this going to work politically; let us try to do it so it works for the next election cycle; let us try to avoid having to vote on this thing without embarrassing Members up for election.

All of these reasons are transparent, and I think the people understand it. They have lost trust in the Resolution Trust Corporation and the mechanism we provide for accountability.

The amendment I have will offer has been previously identified as 1 of the top 10 bills in 1989 by Consumer Federation of America and also being considered for endorsement by the American Taxpayer Union. It has received favorable comment by other impartial observers as a very simple way to increase accountability and to give the taxpayers a better sense that we are doing the right thing. Not that we are going to make this thing any more pleasant; it is still going to be difficult to extract that amount of money from the economy, from taxpayers, bring it into Government and pay it out to dispose of assets, many of which have very little value left on the books.

Finally, Mr. President, though again I suspect the distinguished Senator from Ohio has made a great deal of people uncomfortable with a probing investigation and analysis, I want to applaud him because I believe, indeed, of all the things recently that have occurred, I think he has increased the confidence in people that we are being diligent with how the money is being spent. It is a collossal amount of money, Mr. President.

Again, I am amazed when I consider the kind of oversight we require for defense expenditures. If ever a man is deserving of a blank check, it would almost be the Secretary of Defense right now. He was up all night, and came before the Appropriations Committee and managed to find the energy, the time, and the interest to testify before the committee. I compare that to last fall with Treasury Secretary Brady who was too busy trying to get a budget agreement to come forward.

I believe the dilemma we have is not one of Senators wanting to shirk their responsibility and not wanting to do the right thing, but one of Senators wanting to do the right thing. One of the most important things for us to do is measure every expenditure around and make certain we can defend it in a townhall meeting as if we were making it in front of every citizen we represent.

Right now we are making those expenditures outside the public view. We are making those expenditures downtown behind closed doors, with a reporting process that is satisfactory to some extent but simply has not measured up as far as the taxpayers in Nebraska, and I suspect the taxpayers in many other States as well.

Mr. President, I do, indeed, commend the chairman of the Banking Committee and the ranking member. I would not wish upon myself the responsibility for having try to bring this proposal to the floor and getting it passed. I commend, as well, the distinguished Senator from Ohio and hope that we are able, in fact, to provide resources to the RTC so they can get on with the business of solving this problem.

I hope that we find a way to improve the accountability, the accountability I believe taxpayers so desperately and so angrily are asking for.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, first I would like to rise to commend the Senator from Nebraska for putting his finger on some of the problems that face us as we engage upon a debate on this subject. I do expect to be heard at some length to explain some of my own concerns about where we are on the subject of savings and loans and what it has cost the American people and the failures of the RTC to do the job this Senator is convinced they should be doing.

In order that we might just clarify for the American public, I wonder if the distinguished manager of the bill would be good enough to yield for a couple simple questions.

Mr. RIEGLE. Of course.

Mr. METZENBAUM. First, would the Senator from Michigan be good enough to say how much the Federal Government has provided in subsidy to the RTC to this point?

Mr. RIEGLE. Total funds provided to the RTC has been about $107 billion.

Mr. METZENBAUM. About $107 billion. This bill would provide $30 billion. And does the $107 billion include the borrowing that the RTC has done to date?

Mr. RIEGLE. It does include that borrowing. And so, just to anticipate where the Senator may be going, this $30 billion which we are seeking here to cover losses would carry with it an ability for additional borrowings to take place for working capital that would, of course, be added to this figure should those borrowings be made.

Mr. METZENBAUM. Is the Senator from Ohio correct in his understanding that those additional borrowings, which would be possible if this bill were to be enacted, is an additional $47 billion?

Mr. RIEGLE. Our best estimate is $43 billion. But in substance, yes; a figure of $40-billion-plus is created in the way of additional borrowing authority. But bear in mind that is created by taking in assets of a value of that amount.

So, in other words, in closed or insolvent thrifts, there would be assets in that amount which would become the collateral for the borrowing—that would provide, according to our estimates, about $43 billion; yes.

Mr. METZENBAUM. But the full faith and credit of the United States would be behind that borrowing of an additional $40 billion or $43 billion or $47 billion?

Mr. RIEGLE. Yes, indeed. If they were to misstate the valuation of assets, if it was estimated as $43 billion and they sold the assets for $35 billion, then the $8 billion difference would be a cost to the Government; the Senator is exactly right.

Mr. METZENBAUM. If the bill would be passed, we would be going from an exposure and cost to the taxpayers of this country, at this point—we are still at increasing levels—$107 billion plus $30 billion, which is $137 billion. And then we would be adding to that something like $43 billion, which would be $180 billion; is that correct?

Mr. RIEGLE. Yes, it is, although, again, I have to say that there will be assets taken in that stand as collateral for the $43 billion. And is the estimates are right, in time those assets will be sold off to collect that amount of money. Then all of that borrowing will be replaced.

But, in the meantime, yes, the borrowing would take place so that money would be used, and it would not be paid back until a later time.

Mr. METZENBAUM. Will the Senator from Michigan then be good enough to explain to me why all of this $180 billion, or whatever the amount happens to be, if it is a little less, is totally off the budget, and therefore not included in the budgetary deficit this country faces? Who came up with the idea to put it off the budget, and why was it agreed that we would put it off the budget?

Mr. RIEGLE. Actually, only part is off budget. We had a big fight over that very issue, and there was a difference of opinion as to whether it should be on or off budget.

About $30 billion of the amount of money that we just talked about is off budget, and the rest of the money, in fact, is being carried on budget.

I would say, by the same token, that it is not subject to the Gramm-Rudman limitation, but it is on budget.

Mr. METZENBAUM. So we have a situation where $30 billion, according to the Senator's representation, is off budget. And why that is I do not know. And then the other figure, approximating $150 billion, including the borrowing authority, is on budget—although I cannot find it anywhere on budget—and is not subject to the limitations of the Gramm-Rudman bill, nor, as I understand, is it subject to the limitations of the budget agreement that was reached in the 101st Congress.

Mr. RIEGLE. The Senator's understanding is correct.

Mr. METZENBAUM. The Senator from Ohio is not very smart. He does not understand——

Mr. RIEGLE. The Senator from Ohio is pretty smart, I say.

Mr. METZENBAUM. He is having a little difficulty in understanding why the American people are not being told this is on budget; that it increases the budgetary deficit; that it is a factor that has to be considered.

Why did we take this one item, because it was one of the biggest items—we cannot for Medicare or Medicaid, or some free school program for children, or even defense spending, or anything else, although we are now talking about going off budget about the war expenses, and I can understand that. That does make some sense.

But I cannot understand why this one item, maybe the biggest item in the budget, at least one of the biggest items in the budget, is off budget, and how we in the Congress got ourselves into that position.

Mr. RIEGLE. The theory that was advanced—and I do not know that the Senator will find this a very acceptable answer—was that there were different economic effects; that what was happening here is the taxpayer deposits, which were out there and were misinvested and lost, are now being replaced. And so while the Government is acting to back up its deposit insurance guarantees to come in and restore that money, in effect, what you were having was a replacement of money that was previously there, lost, coming back in, and therefore the argument that was advanced was that that was a sufficient basis by which to treat it in an off budget manner.

Mr. METZENBAUM. I confess I do not understand it.

Mr. RIEGLE. I am not sure the Senator from Michigan can make it understandable, because there are a lot of people who find that logic less than persuasive. I would not want to have it be seen as my view. But that is the view that we were offered.

Mr. METZENBAUM. This proposal, or this understanding with respect to putting it off budget do I understand that that was the concept or the creature of Mr. Darman, from the Office of Management and Budget, at the White House? Is that where the idea originated?

Mr. GARN. Will the Senator yield?

Mr. METZENBAUM. I certainly do.

Mr. GARN. I am not qualified to get into all of the details of sequestration and budgeting, and all of that. We do have experts from the Budget Committee that could get into all of the technical explanations. I was there during part of the debate on budget treatment of the FIRREA legislation, so let me tell the Senator about the political reasons it was done the way it was.

It was a compromise. There was a division between those in the Congress and administration—there were some on both sides within the Congress—over whether it was on budget or off budget. And the compromise was made that the additional $30 billion that was backed up by S&L zero coupon bonds, and so on, would be off budget—you can get into the technicalities of why that was done—and the rest of it would be on budget.

The issue of keeping it out of Gramm-Rudman-Hollings was one that was very practical at the time, simply because the amount of money that you were dealing with under Gramm-Rudman-Hollings would have required offsets. Everybody in the Congress started talking about offsets—which programs were they going to take it out of to fund this. So it was treated like entitlements. Entitlements are on budget, but they are not subject to Gramm-Rudman-Hollings, because they have to be funded. So you are not faced with a discretionary fund.

You can argue about the amounts, but the bill had to be paid. You did not have any choices—these funds had already been lost; depositors had to be paid—but nobody wanted to make those kinds of choices. "OK, if we have to come up with *x* billions of dollars, are you going to take it out of defense; are you going to take it out of NASA?" I would jump at that one. No, I do not want to pay for it. So there were some in this body and in the House who started looking at how to fund that.

So the vast majority of it is on budget, but it does not trigger sequestration. It is treated the same as entitlements. The funds are treated much as Social Security, except for that first $30 billion.

Mr. METZENBAUM. I appreciate the comment of my friend and colleague from Utah. But if he would be good enough to yield for a question, am I not correct that this was the concept or the idea that the Office of Management and Budget came up with to take this off budget, and that was not a congressinal proposal? As a matter of fact, if it stayed on budget we could still have passed it even though it exceeded the Gramm-Rudman limits. There were legislative procedures to do that. But somehow, somebody, the White House, Mr. Darman specifically, concluded that this idea of taking it off budget would make the budget deficit look better. But indeed, the reality is that we are talking about another figure at this point already approaching $180 billion in additional deficit financing that is not to be found in the budget without any budgetary constraints.

Mr. GARN. It is my understanding that that portion the Senator is talking about is not off budget. It is on budget. That was the compromise that was made. That first portion was off budget. All of the additional funds are on budget, but they do not trigger the consequences of Gramm-Rudman-Hollings. They are treated in a manner like entitlements.

So yes, they show up in the deficit. But it does not trigger the sequestration or the tradeoff funds that are necessary to be there.

Let me be very honest with you. The Senator from Ohio and I have had a longstanding, friendly relationship even when we are at odds on the floor. He knows me to be very direct, blunt, and candid about things.

To answer the question, yes, the total off-budget proposal came from OMB Director Darman. There is no doubt about it. I can remember giving a speech in the conference and on this floor saying that both sides were playing games. The response of the Congress was, we want it on budget, but not under Gramm-Rudman-Hollings. So I said what is the difference? It is six of one and half dozen of another. The administration wants to keep it off budget so it does not show and the Congress wants to put it on budget so they can say, we are being honest about it, but do not have it under Gramm-Rudman-Hollings because we do not want it taken out of any of our favorite programs.

So I felt both sides worked out a compromise, and you have part of both; the administration's position and the majority of Congress' position. In my opinion, both of them were phony.

Mr. RIEGLE. Will the Senator yield? I would like to add one other element to that little historical recap; that is, how we arrived at $30 billion. The original request was to take all $50 billion that was asked for and provided and have it all off budget. In order to do that at this time, this REFCORP financing mechanism was created to go out and borrow the money in an off-budget manner. But we had to pay a financing premium.

In order to, in effect, take that borrowing out of the line of vision with respect to the budget, we will pay a cost premium for financing it.

Many of us objected to that. We thought the whole thing should be on budget.

Quite frankly, at least in the opinion of this Senator, it was the taxpayers paying an extra amount of money being fooled by having that amount of money further out of the line of vision.

So we had a big hassle over that. That was the last issue, by the way, that was settled in the Senate-House conference committee. It was sort of a little poker game that was settled. I am sure the ranking minority member remembers it. We were over in this cavernous House Banking Committee room. Mr. Darman was there, and the Secretary of the Treasury was there. We had everything else nailed down but this issue. Finally, in a fairly hard-boiled exchange we ended up with the notion of—almost a take-it-or-leave-it proposition—that at least $20 billion of the $50 billion would have to be on budget, and therefore financed through the Treasury at a lower cost, and in what many of us thought was a more honest budget treatment.

Whether it was in or out of Gramm-Rudman is still another complex additional sophistication to the way we handled the budget process around here.

But there is that additional wrinkle; that is, we paid—we the taxpayers, the Government—a financing premium of roughly 30 basic points to finance $30 billion through REFCORP. That was, I think, basically an expensive way to move it out there so that it was not really quite so awkward and in the line of public vision.

Others will argue that there were other reasons for that. I think if the Treasury Department were here today, they would have some other reason they would give you that would, on the surface at least, sound semiplausible as to why that was a preferable route to go. It cost extra money for that $30 billion. We insisted that the remaining $20 billion not go through that kind of a process, nor none of the rest going through that process. The $30 billion we are asking for here is going to be financed directly so we will get it at the lowest financing rate available to the Government.

Mr. GARN. Will the Senator yield for another reply? I have the exact figures from OMB on their February estimates. These are their latest estimates for the fiscal 1991 budget deficit. They are estimating that this fiscal year's deficit will be $318.5 billion. Included in that is the money we are talking about today, part of a total of $111.5 billion for deposit insurance costs—more than one-third of the entire budget deficit.

So it is all included, except the first part we were talking about, as part of the budget deficit. The $30 billion we are talking about today is already assumed in this $111.5 billion.

I think it is fair to say that what we have been talking about, that first portion of funding that the chairman outlined accurately and the compromise that I talked about, was off budget. But the $30 billion we are talking about today, plus an additional $81.5 billion of deposit insurance outlays, is included in the official budget deficit estimates.

Mr. METZENBAUM. I thought that the original amount, as the Senator from Michigan indicated, was at the present time the deficit costs; or the bailout costs are $107 billion. I think the Senator is starting off with a base of about $81 billion. I just am questioning whether that document indicates that the $30 billion is included because with the $30 billion I would understand it to be $141 billion, or rather $137 billion.

Mr. GARN. This is their latest February estimates. Total deposit insurance outlays, $111.5 billion out of a total of $318.5 billion.

Mr. METZENBAUM. Did he mention the $30 billion; did he indicate the $30 billion is included?

Mr. GARN. That includes the $30 billion.

Mr. METZENBAUM. I must confess that I am not challenging my colleague's representation. I am challenging the representation of the OMB because I cannot believe that they would include a $30 billion figure when the House has not passed it, and the Senate has not passed it. The House came out of committee this morning with a $20 billion figure.

Mr. President, I suggest the absence of a quorum.

Mr. GARN. If the Senator will withhold.

Mr. METZENBAUM. I withdraw the request.

Mr. GARN. Let me just say that the February deficit estimate, this is not any final figure. This is an estimate, including an estimate of Senate action. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAUCUS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CAROL STUMBO

Mr. FORD. Mr. President, I rise today to recognize an outstanding Kentucky teacher, Carol Stumbo of Floyd County. Ms. Stumbo, who has graced Kentucky classrooms for 21 years, was recently selected as 1 of 5 Christa McAuliffe Educators for 1991.

The honor comes as no surprise to Kentuckians who are familiar with Carol Stumbo's leadership and dedication to education in Kentucky. Her tireless efforts to explore and improve school structures in a State where educational change is so desperately important is appropriately recognized by this great honor. Therefore, I would like to have printed in the RECORD an article which was published in the February 1991 newsletter of the Kentucky Education Association.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAROL STUMBO NAMED MCAULIFFE

Carol Stumbo, a KEA member from Floyd County, has been named one of five Christa McAuliffe Educators for 1991.

Stumbo, who teaches English, journalism, oral history, speech and drama at Wheelwright High School, was selected for the honor by the National Foundation for the Improvement of Education.

The Educator honors annually go to teachers who exemplify McAuliffe's traits of excellence and exploration in teaching.

Stumbo was honored for her leadership in the use of telecommunications and her efforts to reorganize school structures to meet the needs of a society that is coping with increasing diversity and change.

In making the announcement, NFIE Executive Director Donna Rhodes said that while technology permeates our society, "We must advance its use by teachers and students in sensible and comprehensive ways to transform outdated school structures into creative educational models that correlate to the goals that we seek to achieve in today's society.

"The teachers we honor as Christa McAuliffe Educators are on the cutting edge of this exciting mission," Rhodes said.

Along with four teachers from Indiana, New York, Maryland and Washington, Stumbo will receive a $5,000 honorarium and will help plan a 12-day conference to be held this summer at Stanford University.

The conference will focus on "Preparing All Students for the 21st Century: Using Telecommunications to Restructure Schools." Participating will be 20 teachers to be named Christa McAuliffe Fellows by NFIE in April.

Via an international telecommunications network, Stumbo connnects her students with those in such countries as Israel, Japan, Peru and Russia to discuss environmental and other global issues.

"Technology brings to students a world they otherwise wouldn't get to know," Stumbo said.

Through a Kentucky Education Department telecommunications network, students at Wheelwright also can take classes in subjects not ordinarily taught by the 16-member faculty.

Stumbo also has used technology with her students to develop stories and transcripts for Mantrip magazine, a publication produced annually that focuses on the people in the community and to link her students with those in other countries.

"Technology has broadened their world," Stumbo said. "And it has made their own world even more important."

Mantrip is a publication which features the mountain heritage of the area. By using computer desktop publishing capability, Stumbo's students design and write the magazine. The 1,000 copies of the magazine are sold in Kentucky and other parts of the country. That publication is a result of the school's involvement with the Foxfire project, a national effort that encourages student writings on this country's heritage, and Stumbo's link with BREADNet, a telecommunications writing network for teachers.

Stumbo, a graduate of Berea College and Morehead State University, has been a classroom teacher at the high school and college levels for 21 years.

She is one of three teacher representatives on the Council on School Performance and serves as vice president of the Floyd County Education Association. She was previously honored by Ashland Oil Co. with a Teacher Achievement Award.

WKPC HONORED BY THOROUGHBRED RACING ASSOCIATION

Mr. FORD. Mr. President, I am delighted to share with my colleagues the accomplishment of the Louisville Public Television Station, WKPC. In January, WKPC was honored by the Thoroughbred Racing Association with the Eclipse Award which is considered the highest honor given in the horse racing industry.

This award was presented to WKPC for "Black Gold," a feature on black jockeys who have won the Kentucky Derby which was part of "Dawn at the Downs," a series of five programs originating live from Churchill Downs during Derby Week. WKPC has produced "Dawn at the Downs" for five seasons and is sponsored by the Ford Motor Co. of Louisville, KY.

"Black Gold" was written and produced by Philip Von Borries. Mr. Von Borries became interested in the subject of black jockeys through his late father's search for the grave of Isaac Murphy, the first jockey to win three Kentucky Derbys. Isaac Murphy's record remained unbroken until 1948. Mr. Von Borries' father found the grave and the legendary jockey, Isaac Murphy is now buried at the Kentucky Horse Park. Since I had a little something to do with the creation of the Kentucky Horse Park when I served as Governor of Kentucky, I am pleased to see the park honor Isaac Murphy.

The Eclipse Award ceremonies were held this month in San Francisco.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

ENTERPRISE FOR THE AMERICAS INITIATIVE ACT—MESSAGE FROM THE PRESIDENT—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit a legislative proposal entitled the "Enterprise for the Americas Initiative Act of 1991." This proposal sets forth key measures to implement the investment, debt, and environmental components of my "Enterprise for the Americas" Initiative announced on June 27, 1990. It will build on the provisions in Title IV of the Agricultural Trade Development and Assistance Act of 1954 as amended by section 1512 of the Food, Agriculture, Conservation, and Trade Act of 1990 ("1990 Farm Bill") to grant the Administration the remaining authority needed to implement these aspects of the Initiative. Also transmitted is a section-by-section analysis of the proposed legislation.

This Initiative acknowledges the gains made for freedom in our hemisphere over the last year, as a resurgence of democratic rule has swept through the Americas. It also reaches out to support the realignment of economic policies that has paralleled this political shift.

As the people of Latin America and the Caribbean search for prosperity following a decade of painful economic adjustment, their governments are focusing on economic growth and the free market policies needed to nourish it. By reforming economies and rebuilding their strengths, each country will contribute to the prospects for the Americas as a whole in the coming years. My new Enterprise for the Americas Initiative aims to build a broad-based partnership for the 1990s to promote this process.

The Initiative rests on three pillars—actions on trade, investment, and debt—through which we can reach out to our neighbors and support economic reform and sustained growth. *First*, we want to expand trade by entering into framework agreements on trade agreements that will establish a hemisphere-wide free trade system. *Second*, we want to encourage foreign and domestic investment and help countries compete for capital by reforming both broad economic policies and specific regulatory systems. *Third*, we want to build on our successful efforts to ease debt burdens and to increase the incentives for countries to reform their economies by offering additional measures in the debt area. Building a strong future for the hemisphere also depends on preserving and protecting the environment. Accordingly, we also propose to create resources to support environmental programs as an important element of debt reduction.

The proposal I am transmitting to the Congress focuses on the investment, debt, and environment components of the Enterprise for the Americas Initiative. It reflects the mechanisms established in the 1990 Farm Bill authorizing the reduction of PL-480 debt of eligible countries and the payment of interest in local currency to support environmental projects.

The proposal provides for contributions by the United States to a multilateral investment fund to be established by the Inter-American Development Bank (IDB) that would foster a climate favorable to investment in Latin American and Caribbean countries. This Enterprise for the Americas Investment Fund will provide additional support for reforms undertaken as part of the new IDB investment sector lending program. The Fund will advance specific, market-oriented investment policy initiatives and reforms and finance technical assistance.

The proposal establishes the Enterprise for the Americas Facility to support the objectives of the Initiative through administration of debt reduction operations for those nations that meet the investment reform and other policy conditions. Latin American and Caribbean countries can qualify for benefits under the Facility if they:

—Have in effect, have received approval for, or in exceptional circumstances are making significant progress toward International Monetary Fund/World Bank reform programs and World Bank adjustment loans;

—Have in place major investment reforms in conjunction with an IDB loan or are otherwise implementing or making significant progress toward open investment regimes; and

—Have negotiated a satisfactory financing program with commercial banks, including debt and debt service reduction, if appropriate.

The proposal authorizes the reduction of concessional obligations extended under the Foreign Assistance Act of 1961. The Agency for International Development will exchange—at the direction of the Facility—new obligations for obligations outstanding as of January 1, 1991. Principal on the new obligation will be paid in U.S. dollars. Interest will be at a concessional rate and paid in local currency if an eligible country has entered into an Environmental Framework Agreement establishing an Enterprise for the Americas Environmental Fund; otherwise, interest will be paid in U.S. dollars.

The Environmental Fund into which local currency interest payments are deposited will be owned by the debtor country. The Environmental Framework Agreement negotiated with each country will provide guidelines for the administration of its Environmental Fund. This Agreement will be negotiated by the President in consultation with the Environment for the Americas Board, a Washington-based entity with both United States Government and nongovernmental representatives.

This Board will also ensure that appropriate local administering bodies are established and will review the programs, operations, and fiscal audits of each administering body. Local administering bodies will include representatives from the United States Government, the debtor government, and a broad range of environmental nongovernmental organizations based in the participating country. A majority of the members of each administering body shall be individuals from such nongovernmental organizations.

These administering bodies will be responsible for identifying projects and managing the use of the Environmental Funds in each country. They will prepare annual programs laying out their priorities and plans, which will be submitted to the Environment for the Americas Board for review. Grants in excess of $100,000 will be subject to the veto of the United States Government or the debtor government involved.

The proposal also authorizes the sale, reduction, or cancellation of loans made to eligible countries under the Export-Import Bank Act of 1945, as amended, and assets acquired under export credit guarantee programs authorized pursuant to the Commodity Credit Corporation Charter Act or section 4(b) of the Food for Peace Act of 1966. These sales, reductions, or cancellations will be undertaken only when purchasers confirm that they will be used to carry out debt-for-equity, debt-for-development, or debt-for-nature swaps in eligible countries.

We believe that these investment, debt, and environmental measures will provide significant support to the efforts of Latin America and the Caribbean to build strong economies.

The leaders of these countries have welcomed the Initiative and widely recognize it as the most significant opportunity—and challenge—in inter-American relations in recent years. These are the leaders who are facing difficult choices in reforming their economies and, in the process, turning the tide away from economic decline and environmental degradation.

Their efforts are not merely of theoretical importance to us in the United States. We have not gone untouched by the economic crisis faced by Latin America and the Caribbean over the last decade. As countries in the region cut imports, postponed investment, and struggled to service their foreign debt, we too were affected. We lost trade, markets, and opportunities.

Enactment of the Enterprise for the Americas Initiative Act of 1991 will permit the United States to support the efforts of Latin American and Caribbean leaders, increasing the prospects for economic growth and prosperity throughout the hemisphere.

GEORGE BUSH.

THE WHITE HOUSE, *February 26, 1991*.

MESSAGES FROM THE HOUSE

At 2:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announcced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 153. An act to amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the United States Court of Veterans Appeals, and for other purposes; and

H.R. 586. An act to require regular reports to the Congress on the costs to the United States of Operation Desert Shield and Operation Desert Storm, on the contributions made by foreign countries to offset such costs, and on other contributions made by foreign countries in response to the Persian Gulf crisis.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–611. A communication from the Chairman of the Commission on Agricultural Workers, transmitting, pursuant to law, the 1990 year-end integrity report for the Commission on Agricultural Workers; to the Committee on Governmental Affairs.

EC–612. A communication from the Postmaster General of the United States, transmitting, pursuant to law, a report on various matters related to the Deceptive Mailing Prevention Act; to the Committee on Governmental Affairs.

EC–613. A communication from the Chairperson of the Navy Resale and Services Support Office, transmitting, pursuant to law, the annual report on the Navy Resale and Services Support Office Retirement Trust for plan year 1989; to the Committee on Governmental Affairs.

EC–614. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, a report of the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC–615. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on surplus real property transferred or leased for public health purposes in fiscal year 1990; to the Committee on Governmental Affairs.

EC–616. A communication from the Executive Director of the United States Holocaust Memorial Council, transmitting a draft of proposed legislation to authorize appropriations to carry out the programs of the United States Holocaust Memorial Council; to the Committee on the Judiciary.

EC–617. A communication from the Director for Congressional Relations, Office of National Drug Policy, Executive Office of the President, transmitting, pursuant to law, a companion budget summary to the recently transmitted National Drug Control Strategy; to the Committee on the Judiciary.

EC–618. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC–619. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Commission's Office of Program Operations for fiscal year 1990; to the Committee on the Judiciary.

EC–620. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, pursuant to law, the annual report on the Department of Justice Asset Forfeiture Program for fiscal year 1990; to the Committee on the Judiciary.

EC–621. A communication from the Acting Director of the Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the third edition of the National Drug Control Strategy; to the Committee on the Judiciary.

EC–622. A communication from the Acting Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Cooperative Demonstration Program (Building Trades) for fiscal year 1991; to the Committee on Labor and Human Resources.

EC–623. A communication from the Acting Secretary of Education, transmitting, pursuant to law, the Robert C. Byrd Honors Scholarship Program—Notice of Final Procedures; to the Committee on Labor and Human Resources.

EC–624. A communication from the Acting Secretary of Education, transmitting, pursuant to law, notice of final funding priorities—School Dropout Demonstration Assistance Program; to the Committee on Labor and Human Resources.

EC–625. A communication from the Acting Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the Training Personnel for Education of Individuals with Disabilities Program; to the Committee on Labor and Human Resources.

EC–626. A communication from the Acting Secretary of Education, transmitting, pursuant to law, notice of final funding priorities—Transitional Bilingual Education and Special Alternative Instructional Programs; to the Committee on Labor and Human Resources.

EC–627. A communication from the Director of the Federal Domestic Volunteer Agency (ACTION), transmitting, pursuant to law, a copy of a final resolution promulgated by ACTION; to the Committee on Labor and Human Resources.

EC–628. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the 1990 annual report of NASA on the performance of the Industrial Applications Centers and their ability to interact with the Nation's small business community; to the Committee on Small Business.

EC–629. A communication from the Secretary of Defense (Acquisition), transmitting, pursuant to law, the report on Department of Defense procurement from small and other business firms for the period October through November 1990; to the Committee on Small Business.

EC–630. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, selected acquisition reports for HARPOON and UHF Follow-ons as of the quarter ended December 31, 1990; to the Committee on Armed Services.

EC–631. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal years 1992/1993, and for other purposes; to the Committee on Armed Services.

EC–632. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on the Rural Housing Demonstration Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–633. A communication from the Administrator of General Services, transmitting, pursuant to law, the fourteenth quarterly report on Federal actions taken to assist the homeless; to the Committee on Banking, Housing, and Urban Affairs.

EC–634. A communication from the Assistant Vice President of the National Railroad Passenger Corporation (Government and Public Affairs), transmitting, pursuant to law, the 1990 annual report of AMTRAK, the 1991 Legislative Report, the Report on Employee Salaries in Excess of Federal Executive Level I, and the Report on the Performance of Passenger Routes Operated During Fiscal Year 1990; to the Committee on Commerce, Science, and Transportation.

EC–635. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the referral of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–636. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–637. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–638. A communication from the Under Secretary of Energy, transmitting, pursuant to law, notice of a delay in the submission of the annual report of the Office of Civilian Radioactive Waste Management; to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

EC–639. A communication from the Administrator of General Services, transmitting, pursuant to law, prospectuses for the fiscal year 1992 General Services Administration's Public Building Service Capital Improvement Program; to the Committee on Environment and Public Works.

EC–640. A communication from the President of the United States, transmitting, pursuant to law, the annual report on Soviet Noncompliance with Arms Control Agreements; to the Committee on Foreign Relations.

EC-641. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to February 14, 1991; to the Committee on Foreign Relations.

EC-642. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report containing the status of each loan and each contract or guaranty or insurance to which there remains outstanding any unpaid obligation or potential liability and the status of each extension of credit for the procurement of defense articles or defense services; to the Committee on Foreign Relations.

EC-643. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the provision of certain defense articles to the Republic of the Philippines; to the Committee on Foreign Relations.

EC-644. A communication from the Director of the Office of Government Ethics, transmitting a draft of proposed legislation to amend the Ethics in Government Act of 1978 to remove the ceiling on the level of appropriations for the Office of Government Ethics; to the Committee on Governmental Affairs.

EC-645. A communication from the Chairman of the United States Arctic Research Commission, transmitting, pursuant to law, the annual report entitled the Commission for fiscal year 1990 entitled "Arctic Research in a Changing World"; to the Committee on Governmental Affairs.

EC-646. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the Board on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-647. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, the annual report of the Department on competition advocacy for fiscal year 1990; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated.

POM-9. A resolution adopted by the House of Representatives of the State of South Carolina; to the Committee on Armed Services.

"HOUSE RESOLUTION 3373

"Whereas President George Bush ordered decisive and overwhelming military action on Wednesday, January 16, 1991, to be taken against Saddam Hussein, his Iraqi forces, military installations, and military industrial sites by directing the men and women of the United States Armed Forces to attack; and

"Whereas it appears that in the short time that has passed since the liberation attack known as "Operation Desert Storm" began, the Allied Forces have attained a great degree of surprise, air superiority, and success; and

"Whereas it is with great concern and pride that the people of South Carolina follow the historic events in the Middle East as they unfold before our eyes and ears; and

"Whereas the American soldiers have made and continue to make a great sacrifice to ensure the freedom of the world from the maniacal oppression of one man who desires to hold the whole world hostage; and

"Whereas we must never forget the men and women who are in the front lines actively engaging the enemy, the crews that load the airplanes' armament, the crews that keep the planes flying and the armed forces rolling, the pilots who venture into enemy territory, the ground forces, and all others in Saudi Arabia and the waters surrounding the Middle East; and

"Whereas the State of South Carolina, the United States, and the rest of the world will forever be indebted to the brave soldiers of the Allied Forces; and

"Whereas it is time to stand solidly behind the troops representing South Carolina and support the parents and relatives with loved ones in the Middle East; and

"Whereas never before has there been such great international solidarity in condemning and moving against an aggressor nation: Now, therefore, be it

"*Resolved by the House of Representatives*, That the House of Representatives and the people of South Carolina do hereby commend President Bush, his advisors, and the men and women of the United States Armed Forces for their successful and overwhelming attack on Iraq to free Kuwait from Iraq's unjust grip: Be it further

"*Resolved*, That the full support of the State of South Carolina is conveyed to the Allied Forces for their initial efforts and the efforts that continue: Be it further

"*Resolved*, That the House of Representatives and the people of South Carolina desire and pray for a swift conclusion to the conflict in the Middle East so that a minimum of personal tragedies may occur and our uniformed heroes may come home soon: Be it further

"Resolved, That a copy of this resolution be sent to President George Bush, Joint Chiefs of Staff Chairman Colin Powell, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the South Carolina Congressional Delegation, and Eston Marchant, Adjutant General of South Carolina."

POM-10. A concurrent resolution adopted by the Legislature of the State of Delaware; to the Committee on Armed Services:

"HOUSE CONCURRENT RESOLUTION NO. 11

"Whereas, Admiral Husband E. Kimmel was Commander-in-Chief of the U.S. Pacific Fleet at the time of the surprise Japanese attack on Pearl Harbor, December 7, 1941; and

"Whereas, at the time of the attack Admiral Kimmel was serving in a temporary appointment as Admiral but following the attack was retired as Rear Admiral, his permanent grade; and

"Whereas, a Naval Court of Inquiry found that no offenses had been committed nor serious blame incurred on the part of any person or persons in the naval service and specifically approved the judgments and actions under the circumstances of Admiral Kimmel prior to and during the attack; and

"Whereas, the Officer Personnel Act of 1947 permitted previously retired officers who had served in the rank of Admiral, with the approval of the President and advice and consent of the Senate, to be advanced to the rank of Admiral on the retired list of naval officers; and

"Whereas, when the aforementioned provision of the Officer Personnel Act of 1947 was implemented, Rear Admiral Kimmel's name was not submitted by the Navy Department to the President for advancement to the rank of Admiral on the retired list; and

"Whereas, under the aforementioned Act advancement is at the discretion of the President; and

"Whereas, no President has ever had the matter of advancement of Rear Admiral Kimmel to the rank of Admiral on the retired list submitted to him for the exercise of his discretion; and

"Whereas, on October 25, 1990 the Officers and Trustees of the United States Naval Academy Alumni Association unanimously adopted a resolution urging the Secretaries of the Navy and Defense to submit the name of Rear Admiral Husband E. Kimmel USN (Retired) (Deceased) to the President with the recommendation that the President nominate Rear Admiral Husband E. Kimmel for posthumous advancement to the rank of Admiral on the list of retired naval officers and further that copies of its resolution be sent to the Secretaries of Defense and Navy, the President, the Chairman and each member of the Armed Forces Committee of the U.S. Senate; and

"Whereas, on December 6, 1990 the Pearl Harbor Survivors Association unanimously adopted a resolution urging the same action as the aforedescribed United States Naval Academy Alumni resolution and directing that copies be sent to the same persons: Now, therefore, be it

"*Resolved* by the House of Representatives of the 136th General Assembly of the State of Delaware, the Senate concurring therein, hereby memorializes the President of the United States, the Secretary of Defense, the Secretary of the Navy to take the necessary actions to posthumously advance Rear Admiral Husband E. Kimmel USN (Retired) (Deceased) to the rank of Admiral on the list of retired naval officers: Be it further

"*Resolved*, That upon passage of this Resolution suitably prepared copies be forwarded to the President of the United States, the Secretary of Defense, the Secretary of the Navy, Senator William V. Roth, Senator Joseph R. Biden, Representative Thomas R. Carper, the Secretary of the U.S. Senate and Clerk of the U.S. House of Representatives."

POM-11. A resolution adopted by the City Council of Warner Robins, Georgia urging the appropriation of oil from Iraq as reimbursement for certain expenses incurred as a result of the liberation of Kuwait; to the Committee on Foreign Relations.

POM-12. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION 91-6

"Whereas, the government of Iraq, without provocation, invaded and occupied the territory of Kuwait on August 2, 1990, has brutalized the population of Kuwait, has taken large numbers of innocent hostages, and has disregarded the rights of diplomats, all in clear violation of international law and the norms of international conduct; and

"Whereas, Iraq's actions have caused great suffering among the hundreds of thousands of innocent people who have been displaced by this crisis; and

"Whereas, the President condemned Iraq's unprovoked and naked aggression and undertook a series of actions, including imposing comprehensive economic sanctions on Iraq and freezing Iraqi and Kuwaiti assets in the United States; and

"Whereas, the President and Congress have acted with decisiveness in rejecting the path of appeasement so tragically discredited in the years leading to and during the second world war, and have deployed United States armed forces as part of the multinational military presence in the Persian Gulf in order to deal with this aggression, partly in recognition of the historical probabilities indicating that if Iraq is not stopped now, it will have to be stopped later at even greater risk; and

"Whereas, the United Nations Security Council, in a series of resolutions culminating in resolution 678 on November 28, 1990, has strongly condemned Iraq's blatantly unlawful actions, imposed economic sanctions and authorized the enforcement thereof, has demanded that Iraq withdraw from Kuwait and comply fully with all of the said resolutions, and, as a pause of goodwill, has allowed Iraq one final opportunity to do so on or before January 15, 1991, and, if Iraq has not done so by such date, authorizes the use of all necessary means to force Iraq into compliance and to restore international peace and security in the area; and

"Whereas, in the face of continuous and persistent attempts to resolve the crisis diplomatically prior to the January 15, 1991, deadline, Iraq has thus far refused to enter into meaningful negotiation, continuing to ignore overwhelming world sentiment, including that of other neighboring Arabic countries, and in so doing, continues to attempt to invest itself with respectability by invoking issues which have nothing to do with its terroristic aggression which has left a trail of atrocity and destruction in Kuwait, and threatens to destabilize the entire region; and

"Whereas, the Colorado National Guard has, as of January 8, 1991, deployed the units described below, each consisting of the number of individuals indicated, in direct support of operation Desert Shield in the Persian Gulf or in other locations:

Unit	Number	Status
"1158th Transportation Detachment, Camp George West, Golden, CO.	6	In Persian Gulf.
1157th Transportation Detachment, Camp George West, Golden, CO.	5	Do.
947th Medical Company (Clearing), Lamar, Co, Las Animas, CO.	130	Do.
928th Medical Company (Ambulance), Cortez, Co, Durango, CO.	107	Do.
220th Military Police Company, Camp George West, Golden, Co, Pueblo Depot Activity, Pueblo, CO.	158	Federalized at home station.
217th Medical Battalion, Pueblo Depot Activity, Pueblo, CO.	48	In Persian Gulf.
140th Security Police Flight, Buckley Air National Guard Base, Aurora, CO.	44	Do.
140th Services Flight, Buckley Air National Guard Base, Aurora, CO.	14	Unit volunteers on duty in Germany.
140th Consolidated Aircraft Maintenance Squadron, Buckley Air National Guard Base, Aurora, CO.	3	Unit volunteers on duty in Persian Gulf.
104th Public Affairs Detachment, Camp George West, Golden, CO.	13	Fort Irwin, CA.
Total	528	

"Now, therefore, be it

"*Resolved by the Senate of the Fifty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein,* That the Colorado general assembly fully supports the President and the United States Congress in their efforts to fulfill the intent and mandate of United Nations Security Council resolutions against Iraqi aggression: Be it further

"*Resolved,* That the general assembly conveys the highest regard and support to armed forces located in the Persian Gulf or operating in support of Operation Desert Shield at other locations, of which the Colorado military units herein described are a valuable part: be it further

"*Resolved,* That copies of this resolution be transmitted to the Honorable George Bush, President of the United States; to Dan Quayle, the President of the United States Senate; to Thomas S. Foley, the Speaker of the United States House of Representatives; and to Major General John L. France, the Adjutant General of the Colorado National Guard, and our own Representative Mike Coffman."

POM-13. A resolution adopted by the Senate of the State of West Virginia; to the Committee on Governmental Affairs:

"SENATE RESOLUTION NO. 8

"Whereas West Virginia answered the call of this great country during times of crisis; and

"Whereas West Virginia has given this country the supreme sacrifice by sending her sons and daughters forth to defend this great nation; and

"Whereas the families of those West Virginians who never returned from serving their country during World War II, the Korean Conflict and the Vietnam Conflict need information concerning their loved ones who were lost or killed in the service of their country; and

"Whereas the United States Government has a duty and obligation to inform the soldier's families of the fate of their loved ones: Therefore, be it

"*Resolved by the Senate,* That the United States Government release this information so that those who have lost a family member can finally rest in knowing the fate of their loved one; and, be it further

"*Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the United States Congress, the West Virginia congressional delegation and the families of those West Virginian soldiers who remain prisoners of war or missing in action."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DECONCINI, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 386. A bill to amend title 38, United States Code, to define the period of the Persian Gulf War, to extend eligibility for pension, medical, educational, housing, financial, and other benefits provided under the title to veterans of the War, and for other purposes (Rept. No. 102-16).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM:

S. 480. A bill to amend the Public Health Service Act to provide grants to States for the creation or enhancement of systems for the air transport of rural victims of medical emergencies, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself, Mr. BRADLEY, Mr. MOYNIHAN, Mr. BRYAN, Mr. JEFFORDS, Mr. GRAHAM, Mr. REID, Mr. MCCAIN, Mr. DECONCINI, Mr. SHELBY, and Mr. MITCHELL):

S. 481. A bill to authorize research into the desalting of water and water reuse; to the Committee on Environment and Public Works.

By Mr. SASSER (for himself and Mr. GORE):

S. 482. A bill entitled the "Desert Storm Leave Transfer Act"; to the Committee on Governmental Affairs.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 483. A bill entitled the "Taconic Mountains Protection Act of 1991"; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRADLEY:

S. 484. A bill to establish conditions for the sale and delivery of water from the Central Valley Project, California, a Bureau of Reclamation facility, and for other purposes; to the Committee on Energy and Natural Resources.

S. 485. A bill to authorize the Secretary of the Interior to undertake a program of studies; to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself, Mr. MCCAIN, Mr. JEFFORDS, Mr. DURENBERGER, Mr. SYMMS, Mr. SPECTER, Mr. INOUYE, and Mr. DASCHLE):

S. 486. A bill to require Federal departments, agencies, and instrumentalities to separate certain solid waste for recycling purposes; to the Committee on Governmental Affairs.

By Mr. GLENN (for himself, Mr. AKAKA, Mr. LIEBERMAN, Mr. MOYNIHAN, and Mr. ADAMS):

S. 487. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. GLENN, Ms. MIKULSKI, Mr. AKAKA, Mr. HATFIELD, and Mr. REID):

S. 488. A bill to amend the Public Health Service Act to establish and coordinate research programs for osteoporosis and related bone disorders, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH:

S. 489. A bill to provide grants to States to encourage States to improve their systems for compensating individuals injured in the course of the provision of health care services, to establish uniform criteria for awarding damages in health care malpractice actions, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOREN:

S. 490. A bill to amend title 38, United States Code, and title 10, United States Code, to improve educational benefits and services for members of the Armed Forces of the United States who serve on active duty during the Persian Gulf War, and for other purposes; to the Committee on Veterans Affairs.

By Mr. GRAHAM:

S. 491. A bill to amend the Internal Revenue Code of 1986 to require any general election candidate who receives amounts from the Presidential Election Campaign Fund to participate in debates with other such candidates; to the Committee on Rules and Administration.

Mr. SIMON (for himself Mr. AKAKA, Mr. ADAMS, Mr. LEVIN, Mr. BIDEN, Mr. EXON, Mr. BURDICK, Mr. CONRAD, Mr. HATFIELD, Mr. ROCKEFELLER, Mr. BRADLEY, Mr. MOYNIHAN, Mr. PELL, Mr. CRANSTON, Mr. HARKIN, Mr. METZENBAUM, Mr. SARBANES, Mr. INOUYE, Mr. DODD, Mr. D'AMATO, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. BYRD):

S. 492. A bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such Act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by section 8(f) of such Act to employers and employees in the construction industry, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BRADLEY, Mr. AKAKA, Mr. KOHL, Mr. ADAMS, Mr. SIMON, and Mr. KERRY):

S. 493. A bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEINZ:

S. 494. A bill to temporarily suspend the duty on 4, 5-dichloro-2-n-octyl-4-isothiazolin-3-one; to the Committee on Finance.

S. 495. A bill to extend the temporary duty suspension for certain articles; to the Committee on Finance.

S. 496. A bill to temporarily suspend the duty on dicyclopentenyloxyethyl methacrylate; to the Committee on Finance.

S. 497. A bill to temporarily suspend the duty on 2-methyl-4-isothiazolin-3-one; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. ROBB):

S. 498. A bill to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, Virginia, as the "Hugh Davis Memorial Wing"; to the Committee on Veterans Affairs.

By Mr. LUGAR (for himself and Mr. COCHRAN):

S. 499. A bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE (for himself and Mr. CRANSTON):

S. 500. A bill to require the Secretary of Veterans Affairs to contract with private facilities to ensure that provision of medical care to members of the Armed Forces on active duty does not adversely affect the provision of hospital care, nursing home care, and medical services to veterans eligible for such care and services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KOHL:

S. 501. A bill to establish a data collection, information dissemination, and student counseling and assistance network, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SASSER (for himself and Mr. GORE):

S. 502. A bill to direct the Army Corps of Engineers to carry out a project for streambank protection along 2.2 miles of the Tennessee River adjacent to Sequoyah Hills Park in Knoxville, TN; to the Committee on Environment and Public Works.

By Mr. MCCAIN (for himself and Mr. DECONCINI):

S. 503. A bill to establish certain environmental protection procedures within the area comprising the border region between the United States and the Republic of Mexico; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself, Mr. SIMON, Mr. BURDICK, and Mr. LIEBERMAN):

S. 504. A bill to amend the Standing Rules of the Senate to require that reports accompanying each bill involving public health that is reported by a Senate Committee contain a prevention impact evaluation, to establish a Task Force on Disease Prevention and Health Promotion, and for other purposes; to the Committee on Rules and Administration.

S. 505. A bill to change the name of the Centers for Disease Control to the Centers for Disease Prevention and Control, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. BURDICK, Mr. LIEBERMAN, and Mr. SIMON):

S. 506. A bill to amend title XVIII of the Social Security Act to require hospitals receiving Medicare payments for graduate medical education programs to incorporate training in disease prevention and health promotion, and for prohibit reductions in payment rates for direct and indirect medical education costs; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. BURDICK, Mr. LIEBERMAN, Mr. BRADLEY, Mr. REID, and Mr. SIMON):

S. 507. A bill to amend the Public Health Service Act to expand the scope of educational efforts concerning lead poisoning prevention, and for other purposes; to the Committee on Labor and Human Resources.

Mr. HARKIN (for himself, Mr. BURDICK, Mr. ADAMS, Mr. LIEBERMAN, and Mr. SIMON):

S. 508. A bill to amend title XVIII of the Social Security Act to provide for coverage of screening mammography where payment is not otherwise available for such screening for women over 49 years of age regardless of eligibility for benefits under such title, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. DOLE, Mr. SIMON, Mr. ADAMS, Mr. BURDICK, and Mr. LIEBERMAN):

S. 509. A bill to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. ADAMS, Mr. SIMON, Mr. BURDICK, and Mr. LIEBERMAN):

S. 510. A bill to amend the Older Americans Act of 1965 to expand the preventive health services program to include disease prevention and health pomotion services, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. MACK, Mr. GRAMM, Mr. LIEBERMAN, Mr. SYMMS, Mr. LEVIN, Mr. BENTSEN, and Mr. BRADLEY):

S. Res. 63. Resolution condemning Cuba's human rights violations, and commending the United Nations Human Rights Commission for its attention to the human rights situation in Cuba; to the Committee on Foreign Relations.

By Mr. FORD (for himself, Mr. MCCONNELL, Mr. MITCHELL, and Mr. DOLE):

S. Res. 64. Resolution relative to the death of the Honorable John Sherman Cooper, formerly a Senator from the State of Kentucky; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. GRAMM, Mr. LIEBERMAN, Mr. SYMMS, Mr. LEVIN, Mr. BENTSEN, Mr. BRADLEY, Mr. MITCHELL, Mr. PACKWOOD, and Mr. CRAIG):

S. Res. 65. Resolution condemning Cuba's human rights violations, and commending the United Nations Human Rights Commission for its attention to the human rights situation in Cuba; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM:

S. 480. A bill to amend the Public Health Service Act to provide grants to States for the creation or enhancement of systems for the air transport of rural victims of medical emergencies, and for other purposes; to the Committee on Labor and Human Resources.

RURAL MEDICAL EMERGENCIES AIR TRANSPORT ACT

Mrs. KASSEBAUM. Mr. President, I rise today to introduce legislation aimed at improving access to airborne emergency medical transportation for residents of remote rural areas.

In most urban areas of this country, persons suffering from severe medical emergency or trauma can count on being taken to an advanced center of care within a matter of minutes. For rural residents, however, such access is often limited, and sometimes nonexistent.

The hard reality is that rural hospitals often lack the money or the manpower to deliver complex medical services. In some areas, the nearest facility offering advanced tertiary medical care may be hundreds of miles away. Furthermore, rising costs and great distances have left many rural ambulance services underfunded and overextended.

Rural distances being what they are, sometimes the only effective way to bring victims of acute medical emergencies to the care they need is by air—either by helicopter or by fixed-wing aircraft. For a wheat grower gravely injured in a farm accident or a small town storekeeper stricken by a severe heart attack, the availability of such air service can literally mean the difference between life or death.

Mr. President, the Office of Technology Assessment recently completed a comprehensive, three-part study of America's rural health care needs. In that study, the OTA reported that fully 20 percent of the U.S. population is without needed air coverage for severe medical emergencies, with the greatest gaps occurring in rural areas. Ironically, there are more than 200 air medical transport systems nationwide, but their services often fail to extend into the remote rural areas that need them most.

In my own State of Kansas, many of the sparsely populated western counties are currently served by a single air ambulance system, which is operated by a major hospital in the city of Wichita. This system, the HCA Wesley LifeWATCH Program, has been doing an outstanding job, but it has been facing significant financial pressure. Regrettably, the rising cost of both medical care and transportation has made it increasingly difficult to maintain rural air medical services on a cost-effective basis.

Until 1981, the Federal Emergency Medical Services Act provided needed assistance to States and communities for the development of emergency medical services. In that year, however, this program was discontinued and folded into the Preventive Health and Human Services Block Grant Program.

This change resulted in significant funding drops for emergency services. According to the General Accounting Office, public funding declined by as much as 34 percent in some States. There has since been a partial reversal of this trend, but most of the gains have been in urban areas. Unfortunately, the relatively high cost of providing emergency care over long distances, combined with the declining strength of rural economies, has made it hard for rural communities to keep up when public support is absent.

Mr. President, the bill I am introducing today is designed to help ease some of these problems. Developed jointly with my colleague from Kansas, Congressman PAT ROBERTS, this legislation would establish a system of competitive Federal grants to the States for the creation or enhancement of rural air medical transportation systems. Congressman ROBERTS, who is the new cochairman of the House rural health coalition, will soon introduce this measure in the House.

Recognizing the great variety of current air medical systems in different parts of the country, our bill would allow States considerable latitude in designing programs for use of the Federal grant assistance. States would, for example, be permitted to enter into contracts with local communities or private organizations for the provision of services.

At the same time, however, States applying for grant assistance would be required to submit to the Secretary a detailed plan outlining the proposed air medical system enhancement, as well as evidence of its potential effectiveness for improving morbidity and mortality rates in the rural areas it targets. To receive funding, a State would also have to demonstrate that its plan for expanding air medical services would be a cost-effective improvement to existing emergency medical services.

Importantly, this bill also directs the Secretary to give strong preference to state applications which can demonstrate that the proposed expansion of air services has been integrated into a comprehensive regional or statewide system of emergency medical service delivery.

We see this legislation as a constructive supplement to the Trauma Systems Planning and Development Act, which was passed and signed into law late last year. As many of you will recall, that legislation authorized Federal assistance to the States for the planning of integrated networks of emergency medical care in both urban and rural areas.

Mr. President, we recognize that this bill along cannot meet all of the emergency medical service needs of our rural communities. It can, however, help plug a deadly hole in our rural emergency medical system, and I urge my colleagues to support it.

By Mr. SIMON (for himself, Mr. BRADLEY, Mr. MOYNIHAN, Mr. BRYAN, Mr. JEFFORDS, Mr. GRAHAM, Mr. REID, Mr. MCCAIN, Mr. DECONCINI, Mr. CRANSTON, Mr. DOMENICI, Mr. SHELBY, and Mr. MITCHELL):

S. 481. A bill to authorize research into the desalting of water and water reuse; to the Committee on Environment and Public Works.

WATER RESEARCH ACT

Mr. SIMON. Mr. President, I rise today to introduce the Water Research Act of 1991. The purpose of this bill is to reinitiate Federal activity in the field of desalting of water.

Understanding the concept of desalination is simple enough; desalination is the process by which salt or brackish water is processed to remove salt or biological impurities rendering it usable for drinking, irrigation, or a variety of other uses.

Despite increasing national awareness of desalination because of the oilspill in the gulf and the drought in California, I believe many will be surprised to hear that some type of desalination technology is currently being used by 46 States and 105 countries worldwide. The complication arises when money enters the picture. The barrier to wider use both at home and abroad has been and continues to be cost.

Shortages of water increasingly are a brake on economic development and a source of friction between nations. On a trip I made in December with some Senate colleagues through the Middle East, one of the topics passionately raised by Israeli Prime Minister Yitzhak Shamir, Egyptian President Hosni Mubarak, and other leaders of that region was water. They talked much more about water than oil. Here at home, California's drought has worsened with no end in sight. As its population grows, Florida is having water supply problems.

Substantial Federal resources were committed to research and development of desalination technology in the 1950's and 1960's. According to a report by the Office of Technology Assessment, the U.S. industry was generally considered to be at the forefront of desalination technology throughout the 1960's and into the 1970's. Once governmental support for this technology was eliminated during the 1970's, Japanese and European companies—some of which were and still are indirectly supported by their respective central governments—began obtaining contracts that previously would have been awarded to American firms. In the face of growing domestic water shortages as well as strategic international concerns, our Government should renew its commitment to developing this key technology and once again put the United States in the forefront.

The legislation I am introducing today moves toward this goal in three simple steps. The first step designates the Department of the Interior as the lead agency. The second step creates a phase I during which Interior will oversee research and development. The third step creates a phase II requiring a demonstration project to be built to test new technologies developed during phase I. The money would be phased in over a 5-year authorization: $10 million the first year, $30 million the second year, $50 million the third year, and such sums as may be necessary the following 2 years. A 5-year commitment is critical if we wish to make any real progress in this area. My legislation also calls upon the Agency for International Development to host a conference at which countries currently using or hoping to use desalination technology would meet.

Less than 0.5 percent of the Earth's water is directly suitable for human consumption, agricultural, or industrial uses. Increasing municipal, industrial, and agricultural growth indicate that the world will experience increasing demands for fresh water. A few years ago, NASA predicted that if worldwide activities continue as they are now, there will be a severe drought before the turn of the century, which will severely affect many countries. I believe we are beginning to see that prediction become true.

The need is clear. The time is now. We need to move on this quickly to make up for the years of inaction. I urge my colleagues to join me in ensuring the passage of this important legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Research Act of 1991".

SEC. 2. DECLARATION OF POLICY.

In view of the increasing shortage of usable surface and ground water in many parts of the world and the importance of finding new sources of supply to meet present and future water needs and to further the goals of the Colorado River Basin Salinity Control Act of 1974, it is the policy of the United States to provide for the development of practicable low-cost means of producing from saline or biologically impaired waters, water of a quality suitable for agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses and for studies and research related thereto, on a scale sufficient to determine the feasibility of the development of such production and distribution on a large scale, for the purpose of conserving and increasing the water resources of the Nation and the world.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "desalting" means the use of any process or technique for the removal and, when feasible, adaptation to beneficial use, of organic and inorganic elements and compounds from saline or biologically impaired waters, by itself or in conjunction with other processing;

(2) the term "saline water" means sea water, brackish water, and other mineralized or chemically impaired water;

(3) the term "Secretary" means the Secretary of the Interior;

(4) the term "United States" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States; and

(5) the term "usable water" means water of a quality suitable for agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses.

SEC. 4. PHASE I—BASIC RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—In order to gain basic knowledge concerning the most efficient means by which usable water can be produced from saline water, the Secretary shall conduct a basic research and development program as Phase I of the water research program established by this Act.

(b) PHASE I ACTIVITIES.—In Phase I of the water research program, the Secretary shall—

(1) conduct, encourage and promote fundamental scientific research and basic studies to develop the best and most economical processes and methods for converting saline water into water suitable for beneficial uses, through research grants and contracts—

(A) to conduct research and technical development work;

(B) to make studies in order to ascertain the optimum mix of investment and operating costs;

(C) to determine the best designs for different conditions of operation; and

(D) to investigate increasing the economic efficiency of desalting processes by using them in dual-purpose "coprojects" with other processes involving the use of water;

(2) engage, by competitive or noncompetitive contract or any other means, necessary personnel, industrial or engineering firms, Federal laboratories and other facilities, and educational institutions suitable to conduct research or other work;

(3) conduct or contract for technical work, including the design, construction, and testing of pilot systems and test beds to develop desalting processes and concepts;

(4) study methods for the recovery of byproducts resulting from the desalting of water to offset the costs of treatment and to reduce environmental impact from those byproducts; and

(5) recommend to Congress authorizations for construction, operation, or participation in demonstration projects for a process that may accomplish the purposes of this Act, the recommendations to be accompanied by reports on engineering, environmental, and economic feasibility.

(c) TARGET DATE.—(1) The Secretary shall endeavor to obtain results in Phase I of the water research program, within 3 years after the date of enactment of this Act, sufficient to support recommendations to Congress pursuant to subsection (b)(5) to commence demonstration activities under section 5.

(2) The Secretary may conduct additional basic research and development under this section concurrently with demonstration activities under section 5.

SEC. 5. PHASE II—DEMONSTRATION.

(a) IN GENERAL.—In order to demonstrate the feasibility of desalting processes at a production level, the Secretary shall conduct a demonstration program as Phase II of the water research program established by this Act.

(b) PHASE II ACTIVITIES.—In Phase II of the water research program, the Secretary shall—

(1) pursue the findings of research and studies authorized by this Act having potential applications to matters other than water treatment to the stage that the findings may be effectively used;

(2) conduct or contract for technical work, including the design, construction and testing of plants and modules to develop desalting processes and concepts to the point of practical demonstration;

(3) study methods for the marketing of byproducts resulting from the desalting of water to offset the costs of treatment and to reduce impact on the environment from those byproducts;

(4) undertake economic studies and surveys to determine present and prospective costs of producing water for beneficial purposes in various locations by desalting processes compared to other methods; and

(5) conduct investigations and explore potential cooperative agreements, including cost-sharing with non-Federal public utilities and State and local governmental and other entities in order to develop recommendations for Federal participation in processes and plants utilizing desalting technologies for the production of water.

SEC. 6. PARTICIPATION BY INTERESTED AGENCIES AND OTHER PERSONS.

(a) COORDINATION WITH OTHER AGENCIES.—(1) Research, development and demonstration activities undertaken by the Secretary under this Act shall be coordinated or conducted jointly, as appropriate, with—

(A) the Department of Commerce, specifically with respect to marketing and international competition; and

(B) as appropriate—

(i) the Departments of Defense, Agriculture, State, Health and Human Services, and Energy;

(ii) the Environmental Protection Agency;

(iii) the Agency for International Development; and

(iv) other concerned Government and private entities.

(2) Other interested agencies may furnish appropriate resources to the Secretary to further the activities in which they are interested.

(b) AVAILABILITY OF RESEARCH.—All research sponsored or funded under authority of this Act shall be provided in such manner that information, products, processes, and other developments resulting from Federal expenditures or authorities will (with exceptions necessary for national defense and the protection of patent rights) be available to the general public consistent with this Act.

(c) PATENTS AND INVENTIONS.—(1) Subject to paragraph (2), section 9 (a) through (k) and (m) of the Federal Nonnuclear Energy, Research and Development Act of 1974 (42 U.S.C. 5908 (a) through (k) and (n)) shall apply to any invention made or conceived in the course of or under any contract of the Secretary pursuant to this Act, except that for the purposes of this Act, the words "Administrator" and "Administration" in that section shall be deemed to refer to the Secretary and the Department of the Interior, respectively.

(2) Paragraph (1) shall not be construed to affect the application of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) to research under this Act that is performed at a Federal laboratory.

(d) RELATIONSHIP TO ANTITRUST LAWS.—Section 10 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5909) shall apply to the activities of individuals, corporations, and other business organizations in connection with grants and contracts made by the Secretary pursuant to this Act.

SEC. 7. TECHNICAL AND ADMINISTRATIVE ASSISTANCE.

The Secretary is authorized to accept technical and administrative assistance from a State, public, or private agency in connection with studies, surveys, location, construction, operation, research, and other work relating to the desalting of water, and may enter into contracts or agreements stating the purposes for which the assistance is contributed and, in appropriate circumstances, providing for the sharing of costs between the Secretary and such agency.

SEC. 8. MISCELLANEOUS AUTHORITIES.

In carrying out this Act, the Secretary may—

(1) make grants to educational and scientific institutions;

(2) contract with educational and scientific institutions and engineering and industrial firms;

(3) engage, by competitive or noncompetitive contract or any other means, necessary personnel, industrial and engineering firms,

and educational institutions suitable to conduct work;

(4) use the facilities and personnel of Federal, State, municipal, and private scientific laboratories;

(5) contract for or establish and operate facilities and tests to conduct research, testing, and development necessary for the purposes of this Act;

(6) acquire processes, data, inventions, patent applications, patents, licenses, lands, interests in lands and water, facilities, and other property by purchase, license, lease, or donation;

(7) assemble and maintain domestic and foreign scientific literature and issue pertinent bibliographical data;

(8) conduct inspections and evaluations of domestic and foreign projects and cooperate and participate in their development;

(9) conduct and participate in regional, national, and international conferences relating to the desalting of water;

(10) coordinate, correlate, and publish information which will advance the development of the desalting of water; and

(11) cooperate with Federal, State, and municipal departments, agencies and instrumentalities, and with private persons, firms, educational institutions, and other organizations, including foreign governments, departments, agencies, companies, and instrumentalities, in effectuating the purposes of this Act.

SEC. 9. WATER AND BYPRODUCTS.

(a) DISPOSITION.—(1) The Secretary shall dispose of water and byproducts resulting from operations under this Act consistent with environmental law.

(2) Notwithstanding any other provision of law, moneys received from dispositions pursuant to paragraph (1) shall be deposited in a separate account in the Treasury, to be known as the "Water Research Fund".

(3) Moneys in the Water Research Fund shall be available for expenditure by the Secretary at such times for such purposes, and in such amounts as may be provided for in appropriation Acts.

(b) OWNERSHIP.—Nothing in this Act shall be construed to alter existing law with respect to the ownership and control of water.

SEC. 10. DESALINATION CONFERENCE.

(a) ESTABLISHMENT.—The President shall instruct the Agency for International Development to sponsor an international desalination conference within 12 months following the date of the enactment of this Act. Participants in such conference should include scientists, private industry experts, desalination experts and operators, and government officials from nations that use and conduct research on desalination, and those from nations that could benefit from low-cost desalination technology, particularly in the developing world.

(b) FUNDING.—Funding for the international desalination conference may come from operating or program funds of the Agency for International Development, and the Agency for International Development shall encourage financial and other support from other nations, including those that have desalination technology and those that might benefit from it.

SEC. 11. REPORTS.

Prior to the expiration of the 12 month period following the date of enactment of this Act, and each 12 month period thereafter, the Secretary shall report to the President and Congress concerning the administration of this Act. Such report shall include the actions taken by the Secretary during the calendar year preceding the calendar year in which such report is filed, and shall include actions planned for the next following calendar year.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

For the purposes of carrying out Phase I of the water research program established by section 4, there is authorized to be appropriated for fiscal year 1992, $10,000,000, for fiscal year 1993, $30,000,000, for fiscal year 1994, $50,000,000, and for each of the fiscal years 1995 and 1996, such sums as may be necessary.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 483. A bill entitled the "Taconic Mountains Protection Act of 1991"; to the Committee on Agriculture, Nutrition, and Forestry.

TACONIC MOUNTAIN PROTECTION ACT

Mr. LEAHY. Mr. President, I rise today with my good friend from Vermont [Mr. JEFFORDS] to introduce the Taconic Mountains Protection Act of 1991. This legislation will make 185,000 acres of forest land in Bennington County eligible for public purchase and protection.

Since 1980 we have added 60,000 acres to the Green Mountain Forest. That is a 17 percent increase in lands reserved in perpetuity for the enjoyment of all Vermonters and all visitors from around the world to our State. In fact, one of my proudest achievements as a Senator has been the acquisition of new lands for the Green Mountain National Forest that will protect the spine of the Green Mountains, from the Massachusetts border on the south, to Camel's Hump to the north. That objective has in large part been achieved.

It is now time to protect and preserve the character of southwestern Vermont's Taconic Range. I am committed to expanding the Green Mountain National Forest to the Taconics because lands included in the Green Mountain National Forest will forever remain open to all Vermonters. No one can post a "no trespassing" sign on our national forests. Vermonters will always be able to hike, hunt, fish, snowmobile and otherwise enjoy the wild and wonderful places we love so dearly.

Mr. President, if I could leave any legacy to succeeding generations of my fellow Vermonters, this would be it. I see my work during the last 16 years on the Green Mountain National Forest as my legacy to my beloved and native State.

Vermont's forests are one of our great treasures. They provide fish and wildlife habitat, recreational opportunities for our citizens and also economic opportunities through sustainable management practices.

This legislation will expand the purchase boundaries of the Green Mountain National Forest. This expansion was initiated in Bennington; supported at town meetings, and ultimately approved by the Vermont State legislature through legislation they passed last June.

This is a case where the local level, county level, State level and now at the Federal level, people of Vermont have joined together and spoken about what they want. It represents a successful partnership between the Forest Service, Bennington County, and local communities.

So, with this legislation, we will have the tools to expand the Green Mountain National Forest. As a member of the Senate Appropriations Committee I will seek funding to make this expansion a reality.

Mr. President, I also would send to the desk and ask unanimous consent to have printed in the RECORD, the findings and purposes of the Taconic Mountains Protection Act of 1991.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TACONIC MOUNTAINS PROTECTION ACT OF 1991

SECTION 1. FINDINGS AND PURPOSES

(a) Congress finds that:

(1) Large tracts of undeveloped forest land in Vermont's Taconic Mountain Range are threatened by conversion to non-forest uses.

(2) Lands included in the Green Mountain National Forest are forever open to all Vermonters.

(2) The Green Mountain National Forest permanently protects forests for their environmental and economic benefits through the management of range, recreation, timber, water, wilderness and fish and wildlife resources.

(3) The Bennington County Regional Commission supports expanding the Green Mountain National Forest Boundary to include the Taconic Mountain Range.

(4) The Vermont General Assembly has enacted legislation consenting to the acquisition by the Federal government of lands throughout the Taconic Mountain Range within Bennington County for inclusion in the Green Mountain National Forest.

(b) It is the purpose of this Act to expand the boundaries of the Green Mountain National Forest to include the Taconic Mountain Range within Bennington County.

SECTION 2. GREEN MOUNTAIN NATIONAL FOREST EXPANSION

The boundaries of the Green Mountain National Forest are hereby modified to include all lands depicted on a map entitled "Taconic Mountain Range Expansion" dated March 1, 1991, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. Within the area delineated on such map, the Secretary shall utilize his authorities under the Act of March 1, 1911 (Chapter 186, 36 Stat. 961 as amended), to acquire lands, waters, and interests therein. Lands so acquired shall be managed under such Act for National Forest purposes.

Mr. JEFFORDS. Mr. President, I am pleased to join Senator LEAHY in introducing legislation to expand the purchase area boundary of the Green Mountain National Forest. This bill would expand the forest boundary to include all of the Taconic Mountain Range within Bennington County in southern Vermont.

Since its creation, the Green Mountain National Forest has provided unique outdoor recreational and employment opportunities and preserved the beauty that is so often associated with Vermont. It has served as important habitat for diverse wildlife and provides protection of the natural resources upon which these species depend.

Development pressures have increased in this area, and many of the private landowners have indicated a willingness to sell their parcels for subdivision or other development purposes. The citizens of Vermont, especially Bennington County, believe the region would be better served if these landowners had the opportunity to include these lands in the Green Mountain National Forest.

Mr. President, Vermonters have always supported the forest, and again they are showing their support. This proposal has been endorsed by the Bennington County Regional Commission, which conducted a detailed analysis of the impacts of expanding the purchase area. The eight towns that would be affected by expansion have all voted in favor of this action.

Support has also been echoed by the Vermont General Assembly, which enacted legislation consenting to Federal acquisition of lands for the purposes of expanding the Green Mountain National Forest. It is clear that the citizens of Vermont support this proposal.

Vermonters have always been good stewards of our natural resources. We know we need to act now to preserve our forests.

Expanding the purchase area would provide the opportunity to include tracts that could enhance the existing benefits of the Green Mountain National Forest. Much of the natural resources and wildlife could be better served through expansion of the Forest. Moreover, the lands of the Taconic Range would substantially improve the comprehensive management opportunities for multiple use.

The legislation we are introducing today would merely expand the purchase area for the Green Mountain National Forest, so it does not impact the Federal budget. The tracts would be bought on a willing-seller basis, and would also be subjected to the existing competitive ranking process at the Department of Agriculture and in Congress.

Mr. President, I am pleased to join the senior Senator from Vermont in offering this legislation, and feel the strong support it has received in our home State will be reflected here by Congress.

By Mr. BRADLEY:

S. 484. A bill to establish conditions for the sale and delivery of water from the Central Valley Project, California, a Bureau of Reclamation facility, and for other purposes; to the Committee on Energy and Natural Resources.

S. 485. A bill to authorize the Secretary of the Interior to undertake a program of studies to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters, and for other purposes; to the Committee on Energy and Natural Resources.

CENTRAL VALLEY PROJECT IMPROVEMENT ACT AND RECLAMATION WASTEWATER AND GROUNDWATER STUDY ACT

Mr. BRADLEY. Mr. President, I am introducing today two bills which will offer substantial assistance to the people of California in meeting their short- and long-term water needs. I am pleased that the senior senator from California [Mr. CRANSTON] has joined me as an original cosponsor of these measures.

The first bill, entitled the Central Valley Project Improvement Act, would grant the Secretary of the Interior additional authorities and directives by which to manage the Bureau of Reclamation's Central Valley Project, the largest water project in the State of California. The bill will make the benefits of the project available to all water users in the State while, at the same time, ensuring that the project's environmental problems are addressed in a fair and timely manner.

The second bill, entitled the Reclamation Wastewater and Groundwater Study Act, will offer Federal assistance to California and other Western States' water agencies in reclaiming and reusing wastewater. Such steps are vital to meet the region's needs for new water supplies. This measure passed the Senate during the latter days of the 101st Congress, but was not considered by the House.

I will focus my comments today on the Central Valley Project Improvement Act.

Mr. President, each year California's population grows by more people than live in Wyoming. Each year agriculture uses 85 percent of the water in California. More people and less water make the fifth year of severe drought a critical moment at which we must find creative, long-term solutions to all the State's water needs, or if we don't, face a future of constant scarcity and permanent crisis. Private and local interests must do their part, and the State government has moved in the right direction. Now it's time to give some thought to the role the Federal Government can play in solving California's water problems.

Washington can do much more than just spend money to bail out the economic victims of this drought. Because the Federal Government controls almost 40 percent of the State's water, we have an obligation to work with the State and local water agencies in fashioning a comprehensive, long-term water policy that will minimize hardship and prepare California for a prosperous future.

The need for close cooperation between State government and the Federal Bureau of Reclamation would seem self-evident. And in the case of Bureau of Reclamation projects on the Colorado River—which store and regulate the majority of water delivered to southern California—Federal, State and local water managers have developed a healthy partnership. While not perfect, at least they are working toward common goals. This successful relationship stands in sharp contrast to the Central Valley project.

The Bureau of Reclamation's Central Valley project supplies about twenty percent of the State's water, roughly 7 million acre-feet—326,000 gallons per acre-foot—enough to meet the needs of 35 million people. About 90 percent of the Central Valley project's water is sold at heavily subsidized rates to Central Valley growers; the remainder goes to bay area cities and other consumers.

The Central Valley project is, from one perspective, a remarkably successful agricultural enterprise. CVP farms produce hundreds of crops, employ thousands of people, and contribute billions of dollars to the economy. But the Bureau of Reclamation's devotion to its agribusiness constituency has caused the agency to work against California's much broader interests in responsible water management.

California water law has been progressive and forward-thinking in its attention to conservation and environmental protection. But the Bureau of Reclamation has tried to insulate the CVP from the progressive features of California water law, and has resisted facing up to the State's serious environmental problems and the need to conserve.

Where California encourages voluntary water transfers so that market incentives will encourage conservation, the Bureau has erected administrative barriers blocking transfers of CVP water. When Congress gave the Bureau authority to require CVP water users to conserve, the Bureau chose merely to ask growers to draft conservation plans, without requiring that the plans actually be implemented.

When the State sought to place environmental standards on Bureau dams, to improve water quality in the Sacramento/San Joaquin Delta, and asked the Bureau to consider environmental effects before renewing 40-year CVP water contracts, the Bureau fought the State's efforts at every pass. The Bureau's failure to acknowledge any concerns other than the agribusinesses' desire for cheap water has impeded efforts to protect salmon, steelhead, migratory waterfowl and other fish and wildlife damaged by the Central Valley project.

Right now, the Federal Bureau of Reclamation's Central Valley project is part of the problem, not part of the solution to California's drought crisis. Given the generous taxpayer subsidies given to CVP water users, it is essential that we hold those users to the highest standards of environmental protection, economic sense, and sound water management. They must at least be held to the same standards as water users who happen to buy from the State or local agencies.

As chairman of the Water and Power Subcommittee of the Senate Committee on Energy and Natural Resources, I believe it is important that Congress pass the Central Valley Project Improvement Act. The bill would authorize some sales of CVP water to California cities, encourage conservation, permit transfers of water, and mandate restoration of fish and wildlife populations damaged by the CVP. For the long-term, it would establish a balanced State-Federal advisory committee to explore the possibility of transferring the CVP from Federal to State control.

California faces enough difficulties in solving its water crisis without the impediments of a stubborn Federal agency beholden to special interests. The Central Valley project should be a better partner for California. With every sector of California's water community working together, we can not only get through this drought, we can prepare to meet California's future water needs in a way that protects the environment and recognizes the claims of all of California's people for adequate supplies of water.

Mr. President, I ask unanimous consent that the text of the bills, and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central Valley Project Improvement Act."

SEC. 2. PURPOSES.

The purposes of this Act shall be to promote and expand the authorized purposes of the Central Valley Project, California, by establishing conditions which must be satisfied before the Secretary of the Interior may sell or deliver water from the Central Valley Project under contract or other agreement, and for other purposes.

SEC. 3. DEFINITIONS.

As used in this Act,

(a) the terms "Central Valley Project" or "project" mean all Federal reclamation projects located within or diverting water from or to the watershed of the Sacramento and San Joaquin rivers and their tributaries as authorized by the Act of August 26, 1937 (50 Stat. 850) and all Acts amendatory or supplemental thereto, including but not limited to the Act of October 17, 1940 (54 Stat. 1198, 1199), Act of December 22, 1944 (58 Stat. 887), Act of October 14, 1949 (63 Stat. 852), Act of September 26, 1950 (64 Stat. 1036), Act of August 27, 1954 (68 Stat. 879), Act of August 12, 1955 (69 Stat. 719), Act of June 3, 1960 (74 Stat. 156), Act of October 23, 1962 (76 Stat. 1173), Act of September 2, 1965 (79 Stat. 615), Act of August 19, 1967 (81 Stat. 167), Act of August 27, 1967 (81 Stat. 173), Act of September 28, 1976 (90 Stat. 1324) and Act of October 27, 1986 (100 Stat. 3050);

(b) the terms "repayment contract" and "water service contract" shall have the same meaning as provided in sections 9(d) and 9(e) of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195) as amended;

(c) the term "Federal environmental laws" shall mean those federal laws intended, in part or in whole, to restore, protect or improve the natural environment, including, but not limited to the following Acts as amended or supplemented: Act of July 3, 1918 (40 Stat. 755), Act of June 30, 1948 (62 Stat. 1155), Act of August 12, 1958 (72 Stat. 563), Act of October 2, 1968 (82 Stat. 906), Act of January 1, 1970 (83 Stat. 852), and the Act of December 28, 1973 (87 Stat. 884);

(d) the term "Refuge Water Supply Report" means the report issued by the Mid-Pacific Region of the Bureau of Reclamation of the U.S. Department of the Interior entitled "Report on Refuge Water Supply Investigations, Central Valley Hydrologic Basin, California" (March 1989);

(e) the term "Reclamation laws" means the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto, and

(f) term "Secretary" means the Secretary of the Interior.

SEC. 4. LIMITATION ON CONTRACTING.

(a) Except as provided in subsections 4(b) and 5(a) of this Act, the Secretary shall not enter into any contract or other agreement to sell or deliver water from the Central Valley Project on any basis or for any purpose other than fish and wildlife before:

(1) the provisions of subsections 6 (b), (c), (d), and (e) of this Act are met;

(2) the California State Water Resources Control Board concludes its current review of San Francisco Bay/Sacramento-San Joaquin Delta Estuary water quality standards and determines the means of implementing such standards, including any obligations of the Central Valley Project, and the Administrator of the Environmental Protection Agency shall have approved such standards; and,

(3) at least one hundred and twenty days shall have passed after the Secretary provides a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives explaining the obligations, if any, of the Central Valley Project with regard to achieving San Francisco Bay/Sacramento-San Joaquin Delta Estuary water quality standards as finally established and approved by relevant State and Federal authorities, and the impact of such obligations on Central Valley Project operations, supplies, the commitments.

(b) In recognition of water shortages facing urban areas of California, and subsection (a) of this section notwithstanding, the Secretary is authorized to make available 100,000 acre-feet of Central Valley Project water for sale through water service contracts not to exceed twenty years in length to any California water agencies for municipal and industrial purposes. The Secretary shall provide public notice of the availability of such water and shall be available to receive offers for such water for a period not to exceed one week in duration beginning not less than sixty days after enactment of this Act. The Secretary shall make all such offers public immediately upon their submission to the Secretary. The Secretary shall accept the offers of the water agency or agencies offering the greatest monetary payments per acre-foot of water made available by the Secretary; *Provided*, that, the payments shall in no case be less than $100 per acre-foot of contractual commitment annually, the payments must at least cover all Federal costs associated with the proposed sale and delivery, delivery is feasible using existing facilities, the proposed use of the water shall be consistent with State law, and the sale is consistent with all applicable environmental requirements. All revenues collected by the Secretary from the contract or contracts authorized by this section, other than ordinary operation and maintenance costs, shall be covered into the fund established by section 7 of this Act and expended pursuant to that section.

(c) The Secretary may not renew any existing repayment or water service contract for the delivery of water from the Central Valley Project, other than contracts for fish and wildlife water supply purposes, for a period exceeding one year in duration until the requirements of subsections 6 (b), (c), (d), and (e) have been met, except that the Secretary may renew such contracts for periods not to exceed twenty years in length if:

(1) at least ten percent of the water under the subject contract on the date of enactment of this Act or ten percent of the average annual quantity of project water actually delivered to the contracting district or agency between 1985 and 1989, whichever is greater, plus an additional one percent of such total contract amount or average annual delivered amount for each year or portion thereof that the renewal contract is extended beyond ten years in length, is dedicated for use by the Secretary annually for fish and wildlife purposes in furtherance of this Act's goals and objectives; and,

(2) the Secretary shall have first analyzed the impact of such proposed contract pursuant to the Federal environmental laws and complied with applicable State environmental laws.

(d) Not later than two years after the date of enactment of this Act, the Secretary shall prepare a programmatic environmental impact statement analyzing the cumulative impacts of the potential renewal of all existing Central Valley Project water contracts, including impacts within the Sacramento, San Joaquin, and Trinity river basins.

SEC. 5. IMPROVED WATER MANAGEMENT AND CONSERVATION.

All Central Valley Project water service or repayment contracts for agricultural, municipal, or industrial purposes that are entered into, renewed, or amended under any provision of Federal Reclamation law after the date of enactment of this Act shall provide that:

(a) all water subject to the contract may be transferred, whether by sale, lease, exchange, donation, or other means consistent with applicable State law, to any other California water user or water agency, State agency, or private non-profit organization for project purposes or any purpose recognized as beneficial under applicable State law, regardless of price or duration; *Provided*, That the contract shall also ensure that no transfers shall be made in excess of the average annual quantity of project water actually delivered to the contracting district or agency between 1985 and 1989; *And provided* *further*, That 25 percent of the net proceeds resulting from the transfer shall be deposited in the fund established under section 7 of this Act or 25 percent of the water subject to the transfer shall be dedicated to fish and wildlife restoration, protection, or enhancement pursuant to recommendations of the California Department of Fish and Game;

(b) individual subcontractors or water users within the contracting district or agency shall be authorized to act as their own agents in effecting transfers to entities outside district or agency boundaries, and further provides that a proposed transfer by such subcontractor or water user shall be viewed as "mutually satisfactory" in accordance with the provisions of California Water Code Secton 383(c), if:

(1) costs to the contracting district or agency, or to other subcontractors or water users within the boundaries of the district or agency, do not increase as a consequence of the transfer;

(2) the subcontractor or water user agrees to forego an equivalent amount of project water deliveries, including conveyance losses, to which it would otherwise have been entitled throughout the term of the transfer; and,

(3) the transfer involves no more water than the amount consumptively used or irretrievably lost in its prior use.

(c) the contracting district or agency shall ensure that all existing groundwater pumps and surface water delivery systems within its boundaries are equipped with volumetric water meters within five years of the date of contract execution, amendment, or renewal, and that any new groundwater pumps and surface water delivery systems installed within its boundaries on or after the date of contract renewal is so equipped;

(d) the contracting district or agency shall:

(1) demonstrate its authority, either individually or as a member of an appropriate regional entity, to undertake such actions as may be needed to ensure that surface and subsurface agricultural drainage discharges generated within its boundaries meet all applicable State and Federal water quality standards; and

(2) commit to a program, either individually or as a member of an appropriate regional entity, through which surface and subsurface agricultural drainage discharges generated within its boundaries will meet all applicable State and Federal water quality standards;

(e) if the contracting district, agency, or appropriate regional entity fails to meet all of the commitments specified under paragraph (d)(2) of this section at any time during the contract period, the contract shall terminate at the end of that year in which the failure or failures occur and shall not be renewed for periods of more than one year in duration until the district, agency, or appropriate regional entity can demonstrate that such commitments have been, are being, and will continue to be met. The provisions of this subsection shall be in addition to any and all requirements, remedies, and sanctions which are otherwise provided under State and Federal law. Neither this subsection nor subsection (d) is intended to impair or diminish in any way any legal obligation of the Secretary to provide drainage services.

SEC. 6. FISH AND WILDLIFE RESTORATION.

(a) In furtherance of and in addition to the purposes and provisions of the Act of August 26, 1937 (50 Stat. 844, 850) and all other acts supplemental thereto or amendatory thereof, and any provision of such Acts to the contrary notwithstanding, the Secretary is authorized and directed to operate the Central Valley Project so as to:

(1) protect, restore and enhance fish, wildlife, and related habitat affected by the Project, and

(2) provide equitable treatment for fish, wildlife, and related habitat with the other primary purposes for which the Central Valley Project is authorized to be operated.

(b) The Secretary shall provide firm water supplies of suitable quality to maintain and improve wetland habitat on National wildlife refuges in the Central Valley of California, the Gray Lodge, Los Banos, Volta, and Mendota state wildlife management areas, and the Grasslands Resource Conservation District in the Central Valley of California.

(1) Upon enactment of this Act, the quantity and delivery schedules of water for each refuge shall be in accordance with Level 2 of the "Dependable Water Supply Needs" table for that refuge as set forth in the Refuge Water Supply Report. Such water shall be delivered until the water supply provided for in paragraph (b)(2) of this section is provided.

(2) Not later than January 1, 2000, the quantity and delivery schedules of water for each refuge shall be in accordance with Level 4 of the "Dependable Water Supply Needs" table for that refuge as set forth in the Refuge Water Supply Report.

(c) In coordination with the Secretary of Commerce, State of California, appropriate Indian tribes, fisheries and conservation organizations, and the general public, the Secretary shall:

(1) develop and adopt a program to mitigate fully and expeditiously for damages suffered by anadromous fish populations on the Sacramento, San Joaquin, and Trinity rivers and their tributaries as a result of construction or operation of the Central Valley Project. Such program shall be implemented promptly by the Secretary and shall complement and be coordinated with other existing and future efforts by the Federal Government, State of California, and appropriate Indian tribes to restore, protect or enhance anadromous fish populations.

(2) develop, adopt, and implement a program to comply with the purposes and provisions of section 5937 of the Fish and Game Code of the State of California.

(d) The Secretary of Commerce, in coordination with the State of California, appropriate Indian tribes, and other appropriate public and private entities, shall investigate and report on all effects of the Central Valley Project on anadromous fish populations and the fisheries, communities, tribes, businesses and other interests and entities that have now or in the past had significant economic, social or cultural association with those fishery resources. The Secretary of Commerce shall provide such report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than one year after the date of enactment of this Act.

(e) The Secretary shall develop a plan to fulfill the United States trust obligations with respect to the fisheries and water of the Hoopa Valley Tribe and all other affected Indian tribes or communities. The Secretary shall provide such plan to the Committee on Energy and Natural Resources and Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after the date of enactment of this Act.

SEC. 7. RESTORATION FUND AND TRUST.

(a) There is hereby established in the Treasury of the United States the "Central Valley Project Restoration Fund" (hereafter "Restoration Fund") which shall be available for deposit of donations from any source, revenues provided under subsections 4(b) and 5(a) of this Act, and funds provided under subsection (b) of this section. All such funds may be expended without further appropriation.

(b) The Secretary shall impose an operations and maintenance surcharge on all sales of project power and sales of project water for irrigation, municipal, and industrial purposes sufficient to generate annually $30,000,000 (October 1990 price levels) to be used to implement the fish and wildlife restoration goals of this Act. Such revenues shall be covered into the Restoration Fund.

(c) The Secretary shall contribute one-half of the revenues deposited annually in the Restoration Fund established under subsection (a) of this section to a Central Valley Project Restoration Trust (hereafter "Restoration Trust") established in accordance with subsection (d) of this section and operated in accordance with subsection (e) of this section.

(d) A Central Valley Project Restoration Trust shall be eligible to receive Federal contributions pursuant to subsection (c) of this section if it complies with each of the following requirements:

(1) The Trust is established by non-Federal interests as a non-profit corporation under the laws of California with its principal office in California.

(2) The Trust is under the direction of a Board of Trustees which has the power to manage all affairs of the corporation, including administration, data collection, and implementation of the purposes of the Trust.

(3) The Board is comprised of seven persons appointed as follows, each for a term of five years:

(A) 3 persons appointed by the Governor of California, two of whom shall possess superior credentials in the preservation and restoration of natural biological diversity;

(B) 1 person appointed by each United States Senator from California;

(C) 1 person appointed by the President Pro Tempore of the California State Senate who shall possess superior credentials in the preservation and restoration of natural biological diversity; and

(D) 1 person appointed by the Speaker of the California State Assembly who shall possess superior credentials in the preservation and restoration of natural biological diversity.

(4) Vacancies on the Board are filled in the manner in which the original appointments were made. Any member of the Board is eligible for reappointment for successive terms. Any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed is appointed only for the remainder of such term. A member may serve after the expiration of his or her term until his or her successor has taken office. Members of the Board shall serve without compensation.

(5) The corporate purposes of the Trust are to select and provide funding for projects that protect or restore the best examples of Central Valley's biological diversity, its rare species, plant and animal communities, and large-scale natural ecosystems.

(e) A Central Valley Project Restoration Trust established by non-Federal interests as provided in subsection (d) shall be deemed to be operating in accordance with this subsection if, in the opinion of the Secretary, each of the following requirements are met:

(1) The Trust is operated to select and provide funding for projects that protect or restore the best examples of the Central Valley's biological diversity: its rare species, plant and animal communities, and large-scale natural ecosystems;

(2) the Trust is managed in a fiscally responsible fashion by investing in private and public financial vehicles with the goal of producing income and preserving principal as needed; and

(3) proceeds from the Trust are used for the following purposes:

(A) 20 percent per year will be provided to the California Department of Fish and Game to fund projects that identify, protect or restore the best examples of the Central Valley biological diversity: its rare species, plant and animal communities, and large-scale natural ecosystems.

(B) Up to five percent of the costs of each project are used for preserve design or site planning to ensure that sites are selected for funding which are well-designed to maintain the long-term viability of the significant species and communities found at the site.

(C) Proceeds from the Trust may be used to complete land protection projects designed to protect biological diversity.

(D) Projects may include acquisition of land, water rights or other partial interests from willing sellers only, or arranging management agreements, registry and other techniques to protect significant sites.

(E) Ownership of land acquired with Trust proceeds will be held by the public agency or private non-profit organization which proposed and completed the project, or another conservation owner with the approval by the Board. The land will be managed and used for the protection of biological diversity. If the property is used or managed otherwise, title will revert to the Trust for disposition.

(F) Projects eligible for funding must be located within the Central Valley or in those areas affected by the operation of the Central Valley Project.

(G) At the discretion of the Board, Trust proceeds may be used for direct project costs including direct expenses incurred during project completion. Land project funding may also include the creation of a stewardship endowment subject to the following terms:

(i) up to 25% of the total fair market value of the project may be placed in a separate endowment;

(ii) the proceeds from the endowment will be used for the ongoing management costs of maintaining the biological integrity and viability of the significant biological features of the site;

(iii) endowment funds may not be used for activities which primarily promote recreational or economic uses of the site; and,

(iv) the endowment for each site will be held in a separate account from the body of the Trust and other endowments. The endowments will be managed by the Trust Board but the owner or manager of the site may draw upon the proceeds of the stewardship endowment to fund management activities with approval of the board. Additional management funds may be secured from other public and private sources.

(H) Should the biological significance of a site be destroyed or greatly reduced, the land may be disposed of but the proceeds and any stewardship endowment will revert to the Trust for use in other projects.

(I) Proceeds from the trust may be used for management of public or private lands, including but not restricted to lands purchased with trust funds, except that only those management projects that result in the maintenance or restoration of statewide biological diversity are eligible for consideration.

(f) The Secretary shall use funds deposited in the Central Valley Project Restoration Fund, other than those transferred pursuant to subsection (c), to:

(1) implement the fish and wildlife restoration plans required by section 6 of this Act;

(2) restore damaged natural ecosystems on public lands and waterways affected by the Central Valley Project;

(3) acquire from willing sellers other lands and properties or appropriate interests therein located within the Central Valley with restorable damaged natural ecosystems and restore such ecosystems;

(4) provide jobs and sustainable economic development in the Central Valley in a manner that carries out the other purposes of this subsection;

(5) provide expanded recreational opportunities; and,

(6) support and encourage research, training and education in methods and technologies of ecosystem restoration.

(g) In implementing subsection (f), the Secretary shall give priority to restoration and acquisition of lands and properties (or appropriate interests therein) where repair of compositional, structural and functional values will:

(1) reconstitute natural biological diversity that has been diminished;

(2) assist the recovery of species populations, communities and ecosystems that are unable to survive on-site without intervention;

(3) allow reintroduction and reoccupation by native flora and fauna;

(4) control or eliminate exotic flora and fauna which are damaging natural ecosystems;

(5) restore natural habitat for the recruitment and survival of fish, waterfowl and other wildlife;

(6) provide additional conservation values to state and local government lands;

(7) add to structural and compositional values of existing preserves or enhance the viability, defensibility and manageability of preserves, and

(8) restore natural hydrological effects including sediment and erosion control, drainage, percolation and other water quality improvement capacity.

(h) The Secretary shall make no expenditures from the Central Valley Project Restoration Fund, other than those described in subsection 7(c), until such time as the Governor of California certifies to the Secretary that the State of California has made an irrevocable commitment to implement in a timely fashion the recommendations for State action presented in the report prepared by the Resources Agency of the State of California entitled "Upper Sacramento River Fisheries and Riparian Habitat Management Plan" (January 1989).

SEC. 8. ADDITIONAL AUTHORITIES.

(a) The Secretary is authorized to promulgate such regulations and enter into such agreements as may be necessary to implement the purposes and provisions of this Act.

(b) Electrical energy used to operate and maintain facilities developed for fish and wildlife purposes pursuant to this Act, including that used for groundwater development, shall be deemed as Central Valley Project power and shall be repaid by the user in accordance with Reclamation law and at a price not higher than the lowest price paid by or charged to Central Valley Project contractors.

(c) In order to carry out the purposes and provisions of this Act, the Secretary is authorized to obtain water supplies from any source available to the Secretary.

(d) The Secretary is authorized to enter into contracts pursuant to Reclamation law and this Act with any California water user or water agency, State agency, or private non-profit organization for the impounding, storage, carriage, and delivery of Central Valley Project water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

(e) The Secretary, in consultation with the State of California, is authorized to enter into agreements to allow project water contractors to use project facilities, where such facilities are not otherwise committed or required to fulfill project purposes or other Federal obligations, for supplying carry-over storage of irrigation and other water for drought protection, multiple-benefit credit-storage operations, and other purposes. The use of such water shall be consistent with and subject to applicable State laws.

(f) The Secretary shall:

(1) permit project water contractors to reduce their payments for water made available by the Secretary but not taken by the contractor during a water year by the amount of any avoided operations and maintenance costs; and

(2) set operations and maintenance charges so as to create a reserve to assure annual repayment of operations and maintenance costs in those years where contractors do not take or pay for their full allotment.

(g) In addition to the duties and authorities contained in section 210 of the Reclamation Reform Act of 1982, and in furtherance of the purposes and provisions of that section, the Secretary shall establish and administer an office on Central Valley Project water conservation best management practices that shall, in consultation with the Secretary of Agriculture, the California Department of Water Resources, and California academic institutions, develop criteria and standards for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by section 210 of the Reclamation Reform Act of 1982.

(1) Criteria and standards developed pursuant to this subsection shall be established within six months following enactment of this Act and shall be reviewed periodically thereafter, but no less than every three years, with the purpose of promoting the highest level of water use efficiency achievable by project contractors. The criteria and standards shall include, but not be limited to the following practices, or alternatives to the following practices which will provide equivalent net water use reductions or other conservation-related benefits:

(A) metering of water to all customers;

(B) elimination of declining block rate schedules from any system of water delivery or drainage/wastewater treatment charges;

(C) establishment of water rates and charges that yield not more than 25 percent of water service revenues from fixed charges unrelated to customer's metered water use;

(D) a program of leak detection and repair that provides for the inspection of all conveyance and distribution mains, and performance of repairs, at intervals of three years or less.

(2) The Secretary, through the office established under this subsection, shall review

and evaluate within 18 months following enactment of this Act all existing conservation plans submitted by project contractors to determine whether they meet the conservation and efficiency criteria and standards established pursuant to this subsection.

(3) If at any time a contractor's conservation plan does not meet the criteria and standards established pursuant to this subsection, the Secretary may provide the contractor six months to revise the plan and commence implementation of such revised plan. In the event of further noncompliance with such criteria and standards, the contractor shall pay a surcharge on its water service charges or repayment obligations of 20 percent during the first year of noncompliance; 40 percent during a second year of noncompliance; and 50 percent during a third year of noncompliance. After a second successive year of noncompliance, now new loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance, nor any Federal permit may be made available or issued under authority of Federal law during the period of noncompliance for the purpose of developing, acquiring (including by exchange), or conveying water for the benefit of such contractor. After a third successive year of noncompliance by a contractor, the Secretary shall declare the water committed under contract to such contractor to be not beneficially used for the purpose of implementing and enforcing section 8 of the Reclamation Act of 1902 (32 Stat. 390). All revenues generated by sanctions authorized under this section shall be covered into the fund established under section 7 of this Act. All water found by the Secretary to be not beneficially used pursuant to this section shall be managed by the Secretary for fish and wildlife purposes.

(4) In developing the water conservation best management practice criteria and standards required by this subsection, the Secretary shall take into account and grant substantial deference to the recommendations for action proposed in the Final Report of the San Joaquin Valley Drainage Program, entitled "A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley" (September 1990).

(h) The Secretary is authorized to provide financial assistance to Central Valley Project irrigation contractors who have renewed their contracts with the Secretary pursuant to the terms of subsection 4(c) of this Act for the purpose of implementing cost-effective water conservation projects and measures to facilitate the reduction of project water deliveries required by subsecton 4(c) of this Act. The Secretary may provide up to one-half of the costs of implementing such projects and measures as are required to achieve a savings of at least ten percent of the water under the subject contract on the date of enactment of this Act or ten percent of the average annual quantity of project water actually delivered to the contracting district or agency between 1985 and 1989, whichever is greater, plus an additional savings of one percent of such total contract amount or average annual delivered amount for each year or portion thereof that the renewal contract is extended beyond ten years in length up to a total Federal share of $100 per acre (October 1990 price levels). At the discretion of the Secretary, such assistance shall be made available by direct payment or adjustment of water prices paid by the contractor over the term of the renewed contract, or through a combination thereof. Such assistance is subject to the following conditions:

(1) the renewed contract shall have been executed not later than March 1, 1994;

(2) the water conservation projects or measures shall be contained in a water conservation plan approved by the Secretary pursuant to subsection (g) of this section; and,

(3) all water users within the jurisdiction of the contractor shall be in full compliance with the Reclamation Reform of 1982, as amended.

(i) This act does not and shall not be interpreted to authorize construction of water storage facilities.

(j) Contract modifications required solely to implement the provisions of this Act shall not subject project contractors, including exchange contractors, to the provisions of the Reclamation Reform Act of 1982 (96 Stat. 1263).

(k) Not later than October 1 of the first full fiscal year after enactment of this Act, and annually thereafter, the Secretary shall submit a detailed report to the Committee on Energy and Natural Resources of the Senate and Committee on Interior and Insular Affairs of the House of Representatives. Such report shall describe all significant actions taken by the Secretary pursuant to this Act and progress toward achievement of the purposes and provisions of this Act. Such report shall include recommendations for authorizing legislation or other measures, if any, needed to implement the purposes and provisions of this Act.

SEC. 9. CITIZEN SUITS.

(a) Except as provided in subsection (b), any person may commence a civil suit in his or her own behalf:

(1) against any person, including the United States or any other governmental instrumentality or agency who is alleged to have violated, be violating or be about to violate any provision of this Act or regulation issued under this Act; or

(2) against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under this Act which is not discretionary with the Secretary.

(b) No action may be commenced under subsection (a)(1) before 60 days after written notice of the violation has been given to the Secretary, and to any alleged violator of any such provision or regulation. No action may be commenced under subsection (a)(2) before 60 days after written notice has been given to the Secretary; except that an action under either subsection (a)(1) or (a)(2) may be brought immediately after such notification in the case of an action under this section respecting an emergency posing a significant risk to the well-being of any species of fish or wildlife or associated habitat. This paragraph is intended to provide notice to responsible parties where possible and does not affect the jurisdiction of the district courts. Where an action has been commenced without adequate notice to the Secretary, the district court may stay its proceedings to allow proper notice to be given, or make other appropriate orders to achieve the purposes of this subsection.

(c) The court may award costs of litigation (including reasonable attorney and expert witness fees) to any party other than the United States whenever the court determines such award is appropriate.

(d) The injunctive relief provided by this section shall not restrict any right which any person (or class of persons) may otherwise have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief.

(e) The district courts shall have jurisdiction to prohibit or prevent any violation of this Act, to compel any action required by this Act, and to issue any other order to further the purposes of this Act. An action under this section may be brought in any judicial district where the alleged violation occurred or is about to occur, where fish or wildlife resources affected by the alleged violation are located, or in the District of Columbia.

SEC. 10. CENTRAL VALLEY PROJECT TRANSFER ADVISORY COMMITTEE.

(a) There is hereby established the "Central Valley Project Transfer Advisory Committee," hereafter referred to as the "Advisory Committee." The Advisory Committee shall be comprised of 16 individuals, appointed as follows:

(1) 8 appointed by the Governor of California, one to represent each of the following organizations and interests;

(A) California Resources Agency;

(B) California State Water Resources Control Board;

(C) Central Valley Project agricultural water contractors;

(D) Central Valley Project municipal and industrial water contractors;

(E) Central Valley Project power contractors;

(F) environmental organizations;

(G) waterfowl conservation organizations; and

(H) fishery conservation organizations.

(2) 1 appointed by the President Pro Tempore of the California State Senate;

(3) 1 appointed by the Speaker of the California State Assembly;

(4) 2 appointed by the Secretary of the United States Department of the Interior to represent individually the United States Fish and Wildlife Service and Bureau of Reclamation;

(5) the Inspector General of the Department of the Interior or his or her designee;

(6) the Administrator of the Environmental Protection Agency or his or her designee;

(7) the Comptroller General of the United States or his or her designee; and,

(8) 1 appointed by the Hoopa Valley Tribe.

(b) The Advisory Committee shall prepare a report to Congress and the President on all issues associated with transfer of all Central Valley Project facilities and assets to the State of California. The Advisory Committee shall provide recommendations on legislative and administrative measures required to execute such transfer which would ensure that:

(1) the fish and wildlife protection and restoration goals of this Act are achieved;

(2) the reserved fishing and water rights of affected Indian tribes are preserved, and the ability of the United States to meet its trust obligations with respect to such tribal assets is maintained;

(3) the Secretary's contractual obligations and rights associated with the Central Valley Project are fulfilled;

(4) the operations of the Central Valley Project and the California State Water Project are integrated to the maximum extent practicable; and

(5) Federal expenditures associated with the Central Valley Project are minimized.

(c) The Advisory Committee shall be cochaired by the Inspector General of the U.S. Department of the Interior and any individual selected by the Governor of California from among the Advisory Committee members appointed by the Governor of California pursuant to paragraph (a)(1) of this section.

(d) Except as provided herein, the terms and provisions of the Federal Advisory Committee Act, Pub. L. 92-463, as amended, (5 U.S.C. App. 2), shall apply to the Advisory Committee.

(e) The Secretary of the Interior shall provide the Advisory Committee with adequate quarters and staff, and will make funds available to meet the Advisory Committee's necessary expenses.

(f) The Advisory Committee shall meet at the call of the co-chairs and, in any event, not less than once every three months following enactment of this Act.

(g) The Advisory Committee shall submit the report as required by subsection (b) of this section not later than December 31, 1993. The report shall be submitted to the President of the United States, the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Interior and Insular Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives. The Advisory Committee shall terminate 90 days after submission of such report.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Funds appropriated under this section shall remain available until expended.

S. 485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Reclamation Wastewater and Groundwater Study Act."

SEC. 2. GENERAL AUTHORITY.

(a) The Secretary of the Interior (hereafter "Secretary"), acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto (hereafter "Federal reclamation laws"), is directed to undertake a program to investigate and identify opportunities for reclamation and reuse of municipal, industrial, domestic, and agricultural wastewater, and naturally impaired ground and surface waters.

(b) Such program shall be limited to the States and areas referred to in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) as amended.

(c) The Secretary is authorized to enter into such agreements and promulgate such regulations as may be necessary to carry out the purposes and provisions of this Act.

(d) The Secretary shall not investigate, promote or implement, pursuant to this Act, any project intended to reclaim and reuse agricultural wastewater generated in the service area of the San Luis Unit of the Central Valley Project, California, except those measures recommended for action by the San Joaquin Valley Drainage Program in the report entitled A Management Plan for Agricultural Subsurface Drainage and Related Problems on the Westside San Joaquin Valley (September 1990).

SEC. 3. APPRAISAL INVESTIGATIONS.

(a) The Secretary shall undertake appraisal investigations to identify opportunities for water reclamation and reuse. Each such investigation shall take into account environmental considerations as provided by the National Environmental Policy Act (Act of January 1, 1970, 83 Stat. 852) and regulations issued to implement the provisions thereof, and shall include recommendations as to the preparation of a feasibility study of the potential reclamation and reuse measures.

(b) Appraisal investigations undertaken pursuant to this Act shall consider, among other things—

(1) all potential uses of reclaimed water, including, but not limited to, environmental restoration, fish and wildlife, ground water recharge, municipal, domestic, industrial, agricultural, power generation, and recreation;

(2) the current status of water reclamation technology and opportunities for development of improved technologies; and,

(3) measures to stimulate demand for and eliminate obstacles to use of reclaimed water, including pricing.

(c) The Secretary shall consult and cooperate with appropriate State, regional and local authorities during the conduct of each appraisal investigation conducted pursuant to this Act.

(d) Costs of such appraisal investigations shall be nonreimbursable.

SEC. 4. FEASIBILITY STUDIES.

(a) The Secretary is authorized to participate with appropriate Federal, State, regional, and local authorities in studies to determine the feasibility of water reclamation and reuse projects recommended for such study pursuant to section 3 of this Act. The Federal share of the costs of such feasibility studies shall not exceed 50 per centum of the total, except that the Secretary may increase the Federal share of the costs of such feasibility study if the Secretary determines, based upon a demonstration of financial hardship on the part of the non-Federal participant, that the non-Federal participant is unable to contribute at least 50 per centum of the costs of such study. The Secretary may accept as part of the non-Federal cost share the contribution of such in-kind services by the non-Federal participant that the Secretary determines will contribute substantially toward the conduct and completion of the study.

(b) The Federal share of feasibility studies, including those described in sections 5 through 11 of this Act, shall be considered as project costs and shall be reimbursed in accordance with the Federal reclamation laws, if the project studied is implemented.

(c) In addition to the requirements of other Federal laws, feasibility studies authorized under this Act shall consider, among other things—

(1) near- and long-term water demand and supplies in the study area;

(2) all potential uses for reclaimed water;

(3) measures and technologies available for water reclamation, distribution, and reuse;

(4) public health and environmental quality issues associated with use of reclaimed water; and,

(5) whether development of the water reclamation and reuse measures under study would:

(A) reduce, postpone, or eliminate development of new or expanded water supplies, or

(B) reduce or eliminate the use of existing diversions from natural watercourses or withdrawals from aquifers.

SEC. 5. SOUTHERN CALIFORNIA COMPREHENSIVE WATER RECLAMATION AND REUSE STUDY.

(a) The Secretary is authorized to conduct a study to assess the feasibility of a comprehensive water reclamation and reuse system for Southern California. For the purpose of this Act, the term "Southern California" means those portions of the counties of Imperial, Los Angeles, Orange, San Bernardino, Riverside, San Diego and Ventura within the South Coast and Colorado River hydrologic regions as defined by the California Department of Water Resources.

(b) The Secretary shall conduct the study authorized by this section in cooperation with the State of California and appropriate local and regional entities. The Federal share of the costs associated with this study shall not exceed fifty percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than six years after appropriation of funds authorized by this Act.

SEC. 6. SAN DIEGO AREA WATER RECLAMATION PROGRAM.

(a) The Secretary, in cooperation with the City of San Diego, California, shall conduct a feasibility study of the potential for development of demonstration and permanent facilities to reclaim and reuse water in the San Diego metropolitan service area.

(b) The Federal share of the costs of the study authorized by this section shall not exceed fifty percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than four years of appropriation of funds authorized by this Act.

SEC. 7. SAN JOSE AREA WATER RECLAMATION STUDY.

(a) The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, and local water suppliers, shall conduct a feasibility study of the potential for development of demonstration and permanent facilties and related programs to reclaim and reuse water in the San Jose metropolitan service area.

(b) The Federal share of the costs of the study authorized by this section shall not exceed fifty percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after appropriation of funds authorized by this Act.

SEC. 8. PHOENIX METROPOLITAN WATER RECLAMATION STUDY.

(a) The Secretary, in cooperation with the City of Phoenix, Arizona, shall conduct a feasibility study of the potential for development of facilities to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, groundwater recharge and direct potable reuse in the Phoenix metropolitan area.

(b) the Federal share of the costs of the study authorized by this section shall not exceed fifty percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after appropriation of funds authorized by this Act.

SEC. 9. TUCSON AREA WATER RECLAMATION STUDY.

(a) The Secretary, in cooperation with the State of Arizona and appropriate local and regional entities, shall conduct a feasibility study of comprehensive water reclamation and reuse system for Southern Arizona. For the purpose of this section, the term "Southern Arizona" means those portions of the counties of Pima, Santa Cruz, and Pinal within the Tucson Active Management Hydrologic Area as defined by the Arizona Department of Water Resources.

(b) The Federal share of the costs of the study authorized by this section shall not exceed fifty percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than four years after appropriation of funds authorized by this Act.

SEC. 10. HYPERION SERVICE AREA WATER RECLAMATION AND REUSE PROJECT.

(a) The Secretary is authorized to participate with the City of Los Angeles, State of California, West Basin Municipal Water District, and other appropriate authorities, in the design, planning, and construction of water reclamation and reuse projects to treat approximately 120,000 acre-feet per year of effluent from the Hyperion Service Area, City of Los Angeles, in order to provide new water supplies for industrial, environmental, and other beneficial purposes, to reduce the demand for imported water, and to reduce sewage effluent discharged into Santa Monica Bay.

(b) The Secretary's share of costs associated with the project described in subsection (a) shall not exceed twenty-five percent of the total. The Secretary shall not provide funds for operation or maintenance of the project.

SEC. 11. LAKE CHERAW WATER RECLAMATION AND REUSE STUDY.

(a) The Secretary is authorized, in cooperation with the State of Colorado and appropriate local and regional entities, to conduct a study to assess and develop means of reclaiming the waters of Lake Cheraw, Colorado, or otherwise ameliorating, controlling and mitigating potential negative impacts of pollution in the waters of Lake Cheraw on groundwater resources or on the waters of the Arkansas River.

(b) The Federal share of the costs of the study authorized by this section shall not exceed fifty percent of the total.

(c) The Secretary shall submit the report authorized by this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives not later than two years after appropriation of funds authorized by this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes and provisions of sections 1 through 11 of this Act.

SEC. 13. GROUNDWATER STUDY.

(a) In furtherance of the High Plains Groundwater Demonstration Program Act of 1983 (98 Stat. 1675), the Secretary of the Interior, acting through the Bureau of Reclamation and the Geological Survey, shall conduct an investigation and analysis of the impacts of existing Bureau of Reclamation projects on the quality and quantity of groundwater resources. Based on such investigation and analysis, the Secretary shall prepare a reclamation groundwater management and technical assistance report which shall include:

(1) a description of the findings of the investigation and analysis, including the methodology employed;

(2) a description of methods for optimizing Bureau of Reclamation project operations to ameliorate adverse impacts on groundwater, and

(3) the Secretary's recommendations, along with the recommendations of the Governors of the affected States, concerning the establishment of a groundwater management and technical assistance program in the Department of Interior in order to assist Federal and non-Federal entity development and implementation of groundwater management plans and activities.

(b) In conducting the investigation and analysis, and in preparation of the report referred to in this section, the Secretary shall consult with the Governors of the affected States.

(c) The report shall be submitted to the Committees on Appropriations and Interior and Insular Affairs of the House of Representatives and the Committees on Appropriations and Energy and Natural Resources of the Senate within three years of the appropriation of funds authorized by section 14.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal years beginning after September 30, 1991, $4,000,000 to carry out the study authorized by section 13.

SUMMARY OF CENTRAL VALLEY PROJECT IMPROVEMENT ACT

SECTION 1. SHORT TITLE

The Act is to be known as the Central Valley Project Improvement Act.

SECTION 2. PURPOSES

To promote and expand the authorized purposes of the Central Valley Project.

SECTION 3. DEFINITIONS

[Self-explanatory]

SECTION 4. LIMITATION ON CONTRACTING

(a) General bar on contracting for sale of uncontracted firm yield of the Central Valley Project (±1 million acre-feet) until Act's fish and wildlife and water quality improvements are made.

(b) Authorizes special 20-year contracts for sale of 100,000 acre-feet of uncontracted firm yield for municipal and industrial purposes; special conditions for disposition of revenues from contract to fund fish and wildlife restoration activities.

(c) General bar on renewal of water contracts for longer than one-year until specified fish and wildlife and water quality improvements are met. An exception is made which permits 20-year renewals if contractor agrees to forego 10 percent of previous contract amount, plus an additional 1 percent for each year beyond ten years.

(d) Requirement that the Secretary prepare a programmatic EIS on CVP water contract renewals.

SECTION 5. WATER MANAGEMENT IMPROVEMENT

This section establishes conditions for all new, renewed, or amended CVP water contracts for irrigation, municipal, and industrial purposes.

(a) and (b) Permit transfers of water under contract to any water agency and other entities regardless of price, duration or location, with a portion of transferred water or financial proceeds of transfers dedicated to fish and wildlife restoration, and other conditions. Restrictions to protect State law and Delta water quality.

(c) Requires contractors to meter ground and surface water.

(d) and (e) Require contractors to take responsibility for drainage management required to meet State and Federal water quality standards.

SECTION 6. FISH AND WILDLIFE RESTORATION OBLIGATIONS AND AUTHORITIES

(a) Authorizes and directs the Secretary to operate the CVP for fish and wildlife and provide equitable treatment for fish and wildlife with other project purposes.

(b) Requires the Secretary to provide specified quantities of water for Central Valley wildlife refuges.

(c) Requires the Secretary to develop a plan to mitigate fully for damages suffered by anadromous fish populations because of the CVP and to comply with applicable State law requiring fish flows below dams.

(d) Requires the Secretary of Commerce to investigate and report on all effects of the CVP on anadromous fish populations and dependent fisheries, communities, tribes, businesses and other interests.

(e) Requires the Secretary to develop a plan to fulfill trust obligations with respect to the fisheries of the Hoopa Valley Tribe and other Indian tribes affected by the CVP.

SECTION 7. RESTORATION FUND AND TRUST

(a) Establishes the "Central Valley Project Restoration Fund" in the U.S. Treasury.

(b) Requires the Secretary to impose and collect a surcharge on CVP water and power sales to generate $30 million per year to implement fish and wildlife restoration goals of the Act. Revenues deposited in the Restoration Fund.

(c) Requires the Secretary to contribute ½ of surcharge revenues to a private, non-profit California-based "Central Valley Project Restoration Trust."

(d) Provides for Restoration Trust to be administered by a 7-person board with ecological restoration expertise selected by California officials. Trust purpose is to select and provide funding for projects that protect or restore the best examples of the Central Valley's biological diversity, its rare species, exemplary plant and animal communities, and large-scale natural ecosystems.

(e) Establishes conditions for Restoration Trust operations in order to qualify for Federal contribution. Portion of trust proceeds provided to California Department of Fish and Game.

(f) Requires Secretary to use funds deposited in the Restoration Fund, other than those transferred to the private Restoration Trust, to implement the fish and wildlife restoration plans required by section 6 of the Act, and to encourage and implement related ecological restoration in the Central Valley.

(g) Establishes objectives for ecological restoration activities.

(h) Bars the Secretary from making expenditures from the Restoration Fund until the State of California commits to implement specified fish and wildlife protection and restoration measures on the Sacramento River.

SECTION 8. ADDITIONAL AUTHORITIES

(a) Authorizes necessary regulations and agreements.

(b) Authorizes use of low-cost project power for fish and wildlife purposes.

(c) Authorizes Secretary to obtain water supplies to implement fish and wildlife provisions of the Act.

(d) Authorizes Secretary to contract with water agencies and fish and wildlife interests for use of project facilities for municipal and industrial water supply, fish and wildlife purposes, and other beneficial purposes ("Warren Act" amendment).

(e) Authorizes Secretary to make project facilities available for carryover storage for drought protection and other purposes (water banking).

(f) Authorizes Secretary to adjust annual water charges to reflect avoided operations and maintenance costs of water carried-over.

(g) Requires Secretary to establish an office of CVP water conservation best management practices to develop criteria and standards for water conservation in the CVP. Provides for review, improvement, and implementation of water contractors conservation plans required by Reclamation Reform Act. Provides sanctions for failure to implement plans.

(h) Authorizes Federal grants for up to 50% of the cost of implementing water conservation measures required to achieve the water savings mandated by subsection 4(c), so long as water contracts are renewed by March 1, 1994 and measures are included in an approved water conservation plan.

(i) Provides that Act does not authorize construction of new storage facilities.

(j) Provides that contract modifications required solely to implement provisions of the Act do not trigger RRA acreage and pricing limits.

(k) Requires annual reports from the Secretary on implementation of the Act.

SECTION 9. CITIZEN SUITS.

Authorizes citizen suits to enforce non-discretionary provisions of the Act.

SECTION 10. CENTRAL VALLEY PROJECT TRANSFER ADVISORY COMMITTEE.

(a) Establishes the "Central Valley Project Transfer Advisory Committee" comprised of 16 State and Federal appointees.

(b) Directs the Transfer Advisory Committee to prepare a report to Congress and the President on all issues associated with transfer of the CVP to the State of California.

(c) Provides that committee will be cochaired by State and Federal appointees.

(d) Applicability of Federal Advisory Committee Act.

(e) Requires Secretary to support activities of committee.

(f) Provides for meetings of the committee.

(g) Establishes December 31, 1993 deadline for submission of report and provides that committee will terminate 90 days after submission of report.

SECTION 11. AUTHORIZATION OF APPROPRIATIONS.

Authorizes appropriations of such sums as may be necessary to carry out provisions of the Act.

By Mr. McCONNELL (for himself, Mr. McCAIN, Mr. JEFFORDS, Mr. DURENBERGER, Mr. SYMMS, Mr. SPECTER, Mr. INOUYE, and Mr. DASCHLE):

S. 486. A bill to require Federal departments, agencies, and instrumentalities to separate certain solid waste for recycling purposes; to the Committee on Governmental Affairs.

FEDERAL RECYCLING INCENTIVE ACT

• Mr. McCONNELL. Mr. President, last year I introduced a bill that will help our efforts to address the growing environmental problems facing our Nation. I rise today to introduce the Federal Recycling Incentive Act once again, and I hope that this simple but important initiative will become law before the end of the year.

The environmental benefits of recycling are clear. Recycled aluminum cans save 95 percent of the energy needed to extract aluminum from ore. Manufacturing paper from recycled fiber creates 74 percent less air pollution, and 35 percent less water pollution than using virgin fiber. Recycling waste conserves increasingly scarce landfill space at a time when tipping fees have risen nationally 73.5 percent between 1982 and 1988.

The Federal Government uses 2.2 percent of all the paper consumed in the United States. Two percent doesn't sound like much, but it amounted to more than 1.7 million tons of paper in 1987. Eighty-five percent of this paper is recyclable. But, according to the Washington Times, only 120 of the 6,000 Federal facilities nationwide had documented recycling programs in 1988.

Mr. President, Congress must not let the Federal Government continue to waste massive quantities of recyclable materials while it self-righteously points an accusatory finger toward American industry, blaming it for all of our environmental woes.

According to a 1989 General Accounting Office analysis, if the Federal Government recycled all of the paper it uses, it would save over 5 million cubic yards of landfill space, 3 million barrels of crude oil, and 26 million trees each year.

Although the Federal Government is already required by law to recycle, far too many Federal facilities are not complying. The reason these facilities don't comply with the current law is that they simply don't have an economic incentive to do so. They obtain no benefit from recycling, and no punishment for wasting.

Federal facilities must spend money separating garbage to be recycled, but when this separated material is sold, the revenue goes back into the abyss of the general fund of the Federal Government. Managers of Federal facilities see no direct link between their efforts to recycle and the financial returns that recycling produces. So the bureaucracy continues to waste, despite the clear economic benefits of recycling.

The Federal Recycling Incentive Act addresses this situation simply by allowing Federal facilities that recycle to keep the revenues derived from the sale of source separated paper, cans, and glass. It gives the managers of these facilities a real economic stake in recycling.

The Federal Recycling Incentive Act also requires the General Services Administration to compile a list each year of those Federal facilities that do not comply with recycling regulations currently on the books. This list will be printed in the Federal Register for everyone to see. If Federal bureaucrats are not obeying the law, they must be held accountable to the American public, just as we are on election day.

In 1989, the Federal Government received $778,729 from the sale of source separated materials. By returning this money to participating Federal facilities, I am convinced that incremental costs of expanding the current Federal recycling program will be dwarfed by revenues generated from the expansion of recycling. Thus, I believe my legislation will lead to a net increase in revenues to the Federal Government. I have asked the Congressional Budget Office and the Office of Management and Budget to determine more precisely the amount of revenues that will be generated from this legislation.

Mr. President, this bill is not an elaborate scheme creating task forces and bureaucracies that we'll never hear from again—it's just plain common sense.

My approach addresses the environmental problems facing our Nation without producing the economic dislocations that often accompany other proposals. It's not often that legislation is introduced on this floor that will increase the revenues to the Federal Government, reduce the deficit, and, in the process, help save our Nation's natural resources. By providing market-oriented economic incentives to promote Federal Government recycling, I hope we can start a trend in this country toward well-balanced solutions to our serious environmental problems.•

By Mr. GLENN (for himself, Mr. AKAKA, Mr. LIEBERMAN, Mr. MOYNIHAN, and Mr. ADAMS):

S. 487. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program; to the Committee on Finance.

MEDICARE BONE MASS MEASUREMENT COVERAGE ACT

Mr. GLENN. Mr. President, today I am introducing S. 487, the Medicare Bone Mass Measurement Coverage Act of 1991, which would provide Medicare reimbursement for bone mass measurement for individuals likely to suffer from osteoporosis. Joining me in introducing this bill are Senators AKAKA, LIEBERMAN, MOYNIHAN, and ADAMS.

Osteoporosis is a condition characterized by a gradual and initially painless decrease in the amount of bone tissue. It is the most common bone disease affecting older Americans, particularly older women. As osteoporosis progresses, the bones become weaker and more porous, which makes them increasingly susceptible to fractures. The condition can affect any bone in the body, but the most common fracture sites are the hip, spine and wrist.

The number of people afflicted with osteoporosis is overwhelming. Today, approximately 25 million Americans have some degree of osteoporosis. At least 1.3 million fractures a year—including 250,000 hip fractures—are attributable to this condition. Beyond the tremendous emotional and physical toll, osteoporosis has greatly increased our health care bill, costing over $10 billion annually in health care services and lost income.

Osteoporosis, with its associated fractures, is an enormous public health problem; and there is no doubt that the emotional physical and financial costs related to osteoporosis will continue to increase as our population ages. This could be ameliorated if individuals who are at the greatest risk of fracture were identified and treated to prevent further bone loss. The best method for identifying persons at risk of fracture is bone mass measurement.

S. 487, the Medicare Bone Mass Measurement Coverage Act of 1991, would define four of the most at-risk groups of individuals—estrogen-dependent women, individuals with verteral abnormalities, individuals receiving long-term glucocorticoid steroid therapy, and individuals with primary hyperparathyroidism—who would then be eligible for Medicare reimbursement of procedures to determine whether or not they were at risk of developing fractures. Measurements would be done through the use of single and dual photon absorptiometry, dual energy x-ray absorptiometry, or quantitative computed tomography, and would include a physician's interpretation of the results of the procedure.

The purpose of this legislation is not only to provide Medicare reimbursement for bone mass measurement, but also to send a message to private insurers to provide reimbursement for individuals who are not Medicare-eligible. This is important since, ideally, women at risk of fractures due to osteoporosis should be measured before they reach age 65 and become eligible for Medicare. Preventing fractures would save money for Medicare and would reduce our Nation's expenditures for long-term care.

Mr. President, a study by leading epidemiologists for the National Osteoporosis Foundation estimated that Medicare costs for the coverage provided in the Medicare Bone Mass Measurement Coverage Act would range from $5.6 million to $11.2 million for each of the first 3 years. After about 5 years, Medicare savings would begin to accrue and are estimated to total between $233 million—assuming a fracture reduction rate of 25 percent—and $466 million—assuming a fracture reduction rate of 50 percent.

Osteoporosis presents a challenge to all of us. I urge my colleagues to support S. 487, to enable us to prevent some fractures and their associated costs—physical, emotional and financial—which can be so devastating for people with osteoporosis. I am hopeful that Congress will pass the Medicare Bone Mass Measurement Coverage Act, as well as legislation I am introducing today with Senator GRASSLEY to increase Federal funding for research on osteoporosis.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Bone Mass Measurement Coverage Act of 1991".

SEC. 2. MEDICARE COVERAGE OF BONE MASS MEASUREMENTS.

Section 1861 of the Social Security Act (42 U.S.C. 1395x), as revived by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989 and as amended by the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) in subsections (s)—

(A) in paragraph (11), by striking all that follows "(bb)" and inserting a semicolon,

(B) in paragraph (12)(C), by striking all that follows "area)" and inserting "; and", and

(C) by inserting after paragraph (12) the following new paragraph:

"(13) bone mass measurement (as defined in subsection (jj));"; and

(2) by inserting after subsection (ii) the following new subsection:

"BONE MASS MEASUREMENT"

"(jj)(1) The term 'bone mass measurement' means a radiologic or radioisotopic procedure performed on a qualified individual (as defined in paragraph (2)) for the purpose of detecting bone loss through the use of a single and dual photon absorptiometry, dual energy x ray absorptiometry or similar dual energy techniques, or quantitative computed tomography, and includes a physician's interpretation of the results of the procedure.

"(2) For purposes of paragraph (1), the term 'qualified individual' means (in accordance with regulations prescribed by the Secretary)—

"(A) an estrogen-deficient woman at clinical risk for osteoporosis;

"(B) an individual with vertebral abnormalities;

"(C) an individual receiving long-term glucocorticoid steroid therapy; or

"(D) an individual with primary hyperparathyroidism.".

By Mr. GRASSLEY (for himself, Mr. GLENN, Ms. MIKULSKI, Mr. AKAKA, Mr. HATFIELD, and Mr. REID):

S. 488. A bill to amend the Public Health Service Act to establish and coordinate research programs for osteoporosis and related bone disorders, and for other purposes; to the Committee on Labor and Human Resources.

OSTEOPOROSIS AND RELATED BONE DISORDERS RESEARCH, EDUCATION, AND HEALTH SERVICES ACT

Mr. GRASSLEY. Mr. President, today, with my colleagues Senators GLENN, MIKULSKI, AKAKA, HATFIELD, and REID, I am introducing a bill which, if it becomes law, should improve the Federal Government's research effort on osteoporosis. I am introducing this legislation in anticipation of National Osteoporosis Week, May 12 through May 18. Representative OLYMPIA SNOWE, with whom I have collaborated in the development of this bill, will introduce it in the House of Representatives.

Osteoporosis is one of the major debilitating diseases of old age, affecting especially, but not only, older women. Investment in further research on osteoporosis will lead to greater understanding of the disease and, especially, how to prevent it and how to treat it once it has developed. Given that we face, in the not very distant future, great increases in the number of older people in our society, given that each generation of older people seems to have a higher incidence of osteoporosis, it is clear that we must find ways to reduce or eliminate this disease.

Osteoporosis is a condition, which develops in an individual over many years, characterized by weakening of bones which make those individuals susceptible to fractures of the hip, spine, and wrist.

Over an estimated 28 million Americans have this disease or related bone disorders. Many do not know that they have it until stress on the bones causes fractures. It is estimated that this condition is responsible for more than 1,300,000 bone fractures annually, including 250,000 hip fractures, 200,000 wrist fractures, and 500,000 vertebral fractures. Women have a 1 in 2 lifetime risk of developing fractures because of osteoporosis. For men the lifetime risk is 1 in 5.

This disease is an enormous burden for our older population and an enormous burden on our Nation. It is not unusual for those who fracture hips in old age to end up incapacitated and even in nursing homes. Only half of those who suffer hip fractures return to their previous level of activity once they have had a hip fracture, and they are very fortunate.

The direct medical costs of osteoporosis reached an estimated $10 billion in 1988. This figure does not include the cost of family care or lost work for those, usually family members, who are caring for those with the disease.

I am introducing this bill in order to foster more research on this disease within the Federal Government. Currently, the funding for research on this disease at the National Institutes of Health is only a tiny fraction of its direct medical costs. The bill therefore authorizes additional funds for research on osteoporosis for the lead agency on the disease, the National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for the National Institute on Aging and the National Institute of Diabetes, Digestive, and Kidney Diseases, which also conduct research on the disease. The bill also has several other provisions designed to help eventually eliminate this disease as a public health problem.

I can summarize the bill briefly. It authorizes:

An additional $36 million for research on osteoporosis at the Arthritis Institute, an additional $24 million for such research at the National Institute on Aging, and an additional $2 million at NIDDK for fiscal years 1992 through 1994.

An interagency council on Osteoporosis and Related Bone Disorders within the Department of Health and Human Services for coordinating research and information and establishing mechanisms to use the results of research on osteoporosis and related bone disorders. An annual report is to be transmitted to Congress and the Secretary.

An advisory panel, comprised of non-Federal experts on the disease, to make recommendations for research and education and other health promotion activities, to the Congress and to the Department. The bill authorizes $200,000 to defray the costs which will be incurred to enable the panel to meet and to conduct business for fiscal years 1992 through 1994.

A resource center on osteoporosis which will compile information on osteoporosis and disseminate it broadly to interested parties. This authority also provides for a hot-line telephone service to make appropriate information available to those who wish to have such information, such as those with the disease and their families, and professionals of various kinds working in the field. The bill authorizes $500,000 for the first year of this activity, $350,000 for fiscal year 1993, and $400,000 for fiscal year 1994. The resource center is also authorized to charge appropriate fees to help defray the cost of providing materials, paying for postage, and running the telephone hotline.

Mr. President, there are many working in the field of osteoporosis who believe that we have it within our power to eliminate this disease as a public health problem. As a lay person, I am unable to say whether this is true. But it does seem to me that efforts to increase the research on osteoporosis and related disorders will help to reduce the burden created by this disease, and I hope that this bill will contribute to that end.

Mr. President, I ask unanimous consent that the text of this bill, and a summary of it, be printed in the Record after my statement.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Osteoporosis and Related Bone Disorders Research, Education, and Health Services Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) osteoporosis, or porous bone, is a condition characterized by an excessive loss of bone tissue and an increased susceptibility to fractures of the hip, spine, and wrist;

(2) an estimated 25,000,000 Americans have osteoporosis, with many cases undiagnosed because the condition develops without symptoms until a strain, bump, or fall causes a fracture;

(3) between 3 and 4 million Americans have Paget's disease, Osteogenesis Imperfecta, and other related metabolic bone disorders;

(4) osteoporosis is responsible for 1,300,000 bone fractures annually, including more than 250,000 hip fractures, 500,000 vertebral fractures, 200,000 fractures of the wrist, and the remaining fractures at other limb sites;

(5) osteoporosis affects one-third to one-half of all postmenopausal women and nearly half of all people over age 75;

(6) direct medical costs of osteoporosis reached an estimated $10,000,000,000 in 1988 for the United States, not including the costs of family care and lost work for caregivers;

(7) direct medical costs of osteoporosis are expected to increase precipitously because the proportion of the population comprised of older persons is expanding and each generation of older persons tends to have a higher incidence of osteoporosis than preceding generations;

(8) technology now exists, and new technology is developing, that will permit early diagnosis and prevention of osteoporosis as well as management of the condition once it has developed;

(9) funding for research on osteoporosis and related bone disorders is severely constrained at key research institutes, including the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes and Digestive and Kidney Diseases;

(10) further research is needed to improve medical knowledge concerning—

(A) cellular mechanisms related to the processes of bone resorption and bone formation, and the effect of different agents on bone remodeling;

(B) risk factors for osteoporosis, including newly discovered risk factors, risk factors related to groups not ordinarily studied, such as men and minorities, and the relationship of aging processes to the development of osteoporosis;

(C) bone mass measurement technology, including techniques for making faster and more precise measurements and for interpreting measurements;

(D) calcium, including bioavailability, intake requirements, and the role of calcium in building heavier and denser skeletons;

(E) prevention and treatment, including the efficacy of current therapies, alternative drug therapies for prevention and treatment, and the role of exercise; and

(F) rehabilitation; and

(11) further educational efforts are needed to increase public and professional knowledge of the causes of, methods for avoiding, and treatment of osteoporosis.

SEC. 3. OSTEOPOROSIS RESEARCH.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended—

(1) by inserting after the subpart heading the following new chapter heading:

"CHAPTER 1—ARTHRITIS";

and

(2) by adding at the end the following new chapter:

"CHAPTER 2—OSTEOPOROSIS

"SEC. 442A. DEFINITIONS.

"As used in this chapter:

"(1) Advisory Panel.—The term 'Advisory Panel' means the Advisory Panel on Osteoporosis and Related Disorders, established in section 442D.

"(2) Council.—The term 'Council' means the Interagency Council on Osteoporosis and Related Disorders, established in section 442C.

"(3) Department.—The term 'Department' means the Department of Health and Human Services.

"(4) Related disorders.—The term 'related bone disorders' includes—

"(A) Paget's disease, a bone disease characterized by enlargement and loss of density with bowing and deformity of the bones;

"(B) Osteogenesis Imperfecta, a familial disease marked by extreme brittleness of the long bones;

"(C) hyperparathyroidism, a condition characterized by the presence of excess parathormone in the body resulting in disturbance of calcium metabolism with loss of calcium from bone and renal damage;

"(D) hypoparathyroidism, a condition characterized by the absence of parathormone resulting in disturbances of calcium metabolism;

"(E) renal bone disease, a disease characterized by metabolic disturbances from dialysis, renal transplants, or other renal disturbances;

"(F) primary or postmenopausal osteoporosis and secondary osteoporosis, such as that induced by corticosteroids; and

"(G) other general disorders of bone and mineral metabolism including abnormalities of vitamin D.

"(5) Resource center.—The term 'Resource Center' means the Resource Center on Osteoporosis and Related Disorders, established in section 442E.

"SEC. 442B. EXPANSION OF RESEARCH ON OSTEOPOROSIS AND RELATED BONE DISORDERS.

"(a) Research.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the Director of the National Institute on Aging, and the Director of the National Institute of Diabetes and Digestive and Kidney Diseases shall expand and intensify research on osteoporosis and related bone disorders. The research shall be in addition to research that is authorized under any other provision of law.

"(b) Research Centers.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases shall increase the number of Specialized Centers of Research devoted to research on osteoporosis and related bone disorders. The Director of the National Institute on Aging shall increase the number of program project grants devoted to creating centers of excellence in osteoporosis and related bone disorders. The Director of the National Institute of Diabetes and Digestive and Kidney Diseases shall increase the number of program projects grants in osteoporosis.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $36,000,000 for the National Institute of Arthritis and Musculosketletal and Skin Diseases, $24,000,000 for the National Institute of Diabetes and Digestive and Kidney Diseases for each of the fiscal years 1992 through 1994, and such sums as may be necessary for subsequent fiscal years. These funds are in addition to amounts authorized to be appropriated for biomedical research relating to osteoporosis and related bone disorders under any other provision of law.

"SEC. 442C. INTERAGENCY COUNCIL ON OSTEOPOROSIS AND RELATED BONE DISORDERS.

"(a) ESTABLISHMENT.—There is established in the Department an Interagency Council on Osteoporosis and Related Disorders. The Council shall be composed of—

"(1) the Assistant Secretary for Health;

"(2) the Surgeon General of the United States;

"(3) the Assistant Secretary for Planning and Evaluation of the Department;

"(4) the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases;

"(5) the Director of the National Institute on Aging;

"(6) the Director of the National Institute of Diabetes, Digestive, and Kidney Diseases;

"(7) the Director of the National Institute of Mental Health;

"(8) the Director of the National Institute of Child Health and Human Development;

"(9) the Administrator of the Health Care Financing Administration;

"(10) the Administrator for Health Care Policy and Research;

"(11) the Director of the Bureau of Child and Maternal Health;

"(12) the Commissioner of Food and Drugs;

"(13) the Director of the National Institute of Dental Research;

"(14) the Commissioner on Aging;

"(15) the Director of the Office of Disease Prevention and Health Promotion; and

"(16) such additional members as the Secretary considers appropriate.

"(b) FUNCTIONS.—The Council shall—

"(1) coordinate research conducted by or through the Department on osteoporosis and related bone disorders;

"(2) establish a mechanism for sharing information on osteoporosis and related bone disorders among all officers and employees of the Department involved in carrying out programs serving older persons, midlife women, and young persons, in order to provide for full communication and exchange of information;

"(3) review and coordinate the most promising areas of research concerning osteoporosis and related bone disorders;

"(4) assist the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetes, Digestive and Kidney Diseases, the National Institute on Dental Research, and other institutes in developing and coordinating plans for research on osteoporosis and related bone disorders;

"(5) assist the Office of Disease Prevention and Health Promotion and the Administration on Aging and other offices in developing and coordinating plans for education and health promotion on osteoporosis and related bone disorders; and

"(6) establish mechanisms to use the results of research concerning osteoporosis and related bone disorders in the development of policies, programs, and other measures to improve the quality of life for older Americans.

"(c) CHAIRPERSON.—The Secretary shall select a Chairperson or co-Chairpersons for the Council from among its members.

"(d) QUORUM.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings.

"(e) MEETINGS.—The Council shall meet periodically at the call of the Chairperson, but not less than often than twice each year.

"(f) EXECUTIVE SECRETARY.—The Secretary shall appoint an Executive Secretary for the Council.

"(g) ADMINISTRATIVE STAFF AND SUPPORT.—The Secretary shall provide the Council with such additional administrative staff and support as may be necessary to enable the Council to carry out its functions.

"(h) REPORTS.—

"(1) INITIAL REPORT.—

"(A) PREPARATION.—Not later than 9 months after the date of enactment of this chapter, the Executive Secretary of the Council shall prepare a report detailing the research plans referred to in paragraphs (4) and (5) of subsection (b). The report shall describe the activities to be carried out under the research plans during each of the fiscal years 1992 through 1994.

"(B) OTHER FEDERAL PROGRAMS.—To the maximum extent feasible, the report shall ensure that activities carried out under the research plans are coordinated with, and use the resources of, other Federal programs concerning osteoporosis and related bone disorders, including—

"(i) centers supported by the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes, Digestive and Kidney Diseases.

"(ii) other centers supported by Federal funds involved in research on osteoporosis and related bone disorders; and

"(iii) other programs concerning osteoporosis and related bone disorders that are planned or conducted by Federal agencies such as the Administration on Aging and the Office of Disease Prevention and Health Promotion, Federal agencies outside the Department, State or local agencies, community organizations, or private foundations.

"(C) DISTRIBUTION.—The Executive Secretary of the Council shall—

"(i) transmit the report to Congress; and

"(ii) make the report available to the public and to the Advisory Panel.

"(2) SUBSEQUENT REPORTS.—Not later than 12 months after the date on which the report required by paragraph (1) is transmitted to Congress, and annually thereafter, the Executive Secretary of the Council shall—

"(A) prepare a report that—

"(i) describes research and educational initiatives sponsored by the Federal Government on osteoporosis and related bone disorders; and

"(ii) makes recommendations for new research and educational initiatives on osteoporosis and related bone disorders; and

"(B) transmit the report to Congress and make the report available to the public.

"SEC. 442D. ADVISORY PANEL ON OSTEOPOROSIS AND RELATED DISORDERS.

"(a) ESTABLISHMENT.—There is established in the Department an Advisory Panel on Osteoporosis and Related Disorders. The Advisory Panel shall be composed of the following 15 voting members and additional nonvoting, ex officio members:

"(1) VOTING MEMBERS.—The Director of the Office of Technology Assessment shall appoint to the Advisory Panel—

"(A) 5 members who are biomedical research scientists with demonstrated achievement in biomedical research on osteoporosis and related bone disorders, including at least 1 researcher at a specialized center for research in osteoporosis;

"(B) 2 members with demonstrated achievements in research on community-based and family services covering osteoporosis and related bone disorders;

"(C) 1 member who is knowledgeable in health promotion and disease prevention programs concerning osteoporosis and related bone disorders;

"(D) 2 members who are associated with specialized bone programs affiliated with academic health centers;

"(E) 2 members who are experts in private health care insurance and long-term care financing; and

"(F) 3 members who are representatives of national voluntary organizations that are concerned with the problems of individuals with osteoporosis and related bone disorders and their families.

"(2) NONVOTING, EX OFFICIO MEMBERS.— The Advisory Panel shall include as nonvoting, ex officio members—

"(A) the Chairperson of the Council;

"(B) the Director of National Institute of Arthritis and Musculoskeletal and Skin Diseases;

"(C) the Director of the National Institute on Aging;

"(D) the Director of the National Institute of Diabetes and Digestive and Kidney Diseases; and

"(E) such other members as the Secretary may appoint.

"(3) APPOINTMENT.—The Director of the Office of Technology Assessment shall appoint members to the Advisory Panel within 90 days after the date of enactment of this Act. The Director shall not appoint to the Advisory Panel individuals who are officers or employees of the Federal Government.

"(b) FUNCTIONS.—The Advisory Panel shall advise the Secretary and Council with respect to the identification of—

"(1) research priorities for projects on osteoporosis, related bone disorders, and the care of individuals with osteoporosis or related bone disorders;

"(2) emerging issues in and promising areas of biomedical, clinical, and behavioral research on osteoporosis and related bone disorders;

"(3) emerging issues in research on health services for individuals, and the families of individuals, with osteoporosis or related bone disorders;

"(4) emerging issues in home-based and community-based services and systems of services for individuals, and the families of individuals, with osteoporosis or related bone disorders;

"(5) emerging issues in financing health care services and social services for individuals, and the families of individuals, with osteoporosis and related bone disorders;

"(6) emerging issues in health promotion programs concerning osteoporosis; and

"(7) emerging issues in professional and public education concerning osteoporosis.

"(c) CHAIRPERSON.—The Secretary shall appoint a Chairperson of the Advisory Panel from among the members appointed.

"(d) TERM OF OFFICE.—The term of a member of the Advisory Panel shall be for the life of the Advisory Panel. A vacancy on the Advisory Panel shall be filled in the same manner as the original appointment was made. A vacancy on the Advisory Panel shall not affect its powers.

"(e) QUORUM.—A majority of the members of the Advisory Panel appointed shall constitute a quorum, but a lesser number may hold hearings. The Advisory Panel may establish such subcommittees as the Advisory Panel considers appropriate.

"(f) MEETINGS.—The Advisory Panel shall meet at the call of the Chairperson, but not less often than twice per year.

"(g) EXECUTIVE SECRETARY.—The Executive Secretary of the Council shall serve as Executive Secretary of the Advisory Panel.

"(h) STAFF AND SUPPORT.—The Secretary shall provide the Advisory Panel with such additional administrative staff and support as may be necessary to enable the Advisory Panel to carry out its functions.

"(i) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—Subject to paragraph (2), no member of the Advisory Panel shall receive compensation for service on the Advisory Panel.

"(2) TRAVEL EXPENSES.—Each member of the Advisory Panel shall receive reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of duties of the Advisory Panel.

"(j) REPORT.—The Advisory Panel shall—

"(1) prepare an annual report, which shall contain recommendations for administrative and legislative actions to—

"(A) improve services, education, and information for individuals, and families of individuals, with osteoporosis and related bone disorders;

"(B) improve professional education; and

"(C) provide for promising biomedical research related to osteoporosis and related bone disorders; and

"(2) transmit the annual report to the Congress, the Secretary, and the Council and make it available to the public.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000 for each of fiscal years 1992 through 1994.

"SEC. 442E. RESOURCE CENTER ON OSTEOPOROSIS AND RELATED DISORDERS.

"(a) ESTABLISHMENT.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases shall make grants or enter into contracts with eligible organizations to establish a Resource Center on Osteoporosis and Related Disorders.

"(b) PURPOSE.—The purpose of the Resource Center shall be to facilitate and enhance knowledge and understanding of osteoporosis and related bone disorders by disseminating information about research results, services and educational materials, to health professionals, patients, and the public.

"(c) FUNCTIONS.—An organization receiving a grant or contract under this section shall—

"(1) compile, archive, and disseminate information concerning research, demonstration, evaluation, and training programs and projects concerning osteoporosis and related bone disorders;

"(2) annually publish a summary of the information compiled under paragraph (1) during the preceding 12-month period, and make the information available on request to appropriate individuals and entities, including educational institutions, research entities, and Federal and public agencies;

"(3) provide information and assistance in accessing community services to patients and the public;

"(4) coordinate regional training programs for the development of health professional resource networks on osteoporosis and related bone disorders; and

"(5) maintain a resource library on osteoporosis and related bone disorders.

"(d) INFORMATION SYSTEM AND TELEPHONE LINE.—

"(1) INFORMATION SYSTEM.—An organization receiving a grant or contract under this section shall establish a central computerized information system to—

"(A) compile and disseminate information concerning initiatives by State and local governments and private entities to provide programs and services for individuals with osteoporosis; and

"(B) translate scientific and technical information concerning the initiatives into information readily understandable by the general public, and make the information available on request.

"(2) TELEPHONE LINE.—An organization receiving a grant or contract under this section shall establish a national toll-free telephone line to make available the information described in paragraph (1) and information concerning Federal programs, services, and benefits for individuals with osteoporosis and their families.

"(e) FEES.—In accordance with regulations issued by the Secretary, the organization receiving a grant or contract under this section shall charge appropriate fees for providing information through the Research Center as specified in subsections (c) or (d). The organization may make exceptions to the fees for individuals and organizations who are not financially able to pay the fees. The organization shall transfer the sums obtained from payment of the fees to the Secretary, who shall use the sums to carry out this section.

"(f) APPLICATION OR PROPOSAL.—In order to receive a grant or enter into a contract under this section, an organization shall submit an application or proposal to the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases. The application or proposal shall contain—

"(1) information demonstrating that the organization has a network of contacts that will enable the organization to receive information necessary to operate the central computerized information system described in subsection (d)(1); and

"(2) such other information as the Director may prescribe.

"(g) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive grants under this section shall include public and private nonprofit organizations that are knowledgeable about osteoporosis and related bone disorders. The Secretary shall establish additional eligibility criteria for organizations to receive grants or enter into contracts under this section.

"(h) RESEARCH SUMMARIES.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetes, Digestive, and Kidney Diseases, the National Institute on Dental Research, and other agencies specified by the Secretary shall provide to the Resource Center summaries of the findings of research conducted on osteoporosis, related bone disorders, or relevant treatments for osteoporosis or related bone disorders.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993 and 1994.".

By Mr. HATCH:

S. 489. A bill to provide grants to States to encourage States to improve their systems for compensating individuals injured in the course of the provision of health care services, to establish uniform criteria for awarding damages in health care malpractice actions, and for other purposes; to the Committee on Labor and Human Resources.

ENSURING ACCESS THROUGH MEDICAL LIABILITY REFORM ACT

Mr. HATCH. Mr. President, I am pleased to introduce, with my colleague from Vermont, legislation entitled "Ensuring Access Through Medical Liability Reform Act of 1991." My House colleague, Representative NANCY JOHNSON, has recently introduced similar legislation. One of the major problems with our health care system is medical liability. Not only are we paying about $7 billion each year in direct medical liability costs, but we are also paying billions each year for unnecessary defensive medicine that is the result of the fear of litigation. There are many Americans who have a difficult time gaining recovery even when there is medical care negligence.

While some years have been worse than others, we have had a medical malpractice crisis on our hands for the last decade. We know that it is a crisis; there are 900 new malpractice lawsuits every day. The average award for cases amounts at a minimum to $300,000.

This crisis is not only affecting the cost but also the quality and availability of health care. Physicians are refusing to do high risk procedures and to accept high risk patients. They have stopped delivering babies because of liability concerns. Women today do not have to worry merely about finding affordable pregnancy-related care; they have to worry about finding care at all. For example, in Utah, more than half of the general and family practitioners have quit delivering babies. Expectant mothers from our rural areas and small communities must often travel an extra 100 to 150 miles for care. This legislation is an access to health care legislation.

The time has come to stop debating whether there is a medical liability problem. It is time to admit that medical liability has had a decidedly negative impact on American's access to quality health care. Instead, we must move forward to enact solutions.

In the past, I believe that medical liability reform should be addressed by the States. Today, however, the Federal Government pays between 40 and 50 percent of the health care costs in this country. The taxpayers deserve our attention to this major cause of rising health care costs. If we could save just part of the resources that are wasted because of the medical liability problem, we could begin to remedy this country's health care access problem without raising taxes, mandating health insurance, or adopting other forms of national health insurance that would limit individual choices.

The legislation I am introducing today builds on legislation I introduced last session. It was developed with the help of a broad coalition representing health care provider organizations, the business community, health insurers, and other groups. This coalition came together at my request, and I am grateful to them for their efforts. In particular, I want to thank Kathy Bryant from the American College of Obstetrics and Gynecology for her capable counsel.

The bill does not protect those who commit malpractice. I am not interested in providing a screen for incompetent doctors to hide behind. The bottom line of this legislation is that no child, no pregnant woman, no accident victim, and no senior citizen should be denied health care merely because we have not found a way to protect honest and skilled health care professionals from the threat of malpractice.

Today, medical liability is rooting out good practitioners and driving up costs for everyone. It is adversely affecting American's access to quality and affordable health care. The measure I am introducing is important because it restores the balance between the need to provide civil recourse for consumers with the increasing need to get a handle on the unnecessary and wasteful costs of defensive medicine and to ensure access to health care for all Americans.

I urge my colleagues to support this legislation. I ask unanimous request that the complete text of the legislation as well as a summary of the bill be included in full in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ensuring Access Through Medical Liability Reform Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) in recent years, there has been increasing and widespread public and professional concern about the problems associated with health care malpractice actions, and such concern has focused primarily on the issues of—

(A) the reduction in access of patients to quality health care as a result of these problems;

(B) the increasing portion of health care costs attributable to defensive health care practices and the costs of health care liability insurance premiums;

(C) the ability of health care professionals to continue to practice in high risk areas of health care treatment;

(D) the inefficiency of the civil judicial system in providing access to the courts and fair compensation for individuals injured by health care malpractice and in deterring such malpractice; and

(E) the inefficiency of State disciplinary systems in restricting the activities of health care professionals who endanger patient safety;

(2) all health care consumers are adversely affected, directly or indirectly, by the effect that the problems associated with health care malpractice actions have on the availability and affordability of health care services;

(3) regardless of whether the solution to the problems associated with health care malpractice actions is the responsibility of public or private sectors, or a combination of these, the Federal Government has a major interest in these problems as a direct provider of health care to many Americans through the Public Health Service, and as a source of payment for the health care of a much larger number of Americans through medicare, medicaid and other programs;

(4) health care liability issues have created tensions among the professions of law and medicine, the insurance industry, and consumers of health care services, and these tensions have impeded the development and implementation of solutions;

(5) the civil judicial system is a costly and inefficient mechanism for resolving claims of health care malpractice and compensating injured patients, a disproportionately large percentage of dollars spent to compensate patients for health care malpractice is distributed to a few patients, while adequate compensation is not provided to most patients injured by health care malpractice, and far too little of the amounts paid by health care professionals and health care providers for liability insurance premiums is received by injured patients;

(6) California's reform of medical liability tort law has demonstrated that modification of existing tort law governing health care malpractice actions can bring stability and predictability with respect to the size of awards and slow the increase of health care liability insurance premiums;

(7) the Department of Health and Human Services' 1987 Task Force on Medical Liability and Malpractice was correct in recommending that the Federal Government and State governments explore, through research and demonstration projects, alternative dispute resolution mechanisms that have the potential for resolving health care malpractice claims more fairly and cost-effectively than the current civil judicial system, for promoting patient safety, and for deterring health care malpractice; and

(8) a variety of proposals to solve the problems of health care liability and health care malpractice can be implemented, studied and evaluated by using the States as laboratories in which to develop and explore various alternative dispute resolution systems.

(b) Purpose.—It is the purpose of this Act to—

(1) improve the quality of health care through the deterrence of avoidable injuries and the detection of health care providers and health care professionals who commit health care malpractice or otherwise endanger patient safety;

(2) improve the availability of health care services in cases in which health care malpractice actions have been shown to be a major factor in the decreased availability of services;

(3) expeditiously identify patients eligible to receive compensation for injuries and deliver such compensation more quickly and more efficiently than the civil judicial system; and

(4) improve the fairness and cost-effectiveness of the State system to resolve disputes over, and provide compensation for, health care malpractice by reducing uncertainty and unpredictability in the amount of compensation provided to injured individuals.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) Alternative dispute resolution system.—The term "alternative dispute resolution system" means a system that—

(A) is enacted or adopted by a State to resolve health care malpractice claims other than through a health care malpractice action;

(B) applies to one or more types of injuries resulting from health care malpractice;

(C) applies to one or more political subdivisions of a State or to the entire State; and

(D) meets the requirements of section 102.

(2) Arbitration.—The term "arbitration" means a dispute resolution process in which the parties submit the dispute outside of a State or Federal civil justice system for resolution by a person or panel of persons.

(3) Economic losses.—The term "economic losses" means losses for hospital and medical expenses, lost wages, lost employment, and other pecuniary losses.

(4) Health care malpractice action.—The term "health care malpractice action" means a civil action alleging a health care malpractice claim against a health care provider or health care professional.

(5) Health care malpractice claim.—The term "health care malpractice claim" means any claim relating to the provision of (or the failure to provide) health care services based on negligence or gross negligence, breach of express or implied warranty or contract, or failure to discharge a duty to warn or instruct to obtain consent.

(6) Health care professional.—The term "health care professional" means any individual who provides health care services in a State and who is required by State law or regulation to be licensed or certified by the State to provide such services in the State, including (but not limited to) a physician, nurse, chiropractor, nurse midwife, physical therapist, social worker, or physician assistant.

(7) Health care provider.—The term "health care provider" means any organization or institution that is engaged in the delivery of health care services in a State and that is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State.

(8) Injury.—The term "injury" means any injury, illness, disease, or other harm that is the subject of a health care malpractice claim.

(9) Noneconomic losses.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, and other nonpecuniary losses.

(10) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(11) State.—Except as otherwise provided in this Act, the term "State" means each of the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

TITLE I—GRANT PROGRAMS

Subtitle A—Implementation of Alternative Dispute Resolution Systems

SEC. 101. INCENTIVE GRANTS.

(a) In General.—The Secretary shall make grants to States from amounts appropriated and available under section 123(a)(1) for the development or implementation of alternative dispute resolution systems, under such terms as the Secretary may require. A State shall use a grant made under this section to develop or implement, and evaluate the effectiveness of such a system.

(b) OPTION TO REFUSE GRANT.—Not later than 90 days after the Secretary makes a grant under this section to a State, that State may send notice to the Secretary that it refuses the grant. At the time the State sends such notice, the State shall return any amounts paid to it under such grant to the Secretary.

(c) AMOUNT OF GRANT.—

(1) IN GENERAL.—The amount of a grant made to each State under this section shall be equal to 1/52 of the amount appropriated and available under section 123(a)(1).

(2) DEFINITION OF STATE.—For purposes of this section, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands shall be considered as a single State.

(d) REPORTS ON COMPLIANCE.—

(1) SUBMISSION OF REPORTS.—Each State shall annually submit a report to the Secretary containing such information as the Secretary may require to determine whether the State is in compliance with the terms of the grant made under this section.

(2) DETERMINATION OF NONCOMPLIANCE.—If, after reviewing the report submitted under paragraph (1), the Secretary determines that a State receiving a grant under this section is not in compliance with the terms of the grant, the Secretary shall provide the State with written notice of such determination. Such notice shall specify—

(A) the reasons for the determination of the Secretary;

(B) that the Secretary will require the State, not later than 60 days after receipt of such notice, to return all funds provided to the State under the grant, unless the State—

(i) takes such corrective action as may be necessary to ensure that the State is in compliance with the terms of the grant; or

(ii) requests a hearing under subparagraph (C); and

(C) that the State may request a hearing on the record before an administrative law judge under section 554 of title 5, United States Code, concerning the allegations set forth in the notice.

SEC. 102. ALTERNATIVE DISPUTE RESOLUTION SYSTEMS DESCRIBED.

(a) IN GENERAL.—An alternative dispute resolution system meets the requirements of this section if the system—

(1) is a system described in subsection (b), (c), (d), (e), or (f); and

(2) provides for the resolution of health care malpractice claims in a manner other than through health care malpractice actions for all individuals receiving health care services in the State.

(b) FAULT-BASED ADMINISTRATIVE SYSTEMS.—

(1) ESTABLISHMENT.—A State may establish an administrative process within the State government for the resolution of health care malpractice claims. Under such process, an individual alleging an injury (or the parent or guardian of such an individual) shall be required to file a claim with the State administrative process. The process shall provide for the dismissal of nonmeritorious claims and shall provide for the award of damages when an injury is found to have been caused by health care malpractice.

(2) REQUIREMENTS.—The administrative process established under paragraph (1) shall provide for—

(A) an expedited review of all claims filed;

(B) a procedure for early dismissal of claims when the expedited review process does not support a finding of possible liability;

(C) the opportunity for claim investigation and a meaningful hearing on claims with possible merit before an administrative officer or panel; and

(D) the opportunity for review of the initial decision within the administrative process.

(3) JUDICIAL REVIEW.—Any judicial review of the final administrative decision on a claim under the process established under paragraph (1) shall be limited in order to avoid duplication of the administrative process in the courts. The State shall provide that—

(A) judicial review of the final administrative decision may not extend to de novo consideration of the underlying facts of a claim resolved under the administrative process; and

(B) if a court determines that an issue of fact requires resolution, the court must remand to the State agency which conducted the administrative process for resolution of the issue.

(4) PROCEDURES FOR FILING.—The administrative process established under paragraph (1) shall include a simplified process for filing claims.

(5) COORDINATION OF PROCEDURES.—The State shall establish procedures—

(A) to ensure that the process referred to in paragraph (1) is coordinated with or monitored by the health care provider and health care professional licensing and disciplinary authorities of the State; and

(B) for the routine referral to such authorities of findings and decisions under the process that indicate that health care malpractice occurred.

(6) PAYMENTS; LEGAL ASSISTANCE.—Under the administrative process established under paragraph (1), payment may be made for economic losses and noneconomic losses. The State shall establish a formula or guidelines for the calculation of payments for noneconomic losses, and section 201(a) shall apply to claims resolved under the process. In order to ensure access to affordable legal representation for individuals filing claims under the process, the State may establish programs offering legal assistance to such individuals.

(7) EXPERTS.—The State shall empower any administrative hearing officer or panel used in the administrative process established under paragraph (1) to call independent experts not retained by a party to give evidence. The State shall provide that if called, experts are subject to cross-examination by all parties.

(c) DEFINED CATASTROPHIC INJURY COMPENSATION SYSTEMS.—

(1) ESTABLISHMENT.—A State may establish a system under which the State establishes a compensation fund to compensate all individuals who incur a certain injury (as defined by the State) in the course of receiving health care services. The State shall provide that if an individual incurs such an injury, the individual may only receive compensation for such injury by filing a claim with the State for compensation from such fund, and that such individual may not file a health care malpractice action in any State or Federal court for damages resulting from such injury.

(2) PROCEDURES FOR FILING.—The State shall establish procedures for an individual to file a compensation claim for the defined injury under paragraph (1). No payment may be made from the fund for an individual unless such individual (or the patient or guardian of such individual) complies with such procedures.

(3) REQUIREMENT OF PROCEDURES; DEADLINE FOR DETERMINATIONS.—The State shall ensure that the procedures under paragraph (2) allow an individual to file and pursue a claim without the assistance of counsel or to retain counsel if the individual chooses. The State shall make a final determination on a claim not later than 6 months after the date on which the claim is filed.

(4) PAYMENTS.—The State shall make payments from the compensation fund under paragraph (1) for economic losses, and section 201(a)(3) shall apply to payments for economic losses from the compensation fund. The State may make payments for future economic losses as such losses are incurred, or may make such payments in a lump-sum amount. The State may elect to pay injured individuals for noneconomic losses from the compensation fund according to a schedule established by the State.

(5) FUNDING.—The State may require that funding for the compensation fund under paragraph (1) be paid by health care providers and professionals that engage in the health care treatment or procedure which results in the injury covered by the fund. The State may establish requirements for additional sources of payments into the fund, including patient contributions or contributions made by employees covered by health care insurance plans, and, if appropriate, may establish procedures for employers to pay for contributions of employees.

(6) REVIEW.—The State shall establish a quality review mechanism to review claims filed with the fund established under paragraph (1) and identify instances of health care malpractice. The State shall provide for the routine referral under the quality review mechanism to health care provider and health care professional licensing and disciplinary authorities of the State of findings that indicate that health care malpractice occurred.

(d) EARLY OFFER AND RECOVERY MECHANISMS.—

(1) ESTABLISHMENT.—The State may establish a system under which health care providers and professionals have the option to offer, within a specified time period after an injury or (in certain circumstances determined by the State) after the initiation of a health care malpractice action, to compensate an individual for economic losses in accordance with this subsection.

(2) INCLUSION OF OTHER PROVIDERS OR PROFESSIONALS.—Under the system established under paragraph (1), an offer may include other health care providers or professionals who were involved in the provision of health care services, with their consent.

(3) DETERMINATION OF LOSSES.—Section 201(a)(3) shall apply to the determination of an individual's economic losses for purposes of the system established under paragraph (1). Future economic losses shall be payable to the individual as they occur, or may be payable in a lump-sum amount.

(4) ARBITRATION.—If, after an offer is made under the system established under paragraph (1), the individual alleging an injury disputes the amount of the economic losses for which the offerors propose to provide compensation, or the participants dispute the relative contributions of the health care providers or professionals to the payments to be made to the individual, such disputes shall be resolved by binding arbitration in accordance with rules and procedures established by the State.

(5) ACTION ON RECEIPT OF OFFER.—

(A) In general.—If an individual—

(i) receives an offer under this subsection;

(ii) rejects such offer after all issues with respect to the amount of economic losses suffered by such person have been resolved under paragraph (4) or refuses to participate in arbitration under such paragraph; and

(iii) initiates a health care malpractice action against one or more persons who made such offer,

the provisions of subparagraph (B) shall apply to such health care malpractice action.

(B) Burden of proof and damages.—In any health care malpractice action to which subparagraph (A) applies—

(i) the plaintiff may only prevail if the plaintiff has proven each element of his or her case beyond a reasonable doubt;

(ii) with respect to claims of negligence, the plaintiff must establish that a defendant was grossly negligent; and

(iii) the amount of damages for noneconomic losses which a plaintiff may recover with respect to an injury shall not exceed $150,000.

(e) Binding Arbitration.—

(1) Establishment.—The State may establish a system under which—

(A) prior to treatment, health care providers and professionals may offer their patients an opportunity to enter into an agreement to arbitrate any health care malpractice claims relating to such treatment; or

(B) each individual receiving health care services in the State and the health care providers and professionals providing such services shall be deemed to have entered into an agreement to arbitrate any health care malpractice claims relating to such services.

(2) Limitations.—An individual's consent to an agreement to arbitrate under the system established under paragraph (1)(A) may not be a prerequisite to the provision of health care services. Neither of the systems established under paragraph (1) shall apply to a contract for binding arbitration between a health care entity which agrees to provide comprehensive medical care to voluntarily enrolled patients for a predetermined annual fee and its patients or members.

(3) Revocation.—An arbitration agreement under the system established under paragraph (1)(A) may be revoked by the patient not later than 15 days after the date on which the patient signs the agreement, except that the patient may not revoke the agreement after the health care services were provided. The health care provider or professional may not revoke the agreement to arbitrate. The agreement shall be binding as to any cause of action that accrues prior to revocation of the agreement.

(4) Prohibition on malpractice actions.—No health care malpractice action may be brought with respect to an alleged injury if an arbitration agreement under a system established under paragraph (1) with respect to such injury is in effect at the time of such injury. Section 201(a) shall apply to claims resolved through the systems established under paragraph (1).

(5) Requirements.—Each arbitration agreement entered into under the system established under paragraph (1)(A) must include, in boldfaced print, a notice that—

(A) by signing the agreement, the patient is waiving the right to the initiation or hearing of a health care malpractice action;

(B) the patient may revoke the arbitration agreement not later than 15 days after the date on which the patient signs the agreement, except that the patient may not revoke the agreement after health care services are provided; and

(C) signature of the agreement by the patient cannot be required by the health care provider or health care professional as a prerequisite to the provision of health care services.

(6) Arbitration panels.—Each arbitration conducted under the systems established under paragraph (1) shall be conducted by an arbitration panel consisting of three arbiters. One arbiter shall be chosen by the individual alleging the health care malpractice claim. One arbiter shall be chosen jointly by all health care providers and health care professionals who are parties to the agreement to arbitrate. The third arbiter, who shall chair the panel, shall be chosen by the other two arbiters.

(7) Appeals to state court.—

(A) In general.—A party participating in an arbitration under the systems established under paragraph (1) may file an appeal with the court of appropriate jurisdiction of the State (as determined under State law) to vacate the decision of the panel if the party files a motion to appeal not later than 60 days after the panel renders its decision.

(B) Standard of review.—A court reviewing the decision of a panel arbitrating a claim may not vacate the panel's decision unless it determines that the decision was arbitrary or capricious.

(f) State-Initiated Alternative.—For purposes of subsection (a)(1), if a State proposes to establish or has established an alternative dispute resolution system that does not meet the requirements of subsection (b), (c), (d), or (e), the system shall be deemed to be a system described in one of those subsections if the Secretary determines that the system would accomplish the purposes of this Act described in section 2(b) and meets the requirements of section 201(a).

Subtitle B—Other Grant Programs

SEC. 111. RESEARCH GRANTS.

(a) In General.—The Secretary shall make grants to States and to private nonprofit organizations located in a State from amounts appropriated and available under section 123(a)(2) for the conduct of basic research in the prevention of and compensation for injuries resulting from health care professional or health care provider malpractice, and research of the outcomes of health care procedures. In making such grants, the Secretary shall give particular consideration to applications for research on the behavior of health care providers and health care professionals in carrying out their professional duties and of other participants in systems for compensating individuals injured by health care malpractice, the effects of financial and other incentives on such behavior, the determinants of compensation system outcomes, and the costs and benefits of alternative compensation policy options.

(b) Application.—The Secretary may not make a grant under this section unless an applicant submits an application to the Secretary at such time, in such form, in such manner, and containing such information as the Secretary may require.

(c) Amount of Grants.—The amount of a grant made to a State under this section shall be determined by the Secretary.

SEC. 112. DISCIPLINARY AND EDUCATIONAL GRANTS.

(a) In General.—The Secretary shall make grants to States from amounts appropriated and available under section 123(a)(3) to assist States in improving the State's ability to license and discipline health care professionals. A State may use a grant awarded under this subsection to develop and implement improved mechanisms for monitoring the practices of health care professionals or for conducting disciplinary activities.

(b) Technical Assistance.—The Secretary shall provide technical assistance to States to assist them in evaluating their medical practice acts and procedures and to encourage the use of efficient and effective early warning systems and other mechanisms for detecting practices which endanger patient safety and for disciplining health care professionals.

(c) Education.—The Secretary shall make grants to States and to local governments and private nonprofit organizations located in a State from amounts appropriated under section 123(a)(3) for—

(1) educating the general public about the appropriate use of health care and realistic expectations of medical intervention;

(2) educating the public about the resources and role of health care professional licensing and disciplinary boards in investigating claims of incompetence or health care malpractice; and

(3) developing programs of faculty training and curricula for educating health care professionals in quality assurance, risk management, and medical injury prevention.

(d) Applications.—The Secretary may not make a grant under subsection (a) or (c) unless the applicant submits an application to the Secretary at such time, in such form, in such manner, and containing such information as the Secretary shall require.

(e) Amount of Grants.—The amount of a grant made to a State under this section shall be determined by the Secretary.

Subtitle C—Administrative Provisions

SEC. 121. ADMINISTRATIVE PROVISIONS.

(a) Incentive Grants.—

(1) In general.—If amounts appropriated for grants under section 123(a) remain available because—

(A) a State has notified the Secretary that it refuses the grant made to such State under section 101, or has not submitted an application for a grant under subtitle B;

(B) a State has notified the Secretary that it does not intend to use the full amount of a grant awarded to such State under this title; or

(C) the amount paid to a State or to an entity located in a State under a grant under this title is reduced, offset, or repaid under subsection (c);

the Secretary shall make supplemental grants to States, to the extent such amounts are available, for the implementation of alternative dispute resolution systems. A grant received by a State under this subsection shall be used by the State to further implement and evaluate the effectiveness of such a system.

(2) Application.—No grant may be made under this subsection unless an application is submitted to the Secretary. Any such application shall—

(A) be submitted to the Secretary within 6 months after the notification of availability of funds by the Secretary;

(B) contain a certification by the chief executive officer of the State that, on the date the application is submitted, the State has enacted, adopted, or otherwise has in effect an alternative dispute resolution system;

(C) be companied by documentation to support the certification required by subparagraph (B), including copies of relevant State statutes, rules, procedures, regulations, judicial decisions, and opinions of the State attorney general;

(D) contain a proposal for the time period for which the grant ,will be made and for which the provisions of paragraph (5) will apply to the grant;

(E) contain a plan for the evaluation of the alternative dispute resolution system, which shall include—

(i) a statement of the objectives of such system;

(ii) an identification of performance and outcome indicators related to such objectives;

(iii) a description of accounting and recordkeeping procedures designed to collect data on the alternative dispute resolution system which are related to such indicators;

(iv) a description of the manner in which the evaluation will determine whether the alternative dispute resolution system achieves one or more of the purposes of this Act described in section 2(b);

(v) an estimate of the costs of the evaluation; and

(vi) a time frame for the completion of the evaluation; and

(F) contain such other information, be in such form, and be submitted in such manner, as the Secretary may require.

(3) REVIEW OF APPLICATIONS.—

(A) IN GENERAL.—Within 90 days after receiving an application under paragraph (2), the Secretary shall review the application and determine whether the application demonstrates that the State has enacted, adopted, or otherwise has in effect an alternative dispute resolution system. If the Secretary determines that the application makes such a demonstration, the Secretary shall approve the application. In approving an application under this section, the Secretary shall determine the time period for which the grant is made and for which the provisions of paragraph (5) shall apply to such grant.

(B) INSUFFICIENT APPLICATION.—If, after reviewing an application under subparagraph (A), the Secretary determines that the application does not make the demonstration required under such subparagraph, the Secretary shall, within 15 days after making such determination, provide the State which submitted such application with a written notice which specifies such determination and which contains recommendations for revisions which would cause the application of the State to be approved. The State has 90 days from the time of the written notice to submit a revised application to the Secretary. The revised application shall be treated as an application under paragraph (2), except that the Secretary must review and make the determination required by subparagraph (A) within 60 days.

(4) GRANT AMOUNT.—

(A) IN GENERAL.—Within 30 days after approving an application of a State under paragraph (3), the Secretary shall pay to the State a grant in the amount determined under paragraph (1) or (2), as the case may be.

(B) DETERMINATION.—The amount of a grant made under this section to a State shall be an amount equal to 75 percent of an amount which the Secretary finds reasonable and necessary for the further implementation and evaluation of the alternative dispute resolution system of the State.

(5) NONCOMPLIANCE.—If, during the applicable time period determined by the Secretary under paragraph (3)(A), the Secretary determines that the State does not have in effect the alternative dispute resolution system for which the application was approved, the Secretary shall provide the State with written notice of such determination. Such notice shall specify—

(A) the reasons for the determination of the Secretary;

(B) that the Secretary will require the State, within 60 days after receipt of such notice, to return all funds provided to the State under the grant which have not been expended by the State at the time such notice is received unless the State—

(i) takes such corrective action as may be necessary to ensure that such alternative dispute resolution system is in effect in the State; or

(ii) requests a hearing under subparagraph (C); and

(C) that the State may request a hearing on the record before an administrative law judge under section 554 of title 5, United States Code, concerning the allegations set forth in the notice.

(b) SCHEDULE OF PAYMENTS.—The Secretary may make payments for grants awarded under this title in advance, on the basis of estimates, or by reimbursement (with necessary adjustments because of underpayments or overpayments), and in such installments and on such terms and conditions as the Secretary determines necessary to carry out the purposes of such grants.

(c) REDUCTIONS FOR EXPENSES OF SUPPLIES, EQUIPMENT, AND EMPLOYEE DETAIL.—The Secretary may reduce the amount of such a grant by—

(1) the fair market value of any supplies or equipment furnished to the recipient by the Secretary;

(2) the amount of pay, allowances, and travel expenses incurred by any officer or employee of the Federal Government when such officer or employee has been detailed to the recipient; and

(3) the amount of any other costs incurred in connection with the detail of an officer or employee as described in subparagraph (B), when the furnishing of such supplies or equipment or the detail of such an officer or employee is for the convenience, and at the request, of such recipient and for the purpose of carrying out activities under the grant.

(d) RECORDS.—Each recipient of a grant under this title shall keep such records as the Secretary determines appropriate, including records that fully disclose—

(1) the amount and disposition by such recipient of the proceeds of such grant;

(2) the total cost of the activity for which such grant was made;

(3) the amount of the cost of the activity for which such grant was made that has been received from other sources; and

(4) such other records as will facilitate an effective audit.

(e) AUDIT AND EXAMINATION OF RECORDS.—The Secretary and the Comptroller General shall have access to any books, documents, papers, and records of the recipient of a grant under this title, for the purpose of conducting audits and examinations of such recipient that are pertinent to such grant.

(f) MAINTENANCE OF EFFORT.—Each recipient of a grant under this title shall use the grant to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of grant be made available for the programs and activities for which funds are provided under this title. In no event shall a recipient of a grant under this title use the grant to supplant such State, local, and other non-Federal funds.

SEC. 122. REPORTS ON GRANT PROGRAMS.

Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, each recipient of a grant under this title during any such 2-year period shall prepare and submit to the Secretary a report which describes the activities conducted by the recipient with any grants received under this title during the preceding 2-year period and provides the Secretary with appropriate information to enable the Secretary to report on the matters described in section 204.

SEC. 123. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for grants under this title a total of $310,000,000 for fiscal years 1992 through 1994, of which—

(1) not more than 90 percent shall be made available for incentive grants under section 101;

(2) not more than 3 percent shall be made available for research grants under section 111; and

(3) not more than 7 percent shall be made available for disciplinary grants under section 112.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated for grants under this title shall remain available until expended, except that amounts appropriated and available for incentive grants under section 101 shall remain available from October 1, 1991, to September 30, 1996.

TITLE II—HEALTH CARE MALPRACTICE DISPUTE REFORM

SEC. 201. FEDERAL REFORM OF CIVIL ACTIONS.

(a) IN GENERAL.—

(1) APPLICABILITY.—This subsection shall govern any health care malpractice action brought in any Federal or State court and any health care malpractice claim resolved through arbitration, except that paragraph (6) shall not apply to any action for damages arising from a vaccine-related injury or death for which a petition was filed under section 2111 of the Public Health Service Act.

(2) PAYMENTS.—No person may be required to pay more than $100,000 in a single payment for future losses, but such person shall be permitted to make such payments on a periodic basis. The periods for such payments shall be determined by the court, based upon projections of such future losses.

(3) DAMAGES.—

(A) REDUCTIONS.—The total amount of damages received by an individual shall be reduced, in accordance with subparagraph (B), by any other payment which has been made or which will be made to such individual to compensate such individual for an injury, including payments under—

(i) Federal or State disability or sickness programs;

(ii) Federal, State, or private health insurance programs;

(iii) private disability insurance programs;

(iv) employer wage continuation programs; and

(v) any other source of payment intended to compensate such individual for such injury.

(B) AMOUNT OF REDUCTION.—The amount by which an award of damages to an individual for an injury shall be reduced under subparagraph (A) shall be—

(i) the total amount of any payments (other than such award) which have been made or which will be made to such individual to compensate such individual for such injury; minus

(ii) the amount paid by such individual (or by the spouse, parent, or legal guardian of such individual) to secure the payments described in clause (i).

(4) LIMITATION ON NONECONOMIC DAMAGES.—The total amount of damages which may be awarded to an individual and the family members of such individual for noneconomic losses resulting from an injury which is the subject of a health care malpractice claim

may not exceed $250,000, regardless of the number of health care professionals and health care providers against whom the claim is brought or the number of claims brought with respect to the injury.

(5) ATTORNEYS' FEES.—Attorneys' fees may not exceed—

(A) 33 percent of the first $100,000 of any award or settlement;

(B) 15 percent of the next $100,000; and

(C) 10 percent of any additional amounts in excess of $200,000.

(6) STATUTE OF LIMITATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no health care malpractice claim may be initiated after the expiration of the 2-year period that begins on the date on which the alleged injury should reasonably have been discovered, but in no event later than 4 years after the date of the alleged occurance of the injury.

(B) EXCEPTION FOR MINORS.—In the case of an alleged injury suffered by a minor who has not attained 6 years of age, no health care malpractice claim may be initiated after the expiration of the 2-year period that begins on the date on which the alleged injury should reasonably have been discovered, but in no event later than 4 years after the date of the alleged occurance of the injury or the date on which the minor attains 8 years of age, whichever is later.

(b) PREEMPTION.—

(1) IN GENERAL.—Subsection (a) supersedes any State law only to the extent that State law establishes higher payment limits, permits the recovery of a greater amount of damages or the awarding of a greater amount of attorneys' fees, or establishes a longer period during which a health care malpractice claim may be initiated.

(2) EFFECT ON SOVEREIGN IMMUNITY AND CHOICE OF LAW OR VENUE.—Nothing in subsection (a) shall be construed to—

(A) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(B) waive or affect any defense of sovereign immunity asserted by the United States;

(C) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976;

(D) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(E) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground in inconvenient forum.

(c) EFFECTIVE DATE.—Subsection (a) shall apply to health care malpractice claims initiated after the expiration of the 2-year period that begins on the date of the enactment of this Act.

SEC. 202. STATE MANDATES FOR RISK MANAGEMENT AND PROFESSIONAL DISCIPLINE.

(a) IN GENERAL.—To be eligible to receive assistance under the Public Health Service Act, a State shall certify that it meets the requirements described in subsections (b) through (e).

(b) DISCIPLINARY REFORMS.—Each State shall allocate the total amount of fees paid to the State in each year for the licensing or certification of each type of health care practitioner, or an amount of State funds equal to such total amount, to the State agency or agencies responsible for the conduct of disciplinary actions with respect to such type of health care practitioner.

(c) PROVIDER RISK MANAGEMENT.—Each State shall require each provider of services located in the State which—

(1) directly receives funds under any Federal law, regulation, or program; or

(2) receives Federal funds for or on behalf of an individual in payment for services rendered to such individual;

to have in effect a risk management program to prevent and provide early warning of practices which may result in injuries to patients or which otherwise may endanger patient safety.

(d) INSURER RISK MANAGEMENT.—Each State shall require each entity which provides health care practitioner liability insurance to health care practitioners in the State to—

(1) establish risk management programs based on data available to such entity or sanction programs of risk management for health care practitioners provided by other entities; and

(2) require each such practitioner, as a condition of maintaining insurance, to participate in one program described in paragraph (1) at least once in each 3-year period.

(e) ROLE OF PROFESSIONAL SOCIETIES.—

(1) REVIEW OF CLAIMS.—Each State agency responsible for the conduct of disciplinary actions for a type of health care practitioner shall enter into agreements with State or county professional societies of such type of health care practitioner to permit the review by such societies of any health care malpractice action, health care malpractice claim or allegation, or other information concerning the practice patterns of any such health care practitioner. Any such agreement shall comply with paragraph (2).

(2) REQUIREMENTS OF AGREEMENTS.—Any agreement entered into under paragraph (1) for the review of any health care malpractice action, health care malpractice claim or allegation, or other information concerning the practice patterns of a health care practitioner shall—

(A) provide that the health care professional society conduct such review as expeditiously as possible;

(B) provide that after the completion of such review, such society shall report its findings to the State agency with which it entered into such agreement and shall take such other action as such society considers appropriate; and

(C) provide that the conduct of such review and the reporting of such findings be conducted in a manner which assures the preservation of confidentiality of health care information and of the review process.

(3) EXEMPTION FOR CERTAIN ENTITIES.—An agreement entered into under paragraph (1) may not provide for the review of the action or conduct of any employee of an entity which—

(A) employs more than 25 health care practitioners of the same type;

(B) has in effect a continuing program for reviewing the quality of professional care provided by its employees; and

(C) is required by State law to report certain finding to the State agency responsible for the conduct of disciplinary actions for a type of health care practitioner.

(4) APPLICABILITY OF ANTITRUST LAWS.—Notwithstanding any other provision of law, any activity conducted pursuant to an agreement entered into under paragraph (1) shall not be grounds for any civil or criminal action under Federal antitrust laws, as defined in the first section of the Clayton Act and in section 4 of the Federal Trade Commission Act, or under the antitrust laws of the State or for any other civil action under the laws of the State.

(f) COMPLIANCE.—

(1) WITHHOLDING OF FUNDS.—If the Secretary determines that, at any time, a State is not in compliance with the provisions of this section, the Secretary shall, after adequate notice and an opportunity for hearing, withhold all funds which the State would receive or be eligible to receive under the Public Health Service Act. The Secretary shall withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

(2) INVESTIGATION.—The Secretary may not institute proceedings to withhold funds under paragraph (1) unless the Secretary has conducted an investigation concerning whether the State is in compliance with this section. Investigations required by this paragraph shall be conducted within the State by qualified investigators.

(3) RESPONSE.—The Secretary shall respond in an expeditious manner to complaints that a State has failed to comply with this section.

(4) OPPORTUNITY TO CORRECT DEFECTS.—Before withholding funds under paragraph (1), the Secretary may provide a grace period for the State to take actions necessary to comply with the provisions of this section.

SEC. 203. COMMUNITY AND MIGRANT HEALTH CENTERS RISK RETENTION GROUP.

(a) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end thereof the following new section:

"SEC. 330A. RISK RETENTION GROUP.

"(a) GRANT.—The Secretary shall make a grant to an entity that represents recipients of assistance under section 329 and 330 to enable such entity to develop a business plan as described in subsection (b)(2) and establish a nationwide risk retention group as provided for in Liability Risk Retention Act of 1986 (15 U.S.C. 3901 et seq.), and that meets the requirements of this section.

"(b) BUSINESS PLAN AND FORMATION.—

"(1) DEVELOPMENT AND ESTABLISHMENT.—

"(A) IN GENERAL.—Not later than September 30, 1991, the grantee shall develop a business plan as described in paragraph (2) and have established a risk retention group that meets the requirements of section 2(4) of the Product Liability Risk Retention Act of 1981 (15 U.S.C. 3901(2)(4)).

"(B) ESTABLISHMENT.—In establishing the risk retention group under subparagraph (A), the grantee shall take all steps, in accordance with this subsection, necessary to enable such group to be prepared to issue insurance policies under this section.

"(2) BUSINESS PLAN.—The grantee shall develop a plan for the operation of the risk retention group that shall include all actuarial reports and studies conducted with respect to the formation, capitalization, and operation of the group.

"(3) STRUCTURE, RIGHTS, AND DUTIES OF THE RISK RETENTION GROUP.—

"(A) BOARD OF DIRECTORS.—

"(i) APPOINTMENT.—The board of directors of the risk retention group shall consist of 12 members to be appointed by the recipient of the grant under subsection (a), and approved as provided in clause (ii).

"(ii) APPROVAL.—The initial members appointed under clause (i) shall be approved by the Secretary, and shall serve for a term as provided in clause (iii). All subsequent members shall be subject to the approval of the members of the risk retention group.

"(iii) TERMS.—The recipient of the grant under subsection (a) shall appoint the members of the board under clause (i) as follows:

"(I) Four members shall be appointed for an initial term of 1 year.

"(II) Four members shall be appointed for an initial term of 2 years.

"(III) Four members shall be appointed for an initial term of 3 years. Members serving terms other than initial terms shall serve for 3 years. Members may serve successive terms.

"(iv) Executive director.—The Executive Director of the board shall be elected by the members of the board, and shall serve at the pleasure of such members.

"(v) Vacancies.—Vacancies on the board shall be filled through a vote of the remaining members of the board, subject to the approval of the members of the risk retention group.

"(B) Bylaws.—The board shall develop the bylaws of the risk retention group that shall be subject to the disapproval of the Secretary. Any changes that the board desires to make in such bylaws shall also be subject to the disapproval of the Secretary. The Secretary shall provide the board with 90 days notice of the Secretary's intent to disapprove a bylaw.

"(C) Administration.—The risk retention group may negotiate with other entities for the purposes of managing and administering the risk retention group, and for purposes of obtaining reinsurance.

"(D) Provision of Insurance.—The risk retention group shall provide professional liability insurance, and other types of profitable insurance approved for issuance by the Secretary, to migrant and community health centers that receive assistance under sections 329 and 330 and that meet the requirements of subparagraph (E).

"(E) Participants.—

"(i) In general.—Except as provided in clause (ii), all community and migrant health centers that receive assistance under section 329 and 330 shall become members in the risk retention group established under this section and shall purchase the professional liability insurance that is offered by such group for such centers and any health care staff or personnel employed by such centers or under contract with such centers. All professional staff members of such centers shall be eligible to obtain the insurance offered by such group.

"(ii) Exceptions.—

"(I) Good cause.—The Secretary may, on a showing of good cause by the center, exempt such center from the requirements of clause (i).

"(II) Failure to meet conditions.—If the risk retention group determines that a center is not complying with the established underwriting standards, such group may decline to provide insurance to such center. The risk retention group shall provide a center with 60 days notice of a decision by the group not to provide insurance to such center.

"(III) Hearing.—Prior to the Secretary granting an exemption or severance as requested in an application submitted under subclause (I), the Secretary shall require that the applicant provide evidence concerning its application and shall afford the risk retention group an opportunity to address the allegations contained in such application. The Secretary may grant the center temporary relief under this subparagraph without a hearing in emergency situations.

"(F) Applicability of insurance to claims.—Insurance provided by the risk retention group under this section shall apply to all claims filed against a covered community or migrant health center after the initiation of insurance coverage by the risk retention group, including acts that occur prior to coverage under this section that are not covered by other insurance.

"(c) Submission of Business Plan to Outside Experts.—After the development of the business plan and the establishment of the risk retention group as required under subsection (b), the risk retention group shall enter into a contract with individuals or entities who are insurance, financing, and business experts to require such individuals or entities to analyze and audit the group. Such individuals and entities shall provide the group with an evaluation of such plan and group.

"(d) Submission of Plan and Evaluation.—

"(1) In general.—The risk retention group shall submit to the Secretary the business plan required under subsection (b) and the evaluation completed under subsection (c) to the Secretary.

"(2) Determination by secretary.—Not later than September 30, 1991, the Secretary shall make a determination, based on the plan and evaluation submitted under paragraph (1), of whether the operation of the risk retention group result in an increase in the amount of funds available for use by community and migrant health centers and other entities that receive assistance under sections 329 and 330 in the 2 year period ending on September 30, 1993.

"(3) Implementation.—If the Secretary makes an affirmative determination under paragraph (1), the Secretary shall permit the implementation of the plan and the operation of the risk retention group as provided for in this section, and shall capitalize such group as provided for in subsection (e)(2).

"(e) Funding.—

"(1) Grant.—There are authorized to be appropriated to make a grant under subsection (a), $1,000,000 for fiscal year 1992.

"(2) Capitalization.—There are authorized to be appropriated for fiscal years 1992 and 1993 such sums as may be necessary to provide adequate capitalization to the risk retention group. Amounts appropriated under this paragraph may only be made available if the Secretary makes an affirmative determination under subsection (d)(2).

"(3) Remaining assets.—All assets of the risk retention group that remain after the dissolution of such group shall become the property of the Secretary who shall use such assets to pay the remaining expenses of the group.".

(b) Conforming Amendments.—

(1) Section 329(h)(1)(A) of such Act (42 U.S.C. 254b(h)(1)(A)) is amended by striking "1991" and inserting "1993".

(2) Section 330(g)(2)(A) of such Act (42 U.S.C. 254b(h)(1)(A)) is amended by inserting ", and such sums as may be necessary for fiscal year 1992" after "1991".

SEC. 204. REPORTS TO CONGRESS.

The Secretary shall monitor the effects of the reforms required under this title and report to Congress not later than 3 years after the date of the enactment of this title on the effect of such reforms on—

(1) access to health care;

(2) the costs of health care;

(3) the number of health care malpractice actions filed in the United States;

(4) the number of health care malpractice claims or disputes resolved through alternative dispute resolution systems; and

(5) the length of time for individuals injured by health care malpractice to receive compensation for their injuries.

ENSURING ACCESS THROUGH MEDICAL LIABILITY REFORM ACT

(By Senator Orrin G. Hatch)

PURPOSE

To encourage States to develop alternative systems for promptly and cost effectively compensating individuals injured in the course of medical treatment.

To improve the efficiency of State credentialing, monitoring, and disciplinary systems in detecting and restricting health care professionals who endanger patient safety.

To require comprehensive medical quality assurance and risk management initiatives among health care providers to assist in preventing avoidable patient injuries.

To establish new tort guidelines for health care malpractice actions and the awarding of damages.

To establish a risk retention program that will make medical liability insurance available at affordable rates to community and migrant health care centers.

ALTERNATIVE DISPUTE RESOLUTION SYSTEM GRANTS

This legislation would provide grants to States to encourage them to implement innovative systems for resolving medical liability disputes and for compensating individuals who are injured while undergoing medical care. States would receive grants to develop alternative dispute resolution systems for handling medical liability claims. Two hundred million dollars will be authorized for formula distribution to the states.

The following programs would qualify for grant funding under the bill:

1. Fault-based Administrative system.—A State would establish an administrative process that would have exclusive jurisdiction to review medical liability claims. A simplified procedure for filing health care malpractice claims would be implemented to promote easier access to the process. The process would provide for expedited examination of claims, investigation and hearing, with appellate review before an agency panel. Judicial review of the final administrative decision would be limited in scope.

The responsible agency would be obligated to coordinate with State licensing and disciplinary authorities to establish early identification systems for those health care professionals who may be endangering patient safety. Full compensation for economic damages would be made to patients injured by health care malpractice, but pain and suffering and other non-economic damages would be limited.

2. Defined Catastrophic Injury Compensation Systems.—A State would establish a compensation fund to compensate all individuals who were injured in the course of receiving health care services, regardless of whether the provider or professional was negligent. Persons compensated by this fund would not be allowed to seek additional compensation in the courts. The claims filing procedure would permit a claimant the option to file and pursue a claim without the assistance of counsel, although counsel could be retained if desired. A final determination on a claim would be required within six months after the claim was filed. Compensation payments would be made for economic losses according to a schedule of benefits. A State could elect to compensate for pain and suffering or other noneconomic losses as well.

Funding for the compensation fund would come from all providers and health care professionals licensed in the State, as well as from insurers which underwrite medical treatment covered by the fund.

3. Early Offer and Recovery Mechanisms.—A State would establish a system under which health care providers could offer to compensate a claimant for all economic losses before a health care malpractice action is pursued. Disputes about the value of economic losses would be resolved by arbitration. If the claimant rejects the offer and pursues legal action in the courts, potential noneconomic damages would be limited. A claimant could also be required to meet more stringent standards of proof in subsequent tort actions.

4. Binding Arbitration (Voluntary or Mandatory).—A State would establish a system under which health care providers and professionals could or would offer their patients an opportunity to enter into an agreement to arbitrate any claims of health care negligence prior to treatment. As part of this system, the State would guarantee that an individual's decision to arbitrate was not a prerequisite to the provision of medical services. The artibration panel would consist of three persons, including one arbiter selected by the claimants, one selected by the health care providers and professionals against whom the claim is made, and a third arbiter chosen by the other two. Arbitration decisions will be subject to limited review in the State courts.

5. Other Alternatives.—The Secretary would be authorized to approve other alternative dispute resolution demonstration programs that are consistent with the purposes of this Act.

RESEARCH GRANTS

The Secretary of Health and Human Services would be authorized to make grants to State governmental and nonprofit organizations to conduct research on the prevention of and compensation for injuries resulting from health care negligence. A total of $10 million is provided for FYs 1992, 1993 and 1994.

DISCIPLINARY AND EDUCATION GRANTS

The Secretary of Health and Human Services would be allowed to make grants to States to assist in improving their ability to monitor health care professionals and restrict those who are practicing substandard medicine. A total of $20 million is provided for FYs 1992, 1993 and 1994.

FEDERALLY MANDATED REFORMS

1. PROFESSIONAL LIABILITY REFORMS.—The following federal reforms would apply in all health care malpractice actions, unless a State has enacted alternative provisions that achieve the same goals:

Mandatory periodic payment of damages exceeding $100,000;

A $250,000 ceiling on noneconomic damage awards;

Mandatory offsets of awards for collateral sources of recovery;

A schedule of limitations for attorney contingency fees; and;

A two-year statute of limitations; or, in the case of infant claims, the two-year statute of limitations would begin at the time of the claimant's sixth birthday.

2. PATIENT PROTECTION REFORMS.—States would be obligated to comply with the following requirements as a condition of receiving funds under the Public Health Service Act:

Licensing fees collected from health care professionals will be allocated exclusively to those State agencies responsible for licensing and disciplinary activities;

Health care providers doing business in the State must institute early warning systems for practices which may result in patient injury; and

Liability insurers doing business in the State must require patient safety programs as a condition of maintaining insurance.

In addition, States would be required to authorize the appropriate participation of state and local medical societies in the process of reviewing the practice patterns of individuals who may be endangering patient safety. Protection from State and federal antitrust law is extended to encourage such activities.

COMMUNITY AND MIGRANT HEALTH CARE CENTERS RISK RETENTION PROGRAM

The Secretary of Health and Human Services would be authorized to make a grant to facilitate creation of a nationwide risk retention group for community and migrant health care centers. If implementation of such a risk retention pool would result in savings which would then be available for use by community and migrant health centers, federal funds would be made available to capitalize the risk retention group. Under the bill, $1 million would be available in FY 1992 for the development of a feasible business plan.

Mr. JEFFORDS. Mr. President, I am proud to be a cosponsor of the Ensuring Access Through Medical Liability Reform Act. This bill will encourage States to develop and implement alternative dispute resolution systems along with quality assurance programs. Such changes will better protect both the physician community and the patients they serve. Under our current system, many physicians will not perform high risk procedures due to fear of becoming victim to an expensive lawsuit of dubious merit. This fear, resulting in the availability of fewer physicians, has become an especially serious problem in many rural areas. However, the tort reforms and grants in the Ensuring Access Through Medical Liability Reform Act will encourage States to develop a framework to provide physicians the security they need to deliver care in such critical areas as obstetrics and gynecology. And when doctors do deliver care, they will be less likely to engage in defensive medicine provided mostly to protect themselves in the event that they should ever be sued. Such changes in physician behavior should result in significant medical cost savings for the American public. It is estimated that these savings would amount to approximately $20 billion a year. In addition to the improved delivery of services and the potential for significant cost savings, this bill will encourage States to develop systems to ensure that victims of malpractice will be made whole. At present, approximately 60 percent of claims awards to successful plaintiffs go to legal costs. In addition, many victims with small claims are unable to pursue their case through our current legal system.

In Vermont, alternative dispute resolution is being advocated, not so much for cost reasons, as the cost of malpractice premiums are much lower in Vermont compared to the majority of States, but more to improve the quality of care. Moreover, alternative dispute resolution should be more timely, efficient and fair to both consumers and doctors.

At present, doctors are extremely concerned about frivolous suits that are settled by insurance companies because it costs more to litigate a claim and prove it to be frivolous than it does to settle a claim out of court. While the economic costs are paid directly by the insurer, the doctor also pays through damage to his reputation and higher insurance premiums in the future. In addition, doctors would prefer that malpractice cases be heard by people familiar with the intricacies involved in this highly technical area, especially the standards set to assure high quality health care. Physicians believe our current trial system is one that appeals to emotions rather than the merits of a case.

The specific alternative dispute resolution proposal being advocated by many consumers and physicians in Vermont would create an administrative review board modeled after Vermont's Public Service Board—monitoring public utility concerns—and Vermont's Workers Compensation Board.

The board would review and award compensation to all patients who have been harmed by health care providers. The administrative board would work with quality assurance programs and licensing entitles to improve both quality and availability of health care services. It would work to assure a broader distribution of awards, shifting away from current practice, where a few victims receive very large awards, to a more equitable system that ensures all victims could receive something.

Under our current system, those with small legitimate claims usually have a hard time finding an attorney to take their case. For the small percentage of victims that do find someone to litigate their claims, approximately two-thirds of every dollar in awards goes to attorneys' fees and other transaction costs. Many victims don't recover out-of-pocket losses after attorneys' fees are paid. Also, it often takes a long time for a case to come up on a calendar because many court systems are severely backlogged; certainly this is true in Vermont.

Alternative dispute resolution should ensure that all claims, even small claims, will be officially reviewed in a timely fashion. In addition, injured parties with a small claim should find it easier to file a claim and prove their case. The alternative dispute resolution system introduced in the Vermont State Legislature would offer consumers the additional opportunity to be represented by an attorney at no direct cost, should they so desire.

There will be those that disagree with Senator HATCH and me, as well as those that agree to the need for medical liability reform. I say, let's enact this bill, encourage the States to experiment in this area and determine for ourselves what the results of this bill are. Whether or not alternative dispute resolution systems improve delivery, we will learn from facts as opposed to conjecture. By encouraging the States to try to improve upon our current system, we will learn what works and what doesn't and thus benefit in numerous ways from a bill with a small overall cost.

I want to commend my distinguished colleague, Senator HATCH, for his considerable efforts in the development of this important piece of legislation. I look forward to working with him toward its enactment and appreciate the opportunity to express my views on this important issue.

By Mr. BOREN:

S. 490. A bill to amend title 38, United States Code, and title 10, United States Code, to improve educational benefits and services for members of the Armed Forces of the United States who serve on active duty during the Persian Gulf war, and for other purposes; to the Committee on Veterans' Affairs.

PERSIAN GULF WAR VETERANS EDUCATIONAL BENEFITS ACT OF 1991

• Mr. BOREN. Mr. President, as our troops in the gulf war prove their courage and professionalism in freeing Kuwait, it is critical that this body stand resolute in its commitment to our heroic men and women. Congress has already demonstrated strong support by advancing significant legislation easing tax, financial, and other burdensome problems. Today I am introducing the Persian Gulf War Veterans Educational Benefits Act of 1991 to address a critical area we have yet to consider.

Many active and Reserve students had to leave their classes, in many instances, only days or weeks before final exams to go to the Persian Gulf. My bill would guarantee that U.S. military personnel, in certain education assistance programs and pulled from the classroom for duty in the Persian Gulf, would receive compensation for both the time and funding if full credit was not received.

Another provision provides a deferral for the repayment of educational loans for the amount of time a service man or woman spends in Operation Desert Storm.

Looking beyond the gulf war, I have included language to establish a program under the Montgomery GI bill to provide post-baccalaureate assistance to reservists who have served at least 180 days of active duty in Operation Desert Storm. Mandatory requirements for civilian education put in place for officers, warrant officers, and the enlisted in the Guard and Reserve are difficult to achieve while working full time as well as serving in the Reserves. The active components' full range of education assistance includes graduate studies and I believe reservists deserve the same opportunity. Should this program prove to be as successful as I suspect, I will ask for the extension of this program to all reservists.

I have included another retention tool by extending the Student Loan Repayment Program [SRIP] to young Reserve officer and warrant officer candidates. The SRIP allows the military to help reservists by paying 15 percent of the debt or $500 for each year served. Under the present program, many of these talented candidates cannot accept a commission because student loans repayments are terminated at just the time more education goals are required.

My bill would also provide an increase, the first since enactment, in the monthly stipend for both active and Reserve programs under the Montgomery GI bill.

When our courageous troops return home having won victory over the aggression of Saddam Hussein, let us make sure that they continue on the path of even greater success by providing these appropriate steps for assistance in educational opportunity.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Persian Gulf War Veterans Educational Benefits Act of 1991".

SEC. 2. INCLUSION OF PERSIAN GULF WAR WITHIN DEFINITION OF "PERIOD OF WAR" FOR PURPOSES OF VETERANS BENEFITS.

Section 101 of title 38, United States Code, is amended—

(1) in paragraph (11), by inserting "the Persian Gulf War," after "the Vietnam era,"; and

(2) by adding at the end the following new paragraph:

"(33) The term 'Persian Gulf War' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.".

SEC. 3. INCREASE IN THE AMOUNT OF MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE PAYMENTS.

(a) All-Volunteer Force Educational Assistance Program.—Section 1415 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking out "$300" and inserting in lieu thereof "$500"; and

(2) in subsection (b)(1), by striking out "$250" and inserting in lieu thereof "$350".

(b) Amount of Benefit Payments Under Selected Reserve Program.—Section 2131(b) of title 10, United States Code, is amended—

(1) by striking out "(b) Except" and inserting in lieu thereof "(b)(1) Except";

(2) by redesignating paragraphs (1), (2), (3), and (4), as subparagraphs (A), (B), (C), and (D), respectively;

(3) in subparagraph (A), as so redesignated, by striking out "$140" and inserting in lieu thereof "$250";

(4) in subparagraph (B), as so redesignated, by striking out "$105" and inserting in lieu thereof "$187"; and

(5) in subparagraph (C), as so redesignated, by striking out "$70" and inserting in lieu thereof "$125".

(c) Effective Date.—The amendments made by this section shall become effective with respect to payments of educational assistance made on or after April 1, 1991.

SEC. 4. ELIGIBILITY AND OTHER EDUCATIONAL BENEFITS UNDER SELECTED RESERVE PROGRAM.

(a) Eligibility.—Section 2131(a) of title 10, United States Code, is amended—

(1) by striking out "(a) To" and inserting in lieu thereof "(a)(1) To"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of each military department and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, shall provide educational assistance to members of the Selected Reserve of the Ready Reserve of the armed forces under the jurisdiction of the Secretary concerned who—

"(A) during the Persian Gulf War, served on active duty for more than 180 days of continuous service pursuant to an order to active duty issued under section 672 (a) or (g), 673, or 673b of this title; and

"(B) were discharged or released from such service under conditions other than dishonorable.".

(b) Use of Educational Assistance.—Section 2131(c)(1) of such title is amended—

(1) by striking out "Educational" and inserting in lieu thereof "(A) Except as provided in subparagraph (B) of this paragraph, educational"; and

(2) by adding at the end the following new subparagraph:

"(B) Educational assistance may be provided under this chapter for a program of education beyond the baccalaureate degree level in the case of a member whose service is described by subsection (a)(2)(A).".

(c) Period of Persian Gulf War Defined.—Section 2131 of such title is amended by adding at the end the following new subsection:

"(h) For purposes of this chapter, the term 'Persian Gulf War' has the meaning given such term by section 101(33) of title 38.".

SEC. 5. DELIMITING DATE.

Section 2133(b) of title 10, United States Code, is amended by adding at the end the following:

"(4) In the case of a member of the Selected Reserve of the Ready Reserve who, during the Persian Gulf War, serves on active duty pursuant to an order to active duty issued under section 672 (a) or (g), 673, or 673b of this title—

"(A) the period of such active duty service shall not be considered in determining the expiration date applicable to such member under subsection (a); and

"(B) the member may not be considered to have been separated from the Selected Reserve for the purposes of clause (2) of such subsection by reason of the commencement of such active duty service.".

SEC. 6. RESTORATION OF EDUCATIONAL ASSISTANCE.

(a) Chapter 30 Program.—Section 1413 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, the payment of a monthly educational assistance allowance to an individual for the pursuit of a course or courses described in paragraph (2) of this subsection shall not constitute receipt by such individual of such educational assistance allowance for the purposes of determining—

"(A) the individual's subsequent entitlement to such assistance under this chapter; and

"(B) the aggregate period of the individual's eligibility for assistance under section 1795 of this title.

"(2)(A) A course referred to in paragraph (1) of this subsection—

"(i) in the case of a member of the Selected Reserve who, during the Persian Gulf War, performs active duty pursuant to an order to active duty issued under section 672 (a) or (g), 673, or 673b of title 10, is any course pursued by such member which the member fails to complete by reason of such order, as determined by the Secretary; or

"(ii) in the case of any other member of the Armed Forces who serves on active duty during the Persian Gulf War, is any course pursued by such member which the member fails to complete by reason of being ordered to a new location or assignment during the Persian Gulf War or by reason of a substantial increase in the work associated with the military duties of such member during the Persian Gulf War, as determined by the Secretary.

"(B) No course for which a member of the Armed Forces referred to in subparagraph (A) of this paragraph receives full credit from the institution of higher education offering the course may be considered a course referred to in paragraph (1) of this subsection.".

(b) Chapter 32 Program.—(1) Section 1631(a) of such title is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, the payment of a monthly educational assistance allowance to an individual for the pursuit of a course or courses described in subparagraph (B) of this paragraph shall not constitute receipt by such individual of such educational assistance allowance for the purposes of determining—

"(i) the individual's subsequent entitlement to such assistance under this chapter; and

"(ii) the aggregate period of the individual's eligibility for assistance under section 1795 of this title.

"(B) A course referred to in subparagraph (A) of this paragraph—

"(i) in the case of a member of the Selected Reserve who, during the Persian Gulf War, performs active duty pursuant to an order to active duty issued under section 672 (a) or (g), 673, or 673b of title 10, is any course pursued by such member which the member fails to complete by reason of such order, as determined by the Secretary; or

"(ii) in the case of any other member of the Armed Forces who serves on active duty during the Persian Gulf War, is any course pursued by such member which the member fails to complete by reason of being ordered to a new location or assignment during the Persian Gulf War or by reason of a substantial increase in the work associated with the military duties of such member during the Persian Gulf War, as determined by the Secretary.

"(C) No course for which a member of the Armed Forces referred to in subparagraph (B) of this paragraph receives full credit from the institution of higher education offering the course may be considered a course referred to in subparagraph (A) of this paragraph.

"(D) The amount in the fund for each eligible veteran who received a payment of an educational assistance allowance for a course or courses described in subparagraph (B) of this paragraph shall be restored to the amount that would have been in the fund for the veteran if the payment had not been made. For purposes of carrying out the previous sentence, the Secretary of Defense shall deposit into the fund, on behalf of each such veteran, an amount equal to the entire amount of the payment made to the veteran.

"(E) In the case of a veteran who discontinues pursuit of a course or courses as described in subparagraph (B) of this paragraph, the formula for ascertaining the amount of the monthly payment to which the veteran is entitled in paragraph (2) of this subsection shall be implemented as if—

"(i) the payment made to the fund by the Secretary of Defense under subparagraph (D) of this paragraph; and

"(ii) any payment for a course or courses described in subparagraph (B) of this paragraph that was paid out of the fund,

had not been made or paid.".

(2) Section 1631(a)(2) of such title is amended by inserting "in paragraph (5)(E) of this subsection and" after "Except as provided".

(c) Chapter 35 Program.—Section 1711(a) of such title is amended—

(1) by striking out "Each" and inserting in lieu thereof "(1) Each"; and

(2) by adding at the end the following new paragraphs:

"(2) Notwithstanding any other provision of this chapter or chapter 36 of this title, the payment of a monthly educational assistance allowance to an individual for the pursuit of a course or courses described in paragraph (3) of this subsection shall not constitute receipt by such individual of such educational assistance allowance for the purposes of determining—

"(A) the individual's subsequent entitlement to such assistance under this chapter; and

"(B) the aggregate period of the individual's eligibility for assistance under section 1795 of this title.

"(2)(A) A course referred to in paragraph (2) of this subsection—

"(i) in the case of a member of the Selected Reserve who, during the Persian Gulf War, performs active duty pursuant to an order to active duty issued under section 672 (a) or (g), 673, or 673b of title 10, is any course pursued by such member which the member fails to complete by reason of such order, as determined by the Secretary; or

"(ii) in the case of any other member of the Armed Forces who serves on active duty during the Persian Gulf War, is any course pursued by such member which the member fails to complete by reason of being ordered to a new location or assignment during the Persian Gulf War or by reason of a substantial increase in the work associated with the military duties of such member during the Persian Gulf War, as determined by the Secretary.

"(B) No course for which a member of the Armed Forces referred to in subparagraph (A) of this paragraph receives full credit from the institution of higher education offering the course may be be considered a course referred to in paragraph (2) of this subsection.".

(d) Selected Reserve Program Under Title 10.—Section 2131(c) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(3)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, the payment of a monthly educational assistance allowance to an individual for the pursuit of a course or courses described in subparagraph (B) shall not constitute receipt by such individual of such educational assistance allowance for the purposes of determining—

"(i) the individual's subsequent entitlement to such assistance under this chapter; and

"(ii) the aggregate period of the individual's eligibility for assistance under section 1795 of this title.

"(B) A course referred to in subparagraph (A) of this subsection—

"(i) in the case of a member of the Selected Reserve who, during the Persian Gulf War, performs active duty pursuant to an order to active duty issued under section 672 (a) or (g), 673, or 673b of this title, is any course pursued by such member which the member fails to complete by reason of such order, as determined by the Secretary of Veterans Affairs; or

"(ii) in the case of any other member of the Armed Forces who serves on active duty during the Persian Gulf War, is any course pursued by such member which the member fails to complete by reason of being ordered to a new location or assignment during the Persian Gulf War or by reason of a substantial increase in the work associated with the military duties of such member during the Persian Gulf War, as determined by the Secretary of Veterans Affairs.

"(C) No course for which a member of the Armed Forces referred to in subparagraph (B) receives full credit from the institution of higher education offering the course may be be considered a course referred to in subparagraph (A).".

SEC. 7. AUTHORIZATION TO REPAY EDUCATIONAL LOANS FOR CERTAIN OFFICERS.

Section 2171(a)(2)(A)(i) of title 10, United States Code, is amended by inserting "or as an officer in a grade below major or, in the case of the Navy, in a grade below lieutenant commander" after "enlisted member".

SEC. 8. STUDENT LOAN DEFERMENTS.

(a) Retention of Grace Period.—Repayment of any loan made under part B or E of title IV of the Higher Education Act of 1965 to an individual who is a member of the Armed Forces called or ordered to active duty in connection with operations in the Persian Gulf region shall be eligible for deferment under section 428(b)(1)(M)(ii) or 464(c)(2)(A)(ii), respectively, of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), during the continuance of such duty. Such period of deferment shall not be counted against the grace period (preceding the commencement of repayment) that is available to any such individual with respect to any such loan under section 428(b)(1)(E) or 464(c)(1)(A), respectively, of such Act.

(b) Operations in the Persian Gulf Region Defined.—For purposes of subsection (a), the term "operations in the Persian Gulf region" means United States military activities conducted as a consequence of the invasion of Kuwait by Iraq on August 2, 1990, including United States military activities conducted under the name Operation Desert Shield or Operation Desert Storm.

SEC. 9. TREATMENT OF EXPENDITURES.

For the purposes of section 251(b)(2)(D) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.), as amended by section 13101 of Public Law 101-508, all direct or discretionary spending contained in this Act are emergency expenditures related to Operation Desert Shield.•

By Mr. GRAHAM:

S. 491. A bill to amend the Internal Revenue Code of 1986 to require any general election candidate who receives amounts from the Presidential Election Campaign Fund to participate in debates with other such candidates; to the Committee on Rules and Administration.

NATIONAL PRESIDENTIAL DEBATES ACT

Mr. GRAHAM. Mr. President, today I am reintroducing the National Presidential Debates Act.

The bill is similiar to that which I introduced in the 101st Congress. The fundamental objective has not changed. The bill requires candidates for President and Vice President to debate.

To be eligible for public campaign financing during the general election, Presidential candidates must agree in writing to participate in at least four debates.

Vice Presidential candidates must agree in writing to partake in at least one debate to be eligible for public funds.

Upon failure to participate in the debates, the candidate will become ineligible for public funds and will have to return the amount of funds already received to the Treasury.

I have, however, dropped from the original version the provisions specifying timing and length of the debates. I hope that this deletion will win the support of those who criticized the legislation as micromanaging.

Campaign reform thus far has focused on the financial aspects such as PAC contributions, limits on overall spending and on out-of-State contributions. There has been inadequate attention on the quality of campaigns.

Today, I hope to shift the focus.

I continue to push the concept of public debates because a campaign is supposed to be a dialogue between candidate and voter, not a monologue given by the candidate.

A campaign is supposed to provide a two-way learning process for both voter and candidate.

It is not enough for the voters to hear negative comments about candidates in the form of 30-second bites.

It is not enough for voters to learn about candidates through the eyes and ears of the media.

It is not enough for candidates to learn about their constituencies through opinion polls or at harried fundraisers.

Both candidate and voter must learn from each other to ensure effective representation.

One of the central problems of several contemporary Presidents is that their campaigns have not sufficiently developed the relationship between the candidate and the voter.

What results is a President being sworn into office without having a clear set of voter-approved mandates.

If there is no opportunity for dialogue, then the campaign will not have established the mutuality between the candidate and the electorate, or the office holder and the citizen, that is needed for both to participate in the political process and for democratic government to endure.

How many times have you heard people say they know little to nothing about the candidates?

How can voters be expected to make educated choices if all they are exposed to are 30-second negative blasts on television?

How can we expect elected officials to know their constituencies unless they have the opportunity to interact with them?

Why institutionalize debates? History has shown us that uncertainty alone about whether debates will occur can destroy their effectiveness and purpose. Since 1960, Presidential candidates have met sporadically to debate, but when the debates did happen they were viewed by many.

However, voters still felt they did not have enough information about the candidates and consequently, did not vote. If both voter and candidate knew the debates were going to happen, then more time could be spent on preparation than on campaign staffs negotiating their candidates out of having the debate. Voters could count on a forum to provide them with knowledge with which they could comfortably go to the polls.

Estimates show that nationwide voter turnout in 1990 was 36.4 percent of voting age population. Public debates should be pursued at all levels in the electoral process for it is a way of getting people involved and may bring Americans back to the polls.

The National Presidential Debates Act can return to the voter and the candidate spontaneous and thoughtful exchanges of views and philosophies.

The Act can return to voter and candidate dialogs which are necessary for educated voting and educated representation.

By Mr. SIMON (for himself, Mr. AKAKA, Mr. ADAMS, Mr. LEVIN, Mr. BIDEN, Mr. EXON, Mr. BURDICK, Mr. CONRAD, Mr. HATFIELD, Mr. ROCKEFELLER, Mr. BRADLEY, Mr. MOYNIHAN, Mr. PELL, Mr. CRANSTON, Mr. HARKIN, Mr. METZENBAUM, Mr. SARBANES, Mr. INOUYE, Mr. DODD, Mr. D'AMATO, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. BYRD):

S. 492. A bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes; to the Committee on Labor and Human Resources.

LIVE PERFORMING ARTS LABOR RELATIONS AMENDMENTS

• Mr. SIMON. Mr. President, today I am proud to be joined by a bipartisan group of 22 original cosponsors in introducing legislation, the Live Performing Arts Labor Relations amendments, to correct several longstanding inequities in our Nation's labor laws relating to performing artists. These inequities have effectively denied to hundreds of live performing artists the right to organize and engage in collective bargaining over their working conditions and wages.

Like the construction and garment industries, the entertainment industry is characterized by short-term, episodic employment. Long ago, Congress recognized the special circumstances facing construction and garment workers and enacted provisions in the National Labor Relations Act [NLRA] to make it possible to extend the protection of labor laws to those workers. Musicians and entertainers, even though they face employment patterns similar to those in the construction and garment industries, still do not enjoy a right to union representation of their own choosing or to bargain with their true employers. This unfair situation has existed for over 20 years. Corrective action is long overdue to recognize the special problems faced by performers in the entertainment industry.

The Live Performing Arts Labor Relations Amendments of 1991 is identical to S. 1216, introduced in the 101st Congress. This legislation amends the National Labor Relations Act in three important ways.

First, the bill would grant employee status to certain individuals who perform musical services. Because only individuals who are defined as employees under the NLRA are afforded a protected right to collective bargaining, a clear definition of the terms "employee" and "employer," and a clear understanding of the employer relationship, is a necessary first step toward providing live performers access to the collective bargaining process. Under this legislation, an "employer" would be defined for the purposes of the NLRA to include "any person who is the purchaser of live musical performance services regardless of whether the performer of such services is an independent contractor, employer, or employee of another employer." The bill also states that independent contractors who are engaged to perform live musical services, other than an employer of persons performing musical services, shall be included in the term "employee" under the NLRA.

Second, the bill would extend the current exemption for the construction industry under section 8(f) of the NLRA to permit, but not require, employers of performing artists, other than employers in the broadcasting or motion picture industries, to enter into prehire agreements with unions representing such performers. This exemption recognizes the short-term nature of the work in the entertainment industry, where a performer is often hired for a brief engagement, sometimes lasting just a day or two. By allowing prehire agreements, the exemption accommodates the performer's right to organize and bargain collectively despite the peculiar nature of the entertainment industry, which makes union representation difficult if not impossible.

Third, the bill would provide an exemption under section 8(e) of the NLRA from the prohibition against the so-called hot cargo clauses for certain persons in the entertainment industry. Like the existing exemption under the NLRA for the garment industry, the proposed exemption would allow employers and unions in the performing arts industry to enter into agreements under which employers would hire union subcontractors. The bill would also remove some of the statutory restrictions that limit performing arts union activity related to strikes and secondary boycotts.

Mr. President, the fragmented, casual, and unstable nature of the entertainment industry contributes to poor wages, poor working conditions, long periods of unemployment, and just general economic uncertainty for thousands of musicians and performing artists in Illinois and across the country. A 1980 survey of performing artists found that 31 percent of all actors and 25 percent of all musicians and their families were working at or below the poverty level as determined by eligibility for the CETA Program. Performing artists need and deserve effective representation and fair collective bargaining to improve their economic well-being and overall quality of life.

The 102d Congress has an opportunity to make the changes in our labor laws that are needed and justified to address the unusual problems faced by live performing artists, just as we have already done for workers in the construction and garment industries who face similar problems. The live performing artists labor relations amendments are necessary to make union representation and collective bargaining meaningful rights for musicians and other live performing artists.

I ask unanimous consent that the full text of the bill be entered into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Live Performing Arts Labor Relations Amendments".

SEC. 2. EXTENDING SECTION 8(e) TO THE LIVE PERFORMING ARTS INDUSTRY.

Section 8(e) of the National Labor Relations Act (29 U.S.C. 158(e)) is amended by striking "*Provided further*" in the second proviso and all that follows and inserting the following: "*Provided further*, That for the purposes of this subsection and section 8(b)(4)(B), the terms 'any employer', 'any person engaged in commerce or in industry affecting commerce', and 'any person', when used in relation to the terms 'any other producer, processor, or manufacturer', 'any other employer', or 'any other person' shall not include persons in the relation of a jobber, manufacturer, contractor, or subcontractor working on the goods or premises of the jobber or manufacturer or performing parts of an integrated process of production in the apparel and clothing industry or persons in the relation of a leader, contractor, purchaser of live entertainment or live music, promoter, producer, or persons similarly engaged or involved in an integrated production or performance of any kind in the live entertainment industry: *Provided further*, That nothing in this Act shall prohibit the enforcement of any contract or agreement, expressed or implied, which is within the foregoing exception.".

SEC. 3. EXTENDING SECTION 8(f) TO THE LIVE PERFORMING ARTS INDUSTRY.

Section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) is amended by inserting "(1)" after "(f)", and by adding at the end the following:

"(2) It shall not be an unfair labor practice under subsections (a) and (b) of this section for an employer who hires persons or contracts for the services of persons engaged in the live performing arts to make an agreement covering such persons who are engaged (or who, upon their employment, will be engaged) in the live performing arts with a labor organization of which performing artists are members (not established, maintained, or assisted by an action defined in section 8(a) of this Act as an unfair labor practice) because (A) the majority status of such labor organization has not been established under the provisions of section 9 of this Act before the making of such agreement; or (B) such agreement requires as a condition of employment membership in such labor organization after the seventh day following the beginning of such employment of the effective date of the agreement, whichever is later: *Provided*, That nothing in this subsection shall set aside the final proviso of section 8(a)(3) of this Act: *Provided further*, That any agreement which would be invalid, but for clause (A) of this paragraph, shall not be a bar to a petition filed pursuant to section 9(c) or 9(e).".

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITION OF "EMPLOYER".—Section 2(2) of the National Labor Relations Act (29 U.S.C. 152(2)) is amended by inserting after "directly or indirectly" the following: "and includes any person who is the purchaser of live musical performance services regardless of whether the performer of such services is an independent contractor, employer, or employee of another employer,".

(b) DEFINITION OF "EMPLOYEE".—Section 2(3) of the Act (29 U.S.C. 152(3)) is amended by inserting after "independent contractor" the following: "except that any individual having such status who is engaged to perform live musical services (other than an employer of persons performing musical services) shall be included in the term 'employee', ".●

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BRADLEY, Mr. AKAKA, Mr. KOHL, Mr. ADAMS, Mr. SIMON, and Mr. KERRY):

S. 493. A bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive primary and preventative care, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE MATERNAL AND EARLY CHILDHOOD HEALTH CARE ACT

● Mr. KENNEDY. Mr. President, today I am introducing legislation to invest in the Nation's most vital resource—our children. The Maternal and Early Childhood Health Care Act of 1991 builds on proven, cost-effective programs to enhance the lives of millions of American children. To ensure their ability to learn, to graduate from school, to obtain a job, and to be productive citizens, we must offer them a healthy beginning.

Today, 20 percent of American children live in poverty—up from 16 percent in 1980. The United States spends more on health care than most industrialized nations. Yet 14 million women of childbearing age lack adequate health coverage and 12 million children are uninsured. On a typical day in America, 107 infants die, 700 more babies are born with a birthweight so low that they are 40 times more likely to die in the first month of life.

The high rate of infant mortality in this country is a national disgrace. The United States ranks 19th in the world for overall infant mortality, and 30th for nonwhites.

High infant mortality is directly related to poor prenatal care. A woman who receives little or no prenatal care is more likely to deliver a low birthweight child. Such infants are more prone to long-term physical and mental disabilities, developmental delays, and subsequent illness. For every infant who dies, 10 others are disabled for life—400,000 children a year.

Unfortunately, the Bush administration is attacking infant mortality the wrong way. The administration gets high marks for its intention to do something about the problem. But their plan is flawed. It targets only 10 cities, when many more jurisdictions need help.

Also, the administration wants to pay for its initiative by cutting funds from hard-pressed programs that other cities are now using to reduce their own infant mortality. Infant deaths are a tragedy affecting families throughout the country. Targeting only 10 cities is inadequate, when many places need help. It's also unfair—and counterproductive—to cut back even further on the limited funds now being used to tackle the problem. A few cities move forward, but many others lose ground. What sense does that make?

Given tight budget constraints, we must invest Federal dollars wisely. We can pay now for quality prenatal care. Or we can pay much more later in health, education, welfare, and other costs. An HHS study states that it would cost $500 million a year to provide prenatal health care to low-income pregnant women who do not receive adequate care; instead we pay $2 billion annually for hospital costs for low birthweight babies.

This bill addresses several areas of maternal and infant health care. It builds on recognized cost-effective programs that promote healthy outcomes.

This legislation will expand the Community and Migrant Health Centers Program, particularly in their front-line services to pregnant women and children at risk. These centers provide needed health care services to disadvantaged, and often high risk, individuals in underserved areas with high infant mortality rates and poor health prospects. Over 1.3 million women of childbearing age and 2.1 million children under age 15 depend on community health centers as their only source of care. Without these centers, many pregnant women and children would receive only emergency room care, if any at all.

Currently only half of the centers provide specialized one-stop shopping services that offer comprehensive care. This bill will provide funds so that all community health centers will benefit from such a program. Of the $80 million authorized, $25 million would fund new CPCP grants for the Comprehensive Perinatal Care Program in places where obstetrical and pediatric care is minimal or nonexistent; $35 million will be available to expand services for children up to age 3; $20 million will be set aside to establish and operate new community and migrant health centers. This expansion will enable 250,000 women and children to receive desperately needed health care in both urban and rural areas.

The legislation will also expand and increase immunization opportunities for young children. There is no excuse for leaving our children vulnerable to disabling, even fatal, diseases for which we have long had effective vaccines. Under this provision, the Centers for Disease Control will purchase vaccines in bulk for community health centers in the same way they currently supply State health departments; $30 million is authorized for this purpose.

The bill also creates a series of demonstration projects to immunize children at WIC clinics, enhance outreach and access to immunization services, and provide incentives for private physicians to offer this service in addition to public clinics.

We have the knowledge and tools to achieve a substantial and immediate reduction in childhood diseases in the United States. Ensuring that all children are immunized on schedule is as essential as it is cost-effective. For every 1 million children vaccinated, 92,000 children will be spared suffering from whooping cough. For every dollar we spend on immunizations, we save $10 in later health costs.

Another cause of low birthweight infants, increased infant mortality, premature deliveries, miscarriage, complications, and sudden infant death syndrome is smoking. To deal with this challenge, the bill will expand a program of training and technical assistance to all States to ensure that smoking cessation programs are integrated into prenatal health care. For every dollar spent on the Smoking Cessation in Pregnancy Program, $5 to $7 are saved.

Finally, the legislation will expand access to substance abuse programs for pregnant women by providing prevention and treatment services at community and migrant health centers and other primary care sites. More than 250,000 pregnant women need substance abuse treatment in 31 States and the District of Columbia alone. In 1988, 375,000 babies were born to crack-addicted mothers. Fetal alcohol syndrome affects 3,500 to 7,000 infants annually. Providing services after these children are born is essential. But it is also essential and cost-effective as also providing services to the mothers during the pregnancy.

This initiative authorizes $75 million to improve access to comprehensive treatment services for pregnant substance abusers. Treatment providers that offer a range of health and support services, such as child care, employment counseling, and housing referral will receive priority for grants. The bill also requires the Office of Substance Abuse Prevention and Health Resources and Services Administration to coordinate their efforts and to work with State and local agencies.

Finally, we must also find a solution to the malpractice crisis, particularly in obstetrics, which currently acts as a barrier to needed health care for hundreds of thousands of pregnant women.

Community health centers currently spend more than $50 million a year for malpractice insurance. Since the payout on claims against community centers is only $4 million, the Federal Government is paying $46 million directly to the insurance industry. These funds could serve an additional 500,000 low-income pregnant women and children in need, and I intend to work with my colleagues to fashion a way to end this unacceptable distortion of priorities by the time we markup this bill.

Maternal and child health care is an investment in our future. I thank Senators DODD, BRADLEY, AKAKA, KOHL, ADAMS, SIMON, and KERRY for joining me today. We know these programs work, and I urge the Senate to support them.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Maternal and Early Childhood Health Care Act".

SEC. 2. MIGRANT AND COMMUNITY HEALTH CENTER INITIATIVES.

(a) MIGRANT HEALTH CENTERS.—Paragraph (2) of subsection (h) of section 329 of the Public Health Service Act (42 U.S.C. 254b(g)) is amended to read as follows:

"(2)(A) For purposes of subparagraph (B), from amounts appropriated in each fiscal year under paragraph (1)(A) in excess of the amount appropriated under such paragraph for fiscal year 1991, the Secretary shall utilize in fiscal year 1992, not less than $10,000,000 for the development and operation of new Comprehensive Perinatal and Early Childhood Health Programs in medically underserved areas where such programs do not exist, and expand the capacity of services provided for pregnant women and children up to the age of three, in medically underserved areas where Migrant Health Centers are currently operating Comprehensive Perinatal Care Programs. The Secretary shall utilize such amounts to supplement and not supplant amounts expended on the date of enactment of this paragraph for Comprehensive Perinatal Care Programs under this section.

"(B) The Secretary shall make grants to Migrant Health Centers to assist such Centers in the development and operation of Comprehensive Perinatal and Early Childhood Health Programs. Such Programs shall be designed to provide coordinated health care and support services to pregnant women and young children to increase positive birth outcomes, reduce infant mortality, and support healthy child development. Such services shall include—

"(i) public information, outreach and case finding services provided through the use of media, community canvassing (using volunteer and paraprofessional personnel), referrals, or other methods targeted to reach women at high-risk of receiving inadequate health care;

"(ii) individualized risk assessment and case management services for pregnant women, infants, and children to insure early, continuous, and comprehensive health care and support services including—

"(I) health care (including prenatal health care, nutrition counseling, and smoking cessation interventions), and health education concerning the risks of smoking, alcohol, substance abuse, and inadequate nutrition; and

"(II) perinatal care, primary and preventive health care for infants and children (including screening for vision, hearing, dental conditions, developmental delay, nutritional status, and lead poisoning), timely provision of immunizations, and referral for specialized early periodic screening diagnostic treatment services, services under part H of the Individuals with Disabilities Education Act, and other necessary health and support services;

"(iii) substance abuse screening, outpatient substance abuse counseling services, and referral to and as necessary the purchase of community-based residential substance abuse treatment services for women with serious substance abuse problems;

"(iv) parenting skill training and child development education (including services stressing the importance of regular health screenings, adequate nutrition, child safety measures and basic growth patterns and expectations) through both center based counseling and home visiting, where determined appropriate, and through distribution of the Maternal Child Health Handbooks as available;

"(v) necessary support services, including counseling, child care, transportation, translation services, benefit eligibility determination, and housing assistance, either provided directly or through referral with appropriate follow-up; and

"(vi) collaboration with other community based health and support service providers, hospitals, clinics, recipients of grants under title V, State and local health and social service departments, alcohol and drug treatment programs, State and local special supplemental food programs for women, infants and children under section 17 of the Child Nutrition Act of 1966, Medicaid offices, and other organizations providing services to women, infants, children, and families.

"(C) To the maximum extent practicable, comprehensive health and support services under this paragraph should be delivered on site at the health center, (including services delivered by outposted Medicaid workers in accordance with section 1902 of the Social Security Act (42 U.S.C. 1396a), by workers eligible to provide services under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), by drug treatment service providers and through others) to ensure access and coordination.".

(b) COMMUNITY HEALTH CENTERS.—Subsection (g) of section 330 of such Act (42 U.S.C. 254c(g)) is amended:

(1) in paragraph (1) by adding at the end thereof the following new subparagraph:

"(C) Of the amounts appropriated under subparagraph (A) in each fiscal year in excess of the amount appropriated under such paragraph for fiscal year 1991, up to $20,000,000 shall be used in each such fiscal year to make grants under subsection (c)(1) for the planning and development of community health centers to serve medically underserved populations. New community health centers shall be equitably distributed between underserved urban and rural areas with satellite models used where appropriate."; and

(2) in paragraph (2) to read as follows:

"(2)(A) For purposes of subparagraph (B), from amounts appropriated in each fiscal year under paragraph (1)(A) in excess of the amount appropriated under such paragraph for fiscal year 1991, the Secretary shall utilize in fiscal year 1992, not less than $60,000,000 for—

"(i) the development and operation of new Comprehensive Perinatal and Early Childhood Health Programs in medically underserved areas where such programs do not exist; and

"(ii) expanding the capacity of services provided for pregnant women and children up to the age of three, in medically underserved areas where community health centers are currently operating Comprehensive Perinatal Care Programs.

The Secretary shall utilize such amounts to supplement and not supplant amounts expended on the date of enactment of this paragraph for Comprehensive Perinatal Care Programs under this section.

"(B) The Secretary shall make grants to Community Health Centers to assist such Centers in the development and operation of Comprehensive Perinatal and Early Childhood Health Programs. Such Programs shall be designed to provide coordinated health care and support services to pregnant women and young children to increase positive birth outcomes, reduce infant mortality, and support healthy child development. Such services shall include—

"(i) public information, outreach and case finding services provided through the use of media, community canvassing (using volunteer and paraprofessional personnel), referrals, or other methods targeted to reach women at high-risk of receiving inadequate health care;

"(ii) individualized risk assessment and case management services for pregnant women, infants, and children to insure early, continuous, and comprehensive health care and support services including—

"(I) health care (including prenatal health care, nutrition counseling, and smoking cessation interventions), and health education concerning the risks of smoking, alcohol, substance abuse, and inadequate nutrition; and

"(II) perinatal care, primary and preventive health care for infants and children (including screening for vision, hearing, dental conditions, developmental delay, nutritional status, and lead poisoning), timely provision of immunizations, and referral for specialized early periodic screening diagnostic treatment services, services under part H of the Individuals with Disabilities Education Act, and other necessary health and support services;

"(iii) substance abuse screening, outpatient substance abuse counseling services, and referral to and as necessary the purchase of community-based residential substance abuse treatment services for women with serious substance abuse problems;

"(iv) parenting skill training and child development education (including services stressing the importance of regular health screenings, adequate nutrition, child safety measures and basic growth patterns and expectations) through both center based counseling and home visiting, where determined appropriate, and through distribution of the Maternal Child Health Handbooks as available;

"(v) necessary support services, including counseling, child care, transportation, translation services, benefit eligibility determination, and housing assistance, either provided directly or through referral with appropriate follow-up; and

"(vi) collaboration with other community based health and support service providers, hospitals, clinics, recipients of grants under title V, State and local health and social service departments, alcohol and drug treatment programs, State and local special supplemental food programs for women, infants and children under section 17 of the Child Nutrition Act of 1966, Medicaid offices, and other organizations providing services to women, infants, children, and families.

"(C) To the maximum extent practicable, comprehensive health and support services under this paragraph should be delivered on site at the health center (including services delivered by outposted Medicaid workers in accordance with section 1902 of the Social Security Act (42 U.S.C. 1396a), by workers eligible to provide services under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), by drug treatment service providers and by others) to ensure access and coordination.".

SEC. 3. EXPANSION OF IMMUNIZATION PROGRAMS FOR YOUNG CHILDREN.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 317(j)(1) of the Public Health Service Act (42 U.S.C. 247b(j)(1)) is amended by striking out "and such sums" and all that follows through "1995" and inserting in lieu thereof "$235,000,000 for fiscal year 1992 and such sums that may be necessary for each of the fiscal years 1993 through 1995.

(b) VACCINE BULK PURCHASE PROGRAM.—Part B of title III of such Act is amended—

(1) by redesignating section 317A as section 317B; and

(2) by inserting after section 317 (42 U.S.C. 247b), the following new section:

"SEC. 317A. VACCINE BULK PURCHASE PROGRAM.

"(a) IN GENERAL.—The Secretary acting through the Director of the Centers for Disease Control and in accordance with the preventative health grant provisions of subsections (a) and (j)(1)(B) of section 317, shall provide to the health department of each State vaccines for immunization purposes. Not less than $131,000,000 shall be expended under this section for the purchase of such vaccines.

"(b) DISTRIBUTION.—Vaccines provided to States under subsection (a) shall be made available for distribution and immunization services through the public health departments of such States, recipients of grants under sections 329, 330, and 340 in the State, and public health professionals.

"(c) QUANTITY.—In determining the quantity of vaccine that is needed by a State under subsection (a), the Administrator of the Health Resources and Services Administration shall make available to the Director of the Centers for Disease Control data from annual reports submitted by recipients of grants under sections 329, 330, and 340. The Director of such Centers shall direct the health department of the State to provide such recipients with an adequate supply of vaccine from the allotment of the vaccine provided to the State.".

(c) IMMUNIZATION DEMONSTRATION PROJECTS FOR OUTREACH PROGRAMS.—Subsection (b) of section 2 of the Vaccine and Immunization Amendments of 1990 (Public Law 101-502) is amended to read as follows:

"(b) DEMONSTRATION PROJECTS FOR OUTREACH PROGRAMS.—

"(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, may make grants to States for the purpose of carrying out demonstration projects—

"(A) to provide, without administrative charge, immunizations for vaccine preventable diseases to children not more than 2 years of age who reside in communities whose population includes a significant number of low income individuals, increasing the capacity of public health departments to deliver vaccines and facilitating outreach activities to improve the percentage of fully immunized children;

"(B) to expand the capacity of public health departments and recipients of grants under sections 329, 330, and 340 of the Public Health Service Act that are co-located with centers providing services under section 17 of the Child Nutrition Act of 1966 in order to provide immunizations to participants in the program established under such section 17 during regular hours, and to enable State health departments working through State directors of the program established under such section 17 to make available to such centers vaccines and adequate funds to administer immunizations; and

"(C) to maintain private physician participation in the provision of immunization services and to encourage private physicians to provide such services to infants and children enrolled for benefits under title XIX of the Social Security Act.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out paragraph (1), there are authorized to be appropriated $25,000,000 in fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

SEC. 4. SUBSTANCE ABUSE PREVENTION AND TREATMENT.

(a) SUPPLEMENTAL HEALTH SERVICES AND ADMINISTRATION.—

(1) MIGRANT HEALTH CENTERS.—Section 329 of the Public Health Service Act (42 U.S.C. 2564b) is amended—

(A) in subsection (a)(7)—

(i) by striking out "and" at the end of subparagraph (L);

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following new subparagraph:

"(M) substance abuse treatment and prevention services; and"; and

(B) in subsection (i)—

(i) by inserting "(1)" after the subsection designation; and

(ii) by adding at the end thereof the following new paragraph:

"(2) In the administration of the programs authorized under this section, the Health Resources and Services Administration shall consult and coordinate with the Office for Substance Abuse Prevention and the Office for Treatment Improvement. The Office of Treatment Improvement shall, to the maximum extent possible, collaborate with other Federal and State agencies to ensure coordination in the planning and delivery of services.".

(2) COMMUNITY HEALTH CENTERS.—Section 330 of such Act (42 U.S.C. 254c) is amended—

(A) in subsection (b)(2)—

(i) by striking out "and" at the end of subparagraph (L);

(ii) by redesignating subparagraph (M) as subparagraph (N); and

(iii) by inserting after subparagraph (L) the following new subparagraph:

"(M) substance abuse treatment and prevention services; and"; and

(B) in subsection (j)—

(i) by inserting "(1)" after the subsection designation; and

(ii) by adding at the end thereof the following new paragraph:

"(2) In the administration of the programs authorized under this section, the Health Resources and Services Administration shall consult and coordinate with the Office for Substance Abuse Prevention and the Office for Treatment Improvement. The Office of Treatment Improvement shall, to the maximum extent possible, collaborate with other Federal and State agencies to ensure coordination in the planning and delivery of services.".

(3) HEALTH SERVICES FOR THE HOMELESS.—Section 340(a)(2) of such Act (42 U.S.C. 256) is amended by striking out "and with the Director" and all that follows through the period and inserting in lieu thereof ", the Director of the National Institute of Mental Health, the Director of the Office for Substance Abuse Prevention and the Director of the Office for Treatment Improvement.".

(b) MODEL PROJECTS FOR REDUCING THE INCIDENCE OF SUBSTANCE ABUSE AMONG PREGNANT AND POSTPARTUM WOMEN.—Section 509F of such Act (42 U.S.C. 290aa-13) is amended to read as follows:

"SEC. 509F. MODEL DEMONSTRATION PROJECTS FOR REDUCING THE INCIDENCE OF SUBSTANCE ABUSE AMONG PREGNANT AND POSTPARTUM WOMEN.

"(a) GRANTS.—The Secretary, acting through the Director of the Office, shall make demonstration grants to public and nonprofit private entities in order to establish substance abuse prevention, education and treatment projects serving pregnant and postpartum women and their infants.

"(b) PRIORITY.—

"(1) IN GENERAL.—In making grants under subsection (a), the Director of the Office shall give priority to any qualified applicant that agrees to provide treatment services.

"(2) FURTHER PRIORITY.—

"(A) In the case of any applicant for a grant under subsection (a) that is receiving priority under paragraph (1), the Director of the Office shall give further priority to applicants commensurate with the extent to which some or all of the services specified in subparagraph (B) are to be provided, directly or through arrangements with other public or nonprofit entities, as part of the project carried out by the applicant with the grant.

"(B) The services referred to in subparagraph (A) are—

"(i) outreach services in the community involved to identify women who are abusing alcohol or drugs and to encourage such women to undergo treatment for such abuse;

"(ii) prenatal and postpartum health care for women who are undergoing treatment for such abuse;

"(iii) for the infants and children of such women, pediatric health care (including screenings regarding the physical and mental development of the infants and children) and comprehensive social services;

"(iv) child care, transportation, and other support services regarding such treatment, including, as appropriate, visits to the home of such women;

"(v) as appropriate, referrals to facilities for necessary hospital services;

"(vi) employment counseling;

"(vii) appropriate follow-up services to assist in preventing relapses;

"(viii) case management services, including assistance in establishing eligibility for assistance under Federal, State, and local programs providing health services, mental health services, or social services;

"(ix) reasonable efforts to preserve and support the family unit, including promoting the appropriate involvement of parents and others, and counseling the children of women receiving services pursuant to this subsection; and

"(x) housing in the course of treatment under circumstances that permit the children of the women to reside with their mothers.

"(c) ACCESSIBILITY AND LANGUAGE CONTEXT.—The Director of the Office may not make a grant under subsection (a) unless the applicant for the grant agrees that the services provided pursuant to subsection (a)—

"(1) will be provided at locations accessible to low-income pregnant and postpartum women; and

"(2) will be provided in the language and the cultural context that is most appropriate.

"(d) HEALTH SERVICE COVERED BY STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT.—

"(1) LIMITATION.—Subject to paragraph (2), the Director of the Office may not make a grant under subsection (a) unless, in the case of any health service under subsection (a) that is covered by the State plan approved under title XIX of the Social Security Act for the State in which the service will be provided—

"(A) the applicant for the grant will provide the health service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(B) the applicant for the grant has entered into a contract with an entity under which the entity will provide the health service, and the entity has entered into such a participation agreement and is qualified to receive such payments.

"(2) PARTICIPATION AGREEMENTS.—

"(A) In the case of an entity making an agreement under paragraph (1)(B) regarding the provision of health services under subsection (a), the requirement established in such paragraph regarding a participation agreement shall be waived by the Secretary if the organization does not, in providing health services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

"(B) A determination by the Secretary of whether an entity referred to in subparagraph (A) meets the criteria for a waiver under such subparagraph shall be made without regard to whether the organization accepts voluntary donations regarding the provision of services to the public.

"(e) IMPOSITION OF CHARGES.—The Director of the Office may not make a grant under subsection (a) unless the applicant for the grant agrees that, if a charge is imposed for the provision of services or activities under the grant, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income and resources of the woman involved; and

"(3) will not be imposed on any woman with an income of less than 100 percent of the official poverty line, as established by the Director of the Office for Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(f) DISTRIBUTION OF GRANTS.—In making grants under subsection (a), the Director of the Office shall ensure that the grants are equitably allocated among the principal geographic regions of the United States, subject to the availability of qualified applicants for the grants.

"(g) REQUIREMENT OF NON-FEDERAL CONTRIBUTIONS.—

"(1) IN GENERAL.—The Director of the Office may not make a grant under subsection

(a) unless the applicant for the grant agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than—

"(A) $1 for each $9 of Federal funds provided for the first year of payments under the grant; and

"(B) $1 for each $3 of Federal funds provided in any subsequent year of such payments.

"(2) TYPE OF CONTRIBUTION.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(h) LIMITATIONS AND WAIVER.—

"(1) LIMITATIONS.—The Director of the Office may not, except as provided in paragraph (2), make a grant under subsection (a) unless the applicant for the grant agrees that the grant will not be expended—

"(A) to provide inpatient services, except with respect to residential treatment for alcohol and drug abuse provided in settings other than hospitals;

"(B) to make cash payments to intended recipients of services under the program involved;

"(C) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment; or

"(D) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(2) WAIVER.—If the Director of the Office finds that the purpose of the program involved cannot otherwise be carried out, the Director may, with respect to an otherwise qualified grantee, waive the restriction established in paragraph (1)(C).

"(i) ANNUAL REPORTS.—The Director of the Office may not make a grant under subsection (a) unless the applicant for the grant agrees—

"(1) to submit to the Secretary an annual report that describes the utilization and costs of services provided under the grant;

"(2) to include in the report the number of women served, the number of infants served, and the type and costs of services provided; and

"(3) to include in the report such other information as the Secretary determines to be appropriate; and

"(4) to prepare the report in such form, and to submit the report in such manner, as the Secretary determines to be necessary.

"(j) APPLICATION.—The Director of the Office may not make a grant under subsection (a) unless—

"(1) an application for the grant is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(k) PAYMENTS.—The period during which payments are made by the Director of the Office under a grant under subsection (a) may not exceed 5 years, but may be renewed. Such payments shall be subject to annual approval by the Secretary and to the availability of appropriations for the fiscal year involved to make the payments.

"(l) EVALUATIONS.—The Director of the Office shall evaluate projects conducted with grants under this section.

"(m) COLLABORATION WITH OTHER FEDERAL AGENCIES AND WITH STATES.—The Director of the Office shall collaborate with all other relevant Federal agencies on issues relating to maternal substance abuse, including the Office for Treatment Improvement, the Bureau of Maternal and Child Health and Resources Development, the Indian Health Service, the Bureau of Health Care Delivery and Assistance, and the Office of Human Development Services. Such collaboration may be accomplished through the establishment of interagency task forces, as appropriate. The Director shall collaborate with the States to ensure that grants awarded under this section are coordinated with other treatment efforts undertaken within each State.

"(n) REPORT.—Not later than October 1, 1992 and every 2 years thereafter, the Director of the Office shall submit to the appropriate committees of Congress a report describing programs carried out pursuant to this section. Each such report shall include any evaluations conducted under subsection (l) during the preceding fiscal year.".

SEC. 5. SMOKING CESSATION IN PREGNANCY.

Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended by adding at the end thereof the following new subsection:

"(m)(1) The Secretary, acting through the Director of the Centers for Disease Control, shall assist the prenatal clinics in the United States in implementing smoking cessation programs to decrease rates of smoking during pregnancy. The Secretary may make grants to or enter into contracts with—

"(A) State departments of health;

"(B) after consultation with State authorities, to local departments of health; and

"(C) other public entities;

to assist such departments, authorities and entities in implementing effective programs and policies to prevent tobacco use during pregnancy.

"(2) Not less than 80 percent of the amounts appropriated under this subsection in each fiscal year shall be made available to the eligible recipients of grants and contracts under this subsection.

"(3) There are authorized to be appropriated to carry out his subsection, $10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".•

By Mr. WARNER (for himself and Mr. ROBB):

S. 498. A bill to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, Virginia, as the "Hugh Davis Memorial Wing"; to the Committee on Veterans' Affairs.

HUGH DAVIS MEMORIAL WING

• Mr. WARNER. Mr. President, I rise today to introduce legislation on behalf of myself and Senator ROBB to designate the clinical wing at the Department of Veterans Affairs Medical Center in Salem, VA, the construction of which began in 1988, as the "Hugh Davis Memorial Wing." The same bill has been introduced by my colleague in the House of Representatives, Congressman JAMES OLIN.

Mr. Davis' Federal career spanned a period of 47 years, starting in 1941 and more than 40 years were spent in service to the Veterans' Administration. During his senior year in high school, at the age of 16, he passed a Civil Service Exam for a clerk-typist position and was subsequently selected for a job with the Finance Department of the U.S. Army. High school officials let him skip classes in the spring and come back at the end of the year to take final exams. He continued in his job with the Army until June 1943, at which time he was inducted into the Army. Following his discharge in 1946, Mr. Davis returned to Federal service, this time with the Veterans' Administration in Nashville, TN.

Mr. Davis studied law at night at Andrew Jackson University and received a bachelor of law degree in 1950. He also took classes in accounting, management, and hospital and business administration at the University of Virginia, University of Tennessee, Indiana University, and George Washington University.

Mr. Davis advanced through the ranks in the Veterans' Administration and was assigned to numerous veterans facilities throughout the United States. Prior to transferring to the Medical Center in Salem Mr. Davis was assigned to veterans facilities in Memphis and Mountain Home, TN, Fort Wayne, IN, Lexington, KY, Biloxi, MS, Fayetteville, AR, and the central office in Washington, DC. Mr. Davis arrived at Salem in 1972 and served as Director for 17 years until his death in March 1989.

Important changes occurred at the Salem facility under the leadership of Mr. Davis. The physical plant, as well as the mission and capability, of the Salem facility was expanded toward the goal of providing a full range of services to veterans. The completion of the new chapel was a proud accomplishment that Mr. Davis had pursued for many years. The new outpatient/nursing clinical addition was the accomplishment to which Mr. Davis was most dedicated and one which he closely followed until the time of his death.

Mr. President, the designation of the new clinical wing at the Veterans Affairs Medical Center in Salem, VA, as the "Hugh Davis Memorial Wing", is a fitting tribute to this untiring leader whose accomplishments will better the lives of many of our veterans.

Mr. President, I ask unanimous consent that the entire text of the bill be placed in the RECORD at the end of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CLINICAL WING AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN SALEM, VIRGINIA.

The clinical wing at the Department of Veterans Affairs Medical Center in Salem, Virginia, the construction of which began in 1988, shall be known and designated as the "Hugh Davis Memorial Wing". Any reference to such clinical wing in any law, map, regulation, document, paper, or other record of the United States shall be considered a reference to the Hugh Davis Memorial Wing.•

• Mr. ROBB. Mr. President, I'm pleased to join my senior colleague from Virginia, Senator WARNER, in cosponsoring legislation which designates the new clinical building at the Department of Veterans Affairs Medical Center in Salem, VA, as the "Hugh Davis Memorial Wing."

Mr. Davis contributed 47 years of his professional life to public service. He passed the civil service examination when he was 16, spent 3 years in the U.S. Army, and dedicated 40 years to the Department of Veterans Affairs. From 1972 until his death in 1989, Hugh Davis served as the Administrator of the Department of Veterans Affairs Medical Center in Salem, VA.

As Administrator, Mr. Davis was particularly committed to the creation of a new clinical wing for the medical center, a $65 million project which is scheduled to be completed either later this year or by the spring of 1992. Although Mr. Davis did not live long enough to see Virginia's veterans benefit from this new addition, I'm pleased to join Senator WARNER in introducing legislation designating this building the "Hugh Davis Memorial Wing."•

By Mr. LUGAR (for himself and Mr. COCHRAN):

S. 499. A bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PROVISION OF FLUID MILK

• Mr. LUGAR. Mr. President, I rise today to introduce legislation affecting the future health of our Nation's children.

The leading cause of death in the United States is heart disease. According to the Surgeon General, more than 1.25 million heart attacks occur each year and more than 500,000 people die as a result. There is extensive and consistent evidence that dietary fat and cholesterol are related to coronary heart disease. The Surgeon General of the United States recommends reducing the intake of total fat and saturated fat in the American diet in order to reduce the incidence of heart disease.

The second leading cause of death in the United States is cancer. There is substantial, though not conclusive, evidence that dietary fat increases the risk for cancers of the breast, colon, and prostate. The Surgeon General suggests that reducing fat consumption in the general public might reduce the risk for certain cancers.

The medical costs of diet-related disorders are contributing to the current escalating costs of health care in the United States, including physician visits, hospital admission, diagnosis, and treatment. One of the indirect costs includes the time lost from work by persons suffering from these conditions. The cost is unmeasurable of the reduced quality of life for persons suffering from these conditions and other people in their lives.

It is commonly accepted that eating habits developed early in life tend to continue throughout life. Thus, healthful eating patterns established early in life will help prevent diet-related health problems later in life.

The bill I am introducing today amends the National School Lunch Act to encourage local professionals to help children choose foods that are lower in fat.

The legislation eliminates a provision in the National School Lunch Act which requires that whole milk and unflavored lowfat milk be offered to the 25 million students who receive federally subsidized lunches under the program. Local professionals would be allowed to serve the type or types of milk which they believe would be most healthful and nutritious for the students in their charge. In some cases, the choice might be to serve 2-percent milk. In other cases, the choice might be both 2-percent and whole milk. In my view however, serving whole milk in all cases should not be mandated by Congress.

Mr. President, there is a body of scientific and medical evidence to support eliminating the requirement that schools serve whole milk. Two years ago, the Surgeon General's Report on Nutrition and Health was released. That report identified excessive fat consumption as the biggest problem in the American diet. According to the report, "some studies indicate that diets high in total fat are associated with higher obesity rates. In addition, there is substantial, although not yet conclusive, epidemiologic and animal evidence in support of an association between dietary fat intake and increase risk for cancer, especially breast and colon cancer. * * * At present, dietary fat accounts for about 37 percent of the total energy intake of Americans."

The Dietary Guidelines for Americans, jointly issued by the Secretaries of Agriculture and Health and Human Services, provide recommendations for healthy Americans over age 2. These guidelines suggest lowering fat intake for most Americans. The dietary guidelines recommend that 30 percent, or less, of calories come from fat. They suggest choosing skim or lowfat milk. According to the guidelines, one cup of skim milk has only a trace of fat. One cup of 2-percent milk has 5 grams of fat. A cup of whole milk has 8 grams of fat.

Moreover, the guidelines suggest that less than 10 percent of calories come from saturated fat. It is important to note that the goals of 30 percent for total fat and 10 percent for saturated fat apply to people's entire diet, not to any one food or to any one meal. However, according to calculations by Public Voice for Food and Health Policy, in whole milk approximately 48 percent of calories come from fat and 30 percent of calories from saturated fat. For 2-percent milk, 35 percent of calories come from fat and 18 calories from saturated fat.

Other professional information is available specifically regarding the school lunch program. In December 1990, the Citizens' Commission on School Nutrition released a white paper on School Lunch Nutrition urging that lowfat milk be served. Also the white paper urged that, in the short term, school lunches should average 35 percent of calories from fat.

The most recent National Health and Nutrition Examination Survey showed that 6- to 19-year olds obtain nearly 37 percent of their daily calories from fat. This amount is above the white paper's short-term goal of 35 percent and the dietary guidelines recommendation of 30 percent. The Center for Science in the Public Interest and Marriott Corp. sampled menus from three school lunch programs. The results were that two of the programs averaged 42 percent of calories from fat. The third program averaged 41 percent of calories from fat when whole milk was served and 35 percent with skim milk.

Mr. President, the foregoing information indicates that we should consider some means of reducing fat in the school lunch program. One easy way to cut back on fat is to encourage consumption of lowfat milk. Milk provides important nutrients such as vitamin A, vitamin D, riboflavin, and calcium. Generally speaking, lowfat milk provides these same nutrients without as much fat. Moreover, anecdotal evidence indicates that this method of reducing fat would not make lunches less palatable for children. In 1980, when many schools switched to lowfat milk only, professionals in this field did not report student dissatisfaction.

My bill is not the exact recommendation of the white paper on school-lunch nutrition. It recommended banning whole milk and serving only lowfat milk. I could not agree with that recommendation because there may be circumstances where local professionals determine that some children or groups of children should consume whole milk. In a time in which we discuss educational choice, this local choice should be available to professionals.

Also, Mr. President, the Federal requirement to serve various types of milk is an administrative headache for local school lunch managers. Local school food service managers, who are professional meal planners, should have the flexibility to choose the most healthy option for their children without unnecessary Federal redtape and interference. Local professionals are more qualified to make the proper beverage selections for their children than is Congress. In fact, the American School Food Service Association, which represents school lunch administrators, has recommended that current law be amended. Eliminating the whole milk requirement also is supported by the American Heart Association, the American Dietetic Association, the Society for Nutrition Education, the Food Research and Action Center, Public Voice for Food and Health Policy, and the Center for Science in the Public Interest.

Mr. President, my bill would reduce Federal interference and reduce fat in the diets of our students. But, I wish to be clear about one thing. Milk is a highly nutritious food. My intention in introducing this bill is not to denigrate its wholesomeness, but to encourage consumption of the lower fat varieties. My intention is to allow local professionals to determine which type of milk children should drink. That decision best rests with local professionals, not Congress.

Mr. President, I ask that a copy of my bill be printed in the RECORD. I urge my colleagues to support this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF FLUID MILK.

Paragraph (2) of section 9(a) of the National School Lunch Act (42 U.S.C. 1758(a)) is amended to read as follows:

"(2) Lunches served by schools participating in the school lunch program under this Act shall offer students fluid milk.".•

By Mr. DASCHLE (for himself and Mr. CRANSTON):

S. 500. A bill to require the Secretary of Veterans Affairs to contract with private facilities to ensure that provision of medical care to members of the Armed Forces on active duty does not adversely affect the provision of hospital care, nursing home care, and medical services to veterans eligible for such care and services, and for other purposes; to the Committee on Veterans' Affairs.

PROVISION OF CERTAIN MEDICAL CARE

Mr. DASCHLE. Mr. President, today Senator CRANSTON and I are introducing legislation to ensure that current veterans who are eligible to receive VA health care are not denied health care services as a result of VA treatment of Persian Gulf-related casualties. Given the strain that already exists on many VA health care facilities, this bill is necessary to prevent any further erosion of services for current veterans in the event that VA hospitals are used to care for casualties of the current conflict in the Persian Gulf.

Let me make clear my hope that circumstances in the gulf never trigger this legislation.

The Departments of Defense and Veterans Affairs have established a plan under which the VA will accept Persian Gulf casualties if large-scale casualties should overburden military hospitals. I am hopeful that diplomatic efforts will bring a quick end to this war and that there will be no more casualties. And even if the war continues, I am hopeful, as we all are, that casualties will be held to an absolute minimum. In either of these cases, the bed space provided in the VA contingency plan would not be needed by the Department of Defense.

However, in the event that VA bed space is needed, we must ensure that the contingency plan also covers current veterans who depend on the VA for health care. It is absolutely vital that we address the health care needs of the men and women serving in the Persian Gulf. But, in doing so, we should not forget the men and women who served before them.

Section 1 of the bill specifies that it is the responsibility of the Department of Veterans Affairs to ensure that health care services to eligible veterans are not degraded as a result of VA treatment of Department of Defense personnel. This section requires the VA to contract with private health care facilities for treatment of any veterans who are eligible for VA health care, but who either are denied access to VA care and services or suffer a reduction in necessary services as a result of VA treatment of Persian Gulf-related casualties.

Section 2 of the bill requires the Department of Defense to reimburse the Department of Veterans Affairs for any additional costs incurred by the VA as a result of VA contracts with private health care facilities entered into under section 1. Specifically, the Department of Defense would be asked to cover the difference, if any, between the cost of the VA providing the health care by contract and the cost that would have been incurred if the services had been provided directly by the VA. The only cost to the Department of Defense would be to cover any additional charges the VA incurs as a direct result of the VA's treatment of Department of Defense personnel.

Section 3 defines, for purposes of this bill, the term "Persian Gulf War," as "the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law."

Section 4 clarifies the treatment of costs under the bill by stating that the costs of the bill, as a result of its direct relationship to Operation Desert Shield, are exempt from the discretionary spending caps as established in Public Law 101-508, the fiscal year 1991 budget reconciliation bill. Public Law 101-508 allowed the spending caps to be waived for emergency expenditures specifically related to Operation Desert Shield, and the circumstances to be addressed in this bill fall clearly into that war-related emergency category.

Again, Mr. President, I hope the provisions of this bill are never triggered. However, they are necessary to ensure that both our current and future veterans will continue to receive the treatment they have earned. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF MEDICAL CARE TO ELIGIBLE VETERANS DURING PERIOD WHEN MEDICAL CARE IS PROVIDED TO ACTIVE DUTY MEMBERS OF THE ARMED FORCES.

(a) REQUIREMENT TO SUSTAIN THE LEVEL OF CARE AND SERVICES FURNISHED NON-MEMBERS OF THE ARMED FORCES.—The Secretary of Veterans Affairs shall ensure that there is no reduction in the levels of hospital care, nursing home care, and medical services furnished to eligible persons as a result of the furnishing of such care and services to members of the Armed Forces pursuant to section 5011A(a) of title 38, United States Code, for or in connection with injuries or illnesses incurred or aggravated during the Persian Gulf War.

(b) REQUIREMENT FOR CONTRACT CARE.—The Secretary shall contract with facilities other than those of the Department of Veterans Affairs for the furnishing of hospital care, nursing home care, or medical services to eligible persons to the extent necessary to meet the requirement in subsection (a).

(c) DEFINITION.—For the purposes of this section, the term "eligible person" means a person eligible to receive hospital care, nursing home care, or medical services under laws administered by the Department of Veterans Affairs, but does not include a member of the Armed Forces being furnished hospital care, nursing home care, or medical services pursuant to section 5011A(a) of title 38, United States Code.

SEC. 2. REIMBURSEMENT FOR CARE.

In any case in which hospital care, nursing home care, or medical services are provided by contract with a facility other than a facility of the Department of Veterans Affairs under the authority of section 1, the Secretary of Defense shall reimburse the Secretary of Veterans Affairs for the amount of the difference (if any) between the costs of providing such care or services by contract and the cost (as determined by the Secretary of Veterans Affairs) of providing such care or services in medical facilities of the Department of Veterans Affairs.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) The terms "hospital care", "nursing home care", and "medical services" have the meanings given such terms in sections 601(5), 101(28), and 601(6) of title 38, United States Code, respectively.

(2) The term "Persian Gulf War" means the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

SEC. 4. TREATMENT OF COSTS.

For the purposes of section 251(b)(2)(D) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.), as amended by section 13101 of Public Law 101-508, all direct or discretionary spending contained in this Act are emergency expenditures related to Operation Desert Shield and shall be considered as having been designated and treated as emergency expenditures pursuant to those sections and as not being subject to spending limits under that Act.

By Mr. KOHL:

S. 501. A bill to establish a data collection, information dissemination, and student counseling and assistance network, and for other purposes; to the Committee on Labor and Human Resources.

STUDENT COUNSELING AND ASSISTANCE NETWORK ACT

Mr. KOHL. Mr. President, I rise to introduce legislation which will help people get information about existing sources of financial aid for prospective college students.

My legislation has been developed in cooperation with the National Association of College Admission Counselors, the National Council of Educational Opportunity Associations, the National Association of Independent Colleges and Universities, the American Council on Education, National Association of Student Financial Aid Administrators, OMB Watch, and the College Board. I ask unanimous consent that letters of support from several of these groups be inserted in the RECORD after the text of the bill which I also ask be printed in the RECORD.

Mr. President, this legislation is an attempt to break down some of the barriers to financial aid. It responds to a concern that I have heard whenever I talk to high school students or their parents. And that concern is simple: How are we going to pay for a college education?

For just about anyone of modest means, it's next to impossible to pay for a college education out of pocket. Parents can't save enough and kids can't earn enough to meet the $10,000 to $20,000 a year costs of a college education. And while they may know that there are some forms of help available, no matter how hard they try, they just can't pull together all the information on public and private aid that's available. It's just not located in one place. School counselors do their best, but the sources to which they have access are limited. They usually end up giving the same information to everyone who asks with no attempt to tailor the material to the special circumstances of each student and family.

And the plain truth is that the generic material they have isn't all that useful. Some time ago, the Department of Education used to put out a pretty good booklet on State and Federal sources that at least could get these families going. That handy 80-page guide has now been replaced with an 18-page factsheet that is not nearly as valuable. And if it weren't for the distribution services of the National Association of College Admission Counselors, even that would be largely unavailable. We can do better.

And I believe we have to do better. I am absolutely convinced that there are millions of kids who would like to go to college but simply write it off as an impossible dream because of the staggering costs of a college education. And there are many who choose their school based on the financial aid—or lack of it—they think is available. So we lose some extra talent because we don't get the word out on choices.

Early intervention has been proven to work with some of the lowest income families. We know through public programs like TRIO and private programs like Eugene Lang's "I Have a Dream" that if college is seen as a realistic option, then kids work harder in high school and get better grades and learn more. And we know from the press coverage surrounding our volunteer forces deployed in the Persian Gulf that many of those young people joined the armed services because it was the only way they thought they could get job skills and college educations. This legislation, if enacted, would enable us to intervene in more of those lives early on—through counselors, through information and dissemination programs, and through a massive public service announcement campaign.

Mr. President, every day our kids see ads on TV telling them to "Be All That You Can Be—Join the Army." But they never see a Department of Education advertisement telling our Nation's young people that "Uncle Sam Wants You—In College."

Now there is nothing—nothing—wrong with the Army's campaign. It's first-class marketing and it works. But there is something wrong with a system that spends millions persuading our kids that the Armed Forces are the best way to get a college education and spends nothing on promoting other methods of achieving that goal. After all, with the manpower cuts going into effect, military service isn't going to be as open a path as it used to be—so we better start giving people a road map with other directions on it.

Compare the national investments in recruiting and advertising, between the Department of Education and the Pentagon. In 1991, the armed services will spend approximately $400 million on recruitment. They'll spend an additional $210 million on advertising. There is nothing wrong with that Mr. President. Many members of our top notch volunteer force fighting today in Kuwait are there because we made a commitment to recruiting and advertising careers in the Armed Forces. But in contrast, there is virtually no budget for the Department of Education to recruit students to college. There is virtually no budget to advertise our critical education needs and the skills that will be vital to restoring the U.S. position in international competitiveness. It is interesting, Mr. President—and our colleague from Rhode Island who chairs the Senate Labor and Human Resources Subcommittee on Education can probably speak to this better than I—that when these student aid programs were pulled together back in the seventies, Congress intended there to be a major marketing and recruiting component. That didn't happen for a variety of reasons, but I'm hopeful we can get back on track.

Mr. President, the best chance we have of a bright future lies with our young people. If they do not aspire, we fail. The Student Counseling Assistance Network Act is designed to foster those aspirations and then to make the "how to" part a bit less bureaucratic and much more accessible to counselors, librarians, students, parents and educators.

I urge my colleagues to join me in cosponsoring this proposal and ask unanimous consent that a summary of the provisions of the bill, the bill text and the attached letters of support be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

This Act may be cited as the "Student Counseling and Assistance Network Act of 1991".

SEC. 2. FINDINGS.

Congress finds that—

(1) postsecondary education is not perceived to be a viable option for many students in the United States whose family background, economic situation, or experience are such that access to information concerning educational opportunities and financial assistance is limited;

(2) an increasing number of students in the United States are aware of the rising costs associated with postsecondary education, including tuition and housing, yet are not aware of the means available to finance higher education and the long-term value associated with an investment of time and fi-

nancial resources in a postsecondary program of study, and many economically disadvantaged students in the United States have the perception that the only means of financing postsecondary education is by joining the Armed Forces and earning educational benefits;

(3) school counselors, librarians, teachers, principals, parents, staff of programs assisted under subpart 4 of part A of title IV of the Higher Education Act of 1965, and students must receive thorough information regarding postsecondary education and financial aid opportunities, much of which is already in existence but not readily available;

(4) middle, junior high, and secondary schools must respond to the growing need for information and guidance by—

(A) providing guidance with proper course selection and good study skills and habits from grades 7 through 12;

(B) securing parental and guardian involvement in the acquisition of study skills by students and the provision of assistance with homework;

(C) expanding parental understanding of college costs and of the variety of forms of student financial assistance and savings plans for postsecondary education, as well as supplying information about how to apply for such assistance; and

(D) establishing programs that involve community assistance for schools by providing tutoring, mentoring, work experience, and other vital services, so that students can learn and study in an environment conducive to furthering education after high school graduation;

(5) educators and administrators, such as school counselors, librarians, teachers, principals, other State and local school administrators, staff of programs assisted under subpart 4 of part A of title IV of the Higher Education Act of 1965, and school boards, need to know what types of precollege guidance and counseling programs work in various settings, such as rural, suburban, and inner city settings, in order to fashion and adapt programs for their schools, and must have specific training in precollege guidance and counseling and college admissions counseling;

(6) early intervention information dissemination programs have successfully introduced precollege planning to younger students and their families, but there exists no good, organized, nationwide method of sharing information about such programs within the schools, community, agencies, and other organizations that can and should implement such programs;

(7) the provision of postsecondary information is a proper and necessary activity of the Federal Government;

(8) the "Be All That You Can Be" campaign by the Department of the Army has demonstrated the effectiveness of a decentralized information dissemination program to alert young people to educational advantage and opportunities;

(9) improved information collection, affirmative dissemination of information, and presentation of data in electronic and print formats which support analysis, public understanding, and communication will assist efforts to promote participation in postsecondary educational activities;

(10) despite the vast quantities of information related to postsecondary information collected by the Department, neither the Department nor the public can effectively find and use such information;

(11) information about postsecondary opportunities and public access to such information needs to be continuously expanded and strengthened, and there needs to be ongoing and timely dissemination of such information, and identification and development of effective distribution channels to improve the usefulness of such information to traditional and nontraditional students; and

(12) traditional cost-benefit criteria are not appropriate to evaluate the collection and dissemination of postsecondary information.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) promote the quality and public awareness of, access to, and use of, information resources concerning financial assistance for postsecondary education;

(2) stimulate greater public participation in postsecondary educational opportunities by disseminating relevant information to the public through electronic and other means;

(3) improve upon and coordinate information resources that may assist educators, administrators, students, and parents in making decisions that affect participation in postsecondary education activities;

(4) develop and support initiatives to improve communication between individuals and organizations counseling students regarding postsecondary education;

(5) encourage the integration and synthesis of publicly available information about postsecondary educational opportunities (regardless of format) that may be useful in preparation for or participation in education after high school graduation or its equivalent;

(6) provide for public participation in the design, testing, and implementation of programs and activities that make postsecondary information products and services publicly accessible; and

(7) ensure that Department postsecondary information activities are conducted in such a manner as to—

(A) improve the quality of decisionmaking, regulation, and program management;

(B) assist school counselors and admissions officers in providing guidance to school personnel, students, parents, and others in the community; and

(C) encourage public use of information regarding postsecondary education and financial assistance, including minimizing fees so as not to deter public access to such information.

SEC. 4. INFORMATION AND COUNSELING SERVICES.

(a) IN GENERAL.—The Secretary shall establish information and counseling services within the Department for the purpose of—

(1) collecting information concerning—

(A) existing effective, early intervention programs that provide financial aid information and dissemination; and

(B) existing exemplary precollege guidance and counseling and college admission counseling programs that operate—

(i) in local schools;

(ii) in colleges and universities;

(ii) at the State level;

(iv) through professional education associations; and

(v) through other organizations;

(2) establishing a national clearinghouse at the Department to—

(A) publish, publicize, and disseminate information on precollege guidance and counseling and college admission counseling programs; and

(B) provide linkage and coordination among existing clearinghouses; and

(3) offering assistance to schools and institutions that wish to implement such programs.

(b) GRANTS.—The Secretary shall award grants or enter into contracts to—

(1) develop model precollege guidance and counseling and college admission counseling programs for use in various types of schools and institutions, including tools and resources for disseminaton to students and parents by counselors and other educators;

(2) train school counselors and admissions officers to work with parents, guardians, and other individuals in the community, such as after-school care providers, recreation workers, parent-teacher organizations, school board members, and youth and community agency representatives, so that information is widely available regarding both the establishment of student counseling and assistance programs and the content of such programs; and

(3) assess the effectiveness of student counseling and assistance programs under this Act and to make recommendations modifying such programs as necessary for maximum effectiveness.

(c) AWARD OF GRANTS AND ENTRY OF CONTRACTS.—In making grants and entering into contracts under subsection (b), the Secretary shall give preference to any applicant for such a grant that has the ability to recruit economically disadvantaged, minority, and other at-risk students.

(d) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (b), an entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such agreements, assurances, and information as the Secretary may reasonably require.

(e) ELIGIBLE ENTITIES.—Entities eligible to receive grants or enter into contracts under subsection (b) shall include public and nonprofit private entities that are concerned with the availability of higher education assistance.

SEC. 5. PUBLIC ACCESS TO INFORMATION RESOURCES.

(a) GUIDE TO INFORMATION SERVICES.—The Secretary shall develop, maintain, and widely disseminate an annual comprehensive and detailed guide to postsecondary information services, producers, and systems. The guide shall—

(1) be publicly available in electronic and hard copy formats;

(2) be updated on at least a semiannual basis;

(3) include information from public and private sources; and

(4) provide information regarding—

(A) the source of each item and details about the method of collection, format of the information, and purposes and description of the item;

(B) public availability and price of each item;

(C) an official to contact regarding each item; and

(D) other relevant information.

(b) INTEGRATION OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall—

(A) identify and develop policies, programs, and methods for cross-linking and integrating information relevant to postsecondary education; and

(B) establish an intra-agency working group (in this Act referred to as the "Working Group") to—

(i) consider standard formats for data collection, retrieval, storage, and archiving;

(ii) identify efforts needed to cross-link existing data bases; and

(iii) recommend data bases that can be integrated and made publicly accessible—

(I) on the date of enactment of this Act;

(II) within 1 year of the date of enactment of this Act;

(III) within 2 years of the date of enactment of this Act; and

(IV) after the period described in subclause (III).

(2) ESTABLISHMENT DATE.—The Working Group shall be established not later than 6 months after the date of the enactment of this Act.

(3) REPORT.—The Secretary shall review recommendations of the Working Group and report to Congress within 1 year after the date of the enactment of this Act and biennially thereafter on activities undertaken to encourage the cross-linking and integration of postsecondary information products and services.

(c) TASK FORCE ON PUBLIC ACCESS.—

(1) ESTABLISHMENT.—There is established a Task Force on Public Access (in this Act referred to as the "Task Force") to provide recommendations on improving the Department's dissemination of postsecondary information.

(2) COMPOSITION.—(A) The Task Force shall be composed of 25 members appointed by the Secretary. In approving members of the Task Force, the Secretary shall ensure that the Task Force—

(i) is fairly balanced with respect to the points of view represented by members of the Task Force;

(ii) has members who have an understanding and appreciation of disseminating and otherwise making postsecondary information publicly accessible; and

(iii) includes members appointed from among individuals representing—

(I) the Department;

(II) school counselors or college admissions counselors, libraries, and administrator organizations;

(III) postsecondary institutions;

(IV) State and local educational agencies;

(V) parents;

(VI) teacher organizations;

(VII) organizations representing staff of programs under subpart 4 of part A of title IV of the Higher Education Act of 1965;

(VIII) public interest groups; and

(IX) other appropriate groups or organizations.

(B) The Secretary shall designate a member of the Task Force to serve as chairperson of the Task Force and shall provide such person with staff support from the Department equivalent to not less than two full-time employees, if requested by the chairperson.

(C) The Task Force shall meet at the call of the chairperson of the Task Force, but in no case less than 6 times each year.

(D) No member of the Task Force shall receive compensation for service on the Task Force, but members may be paid travel and transportation expenses by the Secretary under section 5703 of title 5, United States Code, in the same manner as an employee serving intermittently in Government service.

(3) DUTIES.—The Task Force shall—

(A) identify short-term and long-term information collection and dissemination needs regarding postsecondary education that can and should be filled by the Department, and make recommendations to the Secretary and to the Congress regarding Department responses to such needs;

(B) make recommendations to the Secretary and to the Congress for establishing priorities for public access to Department postsecondary information and for implementing such priorities; and

(C) make any other recommendations regarding Department information collection and dissemination policies and practices that would contribute to improved postsecondary educational participation, including the feasibility of instituting a uniform financial aid application form for all programs and institutions.

(4) APPOINTMENT DATE.—The Secretary shall complete appointments of members of the Task Force not later than 6 months after the date of the enactment of this Act.

(d) STUDENT COUNSELING AND ASSISTANCE NETWORK.—

(1) ESTABLISHMENT.—The Secretary shall establish a Student Counseling and Assistance Network (SCAN) that—

(A) provides public access through computer telecommunications, a toll-free information hotline, and other means to—

(i) the information collected for the guide described in subsection (a);

(ii) information concerning public and private financial assistance to postsecondary schools and the qualifications for such assistance, including individual need, talents, interest, and financial capabilities; and

(iii) information regarding the location of colleges, application deadlines, administration requirements and costs of matriculation, and how to obtain application forms for entrance and financial aid;

(B) provides use of electronic mail and electronic conferencing services involving students, parents, educators and administrators (such as school counselors, librarians, teachers, staff of programs under subpart 4 of part A of title IV of the Higher Education Act of 1965, principals, other State and local administrators, and school boards) to improve—

(i) curricula choices in secondary school;

(ii) guidance toward good study skills and habits;

(iii) student and parental understanding of postsecondary options, including financial options; and

(iv) participation in education after high school graduation;

(C) promotes ways to make telecommunications efforts easy to use by the public;

(D) trains the public on ways to access Department postsecondary information;

(E) evaluates other electronic technologies in supplementing telecommunications to fulfill the public dissemination obligations of the Department under this Act; and

(F) conducts a study on standards that will improve the handling of postsecondary information through its lifecycle, from collection to dissemination, including improved management of Department resources consistent with other laws and regulations.

(2) SPECIAL RULE.—Nothing in this subsection shall be construed to require the public disclosure of—

(A) any information which is protected under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

(B) any information which is protected by procedures established under the Privacy Act.

(e) USER FEES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall establish a pricing policy, including reduction or waiver of any user fees, for public access to information provided under this Act. Such policy—

(A) shall establish different prices for commercial and noncommercial uses; and

(B) may establish multiple levels of services and prices for such services.

(2) ABILITY TO PAY.—The ability to pay shall not be a barrier to access or participation in student counseling and assistance network described in subsection (d).

(3) DATE.—The policy described in paragraph (1) shall be developed within 1 year or the date of the enactment of this Act and shall incorporate the views of the public.

(f) REPORT.—The Secretary shall annually report to the Congress on—

(1) efforts to cross-link and integrate information products and services, including Department response to recommendations of the Working Group;

(2) efforts to improve public assess to Department information, including Department response to recommendations of the Task Force;

(3) information dissemination activities authorized under this section; and

(4) other issues related to the implementation of this Act.

SEC. 6. HIGHER EDUCATION RECRUITMENT EFFORT.

(a) GRANTS AUTHORIZED.—The Secretary may award grants and enter into contracts with eligible entities to develop and deliver public service announcements and paid advertising messages that encourage individuals to—

(1) seek higher education; and

(2) use the SCAN services described in section 5(d)(1).

(b) AWARD OF GRANTS AND ENTRY OF CONTRACTS.—In making grants and entering into contracts under subsection (a), the Secretary shall give preference to any applicant for such a grant that has the ability to recruit economically disadvantaged, minority, and other at-risk students.

(c) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such agreements, assurances, and information as the Secretary may reasonably require.

(d) ELIGIBLE ENTITIES.—Entities eligible to receive grants or enter into contracts under subsection (a) shall include public and nonprofit private entities that are concerned with the availability of higher education assistance.

(e) GUIDELINES.—The Secretary shall, not later than 90 days after the date of enactment of this section, publish guidelines to provide procedures for—

(1) submission of applications under subsection (c); and

(2) public comment.

SEC. 7. DEFINITIONS.

For the purposes of this Act—

(1) the term "Department" means the Department of Education;

(2) the term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965;

(3) the term "Secretary" means the Secretary of Education; and

(4) the term "State educational agency" has the meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) COUNSELING PROGRAMS.—There are authorized to be appropriated $20,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994, to carry out the provisions of section 3.

(b) DATA BASE AND HOTLINE.—There are authorized to be appropriated $40,000,000 for fiscal year 1992, $30,000,000 for fiscal year 1993, and $10,000,000 for fiscal year 1994, to carry out the provisions of section 5.

(c) NATIONAL INFORMATION PROGRAMS.—

(1) IN GENERAL.—There are authorized to be appropriated $70,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994, to carry out the provisions of section 6.

(2) RESERVATIONS.—The Secretary shall make available not less than half of the amounts appropriated under the authority of paragraph (1) to carry out the provisions of section 6 through grants to entities providing targeted messages to economically disadvantaged minority populations.

SUMMARY OF KOHL EARLY INTERVENTION AMENDMENT TO HIGHER EDUCATION REAUTHORIZATION BILL—STUDENT FINANCIAL ASSISTANCE NETWORK (SCAN) ACT OF 1991

Purpose: To promote the quality and public awareness of, access to and use of information resources concerning financial assistance to postsecondary education, stimulate greater public participation in postsecondary educational opportunities by disseminating relevant information to the public through electronic and other means; improve upon and coordinate information resources that may assist educators, administrators, students and parents in making decisions that affect participation, develop and support initiatives to improve communication among individuals and organizations concerned about student counseling of postsecondary education and otherwise ensure that the Department of Education postsecondary information activities are conducted in such a manner as to improve the quality of decisionmaking, regulation, and program management.

TITLE I: INFORMATION AND COUNSELING SERVICES

Requires DoE to collect information concerning existing early intervention programs that provide financial aid information and dissemination along with exemplary precollege and college guidance and counseling programs.

Establishes a national clearinghouse in Ed to publish and disseminate information and to offer assistance to schools and institutions that wish to implement precollege guidance and counseling and college admission counseling programs and to develop such model programs and provide effectiveness assessment.

Authorizes training of school counselors and admissions officers to work with parents and community members so that information is widely available regarding both the establishment and content of student counseling and assistance programs.

$20 million are authorized for the early intervention/counseling initiatives.

TITLE II: PUBLIC ACCESS TO INFORMATION RESOURCES (PAIR)

Requires Ed to develop, maintain and widely disseminate an annual comprehensive and detailed guide to postsecondary information services, products and systems. The guide shall be publicly available in electronic and hard copy formats, include information from public and private sources and shall be integrated with other data bases and collection within the Department.

Establishes the Student Counseling and Assistance Network, providing public access through computer telecommunications and a toll-free information hotline to information concerning public and private financial aid, qualifications for such assistance, location of colleges, application deadlines, requirements and cost of matriculation, application forms for entrance and financial aid. The Network would provide for electronic conferencing services involving students, parents, educators and administrators (school counselors, librarians, teachers, principals, aid administrators, etc.) to improve curricular choices and study skills in secondary school, along with student and parental understanding of postsecondary options, including financial options. $40 million are authorized for the establishment and maintenance of the database and hotline.

TITLE III. HIGHER EDUCATION RECRUITMENT EFFORT (HERE)

Authorizes $70 million to market the availability of SCAN services and to contract with public and non-profit private entities to develop and advertise higher education recruitment messages. It is the intent of the proposal that the Department of Education model the effort after the successful "Be All That You Can Be" campaign of the Department of the Army. Contractual preference will be given to those who have a demonstrated ability in the recruitment of economically disadvantaged, minority and other at-risk students.

NATIONAL ASSOCIATION OF COLLEGE
ADMISSIONS COUNSELORS,
Alexandria, VA, February 20, 1991.
Hon. HERBERT KOHL,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KOHL: The National Association of College Admission Counselors, representing more than 5,000 school counselors and college admission counselors, is pleased that you have introduced the "Student Counseling and Assistance Network Act of 1991" legislation in the United States Senate.

This bill represents a unique opportunity to improve and extend the information and counseling services available to all students engaged in the secondary to postsecondary education transition. It will also address the needs of under-served minority and economically disadvantaged students who are currently underrepresented among our college populations.

The emphasis on early intervention activities will ensure that students in the middle grades are encouraged to acquire sound study habits, choose a challenging secondary school curriculum and plan for the college application and admission experience. The information network will guide students and parents in understanding and using all available aid resources. All of these provisions will ensure that greater numbers of our students reach their full educational potential.

As counselors, NACAC members know the value of services this legislation seeks to provide and improve. We are proud to have worked with you in the development of the "Student Counseling and Assistance Network Act of 1991" and stand ready to work alongside you in securing its passage.

America's students will be the beneficiaries.

Sincerely,

REGINA E. MANLEY,
President.
FRANK BURTNETT, ED. D.,
Executive Director.

NATIONAL ASSOCIATION OF STUDENT
FINANCIAL AID ADMINISTRATORS,
Washington, DC, February 26, 1991.
Hon. HERB KOHL,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR KOHL: On behalf of the National Association of Student Financial Aid Administrators and its more than 3,200 postsecondary education institutions, I want to express to you our wholehearted support for the Higher Education Recruitment Effort [HERE] that is contained in your bill, "Student Counseling and Assistance Network Act of 1991."

Few leaders in education, business, and government still need to be convinced that it is in the nation's best interest to help minority and disadvantaged students attain a certainty of opportunity for full participation in American life.

Sweeping demographic changes in America, coupled with high drop out rates and the inability of the nation's poor to meet the rising cost of postsecondary education, threaten our capacity to provide the skilled workforce we need to be competitive in a global economy.

If we hope to address these challenges, then it is essential that business, education, and government entities cooperatively initiate information services and constructive intervention programs that will inform students and parents about the value and availability of education beyond high school and direct them toward successful assistance programs.

Your concept to contract with public and non-profit private entities to develop and advertise postsecondary education recruitment messages is certainly the kind of national initiative that will help to raise the awarenesss and aspirations of these youth, that through education they can reach long-term career, economic, and social goals.

We believe that this kind of a minimal expenditure, which will build self-esteem among those who are most at risk of missing out on the "American dream," will be returned to the nation many times over.

We support your concept and salute you for your leadership in this area.

Sincerely yours,

DALLAS MARTIN,
President.

NATIONAL COUNCIL OF EDUCATIONAL
OPPORTUNITY ASSOCIATIONS,
Washington, DC, February 25, 1991.
Senator HERB KOHL,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR KOHL: On behalf of the National Council of Educational Opportunity Associations, I am delighted to endorse your bill to establish a student counseling and assistance network, aimed at promoting greater awareness of postsecondary educational opportunities.

As the Association representing institutions of higher education together with administrators, counselors and teachers who are committed to advancing equal educational opportunity and promoting diversity in America's colleges and universities, our members know from first-hand experience how the lack of good information provided at appropriate stages limits access and retention of low-income and minority students in college.

If there is anything we can do to assist you in securing passage of this legislation, please do not hesitate to contact us.

Sincerely,

ARNOLD L. MITCHEM, Ph.D.,
Executive Director.

THE COLLEGE BOARD,
Washington, DC, February 25, 1991.

Senator HERB KOHL,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KOHL: I am writing to express support for your leadership in developing and introducing the Student Counseling and Assistance Network Act.

The College Board strongly endorses provisions in the proposed legislation for strengthening pre-college counseling and guidance in the nation's schools. These provisions focus particular attention on a critical national need—to increase the representation and success of disadvantaged and minority groups in higher education.

This is the central goal adopted by the College Board in launching our Educational Equity Agenda, in which we are working with six urban school systems across the country (including Milwaukee, I might note) to increase the number of young people through the middle and senior high school years who are prepared for college-level work. We also appreciate the leading role of the National Association of College Admissions Counselors (NACAC) in initiating and developing this legislation; currently, the College Board is collaborating with NACAC in a Lilly Foundation project to improve guidance and counseling systems.

In addition, we see much potential value in the provision of your bill establishing a "Higher Education Recruitment Effort" similar to that successfully developed by the United States Armed Forces. We realize that such an effort would entail considerable resources, and endorse the preference in making grants to groups targeting economically disadvantaged, minority, and other at-risk students.

We hope these important components of the Student Counseling and Assistance Network Act can be incorporated into the reauthorization of the Higher Education Act. We thank you for your efforts in support of better information and counseling for students, and look forward to working with you and your staff as this legislation proceeds.

Sincerely,

LAWRENCE E. GLADIEUX,
Executive Director.

OMB WATCH,
Washington, DC, February 25, 1991.

Hon. HERB KOHL,
Washington, DC.

DEAR SENATOR KOHL: We have had the opportunity to review your draft bill to create a Student Counseling and Assistance Network and strongly support it. It represents a creative, economical approach to increasing participation in postsecondary educational opportunities.

We are most impressed with your ideas for using newer information technologies to assist families and professionals involved in student counseling. The free flow of information is the lifeblood of any democratic society, and ours is no exception. Your public access provisions to the bill offer an innovative approach to harnessing computer technology to encourage the free flow of postsecondary educational information.

SCAN is a formula for success. Compiling information about financial aid and other postsecondary activities and data—and permitting public access to it—is essential, especially if we are to remain intellectually and scientifically competitive in the world today. The bill takes the right approach: develop a directory of information resources; identify ways to better cross-link and integrate such resources; and finally, develop mechanisms for the public to reach such information.

Because of the vast amounts of information today and the need for each individual to collate the information in unique ways, computers are essential. Your bill puts newer information technology to use in socially responsible ways. We appreciate your emphasis that the information should be available to lower-income families regardless of their ability to pay. That is why we support your bill.

Under your leadership and that of other cosponsors, we hope the bill will move quickly through Congress, be appropriated an adequate sum of money, and be aggressively implemented by the Department of Education.

Sincerely,

GARY D. BASS, Ph.D.,
Executive Director.

THE UNISON INSTITUTE,
Washington, DC, February 25, 1991.

Hon. HERB KOHL,
Hart Building,
Washington, DC.

DEAR SENATOR KOHL: We would like to voice our support and encouragement for your efforts on the draft bill to create a Student Counseling and Assistance Network (SCAN). SCAN could be an inexpensive, yet effective, way of broadening access to higher education for our entire nation. This novel database of tuition and funding sources will be critical to all potential students, and could make a critical difference whether low-income and minority children are admitted to college. SCAN could help make sure that qualified students get the education they deserve.

In particular, the way in which electronic networking is emphasized to make SCAN available promises that more people, in all localities, will have an equitable means of access to this important information. Students in all areas of the country will not be as subject to the vagaries of opportunity or proper counseling. SCAN can make sure that any individual is able to get all of the information they need. Moreover, because of the efficiencies of scale and elimination of duplication at a local level, local resources and be conserved and concentrated on the type of counseling that is most important—what is best for any individual student. This is an example of the proper use of information technology.

With your leadership, and that of the other co-sponsors, we are sure that this bill will be passed and that the Department of Education will embrace SCAN as a means of providing equal educational opportunities for all students.

Truly yours,

JOHN CHELEN,
Executive Director.

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, February 26, 1991.

Hon. HERBERT KOHL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KOHL: We are pleased to express the support of the American Council on Education for your bill to establish a data collection, information dissemination, and student counseling and assistance network. The American Council on Education is an association representing over 1,600 colleges and universities.

We strongly support the overall goals of the bill, and believe that it is urgent that young people receive information early in their lives regarding opportunities for postsecondary education.

Sincerely,

CHARLES B. SAUNDERS, JR.,
Senior Vice President.

OFFICE OF THE SECRETARY OF DEFENSE: OPERATION AND MAINTENANCE OVERVIEW—FISCAL YEAR 1991 BUDGET

RECRUITING

The recruiting funds provide support for recruiting commands and stations throughout the United States. Recruiting costs are for those items essential to the accomplishment of the recruiting mission, including meals, lodging, and travel of applicants, recruiter expenses, travel and per diem, civilian pay, vehicle operation and maintenance, and other incidental expenses necessary to support the recruiting mission.

ADVERTISING

The advertising funds provide for advertising programs designed to support the procurement and retention of enlisted and officer personnel. The funds provide for the cost of local, regional, and national advertising in support of recruitment demands for high quality recruits. The Services rely on a media mix of advertising that includes television; radio; paid printed advertising in magazines and newspapers, direct mail campaigns; and recruiting booklets, pamphlets, and posters to increase public awareness, portray opportunities, and generate leads. The O&M, Defense Agencies appropriation funds an OSD centrally managed joint advertising program to provide for Armed Forces advertising projects.

EXAMINING

The examining funds provide support for the Military Entrance Processing Stations (MEPS) to process all enlisted personnel entering on active duty. Funds are also included for the U.S. Military Entrance Processing Command (MEPCOM) to administer the Armed Service Vocational Aptitude Battery (ASVAB) test. This administration includes both the production and institutional (high school) testing programs and the Mobile Examining Teams (MET) operating under MEPS direction. Funds also provide for support of upgrading the Joint Computer Center operated by the MEPCOM and the Selective Service System which will increase the effectiveness of the Selective Service System to register and the MEPCOM to process, test, and induct personnel into the Armed Forces. MEPCOM is a joint-Service organization. The Army is the DoD Executive Agent for the command and provides 49% of the total military staff. The other Services contribute military personnel and the support funds based on each Service's share of total budgeted accessions.

The following tables show the total funds for recruiting, advertising, and examining by component.

RECRUITING, ADVERTISING, AND EXAMINING

(In millions of dollars)

	Fiscal Year—			1989–90 change	1990–91 change
	1989 actual	1990 estimate	1991 estimate		
Army	298.0	292.5	305.1	−5.5	+12.6

RECRUITING, ADVERTISING, AND EXAMINING—Continued

(In millions of dollars)

	Fiscal Year—			1989–90 change	1990–91 change
	1989 actual	1990 estimate	1991 estimate		
Navy	97.7	111.9	118.8	+14.2	+6.9
Marine Corps	57.8	58.4	58.2	+.6	−.2
Air Force	43.8	46.0	49.1	+2.2	+3.1
Defense agencies	33.7	22.0	31.5	−11.7	+9.5
Army Reserve	46.8	52.9	55.8	+6.1	+2.9
Navy Reserve	16.7	17.4	16.5	+.7	−.9
Marine Corps Reserve	6.6	6.5	6.6	−.1	+.1
Air Force Reserve	6.6	6.7	7.2	+.1	+.5
Army National Guard	42.8	40.8	45.2	−2.0	+4.4
Air National Guard	5.9	5.6	5.7	−.3	+.1
Total	656.4	660.7	699.7	+4.3	+39.0
Recruiting	381.3	389.3	414.8	+8.0	+25.5
Army	155.2	153.6	160.9	−1.6	+7.3
Navy	78.4	82.4	89.1	+4.0	+6.7
Marine Corps	42.6	42.6	43.2	....	+.6
Air Force	26.2	28.1	31.7	+1.9	+3.6
Defense agencies	2.4	1.4	1.8	−1.0	+.4
Army Reserve	26.0	31.0	32.9	+5.0	+1.9
Navy Reserve	12.4	13.3	13.1	+.9	−.2
Marine Corps Reserve	3.9	4.0	4.2	+.1	+.2
Air Force Reserve	2.9	3.0	3.4	+.1	+.4
Army National Guard	28.5	26.8	31.4	−1.7	+4.6
Air National Guard	2.8	3.1	3.1	+.3	....
Advertising	203.7	293.3	213.9	−.2	+10.4
Army	74.2	72.8	75.7	−1.4	+2.9
Navy	19.3	29.5	29.7	+10.2	+.2
Marine Corps	15.2	15.8	15.0	+.6	−.8
Air Force	14.8	16.0	15.3	+1.2	−.7
Defense agencies	31.3	20.7	29.3	−10.6	+8.6
Army Reserve	20.8	21.9	22.9	+1.1	+1.0
Navy Reserve	4.3	4.1	3.4	−.2	−.7
Marine Corps Reserve	2.7	2.5	2.4	−.2	−.1
Air Force Reserve	3.7	3.7	3.8	....	+.1
Army National Guard	14.3	14.0	13.8	−.3	−.2
Air National Guard	3.1	2.5	2.6	−.6	+.1
Examining	71.4	67.9	71.0	−3.5	+3.1
Army[1]	68.6	66.0	68.9	−2.6	+2.9
Air Force[2]	2.8	1.9	2.0	−.9	+.2

[1] The Army's funding includes support for Navy and Air Force requirements, except as noted below.

[2] The Air Force funding provides for Air Force Executive Agent responsibilities. For example, the Air Force serves as the administrative agent for the DOD Medical Examination Review Board which schedules and reviews physical examinations for all Service Academies and ROTC scholarship programs.

By Mr. McCAIN (for himself and Mr. DECONCINI):

S. 503. A bill to establish certain environmental protection procedures within the area comprising the border region between the United States and the Republic of Mexico; to the Committee on Foreign Relations.

UNITED STATES-MEXICO BORDER ENVIRONMENTAL PROTECTION ACT

• Mr. McCAIN. Mr. President, today, I rise to introduce the United States-Mexico Border Environmental Protection Act.

Our Nation shares a 2,000-mile border with Mexico. Numerous American and Mexican sister cities link hands across that border, binding our two nations in friendship. As friends and neighbors the United States and Mexico have profound responsibilities to one another. Chief among those duties is to respect and safeguard the natural resources our citizens must share along the international boundary. No activities or conditions occurring on one side of the border must be permitted to adversely impact the health of people or the environment on the other.

Passage of the United States-Mexico Border Environmental Protection Act will help us meet our environmental responsibilities successfully. It will do so by promoting pollution prevention in the region through resource monitoring and long-term planning. Second, recognizing that environmental accidents do occur and sometimes political expectations are not fulfilled, it provides the resources necessary to protect American lives and property from environmental hazards which may arise unabated south of the border—an important Federal responsibility.

Specifically, to address environmental threats, the bill seeks to establish a $10 million border environmental emergency fund under the auspices of the Environmental Protection Agency. The fund would make moneys readily available to investigate occurrences of pollution, identify sources, and take immediate steps to protect land, air, and water resources through cleanup and other remedial actions.

I would like to provide an example of why this measure is needed. The Arizona Department of Environmental Quality informs me that a plume of ground water contamination has been identified on the Mexican side of the border near Arizona in an aquifer shared by the United States and Mexico. This particular aquifer flows in a northerly direction toward the United States. We hope and expect, of course, that the Mexican authorities will take every step necessary to clean up the contamination and its sources, just as we must investigate this matter to determine if any activities in the United States are contributing to the problem. The emergency fund would provide resources for U.S. participation in the field investigation, and enable us to take remedial action should the plume endanger U.S. water resources. This is just one example. Other environmental hazards affecting ground water and the border air shed exist in varying degrees along the international boundary.

While the Environmental Protection Agency would utilize the fund to address hazardous waste, ground water, and air quality issues among others, surface waters are another area of major concern. Issues involving the protection of surface waters are under the jurisdiction of the International Boundary and Water Commission. The Commission was created by treaty with Mexico in 1944 to control floods, manage salinity, and develop municipal sewage treatment facilities along international streams.

In my home State, the IBWC has constructed international wastewater treatment facilities in Nogales and Naco, AZ. However, the Commission's authority to respond to emergencies involving the pollution of surface waters is a matter of some doubt. This measure provides the IBWC with explicit authority and resources to protect American lives and property from emergency conditions and establishes a $5 million fund to do the job. In addition, the Secretary of State is directed to pursue agreements with Mexico for joint response to such events.

Mr. President, I'd like to offer another example of why this legislation is needed. Last October, the breakage of a sewer main combined with heavy rains to carry raw sewage into Nogales, AZ, via an international stream. The contamination resulted in a high incidence of hepatitis, harmed wildlife, and degraded public and private property, prompting the declaration of a state of emergency. No definitives and comprehensive action was taken to stem the flow of the sewage for several weeks due to concern about the availability of funds and trepidation about the legal authority necessary to take action.

Had the emergency fund and response authority I'm proposing been in place, perhaps we could have prevented much of the sickness and suffering visited on the resident of Nogales. We could have also prevented the possible contamination of drinking water wells which may either have to be closed or cleaned up at great expense. Passage of this legislation will ensure prompt and effective response in the future.

I would like to note that certain provisions related to the IBWC in this bill are virtually identical to those in the Rio Grande Pollution Correction Act which was signed into law in 1987. Like the bill I'm introducing, the Rio Grand legislation authorized the IBWC to conclude agreements with Mexico to respond to surface water contamination. The United States-Mexico Border Environmental Protection Act expands the provisions of the Rio Grande bill to include the entire border, as a matter of fairness and necessity.

In addition to funding field investigations and rapid emergency response, the legislation recognizes the importance of communication between Mexico and the United States and among Federal, State, and local authorities here at home. The bill seeks to establish an information sharing and early warning system so that Mexican and American officials at all levels will be appraised of environmental hazards and risks in a timely and coordinated fashion, so that response and remedy, likewise, will be timely and coordinated.

The EPA and IBWC funds will ensure comprehensive and timely response to hazards as they arise along the border. The long-term answer, however, is planning and prevention. In that regard, the bill seeks to bolster attention on the border environment and promote planning so that emergencies can be avoided. It calls for the establishment of domestic and binational advisory committees on the border environment. These groups would meet on a regular and formal basis to monitor environmental conditions along the border, as well as to plan and make recommendations for the continued protection of the region's air, land, and water resources.

Passage of this bill is critical to the protection of the border environment and the maintenance of harmonious and productive relations with our friends to the south. Mr. President, Mexico recognizes the importance of this initiative as well. When I visited President Salinas in Mexico City last December, I informed him of my proposal to create a border environment fund. President Salinas agreed on the need for such an initiative and told me that if Congress created such an account, Mexico would do the same.

Mr. President, there is no doubt of our obligation to be a responsible neighbor to Mexico, nor of Mexico's obligation to us. Considering our current efforts to open the doors of commerce between our nations, now more than ever, it's important that we commit ourselves to a clean and healthy border environment for the safety and enjoyment of Americans and Mexicans who inhabit the region. Enactment of this legislation is a vital step to achieving that end.

I urge the Senate to consider and swiftly pass the United States-Mexico Border Environmental Protection Act. I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Mexico Border Environmental Protection Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to provide for the protection of the environment within the area comprising the border region between the United States and the Republic of Mexico.

SEC. 3. FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States the "United States-Mexico Border Environmental Protection Fund (hereinafter referred to as the "Fund"). The Fund shall consist of such amounts as may be appropriated or transferred to the Fund. No moneys in the Fund shall be available for obligation or expenditure except pursuant to an environmental emergency declaration pursuant to section 4.

(b) PURPOSE OF THE FUND.—The Fund shall be readily available for use by the Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") to investigate and respond to conditions which the Administrator determines present an immediate and substantial threat to the land, air, or water resources of the area comprising the border region of the United States and the Republic of Mexico.

(c) USES OF FUND.—(1) Moneys in the Fund shall be available, without fiscal year limitation, for use by the Administrator in carrying out field investigations and remediation of any environmental emergency declared by the Administrator under this Act.

(2) In carrying out his authority under this Act, the Administrator is authorized to expend moneys in the Fund directly or make such moneys available through grants or contracts.

(3) Moneys in the Fund shall be available for use by the Administrator for cost-sharing programs with the Republic of Mexico, any of the States of Arizona, California, New Mexico, or Texas, any political subdivision of any such State, federally recognized Indian tribes, or any other appropriate entity, for use in carrying out field investigations and remediation actions pursuant to this Act.

SEC. 4. DECLARATION OF ENVIRONMENTAL EMERGENCY.

(a) DETERMINATION BY ADMINISTRATOR.—The Administrator, whenever he determines conditions exist which present a substantial threat to the land, air, or water resources of the area comprising the border region of the United States and the Republic of Mexico, may declare, by publication in the Federal Register, the existence of an environmental emergency in such region. In no case shall the Administrator declare a condition an emergency under this section if such condition is specifically within the jurisdiction of the International Boundary and Water Commission.

(b) PETITION OF GOVERNOR.—In addition to the authority under subsection (a), the Administrator, upon the petition of the Governor of the State of Arizona, California, New Mexico, or Texas, may declare, by publication in the Federal Register, the existence of an environmental emergency in such region.

SEC. 5. INFORMATION SHARING.

The Administrator, in cooperation with the Secretary of State, the Governors of the States of Arizona, California, New Mexico, and Texas, and the Republic of Mexico, is authorized to establish a system for information sharing and for early warning to the United States, each of the several States and political subdivisions thereof, and Indian tribes, of environmental problems affecting the border region of the United States and the Republic of Mexico.

SEC. 6. REPORT TO CONGRESS.

The Administrator, after consultation with the Secretary of State, the Republic of Mexico, the Governors of the States of Arizona, California, New Mexico, and Texas, and the tribal governments of appropriate Indian tribes, shall submit an annual report to the Congress on the use of the Fund during the calendar year preceding the calendar year in which such report is filed, and the status of the environmental quality of the area comprising the border region of the United States and the Republic of Mexico.

SEC. 7. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Administrator shall establish a United States-Mexico Border Environmental Protection Advisory Committee (hereinafter referred to as the "Advisory Committee").

(b) FUNCTIONS.—It shall be the functions of the Advisory Committee to—

(1) monitor and study environmental conditions within the border region of the United States and the Republic of Mexico;

(2) plan and make recommendations for ongoing environmental protection within such border region; and

(3) carry out such other functions as the Administrator may prescribe.

(c) COMPOSITION OF ADVISORY COMMITTEE.—The Advisory Committee shall consist of such number as the Administrator shall appoint. At least 2 of the members shall be from business, 2 from non-Government organizations, and 5 from State, local, or tribal governments. The term of each member shall be for a period of not more than 5 years, specified by the Administrator at the time of appointment. Before filling a position on the Advisory Committee, the Administrator shall publish a notice in the Federal Register soliciting nominations for membership on the Advisory Committee.

(d) MEETINGS AND REPORTS.—The Advisory Committee shall meet at least on a quarterly basis, and report to the President and Congress not less than annually, on the state of the border region between the United States and the Republic of Mexico, together with the recommendations of the Advisory Committee, if any. The initial report shall be submitted within 12 months following the date of the enactment of this Act.

(e) COMPENSATION.—Members of the Advisory Committee shall serve without compensation. When serving away from home or regular place of business, a member may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for individuals employed intermittently in the Government service.

SEC. 8. INTERNATIONAL AGREEMENTS.

(a) AUTHORITY.—The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico (hereafter "United States Commissioner") is authorized to conclude agreements with the appropriate representative of the Ministry of Foreign Relations of Mexico for the purpose of correcting international pollution problems in international streams that cross the international boundary between the United States and the Republic of Mexico, caused by the discharge of untreated or inadequately treated sewage and other wastes into such streams.

(b) RECOMMENDATIONS.—Agreements concluded under subsection (a) should consist of recommendations to the Governments of the United States and the Republic of Mexico of measures to protect the health and welfare of persons along those international streams that cross the international boundary between the United States and the Republic of Mexico, and should include—

(1) facilities that should be constructed, operated, and maintained in each country;

(2) estimates of the costs of plans, construction, operation, and maintenance of such facilities;

(3) formulas for the division of costs between the United States and the Republic of Mexico; and

(4) time schedule for the construction of facilities and other measures recommended within the agreements authorized by this section.

SEC. 9. JOINT RESPONSES.

(a) CONSTRUCTION OF WORKS.—The Secretary of State, acting through the United States Commissioner, is authorized to conclude agreements with the appropriate representative of the Ministry of Foreign Relations of the Republic of Mexico for the purpose of joint response through the construction of works, repair of existing infrastructure, and other such appropriate measures in the Republic of Mexico and the United States to correct water pollution emergencies in international streams that form or cross the international boundary between the United States and the Republic of Mexico caused by the discharge of untreated or inadequately treated sewage or other wastes into such streams.

(b) HEALTH AND WELFARE.—Agreements concluded under subsection (a) should consist of recommendations to the Governments of the United States and the Republic of Mexico establishing general response plans to protect the health and welfare of persons along those international streams that form or cross the international boundary between the United States and the Republic of Mexico, and should include, but not be limited to—

(1) description of types of water pollution emergencies requiring response including, but not limited to, sewer line breaks, power interruptions to wastewater handling facilities, components breakdowns to wastewater handling facilities, and accidental discharge of pollutants which result in the pollution of streams that form or cross the international boundary;

(2) description of types of response to emergencies including, but not limited to, acquisition, use and maintenance of joint response equipment and facilities, small scale construction, including modifications to existing infrastructure and temporary works, and the installation of emergency and standby power facilities;

(3) formulas for distribution of costs of responses to emergencies under this section on a case-by-case basis; and

(4) requirements for defining the beginning and end of an emergency.

SEC. 10. CONSTRUCTION; REPAIRS; AND OTHER MEASURES.

(a) WATER POLLUTION EMERGENCIES.—The Secretary of State, acting through the United States Commissioner, is authorized to respond through construction, repairs and other measures in the United States to correct water pollution emergencies in international streams that form or cross the international boundary between the United States and the Republic of Mexico, caused by the accidental discharge of untreated or inadequately treated sewage and other wastes into such streams.

(b) CONSULTATION.—In responding to emergencies the Secretary of State shall consult and cooperate with the Administrator, affected States, counties, municipalities, Indian tribes, the Republic of Mexico, and other affected parties.

SEC. 11. BINATIONAL ADVISORY COMMITTEE.

The Secretary of State, in cooperation with the Administrator, is authorized to enter into an agreement or other arrangement with the Republic of Mexico to establish an Advisory Committee comprised of members from the Republic of Mexico and the United States for the purpose of monitoring and studying environmental conditions within the border region of the United States and the Republic of Mexico, and planning and making recommendations for ongoing environmental protection within such border region.

SEC. 12. BINATIONAL EARLY WARNING SYSTEM.

The Secretary of State, in cooperation with the Administrator, is authorized to enter into an agreement or other arrangement with the Republic of Mexico for the purpose of establishing a system for information sharing and for early warning between the two nations of environmental problems affecting the border region of the United States and the Republic of Mexico.

SEC. 13. TRANSFER OF FUNDS.

(a) TRANSFER AUTHORITY.—The Secretary of State, acting through the United States Commissioner, is authorized to include as part of the agreements authorized by sections 8, 9, and 10 of this Act, the necessary arrangements to administer the transfer to another country of funds assigned to one country and obtained from Federal or non-Federal governmental or nongovernmental sources.

(b) COST-SHARING AGREEMENTS.—No funds of the United States shall be expended in the Republic of Mexico for emergency investigation or remediation pursuant to section 8, 9, or 10 of this Act absent a cost-sharing agreement between the United States and the Republic of Mexico unless the Secretary of State has determined and can demonstrate that the expenditure of such funds in the Republic of Mexico would be cost-effective and in the interest of the United States. In cases where funds of the United States are expended in the Republic of Mexico without a cost-sharing agreement, the Secretary of State shall submit a report to the appropriate committees of Congress explaining why costs were not shared between the United States and the Republic of Mexico, and why the expenditure of such funds without cost-sharing was in the national interest of the United States.

(c) ESTABLISHMENT OF FUND.—(1) There is established in the Treasury of the United States the "United States International Boundary and Water Commission Fund (hereinafter referred to as the "Commission Fund"). The Commission Fund shall consist of such amounts as may be appropriated or transferred to the Commission Fund.

(2) Moneys in the Commission Fund shall be available, without fiscal year limitation, for use by the Secretary of State in carrying out the provisions of sections 8, 9, 10, 11, and 12 of this Act.

(3) In carrying out the purposes of sections 8, 9, 10, 11, and 12 of this Act, the Secretary of State is authorized to expend moneys in the Commission Fund directly or make such moneys available to fulfill the purposes of any such section through grants or contracts.

SEC. 14. REGULATIONS.

Within 270 calendar days following the date of the enactment of this Act, the Administrator and the Secretary of the State shall each issue such regulations as may be necessary to carry out his or her functions under this Act.

SEC. 15. CIVIL PENALTIES.

On or before March 31 of each calendar year, the Secretary of the Treasury shall transfer to the Fund, established by section 3 of this Act, an amount equal to the amount of all civil penalties collected during the preceding calendar year under any environmental law of the United States arising out of, or in connection with, violations which resulted, in whole or in part, in causing or contributing to the damages which required expenditures from the Fund. In no case shall the amount transferred to the Fund exceed the amount expended from the Fund in connection with such damages. Moneys transferred to the Fund pursuant to this section shall be available in the same manner, to the same extent, and for the same purposes as moneys appropriated to the Fund.

SEC. 16. AUTHORIZATION.

(a) AUTHORIZATION FOR THE FUND.—There is authorized to be appropriated to the Fund $10,000,000, for use in accordance with the purposes of this Act.

(b) AUTHORIZATION FOR ADVISORY COMMITTEE.—There is authorized to be appropriated to the Advisory Committee $500,000 for use in carrying out its functions under this Act.

(c) AUTHORIZATION FOR INTERNATIONAL BOUNDARY AND WATER COMMISSION FUND.—There is authorized to be appropriated to the International Boundary and Water Commission Fund $5,000,000 for carrying out sections 8, 9, 10, 11, and 12 of this Act.

(d) AVAILABILITY OF FUNDS.—All amounts appropriated pursuant to this Act shall remain available until expended.

SEC. 17. DISCLAIMER.

Nothing in this Act shall be construed as amending, repealing or otherwise modifying any provision of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Superfund Amendments and Reauthorization Act of 1986, or any other environmental law of the United States.

U.S./MEXICO BORDER ENVIRONMENTAL PROTECTION ACT

PURPOSE

The United States-Mexico Border Environmental Protection Act provides for rapid response to environmental hazards affecting the United States-Mexico border region; and promotes environmental monitoring, planning and international cooperation so that environmental risks and emergencies in the region can be avoided through prevention.

SUMMARY

Creates a $10 million United States-Mexico Border Environmental Emergency Fund under the Environmental Protection Agency (EPA).

Empowers the International Boundary and Water Commission (IBWC) to respond to water pollution emergencies affecting streams which flow between the United States and Mexico.

Creates a $5 million fund within the IBWC for emergency response.

Calls on the Secretary of State to conclude agreements with Mexico providing for cooperation and joint response to water pollution emergencies affecting streams which flow between the United States and Mexico.

Calls on EPA to establish an information sharing and early warning system among, Federal, State and local authorities and other appropriate entities, for environmental hazards affecting the border region.

Calls on the Secretary of State, in cooperation with the Environmental Protection Agency and other Federal, State and local authorities, to conclude agreements with Mexico to establish a bi-lateral information sharing and early warning system.

Establishes a United States-Mexico Border Environmental Protection Advisory Committee under the auspices of the EPA. The panel would:

Monitor and study environmental conditions in the border region;

Plan and make recommendations to provide for ongoing environmental protection of the border region;

Meet quarterly and report annually to the President and Congress.

Calls on the Secretary of State, in cooperation with the EPA, to conclude agreements with Mexico to establish a bi-national United States-Mexico Border Environmental Protection Advisory Committee.

Requires the EPA to report yearly on the condition of the natural resources of the border region.•

• Mr. DECONCINI. Mr. President, I am pleased to join my colleague, Senator McCAIN, as an original cosponsor of the United States-Mexico Environmental Protection Act. This legislation responds to a real and current threat to the health and environment of those citizens living along our border with Mexico.

As many of my colleagues know, I have long been concerned about the unique nature of binational environmental problems facing the United States and Mexico. The environment does not recognize the artificial boundaries. Because of the unique geographic and ecological characteristics of this region, border communities share common aquifers and air supplies. If these resources are degradated, citizens of both countries suffer.

The legislation we are introducing today will enable the EPA and the State Department to respond to urgent environmental situations in an emergency fashion. This will be particularly responsive to the current situation in Nogales, AZ. For the benefit of my colleagues, untreated sewage from Nogales, Sonora is being discharged from damaged sewage lines into Nogales Wash and threatens drinking water supplies which service the communities on both sides of the border. Mexico lacks the resources to adequately respond to infrastructure deficiencies such as what is occurring in Nogales. This legislation will provide the resources needed to rapidly respond to this situation.

The United States-Mexico Environmental Protection Act also calls for extensive monitoring of environmental problems along the border. In my experience in working on these problems, one fact is clear to me; there is a definite lack of substantial information on the environmental issues along the border. This legislation will go a long way to rectifying this problem.

Mr. President, I want to commend Senator McCAIN for his initiative in this regard. With the United States-Mexico Environmental Protection Act, he has recognized a critical need and has responded to address it. I look forward to working with him to see that this legislation is enacted.•

By Mr. McCAIN (for himself and Mr. DECONCINI):

S. 503. A bill to establish certain environmental protection procedures within the area comprising the border region between the United States and the Republic of Mexico; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself, Mr. SIMON, Mr. BURDICK, and Mr. LIEBERMAN):

S. 504. A bill to amend the Standing Rules of the Senate to require that reports accompanying each bill involving public health that is reported by a Senate Committee contain a prevention impact evaluation, to establish a Task Force on Disease Prevention and Health Promotion, and for other purposes; to the Committee on Rules and Administration.

S. 505. A bill to change the name of the Centers for Disease Control to the Centers for Disease Prevention and Control, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. BURDICK, Mr. LIEBERMAN, and Mr. SIMON):

S. 506. A bill to amend title XVIII of the Social Security Act to require hospitals receiving Medicare payments for graduate medical education programs to incorporate training in disease prevention and health promotion, and to prohibit reductions in payment rates for direct and indirect medical education costs; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. BURDICK, Mr. LIEBERMAN, Mr. BRADLEY, Mr. REID, and Mr. SIMON):

S. 507. A bill to amend the Public Health Service Act to expand the scope of educational efforts concerning lead poisoning prevention, and for other purposes; to the Committee on Labor and Human Resources

By Mr. HARKIN (for himself, Mr. BURDICK, Mr. ADAMS, Mr. LIEBERMAN, and Mr. SIMON):

S. 508. A bill to amend title XVIII of the Social Security Act to provide for coverage of screening mammography where payment is not otherwise available for such screening for women over 49 years of age regardless of eligibility for benefits under such title, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. DOLE, Mr. SIMON, Mr. ADAMS, Mr. BURDICK, and Mr. LIEBERMAN):

S. 509. A bill to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself, Mr. ADAMS, Mr. SIMON, Mr. BURDICK, and Mr. LIEBERMAN):

S. 510. A bill to amend the Older Americans Act of 1965 to expand the preventive health services program to include disease prevention and health promotion services, and for other purposes; to the Committee on Labor and Human Resources.

PREVENTION FIRST LEGISLATION

• Mr. HARKIN. Mr. President, everyday, we read about the growing crisis facing our health care system:

Costs are skyrocketing. A record $700 billion will be spent on health care this year, more than $2,500 per American. Families and businesses are struggling to keep up with these staggering costs.

The number of Americans without any insurance keeps growing. They now number 37 million, 9 million of whom are children.

That is got to change, and many of us have been laboring to bring about change. There are now numerous thoughtful plans aimed at attacking the problem of access to care. And a consensus on health care reform—ensuring that all Americans have access to affordable health care—is a top priority in the 102d Congress. With the excellent leadership of the majority leader and others we now have the best chance for reform in many years.

Mr. President. I rise today to introduce on behalf of myself and a number of my distinguished colleagues, Senators SIMON, BURDICK, and LIEBERMAN, a package of legislation which I hope will add to our efforts to reform the American health care system. The message of this package is prevention first. I believe that the most fundamental problem of our current health care system—its pervasive bias toward only treating people once they become ill or disabled, and against preventing them from becoming sick or disabled in the first place—must be the first thing addressed in any health care reform effort. And prevention isn't getting the attention it deserves.

Less than 1 percent of our Nation's $700 billion health care budget this year will be spent on disease prevention and health promotion. Our health care system would get a "D" grade in the area of access to care. But it would get an "F" when it comes to prevention. Miserable may be a better description. And this is true even though the evidence is clear that an ounce of prevention truly is worth a pound of cure. For example, a mammogram costs about $50. The radical mastectomy and other follow up it can prevent the need for can cost from $50,000 to $75,000. Yet, except for those women age 65 and over on Medicare, we generaly won't pay for mammograms.

Just think about it. What offers greater hope for solving our health care problems—figuring out a new way to cut payments to doctors or hospitals or fundamentally reforming our system to put prevention first from top to bottom and thereby be able to avoid the nearly half of all our health costs that are totally preventable?

The Prevention First package we are introducing today begins us on the path to achieve this fundamental reform, putting prevention first—from how we train our doctors to what health benefits we provide.

And there is no better place to start than at home—here in Congress. Our focus now is shortsighted and discriminates against long-term investments such as prevention. The first bill of the package, the Prevention Impact Evaluation Act, would require that every major health bill considered by Congress have, in addition to a cost estimate, a prevention impact statement. This would measure how good a job each proposal does on prevention. If it's a bill to pay for medical education, does it require that students receive training in preventive techniques? If it's a health research bill, does it properly focus on prevention?

The next bill in the package will help to focus greater attention within government and in the Nation on the importance of prevention. It would change the name of the Federal Government's flagship of prevention, the Centers for Disease Control, to the Centers for Disease Prevention and Control.

Less than 2 percent of the time today's doctors spend in training is dedicated to prevention. In order for health care practice to change to put prevention first, this needs to change. Therefore, the third bill of the package would require that in order to receive Federal Medicare payments for graduate medical education, programs would have to have a focus on disease prevention and health promotion. In addition, a moratorium on cuts to Medicare payment rates for direct and indirect medical education costs would be established, thus blocking the President's call for over $1 billion in new cuts for fiscal year 1992.

Lead poisoning is the No. 1 preventable disease hitting our kids, afflicting more than 3.5 million children. And its effects are devastating. Children with elevated lead levels are seven times more likely to drop out before graduating from high school. The fourth bill of my package, the Lead Poisoning Prevention Act, would provide for a 50-State program to combat this pervasive problem. It also would mandate a national program to educate children, parents, educators, and health professionals on the hazards of lead exposure and ways to reduce its incidence. This bill also requires the establishment of an interagency task force on the prevention of lead poisoning in an effort to regularly bring together the many diverse Federal agencies which deal with lead poisoning. The task force should assure better coordination of the Federal Government's effort to combat this complex and pervasive problem.

I am very pleased to be joined in introducing the Lead Poisoning Prevention Act by my distinguished colleagues Senators REID, LIEBERMAN, BRADLEY, BURDICK, and SIMON. They have long been leaders in the fight to combat lead poisoning and are pushing for additional legislative reforms aimed at tackling this problem.

Mr. President, it's a tragedy that one of every nine American women will develop breast cancer at some point in their lives. That's up from 1 in 10 just last year. And even though we now have a cost-effective means of detecting breast cancer before it becomes deadly, less than 25 percent of women 50 and over get a regular mammography. The Breast Cancer Screening Act, the next component of the package, would assure that all women age 50 and over have coverage for regular screening under Medicare. I am very pleased to be joined by Senators SIMON, BURDICK, LIEBERMAN, and ADAMS in introducing the bill which builds on successful efforts last year to provide coverage for those 65 and over.

Mr. President, it just doesn't make sense that while we spend over $63 billion providing medical care and other services to people with disabilities, we spend very little on the prevention of disabilities. I am pleased to be joined in introducing the next bill in the package, the Disabilities Prevention Act, by Senator DAVE DURENBERGER, Senator TED KENNEDY, and Senator BOB DOLE, in addition to my colleagues sponsoring the entire prevention first package. This important measure would provide for the establishment through CDC of programs aimed at preventing disabilities in every State.

In reintroducing this legislation, I want to pay special tribute to a champion of the effort to prevent disabilities, our late outstanding colleague, Congressman Silvio Conte. Congressman Conte was the original House sponsor of the Disabilities Prevention Act and had worked skillfully and tirelessly to support the current prevention program at CDC and for passage of this important legislation. We will all miss him and the leadership he provided on this and other important health issues.

This Nation has a proud history of providing programs and services for individuals with disabilities. Last year I was proud to lead the effort to add to this history with the passage of the Americans With Disabilities Act. It is estimated that some 43 million Americans have some type of disability. Yet there still is very little knowledge available regarding the true incidence and prevalence of disabling conditions. In addition, many persons with disabilities are at great risk for developing additional, or secondary, disabilities. These secondary disabilities may further reduce an individual's capacity to work and make it more difficult for a person with a disability to live independently in the community.

In its 1986 report, "Toward Independence," one of the major recommendations of the National Council on Disability was for the development of a national strategy for the prevention of primary and secondary disabilities, with the goal that each of the 50 States would participate in such a program. The Continuing Appropriations Act of 1988 provided funds to get this program off the ground, and funds have continued to be appropriated for succeeding fiscal years. Based at the Centers for Disease Control in Atlanta, the National Disability Prevention Program was developed with input from the Office of Disease Prevention and Health Promotion in the Public Health Service, the National Council on Disability, representatives of States, voluntary agencies, academia, private and public health, and persons with disabilities and family members of persons with disabilities.

The goal of the Disability Prevention Program is to reduce the incidence or severity of primary or secondary disabilities and to promote independence, productivity, and integration into the community for persons with disabilities. The program provides a national focus for the prevention of disabilities, builds capacity at the State and community levels, and increases the knowledge base for effective interventions.

To date, State-based projects have been developed in 9 States, with several community-based projects supported in each State, and I was pleased to have supported an increase in the 1991 appropriations which should allow expansion to 20 States. This new national program for the prevention of disabilities has generated considerable interest throughout the Nation. The Centers for Disease Control reports that at least 40 States have expressed interest in participating in developing a statewide effort to coordinate disability prevention activities and to provide technical assistance to communities which wish to institute programs for the prevention of disabilities.

Providing specific authorization for this important prevention program will help ensure its viability. Moreover, in a time of budgetary constraint, these programs must demonstrate their effectiveness in the competition for our health resources if they are to survive into the future. Thus this legislation appropriately emphasizes program evaluation as a part of the capacity-building process at both State and Federal levels. Approximately $62 billion in Federal funds are spent each year for services for persons with disabilities, yet although many disabilities are preventable, very little is spent on prevention. Suppose children play near a dangerous cliff and are in great risk of falling over, becoming seriously injured. We can either erect a fence at the top or we can put an ambulance at the bottom. In large measure, as a society, we have opted for ambulances, not fences.

Primary and secondary disabilities exert a profound effect on the lives of persons with disabilities, their families, and our society. With the Disabilities Prevention Act of 1991, we will begin to redirect attention and resources to the important job of prevention.

The final bill of the prevention first package is the Older Americans Health Promotion and Disease Prevention Act. I am pleased to be joined in introducing this bill by Senators ADAMS, SIMON, LIEBERMAN, and BURDICK. I want to especially commend Senator ADAMS, the new chairman of the Aging Subcommittee, who will be leading the charge again as we reauthorize the Older Americans Act this year. The bill would support a wide range of health promotion services, from blood pressure testing to exercise programs to smoking cessation classes, to be provided to seniors at the thousands of senior citizens centers, congregate meals sites, and meals on wheels programs in communities across the Nation. Hundreds of thousands of our neediest and most vulnerable senior citizens can be reached by wellness services at these sites each day.

"Prevention First," Mr. President. That has to be the motto for health care reform and for health care in general in the nineties and beyond. It sounds simple, but today it's mostly an afterthought.

I want to thank all of my colleagues who join me today in introducing this package and I urge that all of my colleagues review and join us in support of the package. I will be working as chairman of the Subcommittee on Disability Policy and of the Appropriations Health Subcommittee to win approval of this package and assure it and other critical prevention and early intervention programs receive appropriate funding in these difficult fiscal times.

Mr. President, I would like to ask unanimous consent that additional information on each bill of the package be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PREVENTION IMPACT EVALUATION ACT

BACKGROUND AND HIGHLIGHTS

More than 99 percent of the over $700 billion spent by Americans in 1991 on health care will go towards treating people once they become ill or disabled. Much of this could be avoided by sensible and readily available preventive measures. If real inroads are to be made in cutting our massive health-care costs and avoiding preventable illness and disabilities, our health care policy and laws must be fashioned to promote and realize these goals. In order to begin breaking down the shortsighted focus on acute and remedial care in our health care laws and system, the Prevention Impact Evaluation (PIE) Act would ensure that major health legislation is evaluated appropriately with respect to its potential and actual impact on disease prevention and health promotion. It would accomplish this by:

Changing the Senate rules to require that, in addition to cost estimates, committee reports accompanying high-cost bills related to the general area of health contain a Prevention Impact Evaluation (PIE). This analysis would include statements addressing access, incentives, education, training, research, coordination and economic impact related to prevention.

Providing a needed database for annual analysis and reporting of the influence of legislation on disease prevention and health promotion, including the extent to which the anticipated impact on prevention has been realized.

Establishing a task force to review, evaluate and coordinate our nation's goals and programs related to disease prevention and health promotion.

BILL SUMMARY

Sections 1 & 2: Prevention Impact Evaluation (PIE)

The Standing Rules of the Senate are amended to require that the reports accompanying health care bills authorizing $10 million or more in any fiscal year contain information relevant to disease prevention and health promotion. In particular, the Office of Technology Assessment (OTA) will summarize for the report the extent to which the bill increases or decreases access to preventive services, provides incentives for adopting healthy lifestyles, focuses public and professional education on prevention, directs research and its application to prevention strategies, and enhances or detracts coordination among related programs. In addition, the potential economic effects of any prevention components of the bill will be assessed by the OTA in consultation with the Congressional Budget Office (CBO).

Section 3: Reporting format and annual report

The Office of Technology Assessment will develop a standard reporting format for the Prevention Impact Evaluation (PIE). An annual report will be prepared by the OTA and submitted to Congress and the Task Force on Disease Prevention and Health Promotion summarizing the PIEs and detailing the extent to which the estimated impact on prevention accorded with actual implementation of the laws.

Section 4: Task force on disease prevention and health promotion

A task force of HHS agencies including members of the general public and private sector will be established to review the annual PIE report, to evaluate and coordinate Federally supported programs, and to make program policy and budgetary recommendations to Congress related to disease prevention and health promotion.

A NEW NAME FOR CDC: THE CENTERS FOR DISEASE PREVENTION AND CONTROL (CDPC)

BACKGROUND

The Centers for Disease Control (CDC) will celebrate its 50th anniversary in 1992. And it has much to celebrate. CDC has long been at the forefront of the major public health revolution to prevent disease.

CDC will mark its half century of service having made many necessary adjustments to meet changing health care problems and evolving approaches towards addressing these problems. While its origins derived from the principle charge of controlling the spread of infectious disease, CDC has developed into our nation's flagship agency for disease prevention activities. A great majority of its work now focuses on prevention—from its relatively new initiative to prevent deaths from breast and cervical cancers, to the preventive health services block grants, to its programs for prevention of childhood lead poisoning, birth defects and developmental disabilities. This role was appropriately reflected in the President's selection of CDC as the focal point of the budgetary initiative on prevention. And as the causes and mechanisms of illness and disabilities are increasingly identified, and as our health care efforts are directed appropriately to the promotion of better health, so too will the key prevention role of CDC continue to grow.

In recognition of its central role in our disease prevention efforts and to give greater national visability to these efforts, this bill would rename CDC the Centers for Disease Prevention and Control. This simple change will demonstrate our commitment to increasing the focus of our prevention efforts in health care and elevate prevention to its justifiable prominance within the framework of governmental health care programs.

SUMMARY

The Centers for Disease Control is renamed as the Centers for Disease Prevention and Control. No other change or new spending is proposed.

LEAD POISONING PREVENTION ACT

BACKGROUND AND HIGHLIGHTS

Lead poisoning is the number one preventable disease of children; yet, only meager efforts have been undertaken to eliminate lead exposure and detect lead toxicity among our most vulnerable citizens. For more than a decade it has been known that even healthy appearing children with modest lead elevations show poor academic performance as evidenced by low IQ scores, impaired hearing, unsatisfactory speech and language development, and disruptive classroom behavior. A comprehensive 10-year follow-up study has demonstrated that children with elevated lead levels are 7 times more likely to drop out before graduating from high school.

Conservative estimates indicate that more than 3.5 million American children representing all socioeconomic groupings have excessive lead levels, including fully 55% of poor black children. The social costs of childhood lead poisoning are staggering, and the annualized price tag just for remedial medical and education exceeds $1 billion. Although the cost-effectiveness of screening children for lead has been amply demonstrated, saving by more than fifty-fold the immediate costs of treatment, there is a sorrowful lack of awareness regarding the perils of lead poisoning, the benefits of lead screening and the resulting preventive and treatment measures that can be taken to combat this problem.

In 1988, Congress passed legislation authorizing the Centers for Disease Control (CDC) to make grants to States and localities to enhance education and screening for childhood lead poisoning. While resulting in some improvement, the program has been restricted by funding and authority limitations. There is still no national education program regarding lead poisoning. In addition, while several Federal departments and agencies are interested and nominally involved in preventing lead poisoning, there is no coordinated national effort to address this serious but eminently avoidable problem. The Lead Poisoning Prevention Act would help ensure that adequate educational, research and coordination efforts are brought to bear now to combat this preventable and treatable man-made disorder by:

Expanding the number and scope of CDC grants so that all 50 States will have the means to increase the number of children screened for lead poisoning and to refer affected children for appropriate treatment.

States will also be able to more adequately educate the public and professionals regarding the sources and routes of lead exposure, the value of lead screening, and the preventive measures to reduce and eliminate the risks for lead poisoning.

Establishing a National Lead Poisoning Prevention Education Program under the direction of CDC to provide professionals, paraprofessionals and the public with the necessary access to current knowledge regarding lead poisoning.

Initiating a concerted research program to develop improved testing measures for lead toxicity in children and to more accurately assess the occurrence of lead poisoning.

Creating an inter-departmental and interagency task force under the leadership of the CDC to review, evaluate and assure coordination among Federal programs aimed at preventing lead poisoning.

BILL SUMMARY

Sections 1 & 2: State grants and education

Section 317A of the Public Health Service Act is amended to expand the State grants' focus on providing information to parents, educators and health professionals regarding the sources and immediate risks of lead exposure, the importance of screening young children for lead, and the preventative steps that can be taken to reduce the risks for lead poisoning. $35,000,000 is authorized for FY 1992 and such sums as necessary for FY 1993–1996 to expand the grants so that all States might be included.

Section 3: National Education Program

A National Lead Poisoning Education Program is to be established by the Centers for Disease Control (CDC) to educate health professionals, paraprofessionals and the general public by providing access to information concerning the health effects of low-level lead toxicity, the most serious causes of lead poisoning, and the primary and secondary preventive measures to combat lead poisoning. $2,000,000 is authorized for FY 1992 to carry out this section.

Section 4: National Research & Development Program

A concerted research effort is to be initiated by the CDC to develop more reliable, sensitive, applicable and cost-effective measures in children to detect lead toxicity and to assess more accurately the occurrence of lead poisoning by State, socioeconomic grouping, and health care insurance status. $2,000,000 is authorized for FY 1992 to carry out this section.

Section 5: Task Force

A Task Force on the Prevention of Lead Poisoning, headed by the CDC and composed of members of Federal agencies, State and local governments and the general public, will annually review, evaluate and coordinate programs related to lead poisoning and make program policy and budgetary recommendations to Congress.

TRAINING OUR DOCTORS TO PRACTICE PREVENTION

Less than two percent of the time today's doctors spend in training is dedicated to prevention. Virtually all of their preparation is in learning the basic sciences and how to diagnose and treat people who have become ill or disabled. While some medical schools and graduate training programs have incorporated disease prevention and health promotion into their activities in a significant way, many others do not give prevention appropriate attention. This shortcoming of medical education is both a reflection of and contributors to the bias of our health care system as a whole towards fixing what is "broken" instead of preventing it from becoming "broken." Bringing more of a prevention and health promotion focus to our system of medical training, therefore, will help to begin breaking down this bias from the standpoint of the provider.

The Medicare program pays over $2 billion a year for direct (such as salaries of residents and teachers and other education costs) and indirect (such as extra demands placed on hospital staff as a result of teaching and higher rates of tests ordered by residents) costs of training doctors through its payments to hospitals. These payments have continually been a target of budget reduction efforts. In fact, the President's budget calls for additional cuts in medical education support of over $1.1 billion in fiscal year 1992 alone.

Graduate medical education is critical to the strength of our health care system. Medicare support for it must be preserved and strengthened. In addition, many hospitals are in dire financial condition, having been subjected to massive Medicare cuts in the past several years. They must be protected from future cuts.

BILL SUMMARY

This bill addresses both concerns expressed above by:

1. Requiring that in order to receive Medicare payments for direct graduate medical education costs, hospital residency training programs include training in disease prevention and health promotion. The details of this training would be left up to the medical profession. This provision would become effective January 1, 1993.
2. Placing a moratorium on reductions in Medicare payment rates for direct and indirect medical education costs beyond those in effect on or before January 1, 1991.

THE BREAST CANCER SCREENING ACT OF 1991

BACKGROUND AND NEED

Breast cancer is epidemic in our nation and its rate is escalating. Fully one of every nine American women will develop breast cancer in their lifetime. Over 44,500 American women will die this year alone from breast cancer, making it the leading cause of cancer deaths among women. This horrible disease preys most heavily on middle-aged and older women. Well over half of the women who lose their lives are age 50 and over. While we have made great strides in reducing the incidence of many forms of cancer, from 1973 to 1986 there has been a 21.8 percent increase in the number of new cases of breast cancer among women age 50 and older and the death rate has increased nearly 5 percent.

As a result of changes included in the 1990 budget reconciliation act, Medicare has been expanded to include coverage for biennial mammography screenings. This is a tremendous step forward which will save many lives. However, many women in the highest risk group, age 50 and over, are still without coverage and are going without this lifesaving service.

In addition, there is a great need for better promotion of Medicare's existing preventive benefits (mammography screening, cervical cancer screening, and pneumococcal pneumonia vaccine). For example, despite the fact that for every dollar spent on pneumonia vaccines, Medicare saves 3 dollars in hospitalization costs, just about 10 percent of all the elderly receive their annual pneumonia vaccine. A major reason for this low use rate is lack of knowledge—most elderly don't know that Medicare will pay for this important preventive measure.

BILL SUMMARY

Effective January 1, 1992, the category of women eligible for the Medicare breast cancer screening benefit is expanded to include all women in the highest risk age group. All women age 50 to 64 who do not have coverage from other sources would be eligible for biennial mammography screening. The cost of providing screenings to these women would be paid for from the Medicare Part A Trust fund.

The Secretary of the Department of Health and Human Services is required to regularly notify all eligible individuals of the availability of the new mammography benefit and other Medicare covered preventive services (pap smear and pneumococcal pneumonia vaccine). He is also required to annually publish and make available directories of providers in each area certified to provide mammography screening. Finally, the Secretary is required to support activities to promote the appropriate use of these benefits so that more of our elderly and disabled will take advantage of them. In doing so, he must take into account the special circumstances of rural and other medically underserved communities.

DISABILITIES PREVENTION ACT OF 1991

BACKGROUND AND HIGHLIGHTS

Our nation spends an estimated $170 billion a year for treatment and related services for the 43 million Americans with disabilities. Approximately $62 billion in Federal funds are spent for *services* for persons with disabilities. In addition, at least 5 million Americans will this year be added to the number of those Americans with disabilities, further increasing costs.

While we know many of the causes of disabilities which continue to grow in numbers and costs, very little is spent on prevention of disabilities, especially those afflicting our children. Furthermore, many Americans with disabilities are at great risk for developing secondary disabilities (such as urinary track infection and pressure sores in persons with spinal cord injuries and impaired mobility) which lead to reduced work capacity and which make it difficult to live independently in the community.

The Centers for Disease Control, based on appropriations report language, has established a program of grants to states to establish and enhance statewide programs aimed at lowering the incidence of disabilities through preventive strategies. The approximately $10 million appropriated for fiscal year 1991 should allow CDC to fund 20 state programs, up from the current 9 grants. Permanent authorization and expanded support is necessary to assure that all states have disability prevention programs. The Disabilities Prevention Act of 1991 would accomplish this by providing a 5 year authorization for a disabilities prevention program which should allow for the support of prevention programs in each of the 50 states. The Act was conceived of by the National Council on Disability, an advisory group appointed by the President.

BILL SUMMARY

Authorizes a program on disability prevention within the Centers for Disease Control (CDC) by adding a new section (315) to the Public Health Service Act.

Sections 315 (a) and (b) establish the program by authorizing the Secretary of HHS, acting through the Director of the CDC, to enter into cooperative agreements with public and non-profit entities for the purpose of carrying out programs for the prevention of primary and secondary disabilities. Activities for which the Secretary may make awards include:

(1) Coordinating activities for the prevention of disabilities;

(2) Conducting demonstrations and interventions;

(3) Conducting surveillance and studies;

(4) Educating the public; and

(5) Educating and training health professionals.

Section 315(c) prohibits the Secretary from making a grant unless the applicant agrees to submit regular reports as designated by the Secretary.

Section 315(d) directs the Secretary to consult with the National Council on Disability in setting priorities for disability prevention activities.

Section 315(f) stipulates that not more than 10 percent of a grant may be used for education and training of health professionals.

Section 315(g) permits the Secretary to provide training and technical assistance to states to help in the planning, development or operation of disability prevention programs.

Section 315(i) requires the Secretary to evaluate the programs authorized by this Act and to prepare and submit to Congress and the National Council on Disability a report by January 1, 1991 and annually thereafter summarizing these evaluations.

Section 315(j) defines the term "prevention" for purposes of this Act.

Section 315(k) authorizes $15 million for fiscal year 1992, $20 million for fiscal year 1993, $25 million for fiscal year 1994 and such sums as necessary in fiscal year 1995 and 1996 to carry out the Act.

OLDER AMERICANS HEALTH PROMOTION AND DISEASE PREVENTION ACT

BACKGROUND AND NEED

It is too often assumed that older Americans don't stand to benefit from health promotion or wellness programs. There is a commonly accepted stereotype that older people are set in their ways and unwilling to take steps to adapt healthier lifestyles or seek preventive services. These worn out presumptions are simply not true. Recent studies have shown that not only are older people generally as willing as others to change lifestyle habits such as eating and smoking, they are also just as likely as younger people to benefit from health promotion activities. In fact, a recent study found that older smokers who quit benefited far more than younger quitters, since the incidence of heart attack and deaths rises markedly with age.

While Medicare has been expanded in the past several years to provide coverage for some preventive services (mammography screening, pap smears and pneumonia vaccines), many preventive services remained uncovered. Furthermore, Medicare covers no health promotion services which have been directly linked to reduced health care costs, for example, smoking cessation, nutrition counseling and weight reduction, alcohol control, and injury prevention.

There is a great need to increase older Americans' access to and participation in prevention and health promotion activities. Senior centers and congregate meal programs funded through the Older Americans Act are providing these services, but on a very limited and inconsistent basis. They, along with the meals-on-wheels programs are ideally suited for the provision of these types of programs because so many older people are reached by them each day. Thousands of seniors who come each day for a hot lunch or other activities or who are visited by meals-on-wheels could be screened for high blood pressure, participate in an exercise program or a smoking cessation class without having to make a trip to a health clinic or doctors office.

The Older Americans Disease Prevention and Health Promotion Act is designed to help meet this need by expanding Part F of the Act to include a full range of health promotion and disease prevention services, specifically authorize provision of these services at congregate meals sites and through meals-on-wheels programs, and to increase authorization for the program from $5 million to $25 million.

BILL SUMMARY

Sections 1 and 2

Section 361 (Part F—Preventive Health Services) is amended to require the Commissioner on Aging, make grants to the States to provide disease prevention and health promotion services and information at senior centers, congregate meal sites, home-delivered meals programs or at other appropriate sites.

Section 3

Defines the term "disease prevention and health promotion" services to mean:

(1) Health risk assessments;

(2) Routine health screenings;

(3) Nutritional counseling and educational services;

(4) Health promotion programs, including those aimed at alcohol abuse reduction, smoking cessation, weight loss and control and stress management.

(5) Group exercise programs;

(6) Home injury control services;

(7) Screening for prevention of depression;

(8) Educational programs on the availability, benefits, and appropriate use of Medicare covered preventive health services; and,

(9) Counseling regarding followup health services found to be needed based on any of the above services.

These services shall not include any for which payment is available through the Medicare program.

Section 4

Authorizes $25 million in fiscal year 1992 and such sums as may be necessary in fiscal years 1993–1995 to carry out this program.

• Mr. LIEBERMAN. Mr. President, I am pleased to join as a cosponsor of the prevention first legislative package, which Senator HARKIN is introducing today. The bills being offered today will serve to focus our health care system on the prevention of disease and the promotion of healthy lifestyles. For a long time our health care system has been focused on the treatment of individuals once they become ill. There is nothing wrong with this approach; however, much can and should be done to help individuals stay healthy in the first place. It is always preferable and less expensive to prevent disease than to treat its effects. The legislative package being introduced today takes a proactive approach and establishes new programs or expands the scope and reach of existing ones to help individuals from becoming ill, to help detect illness in its early stages of onset when it's easier, less life-threatening, and less expensive to treat, and to educate the public and health professionals on the vast benefits of preventive care.

While I support the entire legislative package, I am especially supportive of the Lead Poisoning Prevention Act. For decades we have known of the devastating effects of lead poisoning on children. Exposure to even low levels of lead may cause irreversible neurological damage, decreased intelligence, learning disabilities, and disruptive behavior in unsuspecting children. Lead is a stealth disease. The effects of lead poisoning can exist long before any overt symptoms appear. There are, however, actions the Government can and must take to protect our children from the scourge of this stealth disease.

On February 7, 1991, I cosponsored the Lead Exposure Reduction Act of 1991, along with Senators REID, BRADLEY, and JEFFORDS, which would enable us to begin to wage a war against this disease. It provides for the ban of lead in certain consumer products such as paint, plumbing fixtures, food cans and packaging, toys, curtain weights, and foils for wine bottles. It prohibits the sale of leaded gasoline in urban areas and at prices less than the lowest unleaded gasoline. The bill also includes a comprehensive program to promote lead exposure abatement by developing better standards for detection of lead levels in blood, studying the sources of lead exposure in children who have elevated blood lead levels, and studying the relative contribution to lead body burden from water, air, soil, and paint.

Senator HARKIN's Lead Poisoning Prevention Act is a critical complement to the Lead Exposure Reduction Act. The Lead Poisioning Prevention Act expands the number and scope of grants from the Centers for Disease Control so that all 50 States have the ability to increase the number of children screened and to refer affected children for appropriate treatment. Without a national screening program we will not be able to identify those children being exposed to potentially dangerous levels of lead and remove them from their lead-contaminated environment as early as possible.

In order for national screening to be effective, the public must be educated on the sources of lead in their homes and their environment and the vast benefits of and the means for reducing lead in their environment. Health care providers must be made aware of the importance and benefits of doing routine blood lead screening of the children they care for. The Lead Poisoning Prevention Act establishes a national education program to provide public and professional education on the sources and routes of exposure, the value of screening, and preventive measures to decrease exposure.

The bill also establishes a research program to develop improved testing measures that are simple, accurate, and inexpensive to detect lead poisoning in children. In addition, the bill requires a long-term study that will assess the occurrence and prevalence of lead poisoning. Currently it is estimated that between three and four million children suffer from lead poisoning. However, the studies called for in this bill and in the Lead Reduction Exposure Act will identify where the greatest prevalence of lead poisoning can be found and to what it is attributed.

The nationwide screening, education, and research programs that are provided in these two bills are the means to begin to wage a war against the number one environmental disease of young children. Unfortunately, since lead has contaminated our environment for hundreds of years it is ubiquitous and, therefore, the war against lead poisoning will not be a quick and decisive one. Nonetheless, it must begin before we lose even more of our precious resources—our children—to this stealth disease. I look forward to working closely with Senator HARKIN to enact this legislation this year.●

● Mr. DURENBERGER. Mr. President, we are all aware of the many successful Federal prevention programs, including Head Start, WIC, the Maternal Child Health Block Grant, to name just a few. Year after year these programs receive high acclaim and support within the Congress for saving future dollars and providing a higher quality of life for recipients. However, in the area of disability, our national focus has been primarily in the area of services, not prevention. This needs to change.

That is why I am joining today with my colleague from Iowa in introducing the Disabilities Prevention Act of 1991. This bill will establish a statewide network program to prevent disabilities and to prevent complications that result from existing disabilities.

Mr. President, I know the difficulty of focusing on future benefits and future savings when we are facing serious immediate needs and prevailing budget shortfalls. And I know the realities of getting a cost score from the Congressional Budget Office that measures the value of prevention programs in terms of future savings and benefits. But, we all know that in real terms, prevention programs, like this one, end up saving money down the road and spare our children from shouldering future debt.

The knowledge and technology to prevent many instances and factors that lead to disabling conditions is available today and research indicates that preventative measures would reduce the number of new additions to the disability population. Still, we have failed to provide the necessary resources to turn this knowledge into action.

The bill before us today is a first step in that direction. It will establish cooperative agreements to support state-based prevention and evaluation activities. Under this bill, a state-based office will provide guidance and technical assistance for disability prevention within the State. Another aspect of this program will focus on the prevention of secondary disabilities. For example, we know that a person in a wheelchair is more prone to develop heart and lung deficiencies. Enhanced research and coordinated cooperation in this area would prevent secondary disabilities that often make the difference between independence and dependency.

Disabilities can result in staggering costs in monetary terms as well as personal and family disruption. A basic goal of this legislation is to improve communication and coordination to make prevention more cost effective.

Mr. President, if we can save even a few innocent victims of needless and preventable disabilities—the crack babies, the person left paralyzed by a car crash who was not wearing a seat belt—or make life easier for a person with a disability by preventing secondary disabilities this legislation will be a success. However, I am convinced that the $10 million spent on this program today will be returned many times over. And more importantly, that thousands of lives, not just a few, will be made a little better.

This bill was developed in conjunction with the National Council on the Handicapped in its report "On the Threshold of Independence" as part of its recommendation to bring people with disabilities into the mainstream. In its report, it called on Congress to provide a national focus for the prevention of disabilities by providing funding for special programs related to disability prevention. Since that time, the Center for Disease Control has picked up the idea and has funded nine state-based projects. However, CDC reports that over 40 States have expressed an interest in participating. The bill before us will establish statutory authority for this program and move us forward so that eventually all States can participate in this program.

Mr. President, I urge my colleagues to support this important legislation.●

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. SEYMOUR, his name was added as a cosponsor of S. 9, a bill to amend the foreign aid policy of the United States toward countries in transition from communism to democracy.

At the request of Mr. DOLE, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 9, supra.

S. 25

At the request of Mr. METZENBAUM, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 39

At the request of Mr. ROTH, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 39, a bill to amend the National Wildlife Refuge Administration Act.

S. 115

At the request of Mr. BIDEN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 115, a bill to restore the traditional observance of Memorial Day and Veterans Day.

S. 141

At the request of Mr. DASCHLE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996.

S. 143

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 143, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 153

At the request of Mr. COATS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 153, a bill to authorize States to regulate certain solid waste.

S. 173

At the request of Mr. HOLLINGS, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 242

At the request of Mr. GLENN, the names of the Senator from Colorado [Mr. WIRTH], the Senator from South Dakota [Mr. DASCHLE], the Senator from Oregon [Mr. PACKWOOD], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 242, a bill to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by certain Government employees and for other purposes.

S. 250

At the request of Mr. FORD, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 254

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 254, a bill to repeal the provisions of the Revenue Reconciliation Act of 1989 which require the withholding of income tax from wages paid for agricultural labor.

S. 280

At the request of Mr. DOLE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 280, a bill to provide for the inclusion of foreign deposits in the deposit insurance assessment base, to permit inclusion of non-deposit liabilities in the deposit insurance assessment base, to require the FDIC to implement a risk-based deposit insurance premium structure, to establish guidelines for early regulatory intervention in the financial decline of banks, and to permit regulatory restrictions on brokered deposits.

S. 284

At the request of Mr. BRADLEY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 288

At the request of Mr. DIXON, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 288, a bill to establish a series of 8 Presidential primaries at which the public may express its preference for the nomination of an individual for election to the Office of President of the United States.

S. 308

At the request of Mr. MITCHELL, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 349

At the request of Mr. BUMPERS, the names of the Senator from Colorado [Mr. WIRTH] the Senator from Hawaii [Mr. INOUYE], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such act, and for other purposes.

S. 362

At the request of Mr. SHELBY, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 362, a bill to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama.

S. 385

At the request of Mr. AKAKA, the names of the Senator from Wisconsin [Mr. KASTEN] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 385, a bill to amend section 21A of the Federal Home Loan Bank Act to establish additional procedures and requirements relating to the identification and disposition of environmentally sensitive land and other property with natural, cultural, recreational, or scientific values of special significance by the Resolution Trust Corporation.

S. 386

At the request of Mr. DECONCINI, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 386, a bill to amend title 38, United States Code, to define the period of the Persian Gulf War to extend eligibility for pension, medical, educational, housing, financial, and other benefits provided under the title to veterans of the war, and for other purposes.

S. 400

At the request of Mr. SYMMS, the names of the Senator from Nevada [Mr. REID] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 400, a bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from Illinois [Mr. SIMON], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Wisconsin [Mr. KASTEN], the Senator from Indiana [Mr. LUGAR], the Senator from Oregon [Mr. HATFIELD], the Senator from Hawaii [Mr. INOUYE], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 434

At the request of Mr. SHELBY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 434, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 456

At the request of Ms. MIKULSKI, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Hawaii [Mr. INOUYE], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 456, a bill to amend chapter 83 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service.

S. 469

At the request of Mr. DODD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 469, a bill to amend the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989 to apply the same honoraria provisions to Senators and officers and employees of the Senate as apply to Members of the House of Representatives and other officers and employees of the Government, and for other purposes.

S. 479

At the request of Mr. LEAHY, the names of the Senator from California [Mr. CRANSTON] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 479, a bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

SENATE JOINT RESOLUTION 72

At the request of Mr. SPECTER, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Massachusetts [Mr. KERRY], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 73

At the request of Mr. SPECTER, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Hawaii [Mr. AKAKA], the Senator from New Mexico [Mr. DOMENICI], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 73, a joint resolution designating October 1991 as "National Domestic Violence Awareness Month."

SENATE RESOLUTION 63—RELATIVE TO HUMAN RIGHTS VIOLATIONS IN CUBA

Mr. GRAHAM (for himself, Mr. MACK, Mr. GRAMM, Mr. LIEBERMAN, Mr. SYMMS, Mr. LEVIN, Mr. BENTSEN, and

Mr. BRADLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 63

Whereas according to the Department of State Country Reports on Human Rights Practices for 1990, the Government of Cuba "sharply restricts virtually all basic human rights, including freedoms of expression, association, assembly, and movement, as well as the right to privacy, the right of citizens to change their own government, and workers rights";

Whereas the Government of Cuba imprisons persons solely for the nonviolent expression of their political views, including the world's longest held political prisoner, Mario Chanes de Armas, who has been imprisoned for 30 years, and Ernesto Diaz, who has served 21 years in prison;

Whereas in March 1988, the United Nations Human Rights Commission undertook a review of Cuban human rights practices, and a working group of the Commission visited Cuba in September 1988;

Whereas in March 1990, the United Nations Human Rights Commission approved a resolution citing its continued concerns regarding the human rights situation in Cuba;

Whereas since the September 1988 visit of the United Nations Human Rights Commission working group, the Government of Cuba has arrested, harassed, and intimidated scores of human rights monitors and independent activists, many of whom cooperated with the United Nations Human Rights Commission investigation;

Whereas at least 31 human rights monitors and independent activists are currently serving prison sentences, another two are under house arrest, and many others are awaiting trial; and

Whereas the International Committee of the Red Cross was denied access to Cuban prisons and inmates in 1990: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Government of Cuba for its gross violations of internationally recognized human rights of the Cuban people, including its systematic harassment and intimidation of Cuban human rights monitors and independent activists;

(2) calls upon the Government of Cuba—

(A) to release from prison and house arrest all human rights monitors, independent activists, and other political prisoners,

(B) to respect internationally recognized human rights, and

(C) to allow the International Committee of the Red Cross access to Cuban prisons;

(3) commends the United Nations Human Rights Commission for its attention to the human rights situation in Cuba;

(4) urges all member States of the United Nations Human Rights Commission to support the continued investigation of Cuban human rights violations by the appointment of special rapporteur or working group on Cuba; and

(5) commends the United States delegation to the United Nations Human Rights Commission for its diligence in pursuing this important issue.

Mr. GRAHAM. Mr. President, I am submitting a resolution today that condemns the Cuban Government for gross violations of internationally recognized human rights and calls on the U.N. Human Rights Commission—now meeting in Geneva—to establish a working group to continue the U.N.'s investigation of Cuban human rights violations.

The resolution also calls on the Castro regime to allow the International Committee of the Red Cross access to Cuban prisons.

Senators MACK, GRAMM, LIEBERMAN, SYMMS, LEVIN, BENTSEN, and BRADLEY join me as original cosponsors.

Mr. President, the Persian Gulf crisis continues to occupy our full attention, as it should. One lesson we should draw from this conflict, however, is that in the name of political expediency we cannot turn a blind eye to regimes that engage in systematic violation of human rights.

Iraq was and continues to be such a regime.

Despite numerous and well-documented human rights violations by Iraq, we deluded ourselves into playing a game of accommodation. We lulled ourselves into an utter state of complacency. We are now paying a very stiff price for that complacency.

That raises the question of another dictator, this one just 90 miles south of the United States. Fidel Castro has been violating human rights virtually since the day he took power over 30 years ago.

Those violations have been widely documented. The United Nations issued one of the more recent reports in 1988—its first ever on Cuba—condemning Castro's human rights violations.

Unfortunately, the human rights situation in Cuba remains grave. Respected nongovernmental organizations such as Amnesty International, Americas Watch, and Freedom House continue to publish extensive studies documenting human rights violations.

The Castro government, for example, has arrested, harassed, and intimidated scores of human rights monitors and independent activists, many of whom cooperated with the U.N.'s 1988 investigation. This after a promise from Castro that he would take no action against those assisting U.N. investigators.

Castro has come down particularly hard on human rights monitors. Thirty-one of them are currently serving prison sentences, another two are under house arrest, and many others are awaiting trial.

Moreover, the world's longest serving political prisoner, Mario Chanes de Armas, remains in prison for the 30th year.

As a result of this continuing pattern of abuse, the United Nations last year approved a second resolution calling on U.N. Secretary General Perez de Cuellar to maintain contact with the Castro government, focusing particularly on the plight of those who cooperated with the United Nations in its 1988 investigation.

Castro responded to the United Nations by telling the press not to imagine "that we will obey one word" of the U.N. resolution. This from a member country of the U.N. Human Rights Commission.

Mr. President, we virtually ignored human rights violations in Iraq for the last 10 years. We are now paying a very heavy price for our misguided policy of accommodation. Let's not repeat the mistake in the case of Cuba.

I hope that the leadership will consider approving this resolution under unanimous consent so that we can send a clear message this week, prior to a decision by the U.N. Human Rights Commission.

SENATE RESOLUTION 64—RELATING TO THE DEATH OF THE HON. JOHN SHERMAN COOPER

Mr. FORD (for himself, Mr. MCCONNELL, Mr. MITCHELL, and Mr. DOLE) submitted the following resolution; which was considered and agreed to.

S. RES. 64

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John Sherman Cooper, formerly a Senator from the State of Kentucky.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recess today, it recess as a further mark of respect to the memory of the deceased Senator.

SENATE RESOLUTION 65—RELATING TO CUBA'S HUMAN RIGHTS VIOLATIONS

Mr. GRAHAM (for himself, Mr. MACK, Mr. GRAMM, Mr. LIEBERMAN, Mr. SYMMS, Mr. LEVIN, Mr. BENTSEN, Mr. BRADLEY, Mr. MITCHELL, Mr. PACKWOOD, and Mr. CRAIG) submitted the following resolution; which was considered and agreed to.

S. RES. 65

Whereas according to the Department of State Country Reports on Human Rights Practices for 1990, the Government of Cuba "sharply restricts virtually all basic human rights, including freedoms of expression, association, assembly, and movement, as well as the right to privacy, the right of citizens to change their own government, and workers rights";

Whereas the Government of Cuba imprisons persons solely for the nonviolent expression of their political views, including the world's longest held political prisoner, Mario Chanes de Armas, who has been imprisoned for 30 years, and Ernesto Diaz, who has served 21 years in prison;

Whereas in March 1988, the United Nations Human Rights Commission undertook a review of Cuban human rights practices, and a working group of the Commission visited Cuba in September 1988;

Whereas in March 1990, the United Nations Human Rights Commission approved a resolution citing its continued concerns regarding the human rights situation in Cuba;

Whereas since the September 1988 visit of the United Nations Human Rights Commission working group, the Government of Cuba has arrested, harassed, and intimidated scores of human rights monitors and independent activists, many of whom cooperated with the United Nations Human Rights Commission investigation;

Whereas at least 31 human rights monitors and independent activists are currently serving prison sentences, another two are under house arrest, and many others are awaiting trial; and

Whereas the International Committee of the Red Cross was denied access to Cuban prisons and inmates in 1990:

Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Government of Cuba for its gross violations of internationally recognized human rights of the Cuban people, including its systematic harassment and intimidation of Cuban human rights monitors and independent activists;

(2) calls upon the Government of Cuba—

(A) to release from prison and house arrest all human rights monitors, independent activists, and other political prisoners,

(B) to respect internationally recognized human rights, and

(C) to allow the International Committee of the Red Cross access to Cuban prisons;

(3) commends the United Nations Human Rights Commission for its attention to the human rights situation in Cuba;

(4) urges all member States of the United Nations Human Rights Commission to support the continued investigation of Cuban human rights violations by the appointment of special rapporteur or working group on Cuba; and

(5) commends the United States delegation to the United Nations Human Rights Commission for its diligence in pursuing this important issue.

AMENDMENT SUBMITTED

NATIONAL ARBOR DAY

BRADLEY AMENDMENT NO. 12

Mr. FORD (for Mr. BRADLEY) proposed an amendment to the joint resolution (S.J. Res. 64) to authorize the President to proclaim the last Friday of April as "National Arbor Day," as follows:

On page 1, line 4, insert "1991," after "April".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a nomination hearing on Edward Madigan, to be Secretary of Agriculture, on March 5, 1991, at 9:30 a.m. in SR–332.

For further information, please contact Lynnett Wagner of the committee staff at 224–5207.

Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a business meeting on March 6, 1991, at 10 a.m. in SR–332.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will hold an additional hearing on S. 341, the National Energy Security Act of 1991. The purpose of this hearing is to receive testimony on the transportation provisions of title XI of S. 341 and on the alternative-fuel fleet proposal in the administration's national energy strategy.

The hearing will take place on Wednesday, March 20, 1991, beginning at 2 p.m., in room SD–366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC, 20510.

For further information, please contact Sam Fowler of the committee staff at (202) 224–7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m. February 26, 1991, to receive testimony on S. 341, the National Energy Security Act of 1991, subtitle C of title IV concerning provisions pertaining to hydropower licensing and efficiency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Tuesday, February 26, 1991, at 2:30 p.m., to receive testimony on current trends in the Soviet Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m. February 26, 1991, to receive testimony on S. 341, the National Energy Security Act of 1991, title III and subtitles A and B of title IV concerning provisions pertaining to energy efficiency and renewable energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, February 26, 1991, and Wednesday, February 27, 1991, at 10 a.m., to hold a hearing on the nomination of Robert Martinez to be Director of the Office of National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LITHUANIAN INDEPENDENCE DAY

• Mr. BUMPERS. Mr. President, Congress was in recess on a day which has grown in significance for many throughout the world. February 16 is the day which marks Lithuanian independence. And on this particular anniversary, in this particular year, we join with all who mourn the loss on January 13 of those citizens of Lithuania whose only crime was to demonstrate for freedom.

For years we have spoken out in support of Lithuania. But I am now more troubled than I have been before. Freedom and sovereignty seem ever more elusive. We still hope to see Soviet recognition of a fully independent Lithuania, but I would not predict that outcome.

Mr. President, I support and the Lithuanian-American community in Arkansas supports Lithuanian independence and sovereignty. We have watched over the past month for some signs of change in Soviet policy in Lithuania.

Soviet military forces continue to occupy the Baltic Republics.

The Soviet Government continues to search out the young men of Lithuania to force their conscription.

The will of the people—expressed in a national vote where more than 90 percent of the ballots cast were a vote for independence—has had little impact.

All of this troubles me. It continues the history of occupation which has plagued the citizens of Lithuania. But it does not reflect the new thinking within the Soviet Union that had offered so much hope. The decision to use military force last month in Lithuania violates the principles that President Gorbachev himself has claimed should serve as the basis for a reformed Soviet system.

It is my hope that despite wrenching change, we will support human rights and economic reform within the Soviet Union while insisting upon a free and independent Lithuania. Lasting peace can exclude neither of these.

A lasting peace would do as much to improve the lives of those 7,000 Lithuanians living in and around Moscow as it would those living in Vilnius. A number of those same residents marked February 16 at the Lithuanian Republic's permanent mission in Moscow. So many attended that not all could find seats inside the hall, but all who came sang the Lithuanian hymn. The reports I have heard say that the hymn brought tears to the eyes of those who participated and was listened to by hundreds of Muscovites who passed near the mission building at the time. Later that evening at the St. Louis Catholic Church adjacent to the KGB prison, the sermon was preached in Lithuanian for the first time. I know how significant and how moving this must have been.

In spite of my concerns about Soviet policy, I am more optimistic about the resilience and strength of a great people. If there is hope that the struggle for independence may be peacefully resolved, it is to be found in the dignity of the Lithuanian citizens and in the response of individuals like those who listened sympathetically outside the Lithuanian mission in Moscow.

This is an appropriate time to remember that Lithuania has a long history of withstanding occupation. It has existed as a sovereign nation since 1251 when Mindaugas was crowned King of the united Lithuanian principalities. Since that time, Lithuanians have maintained their own culture, language, and traditions through centuries of invasion and annexation. Determination and courage is part of Lithuanian cultural heritage.

Today, events of a single week can carry the weight and assume the stature of history. A single incident can shape world response. I would like to focus for a moment on a period of less than a week. Since the events of January 13, when 14 Lithuanians lost their lives while demonstrating for freedom, no single collection of days has been as significant as that which began on Friday the 8th of February. On that day, an additional 1,400 members of the Soviet military were brought into Lithuania.

By the 10th of February more than 86 percent of the population of Lithuania had voted, and more than 90 percent of those votes were for independence. On February 10, a member of the Moscow domestic news service reported on the election, commenting:

> Vilnius made a strong impression on me yesterday. I would say that its inhabitants were calmly dignified. Many hundreds of them came with their families to the legislature building. On the sidewalks folk songs rang out. People warmed themselves at the bonfires which have sprung up right on the roads, drank tea which was served from field kitchens. I realized that no matter how hard it is for Lithuania, peaceful tranquility is possible on this Earth. People can and must understand each other.

On the next day, a German reporter interviewed Vytautas Landsbergis, Lithuanian Supreme Council Chairman. The reporter began:

> We are sitting here protected by sandbags in the legislative building in Vilnius.

He continued, referring to the period of Lithuanian independence of 1918 to 1940.

His next question surprised me:

> In Lithuania's history * * * independence * * * ended with the Hitler-Stalin Pact. At that time Germany made itself guilty concerning Lithuania's fate. Do you feel that you receive sufficient support from Germany today?

This question made me consider two things: First, that Germany was not glossing over its part in Lithuania's loss of freedom; and, second, that it was only in the past year that the Soviet Government officially owned up to what the whole world knew, that Hitler and Stalin had signed a secret pact in 1939. That secret pact resulted in the last 50 years of Soviet occupation of Lithuania.

Opposition to that occupation continues. On February 13, a delegation from the United States Congress arrived in Vilnius, a signal of our Nation's concern for the welfare of Lithuanians and a recognition of the importance of human rights. These rights, we believe, must be the foundation of both national sovereignty and international agreement.

Yet, the most telling and significant statement of this remarkable week in February came from Mr. Landsbergis, who told his fellow citizens of Lithuania and the world:

> Our state is being reborn in front of our eyes * * * because it was already born in our souls and hearts. * * * A real Lithuania is arising. * * * This is the greatest, imcomparable, legal, political and moral meaning of Lithuania's way.

I would add to Mr. Landsbergis' comments that for those who have been witness to the struggle for independence, we have seen little to match the determination and dignity of the Lithuanian people. Here is a place where freedom is cherished. I am proud to add my voice to those who celebrate Lithuanian independence. In the native language of Lithuania, "Linksma neprikausombes diena! Sugryski laisve Lietuvoj!"•

TRIBUTE TO ERIC PILOTTE, AWARD RECIPIENT

• Mr. SMITH. Mr. President, I want to commend Mr. Eric Pilotte, of Manchester, NH, one of New Hampshire's State recipients of the fifth annual AAU/Mars Milky Way High School All-American Award and College Scholarship Program.

A senior at Manchester Memorial High School, Eric is one of eight outstanding high school seniors from across the country selected as regional recipients for their extraordinary scholastic, athletic, and community service achievements. He has been awarded a $10,000 scholarship toward his college education.

Eric has a distinguished academic record. He is a member of the National Honor Society and has received several awards, including the 1990 Dartmouth Book Club Award, the 1990 Century III Leaders Scholarship and the Daughters of the American Revolution Good Citizenship Award. Currently, Eric is student body president.

An accomplished athlete, Eric is a member of the varsity cross country team and the 1990 Manchester all-city cross country team. He ranked in the top 10 in the State pole-vault competition. Eric also participates in volleyball as the founder and coordinator of the first intramural men's volleyball tournament.

Despite a demanding schedule, Eric finds time for a variety of community service activities. He is a math tutor, a Manchester City School Board representative, and has volunteered on three political campaigns. Eric was also a Special Olympics volunteer "buddy" for handicapped and retarded athletes and has organized a Toys for Tots drive at his school.

Eric will be honored by an awards ceremony at Manchester Memorial High School on March 14. This young man's achievements should serve as an inspiration to all. On behalf of myself and the State of New Hampshire, we offer our sincerest congratulations on this accomplishment and best wishes in his future endeavors.•

MARYLAND STATE SENATE SUPPORTS TROOPS

• Ms. MIKULSKI. Mr. President, recently the Maryland State Senate approved a proclamation in support of our troops in the gulf. The proclamation further condemns Iraqi aggression, supports the President, commends the people of Israel, and the allied forces, and, finally, expresses hope for a peaceful world for our children.

Maryland is proud of the men and women she has provided for the national defense, and I ask that the text of the Maryland State Senate proclamation be printed at this point in the RECORD.

The proclamation follows:

> PROCLAMATION: THE SUPPORT AND COMMENDATION OF U.S. TROOPS IN THE PERSIAN GULF
>
> Whereas, over the course of our state's history, courageous Maryland men and women have fought for freedom and principle; and
>
> Whereas, their heroic efforts in armed conflict have often resulted in the tragic loss of life and lifetimes of struggle with physical disabilities; and
>
> Whereas, at this point in our nation's history, Americans find themselves again fighting against tyranny and for the principle of self-determination, and again Maryland has been called upon to support the cause of justice; now, therefore, be it
>
> Proclaimed by the Senate of Maryland, that the entire membership salutes the brave service men and women and their families as they selflessly fight for the freedom of our

country and the world against unprovoked aggression and tyranny; and be it further

Proclaimed, that we, the members of the Senate of Maryland, condemn the wanton destruction perpetrated by Iraq and are outraged by the attacks on the civilian population of Israel; and be it further

Proclaimed, that the Senate of Maryland salutes its allies throughout the world who have joined with us against the aggression of Iraq; and be it further

Proclaimed, that we, the members of the Senate of Maryland, want the President of the United States and the United States Congress to know of our support, and wish to apprise the people of Israel of our endorsement of their efforts during this period of war in the Middle East to work harmoniously with the United States and the allied forces; and be it further

Proclaimed, that we, the members of the Senate of Maryland, join in the collective effort to provide a peaceful world for our children.•

ESTONIAN INDEPENDENCE DAY

• Mr. COATS. Mr. President, as our Nation's attention is focused rightly on the brave efforts of our troops in the Persian Gulf, I would like to take a moment to remember another group of brave individuals who are also fighting a valiant battle against naked aggression. These are the people of the Republic of Estonia.

February 24 marks the 73rd anniversary of Estonia's declaration of independence. For citizens in cities such as Talinn, and towns such as Rakvere, this should be a time of celebration, but Estonia remains a nation under foreign military occupation. Estonia's future and the very survival of its people are still threatened by the continuing military oppression and forced immigration into Estonia from the Soviet Union.

We must not let ourselves forget the recent events in Estonia's southern neighbor, Lithuania. These blatant acts of terror against a defenseless people can easily be repeated in Estonia if we continue to ignore what the Kremlin is doing. If we are going to stand up to the immoral murder of innocent civilians, and the occupation of a sovereign country in the Middle East, we must also confront such ruthless acts in the Baltic region. Mr. President, we cannot afford to sit by passively as the potential for the same grave treatment of innocent people looms ominously on the Estonian horizon.

These recent acts of violence raise urgent questions about Soviet promises of peaceful change in the Baltics and throughout the Soviet Union. As a fervent, longtime supporter of Baltic independence, I believe that we, as Americans, have a moral obligation to promote and recognize the legitimate, freely elected, governments of these republics.

I have been told that since the Soviet-Nazi pact in 1939, which locked the door on the Baltic's prison cell, the flags of the free republics have flown at the State Department. Ten administrations, dating back to Franklin Roosevelt, have all championed our Nation's commitment to the people of the Baltics. It is this consistent commitment to the principles of freedom and independence that remain the motive for the brave battle that Estonians fight. Failure to uphold this commitment would be turning our backs on a proud, brave people and diminishing our credibility before a watching world.

For 50 years Estonia has known the oppressive force of the Soviet Empire. Now they are demanding what is theirs by right. They make a claim that we have recognized for generations. Words, backed up by actions of support for Estonia, Lithuania, and Latvia can make all the difference.

What can we do to make this support clear? I have long believed the need to make sure the Soviet Government fully understands the stakes for which they are playing. We should promise an end to all trade talks with the Kremlin if the Baltic republics are not given a viable plan for their freedom. We should immediately appoint a U.S. representative to their democratically elected governments. We should start practicing what we have been preaching for the last 50 years—formal recognition of the freely elected Government of Estonia, as well as her Baltic sisters.

Our fine young men and women currently in the gulf remind us of our responsibility as the leader in freedom's cause. Just as the cause we fight for in Operation Desert Storm is just, so is the heroic fight of the people of Estonia against an immoral occupying power.

The United States Congress must send a strong, clear message of unfailing support for the people of Estonia. And, we must always remember their heroic efforts of the past 73 years.•

FOREST SERVICE PLANS FOR INCREASED RECREATIONAL USE

• Mr. WIRTH. Mr. President, I would like to address for a few moments the changing patterns of use we are seeing develop in our national forests. Recently, the Forest Service's Region 2 headquarters, which manages the national forests in my home State of Colorado, released a draft of the Rocky Mountain Regional Guide, the long-range planning tool the Forest Service will use to project management trends for the coming decade.

The regional guide recognizes the shifting of the public's priorities from extraction to attraction now underway in the West. While traditional resource development should and will continue, the growing demand for recreational opportunities in our national forests must be met. A new approach is needed and I commend Regional Forester Gary Cargill and the entire planning team in the Region 2 office for responding.

The plan calls for miles of new trails, new campgrounds, increased hunting and fishing. Overall, recreation programs will increase 12 percent over the next 5 years. Moreover, the ski industry, which operates primarily on national forest lands in my State will be allowed to grow to meet market demand. Of equal importance, the Forest Service plans to move away from money-losing below-cost timber sales by the year 2000 in Region 2. I could not agree more that the time has come to spend our money more wisely.

Mr. President, it is the public which has called for this shift of priorities and the Forest Service, to their credit, is planning accordingly. I ask consent to insert an editorial on this subject which appeared in the Denver Post immediately following my remarks and I thank the President.

The editorial follows:

BLAZING NEW TRAILS FOR FORESTS

The Denver office of the U.S. Forest Service appears at last to be headed down a path that hordes of campers, hikers and other outdoor enthusiasts have been urging it to follow for the past decade.

It's planning to put more emphasis on recreation in the national forests of Colorado, Wyoming and South Dakota, while downplaying timber cutting, road building and livestock grazing.

This shift in priorities, outlined in a draft of a new long-range planning guide, is a welcome step in the right direction. It shows that Regional Forester Gary Cargill and his aides are responding to the concerns of citizens who increasingly view the public lands as places to play rather than plunder.

One indication of the agency's new approach is its proposal to construct nearly 2,000 miles of new trails in the region over the next 50 years, while closing more than 2,000 miles of roadway. As the planning document puts it, trails will no longer be thought of merely as convenient ways to get from one place to another, but as recreational facilities on a par with campgrounds or visitor centers.

The commitment to recreation also can be seen in the agency's plan to double the opportunities for hunting, fishing and wildlife viewing—and to provide as much downhill skiing terrain as the market demands, while supporting the efforts of the host communities to become four-season resorts.

The agency clearly doesn't intend to place its forests off-limits to the logging industry. But it hopes to put an end to money-losing timber sales in the central Rockies by the year 2000, and to cut back the annual commercial harvest in the region by roughly 10 percent by 2040.

These moves should do much to satisfy critics who argue that in this part of the country, it often makes more economic sense to leave trees standing than to cut them down for use in homes, furniture or fireplaces.

To its credit, the agency has recognized that some lumber-mill towns may be adversely affected by these policy changes, and has pledged to help diversify their economies as part of a national commitment to strengthen rural America.

In short, the new strategic plan looks like a well-reasoned response to changing public

needs. It should clear away a lot of dead wood and enable the agency to move into the 21st century in a socially and environmentally responsible manner.•

ESTONIAN INDEPENDENCE

• Mr. BRADLEY. Mr. President, our attention is focused today on the American men and women who are fighting to help restore the independence of a small nation that was brutally invaded by its larger neighbor.

I rise today to remind my colleagues that February 24 was the 73d anniversary of the independence of Estonia, a small nation whose right to exist was extinguished by the pact made between Stalin and Hitler in 1939.

The United States Government has never recognized the annexation of Estonia, and for more than 50 years we have asserted its right—and the rights of its Baltic neighbors, Lithuania and Latvia—to freedom and self-determination. The United States Congress has played an important role in ensuring that the Baltics continue to be a priority in American diplomacy and in our bilateral relationship with the Soviet Union. We must continue to call attention to the plight of the Baltics because their struggle embodies the fundamental values for which our Nation stands at home and abroad: The importance of genuine democratic processes and institutions; a free market; the importance of dealing with issues of ethnic and minority rights fairly and without divisive politicization.

Seventy-three years ago, the nation of Estonia won its independence. In 1920, Vladimir Lenin guaranteed that independence in the Treaty of Tartu. Within months of the Molotov-Ribbentrop Pact in 1939 there were 25,000 Soviet soldiers in Estonia. The period of Soviet occupation that began then was marked by mass arrests and executions in the Stalin period, and then the repression and decay of this nation in the decades of Soviet rule.

Gorbachev promised an end to that repression. He promised freedom and self-determination for Estonia. Now, in the face of the violence in Lithuania and Latvia, after the economic crackdown in the Soviet Union, amid evidence that the military is reasserting control of the society, that bright promise has dimmed. It is up to us to see that it is not extinguished.

The United States has always recognized Estonia and its Baltic neighbors as free nations, and now, when their hopes of regaining freedom are being systematically cut off, it is more important than ever that we support their efforts to reassert their national identity. The Soviet Government's ability to understand the right to self-determination and freedom will tell us much about the kind of partner that government can be in international organizations such as GATT, or in our bilateral relationship. The Kremlin must understand how closely we are watching these developments.

I hope that next year, Estonia will celebrate the 74th anniversary of its independence a free country.•

RELEASE OF BIRMINGHAM SIX

• Mr. BIDEN. Mr. President, today I would like to call the attention of my colleagues to the imminent release of the so-called Birmingham Six, a group of Irish nationals who were convicted in 1975 of two bombings committed by the Irish Republican Army [IRA]. Yesterday in London, the British Government announced that it could no longer rely on the evidence used to convict the men, and declared the convictions "unsafe and unsatisfactory." The appeal of the case is scheduled for March 4. Because the Government prosecutors will not contest the appeal, the release of the men by the court of appeal is virutally assured.

The release of these men—Hugh Callaghan, Patrick Hill, Gerard Hunter, Richard McIlkenny, William Power, and John Walker—is long overdue. As I discussed in detail in the Senate last March, when I introduced a resolution calling on the British Government to reopen their case, the men were convicted on evidence that was highly questionable at best, unreliable at worst.

For over 16 years, these men have languished in prison, sentenced to life terms for a crime they did not commit. Thankfully, their long nightmare is about to end. I am pleased that justice, although long delayed, is about to be done.

The case of the Birmingham Six is not unique. Erroneous convictions occur in every society, including our own. But this case has taken on greater significance because of its ramifications for Northern Ireland, where for two decades a terrible civil conflict has raged. An important obstacle to the resolution of the conflict is a lack of confidence, particularly among Roman Catholics, in the administration of justice. To put it bluntly, many Catholics in Northern Ireland do not believe they can get a fair trial in a British courtroom. The Birmingham Six case has long reaffirmed that belief.

Yesterday's announcement was the third time in 2 years that British prosecutors have admitted that IRA bombing suspects have been convicted on flawed evidence. Three cases does not a trend make. But it should cause the British Government to raise questions about a system which produce such gross injustices.

Let me be clear, in taking this position, I make no apologies for the IRA. In my view, the IRA is nothing more than a bunch of common criminals. Their effort to force 1 million Protestants into a united Ireland at the point of a gun is terrorism, pure and simple. And this terrorism adds to what the Irish Times has correctly labeled a "climate of hostility and distrust" that obstructs a peaceful end to the Northern Ireland conflict.

But the British Government must also recognize that injustices in Northern Ireland contribute to the terrorist cause—injustice in the courts, injustice in equal opportunity of employment, and injustice in the laws of search and seizure. For the terrorist, the best weapon is a law that discriminates, a law that violates, a law that provokes injustice for some rather than promotes justice for all. Prime Minister Major must remember this fact, or he cannot hope for real progress in Northern Ireland.

I ask to insert into the RECORD an article from the Financial Times of London and an editorial from the Irish Times of Dublin.

The material follows:

[From the Financial Times, Feb. 26, 1991]

BRITAIN EXPECTED TO RELEASE WRONGLY-CONVICTED "BOMBERS"

(By Robert Rice and Kieran Cooke)

The six men jailed for life for the 1974 Birmingham pub bombings in which 21 people were killed and more than 160 injured are expected to be released from prison next week.

News that their 16-year ordeal may soon be over followed an announcement yesterday by British prosecuting authorities that they do not intend to contest the men's appeal.

The prosecution's barrister told a preliminary hearing of the English Court of Appeal that Sir Allen Green QC, the Director of Public Prosecutions (DPP), no longer intended to rely on the evidence of any of the investigating police officers in the case.

Sir Allan had already announced that he would not be relying on the scientific evidence.

This is the third time in two years that British authorities have admitted mistakenly jailing people accused of Irish Republican Army (IRA) terrorist acts on mainland Britain.

In October 1989 the Court of Appeal released the four people convicted of the 1974 pub bombings in Woolwich, south London, and Guildford, Surrey, after the DPP announced that police evidence in the case had been tampered and he would not contest their appeal.

In April 1990 the convictions of three Irish people sentenced to 25 years in jail for conspiracy to murder Mr. Tom King, the former Northern Ireland secretary and current defense secretary, were quashed by the Appeal Court.

The Birmingham Six case has been a point of friction between London and Dublin in recent years. Mr. Desmond O'Malley, the Irish Minister for Industry and leader of the small Progressive Democrats party, said yesterday that now the case was near to being resolved, relations between the two countries should improve.

The Irish government issued a statement yesterday saying that it was heartened that "at long last the ordeal of the men, which they have endured for over 16 years, is about to be brought to an end."

Mr. Charles Haughey, the Irish Prime Minister, said that it was deplorable that "a system of justice could perpetuate this terrible inequity over such a long period." However, Mr. Haughey said that it must be acknowledged that the same system of justice "did in the end find within itself the means for correcting that injustice."

Their release will be delayed until the Court of Appeal has officially ruled that their convictions are unsafe and unsatisfactory.

Lord Justice Lloyd sitting with Lords Justice Farquharson and Mustill, said yesterday that is was for the Court of Appeal alone to decide whether the men should go free.

"It may be said that the result of the appeals is a foregone conclusion and that, since the Crown has shown its hand, we should allow the appeals here and now. We do not share that view," he said.

The judge said the Court had a duty to look at the fresh evidence and decide in the light of it whether the convictions were "unsafe and unsatisfactory."

The full appeal will be heard on March 4.

The six were convicted on the basis of alleged confessions, the explosives evidence and what Lord Lane, the Lord Chief Justice described during the men's full appeal hearing in 1987 as a "wealth" of circumstantial evidence.

[From the Irish Times, Feb. 26, 1991]

DELAYED JUSTICE

Justice is human, and sometimes, as in the case of the six men condemned for the IRA murder of 21 men and women in Birmingham 17 years ago, it is all too human. Mingled with the frustration over the delays that have dragged out the months of the final denouement the anger over the lost years and the stubbornness of a legal system that refused to admit the possibility that it could be wrong throughout the entire process from arrest and investigation to judgment and appeal, there is considerable joy that the suffering inflicted on the six men appears now to be near its end.

The first reaction to yesterday's decision by the Director of Public Prosecutions in London not to rely on police evidence against them must be relief that the victims are virtually certain to be given back their liberty. That an injustice had possibly been done was clear to a handful of good and disinterested people at an early stage in the campaign for release. Their scepticism focused on the forensic evidence and then on police methods used to link the men with the crime. Both have now been officially disowned and the resulting convictions declared "unsafe and unsatisfactory".

The legal process has been found to be grievously deficit because of the tortuous manner in which the case has been resolved. It is relevant but salutary to remember that the particular horror of the pub bombings in 1974 combined with the corruption of a group of investigating policemen to produce what amounted to an arbitary choice of perpetrators and the extraction of confessions. The process was quite possibly made still worse by racial overtones.

Lord Denning, the former Master of the Rolls, was honest if disingenuous when he described the "appalling vistas" such as admission would open up for British justice. Still more appalling, he forgot to say, would be the outlook if it could be shown that the evidence against the six men did not stand up. That, more than 10 years on, is what has finally been conceeded.

The case is not unique. It, and the Maguire and Guildford cases, put the British system of justice on trial almost simultaneously, and raised profound questions about its administration which, as Mr. Chris Mullin, one of the most tireless campaigners for the Birmingham prisoners, pointed out yesterday, must now become the focus of attention. This is very far from saying that every Irish man or woman arrested, investigated and convicted for crimes of violence has also been victimised. But it should not be possible to have doubts.

In rejoicing over the imminent release of the six men, let it not be forgotten that 21 innocent people died in the pub bombings in 1974, and that the perpetrators are still, presumably, at large. They share the guilt for the injustice inflicted on the men who were convicted for their crime.

In a wider sense, every bombing for which the IRA is responsible—including yesterday's railway line bombing and the attacks on the London stations and on Downing Street within the last few weeks—adds to the climate of hostility and distrust. The Taioseach yesterday said that the release of the Birmingham prisoners would remove one "area of disagreement" between the Irish and British Governments. As long as the IRA continues its senseless and bloody actions, such areas are bound to recur.•

CORRECTION REGARDING SCOPE OF SOLDIERS' AND SAILORS' CIVIL RELIEF ACT PROTECTIONS AGAINST EVICTIONS FROM RENTAL HOUSING

• Mr. DECONCINI. Mr. President, last Thursday, February 21, during the Senate's consideration of S. 330, the proposed Soldiers' and Sailors' Civil Relief Act Amendments of 1991, a technical mistake was made in explaining the scope of the Soldiers' and Sailors' Civil Relief Act provision that affords service members' families certain protections with respect to eviction from rental housing. The specific nature of the error and the correct information are spelled out in a February 25 memorandum to me from the chief counsel of the Committee on Veterans' Affairs.

Mr. President, in order to correct the record, I ask that that memorandum be printed in the RECORD at this point.

The memorandum follows:

To: Honorable Dennis DeConcini.
From: Edward P. Scott, Chief Counsel/Staff Director Committee on Veterans' Affairs.
Date: February 25, 1991.
Subject: Applicability of Soldiers' and Sailors' Civil Relief Act to Residential Leases.

The purpose of this memorandum is to correct certain mistaken information that I gave you, during the Senate's consideration of S. 330, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991, and that you then stated on the record. The erroneous information, which appears on pages S2140–41, was that the Soldiers' and Sailors' Civil Relief Act's (SSCRA) (50 U.S.C. App. 510 et seq.) limited protections against eviction from a leased residence in which the servicemember's family is living do not apply if the servicemember entered into the lease after entering on active duty. Under section 300, eviction of a servicemember's dependents from certain rental housing is permitted only by leave of a court and the court is authorized to stay an eviction for up to 3 months.

Although other SSCRA provisions relating to contracts are limited to contracts made before the servicemember enters active duty, there is no such restriction on the scope of section 300 of the SSCRA.

Among SSCRA contract provisions that are limited to contracts executed before the servicemember entered active duty are (a) the provision (in section 304) that grants the servicemember the right to terminate a lease, and (b) the provision (in section 206) generally limiting to 6 percent the interest rate on servicemembers' financial obligations.

As I have indicated, that limitation does not apply to the prohibition against evictions of servicemembers' families from rental housing without court approval. However, the SSCRA does not authorize courts to delay evictions if the "ability of the tenant to pay the agreed rent is not materially affected by reason of" the servicemember's active-duty service. Obviously, when a servicemember executes a residential lease after having entered active duty, it will generally be difficult for him or her successfully to assert thereafter that military service is interfering with his or her ability to keep up the payments. Thus, the applicability of section 300 applying to such leases would not ordinarily seem to have a substantial effect on evictions other than to require leave of court.

I deeply regret that the effect that this erroneous advice had on the Senate's consideration of S. 330. As indicated above, however, to a great extent, the error was of a more theoretical than practical nature.•

IN SUPPORT OF SENATE JOINT RESOLUTION 75, MAINTAINING ECONOMIC SANCTIONS AGAINST IRAQ

• Mr. DODD. Mr. President, I rise in support of Senate Joint Resolution 75, a resolution that calls for continuing economic sanctions against Iraq until all prisoners of war have been released and all those missing in action have been accounted for. I want to commend my colleague from Colorado, Senator BROWN, for introducing this resolution.

Mr. President, Saddam Hussein's regime has committed a number of atrocities since the invasion of August 2, but two in particular stand out. One was, of course, the brutal rape and pillaging of a small and defenseless Kuwait. The second was the mean-spirited, and unlawful, mistreatment of captured allied prisoners of war.

Allied ground forces in the Persian Gulf are now in the final phase of an operation to reverse the first of these atrocities. But Mr. President, when the allied forces have completed their military mission and restored the rightful Government of Kuwait, then we must turn immediately to the second problem—that of prisoners of war and missing in action.

Mr. President, I believe that economic sanctions can play an important role in solving that problem. Before Operation Desert Storm began, economic sanctions had taken a great toll on the economy of Iraq. Over 90 percent of Iraq's trade had been shut off completely, while Iraq's gross national product was estimated to drop by nearly 50 percent. I would imagine that in a postwar Iraq, the impact of economic sanctions would be even greater. We must continue to impose these sanctions until all prisoners of war are released and all those missing in actions are satisfactorily accounted for.

Mr. President, the U.N. resolutions call not only for a reversal of the invasion of Kuwait, but for Iraq's compliance with the Geneva Convention regarding the treatment of prisoners of war. Adoption of this resolution will ensure that we prosecute that claim as vigorously and successfully as we are prosecuting Operation Desert Storm today.•

PAYROLL TAX CUTS

• Mr. KASTEN. Mr. President, I rise today to respond to Representative BILL GRADISON'S February 7, 1991 "Dear Colleague" letter opposing a reduction in the payroll tax.

Several Republicans including myself, ORRIN HATCH, STEVE SYMMS, and JESSE HELMS have cosponsored DANIEL P. MOYNIHAN'S bill to cut the payroll tax for workers and businesses. We believe this action would jump start the economy and more importantly, strengthen the financial integrity of the Social Security System. Specifically, it would create jobs and end the practice of using payroll tax surpluses to finance deficit spending on non-Social Security programs.

By increasing take-home pay and reducing labor costs, this legislation will stimulate long-term economic growth. In 1990, the Institute for Policy Innovation released a study by former Treasury Department economists Gary and Aldonna Robbins which estimated that a 2.2 percentage point reduction in the payroll tax would increase GNP by $346 billion and create 930,000 new jobs by the year 2000.

Representative GRADISON argues that the recession is essentially over and any stimulus from a payroll tax cut will come too late. It is not at all clear that the recession is over, but more important, the economic goal of a payroll tax cut is to help sustain a healthy level of economic growth throughout the 1990's not merely to pull the economy out of recession.

It is argued that a payroll tax cut is likely to overstimulate the economy and lead to higher inflation. This is the same argument used by critics of the Kemp-Roth tax cuts in the early 1980's. I reject the argument that vigorous economic growth must be accompanied by high inflation. The evidence does not support this claim. While the economy boomed in the 1980's, inflation plummeted to single-digit rates. From 1984 through 1988 when real economic growth averaged in excess of 4 percent a year, the consumer price index averaged only 3.5 percent. In fact, the inflation rate declined to 1.1 percent in 1986.

It is also argued that a payroll tax cut will increase the deficit and thereby lead to higher interest rates. Again, the evidence does not support this claim. There has been no correlation throughout the 1980's between deficits and the level of interest rates. In fact, in the majority of years when the deficit as a percentage of GNP went up, the 3-month Treasury bill interest rate went down.

Furthermore, even if the Social Security System is returned to pay-as-you-go financing, OMB estimates that the Federal deficit will be only 1.3 percent of GNP by 1996, the lowest level since 1974.

Perhaps most important of all, the real choice is not between lower taxes and higher deficits. Now that the Social Security trust fund is "off-budget," there will be enormous pressure to spend the surplus funds. Therefore the real choice, is whether to return the money to the workers who earned it or to allow special interests to spend it.

Finally, it is argued that a payroll tax cut means either significant future tax increases or Social Security benefit cuts. The proposal that Senator MOYNIHAN and I have made will not reduce benefits now or in the future. Under our plan, payroll tax rates would be adjusted at a level that is necessary to finance current benefits and maintain an adequate reserve. In fact, the reserve ratio would grow to 131 pecent by 1996, well over a year's worth of benefits under our plan.

Under S. 11 future Social Security benefits would be even more secure than they are under current law. Returning Social Security to pay-as-you-go financing would keep the program solvent for the next 75 years, 20 years longer than under the present arrangement.

The argument that taxes will have to increase in the future assumes that this would not be the case under current law. This is highly unlikely since current payroll tax surpluses are immediately borrowed and spent, merely leaving IOU's in the trust fund. When these IOU's come due taxes will have to be raised. This is why it is imperative that we end the trust fund charade now and return Social Security to pay-as-you-go financing. Only then can we generate the vigorous economic growth that will be necessary to ensure that the economy can adequately finance benefits in the 21st century.

For these reasons, I urge my Senate colleagues to join me in supporting a payroll tax cut for 132 million taxpayers and the businesses that employ them.•

RESOLUTION OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

• Mr. WARNER. Mr. President, the crisis in the Persian Gulf has rekindled in many Americans the patriotism that was sparked by the Founding Fathers of our great Nation when they drafted the outline of our democracy more than 200 years ago. At that time, young soldiers fought bravely for the vision of freedom that would become their own country. For many months, now, we have all witnessed once again the unswerving commitment of the American service member—and the American people as a whole—in the fight for freedom and democracy.

It is fitting that the National Society of the Daughters of the American Revolution should join the ranks of support as one of the strongest and clearest voices. This organization has constantly reminded us of the indomitable American spirit that was born with the birth of this Nation and which thrives today.

The resolution passed by the Daughters of the American Revolution is an expression of unequivocal support for the President, the Congress, and most especially, each and every man and woman serving in the U.S. Armed Forces in the Persian Gulf region and their families. I respectfully request that the resolution be added to the permanent RECORD of the proceedings of the U.S. Congress.

The resolution follows:

RESOLUTION

Whereas the President of the United States, George Bush, worked long and diligently on a peaceful solution to the withdrawal of the Iraqi armed forces from Kuwait; and

Whereas the United Nations passed a Resolution calling for this action; and

Whereas the Congress of the United States voted to give the President the authority to use military force, if necessary, to achieve this objective; therefore be it

Resolved, That the National Board of Management of the National Society of the Daughters of the American Revolution strongly supports the President's decision to commence "Operation Desert Storm" in cooperation with other United Nations countries to remove Saddam Hussein's Iraqi forces from Kuwait and

Resolved, That every member of the National Society of the Daughters of the American Revolution be encouraged to support our military personnel and give comfort to their families in every possible way.

Unanimously adopted on this First day of February, 1991.•

FEES PAID BY SKI AREAS ARE A GOOD DEAL FOR THE TAXPAYER

• Mr. WIRTH. Mr. President, I would like to take a few moments to address some criticism the ski industry has lately received. An article appeared recently in the New York Times entitled "Congress Weighs Fee for Business on U.S. Land" which covered allegations that the fees paid by ski areas in our national forests do not return fair value to the public, and lumps ski areas in the same category as concessions at our national parks. I could not disagree more.

I do agree with the concerns raised by the Secretary of the Interior and many others that the low payments of some park concessionaires do not represent a fair share for the United States. On the other hand, the U.S. Forest Service does in fact collect a fair fee from the ski areas in our national forests.

It is important to note the differences between these two cases. National park concessionaires profit from people who are attracted to them because of the national park. The United States has provided the attraction and the concessionaire profits from it.

Ski areas, on the other hand, create and build their own attraction where there was none, at their own financial risk. Good management is not enough to guarantee a profit for these areas—they also depend on good weather. They build and maintain their own infrastructure including roads, mass transit, recreational facilities, and even wastewater treatment plants. Park concessionaires receive many of these services directly from the National Park Service.

Despite the simple fact that a fee increase would translate into higher lift prices for the millions of Americans who enjoy skiing at these areas, some have pressed for higher fees for ski areas. This overlooks the fact that the present fees system has continually increased the total payments these areas pay the Federal Government. Over the past 5 years, their payments have doubled under the present fee system. And while the Department of the Interior has determined that the fees paid by park concessions are too low, the Forest Service supports the fees paid by the ski areas as fair.

Ski areas, in fact, represent perhaps the best return to the taxpayer of any Forest Service program. While Forest Service timber sales generate local employment and economic activity, in many of our national forests they lose millions of dollars a year. Many timber sales cost more to prepare than they get back in payment.

Ski areas, on the other hand, not only generate huge amounts of local employment and economic activity—each and every one of them makes money for the Treasury. The Forest Service receives over $18 million a year from the ski areas located on the national forest.

In summary Mr. President, it is my experience that the 24 ski areas on our national forests in Colorado represent a good deal for the taxpayer, for the economies of their communities, and for the millions of Americans who enjoy skiing on our public lands.•

BODACIOUS ACTION

• Mr. McCONNELL. Mr. President, as we enter the 3d day of the ground war phase of Operation Desert Storm, I would like to take a moment to share with my colleagues an article that appeared in yesterday's Washington Post.

Entitled, "In 'Bodacious Action,' 300 Copters Lift 2,000 Troops 50 Miles Inside Iraq," the article describes the military accomplishments and prowess of the 101st Airborne Division—the Screamin' Eagles—in the initial stages of the ground war. After reading the article, I am certain my colleagues will agree with Maj. Dan Grigson's comment, "This is a bold, bodacious action."

As we continue to follow developments on the fields of battle, let us keep the safety and well being of our soldiers in our thoughts and prayers.

The article follows:

In "Bodacious Action," 300 Copters Lift 2,000 Troops 50 Miles Inside Iraq

(By John Pomfret)

With 101st Airborn Division, Southern Iraq, February 24.—More than 300 attack helicopters, some piloted by women, blasted deep into Iraq today in an assault aimed at cutting Iraqi supply lines.

The Screaming Eagles of the 101st Airborne Division airlifted more than 2,000 men, 50 jeep-like Humvees and howitzers and tons of fuel and ammunition more than 50 miles into Iraq.

Land vehicles took another 2,000 men from the 101st over the border into enemy territory along what the troops called a "highway to hell."

"This is a bold, bodacious action," said Maj. Dan Grigson.

The airborne operation was part of a push to establish a staging area in Iraqi territory west of Kuwait, from which U.S. armored forces could move north to envelop Kuwait or pin down or engage the Republican Guard, the Iraqi army's elite, in southern Iraq.

There were no initial reports of American casualties and the 101st encountered only minimal Iraqi fire, officers said.

Col. Tom Hill, a brigade leader, said at least 15 Iraqi soldiers were captured and officers said hundreds more were expected. Hill said the attack was proceeding better than anticipated. By late afternoon, the troops had carved out a 60-square-mile area in Iraq to serve as a giant fuel and ammunition dump for later assaults.

Throughout the day, hundreds of heavyduty Chinook helicopters could be seen carrying huge rubber bladders of fuel to the staging area. None of the helicopters was flying more than 100 feet above the ground.

The start of the invasion came about an hour after dawn from 13 strike zones in the forbidding desert of northern Saudi Arabia. Dust from the Chinook, Blackhawk, Huey, Cobra and Apache helicopters turned the sky purple. One by one, the black "birds" arranged in six air corridors roared into Iraq.

"We'd walk through the gates of hell now that we know we are going home," said Sgt. Mike Southall, 34, of Galveston, Tex.

The assault was delayed about an hour after an OH–58 Kiowa helicopter crashed in the Iraqi desert in a bank of fog. The helicopter was destroyed, but the crew was rescued.

Apache assault helicopters led the attack. The Apaches flew in low, less than 50 feet, carrying Hellfire antitank missiles.

Officers said the invasion paralleled the jump by the 101st into Normandy in June 1944. The flying time of less than one hour was about the same, the division's contribution of men was similar, and Blackhawk helicopters—the main troop carrier—hold about as many men as did the towed gliders of World War II. The women pilots are new.

Under military regulations, women are excluded from jobs directly related to combat. As the Army defines it, that means seeking out and engaging the enemy. Two women came under fire while ferrying troops into combat during the December 1989 invasion of Panama.

Today's attack marked the first time the army has put into practice its new doctrine that focuses on destroying enemy troops rather than taking or holding territory.

"Don't worry about Kuwait, it's piece of dirt," said Maj. Grigson. "We're going after the Iraqi army. Once we destroy [it], then Kuwait will be free."

Maj. Gen. J.H. Binford Peay III said the attack was the largest helicopter assault. As expected, he said, Iraqi troops put up little opposition to the landing. "But once we cut deeper, then we expect him to fight back," he said.

(Promfret is a pool reporter whose account was subject to review by military censors.)•

LESLIE H. OLSON, BANKER OF THE YEAR

• Mr. DASCHLE. Mr. President, in this era of the thrift crisis and increasing failures in the banking industry, I am exceedingly proud to direct my colleagues' attention to Leslie H. Olson, president of Commercial Trust and Savings Bank in Mitchell, SD. Les was recently honored as "Banker of the Year" by Northwestern Financial Review. And for good reason.

Five years ago, Les, who started his career in banking as a messenger earning $64 a month, took control of Commercial Trust and Savings Bank. He faced a return on assets and a return on equity well within the negative due primarily to the agricultural crisis. Within 4 years, Les had turned the bank around into a healthy, profit-making institution.

This alone would be enough to make Les a model banker, but there is more. Les represents a quality that seems increasingly rare these days—a sense of duty to do more than his share, both as a banker and as a member of his community.

In addition to his extensive involvement in training individuals in banking and his leadership roles in numerous banking organizations, all of which have earned him enormous respect within the industry, Les has taken an active role in a variety of ways to promote economic and cultural development in his community. Most of this work is strictly on a volunteer basis.

I have asked myself what we can learn from Les, and I think I know what it is. Everything that Les does bears the stamp of someone who cares about people. Whether it's setting up a suggestion box to receive comments from his employees or helping found a community theater group, that's the thread that seems to run through his achievements. I'll wager that, if all bankers were like Les, we wouldn't be facing a crisis in banking today.

I congratulate Les on being selected "Banker of the Year" and thank him for providing a role model to which all of us can aspire.●

NATIONAL ARBOR DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 64, designating National Arbor Day, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The committee is discharged.

The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 64) authorizing the President to proclaim the last Friday of April as National Arbor Day.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to the consideration of the joint resolution.

AMENDMENT NO. 12

Mr. FORD. Mr. President, on behalf of Senator BRADLEY, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. BRADLEY, proposes an amendment numbered 12.

On page 1, line 4, insert ", 1991," after "April".

The PRESIDING OFFICER (Mr. CONRAD). If there be no further debate, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 12) was agreed to.

The joint resolution (S.J. Res. 64), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 64

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1991, as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

A joint resolution to authorize the President to proclaim the last Friday of April, 1991, as "National Arbor Day."

THE DEATH OF THE HONORABLE JOHN SHERMAN COOPER

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 64, submitted earlier today by Senators FORD, MCCONNELL, MITCHELL, and DOLE, relative to the death of the Honorable John Sherman Cooper.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 64) relative to the death of the Honorable John Sherman Cooper, formerly a Senator from the State of Kentucky.

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John Sherman Cooper, formerly a Senator from the State of Kentucky.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FORD. Mr. President, on February 21, 1991, Kentucky lost one of its greatest sons in John Sherman Cooper. Rare, indeed, are the likes of this man. He sprang from the soil in Pulaski County and really never left it—traveling the world as he did.

John Sherman did not come up the easy way. He just made it seem easy. He progressed from politics in Kentucky to a world class statesman and a force of conscience in the U.S. Senate. His solid foundations were all Kentucky. Educated at Centre College, county judge, State legislator, and U.S. Senator worthy of the stature of Clay and Crittenden. He served as U.S. Ambassador to India and was our first Ambassador to East Germany in recognition of his diplomatic abilities. He never failed. This, in no small measure, because he was always friendly and courteous and understanding of the little man—even as he circulated in the highest realm.

John Sherman Cooper was a dogged man. He won more elections in Kentucky per years served than probably any other person. He won several elections for unexpired Senate terms and later for full terms.

He will be sorely missed by all Kentuckians but all Kentuckians are better for his having come their way.

Mr. President, I ask that my junior colleague from Kentucky be recognized at this point.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I come to this Chamber today to honor a man whose life and public career honored this institution: U.S. Senator John Sherman Cooper.

Senator Cooper died peacefully in his sleep last Thursday, in an apartment near his old stately home in Georgetown. At one time, that home was the social capital of Washington, frequented by Katharine Graham and John F. Kennedy, when invitations to the Coopers were more prized than state dinners at the White House.

Senator Cooper had been in retirement for 19 years, from a Senate career that spanned the Korean war, the cold war, and the Vietnam war. He was a delegate to the United Nations, and served as Ambassador to India and East Germany. He advised Secretary of State Dean Acheson and helped establish the North Atlantic Treaty Organization.

Yet despite these far-flung accomplishments, Senator Cooper never lost the gentle compassion or the hard principles of his Kentucky upbringing.

In my own case, Mr. President, I feel particularly blessed by Senator Cooper's character; for it is fair to say that I might not be a Member of this body if it were not for this special man.

I was a college student when I wrote to Senator Cooper back in 1964, asking for an internship in his Washington office. Frankly, I did not really expect a reply; few Senators offered internships in those days, and I had no connections or famous family name to get me in the door.

But Senator Cooper was not the sort of man who was swayed by connections or family names. Though he grew up in a prominent family in Somerset, KY, Senator Cooper always looked beyond the credentials and into the character of a person.

Senator Cooper was impressed by my enthusiasm for politics, so he gave me the internship and took me under his wing that summer. That was the summer of 1964. I got to see first hand the qualities that made Senator Cooper so special and admired.

While I was working for him, Mr. President, the Senate was debating the landmark civil rights bill, the Public Accommodations Act. Lots of letters were coming in against the bill, but Senator Cooper decided to take a leadership role in favor of it. When I asked him why he was taking such an obvious political risk, he replied, "There are times when you are called upon to lead; and you hope that people will come to accept the wisdom of your judgment."

Unlike a lot of people in the public arena, Senator Cooper was not afraid to take the risks of leadership; nor was he afraid to pay the price. Many forget that Senator Cooper was defeated three times for statewide office in Kentucky. When he lost his Senate seat in 1954 to Alben Barkley, people thought it was the end of his political career.

In fact, Mr. President, it was only the beginning of Senator Cooper's most influential period of public service. He expanded his knowledge of international diplomacy, serving as Ambassador to India; then he returned in triumph to the Senate 2 years later.

From that moment on, Senator Cooper's political base in Kentucky became impregnable, carrying him to record victories in two more contested campaigns. All over Kentucky, a State that is predominately Democratic, people called Republican John Sherman Cooper their friend. And even though Senator Cooper knew his way around the Halls of Congress, the Georgetown salons, and the diplomatic corps, he never stopped caring about projects on the Big Sandy and public libraries in little towns.

That was his compassionate side. But in his crowning last 16 years in the Senate, it was his hard principled side that earned his colleagues' respect and his place in history.

In his own unassuming but persistent manner, Senator Cooper stood up to three successive U.S. Presidents in holding the line on the war in Vietnam.

Senator Cooper's position on that issue was not strident, or dogmatic, or radical. It was based on his own firm convictions about the wisdom of our involvement in that conflict. And even though many disagreed with Cooper's views, no one doubted the sincerity of his purpose or the integrity of his principles.

That's why Senator Cooper was so deeply admired by his colleagues and constituents, regardless of party or political persuasion. When his opponent in the 1966 reelection campaign tried to brand Senator Cooper as a "dove," he still carried 110 of Kentucky's 120 counties—despite the fact that many Kentuckians disagreed with Cooper on the Vietnam war.

As the Senator said, "There are times when you are called upon to lead; and you hope that people will come to accept the wisdom of your judgment."

Senator Cooper was not opposed to war in every circumstance, however. He fought alongside Gen. George S. Patton in Europe and earned the Bronze Star. And even though he was against the Vietnam war, he voted consistently to provide adequate supplies and support to the troops on the front line.

In fact, I have no doubt about what Senator Cooper would say about the military action we are pursuing against Saddam Hussein. Despite his gentle demeanor and his disdain for violence, Senator Cooper also knew a tyrant when he saw one—and Senator Cooper hated tyranny.

A gentle man, a principled fighter, a reluctant orator who spoke in "iron mumbles," a man whose world bridged the far East, Eastern Europe and eastern Kentucky—this is the John Sherman Cooper I knew—many of us knew—and all of us will miss.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 64) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the resolution on Senator John Sherman Cooper was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMAN RIGHTS VIOLATIONS IN CUBA

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 65, a resolution condemning Cuba's human rights violations and commending the U.N. Human Rights Commission for its attention to the human rights situation in Cuba, submitted earlier today by Senators GRAHAM, MACK, and others; that the resolution be considered agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution and its preamble are as follows:

S. RES. 65

Whereas according to the Department of State Country Reports on Human Rights Practices for 1990, the Government of Cuba "sharply restricts virtually all basic human rights, including freedoms of expression, association, assembly, and movement, as well as the right to privacy, the right of citizens to change their own government, and workers' rights";

Whereas the Government of Cuba imprisons persons solely for the nonviolent expression of their political views, including the world's longest held political prisoner, Mario Chanes de Armas, who has been imprisoned for 30 years, and Ernesto Diaz, who has served 21 years in prison;

Whereas in March 1988, the United Nations Human Rights Commission undertook a review of Cuban human rights practices, and a working group of the Commission visited Cuba in September 1988;

Whereas in March 1988, the United Nations Human Rights Commission approved a resolution citing its continued concerns regarding the human rights situation in Cuba;

Whereas since the September 1988 visit of the United Nations Human Rights Commission working group, the Government of Cuba has arrested, harassed, and intimidated scores of human rights monitors and independent activists, many of whom cooperated with the United Nations Human Rights Commission investigation;

Whereas at least 31 human rights monitors and independent activists are currently serving prison sentences, another two are under house arrest, and many others are awaiting trial; and

Whereas the International Committee of the Red Cross was denied access to Cuban prisons and inmates in 1990: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Government of Cuba for its gross violations of internationally recognized human rights of the Cuban people, including its systematic harassment and intimidation of Cuban human rights monitors and independent activists;

(2) calls upon the Government of Cuba—

(A) to release from prison and house arrest all human rights monitors, independent activists, and other political prisoners,

(B) to respect internationally recognized human rights, and

(C) to allow the International Committee of the Red Cross access to Cuban prisons;

(3) commends the United Nations Human Rights Commission for its attention to the human rights situation in Cuba;

(4) urges all member States of the United Nations Human Rights Commission to support the continued investigation of Cuban human rights violations by the appointment of special rapporteur or working group on Cuba; and

(5) commends the United States delegation to the United Nations Human Rights Commission for its diligence in pursuing this important issue.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, February 27; that following the prayer, the Journal of the proceedings be approved to date; that following the time reserved for the two leaders, there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent, in accordance with the provisions of Senate Resolution 64, as a further mark of respect to the memory of the deceased Honorable John Sherman Cooper, late a Senator from the State of Kentucky, that the Senate now stand in recess until 9:30 a.m., Wednesday, February 27.

There being no objection, the Senate, at 5:45 p.m., recessed until Wednesday, February 27, 1991, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 26, 1991:

FEDERAL TRADE COMMISSION

DENNIS A. YAO, OF PENNSYLVANIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF 7 YEARS FROM

SEPTEMBER 26, 1989, VICE ANDREW JOHN STRENIO, JR., TERM EXPIRED.

NATIONAL COUNCIL ON DISABILITY

JOHN A. GANNON, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1992. (REAPPOINTMENT)

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH & IMPROVEMENT

PEDRO ROIG, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1992, VICE JAMES L. USRY, TERM EXPIRED.

IN THE COAST GUARD

PURSUANT TO THE PROVISIONS OF 14 USC 729, THE FOLLOWING NAMED COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF CAPTAIN:

HOEKSTRA, RALPH A.
CHARLES, STUART D.
BEASLEY, JON S.
GRIFFITHS, BRUCE E.
TEICHERT, ERNEST J.
JONES, MICHAEL H.
WILEY, NEIL W.
BELL, ROBERT M.
MADDOCK, THOMAS M.
CLARK, RICHARD R.
TINGQUIST, ALAN K.
MOORE, CARLTON D.
SPENCER, JOHN S.
LANGJAHR, JOSEPH H.
DOOLAN, MARTIN P.
GAUGHAN, JOHN A.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. PAUL D. BUTCHER, U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. ANTHONY A. LESS, U.S. NAVY [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. CHRIS A. ANASTASSATOS, JR [redacted]
MAJ. ROWAN W. BRONSON [redacted]
MAJ. LAWRENCE J. CERFOGLI [redacted]
MAJ. JIMMIE W. CRIDER [redacted]
MAJ. LLOYD T. CRUMRINE [redacted]
MAJ. ROLAND S. DODSON [redacted]
MAJ. DAVID J. GREGORY [redacted]
MAJ. ROBERT V. HUNT [redacted]
MAJ. CHARLES A. JACKSON [redacted]
MAJ. MICHAEL A. LARSON [redacted]
MAJ. TIMOTHY P. LOCKETT [redacted]
MAJ. ROBERT E. MATTHEWS [redacted]
MAJ. STEVEN A. SKOWRONSK [redacted]
MAJ. JAMES R. TURNER II [redacted]
MAJ. ROY T. VANHEE, JR. [redacted]
MAJ. THOMAS M. VIERZBA [redacted]
MAJ. JOYCE L. WILKERSON [redacted]

JUDGE ADVOCATE GENERALS DEPARTMENT

MAJ. DAVID J. KUCKELMAN [redacted]

CHAPLAIN CORPS

MAJ. JOHN D. VAIL [redacted]

MEDICAL SERVICE CORPS

MAJ. DAVID G. GREGORY [redacted]

MEDICAL CORPS

MAJ. MARK W. PARKER [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. DANIEL P. ANDERSON [redacted]
MAJ. PATRICK A. AYRES [redacted]
MAJ. DONALD S. BALL [redacted]
MAJ. JERRY B. BALTZELL [redacted]
MAJ. JAMES R. BEEBE [redacted]
MAJ. VERNON J. BROSKY [redacted]
MAJ. MICHAEL D. CASSIDY [redacted]
MAJ. JAMES E. CHAGNON [redacted]
MAJ. EDSEL L. GEARY [redacted]
MAJ. GARY L. LEVERETT [redacted]
MAJ. ALEXANDER P. MADAR [redacted]
MAJ. STEVEN K. MALLERY [redacted]
MAJ. THOMAS J. MARKS, JR. [redacted]
MAJ. RICHARD L. MATTHEWS [redacted]
MAJ. RONALD O. MONTGOMERY [redacted]
MAJ. DAVID B. MOREMEN [redacted]
MAJ. JAMES G. POHOSKI [redacted]
MAJ. MERRELL C. SCHRIVER [redacted]
MAJ. ALLAN C. STILES [redacted]
MAJ. HARVELL J. WALKER, JR. [redacted]
MAJ. ROBERT H. WILLIAMS, II [redacted]
MAJ. WILLARD K. WINDSOR [redacted]

JUDGE ADVOCATE GENERALS DEPARTMENT

MAJ. MICHAEL J. VANLEUVEN [redacted]

CHAPLAIN CORPS

MAJ. ANTHONY J. MASKELL [redacted]

IN THE ARMY

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 594 AND 3353:

MEDICAL CORPS

To be colonel

INTILE, JOSEPH A., JR [redacted]
MONTES, ALBERTO L [redacted]

MEDICAL CORPS

To be lieutenant colonel

ABBOTT, JOSEPH A [redacted]
BASA, ARTURO S [redacted]
BRAMMER, SHELBY R [redacted]
CABRERA, DONATO M., JR [redacted]
CROWLEY, DENNIS M. [redacted]
DEL TORO-OTERO, ANTONIO R [redacted]
DORN, BARRY C [redacted]
ESPINOSA, GUSTAVO A [redacted]
FAWCETT, WILLIAM A., IV [redacted]
FINE, JOSEP [redacted]
FISHER, EDWARD G [redacted]
GOODSON, JONATHAN N. [redacted]
HAYDEN, WILLIAM G [redacted]
KRITCHMAN, MARILYN M. [redacted]
LAGMAN-RAMONES, CORAZON [redacted]
MC DANNALD, EUGENE R., JR. [redacted]
MONTESCLAROS, ADOLBEN Y [redacted]
OTEYZA, BEN E [redacted]
PATRICK, DONALD L [redacted]
PEREZ, MANUEL R [redacted]
RAO, PEJEWAR M [redacted]
ROWLAND, ROBERT C [redacted]
RUE, DAVID SEUNG-IL [redacted]
RUSSO, VINCENT J [redacted]
SAUER, PAUL E [redacted]
VENUGOPAL, KOTTARATHIL [redacted]
WHITE, NEWTON K [redacted]
YOHN, KENNETH C [redacted]

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A); AND 3385:

ARMY PROMOTION LIST

To be colonel

CREWS, BARNEY E. JR [redacted]
FAIN, CHARLES B [redacted]
FRASER, ERNEST C. JR [redacted]
KAUFFMAN, LEONARD A [redacted]
RODRIGUEZ-RUIZ, RUBEN [redacted]
SHEFFIELD, SIMON J. JR [redacted]
SISNEROS, GENE [redacted]
WILLIS, GARRY L [redacted]

MEDICAL CORPS

To be colonel

AZAR, PAUL J. JR [redacted]
MARLER, ROBERT P [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

BREWSTER, DAVID C [redacted]
COX, NORMAN J. JR [redacted]
EDDLEMAN, TERRY L [redacted]
FOWLER, CHARLES M [redacted]
GOLDSMITH, EDWARD A [redacted]
HAMMOND, GLENN C. II [redacted]
HARBAUGH, MARK L. [redacted]
HEALY, RICHARD D. [redacted]
HEIMES, GARY F [redacted]
HENRY, WALTER E [redacted]
HERNANDEZ, ADRIA A [redacted]
KARSTEN, RONALD F [redacted]
LECLAIRE, MITCHELL R [redacted]
MARTIN, PAUL C [redacted]
MEADOWS, THOMAS E [redacted]
MORRISS, PHILIP J [redacted]
NAJACHT, CHARLES W [redacted]
O'ROUKE, ALAN D. [redacted]
RUSSELL, LARRY L [redacted]
SIDWELL, KING E [redacted]
SMITH, DENNIS E [redacted]
SPAIN, EDWIN E. II [redacted]
SUMPTER, WALTER L [redacted]
SYLVESTER, WILLIAM G [redacted]
TALLONE, VINCENT A [redacted]
THOMAS, FENTON [redacted]
TILLMAN, RUEDIGER [redacted]
TRIPLETT, MICHAEL W [redacted]
VOGEL, PETER C [redacted]
WADLEY, RAYMOND D. [redacted]
WILCOMB, BRUCE E. [redacted]
WRIGHT, JESSICA L [redacted]
WYMAN, ARTHUR H. [redacted]

MEDICAL CORPS

To be lieutenant colonel

DAVIS, WILLIAM E [redacted]
DICKEN, ROBERT A. [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

SNOW, MICHAEL R. [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO RECOMMENDED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

ARMY

To be lieutenant colonel

RICHARD A. ELLIOTT [redacted]
RICHARD D. DUBOIS [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

*PATRICIA A. KRAUSE [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

VICKI A. WOLDT [redacted]

ARMY

To be major

JAMES C. CALLENDER [redacted]
DAVID C. GOETSCH [redacted]
*RICHARD G. RICKLEFS [redacted]
*DONALD T. ZAJACKOWSKI, [redacted]

IN THE NAVY

DAVID D. HINSPATER, NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATE TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

AMBROSE, G.T.
ANDERSON, ERIC G.
BARNES, J.W.
BEARD, WILLIAM E.
BECERRA, RAUL
DAILL, K.D.
DURKEE, D.F.
GRANGER, M.W.
HIGINBOTHAM, J.B.
KALLEY, T.E.
MCALOON, K.O.
MORAN, J.T.
REESE, ERIC G.
REISWIG, C.C.
ROSARIO, R.A.
SANDERLIN, G.J.
WILEY, RICHARD A.

DANNY L. NEWMAN, CHIEF WARRANT OFFICER, W–4, U.S. NAVY, RETIRED, TO BE REAPPOINTED A TEMPORARY CHIEF WARRANT OFFICER, W–4, IN THE U.S. NAVY FROM THE TEMPORARY DISABILITY RETIRED LIST, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 1211.

ERIC T. LINCKE, FORMER U.S. NAVY OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

GARY E. SCHRAUT, U.S. NAVY OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

ANTHONY A. VEIGA, U.S. NAVY OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE LINE OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

IN THE NAVY

THE FOLLOWING NAMED NAVAL ACADEMY MIDSHIPMEN TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY MIDSHIPMEN

To be ensign; permanent

ABBS ALAN WILLIAM
ABRAMS WILLIAM STANLEY II
ACOBA WAYNE ANTHONY
ADAE NINA BEMAH
ADAMS CHRISTOPHER JAMES
ADAMS HENRY CLAY III
ADAMS JAMES HENRY III
ADAMS ROBERT IRL III
ALBUJA NEIL ROY
ALLEN DAVID SYLVAN
ALM STEPHEN LESLIE
ALVAREZ ROGELIO ENRIQUE
AMSTUTZ MATTHEW WILLIAM
ANDBERG BRENT KENNETH
ANDERSON JEFFREY THOMAS
ANDINA KARL ANDREW
APPEZZATO DAVID JOHN
ARMIJO MOLLY BETH
ARMSTRONG GIBSON CARL
AUSTIN ERIC ERSKINE
AYUBI JOHNPAUL
BACA JAMES BLAS
BACHMAN LISA JENNIFER
BAEZ JORGE ANTONIO
BAEZ RAMON AUGUSTO III
BAHLAU TODD ADOLPH
BAICH JOSEPH RICHARD DAINE, JR.
BAKER GARRY JAMES
BAKER ROBERT HAROLD
BALDINO SHANE MICHAEL
BANKS BRAIN LOUIS
BANTA KATHERINE LYNN
BANTA STEPHEN EDWARD
BARAGAR DOUGLAS WILLIAM
BARATA CARLOS RAYMOND
BARBER KENNETH SYDNEY
BARCHI DANIEL JAMES
BARNET ROBERT EVAN
BARNETT CHRISTOPHER CHARLES
BARRY ROBERT WILLIAM JR.
BECKMAN JON FRITZ
BELL JAMES DUDLEY JR.
BENDER ERIK MICHAEL
BENEVIDES EDUARDO REGO
BENSON CRAIG ALLEN
BERENBAUM DANIEL ALAN
BERG HEIDI KRISTEN
BERGHULT DAVID CARL
BERLIN RUSSELL JAMES
BERMAN HARVEY ROSS
BERNTSON ERIC ROBERT
BERRA NICHOLAS CARTER
BERRY PHILLIP ANDREW
BIGGS KELLY WILLIAM
BISHOP RONALD MICHAEL JR.
BLACKWOOD DAVID BRYAN
BLAKE JOHN EVANS
BLANC DRU MICHAEL
BLAZES DAVID LAURENCE
BLENKHORN KEVIN PAUL
BLOOMER JODI LYNN
BOLLWERK WILLIAM NICHOLS
BOLT JOHN ALEXANDER
BOLT MICHAEL LEE
BONAT CHRISTIAN MARCUS
BORGSCHULTE MICHAEL JOSEPH
BOSCHERT JEFFREY LEE
BOSS WILLIAM FREDERICK JR
BOSWORTH BRUCE WHITNEY
BOUCK CORY ALLAN
BOURNE BRETT ALVA
BOWEN PAUL IVAN III
BOWLING WILLIAM ANDREW
BOWNDS CHRISTOPHER DAVID
BOYD MATTHEW SHAMUS
BOYD MICHAEL BARTOW
BOYD STEPEHN FREDERICK
BRADEN THOMAS ALFONSO
BRADFORD ALAN ROGER JR
BRADLEY FRANK MITCHELL
BRAKORA MICHAEL JAMES
BRAUN JAMES ANDREW
BRAWLEY RICHARD DOUGLAS
BRAY BOBBY JOE JR
BRAZELTON MARK DAVID
BREED ALFRED WOOLSLEYER
BRESKO CARL AARON
BRIGGS CHRISTOPHER PATRICK GERAR
BRITTON JOSEPH RONALD
BRODBAR ADAM NATHANIEL
BROOKS HILLARY ASHWORTH
BROOKS TIMOTHY ALLEN
BROOKSHIER ROBERT LESLIE III
BROPHY RICHARD THOMAS JR
BROWN BRENT WILLIAM
BROWN DONALD MATTHEW
BROWN WILLIAM MELVIN III
BRUCE ANTHONY MILOW
BRUCHOK BART RUSSELL
BRUGGEMAN JOHN HENRY JR
BRULEY KENNETH COLEMAN
BRUNNER MICHAEL OTTO
BRZOSTOWSKI STEPHEN CHRISTOPHER
BUNNAY SCOTT ALAN
BUONERBA DAVID JR
BURCHER MARK ERIC
BURKE JUDE THOMAS
BURNEY WILLARD CHAD
BUSCH MATTHEW SAMUEL
CAESAR ALBERT THOMAS
CALAMAN GREGORY ALLEN
CALLAHAN MICHAEL DENNIS
CALLAHAN ROBERT JAMES
CAMPBELL CARMEN YVONNE
CAMPBELL WILLIAM LYNN JR
CANTRELL STEVE L
CAO HAI THANH
CAPUANO MICHAEL PATRICK
CARAZO MARIO DE LOS ANGELE
CAREY MICHAEL JAMES
CARLSON BRADLEY SCOTT
CARLSON IVAN GARRICK
CARLSON JAMES RICHARD II
CARPENTER DOUGLAS WAYNE
CARR DUANE JEFFREY
CARR MAURICE HOWARD
CARR TIMOTHY TODD
CARSON SCOTT DOUGLAS
CASE ANTHONY ARTHUR
CASH ERIC CRAWFORD
CASTANO JAMES CHOE
CASULLI EDWARD THOMAS
CAUSEY ANDREW LEWIS
CAWLEY ROBERT BRYAN
CAYWOOD THOMAS WESLEY JR
CHADWICK ROBERT BERRY II
CHANDLER SCOTT ANDREW
CHANDLER THOMAS ELLIOT
CHATFIELD JEFFREY ALLEN
CHEAIRS ROSS BRUCE III
CHILSON JOHN ALLYN
CHIPMAN DONALD CHARLES
CHONG FRANK KONG III
CHRISTEL DAVID LEO
CHRISTENSON TIMOTHY MARTIN
CHURCH KIMBERLY LYNNE
CICCONE JONATHAN CHRISTIAN
CLEMENTE ZUBIN REGANIT
CLEVENGER ALAN BRYANT
CLUKEY ROBERT EDWARD III
COLE JONATHAN DAVID
COLEMAN RODNEY SCOTT
COLLETTI JOHN EMANUEL
COLLINS GREGORY RAYMOND
COLLINS MICHAEL CHRISTOPHER
COLOMBO MARK JAMES
COLVINS ARAH ESTELLE
CONOVER MICHAEL CHARLES
COOK LARRY MITCHELL JR
COOLMAN RUSSELL JOHN
COPP BRENNAN CHARLES
CORCORAN SHAUNNA MAUREEN
COTE CHRISTOPHER CONRAD
COULSON ALLAN ANDREW
COURSEY GUY RAYMOND
COUTURE TIMOTHY LEE
COVINGTON ERIC WILLIAM
CRANE BRIAN EUGENE
CREED SCOTT SHELDON
CRONE TIMOTHY ALAN
CROSSLEY GARETH LANSING SAWTE
CROWE ANDREW DANIEL
CUEVAS NEAL SIMON
CURLEY MAUREEN
DANIELL MARTIN HAYNES III
DAPOLLONIO JOSEPH II
DARBY THOMAS ALOYSIUS
DARR RACHEL ELAINE
DATKA ALLISON LEIGH
DAVIES BRIAN LLEWELLYN
DAVIES PETER EVAN
DAVILA BENJAMIN ALAN
DAVIS CHRISTOPHER ROBERT
DAVIS DWAYNE MICHAEL
DAVIS JAMES ALFRED
DAVIS JASON CHRISTOPHER
DAVIS KELLY RAY
DAVIS MELVYN MALCOLM
DAWLEY STERLING WHIPPLE
DAWSON JAMES ALAN
DAWSON JERRY
DEBELLIS JOHN JAY
DEBRUIN JOHN BRIAN
DEFEO SUZANNE CARMEN
DELACRUZ ARTHUR MICHAEL
DELAERE JOHN RICHARD
DELAHANTY MARK ANDREW
DELANE ALTON DELROY
DELAO MARC RUSSELL
DELPOZZO DOMINIC PAUL
DELUCCHI ANTHONY WALTER III
DEMERITT STEPHEN DAVIS
DEMIER CRISTOBAL MANUEL
DESAI SUNIL BATES
DEVINE JOHN CHURCHILL III
DEVRIES WILLIAM JOHN
DIAZ JENNIFER FAJARDO
DIDIER BRYAN J
DIEDRICH PAUL HAGER
DIGUARDO JOSEPH ANTHONY JR.
DILLON WILLIAM SCOTT
DINKEL TROY ADAM
DODGE JEFFREY SCOTT
DOEBLER ERROL MAIDMENT
DOFFIN ORIE ROLAND
DOMINO ANTHONY RICHARD
DONDERO JOSEPH REYNOLD
DARCAS DEAN WADE
DOWLING MICHAEL GERARD
DOWNEY CHRISTOPHER JAMES
DRAKE DAN BASIL
DROMSKY DAVID MICHAEL
DUDGEON DOUGLAS EVAN
DUERDEN WILLIAM CHARLES
DUKAT ERIC ANTHONY
DUKE JON DARREN
DULLA BRIAN PAUL
DUNGCA CONRADO GALANG JR.
DUNN JOSEPH PATRICK
DUNN ROBERT CAMERON
DURN DANIEL JAMES
DURYEA ROBERT HAROLD
DUTHIE JOHN DAVID
DYER GEORGE COLLIER
DZENITIS DANIEL EVAN
EARL JAMES THOMAS
EASTERLING BRUCE MCDOWELL
ECKERDT WILLIAM BRADLEY
EDGE CARTER BREWER
EDMONDS PATRICK SCOTT
EDWARDS CHRISTIAN JAMES
EDWARDS SCOTT WALTER
EILERS MICHAEL FRANK
ELLINGBOE CURT DOUGLAS
ELLISON DAVID JOSEPH
ENFIELD JOHN LOUIS
ENGLE KENNETH THOMAS
EPPS WADE ANDREW
ERICSON CHRISTOPHER JOHN
ESCALANTE GILBERTO ESTEBAN
ESPIRITU DENNIS ALFORQUE
EST ANDREW CHRISTOPHER
EVANS DAVID ANTHONY
EVARTS JOHN CHRISTOPHER
EVERAGE JEFFREY EDWARD
EVERLY HUGH PATRICK
EYMANN DALE ANDREW
FABRY KRISTEN BETH
FAGA JEFFREY MACKLIN
FAIRSON ARTHUR LEE II
FALCONE JEFFREY ERIC
FALLACE PAUL JAMES
FANCHER JOHN WILLIAM
FARRELL RICHARD JOHN JR
FAUSTI BRANDON ANTHONY
FAY EDWARD DWIGHT III
FEE DOUGLAS FRANKLIN
FELARCA PETER ANTHONY
FETTERS DAMON SCOTT
FIELDS DAVID PARKER
FILAN KEVIN DAVID
FILLMORE BRETT ERIC
FINLEY KENNETH
FINLEY TODD ROBERT
FINNEY WALTER ELIAS
FISHER JAMES RAYMOND
FISHER KEVIN PATRICK
FISHER MICHAEL DAVID
FITZPATRICK ELIZABETH ANNE
FITZPATRICK KATHRYN ANNE
FLEMING QUINCY ANNORA
FLIS DOMINIC ANDREW
FLORES CARL DAVID
FLORES RODNEY ANGELO
FOLEY MICHAEL JOSEPH JR
FOLKERS CHRISTOPHER MAXWELL
FOLTZ JERRY RICHARD II
FORKEL STEPHEN PATRICK
FORRY DANIEL LEE
FOX MAUREEN
FRANKLIN COREY BLAKE
FRANKLIN ELIZABETH REDMOND
FREDERIKSEN JOHN PAUL
FREEHAFER WILLIAM GIBSON
FREEMAN GARY DOLPHA II
FREIDENBERGER GEORGE ROBERT
FRIEDMAN ROBERT CHARLES
FROST MATHEW ROGER
FRYE CHRISTOPHER
FUGLESTAD THOMAS DALE
FUHRMAN JOHN MATTHEW
FUNTANILLA NEIL EDWIN
GABIER DANIEL WENDELL
GADWILL JOSEPH REX
GAGNON JASON LAHAYE
GAJARDO GIL DOMINGO JR
GALIPEAU JOHN SYLVIO
GALLAGHER WILLIAM MICHAEL
GALLAHER CHARLA JANNELL
GALLOWAY GLEN DOUGLAS
GANCAYCO JAMES TIMOTHY
GARRETT COREY ALAN
GARRISON MARK DAVID
GAUCHER ROBERT MAURICE
GAWITT DANIEL RICHARD
GEBARA ANDREW JAMES
GEISMAR DONALD DAVID III
GERRY MICHAEL CRUICKSHANK
GERVACIO ALEJANDRO CRUZ
GIBSON MARGARET ANN
GIBSON RAYMOND PATRICK
GIES BRIDGET ANN
GILBERT ANTHONY LESTER
GILBERT DAVID DOUGLAS
GILDAY BRIAN MATTHEW
GLASER CHRISTINA BETH
GLASGOW ARTHUR LOUIS
GLENN ROBERT ORRUS III
GOMEZ JAMES MIGUEL
GONZALES RAYMOND GENE
GOODRUM BRENT WILLIAM
GOODWIN WILLIAM FRANCIS
GOPFFARTH BOBBY LAYNE
GORDON JERRY ALAN
GORDON RICHARD WARNER
GOTTSCHALK JOSEPH PHILLIP
GRAHAM CHRISTOPHER BERNARD
GRAHAM GERALD C
GRANGER DEREK BRIAN
GRANIERI GREGORY FRANCIS
GRAULICH DAVID GEORGE
GRAVES KATHRYN MICHELE
GRAY HARRY MELANCHTHON III
GREEN BRIAN THOMAS
GREEN KEITH DAVID
GREEN SAMANTHA JOY
GREGORIEFF JILL ANN
GREINER RICHARD GEORGE JR
GRIERSON JOHN PAUL
GRIZZARD ALTON LEE
GROVER PATRICK NORRIS
GRUBBS LINDLEY WILLIAM
GUDMUNDSSON MARKUS JOHANNES
GUERRERO JEFFRY DAVID
GUILLORY MARK ANTONY JR
GULUZIAN DAVID KEVORK
GUSTAFSON SCOTT CHRISTOPHER
GUTIERREZ ALBERTO DAVID JR
GUTIERREZ JOEL WILLIAM
GWYNNE PETER ANTHONY
HACKERSON JASON XAVIER
HADDEN IAN THOMSON
HAGAR PAUL CALLAWAY
HAGEMAN GILBERT LEO
HAGER DALE BURTON
HAGOOD CHRISTOPHER DANIEL
HALE CHRISTOPHER MARK
HAMILTON MICHAEL LEE
HAMMOND MATTHEW NICHOLAS
HANNAN MICHAEL JAMES
HANOVER PAUL ERNEST JR.
HANSEN JULIE ANN
HANSEN TRACY LYNN
HARAN GERALD BRENDAN JR.
HARBUCK HENRY VENTRESS
HARDY PENELOPE KATE
HARMER CHRISTOPHER LOREN
HARRELL JAY C
HARRIS ERIK CHRISTOPHER
HART ANGELA KAY
HAUTH DAVID JOHN
HAWKINS NATHAN JAMES
HAYDEN DENNIS IRWIN
HAYES RICHARD FENTON
HAYNIE DEMETRIUS JEVON
HAZLETT EDWARD GRAHAM
HECK MATTHEW DAVID
HEIGES JEFFREY GEORGE
HEINZ ERICH ROLLAND
HEINZ JACOB LANCE
HEISKELL GROVER LEE III
HENRY KEITH MATTHEW
HERNANDEZ DIEGO
HERNANDEZ GERARD JOSEPH
HESS BENJAMIN KENNETH
HESS MATTHEW NEIL
HIGGINBOTHAM JOHN LEE
HILDEBRANDT ERIC WILLIAM
HILL MATTHEW THOMAS
HILLARD DAVID TYLER
HINCKEN ALBERT HARRY
HINDINGER JOHN ROBERT
HINTON KEVIN SCOTT
HLATKY GREGORY MARK
HODGSON DANIEL BRIAN
HOFFMAN STEPHEN LEON
HOGAN KARIN MARIE
HOGUE PAUL HERBERT JR.
HOKETT WALTER ARDELL
HOLDSWORTH DAVID LINCOLN
HONE MARC ALLEN
HORRELL STEVEN LEE
HOUFF DAVID MARK
HOULGATE KELLY PERRILL
HOWARD MATTHEW TODD
HOWE BRETT EMERSON
HOWELL STEVEN ERIC
HUNTER LEE ALEXANDER
HURVITZ MARK NATHAN
HUSSEY BRIAN FRANCIS JR.
HUWALDT CHRISTOPHER RYAN
HYDE CHAD ALLEN
HYDER VICTOR DALE
IMBAT DANIEL DAVID
JABLONSKY DANIEL LEE
JABLOW LEON ROMAN IV
JACK DONALD ALAN
JACKSON JANET LIN
JACKSON JEFFREY MICHAEL
JACOBS STEVEN ROBERT
JACOBSEN CHRISTOPHER JOHN
JANKE CHRIS DARREN
JANKUS GISSELLE
JENDRYSIK STEPHEN LEON
JENKINS STEVEN ANDREW
JENKINS TRACEY EUGENE
JENNINGS MICHAEL GENE
JENNINGS STEPHEN MARK
JERMYN SEAN PATRICK
JETT TIMOTHY RICHARD
JOHNSON DAVID EDWARD
JOHNSON ROBERT STEVEN
JOHNSON RYAN GREGORY
JOHNSON SLATE LYON
JONES JOHN CHARLES
JONES OWEN JOHN
JONES PRESTON WADE
JONES TODD ALLEN
JOPLIN CHARLES ARBIE III
JORDAN NANCY ELIZABETH
JORGENSEN JASON TODD
JUAREZ MARCO ANTONIO
JUNGBLUTH CHAD MICHAEL
JUNOR THOMAS JOHN III
KAISER MICHAEL CHRISTIAN
KALOWSKY JAMES KEVIN
KAPP JOHN JOSEPH III
KEANEY JAMES HUGH

KEARNEY NEIL PATRICK
KEEFE ROBERT WOODHAMS
KELLEY CHRISTOPHER LEO
KELLEY DOUGLAS BARRETT
KELLEY ROBERT GRIFFIN JR.
KELLY BRIAN EDWARD
KELLY GREGORY JUDE
KELSEY JOHN LAWRENCE
KENDALL BRENT RILEY
KENNEDY DAVE LOYD
KERN JOHN MICHAEL
KETO DANIEL BRIAN
KIM TOMMY CHANGHUN
KIM YOUNGJOON
KIMBELL WALKER EUGENE IV
KIMMEL WILLIAM KEITH II
KING ROBERT TREVOR
KING TERRY LEE
KINSLOW BRADLEY SCOTT
KIRKLAND ANDREW MARK
KITCHEN ZACHARY JOSEPH
KITELEY REX ALLISON II
KLEPPER ERIC DANIEL
KLINE LEIGH SUZANNE
KNOLLMUELLER MARK JOSEPH
KOCISKO LAWRENCE MICHAEL II
KOHL JULIE ANN
KOKKA SCOTT SUSUMU
KOLMAN HEATH CHARLES
KOONCE ERIK ALLEN
KOSLOW MICHAEL JAMES
KOSOWSKI JAMES MICHAEL
KOSS DAVID EDWARD
KOTARSKI ANTHONY JOHN
KOWALCZYK JEFFREY JAY
KRASOVIC STANLEY JOSEPH JR.
KREVETSKI FRANK EDWARD JR.
KRIVACS ROBERT ALEXANDER
KULP WILLIAM DAVID III
KUTSURELIS JASON EMMANNUEL
KUYPERS MICHAEL ADRIAN
LADAU TERRENCE DAVID
LAFFERTY ERIC CHRISTOPHER
LAGASSA DAVID ANDREW
LAGOW MICHAEL RICHARD
LAMARCA DOUGLAS JAY
LAMPER DARLA LYNN
LANGUELL CHRISTOPHER LEE
LAPINA JOHN JACOB JR.
LAROCCA BART BLAISE
LARSON PAUL ANDREW
LATTIG MATTHEW JOHN
LAY RICHARD FRANKLIN JR.
LEAHEY MATTHEW LAWRENCE
LEBARON JONATHAN WEED
LEDERER JAMES RICHARD
LEDERER MARC SCOTT
LEDNICKY JENNIFER ANNE
LEE TARA MELISSA
LEGREE LAWRENCE FREDERICK JR.
LEHNHARDT KEITH WILLIAM
LEMON ANDREA LOUISE
LENART MARK JOSEPH
LENZ CHRISTIAN JOHN
LEROUX DAVID ROBERT
LESPERANCE ANTHONY JOHN
LEWIS MARTIN DEVAN
LEYSHON CURTIS RANDALL
LIEDMAN SEAN ROBERT
LIM HYON SOK
LINDEMANN MICHAEL JOSEPH JR.
LINDSAY FRED WILLIAM
LINER ROBERT ANDREW
LISTON DARIN MICHAEL
LITTLE DAVID PATRICK
LIVINGSTON KIMBERLY ANNE
LOCKETT CHRIS SCOTT
LOCKHART STUART RUSSELL
LOGSDON JAMES CLIFTON
LONERGAN JOHN JOSEPH
LOPES CHRISTOPHER DASILVA
LOPEZ BARBARA LYNN
LOPEZ JASON KENNETH
LOTHNER CAROLINE LOUISE
LOTT DAVID ANTHONY
LOWELL ERIC LAWRENCE
LUCAS JEFFREY NEAL
LUCAS MARC DAVID
LUCAS MARXIMILLIAN JUAN
LUDOVICO MARK DAVID
MACDONALD GLEN WARREN
MACHINSKI KAREN MARIE
MACKENZIE ALEXANDER ROSS
MACRITCHIE JOEL ROBERT
MAEZ SAMANTHIA
MAGEE SEAN PATRICK
MAGNAN MAUREEN MARY
MALECHA PETER KENNETH
MALONEY MATTHEW WALKER
MANKIN MARY CAROL
MANN DAVID OBRIEN
MANN JOHN CHARLES JR
MANN JOHN JACOB IV
MARTIN JEFFREY ANDREW
MARTIN JOHN JOSEPH
MARTIN MICHIKO JEANNETTE
MARTIN STEPHEN DAVID
MARTINAZZI ROBERT II
MATTHEWS WALKER ALEXANDER III
MAWANAY KRISTIN MARIE CALUB
MAXWELL JOHN MICHAEL
MAY JEROME DAVID
MAYNE THOMAS BRENT
MCANENY MICHAEL CHARLES JR
MCCABE JOANN LYNNE
MCCAMBRIDGE PAUL JARED
MCCARTHY EMMETT JAMES
MCCONVEY WILLIAM AUGUSTINE V
MCCORMICK BRIAN JOHN
MCCOY MAX GARLAND JR
MCCREARY JEFFREY DEEREN
MCEAHERN MICHAEL EDWARD
MCFARLANE HUGH JAMES
MCGEHEE SHAWN MACGREGOR
MCGREGOR ROB ROY
MCGUIRE CHARLES HUBERT IV
MCINERNEY JOSEPH JOHN
MCINTOSH GARY ALLEN
MCKEE SHAWN WILLIAM
MCKONE STEPHEN DANIEL
MCLAREN SEAN GORDON
MCLELLAN CHRISTOPHER SCOTT
MCMARLIN ANDREW JOSEPH
MCMURRY BRENT RUSSELL
MCNEALY KIM TRAVIS
MCVAY JOHN FARRELL
MEAGHER PATRICK CONREY JR
MEEUWSEN BENJAMIN PAUL
MELENDEZ JOSE MANUEL JR
MERRILL PETERS
METCALF KURT LLOYD
MEWHIRTER DOUGLAS ROBERT
MEYER JOHN ALLEN
MILLER EDWARD CHARLES
MILLER MORGAN JUSTIN
MILLER ROBERT JOHN
MILLS ALDEN MORRIS
MINYARD JAMES DAVID
MITCHELL JEFFREY RAY
MITCHELL SUSAN LOUISE
MITSUMORI KYLE YUTAKA
MOBAYED RONALD JOSEPH
MOBERG KALE JAMES
MOESINGER TABEETHA MARIE
MONACO ANTHONY JAMES
MONINGER ENDWARD GEORGE III
MOOK ROBERT WILLIS III
MOONEY KEVIN SEAN
MORELLI ROBERT MICHAEL III
MORINGIELLO CRAIG ANTHORY
MORIO DANIEL BRIEN
MORLEY SARAH CHADWELL
MORRIS GARRON SCOTT
MORSE PETER JAMES
MOSES JOHN ANTHOY
MOTON CASEY JOHN
MOWERY SAMUEL PAUL
MOWERY SCOTT VERNON
MUCCIARONE JAMES JOSEPH
MULET LUIS JR
MULIERI CHARLES CHRISTOPHER
MULIK JAMES DAVID
MURPHY DANIEL EUGENE
MURPHY STEPHEN FRANCIS
NAFARRETTE ROMUEL BADULIS
NARDO FIORE LOUIS II
NAUCK MARGRET ANN
NEALON DENNIS JOSEPH
NEEL PATRICK LEONARD
NEITZEY RICHARD FRANCIS
NEUMAN CLINTON ANDREW
NEUMANN JON FREDERICK
NEUSER MICHAEL DAVID
NEWTON JOHN POLLARD JR
NEWTON MARC THOMAS
NICEWARNER CHRISTIAN LEE
NICHOLLS JENNIFER LYNNE
NICKLES CHRISTOPHER MICHAEL
NIEDENTAHL GILBERT CHARLES
NISBETT SHAWN THOMAS
NISBETT TRAVIS WAYNE
NOLAN JONATHAN BENNETT
NORFOLK JOHN ANDREW
NORVELL RICHARD LEE
NOVAK JAMES MICHAEL
NULL GARY LEE
NYLUND PAUL CHRISTOPHER
OAKES DUANE MITCHELL
OCHOA DAVID ANTHONY
OCONNOR KEVIN MATTHEW
OCONNOR WILLIAM SCRUGGS
ODONNEL JAMES DOUGLAS
ODWYER DOUGLAS GAWAIN
OESTERREICH MARK HAROLD
OLIN PAUL SHERMAN
OLSON DANIEL FLOYD
OLSON DAVID ERIK
OLUVIC MICHAEL NICHOLAS
ONEAL TED MOORE
ONEILL ADAM JOHN
ORCUTT DANIEL JAMES
OROZCO JUAN JIMENEZ
OTTEN ERIC ERVIN
OVERLIN STACEY DOUGLAS
PACE JASON RENARD
PALMER MARK THOMAS
PAPA PATRICK JAMES
PARAISO EDWARD BIASBAS III
PARKER ELTON COUNCIL III
PARKER FRANCIS BYRON III
PARKER MICHAEL ANDREW
PARKER STEPHEN KEITH
PARRA MATTHEW BERNARDINO
PASQUITO JOSEPH JAMES
PASSANT JOHN EDWARD IV
PATINO CARLOS ALEXANDER
PATTERSON JOHN JAMES VI
PAUL JOHN ABRAHAM
PAVLOVICH ROBERT JOSEPH JR
PEARCE CLIFF PATRICK
PEARSON RAYMOND LAURENCE II
PECK RANDALLWILLEM
PEDERSEN WILLIAM EDWARD
PEKO MIGUEL LOLE
PENEPACKER DENNIS FERN II
PEREIRA JOHN RAY
PERRY CHRISTIAN TODD
PETERSON DAVID THOMAS
PETERSON ERIC VERNETT
PFISTER ERIC NELSON
PHAM TUAN NGOC
PHILLIPS JOSEPH THOMAS
PHILPOTT STEPHEN SCOTT
PICKERILL ROBERT WATSON
PICON MANUEL ALFONSO
PIECHNICK CRAIG WILLIAM
PIETRANTONI DINO
PINKERTON GARY WAYNE
PITCOCK SCOTT ALLEN
PLETCHER MARCUS BLUE
POPP JOSEPH RAYMOND
PORTER TODD ADAM
PREISS RONALD PAUL
PREISSER ROBERT WADE JR
PRICE GREGORY DAVIDSON
PRICE JOHN ANTHONY
PRICE KENNETH JAMES
PYLANT JOHN HAROLD JR
QUIGLEY ROBERT JOHN
QUIMBY PAUL BOWER
QUINLAN JOHN BERNARD
QUINN JOHN ROWLAND
QUINTON JEFFREY MATTHEW
RABIDOUX RAYMOND HENRY JR
RABIN JOHN LIEBMAN
RACH SEAN ALLEN
RADKE MICHAEL SCOTT
RAINES DONALD LEE JR
RAMASSINI RICHARD JOHN
RAPP MICHAEL DAVID
REAMS KEITH PERRY
REARDON MATTHEW GALVIN
REDDICK EDWARD PAUL JR
REED DANIEL CHARLES
REED TERRENCE SEAN
REEVES RICHARD L
REHAK JOSEPH GREGORY
REILLY THOMAS RAYMOND
REINER DREW JAMES
REINERS MICHAEL DEAN
REINHART PAUL MICHAEL
RENTZ MICHAEL WILLIAMS JR
REYES MICHELLE DUMADAUG
RIBEL JEFFREY SCOTT
RICHARDS JOEL BOONE
RIGO MICHAEL JOHN
RIMRODT JAMES BRIAN
RINKER DAVID SCOTT
RITTER CAREN MARIE
RIVERA GILBERT DAVID JR
ROBERTSON DANIEL GORDON
ROBINETTE WILLIAM JAMES III
ROBINSON CRAIG ANTHONY
ROBINSON DANIEL BRUCE
ROBISON DEAN ERIC
ROCHELEAU MICHAEL RAYMOND
RODRIGUEZ JOSE MANUEL
ROGERS JEFFREY WADE
ROPER KRISTEN ANN
ROSSON THOMAS EARL
ROTH JEFFREY MARTIN
ROWE JENNIFER JEAN
RUEGGER KEITH LEE
RUFF RODNEY JAMES
RUH MELISSA DEANNE
RUSSO JAMES MICHAEL
RUTH DAVID MICHAEL
RYAN PETER JOSEPH JR.
SAENZ ANTHONY FELAN
SALISBURY KEITH MICHAEL
SALMORE DANIEL JOEL
SALTZSTEIN SARA LORIN
SANCHEZ FRANCISCO JOSE
SANCHEZ ROGER ANTHONY
SANDRI ROBERT ANDREW
SANTINI NELSON RUBEN
SARIA NATHANIEL REYNANTE
SAWYERS ERIC SCOTT
SCHAAP GARY LEE
SCHALM DAVID ALVIN
SCHENK FRANK MARTIN JR.
SCHER MATTHEW ADAM
SCHEU DAVID ROBERT JR.
SCHILD WILLIAM THOMAS
SCHIMELPFENING ROBBY FRANKLIN
SCHLAUDER WALLACE EVAN
SCHNEIDER CHRISTOPHER JAMES
SCHOLZEN MARGARET MARY
SCHOMMER PETER JEROME
SCHRODER KONRAD MARTIN
SCHULTE SCOT ALAN
SCHULTZ MICHAEL DAVID
SCHWEIGHOFER MARC CHRISTIAN
SCOTT BRIAN STUART
SCOTT DANIEL WALTER
SCRIMA GLENN WILLIAM
SEHNERT ROBERT MARTIN
SELINIDIS YIANIS JAMES
SHARPE DAVID MARSHALL
SHAW DANIEL MARKOS
SHEA DANIEL PATRICK
SHEA ROBERTA LYNN
SHENOY BHARAT
SHEPARD SCOTT JOSEPH
SHEWFELT DAVID PAUL
SHINEMAN JUSTIN MATTHEW
SHIPLEY MATTHEW WOOD
SHOEMAKER JONATHAN BRUCE
SHORT TOMMY MITCHELL
SHUE MARTHA LYNN
SIMS DERIC JAVIER
SINCLAIR JEFFREY WAYNE
SINLEY JAMES RICHARD JR.
SKELTON PETER WADE
SKULE JOSHUA GRANT
SLAVEN SUSAN ELAINE
SMALLEY JERI LEA
SMETANA DEBORAH JEAN
SMITH ANDREW JAY
SMITH BRIAN MICHAEL
SMITH JOSEPH LEE
SMITH MICHAEL HELMUTH
SMITH MICHAEL WEBNER
SMITH NATHAN MICHAEL
SMITH STEWART GRADY
SOBECK PHILIP EDWARD
SOFIELD KEVIN JOSEPH
SOMA JOHN CLIFFORD
SORENSON BRIAN KEITH
SOYLAND CARRIE ANN
SPANG SHAUN CHUKA
SPANO BRYAN MICHAEL
SPARKS TIMOTHY FUNSTON
SPENCER JOHN DOUGLAS
SPENCER STEPHEN ROBERT
SPINLER ANTHONY BERNARD
SPOLLEN TIMOTHY JOSEPH
STALLINGS SHEILA MARY
STATES VAN RANDALL
STEEL DAVID STIVERS
STEINER ROBERT SCOTT
STEPHENS MICHAEL SHAWN
STEVENS MATTHEW PAUL
STEWART ALEXANDER EDWARD
STEWART ANDREW DONALD
STOHS DAVID
STOWELL RALPH HENRY IV
STRADA DOMINICK JOSEPH
STRATTON WALTER NEIL JR.
STROTH LORETTA LYNN
STUART CHARLES MONTAN
STUART CHRISTOPHER PETER
STUDT KURT FRIEDRICH
STUTZ JEFFREY ROBERT
SUAZO JOHN ALAN
SUCHARSKI ERIC BRIAN
SULLIVAN PATRICK ALEXANDER
SULLIVAN ROBERT CHARLES
SUTER LAWRENCE CLIVIO
SWEENEY CHRISTOPHER JOHN
SWEET MARK LAUFFER
SYBRANT CRAIG DERRICK
SYCHTERZ JEFFREY SCOTT
TAITT JENNIFER CAROLE
TANNER MICHAEL BARRY
TAYLOR JULIUS MONROE III
TAYLOR ROBERT CHARLES
TERLAJE PAUL GERARD
TERNEUS THOMAS PATRICK
TERRELL HAROLD ANTHONY
TESTWUIDE JONATHAN JAMES
TEUSCHL THOMAS JOSEPH
THOMAS CHRISTOPHER ROY JR
THORSFELDT DANIEL ROBERT
TIGHE PATRICK EDWARD
TORRES GUY ADOLF
TOWNSEND LUTHER KESLER JR
TRAGNA CHRISTOPHER CHARLES
TRIAL JEFFREY ALLEN
TREACY CHRISTOPHER JOHN
TRELENBERG THOMAS WALTER
TROHA TODD ALAN
TROIKE ROSS CRAIG
TROTTER BRIAN NELSON
TROXELL ANTHONY WAYNE
TURNER DONALD ALLAN
TURNER ROBERT JONATHAN
TURNER WILLIAM PATRICK
TURVOLD TYLER ROBERT
TYSON PETER HOWARDP
UHDE JEFFREY WILLIAM
UPSON KELVIN LYNN
VALENZUELA ERIC JOSEPH
VANDERMEER JAMES MELVIN
VANSICKLE CHRISTOPHER PAUL
VAUGHAN ANA IVONNE
VAUGHAN DOUGLAS ALLEN
VELOTAS STEVEN GARY
VERHAGE ERIC HOLT
VERREES JAMES FREDERICK
VIAL INES CHRISTINA
VILLARREAL RAYMUNDO JR
VINFRIDO BONIFACIO
VISION NICHOLAS ALAN
VOGT JASON ALEXANDER
VOURLIOTIS JOHN JAMES
WACHENDORFER TIMOTHY PAUL
WAGNER DANIEL ROBERT
WAKEFIELD PAUL FREDERICK
WAKEHAM FRANK GERARD
WALKER BRENT CALVIN
WALLER KRISTEN CLAIRE
WALSH MICHAEL LEIGH
WALTERMIRE SCOTTY WADE
WARD HARRY JEFFREY
WARD RODNEY COLLINS
WAUGH ALEXANDER JAMES
WAY DAVID WESLEY
WEBER THOMAS ANDREW JR
WEINBERG THOMAS KELLY
WEISS JEFFREY SCOTT

WENG JENSIN
WESTHOFF RICHARD III
WHITE ALEX DAVID
WHITE EDWARD CHARLES III
WHITE TRAVIS WINGATE
WHITEHEAD JASON ANDREW
WHITNEY DOUGLAS BOYD
WICKS WARREN WESLEY
WIESE JOHN MCLAREN
WILHELM ALEXANDER MARK
WILKINS FORREST DAVID
WILKINSON DONALD RAYMOND
WILLIAMS CYNTHIA MARIE
WILLIAMS GREGORY BOYD
WILLIAMS GREGORY LEWIS
WILLIAMS ROBERT KNOX
WILLIAMSON CHRISTOPHER LOYAL
WILLMORE CHARLES STUART
WILSON GORDON SCOTT
WILSON WILLIAM LEON JR
WIMMER JAMES RANDAL JR
WOGIB TODD CLARENCE
WOELPER ERIC PATRICK
WOLFE JAMES ANDREW
WOLFE JOHN HARRISON II
WOODARD BRIAN TODD
WOODBURY JEFFREY SCOTT
WORTMAN CHRISTIAN FRITZ
WRITH RANDY PETER
WU PETER ALLEN
YAMAMOTO SCOTT YUZO
YLAGAN DENNIS DON
YOO TIMOTHY EUN
YOUNG PETER ACKERMAN
YOUNG TERESA MARIE
ZAKEM ANDREW HOWARD
ZALESKI PATRICK JOSEPH
ZAREMBA DONALD ALLEN
ZELLEM SCOTT ALLEN
ZIMBELMAN DOUGLAS DEAN
ZITZ KENNETH WILLIAM II
ZOTT DANIEL JAY
ZUHOWSKI JOHN JOSEPH
ZUKOWSKI MARK EDWARD
ZUNA MICHAEL WILLIAM

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE AIR FORCE RESERVE, UNDER THE PROVISIONS OF SECTIONS 593, 8362 AND 8371, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

MICHAEL A. AIMONE [redacted]
WILLIAM E. ALBERTSON [redacted]
LARRY E. BAKER [redacted]
RAYMOND H. BARLEY [redacted]
CHARLES M. BARR [redacted]
BOBBY V. BEANBLOSSOM [redacted]
GEORGE E. BENNETT, JR [redacted]
PETER T. BENTLEY [redacted]
JAMES N. BENTON [redacted]
HAROLD W. BERNARD, JR [redacted]
FRANCIS A. BERTINI [redacted]
JOHN R. BLAIR [redacted]
LEONARD P. BOCHICCHIO [redacted]
DANIEL L. BOESZ [redacted]
FREDERICK C. BOK [redacted]
GORDON J. BOSCH [redacted]
WILLIS M. BOSHEARS, JR [redacted]
GRANT S. BOUGHTON [redacted]
RICHARD D. BRADLEY [redacted]
ROBERT N. BRENTNALL [redacted]
GEORGE B. BROOKS [redacted]
STANLEY D. BURMAN [redacted]
ROGER L. CAMP [redacted]
ALLEN W. CARPENTER [redacted]
HERMAN S. O. CHING [redacted]
RALPH S. CLEM [redacted]
CHARLOTTE J. C. CLINGER [redacted]
ALAN B. CLUNE [redacted]
BARRY L. COHEN [redacted]
GEORGE B. CONWAY [redacted]
JIMMY C. CORNETTE [redacted]
JOSEPH E. CORTE [redacted]
HIAWATHA COTTON [redacted]
DONALD E. CRAWFORD [redacted]
CARL R. CUCULLU [redacted]
JOHN M. DANAHY [redacted]
ROBERT G. DERAAD [redacted]
WILLIAM R. DICKIE [redacted]
ROGER G. DISRUD [redacted]
JOHN R. DREESMANN [redacted]
THOMAS E. EASTLER [redacted]
LARRY L. ENYART [redacted]
JAMES P. FEIGHNY, III, [redacted]
AUGUSTUS M. FENNERTY [redacted]
ROBERT G. FOSNOT [redacted]
JAMES P. GALLIN [redacted]
LEE H. GIDNEY [redacted]
RONALD A. GIELEGHEM, [redacted]
JAMES E. GORDON, II [redacted]
JAMES D. GRANT [redacted]
JACK E. GRAY, II [redacted]
ADOLPHUS W. GUEST, II [redacted]
JAMES P. HANNY [redacted]
RONALD R. HARVEY [redacted]
DAVID L. HATCH [redacted]
RAYMOND L. HENLEY [redacted]
LYNN R. HERCHE [redacted]
CHRISTIAN B. HUGHES [redacted]
CHARLES A. HULSE, JR [redacted]
JAMES E. JONES, II [redacted]
A. FRANK KASPARIAN [redacted]
ROBERT W. KINLEY [redacted]
DARYL B. KORDENBROCK [redacted]
ANGELO J. LABARRO [redacted]
LAMBERT P. LANDRY [redacted]
LAWRENCE S. LARONGE [redacted]
RONALD W. LEE [redacted]
IVOR L. LEGROS [redacted]
DAVID H. LYON [redacted]
DENNIS H. MAJKOWSKI [redacted]
MICHAEL MARINO [redacted]
ROBERT M. MARSHALL [redacted]
ROBERT J. MCMILLAN [redacted]
DEAN W. MILLS [redacted]
JOHN P. MOORE [redacted]
JOHN W. MORGAN [redacted]
DEWITT L. MORRIS, JR [redacted]
MICHAEL W. MOSS [redacted]
WARD W. MOYER, [redacted]
JON C. MUNSON [redacted]
DANIEL R. MURRAY [redacted]
LEON J. NEISIUS [redacted]
SCOTT R. NICHOLS [redacted]
THOMAS F. OATMEYER [redacted]
CHARLES W. OCAIN [redacted]
TERRY E. PAASCH [redacted]
RONALD K. PEACOCK [redacted]
BRUCE E. PECON [redacted]
THOMAS E. PHALEN [redacted]
WILLIAM T. PONDER, JR [redacted]
LAWRENCE A. POTTER, JR [redacted]
NELSON D. POWELL, JR [redacted]
JOHN R. PRATT, JR [redacted]
WAYNE L. PRITZ [redacted]
RONALD L. PROCTOR [redacted]
RICHARD T. PRZYBELSKI [redacted]
CHARLES E. REDMAN [redacted]
AUDREY J. REEG [redacted]
DAVID T. RICHARDS [redacted]
GEORGE W. RICHARDSON, II [redacted]
DAVID E. RITTER [redacted]
EDWARD D. ROGALSKI [redacted]
JOHN J. ROGERS [redacted]
MARK V. ROSENKER [redacted]
WILLIAM C. SCHILLIG, [redacted]
DENNIS W. SCHULSTAD [redacted]
MARTIN P. SEDLACKO [redacted]
JACK SIEGEL, JR [redacted]
ROBERT B. SIEGFRIED [redacted]
PATRICIA I. SLOANE [redacted]
LINDA L. SMITH [redacted]
DAVID H. SPINDLE, [redacted]
MARTIN A. STEVENS [redacted]
MILES H. STRALY [redacted]
ANTHONY F. STRANGES, JR [redacted]
JERRY R. STRINGER [redacted]
PETER K. SULLIVAN [redacted]
ALBERT H. SZAL [redacted]
JOSEPH F. TEIBER, JR [redacted]
FREDERICK M. THURMAN [redacted]
ROBERT L. TOBIAS [redacted]
JOSE A. TORO [redacted]
MICHAEL L. TYLER, [redacted]
JERRY S. VANFOSSEN [redacted]
JOHN F. VANGORDER, [redacted]
JERRY R. VANLEAR [redacted]
JOHN E. VENIS [redacted]
CARL E. VOGT [redacted]
LAWRENCE M. WAGER [redacted]
SHERRY L. WAINWRIGHT [redacted]
DONALD W. WALLACE, [redacted]
ANTON J. WANIO [redacted]
CHARLES D. WATSON [redacted]
GARY R. WEAVER [redacted]
JOEL WEISS [redacted]
LOUIS S. WELKER [redacted]
JACK A. WESTENBORG [redacted]
JOHN L. WILKINSON [redacted]
PAUL K. WILLIS, JR [redacted]
LARRY E. WISEMAN [redacted]
ARTHUR R. WORTHINGTON [redacted]
HERBERT D. WRIGHT [redacted]
BARRY D. WYTTENBACH [redacted]
TYRONE W. ZERBY [redacted]

CHAPLAIN CORPS

To be colonel

MARTIN F. MCGUILL [redacted]
JOHN C. ROPP, JR [redacted]
JOHN L. THOMPSON [redacted]

DENTAL CORPS

To be colonel

THOMAS C. ABRAHAMSEN [redacted]
DONALD J. COPENHAVER [redacted]
NORWOOD J. FLEMING, JR, [redacted]
WILLIAM G. ROSE, III [redacted]
GUISEPPE P. SANTANIELLO [redacted]

JUDGE ADVOCATE

To be colonel

BRUCE S. BAILEY [redacted]
MACASLINE D. BARNES, JR [redacted]
JACK S. BENDER, III [redacted]
WILLIAM P. BOSWELL [redacted]
MARK FRIEDLANDER [redacted]
JOHN P. HARTMAN [redacted]
REINO C. LANTO, JR, [redacted]
ROGER J. MCAVOY [redacted]
GARY S. PEDERSEN [redacted]
DONALD E. PETERSON [redacted]

MEDICAL CORPS

To be colonel

JOHNNY B. ALEXANDER [redacted]
WARRICK L. BARRETT [redacted]
NORMAN C. BOS, II, [redacted]
JOHN A. BURKINS [redacted]
MARY B. DALY [redacted]
ARTHUR E. DEPALMA [redacted]
WILLIAM G. DOODY [redacted]
PETER J. EIDENBERG, II [redacted]
JAMES P. ELROD [redacted]
KLAUS HARTMANN [redacted]
GERALD M. HOLLINGSWORTH [redacted]
RICHARD L. HOLT [redacted]
RICHARD W. KIMMERLING [redacted]
JOSEPH R. KRAYNAK [redacted]
THEODORE E. LEFTON [redacted]
ROBERT G. MCCONNELL [redacted]
HENRY H. MIDDLETON, III [redacted]
JUAN A. MUJICA [redacted]
RICHARD V. NORMINGTON [redacted]
GERARD A. OCONNOR [redacted]

NURSE CORPS

To be colonel

ALICIA A. ALPHINTOLLISON [redacted]
MARY A. ATTEBURY, [redacted]
MYRA A. BROADWAY [redacted]
JOAN D. B. BURKE [redacted]
PATRICIA A. CHAPPELL [redacted]
PAMELA S. FORD [redacted]
DIANNE M. GAGLIANO [redacted]
GEORGIA A. HALE [redacted]
ROBERTA A. JARON [redacted]
MARY L. KEENER [redacted]
ALBERT E. LAMONS, SR [redacted]
JUDITH E. MABRY [redacted]
MARILYN M. PATTILLO [redacted]
ANNMARIE RICCIARDI [redacted]
DONNA C. SPERRY [redacted]
ALICE H. SPOON [redacted]
DEBORAH L. TOMPKINS [redacted]
CHERYL A. WALKER [redacted]

MEDICAL SERVICE

To be colonel

PATRICK J. ABBOTT [redacted]
JACK B. CAMPBELL [redacted]
ALAN F. DOWLING, JR [redacted]
WILLIAM F. ENGLAND [redacted]
FREDERICK L. RIEDL [redacted]
DAVID M. WEBB, [redacted]

BIO–MED CORPS

To be colonel

THOMAS L. HANNA [redacted]
DEWAYNE H. WALKER [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

DONALD H. ANKOV, [redacted]
WARNER J. W. FAN [redacted]
EDWIN M. QUINONESROMEU [redacted]
DAVID A. SKEEL [redacted]

To be lieutenant colonel

JASON Y. KIM [redacted]
SHINE S. LIN [redacted]
RAYMOND E. MATSON [redacted]
DANNY W. MYERS [redacted]

To be major

JOHN A. MAYER [redacted]
JERRY B. OWEN [redacted]
KIM M. SCHOEFFEL [redacted]
PETER J. STEPHENS [redacted]
CHRISTOPHER S. WILLIAMS [redacted]

To be captain

MICHAEL J. AINSCOUGH [redacted]

DENTAL CORPS

To be lieutenant colonel

DAVID A. CHANCE [redacted]
JOHN M. CORLEY [redacted]
MICHAEL S. JACOBS [redacted]
PAMELA J. KLOOTE [redacted]
MELVIN J. SOKOLOWSKY [redacted]
GLENN R. STENQUIST [redacted]

To be major

THOMAS J. BEESON [redacted]
JOHN R. BETTINESCHI, JR [redacted]
JAMES E. BLOOD [redacted]
JOHN J. BOYLE, JR [redacted]
THOMAS L. BRUCE [redacted]
STEPHEN G. BURKE [redacted]
MARK T. CARLSON [redacted]
MICHAEL J. CONLAN [redacted]
CHRISTOPHER R. CULLITON [redacted]
STEVEN C. FENZL [redacted]
GREGORY R. GATES [redacted]
RAYMOND H. HANCOCK [redacted]
THOMAS D. HAWLEY [redacted]
SPENCER N. HOPKINS, JR [redacted]
GEORGE M. HORSLEY [redacted]
ANTHONY A. KAMP [redacted]
JOHN C. KNIGHT [redacted]
ELLIS J. NARCISSE, JR [redacted]
GLENDA E. S. NUCKOLS [redacted]
ELEONORE PAUNOVICH [redacted]
WILLIAM W. WELLER [redacted]

To be captain

THOMAS W. GRACE, JR [redacted]
WILLIAM F. JENNINGS [redacted]

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be major

KATHLEEN M. SWEET [redacted]

To be captain

MICHAEL L. GRUMELLI [redacted]

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF, TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

JAMES W. BROWN, [redacted]
ROBERT C. DALZELL, JR [redacted]
DONALD N. LYERLY [redacted]
KEITH V. MCLAUGHLIN [redacted]
ROBERT W. MILES [redacted]
JOSEPH P. MULLEN [redacted]
ALAN S. ROSENTHAL [redacted]
LAWRENCE R. SPENCE [redacted]
ROBERT R. TOMPKINS [redacted]

THE FOLLOWING AIR FORCE OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, IN ACCORDANCE WITH TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 1552, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be major

LYMAN A. ADRIAN [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

To be colonel

LINE OF THE AIR FORCE

WILLIAM P. ALEXANDER [redacted]
RICHARD P. AMES [redacted]
DAN G. BELLUE [redacted]
GEORGE S. I. BONES, I [redacted]
WALTER R. BONO [redacted]
JEFFERY W. BOYKEN [redacted]
RONALD L. BRIGGS [redacted]
ROBERT E. CANTER [redacted]
DENNIS J. CHRISTMAN [redacted]
JOHN A. CLOYD [redacted]
JOHN W. COOK, [redacted]
HAROLD A. CROSS [redacted]
THOMAS G. CUTLER [redacted]
MAXWELL J. DESSELLE [redacted]
WILLIAM F. DOCTOR [redacted]
ROBERT T. ENDRES [redacted]
GARY W. FELSTEAD [redacted]
ROBERT J. FITZGERALD [redacted]
WALTER N. FOSTER, JR [redacted]
DAVID P. FRANCIS [redacted]
HENRY M. I. GAITHER, II [redacted]
WILLIAM B. GOSS [redacted]
THOMAS E. GRIFFIN [redacted]
JAMES L. HANLEY, JR [redacted]
MELVIN N. HANNA, [redacted]
JOHN R. HARTMANN [redacted]
STEPHEN L. HEBBARD [redacted]
THOMAS J. HOLLAND [redacted]
ROBERT A. HOTCHKISS [redacted]
DAVID R. HUDLET [redacted]
JAMES J. KAIFAS [redacted]
THOMAS E. KENVILLE [redacted]
ENRIQUE J. LANZ [redacted]
KENNETH K. LOTT [redacted]
WILLIAM B. LYNCH [redacted]
RONALD C. MANNING [redacted]
TERRY W. MCKINSEY [redacted]
JON M. MCMAHON [redacted]
JOHN R. METZ [redacted]
TIM E. MORELAND, JR [redacted]
FRED L. MORTON [redacted]
GLENN T. ORR [redacted]
WILLIAM R. PARR, JR [redacted]
MAXEY J. PHILLIPS [redacted]
DOUGLAS M. PIERCE [redacted]
RICHARD A. PLATT [redacted]
DONALD L. POWELL [redacted]
JAMES L. RADTKE [redacted]
THOMAS W. RIFFE [redacted]
JERRY H. RISHER [redacted]
DEAN O. SABBY [redacted]
THOMAS E. SALAMAN [redacted]
MICHAEL G. SEMBER [redacted]
HENRY C. SHERO [redacted]
ARNOLD E. SIRK [redacted]
MARY C. SMALL [redacted]
GARY L. SMITH [redacted]
STEVEN M. SMITH [redacted]
RICHARD E. SPOONER [redacted]
EDMUND J. THIMME, JR [redacted]
EMMETT R. TITSHAW, JR [redacted]
TERRY F. VEITH [redacted]
JOHN T. WHALEY [redacted]
DAVID J. WHITE [redacted]
RAYMOND E. WOODSON, [redacted]

DENTAL CORPS

JOHN A. HARRIS [redacted]
THOMAS A. SHEKOYAN [redacted]

JUDGE ADVOCATE

DAVID A. FABER [redacted]
GEORGE A. HUBER [redacted]
PAUL W. MADGETT [redacted]
WILLIAM C. POTTER [redacted]
MICHAEL J. PRINCI [redacted]

MEDICAL CORPS

ROBERT P. ANDREWS [redacted]
JAMES L. CARPENTER [redacted]
AINSWORTH G. DUDLEY [redacted]
STEPHEN J. FRUSHOUR [redacted]
PAUL T. GREGG [redacted]
GERALD E. HARMON [redacted]
LARRY P. PUTNAM [redacted]
CHRISTIAN F. RISSER [redacted]
JOHN R. WOOD [redacted]
JAI H. YANG [redacted]

NURSE CORPS

VERNA D. FAIRCHILD [redacted]
LINA S. RUPPEL [redacted]

IN THE NAVY

THE FOLLOWING NAMED LIMITED DUTY OFFICERS, TO BE REAPPOINTED AS PERMANENT LIMITED DUTY OFFICERS IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE SECTIONS 531 AND 5589(A):

LIEUTENANT, LIMITED DUTY OFFICERS, LINE, USN, PERMANENT

MARLON Q. ABREU
GEORGE E. BAKER
CLIFFORD A. BUSSEY
DANIEL G. DESILETS
THOMAS J. DUAME, III
WILLIAM D. FRENCH
GARY A. HEIDMAN
WILLIAM E. JASPER, JR
HILDA E. JEWELL
ALAN C. MALMQUIST
FRANK E. MYERS
JERRY B. OWENS
MICHAEL J. POPADAK
DAVID L. ROUSE
PAUL H. SOLIS
JACOB M. TALAGA
ROBERT W. TRACHSLER
VINCENT E. VANDERSNICK
RICHARD L. VANVLIET
RICHARD W. WILLIAMS

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED AS PERMANENT LIMITED DUTY OFFICERS IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LIMITED DUTY OFFICERS, LINE, USN, PERMANENT

SCOT K. ABEL
FREDERICK E. AGEE, JR
VIRGIL E. AKERS
ALFREDO L. ALMEIDA
CORNELIO J. ALVARADO
BRIAN W. ANDERSON
CLEMIA ANDERSON, JR
DANIEL R. ANDERSON
STEVEN G. ANDERSON
CHRISTOPHER L. ARCHUT
NORMAN C. ASH
NATHAN W. ASHE
DAVID W. ATKINS
CHARLES E. A. BAKER
KEVIN W. BALDWIN
RICHARD L. BATES
TIMOTHY D. BATES
JEFFREY M. BEATY
DAVID E. BENEFIEL
LAMAR H. BENTON
DAN C. BEYETTE
CYRILEE A. BILLINGS
ERIC N. BINDERIM
ROBERT L. BLANCHARD
EDWARD J. BLASKO
LARRY P. BORDEN
WILLIAM H. BORGELT
JOSEPH H. S. BORJA
RICKY L. BOTT
LANCE F. BOVEY
FRANK W. BOYD
JIMMY L. BOYKIN
MICHAEL A. BRAY
EDWARD F. BREAULT
DAVID H. BRITT
CATHERINE A. BROOKS
WAYNE M. BROVELLI
BARKLEY H. BROWN
DANNY W. BROWN
JOHNNY D. BROWN
JAMES A. BROWNING, JR
RICHARD A. BUSH
BRUCE M. BUTLER
JOHN F. BUTTLER
ROBERT M. CARR
LEWIS J. CARVER
ROBERT J. CASEY
MARK A. CHAFFIN
STEVEN D. CHICO
KENNETH E. CLEVELAND
DANIEL J. COLE
SCOTT C. COLTON
RICHARD A. CONTINI
JESS H. COOLEY
KEVIN T. COSTELLOE
JOHN A. COTE
GREGORY H. CREWSE
FRED W. CRUISE
RICHARD D. CUPP
KENNETH A. DAIBER
NORRIS L. DANZEY
LINDA S. DENEEN
DAVID M. DERESCHUK
CARL E. DESHA, JR
JAMES M. DHAENENS
JERRY H. DOBBS
DAVID J. DOWELL
JOSEPH P. DREW
JOHN M. EDWARDS
SCOTT R. ERLACH
DALE A. ESPERUM
PAUL G. FABISH, JR
EUGENE M. FARNSWORTH
JOHN H. FARQUHAR
JOSEPH D. FARRELL
RICHARD D. FLORES
DANIEL L. FLURY
TERRY A. FORD
PERRY L. FORESTER
DAVID C. FOSTER
JOSEPH E. FRANZ
ROBERT F. FRENCH
WILLIAM S. FROST
WILLIAM E. FULTZ
WALTER GAINER, III
BRIAN F. GALE
JOHN A. GALLEGOS
MICHAEL A. GALLEGOS
RICARDO GARZA
WILLIAM J. GETZFRED
STEPHEN V. GIBBENS
DAVID L. GIBBS
JOHN W. GRADY
GLENN G. GRAVATT
DARRELL L. GRIFFIN
MICHAEL J. GUARRACINO
JOSEPH P. GUERRERO
GRAHAM R. GUILER
STEVEN P. GULLETTE
DARLENE R. GUNTER
BRAD F. GUTTILLA
WILLIAM A. HAMMOCK
SEAN A. HARDWICK
TOMMY C. HARRIS
ROBIN A. HASTINGS, II
CHARLES H. HAYDEN, JR
KEITH W. HENCHEL
DANIEL P. HENDERSON
DAVID O. HENDRICKSON
RONALD H. HENRY
STEVEN M. HENRY
DAVID A. HILL, II
LAWRENCE D. HILL
MATTHEW J. HOLCOMB
DANIEL P. HOWE
STEVEN M. HOWELL
KEITH W. HUNTER
JOHN E. IWANIEC
DAVID W. JACK
SUNI L. JACKSON
CHARLES JAMES, JR
OREN C. JEFFRIES
PEDRO JIMENEZ, III
LARRY M. JOHNSON
RICHARD M. KANO
ROBERT S. KARNS
RICHARD M. KAY
ROBERT N. KEATON
DENNIS R. KELLY
DANNY R. KIRSCH
DAVID G. KNAUTH
TIMOTHY T. KORMOS
WILLIAM C. KOSKI, JR
JOHN M. LACHANCE
KARL A. LADO, JR
DAVID J. LAMBERT
PETER F. LARKIN
ROBERT J. LAROCK
STEVEN C. LARSON
JOHN H. LECKIE
MICHAEL R. LEDBETTER
BRUCE P. LEE
VICTOR K. LEONARD
ALAN D. LEWIS
JIMMY LEWIS
RONALD P. LIECHTY
GLENN W. LINTON
CURTIS L. LIPSCOMB
MICHAEL M. LONG
VALERIE L. LOVELACE
RICKY K. LOVELL
RODOLFO LOZANO, JR
LARRY L. LUITHLE
RICHARD J. MACDONALD
DONALD G. MACK
MICHAEL G. MADISON
JAMES P. MARTEN
RUSSELL F. MARTIN, JR
JOSE F. MARTINEZ, JR
RONALD V. MATTHEWS
JESUS A. MATUDIO
MICHAEL G. MCADAMS
THOMAS W. MCCLELLAN
JAMES F. MCDONNELL, III
ROBERT P. MCNABB
DOUGLAS K. MEINHARDT
ADAM J. MELCH
MARVIN D. MERRITT, II
JOHN A. MIHM
RICKY E. MILLER
DAVID L. MITCHELL
MICHAEL K. MOORE
RICHARD M. MOORE
ROBERT T. MORRIS
THOMAS A. MORRIS
MARK L. MOW
DAVID K. MUISE
ROBERT D. E. NEWBRY
FRANKLIN B. NEWELL
EDDIE E. NIKOLAS
WILLIAM H. NISLEY, II
DEBRA J. NORTON
ANTHONY J. OBERTO
MARTIN W. ODELL
DONNY G. OLIVER
PAUL D. OLSON
JOSEPH K. OROURKE
DONALD E. OWENS
WILLIAM J. PAAVOLA
CHRIS M. PARIS
DERRELL W. PARKER
STUART D. PASELK
DANIEL K. PATTON, JR
DAVID W. PEACOTT
JEFFERY T. PENSAK
ROBERTO PEREZ
GERARD J. PERRY
ERNEST K. PETERSON
JERRY L. PETERSON
DANIEL V. PETTY
GERALD V. PEZZELLO
JEFFREY R. PITEL
DOUGLAS S. PLAICE
JAMES M. PLUTH
MICHAEL K. PRICE
WILLIAM H. PROCTOR
KENNETH J. PROHASKA
JOHN W. REPPERT, II
WILLIAM H. REYNOLDS, JR
CHRISTY I. RICHARDS
ROBERT E. RITCHEY, JR
RICHARD A. ROBERTS
JOSEPH J. ROSENBERG
BRUCE M. ROSS
JOHN C. ROTTGER
LOUIS E. RUSHTON
RODNEY G. SAFFLES
EMIL J. SALANSKY, JR
GUILLERMO A. SAMUELS
THOMAS SANFORD
DENNIS D. SAYRE
WILLIAM H. SCHAAK
KURT R. SCHAEDEL
STEPHEN C. SCHUELER
ALBERT R. SCOBEE
LAWRENCE A. SCRUGGS
GARY L. SHAW
GORDON E. SHEEK
THOMAS R. SHEFFIELD
JOHN E. SHOCKLEY
WILLIAM M. SHUMER
EDWARD J. SIMMONS
BRIAN SMITH
HAROLD W. SMITH
HENRY G. SNOWDEN, JR
LARRY S. SOUTHERLAND
MICHAEL P. SPORTELLI
RICHARD A. STABLES
PEGGY B. STEWART
MICHAEL A. STOCKDALE
GERALD G. STONE
RICHARD L. STRICKLAND
JOHN J. SWOKOWSKI
BERNARD F. TANT, III
CHARLES D. TAYLOR
RICHARD A. TAYLOR
STEVEN M. TERRILL
MICHAEL L. THOMPSON
DIANN D. TILGHMAN
DAVID A. TREINEN
RYAN L. TUCKER
ZACHARY D. TUDOR
MARK A. TUOHY
DONALD R. TURCOTTE
DENNIS D. UNRUH
THOMAS J. UTT
JOHN S. VOGES, JR
BARNEY R. WALKER
LEON A. WALKER
LOUIS H. WATKINS, JR
GREGG D. WEGNER
DAVID A. WERT
JAMES P. WESLEY
DAN O. WESSMAN
GREGORY D. WHEELOCK
JIM C. WHIPPLE
ALAN A. WHITE
CARL E. WHITE, JR
DAVID L. WHITNEY
ALVIN D. WILKERSON
ROY D. WILLIAMS
MATTHEW H. WISNIEWSKI
MARK A. WIXSON
RONALD C. WOOD
RUSSELL L. WYCKOFF
DAVID A. YAKUM
KEVIN C. YOUNG

THE FOLLOWING NAMED LIMITED DUTY OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS AS LIMITED DUTY OFFICERS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LIMITED DUTY OFFICERS, SUPPLY CORPS, USN, PERMANENT

NEMESIO C. DEDIOS
LEONARD G. HAMMOND

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS AS LIMITED DUTY OFFICERS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LIMITED DUTY OFFICERS, SUPPLY CORPS, USN, PERMANENT

EDWARD ALEXANDER
JOHN A. BARTELS
BRUCE A. BETTS
BRYAN D. BLACK
HERBERT A. BRACKENRIDGE
DEAN M. CHANDLER
ERNESTO B. CORNEJO
MICHAEL J. DESHANEY
MARK H. DESILETS
STEPHEN M. GILL
GARY J. GOSDZINSKI
SHERIE D. HOOPER
KENNETH W. KEARLY
EDGARDO M. LABAO
GARY M. MANDICH
FREDERICK S. MEADE
ROBERT C. MORRIS
MANUEL A. NUNEZ
STEPHEN W. PATTERSON
RICHARD A. SMILEY

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS AS LIMITED DUTY OFFICERS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LIMITED DUTY OFFICERS, CIVIL ENGINEER CORPS

USN, PERMANENT

ROBYN D. EASTMAN
BILLY J. HARGER, II
RAYMOND G. HOULE
THEODORE T. POSUNIAK
ROBERT E. ZULICK

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LAW PROGRAM AS LIMITED DUTY OFFICERS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LIMITED DUTY OFFICERS, LAW PROGRAM, USN, PERMANENT

LAWRENCE L. BATZLOFF
MICHAEL S. PINETTE

WITHDRAWAL

Executive message, transmitted by the President to the Senate on February 26, 1991, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF JUSTICE

DONNA M. OWENS, OF OHIO, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE. (NEW POSITION.)

EXTENSIONS OF REMARKS

LET'S WELCOME JAMES BROWN BACK

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DELLUMS. Mr. Speaker, today I come to the Congress of the United States and the American people to recognize truly a living legend, James Brown, the "Godfather of Soul."

Mr. Brown is not only a legendary entertainer, but a humanitarian and social activist as well. He has overcome many personal and professional obstacles in his life to achieve professional greatness as a performer. Today I ask that we join together to congratulate Mr. Brown for overcoming another obstacle in his life; that is, ending his current incarceration in South Carolina. On February 27, 1991, the "Godfather of Soul" shall be presented for parole at a hearing before the Board of Probation, Parole and Pardon Services in Columbia, SC. He will soon be released after serving more than 2 years of his most productive life, in prison, for a nonviolent crime. Therefore, I ask for all Americans to join me in welcoming back a truly remarkable man with an amazing history.

He has served this Nation in many ways—he helped stop the riots after the assassination of Dr. Martin Luther King, Jr.; he advocated continuing education with his song "Don't Be a Dropout"; he instilled honor in millions with his song "Say It Loud; I'm Black and I'm Proud"; he toured Vietnam for our soldiers and recently played for troops on their way to the Persian Gulf war. His service to our community and the Nation will undoubtedly continue.

Additionally, I am submitting this article written by Susan Broili which appeared on February 10, 1991, in the Herald Sun newspaper in Durham, NC, on Mr. Brown for those who do not know the man or his contributions to the music industry and social causes. Also I wish to thank Larry Fridie, Thomas A. Hart, Jr., Phillip Jones, Miranda Lewis, Skip Kelly, Stephen Fleming, and the rest of the staff of On the Potomac Productions, who produced the television special "James Brown: The Man, the Music and the Message." This special brings out the essence of James Brown and what his life has meant to three generations of Americans. I urge my colleagues to view the program when it is broadcast in their local areas:

JAILED JAMES BROWN PLANS HIS COMEBACK

(By Susan Broili)

Ah-a-a-a-ow!

Mention the name James Brown and jump back 'cause folks are liable to get funky—drop everything, let out a soul scream and break into their own version of "I Feel Good."

For nearly four decades, Brown's gut-wrenching screams and visceral lyrics, delivered in a raspy, buzz-saw voice and backed by pulsing rhythms and staccato horns, have made millions of fans FEEL G-O-O-D.

Made them do the Jerk, Mashed Potatoes, Funky Chicken and try to do the Camel Walk by watching Brown—his legs vibrating as he snaked backwards, on one foot, across the stage.

These days, the Godfather of Soul feels good himself, despite the fact that he is currently serving a six-year prison term in Aiken, S.C., for aggravated assault and failure to stop for police. He has already served two years and has a parole hearing set for Feb. 27.

Last week, in a telephone interview from his work-release job at the Aiken/Barnwell Counties Community Action Commission, he talked about the "real story" of what led to his arrest, his time in jail, future plans and past career—including some memories of performing in Durham.

"I got real sick one time in Durham," said Brown. "I had a touch of heart trouble. I was staying at the Biltmore Hotel across the tracks. A doctor came and gave me digitalis. I took it for 14 years."

Brown and his group, the Famous Flames, played the Chitlin Circuit: armory, high school, ball park and tobacco warehouses in places such as Durham, Kinston and Burlington.

"One of the Famous Flames—Bobby Byrd—Is from Burlington," said Brown, recalling the June German Balls as an annual gig on the circuit. He also remembered playing Dorton Arena in Raleigh—a town mentioned in his song. "Night Train." Brown's career got on track in 1956 with his first hit, "Please, Please, Please." During the past 30 years, he has put 44 singles into the Top 40, including such soul classics as "Night Train," "I Got You (I Feel Good)," "Cold Sweat," "Sex Machine" and "Papa's Got a Brand New Bag." His hits earned him number two on the all-time Pop Charts—after Elvis.

Recordings are one thing. James Brown "live" is another. "No one alive has ever performed like this man," said Dick Clark, in the recent documentary James Brown: The Man, The Music & The Message, which aired last Saturday in the Triangle.

Clark recalled a show in which an English group waited in the wings to follow Brown. "We had to pull them onstage." The group was the Rolling Stones.

"Who wants to follow James Brown?" said Clark.

Most, however, will readily admit to Brown's influence on their music. In the documentary, several paid tribute.

"He's the man who was at the foundation of rock and roll," said Bobby Brown. He taught us how to scoot across the stage."

Michael Jackson's fascination with Brown began at a young age; he did a James Brown song and dance when he auditioned for Berry Gordy, founder of Motown Records.

Little Richard, who met Brown in 1943, reminisced about the early days: "We all wanted to go far, and we didn't even have a car. We just kept on screaming, we just kept on dreaming."

For his own reasons, Brown would not reveal the date or place of his birth when he talked to the The Herald-Sun last week. Some sources put it in 1928 in Pulaski, Tenn., others in 1933 near Aiken, S.C. When he is released from prison, he will return to his 40-acre spread a mile down a dirt road in Beech Island, S.C., 10 miles from Augusta, Ga., where his third wife, Adrienne, lives.

Their relationship has been stormy. Police have been called to the house numerous times and Brown has been arrested twice for domestic violence. An Aiken sheriff has reported the couple shooting at each other.

"It's like any marriage in the world," Brown said. "You have ups and downs. . . . My wife and I are fine."

Brown grew up poor, dropping out of school in the seventh grade to help his family.

"We were not on welfare, he said. "We were proud of what we had. The Bible says: 'A man should live by the sweat of his brow.'"

Brown delivered groceries, shined shoes, worked on a farm. He also buckdanced for nickles and dimes, earning $5 a month.

Brown talks about self-determination when he speaks to young people as part of his work-release job at the Aiken/Barnwell Counties Community Action Commission. He's been on the job there since last fall.

"I was offered TV jobs, high-technology jobs," said Brown, of the work-release program. "I wanted to get back in the community, a pet project, where my heart is." As part of his job, he works with children in the Headstart program, with teenagers and the elderly.

"My pet project has always been education. If you know it, you don't have to do it. We Try seminar held in an office next to his in Augusta. He reportedly was carrying a shotgun and said: 'Why are you all using my bathroom?'

Brown claims he was going to his office, noticed it had been broken into, and was on his way to report the break-in to the sheriff's office when police started pursuing his pickup.

"I wasn't fleeing. I was going to see the sheriff," Brown said. "People know me everywhere," he said, listing a string of foreign countries. "Where was I fleeing to?"

A Georgia sheriff pursued him to the South Carolina line, and when Brown didn't stop, South Carolina authorities took up the pursuit.

His defense attorneys said Brown stopped at an intersection, but drove off when he became frightened after deputies broke the window of his pickup.

He was out on bond the next day but was arrested in Augusta again—this time in a Lincoln—and charged with driving under the influence of drugs. Tests showed PCP in his blood. A South Carolina judge sentenced him to a six-year term for failure to stop for police and a Georgia judge gave him a concurrent prison term for charges ranging from carrying a deadly weapon to reckless driving.

"I could have walked away from my incarceration after serving 90 days if I had pleaded guilty." Brown said. "There was never noth-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ing involved but a traffic violation. Unfortunately for me, I didn't have Matlock or Perry Mason."

He's used time in prison to "just relax. I've been on the road for 35 years. I never stopped to take a real rest."

If his time in prison has healed his body, Brown believes his soul is in good shape, too. In the documentary, he said:

"I've still got my faith, still got my dignity, still got my integrity . . . still got my soul."

His belief in education has been reinforced by observing fellow inmates, many of whom never completed high school.

"It's shown me a lot a of basic problems in the community. The basic problem is education and love for each other. If you've got God, you've got love. You need a real education. With education, you can become independent instead of dependent."

Being in prison has also given him a chance to get closer to fans—an exprience most superstars don't have, Brown said: "He'll see them and be waving' and going'."

He and some of his "fans" have been singing together in prison.

"We put together our own group [a gospel quartet]. I led some singing groups. Any soul singer, country singer started with gospel. It all goes back to gospel."

"You've got to be proud of this country and proud of yourself," said Brown, who gave a Christmas show at Fort Jackson, S.C. and believes Americans should show support for troops. "I try to live like Kennedy says: 'It's not what your country can do for you, it's what you can do for your country.'

"I'm a countryman and a statesman. Without a country, you can have no home."

The state of his country frustrates him, though. "People selling drugs to corruption of police officers. . . . I want to clean the music up. The lyrics are terrible. I don't believe what I'm hearing."

After he's released from prison, he said, "I'll probably go to Saudi Arabia, I've already talked to Sen. Strom Thurmond and also the State Depoartment. I'll sing for five generations."

Since his parole is pending he would not mention other concerts. But according to Phillip Jones, of On the Potomac Productions (which produced the TV documentary). "His first concert will probably be in South Carolina."

Brown says his band will include Fred Wesley and others who were with him before he went to prison. He expect his next album to be out in June or July. He says he wrote all of the songs in prison, but would not reveal content or titles. He did say the songs will sound like James Brown, but will be a new universal form of music.

And in his usual, "low-key fashion, Brown added: It'll be dynamite."

MRS. EVELYN A. REEVES ELECTED PRESIDENT OF THE NATIONAL ASSOCIATION OF REAL ESTATE BROKERS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DYMALLY. Mr. Speaker, I am extremely pleased to honor Mrs. Evelyn A. Reeves on her election as the 16th president and CEO of the National Association of Real Estate Brokers. Mrs. Reeves is the first woman to head the organization in its 42-year history.

This proud Californian and accomplished professional is a graduate of California State University in Los Angeles, where she received a bachelor of arts in business administration.

Mr. Speaker, as a testimony to Mrs. Reeves' business acumen, she currently serves as president of the REL–OM Corp., and is the property manager of the First Security Investment Co. Mr. Speaker, in spite of her busy business schedule, Evelyn Reeves consistently finds time to aid in the growth of her community. She serves on the State of California Housing Advisory Board, the mayor's housing task force, and the Los Angeles Southwest College Real Estate Advisory Committee. Mrs. Reeves is an active member of Peoples Independent Church.

Citizens of Los Angeles and the Nation benefit from the outstanding contributions of Mrs. Evelyn A. Reeves. Mrs. Reeves, I urge you to continue your work at your usual high level of sincerity and professionalism.

CONGRATULATIONS TO ALAMEDA FIREFIGHTERS CHARLIE DANIELS, WILLIAM BUELL, AND JAMES RITCHEY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. STARK. Mr. Speaker, I rise today to congratulate three firefighters from the city of Alameda in California's Ninth Congressional District. These three men are being honored at the Alameda Fire Fighters Association 1991 Awards Dinner.

Charles M. Daniels is receiving the Valor Award for a recently performed courageous and heroic deed. While driving off-duty on July 8, 1990, he witnessed an automobile accident. His lifesaving actions resulted in the rescue of a mother and her two sons, ages 5 and 1 years old.

William Robert Buell, Jr., is being honored for this dedicated efforts on behalf of the Firefighters Union. Mr. Buell continuously donates his time and energy to the union and has organized and assisted with the union computer operations.

James N. Ritchey is receiving the Community Service Award for 1991. His off-duty time is taken up with such things as playing Santa Claus for the local homeless shelter, serving as the liaison and organizer for the Park Street Art and Wine Faire and, serving as a trustee for the Jennifer Olson Trust Fund.

Mr. Speaker, I am happy to take this opportunity to recognize these three men, Charles Daniels, William Buell, and James Ritchey for their continued dedication and service to our community. Not only do they risk their lives on the job, but they also unselfishly serve the community when they are off-duty.

IRA FUNDS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation which would remove a disincentive in the tax laws for limited use of IRA funds for the first time purchase of a home. I am pleased to be joined in this effort by my colleagues Mr. SCHULZE from Pennsylvania and Mr. BONIOR from Michigan. The proposal which I am introducing today is similar to measures proposed by President Bush, but with one significant modification: This proposal would permit withdrawals on a penalty-free basis from existing IRA's for first time home purchases by not only the home buyer, but also by their spouse, parent, or grandparent. Since the IRA account balances of older taxpayers, such as parents and grandparents, tend to have a larger account balance than those of younger taxpayers, I believe that this proposal would help reverse the decline of homeownership in this country, especially among the prime home buying ages of 25 to 34 years old. In many cases these individuals are able to support a conventional mortgage, but are simply unable to set aside the needed funds for a down payment. Our Federal housing programs are primarily designed to assist home buyers who do not have an income sufficient to support a conventional mortgage. This proposal is a critical supplement to our current housing policy since it removes a barrier which needlessly restricts the ability of these young individuals and families to assemble the funds for the down payment on their first home.

Under this proposal, a taxpayer, as well as his or her spouse, parent or grandparent would be allowed to withdraw up to $10,000 collectively to make a first time purchase of a home. While the proposal would exempt withdrawn funds from the 10-percent penalty that is currently imposed under the income tax laws for premature withdrawals, any amounts withdrawn for first time home purchases would be considered taxable income to the IRA account holder. The definition of a qualified first time home buyer would include any taxpayer who did not own an interest in a principal residence for the past 3 years. In addition, the purchase price of a home acquired with withdrawn IRA funds could not exceed 110 percent of the average area purchase price.

There is no question this country faces a critical problem in the area of housing affordability. During the previous decade, we witnessed a steady decline in the Nation's homeownership rate, reversing a 40-year trend of rising homeownership in this country. A particularly disturbing trend is that the largest decrease in homeownership was noticed by those under 25 years of age, and by those between the ages of 25 and 34. The combined homeownership rate of these two age groups declined by roughly 15 percent during the 1980's. Various studies have cited the inability of young people to save enough money for a down payment as the single most compelling problem preventing these individuals from buying a home.

Mr. Speaker, investing IRA funds in a home is a very prudent investment. In addition, use of an IRA account to acquire a residence is totally consistent with the overall retirement purpose that IRA's were intended to serve. While adoption of this measure is not a panacea for curing the Nation's housing affordability edipemic, this legislation does constitute a positive, important first step.

IN HONOR OF DR. WILLIAM F. "BILL'" FITZGERALD ON HIS RETIREMENT

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DIXON. Mr. Speaker, I rise today to express my warmest congratulations to William F. "Bill" Fitzgerald on an outstanding career in education and community service. He retires this year after 23 years on the faculty of Loyola Marymount University, his alma mater, in the department of political science.

Born November 22, 1924 in Chicago, IL, Bill Fitzgerald graduated from Herbert Hoover High School in Glendale, CA, and attended Glendale City College prior to earning his bachelor of science degree in political science from Loyola Marymount University in 1948. Fitzgerald next attended graduate school at the University of California at Los Angeles from 1949 to 1950. Four years later, he was awarded the Ph.D. degree from Georgetown University, in political science.

Throughout his career, Bill has been outspoken on issues of human rights, both domestic and international. Bill has served on the Los Angeles County Human Relations Board, the Los Angeles Urban League, the commission on human relations, and the police community relations workshop. For 20 years, he was director of the Loyola Human Relations Workshop.

An organizing member of the California task force for integration in education, Bill has represented Loyola Marymount on faculty concerned about human rights in El Salvador. He was a consultant and lecturer for the human relations commission of Los Angeles County and social welfare conferences in California and nationwide. He is also a founding member of the Catholic Human Relations Council.

In addition, Bill served as director of the California Museum of Science and Industry and as executive secretary of the California Museum Foundation for 5 years. He has taught at Fordham University, Marquette University, the University of California at Los Angeles, Los Angeles State University College, and Mount Saint Mary's College in Maryland, and he has lectured before numerous community organizations and corporations in and beyond California.

Bill is a member of several professional associations and boards including the Southern California Political Science Association, the Western Political Science Association and the American Political Science Association and the board of trustees of Immaculate Heart College in Los Angeles.

Throughout his lengthy teaching career, and beginning well before the mass civil rights movement of the 1960's inspired widespread optimism, Bill evinced a firm faith in the ability of the American system of government to right past wrongs and to accommodate positive and lasting change with respect to discrimination in employment, housing, and education.

In addition to raising his own voice, Bill has been supportive of students speaking out on issues ranging from support for farm workers, United States involvement in Central America, sanctions against apartheid, the drug war, the Iran-Contra scandal, and Vietnam. Bill has touched and inspired the lives of thousands of students who have adopted his commitment to fairness and given life to it as teachers, lawyers, judges, elected officials, and in any number of other professions.

Bill Fitzgerald stands as a shining example of what is great about our Nation's educational system. On the occasion of his well-deserved retirement, I invite you to join me, Mr. Speaker, in wishing for Bill, his wife, Martha, and his 11 children good health and good times in the years ahead.

THE STUDENT LOAN DEFAULT PREVENTION ACT OF 1991

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mrs. ROUKEMA. Mr. Speaker, today I am introducing the Student Loan Default Prevention Act of 1991. This bill is meant to confront the urgent problem of defaults on student loans that rob the federally guaranteed Student Loan Program of available funds that could be used to help pay for the higher education of many deserving students.

We in Congress must take immediate action to stem the flow of the billions of dollars now required to guarantee these student loans. The statistics are startling. Estimates place the cost of paying for defaulted loans at $2.4 billion for fiscal 1990. This figure is equal to 40 percent of total program outlays.

The bill that is introduced today attacks the default problem on several fronts. It was drafted with the belief that a solution to the default situation will require greater responsibility on the part of everyone involved—students, schools, lenders and guarantee agencies—to ensure that these loans are repaid.

Since estimates show that learning institutions with high rates of default—rates of 20 percent or more—are responsible for nearly half of all student loan defaults, my bill places its major emphasis on making these institutions more accountable to the guaranteed loan system. Institutions defined as having a high rate of default will not receive disbursement of Federal funds sooner than 30 days after the beginning of the school term. In addition, disbursement of the loan will be made in at least two installments to coincide with the beginning of each term of study. These provisions are necessary because the majority of defaults are attributable to students that drop out during the first term of their first year of school.

My bill will also place more responsibility on lending institutions and guarantee agencies by modifying the 100-percent Federal guarantee provisions of the Higher Education Act of 1965. I do not advocate the elimination of the 100-percent guarantee, but I believe that lending institutions should share the risk incurred when making loans to those enrolling in high default rate schools. My bill provides that the Federal guarantee will be reduced to 95 percent when a lender under this act has one-third or more of its outstanding student loan principal during any consecutive 2-year period with students attending high default rate schools. This is a reasonable aproach to encourage lenders to more actively evaluate the risk potential of student loans, while taking into consideration the voluntary nature of their participation in the program and the slim profit margins and high overhead involved with making student loans.

Finally, the Student Loan Default Prevention Act of 1991 places limitations on the recruitment activity and false advertising pursued by some unscrupulous schools. The bill contains several provisions to prevent schools from taking advantage of potential students and to strengthen the accrediting standards and and procedures for career training schools.

I urge my colleagues to join me in seeing that we move swiftly to stop the hemorrhaging of our Student Loan Program. We must take every measure to ensure that scarce Federal student aid resources are made available to as many of our deserving and aspiring students as possible.

NEW YORK TIMES EDITORIAL SUPPORTS PUERTO RICO PLEBISCITE

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. FUSTER. Mr. Speaker, I again want to point out to my colleagues in both the House and Senate an important national issue which we in both Chambers will no doubt be called upon to consider again this year. It is the matter of a congressionally sanctioned political status plebiscite in Puerto Rico which would be held late this year between the choices of statehood, independence, and an enhancement of the existing commonwealth status, which, as you know, I favor.

Many articles, opinion columns and editorials have appeared in the national press about this matter, Mr. Speaker, and Members of Congress in both bodies have also debated the issue at length. Today I want to share with my colleagues some perceptive and trenchant thoughts which appeared as the lead editorial, entitled, "America's Captive Nation," in the New York Times of February 22, 1991:

AMERICA'S CAPTIVE NATION

How perverse it would be if American politicians who upbraid Mikhail Gorbachev for ignoring Lithuania's independence plebiscite were to refuse Puerto Rico the same right of expression. But that's exactly what seems to be happening in the U.S. Senate.

Discovered by Columbus, colonized by Spain, seized as war booty by the United States, Puerto Rico qualifies as the oldest colony in this Hemisphere. Like the Baltic states, it was involuntarily annexed by a big neighbor. But unlike the Baltics, most Puerto Ricans favor continued association with their distant overlords, as 51st state or as a partly autonomous commonwealth.

In a world boiling with ethnic discord, Puerto Rico is enviably free of rage and persistent violence. Yet Puerto Ricans are justly furious at Washington's unwillingness to provide a free and fair referendum this year in which Puerto Ricans could finally determine whether to seek statehood, choose continued commonwealth autonomy or, as a minority wishes, become independent.

If there is to be a plebiscite in 1991, Congress must act by early July. Chairman J. Bennett Johnston of the Senate Energy Committee, vowing to meet that deadline, has already held hearings on legislation that would carefully define the choices. This is very different from a House bill that simply lists the options, without elaboration, inviting angry misunderstandings.

But Mr. Johnston's draft bill may well be killed by lawmakers who like self-determination—in the Baltics. After all, says Don Nickles, an Oklahoma Republican, Puerto Ricans might not "blend" with the U.S. if they chose statehood. Exactly, says Wendell Ford, a Kentucky Democrat, who describes Puerto Rico as that sinister thing, a "separate culture." Malcolm Wallop, Republican of Wyoming, is all for letting Puerto Ricans hold a referendum as long as Congress can ignore the results.

These are wounding arguments. Cultural, ethnic and religious differences were once cited by bigots who opposed statehood for Hawaii, New Mexico, Utah and Oklahoma. Nobody spoke of a "separate culture" when Puerto Ricans were drafted to fight in past wars. Nobody says the 15,000 Puerto Ricans serving in the Persian Gulf now do not "blend in."

Finally, it verges on the dishonorable to invite Puerto Ricans to hold a referendum without assurance that Congress will heed the results—especially so when the invitation comes from Mr. Wallop, whose President and party favor statehood. Every President starting with Eisenhower has affirmed Puerto Rico's right to choose. That commitment was repeated time and again in the U.N. New York's Senator Daniel P. Moynihan recalls that it was once his job as U.S. envoy to ridicule Fidel Castro's claim that Americans would never allow Puerto Ricans freedom of choice.

Charting Puerto Rico's future will require hard legislative work and much good will. But Puerto Ricans did not ask to be annexed. They were compelled to become part of the U.S. by a process far less brutal but very like the Soviet absorption of the Baltics. It is both honorable and politically wise to permit this captive nation to decide its status freely, fairly—and promptly.

IT'S TIME TO SALUTE THE HAMMER

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to a great Californian, who is well on his way to becoming one of the most successful entertainers in the world. M.C. Hammer has brought rap music and the urban beat into the homes of millions of Americans.

With the help of dazzling videos that show off his mind-boggling dance steps, his "Please Hammer Don't Hurt Em," album topped every other LP in sales last year. Hammer and his crew of at least 30 other entertainers, last year, began a 250-concert world tour which included stops in the United States, Europe, Japan, Australia, and the Carribbean.

This native of Oakland, CA, or "Oaktown" has gained the respect of the music industry through numerous awards including five 1991 American Music Awards for Favorite Rap Artist; Favorite Soul/R&B Single for "U Can't Touch This"; Favorite Rap Album and Favorite Soul/R&B Male Artist. Hammer also received five Grammy nominations this year, one of the most prestigious awards in the music industry.

In addition to his musical success, the Hammer is also heralded as an astute businessman. Hammer took an original $20,000 investment by two members of the Oakland A's baseball team and formed his own label, "Bust It" records. The resulting album "Feel My Power," sold more than 60,000 copies. Recently, Hammer and his Oakland-based record company signed a multimillion dollar deal with Capitol Records, with plans for Hammer to produce albums for 10 new groups.

The story of Hammer's rise to stardom is truly a rags to riches tale. Born Stanley Kirk Burrell, he spent his early years in Oakland, living in a 3-bedroom Government-subsidized apartment with his mother, father, and six siblings. Hammer always displayed a talent for mastering difficult dance moves. One day while emulating his idol, James Brown, outside the Oakland coliseum he attracted the attention of the baseball team's owner, Charlie Finley. Finley was amused by the young Hammer's style. He made Hammer the team's batboy and allowed him to travel with the A's and to hang out with the players.

Although Hammer knew at an early age that he was talented as well as a good businessman, he was forced to make a decision about his future direction after an unsuccessful attempt at obtaining a bachelors degree in communications. Like so many of his friends, Hammer knew he could easily use his skills to make thousands of dollars overnight in the illegal drug trade. Instead, he took a different path by joining the Navy. After 3 years of service he came back to his hometown and started setting up his musical enterprise that has turned the world of rap music upside down and made him a household name.

Hammer's stage show is filled with nonstop singing, dancing, jamming, and excitement. The audience is pulled into the groove and it doesn't stop until all are exhausted. The success of the road show, is partly due to the 30 or so members of Hammer's posse that keep up with every move devised by the master. To Hammer, however, his dancers are more than employees. He says he feels a real responsibility to make sure the group, especially the younger members, don't get caught up in the trappings of success. Hammer runs a tight ship, enforcing curfews for his dancers and even encouraging them to share living quarters back in Oakland. Hammer even offers to pick up many of their household expenses.

With so many accomplishments under his belt, this 27-year-old rapper could easly be tempted to ride the crest of his fame. Hammer, however, says he's still working just as hard today as he did back when he was riding 14 guys around in a van from gig to gig.

Future projects include plans to make a long form video, which include five tracks from his latest album. "Here Comes the Hammer" and "Yo! Sweetness" are presented in ensemble dance production numbers, and several of Bust It's new recording artists are featured in the video as well. Other plans include a fall tour possibly sponsored by MTV and an action-comedy film called "Pressure." The storyline will follow Hammer as he returns home to Oakland, and confronts the local drug dealer, who has put the lives of the community's children in danger.

I salute M.C. Hammer and Oaktown for nuturing his talent as well as many of today's popular recording artists, including: Too Short, Oaktown 3–5–7, Tony, Toni, Tone and En Vogue.

HONORING HENRY OSSIAN FLIPPER

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DYMALLY. Mr. Speaker, I rise to bring attention to an outstanding American, Henry Ossian Flipper. Henry Flipper was born into slavery, but managed to overcome this devastating hardship to become the first African-American to graduate from the U.S. Military Academy at West Point. As a second lieutenant in the all Negro 10th Cavalry Regiment, Lieutenant Flipper was a surveyor and construction supervisor.

After his honorable discharge in 1882, Flipper was subsequently employed by the Department of the Interior. He was responsible for the location, construction, and operation of Alaskan railroads.

Mr. Speaker, because of Henry Flipper's triumph over the extreme disadvantages of slavery and racism and his outstanding engineering accomplishment, I am introducing a joint resolution that provides for the Postmaster General to issue a commemorative stamp in honor of Henry Ossian Flipper. I urge my colleagues to join me in honoring a true American success story.

SUPPORT H.R. 830, THE NUCLEAR NON-PROLIFERATION ENFORCEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. STARK. Mr. Speaker, I recently introduced the Nuclear Non-Proliferation Enforcement Act (H.R. 830). This legislation would impose import sanctions on foreign firms furthering the spread of nuclear weapons. Any foreign company that sells—without requiring proper safeguards—equipment, materials, or technology used in the manufacturing of nuclear weapons will have its goods barred from entering the United States.

I wish it hadn't come to this. I wish there were a quieter, less confrontational way we could accomplish the same goals. But we've tried the quiet approach for a long time and we can see the dismal results. Over the last two decades India, Pakistan, Israel, South Africa, Brazil, and Argentina have all used the assistance of Western companies to develop advanced nuclear weapons programs.

Most of these countries now have the capability to build the bomb and several have assembled arsenals. These developments raise a host of frightening scenarios, such as regional nuclear wars in the Middle East or Sub-Continent, terrorists threatening entire cities through nuclear blackmail. As more countries acquire the bomb, more nuclear suppliers will emerge, and we'll have even less means to control them.

For example, General Zia-ul-Haq, former President of Pakistan, speaking in an interview in 1986 had this to say about his country's nuclear weapons program: "It is our right to obtain the technology. And when we acquire this technology, the entire Islamic World will possess it with us." If this doesn't scare you, then I don't know what will.

Which leads us to the most terrifying scenario of all—Saddam Hussein armed with nuclear weapons. With Operation Desert Storm we've dealt Baghdad a significant setback to its atomic weapons program. But Iraq could resume its efforts, just as it did after the Israeli raid on the Osiraq nuclear reactor in 1981. Additionally, Syria, Iran, and Libya might well follow in Saddam's nuclear footsteps.

Yet for years we ignored Iraq's and other countries' nuclear ambitions, while companies from all over the developed world, but especially Germany, helped these countries build the necessary nuclear facilities. We tried quietly urging our allies to tighten and better enforce their nuclear export controls. The results are best described in an article that appeared last August in the German newsweekly Der Spiegel:

> Far more than a thousand times the Americans have briefed the German services and high-ranking Bonn ministry officials about sensitive arms deals with the Middle East, the Far East, and South America over the past six years. . . . Not much has been done as a consequence. Many of the written warnings, which have been declared so-called nonpapers in Bonn, immediately ended up in the trash can.

Since that time Germans have talked much of new and better enforced export regulations. And yet, as late as last fall dozens of German firms were violating the Iraq embargo. Again, despite our quiet protestations, Bonn stood by while the sanctions were critically weakened and war became a more likely possibility. It was only when allegations against German companies surfaced in the media that the German Government started to take any action against the embargo cheaters. But we are less concerned about seeing export violators punished than in having the violations prevented in the first place.

My legislation will help send a strong consistent message to our allies that if they cannot or will not control their exporters, then the United States will step in and do the job for them. H.R. 830 is the product of months of work after consultation with leading experts in the nuclear nonproliferation field as well as scholars in international law. This is a workable approach which, I strongly believe, will create strong incentives for both foreign companies and foreign governments to get their acts together. Governments will wish to avoid the embarrassment of having their companies publicly and visibly named as assisting nuclear proliferation. Firms, especially large multinational conglomerates such as Daimler-Benz, will have strong incentives to more closely monitor the dealing of their many subsidiaries when confronted with the prospect of losing access to the world's richest single market.

This approach is not really extraterritorial. If the country concerned has effective measures to prevent proliferation and has imposed the appropriate penalties on the company concerned, then sanctions would not be imposed. Our allies have made an internationally binding commitment to prevent nuclear proliferation. It's only when they fail to carry through on this commitment that the sanctions would occur. No export controls will be perfectly leak-proof: We just expect our allies to make a good-faith effort. Further, the companies named as violators will have an opportunity to present their case, as they may appeal the President's decision to the U.S. Court of International Trade.

Nor would this legislation violate U.S. obligations under the General Agreement on Tariffs and Trade [GATT]. Article 21 of GATT contains a very clear exception for cases of this kind. The article reads in part:

> Nothing in this agreement shall be construed . . .
>
> (b) to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests
>
> (i) relating to fissionable materials or the materials from which they are derived;
>
> (ii) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment.

The violations that would trigger the sanctions are also very specifically defined in the bill. A company commits a violation if it (A) sells nuclear items without getting the safeguard guarantees mandated by U.S. law, (B) retransfers nuclear items exported from the United States without U.S. permission, (C) sells nuclear items to countries which do not have international safeguards on all of their nuclear facilities, such as India and Pakistan, or (D) sells certain nuclear dual-use technology to a controlled country. A controlled country is one which is not party to the Nuclear Non-Proliferation Treaty, has violated an agreement made with the International Atomic Energy Agency, has made efforts to build nuclear weapons clandestinely, or has repeatedly provided support for international terrorism.

If these guidelines are carefully adhered to by the major international nuclear suppliers, we can significantly slow the spread of nuclear weapons. If not, further nuclear proliferation is only a matter of time.

This legislation, while strict and specific on what triggers the sanctions, provides maximum flexibility for the President to administer them. The administration will determine when violations have taken place and how long the import ban should occur, though it must be imposed for at least 2 years. The President may waive the sanction altogether, if he deems such a step essential for U.S. national security, but he must notify Congress 20 days in advance and provide the rationale for doing so.

On the other hand, the legislation would not bar the importation of defense articles, spare parts, maintenance services, or component parts, in cases in which no reasonable alternative is available. We don't wish to put our own economic or national security at risk.

Finally, the legislation includes a "privatization" clause to take advantage of the many fine people working in the nuclear nonproliferation field outside of government. Any person may petition the government to investigate a foreign company for its involvement in nuclear proliferation. They would have to show significant probable cause and it would then be up to the administration to decide whether to pursue the case. This section is modeled closely on similar petition clauses in several U.S. trade laws.

This legislation is specific, flexible, just, and effective. And, it has ample precedent. H.R. 830 very closely parallels—almost word for word at points—the missile technology sanctions passed in the Defense bill last fall. If the President could sign that legislation, he should find this bill acceptable as well. The only losers in this legislation are the proliferation profiteers and weak-kneed governments which refuse to stand up to them.

Mr. Speaker, the advanced industrial countries have, at this point in history, a choice of how best to pursue nuclear nonproliferation. We can either apply strict export controls on nuclear items as a preventative measure or periodically take military action on the scale of Operation Desert Storm. I think most would prefer to take the former approach.

The following is the full text of H.R. 830.

H.R. 830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Non-Proliferation Enforcement Act of 1991".

SEC. 2. IMPOSITION OF SANCTION.

(a) BASIS FOR SANCTION.—The President shall impose the sanction set forth in subsection (c) on a foreign person if the President determines that such foreign person knowingly—

(1)(A) exports, transfers, or is otherwise engaged in the trade of any nuclear materials and equipment or nuclear technology—

(i) which violates paragraph (4) of section 127 of the Atomic Energy Act of 1954 (42 U.S.C. 2156(4));

(ii) which fails to meet all the criteria set forth in section 127 of the Atomic Energy Act of 1954, except that for purposes of this clause references in paragraphs (4) and (5) of such section to the United States shall be deemed to refer to the exporting country; or

(iii) to any non-nuclear-weapon state that does not meet the requirements of non-nuclear-weapon states that are set forth in section 104(d) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3223(d)); or

(B) has knowingly or materially contributed—

(i) through the export, transfer, or other engagement in the trade of any goods or technology that are subject to the jurisdiction of the United States and controlled under the Export Administration Act of 1979 pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, because of their significance for nuclear explosive purposes, or

(ii) through the export, transfer, or other engagement in the trade of any goods or technology that would be, if they were subject to the jurisdiction of the United States, controlled under the Export Administration Act of 1979 pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, because of their significance for nuclear explosive purposes,

to the efforts by any foreign country described in subsection (b) to use, develop, produce, stockpile, or otherwise acquire nuclear weapons; or

(2) conspires or attempts to engage in or knowingly assists in an export, or in a transfer or trade, described in paragraph (1).

(b) COUNTRIES RECEIVING ASSISTANCE.—The countries referred to in subsection (a)(1)(B) are—

(1) any non-nuclear-weapon state that the President determines has, at any time after January 1, 1980—

(A) used a nuclear weapon;

(B) tested a nuclear weapon;

(C) produced a nuclear weapon; or

(D) made substantial preparations to engage in any activity described in subparagraph (A), (B), or (C);

(2) any foreign country which has not ratified the Treaty on the Non-Proliferation of Nuclear Weapons and concluded an agreement with the International Atomic Energy Agency for the application of International Atomic Energy Agency safeguards on all the country's nuclear facilities;

(3) any foreign country which has violated such an agreement with the International Atomic Energy Agency relating to safeguards; and

(4) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 to be a government that has repeatedly provided support for international terrorism.

(c) SANCTION.—The sanction which applies to a foreign person under subsection (a) is that the President shall prohibit, for a period of at least 2 years, the entry into the customs territory of the United States of any article that is the growth, product, or manufacture of that foreign person.

(d) EXPANSION OF SANCTION TO OTHER ENTITIES.—The President shall impose the sanction imposed on a foreign person under this section on any other entity that controls, is controlled by, or is under common control with, that foreign person.

SEC. 3. ANNUAL DETERMINATIONS BY THE PRESIDENT; APPEAL OF DETERMINATIONS.

(a) DETERMINATIONS.—The President shall, at least once each year, determine which, if any, foreign persons have carried out acts described in paragraphs (1) and (2) of section 2(a). The President shall publish all such determinations in the Federal Register. The President shall impose the sanction required by section 2 upon making such determination.

(b) APPEALS.—Any person who the President determines has carried out any act described in paragraph (1) or (2) of section 2(a), may obtain review of the determination by filing an appeal, within 60 days after the determination is published in the Federal Register, in the United States Court of International Trade, which shall have jurisdiction to review such determination.

SEC. 4. EFFECT OF ENFORCEMENT ACTIONS BY OTHER COUNTRIES.

The sanction set forth in section 2 may not be imposed under such section on a foreign person with respect to acts described in paragraph (1) or (2) of section 2(a), and any such sanction that is in effect against a foreign person on account of such acts shall be terminated, if—

(1) the country from which the export, transfer, or other act originates has in effect laws restricting the export, transfer, or other activity in a manner substantially similar to the restrictions imposed by United States laws or regulations on such exports, transfers, or other acts,

(2) the foreign person is subject to those laws, and

(3) the country has imposed on that foreign person the appropriate penalties pursuant to those laws.

SEC. 5. ADVISORY OPINIONS.

The President may, upon the request of any person, issue an advisory opinion to that person of whether a proposed activity by that person would subject that person to the sanction under section 2. Any person who relies in good faith on such advisory opinion which states that the proposed activity would not subject a person to such sanction, and any person who thereafter engages in such activity, may not be made subject to such sanction on account of such activity.

SEC. 6. WAIVER AND REPORT TO CONGRESS.

(a) WAIVER.—In any case other than one in which an advisory opinion has been issued under section 5 stating that a proposed activity would not subject a person to the sanction under section 2, the President may waive the application of section 2 to a foreign person if the President determines that such waiver is essential to the national security of the United States.

(b) REPORT TO CONGRESS.—In the event that the President decides to apply the waiver described in subsection (a), the President shall so notify the Congress not less than 20 working days before issuing the waiver. Such notification shall include a report fully articulating the rationale and circumstances which led the President to apply the waiver.

SEC. 7. ADDITIONAL WAIVER.

The President may waive the imposition of the sanction under section 2 on a person with respect to a product or service if the President certifies to the Congress that—

(1) the product or service is essential to the national security of the United States; and

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

SEC. 8. EXCEPTIONS.

The President shall not apply the sanction under section 2—

(1) in the case of procurement of defense articles or defense services—

(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(B) if the President determines that the person to which the sanction would be applied is a sole source supplier of the defense articles and services, that the defense articles or services are essential to the national security of the United States, and that alternative sources are not readily or reasonably available; or

(C) if the President determines that such articles or services are essential to the national security of the United States under defense coproduction agreements or NATO Programs of Cooperation;

(2) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction; or

(3) to—

(A) spare parts,

(B) component parts, but not finished products, essential to United States products or production,

(C) routine services and maintenance of products, to the extent that alternative sources are not readily or reasonably available, or

(D) information and technology essential to United States products or production.

SEC. 9. PETITIONS BY INTERESTED PERSONS.

(a) FILING OF PETITIONS.—Any United States person may file a petition, in accordance with regulations issued by the President, requesting that an investigation be conducted to determine whether sanctions are warranted under section 2.

(b) ACTIONS ON PETITIONS.—The President shall conduct an investigation pursuant to a petition filed under subsection (a) if, on the basis of facts set forth in the petition, the President determines that there is a reasonable basis to believe that a foreign person has engaged in any act described in paragraph (1) or (2), of section 2(a).

(c) PETITION DETERMINATIONS.—The President shall, within 20 days after receiving a petition under subsection (a), determine whether to conduct an investigation pursuant to the petition, notify the petitioner of the determination, and publish the determination in the Federal Register, together with the reasons for the determination.

(d) APPEALS.—A person filing a petition under subsection (a) may appeal a determination of the President on the petition by bringing an action for review of the determination in an appropriate United States district court. The court shall review the determination in accordance with section 706 of title 5, United States Code.

SEC. 10. DEFINITIONS.

As used in this Act—

(1) the term "non-nuclear-weapon state" means a non-nuclear-weapon state within the meaning of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, D.C., London, and Moscow on July 1, 1968;

(2) the term "nuclear materials and equipment" has the meaning given that term in section 4(4) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3203(4));

(3) the term "nuclear technology" means sensitive nuclear technology (as that term is defined in section 4(6) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3203(6)) and Restricted Data (as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y));

(4) the term "foreign person" means any person other than a United States person;

(5) the term "United States person" has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2));

(6) the term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization,

or group, and any governmental entity, and any successor of any such entity; and

(7) the terms "otherwise engaged in the trade of" and "other engagement in the trade of" mean, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.

SEC. 11. REGULATORY AUTHORITY.

The President may issue such regulations and orders as are necessary to carry out this Act.

TRADING PARTNERS SHOULD BE HELD ACCOUNTABLE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation which provides for the timely and effective review of the extent to which foreign countries are complying with bilateral trade agreements with the United States. I am pleased that my colleagues, Les AuCoin, Nancy Johnson, and Dick Schulze have agreed to be original cosponsors of this legislation.

Chapter I of title III of the Trade Act of 1974, as amended in 1988, includes a provision that gives the U.S. Trade Representative discretionary authority to monitor implementation of each trade agreement entered into by the United States. Under this existing provision—section 306—if the Trade Representative exerts this discretionary authority, conducts a review, and concludes that a foreign country is not satisfactorily implementing a trade agreement, the Trade Representative is required to determine what further action will be taken under the authority granted under section 301 of the act.

Unfortunately, the current review process simply does not ensure adequate oversight of existing bilateral trade agreements. The review process needs to be opened up, so that our industries, who are directly impacted by these trade agreements, have access to the review process, have the right to petition their Government, and can call attention to wrongdoing on the part of our trading partners. The absence of effective review procedures encourages foreign countries to enter into agreements with the United States and then disregard the commitments which were made.

The legislation which I am introducing today seeks to remedy this problem by amending section 306 of the Trade Act to allow an interested party to request, at certain intervals, a review of any existing bilateral trade agreement. Under the terms of my legislation, an interested party is defined as an individual that has a significant economic interest that has been adversely affected by the failure of a foreign country to comply with the terms of a trade agreement. Upon receipt of a written request for review, the Trade Representative would have 90 days to review whether or not a foreign country was complying with the terms of the appropriate trade agreement. In conducting their review, the Trade Representative is directed to take into account a number of factors including, among others, structural policies and tariff or nontariff barriers which may have contributed directly or indirectly to noncompliance with the terms of the trade agreement. The Trade Representative is also authorized to consult with the Secretaries of Commerce and Agriculture, with the U.S. International Trade Commission, and to receive public comment. Last, under this legislation, the Trade Representative will continue to have the discretionary authority to conduct reviews of existing trade agreements provided for under section 306.

These modifications will introduce a degree of accountability to our trade laws. The message is simple: if our trading partners agree to certain measures, they should be held accountable if they fail to abide by their commitments. Indeed, this proposition was clearly embodied in the section 301 process enacted by Congress in 1988. By adopting these provisions, Congress explicitly acknowledged that violations of trade agreements are unjustifiable, and are deserving of our attention. The legislation I am introducing today completes the process we formulated in 1988, so that trade agreements will have meaning, that there will be accountability and oversight in the process of implementing these very agreements.

Mr. Speaker, this legislation is designed to ensure that our trading partners do not take advantage of the United States. It does not redefine what foreign trade practices are unfair. Failure to comply with a trade agreement cannot be construed to be a fair trading practice. If we are not interested in exerting oversight of these trade agreements, perhaps we ought to think about taking away the Trade Representative's authority to enter into these agreements. We simply invite our trading partners to mouth the right words, but do nothing to require them to back up these words with specific actions. Such a trade policy does a real disservice to this country, and requires our immediate attention.

TRIBUTE TO THE LATE PHILLIP FLEMING, JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DIXON. Mr. Speaker, I rise to pay special tribute to Phillip Fleming, Jr., accountant, business professor, husband, father, friend, and hero. Mr. Phillip Fleming was killed in the USAir SkyWest collision at Los Angeles International Airport on February 1 of this year.

Phillip Fleming will be remembered as a generous and warm family man who always did what he could to aid others. Even when his own life was on the line, he chose to give a helping, lifesaving hand to his neighbor. This time, he made the ultimate sacrifice. Survivors of the fatal crash have praised Mr. Fleming for heroically helping others escape from the wreckage even after fire had begun to spread throughout the airplane.

Born in Natchez, MS, Mr. Fleming moved to Los Angeles 22 years ago, and resided in the Baldwin Hills area of my congressional district. He earned his MBA from the UCLA graduate school of management and went on to become the lead internal revenue auditor with the Department of Defense Logistic Agency in El Segundo, CA. Mr. Fleming worked not only as a CPA, but also served his community by laboring on behalf of small, black-owned businesses, and by teaching business at night at the Crenshaw Dorsey Community Adult School in the 28th district of California.

Mr. Fleming was actively involved in community activities. He was a member of the First AME Church, Alpha Phi Alpha Fraternity, Inc., Delta Kappa chapter, and the Combined Federal Campaign.

Mr. Speaker, in both his professional career and personal life, Phillip Fleming enriched the lives of many Angelenos. Therefore, I ask my colleagues in the U.S. House of Representatives to join me in extending sincere condolences to his family: His wife Johnetta Dockins Fleming, son Omari, mother Mrs. Jessie Fleming, and his eight brothers and sisters, and a host of Phillip Fleming's colleagues and friends.

STUDENT FINANCIAL AID IMPROVEMENT ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mrs. ROUKEMA. Mr. Speaker, today I am introducing the Student Financial Aid Improvement Act of 1991. This bill is comprised of noncontroversial amendments that were accepted by the Education and Labor Committee previously in 1988 during our discussions of default legislation in the 100th Congress.

The changes made by my bill are in fact the recommendations made to this committee in 1988 by the advisory committee on student financial assistance which, as you may recall, was appointed by Congress to report on recommended changes to the Student Financial Aid Program. Let me stress that these are technical amendments recommended by the advisory committee and previously accepted by the Education and Labor Committee, but were never passed into law because the default legislation we were then considering was tabled.

My Student Aid Improvement Act addresses the following problems:

First, my bill addresses the inequity of double counting of student income in the asset computation of the formula. As you know, the congressional methodology assumes that a student should be required to contribute something to cover the costs of a higher education. This is as it should be. However, congressional methodology not only takes into account what a student earns in a given year to pay for college, but also what the student has placed in a savings account. Therefore, the formula currently in use tends to double count prior year earnings that are saved for the coming school year. This creates a disincentive for students to save. My bill will correct this problem by eliminating the counting of cash on hand from the asset calculation except to the extent such cash exceeds the student contribution from discretionary income.

Second, my bill closes a loophole in the definition of independent student. This loophole as it now exists allows students to claim independence after the first 2 years of college simply because they received more than $4,000 worth of income and student aid during those 2 years. The result of this loophole has been students claiming independent status who are otherwise dependent on the financial resources of their parents. This allows students to receive more aid than they actually need and opens the door for fraud and abuse in a program with scarce resources. My bill will ensure that only those students truly independent of their parents will be considered for higher aid awards.

Third, and most importantly, my bill will exempt the net value of a family's principal residence from the student aid eligibility formula. The reasons for this change are compelling. In my congressional district, as well as in many other metropolitan areas of the country, the booming real estate market of the past decade has made many families increasingly house rich and cash poor. Families are told that they have too much equity in their homes to qualify for Federal student financial aid, yet these same families cannot afford to carry a home equity loan. We should not hold eligibility for loans hostage to rising real estate values.

Congress has become increasingly aware of the shortcomings in the Student Loan Program. Many of my colleagues have experienced constituent complaints that they could not qualify for a student loan and will therefore not be able to attend college. It is my hope that my Student Financial Aid Improvement Act will be incorporated into the Higher Education Act this year when it comes up for reauthorization.

FULL COMMITMENT TO IMPLEMENTATION OF VOTE IN PUERTO RICO URGED

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. FUSTER. Mr. Speaker, on Wednesday, February 27, the committee of jurisdiction in the other body is scheduled to mark up S. 244, which authorizes a political status plebiscite in Puerto Rico between statehood, independence, and an enhancement of the existing commonwealth status, which I favor. A similar bill, which I cosponsored, has been filed in the House again this year; as you know, the 101st Congress enacted plebiscite legislation in the House but not in the Senate.

But, Mr. Speaker, I rise today to vigorously criticize a proposed amendment in S. 244 that the Senate Energy and Natural Resources Committee is scheduled to consider at its markup on Wednesday, February 27. Unfortunately, this amendment would not bind Congress to the results of a plebiscite, pledging instead only a weak sense of Congress offer merely to introduce a bill favoring the winning status choice.

Mr. Speaker, the intention all along of getting Congress involved in the plebiscite process was precisely that in so doing the House and Senate would thus give a commitment to the people of Puerto Rico that the winning status formula would be implemented. Otherwise, the plebiscite process could degenerate into a mere popularity contest and not a real act of self-determination.

I have conveyed those very thoughts to Chairman BENNETT JOHNSTON and to all members of the Senate Energy Committee. I would like to share those thoughts with my colleagues today in both the House, where we may well be asked to debate the issue again this year, and in the Senate, where a crucial committee markup is scheduled for Wednesday. I am thus making a copy of that letter available here below:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 1991.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC

DEAR SENATOR JOHNSTON: In January of 1989 when the leaders of the three political parties in Puerto Rico called upon Congress to authorize a federal political status plebiscite, they made it clear that they wanted one in which Congress would honor the results of such a referendum on self-determination between the choices of statehood, independence and an enhancement of the existing commonwealth status.

In their letter of January 17, 1989, which was addressed to the leaders in Congress, the three party presidents said that the plebiscite process should include "the guarantee that the will of the people, once expressed, shall be implemented through an act of Congress . . ." The reasons for such a guarantee are obvious: that without such assurances a plebiscite could degenerate into a mere popularity contest and not a real act of self-determination.

The intention all along of getting Congress involved in the plebiscite process was precisely that in so doing the House and Senate would thus give a commitment to the people of Puerto Rico that the winning status formula would be implemented. Puerto Rico's Legislative Assembly has all the necessary authority locally to provide for a referendum, as it did in 1967, if the purposes were merely to ascertain the people's preference and then to petition Congress for implementation of such a preference. But, precisely because Congress paid no attention to the results of the 1967 plebiscite, the leaders of the three parties in Puerto Rico decided they wanted a Congressionally authorized referendum that carried with it the commitment to honor its results.

Thus, the need for this commitment has been made clear from the very beginning and has been reiterated over and over again by the Puerto Rico leadership. Recently, the governing party in Puerto Rico, the Popular Democratic Party, meeting in Ponce, Puerto Rico, last November, passed a resolution directed to Congress which stated, among other things, that a plebiscite bill must have "adequate guarantees that the Government of the United States will implement the political status democratically selected by the people of Puerto Rico."

Moreover, Governor Rafael Hernandez-Colon, testifying on January 30, 1991, before the Senate Energy Committee, emphasized that plebiscite legislation must "meet certain basic criteria," among them "a commitment from Congress to respect the will of the Puerto Rican people, and to implement whatever option is chosen in the referendum." The Governor added that "a mere popularity contest between the statuses would serve no purpose." In a letter to Senator Bennett Johnston dated February 18, 1991, the Governor again emphatically stated that any attempt at weakening the necessary Congressional commitment to implement the winning option "would seriously compromise the value of this process to Puerto Rico and the United States . . . Absent a commitment to implement the winning formula, federal legislation for a status referendum would be inconsequential and unnecessary."

This year's bill, S.244, as originally drafted by the Senate Energy Committee contained such a commitment. It states, in part, that "Enactment of this section constitutes a commitment by Congress to implement the status receiving a majority" in the plebiscite. Unfortunately, an amendment was tentatively approved at yesterday's mark-up by the Senate Energy Committee withdrawing this commitment in favor of a weak "sense of Congress" offer merely to introduce a bill favoring the winning status choice. This retreat from the original language in the bill would constitute what several Senators characterized yesterday as a "cruel hoax" on the 3.6 million U.S. citizens in Puerto Rico.

If, because of the opposition to statehood, the bill has degenerated into such a sad situation, I for one would rather have no bill at all. I see no purpose in putting detailed status definitions in a referendum bill if such definitions are not at all binding. Such a bill would only mislead the people of Puerto Rico. I fully agree with Governor Hernández Colón that without a commitment to implement the winning status formula a plebiscite would be inconsequential and unnecessary.

But I sincerely hope that you will work to reinstate the original language of commitment in S.244 as an indispensable part of the bill, a crucial element without which the bill should not be enacted.

Cordially yours,

JAIME B. FUSTER,
Member of Congress.

REESTABLISHING U.S. LEADERSHIP IN THE FLIGHT TO STABILIZE GLOBAL POPULATION

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. KOSTMAYER. Mr. Speaker, today I am joined by the gentlelady from Maryland Mrs. MORELLA and more than 80 of our colleagues, as we introduce H.R. 1110, the International Voluntary Family Planning Assistance Act of 1991. This bill is modeled after H.R. 4075, introduced a year ago. This bill will increase funding for the international population assistance programs of the Agency for International Development to $570 million. Out of this total, $100 million would be administered under AID's Development Fund for Africa and $65 million would be provided to the United Nations Population Fund [UNFPA], thereby restoring U.S. funding to that agency.

Mr. Speaker, the UNFPA is the largest voluntary family planning agency in the world, with programs in some 140 countries. The United States Government terminated all assistance to the UNFPA in 1986 over groundless allegations that it supported coercive practices within China's family planning program. Nonetheless, our legislation prohibits the use of United States population funds in China and leaves untouched the prohibition against the use of United States funds for abortion or involuntary sterilization anywhere in the world.

Mr. Speaker, it took from the beginning of time until 1830 for the population of the Earth to reach 1 billion people. It took only 100 years, until 1930, for it to reach 2 billion. Thirty years later, in 1960, it reached 3 billion, and then it reached 4 billion in 1975. The population of the Earth has now reached 5½ billion people, and it continues to grow by 1.7 million people a week.

Although it is hard to conceive of the danger, explosive population growth is a root cause of many of our most pressing problems, like global warming, human hunger, deforestation, and soil erosion, maternal and child mortality, and increased poverty in developing nations. We do what we can to address these various problems individually, but in the absence of strong programs to deal with the threat of unbridled population growth, we are engaged in a futile attempts to douse these fires without cutting off the fuel that feeds the flames.

The problem of global warming illustrates this point. With most of the world's population growth occurring in the developing world, global emissions of carbon dioxide are expected to triple over the next 35 years, even if the developed nations stabilize their carbon dioxide emissions at current levels. In the next 20 years alone, the worldwide number of cars is expected to grow from 400 million to 700 million, mostly in the developing world, and that means increased greenhouse gas emissions even with improved technology.

Moreover, in countries like Brazil, Colombia, and Indonesia, population growth is causing global warming in a different way. In these countries, the need for more and more land is leading to devastating levels of deforestation, and it is by virtue of deforestation that these countries have become one of the highest contributors of atmospheric carbon per year. Brazil, for example, contributes approximately 336 million tons of carbon each year through deforestation, over 6 times as much as through its combustion of fossil fuels.

Common sense shows us the relationship between population growth and hunger. In Africa, the population is growing by more than 3 percent annually, while the continent's food supply increases by only 1 percent per year. Put more starkly, that means that each year more Africans will starve. It is tragic that the famines that we see on our television screens are being built into the demographic structure of the entire continent.

Dramatically increasing population demands on the environment are converting cropland to desert and destroying arable land. Wood, the continent's primary cooking fuel, is being stripped from the land faster than it is planted; 29 trees are cut down for each that is planted. Can we be so surprised that in 1900, 40 percent of Ethiopia was covered by trees and brush? Now less than 4 percent has forest cover. In Addis Ababa, the cost of firewood consumes about 20 percent of the average household income. Between 1850 and 1980, Africa lost 60 percent of its forest cover and the pace of decertification is escalating. According to World Bank, households in Gambia and Tanzania must devote between 250 and 300 working days each year simply to finding and collecting the wood they need for fuel.

Mr. Speaker, we hear a lot about how technology and economic growth are going to solve our problems and that population growth itself is benign. But, we have gotten too sophisticated to accept the technology panacea, even if we were to assume that those who need access to new technology the most, the people in the poorest of nations, would be able to afford it. As far as economic growth is concerned, it is per capita economic growth that matters. Per capita poverty increases when economic growth rates lag behind population growth rates, a phenomenon that has been all too common in the Central American countries of Belize, Costa Rica, Guatemala, and Honduras. Moreover, we have not yet determined the precise means of assuring the development of saving technology or of bringing about sustainable economic growth in developing nations, but we have developed tried and true methods to reduce population growth in the Third World based on the desire of women and men to limit their own fertility.

There is a way out of the population box. The fact is that half of the women in this world did not want their last child, and would choose to limit their fertility if given the means to do so. But we must act now to give women and men a choice. At the International Forum on Population in the 21st Century, held in Amsterdam, the Netherlands, in November 1989, over half of the world's nations, and over 80 multilateral, intergovernmental, nongovernmental, and educational institutions set forth an agenda to provide for universal voluntary access to family planning—for each and every woman and man—by the year 2000. This ambitious but essential goal will allow us to stabilize world population at a level that is still double what it is today. But unless we take ambitious steps, world population could triple by the end of the next century.

The bill that we are introducing today provides a vehicle for the restoration of U.S. leadership in the area of international family planning. It is a bill that takes seriously the global population threat to sustainable life on this Earth, and provides a means for the United States to provide its share to this effort. Finally, it is a bill that recognizes that population and associated humanitarian goals can be achieved through the realization of universal voluntary family planning services for every man and woman on this Earth.

We must accomplish these goals with all deliberate speed.

SUPPORT INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mrs. MORELLA. Mr. Speaker, 500 million women want and need family planning, but lack either education, information, or the means to obtain it. Today, Congressman KOSTMAYER and I, along with 72 other original cosponsors, are introducing legislation that is aimed at ensuring that the United States does its share in helping them to control their own lives.

Many of the 42,000 infants who die daily are victims because their mothers are not allowing appropriate intervals between pregnancies. Fifteen hundred women die every day from complications of pregnancy and abortion—many of which could have been prevented by family planning.

It is imperative that the United States once again become a full and active partner with the United Nations in the vital efforts to assure couples of the basic human right to determine how many children they will have and when they will have them.

The 1991 International Voluntary Family Planning Assistance Act is important legislation because it significantly increases our commitment to universal access to family planning. Such a commitment is needed in order to curtail global poverty, illiteracy, environmental degradation, unemployment and civil unrest. Slowing population growth may not be a panacea for all world problems, but there can be no question that many of these problems are inexorably linked to rapid population growth.

I urge all of my colleagues who are concerned about the quality of life of future generations to vote for this bill. It is a vote that will go a long way toward determining the condition of the world that our children and grandchildren will inherit from us.

INTRODUCTION OF THE INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE ACT OF 1991

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. FEIGHAN. Mr. Speaker, today I am proud to join my colleagues, Mr. KOSTMAYER and Mrs. MORELLA, as an original cosponsor of their International Voluntary Family Planning Assistance Act of 1991. The problem of high birth rates in lesser developed countries is the major reason so many of them are unable to break the chains of poverty. Many countries have seen increasing rates of economic growth wiped out by even faster increasing population growth. Such trends foretell of misery in the future.

It is our duty to help to educate the people of these countries on the safe and sound methods of birth control which we in the developed world have taken for granted for decades. The $570 million that this bill would authorize for international family planning assistance is a very small price to pay to help alleviate the problem of overpopulation—the major reason why so many people go hungry in most of the world.

This bill addresses the concerns of many in regard to the crimes of forced abortions and sterilizations. It prohibits the use of U.S. funds for abortion or involuntary sterilization anywhere in the world. Funding to the People's Republic of China is prohibited altogether.

It is time that the U.S. Congress take this positive and relatively inexpensive step towards alleviating misery in the lesser developed world. I urge all my colleagues to support the International Voluntary Family Planning Assistance Act of 1991.

INTERNATIONAL VOLUNTARY FAMILY PLANNING ACT

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. BOEHLERT. Mr. Speaker, the world's population is growing at an unprecedented rate. By 2025, it is expected to rise to between 8 and 10 billion and to reach 14½ billion by 2070. This will put a tremendous strain on the world's resources and will clearly worsen the world's over population problems.

The International Voluntary Family Planning Act will increase funding for the international population assistance programs of the Agency for International Development.

Greater international support should be given to population programs, with a goal of making family planning services universally available to every individual who wants them. Now is the time for the United States to resume its commitment to the largest voluntary family planning agency in the world—UNFPA.

INTERNATIONAL VOLUNTARY FAMILY PLANNING ACT

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. DURBIN. Mr. Speaker, the world's population is growing faster today than it ever has before. Every year 94 million more people inhabit our planet, and nearly 80 million of them are being born into the impoverished and already overcrowded nations of the Third World. This population growth has implications not only for the countries that must immediately accommodate the new births, however, because in the end we must all accommodate them. The economic, environmental, sociological, and political implications of this runaway growth are only too plain, and the United States can no longer afford to substitute moral sermons for the hard work of doing something to solve the problem.

The International Voluntary Family Planning Assistance Act of 1991 is a very promising step in the right direction. The United States must rejoin the rest of its allies around the world in helping to provide couples in the developing world with the knowledge and materials they need to plan their families. I support this essential legislation.

THE 1991 INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE ACT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. ROYBAL. Mr. Speaker, the 1991 International Voluntary Family Planning Assistance Act basically accomplishes two goals.

The first goal is to bring U.S. expenditures for population support for the developing world to a more realistic and meaningful level.

The second goal is to resume U.S. participation in the efforts of the United Nations Population Fund.

Both goals are critically important. The United States provided nearly $290 million for overseas population activities 5 years ago. The administration is requesting only $228 million for these activities in fiscal year 1992. This would be understandable if the problem of rapid population growth was showing signs of easing up, but that is not the case. On the contrary, the world is growing by an unprecedented 92 million people a year. The United Nations has revised its projections for the medium level at which global population will stabilize to 11 million rather than the 10 million it had projected only a year earlier. We must retrench, not retreat.

The United States must resume its contributions to the U.N. Population Fund. To do otherwise simply does not make sense. The United States cut off its contributions to UNFPA 5 years ago because it supported a national program accused of encouraging forced abortion. But UNFPA was never accused of supporting abortion anywhere—voluntary or coercive.

The best defense against abortion is voluntary family planning and the best chance for achieving universal voluntary family planning is through a resumption of the strong cooperation the U.S. Government and UNFPA have extended to one another over the years.

THE INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE ACT

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. WOLPE. Mr. Speaker, I rise in strong support for the International Voluntary Family Planning Assistance Act of 1991.

This bill seeks both to renew U.S. support of the United Nations Population Fund [UNFPA] and to provide a higher level of funding for the Agency for International Development's population programs. I can think of no more effective use of our important foreign aid resources.

Mr. Speaker, the world's population is growing at an alarming rate. In 40 years it will more than double. Ninety percent of that growth will occur in the poorest nations of the world, those already swamped by a host of social, economic, and environmental ills.

Africa is the world's fastest growing continent—its current population of 662 million is projected to double in only 24 years. In an article entitled "Uganda's Women: Children, Drudgery, and Pain" which appeared in last Sunday's New York Times, reporter Jane Perlez writes about Safuyati Kawuda, a 28-year-old woman who lives with her five children in the rural farming village of Namutumba. Her husband, who has 2 other wives and a total of 13 children, lives in the city. Ms. Perlez writes:

> Mrs. Kawuda said she wanted one more child, in the hopes of its being another boy. After that, she said, she would use an injectable form of contraceptive. It is a method popular among African rural women because it can be used without their husband's knowledge. But in reality, contraception was an abstraction to Mrs. Kawuda since she had no idea where to get it. She had never heard of condoms.

We must help the Safuyati Kawudas of the world. This legislation can help do just that.

Mr. Speaker, I urge strong support for the International Voluntary Family Planning Assistance Act of 1991.

PROVIDE SUPPORT FOR INTERNATIONAL FAMILY PLANNING EFFORTS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MACHTLEY. Mr. Speaker, the global population of today will nearly triple to 14 billion within the next 30 years unless critical steps are taken. These population increases will occur most dramatically in the poorest and hungriest countries, resulting in incredible starvation and suffering, and creating a terrible drain on the world environment.

The International Voluntary Family Planning Act of 1991 would help to provide the necessary family planning counseling and education which could help prevent these tragic consequences. Voluntary child spacing and planning for children can not only prevent human misery, but can also help to conserve the world's fossil fuels and other resources, and reduce deforestation and desertification.

This legislation is very important for many reasons. According to the World Health Organization, 500,000 women die each year during pregnancy and childbirth. Two hundred thousand of these women, almost half, could be saved if they were able to plan their families. UNICEF has reported that 14 million children under the age of 5 die each year. One-third of these children could be saved if their mothers were able to allow appropriate 2-year intervals between pregnancies.

Without adequate family planning programs, the world population will continue to grow, unabated, at a rate which will ultimately push this planet beyond sustainability. The International Family Planning Act of 1991 would provide $570 million for population aid to the developing world to help stabilize global population and to provide a fighting chance to those women, children and families living in the poorest areas of our world.

According to the World Bank, in order for a country to stabilize the population, 72 percent of its child-bearing couples must adopt family planning. Effective methods of planning births are now being used by 50 percent of all couples of child-bearing age, up from only 15–20 percent in the 1960's. The goal of effective family planning which stabilizes the population, permitting fundamental human needs to be met, is within our reach. However, we must help to adequately fund these efforts in order to reach this critical goal.

SUPPORT THE INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE ACT OF 1991

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MOODY. Mr. Speaker, I am pleased to be a cosponsor of the International Voluntary Family Planning Assistance Act of 1991 and I urge my colleagues who have not already cosponsored to do so. This legislation is desperately needed. The world's population is expanding at an alarming rate. In the next century we can expect that it will more than double. There is a clear link between rapid population growth, illness, poverty, resource depletion, and environmental deterioration. This grave outlook demands a renewed leadership by the United States, and that is what the International Voluntary Family Planning Assistance Act of 1991 will provide.

About 500 million women in the developing world want and need family planning but lack access to it. They only want to exercise their right to have the number of children they want and can support. Increasing access to voluntary family planning saves lives and improves the quality of life. It is essential for those countries struggling with social, economic, and environmental problems.

The International Voluntary Family Planning Assistance Act of 1991 will increase United States population assistance to $570 million and would require $100 million of this money to be administered through AID's Development Fund for Africa. This legislation would also restore the U.S. contribution to the United Nations Population Fund [UNFPA] by earmarking $65 million of this money for UNFPA. I am pleased to see money designated for both the Development Fund for Africa and UNFPA.

UNFPA is the largest multilateral organization in the world, working in 141 developing countries. It supports essential projects ranging from maternal and child health care to programs integrating family planning with parasite control to the expansion of contraceptive services and the training of nurses and doctors. UNFPA does not provide any abortion services.

Again, I urge my colleagues to support this legislation. International voluntary family planning aid is essential. Our foreign assistance to developing countries is incomplete without it.

SUPPORT INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. GREEN of New York. Mr. Speaker, I ardently support the 1991 International Voluntary Population Assistance Act, which is being introduced today by Representative KOSTMAYER. Increased funding for voluntary international family planning programs is essential if we are to avoid the grievous consequences of rapid population growth.

Many environmental and health problems facing our world can be directly related to rapid population growth. Global warming, deforestation, stress on global water supply, plant and animal species depletion, high maternal and infant mortality, and the rapid spread of disease all relate to overpopulation.

The 1991 International Voluntary Population Assistance Act is important because, in addition to authorizing an overall increase in the level of U.S. bilateral funding for voluntary family planning services around the world, this act restores the U.S. contribution to the United Nations Population Fund [UNFPA]. The UNFPA is the world's largest source of multilateral voluntary family planning services.

Unfortunately, the United States ceased to fund the United Nation's population efforts 5 years ago, alleging that UNFPA funds were going to support coercive abortions in China. Those allegations against UNFPA have never been substantiated. The UNFPA does not, and never has, paid for abortions or abortion-related services in any of the programs it funds anywhere, even in nations where abortion is legal. As a further safeguard, current U.S. law prohibits Federal funds from being used for abortions or related services.

Most recently, under President Bush's leadership, the administration has argued that because UNFPA assists China in developing demographic data, funding to UNFPA will continue to be denied. Once again, I find the administration's reasoning on this issue logically inconsistent and deeply flawed. On the one hand, President Bush argues strongly in favor of extending such significant benefits as most-favored-nation trading status to the Chinese Government. On the other hand, the United States continues to punish UNFPA year after year because that U.N. body has not left China, but instead carries on its mission to provide voluntary family planning and health services to the people of China. I think it unfair and unwise to single out the UNFPA for penalty when its activities and health services are so vital. And I clearly do not believe that UNFPA's collection of demographic data is a plausible reason for denying that agency our support.

The UNFPA plays a positive role in the People's Republic of China and elsewhere, creating programs that result in fewer, not more abortions. By discouraging abortions through providing high quality education in the areas of birth control methods, child spacing, and maternal and child health care, UNFPA is part of the solution, not the problem. UNFPA provides voluntary family planning assistance to over 140 nations. Ninety of those nations have populations expected to double within the next 30 years.

It is important to note that there is no international coalition supporting the U.S. policy approach toward UNFPA. In fact, during the past 5 years, not one country has followed the example of the United States in withdrawing its contribution from UNFPA. On the contrary, many countries have increased their support.

I strongly urge my colleagues to support the 1991 International Voluntary Population Assistance Act. The consequences of not addressing burgeoning population growth are simply too serious to ignore.

IN SUPPORT OF THE INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE ACT OF 1991

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. GEJDENSON. Mr. Speaker, there are a number of reasons why this Congress should support the International Voluntary Family Planning Assistance Act of 1991, which restores U.S. financial support for the United Nations Population Fund as well as increases funding for the Agency for International Development's population programs.

In dozens of developing countries families suffer under the burden of poverty reinforced by the relentless pressures of population growth. Recent reports have indicated that the number of human beings inhabiting our planet, currently 5.4 billion, is increasing by a quarter of a million every day. At this growth rate, the population should reach 11 billion by the end of the next century but may climb to 14 billion if population programs remain inadequate.

Many of the nations beset with exploding population growth can pinpoint the pressure of overpopulation as a significant factor in the negative social, political, economic, and environmental consequences destabilizing their countries. Perhaps potential disaster can be avoided if adequate resources are devoted to informed and effective international family planning programs. Currently, demand for family planning assistance far outstrips supply in those nations with the largest population growth rate.

The United States should be willing to join with its allies in support of the United Nations Population Fund and in increasing its attention toward our own family planning programs if we are to confront these destabilizing factors. An important segment of U.S. development efforts should be directed toward combating the pressures generated by unchecked population growth. Actions taken now can circumvent disaster in developing nations, improve the quality of life for millions, and reduce the destruction to our world's environment.

I am pleased to join today with more than 80 of my colleagues as an original cosponsor of the International Voluntary Family Planning Assistance Act of 1991. This act further complements last year's efforts in directing U.S.

attention to the detrimental effects of explosive population growth.

SUPPORT THE INTERNATIONAL VOLUNTARY FAMILY PLANNING ASSISTANCE ACT OF 1991

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. BRYANT. Mr. Speaker, the 1990's are essentially "make it or break it" years for global population. With the world's population now exceeding 5 billion, we will witness at least 3 billion young people entering their reproductive years just within the next generation. Whereas virtually all of this growth is occurring in the poorest countries—those countries least able to provide even basic services for their current citizens—growing populations pose serious threats to the entire world.

For example, poverty in Central America is a cause of political unrest in the region. There are now 100 million people living on the land between the Rio Grande River, dividing Texas from Mexico, and the Isthmus of Panama. By the year 2025, there will be 225 million. Sixty-five countries which depend on subsistence farming may be unable to feed their populations by the year 2000.

Within the next decade, 10,000 species of plant and animal life will disappear annually.

Nearly 1,500 women die every day because of complications from pregnancy and abortion, many of which might not be necessary if unwanted pregnancies were avoided through family planning.

The authorization contained in the International Voluntary Family Planning Assistance Act of 1991 is a modest one. It represents a very small fraction of the money this country spends every year to pay for its own defense and for the defense of its allies. And yet the dollars we spend through this legislation to extend voluntary family planning in the developing world, and thereby to reduce the ravaging pressures of runaway population growth there, may be the most effective national security investment we make this year.

The 1980's effectively made the discussion of population control taboo. We cannot, however, continue to look away from the poverty and despair that is gripping much of the Third World. Nor can we pretend we do not see the myriad ways in which rapid population growth there conspires to entrench that poverty. The time for responsible, humane action has long since pased. This measure is an excellent way to begin the vital work of creating a different and better future for the Third World.

I commend Representatives KOSTMAYER and MORELLA for introducing this bill, and I urge my colleagues to join me in supporting it.

USE IRA'S FUNDS FOR EDUCATION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation which would remove a disincentive in the tax laws for limited use of IRA funds for the important task of educating the citizens of our country. This proposal would permit withdrawals on a penalty-free basis from existing IRA's for certain qualified higher education costs incurred not only by the taxpayer, but also by their spouse, parent, or grandparent. Since the IRA account balances of older taxpayers, such as parents and grandparents, tend to have a larger account balance than those of younger taxpayers, I believe that this proposal would be a meaningful form of assistance to families who are struggling to put their children through college.

Under this proposal, a taxpayer, as well as his or her spouse, parent or grandparent would be allowed to withdraw up to $10,000 collectively to pay tuition costs, fees, books, and certain other expenses required as a result of the enrollment or attendance at eligible educational institutions. While the proposal would exempt withdrawn funds from the 10-percent penalty that is currently imposed under the income tax laws for premature withdrawals, any amounts withdrawn for these educational expenses would be considered taxable income to the IRA account holder.

There is no question this country faces a critical problem in the area educating our next generation. Many of us talk about education in terms of how it impacts our ability to compete, both domestically and internationally. During that debate, it is important to recognize that we need to rethink how this country intends to compete in the world. In the post-World War II era, we have been principally focused on competing in a political sense. That is to say, our first priority has been to ensure our ability to preserve and enhance our role as a superpower. We have dedicated a great deal of our resources to this end. What we now need to recognize is that we need to be able to compete in the global arena on an economic basis, just as we have competed, very successfully, in the political arena. It seems to me that it is critical to have a well-educated population in either case, but it is doubly important now if we are to continue to distinguish ourselves in the world marketplace.

Mr. Speaker, investing IRA funds in education is a very prudent investment. In addition, use of an IRA account to further one's education is totally consistent with the overall retirement purpose that IRA's were intended to serve. Adoption of this measure will help ease the difficulty many families face in affording higher education for their children, and I urge its serious consideration by each of my colleagues.

McDONNELL DOUGLAS ADOPTS FAMILY LEAVE PROGRAM

HON. WILLIAM L. CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. CLAY. Mr. Speaker, I am very happy to report that the McDonnell Douglas Corp., which is in my district, is implementing a family leave employee program. I would like to have this letter of congratulations inserted into the RECORD for the interest of my colleagues.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 25, 1991.

Mr. JOHN F. MCDONNELL,
Chief Operating Officer, McDonnell-Douglas Corp., St. Louis.

DEAR MR. MCDONNELL: I would like to commend the management of the McDonnell Douglas Corporation for its implementation of a new family leave employee program. This is a truly commendable and positive step for McDonnell Douglas to acknowledge the need for companies to help relieve the burden employees face when trying to balance work and family responsibilities.

As both two-income and single-parent families become more and more common, it is a responsible business practice for employers to recognize a worker's basic right to job security in times of family emergencies. By adopting family and medical leave policies, employers will create a more positive working environment with greater productivity and employee loyalty.

I commend McDonnell Douglas on its decision to adopt this family leave policy. I am especially pleased to see that this policy conforms to legislation which I am actively piloting toward enactment—The Family and Medical Leave Act.

Once again, I congratulate the McDonnell Douglas Corporation on this new program.

Sincerely,

WILLIAM L. CLAY,
Member of Congress.

IN RECOGNITION OF "AMERICAN HEART MONTH"

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. STOKES. Mr. Speaker, by congressional resolution and Presidential proclamation, the month of February is American Heart Month. In an Oval Office ceremony on February 7, the President signed the 28th annual proclamation. American Heart Month presents an excellent opportunity to recognize this Nation's progress in the battle against cardiovascular diseases, including heart attack and stroke.

The research, prevention, and educational efforts of both the American Heart Association [AHA] and the National Institutes of Health [NIH], have made significant strides against cardiovascular diseases. The AHA, a nonprofit, voluntary health organization funded by private contributions, is dedicated to the reduction of disability and death from cardiovascular diseases, including heart attack and stroke. According to the AHA, from 1978 to 1988, the age-adjusted death rate from coronary heart disease fell 29.2 percent and that from stroke fell 33.2 percent.

Despite this progress these diseases are still the No. 1 cause of death in the United States and worldwide. Each year, nearly 1 million Americans die from cardiovascular diseases, which claim a life every 32 seconds in the United States. In addition, the AHA reports that more than one in four Americans have some form of cardiovascular disease.

A continued matter of grave concern to me is the high mortality and incidence of stroke. Some epidemiologists believe that there is a resurgence in the number of new cases of stroke, which may be the result of more sophisticated technology detecting milder strokes and a growing older population. Provisional mortality statistics show that in 1988, 150,300 Americans died from stroke, a cardiovascular disease that affects blood vessels supplying oxygen and nutrients to the brain. Stroke, this Nation's third leading cause of death and a chief source of disability, is expected to strike about 500,000 Americans in 1991, killing over 150,000. The severity of stroke and its debilitating consequences make it one of the most expensive diseases in the United States. The AHA estimates that in 1991 stroke will cost this Nation $15.6 billion in direct and indirect medical costs.

Moreover, black Americans are more prone to die or to be incapacitated from stroke than white Americans. Research shows that black Americans have more than a 60-percent higher risk of death and disability from stroke than whites. This disturbing figure is often attributed to blacks' higher incidence of high blood pressure, the most significant risk factor for stroke. In addition to high blood pressure, the AHA cites over controllable stroke risk factors, including heart disease, high red blood cell count, and transient ischemic attack [TIA], a temporary strokelike event that lasts only a short time, caused by a temporarily blocked blood vessel, but can predict an actual stroke.

Also, in 1989, for the first time, the Federal Government cited a causal relationship between cigarette smoking and stroke. The Surgeon General's 1989 report, "Reducing the Health Consequences of Smoking: 25 Years of Progress," states that—

> Current evidence indicates that cigarette smoking is a cause of stroke and that smoking cessation reduces the risk of stroke.

According to the most recent statistics from the Surgeon General, smoking is estimated to cause about 27,000 deaths each year due to stroke.

The National Institute of Neurological Disorders and Stroke [NINDS], the Federal Government's focus for neurological research, is performing two studies in an attempt to clarify the disproportionate incidence and mortality rates from stroke between black and white Americans. In an attempt to explain this difference, investigators are assessing stroke risk factors, including diet, smoking, and high blood pressure.

The NINDS programs are coordinated with the National Heart, Lung, and Blood Institute's [NHLBI] cardiovascular stroke risk factor programs on high blood pressure and atherosclerosis. As part of its National High Blood Pressure Education Program, the NHLBI has begun an initiative focusing on 10 Southeastern States and Indiana where the age-adjusted stroke death rates are more than 10 percent higher than the national average. The program consists of three areas, education, mass media campaign entitled, "Strike Out Stroke," and outreach through churches.

I congratulate the AHA, the NHLBI, and the NINDS for advances in improved diagnosis, treatment, and prevention of stroke. But much more must be accomplished to curb the incidence and mortality rate of this debilitating and often fatal disease. According to the AHA, the incidence of stroke more than doubles in each successive decade for those over 55 years of age. The AHA estimates that 72 percent of stroke victims are 65 years of age or older.

As our aging population grows, Congress must invest sufficient Federal funds in stroke research, prevention, and education. In this first year of the Decade of the Brain, I encourage my colleagues to focus on the neurosciences. The National Advisory Neurological and Communicative Disorders and Stroke Council reports in its congressionally requested document, "Decade of the Brain: Answers Through Scientific Research," January 1989:

> Our Nation stands on the threshold of enormous opportunities in the neurosciences. The foundation for future advances has been laid, and the potential exists for incalculable reductions in the human and economic tolls exacted by neurological disease and communicative disorders. The immediate and long-range benefits of research cannot be overestimated. The only question that remains is whether we as a nation have sufficient foresight and will to exploit these research opportunities.

I urge my colleagues to provide sufficient funds to reach the goal for stroke identified in the National Advisory Neurological Disorders and Stroke Council's June 1990 Implementation Plan: Decade of the Brain:

> Prevention of 80 percent of all strokes and protection of the brain during the acute stroke within the Decade of the Brain.

AMERICAN HEART MONTH, 1991

(By the President of the United States of America)

A PROCLAMATION

In recent years, we have learned much about what we can do to avoid heart attack, stroke, and other forms of cardiovascular disease. For example, we know how important it is to discourage use of tobacco products, particularly among young Americans. We also know that controlling blood pressure, following a diet low in fat and cholesterol, and exercising regularly are all prudent ways of reducing the risk of cardiovascular disease.

Although significant growth has been made in the struggle to overcome cardiovascular disease, we must not become complacent. Heart attack, stroke, and other forms of cardiovascular disease continue to claim the lives of nearly 1 million Americans every year—one American approximately every 32 seconds.

Nearly 68 million Americans currently suffer from one or more forms of cardiovascular disease, including high blood pressure, coronary heart disease, rheumatic heart disease, and stroke. Contrary to widely held assumptions, heart disease does not occur primarily in old age; studies show that 5 percent of all heart attacks occur in people younger than age 40 and more than 45 percent occur in people younger than age 65.

Women as well as men are at risk. Heart attack is the number one killer of American women, surpassing even breast cancer and lung cancer. Almost half of the more than 500,000 persons who die each year of heart attack are women.

While statistics tell us much about the prevalence of cardiovascular disease in the United States, they cannot measure the pain and suffering endured by victims and their families. Heart attack and other forms of heart and blood vessel disease also inflict a heavy toll on our Nation in terms of health care costs and lost productivity. The annual costs of related medical services and lost work due to disability total in the billions of dollars.

Since 1948, the Federal Government, through the National Heart, Lung, and Blood Institute, and the American Heart Association, a private nonprofit organization, have spent millions of dollars on educational programs and research into cardiovascular disease. The American Heart Association estimates that it has invested more than $900 million in research since it became a national voluntary health organization in the late 1940s. That great investment has been made possible by the generosity of the American people and the dedicated efforts of more than 3 million volunteers.

During American Heart Month we recognize the importance of such ongoing efforts in the public and private sectors. We also reaffirm our commitment to overcoming cardiovascular disease.

The Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested that the President issue an annual proclamation designating February as "American Heart Month."

Now, Therefore, I, George Bush, President of the United States of America, do hereby proclaim the month of February 1991 as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in reaffirming our commitment to combating cardiovascular diseases and stroke.

In Witness Whereof, I have hereunto set my hand this seventh day of February, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

GEORGE BUSH.

THE PATRIOT'S SUCCESS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, like many other residents of Massachusetts, I was pleased to have the President come to our State and extend well merited praise to the workers of Raytheon who produced the Patriot missile. The one discordant note in the President's speech was a suggestion that the excellent work which has been done on the Patriot—work which has been overwhelmingly supported in Congress with very little controversy—somehow gives support to the SDI program. The effort by some on the political right to kidnap the Patriot on behalf of SDI is one of the boldest attempted intellectual thefts in our history. Two weeks ago, in section 4 of the New York Times, William J. Broad made clear that the Patriot program has, fortunately for our national defense, been entirely separate from the SDI program. Because this is a point which will undoubtedly figure very importantly on our debates on the military budget this year, I ask that this article be reprinted here.

The Patriot's Success: Because of 'Star Wars' Or In Spite of It?

(By William J. Broad)

The success of the Patriot missile in the Persian Gulf has set off a bitter war of words over whether the Strategic Defense Initiative, or Star Wars, has helped or hurt the development of anti-missile defenses. Last week the Bush Administration cited the Patriot's feats when it called for a hefty rise in financing for S.D.I. Yet some experts say the Patriots' fiery destruction of Iraqi Scud missiles in the Middle East has occurred not because of the Star Wars effort but despite it.

The argument against the helpfulness of Star Wars goes like this: The goal of an impenetrable shield, unveiled eight years ago this March by Ronald Reagan, was so utopian and unrealistic that it diverted the country's long history of anti-missile research into unnatural paths. Critics point out that the program took seven years to achieve its first interception of a mock warhead in space, the event occurring two weeks ago Monday, and that no actual arms are even close to realization. They note that the world's only working anti-missile system, the Patriot, was an Army initiative that got no financial aid whatsoever from Star Wars.

"We would have been farther along without S.D.I.," said Senator Malcolm Wallop, a Wyoming Republican who has long championed anti-missile weaponry. "The whole program was designed to study forever and build never. It hurt more than it helped."

Not so, say Star Wars backers, who argue that anti-missile development was helped significantly by the Reagan initiative, which begat the biggest program of military research in history. Some $24 billion has been spent to date. Like any great change, supporters say, the effects are pervasive and will have practical repercussions for decades. "Future secretaries of defense are going to have to be able to deploy defenses against ballistic missiles," Defense Secretary Dick Cheney said last week in issuing the Administration's proposed military budget for the fiscal year 1992, which includes a $1.7 billion rise to $4.6 billion for anti-missile work. "S.D.I. is very important" for destroying not only "Scud and Scud variants," Mr. Cheney said, but against "far more sophisticated threats that we anticipate in the future."

COMPUTERS AND LASERS

The recent crusade for space-based weapons was preceded by decades of anti-missile research, most of it conducted by the Army and much of it focused on developing land-based interceptors with nuclear war-heads. By the late 1970's, the Carter Administration started exploring non-nuclear ideas. Experts felt that the advent of computer chips and precision guidance promised to endow anti-missile weapons with deadly new accuracy. In 1978, the Army began an experiment to make a rocket interceptor that would destroy enemy warheads by sheer force of impact rather than by an explosive charge. So too, the Defense Advanced Research Projects Agency began to explore the feasibility of space-based lasers.

By early 1980, this work was so advanced that Senator Wallop and others on Capitol Hill began agitating for deployment of anti-missile lasers in space. When Mr. Reagan was elected that November, these advocates expected that the anti-missile age was about to dawn. It did not, despite the Star Wars speech of March 1983 and a vast research program.

"The resources being developed in an orderly way were diverted to the razzle-dazzle of S.D.I.," said Antonia H. Chayes, a lecturer at the Kennedy School of Government at Harvard and former under secretary of the Air Force in the Carter Administration.

FRANTIC EFFORTS

Instead of taking a sober, step-by-step approach, the effort zig-zagged in a frantic search for a weapon to fulfill Mr. Reagan's dream of rendering enemy missiles "impotent and obsolete." Candidates that came and went included X-ray lasers, chemical lasers, free-electron lasers, neutral particle beams and space-based kinetic kill vehicles. "There was a lack of internal and external coherence in what we were trying to do," said a former White House official who followed anti-missile research.

Meanwhile, research on the Patriot moved steadily ahead. In June 1983, the Army decided to expand the missile's role. Not just enemy aircraft would be targeted but also short-range missiles. The Raytheon Company, maker of the Patriot, says the decision was based on intelligence estimates of Soviet missile threats, not Star Wars. "It's my judgment that it would have happened without Reagan," said Robert Stein, head of advanced defense work at the company's missile systems division in Bedford, Mass.

Angelo Codevilla, a former aide to Senator Wallop who is now a senior fellow at the Hoover Institution, said one reason for the Patriot's success was that it never became entangled in the quest for an impenetrable shield. "Thank God S.D.I. never touched it," he said. "This was the only system that escaped being destroyed by Star Wars."

Backers of the Pentagon's work, while conceding some wheel-spinning, say the accomplishments of the S.D.I. program are nevertheless great. For instance, in March 1989 a three-ton, $140 million satellite laden with advanced sensors was launched into space to see what the fiery exhausts of rockets looked like against a variety of backgrounds. The months long experiment, experts say, was vital to discovering if similar systems could track enemy missiles and warheads so space-based weapons could attack them. This March, a more ambitious sensor test is scheduled to take place aboard the space shuttle, And new ideas for anti-missile arms are speeding forward, including Brilliant Pebbles, a space-based fleet of tiny homing rockets that would smash targets by force of impact. "Patriot was faced with naysayers throughout its history, just as S.D.I. is.," said Dr. Henry F. Cooper, director of the Strategic Defense Initiative Organization.

Perhaps most important, supporters say, President Bush has brought the whole endeavor down to earth by recently directing S.D.I. to shift its focus to "providing protection from limited ballistic missile strikes," a clear repudiation of Mr. Reagan's more grandiose aims.

Even so, S.D.I. has such a poor reputation in Congress that some members are considering the creation of a separate agency to oversee work on short-range interceptors that would pick up where the Patriot's successes leave off. "There are people on the Hill who want to look very carefully at whether giving this work to S.D.I. is the kiss of death," said Joseph Cirincione, an aide to the House Armed Services Committee.

THE DESERT STORM DUNE BUGGY—IT'S A HUMDINGER

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. ROEMER. Mr. Speaker, I rise today to salute the working men and women of the LTV Corp., in Indiana's Third Congressional District who are involved in the production of the Army's high-mobility, multipurpose wheeled vehicle—affectionately known to our troops in the Persian Gulf as the "Hummer." I recently toured the LTV plant in Mishawaka, IN, where this fine military vehicle is built, and I was moved by the dedication and skills of the work force there. The workers have a genuine sense of pride that their product is on duty and performing superbly in a number of support roles for our troops in the Persian Gulf.

Both the management of LTV and the dedicated Hoosiers working there are committed to producing a quality product that will help the U.S. military carry out its land warfare mission. As a successor to the Jeep, which supported our troops through a world war and numerous other regional conflicts, the Hummer is performing in outstanding fashion. A January 28, 1991 article in the Washington Post notes that the Hummer is passing one of the toughest tests that it can be subjected to—the desert heat of the Middle East. I ask unanimous consent that this article from the Post's foreign journal be printed in its entirety in the CONGRESSIONAL RECORD at this point.

[From the Washington Post, Jan. 28, 1991]

The Desert Storm Dune Buggy—It's a Humdinger

(By Guy Gugliotta)

WITH U.S. FORCES, Saudi Arabia.—Camels may be the traditional "ships of the desert," but if you're more interested in scooting than cruising, U.S. armed forces recommend the "Humvee."

This curious vehicle, one part pick-up truck, one part dune buggy, is the modern-day, all-purpose, all-terrain, four-wheel-drive successor to the beloved jeep. The Humvee is one of the success stories of the U.S. deployment in Saudi Arabia, a piece of military hardware that doesn't break down, overheat, misfire or blow up and costs only $26,707. Add-ons, like air conditioning, radio, M-60 machine gun or TOW anti-tank missile can run you a little extra.

But where a jeep was cute and cuddly, a Humvee is squat and ugly, as if Steven Spielberg had taken one of his imperial walking tanks out of "Star Wars" and chopped it off at the knees. And while jeeps ran on gas, Humvees do diesel. Jeeps had four on the floor, while Humvees have automatic transmissions, power steering and power brakes. Jeeps were easy to work on, said Air Force Senior Master Sgt. Raul Perez, "but you could flip 'em just by making a simple turn." Humvees, with the shoulders and chest of a bull mastiff, don't flip.

Perhaps the biggest advantage that the jeep had was its name, which rhymed with beep and sounded just like what it was. When the time came to replace jeeps, the military bureaucracy, which never saw a syllable it couldn't tie into knots, created the "High-Mobility, Multipurpose Wheeled Vehicle." As Casey Stengel said, "you could look it up." I did.

This was shortened to HMMWV, about as pleasant to the ear as cat claws on a blackboard. Fortunately, the American soldier soon came up with a translation palatable to human beings. Hence Humvee, or, more familiarly, "hummer."

But there is no water-cooled, V-8, 150-horsepower, 6.2-liter diesel engine on Earth that hums. The sound of a healthy Humvee could be diplomatically described as "robust."

Perez, a 41-year-old mechanic from El Paso, Texas, runs the Air Force motor pool at a large air base in eastern Saudi Arabia. Before operations Desert Shield and Desert Storm, his Humvee experience was limited. Now, like the rest of the mechanics in his shop, he can identify the most common Humvee problems "just by listening to them."

"A horrible rattle means the alternator bracket is busted," Perez said. "Whining and squealing means they've blown out the steering pump."

Like many mechanics, Perez blames most Humvee problems on what he delicately describes as "operator care," but the faulty alternator brackets have been noted by Humvee mechanics throughout Saudi Arabia. Perez stopped the rattling by replacing the holding screws with metric ones "giving us a closer fit."

The steering pump has him somewhat puzzled, but he suspects that the combination of power steering, a small steering wheel and a long (130-inch) wheelbase, encourages drivers to "throw the vehicle all over the place," causing leaks to develop in the steering column. Rather than add hydraulic fluid operators continue driving until the pump runs dry and stops. "They always say, 'I don't know what happened, it just quit on me. I heard a loud bang.'"

All of this, however, is not to say the Humvee is breakdown-prone. In fact, says Perez, quite the opposite. He takes care of 75 to 100 Humvees and has only had to replace one engine and rebuild two transmissions in the five months since the U.S. deployment here began. Other mechanics are equally enthusiastic.

"Humvees are almost maintenance-free," said Army Warrant Officer Eddie Royal, 41, a battalion maintenance chief with the 82nd Airborne Division. "We run them up to 60 mph, do program maintenance on them every six months or 6,000 miles. It's a very durable vehicle."

And versatile. The basic Humvee, built by AM General, weighs 7,700 pounds with an aluminum chassis, Kevlar body and removable doors. There are 15 showroom models, including everything from "cargo-troop carrier" (canvas top, seats in back), to "armament carrier, armored winch" (Kevlar hatchback, rigged for a machine gun or grenade launcher) to "ambulance 4x4" (cross painted on the side.)

But this doesn't begin to describe the purposes to which Humvees are put. In one recent informal survey along a stretch of highway in northeastern Saudi Arabia, one observer spotted Humvees carrying radios, inner tubes, duffel bags and human beings. One Humvee was mounted with air-conditioned modules, like a camper. Another displayed a large timer for a footrace. A third was covered with camouflage netting and had rolled-up rugs and cloth mats strapped to the top of the cab.

And besides simple transport, soldiers use Humvees as roving security vehicles, as mobile guard posts and as command communications centers. Six of them rigged with TOW missiles constitute a Marine Combined Anti-Tank, or CAT, team. Snuffling in the sand dunes like angry cockroaches, CAT Humvees can wait for an enemy tank to appear in the distance, blast it with a missile and then drive off into the desert at 45 mph. "Think of us as mechanized snipers," said TOW operator Lance Corporal Todd Hanks, 22, of Oklahoma City.

As this article notes, the Hummer gets rave reviews from those it is meant to serve—the men and women of the U.S. Armed Forces. While LTV has designed a durable and dependable vehicle, there is no doubt in my mind that one reason the Hummer has done so well in fulfilling its numerous missions is the pride and care taken by the Hoosier work force that builds it. It is this Hoosier pride and dedication to quality that makes the Hummer what it is today—a reliable and safe vehicle for our troops in the field. I salute the workers of LTV in the Third Congressional District of Indiana for their pride, patriotism, and dedication to quality. Because of them, our troops are better equipped to defend democracy and freedom throughout the world.

COUNTRY LEGEND WEBB PIERCE DIES

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. CLEMENT. Mr. Speaker, on Sunday a god friend of mine, a fine gentleman, and a true country music legend—Mr. Webb Pierce died in Nashville. I knew Webb Pierce for many years and I can best describe him as a very talented and truly caring person. He will be sorely missed by fans, friends, and the community.

I ask that my colleagues in the U.S. House of Representatives join me in recalling some of the outstanding moments in Webb's career and in paying tribute to a man who inspired many of the great talents in the country music industry. I submit for your review the following article from the Nashville Tennessean outlining some of the milestones in Webb's career.

CANCER CLAIMS WEBB PIERCE, 69

(By Robert K. Oermann)

Country Music Hall of Fame nominee Webb Pierce, whose honky-tonk style ruled the popularity charts of the 1950s and '60s, died yesterday morning in Southern Hills Medical Center after a long battle with pancreatic cancer.

Services will be at 11:30 a.m. tomorrow at Woodlawn Funeral Home. Visitation will be at the funeral home on Thompson Lane from 11 a.m. to 1 p.m. and from 5 to 7 p.m. today.

Burial will be in Woodlawn Memorial Park.

One of the biggest country hit-makers of all time, Pierce 69, was noted for his penetrating vocal delivery, songs of barroom romance, flashy rhinestone stage costumes, business acumen, durable career and independent character.

Mr. Pierce had been hospitalized several times at Southern Hills following abdominal surgery last March. The cause of death was listed as congestive heart failure, brought on by his illness.

To the millions who bought his music, Webb Pierce was the consummate country stylist. Even a partial list of his 97 hit records suggests the large number of classic songs he introduced—"There Stands the Glass, Wondering, Missing You, Back Street Affair, I Ain't Never, Tupelo County Jail".

To many, Webb Pierce was the image of a Nashville superstar, right down to his silver-dollar-studded car and guitar-shaped swimming pool.

With 50 Top 10 hits, he ranks as one of the 10 biggest stars in country music history.

Mr. Pierce's "Slowly" recorded in 1954, was the first country hit to feature the now-standard pedal steel guitar.

With "In the Jailhouse Now" in 1955 and "Any Old Time" in 1956, he kept alive the memory of country music immortal Jimmie Rodgers.

In turn, today's country stars have saluted Mr. Pierce's influence.

His 1955 No. 1 hit "I Don't Care" was introduced to a new generation of country music lovers by Ricky Skaggs in 1982, the same year that Loretta Lynn re-recorded "There Stands the Glass. "No Love Have I", which Mr. Pierce introduced in 1959, was revived by Gail Davies in 1978.

Willie Nelson reacquainted his followers with the distinctive Pierce style by recording a duet LP with the honky-tonk master in 1982. Pierce also recorded duets with the late Red Sovine, Mel Tillis and Kitty Wells.

A remarkable number of stars sprang from Pierce's band, the Wandering Boys. In addition to Sovine, the group was the training ground for pianist Floyd Cramer, steel guitarist Jimmy Day, the harmony team the Wilburn Brothers and singers Goldie Hill and Faron Young.

The list of careers he boosted is a long one. He got the Wilburns their recording contract with Decca. He brought Tillis and Roy Drusky to Nashville as songwriters. He got Merle Kilgore his first recording contract.

Mr. Pierce was one of the most successful stars in the history of the Billboard magazine country charts, and according to the magazine's statistics he reigned as the most popular country act of the 1950s.

Webb Pierce was born Aug. 8, 1921, on a farm near West Monroe, La. He began playing guitar as a teen-ager, gaining local renown on Monroe's KMLB radio in the early 1940s.

In 1944 he moved Shreveport in search of bigger fame. Mr. Pierce took a job at Sear's in the menswear department while persistently angling for a slot in the cast of the popular Louisiana Hayride barn dance show on KWKH. He joined the show in 1949.

In 1951 he was signed to a Decca Records contract, striking pay dirt with the label in January 1952 with Wondering, followed by That Heart Belongs to Me and Back Street Affairs, all three of which were No. 1 hits.

When Hank Williams was fired from the Grand Ole Opry in 1952, Mr. Pierce was recruited as his replacement. He moved to Nashville with his new bride, the former Audrey Grisham.

By 1953 he was topping magazine polls as the nation's favorite country singer.

Hits such as Why Baby Why (a duet with Sovine), It's Been So Long, I'm Walking the Dog, Even Tho, I'll Go on Alone and More and More led to more than 30 top show business awards of the day and a baronial home on Curtiswood Lane near the governor's mansion by 1956.

Along with Carl Smith, Ray Price, Faron Young and the late Lefty Frizell and Hank Williams, Mr. Pierce virtually defined the honky-tonk style of the early 1950s. When people today talk about the "traditional" country sound, thay are referring to the style he helped popularize.

He quit the Opry in 1955 to become one of country music's early television stars as a regular on the ABC network series Ozark Jubilee. He rejoined the Opry cast in 1956, but left again in 1957.

In addition to radio, records and TV, he made his mark in such hillbilly films of the 1950s and 1960s as Buffalo Gun, Road to Nashville and Music City USA.

He was also instrumental in the establishment of Nashville as a music business center. He and the late Jim Denny co-founded Cedarwood Publishing in 1953. He was preceded only by Roy Acuff as a country star with a song business, and Cedarwood was the first firm to build an office building on Music Row.

Mr. Pierce also invested in radio stations and real estate.

His $100,000 Pontiac convertable embellished with silver dollars, cattle horns, six-shooters and tooled leather was a familiar sight to country fans of the 1960s. He donated it to the Car Collectors Hall of Fame museum in 1983.

In the 1970s, Mr. Pierce had a highly publicized legal battle with his Oak Hill neighbors, notably Ray Stevens, about attracting tourists to his house with his guitar-shaped swimming pool. He built a second such pool as a attraction on Music Row in 1978.

Always an opinionated, flamboyant character. Mr. Pierce frequently went against the grain in Music City. Although popular with disc jockeys and fans, he was never part of the Music Row establishment.

He spent the late 1970s on the Plantation Records label, but apart from the Nelson duet LP did not have notable recordings in the 1980s.

In October 1989, Webb Pierce was given the Master Achievement Award during Country Music Week ceremonies staged by the Reunion of Professional Entertainers organization.

Last October, Mr. Pierce was nominated for the Country Music Hall of Fame, and his election is expected.

During his later career he was tirelessly championed by his former band member Max Powell, who was his aide, spokesman and friend to the end.

Survivors in addition to his wife, Audrey, include his daugther, Debbie, and son, Webb Jr., both of Nashville; a half-brother, James Wyatt, Monroe, La., and two grandchildren.

IGNORING BRIDGE MAINTENANCE NEEDS COULD LEAD TO DISASTER

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. ROE. Mr. Speaker, today I am submitting a column by Sidney Schanberg which appeared in the Newark Star-Ledger on February 14 concerning the folly of ignoring the Nation's bridges.

Mr. Schanberg notes how a small amount of maintenance funding each year could have prevented New York City from now facing major capital costs and unsafe spans which carry thousands daily.

For more than a decade, our entire Nation has been following the same penny-wise, pound-foolish policy that Mr. Schanberg describes in New York. Nationwide, it is estimated that 41 percent of all bridges are functionally obsolete or structurally deficient.

Mr. Schanberg predicts that a major disaster will be needed to focus attention on the bridges, such as a subway train falling into the East River. With a $16 billion surplus in the highway trust, we have ample funds to begin a national bridge improvement effort.

Let's not wait for the disaster to happen. It might not be in New York City—it might be in any one of our communities.

A BRIDGE TOO COSTLY—IT WILL TAKE A "DISASTER MOVIE" TO GET THE CITY'S SPANS REPAIRED

NEW YORK—In the life-goes-on category, it's comforting to read that New York City's bridges are still falling down. This is the kind of thing we need to get our minds off the war.

In the war, people are actually being blown apart, even though you can't get any pictures of this on your television set. With the bridges, someone usually shuts them down just before a subway train would have broken through the rotted steel and fallen into the East River. So the bridges just go on falling apart, but not quite snapping in two, and this provides the reassuring kind of constant that New Yorkers need in their lives to steady them.

It also provides useful conversation filler when there's a draggy spot during the war on television (like when the unemployed military experts come on)—"Didya see pieces are falling off the Manhattan Bridge?" "Yeah, just like the Williamsburg a couple of years ago." "It just keeps getting worse. Nobody ever does anything about it." "Yup. Never changes. One of these days, the N train is going right in the water."

It would indeed take a train diving into those inky depths to get the money produced to fix the bridges. I obviously don't wish this, but nothing else seems to seize the attention of those in charge.

Government is sometimes too serious a matter to be turned over to the politicians. They'll do almost anything to duck a tough issue. Tough issues are those that can cost you votes.

Right now, there's a bridge donnybrook going on between the newly courageous City Council and the mayor, David Dinkins—who looks more and more each day like a man who wishes everything would go away.

This fight isn't really about how to pay for keeping up the bridges. That's one of those tough issues. No, the spitting match is over whether the mayor and his transportation commissioner, Lucius Riccio, ignored clear warnings from lower officials that the Manhattan Bridge was falling apart.

The warnings came in memos from officials lower down, and of course they were ignored because the mayor, et al., would have to offend voters to raise the money, and he has no more stomach for that tough decision than did the previous mayor and the one before him, ad vacuum. And the same goes for the City Council.

Here's the weepy political explanation: Bridges don't have constituencies like police and school budgets, they're not sexy items, everybody wants to complain about them but no one wants to pay for them, so what can we do?

And here's how the planners and engineers explain it: If you spend a relatively small amount of money now for ongoing maintenance, you'll literally save the billions that will be needed later to rebuild the structures you allowed to fall apart for lack of periodic paint jobs, minor repairs and upkeep.

Consider the Williamsburg Bridge. It got to the scare stage in 1988. Before that, it was only dangerous—steel beans would fall occasionally into the East River. Which means that by 1988 it was one of those disaster movies waiting to happen. The then-mayor said it was everybody's fault but his, especially all the lousy mayors who preceded him. But in the end, because they were at the scare stage, regardless of how they had gotten there, the bridge had to be fixed. The price tag? $400 million. Just to get it into acceptable shape.

Samuel Schwartz, who was in charge of bridges for the Transportation Department at the time and was trying to turn things around, wrote about it later in these simply and cogent sentences:

"The 87-year-old Williamsburg Bridge will cost approximagely $400 million to reconstruct. Leading civil engineering experts, commissioned by the city, found that for $2 million annual (1990 dollars) the bridge could have been properly maintained and its steel would have lasted 200 years. In 87 years we should have spent $174 million on maintenance (we probably spent closer to $20 million). Instead we will spend the $400 million this decade for a net waste of $200-plus million.

"When we looked at all 840 city bridges, we found that a well-run program should cost $150 million a year. But we will spend $400 million a year for the next 10 years because we have not maintained the bridges. That's $2.5 billion wasted!"

In reality, the waste will probably be much greater. That's because Schwartz wrote those words a year ago, and now, with the recession and the resultant drop in city tax revenue, the bridge budget is being slashed significantly. This means maintenance will be deferred, the bridges will get a little scarier and the rebuilding costs will rise accordingly. Look for a lot more bridge closings in the next year or two. It's either that or the disaster movie.

There are ways to raise the money to do the job now, but these would take tough decisions. Like putting tolls on the East River bridges. This would not only produce money, but it might also persuade some people to form car pools and thus ease the gridlock in Manhattan and save gasoline at the same time.

But don't hold your breath. The last major political decision about the East River bridges was made in the early 1900s. That was Mayor William Gaynor's decision to take the tolls off the East River bridges. He did it to get re-elected—and he was.

Isn't it reassuring? Nothing really does change.

SATELLITE COMPETITION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. RICHARDSON. Mr. Speaker, there is much to be said about the American entrepreneurial spirit—the ability to take chances, to endure and to succeed. This spirit is as alive today as it was more than a century ago when America's industrial magnates evolved. As we approach the 21st century with the advent of new technologies a new generation of American business success stories is unfolding.

I would like to call your attention to one such modern day business success story. Just a few short years ago Rene V. Anselmo founded Pan American Satellite of Stamford, CT. Two years ago, Mr. Anselmo risked $85 million by launching a communications satelite. Today, Mr. Anselmo is ringing up millions of dollars in sales in satellite time to television networks around the world.

I urge my colleagues to read an outstanding account of this modern day success story as described so eloquently by reporter Edmund L. Andrews in the February 10, 1991, edition of the New York Times.

[From the New York Times, Feb. 10, 1991]

NEW COMPETITION IN THE SKY, AND JUST IN TIME FOR THE WAR

(By Edmund L. Andrews)

Military contractors have not been the only companies to get a lift from the United States-led war against Iraq. The nearly insatiable demand for live television reports about the war has been a bonanza for companies providing satellite services.

But few operators have enjoyed the sweet vindication of Rene V. Anselmo, the founder of Pan American Satellite of Stamford. Conn. Two years ago, in what seemed like a good way to lose a fortune, Mr. Anselmo gambled $85 million for the sale of his former broadcasting businesses to buy and launch the first privately owned communications satellite over the Atlantic Ocean.

At the time, he faced heated opposition from regulators, had no assured customers and enough insurance to recover only half his loss if his satellite blew up during launch. And he was lunging into a market controlled by Intelsat, a satellite consortium owned by organization in 119 nations.

But today, Mr. Anselmo is virtually booked solid, offering cut-rate prices and fast bookings for television networks around the world. With 1991 sales likely to climb well beyond the company's initial projection of $25 million, he is now busy raising money for three more satellites.

To be sure, boom times have come to almost everybody in the satellite business since the war began. Intelsat has seen "spot" bookings for satellite time—those not reserved far in advance—surge to 400 programs a day, up from about 150. Bright Star Communications Ltd., based in London, which buys satellite time in large volume from Intelsat and then resells it, has roughly doubled its business. Even American companies like GTE Spacenet are busy, relaying signals from abroad to local stations across the United States.

While Pan American's satellite does not reach the Persian Gulf, it, too, has benefited from the war. Revenues from spot bookings surged to about $2 million for the last three weeks of January, up from $200,000 a month before the war, although business has dropped slightly as stations have trimmed back war coverage. There are also revenues from longterm leases with television networks on both sides of the Atlantic.

"It was busy before, but it's pandemonium now," said Mr. Anselmo.

The company's satellite has become a key link for European news organizations that broadcast live from Washington, like the British Broadcasting Corporation or SAT 1, the German network. It is also used heavily by American networks like CBS and ABC to transmit programming abroad and to supplement their direct satellite links to the Mideast by sending material through Europe.

The company's arrival has not brought prices down but has helped to improve service. "Pan Am Sat has been very good for the industry," said Charles E. Hoff, managing director for Cable News Network's satellite news gathering operations. "They offer a non-Intelsat alternative, essentially a free-market availability, and that has been good for all of us."

One of Pan American's first customers, CNN, has used its satellite mainly to send programming abroad but also to get material from overseas bureaus.

For Mr. Anselmo, who is 65 years old, Pan American is the second major project of his career. Born in Medford, Mass., he spent 11 years after college in Mexico, working for the Mexican television network, Televisa, and as an independent producer. In 1961, he came to the United States and, with other investors, bought a bankrupt UHF station and subsequently started up 14 others, all broadcasting in Spanish. That led to the founding of the Spanish International Network, financed in part by Televisa and offering Spanish-language programming to stations and cable systems in the United States and Latin America.

But Mr. Anselmo ran afoul of the Federal Communications Commission, which prohibits foreign control of television stations and contended that his were under foreign control because of Televisa's stake in SIN. After years of litigation, Mr. Anselmo sold his stations and separated himself from SIN in 1986. It was the $100 million from the sales that enabled him to buy and launch the satellite.

His timing turned out to be excellent. Mr. Anselmo bought a satellite from RCA and was able to take advantage of special incentives offered by Arianespace, the European rocket company, to launch the satellite for only $9 million. Arianespace was having trouble getting customers for a new launch rocket in part because of an explosion of an earlier rocket.

As a result, Mr. Anselmo was able to become operational for about $85 million. Buying and launching a comparable satellite today would cost $180 million to $200 million.

The satellite became operational just before the breakdown of Communist regimes in Eastern Europe and the fall of the Berlin wall generated a surge in demand for satellite capacity. "They were in the right place at the right time," remarked Timothy Logue, space and telecommunications analyst with the Washington law firm of Reid & Priest. "News organizations have an insatiable drive to beat their opponents, and they will turn to whatever means are available."

The start-up of Pan American would have come off without a hitch if not for regulatory barriers.

Under longstanding international agreements, the Intelsat consortium had until Pan American's arrival enjoyed a virtual monopoly over international satellite communications. Under the system, participating countries designate companies—usually government-owned telephone companies—that serve as their representative to Intelsat. These companies transmit and receive material from Intelsat satellites and charge their customers, who supply telephone, data and television services. In the United States, access to Intelsat is controlled by the Communications Satellite Corporation, a for-profit company.

In part because regulators feared that a competitor would undermine Intelsat, and in part because Pan American would inevitably deprive governments of Intelsat fees, Mr. Anselmo's plan to offer a competitive service generated heated opposition.

Although the Reagan Administration in 1983 endorsed the idea of limited competition with Intelsat, it took Mr. Anselmo from 1984 to September 1987 to get final launch approval from the Federal Communications Commission. Even then, he didn't have a viable business because only one other country, Peru, had agreed to allow people within its borders to communicate over the new satellite.

With patience, persistence and pressure from major communications users, Mr. Anselmo began receiving "landing rights" for his satellite from other countries. By the time of the launch in 1988, he had agreements with a half-dozen countries, including West Germany. Almost 70 countries have since opened up to the new satellite.

Today, Pan American, whose communications base in Florida houses 10 earth stations, is booked almost to capacity. Pricing is complicated, but the rates appear to be somewhat cheaper than the competition's. The company says prices vary from less than $1,000 for an hour of satellite time to $2,400, depending on the customer's annual usage. It says most customers pay less than $1,300. That does not include the charge for using transmission stations on the ground, which can add a few hundred dollars at each end.

By contrast, Bright Star Communications, which resells time with Intelsat, charges $1,700 to $2,250 an hour, including earth station fees. Comsat, the American Intelsat representative, charges a flat rate of $2,637 an hour, which includes earth station fees.

Mr. Anselmo said he never conducted formal market research to predict where customers would come from. The whole gamble was based on instinct. "My theory," he said, "was that I couldn't imagine putting a satellite up there and offering all this technology without it being used."

A CORRECTION: COMMONWEALTH STATUS BEST FOR PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. FUSTER. Mr. Speaker, there is a serious error in my comments in the CONGRESSIONAL RECORD of February 22, headlined, "Columnist Tom Wicker criticizes statehood for Puerto Rico," page E577. In the version which I submitted for publication, I wrote, in part: "I have great respect for the institution of statehood, Mr. Speaker, but I am convinced that the existing Commonwealth status option in such a plebiscite is in the best interests of both Puerto Rico and the United States."

Unfortunately, Mr. Speaker, my comments as printed in the RECORD erroneously added the word "not," asserting that I "am convinced that the existing Commonwealth status option in such a plebiscite is not in the best interests of Puerto Rico and the United States." Clearly, the wrong impression has been conveyed here. Clearly, as all my colleagues know, I strongly support and have always supported the enhanced Commonwealth option: it is the one status choice for Puerto Rico that has worked and worked well ever since Congress created it in 1952.

Because it is necessary that my colleagues read this correction in the context of my original comments of February 22, I am repeating the full text of those comments:

COLUMNIST TOM WICKER CRITICIZES STATEHOOD FOR PUERTO RICO

Mr. FUSTER. Mr. Speaker, as the House and the Senate move toward resolution of legislation providing for a political status plebiscite in Puerto Rico, I think it incumbent that my colleagues really think through the statehood option. I have great respect for the institution of statehood, Mr. Speaker, but I am convinced that the existing Commonwealth status option in such a plebiscite is in the best interests of both Puerto Rico and the United States.

More and more, Mr. Speaker, other voices seem to share that point of view, and these voices range across the political spectrum: Democrat and Republican, liberal and conservative. Surprisingly, they come from such disparate voices as the conservative syndicated columnists James Kilpatrick and Patrick Buchanan and the liberal columnist Tom Wicker of the New York Times. Even though I, a Democrat, seldom share the views of Mr. Kilpatrick and Mr. Buchanan, I inserted their columns in the RECORD last year in which they questioned granting statehood to Puerto Rico.

Now comes Tom Wicker, the celebrated columnist of the New York Times, and I think his observations of February 9, 1991, make good food for thought as my colleagues in the 102d Congress ponder anew, legislation in the House and the Senate that would authorize a three-way political status plebiscite in Puerto Rico.

THE 51ST STATE?

(By Tom Wicker)

"I want Puerto Rico to become the 51st state," President Bush has said. Does he realize that would mean fewer Puerto Ricans in private-sector jobs, more on welfare, and a probable additional cost of $17 billion to the U.S. Treasury?

Attorney General Dick Thornburgh told Congress this week that the Administration favors a plebiscite in which Puerto Ricans might well vote for statehood. Senator Bennett Johnston of Louisiana, the chairman of the committee preparing plebiscite legislation, says Puerto Ricans' choice in that vote would be "morally binding" on Congress.

Mr. Thornburgh questioned the constitutionality of the only other likely status alternative—an improved, virtually autonomous version of the present Puerto Rican "commonwealth." A third option, independence, is not believed to have sufficient support to be a real possibility for the island.

Mr. Bush's desire for statehood is hard to understand, although the island's Republican Party also favors it. From a narrowly partisan point of view, Puerto Rico as a state would rate two senators and five or six members of the House. That's larger than a number of present delegations, including some that usually vote Republican; and the Puerto Rican delegation might well be all or mostly Democratic.

From a broader perspective, moreover, the island insists on maintaining its Spanish culture, which would make it the only state with Spanish as its official language. Even Puerto Rican Republicans agree on that—though mainland Republicans hardly can be enthusiastic about such an exception.

Economically, statehood would be a disaster for the island. It would mean the loss of the Commonwealth of Puerto Rico's exemption from U.S. taxes, under Section 936 of the Internal Revenue Code. No state is entitled to claim such an exemption, which has been applicable to Puerto Rico since before commonwealth status was achieved in 1952. That's one good reason the island's annual per capita income has risen since then from a few hundred dollars to more than $6,000 a year.

Not only would statehood bring the Federal income tax to Puerto Rico; a Peat Marwick study estimated that 72 percent of the companies that have put about 2,000 industrial plants on the island, because of its tax advantages, might leave once statehood caused the loss of those advantages. That would mean the flight of 80,000 to 145,000 jobs, the study suggested.

A Congressional Budget Office report similarly found that if Puerto Rico's commonwealth tax advantages were lost, unemployment—averaging 14.6 percent even now—would increase by 100,000 within the decade. Under statehood, Puerto Rican gross product would fall by 10 to 15 percent in the same period.

Under the prevailing commonwealth status, however, economic growth is projected at a real annual rate of 2.5 to 4 percent. That's important to other Americans because Puerto Rico already buys more mainland goods than Brazil, Chile, Argentina and Columbia combined—$9.4 billion in 1989.

Why would Puerto Ricans opt for statehood if it meant they had to pay United States income taxes while their economy was shattered? One reason is that many islanders are too poor to pay income tax, and statehood would make many eligible for nearly double welfare benefits—causing an estimated $17 billion rise in Federal outlays for Puerto Rico, a short-term bonanza.

Statehood would allow the islanders to participate in Presidential elections, and to send a voting delegation to Congress. Many Puerto Ricans seem also to believe that it would magically produce for them a living standard equal to that of mainland Americans, whose per capita income if far higher—even in Mississippi, the poorest of the current states.

Commonwealth supporters, like Gov. Rafael Hernández Colón, believe they can win a plebiscite, though polls now give statehood a narrow lead. They hope commonwealth status can be so defined in the Senate's plebiscite legislation that, if voters opt for it, Congress could not change it in the future. But Mr. Thornburgh said the Constitution required United States territories, other than states, to be controlled by Congress; therefore, he argued, Congress could take away commonwealth status any time it chose.

If sustained by Bennett Johnston's committee, that's a telling argument against commonwealth and for statehood—and one that raises the question whether President Bush grasps the real consequences of what he says he wants for Puerto Rico.

MARTIN FINE HONORED FOR OUTSTANDING COMMUNITY SERVICE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. LEHMAN of Florida. Mr. Speaker, Marty Fine does not hold any public office, but he is truly one of Miami's finest public servants. For almost four decades, he has devoted his considerable energy and talent to improving the lives of those in our community who are most vulnerable and least able to help themselves. In many ways, Martin Fine has been the conscience of our community.

For his efforts, Martin Fine has been awarded the Miami Chamber of Commerce's highest award for community service. I would like to reprint the following article from the Miami Herald which provides further information about the award and the accomplishments of this remarkable man.

[From the Miami Herald, Jan. 31, 1991]

ADVOCATE OF POOR TO GET CHAMBER'S TOP HONOR

(By Andres Viglucci)

Martin Fine, the prosperous lawyer who has made a parallel career out of championing education and housing for the poor, will receive the Greater Miami Chamber of Commerce's highest award today for his service to the community.

Fine, 63, is winner of the 10th Sand in My Shoes Award, given to people who have embraced South Florida and worked to make it a better place.

"Marty is honestly the most dedicated, committed and devoted civic leader I have ever met," said chamber President Bill Collum. "The guy is just really incredible. I can't think of a person who deserves it more than he does."

Fine will pick up the award—a pair of bronze shoes—during a luncheon at the Inter-Continental Hotel in downtown Miami.

His community service resume would fill pages. Fine is in his second year as chairman of the board of trustees of Miami-Dade Community College. He is a member of the board and former chairman of the chamber of commerce, and a stalwart on the New World Center Action Committee, which redrew the map of downtown Miami.

But some of his most effective work has come behind the scenes, without title or committee: Along with state Sen. Carrie Meek, he was the chief architect of a real-estate tax fund that has generated millions of dollars for the construction of affordable housing in Dade County. The innovative program has been hailed across the country.

He also masterminded the push to extend the term of Miami's mayor from two years to four.

Fine says one thread runs through all his seemingly disparate endeavors: a concern for the quality of life of the poor and working poor.

"It's a rare opportunity, and a treat for me, to combine work in education with housing for poor people," Fine said. "Those are two bedrock areas in helping people climb out of the mire of poverty and hopelessness."

Fine, today a senior partner in the firm of Fine Jacobson Schwartz Nash Block and England, has been here 44 years, since attending law school at the University of Miami upon his discharge from the Army.

He vows to stay "until they take me out."

His civic involvement in a prominent role began in 1955, when he joined the Miami Housing Authority. He stayed 10 years, eight of them as chairman, until the authority was absorbed by Metro-Dade County. A public housing project for the elderly and disabled near the Orange Bowl bears his name.

He was also a member of a group of developers who built Park Tower, a federally subsidized apartment building in downtown Miami for moderate-income people.

The building surfaced in the news two years ago, when federal auditors found that Fine had paid a lobbyist $225,000 to help obtain federal money to renovate the apartments. After finding that hiring such lobbyists was common practice among local developers, federal officials revamped the housing program. Fine was never accused of doing anything improper.

Not all of Fine's causes have succeeded. A firm believer that government and private citizens must spend money to help the poor, he has vocally supported some tax plans that haven't proven popular with the general public—such as tax for children's services that voters defeated in 1988.

But he's not sorry he did.

"I think that it's impossible to help poor people with mirrors and rhetoric," Fine said. "I think when programs are properly explained, when people understand what's at stake, that by and large the community has been responsive."

INTRODUCTION OF NURSING HOME ACCESS TO RESPIRATORY THERAPY ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. VENTO. Mr. Speaker, today I am once again introducing legislation to improve the health care of our nation's elderly by preserving respiratory therapy services at nursing homes.

As costs of health care in this country continue to spiral out of control, we must find low cost ways of fine-tuning the Medicare system to improve access to health care for the Nation's elderly. My bill, The Nursing Home Access to Respiratory Therapy Act, is one example of such cost effective fine-tuning. By making only a minor technical change in Medicare, one consistent with current practice, my bill would assist elderly Americans in need of respiratory care; especially those living in medically underserved areas such as inner cities and rural communities.

Many of our senior citizens suffer from both chronic and severe respiratory illnesses such as emphysema and asthma. Increasingly, these senior citizens are dependent upon mechanical ventilators in order to breathe for some part of the day. Years ago these patients would have remained confined to the hospital. Today, however, the advance of medical technology and the advent of the Medicare prospective payment system has had the effect of transferring many of these respiratory patients out of the hospital and into alternative care sites such as skilled nursing facilities [SNF's].

Over the past 10 years, respiratory care in SNFs has been delivered by a variety of entities, including the transferring hospital, independent respiratory care companies, or by the nursing home. The system has worked well until recently, when Medicare in certain States has begun to enforce an outmoded and little-known provision which requires that only a hospital with a transfer agreement with a SNF may provide respiratory care personnel to the SNF. Furthermore, only full time employees of that hospital are eligible to be sent to the nursing home. This provision was enacted in 1965 when respiratory care services were almost always limited to the hospital and are clearly out of step with today's needs.

Medicare, until recently, has not enforced this rule. However, Medicare intermediaries in Ohio, Florida, and New Jersey have now revived it, and the consequences for SNF patients could be devastating, particularly in rural areas and inner cities.

Many rural hospitals are experiencing severe manpower shortages, and must rely on temporary agencies or contract service employees. Regardless of the qualifications of the respiratory personnel, these individuals may not provide reimbursable respiratory care simply because they are not full-time hospital employees. Yet most small hospitals cannot afford a fully operational respiratory care department and must rely on contract personnel to deliver care to the respiratory patients. Without this technical correction, care to SNF patients would once again be prohibited.

There are currently 6,000 vacancies for respiratory therapists in the country. The Institute of Medicine has predicted that by the year 2000 the demand for respiratory therapists will exceed the supply by 34 percent. The resurrection of this rule by Medicare would further limit respiratory care at SNF's which is already suffering from personnel shortages.

The legislation I am introducing today would rectify this problem by including respiratory therapy as part of allowable extended care services in a skilled nursing facility. Since the legislation simply codifies the previously existing method, which is still acceptable in almost every State, of providing respiratory care services through a variety of practitioners, it is expected to have little or no budget impact. It simply allows patients afflicted with respiratory illnesses to continue to receive the needed and appropriate respiratory care, regardless of the care site.

Mr. Speaker, I am pleased that Representatives BACCHUS, BOUCHER, BOXER, COLLINS (IL), DEFAZIO, DELLUMS, DICKS, DIXON, DWYER, EMERSON, ENGLISH, EVANS, FAZIO, FOGLIETTA, GEJDENSON, GILMAN, HERTEL, HORTON, HUGHES, HYDE, JEFFERSON, JOHNSON (SD), KAPTUR, KOLTER, LAGOMARSINO, LANCASTER, LEWIS (FL), LIPINSKI, LLOYD, MFUME, MORELLA, MURTHA, OBERSTAR, PEASE, PELOSI, PENNY, POSHARD, RANGEL, REGULA, ROE, SERRANO, SMITH (NJ), SMITH (FL), SNOWE, TOWNS, WALSH, WISE, and WYDEN have joined me as original cosponsors of this legislation to improve the quality and increase the access to respiratory care services available to our Nation's elderly. I am hopeful that this legislation will be enacted quickly so that the negative consequences of the enforcement of the outdated Medicare provision will be avoided. I urge other colleagues to join me in this important effort.

NATIONAL PRESIDENTIAL DEBATES ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MARKEY. Mr. Speaker, today Senator BOB GRAHAM and I are introducing the National Presidential Debates Act of 1991. This legislation, which was first introduced in the 101st Congress, requires candidates for the Presidency who qualify for public campaign finance funds during the general election period to participate in four debates in order to receive those funds.

Congress will again this year consider the question of campaign finance reform, and passage of a comprehensive reform package should be a top priority for Members on both sides of the aisle. We will undoubtedly study a broad range of topics as part of this debate, from the merit of political action committees to the responsibilities of broadcasters to the role of public financing.

A chief focus—and a primary goal—of this debate should be the restoration of public confidence in political campaigns. The public's growing cynicism—or at best indifference—to political campaigns is the result of a steady decrease in the substantive information available to the public.

Following a 2-year study, the Markle Commission on the Media and the Electorate last year cited citizen abdication of their role in the electoral process as its single most disturbing finding, noting that its research had found that, "American voters do not seem to understand their rightful place in the operation of American democracy," and see themselves as "distant outsiders with little personal consequence at stake in national elections."

Blame for this trend can be spread far and wide, from the networks to the parties to the candidates themselves. As a consequence of campaigns driven largely by photo opportunities and sound bites, substantive debates between the candidates have grown in their value to the voter. Nowhere is this more true than in Presidential campaigns, and polls have consistently reflected the importance of televised debates to voter decisionmaking.

On average, nearly 50 percent of American households with televisions tune in to Presidential debates. Debates represent one of the few instances in a campaign when voters are able to hear from the candidates themselves, in their own words, rather than through the thicket of speech writers, spin doctors, and journalists that too often shape public perceptions of the candidates. Viewers know that regardless of how well coached or prepped a candidate may be prior to taking the stage, he or she is alone, unfiltered, and eye-to-eye with the voter once the debate begins. And that's the way voters like to judge candidates.

Such debates have deservedly become an integral part of electing our President. The anticipation of nationally televised face-to-face meetings between candidates is a galvanizing force in the electoral process. The debates focus public attention, heighten voter interest, and require the candidates to prepare for and stand up to close scrutiny. This is an important part of our democratic process.

Although debates have occurred in the last four Presidential campaigns, over a decade passed from 1964 to 1976 without a single debate between major party candidates. Even so, debates since 1976 have been no sure thing. In 1980, debates were threatened by President Carter's Rose Garden strategy and the participation of an independent candidate. In 1984, debates only occurred at the insistence of President Reagan, whose advisers recommended that he participate in none. And in 1988, during negotiations on the debates, President Bush's advisers, Jim Baker and Roger Ailes, reluctantly agreed to two debates after at first arguing that none were needed.

Once again, as the 1992 campaign approaches, there is no guarantee that the Democratic and Republican nominees will debate. And even if they do, it will be the result not of a commitment to a substantive campaign, but rather the product of bitter political haggling.

The public, which pays for the campaigns of Presidential candidates, deserves and should demand substantive debates in return for its investment. In a symposium last year sponsored by the Commission on Presidential Debates, Washington Post political reporter David Broder made this same point. "Whose campaign is it?" he asked. "We have accepted far too passively the notion that it is up to the candidates and their advisers to determine what takes place and what's talked about and how it's talked about in a Presidential campaign. The campaign belongs to the public."

Broder and other campaign observers, including Jim Lehrer, John Chancellor, David Gergen, John Brademas, Mort Zuckerman, and Lawrence Grossman, have endorsed the concept of debates tied to public financing. The Markle Commission, in the concluding recommendations of its report on the media and the electorate, urged the adoption of institutionalized debates. "Research shows the public pays more attention to the debates than any other campaign event," the report noted. "The Commission recommends that public funding of campaigns be conditioned on candidate commitment to participate and that the debates become permanent future fixtures of Presidential campaigns."

This issue has been given a certain urgency by recent reports on the status of the Treasury's Presidential campaign finance fund. The Chairman of the Federal Election Commission, John W. McGarry, earlier this month acknowledged that the fund was "heading for insolvency." Each year, fewer Americans check off the box on their income tax returns that directs $1 to the fund, signaling their dissatisfaction with the quality of the campaigns this public financing provides. The Treasury has responded to the likely shortfall by proposing decreased public contributions to primary campaigns in order to ensure adequate finances for the general election.

The legislation Senator GRAHAM and I are today introducing represents a refinement of the original bill introduced in the last Congress. Although there was support for mandated debates within Congress, the media, and the parties, some elements of the legislation were criticized as "micromanaging." Although I continue to believe that these stipulations would have improved the quality of the debates, it is hoped that omitting them will facilitate the passage of the legislation.

In another important change, the bill we introduce today requires that the debates be sponsored by "a nonpartisan or bipartisan organization." The initial version of the legislation allowed sponsorship only by a nonpartisan organization. This change was made in order to include the possibility of sponsorship by the Commission on Presidential Debates, which skillfully staged the 1988 general election debates and which has continued to play an active and positive role in calling for institutionalized debates.

I thank my colleagues who cosponsored this measure in the last Congress, and I again urge support for the National Presidential Debates Act.

Mr. Speaker, I insert the text of the bill in the RECORD following my remarks:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Presidential Debates Act of 1991".

SEC. 2. DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND

(a) IN GENERAL.—Chapter 95 of the Internal Revenue Code of 1986 (26 U.S.C. 9001 et seq.) is amended by inserting after section 9003 the following new section:

"SEC. 9003A. PRESIDENTIAL ELECTION DEBATES.

"(a) IN GENERAL.—In addition to the requirements specified in section 9003, in order to be eligible to receive any payments under section 9006, the candidates of a political party for the offices of President and Vice President shall agree in writing—

"(1) that the candidate for the office of President will participate in at least 4 debates, sponsored by a nonpartisan or bipartisan organization, with all other candidates for the office who are eligible under such section 9006; and

"(2) that the candidate for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are eligible under such section 9006.

"(b) INELIGIBILITY.—If the Commission determines that a candidate failed to participate in a debate under subsection (a) and was responsible at least in part for such failure, the candidates of the party involved shall—

"(1) be ineligible to receive payments under section 9006; and

"(2) pay to the Secretary of the Treasury an amount equal to the amount to the payments made to such candidates under such section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 95 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 9003 the following new item:

"Sec. 9003A. Presidential election debates.".

SEC. 3. TECHNICAL AMENDMENT.

Section 9007(b)(5) of the Internal Revenue Code of 1986 (26 U.S.C. 9007(b)(5)) is amended by inserting "or section 9003A(b)" after "this subsection" each place it appears.

SUPPORT FOR 42D BOMBARDMENT WING

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Ms. SNOWE. Mr. Speaker, I rise today to introduce legislation to extend tax relief benefits to members of the 42d Bombardment Wing from Loring, Air Force Base in Limestone, ME.

The members of the 42d left their homes and their families in Aroostook County last August in support of Operation Desert Shield. Since that time the majority of them have been stationed at our base on Diego Garcia in the Indian Ocean. On January 16 they began their participation in Operation Desert Storm.

You may not have heard of the 42d Bombardment Wing, but you know their work. These men and women fly and maintain the B–52 bombers. Granddaddy of the U.S. strategic bombers, the B–52's and their 20-ton payloads have knocked out military targets in Iraq and helped to ease the path of our ground troops into Kuwait and Iraq.

But even though the men and women of the 42d Bombardment Wing are fully involved in Operation Desert Storm, they have not been provided the tax relief offered to other servicemen and women and their families. They were also not included in the legislation adopted by the 102d Congress to provide retroactive tax relief to those in the combat zone in order to provide an extension of filing the 1990 tax returns.

The reason for this oversight is that Executive Order 12744, which formally designated the Persian Gulf combat zone, did not include Diego Garcia.

My legislation would provide an extension of time for filing 1990 tax returns until 6 months after these men and women return from Diego Garcia, which was the same timeframe provided for individuals under H.R. 4 as adopted by the 102d Congress. The bill also extends the tax relief provisions provided to individuals within a designated combat zone, such as relief from the deadlines for filing returns, paying taxes, and contesting tax liability.

The 42d may not have their planes sitting on runways in Saudi Arabia, but their contribution to the allied air campaign has been invaluable. It is a matter of equity that we extend to these hard-working, dedicated men and women and their families, the same tax benefits as their colleagues who have fought in the air war, albeit out of a different base.

A SALUTE TO NICOLET HIGH SCHOOL BAND

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MOODY. Mr. Speaker, I am privileged to honor the Jean Nicolet High School Band of

Glendale, WI, which received a historic invitation to become the first American band to march in a parade through Red Square for the U.S.S.R. Victory Day Parade on May 9, 1991.

This unprecedented event presents a wonderful opportunity for students from different cultures to engage in exchange of ideas and to further knowledge and cooperation in the discipline of fine arts. Under the directorship of Nick White, who has been committed to music excellence for a number of years, the band's individual members have achieved numerous accomplishments and advanced status as young musicians. Some have been involved with the Milwaukee Symphony Orchestra while others have performed with the acclaimed Greater Milwaukee Youth Ensemble.

The event evolved from a relationship between Nicolet High School and its Muscovite sister school, the Gnessin Music College, Russia's foremost music institution for talented high-school-aged students. Following a United States visit from two of the school's Russian composers, the students received an unexpected invitation from the Moscow City Council to perform in the city's famed Red Square.

In celebration of the exchange in fine arts education, the students will participate in a joint concert—also the first of its kind—with the Gnessin students. The students will also perform for the world-renowned Moscow Circus during their tour.

The involvement of this talented band plays an important role in promoting education that extends beyond domestic borders as well as promoting increased awareness of the multifaceted Soviet Union.

Mr. Speaker, I join all music enthusiasts and Wisconsin residents in saluting all members of the Jean Nicolet High School Band and Director Nick White for their unprecedented accomplishment. They are a shining example of the unlimited benefits that result from united cooperation and self-expression.

SACRIFICE AT HOME

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. COUGHLIN. Mr. Speaker, this past weekend, the attention of the American people and the world again turned urgently toward the Persian Gulf as the United States and the forces of the coalition nations engaged in a ground war in what is hopefully the final stage in the liberation of Kuwait and the defeat of Saddam Hussein.

I, like all Americans, am extremely proud of the dedication and sacrifice that our young men and women are displaying in the Persian Gulf.

Unfortunately, this weekend my attention also turned to Philadelphia where a 12-alarm fire in a center-city highrise raged out of control for more than 19 hours and claimed the lives of three brave south Philadelphia firefighters.

For the past several months, the American people have overwhelmingly shown their support for the brave men and women of our armed services as they were deployed to the Middle East to check the naked aggression of a ruthless dictator. But in this time of international unrest, we Americans cannot afford to forget the other groups of brave men and women who serve our communities every day, willingly putting themselves in harm's way to protect our lives and property here at home.

Capt. David P. Holcombe, Firefighter Phyllis McAllister, and Firefighter James A Chapple of Engine Company 11 from Philadelphia died in the blaze after they became trapped on the 28th floor of the 38-floor building. Not unlike the brave men and women who are now fighting in the deserts of Kuwait and Iraq, these three firefighters died while performing their chosen job, died while fulfilling a sense of duty to serve their neighbors.

Mr. Speaker, nothing can ever be said to ease the pain of the loss of life or make us forget this tragic event. Instead, I rise today to honor and remember the lives of David Holcombe, Phyllis McAllister, and James Chapple—three people who, in the ultimate sacrifice, gave their lives while trying to help others. The people of Philadelphia, as well as the rest of the United States, owe these and all firefighters a debt of gratitude for a commitment and dedication that often goes unrecognized.

THE CONCLUSION OF WAR IN THE PERSIAN GULF

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. ANDERSON. Mr. Speaker, I have watched the news in the past 3 days with both a sense of gratitude for the astoundingly low allied casualties and gains we have made and concern for the safe being of our troops. It seems that more than a month of air attacks did a tremendous job in preparing the battlefield and destroying the Iraqi Army's will to fight. That tens of thousands of Iraqi soldiers have surrendered to allied forces is testimony enough to the decisiveness of our battle plan, the quality of our equipment, and, above all, the outstanding efforts of our troops. Our successes to date are beyond anything we could have expected. While the situation remains fluid, it is now apparent this conflict will be over in short order. I simply cannot commend highly enough the skill and resolve of the United States and allied armed forces.

This ground war was something that I did not want to see. Yet, I believe it was also unavoidable. The last minute Soviet proposal for peace clearly fell short of the U.N. resolutions and coalition objectives. As such, it was unacceptable. Saddam Hussein met our demand for an unconditional, immediate withdrawal only with bluster, intransigence, and more Scud attacks. Sadly, his last Scud attack has done the most damage. Nearly 30 U.S. troops, at last report, were killed when a missile hit their barracks. More American men died in their sleep, far from Kuwait, than have died in all the ground fighting so far. I have stated throughout this conflict that peace and a ceasefire were easily achieved. Saddam Hussein merely had to comply with mandates of the world community.

While yesterday's radio order from Saddam to his troops to withdraw from Kuwait is encouraging, it shows he is not willing to unconditionally submit. Where is his rejection of the Iraqi annexation of Kuwait? Where is his admission of responsibility for what he has done? Why cannot he comply with the U.N. resolutions? I wholly support continuing our military pressure until he is willing to fully acknowledge his defeat and own up to the repulsive atrocities and damage his army has inflicted upon the people and nation of Kuwait. I long for a quick peace, but I am unwilling to see Saddam escape scot-free from his crimes.

Saddam Hussein has brought this ground war upon himself. Now, he will lose the war he started. It is already apparent that his army will be crushed in short order, and Kuwait will be free. Most importantly, Saddam Hussein will cease to be a threat to the region. When we have come so far, it would be unconscionable to let Saddam slip away now without forcing him to comply with the U.N. resolutions.

I pray for continued success and for the lives of our brave fighting men and women. Their efforts have been more than heroic. I look forward to their quick return home and a lasting peace.

CORRECTIONS TO H.R. 192, THE FINANCIAL INDUSTRY REFORM AND CAPITAL ENFORCEMENT ACT

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. BARNARD. Mr. Speaker, on January 3, 1991, I introduced, along with eight of my colleagues, H.R. 192, the Financial Industry Reform and Capital Enforcement Act. This legislation is substantially similar to H.R. 1992 which was introduced in the last Congress. Unfortunately, due to clerical error, there were several mistakes and one omission in the legislation. Rather than reintroduce the legislation at this time, I would like to announce our intent to make the corrections and to provide the correct material below. The bill should be corrected to read as follows:

Page 12, Line 11, after "institution," and before "an" add "in".

Page 12, Line 11, strike all that follows after "amount" up to but not including "until" on Line 14 and insert ". . . equal to the capital deficiency set forth in the notification described in paragraph (1) of this subsection . . ."

Page 13, Line 11, after "and" and before "a", insert ". . . upon appointment of a conservator pursuant to paragraph (3) of this subsection . . ."

Page 13, Line 21, strike all that follows after "amounts" up to but not including "may" on line 22 and insert ". . . provided under any bond, guarantee or similar undertaking, deposit or capital contribution, if any, maintained pursuant to subparagraph (A) of this paragraph . . ."

Page 16, Line 6, strike all that follows after "section," up to but not including "if," on line 11 and insert ". . . the amounts provided under any bond, guarantee or similar undertaking, deposit or capital contribution, if any, maintained pursuant to subparagraph

(A) of paragraph (2) of this subsection may be appropriated by the appropriate Federal regulatory agency, and may be infused into the insured depository institution being divested . . .".

Page 17, Line 14, strike all between "amounts" and "." and insert ". . . provided under any bond, guarantee or similar undertaking, deposit or capital contribution, if any, maintained pursuant to subparagraph (A) of paragraph (2) of this subsection".

Page 25, Line 19, insert the following new paragraph (3) and renumber the existing paragraph (3) as paragraph (4):

"(3) No bank holding company which becomes a depository institution holding company and no depository institution holding company which did not at any time prior to becoming a depository institution holding company directly or indirectly engage in insurance agency or real estate brokerage activities not permissible for bank holding companies under section 4(c)(8) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 2843(c)(8)), unless—

"(i) such activities shall be conducted through an existing insurance agency or real estate brokerage firm, as the case may be, acquired directly or indirectly by such depository institution holding company or through any successor to such insurance agency or real estate brokerage firm, and

"(ii) such acquired insurance agency or real estate brokerage firm shall have been actively engaged in such insurance agency or real estate brokerage activities during the five years preceding the date of enactment of this Act, and

"(iii) such acquired insurance agency or real estate brokerage firm may be legally affiliated with an insured depository institution under the laws of the State in which such depository institution holding company controls an insured depository institution and in which such acquired insurance agency or real estate brokerage firm is chartered or licensed: *Provided further*, That the activities of such acquired insurance agency or real estate brokerage firm that is affiliated with such depository institution holding company may be engaged in only to the extent permissible under the laws of said State."

GRACE BARBARA GEORGE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I rise to recognize an outstanding individual who has ventured forth to enhance the educational capabilities of our youth, Ms. Grace Barbara George.

In 1959, Ms. George began working as a schoolteacher. She specialized in teaching classes that were designated for intellectually gifted children. She remained in this position until she began working as a language arts specialist as well as a teacher for P.S. 262 in district 16 in 1973. Her responsibilities were to provide instruction to students who were eligible for special programs while utilizing the various techniques of small group instruction.

After much success, she began working for the Queens Regional Office of Special Education. She worked as a teacher trainer in reading. She worked with teachers in monthly workshops focusing on staff development. This provided on-site training to help teachers become more effective in the classroom.

Ms. George became the regional coordinator of the Chapter I Program in 1981. Her primary duties were monitoring the budget, working with principals, special education supervisors, and teachers. In addition, she worked as a regional coordinator in the summer months of 1982 and 1983.

She progressed in the ranks and became personnel director in 1983. As the director, Ms. George was in charge of personnel functions for over 2,500 educators, in addition to a host of other duties. Later, she became a high school placement officer and articulation coordinator, in which she was mainly responsible for placement of special education students in appropriate high school settings.

In late 1985, George moved into the division of special education as executive assistant to the assistant superintendent for regional programs. She remained in this position until 1986, when she became executive assistant to the chief administrator. Among her many tasks, she provided technical advice and assistance relative to the implementation and efficient functioning of the division's regional operations. The executive assistant is very important within this department due to the responsibility of assisting the chief administrator, the superintendent, as well as other high level administrators.

Presently, Ms. George is the deputy superintendent for community school district 32. She has held this position since 1988. Some of her responsibilities include coordinating pupil personnel services, advising and interpreting new legislation and regulation, accounating for accurate delivery of instructional services, and supervising the entire District Educational Field Trip Program.

Individuals such as Grace Barbara George are valuable assets to our Nation's educational system. The hard work that she has done is of great significance. I would like to commend her for her contributions and urge her to continue her endeavors as an administrator in the New York City school system.

PROUD TO BE THEIR CONGRESSMAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. SOLOMON. Mr. Speaker, this country hasn't been so united in a common purpose in 45 years.

I'd like to tell you about one family that symbolizes that unity.

Pam Waterston of North Creek, New York, is only 21 but she's one of the reasons, as General Schwarzkopf said, our troops are going around, through, under, and on top of Iraqi troops.

Pam Waterston operates a 10,000-pound forklift for the 82d Airborne, and keeps the massive flow of materials moving from ships to railcars on their way to the front.

She is proof, Mr. Speaker, that women can get the job done, and have a place in our all-volunteer military.

She belongs to quite a family. Her mother, Terry, is area coordinator for Operation Uplift, which collects donations for our troops in the gulf. She and her two sisters, Shirley and Bobby served in the U.S. Marine Corps about the same time that I did and she is vice commander of American Legion Post 629 in North Creek.

One of Terry's sons is Sgt. Barry Waterston Jr., a member of the 10th Mountain Army National Guard.

Another son, T. Sgt. Rob Laber, is now serving in Holland but may be called up to serve in the gulf.

Mr. Speaker, it's an all-American family from an all-American town, and I'm proud to be their Congressman.

INTRODUCTION OF THE EARNING BY LEARNING BILL

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. GINGRICH. Mr. Speaker, this summer, the Early Childhood Department at West Georgia College in Carrollton, GA, carried out a pilot program designed to motive youngsters to read by giving them a monetary incentive. The program, called "Earning by Learning," has already had a positive impact on my district. Therefore, I have introduced H.R. 95 to authorize the use of funds under the Elementary and Secondary Education Act for programs to provide monetary compensation to students for reading and reporting on books, so that the benefits of the program, which is a proven success, can be extended to youngsters across the country.

In the program, third and fourth grade students, who were considered to be at risk of not learning to read, were given $2 for each book they read. The children were allowed, with some adult guidance, to choose the books they wanted to read. After reading each book, the child reported on it to a volunteer. Each child had a form to keep track of how many books were read during the summer, and the forms were used to determine how much money the child had earned by the end of the program.

At the end of the program, 282 at-risk third and fourth graders had read 3,801 books. The total cost of the pilot program—less than $10,000—was money well spent. However, a program like this may not be eligible for funding under the Elementary and Secondary Education Act of 1965. I urge you to cosponsor this important bill.

For information on the Earning by Learning Program or to cosponsor H.R. 95, contact Siobhan Rieger on my staff at 255–4501.

WOMEN'S HEALTH EQUITY ACT OF 1991

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mrs. UNSOELD. Mr. Speaker, the Women's Health Equity Act introduced follows on the work in the last Congress to draw attention to the fact that women deserve equal attention in medical research, services, and prevention.

There is an abundance of anecdotal evidence to suggest that scientists study white male subjects disproportionately because they are easier and less expensive to study. Easier because scientists do not have to account for monthly cycles, pregnancy, or menopause. Yet it is because of these variables that it is so important to include women in clinic trials—because all of these variables still exist when scientists and doctors apply research to women.

Let me give you just one example. The Baltimore Longitudinal Study of Aging, a study funded by the National Institute on Aging, began in 1958 but did not include women until 1978, leaving a 20-year gap in the research.

In addition, the Society for the Advancement of Women's Health Research reports that "research on diseases unique to women or more prevalent in women—osteoporosis, menopause, breast cancer, postpartum depression, ovarian cancer—is often underfunded." These are very real issues for all of us—issues we are addressing through the Women's Health Equity Act of 1991.

Since we started this battle at the beginning of the 101st Congress, the National Institutes of Health has created an Office for Research on Women's Health, and we have acted on 10 separate bills relating to women's health and research. We must continue along this path in the 102d Congress. To show my commitment, I have not only cosponsored the Women's Health Equity Act of 1991, but each of the 22 bills in the act as well.

REMEDIOS DIAZ-OLIVER: A CUBAN-AMERICAN WHO DOES NOT REST ON HER SUCCESS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today one of my constituents, Remedios Diaz-Oliver, who recently was featured in the International Business Chronicle as one of America's leading businesswomen involved in international trade.

Ms. Diaz-Oliver represents the can-do spirit that continues to make America the most productive nation in the world. The 52-year-old president of American International Container, Inc., was selected by the U.S. Chamber of Commerce as the 1990 Businesswoman of the Year, and also received the 1990 Florida Export Achievement Award from U.S. Secretary of Commerce Robert Mosbacher.

American International Container is one of many south Florida firms, founded by Cuban political refugees, which has helped America win overseas markets. Ms. Diaz-Oliver's firm was honored especially for expanding "sales of American products to areas that were originally controlled by European manufacturers." It distributes thousands of containers—everything from perfume bottles to large plastic jugs—for over 150 companies. Current overseas markets include Australia, New Zealand, Hong Kong, Singapore, Europe, the Caribbean, and Latin America, with overseas sales and warehouses in San Jose, Costa Rica; Caracas, Venezuela; Mexico City, Mexico, and Guatemala City, Guatemala.

Thirty years after leaving Cuba with her husband, an infant daughter, and a few dollars in her pocket, Remedios has achieved prominence at the local, national, and international levels. She is among only 6 Hispanic women who serve on the boards of Fortune 1,000 companies. She's also president of the Cuban Women's Club, a trustee of the Greater Miami Chamber of Commerce, and the treasurer of the Florida State Commission on Hispanic Affairs.

President Bush recently appointed Remedios as one of three advisers on international trade for the Advisory Committee for Trade Policies and Negotiations. She also was selected to represent the President at the inauguration ceremonies for Uruguayan President Luis Lacalle.

In a recent interview with the International Business Chronicle, Ms. Diaz-Oliver emphasized that the old-fashioned values of hard work and discipline are the ingredients of her success. Luis Sabines, president of the Miami-based Latin Chamber of Commerce and Industry said, "I admire her human quality. I don't know where she gets all the energy to support so many organizations with time and money."

TRIBUTE TO THE LATE JUDGE JOSEPH BRANCH

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. VALENTINE. Mr. Speaker, I rise in tribute to one of North Carolina's greatest citizens and public servants, Judge Joseph Branch, who died last week.

Judge Branch was a member of the North Carolina Supreme Court for 20 years and served as chief justice from 1979 until his retirement in 1986. Prior to his service on the court, Judge Branch's public career included four terms in the State House of Representatives, service as town attorney for Enfield, NC, and appointment as legislative counsel to two Governors.

I had the privilege of knowing Judge Branch personally for many years and take great pride in representing his home town and county in the U.S. House of Representatives.

He was a close friend and adviser who could always be counted on for wise and judicious counsel. With former Governor Dan K. Moore, who appointed him to the supreme court and under whom we both served, Joe Branch was my political mentor, inspiration, and role model. In all my public life, I have never known a more intelligent and fair-minded person or an individual of greater integrity.

Judge Branch, I am proud to say, was a strong Democrat and an outstanding leader of the Democratic Party in Halifax County and across the State. At the same time, he clearly recognized the limits of party politics and the need for objectivity and fairness both as a judge and as a political leader. He was principled without being partisan and always put the needs of North Carolina citizens ahead of any party considerations.

As an associate justice and then as chief justice of the North Carolina Supreme Court, Judge Branch exemplified the highest ideals of judicial service. No attorney, no plaintiff, no defendant who appeared before Judge Branch's court could ever complain of unfair treatment. Judge Branch possessed a model judicial temperament as well as deep knowledge of the law and acute sensitivity to the effects of the legal system on every individual who encountered it.

Judge Branch's wife Frances and the other members of his family can take great pride in his life and accomplishments. Our State is a much better place because of his contributions. Everyone who came in contact with Judge Branch was ennobled by his presence, and we are all diminished by his loss.

North Carolinians in public life can only strive to reach the standards that Judge Branch established. Every citizen of our State is forever in his debt.

JUDGE DONALD LEE MANFORD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. SKELTON. Mr. Speaker, a good friend and former Missouri State Senate colleague, Judge Donald Lee Manford, died recently at the age of 56. He was an outstanding Missourian, who devoted most of his life toward legislative and judicial endeavors.

I had the privilege to work with Judge Manford in the Missouri Senate, where he served as the chairman of the prestigious appropriations committee. During this time, he built a reputation for fiscal restraint and thoroughness. In 1979, he was appointed judge of the Missouri Court of Appeals, in Kansas City, and served until his untimely death on February 12, 1991.

He was my friend, and I will miss him, and I know well that he will be missed by those who had the privilege to know him or serve with him.

Judge Manford earned his law degree from the University of Kansas and went on to serve as a Missouri assistant attorney general. He was elected to the Missouri House of Representatives for 2 years and the Missouri Senate for 10 years. Judge Manford served his State and country well. In addition to his contributions to the State of Missouri, he served in the U.S. Navy during the Korean war.

Judge Manford is survived by his wife, Judy; his mother, Juanita Manford; three daughters; a son; two sisters; and five grandchildren.

INTRODUCTION OF THE COAL MINERS JUSTICE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. MILLER of California. Mr. Speaker, I am pleased to introduce today, along with 29 of my colleagues, the Coal Miners Justice Act. This act will benefit over 60,000 disabled coal miners who have been denied essential black lung benefits to which they were legally entitled and which Congress intended they receive. This is an egregious situation which demands swift remedy.

The responsibility for handling claims for black lung benefits was originally assigned to the Social Security Administration, but was transferred to the Department of Labor in 1977. Congress explicitly directed the Labor Department to use eligibility criteria no more restrictive than those used by the Social Security Administration.

Despite this mandate, the Department of Labor established more restrictive eligibility requirements which differed significantly from those used by the Social Security Administration. As a result, thousands of miners were unjustly denied black lung benefits Congress had intended they receive.

In December 1988, the U.S. Supreme Court ruled in Pittston Coal Group versus Sebben that the Department of Labor had failed to follow the directive of Congress and ruled that its eligibility criteria was more restrictive than those of the Social Security Administration. However, the Court refused to grant relief to the many individuals whose claims were adjudicated under the Department of Labor's improperly restrictive criteria because those claimants had technically failed to pursue their legal appeals on a timely basis. It is ludicrous to penalize these disabled miners who were pressured by a Federal department not to seek benefits.

My legislation requires the Department of Labor to review the claims of those who were denied benefits under the Department of Labor's regulations using the Social Security Administration's criteria, and to allow such claimants to offer additional evidence of disability. While many of these individuals may have no claim, and many of those eligible for benefits have already died as a result of black lung, those who were unjustly denied benefits deserve to receive them.

PAY-AS-YOU-GO BUDGET AGREEMENT

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 1991

Mr. RINALDO. Mr. Speaker, rising unemployment, mortgage foreclosures, business and personal bankruptcies, and a slump in economic activity are putting new strains on the Gramm-Rudman deficit reduction law. People are saying we should suspend the deficit reduction targets and indulge in massive spending to pump prime the economy and to create more jobs.

If we listen to these voices, last year's pay-as-you-go budget agreement designed to bring the annual deficit down by almost $500 billion in the next 4 years would end up in shreds.

The Gramm-Rudman deficit reduction law is the kind of discipline we need to eliminate the deficit, and I shudder to think how large our deficit would be without it.

Under our new, pay-as-you-go system, we cannot spend more on one program without taking the money away from something else, or we must develop a new revenue source such as a tax or fee to cover the additional cost. That is the real discipline in the budget process that I want kept in place, regardless of the pressures created by the recession.

We should keep the pay-as-you-go policy to bring down the deficit.

The rewards will be great. We can expect lower interest rates and more investment in jobs, infrastructure, business, education, the environment, and housing. By sticking to our guns, the deficit in 1995 could be less than $100 billion, a deficit that would be less than 1 percent of our gross national product for the first time in 20 years.

That is a goal worth achieving, and our children and grandchildren will thank us for it.

SENATE—*Wednesday, February 27, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember with gratitude to God Senator John Sherman Cooper and Congressman Silvio Conte.

See then that ye walk circumspectly, not as fools, but as wise, Redeeming the time, because the days are evil. Wherefore be ye not unwise, but understanding what the will of the Lord is.—Ephesians 5:15-17.

Eternal God, perfect in truth and justice, in holiness and love, help us to understand that Thy will is good, acceptable, and perfect, leading to our full potential, individually and corporately. Help us to see that indifference toward Thee is rejection. Help us to overcome the reluctance which keeps us away from Thee. Forgive the pride which refuses to acknowledge human limitations and look to Thee for help in time of need. Midst the controversy and conflict of our daily affairs, lead us in paths of righteousness. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 27, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time reserved for the two leaders, there will be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 10 minutes each.

At 10 o'clock this morning the Senate will resume consideration of S. 419, the Resolution Trust Corporation funding bill.

At 3 p.m. today there will be a briefing on the Persian Gulf for all Senators in room S-407 of the Capitol.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not to exceed 10 minutes each.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

TERMS FOR CONCLUSION OF THE GULF WAR

Mr. SPECTER. Mr. President, I seek recognition this morning to comment briefly on what this Senator considers to be the appropriate terms for concluding the gulf war. It is the hope of all of this body, all of America, and most of the world that the war will be concluded speedily with a minimum loss of casualties on all sides, and that justice will prevail with victory for the coalition forces.

The question has been posed: What are the appropriate terms for ending the gulf war? I commend the President for his position in response to the Soviet-Iraqi proposal articulated at about 2:40 a.m. Moscow time last Friday morning in insisting that there be the complete and unconditional withdrawal by noon on Saturday. I further commend the President for his refusal to accept as an appropriate way to conclude the gulf war the informal comments coming out of Baghdad radio.

Mr. President, the comments made about appropriateness have included the need for the appearance of the Iraqi representative at the United Nations to present himself to the Secretary General of the United Nations with appropriate documentation where Iraq accepts all the terms and conditions of the U.N. resolutions.

Mr. President, there has been an enormous undertaking by the world community establishing the principle of collective security which has been the dream for decades, really for centuries, of all the world's nations. This dream was articulated by President Woodrow Wilson at the conclusion of World War I in the ideas for the League of Nations, and has been embodied in the principles of the U.N. organization. The United Nations, for the most part, has been a debating society for much of its 46 years, until collective security was organized for the gulf war through the brilliant efforts of the President and the Secretary of State of the United States.

Now that the coalition in the United Nations is on the brink of victory, and there have been the informal suggestion of surrender, or concession, or withdrawal, it is important that the formalities be maintained and that the acknowledgment from the Iraqis be made to the United Nations.

There is no doubt, Mr. President, there has been a military victory for the United Nations. There should equally be no doubt that there has been a political victory for the United Nations.

There is no doubt that there has been a military defeat for Iraq, but similarly there should be no doubt that there has been a political defeat for Iraq.

We have struggled to understand the approach necessary for the Mideast and for the Arab world, and what the U.S. foreign policy and diplomacy should do to address the issues in a much more vigorous way.

This Senator has commented from time to time about what I believe to have been the failures of the U.S. foreign policy in dealing with the governments of the Middle East, the governments of the Arab world, and the governments of the Muslim world in telling them what our ideas were, and our expectations were, in attempting to influence their conduct. We have seen in the gulf war a failure of U.S. diplomacy in that respect.

It is problematic, Mr. President, whether it would have succeeded had we been perfect at it, but we at least

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

should have tried and should have done a much better job than we have. But the formal recognition that Iraq was wrong, that Iraq has lost, and that the political victory belongs to the United Nations is very, very important as we take the next steps in structuring a new order, as articulated by President Bush, in the Mideast, a new order which will incorporate security and which will incorporate peace and justice for all the parties involved there.

Mr. President, in the acceptance of all the U.N. resolutions there will be the explicit recognition that Kuwait does not belong to Iraq, and Kuwait never has belonged to Iraq.

It is the hope of this Senator that as we structure the new order there will be a change in the organization of the Government of Kuwait so that the tremendous costs borne by the United States and the coalition will not result only in the reinstatement of the Emir of Kuwait, without any reform, without any effort at democracy, and without any effort at a sharing of the wealth.

Some of that wealth, Mr. President, I think rightfully belongs to those nations which have borne tremendous costs, the United States, the other partners of the coalition, Egypt, Turkey, Israel, all nations which have suffered very extensive costs.

Mr. President, another important item with respect to the recognition of the U.N. resolutions is the issue of reparations. When our Secretary of State spoke out a few weeks ago about foreign aid from the United States to rebuild Iraq, this Senator immediately disagreed. The American taxpayers ought not be called upon to rebuild Iraq for many reasons. One reason is that Iraq has the second largest proven oil reserves in the world and great potential wealth which should enable it to rebuild itself. Iraq should rebuild itself.

When it comes to the question of foreign aid, that is a very difficult item for the American people, to the U.S. national interests, as we appropriate funds for foreign aid.

Of the many subjects which this Senator addresses in open house town meetings in my State of Pennsylvania—including one in Harrisburg last Friday and one in Carlisle, PA, last Saturday—there is great misunderstanding as to whether foreign aid is humanitarian spending by the United States, or an expenditure made for our national self-interest. But there is no way to convince the American people, in my judgment, Mr. President, nor should there be any way to convince the American people, that United States tax dollars ought to be expended for the rebuilding of Iraq.

I was glad to see the President comment in a different tone to the suggestion made by the Secretary of State, but I do believe that the issue of reparations is one which Iraq ought to face up to. Reparations are embodied in the U.N. Charter, and are not a matter to be determined by the United States or any other single nation, but ought to be determined by the United Nations in accordance with international law.

There is another vital aspect of recognition of the U.N. resolutions, Mr. President, and that is recognition of the world legal order—who has jurisdiction on the issue of war crimes. Mr. President, many have commented about what is going to happen to the Iraqi leadership and President Saddam Hussein, and that is not an easy question, because there were problems with having the U.N. military forces proceed to Baghdad, in light of the U.N. mandate to liberate Kuwait. There is the issue about the response of the Arab world as to what steps are taken next by the United Nations and by the United States. It is recognized on all sides that we face a very difficult problem in the new order in the Mideast and in the Arab world.

But when the United Nations has spoken on the subject of war crimes, that is the appropriate approach to deal with Saddam Hussein and others in Iraq on the allegation of war crimes. I say allegation because we should pursue this issue, in my judgment, in accordance with standards of proof and legal process. There are precedents in the Nuremberg war trials following World War II which can be guideposts on the issue of war crimes.

This body, Mr. President, accepted the principle of an international court in a resolution which this Senator advanced in 1986 as it related to the subject of terrorism. The Congress further accepted a resolution, again advanced by this Senator in 1988, on the need for an international court as it related to the subject of dealing with international drug dealers. And last year the resolutions were again adopted with action to be taken by the State Department and the U.S. Judicial Conference.

And it is the hope of this Senator, Mr. President, that we may see an organization of an international court of justice on a permanent basis to deal with international crime so that where you have terrorists, where there is great reluctance on the part of a country like Egypt in 1985 to surrender a man like Abu Abbas to the United States, that the surrender to the international court is something which could be more easily accomplished.

The ACTING PRESIDENT pro tempore. The Chair advises the Senator from Pennsylvania that his 10 minutes have expired.

Mr. SPECTER. In light of the absence of any other Senator in the Chamber, so that no other Senator is seeking recognition, I ask unanimous consent to continue for an additional 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I was commenting about the range of where an international court might act and commented about the less complexity of having an international terrorist like Abu Abbas surrender to an international tribunal, this contrasts with a drug dealer like Mata who was taken into custody by Honduran authorities to be entrusted to the international tribunal, or Colombian drug dealers where the Government of Colombia has shifted its policy—in the opinion of this Senator, unwisely—to suggest forgiveness of drug infractions, drug violations, and the avoidance of extradition to the United States. There again, turning those criminals, or alleged criminals, over to an international court might be something that could be more easily accomplished.

Mr. President, as we look at the horrendous conduct of the Iraqis in the course of this war, what we have seen occur in Kuwait in terms of war crimes and what we have seen occur on the issue of using human shields, where for a time United States citizens were taken hostage and stationed in locations in Iraq to be human shields, and where we have seen Iraq fire Scud missiles into Tel Aviv, Israel, repeatedly into civilian populations, which had no conceivable military purpose is the quintessential example of a war crime. Those are issues which Iraq ought to face up to and issues which Saddam Hussein ought to face up to. Those are issues which everyone in the Iraqi chain of command should face up to, but in a principled way, in a way where it is not the United States which is taking on the police responsibility or the judicial responsibility, but in a way where an international court takes on that very important responsibility.

All of this, Mr. President, is embodied in the U.N. resolutions. They are embodied in the U.N. resolutions in advance of the fact, not ex post facto, a declaration on notice for all those in Iraq, including its President, Saddam Hussein, that this was the international expectation; that this was the international law, and now it ought to be enforced.

The appropriate procedure, I suggest, Mr. President, is for the Iraqi representative to appear at the United Nations to acknowledge acceptance of the U.N. resolutions, to acknowledge the military defeat of Iraq, to acknowledge the political defeat of Iraq, and then let international law take its course in a way which would bring fruition to the principles which Woodrow Wilson sought after World War I, and in a way which would establish binding legal precedence for the future, to discourage the kind of ruthless aggression we have seen in the gulf war.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I wish to thank my colleagues, the Senator from Michigan and the Senator from Ohio, for letting me make just a brief statement on Black History Month.

BLACK HISTORY MONTH

Mr. DOLE. Mr. President, as the Persian Gulf war winds to a successful conclusion, I want to pay a special tribute to black Americans, who, as they have for many years, play such a vital role in our Armed Forces.

Gen. Colin Powell and the other black Americans who comprise 25 percent of the forces in Operation Desert Storm continue a rich tradition of accomplishment, which America has celebrated during Black History Month.

Today, I want to salute the many black Americans who have been sons and daughters of Kansas.

There was Benjamin "Pap" Singleton, of Baxter Springs, who provided shelter for countless fugitive slaves.

George Washington Carver, who once homesteaded near Beeler, one of the most influential figures in American agriculture.

Hattie McDaniel, of Wichita, the first black American to win an academy award.

My good friend Arthur Fletcher, a college football star at Topeka's Washburn University, who would tackle the Nation's problems as Assistant Secretary of Labor, executive director of the United Negro College Fund, and Chairman of the U.S. Commission on Civil Rights.

Gordon Parks, of Fort Scott, Pulitzer Prize winning photographer, as well as a noted author, musician, and filmmaker.

And Capt. R.L. Pitts, of Wichita, the first black officer to be awarded the Congressional Medal of Honor, who was killed by enemy gunfire in Vietnam.

Each of them a Kansan. Each of them an American. Each of them building on the remarkable record of black Americans.

Mr. President, Black History Month offers an opportunity for all of us, individually, and as a nation, to look to the past and to reflect on the contributions of black Americans.

More importantly, however, it also offers the opportunity to look to the future, and to rededicate ourselves to working for a country and a society committed to basic civil rights and equal opportunity for all.

The best way, the only way, in which to celebrate Black History Month is to do all we can to reach that goal and not just during a month, but on every day of the year.

Mr. President, I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERREY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,174th day that Terry Anderson has been held captive in Lebanon.

WINNSBORO'S BEST AND FINEST IN THE PERSIAN GULF

Mr. HOLLINGS. Mr. President, today we appear to be in the final stage of the most massive, relentless, and successful air campaign in American history. On Saturday, President Bush ordered the infantry into battle to deliver the coup de grace, but make no mistake about it: it is United States air power that has brought Iraq's army to its knees.

Gen. Charles Horner of Shaw Air Force Base in Sumter, commander of the combined air forces of the anti-Iraq coalition, has become an instant military legend by planning and executing this brilliant air campaign. And I point out with pride that at the heart of General Horner's vast air armada have been A-10's from Myrtle Beach Air Force Base, as well as F-16 squadrons from Shaw and McEntire Air National Guard Base. These combat aircraft have been the scourge of Saddam Hussein's Republican Guard, and in 41 days of relentless attack they have shattered the Iraqi Army's will to fight.

Mr. President, I can tell you that there has been no more distinguished and heroic unit in this war than the 650 men and women of McEntire's 169th Tactical Fighter Group, which includes 25 F-16's, their pilots, plus hundreds of ground support and maintenance personnel. This is truly an elite reserve unit, winner of Top Gun honors in competitions pitting it against the best U.S. squadrons in the world, including full-time active duty Air Force units. On CNN, we have all seen the 169th's fighter jets returning from battle with "South Carolina" painted boldly on their tail fins.

There is nothing I can say in praise of the 169th Tactical Fighter Group that will speak more eloquently than the fact that it has flown more than 1,000 combat missions without a single loss either to enemy fire or to mechanical problems. This would be remarkable in peacetime training conditions, and it is truly exceptional given the stress of nonstop combat over a period of nearly 6 weeks.

Mr. President, the unsung heroes of this remarkable accomplishment are the men and women of the 169th Consolidated Aircraft Maintenance Squadron. Under the superb command of Maj. Charles E. Savage of Columbia, the ground crews of the 169th CAM squadron have achieved a reliability rating of close to 100 percent, meaning that close to 100 percent of the group's 25 F-16's fighters are fully mission capable at any given time. As you can imagine, that is an extraordinarily high rating, and it is a real tribute to the skills and dogged dedication of the CAM squadron's technicians working in unbelievably demanding conditions. I cannot speak highly enough of the job they are doing.

Mr. President, I know that no community in South Carolina takes more pride in this record than the town of Winnsboro and Fairfield County, which have 25 of their sons and daughters serving in the 169th Tactical Fighter Group. Twelve serve in the 169th CAM Squadron; they are T. Sgt. Albert L. Atkins, T. Sgt. Charles S. Frost, T. Sgt. Leonard E. Gregerson, S. Sgt. James R. Long, T. Sgt. George M. Martin, Jr., A1C Allen M. Mattox, S. Sgt. Steve C. Meisner, M. Sgt. Jud Pardue, M. Sgt. Julian Tanner, S. Sgt. Mark W. Tanner, T. Sgt. Steve Tanner, and A1C Ashley Wilson.

Others from Winnsboro and Fairfield County serving in the 169th include T. Sgt. William L. Dove, M. Sgt. Hugh J. Leitner, Jr., S. Sgt. Rock E. Sjodin, and S. Sgt. John S. Watts, all of the 240th Combat Communications Squadron; M. Sgt. Charles K. Kaiser, M. Sgt. John D. Mattox, Sgt. Sandra F. Roseborough, and S. Sgt. James R. Small, all of the 169th Resource Management System.

Also, S. Sgt. Ronald K. Evans and S. Sgt. Harry D. Kennedy of the 169th Services Flight; S. Sgt. Reuben E. George and S. Sgt. Julius C. Moore of the 169th Security Police Flight; and last, but far from least, one brave F-16 pilot, Capt. Dana A. Rawl, of the 157th Tactical Fighter Squadron.

Mr. President, it is entirely fitting that the town of Winnsboro has officially adopted the Air National Guard's 169th CAM Squadron as its own, and has issued a proclamation of pride and support for all Americans serving in Desert Storm. I will ask that the text of that proclamation be printed in the RECORD at the conclusion of my remarks.

Mr. President, the men and women of the 169th Tactical Fighter Group are among our best and finest. They are doing an extraordinary job for their country, and they are doing South Carolina proud. My hat is off to every one of them, and I join all Americans in praying for their safe and speedy return. We will welcome them back as hereos.

I ask that the proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

MAYOR AND COUNCIL, WINNSBORO, SC, PROCLAMATION

On January 16, 1991, the President of the United States, with authorization by, and support of Congress, recognized the need to order military action against the hostile forces of Iraq.

Over half a million members of the Armed Forces are now involved in Operation Desert Storm. Whether we agree or disagree on the events that led us to this moment in history, we now stand united behind our troops and their families. In an effort to demonstrate our unmitigated pride in the men and women of the United States Armed Forces we do, by process of this Proclamation, adopt the United States Air National Guard Unit 169th CAM Squadron. Based at McEntire Air National Guard Base, under the command of Col. Jerry Risher, this unit includes a sizable contingent representing our own beloved town and county.

In this, our country's darkest hour, we should look toward the light—the lights of freedom and liberty, peace and justice. We feel it is of vital importance to show our troops that we stand as one at this moment, committed in purpose, and praying for a speedy conclusion to this conflict.

Now, therefore, be it

Resolved, That we, the governing body of the Town of Winnsboro, on this the 12th day of February, 1991, do hereby proclaim our unequivocal support for our valiant men and women in their efforts to restore peace in the Persian Gulf hostilities.

May God be with each and every one, and return them to us safely.

Quay W. McMaster, Mayor; Richard H. Burton, Mayor Pro-Tem; Keith E. Martin, Council Member; Timothy N. Glover, Council Member; John M. Goode, Council Member.

MILITARY COUP IN THAILAND

Mr. MOYNIHAN. Mr. President, we were profoundly disappointed to hear of the military coup in Thailand this weekend. We must condemn it loudly. The Thai military has halted Thailand's advancing democracy. Under the military, "Thailand," as an editorial in the New York Times said yesterday, "marches in reverse."

The news reports, including those by that most able of reporters, Steven Erlanger, tell us that the pretext upon which the Thai military staged the coup was corruption in the civilian government of Prime Minister Chatichai Choonhavan. Say what one wants about corruption in the Thai civil authorities, but they unquestionably learned all the lessons of corruption from the world's greatest practitioners: Thai military officers.

As the New York Times editorial states:

> * * * the military cannot credibly pose as the champion of cleaner government. It directly controls the Burmese, Laotion and Cambodian border regions, where enormous profits are made running drugs, guns, refugees and contraband gems. Many army officers run border trading companies themselves, and the armed forces maintain vital lifelines to loathsome neighbors like the State Law and Order Restoration Council, or Slorc, in Myanmar and the Khmer Rouge in Cambodia.

Indeed.

The Bush administration has most appropriately cut off United States assistance to Thailand. The New York Times today also says we should consider the suspension of antinarcotics assistance. As their editorial says, "it makes no sense to cooperate with military men who protect drug dealers." This certainly is the record of the Thai military. Without any hope of a genuine antinarcotics effort from the civilian and democratic government that existed in Thailand until this weekend, there is no point in further ignoring Thai military involvement in narcotics trafficking. The stakes are too high. The heroin output from the Golden Triangle is soaring, and the Thai military is implicated.

Mr. President, the coup in Thailand is tragic. It is a blunt setback for growing Thai democracy. The 1989–90 report of Freedom House, that trusted guide to the state of freedom in the nations of the world, listed Thailand as "free." Since Saturday that is no longer true. The elected Prime Minister is under arrest, the press under censorship, and political rights crushed. Relations with the United States, already strained by growing trade dispute, have entered a period of crisis. It will only end when the Thai military finally and irrevocably accepts and respects the democratic freedoms of the Thai people. I hope that day is soon.

I ask unanimous consent that today's New York Times editorial and an article by Steven Erlanger be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 26, 1991]

THAI ARMY PLEDGES GOVERNMENT SOON; MOVES TO ASSURE INVESTORS—ELECTION DATE IS IN DOUBT

(By Steven Erlanger)

BANGKOK, THAILAND, February 25.—The Thai military, which seized power on Saturday without firing a shot, said today that it would announce a provisional government in the next five to seven days.

In an effort to calm foreign critics and overseas investors, the caretaker administration is likely to be headed by a respected, senior civilian, military officials said, although military commanders would continue to serve in a role described as advisers.

The Thai stock exchange fell more than 7 percent today, the first business day after the coup. Investors said they were concerned that major development projects of the ousted Government would be held up by the military. But commercial bankers who met with the Army Chief of Staff, Gen. Suchinda Kraprayoon, said they saw no long-term economic effect from the coup.

The leader of the military junta, the supreme commander, Gen. Sunthorn Kongsompong, said today that new elections might take longer that six months to organize, contradicting comments by General Suchinda on Sunday. A committee would draft a new constitution in the next six months, General Sunthorn said, but elections would have to take place afterward.

NO BOREDOM IN BANGKOK

"We will try to get this over with as soon as possible," he continued. "We don't want the public to get bored."

Students at Ramkhamhaeng University here staged a small protest against the coup, the first in public. They called for a rapid end to martial law, a resumption of political activity and new elections within 90 days. About 15 students were arrested by the police for violating martial-law restrictions on political gatherings of more than five people.

The military also announced the creation of a committee to investigate reports of corruption by ministers and others in the ousted Government of Prime Minister Chatichai Choonhavan, who remains under arrest at an undisclosed location. The seven-member committee would have the right to confiscate the assets of those "who have become unusually rich," a military spokesman, Col. Banchorn Chawangsilp, said.

But he refused to say at a news conference how many people the military had arrested since the coup and how many were still being sought. Mr. Chatichai's son, Kraisak, and many of his advisers are on a list of names given to immigration officials, who are under orders to prevent them from leaving the country.

Western diplomats suggested that the military would use the corruption investigations, which would not necessarily involve formal trials or normal rules of evidence, to strike at the leaders of Mr. Chatichai's Chart Thai party, the country's largest. They accused the party of leading a "parliamentary dictatorship" similar to that of Ferdinand E. Marcos in the Philippines.

But the diplomats and some Thais privately scoffed at the military leaders' stated justifications for the coup, saying that corrupton was hardly new to Thailand or to the military itself, and that the revered monarchy was at no risk from Mr. Chatichai.

The coup, they suggested, was the result of a showdown over political control of the military, which has run this country for most of its modern history.

Mr. Chatichai had already shifted senior police commanders, who hold military ranks. Last week, he announced the appointment as Deputy Defense Minister of a rival to the current military leaders, all of whom graduated in 1958 from Chulachomnklao Royal Military Academy and are known as Class Five.

LOSS OF TRUST

"Government corruption was a factor," said Suchit Bunbongkarm, a political scientist and Dean of the Faculty at Chulalongkorn University. "But what ignited the whole thing was the confrontation between the military and the Government, who had lost trust in one another."

Mr. Chatichai, Mr. Suchit said, had broken "the gentlemen's agreement that the Government should not interfere in military affairs." While it might seem strange to a foreigner used to civilian control of the military. Mr. Suchit said, the Thai military has always fought to protect its prestige and autonomy, and regards itself as loyal to the nation more than to civilian politicians.

The former supreme commander, Gen. Chavalit Yongchaiyudh, who is widely expected to become the next Prime Minister under an amended constitution, has spoken with contempt of politicians. He has condemned the influence of businessmen and the middle class on elected officials, who need large infusions of cash for campaigns here, where vote-buying is rife.

[From the New York Times, Feb. 26, 1991]

THAILAND MARCHES IN REVERSE

Saturday's military coup in Bangkok is a calamity for Thailand and a setback for U.S. interests in Southeast Asia. Washington is right to condemn the interruption of a promising democratic experiment and to suspend most U.S. aid. The new rulers have already backed off from their promise to hold elections within six months. A return to military-dominated regimes would cloud the bright future Thailand seemed to have in store.

Gen. Sunthorn Kongsompong accuses Chatichai Choonhavan, the elected Prime Minister whom he seized at gunpoint, of corruption and sheltering enemies of Thailand's constitutional monarchy.

The first charge is probably true. Yet the military cannot credibly pose as the champion of cleaner government. It directly controls the Burmese, Laotian and Cambodian border regions, where enormous profits are made running drugs, guns, refugees and contraband gems. Many army officers run border trading companies themselves, and the armed forces maintain vital lifelines to loathsome neighbors like the State Law and Order Restoration Council, or Slorc, in Myanmar and the Khmer Rouge in Cambodia.

As for the charge that the Prime Minister encouraged foes of the monarchy, King Bhumipol Adulyadej himself has intervened to defend the Chatichai Government against military pressure. Personal ambition and military contempt for democracy are the real forces behind this coup.

The Thai military has attempted 17 coups since it put an end to absolute monarchy in 1932. But the last successful coup occurred almost 15 years ago. Since then, democracy has begun to take root, especially since Mr. Chatichai, himself a retired general, took office in 1988.

The Chatichai Government's progressive deregulation of the economy spurred double-digit growth rates. The boom worsened already severe social and environmental problems, but Mr. Chatichai responded with initiatives like a ban on logging exports from vulnerable rain forests. Mr. Chatichai also worked hard for a Cambodian peace.

Washington has not suspended anti-narcotics aid. Thailand is the main base for U.S. Drug Enforcement Agency operations in the opium-growing Golden Triangle region, spanning Thailand, Laos and Myanmar. Slowing the flow of drugs sometimes requires cooperation with undemocratic regimes.

But, as Americans learned in Panama, it makes no sense to cooperate with military men who protect drug dealers. Unless Bangkok's new rulers show speedy progress against corruption and quickly restore civilian control, Washington may have to cut anti-narcotics aid too.

TRIAL FOR WAR CRIMES COMMITTED BY IRAQ

Mr. COATS. Mr. President, yesterday I made public my support for the proposal to bring Saddam Hussein and his military leaders to trial for war crimes committed by Iraq during the Persian Gulf War.

The atrocities we have witnessed during the conflict, including Iraq's treatment of POW's, genocide against Kuwaitis, environmental terrorism, and unprovoked missile attacks in heavily populated civilian areas of Israel, a noncombatant, serve as painful evidence to this case.

In my own State of Indiana, the State legislature shares my position in this matter and has passed a resolution urging that Saddam Hussein be held personally accountable and punished to the full extent of the law for his war crimes. I wish to thank the members of the Indiana Assembly for supporting our efforts in ensuring that if found guilty, Hussein will be forced to face the consequences of his actions.

Iraq, as a signatory to the Geneva Convention, is bound to that treaty's guidelines on the just conduct of war. I said this in my statement yesterday, and it is mentioned in the resolution agreed to by both Houses of the Indiana Assembly. The Geneva Convention prohibits the use of POW's as human shields, as well as the use of pressure on prisoners in coercing them to supply information to an enemy.

The crimes of Saddam Hussein and his military leaders are crimes of universal jurisdiction, and may be tried by the United States and its partners in the coalition. Within the context of the Geneva Convention are remedies agreed upon by its signators to punish those who have broken the rules. Once the military conflict has ended in the gulf, I urge that Saddam Hussein and accomplices to his acts be taken into custody for trial.

ARIZONA GUBERNATORIAL ELECTION

Mr. DOLE. Mr. President, for the past few weeks, much has been written and said about the Governor's race in Arizona. Charges, countercharges, and accusations have been leveled—not only in Arizona, but here in Washington, as well. It seems that everyone had something they wanted to say about this race.

Yesterday, finally, it was the voters turn, and loud and clear they said that their choice for Governor was Fife Symington.

I want to extend my congratulations to Governor-elect Symington. He has a big job ahead of him, but I am confident he will prove to be an outstanding leader for his great State.

I also want to congratulate the voters of Arizona, who were able to understand that accusations and accuracy do not go hand-in-hand, and that they can make their own decisions just fine, thank you, without help from Washington.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair announces that morning business is closed.

RESOLUTION TRUST CORPORATION FUNDING ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 419) to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, years ago Congress made a commitment to the public that their deposits in savings and loans would be protected in the event of insolvency. That commitment puts this body in a very difficult position. We really have no choice but to provide the RTC with billions and billions of dollars to fund the bailout. Under these circumstances, I am prepared to support the large appropriations that are necessary, but I will support them if, and only if, I believe and am convinced that the RTC is operating as a public servant rather than as an entity accountable only unto itself.

I regret to say that my experience leads me to conclude that the RTC believes it is accountable to no one, including the U.S. Congress. There are a number of reasons why I feel this way, and I will attempt to lay them out in rather specific details.

Let me first address myself to the so-called 1988 deals. Prior to the passage of FIRREA, the Federal Home Loan Bank Board was charged with the responsibility of selling failed savings and loans in order to take them off the Government's hands. But instead of disposing of a costly problem, these transactions have added billions of dollars to the bailout costs. The disgraceful manner in which the so-called 1988 deals were put together by the Federal Home Bank Board, the RTC's predecessor, has proven one of the biggest blunders in the entire bailout.

In order to fully appreciate the critical role the RTC is required to play in resolving the issues surrounding the

1988 deals, let us review for a moment what happened.

As the clock ticked toward New Year's eve in 1988, it became apparent to potential purchasers of failed savings and loans that a lucrative tax break would expire on January 1, 1989. This set off a Federal frenzy involving some of the sharpest sharks in the business world. In the confusion of around-the-clock negotiations and dealmaking, the Federal Home Loan Bank Board put together deals which amount to nothing more than fire sales.

Some of our Nation's savviest, most aggressive financiers, corporate executives and takeover artists, sensing an opportunity, got the steal of the century. For a relatively modest amount of money, investors acquired not only an S&L and its assets, but huge sums of Government guaranteed subsidies. Many investors were put in the enviable position of having the most to gain and the least to lose.

To make matters worse, all of the Federal assistance given to these investors is tax free—tax free. In many cases, the tax breaks did not stay within the new thrift institution, but were used to shield income of a parent company, the company that owned the S&L. Tax breaks became the fuel that drove many of these deals. In fact, the tax breaks alone, in many cases, were equal to or greater than what the investors paid to purchase the thrift.

Not only did investors have an interest in the tax breaks, but the Federal Savings and Loan Insurance Corporation, otherwise known as FSLIC, the Government agency responsible for putting the deals together, itself had an interest in the tax breaks. Why? Because FSLIC was going to get a piece of the action. The more the FSLIC gave away in tax breaks, the more FSLIC could put in its own pockets. In other words, they would make a deal which provided that 30 percent of the savings in taxes or some particular number would be refunded to FSLIC.

So as a consequence, FSLIC had an incentive to give away more in tax breaks coming from the IRS and from the taxpayers of this country in order that the FSLIC would get back some of that money in future years.

FSLIC repeatedly negotiated deals in which the buyers agreed to return a portion of the tax breaks to FSLIC in the form of hard cash. Ordinarily, FSLIC did not receive appropriations from Congress and, therefore, relied on insurance premiums and the sale of assets to operate. The scheme cooked up by FSLIC, one of the most unbelievable schemes I have ever heard of in my years in Government, where the one arm of Government is trying to give away more of tax dollars in order that that arm of Government may share in those tax refunds. And so the scheme cooked up by FSLIC to share the tax breaks with the acquirers amounted to nothing more than back-door appropriations designed to circumvent the congressional appropriations process.

Tax breaks went from the Treasury to the acquirer, and then to FSLIC. A classic example of one arm of Government milking another arm.

In the last few days of 1988, the distinguished manager of this bill, Senator RIEGLE, and I strongly urged Secretary Brady and others in the administration to stop the rash of chaotic, uncontrolled dealmaking. I remember so well, it was during the Christmas recess at that time, and Senator RIEGLE, from his point, wherever he was located, was speaking with Nick Brady, the Secretary of the Treasury, and urging him not to make any more of these deals. And I, from where I was at the time, was calling him to the same effect. My recollection is that the Secretary was somewhere down in the Caribbean islands.

As a matter of fact, an uncontrolled dealmaking was covered by me in a December 29, 1988, letter to the then Chairman of the Federal Home Loan Bank Board. We were trying every way possible to say: Stop, halt what you are doing. You are costing the American taxpayers billions of dollars.

In that letter I wrote:

> The haste with which you are proceeding may prove to be shortsighted, irresponsible, and ultimately unfair to the U.S. taxpayers.

In spite of that warning, and the warnings of many of my distinguished colleagues, including the distinguished chairman of the Banking Committee, and others in the House, the deals continued. For those who would say that a December 29 letter announced nothing more than a last-minute warning, let me tell you that deals were being made up to the very last hour, the last minute, the last second of 1988 to get under the wire so they could get these tax giveaways.

Out of the 96 deals made in December 1988, 25 were slapped together in the last 2 days of December 1988. Let us not kid ourselves. These are complicated deals. These are deals that took a lot of understanding, to know the numbers, to know the language of the contracts. On one side of the table were seated some of the sharpest, savviest, wheeler-dealers in this country, and on the other side were some Government employees trying to get it done in a hurry. Twenty-five deals in 2 days, 98 deals in 31 days? As a consequence, we got took. Plenty of people got took. We paid the price, and we are paying it now.

Mr. RIEGLE. Will the Senator yield at that point, because this is important history?

Mr. METZENBAUM. I certainly do.

Mr. RIEGLE. He is describing the problem as it existed at that time, and he and I talked together and attempted to do something about it.

But I want to just add a little bit more to that history because we have not really discussed this before as fully as this.

At that particular time, at the end of 1988, of course, the tax laws were about to change, so part of the rush up against the end of the year was to try to consummate these deals using these tax credits as the sweetener, these tax benefits prior to the time that the law would change. Of course, what that meant was it was essentially spending public money, but because you were using tax breaks it was not like actually writing a check to somebody. It meant that they would not have to write a check that they owed the Government in the future. So it was a little harder to track.

But I remember the Senator and I spoke at the time. I called the Secretary of the Treasury, as did the Senator, to say that we were concerned about the fact that that approach was in effect spending a large chunk of public money but it was really outside the normal budget process. The Senator will recall that he said that he, too, was concerned about it; that he would look at it to see if he had a basis upon which to intervene.

Then as I recall, a day or so later the message came back that he felt he was not in a position to intervene in that situation to have an impact on this flood or rush of deals that was occurring up against that December 31 date.

It also should be said that at that time I was not yet the banking chairman, because we were changing; Senator Proxmire was leaving, and so while I was to be incoming banking chairman, I was not at that point the banking chairman.

But I nevertheless sent a letter to the GAO, which I made public, asking the GAO to move in right then to get hold of the facts and the documents and the dealmaking information as it existed right then so we would know what was happening, and so those people who were doing deals would know that they would be accountable for what was done because there would be an independent, third-party look at what was happening.

So GAO was asked to go into that dealmaking process at that time in order to put everybody on notice that things which were done late at night, when everybody was fatigued, and this rush to try to do all these deals would not be something that would escape full and careful examination and have to be looked at later.

It is interesting; a study which was done for the Banking Committee, indicated that on average for every dollar of tax benefit that was spent to force these deals into place, the Government only saved 50 cents in terms of the actual economy gained by having done the deal. So that the tax deals on their face were a net loser to the Government even within the context of the way the deals were structured.

So that not only were enormous advantages given out in terms of these tax benefits and tax savings but it was a bad economic bargain because we ended up spending more in tax benefits than we ever received in savings in these deals, according to the study that we have had done that goes back and does the anatomy on these deals taken as a whole.

I thank the Senator for yielding.

Mr. METZENBAUM. I thank the chairman of the Banking Committee for his further elaboration upon the facts as they occurred at that time. Certainly he was very alert in getting the GAO to move in at that point. Unfortunately, there has been insufficient followup or coordination, and the American taxpayer is winding up stuck with the bill.

One point that I do want to add concerning his communication and my communication with the Secretary of the Treasury is that he did indicate he was not certain what his authority was and not sure what he could do. This Senator stands on the floor of the Senate today and says what I have said previously, and that is that if the Secretary of the Treasury had said "stop," I do not believe that any persons who held lower-level positions in the Government would have continued. Had he taken the position at that point not to go forward, those deals would not have gone forward, because I do not think he would have had to prove that he had the legal authority; he had sufficient prestige and sufficient responsibility, speaking for the President of the United States as a Member of his Cabinet, as the Treasurer, to say, put a stop to them, and they would have stopped. I regret that he did not see fit to do so, and the American taxpayers have a special reason to regret that he did not do so.

Since 1988, Congress has had an opportunity to take a close look at some of the 1988 deals. The findings have sparked a sense of outrage.

Let me give you one example, the Perelman deal.

In the waning hours of 1988, Ronald Perelman, chairman of Revlon, Inc., and the fifth richest person in America, according to Forbes magazine, purchased several thrifts now known as First Gibraltar. For his investment of $315 million, Perelman and his other investors got $5.1 billion in Government assistance. That is about 17 times the amount of their actual investment. Within 2 years, the Perelman investors recaptured their entire investment—within 2 years they recaptured their entire investment—and wound up owning an institution with almost $10 billion in assets.

Now, some may ask, what is wrong with the Perelman deal? Everyone is entitled to make a profit.

I will tell you what is wrong with the Perelman deal, and many of the other 1988 deals. The main reason the Perelman deal was such a lucrative investment for its investors is that the Government overestimated the cost of cleaning up the thrift by $1.6 billion—overestimated $1.6 billion. As a result, they gave Perelman far bigger subsidies than were needed including $461 million in cash in the first year and additional amounts in subsequent years.

In addition, the losses of First Gibraltar can be deducted from the profits of Macandrews and Forbes, the holding company through which the purchase was made. In other words, the savings and loan will not get the advantage of the tax deduction; the holding company that owns the savings and loan is going to get the advantages because probably there would not be that much in profits for the savings and loan itself.

As a result of special tax benefits Macandrews and Forbes and not the thrift saved more than $121 million in taxes in 1989, that is in addition to the thrift's $129 million in profits.

To top it off, FSLIC and Perelman had a tax-sharing agreement whereby Perelman greased the pockets of FSLIC's to the tune of 30 percent of Perelman tax breaks. That was one of those cases where the more they gave away in tax breaks, the more you took out of the Treasury, the more you put into the pockets of FSLIC.

In the Perelman deal and in many of the other deals, the Government was working from a distinct disadvantage. Buyer and seller were not on an equal footing. Sophisticated investors had negotiating skills and other professional expertise far beyond those of the Government. The Government and the taxpayers are the losers. And those deals were made with heavy teams of accountants, lawyers, and business people, people who were sharp and understood what it was all about. And the Government did not know what they were doing and gave away billions of dollars.

The Perelman deal and the other 1988 deals are costly yet excellent illustrations of how the Government has bungled the savings and loan rescue and wasted billions of dollars.

I am not the only Senator who warned about the 1988 deals or who has complained about them since.

I see the chairman of the Banking Committee on his feet seeking recognition.

Mr. RIEGLE. If the Senator will yield, there is another related point. The Senator from Ohio laying out some key history here that has not been developed as fully as before; that is, there was another problem here as to who got the chance to do these deals. One of the problems was that we were hearing from other interested parties that wanted to bid in certain instances, say, on a failed savings and loan; that some were allowed to get into this negotiating process, and in turn ended up with these good tax benefit type situations and others were not allowed to compete on an equal footing.

One of the questions that we were asked repeatedly at that time and were never able to get an answer to is why is it that some people were able to pursue these to conclusion and other bidders were not accorded the same treatment? What happened very often is that a preferred bidder was identified, and it was never quite clear why a particular company or a particular individual was seen as the preferred bidder. But that preferred bidder then got into the position of going on down through the process and other bidders who wanted to be involved—and who might in fact have offered a better deal to the Government—were at some point along the way shut out of it. It was never clear, and it is not clear to this day, as to how the decision was made that one individual got a chance to go on down through and close these deals and other qualified and topflight bidders—I am talking about bidders whose names are well-known, corporations and others—were told sorry, you are out of the running on this when so and so has the inside track. But just so it would be clear, there was that element in this puzzle as well at that time.

Mr. METZENBAUM. I thank my colleague and friend from Michigan. He is 1,000 percent on target because I know too of many who wanted to get the door open to come in to make a competitive bid, who thought that they were fully capable of running these savings and loans, and who were prepared to put up their own dollars to do it. They were kept out. Who decided that this one was right and that one was wrong?

The chairman of the Banking Committee is right on target. The question has never been answered but me thinks that there were some elements of favoritism involved. I have no factual basis to confirm that but I cannot believe in the reality of the world in which we live that when some people are picked out and others had the door shut on them—and that occurred across the country—something funny occurred. The Congress and the people of the United States do not know all the answers. I wish we did. I appreciate his adding that factor into this debate this morning.

Many of my colleagues have raised serious and legitimate questions about why the Government negotiated such giveaway terms and was so incompetent in protecting the taxpayer. They wonder whether in some of the contracts in which the 1988 deals are based the private parties acquiring the thrifts broke the law thereby providing the Government grounds to rescind or force the renegotiation of the contracts and thus save taxpayer dollars. And they also wonder whether in other contracts where the Government simply made a bad deal with contracts can be restructured even as of now to save the taxpayers' money by exercising options in the contract.

As part of the 1989 bailout law, the so-called FIRREA legislation, Congress addressed itself to these issues. They tried to answer these questions by ordering the RTC to scrutinize each of the 1988 deals and look for ways to save taxpayer money. In addition, the RTC was specifically required to exercise all legal rights to rescind or force the negotiation of a deal where there were legal grounds such as fraud or misrepresentation.

They were also ordered to exercise all legal options in the contracts to restructure some or all of the giveaway terms the Government had agreed to.

With the passage of FIRREA, I had hoped and many others had hoped that the Government would finally act to protect the American taxpayer. I and many others had hoped that the RTC would take seriously that the Congressional mandate was not just a wish—it was a mandate to take certain action—and that RTC would take fast and aggressive action to get the job done.

I and my colleagues in Congress who are concerned about this issue were wrong on both counts. The RTC has done nothing short of ignore the Congressional mandate.

I have served in this body for about 15 years. And I was not unfamiliar with governmental actions prior to that time. Never in my political career or my private career have I seen any agency of Government so spit in the eye, flaunt the will, of the Congress of the United States—which was ordered to do something by the Congress of the United States and just failed to do it.

I will address myself further not alone to this instance but to additional instances where Congress has mandated the RTC to act, and RTC has just said, "Tough. We are not going to."

The RTC's performance to date has been an outrage and a disappointment to the American taxpayer and to the Congress of the United States. In the year and a half since the passage of FIRREA, the RTC has not taken action to undo or alter a single 1988 contract. Instead, the RTC has wasted all of the precious time since the 1988 deals doing studies. They ought to put it to music. They were going to do a study, another study, another study, studies that tell us nothing more than what is self-evident, that the Government handled the 1988 deals poorly, and the Government can exercise options in the contracts to buy back assets and payoff promissory notes.

Can you believe it? The RTC has spent millions to tell us about a first year loss which could have been told to us on a homework assignment.

The first study the RTC did took 13 months to complete. It was submitted by the RTC on September 18, 1990. The Congress had told the RTC to review and analyze all of the 1988 deals and actively review all means by which it can reduce costs.

I am reading statutory language.

By not compelling testimony or going beyond just the words of the documents, the first study fell seriously short of the FIRREA directive. The study did little more than summarize and categorize the terms and forms of assistance contained in the 1988 contracts.

It was a farce. It was absolutely stupid. I guess they paid $3.5 million for that study—I think that is correct—to tell them what the words said in the contracts, whether the t's were crossed and i's dotted and whether they used good grammar. They did not do anything about the contracts themselves in restructuring, rescinding them, or renegotiating.

I called to complain to the head of the RTC about their failure to have done anything in that first study, and he assured me there was a second study going on, and a second study was going on. That one, I was assured, was going to get to the nitty-gritty, to the real problem, to see how the RTC can save the taxpayers some money.

The second study was submitted by the RTC on December 26, 1990. It was equally lacking. The focus of that study was on the competitiveness on the bidding process—the matter to which the chairman of the Banking Committee just referred—used in making the 1988 deals.

The study goes to great lengths to describe the various bidding processes used by the bank board, but it does little more. The study concludes that the Federal Home Loan Bank Board's Southwest plan, a plan specifically designed to handle the sale of thrifts located in the Texas area, did not provide the same opportunities for all potential bidders to compete on a fair and equitable basis.

That was the finding of that study, and that point is one with which I agree. The question is, does that mean that the bidding and negotiating processes were not competitive? If so, the report should make that clear in plain English instead of trying to dance around the issue.

If bidding and negotiating processes were not competitive, why not? Why was there not competition? Was there any basis to undo the contracts because of irregularities in the bidding process? These are questions that the second study should have answered. It did not.

You may ask why were those questions not answered. FIRREA was certainly clear enough in outlining what it expected the RTC to do. These questions and others were not answered because the law firm doing the study, Steptoe and Johnson, did not understand it to be part of their job to answer these questions. Steptoe and Johnson state in their report that:

> We did not understand our task to have been to make findings as to violations of law.

What else did they think they were supposed to be doing? That is exactly what their task was supposed to be. If they did not understand they should have been looking for possible violations of law and other irregularities in the bidding process, which could have served as a basis to open some of the deals, then they have wasted their time and, yes, wasted more of the taxpayers' money.

I am not saying that Steptoe and Johnson had to make findings of fact as to whether indeed there were violations of the law. That is the responsibility of the courts. What I am saying is, in doing its study, Steptoe and Johnson should have been looking for irregularities in the bidding and negotiating process and how that bidding and negotiating process was conducted, and whether or not others were permitted to bid or whether the door was slammed in their face, and how it was decided who would have a right to bid and who would not have a right to bid.

Such findings could have served as a legal basis to rescind the contract or serve as a basis to force the renegotiation of the contracts. That would have been something worthwhile that could have ultimately led to savings for the Government.

Any irregularities should have been reported to the appropriate Government agency for further investigation and possible litigation or prosecution.

That report did nothing to meet the mandate of Congress, which was to find ways in which the Government can reduce costs.

In the second study there was still nothing done to meet the mandate of Congress about trying to do something about the deals to save the taxpayers money.

After waiting for over a year for the RTC to scrutinize the 1988 deals and do something about them, I decided to ask private law firms, some of the most prestigious law firms in the country, if they would be willing to do the job for the Government on a contingency fee basis.

The Nation's most prestigious law firms responded with enthusiasm and with an understanding that there was a pro bono aspect of getting involved and doing something they did not normally do.

I provided the RTC with a list of those firms. In response, the RTC told me they planned to do yet another study.

What an unbelievable series of reactions from a Government agency, which some people thought was going to do a pretty good job when it was first setup. Can you believe your ears? The RTC wants to do another study. How do they want to do that? They have said to these very same law firms who had gone out of their way, who had indicated a willingness, at my behest, to handle the cases, to renegotiate, rescind, restructure these contracts on a contingency fee basis, and only get paid if they were able to save the Government money, and to get a share of that saving. I do not know what that amount would have been, but they were willing to do that. The RTC does not use them. No.

The RTC is cute—maybe cute and stupid—and I do not know what else, as well. The RTC now says to these law firms that they want them to study how to determine whether there are legal grounds to rescind or force the renegotiation of a 1988 deal.

How absurd can they be? The RTC will not hire these firms on a contingency fee basis, but is now saying to them that they want to do this study as to how to renegotiate or rescind these deals, and they are saying to these law firms "You ought to do it for nothing, you ought to do to pro bono."

It so happens that I do not have much truck with these particular law firms. They are some of the largest in the country, and it is my guess that they would never be supporters of the man who is making the statement at the moment. But they responded, and responded well, because they understood the responsibility of government, and they understood the question of what was right for the American people.

Now the RTC has the audacity to come in and say that they want another study, and they want these firms to do it pro bono, free.

Maybe the RTC hopes to appeal to their sense of national duty and responsibility, but I do not expect that the firms will do this for nothing. Frankly, I do not blame them.

Can you imagine, the RTC is willing to pay for outside counsel to do studies, but is not willing to offer a contingency-fee basis which is without cost to the Government to lawyers willing to seek legal grounds to save taxpayer's money.

So what is the Congress left with? I will tell you: A finger in your eye. The RTC has simply ignored the specific mandate in the FIRREA legislation. The RTC has not scrutinized each of the 1988 deals. The RTC has not even attempted—not even attempted—to exercise legal grounds to rescind or force the renegotiation of 1988 deals where there was misconduct such as fraud or misrepresentation.

The RTC has done little—maybe it would be better described as nothing—to restructure the 1988 deals where the contract itself gives them the right to do so. The RTC has failed miserably in its responsibility to the public and in complying with the congressional mandate.

But that is not the end of it. It gets worse, much worse, because by delaying action against the 1988 deals, we significantly reduce the amount of taxpayer money that can be saved.

Many of the 1988 deals are constructed in such a manner that the highest Government subsidies are paid in the first 2 to 3 years of the contract. With each year, with each month, with each day, the total amount of subsidy declines.

Thus, the longer the RTC delays in taking action, the less the Government stands to recoup.

You say, "Come on, Senator; how could this happen?" The Congress knew there was money to be saved. We directed the RTC to attempt to save it in the FIRREA law, but the RTC is accountable to no one, least of all the U.S. Congress.

You might say, "Well, did we give our RTC too tough a job? Maybe what we want cannot be done." That is unadulterated nonsense; that is bull. It can be done; it could have been done; it should have been done.

At about the same time the RTC was doing studies on the 1988 deals, the Judiciary Subcommittee, which I chair, conducted oversight hearings on just one of the 1988 deals, the Bluebonnet deal purchased by James Fail.

I selected Bluebonnet, not because I suspected any wrongdoing on the part of acquirer, but because Bluebonnet's profit margin in 1989 was considered to be the highest of all savings and loans in America, 62 percent.

Can you imagine that? Due to huge Government subsidies, a 1988 deal for 15 failed thrifts in Texas became the most profitable savings and loan in America in 1989.

As brought out in those hearings, the Bluebonnet deal involved favoritism, poor Government staff work, and huge Government subsidies to James Fail, who due to his prior legal troubles should never have been eligible to take over a thrift. In short, there were numerous grounds to keep him from taking over the thrift, including misrepresentation, and other grounds as well. They provided a sufficient basis to seriously consider rescinding or forcing the renegotiation of the contract.

The RTC did nothing, did not lift a finger, and continued to pay the huge monthly subsidies to Mr. Fail's savings and loan.

We even found in that investigation, and we reported it to State insurance commissioners, transactions that appeared to violate State insurance laws. Several of Mr. Fail's insurance companies have now been taken over by those States. All the while, the RTC has done nothing.

Bluebonnet was only the tip of the iceberg, one of the many rotten deals made in the closing days and months of 1988. If we could find grounds to possibly rescind the Bluebonnet acquisition with the limited resources that a single subcommittee has, imagine what the RTC could find if they were committed to the test we gave them of saving the taxpayer money.

So, you say, surely the RTC has done something beyond those two studies. Yes, they did. Late last year, they asked Congress for money. Oh, they are good at that. That is what we are here about today. At that time, they asked for $22 billion to make payments on the 1988 deals; $10 billion of that was to restructure the deals by exercising options in the contracts, like prepaying notes. They told us they could save $2 billion by spending that money.

We took that RTC at its word and gave them the money, but Congress attached another mandate. I do not know why we keep mandating the RTC to do certain things, because they do not do it. And maybe the only way you can force the RTC to do that which has to be done is by withholding the money and making it clear why—why—the money is being withheld.

Under the new law, the RTC is now required to give Congress a monthly report on a case-by-case basis, describing any action taken by them on the 1988 deals. In addition, Congress repeated a requirement from FIRREA that the RTC is required to exercise any legal right to rescind or force the renegotiation of a deal where there are grounds like fraud or misrepresentation, or, second, to restructure a contract based on options in the contract, if the exercise of those legal rights would save money.

And last, before expending any of the appropriated funds, the RTC is required to certify to Congress for each of the 1988 deals that the RTC has completed a review of the deal; a determination has been made as to whether there is legal basis to rescind that deal, each of the 1988 deals; and the RTC has exercised or will promptly exercise all legal rights to restructure the deals, by exercising options in the contract, where savings would be realized. The language is clear.

Let me read you the language. The language of the law is very clear. Section 519(a):

> The Resolution Trust Corporation shall report to the Congress at least once a month on the status of the review required by section 221(a)(b)11(b) of the Federal Home Loan Bank Act, and the actions taken with respect to the agreements described in such section.
>
> The report shall describe for each such agreement the review that has been conducted and the action that has been taken, if any, to rescind or to restructure, modify, or renegotiate the agreement.
>
> In describing the action taken, the corporation is not required to provide detailed information regarding an ongoing investigation or negotiation. The corporation shall exercise any and all legal rights to restruc-

> ture, modify, renegotiate, or rescind such agreement, notwithstanding any other provision of law where the savings would be realized.

That says that they have to give us, give to the Congress, a report on a monthly basis of what they have done in connection with each deal.

This is their unbelievable answer to the mandate to report as to what they have done in connection with each of the deals.

This is what they have said:

> Activities in November and December.
>
> During November and December RTC completed its review of each of the 1988-89 FSLIC assistance agreements. The first report on the cost of each agreement was forwarded to the oversight board and the Congress on September 18, 1990.

This is prior to enactment of this new mandatory legislation. The second report on the bidding and negotiating process was forwarded to the oversight board and the Congress on December 27, 1990.

> On December 20, 1990, the RTC board of directors authorized the RTC staff to forward its recommendations for restructuring, modifying, and renegotiating the 1988-89 FSLIC assistance agreements to the oversight board. In authorizing the transmittal of staff recommendations, the RTC board of directors requested the oversight board to advise it whether the oversight board wishes the RTC to spend the FSLIC resolution fund's FY '91 appropriated funds or attempt to extract savings without significant cash outlays. The transmittal of recommendations was requested by the oversight board in order to comply with their mandate to develop and establish overall strategies, policies, and goals for the restructuring of 1988-89 FSLIC assistance agreements.

It goes on, a last paragraph:

> Rescissions, Modifications, Restructurings, and Renegotiations.
>
> While preliminary discussions have begun with a number of FSLIC-assisted institutions, no agreements were rescinded, modified, restructured, or renegotiated during November and December 1990.

Now, what I am saying is simple. That is the most impertinent response to a mandate of the Congress that is possible to conceive of. We said to them, we want a report on every single deal and what you have done in connection with it. And instead of giving us that, they gave us this gobbledygook in a half a page on a single piece of paper.

We are not saying that the RTC is required to take any particular action on any particular deal, but it is required to determine whether certain legal grounds are available to challenge 1988 deals, and it is required to act to save money. They have not done a darn thing to achieve that objective.

It was my hope that by requiring the kind of reporting that is required in our enactment at the close of the last session and by the amendment that I had offered on the appropriations bill, I had hoped that, by requiring that kind of reporting and certification, the Congress would ensure that the RTC would finally take action to save the taxpayers money. I was wrong once again.

It has been 4 months since we passed the new mandate. The RTC has submitted that one report, and that came on a one-page report. The RTC has made a mockery of this third congressional mandate.

It is easy to summarize what the RTC has done about the 1988 deals since August 1989 and the FIRREA legislation. The RTC has, one, conducted two meaningless studies and prepared for a third. Two, they have asked Congress for $22 billion. Three, they have sent notice to some 1988 deal owners that the RTC may prepay some notes, and they have come to Congress today for $30 billion—$30 billion—and, in addition, that $30 billion will make it possible for them to borrow an additional $48 billion. So they have done nothing. But we are called upon today to pass a piece of legislation making it possible for them to raise $78 billion. Can you believe it?

We come out here and we fight for $200 or $300 million for some worthwhile project to help children or seniors or people who are not working or people who have certain kinds of illnesses. We have begged for money for cancer research and for AIDS research and Alzheimer research. But in this one fell swoop, $78 billion is being asked by an agent that just will not do anything to save the taxpayers money and has flaunted the will of Congress time and time and time again.

Let me tell you what the RTC has not done. The RTC has ignored the congressional mandate in FIRREA to determine for each 1988 deal whether there were legal grounds to rescind or enforce the renegotiations of the deal. Two, the RTC has ignored the congressional mandate in FIRREA to take action in each 1988 deal. Three, the RTC has ignored the congressional mandate in the 1989 appropriations bill to tell Congress what it has done with respect to each of the 1988 deals. And, four, the RTC has failed to save taxpayer money by taking action against the 1988 deals.

This is an absymal record. It says one thing loud and clear. The RTC, according to them, is not accountable to the U.S. Congress. The RTC refuses to abide by the law. It is a power unto itself. And Congress can go fly a kite. The RTC is off on its own, ignoring Congress, and setting its own priorities.

Mr. President, the 1988 deals are not the only place where I have firsthand knowledge of the RTC's poor performance. I would like to pause for a few minutes, but I intend to come back to go into further discussion of the RTC's failure to meet its responsibilities.

Mr. President, I therefore, suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KOHL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I rise again in support of the intent of the Senator from Ohio, who is trying to get the body, and I think has been successful in doing so, in getting our colleagues to focus our attention on the lack of accountability present with the Resolution Trust Corporation. There is none.

Quite simply, Mr. President, almost everyone who has observed the current activity of the Resolution Trust Corporation has concluded it is not working, that something is wrong. I hear the administration saying we are going to lose money if we do not get money approved right away. The fact is we have been losing money right along with the appropriations of the Resolution Trust Corporation. The policy that they have been attempting to put in place simply has not worked.

Mr. President, I have for some time now been trying to focus on this policy question and the accountability question and the absence of it and the difficulty that we as representatives have in discovering what is going on at Resolution Trust Corporation, let alone have an entity that can make decisions. They are struggling to make decisions. They have right now in conservatorship approximately 100 institutions, 150 institutions, about 100 billion dollars' worth of assets in conservatorship. They are running advertisements to find people to come in and manage these institutions, while they hold onto them to try to figure out what to do with them. They are terrified to make decisions. They announced a grand auction last fall to auction off assets. They became paralized by the possibility that something would go wrong and canceled the auction and now the auctioneer is suing them.

They are struggling to make decisions, I believe, because of the way we have organized them.

I have tried to focus my attention on this policy board, the oversight board. We created an oversight board in statute and they were supposed to be evaluating the policy, saying here is where we think the policy is right. So if you have a Member of the U.S. Congress who disagrees with the policy, he or she can go before the board and say here is where we think the policy ought to be changed, here is where it ought to be adjusted. Instead, every single time we have a policy dispute we have to amend the statute, which may indeed create additional inflexibility and create additional problems in resolving the sale of the assets. We could come to the board directly and make suggestions how the operations could be done better. And the public as well would have the opportunity to come before the policy board and make suggestions about how it ought to be operated, in open hearings and meetings, regular hearings and meetings to talk about what is going on.

Mr. President, that is not what is going on at the oversight board. The history of the oversight board shows them having four open and three closed meetings. They meet about once every 2 months, the policy board. That is the board charged with the responsibility of analyzing the policy and making, to the American people and the Congress, recommendations of how it can be improved, perhaps administratively at times if speed and timing is of the essence.

The Senator from Ohio has done us a great service in opening up the 1988 deals, showing us what happens when behind closed doors decisions are made. They do not get made based upon democratic principles; they get made based upon who you know.

It seems to me what has happened in the wake of the exposure that has been given as a consequence of these hearings is that now we have people down at the RTC who are afraid to act, afraid to move, afraid to do things. As a result, the assets get held. As a result, we continue to lose money. Then they come up here and ask for some additional money.

It simply is not working, Mr. President. We are losing money and I do not believe we can afford to wait to change that part of it.

The amendment I will offer later does a very simple thing. It says let us create the policy board. Let us have a strong chair. Do not take away the authority of the President; give the President the authority to appoint this board and require the Senate to affirm. But create a powerful position.

I recommend the President seek out for the chairman somebody who does not want the job rather than accepting the applications of people who are hungry for the job so perhaps they can improve their résumés and seek higher paying employment in the private sector. Find somebody who does not want the job, somebody who has enough credibility that can establish trust immediately, reestablish trust that has been lost. That is the reason we are struggling with this right now.

Yesterday the Banking Committee was unable to get the votes to recommend any expenditure of money because we all know if we vote for more money right now, we are voting against the will of the people. They do not want it. We can say they just do not know what is going on, they are not smart enough to figure it out, they just do not have all the information we have to muster the courage and do the right thing.

The truth is the people smell something and they do not like it, and they are right. This thing has been operating outside of the public view. And I argue, because it has been outside of the public view, that creates the very paralysis that increases the cost and increases the length of time required for resolution.

Mr. President, the amendment I will offer is very simple. There have been some who suggest we ought to abolish the board. That would be the worst of all things to do. If we abolish the board, then we have the FDIC Board. And, for my colleagues, I will tell them how that operates. The FDIC has its meetings chaired by Mr. Seidman, adjourns the meeting, puts up a new sign and then conducts the RTC meeting.

All of us know the problems the FDIC is having right now. We understand the awesome responsibility. They are asking for authority to borrow $10 billion with additional authority to raise deposit insurance to 23 cents per $100. That gets passed on, by the way, to every one of our home borrowers and every one of our commercial borrowers. It is no wonder that simply raising interest rates simply did not get the job done. Money is not available no matter what we do through the Federal Reserve.

It is not accidental that we have a 30-percent decline in home construction in the United States right now. It is not just because of a recession in manufacturing. It is because it has become difficult to provide credit. These things are connected. We have to resolve this problem we have with large amounts of assets being held, inactive, that have no value. These institutions that are in receiverships not only are losing money, Mr. President, but they are insolvent on the face, looking at the balance sheet. Nobody wants them. And we make matters worse, it seems to me, when we try—loosely using the word "conserve"—to conserve them until we can find a buyer, knowing from the record that we have at hand it is likely the longer we hold them in conservatorship the less attractive they are going to get for any potential buyer.

Thus, we find ourselves in an ever-deepening spiral that causes us to doubt that these expenditures are going to do anything other than just tide us over and get us by the next election.

I urge my colleagues on both sides of the aisle to look at this recommendation I am making, at this amendment I am proposing. It is a simple one. It does not require us to get into the details and try to figure out how the structure of the RTC itself ought to operate. It just has us placing a very high value on policy itself—and the details of the policy are complex—and a very high value, as well, on accountability.

If we give the public all the information and create the opportunity for the public to see through this Iron Curtain we have created around the venture, even if the public may not like it, if they know and trust they are getting the information, then they will give us permission to vote this money. In the absence of that sense that the money is being spent in a way they understand, they will not.

We may vote to give them the money, Mr. President, but we will indeed be voting against the will of the people. And it is a very uncomfortable position. It is not comparable to the 1986 deals. In 1986, which is referenced an awful lot, Congress underestimated the size of the problem. Today, very few of us underestimate the size of the problem. Most of us tend to overestimate the size of the problem, if we err at all in calculating the total dollar amount that is likely to be spent on this great American tragedy.

The simple amendment I will offer reinforces everything the Senator from Ohio has been attempting to do, which is to take out the flashlight, shine it and expose those little corners where deals have been made, where the citizens have not had the opportunity to get adequate information, where they have not had the opportunity to get the kind of oversight that indeed they require even from spending programs of much smaller size.

If we have a $10 million program designed to help children or improve the health of American citizens, almost every single Member of the Congress wants to make sure we have oversight, we know how the money is being spent; that it is accountable and we have an opportunity to hear and criticize and know whether or not the program is working. Under this proposal we do not. We get regular reports, but they are meaningless. They do not provide us with real-time information.

Again, the impact is they are not making decisions. The impact is they do not move. They are terrified of doing something that will embarrass somebody politically, so they do nothing.

The RTC is an organization that has a large number of people who were previously examiners, and that mentality is not necessarily very healthy in making the kinds of decisions this organization needs. If we open it up and bring real policy oversight to this, then I think this organization will move a lot faster. We will resolve these problems a lot better. And, though the American people may not like spending the money, they will feel at least that they know what is going on and they can hold whoever needs to be held accountable, accountable for his or her actions. That, Mr. President, it seems to me, is the real strength of American democratic institutions.

Again, I applaud the Senator from Ohio. He has done an awfully good job in helping us see what is going on. What we need to do now is respond to him, not with a whole series of detailed amendments trying to accomplish this environmental objective or this consumer objective or all this sort of thing. It is precisely because we do not have oversight that we find ourselves needing to improve this thing at the margin.

We need policymakers out there that are watching what is going on. If we have that, Mr. President, it seems to me that this thing will advance faster, we will get it behind us, we will set it behind us and have the capacity then to strengthen and rebuild our entire banking system.

So, again, I thank the distinguished Senator from Ohio for the fine work he has done. We in this Congress dare not simply ignore his words. If we try to run from this, if we try to hide from this, if we try to turn away from this, it will indeed get worse.

This is not a problem that will go away. This is not something that will simply yield to our saying we hope we can push it beyond November 1992. We hope somehow it will take care of itself.

It will not take care of itself. It will require in the end action by us, or it will require in the end spending by us. I hope, Mr. President, that it is spending inside of greater accountability and not the absence of accountability we currently have in place. I yield the floor.

Several Senators addressed the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I want to say how much I appreciate the thoughtful and decisive thinking of the Senator from Nebraska. As usual, he is right on target. I am very grateful to him for his kind remarks concerning my own position on this matter, and I look forward to working with him as this matter develops on the floor of the Senate.

Mr. President, as I indicated earlier, I have much more that I wish to say concerning this entire matter.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 13

Mr. D'AMATO. Mr. President, I thank my distinguished colleague from Ohio for giving me this opportunity at this time to bring up a very important matter that concerns a growing number of people in my State and I think you will see in the not too distant future in other States.

It is a situation that takes on urgent ramifications as it relates to the people who are affected. It is a situation that comes about as a result of a rather misguided policy recently adopted by the Resolution Trust Corporation.

The RTC recently announced it will evict tenants in New York and other areas around the country in spite of State and local laws designed to protect tenants from eviction. The amendment which I will offer seeks to protect working middle class families in New York from this consequence.

Certain State and local laws such as those in New York protect tenants from eviction when the ownership of units is transferred due to sales or foreclosures. However, the RTC intends to use language included in the Financial Institution Recovery Act known as FIRREA to attempt to override State and local laws.

What are we talking about? We are talking about when the RTC comes into possession of a building, and it wants to sell that building; we have tenants who are in there who have rent control properties and who do not own but want to continue to rent. They do not have the money to go out and purchase that as a condominium. They were protected. Now RTC says you are out. We are going to put you out on the street because we could get more money. That is just simply wrong.

I wrote to the RTC and it took about 3 months for them to respond; 2 months to respond. It was a rather feeble response in which they said, "Well, as it relates to low-income families, Senator, we are going to adopt a policy that protects them." Apparently they have made some movement in that area. They have said those people who have incomes of 115 percent of median income would not be forced to vacate the apartments.

What does that mean? That means if you have a family, a working family with four children with an income of $42,000 or less, their lease cannot be terminated and they cannot be dispossessed.

What if you earn $43,000? Let me suggest to you that is not an inordinate amount of money for a working family or families in our metropolitan areas. That means the RTC puts you out. So anyone earning more than $42,000 per family will be evicted.

That is a nonsensical approach, and I do not think Congress wants to be putting people who cannot get affordable housing out on the street, terminating leases, and saying you are out because we could sell this property for more money. In many cases it is very doubtful they are going to be able to raise substantially more money. Second, I do not think we want to do it on the backs of working middle-class Americans.

I am going to be offering an amendment that is rather simple in nature. It seeks to protect working families. It seeks to protect working middle-class families. In particular, it is not the tenants protection act for the wealthy because we put a cap on it. We say 175 percent of median income.

My staff indicates to me that would give working families of up to $65,000 per annum protection. I do not think families who are making $42,000 per year are going to find such an easy time in metropolitan areas to find housing if their leases should be terminated, and through no fault of their own the property falls into the hands of the RTC; we strip away their rights because it seems in the FIRREA bill Congress may have given RTC this ability to foreclose on properties and wipe out existing leases. That was not our intent.

Our intent was to give them the opportunity to cut through the legal entanglements that would hold up in orderly disposition of properties; but to say we are going to put working middle-class families out on the streets because we could gain a few more dollars rent from an apartment or because we could sell it, condo it, and therefore get those extra dollars, that certainly is not the congressional intent.

So I did not say in this legislation everyone will be held harmless. If you have people who have incomes of $150,000 or $200,000 who are in rent-controlled apartments, fine, let them go out and look for alternative sources. Let us not let the Federal taxpayer subsidize that. But in the real world as it exists today, if you are in a metropolitan area, a family with $65,000 is certainly not inordinate. That is the purpose of this amendment.

Let me say this to you. We are working with the people at RTC. We have spoken to their legislative people. I have spoken to some of the members of the oversight board. I hope this legislation might become academic and not necessary because I am mindful of the fact, if one amendment comes up, there are others and others, and everyone has to justify matters they believe can be handled by this bill.

So if indeed we can get a statement, a clear statement of policy from the RTC that they will accept or increase the level of 175 percent of median income, then it would seem to me this legislation would be academic and we are giving protection to middle-class families, middle-class areas, and they are not going to have to be put out on the street or face the eviction. This becomes academic. But until I have that assurance in writing I am constrained to go forward.

So at this time, I send this amendment to the desk.

(Purpose: To amend the Federal Deposit Insurance Act to protect tenants from unnecessary eviction by the Resolution Trust Corporation)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York, [Mr. D'AMATO] proposes an amendment numbered 13.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . RESIDENTIAL TENANT PROTECTION.

Section 11(a)(1) of the Federal Deposit Insurance Act is amended by inserting at the end of section 212 (e)(1)(c) the following language:

"(D) The right of a conservator of receiver for any insured depository institution to disaffirm or repudiate any contract or lease shall not apply to a residential lease or tenancy that is required by operation of state or local law during the effective term of the lease or if the leased residence is occupied by a "qualified tenant." For purposes of this subparagraph a "qualified tenant" means an individual or family who uses the leased property as the principal residence and whose income does not exceed one hundred and seventy-five per cent of area median income, as determined by the Department of Housing and Urban Development."

Mr. D'AMATO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. D'AMATO. I ask for the yeas and nays once again.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. Mr. President, now that the matter has been laid at the desk, I hope that we can continue. I want to thank Senator METZENBAUM, my colleague from Ohio, for giving me this opportunity to raise this issue.

I hope we will not have to press forward for a vote on this because I would like to have a vote on the merits. But I would like to avoid that.

I would like to have the RTC recognize the merits of not placing any one family in a precarious position. Sometimes it becomes difficult. You look at numbers. At the present time there are 700 or 800 families who may be placed in a precarious position. That number is going to grow. If it is one family, that is a family. That is a concern. Why should we undertake that act? I know it is many more. If it is 500 families—we use these numbers. It does not sound like much except, if it is your family, you are hurt; except if you are the person who is being the pensioneer over their being placed out.

So I think we need to give these people some clear deadlines. Certainly leases that are in existence should be adhered to regarding that principle of law which is embodied in this legislation so those people who have leases, if it is another year, 18 months, are given the protection of being given 18 months. If they have incomes less than 175 percent of median income, it should be made known they are not going to fall victim to this situation, one not of their making.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, when I was speaking before I was addressing myself to the 1988 deals. They are not the only places where we find firsthand knowledge of the RTC's poor performance. Unfortunately, the same story is being played out with the RTC's efforts to investigate and prove liability on the part of officers, directors, lawyers, accountants, investment bankers, appraisers and others for causing thrift failures and other losses. As well with well-known corporate law, there are certain fiduciary responsibilities, certain legal responsibilities of officers and directors of a corporation.

When they fail to meet those fiduciary responsibilities and legal responsibilities, they become liable to the corporation, which in turn is to protect the interests of the corporation's shareholders. But now the rights that the shareholders had have passed over to the RTC, which has come forward with the money and taken over these savings and loans.

So the RTC is in a position to bring action to recover those dollars from the officers and directors. Every dollar that the RTC recoups, suing those negligent directors and other professionals, is a dollar that the taxpayer does not have to pay for the bailout.

Since so many savings and loan managers and owners use their thrifts as giant slot machines, without regard to prudent business principles, these types of lawsuits can be a meaningful way to reduce taxpayer costs.

I took a look at how the RTC is handling the question of director and officer liability by conducting an investigation of one failed savings and loan, Southwest Savings & Loan of Phoenix. The subcommittee found that two separate divisions of the RTC, over the course of 15 months, had shut down, frustrated, stymied, or ignored an investigation of any director or officer's liability at the savings and loan.

We found out that Southwest was owned by possibly the richest man in America, Daniel K. Ludwig. He had done something that is unusual to have done in a corporation. He had promised, in writing, to use his funds to pay any claims resulting from negligence at the thrift.

Despite the billionaire's commitment and a $250 million loss to the taxpayers, because of the failure of the savings and loan, the RTC did not conduct a professional liability investigation for at least 18 months, and still has not filed a single lawsuit 2 years after the thrift's failure.

Now there is credible evidence that this delay did not just happen; there is credible evidence that it was intentional. The investigator assigned to the Southwest Savings case testified before the Antitrust Committee. He said under oath that a top RTC official told him not to conduct interviews of Southwest executive officers or directors. That official's contemporaneous report corroborates the testimony.

The investigator also testified that his superior later told him to do nothing on the Southwest case, and he was told to "sit on it."

A year later, an RTC lawyer tried to reopen the investigation. He also testified before the subcommittee under oath. His testimony was that senior RTC lawyers told him to "forget about" the Southwest Savings investigation. His testimony was also backed up by memos that were written at that time.

The investigator and the lawyer wanted to investigate, because they were aware that Federal examiners had concluded years before that Southwest had been operated in "an imprudent, unsafe, and unsound manner," and that this had caused "sustained and increasing losses."

In other words, the Government's own reports raised serious questions that needed an investigation and indicated that negligence was a material cause of Southwest's losses. Yet, the RTC delayed conducting the first interview for at least 18 months. Because evidence in a professional liability case grows cold or disappears over time, that delay has seriously disadvantaged any RTC lawsuit that may yet be filed.

The RTC's response to the subcommittee inquiry into Southwest Savings was to stonewall the Congress. I was talking before about the 1988 deals, and I indicated that the RTC just would not follow the mandate of the Congress. In this instance, we find them stonewalling the Congress. The subcommittee had to ask twice for all records concerning any Southwest investigation before they would even respond. The response was to say that they would give us no response.

Who do they think they are, to say to the Congress of the United States that we cannot learn the facts about their misfeasance, malfeasance, or nonfeasance? Who is this RTC that comes before us today and asks for $30 billion? Let us not kid ourselves, they are asking for $78 billion; $30 billion is in the bill, and under the procedures that are possible, they then will be able to go out, using the full faith and responsibility of the Federal Government, to borrow another $48 billion.

Where it sits now, a quarter billion dollars has been lost with respect to Southwest Federal Savings & Loan, which the public has to pay, and the RTC is just now getting around to asking some of the questions of those responsible for the losses.

Unfortunately, the story will not end with this one botched RTC investigation. A Washington Legal Times article published last week provides another glimpse at the RTC's sad state of affairs. John Beatty, an assistant general counsel in RTC's professional liability section, was quoted as saying, "The RTC's effort is a recipe for disaster."

The article reports that Beatty is describing the workload of each of the lawyers who works for him as four to eight times greater than what is desirable.

The article also quotes an RTC lawyer, who did not want to be identified, as saying, "We come up to the statute of limitations, and everything is done on a rush-rush basis. So things are not done as well as they should be done, and we have to make decisions based on inadequate information."

How can we be so far behind on finding and prosecuting the individuals responsible for the billions of dollars lost through negligence and mismanagement? What is it about this Government that the RTC just is not willing to face up to its own responsibilities to the American people? Does the RTC really believe that there is an unending source of funds, and all you have to do is come to Congress and say, "Look, we are in trouble. If you do not do this, the whole world is going to come to an end."

We gave them $22 billion. They already had $107 billion. They are now before us for $78 billion more. In 1990 alone, the RTC and the FDIC spent a king's ransom on lawyers—on lawyers. They spent, in 1990 alone, $733 million on lawyers. That makes them the largest employer of lawyers in history.

They spent $118 million on more than 1,000 staff attorneys, and $615 million to hire more than 1,000 private law firms. The press has accurately described this as the largest legal effort in history.

(Mr. SHELBY assumed the chair.)

Mr. METZENBAUM. I consider it the largest legal boondoggle in history. Remember, this is the same RTC that was not willing to hire lawyers on a contingent fee basis where they get paid only if they save the Government some money. That they would not do. But to go out and hire more than 1,000 lawyers and spend an unbelievable amount of money is beyond comprehension. The RTC acts like the Lone Ranger, only they do not have a white horse to ride; theirs is rather black. They are out on their own. We know little about what they do with their money at any particular time or for any particular program. We have no inventory. We do not have any knowledge as to what they are holding now in their asset portfolio. We do not know how they dispose of it. As Senator KERREY pointed out this morning, they set up an auction of the assets and called off the auction and wound up getting sued by the auctioneer. I know the RTC needs to sell assets, and that calls for a lot of lawyers, but how can it possibly cost $733 million?

With these unbelievably large legal resources, you would think they would accomplish something. How could the RTC fail to focus on saving taxpayers' money by suing negligent directors, officers, and other professionals who cause thrift losses? But, no, they do not do that; $733 million in lawyers and they cannot get around to instituting a lawsuit against a billionaire whose hand-picked executives left the taxpayers with a $250 million bill. When the RTC does go after people, why is the RTC restricting its lawsuits only to directors and officers who have more than $5 million between them?

I saw this memorandum that went from John B. Thomas, assistant general counsel, to William Seidman, and the memo provides as to D&O investigations—that means directors and officers investigations—where there is no D&O insurance. "We do not expect to pursue these matters unless our best estimate is that the proposed defendants include at least a couple of individuals with a net worth of at least $500,000 and a collective net worth of at least $5 million."

I am frank to say to you I do not know if that is their policy or not, but I have to assume it is their policy. I do not know. But, if it is their policy, it is an absurd one. We do not sue directors and officers who have combined less than $5 million in assets. Why? What if one of the officers has $4 million in assets and all the rest together have $700,000 in assets, should he not be collectable? Imagine if the IRS felt you had to have $5 million before it would go after you for back taxes? I realize the people have to have some assets before they are sued, but I cannot believe, I cannot believe, it has to be $5 million. The IRS goes after people who owe $87. They will put a lien on your house, freeze your bank account, garnishee your wages, and put you to the wall to get you pay your taxes, to cover what? To get you to pay that $87 you owe the IRS, so we can bail out the RTC and the savings and loan with $180 billion, as of about now under this bill, and there will be much more coming. The RTC wants us to give them more and more and more billions but it does not want to do what Congress mandates it to do. It does not want to go after thrift executives who bankrupt the thrifts, unless they have $5 million.

I have to tell you. I do not know how they are so smart over at the RTC that they know whether John, Joe, George, or Peter is worth $5 million. What do they have? Some "open sesame" that they can tell whether somebody owns something or does not, whether that individual's stock portfolio is going up or down, whether that individual's home is worth more or less, whether that individual's investment in his company has a value of $1 million, $2 million, or $20 million? The RTC just conducts itself in an absurd way.

I may be wrong about the $5 million criteria. I do not know that it is the fact. I know that that was the recommendation of the assistant counsel to Mr. Seidman. As far as I know, he followed it. I may be wrong. But if that is the policy, it is an outrage to the average citizen, citizens who work and pay their taxes, taxes which pay for a bailout caused in part by savings and loan executives who get off free because of that policy.

If the director has been guilty of negligence and he caused the thrift to do that which it should not do to meet its responsibilities, to violate conflict of interest laws, or whatever the case may have been, just plain negligence, but if that director has a $1 million house and he vacations in a second million-dollar home and he manages a portfolio of several million dollars, he is safe and comfortable from the RTC. He will never need to work again, while the average taxpayer will be working to pay for the bailout, worried that the IRS will be after him or her for their last nickel.

There is another problem with this policy beyond the basic unfairness of letting off negligent officials, and that comes down to the question of determining who and when and where they are going to sue. The RTC ought to be taking an aggressive position. It ought to be going after the officers and directors. It ought to let the officers and directors come in and plead poverty, if that is the case, instead of determining before they ever bring the lawsuit that the individual does not have sufficient net worth for them to file a lawsuit.

The RTC will come before us and tell us, "Well, Senators, we have to set priorities, we are so very busy." They have to use limited resources against larger cases with greater returns. When you spend $733 million on lawyers in 1 year, do not tell me you have limited resources. When you fail to investigate a $250 million loss in an S&L backed with the personal guarantee of a billionaire, do not tell me you have to set priorities. When you rule out suing individuals who cause this $5 billion fiasco because million-dollar homes do not provide a sufficient target, do not tell me you are protecting the average American who is coughing up hard-earned tax dollars.

Once again, I will say to my colleagues that the RTC is not accountable for its action and it has flaunted the will of Congress.

They are making critical decisions with billions of dollars at stake, yet their answers to my subcommittee investigation was that the documents are confidential and unavailable. Why? What is so confidential and unavailable that they can know it, do nothing about it, and refuse to tell the Congress? Who told them they have the right to protect these indications of malfeasance and misfeasance, nonfeasance, and not share that information with the congressional committee? Where do they get that right? I do not think they have the right.

That is the reason I think we ought not to be moving this bill that promptly. I recognize some responsibility, but we do not need to meet that responsibility with $78 billion.

I commend the House for indicating their frustration and despair with the RTC by voting down the bill last night.

There will be a bill all right because we are not going to default on the obligations to the depositors. There will be a bill, but there will not be a bill as spelled out in this legislation if this Senator has anything to say about it, and I have heard from colleague after colleague that they are not willing to vote the $78 billion. The public deserves better than the RTC has been giving us, and it also deserves some answers before we shell out another $78 billion in taxpayers money.

Aside from failing to aggressively take action to resolve the 1988 deals, and failing to vigorously pursue directors' and officers' liability obligations, the RTC has fallen down on the job in other areas as well. This past December, the GAO identified the RTC as 1 of the 14 Federal programs most vulnerable to potential financial loss to the Government because of internal control problems and mismanagement.

In that recent GAO report, the GAO found serious flaws in the RTC management practices and operations. According to the report, the RTC lacks sufficient oversight of its employees who manage thrifts in conservatorships.

According to the GAO:

> The RTC headquarters has provided no specific guidance on how the region should supervise such thrifts and ensure compliance with its own in the Office of Thrift Supervision's requirements.

In several cases the management agents do not have the fundamental skills required to manage the thrifts. According to the article that appeared in the May 21, 1990, Newsweek magazine, the bureaucrats entrusted with running the thrifts while they are in conservatorship lack the entrepreneurial mindset and expertise. According to Newsweek:

> Staffers at some confiscated thrifts complain that they have had to teach their new bosses such elementary tricks as interest rate swaps.

To make matters worse, the chain of command at the RTC lacks effective and streamlined communication. In many instances the right hand does not know what the left hand is doing. For example, last April the RTC took out an ad in the Wall Street Journal encouraging investors to contact regional offices about thrifts that are available for sale. When RTC supervisors at the Atlanta district office heard about the seminars and sales, they called Washington to find out if they could attend. Much to their surprise and amazement, the supervisors were told that they were the ones who were supposed to be running the seminars.

The GAO also points out that the RTC lacks a comprehensive system for managing its portfolio of securities. With inventories of assets from all over the country, the RTC has failed to develop a comprehensive system for maintaining and tracking its securities. How can you expect the people entrusted with selling thrifts to accomplish their mission if they cannot provide interested buyers with basic information?

The Senator from Louisiana this morning was talking about selling of the real estate holdings of the various thrifts. Now several investment firms told the GAO that the RTC could receive higher prices for its financial assets by performing more thorough due diligence, providing more and better information to potential purchasers, marketing its agency eligible loans directly to the secondary mortgage market agencies and secure advertising of as many of its loan assets as possible, recognizing that a wider and more efficient market exists for securities than for bulk loans. In addition, the RTC contracting system, according to the GAO, does not appear to adequately protect the interest of the Government.

Listen to that. The RTC's contracting system, according to the GAO, does not appear to adequately protect the interest of the Government. How much stronger could they make it? In some cases, said the GAO, the lack of contract oversight has already left the RTC in the position of paying its contractors in full when there was only partial or poor performance.

Last fall, the GAO reported to the Senate Subcommittee on Federal Services, Post Office, and Civil Service that the Southwest and Western regional personnel had not implemented plans to monitor contracts or contractor performance. While this is alarming in itself, it is even more alarming because the Southwest and Western regions account for the majority of the properties under RTC management.

The GAO report notes several other problems with the way the RTC runs its shop:

> The RTC system of using regional sale centers staffed by its own employees to sell real estate conflicts and often duplicates the efforts of another RTC program which hires outside consultants to manage large real estate portfolios.

The GAO expressed concern over the way the RTC values its assets. According to the GAO, it is unclear whether the RTC is basing its prices on accurate appraisals. Locating properties controlled by the RTC can also be troublesome.

In testimony before the House Banking Committee last fall, we learned that RTC regional offices handle all of the assets for a failed thrift located in their jurisdiction. That means that if, for example, an institution is taken over in California, an investor wanting information on that institution's properties must ask the clearinghouse office in Denver for the information. The RTC's California office will not provide the information.

Sound confusing? Why do you have to go to Denver to get information about California property when there is an RTC office in California?

Well, I can only tell you it gets worse. To make matters even more complicated, assets were listed by institution rather than by location, and regional officers do not use the same information system for tracking properties. A Texas housing authority testified last fall before the House Banking Committee about the difficulties encountered when properties are not categorized by city or county. According to the housing authority, their listing of properties must be reformulated on a regular basis in order to include an accurate listing of RTC properties.

Such efforts are time consuming and costly. The chairman of the Texas housing authority estimates that these efforts cost the State agency $1½ to $2½ million a year. To add to this nightmare, investors and would-be homeowners have encountered innumerable stumbling blocks in their attempts to negotiate purchases of RTC held assets.

Complaints that the House Banking Committee has documented include allegations of uncooperative property managers, difficulties in you obtaining current and accurate appraisals, delays in contract negotiations, deteriorating condition of assets, and the inability of the RTC and many potential buyers to effectively communicate.

After clearing the hurdle of locating a property and negotiating a purchase price, the nightmare continues. The prospective buyers must complete the appropriate forms for their lender. One San Antonio couple testified before the House Banking Committee that they faced undue delays in buying a home because the RTC was using forms that do not comply with most lenders' requirements. Low-income families in particular have been stonewalled in their attempts to obtain listings of and negotiating the purchase of affordable housing. To add to their frustration in many instances, once these families find homes they are interested in purchasing, they later find out that many of the homes have already been sold.

In addition to making it difficult for low-income families to purchase property, the RTC is evicting families from their existing homes. When the RTC took over Brookside Savings & Loan, a California thrift that had invested in the Mulberry Woods apartment complex in the Homedale section of Phoenix, AZ, 90 low-income families were evicted when the complex was shut down. Either that is stupidity or total inhumane concern.

Mr. President, I may address myself, and probably will, to many other problems concerning savings and loans as the days roll on. I have expressed this morning a short list of the many problems to the RTC.

Underlying all of these reports, stories, and investigations is one dominant problem. The RTC is not responsive or accountable to the Congress. In the last month I have spoken with many of my colleagues and virtually every one has registered similar complaints about the lack of accountability.

So, as we meet here today, we have to decide how much money will be spent before we rein in the RTC. How many congressional mandates will we allow the RTC to ignore before we say, enough? It is easy to vote no on spending more money on the RTC. That would be politically popular in the short run. But I am frank to say that I think it would be irresponsible. I do not rise today to argue for no money. Quite the contrary. I know we will have to vote many more times for billions of dollars for the RTC. But I want to know, and I think the American people want to know, that the money we have to spend will not be wasted. I want to know that the RTC is not spitting in the eye of Congress and the American people and that they will follow congressional directives.

It is unbelievable that they have had three separate mandates to act, and three times they have done nothing. Responding to congressional requests, they just have not cooperated.

I want to know that the RTC is not a rogue agency, out on its own, setting its own priorities. Before this bill passes, this Senator means to see to it that we work out some arrangement to make it clear that the RTC not only is going to comply, but before we pass the bill that they have complied. They have a responsibility to us under this law.

This is the most unbelievable thing I have ever seen. Congress mandates them to give us a report on all of the 1988 deals. They come back to us with a paragraph on one page of a letter. What kind of conduct is this for a Government agency? I want a report as mandated by the Congress on each of those 1988 deals.

It is time for them to move and to act. If we have to hold up this bill for 1 day or 2 days or 3 days or 3 weeks until they do it, I am prepared to help hold it up. I am willing to meet our responsibility, but I believe that the responsibility is theirs, first, to see that they conform to the congressional mandate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Let me just join the discussion with my colleague from Ohio. We have been going over it this morning and partly yesterday as well. I want to review a little bit of the history and then I want to come back to where we are now and what we might do to resolve this.

I want to go through a history here. We talked earlier about the concern that the Senator and I shared some time back to try to stop some of these deals from being made before they were made, and then to try to catch up to the implications of those later on down the line, and now to go ahead and get the renegotiations done to save what money can be saved.

I want to make several points here. I am going to move around in doing so. But we provided, as my colleague knows, last fall, to get this done, $22 billion expressly for the purpose of going back and renegotiating these deals where that was feasible, and achieving a financial saving. That is why the Congress acted and why it is now a matter of law. That money is there. So the whole point of providing it was to get this job done.

I just asked we double-check, and I have been told that to this date not a single one has been renegotiated. I am talking about the simple ones, the buyouts of high-cost arrangements that the money has been provided to accomplish. But the facts available to us now are that despite the fact we took that action precisely to accomplish the positive change, not a single one has been done. There is not a single one that has been done.

Mr. METZENBAUM. That is incredible.

Mr. RIEGLE. I have to say, frankly, I do not think there is a justification for that given the fact we have seen this problem now over a long period of time. I will give my colleague a little history, because we have had a number of RTC oversight hearings in the Banking Committee. I think the Senator will find this interesting.

We had, after enacting the bill in the middle of 1989, our first hearing, oversight hearing on the RTC, on October 4, 1989. That was about 2 months after the RTC was created, so they were just getting setup at that time.

I asked them at that time specifically what cost savings have been obtained on the 1988 deals. So that was a specific focused line of inquiry directed to them at that early date which was 2 months after they were established. They came back for their second hearing on RTC oversight about 4 months later, on January 31, 1990. It is just over a year ago. That was a review of their strategic plan. Of course that covered a whole series of things.

We asked them at that time what they anticipated in terms of the review of the 1988 deals. They said their review would be done by August 1990. So I asked at that time specifically what can be done to save the taxpayers some money between now and August? In other words, are there any that stick out like sore thumbs, that you can identify, that you can move on now as you are completing the study to look at the whole universe of these deals that would be relevant for consideration for renegotiation?

We had our third hearing on the RTC on May 23, 1990. I asked at that time what was being done in terms of selling the assets acquired by the Government in the 1988 deals, which were managed by the FSLIC resolution funds. Again we did not get much of a response at that time because, to give the Senator an idea of the fact that we have been endeavoring to try to pursue exactly the same point that the Senator from Ohio is raising today, they came back again on September 23, 1990—this was now our fourth oversight hearing on the RTC—and at that time Senator SANFORD asked whether the RTC was reexamining the 1988 deals to determine if any of the deals involved fraud or misrepresentation.

That is one category of problem that would be the basis for opening them up. Another would be just the fact that we were into high-cost arrangements that could be refinanced at a lower rate to save money and still keep the existing agreement in place, with just a lower financing cost. So that question was posed and discussed in the committee at that time.

Then, also we had another hearing. That was on the 13th. We had a fifth hearing just a week later on the 20th, indicating that the RTC report on the FSLIC 1988 deals was finished. I asked, at that time, the RTC to take steps then based on the study having been done to exercise any contract options they had to save this money, precisely in line with the point the Senator from Ohio had been making for some time and with which I was in 100 percent agreement.

We then proceed to provide $22 billion in an appropriations bill at the end of last year for one purpose and that was to go in and renegotiate these deals and to get the costs down based on this study that we have been pressing to get over a long period of months. But I have to say to my colleague, and I think the agency itself has to provide some further answer to us on this, but as I stand here right now not a single one has been renegotiated that we are aware of. That is the current information.

I think one of the things we might consider doing, because I think it is a highly relevant point—we have tried in every way we know how to apply the pressure constructively and positively to require them to go back, examine these deals, come back with the information. We have given them the money to go in and do the renegotiation, and I think we are entirely within our rights and have an obligation to ask them in this context when we are going to see some action. Perhaps what we can do is invite somebody up from the RTC, even today, and have an opportunity for a discussion off the floor here to find out what is going to happen.

What I hear the Senator from Ohio saying is that, while he is sympathetic to the request for additional funds to shutdown insolvent S&L's in order to stop losses that they are accruing, that until the Senator gets some kind of an answer on this and some showing of action actually taking place, if I am hearing the Senator right, what he is saying is that he is not prepared to vote for this or even see it move forward, if I am restating my colleague right? If I am not I will let him summarize a different way.

Mr. METZENBAUM. I appreciate what the chairman of the Banking Committee is saying. I do not think we are in discord. I think there are three aspects to their failure to act; probably more but at least these three. One is the restructuring of the deals, which is possible under the terms of the contracts as written. It was for that purpose that they got $22 billion and, as the Senator has just indicated, have done no restructuring, and apparently the $22 billion has been used for other purposes.

Mr. RIEGLE. It is just sitting there, is my understanding. It has not been used. It is an unused authority that has been provided.

Mr. METZENBAUM. I would like some confirmation of the fact that it has not been used. I sort of wonder if it has been; if they have it sitting there. I am not questioning the Senator's word but I know he turned to the staff to ask. I think we ought to get the facts.

The second thing is the renegotiating or rescinding of the contracts by reason of misrepresentation, fraud, or other legal basis. That is a totally separate approach that does not cost any money and that is the one in which I had urged them to use lawyers on a contingent fee basis. To the best of my knowledge, nothing has been done in that area.

The third thing has to do with directors' and officers' liability and, to the best of my knowledge, here, too, they have been remiss in their responsibility.

So we have three areas where they had an obligation to act and have not. We then have the additional obligation that is not that direct but has to do with their living up to the mandate and responding to Congress specifically as provided in the FIRREA bill, as provided in the amendment that was added to the appropriations bill at the end of 1990.

So I say to my colleague, I think it does make sense, if they want this money, then let them send not somebody way down the line but somebody who is calling the shots, to explain to us why they are doing such a lousy job. They are not doing any job at all. Some people do a poor job. These people are not doing anything. They just are not doing anything except spending the taxpayers' money.

So I will be very happy to cooperate with the manager of the bill to see, before we appropriate any money, if we cannot force them to give us some action; at least as the first step, assure us of additional action immediately or shortly thereafter, give them some modest amount of money to tide them over and then come back to this subject in another month or 2 months and see where we are, to see if they are really doing what Congress has ordered them to do. I will be very happy to cooperate with my colleague.

Mr. RIEGLE. I guess I have the floor, and if he does, I ask him to yield. I am going to ask now that someone come down today and meet with us and with the Senator from Ohio to discuss this issue because I do not think it can be left in the air. It cannot, as a practical matter, because the Senator from Ohio has indicated he is not prepared to see this matter move ahead unless we have some clarification and some certainty that we are going to have movement here. I think it is in everyone's interest to get this issue pinned down.

Frankly, I have asked this question enough times in our oversight hearings without getting sufficient response. We need some additional indication as to what is going to be done and what can be done. I think that is entirely reasonable.

I want also at this point to add something else to the RECORD because what tends to happen here is these issues are so complex and they present many problems in today's timeframe. We tend to be so involved in today's aspect of the problem that there is seldom the time and interest to go back and look at what was happening 1 year, 2 years, 3 years earlier that directly relates to the train of events that brings us to the current situation.

But I want to go back to a committee hearing that we had in the Banking Committee on September 20, 1990. So this would be roughly 5 months ago. I want to just read into the RECORD a little bit of that hearing in terms of the statement that I made at the opening. At that time, Chairman Seidman was before the committee on this precise set of issues and related issues.

I am going to read from the committee record on page 1. I will read some of this into the RECORD because it is relevant and provides some foundation for our further discussion here. It reads in this manner:

> Today's meeting will focus on the report by the RTC on the 1988 deals that were done to try to resolve failed thrifts.
>
> Pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA], the RTC was charged with investigating those deals arranged by the FSLIC to determine whether cost savings could be realized by restructuring the deals according to the provisions that were actually contained in the contracts.
>
> The second part of the report, which the RTC should be able to present shortly, will investigate and lay out the facts on the fairness of the bidding process that was used by the FSLIC in those 1988 deals.
>
> It is very important to note that members of this committee have long been concerned about the deals that were negotiated late in 1988.

I say to the Senator from Ohio, on October 20, 1988, if you can go back to that time in your mind, I wrote to GAO, together with Senators GRAHAM, WIRTH, Chiles, Proxmire, and SASSER, and we asked at that time, this is October 1988, we schedule for a formal review of these transactions, these deals that were being done. This is in advance of year end 1988 which I am going to come to in a minute. I am just now going to continue to read:

> I will not go into the history of what followed that, but the GAO went to work on that.
>
> That was followed by a second letter that I sent to the GAO on December 30 when there was a flurry of activity just before the end of the year with some large deals still up in the air to ask the GAO to get involved at that point so that we had a way of understanding exactly what was taking place.
>
> In addition, at that time some of my colleagues were also expressing a concern about it.
>
> I called Secretary of the Treasury Brady who at that particular time, at the end of 1988, was out of the country but I managed to find him and we talked.
>
> I asked him at that point if he could get involved himself as Treasury Secretary and take a look at these deals that were pending, because I could see tremendous tax implications and tremendous revenue loss based on the tax concessions based in these deals.
>
> The Treasury Secretary listened carefully to what I had to say.
>
> He also I know received a telephone call at that time from Senator Metzenbaum on that same issue, because Senator Metzenbaum and I had both been discussing it with one another.

The Treasury Secretary said he would think about that. He did for a day or so and called me back and indicated that, upon reflection, I assume talking with the legal people in his shop, he felt that he did not have the basis upon which to inject himself into the proceedings at that time and decided that he could not do so.

In any event, there is a history here of which these requests to GAO and requests to the Treasury Secretary are only a part.

I think it is troublesome that without prior authorization by the Government that one Government agency could commit the United States Treasury to expenditures of roughly $70 billion, and that is in fact what took place, as this report laid out.

For the future we will have limited the ability of the RTC to make such large expenditures by placing a note cap on the obligations that are issued by the RTC.

I am not going to read on at this point, although I could, but only to say that then late last year, to enable the financing of these deals where we know at a minimum we could save at least $2 billion, we provided this money in an appropriations bill to get on with the job of going in and changing those provisions which were high-cost provisions where we had the absolute option to do it. We could go in and change those provisions simply by having the money available to change that particular term or condition and take the cost down.

So, quite frankly, the Senator from Ohio is right in saying there really is no excuse for not getting this done. There is a long history of our efforts to try to, first of all, prevent it from happening; second of all, try to clean it up after it happened; third of all, providing the funds to get it done, together with a mandate to get it done, as has been pointed out, and the fact that it is not getting done is really not a sufficient answer.

We cannot do it. We do not have the administrative ability here. That is not our role. Our role is to write the law to create the instruction and to provide the money and then the administrative people who have this responsibility have to be the ones to carry it out. We cannot make them do it.

Obviously, they are an independent branch of Government. We can give them the blueprint; we can give them the marching orders: we can give them the resources they need, but they have to go ahead and actually perform and get that activity done.

We are going to endeavor today, as I said just a moment ago, to ask that appropriate parties involved in this to come on up here today so that we can have a dicussion as we are working on this legislation, so that we have some way of getting this clarified, and, hopefully, getting some understanding to see if there is a way to move forward.

Mr. METZENBAUM. Mr. President, first I commend my colleague, the chairman of the Banking Committee, for his perseverance and his straightforwardness in the handling of this matter from the very inception. He has responsibility as chairman of the Banking Committee to bring this legislation to the floor, but he has been resolute in this efforts to keep the nose of the RTC to the grindstone, to see to it the American taxpayers' dollars were protected, to keep the 1988 deals from becoming a reality, and seeing to it that $22 billion is actually expended for the purposes intended, to save taxpayers' dollars.

My appearance here on the floor today is not in opposition to him and his leadership but actually in support of the previous efforts he has made along this line.

I am hopeful that perhaps we can work this out, but I am frank to say it is going to take more than conversation and words from the RTC that I have been getting and I think the Senator has been getting for the past couple years. Now it is time to insist that we get some actual action and maybe get that action prior to passing any funding in the legislation at all.

Mr. RIEGLE. I appreciate the Senator's generous comments and we will move along on that line.

I ask unanimous consent there be inserted at this point in the RECORD the letter sent to Mr. Bowsher, Comptroller General of the United States, dated October 20, 1988, on this issue, signed by myself, Senator Proxmire, Senator GRAHAM of Florida, Senator WIRTH, Senator SASSER, and Senator Chiles.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON BANKING, HOUSING,
AND URBAN AFFAIRS,
Washington, DC, October 20, 1988.

Hon. CHARLES A. BOWSHER,
Comptroller General of the United States, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: A number of recent Federal Savings and Loan Insurance Corporation (FSLIC) assisted sales of failed savings and loan institutions that have been authorized by the Federal Home Loan Bank Board (FHLBB) have not been publicly scrutinized and fully analyzed. We therefore request that the General Accounting Office select five transactions, taking into consideration differences in location, size, and characteristics of the assistance and examine these transactions in detail.

In examining these transactions, we ask that you concentrate on two fundamental aspects: the bidding and selection process and the transactions themselves. In regard to the first aspect we ask that you consider the universe of potential bidders contacted, bid instructions, initial bids, the evaluation of the bids, and the negotiation and selection process plus any rebidding that occurred after a bid was selected and then interaction of the FSLIC staff with the Bank Board members and staff.

Next, we ask that you examine details of the selected transactions. Aspects to be analyzed should include: a comparison of the costs of the transactions with the costs of liquidating the involved failed thrift; the methods used by FSLIC to assure itself that the resolution of the failed thrifts is in fact final and that further FSLIC assistance will not be required; the risks accepted by FSLIC, including those in providing yield guarantees and capital loss coverage on covered assets; and the steps FSLIC is taking to protect itself against and compensate itself for, the risks it is accepting.

In addition, we would like you to provide comparable basic information on the background and experience of the senior officials at the Federal Reserve Board, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, and Federal Home Loan Bank Board.

We feel this information is necessary to properly evaluate whether changes should be made in the policies and procedures of the Bank Board so that it may better serve the American public.

We would appreciate your initial response to this request by March 1, 1989.

Sincerely,
Bob Graham, Donald W. Riegle, Jr., William Proxmire, Timothy E. Wirth, Jim Sasser, Lawton Chiles.

Mr. RIEGLE. I would also ask unanimous consent that a chronology of major events in the GAO/committee actions on the FSLIC 1988 deals which was prepared by GAO, dated July 16, 1990, which goes through the long chronology of events and actions, also be made a part of the RECORD at this point.

That summary runs three single-spaced, typewritten pages in terms of the succession of efforts and interventions to try to take and get action on this particular problem.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF MAJOR EVENTS IN GAO/SENATE BANKING COMMITTEE ACTIONS ON THE FSLIC 1988 DEALS

10/20/88: Senators Riegle, Graham, Wirth, Sasser, Chiles and Proxmire ask GAO to select five FSLIC-assisted transactions and to examine them with respect to the (1) bidding and selection process and (2) terms and structure of the transactions (including related cost, viability analyses, and FSLIC risk exposure). GAO is also asked to provide comparable data on the background and experience of the senior officials of the Federal Reserve Board (FRB), Office of the Comptroller of the Currency (OCC), Federal Deposit Insurance Corporation (FDIC), and Federal Home Loan Bank Board (FHLBB).

11/03/88: GAO sends a confirmation letter in response to the six Senators' 10/20/88 letter identifying the five transactions selected and detailing the issues to be addressed.

12/30/88: Senator Riegle asks GAO to examine FSLIC's December 1988 transactions, focusing on the bidding and selection process, the structure of the transactions, and the tax costs. GAO is asked to testify on the results of its work in March 1989.

01/89: GAO and Senate Banking Committee staff agree to merge the October and December 1988 requests and to focus the work in response to the latter request on 5 Southwest Plan transactions and 2 other transactions.

03/03/89: GAO writes to the six Senators with information on the background and experience of senior officials at the FRB, OCC, FDIC, and FHLBB in response to their 10/20/88 request letter.

03/14/89: GAO testifies before the Senate Banking Committee on "*Failed Thrifts: GAO's Analysis of Bank Board 1988 Deals.*" (The

Comptroller General's opening remarks are attachment I.)

03/14/89: During the hearing, the Committee Chairman, in reaction to GAO's comments on the lack of adequate documentation, asks GAO to continue work on the selection of acquirers.

03/14/89: Senators Riegle and Cranston jointly ask GAO to answer 11 questions relating primarily to FDIC. Question 8, however, asks GAO to compare the strengths and weaknesses of a FSLIC and an FDIC assisted transactions.

03/89: The Committee Chairman asks GAO to respond for the March 14 hearing record to 17 questions related to the FSLIC transactions and the Administration's proposal to resolve the thrift crisis and restructure the thrift industry.

Question 6 asked: "Do you observe any patterns of favoritism in the deals made last year. I am particualrly interested in cases where former insiders from the Federal Home Loan Bank System purchased failed thrifts or acted in some capacity to help arrange the deals. In how many of last year's deals were former senior Bank Board officials involved? Did they benefit from inside information in those deals?"

Question 7 asked: "Plese suggest standards and offer guidelines for the maintenance of adequate records regarding the deals."

Question 15 asked: "FSLIC contends that the thrift institutions resulting from FSLIC's December 1988 assisted acquisitions are adequately capitalized—despite having a low ratio of capital to total assets—because much of the institutions' assets consist of FSLIC notes and FSLIC-guaranteed assets, which are categorized as involving little or no credit risk. Do you agree? Has FSLIC succeeded in banishing the moral hazards of low capital, such as the incentives to take excessive risks?"

04/07/89: GAO responds to Senators Riegle's and Cranston's 3/14/89 request. The response to question 8 provides a summary description of FDIC's NCNB Texas transaction and FSLIC's First Gibraltar transaction.

04/07/89: GAO responded to the 17 questions for inclusion in the testimony record. (Responses to questions 6, 7, and 15 in attachment II.)

05/31/89: GAO officials brief Senate Banking Committee staff on the results to date of our Office of Special Investigations work on FSLIC's sale of thrifts to acquiers

05/07/89: GAO drafts amendments to the thrift bill at the request of Senate Banking Committee staff to help insure that the documentation and access problems related to the FSLIC deal cannot re-occur under RTC and that the RTC reviews the FSLIC transactions to identify cost-reducing actions. (Attachment III.)

08/09/89: FIRREA requires GAO to monitor the FSLIC deals and to estimate their cost. GAO/GGD initiates work on FSLIC's management of the assistance agreements and GAO/AFMD initiates work on their cost.

01/25/90: GAO testifies before House Banking on the preliminary results of its FIRREA-required monitoring work. GAO says that FDIC is not giving sufficient attention to its management of the FSLIC deals and identifies three areas where improvements are needed. (FDIC subsequently took the actions suggested.)

03/29/90: GAO refers items related to failed S&Ls to the Department of Justice. (Office of Special Investigations field work on the FSLIC deals ended late in 1989.)

04/02/90: GAO testifies before House Banking on differences between the RTC and FSLIC 1988 resolutions in terms of bidding and selection approaches and structure.

04/06/90: GAO testified before Senate Banking on the cost of the S&L crisis resolution. Estimated costs of the FSLIC Resolution Fund, which includes the cost of the FSLIC 1988 deals, are included. The FIRREA-required report on cost of 1988 FSLIC deals will be issued this summer.

04/26/90: GAO writes Senator Riegle summarizing past and ongoing work on the FSLIC deals for the Senate Banking Committee, as well as the status of the two RTC studies of these deals that were required by FIRREA. (Attachment IV)

07/19/90: GAO issues report "Failed Thrifts: FDIC Oversight Needs Improvement."

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the President for recognizing me.

Mr. President, I think one thing is unanimous when we are dealing with this request for an additional $30 billion for funding for the Resolution Trust Corporation is that there is not a single person in this body who is happy with the request or totally pleased or feels totally comfortable with this piece of legislation. The House of Representatives also is wrestling with the same very difficult decision of how to handle this very large national problem.

It is interesting to note that the House Banking Committee was not even able to get this legislation out of the committee. In fact, after a very embroiled session of the committee on the House side, they at least temporarily killed the administration's request for any additional new funds to keep the Resolution Trust Corporation on track.

It is very clear that no matter which direction we go, it is going to be one that is very uncomfortable for most Members, both in the House and in this body as well. The bottom line is that no one is comfortable with the problem; no one likes where we are. All of the answers that have been proposed, indeed, are far from being perfect in resolving this problem. And indeed the problem is quite large.

The Resolution Trust Corporation has seized literally thousands and thousands of properties around the country, with indications that they will be seizing literally thousands and thousands more as more and more savings and loans are closed. My own State of Louisiana is second in the Nation, a statistic that we are not particulary proud of, in terms of the number of properties that have been seized by the Resolution Trust Corporation and are being held by the RTC.

The State of Texas, it is my understanding, leads the Nation in the number of properties that have been seized and are currently being held. The last figures that I saw from the Resolution Trust Corporation indicate that they now have something like 20 billion dollars' worth of real estate properties in their portfolio, a book value of about $20 billion consisting of 41,529 pieces of property. That, of course, does not count other, more liquid assets that they also have.

What I would like to address for a moment is the amount of real estate that they have and how they are trying to go about disposing of it which is, of course, their mandate. The GAO when they looked at the RTC, when they judged their disposing of real estate clearly indicated that the RTC's performance in selling real estate "has generally been disappointing." That perhaps is one of the greatest understatements of any GAO report that I have had the opportunity to review.

The way the RTC currently goes about trying to dispose of those 41,000-plus pieces of property is to basically put them on the market at the appraised price and then continue to lower the asking price until eventually they have a seller who comes up and says, "It is now low enough; I think I can take it over, and I will be happy to do so."

The problem with that approach, Mr. President, is that it has a particularly negative effect on the real estate values in a local community. If the RTC has a hotel, a motel, a building office complex, or even an individual home that they are trying to get rid of under the mandate and they keep lowering the price, and lowering the price, and eventually they get rid of it, they have, in effect, depressed the price of real estate values in that local area, sometimes in a very tragic manner.

That is happening, I know, throughout my State of Louisiana as more and more people just dread the day in which the RTC comes forward with another piece of property that they are trying to dispose of. Eventually, if it is continued in the way it is going, the RTC may well be giving away property because after a certain period, it is more sensible for the Federal Government to actually give away the property than it is to continue to maintain it.

Studies indicate that the longer property remains in the hands of the RTC, the more the asset will suffer. We have seen these examples of properties that the RTC has held just depreciate and depreciate in value each month as they hold it. During that period of time, the RTC, of course, has to maintain that property at a tremendous cost. They have to insure it in case something happens to it. That is another added cost. They have to maintain it. They have to pay for repair and upkeep of those particular properties they are holding. So we have over 41,000 pieces of property. They are having to maintain it, pay for it, insure it at great cost to the RTC, which is part of the reason why they are asking for another $30 billion.

So the property they have is clearly a major problem for the RTC. If they continue to just lower the price and eventually get rid of it either by giving it away or by selling it at what could be called a fire sale, they, in effect have wreaked economic havoc on the local communities by depressing the prices of everything in that local community. Any other office building, any other private home, which is located in the vicinity of a RTC fire sale is advesely affected by that sale.

The studies that I have indicate that the amount of money the Federal Government is spending in these areas is absolutely astronomical. Therefore, I think in looking at this authorization that we ought to be looking at some innovative ways in which we should be trying to help the RTC in moving these properties, getting them sold as fast as they possibly can.

It is clear that the Government is not and should not be in the business of maintaining and operating commercial property. It should be the goal of all of us to get this property back into the market so that the private sector can, in fact, start to repair it, to put it to the use for which it was properly designed to be used for in the first place.

Mr. President, what I am suggesting is that I think it is time for the Congress to consider a type of a tax credit which would be available to those individuals who actually buy the RTC property; to give them some kind of an incentive to take these properties off the hands of the RTC, not at a fire sale price, not at a depressed price, but at a price that is very close to the appraised property value of that property in the first place.

We have had studies done, Mr. President, to evaluate the economic costs and benefits of a tax credit program which would be designed to facilitate the sale of RTC property. I think the studies do indicate it would be a very wise investment for us to enter into.

A tax credit, of course, is a dollar-for-dollar reduction of taxes due. The object of this RTC tax credit which I will be proposing is to provide an incentive for expediting the sale of the RTC property to the private sector and thereby reducing the long-term costs of the savings and loan crisis to our taxpayers.

The RTC credit that I envision would be allocated at the discretion of the RTC or some other Federal Government agency and would not be available for use on those properties that could be sold at or near market value. In other words, a piece of property that has been seized that has a hot property value, that has a real potential, that is clear, would not be the beneficiary of any tax credit because the RTC could move it, could sell it without using the tax credit. So the tax credit would be used only by the RTC to help move those properties which they are having a very difficult time moving at a fair market price or close to appraised value.

Specific characteristics of the concept I am talking about are that a tax credit of up to 80 percent of appraised value for the acquisition of the property that is owned by the RTC. The credit is not unlimited. The credit would in fact be limited to the amount necessary to provide the RTC with the selling price it would desire.

The funds generated by the tax credit would be paid directly to the RTC and the tax credit would be for 5 years beginning with the taxable year in which property is purchased and would be earned in five equal annual installments. Congress would annually authorize a dollar limit for the RTC credit.

The RTC would have to show it has exercised reasonable efforts in selling the property it has in its inventory at or near appraised value. In other words, the RTC would not be able to just come in and apply the tax credit in a blanket manner to all the property they have. It would have to show they have made a reasonable, diligent effort in marketing this property. Then, if they could not market it in normal channels, they would be able to apply all or a portion of the tax credit in order to make the property purchase more attractive.

In the event that reasonable efforts fail to move this property within a reasonable amount of time, perhaps a 6-month period would be reasonable, the RTC would certify that a property could not be sold except for the inclusion of the credit.

Ownership of property after a person would purchase it by the use of this tax credit must be maintained for a period of 5 years. In other words, the person who buys the property would not be able to merely turn around and dispose of it after having utilized the benefits of the tax credit. It would have to be maintained by that buyer for at least a period of 5 years. Sale of the property before the end of the credit would not trigger recapture but would cause the cessation of any further tax benefits.

How much of a tax credit would be available? My proposal would establish a tax credit that could be used to offset the lesser of $50,000 or 50 percent of the tax liability for an individual. For corporations, the credit would be subject to the rules of general business credit including the maximum amount of income tax liability that may be reduced by a general business credit for any one year, and that is $25,000 plus 75 percent of remaining tax credit. The RTC tax credit will also not be able to be used to offset any taxes due and owed under an alternative minimum tax calculation.

It is very clear why we are suggesting a tax credit. The cost of holding 40,000 pieces of property that the RTC currently has, including the payment of the repair of these properties, the maintenance costs of these properties, lost taxes on these properties, the insurance, the economic depreciation that these properties are going through as idle property exceed the costs of these tax credits. It is costing us far more to hold these properties and do all the things the Federal Government has to do to these pieces of property than it would be to have a tax credit on the books which would enable the RTC to move these properties into the private sector, thereby generating new income for the Federal Government.

Under the economic analysis that we have had done, the benefit of selling the RTC properties with this tax credit that I have envisioned is almost 2 to 1. In other words, $2 in benefits for every $1 spent on the tax credit when you compare it with the alternative of holding the property and continuing to hold it with no sales apparent.

The studies incidentally also indicated that after a certain period—I think the period was about 7 years—it is cheaper for the Federal Government to give the property away. To actually give it away would be cheaper for Federal Government after they have held it for a period of approximately 7 years because over that length of time it costs more to continue paying the maintenance costs, the insurance, the repair, the upkeep, and it is better for the Federal Government to actually give the property away rather than to continue to hold it and sell it at a fair market price.

Can you imagine what it would do to the local property values in an area when the Federal Government engages in actually giving away property that they have in fact become the owners of through the S&L situation?

So it is clear, as any economist will tell you, that as these properties are in fact returned to the private sector and brought back into the economic mainstream by private investors they will begin to generate income. They will begin to generate taxes, all of which are missing while the RTC tries to manage 41,000-plus pieces of property. This income will in turn generate additional tax returns for the Federal Treasury and also be an offset to the cost of any tax credit.

The RTC had a total real estate portfolio valued at $17 billion as of December 31, 1990. They had only been able to dispose of 5 billion dollars worth of real estate by that time. It is increasing every day. As Congress continues to raise more and more money to fund the RTC, as we continue to give them more money to pick up more failed S&L's, they acquire more and more property. The problem I would say to my colleagues is not getting better; it is getting worse—from 41,000 pieces of real estate property, I fully expect that number to dramatically increase in the months ahead. They will continue to have to have fire sales, and I think that is something no one in our country and no one in our districts or States can afford to face with the difficult economic times that the United States is currently facing.

So what I am suggesting, Mr. President, is the creation of a tax credit for individuals and companies that buy the RTC properties. It would mean a 2-to-1 benefit to the Federal Treasury if we establish this type of plan.

I have spoken to members of the Senate Finance Committee about this tax credit proposal. I hope we will be able to consider it in hearings in the Senate Finance Committee. It is not appropriate I think at this time to include it in this authorizing legislation, but perhaps a reference to it in some type of study would be appropriate and we will continue to work on this concept as we consider the consideration of the authorizing legislation.

At this time I yield the floor.

Mr. METZENBAUM. Mr. President, I wonder if my colleague would not think we ought to put in a quorum call—it seems just to hold the floor for further debate would only be repetitious—to see whether or not we could get some action from the RTC.

Mr. RIEGLE. I think that is probably a good idea. We are also, of course, in the middle of the lunch hour now. So colleagues who might otherwise be available for discussion on the floor are not here.

Mr. METZENBAUM. It is my understanding that a couple of our colleagues do have amendments they wish to call up. I wonder if staff could not advise them where we are on this matter so they not be precluded, in the event we have a meeting this afternoon, from presenting their amendments.

Mr. RIEGLE. I think that is appropriate. Let me indicate to all those who have amendments they intend to call up or consider offering, we are at that point in the process where this afternoon anyone desiring to do so should come to the floor and we will accommodate those amendments at that time.

We do have an amendment pending by the Senator from New York. Discussions should also be taking place now to see if a way can be found to perhaps provide an answer to that short of actually carrying that amendment to a vote.

There are other amendments that have been described by the Senator from Louisiana and the Senator from Nebraska. In addition to those are the discussion items raised by the Senator from Ohio. So with those items on the table and others perhaps coming on the table, at this point I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DIXON. Mr. President, I ask unanimous consent to proceed for a brief period of time as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SMALLER TINY TOWN

Mr. DIXON. Mr. President, an article appeared in the February 11, 1991, Belleville News Democrat. That is my hometown, Mr. President, Belleville IL, 45,000 fine citizens. The Belleville News Democrat had an article entitled "Tiny Town is Smaller," and the story is truly amazing.

Anyone who has had any lingering doubts as to the accuracy of the 1990 census will certainly have their suspicions confirmed, Mr. President, if they read this article.

Reporter Wally Spiers tells the story of the 1990 census and its count of the good people of Fults, IL, in Monroe County, population 85 good souls according to the 1980 census. I know Fults. I have been in Fults, Mr. President; a small but lovely town; 85 hardy souls, according to the 1989 census.

Now, Fults is a town of only two streets: Main and Church. There is a third street, but it is only a block long so they did not name it. No one has ever felt compelled to name that street.

It seemed kind of easy to count everybody in Fults, IL, Mr. President; not the sort of situation where you ought to have to worry about an undercount like people do in the great city in my State, Chicago, or in New York, or in Los Angeles, or even in Birmingham. But lo and behold, Mr. President, when the 1990 census numbers were released for Fults, it claimed Fults had shrunk from 85 residents to 45 residents.

Now, the Census Bureau maintained that the 45 residents lived in 19 houses. Well, the Monroe County treasurer, Merrill Prange, who lives in this little town of Fults, decided to do his own count, so he walked through town and, unlike the Census Bureau, which counted only 19 houses, he counted 33 houses. The Census Bureau had counted only half as many residences as the county treasurer, who lives in the town of Fults.

And I therefore would assert the Census Bureau could not have possibly made an accurate count of Fults' population.

What is my point? My point is that these undercounts are costly. Listen to this. It is going to cost Fults $6,500 in State motor fuels tax money over the next 10 years as a result of their undercount. It is a potentially large loss for Fults.

As County Treasurer Prange says in the article:

> Conceivably, if the Census Bureau miscounted a town of 85 people and two streets that badly, I wonder what they did in towns like Waterloo, Belleville, or large places like Chicago?

I know a little bit about Waterloo, Belleville, and Chicago. I live in Belleville, a town of about 45,000. My lovely oldest daughter, Stephanie and her husband and her four children, my four fine grandchildren, live in Waterloo, the county seat of Monroe County, and Waterloo is a very big town by Monroe County standards, 4,500 to 5,000 people, much bigger than Fults, which is 85 people.

But if they are miscounting Fults, with two streets, Mr. President, Main and Church, and cutting their population in half in Fults, that you and I can count in an hour, what are they doing to Waterloo; what are they doing to Belleville; and what are they doing to Chicago?

The county treasurer says it all, County Treasurer Prange. Can one imagine the financial loss to a city like Peoria, Chicago, or New York if a similar undercount occurred? The effect has to be devastating.

So I say, Mr. President, the Census Bureau must make every effort to correct this undercount. There are thousands of two-street towns in this country, Mr. President. I imagine there are even thousands of one-street towns. But no matter what the size, they all deserve a fair, accurate count of their population. If we are to have a credible census, no less can be expected from the Census Bureau.

I ask unanimous consent that a copy of "Tiny Town is Smaller," from the February 11, 1991, edition of that great newspaper, the Belleview News-Democrat, in my hometown of Belleville, IL, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Belleview News-Democrat, Feb. 11, 1991]

TINY TOWN IS SMALLER

(By Wally Spiers)

East St. Louis has lost more than 14,000 in population, or 25 percent of its 1980 count.

It could have been worse. It could have been Fults, a small Monroe County town that lost nearly half its population, according to the 1990 Census.

True, it only had 85 people to start with in the 1980 Census, but residents were startled to find that the 1990 count said the town only had 45 residents.

The sleepy small town nestled under the shadow of the Mississippi River bluffs in southwestern Monroe County is awake now and challenging that count for obvious reasons.

Monroe County Treasurer Merrill Prange, a Fults resident, is leading the challenge.

"I just happen to live there, and when I saw the figures the county clerk had posted, I knew they weren't correct," he said. "I sat down and counted the people. After all, it's a town with only two streets and 85 people. It's not too hard."

Just by going up and down the two streets in his mind, Prange said he came up with a higher number than the U.S. Census Bureau did. It was obvious to him that someone had made a mistake.

Ordinarily, he wouldn't mind. When you live in a tiny town, you get used to people ignoring you or making fun of your town. But this mistake could cost the town money that could be used to keep its two streets in excellent condition.

"The state motor-fuel tax funds are based on population," he said. "The drop in the Census could cost us about $55 to $60 per month for the next 10 years simply because someone made an error. We couldn't see accepting that."

The difference in tax funds might not sound like much but taken over the 10 years of the Census, Fults would lose more than $6,500.

After a few futile calls to the state level, Prange finally reached an official in Washington, D.C., who was able to help get started on a protest.

"We want some sort of certification of how they arrived at their count," Prange said. "We were able to track the homestead exemptions on the residences in town that show the number of residents paying property taxes."

The U.S. Census Bureau counted 19 residences in Fults. A quick drive along both streets in town (Main Street and Church Street—they could have three if they named the one-block street that connects the two in the middle of town) showed at least 33. Prange confirmed that number.

"We hope when they see our evidence they will know their count is off," he said. "We also sent along a post office list of people living there."

Prange said he could see where it might be easy to get confused about who lives in town and who doesn't, even though the town covers only a few blocks.

"Some residents get their mail at the post office," he said. "Others get theirs delivered because the rural route runs down Main Street. Their mailing address would have said rural route Fults."

The Census people may have gotten confused because a set of railroad tracks runs through town, and a few houses are on the opposite side of the tracks from the main part of the town.

Eventually, the town probably will get its problem straighten out, but the experience has Prange wondering about other Census counts.

"Conceivably, if they miscounted a town of 85 people and two streets that badly, I wonder what they did in towns like Waterloo, Belleville or large places like Chicago?" he asked.

And who knows what will happen in 2000? The Census could get even tougher to figure in Fults.

Prange said a new family had moved into the town. The population may be up to 90 now.

Mr. DIXON. Mr. President, the 85 hardy souls of Fults, IL, who have suddenly had their population cut in half, thank you for your attention to this very important detail relating to the future existence of Fults in Monroe County in the great State of Illinois.

RECAPITALIZING THE BANK INSURANCE FUND

Mr. DIXON. Mr. President, there is no doubt that the Federal Deposit Insurance Corporation's bank insurance fund is under serious stress. The fund now has a balance of only $8.5 billion. It would take another $16.5 billion right now to bring the fund back to its designated 1.25-percent target ratio. Even with that additional money, the FDIC would not be able to keep the fund at the target ratio; the Office of Management and Budget, the Congressional Budget Office, the consultants to the House Banking Committee, and the FDIC itself all predict varying degrees of further pressure on FDIC reserves.

It is possible that the FDIC may be able to keep the fund solvent and that it will not need any further legislative assistance. After all, as a result of a bill enacted just last year, the FDIC has virtually unlimited authority to raise deposit insurance premiums and earlier amendments provided the Corporation with extensive borrowing authority.

It is widely anticipated that the FDIC will soon announce a further increase in bank deposit insurance premiums, and that the Corporation will also announce that it is borrowing $10 billion to augment its resources. I hope that will be enough to bring the fund through its current crisis. If, however, it is not, a legislative solution will be required, and any such legislative solution will have to meet a number of conflicting goals. It will have to:

First, provide sufficient funds to the FDIC to meet reasonably foreseeable needs, with a substantial reserve as a margin of error;

Second, finance the recapitalization without use of taxpayers' money to pay losses;

Third, ensure that more banks are not pushed into insolvency by premiums that burden the industry beyond its ability to pay; and

Fourth, avoid exacerbating the credit crunch or deepening the current recession.

Now some may say, Mr. President, that no proposal can meet all of these goals. If borrowing authority is considered using taxpayer money to recapitalize the fund, they are correct, because no one believes that it is possible to avoid borrowing altogether. However, if FDIC resources—that is, insurance premiums—are used to repay any borrowing, then it is the banking industry, not the taxpayers, that will be financing the recapitalization. So long as the FDIC is able to repay any borrowing, therefore, a taxpayer recapitalization of the bank insurance fund can be avoided.

The current deposit insurance premium of 19.5 basis points will support a lot of borrowing; it raises close to $5 billion each year. However, it is probably not a good idea to dedicate all of that income to repayment of borrowing. The FDIC is likely to face substantial insurance losses for some time, and encumbering the fund's future income in that way is unduly risky. That is why the FDIC is likely to increase premiums to the 23–25 basis point range to support the $10 billion borrowing program that the banking trade associations have proposed.

Raising the premium above that level, however, also creates real risk. The experts seem to agree that additional increases much over that amount would begin to seriously pinch many banks' earnings, and force some banks into insolvency. At some point, therefore, premium increases become counterproductive, causing losses that are greater than the income they raise. Further, additional increases could make it more difficult for banks to raise the additional capital they need, and it is bank capital that is the principal bulwark protecting the insurance fund.

Even worse, trying to resolve the insurance fund problem just through premium increases creates a real risk of making the current credit crunch much more serious, and of making it much more difficult to climb out of the ongoing recession. The FDIC, for example, considered imposing a 1 percent special assessment on the banking industry. This would have raised $25 billion. The FDIC did not pursue this option, however, because the Corporation realized that it could take $300 to $400 billion in lending capacity out of the banking industry—and that the economy, let alone the banking industry, could not stand that kind of pain.

Relying solely on further premium increases is also not a good idea because of the climate of uncertainty it creates. If banks don't know what deposit insurance premiums they will have to pay—if even prudent banks have no confidence in the affordability and predictability of their insurance assessments—then it is going to be that much more difficult to get them to make the kind of good loans in the amounts that will really get our economy moving again.

There is a way out of this dilemma, Mr. President. We can provide the FDIC with the resources to undertake a major recapitalization of the fund. We can do it without using taxpayer dollars to pay losses, and we can do it in a way that will provide considerable confidence that future deposit insurance premiums will not rise to levels beyond the banking industry's ability to pay. The solution that will accomplish all of these objectives and the others I have previously discussed is to make use of an underutilized, already available, banking industry resource, the sterile reserves banks have on deposit at the Federal Reserve System.

Banks and other depository institutions currently have about $21 billion in sterile reserves on deposit at the Fed. Banks must put a percentage of all checking account balances, and, until recently, all time account balances, into the sterile reserve. The reserve requirement was first created in 1913. The notion then was to create a source of liquidity, and to give the Fed an additional monetary policy tool. The decision was made then not to pay interest on the reserves to the banks, based on the fact that:

The Fed was paying a 5-percent dividend on the stock banks then owned, and still own, in the Fed;

The Fed would take over responsibility for the clearing system and not charge the banking industry for this service; and

It was a very low interest rate environment and banks were then earning only about 2 percent on their reserve balances.

The fact that the Fed did not pay interest on the sterile reserves to the depositing banks, however, did not mean that the Fed did not earn interest on those deposits. It did, and continues to do so. Last year, the Fed earned about $2.5 billion, and it is likely to earn $1.5 billion or more this year.

These profits amount to a kind of special tax on the banking industry, one that the industry can no longer afford. What makes this tax particularly burdensome is the fact that the reserves are no longer needed for their original purposes. While some level of reserves is still needed as a form of security for the clearing system, the reserves are no longer used as a monetary control tool. The Fed acknowledged this fact late last year, and reduced reserve levels, shrinking the amount of bank reserves at the Fed from $37 billion to the current $21 billion.

Further, none of the conditions that led to the decision not to pay interest on reserve balances still applies. Interest rates are now much higher than 2 percent, and much more volatile. The 5 percent dividend that seemed attractive in 1913, is no longer very attractive in 1991. And most importantly, the Fed now charges for the clearing services it used to provide for free—and even makes a profit.

Finally, the banking business has greatly changed since 1913. In that era, banks essentially had what amounted to a financial services monopoly. They were the only game in town. In 1991, that is no longer true. The banking industry faces intense competition, much of it from new products and services that didn't even exist in 1913. Because of this new competition, banks simply can no longer afford not to have the interest on reserves working for them.

Frankly, Mr. President, I think the case for paying interest on the sterile reserves directly to banks is compelling. However, given the needs of the insurance fund, the least that should be done is to put the interest on the sterile reserves into the insurance fund.

Transferring the interest to the FDIC would give that agency an unencumbered income—that is, income not committed to repayment of borrowing—in excess of $6.5 billion a year, and that exceeds FDIC's annual insurance claims in every year but one. Further, the reserves themselves can be used as security for a much larger recapitalization of the fund, should that prove necessary.

Finally, the sterile reserves could be used to finance a transitional capital assistance program for banks, one that would:

Facilitate consolidation of weak banks;

Minimize costs to the FDIC by keeping more problem assets in the private sector; and

Avoid creating domino effect, where the sale of one cleaned-up failed bank creates competitive pressures that cause other banks to fail.

S. 262, a bill I introduced last month, sets out one possible way to put the sterile reserves and the interest income attributable to those reserves to work. There are other approaches, and I have been discussing possible refinements of my ideas with Treasury and others.

The bottom line, however, is that the interest on sterile reserves provides a way out of the Bank Insurance Fund recapitalization dilemma. It is the one way for us to meet all of the otherwise conflicting recapitalization objectives. Putting this money to work for the insurance fund benefits the American taxpayer and our economy. It can help put a badly needed dose of confidence into our financial system. It should be used—now.

I yield the floor.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the Senator from Washington.

Mr. ADAMS. Mr. President, I inquire as to the status of matters on the floor, so that I can make a unanimous-consent request.

The PRESIDING OFFICER (Mr. LIEBERMAN). The pending matter is the amendment introduced by the Senator from New York [Mr. D'AMATO] to the legislation concerning the RTC.

Mr. ADAMS. Mr. President, I ask unanimous consent that I might proceed as in morning business for a period not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. I thank the Chair.

(The remarks of Mr. ADAMS pertaining to the introduction of S. 512 and S. 513 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ADAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I also ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the Chair.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 514 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who seeks recognition?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. Mr. President, I ask unanimous consent that I might speak out of order for 1 minute as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OUTSTANDING VOLUNTEER WORKER CHARLENE BAKER CRAYCRAFT

Mr. SYMMS. Mr. President, sometime we fail to recognize the true value of the individual in our day to day routine. The average American becomes more involved in his or her own personal problems and far too often neglects to say a proper thank you to an individual who has contributed of his or her time to the betterment of the community, State, and Nation, as opposed to seeking strictly personal rewards.

Mr. President, I wish to formally recognize, albeit posthumously, one of those unique individuals on the floor today—Charlene Baker Craycraft, who was tragically taken from us in an automobile accident last month.

Mrs. Craycraft was a lifelong believer in our country and its ideals, and had been involved in charitable and community efforts in the Washington metropolitan area since graduating from Suitland High School in 1961. She completed her education at Prince Georges Community College and the University of Maryland. She did substitute teaching in Prince Georges County, and she became involved in the political arena in the early sixties.

Charlene first achieved national prominence as the first woman chairman of the National Young Republican Leadership Conference in 1974. She had worked with the Americans for Constitutional Action since 1966, working her way up from finance secretary, office manager, and executive assistant, to executive director and finally chairman.

One of Charlene's honors was being chosen by the United States State Department to travel to India and participate in an American study group during her career. Being able to discuss the free market and the Constitution with other young people in that government was considered a distinct honor by Mrs. Craycraft. Charlene was a strict constitutionalist, Mr. Chairman, and worked tirelessly to promote the best ideals from the American way of life to not only her colleagues in the metropolitan area, but to anyone with whom she could discuss the important matter of freedom and democracy.

Mr. President, I, along with many of my colleagues, had the honor of working with Charlene on numerous occasions throughout her career. She was loyal, steadfast, dedicated, and genuine in her concern for other people. The youngest of seven children from a West Virginia farming family, Charlene epitomized the ability and influence of a single individual to change things. She gave selflessly of her time and energy, and her talents, which were many, for those ideals and principles in which she strongly believed, and to help those less fortunate than herself. She always answered a call for help from her many friends, and her contributions to the Ronald McDonald House were something she cherished.

We feel a deep personal loss in the passing of Charlene Baker Craycraft, but we are thankful for her life and the meaningful contributions she made during more than 20 years of service in the Washington area. My heartfelt sympathy goes to her husband Harold and her family. We all benefited from knowing her.

Mr. President, she was known in this town as the ACA and it was one of the first information organizations back 25 or 30 year ago that started taking a look at how Congress votes, what they do and getting information out. It had a conservative point of view, I grant.

Charlene was a marvelous woman who many of the people in the Senate had an opportunity to know.

RESOLUTION TRUST CORPORATION FUNDING ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, I rise to make a few remarks on the pending business before the Senate, which is the proposal to refinance the Resolution Trust Corporation with an additional $30 billion of funds, those funds to be available to the RTC for purposes of paying off depositors in institutions which have come under the conservatorship management of RTC.

Mr. President, it has been suggested today we face a circumstance which is analogous to that which we faced several years ago when the original savings and loan crisis emerged. That was the circumstance in which the insurance fund, which provided the safety net under savings and loans institutions, was seriously depleted. Many institutions were in deep financial trouble. As they attempted to work themselves out of that trouble, in many cases by growing at a greatly accelerated rate, there was concern they were, in fact, adding to the ultimate cost of the resolution. Those fears have, unfortunately, dramatically and in enormous quantity proven to be well-founded.

So we have been warned today: Do not fall into the trap of 1986.

I would like to suggest the situation today is significantly different than it was in 1986 and that, in fact, we do not have one problem; we have two problems; It is different today than in 1986. The insurance fund was broke or virtually broke. It was certainly inadequate to meet the demands that were reasonably to be placed upon it.

That is not the case with today's Resolution Trust Corporation. In fact, the Resolution Trust Corporation, as of November 30, 1990, which is the last date for which statistics have been provided to the Senate, had in its conservatorship institutions—these are institutions which are still operating but being managed by RTC—$87.5 billion of assets.

In its receivership accounts—these are the assets from institutions which had previously been in conservatorship, where depositors had been paid off, and these were the unsold assets from those dispositions—RTC, as of November 30, had assets of $56.6 billion. So between the two sources of assets, conservatorship and receivership, RTC has in excess of $140 billion of assets. We are not talking about an institution which is strapped against the wall in terms of its financial capability.

To look inside those numbers a little further, Mr. President, again using the November 30 information, the portfolio is broken down into various classes of assets. Three of those classes are cash and investment securities, mortgage-backed securities, and performing loans, the three categories which in normal financial parlance would be considered to be relatively liquid, that is, that there is a market, a relatively readily established value, on those types of assets.

In the conservatorship account, those three categories represented approximately $70 billion of the $87.5 billion. In the receivership account, those three represented approximately $40 billion of the $56.6. So most of the assets most of the $140 billion-plus assets, are not in hand to dispose of items but in items for which there is a relatively available market.

I have been looking for an analogy to the problems that we face, and the best I have been able to come up with is maybe one that many of us are familiar with, and that is a child at college. We have dealt well with our child. We have not only provided the child with tuition and room and board, but we also have given the child a car, a television set, a VCR, a stereo. He or she is well provided for. But every month, we get a call from our child in college. And after going through the niceties of "How are things going at home; how is mother doing," the last paragraph of that call almost inevitably, Mr. President, is. "Dad, could you send me a check for $500?" Maybe the Presiding Officer has had that experience. Well, as good parents, we try to be forthcoming.

(Mr. ADAMS assumed the chair.)

Mr. GRAHAM. It is now the end of the semester, Mr. President, and we have received the grades for our child. The grades are not good. In fact he is barely able to get readmitted into the college because of his grades. This does not make us happy.

And so, as a parent who has a couple of objectives: we want our child to finish his college education; we also would like the child to do so without putting us into bankruptcy, we tell our child, "For the next semester, I want you to sell your car, sell your television, VCR, and stereo, and I want you to take yourself out of wherever you have been and put yourself in the library. And I expect a more studious attention. And, incidentally, do not be calling me once a month for a $500 check, because those checks are not going to be coming anymore."

That, Mr. President is a rough analogy of where we are now. We have an institution, RTC, with very substantial assets, assets that are not being rigorously disposed of, an institution which has not been getting very good grades as to how it is handling those assets, as witnessed to in the previously created General Accounting Office report, which was delivered to the House Banking Committee earlier this month, and an institution which regularly is calling us up and asking for the equivalent of that monthly check, except it is not $500; it is $30 billion.

So just as we have two objectives with our child—completion of college and doing so at a price that does not put the parents into bankruptcy—I suggest we have two objectives here today. One is, yes, we desire that the Resolution Trust Corporation have sufficient assets so that where a savings and loan has clearly reached the point it no longer is able to survive independently, the RTC is in a position to take over that institution, to hemorrhage the bleeding, to stop the adverse economic effect.

But we have a second objective, Mr. President, and that is we want RTC to begin to aggressively dispose of this mammoth and accumulating, rising tide of assets which it has in its portfolio. It is to that second point that I would like to address most of my comments, and that is, what are the adverse effects of the Resolution Trust Corporation continuing to accumulate assets?

There is a clear lack of urgency on the part of the RTC in the disposal of these assets, more in their actions than in their words.

Many of us in recent days have been called upon by the press to evaluate what Saddam Hussein said this morning: Do you believe this is a serious movement toward resolving this war? I have come to the conclusion that Saddam Hussein can only be tested by his actions, not by his words. I do not mean to draw the analogy between RTC and the tyrant in Baghdad, but I believe that with RTC also we need to look at their actions rather than their words in terms of their commitment to disposition.

Just to give a couple of examples, the report that I cited earlier from November 30, 1990, lists in receivership assets of $56.6 billion. On July 31, RTC had in receivership $40.2 billion. So over the course of July to November, rather than reducing the number of assets, liquefying them, generating cash in order to pay off the obligations of RTC, in fact, there has been an increase of over $16 billion in the assets held by RTC.

I found an even more stunning example of this perceived, what I believe to be real, lack of urgency in the way in which this matter was presented to the Senate Banking Committee. The Secretary of the Treasury, in a hearing earlier this session in which he talked about, from his perspective as Chairman of the Oversight Board, the issue of the need for additional funds for RTC, it was not until page 6 or 7 of his testimony, in a relatively nondescript paragraph, that he made the statement: And, incidentally, we are not selling any assets anymore. We are not selling those assets because we have a legal opinion that we, members of the Oversight Board, as well as others who might have been involved, could be personally liable if we sold assets and there was subsequently found to be some lack of full disclosure.

In my judgment, Mr. President, that should have been the first sentence in his statement. Bells should have rung, a sense of alarm gone out. We have an institution that has stagnated, that has atrophied, that is not performing a basic function. Rather than that, we got a rather casual, passive, low-intensity acknowledgement of a very fundamental defect.

So, Mr. President, I start with the sense that we have an attitude in RTC which is adverse, or if not adverse at least lacking any sense of real commitment to the disposition of assets.

What are some of the implications of this policy? First, there will be a greater cost to the American taxpayer of continuing to hold these assets.

I mentioned the dollar value of some of the assets that will be held by RTC earlier. One that I did not mention was real estate. I did not mention it intentionally, Mr. President, because, in my judgment, it has been used as a red herring; that is, the argument has been made that, well, of course, RTC cannot dispose of assets, and of course it cannot liquefy and use those cash proceeds to meet its needs because it is tough to sell real estate.

I could accept that real estate is not the easiest asset to dispose of quickly. But it represents 10.4 percent of the conservatorship assets and 13.7 percent of the conservatorship assets. It is not the overwhelming item in either of the portfolios of the Resolution Trust Corporation, but those percentages amount to approximately $17 billion of real estate assets held as of the 30th of November.

If you assume that those real estate assets have costs of carrying, the cost of managing the property, the cost of maintaining property, the depreciation in value which is associated with property that goes unoccupied or only partially occupied, and if you assume that rate of cost and depreciation is half of 1 percent a month, which I consider to be a relatively modest estimate of the actual cost, we are talking about a monthly cost to the taxpayer of carrying that $17 billion worth of real estate assets of approximately $80 million every month in the cost and depreciation of value. So there is a substantial additional cost to the American taxpayer of this policy of slow disposal of assets.

Second, the slow disposal of assets constitutes a drag on the general economy. There has been some concern, when this matter was addressed a year ago, that if RTC sold its assets too rapidly, it might constitute dumping or it might have a collapsing effect on real estate values. I think now the strong weight of opinion is that just the opposite has occurred—that the failure to move these assets is what is the drag on the economy; the uncertainty, the unknown of having this big overlay of unsold property.

Third is we are building up an enormous bureaucracy to manage these assets. The General Accounting Office report earlier this month indicated that RTC now has 5,000 employees to manage these assets. They estimate that, under the current pace of activities, those 5,000 people could be employed as long as 10 years disposing of these assets, another very significant cost to the American taxpayer.

Fourth, I believe that we are creating a political incentive to drag out the sale of these assets. This requires some understanding of how the system works. Let us take a hypothetical savings and loan that has come into RTC conservatorship. One of the things that is done while it is in conservatorship is determine how many deposits this institution had that were covered by Federal insurance. Let us assume that the answer to that is $1 billion.

Next is the question of how much are the assets that this institution has, what are they worth, and what is their fair market value? Let us assume in this case that after appraisal and valuation, it is determined that the assets are worth $500 million. With that gap, the difference between the $1 billion of insured deposits and the $500 million of asset value is what we are about to provide $30 billion to pay; that is, the difference between deposit base and valuation of assets. That is the so-called dead loss. That is the loss that we never are going to recover. That is the loss that is paid from the conservatorship funds which we are now being asked to appropriate.

The $500 million of assets now shift over into the receivership category. They become part of the $56.6 billion that RTC held in receivership on the 30th of November.

Those assets then become the basis upon which RTC borrows $500 million, which is used to pay the second $500 million owed to those depositors. It is from those two sources, the dead loss money that we appropriate and the $500 million raised by borrowing against assets, that the $1 billion is generated.

A major question is, Is that $500 million valuation figure real? To the extent that that is overstated, that is, that the assets do not have a market value of $500 million, to the extent that is the case, the taxpayers are going to have to pick up on additional cost because we will not be able to realize the full $500 million but something less than that, and that will add further to the final cost of disposition of that institution.

I might say that there is a very alarming fact which raises questions about whether these valuations were proper. There have been some 353 institutions which have gone through the conservatorship process. If you assume that the values attached to the assets of those institutions had been assessed by third parties as being realistic, you would have thought that there would have been a significant number of those institutions where someone would have come in and said, "I want to buy those assets. Your valuations I consider to be prudent, and I will pay you the price that you have placed on those assets."

That would be a great saving to the Government if that would occur because it would avoid the necessity of RTC having to continue to manage and pay all of the ongoing costs of ownership.

But of the 353 institutions that have gone through conservatorship, on how many occasions do you think that third party at arms length has said, "Yes, I agree with your asset valuation and I will buy this bundle of assets."? The answer is one. So in one out of 353 we have had the asset value of the RTC agreed to.

In 352 cases it has not been accepted by a third party buyer. That causes me to feel that what we are really doing by pushing these assets further and further out into the future is we are levering for the next generation, which may be the next generation of Federal officeholders or maybe the next generation of Americans, a very large balloon note as we find out that all of these assets instead of being worth the $500 million equivalent are only worth $250 million, and another $250 million has to be appropriated by a future Congress in order to cover those costs.

Mr. President, for all of those reasons, I believe it is very much in the public interest to create an incentive for the RTC to move these assets as expeditiously as possible, and to reverse the current passive disposition policy that I believe the facts indicate is currently in effect.

So, Mr. President, I am going to be offering an amendment which attempts to do both of the objectives—both providing the funds necessary to allow the RTC to move appropriately to close institutions that are currently constituting a risk on the system;

Second, to achieve the objective of creating an incentive for RTC to move, to sell, to liquidate its accumulating inventory of assets.

My amendment would do essentially the following things: It would say that RTC will receive immediately, immediately available to it, $15 billion. That happens to be half of what is currently requested, but it also happens to be the amount that RTC has identified will be necessary for them to close the institutions that they currently have on their closure list.

Next, RTC would be able to access the second $15 billion when they have, on a dollar-for-dollar basis, disposed of $15 billion of their assets. That is, as they begin to liquidate this inventory of assets, they would become eligible to draw down, on a dollar-for-dollar basis, the $15 billion, which we would now appropriate.

In my judgment, Mr. President, that would have the dual beneficial effect of assuring that institutions that deserve to be closed, whose continued operation is an economic hazard, would in fact be closed; but second, it would achieve the objective of giving a very positive economic incentive to the Resolution Trust Corporation to begin to liquidate a pile of assets whose continued accumulation and ownership by the RTC will cost the taxpayers substantially more money, will constitute an adverse negative effect on the general economy, will countenance a continued buildup of a large and difficult-to-dismantle Federal bureaucracy, and will avoid the political charge that we have stacked the economic deck in such a way as to push the real cost of this unto future generations of politicans or future generations of Americans.

Mr. President, I send the amendment to the desk and ask that it be considered at the appropriate time.

The PRESIDING OFFICER. The amendment will be received and printed in the RECORD.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 4:30 P.M.

Mr. DIXON. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate stand in recess today from 3 o'clock until 4:30 p.m., obviously mostly for the benefit of the Senate to attend the briefing on the Persian Gulf situation.

There being no objection, at 3:02 p.m., the Senate recessed until 4:33 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBB].

RESOLUTION TRUST CORPORATION FUNDING ACT

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. Under the previous order the Senate will resume consideration of S. 419.

The pending amendment is amendment No. 13, offered by the Senator from New York [Mr. D'AMATO].

Mr. RIEGLE. Mr. President, I would like to amplify some of the remarks I made yesterday in a colloquy with Senator METZENBAUM on the budget treatment of the RTC.

As I said yesterday, all of the RTC's spending, over $100 billion so far, and rising to as much as $180 billion by the end of this fiscal year, is on budget, except for $30 billion of loss funds raised through an off-budget agency called REFCORP. When FIRREA was passed 2 years ago, I and others opposed the use of off-budget funds because it appears to hide the costs and, even more importantly, because it wastes money.

As originally proposed by the administration, all $50 billion of loss funds provided by FIRREA would have been raised through use of REFCORP. Investors in bonds issued by REFCORP require about 30 basis points higher interest rates than they require on Treasury debt. That would have increased the costs of this program by $4 to $5 billion over 30 years. As I said yesterday, we were finally able to achieve a compromise that put $20 billion of that $50 billion on budget and saved about $2 billion of those extra costs.

Now while most of the expenditures thus far and all of the $30 billion provided by this bill are on budget, they are not part of the pay-as-you-go provisions in last fall's budget agreement. The money contained in this bill is included in the budget baseline, so this spending would not increase the budget above the projections we had last fall or those in the President's budget. But this spending is further immune from the pay-as-you-go provisions because even if RTC spending turns out to be greater or less than the numbers in the baseline, it would not affect the ability to spend on other programs or the need to raise revenues.

This is what was agreed to by the budget negotiators last fall, and I think there are some good reasons why they acted as they did. Spending to cover these insurance losses is different in many respects from other Federal spending. First, these are made to cover obligations that we made in the past. Many of the thrifts that are being closed now have been insolvent for years. The Federal Government's losses occurred when those thrifts first became insolvent. So we're not increasing the Government's obligations here. When the Treasury issues debt to raise funds to pay off depositors, we are really exchanging a new security obligation for an old insurance obligation.

The economic effects of this spending are different as well. As Alan Greenspan has told the Banking Committee, this spending does not stimulate spending demands in the economy. It merely gives to depositors something they have assumed they had all along. Similarly, the Commerce Department, in constructing its GNP and national income accounts, does not include this spending in its measure of the Government's current fiscal impact on the economy. The economic effects of this spending occurred when bad loans were made, throughout the 1980's, that will not be repaid.

Finally, there is a very practical reason not to subject other spending and revenues to the vagaries of RTC spending. As the RTC closes or sells thrifts, it accumulates assets that purchasers of insolvent thrifts do not want. It funds those with working capital borrowed from the Federal Financing Bank, a branch of the Treasury. Those borrowings are quite sizable. Currently, they amount to about $57 billion. By the end of this fiscal year they may reach $100 billion, and the administration projects that they will peak at roughly $130 to $150 billion in 18 months or so. All of that spending is expected to be reversed over subsequent years as the assets are sold. Now, if the RTC has overestimated what its assets will sell for, we will not get all of it back. But the GAO is actively assessing the suitability of the RTC's estimates, and we will get most of it back. Cutting other deserving programs while the working capital stock is increasing, and then having an equal amount of excess funds later would contort the budget process.

So that's the budget treatment of RTC's funds, and I think it has some justification.

Mr. WELLSTONE. Mr. President, three themes echo in the debate today: responsible stewardship, accountability, and who pays for the economic party of the 1980's. Most important, our discussion is about stewardship of our Nation's treasure in the face of the most catastrophic breakdown since the Great Depression of a large portion of our banking system.

Traveling throughout Minnesota in recent weeks, at town meetings and in cafes, I have heard these themes repeated over and over by the people of my State. People concerned that the RTC has not always been an effective steward of tax dollars, that they have made decisions to sell or transfer assets in their haste to unload failing or struggling thrifts. The second is political and economic accountability for this debacle. And the third is fairness—requiring the enormous burdens of this crisis to be shared by those who benefitted the most by a decade of lowered taxes for some and irresponsible and inattentive deregulation in the 1980's.

American taxpayers are being asked to bear a heavy burden for the transgressions of many who abused their responsibilities either as key officials of S&L's or as regulators and overseers of the thrift industry. I believe an economic crisis looms on the horizon which will impose a heavy burden on all Americans, but especially upon low- and moderate-income families struggling now to make ends meet. Greedy speculation by thrift operators combined with inattentive oversight by Federal regulators has already cost this country an estimated $107 billion—about $150 billion including borrowing authority—and today we are being asked to provide an additional $30 billion, exposing the taxpayers to a potential of approximately $180 billion thus far. The Resolution Trust Corporation has had to assume control of 531 thrifts as of December 31, 1990, with 179 still in conservatorship. Who knows how much this crisis will eventually cost?

Yet even in this unpredictable situation, the administration has requested a blank check, with no significant reforms to ensure additional accountability for regulators. That is not responsible stewardship, Mr. President.

I have heard the horror stories of my fellow Senators: About assets being held up for unnecessarily long periods at the local level, or sold at prices far below market rates after bids came in which were higher, or any of a variety of other mistakes and oversights and delays. The GAO report recently released suggests that continued vigorous congressional oversight is critical if RTC is to address these problems. As part of this process, strengthening existing control and oversight mechanisms, improving contracting activities, and expanding and improving marketing information and computer systems to allow faster access to accurate and timely market information is important if we are to be responsible stewards of tax dollars.

In addition to responsible stewardship, my second and related concern is accountability. This is where the rubber meets the road on the legislation before this body today, and on the amendments thereto. I will vote today to strengthen the accountability provisions in the bill because I believe they will help to ensure the prudent, efficient disposition of thrifts currently in conservatorship without unnecessary delay of that process, and without imposing burdensome and unreasonable demands on the RTC.

Finally, Mr. President, we face the question of who will pay for the debacle in the savings and loan industry. The big winners during the Reagan/Bush era were the super-rich—those making over $125,000 per year. Their after-tax income rose by $186,000 in constant dollars—an 87 percent jump during the 1980's for those making an average $549,000 in 1990. The big losers were American families making an average of $31,000 or less today—three out of five families in the United States even if you earned $20,000 annually, your taxes increased, too, and your after-tax income rose a meager $56—not enough to buy a week's worth of groceries. After a decade of rhetoric about lowering taxes for all Americans, it is clear that everyone's taxes—except the richest one-fifth—went up. During this debate today, we must keep in mind the question which lurks behind many of the fiscal and tax debates in this body: the need to start a discussion about reconstituting a progressive, fair tax structure to ensure that those who came to the economic party in the 1980's, who benefitted from the massive transfer of wealth and income from the middle class and the poor to the very wealthy, will be required to pick up part of the tab.

Mr. President, American taxpayers are being asked to bear a heavy burden for the transgressions of many who abused their responsibilities either as key officials of S&L's or as regulators and overseers of the thrift industry. I recognize the urgency and immediacy of the need to continue RTC funding, but I am deeply concerned that the disposition of these failed thrifts be handled in a way that holds regulators accountable, and strengthens the ability of Congress to ensure continued vigorous oversight. This measure will only receive my support if I am convinced that, in its final form, it is an act of responsible stewardship of Federal funds which holds regulators and thrift institutions accountable for their actions, and which will result in the most timely and effective disposition of these thrifts possible.

Mr. D'AMATO. Mr. President, while we are considering S. 419, the resolution trust funding act of 1991, legislation to provide additional funding for the Resolution Trust Corporation to continue to meet its obligations, I would like to rise to speak about a related issue that I have, on several other occasions, brought before the committee when we have RTC matters pending; namely, the treatment of basically sound institutions that have had their capital arbitrarily eliminated by the regulators' treatment of goodwill under FIRREA. The purpose of FIRREA is to restore public confidence in the thrift industry by putting thrifts on a sound financial footing, and to resolve failed thrifts at the least possible cost to the taxpayer. OTS and FDIC have taken the astonishing position that FIRREA requires them to walk away from the Government's binding contracts and thereby turn sound, well-managed thrifts into undercapitalized institutions that are saddled with restrictions on their ability to compete in the marketplace and whose viability is put in question by the regulators' actions. Many courts are now telling OTS and FDIC that their interpretation of FIRREA is wrong, and that Congress did not intend for FIRREA to be used to allow the Government to walk away from binding contracts.

Litigation raising contractual goodwill is proceeding through the courts for savings institutions located in my home State of New York, as well as in California, Connecticut, Florida, Georgia, Illinois, Iowa, Kansas, Michigan, Minnesota, Mississippi, New Jersey, Oregon, Tennessee, Texas, and Washington. In five of these States, Federal district courts have forbidden OTS from walking away from contracts in which the Government promised that supervisory goodwill would be counted as part of capital for regulatory purposes. Just 2 weeks ago, the government lost another case in the Federal district court in the district of New Jersey on this very issue. The judge found that "[b]y enforcing FIRREA's capital standards [on the savings association], the OTS will create the situation it seeks to avoid: creating an insolvent thrift which becomes part of the public charge. That result is far from being in the public interest."

The expeditious passage of FIRREA was essential to halt the enormous losses of money from underwater and poorly-managed thrifts. As I predicted, the emergency circumstances under which we had to pass this legislation resulted in the delegation of too much power to an agency that specializes in closing institutions—causing the egregious impact we see today to the thrift industry. OTS and FDIC have spent the past 17 months litigating cases involving goodwill claims under FIRREA. They have enforced FIRREA's capital standards in abrogation of what the courts concluded were valid contracts entered into by the Government which created duties and obligations that remain unaffected by FIRREA's new capital requirements. The result is that sound and well-managed thrifts are threatened with being put out of business—at a cost to the taxpayer that there is no reason to incur. Indeed, several thrifts are now suing the Government for damages in the U.S. Claims Court because of actions of FDIC and OTS.

There is no question that OTS needs the regulatory discretion to take control of thrifts that are failing or being mismanaged in order to halt large losses. FIRREA should not be used, however, as a means to abrogate contracts entered into by the Government and take down institutions that are well-managed, profitable, and providing services to their communities. Many of these thrifts contributed substantial assets and agreed to absorb a failing thrift's losses in exchange for the Government's agreement to follow generally accepted accounting principles in treating good will as part of the institution's capital. When OTS took the position that FIRREA relieved the Government of its obligation to honor its agreements with these thrifts, the thrifts failed to meet the minimum capital requirements. Many of these thrifts were profitable, well-managed institutions that provide home mortgages and employ citizens in their communities. Their capacity to attract and retain deposits and borrow in capital markets was drastically impaired by OTS' actions under FIRREA. The sanctions imposed by OTS have reduced the thrift's ability to generate mortgages and to access the secondary mortgages markets. As a consequence, the thrifts are unable to serve fully the needs of savers and home buyers in their communities.

If OTS and FDIC really believe, notwithstanding these court cases, that FIRREA requires them to disallow goodwill and walk away from binding Government contracts, then they have a duty to come forward to present Congress with a legislative proposal to allow distinctions to be made between institutions. There is no doubt that the regulators need to be able to take control and resolve a failed institution promptly, and that we will not allow such an institution to hide behind the shield of a goodwill claim. At the same time, it makes no sense to toss sound, well-managed institutions into the RTC scrap heap, or to impose counterproductive restraints on their operations, just because they have supervisory goodwill on their books stemming from a deal they made with the Government.

Last week, in testimony before the Senate Banking Committee, Alan Greenspan testified that the Federal Reserve is working with the other bank supervisory and regulatory agencies to adopt a "series of easing moves" to help depository institutions over the economic weaknesses of the past year and to "ensure that bank examination standards are prudent and fair." Mr. Greenspan further explained that the Federal Reserve "need[s] a balanced evaluation process that endeavors to reflect the long-term value of an illiquid asset." Such an infusion of realism is needed equally in the savings and loan industry. The public has a substantial interest in maintaining the viability of healthy institutions and preventing OTS from unnecessarily adding these institutions to taxpayers' already enormous tax burden.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I ask unanimous consent that I be permitted to speak as if in morning business for a period up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEMOCRACY IN THE GULF

Mr. KERREY. Mr. President, as the military operation of Desert Storm continues, first on the list of all of our concerns is under what circumstances will our troops come home safely? Protecting the lives of American forces and making sure that we do not interfere, even though we are at the tail end of the military operation, that operation is important for all of us.

In addition, Mr. President, the second question is to make sure that a sufficient stability in the region is created or exists so that we are not required to have to come back. It is on everyone's mind. Specifically, people talk about the residual military power of Saddam Hussein and what that military power means but also have suggested that we may need some continuing military presence to create that stability—suggest as well that perhaps what we need is a new treaty, a new arrangement of nations that will preserve that security and provide that stability.

I would like to rise today and identify another course that is obvious to us as we deal with most of the parts of the world. For some reason, it does not become quite so obvious to us in the Middle East, and that is the course of democracy. The course itself of self-determination, not only to protect human rights, because I would argue that in the end the cause the American people feel strongest about in this effort is our reaction to the human rights abuses in both Kuwait and Iraq and the threat to human life outside of those two countries.

But in addition to the protection of human rights, I think the evidence is clear that democracy also helps us achieve stability. So it seems to me that we ought to consider that as a policy objective in both Iraq and Kuwait.

There have been a lot of comments recently about the potential for democracy in both those two nations, a lot of comments as well about how we got into this particular dilemma. Most people, as they look at the history of our involvement with Iraq, must conclude, I believe, that one of the reasons we got into trouble there and ended up having to go to war was because we were blind to the implications of military dictatorship, blinded at times by our desire to confront Iran, at the time our enemy, blinded perhaps worst of all by our desire to earn a profit, and to make money—far too often the trail of terror and the trail of treachery. The policy toward Iraq is strewn with the profits of businessmen who did not care about the implications of their profit.

STRESS AMERICA'S VALUES IN THE GULF

Mr. President, as the military effort in the gulf approaches a conclusion, the diplomatic/political effort will begin again. As we think about America's role after the war is over—and as we stand at the center of an era in which democratic movements have swept over the Soviet bloc, South America, and elsewhere—our primary objective should be the extension of democratic ideals of self-government and individual liberty.

We should focus our attention on the nature of Iraq's Government rather than on the nature of Saddam Hussein. It is the nature of Iraq's dictatorship that explains its invasion of Kuwait. Iraqi soldiers were not in Kuwait voluntarily. They were ordered there to die by a military dictatorship that had absolute control over their lives. Likewise, the Iraqi people did not want war; they were in it because of the dictatorship.

That is why the United States and our Western partners should declare a goal of developing a democratically elected government in Iraq. Such a goal has not been the policy of the United States or the West. It seems impossible only because we have grown accustomed to the assumption that many Arabs are incapable of self-rule and because we prefer the stability of the status quo of nondemocratic governments.

Our experience since August 2 should have taught us the danger of this assumption. That we should feel this way in the midst of history's sweep toward democracy is remarkable and troubling, after witnessing one intransigent dictatorship after another collapsing under the weights of the protests of the people.

Secretary of State Baker recently presented very thoughtful and constructive testimony about his vision for the region. He focused upon the need to address many unresolved political and economic issues which create the possibility of future violence and instability.

What is missing is a declaration that our first objective is to help the Iraqi people throw off the shackles of military dictatorship. We should help the Iraqi people move to self-government to protect their civil and human rights against the terror of people like Saddam Hussein. Further, we should insist that this is the best course toward creating an Iraq which is a nonthreatening, peaceful member of the world community.

Stable self-government must come from the people themselves. This will be exceptionally difficult in a nation where many of its best alternative leaders were killed or driven from Iraq during years of Baathist Party rule under Saddam Hussein.

As difficult as it is, the goal is not impossible. This is a relatively well educated people with substantial oil wealth. The ground is at least as fertile as in Nicaragua or Cambodia, where we insist upon elections before conferring legitimacy. Indeed, the most difficult barrier may be our own unwillingness to break the news to some of our Arab allies who get nervous when discussing liberty and freedom for their own people.

This change of policy should come quickly if it is to succeed. Otherwise, our military actions could be counterproductive to the effort. Having achieved military superiority quickly and with so few casualties on our side, we should examine closely our ultimate policies which go beyond military results. Rather than simply plunging ahead with a military plan to "liberate Kuwait" we should ask ourselves what kind of victory we are about to achieve.

For example: Are we obliged to kill all of Saddam Hussein's soldiers who are dug in so pathetically just because he is willing to let them die? I hope not. I hope we will begin to appeal to the Iraqi people not just for their surrender or a military coup against their vicious dictator. I hope we will begin to talk to them about self-government which protects their individual rights against the likes of Saddam Hussein or others in his Ba'athist Party. I reject as contemptuous and misguided those who argue for a permanent Western military presence in the region as a preferable course to achieve these goals.

In Iraq, as elsewhere, democracy is our best safeguard against a recurrence of Iraq's internal and external brutality. Nothing would stabilize the region more than a government of, by, and for the people in the cradle of civilization, between the Tigris and the Euphrates.

This policy change should cause us to look at the Iraqi people as human beings to be won over to a way of governing rather than a people to be destroyed. It should make us concerned that excessive property damage and war casualties will make it more difficult for self-government to take hold.

This policy change should also affect our policies for helping to reconstruct Kuwait. Yesterday's Washington Post reports our military is actively planning to assist in the restoration of antidemocratic measures in Kuwait after that nation's liberation. A draft of the military's comprehensive gulf war plan calls for such measures as martial law for 3 to 12 months after the war ends; government control of the press; and restoration of prohibitions against criticism of the Emir. Do these actions represent American's highest ideals? Is this why we have just spent billions of dollars and lost dozens of American lives?

At some point, the Arab people will rise up and throw out their kings, princes, and sheiks as rulers. We have been on the right side of history as we have exposed human rights abuses in the region. We were on the right side of history to block and reverse Saddam Hussein's expansionist aggression. Now we should take steps to ensure that we are on the right side of history when political change sweeps the gulf as it has swept much of the rest of the world. We must not let money or oil or old habits and prejudices blind us and keep us from doing what is right—as it did for too many of the years Saddam Hussein's Ba'athist Party terrorized his people.

We appear close to achieving a military victory. Now it is time for us to pursue a goal that will greatly dignify the losses on all sides: the freedom of the Iraqi people. We should make sure our closing military tactics are consistent with that goal. And we should use economic sanctions and other measures until a government is established that is pluralistic and liberal in its protection of individual freedoms.

We must not let the impressive power of our military strength lull us into believing that a punishing defeat of Iraq and an unconditional surrender will answer our fondest wishes. The remarkable accuracy of our smart weapons should not make us overlook the awesome appeal of our wise values.

Let us never forget or underestimate the essence of America's continuing experiment in representative government. That essence is confidence in democratic institutions, a confidence which is reinforced by the profound developments taking place in Poland, Czechoslovakia, and elsewhere.

Yearning for democratic processes is a natural and universal human characteristic—thatis what our Founders taught. It is a fundamental aspect of human dignity which cuts across all national, religious, ethnic, and economic barriers.

The people of Iraq, as we Americans and others demonstrate, can and will establish democratic institutions if and when they enjoy an environment which allows them to do so. Thus, the goal of our foreign policy must be to create this environment by seeking representative constitutional government in Iraq. To do anything less would demean our continuing American experiment in democracy.

DEMOCRACY IN KUWAIT

Mr. KERREY. I would like this afternoon to talk about the possibility and what we need to do immediately if we hope to support democracy in Kuwait.

In this morning's Washington Post there was an op-ed piece that appeared, written by George Will.

Mr. President, I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FIRST ARAB DEMOCRACY

(By George F. Will)

What person was most directly responsible for the broadest improvement of life for the largest number of women in this century? Douglas MacArthur, whose contribution to the liberalization of Japan should be remembered as America approaches the problems and possibilities of victory in another war.

Writing some of Japan's new constitution on a yellow legal pad, MacArthur, as governor of occupied Japan, was in a position and a mood to insist on such radical reforms as the rights of organized labor, schools that taught democracy, abolition of the feudal aristocracy and women's suffrage. Thirty-eight women were in the first Diet elected under the new constitution.

William Manchester, MacArthur's biographer, writes that before MacArthur's regency, concubinage and family contract marriages had been legal, women had no political or economic rights (not even the right to own property), public schools were segregated by sex with girls having a diluted curriculum, and there were no colleges for women. Adultery had been licit for husbands but illicit for wives. The Diet had to choose: punish both or neither. The crime of adultery was abolished.

Regarding Iraq, last summer the Wall Street Journal defined the maximalists' war aims: "a MacArthurian regency in Baghdad." That seemed then—and still does—like overreaching, politically and militarily. But now, with the war going well, we should think somewhat spaciously.

Today's talk about the New World Order has, so far, a conspicuous flaw: It stresses order, not freedom. However, the Reagan foreign policy had this premise: Domestic freedom conduces to international order. The idea, which would give needed substance to the Bush policy, was that democracy pacifies nations. Governments bound to popular sentiment will not be warlike. History contains counter-examples (for example, in Europe on the eve of World War I), but the theory is broadly confirmed by experience.

Thus, a sensible war aim is a new regime in Iraq. To that end, the United States has put a price on Saddam Hussein's head, a price that rises every time bombs drop another bridge into a river. The price is the potential value of U.S. aid for reconstruction of Iraq's infrastructure.

Such aid is unthinkable with Saddam on the scene. Furthermore, the Baath Party, which churned up one Saddam, is a likely source of another one. So Iraq's single-party state must be reformed if Iraq is to be tamed. Iraqis should do this, but the allies can provide incentives by making the ending of sanctions and of the occupation of southern Iraq contingent on the replacement of Saddam's regime.

America does not want to take the military measures and pay the political price of a protracted occupation and presence to install a regency or administer anything comparable to the de-Nazification of Germany. But America should keep visible to all Iraqis the cash value to Iraq of a revolution, or at least a coup. And America should be poised to spring to the assistance of democratic elements.

Furthermore, Iraq need not be the first place for a healthy infection of popular government in that region. There is always our new-found friend Kuwait.

Asked if Kuwait no longer opposes an American presence in peacetime, Kuwait's ambassador here says only, "I don't think now we are in a position to pronounce on this subject." Given Kuwait's position—flat on its back, being resuscitated by American power—perhaps Kuwait is just short of breath.

Perhaps America does not want such a presence on the ground. But it would be nice if Kuwait, Saudi Arabia and other states would stop treating the United States as a corrupting influence except when there is dying to be done.

Kuwait's ambassador says: "The U.S. has been in the Gulf now for 40 years." Yes, afloat, safely offshore, where the contamination of freedom and other American viruses cannot so easily unsettle Arab societies. (When the United States was serving Kuwait during the reflagging exercise of the late 1980s, U.S. military and intelligence units were based on barges.)

Secretary of State Baker, asked about the possible democratization of Kuwait, says: "We know that democracy is the best system," but if we were to say "that the government of Kuwait has to change," we would be "permitting aggression to effect political change, and that would be, I think, a terrible mistake."

How is that again? It would be a victory for Iraq if Kuwait helped pay its debt to our democracy by practicing democracy? Kuwait owes the United States much—indeed, everything, including its existence. The United States has earned the right strongly to suggest to Kuwait's ruling class that the rules should change.

There are 21 Arab nations and not a single Arab democracy. Let us not be rude, but let us say to Kuwait: "Congratulations! You are going to be the first."

Mr. KERREY. Mr. President, in this editorial Mr. Will reminds us of another moment in history where we had achieved a military victory in World War II.

MacArthur had to make a decision. He wrote on a yellow pad, Mr. Will said, some principles that were going to guide the allies in regards to Japan.

It is instructive about what MacArthur wrote. He said that we ought to insist on such radical reforms as the rights of organized labor, schools that taught democracy, the abolition of feudal aristocracy and women's sufferage. These are radical concepts at a time in Japan when many thought they were alien to the culture itself, and that they would not work and would not hold.

In comparison to that and our policy currently toward Kuwait, we begin by saying, first of all, we fought this war to restore the Sabah family as a legitimate government. Though that indeed appears to be the implication of the U.N. resolution, it seems to me appropriate, particularly for the United States of America, for us to consider what values we want to assert for the people of Kuwait.

Indeed, I believe if you ask most Americans, if you ask particularly those who fought on the ground, they will say we did fight for liberty and justice. We fought for the liberation of Kuwait—the liberation of Kuwait, and not the reinstitution of a government controlled by a family that does not allow democracy or dissent, a government that abolished their parliament in 1986 essentially striking out the effectiveness of a constitution drafted in 1962.

Why did they abolish parliament?—Because they grew weary of dissent, and they grew weary of disagreements having to resolve the conflicts that always have to be resolved in democracy. It seems to me appropriate that we think about what we might be doing right now.

The second piece of our policy can be seen in Secretary of State Baker's remarks that also are quoted in Mr. Will's column. In response to a question about democracy in Kuwait, the Secretary of State said,

> "We know democracy is the best system, but if we were to say that the Government of Kuwait has to change, we would be permitting aggression to effect political change, and that would be, I think, a terrible mistake."

Mr. President, the problem of linkage is a problem prior to the initiation of combat, prior to the successful—and I suspect most of us believe that it will be a successful—humiliation of the forces of Saddam Hussein. After that military victory, Mr. President, we cannot sit around and be concerned about doing the right thing for fear of rewarding a man who has been defeated in combat. It seems to me we need to try to figure out what we can do to avoid having to have this situation occur in the future.

If we believe that democracy is so valuable that we will not establish legitimacy in the Government of Nicaragua until there is an election, that we will not establish legitimacy in a government in Cambodia until there is an election, it seems to me that we are entitled to do the same in Kuwait.

Mr. President, there was another rather disturbing article that ought to give us some pause right now, not six months from now, but right now, and that was an article by Jim Hoagland that appeared in the Washington Post.

I ask unanimous consent that it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 27, 1991]

Kuwait's Emir, Anticipating Return, Declares Martial Law

(By Jim Hoagland)

Riyadh, Saudi Arabia, February 26.—The exiled emir of Kuwait, moving to reassert his authority as the climactic battles of the liberation of Kuwait intensify, declared martial law over his war-torn nation today and began preparations for an immediate return home.

The decision by Sheik Jabir Ahmed Sabah, Kuwait's hereditary ruler, to proclaim martial law for three months came as unconfirmed reports reached here that Iraqi soldiers had kidnapped thousands of Kuwaiti citizens and blown up the city-state's National Assembly, banks and hotels as they retreated from the Kuwaiti capital.

The martial law decree was immediately contested by some members of Kuwait's opposition-in-exile, who want the emirate's parliament reconvened before any decision is made on martial law.

These protests are likely to carry little weight with the U.S. Army and its coalition partners, who have fought to restore the Sabah family as the legitimate government of Kuwait diplomats here said. But the protest suggested there would be an immediate resumption of the struggles that had split Kuwait's political elite before the Iraqi army's invasion on Aug. 2.

Several hundred American soldiers trained as civil affairs specialists will stay in Kuwait City to work with the martial law government to restore basic services, a Western diplomat said. But these troops will play no role in maintaining public security in what may well be chaotic conditions following the liberation, the diplomat reported.

Arab and Western diplomatic sources said Iraqi soldiers rounded up at least 10,000 Kuwaiti civilians in Kuwait City over the past three to four days and took them to unknown destinations. Kuwaiti resistance leaders also reported that Iraqi troops have abducted thousands of Kuwaiti citizens. Those said to have been taken include relatives of Kuwaiti military personnel and prominent families, as well as women and teenagers. However, the reports of the abductions could not be independently confirmed.

"We don't know where these people have been taken," said a Western diplomat, who noted that the number of kidnapped citizens may be in "the tens of thousands."

"Acting on orders from Baghdad, the Iraqi forces in Kuwait staged these roundups," the diplomat said. "They also blew up the National Assembly building, some of the banks and the city's hotels as they pulled out. We know what those orders said and we know who signed them."

He declined to confirm that Western intelligence had intercepted the orders sent from Baghdad. But he said Iraqi President Saddam Hussein bore "the ultimate responsibility" for the orders having been sent.

The destruction was ordered "for spite," not for military purposes in the frantic retreat, the diplomat said. "Iraqi officers are hopping in stolen cars and heading for the border as fast as they can."

A Saudi official aware of reports from a Saudi intelligence unit that moved into Kuwait City today said Iraqi soldiers "are running to get out of the city when they see our troops. They are finished."

The Kuwaiti emir named his cousin Crown Prince Saad Abdullah Sabah, as martial law governor and senior liaison officer with the coalition forces that have met swift success in their three-day-old ground campaign. No other details of how martial law will work were included in the terse announcement.

The government, in a move criticized by some Kuwaitis, has said that its citizens abroad will not be permitted to return home for at least three months to allow time to reestablish security and basic services such as water, electricity and transportation.

Initial efforts by Kuwaiti opposition figures and the ruling family, which escaped to Saudi Arabia in the first hours of the Iraqi invasion, to bury their differences during the occupation have collapsed in recent weeks as the government-in-exile began to foreshadow the emir's intention to rule by decree for a limited period after liberation.

Martial law has been a controversial issue because some Kuwaitis fear it would be used to entrench the power of the ruling Sabah family, who not only must contend with longtime opposition leaders but those figures who remained inside Kuwait helping run the civic and armed resistance to Iraq and are expected to demand a greater political role in running their country.

The crown prince, signaling his sensitivity to these concerns, has named representatives of these groups to the committee that will administer martial rule in Kuwait.

The Kuwaiti opposition has grown more vocal and more substantial since 1986, when the emir, tired of criticism and apparently frightened by the government's eroding popularity, suspended the National Assembly and effectively abrogated its 1962 constitution. Last May, dozens of Kuwait's most prominent businessmen, intellectuals and professionals signed a petition demanding that parliament be reconvened.

Diplomats said these domestic tensions in Kuwait may have been one factor in encouraging Iraq to stage its August invasion. But the Iraqis failed in their attempt to find Kuwaitis who would serve in a puppet regime, prompting Baghdad to annex Kuwait and move on a collision course with the multinational coalition formed to enforce a U.N. mandate to restore Kuwait's government.

The appointment of Saad, who is more popular than the emir, as chief martial law administrator, may help ease political tensions. But the Kuwaiti opposition plans to form a broadly based political front to challenge the emir's increasingly autocratic practices, opposition spokesmen have said.

Fresh concerns by the opposition were triggered last week by remarks attributed to Kuwaiti Information Minister Bedr Jassim Yacoub, who was quoted as saying that Kuwait will have to be "purified of intruders" who may be agents of Iraq.

Fear that there will be bloody reprisals against foreign residents—primarily Palestinians—who stayed and collaborated with the Iraqi occupation army is cited by Kuwaiti officials as one reason that a rapid proclamation of martial law was needed.

But even if there is no more bloodshed, the reconstruction task facing the Kuwaiti government will be awesome. Estimates of a $100 billion pirce tag for reconstruction will have to be increased after the violence by the Iraqis in the past week, Western sources said.

The U.S. civil affairs experts to be deployed in Kuwait City will be called on to help restore water supplies, clear the streets of rubble, get the international airport working again and fix the emirate's communications networks, the diplomats said. But security matters will be left in the hands of American-trained Kuwaiti military police units established since August.

The U.S. Army Corps of Engineers has signed a $46 million contract to manage the initial phase of reconstruction, which will coincide with the three-month period of martial law.

(Correspondent Caryle Murphy in Dhahran contributed to this report.)

Mr. KERREY. Mr. President, again, I understand the difficulty of holding the coalition together. Or I should say I attempt to understand.

I do not fully appreciate the difficulty of the President and Secretary of State in holding this coalition together. But I know the Emir of Kuwait put in $31.5 billion. And once someone becomes your banker, there is a tendency to think perhaps you should allow things to go to the conclusion that they desire.

But listen to the conclusion that the Emir of Kuwait wants for the people of Kuwait. We are permitting the establishment of marshal law.

The principles I referred to earlier have created the environment in which, rather than writing out on a yellow pad some radical principles of democracy and freedom for the people of Kuwait, we have instead produced a lengthy document by people who are concerned about the administration of a city, people who are concerned about how do you conduct the reconstruction of the country, and not the true liberation of the people.

We will permit, unless we change our policy, Mr. President, the Emir of Kuwait to come back in under an edict of marshal law, and we say, well, we have to have marshal law, because we need stability in what is essentially Kuwait City.

I suggest a relatively small number of allied forces could stabilize things in Kuwait, and it would not be necessary for us to say we have to allow the Emir to establish marshal law in order for us to have that stability.

It seems to me that at the very least we ought to be able to accomplish that, because if you look at the details of the policies that the Emir of Kuwait intends to put in place, it bears no resemblance to this notion that we are liberating the people.

Citizens living abroad under the Emir's dictates will not be allowed to return until, as he says, stability is restored. What he means by that is until he can get power again. Then he will allow citizens to return to Kuwait. He will rule by edict, not be reestablishing the parliament, not by reestablishing self rule, and particularly not by giving a reward to those people who stayed in Kuwait rather than fleeing to the resort in At Ta'if, Saudi Arabia.

Third, Mr. President, and perhaps most alarmingly—and it should be to all of us who know how important it is—the Emir of Kuwait will prohibit the news media from publishing, private or public, and will not allow private-sector broadcasting. The Emir intends to control the flow of information to the people of Kuwait who did remain to fight against the aggression of Iraq.

Mr. President, I ask unanimous consent that one final article that was in the Washington Post by Gary Lee and Dana Priest be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 27, 1991]

GOVERNMENT-IN-EXILE READY TO RESTORE NATION—LOCAL U.S. ARMY UNIT DRAFTS BLUEPRINT FOR KUWAIT

(By Gary Lee and Dana Priest)

Kuwait's government-in-exile, aided by thousands of allied troops and dozens of international contractors, is poised to begin the most detailed reconstruction of a country in recent times.

While a street-by-street blueprint drawn up by the Army's 352nd Civil Affairs Command, based in Prince Georges County, will be used to nail together the new infrastructure, the shape of Kuwait's political and cultural institutions is still very much under debate.

According to U.S.-based Kuwaitis involved in the postwar planning, some of the sensitive questions to be answered include whether Kuwait will allow an independent parliament and extend the vote to women.

Many Kuwaitis, critical of the way their compatriots had become used to buying technical and military talent they needed to run Kuwait before the Aug. 2 invasion, are also arguing it is time that Kuwaiti citizens learn to do more for themselves.

Despite announcing a three-month period of martial law yesterday, the Kuwaiti ruling family has said it plans to reintroduce parliamentary democracy to Kuwait and further modernize the country's political system. The basis of change will be the 1962 Kuwaiti constitution, a Western-style document—effectively abrogated when Sheik Jabir Ahmed Sabah, Kuwait's ruler, suspended the National Assembly in 1986—guaranteeing such Western principles as universal suffrage but never fully enforced.

But a debate is raging among exiled Kuwaitis and some Westerners over the pace and the extent of the proposed reforms. One issue is how strong a role U.S. advisers should play in enforcing democratic principles in the new Kuwait.

"I know that Kuwait has undergone a lot of suffering," Washington political commentator Robert Beckel said in recent interview. "But I question whether we are playing a role in the way they run their country. I think we should be."

Kuwaiti spokesman Fawzi Sultan differed. An executive director of the World Bank who has played an active role in planning the running of postwar Kuwait, he said that Kuwaitis are fully capable of enforcing their own political reforms and have no need for outside help.

Another issue being discussed is when the new parliament will begin and how much power it will have. Sultan says that no real political reforms are possible until next year. "Our biggest priority is stability," he said. "It's clear that these changes will happen, but it's impossible to predict when."

The plan to physically rebuild the country is more straightforward, with U.S. military advisers participating in every arena, from civil defense and public works to security and plans for possible war crimes trials.

It is estimated that the five-year project, which will include rebuilding every physical structure within the country, from its road and oil refineries to its hospitals and schools, will cost as much as $100 billion.

In California last night, the giant San Francisco-based construction company Bechtel Group Inc. announced that it had been hired by Kuwait Petroleum Co. as project manager to restore Kuwait's oil production and refining operation.

A Bechtel spokesman, Michael Kidder, said the company's first priority is to support specialists hired to fight the hundreds of oil field fires set by Iraqi forces. This task will include running a water pipeline from the Persian Gulf to the blazing oil fields.

Bechtel has 130 employees in London working on the rebuilding effort; ultimately, the company expects to have 4,300 workers in Kuwait. Another 1,300 Kuwait Petroleum employees also will work on the project, Kidder said.

He said he could supply neither a timetable nor cost estimates for the job until the company has had a chance to assess the amount of damages.

According to the 200-page draft Army civil affairs document, the news media will be controlled by the Kuwaiti government during the three months of martial law, and all private-sector publishing and broadcasting will be prohibited.

About 9,000 Kuwaiti soldiers, national guard members and police and 1,000 firefighters have been identified as an interim security force. U.S. assistance in this area "may be necessary" and U.S. officials will help staff a Public Safety Operations Center, the paper notes.

The document, which Ahmad Khajah, a spokesman for the Washington-based Citizens for a Free Kuwait, said was the plan being used for postwar reconstruction, states that war crimes will be prosecuted in Kuwaiti tribunals by Kuwaiti authorities "with assistance from allied personnel." Kuwaiti civilian claims for combat damages by U.S. forces "will be paid by the Kuwaitis," it states.

During the first seven days after liberation, Kuwaiti and allied forces plan to clear mines, deploy medical teams to care for civilians, set up refugee camps under the direction of the International Committee of the Red Cross and provide airlifts out of the country for the injured.

A mass immunization program for children is scheduled to be put in place, along with a system for importing and distributing food and medical supplies, much of which has been warehoused in nearby Bahrain. Emergency teams plan to bring in and distribute enough food for 800,000 people and between 1.8 million to 4.8 million liters of bottled water a week.

During the first two weeks, priorities will be to clear roads of debris, repair downed overpasses or build new roads to circumvent problem areas and to conduct an initial structural assessment of all hospitals, according to the document.

The country is to be divided into seven areas during the "emergency" phase of the reconstruction, which is expected to last at least three months. Each of the areas will be divided into nine sectors, with sub-ministries responsible for health, security, government, food storage and distribution, fire, telecommunications, public transport, housing and defense. This work will be coordinated by a main office of public works in which will be housed, among other elements, a public relations coordinator.

The 352nd Civil Affairs Command that produced the plan is a reserve unit based at Riverdale in Prince George's County. It was involved in the rebuilding of Panama after the 1989 U.S. invasion. The unit draws its members from the ranks of Washington's federal and local bureaucracies.

Their expertise is reflected in the level of bureaucratic detail that characterizes the plan. For example, the plan calls for staffing the main public works office with 105 people and for it to be equipped with five cars, 48 desk chairs, two conference tables, 50 dozen tablets of paper, two typewriters, 32 typewriter ribbons, 10 two-way radios, 2 Polaroid cameras, 48 staplers and 100 boxes of staples and 200 packages of paper clips among other items.

One of the biggest political changes under discussion is whether Kuwaitis should assume more responsiblity for the nuts-and-bolts aspects of running their country.

Kuwaiti citizens, a minority in their own country, hired foreign labor to do everything from running their banks to driving their cars. Under new rules, however, the entrance of foreigners into the country will be severely restricted, forcing Kuwaitis to assume a bigger share of the workload.

But Sultan said a new work ethic may have already been introduced in Kuwait, thanks to the invasion. During the past several months, he said, "One can be certain that only Kuwaitis have been working in Kuwait."

Mr. KERREY. In this article it describes what the United States is going to do to assist the Emir of Kuwait in reestablishing a functioning administration what we will do to assist him in rebuilding the structures of his government.

I say, Mr. President, that it seems to me if we are going to give real meaning to the sacrifice the American people have just made and, moreover, if we are going to truly discover a way for a stabilization of the region to occur that will not require us to have to go back into that region, then we ought to suggest—and we have the power to suggest—self-rule will be the standard for Kuwait, and we ought to further suggest that self-rule is the standard for Iraq.

There are democratic forces in both nations, Mr. President, and we have supported democratic movements throughout this world. I fear deeply that we will be on the wrong side of history again if we support monarchies and sheiks and emirs against the will of the people themselves.

Mr. President, time is of the essence, particularly with Kuwait, if we are to do it. If we wait 90 days or 120 days or 180 days, this monarchy will be reestablished.

I do not object at all to, nor would I intend to impose upon the Kuwaiti people an inability to establish a constitutional monarchy, if they chose, or if they choose to reestablish the monarchy of the emir, I would not object to that. I do not wish to impose what they should do, Mr. President. But I do not believe the United States of America should stand here after this great victory and say we are required to turn over the reins of power to the Emir of Kuwait.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

Mr. AKAKA. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that I may proceed as though in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may proceed as if in morning business for a period not to exceed 5 minutes.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 514 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MESSAGES FROM THE HOUSE

At 12:49 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolution, each without amendment:

S. 379. An act to make certain technical amendments to the National and Community Service Act, and for other purposes; and

S.J. Res. 76. Joint resolution commending the Peace Corps and the current and former Peace Corps volunteers on the thirtieth anniversary of the establishment of the Peace Corps.

The message also announced that pursuant to the provisions of section 2501 of title 44, United States Code, the Speaker appoints Mr. SHARP to the National Historical Publications and Records Commission on the part of the House.

ENROLLED JOINT RESOLUTION SIGNED

At 4:32 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 76. Joint resolution commending the Peace Corps and the current and former Peace Corps volunteers on the thirtieth anniversary of the establishment of the Peace Corps.

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 586. An act to require regular reports to the Congress on the costs to the United States of Operation Desert Shield and Operation Desert Storm, on the contributions made by foreign countries to offset such costs, and on other contributions made by foreign countries in response to the Persian Gulf crisis; to the Committee on Armed Services.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, February 27, 1991, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 76. Joint resolution commending the Peace Corps and the current and former Peace Corps volunteers on the thirtieth anniversary of the establishment of the Peace Corps.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mr. DODD (for himself, Mr. SIMON, Mr. JEFFORDS, Mr. PELL, Mr. LUGAR, Mr. AKAKA, and Mr. BOREN):

S. 511. A bill to establish programs to improve foreign instruction and to amend the Higher Education Act of 1965 in order to promote equal access to opportunities to study abroad, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ADAMS (for himself and Ms. MIKULSKI):

S. 512. A bill to authorize an additional $25,000,000 for the National Cancer Institute to conduct certain research on breast cancer, and for other purposes; to the Committee on Labor and Human Resources.

S. 513. A bill to amend the Public Health Service Act to require that, as appropriate, women and members of minority groups be included as subjects in clinical research conducted under the Act, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. MIKULSKI (for herself, Mr. ADAMS, Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Mr. HARKIN, Mr. BINGAMAN, Mr. WELLSTONE, Mr. INOUYE, Mr. AKAKA, and Mr. GLENN):

S. 514. A bill to amend the Public Health Service Act, the Social Security Act, and other Acts to promote greater equity in the delivery of health care services to women through expanded research on women's issues, improved access to health care services, and the development of disease prevention activities responsive to the needs of women, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOMENICI (for himself and Mr. INOUYE):

S. 515. A bill to authorize appropriations out of the Highway Trust Fund for Indian reservation roads for fiscal years 1992 through 1996; to the Select Committee on Indian Affairs.

By Mr. SIMON:

S. 516. A bill to prevent potential abuses of electronic monitoring in the workplace; to the Committee on Labor and Human Resources.

By Mr. BOREN (for himself and Mr. PELL):

S 517. A bill entitled the "Educational Exchanges Enhancement Act of 1991"; to the Committee on Foreign Relations.

By Mr. BENTSEN (for himself, Mr. PACKWOOD, and Mr. HEINZ):

S.J. Res. 78. Joint resolution to designate the month of November 1991 and 1992 as "National Hospice Month"; to the Committee on the Judiciary.

By Mr. D'AMATO:

S.J. Res. 79. Joint resolution authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. SIMON, Mr. JEFFORDS, Mr. PELL, Mr. LUGAR, Mr. AKAKA, and Mr. BOREN):

S. 511. A bill to establish programs to improve foreign instruction and to amend the Higher Education Act of 1965 in order to promote equal access to opportunities to study abroad, and for other purposes; to the Committee on Labor and Human Resources.

GLOBAL EDUCATION OPPORTUNITIES ACT OF 1991

Mr. DODD. Mr. President, I rise today to introduce the Global Education Opportunities Act of 1991. I am not alone in recognizing that we can no longer afford to be ignorant of others cultures and their languages. In introducing this measure, I am pleased to be joined by my colleagues, Senators SIMON, JEFFORDS, PELL, LUGAR, AKAKA, and BOREN. We join educators, the National Governors, and Democratic leaders in their efforts to bolster the international education of our youth. The Democratic leadership in 1990 included expanding foreign language education in their national goals. The Council of Chief State School Officials, the Southern Governor's Association, and the National Governors' Association have made foreign languages a priority in their goals and objectives.

A day does not pass without a headline in the news on our activities in the international arena, be it GATT trade talks in Brussels, diplomatic relations at the United Nations, negotiating debt reductions in Latin America, or the crisis in the Middle East. While the nations of the world become increasingly more interdependent, the United States lags far behind other nations in providing international education opportunities. There are more teachers of English in the Soviet Union than there are students of Russian in the United States. In sharp contrast, only 1 in 5 high school graduates in the United States take more than 2 years of a foreign language. Less than 1 percent of our students study Arabic, Russian, Chinese, or Japanese, the languages of three-fourths of the world. This is not surprising when more than 35 States are experiencing or projecting shortages of foreign language teachers. And, only 17 percent of our elementary schools offer any foreign language instruction.

Moreover, we are sending too few of our students abroad to gain essential skills. Less than 1 percent of our undergraduates study abroad each year; 75 percent of those elect to study at the traditional western European universities. In 1989 we sent fewer than 4,000 of our 12.2 million undergraduates to study abroad in Asia. In contrast, more than 29,800 Japanese students studied in the United States in the same year. While we gain much from the presence of students from around the world in our colleges and universities, not the least in terms of the international perspectives they bring to our campuses, we must find ways to encourage far more of our best undergraduates to go abroad to learn first-hand about other cultures, their languages and business practices.

The need to broaden international understanding has not been lost on the nations of the European Community. A key element of their economic integration plan is an ambitious scheme known as "Erasmus" through which an additional 150,000 European Community university students will have studied abroad in another EC country by next year. The aim of Erasmus is to create a large cadre of young professionals who will be fluent in the language of at last one other EC country and knowledgeable about business practices of other EC countries. The EC has already announced a new initiative called "Tempus" to extend their international student mobility initiative to the nations of Central and Eastern Europe.

It is essential that we expand international education opportunities to reach more students. If we are to develop a pipeline that produces students with real expertise and facility with languages, we must begin early in the primary grades, as they do in other nations. To do this, we must eliminate the shortage of educators qualified to teach foreign languages in our schools, particularly in the elementary schools.

We must no longer view the study abroad experience as a nice optional add-on to the education of our students who can afford it. A study abroad experience sharpens language skills and immerses students in the culture of their host nation. Students who have been afforded the opportunity to study abroad have become essential to the operation of the American economy and government.

We must also make materials and resources reach the schools and students interested in offering international education opportunities. In the elementary schools materials in the difficult languages such as Arabic and Japanese simply do not exist.

It is a fact that English is widely spoken by our economic competitors and foreign diplomats. However, this should not be a disincentive for Americans to learn the languages of other nations. In recent years, greater amounts of scientific and technical materials are being produced in other languages. For example, no American firm applied for a recent $90 million contract from Nissan Telephone and Telegraph because they required that the documentation be in Japanese. Their superior language skills definitely gives other nations a serious competitive advantage internationally. The more we know, the better prepared we are to conduct ourselves in the international arena.

If adopted, the Global Education Opportunities Act would improve the availability of and access to international education programs. To help eliminate the shortage of foreign language teachers, especially those trained to teach in elementary schools, the measure would make Federal grants to institutions of higher education or not-for-profit organizations committed to developing innovative and model programs for the training of educators. The limited availability of foreign language instructors, however, is not only the result of too few teachers. Within the last 5 years, an already serious language teacher shortage has been exacerbated by phenomenal increases in enrolllments. Last year alone, the number of high school students studying Russian increased from 12,000 to 18,000. Over the last 10 years States such as Florida, Georgia, Iowa, Kansas, and Oregon have seen language enrollments more than double. As North Carolina, Arizona, and Louisiana implement new foreign language requirements in the elementary schools the teacher shortage will only worsen. Numerous school districts that would like to offer Russian, Japanese, or even German, elementary programs cannot find teachers. Moreover, the cost of resources for language laboratories often makes the investment prohibitive.

To eliminate problems of this nature this act would provide demonstration grants to secondary and postsecondary schools that form consortia to share resources, educators, and expertise for the purpose of teaching critical languages and area studies and offering study abroad opportunities. For those schools that have participated in the Star Schools Program, this measure would extend the authorization to 1993 and require that in developing the instructional material and programs the Star Schools Program would consult with teachers of the applicable subject matter and grade level. Moreover, separate funds would be targeted to schools, not-for-profits of local education agencies to be used to develop foreign language and cultural instructional materials.

American students do not currently enjoy equal access to increasingly important study abroad opportunities. These inequalities do not exist simply because some students have the personal and family funds to afford study abroad while others do not. They also exist because of ambiguities in the Federal Financial Assistance Programs through which some students can apply their financial aid funds to study abroad while others cannot. As a result, students from one campus may be able to use their financial aid for an approved study abroad program while students at another campus will be denied use of their aid to participate in the very same program. Under current law, applying Federal aid to study abroad is complicated, confusing, and difficult. To simplify the way aid is applied to study abroad and to ensure that institutions do not deny use of aid for approved study abroad programs, the provisions in this bill make technical changes to titles IV and VI of the Higher Education Act of 1986. Complementing these technical provisions, the legislation also provides a modest expansion of the authority of the Department of Education to support the development of study abroad programs in countries and subjects not currently available.

It is critical that we bolster our national commitment to international education to ensure that the United States is economically and politically prepared in the 21st century. The Global Education Opportunities Act of 1991 takes some small but very necessary steps toward expanding the study of foreign language and cultures and eliminating barriers to the study abroad experience. It recognizes that foreign languages, international education, and study abroad are not luxuries. They are an essential and basic component of education in the 1990's and beyond. For this reason, I urge my colleagues to join me in supporting this measure.

Mr. SIMON. Mr. President, I rise today in support of the Global Education Opportunities Act of 1991 introduced today by my friend and colleague, Senator DODD. Last May I introduced a bill to improve elementary school instruction in foreign languages and cultures. I am pleased that sections of this bill, S. 2552, the Global Elementary Education Act of 1990, have been incorporated into the Global Education Opportunities Act of 1991, and I am pleased to be a cosponsor.

The need to understand global events and to communicate with foreign countries has never been greater than it is today. In order to meet this challenge we must address the foreign language deficiencies in our education system. In particular, we must encourage language study at the elementary school level, and we must provide incentives to our teachers to participate in the advancement of foreign language competency.

In its 1983 report, "A Nation at Risk," the National Commission on Excellence in Education wrote:

> Achieving proficiency in a foreign language ordinarily requires from 4 to 6 years of study and should, therefore, be started in the elementary grades. We believe it is desirable that students achieve such proficiency because study of a foreign language introduces students to non-English speaking cultures, heightens awareness and comprehension of one's native tongue, and serves the Nation's needs in commerce, diplomacy, defense, and education.

Exposing a child to languages at a young age enhances his or her proficiency in other languages and in the comprehension of their first language, therefore, improving overall school performance.

Two titles of the Global Elementary Education Act of 1990 were included into the bill being introduced today. The first part provides grants to higher education institutions and nonprofit organizations to develop innovative model programs to train students who want to become elementary school teachers of languages and international studies. The second part directs the Secretary of Education to designate an office in the Department of Education to coordinate and disseminate children's literature in other languages, videotapes, computer software, and teacher's kits relating to geography, and international study.

International events of the past year will have substantial impact on America's future prosperity and security. The tumbling of the Iron Curtain, the reunification of the two Germanys, and the unification of the 12-member European market will create new economic and trade challenges. As the world changes and communications become closer and more frequent, America must increase its competence in the international awareness and foreign language ability. The unification of the European Community will create a unified market of 320 million consumers. This enormous economic restructuring will increase the European Community's national gross domestic product by at least 5 percent and will create an additional 2 million jobs.

In order to remain a world economic leader and to increase our influence in the world's marketplace, America must become more competent in its knowledge of international events, cultures and languages. Although English is widely spoken around the world, the ability to speak a foreign language will better prepare us to do business with foreign competitors. It may be easy to buy goods from a foreign competitor if we do not speak the language, but if we wish to sell our goods to foreign nations, we need to learn their languages. Languages, in and of itself, is a form of advertisement.

America's deficiencies in the areas of foreign language and international studies have proven to be a roadblock to economic growth. Four out of five new jobs are created as a result of foreign trade. Yet, the Coalition for the Advancement for International Studies [CAFLIS] claims that of the corporations responding to its survey, nearly 40 percent failed to take advantage of international business opportunities due to insufficient knowledge of foreign cultures and languages.

Mr. President, America's competence in foreign language ability and international awareness must be encouraged. Americans have the ability and the incentive to do so and the Global Education Opportunities Act of 1991 provides such incentive.

Mr. President, I look forward to working with Senator DODD on this legislation.

By Mr. ADAMS (for himself and Ms. MIKULSKI):

S. 512. A bill to authorize an additional $25,000 for the National Cancer Institute to conduct certain research on breast cancer, and for other purposes; to the Committee on Labor and Human Resources.

S. 513. A bill to amend the Public Health Service Act to require that, as appropriate, women and members of minority groups be included as subjects in clinical research conducted under the act, and for other purposes; to the Committee on Energy and Natural Resources.

WOMEN'S HEALTH ISSUES

Mr. ADAMS. Mr. President, I am very honored to join with my good friend, BARBARA MIKULSKI, today and members of the Congressional Caucus for Women and Women's Issues as an original cosponsor of the Women's Health Equity Act.

This bill is terribly important, just terribly important. Today I will be introducing parts of that bill at the end of my statement, but the entire bill will be before the Senate and before the House during the course of this month.

The sad truth is that women's health care is not taken as seriously as men's. Recent reports from the General Accounting Office and the American Medical Association, among others, point to disparities in how women's and men's health care needs are treated by doctors and researchers. Less than 1 year ago, GAO found that the National Institutes of Health, commonly referred to as NIH, which pays for most of this Nation's research, has failed to implement a policy that would encourage medical researchers who apply for grants to include women. In fact, the NIH policy said that the inclusion of women should not be a consideration of the scientific merit of the grant application. That is terrible.

Similarly, the AMA found that although women receive more examinations, laboratory tests, blood pressure checks, and drug prescriptions than men, they appear to have fewer major diagnostic and therapeutic interventions, like dialysis, kidney transplantation, and cardiac catheterizations, even though they may be and often are, at greater risk of serious illness.

In fact, the AMA is pressing its membership to take a closer look at how women are being treated and to do some soul searching to eliminate the gender bias in medical practice. But we have a long way to go.

The AMA also pointed out that women are likely to receive inadequate treatment for such conditions as cardiovascular disease, because diagnostic and treatment protocols are based on studies done on men alone. In fact, the two most recent clinical trials in the area of heart disease included 15,000 and 22,000 men, and no women.

It will be years, if at all, before clinical trials of this magnitude will be done with women. The Women's Health Equity Act, most particularly the Clinical Trials Fairness Act that I first introduced in the last Congress, would change the direction of research regarding women's health.

My bill will require that women be included in clinical trials, except where it is found to be inappropriate. Essentially this legislation would codify existing NIH policy and establish an oversight mechanism to ensure that it is carried out. This step is necessary because the GAO found that NIH had so poorly implemented its 1986 policy to include women in clinical trials, that it had neglected to even issue guidelines for 3 years after the policy had been promulgated. They had a policy, they just did not do anything with it.

Last year I was able to include the clinical trials fairness language in the Senate version of the NIH Reauthorization Act. It passed. Unfortunately, it did not pass through the House. But I am confident that we will again be successful in passing that particular piece of legislation this year.

Correcting the bias against women in research is just one of several legislative proposals that I have had the privilege to contribute to the Women's Health Equity Act. This Women's Health Equity Act will be an umbrella bill that will include a number of proposals that many of us have made both from the women's caucus and from Senator MIKULSKI, myself, Senator REID, and others in this body.

I am pleased that the Congressional Caucus for Women's Issues has included my bill to regulate mammography. Mammography practice is something that is terribly important in this country because we are requesting that all women, particularly women over the age of 40, have regular mammographies and that these mammographies must be of quality. It does no good to have a mammography test—and I will refer a little later in my statement to what was revealed in the field hearings we recently held—unless properly applied and properly read. In fact it can be harmful. So we want to be certain that all women have mammographies. We want to be certain that they are all properly taken and processed.

The Breast Cancer Safety Screening Act would establish quality standards for mammography equipment and personnel in all facilities in the United States.

Two weeks ago, as I previously indicated, I held a field hearing in Seattle on how current mammography practice either succeeds or fails. The women who testified at my hearing about the terrible consequences of poor quality mammography were of one voice in their support of strong Federal quality standards. Currently 75 percent of the facilities in the country do not adhere to the quality standards established voluntarily by the American College of Radiology. And so few States have legislation requiring quality assurance in mammography. States do not do it and most of the laboratories have not adhered to the voluntary standards set out by AMA, so a vast, vast majority of mammography photographs, x rays, are unregulated.

The field hearing on mammography also pointed to another area of real need concerning breast cancer. Recent studies have shown that the incidence of breast cancer is rising at an alarming rate, specially for women over 65. Yet we do not know why. I think it is time to renew our 20-year-old commitment to cancer research and to breast cancer in particular. When we have the fact that—and this is why I had the Aging Subcommittee hold these hearings—we have an alarming increase in the number of women at older ages having breast cancer and not knowing this is the problem, we need to do something about it.

To this end, I have also included a bill in the equity act to increase funding for basic cancer research by $25 million. We want to know why it is that this fourfold increase in breast cancer in older women has suddenly occurred.

Finally, I am joined with Representative PAT SCHROEDER in authoring legislation to prevent infertility. My bill would establish a new program for the prevention and control of infertility through early screening and treatment of chlamydia and gonorrhea in women.

A lot of men do not even know what that is. Chlamydia affects 2.6 million women a year and is the leading cause of pelvic inflammatory disease in women which leads to infertility affecting approximately 125,000 every year. In other words, 125,000 people who want a baby are unable to have one because they have not been properly treated.

This bill is based on a very successful model which is a program in my State funded through the Centers for Disease Control and provided through family planning clinics. One of the problems is that women do not ordinarily go to a number of the clinics that provide these kinds of tests, so we are trying to be certain that the tests are in the types of places where they ordinarily go for examination.

The program provides screening for 80 percent of the women seen by family planning providers in Washington State and has lowered the incidence of chlamydia significantly.

The Centers for Disease Control is eager, as are many States, to duplicate this program nationwide. They want to do it. This bill will allow them to do so.

American women have been put at risk long enough. It is time to close the health gap that exists for women today. When women visit their doctors, have a mammogram, or are prescribed medication, they should be assured they are getting the best, the safest, and the most scientifically sound care available. Adopting the legislation in the Women's Health Equity Act will help achieve that end.

I urge my colleagues in the Senate to join with my colleagues in the House who have already started there to cosponsor this critically important legislation, and today I am sending to the desk for introduction and referral to the appropriate committee two bills which help carry out this program. The rest of the act will be placed in the RECORD and referred during this month. The first of these bills is an authorization of $25 million to the National Cancer Institute for breast cancer research, and the second an amendment to require women as subjects of clinical research when appropriate.

Mr. President, I send these two bills to the desk at this time and ask for their introduction and appropriate referral.

The PRESIDING OFFICER. The bills will be received and appropriately referred.

Mr. ADAMS. Mr. President, I just think it is time, in these male-dominated bodies, that we break this gender gap and we begin to pay attention to the fact that we have not properly expanded and checked upon the fact that half of our population is not being treated the same way that the other half of the population is, and in particular that NIH conduct its research and its other medical work in such a fashion that the entire population is protected.

I usually close these with BARBARA MIKULSKI's little remark about the mice—and they use mice for clinical testing. She said, "I found out NIH did not even have a female mouse."

So we will correct that, Mr. President, and others will cosponsor it.

By Ms. MIKULSKI (for herself, Mr. ADAMS, Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Mr. HARKIN, Mr. BINGAMAN, Mr. WELLSTONE, Mr. REID, Mr. INOUYE, Mr. AKAKA, and Mr. GLENN):

S. 514. A bill to amend the Public Health Service Act, the Social Security Act, and other acts to promote greater equity in the delivery of health care services to women through expanded research on women's issues, improved access to health care services, and the development of disease prevention activities responsive to the needs of women, and for other purposes; to the Committee on Labor and Human Resources.

WOMEN'S HEALTH EQUITY ACT

• Ms. MIKULSKI. Mr. President, today, I am introducing the Women's Health Equity Act of 1991. This package builds on our successes last session, and continues to bring resources and expertise to bear on the unmet health needs of America's women. Swift action will save thousands of lives.

There is an unforgivable pattern of neglect, an undeniable history of indifference to women's health needs. The Women's Health Equity Act sets out to change that: To end the worst abuses and to set an agenda for women's health care in the nineties.

From 1979 to 1986, the death rate from breast cancer was up 24 percent—a woman dies of breast cancer every 12 minutes—yet no one knows why. Until we acted last year, almost no research was being done. The United States ranks 22d in infant mortality among developed nations. Heart disease kills more women than any other cause, yet virtually all heart disease research is done on men.

Women's lives are being needlessly endangered—because we do not provide access to affordable health care; because the tests women receive are not accurate; and because the attitude of our medical and research community is too often one of sexism or indifference.

Last year, things began to change. The Breast and Cervical Cancer Mortality Prevention Act I introduced was signed into law, giving thousands of low-income women access to life-saving screening procedures. They no longer have to die because they can't afford a $60 breast exam and pap smear. Medicare is now paying for mammograms for elderly and disabled women—a major expansion of preventive coverage.

Access alone is not enough. Accuracy counts in the most important way of all—because we count mistakes in lost lives. Our fight for reform is driven by the memory of women like Rose Kushner and Nina Hyde: Women who might be alive save for a misread mammogram.

With Senator ADAMS, I am sponsoring the Breast Cancer Screening Safety Act of 1991. We can't entrust women's lives to incompetent technicians and inadequate technology.

We know what happens. Breast cancer is killing more Americans than Saddam Hussein.

Perhaps the greatest challenge is the medical and research establishment's attitude toward women. Women are not trained to make informed decisions about their health. Their doctors should be. Yet 9 out of 10 doctors don't follow the American Cancer Society's guidelines on recommending mammograms.

Studies have shown that women must be much sicker than men before doctors will perform bypass surgery. Women have not only been ignored in research, they have been actively excluded.

I was infuriated last year when I found out that America's flagship medical research center, the National Institutes of Health, was supporting research that systematically excluded women; and that only 14 percent of every research dollar was going to study the health problems of 51 percent of America.

We changed that pretty quick. I introduced legislation that created an Office of Women's Health Research at NIH, and I'm doing the same thing this year for ADAMHA. I almost doubled funding for breast cancer research. And this year I'm fighting for $30 million for the Ovarian Cancer Research Act.

We can't carry 14th century attitudes about women's health into the 21st century. It's time for doctors and laypersons to work together: to fund new programs; fight for new attitudes; and find ways to end the needless pain and death too many American women face.

This bill is the product of many efforts, combining bills originally introduced by many of my fellow Senators. I am proud to introduce this legislation with a great group that really cares about women's health: Senators ADAMS, KENNEDY, SIMON, HARKIN, PELL, REID, DODD, METZENBAUM, BINGAMAN, INOUYE, AKAKA, GLENN, and WELLSTONE—all of whom have worked tirelessly for this cause.

In the House, 48 members of the Congressional Caucus for Women's Issues are working with Representatives SCHROEDER and SNOWE to gain passage of a companion measure.

Mr. President, I ask unanimous consent that the text of the bill and a summary of some of the provisions and a list of some previous successes be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Woman's Health Equity Act of 1991".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—RESEARCH

Sec. 101. Office of research on women's health.
Sec. 102. Inclusion of women and minorities in clinical research.
Sec. 103. Office of research on women's health and mental health.
Sec. 104. Women and alcohol research equity.
Sec. 105. Breast cancer research.
Sec. 106. Contraceptive and infertility research centers.
Sec. 107. Sense of Congress regarding contraception and infertility.
Sec. 108. Women and aids research initiative.
Sec. 109. Requirement regarding certain categories of basic research on ovarian cancer.
Sec. 110. Osteoporosis and related bone disorders research, education, and health services.

TITLE II—SERVICES

Sec. 201. Requiring information on alternative treatments for breast cancer.
Sec. 202. Coverage of OBGYN and women's health nurse practitioner services.
Sec. 203. Adolescent pregnancy prevention, care, and research grants.
Sec. 204. Adolescent health demonstration projects.
Sec. 205. COBRA displaced family and disability amendments.
Sec. 206. Federal employee family-building.

TITLE III—PREVENTION

Sec. 301. Medicaid infant mortality amendments.
Sec. 302. Breast cancer screening safety.
Sec. 303. Medicaid coverage for mammography and pap smear screening.
Sec. 304. Medicare coverage of bone mass measurements.
Sec. 305. Women and AIDS outreach and prevention.
Sec. 306. Prevention of infertility due to sexually transmitted diseases.

TITLE I—RESEARCH

SEC. 101. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

(a) ESTABLISHMENT.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.), as amended by Public Law 101-613, is amended—

(1) by redesignating section 486 as section 485A;

(2) by redesignating parts F through H as parts G through I, respectively; and

(3) by inserting after part E the following new part:

"PART F—WOMEN'S HEALTH

"SEC. 486. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Women's Health (hereafter in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall ensure that women's health research is identified and addressed by the National Institutes of Health.

"(c) COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee for Research on Women's Health (hereafter in this subsection referred to as the 'Coordinating Committee').

"(2) COMPOSITION.—The Coordinating Committee shall be composed of the Directors of the agencies of the National Institutes of Health (or the designees of the Directors).

"(3) CHAIRPERSON.—The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) FUNCTIONS.—The Coordinating Committee shall, with respect to women's health research—

"(A) identify the need for such research, and make an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identify needs regarding the coordination of research activities, including with respect to intramural and extramural multidisciplinary research;

"(C) support the development and expansion of clinical trials of treatment and therapies that include women of all age, ethnic, and racial groups;

"(D) encourage the agencies of the National Institutes of Health to conduct and support such research; and

"(E) determine the extent to which women are represented among senior physicians and scientists of the National Institutes of Health and of entities conducting research with funds provided by such Institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(d) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee for Research on Women's Health (hereafter in this subsection referred to as the 'Advisory Committee').

"(2) COMPOSITION.—The Advisory Committee shall be composed of not more than 18 individuals who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on women's health research.

"(3) CHAIRPERSON.—The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) FUNCTIONS.—The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the agencies of the National Institutes of Health with respect to—

"(i) women's health research;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment;

"(iv) research on obstetrical and gynecological health conditions, diseases, and treatments; and

"(v) research on women's health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on publicly and privately supported women's health research; and

"(C) provide recommendations to the Director of the Office regarding activities of the Office.

"(5) REPORTS.—

"(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) the extent of expenditures made for women's health research by the agencies of the National Institutes of Health; and

"(ii) the level of funding needed for women's health research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) DEFINITIONS.—For purposes of this subpart:

"(1) WOMEN'S HEALTH CONDITIONS.—

"(A) Except as provided in subparagraph (B), the term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and other conditions—

"(i) unique to or more prevalent in women; or

"(ii) with respect to which there has been insufficient clinical research involving women as subjects.

"(B) The term 'women's health conditions' does not include a disease, disorder, or other condition unless the condition—

"(i) relates to a condition with respect to which a national research institute under this title has been established; or

"(ii) relates to another condition with respect to which the National Institutes of

Health is authorized, by a provision of law other than any provision of this subpart, to conduct research.

"(2) WOMEN'S HEALTH RESEARCH.—The term 'women's health research' means research on women's health conditions, including behavioral research.

"SEC. 486A. CLINICAL PROGRAM FOR OBSTETRICS AND GYNECOLOGY.

"(a) PLAN FOR PROGRAM.—

"(1) IN GENERAL.—The Director of the Office shall—

"(A) not later than September 30, 1992, complete the preparation of a plan for establishing a program for clinical research on obstetrics and gynecology to be conducted by the Director of the National Institute of Child Health and Human Development; and

"(B) for fiscal year 1994 and subsequent fiscal years, review the plan and, as appropriate, revise the plan.

"(2) CONSULTATIONS.—In preparing the plan required in paragraph (1), the Director of the Office shall consult with the officials and scientists who have principal responsibilities regarding the conduct by the National Institutes of Health of research on obstetrics and gynecology.

"(b) ADMINISTRATION OF PROGRAM.—For fiscal year 1993 and subsequent fiscal years, the Director of the National Institute of Child Health and Human Development shall conduct a program for clinical research on obstetrics and gynecology. Such program shall be conducted in accordance with the plan prepared under subsection (a).

"(c) SECURING SCIENTISTS FOR PROGRAM.—

"(1) LOAN REPAYMENTS REGARDING SERVICE IN PROGRAM.—The Director of the National Institute of Child Health and Human Development, after consultation with the Director of the Office, shall establish a program of entering into contracts with appropriately qualified individuals under which the individuals agree to conduct research in the program carried out under subsection (b), as employees of the National Institutes of Health, in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the individuals.

"(2) APPLICABILITY OF CERTAIN PROVISIONS.—Except to the extent inconsistent with paragraph (1), the provisions of sections 338B, 338C, and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B, including provisions regarding reimbursements for increased tax liability and regarding bankruptcy.

"SEC. 486B. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON WOMEN'S HEALTH RESEARCH.

"(a) DATA SYSTEM.—

"(1) ESTABLISHMENT.—The Director of NIH shall establish a single data system for the collection, storage, analysis, retrieval, and dissemination of information regarding women's health research that is conducted or supported by the National Institutes of Health. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(2) REGISTRY.—The data system established under paragraph (1) shall include a registry of clinical trials of experimental treatments that have been developed for women's health research. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(b) CLEARINGHOUSE.—The Director of NIH, in consultation with the Director of the Office and the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of such Institutes and such Administration relating to women's health research.

"SEC. 486C. CENTERS OF EXCELLENCE IN WOMEN'S HEALTH RESEARCH.

"(a) IN GENERAL.—The Director of the Office, after consultation with the Coordinating Committee established in section 486(c), shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct women's health research. Each such center shall be known as a Center of Excellence in Women's Health Research.

"(b) CERTAIN FUNCTIONS.—The Director of the Office shall ensure that, in carrying out research for purposes of subsection (a), centers operated under such subsection—

"(1) conduct basic and clinical research, including behavorial research (as appropriate);

"(2) conduct longitudinal studies (as appropriate), which studies shall utilize an appropriately diverse population of subjects in terms of race and socioeconomic status;

"(3) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals; and

"(4) conduct training programs for the professionals specified in paragraph (3).

"(c) COORDINATION OF INFORMATION.—The Director of the Office shall, as appropriate, provide for the coordination of information among the centers operated under subsection (a).

"(d) REQUIREMENT REGARDING FORMATION.—Each center operated under subsection (a) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Secretary, after consultation with the Director of the Office.

"(e) NUMBER OF CENTERS.—The Director of the Office shall provide for 3 centers for purposes of subsection (a), subject to the extent of amounts made available in appropriations Act.

"(f) DURATION OF SUPPORT.—Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director of the Office and if such group has recommended to the Director that such period should be extended.

"SEC. 486D. BIENNIAL REPORT.

"(a) IN GENERAL.—With respect to women's health research, the Director of the Office shall prepare a biennial report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) summarizing and analyzing expenditures made by the agencies of such Institute (including the Office) during the preceding 2 fiscal years; and

"(3) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) INCLUSION IN BIENNIAL REPORT OF DIRECTOR OF NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403.

"SEC. 486E. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of carrying out this subpart other than sections 486A and 486C, there are authorized to be appropriated $20,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995. The authorization of appropriations established in the preceding sentence shall be in addition to any other amounts authorized to be appropriated for conducting and supporting women's health research.

"(b) CLINICAL PROGRAM FOR OBSTETRICS AND GYNECOLOGY.—For the purpose of carrying out section 486A, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993 through 1995. The authorization of appropriations established in the preceding sentence shall be in addition to any other amounts authorized to carry out such section.

"(c) CENTERS FOR RESEARCH.—For the purpose of carrying out section 486C, there are authorized to be appropriated $7,500,000 for fiscal year 1992, $7,500,000 for fiscal year 1993, $8,000,000 for fiscal year 1994, $8,500,000 for fiscal year 1995, and $9,000,000 for fiscal year 1996.".

(b) TECHNICAL AMENDMENT.—Section 485(g) of the Public Health Service Act (42 U.S.C. 287c-2(g)) is amended by striking "section 486" and inserting "section 485A".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1991, or upon the date of the enactment of this Act, whichever occurs later.

SEC. 102. INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH.

(a) IN GENERAL.—The Public Health Service Act is amended by inserting after section 492 (42 U.S.C. 292) the following new section:

SEC. 492A. INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH.

"(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall ensure that women and members of minority groups are included as subjects in each clinical research project conducted or supported under this title.

"(b) LIMITATION.—

"(1) INAPPROPRIATE INCLUSION.—The requirement established in subsection (a) shall not apply to a clinical research project if the inclusion of women and members of minority groups, respectively, as subjects in the project is inappropriate, as determined by the Secretary in accordance with regulations issued under paragraph (2)—

"(A) with respect to the health of the subjects;

"(B) with respect to the purpose of the research; or

"(C) under such other circumstances as the Secretary may designate.

"(2) CRITERIA.—For purposes of paragraph (1), the Secretary shall by regulation establish criteria regarding the circumstances under which the inclusion of women and minorities in clinical research is inappropriate.

"(c) EFFECT OF RESEARCH ON WOMEN AND MINORITIES.—The Secretary shall ensure that any clinical research project in which the Secretary is required to include women or members of minority groups as subjects under subsection (a) is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other subjects in the research.

"(d) SUBCOMMITTEE.—

"(1) ESTABLISHMENT.—The Secretary shall establish within the advisory council of each of the national research institutes a subcommittee to be known as the Clinical Research Equity Subcommittee (individually referred to in this subsection as a 'Subcommittee').

"(2) COMPOSITION.—

"(A) ADVISORY COUNCIL MEMBERS.—Each Subcommittee shall be composed of not less than 6 members of the advisory council in which it is established. The Secretary shall designate the membership of each Subcommittee from among members of the advisory council who have expertise regarding clinical research on diseases, disorders, or other health conditions—

"(i) that are unique to women, more prevalent in women, or more serious for women; or

"(ii) for which the risk factors or interventions are different for women.

"(B) OTHER MEMBERS.—If the Secretary determines that an advisory council for a national research institute does not contain a sufficient number of individuals with the expertise required in accordance with subparagraph (A), the Secretary shall appoint to the advisory council a sufficient number of individuals from among individuals who are not officers or employees of the United States.

"(3) FUNCTIONS.—Each Subcommittee shall review all clinical research conducted by the national research institute in which the advisory council is established, in order to determine the extent to which the institute is conducting research in accordance with subsections (a) through (c). The Subcommittee shall conduct the review not less often than annually. Not later than 60 days after each review, each Subcommittee shall submit to the Secretary and the Director of the National Institutes of Health a report describing the findings made as a result of the review.

"(4) NONCOMPLIANCE.—If the Secretary determines that any national research institute is not conducting a project of clinical research in accordance with subsections (a) through (c), the Secretary shall suspend or revoke the authority for the project under such conditions as the Secretary determines to be appropriate.

"(e) DEFINITION.—For purposes of this section, the term 'minority groups' means racial and ethnic minority groups.".

(b) RESEARCH CONDUCTED OR SUPPORTED BY ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION.—Such Act is amended by inserting after section 507 (42 U.S.C. 290aa-5) the following new section:

"SEC. 507A. INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH.

"(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall ensure that women and members of minority groups are included as subjects in each clinical research project conducted or supported under this title.

"(b) LIMITATION.—

"(1) INAPPROPRIATE INCLUSION.—The requirement established in subsection (a) shall not apply to a clinical research project if the inclusion of women and members of minority groups, respectively, as subjects in the project is inappropriate, as determined by the Secretary in accordance with regulations issued in accordance with paragraph (2)—

"(A) with respect to the health of the subjects;

"(B) with respect to the purpose of the research; or

"(C) under such other circumstances as the Secretary may designate.

"(2) CRITERIA.—For purposes of paragraph (1), the Secretary shall by regulation establish criteria regarding the circumstances under which the inclusion of women and minorities in clinical research is inappropriate.

"(c) EFFECT OF RESEARCH ON WOMEN AND MINORITIES.—The Secretary shall ensure that any clinical research project in which the Secretary is required to include women or members of minority groups as subjects under subsection (a) is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other subjects in the research.

"(d) SUBCOMMITTEE.—

"(1) ESTABLISHMENT.—The Secretary shall establish within the advisory council of each of the agencies of the Alcohol, Drug Abuse, and Mental Health Administration a subcommittee to be known as the Clinical Research Equity Subcommittee (individually referred to in this subsection as a 'Subcommittee').

"(2) COMPOSITION.—

"(A) ADVISORY COUNCIL MEMBERS.—Each Subcommittee shall be composed of not less than 6 members of the advisory council in which it is established. The Secretary shall designate the membership of each Subcommittee from among members of the advisory council who have expertise regarding clinical research on diseases, disorders, or other health conditions—

"(i) that are unique to women, more prevalent in women, or more serious for women; or

"(ii) for which the risk factors or interventions are different for women.

"(B) OTHER MEMBERS.—If the Secretary determines that an advisory council for an agency of the Alcohol, Drug Abuse, and Mental Health Administration does not contain a sufficient number of individuals with the expertise required in accordance with subparagraph (A), the Secretary shall appoint to the advisory council a sufficient number of individuals from among individuals who are not officers or employees of the United States.

"(3) FUNCTIONS.—Each Subcommittee shall review all clinical research conducted by the agency in which the advisory council is established, in order to determine the extent to which the agency is conducting research in accordance with subsections (a) through (c). The Subcommittee shall conduct the review not less often than annually. Not later than 60 days after each review, each Subcommittee shall submit to the Secretary and the Administrator a report describing the findings made as a result of the review.

"(4) NONCOMPLIANCE.—If the Secretary determines that any agency of the Alcohol, Drug Abuse, and Mental Health Administration is not conducting a project of clinical research in accordance with subsections (a) through (c), the Secretary shall suspend or revoke the authority for the project under such conditions as the Secretary determines to be appropriate.

"(e) DEFINITION.—For purposes of this section, the term 'minority groups' means racial and ethnic minority groups.".

(c) PEER REVIEW.—

(1) NATIONAL INSTITUTES OF HEALTH.—Section 492 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following new subsection:

"(c)(1) In technical and scientific peer review of proposals for clinical research under this section, the consideration of the proposal (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposal regarding the inclusion of women and members of minority groups as subjects in the research.

"(2) Paragraph (1) shall not apply to any proposal for clinical research that is not subject to the requirement of section 492A(a) regarding the inclusion of women and members of minority groups as subjects in clinical research, in accordance with section 492A(b).".

(2) ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION.—Section 507 of the Public Health Service Act (42 U.S.C. 290aa-5) is amended by adding at the end the following new subsection:

"(f)(1) In technical and scientific peer review of proposals for clinical research under this section, the consideration of the proposal (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposal regarding the inclusion of women and members of minority groups as subjects in the research.

"(2) Paragraph (1) shall not apply to any proposal for clinical research that is not subject to the requirement of section 507A(a) regarding the inclusion of women and members of minority groups as subjects in clinical research, in accordance with section 507A(b).".

(d) EFFECTIVE DATE AND APPLICABILITY OF REQUIREMENTS.

(1) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1991, or on the date of the enactment of this Act, whichever occurs later.

(2) APPLICABILITY.—The amendments made by this section shall apply with respect to any project of clinical research whose initial approval by the Secretary of Health and Human Services occurs after the expiration of the 90-day period beginning on the effective date of this section.

SEC. 103. OFFICE OF RESEARCH ON WOMEN'S HEALTH AND MENTAL HEALTH.

(a) ESTABLISHMENT.—Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 504 the following new section:

"OFFICE OF RESEARCH ON WOMEN'S HEALTH AND MENTAL HEALTH

"SEC. 504A. (a) ESTABLISHMENT AND GENERAL PROVISIONS.—

"(1) IN GENERAL.—There is established within the Office of the Administrator an office to be known as the Office of Research on Women's Health and Mental Health (hereafter in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Administrator.

"(2) PURPOSE.—The Director of the Office shall ensure that women's health and mental health research is identified and addressed by the Alcohol, Drug Abuse, and Mental Health Administration.

"(3) COORDINATING COMMITTEE.—

"(A) In carrying out subsection (a)(2), the Director of the Office shall establish a committee to be known as the Coordinating Committee for Research on Women's Health (hereafter in this paragraph referred to as the 'Coordinating Committee').

"(B) The Coordinating Committee shall be composed of the Directors of the agencies of the Alcohol, Drug Abuse, and Mental Health Administration (or the designees of the Directors).

"(C) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(E) The Coordinating Committee shall, with respect to women's health and mental health research—

"(i) identify the need for such research, and make an estimate each fiscal year of the funds needed to adequately support the research;

"(ii) identify needs regarding the coordination of research activities, including with respect to intramural and extramural multidisciplinary research;

"(iii) support the development and expansion of clinical trials of treatment and therapies that include women of all age, ethnic, and racial groups;

"(iii) encourage the agencies of the Alcohol, Drug Abuse, and Mental Health Administration to conduct and support such research; and

"(v) determine the extent to which women are represented among senior physicians and scientists of the Alcohol, Drug Abuse, and Mental Health Administration and of entities conducting research with funds provided by such Administration, and as appropriate, carry out activities to increase the extent of such representation.

"(4) ADVISORY COMMITTEE.—

"(A) In carrying out subsection (a)(2), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee for Research on Women's Health (hereafter in this paragraph referred to as the 'Advisory Committee').

"(B) The Advisory Committee shall be composed of not more than 18 individuals who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on women's health and mental health conditions.

"(C) The Director of the Office shall serve as the chair of the Advisory Committee.

"(D) The Advisory Committee shall—

"(i) advise the Director of the Office on appropriate research activities to be undertaken by the agencies of the Alcohol, Drug Abuse, and Mental Health Administration with respect to—

"(I) women's health and mental health research, including research on menopause, premenstrual syndrome, postpartum depression, and other conditions related to the reproductive system, and including depression, attacks of panic, and eating disorders;

"(II) research on gender differences in clinical drug trials, including with respect to differences in the rate of metabolism;

"(III) research on gender differences in the etiology, course, and treatment of women's health and mental health conditions; and

"(IV) women's health and mental health research which requires a multidisciplinary approach;

"(ii) report to the Director of the Office on publicly and privately supported women's health and mental health research; and

"(iii) provide recommendations to the Director of the Office regarding activities of the Office.

"(E)(i) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(I) the extent of expenditures made for women's health and mental health research by the agencies of the Alcohol, Drug Abuse, and Mental Health Administration; and

"(II) the level of funding needed for women's health and mental health research.

"(ii) The report required in subparagraph (A) shall be submitted to the Administrator for inclusion in the report required in subsection (d).

"(b) NATIONAL DATA SYSTEM AND CLEARINGHOUSE

"(1) DATA SYSTEM.—

"(A) The Administrator shall establish a single data system for the collection, storage, analysis, retrieval, and dissemination of information regarding women's health and mental health research. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(B) The data system established under subparagraph (A) shall include a registry of clinical trials of experimental treatments that have been developed for women's health and mental health research. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(2) CLEARINGHOUSE.—The Administrator, in consultation with the Director of the Office and the National Library of Medicine, shall establish, maintain, and operate a program to provide information on women's health and mental health research.

"(c) CENTERS OF EXCELLENCE

"(1) IN GENERAL.—The Director of the Office, after consultation with the Coordinating Committee established in subsection (a)(3), shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct women's health and mental health research. Each such center shall be known as a Center of Excellence in Women's Health and Mental Health Research.

"(2) CERTAIN FUNCTIONS.—The Director of the Office shall ensure that, in carrying out research for purposes of paragraph (1), centers operated under such subsection—

"(A) conduct basic and clinical research, including behavioral research;

"(B) conduct longitudinal studies (as appropriate), which studies shall utilize an appropriately diverse population of subjects in terms of race and socioeconomic status;

"(C) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals; and

"(D) conduct training programs for the professionals specified in subparagraph (C).

"(3) COORDINATION OF INFORMATION.—The Director of the Office shall, as appropriate, provide for the coordination of information among the centers operated under paragraph (1).

"(4) REQUIREMENT REGARDING FORMATION.—Each center operated under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Secretary, after consultation with the Director of the Office.

"(5) NUMBER OF CENTERS.—The Director of the Office shall provide for 3 centers for purposes of paragraph (1), subject to the extent of amounts made available in appropriations Act.

"(6) DURATION OF SUPPORT.—Support of a center under paragraph (1) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director of the Office and if such group has recommended to the Director that such period should be extended.

"(d) BIENNIAL REPORT—Not later than February 1 of 1994 and of every second year thereafter, the Director of the Office shall, with respect to women's health and mental health research, submit to the Congress a report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the Alcohol, Drug Abuse, and Mental Health Administration;

"(2) summarizing and analyzing expenditures made by the agencies of such Administration (including the Office) during the preceding 2 fiscal years; and

"(3) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(e) DEFINITIONS.—For purposes of this section:

"(1) WOMEN'S HEALTH AND MENTAL HEALTH CONDITIONS.—

"(A) Except as provided in subparagraph (B), the term 'women's health and mental health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and other conditions (including with respect to mental health)—

"(i) unique to or more prevalent in women; or

"(ii) with respect to which there has been insufficient clinical research involving women as subjects.

"(B) The term 'women's health and mental health conditions' does not include a disease, disorder, or other condition unless the condition—

"(i) relates to alcohol, drug abuse, or mental health; or

"(ii) relates to another condition with respect to which the Alcohol, Drug Abuse, and Mental Health Administration is authorized, by a provision of law other than this section, to conduct research.

"(2) WOMEN'S HEALTH AND MENTAL HEALTH RESEARCH.—The term 'women's health and mental health research' means research on women's health and mental health conditions, including behavioral research.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section other than subsection (c), there are authorized to be appropriated $20,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995. The authorization of appropriations established in the preceding sentence shall be in addition to any other amounts authorized to be appropriated for conducting and supporting women's health and mental health research.

"(2) CENTERS FOR RESEARCH.—For the purpose of carrying out subsection (c), there are authorized to be appropriated $7,500,000 for fiscal year 1992, $7,500,000 for fiscal year 1993, $8,000,000 for fiscal year 1994, $8,500,000 for fiscal year 1995, and $9,000,000 for fiscal year 1996.".

(b) Effective Date.—The amendments made by this section shall take effect October 1, 1991, or upon the date of the enactment of this Act, whichever occurs later.

SEC. 104. WOMEN AND ALCOHOL RESEARCH EQUITY.

(a) Findings.—Congress finds as follows with respect to the United States:

(1) One of every 3 alcoholics receiving treatment is a woman.

(2) In fiscal year 1990, the National Institute on Alcohol Abuse and Alcoholism had a total research budget of $131,606,000, and only $6,750,000 of the budget (approximately 5 percent) was available for research on alcohol abuse and alcoholism among women. Research on this topic is critical because alcoholism has long been known to be a gender-specific disease.

(3) Women continue to be underrepresented in treatment programs. Women make up less than 25 percent of all publicly funded alcohol treatment admissions and about 30 percent of treatment admissions for other drug dependencies although women make up an estimated 50 percent of the total alcohol and drug dependent population.

(4) Alcohol use by pregnant women is the leading known cause of mental retardation in newborns. Fetal alcohol syndrome, which is marked by dysfunction of the central nervous system and by prenatal and postnatal growth deficiency and facial malformations, strikes 1 to 3 out of every 1,000 newborns, or 3,600 to 10,000 babies a year. The incidence of less severe fetal alcohol effects is at least 3 times that of fetal alcohol syndrome. Research is also needed on the male contribution to birth abnormalities related to alcohol and other drug use.

(5) Most treatment programs do not provide child care or adequate alternatives for women entering treatment.

(6) The death rate of female alcoholics is 50 to 100 percent higher than for male alcoholics.

(7) More alcoholic women die of cirrhosis of the liver than do alcoholic men.

(8) Combined effects of estrogen and alcohol augment liver damage.

(9) Women experience greater physiological damage from consumption of alcohol than do their male counterparts. The interval between the onset of drinking and entry into treatment appears to be shorter for women than men.

(10) Negative effects of drinking show up earlier in women than men, even when they consume less alcohol than men. This disease process is "telescoped" or accelerated in women.

(11) Women become intoxicated faster than men. This is due to a different enzyme activity than men and hormonal fluctuations in women.

(12) Chronic, heavy drinking contributes to menstrual disorders, fertility problems, and premature menopause.

(13) Only 1 out of 10 nonalcoholic wives will leave an alcoholic husband while 9 out of 10 nonalcoholic husbands leave their alcoholic wives.

(14) Alcohol use may be associated with an increased risk of breast cancer. Research indicates that the incidence of breast cancer increases when a woman consumes 1 ounce or more of absolute alcohol daily.

(15) The National Institute on Alcohol Abuse and Alcoholism has identified areas for future research on alcohol abuse and alcoholism among women. These areas were identified by the Institute more than a decade ago, yet a sufficient number of research projects regarding such areas has yet to be conducted.

(b) Increase in Amount of Funds Expended for Research on Alcohol Abuse and Alcoholism Among Women.—Section 513(a) of the Public Health Service Act (42 U.S.C. 290bb–2(a)) is amended—

(1) by striking "1991" and inserting "1992"; and

(2) by adding at the end the following new sentence: "For fiscal year 1992, of the first $131,606,000 appropriated under the preceding sentence, the Secretary shall obligate not less than $6,750,000 for the purpose of carrying out under this subpart projects of research on alcohol abuse and alcoholism among women, and of the amounts appropriated under such sentence in excess of $131,606,000, the Secretary shall obligate for such purpose not less than $23,250,000.".

SEC. 105. BREAST CANCER RESEARCH.

In addition to the sums authorized to be appropriated for the National Cancer Institute under sections 301 and 408 of the Public Health Service Act for fiscal year 1991, there is authorized to be appropriated for such fiscal year to the National Cancer Institute $25,000,000 for breast cancer research other than research which involves treatment or clinical trials.

SEC. 106. CONTRACEPTIVE AND INFERTILITY RESEARCH CENTERS.

(a) Research Centers.—Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following new section:

"SEC. 452A. RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

"(a) In General.—The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of diagnosing and treating infertility.

"(b) Number of Centers.—In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c) Duties.—

"(1) In general.—Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and by females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in both males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professional;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals.

"(2) Stipends and fees.—A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) Coordination of Information.—The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) Consortium.—Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Secretary, after consultation with the Director of the Institute.

"(f) Term of Support and Peer Review.—Support of a center under subsection (a) may be for a period of not to exceed 5 years. Such period may be extended for one or more additional periods of not to exceed 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated $15,000,000 for each of the fiscal years 1992 through 1994, $20,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996.".

(b) Loan Repayment Program for Research with Respect to Contraception and Infertility.—Part F of title IV of such Act (42 U.S.C. 288 et seq.) is amended by inserting after section 487A the following new section:

"SEC. 487B. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

"(a) Establishment.—The Secretary, after consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program to enter into agreements with appropriately qualified health professionals (including graduate students) under which such health professionals shall agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Secretary agreeing to repay, for each year of such service, not to exceed $20,000 of the principal and interest of the educational loans incurred by such health professionals.

"(b) Administrative Provisions.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Health Service Loan Repayment Program.

"(c) Authorization of Appropriations.—

"(1) In general.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1992 through 1994.

"(2) Availability of funds.—Amounts appropriated under paragraph (1) for a fiscal year shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

(c) Effective Date.—The amendments made by this section shall become effective on October 1, 1991, or on the date of the enactment of this Act, whichever occurs later.

SEC. 107. SENSE OF CONGRESS REGARDING CONTRACEPTION AND INFERTILITY.

(a) Findings.—Congress finds that—

(1) the incidence in the United States of both unintended pregnancy and abortion is substantial and unacceptable;

(2) there is a significant incidence of infertility in the United States;

(3) studies estimate that 31,800,000 women nationwide are at risk of unintended pregnancy, and that, for a variety of reasons, 13 percent of these women are not using any form of contraception;

(4) there is a substantial need for the development of new contraceptive drugs and devices, but only one private pharmaceutical company based in the United States is conducting research toward such development;

(5) if a variety of safe and effective options with respect to contraception are widely available, significant benefits for women and their families accrue, including a reduction in the number of low-birthweight births and a reduction in the number of premature births, leading to a reduced incidence of maternal and infant mortality;

(6) it is estimated that one out of six couples in the United States is infertile or fails to conceive within 1 year of deciding to have a child;

(7) the Centers for Disease Control estimates that 20 percent of cases of infertility in the United States are caused by sexually transmitted diseases;

(8) cases of infertility resulting from sexually transmitted diseases are the most preventable of such cases;

(9) with respect to the problems of contraception and infertility, the obstacles to making an effective response to such problems are many and include a lack of consistent funding, the political controversy concerning abortion, the lengthy and complex procedures for the approval by the Food and Drug Administration of new drugs and devices, the costs of liability insurance for research and for the marketing of drugs and devices, and a shortage of scientists in the relevant fields; and

(10) family planning is universally recognized as a human right.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Congress should—

(1) establish a program of research for the development of new and improved methods of contraception and new and improved methods of diagnosing and treating infertility, including the establishment of research centers for such purposes;

(2) provide adequate long-term resources for the program to ensure that the program is among the principal Federal research priorities and that the United States is a world leader in research with respect to contraception and infertility;

(3) ensure that Federal programs with respect to the prevention, diagnosis, and treatment of sexually transmitted diseases adequately respond to the role of such diseases in cases of infertility;

(4) ensure that the public is educated with respect to contraception and infertility, including education on new and improved drugs and devices;

(5) establish as Federal goals the development, by the year 2010, of—

(A) improved barrier methods to protect against unintended pregnancy and sexually transmitted diseases;

(B) new methods of contraception for use by men;

(C) a vaccine-like drug for women that prevents unintended pregnancy for a significant period of time without disrupting the menstrual cycle or causing adverse metabolic or cardiovascular effects; and

(D) new and improved techniques of diagnosing and treating infertility;

(6) require the Secretary of Health and Human Services to take prompt action to reestablish the Ethical Advisory Board (terminated in 1980) in order to facilitate research with respect to infertility;

(7) review the policies and procedures of the Food and Drug Administration to determine the extent to which the process of approving drugs and devices for use by the public, especially with respect to contraception and infertility, can be expedited with a reasonable degree of safety, including consideration of the role of conducting ongoing surveys and studies of the effects on the public of drugs and devices that have been so approved; and

(8) determine to what extent measures can be implemented by public or private entities to resolve liability issues regarding persons conducting research into, or marketing, drugs and devices with respect to contraception and infertility.

SEC. 108. WOMEN AND AIDS RESEARCH INITIATIVE.

(a) ESTABLISHMENT OF PROGRAM OF RESEARCH REGARDING WOMEN AND ACQUIRED IMMUNE DEFICIENCY SYNDROME.—Part B of title XXIII of the Public Health Service Act (42 U.S.C. 300cc-11) is amended by adding at the end the following new section:

"SEC. 2321. RESEARCH REGARDING WOMEN.

"(a) IN GENERAL.—With respect to cases of infection with the etiologic agent for acquired immune deficiency syndrome, the Secretary, acting as appropriate through the Director of the National Institutes of Health or the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration (or both), shall establish a program for the purpose of conducting biomedical and behavioral research on such cases in women. The Secretary may conduct such research directly, and may make grants to public and nonprofit private entities for the conduct of the research.

"(b) CERTAIN FORMS OF RESEARCH.—In carrying out subsection (a), the Secretary shall provide for research on—

"(1) the manner in which the etiologic agent for acquired immune deficiency syndrome is transmitted to women, and from women to infants, including the relationship between cases of infection with such agent and other cases of sexually transmitted diseases;

"(2) measures for the prevention of exposure to and the transmission of such agent, including research on—

"(A) the prevention of any sexually transmitted disease that may facilitate the transmission of the agent; and

"(B) the development of methods of prevention for use by women;

"(3) the development and progression of symptoms resulting from infection with such agent, including research regarding gynecological infections whose occurrence becomes probable as a result of the deterioration of the immune system;

"(4) the treatment of cases of such infection, including clinical research; and

"(5) behavioral research on the prevention of such cases and research on model educational programs for such prevention.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

(b) COMMUNITY-BASED EVALUATIONS OF EXPERIMENTAL THERAPIES.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR THERAPIES FOR WOMEN.—Section 2313(e) of such Act (42 U.S.C. 300cc-13(e)) is amended by adding at the end the following new paragraph:

"(3) For the purpose of conducting clinical trials under subsection (a) on experimental treatments for women, there are authorized to be appropriated $6,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

(2) AUTHORITY FOR PROVISION OF INCIDENTAL SERVICES FOR ALL SUBJECTS.—Section 2313 of such Act (as amended by paragraph (1)), is further amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection:

"(d) In carrying out clinical trials under subsection (a), the Director of the National Institutes of Health may authorize grantees under such subsection to expend the grants to provide individuals with such transportation, child care, and other incidental services as may be necessary to enable the individuals to participate as subjects in the clinical trials.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1991, or upon the date of the enactment of this Act, whichever occurs later.

SEC. 109. REQUIREMENT REGARDING CERTAIN CATEGORIES OF BASIC RESEARCH ON OVARIAN CANCER.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health and the Director of the National Cancer Institute, shall conduct or support basic research—

(1) to develop a test capable of detecting ovarian cancer in the earlier stages of the cancer; and

(2) to determine whether there is a genetic basis to such cancer.

(b) LIMITATION.—In carrying out subsection (a), the Secretary may not conduct or support clinical research regarding the matters described in paragraph (1) or (2) of such subsection.

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there is authorized to be appropriated $30,000,000 for each of the fiscal years 1992 through 1996.

(2) RULE OF CONSTRUCTION REGARDING OTHER AUTHORIZATIONS.—Paragraph (1) may not be construed to affect the authority to make, under any authorization of appropriations established in any other provision of law, appropriations for the purposes described in subsection (a).

SEC. 110. OSTEOPOROSIS AND RELATED BONE DISORDERS RESEARCH, EDUCATION, AND HEALTH SERVICES.

(a) FINDINGS.—Congress finds that—

(1) osteoporosis, or porous bone, is a condition characterized by an excessive loss of bone tissue and an increased susceptibility to fractures of the hip, spine, and wrist;

(2) an estimated 25,000,000 Americans have osteoporosis, with many cases undiagnosed because the condition develops without symptoms until a strain, bump, or fall causes a fracture;

(3) between 3 and 4 million Americans have Paget's disease, Osteogenesis Imperfecta, and other related metabolic bone disorders;

(4) osteoporosis is responsible for 1,300,000 bone fractures annually, including more than 250,000 hip fractures, 500,000 vertebral fractures, 200,000 fractures of the wrist, and 200,000 fractures at other limb sites;

(5) osteoporosis affects one-third to one-half of all postmenopausal women and nearly half of all people over age 75;

(6) direct medical costs of osteoporosis reached an estimated $10,000,000,000 in 1988 for the United States, not including the costs of family care and lost work for caregivers;

(7) direct medical costs of osteoporosis are expected to increase precipitously because the proportion of the population comprised of older persons is expanding and each generation of older persons tends to have a higher incidence of osteoporosis than preceding generations;

(8) technology now exists, and new technology is developing, that will permit early diagnosis and prevention of osteoporosis as well as management of the condition once it has developed;

(9) funding for research on osteoporosis and related bone disorders is severely constrained at key research institutes, including the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute on Diabities, Digestive, and Kidney Disorders;

(10) further research is needed to improve medical knowledge concerning—

(A) cellular mechanisms related to the processes of bone resorption and bone formation, and the effect of different agents on bone remodeling;

(B) risk factors for osteoporosis, including newly discovered risk factors, risk factors related to groups not ordinarily studied, such as men and minorities, and the relationship of aging processes to the development of osteoporosis;

(C) bone mass measurement technology, including techniques for making faster and more precise measurements and for interpreting measurements;

(D) calcium, including bioavailability, intake requirements, and the role of calcium in building heavier and denser skeletons;

(E) prevention and treatment, including the efficacy of current therapies, alternative drug therapies for prevention and treatment, and the role of exercise; and

(F) rehabilitation; and

(11) further educational efforts are needed to increase public and professional knowledge of the causes of, methods for avoiding, and treatment of osteoporosis.

(b) Osteoporosis Research.—Subpart 4 of part C of Title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended—

(1) by inserting after the subpart heading the following new chapter heading:

"CHAPTER 1—ARTHRITIS";

and

(2) by adding at the end the following new chapter:

"CHAPTER 2—OSTEOPOROSIS

"SEC. 442A. DEFINITIONS.

"As used in this chapter:

"(1) Advisory panel.—The term 'Advisory Panel' means the Advisory Panel on Osteoporosis and Related Disorders, established in section 442D.

"(2) Council.—The term 'Council' means the Interagency Council on Osteoporosis and Related Disorders, established in section 442C.

"(3) Department.—The term 'Department' means the Department of Health and Human Services.

"(4) Related disorders.—The term 'related bone disorders' includes—

"(A) Paget's disease, a bone disease characterized by enlargement and loss of density with bowing and deformity of the bones;

"(B) Osteogenesis Imperfecta, a familial disease marked by extreme brittleness of the long bones;

"(C) hyperparathyroidism, a condition characterized by the presence of excess parathormone in the body resulting in disturbance of calcium metabolism with loss of calcium from bone and renal damage;

"(D) hypoparathyroidism, a condition characterized by the absence of parathormone resulting in disturbances of calcium metabolism;

"(E) renal bone disease, a disease characterized by metabolic disturbances from dialysis, renal transplants, or other renal disturbances;

"(F) primary or postmenopausal osteoporosis and secondary osteoporosis, such as that induced by corticosteroids; and

"(G) other general disorders of bone and mineral metabolism including abnormalities of vitamin D.

"(5) Resource center.—The term 'Resource Center' means the Resource Center on Osteoporosis and Related Disorders, established in section 442F.

"SEC. 442B. EXPANSION OF RESEARCH ON OSTEOPOROSIS AND RELATED BONE DISORDERS.

"(a) Research.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the Director of the National Institute on Aging, and the Director of the National Institute of Diabetes, Digestive, and Kidney Disorders shall expand and intensify research on osteoporosis and related bone disorders. The research shall be in addition to research that is authorized under any other provision of law.

"(b) Research Centers.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases shall increase the number of Specialized Centers of Research devoted to research on osteoporosis and related bone disorders. The Director of the National Institute on Aging shall increase the number of program project grants devoted to creating centers of excellence in osteoporosis and related bone disorders. The Director of the National Institute of Diabetes, Digestive, and Kidney Disorders shall increase the number of program project grants devoted to osteoperosis purposes.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $36,000,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases, $24,000,000 for the National Institute on Aging, and $2,000,000 for the National Institute of Diabetes, Digestive, and Kidney Disorders for each of the fiscal years 1992 through 1994, and such sums as may be necessary for subsequent fiscal years. These funds are in addition to amounts authorized to be appropriated for biomedical research relating to osteoporosis and related bone disorders under any other provision of law.

"SEC. 442C. INTERAGENCY COUNCIL ON OSTEOPOROSIS AND RELATED BONE DISORDERS.

"(a) Establishment.—There is established in the Department an Interagency Council on Osteoporosis and Related Disorders. The Council shall be composed of—

"(1) the Assistant Secretary for Health;

"(2) the Surgeon General of the United States;

"(3) the Assistant Secretary for Planning and Evaluation of the Department;

"(4) the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases;

"(5) the Director of the National Institute on Aging;

"(6) the Director of the National Institute of Diabetes, Digestive, and Kidney Diseases;

"(7) the Director of the National Institute of Mental Health;

"(8) the Director of the National Institute of Child Health and Human Development;

"(9) the Administrator of the Health Care Financing Administration;

"(10) the Director of the Agency for Health Care Policy and Research;

"(11) the Director of the Bureau of Child and Maternal Health;

"(12) the Commissioner of the Food and Drug Administration;

"(13) the Director of the National Institute of Dental Research;

"(14) the Commissioner on Aging;

"(15) the Director of the Office of Disease Prevention and Health Promotion; and

"(16) such additional members as the Secretary considers appropriate.

"(b) Functions.—The Council shall—

"(1) coordinate research conducted by or through the Department on osteoporosis and related bone disorders;

"(2) establish a mechanism for sharing information on osteoporosis and related bone disorders among all officers and employees of the Department involved in carrying out programs serving older persons, midlife women, and young persons, in order to provide for full communication and exchange of information;

"(3) review and coordinate the most promising areas of research concerning osteoporosis and related bone disorders;

"(4) assist the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetes, Digestive and Kidney Disease, the National Institute on Dental Research, and other institutes in developing and coordinating plans for research on osteoporosis and related bone disorders;

"(5) assist the Office of Disease Prevention and Health Promotion and the Administration on Aging and other offices in developing and coordinating plans for education and health promotion on osteoporosis and related bone disorders; and

"(6) establish mechanisms to use the results of research concerning osteoporosis and related bone disorders in the development of policies, programs, and other measures to improve the quality of life for older Americans.

"(c) Chairperson.—The Secretary shall select a Chairperson or co-Chairpersons for the Council from among its members.

"(d) Quorum.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings.

"(e) Meetings.—The Council shall meet periodically at the call of the Chairperson, but not less often than twice each year.

"(f) Executive Secretary.—The Secretary shall appoint an Executive Secretary for the Council.

"(g) Administrative Staff and Support.—The Secretary shall provide the Council with such additional administrative staff and support as may be necessary to enable the Council to carry out its functions.

"(h) Reports.—

"(1) Initial report.—

"(A) Preparation.—Not later than 9 months after the date of enactment of this chapter, the Executive Secretary of the Council shall prepare a report detailing the research plans referred to in paragraphs (4) and (5) of subsection (b). The report shall describe the activities to be carried out under the research plans during each of the fiscal years 1992 through 1994.

"(B) Other federal programs.—To the maximum extent feasible, the report shall ensure that activities carried out under the research plans are coordinated with, and use the resources of, other Federal programs concerning osteoporosis and related bone disorders, including—

"(i) centers supported by the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes, Digestive and Kidney Disease;

"(ii) other centers supported by Federal funds involved in research on osteoporosis and related bone disorders; and

"(iii) other programs concerning osteoporosis and related bone disorders that are planned or conducted by Federal agencies such as the Administration on Aging and the Office of Disease Prevention and Health Promotion, Federal agencies outside the Department, State or local agencies, community organizations, or private foundations.

"(C) DISTRIBUTION.—The Executive Secretary of the Council shall—

"(i) transmit the report to Congress; and

"(ii) make the report available to the public and to the Advisory Panel.

"(2) SUBSEQUENT REPORTS.—Not later than 12 months after the date on which the report required by paragraph (1) is transmitted to Congress, and annually thereafter, the Executive Secretary of the Council shall—

"(A) prepare a report that—

"(i) describes research and educational initiatives sponsored by the Federal Government on osteoporosis and related bone disorders; and

"(ii) makes recommendations for new research and educational initiatives on osteoporosis and related bone disorders; and

"(B) transmit the report to Congress and make the report available to the public.

"SEC. 442D. ADVISORY PANEL ON OSTEOPOROSIS AND RELATED DISORDERS.

"(a) ESTABLISHMENT.—There is established in the Department an Advisory Panel on Osteoporosis and Related Disorders. The Advisory Panel shall be composed of the following 15 voting members and additional nonvoting, ex officio members:

"(1) VOTING MEMBERS.—The Director of the Office of Technology Assessment shall appoint to the Advisory Panel—

"(A) 5 members who are biomedical research scientists with demonstrated achievement in biomedical research on osteoporosis and related bone disorders, including at least 1 researcher at a specialized center for research in osteoporosis;

"(B) 2 members with demonstrated achievements in research on community-based and family services covering osteoporosis and related bone disorders;

"(C) 1 member who is knowledgeable in health promotion and disease prevention programs concerning osteoporosis and related bone disorders;

"(D) 2 members who are associated with specialized bone programs affiliated with academic health centers;

"(E) 2 members who are experts in private health care insurance and long-term care financing; and

"(F) 3 members who are representatives of national voluntary organizations that are concerned with the problems of individuals with osteoporosis and related bone disorders and their families.

"(2) NONVOTING, EX OFFICIO MEMBERS.—The Advisory Panel shall include as nonvoting, ex officio members—

"(A) the Chairperson of the Council;

"(B) the Director of National Institute of Arthritis and Musculoskeletal and Skin Diseases;

"(C) the Director of the National Institute on Aging;

"(D) the Director of the National Institute of Diabetes, Digestive, and Kidney Disorders; and

"(E) such other members as the Secretary may appoint.

"(3) APPOINTMENT.—The Director of the Office of Technology Assessment and the Secretary shall appoint members to the Advisory Panel within 90 days after the date of enactment of this Act. The Director shall not appoint to the Advisory Panel individuals who are officers or employees of the Federal Government.

"(b) FUNCTIONS.—The Advisory Panel shall advise the Secretary and Council with respect to the identification of—

"(1) research priorities for projects on osteoporosis, related bone disorders, and the care of individuals with osteoporosis or related bone disorders;

"(2) emerging issues in and promising areas of biomedical, clinical, and behavioral research on osteoporosis and related bone disorders;

"(3) emerging issues in research on health services for individuals, and the families of individuals, with osteoporosis or related bone disorders;

"(4) emerging issues in home-based and community-based services and systems of services for individuals, and the families of individuals, with osteoporosis or related bone disorders;

"(5) emerging issues in financing health care services and social services for individuals, and the families of individuals, with osteoporosis and related bone disorders;

"(6) emerging issues in health promotion programs concerning osteoporosis; and

"(7) emerging issues in professional and individual education concerning osteoporosis.

"(c) CHAIRPERSON.—The Secretary shall appoint a Chairperson of the Advisory Panel from among the members appointed.

"(d) TERM OF OFFICE.—The term of a member of the Advisory Panel shall be for the life of the Advisory Panel. A vacancy on the Advisory Panel shall be filled in the same manner as the original appointment was made. A vacancy on the Advisory Panel shall not affect its powers.

"(e) QUORUM.—A majority of the members of the Advisory Panel appointed shall constitute a quorum, but a lesser number may hold hearings. The Advisory Panel may establish such subcommittees as the Advisory Panel considers appropriate.

"(f) MEETINGS.—The Advisory Panel shall meet at the call of the Chairperson, but not less often than twice per year.

"(g) EXECUTIVE SECRETARY.—The Executive Secretary of the Council shall serve as Executive Secretary of the Advisory Panel.

"(h) STAFF AND SUPPORT.—The Secretary shall provide the Advisory Panel with such additional administrative staff and support as may be necessary to enable the Advisory Panel to carry out its functions.

"(i) COMPENSATION AND TRAVEL EXPENSES.—

"(1) COMPENSATION.—Subject to paragraph (2), no member of the Advisory Panel shall receive compensation for service on the Advisory Panel.

"(2) TRAVEL EXPENSES.—Each member of the Advisory Panel shall receive reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of duties of the Advisory Panel.

"(j) REPORT.—The Advisory Panel shall—

"(1) prepare an annual report, which shall contain recommendations for administrative and legislative actions to—

"(A) improve services, education, and information for individuals, and families of individuals, with osteoporosis and related bone disorders;

"(B) improve professional education; and

"(C) provide for promising biomedical research related to osteoporosis and related bone disorders; and

"(2) transmit the annual report to the Congress, the Secretary, and the Council and make it available to the public.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000 for each of fiscal years 1992 through 1994.

"SEC. 442E. RESOURCE CENTER ON OSTEOPOROSIS AND RELATED DISORDERS.

"(a) ESTABLISHMENT.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases shall make grants or enter into contracts with eligible organizations to establish a Resource Center on Osteoporosis and Related Disorders.

"(b) PURPOSE.—The purpose of the Resource Center shall be to facilitate and enhance knowledge and understanding of osteoporosis and related bone disorders by disseminating information about research results, services and educational materials to health professionals, patients, and the public.

"(c) FUNCTIONS.—An organization receiving a grant or contract under this section shall—

"(1) compile, archive, and disseminate information concerning research, demonstration, evaluation, and training programs and projects concerning osteoporosis and related bone disorders;

"(2) annually publish a summary of the information compiled under paragraph (1) during the preceding 12-month period, and make the information available on request to appropriate individuals and entities, including educational institutions, research entities, and Federal and public agencies;

"(3) provide information and assistance in accessing community services to patients and the public;

"(4) coordinate leadership training for the development of health professional resource network on osteoporosis and related bone disorders; and

"(5) maintain a resource library on osteoporosis and related bone disorders.

"(d) INFORMATION SYSTEM AND TELEPHONE LINE.—

"(1) INFORMATION SYSTEM.—An organization receiving a grant or contract under this section shall establish a central computerized information system to—

"(A) compile and disseminate information concerning initiatives by State and local governments and private entities to provide programs and services for individuals with osteoporosis; and

"(B) translate scientific and technical information concerning the initiatives into information readily understandable by the general public, and make the information available on request.

"(2) TELEPHONE LINE.—An organization receiving a grant or contract under this section shall establish a national toll-free telephone line to make available the information described in paragraph (1) and information concerning Federal programs, services, and benefits for individuals with osteoporosis and their families.

"(e) FEES.—In accordance with regulations issued by the Secretary, the organization receiving a grant or contract under this section shall charge appropriate fees for providing information through the Research Center as specified in subsections (c) or (d). The organization may make exceptions to the fees for individuals and organizations who are not financially able to pay the fees. The organization shall transfer the sums obtained from payment of the fees to the Secretary, who shall use the sums to carry out this section.

"(f) APPLICATION OR PROPOSAL.—In order to receive a grant or enter into a contract under this section, an organization shall submit an application or proposal to the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases. The application or proposal shall contain—

"(1) information demonstrating that the organization has a network of contacts that will enable the organization to receive information necessary to operate the central computerized information system described in subsection (d)(1); and

"(2) such other information as the Director may prescribe.

"(g) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive grants under this section shall include public and private nonprofit organizations that are knowledgeable about osteoporosis and related bone disorders. The Secretary shall establish additional eligibility criteria for organizations to receive grants or enter into contracts under this section.

"(h) RESEARCH SUMMARIES.—The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetes, Digestive, and Kidney Diseases, the National Institute on Dental Research, and other agencies specified by the Secretary shall provide to the Resource Center summaries of the findings of research conducted on osteoporosis, related bone disorders, or relevant treatments for osteoporosis or related bone disorders.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993 and 1994.".

TITLE II—SERVICES

SEC. 201. REQUIRING INFORMATION ON ALTERNATIVE TREATMENTS FOR BREAST CANCER.

(a) IN GENERAL.—Any State receiving funds under titles V or XIX of the Social Security Act, or title XIX of the Public Health Service Act shall require by law that any physician or surgeon licensed to practice medicine in such State inform any breast cancer patient of alternative effective methods of treatment for breast cancer before such treatment is begun. Such patients shall be informed by means of—

(1) a standardized written summary in layman's language and in a language understood by the patient of alternative efficacious methods of treatment which may be medically viable, including surgical, radiological, or chemotherapeutic treatments, and other effective means of treatment; and

(2) an explanation of the treatment options described in such written summary together with the advantages, disadvantages, and risks associated with each procedure relative to such patient's particular medical circumstances.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of this section shall become effective on October 1, 1992.

(2) EXCEPTION.—If a State demonstrates, to the satisfaction of the Secretary of Health and Human Services, that it cannot, by reason of State law, comply with the requirements of this section by the effective date specified in paragraph (1), the Secretary may prescribe that, in the case of such State, this section will become effective the first day of the first month after the close of the first session of such State's legislature ending on or after October 1, 1992. For purposes of the preceding sentence, the term "session of a State's legislature" includes any regular, special, budget, or other session of a State legislature.

(c) CONFORMING PROGRAM REQUIREMENTS.—

(1) MATERNAL AND CHILD HEALTH CARE PROGRAM.—Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 510. INFORMED CONSENT.

"To be eligible for a grant under this title, the chief executive officer of each State shall certify to the Secretary that such State has complied with section 201(a) of the Women's Health Equity Act of 1991.".

(2) MEDICAID PROGRAM.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end thereof the following new subsection:

"(w) To be eligible for any payment under this section, the chief executive officer of each State shall certify to the Secretary that such State has complied with the requirements of section 201(a) of the Women's Health Equity Act of 1991.".

(3) PHSA BLOCK GRANTS.—Title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) is amended by adding at the end thereof the following new part:

"PART C—INFORMED CONSENT

"SEC. 1931. ELIGIBILITY FOR PAYMENT.

"To be eligible for any payment under this title, the chief executive officer of each State shall certify to the Secretary that such State has complied with the requirements of section 201(a) of the Women's Health Equity Act of 1991.".

SEC. 202. COVERAGE OF OB/GYN AND WOMEN'S HEALTH NURSE PRACTITIONER SERVICES.

(a) COVERAGE UNDER MEDICARE.—

(1) IN GENERAL.—Section 1861(s)(2)(K) of the Social Security Act (42 U.S.C. 1395x(s)(2)(K)), as amended by section 4155(a) of the Omnibus Budget Reconciliation Act of 1990 (hereafter referred to as "OBRA-1990"), is amended—

(A) in clause (iii), by striking "and" at the end;

(B) in clause (iv), by striking "(i) or (ii)" and inserting "(i), (ii), (iii), or (iv)";

(C) by redesignating clause (iv) as clause (v); and

(D) by inserting after clause (iii) the following new clause:

"(iv) qualified obstetrical and gynecological services which would be physicians' services if furnished by a physician (as defined in subsection (r)(1)) and which are furnished by a nurse practitioner which the nurse practitioner is authorized to perform by the State in which the services are furnished, and".

(2) DIRECT PAYMENT FOR SERVICES.—(A) Section 1832(a)(2)(B) of such Act (42 U.S.C. 1395k(a)(2)(B)), as amended by section 4155(b)(1) of OBRA-1990, is amended—

(i) in clause (iii), by striking "and" at the end;

(ii) in clause (iv), by striking the semicolon and inserting a comma; and

(iii) by adding at the end the following new clause:

"(v) qualified obstetrical and gynecological services of a nurse practitioner (as defined in section 1861(s)(2)(K)(iv));".

(B) Section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6)), as amended by section 4155(c) of OBRA-1990, is amended by striking "or (iv)" and inserting "or (v)".

(3) DEFINITION.—Section 1861 of such Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"QUALIFIED OBSTETRICAL AND GYNECOLOGICAL SERVICES

"(oo) The term 'qualified obstetrical and gynecological services' means such services and such services and supplies furnished as an incident to such services furnished by a nurse practitioner which the nurse practitioner is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) as would otherwise be covered if furnished by a physician or as an incident to a physician's service.".

(4) CONFORMING AMENDMENT.—Section 1842(b)(12) of such Act (42 U.S.C. 1395u(b)(12)), as amended by section 4155(c) of OBRA-1990, is amended by striking "or (iv)" and inserting "(iv), or (v)".

(5) EFFECTIVE DATE.—The amendments made by paragraphs (1), (2), (3), and (4) shall apply with respect to services provided on or after January 1, 1992.

(b) COVERAGE UNDER MEDICAID.—

(1) IN GENERAL.—Section 1905(a)(21) of such Act (42 U.S.C. 1396d(a)(21)) is amended by striking "certified pediatric nurse practitioner or certified family nurse practitioner" each place it appears and inserting "certified pediatric nurse practitioner, certified family nurse practitioner, certified OBGYN nurse practitioner, or certified women's health nurse practitioner".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to services furnished during quarters beginning on or after January 1, 1992.

SEC. 203. ADOLESCENT PREGNANCY PREVENTION, CARE, AND RESEARCH GRANTS.

Title XX of the Public Health Service Act (42 U.S.C. 300z et seq.) is amended to read as follows:

"TITLE XX—ADOLESCENT PREGNANCY PREVENTION, CARE, AND RESEARCH GRANTS

"SEC. 2001. FINDINGS AND PURPOSES.

"(a) FINDINGS.— The Congress finds that—

"(1) adolescents are at a high risk of unwanted pregnancy;

"(2) in 1986, more than 1,000,000 teenagers became pregnant, and nearly 500,000 teenagers carried their pregnancies to term, of which 6 out of 10 births were out of wedlock;

"(3) adolescents aged 17 and younger accounted for 46 percent of the out of wedlock births to teenagers;

"(4) in a high proportion of cases, the pregnant adolescent is herself the product of an unmarried parenthood during adolescence and is continuing the pattern in her own lifestyle;

"(5) pregnancy and childbirth among unmarried adolescents, particularly young adolescents, often results in severe adverse health, social, and economic consequences, including—

"(A) higher percentage of pregnancy and childbirth complications;

"(B) higher incidence of low birth weight babies;

"(C) higher infant mortality and morbidity;

"(D) greater likelihood that an adolescent marriage will end in divorce;

"(E) decreased likelihood of completing schooling; and

"(F) higher risks of unemployment and welfare dependency; and therefore, education, training, and job research services are important for adolescent parents; and

"(6) an adolescent who becomes pregnant once is likely to experience rapid repeat pregnancies and childbearing, with increased risks;

"(7) research has shown that in cases in which there is a family involvement in comprehensive values-based projects and services—

"(A) low birth weight is significantly reduced;

"(B) delays in initiating sexual activity occur;

"(C) there are significant reductions in repeat pregnancy, welfare costs, and child abuse; and

"(D) teens are more likely to return and complete their high school education; and

therefore, the family should become a partner in the development of curriculum and programs that reflect the values of the community;

"(8) the problems of adolescent pregnancy and parenthood are multiple and complex and are best approached through a variety of integrated and essential services, particularly those that allow the pregnant adolescent and adolescent parent to stay in school;

"(9) such services, including a wide array of educational and supportive services, often are not available to the adolescents who need them, or are available but fragmented and thus of limited effectiveness in preventing pregnancies and future welfare dependency; and

"(10) Federal policy therefore should encourage the development of appropriate health, educational, and social services where they are now lacking or inadequate, and the better coordination of existing services where they are available in order to prevent unwanted early and repeat pregnancies and to help adolescents become productive, independent contributors to family and community life.

"(b) PURPOSES.—It is the purpose of this title—

"(1) to establish better coordination, integration, and linkages among existing programs in order to expand and improve the availability of, and access to, needed comprehensive community services that assist in preventing unwanted initial and repeat pregnancies among adolescents, enable pregnant adolescents to obtain proper care and assist pregnant adolescents, their male partners, and adolescent parents to become productive independent contributors to family and community life, with primary emphasis on services to adolescents who are 17 years of age and under and are pregnant or who are parents;

"(2) to expand the availability of such services that are essential to that objective;

"(3) to promote innovative, comprehensive, and integrated approaches to the delivery of such services;

"(4) to encourage and support research programs concerning the societal causes and consequences of pregnancy, childbearing, and child rearing for adolescent females and males;

"(5) to support evaluative research to identify effective services that reduce adolescent pregnancy rates and that improve the outcome of adolescent childbearing for the parents, the child, and their families; and

"(6) to encourage and provide for the dissemination of results, findings, and information from programs and research projects relating to adolescent pregnancy and parenthood.

"SEC. 2002. DEFINITIONS.

"For the purposes of this title:

"(1) ADOLESCENT.—The term 'adolescent' means an individual under the age of 21.

"(2) CARE SERVICES.—The term 'care services' means all services for the provision of care to adolescents, both male and female, pregnant adolescents and their male partners, and adolescent parents. Such term shall include all core services and may include supplementary services, in accordance with regulations prescribed by the Secretary.

"(3) CORE SERVICES.—The term 'core services' means those services that shall be provided by a grantee, as determined by the Secretary by regulation, which shall include—

"(A) pregnancy testing and maternity counseling, or referral for such services;

"(B) family planning services, except that such services for adolescents who are not already parents shall be limited to counseling and referral unless suitable and appropriate family planning services are not otherwise available in the community;

"(C) primary and preventive health services, including prenatal and postnatal care for mother and children and arrangements for delivery;

"(D) well-baby care;

"(E) nutrition information and counseling;

"(F) screening, counseling and treatment or referral for treatment of sexually transmitted diseases, including acquired immunodeficiency syndrome;

"(G) referral to appropriate pediatric care;

"(H) educational services relating to sexuality and family life, including—

"(i) education on responsible decisionmaking regarding sexual activity;

"(ii) education on the responsibilities of parenting;

"(iii) education on a full range of means for delaying becoming pregnant, including abstinence, natural family planning, and contraception; and

"(iv) assistance to parents, schools, youth agencies, and health care providers to educate adolescents and pre-adolescents concerning self-discipline and responsibility in human sexuality;

"(I) referral to appropriate educational, employment, employment training, and vocational services;

"(J) adoption counseling services, that present adoption as an option for pregnant adolescents, or referral to a licensed adoption agency for adoption counseling;

"(K) mental health services and referral to mental health services and to other appropriate physical health and social services; and

"(L) encouragement of parent and family involvement in each of the core services described in subparagraphs (A) through (J).

"(4) ELIGIBLE GRANT RECIPIENT.—The term 'eligible grant recipient' means a public or nonprofit private organization or agency that demonstrates, to the satisfaction of the Secretary—

"(A) in the case of an organization that will provide care services, the capability of providing all care services in a single setting or the capability of creating a network through which all care services would be provided; or

"(B) in the case of an organization that will provide prevention services, the capability of providing such services.

"(5) ELIGIBLE PERSON.—The term 'eligible person' means—

"(A) with regard to the provision of care services, adolescents, both male and female, a pregnant adolescent and her male partner, or an adolescent parent; or

"(B) with regard to the provision of prevention services and referral to such other services that may be appropriate, an adolescent who is not already a parent.

"(6) PREVENTION SERVICES.—The term 'prevention services' means services described in subparagraphs (B) and (G) of paragraph (3) and referrals to such other services that may be appropriate for adolescents who are not already parents and includes services to be offered in schools at local discretion.

"(7) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(8) SUPPLEMENTAL SERVICES.—The term 'supplemental services' means those services that may be provided by a grantee, as determined by the Secretary by regulation, which may include—

"(A) child care sufficient to enable the adolescent parent to continue education or to enter into employment, including services to be provided within secondary schools at local discretion;

"(B) consumer education and homemaking;

"(C) counseling for the immediate and extended family members of the eligible person;

"(D) transportation;

"(E) referral to licensed residential care or maternity home services;

"(F) referral to licensed adoption agencies for adoption placement services;

"(G) employability training and counseling; and

"(H) such other services as are consistent with this title as the Secretary may approve in accordance with regulations promulgated by the Secretary.

"SEC. 2003. AUTHORITY TO MAKE GRANTS FOR SERVICES.

"The Secretary may make grants to provide care services to pregnant adolescents and their male partners and adolescent parents and prevention services to nonpregnant adolescents. Grants shall be used to provide, supplement, or improve the quality of such services.

"SEC. 2004. USE OF GRANTS FOR SERVICES.

"(a) USES.—A grant made under this title may be used to—

"(1) provide eligible persons—

"(A) care services;

"(B) prevention services; or

"(C) any combination of care and prevention services;

"(2) coordinate, integrate, and provide linkages among providers of care, prevention, and other services for eligible persons in furtherance of the purposes of this title;

"(3) provide supplemental services where such services are not adequate or not available to eligible persons in the community and that are essential to the care of eligible persons and to the prevention of adolescent pregnancy;

"(4) plan, for a period of not more than 1 year, for the administration and coordination of pregnancy prevention services and programs of care for eligible persons that will further the objectives of this title; and

"(5) fulfill assurances required for grant approval by section 2006.

"(b) FEES.—Grantees shall charge fees for services only pursuant to a fee schedule, approved by the Secretary as a part of the application described in section 2006, that bases fees charged by the grantee on the income of the eligible person and takes into account the difficulty adolescents face in obtaining resources to pay for services. In no case may a grantee discriminate with regard to the provision of services to any individual because of that individual's inability to provide payment for such services.

"SEC. 2005. PRIORITIES, AMOUNTS, AND DURATION OF GRANTS FOR SERVICES.

"(a) PRIORITIES.—In approving applications for grants for services under this title, the Secretary shall give priority to applicants who—

"(1) serve an area where there is a high incidence of adolescent pregnancy;

"(2) serve an area with a high proportion of low-income families and where the availability of programs of care for eligible persons is low;

"(3) show evidence—

"(A) in the case of an applicant who will provide care services, of having the ability to bring together a wide range of needed core services and, as appropriate, supplemental services in comprehensive single-site programs, or to establish a well-integrated network of such services (appropriate for the target population and geographic area to be served including the special needs of rural areas) for eligible persons; or

"(B) in the case of an applicant who will provide prevention services, of having the ability to provide prevention services for adolescents and their families that are appropriate for the target population and the geographic area to be served, including the special needs of rural areas;

"(4) will utilize to the maximum extent feasible existing available programs and facilities such as community health centers, child welfare agencies, children and youth centers, maternal and infant health centers, regional rural health facilities, licensed adoption agencies, maternity homes, school and other educational programs, family planning clinics, mental health programs, nutrition programs, recreation programs, and other ongoing pregnancy prevention and pregnancy-related services;

"(5) make use, to the maximum extent feasible, of other Federal, State, and local funds, programs, contributions, and other third-party reimbursements;

"(6) can demonstrate a community commitment to the program by making available to the program non-Federal funds, personnel, and facilities;

"(7) have involved the community to be served, including public and nonprofit private agencies, adolescents, and families, in the planning and implementation of the program; and

"(8) will demonstrate innovative and effective approaches in addressing the problems of adolescent pregnancy or parenthood, including outreach to adolescent males and approaches for providing pregnant adolescents with adequate information about adoption.

"(b) AMOUNTS.—

"(1) IN GENERAL.—The amount of a grant for a program for services under this title shall be determined by the Secretary, based on factors such as the incidence of adolescent pregnancy in the geographic area to be served, and the adequacy of pregnancy prevention services and programs of care for eligible persons in such area.

"(2) RURAL AREAS.—In making grants for services under this title, the Secretary shall consider the special needs of rural areas and, to the maximum extent practicable, shall distribute funds taking into consideration the relative number of adolescents in such areas in need of such services.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to paragraph (3), a grant for services under this title may not exceed 75 percent of the costs of the program for any year.

"(2) FORM OF NON-FEDERAL CONTRIBUTIONS.—Non-Federal contributions required by paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(3) WAIVER.—The Secretary may waive the limitation specified in paragraph (1) for any year in accordance with criteria established by regulation.

"SEC. 2006. REQUIREMENTS FOR APPLICATIONS FOR GRANTS FOR SERVICES.

"(a) IN GENERAL.—An application for a grant for services under this title shall be in such form and contain such information as the Secretary may require, and shall include—

"(1) an identification of the incidence of adolescent pregnancy and related problems;

"(2) a description of the economic conditions and income levels in the geographic area to be served;

"(3) a description of existing pregnancy prevention services and programs of care for eligible persons (including adoption services), and including where, how, by whom, and to which population groups such services are provided, and the extent to which they are coordinated in the geographic area to be served;

"(4) a description of the major unmet needs for services for adolescents at risk of initial or recurrent pregnancies and an estimate of the number of adolescents not being served in the area;

"(5)(A) in the case of an applicant who will provide care services, a description of how all core services will be provided in the program using funds under this title or will otherwise be provided by the grantee in the area to be served, the population to which such services will be provided, how such services will be coordinated, integrated, and linked with other related programs and services and the source or sources of funding of such core services in the public and private sectors; or

"(B) in the case of an applicant who will provide prevention services, a description of the necessary services to be provided and how the applicant will provide such services;

"(6) a description of the manner in which adolescents needing services other than the services provided directly by the applicant will be identified and how access and appropriate referral to such other services (such as medicaid; licensed adoption agencies; maternity home services; public assistance; employment services; child care services for adolescent parents; and other city, county, and State programs related to adolescent pregnancy) will be provided, including a description of a plan to coordinate such other services with the services supported under this title;

"(7) a description of the results expected from the provision of services, and the procedures to be used for evaluating those results;

"(8) assurances that the applicant will have an ongoing quality assurance program;

"(9) assurances that the applicant shall have a system for maintaining the confidentiality of patient records in accordance with regulations prescribed by the Secretary;

"(10) assurances that the applicant will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(11) assurances that the applicant will make maximum use of other sources of Federal and State funding;

"(12)(A) a description of—

"(i) the schedule of fees to be used in the provision of services, which shall comply with section 2004(c); and

"(ii) a corresponding schedule of discounts to be applied to the payment of such fees, which shall—

"(I) comply with section 2004(b);

"(II) be adjusted on the basis of the ability of the eligible person to pay; and

"(III) provide that no fee will be imposed on any eligible individual with an income of less than 100 percent of the official poverty line;

"(B) assurances that the applicant has made and will continue to make every reasonable effort—

"(i) to secure from eligible persons payment for services in accordance with such schedules;

"(ii) to collect reimbursement for health or other services provided to persons who are entitled to have payment made on their behalf for such services under any Federal or other government program or private insurance program; and

"(iii) to seek such reimbursement on the basis of the full amount of fees for services without application of any discount; and

"(C) assurances that the applicant has submitted or will submit to the Secretary such reports as the Secretary may require to determine compliance with this paragraph;

"(13) assurances that the applicant will make maximum use of funds available under title X;

"(14) assurances that the acceptance by any individual of family planning services or family planning information (including educational materials) provided through financial assistance under this title shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other service furnished by the applicant;

"(15) assurances that fees collected by the applicant for services rendered in accordance with this title shall be used by the applicant to further the purposes of this title;

"(16) assurances that the applicant, if providing both prevention and care services, will not exclude or discriminate against any adolescent who receives prevention services and subsequently requires care services as a pregnant adolescent;

"(17) a description of how the applicant will ascertain whether services for which adolescents have been referred have actually been obtained and develop a plan to ensure that needed services actually are received;

"(18) assurances that unemancipated minors requesting services from the applicant will be encouraged to consult with their parents with respect to such services and that services shall not be denied to unemancipated minors who decide not to consult their parents;

"(19) assurances that all pregnant adolescents receiving services will be informed of the availability of counseling (either by the entity providing care services or through a referral agreement with such other entity that provides such counseling) on all options, regarding the pregnancy;

"(20) assurances that primary emphasis for services supported under this title shall be given to adolescents 17 and under who are not able to obtain needed assistance through other means;

"(21) assurances that funds received under this title shall not supplant funds received from any other Federal, State, or local program or any private sources of funds; and

"(22) a plan for the conduct of, and assurances that the applicant will conduct, evaluations of the effectiveness of the services supported under this title in accordance with subsection (b).

"(b) EVALUATIONS.—

"(1) IN GENERAL.—Each grantee that receives funds for a grant for services under this title shall expend at least 3 percent but not in excess of 10 percent of the amounts received under this title for the conduct of evaluations of the services supported under this title. The Secretary may, for a particular grantee on good cause shown, waive the preceding sentence with respect to the amounts to be expended on evaluations, but may not waive the requirement that such evaluations be conducted.

"(2) INDEPENDENT EVALUATION.—Evaluations required by paragraph (1) shall be conducted by an organization or entity that is independent of the grantee providing services supported under this title.

"(c) REPORTS.—

"(1) IN GENERAL.—Each grantee that participates in the program established by this title shall make such reports concerning its use of Federal funds as the Secretary may require, including reports on prevention programs and care programs.

"(2) CONTENTS OF REPORTS ON PREVENTION PROGRAMS.—Reports on prevention programs shall be in a standard format as prescribed by the Secretary and shall include a description of—

"(A) the characteristics, educational attainments, and economic status of clients;

"(B) the clients' previous exposure in home, school, or other locations to educational efforts regarding sexuality and family life;

"(C) the types of interventions employed in the prevention program;

"(D) the before and after outcome measurements on variables appropriate to the intervention;

"(E) to the extent possible and where appropriate to program goals, the pregnancy and sexually transmitted disease rates subsequent to intervention; and

"(F) the extent of parent or family involvement in the program.

"(3) CONTENTS OF REPORTS ON CARE PROGRAMS.—Reports on care programs shall be in standard format as prescribed by the Secretary and shall include a description of—

"(A) the characteristics, health history, educational attainments, and economic status of clients at the time of entry;

"(B) the client prenatal care and pregnancy outcome, complications of pregnancy and delivery, and infant birth outcomes;

"(C) the characteristics, educational attainments, and economic status of clients at time of follow-up and infant follow-up information;

"(D) the types of services provided to clients; and

"(E) the extent of parent or family involvement in the services provided.

"(4) COMPARISON DATA.—Reports on prevention programs and care programs shall include control group data or other appropriate comparison data to provide comparisons with project data and to indicate program impact or effectiveness.

"(5) FOLLOW-UP DATA.—Reports on prevention programs and care programs shall include, to the extent possible, follow-up data on a random sample of program graduates and dropouts.

"(d) TIMING OF SERVICES.—No application submitted for a grant for a program for care services under this title may be approved unless the Secretary is satisfied that core services shall be available through the applicant within a reasonable time after such grant is received.

"SEC. 2007. COORDINATION OF FEDERAL AND STATE PROGRAMS.

"(a) FEDERAL PROGRAMS.—The Secretary shall coordinate Federal policies and programs providing services relating to the prevention of initial and recurrent adolescent pregnancies and providing care services for eligible persons. In achieving such coordination, the Secretary shall—

"(1) require grantees who receive grants for services under this title to report periodically to the Secretary concerning Federal, State, and local policies and programs that interfere with the delivery of and coordination of pregnancy prevention services and other programs of care for pregnant adolescents and adolescent parents;

"(2) provide technical assistance to facilitate coordination by State and local recipients of Federal assistance;

"(3) give priority in the provision of funds, where appropriate, to applicants using single or coordinated grant applications for multiple programs; and

"(4) give priority, where appropriate, to the provision of funds under Federal programs administered by the Secretary (other than the program established by this title) to programs providing comprehensive prevention services and comprehensive programs of care for eligible persons.

"(b) OTHER RECIPIENTS.—Any recipient of a grant for services under this title shall coordinate its activities with any other recipient of such a grant that is located in the same locality.

"SEC. 2008. GRANTS FOR RESEARCH.

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—The Secretary may make grants to public agencies or nonprofit private organizations or institutions of higher education to support the research and dissemination activities described in paragraphs (4), (5), and (6) of section 2001(b).

"(2) DURATION.—The Secretary may make grants or enter into contracts under this section for a period of 1 year. A grant or contract under this section for a program may be renewed for 4 additional 1-year periods, which need not be consecutive.

"(3) AMOUNT LIMITATION.—A grant or contract for any 1-year period under this section may not exceed **$100,000** for the direct costs of conducting research or dissemination activities under this section and may include such additional amounts for the indirect costs of conducting such activities as the Secretary determines appropriate. The Secretary may waive the preceding sentence with respect to a specific program if the Secretary determines that—

"(A) exceptional circumstances warrant such waiver and that the program will have national impact;

"(B) additional amounts are necessary for the direct costs of conducting limited programs for the provision of necessary services in order to provide data for research carried out under this title; or

"(C) several grantees together require more than **$100,000** to evaluate the effectiveness of different combinations of services, and if such grantees demonstrate evidence of reasonable progress in the first year, such multisite evaluation studies shall receive preference for funding renewal.

"(4) CARRYOVER FOR REPORT.—The amount of any grant or contract made under this section may remain available for obligation or expenditure after the close of the 1-year period for which such grant or contract is made in order to assist the recipient in preparing the report required by subsection (f)(1).

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—Funds provided for research under this section may be used for descriptive or explanatory surveys, evaluation studies, longitudinal studies, or limited programs for services that are for the purpose of increasing knowledge and understanding of the matters described in paragraphs (4) and (5) of section 2001(b).

"(2) LIMITATIONS.—Funds provided under this section may not be used for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than minor remodeling) of any building or facility.

"(c) PREREQUISITES.—The Secretary may not make any grant or enter into any contract to support research or dissemination activities under this section unless—

"(1) the Secretary has received an application for such grant or contract that is in such form and that contains such information as the Secretary may by regulation require;

"(2) the applicant has demonstrated that the applicant is capable of conducting one or more of the types of research or dissemination activities described in paragraph (4), (5), or (6) of section 2001(b); and

"(3) in the case of an application for a research program, the panel established by subsection (e)(2) has determined that the program is of scientific merit.

"(d) COORDINATION.—The Secretary shall coordinate research and dissemination activities carried out under this section with research and dissemination activities carried out by the National Institutes of Health.

"(e) REVIEW OF APPLICATIONS.—

"(1) SYSTEM.—The Secretary shall establish a system for the review of applications for grants and contracts under this section. Such system shall be substantially similar to the system for scientific peer review of the National Institutes of Health and shall meet the requirements of paragraphs (2) and (3).

"(2) PANEL.—

"(A) ESTABLISHMENT.—In establishing the system required by paragraph (1), the Secretary shall establish a panel to review applications under this section.

"(B) EXPERTISE.—Panel members should have expertise in research and evaluation and should represent disciplines relevant to the study of adolescent pregnancy and parenting.

"(C) LIMIT ON PHYSICIANS.—Not more than 25 percent of the members of the panel shall be physicians.

"(D) MEETINGS.—The panel shall meet as often as may be necessary to facilitate the expeditious review of applications under this section, but not less than once each year.

"(E) REVIEW.—The panel shall review each program for which an application is made under this section, evaluate the scientific merit of the program, determine whether the program is of scientific merit, and make recommendations to the Secretary concerning whether the application for the program should be approved.

"(3) GRANT DETERMINATION.—The Secretary shall make grants under this section from among the programs that the panel established by paragraph (2) has determined to be of scientific merit and may only approve an application for a program if the panel has made such determination with respect to such a program. The Secretary shall make a determination with respect to an application within 1 month after receiving the determinations and recommendations of such panel with respect to the application.

"(f) REPORTS.—

"(1) RESEARCH REPORTS.—

"(A) IN GENERAL.—The recipient of a grant or contract for a research program under this section shall prepare and transmit to the Secretary a report describing the results and conclusions of such research. Except as provided in subparagraph (B), such report shall be transmitted to the Secretary not later than 12 months after the end of the year for which funds are provided under this section. The recipient may utilize reprints of articles published or accepted for publication in professional journals to supplement or replace such report if the research contained in such articles was supported under this section during the year for which the report is required.

"(B) MULTIYEAR PROGRAMS.—In the case of any research program for which assistance is provided under this section for 2 or more consecutive 1-year periods, the recipient of such assistance shall prepare and transmit the report required by subparagraph (A) to the Secretary not later than 12 months after the end of each 1-year period for which such funding is provided.

"(2) OTHER REPORTS.—Recipients of grants and contracts for dissemination under this section shall submit to the Secretary such reports as the Secretary determines appropriate.

"SEC. 2009. EVALUATION.

"Of the funds appropriated under this title, the Secretary shall reserve not less than 1 percent and not more than 3 percent for the evaluation of activities carried out under this title. The Secretary shall submit to the appropriate committees of Congress a summary of each evaluation conducted under this section and a summary of the data reported by grantees under section 2006(c).

"SEC. 2010. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of carrying out this title, there are authorized to be appropriated $60,000,000 for each of the fiscal years 1992 through 1994.

"(b) GRANTS FOR SERVICES.—At least two-thirds of the amounts appropriated to carry out this title shall be used to make grants for services.

"(c) PREVENTION SERVICES.—Not more than one-third of the amounts specified under subsection (b) for use for grants for services shall be used for grants for prevention services.

"SEC. 2011. FUND RESTRICTION.

"No funds for grants made under this title may be used for payment for the performance of an abortion.".

SEC. 204. ADOLESCENT HEALTH DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT OR SUPPORT.—The Secretary of Health and Human Services (hereinafter in this section referred to as the "Secretary") shall make grants in fiscal years 1991 through 1995 to public and nonprofit private entities to establish or support adolescent health demonstration projects in secondary schools or entities associated with secondary schools for the purpose of demonstrating how such projects may be established throughout the United States.

(b) PROJECT REQUIREMENTS.—An adolescent health demonstration project established or supported under subsection (a) shall—

(1) provide nutrition and hygiene counseling, health care related to sports, family planning information and services, prenatal and postpartum care, family life and parenting counseling, and alcohol and drug abuse education and treatment;

(2) serve adolescents prior to their graduation from high school;

(3) encourage family participation, to the extent practical;

(4) obtain the approval of the school board in the locality to be served by the project prior to the implementation of the project;

(5) furnish such reports and data as the Secretary may require, including, at a minimum, the number and characteristics of individuals served, the services provided, and the results achieved; and

(6) establish a community advisory committee to oversee the establishment and implementation of such project, that shall include students, parents, school personnel, physicians, religious and business leaders, and other community representatives and shall establish policies for the project with respect to the services to be provided under the project, the populations to be served, the personnel who will provide services, fees to be charged, and other policy issues.

(c) AREAS TO BE SERVED.—In making grants under subsection (a), the Secretary shall give priority to applications for projects that will serve areas with low-income residents or minority populations.

(d) ABORTION RESTRICTION.—None of the funds provided under a grant awarded under subsection (a) may be used to perform or pay for abortions.

(e) REPORT.—The Secretary shall, in each fiscal year, set aside not more than 5 percent of the amount appropriated for grants under this section to evaluate the operations of the projects for which grants were made under this section. Not later than December 1, 1996, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing the result of such evaluation together with such recommendations as the Secretary may have respecting the extension of the grant authority under this section or the establishment of a continuing service program.

SEC. 205. COBRA DISPLACED FAMILY AND DISABILITY AMENDMENTS.

(a) EXTENSION OF COBRA CONTINUATION BENEFITS.—

(1) IRC AMENDMENT.—Subclause (IV) of section 4980B(f)(2)(B)(i) of the Internal Revenue Code of 1986 (relating to maximum required period of continuation coverage for other qualifying events) is amended to read as follows:

"(IV) GENERAL RULE FOR OTHER QUALIFYING EVENTS.—

"(a) IN GENERAL.—Except as otherwise provided in this subclause, in the case of a qualifying event not described in paragraph (3)(B) or (3)(F), the date which is 36 months after the date of the qualifying event.

"(b) INDIVIDUALS OVER 50 YEARS OF AGE AT TIME OF QUALIFYING EVENT.—Subdivision (a) shall not apply in the case of a qualifying event described in subparagraph (A) or (C) of paragraph (3) for a qualified beneficiary who is 50 years of age or older as of the date of the qualifying event.

"(c) CHILDREN.—In the case of a qualified beneficiary described in subsection (g)(1)(A)(ii) who is under 20 years of age as of the date of a qualifying event described in subparagraph (A) or (C) of paragraph (3) and who has a parent who is a qualified beneficiary and is 50 years of age or older as of the date of the individual's 23rd birthday.".

(2) ERISA AMENDMENT.—Clause (iv) of section 602(2)(A) of the Employee Retirement Income Security Act of 1974 (relating to maximum required period of continuation coverage for other qualifying events) is amended to read as follows:

"(iv) GENERAL RULE FOR OTHER QUALIFYING EVENTS.—

"(I) IN GENERAL.—Except as otherwise provided in this clause, in the case of a qualifying event not described in section 2203(2), the date which is 36 months after the date of the qualifying event.

"(II) INDIVIDUALS OVER 50 YEARS OF AGE AT TIME OF QUALIFYING EVENT.—Subclause (I) shall not apply in the case of a qualifying event described in paragraph (1) or (3) of section 2203 for a qualified beneficiary who is 50 years of age or older as of the date of the qualifying event.

"(III) CHILDREN.—In the case of a qualified beneficiary described in section 2208(3)(A)(ii) who is under 20 years of age as of the date of a qualifying event described in paragraph (1) or (3) of section 2203 and who has a parent who is a qualified beneficiary and is 50 years of age or older as of the date of the qualifying event, the period of coverage shall not terminate before the individual's 23rd birthday.".

(3) PHSA AMENDMENT.—Clause (iii) of section 2202(2)(A) of the Public Health Service Act (relating to maximum required period of continuation coverage for other qualifying events) is amended to read as follows:

"(iii) GENERAL RULE FOR OTHER QUALIFYING EVENTS.—

"(I) IN GENERAL.—Except as otherwise provided in this clause, in the case of a qualifying event not described in section 603(2), the date which is 36 months after the date of the qualifying event.

"(II) INDIVIDUALS OVER 50 YEARS OF AGE AT TIME OF QUALIFYING EVENT.—Subclause (I) shall not apply in the case of a qualifying event described in paragraph (1) or (3) of section 603 for a qualified beneficiary who is 50 years of age or older as of the date of the qualifying event.

"(III) CHILDREN.—In the case of a qualified beneficiary described in section 607(3)(A)(ii) who is under 20 years of age as of the date of a qualifying event described in paragraph (1) or (3) of section 603 and who has a parent who is a qualified beneficiary and is 50 years of age or older as of the date of the qualifying event, the period of coverage shall not terminate before the individual's 23rd birth.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to qualifying events occurring on or after the date of the enactment of this Act for plan years beginning on or after such date.

(b) PERIOD OF EXTENSION OF COVERAGE FOR DISABLED INDIVIDUALS.—

(1) UNDER INTERNAL REVENUE CODE OF 1986.—

(A) IN GENERAL.—Paragraph (2)(B) of section 4980B(f) of the Internal Revenue Code of 1986 is amended—

(i) in the last sentence of clause (i)—

(I) by striking "at the time of a qualifying event described in paragraph (3)(B)" and inserting "before the end of the 18-month period referred to in subclause (I) or (II)", and

(II) by striking "29 months" and inserting "the period of months preceding the first month in which the individual becomes entitled to benefits under part A of title XVIII of the Social Security Act" ; and

(ii) in clause (v), by striking "at the time of a qualifying event described in paragraph (3)(B)" and inserting "before the end of the 18-month period referred to in subclause (I) or (II) of clause (i)".

(B) NOTICES.—Paragraph (6)(C) of such section is amended—

(i) by striking "at the time of a qualifying event described in paragraph (3)(B)" and inserting "before the end of the 18-month period referred to in subclause (I) or (II) of paragraph (2)(B)(i)", and

(ii) by striking "within 60 days after the date of the determination" and inserting "not later than the end of such 18-month period".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to plan years beginning on or after the date of the enactment of this Act, regardless of whether the qualifying event occurred (and the period of continuation coverage began) before, on, or after such date and shall apply to an individual for whom the period of continuation coverage (as applied before the date of the enactment of this Act) had expired before the beginning of the first such plan year.

(2) PUBLIC HEALTH SERVICE ACT.—

(A) IN GENERAL.—Section 2202(2) of the Public Health Service Act (42 U.S.C. 300bb-2(2)) is amended—

(i) in the last sentence of subparagraph (A)—

(I) by striking "at the time of a qualifying event described in section 2203(2)" and inserting "before the end of the 18-month period referred to in clause (i) or (ii)", and

(II) by striking "29 months" and inserting "the period of months preceding the first month in which the individual becomes entitled to benefits under part A of title XVIII of the Social Security Act" ; and

(ii) in subparagraph (E), by striking "at the time of a qualifying event described in section 2203(2)" and inserting "before the end of the 18-month period referred to in clause (i) or (ii) of subparagraph (A)".

(B) NOTICES.—Section 2206(3) of such Act (42 U.S.C. 300bb-6(3)) is amended—

(i) by striking "at the time of a qualifying event described in section 2203(2)" and inserting "before the end of the 18-month period referred to in clause (i) or (ii) of section 2202(2)(A)", and

(ii) by striking "within 60 days after the date of the determination" and inserting "not later than the end of such 18-month period".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to plan years beginning on or after the date of the enactment of this Act, regardless of whether the qualifying event occurred (and the period of continuation coverage began) before, on, or after such date and shall apply to an individual for whom the period of continuation coverage (as applied before the date of the enactment of this Act) had expired before the beginning of the first such plan year.

(D) NOTIFICATION OF CHANGES.—Not later than 45 days after the date of the enactment of this Act, each group health plan (covered under section 2201 of the Public Health Service Act) shall notify each qualified beneficiary who has elected continuation coverage under title XXII of such Act of the amendments made by this subsection.

(3) ERISA.—

(A) IN GENERAL.—Section 602(2) of the Employee Retirement Income Security Act of 1974 (42 U.S.C. 1162(2)) is amended—

(i) in the last sentence of subparagraph (A)—

(I) by striking "at the time of a qualifying event described in section 603(2)" and inserting "before the end of the 18-month period referred to in clause (i) or (ii)", and

(II) by striking "29 months" and inserting "the period of months preceding the first month in which the individual becomes entitled to benefits under part A of title XVIII of the Social Security Act" ; and

(ii) in subparagraph (E), by striking "at the time of a qualifying event described in section 603(2)" and inserting "before the end of the 18-month period referred to in clause (i) or (ii) of subparagraph (A)".

(B) NOTICES.—Section 606(3) of such Act (42 U.S.C. 1166(3)) is amended—

(i) by striking "at the time of a qualifying event described in section 603(2)" and inserting "before the end of the 18-month period referred to in clause (i) or (ii) of section 602(2)(A)", and

(ii) by striking "within 60 days after the date of the determination" and inserting "not later than the end of such 18-month period".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to plan years beginning on or after the date of the enactment of this Act, regardless of whether the qualifying event occurred (and the period of continuation coverage began) before, on, or after such date and shall apply to an individual for whom the period of continuation coverage (as applied before the date of the enactment of this Act) had expired before the beginning of the first such plan year.

(D) NOTIFICATION OF CHANGES.—Not later than 45 days after the date of the enactment of this Act, each group health plan (within the meaning of section 607(1) of the Employee Retirement Income Security Act of 1974) shall notify each qualified beneficiary who has elected continuation coverage under title VI of such Act of the amendments made by this subsection.

SEC. 206. FEDERAL EMPLOYEE FAMILY-BUILDING.

(a) FAMILY-BUILDING BENEFIT.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

"(o)(1) For the purpose of this subsection—

"(A) the term 'family-building procedure' means—

"(i) a medical procedure to overcome infertility, including procedures to achieve pregnancy and procedures to carry pregnancy to term; and

"(ii) procedures relating to child adoption; and

"(B) the term 'child' means an individual who is under 18 years of age and unmarried.

"(2) Any contract under this chapter which provides obstetrical benefits shall also provide benefits for family-building procedures. Any deductible, coinsurance provision, and other similar term or condition under any such contract shall be no more restrictive for family-building benefits than for obstetrical benefits.

"(3) To the extent that a contract under this chapter relates to procedures under paragraph (1)(A)(ii), such contract shall provide that—

"(A) benefits shall consist of reimbursement for reasonable and necessary—

"(i) medical expenses directly relating to the adoption of the child (such as those relating to obstetrical care for the biological mother, medical care for the child, and physical examinations for the pre-adoptive or adoptive parent or parents); and

"(ii) counseling fees directly relating to the adoption of the child; and

"(B) benefits shall be available in connection with—

"(i) obstetrical care for the biological mother if, or to the extent that, the pre-adoptive or adoptive parent or parents are legally responsible (whether by contract or under applicable provisions of law) for the cost of such care; and

"(ii) medical care for the child if, or to the extent that, the pre-adoptive or adoptive parent or parents are legally responsible (whether by contract or under applicable provisions of law) for the cost of such care.".

(b) USE OF SICK LEAVE; PROHIBITION OF COERCION.—Section 6307 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) The Office of Personnel Management shall prescribe regulations under which sick leave otherwise available to an employee under this subchapter shall also be available for purposes relating to family-building procedures.

"(2)(A) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with such other employee's rights under this subsection.

"(B) For the purposes of this subsection—

"(i) the term 'family-building procedure' has the meaning given such term by section 8902(o)(1)(A); and

"(ii) the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).".

TITLE III—PREVENTION

SEC. 301. MEDICAID INFANT MORTALITY AMENDMENTS.

(a) PHASED-IN COVERAGE OF PREGNANT WOMEN AND INFANTS UP TO 185 PERCENT OF POVERTY LEVEL.—

(1) IN GENERAL.—Section 1902(l)(2)(A) of the Social Security Act (42 U.S.C. 1396a(l)(2)(A)) is amended—

(A) in clause (ii)—

(i) in subclause (I), by striking "and" at the end of subclause (I);

(ii) by striking the period at the end of subclause (II) and inserting a comma; and

(iii) by adding at the end the following new subclauses:

"(III) July 1, 1992, 150 percent, or, if greater, the percentage provided under clause (v), and

"(IV) July 1, 1994, 185 percent."; and

(B) by adding at the end the following new clause:

"(v) In the case of a State which, as of the date of the enactment of this clause, has established under clause (i), or has enacted legislation authorizing, or appropriating funds, to provide for, a percentage (of the income official poverty line) that is greater than 150 percent, the percentage provided under clause (ii) for medical assistance on or after July 1, 1992, shall not be less than—

"(I) the percentage specified by the State in an amendment to its State plan (whether approved or not) as of the date of the enactment of this clause, or

"(II) if no such percentage is specified as of the date of the enactment of this clause, the percentage established under the State's authorizing legislation or provided for under the State's appropriations.".

(2) FLEXIBILITY IN INCOME METHODOLOGY AND DEDUCTION OF CHILD CARE IN COMPUTATION OF INCOME.—Section 1902(l)(3)(E) of such Act (42 U.S.C. 1396a(l)(3)(E)) is amended by striking "(E)" and inserting the following:

"(E)(i) with respect to an individual described in subparagraph (A) or (B) of paragraph (1), family income shall be determined in accordance with a methodology which is no more restrictive than the methodology employed under the State plan under part A or E of title IV (except to the extent such methodology is inconsistent with clause (D) of subsection (a)(17) and except that there shall be disregarded costs for such child care as is necessary for the employment of the pregnant woman or the caretaker of the infant), and costs incurred for medical care or for any other type of remedial care shall not be taken into account, and

"(ii) with respect to an individual described in paragraph (1)(C) or (1)(D),".

(3) PROHIBITING APPLICATION OF RESOURCE TEST.—Section 1902(l)(3) of such Act (42 U.S.C. 1396a(l)(3)) is amended—

(A) in subparagraph (A) to read as follows:

"(A)(i) no resource standard or methodology shall be applied to individuals who are eligible for medical assistance because of subsection (a)(10)(A)(i)(IV), and (ii) application of a resource standard or methodology for individuals who are eligible for medical assistance because of subsection (a)(10)(A)(i)(VI) or (a)(10)(A)(ii)(IX) shall be at the option of the State, but any such resource standard or methodology may not be more restrictive than the corresponding standard or methodology that is applied under the State plan under part A of title IV;";

(B) by striking subparagraphs (B) and (C); and

(C) by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively.

(4) EFFECTIVE DATES.—

(A) HIGHER INCOME STANDARDS.—Except as provided in subparagraph (C), the amendments made by paragraph (1) shall apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after July 1, 1992, with respect to eligibility for medical assistance on or after such date, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(B) INCOME METHODOLOGY AND RESOURCE STANDARD.—Except as provided in subparagraph (C), the amendments made by paragraphs (2) and (3) shall apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after July 1, 1992, with respect to eligibility for medical assistance on or after such date, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(C) EXCEPTION FOR CERTAIN STATES.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this subsection, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this section. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(b) OPTIONAL COVERAGE OF PRENATAL AND POST PARTUM HOME VISITATION SERVICES.—

(1) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(A) by striking "and" at the end of paragraph (21);

(B) by redesignating paragraph (22) as paragraph (25);

(C) by redesignating paragraphs (23) and (24) as paragraphs (22) and (23), respectively; and

(D) by inserting after paragraph (23) the following new paragraph:

"(24) prenatal home visitation services for high-risk pregnant women, post partum home visitation services with respect to high-risk infants under 1 year of age, or both (as specified by the State), as prescribed by a physician; and".

(2) CONFORMING AMENDMENTS.—Section 1902 of such Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(C)(iv), by striking "(21)" and inserting "(24)"; and

(B) in subsection (j), by striking "(22)" and inserting "(25)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to services furnished on or after July 1, 1992, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 302. BREAST CANCER SCREENING SAFETY.

(a) CERTIFICATION OF MAMMOGRAPHY FACILITIES.—Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following new subpart:

"Subpart 3—Mammography Facilities

"SEC. 354. CERTIFICATION OF MAMMOGRAPHY FACILITIES.

"(a) DEFINITIONS.—As used in this section:

"(1) ACCREDITATION BODY.—The term 'accreditation body' means a body that has been approved by the Secretary under subsection (e)(1)(A) to accredit facilities.

"(2) CERTIFICATE.—The term 'certificate' means the certificate described in subsection (b)(1).

"(3) CERTIFIED FACILITY.—The term 'certified facility' means a facility to which the Secretary has issued and, if appropriate, renewed a certificate in accordance with subsection (c).

"(4) FACILITY.—The term 'facility' means a hospital outpatient department, clinic, radiology practice, or mobile unit, an office of a physician, or other facility, as determined by the Secretary, that conducts breast cancer screening or diagnosis through mammography.

"(5) INTERSTATE COMMERCE.—The term 'interstate commerce' means trade, traffic, commerce, transportation, transmission, or communication—

"(A) within the District of Columbia; or

"(B) between—

"(i) any State or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia; and

"(ii) any place outside the State, possession, Commonwealth, or District.

"(6) MAMMOGRAM.—The term 'mammogram' means a radiographic image produced through mammography.

"(7) MAMMOGRAPHY.—The term 'mammography' means radiography of the breast for the purpose of enabling a physician to determine the presence, size, location, and extent of cancerous or potentially cancerous breast tissue.

"(b) CERTIFICATE REQUIREMENT.—

"(1) CERTIFICATE.—No facility may conduct an examination or procedure described in paragraph (2) in performing mammography after December 31, 1992, unless the facility obtains a certificate—

"(A) that is issued and, if applicable, renewed by, the Secretary in accordance with subsection (c); and

"(B) that is applicable to the examination or procedure to be conducted.

"(2) EXAMINATION OR PROCEDURE.—A facility shall obtain a certificate in order to—

"(A) operate equipment that is used to image the breast in performing mammography and that has been sold or offered for sale in interstate commerce;

"(B) interpret a screening mammogram produced by the equipment; or

"(C) inspect the equipment and conduct oversight of quality assurance practices at a facility with the equipment.

"(c) ISSUANCE AND RENEWAL OF CERTIFICATES.—

"(1) IN GENERAL.—The Secretary may issue or renew a certificate for a facility that submits the application described in subsection (d).

"(2) TERM.—The Secretary may issue or renew a certificate under this section for not more than 2 years.

"(d) APPLICATION FOR CERTIFICATE.—In order to obtain or renew a certificate for a facility, the person who owns or leases the facility or an authorized agent of the person shall submit to the Secretary, in such form and manner as the Secretary shall prescribe, an application that contains—

"(1) a description of the manufacturer, model, and type of each x-ray machine, image receptor, and processor operated in the performance of mammography at the facility;

"(2) a description of the procedures currently used to provide mammography at the facility, including—

"(A) the number and types of procedures performed;

"(B) the methodologies for mammography; and

"(C) the qualifications (educational background, training, and experience) of the personnel performing radiological procedures, the medical physicist inspecting mammography equipment at the facility, and the physicians reading and interpreting the results from the procedures;

"(3) proof of accreditation under subsection (e);

"(4) a satisfactory assurance that the facility will be operated in accordance with standards established by the Secretary under subsection (f);

"(5) a satisfactory assurance that the facility will be operated in accordance with the standards of the accreditation body that accredits the facility and will authorize the accreditation body to submit to the Secretary (or such State agency as the Secretary may designate) such information as the Secretary may require;

"(6) a satisfactory assurance that the facility will—

"(A) permit inspections by the Secretary under subsection (g);

"(B) make such records and information available, and submit such reports, to the Secretary as the Secretary may reasonably require; and

"(C) update the information submitted under paragraph (1) or (2) not later than 6 months after the date the information becomes incomplete or inaccurate; and

"(7) such other information as the Secretary may require.

"(e) ACCREDITATION.—

"(1) APPROVAL OF ACCREDITATION BODIES.—

"(A) IN GENERAL.—The Secretary may approve a private nonprofit organization to accredit facilities for purposes of subsection (d)(3) if the accreditation body provides satisfactory assurances that the body will—

"(i) comply with the requirements described in paragraphs (3) and (4);

"(ii) submit to the Secretary the name of any facility for which the accreditation body denies, suspends, withdraws, or revokes accreditation, or against which the body takes any other action, within 30 days of the action;

"(iii) notify the Secretary at least 30 days before the accreditation body changes the standards of the body; and

"(iv) notify each facility accredited by the accreditation body if the Secretary withdraws approval of the accreditation body under paragraph (2), within 21 days of the withdrawal.

"(B) CRITERIA AND PROCEDURES.—The Secretary shall promulgate regulations under which the Secretary may approve an accreditation body.

"(2) WITHDRAWAL OF APPROVAL.—

"(A) IN GENERAL.—The Secretary shall promulgate standards under which the Secretary may withdraw the approval of an accreditation body if the Secretary determines that the accreditation body does not meet the requirements of clauses (i) through (iv) of paragraph (1)(A).

"(B) EFFECT OF WITHDRAWAL.—

"(i) EFFECTIVE PERIOD OF CERTIFICATE.—Except as provided in clause (ii) or (iii), if the Secretary withdraws the approval of an accreditation body under subparagraph (A), the certificate of any facility accredited by the body shall continue in effect until the date specified by the Secretary at the time the Secretary approves, under paragraph (1)(A), an accreditation body that may accredit the facility.

"(ii) INTERMEDIATE SANCTIONS.—If the Secretary takes action against a facility under subsection (h), the certificate of the facility shall continue in effect until the earlier of—

"(I) the effective date of the action, which shall be not earlier than 120 days after the facility receives the notification described in subsection (h)(1); or

"(II) 180 days after the facility receives the notification.

"(iii) SUSPENSION, REVOCATION, OR LIMITATION.—If the Secretary takes action against a facility under subsection (i), the certificate of the facility shall continue in effect until the Secretary takes the action.

"(3) ACCREDITATION.—In determining whether or not to accredit a facility, an approved accreditation body shall—

"(A) inspect facilities using inspectors who the Secretary determines are qualified to evaluate the equipment used by the facilities in performing mammograms;

"(B) inspect facilities with such frequency as the Secretary may determine to be necessary; and

"(C) apply standards equal to or more stringent than the standards established by the Secretary under subsection (f).

"(4) COMPLIANCE.—An approved accreditation body shall take measures to ensure that facilities accredited by the body will continue to meet the standards of the accreditation body.

"(5) WITHDRAWAL OR REVOCATION OF ACCREDITATION.—

"(A) INTERMEDIATE SANCTIONS.—Except as provided in subparagraph (B), if an accreditation body withdraws or revokes the accreditation of a facility, the certificate of the facility shall continue in effect until the earlier of—

"(i) the effective date of any action taken by the Secretary under subsection (h), which shall be not earlier than 120 days after the notification described in subsection (h)(1); or

"(ii) 180 days after the notification.

"(B) SUSPENSION, REVOCATION, OR LIMITATION.—If an accreditation body withdraws or revokes the accreditation of a facility, and the Secretary takes action under subsection (i), the certificate of the facility shall continue in effect until the effective date of the action.

"(6) EVALUATION AND REPORT.—

"(A) EVALUATION.—The Secretary shall evaluate annually the performance of each approved accreditation body by—

"(i) inspecting under subsection (g) a sufficient number of the facilities accredited by the body to allow a reasonable estimate of the performance of the body; and

"(ii) such additional means as the Secretary determines to be appropriate.

"(B) REPORT.—The Secretary shall annually prepare and submit to Congress, a report that describes the results of the evaluation conducted in accordance with subparagraph (A).

"(f) QUALITY STANDARDS.—

"(1) IN GENERAL.—The Secretary shall establish standards for facilities to assure the safety and accuracy of mammography, including—

"(A) standards that require establishment and maintenance of a quality assurance and quality control program that is adequate and appropriate to ensure the reliability, clarity, and accurate interpretation of radiologic images;

"(B) standards that require use of radiological equipment specifically designed for mammography, including radiologic standards;

"(C) a requirement that personnel who perform mammograms be—

"(i) licensed by a State to perform radiological procedures; or

"(ii) certified as qualified to perform radiological procedures by an organization described in paragraph (4)(A);

"(D) minimum training and performance standards for personnel who perform mammograms;

"(E) a requirement that mammograms be interpreted by a physician who is certified as qualified to interpret screening mammography procedures by—

"(i) a board described in paragraph (4)(B); or

"(ii) a program that complies with the standards described in paragraph (4)(C);

"(F) requirements that—

"(i) a facility that performs the original mammogram and the first screening mammogram of a woman maintain the mammograms in the permanent medical records of the woman; and

"(ii) a facility that performs any mammogram maintain the mammogram for not less than 5 years; and

"(G) a requirement that a medical physicist who is qualified in mammography and certified by a board described in paragraph (4)(D) perform an annual inspection of screening mammography equipment and oversight of quality assurance practices at each facility.

"(2) CONSIDERATIONS.—In developing standards under paragraph (1), the Secretary shall consider the appropriateness of standards issued by the American College of Radiology. In determining the appropriateness of such standards, the Secretary shall consider—

"(A) the examinations and procedures performed and the methodologies employed by facilities, including—

"(i) monitoring repeat mammograms;

"(ii) submitting mammograms to peer review panels for second readings;

"(iii) performing a second reading within the facility; and

"(iv) following up patient biopsies;

"(B) the complexity of the process for performing mammograms;

"(C) the degree of independent judgment involved in performing mammograms;

"(D) the calibration and quality control requirements of the radiological equipment used, including image quality and dose;

"(E) the difficulty in reading and interpreting mammogram results;

"(F) the value of a requirement for physical consultation at the facility, independent of the regulatory inspection process described in subsection (g); and

"(G) such other factors as the Secretary considers relevant.

"(3) EXPLANATION OF DIFFERENCES.—Simultaneously with the establishment of standards under paragraph (1), if the Secretary issues a standard that is less stringent than a corresponding standard set by the American College of Radiology, the Secretary shall publish in the Federal Register an explanation of, and justification for, the difference between the standards.

"(4) APPROVAL OF CERTIFICATION ORGANIZATIONS.—The Secretary shall by regulation—

"(A) specify organizations eligible to certify individuals to perform radiological procedures;

"(B) specify boards eligible to certify individuals to interpret screening mammograms;

"(C) establish standards regarding the qualifications for individuals described in subparagraph (B) for programs certifying the individuals; and

"(D) specify boards eligible to certify individuals qualified to inspect screening mammography equipment and to oversee quality assurance practices at mammography facilities.

"(g) INSPECTIONS.—

"(1) IN GENERAL.—The Secretary may enter and inspect certified facilities to determine compliance with the standards established under subsection (f).

"(2) TIMING.—The Secretary may conduct announced or unannounced inspections during the regular hours of operation of the facilities;

"(3) IDENTIFICATION.—The Secretary may conduct inspections only on presenting identification to the owner, operator, or agent in charge of the facility to be inspected.

"(4) SCOPE OF INSPECTION.—In conducting inspections, the Secretary—

"(A) shall have access to all equipment, materials, records, and information that the Secretary considers necessary to determine whether the facility is being operated in accordance with this section; and

"(B) may copy, or require the facility to submit to the Secretary, any of the materials, records, or information.

"(5) ELEMENTS OF INSPECTION.—All inspections shall include an inspection of the beam quality, average glandular dose, and phantom image quality of the mammography system, and other features as determined by the Secretary.

"(6) QUALIFICATIONS OF INSPECTORS.—Qualified radiological physicists shall conduct all inspections. The Secretary may designate a Federal officer or employee to conduct inspections, or request that a State designate an officer or employee to conduct the inspections.

"(7) FREQUENCY.—The Secretary shall conduct inspections of certified facilities not less often than annually.

"(8) RECORDS OF INSPECTIONS.—Each facility shall maintain records of an inspection for not less than 7 years after the date of the inspection.

"(h) INTERMEDIATE SANCTIONS.—

"(1) IN GENERAL.—The Secretary may impose sanctions under this subsection in lieu of the actions authorized by subsection (i) if a facility receives notification—

"(A) that the Secretary has determined that the facility is not in compliance with the standards established under subsection (f) or the requirements described in subparagraphs (A) through (C) of subsection (d)(6), in the case of a facility accredited by an accreditation body from which the Secretary has withdrawn approval under subsection (e)(2); or

"(B) that the accreditation body that accredited the facility under subsection (e) has withdrawn or revoked the accreditation of the facility.

"(2) TIMING.—The Secretary may not impose sanctions under this subsection until the Secretary determines, not earlier than 120 days after the date of the notification described in subparagraph (A), that a certified facility has failed to take corrective action to bring the facility into substantial compliance with the standards or the requirements, as appropriate.

"(3) TYPES OF SANCTIONS.—The Secretary may impose sanctions under this subsection consisting of—

"(A) directed plans of correction;

"(B) civil money penalties in an amount not to exceed $10,000 for each failure to substantially comply with, or each day on which a facility fails to substantially comply with, the standards established under subsection (f) or the requirements described in subparagraphs (A) through (C) of subsection (d)(6); or

"(C) payment for the cost of onsite monitoring.

"(4) PROCEDURES.—The Secretary shall develop and implement procedures under which the Secretary may impose intermediate sanctions under this subsection. The procedures shall—

"(A) specify the time and the manner in which the Secretary may impose sanctions;

"(B) provide for notice to the owner or operator of the facility;

"(C) provide a reasonable opportunity for the owner or operator to respond to the proposed sanction; and

"(D) include appropriate procedures for appealing determinations relating to the imposition of intermediate sanctions.

"(i) SUSPENSION, REVOCATION, AND LIMITATION.—

"(1) IN GENERAL.—The certificate of a facility issued under this section may be suspended, revoked, or limited if the Secretary finds, after providing, except as provided in paragraph (2), reasonable notice and an opportunity for a hearing to the owner or operator of the facility, that the owner, operator, or any employee of the facility—

"(A) has been guilty of misrepresentation in obtaining the certificate;

"(B) has performed, or represented the facility as entitled to perform, a type of examination or procedure described in subparagraphs (A) through (C) of subsection (b)(2) that is outside the scope of the certificate for the facility;

"(C) has failed to comply with the requirements of subsection (d)(6)(C) or the standards established by the Secretary under subsection (f);

"(D) has failed to comply with reasonable requests of the Secretary for any record, information, report, or material that the Secretary concludes is necessary to determine the continued eligibility of the facility for a certificate or continued compliance with the standards established under subsection (f);

"(E) has refused a reasonable request of the Secretary, any Federal officer or employee duly designated by the Secretary, or any State officer or employee duly designated by the State, for permission to inspect the facility or the operations and pertinent records of the facility in accordance with subsection (g);

"(F) has violated or aided and abetted in the violation of any provision of, or regulation promulgated under, this section; or

"(G) has failed to comply with an intermediate sanction imposed under subsection (h).

"(2) ACTION BEFORE A HEARING.—

"(A) IN GENERAL.—The Secretary may suspend or limit the certificate of the facility before holding a hearing required by paragraph (1) if the Secretary makes the finding described in paragraph (1) and determines that—

"(i) the failure of a facility to comply with the standards established by the Secretary under subsection (f) presents an imminent and serious risk to human health; or

"(ii) a facility has engaged in an action described in subparagraph (D) or (E) of paragraph (1).

"(B) HEARING.—If the Secretary suspends or limits a certificate under subparagraph (A), the Secretary shall provide an opportunity for a hearing to the owner or operator of the facility not later than 60 days from the effective date of the suspension or limitation. The suspension or limitation shall remain in effect until the decision of the Secretary made after the hearing.

"(3) INELIGIBILITY TO OWN OR OPERATE FACILITIES AFTER REVOCATION.—If the Secretary revokes the certificate of a facility on the basis of an act described in paragraph (1), no person who owned or operated the facility at the time of the act may, within 2 years of the revocation of the certificate, own or operate a facility that requires a certificate under this section.

"(j) INJUNCTIONS.—If the Secretary determines that continuation of any activity related to the provision of mammography by a facility would constitute a significant hazard to the public health, the Secretary may bring suit in the district court of the United States for the district in which the facility is situated to enjoin continuation of the activity. Upon a proper showing, the district court shall grant a temporary injunction or restraining order against continuation of the activity without requiring the Secretary to post a bond, pending issuance of a final order under this subsection.

"(k) JUDICIAL REVIEW.—

"(1) PETITION.—If the Secretary imposes an intermediate sanction on a facility under subsection (h) or suspends, revokes, or limits the certificate of a facility under subsection (i), the owner or operator of the facility may, not later than 60 days after the date the action of the Secretary becomes final, file a petition with the United States court of appeals for the circuit in which the facility is situated for judicial review of the action. As soon as practicable after receipt of the petition, the clerk of the court shall transmit a copy of the petition to the Secretary or other officer designated by the Secretary. As soon as practicable after receipt of the copy, the Secretary shall file in the court the record on which the action of the Secretary is based, as provided in section 2112 of title 28, United States Code.

"(2) ADDITIONAL EVIDENCE.—If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order the additional evidence (and evidence in rebuttal of the additional evidence) to be taken before the Secretary, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may determine to be proper. The Secretary may modify the findings of the Secretary as to the facts, or make new findings, by reason of the additional evidence so taken, and the Secretary shall file the modified or new findings, and the recommendations of the Secretary, if any, for the modification or setting aside of the original action of the Secretary with the return of the additional evidence.

"(3) JUDGMENT OF COURT.—Upon the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to affirm the action, or to set the action aside in whole or in part, temporarily or permanently. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive.

"(4) FINALITY OF JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

"(l) SANCTIONS.—Any person who intentionally violates any requirement of this section or any regulation promulgated under this section—

"(1) shall be imprisoned for not more than 1 year or fined in accordance with title 18, United States Code, or both; and

"(2) for a second or subsequent offense shall be imprisoned for not more than 3 years or fined in accordance with title 18, United States Code, or both.

"(m) FEES.—

"(1) CERTIFICATE FEES.—The Secretary shall require payment of fees for the issuance and renewal of certificates.

"(2) ADDITIONAL FEES.—The Secretary shall require the payment of fees for inspections of facilities that were accredited by accreditation bodies from whom the Secretary withdrew approval under subsection (e)(2).

"(3) CRITERIA.—

"(A) CERTIFICATE FEES.—Fees imposed under paragraph (1) shall be sufficient to cover the general costs of administering this section except for costs described in subparagraph (B), including—

"(i) evaluating and monitoring quality assurance and quality control programs;

"(ii) excluding and monitoring accreditation bodies; and

"(iii) monitoring compliance with the requirements of this section.

"(B) ADDITIONAL FEES.—Fees imposed under paragraph (2) shall be sufficient to cover the cost of the Secretary in carrying out the inspections.

"(n) INFORMATION.—

"(1) IN GENERAL.—Not later than April 1, 1992, and annually thereafter, the Secretary shall compile and make available to physicians and the general public information that the Secretary determines is useful in evaluating the performance of a facility, including a list of facilities—

"(A) that have been convicted under Federal or State laws relating to fraud and abuse, false billings, or kickbacks;

"(B) that have been subject to intermediate sanctions under subsection (h), together with a statement of the reasons for the sanctions;

"(C) that have had certificates revoked, suspended, or limited under subsection (i), together with a statement of the reasons for the revocation, suspension, or limitation;

"(D) against which the Secretary has taken action under subsection (j), together with a statement of the reasons for the action;

"(E) that have been the subject of a sanction under subsection (l), together with a statement of the reasons for the sanction; and

"(F) whose accreditation has been withdrawn or revoked, together with a statement of the reasons of the withdrawal or revocation.

"(2) Date.—The information to be compiled under paragraph (1) shall be information for the calendar year preceding the date the information is to be made available to the public.

"(3) Explanatory information.—The information to be compiled under paragraph (1) shall be accompanied by such explanatory information as may be appropriate to assist in the interpretation of the information compiled under the paragraph.

"(o) Delegation.—In carrying out this section, the Secretary may enter into an agreement with a Federal, State, or local public agency or nonprofit private organization, use the services or facilities of the agency or nonprofit private organization, and pay for the services or use of facilities in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(p) State Laws.—

"(1) Consistent laws.—Except as provided in paragraph (2), nothing in this section shall be construed as affecting the power of any State to enact and enforce laws relating to the matters covered by this section to the extent that the laws are not inconsistent with this section or with the regulations issued under this section.

"(2) More stringent laws.—If a State enacts laws relating to matters covered by this section that provide for requirements equal to or more stringent than the requirements of this section or than the regulations issued under this section, the Secretary may exempt facilities in that State from compliance with this section.

"(q) Mammography Registry.—

"(1) Research.—

"(A) Establishment of grants.—The Secretary shall make grants to such entities as the Secretary may determine to be appropriate to conduct research on new methods of establishing a Mammography Registry, including archiving and retrieval of mammography images, physician reports, and outcome and follow-up information.

"(B) Use of funds.—Grants awarded under subparagraph (A) may be used—

"(i) to study—

"(I) improved methods of mammography film duplication, centralized digital archiving, and individual patient archiving in a Mammography Registry; and

"(II) mechanisms for limiting access and maintaining confidentiality of all stored data; and

"(ii) to conduct pilot testing of the methods and mechanisms described in subclauses (I) and (II) of clause (i) on a limited basis.

"(C) Application.—To be eligible to receive funds under this paragraph, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(D) Report.—A recipient of a grant under this paragraph shall submit a report to the Secretary containing the results of the study and testing conducted under clauses (i) and (ii) of subparagraph (B), along with recommendations for methods of establishing a Mammography Registry.

"(2) Establishment.—The Secretary shall establish a Mammography Registry based on the recommendations contained in the report described in paragraph (1)(D).

"(3) Standards and procedures.—The Secretary shall establish standards and procedures for the operation of the Mammography Registry, including procedures to maintain confidentiality of patient records.

"(4) Information.—The Secretary may require that facilities provide to the Registry relevant data that could help in the research of the causes, characteristics, and prevalance of, and potential treatments for, breast cancer, if the information may be disclosed under section 552 of title 5, United States Code. The data may include information on patients relating to age, race, geographic location, type of breast cancer, family history, occupational hazards, other medical conditions, uses of mammographic images, estrogen replacement, use of oral contraception, number of conceptions or births, and age of the patient at each conception or birth.".

(b) Application of Standards to Medicare Program.—

(1) In general.—Section 1834(c)(3) of the Social Security Act (42 U.S.C. 1395m(c)(3)), as added by section 4163 of the Omnibus Budget Reconciliation Act of 1990, is amended to read as follows:

"(3) Quality standards.—Screening mammography performed under this part shall be performed—

"(A) at a certified facility, as defined in section 354(a)(2) of the Public Health Service Act, that is in compliance with the requirements described in subparagraphs (A) through (C) of section 354(d)(6) of such Act; and

"(B) in accordance with the standards established under section 354(f) of such Act.".

(2) Conforming amendments.—

(A) Section 1862(a)(1)(F) of the Social Security Act (42 U.S.C. 1395y(a)(1)(F)) is amended by striking "established under section 1834(c)(3)" and inserting "described in section 1834(c)(3)".

(B) Section 1863 of the Social Security Act (42 U.S.C. 1395z) is amended by striking "established under section 1834(c)(3)" and inserting "described in section 1834(c)(3)".

(C) The first sentence of section 1864(a) of the Social Security Act (42 U.S.C. 1395aa(a)) is amended by striking "established under section 1834(c)(3)" and inserting "described in section 1834(c)(3)".

SEC. 303. MEDICAID COVERAGE FOR MAMMOGRAPHY AND PAP SMEAR SCREENING.

(a) Requirement.—Section 1905(a)(17) of the Social Security Act (42 U.S.C. 1396d(a)(17)) is amended—

(1) by inserting "(A)" after "(17)"; and

(2) by inserting before the semicolon at the end the following: ", (B) screening mammography (as defined in section 1861(jj)) conducted consistent with the frequency specified under section 1834(c)(2), and (C) screening pap smears (as defined in section 1861(nn))".

(b) Effective Date.—

(1) In general.—The amendments made by subsection (a) apply (except as provided under paragraph (2)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after April 1, 1992, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) Requirement of legislative action.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirement imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 304. MEDICARE COVERAGE OF BONE MASS MEASUREMENTS.

Section 1861 of the Social Security Act (42 U.S.C. 1395x), as revived by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989 and as amended by the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) in subsection (s)—

(A) in paragraph (11), by striking all that follows "(bb))" and inserting a semicolon,

(B) in paragraph (12)(C), by striking all that follows "area)" and inserting "; and", and

(C) by inserting after paragraph (12) the following new paragraph:

"(13) bone mass measurement (as defined in subsection (jj));"; and

(2) by inserting after subsection (ii) the following new subsection:

"Bone Mass Measurement

"(jj)(1) The term 'bone mass measurement' means a radiologic or radioisotopic procedure performed on a qualified individual (as defined in paragraph (2) for the purpose of detecting bone loss through the use of single and dual photon absorptiometry, dual energy x ray absorptiometry or similar dual energy techniques, or quantitative computed tomography, and includes a physician's interpretation of the results of the procedure.

"(2) For purposes of paragraph (1), the term 'qualified individual' means (in accordance with regulations prescribed by the Secretary)—

"(A) an estrogen-deficient woman at clinical risk for osteoporosis;

"(B) an individual with vertebral abnormalities;

"(C) an individual receiving long-term glucocorticoid steroid therapy; or

"(D) an individual with primary hyperparathyroidism.".

SEC. 305. WOMEN AND AIDS OUTREACH AND PREVENTION.

Title XXV of the Public Health Service Act (42 U.S.C. 300ee et seq.) is amended by adding at the end the following new part:

"Part C—Miscellaneous Programs

"SEC. 2531. PREVENTION ACTIVITIES FOR WOMEN.

"(a) Establishment of Program.—Subject to subsection (b), the Secretary may make grants for the purpose of—

"(1) providing preventive health services to women, including the provision of counseling regarding the etiologic agent for acquired immune deficiency syndrome, the provision of counseling regarding other sexually transmitted diseases, and the provision of voluntary family planning services;

"(2) screening women for infection with such agent and for other sexually transmitted diseases;

"(3) providing treatment for such diseases other than acquired immune deficiency syndrome;

"(4) providing appropriate referrals regarding the provision of other services to women who are receiving services pursuant to any of paragraphs (1) through (3), including, as appropriate, referrals for treatment for infection with such agent, referrals for treatment for substance abuse, referrals regarding pregnancy, childbirth, and pediatric care, and referrals for housing services;

"(5) providing follow-up services regarding the referrals, to the extent practicable;

"(6) improving referral arrangements for purposes of paragraph (4);

"(7) in the case of any woman receiving services pursuant to any of paragraphs (1) through (6), providing to the partner of the woman the services described in such paragraphs, as appropriate;

"(8) providing outreach services to inform women of the availability of the services specified in paragraphs (1) through (7); and

"(9) providing training regarding the effective provision of services to individuals served pursuant to the grant.

"(b) MINIMUM QUALIFICATIONS OF GRANTEES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant—

"(1) is a grantee under section 329, section 330, or section 1001, or is another public or nonprofit private entity that provides health or voluntary family planning services to a significant number of low-income women; and

"(2) provides the health or voluntary family planning services in a geographic area for which a significant number of cases of acquired immune deficiency syndrome in women, and in newborn infants, has been reported to and confirmed by the Director of the Centers for Disease Control.

"(c) CONFIDENTIALITY.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to maintain the confidentiality of information on individuals regarding screenings of the individuals for sexually transmitted diseases, subject to complying with applicable law.

"(d) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(e) EVALUATIONS AND REPORTS.—

"(1) EVALUATIONS.—The Secretary shall, directly or through contracts with public or private entities, provide for evaluations of projects carried out pursuant to subsection (a).

"(2) REPORTS.—Not later than 1 year after the date on which amounts are first appropriated under subsection (f), and annually thereafter, the Secretary shall submit to the Congress a report summarizing evaluations carried out under paragraph (1) during the preceding fiscal year.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, and $20,000,000 for fiscal year 1994.".

SEC. 306. PREVENTION OF INFERTILITY DUE TO SEXUALLY TRANSMITTED DISEASES.

(a) FINDINGS.—Congress finds that—

(1) chlamydia and gonorrhea are treatable sexually transmitted diseases that can cause infertility among women if treatment for the diseases is not received;

(2) effective treatments exist for such diseases, and cases of infertility arising from the diseases are therefore preventable;

(3) an estimated 125,000 women in the United States become infertile each year as a result of complications resulting from chlamydia, gonorrhea and other sexually transmitted diseases, and such infertility often occurs before the women have made the decision to begin or complete their families;

(4) chlamydia is believed to be the most common sexually transmitted disease in the United States, with an estimated 4,000,000 new cases of the disease occurring each year and women and sexually active teenagers are at particular risk for contracting the disease;

(5) in 1987, chlamydia resulted in $1,400,000,000 of direct and indirect costs to the taxpayers of the United States, and 75 percent of such costs were due to cases of the disease that could have been easily and successfully treated;

(6) gonorrhea is the most commonly reported sexually transmitted disease in the United States, with approximately 1,000,000 new cases of the disease reported to public health officials each year;

(7) the failure to receive treatment for chlamydia or gonorrhea can have serious consequences for women in addition to infertility, including life-threatening complications in pregnancy;

(8) women with chlamydia or gonorrhea are twice as likely to experience an ectopic pregnancy, and the occurrence of either of such diseases during pregnancy is associated with premature births, with stillbirths, and with low birth weight;

(9) although chlamydia and gonorrhea are easily detected and treated, the majority of women with the disease experience no symptoms, and therefore rarely seek routine screening and treatment for the diseases;

(10) the single most effective means of preventing infertility and serious complications in pregnancy is through routine annual screening for, and prompt treatment of, chlamydia and gonorrhea in women and their partners;

(11) providers of gynecological services are particularly appropriate entities through which such routine annual screenings (and treatment, as appropriate) can be provided; and

(12) as a result of insufficient funding, health clinics that provide gynecological care to low-income women are currently unable to provide screenings for chlamydia and gonorrhea as part of routine gynecological care.

(b) ESTABLISHMENT OF PROGRAM OF GRANTS.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

"PART M—PREVENTABLE CASES OF INFERTILITY

"SEC. 399G. INFERTILITY ARISING AS RESULT OF SEXUALLY TRANSMITTED DISEASES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States, political subdivisions of States, and any other public and nonprofit private entity for the purpose of carrying out the activities described in subsection (c) regarding any treatable sexually transmitted disease that can cause infertility in women if treatment is not received for the disease.

"(b) SPECIFICATION OF RELEVANT DISEASES.—

"(1) IN GENERAL.—For each fiscal year, the Secretary shall make a determination specifying all sexually transmitted diseases that are diseases described in subsection (a).

"(2) DISEASES APPLICABLE WITH RESPECT TO GRANTEE INVOLVED.—In making a grant under subsection (a) to an applicant for the grant, the Secretary shall make a determination in order to select, from among the diseases specified for purposes of paragraph (1) for the fiscal year involved, the particular diseases with respect to which the grant is to be made to the applicant. The Secretary may select, for purposes of the determination, any or all of the diseases so specified. The Secretary may not make such a grant unless the applicant agrees to carry out this section only with respect to the disease or diseases selected for the applicant through the determination.

"(c) AUTHORIZED ACTIVITIES.—With respect to any sexually transmitted disease described in subsection (a), the activities referred to in such subsection are—

"(1) screening women for the disease and for secondary conditions resulting from the disease, and as appropriate, to provide pregnancy testing;

"(2) providing treatment to women for the disease;

"(3) providing referrals regarding the provision of other medical services to women screened pursuant to paragraph (1), including, as appropriate, referrals for evaluation and treatment regarding acquired immune deficiency syndrome and other sexually transmitted diseases and referrals regarding pregnancy, childbirth, and pediatric care;

"(4) providing counseling to women on the prevention and control of the disease, including, in the case of a woman with the disease, counseling on the benefits of locating and providing such counseling to any individual from whom the woman may have contracted the disease and any individual whom the woman may have exposed to the disease;

"(5) in the case of any woman receiving services pursuant to any of paragraphs (1) through (4), providing to the partner of the woman the services described in such paragraphs, as appropriate;

"(6) providing follow-up services for determining medical outcomes;

"(7) providing outreach services to inform women of the fact that the services described in paragraphs (1) through (5) are available from the grantee involved;

"(8) providing to the public information and education on the prevention and control of the disease, including disseminating such information;

"(9) providing training to enable appropriate individuals to administer tests and provide counseling to women and their partners concerning prevention and treatment of the disease; and

"(10) to collect, in accordance with subsection (k), data on the incidence and prevalence of the disease in order to assist in carrying out activities for the prevention and control of the disease, including activities to educate the public regarding the disease.

"(d) REQUIREMENT OF AVAILABILITY OF ALL SERVICES THROUGH EACH GRANTEE.—The Secretary may not make a grant under subsection (a) unless the applicant involved agrees that each authorized service will be available through the applicant. With respect to compliance with such agreement, the applicant may expend the grant to provide any of the services directly, and may expend the grant to enter into agreements with other public or nonprofit private entities under which the entities provide the services.

"(e) REQUIRED PROVIDERS REGARDING CERTAIN SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant involved agrees that, in expending the grant to provide authorized services, the services described in paragraphs (1) through (8) of subsection (c) will be provided only through entities that are grantees under section 329, 330, or 1001, or that are public or nonprofit private entities that provides health or voluntary family planning services to a significant number of low-income women.

"(f) Quality Assurance Regarding Screening for Diseases.—For purposes of this section, the Secretary shall establish criteria for ensuring the quality of screening procedures for diseases described in subsection (a). The Secretary may not make a grant under such subsection unless the applicant involved agrees, with respect to any disease selected in the determination made under subsection (b)(2) for the applicant, to carry out screenings for the disease in accordance with such criteria.

"(g) Coordination of Services.—The Secretary may not make a grant under subsection (a) unless the applicant involved agrees to coordinate all authorized services provided through the applicant for the purpose of ensuring efficiency in the provision of the services.

"(h) Confidentiality.—The Secretary may not make a grant under subsection (a) unless the applicant involved agrees to maintain the confidentiality of information on individuals regarding screenings of the individuals for sexually transmitted diseases, subject to complying with applicable law.

"(i) Limitation on Imposition of Fees for Services.—The Secretary may not make a grant under subsection (a) unless the applicant involved agrees that, if a charge is imposed for the provision of services or activities under the grant, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income of the individual involved; and

"(3) will not be imposed on any individual with an income of less than 150 percent of the official poverty line, as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(j) Limitations on Certain Expenditures.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that not more than 20 percent of the grant will be expended—

"(1) for carrying out paragraphs (7) and (8) of subsection (c);

"(2) for the coordinate of efforts under subsection (g); and

"(3) during the first year of the grant, for the preparation and submission of the reports required in subsection (k), including the collection of data required to be contained in the reports, and 15 percent of the grant shall be expended for such in each subsequent year of the grant.

"(k) Reports to Secretary.—

"(1) Collection of data.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees, with respect to any disease selected in the determination made under subsection (b)(2) for the applicant, to submit to the Secretary, for each fiscal year for which the applicant receives such a grant, a report providing—

"(A) the incidence of the disease among the population of individuals served by the applicant;

"(B) the number and demographic characteristics of such population;

"(C) the types of interventions and treatments provided by the applicant, and the health conditions with respect to which referrals have been made pursuant to subsection (c)(3);

"(D) an estimate by the applicant of the effect of the services provided under the grant on the community in which the services have been provided; and

"(E) providing such other information as is available to the applicant and determined by the Secretary to be relevant regarding the prevention and control of the disease.

"(2) Utility and comparability of data.—The Secretary shall carry out activities for the purpose of ensuring the utility and comparability of data collected pursuant to paragraph (1). The Secretary may not make a grant under subsection (a) unless the applicant involved makes such agreements as the Secretary determines to be necessary for such purpose.

"(l) Submission of Plan for Program of Grantee.—

"(1) In general.—The Secretary may not make a grant under subsection (a) unless the applicant involved submits to the Secretary a plan describing the manner in which the applicant will comply with the agreements required as a condition of receiving such a grant, including a specification of the entities through which authorized services will be provided and a specification of the manner in which such services will be coordinated for purposes of subsection (g).

"(2) Participation of certain entities.—The Secretary may not make a grant under subsection (a) unless the applicant provides assurances satisfactory to the Secretary that the plan submitted under paragraph (1) has been prepared in consultation with an appropriate number and variety of—

"(A) representatives of entities in the geographic area involved that provide services for the prevention and control of sexually transmitted diseases, including programs to provide to the public information and education regarding such diseases; and

"(B) representatives of entities in such area that provide family planning services.

"(m) Requirement of Application and Term of Grant.—

"(1) Application.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary, the application contains the plan required in subsection (l), and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(2) Term of grant.—Grants awarded under this section shall be for a term of 3 years. The Secretary shall require only a single application for each such grant.

"(n) Technical Assistance, and Supplies and Services in Lieu of Grant Funds.—

"(1) Technical assistance.—The Secretary, acting through the Director of the Centers for Disease Control, shall provide training and technical assistance to grantees under subsection (a) with respect to the planning, development, and operation of any program or service carried out under such subsection. The Secretary may provide such technical assistance directly or through grants or contracts.

"(2) Supplies and services in lieu of grant funds.—

"(A) Upon the request of a grantee under subsection (a), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the grantee in carrying out such subsection and, for such purpose, may detail to the State or any grantee any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of the grant to the State by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(o) Evaluations and Reports by Secretary.—

"(1) Evaluations.—The Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out pursuant to subsection (a) in order to determine the quality and effectiveness of the programs.

"(2) Report to congress.—Not later than 1 year after the date on which amounts are first appropriated pursuant to subsection (r), and annually thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report—

"(A) summarizing the information provided to the Secretary in reports made pursuant to subsection (k), including information on the incidence of sexually transmitted diseases described in subsection (a); and

"(B) summarizing evaluations carried out pursuant to paragraph (1) during the preceding fiscal year.

"(p) Coordination of Federal Programs.—The Secretary shall coordinate the activities carried out under the program established in this section with any similar activities regarding sexually transmitted diseases that are carried out under other programs administered by the Secretary, including the coordination of such activities of the Director of the Centers for Disease Control with such activities of the Director of the National Institutes of Health.

"(q) Definition.—For purposes of this section, the term 'authorized service' means any service or activity described in subsection (c).

"(r) Authorization of Appropriations.—For the purpose of carrying out this section other than subsection (s), there is authorized to be appropriated $80,000,000 for each of the fiscal years 1992 through 1995.

"(s) Separate Grants for Research on Delivery of Services.—

"(1) In general.—The Secretary may make grants for the purpose of conducting research on the manner in which the delivery of services under subsection (a) may be improved. The Secretary may make such grants only to grantees under such subsection and to public and nonprofit private entities that are carrying out projects substantially similar to projects carried out under such subsection.

"(2) Authorization of appropriations.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1992 through 1995.".

INITIATIVES IN WOMEN'S HEALTH EQUITY ACT

WOMEN'S HEALTH RESEARCH ACT

Directs NIH to focus on women's health research;

Creates Office of Women's Health; and

Creates Centers of Excellence on Women's Health.

Total cost of $27.5 million in FY '92.

WOMEN'S MENTAL HEALTH RESEARCH ACT

Directs ADAMHA to focus on women's health;

Creates Office of Women's Health; and

Creates Centers of Excellence on Women's Health.

Total cost of $27.5 million in FY '92.

OVARIAN CANCER RESEARCH ACT

$30 million to National Cancer Institute for basic research on ovarian cancer, including work on early-detection test.

BREAST CANCER BASIC RESEARCH ACT

$25 million to National Cancer Institute for basic research on breast cancer.

BREAST CANCER SCREENING SAFETY ACT OF 1991

National Accreditation program to assure quality screens.

Each facility must use correct equipment, qualified individuals to screen and interpret.

Annual inspections by accrediting body to assure compliance.

Successes in Last Year's Women's Health Equity Act

Breast and Cervical Cancer Mortality Prevention Act signed by President, 8/10/90, BAM Initiative.

Increases low-income women's access to mammography and pap smear screening;

Develops education programs for public;

Improves education and training of health officials;

Appropriated $29 m for implementation;

Pres. FY '92 budget allocates $50 m.

Medicare coverage of mammograms included in OBRA '90.

Provides Medicare payment for regular screening beginning Jan. 1, 1991, BAM Support for Initiative in WHEA.

Office of Women's Health Research at NIH included in FY '91 Appropriations Bill with funding BAM Initiative.

Increased funding for breast cancer research included in FY '91 Appropriations Bill, BAM Initiative.

Medicaid infant mortality amendments bill called for coverage for pregnant women and kids under age 6 up to 185% of poverty. Final passage in OBRA '90 of pregnant women and kids up to 133% of poverty.●

Mr. REID. Mr. President, I rise today in support of a group poorly represented here in the U.S. Congress: Women.

Two hundred years of a male-dominated legislature has left its mark on women in many areas, particulary in that of medical research. Traditionally, men have decided, and still do, what types of medical research get funded, and at what levels. Men are in the majority in the Congress, men are in the majority in medical research. This means the needs of women are overlooked.

I am here to speak for those women currently suffering from female specific diseases, and for those who may have died from those diseases, If men suffered from illnesses such as interstitial cystitis, multiple sclerosis, lupus, and osteoporosis at the same rate women do, I would wager that much more research would be done on these illnesses. Perhaps there would even be cures. I call this inequity medical sexism.

Senator BARBARA MIKULSKI has championed the prevention of, and treatment for, the most prevalent of female specific illnesses such as breast, cervical, and uterine cancers. In fact, just this morning, Senator MIKULSKI, when announcing her women's Health Equity Act, spoke with enough strength and eloquence to motivate all men and women in Congress to sit up and recognize the medical sexism which exists in our country. I commend my friend and colleague for her consistent outstanding efforts as a legislator, and I look forward to supporting her efforts every step of the way.

Our Women's Health Equity Act creates a program within the Public Health Service to provide grants to States for preventive breast and cervical cancer screening and referral services for low-income women.

It is no surprise that if detected early, breast and cervical cancers have high survival rates. But, I repeat, if detected early, Regular screening, for all women in our society, prevention, cures—these are what research can bring to women in the United States.

Osteoporosis is a quiet disorder among women which results in gradual bone loss, and is responsible for about 1.3 million fractures every year. It affects an estimated 28 million Americans—almost half of all women over age 45 and 90 percent of women over age 75. It even affects some men. I am pleased to say that Senator GRASSLEY recently introduced The Osteoporosis and Related Bone Disorders Research, Education, and Health Services Act of 1991. I support and applaud his efforts fully, and look forward to seeing the high incidence of osteoporosis decreased.

I was shocked this week to learn that 90 percent of the 20,000 new cases a year diagnosed as lupus—an inflammatory disease of the connective tissue—are in women. Each year 5,000 people die from this painful disease. This disorder of the autoimmune system causes antibodies to attack the body's own components. While researchers believe that there is a genetic predisposition to this illness, they have a long way to go yet.

Multiple sclerosis devastates the lives of twice as many women as men. Well over 250,000 Americans are suffering from this disease, which seems closer to a cure every day. But we don't have a cure yet.

Lastly, I would like to draw attention to a mysterious disease, perhaps the most mysterious I have ever heard of, which is painful and debilitating to those who suffer from it, and baffling to those who are involved in treating it. Estimates are that 500,000 Americans, 90 percent of whom are women, suffer from an illness known as interstitial cystitis. There is no known cause or cure for this disease which is marked by scarring and stiffening of the bladder wall, ulcers or cracks in the lining of the bladder, frequent urge to urinate, and pelvic pain.

A German psychiatric text of only a few decades ago read like this:

> Urgent bladder symptoms without any established organic causes would appear to be a psychosomatic illness usually affecting married women in midlife. The majority of patients manifest serious neurotic disorders such as anxiety neuroses, hysteria, phobia, and depression. Patients have sexual disorders, hysterical personality structure, dominated by Oedipus of phallic problems * * *.

Such medical literature was in effect telling interstitial cystitis patients that they were just crazy.

This disrespect and ignorance has plagued medical research. I am pleased to say that this will be the case no more, thanks to legislators like Senator MIKULSKI, Senator GRASSLEY, and others. I intend to see that through the Labor HHS Appropriations Subcommittee, research for female specific diseases receives sufficient resources.

As I have said before, women have been sorely underrepresented in positions that affect this Nation's health policy. Health problems unique to women have received inadequate attention. I intend to change that trend.

Mr. AKAKA. Mr. President, I rise today to cosponsor the Women's Health Equity Act of 1991 being introduced by the Senator from Maryland [Ms. MIKULSKI]. This legislation builds upon last year's bill, S. 2961, which specifically addressed the unmet health care needs of American women.

As an original cosponsor of S. 2961, I am gratified that significant portions of the measure were enacted, including the Breast and Cervical Cancer Act, Medicare coverage of mammograms and the phasing-in of mandatory Medicaid coverage for some children up to 19 years of age.

In spite of these advances, Mr. President, much more must be done to promote greater equity in the delivery of health care services to women.

We are all aware that there are diseases and conditions unique to women—or, which are more prevalent or more serious in women—or, for which specific risk factors or treatments differ for women.

The statistics on gender-related diseases are staggering. One half of all women over age 45, and 90 percent of all women over age 75, suffer from osteoporosis—one in nine women born in the United States will develop breast cancer—and death from alcoholism is at least 50 percent higher among women than men.

At all economic and educational levels, there is a serious lack of information and resources necessary for women to make informed choices about their health. For far too long, their health needs have received limited funding and research support.

Women must no longer be victimized by this inequity in funding.

Today, women are the fastest growing group of those infected with AIDS in the United States. Heart disease kills more women than any other cause.

And, the United States has a higher infant mortality rate than over 20 other industrialized countries.

To address these critical health issues, the Women's Health Equity Act encompasses 21 different proposals in the areas of research, services and prevention.

We need to expand research on women's health issues, improve access to health care services and develop prevention programs specifically designed for women.

Although the Federal Government spends over $8 billion a year on medical research, only 14 percent of the budgets of the National Institutes of Health and the National Institutes of Mental Health are spent on women's health research. It is no surprise then, that most medical data is based on white, middle-aged men.

We can right this inequity by permanently authorizing the Office of Research on Women's Health at NIH. This Office was established last September to assist in the coordination and monitoring of efforts to improve women's health research at the Federal level.

It would do so by identifying needs, supplementing existing funds for research on women's health and gender differences, coordinating research among the Institutes, and establishing statistical data banks.

A companion office in the Alcohol, Drug Abuse, and Mental Health Administration was also established last year.

Although 50 percent of alcoholics are women, only one out of three people receiving treatment for alcoholism are female.

Under our legislation, funding to the National Institute of Alcohol Abuse and Alcoholism for research on women and alcohol would be increased by $23 million. Right now, only a paltry 5 percent of the Institute's budget is focused on women.

Each year, more than 1 million teenage girls become pregnant. If present trends continue, approximately 40 percent of all 14-year-old girls will be pregnant at least once before reaching the age of 20.

To respond to this disturbing fact, the Health Equity Act would establish and support adolescent health demonstration projects in high schools. Through such programs, teenage girls would have broader access to prenatal and post partum care, family planning, and counseling.

Mr. President, this legislative package also expands Medicare and Medicaid programs for pregnant women and children, makes mandatory Medicaid coverage for routine mammography and cervical cancer screening, and improves the quality of mammography screening.

Initiatives on infertility prevention and control, AIDS outreach and prevention for women in high risk areas, and diagnostic testing for osteoporosis are also featured.

At this time, I would like to commend the Congressional Caucus for Women's Issues and, in particular, Senator BARBARA MIKULSKI, for their steadfast leadership in bringing women's health issues to the forefront. I might also mention that without Senator MIKULSKI's leadership in the Senate, we would not be where we are today.

Passage of this legislation would commit the Federal Government to improving women's health care in America. Women should not be at risk because of inadequate research into diseases, misread pap smears, or lack of health care information.

For far too long, women's lives have been endangered needlessly. We can, and we must, act swiftly to respond to these urgent needs.

Mr. President, I call on all my colleagues to support and pass the Women's Health Equity Act of 1991.

The health care needs of over half the Nation have been neglected for too long.

By Mr. DOMENICI (for himself and Mr. INOUYE)

S. 515. A bill to authorize appropriations out of the Highway Trust Fund for Indian reservation roads for fiscal years 1992 through 1996; to the Select Committee on Indian Affairs.

AUTHORIZATION OF APPROPRIATIONS FOR INDIAN RESERVATION ROADS

• Mr. DOMENICI. Mr. President, today the distinguished chairman of the Select Committee on Indian Affairs, Mr. INOUYE, and I are introducing legislation to correct a funding deficit that has existed for much too long.

The problem to which I refer is the inadequate level of funding that has been provided to address the road needs of the Indian people of this country.

The legislation I am introducing quite simply strives to finally provide the Indian people with the necessary level of funding to upgrade their deteriorating and inadequate road system. The bill authorizes $225 million per year over the next 5 years to accomplish that objective.

As we begin our comprehensive review of the national highway system, it is my hope that this bill will help define what portion of the highway trust fund should be provided for Indian reservation roads.

The level of funding contained in this bill is based on a survey that was performed to dermine the needs of the Indian people. The part of the Indian reservation roads [IRR] system that was examined in this survey is comprised of about 20,000 miles of roadway under the jurisdiction of the Bureau of Indian Affairs. Another 24,500 miles of the IRR falls under the jurisdiction of State and local governments.

This needs survey outlines the inadequacy of funding for the BIA system of over 20,000 miles of roadway:

> In the 1930's the annual funds available for both Construction and Maintenance ranged from $2.0 to $4.0 million. In the late Fifties, the construction funding level exceeded $10.0 million annually for the first time. In the Seventies, funding reached almost $80 million in 1979, then began to decline. Starting with the Surface Transportation Assistance Act (STAA) of 1982, the funding levels stabilized. There was $75 million available from the Highway Trust Fund (HTF) in FY 1983 and $100.0 million annually for years 1984–1986. The 1987 Surface Transportation and Uniform Relocation Assistance Act reduced the annual Trust Fund Authorization to $80 million for FY 1987–1991. These levels were not indexed for inflation.
>
> The reduced $80.0 million authorization is very inadequate to meet the needs of the BIA system of roads. It is estimated that $95 million is needed annually to just continue the current BIA IRR system at its present condition and level of service.
>
> Approximately $227 million per year is needed to bring the BIA system to an acceptable level of completion in 25 years. Many of the IRR provide access to the nation's most scenic areas, and are essential to Indian economic development.

Mr. President, there are more than 500 federally recognized Native American tribes and Alaskan villages located in this country. Most of their reservations are located in isolated areas where there is little economic opportunity. Therefore, an adequate road system is an absolutely necessary component in providing economic opportunities for these people. Much of the isolation that exists is directly related to the fact that an adequate road system does not exist.

The needs survey rated the condition of the BIA roads. The results are an embarrassment. Only 11 percent of the paved roads and 0 percent of the unpaved roads were rated as good. Conversely, 53 percent of the paved roads and a staggering 90 percent of the unpaved roads were rated as poor. Fair condition was given to 36 percent of the paved roads and 10 percent of the unpaved roads.

While the survey found that most existing bridges on the BIA system have been rehabilitated within the past 10 to 15 years, there is a pressing need for new bridges.

As the Congress begins to review the Federal-aid Highway System, I look forward to working closely with my colleagues on the Environment and Public Works Committee to make sure that the pressing needs of the Indian people are thoroughly addressed. I urge the members of that committee to review this bill.

Mr. President, I ask unanimous consent the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $225,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, 1995, and 1996 for the purpose of carrying out the provisions of title 23, United States Code, with respect to Indian reservation roads.●

By Mr. SIMON:

S. 516. A bill to prevent potential abuses of electronic monitoring in the workplace; to the Committee on Labor and Human Resources.

PRIVACY FOR CONSUMERS AND WORKERS ACT

Mr. SIMON. Mr. President, I am today introducing legislation that would outlaw secret monitoring in the workplace.

Most Americans believe that their telephone conversations with private businesses or Government agencies are free from third-party surveillance. However, as many as 400 million such calls a year are subject to invasion by snooping supervisors. Telephone companies, insurance firms, direct mail marketers and even Government agencies such as the Internal Revenue Service and the Social Security Administration regularly listen in on calls between their employees and the public.

Countless telephone callers, since they are not aware that an intruder is overhearing what they believe to be a private conversation, are in this way deprived of the right to make fundamental choices about what sensitive information they are willing to divulge.

For example, a caller could be discussing a claim for an intimate medical matter, such as a case of AIDS, with an insurance company employee. While the AIDS victim is on the line, he does not know that the claims specialist's supervisor is secretly monitoring his call. Similarly, a taxpayer may be talking about a financial problem with an IRA employee. The taxpayer has no idea the conversation is subject to hidden surveillance by another Government official.

It is an unfortunate irony that the Federal Bureau of Investigation is required to obtain a court order to wiretap a telephone, even in cases of national security, but that employers are permitted to spy at will on their own personnel and the public.

Telephone eavesdropping in the workplace not only tramples upon public's right to privacy but also violates employees' dignity.

Mr. President, in addition to secretly listening in on consumers' telephone calls, businesses and Government agencies are making rampant use of computers to evaluate employees' job performance.

Demonstrating the magnitude of this intrusive practice, in 1987 the Office of Technology Assessment reported that concealed computer monitoring was being used by employers to evaluate the pay and performance of up to 6 million American office workers.

In the case of clandestine telephone surveillance, employers now use computers as a tool to supplement company supervisors' scrutiny of workers' conversations with customers. The computer is used to record information about the length of time the employee spends handling a business call and the kinds of transactions the worker carries out during the conversation.

Just as neither the employee nor the customers knows that a supervisor is on the telephone line, similarly neither party to the conversation is aware that a computer is silently collecting information about the content of the call.

Secret electronic surveillance is also used by management as a tool to monitor the output of employees who use video display terminals [VDT's] and other computer equipment to do their assignments.

Monitored employees, whether in telephone conversations with the public or in producing work with computers, must carry out rapid repetitive duties that require rigorous attention to detail executed under the stress of constant supervision and the demand for faster output. In one mail order firm, employee turnover rose to 80 percent after the company instituted covert electronic monitoring of its VDT operators.

In reality, secret monitoring is the merciless electronic whip that drives the fast pace of today's workplace in the service industry.

Most disturbing, concealed monitoring imposes the worst features of old-fashioned factories on today's office workers. Unrestrained surveillance of workers has turned many modern offices into electronic sweatshops.

In assembly-line environments, employees must labor at top speed under a pace set by unwinking computer taskmasters. These machines are ever vigilant. They watch every work activity that an employee performs, even counting the number of keystrokes per second that he or she makes.

The computer sets arbitrary work rules and then inexorably tracks the employee to ensure that these standards are being met. Standards are frequently ratcheted up, and evaluations become based on the minute details rather than on the final product or service.

The relentless assault of secret monitoring impels employees to care more about meeting a numerical standard measured by a lifeless computer than about meeting the service needs of a customer.

The result is that for millions of wage earners, the "electronic supervisor" is the new boss in the information age. Workers justifiably complain of dehumanization when companies use computers as surrogates for human supervisors to set standards and evaluate performance.

From a related standpoint, secret surveillance is taking a devastating toll on the occupational safety and health of workers who are subjected to this misguided business policy. Employees who labor under the scrutiny of concealed monitoring suffer high levels of stress-related medical problems such as ulcers, heart disease, fatigue, diabetes, and depression.

Mr. President, Americans should not be forced to give up their dignity or sacrifice their health when they go to work. We have occupational safety and health laws to protect workers' bodies. Congress similarly needs to reduce stressful environments and provide justice on the job for workers subjected to secret monitoring.

Prof. Alan F. Westin of Columbia University, an expert on individual rights in the business world, has observed that—

> Americans are coming to believe that the rights we attach to citizenship in society—free expression, privacy, equality and due process—ought to have their echo in the workplace.

To help achieve that goal, I am today introducing the Privacy for Consumers and Workers Act. This legislation strikes a careful balance between the demands for technological change and the need for citizen protection.

The bill would provide employees for the first time with a "right to know" when and under what conditions monitoring will take place. The measure would require employers to give workers advance notice of the types of monitoring that will occur and how they will be used.

The bill stipulates that when monitoring is occurring, workers—and, in the case of third-party telephone surveillance, the public—would have to be notified with a beeping tone or other form of contemporaneous communication.

The Privacy for Consumers and Workers Act mandates that monitoring be relevant to job performance. Thus, if employers must monitor, they should monitor the work and not the worker. The bill also prohibits the collection of data pertaining to employees' exercise of their first amendment rights. An additional provision specifies that monitoring cannot be the exclusive basis for performance evaluation or disciplinary action.

Mr. President, Supreme Court Justice Louis Brandeis referred to the right to privacy as "the right to be left alone, the right most valued by a civilized society." My legislation would help preserve this most fundamental of American values in an era of growing use of surveillance technologies at the workplace.

Mr. President, I ask unanimous consent that a summary of the bill and the text of the legislation be printed in the RECORD at the conclusion of my statement. I also ask unanimous consent that an article by Peter Kilborn from the New York Times entitled "Workers Using Computers Find a Supervisor Inside," also be included in the RECORD at the conclusion of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Privacy for Consumers and Workers Act".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "electronic monitoring" means the collection, storage, analysis, and reporting of information concerning an employee's activities by means of a computer, electronic observation and supervision, remote telephone surveillance, telephone call accounting, or other form of visual, auditory, or computer-based surveillance conducted by any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system;

(2) the term "employee" means any current or former employee of an employer;

(3) the term "employer" means any person who employs employees, and includes any individual, corporation, partnership, labor organization, unincorporated association, or any other legal business, the Federal Government, any State (or political subdivision thereof), and any agent of the employer;

(4) the term "personal data" means any information concerning an employee which, because of name, identifying number, mark, or description, can be readily associated with a particular individual, and such term includes information contained in printouts, forms, or written analyses or evaluations;

(5) the term "prospective employee" means an individual who has applied for a position of employment with an employer; and

(6) the term "Secretary" means the Secretary of Labor.

SEC. 3. NOTICE.

(a) IN GENERAL.—Each employer who engages in electronic monitoring shall provide each affected employee with prior written notice describing the following regarding the electronic monitoring directly affecting the employee:

(1) The forms of electronic monitoring to be used.

(2) The personal data to be collected.

(3) The frequency of each form of electronic monitoring which will occur.

(4) The use of personal data collected.

(5) Interpretation of printouts of statistics or other records of information collected through electronic monitoring.

(6) Existing production standards and work performance expectations.

(7) Methods for determining production standards and work performance expectations based on electronic monitoring statistics.

(b) NOTICE CONCERNING EXISTING FORMS OF ELECTRONIC MONITORING.—(1) Each employer shall notify a prospective employee at any personal interview or meeting of existing forms of electronic monitoring which may directly affect the prospective employee if such employee is hired by the employer.

(2) Each employer, upon request by a prospective employee, shall provide the prospective employee with the written notice described in subsection (a) regarding existing forms of electronic monitoring which may directly affect the prospective employee if such employee is hired by the employer.

(3) Each employer who engages in electronic monitoring shall provide the affected employee with a signal light, beeping tone, verbal notification, or other form of visual or aural notice, at periodic intervals, that indicates that electronic monitoring is taking place. If the electronic monitoring is conducted on a continuous basis during each of the employee's shift, such notice need not be provided at periodic intervals.

(4) An employer who engages in telephone service observation shall provide the affected customer with a signal light, beeping tone, verbal notification, or other form of visual or aural notice, at periodic intervals, indicating that the telephone service observation is taking place.

(c) NOTICE TO CURRENTLY AFFECTED EMPLOYEES.—Notwithstanding subsection (a), an employer who is engaged in electronic monitoring on the effective date of this Act shall have 90 days after such date to provide each affected employee with the required written notice.

SEC. 4. ACCESS TO RECORDS.

Each employer shall permit an employee (or the employee's authorized agent) to have access to all personal data obtained by electronic monitoring of the employee's work.

SEC. 5. PRIVACY PROTECTIONS.

(a) RELEVANCY REQUIRED.—An employer shall not collect personal data on an employee through electronic monitoring which is not relevant to the employee's work performance.

(b) DISCLOSURE LIMITED.—An employer shall not disclose personal data obtained by electronic monitoring to any person or business entity except to (or with the prior written consent of) the individual employee to whom the data pertains, unless the disclosure would be—

(1) to officers and employees of the employer who have a legitimate need for the information in the performance of their duties;

(2) to a law enforcement agency in connection with a criminal investigation or prosecution; or

(3) pursuant to the order of a court of competent jurisdiction.

SEC. 6. USE OF DATA COLLECTED BY ELECTRONIC MONITORING.

(a) DATA MAY NOT BE USED AS SOLE BASIS FOR EVALUATION.—An employer shall not use personal data obtained by electronic monitoring as the exclusive basis for individual employee performance evaluation or disciplinary action, unless the employee is provided with an opportunity to review the personal data within a reasonable time after such data is obtained.

(b) DATA MAY NOT BE USED AS SOLE BASIS FOR PRODUCTION QUOTAS.—An employer shall not use personal data obtained by electronic monitoring data as the sole basis for setting production quotas or work performance expectations.

(c) DATA MAY NOT DISCLOSE EMPLOYEE'S EXERCISE OF CONSTITUTIONAL RIGHTS.—An employer shall not maintain, collect, use, or disseminate personal data obtained by electronic monitoring which describes how an employee exercises rights guaranteed by the First Amendment unless such use is expressly authorized by statute or by the employee to whom the data relates or unless pertinent to and within the scope of, an authorized law enforcement activity.

SEC. 7. ENFORCEMENT PROVISIONS.

(a) CIVIL PENALTIES.—(1) Subject to paragraph (2), any employer who violates any provision of this Act may be assessed a civil penalty of not more than $10,000.

(2) In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) INJUNCTIVE ACTIONS BY THE SECRETARY.—The Secretary may bring an action under this section to restrain violations of this Act. The Solicitor of Labor may appear for and represent the Secretary in any litigation brought under this Act. In any action brought under this section, the district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act, including such legal or equitable relief incident thereto as may be appropriate, including employment, reinstatement, promotion, and the payment of lost wages and benefits.

(c) PRIVATE CIVIL ACTIONS.—An employer who violates this Act shall be liable to the employee or prospective employee affected by such violation. Such employer shall be liable for such legal or equitable relief as may be appropriate, including employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by an employee or prospective employee for or on behalf of such employee, prospective employee, and for other employees or prospective employees similarly situated. No such action may be commenced more than 3 years after the date of the alleged violation.

(3) The court, in its discretion, may allow the prevailing party (other than the United States) reasonable costs, including attorney's fees.

(d) WAIVER OF RIGHTS PROHIBITED.—The rights and procedures provided by this Act may be waived by contract or otherwise, unless such waiver is part of a written settlement agreed to and signed by the parties to the pending action or complaint under this Act.

SEC. 8. REGULATIONS.

The Secretary shall, within 6 months after the date of the enactment of this Act, issue rules and regulations to carry out the provisions of this Act.

SEC. 9. INAPPLICABLE TO MONITORING CONDUCTED BY LAW ENFORCEMENT AGENCIES.

This Act shall not apply to electronic monitoring administered by law enforcement agencies as may otherwise be permitted in criminal investigations.

NOTICE

The bill requires employers to provide employees with prior written notice of: the forms of electronic monitoring they will be subjected to and the frequency of the monitoring; how to interpret the records or printouts of statistics on the monitoring and how production standards are based on those statistics; what kind of personal data on the employee will be kept, and what the personal data will be used for.

Employers shall provide prospective employees with the notice described above for monitoring activities that may directly affect the prospective employee if hired. Such notice shall be provided at any personal interview or meeting with the prospective employee, or upon the request of the prospective employee.

Employers shall notify employees while the computer or telephone monitoring is taking place. In the case of telephone monitoring, the notice must also be given to the third party or customer being monitored.

Employers shall have 90 days after enactment to provide written notice to existing employees.

PERFORMANCE EVALUATIONS AND DISCIPLINARY ACTION

The employer may not use the computer monitoring data as the exclusive basis for individual performance evaluations or for disciplinary action, unless the employee is allowed to review the personal data within a reasonable amount of time after it is obtained.

PRODUCTION QUOTAS

The data may not be used as the sole basis for setting production quotas.

FIRST AMENDMENT RIGHTS

In addition, the data may not disclose an employee's exercise of rights guaranteed by the first amendment.

ENFORCEMENT

Violations of the provisions of this act shall be punishable by a civil penalty, not to exceed $10,000.

The Secretary of Labor may bring injunctive action to enforce the provisions of this act.

Employees may bring civil actions in the appropriate court for damages arising from violations of this act.

Rights protected by this act may not be waived.

The Secretary shall have 6 months to issue rules and regulations regarding the enforcement of this act.

CRIMINAL INVESTIGATIONS

The provisions of this Act shall not apply to monitoring conducted by law enforcement agencies as otherwise permitted in criminal investigations.

[From the New York Times, Dec. 23, 1990]

WORKERS USING COMPUTERS FIND A SUPERVISOR INSIDE

(By Peter T. Kilborn)

CHICAGO.—Now and then, Harriette Ternipsede stands up, defying the stream of calls pouring into her telephone. When she does, she said, her supervisors at the Trans World Airlines reservations office here call across the rows of sales agents and tell her to sit down.

Although standing up slows production, it gives her relief from two-hour stretches of sitting at a computer terminal, and, she says, "It's a way to show I'm a person."

But it is not just the supervisors across the room who are watching Ms. Ternipsede. Through her telephone and video display terminal, Ms. Ternipsede's employers constantly monitor the speed and efficiency with which she makes plane reservations and sells tickets.

CLAIMS OF A SWEATSHOP

Ms. Ternipsede, a 55-year-old veteran agent at T.W.A., is among millions of workers, women mostly, in the back offices of airlines, Government agencies, insurance companies, mail-order houses and telephone companies who are the cogs in what some employees call an electronic sweatshop.

Through the telephones and computer terminals they use, the workers and their performance can be watched, measured and analyzed in microchip detail.

Some companies use the systems openly and rather benignly to track their business and help laggards among workers improve.

And some T.W.A. agents say the company's intensive monitoring is understandable. "You're not getting trustworthy people," said Joseph Garza, 38, who was shifted last month from selling reservations to the low-pressure desk where agents work out fares for complicated itineraries. "You're getting more 18-year-olds, not college-educated, not creative. So naturally, T.W.A. says this is the only way to get something out of these people."

But advocates for workers, like the organization Nine-to-Five, say other companies run dehumanizing pressure cookers, relegating management prerogatives to electronic taskmasters. They say the companies program high performance goals into computers and push employees to work faster to meet them, much as manufacturers speed up assembly lines. And as a result of listening in on calls, they say, the companies make judgments about workers without letting the employees defend themselves.

Because computers can measure quantity better than quality, critics of the monitoring systems say employees who do the fastest work often reap greater rewards than do those who do the best work. They complain of invasions of privacy, of managers who are oblivious to human needs and of stress-induced illnesses or injuries.

In October, a study of 762 telephone workers nationwide by Michael J. Smith, chairman of the industrial engineering department at the University of Wisconsin in Madison, and the Communications Workers of America, said 81 percent of those who were monitored had symptoms or complaints of depression, as against 69 percent of those who were not monitored. Fifty-one percent of the monitored workers cited stiff or sore wrists, as against 24 percent of the other workers.

Three years ago the Congressional Office Technology Assessment estimated that 6 million to 10 million workers were regularly monitored electronically at their computers. Mr. Smith said the number has probably doubled since then.

At hundreds of companies, the performance of data-entry clerks is judged by the speed of their computer-measured keystrokes. Directory-assistance oprators at telephone companies are allotted 25 seconds or less to root out a number, however vague the request, and computers record their times.

In supermarkets, computers measure the speed with which the checkout clerks sweep purchases over the optical scanners.

In an office building in downtown St. Louis, customer-service representatives at Union Pacific Railroad offices who book shipments for companies that send their goods by rail work at the kind of pace that telephone operators and airline reservation agents do.

"A customer calls in and says, 'I need two freezer cars to ship frozen french fries from American Falls, Idaho, to a warehouse in Kentucky,'" said Tracey Young, an official with the transportation and communication workers union. He said computers track the origin, duration and frequency of calls and that secretly and at random supervisors listen in.

LIMIT TO LISTENING IN

In response to employee complaints, the Social Security Administration this year relaxed its eavesdropping practice for its telephone workers who take calls from the public.

Carol Fehner, a representative of the administration's field office employees, said management agreed to listen in on no more than 15 calls a month to employees with more than two years' experience and to disclose when it would listen. But newer employees are subject to listening on up to 40 calls and, without warning, computer monitoring.

Early this year Senator Paul Simon of Illinois, chairman of the Senate Labor Committee's Subcommittee on Employment and Productivity, and Representative William L. Clay of Missouri, both Democrats, proposed legislation to prevent invasions of privacy.

Under the measure, companies would be required to inform both employees and the consumers who telephone them when their conversations are being monitored. The bills found wide support but were overwhelmed in the crush of other legislation. Brian Kennedy, an aide to employment and productivity subcommittee, said they would be reintroduced next year.

Nine-to-Five, a Cleveland-based organization that runs a telephone hot line to take worker complaints about monitoring, says most of the hundreds of calls it receives annually come from airline and telephone employees. Cindia Cameron, who runs the hot line, said that among the airlines, T.W.A., United, Eastern and American are mentioned the most.

Although the monitoring by one company may be no more rigorous than by the others, she said, "the agents at T.W.A. are the most vocal."

Four years ago, the workers at T.W.A. voted to have the International Association of Machinists and Aerospace Workers represent them. But because of delays in preparing a contract, which the union attributes to foot-dragging by management and Washington regulators, Ms. Ternipsede has stepped into the breach as a trouble-shooter for her fellow employees. She helps workers present their grievances to the company, and she and 25 colleagues have put up $100 each to retain a lawyer.

T.W.A. declined to let a reporter interview management here or to visit the office. But Donald C. Morrison, the company's vice president for public affairs, said that many employees like the computer monitoring system, and that, indeed, some of the best workers like being assessed by a system that is free of human bias. "I don't think we're different from any other type of workplace," Mr. Morrison said.

"From the standpoint of productivity," he said, "we believe it's possible for all agents to maintain the bench marks. We want to make sure the customers, paying hard-earned dollars, are getting what they paid for."

Agents here and at T.W.A.'s other telephone reservation offices in Manhattan, St. Louis and Los Angeles get weekly and monthly report cards based on the computer's measurements of the time they spend on the phone and on the supervisors' assessments of their phone conversations.

Grades run from 1 (very bad) to 5 (very good). Workers earning 5's are awarded certificates that entitle them to an hour off with pay. Ones and 2's bring days off without pay and the possibility of eventual dismissal.

"Supervisors don't know whether they're there to make money or run a prison camp," said Paul C. Theile, an agent here who helps other employees lodge grievances. "As an educational tool, monitoring is probably a good thing. But they don't train you, they control you.

Turnover is high here, employees say, and would be higher if workers were not constrained by their pay and pensions. Older, experienced employees make more than $20,000 a year. Instead of resigning, some employees say, they fight the system by doing less work.

"I'm a 3," said a longtime agent in her late 30's who said she feared letting her name be used. "I could do better. I've been a 5. But I don't care. You don't get fired for a 3. I'm just biding my time."

A DAY ON THE JOB: RIGID RULES AND FEW EXCUSES

At the Chicago office, on the 17th floor of a black-and-glass tower on North Michigan Avenue, about 300 sales agents assigned staggered shifts enter a large open room to be briefed on changes in fares or routes. They can be up to 30 seconds late before they are docked.

Once at their desks, the agents enter individual passwords into their computers and phones. "Then you hit the 'Avi,' button," said Betty Granger, an agent assigned to handle complaints from passengers. "Hitting Avi means you're available. The calls start popping in."

And the computer starts counting. It counts the duration of a call and the time an agent spends between calls, usually to wrap up a reservation. A few years ago, agents were allowed seven seconds between calls, Ms. Ternipsede said, but now all computer-calculated time between calls is weighed against them in determining their grades.

The computer also records when employees sign in, when they sign out and whether they exceed their 30 minutes for lunch, their two, 15-minute breaks and the 10 minutes they are allowed in the restroom a day. It calculates the percentage of the workday that employees are plugged in to their machines, the number of calls they take in a day and the average length of their calls.

Each week, typically, the agent is given a record of the computer's calculations with his or her grade. But the computer calculations are not the only measurement of productivity. The company keeps a monthly record of each worker's sales performance, called a monitor. To earn 5's on the monitors, workers must be patient and courteous.

Supervisors prepare the monitors by listening in on calls. They tick off how faithfully the agents comply with eight criteria of the airline's programmed sales pitch. The agents must introduce themselves. They must obtain the caller's name and use it twice in talking with him or her. They must press to convert inquiries into sales.

While at their desks, agents cannot make or receive outside calls. Supervisors deliver messages to the agents, and the company provides three free phones in the lounge for local calls. But to use them, agents must sign off their machines, risking cuts in their grades.

Workers say T.W.A.'s preoccupation with absolutes extends to other aspects of their jobs, too.

"An employee is absent when he fails to report for or remain at work as scheduled," the agents' handbook states. "Lateness is a short absence. Absence includes all time lost from work schedule whether avoidable or unavoidable, excluding death emergencies and jury duty."

Six absences of any duration over a two-year period are grounds for dismissal, although it is not automatic.

On Valentine's Day this year, three women, Lee Kilmas, Kathy Ostrowski and Denise Pienta, got stuck in a major snowstorm and never made it in for their 6 P.M. shift; a fourth, Lynn Cummings, arrived two and one-half hours late. Mr. Theile said one of the women asked to cash in some time off for good grades, but management would not allow it. The woman made up their time by working late other days, but their absences went into their records.

"The company is not inhuman," Mr. Morrison said. "We understand that there are snowstorms. All we're saying is absences are grounds for dismissal. We're not saying the employees will be dismissed."

MANDATED OVERTIME

When the company has what it deems an emergency, like a discount fare promotion that prompts a lot of calls, it can require agents to work beyond their normal quitting times. The company first asks for volunteers, and if it does not get enough, it sets a green light on the walls flashing. The light is a signal to agents to look for a bulletin in their terminals, and the bulletin orders them to stay at their desks.

"They can come tap you on the shoulder and force you to work, one hour, two hours," said Richard DeVito, an agent at T.W.A.'s office at Penn Plaza in Manhattan. "We've had women coming out of there almost hysterical."

Ms. Ternipsede said that in Chicago this year workers have started leaving anyway. For doing so, she said, they get letters of reprimand, which can lead to dismisal.

Mr. Morrison said: "When we have a situation that if for what we believe are emergency conditions it is necessary to ask employees to remain on mandatory overtime, we have the prerogative, and the employees are aware of it."

SEEKING CHANGE: SMARTER COMPUTERS, BETTER MANAGERS

But critics say the system has built-in flaws. With its computers, T.W.A. can determine how many seats an agent sells, but it cannot distinguish between the sale of a money-losing, $99 discount fare and a globe-hopping, $8,000 first-class fare.

"A real question about these systems is whether the indicators they use are legitimate," said Mr. Smith at the University of Wisconsin. "It's much easier to use them to increase quantity than quality."

Bigger questions involve the issues of privacy and intimidation. Experts fear that mean-spirited supervisors could manipulate such a computer system to jeopardize a worker's job. "You can find little mistakes and compile a list of things that look bad," said Mr. Kennedy, the Senate subcommittee aide. "You can do that to anyone."

Gary T. Marx, professor of sociology at the Massachusetts Institute of Technology, said, "Some people like a system that measures their productivity and helps them improve." But he said companies get into trouble when they give management wide authority to ignore and override the computer.

Some companies have made more room to accommodate workers' complaints. Ms. Cameron of Nine-to-Five cited Northwest Airlines, where new management has jettisoned a system like T.W.A.'s, and a regional telephone company, U S West in Denver, where the communications workers union negotiated a contract a few weeks ago that eliminated the aspects of electronic monitoring that employees deemed offensive.

Among other things, the U S West agreement requires that supervisors tell the company's 5,000 operators and clerks when they will be monitored for the purpose of job assessment and that management allow the workers the choice of being monitored remotely or with the supervisor sitting at the worker's side.

Sue Pisha, a union official who helped negotiate the contract said that workers' use of time is still recorded, but that the measurements cannot be included in performance reviews. "Right now," she said, "I don't see any major problem."

At Northwest's Seattle reservation office, Renee Maurel, an agent, said, "I was a number on an assembly line." Then last year Alfred Checchi and other investors took over the airline. "He said employees are paramount. He told us, 'If we can't make you happy, you can't make the customer happy. So let's start making you happy. He started treating people like family, not like slaves rowing across the ocean."

As at U S West, workers are told when they are to be monitored. "They say, 'If you were going to do anything weird today, don't do it today because we're listening.'" Ms. Maurel said.

She said the calls are also taped so there is less room for disagreement about how the agent handles the call.

By Mr. BOREN (for himself and Mr. PELL):

S. 517. A bill entitled the "Educational Exchanges Enhancement Act of 1991"; to the Committee on Foreign Relations.

EDUCATIONAL EXCHANGES ENHANCEMENT ACT

• Mr. BOREN. Mr. President, in the years since World War II, America's standing as leader of the free world has rested by and large on our military strength: Our military authority allowed us to leverage a leadership position in world political and economic spheres. With the Soviet Union and their Warsaw Pact allies looming as a military menace, our friends in Western Europe and Asia naturally deferred to us in policy matters: we were the big player on their team and we called the shots.

As the war in the gulf has shown us, the United States, while still clearly a major leader in the free world, is now part of a larger international partnership with our allies. And nations that once fought against us are now fighting with us. While cold war rivalries still dictated American foreign policy just a few short years ago, now the threat of a major military conflict with the Soviet Union is greatly reduced, even in light of current internal instability in the Soviet Union. Our allies are no longer bound to the United States by a need for military protection against the Eastern bloc and many of our one-time enemies are now looking to us for leadership and guidance.

We now have before us the opportunity for a new and different kind of leadership role: Not one based on containment, but on partnership; not one based on military stand-offs and survival strategies, but on the fundamental merits and strengths of the American system.

What are we doing to prepare ourselves for this new leadership role? What are we doing to shift our emphasis from military to economic strength? The United States will be among world leaders in the 21st century only if we recognize and respond to the changing priorities in the world, only if we develop the resources and promote the assets necessary to lead.

Among the skills most basic to a world leadership role is an understanding of the world's languages and cultures. Until now, we have educated our children largely in a vacuum with little regard for the international community in which we live. It was possible for us to get by with this insular and isolationist approach to education when our leadership was based on military strength: The world came to us and spoke our language. That is clearly no longer the case.

With the many countries in the Eastern bloc opening to new economic opportunities and with Asia and Western Europe developing as formidable market networks, it is urgent that the United States move vigorously to take its place in the international community. Very simply, either our children will develop the skills necessary to function in the international community or they will be shut out of it.

Our ignorance of world cultures and world languages severely limits our ability to enter into global exchange. One hundred percent of high school graduates in Japan speak fluent English: They have to take 6 years of it to graduate. Japanese high schools place a high priority on the study of foreign language. Do you know what percentage of American students studied Japanese here at home? Two one-hundredths of 1 percent. In fact, only about 25 percent of American high school students are enrolled in any foreign language courses at a time when the European Community has adopted as a goal for all of its students fluency in two languages other than their own.

The war in the gulf serves as a vital example of why we must educate our students about more than just American history. The resolution of the conflict in the Persian Gulf area will leave a very different power structure in the Middle East than the one we knew before the conflict began. Now, more than ever, it is essential that Americans understand the history of the Middle East. In order to help play a role in developing the future of this volatile region, we must be fully aware of its past. Unfortunately, while there are a great number of respected American academics and policymakers with expertise in Middle Eastern affairs, our Nation's students, by and large, lack knowledge about this region. And, as many reports have revealed, the Middle East is not the only region of the world our students have not studied adequately.

In a Gallup poll published in the National Geographic magazine last year, American students between ages 18 and 24 ranked dead last in geographic knowledge among the 10 nations surveyed. The survey reveals some ominous trends: while Soviet students, predictably, scored well above their elders whose educational opportunities were limited, American students scored significantly below older Americans. Soviet students answered nearly a third more questions correctly than we did and the National Geographic Society's chairman, Gilbert Grosvenor, remarked, "Younger Soviets have come a long way toward knowing the world around them." Kindly, he did not comment on how far American youth has to go to achieve that same knowledge. If we expect to be world leaders in the next century, we must, at the very least, be able to understand and communicate with that world.

As we continue to isolate ourselves with our confining educational system, other nations are doing just the reverse: reaching out, establishing ties, learning and working together. It is clear that the rest of the world understands the importance of exposure to foreign cultures and languages—especially the culture and language of the United States: More than 356,000 students from other countries came here to study last year. How many of our students went in the other direction? Only 33,000 American students ventured out of this country for at least a semester of study. Taiwan and Malaysia, countries with a combined population of 37 million, sent more students to the Untied States than the total of American students who studied abroad.

We must encourage foreign students to come to the United States to study. What better way to promote the economic and political ideals of the United States than for the youth of the international community to see those ideals in action, first-hand?

The Soviet Union is an important example today of the need to encourage student exchange so that we may also encourage the exchange of democratic ideas and philosophy. As the leadership is tested in the Soviet Union and more and more of its citizens demand new and important rights, the United States should be willing to provide the forums for educational exchange for both our students and theirs. These exchange programs can help make it more difficult to reverse the progress which has been made in bringing more freedom to the Soviet Union.

The U.S. Congress must establish a scholarship exchange program that will vastly increase where our students go to study and exchange ideas. We must recognize that, in this quickly changing world, no longer should we just have a handful of students and academics studying in Moscow, for example. We must ensure that our students study in a far larger classroom. Our students need to be sent to such areas as Soviet Georgia, Latvia, and Kamchatka. As newly emerging voices of freedom speak out, our students can be an important conduit for knowledge of these regions. And their students will need, now more than ever, to have the opportunity to study in the United States and understand the intricacies of democracy.

As history has shown us, students can provide the loudest voice for positive change. It's no surprise that many of the Chinese students at Tiananmen Square who so valiantly sought freedom for their nation had studied in the United States. They knew what freedom was. They had seen it. One of the best ways we can export American ideals is to have students from other nations come and take them home.

Ironically, this process was understood and routinely practiced by the communist world in the last decade. The Soviet Union accepted as many as 35,900 students annually from developing countries in the 1980's. In 1986, for example, students from developing nations in Africa studying in the Eastern Bloc far outnumbered those studying in the United States. In 1987, Cuba accepted twice as many Angolan students as we did, three times as many Ethiopians. While our country is virtually swamped with students from industrialized Western nations, we have shamefully ignored their counterparts in the Third World.

And while we must welcome students all over the world, especially those from developing countries, exchange is reciprocal—to communicate, to particiapte in the international community we, too, must understand the languages and cultures of the world. It is no longer enough that only they understand us.

How do we reverse the isolating effects of our educational system? How do we develop the resources basic to leadership standing in the international community? I believe this legislation addresses these vital needs.

Senator PELL and I worked with many of our distinguished colleagues in the bipartisan foreign policy leadership in Congress over a year ago on a proposal to President Bush to create a student exchange agreement with the Soviet Union. Mr. Bush presented the idea to President Gorbachev at the Malta Summit and our governments have already signed a general agreement toward the implementation of that accord here in Washington earlier this year. That agreement was a good step forward, but we must go much farther to move out of isolation and into the international community.

The Educational Exchanges Enhancement Act of 1991 will spark the cultural and educational exchange so critical to our international position. Designed to supplement Fulbright and other successful exchange programs, it provides support for undergraduate study at an age when students form lifelong bonds of friendship, when they are most open to the benefits of foreign study. It will allow students who out of financial hardship could never even travel, much less study abroad, to have that chance. The program provides 10,000 scholarships to American students going abroad and 10,000 to students of other countries coming to the United States. The program keys on countries where exchanges are currently limited—and most needed: it encourages students from the new democracies of Eastern Europe to study in America, for example, and will help fund studies for Americans in nations where the United States is currently underrepresented, such as Asia and South America. Doubling current funding levels for exchange programs, the legislation authorizes an initial $50 million appropriation in 1992 expanding to 200 million in 1995.

I am very pleased that the chairman of the Senate Foreign Relations Committee, Senator PELL, is joining me as he did last year as a coauthor of this bill. His commitment to this scholarship progam is further evidence of his long-standing commitment to excellence in international education.

We don't suggest that this legislation alone will fully integrate the United States into the international community, that it will entirely eliminate the degree of isolation which has come from the insular nature of our educational system. But it's a first step. It's a step toward spreading and firmly rooting the ideals of democracy and economic freedom around the world. It's a step toward developing the assets we must have to lead a world which is adopting those ideals. The next decade presents us with unique opportunities to prepare this nation for the changing realities of the next century. We must seize these opportunities now. They may not come again.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following this statement. I also ask that the list of organizations which have endorsed the Boren-Pell Educational Exchanges Enhancement Act of 1991 be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as "The Educational Exchanges Enhancement Act of 1991".

FINDINGS

SEC. 2. The Congress finds that:

(1) United States educational exchange programs, and in particular the Fulbright Academic Exchange Program and the Humphrey Fellowship Program, have served to promote the free exchange of ideas and knowledge between the United States and other countries and have thus served to promote democratic ideals;

(2) Expanded educational exchange programs between the United States and other countries will support the process of democratization now underway around the world and will, by enhancing mutual understanding, contribute to a more free and peaceful world;

(3) Existing private and foreign government educational exchange programs provide significant opportunities for Americans to study and live in Western Europe as well as provide significant resources for students from certain countries and certain backgrounds to study in the United States;

(4) Expanded United States Government exchange programs should promote increased exchange of students and scholars between the United States and the Soviet Union, between the United States and the new democracies of Eastern Europe, and between the United States and countries not significantly benefitting from existing exchange of persons programs; and

(5) Further, enhanced United States Government exchange programs should provide scholarships to students from countries and economic backgrounds not adequately represented in the current United States foreign student population.

ENHANCED EDUCATIONAL EXCHANGE PROGRAMS

SEC. 3. (a) Not later than September 30, 1995, the number of scholarships provided to foreign students and scholars by the Bureau of Educational and Cultural Affairs of the United States Information Agency for the purpose of study, research, or teaching in the United States shall be increased by ten thousand over the number of scholarships provided in fiscal year 1990.

(b) Not later than September 30, 1995, the number of scholarships provided to United States students and scholars by the Bureau of Educational and Cultural Affairs of the United States Information Agency for the purpose of study, research, or teaching in other countries shall be increased by ten thousand over the number of scholarships provided in fiscal year 1990.

(c) For the purposes of this section a scholarship shall be defined as a stipend equal to not less than one-half the total cost of at least one semester's tuition and living expenses at an United States or foreign university or other institution of higher learning.

(d) Scholarships provided to meet the requirements of subsection (a) shall be available only to students and scholars from the new democracies of Eastern Europe, to students and scholars from the Soviet Union, to students and scholars from countries with fewer than one thousand citizens studying in the United States, and to students who are determined by the Director of the Bureau of Educational and Cultural Affairs to be from economic, social or ethnic backgrounds not represented in the foreign student population in the United States.

(e) Scholarships provided to meet the requirements of subsection (b) shall be available only for study, research, and teaching in the new democracies of Eastern Europe, the Soviet Union, and non-European countries.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. To carry out the purposes of this Act and in addition to funds otherwise made available to the Bureau of Educational and Cultural Affairs, there are authorized to be appropriated to the Bureau of Educational and Cultural Affairs of the United States Information Agency $50,000,000 in fiscal year 1992, $100,000,000 in fiscal year 1993, $150,000,000 in fiscal year 1994, and $200,000,000 in fiscal year 1995.

LIST OF ORGANIZATIONS ENDORSING THE EDUCATIONAL EXCHANGES ENHANCEMENT ACT OF 1991

Fulbright Association.

Institute of International Education.

International Exchange Association.

International Research and Exchanges Board.

Joint National Committee for Languages.

Liaison Group for International Education Exchange.

Meridian House International.

National Association of State Universities and Land-Grant Colleges.

American Council on Education.

Association of International Education Administrators.

International Student Exchange Program.

National Council for Languages and International Study.

National Council for International Visitors.•

By Mr. BENTSEN (for himself, Mr. PACKWOOD, and Mr. HEINZ):

S.J. Res. 78. Joint resolution to designate the month of November 1991 and 1992 as "National Hospice Month"; to the Committee on the Judiciary.

NATIONAL HOSPICE MONTH

• Mr. BENTSEN. Mr. President, on behalf of myself, Senator PACKWOOD and Senator HEINZ, I am pleased to introduce a joint resolution designating November 1991 and 1992 as National Hospice Month.

Hospice became a covered benefit under Medicare and an optional State Medicaid benefit in April 1986. Today, over 897 hospices are Medicare certified.

As many of my colleagues may know, while modern hospice care has been available in England since 1967, it is a relatively new concept in the United States. The first American hospice opened in 1974. Today, about 1,683 programs exist in each of the 50 States, an indication that Americans now see hospice care as a legitimate and needed alternative to the more traditional care of the terminally ill provided in institutions. In my home State of Texas the number of hospice programs has doubled since 1986. Hospices provide medically directed, interdisciplinary programs of palliative services to the terminally ill and their families. Some even provide spiritual support and bereavement counseling services in both home and inpatient settings.

Hospice gives support to the patient who might otherwise suffer through his last stage of life alone and in fear; hospice reminds the family members that it is acceptable to be angry and to feel loss, and that they are not alone. The growing number of AIDS patients has given an even greater challenge to hospices across the country, and specialized programs of care are being developed to help AIDS victims and their families.

I urge my colleagues to support this legislation, which will focus attention on hospice care and on the thousands of health care professionals, volunteers, patients and their families who serve and are served by the Nation's hospices.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD immediately following my remarks.

There being no objection, the joint resolution was order to be printed in the RECORD, as follows:

S.J. RES. 78

Whereas hospice care has been demonstrated to be a humanitarian way for terminally ill patients to approach the end of their lives in comfort with appropriate, competent, and compassionate care in an environment of personal individuality and dignity;

Whereas hospice advocates care for the patient and family by attending to their physical, emotional, and spiritual needs and specifically, the pain and grief they experience;

Whereas hospice care is provided by an interdisciplinary team of physicians, nurses, social workers, pharmacists, psychological and spiritual counselors, and community volunteers trained in the hospice concept of care;

Whereas hospice is becoming a full partner in the Nation's health care system;

Whereas the enactment of a permanent medicare hospice benefit and an optional medicaid hospice benefit makes it possible for many more United States citizens to have the opportunity to elect to receive hospice care;

Whereas private insurance carriers and employers have recognized the value of hospice care by the inclusion of hospice benefits in health care coverage packages; and

Whereas there remains a great need to increase public awareness of the benefits of hospice care: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November in 1991 and 1992 is designated as "National Hospice Month". The President is authorized and requested to issue a proclamation calling upon all government agencies, the health care community, appropriate private organizations, and people of the United States to observe such months with appropriate forums, programs and activities designed to encourage national recognition of and support for hospice care as a humane response to the needs of the terminally ill and as a viable component of the health care system in the Nation.●

By Mr. D'AMATO:

S.J. Res. 79. Joint resolution authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

NATIONAL EMPLOY THE OLDER WORKER WEEK

● Mr. D'AMATO. Mr. President, I rise today to introduce a bill that would designate the week of March 18, 1991, as "National Employ the Older Worker Week."

Persons over 55 years of age constitute over 20 percent of the Nation's population as a whole, and their potential for the workplace should not be overlooked. This legislation is designed to recognize the older worker as a valuable and much-needed element of our work force. Their low absenteeism and characteristic diligence demonstrate that they are indeed capable and effective employees.

Too often, older people are discouraged from going back to work. Under current law, Social Security recipients between the ages of 65 and 69 are subject to an income earnings test which results in the loss of $1 of benefits for every $3 of earnings above $9,720. This creates an unfair obstacle for those seniors who wish to utilize their talents through employment.

These two issues are closely linked. The repeal of the income earnings test would be an effective way of giving older workers the incentive to seek employment opportunities. And, by devoting a full week to the recognition of this situation, we can focus public attention on the advantages of employing older individuals. We can encourage employers in all industries to give special consideration to older workers. Everyone involved would benefit from their experience and dedication.●

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. METZENBAUM, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Massachusetts [Mr. KERRY], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 91

At the request of Mr. DOMENICI, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 91, a bill to provide a comprehensive congressional campaign financing reform to encourage grassroots campaign giving, lessen the role of special economic interests, prohibit the use of soft money, discourage candidate expenditures of personal wealth, and otherwise restore greater competitive balance to the congressional electoral process.

S. 105

At the request of Mr. D'AMATO, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 105, a bill entitled the "The Drug Kingpin Death Penalty Act."

S. 143

At the request of Mr. MCCONNELL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 143, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 237

At the request of Mr. NUNN, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 237, a bill to amend title 37, United States Code, to increase the rate of special pay for duty subject to hostile fire or imminent danger.

S. 255

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 255, a bill to require Congress to purchase recycled paper and paper products to the greatest extent practicable.

S. 270

At the request of Mr. GRASSLEY, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Vermont [Mr. JEFFORDS], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 270, a bill to require regular reports to the Congress on the amount of expenditures made to carry out Operation Desert Shield and Operation Desert Storm and on the amount of contributions made to the United States by foreign countries to support Operation Desert Shield and Operation Desert Storm.

S. 282

At the request of Mr. BINGAMAN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 282, a bill to direct the Director of the General Services Administration to make paper with recycled content available to the Secretary of Agriculture and for the Secretary of Agriculture to establish a pilot program within the Forest Service for the use of paper with recycled content.

S. 284

At the request of Mr. BRADLEY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 294

At the request of Mr. BUMPERS, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of

S. 294, a bill to amend the Federal Election Campaign Act to exclude from the definition of "independent expenditures" those expenditures that are not truly independent of the legislative process.

S. 308

At the request of Mr. MITCHELL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 313

At the request of Mr. SPECTER, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 313, a bill to carry out obligations of the United States under the United Nations Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from a person who engages in torture or extra judicial killing.

S. 349

At the request of Mr. BUMPERS, the names of the Senator from Indiana [Mr. LUGAR], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such act, and for other purposes.

S. 352

At the request of Mr. GLENN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 352, a bill to protect the rights of persons to due process of law and equal protection of the laws in guardianship proceedings.

S. 354

At the request of Mr. KASTEN, the names of the Senator from Alaska [Mr. STEVENS], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 354, a bill to amend the Internal Revenue Code of 1986 to permit mortgage revenue bond financing of mortgages for veterans of Operation Desert Shield.

S. 360

At the request of Mr. BUMPERS, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. PELL], the Senator from New York [Mr. D'AMATO], the Senator from South Dakota [Mr. DASCHLE], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. LEVIN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Wisconsin [Mr. KOHL], the Senator from Hawaii [Mr. INOUYE], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 360, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes.

S. 385

At the request of Mr. AKAKA, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 385, a bill to amend section 21A of the Federal Home Loan Bank Act to establish additional procedures and requirements relating to the identification and disposition of environmentally sensitive land and other property with natural, cultural, recreational, or scientific values of special significance by the Resolution Trust Corporation.

S. 420

At the request of Mr. SARBANES, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 420, a bill to increase to $50,000 the maximum grant amount awarded pursuant to section 601 of the Library Services and Construction Act.

S. 448

At the request of Mr. SYMMS, the names of the Senator from Missouri [Mr. DANFORTH], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 448, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 65

At the request of Mr. D'AMATO, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 65, a joint resolution designating the week beginning May 12, 1991, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 73

At the request of Mr. SPECTER, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 73, a joint resolution designating October 1991 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 75

At the request of Mr. BROWN, the names of the Senator from Utah [Mr. GARN], the Senator from Connecticut [Mr. DODD], the Senator from Colorado [Mr. WIRTH], the Senator from Arizona [Mr. MCCAIN], the Senator from Washington [Mr. GORTON], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 75, a joint resolution pertaining to U.S. economic sanctions against Iraq.

SENATE CONCURRENT RESOLUTION 12

At the request of Mr. LEVIN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Concurrent Resolution 12, a concurrent resolution to express the sense of the Congress that the civil rights and civil liberties of all Americans, including Arab Americans, should be protected at all times, and particularly during times of international conflict of war, and for other purposes.

SENATE RESOLUTION 41

At the request of Mr. LIEBERMAN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Resolution 41, a resolution to establish April 15, 1991, as National Recycling Day.

AMENDMENTS SUBMITTED

RESOLUTION TRUST CORPORATION FUNDING ACT

D'AMATO AMENDMENT NO. 13

Mr. D'AMATO proposed an amendment to the bill (S. 419) to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . RESIDENTIAL TENANT PROTECTION.

Section 11(a)(1) of the Federal Deposit Insurance Act is amended by inserting at the end of section 212(e)(1)(C) the following language:

"(D) The right of a conservator or receiver for any insured depository institution to disaffirm or repudiate any contract or lease shall not apply to a residential lease or tenancy that is required by operation of state or local law during the effective term of the lease, or if the leased residence is occupied by a 'qualified tenant.' For purposes of this subparagraph a 'qualified tenant' means an individual or family who uses the leased property as the principal residence and whose income does not exceed one hundred and seventy-five percent of area median income, as determined by the Department of Housing and Urban Development."

GRAHAM AMENDMENT NO. 14

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 419, supra, as follows:

Strike section 2 of S. 419 and insert the following:

SEC. 2. RESOLUTION TRUST CORPORATION AUTHORIZATIONS.

Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b))) is amended by adding at the end the following:

"(15) ADDITIONAL IMMEDIATE FUNDING.—

"(A) IN GENERAL.—In addition to the sums authorized by paragraph (14), the Secretary of the Treasury shall make available to the Corporation $15,000,000,000 from monies not otherwise appropriated.

"(B) LIMITATION.—No sums appropriated by subparagraph (A), or by paragraph (14), may be obligated after September 30, 1991, except in the case of a resolution transaction with respect to which a bidder has been selected as of such date.

"(16) ADDITIONAL MATCHING FUNDING.—

"(A) IN GENERAL.—For every dollar in cash dividends the Corporation receives after March 1, 1991, from a receivership estate under its control, where such receivership was established on or before March 1, 1991, the Secretary of the Treasury shall make available to the Corporation a matching dollar from monies not otherwise appropriated.

"(B) LIMITATION.—The matching funds appropriated by subparagraph 16(A) may not exceed $15,000,000,000.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 27, 1991, at 10 a.m. to hold a hearing on proposed benefits for troops in the Middle East.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, February 26, 1991, and Wednesday, February 27, 1991, at 10 a.m. to hold a hearing on the nomination of Robert Martinez to be Director of the Office of National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the fiscal year 1992 veterans programs budget on Wednesday, February 27, 1991, at 9 a.m. in the committee's hearing room, SR–418.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Permanent Committee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, February 27, 1991, to hold hearings on mercenaries and drug cartels.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Securities Subcommittee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Wednesday, February 27, 1991, at 9:30 a.m. to conduct a hearing on the subject of limited partnership reorganizations referred to as "rollups."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 27, at 5 p.m. to receive a closed briefing on the "Javits Report" on prospective arms sales.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 27, 1991, on S. 244, a bill to provide for a referendum on the political status of Puerto Rico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Wednesday, February 27, 1991, at 2 p.m., to receive testimony on current trends in Eastern Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 27, 1991, at 9:30 a.m. on insurance company insolvency.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE WISCONSIN BANKING INDUSTRY

• Mr. KOHL. Mr. President, last week, I had the opportunity to meet with about 30 bankers in Wisconsin. We discussed the administration's proposed banking reforms, the overall state of the banking industry, and the unique concerns of Wisconsin banks.

I have come away from that meeting with two important messages that I want to deliver.

The first is to my constituents in Wisconsin: Wisconsin banks are healthy and sound. Your deposits of up to $100,000 are backed by Federal insurance. But, better than that, in Wisconsin banks, your deposits up to and beyond $100,000 are backed by well-capitalized, sound financial institutions.

Let me share with you some statistics that confirm this. Using the latest figures from the Wisconsin Commissioner of Banking's Office, the ratio of capital to assets in Wisconsin banks is over 9 percent while the U.S. average is closer to 6 percent. Return on assets in Wisconsin banks is twice the national average, and Wisconsin's banks return on equity is 12.49 percent compared with a national average of less than 9 percent.

To put it in more homey terms, in Wisconsin, only three banks have failed—since the Great Depression. A recent New York Times article published a list of banks with percentages of nonperforming loans high enough to raise the concerns of Federal regulators—that is, 8 percent. No Wisconsin bank showed up on that list. Wisconsin banks are well run and well regulated. Their enviable reputation does not deserve to be tarnished by the current debate on the health of the national banking system.

In other words, I want to urge my constituents to try and separate what they hear about problem banks in the Southwest and Northeast from what is fact about Wisconsin banks. If you are concerned about the safety of your deposits, give your bankers a chance to explain why your money is safe with them.

That brings me to my second message—this time to my colleagues. As we take up banking reform this year, we must recognize that, though the national banking system may be faltering, banks in some regions are thriving.

Of course, Congress has to address the weakening bank insurance fund. And, of course, Congress has an obligation to limit the Federal Government's liability under our deposit insurance system. But we must not destroy healthy banks with our efforts to cure sick banks.

Mr. President, I am proud of Wisconsin's history of conservative, healthy banking. And while I believe it is Congress' duty to assure a healthy national banking system, I cannot see the sense of doing so in a way that weakens Wisconsin's banking system.•

THE COMPREHENSIVE MATERNAL AND EARLY CHILDHOOD HEALTH CARE ACT

• Mr. KOHL. Mr. President, I am proud to join Senator KENNEDY as a cosponsor of S. 493, the Comprehensive Prenatal and Early Childhood Health Care Act of 1991. This legislation responds in both a cost-effective and coordinated manner to some of the most serious maternal and child health problems facing our Nation.

I am especially pleased that this legislation addresses the critical need to step up our efforts against our Nation's appalling infant mortality rate. Redirecting funds from community and migrant health centers and the Maternal and Child Health Grant Program to target efforts to only 10 cities, as was proposed in the President's budget, clearly isn't the answer. These facilities and providers represent the frontline in our fight against infant mortality, and they deserve much of the credit for the limited progress that has been made in reducing infant death rates nationwide.

S. 493 recognizes their vital role in this battle by authorizing funds for CMHC's to expand existing comprehensive perinatal and early childhood health care services. It would also provide resources to allow more facilities to offer coordinated services to combat the many factors that contribute to our Nation's shameful infant mortality rate. Instead of serving only women and infants in a limited number of cities, this initiative will improve maternal and child health nationwide, in both urban and rural areas.

I am especially pleased that this package includes some components of the Comprehensive Assistance to Substance Abusing Families Act, a bill that I introduced last year. These provisions would address one of the most tragic phenomenons in our country today—infant deaths and disabilities resulting from substance abuse by pregnant and postpartum women—by expanding treatment options and by encouraging treatment providers to coordinate activities with other agencies serving these women. In addition, this legislation would expand the CDC's effective Smoking Cessation in Pregnancy Program nationwide—an initiative which could cut infant mortality and low birthweight rates significantly.

Perhaps most important, this legislation emphasizes and expands immunization programs for preschool children. Over and over again, vaccination programs have proven to be one of the most cost-effective ways to improve children's health and to reduce health care expenditures in our country. For every dollar spent on immunizations, $10 are saved in later medical costs. This initiative ensures that immunization programs are even more cost-effective by expanding the CDC's bulk purchase program of vaccine doses for State health departments.

Mr. President, there is so much talk about investing in our Nation's children, and regrettably little action. This legislation provides a critical opportunity to back our strong words with solid and effective action. I thank our distinguished and deeply committed colleague from Massachusetts for his leadership in this area and I urge my colleagues to join us in this effort.●

TRIBUTE TO CODY-JESS WOOLLEY

● Mr. DECONCINI. Mr. President, I would like to bring to the attention of the Senate the efforts of 8-year-old C.J. Woolley. C.J. is a second grade student at Blue Ridge Elementary School in Pinetop, AZ. Many parents from the Pinetop area have been deployed in the gulf with the 1404 Transportation Unit of the Arizona National Guard. In an effort to help the families of these Americans, C.J. has organized Operation Mountain Love. Operation Mountain Love is designed to raise money for those families which are in need at this difficult time.

The initiative that this young man has shown is truly remarkable and C.J. should be commended for his willingness to assist his community and to help those who are in need.

Arizonans and Americans everywhere can be proud of C.J.'s efforts to help military families get through these difficult times. This second grader is doing a commendable job in raising support for our troops and their families. Mr. President, I ask that my colleagues join me and all Arizonans in applauding C.J. for his ambitious project and wishing him the best of luck in his future endeavors.●

COMMEMORATING BLACK HISTORY MONTH

● Mr. McCAIN—

> They ask but the rights which are theirs by God's universal law, and which are the natural outgrowth, the logical sequence of the condition in which the legislative enactments of this nation have placed them. They appeal to you and to me to see that they receive that protection which alone will enable them to pursue their daily avocations with success and enjoy the liberties of citizenship on the same footing with their white neighbors and friends.

Mr. President, that was a statement made before this great body on March 16, 1870, by the Honorable Hiram Revels, Republican Senator from the State of Mississippi. Mr. Revels was the first African-American to be seated by the Senate. He made this statement during a fierce debate regarding the seating of the Georgia delegation during the Reconstruction era. I rise today to pay tribute to Mr. Revels and to the many other African-Americans who have helped so significantly to enrich American history.

Mr. President, the month, February is a special time for African-Americans. In 1976, Congress designated February as Black History Month. It is a time to celebrate a rich and proud history of achievement over adversity.

As we take time to celebrate the accomplishments of Black Americans this month, let us keep in mind that we still have a long way to go to achieve true racial equality. But as we work toward that day, let us be guided by our reflections on the milestones of black history that have made America a more just society.

We remember those who paid the ultimate price for freedom during our Nation's times of war and domestic turmoil. We remember the more than 5,000 African-American soldiers who served during the Revolutionary War and fought for freedoms that they would not realize for more than 100 years after the battle had ended. These heroic soldiers paved the way for future African-Americans in the armed services. African-Americans like Crispus Attucks whose life was the first to be taken in the Revolutionary War and in the Civil War which claimed over 38,000 other African-American soldiers, to the courage our soldiers are displaying in the Persian Gulf today, African-Americans have revealed the "last full measure of their devotion" to their country.

Inexcusably, many African-Americans have been disenfranchised from the mainstream of society. Black history in this country has been largely undocumented. Nowhere is this more true than in the Southwest, where the extraordinary lives of many African-Americans have gone unheralded.

Despite the obstacles of racism and poverty, many African-Americans have contributed substantially to the progress of the Nation. The history of my State of Arizona has been vastly affected by the achievements by African-Americans.

Arizona's history is centered on the folk heroes of the Old West, the Indians, cowboys, pioneers, and soldiers. African-Americans played a large role in this western tradition. They were the Buffalo soldiers, adorned with that name by the Kiowa, Cheyenne, and Apache tribes who fought them. Arizona was grateful for the protection of the brave soldiers of the all-black 9th and 10th Cavalry as well as the 24th and 25th Infantry, stationed at Fort McDowell and Fort Huachuca.

These units, created in 1866, scouted 34,420 miles of western desert and plain, laid hundreds of miles of new roads and telegraph lines, protected mail coaches, guarded the Mexican border, and protected settlers. Eleven African-American soldiers were awarded medals of honor during the western campaign. Two of the most memorable were Sgt. Benjamin Brown and Cpl. Isiah Mays. They served in the 24th Infantry Division, and their gallantry in action was displayed in a fierce fight with outlaws who had robbed an Army payroll. Brown was shot in the stomach and continued to fight until wounded in both arms. Both were honored for their bravery in the fight.

One the most well-known African-American soldiers in the Arizona frontier was Lt. Henry O. Flipper. In 1877, Lieutenant Flipper was the first African-American to graduate from West Point. He was recognized as an accomplished engineer as well as a skilled negotiator in the conclusion of a border agreement between the United States and Mexico.

Lieutenant Flipper's military career was not without controversy. He was dishonorably discharged after being falsely accused of actions unbecoming an officer. Despite suffering the undeserved ignominy of a dishonorable discharge, Lieutenant Flipper remained in the Southwest to enrich the lives of many more Americans, and in 1976, he was exonerated posthumously by the Army Board for the Correction of Military Records. He now occupies a distinguished place in American history unblemished by mistakes that were not his.

Mr. President, there have been regrettable moments in Arizona history which set us back in our march to a more just and equal society. In 1912, the Arizona State Constitution established a legal system of segregation. The Constitution required separate public facilities such as bathrooms and drinking fountains. It also established a segregated school system which had not existed in Arizona prior to this constitution. Although it was not strictly enforced, it was another unnecessary indignity that African-Americans had to bear in Arizona.

Despite obstacles to their advancement, African-Americans played a meaningful role in the development of Arizona. Dr. Winston C. Hackett, a graduate of Fisk University, established the Booker T. Washington Memorial Hospital in 1916. The hospital served all races of the Phoenix area. Hackett remained for the rest of his life a prominent civic leader in the community.

In 1919, the Phoenix Advancement League was formed by entrepreneurs Samuel Bayless and C. Credille. This organization was a forerunner to the NAACP in Phoenix. The league fought segregation and bigotry through changes in the law. By 1922, other branches were active in Tucson, Flagstaff, Bisbee, and Yuma.

Although the early history of African-Americans in Arizona was fraught with difficulties, it was also ennobled by their triumphs over adversity. Because our history is so rich with the achievements of African-Americans, I must take this opportunity to apologize to those whose accomplishments I have failed to mention. African-American history is the history of a people who fully represent the meaning of the American spirit. Despite extreme adversity, despite the persistent degradation of racism and racist laws, the African-American experience in Arizona is marked chiefly by persistence and success.

I want to recognize today, some contemporary Arizona heroes: Dr. Lincoln Ragsdale who, after serving the United States in the all black 99th Fighter Squadron in World War II, known as the Tuskegee Airmen, settled in Phoenix and is now a prominent businessman. When the civil rights movement came to Arizona, Dr. Ragsdale, as well as the Reverend George Benjamin Brooks and others, were there on the western front of the civil rights movements.

Another of our State pioneers is my friend and long time confidant, Judge Cecil Patterson, who 13 years ago was appointed to the Superior Court of Arizona. He was most recently chosen to head our State Attorney General's Department of Human Services and Civil Rights.

I would also like to mention the achievements of Don Tucker, the first African-American ever to be named U.S. marshal for the District of Arizona.

All of these distinguished individuals have established themselves as role models, not only to the African-American community, but to all Arizonans.

Accomplishments by individuals within the minority community not only serve as examples of determination and achievement but also as a reminder that we must continue to move forward to enact policy that will empower African-Americans to stake their claim to the American dream. It is our duty to create and maintain an atmosphere in which creativity and determination is rewarded through equal opportunity for all members of society.

However, it is important to remember that changes in law are not enough. The most difficult, and the most important change must take place in the hearts and minds of all men and women. The Constitution states that all men are created equal. The Constitution is not only a legal and a moral injunction, but a call to conscience.

I believe that Black History Month is an example of how this country can celebrate the uniqueness of one of its many cultures. However, black history or the history of any of our Nation's peoples should not be remembered just 1 month a year. As Americans we should realize that our society is composed of many cultures. Our religion, politics, science, arts, industry and agriculture are the work of a multitude of cultures all united by their attraction to the universal appeal of our national ideal—the desire to live free and prosperous lives. The great success of our democratic experiment is the direct consequence of a multicultural heritage. Though we are many, we are one.

Mr. President, I have explained what Black History Month means to me. I would also like to have printed in the RECORD statements from some of the African-Americans that I admire and respect. I contacted Judge Cecil Patterson and Don Tucker and asked them to share with us their thoughts of what this month means to them. I ask that their statements be printed in the RECORD following the conclusion of my remarks.

Finally, Mr. President, I want to say a few words about one of the greatest figures in black history, Dr. Martin Luther King. For the all too brief time he was among us, Dr. King was our moral compass. He pointed us back in the direction of our founding principles. His guidance was delivered with love and without malice to anyone. His advocacy responded forcefully to his often malicious and violent opponents, but without using the methods used so cruelly against him. He knew that the violence inflicted on him and on his race did not reflect the real character of America, but were symptoms of a nation at risk of losing its virtue. He called us back from the precipice of that near catastrophe. That is why Dr. King is a hero to me.

I know that all the dimensions of Martin Luther King's American Dream are not yet realized. I know that every day, in every community in America, injustice has its advocates. But we are much farther along "the torturous road from Montgomery" than we were the day he died. Let us use the celebration of this month, and the memory of this gentleman's unsurpassed humanitarianism, to complete the journey and get over to the promised land.

The statements follow:

STATEMENT OF THE HONORABLE CECIL PATTERSON

It is a time to reflect on your heritage and history, a time to look at your forebearers experiences, and a time to get strength from your cultural heritage. It is a source of strength and pride reinforced through an expanding knowledge. This reflection is a process, a continuing growth as apart of a very prominent group in the United States as well as growth as an individual. In Arizona the effort requires greater focus because of the smaller number of blacks. But, the quality of our celebration is second to none. The focus on our accomplishments, the abundance of our heritage, the celebrations of our triumphs are strong as it would be where there are larger numbers of blacks residing. Art, music, literature, and politics all intertwine to carry out the richness of our legacy.

As I reflect on Black History Month, I am reminded of the story about a Black woman, that scrubbed floors and worked as a domestic maid, to earn enough money to send her son to college. When she went with him to college on that first day, her son was denied admittance because of his grades, educational background and the feeling he couldn't compete with the other students. The Black woman got on her knees and begged the college president to give her son a chance. The college president told this proud black woman, that she need not get on her knees because if her son had just a small portion of the character and determination that she displayed, he would allow him to be admitted into his university.

Several years later, the college president was approached as he was walking through the airport by a tall, well-dressed, young Black man. After a general conversation the young Black man reminded the college president of the day his mother begged him to let her son into his university. The young Black man thanked the college president and before walking away he stated that he was the top pilot for a major airlines. As the young Black man was walking away, the college president, thought to himself "Don't tell me what a Black person can't do if someone just gives them a chance". That Black woman is an integral part of Black History and a legacy for all, not just Blacks, but Whites, Hispanics, Indians, etc.

Blacks since the days of slavery have struggled and gone against seemingly insurmountable odds to not only survive but to change our society. Blacks such as George Washington Carver, Martin Luther King, General Chappie James, Barbara Jordan, Shirley Chisam, have all made a mark in the history of this country. How can Black Americans and this whole country not be proud of General Colin Powell during this crucial times in history.

As the Black U.S. Marshal from Arizona, I am extremely proud to follow in the foot steps of the first black U.S. Marshal for this country, Frederick A. Douglas, District of Columbia, 1877-1881, who said "without struggles, there is no progress".

As Black Americans, we must continue to build on the legacy of our Fathers and Mothers and continue to help build this country to its infinite greatness, because without the contributions of Black Americans throughout our history, this country wouldn't be where it is today.

I join in the celebration of Black History Month, February 1991, and hope all races of men, women and children of this country attempt to understand each other and our histories so that our future, as one peoples, will not only be insured, but enhanced.•

TRIBUTE TO MIKE ELLIS

• Mr. HATCH. Mr. President, I am pleased to recognize Mike Ellis, an individual who uses his considerable talents to serve others. Mr. Ellis, a resident of Orem, UT, will shortly relinquish his post as president of the National Utility Contractors Association [NUCA]. During his outstanding tenure, he has demonstrated outstanding leadership in our Nation's vital underground utility construction industry, especially his strong commitment to the future of clean water resources across America.

Under Mr. Ellis' capable leadership, NUCA has proposed creative, promising ways to finance our Nation's urgent drinking water and waste water treatment needs. These delivery systems are part of our core infrastructure and must be preserved, rehabiliated, and developed. In addition, great progress has been made to improve safety within the industry. At Mr. Ellis' direction, NUCA has also worked to relieve small utility contractors from unnecessary and burdensome regulations.

Fundamental to Mr. Ellis' success in life is his dedication to his family and faith. As the father of seven children, his commitment to his wife and family is as strong as his work ethic. He also gives generously of his time as a member of the Church of Jesus Christ of Latter-day Saints.

I am delighted to share the contributions of this fine citizen with my colleagues. Mike Ellis is a credit to his family, his community, and his industry.•

RULES OF PROCEDURE, GOVERNMENTAL AFFAIRS COMMITTEE

• Mr. GLENN. Mr. President, I herewith submit a copy of rules of procedure adopted by the Committee on Governmental Affairs pursuant to rule XXVI, section 2, Standing Rules of the Senate, and ask that they be printed in the RECORD at this point.

The rules of procedure follow:

RULES OF PROCEDURE OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

(Pursuant to Rule XXVI, Sec. 2, Standing Rules of the Senate)

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. *Meeting dates.* The Committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. *Calling special Committee meetings.* If at least three members of the Committee desire the chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the Committee shall notify the chairman of such request. If, within three calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the Committee members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee clerk shall notify all Committee members that such special meeting will be held and inform them of its date and hour. If the chairman is not present at any regular, additional or special meeting, the ranking majority member present shall preside. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. *Meeting notices and agenda.* Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee members at least three days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. In the event that unforeseen requirements or Committee business prevent a three-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to members or appropriate staff assistants in their offices.

D. *Open business meetings.* Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee: *Provided, further,* that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. *Prior notice of first degree amendments.* It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. This subsection may be waived by a majority of the members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee.

F. *Meeting transcript.* The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. *Reporting measures and matters.* Eight members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. *Transaction of routine business.* Five members of the Committee shall constitute a quorum for the transaction of routine business, provided that one member of the minority is present.

For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. *Taking testimony.* One member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Secs. 7(a)(2), and 7(c)(2), Standing Rules of the Senate.)

D. *Subcommittee quorums.* Subject to the provisions of sections 7(a)(1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. *Proxies prohibited in establishment of quorum.* Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. *Quorum required.* Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. *Reporting measures and matters.* No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a)(1) and (3), Standing Rules of the Senate.)

C. *Proxy voting.* Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittees thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question. Proxy voting shall be allowed only if the absent Committee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee as to how the member establishes his vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. *Announcement of vote.* (1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a rollcall vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

Polling. (1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee matters including the Committee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the chairman, or a Committee member or staff officer designated by him, may undertake any poll of the members of the Committee. If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The chairman shall preside at all Committee meetings and hearings except that he shall designate a temporary chairman to act in his place if he is unable to be present at a scheduled meeting or hearing. If the chairman (or his designee) is absent ten minutes after the scheduled time set for a meeting or hearing, the senior Senator present of the chairman's party shall act in his stead until the chairman's arrival. If there is no member of the chairman's party present, the senior Senator of the Committee minority present, with the prior approval of the chairman, may open and conduct the meeting or hearing until such time as a member of the majority arrives.

RULE 5. HEARINGS AND HEARINGS PROCEDURES

A. *Announcement of hearings.* The Committee, or any Subcommittee thereof, shall make public announcement of the date, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. *Open hearings.* Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee: *Provided, further,* that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. *Full Committee subpoenas.* The chairman, with the approval of the ranking minority member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing or deposition, provided that the chairman may subpoena attendance or production without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this subsection, the subpoena may be authorized by vote of the members of the Committee. When the Committee or chairman authorizes subpoenas, subpoenas may be issued upon the signature of the chairman or any other member of the Committee designated by the chairman.

D. *Witness counsel.* Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or disposition to advise such witness while he or she is testifying, of his or her legal rights: *Provided, however,* that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Committee chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness shall be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness form complying with a subpoena or deposition notice.

E. *Witness transcripts.* An acurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; and copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the chairman or a staff officer designated by him shall rule on such requests.

F. *Impugned persons.* Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. *Radio, television, and photography.* The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. *Advance statements of witnesses.* A witness appearing before the Committee, or any Subcommittee thereof, shall provide 100 copies of a written statement and an executive summary or synopsis of his proposed testimony at least 48 hours prior to his appearance. This requirement may be waived by the chairman and the ranking minority member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. *Minority witnesses.* In any hearings conducted by the Committee, or any Subcommittee thereof, the minority members of the Committee shall be entitled, upon request to the chairman by a majority of the minority to call witnesses of their selection during at least one day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. *Full Committee depositions.* Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the chairman, with the approval of the ranking minority member of the Committee, provided that the chairman may initiate depositions without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the ranking minority member as provided in this subsection, the deposition notice may be authorized by a vote of the members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee staff may proceed with the remainder of the deposition.

(4) The Committee staff shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the chairman or designated staff officer shall enter the changes, if any, requested by the witness in accordance with subsection (E). If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. Committee staff may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. *Timely filing.* When the Committee has ordered a measure or matter reported, following financial action the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. *Supplemental, minority, and additional views.* A member of the Committee who gives notice of his intention to file supplemental, minority or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. *Notice by Subcommittee chairmen.* The chairman of each Subcommittee shall notify the chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. *Draft reports of Subcommittees.* All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. *Impact statements in reports.* All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next five years thereafter (or for the authorized duration of the prosect legislation, if less than five years); (2) a comparison of such cost estimates with any made by a Federal agency; or (3) a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the foregoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. *Regularly establish Subcommittees.* The Committee shall have five regularly established Subcommittees. The Subcommittees are as follows: Permanent Subcommittee on Investigations; Government Information and Regulation; General Services, Federalism, and the District of Columbia; Oversight of Government Management; and Federal Services, Post Office, and Civil Service.

B. *Ad hoc Subcommittees.* Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc Subcommittees as he deems necessary to expedite Committee business.

C. *Subcommittee membership.* Following consultation with the majority members, and the ranking minority member of the Committee, the chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. *Subcommittee meetings and hearings.* Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rule 7(E).

E. *Subcommittee subpoenas.* Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee: *Provided, however,* that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the chairman and ranking minority member of the Committee, or staff officers designated by them, by the Subcommittee chairman or a staff officer designated by him immediately upon such authorization, and no subpoena shall issue for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the chairman and ranking minority member waive the 48 hour waiting period or unless the Subcommittee chairman certifies in writing to the chairman and ranking minority member that, in his opinion, it is necessary to issue a subpoena immediately.

F. *Subcommittee budgets.* Each Subcommittee of this Committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, not later than January 10 of the first year of each new Congress, its request for funds for the two (2) 12-month periods beginning on March 1, and extending through and including the last day of February of the two following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. *Standards.* In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. *Information Concerning the Nominee.* Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

At the request of the chairman or the ranking minority member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor.

Information received pursuant to this subsection shall be made available for public inspection: *Provided, however,* that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. *Procedures for Committee inquiry.* The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated.

For the purpose of assisting the Committee in the conduct of this inquiry, a majority investigator or investigators shall be designated by the chairman and a minority investigator or investigators shall be designated by the ranking minority member. The chairman, ranking minority member, other members of the Committee and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the chairman, the ranking minority member, or other members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. *Report on the Nominee.* After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made to the chairman and the ranking minority member and, upon request, to any other member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and identify any unresolved or questionable matters that have been raised during the course of the inquiry.

E. *Hearings.* The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: the nominee has responded to prehearing questions submitted by the Committee; and the report required by subsection (D) has been made to the chairman and ranking minority member, and is available to other members of the Committee, upon request.

F. *Action on confirmation.* A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominees's background and the steps taken during the pre-hearing inquiry.

G. *Application.* The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the chairman and ranking minority member, those procedures may apply to persons nominated by the President to serve on a part-time advisory basis.•

NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION

• Mr. D'AMATO. Mr. President, the National Society Daughters of the American Revolution has adopted a resolution proclaiming the month of February 1991 to be American History Month. This proclamation recognizes the importance of American history in our lives. I ask that the text of this proclamation be printed in the RECORD following my remarks.

The proclamation follows:

AMERICAN HISTORY MONTH PROCLAMATION

The National Society Daughters of the American Revolution sponsor February as American History Month each year; and

To stimulate a knowledge in both young and old and a sense of pride in our Nation's great achievements and dedication to liberty; and

To stress pride in the United States of America through community services in educational programs, essay contests and historic tours; and

Through the study of American History are we made aware of the importance of Freedom, Equality, Justice and Humanity in all our lives today; and

The importance of remembering American History should be duly noted.●

UNANIMOUS-CONSENT AGREEMENT—SENATE RESOLUTION 62

Mr. MITCHELL. Mr. President, I am about to propound a series of unanimous-consent requests which have the approval of the Republican leader.

I ask unanimous consent that the majority leader, following consultation with the Republican leader, may at any time proceed to the consideration of calendar item No. 25, Senate Resolution 62, a resolution to provide funding for Senate committees.

I further ask unanimous consent that no call for the regular order serve to displace Senate Resolution 62 except one made by the majority leader following consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I now ask unanimous consent that, pursuant to the authority granted in the previous order, the Senate proceed to the consideration of calendar item No. 25, Senate Resolution 62, at 11 a.m. on tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL RETURNED TO CALENDAR

Mr. MITCHELL. Mr. President, I now ask unanimous consent that S. 419 be returned to the calendar and that the other provisions of the previous unanimous consent order with respect to that bill remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, we have had the Resolution Trust Corporation funding bill, S. 419, before the Senate for 2 days. Although several Senators indicated an intention to offer amendments to that bill, and although prior notice of several days of our intention to consider that bill was given by me publicly, all but one of those Senators did not offer their amendments prior to this time.

It is a situation which all Senators routinely deplore, and in which most Senators routinely participate. I announced 2 weeks ago that we would be bringing this bill up. I confirmed it a week ago. We brought the bill up yesterday, and several Senators said they had important amendments to offer. But despite the best efforts of the managers, we could do no more than get one Senator to offer an amendment.

We are now advised that that Senator is going to withdraw the amendment once he receives satisfaction of his interests from the particular agency.

Therefore, it was my judgment, following consultation with the Republican leader, that it would be best to set that bill aside, since we could not proceed with it to final action, and since several Senators, after indicating an intention to offer amendments, were not prepared to do so.

And it was my further judgment that we should proceed to Senate Resolution 62, a resolution to provide funding for Senate committees. So that measure will be before the Senate at 11 a.m. tomorrow.

In the meantime, it is my intention, and indeed I now ask the staffs of both the majority and minority sides to recontact those Senators who had previously expressed an interest in offering amendments to the legislation to see if they do, in fact, intend to do so; and if their response is in the affirmative, to indicate to us when they would be prepared to do so, because I do not think there is much point in the Senate taking up legislation and just being in a quorum call for several hours, awaiting the participation of allegedly interested Senators.

So, Mr. President, we will proceed, and I hope we can complete action tomorrow, on the resolution to provide funding for Senate committees. And I will, during the day tomorrow, consult with the distinguished Republican leader and the managers of the Resolution Trust Corporation funding bill to make a determination on how best to proceed with respect to that legislation.

As of now, it is my understanding, and I inquire of the Chair, that S. 419 is back on the calendar, but that under the previous order, which remains in effect with respect to that bill, I have the authority to proceed to that matter at any time I determine to do so, following consultation with the Republican leader.

The PRESIDING OFFICER. The majority leader is correct. The underlying order gives the majority leader that authority.

Mr. MITCHELL. Mr. President, I thank the Chair.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m. on Thursday, February 28; that following the time for the two leaders, there be a period for morning business not to extend beyond 11 a.m. tomorrow, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. To repeat for the information of Senators, so that everyone will be aware of the schedule for tomorrow, under a previous order just obtained, at 11 a.m., the Senate will proceed to consideration of Calendar No. 25, Senate Resolution 62.

I hope that any Senators who have interest in that legislation will be prepared to be on the Senate floor to permit us to complete action on that measure tomorrow.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as under the previous order until 10:30 a.m. on Thursday, February 28.

There being no objection, the Senate, at 7:05 p.m., recessed until Thursday, February 28, 1991, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, February 27, 1991*

The House met at 2 p.m.

The Reverend Herbert Daniel Daughtry, the House of the Lord Pentecostal Church, Brooklyn, NY, offered the following prayer:

"O God, our help in ages past
Our hope for years to come
Our shelter from the stormy blast
And our eternal home."

We enter Thy presence with humility, and gratitude.

Humility because we are aware of our frailties, our limitations, our faults and our failures; and gratitude for the knowledge that in spite of ourselves You stand ready to interact with us.

As we press on with this madness, we euphemistically call war, keep ever before us the uncomfortable truth that no nation has a monopoly on truth and no nation has a monopoly on falsehood. Keep us mindful of the fact that one day all nations must appear in your court to give account of the decisions and deeds done in their day.

With the prophets of old we raise the question, how long, O Lord, how long, will the insanity of war be the option for settling disputes.

How long, O Lord, how Long? Before humankind will beat their swords into plowshares and their spears into pruning hooks and study war no more.

We are grateful for the news that we are nearing the end of the war.

We are grateful O Lord, for those who will come home from the fields of battle. But our gratitude is mingled with sorrow as we remember all of the families whose loved ones will never come home again.

As we have been ready to meet the demands of war, compel us, O Lord, to invest the same zeal, perseverance, genius, resources and technology to meet the needs of those who shall return what we have invested in the pursuit of war.

Constrain us to meet, with equal readiness the challenges of human need, disease, hunger, homelessness, ignorance, deteriorating communities, and bankrupt cities.

And in this month which has been set aside to reflect on the magnificent history of people of African ancestry, let us not forget the disproportionate representation of African Americans in this war, and the patriotism and gallantry that have characterized African Americans in every war in which this country has been engaged.

So may the leaders who sent them off to war do those things that will take into account a history of wrongs, and existing bigotry and denials. And in that context, at last, guarantee unto them and their kindred the opportunities and resources that will provide them a fair chance to achieve their place in the Sun.

Finally, O Lord, we pray for those who deliberate in this hallowed place and the leaders of this Nation, upon whose shoulders rests the awesome responsibility to make the weighty decisions which will affect the lives of people around the world.

Grant unto them clarity of vision, sharpness of mind, courage of heart, tenderness of spirit and fair and balanced judgment that what they say and do will always be consistent with your will.

This we pray in the name of the Alpha and the Omega; the beginning and the end; the first and the last; the God of all nations. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Nevada [Mrs. VUCANOVICH] please come forward and lead the House in the Pledge of Allegiance.

Mrs. VUCANOVICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed the following resolution.

S. RES. 64

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John Sherman Cooper, formerly a Senator from the Commonwealth of Kentucky.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate has passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 64. Joint resolution to authorize the President to proclaim the last Friday of April 1991, as "National Arbor Day."

REV. HERBERT DAUGHTRY—A LIVING AFRICAN-AMERICAN HERO

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. Mr. Speaker, it is a pleasure to have the pastor of the House of the Lord Pentecostal Church of Brooklyn, NY, in the Chambers. As we approach the culmination of Black History Month. I rise to extol the virtues of this unique constituent of the 11th Congressional District of Brooklyn, NY, the Reverend Herbert Daniel Daughtry, a tireless servant of the Lord.

Reverend Daughtry has always been a voice for change and has been at the forefront for creating opportunities for young African Americans in the New York metropolitan area. He made the decision a long time ago to let his light shine so others could see his good work.

Reverend Daughtry dedication, integrity and unselfishness, are the cornerstones of his greatness. These qualities have enabled him to be a respected voice for sound moral values and fairness. Reverend Daughtry believes in not only preaching the gospel, but living the gospel.

Today I am proud and honored to herald the achievements of a man the world is fortunate to have in its midst. Reverend Daughtry is indeed a true African-American hero.

FUNDING FOR THE RESOLUTION TRUST CORPORATION

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, yesterday the Republicans on the Committee on Banking, Finance and Urban Affairs of the House voted against the RTC funding bill that the Democrats wanted. The Republicans are willing to bite the bullet and vote for $30 billion to fund the Resolution Trust Corporation because it will save money in the long run. The Republicans did vote for a clean S&L funding bill as contained in my substitute, which is similar to a bill reported out by the Senate Banking Committee, and we were joined by three Democrats.

What we on the Republican side could not support was a bill to violate last year's budget agreement, to impose a possible unconstitutional tax on the States, to possibly impair least cost resolutions for the RTC, to require the RTC to hold certain properties off the market for as long as 6 months, to set numerical quotas for minority contracting, and to increase costs of the affordable housing provisions of the RTC. All of these provisions will increase the resolution costs of the S&L crisis. We cannot support that.

Mr. Speaker, may I suggest that the leadership force us to come back with a clean funding bill so we can get on with the process of cleaning up the S&L debacle.

THANKS TO THE TROOPS OF DESERT STORM FROM A GRATEFUL NATION

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, today as it appears that victory may be very near in the Middle East, I think it is altogether fitting and proper that we take just a moment to express the gratitude and the thanks of a grateful nation to the young men and women who have fought so well for us and our allies in the Middle East.

Only America could have taken this role. As the only true surviving superpower today, we have been able to come this far and we should not come this far in this new world order and not finish the job. It is because of the dedication, the bravery, the work, and the fight of young Americans 8,000 miles from home that we stand on the brink today of a tremendous victory.

Mr. Speaker, I want to say to our troops in the Middle East, thank you for a job well done. Thanks from a grateful Congress and a grateful nation. Keep it up, finish the job, Godspeed to you, and hurry home.

FUNDING FOR THE RESOLUTION TRUST CORPORATION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member urges the majority leadership to push the Congress toward its expeditious adoption of a clean bill to fund the Resolution Trust Corporation, known as the RTC.

The administration has requested that Congress pass a short RTC funding bill to provide $30 billion to close down insovlent institutions. However, Banking Committee members added controversial provisions that resulted in a 9-hour Banking Committee markup involving roughly 40 amendments. The final legislation was so bogged down with extraneous provisions, that most Members, including this Member, could not support the measure.

While some of the provisions may have had merit, they had major policy implications for how the RTC operates and required further review by all the members of the committee. Questions such as how the RTC should identify and dispose of environmentally sensitive lands, how to ensure that minority groups have equal access to RTC's services, and whether modifications need to be made to the RTC's existing affordable housing program are all significant policy issues that deserve more discussion than at a last minute markup to provide immediate funding for RTC.

The failure of Congress to authorize funding for the RTC last fall resulted in millions of dollars of losses to the taxpayers. Recently, the General Accounting Office and the Treasury Department have informed the Congress that the situations of over 90 institutions have not been resolved because of the funding delays.

The budget already includes the RTC funding request. Mr. Speaker, the House must not further delay. It must pass straightforward, stripped-down legislation to provide the needed $30 billion for the RTC—with requirements for such reports and contact as necessary for the Congress to conduct more effective oversight of the RTC.

A SPECIAL NOTE OF APPRECIATION TO OUR TROOPS IN THE MIDDLE EAST

(Mr. LANCASTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, all of us share fully in the pride that we all have for our men and women in uniform who are serving so magnificently in the Persian Gulf. I have special pride since 18 percent of the men and women in the gulf come from North Carolina bases and North Carolina Guard and Reserve units. Most of those are from my district.

We are not just proud, however, of their presence but of their outstanding performance. The years of investment in personnel, weapons systems, and readiness training have paid off handsomely in the fine way they have operated in Desert Storm. It really is an incredible performance. Everything seems to be going very well, with minimal casualties.

The F-15E's and the KC-10's which fly from Seymour Johnson, one of our bases, the marines from Camp Lejeune, the 82d Airbone from Fort Bragg, and the Marine Air Wing from Cherry Point all have played an important role in this incredible defeat of Saddam Hussein and his forces.

Mr. Speaker, our prayers are with these men and women in uniform and also especially with their families who have served so courageously and bravely back home, keeping up the morale of their fellow dependents and family members.

THE NEXT STEP IN THE FUNDING OF THE RTC

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCANDLESS. Mr. Speaker, the Federal Government has made a commitment to the people of the United States.

That commitment is that the Federal Government will stand behind those who work and save their money.

However, as with all acts of the Government, the ultimate cost of that protection rests with the taxpayers.

With the passage of FIRREA, Congress took the first step in funding the Resolution Trust Corporation, which is repaying the funds of innocent depositors.

Now it is time for the next step.

Instead of providing a clean, straightforward authorization of additional funding for the RTC, a majority of the Democrats in the Banking Committee sought to have a picnic at the expense of depositors and the American taxpayer.

Specifically, I would point at the Kennedy-Slattery amendment.

Portions of last year's budget summit agreement were designed to insure that insolvent S&L's could be closed, and the depositors money be protected.

The Kennedy-Slattery amendment—passed with overwhelming Democratic support—completely abrogated that agreement.

The amendment would delay the resolution of insolvent S&L's, which would increase the ultimate cost to the taxpayers.

Furthermore, the amendment would greatly jeopardize the ability of the RTC to repay the deposits of innocent Americans.

Some viewed the amendment as an opportunity to call for yet another tax increase.

The Government has an obligation to the American people to close insolvent S&L's and to protect deposits.

I call upon the Democrats not to play politics with that obligation, and urge all my colleagues to support the administration's request for a clean funding bill for the RTC.

VICTORY OVER SADDAM HUSSEIN SHOULD BE DECISIVE

(Mr. JOHNSON of South Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of South Dakota. Mr. Speaker, all Americans remain immensely proud of our men and women in uniform for what they have been able to accomplish with such decisiveness in the Persian Gulf region over these past weeks. I commend President Bush, Secretary Cheney, and Gen. Colin Powell on their handling of the effort to this point.

But having come this far with a military approach to the conflicts in the gulf, it is essential that a war which began on Saddam Hussein's terms ends on terms dictated by the allied forces. We cannot permit Saddam Hussein to unilaterally determine the conditions for termination of this war without taking great risk that he and his government will remain a significant danger to the world community in the years ahead.

A strategic and possibly temporary retreat on the part of the Iraqi military is not enough—I support President Bush's efforts to force a surrender and disarmament of the Iraqi forces, including the Republican Guard. The conclusion of this war should leave no ambiguity as to the victors and the losers. Saddam Hussein should not be permitted the possibility of claiming a political victory out of a military defeat.

With the conclusion of this military conflict, will come still more difficult days ahead—not in terms of combat, but in some ways, even more difficult task of helping to create an environment where political stability and eventually democracy and social and economic justice can prevail. We hope and pray that our military personnel will be home soon—but we acknowledge that the diplomatic efforts needed to protect the cause for which our troops have sacrificed so much, will likely be with us for generations to come.

BANKING COMMITTEE VOTES DOWN FIRST RTC FUNDING BILL

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, yesterday, after almost 9 hours of discussion and debate, an extraordinary thing happened in the Committee on Banking, Finance and Urban Affairs of the House. A bill loaded down with extraneous amendments was voted down and not approved by a bipartisan vote.

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This bill had to do with $30 billion of urgently needed funds for the Resolution Trust Corporation which Members know we need in order to clean up the savings and loan mess and to save the taxpayers money. There was no need for this failure to vote urgently needed funds. Most of the provisions added to the funding bill were dilatory in nature and would have slowed the resolution process and added to its cost. It was clearly a political decision.

This delay on this request, Mr. Speaker, will only result in an increase in the total number of the cost to the taxpayers. I can only call upon the majority leadership to insist that the Banking Committee on a bipartisan basis report out a clean funding bill now. The solution to the savings and loan cleanup for the American taxpayer cannot wait.

GRATITUDE AND SUPPORT FOR OUR TROOPS IN THE PERSIAN GULF

(Mr. STALLINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STALLINGS. Mr. Speaker, I rise today to express my gratitude and admiration for the men and women of our Armed Forces and the job they have done in the Persian Gulf. What we have seen is a testament to the dedication, skill, and commitment of these men and women. They have responded loyally and effectively to the task we set before them, and we are grateful and proud.

The prayers that have gone up from southern and eastern Idaho in the past weeks have been too numerous to count. They have expressed our hopes that we be spared, to the extent possible, the loss of life. I believe those prayers are being answered, and we are grateful for that as well.

Sadly, some have fallen, and they include Capt. Douglas Bradt and Capt. Paul Eichenlaub. On behalf of their friends and colleagues at the Mountain Home Air Force Base in Idaho I want to express to this Nation our admiration and gratitude for the devotion to duty and country these men and their families have shown. I hope that their families will understand how deeply we share their grief, and how deeply we are indebted to them for their sacrifice.

Our gratitude and support extend to all our troops in the gulf. The fighting seems to be moving toward a swift conclusion, and we welcome that. But we must continue to make our expressions of support tangible. We must go beyond words.

There are ways to demonstrate that we will remember the sacrifices they are making. One of the best is to pay attention to the needs of veterans generally. Those who have served our Nation—both past and present—must never be taken for granted. Our response to them is perhaps the truest guage of our pride and support, and I encourage my colleagues here in Congress to remember that during the next weeks and months.

BANKING COMMITTEE SHOULD REPORT OUT CLEAN RESOLUTION TRUST CORPORATION FUNDING LEGISLATION

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, yesterday we spent 10 hours in the Committee on Banking, Finance and Urban Affairs debating what should have been a clean $30 billion emergency funding bill for the RTC. The time was divided between complaining that the RTC is not doing its job and adding strings to the funding that would make it even less capable of doing its job in the future.

The strings were designed to make political points and to turn the RTC into an instrument for income redistribution rather than what it was intended to be, an instrument to secure the safety of the savings of American citizens.

In the final analysis, after 10 hours of debate we ended up with so many strings we tied our own hands, passed nothing out of the committee and left this important work sitting on the table and left the Nation in need of additional funding as quickly as possible.

I call on the House leadership to instruct the Committee on Banking, Finance and Urban Affairs to get clean funding out on the floor in the interest of the savers of America as quickly as possible.

TREATING OUR RETURNING MILITARY WITH DIGNITY AND HONOR

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, in most of the wars known to mankind they were made up armies who were mandated to fight for a cause, whether they believed in that cause or not. The unique thing about this battle in the Persian Gulf is that it was made up of volunteers. Regardless of the color of their skin, their sex, creed, their nationality, they all had red blood that flowed through their body that they were willing to pour onto the sands of the desert for a cause and for a purpose. They believed in freedom for the people of Kuwait and for freedom around the world.

They are brave young men and women, and I challenge the American people that as these brave young men and women come home, even those who demonstrated against that cause in the streets throughout this country, that we treat them with honor and with dignity and with respect and as heroes for that cause that they so rightly believed in.

IT'S TIME THE WHOLE WORLD KNEW HUSSEIN

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, for too long, a large part of the Arab world has been cloaked in the darkness of the countless lies and half-truths told by Saddam Hussein. Now that the war in the gulf is hopefully in its final stage, Saddam must be put under the glaring spotlight of truth so that world opinion, and most especially Arab world opinion, can see the depth and vileness of his deceptions.

Yesterday, I stood here and said that we should send the bill to Saddam for the costs of the war. Reparations, however, should not be limited to the financial costs of this conflict. We cannot forget Saddam's brutal mistreatment of allied POW's or his systematic torture of innocent Kuwaiti citizens. These atrocities demand more than just reparations—they demand justice.

Mr. Speaker, the time has come to pull Saddam out of his bunker and make him face the consequences of his actions in full public view. We should call for an international tribunal to hold him accountable for barbaric acts against man and nature—to show how he has shamefully sold out his people and the Arab world he seeks to inflame.

We must take this opportunity to demonstrate to all the Arab people that this is not the man on which to pin their hopes for a peaceful and prosperous future.

SALUTING OUR TROOPS IN THE PERSIAN GULF

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, today I rise to join my colleagues to salute the patriotism, the gallantry and the courage of our men and women in the Persian Gulf.

I read over the weekend letters from a soldier who said he may be the very first person to cross the border in a tank to Kuwait. He wrote his mother and father about his commitment, his concern, and his worries.

We are proud. We are also thankful. This is a time for Americans who have come together in a hope for victory to stay together in thanking our troops and stay together on the home front. We are proud to see our efforts at home succeed, succeed in my particular district in making the Hummer, which has been exemplary in the Persian Gulf, and succeed in our efforts and our commitment as a community to support the families here at home in our efforts to improve education and improve our commitment to these families and friends with loved ones in the Persian Gulf.

HEARTFELT THANKS TO GENERAL SCHWARZKOPF AND AMERICA'S HIGH-TECH WEAPONRY

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, General Schwarzkopf is presently briefing the world about the war effort in the Persian Gulf. He deserves our heartfelt thanks for the leadership he has provided over the last several months. He and the rest of our soldiers have performed magnificently.

But we should not forget the policies that made his leadership and our victory possible. There were tough votes to approve the high-tech weapons that people in this House sought to keep from being built. Yet that high-tech arsenal saved lives and ensured victories. Had we not gone high-tech, we most assuredly would have lost more lives in trying to get the battlefield battle won.

There were the tough votes giving the President and the military the authority to act when action was demanded. Some in this House would have preferred to wait. Had we waited, our troops would still be in the desert and would not be celebrating a victory and would not be coming home in a matter of a few weeks.

Victory in the Persian Gulf demonstrates that this country is capable of leading. Hopefully this Congress will become more supportive of the policies that must back up that leadership.

A COMPREHENSIVE RECYCLING PROGRAM FOR THE HOUSE

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, tomorrow, I will be introducing a resolution that would mandate the Architect of the Capitol to institute a recycling program in all House offices.

Last year, the Architect of the Capitol instituted a pilot recycling program in the Rayburn House Office Building. This program consisted of placing separate bins to collect paper, plastics, aluminum, and bottles in selected Rayburn offices and the Cannon and Longworth carryout stands. The program attempted to increase recycling by making it readily available and easily disposed.

Now, due to the success of this program, the Architect of the Capitol has received an additional appropriation for fiscal year 1991 to expand this program. My resolution would require that this pilot recycling program be extended to all House offices in order to increase not only the recycling efforts of the Congress but the effectiveness of these efforts as well.

Extending this program will demonstrate Congress' commitment to recycling as well as making recycling more accessible to all House offices. Funds have already been appropriated to extend this program. However, this resolution is necessary to put these funds to use. I will be introducing this resolution tomorrow, and I urge all of you to join me in making Congress a leader in the recycling movement.

SUPPORT FOR RESOLUTIONS ON PLIGHT OF CUBAN PEOPLE UNDER FIDEL CASTRO'S DICTATORSHIP

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today we will vote on a resolution on the plight of the Cuban people under Fidel Castro's dictatorship, which continues to be a matter of great concern to the human rights community throughout the world. A few days ago I received a Freedom House report written by Robert Cox, who visited Cuba as a representative of the International League of Human Rights. After Mr. Cox's visit to Cuba, he wrote a series of articles, which now have been made available in booklet form by Freedom House. He tells of his conversations with Cuban dissidents and expresses it well when he states:

> Twelve days in Havana is long enough to lose your heart to the beauty of the old city, and the strong spirit of those who have maintained their individuality. It is more than enough time to see the cruelty of the regime.

Mr. Speaker, I commend to my colleagues this excellent publication by Freedom House, now celebrating its 50th year advocating human rights and civil liberties throughout the world, and I hope that today we unanimously pass the Cuban human rights resolution.

OPEC TICKLED GREEN OVER VICTORY IN GULF

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, allied troops have liberated Kuwait and OPEC nations are actually tickled green. That is right, green, green for money, because right now OPEC nations are meeting, and they are conjuring up ways to raise the prices of oil. How is that for a peace dividend, America?

While America is putting out the fires in the gulf, the Persian Gulf is picking our pockets. Think about that.

If that is not enough to haul our ashes, where is the money from Japan and Germany? Did they send it over in the Stealth bomber?

I think it is time, Mr. Speaker, that Congress ensure that Japan and Germany and everyone who has pledged money comes up with their fair share.

In addition, it is time to remind these OPEC nations who their friends are, and for them to roll out the barrel and stop the price increases of oil.

INTRODUCTION OF RESOLUTION CALLING FOR WAR CRIMES TRIALS FOR SADDAM AND HIS COMMANDERS

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, unless Saddam Hussein goes the way of Hitler or Ceausescu, he must be brought to justice by the allied forces for his brutal war crimes.

This week I am introducing a resolution calling on the United Nations to carry out war crime trials for Saddam and his commanders for their wartime atrocities.

Well-established principles of international law hold that Saddam and his commanders should be prosecuted for crimes of invading Kuwait, brutally abusing allied prisoners of war, torturing and murdering Kuwait citizens, launching Scud attacks on innocent Israeli civilians, and using scorched earth tactics to destroy the resources and environment of Kuwait.

Saddam must be held both legally and financially accountable for the atrocities he has committed. Anything short of Saddam's prosecution for war crimes would only enable him to fight another day and commit future atrocities.

TRIBUTE TO GARRETT A. MORGAN

(Mr. JONES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Georgia. Mr. Speaker, the military coalition in the Persian Gulf, and the citizens of that region, in Saudia Arabia and Israel, all of us in fact, owe a debt of gratitude to a man named Garrett A. Morgan.

Mr. Morgan is perhaps best known as the investor of the traffic light. He was born in Paris, TN, in 1875 and passed away in 1963.

We should be especially grateful to him now because he was the inventor of the gas mask. His creation has given safety and security to millions and saved countless lives.

Garrett Morgan's accomplishments were hard earned in his day, for he was a black American, the son of a slave, and as we celebrate Black History Month, it is particularly fitting that we give thanks for his contributions to peace and freedom.

□ 1430

HEROES AND ROLE MODELS

(Mr. WELDON asked and was given permission to address the House for 1 minute.)

Mr. WELDON. Mr. Speaker, it is with great sadness that I rise today. Last weekend, a 12-alarm fire gutted a highrise building in center city Philadelphia.

Three firefighters from station 11 died fighting that fire. Capt. David Holcombe, Phil McAllister, and James Chappell were trapped on the 28th floor. They embodied the true spirit of this great Nation. They gave their lives protecting the lives and property of people they never met. The city and people of Philadelphia will never be able to repay our debt to them.

The building, One Meridian Plaza, will be rebuilt. Destroyed offices will be replaced. But nothing can make whole the loss of the three dedicated men who drew their last breaths trapped in a burning building. Accounts of the blaze ring of the horror of the oppressive heat, of the blindingly bright fire, and of the disorienting smoke that filled the building. We can only imagine the force which felled these brave men.

The most alarming aspect of this loss is the realization that it did not have to happen. Standard fire sprinklers would have contained and possibly extinguished the blaze before it spread. Unfortunately, One Meridian Plaza was not properly protected.

The tragedy in Philadelphia is stark testimony of the need for Congress to step up its efforts to promote fire and life safety. This year, I plan to offer amendments to spending bills which will prohibit Federal construction dollars from being used on facilities which do not employ balanced design in overall fire protection and life safety strategy. I urge all of my colleagues to reflect on this tragic and needless loss in Philadelphia and to commit ourselves to the full support of our brave firefighters—America's domestic defenders.

PRAISE FOR HOUSE COMMITTEE ON BANKING FINANCE AND URBAN AFFAIRS

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, yesterday the House Committee on Banking, Finance and Urban Affairs distinguished itself in a 10-hour session which took up the request by the administration to provide additional funds for the $50 billion, originally given 18 months ago to this administration on the word of the President that never again would this disaster face the American people and need a bailout. Less than 18 months ago this administration requested first a blank check from the Congress of the United States, without limitation; and finally, in concession, nearly a blank check for an additional $30 billion to carry them for 9 more months, and a recognition that they would need an additional $50 billion in the next 12 months. Then, at that point, they did not know what it would cost.

Some members on the Committee on Banking, Finance and Urban Affairs felt that the activities, the RTC and this administration, in handling the S&L bailout, have been less than most responsible. As a result, many important amendments were offered, one of which had very broad bipartisan majority support on the House Banking, Finance and Urban Affairs Committee of a vote of 28 to 16 for burdensharing of those States responsible for the cost of the disaster, should share a portion of the responsibility for paying for the disaster.

Mr. Speaker, if a bill is to be passed, authorizing additional funding for the RTC, this bipartisan amendment must be part of that bill, if this Congress is to act responsibly. Otherwise, there is no reason for this Congress to be in session.

IMPATIENCE WITH MR. GORBACHEV

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, President Gorbachev warned yesterday that United States-Soviet relations were fragile and would suffer if the United States did not accept a cease-fire with Saddam Hussein. Gorbachev has indicated that he is growing impatient with President Bush.

Why are Gorbachev and hardliners in the Soviet Union so interested in saving the skin of the murderous Saddam.

It is clear that Gorbachev's attempt to save Saddam is not simply to promote peace, since clearly peace would best be served by preventing Saddam Hussein from ever being able to fight again.

Gorbachev's interest in saving Saddam Hussein's regime are economic, political and military—to further the domestic and foreign policy objectives of the Old Guard that Gorbachev is now allied with. They are Saddam's friends and suppliers.

Why, because of money and power. The Soviet Union traded massive quantities of Soviet military hardware for Iraqi oil, then sold that oil for billions in hard currency and products. It was a trade triangle of death—especially for Kurds, the Kuwaiti people, the American servicemen killed by the Soviet Scud that hit their barracks in Riyadh and not least, the Iraqi people themselves. Saddam supplied Moscow with over 13 billion hard dollars for arms during the 1980's.

Also on hold for the Soviet military-industrial complex is a $5 billion railway project in Iraq and billions of dollars more in contracts for the construction of a gigantic hydro-power plant complex on the Euphrates river and development of oil fields in Iraq.

Soviet hardline officials like Col. Viktor Alksnis are openly calling for an end to the embargo and resumption of trade and arms sales with their client, Saddam's Iraq.

But the Soviet people do not support this, and they do not support the criminal Saddam any more than they supported Stalin. The people of the Baltics, Ukraine, Russia, and the other Soviet republics—the common man and woman in the U.S.S.R. support the United States in the gulf.

I was just over in the Soviet Union as a part of a Helsinki commission congressional delegation, and I can tell you that what we are hearing about Iraq from the Soviet Union is Gorbachev delivering, wrapped in sheep's clothing, the wolf's objectives—the objectives of hard-line Communists—the KGB, and the military.

Mr. Gorbachev, you cannot broker a cease-fire with Saddam Hussein until, and not before, he unconditionally accepts all the United Nations resolutions. Indeed, now that the war is on, until he lays down his weapons.

Mr. Gorbachev, the American people, some of your staunchest supporters, are growing impatient with you.

ON THE FAMILY AND MEDICAL LEAVE ACT

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, we are a caring nation and we place a high priority on our families and our children. However, when the President vetoed the Family and Medical Leave Act last year, he sent a clear message that he is not willing to reinforce those values by signing meaningful legislation to protect families.

GAO statistics show that the legislation we proposed would not be a great burden on employers. In fact, it would cost only $5.30 per eligible employee. Lawrence Perlman, CEO of Control Data, in support of this legislation said, "Employer support of the family is as important as safety and a minimum wage."

Mr. Speaker, 12 weeks of unpaid leave is the least this great Nation can do to support employees who are balancing work with caring for a newborn or a seriously ill family member. Tomorrow we will again begin hearings on the Family and Medical Leave Act. This time, I hope the President joins Members in support of the American family.

EXCHANGE OF PRISONERS' STIPULATION

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the mother of all surrenders is about to occur in the Persian Gulf, and that will lead inexorably to talk of exchange of prisoners.

It is my contention, and I urge the President, to adopt the position that we cannot and should not in any way end the hostilities or end any conflict without a guarantee of exchange of prisoners to occur simultaneously with the signing of any article that will end this conflict.

We have had, as an American people, a frantic experience with the Korean conflict and the prisoners of war and missing in action in that arena, and later in Vietnam, to the sadness of the American public. We cannot let a situation like that recur no matter how few of our prisoners of war are in their hands, no matter how many of theirs are in ours. I ask the President, as he has already indicated he would do, to make the prisoners of war a high item on the agenda to accompany the surrenders and cease-fire.

PRAISE FOR MAYOR DALEY AND THE CITY OF CHICAGO

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, thousands of Chicagoans and other Americans have left jobs and careers behind to respond to the emergency situation in the Persian Gulf. Given these extraordinary circumstances and the need for each of us to ban together, Mayor Daley and the city of Chicago have enacted a resolution to protect the employee benefits of those city employees serving in the Persian Gulf as part of Operation Desert Storm.

I wish to commend Mayor Daley and the city of Chicago for taking the lead in helping those reservists and their families whose lives have been dramatically altered by Operation Desert Storm. As the chief executive officer for the city of Chicago, Mayor Daley has created a policy to deal with the financial hardships faced by Chicago reservists and other military personnel during their leave. Mayor Daley's resolution authorizes the extension of paid leave and benefits for city employees who are members of the Reserves and who have been called to military action in connection with Operation Desert Storm. In addition to ensuring that those city employees called to active military service receive the difference between their military and civilian salary, Mayor Daley's resolution calls on all employers, both in the public and private sectors, to follow the city of Chicago's lead in protecting the salaries and benefits of those employees called to active military duty.

Mayor Daley has made a commitment to the city of Chicago and city employees and, hopefully, has set a labor-management example for other employers to follow. A man of vision, Mayor Daley has recognized the importance of creating a good-faith environment in which people can grow and prosper, and one that protects its employees in a time of need.

Today I am introducing a resolution which recognizes the city of Chicago for its altruistic policy on reservists pay and calls on the rest of the United States to follow Mayor Daley's effective management style and sense of responsibility as an employer. This resolution recognizes the selfless example of the city of Chicago and encourages other employers to act for the good of the country and provide support for those employees and their families called to active service.

□ 1440

DOMESTIC OIL PRODUCTION

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, the United States is the world's largest consumer of oil. If that demand continues, and we expect that it will, we will continue to rely on vulnerable foreign imports, or we can adopt policies that increase domestic oil production. For several years we have relied on the former.

From 1985 to 1989, imports grew by over 60 percent, and during that same period of time domestic production fell by over 2 million barrels a day.

Mr. Speaker, we have an opportunity, it seems to me, to follow the courageous lead of the Congress back in the early 1970's when we freed up the north slope of Alaska which now produces 25 percent of the oil that we use.

Now, I ask the Members of the House to consider where we would be today vis-a-vis Saddam Hussein and our reliance on foreign oil if we had not made that courageous decision. We have an opportunity to follow up on that decision by freeing ANWR, a little farther east from that region, that can potentially supply as much as three times the oil that we have gotten from Prudhoe Bay.

Let us make the tough but reasonable decision that we can look for oil and that we can find oil and that we can do it in an environmentally sound manner in ANWR. That should be a particularly important segment of our national energy policy, and I ask the House to consider that decision.

NO MORE VIETNAMS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, we are on the verge of winning two wars: One, which is ongoing in the Persian Gulf, looks like it is within days or even hours of being ended. We also are on the verge of winning another war and that is the war in Vietnam, even though it, of course, ended many years ago.

We went into this venture in the Persian Gulf saying "no more Vietnams." We meant that really in two ways, Mr. Speaker; first, tactically, and we have seen on the battlefield that this war has been run by the generals in the field. That is why, in part, it has been so remarkably successful with so little bloodshed on the part of the United States and coalition forces.

We also said, "No more Vietnams" because we wanted not to have a repeat of the terrible disrespect which was displayed toward the soldiers of the Vietnam era when they came back home.

As recently as several days ago, I was at the Naval Ordnance Station in Louisville. We had a ceremony on the steps of the administration building to call attention to our responsibility to the men and women of Desert Storm.

So I believe, Mr. Speaker, we not only will win our battle in the gulf, but I think we are going to, finally and once and for all, shed the Vietnam syndrome by winning that war as well.

THE TERRORISM OF SADDAM HUSSEIN

(Mr. SANTORUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANTORUM. Mr. Speaker, I stand before you with particular sorrow in the wake of the abominable act of terrorism committed by Saddam Hussein on Monday.

The whole world—even Saddam Hussein himself—knew clearly by Monday that his utter, complete military defeat was unavoidable. Nevertheless, Saddam has continued to hurl Scud missiles indiscriminately in the direction of populated areas.

On Monday one of those Scuds killed more Americans in an instant, than Saddam's whole military contingent could kill in 2 days of ground fighting. Though this act of pure terrorism horrifies all of us, my outrage is intensified by the fact that many of those killed and wounded in this Scud assault come from western Pennsylvania.

My heart goes out to the families who lost loved ones in this shameless attack. Beyond offering our condolences, I hope we will make sure that their lives were not given in vain.

Specifically, these 28 deaths remind us that, despite the substantial damage we have inflicted on Saddam's military potential, this madman is still able to launch Scud missiles and is still willing to use them in the most inhumane ways imaginable.

It should be clear to all the world that there can certainly be no stable peace in the Middle East as long as Saddam Hussein is in power. Only when he is removed from power can we truly tell the survivors of our servicemen that the just cause for which they died has been achieved.

THE RTC FUNDING BILL

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, yesterday, the House Banking Committee failed to report out a critically needed RTC funding bill.

The RTC needs more money—and they need it now. Currently, 95 insolvent institutions are still open that should be closed. Already the delay has cost us between $250 and $300 million. Further delay could cost the taxpayers upwards of a billion dollars. Treasury Secretary Brady has said that RTC will shut down operations by tomorrow without more funding.

Apparently, my Democratic committee colleagues think the RTC bill is a legislative Christmas tree. But all the ornaments brought the tree crashing down. Yesterday, the Democrats decided to have a legislative party, and yet they wanted the Republicans, the Treasury Secretary, and the RTC to clean up their mess.

Well we all refuse.

I urge the Banking Committee to support a clean bill. Let's do the job we need to do. Let's live up to our responsibility and commitment to the depositors, and make good on the full faith and guarantee of the U.S. Government while we put an end, at last, to the S&L "black hole."

A VIETNAM VETERAN WRITES THE PRESIDENT

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HYDE. Mr. Speaker, I was sent a copy of a letter that was sent to the President by a Mr. Al Houghton of Placentia, CA, and I was so moved by the letter that I would like to share it with my colleagues:

AL HOUGHTON MINISTRIES,
Placentia, CA, February 15, 1991.

Hon. GEORGE HERBERT WALKER BUSH,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to thank you primarily, and secondarily the Congress, for taking a stand that is bringing healing to the hearts of this and many other wounded Viet Nam Veterans.

The greatest wounds of Viet Nam were not inflicted in the rice patties of Southeast Asia, but were scars seared in our hearts from our own government who sent us off to war but refused to let us win. Every soldier knew the military could have won the Viet Nam war in six months if our elected leaders would have only turned us loose. Going to war and coming home with a victory is something to be proud of, but facing death and coming home with nothing is a shame.

For nearly two decades, I have felt the Viet Nam years of my life were a worthless waste until you stood before this nation and declared, "We will not fight this war, with one arm tied behind us." The three times I have seen you make that statement on television has healed my heart by redeeming my Viet Nam experience.

For the first time, value and worth have risen from the ashes of what twenty years ago seemed like a fiery furnace. The value of Viet Nam I saw demonstrated through your lips, and approved by the Congress was: a generation of political leaders *learned how not* to conduct a war. My experience now has great value because the President of the United States and a majority of Congress learned something through it and are conducting Foreign Policy accordingly.

Those of us who experienced Viet Nam have lived with the truth of Proverbs 18:14, "The spirit of a man will sustain him in sickness, but who can bear a broken spirit." All one hundred and sixty-one combat missions I flew as a Navy Reconnaissance pilot are now much more than entries in a log book. Thank you Mr. President for helping heal this wounded warrior.

You will soon have a great opportunity to publicly heal the wounds of hundreds of thousands of Viet Nam Veterans and their families by extending to them two major missing ingredients unavailable when their war ended.

A simple acknowledgment of the value of Viet Nam in shaping your determination to let the military do whatever necessary to win will bless families and heal hurts, because the soldiers twenty years ago did not have that backing and commitment.

Secondly, helping those who experienced Viet Nam see that they had a major role in winning this war, by shaping American leadership thinking about what to, and not to do, will give them the victory they never had.

May God bless you and God bless America.

Respectfully yours,

AL HOUGHTON.

□ 1450

MILITARY STRENGTH WORKS, AMERICAN STRENGTH SAVES AMERICAN LIVES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, we all just watched General Schwarzkopf give an amazing briefing about an extraordinarily successful campaign.

A few Americans have been killed, and for each of those families it is a tragedy. Yet to have achieved what we have already achieved at this cost is one of the most miraculous campaigns in the history of military campaigning.

But our colleagues here in the House have to reflect what that means. The Reagan buildup worked. Military strength works. American strength saves American lives.

Conversely, weakness kills; a weaker America means in the future we either cannot do things or will risk our young men and women being killed in greater numbers when we try to do things.

So in the next few months, when there are efforts to cut the defense budget, when there are efforts to kill new technologies, when there are efforts to lead to a weaker America, I hope this Congress will remember these briefings and this achievement and will recognize that military strength saves American lives and that a strong America is safer not only for us here at home but it is far safer for our young men and women in uniform.

OUR BRAVE MEN AND WOMEN IN THE ARMED FORCES

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute.)

Mr. DORNAN of California. Mr. Speaker, I have just returned from an 11-day trip to NATO bases throughout Europe. As my trip progressed I got closer and closer to Operation Desert Storm. I finally ended up at a forward operating base in a part of the operation called Proven Force. There I visited with the Air Force component assisting the magnificent effort to free this tiny little country that has been raped, violated, and torn apart.

The stories coming across television now are heartrending. The gruesome reports of atrocities answer once and for all the argument made by some in this Congress, thoughtful though it may be, that sanctions might have worked against this serial killer, Saddam Hussein.

Mr. Speaker, I just wanted to note the professionalism of our men and women now engaged in battle. From the young privates I met at a Patriot battery, to all of the people in transportation and security, and all of the service personnel in various levels of intelligence, right up to the fighter pilots. They were all a credit to their country. I stood on a runway 5 days ago with a young captain who had just flown a night mission. He should have been in bed, but instead was up waving an American flag and watching tankers move out—using the buddy system—followed by four F-15's, four F-4's, four F-16's, on their own night mission. We went out to wave goodbye to them, and prayed they would return safely.

The professionalism of our Army, our Navy, and our Air Force is truly impressive, from the lowest private right up to our Commander in Chief, George Bush, who is pictured on the page of one of our newspapers as Superman. And every word of the letter that HENRY HYDE just read is true. That reconnaissance pilot he spoke of was probably flying RA-5 Vigilantes and his product, the photographs, would go to the basement of the White House, where an American President playing general would pick air targets. Defense Secretary McNamara would usually sign off on these targets as being footbridges.

We are doing it totally different now. That specter of Vietnam, which has been the uninvited guest at every single defense and intelligence briefing on this Capitol Hill for over 17 years, that specter is gone. The ghost is buried; we have put dirt on it. We have shown how this Nation can truly respond to 911—as some of my colleagues on the other side have sarcastically said we should not do. When the rescue call goes out over 911, those young men and women are proud to respond, and I think it is truly a new day for America. I hope everybody here and in the other chamber has gotten the message.

Thank you, President George Bush, for your incredible leadership.

LET US MAKE SURE WE DO NOT GIVE THE SOVIETS THE TECHNOLOGY THAT IS WINNING THE GULF WAR

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I could not believe my eyes when I read that we might be in the process of selling of all things our Patriot technology to of all places Moscow.

That's why I am asking every one of you to sign a letter I am sending to President Bush, asking him to make sure we do not give the Soviets the technology that is winning the war in the Persian Gulf.

I would also ask that when the House considers the Export Facilitation Act, it absolutely must be under an open role.

Much has changed in the world since this bill passed the House last year.

The Soviets have shown their renewed capacity for diplomatic mischief in recent weeks.

They have also shown the true face of perestroika and glasnost with their oppression in the Baltic nations.

So if we regret the arms we sold to the Iraqis, we certainly will regret selling Partiot technology to a potentially much stronger foe.

Mr. Speaker, the reactionary military is on the rise in the Soviet Union. You had better believe they'd like to get their hands on our technology.

But if the gulf war has taught us anything, it is that we should safeguard, and not share, our critical technologies with people who still call themselves Communists.

WHEN HEROES ARE MADE

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker and my colleagues, I was just standing in the back of the Chamber talking with one of my colleagues about this magnificent development that has taken place in recent months relative to America's leadership in the world.

All of us have been concerned about the crisis in the Middle East. Indeed, as we watched this display, this magnificent display of our technology and what it can do from the air, many of us were proud once again for the votes we cast to build toward a strong America again.

All of us joined with America worried about a ground war. We in the House had the privilege to experience time and time again briefings from our experts, our new-found heroes.

I will never forget that one day where Members were almost haranguing Colin Powell relative to a ground war. General Powell said this:

> Ladies and gentlemen, it may be to finally accomplish our mission here, we will get to a ground war, but there is many a way to fight a ground war. There is the smart way to fight one, and perhaps there is a dumb way. We intend to fight the smart way.

Heroes have been found in this magnificent display. They begin with the likes of Colin Powell and General Schwarzkopf; indeed Dick Cheney; indeed the President of the United States, George Bush.

IRAQ WAR: "MOTHER OF ALL ROUTS"

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the Orlando Sentinel recently printed a perfect headline.

It said, "Mother of all Routs!"

Now that more than 50,000 of Saddam's army have given themselves up, and his armor is being destroyed, and his air force is nonexistent Saddam is awfully quiet. Where is the bluster from the man that challenged the allies to enter "the mother of all battles?" He is cowering behind the skirts of Iraqi women and children.

Operation Desert Storm turned Saddam's "mother of all battles" into one of the greatest routs in modern military history.

I can't begin to express my pride for our troops in Operation Desert Storm. What a magnificent job they did.

In early January, I had the privilege of traveling to the Middle East and met with our troops. I saw honor, enthusiasm, courage, intellect, and a strong willingness to get the job done.

Those qualities were also present last Friday when the A Company, 3d Battalion, 20th Special Forces Group Airborne left my hometown of Ocala, FL, for Saudi Arabia. They left just hours before the ground war was to begin.

It is this attitude, this willingness to get the job done, that has led to "the mother of all routs."

Congress can be proud of itself for contributing to that go forward attitude when, on January 12, 1991, it approved a resolution permitting the use of force after January 15. That was the most difficult vote we've had to make in this body in years, but we did it because, like our troops, we knew we had to get the job done.

Thank God we acted.

Now Saddam must pay personally for his ruthlessness. I support putting him on trial in international court and make him explain his actions to the world. I also support forcing Iraq to pay for the reconstruction of tiny Kuwait.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1991

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 555) to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Soldiers' and Sailors' Civil Relief Act Amendments of 1991".

SEC. 2. EVICTION AND DISTRESS DURING MILITARY SERVICE.

(a) Increased Maximum Rental Amount for Applicability of Stay.—Section 300 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 530) is amended by striking out "$150" in subsection (1) and inserting in lieu thereof "$1,200".

(b) Technical Amendments.—Such section is further amended—

(1) by redesignating subsections (1), (2), (3), and (4) as subsections (a), (b), (c), and (d), respectively; and

(2) in subsection (c), as so redesignated, by striking out "subsection (1) hereof" and inserting in lieu thereof "subsection (a)".

(c) Effective Date.—The amendment made by subsection (a) applies to actions for eviction or distress that are commenced after July 31, 1990.

SEC. 3. EXTENSION OF POWER OF ATTORNEY PROTECTION.

Subsection (c) of section 701 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 591) is amended to read as follows:

"(c) This section applies to the following powers of attorney executed by a person in military service or under a call or order to report for military service (or who has been advised by an official of the Department of Defense that such person may receive such a call or order):

"(1) A power of attorney that is executed during the Vietnam era (as defined in section 101(29) of title 38, United States Code).

"(2) A power of attorney that expires by its terms after July 31, 1990.".

SEC. 4. PROFESSIONAL LIABILITY PROTECTION FOR CERTAIN PERSONS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 is amended by adding at the end the following new section:

"Sec. 702. (a) This section applies to a person who—

"(1) after July 31, 1990, is ordered to active duty (other than for training) pursuant to section 672 (a) or (g), 673, 673b, 674, 675, or 688 of title 10, United States Code, or who is ordered to active duty under section 672(d) of such title during a period when members are on active duty pursuant to any of the preceding sections; and

"(2) immediately before receiving the order to active duty—

"(A) was engaged in the furnishing of health-care services or other services determined by the Secretary of Defense to be professional services; and

"(B) had in effect a professional liability insurance policy that does not continue to cover claims filed with respect to such person during the period of the person's active duty unless the premiums are paid for such coverage for such period.

"(b)(1) Coverage of a person referred to in subsection (a) by a professional liability insurance policy shall be suspended in accordance with this subsection upon receipt of the written request of such person by the insurance carrier.

"(2) A professional liability insurance carrier—

"(A) may not require that premiums be paid by or on behalf of a person for any professional liability insurance coverage suspended pursuant to paragraph (1); and

"(B) shall refund any amount paid for coverage for the period of such suspension or, upon the election of such person, apply such amount for the payment of any premium becoming due upon the reinstatement of such coverage.

"(3) A professional liability insurance carrier shall not be liable with respect to any claim that is based on professional conduct (including any failure to take any action in a professional capacity) of a person that occurs during a period of suspension of that person's professional liability insurance under this subsection. For the purposes of the preceding sentence, a claim based upon the failure of a professional to make adequate provision for patients to be cared for during the period of the professional's active duty service shall be considered to be based on an action or failure to take action before the beginning of the period of suspension of professional liability insurance under this subsection, except in a case in which professional services were provided after the date of the beginning of such period.

"(c)(1) Professional liability insurance coverage suspended in the case of any person pursuant to subsection (b) shall be reinstated by the insurance carrier on the date on which that person transmits to the insurance carrier a written request for reinstatement.

"(2) The request of a person for reinstatement shall be effective only if the person transmits the request to the insurance carrier within 30 days after the date on which the person is released from active duty. The insurance carrier shall notify the person of the due date for payment of the premium of such insurance. Such premium shall be paid by the person within 30 days after the receipt of that notice.

"(3) The period for which professional liability insurance coverage shall be reinstated for a person under this subsection may not be less than the balance of the period for which coverage would have continued under the insurance policy if the coverage had not been suspended.

"(d) An insurance carrier may not increase the amount of the premium charged for professional liability insurance coverage of any person for the minimum period of the reinstatement of such coverage required under subsection (c)(3) to an amount greater than the amount chargeable for such coverage for such period before the suspension, except to the extent of any general increase in the premium amounts charged by that carrier for the same professional liability coverage for persons similarly covered by such insurance during the period of the suspension.

"(e) This section does not—

"(1) require a suspension of professional liability insurance coverage for any person who is not a person referred to in subsection (a) and who is covered by the same professional liability insurance as a person referred to in such subsection; or

"(2) relieve any person of the obligation to pay premiums for the coverage not required to be suspended.

"(f)(1) A civil or administrative action for damages on the basis of the alleged professional negligence or other professional liability of a person whose professional liability insurance coverage has been suspended under subsection (b) shall be stayed until the end of the period of the suspension if—

"(A) the action was commenced during that period;

"(B) the action is based on an act or omission that occurred before the date on which the suspension became effective; and

"(C) the suspended professional liability insurance would, except for the suspension, on its face cover the alleged professional negligence or other professional liability negligence or other professional liability of the person.

"(2) Whenever a civil or administrative action for damages is stayed under paragraph (1) in the case of any person, the action shall be deemed to have been filed on the date on which the professional liability insurance coverage of such person is reinstated under subsection (c).

"(g) In the case of a civil or administrative action for which a stay could have been granted under subsection (f) by reason of the suspension of professional liability insurance coverage of the defendant under this section, the period of the suspension of the coverage shall be excluded from the computation of any statutory period of limitation on the commencement of such action.

"(h) If a person whose professional liability insurance coverage is suspended under subsection (b) dies during the period of the suspension—

"(1) the requirement for the grant or continuance of a stay in any civil or administrative action against such person under subsection (f)(1) shall terminate on the date of the death of such person; and

"(2) the carrier of the professional liability insurance so suspended shall be liable for any claim for damages for professional negligence or

other professional liability of the deceased person in the same manner and to the same extent as such carrier would be liable if the person had died while covered by such insurance but before the claim was filed.

"(i) In this section:

"(1) The term 'active duty' has the meaning given that term in section 101 of title 10, United States Code.

"(2) The term 'profession' includes occupation.

"(3) The term 'professional' includes occupational.".

SEC. 5. HEALTH INSURANCE REINSTATEMENT UPON REEMPLOYMENT.

(a) AMENDMENT TO TITLE 38.—Paragraph (1) of section 2021(b) of title 38, United States Code, is amended—

(1) by inserting "(A)" after "(b)(1)"; and

(2) by adding at the end the following:

"(B) In the case of employer-offered health insurance, an exclusion or waiting period may not be imposed in connection with coverage of a health or physical condition of a person entitled to participate in that insurance under subparagraph (A), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of such person, if—

"(i) the condition arose before or during that person's period of training or service in the Armed Forces;

"(ii) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the insurance; and

"(iii) the condition of such person has not been determined by the Secretary to be service-connected.".

(b) AMENDMENT TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 is amended by adding after section 702, as added by section 4, the following new section:

"SEC. 703. (a) A person who, by reason of military service described in section 702(a)(1), is entitled to the rights and benefits of this Act shall also be entitled upon release from such military service to reinstatement of any health insurance which (1) was in effect on the day before such service commenced, and (2) was terminated effective on a date during the period of such service.

"(b) An exclusion or a waiting period may not be imposed in connection with reinstatement of health insurance coverage of a health or physical condition of a person under subsection (a), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of such person, if—

"(1) the condition arose before or during that person's period of training or service in the Armed Forces;

"(2) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the insurance; and

"(3) the condition of such person has not been determined by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty (within the meaning of section 105 of title 38, United States Code).

"(c) Subsection (a) does not apply in the case of employer-offered insurance benefits in which a person referred to in such subsection is entitled to participate pursuant to the provisions of chapter 43 of title 38, United States Code.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of August 1, 1990.

SEC. 6. STAY OF JUDICIAL PROCEEDINGS.

(a) STAY OF ACTION OR PROCEEDING.—In any judicial action or proceeding (other than a criminal proceeding) in which a member of the Armed Forces described in subsection (b) is involved (either as plaintiff or defendant), the court shall, upon application by such member (or some other person on the member's behalf) at any stage before final judgment is entered, stay the action or proceeding until a date after June 30, 1991.

(b) MEMBERS COVERED.—A member of the Armed Forces is covered by subsection (a) if at the time of application for the stay of a judicial action or proceeding the member—

(1) is on active duty; and

(2) is serving outside the State in which the court having jurisdiction over the action or proceeding is located.

(c) DEFINITION.—For purposes of this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

SEC. 7. EXERCISE OF RIGHTS UNDER ACT NOT TO AFFECT CERTAIN FUTURE FINANCIAL TRANSACTIONS.

Article I of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 510 et seq.) is amended by adding at the end the following new section:

"SEC. 108. Application by a person in military service for, or receipt by a person in military service of, a stay, postponement, or suspension pursuant to the provisions of this Act in the payment of any tax, fine, penalty, insurance premium, or other civil obligation or liability of that person shall not itself (without regard to other considerations) provide the basis for any of the following:

"(1) A determination by any lender or other person that such person in military service is unable to pay such civil obligation or liability in accordance with its terms.

"(2) With respect to a credit transaction between a creditor and such person in military service—

"(A) a denial or revocation of credit by the creditor;

"(B) a change by the creditor in the terms of an existing credit arrangement; or

"(C) a refusal by the creditor to grant credit to such person in substantially the amount or on substantially the terms requested.

"(3) An adverse report relating to the creditworthiness of such person in military service by or to any person or entity engaged in the practice of assembling or evaluating consumer credit information.

"(4) A refusal by an insurer to insure such person.".

SEC. 8. CLARIFICATION OF TITLE 38 REEMPLOYMENT RIGHTS COVERAGE FOR RESERVISTS.

(a) IN GENERAL.—(1) Subsection (g) of section 2024 of title 38, United States Code, is amended—

(A) by striking out "active duty for not more than 90 days" and inserting in lieu thereof "active duty (other than for training)"; and

(B) by inserting ", including any period of extension of active duty under section 673b of title 10" before the period at the end.

(2) The amendments made by paragraph (1) shall apply to any member of a reserve component of the Armed Forces who is ordered to active duty (other than for training) under section 673b of title 10, United States Code, after July 31, 1990.

(b) TECHNICAL AMENDMENT.—(1) Subsection (a) of such section is amended by striking out "provided for by this section" and inserting in lieu thereof "provided for by this chapter".

(2) The amendment made by paragraph (1) shall take effect as of December 3, 1974.

SEC. 9. TECHNICAL AMENDMENTS TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.

The Soldiers' and Sailors' Civil Relief Act of 1940 is amended as follows:

(1) Section 101 (50 U.S.C. App. 511) is amended—

(A) in paragraph (1), by inserting "the Air Force," after "the Marine Corps,"; and

(B) in paragraph (2), by striking out "shall include" and all that follows through "discharge" and inserting in lieu thereof "means, in the case of any person, the period beginning on the date on which the person enters active service and ending on the date of the person's release".

(2) Section 102 (50 U.S.C. App. 512) is amended by striking out ", including the Philippine Islands while under the sovereignty of the United States,".

(3) Section 103(4) (50 U.S.C. App. 513(4)) is amended by striking out "after the date of the enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942".

(4) Section 105 (50 U.S.C. App. 515) is amended—

(A) by striking out "The Secretary of War and the Secretary of the Navy" and all that follows through "to insure" in the first sentence and inserting in lieu thereof "The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, shall ensure"; and

(B) by striking out "the Secretary of War and the Secretary of the Navy" in the second sentence and inserting in lieu thereof "the Secretary of Defense and the Secretary of Transportation".

(5) Section 106 (50 U.S.C. App. 516) is amended—

(A) by striking out "Selective Training and Service Act of 1940, as amended," and inserting in lieu thereof "Military Selective Service Act (50 U.S.C. App. 451 et seq.)";

(B) by striking out "the Enlisted Reserve Corps" and inserting in lieu thereof "a reserve component of the Armed Forces"; and

(C) by striking out "he reports for such service" and inserting in lieu thereof "such member reports for military service or the date on which the order is revoked, whichever is earlier".

(6) Section 205 (50 U.S.C. App. 525) is amended by striking out "the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942" and inserting in lieu thereof "October 6, 1942".

(7) Section 206 (50 U.S.C. App. 526) is amended—

(A) by striking out "per centum per annum" each place it appears and inserting in lieu thereof "percent per year"; and

(B) by striking out "prior to his entry" and all that follows through "bear interest" and inserting in lieu thereof "before that person's entry into that service shall, during any part of the period of military service, bear interest".

(8) Section 300 (50 U.S.C. App. 530) is amended—

(A) in subsection (c), as redesignated by section 2(b), by striking out "shall be guilty" and all that follows through "$1,000," and inserting in lieu thereof "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,"; and

(B) in subsection (d), as redesignated by section 2(b), by striking out "Secretary of War," and all that follows through "as the case may be," and inserting in lieu thereof "Secretary of Defense or Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy,".

(9) Sections 301(2), 302(4), 304(3), and 305(3) (50 U.S.C. App. 531(2), 532(4), 534(3), 535(3)) are amended by striking out "shall be guilty" and all that follows through "$1,000," and inserting in lieu thereof "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,".

(10) Section 302(3) (50 U.S.C. App. 532(3)) is amended by striking out "after the date of en-

actment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 and".

(11) Section 400(a) (50 U.S.C. App. 540(a)) is amended by striking out "before the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 or not less than one hundred and eighty days before" in clause (2) and inserting in lieu thereof "not less than 180 days before".

(12) Section 401 (50 U.S.C. App. 541) is amended—

(A) by striking out "Administrator of Veterans' Affairs" in the first sentence and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Secretary"; and

(C) by striking out "Administrator" in the last sentence and inserting in lieu thereof "Secretary".

(13) Section 402 (50 U.S.C. App. 542) is amended—

(A) in the first sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in the second sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary".

(14) Section 403 (50 U.S.C. App. 543) is amended—

(A) in the first sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in the second sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary".

(15) Section 404 (50 U.S.C. App. 544) is amended by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs".

(16) Section 405 (50 U.S.C. App. 545) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(17) Section 407 (50 U.S.C. App. 547) is amended—

(A) in the first sentence, by striking out "The Administrator of Veterans' Affairs is hereby authorized and directed to" and inserting in lieu thereof "The Secretary of Veterans Affairs shall"; and

(B) in the second sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary".

(18) Section 408 (50 U.S.C. App. 548) is repealed.

(19) Section 504(3) (50 U.S.C. App. 564(3)) is amended by striking out "within six months after the effective date of this Act or".

(20) Section 505(1) (50 U.S.C. App. 565(1)) is amended by inserting "(30 U.S.C. 28)" after "section 2324 of the Revised Statutes of the United States".

(21) Section 506(2) (50 U.S.C. App. 566(2)) is amended—

(A) by striking out "six months after the effective date of this Act or"; and

(B) by striking out "General Land Office" and inserting in lieu thereof "Bureau of Land Management".

(22) Section 507 (50 U.S.C. App. 567) is amended—

(A) by striking out "General Land Office" in the second sentence and inserting in lieu thereof "Bureau of Land Management";

(B) by striking out "a register of a United States land office" in the third sentence and inserting in lieu thereof "an officer designated by the Secretary of the Interior"; and

(C) by striking out ", inclusive" in the last sentence.

(23) Section 510(2) (50 U.S.C. App. 570(2)) is amended by striking out "prior to the effective date of this Act" and inserting in lieu thereof "before October 17, 1940".

(24) Section 514 (50 U.S.C. App. 574) is amended—

(A) by striking out "orders: Provided, That nothing" in paragraph (1) and inserting in lieu thereof "orders. Nothing"; and

(B) by striking out "the use thereof:" in paragraph (2) and all that follows through "has been paid" and inserting in lieu thereof "the use thereof, but only if a license, fee, or excise required by the State or territory, possession, or District of Columbia of which the person is a resident or in which the person is domiciled has been paid".

(25) Section 600 (50 U.S.C. App. 580) is amended by striking out "the date of the approval of this Act" and inserting in lieu thereof "October 17, 1940,".

(26) Section 601 (50 U.S.C. App. 581) is amended—

(A) in paragraph (1), by striking out "Chief of the Bureau of Navigation of the Navy Department" and inserting in lieu thereof "Chief of Naval Personnel"; and

(B) in paragraph (3)—

(i) by striking out "Department of War or the Navy" and inserting in lieu thereof "Department of Defense"; and

(ii) by striking out "jurisdiction: Provided, That no" and inserting in lieu thereof "jurisdiction. No".

(27) Section 604 (50 U.S.C. App. 584) is amended—

(A) by striking out "1945: Provided, That" and inserting in lieu thereof "1945, except that"; and

(B) by striking out "thereafter: Provided further, That whenever" and inserting in lieu thereof "thereafter. Whenever".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

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The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the initial request of the gentleman from Mississippi?

Mr. STUMP. Mr. Speaker, reserving the right to object, I yield to the gentleman from Mississippi to explain his request.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, our colleagues will recall that H.R. 555 passed the House on January 29. The bill would amend the Soldiers' and Sailors' Civil Relief Act and the veterans reemployment rights law. The Senate clarified that section 6 of the bill, which allows service members to delay court proceedings involving them until July 1, 1991, does not apply to criminal proceedings. The Senate also made minor technical amendments to the bill last Thursday and today we are concurring in those amendments in order to get the bill to the President without further delay.

Mr. Speaker, we are proud of these bills we have passed the last several weeks to help our returning veterans and to show that our country and the Congress are so proud of what they have done in Operation Desert Storm.

We are also working with the leadership on both sides of the aisle to come up with an appropriate readjustment package for our returning service personnel, which will include educational benefits, small business help, home loan improvement, increases in life insurance and other matters.

Mr. STUMP. Mr. Speaker, I support the amendments offered by the chairman of my committee, the gentleman from Mississippi [Mr. MONTGOMERY], and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi?

Mr. WEISS. Mr. Speaker, reserving the right to object, I will, of course, not object. I simply want to take this opportunity to commend the gentleman from Mississippi [Mr. MONTGOMERY] and his committee for the tremendous work they have done not only on this legislation but over the years in advancing and advocating veterans' rights. I just think we really ought to express our full appreciation by voting unanimously and giving our unanimous support to this legislation.

The 102d Congress has already approved several veterans' measures that I support, including bills to compensate Vietnam veterans who have been exposed to agent orange and a cost-of-living increase for disabled veterans. It is especially important at this time when our young soldiers are on the battlefield, that veterans know the Congress will address their needs.

As chairman of the Human Resources and Intergovernmental Relations Subcommittee, which oversees the Department of Veterans Affairs, I intend to continue monitoring Federal veterans' programs to ensure that they are operating effectively and are responsive to America's veterans. I look forward to working with the Veterans' Affairs Committee as we do all we can to help veterans who have served their country well.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I yield to the chairman of the committee.

Mr. MONTGOMERY. Mr. Speaker, I appreciate very much the comments of the gentleman from New York [Mr. WEISS]. Over the years the gentleman has been totally supportive of veterans' programs, and I thank him for his support.

Mr. WEISS. Mr. Speaker, I thank the gentleman from Mississippi.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro termpore. Is there objection to the initial request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

PROVIDING FOR VETERANS ADMINISTRATION GRANTS TO ASSIST MEDICAL SCHOOLS IN ESTABLISHING NEW RESEARCH CENTERS

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 111) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs and the Secretary of Defense to carry out a joint program to make grants for the establishment of research centers at qualifying medical schools, as amended.

The Clerk read as follows:

H.R. 111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS TO ESTABLISH RESEARCH CENTERS AT MEDICAL SCHOOLS.

(a) IN GENERAL.—Chapter 73 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VII—RESEARCH GRANTS

"§ 4171. Purpose of subchapter

"The purpose of this subchapter is to authorize the Secretary of Veterans Affairs and the Secretary of Defense to carry out a joint program to assist medical schools in the establishment of new research centers to carry out medical research in particular fields or specialties.

"§ 4172. Grant program

"(a) The Secretary of Veterans Affairs and the Secretary of Defense may jointly make grants under this subchapter to qualifying medical schools to assist such medical schools in the establishment of new medical research centers. Any such grant may only be made if the two Secretaries and the medical school enter into an agreement under section 4173 of this title.

"(b) A qualifying medical school for purposes of this subchapter is a medical school of a university that is located in a State and that—

"(1) does not have an established research center in the particular field or specialty with respect to which an application under section 4175 is submitted;

"(2) is located in proximity to, and is affiliated with, a medical facility of the Department of Veterans Affairs which itself has an affiliation with a medical facility of the Department of Defense; and

"(3) has demonstrable potential for successful development of such a new research center with the assistance of a grant under this subchapter.

"(c) Funds provided to a medical school by a grant under this subchapter may be used for—

"(1) the acquisition, construction, alteration, and renovation of facilities for the research center;

"(2) the acquisition of equipment of the research center; and

"(3) the operation of the research center during its first three years of operation.

"(d) In awarding grants under this subchapter, the two Secretaries shall ensure that the centers for which the grants are made are located in geographically dispersed areas of the United States.

"§ 4173. Activities of research centers for which grants made

"(a) Whenever a grant is made under this subchapter, the Secretary of Veterans Affairs and the Secretary of Defense shall establish an advisory committee to advise the medical school concerned with respect to the activities of the research center for which the grant is made. The advisory committee shall include representatives of the Department of Veterans Affairs, the Department of Defense, and the medical school and shall remain in existence until terminated by the two Secretaries.

"(b) A medical school to which a grant is made under this subchapter shall administer the research center for which the grant is made as a separate administrative entity with its own director (or other appropriate chief official).

"(c)(1) The Secretaries may not enter into an agreement to make a grant under this subchapter unless the Secretaries find, and the agreement includes satisfactory assurances, that the school to which the grant is made will maintain such arrangements with the Department of Veterans Affairs medical facility with which it is affiliated (including such arrangements as may be made under subchapter IV of chapter 81 of this title) as will be mutually beneficial in carrying out the mission of the respective medical facilities and the school. Such arrangements shall include provisions ensuring that research personnel of the Department of Veterans Affairs medical facility, and of the Department of Defense medical facility with which it is associated, may carry out research activities at the research center on an ongoing basis.

"(2) The agreement shall require that, to the extent not inconsistent with paragraph (1), facilities of the research center shall be made available for research activities on a competitive basis.

"(d) The Secretaries shall ensure that an agreement under this section includes appropriate provisions to ensure that the Federal funding for the research center, and any Federal research activities carried out at the research center, are acknowledged in the activities and publications of the center.

"(e) An agreement under this section shall contain such additional terms and conditions (in addition to those imposed pursuant to section 5070(e) of this title and this section) as the Secretaries consider appropriate to protect the interests of the United States.

"§ 4174. Funding

"(a) The amount of a grant under this subchapter, when added to any other Federal funds to be used for the project for which the grant is made, may not exceed one-half of the cost of the project.

"(b)(1) One half of the amount of a grant under this subchapter shall be provided by the Secretary of Veterans Affairs and one-half shall be provided by the Secretary of Defense.

"(2) Funds for a grant under this subchapter to be provided by the Secretary of Veterans Affairs may only be provided from funds appropriated for grants under this subchapter. Funds for a grant under this subchapter to be provided by the Secretary of Defense shall be provided from funds appropriated for research, development, test, and evaluation.

"(c) The two Secretaries may not enter into an agreement for a grant under this subchapter unless the Secretaries find, and the agreement includes satisfactory assurances, that—

"(1) the amount of support for the proposed medical research center from non-Federal sources will be at least as great as the amount of such support from Federal sources;

"(2) the amount of such support from non-Federal sources, when combined with the amount of the proposed grant, is sufficient for the project to proceed upon award of the grant; and

"(3) upon approval of the grant, no further action by non-Federal entities is required to make the necessary funds available for the project.

"(d)(1) Subject to paragraph (2), the Secretaries may increase the amount of any grant awarded to any applicant for a project under this section by an amount by which the Secretaries determine that the estimated cost of the construction, acquisition, or renovations has increased from the estimated cost on which the Secretaries based the determination to award the grant, if the Secretaries determine that the grant was awarded before the applicant entered into a contract for the construction or renovations provided for in such project.

"(2) A grant may not be increased under paragraph (1) by more than 10 percent of the amount of the grant initially awarded for such project, and the amount of such grant (as increased) may not exceed 50 percent of the revised cost of the project.

"§ 4175. Grants: applications and priority

"(a) A medical school desiring to receive a grant under this subchapter shall submit to the Secretary of Veterans Affairs an application that sets forth the following:

"(1) The amount of the grant requested with respect to the project.

"(2) A description of the proposed research center, including a description of the proposed site for the center, a description of the proposed field of research in which the center will specialize, and a statement showing the capability of the medical school to successfully develop such research center.

"(3) Reasonable assurance that, upon completion of the project, the new center will be used to conduct research referred to in section 4101(c)(1) of this title.

"(4) Reasonable assurance that the title to such site will be vested solely in the applicant.

"(5) Reasonable assurance that adequate financial support will be available (A) for the construction of the project (or for facility acquisition or renovation) upon award of the grant, and (B) for maintenance and operation of the facility when complete.

"(6) In the case of a project for the renovation of an existing facility, reasonable assurance that the estimated total cost of any expansion, remodeling, and alteration of the facility will not be greater than the estimated cost of construction of an equivalent new facility.

"(7) A statement of the relationship of activities to be carried out at the research center to programs and activities of the Department of Veterans Affairs, including programs for the care and treatment of veterans and programs for the recruitment and retention of health-care professionals for employment by the Department, and programs and activities of the Department of Defense.

"(b) In considering applications for a grant under subsection (a) of this section, the Secretaries shall give priority to applications for grants for proposed research centers which will emphasize research in one or more of the following areas (over applications for grants for proposed centers which will not emphasize research in such areas):

"Diabetes and metabolic diseases.

"Prosthetics and rehabilitation medicine.

"Mental health, behavioral medicine, and neurological disease.

"Acquired Immune Deficiency Syndrome (AIDS) and immunodeficiency diseases.

"Alzheimer and dementia.

"Degenerative cardiopulmonary disease.

"Cancer.

"Technology assessment.

"Toxicology.

"(c) The Secretaries shall use a merit review process in considering applications and in awarding grants under this subchapter.

"(d) The amount of a grant under this subchapter shall be paid to the applicant. Such amount shall be paid, in advance or by way of reimbursement, and in such installments consistent with the progress of the project, as the Secretary may determine and certify for payment to the Secretary of the Treasury. Funds paid under this section for an approved project shall be used solely for carrying out such project as approved.

"(e) An amendment of an application (whether or not approved) shall be subject to approval in the same manner as the original application.

"§ 4176. Authorization of appropriations

"(a) There is authorized to be appropriated to the Secretary of Veterans Affairs the sum of $50,000,000 for each of fiscal years 1992 through 1995 for purposes of grants under this subchapter. Amounts appropriated pursuant to such authorization may not be used for any other purpose.

"(b) Amounts appropriated pursuant to subsection (a) of this section shall remain available for obligation until the end of the sixth fiscal year following the fiscal year for which they are appropriated, if so provided in appropriation Acts.

"§ 4177. Recovery of amounts if grant conditions not met

"(a) If the Secretaries determine that a medical school to which a grant is made under this subchapter—

"(1) fails substantially to carry out the terms of the agreement entered into under this subchapter as a condition of the grant; or

"(2) no longer operates the medical research center for which the grant was made in accordance with the purposes of the grant, the Secretaries shall be entitled to recover from the recipient of the grant the amount of the grant.

"(b) The Secretaries shall prescribe regulations for purposes of subsection (a) of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VII—RESEARCH GRANTS

"4171. Purpose of subchapter.
"4172. Grant program.
"4173. Activities of research centers for which grants made.
"4174. Funding.
"4175. Grants: applications and priority.
"4176. Authorization of appropriations.
"4177. Recovery of amounts if grant conditions not met.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, research is the key to the quality of care, whether such care is provided by the Veterans' Administration or by the private sector. Without a viable research program, the quality of care will suffer.

H.R. 111 is unique in that it invites the private and public sectors to join with the Veterans' Administration and with the Department of Defense in unique research opportunities.

The House endorsed this legislation when it passed a similar bill, H.R. 4390, on June 12, 1990. Unfortunately, Mr. Speaker, the Senate failed to act on that bill, and now H.R. 111 is another effort on the part of the House to enhance the research opportunities through the Veterans' Administration and the Department of Defense.

The chief sponsor of this legislation is one of our new colleagues, the gentleman from Texas [Mr. EDWARDS]. We are very pleased to have him on the committee. He certainly has pitched right in working on veterans' affairs. I will yield time to the gentleman from Texas to explain this legislation, but before doing that, again let me say that I want to thank the Speaker, the Honorable TOM FOLEY, and the minority leader, Mr. MICHEL, for allowing us to bring this bill up so early in order to get it passed by the other body. I also want to thank my good friend, the ranking minority member of the committee, the gentleman from Arizona [Mr. STUMP] for his total cooperation, as always.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Speaker, let me express my personal gratitude for the leadership and the guidance by the Speaker in bringing this important legislation to the floor. Without that support and that leadership, this would not have been possible.

Mr. Speaker, H.R. 111, as amended, would authorize a Department of Veterans Affairs (VA) grant program to assist medical schools in creating new research centers.

Mr. Speaker, 2 weeks ago I toured three veterans medical centers in my district—in Temple, Marlin, and Waco, TX.

Those visits were a stark reminder that the sacrifices of our veterans do not stop with the signing of a cease-fire agreement. Many of our veterans pay a physical and mental price for the rest of their lives for their service to our country in time of war. For these and all veterans we have a special obligation to provide quality health care.

My visits to hospitalized veterans also reminded me that our Nation's resources are stretched thin—that we must effectively and efficiently utilize taxpayers' dollars. Mr. Speaker, the very purpose of H.R. 111, as amended, is to improve health care for our veterans in a cost efficient manner.

This legislation builds on the invaluable cooperative alliances involving health manpower education between the VA and academia. It also builds on the exemplary cooperative ventures between the VA and the Department of Defense [DOD]. The successes of these cooperative arrangements are impressive and have gained the support of academics, public servants, beneficiaries, and the public.

Among the examples of successful cooperation on which this legislation was founded is Public Law 92-541. That law authorized the VA to implement a pilot program providing assistance for the establishment of new State medical schools. That law also authorized a program of grants to provide assistance in the establishment of cooperative arrangements among universities, colleges, junior colleges, community colleges, schools of allied health professions, State and local systems of education, hospitals, and other nonprofit health manpower institutions affiliated with veterans medical facilities or programs. This grant program helped improve and expand the training of professional and technical allied health and paramedical personnel.

Public Law 97-174 authorized VA and DOD medical facilities to enter into agreements to provide one another services, supplies, equipment, and other resources—including personnel—to carry out respective medical missions. The current number of shared services under these agreements has reached 2,960. In fiscal year 1989, the value of the services provided under such agreements reached $23.4 million. In addition to these service agreements, there are six joint venture hospital construction projects currently in various phases of development. The VA and the Air Force are now collocated in a new medical facility in Albuquerque, NM. At least three other joint construction ventures are planned with the Air Force in Las Vegas, NV, Tucson, AZ, and Anchorage, AK. Joint ventures with the Army have been initiated for outpatient clinics at El Paso, TX, and at Lawton, OK. In addition, the VA will share responsibility for caring for any casualties of Operation Desert Storm.

Perhaps the most far-reaching arena of cooperation is that between the VA and academia. Since 1946, VA medical facilities have been affiliated with schools of medicine, dentistry, nursing, and other health professions at colleges and universities around the Nation. Currently, over 1,000 such affiliations exist. Testimony at the committee hearings in 1989 echoes previous testimony about the mutual benefits to both the VA and the schools and, most important, to veteran patients and the public, who are very real beneficiaries of the fruits of VA's role in the education of health manpower.

However, with the exception of the recent VA-DOD cooperative research program begun in 1985, little has been done to build on the successes of the relationships between VA-DOD, the VA and medical schools, and VA and community providers in the area of research. Section 4101 of title 38 of the United States Code certainly invites such efforts, however. It calls on the Department of Veterans Affairs to conduct a program of research in order to carry out more effectively the delivery of hospital and medical services and to contribute to the Nation's knowledge about disease and disability. The code further requires that the research program be carried out in connection with the provision of medical care and treatment to veterans.

There is abundant evidence that VA research programs provide new knowledge which in turn improves the quality of patient care both in veterans' medical facilities and at the cutting edges of medical practice outside the VA as well. VA research has proven invaluable to assuring high quality care and that is why the committee and the Congress have long supported the veterans' research programs.

The complexity and costs of cutting edge medical research present a unique opportunity for settings where medical facilities and research-oriented medical schools are participants. Medical schools which are partners with the Department of Veterans Affairs and the Department of Defense are well positioned to perform research, and an ideal situation presents itself where the VA medical center is closely linked to a military medical facility through a strong sharing agreement. In addition, these institutions are configured to apply research in seeking better ways to treat the health problems which afflict the Nation's veterans and to provide new knowledge which can be applied to the population as a whole.

H.R. 111, as amended, would authorize the Secretary of Veterans Affairs and the Secretary of Defense to make grants for the establishment of new medical research centers that would conduct research in areas of interest of the DVA as well as the Nation's health care delivery community.

The purpose of the bill before us is to take advantage of the proven benefits of cooperation in the areas of education and training of health professionals and health care delivery among the DVA, medical schools, and the DOD by means of a grant program which would assist certain medical schools in establishing new research centers.

A medical school may apply for such a grant provided that it first, is located in proximity to, and is affiliated with a medical facility of the DVA which itself has an affiliation with a medical facility of the Department of Defense; second, does not have an established research center in the particular field or specialty with respect to which an application is submitted; and third, has demonstrable potential for successful development of such a new research center.

Thus, it is our aim to have VA, DOD, and medical schools extend existing cooperative relationships into research activities.

The process for awarding grants would be a competitive one. The bill reflects an expectation that the Secretaries will use a process similar to the merit review concept used by the VA to consider research applications and grants. Merit review would entail an objective assessment of the proposed projects and would result in an award of grants for those projects which best meet the criteria set forth in the bill.

A successful applicant for a grant under this program might well have ongoing, successful research programs in areas other than medical, prosthetic, or health services research. Those successes might be among the considerations used to demonstrate potential for successful development of a new research center for purposes of applying for this grant program. While the bill does not define the term "research center," grants under this program would be available only to assist in developing new capacity to conduct research to include an expansion of research space. Such space must be sufficient to assure that VA and DOD researchers may carry out research activities at the research center on an ongoing basis.

In approving grants, priority is to be given to those applications from schools that do not have an established research center in the particular field or specialty with respect to which an application under section 4145 of H.R. 111, as amended, is submitted.

The Secretaries are to give priority to qualified applications for centers which will emphasize research in one or more areas specified in the bill. These identified priority areas include diabetes and metabolic diseases, prosthetics and rehabilitative medicine, Alzheimer's mental health, and cancer. Mr. Speaker, in this time of constrained resources, I believe there is merit in considering the target of new research dollars. Setting such priorities need not restrict the creativity and initiatives of individual researchers.

Funds obtained by successful applicants under the proposed grant program would be available for several possible uses. Funds could be used for acquisition, construction, alteration, or renovations of facilities for use as a new medical research center. Funds would also be available for use in the operation of the research center for the first 3 years and for the purchase of needed equipment. This is consistent with the use of funds that were made available for the establishment of the new State medical schools.

Funding for these projects would come from three sources: The Department of Veterans Affairs, the Department of Defense, and non-Federal sources. In the case of DVA funds, moneys for these projects would come from new appropriations. The intent of this bill is that in no case would funds from the Department's existing research budget be allocated to fund projects under this bill. It should be clear that the intent is to ensure that current research programs are not sacrificed to fund these new medical research centers, and also that overall research appropriations are not to be diminished to make new moneys available for this grant program. Funding for DOD grants would come from funds appropriated for research, development, test, and evaluation.

In the case of a project that will receive funding, non-Federal sources must furnish at least 50 percent of needed funding. H.R. 111, as amended, would authorize the DVA and the DOD to each fund 25 percent of the total cost. The applicant must provide satisfactory assurances that at the time the grant is awarded, no further non-Federal action will be necessary to provide the non-Federal portion of the necessary funding. This particular provision is to ensure that those projects that receive Federal funding will be able to proceed with the project upon award of the grant. Like other provisions of the bill, this financing requirement looks to the State home construction program as a model.

Finally, Mr. Speaker, this bill authorizes the appropriation of $50 million for each of fiscal years 1992 through 1995. These funds may be used only for the purposes of establishing new medical research centers as set forth in H.R. 111, as amended.

We have discussed this bill with the Armed Services Committee. The chairman of that committee, the Honorable LES ASPIN, has advised me that he has no objection to bringing the bill up under a suspension of the rules. At this point in the RECORD, I would like to include Chairman ASPIN's letter of February 14, 1991, regarding H.R. 111.

COMMITTEE ON ARMED SERVICES,
Washington, DC, February 14, 1991.
Hon. G.V. MONTGOMERY,
Chairman, Committee on Veterans Affairs, U.S. House of Representatives, Washington, DC.

DEAR SONNY: It is my understanding that you and Chet Edwards would like to have considered on the floor next week H.R. 111, a bill to amend Title 38, United States Code, to authorize the Secretary of Veterans Affairs and the Secretary of Defense to carry out a joint program to make grants for the establishment of research centers at qualifying medical schools.

Although the Armed Services Committee, to which the bill was referreed jointly, has not had an opportunity to hold hearings on this bill or report it, because the text is identical to the bill Congress passed last year, I have no objection to your bringing the bill up under a suspension of the rules. I would appreciate, however, your including a copy of this letter in any report you intend to file, or, if no report will be filed, in the Congressional Record during consideration of the bill.

As always, I am pleased we were able to work out a solution that protects the interests of both of our committees.

Sincerely,

LES ASPIN,
Chairman.

I want to thank the chairman of the Committee on Veterans' Affairs, SONNY MONTGOMERY, for all his guidance and assistance in bringing this bill to the floor so early in the session. I would also like to thank the distinguished gentleman from Arkansas, the ranking minority member on our Subcommittee on Hospitals and Health Care, JOHN PAUL HAMMERSCHMIDT, and the ranking minority member of the full committee, the distinguished gentleman from Arizona, BOB STUMP, for their help in getting this bill to the floor.

I am also grateful to the chairman of the Committee on Armed Services, Mr. ASPIN, and the ranking minority member of the committee, the gentleman from Alabama [Mr. DICKINSON], for their cooperation in this matter.

Mr. Speaker, as I stated previously, this measure will encourage the investment of non-Federal funds for research for the benefit of veterans. It seems to me that this is a good idea.

Mr. Speaker, many Members of this House remember well my political mentor, Congressman Olin E. "Tiger" Teague. As a decorated veteran, Mr. Teague wore for three decades a 17-pound shoe on a leg shortened in the forests of Germany in World War II. To me, he is a constant reminder of the life-long sacrifices made by our veterans. One of Mr. Teague's last major acts as chairman of the Committee on Veterans' Affairs authorized the establishment of eight new State medical schools to be affiliated with VA medical centers. I could think of no greater honor for me as a new Member of this House than to have my first bill move one small step further in enhancing the lasting legacy of Tiger Teague's commitment to our Nation's veterans.

I urge my colleagues to support H.R. 111, as amended.

□ 1510

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 111, as amended, to provide for VA grants to assist medical schools in establishing new research centers.

This bill is similar to H.R. 4390, which this body passed on June 12, 1990, during the last session. It was not acted upon by the other body, so we are advancing it again.

My distinguished colleague, Chairman SONNY MONTGOMERY, has explained the bill, and it needs no further explanation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member on the Subcommittee on Hospitals and Health Care.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 111, as amended, a bill to provide for Department of Veterans Affairs [DVA] grants to assist medical schools in establishing new research centers. This bill is almost identical to H.R. 4390 which was passed by the House on June 12, 1990, but did not receive Senate consideration.

I congratulate Mr. EDWARDS for his initiative in this Congress and I thank Chairman MONTGOMERY and ranking member STUMP for bringing this bill to the floor.

Research is a critical component of high quality health care, and yet the DVA research program has been drastically slashed over past years. The DVA's medical and prosthetic research program received a zero funding increase in the administration's proposed budget for fiscal year 1992.

In fact, the budget straightlines the program and envisions a decrease in research for fiscal year 1992 of $18 million, despite a DVA Commission's recommended $63 million increase for the program.

H.R. 111 maximizes DVA research opportunities by establishing a cost-sharing program between the DVA, the Department of Defense and medical schools; $50 million would be authorized each fiscal year through 1995 for grants to medical schools to set up research centers with a special emphasis on areas of interest to the DVA.

Over the past 10 years, the research budget for the National Institutes of Health [NIH] has increased 127 percent, while funding for DVA research has increased only 54 percent. It is unwise to concentrate research in one institution, especially since the DVA is the most appropriate body to engage in research projects germane to the veterans' population.

We have been fortunate that casualties in the Persian Gulf war have been remarkably light. Nonetheless we have had a number of killed and wounded. Thus, at a time when our Nation's Armed Forces are engaged in battle, it is most timely that we should commit ourselves to placing a greater emphasis on DVA research so as to better provide our Nation's veterans with the quality health care they so rightly deserve. I urge my colleagues to support H.R. 111 as amended.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from South Carolina [Mrs. PATTERSON], originally a cosponsor of this bill.

Mrs. PATTERSON. Mr. Speaker, I rise today in support of H.R. 111, legislation to provide VA grants to eligible medical schools to establish new research centers. As a member of the Veterans' Affairs Committee, I am pleased to be an original cosponsor of this measure. H.R. 111 is similar to legislation that was passed by the House in the 101st Congress.

H.R. 111 authorizes grants to medical centers for the establishment of medical research centers specializing in areas of interest to the Department of Veterans Affairs and the Department of Defense. These areas of research include: Diabetes and metabolic diseases, prosthetics and rehabilitative medicine, mental health, acquired immune deficiency syndrome [AIDS], Alzheimer's and dementia, and cancer. These grants will improve medical care and treatment of veterans, as well as enhance the ability of the Department of Veterans Affairs to retain and recruit qualified medical professionals.

Mr. Speaker, if passed, this legislation will offer the opportunity for two outstanding facilities located in my State, the University of South Carolina and Richland County Memorial Hospital, to compete for Federal research funds. Now more than ever, ensuring the integrity of the veterans' health care system must remain an important concern to this body. For this reason, I strongly support H.R. 111, and urge my colleagues to vote in favor of it.

□ 1520

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise in strong support of H.R. 111, a bill which would authorize the Veterans' Administration to establish a grant program to help qualified State medical schools set up new research centers to improve the medical care of veterans.

The authorization of such a grant program would provide top medical schools with the resources to be on the cutting edge in research related to rehabilitation medicine, Alzheimer's disease, cancer, diabetes, and other areas of special interest to the Department of Veterans Affairs.

In my own district, the veterans medical center located in Reno, NV, currently serves as the primary teaching hospital for the University of Nevada School of Medicine. As such, the hospital has attracted highly skilled physicians, nurses, and support staff resulting in a high quality of patient care. In addition, the Reno VA medical center has one of the fastest growing research programs in the entire Veterans' Administration.

Mr. Speaker, the legislation before us would be extremely beneficial to medical schools, such as the university of Nevada, which have the expertise and capability for clinical research, but are often restricted due to the lack of facilities, equipment, and operating funds needed to conduct vital research.

Last, Mr. Speaker, we cannot forget our veterans who deserve the best care possible. We owe it to our veterans to establish research programs which address the current health problems of those who have served our country so bravely.

For these reasons, Mr. Speaker, I urge my colleagues to support H.R. 111 and congratulate the gentleman from Texas [Mr. EDWARDS] for bringing this bill to the floor in such an expeditious manner.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS], another member of our committee.

Ms. WATERS. Mr. Speaker, I would like to commend my colleague and new Member, the gentleman from Texas, Mr. CHET EDWARDS, for bringing this bill to the floor. I would like to also commend Chairman SONNY MONTGOMERY for his leadership in assisting a new Member and allowing him to have the opportunity to bring such an important measure before us.

I am delighted that both the gentleman from Texas, Mr. CHET EDWARDS, and Chairman MONTGOMERY amended this bill to accommodate private universities that may have been excluded if the bill had been taken up as originally drafted. I asked their assistance in this and they bent over backward to ensure that the opportunity was spread between both private and public institutions, and I am delighted.

I rise in strong support of the bill. It is time that we recognize that our veterans' affairs institutions cannot continue to operate without the assistance that could be given with a bill such as this one, and I am delighted to be a part of it.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky [Mr. MAZZOLI], our good friend who has been very supportive of our legislation over the years.

Mr. MAZZOLI. Mr. Speaker, I want to thank my friend from Mississippi, Chairman MONTGOMERY, for yielding the time, and to commend him and my friend from Arizona, Mr. BOB STUMP, on the continuing great work they have done since the start of this Congress.

I said earlier today, for example, that in going into the situation in the gulf that there would be "no more Vietnams." That was our motto, "No more Vietnams."

As I said, part of it is tactical, not to have the war run by the armchair generals, as was the case during Vietnam, and not to have the punches pulled, as they were politically pulled during the Vietnam war.

But there is another aspect to "no more Vietnams," and that is to welcome back our veterans with the open arms, the generosity, and the respect that they deserve. Our men and women of Desert Storm would be greeted back home differently from the men of the Vietnam era and the women of the Vietnam era.

The work that has been done by the Veterans' Affairs Committee has been exemplary in that effort. I think there must be 9 or 10 different measures which already have been reported out in the early stages of the 102d Congress from the Veteran's Affairs Committee, and of course one of them being the bill before us today. But each of these measures in its own way will help pave the way for our veterans to return to their situations here at home better from an educational standpoint, small business standpoint, and medical standpoint, which of course is dealt with in today's bill.

So I really want to thank my two friends and the new Member, the gentleman from Texas, Mr. CHET EDWARDS, who introduced this bill, for his leadership in this effort as well.

Let me say that as one who is very proud to represent the Third Congressional District of Kentucky, which happens to have a leading medical school, the University of Louisville Medical School, and a leading VA medical center out on Zorn Avenue and which is nearby Fort Knox or which is Ireland Army Hospital, I am interested in the kind of bill before us today from a more local perspective.

It could be that the Third District has the proper mix of medical and veteran and military facilities and that it might qualify for possible inclusion in the program. But suffice it to say again: The gentleman from Mississippi and the gentleman from Arizona have done yeoman work in bringing before this House, in the early part of this session, major bills which will guarantee that the men and women who return back from the Persian Gulf after doing their jobs so remarkably well, with such dignity, with such courage and effectiveness, will be received back in the United States from every perspective and from every standpoint with the respect and the honor that they deserve.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to thank the gentleman from Kentucky for his kind remarks and say that when the House considered most of these nine bills we passed in the past month, the gentleman from Kentucky presided in the chair. He certainly has been helpful to the gentleman from Arizona [Mr. STUMP] and myself. I would also like to commend the gentleman from New York [Mr. MCNULTY] who is presiding today for his help. The gentleman from Arkansas [Mr. HAMMERSCHMIDT], is the ranking member of the Subcommittee on Hospitals and Health Care, and I want to thank him for his help on this legislation we are now considering. I also thank the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN] and the ranking member of that committee, the gentleman from Alabama, Mr. BILL DICKINSON, for their cooperation in letting us bring this legislation forward.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MCNULTY). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 111, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMEMORATING 200TH ANNIVERSARY OF UNITED STATES-PORTUGUESE DIPLOMATIC RELATIONS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate joint resolution, Senate Joint Resolution 55.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 55, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 25]

YEAS—411

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker

Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—22

Bartlett
Berman
Brewster
Campbell (CA)
Donnelly
Eckart
Flake
Ford (TN)
Gilman
Leach
Levine (CA)
Lowery (CA)
Martin
Miller (OH)
Ray
Rhodes
Rostenkowski
Sharp
Smith (FL)
Tauzin
Udall
Wilson

☐ 1556

Mr. ZIMMER and Mr. GOODLING changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL 6 P.M., FRIDAY, MARCH 1, 1991, TO FILE REPORT ON H.R. 707, THE COMMODITY FUTURES IMPROVEMENTS ACT OF 1991

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until 6 p.m., Friday, March 1, 1991, to file a report on H.R. 707, the Commodity Futures Improvements Act of 1991.

The SPEAKER pro tempore. (Mr. MCNULTY). Is there objection to the request of the gentleman from Texas?

There was no objection.

CONDEMNING CUBA'S HUMAN RIGHTS VIOLATIONS AND COMMENDING UNITED NATIONS HUMAN RIGHTS COMMISSION

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution (H. Res. 88) condemning Cuba's human rights violations, and commending the U.N. Human Rights Commission for its attention to the human rights situation in Cuba, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. BROOMFIELD. Reserving the right to object, Mr. Speaker, I would like to inquire of our chairman, the gentleman from Florida [Mr. FASCELL], as to how the time would be allocated, as well as whether or not a recorded vote would be happening tonight.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I will say under the rules when the bill is considered, we will have 1 hour of time under which I will yield 30 minutes to the gentleman from Michigan for his side and retain 30 minutes for debate on this side.

As far as a vote is concerned, my understanding is that the vote will be put over until tomorrow, and it is my understanding that it will be the first order of business tomorrow. That may be subject to change depending on the leadership, but as of right now, it is my understanding there will be no further votes tonight and that this vote on this resolution will occur as the first order of business tomorrow.

☐ 1600

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 88

Whereas according to the Department of State Country Reports on Human Rights Practices for 1990, the Government of Cuba "sharply restricts virtually all basic human rights, including freedoms of expression, association, assembly, and movement, as well as the right to privacy, the right of citizens to change their own government, and workers rights";

Whereas the Government of Cuba imprisons persons solely for the nonviolent expression of their political views, including the world's longest held political prisoner, Mario Chanes de Armas, who has been imprisoned for 30 years, and Ernesto Diaz, who has served 21 years in prison;

Whereas in March 1988, the United Nations Human Rights Commission undertook a review of Cuban human rights practices, and a working group of the Commission visited Cuba in September 1988;

Whereas in March 1990, the United Nations Human Rights Commission approved a resolution citing its continued concerns regarding the human rights situation in Cuba;

Whereas since the September 1988 visit of the United Nations Human Rights Commission working group, the Government of Cuba has arrested, harrassed, and intimidated scores of human rights monitors and independent activists, many of whom cooperated with the United Nations Human Rights Commission investigation;

Whereas at least 31 human rights monitors and independent activists are currently serving prison sentences, another two are under house arrest, and many others are awaiting trial; and

Whereas the International Committee of the Red Cross was denied access to Cuban prisons and inmates in 1990: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the Government of Cuba for its gross violations of internationally recognized human rights of the Cuban people, including its systematic harassment and intimidation of Cuban human rights monitors and independent activists;

(2) calls upon the Government of Cuba—

(A) to release from prison and house arrest all human rights monitors, independent activists, and other political prisoners,

(B) to respect internationally recognized human rights, and

(C) to allow the International Committee of the Red Cross access to Cuban prisons;

(3) commends the United Nations Human Rights Commission for its attention to the human rights situation in Cuba;

(4) urges all member states of the United Nations Human Rights Commission to support the continued investigation of Cuban human rights violations by the appointment of special rapporteur or working group on Cuba; and

(5) commends the United States delegation to the United Nations Human Rights Commission for its diligence in pursuing this important issue.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] is recognized for 1 hour.

Mr. FASCELL. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the distinguished gentleman from Michigan [Mr. BROOMFIELD], the ranking Republican on the Committee on Foreign Affairs, pending which I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. YATRON], chairman of the Subcommittee on Human Rights and International Organizations.

Mr. YATRON. Mr. Speaker, I will keep my remarks very brief. I want to commend Chairman FASCELL, Chairman TORRICELLI, and Congressmen BROOMFIELD, LAGOMARSINO, and BEREUTER for keeping the pressure on Cuba for that country's dismal human rights record.

It is entirely appropriate that the first resolution concerning human rights in Latin America focus on Cuba. After all, Cuba is the only Spanish-speaking dictatorship remaining in the Western Hemisphere. Moreover, the U.N. Human Rights Commission is currently meeting in Geneva and this resolution will support the United States delegation's efforts to keep attention focused on Cuba's deplorable human rights record.

I think all of us here would like to see the end of Castro's dictatorship but it is equally important that we see his regime replaced with a democratic government. I urge my colleagues to support this resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to also thank the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. YATRON], the gentleman from Nebraska [Mr. BEREUTER], as well as the gentleman from New Jersey [Mr. TORRICELLI], and the gentleman from California [Mr. LAGOMARSINO] of the Subcommittee on Western Hemisphere Affairs, for reporting this resolution out.

Mr. Speaker, as an original cosponsor of House Resolution 88, I want to express my strong support for this resolution, and commend the distinguished chairman of the Committee on Foreign Affairs, DANTE FASCELL, for his leadership on this issue.

House Resolution 88 was reported unanimously by the Foreign Affairs Committee this morning. The resolution sends a clear message to the Castro regime that the United States condemns his repression and strongly supports all U.N. efforts to investigate human rights violations in Cuba.

Under Communist rule, Cuba is not a worker's paradise but a prisoner's nightmare. Individual freedom, political expression, and creativity are suppressed. In a time of democratic change, Cuba stands out as the least free country in the hemisphere.

House Resolution 88 correctly points out these violations. And it highlights the tragic fact that a Cuban prison holds the longest serving political prisoner in the world—Mario Chanes de Armas, who has been imprisoned for 30 years.

I am pleased that the United Nations has focused its attention on the deplorable human rights situation in Cuba. Unfortunately, Castro has deliberately frustrated the U.N. attempts to learn the truth—including repression directed at those Cubans brave enough to talk to U.N. investigators.

Castro's reprehensible actions taken against human rights monitors show his utter disregard for the international community. In response to a U.N. Human Rights Commission resolution condemning Cuban violations, Castro said, "Do not even dream that we will follow one word of that resolution."

We cannot allow Castro's outrages to go unanswered. Passing this resolution will again put Castro on notice that the world holds his government responsible for its human rights violations.

Mr. Speaker, I hope that 1991 will be the year when the democratic revolutin comes to Cuba. We hope Castro's dictatorship will not last forever. The Cuban people deserve the freedom so many have recently won. But until Castro's tyranny is replaced, until there is a rule of law rather than the rule of the Communist Party, the Cuba Government deserves our strongest condemnation. This resolution puts the spotlight on the wages of Cuban communism.

I urge my colleagues to support House Resolution 88.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. TORRICELLI], the chairman of the Subcommittee on Western Hemisphere Affairs.

Mr. TORRICELLI. Mr. Speaker, I thank our distinguished chairman for yielding.

At the outset I want to congratulate the gentleman from Florida [Mr. FASCELL], for his leadership in the committee in bringing this resolution forward; the gentleman from Pennsylvania [Mr. YATRON], subcommittee chairman; the gentleman from Michigan [Mr. BROOMFIELD]; and the gentleman from California [Mr. LAGOMARSINO]; indeed the entire Committee on Foreign Affairs, which has taken a principled and unanimous stand in favor of this resolution.

Mr. Speaker, the resolution urges all member states of the U.S. Human Rights Commission to support the continued investigation of Cuban human rights violations by the appointment of a special repertoire or working group on Cuba. It is a position the U.N. Commission has taken before. It is a commission that we urge to take that position again.

It does not single out Cuba. Cuba indeed has singled itself out. At a time when human rights are being respected throughout the hemisphere, Cuba remains as the exception. At a time when democracy is becoming the common coin of government throughout Latin America, Cuba remains the exception.

Indeed Cuba remains as a violator of the most basic human rights known to man, an island prison, refusing to change in the midst of a world that is changing day by day.

Mr. Speaker, this resolution reminds us that while the world is focused on human rights violations halfway around the globe, in Iraq, Americans need look only 90 miles from our shores where the most basic of all human rights are being violated.

Mr. Speaker, the United Nations has taken this strong stand in Iraq. Today we can begin the process of taking a strong stand for Cuba. Mr. Speaker, her people are no less important, and those rights that are being violated are nonetheless, either.

Mr. Speaker, support this resolution, help the United Nations to take this strong stand once again.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. LAGO-

MARSINO], the ranking member of the Subcommittee on Western Hemisphere Affairs.

Mr. LAGOMARSINO. Mr. Speaker, I want to commend both Chairman FASCELL and Mr. BROOMFIELD, as well as Mr. YATRON, Mr. BEREUTER, Mr. TORRICELLI, Mr. GOSS, Ms. ROS-LEHTINEN, Mr. SMITH, and the other original cosponsors for their leadership in bringing this resolution on Cuba's human rights violations before the House. I am proud to have joined them as an original cosponsor of this measure.

There are few issues affecting this hemisphere that cause greater concern than the continuing orchestrated campaign of outrageous violations of human rights and civil liberties perpetrated by the Castro regime in Cuba.

For more than 30 years, Castro has summarily repressed, brutalized, and eliminated virtually any element of dissent or any attempt to preserve basic human rights and civil liberties for the Cuban people.

The list of those harassed, tortured, or killed by Castro's regime over the past three decades is an incredible indictment against the maniacal power of one individual.

Of the innumerable gross violations of human rights committed in the name of the Castro regime, there stands out the incredible actions of the Castro government to punish and brutalize those who cooperated with the U.N. Human Rights Commission review of Cuba in 1988. Many of those are still suffering. Mario Chanes de Armas, the longest suffering political prisoner, still languishes in a Castro prison.

The resolution before us today calls attention to the Castro regime's unrelenting campaign of terror and repression. We must continue to keep the focus of the world on the criminal that Castro is for his crushing of human rights and civil liberties of the Cuban people.

This resolution is a timely and pertinent reminder to Castro and to the world that gross violations of human rights by the Castro regime cannot and will not go on without the vigorous condemnation of all of us who value life, liberty, and justice. It appropriately encourages the United Nations to keep the pressure on Castro's regime.

I urge my colleagues to give their unanimous approval to this resolution.

□ 1610

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member is pleased to rise in strong support of House Resolution 88, and join with the distinguished chairman and ranking minority member of the Committee on Foreign Affairs, Mr. FASCELL and Mr. BROOMFIELD and the chairman of the Subcommittee on Human Rights and International Organizations, Mr. YATRON, as an original cosponsor of this important legislation as well as the gentleman from New Jersey [Mr. TORRICELLI], the gentleman from Michigan [Mr. BROOMFIELD], the gentleman from New Jersey [Mr. SMITH], the gentlewoman from Florida [Ms. ROS-LEHTINEN], and others who have been active in proposing and being original cosponsors on this resolution. This resolution is particularly important because, while human rights conditions have improved throughout the hemisphere, conditions are still appalling in Fidel Castro's Cuba.

The situation is particularly egregious because of Castro's response to the U.N. Human Rigths Commission visit to Cuba. Since the UNHRC visit, human rights activists have been harassed, intimidated, imprisoned, and threatened. As the House Resolution 88 correctly notes, no fewer than 31 human rights monitors are serving prison sentences. Their crime is simply—they asked to be treated like human beings. And when the UNHRC, disgusted with Cuba's activity, passed a resolution condemning its abuses, Fidel Castro responded with utter contempt. Castro told the UNHRC,

> Do not even dream that we will follow one word of that resolution.

Mr. Speaker, yesterday the Subcommittee on Human Rights and International Organizations held hearings on the recently released State Department Human Rights Country Reports. The report on Cuba was not surprising; it showed human rights abuses to be among the worst in the world. It found specifically that Cuba sharply restricts virtualy all basic human rights, including freedoms of expression, association, assembly, and movement, as well as the right to privacy, the right of citizens to change their own government, and workers rights. I would also note that Cuba recently ended the International Red Cross' access to prisons, and that visits to political prisoners are no longer permitted.

Mr. Speaker, House Resolution 88 makes the important statement that this body will not forget nor accept Fidel Castro's contempt for human rights, and that the United States of America will not rest until all of our Cuban neighbors at least enjoy the most basic of human rights.

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. SMITH], a member of the Committee on Foreign Affairs.

Mr. SMITH of New Jersey. Mr. Speaker, Members may recall that last year the House of Representatives passed a resolution that I, along with many others, introduced condemning Castro's deplorable record on human rights. That resolution, like the excellent resolution of the gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs, focused particular attention on the Castro regime's abuse of Cubans who bravely came forward to testify before the U.N. Human Rights Working Group in September 1988. Members may recall that following the September 1988 working group visit to Cuba many of the human rights activists and monitors were arrested. Some were harassed, and there were several forms of intimidation employed against them.

Last March, subsequent to passage of yet another U.N. Commission resolution on Cuba, at least 12 human rights activists were arrested. Eight were held for 6 months without access to legal counsel and later were sentenced to terms as long as 1 year of limited liberty. Another activist was held in detention for 11 months, tried and was sentenced to 3 years of limited liberty for what they called rebellion.

Underscoring his scorn for human rights and the U.N. Commission itself, Fidel Castro said, and I quote, "Don't even dream that we're going to comply with even one single rule of that resolution."

Mr. Speaker, as in previous years, Country Reports on Human Rights Practices for 1990 paints a very depressing, a very dismal, picture of human rights in Cuba. Significantly that view is in no way unique. Virtally every legitimate human rights watchdog group gives Castro failing grades in the realm of human rights. According to the latest report on Cuba published by Americas Watch on February 25, "the Government of Cuba has increasingly flaunted its suppression of internal dissent." The report goes on to point out that Castro's government has initiated a running series of arrests, and has handed down increasingly lengthy prison terms and, according to the report, "has decimated substantial portions of the small human rights community that had begun to emerge in Cuba."

Mr. Speaker, although its record on exposing human rights abuse has been checkered, and largely ineffective in the past, the U.N. Human Rights Commission is to be commended at least for focusing on Cuba. Followup by the United Nation, I am sad to say, has been inadequate, but at least there is now a focus. Nevertheless, I think it should be noted that the focus on Cuba is largely attributable to the tenacity and skill of former Ambassador Armando Valladares. Ambassador Valladares knows firsthand the brutality and the savagery of the Fidel Castro regime having spent some 22 years in Cuban gulags. Anyone who knows Ambassador Valladares, who reads his book, as I have, "Against All Hope," cannot help but be awed by his courage and indomitable will to overcome.

Mr. Speaker, I said there was some disappointment with the United Nation, and I would like to elaborate briefly on that. It is in the area of followup. For months we have been trying to get the United Nations, particularly Secretary General de Cuellar, to follow up with a report on the human rights situation in Cuba. Six days ago, on February 21, that report was made. It is inadequate, and it is disappointing. I was disappointed that the Secretary General failed to address a number of issues which has been mandated in the earlier Commission's resolution, and merely reported the sequence of discussions with Cuban authorities. The report simply accepted Cuba's explanations about the cases of human rights activists. Little independent reporting or analysis was given, and in fact, the Secretary General refused to discuss the hundreds of private cases which have been presented to him for investigation. Hopefully, in this current session of the Human Rights Commission in Geneva there will be an attempt made to be more thorough and hopefully to use or to have the kind of followup that will help make the situation on human rights better in Cuba. I strongly support the efforts to appoint a special rapporteur for human rights in Cuba.

Mr. Speaker, again I want to commend the gentleman from Florida [Mr. FASCELL], the gentleman from Michigan [Mr. BROOMFIELD] and the rest of the leadership for sponsoring this legislation. It is a good one and deserves unanimous passage by this House.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for yielding, and I would just like to, first of all, congratulate the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], for introducing this resolution. I think it is very timely and extremely important.

Mr. Speaker, last year I had the opportunity to fly to Geneva to meet with leaders from around the world to talk about the problems of the atrocities that have been perpetrated upon the people of Cuba by Fidel Castro, and for the first time that body voted overwhelmingly in favor of condemning Fidel Castro for the human rights violations and had a human rights report published and circulated throughout the world. But that has not stopped the atrocities in that country.

Mr. Speaker, if my colleagues talk to our good friend, Armando Valladores, who wrote the book, "Against All Hope," they know the kinds of torture and atrocities that have been taking place on a daily basis in the gulags in that country, and this type of inhuman behavior cannot be tolerated by anyone in this world, particularly so-called leaders like Fidel Castro.

We have seen atrocities perpetrated on the people of Kuwait by Saddam Hussein, and that has been highly publicized and visible. The problem with Cuba is the atrocities that have been taking place down there are not readily accessible to the people of this world, and so for that reason we need to keep the pressure on so the world knows exactly what is happening in Cuba.

Mr. Speaker, I am very hopeful that the people of Cuba one day will be liberated from the chains of bondage that they have been experiencing, not unlike the chains of bondage that the people of Kuwait have been experiencing.

□ 1620

I hope before too long we will be able to say that Cuba is free, that the people there are free, and that there are no longer these acts of savagery which have been perpetrated on those people like those they have been experiencing.

So, Mr. Speaker, I would end up by saying, here's to the freedom of Cuba, and here's to the end of Fidel Castro.

Once again, let me thank the gentleman from Florida [Mr. FASCELL] for his very timely resolution.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, now more than ever we need to pass this important resolution on the human rights abuses in my native homeland, the island of Cuba. For over 30 years, Fidel Castro has brutally oppressed the people of Cuba and has blatantly violated human rights to achieve his objective. His objective, as always, is the complete and total subjugation of the Cuban people to his personal will.

The U.N. Human Rights Commission should be commended for its efforts to address the horrible human rights record in Cuba and should be urged to continue their worthwhile work and House Resolution 88 does exactly that.

In the spring of 1990, most of Cuba's well-known human rights activist were rounded up in the wake of the passage of last year's U.N. Human Rights Commission resolution, which condemned human rights violation in Cuba. The resolution also called on the Cuban Government not to retaliate against those who had testified before the U.N. commission in 1988. Fidel Castro responded to the U.N. resolution by stating, "do not even dream that we will follow one word of the resolution."

Fidel Castro's blatantly disregarded the U.N. resolution. This illustrates his determination to control Cuba with an iron fist. All of his statements which deny the existence of political prisoners are lies and deception to placate the liberal media and those who dare to even question his regime.

For example, in 1987, the government of Fidel Castro officially announced the liberty of all historic political prisoners still in jail. How ironic! Were it only so. But now, 4 years later, the number of political prisoners has not decreased, but increased.

We are aware that today there are still political prisoners known as plantados languishing in Cuban jails. The plantados are long-term political prisoners who have refused to cooperate with their captors. For this, the plantados are separated from the other prisoners, and are treated in a far more harsh manner and are routinely harassed by their jailers.

Of the plantados, Ernesto Diaz Rodriguez has been in jail for 23 years and Mario Chanes de Armas has been jailed for an incredible 30 years. All this simply because they disagreed with one man, one brutal dictator, Fidel Castro.

I join with Mr. Alfredo Mustelier, an ex-plantado of 20 years, who just returned from Geneva where he is supporting a U.N. declaration that Mario Chanes is the longest held political prisoner in the world.

I ask all my colleagues to support House Resolution 88 which condemns these obscene human rights violations in Cuba. How long must these prisoners suffer in jail? How long can we risk ignoring their plight?

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank the Chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL] for yielding this time to me.

Mr. Speaker, I rise in strong support of the resolution. In the change that has gone on in the past 2 years around the world, Fidel Castro almost seems like an anachronism, and one really wonders how much longer he can hold on. I think it will not be very much longer.

I think the Cuban people are fed up, that they are tired, and they yearn for the kinds of freedoms that people in Eastern Europe and all over the world, the Kuwaitis and others, have yearned for.

It is amazing to hear the Cuban Ambassador to the United Nations lecturing to us about morality or what the United Nations ought to do about what is right when in his own country Cuba has the worst track record of probably any country in the world during the past years of Fidel Castro's reign of terror.

Let us look at what Cubans have or, shall I say, do not have in Cuba. There are no human rights, there is no freedom of expression, there is no right of association, there is no right of assembly, and there is no right to privacy. Prisoners are kept in prison year after year, not only political prisoners but activists, human rights monitors, and others who only want to ensure that the Cuban people have the same types of freedoms that are breaking out all over the world.

We talk about Saddam Hussein not allowing the Red Cross to visit our prisoners of war. The International Red Cross has been barred by Fidel Castro from visiting Cuban prisoners, and only twice in the brutal 30-year history of that regime have they allowed the International Red Cross to come in and visit those prisoners. Now, once again they are barring them. What does Fidel Castro have to hide? If there is nothing to hide in his so-called workers' paradise, why does he not allow the International Red Cross to come in and monitor it?

Mr. Speaker, I rise in strong support of the resolution. I am delighted that Congress and the House of Representatives are speaking out forcefully and strongly, and I hope and pray, along with millions of the Cuban people, that Fidel Castro's days are numbered. It is only a matter of time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand here today to commend the efforts of Chairman FASCELL, ranking member BROOMFIELD, and my colleagues on the Foreign Affairs Committee for their leadership on bringing forward House Resolution 88. This timely measure condemns Cuba's human rights violations and commends the U.N. Human Rights Commission for its attention to the human rights situation in Cuba.

With world events turning our attention to the Middle East we must not forget human rights abuses occurring elsewhere in the world. Right in our own backyard one of the most egregious violator of human rights, Fidel Castro, is imprisoning Cuba's citizens for the nonviolent expression of their political views, and holding them for decades without reprieve. We now have reports that catalog outrage—and we likely are only seeing the fin of the shark.

The most obvious common denominator between Saddam Hussein and Fidel Castro is the gross violation of human rights inflicted upon innocent people in their respective regions of the world. Mr. Speaker, as we turn our attention to the human rights abuses in Kuwait we must also remember the human rights abuses occurring on our island neighbor. Every year on July 26, Castro climbs up on his soap box to celebrate his rise to power and champion the Communist State while condemning the United States as the evil imperialist. We need to remember not just on this day, but every day, that this ruthless dictator rhetoric cannot hide the horrible facts. He does not care about the Cuban people; he does not care about the basic freedoms that all people inherently deserve.

House Resolution 88 sends a clear message to Fidel Castro that his human rights violations are now known to the world and should not and will not be tolerated. I know that Members of Congress will join me in supporting this resolution.

Mr. Speaker, having no further requests for time, I yield back the balance of my time on this side.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, let me thank my colleagues, particularly the ranking member, the gentleman from Michigan [Mr. BROOMFIELD], as well as the two chairman of the subcommittees who previously addressed the House, Mr. YATRON and Mr. TORRICELLI, and the two ranking members of those subcommittees, Mr. BEREUTER and Mr. LAGOMARSINO, who all worked very diligently to put this resolution together, to get it through the subcommittees, and to bring it to the floor of the House in a timely fashion prior to the vote that will be taking place in Geneva next week.

□ 1630

My main purpose in rising is to remind Members that resolutions expressing the sense, the voice of the Congress, the voice of the American people, are important resolutions. I know that in the past some have suggested that if it is not a legislative matter, that perhaps there is less importance attached to resolutions which simply express the sense of the American people as reflected by the elected Members of the Congress of the United States.

Mr. Speaker, I want to say on the record and for those Americans who are listening and watching, and for Members, that nothing could be further from the truth. The voice of the American people is heard and well-respected around the world. We may not have unanimous agreement in the world about our policies, but I can tell Members that we have almost universal respect for the values that we espouse.

While we ourselves may have difficulty in living totally, 100 percent, up to all the values we espouse, I think almost everyone understands that we strive mightily to make an improvement in the world, not only for ourselves, but for other people. It is a value that other people understand and is devoid of any ideology because it expresses the most fundamental and most basic human feelings and aspirations. We are talking about freedom of the individual, in his mind, in his heart, in his soul, in his religion, in his politics, and all of the other attributes that go with what we term a free society.

It is human dignity that is the key to this. I do not care where one goes, I would be willing to wager that there are people all over the world, no matter what their political system is, that understand these values and want to strive to achieve those values. It may take a long time, but, nevertheless, the expression of the American people in support of human rights is valued beyond our recognition here.

So we should never take what we do by way of resolution lightly. We ought to understand that it is a beacon of hope, it is a light for many people in many places.

Now, who would have thought that, without firing a shot, the Berlin Wall would come down? Who would have ever thought that after all of the years of power politics in a system called communism, that ultimately it would fall by its own weight, and that its people would strive in every which way to express their individuality and their determinations with respect to religion, politics, and their own well-being? Who would have thought that the whole Eastern part of Europe would become sovereign, independent, democratic nations?

That is true across the world, not just there. This is true all across the world. The one throwback, the one holdout that we have in the Communist system, is the Castro government. When you examine that, it is more than just ideology. It is more than that. We have seen that in other places, where the desire to retain power and control is dominant over every other consideration.

This has nothing to do with the well-being of the people. That is what the situation is in Cuba. Otherwise, why would there be such a stranglehold on the people? No dissent is tolerated. No intervention of any kind by the normal international organizations, which have nothing but the benefit of mankind as their credo, are even permitted to come in and see for themselves.

So we have the unusual situation where people inside of Cuba who want to express themselves in one way or another with regard to human rights or other matters are throttled, jailed, harassed, and stomped. All of the other things that happen of in other Communist societies—the reforms inside the Soviet Union and Eastern European—are not happening there. We are not all the way there.

The only point that I make is with determination, with conviction, with constancy, the message has gotten through to peoples all over. While we do not claim all the credit in the world for bringing that change about, I can say that the American people deserve a large part of the credit, because the values that we hold dear are values that people treasure and understand.

People in other countries do not come and grab you by the arm and say, "American, American." They cannot speak English, but they can say "American, human rights. Human rights." They know what that means.

So it is true all over. One day the courageous Cubans, not only those who are in this country still fighting for freedom for their own people in Cuba, but those Cubans inside Cuba who time and again have put their lives on the line, trying to bring about a change in Cuba, to get a recognition of the dignity of the individual, in the value of human life, the value of freedom will ultimately succeed. They are the ones we are supporting with this resolution. They need to hear what we are saying. They need to hear us say that we have not forgotten.

In every human rights case the Commission on Security and Cooperation in Europe had with the Soviets, involving those people who are being harassed, were not able to travel or emigrate and were in jail or the Soviet gulags, every time one of those people came before our Commission we asked the same question: "Are we doing any good? We cannot legislate. We have no enforcement machinery. We can pass resolutions. We make speeches, we write articles, we tell the world about you." And, without exception, every one of them said, "Keep doing what you are doing. It is our only hope. We are willing to put our lives on the line. We need to know that those of you who are out there and who enjoy all these great freedoms are still with us, that you have not forgotten us, that there will be a day sometime when we will be free and have the opportunity to join you."

That is what this resolution does. It says we have not forgotten you. We are supporting the effort at the United Nations, at the Human Rights Commission. We are saying that this vote will demand that the events in Cuba be subjected to the spotlight of international security and humanity.

Mr. Speaker, I urge Members to adopt this resolution.

Mr. Speaker, I rise in support of House Resolution 88, condemning Cuba's human rights violations, and commending the U.N. Human Rights Commission for its attention to the human rights situation in Cuba.

This resolution was reported favorably by the Committee on Foreign Affairs on February 27. I would like to thank the chairmen of the Subcommittees on Human Rights and International Organizations and on Western Hemisphere Affairs, Mr. YATRON and Mr. TORRICELLI, and their ranking minority members, Mr. BEREUTER and Mr. LAGOMARSINO, for their support and leadership on this issue. I would also like to thank the ranking minority member of the full committee, Mr. BROOMFIELD, for his cooperation and support.

Next week, members of the U.N. Human Rights Commission now meeting in Geneva will vote on a resolution to reinstate a special rapporteur or working group to investigate violations of human rights in Cuba. This measure supports that initiative and calls upon all member states of the Human Rights Commission to vote for the resolution, which I understand currently has 16 cosponsors. It further commends the United Nations for attention that body has paid to this important issue to date and also commends the U.S. delegation to the U.N. Human Rights Commission for its efforts to bring the issue before the Commission.

House Resolution 88 also condemns ongoing human rights violations in Cuba, including the systematic harassment, intimidation, and detention of those who cooperated with the 1988 working group of the United Nations Human Rights Commission. Despite Cuban assurances that those who met with the United Nations team in 1988 would not suffer recriminations, hundreds of Cuban citizens were arrested in the aftermath of the September 1988 visit of the United Nations team and the subsequent United Nations votes on Cuba. Today, at least 31 human rights monitors and independent activists, many of whom helped the U.N. group gather information, are currently serving prison sentences, another two are under house arrest and many others are awaiting trial.

This measure calls upon the Cuban Government to release them and all those held in Cuban jails for the nonviolent expression of their political views. Independent human rights organizations such as the Lawyers Committee for Human Rights put the number of political prisoners held in Cuban jails in July 1990 at about 300, although the precise number is difficult to ascertain because there is no international access to prisoners and because the Cuban Government often charges political opponents with common crimes to mask the true nature of their imprisonment. Among that group is Mario Chanes de Armas, believed to be the world's longest held political prisoner, who has been imprisoned for 30 years and Ernesto Diaz, who has served 21 years in jail. House Resolution 88 further calls upon the Cuban Government to allow the International Committee of the Red Cross access to Cuban prisons and inmates.

Mr. Speaker, I urge our colleagues to support this important measure which I know will bolster the United States delegation's efforts and which I expect will result in the appointment of a special rapporteur or working group on Cuba. For despite the Cuban Government's attempts to deter attention from its abysmal human rights record, it cannot escape the glare of the international spotlight.

Castro's response to last year's U.N. resolution urging the Cubans to improve their human rights record was an arrogant "Do not even dream that we will follow one word of that resolution." His flagrant refusal to respond to calls for improvements in the deplorable human rights situation in Cuba coupled with the crackdown on human rights monitors and independent activists that followed last year's United Nations vote on Cuba have resulted in the recognition among the majority of the United Nations Human Rights Commission member states that Cuba must be a focal point of their future deliberations.

Mr. Speaker, the courageous Cuban men and women who, at great personal risk, have defied the Cuban Government and spoken out against the systematic denial of civil and political rights that characterizes Cuban life, deserve our deepest admiration. Together with members of the international human rights community such as Amnesty International, Americas Watch, the Lawyers Committee, and Freedom House, they have brought the horrors of Cuban prisons and the repression of Cuban life to the attention of the world. That they should suffer recriminations for merely attempting to exercise their basic human rights—and to protect the rights of others—is deplorable. Passage of this resolution, and a U.N. investigation into their plight, is the least we, who enjoy the luxury of freedom, can do.

Mr. Speaker, I urge my colleagues to support this important and timely resolution.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FASCELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, further proceedings on this resolution will be postponed until tomorrow.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on House Resolution 88.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FEDERAL EMPLOYEES RECOGNITION WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 51) to designate the week beginning March 4, 1991, as Federal Employees Recognition Week, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so simply to acknowledge the good work of the gentlewoman from Ohio [Ms. OAKAR], who is the chief sponsor of this joint resolution.

Mr. CLAY. Mr. Speaker, today I am privileged to join in tribute to a very distinguished group of Americans for whom I have great respect. I refer to the more than 3 million persons employed by the Federal Government.

These Federal civilian employees, who have lost their right to participate voluntarily, as private citizens, in the political processes of the

Nation, continue to perform valuable services that contribute to the efficient operation of our Government. We are proud of and grateful to our Federal employees.

I am pleased to join with my colleagues as a supporter of House Joint Resolution 97, "Federal Employees Recognition Day."

Ms. OAKAR. Mr. Speaker, I would like to thank all of my colleagues who are today supporting passage of this legislation, that I just recently reintroduced, which would declare the week beginning March 4, 1991, Federal Employees Recognition Week. It's important that we set aside a week to recognize the work of over 3 million Federal employees across our country. This recognition is certainly appropriate and well deserved. As always, I appreciate the support of the distinguished chairman of the Subcommittee on Census and Population, my friend from my home State of Ohio, Mr. SAWYER and his ranking minority member, Mr. RIDGE, for their support of this important resolution. I would also like to thank Senator SARBANES who pushed this bill through the other body last week.

Mr. Speaker, during the last several years, Federal employees have faced repeated attempts to cut their pay, while staffing cutbacks have increased their workload. While I and my colleagues have fought to ensure decent treatment for Federal workers, we have not always been successful. Three years ago Federal employees had their pay frozen and Federal retirees received no cost-of-living adjustments in their pension checks. On average, the salaries of Federal employees have fallen behind the private sector by 27 percent. Despite all this, Federal workers have continued to perform duties vital to our Nation's well-being.

I believe it would be extremely valuable for the public and Congress to be reminded of how much we ask of our public servants. Declaring March 4–10 as Federal Employees Recognition Week will focus our attention, however briefly, on the efforts and achievements of the U.S. Government work force. I thank all of my colleagues who cosponsored this bill and I urge its immediate passage.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 51

Whereas Federal employees serve the people of the United States by enabling the Federal Government to carry out its duties in an efficient manner;

Whereas more than three million individuals are employed by the Federal Government;

Whereas many valuable services performed by Federal employees are often inadequately recognized by Federal officials and by the people of the United States; and

Whereas Federal employees should be recognized for the contributions that they make to the efficient operation of the Federal Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning March 4, 1991, is designated "Federal Employees Recognition Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1640

VERMONT BICENTENNIAL DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 58) to designate March 4, 1991, as Vermont Bicentennial Day, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the gentleman from Vermont [Mr. SANDERS], who is the chief sponsor of this joint resolution to designate March 4, 1991, as Vermont Bicentennial Day.

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding, and thank the Committee on Post Office and Civil Service for their strong support and their effective and rapid effort to get this bill through.

March 4, 1991, is in fact Vermont Bicentennial Day. It marks the 200th anniversary of our State.

Our State is proud of its independence, the role we have played in American history, and our allegiance to the United States, and we thank this body for its support for this day.

Mr. RIDGE. The Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 58

Whereas 1991 marks the bicentennial of the end of the proud fourteen-year history of the Republic of Vermont;

Whereas the Republic of Vermont gave unstintingly to the cause of independence of the original thirteen colonies;

Whereas the Republic of Vermont became the State of Vermont on March 4, 1791, the first Republic to become a State and the fourteenth State to join the Union;

Whereas the State of Vermont has continued to contribute to the Union over the past two hundred years, first in agriculture, then in manufacturing, and always in education and political thought;

Whereas Vermont has been a leader in the preservation and use of its natural resources for the benefit of its own citizens, citizens of other States, and for generations of all citizens to come; and

Whereas on March 4, 1991, Vermont will begin its third century of statehood: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 4, 1991, is designated as "Vermont Bicentennial Day", and the President is authorized and requested to issue a proclamation acknowledging the contributions of the people of the State of Vermont during the past two hundred years.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SCHOOL BREAKFAST WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 98) designating March 4 through 10, 1991, as National School Breakfast Week, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so simply to acknowledge the good work of my friend and colleague, the gentleman from New York [Mr. BOEHLERT], who is the chief sponsor of this joint resolution.

Mr. BOEHLERT. Mr. Speaker, a daily breakfast is vital to the health and well-being of growing children. Studies have shown that children who eat breakfast score higher on tests and have better attendance records. The School Breakfast Program provides a healthful morning meal to 3.8 million children a day in school.

Now, more than ever, our children need the School Breakfast Program. This one step toward better nourished children will not solve all the problems of childhood, but it will help to give children the energy and health to take advantage of the opportunities and avoid the pitfalls they encounter.

The School Breakfast Program was established under the Child Nutrition Act of 1966, as a 2-year pilot project. In 1975, amendments to the law made it a permanent program. In 1989, it operated in approximately 40,000 schools and served a daily average of 3.6 million children.

Today, the program provides assistance to States to initiate, maintain, or expand charity programs in eligible schools and residential child care institutions. Any public or nonprofit elementary, middle school or high school, or licensed residential child care facility is eligible for the program. Those serving in the program must agree to serve breakfasts that meet Federal nutrition standards, and to provide free and reduced price breakfasts to children who cannot pay the full price.

Each year a week is set aside as "National School Breakfast Week" to increase public awareness of this important nutritional program. This year I am proud to be the author of a resolution to designate March 3-9, 1991 as "National School Breakfast Week."

Many schools still do not offer the program, and not all children participate in schools where it is offered. More communities must become aware of the benefits of the School Breakfast Program so that breakfast is served to every child who needs it. Let's assure that this vital program receives the recognition it deserves and designate March 3-9, 1991 as "National School Breakfast Week."

Mr. RIDGE. Mr. Speaker, having identified the gentleman from New York as the chief sponsor and acknowledged his good effort, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 98

Whereas participating in a school breakfast program is an important way children can improve their nutrition, and good nutrition is integrally related to learning;

Whereas, in 1988, an estimated 4,000,000 children participated in their school breakfast programs in 38,000 schools across the country;

Whereas studies have shown that participating in school breakfast programs improve students' academic performance and decreases their rates of tardiness and absenteeism;

Whereas the chief responsibility of the school food service is to assure that children will not suffer academically because they are hungry: Now therefore, be

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 4 through 10, 1991, is designated as "National School Breakfast Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 26, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit one sealed envelope received from the White House at 5:20 p.m. on Tuesday, February 26, 1991, and said to contain a message from the President whereby he transmits a legislative proposal entitled the "Enterprise for the Americas Initiative Act of 1991" and a section by section analysis.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ENTERPRISE FOR THE AMERICAS INITIATIVE ACT OF 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-49)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs, the Committee on Foreign Affairs, the Committee on Agriculture, and the Committee on Energy and Commerce, and ordered to be printed:

(For message, see proceedings of the Senate of Tuesday, February 26, 1991, at page S2305.)

INTRODUCTION OF THE GLOBAL EDUCATION OPPORTUNITIES ACT OF 1991

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, I rise today to announce the introduction of my legislation to address the quiet crisis of global competence. As the 20th century draws to a close, we are faced with global complexities and challenges never before encountered in the history of mankind. What do we know about these complexities and challenges? Are we prepared to address them or even to understand them? We know that nations will continue to become more interdependent; that our fragile world will face crisis in resources, the environment, and overcrowding; and that technological advances will contribute to even greater global shrinkage. Finally, we know that we must be able to comprehend these changes and develop the skills to cope with them.

Support for foreign language training and international education is particularly critical at this time due to the political and economic climate on our planet. At no time in history have events in one country or on one continent had more pervasive and lasting impact on the rest of the world. Isolation and parochialism are no longer options, for countries or individuals, as events increasingly have broad and lasting impact far beyond their immediate sphere of influence. These changing world conditions are focusing the attention of America on the inescapable reality of linguistic and cultural diversity—diversity working harmoniously with other nations day to day and moment by moment, and doing so in their language rather than demanding that they do it in ours.

Recent events have riveted our attention to these realities:

The opening of Eastern Europe as a result of swift and dramatic changes in governments;

The consolidation of Western Europe through the efforts of the European Economic Community;

The global response to Iraq's aggression in the Middle East and the threat this poses to the precarious balance in the region;

The democratization, balkanization, and devastating economic problems of the Soviet Union;

The reunification of the two Germanies;

The debt crisis in Latin American and its effect on global financial institutions;

The influence and pervasiveness of international drug cartels;

The potential problems posed by our national and international reliance on oil; and

The replacement of the United States as a leader in world trade and our status as a debtor nation.

Events abroad seem more relevant because they are immediate and constantly in flux, brought to our attention through instantaneous communication. Peoples and languages which were once remote are no longer, for in many of our communities the strange sounds of unrecognizable languages and the sometimes misunderstood ways of another culture are those of our neighbors.

It is becoming increasingly apparent that we need knowledge and proficiency in other languages and cultures to cope on an everyday basis:

Small and large businesses are competing in an international marketplace;

Science and technology have been thrown into turmoil by rapid growth and discovery—and the need to keep in touch with developments worldwide which may have impact on a specific project or area of study;

Service industries, both here and abroad, demand knowledge and understanding of and by the client in order to perform competently;

The best medical treatment cannot be administered without knowledge of the patients' ills, information which often comes through verbal communication; and

Government, at all levels, depends on communication with citizens, for interaction is as crucial in law enforcement as in public education.

In recent years, beginning with my service on President Carter's Commission on Foreign Language and International Studies, I have had specific interest in helping to redress the lack of American competence in language and culture proficiency. During the last few Congresses, together with colleagues such as PAUL SIMON, CHRISTOPHER DODD, BILL BRADLEY, and GEORGE SANGMEISTER, I have introduced the National Security Through Foreign Language Assistance Act, the National Bureau of Language Services Act, the Foreign Language Assistance Act, the International Education for a Competitive America Act, and National Geography Awareness Week. Today, in this Congress, I am introducing the Global Education Opportunities Act, including portions of the Foreign Language Competence for the Future Act, the Global Elementary Education Act, and the access to international education opportunities abroad amendments.

The Foreign Language Assistance Act became law 3 years ago. Parts of the other bills were incorporated into the Education for Economic Security Act, the Higher Education Act, and the Omnibus Trade and Competitiveness Act. As cochairman, with Senator DODD, of the House/Senate International Education Study Group, I have attempted—through "Dear Colleague" letters, congressional briefings, and an annual Foreign Language Week program—to keep my congressional colleagues informed of the vital needs and dynamic changes in foreign languages and international education within our nation.

Perhaps of greatest significance, last year Congress finally recognized the need to provide funding for these nationally important foreign language programs. The funding is small, but it is very important seed money. For example, the Foreign Language Assistance Act supports model and innovative programs in elementary and secondary schools. This particular type of funding is crucial because it helps focus attention on outstanding programs and draws attention to an area of urgent need—if America hopes to improve its competitive edge in the global marketplace.

I was pleased that Congress approved increases in funding for the programs which provide ongoing support for a broad category of foreign fellowships, research, study abroad, language and area studies centers, and centers abroad for intensive study of critical languages and cultures. Without Federal support, these programs would have ceased to exist decades ago, and they are programs which provide the foundation for foreign language and international studies education in U.S. higher education.

In addition to model elementary and secondary programs, new and increased Federal funding also will support the purchase of foreign language materials by libraries, research on the acquisition of critical language skills, and international business centers concentrating on foreign languages and area studies.

These legislative initiatives have come about because Americans have shown greater interest in language and culture study. Enrollments are increasing at dramatic rates in educational programs at all levels. States are creating international programs ranging from required foreign language study in elementary schools and incentive funds for foreign languages programs to support for study abroad programs for teachers, and institutes to assist small businesses in acquiring international expertise. Major improvements are being made—but we are unable to keep pace with the rate of change in the world. Programs must be designed which will enable many in education, the professions, business, and all areas of public and professional life to take quantum leaps forward in developing the skills and understanding which are required if America is to keep up.

The situation now is no longer scandalous as it was described by the President's Commission on Foreign Languages and International Studies in 1979. Our current national situation with regard to international skills and understanding is merely appalling.

Thirty-five States report current or projected foreign language teacher shortages;

Fewer than 20 percent of our elementary schools offer any form of language instruction;

Fewer than 10 percent of our high school graduates have taken 4 years of a foreign language;

Fewer than 1 percent of our students study Japanese, Chinese, Arabic, or Russian, the languages of three-fourths of the world's population;

It remains possible to acquire a postgraduate degree in the United States without ever encountering a foreign language, geography, or world history;

We continue to squander a valuable resource—the 28 million Americans for whom English is not the first language;

One of the military service academies is actually contemplating cutting back its foreign language offerings;

The U.S. diplomatic service does not require knowledge of a foreign language for entry into the foreign service.

The problem is urgent. We cannot continue at the snail's pace of the last 10 years when there is a host of international problems whose solutions demand improved communication and understanding.

We are embroiled in a conflict in the Middle East where we neither understand the culture nor speak the language of our allies or our enemies. Prior to the outbreak of hostilities, a majority of Americans could not find Iraq, not to mention Kuwait, on a map.

By the end of next year, the European Community will become the world's dominant economic unit and its most lucrative market. Yet we have largely ignored this economic and political integration, making no inroads to this market.

U.S. policy toward global environment degradation and resource depletion has been on hold for the past 10 years. We have tried to ignore acid rain, global warming and the need for energy alternatives in hopes that they will go away.

In a world of plenty, hunger and famine continue to wrack Africa and threaten the rest of the Third World. While we provide some limited humanitarian assistance, our lack of knowledge and understanding contributes to our inability to find long-term solutions.

Third World debt seriously threatens overextended U.S. financial institutions. Combined with the current recession and the savings and loan fiasco, the very fabric of our economy is in danger.

The problem is immediate and real. It contributes to our daily international crises and threatens our economy, security, and quality of life. It is for this reason that I am also urging the establishment of a long-term program which will enable us to close the gap by the year 2020—the Globally Aware America Program [GAAP].

By the year 2020, in order for the United States to be properly educated, globally literate, internationally competitive, and nationally secure:

Every school system should offer sequential foreign language courses from grades K through 12;

Every student should have studied the language, culture, and literature of another country or region, achieving working levels of competency;

Institutions of higher education and professional schools should indorporate international knowledge and language usage into their degree programs;

Language study should be make available in areas of special concern such as law enforcement, social services and health care;

Research on language acquisition should be advanced and resources for language learning identified and properly used;

Additional attention and support should be provided to assist programs in the difficult languages such as Arabic, Chinese, Japanese, Korean, and Russian;

Language teachers and international educators should be provided periodic opportunities to study abroad in order to enhance their skills and knowledge;

Opportunities for American students to study abroad beginning in high school should be increased tenfold;

All teachers should be proficient in another language and knowledgeable about other cultures, geography, literature, and history;

The multiculture nature of our country should be encouraged and capitalized upon through the use of such initiatives as two-way developmental language programs;

Small, medium, and even large businesses must be provided assistance in developing the international expertise necessary to become competitive;

The Federal Government must provide the necessary seed moneys to encourage the development of basic international and language skills necessary in order to achieve high levels of expertise;

The Federal Government must identify the need for and develop superior expertise in translation, cryptolinguistics, language, and international skills in areas of national concern.

To achieve these goals by the year 2020, we must begin now. To help us enhance current education programs, create alternative education programs, assist small and medium businesses, encourage qualified teachers, and provide the necessary high level government expertise, I am proposing the Global Education Opportunities Act. Title I of this bill would provide in-service programs for foreign language teachers, training for elementary foreign language teachers, distance learning programs, the creation of State and municipal institutes to assist business and professions in gaining international competence, grants for developing materials in elementary foreign language, culture, geography, and international studies, and support for consortia in critical languages and area studies. Title II encourages undergraduate study abroad, and adds a study abroad dimension to other international programs.

Such initiatives would provide a good start toward closing the gap between the rest of the world and the United States in international expertise and second language competency by the beginning of the 21st century. However, they must be part of a larger set of initiatives adopted over the next decade if the United States is to be truly globally competitive and competent by the year 2020.

Other problems and needs will undoubtedly present themselves as we pursue the Global Education Opportunity Act and the longer term GAAP. Because of the incremental nature of decisionmaking in public policy, problems are addressed only when they become immediate, and then the solutions are usually short term. In dealing with the issue of America's competence and competitiveness, as well as our national security, we cannot afford short-term, stopgap answers.

Today we face a time in human existence that is truly a historical crossroads. We inhabit a globe characterized by terrorism, revolution, overpopulation, environmental degradation, widespread hunger, and regional warfare. We can seize the moment and begin now to develop the knowledge and understanding necessary to cope with these current global complexities and shape a better future. More than any other contemporary crisis, the greatest danger we face is the quiet crisis of global incompetence and lack of international understanding. We cannot delay, we cannot postpone, we cannot tarry. Our vision for the world of the year 2020 and how we respond to it must begin now. Mr. Speaker, I urge my colleagues to join me in supporting this important measure.

The text of the legislation is as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Global Education Opportunities Act of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short titles; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.

TITLE I—FOREIGN LANGUAGE INSTRUCTION

Sec. 101. Demonstration grants for critical language and area studies.
Sec. 102. Demonstration grants for distance learning.
Sec. 103. Training of elementary and secondary school teachers.
Sec. 104. Development of foreign language and culture instructional material.
Sec. 105. Foreign language foundations.

TITLE II—HIGHER EDUCATION AMENDMENTS

Sec. 201. Clarification regarding the availability of student assistance for those engaged in study abroad.
Sec. 202. Disbursement issues.
Sec. 203. Determination of amount of aid.
Sec. 204. Incentive grants for enrollment in special programs abroad.
Sec. 205. Work study.
Sec. 206. Discretionary authority for campus financial aid adminstrators.
Sec. 207. Loan deferral during study abroad.
Sec. 208. Modification of title VI.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) students in the United States have demonstrated deficiencies in knowledge of foreign languages;

(2) the Federal Government has a vested interest in ensuring that all students learn about the diverse cultural heritage of the Nation and the world community so that the Nation's ability to compete in the global marketplace is preserved;

(3) the future economic welfare and national security of the United States will substantially depend upon our ability to educate our citizens to communicate in other languages and know other cultures and business practices;

(4) only 17 percent of public elementary schools offer any form of language instruction;

(5) more than 35 States are experiencing or projecting shortages of foreign language teachers;

(6) fewer than 1 percent of American undergraduate students study abroad;

(7) far too few American students study abroad outside of traditional Western European nations, even though such other nations and regions are increasingly important to the United States;

(8) far too few American students in the sciences, engineering, business, and other disciplines crucial to our economic well-being study a foreign language or study abroad; and

(9) many American students, particularly those from minority backgrounds, do not enjoy equal access to the important learning opportunities study abroad provides because of the lack of financial assistance, including that provided from Federal financial assistance programs.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "critical language" means each of the languages contained in the list of critical foreign languages designated by the Secretary pursuant to section 212(d) of the Education for Economic Security Act (50 Fed. Reg. 149, 31413), and Greek and Latin;

(2) the term "institution of higher education" has the meaning provided by section 1201 of the Higher Education Act of 1965;

(3) the term "Secretary" means the Secretary of Education; and

(4) the term "State educational agency" has the meaning provided by section 1201 of the Higher Education Act of 1965.

TITLE I—FOREIGN LANGUAGE INSTRUCTION

SEC. 101. DEMONSTRATION GRANTS FOR CRITICAL LANGUAGE AND AREA STUDIES.

(a) PROGRAM AUTHORITY.—The Secretary is authorized to make demonstration grants to eligible consortia to enable such eligible consortia to—

(1) operate critical languages and area studies programs;

(2) develop and acquire educational equipment and materials; and

(3) develop teacher training programs, texts, curriculum, and other activities designed to improve and expand the instruction of foreign languages at elementary and secondary schools across the Nation.

(b) GRANT LIMITATION.—The Secretary shall not award a grant to an eligible consortium under this section in any fiscal year which exceeds $2,000,000, but shall award grants of sufficient size, scope and quality for a program of comprehensive instruction of foreign langauges.

(c) SPECIAL RULES.—

(1) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible consortia with demonstrated, proven effectiveness in the field of critical language and area studies and which have been in existence for 1 year prior to applying for a grant under this section.

(2) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall take into consideration providing an equitable geographic distribution of such grants among the regions of the United States.

(3) PROGRAM REQUIREMENT.—Each eligible consortium receiving a grant under this section shall include in the activities assisted pursuant to such grant, a study abroad or cultural exchange program.

(d) ELIGIBLE CONSORTIUM.—

(1) IN GENERAL.—For the purposes of this section, the term "eligible consortium" means a cooperative effort between entities in one or more States that must include at least 4 schools, of which—

(A) one shall be an institution of higher education;

(B) one shall be a secondary school with experience in teaching critical languages;

(C) one shall be a secondary school with experience in teaching critical languages and in which at least 25 percent of the students are eligible to be counted under chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

(D) one shall be a secondary school in which at least 25 percent of the students are eligible to be counted under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

(2) NONPROFIT ORGANIZATIONS.—Each eligible consortium described in paragraph (1) may include a nonprofit organization to provide services not otherwise available from the entities described in paragraph (1).

(e) ADMINISTRATION.—Each eligible consortium receiving a grant under this section may use not more than 10 percent of such grant for administrative expenses.

(f) APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), each eligible consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

(2) SPECIAL RULE.—The State educational agency or State higher education agency responsible for the supervision of any one school participating in an eligible consortium may submit the application described in paragraph (1) on behalf of such eligible consortium.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995 to carry out the provisions of this section.

SEC. 102. DEMONSTRATION GRANTS FOR DISTANCE LEARNING.

(a) PROGRAM AUTHORITY.—The Secretary of Education is authorized to make demonstration grants to State education agencies, institutions of higher education, and nonprofit education and professional associations to provide technology for distance learning in cooperation with foreign language teachers and specialists to serve small and rural school districts, small colleges, community colleges, and adult business education classes through video tapes, cassettes, satellite linkages, cable programs, teleclasses, and computer-assisted-instruction.

(b) GRANT LIMITATION.—No grants under this section shall exceed $200,000 in any fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1992 and for each of the 4 succeeding fiscal years.

SEC. 103. TRAINING OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to provide grants to institutions of higher education or nonprofit organizations of demonstrated effectiveness to develop innovative and model programs that integrate foreign language and culture, democracy and civic education, geography, and international studies into practicing and preservice elementary school teacher education and, after the needs of elementary school teachers have been met, into practicing and preservice secondary school teacher education.

(b) PROPOSALS.—To receive a grant under this section, an institution of higher education, on behalf of its school or department of education, and in cooperation with a liberal arts department, shall—

(1) submit a proposal to the Secretary at such time and containing such information as the Secretary shall require; and

(2) submit a copy of the proposal for review to the appropriate State educational agency or agencies that administer elementary, secondary, and postsecondary education programs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $8,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the provisions of this section.

SEC. 104. DEVELOPMENT OF FOREIGN LANGUAGE AND CULTURE INSTRUCTIONAL MATERIALS.

(a) GRANTS AUTHORIZED.—The Secretary of Education is authorized to provide grants on a competitive basis to qualified State and local educational agencies, institutions of higher education, private nonprofit foreign language organizations, nonprofit education associations, or a consortium thereof, to enable such entity or entities to act as a resource center for—

(1) coordinating the development of and disseminating foreign language and culture instructional material, including children's literature in foreign languages, videotapes, and computer software, and teacher's instructional kits relating to international study; and

(2) encouraging the expanded use of technology in teaching foreign languages and culture at the elementary school level and, when the needs of elementary schools have been met, at the secondary school level, with a particular emphasis on expanding the use of technology in teaching foreign languages and culture at elementary and secondary schools that have proportionally fewer resources available for teaching foreign languages and cultures, including urban and rural areas.

(b) COORDINATION.—In developing materials and technologies under this section, the Secretary shall, where appropriate, make use of materials and technologies developed under the Star Schools Assistance Program Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the provisions of this section.

SEC. 105. FOREIGN LANGUAGE FOUNDATIONS.

(a) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary is authorized to pay the Federal share of awarding grants to—

(A) States and major metropolitan areas to establish foreign language foundations; and

(B) units within world trade councils to provide language training, translation services, and information about other cultures and markets for small- and medium-sized businesses seeking to enter export markets.

(2) FEDERAL SHARE.—The Federal share of grants awarded under paragraph (1) shall be 50 percent.

(b) GRANT LIMITS.—No grant under this section shall exceed $200,000 for any one State or city.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the provisions of this section.

TITLE II—HIGHER EDUCATION AMENDMENTS

SEC. 201. CLARIFICATION REGARDING THE AVAILABILITY OF STUDENT ASSISTANCE FOR THOSE ENGAGED IN STUDY ABROAD.

(a) PELL GRANTS.—Section 411(c)(2) of the Higher Education Act of 1965 Act (in this title referred to as the "Act") (20 U.S.C. 1070a(c)(2)) is amended by adding at the end thereof the following new sentence: "Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the institution.".

(b) SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.—Section 413B(a)(1)(A) of the Act (20 U.S.C. 1070b–1(a)(1)(A)) is amended by inserting "or in a program of study abroad that is approved for credit by the institution" after "at the institution".

(c) GRANTS TO STATES FOR STATE STUDENT INCENTIVES.—Section 415A(a) of the Act (20 U.S.C. 1070c(a)) is amended by—

(1) striking "providing grants" and inserting "providing grants (1)"; and

(2) striking "and grants" and inserting "or participating in programs of study abroad that are approved for credit by the institution of higher education; or (2)".

(d) GUARANTEED STUDENT LOAN PROGRAM.—Section 428(b)(1)(A) of the Act (20 U.S.C. 1078(b)(1)(A)) is amended by inserting ", or in a program of study abroad approved for credit by the eligible institution" and "at an eligible institution".

(e) PERKINS LOANS.—Section 461(a) of the Act (20 U.S.C. 1087aa(a)) is amended by inserting "or while engaged in programs of study abroad approved for credit by such institutions" after "in such institutions".

(f) COST OF ATTENDANCE.—Section 472(6) of the Act (20 U.S.C. 108711(6)) is amended by striking "in an academic program which normally includes a formal program of study abroad" and inserting "in a program of study abroad approved for credit by the student's home institution".

(g) STUDENT ELIGIBILITY.—Section 484 of the Act (20 U.S.C. 1091) is amended—

(1) in subsection (a)(1), by inserting "(including a program of study abroad approved for credit by the eligible institution)" after "or other program"; and

(2) by adding at the end thereof the following new subsection:

"(k) STUDY ABROAD.—Nothing in this Act shall be construed to limit or otherwise prohibit access to approved study abroad programs. Students who are otherwise eligible who are engaged in a program of study abroad approved for academic credit by the student's home institution are eligible for assistance under this title. It is not necessary for such a study abroad program to be required as part of the student's degree program to qualify for such assistance.".

(h) INFORMATION DISSEMINATION ACTIVITIES.—Section 485(a)(1) of the Act (20 U.S.C. 1092(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (K);

(2) by striking the period at the end of subparagraph (L) (as added by section 1 of Public Law 101-542) and inserting a semicolon;

(3) by redesignating subparagraph (L) (as added by section 201 of Public Law 101-610) as subparagraph (M);

(4) by striking the period at the end of subparagraph (M) (as redesignated in paragraph (3)) and inserting a semicolon and "and"; and

(5) by adding at the end thereof the following new subparagraph:

"(N) that enrollment in a program of study abroad approved for credit by the home institution may be considered enrollment in the home institution for purposes of applying for Federal student financial assistance.".

(i) Program Participation Agreements.—Section 487(a) of the Act (20 U.S.C. 1094) is amended by adding at the end thereof the following new paragraph:

"(13) The institution will not deny any form of Federal financial aid to any student who meets the eligibility requirements of this Act on the grounds that the student is participating in a program of study abroad approved for credit by the institution.".

SEC. 202. DISBURSEMENT ISSUES.

(a) Loan Check Endorsement.—

(1) Insured loans.—Section 427(a)(3) of the Act (20 U.S.C. 1077(a)(3)) is amended by inserting before the semicolon the following: ", and except further that checks to students who are studying outside the United States in a program of study aboard that is approved for credit by the institution may be endorsed pursuant to an authorized power-of-attorney".

(2) Guaranteed loans.—Section 428(b)(1)(N) of the Act (20 U.S.C. 1078(b)(1)(N)) is amended by inserting before the semicolon the following: "or may be endorsed pursuant to an authorized power-of-attorney".

(b) Multiple Disbursement.—

(1) Insured loans.—Section 427(b)(2) of the Act (20 U.S.C. 1077(b)(2)) is amended by inserting before the period at the end thereof the following: "or in a program of study abroad approved for credit by an eligible institution".

(2) Guaranteed loans.—Section 428(b)(1)(O) of the Act (20 U.S.C. 1078(b)(1)(O) is amended by inserting before the semicolon at the end thereof the following: "or to cover the cost of attendance in a program of study abroad approved for credit by an eligible institution".

SEC. 203. DETERMINATIONS OF AMOUNT OF AID.

(a) Pell Grants.—Section 411(b) of the Act (20 U.S.C. 1070a(b)) is amended by adding at the end thereof the following new paragraph:

"(8) The Secretary shall allow the amount of the basic grant to be exceeded for those students participating in a program of study abroad approved for credit by the institution when the reasonable costs of such program are greater than the cost of attendance at the student's home institution. If the preceding sentence applies, the financial aid administrator at the home institution shall use the budget of the study abroad program, rather than the home institution's budget, to determine the eligibility index of the student.".

(b) Supplemental Education Opportunity Grants.—Section 413B(a) of the Act (20 U.S.C. 1070b-1(a)) is further amended—

(1) in paragraph (1) by striking "From" and inserting "Except as provided in paragraph (3), from"; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) For students participating in study abroad programs, the institution shall consider all reasonable costs associated with such study abroad when determining student eligibility. The amount of grant to be awarded in such cases may exceed the maximum limit of $4,000 by as much as 10 percent if reasonable study abroad costs exceed on-campus costs by more than 20 percent.".

(c) State Student Incentive Grants.—Section 415C(b)(2)(A) of the Act (20 U.S.C. 1070c-2(b)(2)(A)) is amended by inserting before the semicolon at the end thereof the following: ", unless reasonable costs of a study abroad program require an exception to this amount, in which case such grants will be in amounts not in excess of $3,500".

(d) Federally Insured Loans.—Section 425(a)(1)(B) of the Act (20 U.S.C. 1075(a)(1)(B)) is amended by inserting before the period at the end of the first sentence the following: "or in programs of study abroad that are approved for credit by the institution".

(e) Perkins Loans.—Section 464(a) of the Act (20 U.S.C. 1087dd(a)) is amended—

(1) by striking "The aggregate" and inserting "Except as provided in paragraph (4), the aggregate"; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) In the case of a program of study abroad that is approved for credit by the home institution and that has reasonable costs in excess of the home institution's budget, the aggregate of loans for all years for the student may exceed the totals listed in subparagraphs (A) through (C) by 20 percent.".

SEC. 204. INCENTIVE GRANTS FOR ENROLLMENT IN SPECIAL PROGRAMS ABROAD.

Part A of title IV of the Act is amended by adding at the end thereof the following:

"Subpart 9—Incentive Grants for Enrollment in Special Programs Abroad

"SEC. 420C. INCENTIVE GRANTS FOR ENROLLMENT IN SPECIAL PROGRAMS ABROAD.

(a) In General.—The Secretary is authorized to make grants to institutions of higher education or other organizations who are recipients of funds under section 604(c) of this Act for the purpose of paying partial incentive stipends to individuals enrolled in study abroad programs described under that section. Such grants are to be awarded on the basis of need, but preference is to be given to students who are underrepresented in study abroad, including students from minority groups and professional and preprofessional studies. Stipends are intended to meet extraordinary travel and other costs associated with enrollment in such programs and shall be for a maximum period of one year.

"(b) Special Rule.—The Secretary is authorized to award, on the basis of a national competition, incentive stipends to students to enroll in study abroad programs determined by the Secretary to offer opportunities to learn languages and develop international skills not available in countries in which large numbers of United States students study. Such grants are to be awarded on the basis of need, but preference is to be given to students who are underrepresented in study abroad including students from minority groups and professional and preprofessional studies. Stipends are intended to meet extraordinary travel and other costs associated with enrollment in such programs and shall be for a maximum period of one year.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994.".

SEC. 205. WORK STUDY.

Section 443 of the Act (20 U.S.C. 2753) is amended by adding at the end thereof the following new subsection:

"(d) Study Abroad.—The agreements under this section shall allow an institution of higher education to devise suitable work opportunities for students studying abroad, including work for foreign colleges, universities, and nonprofit or service organizations and shall permit the establishment of internship programs involving work for foreign or multinational organizations that are relevant to the student's course of study, including compensation for eligible students from funds under this part.".

SEC. 206. DISCRETIONARY AUTHORITY FOR CAMPUS FINANCIAL AID ADMINISTRATORS.

Section 479A of the Act (20 U.S.C. 1087tt) is amended—

(1) in subsection (a)—

(A) by striking "Nothing" and inserting "(1) Nothing"; and

(B) by adding at the end the following new paragraph:

"(2) Nothing in this title shall be interpreted as limiting the authority of the student financial aid administrator to—

"(A) use the reasonable costs associated with an approved study abroad program to make necessary adjustments to the cost of attendance for a student enrolled in such study; or

"(B) make special arrangements regarding student notification, verification, disbursement, and refunds, for students participating in approved programs of study abroad."; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(4) the campus financial aid administrator makes adjustments to the expected student contribution in the case of a course of study abroad in a country in which the student is not allowed to work.".

SEC. 207. LOAN DEFERRAL DURING STUDY ABROAD.

(a) Stafford Loans.—Section 428(b)(5) of the Act (20 U.S.C. 1078(b)(5)) is amended by adding at the end thereof the following new sentence: "Requests for deferment of repayment of loans under this part by students engaged in graduate or postgraduate fellowship-supported study (such as pursuant to a Fulbright grant) outside the United States may be approved until completion of the period of the fellowship.".

(b) Perkins Loans.—Section 464(c) of the Act (20 U.S.C. 1087dd(c)) is amended by adding at the end thereof the following new paragraph:

"(5) Requests for deferment of repayment of loans under this part by students engaged in graduate or postgraduate fellowship-supported study (such as pursuant to a Fulbright grant) outside the United States may be approved until completion of the period of the fellowship.".

SEC. 208. MODIFICATIONS OF TITLE VI.

(a) Undergraduate International Studies and Foreign Language Programs.—Section 604 of the Act (20 U.S.C. 1124) is amended)—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(C) by adding at the end thereof the following new paragraphs:

"(8) the development of undergraduate study abroad programs which provide courses that are closely related to on-campus foreign language and international studies curricula; and

"(9) the integration of new study abroad opportunities for undergraduate students into the curricula of specific degree programs."; and

(2) by adding at the end thereof the following new subsections:

"(d) Grants to Establish and Maintain Study Abroad Programs.—

"(1) In General.—The Secretary is authorized to make grants to institutions of higher education, consortia of such institutions, or nonprofit associations, agencies, and organizations for the purpose of providing support to establish and maintain—

"(A) study abroad programs in locations in which such study opportunities are not othewise available; or

"(B) study abroad opportunities that serve students for which such opportunities are not otherwise available.

"(2) Use of Grants.—Grants awarded pursuant to paragraph (1) may be used to provide for facilities, salaries, and extraordinary costs of student participation in study abroad programs, including costs of travel to and from such programs.

"(e) Grants to Enhance the Effectiveness of Study Abroad Programs.—The Secretary is authorized to make grants to institutions of higher education, consortia of such institutions, or to nonprofit associations, agencies, and organizations to enrich or enhance the effectiveness of study abroad programs, including the development of model predeparture and post-return orientation activities, program selection material and advising services, and academic advising.".

(b) Centers for International Business Education.—Section 612(c) (1) of the Act (20 U.S.C. 1130-1(c) (1)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(G) opportunities for business students to study abroad in locations which are important to the existing and future economic well-being of the United States.".

(c) Intensive Summer Foreign Language Institutes.—Section 605(a) of the Act (20 U.S.C. 1124a(a)) is amended—

(1) by inserting before the period at the end of paragraph (1) the following: "either in the United States or in appropriate countries abroad";

(2) in paragraph (2)—

(A) by striking "or" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(C) by adding at the end thereof the following new subparagraph:

"(D) institutes designed to integrate intensive foreign language training with culture experiences abroad for undergraduate students in a wide range of disciplines."; and

(3) in paragraph (3) (C), by inserting before the period at the end thereof the following: ", including costs of travel to and from institutes in foreign countries.".

PROVIDING U.S. AIR CARRIERS WITH GREATER ACCESS TO FOREIGN CAPITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. Clinger] is recognized for 5 minutes.

Mr. CLINGER. Mr. Speaker, our airline industry is in deep, deep trouble. During the past few weeks, several ideas have been floated to have the Federal Government help our ailing airline industry. These include selling fuel at below cost, offering Government loans, and providing tax breaks or Federal grants. Just recently, several executives suggested that their threatened airlines should be allowed to hold onto the 10-percent tax on airline tickets for the duration of the current crisis.

There can be no doubt that the financial crisis faced by the airlines is very real. Fuel costs have increased by $8 billion on an annual basis. Domestic air travel has dropped about 15 percent and international air travel has fallen by as much as 50 percent.

As a result, last year, really in the last 6 months, the airlines lost about $2 billion. This was the worst loss in airline history. It was more than double the previous record loss of $733 million in 1982 and a dramatic reversal from the $1.8 billion profit the industry earned in 1989.

The situation does not seem to have improved during the first 2 months of 1991. In fact, some project that the industry will lose another $2 billion in the first quarter of this year alone. If that happens, it will mean that the airline industry will have lost nearly 50 percent of its total net worth since the Persian Gulf crisis began last summer.

That's disastrous for our commercial airlines and the impact on individual airlines has been devastating.

Eastern Airlines is out of business.

Pan Am is operating in chapter 11 bankruptcy and selling routes to stay alive.

Continental has also declared bankruptcy.

TWA has defaulted on its debts and is selling routes as well.

Midway has sold its Philadelphia hub and defaulted on its debts.

USAIR has laid off 20 percent of its work force.

Even the airlines that are supposedly big and strong are cutting back operations and retrenching.

But recognizing the serious problems of the airlines does not mean that we must accept their proposed solutions. Loans and tax breaks seem particularly inappropriate when the Federal deficit is so huge and there are still other sources of capital available in the private sector that could help the industry. I am referring specifically to the availability of foreign capital.

U.S. airlines do have access to a limited amount of foreign capital now. However, under current law, a foreign investor can own no more than 25 percent of the voting stock of a U.S. airline. This has allowed foreign airlines to make small, but important, investments in Delta, Continental, America West, Hawaiian, and Northwest Airlines. These investments have been helpful to these airlines and have not hurt the traveling public or American national interests.

Therefore, I believe it is time to expand our airlines' access to foreign capital. Accordingly, I recently introduced H.R. 782. It is designed to help the airlines by giving them greater access to foreign capital.

This approach to solving the airlines' problems, while controversial, is gaining support. Recently, Secretary of Transportation Sam Skinner suggested that Congress should consider permitting an increased level of foreign investment in U.S. airlines. And the Washington Post, in a February 25 editorial, stated that the foreign investment approach "is far more reasonable and more likely to help matters" than ideas being pushed by the airlines.

It is important to note that my bill would not permit foreign investment in U.S. airlines without significant and necessary restrictions. First of all, it would cap foreign investment at 49 percent of the airline's voting stock. More importantly, it would ensure that there is reciprocity in any investment arrangement.

This means that the foreign country from which the investor comes must permit the same level of U.S. investment in its airlines as its citizen is seeking in our airline. It also means that the foreign investor must come from a country that allows open access by U.S. airlines to its international aviation markets.

My bill imposes additional restrictions as well. It would require that any foreign investment must be consistent with our national security. It would mandate that the key offices of the company be in the hands of U.S. citizens. And it would permit the Secretary of Transportation to block a particular foreign investment if he found that the investment would not be in the public interest.

These restrictions ensure that airlines would have access to foreign capital only when that will be beneficial to the industry and the traveling public. They would prevent restrictive trading nations such as Japan or enemies like Iraq from getting their hands on United States air carriers.

Some may ask why anyone would want to invest in the U.S. airline industry. Given the current state of that industry, that is certainly a valid question at this time. But I would ask why an archaic Federal law should continue to block those who wish to do so.

The war and the recession will end, fuel prices will come down, fear of terrorism will subside, and passenger traffic will increase. When this occurs, the industry will be poised for growth. The FAA projects almost a doubling of domestic air travel in 10 years. The U.S. airline industry could be attractive to an investor with a long-term outlook. Moreover, a U.S. airline can offer codesharing and other relationships that may be attractive to a foreign airline investor.

Mr. Speaker, H.R. 782 can help to preserve and strengthen the U.S. airline industry during these difficult times. It will ensure a level of competition necessary to the continued success of a deregulated, free enterprise American transportation system. I would urge this Congress to seriously consider the merits of this approach and deem it worthy of support.

□ 1650

AMENDING PASSIVE ACTIVITY LOSS LAWS RELATING TO A FEDERALLY DECLARED DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to reintroduce legislation from the 101st Congress that will bring much needed relief for individuals who have incurred passive losses due to the several natural disasters that have struck the country over the past couple of years.

As we all know, these disasters have caused extensive damage to businesses. Unfortunately, many accounting provisions contained in the Internal Revenue Code are inadvertently working against our efforts to rebuild the disaster devastated areas.

Under current law, many individuals who have invested substantial amounts of their savings in area businesses are not allowed to deduct those losses from other passive income if the loss was associated with a natural disaster. There is no justification for this loophole in the Tax Code.

My bill would amend section 469 of the Internal Revenue Code to allow those losses associated with a natural disaster to be applicable under the same laws as other passive losses for deduction purposes. There is precedent for such an amendment to section 469. As you know, Congress exempted the oil and gas industry from having to meet the current criteria for passive loss deductions. This was done in an effort to promote investment in a very important but struggling industry. Therefore, if the Congress is willing to amend the code to help an entire industry, we should certainly help those individuals who have lost their savings due to an act of nature.

I have also been alerted to two additional problems in the Tax Code due to the recent disasters. Under section 473 of the Internal Revenue Code, businesses must determine their tax liability on inventory based on the previous year's inventory. Unfortunately, due to the disaster, many businesses are unable to replace their entire inventory and therefore will have to base those calculations on the first year they opened up for business. My bill would allow a waiver of this law for those businesses affected by a natural disaster. I do not think it is reasonable that a business must replace their entire inventory while at the same time they are having to literally pick up the pieces of their business.

Lastly, my bill would help meet the expenses of demolition costs that many businesses cannot afford. As you know, the Tax Code does not allow for the deduction of demolition costs associated with a natural disaster. As a result, many businesses who are barely able to afford the rebuilding costs are threatened to use up valuable resources to pay for its demolition. This was not the intention of the Federal Government. The bill would simply allow for the full deduction of costs associated with the demolition of a business due to a natural disaster.

It is my hope that the Congress will continue to review accounting provisions of the Tax Code to ensure that those individuals and businesses that have been devastated by natural disasters will have a fighting chance to rebuild their lives and businesses.

The text of the bill follows:

H.R. 1152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION OF DEMOLITION COSTS ATTRIBUTABLE TO DISASTER.

Section 280B of the Internal Revenue Code of 1986 (relating to demolition of structures) is amended—

(1) by inserting "In General.—" after "(a)", and

(2) by adding at the end the following new subsection:

"(b) Special Rule for Demolition Costs Attributable to Disaster.—

"(1) In General.—Subsection (a) shall not apply to any demolition required as a result of damage attributable to a federally declared disaster occurring after September 1, 1989.

"(2) Federally declared disaster.—For purposes of paragraph (1), the term 'federally declared disaster' means any disaster referred to in section 165(i)."

SEC. 2. TREATMENT OF DISASTER LOSSES UNDER PASSIVE ACTIVITY LOSS RULES.

Subsection (j) of section 469 of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(13) Disaster losses.—

"(A) In general.—The passive activity loss of a taxpayer shall be computed without regard to any loss attributable to a federally declared disaster occurring after September 1, 1989.

"(B) Federally declared disaster.—For purposes of subparagraph (A), the term 'federally declared disaster' means any disaster referred to in section 165(i).

"(C) Income in subsequent years.—If any taxpayer has any loss for any taxable year from an interest in property which is, pursuant to subparagraph (A), not treated as a passive activity loss, then any net income from the property (or any other property the basis of which is determined in whole or part by reference to the basis of such property) for any succeeding taxable year shall, to the extent of such loss, be treated as income of the taxpayer which is not from a passive activity."

SEC. 3. ADJUSTMENTS TO GROSS INCOME FOR DELAYED REPLACEMENT OF INVENTORY ATTRIBUTABLE TO DISASTER.

(a) In General.—Clause (i) of section 473(c)(2)(B) of the Internal Revenue Code of 1986 (relating to qualified liquidations of LIFO inventories) is amended by striking "or" at the end of subclause (I), by inserting "or" at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

"(III) any federally declared disaster occurring after September 1, 1989,".

(b) Definition.—Subsection (d) of section 473 of such Code (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(6) Federally declared disaster.—The term 'federally declared disaster' means any disaster referred to in section 165(i)."

(c) Conforming Amendment.—Subparagraph (A) of section 473(c)(2) of such Code (relating to definition of qualified inventory interruption) is amended by striking "or interruption" and inserting ", interruption, or disaster".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1988.

DUTY DEFINED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, there are many definitions of duty.

However, I do not believe I have ever seen duty defined in a better way than by Spec. Charles W. Embach now serving with the 101st Airborne in Saudi Arabia.

In a letter to his wife, Susan, written on Christmas Day, Specialist Embach admits that there were many things he would rather be doing than preparing for war.

But, his country called.

He answered.

Susan, who lives in Jonesboro, AR, in my district, was kind enough to share this letter with me.

Her husband wrote that he knew—and the soldiers he served with knew—that they had a job to do based on their oath to protect and defend America.

Yes, he speaks of missing his family and all of the special events which take place during the Christmas season, but he says that his family—their safety and freedom—made his service in Operation Desert Storm more meaningful to him.

He also said that his service in the gulf had deepened his love of country.

"When this is over," Specialist Embach writes, "we will swell with pride knowing we did our part."

We in this Nation owe Specialist Embach—all of the men and women serving in the Persian Gulf—a great debt, but Charles Embach wouldn't agree. He would say that he was just doing his job, just doing his duty.

Mr. Speaker, we also owe Susan Embach and all of the thousands of family members of those who serve in the gulf a debt of gratitude.

It has been an anxious time—and, for some, a sad one, as they learn of the loss of family members.

Mr. Speaker, I would like Specialist Embach's letter included in the RECORD to remind us all just what duty, love of country, and love of family means to one U.S. serviceman.

SUSAN: The stars are shining, the dust storms have subsided and now the soldiers here in the desert take time to reflect.

They each turn inward and think about family, friends and Christmas traditions they have all left at home. Each soldier thinks about what he would be doing on Christmas day and Christmas night—a drive to admire all the Christmas lights or maybe a church service with each of the congregation holding a lit candle.

Each soldier wishes he were at home celebrating with his family, but each soldier also realizes that if he were—and this conflict was still active—he would be longing to perform his job, to fulfill the oath he took to protect and defend.

Each soldier knows in his heart that none could do his job as well as he can. Each soldier knows that he is needed. The soldiers love their families intensely, so much so that during the holidays they not only miss their families, but they are also glad they can help defend them. So the soldiers are very proud that they can be a part of America's military heritage.

The soldiers of Operation Desert Shield will be honored to be counted alongside American armies in history dating all the way back to General Washington's ill equipped, sometimes even barefoot army. Although very few here will have to endure the pain and sacrifices of General Washington's army, when this is over we will all swell with pride knowing we did our part.

So what do you think? Those are my feelings as best I can transfer them from my brain to paper. My Christmas present today was being able to talk to you, Kirby, Mom, Bill, Sandy, Dad and Linda. Basically, you guys are why I'm here. I love you and, although I didn't realize it completely, I love our country.

Love,

CHUCK.

COMMEMORATION OF BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, I have reserved this special order to commemorate Black History Month. My colleagues and I take pride in this opportunity to highlight and pay tribute to the notable accomplishments of African-Americans who have contributed so much to make America the great Nation she is.

At this time, I want to share with my colleagues a historical perspective of the celebration of Black History Month which we commemorate today, as well as biographical information on an individual hailed as the Father of Black History, the legendary Dr. Carter G. Woodson.

Carter Godwin Woodson was born of ex-slaves on December 19, 1875, in New Canton, VA, the oldest of nine children. His parents, who started life in poverty, could not provide him with the ordinary comforts of life, nor could they afford to send him to the 5-month district school taught by his uncles, John and James Riddle. Thus, Woodson was largely self-taught until the age of 17.

In 1892, drawn by employment opportunities for African-Americans in West Virginia, Carter G. Woodson moved to Huntington, WV, where he worked as a coal miner. Following several years in the mines, Woodson entered the segregated Douglas High School in Huntington, earning his diploma in just 2 years. He continued his education, enrolling in Berea College in Kentucky. He left after 2 years to accept a teaching post in Winona, WV, and later served as principal at his alma mater, Douglas High School. Woodson returned to Berea College and received his bachelor of literature degree in 1903. He also spent summers studying at the University of Chicago, where he received his bachelor of arts degree.

Mr. Speaker, Carter G. Woodson traveled and studied a year in Asia and Europe, spending a semester at the Sorbonne, the University of Paris. In France, he not only completed graduate work in history, but he learned to speak French as fluently as he had already learned to speak Spanish while abroad. Returning to the United States, Woodson resumed his studies at the University of Chicago, where he received his master of arts degree in 1908. He went on to Harvard to continue his graduate work in history. Woodson completed his dissertation in American history while teaching in Washington, DC, and received his Ph.D. from Harvard in 1912.

From 1909 until 1918, Dr. Carter G. Woodson taught French, Spanish, English, and History at what is now Dunbar High School in Washington, DC. After a year as principal of the Armstrong Manual Training School, he was appointed professor of history and dean of the school of liberal arts at the prestigious Howard University. Woodson left Howard in 1920 to accept the position of Dean of West Virginia Collegiate Institute (later State College).

By this time Dr. Carter G. Woodson had become absorbed in the mission to which he was to devote the rest of his life: the study and dissemination of African-American history. Dr. Woodson believed strongly that black children needed to develop pride of race and a sense of their own potential through a knowledge of African-American contributions to history. Thus, on September 9, 1915, he organized the Association for the Study of Negroes History. The purpose of the association was: To collect sociological and historical data; to publish books on Negro life and history; and to promote the study of Negro through clubs and schools. The Association published two important journals; the Journal of Negro History and the Negro History Bulletin. The Journal became the main and for many years the only learned journal where historians, scholars, and selected writers of African ancestry could publish their findings.

Dr. Woodson wrote many of the articles for the journals himself, as well as a number of other books. Aware that African-American scholars faced obstacles when presenting scientific productions for publication, Dr. Carter G. Woodson formed the Associated Publishers in 1920 which became the outlet of the many books written by Woodson, black scholars, and some white authors whose works might have remained unpublished.

By far, the most popular work published by Associated Publishers was "The Negro in our History" which appeared in 1922. It represented the first comprehensive history of the African-American experience written by a trained black scholar. The work was an immediate success, becoming a standard text for college use and the public in general. Other works brought out by Dr. Woodson through the Associated Publishers included: "The Story of the Negro Retold" for high school students; "Negro Makers of History" for elementary school students; "Negro Orators and the Orations" which recorded speeches of outstanding speakers such as the Black Congressmen of Reconstruction; "The Mind of the Negro as Reflected in Letters During the Crisis, 1800–1860"; which reflected the struggle of blacks; "Free Heads of Negro Families in the United States in 1830"; which represented a first definitive statistical account of the subject as was "Free Negro Owners of Slaves in the United States; The African Background Outlined"; or "The Negro Professional Man and the Community"; and "The Negro Earner."

It should be noted that Dr. Woodson published two books prior to the establishment of the Associated Publishers. There were: "The Education of the Negro Prior to 1861"; and "A Century of Negro Migration" in which Woodson used statistics to demonstrate the black population movement during World War I.

Mr. Speaker, as renowned as he is for his publications and writings, it is believed that Dr. Carter G. Woodson's greatest contribution to our Nation was the birth of Negro History Week. Woodson presided over an annual meeting of the Association for the Study for Negro Life and History in 1919 where Mr. Ezra Roberts of Tuskegee described his systematic efforts to teach Negro history at his school. At the same meeting, Dr. James Dillard and Dr. Stanley Durkee urged the studying of the history of Africa as a necessary background for the study of the black experience in America. The session closed with Mr. John W. Davis addressing the subject, "How To Promote the Study of Negro Life and History."

It was in 1926 that Dr. Carter G. Woodson initiated the observance of Negro History Week. He chose the dates embracing the birthdays of Abraham Lincoln and Frederick Douglass in February for the opportunity to bring the achievements of African-Americans to the attention of the public. The success and popularity of Negro History Week was due to Dr. Woodson's careful planning. He issued instructions for the celebration, some of which are followed even today. He urged the involvement of community leaders, businessmen, teachers, ministers and others in organizing appropriate celebrations. He further urged that one day of the week-long observance be set aside as "Book and Picture Fund Day" when groups join to raise funds to buy books bearing on the Negro and pictures of distinguished African-Americans; and that local boards of education be urged to adopt textbooks that fairly represent Negro history. Woodson also utilized Negro History Week to organize branches of the Association for the Study of Negro Life and History.

Mr. Speaker, Dr. Carter G. Woodson made a special effort to explain the purpose of Negro History Week. He said:

> What then do we aim to do in the celebration of Negro History Week? Do we mean to suggest that the public should forget important facts of history long since established beyond question. We say, hold on to the real facts of history as they are, but complete such knowledge by studying also the history of races of nations which have been purposely ignored.

Dr. Woodson then cited examples, saying:

> We should not study less the achievements of Mesopotamia, Greece, and Rome; but we should give equally as much attention to the internal African kingdoms, the Songhay Empire, and Ethiopia, which, through Egypt, decidedly influenced the civilization of the Mediterranean world. We would not learn less of George Washington, "First in War, First in Peace and First in the Hearts of his Countrymen", but we would learn of the three thousand Negro soldiers of the American Revolution who helped to make this "Father of our Country" possible. We should not cease to pay tribute to Abraham Lincoln as the "Savior of the Country", but, we should ascribe praise also to the 178,000 Negroes who had to be mustered into the service of the Union before it could be preserved, and who, by their heroism, demonstrated that they were entitled to freedom and citizenship.

In 1972, the Association for the Study of Negro Life and History changed the name of Negro History Week to African-American History Week. The celebration was expanded during the 1976 bicentennial celebrations, and President Gerald Ford urged the Nation to join in the first month-long observance of Black History Month. The U.S. Congress also recognized the importance of the observance. In February 1976, our former colleague from Illinois, the late Ralph Metcalfe introduced legislation, House Resolution 1050, which declared that the House of Representatives recognize the month of February as Black History Month.

Mr. Speaker, Dr. Carter G. Woodson died on April 3, 1950, at the age of 75. However, his legacy and his many contributions to our Nation will always be remembered. I want to bring to a close our 1991 Black History Month observance by quoting the former president of the Association for the Study of Negro Life and History, the great educator and founder of Bethune-Cookman College, Mary McLeod Bethune. In remarks reflecting on the legacy of Dr. Carter G. Woodson, she said,

> I shall always believe in Carter G. Woodson. He helped me to maintain my faith in myself. He gave me renewed confidence in the capacity of my race for development, and in the capacity of my country for justice for her own people and for all peoples. With the power of cumulative fact he moved back the barriers and broadened our vision of the world, and the world's vision of us.

Mr. Speaker, African-Americans have a magnificent and rich history; a history which is inextricably woven into the economic, social, and political fabric of this Nation. I am pleased and I thank my colleagues for joining me today in this special celebration of Black History Month.

□ 1700

Mr. Speaker, I yield to the distinguished chairman of the Congressional Black Caucus, my distinguished friend and colleague, the gentleman from Brooklyn, NY [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, I would like to first thank the gentleman from Ohio [Mr. STOKES] for taking the time out and giving the information in reference to some of our heroes, and the people who have contributed so much through the years. As I stand and I think about some of the contributions that have been made, and I think about Dr. Carter G. Woodson, who started out, I understand, one day to talk about the accomplishments of blacks, and then somebody said to him, "Dr. Woodson, you cannot do it in a day. You need a week," and after talking for a week, they said, "No, a week is not long enough." Then they said, "Well, what should we do?" Someone said, "Let's have Black History Month," and they made February Black History Month. But I got news for everyone. I appreciate all the work they have done, but black history cannot be conveyed or talked about in the period of a month. We need 365 days a year. If it happens to be a leap year, we need 366 days to talk about black history in terms of the accomplishments that have been made down through the years.

My heart is joyful as I stand and ponder the foresight of Garrett Morgan, the inventor of the traffic light which contributes to safety and order on the streets and highways of our Nation. And who can forget the courage and ingenuity of Matthew Henson, the guide responsible for Admiral Perry's successful arrival at the North Pole.

As I glance at my watch I am reminded of the tremendous achievements of Benjamin Banneker, the master designer for the layout of Washington, DC, who also perfected the internal components used in clocks.

The achievements of black women have also contributed to the development of our Nation. Mary McLeod Bethune served three Presidents and was responsible for establishing Bethune-Cookman College.

Witness the contributions of former Congressional Representatives like Barbara Jordan, and of course many who still serve with the Congress, no question about it, they are making history every day, including the gentlewoman from Illinios [Mrs. COLLINS], the gentlewoman from California [Ms. WATERS], the gentlewoman from the District of Columbia [Ms. NORTON], the gentlewoman from Michigan [Mrs. COLLINS], all who are making history every day here among us.

We are all indebted to the wonderful poet, Phyllis Wheatley, and also to the recently departed songbird, Sarah Vaughn, whose delightful voice thrilled listeners worldwide.

I am inspired by the acts of selfless service exemplified by Mother Hale in New York who is responsible for Hale House and the nurturing and sustenance of drug addicted boarder babies.

Our community and the Nation has been enriched by the contributions of individuals who have excelled in spite of seemingly impossible circumstances. We are a people with indomitable fortitude. Our resilience is only surpassed by our creative genius and sense of compassion for people of all colors.

The pages of history are incomplete unless they reflect the contributions of George Washington Carver who discovered the multidimensional aspects of the soybean, or the contributions of Apollo astronaut Ron McNair, civil rights freedom fighter Fannie Lou Hamer, or that great statesman Ralph Bunche.

I would be remiss if I did not talk about Dr. Warmouth T. Gibbs, who finished Harvard in 1917, went down and finally became the president of North Carolina A&T University, where he has molded so many young minds through the years. At the age of 99 Dr. Gibbs is still inspiring young people. I think I would be remiss if I did not talk about Evelyn Dixson, who resides in the Borough of Brooklyn, senior citizen, has done so much to provide opportunities for young people. I think I would be remiss if I did not talk about Sarah Ruffin, as Janie Glover, who now at age 111 is still inspiring young people.

Mable Bradley, a teacher, has touched the lives of so many young people down through the years. They are real heroes and real sheroes.

As we conclude this month of celebrating the achievements of African-Americans, I must call your attention to a major achievement in our time. We have 26 members of the bipartisan Congressional Black Caucus, and we have quadrupled our female congressional membership to four. We stand poised to ensure that passage of a civil rights bill that will be signed into law, so that future Black History Month events can cite the passage of the civil rights bill, H.R. 1 as one of our single greatest efforts as legislators.

Mr. Speaker, I would like to thank the gentleman from Ohio [Mr. STOKES] for taking out this special order.

Mr. STOKES. Mr. Speaker, I thank the distinguished chairman of the Congressional Black Caucus for his very fine remarks on this occasion.

I am pleased to yield to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, we should consider ourselves fortunate. Each action by this august body, every word, whether a profoundly reflective statement or a whimsical offhanded remark, is recorded for posterity here. There is little chance that our words or deeds could become forever lost to history, though, I admit, we might all be the better if some did. Today, I would like to take a few moments to enter into the RECORD the exploits of a special group of men—and two in particular—who have been ignored by too many for too long a time. I do this with the hope that in rediscovering the lost treasures of our past, we might paint a more vivid landscape of our present and sketch an outline for a brighter future.

It is the story of George Jordan. It is the story of Henry Ossian Flipper. This is the story of the Buffalo Soldiers. This is a story of America. In the characters of these two courageous individuals is reflected the spirit of a special group of men. Within the group is reflected the burning fire that is our Nation's spirit. E Pluribus Unum is not merely words imprinted on our country's coinage. As America's motto, it is a proud affirmation of the dynamic of our country's human currency: Out of many stories emerges a one common theme. Mr. Speaker, let me introduce you to the "Buffalo Soldier."

Following the Civil War, Congress authorized the formation of, initially, six but then reduced to four, all-black regiments. The 24th and 25th regiments were infantry; the 9th and 10th were cavalry. George Jordan, a native of Williamson County, KY, joined the 9th in 1866. These troops protected white settlers from Indians and outlaws alike; they guarded the mail; and they also helped protect the construction of the railroad.

These men always acquitted themselves nobly despite being given the sickliest horses, the poorest equipment, the fewest supplies and even suffering the derision of the very people they were sent to protect. Despite these conditions, the black man made up 20 percent of all troops stationed out West, and these soldiers had the lowest desertion rate of all Army units. These men knew what it meant to be heroes.

George Jordan proved his heroism on the night of May 13, 1880. Commanding 25 troopers, Jordan rode to the aid of white settlers in New Mexico under danger of imminent attack. Outnumbered 4 to 1 these men drove Indians back not once, but twice. The settlement was never threatened again.

It was not merely from this scene, but also from many more like it sewn into the fabric of the Old West, that led the native American to give these men an unusual name, but one given out of the highest respect; Buffalo Soldier. From where did this name come? Some say, it was from the thick overcoats the black soldier wore; others think the Indians saw similarity between the hair of the African-American soldier and that of the buffalo; many others believe the tribes conveyed to the troops a name of an animal they held in high reverence. Regardless, it was a name the black soldier wore with pride.

Few soldiers of any color or stripe might ever quite hope to match the intelligence, bravery and sacrifice of Henry Ossian Flipper. In 1877, Flipper became the first black to graduate from the U.S. Military Academy at West Point. This exemplary cadet was fluent in Spanish and a remarkable engineer. Because of segregation, Flipper's choices of assignment were limited. Flipper ended up in the 10th Cavalry, stationed at Fort Sill in Oklahoma. He distinguished himself there when he designed a ditch to drain cesspools filled with malaria-causing bacteria. Over nearly 4 years, Flipper shone brightly as a scout and messenger. But upon transfer to Fort Davis in Texas, where Flipper was appointed commissary and quartermaster, he fell victim to petty internal Army jealousies. The Army arrested him on a phony charge of embezzlement. At his court-martial, Flipper's attorney told the tribunal that the question before them was merely "is it possible for a colored man to secure and hold a position as an officer of the Army."

The court, examining the flimsy, contradictory evidence in his case, found Flipper innocent of the embezzlement charge but guilty of "conduct unbecoming of an officer."

Flipper, the perfect officer, a model of leadership and courage, was dishonorably discharged.

It was a sad day for the Buffalo Soldier. And a sadder day still for America.

The members of the 9th and 10th Cavalry also fought gloriously during the Spanish-American War. Teddy Roosevelt himself declared: "I don't think any Rough Rider will ever forget the tie that binds us to the 9th and 10th Cavalry." Thus the proud spirit of the Buffalo Soldiers lived on.

George Jordan eventually received the Congressional Medal of Honor for his acts in New Mexico in 1880. He had a distinguished Army career of 30 years. He retired to Crawford, NE, where he became a respected leader of his people. In 1904, he became ill and turned to nearby Fort Robinson where he was last stationed. The army doctor there chose not to treat him, claiming there was no room. George Jordan died a few days later.

While it is sad that the Army would treat one of their own that way, it is sadder still that more people do not know the history and legacy of the Buffalo Soldiers. The worst that we as a country can do is to ask men to put their lives on the line for a principle and then—forget.

Though torn from the career he loved, Lieutenant Flipper lived a lengthy and fulfilling life. He worked as both an engineer and translator of Spanish land documents; he wrote several books, including technical journals; he was the first American black editor of a white newspaper; he was an aide to Senator A.B. Fall; he served at the Interior Department, where his engineering skills helped develop an Alaskan railroad. In 1940, he died successful, yet haunted by the unfair smirch on his name. His soul finally found true peace in 1976 when the Army, urged on by those who believed in Lieutenant Flipper's innocence, reviewed his trial and summary discharge and bequeathed him with an honorable discharge. A year later, a memorial bust and alcove in West Point's cadet library was dedicated to Lt. Henry Ossian Flipper on the 100th anniversary of his graduation.

The Armed Forces was the first part of the federal system to officially desegregate. This ended all-black regiments. The story of the Buffalo Soldiers, however, is, and must always remain, a rich part of our Nation's story. George Jordan is but one man; Henry Flipper is but one man. There are many other such figures of courage, leadership and sacrifice on this particular page of the American tapestry. We must never forget them and the role they played in building a proud country.

Similarly, we also realize that there are many African-Americans serving the United States in the Persian Gulf. They can rest assured that their sacrifices are not taken for granted. They will not be forgotten. Today, we salute them and we salute the legacy of the Buffalo Soldier.

The January 20 edition of the Washington Post magazine featured an excellent cover story on the Buffalo Soldiers, including the story of Lt. Henry Flipper. I would like it entered into the official RECORD.

BUFFALO SOLDIERS: FORGOTTEN BLACK HEROES OF THE OLD WEST

(By David Maraniss)

Ray MacColl was in the grip of an obsession. An unpretentious schoolteacher known for good intentions and modest results, a white man whose career and training offered little grounding for this endeavor, he was possessed by the story of Henry Ossian Flipper, a black soldier out of the long lost past. For six months he awoke in the morning and retired at night with Lt. Flipper on his mind. Sleep was no escape. When the back bedroom of his old clapboard house turned dark and silent and MacColl was dreaming, Flipper's visage often came to him: uniformed and dignified, appearing in the exact image of photographs from 1877, when Flipper was the first black graduate of West Point. The message was always the same. "What," Flipper would ask, "have you done for me today?"

In a cold sweat, anxious and shaking, MacColl arose with the realization that there was more to accomplish in his unlikely effort to erase the stain on Flipper's military record and restore the old Buffalo Soldier to his rightful place in history. Four years after leaving West Point as the only black among 2,100 officers in the U.S. military, Flipper had fallen victim to a racist plot hatched by jealous white peers at Fort Davis, an isolated outpost in west Texas. He was court-martialed on embezzlement charges. The court found him innocent of theft but guilty of "conduct unbecoming an officer and a gentleman" and cut short his promising Army career with a dishonorable discharge.

Somehow, Ray MacColl—not a military man, not a civil rights activist, not even a scholar, but simply a public school educator in south Georgia—took it as his self-assigned mission in 1975 to win exoneration for Flipper, nearly a century after the shameful episode, by presenting his case to the Army Board for the Correction of Military Records in Washington. He succeeded in glorious fashion, pushing himself beyond his limitations to cleanse and heal one of his nation's ugly old sores. But that is for later in the story. First it is important to appreciate the context of MacColl's pursuit of historical and racial justice, to see beyond it obvious romantic, quixotic appeal. That context, like so much of black American history, evokes a largely unheralded and overlooked drama: the story of the Buffalo Soldiers.

What are Buffalo Soldiers? Americans, black and white, seem largely unfamiliar with the phrase, beyond the few who recall a hauntingly ironic Bob Marley reggae song by that name or those who might have seen one episode of a television Western that dealt with the subject two decades ago. But history, as Ray MacColl says, "is a big, big thing, full of holes and footnotes." Before "Glory," who knew of the deeds of black soldiers during the Civil War?

Black cavalrymen and foot soldiers in the Old West, chronological and spiritual successors to the Civil War fighters, were adorned with nickname Buffalo Soldiers by the Kiowa, Cheyenne and Apache tribes they encountered. There is uncertainty about the name's derivation. Some say it came from the thick overcoats black soldiers wore on the cold Plains. Others say their hair reminded Indians of a buffalo's. A third and the most accepted theory is that it was a monicker of respect based on Native American reverence for the buffalo. Black soldiers, including Henry Flipper, took it as a compliment, and it is still esteemed by their descendants today.

But Indians apparently regarded the troops, most of whom were ex-slaves from the South, with more respect than historians, Western pamphleteers and Hollywood screenwriters did. For more than 100 years, Buffalo Soldiers have been treated as cultural footnotes, overwhelmed by the white Western fantasy perpetuated by Buffalo Bill Cody, John Ford and John Wayne.

There is scant notice that thousands of Buffalo Soldiers scouted 34,420 miles of Western desert and plain, laid hundreds of miles of new roads and telegraph lines, protected the mail coaches, were instrumental in the military actions against the great Apache chiefs Victorio and Geronimo, fought valiantly at the side of Teddy Roosevelt's Rough Riders in Cuba during the Spanish-American War and then returned to the West, where they guarded the Mexican border until 1917—all with inferior horses, miserable rations and third-rate equipment discarded by white regiments. Despite adverse physical conditions and a racial climate that spawned the Flipper court-martial and a multitude of similar prejudiced acts, Buffalo Soldiers won 19 medals of honor and had a remarkably low desertion rate: one-third that of their white counterparts. At the end of Western expansion, their regiments—the 9th and 10th cavalries and 24th and 25th infantries—stayed together and fought in both world wars and Korea before being reconfigured in 1952 after the Army desegregated.

The historical neglect of the Buffalo Soldier created a hole of greater dimensions than the simple historical facts. It ripped at the always tender psyche of race relations in this country: allowing whites to delude themsleves with sterotypes and myths, and denying generations of black Americans both a powerful connection to the past and role models for the present.

"When I realize how much those guys had done and not been honored for, I was incredibly angry," said Cmdr. Carlton Philpot, a black Navy officer stationed at the military command school at Fort Leavenworth, Kan., where the most prominent of four Buffalo Soldier regiments, Flipper's own 10th Cavalry, was formed in July 1866. "We have to get this story into the schools, not as a part of Black History Month in February but as part of American history. This is a group of heroes—true heroes that you don't have to create. Not football players, not singers, just guys who did a tough job and nobody gave a hoot."

Not quite nobody. Philpot, director of an ambitious plan to build a Buffalo Soldier Monument at Forth Leavenworth, certainly gives a hoot. He is as obsessed with the story in Kansas as MacColl is in Georgia. So is the artistic force behind the monument, Eddie Dixon, a black sculptor from Lubbock, Tex., who sees it as his mission to let black children "know we had role models, that our only purpose in life was not slavery." The Buffalo Soldier passion has also seized Gen. Colin L. Powell, chairman of the Joint Chiefs of Staff, who thought up the idea for the monument when he was stationed at Forth Leavenworth eight years ago and whose Pentagon office features three paintings of Buffalo Soldiers, including one of Henry Flipper on patrol.

In Hollywood, the Buffalo Soldier drama largely has been ignored, but Len Glasgow pushes forward. Glasgow, an actor and stuntman, for years has led a mock 10th Cavalry drill team comprising black lawyers, teachers, actors and garbage collectors. He knows the life of Henry Flipper so intimately that he says he feels "reincarnated as the lieutenant." In Lawton Okla., Steve Wilson, director of the Museum of the Great Plains, became engrossed with Flipper's long and remarkable career after his court-martial. With pack mules and a four-wheel-drive jeep, Wilson retraced Flipper's arduous travels through the mountains of Mexico as a mining engineer. In Washington, Sarah Dunlap Jackson at the National Archives and former Howard University official H. Minton Francis, a black 1944 graduate of West Point, took up Flipper's cause and provided invaluable assistance to MacColl as he made the case for exoneration and more recently pushed for a commemorative Flipper postage stamp.

And finally, the story of black soldiers in the Old West brought new vigor, hope and inspiration to Bob Burton, Robert Nolan, Tony Zasa and Tony Brown, leaders of a juvenile care agency called Vision Quest that uses the Buffalo Soldiers of yesteryear as role models for some of the toughest kids from America's inner cities. The young men, rejected as too difficult for the normal juvenile justice system, learn the history of the 9th and 10th cavalries and perform Buffalo Soldier drills that translate the dusty past into today's rapping, step-dancing culture with a message aimed against drugs and violence.

This diverse cast is not an overly religious or superstitious lot, yet many of them say that at some point they heard voices from the past or felt the hand of providence in their work. Ray MacColl had no knowledge of black history and little inclination to become absorbed by it when he started his Flipper quest. Carlton Philpot was angry at being shipped to land-locked Kansas, but then his life was recharged by the mission of the monument. Both men say that at points in their struggles when they felt uncertain or overwhelmed, some undefinable spirit drove them forward and help arrived from the most unpredictable of places. Many of the kids in the Vision Quest program came in as hardening criminals—drug dealers, armed robbers, manslaughterers—and came out feeling proud and positive for the first time in their lives, touched somehow, through the generations, by the magic of the old Buffalo Soldiers.

It is hard to bump into the Buffalo Soldiers at any level and not be touched. From the moment I visited Fort Davis last April and read the modest historical marker noting Henry Flipper's court-martial, I too was overtaken by the lieutenant and his Buffalo Soldier comrades. Flipper has not come to me in a dream yet, but he is constantly in my thoughts. He is as alive to me as the troubled but proud young men dressed in Vision Quest's Buffalo Soldier uniforms whom I watched march into the Rayburn House Office Building in Washington one brilliant afternoon this fall to perform for Gen. Powell and the Congressional Black Caucus. "Way down in the valley, I heard a mighty roar," they chanted. "It was a Buffalo Soldier. We are the soldiers. The Buffalo Soldiers."

WALKING THE PATH OF UPRIGHTNESS

On the morning of March 21, 1856, Henry Ossian Flipper was born into slavery in Thomasville, Ga., a rich plantation town near the Florida border. He and his mother, Isabella, were owned by the Rev. Reuben H. Lucky. His father, Festus Flipper, an expert cobbler and craftsman, belonged to one of the richest slave traders in south Georgia, Ephraim Ponder. When Ponder decided to move to Atlanta after the Civil War, Festus Flipper purchased his wife and son from Lucky so they could make the move with him. In Atlanta, according to documents at the Thomasville Historical Society, Festus was so successful that white craftsmen, resentful of his competition, pushed through a local ordinance imposing a tax on shoes, barrels and other goods constructed by slaves. Henry was the oldest of five sons. He was taught to read and write by a black slave mechanic and later studied at a missionary school and Atlanta University. In 1873, during the Reconstruction era when blacks were breaking barriers one by one, Flipper was nominated to West Point.

A white student from Atlanta tried to buy the nomination by offering Flipper a $5,000 bribe. No deal. Flipper was well aware that the few blacks who had preceded him at the military academy were hounded out before graduation. In a book of his experiences there titled *The Colored Cadet at West Point*, Flipper wrote that he arrived "with my mind full of the horrors of treatment of all former cadets of color, and the dread of inevitable ostracism." His treatment often was horrible and the ostracism intense. Many cadets were friendly to him in private; in public they disparaged him with racist epithets. But Flipper, who loved the military and was an earnest student, stuck it out, becoming the first black West Point graduate in 1877. The graduation picture of the 6-foot-2 Flipper shows a determined, strikingly handsome young man.

Liberia, the country founded by ex-slaves who returned to Africa, immediately offered the second lieutenant a position as commander of the Liberian Army. He turned it down, choosing instead to head west to serve as the only black officer among the black troops known as Buffalo Soldiers. He reported for duty with Troop A 10th Cavalry in Oklahoma on the first day of January 1878. At Fort Sill, young Flipper performed an impressive engineering task that is renowned to this day: He designed a ditch to drain cesspools that were suspected to be breeding grounds for malaria. His white superiors thought the ditch was foolhardy. They said it ran uphill. In fact, Flipper said, that was just an optical illusion. They were looking at the world from the wrong perspective. "It looked that way, but I knew I was right," he said. And he was. The ditch carried the stagnant water away, easing the malaria threat. It is now a national historical landmark known as Flipper's Ditch.

While at Fort Sill, Flipper became friendly with Capt. Nicholas Nolan, an open-minded Irishman who got along well with his black troops and held what was then the unpopular view that the cavalry's job was to control the hostilities between Indians and white settlers, not kill every Indian in sight. Nolan was married to a women from San Antonio whose younger sister, Molly Dwyer, lived with them. Molly Dwyer and Henry Flipper became riding companions. Several white officers were jealous of the relationship, which may have been Flipper's military undoing.

After performing valorous work as a scout and messenger for the 10th Cavalry's leader, Col. Benjamin H. Grierson, during the grueling Victorio campaign in 1880, Flipper was dispatched to Fort Davis, a desolate outpost amid the brown mountains and desert landscape north of Big Bend country in Texas. He was given two jobs: acting commissary and quartermaster. Shortly after Flipper arrived, the fort, which was under infantry rather than cavalry command, got a new commander, Col. William Rufus Shafter, a burly, profane fellow who took an immediate dislike to Flipper and tried to strip him of his duties. Two other white officers seemed to have it in for Flipper as well, one because of Molly Dwyer, the other holding a grudge going back to their days at West Point.

One day in July 1881, Flipper discovered that commissary funds were missing from his trunk. As a black man in a white man's army, he felt an extraordinary pressure to be perfect, knowing that any little slip would do him in. On two previous nights, he had seen shadowy figures moving in the direction of his trunk. He thought he had been set up. But he was afraid to report the missing funds, deciding instead to keep quiet until he had made up the deficit on his own. "Never did a man walk the path of uprightness straighter than I did," Flipper wrote later, "but the trap was cunningly laid and I was sacrificed."

Shafter discovered the financial discrepancy, ordered Flipper's arrest and held him in a cramped cell for four days before his superiors declared that such treatment was unprecedented for an officer and Flipper was released to house arrest. Although the money was repaid within two weeks, Shafter pressed forward with a court-martial. It took two months. Shafter and other prosecution witnessess offered unpersuasive and contradictory testimony. Flipper's attorney, Maj. Merritt Barber, addressed the issue directly. "The question before you," he said, "is whether it is possible for a colored man to secure and hold a position as an officer of the Army."

On December 8, 1881, the court found Flipper innocent of embezzlement charges but guilty of "conduct unbecoming an officer." Flipper was taken to a cot in a holding room where a fierce wave of nausea swept over him. The verdict carried a penalty of dishonorable discharge. Many of Flipper's allies assumed the order would be overturned, according to Bruce J. Dinges, a University of Arizona historian who is the leading expert on Flipper's court-martial. In fact, the Secretary of the Army recommended that Flipper not be discharged, but President Chester A. Arthur ignored his recommendation. Henry Ossian Flipper, a fine soldier who in a better world might have become the first black general, was cashiered at age 25.

Some historians, such as Sarah Dunlap Jackson, maintain that Flipper achieved more outside the military during a life that covered another 58 years then he would have in the Army. Perhaps. In any case, Flipper moved to El Paso, took temporary work in a steam laundry and then embarked on a remarkable career. He was a surveyor and mining engineer in Texas, Arizona and Mexico. He wrote several books, including technical journals explaining Spanish land laws. For a time he was the first American black editor of a white newspaper, the Nogales Sunday Herald. Fluent in Spanish, he was constantly in demand as an intepreter. He became an aide to Sen. A.B. Fall and served in Washington as a high-ranking official in the Interior Department, where his engineering skills were instrumental in the development of the Alaska railway system. And he worked as a troubleshooter for William F. Buckley's Pantepec Oil Co. in Venezuela.

Over the span of those six decades, Flipper thought of himself first as a soldier. He was addressed as "Lieutenant." Nine times he tried to get Congress to clear his name, but every effort failed. In 1931, at age 74, he returned to Atlanta and spent the last nine years of his life at his brother Joseph's house on Bishop's Row, an area that housed most of the city's black clergy. Joseph was a high official in the African Methodist Episcopal Church.

Old Lt. Flipper, dressed in a steel-gray suit and wearing thick metal glasses, rarely left his brother's two-story white house. He could often be seen on the porch pacing back and forth, sometimes muttering "left, right, left" to himself. In the mornings he would enter his closet and take out a steamer trunk full of memories, including a bundle of papers marked: "Official Army Court-Martial Records of Second Lt. Henry Ossian Flipper." On the morning of April 26, 1940, Flipper had about finished dressing—he was putting on his left shoe—when he fell upon his bed and suffered a fatal heart attack. He let out a scream, according to relatives. It was a scream that Ray MacColl would hear decades later and describe this way:

"By his scream Flipper wanted to declare that he had lived justly. However, he realized that time had run out. He had finally learned that the last victim of injustice is silence. When nothing else can be accomplished, one must scream."

Flipper was buried in Atlanta in an unmarked grave. Under the category of occupation on his death certificate were three words: Retired Army Officer.

A BURDEN LIFTED FROM MY VERY SOUL

In 1970, Ray MacColl, a transplanted Yankee from Chester, Pa., was taking a black history course at Valdosta State College in Georgia. For his term paper, he decided to write about blacks in the Old West. It was a rather uninspired effort. His professor gave him a C. But if one ever needed proof that grades are not everything, here it is. From that paper, which briefly mentioned the case of Henry Flipper, a native of nearby Thomasville, MacColl found the cause of his life. Over the next few years, as MacColl graduated and began a career as a teacher, he spent his free time gathering information on Flipper, whose story intrigued him. One day he was at the library in Valdosta's black neighborhood, searching for a back issue of Ebony magazine, when the librarian told him that she knew Henry Flipper's niece, Irsle King, and that she lived only a few blocks away. The librarian called King, who immediately invited MacColl over. It was the beginning of a beautiful relationship.

"For some reason, when he walked in the door I wanted to hug him," King, now 84, said during a recent interview. "I don't know why. I had never seen him before, but when I opened the door he actually felt like kin to me. Our spirts agreed as one, as old folks say. We started doing the best we could with each other."

MacColl and King, the daughter of Flipper's youngest brother, Carl, spent hours and days talking about their families, about education and, of course, about the Flipper history. She recounted memories of her uncle when she had visited Atlanta in the 1930s as a college student. "The Lieutenant would talk about the court-martial, but get off the subject quickly," King said. "He didn't have any hatred, but he had so much regret because he felt mistreated. It was painful to him to talk about it." From their discussions, this unusual couple, two teachers, young and old, black and white, struck upon the idea of seeking Flipper's exoneration one last time.

King put MacColl in touch with other relatives who knew parts of the Flipper story and had documents that might help him make the case. Some were skeptical at first about the motives of this white teacher, but their suspicions eased over time. As MacColl extended his research, finding Sarah Dunlap Jackson and H. Minton Francis in Washington and Steve Wilson in Oklahoma, among others, he reached the conclusion that Flipper had been wronged. By 1975, conveniently, West Point was starting to think about the 100th anniversary of Flipper's graduation. Officials there did not know how they could honor a man who had been dishonorably discharged, so they too took a renewed interest in the case and encouraged MacColl's efforts.

For six months in 1975, MacColl prepared his case, pushed on by the nightly vision of the Lieutenant. When he finished, he showed it to Thomasville attorney Roy Lilly, who was impressed with the narrative but informed his teacher friend that the "way the facts were put together as a legal brief was awful." Lilly turned MacColl's story into a legal argument. The key to his case was a fundamental piece of logic. If the court found Flipper innocent of the main charge, embezzlement, they had no standing to find him guilty on the second charge, which was wholly dependent on the first.

On December 13, 1976, the military board of corrections accepted the argument and exonerated Flipper, issuing him an honorable discharge 94 years too late. MacColl, teaching in Thomasville at the time, drove to Valdosta to share the news with Irsle King.

"My only regret is that my uncle wasn't around to know he was cleared," she said. "But sometimes we can have the strangest feelings about things. I have always felt like somehow he knew. Maybe it was the satisfaction in my heart that caused me to feel that way. When they sent me the honorable discharge it felt very, very good, because what happened was such an injustice and it kept, well, you may say a speck of hurt for a long, long time. I don't know if it was a speck or what, but there was just something that made you uneasy. When it was over, it seemed that a burden was lifted from my very soul."

MacColl felt relief as well, but his obsession was far from over. The next year he and Irsle King and many other Flipper relatives flew to West Point to witness the unveiling of a Henry Flipper statue and the inauguration of a new award at the academy given to the cadet who withstood pressure with the most integrity over the course of four years. In 1978, he led an effort to exhume Flipper's remains from the unmarked grave in Atlanta and rebury him, with full military honors, at the Old Magnolia Cemetery in Thomasville. It was the best attended funeral in Thomasville history. From the church to the cemetery, the cortege moved to the beat of muffled drums. At the grave site next to the tombs of Flipper's parents, there was a 21-gun salute and a single bugler sounded taps. H. Minton Francis delivered the eulogy. Flipper, he said, "epitomized every black man of courage."

During the 1980s, MacColl and King kept at it. In 1987 they held another ceremony at the gravesite for the unveiling of a state historical marker. For the past four years they have been pushing hard for the U.S. postmaster general's commemorative stamp committee to approve a special stamp honoring Flipper. That effort has received support from all corners of American life, from the black historian John Hope Franklin at Duke to *Roots* author Alex Haley to Republican strategist Lee Atwater to former president Jimmy Carter.

"I never thought my interest would lead to something like this," MacColl said one afternoon last fall as he stood near Flipper's grave. "Minton Francis once said that from the grace of God came Ray MacColl. I always felt awkward about that kind of statement. But I don't know how things could have been the way they were if divine providence did not play a role here, because I was totally unprepared by background. Henry Flipper had been overlooked all those years. History is such a big, big thing, full of holes and footnotes. I'm sure there are dozens of other incredible people out there who have been overlooked. And folks like me searching for them. That's the only way people who are lost in the pages of history are going to have their stories told."

A SUBTLE SENSE OF PRIDE

Colin Powell was stationed at Fort Leavenworth as a brigadier general in 1982, one of many brief postings along his trail to the top of the military world. As a keen student of black military history, the fort's significance as the birthplace of the Buffalo Soldiers was not lost on him. He knew how the regiments were formed with black ex-slaves and white officers. He knew that among the white officers sought for leadership of the 10th Cavalry was George Armstrong Custer, who rebuffed the offer, disdaining the talents of men of color for an all-white regiment, the 7th Cavalry, formed that same summer. Powell appreciated the hardships and accomplishments of his black predecessors. But he feared that, to use Ray MacColl's phrase, they might be lost in the pages of history.

"I was jogging around the post one day and noticed a couple of gravel alleys that were named 9th and 10th Cavalry streets," Powell recalled years later. "And I thought, 'I wonder if that's all there is. I wonder if here on this most historic Army post in Kansas where the 10th Cavalry spent so much of its garrison life, in the center of the region where both the 9th and 10th Cavalry spent so much of their blood, I wonder if these gravel alleyways are all there is to signify . . . their incredible contribution to the American West. And so I looked around some more. And on the entire post, all I could find to commemorate two of the greatest regiments in the Army were these two alleys. That was a situation that had to be changed."

From that unsettling morning jog, Powell set in motion a project to construct a fitting Buffalo Soldier Monument at the fort in Kansas. His concept at first was to raise a simple statue much like the one of Ulysses S. Grant that stood in a small park across the street from his headquarters near the old parade grounds. But when Powell left Fort Leavenworth for more important missions, the project fell dormant for a time, and when it was picked up again, those who revived it had a larger vision.

The monument, scheduled to open July 28, 1992, the 126th anniversary of the day Congress authorized the Buffalo Soldier regiments, will be situated off the fort's main street, Grant Avenue, on a gentle slope leading down to Smith Lake, on the spot where Buffalo Soldiers pitched their tents in the early 1900s. It will feature a 16-foot bronze statue of a soldier on his horse, rifle in hand, with a pond behind him and a reflecting pool in front. Near a walkway around the statue, markers will honor the 19 Buffalo Soldiers who earned medals of honor: George Burnett, Moses Williams, Thomas Boyne, John Denny, Henry Johnson, Thomas Shaw, Emanuel Stance, Brent Woods, William Wilson, Clinton Greaves, Augustus Walley, Louis Carpenter, Powhattan Clarke, Edward Baker, William McGryar, Dennis Bell, William Thompkins, George Wanton and Fitz Lee.

The inexorable force behind the monument is Carlton Philpot, who grew up on a farm outside Tallahassee, Fla., only a few miles from Henry Flipper's home across the Georgia state line. Philpot knew nothing of Flipper and the Buffalo Soldiers until he arrived at Fort Leavenworth three years ago. He was disappointed and somewhat embittered at the time after being passed over for command of a ship, his life's dream. What was there for a sailor to do in Kansas? Philpot found out. Soon after he arrived, looking around for an outside project, he learned of Powell's dream for a Buffalo Soldier monument. The dream has possessed him ever since.

When he wasn't teaching war theory, Philpot devoted much of his time to learning about the Buffalo Soldiers. He found that some old soldiers from the 10th Cavalry were still alive and remained in the Fort Leavenworth-Kansas City area. There was Chief Warrant Officer Harry Hollowell, a sprightly 76, who joined the Buffalo Soldiers in 1936, when Fort Leavenworth was segregated: Blacks had a separate theater, lived in separate barracks and had their own band, of which Hollowell was the leader. And there was 96-year-old Elisha "Sarge" Kearse, perhaps the oldest living Buffalo Soldier, whose days with the 10th Cavalry began when they were stationed out in Arizona before World War I.

Philpot could not get enough of the old-timers' stories. They told him about the female companions who followed the Buffalo Soldiers and were called Washtub Women. They recalled how the path from their tents to town was called Shackpappy Lane. Kearse told him how it felt to ride wild mustangs and wield the 10th's heavy saber. Often, Philpot said, he would burn with rage when he thought about how these noble soldiers were mistreated. "Imagine the patriotism it takes to serve your country when your country is treating you unfairly," he said. "These were true patriots. But what strikes me most is that they never seem angry. I would get angry but they are always positive. I get recharged every time I talk to them."

The groundbreaking ceremonies for the monument were held last July 28. Harry Hollowell and Sarge Kearse, called "Old Double Jaw" by his troops, were among the special guests seated near the main speaker, Powell. The slope down to Smith Lake was packed with more than 2,000 people. In a speech that moved many old soldiers to tears, Powell told the audience about three paintings that hang on the wall of his Pentagon office directly across from his desk, paintings, he said, that "remind me of my heritage and of the thousands of African Americans who went before me and who shed their blood and made their sacrifices so that I could sit in that office today." One is of Col. Grierson and Lt. Flipper on patrol, another portrays a Buffalo Soldier scout on the Western plains, and the third depicts the charge up San Juan Hill in Cuba. Most paintings of that event show only white Rough Riders making the charge, but Buffalo Soldiers were there too, and Powell's painting, he said, "shows San Juan Hill as it should be shown."

Finally Powell read from Grierson's last statement to his black troops in 1888, when he relinquished command. "The officers and enlisted men have cheerfully endured many hardships and privations, and in the midst of great dangers steadfastly maintained a most gallant and zealous devotion to duty," Grierson wrote. "And they may well be proud of the record made, and rest assured that the hard work undergone in the accomplishment of such . . . valuable service to their country cannot fail, sooner or later, to meet with due recognition and reward."

When Americans journey to Fort Leavenworth in future years to give the Buffalo Soldiers their due recognition and reward, they will see the past through the artistic perspective of Eddie Dixon, the black sculptor from Lubbock who was commissioned to make the monument. Since 1982, after abandoning a career as a grain futures trader in Chicago, Dixon has emerged as one of the preeminent sculptors of black historical figures in America. His specialty is blacks in the West, especially Buffalo Soldiers. Many parks and museums in the Southwest are graced by his Buffalo Soldier renditions, including Fort Davis, the place where Henry Flipper was court-martialed.

Dixon is working on the Buffalo Soldier Monument in the same fashion that he prepared the Fort Davis sculpture. His skill is not just artistic; he deals with history, texture, emotion. He visits the isolated posts where Buffalo Soldiers were stationed and sits quietly for hours, taking himself back in time until he can almost hear the marshaling of arms. "When I do a Buffalo Soldier," Dixon said, "I think about the position they were in, without decent horses or guns. I express that condition in the face, the forlornment, the rejection, yet determination to complete a mission. And also a subtle sense of pride. Buffalo Soldier in the vanguard: A black man in a new world."

His hope, Dixon said, is that his work will help black youngsters in the future view American history from a different perspective than he did as a child. "In the movies, it was always the white cavalry," Dixon said. "So when we were kids, and we wanted to be the cowboys charging over the horizon, we were white and our heroes were John Wayne and other whites. Blacks were not recognized as having any part in it. There were no role models for us. Every time I think about that, I get more motivation to do what I'm doing."

A WHOLE SHOW ABOUT BLACK SOLDIERS?

The Old West that many Americans think they know came to them mostly in films and TV shows, a cultural milieu based largely on the myths of white culture. Indians, for the most part, were rendered subhuman. Blacks were virtually ignored. The story of one episode of one TV show provides the exception to the rule that proves the point. It was the November 22, 1968, episode of "The High Chaparral," a Tucson-based Western starring Leif Erickson as John Cannon, Cameron Mitchell as Buck, Linda Cristal as Victoria, Henry Darrow as Manolito and Mark Slade as Billy Blue. The episode was titled "The Buffalo Soldiers." The guest star was a young Yaphet Kotto as Sgt. Maj. Creason.

In the archives of TV Westerns, "The High Chaparral's" episode on the Buffalo Soldiers stands alone: the only show devoted singularly to that subject. The show elicited much praise and high awards, yet a certain bitterness lingers concerning what might have been. As much as the episode broke new ground, it also represented an opportunity lost.

While various executives take credit for the episode, the true inspiration for it was Len Glasgow, a black stuntman who organized a diverse group of 50 African-American men in the Los Angeles area into the 10th Cavalry riding team. Glasgow formed the outfit in 1965, when he thought that Buffalo Soldiers would be needed for a film starring Woody Strode about the campaigns involving the 10th Cavalry and the Apache chief Victorio. That film fell through, but the band of mock horse soldiers held together. They spent their spare time at a stable near Burbank practicing the formations of the old 10th Cavalry. When a local television news show featured Glasgow's Buffalo Soldiers, "The High Chaparral's" producer, William F. Claxton, and executive producer, David Dortort, happened to see it and decided that the Buffalo Soldiers would make an interesting episode.

Men and horses were transported to Tucson for the seven-day shoot, where the glory and ignorance of past and present converged. Local wranglers watched in amazement as these black actor-soldiers performed precise riding maneuvers in the brutal desert heat. All except Yaphet Kotto, that is; the episode's guest star was afraid of horses and needed intense remedial help from Glasgow. The script needed remedial work as well: The original version seemed to perpetuate more stereotypes than it broke. Claxton and Kotto and director Joseph Pevney worked late every night trying to fix the scenes.

The plot is simple: Tucson citizens are dumbfounded when their petition for troops to break the grip of an evil town boss brings an all-black cavalry unit. But Sgt. Maj. Creason restores law and order without a shot being fired, so impressive are the equestrian skills of his Buffalo Soldiers. As the cavalry portrayed by Glasgow and his buddies fades into the sunset, a narrator proclaims: "The Buffalo Soldiers of yesterday were the stuff of which legends are made and hope rekindled . . . so that all of us can recall and cherish the historic and continuing contribution of the black American to the life and progress of our nation."

Months after the show aired, word arrived that it had won the Western Heritage Award from the National Cowboy Hall of Fame. Dortort and a contingent of Glasgow's 10th Cavalry journeyed to Oklahoma City for the awards banquet. When Dortort took the stage to receive the award, he said; "Gentlemen, this award does not belong to me, it belongs to the 10th Cavalry." At that moment, on cue from the back of the ballroom, an honor guard of Buffalo Soldiers appeared at the doorway and marched in. "I still get goose bumps thinking about it," Dortort said. "I've never felt that way before or since."

Glasgow, delighted by the episode's reception, thought it would be the start of something bigger. His 10th Cavalry unit stayed together and constantly sought out more authentic Buffalo Soldier material. He obtained the original marching manuals and a few old uniforms. He started studying the life and times of Henry Flipper, wrote a script about the most famous of the Buffalo Soldiers and even started to take on aspects of the old lieutenant's personality. "I just absolutely know him," Glasgow said. "He was the quietest person. A scholar, athlete, gentleman. Spoke Spanish so well. I've tried to model myself after him. He is quite a role model for all of us." Yes, Glasgow even dreamed of Flipper.

Surely, he thought, one of the networks or production studios in Hollywood would see the potential here for a series or miniseries. In his effort to take the Buffalo Soldier story to a wider TV audience, Glasgow found that David Dortort was among his strongest supporters. The esteemed executive producer of "The High Chaparral" and "Bonanza," one of the most popular Western series in history, went to New York in an effort to persuade NBC executives to consider a series. No luck.

"NBC would not go for it," Dortort recalled. "They said: You want to do a whole show about black soldiers? Who would sponsor a show entirely about blacks? They also said that Westerns were becoming passe. They were more interested in cops and crime shows. It was a depressing ending to a glorious episode. The feelings blacks have of being excluded from American history is enormous. That's why 'Glory' was so important. I think the neglect began in the writing of history, and Hollywood people read the so-called conventional wisdom and never realized there was a glaring omission. If they would have dealt with it based on the facts of history, instead of the exclusions, we would have had role models for kids in the inner cities today: now they have so little from the past to relate to. There is nothing that has the strength of a successful TV series week after week to reinforce in the hearts and minds of young people an image that is respectful, that they can respond to, that they can say, yeah, we had a great role in helping build this country."

IT'S GREAT TO BE A BUFFALO SOLDIER

As the old blue and white bus rumbled through the Pennsylvania countryside from Reading to Philadelphia, rap music pounded from the sound system and 35 black youths aged 14 to 19, dressed in cavalry uniforms modeled after those of the old Buffalo Soldiers, were getting a little rowdy.

"Information!" yelled Tony Brown and Tony Zasa in unison.

"Information!" responded the kids. The tomfoolery stopped.

Brown and Zasa—black and white, both in their thirties, one a former cop, the other a onetime hockey goalie, both ram tough—were the staff leaders for this monthlong Buffalo Soldier Quest. They were officially designated as generals. Other staff members at Vision Quest, a private juvenile care agency, were colonels, majors and lieutenants. The highest-ranking juvenile was a sergeant major. The kids called Brown and Zasa "Gents," as in, "Hey, Gents Brown," or "Thanks, Gents." It was short for general; the "t" on the end gave it a nice twist of linguistic irony.

There were "no jaywalkers in this group," as Gents Zasa said of his troops. These were tough young men who had been arrested for armed robbery, drug dealing, manslaughter and assault. On average they had been through the justice system 3.8 times. Most were considered so wayward that local authorities wanted nothing more to do with them. Their sentencing judges viewed Vision Quest as a final alternative to adult jails and prisons and had placed them in the agency's care for terms ranging from one to three years.

Since the early 1970s, Vision Quest has taken about 800 troubled youths per year and tried to teach them the importance of self-discipline, pride, control and cooperation through old-fashioned missions. One mission, or quest, is a yearlong wagon-train trek across the country. The most popular mission these days is the Buffalo Soldier Quest, where boys are taught the lore of black soldiers from the Old West. They dress in cavalry uniforms, learn how to ride and march at a two-week boot camp, then visit schools spreading a message against drugs and violence. Not all social workers approve of Vision Quest's hands-on approach. Some juvenile experts once raised questions about the agency's effectiveness in rehabilitating youths. They said the recidivism rate in the program was higher than that of youngsters who had been locked up. But recent studies of Vision Quest over a 10-year period indicate just the opposite, that its recidivism rate of less than 50 percent is far better than most other juvenile detention programs. And the Buffalo Soldier Quest, to those familiar with it, is regarded as especially imaginative, effective and emotionally powerful.

"Most inner-city kids are desperately looking for something to be loyal to," said Bob Burton, Vision Quest's founder. "That search usually leads to the negative loyalty of a gang. Being a Buffalo Soldier is a positive alternative." Another Vision Quest leader, Robert Nolan, put it this way: "The kids start seeing it and living it. It's really magical. There is a definite connection between the old guys and us. The perspective I have is that a lot of these kids that get in trouble, 100 years ago might not have. They'd have been cavalry scouts, stagecoach riders, found some way to fit. Society has changed, and they don't belong, they're outside the bubble and having a hard time trying to find a way back in. This is a way to give them that sense of self worth."

The 23rd Buffalo Soldier Quest over the past decade was in its final week on this bright fall morning as the bus rolled toward west Philadelphia. For the past two weeks the young men had been practicing their drills, a series of intricate maneuvers that spanned the decades, combining old Buffalo Soldier marches and chants with modern black raps and stepdances. Their first performance would be at the West Philadelphia Community Center in a gymnasium teeming with awestruck 4-year-olds. Their last, two days later, would be inside the Rayburn House Office Building in Washington before an audience that featured Colin Powell, distinguished black war veterans and members of the Black Congressional Caucus.

Gents Brown viewed the trip to Washington as the culmination not only of this month of training but of years of developing the Buffalo Soldier program. One by one, he called boys to the front of the bus to discuss the week's mission. He and Gents Zasa were especially concerned about the tuneups in Philadelphia so close to the neighborhoods where many of these kids found trouble. The night before they had been warned by one boy that another might try to make a run for it. "The street is a strong pull," Brown said. "Loyalty to the Buffalo Soldiers competes with loyalty to the street."

Near the front of the bus sat Ron Roberts, oldest of the group at 19, an ex-gang member from Philly who had committed more felonies than he cared to remember. Becoming a Buffalo Soldier, he said, changed his life. In school he had learned about the Rev. Martin Luther King Jr., but nothing about black soldiers. Never before had he encountered men who cared about him or been around horses and other animals. "This is my family now," he said.

Behind Roberts was 18-year-old Dormen Lisby, tall, sensitive and bespectacled, a high school graduate serving time in Vision Quest for vehicular manslaughter. Being a Buffalo Soldier meant so much to Lisby that when his sentence expired a week earlier he asked the judge for permission to stay another six months. Lisby, a talented artist, said the judge thought he was crazy, but granted his request. "Being a Buffalo Soldier gives me a pride I can't really explain," he said. "When the Gents talk to us about what the old guys did and what we can do to stop drugs and violence, it brings tears to my eyes. It's great to be a Buffalo Soldier. I live my race. It means a lot to me, finding out about my people and my ancestors. This should be for everyone, not just those of us who get in trouble. It changed me."

When the bus reached the community center in Philadelphia, Lisby stepped off to find his mother waiting at the sidewalk. She hugged him and gave him a silver angel pin and three African arm bracelets. The gym was lined with bright-eyed preschoolers who screamed with delight when the sharply outfitted Buffalo Soldiers doubled-timed their way in. Gents Brown told the toddlers that their message was to say no to drugs and violence. Gents Zasa told them about the 9th and 10th cavalries, how they had done so much under difficult conditions and yet had the lowest desertion rates in the military.

For the next 30 minutes, the young Buffalo Soldiers performed their precision drills. Then they spread out across the gym in pairs, each pair taking a group of six or eight tots and teaching them how to march and chant: "Are we saying no to drugs? Yes, we are! Yes, we are! Yes, we are! Say no, chu-chu. No, chu-chu."

The room resounded with syncopated joy, though an enormous teardrop rolled down the cheek of one little boy who felt left out of the proceedings. "I want to be a Buffalo Soldier," he sobbed. A 14-year-old Buffalo Soldier, Dominick from Lancaster (juvenile offenders under 18 can be identified only by first name), found the boy and took him into his group. Dominick said the scene made him feel "happy in my heart." From his 13th birthday to the time a few months ago when he arrived at Vision Quest, Dominick, whose parents had been killed in separate violent incidents, spent most of his nights out on the town looking to beat up people and fight with cops. He said he had more anger than he could release. When he appeared before little kids and told them to say no to drugs and violence, he said, it sent chills up his spine with contradictory sensations: a sense of pride at being a positive role model and a sense of concern that he was really talking to himself.

When it was over, as the Buffalo Soldiers double-timed back to their bus, Kareem, a 17-year-old Philadelphian, saw his chance to triple-time it right on out of the program. He flew down the street with three Vision Quest staffers in pursuit. They caught him in back of the American Family Market. "I'm not going back on that bus," he shouted. The police came and took him to the precinct station. The other boys were stunned and subdued. Dormen Lisby said Kareem had told him he was going to run. "I thought he was kidding. It was such a stupid thing. We're free and doing something useful," Lisby said. "He couldn't take that pressure. He would have rather been locked up."

Lisby's mother got on the bus for a few minutes. "Don't worry about it," she told her son. "Just do what you've got to do."

"I love you, Mom," he said.

Two mornings later, the Buffalo Soldiers awoke on the hard floor of the Greenbelt Armory gymnasium on the northern rim of the nation's capital and quietly went about preparing for the biggest day in their lives. In one corner they were shining boots and spats. At another end Gents Zasa passed out new shirts and suspenders. Col. Dorothy Lamb, a social worker who served as a second mother for many of the boys, sewed stray buttons and did some hemwork on the pants. The peer leader of the group, 18-year-old Sgt. Maj. Steve Bryant, showed up. He'd been scheduled to leave the program a day earlier, but like Dormen Lisby, he had gone to court and asked to stay. Most of the drills these guys had learned—the M.C. Hammer and Wizard of Oz, the Tipatap March, Stop the Violence—he had taught them. His rap name back in Philadelphia was Silky. Bryant was incorrigible, it seemed, when he arrived in the program two years ago. Now he was a leader, determined to stay off the streets and attend Temple University.

At 12:39 p.m. they marched out to the bus, with Sgt. Maj. Bryant barking out the orders; "Heeeere we go again! Buffalo Soldiers back again!" When they arrived at the Rayburn Building for the Congressional Black Caucus ceremonies honoring black veterans, the boys still had a few hours to kill. So they performed outside on Independence Avenue. Suddenly they seemed almost out of place, naive, touching, a quaint curiosity in this hardened world of political power. There are so many layers of cynicism, self-absorption and suspicion in Washington. The professionals of Capitol Hill eyed them with puzzlement. Who are these kids? How do they fit in? Are they being used? Washington seemed tougher in that hour than the meanest streets from which the Buffalo Soldier juveniles came.

But soon they were inside, standing proud as honor guards as Powell spoke to the caucus and the black veterans. Their generals, Brown and Zasa, were right up there at the speaker's rostrum below Powell. The kids carried the flags and watched the doorways as Powell declared that "no group of Americans ever served this nation with greater devotion, greater loyalty, greater sacrifice than African Americans." When he mentioned the Buffalo Soldiers in his speech, Dormen Lisby felt an overwhelming sense of pride. When the address ended, the Buffalo Soldiers marched down to the foyer, where Sgt. Maj. Bryant introduced them to Powell and said they wanted to be soldiers of peace. Then Bryant lined up his troops and got rolling, 20 minutes of step-dance drills.

They were dazzling, moving in flawless unison from one step to another. Bob Burton, the Vision Quest founder, stood to the side and smiled. "And the psychologists say they can't do this," he said softly. As the late afternoon shadows darkened the foyer, the Buffalo Soldiers, performed an encore step. They finished frozen in place, heads down, fists triumphant in the air.

Henry Ossian Flipper was not there, as far as anyone could tell. Carlton Philpot, director of the Fort Leavenworth Buffalo Soldier Monument project, had planned to attend, but at the last minute headed off to southern Virginia in search of a 108-year-old man who claimed to have served in the 10th Cavalry. Ray MacColl, the Georgia schoolteacher, had never heard of Vision Quest at the time of the Washington performance in late September. But the world works in mysterious ways. No long ago, MacColl was driving along a road outside Atlanta when he encountered a wagon train of young men heading in the other direction. They were from Vision Quest. They said they were Buffalo Soldiers.

□ 1710

Mr. STOKES. Mr. Speaker, I thank my distinguished friend for his excellent remarks on this occasion.

Mr. Speaker, I am pleased now to yield to the distinguished gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding to me.

This year's Black History Month theme is Educating America: Black Colleges and Universities. Our historically black colleges and universities have done a superb job of educating those who have passed through their doors. Among them are graduates of their school of communications. These men and women constitute another institution that has served to educate an even broader spectrum of African-Americans and the Nation as a whole: Our black-owned media.

For over 160 years, the newspapers, magazines, journals, and more recently the radio and television stations owned by African-Americans, have reported on issues that are important to us, the people we know, the places we've been, the things we feel as minorities in America. The black media has and continues to bring black perspectives to the world's events, perspectives largely missing from the general media. They have long served to report on matters that the general media has no interest in, or to give more extensive coverage to matters of importance to our community.

Sometimes the black media has served to tell the whole story. The book, "Split Image: African Americans in the Mass Media," edited by Dr. Jannette Dates and Dr. William Barrow, contains a reference to an incident in Baltimore from the early 1960's. In the midst of much white protest, young black children attempted to integrate a community swimming pool. Returning to their homes, they were met with racial slurs and threats of violence by a crowd of white youths who had followed them. Instead of turning the force on the threatening crowd, the Baltimore police used attack dogs to rush the blacks into their homes. According to Dr. Dates, the only newspaper to report the story in full, including the use of the dogs, was the Baltimore Afro-American.

Not only does our black-owned media cover issues of importance to us, in a way that is meaningful to us, they also give us a set of role models that is rare in the majority-owned media. We are aware that the owners and generally the subjects are black like us, but the journalists, reporters, photographers and on-air personalities are, too.

Perhaps the two most important roles for the black media are to provide a balance of the images of blacks as most commonly portrayed, and to add to the diversity of opinion and ideas circulated in the general media. Since the black-owned media covers the broad range of the African-American experience, it serves to balance the overwhelmingly negative depictions of blacks in the white media. The black media endeavors to portray African-Americans not as stereotypes or caricatures, but rather as real people, with good and bad qualities, hopes, dreams, values, fears, rights and opinions, just like everyone else. The entertainment programs offered by black-owned broadcast media generally reflects our preferences, our culture, and our people.

A function of both blacks who are associated with white media outlets and those associated with historically black media, is to provide another view of the world's events, a different perspective, particularly on matters that shape our lives in the United States. Our national telecommunications system is charged with offering a diversity of programming, ideas and opinions reflective of the varied peoples, cultures and experiences that make up the mosaic of American life. Far too often, however, the voices of minority groups and women are muted at best and nonexistent at worst. The black media has served as an outlet, a way of sharing our views with each other and getting our message to the rest of our fellow countrymen and the world.

There is something very special about picking up a newspaper or magazine and feeling a connection, a certain familiarity with the people and events covered. I'll bet nearly every one of us has read a social note in Jet magazine at one time or another and known a person being written about. Ebony magazine is criticized because it often shows the palatial mansions of the black rich and famous. Well, why not? Why should not we know that some of us have worked hard, in whatever field of endeavor, and earned the resources to build a dream house? Someone needed to do an indepth article on AIDS in the black community, addressing the issue from the perspective of the black family and traditional black family values. Someone has, and very well, I might add: Emerge magazine.

From humble beginnings, with the first black newspaper which began publishing in March 1827, our black media has grown to include every medium of communications: the very popular black papers like the Chicago Defender and the Afro-American; widely circulated magazines like Ebony, Emerge, and Essence; Black Entertainment Television [BET]; the NAACP's Crisis magazine; approximately 200 radio and television stations nationwide and, numerous special interest magazines, academic journals, weekly newspapers, and newspaper supplements. They have come and they have gone, but the good news is that the black media lives on.

For all that our media has done for going on two centuries, we must not forget that there is still an enormous job to be done. The traditional purposes that the black-owned media has served are alive and well today, and maybe, as we face a retreat from battles already won, their role is even more important today in getting our messages across, keeping each other informed and mobilizing our efforts to continue the struggle for equality and justice.

□ 1720

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. STOKES. Mr. Speaker, at this time I yield to the gentleman from New Orleans [Mr. JEFFERSON] and we are happy to have him participate in his first special order on black history.

Mr. JEFFERSON. I thank the gentleman for yielding.

Mr. Speaker, I rise today to participate in this special order on Black History Month, which has been reserved by my esteemed and distinguished colleague, the gentleman from Ohio [Mr. STOKES].

I commend Representative STOKES for his annual efforts on behalf of this noteworthy event in our Nation. Through his efforts to educate the citizens of this country about the contributions of Americans of African descent, he has furthered the understanding of our Nation's history, which is inextricably bound to the presence, the plight, the joys, the sorrows, the struggles, and the successes of black Americans.

As a native son of the South, I believe this year's theme for Black History Month, "Educating America: Black Universities and Colleges—Strengths and Crises," is a particularly relevant one for the 11 States of the Old South. Most of the black universities and colleges of this country can be found in the South. From Fisk University which was founded in 1865, to Mississippi Valley State University, which was established in 1950, these institutions have played a major role in educating blacks nationwide, as well as educating scholars from Africa, South America, the Middle East, and the Caribbean.

In no other region of the country has the impact of historically black colleges and universities been felt more directly than in the South. Mired as it has been in the depravity of its past injustices toward its black citizens, the South today shows strong signs of changed cultural and political landscapes and an increasingly enlightened appreciation for its rich diversity. This would not have been possible without black colleges and universities.

Ironically, these schools were established, in great part, to ensure that the races were, in Booker T. Washington's words, kept "as separate as fingers in a glove." No one could have perceived the role these institutions would play in emboldening and furthering black political empowerment. No one could have imagined that these schools would become instruments for assimilating blacks in the political process, specifically, and of integrating society in other areas as well.

It is no accident then that the South has the greatest number of black elected officials of any region in the country. According to the Joint Center for Political and Economic Studies, among our numbers are a Governor; 4 U.S. Representatives; 187 State legislators; 671 county officials; 2,219 municipal officials; 270 judicial and law enforcement officials; and 876 elected officials serving in varied education functions. All 4,227 are active and vital participants in the southern political process.

Without fanfare and with meager resources, black colleges and universities prepared the overwhelming number of these officials to assume the roles they occupy today. As W.E. DuBois described them, these colleges were "practical enough to nurture [black Americans] in the enterprise of learning on the earth, yet able to point us to new horizons in the skies whither we aspire."

In the 11 States of the Old South, black academicians, especially during the early years following passage of the Voting Rights Act of 1965 a number of African-Americans met the requirements for running for a wide range of local and State offices. Upon the election of these brave and talented men and women, these scholars helped prepare these elected officials for the discharge of their duties and responsibilities. Educators from Atlanta University, Clark College, Southern University, Arkansas A&M, Texas Southern, Jackson State University, South Carolina State College, and North Carolina Central, to name just a few schools, viewed their work with black elected officials as an extension of their pedagogical pursuits in the classroom. These educators knew that the special role of historically black colleges, called upon them not just to be centers of knowledge, but centers of applied knowledge and a guide to political action and empowerment. Names such as Bacote, Henderson, Dent, Cook, Clark, Prestage, Reed, Ransburg, Francis, and countless others gave of their time so that the potentials of the Voting Rights Act of 1965, could be realized. This was not easy work, and little, if any, recognition came to them.

But their good deeds are evident throughout the South. The lives of many, including this Member, Mr. Speaker, have been laid with infinite and eternal gratitude because black colleges and universities viewed the educational enterprise as more than an intellectual pursuit devoid of real life experiences.

During this Black History Month, Mr. Speaker, I salute the black colleges and universities of the South for their stellar contributions toward the evolution of the black elected official. As the Congress prepares to reauthorize the Higher Education Assistance Act, let us be reminded that these colleges and universities must be preserved, they must be strengthened, they must be enhanced. For without them, Mr. Speaker, democracy would have few effective laboratories to test the viability of its ideals.

Mr. Speaker, I thank the gentleman for yielding.

Mr. STOKES. I thank the gentleman from Louisiana.

Mr. Speaker, I am now pleased to yield to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. I thank the gentleman for yielding.

Mr. Speaker, I am proud to join my distinguished colleague from Ohio, and the members of the Congressional Black Caucus in this special order in honor of Black History Month. I want to commend Mr. STOKES for calling this special order and Mr. TOWNS, the chairman of the Black Caucus, for their many years of bold leadership on issues of concern to African-Americans and all minorities in the United States.

We in the U.S. Virgin Islands join enthusiastically in observing Black History Month. For us it is a major opportunity to celebrate the primary culture of our islands, where the vast majority of our people are black West Indians. We are proud of our distinctive heritage as West Indians and Americans. And we are determined to create for ourselves a distinctive future, which will build upon our unique position as a West Indian and American territory under the U.S. flag.

I want to take special note of an institution in our islands that, perhaps more than any other, symbolizes the dreams and aspirations of Virgin Islanders, and provides one of the most important vehicles our people have to realize the full potential of their destiny: The University of the Virgin Islands.

The University of the Virgin Islands, one of the Nation's historically black colleges and universities, is the only institution of higher education in the territory. A relatively young institution—29 years of age—UVI has carved an indelible place, not only in the history of the Virgin Islands but in the Caribbean region as well.

Two-thirds of the student population attend on a part-time basis. They are working men and women who are able to further their education and further the horizons of their lives through the learning they obtain at the university.

In its short history, it has produced two Rhodes scholars and students from UVI have excelled in graduate schools all over the United States.

UVI graduates hold positions of prominence in government in the territory, in many Caribbean island states, and in the U.S. Federal Government.

UVI's new president, Dr. Orville Kean, who officially begins his leadership of the university next month, in many ways personifies the African-American Virgin Islander of the 20th and 21st centuries. He is a man of the arts and sciences, a man of strength and leadership, and a man of humility. His vision will serve as an example of the limitless opportunities that blacks and, indeed, all Virgin Islanders can achieve when built on the foundation of a sound education.

The new administration under Dr. Kean plans to increase the student population, expand the programs and activities to increase the university's competitiveness as a HBCU. In addition, UVI can effectively serve as the center for leadership training in the Caribbean region. The university can collaborate with institutions from abroad to expand and improve its services.

To do this, the University of the Virgin Islands and, indeed, all HBCU's need continued support. During Black History Month and during every month and every year, we must realize the importance of education and higher education to blacks and to all peoples. For institutions like UVI truly epitomize and symbolize the greatness to which we all can aspire, and the unlimited opportunities that can be ours.

Mr. Speaker, let me say that the U.S. Virgin Islands, her people, and university are proud to share in this celebration of Black History Month.

□ 1730

Mr. STOKES. Mr. Speaker, I thank the gentleman from the Virgin Islands [Mr. DE LUGO].

At this time I am pleased to yield to the gentleman from Florida [Mr. BACCHUS], our distinguished colleague.

Mr. BACCHUS. Mr. Speaker, I rise today to honor one of America's early civil rights leaders. If I were to be asked, who was the greatest American ever to live in the 11th Congressional District of Florida, my answer would be Harry T. Moore. Thirty years before Birmingham, there was Harry T. Moore, born in Florida, Mr. Moore lived in difficult times. He was a quiet, peaceful man who preached nonviolent protest. He died at the hands of violence, ignorance, and hate. His legacy is the thousands he taught, the voters he registered, the movement he served, and the cause for which he gave his life.

In the late 1920's, Harry T. Moore came to Brevard County in central Florida as a schoolteacher. Later he became principal of Mims Elementary School. In 1934, he established the first Brevard County chapter of the NAACP. His frustration with the lack of equal pay for black educators in the public school system drove Mr. Moore, along with the NAACP, to file a successful lawsuit calling for equal wages. Just 1 week after the decision, he and his wife Harriet, also a teacher, were fired from their jobs.

Yet Harry continued to teach—as the executive secretary of the Florida

NAACP. He traveled the State at a time when violence against blacks was often overlooked, and sometimes encouraged. He sought fairness and freedom. He led statewide voter registration drives and fought for the right of blacks to vote in primaries. He filed suit against the University of Florida so that all students would be allowed to enroll.

Like too many others of his day, Harry T. Moore became a martyr of the civil rights movement. On Christmas night 1951, his 25th wedding anniversary, Harry T. Moore and his wife Harriet, were brutally murdered when a bomb exploded under their bed. Mr. Moore died before reaching the hospital. Mrs. Moore was buried 2 days after her husband's funeral. Upon hearing the news, the U.S. delegate to the United Nations, Eleanor Roosevelt, said, "That kind of violent incident will spread all over every country in the world and the harm it will do us among the people of the world is untold." No one was indicted. No one was tried. The murder of Mr. and Mrs. Harry T. Moore was never solved.

Gone now 40 years, what would Harry Moore think of America in the 1990's? He would be proud that a black American leads our Armed Forces at a time of war, but sad to learn that there are more young black men in prison than in college. He would be proud that blacks are increasingly represented in the ranks of our attorneys, doctors, and other professionals but sad to see the poverty of inner city life that so often prevents our black children from seeing these examples. And he would know that the movement he served so well continues today as we work for minority scholarships and new civil rights protections.

Harry T. Moore believed in the American dream. He hoped to make that dream a reality for all Americans. Another great central Floridian, Zora Neale Hurston, once said: "ships at a distance have every man's wish on board" but for some "they sail forever on the horizon, never out of sight, never landing until the watcher turns his eye away in resignation, his dreams mocked to death by time."

Harry Moore's dream is not yet a reality. But the life of Harry T. Moore did make a real difference—and will continue to inspire others, black and white, to overcome all that divides us, and to find strength in all that unites us.

Let the price he paid inspire us all to continue his struggle for equally, not just as we celebrate Black History Month, but as we celebrate too our endless quest for the American dream, and let us always remember, the call for a renewal of that quest has always been heard first, not in the promises of the powerful, but in the passions and in the protests of the people, people such as Harry T. Moore.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Florida [Mr. BACCHUS] for his contribution to this special order.

Mr. Speaker, I am pleased now to yield to the distinguished gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I thank the gentleman from Cleveland [Mr. STOKES] for giving me this time to make a few observations on Black History Month.

Mr. Speaker, as I join my colleagues in the Congressional Black Caucus who are participating in this special order on Black History Month, thousands of American men and women are in the Persian Gulf. Perhaps the most feared weapon in the Iraqi arsenal is poisonous gas. If this weapon were used, our troops will count on the invention of Garrett A. Morgan to save their lives. Mr. Speaker, Garrett A. Morgan, an African-American was the inventor of the gas mask.

Born in 1875 in Paris, TN, Mr. Morgan's first invention was a belt fastener for sewing machines. He eventually sold the invention for $150. In 1914, Morgan won the first grand prize gold medal at the Second International Exposition of Sanitation and Safety for his breathing helmet and smoke protector. This forerunner to the modern day gas mask got its first practical test in 1916, following an explosion in a tunnel at the Cleveland Water Works, where many men were trapped below Lake Erie. Morgan, who at the time lived in Cleveland, his brother, and two other volunteers, all wearing inhalators, were the only people able to go into the tunnel and save several of the workers from asphyxiation.

As you might expect, the Morgan Inhaler was requested by fire companies all over the Nation. Unfortunately, once it was known that Morgan was an African-American, the orders were quickly canceled. In the Southern region of the country, Morgan had to hire a white man to demonstrate his invention.

Mr. Speaker, all of the troops are counting on the invention of an African-American to potentially save their lives.

When we are rushing from the House floor on our way to a speaking engagement or to catch a plane, Garrett A. Morgan keeps us under control. In 1923, Morgan developed an automatic stop sign to aid the movement of traffic.

Mr. Speaker, as I take this moment to recognize the achievements of Garrett A. Morgan, I also pay tribute to the scores of African-American inventors whose contributions helped to make America the great country that it is today.

Mr. STOKES. Mr. Speaker, I thank the gentleman from California [Mr. DYMALLY].

Mr. Speaker, I am pleased now to yield to the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman from Ohio [Mr. STOKES] for yielding to me and for his effort in leading this commemoration of Black History Month and the opportunity it provides for Members to come forward to celebrate this observance. I also want to thank the gentleman from New York [Mr. TOWNS], the chairman of the Black Caucus, for his leadership in this effort as well, and I want to publicly thank the Congressional Black Caucus for its historic work that has had such an extraordinary effect on the lives of African-Americans and Americans of all backgrounds.

As a new Member, I regard my membership in the Congressional Black Caucus as one of my most important associations in the Congress. Black History Month is not one more parochial observance. It offers an opportunity our country has heretofore denied itself, the chance to fill in an important part of the American story, a part too often missing, ignored, even deleted.

We have paid a price for our neglect of African-American history. It goes beyond the inevitable denial or ignorance of a shaping part of our American heritage. If we do not know our own history, we are apt to repeat parts of it that should be closed. College students do not know our history when they commit racial harassment and racial incidents on campus, an astonishing development throughout the country in what was thought to be our most enlightened places.

Mr. Speaker, the President does not understand our history when he vetoes the historic Civil Rights Act of 1990 despite a large majority vote in Congress reflecting a new American consensus for equality, and some Americans do not grasp our history when, despite a fighting force in the Persian Gulf that is nearly one-third black, a recent poll shows that whites question the patriotism of blacks.

How do we close the racial divide of misunderstanding and mistrust among people born and raised in the same country, under the same flag, struggling toward the same goals? We have not created enough devices for bridging divisions that have been created by centuries of history. One way surely is to come to grips with history. Black History Month provides such an occasion.

Despite the demoralization in the black community about both actions and inaction by government, black history and traditions, heroes and heroines continue to inspire us and other Americans. Fannie Lou Homer, a sharecropper and civil rights worker who, though lacking formal education, became a brilliant leader of the civil rights movement is such a heroine for me. The gentleman from New York

[Mr. RANGEL] has suggested a man who qualifies as a hero, Malcolm X.

□ 1740

Congressman RANGEL has suggested that Malcolm X was a man who qualified as a hero. Malcolm's life was a metaphor of change, hope, determination, and transformation of a kind that our country must seek. Hardened by the racism and jail he had experienced, Malcolm began his brilliant career as an agitator full of venom against white people. His journey to Mecca converted him to a nonracial view of our common humanity.

Malcolm X has become a special hero in the District of Columbia, where 70 percent of the people are African-Americans. Every May, the month of his birth, we celebrate his birthday, and District leaders, such as Dr. Calvin Rolark, galvanize the community in Malcolm's name for Malcolm X Day. Malcolm has become for District residents the embodiment of our desire for transformation, for equality, for greater democracy, and for statehood.

Malcolm's life is a textbook study of self-wrought change. Black history is replete with such models. Their lives inform America of its history and must inspire us to move both with history and beyond it.

Black history is the special pride of African-Americans, but the burden of history made in America lies with all our people. We must not only accept the verdict of history, we must respond to its lessons.

Mr. Speaker, I thank the gentleman for yielding.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I am pleased to yield to my distinguished friend and colleague, the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me first thank the gentleman from Ohio [Mr. STOKES] for consistently affording us the opportunity to express ourselves in the Halls of Congress on the contribution that black folks have made to this great country, and certainly the chairman of his committee, the gentleman from Ohio, with the contributions he has made from Cleveland to Washington, DC, can be included among our heroes, as well as his brother Carl, who, while he sits on the Judiciary in Cleveland and in the State of Ohio, became the first black American to become the mayor of a major city.

The irony and the tragedy is that we should never have this in our country. We should never have a day or a week or a month set aside for black Americans because we should be able to say that we are all Americans. But certainly the contributions that have been made have not been made to black history but to American history, and whether we start with Crispus Attucks and bring it up to Gen. Colin Powell, whether we start with the Revolutionary War and bring it up to the Persian Gulf, certainly American blood has been spilled on every battlefield and every cotton field to make this country what it is today.

Where do we start in talking about the contributions that we have made, with our parents, with our grandparents, with those who never went to school, with those who worked to make life better for each and every generation that followed? We can start with my predecessor, the late and indeed the great Adam Clayton Powell, where history could not distort the great contributions he made in terms of legislation to this country, and certainly with the prince of peace, the late Martin Luther King.

But so often what we find is that we wait for someone to die, and at that time we find that we can make a martyr out of that person. That is why I feel so proud to say that the late Malcolm X made such great contributions, not only to Harlem but indeed to the world. Twenty-six years ago he was assassinated in my congressional district in the Audubon Ballroom, and now Columbia University in the city of New York is going to make that a shrine where people can go and get a piece of their history. Columbia is going to be able to give scholarships in his name for those who want to study and cannot afford higher education. And we find people from throughout our community willing to join together to make certain that we never forget the great contributions Malcolm X has made. He was a man who rehabilitated himself in prison, and still he was able to educate himself so that other young people would be able to see someone they could idolize and someone they could follow.

So it is with a great deal of pleasure that I as a member of the Black Caucus have the opportunity to enter into the RECORD something about Malcolm X so that our colleagues and people who follow what we are trying to do today will know there are many faceless heroes who are black who made their contributions. And certainly high on that list would be Malcolm X.

Mr. Speaker, let us now, 1 week after the 26th anniversary of his assassination in the Audubon ballroom in Harlem, take this opportunity to revisit the life and legacy of Malcolm X. I dedicate my comments to the children of Malcolm X, Attallah, Qubilah, Ilyasah, Gamilah Lamumbah, Malikah, Saban, and Malaak Saban, and to his wife, Betty Shabazz.

Why speak now about Malcolm X? Because to the great misfortune of both blacks and whites he was dismissed and distorted by the mainstream press and public while he was alive. Because the circumstances which shaped his life—racism and oppression—are still very much in force today. And, Mr. Speaker, because 26 years without a proper recognition by this body is, in my estimation, far too long.

I feel very close to Malcolm X, Mr. Speaker. He is one of Harlem's greatest citizens. New York City has named one of its grandest avenues in his honor, just as it did for Frederick Douglass and Congressman Adam Clayton Powell, Jr., and Percy Sutton, a leading Harlem businessman and former Manhattan Borough president as well as a good friend of mine, I was proud to be his lawyer. And his funeral, which attracted over 30,000 people, was the largest funeral in Harlem's history.

Malcolm lives on in Harlem today, 26 years after his funeral. Columbia University, the State, and city are cooperating with the people of Harlem to memorialize the Audubon ballroom, the site of many of his lectures and, ultimately, his death. Columbia has also established a medical scholarship fund for minority students in Malcom's memory. Already, five Malcolm X scholars have been named; three are already doctors.

Malcolm X remains an inspiration to people everywhere as a figure of strength, of self-reliance in the face of oppression. Particularly today's youth, many struggling to beat back poverty and despair, look to the man whom they never knew as an inspiring figure of strength and determination, who was one of them. He had been where they are, knew their hurts, nursed their dreams.

Today, people play and replay the records of his speeches, study his autobiography, refuse to attend school or go to work on the anniversaries of his birth and death. He is immortalized in the minds of African-Americans today—in song and poetry, in the hopes and pains of yet another generation of people who yearn, like he did, to realize their potential.

Listen to his words of December 1964: "Look at yourselves. Some of you teenagers, students. How do you think I feel—and I belong to a generation ahead of you—that you have to be born into a society where you must fight for basic human rights. What did we do, we who preceded you? Nothing. And don't you make the same mistake we did." People today listen to these words, and they understand, and they will not make the same mistake.

Malcolm X did not preach black supremacy. But he did preach, in no uncertain terms, black pride and black redemption, black affirmation, and black unity. He presented to America the image of a black person that one could—that one had to—respect.

As Ossie Davis said, "Malcolm said get up off your knees and fight your own battles. He would make you angry, but he would also make you proud. It was impossible to remain defensive and apologetic about being a Negro in his presence. He would not let you."

Born Malcolm Little on May 19, 1925, in Michigan, Malcolm X was molded by the racism of the United States. Racist episodes checkered his early life, like those of so many blacks born in America. When he was 4 years old, his house was burned to the ground as white police and firefighters looked on. Two years later, his father was killed in what Malcolm always believed to be a lynching. In school, his teachers crushed Malcolm's aspirations to be an attorney and instead advised the gifted student to become a carpenter; he dropped out after the eighth grade.

Malcolm moved east, where he found first jobs, then crime. When he was not yet 21, Malcolm was finally arrested for burglary and sentenced to 10 years in prison.

In prison, he educated himself through correspondence courses and by reading the dictionary from A to Z in the glow of a light in the hallway. Although his schooling stopped at the eighth grade, his speeches—and you can hear them on records and read them in books—were more articulate and forceful than many I have heard on this very floor.

His struggle in prison to rehabilitate himself on his own is not only a tribute to his self-reliance, but it also suggests the enormous untapped talent—even genius—in today's black youth who now struggle in the inner cities or languish in prison.

After his release from prison, he made his way to Chicago where he entered the Black Muslim movement and changed his last name to X, signifying the African name, long erased from his family, that he would never know.

After organizing a mosque in Philadelphia, Malcolm X was sent to New York City to lead Muslim Mosque No. 7 in Harlem. In just a few years he was able to transform the movement into a national organization. As its most prominent public spokesperson, he literally put the movement on the map.

In Harlem, Malcolm X initially argued that we had to separate from society, that blacks could not hope to succeed in a society that was defying their peaceful overtures with dogs and firehoses and bombings, in the night.

In 1963, after continuing disagreements with the Nation of Islam leadership, Malcolm X left the Nation of Islam and started two new organizations in Harlem: the Muslim Mosque and the Organization of Afro-American Unity.

As he said then, "I believe the best solution is still separation, with our people going back home to their own African homeland. But this is a long-range program and while it is still yet to materialize, 22 million of our people who are still here in America need better food, clothing, housing, education, and jobs right now."

He began a broad campaign for black America's human rights and brought it to the international level. Malcolm realized that blacks in America were a minority, but only in a narrow sense. Indeed, there are over 100 million blacks in the Americas and over 300 million others on the African Continent. When joined, these millions could indeed become a mighty force. And so Malcolm urged unity.

He patterned his organization, the OAAU, after the OAU and united the concerns of African-Americans with those of Africans throughout the world. He took his grievances to the United Nations and sought the counsel and advice of world leaders in several trips to Asia and Africa, including pilgrimage to Mecca.

Malcolm returned from abroad with his thinking again revolutionized. He no longer opposed whites joining the black liberation movement. During his pilgrimage he realized for the first time that brotherhood could exist among all colors, where no one felt segregated, where there was no superiority and inferiority complexes.

Malcolm X aroused so much controversy—and let's admit it, fear and even hatred—because he was unreservedly committed to the liberation of our people in America. He demanded that America keep its promise of democracy to all people and never let anyone, black or white, forget it.

Malcolm X was a remarkably gifted and talented leader whose righteous indignation symbolized the oppression that formed his life. His spirit will rise again, because he is worthy of being remembered and because the racism that shaped him will not let us forget.

Malcolm was a black man who lived and died in leadership to our people. He was one of us. He cried out for our needs, sustained our aspirations, insisted that we were strong when all the world had told us we were weak.

He was a black man who managed to realize a large degree of his abilities in spite of the oppressive pressures he encountered throughout his life. He was a man who acknowledged his own errors as readily as he did those of society and who tried, to his dying day, to correct them all. A man who learned to recognize the humanity of all people, even those who strove to put him and our people down.

Above all, he was a man of courage who would not—could not—wait to save our people.

As the noted African-American scholar John Henrik Clarke said, "His dream of a world where his people will walk in freedom and dignity was temporarily deferred by his assassination. The assassin killed the dreamer but not the dream. The dream is the legacy that he left us."

Mr. Speaker, I close by offering the following lines by Harlem poet Langston Hughes:

What happens to a dream deferred?
Does it dry up
Like a raisin in the sun?
Or fester like a sore—
And then run?
Does it stink like rotten meat?
Or crust and sugar over—
Like a syrupy sweet?
Maybe it just sags
Like a heavy load.
Or does it explode?

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I certainly want to commend the gentleman in the well from Cleveland, OH, for taking this special order out to commemorate Dr. Carter Woodson's celebration of Negro history, of black history, and also to commemorate this month that we have set aside for pointing out the kinds of contributions that blacks have made to the development of this great Nation.

In addition, I want to commend the gentleman from New York [Mr. RANGEL] for citing the accomplishments of Malcolm X. Malcolm lived through those turbulent years of the late fifties and early sixties. He was not understood by everybody and certainly was not appreciated by everybody, including many black leaders at the time. What Malcolm did was what had to be done. Malcolm was a great leader, in my opinion, and Malcolm was a great educator. He taught black people to have pride in themselves. He taught black people to be proud of their heritage and proud of their contributions. I think it is very noble for the Black Caucus to now cite him as many other individuals throughout the Nation are now citing him and recognizing his contributions.

Mr. Speaker, I welcome this opportunity to contribute remarks at this special order featuring a tribute to Malcolm X.

It is very important that we continue to point out the character and contributions of Malcolm X so that his place in history will never be diminished or distorted. His achievements must be documented continuously to ensure that his accomplishments are placed in their proper perspective.

It is our duty to see that this happens. We cannot be assured that he will hold an honorable place in American history books if past experience is any indication. Note for example, that a black Harvard honors student's sorry response when asked to identify Malcolm X, replied that he was unable to find any historical reference to "King Malcolm the Tenth."

So let us honor Malcolm X today. From "Detroit Red," street hustler to the dynamic leader of a movement to instill racial pride in his people.

His was the voice that radically articulated the frustrations of an oppressed black people during the turbulent 1960's. His was the voice that openly defied America's denigration of black history and culture. His advocacy for racial pride and self-empowerment impacted directly on the way many black Americans came to view themselves.

And what a voice it was. The sheer power and articulation of his words literally mesmerized black audiences throughout the Nation.

Malcolm was a man with a mission, on a great crusade to uplift his race. He was an advocate for self-love, self-worth, and yes, even self-defense which he preached to his followers. He spoke out on many issues when established black organizations and institutions failed to do so. He would say what the white establishment wanted hushed.

At the time of his death his influence was only beginning to be felt. His legacy, however, must continue to live on because in honoring Malcolm we honor the best in ourselves.

□ 1750

Mr. STOKES. Mr. Speaker, I certainly thank both of these distinguished chairmen for their contribution here this afternoon, and particularly the gentleman from New York [Mr. RANGEL], for having brought to our attention the significant contributions of Malcolm X.

I am pleased at this time to yield to my friend, the distinguished gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Speaker, I would like to thank the gentleman from Ohio [Mr. STOKES] for once again allowing me to participate in this special order, and for allowing me some time in recognition once again of Black History Month.

Mr. Speaker, it is well known that recognition of black achievements in the Nation's history cannot be restricted to 1 month or 1 day or 1 year. In fact, the achievements of African-Americans in the Nation's history defies restriction.

I want to associate myself also with my colleagues concerning the role of historically black colleges and universities. Mississippi has five HBCU's. Alcorn State University and Mississippi Valley State University are both in the Second Congressional District that I am proud to represent, but also Tougaloo College, Rust College, and Jack State University as well, all fine institutions.

These institutions have a history of overcoming adversity. Each year, they provide quality education to students who otherwise would have to do without. They take many young people from disadvantaged backgrounds and give them an advantage for the future. They have to do more with less. They lift up those who have the farthest to climb. In the process, HBCU's have produced many outstanding African-American leaders who have returned to the community to pave the way for others.

Mr. Speaker, I would like to mention one great African-American leader, and that is the gentleman by the name of Medgar Wylie Evers, who was one of those leaders who attended HBCU, which at that time was known as Alcorn A&M College, in 1946. He attended it with the backing of the GI bill. Unfortunately, the name Medgar Wylie Evers is not known to most Americans, but he is, of course, very well known to the people of Mississippi.

A few weeks ago, many of you may have read that Mississippi agreed to reopen the trial of the man accused of killing Medgar Evers. Medgar was shot in the back in front of his home in Jackson, MS, on June 12, 1963. But no one has ever served a day in jail for his murder.

The fact that Mississippi would reopen this case, almost 30 years after Medgar's death, is a sign that times are truly different from the days of Medgar. It is a sign that Mississippi is putting behind the pain of the past and looking forward to the promise of the future. Medgar Evers gave his life for justice. It is only right that Mississippians should seek justice in his death.

When most Americans think of the civil rights movement, they automatically think of Dr. Martin Luther King, and they should.

But even before Dr. King led the Montgomery bus boycott in 1955 and brought the civil rights movement to the consciousness of the world, Medgar Evers was leading the fight against racism and segregation in Mississippi. Medgar Evers was the first field secretary of the Mississippi NAACP. He served from 1954 until his death 9 years later. He led the movement in Mississippi before the civil rights movement was on the evening news.

He was a man of tremendous courage. At a time when a black could be beaten, jailed, or fired for going against the tradition of the South, Medgar Evers led campaigns to desegregate higher education. When blacks, who stepped too far out of line could wind up floating in a river, Medgar Evers led the struggle for the right to vote and the struggle to desegregate public accommodations and led campaigns against racist violence.

Born in 1925 in Decatur, MS, Medgar followed his brother Charles into the Army during World War II when many did not believe black soldiers were capable of fighting a war. But his experiences in the Army inspired Medgar to come back and fight for freedom at home. In 1946, he came back from France determined to register and vote. But he was stopped by a racist mob.

He decided to go to Alcorn College with the backing of the GI bill. Alcorn College, like so many other historically black colleges, played a critical role in nurturing Medgar Evers. He excelled in school where he joined the debate team, played several sports, and was listed in "Who's Who Among College Students." While at Alcorn, Medgar met his future wife, Myrlie Beasley, whom he married in 1951.

Medgar and Myrlie Evers became the proud parents of three children. Medgar was devoted to his family. Yet, he became deeply involved in the civil rights movement and Myrlie assisted, gradually learning to share her husband with the movement. Medgar joined the NAACP in 1952, and he worked to build chapters in the towns of the Mississippi Delta where cotton was king and black sharecroppers worked in the fields creating wealth they would never know while being denied the rights that all Americans deserve. But Medgar Evers refused to accept Mississippi as it was. He devoted his life, and finally gave his life, to make Mississippi, and America, what it should be.

Mr. Speaker, it's hard to believe that Medgar Evers was ambushed almost 30 years ago. Yet, during that 30 years, the movement he set in motion has produced a new Mississippi and a new South. His is a legacy of struggle and sacrifice. Today, he is a symbol for all Mississippians and for all freedom-loving people around the world.

As we recognize the contributions of historically black colleges during this Black History Month, it is appropriate that we remember Medgar Evers. He was a product of Alcorn College in Mississippi. Today, he is a symbol of the very best of what black people, what Mississippi, and what the United States can produce.

Mr. Speaker, I want to say to the gentleman from Ohio [Mr. STOKES] that we are proud of you for taking the time, for recognizing Black History Month, and for allowing those of us time to make this contribution. I did want to bring to the attention of the Nation the contributions of Medgar Evers, and in fact give Mississippi some recognition for agreeing to prosecute his murder some 30 years after his death.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Mississippi. I am pleased to yield to the gentleman from New Jersey [Mr. PAYNE], our distinguished friend and colleague.

Mr. PAYNE of New Jersey. Mr. Speaker, I commend the gentleman from Ohio [Mr. STOKES] for taking this special order today.

Mr. Speaker, the war in the Persian Gulf has given an especially profound meaning to Black History Month this year. In military conflicts throughout the history of our Nation, African-Americans have willingly laid down their lives for their fellow citizens and for the cause of freedom throughout the world.

Yet, for too long, there has been little attention focused on the cruel irony that African-American men and women who fought for our country have been routinely denied their own rights and freedoms when they return to American soil.

Let us hope that we have learned a lesson from history. Let us be sure that those who return from his conflict will be given the respect, the dignity, and the economic opportunities that they have earned.

The enormous pride we feel today in the achievements of African-Americans is mingled with deep sorrow over the loss of promising young lives in the Persian Gulf. Yesterday, I attended the funeral of a young African-American man from Newark, 18 years of age, who was killed in action in the Persian Gulf after serving in the Army for just over 2 months. Pvt. Robert Talley grew up in my neighborhood; he attended Barringer High School, where I was educated years earlier.

Robert was described by friends and neighbors as a kind and courteous young man who had hopes for the future; he aspired to become a doctor. Because his family could not afford to send him to college, Robert chose the Army as a path to attain an education so that he could reach his goals in life.

Mr. Speaker, I know my colleagues here in the House of Representatives join me in honoring Pvt. Robert Talley, whose young life was tragically cut short before his dreams could be realized.

Almost 50 years ago, when the Japanese bombed Pearl Harbor and set off

World War II, one of the first heros on the American side was a young man from Newark, Archie Callahan. He was 19 years old, a member of Hopewell Baptist Church who had attended Monmouth Street Elementary School, Cleveland Junior High School, and Central High School. After enlisting in the U.S. Navy on August 21, 1940, Archie Callahan became the first Newark resident to die by enemy action in World War II. He was serving on the U.S.S. *Oklahoma* which capsized during the Japanese attack.

In 1942, a monument commemorating Archie Callahan was purchased by the city of Newark and unveiled in Douglas-Harrison Park. On the anniversary of Pearl Harbor, a wreath is laid at the Archie Callahan monument. This event is organized by the Guyton-Callahan Veterans' Post, the oldest predominantly black legion unit in New Jersey. The post is named for Callahan and Emmet Guyton, a black Air Force veteran who died in World War I.

Let us hope that in the future, we will find peaceful solutions to our global problems so that other young people will not have to pay the ultimate and terrible price exacted by war.

As we reflect on today's realities, the message of Malcolm X, which shocked many people during his lifetime, is being reexamined.

While we continue to meet resistance in our efforts to pass the new civil rights bill, we call to mind what Malcolm X told an audience in 1965, "You cannot separate peace from freedom, because no one can be at peace until he has his freedom."

Malcolm X promoted the values of self-reliance and self-determination. He believed that the African-American community should strive for excellence. One of his famous remarks was, "Whether you use ballots or bullets, you've got to aim well."

While Malcolm X challenged the status quo during his lifetime, many of his ideas seem conventional today. He recognized the importance of education, telling young people that "Education is our passport to the future, for tomorrow belongs to the people who prepare for it today."

Mr. Speaker, as we look back at our proud history this month, let us also look ahead to the challenges of tomorrow. Let us fulfill the dreams of those who went before us by working to see that the door of opportunity is open to all Americans.

Mr. STOKES. Mr. Speaker, I thank my friend, the distinguished gentleman from New Jersey [Mr. PAYNE], for his significant contribution to this special order.

Mr. Speaker, it is altogether fitting and proper that the last speaker on this special order today be a Member of this body who has distinguished himself by becoming a legendary figure during the course of the civil rights movement in this country. I am very pleased at this time to yield to my friend, the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank Chairman STOKES for setting aside this time to recognize the contributions of America's black colleges and universities. It is fitting and proper that at the end of Black History Month that we in Congress pay tribute to history of black Americans. By honoring black colleges and universities, we honor the best of what black America has contributed to the building of this nation.

I take special pride in speaking on this worthy subject. I represent the city of Atlanta and it holds a special significance for America's black colleges and universities. Atlanta is the home of the Atlanta University Center, the single largest complex of black colleges in the world.

Those schools comprising the Atlanta University Center include Morehouse College, Spelman College, Morris Brown College, the Inter Denominational Theological Center, and Clark-Atlanta University. I feel proud to live in a city that has been profoundly shaped by the Atlanta University Center.

The schools each have a rich history and they have graduated thousands of distinguished African-Americans. Notable graduates include Dr. Martin Luther King, Jr., Atlanta Mayor Maynard Jackson, Julian Bond, our colleague, Congressman MAJOR OWENS, and many others. When historians sit down to write the history of Atlanta during the 20th century, they will recall the impact and influence of the Atlanta University Center. They will write about the civil rights movement and how many of its student leaders attended schools in the A.U. Center. They will write about the development of black political leadership in Atlanta and Georgia, and they will see the hand of Atlanta's black colleges.

I believe you cannot overestimate the influence of the Atlanta University Center in the growth and development of Atlanta. When you consider that Atlanta will host the 1996 Olympic games, you must realize that the leadership that has been provided by Atlanta's black colleges has had a decisive impact on the city's success.

Winning the rights to host the 1996 Olympics grew out of the city's reputation as an international human rights center. Much of that positive reputation has resulted because of the schools in the Atlanta University Center.

Unlike some other cities, Atlanta underwent public desegregation peacefully and in an orderly manner during the 1960's. Atlanta's black leadership had nurtured a social and political dialog with white civic leaders for many years. That tradition of dialog and cooperation played a central role in accommodating the civil rights movement. In the process, Atlanta was spared the bloodshed and violence that marked the movement in other locations across the South.

I believe the Atlanta University Center can take some credit for contributing to Atlanta's social prosperity. On many occasions, the late Dr. Martin Luther King, Jr., spoke highly about the influence that Morehouse College had upon his life. Dr. King like other leaders who emerged from the Atlanta University Center had teachers such as Dr. Benjamin Mays. It was men and women like Dr. Mays who inspired their students to take part in the civil rights movement.

Since the movement, we have had another generation to assume leadership in Atlanta politics, such as Atlanta Mayor Maynard Jackson, Fulton County Commissioner Michael Lomax, and Atlanta City Council President Marvin Arrington. These young men are graduates of the colleges in the Atlanta University Center. That new generation has also moved into the Nation's corporate boardrooms and firmly into the mainstream of American life.

In the process, the city of Atlanta has blossomed into one of the most vibrant and socially diverse cities in the Nation.

I salute the Atlanta University Center. These schools have had a grand history. My city as well as the Nation owes a tremendous debt to these institutions.

□ 1800

Mr. STOKES. I thank my distinguished colleague from Georgia for his contribution to this special order.

Mr. Speaker, I thank all of my colleagues who have joined me here and those who also were unable to be present but who have submitted statements for the RECORD.

Mr. CONYERS. Mr. Speaker, I am pleased to join my colleagues in commemorating Black History Month. The month of February provides African-Americans with a chance to reflect upon the past and celebrate our infinite contributions to society. It is also a time to assess our present status and define our goals for the future.

Today, I would like to call your attention to the casualties of our health care system, which far outnumber any casualty reports we are receiving from the Persian Gulf.

Our health care system is failing. Thirty-seven million Americans, most of whom are working, lack health insurance. Women don't receive prenatal care, children go without immunizations, people with AIDS or cancer get dropped from insurance policies. Yet, the United States spends more per capita on health care than any other industrialized nation.

Health care in America is rationed by income, by social status, and yes, by race. Doctors visits, medication for an ailment, surgery for disease, and exposure to health threats are not equally distributed. Just as African-Americans face the pain of discrimination, the walls of restricted opportunity, and the limits of choice every day, so too do we face the institutional barriers of our health care system.

All too often African-Americans care for the infirm, yet lack health care themselves. All too often blacks identify hospital emergency rooms as their doctor's office, sometimes getting care too late to prevent serious illness. All too often African-Americans live near the toxic waste dump or downwind from the chemical plant, dramatically increasing risk of disease.

What impact do these conditions have on the health of African-Americans? To begin, African-Americans in this country have a shorter life expectancy, just over 69 years, than the overall population, with 75 years. Black men experience a 25 percent higher risk of all cancers than non-black men. Diabetes is 33 percent more common among African-Americans. And, black infants are twice as likely as white infants to die before their first birthday. In my own city of Detroit, an infant is more likely to die than in Jamaica or Costa Rica, two of the poorest countries in the world.

In the 1960's, American apartheid—those decades of legal discrimination which followed slavery—came to an end. Yet too many barriers still exist—such as access to health care. One out of five African-Americans lacks any health insurance. No nation in the world spends as much on health as we do. Yet we are still in the company of the apartheid regime in South Africa; but more fundamentally, our health care system is sick because of the political—and moral—choices our Government makes.

In the mid-1960's, the United States and Canada had similar health care systems. Both were unable to cope with the growing need to care for the elderly and the poor, or to make health care affordable for the middle class.

America responded in 1965 by creating Medicare for the elderly and Medicaid for the poor. But these programs only expanded and complicated an already complex and inefficient health care system. As a result, both failed to live up to their promise. Our senior citizens currently spend 18 percent of their income on health care despite qualifying for Medicare, and only 45 percent of the poor are covered by Medicaid.

On the other hand, Canada created a comprehensive national health insurance program that was fully implemented in 1971. Like in European countries, every citizen receives care no matter what their income or ailment. Costs are contained by eliminating unnecessary beds, requiring hospitals to share technology, and limiting excessive fees. Canada's health indicators now equal and in many cases surpass our own.

Their system, because it is centrally coordinated by the public sector, increased efficiency and dramatically reduced the cost of health care. In the 1960's the United States and Canada each devoted about 6 percent of their gross national product [GNP] to health care. Since that time, the percentage of GNP devoted to health care in the United States has doubled to 12 percent; Canada has held health care spending to about 9 percent of GNP. Translation: we spend $2,425 per person each year on health care; Canadians spend only $1,746 per person.

There are shortcomings in Canadian health care that cannot be overlooked, such as waiting lists for some procedures. However, we are shortsighted if we fail to learn from the success of our neighbor up north.

That is why I have commissioned a major congressional study comparing the United States and Canadian health systems. I believe this report, to be released in June, may find that large savings and much lower inflation can be achieved from a Canadian-style system—enough to provide health care to those who don't currently have it, and to reduce costs for those who increasingly can't afford it.

In his most recent State of the Union Address, the President acknowledged that health care is a basic right for all Americans. This was a step forward, but soothing words are not enough to end the economic rationing of our current system. We need a plan, so that we no longer are in the company of South Africa when it comes to how we treat our citizens.

The Social Security Program was created to provide much-needed income security for the elderly. It is now time to develop a national health insurance program to provide health security to all Americans regardless of income, social status, or race. It is the moral, and the efficient, thing to do. The critical condition of our health care system, and of the health of African-Americans, requires such major surgery and intensive care. Without it the patient doesn't have a chance.

Ms. WATERS. Mr. Speaker, like many of my colleagues, I rise today to pay tribute to America's black colleges and universities. The historical accomplishments of African-Americans could not have been achieved without the existence of black colleges and universities. Publishing newspapers, designing capital cities, scoring operatic productions, inventing traffic signals, building financial institutions and developing life-saving blood plasma all resulted from the education and nurturing provided by black colleges and universities.

With the beginning of Cheyney State College in Pennsylvania in 1837, higher education became a reality for African-Americans and the foundation for academic excellence for a race of people once denied the right to read.

Black institutions of higher learning and the educators who supported them, gave this Nation the very thing it needed, when it needed it—an intelligent, productive work force, able to significantly contribute to the industrial revolution in America.

The brilliance and discipline of Tuskegee's first lady principal, Olivia Davidson; the poise and integrity of W.E.B. du Bois and the focus and determination of Mary McLeod-Bethune were but a sampling of the seeds planted in the fields of academic potential for African-Americans. These compassionate educators had the vision to see the long-term effect of what a college education from a black institution could bring to their people and this Nation. They understood that the contributions made by them and others like them would, give African-American people a foundation that no amount of racial discrimination could erase.

There are approximately 107 historical black colleges and universities in this country. Every year, 300,000 students enroll in historical black colleges and universities. Every year 30,000 students graduate from these colleges and universities. Since 1966 alone, these very institutions graduated over a half million African-Americans. Black colleges heard the cry of a people saying, "I want to learn, I have something to give, I am somebody." The commitment invested in these academic institutions has given America some of the best scientists, doctors, architects, engineers, educators, lawyers, and statesmen any nation could even have.

As we focus our attention on the current educational needs of our children; as we attempt to give form and structure to the academic agenda of our children's future, let us rededicate ourselves to black colleges and universities. We have not moved as quickly as we would have liked. But, we cannot stop—we cannot hesitate—we, must quicken our pace, to do whatever is necessary to strengthen the very institutions that nurture and challenge our children, our culture, and our country.

And so today I ask my fellow colleagues to recognize the achievements of America's black colleges and universities, to remember what these institutions of higher learning have given to our society and to pledge to support. I want us to remember what black colleges and universities have given this country when we talk about cutting financial aid programs. I want us to remember that dedicated educators like Booker T. Washington have inspired modern-day educators like Johnetta Cole. Most importantly, we must acknowledge that our society is richer because of black colleges and universities.

Do not forget the struggles and successes of our black college history. It is forged on a vision of freedom, equality, and opportunity that we must preserve for our children.

Mr. ROE. Mr. Speaker, I rise today to focus attention on and to commemorate National Black History Month. February is the month set aside to recognize the many many contributions black Americans have made to our Nation's history and their significant accomplishments in building this great Nation.

In February 1926, the renowned historian Dr. Carter G. Woodson, recognized as the father of black history, inaugurated what was then known as "Negro History Week." He chose February because it was the month in which two men, both who fought for equality, were born: Abraham Lincoln and Frederick Douglass. In 1976, Congress passed a resolution designating February as "Black History Month." Since then, we have paused every February to honor the invaluable achievements of black Americans in pursuit of the American dream and in furthering the economic and physical health and well-being of all Americans.

As we all pray for a swift and speedy resolution of the gulf war, with the minimum of casualties, it would be worthwhile to call to mind the contributions black Americans made in previous conflicts.

Black Americans participated in the Revolutionary War, in order to exchange slavery for freedom. The name Crispus Attucks is well known—he was the first person, a slave, who perished in the Boston Massacre of 1750. While it is common knowledge that many black Americans fought with the Union Army during the War Between the States, it is also a fact that a black American woman, Dorothea Lynde Dix, was appointed to serve by Secretary of War Simon Cameron in 1861 as the Supervisor of Women Nurses. She organized hospitals for the care of the sick and wounded soldiers, appointed nurses, and dispersed special supplies to the troops.

There were all-black units accompanying Teddy Roosevelt in his courageous charge up San Juan Hill. In the First World War, the 369th Infantry Regiment, an all-black unit, distinguished itself in battle. Among its notable accomplishments were the eleven citations for bravery, the entire unit receiving the French Legion of Honor, and never losing a man to capture. The 369th also distinguished itself in World War II and in Korea. Today, the 369th attention focuses on helping children to achieve their dreams, by supporting Boy Scouts and little league teams, by running a program of tennis instruction, and by teaching black American children the history of the blacks in the military.

Mr. Speaker, black Americans participated in disproportionate numbers in the Vietnam war, and suffered the same problems that other GI's returning from Vietnam did. Nevertheless, they served their country admirably in that long and bitter conflict. Today, as we speak, they are serving their country proudly in the gulf war, and a black American, Colin Powell, is now the Chairman of the Joint Chiefs of Staff.

Black American achievements have not, by all means, been limited to the military. Education, arts, medicine, academia, agriculture, athletics, science, industry, politics, and entertainment have all beeen enriched because of the participation of American blacks. Most recently, the Congress passed H.R. 996, the Excellence in Mathematics, Science, and Engineering Act of 1990, which was signed into law as Public Law 101–589. This legislation, which originated in the Committee on Science, Space, and Technology during my tenure as chairman of that committee, establishes special visiting professorships for minorities in the sciences, and calls for collaborative efforts between research universities and institutions with large minority enrollments. These efforts will help attract more minority students to careers in science and engineering. H.R. 996 also expands the NSF graduate fellowship program and sets up a new graduate traineeship program. Both of these programs are designed to increase support for minority students preparing for careers in science and engineering research.

It was Dr. Woodson's dream of setting aside a special time when the Nation would focus on the important part that black Americans have played from our Nation's earliest history, and, as you can see from above, no facet of society has not benefited from the contributions and leadership of black Americans. As we observe Black History Month, we are continuing to fulfill the mandate of Dr. Woodson.

Mr. OWENS of New York. Mr. Speaker, I am honored to participate in today's colloquy concerning historically black colleges and universities, their strengths and crises, which was organized in observance of Black History Month by my esteemed colleague, Representative LOUIS STOKES of Ohio. It is indeed a timely subject. As a senior member of the House Committee on Education and Labor and a graduate of two historically black colleges and universities—Morehouse College and Atlanta University—I am well aware of the significant role the 107 HBCUs have played, and continue to play, in the education of African-Americans, and in higher education overall. The Bush administration, however, fails to grasp their significance, and prefers lip service to real service when it comes to providing HBCUs with the Federal funding they urgently need in order to give their more than 248,000 students a quality education. In its fiscal year 1992 budget, the Bush administration is requesting only $99,542,000 for the HBCUs. $87,831,000 of that money would be under the part B formula grant of title III—the Aid for Institutional Development Programs—and $11,711,000 would go to the HBGIs, the historically black graduate institutions under part B. These amounts are identical to those in its fiscal year 1991 budget, and fail to take into account the rising costs of higher education. The fiscal year 1992 proposed budget request also includes $7,462,000 for the Endowment Challenge Grant Program, which is designed to help developing institutions move toward financial stability by building endowments and developing their fundraising capabilities. The problem with this is that the Challenge Grant Program is available to both HBCUs and non-HBCUs. In addition, the proposed amount for fiscal year 1992 is much less than what was appropriated in the fiscal year 1991 budget: $17,462,000.

The Bush administration, meanwhile, is considering a controversial plan that would change the way Federal agencies support black colleges. The HBCUs would be divided into several categories based on their missions and programs. Federal agencies planning to work with HBCUs would then focus attention and money on the category of college appropriate to the agency's needs. For instance, a Federal agency wanting to support research could hold a competition that would be open only to those HBCUs designated as research institutions. Most HBCU presidents oppose the idea, saying the Federal Government and private foundations would shift money to a small group of HBCUs—those that have more money—and abandon other HBCUs. As the president of the University of Maryland, Eastern Shore, William Hytch noted, it would set up another caste system, under which the rich HBCUs would become richer, and the poor HBCUs would become poorer.

Although the last 10 years has seen a dwindling Federal commitment to civil rights, particularly to equality in education, the HBCUs have remained true to their time honored mission to educate African-American young people, and give them access to higher education, regardless of their financial and academic standing. Their hard working administrators and professors have nurtured and encouraged African-American youth, refusing to let go, pushing all students toward the goals of educational excellence and achievement. And they do this on shoestring budgets and with ever-shrinking resources.

HBCUs have been as critical to the development and advancement of African-Americans in this country as Brigham Young has been to Mormons, Yeshiva has been to Jewish people, and Notre Dame has been to Catholics. Since their inception, HBCUs have produced more than 70 percent of all African-American college graduates. The most recent statistics available show that two HBCUs account for 40 percent of all African-Americans earning dentistry degrees; two account for 22 percent of all African-American medical students; four account for 16 percent of all African-Americans in the legal profession; one accounts for 82 percent of all African-Americans earning degrees in veterinary medicine. HBCUs constitute only 3 percent of all higher education institutions, but they enroll 16 percent of all African-American students in higher education. Three-fourths of all African-Americans holding doctorate degrees, three-fourths of all African-American officers in the Armed Forces, and four-fifths of all Federal judges, attended HBCUs. However, there are a number of crises that hamper the ability of HBCUs to carry out their higher education mission effectively.

A persistent and critical issue for HBCUs is rising costs. Students attending HBCUs need sufficient grant and work-study funds if they are to continue to meet those costs. During the years 1979–80 to 1985–86, HBCUs struggled with rising costs, while at the same time the Federal share of HBCU's revenues fell by 29.8 percent. The share for all other colleges fell by only 17.1 percent. The level of funding for individual students through Pell grants has not kept pace with increasing demands for tuition and fees; as a result, Government guaranteed loans have become a major source of payment, which places a serious financial burden on low-income students and their families.

Another critical need for HBCUs is the upgrading of their physical plants. An American Council on Education survey of higher education leaders issued near the end of the 1980's showed that upgraded facilities ranked as the number two challenge facing college administrators. HBCUs are often forced to defer physical plant development and maintenance in order to be able to meet competitive faculty salaries and to fund the development of programs.

A major issue for HBCUs is the underrepresentation of doctoral candidates of color in most areas of black colleges and universities. From 1977 to 1986 the number of African-American doctoral recipients fell from 1,116 to 820. The number of African-Americans attaining doctorates continues to decline, and shows no sign of recovery. The number of African-American males earning doctorates in that period dropped from 684 in 1977 to 321 in 1986. African-American women showed an average increase of only six Ph.D. recipients during that 9-year span. The reduction of African-American doctorate degree recipients has serious implications for the development of African-American faculty at HBCUs and on predominantly white campuses. Many senior faculty at HBCUs are retiring or close to retirement age; at the same time, the pool of African-American Ph.D. recipients who could replace them is decreasing. Many African-American faculty members of predominantly white colleges and universities earned their doctorates at HBCUs; where will the role models for African-American students on white campuses come from if the decline in African-American

Ph.D. recipients continues? Education experts attribute the drop in African-American doctorate degree recipients to a number of factors, among them: Deficiencies in early education; Federal cutbacks in financial aid for graduate education; decline in affirmative action; market trends and career attractions outside of the academic arena; and lack of incentives in the public and private sectors. Clearly an effort must be made to reverse these trends, with the Federal Government leading the way by providing more Federal funding for Pell Grants; more Federal funding for Head Start and other innovative early education programs; increasing Federal funding for graduate education; and renewing its commitment to educational equality and affirmative action.

The Federal Government must also step up its research into the problems of inner-city, at-risk youth, many of whom are African-Americans, to enable them to have access to higher education.

We not only need HBCUs to educate and develop African-Americans; the Nation needs them. A major role in winning the allegiance of the Third World nations could be played by HBCUs. Foreign students who have difficulty adjusting to life in this country have found greater receptivity on HBCUs' campuses. With more funding in research and development, HBCUs could contribute to the drive to make the United States more competitive with Japan, Germany, the Soviet Union, and other highly industrialized nations, by producing more scientists, engineers, and technicians of all kinds.

The survival of HBCUs is inextricably linked with the survival of African-American communities and of the Nation as a whole. We must maintain the tradition of HBCUs as the fountainheads, the sources of intellectual orientation, stimulation, and inspiration for the African-American community. We need HBCUs to help uplift the African-American "underclass", to show them that involuntary membership in this "underclass" is not a permanent fate. The presence, the totality of activities in our HBCUs can provide a vital, continuing education for us all. In my capacity as a member of the House Education and Labor Committee, and as the chairman of the Congressional Black Caucus higher education braintrust, I will continue to fight for the survival, and the growth, of HBCUs.

Mr. MFUME. Mr. Speaker, Frederick Douglass said:

> Measure not the colored man from the heights you have attained, but rather the depths from which he has come.

Mr. Speaker, in February 1926, Carter G. Woodson inaugurated Negro History Week, in an attempt to address the many inaccuracies and untruths told about the history and culture of people of African descent. The purpose of today's special order is to recognize Black History Month and continue to build upon Dr. Woodson's dream.

As Members of Congress, thousands of Americans both black and white, Jew and gentile, look upon us to provide leadership and direction for the betterment of our society. Having said that, I commend the gentleman from Ohio, Chairman LOUIS STOKES, for once again spearheading today's special order and also commend our colleagues for taking the time to honor the history and culture of African-Americans.

Mr. Speaker, the African in American history is as old as the advent of the New World itself. Yet, to all too many Americans, the popular conception exists that the history of the African in America began with slavery and that their ancestors in their homelands willfully sold their people for personal gain or other reasons. This distortion, which persisted for centuries, practically ignores the vicious slave trade and the journey through the middle passage by thousands of African men, women, and children. Moreover, it does not acknowledge unseen forces and personalities who labored collectively to oppose and expose the horrors and atrocities of the peculiar institution of slavery.

Since early colonial America, the African-American has been portrayed as either a docile, carefree servant, or a rebellious fugitive lying in wait to strike at his oppressor. It is no small wonder, therefore, that the history of African-Americans in this country has been a never ending struggle for equality and against invisibility.

Mr. Speaker, one vehicle that African-Americans have used to further their ambitions in the United States is to join the armed services and defend their country. Just as today, in Operation Desert Storm, African-American men and women bravely risk their lives to defend the ideals of liberty and justice for all. Crispus Attucks, a black seaman, was the first to die in the Boston Massacre, a precursor to America's War for Independence.

In 1775, an African-American clergyman, Lemuel Haynes awoke to Paul Revere's summons to arms against the British. Haynes was joined by other black militiamen including Samuel Craft, Pomp Blackman, Caesar Ferritt, and Cato Wood. During the British siege of Newport, RI, in 1778, a black regiment repelled several hellacious assaults by German mercenary troops. This same unit fought courageously in 1781, at the Battle of Points Bridge, NY. After their commander was killed, the regiment fought against a massive British offensive to the last man.

In the War of 1812, African-American soldiers fought along side Beale's Rifles, pirates, Stonewall Jackson and the Choctaw Indians to drive the last foreign invaders from North American soil for nearly 200 years. Sadly, these same valiant fighting men were barred from participating in the annual parade commemorating the battle because of the color of their skin. And so, this was the state of African-America for many years to come.

During America's Civil War, more than 38,000 African-American soldiers lost their lives before war's end in 1865. The black soldier's mortality rate was nearly 40 percent higher than that of their white counterparts. This is attributed to poor health care, violent battlefield massacres carried out mostly by Confederate troops, or because they were used to advance Union troops against an onslaught of Confederate cannons. After the war, black soldiers thought that their valor and service more than warranted their freedom; unfortunately, with the advent of reconstruction and later Jim Crow, African-American's dreams of true equality and justice were deferred.

Reconstruction did not offer blacks much chance for equality. African-Americans were not allowed to share in the reconstruction of America nor given the opportunity to build their plantations and manor houses the way descendants of Western Europeans had been allowed to do. Governmental agencies such as the Freedmen's Bureau were established to assist African-Americans in their efforts to rebuild the south and their lives. However, this bureau did not actually enable African-Americans to realize their hopes for success, social, economic or political participation. In short, the Freedmen's Bureau did little for blacks. According to W.E.B. DuBois, the bureau should have been a medium of social change and not just an agent of reconciliation between former slaves and their former masters.

During Reconstruction, the aspirations of African-Americans were exploited by politicians from both the North and the South. African-American active participation in America's public life was clearly not in the cards of governmental policymakers. Participation in public life was motivated by African ancestered Americans' desire to develop their intellect, cultivate their initiative, improve their environment, and exercise their rights of citizenship.

No group in African-American history has a more consistent record of striving for this public participation than the black soldier. The black soldier participated in the Spanish-American war, which ironically thrust the United States into the world as a colonial power. African-American soldiers fought to put down a Philippine rebellion and liberate subjugated peoples of African descent in Cuba. Paradoxically, in the quest for equality and justice at home, African-American soldiers often were forced to stare down the irony of introducing imperialism to other lands.

In World War I, New York's 369th Infantry were the first black soldiers under fire. After 191 consecutive grueling days of battle the regiment suffered approximately 900 casualties and was decorated with France's most distinguished combat medal, the Croix de Guerre. Two African-American soldiers, Henry Johnson and Needham Roberts, were the first American soldiers to receive this distinction.

Sadly, again, these same valiant soldiers returned home only to learn that their condition was identical to the one in which they left. The long hot red summer riots of 1919 only reinforced Dr. DuBois's characterization of the 20th century: "The problem of the 20th century, is the problem of the color line—the relation of the darker to the lighter races and men in Asia, Africa, in America and the islands of the sea." DuBois was right. It was a segment of this conflict that caused the Civil War, invented Jim Crow and contributed to the volatile state of race relations during the period immediately following World War I and the 1920's.

During World War II segregated black units fought admirably against the Germans and were among the first to liberate the Nazi concentration camps. Black units were involved in every major battle of World War II, the Battle of the Bulge, the Coral Sea, the invasion of Normandy, North Africa and Sicily. Units were only desegregated at times of necessity.

Asa Phillip Randolph threatened the Roosevelt administration with a march on Washington, DC in 1942 to protest segregation in the armed forces. Roosevelt conceded minimally and the march was called off. Armed forces units were not integrated until 1950 during the Korean War. Although World War II was the last declared war, African-Americans have fought in Korea, Lebanon, the Belgian Congo, Vietnam, Grenada, Panama and most recently the Persian Gulf.

Mr. Speaker, I wanted to give a brief summation of African-Americans quest for equality through the military service as a tribute to all African-Americans, but especially to the black veterans of all wars, their families, and to those persons involved in Operation Desert Shield/Desert Storm.

Additionally, because many of these brave men and women were denied their proper accolades at the time of their heroic deeds, it is vitally important to me that the facts and commentaries on these soldiers are reported as accurately as possible. My desire is not to create a new black mythology about our historical past. Rather, my purpose is to expose the invention of old western ones and newer synthetic creations adapted for contemporary research historians.

Mr. Speaker, I again thank Chairman STOKES for his initiative and all those who have joined in to make this year's Black History Month one of the most memorable in my life time.

Mr. FRANKS of Connecticut. Mr. Speaker, as we celebrate the accomplishments and rich history of black Americans, we can take particular pride in the work of the historically black colleges and universities.

Black Americans, as well as all Americans, can only achieve the fruits of success when they build their dreams on a solid education.

Historically black colleges and universities have shouldered a tremendous load and we should commit ourselves to preserving and enhancing their place, as a primary outlet for black Americans to further their academic credentials.

It is an especially important time for HBCU's. While these institutions represent only 3 percent of the total number of colleges and universities nationwide, almost a quarter of black college students attend those schools.

In order to support and enhance the performance of the HBCU's, the public and private sector must continue an active partnership to coordinate a higher education with real economic opportunities once students graduate.

By getting both parties involved in the classroom, the transition to the working world will give black people greater chances at employment and career enhancement.

The Federal Government must implement its objectives of coordinating their departments with HBCU's with an active outreach effort.

Any Federal initiative sounds good on paper, but it is the implementation which will foster meaningful long-term opportunities for black Americans.

The Federal Government cannot do it alone given the resources available. That is why we must encourage more private initiative, in concert with Federal action.

Why? Because it is in everyone's interest to do so for the economic future of our country. While two-thirds of the HBCU's are privately funded, more funding is needed, particularly from corporations and small companies eager to replenish their ranks with competent workers.

By the end of this century, almost a third of those at precollege age will be from minority groups. Those numbers would normally parallel the type of work force that will be running our economy.

They will require higher educational opportunities to not only enter the work force with a level of competence, but climb to areas of management responsibility.

If we follow market trends, the number of minority consumers will also be growing. It seems a natural fit to accelerate the viability of HBCU's to meet these new marketing requirements.

These goals, if fulfilled with some aggressive implementation, will not favor one group over another.

They will increase competition and thus, provide economic opportunities for all Americans, and our black youth will not be left behind.

Once we begin to achieve these goals, and send more qualified, college educated blacks into the workplace, they in turn, will be role models for future generations eager to fulfil the American dream.

I have seen this work in my own office. My executive assistant is a graduate of a HBCU. He has, for the last 10 years, been teaching part-time at a HBCU, offering his experience and insights to black students.

This is the type of long-term solution black Americans need and deserve.

The Federal Government can do its part by setting a proper example through its goals and objectives.

The private sector must respond, in kind, if they are to remain competitive and grow into the next century.

The history of the black colleges and universities are full of success stories.

We should work together to make educational opportunities flourish for those who seek to strengthen their minds and achieve their dreams.

Mr. ATKINS. Mr. Speaker, I rise today to commemorate Black History Month by paying tribute to the Massachusetts 54th Infantry, the most well-known black regiment in the Civil War.

At the beginning of the Civil War, Frederick Douglas called upon President Lincoln to allow slaves and freed blacks into the Union Army, to form what he called the "sable arm" of the military. As one who understood that the Civil War would first and foremost become a war over slavery, he argued that if the military were to allow the black man into its ranks, "there is no power on earth which can deny that he has earned that right to citizenship." But it was not until 1863 that Massachusetts Gov. John Albion Andrews, an enthusiastic abolitionist, was able to receive permission from the Federal Government to raise a black regiment. That permission was the beginning of the Massachusetts 54th Infantry. Although there were earlier, more surreptitious attempts to allow blacks into the army, including Colonel Higginson's use of black troops for Union raids in South Carolina, the 54th quickly became the most well-known black unit in the Union Army.

Most of us have probably seen the brave work of the Massachusetts 54th portrayed in the recent popular movie, "Glory," which ends with that regiment's proudest moment and first significant test on the battlefield. For soldiers, the real test of a regiment's capability is its performance and bravery in battle. The men of the Massachusetts 54th knew that their performance would be a test of not only their regiment, but of all blacks in the Nation. Therefore, after 2 days without rest or rations, the commander of the 54th, Col. Robert Gould Shaw, didn't hesitate to volunteer his unit to lead an assault on Fort Wagner, A Confederate earthwork defending Charlestown harbor. Although historians argue that the assault was badly-timed by Union strategists, the Massachusetts 54th was able to successfully gain Fort Wagner's parapet and held it for an hour before retreating. The bravery displayed at Fort Wagner by the Massachusetts 54th has been repeated by black soldiers in the U.S. military on countless occasions since the Civil War, and includes those men and women who are presently serving in the Persian Gulf.

While the assault on Fort Wagner was a minor skirmish in the history of the Civil War, it was a turning point for the role of black soldiers in the war. Throughout the North, the press praised the valor of the black soldiers, and many skeptical whites in the military became quickly convinced that recruiting blacks was a wise decision. The Atlantic Monthly declared that "The manhood of the colored races shines before many eyes that would not see," and by the end of the year the number of black regiments in the Union Army had doubled. In 1864, when President Lincoln's advisers suggested his pro-abolition stand may cost him the election, Lincoln pointed out that if black soldiers were willing to "* * * stake their lives for us they must be prompted by the strongest motive—even the promise of freedom. And the promise being made, must be kept."

While recruiting volunteers throughout the North for the Massachusetts 54th, Frederick Douglass once declared that Massachusetts "* * * was first in the War of Independence; first to break the chains of her slaves; first to make the black man equal before the law; first to admit colored children to her common schools. She was the first to answer with her blood the alarm-cry of the nation when its capital was menaced by the Rebels * * * Massachusetts now welcomes you as her soldiers." Massachusetts' strong abolitionist tradition is certainly something of which Bay Staters can be proud. But it is the black soldiers themselves who fought for and won their own freedom.

Barbara J. Fields, a historian most Americans would recognize by her appearance in the Ken Burns' film recently aired by PBS, "The Civil War," has written that "freedom did not come to the slaves from words on paper, either the words of Congress or those of the President." Rather, says Fields, "It was they who taught the nation that it must place the abolition of slavery at the head of its agenda." By volunteering to fight and die for freedom, the brave men of the Massachusetts 54th Infantry helped to teach this lesson, and it is in part because of their actions that black soldiers of later generations were able to continue the battle for racial equality in the United States.

Mr. COYNE. Mr. Speaker, I am very pleased to join my colleagues in celebrating Black History Month. I would also like to thank Congressman LOUIS STOKES and the members of the Congressional Black Caucus for their initiative in providing members of the House this opportunity to note the significant contributions of African-Americans to our country's cultural, business, educational, scientific, and political life.

Since 1976, the United States has officially commemorated Black History Month. In every aspect, this recognition of the contributions made by African-Americans to the history of the United States was long overdue. From the very beginning of our Nation's founding, African-Americans have played a major role in making our country a better place in which to live and work.

It is appropriate that the theme for this year's observance of Black History Month is "Education America: Black Universities and Colleges—Strengths and Crises," since the man given credit for the celebration of Black History Month was Carter G. Woodson, a prominent educator, historian, and author. A pioneer in the study of black history, Dr. Woodson inaugurated Negro History Week in February 1926, and this achievement laid the foundation for the national recognition of Black History Month.

America's black universities and colleges deserve our support. Historically black institutions of higher learning have played a central role in advancing the cause of civil rights and promoting access to quality education for black men and women.

During times in our Nation's history when the color of a student's skin often represented an obstacle to obtaining an education, black universities and colleges proved to the world that intellectual achievements were not subject to a color barrier.

Prominent black educators like Booker T. Washington, of the Tuskegee Institute, Dr. Benjamin E. Mays, of Morehouse College, Dr. Frederick Patterson, founder of the United Negro College Fund, Dr. W.E.B. DuBois, founder of the National Association for the Advancement of Colored People, and Mary McLeon Bethune, founder of Bethune-Cookman College, set oustanding examples for Americans of every color. These educational leaders recognized the value of education, both for the development of individual human potential and for the expansion of understanding among men and women.

While legal barriers to educational attainment have been removed, historically black universities and colleges continue to play a significant role in promoting educational achievement among African-Americans. Such schools often set the standard for efforts at expanding educational opportunities for minorities. These institutions have never forgotten their traditions of serving black communities and helping black men and women to realize their dreams of higher education.

As we celebrate Black History Month, I believe that we should all rededicate ourselves to the expansion of educational opportunities for African-Americans. Such efforts can go beyond the laudatory words we speak here today. In addition, let us express our support for historically black universities and colleges by supporting legislation that ensures appropriate financial support for these institutions and measures which provide educational assistance to all Americans who seek a quality education.

Mr. HORTON. Mr. Speaker, it is an honor and privilege to join my colleagues today to pay tribute to the accomplishments and contributions that black Americans have made to our Nation. The contributions that blacks have made to our great country have long been ignored and often forgotten by many.

Before joining this distinguished body I had the privilege to be president of the Rochester Red Wings, the triple A farm team of the Baltimore Orioles. During my tenure with the Red Wings, I had the pleasure of meeting players that later became Major League stars. However, none of the players were as close to me as the great Luscious "Luke" Easter.

Luke was one of the first blacks to gain entry into major league baseball, following the great Jackie Robinson by only 2 years. Luke had little professional training before the Cleveland Indians signed him out of the Negro American League. His lack of training was overshadowed by his friendliness, warmth, generosity of spirit, and of course his baseball prowess.

Luke joined the Indians at the age of 33. Although plagued by chronic knee injuries that limited his career to 491 games with Cleveland, his long home runs made him a fan favorite. Luke's 477-foot home run is regarded as the longest home run ever hit in Cleveland Municipal Stadium. One can only imagine what Luke could have accomplished had major league baseball not waited until 1947 to welcome the great athletes that played in the Negro leagues.

My relationship with Luke began after Luke's successful career with the Cleveland Indians and the Triple A Buffalo Bisons. Luke joined the Rochester Red Wings in 1959. At that time I was president of the Red Wings. Luke spent 6 seasons as a player and a coach in Rochester, where he became a legend. Even now, Luke is regarded in Rochester, NY, as the most popular player in the history of the Red Wings. After my departure from the Red Wings organization, Luke and I remained in close contact.

Tragically, on March 29, 1979 Luke was fatally shot in the heart during an attempted robbery when he refused to relinquish the cash he had in a shopping bag. The money in the bag was not his, it was from checks he had cashed for fellow workers at the Aircraft Workers Alliance at TRW, Inc.

Luke's 6-foot-4, 240-pound frame could never measure up to his amazingly large heart. Luke is a man we will not forget not only for his baseball ability, but, for the way he gave of himself to his fans and each community where he played. The many contributions and the timeless effort that this man gave cannot be detailed in this short speech. He was truly bigger than life.

Mr. GUARINI. Mr. Speaker, for more than a century, African-Americans have played a key role in the growth and development of Hudson County, NJ, my congressional district. A number of African-Americans have gained prominent places in the history of our county and deserve to be honored as part of Black History Month.

I am especially reminded, during this time of war in the Persian Gulf, of two of the many black Hudson County residents who distinguished themselves fighting for our Nation.

Decatur Dorsey earned the Congressional Medal of Honor, our Nation's highest award for valor, during the Civil War. A former slave, Dorsey was 1st Sgt. of Company B, 39th Regiment, U.S. colored troop.

On the morning of July 30, 1864, Dorsey led his company at the Battle of Petersburg, VA. Carrying the Union colors, he moved forward during the battle and mounted his flag on Confederate soil ahead of his regiment. When Union troops retreated, Dorsey held the colors. He then rallied the troops for another charge. His advance was the only successful Union foray of the day.

After the war, Dorsey and his wife moved to Hoboken, NJ, where he lived until his death on July 11, 1891. For years, his grave lay forgotten in Flower Hill Cemetery in North Bergen, until it was discovered in 1984. I had the great privilege of taking part in the rededication ceremony during which a Medal of Honor marker was placed on Dorsey's grave.

The second resident I want to bring to the attention of my distinguished colleagues fought during World War II. Dr. William Garfield Wilkerson of Jersey City showed the same mettle as Dorsey. Wilkerson, born June 16, 1916 in Newman, GA, was one of the first four black test pilots recruited by the U.S. Army Air Force.

Wilkerson served from 1942 to 1946 as a fighter pilot with the 99th Fighter Squadron of the 332d Army Air Force Fighter Group. He was shot down over Rome in 1944, but was returned to the allies by the Italian resistance movement.

During the war, he received the Air Force Air Medal with clusters, the distinguished Flying Cross and the Purple Heart.

After leaving the Army, Wilkerson went to medical school in Geneva on a fellowship from the Institute of International Education and opened a practice in Jersey City in 1958. He was an obstetrician/gynecologist.

While tending to his community's medical needs, Wilkerson also became involved in politics. He served as a New Jersey assemblyman from 1972 to 1974. He was also a board of mental health vice chairman, Jersey City Housing Authority, chairman, a police surgeon, a member of the Jersey City Health Commission, and president of the Hudson County Chapter of the National Association for the Advancement of Colored People.

In 1982, Wilkerson received a master of divinity degree from Drew Theological Seminary. He was ordained a minister at the Monumental Baptist Chuch in Jersey City.

Wilkerson died September 21, 1984, at the Walter Reed Medical Center in Washington, DC.

The life of another noted African-American showed that Hudson County's black community displayed compassion as well as bravery and civil leadership. I can think of no better example of this sensitivity to the needs of the less fortunate than Dr. Lena Frances Edwards.

A native of Washington, DC, Edwards set up a medical practice in Jersey City after graduating from Howard University Medical School in 1924. An obstetrician/gynecologist, she tended to the needs of the European immigrants in the city's Lafayette section. Edwards also founded the People's Charitable League, which opened a day nursery in Jersey City.

Edwards was an early promoter of natural childbirth and was appointed a resident at the Margaret Hague Maternity Hospital in 1944. She practiced in Jersey City until 1960 when she traveled to St. Joseph's Mission at Hereford, TX, to work with Mexican migrant workers, who were badly in need of prenatal care.

Using her own money, Edwards established a modern maternity hospital for the labor camp.

In 1964, President Lyndon Johnson awarded her the Presidential Medal of Freedom for her work in Texas.

Edwards returned to Jersey City in 1966 and worked there for the rest of her life. She was the medical coordinator for the Jersey City Preschool Antipoverty Program and taught at the St. Peter's college institute of industrial relations. I had the pleasure of serving with her on the St. Peter's college board of regents.

While Edwards received numerous awards, as a devout Catholic she most cherished the Poverello Medal. This is a religious award bestowed on individuals whose life exemplifies that of St. Francis of Assisi.

One of Edwards' last efforts before her death on December 3, 1986, at the age of 86 was to establish a scholarship trust at Howard University Medical School

I am sure, Mr. Speaker, that you and my distinguished colleagues agree these three individuals set an example to be followed not just by the black community in Hudson County, but by all peoples throughout our Nation.

Mr. DELLUMS. Mr. Speaker, it is with great pride that I rise today in observance of Black History Month.

We should look at Black History Month not only as a time for celebration, but as a time for renewal and implementation. We must begin to incorporate solutions to the crises our young men and women are faced with on a daily basis.

By celebrating Black History Month we take a look back at the great leaders of our past and present. These men and women had great dreams for their people and would be proud to see them become realities. The realization of their aspirations can no longer be simple statements, they must exist as fact for our young people.

We must begin to ensure the success of future generations to come. We have to stop the madness of drugs, violence, crime, mental and physical abuse, social decay, and general apathy toward changing a system which is destroying our youth. What do we as Americans have to look forward to if the leaders of tomorrow can't make it over the obstacles of today?

In an effort to overcome obstacles one of our greatest leaders, Malcolm X, displayed to the world what the power of self-knowledge and determination could do. Malcolm's life was a true testimony to strength, courage, and dedication. He was a man faced with many of the same obstacles our young men and women find themselves faced with today. Poverty, racism, violence, substance abuse, and a sense of hopelessness are leading our future generations down a pathway of destruction. Yet Malcolm was uncompromising; he refused to allow the direction of his life to be dictated by others.

Malcolm began his process of self-discovery and education while incarcerated in prison. He read everything he could get his hands on. He was not afraid to open up his mind and explored the regions of life which had been foreign to him before. He challenged the system which held his people in bondage and was not afraid to give his life if it meant others might be free of he chains which kept them oppressed.

We must follow Malcolm's lead of self-determination and education. Time, understanding, direction, and concern must be given to our young people, for they have no one else but us to turn to. So let us begin to realize the importance of not only Black History Month but every month as a chance to renew and implement changes into our social structure that will be celebrated for years to come.

Mr. FLAKE. Mr. Speaker, February is Black History Month. While it is appropriate to set a special month aside to honor African-Americans for the contributions we have made to our country, the lessons that are taught during Black History Month should be recognized throughout the year. Black history is not only for African-Americans, but it enriches and enhances the lives of all Americans. The accomplishments and contributions of African-Americans to our society should be incorporated into our history texts and become an integral part of each State's educational curriculum. It is imperative that all students benefit from African-American history in order to achieve true harmony. Toward that end we must learn tollerance, respect and appreciation for each other.

We must strive to attain our goal of accurately incorporating African-American history into our Nation's history books. From the invention of the traffic light, subways, and elevators, to rock and roll, jazz, and gospel music, we, as African-Americans, have played an important role in America's history and cultural development. Unfortunately, many of our children believe the misconception that African-Americans have contributed little, if anything at all, to America's rich heritage.

African-American children are constantly under a barrage of negative images via the media. There are so many positive role models that our children need to be aware of, from Crispus Attucks to Gen. Colin Powell, Chairman, Joint Chiefs of Staff. More than pride is at stake here. Children need to feel self-worth and realize a positive sense of being. Without self-esteem, goals seem unattainable and dreams and aspirations become limited. Let us work toward insuring that all children accurately learn about America's past, so they can relate to the present and adequately prepare for the future.

Mr. RAHALL. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from Ohio, for reserving this time to observe Black History Month.

Today, we honor black Americans who have made significant accomplishments and contributions to our society, especially in the field of education. I am pleased to bring to my colleagues' attention, the contributions of a dear friend of mine, the late Earl Muse.

Earl grew up in the small town of Genoa, WV, and obtained his undergraduate degree from West Virginia's historical black college, Bluefield State, which is also located in my congressional district. Earl served as assistant director of the Mercer County Vocational Technical Center and was appointed by the Governor, to serve as a member of the State's Council on Vocational Education. His contributions in the field of education were recently acknowledged with a posthumous induction into the Mercer County Academic Hall of Fame. Earl was not only known in the education field, but he became the first black mayor of Princeton, WV, and the first black State commander of the Veterans of Foreign Wars.

It is an honor for me to stand here today, before my colleagues, to recognize the contributions of Earl Muse, a black American from the great State of West Virginia.

Mr. HOBSON. Mr. Speaker, as our Nation celebrates Black History Month, I would like to take this opportunity to pay tribute to the vast accomplishments and contributions of black Americans for this country.

Throughout our Nation's history, black Americans have had the determination to face great obstacles and stand up for the principles that are the foundation of the United States of America. Their work has made our country stronger as a result.

We have all reaped the benefits of Dr. Martin Luther King, Jr., who so courageously fought to bring understanding and equality for all Americans. Today, it is a black American, Gen. Colin Powell, who is so successfully leading the fight for freedom of the men and women of Kuwait, as another great leader, Dr. Louis Sullivan, guides our Nation's health care system.

As we look to our next generation of leaders, they are most likely attending colleges and universities across this country. The 1991 theme for Black History Month is "Educating America: Black Universities and Colleges—Strengths and Crises." I am proud to have two of the finest of these institutions, Wilberforce University and Central State University, located in my Seventh Congressional District in Ohio.

Founded in 1847, Wilberforce University was the first college for the education of black Americans in this country. Throughout its history, Wilberforce has educated thousands of students with the help of a quality faculty and the strong foundation of the African Methodist Episcopal Church. Central State University, which began as a department of Wilberforce in 1887, became Ohio's only historically African-American public institution of higher education in 1947.

As a former trustee of Central State and current board member of Wilberforce, I know both of these universities have distinguished themselves as two of the finest institutions in the State of Ohio. They have maintained a strong tradition of academic excellence and have successfully prepared our young men and women for a variety of fields and careers.

In today's world, higher education is essential to the strength of our country and the social well-being of our young people. Central State and Wilberforce Universities have prepared young men and women not only from Ohio, but throughout the country, for tomorrow's challenges—and have laid the foundation for tomorrow's leaders.

I would like to ask the 102d Congress to join me in paying tribute to Wilberforce and Central State Universities. I congratulate them for their praiseworthy accomplishments and record of achievements.

Mr. DWYER of New Jersey. Mr. Speaker, each year, Members of Congress observe Black History Month, a month when we celebrate and acknowledge the many contributions of African-Americans. Today, I would like to pay tribute to an adopted son of New Jersey and one of Rutgers University's most distinguished alumni, Paul Robeson.

The grandson of slaves, Benjamin and Saba, and the son of a minister who escaped slavery, Paul Robeson could be described today as a scholar-athlete, but he was much more than that. Paul Robeson was a scholar, an athlete, a man of letters, an artist, and a controversial political leader.

Paul Robeson graduated from Rutgers University in 1919 after attaining a brilliant academic and athletic career. As the first African-American football player at Rutgers, he attained All-American status in 1918 and 1919. His prowess on the football field was recognized and lauded by many sports writers of the time, who fully credited Robeson with Rutgers combined record of 22–6–3. In fact, Harry J. Rockafeller, director of athletics emeritus at Rutgers and the man behind whom Robeson played as a freshman, once called him "the greatest living All-American football player." Robeson's athletic ability was not limited to the football field, however, he collected 13 varsity letters during his undergraduate career.

Academically, Paul Robeson also excelled. His distinction in the classroom earned him membership in Phi Beta Kappa and Cap and Skull, the senior honorary society. He was an accomplished debater and public speaker. Indeed, he graduated from Rutgers College as class valedictorian and delivered the commencement address. After Rutgers, Robeson attended Columbia University Law School where he received a bachelor of law degree in 1923. Subsequently, Paul Robeson received an honorary master of arts degree from Rutgers as well as honorary doctorates from Rutgers, Hamilton College, Morehouse College, and Howard University.

Paul Robeson's brilliant career as an actor and a concert singer spanned four decades. While at Columbia, Robeson was seen by Eugene O'Neill in an amateur play at the YMCA in Harlem. After making his professional acting debut in "Taboo," Robeson appeared in O'Neill's "All God's Chillun Got Wings," and later in "Emperor Jones." In addition, his 1943 interpretation of "Othello" was considered a triumph and remains the longest Shakespearean run in Broadway history.

Robeson made his concert debut in 1925 with a concert of negro spirituals in Greenwich Village. Robeson's reputation as a singer and actor spread beyond our shores. Robeson's travels took him to Europe, Asia, and Africa where he learned nearly 20 languages including the African languages of Yoruba and Efik. Indeed, his voice was described by Alexander Woollcott as "the finest musical instrument in our time."

As a political figure, Robeson is a man of controversy. During the 1950's, he was accused of being a Communist, a claim which he rejected. In 1963, he was quoted: "I am disillusioned because I find in Russia a different form of oppression which is all the more dangerous because it operates in the name of a bogus liberation." Today, Robeson is acclaimed for being a voice of his people, a man who spoke and lived black pride long before it became politically acceptable in the white community.

The campus center at the Rutgers University-Newark bears his name. At its dedication, then President Bloustein said: "We are here to pay homage to a great American; a man who through his world-wide acclaim brought esteem to our Nation and our university." I share these sentiments and urge my colleagues to reflect on the rich life of Paul Robeson during Black History Month.

Mr. LANTOS. Mr. Speaker, February is Black History Month—a fitting time to reflect on the significant contributions blacks have made to American culture. Those contributions are innumerable, and America is a better place because of them. While it is important that we reflect on the vital contributions of black Americans to our Nation's past, it is more important that we look at the present—that we take this opportunity to contemplate the current state of affairs for blacks in America.

Mr. Speaker, right now over 100,000 black American soldiers, sailors, airman, and marines are key players in the effort to end the illegal occupation of Kuwait by Saddam Hussein. These men and women are making a critical contribution to preserving and defending our democratic system.

At the same time, however, there is a bitter irony in the fact that our Nation, which depends on these fine black Americans, has not provided the opportunities which they should have to share fully in the promise of our Nation.

It is imperative that we in the Congress not simply commemorate the past but act decisively to create an environment for opportunity in America's workplaces and communities. To that end, we must work to reverse the recent Supreme Court decisions hostile to the legacy of hard fought civil rights legislation.

I am delighted to be an original sponsor of legislation that would do just that. The Civil Rights Act of 1991, identical to the bill passed in both Houses of Congress and vetoed by the President last year, would reverse a series of Supreme Court rulings which have seriously undercut standing equal employment law.

This legislation, although worthy and eminently fair, is no panacea and will not, in and of itself, right all wrongs. Rather, it would reopen a window of opportunity closed by the Supreme Court rulings. More importantly, it would demonstrate this Government's commitment to advancing minority opportunity in this country at a time when many question the extent of our willingness to do so. I ask my colleagues to support its passage and urge our President to sign it into law.

Mr. Speaker, as we fight an enemy abroad, it is easy to overlook our enemies at home—enemies that are striking disproportionately at black Americans. But those adversaries demand our attention. As we plot our strategies for the battlefields in the Persian Gulf, we must also plot our strategies on the battlefields in our own country.

We need not look too far to find these battlefields, Mr. Speaker. We are in the middle of one. Last year, the war on our shores—innercity violence and drug wars—claimed 703 men, women, and children in Washington, DC alone. Deaths and injuries have been recorded in my congressional district in San Mateo County, CA., and, unfortunately, throughout our Nation.

Mr. Speaker, the measure of commitment we apply to the war in our own streets should match our commitment abroad. The problems that we face in our cities are just as serious and deserving of our attention as the threat we are confronting in the Persian Gulf.

Our efforts to improve the quality of life in urban America, to create an environment of opportunity and strengthen the civil rights of minorities in this country is a fitting tribute to the heroes of the black community, past and present.

Mr. FASCELL. Mr. Speaker, I would like to join our colleagues in commemorating Black History Month. Every February, our Nation pays tribute to the contributions which African-Americans have made to our country. Americans of African heritage have contributed to all phases of our society and will continue to do so, but it is important to take the time to remember and reflect on those achievements.

Perhaps no other institutions have played as prominent a role in the achievements of African-Americans than black universities and colleges. The State of Florida is blessed with two such schools, Bethune-Cookman University and Florida A&M University.

These institutions are not just producing prominent leaders in the African-American community; they are producing the people who work at all levels of government, in all areas of business, in all areas of science, and in all areas of the arts. They work not just to improve the lives of fellow African-Americans; they work to improve the lives of all Americans by making this a more just and more equal society. These prominent leaders are evidence to all of our youth that dreams are reachable.

Many of these people have studied at predominantly black colleges and universities, and many of those they influence will study there as well. These institutions serve an important cultural and historic role because for many years they were the primary place where African-Americans could receive a college education. While access to other educational institutions has widened, they continue to serve as a valuable and useful purpose for those who choose them because of the cultural focus and historic perspective these institutions provide.

African-American men and women are excelling in virtually every field in our society. When I first entered the U.S. House of Representatives in 1955, few would have envisioned that an African-American could run for President, serve on the Supreme Court, or serve as the Chairman of the Joint Chiefs of Staff. These are but three of many areas of what the access to quality education has meant to African-Americans. As we move toward a new century, we must continue to expand the educational opportunities for our young people and work to keep historically black institutions of higher education in a position to help us meet the challenges which lie ahead.

Mr. MAZZOLI. Mr. Speaker, I am proud today to join my colleagues in the House in celebrating and commemorating February as Black History Month.

In 1926, Dr. Carter G. Woodson, known as the father of black history, established Negro History Week—in 1976 extended to a month—because he recognized the need for all to recognize the history and culture of black Americans.

It is fitting that a month be set aside to honor the significant achievements of black Americans, many of whom have lived in Louisville and Jefferson County, KY, the district I am honored to represent in Congress.

At this point, Mr. Speaker, I want to share with my colleagues during this special order my recent experiences with the Louisville Black Achievers Program, one of the oldest such programs in the country. The mission of the Black Achievers Program is to provide young black persons with positive role models who can encourage them to complete school and to enter rewarding careers.

The Louisville Black Achievers Program is under the able direction of Michael Harreld and Beverly Brown and I commend them on their great work here.

On February 16, I had the pleasure of addressing a separate group of some 25 high school students who have career interests in government, public service, and communications. I emphasized the personal satisfaction that accompanies public service as well as the need to stay in school and pursue college level studies.

Mr. Speaker, much still needs to be done in providing affordable, quality education to the black youths of today and tomorrow. Along with quality education, jobs must be available so that their dreams may be fulfilled. But, given what I saw on Saturday on the face of the students I had the pleasure of addressing, the Black Achievers Program is moving things in the right direction.

Before I end my comments on Black History Month, I salute all black Americans who are part of Operation Desert Storm. Black Americans have always served with honor and distinction in our country's Armed Forces. The Persian Gulf war is no exception.

Mr. Speaker, I wish to thank the Congressional Black Caucus for taking out this special order. I also commend the great accomplishments of the Louisville Black Achievers Program.

Mr. WEISS. Mr. Speaker, it is with great pleasure that I participate in the commemoration of Black History Month. I want to thank my distinguished colleague, Mr. STOKES, for once again organizing this special order, providing us with the opportunity to share our thoughts and hopes during this momentous American celebration.

The history of black America is rooted in its struggle for freedom and equality. African-Americans' perseverance to overcome immeasurable racism and oppression has fueled their numerous accomplishments—accomplishments which, to the discredit of this Nation, have been greatly overlooked. Today, we hope to amend that wrong by displaying the remarkable contributions of African-Americans for all to celebrate, admire, respect, and remember.

The foundation for today's awareness of African-American history was laid diligently and brilliantly by Dr. Carter Goodwin Woodson. This pillar of black education garnered the title "Father of Black History" as he paved the way for bright and promising black scholars of the future. Dr. Woodson created the Association for the Study of Negro Life and History and the prestigious Journal of Negro History in 1915. He discovered, researched, and organized the authoritative body of knowledge on African-Americans. In addition, he developed its bibliography, methodology, and philosophy. Most importantly, he produced the support system that perpetuated and popularized the field to make it a valuable source of self-awareness and pride for African-Americans everywhere.

Many other blacks also contributed significantly to expanding educational opportunities for African-Americans. Dr. Frederick Patterson's notable work as founder of the United Negro College Fund provided the means for black colleges and universities to survive and grow independently. Also, Dr. Benjamin E. Mays motivated young blacks to reach new heights with his brilliance in the classroom and later became the first black president of the Atlanta Board of Education.

In discussing African-Americans' achievements, we cannot ignore blacks' milestones in athletics which helped shatter many color barriers. Jesse Owens made Olympic history winning four gold medals in track and field at the 1936 Olympic Games. Baseball's Jackie Robinson forged the path for future black athletes like champion boxers Muhammad Ali and Joe Louis, who used the sports arena to inspire the world. Today, African-American athletes continue to proudly represent their country's pursuit of excellence on playing fields around the world.

Especially pertinent to my congressional district, are the performances and achievements of past and present black artists. The Harlem Renaissance of the 1920's saw a blossoming of talented black writers such as Langston Hughes. African-American musicians' prominence in the entertainment business can be traced to a black bandleader named W.C. Handy who is identified as the father of the blues. Two later African-American musicians, Duke Ellington and Louis Armstrong, eventually became the country's leading jazz musicians. The black founder of Detroit's Motown Records, Berry Gordy, gave the music industry some of its biggest black stars, including the Supremes, Marvin Gaye, the Jackson Five, the Temptations, and Stevie Wonder. Today's black entertainers continue the exceptional work initiated by their predecessors and now constitute a dominant force in the music industry.

Sadly, many of African-Americans' rich contributions to our country remain unacknowledged. I anxiously await the day our Nation fully appreciates the significance of this history and the values that inhere in the black tradition. By thoroughly recognizing black history, our Nation can redress the omissions of the past and enrich our national heritage with the brilliance, dignity, and unshakable commitment to freedom of black America.

Mr. RAY. Mr. Speaker, earlier this month I cohosted the 4th annual Third District of Georgia Black History Month observance. My good friend and distinguished colleague—Congressman LOUIS STOKES—was the featured speaker in Columbus, GA, and at the historically black institution Fort Valley State College.

He delivered a stirring and impressive message, and emphasized that black history is often left out of the history books. He particularly made a favorable impression on the students at Fort Valley State College by describing his rise, along with his brother Carl, from a ghetto in Cleveland, OH.

Carl Stokes went on to become the first black to be elected mayor of a major city, and LOUIS STOKES has been a Member of Congress for 23 years.

Congressman STOKES emphasized that you can be what you want if you strive to do so. He pointed out several black Americans who have done great things and have been overlooked by the authors of history books. He stated: "until we commit ourselves to acknowledge the historical fact that black men and women have made great contributions to our Nation's progress, just as white men and women have, our Nation will never be able to realize the basic benefit of our democracy that all men and women are created equal."

Black History Month has been set aside throughout America to recognize those individuals, organizations, and communities who have played key roles in our history. The annual event held in the Third District of Georgia pays sincere tribute to those individuals and institutions who have contributed their efforts and dedicated their existence to the improvement of America.

While we pay tribute to black history during this month, we should also recognize people and projects that are helping present and future generations. The proceeds of the events in the third district went this year to the House of Mercy in Columbus and the Cleveland W. Pettigrew Endowment Fund at Fort Valley State College.

The House of Mercy was founded in Columbus by Mrs. Ocie Harris in 1976; and offers a loving home to less fortunate people by providing them with meals, clothing, shelter, medical services, aid in finding employment, and drug and alcohol recovery programs. The Cleveland W. Pettigrew Endowment Fund at Fort Valley State College exists to raise funds needed for scholarships, faculty development, research, and academic activities at the college.

Recognition of those who have helped better race relations, or who have dedicated their lives to the betterment of America, or who have worked to help the less fortunate, knows no racial boundaries.

Congressman JOHN LEWIS, John F. Kennedy, Martin Luther King, Jr., Benjamin Mays, Eleanor Roosevelt, Douglas Wilder, Chairman of the Joint Chiefs of Staff Gen. Colin Powell. Each of these people and many others—some black, some white—some rich, some poor—some living and some departed—each tried or are currently trying in their own special way to work for a better America. This spirit continues to flow through many of us and our young people, and will continue to bolster our free and democratic society.

It was a pleasure to have Congressman STOKES with us at the observances in the Third District of Georgia.

He has played an integral role in this development, and he continues to be a moving force in helping others. Congressman STOKES served honorably in the U.S. Army, and then began a successful career as an attorney. In his first attempt at public office, Mr. STOKES was elected to the congressional seat in 1968 he still represents. This made him the first black Member of Congress from the State of Ohio.

Congressman STOKES currently serves on the House Committee on Appropriations, and ranks seventh on that prestigious committee of 57 members.

He served as chairman of the select committee which conducted the investigation and study of the circumstances surrounding the death of President John F. Kennedy and the death of Dr. Martin Luther King, Jr.; and he has been the chairman of the House Permanent Select Committee on Intelligence.

Congressman STOKES is a former chairman of the Congressional Black Caucus: he currently chairs the Congressional Black Caucus Health Brain Trust; he has been named as one of the 100 most influential black Americans by Ebony magazine in every year since 1971; he has been presented the Martin Luther King, Jr., Award by Ebony magazine; and was awarded the William L. Dawson Award by his colleagues in the Congressional Black Caucus.

He has received 18 honorary doctorate degrees from distinguished institutions.

I would like to publicly applaud the Speaker of the House, TOM FOLEY for recently appointing Congressman STOKES as chairman of the House Ethics Committee. It is a chairmanship he previously held from 1981 to 1985, and one in which he will do an excellent job.

Mr. Speaker, it is my pleasure to participate today in the celebration and recognition of Black History Month. I am also delighted to pay tribute to a living, breathing example of black history and black history in the making: my colleague, my friend, LOUIS STOKES.

Ms. SLAUGHTER of New York. Mr. Speaker, as America celebrates Black History Month this February, we are provided an opportunity to measure the great contributions of African-Americans throughout the history of our Nation. More than 200 years after our Constitution asserted that "all men are created equal," we live in a world where all people are not treated equally.

Blacks are twice as likely as whites to be unemployed in this country, and they are three times as likely to be poor. The infant mortality rate is two times higher among black babies than white babies. Racial disparity in judicial sentencing is also strikingly clear: More than half of those executed in the United States were blacks or other minorities. Employment discrimination continues at all levels of the corporate ladder.

In Congress this year the fight against discrimination continues to be a major priority as we once again take up legislation that would reinstate antidiscrimination law weakened by a series of Supreme Court decisions in 1989. Last year Congress passed this legislation but was unable to override the President's veto. This year, we are determined to see the Civil Rights Act of 1991 become law. There is reason to be optimistic. Twice in the past 10 years, Congress has overturned Supreme Court decisions that narrowed civil liberties.

Although this country still has far to go in the struggle for equality, it is useful to reflect on the progress we have made and on the leaders who have brought us here. In Rochester, we can claim one of the great leaders of the civil rights struggle, Frederick Douglass. Rochester is where he chose to make his home, publish his abolitionist newspaper, the "North Star," and help lead the fight against slavery. Indeed, it is highly appropriate for us to recall his contribution to our history in February since this is the month we commemorate both his birth and his death.

Born in 1817 as a slave in Maryland, Frederick Douglass worked hard to educate himself and his fellow slaves, all the time struggling to free himself from bondage. In 1838, he escaped to Massachusetts and became involved in the abolition movement that was just beginning to have a voice in the north.

He moved to Rochester in 1848 and there founded his newspaper, which served as the first pulpit for his political views and as a forum for essays of black writers who could not be published elsewhere. In Rochester he formulated his philosophy that:

> The Constitution knows all the human inhabitants of this country as "the people." It makes, as I have said before, no discrimination in favor of, or against, any class of the people, but is fitted to protect and preserve the rights of all, without reference to color, size, or any physical peculiarities.

Unlike many other abolitionists, he felt that the Constitution called upon us to abolish slavery. He became an international hero in the fight against repression, first for slaves, then for women, and then for freed blacks.

Frederick Douglass utimately had confidence that our Constitution, and inherent human nature, would cause society to rebel against the unnatural bondage of one race to another. He helped clarify the debate against slavery in an Independence Day speech to the Rochester Ladies' Anti-Slavery Society in 1852:

> Americans! your republican politics, not less than your republican religion, are flagrantly inconsistent. You boast of your love of liberty, your superior civilization, and your pure Christianity, while the whole political power of the nation . . . is solemnly pledged to support and perpetuate the enslavement of three millions of your countrymen.

He expressed his hope for the future in a phrase that still has meaning for the race problems afflicting countries around the world today.

> * * * my spirit is also cheered by the obvious tendencies of the age. Nations do not now stand in the same relation to each other that they did ages ago. No nation can now shut itself up from the surrounding world and trot round in the same old path of its fathers without interference * * * Walled cities and empires have become unfashionable * * * Intelligence is penetrating the darkest corners of the globe.

Frederick Douglass was more than just a brilliant orator. He was a powerful political force who met and influenced five American presidents. He saw the Civil War as a crusade to freedom and urged President Lincoln to allow blacks to fight. He led a delegation to meet with President Johnson to discuss the condition of freed slaves. President Hayes appointed him as U.S. Marshal for the District of Columbia. President Garfield later named him Recorder of Deeds for the District of Columbia. In 1891, President Harrison appointed him as Minister-Resident and Consul-General to the Republic of Haiti.

Freedom for all was his credo. At a time when blacks were slaves, he fought to abolish slavery. At a time when women and blacks could not vote, he fought for their suffrage. The first issue of his newspaper headlined "Right is of no sex," and he was the only man who played a pivotal role at the first women's rights movement conference in Seneca Falls, NY, convincing delegates to include the right to vote as part of their political platform. Both of these movements have had a profound effect on the politics and policies of our country since then. Frederick Douglass and the first women's movement began fights for equality that have not been won yet today. There are still no African-Americans in the U.S. Senate. There has never been a black or a woman President. While all can vote, women and blacks are underrepresented in most electoral bodies.

Frederick Douglass believed that education and learning to support yourself were the most important things people could do to help themselves prosper. This is still true today, as the fight for jobs, fair wages, and equal opportunity continues, both for African-Americans and for women.

Without the leadership of people like Frederick Douglass, this country would not have a history that is impelling us, through struggles in the courts, Congress, neighborhoods, and the workplace, toward unquestioned civil rights for all. In February, Black History Month, we study our past to inspire and rededicate ourselves to that goal. I hope that by next February, we can look at the enactment of the Civil Rights Act of 1991 as a part of that history.

Mr. KILDEE. Mr. Speaker, we are celebrating Black History Month at the same time we are trying, once again, to enact the Civil Rights Act of 1991 into law—a measure to restore important antidiscrimination protections to women, African-Americans and other minorities.

I am saddened that we find ourselves still wrestling with civil rights legislation more than 30 years after President Johnson signed the original civil rights bill into law.

But the fact that the issue of equality and civil rights is still a top priority is grounds for great hope and pride.

I can remember back 30 years when I joined with other civil rights activists in my own hometown of Flint, MI in the fight for open housing. We surmounted enormous obstacles then, thanks, mainly, to the tireless efforts of extraordinary citizens and friends who represented the African-American community eloquently and tenaciously.

I remember, in particular, Floyd McCree, one of the most remarkable people I have known in Flint who in 1975 served with great honor and distinction as our mayor. And Edgar Holt, one of the most marvelous and abiding civil rights leaders in our State. Both of these extraordinary people have passed away, but their efforts, their compassion, their dedication and the respect in which they were held are more than shared by those today who carry on the fight for equality, for fairness, for human dignity.

I think of Ruben Burks, a regional director for the United Auto Workers. And I think of the work of the Concerned Pastors for Social Action, a group of African-American pastors within my community whose efforts for social justice have been unforgettable.

These remarkable individuals, and groups such as the Urban League, the Urban Coalition and the NAACP, have moved mountains of unjust barriers. But as we stand here today celebrating Black History Month, we also know only too well that there remain miles to go before we reach true equal justice.

In recent years, the U.S. Supreme Court—the very body whose Brown decision jump-started the civil rights movement—has placed new obstacles in our march toward equality and justice for all.

To overcome those obstacles, I and a number of colleagues introduced the Civil Rights Act of 1990 2 years ago—legislation that would overturn those high court decisions so we could restore valuable, precious and badly needed antidiscrimination protections in the workplace for women, African-Americans and other minorities.

Congress passed that legislation last year, but unhappily, it never made it into law. Parroting the protest raised by businessmen that the bill would impose workplace quotas, which it did not, the President vetoed the measure.

We are back, however, with a new Civil Rights Act of 1991, which earlier today was praised and lauded during an Education and Labor Committee hearing this morning.

I have great hope that we will move this bill not only through the Halls of Congress once again, but through the White House and into law.

We live in a great democracy where the principle of freedom is among the dearest. We are now engaged in a war effort in the Persian Gulf to regain freedom for Kuwait.

True freedom cannot exist without equality, however. A person cannot be free who is still shackled by prejudice, discrimination and unequal protection under law.

At a time when patriotism rings jubilantly, it is worth remembering the words of James Madison back in 1820 that are inscribed in the Madison Memorial Hall in the Library of Congress:

> Equal law protecting equal rights * * * the best guarantee of loyalty and love of country.

Equally worth remembering in our hearts are the words of Dr. Martin Luther King, Jr., 26 years ago, in a speech on the steps of the State Capitol in Montgomery, AL, March 25, 1965. In urging the continuation of "our triumphal march to the realization of the American dream," Dr. King said:

> The road ahead is not altogether a smooth one. There are no broad highways that lead us easily and inevitably to quick solutions * * * We are still in for the season of suffering * * * How Long? Not long. Because no lie can live forever * * * our God is marching on.

Mr. FROST. Mr. Speaker, I welcome the opportunity to join my colleagues in observing Black History Month. I want to thank Congressman STOKES for taking out this special order and choosing to highlight the issue of black universities and colleges.

Historic black colleges have played a major role over the last century in educating blacks at the college level. Typically located in the south, where discrimination against blacks has been the most profound, these institutions sought to educate a population that was largely isolated from the rest of society educationally and politically. Segregation was legal and blacks lived under harsh economic and social restrictions. Despite the difficulties, America is home to nearly 100 historically black colleges and universities.

Many of these schools were organized under the direction of some of our country's most distinguished black leaders. Hiram Revels, for instance, the first black elected to the U.S. Senate, left Congress in 1871 to become the first president of Alcorn A&M College in Mississippi. In North Carolina, a black state legislator, Hugh Cale, introduced a bill that eventually established Elizabeth City State University.

In Texas, we have eight historically black colleges or universities spread throughout the State. Most recently, Bishop College in Dallas closed and I am pleased to note that the Paul Quinn College of Waco has relocated to the Bishop campus in the Dallas area.

While the black colleges and universities in our country have contributed immensely to the education of America's black community, many barriers to education still remain. Statistics continue to indicate that financial accessibility to higher education is not a reality for the black community. When Ronald Reagan was successful in cutting aid for education in 1982, blacks were disproportionately affected. For the most part, the situation has not improved over the last decade.

Today, as we pay tribute to the accomplishments of the many distinguished black Americans, let us recognize the responsibility we bear to change the status quo. Let us seriously evaluate our education agenda and consider the possibilities before us that will enable the black community to fully and equally participate in the higher education process in our country.

Mr. FORD of Tennessee. Mr. Speaker, this month has been set aside in commemoration of the celebration of Black History Month. A celebration of the outstanding achievements and contributions made by African-Americans. We celebrate Black History Month to afford all Americans the opportunity to learn, appreciate and most importantly to respect the role of the African-American in the shaping of our Nation.

African-Americans have played a vital part in the building of our Nation. The story of black America is one of valor in the face of hardships, courage in the storm of injustice and faith in the wake of defeat.

The first blacks were brought to this country against their will, castigated, ostracized and even criticized, yet were able to remain a strong people.

Until only a few decades ago, we lived our lives separate and unequal. We were barred from most public facilities and even made to drink at separate water fountains.

In a nation that proclaimed liberty and justice for all—African-Americans were living neither.

These events are significant in our lives and should foster a sense of pride among us—a sense of pride that enables us not to lament on what has been done to us but rather what we have been able to accomplish in the face of adversity.

Let us be mindful of the fact that African-Americans own a major block of stock in this country, this State, and this city. And the stock is beginning to pay dividends as guaranteed by the Constitution on the United States.

African-American students who graduate from Lemoyne-Owen College can expect a job at Buckman Laboratories just as a white student who gradutes from Rhodes College.

Graduates of historically black colleges and universities [HBCU's] can look forward to jobs at companies like Eastman Kodak, Schering Plough, Federal Express, just like graduates from Memphis State.

Students from my alma mater Tennessee State University can gain a seat in the U.S. Congress just like graduates from the University of Tennessee.

For some time, we were of the mindset that in order to succeed in America one had to attend predominantly white institutions.

We found that premise to be untrue. Finally our people are learning what you at Lemoyne-Owen College knew all along. HBCUs do a better job at educating our young people than traditionally white institutions.

HBCU's constitute only about 3 percent of all American colleges and universities, and yet they graduate a full 40 percent of all African-Americans receiving bachelor degrees.

Our students are coming back home and rightfully so. Our colleges and universities are valuable and are teaching our graduates so well that in today's America, they will gain seats on the boards of the first Tennessee and Cabinet positions in the U.S. Government.

Black universities and colleges are the hope for our future. Get all that you can from your institutions, complete your studies, enter into the work force with a vision of unlimited success, go into your communities and assist those who are not able to assist themselves.

As African-Americans we have a responsibility to take care of our own, to help one another, our families, our neighbors, our friends. Direct them to opportunities, encourage them to succeed, and give them the benefit of your learning.

Today's HBCU's graduates understand the need to support their institutions financially. When you do make it in corporate America or whatever field you choose thank your insititution of higher learning with a note from your checkbook.

It is up to the young people of today to take a part in the building of the new world order—for if America is to continue as a great nation, we must take an active role in making it so. This is your opportunity to be included.

I think that as we celebrate Black History Month, it is important that we utilize this period to reflect upon our history.

Utilize this month to learn of the accomplishment of our people, not only in this country but around the world. Study the accomplishments of our people throughout history—for it is our responsibility to learn about our history as a race.

Believe that all things are possible—for all great persons had a dream in which they believed. That reminds me of an adage that goes something like this—what the mind can conceive and believe can be achieved. Despite adversity, one must still believe.

Mr. ABERCROMBIE. Mr. Speaker, the theme for Black History Month, 1991, focuses on the importance of education. For my home State of Hawaii, nothing could be more appropriate. Although Hawaii does not have a large Afro-American population, its members have distinguished themselves in the field of education far out of proportion to their numbers.

In fact, one of the very first Afro-Americans to visit our islands could rightfully be considered the founder of public education in Hawaii. In 1823, Betsey Stockton, a former slave, sailed with a company of missionaries from New Haven, CT. She arrived in Lahaina, on the island of Maui, on April 27 of that year.

Others among the missionaries concerned themselves only with the education of the children of chiefs. Betsey Stockton, however, saw another need. She founded a school for the maka'ainana, or commoners. From her own life experience, she had learned that the worth of a human being depended not on social standing, but on the spark of life that resides within all of us. When Betsey Stockton left Hawaii, she left behind a foundation for public education at a time when that concept was still struggling for acceptance in the United States and Europe.

In the years since Betsey Stockton, countless other Afro-American teachers, principals, and educational administrators have left their mark on Hawaii. Notable among them have been Helene Hale, Hawaii's first woman mayor, State Senator Charles Campbell, and State Superintendent of Education Donnis Thompson.

It is a pleasure to salute these dedicated Afro-American educators and public servants. To them and to those who share their work, we acknowledge our debt and extend our gratitude. Thank you.

Mr. SCHEUER. Mr. Speaker, it is with both pleasure and sadness that we honor Black History Month—a pleasure, because there is so much to celebrate in the riches of African-American culture and the great strides that the African-American people have made in this century.

But there is also sadness, because the advancement of blacks and the African-American community have cost so dearly, claiming the lives of Dr. Martin Luther King, Jr., Medgar Evers, and so many others in the long march toward equal rights and equal opportunity.

We are here today to recognize the achievements of our African-American brothers and sisters. We are here to celebrate the opportunities available to American black youth, and to commit ourselves to expanding those opportunities. We are here today to restate the inalienable equal rights of all African-American citizens.

For a start, we must again pass the Civil Rights Act that the President vetoed last year, and challenge him to keep his promises and not stand in the way of this important legislation. We must expand business, employment, education, and government opportunities for African-Americans and for all minorities.

Mr. Speaker, Senator Hiram Revels of Mississippi took his seat as the first black in Congress 121 years ago this week. Blacks have been woefully underrepresented since then. Women are underrepresented. Hispanics are underrepresented. Asian-Americans are underrepresented. Let us use this month of celebration of good things to commit ourselves to a renewed vigor in righting the wrongs.

Mrs. KENNELLY. Mr. Speaker, I rise today in observance of Black History Month. While the theme for Black History Month is "Educating America: Black Universities and Colleges—Strengths and Crises," I would like to take this opportunity to recognize the accomplishments of an individual who has demonstrated a professional and personal commitment to the inner-city youth of Hartford.

Walter "Doc" Hurley grew up in Hartford, CT, and graduated from Weaver High School. After graduating from Virginia State University and teaching in Virginia, Doc Hurley returned to Hartford and to the community in which he had lived. He served as both a teacher and counselor to hundreds of youngsters who passed through the Hartford public school system.

Doc Hurley grew to be a leader within the community. During the riots of the 1960's, he was instrumental in easing the pains of discontent and frustration among Hartford's youth. Through his own experience, Doc Hurley realized the importance of education as an opportunity and devoted himself to the education of others, to the youth of Hartford.

In 1975, while he was assistant vice principal of the very same high school from which he was graduated, he developed the idea of using the basketball as a tool to raise money and encourage educational goals in inner-city youth. He began a fundraising drive for students with the potential and the desire to improve and further their education. The result of his dedicated efforts became known as the "Doc Hurley Scholarship Basketball Classic." After 15 years, this small grassroots drive has resulted in a major scholarship fund supported by local corporate sponsors and in-kind services.

Although he has since retired from his position at Weaver High School, Doc Hurley continues to be involved in all aspects of the scholarship program. His commitment is more than just raising funds for young men and women to attend institutions of higher learning. In addition to his fundraising, he works closely with guidance departments throughout the Greater Hartfofd School System, identifying students with both need and ability.

By helping students and their parents to choose colleges which are both academically and financially within reach, Doc Hurley has enabled high school students to see that a college education is possible. His firm belief in strong parental involvement is best illustrated by the college orientation program he runs strictly for parents. This program assists parents in understanding the application, Federal aid, and scholarship process.

Walter "Doc" Hurley never really left his neighborhood. Yes, he went away to college. He acquainted himself with our great country, but he returned to Hartford. Doc Hurley's dedication and commitment to the young people of Hartford is to be commended, for he has never forgotten what challenges face a youngster. Nor has he forgotten what it takes to help a young man or a young woman make something of themself—faith, determination, and a good education.

Mr. SHARP. Mr. Speaker, there's been a lot to the celebration of Black History Month in east central Indiana this year. We've had gospel choir concerts, African craft demonstrations, movie screenings, and lectures about views of African-Americans in film. All these activities plus poetry readings and exhibits by local black artists and other events are to focus on diverse experiences in American history and contributions by African-Americans.

In preparing to celebrate Black History Month I rediscovered a 1976 publication by two constituents of mine entitled, "A History of Negroes in Muncie (Indiana)." Some information on the early history of blacks in our area was of particular interest to me.

As stops on the Underground Railroad, Fountain City, Richmond, and other towns and farms were safe places for runaway slaves. In fact, the tolerant attitude of the Quakers and others in these communities encouraged many blacks to end their journeys in the area. The Federal census of 1850 showed Wayne County with the largest black population of any county in the State.

This tolerance was a result of individual community standards rather than statewide policy. Although, according to the first Indiana Constitution, slavery was not allowed, in 1831 the State legislature passed a law forbidding any African-American from migrating to Indiana. Discrimination worsened. The 1850 constitution denied blacks the right to vote, and by 1852 it was a crime for blacks to settle in our State. It must have been a frustrating atmosphere for blacks who did move here.

Obviously, individuals stood up to these challenges. Black institutions developed, and the black population in Muncie grew from 200 blacks, who were 3.5 percent of the population in 1880, to more than 9 percent of the population in recent years. It is the accomplishments of individual African-American citizens and their triumphs over ongoing struggles that are notable.

Mr. Goodall and Dr. Mitchell, who wrote the paper, reported on Miss Ella Lulu Vivian Keith, who in the 1920's helped edit, publish, and sell a newspaper called the Shining Star. She used her position at the newspaper to highlight the careers and community activities of prominent blacks in Muncie. I have no doubt she was a great supporter of Black History Week. These activities were particularly remarkable in the context of racial attitudes during the 1920's.

World War II opened more economic opportunities in factories for blacks and women. While problems of discrimination persisted, African-Americans in Muncie were instrumental in organizing labor unions in local heavy manufacturing plants. Blacks organized locals of the newly created CIO and served as union officials, elected by both whites and blacks. Having blacks serve as organizers was an attempt to separate racial issues from unionization.

Churches began as and remained a cornerstone of activities of the black community in our area and across the country. Bethel AME Church in Muncie was built on its current site at Jackson and Beacon Streets in 1872. Rev. James Townsend, for whom the Townsend Center in Richmond is named, was a leader in the church in Richmond and became the second black elected official in the Indiana General Assembly.

It is through this kind of continuing education in American history that each of us can learn a little about others and ourselves. I look forward to the time when the history of all Americans is being told on a regular basis and until then am pleased to participate in celebrating the accomplishments of African-Americans and other Americans.

Mr. ROEMER. Mr. Speaker, it is an honor to pay tribute to several great African-Americans during this Black History Month. Outstanding black Americans like Rosa Parks, Marian Anderson, Thurgood Marshall, and Duke Ellington are well known by us all for their commitment to Martin Luther King, Jr.'s dream of equal access and opportunity for all Americans.

But Mr. Speaker, today I want to honor several outstanding black Americans from Indiana's Third Congressional District, Americans who are perhaps not as well known as Langston Hughes or Jackie Ribonson but who, through hard work, talent, and dedication, have made a difference in our communities.

I am proud to recognize Mr. Charles Martin, director of Urban Youth Services for the Y.M.C.A. Mishawaka. With a dedication to young people that is unparalleled, Charles Martin has enriched the lives of hundreds of children and youth of the communities of South Bend.

Mr. Martin founded and is president of the Black Community Scholarship Fund, Inc. He chairs the outreach committee for the healthy babies project and is a member of the Park View Juvenile Division Advisory Board, the Forums for Youth Self-Sufficiency, the Kiwanis Club, the South Bend Community School Corporation Youth-at-Risk Committee, and the Martin Luther King, Jr., Foundation of St. Joseph's County.

Among the many awards and honors that Mr. Martin has been presented is the Sagamore of the Wabash Award. Although this is the highest honor that can be bestowed upon an Indiana citizen, Mr. Martin has been given this award on two separate occassions. He was recognized by the National Child Labor Committee as one of the top 10 youth workers in the Nation when he received the Louis Hine Award. Mr. Martin is a two-time recipient of the Key to the City of South Bend. An "Outstanding Black, Alumni from Ball State University," Mr. Martin is also in the Indiana Wrestling Hall of Fame.

Next, I want to bring your attention to a dedicated South Bend educator, Mrs. Rosalind Ellison, assistant principal of South Bend LaSalle High School. A counselor and teacher for 16 years, Mrs. Ellison truly reflects the realization of true equality for all Americans.

In 1974, Mrs. Ellison became the first member of her family to graduate from college when she received a bachelor's degree from Mundelein College in Chicago, Mrs. Ellison further distinguished herself by receiving a master's degree in guidance and counseling from Indiana University and by graduating from the Upperward Bound Program at the University of Notre Dame.

Mrs. Ellison now serves on the board of directors for the Y.M.C.A. and for the United Religious Community. Like Mr. Martin, she is a member of the coordinating committee for the healthy babies project.

I would also like to recognize an individual who has selflessly placed his own life on the line in order to save the lives of others, Mr. Jack Reed. A firefighter for more than 30 years, Mr. Reed won the distinction of being selected as the first black battalion chief of the South Bend Fire Department. On more than one occasion, Mr. Reed has been honored for his courage in saving lives.

Mr. Reed currently holds the position of administrative assistant to Mayor Joe Kernan of South Bend. He is a member of the board of directors of the United Way, the Salvation Army, Real Services, and the South Bend Heritage Foundation.

Mr. Franklin Breckenridge is another outstanding Hoosier I would like to recognize today. An attorney with Miles, Inc. in Elkhart, Mr. Breckenridge received a B.S. in education from Indiana University, Bloomington, in 1963 and a J.D. from Indiana University Law School, Indianapolis, in 1968.

In 1982, the National Association for the Advancement of Colored People presented Mr. Breckenridge with the William Robert Ming Advocacy Award, the highest award that the association bestows upon attorneys who volunteer legal services. Mr. Breckenridge current president of the Indiana State NAACP, was presented the 1990 award for Outstanding NAACP State President. Mr. Breckenridge is also a member of the national board of directors for the NAACP.

Mr. Breckenridge is a member of the Elkhart City Bar Association, the Indiana State Bar Association, the American Bar Association, the National Bar Association, and the American Corporate Council Association. He is on the board of visitors with the Indiana University Law School, Indianapolis, and is affiliated with the St. James African Methodist Episcopal Church.

It is with great sadness that I pay tribute to the late Mrs. Theodessa Earles, a quiet, unsung hero with an unwavering commitment to her community and family. Although Mrs. Earles relied on public transportation, she was always involved, always present, and always punctual.

A native of Birmingham, AL, Mrs. Earles graduated from Lincoln High School in Milwaukee and from Peters Business College in Chicago. Always active in politics, Mrs. Earles was chosen as delegate to the 1976 Indiana Democratic Convention and was elected to the St. Joseph's County Council in 1986. She founded the Metropolitan Democratic Club and was a member of the Indiana League of Cities, the Indiana National League of Cities and Counties, the National Association for the Advancement of Colored People, and the National County Association. Mrs. Earles also served on the board of directors for the Hope Rescue Mission, the League of Women Voters, the Special Olympics, Northeast Housing Services, Water Works, and the Minority Business Council.

Mrs. Earles retired as administrative assistant from the Institute for Urban Studies at the University of Notre Dame, where a scholarship was recently established in her honor. The Indiana Black Assembly awarded her a certificate of distinction as one of 100 Most Outstanding Black Women. She has received certificates of appreciation for her work with Real Services and Nutrition Program, the Northeast Neighborhood Center, and the Notre Dame Legal Aid and Defense Association.

A source of strength to her community and to those who knew her, Theodessa Earles is and will be deeply missed.

I believe Black History Month is not just about famous black Americans in our Nation's past. Black History Month is also about black Americans—like these outstanding citizens from Indiana—who are making our communities better places to live.

The theme for the 1991 Black History Month celebration is "Educating America: Black Universities and Colleges—Strengths and Crises." As a former teacher from a family of educators, I understand how crucial it is for us to promote opportunities for black students everywhere. Education opens doors of opportunity not only for individuals but also for our country.

I will strive through my work in Congress, and as a member of the Committee on Education and Labor, to promote opportunities through education. By providing greater opportunities for our young people who are inspired by the examples of Theodessa Earles, Charles Martin, Rosalind Ellison, Jack Reed, Franklin Breckenridge, and so many others, I believe we are building a stronger, better America.

Ms. PELOSI. Mr. Speaker, I rise in proud celebration of Black History Month. Black History Month serves as a time to honor black achievement and as an occasion for renewing our commitment to opening the American dream to the black community and all Americans.

This month and every month, we should look not only to the many accomplishments of black Americans of the past, but also to the many people who are making history by their actions today. I especially commend the black Americans from my district of San Francisco who are making our city a more humane and rewarding place to live.

As we applaud the accomplishments of black Americans in San Francisco and across the Nation, however, we must recommit ourselves to tapping fully the tremendous resources of the black community. By knocking down the barriers of discrimination and racism that deny blacks equal opportunity to participate in American society, we can energize our labor force and brighten our cultural fabric.

Congress must restore civil rights as a national priority. We must fight to erase the blight of racism in American society. We must expand educational and employment opportunities. We must more fully incorporate the disenfranchised into the American political system.

Let us make the 102d Congress a watershed in black history by championing civil rights and by enacting H.R. 1, the Civil Rights Act of 1991.

I would like to end my remarks, Mr. Speaker, by presenting to my colleagues the inspiration offered by the winning essays from the annual Martin Luther King, Jr., essay competition in San Francisco. These young students are an inspiration to their community, to their generation, and to our entire country.

MARTIN LUTHER KING, JR. LIVES

(By Ebony Glenn)

Dr. Martin Luther King, Jr's dream is still alive. It is alive because we live it each day. His dream is very important to me, because without his dream we wouldn't be free. His dream was for everybody, not just blacks or whites, but for all races to have peace. His dream helped make this world a better world.

On August 28, 1963, when the March on Washington was held, he delivered a speech. Millions of people attended from different backgrounds. Dr. King spoke about all races of people working together, living together and most of all, loving one another. He spoke of peace, justice and equality for all. His speech was very powerful. It woke up the whole nation and it is still remembered today.

Dr. King taught me to love and respect others. His dream taught us to treat people like you want to be treated. We should not judge people by the color of their skin. I have lots of friends, not just Black friends, but friends of all races. I like being able to play with my friends no matter what color they are. We try to treat each other with respect. We just play and have fun. If we get upset with each other, we get mad, but we try not to fight.

I try to help others when they need help. I try to do my best to be nice and do whats right. Also, his dream helps me to be proud of who I am and that I am black and that I am somebody! No race is better than any other race. Freedom means not under the control of another. Every race is in control, that, why he fought for freedom and justice so we could all have equal rights. Because he gave so much to me in his dream, I'll always remember his dream and I put it in a poem:

Dr. King had a dream
That we shall all be free.
Do what's right
Do not fight
Live in peace and harmony
That's his dream of equality.

Thank God for Dr. King.

FULFILLING THE DREAM

(By Dawn A. Green)

Dr. Martin Luther King had a dream. It was a dream of peace, unity, and harmony. A dream that he lived and died for—A dream that we, working together, can fulfill.

As someone who would very much like to see his dream come true, I think it is very important that we, as individuals, do as much as we can to make this world a better place, where we can happily live, knowing that we are forever free of racism, segregation, and bigotism.

I dream that someday not only Martin Luther King's dream will come true, but others as well. I feel that by keeping the world healthy, and it's inhabitants happy, we can achieve the dreams that seem so impossibly far away.

Having always been opposed to drugs and gang violence, I try to convince friends and neighbors to turn their backs to the growing drug and gang violence problem, and help solve, not expand it. Working together with neighborhood youth groups, we can, and will make a difference.

Not being ashamed of my race, or religion, I am equally opposed to the beliefs of all racists. For although there were generations before me trying to solve this problem, it still lingers. By spreading my own anti-racial beliefs, I hope to convince others to fight against this problem.

Youth, adolescents, grown-ups, and people of all ages, races, and religions must realize that drugs and gang violence can only kill the people we love and care for most, that racism is only drawing us further apart, and that all are equal, and all should be free.

SERVICE: AN ACT OF LOVE

(By Myradin Sabido)

"Every man must decide whether he will walk in the light of creative altruism or the darkness of destruction selfishness. The urgent question is 'What are you doing for others?'" These are moving words from Martin Luther King. He felt that each person should help one another regardless of age, place, time and race. For him, an act of charity shows love. He also said, "Everybody can be great. Because anybody can serve. You only need a heart full of grace. A soul generated by love." Just open up your heart and soul to anybody who needs help.

Martin Luther King showed service to others. He knew that many Blacks needed his help. He stood up for them; leading them on their way to freedom. He willingly started the march going to Washington, D.C. The hardships he had gone through didn't matter. Even though it cost him his life, he never regretted it for his life had a meaning and a purpose; for the benefit of others.

I live the dream by volunteering at Mission YMCA. I felt that serving others meant helping them with an open heart, willingness, and a gift not worthy of waiting for any payment. Since my first day there, everybody showered me with respect and appreciation. Though my job was hard at times, it didn't matter. As long as I knew I was helping somebody for his own good. That's what mattered to me. I helped the children do their homework; played with them on sunny afternoons and taught them little things that helped them grow. Both Martin Luther King and I have helped others, in obvious different ways; still, everything contributes to service for others.

Mr. CUNNINGHAM. Mr. Speaker, I would like to thank the gentleman from Ohio for having called this special order. I appreciate the opportunity to join my colleagues in honoring the African-Americans that have contributed so much to the history of this great Nation.

In 1926, Dr. Carter G. Woodson, the father of Black history, established Negro History Week, and in 1975 it was extended to a month. I am proud to join my colleagues in the House of Representatives in recognizing the history and culture of all Black Americans.

And while it is important that we remember the work of Frederick Douglass, W.E.B. Dubois, Rosa Parks, A. Philip Randolph, and the thousands of other Black Americans who have made a difference, I feel it is equally important to recognize the Black Americans who are making a difference in their communities today. Black Americans are looking for new solutions for problems which have long plagued the Black community, and foremost among them in my mind is Dorothy White Smith. It is fitting, that with this year's Black History Month focusing on education, that we honor one of San Diego's greatest educators.

Mrs. Smith moved to California in 1967 and first settled in Long Beach, where she earned her master of arts degree from Cal State, Long Beach. She thentaught English at Millikan High School and Long Beach City College. She moved to San Diego in 1973, where for the past 18 years, she has contributed greatly to her profession, to African American culture,and to the city of San Diego.

Dorothy Smith has taught at San Diego City College for 18 years and is currently a visiting professor in the school of teacher education at San Diego State University, where in 1990 she received the Outstanding Faculty Award. But she is best known for her distinguished service as a member of board of education of the San Diego Unified School District from May 1981 to December, 1988. As president of the board in 1984 and 1988, and vice president in 1983 and 1987, she initiated the core curriculum policy and many other innovations to provide students of all cultural group with higher educational quality and greater access to education.

Mrs. Smith has written numerous publications on shcool reform, educational responsibility, parent-student relationships, and the role of Blacks in the educational process. In here doctoral studies at the University of Southern California, her dissertation focuses on teacher characteristics for culturally diverse schools. Mrs. Smith founded the African American Advisory Committee to the Superintendent of Schools and is a member of Women, Inc., Alpha Kappa Alpha Sorority, the Urban Mathematics of Collaborative and Martin Luther King Jr. Memorial Committee, the Allensworth State Historic Park Advisory Committee and the San Diego Dialogue.

For her accomplishments and here community service, Mrs. Smith has received over 70 professional and community awards. Her contributions are certainly deserving of recognition during this year's Black History in Education Month. I am honored to be able to recognize this great educator, San Diegan, and Black American.

Mr. RANGEL. Mr. Speaker, let us now, in memory of the 26th anniversary of his assassination in the Audubon Ballroom in Harlem, take this opportunity to revisit the life and legacy of Malcolm X. I dedicate my comments to the children of Malcolm X, Attalah, Qubilah, Ilyasah, Gamilah Lamumbah, Malikah Saban and Malaak Saban, and to his wife, Betty Shabazz.

Why speak now about Malcolm X? Because to the great misfortune of both blacks and whites he was dismissed and distorted by the mainstream press and public while he was alive. Because the circumstances which shaped his life—racism and oppression—are still very much in force today. And, Mr. Speaker, because 26 years without a proper recognition by this body is, in my estimation, far too long.

I feel very close to Malcolm X, Mr. Speaker. He is one of Harlem's greatest citizens. New York City has named one of its grandest avenues in his honor, just as it did for Frederick Douglass and Congressman Adam Clayton Powell, Jr. Percy Sutton, a leading Harlem businessman and former Manhattan borough president as well as a good friend of mine, was proud to be his lawyer. And his funeral, which attracted over 30,000 people, was the largest funeral in Harlem's history.

Malcolm lives on in Harlem today, 26 years after this funeral. Columbia University, the State and city are cooperating with the people of Harlem to memorialize the Audubon Ballroom, the site of many of his lectures and, ultimately, his death. Columbia has also established a medical scholarship fund for minority students in Malcolm's memory. Already, five Malcolm X scholars have been named; three are already doctors.

Malcolm X remains an inspiration to people everywhere as a figure of strength, self-reliance in the face of oppression. Particularly today's youth, many struggling to beat back poverty and despair, look to the man whom they never knew as an inspiring figure of strength and determination, who was one of them. He had been where they are, knew their hurts, nursed their dreams.

Today, people play and replay the records of his speeches, study his autobiography, refuse to attend school or go to work on the anniversaries of his birth and death. He is immortalized in the minds of African-Americans today—in song and poetry, in the hopes and pains of yet another generation of people who yearn, like he did, to realize their potential.

Listen to his words of December 1964: "Look at yourselves. Some of you teenagers, students. How do you think I feel—and I belong to a generation ahead of you—that you have to be born into a society where you must fight for basic human rights. What did we do, we who proceded you? Nothing. And don't you make the same mistake we did." People today listen to these words, and they understand * * * and they will not make the same mistake.

Malcolm X did not preach black supremacy. But he did preach, in no uncertain terms, black pride and black redemption, black affirmation and black unity. He presented to America the image of a black person that one could—that one had to—respect.

As Ossie Davis said, "Malcolm said get up off your knees and fight your own battles. He would make you angry, but he would also make you proud. It was impossible to remain defensive and apologetic about being a Negro in his presence. He would not let you."

Born Malcolm Little on May 19, 1925 in Michigan, Malcolm X was molded by the racism of the United States. Racist episodes checkered his early life, like those of so many blacks born in America. When he was 4 years old, his house was burned to the ground as white police and firefighters looked on. Two years later, his father was killed in what Malcolm always believed to be a lynching. In school, his teachers crushed Malcolm's aspirations to be an attorney and instead advised the gifted student to become a carpenter; he dropped out after the eighth grade.

Malcolm moved East, where he found first jobs, then crime. When he was not yet 21, Malcolm was finally arrested for burglary and sentenced to 10 years in prison.

In prison, he educated himself through correspondence courses and by reading the dictionary from A to Z in the glow of a light in the hallway. Although his schooling stopped at the eighth grade, his speeches—and you can hear them on records and read them in books—were more articulate and forceful than many I have heard on this very floor.

His struggle in prison to rehabilitate himself on his own is not only a tribute to his self-reliance, but it also suggests the enormous untapped talent—even genius—in today's black youth who now struggle in the inner cities or languish in prison.

After his release from prison, he made his way to Chicago where he entered the Black Muslim movement and changed his last name to X, signifying the African name, long erased from his family, that he would never know.

After organizing a mosque in Philadelphia, Malcolm X was sent to New York City to lead Muslim Mosque No. 7 in Harlem. In just a few years he was able to transform the movement into a national organization. As its most prominent public spokesperson, he literally put the movement on the map.

In Harlem, Malcolm X initially argued that we had to separate from society, that blacks could not hope to succeed in a society that was defying their peaceful overtures with dogs and firehoses and bombings in the night.

In 1963, after continuing disagreements with the Nation of Islam leadership, Malcolm X left the Nation of Islam and started two new organizations in Harlem: The Muslim Mosque and the Organization of Afro-American Unity.

As he said then, "I believe the best solution is still separation, with our people going back home to their own African homeland. But this is a long-range program and while it is still yet to materialize, 22 million of our people who are still here in America need better food, clothing, housing, education and jobs right now."

He began a broad campaign for black America's human rights and brought it to the international level. Malcolm realized that blacks in America were a minority, but only in a narrow sense. Indeed, there are over 100 million blacks in the Americas and over 300 million others on the African continent. When joined, these millions could indeed become a mighty force. And so Malcolm urged unity.

He patterned his organization, the OAAU, after the OAU and united the concerns of African-Americans with those of Africans throughout the world. He took his grievances to the United Nations and sought the counsel and advise of world leaders in several trips to Asia and Africa, including a pilgrimage to Mecca.

Malcolm returned from abroad with his thinking again revolutionized. He no longer opposed whites joining the black liberation movement. During his pilgrimage he realized for the first time that brotherhood could exist among all colors, where no one felt segregated, where there was no superiority and inferiority complexes.

Malcolm X aroused so much controversy—and let's admit it, fear and even hate—because he was unreservedly committed to the liberation of our people in America. He demanded that America keep its promise of democracy to all people and never let anyone, black or white, forget it.

Malcolm X was a remarkably gifted and talented leader whose righteous indignation symbolized the oppression that formed his life. His spirit will rise again, because he is worthy of being remembered and because the racism that shaped him will not let us forget.

Malcolm was a black man who lived and died in leadership to our people. He was one of us. He cried out for our needs, sustained our aspirations, insisted that we were strong when all the world had told us we were weak.

He was a black man who managed to realize a large degree of his abilities in spite of the oppressive pressures he encountered throughout his life. He was a man who acknowledged his own errors as readily as he did those of society and who tried, to his dying day, to correct them all. A man who learned to recognize the humanity of all people, even those who strove to put him and our people down.

Above all, he was a man of courage who would not—could not—wait to save our people.

As the noted African-American scholar John Henrik Clarke said, "His dream of a world where his people will walk in freedom and dignity was temporarily deferred by his assassination. The assassin killed the dreamer but not the dream. The dream is the legacy that he left us."

Mr. Speaker, I close by offering the following lines by Harlem poet Langston Hughes:

What happens to a dream deferred?
Does it dry up
like a raisin in the Sun?
Or fester like a sore-
And then run?
Does it stink like rotten meat?
Or crust and sugar over-
like a syrupy sweet?
Maybe it just sags
like a heavy load.
Or does it explode?

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this special order.

The SPEAKER pro tempore (Mr. NEAL of Massachusetts). Is there objection to the request of the gentleman from Ohio?

There was no objection.

TRIBUTE TO THE LATE HONORABLE SILVIO O. CONTE

The SPEAKER pro tempore (Mr. NEAL of Massachusetts). Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, Mr. JOE MOAKLEY, who is the dean of the Massachusetts delegation, and I have both requested special orders at this time, and I should like to yield at the very outset to the distinguished gentleman from Massachusetts as we begin the eulogy and special order on behalf of our dear departed colleague, SILVIO CONTE from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I thank the minority leader for yielding on this matter. I think both of us will be able to yield time back and forth until all of the Members in the Congress who are desirous of speaking on this issue will have an opportunity.

Mr. Speaker, as you know, the House of Representatives lost one of its most enduring legends 2 weeks ago. Our friend and colleague, SILVIO O. CONTE, died after a valiant 2-year struggle with cancer. SILVIO was a giant of a legislator, the personification of a fighter, and the embodiment of the term public servant.

Since 1958, SILVIO has to the best of his unlimited abilities, represented the citizens of Massachusetts' First District. He served them diligently and daily in countless ways, pressing numbers of battles on battlefronts the world over. He wore his heart on his sleeve, seeking whatever redress the Federal Government offered to improve the quality of life for his constituents—be they from Pittsfield or Amherst, Northampton or Stockbridge.

SILVIO picked up a lot of information from the people of the First District, in hardware stores, gas stations, and during the exercise of his official responsibilities. He learned firsthand of the tremendous burdens parents face in sending their children to college, of the genuine hardships escalating prices for home heating oil cause Berkshire County elderly and low-income families, and of the horrendous pressures, faced by Massachusetts residents as employment opportunities in the steel, automotive, and textile industries move south.

SIL was never one to let circumstances overwhelm him. An inveterate fighter, SIL was determined to always make the best of any situation, to turn any disadvantage to an opportunity. He created public policy from this window of opportunity perspective, seeking always to remedy short-term hardship, with effective and practical programs, and policy that cure existing deficiencies with long-term solutions.

SIL was the kind of guy who extrapolated from commonplace daily occurrences and came up with innovative, effective, and caring legislative responses, offering possible remedies to enduring problems. His creative legislative genius, symbolized today, by countless numbers of effective Federal programs like the Low Income Energy Assistance Program, and the WIC Program for high risk pregnant women and their babies, will serve as a lasting legacy, felt on a daily basis by people the Nation over.

This body has lost an asset of untold value. SIL was a character to be sure. His humor, his sense of theatrics, his inherent comic ability, are all things that lighten our load today. Those same things served him well in this body, allowing him many opportunities to drive a point home, and make sure that its impact was felt. SIL CONTE was a legislative genius, an exceptional strategist, could be partisan as hell on one day, and practically a member of the Democratic Caucus the next. But more than all of this, SIL was one of my dearest friends.

He and Corinne, Speaker O'Neill and Millie, and Evelyn and I, had the occasion to travel together, to play golf, and dine many times, in the course of our many years of friendship. For me personally, his loss will be felt on a daily basis. I'll miss the sound of his laughter bouncing off the walls of the Members' dining room, our Massachusetts delegation breakfasts in SIL'S room in the Capitol, the annual congressional baseball game in the spring, and SIL'S seasonal fashion advice, to all of us offered without charge. I'll miss SIL greatly as will this body. But SIL left us a treasure trove of memories to enjoy, and a legislative body of accomplishment Daniel Webster would envy. For all of this, we are thankful for the gift of SIL'S presence and spirit over the years.

Mr. MICHEL. I thank the distinguished gentleman for his beautiful remarks as we begin this eulogy for our late, departed friend, SILVIO CONTE.

This afternoon we had in Statuary Hall here in the U.S. Congress a formal memorial service for SILVIO. I was privileged to make remarks at that time, as I was at the funeral of SILVIO in his hometown of Pittsfield, and I said at that time that this is a time that I had hoped would never come, for like so many of our colleagues and so many of our dear friends, we all were grieved to lose one of our very dearest friends.

In my case, SILVIO and I did not know one another before he came to the Congress back in 1958, but that evertightening bond of our friendship through the years has been one of the nicest things that has ever happened to me. We had a great deal in common. We were both sons of immigrant parents and we grew up during the Depression, learned early on what work was all about. We both served overseas during World War II.

□ 1810

We both married wives named Corinne over 40 years ago and there are four great kids—as SIL would say—of both marriages.

SIL would be the first to always put emphasis on the family and the church as the really important influences in his life.

He was mighty proud of his Italian heritage and loved to use the French pronunciation of my name on the floor of this House to make the point that even as first generation Americans it was possible in this country to make it to the top in the political arena.

Yes, SIL was a politician, but in the finest sense of the word. He looked upon the office as an opportunity to serve his fellow man. He was always out there championing the cause of the little fellow, the disabled, and the destitute, as was so ably pointed out by the distinguished gentleman from Massachusetts.

But he also held that old fashioned view that if you were able bodied and sound of mind you had an obligation to work for a living and be a contributor to society.

He himself worked long and hard to become a power in the Congress, but he never let it go to his head.

He had no fancy airs. He was not a pretentious man. He really did not bother to spruce himself up all that much either, as has been legendary around here about the mismatches of his clothes. And I hope my friend, the gentleman from Massachusetts [Mr. MOAKLEY] will put in the RECORD the remarks, at the funeral, of the distinguished former Speaker of the House, Tip O'Neill, because he capsuled it so well in his remarks at that time.

He was something like a comfortable old shoe, but we all loved him. And there's no question but that his constituents in Pittsfield and western Massachusetts felt the same way as attested to by the number of times they sent him back here to the Congress, sometimes unopposed, sometimes as the nominee of both parties, and then, too, when we went to the funeral and saw the thousands of people that were in the streets and the businesses practically closed, the schools closed for the day, and as Mrs. Conte reiterated to me afterwards, some 7,000 people who came through the visitation line the night before the funeral. Now, that says something about how a Member of this House was loved and endeared by his home community.

I have some other remarks that I obviously want to include with my extension of remarks, and I will do that at this time, Mr. Speaker, so that they might all flow together, and maybe with only one conclusion or concluding remark to those that I have prepared.

I received a letter from a young lady who knows both Mr. CONTE and knows me. She wrote me on the date of February 14 and said:

> DEAR LEADER: I once read an anonymous quote that said, "Friends are stardust blown from the hand of God." In this great adventure we share on Earth, not many of us are fortunate to find friends whom we truly love and love us.
>
> I know that Sil Conte stole part of your heart and how difficult his passing is for you. Take comfort in knowing that he is now embraced in the Lord's loving arms, and that someday you shall see one another and share a laugh and song again.
>
> Warmest regards,
>
> LINDA LONG.

She is a nice young lady who knows me and knew SIL CONTE, and I think capsuled it so well.

SIL's special concern on the Appropriations Committee had to do with health and education issues. He had a particular interest in our medical schools and long before there were any indications of his being a victim of cancer, he was doing everything he could to expand research activities of the National Institutes of Health to foster prevention and find a cure for all those life-threatening ills that take such a toll.

In SILVIO's case, he kept fighting back—never giving up—on the job until just a week before he passed away. That was his nature. He was a scrapper. He would want to be remembered that way—even to the display of a bit of temper at times when there was good reason for it. Like his penchant for condemnation of governmental boondoggles.

Some say SIL was "flamboyant." I would say he was just doing what comes naturally, giving vent to his Italian heritage complete with gestures.

I might even say he was "bombastic" at times, but it was always for the purpose of dramatizing his point and believe me, he could play the House like a master.

The truth is that beneath all that bombast was a very sensitive, considerate, caring, and lovable fellow.

He loved a good time, enjoyed having funloving people around him, and when cranked up, could be the life of a party.

Even though he didn't have a voice for singing, he liked those who did and appreciated good music.

That's why it was so appropriate to have the Navy Sea Chanters sing for the service earlier today.

We all respected SILVIO for his professional talents as a lawyer and legislator.

He brought to his tasks a contagious zest, an intense gusto, an irrepressible sense of joy that reflected his view that politics is, after all, a human endeavor—and quite often a funny one.

While his recreational pursuits were officially classed as amateur, I considered him a pro when it came to hunting and fishing. He could put us all to shame with his catch and his limit. Moreover, he loved to serve as the chef when it was time to put it on the table, and there was no one better.

Oh how we are going to miss those wild game dinners and fish fries he was responsible for.

He was a great sport fan, and enjoyed chomping a cigar while playing gin rummy or as a bridge partner of another of his old buddies, Speaker Tip O'Neill.

When SIL was managing and I was pitching, we had the winning combination to beat the Democrats at baseball 13 years in a row.

And for the record, SIL would want the Washington Post's beautiful editorial on his passing amended to read that we played "hard ball" not "soft ball."

Finally, SIL was a renowned gardener of both vegetables and flowers. We were always comparing notes and this spring, I will surely be babying those amaryllis bulbs he asked me to try, for each new bloom will remind me of 32 years of friendship with the greatest of them all.

We tried at the funeral and again here today to say in a simple homespun way that all of us and so many others loved SILVIO deeply, as his family did, and we share your sorrow and your profound loss.

But we take heart because we have beautiful memories of having shared our lives with one beautiful person, SILVIO O. CONTE.

Mr. Speaker, at this juncture, I am most happy to yield to the distinguished chairman of the Committee on Appropriations where SILVIO served for, I think, maybe all of his tenure in the Congress, and eventually as our distinguished ranking member.

Mr. WHITTEN. That is correct. It was wonderful service while he was here.

Mr. Speaker, I appreciate my friend yielding to me. I would like to point out some of the record that I know from having served on the Committee on Appropriations with him during that time, as I have with my friend, the gentleman from Illinois.

SILVIO CONTE leaves a tremendous record of service to the people of his district, State, and to the Nation. His effective efforts for many national programs, particularly education and the environment among many others, will be sorely missed.

First elected to the committee in 1959, he became ranking Republican on the Treasury-Postal Service Subcommittee in 1965. In 1970, he became ranking Republican on the Transportation Subcommittee, and in 1981, he became the ranking minority member on the Labor-HHS-Education Subcommittee, a position he retained until his death.

SILVIO was serving his 13th year as ranking Republican on the full Committee on Appropriations in the House of Representatives and with the approval of the committee, he was a member of each of the 13 subcommittees. His wide ranging interests, with the help of his staff, touched each of those subcommittees. He was active and successful in many areas: Transportation, Labor, Health and Human Services, and matters affecting the environment were the chief beneficiaries of his energy and efforts. He also really stuck to his guns in fighting what he considered excessive support of honey producers.

During this same 13-year period I have been chairman of the Appropriations Committee and a member of each subcommittee. We have worked together to have truly a bipartisan committee which, since 1945, has held the total of appropriations bills $180,800,000,000 below the recommendation of the various Presidents. Since 1959, he has been a part of that. We also served together as regents of the Smithsonian Institution.

SILVIO CONTE'S life and his success is truly a shining example of what has occurred in past years. From childhood, a member of a working and close family of fine citizens with a limited income, by reason of determination and application, with the help of the GI bill, SILVIO graduated from law school, was elected State senator, and 17 times to the Congress.

He never forgot his appreciation for the opportunities which our country provided. Truly, he will be missed but the benefits of his service here will long endure.

To his fine family we extend our sincere sympathy. We have lost a dear friend. I shall always remember and cherish our service together.

Mr. MICHEL. Mr. Speaker, I yield to the distinguished gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Speaker, I thank the gentleman from Illinois [Mr. MICHEL] for yielding.

You know, BOB MICHEL was truly one of SILVIO CONTE'S finest and best friends, and I know how tough it has been for BOB to go through this, but SIL CONTE actually loved you, and you knew it. He had more respect for you; he respected everyone, but he had more respect for you, because he knew what you stood for, and he knew how much you cared about people, and it was just a great admiration.

I rise to pay tribute to my good friend, SILVIO CONTE, dean of the Massachusetts congressional delegation, third most senior Republican in the House of Representatives, ranking minority member on the Appropriations Committee, SILVIO CONTE exhibited a quality of statesmanship which is worthy of the highest praise.

He was an amazing character. He never allowed things to be dull in this House. From the Red Sox to the Republican ball team, he coached us in how to play hard and compete vigorously and win or lose with class. He could exert equal powers of persuasion with a pig snout or with a passionate plea for a needy cause. His clunky car spoke of the fact that SIL CONTE did no give a fig about appearances. He got to the heart of a matter, and he would use the full measure of his conviction and charm to mobilize a majority around his position. I never knew a colleague who fought harder for what he believed.

I will remember SIL CONTE for his active mind, a mind which could cut through the heavy smog of politics to advance a worthy legislative agenda. I will remember his dynamic spirit, a spirit which charged into space avoided by the weak and timid to boldly call this House to do it's duty. Most of all, I will remember his great heart, a heart which drove him to work tirelessly and compassionately in behalf of those in need.

SILVIO CONTE had an enormous impact on this House and on our Nation. We will miss his vitality, his humor, his stubborn devotion to serving the neglected and forgotten among us, his wild and wonderful zest for life.

□ 1820

From a professional standpoint, he was a mighty warrier for justice and peace, a model public servant who will forever command our respect.

From a personal perspective, I know of no one in this House for whom I have deeper appreciation and warmer affection. He was truly one of a kind.

Mr. MICHEL. Mr. Speaker, I yield to our ranking member on the Committee on Appropriations, a very good friend of SILVIO for many, many years, the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Mr. Speaker, I thank my dear friends, the gentleman from Illinois, the Republican leader, Mr. MICHEL, if this Irishman can continue a tradition born in this Chamber several years ago. It is a great privilege for all Members who gather this evening in sadness, as friends of SIL CONTE, with this special order, and indeed we all gather here in a moment of sadness, but also in a moment when there is an opportunity to pay tribute to one of the most effective, one of the most colorful, and one of the most loved Members of this House.

Mr. Speaker, I want to say that if the good Lord's spirit gives me 150 years, I will never forget the day in Pittsfield, MA, when we saw a town stop and come together and pay tribute to the Member of the House, and we heard eulogies by the distinguished former Speaker, Tip O'Neill, a friend of SILVIO, and my dear friend from Illinois Mr. MICHEL, in the church that day that lifted all of the congregation in a moment of great sadness, and made everyone feel a community, and made everyone feel better, even at the very moment of our greatest grief.

With his passing, SIL left a remarkable record of legislative achievement, and all of his colleagues with fond memories. He is a man who obviously loved life and the job and the people of Massachusetts for his district who wisely elected him for the past 32 years. What a job he did. He left his stamp on countless pieces of legislation, and tirelessly promoted Federal programs that benefited the less fortunate members of our society—the poor, the aged, the young people. He worked in a bipartisan fashion as the senior member of the Committee on Appropriations, to draft responsible legislation, and he was never afraid to speak out alone no matter what the issue, no matter what the occasion.

He also left his mark on this House through his colorful personality. When he took to the floor all Members sure listened. Oh, we were treated to lots of times to unforgettable oratory, and we talked about his poetry and even critiqued it, but what we all heard was a man of enormous conviction, speaking out of his heart for what he believed was right. He was a committed warrior when he fought for a cause, and no matter what the issue, everyone always wanted SILVIO CONTE on their side.

SIL was also the kind of man who could brighten a room by entering it. We also experienced that all over the world. He was ready with the joke. He was ready with a good story at a stressful moment in a legislative session. SIL could be counted upon to break the ice with humor, and put partisanship aside, as can be attested to by his many friends on both sides of the aisle. SIL was always a competitor, whether in an appropriations conference or as the revered manager of the Republican baseball team, where our friend from Illinois, Mr. MICHEL, got him 13 and 0 in wins and losses.

Few Members of the House could count as many friends and admirers as SIL has. The people of Massachusetts have lost an effective champion. The people of the Nation have lost a great legislator. Members of the Committee on Appropriations will sorely miss SIL's leadership, and the Members of the Hosue will miss a powerful personality and a respected human being. We have all one thing in common: We will not forget our good friend, SILVIO CONTE, a legend in the history of the House of Representatives.

In reflecting on SIL's life, I close by paraphrasing the words from the Epistle of Paul which comes to my mind:

> You fought the good fight, you finished the course, you have kept the faith.

These magnificient words certainly apply to SIL and the way that he has lived his life every moment of it. Our love and our deep sympathy go out to SIL's wife, Corinne, and their children, John, Gayle, Michelle, and Sylvia.

Mr. MICHEL. Mr. Speaker, I am happy to yield to a member of SIL's delegation, the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, just as the passing of SILVIO CONTE was a great loss to Massachusetts, to this institution, and to our country, so did we all profit from his life.

In this House, SILVIO was a poet among pendants and a nightingale among crows. He could murder the English language while somehow flattering the victim. In debate, there isn't one of us he couldn't out-talk. He had the lungs of Thor, the wit of Lincoln, the chutzpah of Teddy Roosevelt, and the rhyming ability of Shakespeare's evil twin.

We all have televisions in our offices now. We all know to turn the volume down or off as soon as one of our distinguished colleagues is recognized to speak. Masochism has, after all, its limits. But how many times did we look up and see that SILVIO CONTE was about to speak, and—especially if we noticed that little sparkle in his eye, that little reddening in his nose, that twitch of fiendish glee around his mouth—did we turn the volume up? This is no small thing. Punching that little up arrow on the remote may be the greatest tribute we can give to a fellow Member of this institution. It is certainly the rarest.

No one could be funnier than SILVIO CONTE, but few did more serious or productive work. Whether the issue was home heating oil prices or support for the Coast Guard or offshore oil drilling on Georges Bank, SILVIO was always in the game, always fighting and if there was a way, any right and principled way to win, he would win.

Recently, I have had the opportunity, as chairman of the House Subcommittee of Fisheries and Wildife, to work with SILVIO on a range of issues that were particularly close to his heart.

In 1989, we enacted the North American Wetlands Conservation Act, the largest conservation and wetlands preservation plan in our Nation's history. Together, we worked to restore the Atlantic salmon to New England's rivers, to save the striped bass, and to expand our Nation's wildlife refuge system.

Not long ago, I said in a statement on the House floor that SILVIO CONTE was the most distinguished sportsman-legislator of modern times, an assessment with which—SILVIO told me afterwards—he fully agreed. No one fought longer or harder to protect America's open spaces and to guarantee habitat for the fisheries and wildlife resources that are a glorious part of our Nation's heritage. No one in this body made a greater personal effort as a hunter and fisherman to enjoy that heritage. I doubt there is a fish, or duck, or goose, or elk in our country today that does not owe SILVIO CONTE a debt of gratitude, unless, of course, SILVIO had, at some point, done something sporting to one of their relatives.

SILVIO CONTE was a national treasure. He is sure to be remembered because we could not, even if we tried, ever forget him. We can no more replace him than we could bring back to life a species that has become extinct. He was one of a kind.

Yes, we mourn his passing; we begrudge his absence; we feel deeply his family's loss; and some of us, especially those of us from Massachusetts, have still other, more practical, reasons for our sorrow. But we are satisfied that although time will temper our pain, it will only burnish the record, the reputation, the accomplishments and the memories we all share of SILVIO CONTE'S time among us, of his service to this Congress, of his service to this Nation, and of his gifts of friendship, and inspiration, to us all.

Mr. MICHEL. Mr. Speaker, I want to thank the gentleman for enlarging on SILVIO'S fishing and hunting prowess, because he did love the out-of-doors, and did as much as the gentleman indicated for the environmental movement in this country and for those of our country out there who love to fish and hunt. As a matter of fact, the Secretary of State today, in his remarks at the memorial service in Statuary Hall, made special mention of the times the two of them hunted, and the good times they had together. It was my privilege to appoint SILVIO to the Migratory Bird Commission, on which he has served for so many years with such distinction.

I yield to the distinguished Delegate from the Island of Guam, the former Marine general, Mr. BLAZ.

Mr. BLAZ. Mr. Speaker, SIL CONTE was the best friend I have never known.

I have a deep admiration and am very envious of those who have known SIL CONTE well, for it is so obvious he was an extraordinary person. Sadly, I have to say I knew him only slightly and learned much about him through the eyes and expressed sentiments of our colleagues. Of course, I had met him, several times in fact, and I knew he liked me because when introduced to him, he'd always say, "Pleased to meet you."

While I suspect he knew where I was from, he did express a curious uncertainty about my background. Once when I was in the company of NORM MINETA, he asked how things were in the Japanese-American community. Still another time when he met me in the company of GEORGE GEKAS, he expressed solicitous concern for the Greek community. Still again when he came upon me conversing with ENI FALEOMAVAEGA, he inquired about the culture of American Samoa.

It seemed for a time then that SIL would never completely satisfy himself as to my ethnic background, until one day when I was in conversation with BOB DORNAN. BOB was flowing with Irish green, and I made the comment that I, too, was Irish. As in Notre Dame Irish. Overhearing that, SIL fairly bellowed, "Well, that makes you Italian! Hi, I'm SIL CONTE." So in a sense, I had to go around the world for him to find out who I was, but it was a journey well worth it.

There was another journey as well, this one to the funeral service in Pittsfield. While driving through the beautiful Berkshire Mountains, I ask BARNEY FRANK whether SIL's district was Republican or Democratic, and he said, "We don't think of it that way. We just refer to it as SIL's district."

That comment, I think, must have brought a smile to our Founding Fathers, because they saw our role here not as Republican representation, not as Democratic representation, but as the people's representative. SIL rose above partisan concerns to be the people's representative. To me that speaks volumes about our service here, our advocacy of the issues, the currency of our thoughts. On whatever side of an issue we stand, our foundation must be firmly set upon the good of the people.

As we drove through the mountains, I had a sense of déjà vu. I was struck by how familiar everything seemed as if I had been there before and knew the area intimately, and then I realized I had. I had been there through the pictures of Norman Rockwell. We all know the basic virtues those paintings extolled. They are deeply ingrained in the hearts of Americans everywhere. SIL CONTE came from Norman Rockwell country, and its values were his.

Later that day, during the offertory of the funeral Mass, I watched as his grandchild carried the hosts up to the altar. I had seen the child before and wondered for a moment where. And then I realized that I had stood behind SIL and him with my own grandchild at our swearing in. I was struck as I watched SIL raise the child's hand and then his own so they could take the oath together, and I marveled at that deeply felt show of patriotism. It's been said that SIL CONTE was plaid and stripes together, but in addition to that I'd like to add that SIL CONTE was stars and stripes forever.

So much has been said here today about SIL's character that it brings to mind Polonius's advice to his son in "Hamlet":

> This above all; to thine own self be true and it must follow as night the day, thou canst be false to any man.

SIL CONTE was true to his family, true to his church, true to his colleagues in the Congress, and true to his country. But above all else, he was true to himself.

It is said a person's worth is measured by the contributions he has made to others. Indeed, the highest accolade that can be paid to another is the simple statement, "I am a better person for having known that man or that woman." I can say with deep feelings that I am a better person for the experience, even though I hardly knew SIL CONTE.

In the military, we have an old tradition. If a certain gentleman were to join us and if this gentleman were known to have fought with distinction, it is not unusual for someone to say, "Gentlemen, please rise, so and so who fought so valiantly has joined us."

When SIL CONTE gets to heaven, someone will say, "Ladies and Gentlemen, please rise. This is SIL CONTE, who fought the good fight." Ariverdecci mio paisano, mio amico.

□ 1830

Mr. MICHEL. Mr. Speaker, I thank the gentleman for his very beautiful and eloquent eulogy.

Mr. Speaker, might I yield at this juncture to the distinguished gentleman from California [Mr. WAXMAN], noted in this House for being closely allied with the health issues in which SILVIO himself dealt with these same issues from the appropriations side, rather than the legislative side.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman very much for yielding to me.

Mr. Speaker, I want to thank Mr. MOAKLEY, Mr. MICHEL, and Mr. WHITTEN for providing this opportunity to share our thoughts on SIL CONTE, our great friend and colleague.

Over the past 2 weeks I've been thinking about what SIL meant to this House. Not in terms of his legislative accomplishments, which everyone knows about, but more about his presence. His extraordinary ability to enrich those fortunate enough to work with him. The subtle contributions of a not very subtle guy to making the institution work. His unparalled ability to make our staffs and us stop what we were doing and listen to his floor speeches. And I've realized that if any Member of this House is irreplaceable, it's SIL CONTE.

I have great memories of SIL. I can remember huddling with him on this floor, his arm thrown warmly around my shoulder in friendship, trying to figure out how to increase NIH funding. On another day in 1981, during a late night session, on this same floor, I remember him wanting to give me a different message and sending me his inimitable Italian salute. Only SIL CONTE.

SIL had an unbeatable combination of ability, determination, and irreverence. No Member was as effective, and none had a better perspective of himself. SIL instinctively knew what many people in politics never learn—you can enjoy yourself in a serious business. It's OK to laugh, to poke fun, to trade stories. SIL did all of that and still legislated better than any of us.

SIL may not have taken himself seriously, but no one was more concerned about the less fortunate, the environment, or solving society's most intractable problems. I had the privilege of seeing his tenacity and commitment firsthand. Whether it was family planning or creating the senior biomedical research service, SIL had an incomparable ability to keep the process moving and get results.

And when there were issues that kicked over from Congress to Congress, like clean air, you could have no better friend than SIL CONTE. In the 10 years we fought for legislation, I never really worried about losing a floor vote. It didn't matter that virtually all of American industry was on the other side, or that on some issues we didn't seem to have a great chance. I knew that with SIL on my side we would pick up at least 40 new votes just on the power of his closing speech.

When we passed the Clean Air Act last year, SIL was careful not to steal the limelight, though he deserved as much credit as anyone in this House. It was his amendment in 1987 that set the stage for last year's legislation. And it was SIL who never tired of a decade long fight for acid rain control. He knew he would succeed and he did. In the years to come, as the skies in Massachusetts and other States grow cleaner, Americans across our country will have SIL to thank.

Mr. Speaker, we can all be very proud of the honor SIL CONTE brought to this House, and we will all miss him.

□ 1840

I thank the gentleman.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman, and I am glad at this time to yield to the gentleman from New York, Mr. RAY MCGRATH.

Mr. MCGRATH. I thank the minority leader very much, and I want to thank our leader for taking out this special order to give us an opportunity to pay tribute to our friend SIL.

Mr. Speaker, today we are here to pay tribute to a colleague deeply loved by all Members of this body. SILVIO CONTE will be long hailed as one of the finest people ever to serve in these great Halls of Congress.

Not content to offer his own constituency the full benefit of his talents, SILVIO became a leader in the House, becoming a champion in doing away with Government waste and for his compassion for the downtrodden.

While he could become a stalwart Republican in the most bitter of partisan battles, his concern for good government led him to work diligently with House Democrats to achieve many compromises on many, many complex legislative issues.

His ability to stand on principle yet negotiate fairly with the opposing body, the opposing views, made SILVIO a treasured asset to this institution, who will be long remembered and sorely missed.

More important, Mr. Speaker, than his legislative skills, in my judgment, were SILVIO personal traits. I remember SILVIO as one of the most helpful people I met when I first came to this House many, many years ago.

Over those many years our friendship grew and flourished. Without a doubt he was one of the most friendly, warm, caring individuals whom I have ever known.

He accepted his leadership role in this House by being a constant source of assistance to the younger Members. Whether through legislative strategy tips or being a friend in need, SILVIO CONTE was a model for all Members to admire and emulate. I will miss SILVIO, as I know everybody will, but our memories and our love for him will keep him alive in this Chamber and certainly in our hearts forever.

God bless you, SIL.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I am happy to yield to the chairman of the Democratic Caucus, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the distinguished minority leader.

The American public far too often, I think, gets the impression that when they see us in combat, that this House is badly divided along partisan lines. There clearly are partisan differences, but what they do not often see, unfortunately, are the bonds between almost all of us and the commitment to represent the best interests of our people who have sent us to this body, and to represent the citizens of this great Nation.

There are some extraordinary Members among us—and I might say the minority leader is one—who reach out to bring us together, who reach out to exemplify fairness and fullness of spirit. Certainly, however, SIL CONTE was one of the few who stood out in reaching across generations, as my friend from New York, Mr. MCGRATH has said, across party lines, across regional lines, across philosophic lines.

I wish that I could emulate the rage that sometimes he would feign, I think sometimes, but nevertheless express on so many different issues on which he cared so deeply, and then he would walk out that door arm-in-arm with the object of his rage, saying, "Wasn't that good fun? Tomorrow we will be together."

That is what you learn over a career as a legislator, that today's adversary may well be tomorrow's ally.

SIL CONTE built up a tremendous amount of respect in this House. No one exemplified the greatness of this institution more than SILVIO CONTE.

I would like particularly to associate myself with the remarks of the gentleman from Massachusetts [Mr. STUDDS], who I think, as the minority leader pointed out, captured the essence of SIL CONTE. And I think his example of pushing the volume button up, which so rarely we do with our colleagues—it is usually much more likely to be the other way—but with SIL CONTE we all wanted the volume button up, not because he did not put the volume up himself but because we did not want to miss a single sentence, a single witty statement, a single joke, a single pithy statement and, at times, a single cutting statement which got to the essence of what he thought was perhaps the shortcomings of his opponent's argument.

SIL CONTE was loud sometimes when he spoke, but rarely as loud, sometimes, as he dressed. In an institution peopled by those of us who wear dark suits and red ties, he stood out magnificently, outrageously, and, I thought, from time to time outlandishly; but he stood out.

SIL CONTE was the essence of that unforgettable character that all of us have spoken about. I had the privilege, as some of you know, of serving with SIL CONTE on the Appropriations Subcommittee on Labor, Health and Human Services, and Education. Many of my appropriations colleagues are here who served on both sides of the aisle.

One of the joys of being an appropriations member is that rarely is the aisle identifiable. It is there from time to time, but we work together for the benefit of our country.

SIL CONTE served as the ranking member on the Subcommittee on Labor, Health and Human Services, and Education, and it exemplified his deep concern and caring for people.

Two programs in particular: I mentioned one the other day when I spoke, the Low-Income Energy Assistance Program. It was important for his region, but it was important for people he felt had no advocate, who were at times defenseless, who were at times placed in positions of real pain because of having to make difficult decisions between purchasing energy and purchasing other essentials of life. Nobody in the Congress of the United States stood up and spoke out more strongly on behalf of that critical need, not just for senior citizens but for those who could not pay.

I will remember also his fights in the subcommittee, in the full committee, and on the floor, and indeed in conference. The minority leader remembers the fights as well. I am sure he had a few conversations out of my hearing with the President of the United States with respect to these programs.

And the other program, among so many that he cared about and which has been referred to—and we are building a building that will be named for SIL CONTE. It is an appropriate honor for him because what NIH is today was so much the result of his work through the decades that he served here.

But the other program was the Job Corps Program, a program to take young people, in cooperation with the private sector, and give them a skill so they could become productive and involved citizens of our country.

□ 1850

In closing my remarks, when I last spoke I said, "God bless you, SIL. We miss you, and we love you still."

Let me add to those remarks, "And we always will."

Mr. Speaker, we all felt the terrible loss this House suffered recently with the passing of our colleague and longtime friend, the Honorable SILVIO O. CONTE of Massachusetts. I want to take this time to add my thoughts on my friend SIL and his contribution to the House and the Nation.

Mr. Speaker, no one exemplified the greatness of this institution more than SILVIO CONTE. In his 32 years as a Member of this House, SILVIO CONTE was a friend and confidante to his colleagues, a passionate advocate of what he believed in, and a legislator's legislator. SIL CONTE knew that, as in any legislative body, your opponent one day can be your ally the next, and he graced the Halls of this Chamber with his strongly held beliefs, his wit, grace and charm, and his friendship.

I was honored to work with SIL CONTE as a member of the Appropriations Committee, and the Labor, Health and Human Services Subcommittee.

SIL CONTE was many things, and I will only have a brief time to recall some of what I consider the highlights.

First, of course, was his sense of humor. SIL CONTE was one of the Members who balanced humor and seriousness; who could always see the humorous side of an issue. And he certainly wasn't afraid to stand out in a crowd.

Every year, when our committee debated appropriations for the Coast Guard, for example, SIL would arrive dressed in a loud sports jacket covered with signal flags. And when asked where he got such a thing, he'd answer, "where I get all my clothes—Filene's basement."

And everyone by now has heard of his passionate arguments with the continuing subsidy for beekeeping. SIL'S arguments against what he believed was too sweet a deal caused us all to laugh while still reviewing a serious topic.

Even as ranking Republican on the committee, and one of the most senior Republicans in the House, SIL CONTE was always a bipartisan legislator. He fought for what he believed in, whatever it might have been at the time, regardless of party position. And he wasn't afraid to acknowledge the achievements all great Americans and great leaders, as he proved by his continuing devotion to the John F. Kennedy Library in Boston.

Mr. Speaker, I had occasion to disagree with SIL CONTE on issues of import to my constituents, particularly on the Beretta handgun. SIL, whose district included one competing gun manufacturer, was a worthy and difficult adversary, always prepared and well versed on the issues. But he never forgot that we were friends and colleagues, and never let political differences interfere with comity.

But, besides his humor and his charm, SIL CONTE will be remembered for the people he helped and fought for.

On the Labor-HHS Subcommittee, SIL CONTE was an untiring advocate of funding for biomedical research, for education funding for America's future, and was the key advocate for the Job Corps Training Program and the Low-Income Home Energy Assistance [LIHEAP] Program, a program which assists hundreds of thousands of Americans who might otherwise be faced with the Hobson's choice of heat or food.

SIL CONTE'S compassion was clear. He was the original Republican cosponsor of the pioneering Americans With Disabilities Act in the 100th Congress, a leader in the effort to ensure basic civil rights for 43 million Americans with disabilities.

This House and this Nation will miss SILVIO CONTE deeply. The people of western Massachusetts can take heart in knowing that they had the excellent judgment to send SIL CONTE to Congress in 1958, and 16 more times. The sound of his laughter and booming voice will echo in this Chamber for a long time to come, and his warmth will be felt in our hearts as long as we live.

SIL CONTE not only loved his colleagues, he loved the people. No one with whom I have served in the quarter of a century I have been in public office more deserved the love of his colleagues, the love of his constituents, and the love and respect of the people of this country. We are all lesser people this day because of his absence. We will miss SIL CONTE. He will not soon be, if ever, replaced. He was one of America's most unforgettable characters, to whom we owe so much, and who cared so much about all of us.

God bless you, SIL; we love you still.

Mr. MICHEL. Mr. Speaker, I thank the distinguished chairman of the Democratic Caucus, the gentleman from Maryland [Mr HOYER], and it is very appropriate that we should have following his remarks the gentleman from California [Mr. LEWIS], the chairman of the Republican Conference.

Mr. LEWIS of California. Mr. Speaker, SIL CONTE will always be a man of the House. His life is a shining example—a celebration, if you will—of the best that Congress has to offer. To say the least, he will be sorely missed.

SIL was colorful—in spirit, in dress, in words, and in deeds.

He was king of the limericks, full of wit and charm and grace and style.

And, most importantly, SIL was always as good as his word.

I can see him now, making his way to this well—that look in his eye that said, "Watch out, here comes SIL,"—and delivering an impassioned plea to eliminate this or that pork barrel project.

I can see him wearing that wonderful rainbow colored sportscoat in the springtime that turned so many heads. He is among the few Members who, over the years, caused my staff to literally drop their work to listen to what he had to say.

SIL did a masterful job at what can only be described as a thankless task. As the ranking member on Appropriations, he was fantastic at balancing the wants and needs of other Members and limited committee resources.

I learned a very valuable lesson from SIL: "Be careful what you wish for for your wish may come true." I once made the mistake of mentioning to SIL my disappointment of serving on too few conference committees. Well, SIL fixed that. The next day, he appointed me to the thankless Gramm-Rudman conference which lasted round the clock for 2 weeks. That exercise cured me of the need to serve on conference committees.

SIL and I happened to share a common interest in gardening. His specialty was homegrown tomatoes. After telling SIL how much I loved homegrown tomatoes, a bag arrived on my desk with four of his famous tomatoes—one of them carefully grown in the shape of a man's anatomy. It was truly a piece of work.

Some months later, SIL dropped off some tomato plant roots for me to plant in my garden in California.

Those plants have received a great deal of attention; their seeds have grown and prospered. And, they will remain, like his memory, a living part of this Member's memory for years to come.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman from California [Mr. LEWIS].

Mr. Speaker, I yield to the gentleman from New York [Mr. MCHUGH] who served with SILVIO on the Committee on Appropriations in the area of foreign affairs and a number of other things.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman from Illinois [Mr. MICHEL], my friend and the distinguished minority leader, for yielding, and it has been a pleasure to listen to all the reminiscences and tributes to SIL CONTE.

Mr. Speaker, there have been many moving tributes to SILVIO CONTE this afternoon—tributes that only begin to provide a glimpse of the great affection in which he was held and of the enormous impact for good that he had.

SIL CONTE was truly a great American and a great human being, and his death represents a profound loss—a loss to his wife, Corinne, his family, his loved ones, and his staff, to whom I extend my deepest sympathies; a loss to the people in western Massachusetts, whom he represented so ably and energetically; to our Nation as a whole, to which he was so passionately committed; to our Committee on Appropriations, which he loved deeply and served well; and to me personally.

I am just beginning my ninth term in Congress, Mr. Speaker. SIL CONTE was just beginning his ninth term when I first took the oath of office in 1975. By that time SIL could already point to a distinguished record of service to our country and there is no reason why he should have shared his wisdom and counsel with a junior Member like me. But he did nonetheless.

As a young member of the Committee on Appropriations, I had the privilege of serving with SIL on both its Agriculture and Foreign Operations Subcommittees. Of his abiding affection for the honey bee there can be little doubt. Our sessions often buzzed with his tributes to that noble species. I remember, too, another occasion, a markup in our Foreign Operations Subcommittee.

We were in the midst of a debate about which foreign countries our subcommittee should condemn for abuses of human rights; as is so often the case with our subcommittee, the debate was heated and passionate. It appeared that we were deadlocked and that our markup would collapse. But SIL reached into his briefcase, pulled out a dart, and tossed it across the room at a map of the world that hung on the opposite wall, suggesting his own personal solution for resolving the problem. It helped redirect us to the task at hand.

I agreed with SIL's views more often than not; when we disagreed, he was a masterful foe—one who loved the battle but who used humor as a weapon to help heal any differences we may have had. Whether it was his poems on the House floor or the occasional costumes he wore, any debate involving SIL was always a lively one.

He was elected to the House of Representatives in 1958. His opponent at that time was James MacGregor Burns, a distinguished author and professor at Williams College. SIL was a State senator who had served in the Massachusetts Legislature for a number of years and many people believed that he had little chance of winning. But he won that race decisively.

Even as his congressional district grew ever larger geographically, he kept winning each succeeding contest handily. Indeed, he was nominated by both parties on three occasions and was reelected without opposition on eight occasions. His new constituents quickly came to recognize what older ones already knew—that SILVIO CONTE was a man of integrity who would represent their interests and do what was right for our Nation as well.

SIL was a Republican. But he was eager to help any President, Republican, or Democrat. His vote was critical in helping President Kennedy to break the power of the conservative coalition that controlled the Rules Committee and was blocking consideration of the young President's program.

In 1986 SIL reflected on that decision:

> In those days, young Congressmen kept their mouths shut and did what they were told to do. Taking a stand on this particular issue—voting my conscience—would cost dearly.

SIL voted his conscience nonetheless.

SIL was also an institutional loyalist, one not afraid to take on any administration that challenged the constitutional prerogatives of Congress. Nor was he shy about defending the jurisdiction of the Committee on Appropriations when other committees in this House challenged it.

He was a man of the House with many friends in the Senate, friends he consistently outmaneuvered on innumerable occasions in our conferences with the other body.

SIL was a man deeply committed to the sick, the poor, the disadvantaged, and the elderly, whether in our own country or abroad. He told a Boston College audience in 1986 that most of the decisions he made "come straight from the heart," and his heart was truly a loving one.

His legacy will live on in the many programs that he developed and nurtured to help the less affluent members of our Nation and of the global community more broadly. The Low-Income Heating and Energy Assistance Program was a special favorite of SIL'S, but he initiated and sustained many others as well.

He loved the Red Sox and tomatoes—he loved his 1970 Pontiac GTO, hunting and fishing, and the Berkshires. He marched with Martin Luther King in Selma because he abhorred racial bigotry. He had little use for ideologs and was booed off the podium at the 1964 Republican Presidential Convention when he had the courage to condemn the extremism of the John Birch Society.

SILVIO CONTE was truly an extraordinary public servant with a special blend of personal qualities. And, though he is no longer with us, we will be better people and more effective representatives for having had the privilege and joy of serving with him.

SIL, we love you and miss you. But each of us will try to work a little harder to make up for the loss our Nation has suffered.

□ 1900

Mr. MICHEL. Mr. Speaker, I thank the gentleman, particularly for his reference to when SILVIO was first elected in 1958. That was not exactly a year of sweep for Republicans. As a matter of fact, it was the first year my freshman class was running for reelection. We lost half our Members. On the Republican side we lost 47 seats while SILVIO CONTE was winning his first election to this House of Representatives. That attests again to his ability for garnering those votes from among the masses of western Massachusetts.

Mr. Speaker, I yield to my good friend, the gentleman from Ohio, Mr. RALPH REGULA, who served for so many years with SILVIO on the Appropriations Committee.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding

The gentleman mentioned the masses, and I cannot help but remember, when we went through the city of Pittsfield, the enormous number of people who were standing outside. It was a day off in that community. It was really remarkable to see the great outpouring of public warmth for their own, SILVIO CONTE.

Mr. Speaker, I rise today to honor a friend, a colleague, and a man who was truly one of a kind.

To say that SILVIO CONTE will be missed is an understatement. To say that he is irreplaceable is probably not off the mark. Walking over here I thought—something is missing—SILVIO and his electric cart with the joyful toot that expressed his love of life. For those of us who knew and worked with SIL over much of his long and distinguished career, he will never be forgotten. For some of our colleagues new to this body I am sorry you will not have the opportunity to experience the wit, the vitality, the character that was SILVIO CONTE.

When he walked onto the floor you never knew whether he would light it up with his colorful wardrobe or his clever words, or both.

SILVIO not only had the ability to entertain us, he was a skilled legislator as well. He took care not only of the people in his district, but through his role on the Appropriations Committee he made a lasting contribution to many sectors of the country.

As an example of SILVIO's caring for others, one of his last efforts as leader of the minority Republicans was to work hard to meet the desires and skills of each minority Member in subcommittee assignments.

He was an avid outdoorsman and cared deeply for our America's rich natural heritage. There are probably few fish and wildlife refuges in this country that do not owe something to SILVIO.

A friend to the birds and the ducks, SILVIO was also a great humanitarian and cared particularly for the less fortunate. He championed increased funding for grants to States for low income weatherization assistance, low income home energy assistance, and similar programs to aid the needy.

SILVIO always marched to the beat of a different drummer and didn't hesitate to take on the administration when he disagreed with them. At the same time he represented our party and our Republican Presidents well in his role as the Republican leader on the Appropriations Committee.

When most of us leave here there is almost always an able replacement waiting in the wings. In SILVIO's case, I suspect this body will never be graced with someone of his style, his grace, and certainly no one with his colorful character, again.

As the George Michael Cohan song says "Always Leave Them Laughing When You Say Goodbye." Memories of SIL will never fail to bring a smile to the face and a tear to the eyes of all of us who were privileged to know and love him.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from Ohio [Mr. REGULA] for his contribution.

A TRIBUTE TO THE LATE HONORABLE SILVIO O. CONTE OF MASSACHUSETTS

The SPEAKER pro tempore (Mr. NEAL of Massachusetts). Under a previous order of the House, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield, first of all, to the gentleman from Massachusetts [Mr. ATKINS], a dear friend of the late SILVIO CONTE.

Mr. ATKINS. Mr. Speaker, I thank my colleague, the dean of the Massachusetts delegation, for yielding.

Mr. Speaker, today we celebrate the life of SILVIO CONTE, a life poured out in loving service. Indeed, there was nothing measured about SILVIO CONTE, not in his friendships, not in his issues, not in his relationship with anything that he did. SILVIO, whenever you saw him, always seemed to be bursting at the seams with an excitement, a love of life, and a passion to do something and to serve. And indeed he, because of those passions, has become, I believe, one of the individuals who, when they look back on the history of this Congress and this era, will truly define us and define all that was best of this institution. I believe he will be looked upon as somebody who has defined the kind of things that we should be doing.

I was privileged to serve as a Member from Massachusetts, and SILVIO really knew no partisan divisions. When I came in as a freshman Representative, he threw his arm around me the way he could and welcomed me in the Congress in a way that I knew he meant it.

Time and time again, when there were projects, when there were concerns for the State of Massachusetts, concerns for people who needed the assistance of government, concerns about protecting the environment and the great wilderness of Alaska, when there were those concerns on our subcommittee of the Committee on Interior and Insular Affairs, SILVIO was there. He was there to help me and guide me, sometimes shoving me in the right direction and giving me advice as he could do so well.

We will miss him. He served and loved and defined this institution in a way that has enriched all of us.

There were millions of people in Massachusetts who knew him well, and there were so many who turned out at his funeral in Pittsfield, people from all over the State. And how SIL would have loved to have witnessed that, because it so perfectly defined him. He represented everybody, including all those persons who become so disenfranchised from our Government, and the one thing they understood was that SILVIO CONTE was their connection with the Federal Government. And as we drove through the streets of Pittsfield, we saw all those handwritten signs: "Pittsfield, Massachusetts, proud home of Silvio Conte."

□ 1910

There are so many people in this country who have benefited from his work in health research and low-income energy assistance, and so many other different programs. SILVIO CONTE'S loss is all of our loss, but we also, through his life, have become enriched and improved.

I would just say thank you to SILVIO. We will miss you.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

Mr. Speaker, I rise today in honor of SILVIO CONTE, a man whose extraordinary contributions to Congress and this country shall endure forever.

For 32 years, SILVIO CONTE was dedicated not only to the people of the First District of Massachusetts but to Americans everywhere. These years of dedication are a glowing tribute to his love for this country. His work on behalf of education, conservation, and transportation has improved the quality of life for all Americans.

However, more importantly, his compassion, hard work, and good humor improved the life of every individual he met. In the Congress, his personal attributes allowed him to transcend party politics and earn the respect of Members on both sides of the political spectrum. The Congress will not be as effective, nor as colorful, without him.

So today, I salute SILVIO CONTE and what he stood for: dedication and service to the people, with a smile for everyone along the way. This memory will continue to be an inspiration to all of us.

Shakespeare, who had a word for almost everything, may have had the future SILVIO CONTE in mind when he said, "He was a man, take him for all in all, I shall not look upon his like again."

Mr. MOAKLEY. Mr. Speaker, at this time I would like to bring to the microphone another friend of SILVIO CONTE, the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on February 8 America lost one of our finest Members of Congress, SILVIO CONTE. For those of us who served with SIL on the Appropriations Committee, he was our ranking member, mentor, and friend.

He was also our role model for what a Member of Congress should be. Much to the discomfiture of his staff, SILVIO was on the job early and worked at full speed ahead until late at night. The rigors of the budget summit were just another day to him. He was an example of what hard work and uncompromising principles could accomplish for all Americans.

The last several years brought health problems to my good friend. A bout with cancer was faced and fought. Unfortunately, there was a recurrence and subsequently the battle was lost. We will all never forget how SIL could change the disability of knee problems to a new identity as the House's motorized Member. We will certainly miss seeing his cart with flags flying either rolling through the halls or recharging on an extension cord.

I will miss my colleague on the Appropriations Committee. With his usual diligence to detail and insatiable appetite for work, he would appear at almost any committee hearing to inject his wit and wisdom, knowing intimately the budgetary demands of each agency within the Federal Government. I relied on him many times for his leadership and knowledge.

While most would rest on their laurels, take time to relax, and ease the burdens of their pain, SILVIO CONTE drove on. He had a mission to perform on behalf of his little people. That is why he maintained his role as ranking member of the Labor—Health and Human Services—Education Subcommittee. This is the one subcommittee where the people's personal interests are met.

SILVIO CONTE never slowed down. His last battle with deteriorating health reminds me of a Dylan Thomas poem I like so well:

> Do not go gentle into that good night. Rage!
> Rage against the dying of the light.

SIL raged until the last light, and I am sure that he has found the night very gentle indeed.

Farewell, my good friend. We will miss you. America will miss you.

Mr. MOAKLEY. I thank the gentleman from New Mexico.

Mr. Speaker, SIL CONTE and I had much in common. SIL and I served in the Massachusetts Legislature at the same time, he in the senate, and I in the house.

SIL used to get down to Filene's basement at least twice a week. Filene's basement was a place where you have automatic markdowns on suits and sports jackets.

SIL was very close with the dollar. They took quite a few markdowns before SIL bought them. So some of them really were green in color, probably from mildew.

But some of those coats and jackets that he bought back in the 1950's, he was still wearing in the Congress not too long ago. With SIL'S passing I am sure that many television repairmen will not be getting the calls to have the color fixed on sets as they used to have.

But I remember playing gin with Sil. He was a very highly competitive fellow, whether it be gin or on the golf course or legislatively. He had a very good night this night, and I had a terrible night, not that I am a good gin player.

The next day, Speaker O'Neill called up about something, and he says, "Where did you go last night?" I said, "Well, I was at Eastward Ho, playing gin with SIL CONTE. He said, "You were playing gin with SIL CONTE? He is the world's worst gin player." I said, "Not any more he isn't." But he was really a legislator's legislator.

He had a heart bigger than himself. It was alluded to here that just being in that funeral procession and seeing the people saluting, the young children waving the flags, the cars parked along the road with their lights on and the signs on the store windows, "We love you, SIL CONTE." I said to somebody, "This is an entourage and a reception on the side of the roads that is fit for a President." When you really thought about it he was the president of Pittsfield. He was their Federal connection.

It is a very democratic district, if you look at the demographics. But SIL CONTE won that district on sheer personality and hard work. Every time there was a Federal project that could be brought into Pittsfield, in that First Congressional District of Massachusetts, SIL made sure that he had a swing at the bat and many times he was successful. So there are many of us that will think about things and your eyes will fill with some of the things that SIL had done and if you walked into his office, I think he has had every baseball player's autographed picture on the wall, from Ty Cobb, baseballs signed by the greats. Carl Yastrzemski was a visitor to his office many times. It is a funny thing. Carl would come down to talk politics, and SIL wanted to talk baseball. So that was quite a conversation.

□ 1920

But the things that SIL has done, both here on the floor, in committee, socially, he has lived life to its fullest. And 2 weeks before he died, he was out fishing with his son in a cold river that most people would not go out on their best day of health. And SIL was ready.

Mr. Speaker, at this time I would like to bring to the microphone a dear friend of SIL CONTE'S, the gentleman from New York, the Honorable BILL GREEN.

Mr. GREEN of New York. Mr. Speaker, I thank the distinguished dean of the Massachusetts delegation for yielding. As we both mourn the death of our friend, SILVIO CONTE, but also recall the joys that he brought to so many of us, many have commented on SILVIO'S wit, on his colorful speeches here in the well of the House and in our Appropriations Committee, and I shall certainly remember all of those.

But I also remember him for some other things. First, as has been mentioned, a remarkable record of legislative accomplishments. Second, the fact that he really could stay on top of the work of 13 appropriation subcommittees, and I know that his staff sometimes felt that he was pushing them a little bit, and that they were working harder than a lot of other staffs around the Hill, and that was probably true. But SIL really took the responsibility as ranking minority member of the Appropriations Committee very seriously, and he always was on top of what was going on.

And of course, I shall also remember that back of that was SIL'S encyclopedic knowledge of the Federal Government. It was just remarkable how much he knew of the laws for which we were appropriating funds, how much he knew of the history of all of these programs and all of the agencies. What a wealth of experience he brought to his work as ranking minority member and to whatever other issues interested him.

But finally, most of all, I shall remember his personal kindnesses to me, because as the gentleman from Ohio. [Mr. REGULA] mentioned earlier in this special order, SILVIO really was concerned that his Republican colleagues on the Appropriations Committee have the opportunity to use their talents to the fullest, and he say to it when I was a freshman on the Appropriations Committee, having been a former HUD regional administrator, that I got to be ranking Republican on the HUD-Independent Agencies Subcommittee, and that certainly has made my 10½ years on the Appropriations Committee a lot more valuable to me, and I hope a lot more valuable to those I serve than they otherwise would have been. And it was the fact that SILVO would really go out of his way to help his colleagues that I think on top of everything else really crowned an extraordinary career here in the House of Representatives.

We shall all miss him very, very deeply.

Mr. MOAKLEY. I thank the gentleman.

Mr. Speaker, I yield to the gentlewoman from New Jersey, the Honorable MARGE ROUKEMA.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman.

I want to speak here tonight both as a Republican and as one from New Jersey. I want to express here the deep reverence we in New Jersey have for SILVIO CONTE. As our former colleague from New Jersey, Congresswoman Millicent Fenwick, used to say after observing SILVIO in one of his unique performances on the floor on one of the particularly thorny issues he was dealing with, she used to say in her patrician way, "SILVIO is such a treasure to our party."

Millicent was only half right. SILVIO is a national treasure, and we are all the poorer for his passing.

SILVIO became my friend my very first year in Congress. And I believe he befriended everyone, as we have heard from many people here tonight. I certainly appreciated his friendship, his good counsel and his sage advice. There is none whose friendship I treasured more in this House.

I quickly learned when I was first elected about the magic of the television camera, because that magic had made national stars out of some of our Members, and certainly SILVIO was one of those. I found that as I was campaigning for my first reelection, people would come up to me and ask, "Do you know that man from Massachusetts," and they might get his name right or they might not, but I knew who they were speaking of. They would tell me in one form or another how much they were attracted to him, they respected him and they loved him. They loved the fact that he was dramatic. They loved the fact that he could be understood and they would invariably say to me, "He's a man that speaks his mind. He speaks in plain English, and we appreciate that. And he tells the truth."

But most of all, they loved the fact that in those stormy days of cutting budgets, and how well those of us who have been here for a decade remember, SILVIO was always there championing the voiceless, whether it was students who needed help, or the senior citizens who needed assistance, help assistance, Older Americans Act assistance, whatever, SILVIO was always there.

As a consequence of his fame, I invited him to come to my district to campaign for me. You should have seen the reception he got. We went to senior citizen centers, to senior houses, to all of the colleges in the district, and the students and the faculties loved him, and the senior citizens loved him because they knew he was genuine and he was working for them.

It was not, as my Republican colleagues can attest, it was not that SILVIO was not committed to cutting waste, fraud and abuse out of big government. He certainly was as much as any of us. But SILVIO knew how to get his priorities straight, and he could distinguish between the safety net for the helpless and the hopeless and the waste, fraud and abuse that feeds bureacracies and pork barrel politics and abusive special interests. He understood that. And because SILVIO was the voice of the voiceless, the waste was cut and the safety net was protected.

This compassion he exhibited was tangible evidence, in my opinion, of his convictions about the meaning of America. To this son of Italian immigrants, he reflected the values of his Italian heritage, and he fused those values with what being an American meant to him. He valued family above all, and education, and health, and hard work, and upward mobility. And since he had benefited from the generosity of the American experience, he dedicated his work therefore, in Congress to helping those others who are in need of enjoying those same benefits.

He has brought a smile to all of our faces as we have reminisced here tonight. But Mr. Speaker, I am afraid they broke the mold when they created SILVIO. God has him now and we will miss him terribly. But there will never be another SILVIO.

Mr. MOAKLEY. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding and rise to commend the life and memory of the gentleman from Massachusetts, our friend, SILVIO CONTE.

I knew SIL for 14 years, during which he held my unqualified admiration. This was not just the respect deservedly accorded a senior Member; it was the respect earned when one meets a caring and dedicated man of honor. SIL CONTE was not just my senior. He was my friend, my guide on the Appropriations Committee, my fellow fisherman and golfing partner—though I do have to add my suspicion that the primary reason he enjoyed golfing with me was that I was the only Member he could beat on the greens.

SIL CONTE was a gregarious and kindhearted leader who always stood ready to assist a colleague in need. Though a man of immense power, he was never one to let pretension overcome his concern for others or his own enjoyment of life to its fullest. Last year, he was my guest for a weekend fundraiser in New Orleans. How typical that after the event, with a whole city in front of him, SIL opted to go fishing for speckled trout in southeast Louisiana. How evern more typical that SIL would stumble across a cajun who had a close mutual friend.

SIL has departed us now, and these halls are a sadder place for it. Yet we also know that this is a far better Chamber for his having been here.

Mr. Speaker, there is in this Chamber an onging dynamic. We are each a part of it and we each enrich it through our hard work and our pursuit of justice. That work is slow, as Madison and Jefferson meant it to be. The tangled intricacies inherent in our democracy argue against quick action.

☐ 1930

At times, this sclerosis becomes frustrating. We feel a stagnancy surrounding us for lack of action, and in some cases we may even become dispirited. We need not be. About 125 years ago, with our country in ruins—sundered by a 4-year Civil War—an American statesman, who I dare say was from the South, one Robert E. Lee, viewed the Nation and remarked:

> The march of Providence is so slow and our desires so impatient—the work of progress is so immense and our means of aiding it so feeble—the life of humanity is so long—that of the individual so brief—that we often see only the ebb of advancing ways and are thus discouraged. It is history that teaches us to hope.

The history of this Chamber is the history of individuals, and few stand out as remarkably as SIL CONTE. His commitment to American democracy, in all its wondrous facets and even its shortcomings, was exceeded only by his commitment to his family and to God.

To my fellow Members, I say that we have lost an institution within this institution. To his lovely wife, Corinne, I say that you can take the greatest of pride in your husband. I know that he loved you deeply, and I know how much he loved this Congress.

Goodbye SIL. Though you may have left us in body, you will never leave us in spirit.

Mr. MOAKLEY. Mr. Speaker, I yield to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules.

Mr. Speaker, I only wish that I had the pleasure of knowing the gentleman from Massachusetts [Mr. CONTE] as long as the chairman of the Committee on Rules has.

I first met him 2 years ago when I came here as a freshman, and as with so many other freshmen, he welcomed me warmly, but I said to him, "SIL, I knew you 15 years before I met you," because my father served in this body with him. The stories used to come back, especially when Congressman CONTE would come up to upstate New York to hunt in the fall after election, late November every year, and the stories would come back about this colorful, fun-loving, storytelling gentleman from Massachusetts. The stories grew, I am sure, far beyond the initial proportions of the story, but he loved to hunt. He loved to fish. He loved baseball. He loved cigars. He loved to tell stories. He loved to debate. He loved politics.

I said to myself, "That is the perfect man. That is my kind of man." And he told stories about his hunting dogs, his beloved Brittany spaniels that nobody ever believed, but everybody loved the stories, and as he would hunt with one, he would tell you stories about the one that he had before.

What is so great about this country, a man whose parents were Italian became the epitome of the Massachusetts yankee, stubbornly independent, tough minded, funloving, strong, a tremendous character.

This past fall I missed an opportunity to hunt with SIL. We went up to his favorite place up in Victor, NY, at the Wilmots, and Colleen had fixed pheasant cacciatore for lunch. SIL could not make it, because he was undergoing some treatment at the time, and the plans were all in place for him to come, but he just could not make it. I regret that he could not, because I am sure that the hunt and the lunch and the stories after would have added tremendous texture to the entire day.

As a member of the Committee on Agriculture, I felt the sting of his diatribes against the honey program on an annual basis and, indeed, joined in with the Members seated on the floor of the House when he went on to rant and rave and rage about the horrors of this terrible expenditure of Federal money. He would say, "Do you know how bad it is?" And everybody would say, "No, how bad is it, SIL?" He would say, "It is so bad," and he would go on, and everybody would laugh and enjoy it. He would make his point, but he would make it with humor.

If we only could remember that that sort of debate is the kind of debate that makes people think a little bit about their own positions, maybe take a look at the other guy's position, and learn a little bit about it in the debate.

SIL CONTE was a great guy. I feel honored to have known him. I will miss him along with all of you very, very much.

Mr. MOAKLEY. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. NEAL], who occupies the Second Congressional District that abuts the district that was once served by SIL CONTE.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, Members of this body, I thank everyone for the opportunity to address the House ever so briefly on the skillful maneuvering that I witnessed from Congressman CONTE over the course of what was very close to a lifetime.

Having grown up in the shadows of SIL CONTE and EDDIE BOLAND and knowing that those two ranked as two of the three most powerful Members of this Congress, our area of Massachusetts was well represented for a long time.

Last week I took to the well of this House to offer testimony to the remarkable job that Congressman CONTE did for the people of western Massachusetts for more than 32 years. Tonight I just wanted to briefly share an anecdote that I think again is ample testimony to the manner in which he treated, and the respect that he had for, this institution.

I had accepted an invitation to speak in Holyoke, MA, where my wife is from. Holyoke is about 8 minutes from Springfield, and it is about 5 minutes from my home. I accepted an invitation from a veterans' group to speak on Memorial Day, and after having accepted that invitation to go to Holyoke, I went and delivered what I thought was a pretty good speech.

I shortly thereafter asked Congressman CONTE to speak to a group of business leaders that were coming down from my congressional district, and I got, frankly, a very terse letter from Congressman CONTE in which he said he was only too glad to speak to this group of business leaders, because he would never dream or think of going to one's congressional district or speaking to a group from another congressional district without having had a proper invitation. A member of my staff said, "I think you have a problem with Mr. CONTE."

I went over to Mr. CONTE who was sitting right in that last chair where that young lady is about to sit, and I said to him, "SIL, I received this letter, and I would like an interpretation of what it is what you think about it." He said at that time, "Well, I am not pleased with the idea of you being up in Holyoke on Memorial Day." I said, "Well, I understand that fully now." And he said, "That only means two things." He said, "First of all, the people asked, 'What are you doing in my congressional district.' And the second thing they asked is why am I not there at that event."

I apologized profusely and suggested that it would never happen again under any circumstances, and he was very grateful for the apology.

The business group came to Washington. He came into the room and spoke of why they had great wisdom in sending me to Congress and hoped that they would send me here for a long time. So I understand fully his lesson to me had been made in that usual skillful manner.

At the same time, he went out of his way to do me a great turn, so it was a lesson well learned. I hope that over the course of a career here I will be able to demonstrate the same respect for this institution that SILVIO CONTE had.

I would just close by saying that SILVIO CONTE came from a day and age when one did not apologize for being a skillful legislator, when one spoke of that in the terms of the honor that it deserves, and I think that SILVIO CONTE's ability to generate enormous Federal dollars for western Massachusetts will serve as a test for all of us in public life from that area for many years to come.

Mr. NEAL. Mr. Speaker, it is my honor to rise along with so many of my colleagues to pay tribute to a good friend. SILVIO CONTE was an institution to this House and to the Massachusetts congressional delegation. The more than 32 years he served as a Member of Congress are a shining example of what public service and representative government should be.

SILVIO wasn't a pretentious man. He was a man who enjoyed fishing and hunting in the great outdoors as much as working in this Chamber. SILVIO was the son of Italian immigrant parents and a native of Pittsfield. He had strong roots in western Massachusetts and truly cared about the betterment of the area.

Perhaps what SILVIO enjoyed most of all was spending time at home with his family and wife Corinne, and walking the streets of Pittsfield or Northampton or other towns in his district meeting with the people who he represented in Congress. SILVIO enjoyed hearing constituents' concerns and then coming to Washington to take action on their requests. He truly served the people he represented.

Many of my colleagues in this Chamber can recall stories about SILVIO's accomplishments over the years, or about projects that they worked on with SILVIO. I have many similar memories.

Although I served only one term in Congress with SILVIO, by geography we shared numerous concerns. One of those concerns that comes to mind is the protection of the Connecticut River. When anyone in western Massachusetts goes to the Connecticut River valley and sees the salmon project, or various clean water treatment facilities, they see proof of SILVIO's dedication to the area. He was a nature lover, and saw to it that the district he represented remained a beautiful and pleasant place for families to live.

SILVIO CONTE will always be remembered for his unique sense of humor. SILVIO always had a catchy story, poem or song concerning the issue at hand. He made complicated issues understandable to the general public. He helped people understand the budget, defense issues, and education financing. He never lost sight of the fact that there are all types of people in the world, and he represented all of them. In this regard, he was indeed a most unique public servant.

What made SILVIO CONTE such an asset to this Congress was his pride in being here. The thrill of meeting new people never grew old for SILVIO. The countless photos that lined the walls of his congressional office are just one example of how eager he was to meet people. It never dawned on SILVIO that many of these people in those photos were just as excited to meet him.

SILVIO was a proud man who was thrilled to serve in this legislative body. In good times and bad, SILVIO CONTE kept his spirits high, serving the people in his district with confidence and commitment. He made our work fun with his zest for life.

I think the best way to illustrate what the people in SILVIO's district think about his legacy is to include for the RECORD editorials and commentary from some of the local papers in his district as part of this tribute. These tributes from Pittsfield, Northampton, Greenfield, Westfield, Holyoke, and Springfield come from the hearts of the people who knew him best.

There will never be another Congressman like SILVIO CONTE. His sense of honor, commitment, and personality were unique and refreshing. He added spice to this chamber, and even though he has only been away from the House of Representatives for a short time, already, he is missed tremendously.

[From the Springfield (MA) Advocate]

A NIGHT AT REMO'S

(By Al Giordano)

After making the pilgrimage to All Soul's Church in the Lakewood section of Pittsfield last Monday night to pay respects to the late Silvio Conte. I stopped in to see Remo DelGallo. Mayor of Pittsfield from 1965 to '67, and chair of the City Democratic Committee for 24 years. Remo holds court these days in his cozy bar, in the shadow of the glaring lights of the massive General Electric metropolis around which so much of this city has been built.

Long tables were packed with aging men smoking cigarettes, nursing beers, making conversation and playing cards. It was pitch night at Remo's. Bertha DelGallo was stirring pots in the kitchen while the wafting aroma of tomato sauce warmed me as I ventured in from the sub-zero cold.

Remo kindly got up from his pitch game to talk with me. "How much time do you want?"

"Five minutes," I said, lying.

"It's a big loss," said Remo. "To me over and above everything else you could say about the man, Sil was brought up in this area and he always remembered that. He was a humble person. He had compassion. He would always stop in. When Yaz came to town for the Legends of Baseball event, he got Carl to come here. He would bring his son John in when he was visiting from San Jose, California. It's that accessibility we're going to miss. You could always pick up the phone and call him."

"He was a modest liver," remembered Remo. "He never put on airs, other than the fact that he was an environmentalist, an avid bird hunter. Sil was a fun-loving guy, but he was very serious about issues. Yes, he was a Republican but on the big issues he voted his district, his constituency.

"When he first ran for State Senate around 1949 or '50, he was a Democrat who ran as a Republican. The Democratic party that was in power at the time refused him a position. He ran as a dark horse. We were so proud of him, all of us in the Lakewood area. So many Democrats just loved Sil.

"When he first ran for the Senate, the big issue was the by-pass around the town. He called it 'pork-barrel legislation.' Decades later he was still using the same line. The by-pass was the key issue then. It's still an issue now.

"He ran for Congress against James McGregor Burns, the smartest political scientist in Western Massachusetts, not just anybody. We were Democrats, but we worked for Sil. I was a precinct worker in Holyoke. Red Foley, a local bar owner, worked Westfield. We distributed literature. We were at the polls. We had a presence, it makes a big difference.

"Sil was a very competitive guy. He held his fishing derbies. He was in charge of the annual baseball game in Congress between the Democrats and the Republicans. I think the Republicans won about 17 out of 25 games. He loved the Red Sox. He had a bocci alley in his yard. He had a set of bocci balls in a velvet-lined suitcase, which he only used on special occasions. I think it was given to him by the Northampton Democratic Committee. When other guys came over he'd use the old balls. He played to win. He didn't like to lose. I beat him very rarely.

"He made his staff work as hard as he did. If Sil gave a reflection at a funeral, he would enter it into the Congressional Record and send it to the family. He added a dimension to politics: compassion, joy, dedication. He would talk to people instead of at people."

"I'm reminded of a story," said Remo, "that Donnie Sheran told me."

"You mean 'Bones'?" I replied, remembering one of Remo's perennial delegates to State Democratic Conventions.

"You remember him! Well, it went something like this. He got to the gates of heaven and Saint Peter reached out his hand and said, 'Hi Sil, I heard a great deal about you.'"

I asked Remo what advice he had for those running to replace Silvio. "They can use him as a role model," answered Remo. "He never left anything to chance. Poppy Doyle, Bob Wiener ran against him. It didn't matter who it was. You had to work. He ran on stickers on the Democratic side twice to get rid of nuisance candidates. He wouldn't do it halfway. He always out-worked and out-organized his opponents.

"If you campaign the way this guy campaigned, you can't help but be successful. If anyone ever told me that they had written him a letter and didn't get a response, I just told them they were lying. That never happened. Have fun as you go along with it, but also be very serious on the issues. He always gave his full commitment.

"Look at the flag issue. Sil was a flag waver. But he felt strongly about free speech too. He went to the American Legion to say he wouldn't support a law against flag burning! Think it's easy. We ought to try it sometime."

[From the Springfield (MA) Advocate]

Silvio Conte Dead at 69

(By Al Giordano)

The Advocate mourns the death of U.S. Rep. Silvio Conte, 69, who represented Western Mass. in Congress for the last 32 years. Conte, an independent and often liberal Republican, cast one of his final votes in opposition to launching the Gulf war.

Conte was a giant among his peers in politics. Few politicians would have the courage, as he did in 1990, to oppose a constitutional amendment against flag desecration, then appear at an American Legion convention to explain to the group why he did not support their number-one legislative priority. It was at an American Legion convention more than 20 years ago that Conte announced his opposition to the Vienam war. Yet, as a fighter for the cause of taking care of veterans, Conte retained the support and respect of veterans organizations.

In the late 1960s, Conte emerged as one of the first environmentalists in Congress when he fought a successful battle against the massive Dickey-Lincoln hydro-electric project in Maine, which would have flooded 89,000 acres of New England forest. He brought Atlantic salmon back to the Connecticut River. He lent his name to support various anti-nuclear and environmental referenda. His greatest pleasure was fishing in the lakes and streams that surround his Berkshire mountain home.

Conte was a colorful representative with a sense of humor and a penchant for writing poetry. "I do get excited. I do get mad," he told the Berkshire Eagle in 1988. "We Italians by nature are a very emotional people. But I don't stay mad. Goddamn it, when I walk back up the aisle to my seat, it's all over."

Late last year, Conte fought tears as he explained to fellow Republicans that "I am fighting for my life" in a closed-door caucus. He underwent surgery in 1987 for prostate cancer. Early this year, his cancer progressed rapidly. On Feb. 1, he had an operation to remove a blood clot near his brain, and required additional surgery on Feb. 5.

News of his death on Feb. 8 spread instantly through late night phone calls and the 11:00 p.m. news. Thousands of citizens whom Conte had helped mourned him at St. Joseph's church in Pittsfield on Wednesday. Even in the days before his death, politicians, mostly state legislators or executives, were maniacally making phone calls to line up support to run for the seat. The law requires that a special election will be held this year.

Next week, this newspaper will remember Conte and his legacy, and begin comprehensive coverage of the race to fill his shoes. Among those considering a run for the seat, the Advocate has learned that five have already made the decision to run: State Sen. John Olver, former Dukakis transportation commissioner Jane Garvey, and former State Rep. James Collins, all Democrats of Amherst: Rep. Chris Hodgkins (D-Lee) and former Rep. Stephen Pierce (R-Westfield).

Others considering a run are State Representatives Daniel Bosely (D-North Adams), Carmen Buell (D-Greenfield), Shannon O'Brien (D-Easthampton), Stanley Rosenberg (D-Amherst); former Rep. Sherwood Guernsey (D-Williamstown); Berkshire county Sheriff Carmen Massimiano (D-Pittsfield), Hampshire county Registrar of Probate and Democrat Robert Celusniak, former Republican State Sen. Peter Webber, former Dukakis aide Gary Shepard and State Sen. Martin Dunn (D-Holyoke). None have any foreign policy experience, and there is much speculation that other individuals will yet test the waters for a run. Most party activists interviewed said they will remain uncommitted until it is clear exactly who is running.

Silvio would have urged us to take it all with a sense of humor. If there is a heaven, we can be sure, Silvio Conte is probably there, negotiating with the powers-that-be to bring some divine project into First Congressional District. Saluto di, Commendatore Conte.

[From the Holyoke (MA) Transcript-Telegram, Feb. 11, 1991]

Goodbye, Sil Conte

There's a big hole now in the place that Silvio Conte filled. Western Massachusetts took him for granted as a benefactor, thinking he would go on forever. His loss is inconceivable.

Sil Conte was a little like the 500-pound gorilla on Capitol Hill who could do almost whatever he wanted because of the power he wielded on the committee that passed out the money. He was a congressman, though, who never forgot how he got there. Even in what we now realize were the final years of his life, as he battled with cancer he went to bat for a popular pharmacist from his district who came under fire from federal authorities for unwittingly filling false prescriptions for drugs.

Conte searched for ways to find an organ donor for a week-old Holyoke baby born with a deformed heart. He interceded in behalf of neighbors of Westover Air Force Base to oppose night flights. He got a half-million-dollar grant for a medical office to serve poor people in the Flats; and money to battle infant mortality in Holyoke, to feed the city's elderly, to keep its soup kitchens open. He fought Jack Kemp, the head of Housing and Urban Development over a $440,000 grant to revitalize Holyoke's downtown and won. He wrote Gov. Dukakis to beg him to reconsider closing the Holyoke Soldiers' Home.

He was a remarkable man.

Conte looked the part of the cigar-chomping back-room deal maker, but he surprised his constituents and his fellow Republicans with his stands: against the Gulf war, against a constitutional amendment that would have banned flag-burning against aid to Contra rebels in Nicaragua and against Reagan, despite heavy pressure from Massachusetts Republicans to renounce his attacks on the president.

He couldn't resist a parade or an antic. He called himself "Silvio O'Conte" and wore a big top hat for the Holyoke Saint Patrick's Parade. He promoted a cockroach trap made in West Springfield by covering himself with plastic roaches.

Walt Whitman would have loved Conte, with all his contradictions. He was a Republican from a Democratic state, with more years on the Hill than even the scion of the Bay State's ruling clan, Sen. Edward M. Kennedy. The Audubon Society once called him "a rare and endangered species: a Republican environmentalist." He posed in a pig's snout to protest pork-barrel spending in Congress, yet Kennedy called him "the king of pork." He voted against abortion, but voted for money for family planning, An avid hunter and back-slapping good old boy, he crusaded for funds for AIDS research. A third-generation machinist from Pittsfield, he earned his bachelor's degree and finished two years of law school in just four years, all on the GI Bill; and for ever after he took care of higher education, with federal grants that, among other things, helped the University of Massachusetts in Amherst to earn the distinction as the nation's top center for polymer studies.

It is a fitting tribute to Conte that a research center in Maryland, among the many institutions for which he did so much, will bear his name. Western Massachusetts owes Conte just as great a tribute, and even greater. He gave it a lot more than money. He protected it, befriended it, devoted his life to it.

The announcement of his death by his congressional staff ended: "The staff simply wishes to express our love for a great man."

So do we.

[From the Northampton (MA) Daily Hampshire Gazette]

Silvio O. Conte, a Rare Individual

There is much that can be written and said about Congressman Silvio O. Conte, who died Friday at age 69.

He was a rare individual, gifted with a sense of humor, and possessing political skills that thrust him into national prominence on the House Appropriations Committee.

A Republican serving a predominantly Democratic district, Conte was dean of the

Massachusetts Congressional delegation not only because of his tenure and legislative clout but also for the respect he earned from his colleagues.

As Sen. Edward M. Kennedy put it: "The secret of his success was that he took the issue seriously, but he never took himself too seriously."

President Bush offered this tribute: "For over three decades, Congressman Conte served his state and his nation with flair, skill and unmatched dedication. "Silvio Conte touched our lives and the lives of many others with his humor, warmth and decency."

In his 32 years of representing Western Massachusetts in Congress, Conte was an outspoken advocate for the poor, and annually argued passionately for expenditures for health and education.

It was through the G.I. Bill that Conte attended college and law school and he became a champion of higher education funding.

Conte offered more than political rhetoric to these causes. His legislative skills and years of experience allowed him to take care of his district and the commonwealth. He made the federal government work on behalf of the people.

Perhaps most notable about Sil Conte, however, was his courage. He always voted his conscience.

In the late 1960s Conte was an early critic of the Vietnam War, and he called for a halt to the bombing of North Vietnam, a decision that was not popular with veterans groups in his district.

Last summer, when some members of Congress were jumping on the flag desecration band wagon—many because they faced reelection—Conte stood up for free expression and joined the majority in defeating the flag bill.

Last month, he was one of three Republicans to vote against the resolution supporting war with Iraq. Conte wanted to give sanctions more time.

The scramble to fill the First Congressional District seat has begun. A special election will choose a new congressman, but it will not fill the void in the House of Representatives created by the passing of Silvio Conte.

[From the Greenfield Recorder]

Silvio Conte

For more than three decades Silvio Conte was Franklin County's voice in Washington, a job he performed well and one that will be greatly missed.

To those outside this corner of Massachusetts, the Pittsfield Republican was a powerful member of Congress. Rep. Conte regularly made bureaucracy perform and got action from the highest government officials.

That picture is accurate, but only as far as it goes. Rep. Conte was not simply a powerful politician; he was an admired and respected man who acted in accordance with what he felt was best for his district.

Often that meant disagreeing with fellow Republicans in government. No Republican voted in opposition to his own party's president with greater frequency than Rep. Conte. Just last month, he was one of only three Republicans to oppose the resolution authorizing President Bush to go to war with Iraq.

And yet, after learning of his death, President Bush was quick to offer kind and warm words of remembrance for Rep. Conte.

The president was not alone. On both sides of the political aisle, in Washington and here in Franklin County, Rep. Conte is being remembered as a man who worked hard, remembered his roots and never took himself as seriously as he did the needs of the district.

Part of what Rep. Conte leaves behind can be seen and touched: the Mill Street Apartment building, the I–91 industrial park, the senior center at the Weldon. And, it's no exaggeration to say that without Rep. Conte's efforts there would be no anadromous fish laboratory in Turners Falls and no Polymer research center at the University of Massachusetts in Amherst.

Another part of what he leaves behind is a cleaner environment. Rep. Conte's efforts on behalf of the outdoors earned him accolades from sports groups and respect of environmentalists.

Remembering their campaigns together, Walter Kostanski, a longtime Conte friend, supporter and colleague in the state Legislature in the 1950s, noted that when Rep. Conte won election to his first term in 1958 he pledged to work toward safeguarding natural resources and be "dedicated to service to his constituency."

For 33 years, Rep. Silvio Conte kept that promise. He will be missed.

[From the Westfield News]

Conte Remembered for His Wit, Concern

(By George O'Brien)

Westfield.—Steven Pierce has a word to describe the late Silvio O. Conte—remarkable.

He used the word several times when asked Sunday about the 17-term U.S. representative who died Friday night, and his recollections of him.

Pierce and other Westfield area friends and acquaintances remembered Conte for his wit, his candor, his power and his support. But mostly they remembered him as a man who rose to great heights, but never forgot those who gave him the ladder—the constituents of a district as large as it is complex.

For Todd Lever of Southwick, a staff assistant in Conte's Pittsfield office, today will not be a routine day at the office—far from it.

Lever said the staff in Pittsfield would likely spend the day completing funeral arrangements and helping family members in any way they could, sobering duties for a staff that was confident that Conte would bounce back from the brain surgery he underwent last week.

Lever, who is looking to launch his own career in politics as he seeks a selectmen's seat this spring, said Conte "was a great man. He did a lot for western Massachusetts, and for the country as a whole."

Pierce, who is mentioned as one of those who may seek Conte's seat in the upcoming special election, didn't want to talk about that on Sunday.

"Like thousands of other people across the state, I've lost a personal friend and a great congressman," he said. "I'm very saddened by this."

Pierce said he last saw Conte three weeks ago, when the state's recently appointed Secretary of Communities and Development met with him in Washington to discuss such matters as fuel assistance and federal housing legislation.

"He was his typical self," Pierce said, "he was jovial but was also concerned for his constituents . . . that concern was always there.

"He was amazing to watch over the years," Pierce said, "here was a man, a great statesman and a powerful leader, a man who dealt with presidents and foreign leaders . . . and yet he never lost touch with the people of Westfield and Southwick and Pittsfield.

"He was remarkable."

Lever said it may be some time before area residents come to understand the extent of Conte's impact on the region.

"I hope people may someday get some idea of how he affected this area," he said, noting that residents may not be aware of Conte's role in securing funds for many of the buildings and other projects in the area.

"It was a great experience," Lever said of his work with Conte. "I couldn't ask to work for a better person."

Conte developed close friendships with many in the Westfield area. William Boisseau, Sr. remembers that Conte became good friends with his father, then a Farm Bureau employee, and came to Westfield for the 60th wedding anniversary of Boisseau's parents.

"He was a great guy." Boisseau said. "He was well liked by the people of Westfield."

Mr. MOAKLEY. Mr. Speaker, I yield to the gentleman from California [Mr. Hunter].

Mr. HUNTER. Mr. Speaker, I thank the chairman very much for yielding.

Mr. Speaker, I am thankful for the opportunity to talk a little bit about Sil.

☐ 1940

I knew Sil as a fellow legislator, and one whom I greatly admired, but I also knew Sil as a fellow outdoorsman, a guy who absolutely loved America. He loved the America that exists beyond the asphalt pavement, and all of the great construction works we involve ourselves in in this Congress.

It is interesting that Sil, as a guy who delivered a lot of money to his district and to other districts around the country, and a lot of Federal dollars to build great projects, really I think he more greatly loved outdoor America, than that was mandated. I think he loved that, that was what God made a little better. He loved the early morning, the Sun coming up, he loved to be out in the woods, ready with his shotgun, rifle, or fishing tackle, or beloved dogs, or his buddies. He loved the evening. He loved the dew on the grass, the crackle of leaves, especially in the fall, and he loved everything that was God made in the outdoors. Sil was a guy who delighted in the cackle of a rooster pheasant when it takes off. If anyone is not a hunter, maybe they cannot appreciate that, but it makes a person believe there is a God, because God had to have made rooster pheasants especially for hunters, because it is absolutely an explosion, and unnerves a hunter, and is difficult to shoot. If a person does shoot, and they are Sil Conte, they know 50 places to get that pheasant cooked up, so it is a gourmet's delight. He did that many, many times. He loved the stump of a whitetail buck, and regularly attended the various hunting areas in the East, and introduced me to some of those great areas. He loved the elegance of a great winged teal or mallard duck or black ducks, wildlife which he greatly respected. He did a great deal to further the tradition of the legislator, who helped to renew these very important resources, outdoor America.

He worked hard to have the kind of America where a plumber or a construction worker or a person, any person, who carried a lunch bucket and did not necessarily know a lot of land owners, could find a place to hunt and fish and lose himself in the outdoors. That is a very important asset in these United States, to have places where people can get away from their bosses, and get away from the strife and the pressure of life in the civilized society, and get out where there are no people, and think and meditate, and maybe bring a little balance to their lives.

SIL CONTE was a guy who really worked on American conservation in the great tradition of Theodore Roosevelt. He worked hard and was a real instrument in keeping our waterfowl population high, in the tradition of Ducks Unlimited, and many, many leaders in the U.S. Congress in the House and the other body and in the administration who, during the 1920's, the 1930's, the 1940's, and the 1950's, when our waterfowl was facing periods of extinction, would work building a partnership between the private sector and the public sector to see to it that we brought our great populations of waterfowl back, and not only created places for them to survive and to nest and to propagate, but also for thousands of other waterfowl species and wildlife species.

SIL CONTE was a conservationist. He was a conservationist in the finest tradition of American conservationists, and he did it because he absolutely loved the outdoors. However, as a son of a working man, I think SIL also liked the idea that every American should be able to have a place to go and enjoy himself in the outdoors. Many people today, many working people throughout this great country who want to take a little time off, or maybe go out in the afternoon after work, and have a chance to shoot a pheasant, or a duck, or take a hike, or take their son fishing, can thank SIL CONTE for all that he did to husband these important natural resources.

One other thing I liked about SIL is that SIL was irreverent at exactly the right times. If anyone watched SIL watching the baseball game, and I remember during the budget process when the Republicans were all closeted over in the leader's office and we were banging around the alternate proposals, and we had reworked, retread the same ground many, many times, and we reworked the same issues many, many times, and we were kind of going round and round. SIL turned on the ballgame. He had a real sense of priorities. Our own deliberations and statements of self-importance would be interrupted by SIL's shouts, cheers, and his boos in watching these baseball games that to him were more important than political posturing, or in some cases, this merry-go-round of legislation which we sometimes make a lot of noise and do not produce a lot of substance.

I have often thought SIL booed Congress sometimes in the same way that he would boo ball players, and I think it gave Members a sense of balance, and it gave Members a sense of perspective to have SIL CONTE stride down the aisle and tell Members that maybe we were all making a terrible mistake, and we were not as special as we all thought we were. SIL gave so much to this institution, and is one of those very special people. Many, many Members come into this House, many wonderful excellent people, and every now and then there is somebody who stands out, who when we are thinking about something or we have a little time to ourselves, and your mind strays back to Congress, Members will see one or two figures doing things that caught their attention at the time. SIL CONTE was one of those people. I will always see SIL with his boisterous life, his love of life, his enjoyment, just being alive in America, and his wonderful sense of balance and knowledge of exactly where he was in God's world.

So SIL CONTE, for your giving, providing, and enjoying, I think one of America's assets, our sense of humor and our laughter, and for bringing so much character to the House floor, God bless you, and may this Chamber and Members of this Chamber remember SIL CONTE and follow in his tradition for many years to come.

I want to thank the gentleman from Massachusetts [Mr. MOAKLEY], his dear friend, as well as the Speaker for letting me come down to say a few words.

Mr. MOAKLEY. Mr. Speaker, I think the gentleman hit it on the head: SIL CONTE was irreverent about everything but religion. He was a family man, a churchman, and he had the ability to laugh at himself. I think that is why he enjoyed life so much, because he knew we could take everything serious, but not yourself.

I think the gentleman well illustrated in the midst of the budget negotiations, when people were ready to kill, he would just flip on the baseball game and say, "Let's cool it down for a while."

Mr. HUNTER. If the gentleman will yield, and I did not want to take too much time, but the gentleman is exactly right. SIL CONTE had that great quality of being able, and I think that quality is humor, and balance and irreverence, allowed him to enter into the toughest of debates and enter into debates in which we were absolutely going at each other's throats. Yet, he could bring the House back to a state of comity and a state in which Members respected each other and reestablished old friendships, almost as soon as the smoke had died from the previous debate.

I remember walking in a restaurant one time, over in Arlington someplace, and I heard roars of laughter from a back room. I walked in and there was SIL with his family and probably two or three others, presiding over a great, wonderful, Italian meal and enjoying life. I remember at the time it reminded me that there are other things besides our troubles on the House floor and the issues that percolate up and catch our attention from day to day. It is a great life. It is a wonderful life and a wonderful country. SIL never forgot it.

Mr. MOAKLEY. As alluded to earlier. SIL CONTE, on many occasions, got the Republican and Democratic nomination, he was unopposed. He ran against himself, and I remember talking to a Democratic State chairman who said that they had a full house at the Democratic meeting in his town, and they were talking about some of the local problems. As a Republican, SIL CONTE walked in, everybody stood up and cheered. To them, SIL CONTE was not a Republican. He was not a Democrat. He was SIL CONTE. He was the fellow that worked for us. He was the fellow that was always there. If everyone ever saw SIL CONTE marching in a parade, they would think he got elected the day before he marched on that parade. He marched in every parade like it was his first parade, going from side to side, shaking hands. The energy that he had and the way that he greeted people, burnout was not a word in SIL CONTE's vocabulary.

He did so many things when he really physically, should not have done them. That was SIL CONTE. He fought the good fight. He loved life. He played hard. He laughed hard. I am sure that he is entertaining some of our people upstairs somewhere.

I yield to the gentleman from California [Mr. MINETA].

□ 1950

Mr. MINETA. Mr. Speaker, I rise this evening with a mixture of sadness and joy in tribute to my good friend and colleague SILVIO CONTE.

The sadness we feel, Mr. Speaker, is all too obvious.

The passing of SILVIO CONTE on February 8 leaves his family, his constituents, the State of Massachusetts, and this House, with a loss of a man who cannot be replaced.

But our sadness cannot diminish the joys of remembering our colleague as we do today, and as we will in the years to come.

For this opportunity to recall our memories I would like to thank the distinguished minority leader, Mr. MICHEL, and the equally distinguished chairman of the Rules Committee, Mr. MOAKLEY, for requesting this time and inviting all House Members to participate.

Silvio Conte will always have a special place in the heart of this Chamber because Silvio lived his life to the credit of the House and all that this Chamber represents.

Silvio relished his roots. He never forgot his humble beginnings. His constitutents in the First District of Massachusetts, in turn, never had any doubt that Silvio was in Washington as one of them, as their representative.

Throughout his 32 years in the House, Silvio Conte spoke up for fairness and justice. He not only believed in and lived the American Dream: He worked to make that dream a reality for every American.

He championed working Americans by pleading for sanity in the way Congress spends hard-earned taxpayer dollars.

He challenged proposed cuts in student aid, programs to feed the elderly and poor, and the failure to create a national energy policy.

For 17 years, I had the privilege of serving with Sil in this House but for the last 12 years, I had the personal good fortune to work with Silvio Conte as a fellow Regent of the Smithsonian Institution.

No one I know, myself included, looked to the Smithsonian with more awe and wonder than did Silvio.

To Silvio, the Smithsonian was more than merely the Nation's attic: It was the living legacy of the United States.

Silvio knew that to build a better future meant understanding the marvels of the world that give us a perspective of who and what we are as human beings.

The Smithsonian is that, and very much more. The Board of Regents will be the poorer for losing Silvio Conte as a member.

Taken together, Silvio's interests and achievements were the marks of a man who used his office for a purpose larger than the concerns of any one congressional district.

Silvio simply believed that government and national institutions can be a force for a greater good in the United States, and he lived his life as a public official to shape that good as best he could.

Part of what helped make Silvio such an outstanding and successful figure in the House was the balance he kept in his personal life.

Very simply, Silvio Conte never forgot how to have fun—even in the face of his own declining health.

The roar of his outrage at ineffectual policies was matched only by the roar of his self-deprecating humor, or his often poetic joy at the prospect of winning years for the Boston Red Sox.

Mr. Speaker, I feel a special honor for having served in this House with Silvio Conte. With all the demands of this high office, Silvio maintained an energetic balance as a human being.

We all benefited from his example, from the honor he did to his office and this Chamber.

We will all miss his reverence for his fellow Americans, and for the boundless irreverence he directed at the pomposities in our world.

Mr. Speaker, I join with my colleagues in extending our condolences to Silvio's wife, Corinne, and family. In fact, his son John, lived in San Jose and was a constituent of mine and for several Christmases had the great privilege and enjoyment of taking packages from Silvio and Corinne to John, his family, and especially his two grandsons in San Jose he loved so much.

Silvio Conte's long and distinguished career as a public servant was an inspiration to us all.

I will miss his friendship, but never forget the friend.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman very much.

Mr. Speaker, I yield to the honorable gentleman from New Jersey [Mr. Rinaldo].

Mr. RINALDO. Mr. Speaker, there is no greater tribute to our colleague and friend, Silvio Conte, than the outpouring of affection and respect we have seen since his passing.

His funeral, the memorial service held earlier today in the Capitol, and the special order in which so many Members are participating now, attest to the fact that Silvio was not just a Member of Congress. He was a special person, with many gifts.

The greatest among them was his love of life. For all those who denigrate politics and who like to criticize Congress, Silvio supplied the perfect answer.

This institution is about people, about ideals, about commitment and integrity. Silvio had them all.

He compiled one of the longest, most distinguished careers of service in the history of this institution.

And, like almost everything else he did, he did it against the grain and he did it with gusto.

He was a Republican in a Democratic seat and Democratic State.

He was an independent voice against the conventional wisdom.

He was a flamboyant orator in an institution where speeches can be long and dull.

And there is one thing many people overlook about Silvio's speeches.

People frequently cite his colorfulness.

But they often forget that they were effective. Just as he was.

He knew how to make a point, and he knew how to make it powerfully.

And all along, he enjoyed the respect and good will of his colleagues, on both sides of the aisle.

And of that—his personality, his compassion, his energy, his friendships and his talent—are testimony to the kind of person Silvio was.

When the Elizabethan poet Ben Jonson passed away, they placed a now-famous line on his tombstone: "O Rare Ben Jonson."

They could do the same for Silvio, for he was rare.

He had commitment and integrity.

He had energy, vigor, and a love of people, just as he loved his Boston Red Sox.

He was a friend.

And he also loved a good cigar.

I first met Silvio 19 years ago when I was campaigning for my first term in Congress. Probably one of the first Members of Congress from another State I ever had the pleasure of meeting, and someone had given me a cigar. I refused it, saying, "Oh, I don't smoke."

And Silvio hit me in the side and he said, "Take the cigar."

I took the cigar and I gave it to him.

From 1972 when I was campaigning until when he passed away, whenever anyone gave me a cigar, I gave it to Silvio Conte.

We became good friends over the years. We enjoyed a good meal together. We enjoyed talking together.

He was most of all, a warm human being and a distinguished colleague, and I will never forget that.

Mr. Speaker, I will miss Silvio, his companionship, his sense of humor and his dedication to this institution.

I want to extend my deepest sympathies to his wife, Corinne, and to his family, and want to thank them for sharing him with us and with his constituents for so many years.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, at the church there were many, many eulogies and they were all outstanding. One of the eulogies was given by former Speaker Thomas P. O'Neill, and I will include the remarks of the Honorable Thomas P. O'Neill, as well as the remarks of Edward P. Boland.

Remarks of Thomas P. O'Neill, Jr., Former Speaker of the House of Representatives, St. Joseph's Church, Pittsfield, MA, February 13, 1991

We are joined together today to honor the memory of a man who was one of my best friends and a true friend of Pittsfield, the first district, Massachusetts, and all of America.

My heart goes out to you Corinne, and to you Gayle, Michelle, John, and Sylvia and your children. Over the past 40 years I knew your husband, your father, and your grandfather, and I saw the tremendous love he had for you. Millie and I offer our sincerest feelings of support at this moment of sadness.

Of course, sadness is not what we think about when we think about Silvio Conte. I asked someone what they saw when they thought about him. The answer was: "Plaids and stripes * * * together!" Colorful fellow.

What I think about, when I think of Sil, is the love of life. Sil certainly did love life. He loved Congress, Boston College, and the Red Sox. He loved to play golf, play cards, fish, and hunt wild game. And he loved all these things with an emotion that surpassed the most ardent enthusiast. It may have been his Mediterranean heritage showing through but when he played anything, it was with gusto and exuberance.

This love of life of his had an extra dimension. He wanted everyone else to enjoy life too. To enthuse you and then to enlarge the circle of others to enjoy life, too.

That is what I remember most about Sil. When he did things it was to include people, to make their lives better, to improve his Nation and his community, to provide people with the necessities of life and the fun of life.

When Congress played its annual baseball game, it was Sil who was the organizer and manager.

When Boston College needed help, it was Sil who took the lead, inside and outside the Appropriations Committee.

When we traveled, it was Sil who organized the skits and the parties at the end of the trip.

When his hunting larder grew great, it was Sil who gave a party for the Members of Congress, the staff, and his other friends.

When he worked on legislation on the Hill, it was to bring a better life to people here at home and those in the rest of the country.

His great work often escaped recognition because much of it was done behind closed doors. Some of it I would like to share with you.

There was the issue of low income energy assistance. A program for the Northeast at first, to help the poor face a crisis in rapidly rising fuel costs, it became a national program. Sil never let up increasing the program. Every year for the past 10, the budget request would go up, Sil would increase it, the Senate would lower it, and Sil would increase it again in the conference committee. The Appropriations Committee tells me this program amounted to $3.5 billion over the past decade. Think of how many needy people were helped by that.

There was the issue of biomedical research. Sil got involved in something called "The Decade of the Brain" at the National Institutes of Health. He added $15 million to the budget last year for research into neurological disease.

There was the issue of aid to students who seek higher education but do not have the means to do so. The son of immigrant parents, Sil always remembered the opportunity given to him to advance. He wanted everyone else to have the same chance. Just last year, he added $75 million to aid the poorest students attending college.

Many didn't know the role Sil played at the Smithsonian where he was a regent. When the Budget of that great institution was up, he was its protector. A skeptic about some of the projects, like everything else, he scrutinized it closely, but when he got the right answers he was supportive of projects that would enlarge the love of life for others. Once, when the head of the national zoo, which is run by the Smithsonian, was asking for $150,000 for preserving the giant pandas from China, Sil asked him to justify the program. The zoo director replied, "You can Zerox a Michelangelo, but only God can make a Panda." He got Sil's support. By looking out for the Smithsonian, he brought love of life to the 28 million people who visit the great museum every year.

Little is known, too, of Sil's great work to help alleviate poverty in Africa. Some years ago, he and a couple of other Congressmen took a month-long tour of that continent. It left an indelible mark on him, and he spent much time and effort in defending and improving the World Bank and the United Nations Development Program.

Remembering the suffering and misery in those African countries, he knew that encouraging these institutions was a low-cost way to attack the root causes of poverty there. He was a strong supporter of UNICEF, too, in the crucial junctures in the appropriations process. In all these efforts, he was trying to extend his own love of life to others.

We in the other party, of course, admired Sil for his courageous stands for programs designed to help people. At last year's budget summit, he and his staff were repeatedly admonished to stop exempting the oil import fee from the list of taxes being considered. And he constantly did battle with those beancounters from the Office of Management and Budget—"the young slashers" he called them.

Sil loved and respected the process of legislation, too. He hated the so-called "continuing resolution," the catchall measure we pass when we can't pass the appropriations bill and time is running out. He called it "a substitute for thinking," but would go along with it as a last resort to make sure Government employees got paid.

Sil worked hard to fashion legislation so it could run the gauntlet and avoid a veto. Especially at the very end of the consideration of an appropriations bill, when mischief was brewing with some last minute effort to sabotage the bill, he would take personal control of what we call the "motion to recommit" to insure passage of the bill that had been worked on for many weeks.

So many other projects bear his imprint: The cleanup of the Connecticut River to make it safe for salmon to spawn; the Patriot Missile; the polymer research center at the University of Massachusetts; the research funds for the Occupational Health and Safety Administration; and, of course, I could go on and on.

Many of you gathered here today worked with him on these projects I mention and shared satisfaction when they succeeded. I am sure you all agree that working with Sil left you a better person. His enthusiasm, desire, and sense of mission affected you that way.

Sil had many virtues: Love, compassion, integrity, friendship, emotion, and a wonderful and spirited sense of humor.

But the one I will remember him for was his fierce desire to give back. A lot of what he did gave him personal satisfaction. But Sil brought the phrase "helping others" to a new plateau, outside himself. He gave back in ways that cannot be counted. In enlarging that love of life to others, Sil set a standard for all of us.

Corinne—the suppers at your home—the bridge games—the friendship.

Corinne, John, Gayle, Michelle, Sylvia, that friendship will always remain.

The bells—parlance of the Congress, five bells, final adjournment.

Five bells have rung. Sil. Til we meet again, may God hold you in the bosom of his heart.

REMARKS OF FORMER REPRESENTATIVE EDWARD P. BOLAND

Mr. BOLAND. I appreciate the kindness of the dean of the Massachusetts delegation, Congressman Joe Moakley, which allows me to participate in this way in the House's tribute to my friend, Silvio Conte.

I was privileged to represent the Second Congressional District of Massachusetts in the House of Representatives for 36 years. For 30 of those years, Sil Conte represented the First District. Together, our districts included all of the cities and towns of Western Massachusetts. We quickly realized that we could accomplish far more for the people of our area by coordinating our efforts, and I am proud to say that we forged a relationship that allowed us to work as true partners. On occasions too numerous to recall, one or the other of us would suggest a joint approach on an issue of special importance to Western Massachusetts, or request the aid of the other on a particular matter. I do not believe that the personal and working relationships between Members from adjoining districts could have been closer than the ones Sil and I enjoyed.

Although I could cite dozens of examples, I think that the work we did together to renew the Connecticut River mattered most to Sil. When Sil came to Congress, the entire length of the river from Vermont to Connecticut was literally an open sewer. The banks of the once-beautiful waterway no longer attracted people seeking recreation, and the contaminated, murky waters could barely sustain fish and other forms of aquatic life. Sil had a tremendous sense of what the Connecticut had been, and could be again. For three decades, in an effort that I was happy to join, he pushed for programs and funds that could bring life back to the river. The sewage treatment plants, flood control dams, wilderness preserves, the Atlantic salmon program, boating areas and every fishing hole along the Connecticut, offer testament to the success of that effort. Today, the river is once again a vital, beautiful resource for millions of people in the Northeast. Silvio's frequent expressions of love for the outdoors were more than just words, and the Connecticut River is evidence beyond doubt of the validity of his claim to be a conservationist and an environmentalist.

Silvio Conte was much more, however, than a Congressman focused only on parochial interests. Although he was well known for his flamboyant speeches on the House floor, he developed a great interest in national and international affairs. His early opposition to the war in Vietnam was but one example of his taking a courageous and principled stand even if to do so meant moving away from the majority of his party. I was proud to have him on my side as well in the effort to end the violence, and promote democracy, in Central America.

Although his district was primarily rural, Sil joined me as sponsor of vital legislation to provide housing to the residents of our inner cities. Health care was his passion, and he made sure that our national efforts to find cures for the diseases which afflict society were adequately funded. Those without enough to eat in Africa had a champion in Sil Conte, as did poor children in our own country who needed the assistance of government to ensure access to eductional opportunities.

Sil worked hard to translate the goal of equal justice under law into a reality for all Americans. When a Massachusetts minister, the Reverend James Reeb was murdered in Alabama in the early 1960's, John McCormack sent Sil and I to Selma as part of an effort to underscore the support of Congress for the cause of civil rights. We marched together in that troubled community and dangerous time and when we returned, Sil spoke out forcefully on the House floor to debunk the notion that those who had assembled peacefully to protest were somehow responsible for the violent outbursts of people trying to stem the tide of change. Sil never waivered in his commitment to civil rights and through his words and votes was a leader on that important issue.

Sil Conte was my friend, and as my wife, Mary, and I stood in line at his wake I was struck by the fact that he had been able to instill that sense of friendship in hundreds of people. He had a joy for living that made people want to be in his company. The exuberance with which he threw himself into his work was contagious, and the sense of decency which characterized him enobled whatever he undertook. He was truly unique and those of us privileged to know him will miss him very much indeed.

Sil's family was his strong foundation. His wife, Corinne, was a source of constant strength and support on whom he greatly relied. Among my fondest memories of service in Congress are those involving a trip or event in which Corinne and Sil Conte participated. To Corinne and the Conte children—John, Michelle, Gayle, and Sylvia go not only my deepest sympathies but my thanks as well for having shared this remarkable person with us for so many years.

Mr. MICHEL. Mr. Speaker, as we bring this special order to a conclusion I just want to say that all our staff around here in the Capitol wanted it to be known that they loved SILVIO CONTE, too.

All of us join in expressing our profound sorrow to Corinne, Michelle, Sylvia, John, Gayle, and the grandchildren.

Mr. NATCHER. Mr. Speaker, during my tenure in the Congress, I have served with about 2,000 Members. None were more dedicated than SILVIO CONTE, and none were more courageous. None ever worked any harder than SILVIO CONTE, and none, at times during general debate on a very controversial issue could get any more excited and apparently real mad, but within a matter of a very few minutes, he would be back to his usual kind manner again.

I recall the day he was elected a member of the Appropriations Committee, and at that time there were a great number of his side with considerably more seniority. As time passed, he advanced and at the time of his death, he was the ranking minority Member on our committee. Serving on all 13 subcommittees, along with the chairman of the full committee, he was always diligent and interested in the outcome of that particular bill. He loved people and was a true believer in the maxim that if you take care of the health of your people and educate your children, you will continue living in the strongest country in the world. He further believed, and sincerely, Mr. Speaker, that we have reached the time when education should not have to compete for funds with national defense, the trade deficit and drugs. He believed that if our money was well spent in our school systems, and if the families of the children in the schools were more active and assisted the school authorities considerably more, we would have a better educated citizenry.

He loved his family. He was a giant at the center of national power, but at all times he remained a modest man. He was a good man who served his country well. He always kept the common touch, and as a man he could be compared to the giant sturdy oak that grows on the hillsides in the Commonwealth of Massachusetts. He was a fighter for social justice and was a legislator for the common people he knew so well. His concept of public trust was without parallel and never did he fail to speak out against any proposal that was not sound or not in the best interest of our country. In every position he held, either private or public, he achieved distinction. His character, his achievements, and his faithful service will be an inspiration to generations yet to come.

SILVIO CONTE was good for the Commonwealth of Massachusetts and for the United States of America.

I deem it a great privilege and an honor to have been a friend of SILVIO CONTE. I have lost a true friend and this country has lost a great statesman.

To his lovely wife and family, I extend deepest sympathy in their bereavement.

Mr. DINGELL. Mr. Speaker, I cannot think of an individual in this Chamber who possessed the rare mixture of kidding and kindness, of humor and humility, of sharp wit and soft heart. He was the type of man I trusted to fight beside in the trenches and respected as a foe on the legislative battlefield. He had the courage of his convictions and the conviction of a saint. But most important of all, he was, and will always be remembered as, a good friend.

SILVIO left an impressive record relating to health, education, environmental, and veterans issues. Even though SILVIO was officially from the "other side of the aisle" I, as well as most of my colleagues, only thought of our friend as on the best side of the people, on the right side of humanity.

SILVIO and I shared a common love—the rugged outdoors and the pursuit of hunting. SILVIO spent years trying to save our Nation's wetlands from the destruction of overdevelopment and to make it possible for nature lovers, birdwatchers, and hunters alike to avail themselves of our country's bountiful natural resources.

I served with SILVIO for many years as a member of the Migratory Bird Conservation Commission—which recommends and approves wetland resources for inclusion in the Wildlife Refuge System. For 26 years on the Commission, his fierce defense of these fragile resources and—as the ranking Republican member of the Appropriations Committee—his dogged determination to protect these resources without driving the Nation into debt was the major backbone of its work.

Before he died, SILVIO CONTE introduced H.R. 794 to establish the Connecticut River as a unit of the National Wildlife Refuge. At the most recent Commission meeting, on February 26, I proposed a resolution that because of exemplary service on the Migratory Bird Conservation Commission, and because of his contribution in Congress to preserving our natural resources, that legislation was enacted into law as the "Silvio O. Conte National Fish and Wildlife Refuge."

I would like to share the text of my resolution with my colleagues in honor of our good friend, SILVIO:

MIGRATORY BIRD CONSERVATION COMMISSION RESOLUTION

Whereas, The Honorable SILVIO O. CONTE, Representative from Massachusetts served with honor and distinction on the Migratory Bird Conservation Commission for twenty-six years commencing on February 1, 1965, and continuing until his death on February 8, 1991, and

Whereas, Mr. CONTE'S utmost concern for the protection and enhancement of the Nation's migratory bird resources directly contributed to the establishment of 80 new national wildlife refuges that provide a gift of over one million acres of wild lands and waterfowl habitat for present and future generations, and

Whereas, Mr. CONTE crafted numerous pieces of legislation to protect and improve our environment including the landmark North American Wetlands Conservation Act of 1989, which he coauthored and which provides up to $25 million annually for wetland and waterfowl habitat preservation and restoration, thereby expanding the role of the Migratory Bird Conservation Commission, and

Whereas, Mr. CONTE championed congressional funding of the Anadromous Fish Conservation Act thereby effecting Federal leadership in the propagation, conservation, and restoration of sea-run fishes including the Atlantic salmon in which he had an especially keen interest: Now, therefore, be it

Resolved, that this Commission on its own behalf and on behalf of the Nation's people expresses its deepest sorrow at the loss of Mr. CONTE, fellow colleague, statesman, and consummate conservationist, and

Be it further Resolved, that Mr. CONTE'S contributions to the work of this Commission and to the conservation of the Nation's natural resources be memorialized in a new haven for wildlife and fish along his beloved Connecticut River that when established will bear the name Silvio O. Conte National Fish and Wildlife Refuge.

Mr. YATES. Mr. Speaker, SILVIO CONTE was a dear, dear friend of mine and I mourn his loss. This House and the Nation have lost a legislator and statesman of the highest caliber. I will miss him terribly.

SILVIO loved this House and the art of legislation. He was an absolute master of the process and he accomplished so very much for this country and the people of his district.

I can think of no one for whom I had higher respect and greater admiration. I think all of us who knew SILVIO CONTE recognized that rare talent, dedication, and zest for life and work that he displayed during all of his years here.

We worked together on the Appropriations Committee in bipartisan harmony on many, many issues and no matter how complex the issue or legislative situation, SIL could always find a way to accomplish the task and he had a genius for making it enjoyable and even fun. He was a joy to work with and I loved him for it.

SIL was a natural. There is a movie about baseball called "The Natural" starring Robert Redford as its star. SIL CONTE could just as easily have been the star because he loved baseball and he surely was a natural. There was nothing devious or cunning about him. He was open and above board in all his dealings. You knew where he stood on everything.

He enjoyed the Appropriations Subcommittee on the Interior Department of which I am chairman. He was very much the outdoorsman. He loved to hunt and fish and he was devoted not only to preserving our magnificent natural resources but to restoring them. The people of New England particularly owe him a debt which can never be repaid because he was responsible for cleaning up its rivers. Maybe it was because he liked to fish in those waters. He knew them well and he took the lead in procuring Federal funds to clean them up.

SIL was such a wonderful friend and colleague. He was a raconteur extraordinaire—his stories were funny, sad, warm, and touching. He was tough and gentle and a most solid human being. SILVIO stood for ideas, integrity, and principles and he was without doubt the most effective advocate of my experience.

When Addie and I were together with SILVIO and Corrine, it was always fun and memorable. I'll never see another duck stamp, nor hear a duck call, nor see a red convertible, nor play another game of golf without thinking of SIL CONTE. What a man he was.

To Corinne and her family, our loving sympathy. SILVIO will be remembered in the House for many, many years.

Mrs. MORELLA. Mr. Speaker, I served with SILVIO CONTE in this House for 4 years, although I was gifted with his friendship for a quarter of a century. I always felt a special kinship with SIL; we shared a common heritage, a similar political philosophy, and a common home State, Massachusetts—not to mention the fact that, as a longtime resident of Bethesda, SIL was one of my favorite constituents.

His career in this body spanned over 3 decades, while his friends and admirers spanned the Nation and the ideological spectrum. He commanded the respect of his peers like few members of this body had before him; and he loved and cared for his constituency and his country with a singular and steadfast devotion.

Above all, SIL was a tremendously passionate legislator. He pursued each cause with relentless energy and unswerving commitment. Even the most mundane of issues would catch his attention, raise his ire, and stir him to action. He got things done because he meant business; and when SIL CONTE meant business, this body stood up and took notice. By the sheer force of his character, he always commanded the eyes and ears—and, more importantly, the heart—of this institution.

SILVIO CONTE's contribution to the House of Representatives was as all-encompassing as it was distinguished. His legislative hand touched every facet of this Chamber's work; he was a champion of ethics in government, a champion of the elderly, a champion of the poor.

Indeed, the people's House will not be the same without SIL CONTE. He gifted us with his humor, moved us with his passion, and inspired us with his fiery patriotism. Every President since Dwight Eisenhower called SIL CONTE a friend. I, too, was fortunate enough to call SIL a friend, and I will miss him deeply.

Mr. BROOKS. Mr. Speaker, I want to take this opportunity to join my colleagues in expressing our deep sadness and sense of loss at the passing of our beloved friend, Congressman SILVIO CONTE. I extend my heartfelt sympathy to his wife, Corinne, and his four children.

The people of Massachusetts' First Congressional District have lost an outstanding Representative in Congress. SILVIO's colleagues in this House have lost a close friend who could always be counted on to offer good advice and the hand of friendship in difficult times.

It was my distinct privilege to serve with Congressman CONTE from January 1959 until his death this year. The people of Pittsfield, MA can be proud of the 32-year period of service he established and the fine representation he gave to his district, his State, and his country. They could not have had a stronger advocate here in Washington, and they were fortunate to have him represent their interests on public issues with such energy and dedication.

All of us will miss his many contributions to our joint legislative efforts. His work set a high standard of excellence for others to follow. Congressman SILVIO CONTE was a friend of mine for over 30 years and I will miss both his warm friendship and wise counsel.

Mr. QUILLEN. Mr. Speaker, it is with a great deal of sadness that I join with my colleagues in remembrance of my close and personal friend, SIL CONTE. He was one of the most colorful and senior Members of the House, and I, like many others in this body and across the country, will truly miss him.

The son of Italian immigrants and himself a former factory worker, SIL rose from his humble beginnings to become one of our country's most powerful men. For all that he became, however, he was never one to take himself too seriously. No one enjoyed and loved life more than SIL. I can still recall seeing him wear a mismatched suit of stripes and plaids and also the time he wore a pig's mask on the House floor to protest wasting Federal funds.

He had been the ranking Republican member of the Appropriations Committee since 1979 and used his considerable influence on the committee to bring a better life to people by championing such social programs as biomedical research, mental health, special education and care for the handicapped. He was also a leading advocate of programs to help the elderly and low-income pay their fuel bills.

As a politician, SILVIO CONTE defied political labels, often receiving both the Republican and Democratic nominations in his district. I admired him for having the courage to stand up for what he believed in, even if it meant opposing the President or his own party.

My condolences go to his wife and children.

Mr. MILLER of Ohio. Mr. Speaker, I want to add my comments to those paying appropriate tribute to our dear friend and colleague SIL CONTE. I commend those who have sought the time for this special occasion in the House SIL served so well.

It is difficult for me—and I am sure for others, as well—to believe, or accept, his passing. It seems like only yesterday, or at the most, the day before, that he joined his House colleagues in the Chamber to debate legislation or engage in a discussion involving an issue before Congress and of importance to the Nation. Few in the history of this distinguished Chamber can be called "a force." But SILVIO CONTE was exactly that: a force for the people of the First District of Massachusetts, a force for good laws and sound fiscal policy, a force for the preservation of the freedom and liberties we cherish in this great country. He was an effective force for moving legislation forward and the bureaucracy along in the interest of the American people.

It goes without saying that I valued his leadership and his friendship in the House Appropriations Committee. His astute observations on a bill—particularly those before our Committee—were worth more in common sense than all the dollars the bills sought to spend or invest. I sought his wise advice and supported his sound reasoning on countless occasions, knowing that his priorities were, likewise, sound and his concern genuine. He will be greatly missed in this Chamber. We all know that. He may be gone but he will not be forgotten. We all learned something important from SIL: we learned that you can disagree without being disagreeable and that you can make your point without pointing fingers. Always engaging, always well prepared, you could count on SIL to do the right thing—to keep the Republic sound and the future bright. Candor, compassion and commitment, traits which he so amply embodied, are, perhaps, the most fitting legacy he leaves behind.

Mr. DONNELLY. Mr. Speaker, I want to commend the distinguished chairman of the Rules Committee, Mr. MOAKLEY, for bringing this resolution to the floor today in honor of our late colleague and friend, SILVIO CONTE.

Mr. Speaker, the First Congressional District of Massachusetts, the people of that State, this institution, and this Nation suffered a deep and enduring loss when SIL CONTE died on February 8. He was a brilliant politician, a statesman, and a tireless champion of the less fortunate in our society.

The secret to his genius as a politician was that you couldn't label him. A Republican, he opposed Presidents Eisenhower, Nixon, Ford, Reagan, and Bush by levels higher than many Members on my side of the aisle. But he was a conservative when it came to wasteful Government spending, and you couldn't miss his bellowing voice from the well of the House. He opposed "pork barrel" spending—when it wasn't targeted toward western Massachusetts. He was loved by his constituents for all that he did for them and was enormously effective on their behalf.

He was a tireless champion for his district, but was never parochial. As a leader in this institution, he could rise above politics. He wrote the first appropriation for AIDS research. A reporter asked him once during the "anti-tax" days of the budget summit if a tax increase was necessary to reduce the deficit. "Of course it is!" he said. He wasn't afraid to take unpopular positions when he felt that they were right.

He believed that Government had a responsibility to the less fortunate of our society because of the opportunities that he had. As a boy, he went through the vocational program at Pittsfield High School and was trained to be a factory worker at the local G.E. plant. His father dissuaded him from going on to college and law school, but World War II changed that. After his service in the Seabees, he took advantage of the G.I. bill and went on to Boston College and B.C. law. He was elected to the State Senate and then this body. He never forgot that those who would come behind him might also need a helping hand from Government, but that everyone had an obligation to our Nation to work to their fullest potential.

Last Wednesday, he was buried in the Berkshire Hills of western Massachusetts. As a tribute to the man that he was, his funeral was attended by nearly 100 Members of Congress, the Vice President, political leaders from the State of Massachusetts, and hundreds of his friends. He was eulogized by former Speaker O'Neill and Republican leader Michel. Thousands of people lined the streets in Pittsfield to pay their respects to the man who had been their Congressman for 32 years.

Mr. Speaker, this institution will miss SILVIO CONTE. To his family: his wife, Corinne; his children Michelle, John, Sylvia, and Gayle; to his sisters Betty, Sylvia, and Angie; we share in your loss. Your husband, father and brother will be missed.

Finally, Mr. Speaker, in conclusion, I insert an article from Roll Call newspaper about SIL in the RECORD at this point:

WHAT SILVIO CONTE TAUGHT ME ABOUT CONGRESS AND LIFE

(By Thomas R. Barker)

In the fall of 1982, Rep. Silvio Conte (R-Mass) was touring his district and stopped into a restaurant for dinner. Shortly after he arrived, a waitress ran excitedly to his table. "The White House is calling!" she said.

Conte took the call. It was President Reagan, who had decided to veto a supplemental appropriations bill on the grounds that it exceeded his budget request—despite the fact that it contained funds which Reagan had himself requested for his Caribbean Basin Initiative and despite the fact that it contained funds for Conte's low-income energy assistance program and student aid.

"I'm going to veto it, Sil," Reagan said. "I hope I can count on your vote."

"Well, you can't!" roared Conte. "Veto the damn bill if you want, but I'll fight you every step of the way."

The House overrode the veto—with Republican Silvio Conte leading the charge against an enormously popular president of his own party.

Some people said that vote stopped the Reagan Revolution in its tracks. I don't know about that. I do know that the story demonstrates how much this institution and this nation are going to miss Silvio Conte: as a politician, as a leader, as a man. . . .

AS A POLITICIAN

Silvio Conte was a politician who defied political labels. A Republican, he voted against Presidents Nixon, Ford, Reagan, and Bush more consistently than any other member of his party.

As a freshman Congressman, he attacked President Eisenhower's attempts to impose an oil import fee. On most social issues, he was a wild-eyed liberal, but he could become a raging conservative when he felt that federal funds were being wasted. Once, he wore a pig mask on the floor to protest "pork barrel" spending; I was assigned the task of purchasing the pig mask.

During the six years that I worked for him, he taught me much about politics. In 1985, I tried to get him to vote for an enormously controversial amendment that was destined for failure but that I felt was "good policy."

I showed him a speech I had written for him; he looked at me and said, "You can't get in trouble for what you don't say." The amendment went down by voice vote, as he knew it would. "I don't know what I'd do without this staff of mine," he bellowed, his voice dripping with sarcasm. "I'd be lost without 'em."

He was right, of course. Staff is staff and Members are Members, and the most important political lesson I learned from Conte was that it's best to let the politicians make the political decisions.

In 1987, Speaker Wright got a lot of credit for challenging President Reagan with a plant-closing notification bill. The political groupies must have gotten endless hours of enjoyable cocktail hour chatter over the Speaker's successful attempt to pass the bill.

What the groupies ignored was that two years earlier, Conte had authored an identical bill, which was defeated on the floor—and many of the same Members who voted against Conte's bill were now loudly trumpeting their support for Speaker Wright.

Conte understood what was happening. He understood politics and political necessity as well as anyone I've ever known. He loved politics as it was, with all of its imperfections, and had little patience with the good government crowd and political scientists who would perfect something that wasn't really meant to be perfected—understood, indeed, that politics isn't a science at all; it's an art.

AS A LEADER

When he had to, he could rise above politics. He recognized, for example, that so much of the Gramm-Rudman-Hollings law was craven posturing. Even though the law carried big political benefits for its supporters, Conte became the only Republican to join the ultimately successful suit to have the original act declared unconstitutional. After Congress "fixed" the constitutional infirmity, Conte still voted against it.

In the early 1980s, before any politician would dare mention the name of a disease that was killing homosexuals and drug addicts, Conte and Rep. Bill Natcher (D-Ky) wrote the first appropriation for AIDS research.

There was no political advantage in that amendment. Conte simply understood intuitively that sometimes, if you vote with your heart, heads will surely follow.

AS A MAN

In some respects, his funeral was an uplifting experience; each eulogist spoke of Mr. Conte's enjoyment of living.

Referring to Jack Kennedy, President Reagan once said "he seemed to grasp from the beginning that life is one fast-moving train and that you have to jump aboard and hold on to your hat and relish the sweep of the wind as it rushes by. You have to enjoy the journey; it's unthankful not to." Those words, too, so well described Silvio Conte.

As a poor boy in Pittsfield, Mass., he stole coal from the train tracks near his home to heat the family's house. He went through the vocational program at Pittsfield High School, but then went to college and law school on the GI bill. He was an immigrant's son and factory worker who rose to become one of the most powerful men in America. He was a living, shining testament to the American dream.

For all that he became, he never took himself too seriously and loved to make fun of those who did.

Wearing one of his mismatched suits in the office, he bellowed: "Thirty bucks for this suit! Can you believe it?" Barbara Bush once informed him that quail should be eaten with a fork at a State dinner, not one's hands.

He could meet with the President on a Saturday at Camp David and within an hour, be instructing me on the proper way to garden his tomato plants: "You've got to get those weeds by the roots!"

In 1985, Conte, Speaker Tip O'Neal (D-Mass), Ways and Means Chairman Dan Rostenkowski (D-Ill), and Minority Leader Bob Michel (R-Ill) comprised the first Congressional delegation to meet with General Secretary Gorbachev.

I watched Conte's house and dogs while he was overseas, and when he returned he didn't think too much of my questions about the new Soviet leader. He was far more interested in learning how his dogs were.

In a New York Times interview in 1985, he said that the problem with Congress was the Members and staffers who took themselves too seriously. "These people," he said, "miss the fun of it all."

And I think that's how I'll always remember him: never missing "the fun of it all."

Mr. Conte, it was an honor and a joy to be your employee and your friend. You used your talents well to build a better world for all of mankind.

Mr. FASCELL. Mr. Speaker, I rise to pay tribute to our late colleague and dear friend, SILVIO CONTE. We were not only fortunate to have known and worked with this special person, we were blessed to have had the opportunity. He practiced personal politics, but he never made politics personal. He took his work very seriously, but he never took himself seriously.

You always looked forward to your next conversation with him because he was so full of life and good will. He literally celebrated it each day. Today, we are celebrating the life of a good friend and distinguished public servant. I remember he once described an appropriations bill that he believed contained no thorns, just beautiful roses. SILVIO CONTE was beautiful roses. He was my friend and helped me in many ways during his legislative career. I shall always be grateful for his sensitivity and his help.

Three of SILVIO's many loves were legislating, gardening, and the Boston Red Sox. Early in each year, SILVIO's thoughts were focused on addressing the problems of our Nation, growing the biggest tomatoes possible, and bringing the Red Sox to that elusive World Series title. SILVIO was responsible for some great legislation; he also grew some great tomatoes; but the one thing he could not control, the Red Sox, never came through for him. If you asked SILVIO, the legislation could have been better, the tomatoes could have been better, and the Red Sox could have been better. As the warm weather gave way to the cold weather, SILVIO was always thinking about next year and what it would bring.

He attacked pork projects with the best of them, while ensuring that his district and his State got its fair share which, according to former Speaker Tip O'Neill, was about 50 percent. It would, however, be inaccurate to imply that his district and Massachusetts were the only beneficiaries of his years of service. His commitment to programs to help working and middle-class Americans made a difference all over the Nation; his commitment to promoting our values via foreign policy made a difference abroad; and his willingness to serve as a mediator of disputes in the Congress made a difference to this institution.

As manager of the Republican congressional baseball team, he compiled a 17–7–1 record, but, as tough as he was on the ball field, we know he was even tougher around here. We all looked forward to SILVIO's speeches; very few looked foward to being his opponent. SILVIO never set out to embarrass anyone during a debate; he just set out to win on the merits of his argument and strength of his cause. Whether it was to improve the opportunities available for young people or to reduce subsidies to farmers, he would attack the opposition with humor and the fire of his convictions. He was not afraid to make a joke, but he always let you know that he was serious about what he believed in.

He would, at the tensest moment of a debate, loosen people up with a poem, a prop or a quip, but he always added substance to the proceedings. In the days and months to come, we will face some very difficult decisions and we will miss SILVIO for his ability to put things in perspective.

I feel fortunate to have served with SILVIO CONTE for so many years. I was blessed to have him as a friend and will miss him. Jeanne-Marie and I extend our sympathy to his wife, Corinne, and his family.

Mr. SPENCE. Mr. Speaker, there are many ways to commemorate the wonderful, active life of our dear friend, SIL CONTE, but in looking back on my association with him, I like to think of a comparison with Theodore Roosevelt. I say this because in many respects the two of them had remarkably similar lives. Both enjoyed the outdoors and fought tenaciously for the preservation of our Nation's natural resources. In fact, SIL was never happier than when he was fishing or duck hunting. This too, as we know from our American history, Teddy Roosevelt, like SIL CONTE, was often at odds with his own political party. But SIL CONTE's maverick stands only endeared him to his constituency, which returned him to this body like clockwork every 2 years.

Mr. Speaker, it was my great pleasure to play in a few of the congressional baseball games under the Republican banner with SIL CONTE as manager. While Republicans were in a minority the entire time that SIL served in the House, he still achieved an enviable won-lost record against our Democrat colleagues. In fact, I'm convinced that SIL CONTE would have made an outstanding major league baseball manager had he chosen this line of work. He knew the game of baseball like few others, and I only wish that his beloved Boston Red Sox could have won a World Series during his lifetime. As many of us know, this was one of his fondest dreams. But SIL was always philosophical about the Red Sox and besides, he had the Boston Celtics and their great records as consolation. Along these lines I fondly remember a tremendous reception that SIL and some other Members of the Massachusetts congressional delegation put on for the great Boston Red Sox player, Carl Yastrzemski, several years ago. For SIL the whole event was nothing short of heaven itself.

Mr. Speaker, as we all know, SIL had an incredible sense of humor which sometimes would take some getting used to. In truth, he could ruffle some feathers, and not necessarily the feathers from his long association and involvement with Ducks Unlimited. Many of us remember some of his tirades right here on the House floor, but he was a man without guile or one to hold a grudge. He fought for what he believed, and after the fight he was the first to extend the hand of friendship to an adversary. The world needs more people with this wonderful trait.

I am going to miss SIL CONTE terribly. He had a flair and enthusiasm rarely seen these days. He truly left his mark on this institution, and indeed, on the entire Nation. His stentorian voice still rings and reverberates in the Halls of Congress like another New Englander of old, Daniel Webster. His attire, especially some of his sportcoats and ties will never be duplicated. In summation, he was an individual to the core, and his individuality endeared him to us all. Thank God for such individuals, because they made this country the greatest nation on earth. To his dear wife, Corinne, and their four children I extend my deepest sympathy on their great loss, a loss which is felt by countless numbers of Americans.

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to the memory of a great man who was a champion for education, the environment and the poor and who above all other things was a great friend.

The Honorable SILVIO O. CONTE has left a legacy that will be hard to match by any person, Republican or Democrat. He was a man who chose to look to his conscience when making decisions and setting his agenda, rather than riding the political tides of Congress. Both the Republicans and Democrats in his First District of Massachusetts recognized his nonpartisan nature. CONTE served for more than 30 years in a overwhelmingly Democratic district and on three occasions he was nominated by both parties for reelection.

He devoted his life to public service and to the people of Massachusetts. The dean of the States delegation, he began his political career in the statehouse, but it wasn't long before he moved to Washington and a seat in the House of Representatives. CONTE, as one of the most respected members of this body, moved up through the ranks and since 1979 served as ranking minority member of the powerful House Appropriations Committee.

CONTE never hesitated to use his power and influence to help the powerless people of society. As the son of immigrants, he knew first-hand the doors that could be opened through education. Having attained his college degree with the help of the GI bill, he fought to ensure the same opportunity for others. CONTE played a major role in preserving Pell and SEOG grant programs. He also established the Silvio O. Conte Foundation, that sends deserving and qualified students of limited means, from his district, to college. CONTE has been heralded as the "education congressman" by President George Bush and he received 26 honorary degrees and six presidential medals from colleges and universities for his work in higher education.

CONTE was also known for his outspoken support of home heating assistance programs. Last fall, as a member of the Budget Summit, he singlehandedly fought off efforts to impose a tax on home heating oil. CONTE was one of the original architects of the low income home energy assistance program in the late 1970's. He also successfully fought proposals to add an oil import fee, a fight he has waged since coming to Congress in 1959.

His concern for victims of oppression here and abroad was one of the cornerstones of CONTE'S personality. From the day he took part in the march on Selma, AL, with Dr. Martin Luther King to his work on the emergency aid package for Ethiopia in 1985, and most recently with his championship of AIDS research, he has followed his conscience with concrete actions.

CONTE, once again took what I feel was a enormously courageous stand by voting to give sanctions a chance to solve the current crisis in the Middle East. He once again displayed his commitment to putting his conscience above other considerations, when making decisions that could effect the lives of others.

Despite the serious nature of the causes he advocated, he always managed to bring humor and a fresh perspective to the debate. CONTE was known for his ability to shake the rafters with the stridency of his rhetoric in offering an amendment, and he had the ability to use humorous poetry or even wild stunts to make a point. His reputation for being an enjoyable effective speaker caused many Members of Congress and most of my staff to pause whenever he took the well.

For 25 years, until 1988, CONTE coached the Republican Congressional baseball team, which plays an annual game to raise funds for charity. Many members, including myself, looked forward to his colorful recap of the game the following day on the House floor. In the tradition of the "Casey At The Bat", CONTE helped us relive those moments of great athletic triumph and defeat, in a new light.

Doubles to the left of them
Singles to the right of them
Triples far behind them
Volleyed and careened
Bonior's bat could feel the heat

Russo's strength was in his feet
With great pop flies by Alan Wheat
Dems, they sought the victory
From the mighty team
It would have to be hard won
From the great fourteen

How could their great glory fade?
O, the errors that they made
A tie was unforeseen
Honor true the charge they made
Honor true our Might Brigade
Noble, great fourteen

Representative SILVIO O. CONTE.
JULY 28, 1983.

The glory of SILVIO O. CONTE will never fade in the halls and meeting rooms of this institution because his honor is unquestionable and his friends and adversaries all agree that he was indeed a noble soul.

Mr. GILMAN. Mr. Speaker, I am saddened to join with our colleagues in paying tribute to an outstanding legislator and a fine friend. Although we have all participated in these tributes to our fallen colleagues before, rarely has such a pall of sadness fallen over this Chamber. SILVIO CONTE was taken from us all too prematurely. The niche he carved for himself in this body was so unique due to his lust for life that it is almost inconceivable to realize he is gone.

SILVIO CONTE was a product of western Massachusetts, the land in which he was born and which he loved his entire life. Born and raised in Pittsfield, SIL CONTE called that historic New England town his home for his entire life. After distinguished service with the Seabees in the South Pacific during World War II, SIL returned to his home state of Massachusetts to attend Boston College. He was first elected to the Massachusetts State Senate at the age of 29. From that early age on, SIL worked hard to serve his constituency well. He was a dedicated legislator who was moved up to Congress by the electorate in 1958.

Those of us who served in the House at any time during SIL CONTE's 33 year tenure were touched by the humanity of the man. He was a genuinely caring individual, who was not afraid to speak out out against perceived injustices and in favor of legislation to benefit the people.

SIL CONTE was ranking Republican on the House Appropriations Committee. In that position, he wielded unusual power. But SIL was unique in that he was not interested in power for power's sake. He always lent an ear to any of us who had a cause to espouse, and all of us on both sides of the aisle knew he would be fair and thorough.

Mr. Speaker, those of us who represent the mid-Hudson valley of New York considered SILVIO CONTE an honorary Member of our congressional caucus, because he always represented that portion of Massachusetts that borders New York State. Representing a constituency that came to within a few miles of the Hudson River, SIL shared many of our same concerns and goals. In working with him, we found that State boundaries meant as little to SIL CONTE as did political differences.

And yet we in this Chamber all knew that SIL CONTE would be the first to stand up to what he thought was wrong. Who can ever forget the incident in 1983 when Congressman CONTE wore a "Miss Piggy" mask to a press conference to call attention to what he considered to be pork-barrel spending.

And who can ever forget the time a controversial appropriations bill included large increases from some of Representative CONTE's favorite causes: Increased maternal and child health programs, increased research into the diseases that plague humankind, and funding to provide more opportunities for college educations for our young people? "I do not think there were any thorns here, just beautiful roses," SIL CONTE told us in this Chamber. He had such a colorful way of expressing those causes he espoused that all of us could not help but be attracted to his leadership.

SIL was a colorful character who added much to the House. He was our conscience and he was our inspiration. He will be sorely missed.

Mr. Speaker, I join with our colleagues in extending deepest sympathy to SIL's widow Corinne, to their four children, and to the constituents of Massachusett's First Congressional District, who all deeply feel this loss.

Mr. Speaker, I ask to have printed in the RECORD the excellent and inspiring eulogy delivered at SIL's funeral last week by Father William L. George, S.J., of Georgetown University:

HOMILY FOR CONGRESSMAN SILVIO O. CONTE

(By the Reverend Bill George, S.J.)

What is death? It is an insult—the stupidest, ugliest thing that can happen to a human being. Instinctively, a Christian's reaction is to deny it outright. Questions for all of us to consider:

(1) What does it mean for a human to die?

(2) What did it mean for Christ to die?

(3) What should it mean for a Christian like Sil Conte to die?

(1) Death is no mere flight of a ghost-like soul or just a biological event. Any animal—a cow, a chicken, a farm animal, are all to some degree somewhat replaceable. It, however—the death of a human being—is what Martin Buber called a tragedy for us all—an insult!

What was Silvio O. Conte? Autumn leaves; opera; music; venison; soup; soccer; pasta; football; Boston College; Alaska; salmon; Eastern Shore; Rochester; Texas; trips to China and the Holy Land; geese and ducks; the trout derby; the sounds and the smells of his Berkshires. His laugh—his touch!

Sil was not just someone, but this pulsating flame of a human being, a unique son of God; bursting, wanting to do it all! All of that died with him. Little wonder he did not want to die.

If you doubt that he was a son of the Berkshires, ask yourself: why did they don their white tux this morning?

(2) Ask yourself—what did it mean for Christ to die? Theologians are still trying to answer that one.

His death, too, was unique. He was the God-man. That meant that he suffered not less, but more, more brutally because he had a sensitivity no person could rival. He knew he would die, he had to die, he was ready to die, and he wanted to die. Jesus wanted to die because his redemptive mission wouldn't be accomplished unless he did. That is why at the Last Supper "He took bread * * * This is my body * * * which is to be given up for you." With his death, death would cease to be the enemy. On Calvary, death was given fresh new meaning. "I live and you will live" i.e,. I have life so that you will live.

When Jesus was consoling Martha at his friend Lazarus' death, she responded that she knew he would rise again on the last day. But Jesus corrected her; told her that "Whoever lives and believes in him shall never die".

(3) I have really, already, answered my third question—what should it mean for a christian to die? In death Christ can transform the person into the fullness of life. When Christ cried, "Father, into your hands I commend my spirit", it wasn't resignation to death, but a death-defying cry that "I have life". I perform my death, and choose life. Death is very personal, and those of us with Sil that last week and moments knew his will. He chose death—chose to go through death to life.

I am not saying that he was enthusiastic about death; no one is. But be ready: don't surrender, but give a Godly "thy will be done."

Sil Conte had many loves; the Church; his country (as manifested by his Seabee service during World War II); Congress (where he always did what was right, motivated by concern for the little guy and the underdog. Sil followed Jesus' teaching in Matthew: "I tell you that if you do these things for one of my least brothers, you have done it for me"); his many friends (including Presidents and the poor—Sil was never alone); and his family.

Sil Conte had a list of requirements for his best friends; (a) as good a shot as he was, he would not admit it; (b) all game was his; and (c) no bad language or business talk when hunting or fishing.

It was an honor and a joy to serve as your priest, Sil. You have kept the faith.

Enjoy the rewards of the good steward. You used your talents well for all of God's children.

Mr. ROYBAL. Mr. Speaker, I rise to honor our longtime friend and colleague, SILVIO CONTE, who passed away on February 8.

I have known SILVIO since I was elected to the House of Representatives in 1962. In the 28 years we served together, I have seen few members who were as universally admired by members of both parties as our colleague from Massachusetts. As his fellow member on the Labor-HHS-Education Subcommittee, I constantly saw him fight to protect funding for those he saw as the most disadvantaged in our society. Yet SILVIO was never shy in speaking out against programs he felt were wasting the taxpayers' dollars. We have all seen him on the House floor attacking programs he felt were unnecessary with an even-handed combination of humor and indignation.

Mr. Speaker, in his long tenure in Congress, SILVIO CONTE earned the respect and affection of his colleagues on both sides of the aisle. His fairness and sense of humor will be cherished and remembered fondly by all who served with him.

Mr. GALLEGLY. Mr. Speaker, I am proud to join today in honoring the memory of a great Member of this House, the late SIL CONTE.

I didn't have the privilege of working with SIL for nearly long enough, but I quickly came to respect and admire him for his beliefs, his love of life and his family, and his deep reverence for this institution.

SIL was a representative in the truest sense of the word. Although he didn't always see eye to eye with all his colleagues on our side of the aisle, SIL always remembered the people of the First District of Massachusetts, who overwhelmingly reelected him every year since he was first sent to Washington, DC, in 1958.

SIL CONTE always championed the programs and the causes dear to western Massachusetts, but he also looked out for the taxpayer with his ceaseless determination to root out government boondoggles and waste. And perhaps most importantly, SIL was always able to do so with a charm and wit that is too often lacking in this Chamber. As has been said of him, SIL always took his work seriously, but he never took himself seriously.

Both as a champion baseball player and as an impromptu poet, SIL could ease tensions and build fellowship during hectic periods. So in the spirit of SIL, I'd like to offer the following rhyme:

I think we shall never see
Another Member like Sil Conte.
His suits at time were a bit off-base,
But his heart was always in the right place.

God bless you, SIL, and thank you for enriching us for so long. You will be missed.

Mr. CRANE. Mr. Speaker, this Chamber will forever be a bit dimmer now that we have lost the glow of the wit and the light of the smile of friendship of our colleague, SIL CONTE. I consider myself fortunate to have known this wonderful friend for over 20 years of the more than 30 years he served here in the House of Representatives.

Citizens of the First Congressional District of Massachusetts may rest assured that he fought valiantly to represent them.

And he wore his power with graciousness as he served as the ranking Republican member of the House Appropriations Committee. At the same time, he did his best while holding down this powerful post to lead fights against pork barrel projects even when it meant confronting friends.

As was his style, he would combine humor with seriousness in his struggle against "pork." We will long remember his wonderful moment when he wore his "Miss Piggy" mask to portray the waste of taxpayer dollars for certain government projects.

SIL carried his good will and cheer under a baseball cap as well as here in the Chamber. He was known to all as the leader for so many years of the Republican House Members baseball team as he racked up an impressive winning record—aided very often by the pitching of his Illinois colleague and good friend, BOB MICHEL.

Before he took the oath as a Member of Congress, SIL had already served his country in the military. In World War II, he wore the uniform of a Seabee in the Southwest Pacific.

Few Members have been as well liked—and will be as long remembered by his colleagues—as SIL CONTE.

We wish to convey our sympathies to his lovely wife, Corinne, and his four children.

Mr. ORTON. Mr. Speaker, I was deeply saddened by the news of SILVIO CONTE's death.

I am a new Member of the House, and SILVIO was one of the most senior, but I have good reasons to know how great a loss this institution has suffered.

This winter, Congressman-elect of both parties were lectured to, briefed and counseled in the fundamentals of this—the world's greatest—legislative body. We met with leaders of the House, with scholars and experts—but the memory of this time I shall cherish most is the dinner hosted by SILVIO CONTE.

We were, of course all flattered to meet with one of the great figures of this House. But I was particularly struck by his tremendous warmth and wisdom, his great heart, and his keen sense of fairness and justice absent partisan consideration.

Although I spent a very short time here as SILVIO's colleague, I know we have lost a standard bearer for the kind of values to which we must aspire.

To many Members here, SIL CONTE was also a great friend. I am deeply sorry that I will miss that special opportunity.

Mr. Speaker, I want to extend my most sincere condolences to SILVIO's wife, Corinne, and to their children. They are in my prayers.

Mr. LEHMAN of Florida. Mr. Speaker, I rise to join our colleagues from Massachusetts in paying tribute to the late Hon. SILVIO O. CONTE, whose loss we all mourn.

Perhaps I should begin with an anecdote. In December 1972, shortly after my first election to the House, I went to Cape Canaveral to view a space shot. I was sitting in the bleachers waiting for the launch when I heard a voice behind me talking of a forthcoming hunting trip to Texas. The enthusiasm and vitality, the warmth of that voice stirred me so much that I turned around and said hello to SILVIO CONTE for the first time.

The zest for life that was so moving then remained a constant quality with SIL; even in the last days, even with bad reports, SIL still had a ready laugh and a joke, and his eyes still sparkled.

The word "unique" is badly overused these days, but perhaps we should retire it in memory of SILVIO CONTE—along with his baseball shirt. No House Member in my memory has combined hard work and seriousness of purpose with the humor that disarms and yields victories without enemies. What a guy!

Serving with SILVIO on the Transportation Subcommittee, on the full Appropriations Committee, and in the House itself has been a rare privilege. I will miss him, as we all will, and Joan and I send our warmest condolences to Corinne and the family.

Mr. SENSENBRENNER. Mr. Speaker, Henry Clay once said, "Of all the properties which belong to honorable men, not one is so highly prized as that of character." The House of Representatives recently lost one of its Members who truly personified character.

SILVIO CONTE admirably served the First District of Massachusetts for 32 years. In a time when many Members are ensnared in the trap of providing pork barrel projects to their constituency with no regard to the impact of this spending on the rest of the Nation, SILVIO demonstrated the delicate balance of the needs of his constituents in light of the needs of the Nation. In doing so, he received the respect and admiration of his colleagues and all those who crossed his path.

One of the characteristics I respected most about SILVIO was the principles to which he adhered. He never shied away from a fight and was never afraid to let us know when he objected to the business before the House. He was confrontational, but he was also a gentleman. One always left a fight admiring and respecting him more—whether you agreed with him or not.

I join my colleagues in expressing my sincere sorrow in the recent loss of our friend. He will be greatly missed, but certainly never forgotten by those who had the great privilege of serving with him.

Mr. GALLO. Mr. Speaker, I rise to express my deep sadness over the loss of one of the country's most loyal and honorable servants—SILVIO CONTE of Massachusetts.

For the 6 years I have been in Congress, I was fortunate to have served all those years with SIL CONTE, first on the Small Business Committee and then on the Appropriations Committee.

During that time, we shared a pride in our heritage, a love of the sport of baseball, and most important, we shared a strong belief in the value of working within the political process to get things done.

There was never a job, an issue, a person or a need that was too big or too small for SIL CONTE's full attention.

As the ranking Republican on the House Appropriations Committee, SIL was an ardent supporter of programs for the most needy people and for the priorities of the country as a whole. Whether it was funding for people who couldn't afford to heat their homes in the winter or participating in the budget summit, SIL gave it his all.

As a member on the Small Business Committee, SIL took time from his major work on appropriations to listen to the men and women working to keep America strong. If SIL felt that the voice of the working person wasn't being heard around here, he was sure to remind us.

SIL was as comfortable with Presidents as he was with the man or woman on the street—and he was respected and loved by both.

Mr. Speaker, I will miss SILVIO CONTE and this House just doesn't feel the same without him. But SIL set a standard for public service we won't forget—to always remember where we came from, never lose our devotion to what is important, and to keep our sense of humor even at the toughest times.

Mr. MAZZOLI. Mr. Speaker, I rise today to pay tribute to a former colleague and a dear friend, SILVIO "SIL" CONTE of Massachusetts, who died on February 8 after a courageous struggle.

It would be a gross understatement, Mr. Speaker, to say that SIL CONTE was one of the popular Members of this House of Representatives. He was a true "people" person as his constituents from the Berkshires of western Massachusetts will attest.

In fact, SIL CONTE represented Massachusetts' First Congressional District for over 30 years. As a Republican in a heavily Democratic Commonwealth, SIL CONTE earned the trust, respect, and admiration of his constituents as well as of his colleagues in Congress from both sides of the aisle. His commitment and sensitivity to social issues and the pursuit of a better life for all Americans were the guiding stars of his long and productive career.

SIL CONTE was a first-generation American. His parents were immigrants from Italy who settled in Pittsfield, MA, where SIL was born and attended school.

SIL served with the Seabees during World War II in the Pacific theater. At war's end, SIL returned to Massachusetts where he earned his law degree from Boston College.

SIL CONTE's life in public service began in 1951 when he was elected to the Massachusetts State Senate. He served in the Senate until 1958 when he ran successfully for the U.S. House of Representatives. At the time of his unfortunate death, SIL was the third most senior House Republican, and the ranking member of the Appropriations Committee.

On the personal side, SIL CONTE would always inject life, humor and verve into committee hearings and floor debate. SIL was also a rabid baseball fan, donning the colors of his beloved Boston Red Sox when the Republican Congressional baseball team took the field for its annual outing against congressional Democrats.

Mr. Speaker, SILVIO CONTE was one of the most esteemed Members of the House of Representatives. He will be deeply missed by me, the people of western Massachusetts, the Congress, and by all Americans. I extend my sympathies and condolences to his family and friends.

Mr. WOLF. Mr. Speaker, I join my colleagues today in paying tribute to our friend and colleague, SILVIO CONTE, and want to thank Chairman WHITTEN, Chairman MOAKLEY, and Minority Leader MICHEL for organizing these special orders to give us the opportunity to share some of our memories of the late SIL CONTE.

SIL CONTE was a character. He loved life. He loved to make us laugh. It's been said that while he took his service of 32 years as the representative of Massachusetts' First District very seriously, he never took himself seriously. He could see the humorous side of life. Whether it was reciting one of his famous poems authored for those special occasions when his beloved Red Sox or Republican baseball teams were victorious, or wearing a pig snout to make a point about pork barrel spending, or showing off his taste in clothes with those plaid sportcoats, or driving proudly around town in "the Judge," that car he loved so much, he made us smile. And in so doing SIL CONTE showed us that we, too, could take ourselves a little less seriously, see the lighter side of life, and still effectively represent our constituents.

SIL CONTE also was a loyal friend and family man. He stood true to his friends and loved his family. He was a proud husband, father and grandfather and took time to nurture his family relationships and his friendships. The overflowing crowds at his annual birthday parties attest to the many people whose lives he touched and who could call him a friend.

He also was a man of contrasts. He could bellow with indignation on the House floor at the lack of funding for programs to assist low-income families pay their fuel bills, fight with compassion for programs to help the poor women and children of this Nation as ranking member of the Labor, HHS Appropriations Subcommittee, take on a President of his own party when he believed the cause was just, and then spend hours tending to his vegetable and flower gardens.

I was proud to serve with SIL CONTE on the Appropriations Committee. He had a rare political genius that commanded respect across the aisle and when he gave his word, he was always true to it.

There have been men and women of greatness who have stood above the crowd as they passed through this House in the more than 200 years of its existence. SIL CONTE was one of those. A rare man, a legend in this Congress whose service here will not soon be forgotten or duplicated.

My sympathy goes to his wife Corinne, with whom he shared a deep and abiding love for over 40 years, and to his four children and his grandchildren. We share in their profound loss.

Mr. OWENS of New York. Mr. Speaker, I join my colleagues in paying tribute to the great contributions our late colleague Representative SILVIO CONTE made to this body and this Nation.

Though we belonged to different political parties, it was not unusual for us to find ourselves on the same side in many legislative battles, particularly on issues of social justice, health care, services for children, and education. Representative CONTE distinguished himself throughout his many years of service in this body as a plain-spoken, effective advocate for investing fully and adequately in the much-neglected social infrastructure of our Nation. His loss will be deeply felt.

As the first librarian elected to Congress, I wanted to highlight, in particular, Representative CONTE's important work in supporting the Nation's libraries. His active and consistent support of the Library Services and Construction Act at a time when it was under attack by the Reagan administration was critical to preserving this essential Federal investment in libraries and lifetime learning.

Ms. Eileen Cooke, the director of the American Library Association Washington office, paid special homage to this great friend of libraries in a recent letter to me. I commend her comments to my colleagues:

AMERICAN LIBRARY ASSOCIATION,
Washington, DC, February 25, 1991.

Hon. MAJOR R. OWENS,
Room 114, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE OWENS: I understand there will soon be a special order in the House during which Members of Congress will pay their respects to the late Rep. Silvio Conte. As a good friend of libraries, as an Honorary Member of the American Library Association, and as the only librarian in Congress, I would like to ask you to insert this letter in the CONGRESSIONAL RECORD as a tribute to Rep. Conte.

The Honorable Silvio Conte, Republican Member of Congress from the 1st district of Massachusetts for 32 years, was a longtime supporter of libraries. As a child of immigrant parents, and a typically American success story himself, he recognized and saluted the library as an essential part of our educational system and a community self-help institution.

As the ranking minority member of the House Appropriations Committee, as well as of its Labor, Health and Human Services, and Education Appropriations Subcommittee, he recognized the federal role in stimulating the improvement of library services in the United States.

With good-natured determination, he was instrumental in keeping the federal role alive through years of zero budgets requests for library programs. His most recent success was to initiate and shepherd through in FY 1991 the first time funding for the Library Services and Construction Act title V program under which public libraries receive assistance to acquire materials in foreign languages.

Rep. Conte's support for libraries was widely known. He had received special recognition from the Massachusetts Library Association, and he was scheduled to receive an award in April from the Friends of Libraries, U.S.A.

ALA will remember Rep. Conte with true affection and appreciation, and views his passing with sorrow. We enjoyed working with Rep. Conte and his staff. He was so full of life that it's impossible to think of him without smiling. I'm sure he would want it that way.

Thank you for bringing this letter to the attention of your colleagues.

Sincerely,

EILEEN D. COOKE,
Director, ALA Washington Office.

Mr. VANDER JAGT. Mr. Speaker, it is with profound sadness that I join with my colleagues today in saying goodbye to our dear friend, SILVIO O. CONTE, a courageous leader, whose outstanding public service will long be remembered by his many friends and admirers in the U.S. Congress and throughout this country.

This body is only as great as its individual contributors and in SILVIO CONTE, we found a most valuable asset, a man worthy of respect and admiration, a man who inspired us all in his dedication to his fellowman and the public good. His service meant a great deal to all of us, and most particularly to the people who knew him best, the people of the First District of Massachusetts. Simply put, he did a tremendous job. And he did that job with renowned wit and good humor.

While others held back, SILVIO was quick to stand up against waste and unnecessary spending, underlining, oftentimes in humor to vividly bring home his point, that each taxpayer's dollar was valuable and that he intended our Government to be held accountable for each and every expenditure. He was a constant source of inspiration to those of us determined to bring spending under control, and his leadership will be missed.

Mr. Speaker, I join with all my colleagues today in sending our most profound condolences to Corinne Conte and the entire Conte family. Thank you for sharing this very special man with us and the American people. His distinguished public service is worthy of our utmost respect and recognition. I shall always remember him and I shall always be so grateful that our paths crossed. He and his work, his personality, his character made me a better individual and a better Member. By far one of SIL'S greatest attributes was that he never forgot from whence he came. He possessed and exercised the finest and most basic family values. I am honored and proud to have known him.

Mr. YATRON. Mr. Speaker, several weeks ago, the Congress and the Nation lost one of our greatest leaders with the passing of SILVIO CONTE. Mr. CONTE'S career as a public servant spanned a period of 40 years, and his tireless and selfless efforts in serving the Nation are an inspiration to us all.

It is said that altruism is a gift that exists in each and every one of us. However, this gift is fully developed in only a few among us. I believe that SILVIO CONTE personified the ideal of altruism and his lifetime of public service has established a standard by which all others will be measured. I will always remember SILVIO CONTE'S impassioned pleas on behalf of those in need. Indeed, his unrelenting efforts have made the lives of many better and brighter. In addition, while upholding his responsibilities with such devotion and seriousness, SILVIO CONTE also managed to bring to the House a rare ability to alleviate bipartisan tension through a unique sense of humor and wit.

It is with a heavy heart that I bid farewell to my distinguished colleague from Massachusetts, and with admiration and respect that I reflect on SILVIO CONTE and his many accomplishments. SILVIO CONTE'S presence will be greatly missed, but his memory will long be remembered.

Mr. FORD of Michigan. I join today with every Member of the House of Representatives in mourning the loss of our distinguished colleague, SILVIO O. CONTE. With his passing, the Congress and the Nation have lost a dedicated and effective legislator who cared deeply about his country and who spent his entire adult life in service to it.

The son of Italian immigrants, SILVIO CONTE grew up in a working class neighborhood in

Pittsfield, MA. He served in the Navy during the Second World War and later attended law school on the GI bill.

While serving in the Massachusetts State senate, SILVIO authored the first ever law to extend health insurance to State and municipal employees. When he was elected to the U.S. House of Representatives in 1958, he continued to dedicate himself to the advancement of those without political or economic influence, and later used his position as ranking minority member of the Appropriations Committee toward this end.

Despite the powerful position to which he rose, SILVIO CONTE never forgot his working class roots. From the earliest days of his four decades in public service, he was a staunch champion of the average man and woman. It was no wonder then, that SILVIO was the first Republican to support the plant closing bill. He not only cosponsored it, he came to me and offered to help write it. No one was prouder when the bill finally became law in 1988.

SILVIO CONTE'S courage and compassion was respected on both sides of the aisle and both sides of the Capitol. His brave opposition to the Vietnam war and the bombing of Cambodia, his dedication to health care, education, and fiscal restraint, are a lasting credit to this institution. Commitment to the ideals he believed in, very often in the face of great opposition, were the hallmark of SILVIO CONTE.

Most of all, SILVIO CONTE was dedicated to the art of legislative compromise. A fierce partisan, Congressman CONTE never allowed his pride in his party to stand in the way of progress for his constituents and his cause. Whether it was bringing together regional differences over a measure to provide fuel assistance to the poor, or authoring compromise language on a controversial abortion bill, SILVIO CONTE never lost sight of the needs and attitudes of the people of the First District of Massachusetts.

SILVIO CONTE was a man of remarkable warmth and personality. Rarely has a Representative been as beloved by all Members, North and South, Republican and Democrat, conservative and liberal, alike. The force of his presence, the passion and wit of his debate, his penchant for poetry and love of baseball made him an irresistible character whose mark on this institution will not soon be forgotten. Over our many years in the House together, when the hectic legislative schedule permitted, I was fortunate to spend some time hunting, fishing, and playing golf with SILVIO CONTE. It was through these informal encounters that we were able to build a friendship that I will always view with fond memories.

Many Members have a favorite SILVIO CONTE story which highlights his incredible sense of humor of fiery oratory. Some will recall his Miss Piggy mask, his battle over bees and subsidies for nuts, or his now-famous pantomime speech from the well of the House, but my favorite SILVIO CONTE anecdote reveals a man whose dedication and caring knew no limit or party affiliation. Once, when confronted with a difficult vote on a controversial appropriations bill aimed at helping the homeless, SILVIO was seen heatedly discussing the measure on the telephone with White House officials. After slamming down the receiver, SILVIO announced, "The administration is opposed. But I wasn't listening too carefully and I might have gotten it wrong." With a laugh he walked out and voted for the appropriation.

Mr. Speaker, SILVIO CONTE was an outstanding individual and an able legislator. I am thankful for this opportunity to pay tribute to a man whom I am proud to have called a friend and colleague. I and the entire Congress will remember many things about SILVIO CONTE, but above all, Mr. Speaker, his warmth and caring will be what I remember—and miss—the most.

Mr. HORTON. Mr. Speaker, today, I join my colleagues in the House in paying tribute to SILVIO CONTE, a man who is one of the greatest Americans ever to serve in Congress. There is just so much I could say about SIL, my good friend, that it's hard to know where to begin. But let me say this—Speaker O'Neill was right the other day when he said that sadness is not what comes to mind when you think of SIL CONTE. SIL had the rare ability to make any room he entered bustle. Always with a flair for the dramatic and the flamboyant, SIL's antics are legendary to all who knew him. None of us will ever forget his wearing a pig mask to protest pork-barrel politics or his whimsical quips about the size of the congressional garage staff and the Capitol Hill Police Force.

As jovial and merry as SIL could be and as much fun as he clearly derived from serving in Congress, SIL was equally dedicated and firm in his convictions when it came to fulfilling his role as a representative of the people. SIL's politics are every bit as legendary as was his humor and good natured personality.

As the ranking Republican on the Appropriation Subcommittee on Labor Health and Human Services, and Education, there have been few Members of Congress as committed to health and social-service programs as SILVIO CONTE. His dedication to the ideals of social responsibility were so great, in fact, that he gave up his seniority on other subcommittees to simply get on the Labor, HHS, and Education Subcommittee in 1971. And as the ranking Republican on the Appropriations Committee, SIL often assumed the role of the compromiser—balancing the interests of Massachusetts's First District as well as the interests of the United States with increasing budgetary constraints.

One program on which SIL and I closely worked was the development of the National Technical Institute for the Deaf, 1 of 9 colleges of the Rochester Institute for Technology. SIL was a constant supporter of NTID and its mission to offer deaf students education in the setting of a larger postsecondary institution for hearing students. He played a chief role in establishing the Micro Electronic Engineering Center, the only undergraduate program of its type in the Nation. SIL also was instrumental in developing the Imaging Science Center at RIT, the only institution of higher education in America that offers a Ph.D. in imaging science. For his dedication to the enhancement of education for hearing impaired students, RIT awarded SIL an honorary doctorate in 1989. The thousands of successful deaf businessmen, engineers, and other professionals who receive their education at RIT and NTID will serve as a living memorial to the convictions and compassion of SILVIO CONTE.

But what stands out above all of SIL's legislative achievements—and this is not to minimize his achievements, as during my 29 years in Congress, I have known few Members who took their job as seriously as SIL did—was SIL's wonderful personality. I can recall, just a few weeks before his death and shortly before he was to go to Canada for treatment, a large group of us were riding a crowded subway to the Capitol when I spotted SIL standing alone waiting for the subway. I was glad to see SIL looking well and, as we all know, SIL had the type of personality that makes you want to do this type of thing. As I said, the train was crowded, so I was standing, and I called over to him, "SILVIO!" And then I simply began to applaud my longtime friend. And, of course, SIL waved and shouted back, and before I knew it, the whole train of Members were standing and applauding SIL as he waited for the subway. There are few men or women who have ever served in Congress that could have that type of effect on their colleagues—SILVIO CONTE was one of those very rare individuals.

My wife Nancy and I would like to express our condolences to SIL's wife Corinne, his four children, and his family. Our heartfelt thoughts and prayers are with you all.

The death of a man of the stature of SILVIO CONTE, who combined political convictions, a sense of social responsibility, and an ebullient personality is a tremendous loss for the people of Massachusetts' First District, the State of Massachusetts, and the United States. I know we will all miss SIL, his cart with its flags waving, his poems, his cigar, and his sense of humor. And we will also miss his leadership, which is irreplaceable. I am quite confident that when the political history of our era is written, SILVIO CONTE will go down as one of the greatest representatives of the people. He will be missed.

Mr. HUTTO. Mr. Speaker, I rise today to remember and pay tribute to my friend, colleague, and fellow public servant, SILVIO CONTE. Those of us who have come to know SILVIO CONTE during the years, know that SILVO would like to be remembered as a representative of the people; accessible and driven to making life better for the people of his district and Nation. A noble man, a statesman, who with his passion and humor, constantly reminded his colleagues that we are accountable to our Nation's citizens and that we are here to serve them. Who can forget the times when he came to this very podium and vigorously fought to either support or object to programs based on what he thought was the best interest of the Nation.

Yes, SILVIO was a fighter. He fought because he was a man of conviction. A man who rejected the trappings of public office. A man who remembered his Italian-American roots in Pittsfield, MA. A man who was convinced that he could make a positive contribution to our Nation. And let the record show that he made incredible contributions to our Nation in his 32 years in Congress. Certainly, as the ranking minority member of the House Appropriations Committee, his fingerprints were on many of the important social programs funded by Congress. But SILVIO was much more than a public servant. He was a family man, and a man who had a deep faith in God. Also, SILVIO was a man of humor.

I still remember quite fondly the annual congressional baseball game that both SILVIO and I were involved in several years ago. It was September 1980 and I was a freshman in Congress, still adapting to my new environment and role in the House. I was playing first base when Pete McCloskey, a rather large ex-marine who was a Republican candidate for President in 1972, came to the plate. Pete hit this soft blooper down the first base line and I dashed in to catch the ball. I saw stars as Pete's knee caught my chin. The next thing I remember is SILVIO bent over me as I lay in pain on the field. It wasn't funny then, but it was the subject of much humor later. It was a broken jaw and I went through a campaign with my jaw wired shut. I won and SILVIO liked to joke that I had started a trend in national politics.

The House of Representatives will miss SILVIO tremendously. The people of Massachusetts will miss SILVIO. The Nation will miss SILVIO. Nancy and I want to extend our deepest sympathy to the Conte family. Our thoughts and prayers are with you during this time of great sorrow.

Mr. WELDON. Mr. Speaker, the passing of Representative SILVIO CONTE will leave a void in the Congress that will be impossible to fill. His urbanity, wit and dedication to the precepts of sound government combined to make him one of our Nation's respected leaders. We all mourn his loss.

In one way or another, he touched each of us. Not only as Members of Congress, but as citizens. He worked tirelessly to make America a better place to live. Every one of us could make a long list of his great contributions to this country. I would like to make special mention of two of them. These are not always the issues that make the front page of the paper or the evening news, but are vitally important.

A dedicated environmentalist, SIL CONTE used his position on the Appropriations Committee and the Migratory Bird Conservation Commission to protect environmental resources around the globe. From Antarctica to the United States National Wildlife Refuge System, his tireless work has led the preservation of some of the world's most important wildlife habitats.

I would be remiss if I failed to mention SILS' commitment to fire and life safety. As the ranking member of the Appropriations Committee, he helped oppose continual efforts to eliminate Federal fire programs. He worked with me on legislation to help reduce America's tragic record of fire loss. I know that the thousands of fire service professionals in western Massachusetts join us in honoring the legacy of a great man.

Above all, SILVIO CONTE was a man of compassion, warmth, and vision. His death has left a void in this Chamber which will be difficult to fill.

Mr. FISH. Mr. Speaker, I commend and thank the gentleman from Illinois [Mr. MICHEL] and the gentleman from Massachusetts [Mr. MOAKLEY] for organizing this special order.

America lost a national treasure when SILVIO O. CONTE of Massachusetts died February 8. For 32 years he graced this House serving his district and his country. I will remember his courage, his sense of humor, his compassion and his determination to improve the quality of life for all Americans. So highly regarded was this Republican by his predominantly Democratic constituents that they returned him to this body 16 times by large margins.

It would take days to name all of CONTE'S legislative achievements. Each year the appropriations for the Departments of Labor, Health and Human Services, and Education reflected his priorities. A few individual measures stand out: Legislation to help the poor pay heating bills; sponsoring the first program to research AIDS; legislation to create AMTRAK to preserve passenger train travel. Whenever there was a battle to be fought on behalf of the least among us: The poor, the sick, the elderly, our youth or minorities, you could be sure SILVIO would be on the front lines leading the fight with obvious relish. Millions of our citizens who never knew this man owe much to his deep concern for them.

SILVIO CONTE followed his conscience. He was not afraid to challenge Presidents when he considered it necessary, including those from his own party. But he also knew when it was time to close ranks for the good of the country. He opposed the recent congressional resolution authorizing use of force in the Persian Gulf, but when it passed, he stated: "It is time for our Nation to unite. I am behind the President 100 percent from this day on."

We all have fond memories of SILVIO CONTE: His donning a pig mask on the House floor to denounce pork barrel spending; rallying his teammates as manager on the G.O.P. Congressional Baseball Team; and reading his own poetry in the well of this House. His every appearance in the House Chamber was electric; his enthusiasm infectious; his laughter disarming.

I remember him as a close friend, a principled colleague, often when to be principled meant being fearless. SILVIO O. CONTE ranks with those whom history will remember as congressional giants.

We, his colleagues, extend our deepest sympathy to SILVIO'S wife Corinne, his four children and six grandchildren. As we share their loss we thank them for sharing his life with us and with the Nation.

Mr. SCHULZE. Mr. Speaker, with strong emotion I rise today to pay tribute to my colleague and friend, SILVIO CONTE, who has passed on. We will miss him on the floor of the Congress. And I will miss him most remembering times when we spent many pleasant hours hunting and enjoying the outdoors. One can learn much about a person in those quiet hours in the woods, waiting. What I learned of SIL will always remain with me—he was a great man, a great orator, a great statesman, and public servant.

Most of you know SIL best here on the floor of Congress, where he was known for his strident rhetoric. Yes, SIL was strident, because he only fought for causes in which he believed strongly. SIL wasn't afraid to tackle a cause because it might result in controversy. SILVIO held his seat in Congress for 41 years, not because he read polls to decide how to vote, but because he voted his principles. And if SIL couldn't find legislation that met his ideals, he introduced it, and worked hard to see that it got passed.

SILVIO CONTE was a free spirit, as comfortable with poetry as he was with humor. He was as much at home on an athletic field as he was in the Halls of Congress. For 25 years, SIL coached such notables as George Bush and Jerry Ford in the art of baseball for the Republican Congressional Baseball Team. He brought that untamed energy with which we are all so familiar to the baseball diamond. He also merged his love of sports with his ideals through his support of the National Youth Sports Program. This program funds summer camps for minority and disadvantaged youth. SIL, along with President Ronald Reagan, selflessly promoted the program.

I believe all Americans have a special reverence for the children of immigrants who combine hard work with the many opportunities offered by this country to achieve success. SIL did that. He graduated from Pittsfield High School's vocational program, then went to work as a machinist at the local General Electric plant. After serving in the Seabees during World War II in the South Pacific, he used the GI bill to attend Boston College and its law school. Rather than take his degree into the world for monetary gain, SIL believed in giving back to this country in which he had been given so much. He said that his parents had instilled in him a fierce desire to contribute something of value to this great Nation. Through his service, in the military and in Congress, he gave back tenfold.

SILVIO CONTE was a familiar sight on the streets of Washington, driving his red convertible which his staffers called The Judge, wearing a straw hat and smoking those big cigars. He was one of a kind. He was one of the best. I am proud that SIL CONTE called me friend. He will be missed. His wife, Corinne, and four children can be proud to know how much SILVIO CONTE was beloved by his peers and constituents.

Mr. PANETTA. Mr. Speaker, I want to join my colleagues in paying tribute to a great and good man, SILVIO CONTE. I can't think of anyone whose loss could mean more to this institution and to the people who have the privilege of serving in it.

SILVIO CONTE had so many fine qualities as a human being and as a Member of Congress, it's hard to list them all.

I think I would start with his sense of loyalty. He was loyal to his family, loyal to his constituents, loyal to his party, and loyal to his President. I would add that he was fiercely loyal to this institution. He defended it from abuses of all kinds, as he saw them, whether by a President of either party, the Senate, the press, or Members, or leadership on either side of the aisle right here in this Chamber.

He recognized that, for all its faults, the House of Representatives is the first and last bastion of American democracy, and he protected it as though it were his child.

The second quality we all admired about SIL CONTE was his compassion. No one wanted to do more for the most vulnerable in our society—the sick, the needy, the elderly, and the children. He used his position on the Appropriations Committee to accomplish those goals, and he also used it to lash out against what he considered wasteful spending that took needed funds away from those goals.

A third quality we all remember was his skill as a legislator. SILVIO CONTE was not shy about talking. But he was not just a talker, he followed through. He had strong ideas and loved his party, but he was no ideologue or mindless partisan. He worked with Members and worked with administrations to accomplish what he believed in. He was bipartisan when that was necessary and a tough partisan when that was required. And he usually got what he wanted.

Finally, you can't talk about SILVIO CONTE without talking about his sense of humor. No one else could make a serious point and have as much fun doing it. A Conte speech in full throttle was a sight to behold, and woe to his opponents, who were likely to be skewered by the wit that he wielded like a sword.

And of course, when the Congress was unable to do its work and found itself in session at all hours of the day and night, we could always count on a poem, often an epic, that cast a critical but affectionate light on our efforts.

It is hard to imagine the U.S. House of Representatives without this particular gentleman from Massachusetts. The place just is not the same without him. His personality was unique, his legislative role so significant.

Mr. Speaker, my wife Sylvia and I want to extend our sympathy to SIL's family. They have a lot to be proud of, and we hope their memories and the support they can count on here in his second home will carry them through this difficult time.

Mr. KENNEDY. Mr. Speaker, I am grateful for the opportunity to pay tribute to a fellow colleague from Massachusetts today.

Congressman SILVIO CONTE was a man who so elusively defied the labels that are so quickly branded on politicians. He gracefully walked the tightrope between liberalism and Republicanism, between partisan politics and independent thought, between social compassion and fiscal conservatism, between persuasive anger and disarming humor.

He was a true Lincoln Republican, standing for the poor and powerless—and being a fiscal conservative to boot. SILVIO fought his battles with a passion and a tenacity that all of us admired. His sympathies were with the little guy, not the big money interests.

How many poor families will be cold next winter because SIL is gone?

How many college students will remain at home next year because SIL is gone?

How many mothers' and childrens' health care will suffer because SIL is gone?

He was the conscience of the poor in the Republican Party. He was the backstop that all the injured of this country could make their last appeal to.

In short, SIL was there with a smile and a scream, with a kind touch and a compassionate soul. This institution will be a little less friendly, a little colder, without SIL's presence.

Mr. PORTER. Mr. Speaker, this Congress, the people of Massachusetts, and indeed all the people of our Nation lost one of America's most beloved elected officials when our friend and colleague SILVIO CONTE died earlier this month. His forceful presence and unique personality touched each of us, and we will miss him more than words can say.

SIL was one of the few Members of this body who can truly be called a legend. In an institution which we refer to as "the people's House," he was the very embodiment of the indomitable popular spirit which is so much a part of the American character. The huge gathering that attended his memorial service—nearly 1,200 people, including the Vice President, members of the cabinet, and over 100 current and former Members of Congress—is one indication of the high esteem in which he was held by everyone who was privileged to know and work with him.

There will be countless and eloquent tributes to SIL, and with good reason—he was widely admired and respected on both sides of the aisle. As someone who served with him, and under his leadership, on the House Appropriations Committee, I would like to add just a few thoughts about my friend and colleague and those things I appreciated most about him.

Throughout his long and distinguished career, SIL set standards for the rest of us to admire. He understood how to wield political power, yet never flaunted it; he held positions of prominence, yet never took himself too seriously. He always reminded us of why we were here. Whenever the House resorted to posturing and bombast, you could count on SIL's irreverent and engaging wit to challenge the nonsense and bring Members back to reality.

All of us who knew and worked with SIL will always cherish his warmth, his wonderful sense of humor, and the way he inspired us. His career is a touchstone for all those who dedicate themselves to responsive, caring government.

Mrs. MINK. Mr. Speaker, I would like to take a moment to remember Representative SILVIO O. CONTE, someone who was counted a respected colleague and loyal friend by virtually everyone who has ever served with him in this body. It is with great sorrow that we mourn the passing of a great and trusted friend, but with feelings of warmth and pleasure as we remember his kindness, jovial ways, and true dedication to the people he served, the U.S. House of Representatives, and the Nation.

I had the privilege to serve with SILVIO for 12 years in my previous tenure in Congress, and was excited to renew that friendship as I came back to the Congress last year. Though SILVIO served across the aisle from me, I can remember many a time, when we worked for the same side, working for the people of our districts, to make life better for them and their children. That is really what SILVIO was all about—giving of himself, his time and efforts to do what he truly believed what was right for our country.

There were many things I admired about SILVIO, but the thing that comes to mind most often, was his courage to stand up for what he believed and to put the needs and interest of his constituency above himself. Whether it was housing, education, health care or looking out for the needs of the poor, the elderly or the children of our Nation, SILVIO was there to champion their cause. Just earlier this year his courage and dedication was portrayed in his ability to stand up against his party and the President to vote against the Persian Gulf Resolution authorizing the use of force in the region.

In life there are many gifts, but none as meaningful as friendship. SILVIO, was the kind of person who could take this gift and spread it to all he met. I was lucky enough to receive his friendship, and it is a gift I will remember all of my life. This Nation has lost a great deal with SILVIO CONTE'S death, but it has gained so very much from his life. It is my great hope that his work will live on for many years to come.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the gentleman from Massachusetts, Mr. MOAKLEY, and the minority leader, Mr. MICHEL, for reserving this time to pay tribute to our colleague and good friend, SILVIO O. CONTE. We mourn the passing of SILVIO; the distinguished dean of the Massachusetts delegation, an outstanding legislator, and a committed and dedicated individual.

I am sure that everyone who has come to pay homage to our colleague feels a great sense of loss. There is a void in this House which will take a long time to fill. I will miss SILVIO CONTE. He was a man I admired; a man I respected; and a man I was proud to serve with in the Congress.

For over three decades, SILVIO O. CONTE represented the First Congressional District of Massachusetts in this body. He came to Congress in 1959, after winning a close election against a well known college professor, James McGregor Burns, who enjoyed the support of then-Senator John F. Kennedy. SILVIO won reelection time after time with ease, and he never had any serious opposition. He came to the House with 8 years experience in the Massachusetts State senate, where he distinguished himself on education, labor and budgetary issues.

When he arrived in Congress, Silvio secured a seat on the Appropriations Committee. He achieved the distinction of becoming the ranking minority member on the full committee, and the ranking minority member on the Labor-Health and Human Services-Education Subcommittee. In addition, he served as a member of the Transportation and Legislative Branch Subcommittees, and as an ex-officio member on the 10 remaining appropriations subcommittees.

Mr. Speaker, I was privileged to serve on the full Appropriations Committee and the Labor-Health and Human Services-Education Subcommittee with SILVIO O. CONTE. It was in this capacity that I came to know SIL; to respect him; and to admire him greatly.

SILVIO CONTE was an outspoken advocate of additional funding for higher education. He played an instrumental role in preserving the Pell Grant, TRIO an SEOG programs, and he was a strong supporter of programs ensuring educational opportunity for all.

Over the years, I had the opportunity to work closely with SIL on numerous special projects involving the education community. Just last year, he fought to increase funding for the supplemental educational grant program; expand funding for FIPSE; and add nearly $100 million in funding for the TRIO program to help disadvantaged students. Earlier this year, SIL introduced the Postsecondary Recognition, Innovation, Deregulation, and Excellence Act of 1991, or PRIDE. SIL was proud to sponsor this important legislation which includes provisions aimed at boosting our Nation's TRIO programs. SILVIO was a special friend and with his passing, the education community has lost a great champion.

SILVIO was also a strong supporter of funding for health care initiatives. He supported medical research, mental health, and funding for the care of the handicapped.

Mr. Speaker, on February 13, nearly 100 Members of this body gathered in Pittsfield, MA, to attend the funeral Mass for SILVIO O. CONTE. This, however, is only fitting for our colleague whose popularity and magnetism won him countless friends on both sides of the aisle. His ability to garner friends and build coalitions on both sides of the aisle was his trademark—and a legacy to this body.

Mr. Speaker, the one aspect of SIL's character that will always stand out in my mind was his great courage. Just 1 week prior to his death he had revealed to his Republican colleagues that he was very ill. That evening, however, he hosted a reception for the new Mayor of Washington, DC, Sharon Pratt Dixon. On that evening you would have never known that he was ill. He was his same flamboyant, charismatic self, ever gracious and friendly. That was SIL, a special guy.

Mr. Speaker, I am proud to have counted among my friends and colleagues a man such as SILVIO O. CONTE. I will miss him greatly and I hope that it is some comfort to his wife, Corinne, and his family, that so many others in this Chamber share that emotion.

Mrs. MEYERS of Kansas. Mr. Speaker, I first met SIL CONTE long before I came to Congress. Back in 1976, we were both at the Republican Convention in Kansas City.

In our brief encounter that lasted only a few days that August 1976, I was impressed by this man's ability to bring about consensus. He was able to break tension and disagreement with his humor and common sense, moving everyone toward the common good.

It was hard, if not impossible, not to like SIL. His charm and humor were irrepressible, and that wonderful smile of his lit up the darkest of moods.

And he loved a wager just as much as the next guy or, in this particular case, woman. In my first year here, the Kansas City Royals were in the World Series. He did not think the Royals could pull it off. Well, this was one of the few times that SIL was wrong, and I got a nice lunch out of our wager.

We were all concerned about SIL's health during the last couple years, probably as much as he was. But he showed no self-pity. Instead, as he drove that cart with all those flags proudly waving, we all knew that SIL exhibited a spirit and courage that most of us can only dream about.

SIL had the gift for prose and eloquence. Whenever he was in this well, we all knew that we were going to be entertained with words of wisdom and wit. None of us will ever forget his gift for poetry when it came to pork barrel spending and the budget.

While I am sure SIL would like me to remember him in my own poetic way, I think it would be more fitting to remember him for the great man he was with the words of Henry Wadsworth Longfellow:

Were a star quenched on high,
For ages would its light,
Still travelling downward from the sky,
Shine on our mortal sight.

So when a great man dies,
For years beyond our ken,
The light he leaves behind him lies,
Upon the paths of men.

SIL, we will miss you and remember you always. Goodbye, dear friend.

Mrs. COLLINS of Illinois. Mr. Speaker, earlier this month, we lost a dear friend, distinguished colleague and true humanitarian when SILVIO CONTE passed away. It is not often that a Member of this body inspires both the sincere affection and admiration of colleagues on both sides of the aisle. But SIL CONTE was loved—and will be missed—because he cared more about people than politics. Not that his party's philosophy wasn't important to him—it was. But more important were making decisions and effecting policy as guided by his heart and his conscience. In this day of cookie-cutter politicians, sound bites and positions dictated by the latest opinion polls, SIL CONTE was a refreshing throwback, one of the last of a vanishing breed in the House.

SIL CONTE left behind many friends and warm memories. We will miss his drive, his poetry, his passion, and his fighting spirit. This spirit was never more in evidence as he valiantly battled the only foe that could bring him down, cancer. And we'll never forget his tirades on the House floor against what he felt were inappropriate spending measures. I and others of my colleagues may have, from time to time, differed with SIL, but it was never taken personally on either side. If a Member of this body can press his or her case with strong conviction and reasoned argument but not offend their adversary, then they are more than a politician, they are a statesman. SIL CONTE was a statesman.

For years, SIL coached the Republican baseball team to more victories over our team of Democrats than I care to remember. And even though he got tremendous joy out of winning, we bore him no ill will because his happiness was in the spirit of good-natured competition and fun.

SIL cared deeply for his family, his dear wife Corinne, their four children, and six grandchildren. To his credit, that family spirit extended to his staff as well. How much? Bernadette McAuliffe, his personal secretary, was with him for 21 years and 7 months. You don't stay around that long if you're not appreciated and treated well. While no one else on the staff has quite that record of longevity, many others did enjoy long tenures with the Congressman from the First District of Massachusetts. I've even heard that many Appropriations Committee associate staff have fond memories of him as well.

SIL we'll miss you. But as we get deeper into the appropriations cycle, we know you'll be up there watching us and probably railing about some provision or another in one of the spending bills. I only wish you were still here among us and not with St. Peter.

Mr. SCHEUER. Mr. Speaker, SILVIO CONTE was a man whose history was steeped in the liberal tradition of deep, personal commitment to the care of humankind. But it also a history built around a belief in fiscal conservatism. SILVIO believed in a government that cared for the young, the impoverished, and the disadvantaged. He also made a personal campaign to keep the Federal Government's hands out of the taxpayer's pocket.

This may seem like a set of contradictions, but it is not. SILVIO was way ahead of his time in knowing that we can afford to care for our own without going broke doing it.

SILVIO CONTE was a man of immense good humor and took joy in every minute life had to offer. His spirit, intelligence, and dedication were the embodiment of what Congress is supposed to be.

SILVIO CONTE was a devoted family man who was fiercely proud of his Italian-American heritage. His ability to get along with virtually everyone only enhanced his abilities as a legislator, and he was just as likely to be working side by side with Democrats as he was with Republicans.

Mr. Speaker, the country has lost a true leader, the Congress has lost a gifted colleague, and we have all lost a true friend. Emily and I both feel a deep sympathy for Corinne Conte and her family, but we also share her joy in having raised her children with one of America's originals, a truly remarkable man.

Mrs. VUCANOVICH. Mr. Speaker, on February 8, 1991, the American public lost more than a valued legislator and the U.S. Congress lost more than a respected colleague, we lost a cherished friend.

SILVIO CONTE was truly a man among men. He brought integrity, honor, and humor to an institution so needing of these qualities. SILVIO CONTE had heart, and he demonstrated this time after time through his actions both on and off the House floor.

I consider myself very fortunate to have had the privilege of serving with Mr. CONTE, and greatly appreciate the faith he had in my abilities as a legislator. Just 1 month before his death, SIL supported my appointment to the House Appropriations Committee. In ill health, he made me feel welcome as a new member and an integral part of the committee. He firmly believed that we here in Washington can make a difference. I for one am going to do my best not to let him down.

His fervor and zeal for life helped form his political agenda, and he took on that agenda with the same enthusiasm with which he embraced life. CONTE'S success lay in his humanitarian concern, he truly cared about the welfare of his fellow man.

I am reminiscent of the time SIL took a shot at many of his fellow colleagues whom he thought were being frivolous in their spending, which SIL felt was not in the best interest of the country. He presented his stance with a humor that took the edge off of the accusation. He made many of us laugh when he showed up on the House floor in a pig's mask to complain about pork-barrel politics and the practice of Members trying to secure special benefits for their constituents. Humor was his asset, SIL loved to make people laugh.

But SIL couldn't bring a smile to anyone's face the day he told us at a meeting of Republican members of the Appropriations Committee that the treatment for his progressive cancer was not working. He was such an optimist, always upbeat. That day he was not too optimistic, that day SIL could not make us laugh—we could only cry.

A superb legislator, an honorable man, a loyal friend—he will be missed.

Mr. MURTHA. Mr. Speaker, I was deeply saddened by the recent death of Congressman SILVIO CONTE. Throughout his distinguished life, SILVIO was a man of commitment—commitment to his country, commitment to duty, and commitment to the Congress he loved so much.

In 1979 when SILVIO became the ranking minority of the full Appropriations Committee, he also became an ex-officio member of the Defense Appropriations Subcommittee. The condition of our Armed Forces at that time was mediocre—planes couldn't fly because of the lack of spare parts, a high percentage of recruits were not high school graduates, morale of the troops was at rock bottom, and the Soviets were expanding their empire into Afghanistan and other areas of the world.

When SILVIO ended his service in Congress, America was standing tall in the world. Morale of the troops was excellent, spare parts for aircraft were ample, and the effectiveness of the military was dramatized in the Persian Gulf.

Believe me, it was no coincidence that SILVIO CONTE served as an ex-officio member of the Defense Subcommittee and Massachusetts was one of the top States in the Nation in terms of per capita expenditure of defense funds among the various States.

Every aspect of SILVIO CONTE'S life was a commitment to duty—his duty in World War II, his duty in the Massachusetts State Senate, and his duty in the Congress where he so ably represented his constituents and his country.

Duty was not something that SILVIO CONTE consciously thought about. Duty was in the fiber of his soul. Duty was the most natural thing in the world to him. To SILVIO CONTE, duty was simply a way of life.

I have lost a true friend and this country has lost a great statesman. To his lovely wife and family, I extend my sincere condolences. They can take comfort in the knowledge that in his many years in Congress, SILVIO left his mark on the Congress and the Nation. He will be greatly missed in this Chamber.

Mr. GUNDERSON. Mr. Speaker, as we gather today to remember our colleague and friend, SILVIO CONTE, many of his best traits come to mind; his honesty, integrity and candor, his sharp wit and sense of humor, and most importantly his commitment to public service.

PERSIAN GULF

One of SIL's last remarks on the House floor was directed at the Persian Gulf crisis, and at Saddam Hussein in particular. I sat with SIL on the House floor on January 30 when he formulated his thoughts. As demonstration of SILVIO's unique ability to cut through the bluff of politics to speak directly to important issues, let me quote his comments:

> Mr. Speaker, it strikes me as strange every time I hear a report which says that Saddam Hussein follows through on his word.
>
> The 1923 Geneva treaty, signed by Iraq, explicitly prohibits the use of chemical weapons and poisonous gas as a means of waging warfare. And for years, Saddam Hussein has used chemical weapons against Iran.
>
> The 1949 Geneva protocols demand the humane treatment of prisoners of war. Yet, Saddam has gone out of his way to mistreat our prisoners of war and brutally parade their bruised bodies before the world.
>
> In 1972, Iraq participated in and signed an international agreement which called for the prohibition of the "development, production, or stockpiling of biological weapons." And each nation which signed the treaty promised to destroy any biological weapons in their arsenal within 9 months.
>
> And in 1977, Iraq participated in and signed an international agreement which prohibited the use of "hostile environmental modification techniques by the military." Under this treaty, Iraq agreed not to use their military to harm the environment in any way which would have widespread, long-lasting or severe effects.
>
> A man of his word, Mr. Speaker? Saddam Hussein is a man of lies! And he will be held accountable for his war crimes as well as for his crimes against the environment.

SILVIO's remarks about Saddam Hussein are right on target. And as this crisis is brought to a conclusion, I agree that we must hold Hussein accountable for the atrocities he has committed against both mankind and the environment.

LIHEAP

As everyone in this body knows, and as most low-income citizens of the Northeast know, SILVIO was a leading advocate of social programs to help those in need throughout the Northeast and Midwest. The Low Income Home Energy Assistance Program [LIHEAP] is an example of such a program; it provides critical help to those individuals with the greatest financial difficulties in heating their homes. When funding for this program was threatened, SIL worked diligently to ensure that it was restored. As a tribute to his tenacity and effectiveness, he was successful every time.

EDUCATION

As the ranking member of the Appropriations Committee, SILVIO was a wonderful friend of the education and health communities. He was a champion for higher education, chapter 1, biomedical research, programs assisting those with disabilities, and countless others.

One example of SILVIO's efforts in the education arena is his involvement with the issue of children's attention deficit disorders. Children with attention deficit disorders make up 3 to 5 percent of the children's population in the United States. Last year, SILVIO included funds in the Labor, HHS Appropriations bill establishing a center for children with attention deficit disorders. Even my own constituents have requested that I thank SILVIO in my remarks for his contribution to this important accomplishment.

Just days before we lost SILVIO, he introduced the Postsecondary Recognition, Innovation, Deregulation, and Excellence Act of 1991 [PRIDE]. PRIDE represents an expansive effort which should serve as a model for future education reform proposals.

I had both the honor and the pleasure of working with SIL over the last decade on increasing funding for Gallaudet University. In recognition of his tireless efforts on behalf of Gallaudet University, this Nation's landmark educational institution for deaf people, SIL was awarded an honorary doctorate degree in 1987. The inscription accompanying SIL's honorary doctorate of law degree perhaps is the best tribute to his efforts on behalf of Gallaudet University:

> Nurtured by the Berkshire Hills, this illustrious son of Massachusetts, whose vision includes the entire Nation, and whose distinction has been honored abroad, has never forgotten his roots. In a lifetime of public service that has made him a legendary figure in the Halls of Congress, he has been an indefatigable supporter for programs that enhance the individual, decency and human fullfillment of all citizens. He has witnessed extraordinary accomplishments of individuals born with handicaps who are now productive members in society. During nearly three decades in the House and from his days in the State Senate in Massachusetts, we owe him and will always owe him a lasting debt of gratitude.

I am sure I speak for all who have had the privilege of knowing SILVIO when I say his presence in the House will be greatly missed; it is like a light has gone off in the people's House than can never be relit.

Mr. HAMMERSCHMIDT. Mr. Speaker, I join with my colleagues today in paying tribute to a great American—SILVIO CONTE. It was my distinct privilege to serve with SIL for 25 years.

SIL was born and raised in the town of Pittsfield, MA, and for the last 32 years he faithfully represented that town and the entire First District of Massachusetts. SIL began his career of public service with the Seabees in World War II, serving in the Southwest Pacific. After graduating from Boston College Law School in 1949, he successfully ran for the Massachusetts State Senate serving there from 1951 to 1958. In 1959, he began his tenure in the House of Representatives.

President Bush has said that SILVIO CONTE "lifted people's spirits by just walking into a room" and I would totally agree. If there ever was a colorful character who walked through this Chamber, it was SILVIO CONTE. Few can forget the eloquent and forceful speeches he made on the floor of the House. Often employing his great sense of humor, he always made his point in a way that would be remembered by those who heard him speak.

His position as ranking Republican on the full Appropriations Committee was one of the most pivotal in the Nation. From that committee seat, SIL had to wrestle with the ever-declining Federal budget, the still-growing deficit, and at the same time ensure that those who needed Federal assistance were provided with adequate funds. Certainly no easy task, yet SILVIO CONTE executed this responsibility with great distinction. He was a strong advocate and voice for those who could not always speak for themselves—the elderly, the poor, and the children of our Nation.

His wisdom and his passion will be sorely missed. Mr. Speaker, my wife, Ginny, and I extend our heartfelt condolences to Corinne and the entire Conte family.

Ms. SNOWE. Mr. Speaker, let me just start out by thanking and commending the gentleman from Massachusetts [Mr. MOAKLEY] and our Republican leader [Mr. MICHEL] for taking this time today. On this occasion, it is truly a special order.

There is, Mr. Speaker, a sparkle missing from this Chamber. The House of Representatives is paler, more two-dimensional, less vibrant. The Congress and the Nation's Capital are lesser places. SILVIO CONTE is gone.

SIL took with him ideals about and enthusiasm for public service which we could all admire but have little hope of emulating. What politics in the age of television lacks is precisely what SIL CONTE brought to it: Passion, and the unhesitating exultation in the world around him.

Conversely, what characterizes contemporary politics is precisely what SIL CONTE avoided: That humorless acrimony and personal animosity that, sadly, has seeped into the body politic today. Not for SIL CONTE, not ever—SIL might have been your adversary on an issue, but never an enemy.

I started getting to know SILVIO CONTE back a decade ago in the budget battles early in the Reagan administration. Not too many are left in the House who can claim to have been fellow insects with SIL—we were gypsy moth Republicans together. Sitting at a table with SIL, poring over a budget, was equal parts instruction in how Congress works, and in how a budget isn't about numbers, but about real lives and real people.

SIL knew, for example, that low-income energy assistance wasn't simply a line item in a budget, to be adjusted according to other needs. And because he knew that and fought for that assistance, today, with winter's icy chill settled across my State of Maine, there are some families who are warm and safe who otherwise might not have been. They have SIL CONTE to thank.

In so many other areas as well, from higher education assistance to school lunches, SILVIO CONTE consistently took stands to defend the genuine human interests of his district, his State, and all of New England. So much of what he did was of help to my State of Maine that it seemed we had a third Member of Congress.

Of course, as a New Englander, SIL CONTE also had the misfortune to live under our region's curse: The failure of the Boston Red Sox to win the World Series once during his 69 years. Somehow, though, I get the feeling that SIL is up there in heaven trying to wangle some divine assistance for the Boston pitching staff.

Mr. Speaker, in the weeks and months ahead, I know that I'll feel the absence of SIL CONTE, even in the smaller things. His cart with its flags no longer stationed by the Rayburn subway. Or a rousing crescendo in debate that never occurs.

But I will remind myself, as I hope SIL's wife Corinne will, that even though his life ended far too early, SILVIO CONTE drank long and full from the rich cup of life. The words of Robert Browning capture it well:

> How good is man's life, the mere living! How
> fit to employ
> All the heart and the soul and the senses forever in joy!

Mr. YOUNG of Florida. Mr. Speaker, I want to commend my leader, Mr. MICHEL, for requesting this time today to honor one of the truly legendary Americans ever to serve in the U.S. Congress.

The time reserved this evening to pay tribute to SILVIO CONTE will only allow us to skim the surface of the great contributions he has made to our Nation over the past 33 years. His legislative accomplishments are many, his tireless work on the Appropriations Committee is unquestioned, and his humor and poetry will be sorely missed by our colleagues in the House.

This evening I want to tell you about the human side of SILVIO CONTE. Beneath a sometimes gruff exterior was an undying compassion and concern for those most in need, whether they were the poor and elderly shivering in the night because they were unable to pay their heating bills or the inner-city youth who needed a chance to attend college.

My family had a special opportunity to feel the warmth of this compassion during the last few weeks of his life as he sought to encourage and comfort my daughter Pam, who was going through a bone marrow transplant in Minnesota to save her life and rid her of leukemia. It was at a time when SILVIO was himself fighting his own battle with cancer, that he penned a letter to Pam which she received during the most difficult time of her procedure. I want to share that letter with you because it captures the true spirit that drove SILVIO CONTE. He wrote Pam on December 19, 1990, saying:

> DEAR PAMELA: Your father has been a friend of mine for many years. We serve in the Congress together, and he also serves with me on the House of Representatives Appropriations Committee. Let me also tell you that he has been very supportive and inspirational to me because I, myself, have carried on a long battle with cancer.
>
> It is for these reasons I took a special interest when I heard that his daughter would be undergoing a bone marrow transplant and would be laid up for a couple of months.
>
> As one who knows the battle, I can tell you the idea of cancer reminds us of our mortality, and idle time in a hospital leads to boredom and fear. You must remember though Pamela, the power of the mind is a wondrous thing, and your will can be the strongest muscle you have. You can beat this because you know you can, and you must have the attitude of a quarterback before the championship or a field general on the eve of final victory. You can win if you fight.
>
> Keep up the fight, Pamela, and be sure and come see me when you next visit your father's office in Washington.
>
> Looking forward to your speedy recovery.
>
> Love,
>
> SILVIO.

SILVIO certainly knew the battle and took his own advice to heart. Despite suffering from a form of cancer that ravaged his body, SILVIO kept on with the work of the people. He never slowed his pace and he most certainly never gave up hope. Right up until his final hours, SILVIO fought for his life with the same ferocity that he pounded the podium of this House to right a wrong or to help another in need.

SILVIO'S warm thoughts were an inspiration to Pam just as his words and deeds will long be an inspiration to thousands if not millions of Americans, many of whom never had the special opportunity to meet SILVIO, but will benefit from his lifetime of work.

Mr. Speaker, SILVIO CONTE was one of those unique people who comes along just once in a lifetime. His furor and humor may never be replaced in this House. His greatness will be that against which current and future Members are measured.

His memory and inspiration, however, will live on forever. My daughter and I will treasure his words and encouragement at our time of greatest need just as we will all treasure our memories of his wit and wisdom and his undying love for our Nation and his home State of Massachusetts.

Mr. OXLEY. Mr. Speaker, as has been noted, the late SILVIO O. CONTE was one of the best loved members of this House. An entertaining and effective orator, he possessed a biting wit and a spirited sense of humor. As a fiscal conservative, he was as tough on wasteful spending as any Member of this body.

The son of Italian immigrants, and a veteran of World War II, SILVIO CONTE was elected in 1958 and served 32 years as an esteemed Member of this body. In his 17th term, he was truly an institution unto himself. In my opinion, SIL CONTE was one of the greatest things ever to come out of the State of Massachusetts.

As player-manager of the Republican congressional baseball team since 1962, SIL led us to an awesome 17–7–1 record. He managed the likes of the illustrious pitcher, BOB MICHEL, and that famous first baseman, George Bush. For the past 9 years, I was one of those coached by SIL CONTE, which was one of the great pleasures of my congressional career.

SILVIO CONTE was an avid hunter and a noted wild game gourmet. He was an afficionado of the good things in life, it is true, but more importantly, SIL appreciated the important things in life. Like most Red Sox fans, he was loyal in the face of any circumstances, and as the thousands of friends he leaves behind will testify, his good humor was simply indomitable.

SIL, thank you for fighting for me, thank you for serving with me, thank you for coaching me, and thank you for your friendship and for all the joy you brought us.

Mr. STENHOLM. Mr. Speaker, I join my colleagues today in paying tribute to our friend and statesman, Congressman SILVIO CONTE. SILVIO has had an enormous impact on this legislative body and on those he represented in the First District of Massachusetts. His endless dedication to both entities epitomizes a legacy that is, without question, outstanding.

SILVIO CONTE distinguished himself as a doer of deeds, who knew the art of motivation and the triumph of high acheivement. Although we were adversaries on some issues and engaged in fierce debate on occasion, SILVIO was always a gentleman—quick to share his good humor and enthusiastic spirit with others. And all the while, he proved to be a consistent example of commonsense and practical results, in oftentimes complex and complicated circumstances.

He worked diligently in his efforts to be responsible with taxpayer dollars and will long be remembered for his spirit of bipartisanship—enhancing his ability to work effectively on both sides of the aisle. All of us will fondly remember SILVIO CONTE, a worthy and respected colleague.

Mrs. BENTLEY. Mr. Speaker, I want to commend Messrs. MOAKLEY and MICHEL, who have taken this time to pay tribute to our great colleague, the late SILVIO O. CONTE. My first encounter with Mr. CONTE was some 20 years ago, when he was a young member of the

House, and I was Chairman of the Federal Maritime Commission. Meeting Mr. CONTE then, I remember being awed by this Republican, who seemed to enjoy needling a fellow Republican. In recent years, I have become more in awe of such a powerful Republican who had been in the House for over 25 years from a very Democratic State. He may have represented the minority party, but one would never consider him a minority even though he came from a strongly Democratic State.

SILVIO CONTE set an example for all of us on how to be a true legislator, as opposed to being a politician, although he did both with equal elan. Mr. CONTE would not support a piece of legislation he did not believe in, even if it meant raising the ire of his party's leadership, or the administration's. Conversely, he supported measures that may have seemed liberal at the time, but made ultimate sense, such as appropriations for AIDS research.

These are lessons that all of us should take to heart. SILVIO CONTE was not an individual who maintained a narrow political ideology, but who took the time to sit back and look at the big picture. Too many of us look for a short-term gain, and fail to see the possible long-term consequences of a price of legislation.

Not that these are the only qualities that made him the great man that he was. He typified the American dream. The son of an immigrant factory worker, he rose to become one of the most powerful men in the U.S. Congress, ranking minority member on perhaps the most powerful Committee in the House.

Nevertheless, he never intentionally lauded his position over his colleagues. He always had time to listen to opposing viewpoints, from his colleagues and his constituents, and decided carefully before voicing his support or opposition on a given measure. Mr. CONTE had the ability to communicate with anyone, whether it was a worker, a Senator or even the President. This is a sign of a truly great man.

We already miss him—particularly the cigar smoking Italian-American riding along on his scooter on which he flew both the Italian and American flags.

I salute SILVIO CONTE for providing the rest of us with a role model to follow. Legislator, politician, sportsman, Mr. CONTE represented the aristotelian ideal of a true man, and a true leader.

Mr. GOODLING Mr. Speaker, an effort on my part to summarize the accomplishments of this man, a friend, SILVIO CONTE, appears so daunting because of its vast length. But of course it is not for this list alone that we cherish his memory. It is the style and joy with which he undertook his work.

SIL and I shared a dedication to passion for education that often had us fighting the same cause. Our allegiance with BILL NATCHER, CARL PERKINS, GUS HAWKINS and others was successful often due to his efforts.

His devotion to American youngsters through his support of Chapter 1 and his commitment to literacy programs, such as Adult Education and Even Start, gave us many opportunities to work together. The robust growth in these programs in recent years was in large part due to my colleague from Massachusetts.

Of course, I will only be one of the many who will miss his colorful participation in the debate on the House floor. His jocular approach seemed to bring some degree of sense to our often overly serious discussion of the issues. His wit made us laugh at ourselves, a useful change from practice in the House. Having seen him, who can ever forget the waving hands, the flying tie, the silly rhymes and the raised eyebrows of another CONTE tirade? How they will be missed.

But most of all, I will remember SIL CONTE as the most passionate Red Sox fan. I thought I held that title until I met SILVIO. The pain or exultation he would feel at the failure or success of a Roger Clemens pitch; the mixture and anger for Billy Buckner; the love of Dewey Evans and Yaz; and of course, the never-ending angst of being so close and yet so far away—the ever-suffering Sox fan.

Thank you SILVIO, may God bless you every day.

Mr. Speaker, I would like to share with our colleagues and the public the enclosed letter from Acting Secretary of Education Ted Sanders expressing the Department's thanks for the contributions of SILVIO CONTE. I wholeheartedly concur with the sentiments conveyed by Mr. Sanders.

The letter follows:

U.S. DEPARTMENT OF EDUCATION,
Washington, DC, February 26, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On behalf of the U.S. Department of Education, I proudly join the Congress today in paying tribute to one of the truly great statesmen of our time—the Honorable SILVIO O. CONTE.

During the past 32 years, while he served in the U.S. House of Representatives, SILVIO CONTE worked with four Secretaries of Education and twelve Commissioners of Education—from both political parties. He worked with one aim in mind: to ensure that all Americans enjoy equal access to the highest quality education.

In the world of education, SILVIO CONTE was a friend and a fighter. He was a friend of disadvantaged elementary and secondary school children, of needy college students, of children and adults with disabilities, of the limited English proficient, of the gifted and talented, and, indeed, of every student, teacher, and parent in America. He shared with us all his ideas, his visions, his energy, his enthusiasm, his courage and his dedication.

He was a fighter. He fought for funding for over 200 major education programs under such laws as the Elementary and Secondary Act, the Higher Education Act, the Carl Perkins Vocational Education Act, the Adult Education Act, the Individuals with Disabilities Education Act, the Rehabilitation Act, and the Drug-Free Schools and Communities Act.

The Congress, the Executive Branch, and the American people will miss SILVIO CONTE. Although he is not here with us today, he left a legacy that will live on with this and future generations of Americans, that learning never ends.

Sincerely,

TED SANDERS,
Acting Secretary.

Mr. DICKINSON. Mr. Speaker, I was deeply saddened by the passing of our dear friend and colleague, SILVIO O. CONTE. The Members of Congress, the people of this country and the citizens of Massachusetts have lost one of their great leaders. SIL's buoyancy, warm character, and zest for life will be greatly missed by all who had the honor to serve with him in the House of Representatives.

Whether SIL was working to provide energy assistance to the poor or leading the charge against wasteful Government spending and pork barrel projects, he conveyed his priorities with passion and sincerity. The list of SIL CONTE'S accomplishments is long, but I am certain that he will be remembered mostly for his ability to negotiate a compromise.

No one will ever replace SILVIO CONTE. For all of us who strive to be the best public servant we can be, we thank you for your example, and the dedicated service you performed for our country.

Mr. RANGEL. Mr. Speaker, over the years that I have served in this body, I have had the privilege of working with hundreds of men and women from all quarters of our Nation, from all the diverse backgrounds and points of view that could possibly exist. I have always tried to gravitate to those who I believed shared with me a sensitivity to those who were in greatest need of a voice in the national debate and those who were sensitive to those who were less fortunate. I have never allowed partisan labels to define who among any colleagues I would share this passion for justice. No one among our colleagues had a greater sense of justice more passionately expressed than SILVIO CONTE and I am glad to have shared this passion with him.

SIL CONTE took his positions on basis of fundamental human values and he made his friends on the content of their character. He was remarkable in this body in that he never allowed party label to constrain his views or his choice of friends. Perhaps that is why he was so loved among his colleagues and among those who work for this institution.

For example, he would decide which fundraisers of colleagues he would attend not solely on the party of the candidate, but his friendship to the candidate. I can remember that his friendship with our late and beloved colleague, Joe Addabbo was so strong that SIL would travel to Joe's district to attend his fundraisers. It might have been the good Italian food Joe served and that SIL loved that took him to Ozone Park, Queens, but I truly think it was his love for Joe. In a body where we feel compelled to go our own way, seldom stopping to get to know each other beyond the superficiality of our politics, a man like SIL CONTE who can stop to create and nourish close and intimate relationships with his colleagues and allow all around him to bask in his glow is a rare and wonderful being.

His beautiful gift for oratory and outraged, but always honest, indignation only made us love him even more. No one could cut to the quick of an issue and make us think about the reality of what we were doing like SIL CONTE. No one from the Northeast could do a better job of expressing our frustration about the flow of resources from our region to other parts of the nation while we continued to bear the burdens of our less advantaged.

Finally, of great importance to me was SILVIO CONTE'S dedication to justice and civil rights. In an era when the fidelity of many who once claimed dedication to the effort to assure equal rights for all Americans regardless of race or sex is in question I could always depend on SILVIO CONTE to do the right thing.

When one serves over two decades in this body one expects to lose dear friends and see the giants to pass. Nevertheless, when the passing does come it is no less sad. I will dearly miss our beloved colleague, SILVIO CONTE.

Mr. COUGHLIN. Mr. Speaker, after 3 years of a courageous battle against prostate cancer, our colleague, SILVIO O. CONTE, died at the age of 69. There was no more beloved and respected Member of this House.

SILVIO was elected to the U.S. House of Representatives in 1958, after serving 8 years in the Massachusetts State Senate. Ever since, his flamboyant personality has dominated the House and, especially, the Appropriations Committee. SILVIO was a long-time member of that committee and had been ranking Republican since 1979.

As an Appropriations Committee member, I had the personal pleasure of sitting next to him on the Transportation Appropriations Subcommittee. What a treat to see first hand what the committee, the Congress, the country, and the world were watching with great glee. SILVIO was a master in using humor and harmless pranks mixed with warmth to highlight legislative points. Who hasn't laughed over his poetry, pig masks, songs, or name calling? Even "young slasher" David Stockman and "fat cat" Senators had to admire him.

SILVIO CONTE's rapier wit made opponents cringe, but he always laughed, as well, at himself—and it always had a purpose in the interest of this constituency or the Nation.

This unique approach made him a most effective legislator. He had great interest in, and influence over, a wide range of subjects from producing a project for his western Massachusetts district to controlling the outcome of annual appropriations bills.

SILVIO was not one to shrink from exercising that influence. He cared passionately for matters relating to education, environment, and health, and proudly took a stance in their defense even when it conflicted with the administration or members of his own party. With legions of friends on both sides of the aisle, in both Houses of Congress, and in every administration, SILVIO most often got what he wanted.

The passing of SILVIO CONTE may also be the passing of an era. He saw a larger Federal Government role in caring for the needs of other people and enjoyed well-publicized and humanizing outside interests such as hunting and baseball. He did not take himself as seriously as he took his work. SILVIO was one in a million and it will be a long time, if ever, before we see someone even come close to his high spirits, good cheer, and indomitable courage.

Mr. KLECZKA. Mr. Speaker, the death of a colleague is always a very difficult time for Members of this institution. The passing of a fellow Member of Congress causes each of us to pause and reflect upon the brevity of life, and question how history—and this institution—will remember ourselves.

As Members of the House of Representatives we are all fortunate in that we have been granted the opportunity to make the lives of our fellow man better—to somehow ease the burdens of the downtrodden, to enrich the lives of the poor, and to teach those seeking knowledge. This is the true task of the Government and this is the task we take on when we accept the oath of office.

Mr. Speaker, while I cannot say I was the best of friends of Mr. CONTE, since my first days in Congress I realized SILVIO CONTE was no ordinary legislator. SILVIO CONTE knew the true task of Government, and never strayed from the course of trying to help his fellow man.

Few members of this Chamber can ever claim to have as many friends—both Democrat and Republican—as Mr. CONTE. Few Members can claim to have brought the humor and light-heartedness into this often somber Chamber, as Mr. CONTE. And few Members can claim to have the genuine warmth and sincerity Mr. CONTE brought to this body daily.

While his charisma will be missed by his fellow legislators, his constituents in the Massachusett's First District, and all Americans, will miss his dedication to improving the health care and education of our country. While his laughs will no longer echo through the Halls of the Capitol, his work in Congress will forever touch those seeking low-income energy assistance, those saved by neurological research or those who marvel at the wonders of the Smithsonian Institution—for these are just a few of the causes he championed.

Mr. Speaker, perhaps the most lasting legacy SILVIO CONTE has left will be the lessons he has taught all of those who have had the privilege of serving with him. These lessions include that your opponent one day can be your ally the next; that humor can bring us together, even in the most trying of times; and perhaps most importantly, that the people and their needs should come first, not the political advantage of a party.

While we are all fortunate, Mr. Speaker, for having the opportunity to serve in this Chamber, we are even more fortunate to have served with Mr. CONTE and have his model of a legislator to emulate.

Mr. KOLBE. Mr. Speaker, I rise to pay tribute to our late colleague and dear friend SILVIO CONTE one of the most colorful and admired senior Members of the House. His career in this body spanned over three decades, while his friends and admirers spanned the Nation and the ideological spectrum. He commanded the respect of his peers like few Members of this body had before him, and he loved and cared for his constituency and his country with a singular and steadfast devotion.

The people's House will not be the same without SIL CONTE. He gifted us with his humor, moved us with his passion, and inspired us with his fiery patriotism.

As someone who served with him, and under his leadership on the House Appropriations Committee, I know that his career will be a touchstone for all those who dedicate themselves to a responsive, caring Government.

This Nation lost a great deal with SILVIO CONTE's death, but it has gained so very much from his life. It is my great hope that his work will live on for many years to come.

I extend my sincere condolences to Corinne and the Conte family. Please take comfort in the knowledge that in his many years in Congress, SILVIO left his mark on the Congress and the Nation. He will be greatly missed in this Chamber.

Mr. HUGHES. Mr. Speaker, I would like to take this opportunity to pay tribute to our dear colleague SILVIO CONTE. He was able, thoughtful, wonderfully flamboyant, and liked by everyone. His presence in the room lighted it. He was our poet laureate.

In his over 32 years of service, he distinguished himself as a legislator proudly serving the First District of Massachusetts and the people of the United States. As the ranking minority member of the Appropriations Committee, SILVIO used his position and influence to help people. He was instrumental in creating the Low-Income Home Energy Assistance Program [LIHEAP] so that people would not have to make the choice between buying food and heating their home. He was an advocate for funding for research on AIDS, cancer, and many other threats to our Nation's health.

SILVIO knew firsthand the importance of education and the opportunities it could provide. He, himself, had attended college on the GI bill. He established the Silvio O. Conte Foundation to send qualified residents of his district to college who may not otherwise have been able to go.

He was a formidable opponent and a great asset to have on your side. But no matter which side you were on, your friendship was never forgotten. SILVIO is and will be missed as a Member of this House and as a friend.

I would like to extend my condolences to his wife, Corinne, and his family.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to my good friend SIL CONTE who died just recently after battling a long illness. It seems hard to believe he's gone. I still expect to see him next door or riding down the hall, with flags waving, honking at tourists. I still expect to see him in the Appropriations Committee, giving us the dickens with his remarkable sense of humor.

SIL was a friend and I will personally miss him very much. The Congress will miss him and the Nation will miss him.

We liked him for his ability to make us laugh. He could always remind us not to take ourselves too seriously.

He made us laugh, yet we also respected that very serious side of SILVIO CONTE. He was a man of great integrity and honesty. He said what he thought and I respected him for it. I might not always agree with him, but I respected him.

He was a man of great feeling, who truly cared about people, especially the less fortunate. He related to his constituents in Massachusetts and he worked very hard to help them with their problems.

SIL was one of the best politicians I have ever known, perhaps because he seemed to know instinctively how to handle people and tough issues.

He knew when to be partisan and when to cross party lines. He used a very simple rule of thumb: He stood up for what he believed in.

I enjoyed working closely with Sil on appropriations. I especially appreciated his dedication to helping expand the Job Corps. This program has done so much good to help disadvantaged young people get on the right track.

Sil really went to bat for this program. He took a leading role in funding six new Job Corps centers in 1988. And, he fought to increase funding for the Job Corps Program in 1989 and 1990.

We were very fortunate to have one of these new centers located in Gadsden, AL, which is in my district. The young people who successfully complete this program and go on to lead productive lives will owe a debt of thanks to Silvio Conte. He recognized their special needs and he did something about it.

In closing, I would like to say that God probably broke the mold when he made Sil Conte. He was such a unique individual. He had so many fine qualities and he set such a fine example for public servants everywhere. I doubt we'll know another with his particular style. But, I do know this: Sil Conte's memory will live on and his good works will never be forgotten.

Mr. LAGOMARSINO. Mr. Speaker, I join with my colleagues today in paying tribute to the life and contributions of Silvio Conte—a great American and truly outstanding Member of Congress.

Mr. Speaker, the historic halls of this House have been graced with the presence of hundreds, indeed thousands of great statesmen and patriots over the past two centuries. Among that roll of honor we now include the name of Silvio Conte, who for the past 32 years has regaled, entertained, moved, and inspired countless colleagues, gallery-goers, reporters, and viewers of the debates that ring in these halls. He will be missed.

Silvio was unique. For one thing, he was an elected Republican Congressman from Massachusetts—the only Republican Congressman serving the Bay State. Fittingly, he held the First District seat. He was a native and life-long resident of Pittsfield, who early chose a career in law. But first, like many of his generation, he served his country in war, serving with the Seabees in the South Pacific from 1942 to 1944. He earned his undergraduate and graduate degree, in law, from Boston College, became a practicing attorney, then served in the Massachusetts Senate for 10 years, where he was chosen as one of the Outstanding Young Men in Massachusetts by the Jaycees. He ran for and was elected to Congress in 1958, and has served his district ever since.

Silvio served for many years as the ranking Republican on the House Appropriations Committee, where he demonstrated a mastery of detail and a deep compassion for people. He was indeed a passionate man, whose oratorical flourishes became his trademark on the House floor. A man of Latin descent, he was a devout Catholic and received the St. Thomas More Award from his alma mater.

One of Silvio's passions was the hunting of ducks, a passion which I share, and we once spent a glorious weekend in search of the elusive waterfowl. It was a memorable experience.

Silvio leaves behind his wife, Corinne, and four children. But his legacy is much more. He touched the lives of all he knew, and left a permanent mark on the laws and programs of his beloved country.

Mr. Speaker, I salute Silvio Conte, a fine public servant and unforgettable human being. And I'm sure that wherever he is now, he is enjoying it immensely, and undoubtedly there is the sound of laughter ringing out. Salute!

Mr. MAVROULES. Mr. Speaker, unfortunately, I was unable to participate in the special order this week. I would, however, like to add this statement for the record.

I would like to express my sadness at the passing of my dear friend Silvio Conte. The people of Massachusetts, the Congress, and the country as a whole have lost one of their greatest leaders.

As the Republican leader of the House Appropriations Committee, Sil led the charge against wasteful Government spending and pork-barrel projects. His colorful floor speeches on this very subject are legendary.

As an advocate for the poor, he crafted legislation to help struggling Americans pay their heating bills and to ensure their access to food and shelter. Beyond that, he had the vision to fund AIDS research early on—well before before most of us realized the grave dimensions of the horrible disease. Long ago, he recognized the need for rail travel and was the congressional champion of the creation of Amtrak.

Sil understood compromise, and his enormous popularity on both sides of the aisle made him a very effective legislator. But, in my judgment, what Sil will be remembered for is his passion; passion for his work, passion for his values, passion in his dealings with colleagues, and passion toward friends and family.

Sil Conte's exuberant zest for life will be long remembered in these Halls of Congress.

Mr. PERKINS. Mr. Speaker, I rise here today to honor and pay special tribute to a gentleman who had principles and who was never afraid to stand by them.

That individual is Silvio Conte, who passed away February 8, after battling cancer. He will be missed dearly by all of us here in Congress and in the United States.

And when I say all of us here in Congress, I mean every single Member in this House. That is because Silvio Conte was a man of values, who voted not in the special interests of others or blindly following the party line, but for what he believed was right.

Silvio Conte voted his conscience on all matters—and especially with regard to health and education issues. He voted in the interests of the common man, and whether that happened to be a vote along Republican or Democrat lines didn't make a single bit of difference to him.

And that, Mr. Speaker is what made him special. Far too often nowadays, it seems, Members are accused of blindly following the party line, even to the point where they may vote against what they believe in.

My friends, Silvio Conte can never be charged with that. He worked for what is just and right in every person. He protected programs that helped the elderly and the poor. He helped disadvantaged students find a way to college by supporting student loan initiatives. He led the fight for greater funding for medical schools. Silvio Conte labored not for us, but for the people of this country. And he never ever sacrificed his personal values when it came to matters of the heart.

Silvio Conte spent over 32 years in Congress toiling for that which he believed in. And he stood defiantly by his actions.

God bless him.

☐ 2000

GENERAL LEAVE

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. Neal of Massachusetts). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS FOR THE 102D CONGRESS

(Mr. GONZALEZ asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, I submit for printing in the Congressional Record the rules of procedure adopted at the organizational meeting of the Committee on Banking, Finance and Urban Affairs, on February 26, 1991, as follows:

Rules of the Committee on Banking, Finance and Urban Affairs of the U.S. House of Representatives, 102d Congress 1991-92

RULE NO. 1—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committee and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under rule X of House Rules and (subject to the adoption of expense resolutions as required by rule XI, clause 5 of House Rules) to incur expenses (including travel expenses) in connection herewith. The ranking minority member of the full committee or the relevant subcommittee shall be notified in advance at such times as any committee funds are expended for investigations and studies involving international travel.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under rules X and XI of House Rules during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the CONGRESSIONAL RECORD not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO. 2—REGULAR AND SPECIAL MEETINGS: OPEN COMMITTEE MEETINGS

(a) Regular meetings of the committee shall be held on the first Tuesday of each month while the Congress is in session. When the chairman believes that the committee will not be considering any bill or resolution before the full committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances makes practicable, a written notice to that effect and no committee meeting shall be held on that day.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the committee their written notice that a special meeting of the committee will be held specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) The committee may not sit, without special leave, while the House is reading a measure for amendment under the 5-minute rule.

(f)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day be closed to the public: *Provided, however*, That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the Rules of the Committee to be present for the purposes of taking testimony, (A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate subparagraph (g)(5) of Rule 7; or (B) may vote to close the hearing, as provided in subparagraph (g)(5) of Rule 7. The committee or subcommittee may, by the same procedures specified in this paragraph, vote to close one subsequent day of hearing.

(g) No person other than a Member of Congress, committee staff, or a person from a Member's staff when that Member has an amendment under consideration, may walk in or be seated at the rostrum area of the committee unless the chairman, the chairman of the subcommittee, or a majority of the committee determines otherwise.

RULE NO. 3—RECORDS AND ROLLCALLS

(a) There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present, but not voting. A record vote may be demanded by any three of the members present or, in the apparent absence of a quorum, by any one member.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto.

RULE NO. 4—PROXIES

(a) No vote by any member of the committee or any of its subcommittees with respect to any measure may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the committee or subcommittee and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of the day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

(b) Proxies shall be in the following form:

Hon. ,
House of Representatives,
Washington, DC.

Dear : I will be absent on official business/due to personal illness and thus unable to be present at the meeting of the committee or subcommittee. I hereby authorize you to vote in my place and stead in the consideration of and any amendments or motions pertaining thereto. The official business that necessitates my absence is .

_____ _____,
Member of Congress.

Executed this the day of , 19 at the time of p.m./a.m.

RULE NO. 5—POWER TO SIT AND ACT, SUBPENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee, or any subcommittee thereof, is authorized—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings; and

(2) to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Any subpena issued to carry out the authority of this paragraph shall be issued in accordance with the procedures specified in subparagraph (b)(1). The chairman of the committee or any member designated by the chairman may administer oaths to any witness.

(b)(1) Any subpena issued to carry out any investigation or activity, or any series of investigations or activities, described in (a) shall be issued by the committee, upon the recommendation of a subcommittee or upon the committee's initiative, and any such subpena may only be authorized by a majority of the members of the committee voting, a majority being present. The power to authorize and issue subpenas under this subparagraph may be delegated to the chairman of the committee pursuant to such limitations as the committee may prescribe. Authorized subpenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpena issued by the committee under this subparagraph may be enforced only as authorized or directed by the House.

(c) Each witness who has been subpenaed upon the completion of his testimony before the committee or any subcommittee, may report to the office of counsel of the committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the committee, or his representative, prior to leaving the hearing room.

RULE NO. 6—QUORUMS

A majority of the members of the full committee or subcommittee shall constitute a quorum of the full committee or subcommittee for the reporting of a measure or recommendation; Provided, that the number of members constituting a quorum for the taking of any action other than the reporting of a measure or recommendation shall be one-third of the members of the committee or subcommittee, and any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE NO. 7—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter at least one week before the commencement of that hearing unless that committee determines that there is a good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify all members of the committee; the Daily Digest; Chief Clerk, Official Reporters to House Committee and the committee scheduling service of the House Information System as soon as possible after such public announcement is made.

(b) Each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 24 hours in advance of his appearance, 100 copies of his proposed testimony if the appearance is before a subcommittee, and 200 copies of his proposed testimony if the appearance is before the committee, and the witness may be required to limit his oral presentation to a summary of his statement. This requirement may be waived by the Chairman of the Committee or appropriate subcommittee, after consultation with the appropriate ranking minority member, when it is deemed by said Chairman to be in the best interest of the committee or subcommittee. This requirement shall not be mandatory if a witness is given less than seven days' notice prior to a hearing.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Upon announcement of a hearing, the Clerk and Staff Director shall cause to be prepared a concise summary of the subject matter (including legislative reports and other materials) under consideration which shall be made available immediately to all members of the committee. In addition, upon announcement of a hearing and subsequently as they are received, the chairman shall make available to the members of the committee any official reports from departments and agencies on such matter.

(e) All other members of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations after members of the subcommittee have been given an opportunity to participate, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(f) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both the full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the committee.

(g) The following additional rules shall apply to investigative hearings:

(1) The chairman at any investigative hearing shall announce in an opening statement the subject ot the investigation.

(2) A copy of the committee rules and clause 2 of rule XI of the House Rules shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person it shall—

(A) receive such evidence or testimony in executive session;

(B) afford such person an opportunity voluntarily to appear as a witness; and

(C) receive and dispose of requests from such person to subpena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public session without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may review and photostat a copy of his or her testimony given at a public session, or if given at an executive session, when authorized by the committee.

RULE NO. 8—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each record vote by the committee to report any bill or resolution, the name of each member voting for and voting against the motion to report, and whether by proxy or in person and the names of those members present but not voting, and the names of those members absent, shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X of the House separately set out and clearly identified;

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974 separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 4(c)(2) of rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure, matter or any report or submission to be made to the House or to the Committee on the Budget under subclauses (g), (h), and (i) of clause 4 of rule X of the Rules of the House of Representatives by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be part of, the report filed by the committee with respect to that measure or matter. No report shall be filed until the chairman has consulted with the ranking minority member of the committee and the chairman of the subcommittee from which the legislation emanated or would have emanated. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views and any material submitted under subdivisions (3) and (4) of subpara-

graph (c) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(1) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or

(2) any decision, determination, or action by a Government agency which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress. For the purposes of the preceding sentence, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

RULE NO. 9—OVERSIGHT SUBCOMMITTEE

(a) In order to assist the House in:

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modification of changes in those laws, and of such additional legislation, as may be necessary or appropriate, there shall be established in conformity with Rule 15 an Oversight Subcommittee.

(b) The Oversight Subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee, and the organization and operation of the Federal agencies and entities which have responsibility in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Oversight Subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee. The Oversight Subcommittee shall in no way limit the responsibility of the subcommittees from carrying out their oversight responsibilities.

(c) The Oversight Subcommittee shall review and study on a continuing basis the impact of probable impact of tax policies affecting subjects within the jurisdiction of the committee.

RULE NO. 10—REVIEW OF CONTINUING PROGRAMS: BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(c) of rule XIII of the House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) The committee shall, on or about March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget in accordance with the Congressional Budget Act of 1974.

RULE NO. 11—BROADCASTING OF COMMITTEE HEARINGS

Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of rule XI, clause 3 of the Rules of the House of Representatives. At all such meetings or proceedings, coverage by radio, television or still photography will be allowed unless specifically forbidden by a record vote of the committee or subcommittee. The chairman of the commitee or of a subcommittee shall determine, in the chairman's discretion, the number of television and still cameras permitted in a hearing or meeting room. The coverage of any hearing or other proceeding of the committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the committee, the subcommittee chairman, or other member of the committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him/her.

RULE NO. 12—COMMITTEE AND SUBCOMMITTEE BUDGETS

(a) The chairman, in consultation with the majority members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel for necessary travel, investigation, and other expenses of the full committee, and after consultation with the minority membership, the chairman shall include amounts budgeted to the minority members for staff personnel to be under the direction and supervision of the minority, travel expenses of minority members and staff, and minority office expenses. All travel expenses of minority members and staff shall be paid for out of the amounts so set aside and budgeted.

(b)(1) The chairman of each subcommittee, in consultation with the minority members thereof, shall prepare a budget to include funds for staff, travel, investigations, and miscellaneous expenses as may be required for the work of the subcommittee.

(2) The chairman of each subcommittee shall control the funds provided for in the subcommittee budget.

(c) The chairman shall combine the proposals of each subcommittee with the preliminary budget of the full committee into a consolidated committee budget, and shall present the same to the committee for its approval. The chairman shall then take all action necessary to bring its approval by the Committee on House Administration and by the House.

(d) Authorization for the payment of additional or unforseen committee and subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(e) The chairman, the ranking minority member of the full committee, or any chairman of a subcommittee may initiate necessary travel requests as provided in Rule 14 within the limits of their portion of the consolidated budget as approved by the House, and the chairman may execute necessary vouchers therefore.

RULE NO. 13—COMMITTEE AND SUBCOMMITTEE STAFF

(a) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority members of the committee shall determine within the budget approved for such purposes by the committee; provided, however, that no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart.

(b) The professional and clerical employees of the committee not assigned to a subcommittee or to the minority under the above provision shall be appointed, and may be removed, and their remuneration determined by the chairman in consultation with and with the approval of the majority members of the committee within the budget approved for such purposes by the committee.

(c) The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the minority members of the committee who may delegate such authority as they determine appropriate.

(d) The professional and clerical staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(e) It is intended that the skills and experience of all members of the committee staff be available to all members of the committee.

(f)(1) The chairman of each standing subcommittee of this committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority member of each standing subcommittee on this committee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed 75 per centum of the maximum established in paragraph (c) of clause 6 of rule XI, provided, however, a staff person appointed by a ranking minority member shall be compensated at a rate not to exceed that paid his or her majority party staff counterpart.

(4) Subparagraphs (1), (2) and (3) shall apply to eight subcommittees only, and no member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the subcommittee chairmen and ranking minority party members pursuant to subparagraphs (1) and (2) shall be made available from the staff positions provided under clause 6 of House Rules XI unless such staff positions are made available pursuant to a primary or additional expenses resolution.

(6) Except as provided by the above provisions, the professional and clerical members of the subcommittee staffs shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of a majority of the majority members of the subcommittee, and with the approval of the majority of the majority members of the full committee, within the budget approved for the subcommittee.

(7) The professional and clerical staff of a subcommittee shall be under the supervision and direction of the chairman of that subcommittee.

RULE NO. 14—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance at hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is being made;

(4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matters under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman, the ranking minority member of the full committee whenever minority staff is involved, and the chairman of the full committee. Such prior authorization shall be given by the Chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4), of paragraph (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been compliance where applicable with Rule 12 of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the chairman, or, in the case of a subcommittee, from the subcommittee chairman and the chairman. Before such authorization is given, there shall be submitted to the chairman in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the chairman of the full committee, the ranking minority member of the full committee, or the chairman of a subcommittee (except that individuals may submit a request to the chairman for the purpose of attending a conference or meeting).

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (members and staff attending meetings or conferences) shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and the Committee on House Administration pertaining to such travel.

RULE NO. 15—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be eight standing subcommittees as follows: Subcommittee on Housing and Community Development; Subcommittee on Financial Institutions Supervision, Regulation and Insurance; Subcommittee on International Development, Finance, Trade, and Monetary Policy; Subcommittee on Domestic Monetary Policy; Subcommittee on General Oversight and Investigations; Subcommittee on Economic Stabilization; Subcommittee on Consumer Affairs and Coinage; and Subcommittee on Policy Research and Insurance. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees respectively. In carrying out any of the jurisdiction specified in the following paragraphs, each subcommittee, to the extent it deems appropriate, may examine the impact of any aspect of such jurisdiction on employment.

(b) Subcommittee on Financial Institutions Supervision, Regulation and Insurance

(1) The jurisdiction of the Subcommittee on Financial Institutions Supervision, Regulation and Insurance extends to all agencies which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit or other insurance for, financial or other institutions, the establishment of interest rate ceilings on deposits, and all auxiliary matters affecting or arising in connection with the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the National Credit Union Share Insurance Fund, the Federal Home Loan Bank Board, the Federal Reserve Board and System, the National Credit Union Administration, and the Comptroller of the Currency, together with those activities and operations of any other agency or department which relate to both domestic or foreign financial institutions.

(2) Further, jurisdiction extends to and includes with respect to financial institutions and the department and agencies which regulate or supervise them, all activities relating to and arising in connection with the matters of chartering, branching, mergers and acquisitions, consolidations, and conversions.

(c) Subcommittee on Housing and Community Development

(1) The jurisdiction of the Subcommittee on Housing and Community Development extends to all matters relating to housing and mortgage credit (except programs administered by the Veterans' Administration), including mortgage and loan insurance pursuant to the National Housing Act; FHA mortgage interest rates; rural housing; housing assistance programs; secondary mortgage market programs and all other activities of FNMA, GNMA, and FHLMC; private mortgage insurance; housing construction and design standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; counseling and technical assistance; regulation of the housing industry (including landlord-tenant relations); real estate lending powers of financial institutions (including regulation of settlement costs); and interest charges for members of the Federal Home Loan Bank System.

(2) The jurisdiction of the subcommittee further extends to matters relating to community development and community planning, training and research, including community development block grants; urban renewal; model cities; rehabilitation loans and grants; neighborhood facilities grants; open space land and urban beautification grants; water and sewer facilities grants; public facilities loans; national, urban or community development banks; advance acquisition of land programs; new communities assistance programs; national urban growth policies; comprehensive planning (including land use and areawide programs); community development training and followships; urban re-

search and technologies; and regulation of interstate land sales.

(3) Also, the jurisdiction of the subcommittee includes FHA property improvement loans under title I of the National Housing Act which can be used to finance the preservation of historic structures; community development block grant funds authorized under title I of the 1974 Housing Act which can be used to finance the acquisition and preservation of historic properties; and section 701 comprehensive planning grants to public bodies which can be used to finance surveys of historic sites and structures.

(d) Subcommittee on Consumer Affairs and Coinage

(1) The jurisdiction of the Subcommittee on Consumer Affairs and Coinage shall include all matters relating to consumer credit, including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting, equal credit opportunity, debt collection practices, and electronic funds transfers. The jurisdiction shall further include creditor remedies and debtor defense, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards and the preemption of State usury laws.

(2) The jurisdiction of the subcommittee shall further extend to the following:

(A) All matters relating to consumer access to financial services and the advertisement and promotion of financial services, other than the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(B) The terms and rules of disclosure of financial services;

(C) consumer access to savings accounts and checking accounts;

(D) Other consumer accounts in financial institutions; and

(E) Lifeline banking and government check cashing.

(3) The Jurisdiction of the subcommittee shall further extend to matters relating to the price of consumer goods, services and commodities, the rationing of consumer products, and hoarding.

(4) Further, the jurisdiction of the subcommittee extends to all matters relating to coins, coinage, currency and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations and activities of the Bureau of the Mint and the Bureau of Engraving and Printing.

(5) The Subcommittee shall not schedule a hearing on any commemorative medal or commemorative coin legislation unless the legislation is cosponsored by at least 218 Members of the House.

(6) In considering legislation authorizing Congressional gold medals, the subcommittee shall apply the following standards:

(A) The recipient shall be a natural person;

(B) The recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement;

(C) The recipient shall not have received a medal previously for the same or substantially the same achievement;

(D) The recipient shall be living or, if deceased, shall have been deceased for not less than 5 years and not more than 25 years; and

(E) The achievements were performed in the recipient's field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed by others in the same field, as evidenced by the recipient having received the highest honors in the field.

(e) Subcommittee on Domestic Monetary Policy

(1) The jurisdiction of the Subcommittee on Domestic Monetary Policy extends to all matters relating to monetary policy and agencies which directly or indirectly affect monetary policy, including the effect of such policy and other financial actions on interest rates, allocation of credit, and the structure and functioning of domestic and foreign financial institutions.

(2) Further, the jurisdiction of the Subcommittee on Domestic Monetary Policy extends to all private foundations and charitable trusts.

(f) Subcommittee on General Oversight and Investigations

(1) The Subcommittee on General Oversight and Investigations shall assist the House Committee on Banking, Finance and Urban Affairs in appraising the administration of the laws and regulations under the jurisdiction of the committee and present such recommendations as deemed necessary to the appropriate subcommittee(s) of the committee.

(2) Further, the subcommittee shall exercise continuing oversight of the execution by the administrative agencies concerning any of the laws the subject matter of which reside within the jurisdiction of the committee and shall study all pertinent reports, documents and data pertinent to the jurisdiction of the committee and make the necessary recommendations or reports thereon to the appropriate subcommittee(s) of the committee.

(3) Further, the subcommittee shall have full jurisdiction over the Renegotiation Act of 1951, as amended.

(g) Subcommittee on Economic Stabilization

(1) The jurisdiction of the Subcommittee on Economic Stabilization shall extend to all matters relating to financial aid to all sectors and elements within the economy, all matters relating to economic stabilization, and all defense production matters as contained in the Defense Production Act of 1950, as amended, and all related matters thereto.

(2) Further, the jurisdiction of the subcommittee shall extend to international investment policies, both as they relate to U.S. investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States.

(3) Further, the subcommittee shall have jurisdiction over the Urban Development Action Grant program and Enterprise Zone programs.

(h) Subcommittee on International Development, Finance, Trade and Monetary Policy

(1) The jurisdiction of the subcommittee extends to all matters relating to all multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto; and monetary and financial developments as they relate to the activities and objectives of such institutions.

(2) Further, the subcommittee shall have jurisdiction over all matters within the jurisdiction of the committee relating to international trade, including but not limited to the activities of the Export-Import Bank.

(3) Further, the subcommittee shall have jurisdiction over the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto.

(i) Subcommittee on Policy Research and Insurance

(1) The subcommittee shall assist the House Committee on Banking, Finance and Urban Affairs in studying the long-term economic, social, and environmental impact of the policies under the jurisdiction of the committee and make recommendations as deemed necessary to the appropriate subcommittee(s).

(2) The subcommittee shall examine the impact of the policies and programs under the jurisdiction of the committee as they affect urban, rural, national and world growth, including but not limited to the following areas: Population; the environment; education and social programs; crime; community services; and personal economic security and mobility. The subcommittee shall also examine the long range impact of new technologies, demographic and social trends and the economy on the matters under the committee's jurisdiction.

(3) The legislative jurisdiction of the subcommittee extends to all matters pertaining to insurance within the committee's jurisdiction, including protection against all risks, perils, hazards and liabilities; crime insurance; fire insurance; and flood insurance and related land use controls; but excludes Federal deposit insurance, mortgage and loan insurance, title insurance, and the authority of and conditions upon which federally insured depository institutions and companies that are affiliated with federally insured depository institutions engage in insurance activities. The legislative jurisdiction of the Subcommittee also extends to the financial intermediation in the economy by insurance organizations, including, but not limited to the granting of credit, the investment of assets, the protection of policyholders and investors, the payment of benefits and any federal regulation thereof. The legislative jurisdiction of the subcommittee further extends to the Federal Agricultural Mortgage Corporation and to all matters relating to the secondary markets except those matters related to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation and the Government National Mortgage Association.

(j) The committee may provide for such additional subcommittees as determined to be appropriate; Provided, however, that such additional subcommittees are approved by a majority of the majority members on the Committee.

(k) A member serving as chairman of any subcommittee on this committee shall not also serve as the chairman of a subcommittee on any other full committee or select committee with legislative jurisdiction; Provided, however, that this provision shall not apply to a member serving as subcommittee chairman on the Budget Committee; House Administration Committee; Joint Committees; Standards of Official Conduct Committee; or House Recording Committee.

RULE NO. 16—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen and with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take steps or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) No bill or joint resolution approved by a subcommittee shall be considered by the committee unless such measure, as approved, has been made available to all members at least two calendar days prior to the meeting, accompanied by a section-by-section analysis of such measure. The provisions of this paragraph may be suspended by the committee by a two-thirds vote or by the chairman, with the concurrence of the ranking minorty member of the full committee.

(d) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on Banking, Finance and Urban Affairs (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(e) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed on the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the chairman after consultation with the ranking minority member and appropriate subcommittee chairman, otherwise directs; Provided, that no bill reported by a subcommittee shall be considered by the full committee unless each member has been provided with reasonable time prior to the meeting to analyze such bill, together with a comparison with present law and a section-by-section analysis of the proposed change, and a section-by-section justification.

(f) No bill or joint resolution may be considered by a subcommittee unless such measure has been made available to all members at least two calendar days prior to the meeting, accompanied by a section-by-section analysis of such measure. The provisions of this paragraph may be waived following consultation with the appropriate ranking minority member.

RULE NO. 17—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) Each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in rule 15 referred to or initiated by the full subcommittee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks unless, by majority vote of the majority members of the full committee, consideration is to be by the full committee.

(b) Referral to a subcommittee shall not be made until 3 days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittees of proper jurisdiction without regard to whether the author is or is not a member of the subcommittees. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) Committee reports shall be filed at such time as the committee shall determine with reasonable time allowed for members to file supplemental, individual, dissenting or other views.

(d) In carrying out this rule with respect to any matter, the chairman may refer the matter simultaneously to two or more subcommittees, consistent with Rule 15, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer the matter to a special ad hoc committee appointed by the chairman (from members of the subcommittees having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the full committee thereon, or make such other provisions as may be considered appropriate.

RULE NO. 18—SIZES AND PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

(a) To the extent that the number of subcommittees and their party ratios permit, the size of all subcommittees shall be established so that the majority party members of the committee have an equal number of subcommittee assignments; Provided, however, that a member may waive his or her right to an equal number of subcommittee assignments on the committee; and provided further, that the majority party members may limit the number of subcommittee assignments of the chairman and the subcommittee chairmen and the minority party members may limit the number of subcommittee assignments of ranking minority party members in order to equalize committee workloads.

(b) Following shall be the sizes and party ratios for subcommittees:

(1) Subcommittee on Housing and Community Development: Total—36. Democrat—22. Republican—13. Other—1.

(2) Subcommittee on Financial Institutions Supervision, Regulation and Insurance: Total—36. Democrat—22. Republican—14.

(3) Subcommittee on International Development, Finance, Trade, and Monetary Policy: Total—25. Democrat—15. Republican—9. Other—1.

(4) Subcommittee on Domestic Monetary Policy: Total—8. Democrat—5. Republican—3.

(5) Subcommittee on General Oversight and Investigations: Total—13. Democrat—8. Republican—5.

(6) Subcommittee on Economic Stabilization: Total—15. Democrat—9. Republican—6.

(7) Subcommittee on Consumer Affairs and Coinage: Total—18. Democrat—11. Republican—6. Other—1.

(8) Subcommittee on Policy Research and Insurance: Total—8. Democrat—5. Republican—3.

RULE NO. 19—COMMITTEE RECORDS MAINTAINED AT THE NATIONAL ARCHIVES

The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

RULES OF PROCEDURE FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS FOR THE 102D CONGRESS

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD, pursuant to the rules of the House, a copy of the rules of the Committee on Interior and Insular Affairs which were adopted at the organizational meeting on February 6, 1991.

RULES FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

INTRODUCTION

Rule XI of the Rules of the United States House of Representatives, provides in part:

Rule XI.—Rules of Procedure for Committees

In General

1. (a)(1). The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

(2) Each subcommittee of a committee is a part of that committee, and is subject to the authority and direction of that committee and to its rules so far as applicable.

(b) Each committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X, and (subject to the adoption of expense resolutions as required by clause 5) to incur expenses (including travel expenses) in connection therewith.

(c) Each committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of a committee shall be paid from the contingent fund of the House.

(d) Each committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of that committee under this rule and Rule X during the Congress ending at noon on January 3 of such year.

Committee Rules.—Adoption of Written Rules

2. (a) Each standing committee of the House shall adopt written rules governing its procedure, Such rules—

(1) shall be adopted in a meeting which is open to the public unless the committee, in

open session and with a quorum present, determined by rollcall vote that all or part of the meeting on that day is to be closed to the public;

(2) shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(3) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

Each committee's rules specifying its regular meeting days, and any other rules of a committee which are in addition to the provisions of this clause, shall be published in the Congressional Record not later than thirty days after the Congress convenes in each odd-numbered year. Each select or joint committee shall comply with the provisions of this paragraph unless specifically prohibited by law.

In accordance with the foregoing, the Committee on Interior and Insular Affairs adopted the following as the Rules of the Committee.

A. RULES OF GENERAL APPLICATION

Rule 1. Rules of the House.—The Rules of the House of Representatives are the rules of its Committees and Subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in Committees and Subcommittees. Written rules adopted by the Committees, not inconsistent with the Rules of the House, shall be binding on each Subcommittee. Each Subcommittee of a Committee is a part of that Committee and is subject to the authority and direction of that Committee. Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the Rules of the Committee which are supplementary to the Rules of the House.

Rule 2. Time, Place of Meetings.—(a) While Congress is in session, regular business meetings of the Committee shall be held in the regularly assigned committee room, Longworth House Office Building, beginning at 9:45 a.m. on each Wednesday, except that, whenever any regularly scheduled party caucus or conference conflicts with such meeting of the Committee, then the Committee shall meet at a later time or on Thursday or on such other day as may be mutually agreed upon by the Chair and the Ranking Minority Member. Such meeting shall be called to order and presided over by the Chair, or, in the absence of the Chair, by the ranking majority member of the Committee present.

(b) Special meetings shall be held at the call of the Chair or upon written request of Members of the Committee as provided in Rule XI, Clause 2, of the Rules of House. When a regularly called party caucus or party conference is scheduled to be in session after 10 a.m. on any day, and the Chair is so advised not later than 12 noon on the preceding day, the regularly scheduled Committee meeting for that day shall be rescheduled at a later time or as provided in paragraph (a) of this rule.

(c) Each meeting of the Committee or any of its Subcommittees for the transaction of business, including the mark-up of legislation, shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. *Provided, however,* That no persons other than Members of the Committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or mark-up session which has been closed to the public. This paragraph does not apply to any meeting that relates solely to internal budget or personnel matters.

Rule 3. Agenda for Meetings.—The agenda for Committee meetings, setting out all items of business to be considered, shall be available and delivered to the office of each Member at least 48 hours in advance of the meeting. *Provided,* That this requirement may be waived by a majority vote, a quorum being present.

Rule 4. Adjournment of Meetings.—A motion to adjourn shall not be approved unless the Chair, in his discretion, recognizes a Member for the purpose of making such motion and the motion is approved by a majority of the Members present and voting.

Rule 5. Committee Procedure.—(a) The date time, place and subject matter of all public hearings of the Committee or any of the Subcommittee shall be announced at least 1 week in advance of the commencement of such hearings. If the Committee or any of its Subcommittees, determines that there is good cause to expedite the hearing, it shall make the announcement at the earliest possible date. Any such announcement shall be promptly published in the Daily Digest.

(b) Each hearing conducted by the Committee or Subcommittee thereof shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. *Provided,* That the Committee or Subcommittee may by the same procedure vote to close one subsequent day of hearing: *Provided further,* That two or more Members at a meeting held for the purpose of taking testimony may determine, by a majority vote,

(i) to close such hearing for the purpose of discussing whether testimony or evidence to be received would endanger national security or tend to defame, degrade, or incriminate any person in violation of Rule XI, 2(k)(5), of the Rules of the House; or

(ii) to close the hearing as provided in Rule XI, 2(k)(5), of the Rules of the House.

(c) No Member may be excluded from nonparticipatory attendance at any hearing of the Committee or its Subcommittees, unless the House, by majority vote, authorizes the Committee or its Subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close such meetings to Members by the same procedures designated in this rule for closing meetings to the public.

(d) Each witness who is to appear before the Committee or one of its Subcommittees shall file with the Committee, at least 24 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement is waived by the Committee.

(e) The right to interrogate witnesses before the Committee or any of its Subcommittees shall alternate between the Majority Members and the Minority Members. In recognizing Members to question witnesses, the Chair may take into consideration the ratio of Majority and Minority party Members present and may recognize two Majority party Members for each Minority party Member recognized. Each Member shall be limited to 5 minutes in the interrogation of witnesses until such time as each Member has had an opportunity to question the witness.

(f) No bill, recommendation, or other matter reported by a Subcommittee shall be considered by the Committee until 2 calendar days have elapsed from the time of the action of the Subcommittee and such action has been reported by the Committee Clerk to all Members of the Committee and, in the case of a bill, a copy has been delivered to the offices of all Members so requesting the same, together with a section-by-section explanation and, if a change in present law is involved, a section-by-section comparison with the present law: *Provided,* That this requirement may be waived by a two-thirds vote of a quorum of the Committee Members.

Rule 6. Quorum.—No measure or recommendation shall be reported from the Committee unless a majority of the Members of the Committee are present, but for the purpose of transacting any other Committee business one-third of the Members shall constitute a quorum. Testimony and evidence may be received at any meeting at which there are present two or more Members of the Committee. A quorum, once established, shall be deemed present unless a Member objects to the transaction of business due to the lack of a quorum. When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be so notified and the Members shall have not less than 10 minutes to prove their attendance. The Chair shall have the discretion to waive this requirement whenever a quorum is secured and may direct the Clerk to note the names of all Members present within the 10 minute period.

Rule 7. Proxies.—A vote by any Member in the Committee or in any Subcommittee may be cast by proxy, but such proxy must be in writing. Each proxy shall designate the Member who is to execute the proxy authorization, shall assert that the Member is absent on official business or otherwise unable to attend, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Rule 8. Subpoenas and Oaths.—(a) A subpoena may be issued by a Committee or Subcommittee in the conduct of any investigation or series of investigations or activities when authorized by a majority of the Members of the Committee or Subcommittee and approved by the Chair of the Full Committee and signed by his or her designee.

(b) The Chair of the Committee, the Chair of any of its Subcommittees, or any Member designated by either, may administer oaths to any witness.

Rule 9. Journal, Rollcalls.—(a) The proceedings of the Committee shall be recorded in a journal which shall, among other things, including a record of the votes on any question on which a record vote is demanded. A copy of the journal shall be furnished the Ranking Minority Member through the Minority Counsel. A record vote may be demanded by one-fifth of the Members present or, in the apparent absence of a quorum, by any one Member. No demand for a rollcall shall be made or entertained except for the purpose of securing a record vote or in the apparent absence of a quorum.

(b) At the beginning of any meeting of the Committee, the Chair may announce to the Committee, in his discretion, that further proceedings will be postponed on any motions on which a recorded vote is ordered or on which the vote is objected to under Rule 6 until immediately preceding the conclusion of the meeting. In such instances, the Committee shall proceed with the consideration of the next regularly scheduled measures or matters until all such business is disposed of or until such time as the Chair announces that the question will be put on the matter deferred. The question on any motion so postponed shall be put by the Chair and shall be disposed of by the Committee, without further debate, as expeditiously as possible. If the Committee adjourns before the question is put and determined on such motion, then the first order of business at the next meeting shall be the disposition of such motion.

(c) The result of each rollcall vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public. Such records shall constitute the official attendance records of the Committee.

Rule 10. Filing of Committee Reports.—(a) All Members of the Committee shall be given an opportunity to review each proposed Committee report for at least 2 days (excluding Saturdays, Sundays, and legal holidays) prior to filing.

(b) If, at the time of approval of any measure or matter by this Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) after the copy of the Committee report in substantially final form is completed, excluding formal or technical changes, in which to file such views, in writing and signed by that Member or Members, with the Clerk of the Committee. In the event that substantial or significant changes are made in the Committee report, such Member shall have not more than one calendar day to review such changes and alter his or her views in responding thereto. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(c) The time requirements of paragraphs (a) and (b) of this rule shall run concurrently and shall not operate to delay the filing of Committee reports.

Rule 11. Record of Committee Proceedings.—(a) Evidence, testimony, and information relevant to any measure or matter before the Committee will be received for inclusion in the record of proceedings as determined appropriate. A formal transcript need not be made in all instances, and the Chair may exercise discretion as to the content of the record. A complete record of all Committee action, which shall include a record of the votes on any question on which a rollcall vote is demanded, shall be kept and retained in the permanent files of the Committee. All printing of proceedings or of other matter shall be subject to general principles promulgated by the Chair as well as by approval in each instance not only by the Chair of the appropriate Subcommittee but also by the Chair of the Committee.

(b) All transcripts of public meetings and hearings shall be available for review in the offices of the Committee. Unrevised and unedited hearing transcripts shall not be reproduced in any form without the written consent of the Chair or of the Member involved. Transcripts of other public meetings of the Committee and its Subcommittees shall not be reproduced in any form without the written consent of the Chair of the Committee or, as appropriate, of the Chair of the Subcommittee involved, in his or her discretion. Records and transcripts of public meetings of the Committee, conducted during any prior Congress, may be made available for review in the offices of the Committee, but such records and transcripts shall not be reproduced except as permitted by the House of Representatives.

(c) No records or transcripts of Committee meetings held in executive session shall be released unless the Committee directs otherwise. All classified documents, transcripts, or other materials shall be maintained in an appropriately secured location and shall not be released for review by any unauthorized person. Authorized persons must review such classified materials at an appropriate location in the Committee offices, but such material shall not be removed from the Committee offices for any reason without the written permission of the Chair and, as appropriate, of the Chair of the Subcommittee involved.

Rule 12. Broadcasting of Committee Hearings.—(a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which Committee hearings, or Committee meetings which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, pubic issues, and other matters before the House and its Committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise, covered, under authority of this clause, by television broadcast, radio broadcast and still photography, or by any of such methods of coverage, and the personal behavior of the Committee members and staff, other Government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of Committee members in connection with that hearing or meeting or in connection with the general work of the Committee or of the House; or

(2) cast discredit or dishonor on the House, the Committee, or any Member or bring the House, the Committee, or any Member into disrepute.

(d) The coverage of Committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause. No recording of Committee or Subcommittee proceedings shall be permitted except as authorized pursuant to these rules:

(1) Accredited press must obtain advance clearance for coverage of committee meetings from the appropriate gallery.

(2) Unaccredited press will be permitted to cover meetings only—

(a) after presentation of bona fide press credentials to the Director of Public Affairs of the Committee, and

(b) approval of such coverage by the Committee, or Subcommittee, at the request of the Chair.

(3) All other media seeking to record all or any part of any Committee or Subcommittee meeting by means of audio or video recording must—

(a) agree, in writing, to comply with all House and Committee Rules pertaining to recording and taping of Committee and Subcommittee meetings and hearings, and

(b) obtain advance clearance of the Chair of the Committee or Subcommittee through the Director of Public Affairs of the Committee.

(4) When space limitations prohibit accommodation of all accredited press, unaccredited press and other media seeking to record part or all of any Committee or Subcommittee meeting or hearing, space will be allotted first to accredited press, then, if space permits, to the unaccredited press and other media.

(e) Whenever any hearing or meeting conducted by any Committee of the House is open to the public, that Committee may permit, by majority vote of the Committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the Committee may adopt in accordance with the purposes, provisions, and requirements of this clause.

(f) The following rules shall apply to the Committee and its Subcommittees:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room

shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that Member to each other.

(5) Television cameras shall not be placed on the Committee rostrum or in positions which obstruct unnecessarily to coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, on the Committee rostrum or between the witness stand and the Members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Rule 13. Committee Staffs.—(a) Pursuant to Rule XI, Clause 6, of the Rules of the House, the permanent staff of the Committee shall consist of not more than 30 staff members who shall be selected on the basis of fitness to perform the duties of their respective positions as follows:

Three shall be chosen by the Committee from nominations approved by a majority of the Members of the Minority party of the Committee;

One shall be chosen by the Committee from nominations submitted by the Chair of each of the standing Subcommittees of the Committee;

One shall be chosen by the Committee from nominations submitted by the ranking Minority party Member of each standing Subcommittee of the Committee; and the balance of any unfilled positions shall be chosen by the Committee from nominations approved by a majority of the Members of the Majority party Members of the Committee.

The staff members selected by the Majority party shall be assigned such legislative, oversight, and administrative duties and responsibilities as the Chair of the Committee may prescribe and shall assist Committee Members in connection with matters related to Committee business. Each staff member nominated by a Subcommittee Chair shall be under the general supervision and direction of that Subcommittee Chair. The staff members selected by the Minority party shall be under the general supervision and direction of the Minority party Members of the Committee who may delegate such authority as they determine appropriate.

(b) A Subcommittee Chair shall be entitled to select and designate additional staff members, subject to the approval of a majority of the Majority party Members of the Committee, to assist the Subcommittee in carrying out its legislative, investigative, and oversight responsibilities. The Minority shall be accorded fair and equitable consideration with respect to the appointment of additional staff, but Minority staffing shall continue to be approximately one-third Minority representation on the Committee. Such staff, members shall be assigned such duties pertaining to Subcommittee business as the Subcommittee Chair or the Minority, respectively, deem advisable and shall be compensated at a salary commensurate with the responsibilities prescribed by such Subcommittee Chair or by the Minority.

(c) Notwithstanding paragraphs (a) and (b) of this rule, the Committee may employ such additional nonpartisan staff as it deems necessary to conduct the administrative and clerical functions of the Committee. Such staff shall be in addition to any staff designated exclusively for the Majority or Minority party and shall be appointed only with the approval of a majority of the Members of the Majority party and with the approval of a majority of the Members of the Minority party. The Chair of the Committee shall establish and assign the duties and responsibilities of such members of the staff and they shall be compensated at a salary commensurate with the responsibilities prescribed.

(d) In the event that staff is not otherwise available pursuant to paragraphs (a) and (b) of this rule, from the funds provided for the appointment of Committee staff pursuant to any primary and additional expense resolution:

(1) The Chair of each standing Subcommittee is authorized to appoint at least one staff member who shall serve at the pleasure of the Subcommittee Chair.

(2) The ranking Minority party Member of each standing Subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the ranking Minority party Member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (a) and (b) shall be compensated at a rate determined by the Subcommittee Chair pursuant to Rule XI, clause 5(d), of the Rules of the House of Representatives.

(4) The staff positions made available to the Subcommittee Chair and ranking Minority party Members pursuant to subparagraphs (1) and (2) of this paragraph shall be made available from the staff positions provided under Rule XI, Clause 6, unless such staff positions are made available pursuant to a primary or additional expense resolution.

(e) All staff selected pursuant to this rule shall be approved by the Committee and shall not be assigned any duties other than those pertaining to the business of the Committee and its Subcommittees. The staff of a subcommittee shall be under the general supervision and direction of the Chair of that Subcommittee. The staff assigned to the Minority shall be under the general supervision and direction of the Minority party Members of the Committee who may delegate such authority as they determine appropriate. The staff of the Committee not assigned to a Subcommittee or to the Minority shall be under the general supervision and direction of the Chair of the Committee, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as determined appropriate.

B. SUBCOMMITTEE: JURISDICTION, COMPOSITION, AND POWERS

Rule 14. Subcommittees Rules.—The Rules of the Committee, where applicable, shall be the Rules of its Subcommittees.

Rule 15. Reference of Legislation.—(a) Except for bills, resolutions, or matters involving Indians and Indian Tribes which shall be retained for consideration by the Committee unless referred by the Chair to an appropriate standing, select, or special Subcommittee, every bill, resolution, or other matter referred to the Committee shall be referred to subcommittee within 2 weeks from the date of its referral to the Committee unless the Chair, with the approval of a majority of the Majority Members of the Committee, orders that it be retained for consideration by the Committee or that it be referred to a select or special Subcommittee.

(b) A bill, resolution, or other matter referred by the Chair to a Subcommittee may be recalled therefrom by him or her with the approval of a majority of the Members of the Committee for the Committee's direct consideration or for referral to another Subcommittee. The Chair shall so inform the Members of this recommendation, in writing, and such recommendation shall be effective within 1 week if approved by a majority of the Members of the Committee.

(c) A bill, resolution, or other matter referred by the Committee to a Subcommittee may be recalled from such Subcommittee at any time by majority vote, a quorum being present, for its consideration by the Committee or for reference to another Subcommittee.

Rule 16. Subcommittees.—There shall be the following six standing Subcommittees of the Committee: Subcommittee on Water, Power and Offshore Energy Resources; Subcommittee on Mining and Natural Resources; Subcommittee on National Parks and Public Lands; Subcommittee on Insular and International Affairs; Subcommittee on Energy and the Environment; and, Subcommittee on General Oversight and California Desert Lands. Additional standing Subcommittees may be created by resolution of the Committee.

Rule 17. Jurisdiction of Subcommittees.—(a) The jurisdiction, including legislative, investigative, and oversight responsibilities of the six standing Subcommittees shall, subject to alteration as other Subcommittees are created, be as follows:

Subcommittee on Water, Power and Offshore Energy Resources

(a) All measures or matters pertaining to irrigation and reclamation projects and other water resources development programs, including policies and procedures relating thereto.

(b) All measures and matters concerning the water-related programs of the U.S. Geological Survey; water resources planning conducted pursuant to the Water Resources Planning Act; saline water research and development; and water resources research programs.

(b) Selected matters and proposals, as referred by the Chairman, involving the environmental impacts of any laws or programs under the jurisdiction of the Committee.

(c) Compacts relating to the use and apportionment of interstate waters; water rights, including Federal reserved water rights on public lands; and programs involving major interbasin movement of water or power.

(d) Generation and marketing of electric power from Federal water projects by federally chartered or Federal regional power marketing authorities.

(e) Measures and matters relating to public lands in Alaska (including forestry and forest management issues), except those within the jurisdiction of the Subcommittee on National Parks and Public Lands.

(f) Measures concerning the transportation of natural gas from or within Alaska or concerning the disposition of oil transported by the trans-Alaska oil pipeline.

(g) Conservation and development of oil and gas resources of the Outer Continental Shelf.

(h) Selected matters and proposals, as referred by the Chairman, involving the environmental impacts of any laws or programs under the jurisdiction of the Committee.

Subcommittee on Mining and Natural Resources

(a) Mining interests generally, including deep seabed mining and matters involving the Law of the Sea Treaty.

(b) Mineral resources of the public lands, except matters involving the Outer Continental Shelf.

(c) Mineral land laws, and claims and entries thereunder.

(d) Geological survey, except water-related programs.

(e) Mining schools and experimental stations.

(f) Proposed long-range domestic minerals programs, including availability of domestic minerals to fulfill all domestic requirements.

(g) All measures and matters affecting geothermal resources.

(h) All matters involving mining regulation and enforcement, including the reclamation of mined lands, the environmental effects of mining, and the management of mineral receipts.

(i) Petroleum conservation on the public lands and conservation of the radium supply in the United States.

Subcommittee on National Parks and Public Lands

(a) Measures and matters related to the National Park System and all of its units.

(b) National Wild and Scenic Rivers System; National Trails System; national recreation areas; and other national units established for protection, conservation, preservation, or recreational development administered by the Secretary of the Interior or the Secretary of Agriculture, and such military parks, battlefields, national cemeteries, and parks as the Secretary of the Interior may administer within the District of Columbia.

(c) Federal outdoor recreation plans, programs, and administration, including the Land and Water Conservation Fund.

(d) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including programs for international cooperation in the field of historic preservation.

(e) Except for public lands in Alaska, public lands, generally, including measures or matters related to entry, easement, withdrawals, and grazing.

(f) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(g) Forest reserves, including management thereof, created from the public domain, except in Alaska.

(h) Except for Alaska, National Wilderness Preservation System, generally, and all matter relating to wilderness in the National Park System.

Subcommittee on Insular and International Affairs

(a) Except for matters within the jurisdiction of other Subcommittees, all measures or matters involving the insular areas of the United States.

(b) All measures of matters involving the Trust Territory of the Pacific Islands, the Freely Associated States and Antarctica.

(c) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources within the jurisdiction of the Committee.

Subcommittee on Energy and the Environment

(a) Regulation of the domestic nuclear energy industry, including regulation of research and development of reactors and nuclear regulatory research and special oversight functions with respect to nonmilitary nuclear energy and research and development including the disposal of nuclear waste.

(b) Conservation of the uranium supply in the United States.

(c) Recommendations with respect to laws and programs under the jurisdiction of the Committee made by the Council on Environmental Quality in its annual Environmental Quality Report to the Congress.

(d) Plans and programs concerning non-federal outdoor recreation and land use, including such related plans and programs authorized by the Land and Water Conservation Fund Act of 1965, and the Outdoor Recreation Act of 1963.

(e) Matters concerning the following agencies and programs: Urban Parks and Recreation Recovery Program, Historic American Buildings Survey, Historic American Engineering Record, American Conservation Corps, U.S. Holocaust Memorial, and Pennsylvania Avenue Development Corporation.

Subcommittee on General Oversight and California Desert Lands

(a) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Committee as may be referred to the Subcommittee by the Chair of the Full Committee, after consultation with the Chair of the principal standing legislative Subcommittee involved.

(b) Such remedial legislation resulting from the findings or recommendations of the Subcommittee as may be referred to the Subcommittee by the Chair of the Full Committee, after consultation with the Chair of the principal legislative Subcommittee involved.

(c) All legislation concerning the use, occupancy, development and management of public lands in the California Desert Conservation Area, except for military withdrawals.

(d)(1) In order to enable the Committee to carry out its responsibilities under Rule X, Clause 2, of the Rules of the House, each Subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that Subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such Subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that Subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that Subcommittee.

(2) Pursuant to Rule X, Clause 2, of the Rules of the House, the Chair of the Committee and the Chair of the Subcommittee having jurisdiction over the matter involved or their respective designees, shall meet with representatives of the Committee on Government Operations to discuss and to assist in coordinating oversight plans of their respective Committees.

Rule 18. Party Ratios.—The Chair shall negotiate with the Minority with respect to the size of each Subcommittee, with due regard for the preference of Members for Subcommittee assignments, except that party representation on each Subcommittee shall be no less favorable to the Majority party than the ratio for the Committee.

The Chair, if approved by a majority of the Members of the Majority party, and the Ranking Minority Member, if approved by a majority of the Members of the Minority party, may serve as Members of each Subcommittee.

The size and party representation for each Subcommittee during the 102d Congress shall be as follows:

Subcommittee	Total members	Majority party	Minority party
Water, Power, and Offshore Energy Resources	25	15	10
Mining and Natural Resources	6	4	2
National Parks and Public Lands	32	20	12
Insular and International Affairs	5	3	2
Energy and the Environment	21	12	9
General Oversight and California Desert Lands	5	3	2

Rule 19. Special or Select Subcommittee.—The Chair is authorized, after consultation with the Ranking Minority Member of the Committee, to appoint such special or select Subcommittees as he deems advisable for carrying out the responsibilities and functions of the Committee. Party representation on each such Subcommittee shall be in the same proportion as that on the Committee.

Rule 20. Powers and Duties of Subcommittees.—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. The Chair of each Subcommittee shall set dates for hearings and meetings of their respective Subcommittees after consultation with the Chair of the Full Committee and of other Subcommittees with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

Rule 21. Travel.—(a) Subcommittee hearings outside of Washington, D.C., and travel by Members and staff shall be subject to approval by the Chair of the Committee pursuant to regulations promulgated by the Committee on House Administration. Each Subcommittee Chair may, for the purposes of field trips or hearings outside of the District of Columbia, assign any Members of the Committee to that Subcommittee.

(b) Staff members assigned to any Subcommittee may travel in connection with their respective duties only with the approval of the appropriate Subcommittee Chair and with the approval of the Chair of the Committee. Prior to submitting such travel requests to the appropriate Subcommittee Chair, all Minority staff travel shall be subject to such approval as the Minority Members of the Committee deem appropriate. All such travel shall be subject to the regulations promulgated by the Committee on House Administration.

Rule 22. Subcommittee Chair.—The Majority Members of the Committee shall have the right, in order of Full Committee seniority, to bid for Standing Subcommittee Chairs. Any such bid shall be subject to approval by a majority of the Majority Members of the Committee. The Minority shall select a counterpart to the Subcommittee Chair for each of the Subcommittees. The Chair of select and special Subcommittees shall be appointed by the Chair of the Committee, subject to approval by a majority of the Majority Members of the Committee except that no Subcommittee Chair shall be Chair of another legislative Subcommittee of the House.

Rule 23. Duties of Chair Upon Favorable Action by Committee.—Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee, the Chair shall report the same or designate some Member of the Committee to report the same to the House and shall use or cause to be used all parliamentary methods to secure passage thereof, without such additional authority being set forth particularly in the motion to report each invididual bill or resolution. Without limiting the generality of the foregoing, the authority contained herein extends in appropriate cases to moving in accordance with Rule XXIV, Clause 5, of the said rules that the House go into the Committee of the Whole House on the State of the Union to consider the bill or resolution; and to moving in accordance with Rule XXIV, Clause 2, of said rules for the disposition of a Senate bill or resolution that is substantially the same as the House bill or resolution as reported.

Rule 24. Committee Budget and Expenses.—(a) Each Subcommittee Chair and the ranking Minority Members of the Committee shall submit to the Chair a budget for each session of the Congress covering the funding required for staff, travel, and miscellaneous expenses. The Chair shall prepare a consolidated budget for each session of Congress which shall include amounts required for all activities and programs of the Committee and the Subcommittees, except those Committee expenses to be paid from appropriations provided for by statute.

(b) Upon approval by the committee of each such budget, the Chair, acting pursuant to Rule XI, Clause 5, of the Rules of the House, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Administration and by the House.

(c) The Chair shall report to the Committee any amendments to each expense resolution and any changes in the budget necessitated thereby.

(d) Authorization for the payment of additional or unforeseen Committee and Subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(e) Committee Members shall be advised of the availability of each monthly report, prepared by the Chair for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information travel.

Rule 25. Recommendation of Conferees.—Whenever in the legislative process it becomes necessary to appoint conferees, Majority Members shall be recommended to the Speaker as conferees as determined by the Majority, and Minority Members shall be recommended to the Speaker as conferees as determined by the Minority. Recommended party representation shall be in the same proportion as that in the Committee.

RULES OF PROCEDURE FOR THE COMMITTEE ON MERCHANT MARINE AND FISHERIES FOR THE 102D CONGRESS

(Mr. JONES of North Carolina asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of North Carolina. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD the Rules of Procedure of the Committee on Merchant Marine and Fisheries for the 102d Congress which were approved at the committee organizational meeting of February 6, 1991, as follows:

RULES OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

RULE I. APPLICABILITY OF HOUSE RULES

The Rules of the House insofar as they are applicable shall be the Rules of the Committee and its Subcommittees.

RULE II. JURISDICTION

As established in Rule X of the House Rules, the jurisdiction of the Committee on Merchant Marine and Fisheries is:

(1) Merchant marine generally.

(2) Oceanography and Marine Affairs, including coastal zone management.

(3) Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.

(4) Fisheries and wildlife, including research, restoration, refuges, and conservation.

(5) Measures relating to the regulation of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission) and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

(6) Merchant marine officers and seamen.

(7) Navigation and the laws relating thereto, including pilotage.

(8) Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone; and interoceanic canals generally.

(9) Registering and licensing of vessels and small boats.

(10) Rules and international arrangements to prevent collisions at sea.

(11) United States Coast Guard and Merchant Marine Academies, and State Maritime Academies.

(12) International fishing agreements.

RULE III. FUNCTIONS

(A) General Oversight Responsibilities.—

(1) The Committee shall review and study, on a continuing basis:

(a) the application, administration, execution, and effectiveness of those laws, or parts of laws, within its jurisdiction;

(b) the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution of these laws in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated; and

(c) any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within its jurisdiction (whether or not any bill or resolution has been introduced with respect thereto).

(2) The Committee shall undertake future research and forecasting on matters within its jurisdiction.

(3) The Committee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction.

(B) Annual Appropriations.—In its consideration of all public bills and joint resolutions, the Committee shall ensure that appropriations for continuing programs and activities will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(C) Views and Estimates.—On or before February 25 of each year or such date as determined by the Committee on the Budget, the Committee shall submit to the Committee on the Budget:

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

RULE IV. SUBCOMMITTEES

(A) Applicability of Committee Rules.—Written Rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each of its Subcommittees. Each Subcommittee is a part of the Full Committee and subject to its authority, direction, and Rules.

(B) Standing Subcommittees.—There shall be five standing Subcommittees: the Subcommittee on Merchant Marine; the Subcommittee on Fisheries and Wildlife Conservation and the Environment; the Subcommittee on Coast Guard and Navigation; the Subcommittee on Oceanography, Great Lakes, and the Outer Continental Shelf; and the Subcommittee on Oversight and Investigations.

(C) Other Subcommittees.—The Chairman, or a majority of the Committee, may establish, as determined to be appropriate for the conduct of Committee business, other special, select, or ad hoc subcommittees.

(D) Subcommittee Membership.—

(1) The ratio of Majority Members to Minority Members on Subcommittees, including Ex Officio Members, shall be no less favorable to the Majority Party than the ratio of Membership on the Full Committee.

(2) A Committee Member may temporarily resign from his Subcommittee assignment to serve on another Subcommittee of the Committee in the event of a vacancy. Members returning to their Subcommittee assignment at the end of the temporary assignment shall return to their original assignment without prejudice to tenure or seniority.

(E) Ex Officio and Other Committee Members.—

(1) The Chairman and the Ranking Minority Member of the Full Committee shall serve as Ex Officio Members of all Subcommittees of which they are not designated as Chairman or Ranking Minority Member. They shall have the right to participate fully, including the right to vote on all matters before the Subcommittees, but shall not be counted in establishing the requirements of, or in determining, a quorum.

(2) Any Member of the Committee may sit with any Subcommittee of which he or she is not a Member during its hearings or meetings (including closed meetings) and participate therein, but may not vote on any matter, or be counted present for the purpose of determining a quorum, or raise points of order, or, except as the Subcommittee Chairman may permit, participate in questioning under the five-minute rule.

(F) Subcommittee Meetings.—

(1) Subcommittees may hold hearings, receive evidence, hear witnesses, and report to the Committee for final action, together with such recommendations as may be agreed upon by the Subcommittee, on such matters as the Chairman may refer to a Subcommittee.

(2) Dates for Subcommittee meetings shall be assigned as a result of consultation between the Chairman and Subcommittee Chairmen and as nearly as practicable in relation to, and in accordance with, workloads.

(3) Subcommittees shall not meet at the same time as the Full Committee without the express permission of the Chairman of the Committee.

(G) Joint Subcommittee Markup.—When two or more Subcommittees meet jointly to take action on any measure or matter, each Member shall be entitled to one vote on each amendment, motion, order, or proposition.

RULE V. MEETINGS

(A) Regular Meetings.—The Committee shall meet at 10 a.m., on the first Wednesday of each month in the Committee Hearing Room, 1334 Longworth House Office Building, while Congress is in session. This meeting may be dispensed with at the discretion of the Chairman, in consultation with the Ranking Minority Member, if there is no business.

(B) Additional Meetings.—The Chairman may call and convene additional meetings.

(C) Meeting Notices.—

(1) The date, time, place, and subject matter of meetings shall be announced to all Members of the Committee and the public at least one week in advance. If the Chairman, in consultation with the Ranking Minority Member, determines this is not possible, a public announcement and oral and confirming written notice to Committee Members shall be made at the earliest possible date.

(2) All meeting notices shall be promptly published in the Daily Digest and promptly entered into the Committee scheduling service of the House Information Systems.

(3) All Committee Members shall have adequate notice prior to Committee or Subcommittee investigations or hearings at locations other than Washington, D.C.

(D) Special Meetings.—

(1) Three or more Committee Members may file with the Committee Clerk, a signed, written request to the Chairman for a special meeting of the Committee, specifying the measure or matter to be considered.

(2) If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Members of the Committee may file with the Committee Clerk their signed, written notice that a special meeting of the Committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The Committee shall meet on that date and hour. Only the measure or matter specified in that notice may be considered at that special meeting. Immediately upon the filing of that notice, the Clerk of the Committee shall notify all Members of the Committee of the special meeting.

(3) The above procedures also apply to Subcommittees, except that the number of Subcommittee Members required to request a special Subcommittee meeting is two, and a majority of the Members of the Subcommittee must file their signed written notice with the Subcommittee Clerk.

(E) Conflict With Party Caucus or Conference.—When a Party Caucus or Conference of either Party directly conflicts with a scheduled Committee meeting, the meeting of the Committee shall be cancelled. The Clerk of the Committee shall give oral and confirming written notice to that effect to all Committee Members. The Chairman shall reschedule the meeting at the earliest practical time.

(F) Prohibition Against Meeting During the Five-Minute Rule and During Joint Sessions and Joint Meetings.—The Committee may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE VI. COMMITTEE PROCEDURE

(A) Applicability of House Procedure.—The procedure in the Committee and its Subcommittees shall follow the procedure of the House.

(B) Referral of Legislation.—

(1) All legislation and other matters referred to the Committee shall be referred by the Chairman to all Subcommittees of appropriate jurisdiction within two weeks, unless by majority vote of the Majority Party Members of the Full Committee or by agreement between or among the Chairman and all the Subcommittee Chairmen to whom the legislation or other matter would otherwise be referred, consideration is to be by the Full Committee.

(2) The Chairman may refer any measure or matter simultaneously to two or more Subcommittees for concurrent consideration, or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different Subcommittee.

(C) Power To Sit and Act and Subpoena Power.—

(1) For the purpose of carrying out any of its functions and duties under Rules X and XI of the House of Representatives, the Committee, or any Subcommittee, is authorized:

(a) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or had adjourned;

(b) to hold hearings; and

(c) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary.

(2) A subpoena may be authorized and issued by the Committee or a Subcommittee under subparagraph (1)(c) in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the Members voting, a majority being present.

(3) The power to authorize and issue subpoenas is also delegated to the Chairman of the Full Committee.

(4) Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

(5) Compliance with any subpoena issued by a Committee or a Subcommittee may be enforced only as authorized or directed by the House.

(6) The Chairman of the Committee, or any Member designated by the Chairman, may administer oaths to any witness.

(D) Vice Chairman or Ranking Majority Member to Preside in Absence of Chairman.—

(1) Committee. The Member of the majority party on the Committee ranking immediately after the Chairman shall be the Vice Chairman of the Committee and shall preside at any meeting of the Committee during the temporary absence of the Chairman. If the Chairman and Vice Chairman of the Committee are not present at any meeting of the Committee, the Ranking Member of the majority party who is present shall preside at that meeting.

(2) Subcommittees. The Member of the majority party on each Subcommittee ranking immediately after the Chairman of the Subcommittee shall be the Vice Chairman of the Subcommittee and shall preside at any meeting of the Subcommittee during the temporary absence of the Chairman of the Subcommittee. If the Chairman and Vice Chairman of the Subcommittee are not present at any meeting of the Subcommittee, the Ranking Member of the majority party who is present shall preside at that meeting.

(E) Quorums for Meetings, Markups, and Hearings.—

(1) Except as provided below, one-third of the Members of the Committee shall constitute a quorum for the purpose of transacting Committee business.

(2) No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(3) Testimony may be taken and evidence received in any meeting at which there are present not fewer than two Members of the Committee, one of whom should be, whenever possible, a Minority Member. Unless at least two Members are present, at least one of whom is a Majority Member, the meeting must be adjourned.

(4) Proxies may not be counted for a quorum.

(F) Open Meetings.—Each business meeting, including the markup of legislation, of the Committee and its Subcommittees shall be open to the public, except as provided below.

(G) Closed Meetings.—

(1) The Committee or Subcommittee, by a rollcall vote in open session and with a majority present, may determine that all or a part of the remainder of the business meeting, including the markup of legislation, on that day shall be closed to the public.

(2) If the meeting or markup is closed, no person other than Members of the Committee, and Congressional staff and departmental representatives as the Members may authorize, may be present.

(3) Any meeting that relates solely to internal budget or personnel matters may be closed by the Chairman after consultation with the Ranking Minority Member.

(H) Closed Hearings.—

(1) Each hearing conducted by the Committee or a Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives.

(2) Notwithstanding paragraph (1), a majority of those present, if the number required for the purpose of taking testimony are present, may vote to close the hearing for the sole purpose of discussion whether testimony or evidence to be received would endanger the national security or tend to defame, degrade, or incriminate any person.

(3) The Committee or Subcommittee may by the same procedure, vote to close one subsequent day of hearing.

(4) No Member of the House may be excluded from nonparticipatory attendance at any hearing of the Committee or its Subcommittees, unless the House of Representatives, by majority vote, authorizes the Committee or the Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures for closing hearings to the public.

(I) Investigative Hearings.—

(1) The Chairman shall announce in the opening statement the subject of the investigation.

(2) Except as provided by the rule for closing an investigative hearing, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(3) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.

(4) At the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(J) Closed Investigative Hearings.—

(1) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person, such testimony or evidence shall be presented in executive session, if by a majority of those present, there being in attendance the requisite number required under the Rules of the Committee to be present for the purpose of taking tesimony, the Committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person.

(2) The Committee shall proceed to receive such testimony in open session only if a majority of the Members of the Committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) In either case, the Committee shall afford such person an opportunity voluntarily to appear as a witness, and shall receive and dispose of requests from such person to subpoena additional witnesses.

(K) Questioning of Witnesses.—

(1) Committee Members may question witnesses only when they have been recognized by the Chairman for that purpose. All questioning shall be pertinent to the subject matter of the hearing.

(2) After completing his questioning, the Chairman shall recognize the other Members beginning with the Ranking Minority Member and then the Ranking Majority Member, and thereafter, alternating between Minority and Majority, taking into consideration the ratio of Majority to Minority representation on the Committee. Each Member may request up to five minutes in each round of questioning. Additional time may be extended at the discretion of the Chairman.

(L) Minority Witnesses.—A majority of the Minority Members shall be entitled, upon request to the Chairman before the completion of any hearing, to call witnesses with respect to that measure or matter during at least one day of hearing.

(M) Points of Order.—No point of order shall lie with respect to any measure reported by the Committee on the ground that hearings on the measure were not conducted in accordance with the Rules governing open or closed hearings, public notice of hearings, or the requirements for advance filing and summarizing of statements by witnesses; except that a point of order on these grounds may be made by any Member of the Committee if, in the Committee, the point of order was timely made, and improperly overruled or not properly considered.

(N) Ordering of Rollcall Votes—A rollcall vote may be ordered by one-fifth of the Members present.

(O) Proxies.—

(1) A Member may vote by proxy only on a specific measure or matter and any amendments or motions pertaining to it; except that a Member may authorize a proxy for all motions to recess, adjourn, or other procedural matters.

(2) In order to be considered a valid and duly executed proxy, the proxy authorization must: be in writing; assert that the Member is absent on official business, or is otherwise unable to be present at the meeting of the Committee; designate the person who is to execute the proxy authorization; and be signed by the Member assigning his or her vote, noting the date and time that the proxy was signed.

(3) For a proxy to be valid in sessions on succeeding days, it must be stipulated in the proxy, and if not stipulated, cannot be voted.

(4) All executed proxies shall be delivered to the Clerk and kept at the desk during the proceedings of the Committee for which they are given and shall be included in the official records of the meeting after they have been voted.

(5) Points of order as to the validity of proxies must be made at the time the proxies are voted.

(6) Proxies may not be counted for a quorum.

(P) Limitation on Floor Action Under Suspension of the Rules.—No bill which directly or indirectly authorizes the expenditure of over $1 million in Federal funds shall be brought to the House Floor by the Committee under Suspension of the Rules if the text of the bill has been changed after it was reported by the Committee unless:

(1) the changes are purely technical and conforming; or

(2) all Members of the Committee have been provided a written copy of the changes at least twenty-four hours prior to the time the bill is considered in the House.

(Q) Committee Legislation Carrying Direct Spending or Revenue Measures.—For all bills, joint resolutions, or conference reports providing increasing or decreasing receipts or direct spending (as defined in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985), the following statement of the law shall appear as part of the text of such bill, resolution, or conference report: "The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follow: .". The blank shall be filled with a cost estimate provided by the Congressional Budget Office (prepared in consultation with the Joint Committee on Taxation where appropriate pursuant to section 201(g) of the Congressional Budget Act of 1974). The cost estimate shall be in writing and shall be signed, and shall contain an estimate of the amount of the change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1995, resulting from the conference report or bill or joint resolution as reported.

RULE VII. WITNESSES

(A) Advance Testimony Requirements.—A witness shall not be permitted to testify or present evidence, nor will any statement or testimony be included in the Committee hearing record, unless seventy-five copies of the testimony have been delivered to the Clerk of the Committee at least twenty-four hours (excluding Saturdays, Sundays, and legal holidays) prior to the meeting. At least ten of these copies must be delivered at least forty-eight hours (excluding Saturdays, Sundays, and legal holidays) prior to the meeting. These requirements may be waived only by the Chairman.

(B) Written Summary.—Each prepared statement of ten pages or more shall include a summary which may not exceed five pages in length.

(C) Federal and Administration Witnesses.—To the extent feasible, statements and testimony of witnesses from Federal and Administrative agencies shall be accompanied, if not previously received, by fifty copies of the Federal agency report requested by the Committee on the matters pending before it.

(D) Ten Minute Oral Testimony.—Witnesses will be allowed no more than ten minutes to orally summarize their prepared statement. The full statement will be made a part of the record.

(E) Investigative Hearing Witnesses.—

(1) A copy of the Committee Rules shall be made available to each witness.

(2) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(3) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt.

(4) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee.

(F) Responses/Information for the Record.—Responses to Members' or staff questions and other information offered for the record, shall be submitted, in triplicate, to the Committee Clerk within forty-five days from the time of the request. One copy will be retained by the Clerk for printing and the remainder transmitted to the appropriate Majority and Minority Counsels.

RULE VIII. BROADCASTING OF COMMITTEE MEETINGS

The Chairman may permit any public hearing or meeting to be televised, broadcast by radio, photographed, or otherwise recorded, subject to the following requirements:

(1) At the request of any Committee Member present, a majority vote must be taken to permit the use of such equipment during the hearing or meeting.

(2) Radio and television tapes and television film of any coverage shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(3) The coverage of Committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of these Rules.

(4) If the television or radio coverage of the hearing or meeting is live, it shall be conducted and presented without commercial sponsorship.

(5) All persons providing coverage of the meeting shall be accredited to the appropriate Gallery.

(6) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all recorders or microphones used for coverage shall be turned off.

(7) The number of television cameras allowed in the hearing or meeting room is at the discretion of the Chairman. If necessary, the allocation among the television media of these positions shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Gallery.

(8) Members of the media and their equipment shall not obstruct in any way the space or visibility between any witness and any Member of the Committee nor obstruct unnecessarily coverage by the other media.

(9) No audio-visual equipment will be allowed on the dais without the express prior approval of the Chairman.

(10) Fixed audio-visual equipment shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(11) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(12) The number of still photographers allowed in the hearing or meeting room is at the discretion of the Chairman. If necessary, allocation among this media shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers. Preference shall be given to photographers from Associated Press Photos and United Press International Newspictures.

RULE IX. COMMITTEE RECORDS

(A) Votes.—

(1) The Committee shall keep a complete record of all Committee action which shall include a record of the votes on any question on which a rollcall vote is demanded.

(2) The result of each rollcall vote—including a description of the issue, the name of each Member voting for and against, and whether by proxy or in person, and the names of those Members present but not voting—shall be available for inspection by the public at reasonable times in the offices of the Committee.

(B) Separate Files.—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the Congressional office records of the Chairman. These records shall be the property of the House and all Members of the House shall have access.

(C) Permanent Records.—The Clerk of the Committee shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the Committee, together with all evidence taken by the Committee under the order of the House during that Congress and not reported to the House.

(D) Open Hearings.—

(1) Records and transcripts of open hearings before the Committee shall not be available to the public for quotation of any Member until after that Member has had an opportunity to examine and approve them. No more than forty-five days after the conclusion of hearings, the transcript shall be closed and no further changes may be made.

(2) In no instance will the Committee staff distribute, or prepare for distribution, to persons, other than Members and witnesses for the purpose of correction, any open hearing transcript that has not yet been closed and transmitted to the Government Printing Office for publication.

(E) Closed Meetings.—Transcripts and records of closed meetings shall be available to Members of the House of Representatives and Merchant Marine and Fisheries Committee staff for inspection in the offices of the Committee, but may not be released or divulged to any other person without the consent of the Chairman or a majority of the Committee. In no event shall executive session transcripts and records be taken from the Committee offices by anyone.

(F) Markup Transcripts.—In no event shall markup transcripts and records be taken from the Committee offices by anyone.

(G) Availability of Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision pursuant to clause 3(b)(3) or clause 4(b) of the House rule to withhold a record otherwise available and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

RULE X. COMMITTEE REPORTS AND PUBLICATIONS

(A) Activities Report.—The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on its activities under Rules X and XI of the House during the Congress ending at noon on January 3 of that year.

(B) Procedures for Reporting.—

(1) The Chairman shall report or cause to be reported promptly to the House any measure approved by the Committee and shall take or cause to be taken necessary steps to bring the matter to a vote.

(2) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the Clerk of the Committee a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing of this request, the Clerk of the Committee shall immediately notify the Chairman.

(C) Minority, Supplemental, or Additional Views.—

(1) Members of the Committee must give notice to the Committee Clerk of intention to file supplemental, minority, or additional views within twenty-four hours after the time of approval of any measure or matter by the Committee (excluding Saturdays, Sundays, and legal holidays).

(2) Members shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) from the time of approval of any measure or matter, in which to file such views, in writing and signed by that Member, with the Clerk of the Committee.

(3) The provisions of subparagraphs (1) and (2) do not preclude—

(a) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this paragraph, or

(b) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

(D) Committee Report Requirements.—Committee reports shall be printed in a single volume and include the following:

(1) with respect to each rollcall vote to report any bill or resolution, the total number of votes cast for and against, the name of each Member voting for and against, and whether by proxy or in person, and the names of those Members present but not voting.

(2) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House Rules, separately set out and clearly identified;

(3) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(4) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974, separately set out and clearly identified, if timely submitted;

(5) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause (4)(c)(2) of Rule X of the House Rules, sepa-

rately set out and clearly identified, if it has been submitted to allow for the Committee consideration during deliberations on the measure;

(6) on each bill or joint resolution of a public character, a detailed analytical statement as to whether its enactment into law may have an inflationary impact on prices and costs in the operation of the national economy;

(7) on a bill or a joint resolution repealing or amending any statute or part thereof, in the report or in an accompanying document—

(a) the text to be repealed; and

(b) a comparative print showing by stricken-through type and italic, parallel columns, or other appropriate typographical devices, the omissions and insertions proposed to the statute;

(8) all supplemental minority, or additional views filed by one or more Members of the Committee; and

(9) on its cover, a recital that any material submitted under subparagraphs (4), (5), and (8) above are included as part of the report.

(E) *Approval by Chairman.*—All Committee or Subcommittee prints and other material prepared for public distribution shall be approved by the Chairman of the Full Committee prior to distribution.

RULE XI. USE OF COMMITTEE FUNDS FOR TRAVEL

(A) *Authorization.*—All travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences, investigations, foreign conferences and meetings, and all foreign travel, must be authorized by the Chairman prior to any public notice or the actual travel.

(B) *Trip Report.*—A substantive report shall be filed with the Chairman within thirty days after any Committee trip or any trip related to matters of Committee jurisdiction which has been approved by the Chairman.

(C) Domestic Travel.—Funds authorized for the Committee under Clause 5 of Rule XI of the House Rules are for expenses incurred in the Committee's activities within the United States.

(D) Foreign Travel.—

(1) Local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its Territories or Possessions.

(2) No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose.

(3) The following conditions apply to travel outside the United States or its territories or possessions:

(a) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem rate set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the Member or employee during that day.

(b) Each Member or employee of the Committee shall make to the Chairman of the Committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended.

(c) All such individual reports shall be filed, no later than sixty days following the completion of travel, with the Chairman of the Committee for use in complying with the reporting requirements in applicable Federal law and shall be open for public inspection.

(4) In carrying out the Committee's activities outside of the United States in any country where local currencies are unavailable, a Member or employee of the Committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual unreimbursed expenses (other than for transportation) incurred, by the Member or employee during any day.

(5) A Member or employee of the Committee may not receive reimbursement for the cost of any transportation in connection with travel outside of the United States unless the Member or employee has actually paid for the transportation.

(E) Lame Duck Members.—No local currencies owned by the United States and made available to the Committee, no primary expense resolution, and no additional expense resolution of the Committee may provide for the payment or reimbursement of expenses incurred by any Member of the Committee for travel after the general election in which the Member is not elected to the succeeding Congress, or in the case of a Member who is not a candidate, the earlier of the general election date or the adjournment sine die of the last regular session of the Congress.

RULE XII. COMMITTEE AND SUBCOMMITTEE STAFF

(A) Hiring Practices/Terms of Employment.—The staff members of the Committee—

(1) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(2) shall not engage in any work other than Committee business; and

(3) shall not be assigned any duties other than those pertaining to Committee business.

(B) Limitation on Appointing Government Personnel.—The Committee shall not appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on House Administration.

(C) "Clause 5" Appointments.—

(1) From the funds provided for the appointment of Committee staff pursuant to primary and additional expense resolutions—

(a) The Chairman of each standing Subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the Subcommittee Chairman.

(b) The Ranking Minority Member of each standing Subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the Subcommittee Ranking Minority Member.

(c) The staff members appointed pursuant to the provisions of (a) and (b) shall be compensated at a rate determined by the Subcommittee Chairman not to exceed: (1) 75 per centum of the maximum established in paragraph (c) of clause 6 of Rule XI of the House Rules, or (2) the rate paid the staff member appointed pursuant to subparagraph (a) of this paragraph.

(2) Subcommittee staff members appointed under paragraph (1) are subject to the supervision and control of, and shall be responsible to, the Subcommittee Chairman or Ranking Minority Member of the Subcommittee, as appropriate.

(D) "Clause 6" Appointments.—

(1) The Committee shall appoint, by a majority vote, from a list submitted by the Chairman, appropriate professional and clerical staff personnel, in accordance with the provisions of clause 6 of Rule XI of the House Rules.

(2) Each employee on the professional, clerical and investigating staff of the Committee shall be entitled to pay at a single gross per annum rate, to be fixed by the Chairman, which does not exceed the maximum rate of pay, as in effect from time to time, under applicable provisions of law.

(3) Subject to the provisions of paragraph (C)(2), each Committee staff member, other than a member appointed pursuant to the request of Minority Members, is assigned to the Chairman for the purposes of general supervision and control and shall perform such duties as the Chairman may assign.

(4) In the case of staff members appointed pursuant to the request of Minority Members, the Ranking Minority Member shall exercise general supervision and control, subject to the assignments designated by Minority Members in accordance with clause 6 of Rule XI of the House Rules.

(5) When any staff member is assigned directly to Subcommittee staff duties, the staff member shall remain under the general supervision and control of the Chairman of the Committee or Ranking Minority Member of the Committee as appropriate, but under the direct control of the Subcommittee Chairman or Subcommittee Ranking Minority Member, as appropriate, for duty assignment purposes.

(6) The Committee, by majority vote, may terminate the services of any staff member appointed by the Committee and may, from time to time, take appropriate action to fill any staff vacancies.

RULE XIII. COMMITTEE BUDGET

(A) Annual Budget.—

(1) At the beginning of each session, after consultation with each Subcommittee Chairman, the Chairman shall propose and present to the Committee for its approval a budget of the estimated funds necessary for all anticipated activities and programs of the Committee and its Subcommittees, that will be requested under a primary expense resolution submitted in accordance with clause 5 of Rule XI of the House Rules.

(2) In presenting the budget, the Chairman shall ensure that it contains sufficient funds to enable the Committee and each Subcommittee to discharge its responsibilities for legislation and oversight.

(B) Additional Expense Resolutions.—Authorization for the payment of additional or unforeseen committee and Subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out above.

(C) Monthly Accounting.—

(1) Once monthly, the Chairman shall require the appropriate staff personnel to prepare a full and detailed accounting of all expenditures made during the period since the last accounting from the amount budgeted to the Full Committee.

(2) Each report shall show the amount and purpose of each expenditure and the budget to which the expenditure is attributed.

(3) Each report shall be available, upon request to the Committee Clerk, to any Member of the House of Representatives.

RULE XIV. CHANGES IN THE COMMITTEE RULES

The Rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted upon.

APPENDIX

House Rule XI (2)(k)—Investigative hearing procedures

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GILMAN (at the request of Mr. MICHEL), for today and Thursday, February 28, on account of a death in the family.

Mr. MILLER of Ohio (at the request of Mr. MICHEL), for today and Thursday, February 28, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RIDGE) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, today, for 60 minutes.

Mr. DORNAN of California, for 60 minutes each day, today and February 28.

Mr. SOLOMON, for 60 minutes, on February 28.

Mrs. BENTLEY, for 60 minutes each day, on February 28, and on March 4, 5, and 6.

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LAFALCE, for 10 minutes, today.

Mr. COYNE, for 5 minutes, on February 28.

Mr. STOKES, for 60 minutes, on February 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RIDGE) and to include extraneous matter:)

Mr. GREEN of New York in two instances.
Mr. COX.
Mr. GOODLING of California.
Mr. BROOMFIELD.
Mr. HENRY.
Mr. GALLEGLY.
Mr. PETRI.
Mr. GINGRICH.
Mr. CRANE.
Mr. FIELDS.
Ms. ROS-LEHTINEN.
Mr. HUNTER.
Mr. PURSELL.
Mr. LEWIS of Florida.
Mr. BEREUTER.
Mr. MCEWEN.
Mr. SOLOMON.
Ms. MOLINARI in two instances.
Mr. FAWELL.
Mr. LAGOMARSINO in two instances.
Mr. BLILEY.
Mr. HERGER.
Mrs. BENTLEY in two instances.
Mr. GRADISON.
Mr. CHANDLER.

(The following Members (at the request of Mr. SAWYER) and to include extraneous matter:)

Mr. REED.
Mr. DORGAN of North Dakota.
Mrs. SCHROEDER in two instances.
Mr. HAMILTON.
Mr. DWYER of New Jersey.
Mr. MONTGOMERY.
Mr. MAZZOLI in two instances.
Ms. OAKAR.
Mr. ATKINS in two instances.
Mr. LEHMAN of Florida.
Mrs. KENNELLY.
Mr. PALLONE.
Mr. PANETTA in two instances.
Mr. DYMALLY in two instances.
Mr. ROSE.
Mr. MATSUI.
Mr. BUSTAMANTE.
Mr. TALLON.
Mr. STUDDS.
Mr. CARR.
Mr. GUARINI.
Mr. RAHALL.
Mr. DURBIN.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 64. Joint resolution to authorize the President to proclaim the last Friday of April 1991, as "National Arbor Day"; to the Committee on Post Office and Civil Service.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 76. Joint resolution commending the Peace Corps and the current and former Peace Corps volunteers on the 30th anniversary of the establishment of the Peace Corps.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Thursday, February 28, 1991, at 11 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose or evasion; and that I will

well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by each of the following Members, Resident Commissioner, and Delegates of the 102d Congress, pursuant to the provisions of 2 U.S.C. 25:

ALABAMA

1. Sonny Callahan.
2. William L. Dickinson.
3. Glen Browder.
4. Tom Bevill.
5. Robert E. (Bud) Cramer, Jr.
6. Ben Erdreich.
7. Claude Harris.

ALASKA

At large

Don Young.

ARIZONA

1. John J. Rhodes III.
2. Morris K. Udall.
3. Bob Stump.
4. Jon L. Kyl.
5. Jim Kolbe.

ARKANSAS

1. Bill Alexander.
2. Ray Thornton.
3. John Paul Hammerschmidt.
4. Beryl Anthony, Jr.

CALIFORNIA

1. Frank D. Riggs.
2. Wally Herger.
3. Robert T. Matsui.
4. Vic Fazio.
5. Nancy Pelosi.
6. Barbara Boxer.
7. George Miller.
8. Ronald V. Dellums.
9. Fortney Pete Stark.
10. Don Edwards.
11. Tom Lantos.
12. Tom Campbell.
13. Norman Y. Mineta.
14. John T. Doolittle.
15. Gary Condit.
16. Leon E. Panetta.
17. Calvin M. Dooley.
18. Richard H. Lehman.
19. Robert J. Lagomarsino.
20. William M. Thomas.
21. Elton Gallegly.
22. Carlos J. Moorhead.
23. Anthony C. Beilenson.
24. Henry A. Waxman.
25. Edward R. Roybal.
26. Howard L. Berman.
27. Mel Levine.
28. Julian C. Dixon.
29. Maxine Waters.
30. Matthew G. Martinez.
31. Mervyn M. Dymally.
32. Glenn M. Anderson.
33. David Dreier.
34. Esteban Edward Torres.
35. Jerry Lewis.
36. George E. Brown, Jr.
37. Alfred A. (Al) McCandless.
38. Robert K. Dornan.
39. William E. Dannemeyer.
40. C. Christopher Cox.
41. Bill Lowery.
42. Dana Rohrabacher.
43. Ron Packard.
44. Randy "Duke" Cunningham.
45. Duncan Hunter.

COLORADO

1. Patricia Schroeder.
2. David E. Skaggs.
3. Ben Nighthorse Campbell.
4. Wayne Allard.
5. Joel Hefley.
6. Dan Schaefer.

CONNECTICUT

1. Barbara B. Kennelly.
2. Sam Gejdenson.
3. Rosa L. DeLauro.
4. Christopher Shays.
5. Gary A. Franks.
6. Nancy L. Johnson.

DELAWARE

At large

Thomas R. Carper.

FLORIDA

1. Earl Hutto.
2. Douglas "Pete" Peterson.
3. Charles E. Bennett.
4. Craig T. James.
5. Bill McCollum.
6. Cliff Stearns.
7. Sam Gibbons.
8. C. W. Bill Young.
9. Michael Bilirakis.
10. Andy Ireland.
11. Jim Bacchus.
12. Tom Lewis.
13. Porter J. Goss.
14. Harry Johnston.
15. E. Clay Shaw, Jr.
16. Lawrence J. Smith.
17. William Lehman.
18. Ileana Ros-Lehtinen.
19. Dante B. Fascell.

GEORGIA

1. Lindsay Thomas.
2. Charles Hatcher.
3. Richard Ray.
4. Ben Jones.
5. John Lewis.
6. Newt Gingrich.
7. George (Buddy) Darden.
8. J. Roy Rowland.
9. Ed Jenkins.
10. Doug Barnard, Jr.

HAWAII

1. Neil Abercrombie.
2. Patsy T. Mink.

IDAHO

1. Larry LaRocco.
2. Richard H. Stallings.

ILLINOIS

1. Charles A. Hayes.
2. Gus Savage.
3. Marty Russo.
4. George E. Sangmeister.
5. William O. Lipinski.
6. Henry J. Hyde.
7. Cardiss Collins.
8. Dan Rostenkowski.
9. Sidney R. Yates.
10. John Edward Porter.
11. Frank Annunzio.
12. Philip M. Crane.
13. Harris W. Fawell.
14. J. Dennis Hastert.
15. Edward R. Madigan.
16. John W. Cox, Jr.
17. Lane Evans.
18. Robert H. Michel.
19. Terry L. Bruce.
20. Richard J. Durbin.
21. Jerry F. Costello.
22. Glenn Poshard.

INDIANA

1. Peter J. Visclosky.
2. Philip R. Sharp.
3. Tim Roemer.
4. Jill L. Long.
5. Jim Jontz.
6. Dan Burton.
7. John T. Myers.
8. Frank McCloskey.
9. Lee H. Hamilton.
10. Andrew Jacobs, Jr.

IOWA

1. Jim Leach.
2. Jim Nussle.
3. David R. Nagle.
4. Neal Smith.
5. Jim Lightfoot.
6. Fred Grandy.

KANSAS

1. Pat Roberts.
2. Jim Slattery.
3. Jan Meyers.
4. Dan Glickman.
5. Dick Nichols.

KENTUCKY

1. Carroll Hubbard, Jr.
2. William H. Natcher.
3. Romano L. Mazzoli.
4. Jim Bunning.
5. Harold Rogers.
6. Larry J. Hopkins.
7. Carl C. Perkins.

LOUISIANA

1. Bob Livingston.
2. William J. Jefferson.
3. W.J. (Billy) Tauzin.
4. Jim McCrery.
5. Jerry Huckaby.
6. Richard H. Baker.
7. James A. Hayes.
8. Clyde C. Holloway.

MAINE

1. Thomas H. Andrews.
2. Olympia J. Snowe.

MARYLAND

1. Wayne T. Gilchrest.
2. Helen Delich Bentley.
3. Benjamin L. Cardin.
4. C. Thomas McMillen.
5. Steny H. Hoyer.
6. Beverly B. Byron.
7. Kweisi Mfume.
8. Constance A. Morella.

MASSACHUSETTS

1. Silvio O. Conte.
2. Richard E. Neal.
3. Joseph D. Early.
4. Barney Frank.
5. Chester G. Atkins.
6. Nicholas Mavroules.
7. Edward J. Markey.
8. Joseph P. Kennedy II.
9. John Joseph Moakley
10. Gerry E. Studds.
11. Brian J. Donnelly.

MICHIGAN

1. John Conyers, Jr.
2. Carl D. Pursell.
3. Howard Wolpe.
4. Frederick S. Upton.
5. Paul B. Henry.
6. Bob Carr.
7. Dale E. Kildee.
8. Bob Traxler.
9. Guy Vander Jagt.
10. Dave Camp.
11. Robert W. Davis.
12. David E. Bonior.
13. Barbara-Rose Collins.
14. Dennis M. Hertel.
15. William D. Ford.
16. John D. Dingell.
17. Sander M. Levin.
18. Wm. S. Broomfield.

MINNESOTA

1. Timothy J. Penny.

2. Vin Weber.
3. Jim Ramstad.
4. Bruce F. Vento.
5. Martin Olav Sabo.
6. Gerry Sikorski.
7. Collin C. Peterson.
8. James L. Oberstar.

MISSISSIPPI

1. Jamie L. Whitten.
2. Mike Espy.
3. G. V. (Sonny) Montgomery.
4. Mike Parker.
5. Gene Taylor.

MISSOURI

1. William (Bill) Clay.
2. Joan Kelly Horn.
3. Richard A. Gephardt.
4. Ike Skelton.
5. Alan Wheat.
6. E. Thomas Coleman.
7. Mel Hancock.
8. Bill Emerson.
9. Harold L. Volkmer.

MONTANA

1. Pat Williams.
2. Ron Marlenee.

NEBRASKA

1. Doug Bereuter.
2. Peter Hoagland.
3. Bill Barrett.

NEVADA

1. James H. Bilbray.
2. Barbara F. Vucanovich.

NEW HAMPSHIRE

1. William H. Zeliff, Jr.
2. Dick Swett.

NEW JERSEY

1. Robert E. Andrews.
2. William J. Hughes.
3. Frank Pallone, Jr.
4. Christopher H. Smith.
5. Marge Roukema.
6. Bernard J. Dwyer.
7. Matthew J. Rinaldo.
8. Robert A. Roe.
9. Robert G. Torricelli.
10. Donald M. Payne.
11. Dean A. Gallo.
12. Dick Zimmer.
13. Jim Saxton.
14. Frank J. Guarini.

NEW MEXICO

1. Steven Schiff.
2. Joe Skeen.
3. Bill Richardson.

NEW YORK

1. George J. Hochbrueckner.
2. Thomas J. Downey.
3. Robert J. Mrazek.
4. Norman F. Lent.
5. Raymond J. McGrath.
6. Floyd H. Flake.
7. Gary L. Ackerman.
8. James H. Scheuer.
9. Thomas J. Manton.
10. Charles E. Schumer.
11. Edolphus Towns.
12. Major R. Owens.
13. Stephen J. Solarz.
14. Susan Molinari.
15. Bill Green.
16. Charles B. Rangel.
17. Ted Weiss.
18. José E. Serrano.
19. Eliot L. Engel.
20. Nita M. Lowey.
21. Hamilton Fish, Jr.
22. Benjamin A. Gilman.
23. Michael R. McNulty.
24. Gerald B. H. Solomon.
25. Sherwood L. Boehlert.
26. David O'B Martin.
27. James T. Walsh.
28. Matthew F. McHugh.
29. Frank Horton.
30. Louise McIntosh Slaughter.
31. Bill Paxon.
32. John J. LaFalce.
33. Henry J. Nowak.
34. Amo Houghton.

NORTH CAROLINA

1. Walter B. Jones.
2. Tim Valentine.
3. H. Martin Lancaster.
4. David E. Price.
5. Stephen L. Neal.
6. Howard Coble.
7. Charles Rose.
8. W.G. (Bill) Hefner.
9. J. Alex McMillan.
10. Cass Ballenger.
11. Charles H. Taylor.

NORTH DAKOTA

At large

Byron L. Dorgan.

OHIO

1. Charles J. Luken.
2. Willis D. Gradison, Jr.
3. Tony P. Hall.
4. Michael G. Oxley.
5. Paul E. Gillmor.
6. Bob McEwen.
7. David L. Hobson.
8. John A. Boehner.
9. Marcy Kaptur.
10. Clarence E. Miller.
11. Dennis E. Eckart.
12. John R. Kasich.
13. Donald J. Pease.
14. Thomas C. Sawyer.
15. Chalmers P. Wylie.
16. Ralph Regula.
17. James A. Traficant, Jr.
18. Douglas Applegate.
19. Edward F. Feighan.
20. Mary Rose Oakar.
21. Louis Stokes.

OKLAHOMA

1. James M. Inhofe.
2. Mike Synar.
3. Bill K. Brewster.
4. Dave McCurdy.
5. Mickey Edwards.
6. Glenn English.

OREGON

1. Les AuCoin.
2. Robert F. (Bob) Smith.
3. Ron Wyden.
4. Peter A. DeFazio.
5. Michael J. Kopetski.

PENNSYLVANIA

1. Thomas M. Foglietta.
2. William H. Gray III.
3. Robert A. Borski.
4. Joe Kolter.
5. Richard T. Schulze.
6. Gus Yatron.
7. Curt Weldon.
8. Peter H. Kostmayer.
9. Bud Shuster.
10. Joseph M. McDade.
11. Paul E. Kanjorski.
12. John P. Murtha.
13. Lawrence Coughlin.
14. William J. Coyne.
15. Don Ritter.
16. Robert S. Walker.
17. George W. Gekas.
18. Richard John Santorum.
19. William F. Goodling.
20. Joseph M. Gaydos.
21. Thomas J. Ridge.
22. Austin J. Murphy.
23. William F. Clinger, Jr.

RHODE ISLAND

1. Ronald K. Machtley.
2. John F. Reed.

SOUTH CAROLINA

1. Arthur Ravenel, Jr.
2. Floyd Spence.
3. Butler Derrick.
4. Elizabeth J. Patterson.
5. John M. Spratt, Jr.
6. Robin Tallon.

SOUTH DAKOTA

At large

Tim Johnson.

TENNESSEE

1. James H. (Jimmy) Quillen.
2. John J. Duncan, Jr.
3. Marilyn Lloyd.
4. Jim Cooper.
5. Bob Clement.
6. Bart Gordon.
7. Don Sundquist.
8. John S. Tanner.
9. Harold E. Ford.

TEXAS

1. Jim Chapman.
2. Charles Wilson.
3. Steve Bartlett.
4. Ralph M. Hall.
5. John Bryant.
6. Joe Barton.
7. Bill Archer.
8. Jack Fields.
9. Jack Brooks.
10. J.J. Pickle.
11. Chet Edwards.
12. Pete Geren.
13. Bill Sarpalius.
14. Greg Laughlin.
15. E de la Garza.
16. Ronald D. Coleman.
17. Charles W. Stenholm.
18. Craig A. Washington.
19. Larry Combest.
20. Henry B. Gonzalez.
21. Lamar S. Smith.
22. Tom DeLay.
23. Albert G. Bustamante.
24. Martin Frost.
25. Michael A. Andrews.
26. Richard K. Armey.
27. Solomon P. Ortiz.

UTAH

1. James V. Hansen.
2. Wayne Owens.
3. Bill Orton.

VERMONT

At large

Bernard Sanders.

VIRGINIA

1. Herbert H. Bateman.
2. Owen B. Pickett.
3. Thomas J. Bliley, Jr.
4. Norman Sisisky.
5. Lewis F. Payne, Jr.
6. Jim Olin.
7. D. French Slaughter, Jr.
8. James P. Moran.
9. Rick Boucher.
10. Frank R. Wolf.

WASHINGTON

1. John Miller.
2. Al Swift.
3. Jolene Unsoeld.
4. Sid Morrison.
5. Thomas S. Foley.
6. Norman D. Dicks.

7. Jim McDermott.
8. Rod Chandler.

WEST VIRGINIA

1. Alan B. Mollohan.
2. Harley O. Staggers, Jr.
3. Robert E. Wise, Jr.
4. Nick Joe Rahall II.

WISCONSIN

1. Les Aspin.
2. Scott L. Klug.
3. Steve Gunderson.
4. Gerald D. Kleczka.
5. Jim Moody.
6. Thomas E. Petri.
7. David R. Obey.
8. Toby Roth.
9. F. James Sensenbrenner, Jr.

WYOMING

At large

Craig Thomas.

PUERTO RICO

Resident commissioner

Jaime B. Fuster.

AMERICAN SAMOA

Delegate

Eni F.H. Faleomavaega.

DISTRICT OF COLUMBIA

Delegate

Eleanor Holmes Norton.

GUAM

Delegate

Ben Garrido Blaz.

VIRGIN ISLANDS

Delegate

Ron de Lugo.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of 1990, in connection with foreign travel pursuant to Public Law 95-384, and the consolidated report and amended reports of foreign currencies and U.S. dollars utilized by various delegations and individuals for foreign travel authorized by the Speaker of the U.S. House of Representatives in the fourth quarter of 1989 and the second and fourth quarters of 1990, and reports and amended reports of foreign currencies and U.S. dollars utilized by various miscellaneous groups for foreign travel during the 1989 and 1990 calendar years, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tom Bevill	11/9	11/12	Spain		825.00						825.00
	11/12	11/15	Syria		606.00						606.00
	11/15	11/17	Saudi Arabia		199.00						199.00
	11/17	11/20	United Kingdom		873.00						873.00
Military transportation							6,594.00				6,594.00
Hon. Bernard Dwyer	11/9	11/12	Spain		825.00						825.00
	11/12	11/15	Syria		606.00						606.00
	11/15	11/17	Saudi Arabia		199.00						199.00
	11/17	11/20	United Kingdom		291.00						291.00
Military transportation							5,642.00				5,642.00
Hon. Joe Early	11/9	11/12	Spain		825.00						825.00
	11/12	11/15	Syria		606.00						606.00
	11/15	11/17	Saudi Arabia		199.00						199.00
	11/17	11/20	United Kingdom		873.00						873.00
Military transportation							6,594.00				6,594.00
Hon. Jim Kolbe	11/9	11/12	Spain		825.00						825.00
	11/12	11/15	Syria		606.00						606.00
	11/15	11/17	Saudia Arabia		199.00						199.00
Military transportation							5,676.13				5,676.13
Hon. William Lehman	11/9	11/12	Spain		825.00						825.00
	11/12	11/15	Syria		606.00						606.00
	11/15	11/17	Saudi Arabia		199.00						199.00
	11/17	11/20	United Kingdom		873.00						873.00
Military transportation							6,594.00				6,594.00
Hon. Alan Mollohan	11/9	11/11	Saudi Arabia								
	11/11	11/12	Germany		[3]300.00						[1]300.00
Military transportation							6,017.30				6,017.30
Hon. John P. Murtha	11/9	11/11	Saudi Arabia								
	11/11	11/12	Germany								
Military transportation							6,017.30				6,017.30
Hon. Ralph Regula	11/8	11/10	Switzerland		486.77						486.77
Commercial transportation							2,754.00				2,754.00
Hon. Ralph Regula	11/30	12/3	Belgium		723.00						723.00
Military transportation							10,301.11				10,301.11
Hon. Neal Smith	11/9	11/12	Spain		825.00						825.00
	11/12	11/15	Syria	Syria		606.00					606.00
	11/15	11/17	Saudi Arabia		199.00						199.00
	11/17	11/20	United Kingdom		873.00						873.00
Military transportation							6,594.00			6,594.00	
Robert V. Davis	11/5	11/13	Brazil		836.00						836.00
Commercial Transportation							4,530.00				4,530.00
Robert B. Foster	11/30	11/9	Belgium		2,169.00						2,169.00
Commercial transportation							2,579.50				2,579.50
Sandra A. Gilbert	11/14	11/16	Panama		364.00						364.00
	11/16	11/19	Bolivia		411.00						411.00
	11/19	11/21	Colombia		314.00						314.00
Commercial transportation							2,539.00				2,539.00
Richard N. Malow	11/9	11/11	Australia		336.00				128.32		464.32
	11/11	11/12	Fiji		168.00						168.00
	11/12	11/15	Vanuatu		531.00						531.00
Commercial transportation							6,242.44				6,242.44
John Osthaus	11/9	11/12	Spain		825.00						825.00
	11/12	11/15	Syria		606.00						606.00
	11/15	11/17	Saudi Arabia		398.00						398.00
	11/17	11/20	United Kingdom		873.00						873.00
Military transportation							6,594.00				6,594.00
Juliet Pacquing	11/4	11/7	United States		232.00						232.00
	11/7	11/11	Panama		728.00						728.00
Commercial transportation							865.00				865.00
Juliet Pacquing	11/25	11/28	United States		378.00						378.00
	11/29	12/1	Japan		390.00						390.00
	12/1	12/3	Hong Kong		492.00						492.00
	12/3	12/4	Singapore		193.00						193.00
	12/4	12/5	Diego Garcia		14.00						1,4.00
	12/5	12/6	Singapore		193.00						193.00
	12/6	12/10	Korea		760.00						760.00
	12/10	12/12	United States		224.00						224.00
	12/12	12/14	United States		150.00						150.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial transportation							3,192.00				3,192.00
John Plashal	11/9	11/11	Saudi Arabia								
	11/11	11/12	Germany		[3]300.00						[3]300.00
Military transportation							6,017.30				6,017.30
John Plashal	11/14	11/16	Panama		364.00						364.00
	11/16	11/19	Bolivia		411.00						411.00
	11/19	11/21	Colombia		314.00						314.00
Commercial transportation							2,539.00				2,539.00
John Plashal	11/29	12/1	Germany								
	12/1	12/4	England		[3]1,074.00						[3]1,074.00
Commercial transportation							943.40				943.40
Timothy K. Sanders	11/30	12/9	Belgium		2,169.00						2,169.00
Commercial transportation							2,579.50				2,579.50
George Schafer	11/9	11/12	Spain		825.00						825.00
	11/12	11/15	Syria		606.00						606.00
	11/15	11/17	Saudi Arabia		398.00						398.00
	11/17	11/20	United Kingdom		873.00						873.00
Military transportation							6,594.00				6,594.00
William Schuerch	11/9	11/12	Spain		825.00						825.00
	11/12	11/15	Syria		606.00						606.00
	11/15	11/17	Saudi Arabia		398.00						398.00
	11/17	11/20	United Kingdom		873.00						873.00
Military transportation							6,594.00				6,594.00
Gregory J. Walters	11/26	12/1	Germany		955.00						955.00
	12/1	12/4	United Kingdom		873.00						873.00
Commercial transportation							943.00				943.00
Committee totals					38,521.77		115,535.98		128.32		154,186.07
Geoge Carter Baird	11/30	12/5	Barbados		860.00		818.00		19.50		1,697.50
	12/5	12/7	Jamaica		244.00						244.00
Theodore J. Booth	12/5	12/7	Bahamas		338.00		924.30		7.00		1,269.30
Albert J. Boudreau	10/20	10/25	Japan		1,095.00		3,045.80		43.13		4,183.93
	10/25	11/1	Korea		803.75						803.75
Carroll L. Hauver	11/30	12/5	Barbados		860.00		1,773.00		48.00		2,681.00
	12/5	12/7	Jamaica		244.00						244.00
William P. Hynes	12/5	12/8	Bahamas		507.00		924.30		49.20		1,480.50
Dale E. Ledman	10/20	10/25	Japan		1,095.00		2,890.70		37.10		4,022.80
	10/25	11/1	Korea		791.25						791.25
Dennis K. Lutz	10/20	10/25	Japan		1,095.00		2,890.70		47.91		4,033.61
	10/25	11/1	Korea		791.25						791.25
Robert J. Reitwiesner	10/20	10/25	Japan		1,095.00		2,668.00		41.13		3,804.13
	10/25	11/1	Korea		766.25						766.25
Ben A. Weaver	10/1	10/1	England		184.25		1,918.00		43.75		2,146.00
L. Michael Welsh	10/1	10/1	England		184.25		1,918.00		30.00		2,132.25
Staff total					10,954.00		19,770.80		366.72		31,091.52

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Total per diem for entire trip.

JAMIE L. WHITTEN, Chairman, Feb. 15, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Helen Bentley	11/18	11/23	Germany				[3]3,904.50				3,904.50
Committee total							3,904.50				3,904.50

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military transportation used.

LEON E. PANETTA, Chairman, Jan. 30, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, UNITED STATES HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Claudia Beville	9/30	10/1	France								
	10/1	10/1	Switzerland								
	10/2	10/6	France								
	10/6	10/10	Italy								
	10/10	10/14	Belgium								
	10/14	10/15	England								
Per diem advance					3,050.00						3,050.00
Commercial air fare							3,354.80				3,354.80
Janet Potts	11/30	12/7	Belgium		1,687.00		2,579.50				4,266.50
Jeffrey Duncan	11/30	12/7	Belgium		1,687.00		2,579.50				4,266.50
Bruce Gwinn	11/30	12/7	Belgium		1,687.00		2,579.50				4,266.50
John Shelk	11/30	12/7	Belgium		1,687.00		2,579.50				4,266.50
Thomas Montgomery	9/30	10/1	France								
	10/1	10/2	Switzerland								
	10/2	10/6	France								
	10/6	10/10	Italy								
	10/10	10/14	Belgium								
	10/14	10/15	England								
Per diem advance					3,050.00						3,050.00
Commercial air fare							3,354.80				3,354.80

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, UNITED STATES HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John Orlando	11/7	11/11	Germany								
	11/11	11/13	Austria								
	11/13	11/14	Germany								
	11/14	11/17	England								
Per diem advance					2,200.00						2,200.00
Commercial air fare							3,504.00				3,504.00
									526.14		526.14
Stephen Sims	12/2	12/10	Germany		1,516.00						1,516.00
	12/10	12/12	Switzerland		670.00						670.00
	12/13	12/18	France		1,255.00						1,255.00
Commercial air fare							3,013.00				3,013.00
Thomas Montgomery	12/2	12/10	Germany		1,516.00						1,516.00
	12/10	12/12	Switzerland		670.00						670.00
	12/13	12/18	France		1,255.00						1,255.00
Commercial air fare							3,013.00				3,013.00
Charles Knauss	11/5	11/7	Switzerland								
	11/7	11/11	Germany								
	11/11	11/13	Austria								
Per diem advance					1,350.00						1,350.00
Commercial air fare							5,218.00				5,218.00
David Finnegan	11/5	11/7	Switzerland								
	11/7	11/11	Germany								
	11/11	11/13	Austria								
	11/13	11/14	Germany								
	11/14	11/17	England								
Per diem advance					2,900.00						2,900.00
Commercial air fare							4,229.00				4,229.00
Committee total					26,180.00		36,004.60				62,710.74

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Amit Pandya	12/3	12/8	Belgium	36,752	1,205.00		2,734.50				3,939.50
Theodore J. Jacobs	12/2	12/7	Belgium	44,103	1,446.00		856.50				2,302.50
Matthew R. Fletcher	12/1	12/4	Belgium		723.00		2,675.30				3,398.30
Committee total					3,374.00		6,266.30				9,640.30

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN CONYERS, Jr., Chairman, Jan. 31, 1991.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NICARAGUA, HONDURAS AND COSTA RICA, UNITED STATES HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 29 AND OCT. 2, 1989

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Byron L. Dorgan	9/29	9/29	Nicaragua								
	9/29	10/1	Honduras		294.00						294.00
	10/1	10/2	Costa Rica		159.51						159.51
U.S. military transportation							3,929.60				3,929.60
Hon. Richard J. Durbin	9/29	9/29	Nicaragua								
	9/29	10/1	Honduras		294.00						294.00
	10/1	10/2	Costa Rica		159.51						159.51
U.S. military transportation							3,929.60				3,929.60
Hon. Timothy J. Penny	9/29	9/29	Nicaragua								
	9/29	10/1	Honduras		294.00						294.00
	10/1	10/2	Costa Rica		159.51						159.51
U.S. military transportation							3,929.60				3,929.60
Hon. Gerald D. Kleczka	9/29	9/29	Nicaragua								
	9/29	10/1	Honduras		294.00						294.00
	10/1	10/2	Costa Rica		159.51						159.51
U.S. military transportation							3,929.60				3,929.60
Anthony Gambino	9/29	9/29	Nicaragua								
	9/29	10/1	Honduras		294.00						294.00
	10/1	10/2	Costa Rica		159.51						159.51
U.S. military transportation							3,929.60				3,929.60
Robert Jackson	9/29	9/29	Nicaragua								
	9/29	10/1	Honduras		294.00						294.00
	10/1	10/2	Costa Rica		159.51						159.51
U.S. military transportation							3,929.60				3,929.60
Douglas R.W. Norell	9/29	9/29	Nicaragua								
	9/29	10/1	Honduras		294.00						294.00
	10/1	10/2	Costa Rica		159.51						159.51
U.S. military transportation							3,929.60				3,929.60
Committee total					3,174.57		27,507.20				30,681.77

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BYRON L. DORGAN, Chairman, Dec. 10, 1990.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CZECHOSLOVAKIA, HUNGARY, AUSTRIA AND FRANCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND JUNE 4, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. William H. Gray III	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
Hon. Newt Gingrich	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
Hon. William Clay	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
Hon. Charles Rangel	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
Hon. Norman Dicks	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
Hon. Marvin Leath	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
Hon. Robert Walker	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	393.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
Hon. Andy Ireland	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	393.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
Hon. Robert Livingston	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	393.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
Hon. Duncan Hunter	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	393.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
Ho. John Hastert	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	393.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
Hon. Jaime Fuster	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	393.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
Jon Plebani	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
William Pitts	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				
Mary Brown	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France	3,898.80	684.00			1,729.44	303.41	5,628.24	987.41
Military transportation							8,035.94				

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H. GRAY III, Oct. 22, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GENEVA, SWITZERLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 6 AND NOV. 16, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jack O. Andresen	11/6	11/9	Switzerland	1,236.40	1,172.00					1,236.40	1,172.00
Commercial air							2,801.00				2,801.00
Marc Benedict	11/6	11/9	Switzerland	1,236.40	1,172.00					1,236.40	1,172.00
Commercial air							2,801.00				2,801.00
Robert LaRussy	11/6	11/16	Switzerland	3,400.10	3,273.00					3,400.10	3,273.00
Commercial air							634.00				634.00
Tim Newell	11/8	11/9	Switzerland	618.20	586.00					618.20	586.00
Commercial air							64.00				634.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GENEVA, SWITZERLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 6 AND NOV. 16, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kenneth Stram	11/8	11/9	Switzerland	618.20	586.00					618.20	586.00
Commercial air							634.00				634.01
Committee total					6,789.00		7,522.00				14,311.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 16 AND NOV. 18, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Thomas S. Foley	11/16	11/18	Japan	37,697	292.00					37,697	292.00
Werner W. Brandt	11/16	11/18	Japan	99,536	771.00					99,536	771.00
Transportation							5,174.00				5,174.00
Committee total					1,063.00		5,174.00				6,237.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS S. FOLEY, Feb. 8, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE PACIFIC, AUSTRALIA, NEW ZEALAND AND HONG KONG, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 8 AND NOV. 20, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Marie McGee O'Hara	11/8	11/9	Chile	213.75	171.00					213.75	171.00
	11/10	11/12	New Zealand	1,067.65	657.00					1,067.65	657.00
	11/13	11/21	Australia	1,876.20	1,475.00			38.86	29.86		1,504.86
	11/21	11/22	Hong Kong	3,834.20	492.00					3,834.20	492.00
Military transportation							9,600.49				9,600.49
Angela Milazzo	11/8	11/9	Chile		171.00						171.00
	11/10	11/12	New Zealand		657.00						657.00
	11/13	11/20	Australia		1,475.00						1,475.00
	11/21	11/22	Hong Kong		492.00						492.00
Committee total					5,590.00		9,600.49		29.86		15,220.35

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARIE McGEE O'HARA, Dec. 21, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO EGYPT, SAUDI ARABIA, AND ISRAEL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 26 AND NOV. 30, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Egypt, Saudi Arabia, and Israel: Nov. 26–30, 1990											
Hon. Nicholas Mavroules	11/26	11/27	Egypt		151.00						151.00
Hon. Marilyn Lloyd	11/27	11/29	Saudi Arabia								
Hon. Mary Rose Oakar	11/29	11/30	Israel		161.50						161.50
Hon. Dennis M. Hertel											
Hon. Lane Evans											
Hon. Solomon P. Ortiz											
Hon. Jerry F. Costello											
Hon. John S. Tanner											
Hon. Larry J. Hopkins											
Hon. Robert J. Lagomarsino											
Hon. Robert W. Davis											
Hon. Robert K. Dornan											
Hon. John R. Kasich											
Hon. Larry Combest											
Hon. Curt Weldon											
Hon. Jon L. Kyl											
Hon. Arthur Ravenel, Jr.											
Hon. Ronald K. Machtley											
Hon. Ileana Ros-Lehtinen											
Williston B. Cofer, Jr.											
Warren L. Nelson											
Robert S. Rangel											
John C. Chapla											
Delegation Expenses	11/26	11/27	Egypt				535.00				535.00
	11/27	11/29	Saudi Arabia								
	11/29	11/30	Israel				410.00		2,145.51		2,555.51
Total					312.50		945.00		2,145.51		3,403.01

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NICHOLAS MAVROULES, Jan. 30, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 29 AND DEC. 10, 1990.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael R. Wessel	11/29	12/10	Belgium	80,855	2,651.00		2,316.59				4,967.59
Robert Larussa	11/29	12/8	Belgium	58,804	1,687.00		712.00				2,399.00
Mark Benedict	12/5	12/7	Belgium	14,701	482.00		2,670.50				3,152.50
Jack Andresen	12/5	12/7	Belgium	14,701	482.00		2,670.50				3,152.50
Committee total					5,302.00		8,369.59				13,671.59

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL R. WESSEL, Jan. 10, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO EL SALVADOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 8 AND DEC. 13, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
James P. McGovern	12/8	12/13	El Salvador	3,126.20	638.00		701.00				1,339.00
William Woodward	12/8	12/13	El Salvador	3,126.20	638.00		701.00				1,339.00
Committee total					1,376.00		1,402.00				2,778.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES P. McGOVERN, Jan. 30, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SAUDI ARABIA AND ISRAEL, UNITED STATES HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 11 AND DEC. 15, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Anthony C. Beilenson	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Henry J. Hyde	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Herbert Bateman	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Glen Browder	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. George W. Darden	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Butler Derrick	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. David Dreier	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Elton Gallegly	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. James Inhofe	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Barbara Kennelly	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Tom Lantos	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Mel Levine	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Michael Levine	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Michael McNulty	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Donald M. Payne	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Bill Richardson	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Bill Sarpalius	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Jim Saxton	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Hon. Barbara F. Vucanovich	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Louis H. Dupart, staff	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Catherine Eberwein, staff	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Robert J. Fitch, staff	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Michael J. O'Neil, staff	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
David W. Roth, staff	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Michael W. Sheehy, staff	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Gregory E. Siegler, staff	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Thomas R. Smeeton, staff	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Jeffrey Swedberg, staff	12/12	12/13	Saudi Arabia								
Military aircraft	12/13	12/15	Israel		200.00		11,740.82				11,940.82
Committee total					5,400.00		317,002.14				322,402.14

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ANTHONY C. BEILENSON, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. KRISTI WALSETH, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 11 AND OCT. 15, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kristi E. Walseth	10/12	10/14	Uruguay	363,960	270.00					363,960	270.00
Commercial transportation							2,895.00				2,895.00
Committee total					270.00		2,895.00				3,165.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTI E. WALSETH, Oct 18, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. MICHAEL ALEXANDER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 8 AND NOV. 20, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael Alexander	11/8	11/10	Malta	81.760	276.00					1.760	276.00
Michael Alexander	11/10	11/13	Kenya	10,591	462.00					10,591	462.00
Michael Alexander	11/13	11/14	Zimbabwe	480	187.00					480	187.00
Michael Alexander	11/13	11/13	Uganda								
Michael Alexander	11/14	11/15	Bostwana	319.92	172.00					319.92	172.00
Michael Alexander	11/15	11/18	South Africa	419.98	166.00					419.98	166.00
Michael Alexander	11/16	11/16	Mozambique								
Michael Alexander	11/18	11/20	Chile	138,444	417.00					138,444	471.00
Committee total					1,680.00						1,680.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL ALEXANDER, Chairman, Dec. 18, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. MICHAEL HUTTON, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 10 AND DEC. 13, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael Hutton	12/10	12/12	Mexico		304.00		63.51				367.51
	12/12	12/13	Guatemala		155.00		(3)				155.00
Military transportation							2,357.92				2,357.92
Committee total					459.00		2,421.43				2,880.43

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Information not yet available.

CHARLES B. RANGEL.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE 82D INTERPARLIAMENTARY UNION CONFERENCE, LONDON, ENGLAND, EXPENDED BETWEEN SEPT. 1 AND SEPT. 9, 1989

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Delegation expenses											
Embassy personnel, drivers (overtime-American & FSN).									1,875.56		1,875.56
Committee total									1,875.56		1,875.56

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE E. BROWN, Jr., Jan. 28, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE 83RD INTERPARLIAMENTARY UNION CONFERENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 30 AND APR. 7, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Edward Feighan	4/2	4/7	Cyprus		1,169.59		[3] 5,146.00				6,315.59
Neil Levine	3/31	4/7	Cyprus		1,635.08		[4] 1,617.20				3,252.28
Julie Illsley	3/30	4/7	Cyprus		1,908.13		[4] 2,772.00				4,680.13
Martin Sletzinger	3/30	4/6	Cyprus		1,742.76		[4] 2,772.00				4,514.76
Delegation expenses:											
Control room					1,663.00						1,663.00
Official expenses (overtime—American and FSN), transportation and xerox rental.									1,008.50		1,008.50
Committee total					8,118.56		12,307.20		1,008.50		21,434.26

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial round trip, Atlanta, Cyprus, and Cleveland.
[4] Commercial round trip, Washington, Cyprus, and Washington.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE IPU SPECIAL CONFERENCE ON DISARMAMENT, BONN, GERMANY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 20 AND MAY 26, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Donald E. Lukens	5/20	5/26	Germany		1,330.00		[3]2,486.00				3,816.00
Julie Illsley	5/20	5/26	Germany		1,270.00		[3]756.00				2,026.00
Committee total					2,600.00		3,242.00				5,842.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

EDWARD FEIGHAN, Jan. 30, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IPU ENVIRONMENT COMMITTEE MEETING, GENEVA, SWITZERLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 24 AND JUNE 28, 1990.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. James Scheuer	6/24	6/28	Switzerland				[3]930.58				930.58
Committee total							930.58				930.58

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Local rental car plus driver.

JAMES SCHEUER, Jan. 28, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE 84TH INTERPARLIAMENTARY UNION CONFERENCE, MONTEVIDEO, PUNTA DEL ESTE, URUGUAY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 12 AND OCT. 18, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Martin Sletzinger	10/12	10/18	Uruguay		750.00		[3]2,801.00				3,551.00
Julie Illsley	10/12	10/18	Uruguay		750.00		[3]2,801.00				3,551.00
William Long	10/12	10/18	Uruguay		750.00		[3]2,801.00				3,551.00
Charles O'Regan	10/12	10/18	Uruguay		750.00		[3]2,801.00				3,551.00
Committee total					3,000.00		11,204.00				14,204.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial round trip, Washington, Uruguay, and Washington.

EDWARD FEIGHAN, Jan. 30, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTH ATLANTIC ASSEMBLY, UNITED KINGDOM AND MOROCCO, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 25 AND DEC. 2, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Charlie Rose	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. Jack Brooks	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. Gerald Solomon	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. Clay Shaw	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. Thomas Bliley	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. Marge Roukema	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. Bill Richardson	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/1	Morocco		[3]330.00						2,076.00
Hon. Sherwood Boehlert	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. Nancy Pelosi	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. Alex J. McMillan	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. David Price	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. Ben N. Campbell	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. Craig Washington	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. Ron Coleman	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. Rick Boucher	11/24	11/30	United Kingdom		1,746.00						
	11/30	12/2	Morocco		[3]330.00						2,076.00
Hon. Frank Guarini	11/25	11/30	United Kingdom		1,746.00		3,672.00				5,418.00
Hon. Bart Gordon	11/25	11/31	United Kingdom		1,746.00		1,836.00				3,582.00
Hon. Joseph Kennedy	11/27	11/31	United Kingdom		1,164.00		1,817.00				2,981.00
Hon. Tom Lewis	11/24	11/30	United Kingdom		1,746.00		1,834.00				3,580.00
Hon. Sharon Matts	11/24	11/30	United Kingdom		1,746.00						1,746.00
	11/30	12/2	Morocco		[3]330.00						2,076.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTH ATLANTIC ASSEMBLY, UNITED KINGDOM AND MOROCCO, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 25 AND DEC. 2, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Ron Lasch	11/24	12/1	United Kingdom		[3]2,037.00						2,037.00
Committee totals					41,655.00		9,159.00				50,814.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military transportation.

DANTE B. FASCELL, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

727. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's second special impoundment message for fiscal year 1991, pursuant to 2 U.S.C. 685 (Doc. No. 102-48); to the Committee on Appropriations and ordered to be printed.

728. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report with respect to the following transactions involving a working capital guarantee to support United States exports to the Republic of Korea, pursuant to section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

729. A letter from the Acting Secretary of Education, transmitting a copy of Final Funding Priorities—Chapter 1 Migrant Education Coordination Program for State Educational Agencies, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

730. A letter from the Department of Defense, transmitting fiscal year 1990 unit exchange of training and related support between the United States and foreign countries, pursuant to 22 U.S.C. 2770a; to the Committee on Foreign Affairs.

731. A communication President of the United States, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

732. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by GAO in January 1991, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

733. A letter from the Chairman, National Credit Union Administration, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(b); to the Committee on Government Operations.

734. A letter from the Chairman, United States International Trade Commission, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

735. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's notice on leasing systems for the Western Gulf of Mexico, sale 131, scheduled to be held in March 1991, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Interior and Insular Affairs.

736. A letter from the Secretary, Department of Energy, transmitting the ninth annual update to the Comprehensive Ocean Thermal Technology Application and Market Development Plan, pursuant to 42 U.S.C. 9002(d); to the Committee on Science, Space, and Technology.

737. A letter from the Secretary of Health and Human Services, transmitting the annual report on children in foster care under voluntary placement agreements for fiscal year 1989, pursuant to 42 U.S.C. 672 nt.; to the Committee on Ways and Means.

738. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a report on the extent of military cooperation since 1986 between the Khmer Rouge and any individual group or faction of the non-Communist resistance in Cambodia, pursuant to Public Law 101-513, section 562A(b)(3) (104 Stat. 2038); jointly, to the Committees on Appropriations and Foreign Affairs.

739. A letter from the Department of State, transmitting a draft of proposed supplemental legislation to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1992 and 1993 and for other purposes, pursuant to 22 U.S.C. 2680; jointly, to the Committees on Foreign Affairs, Post Office and Civil Service, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT (for himself and Mr. RAHALL):

H.R. 1124. A bill to amend title 10, United States Code, to restore the CHAMPUS eligibility of certain members and former members of the uniformed services, and their dependents, who are currently excluded from benefits under CHAMPUS because of their entitlement to hospital insurance benefits under Medicare; to the Committee on Armed Services.

By Mr. BILIRAKIS (for himself, Mr. TOWNS, and Mr. POSHARD):

H.R. 1125. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers who employ members of the Ready Reserve or of the National Guard; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mr. FORD of Michigan, Mr. FIELDS, Mr. MURPHY, Mrs. BENTLEY, Mr. GAYDOS, Mr. PERKINS, Mr. ANDREWS of New Jersey, and Mr. RIDGE):

H.R. 1126. A bill to extend the coverage of certain Federal labor laws to foreign flagships; jointly, to the Committees on Education and Labor and Merchant Marine and Fisheries.

By Mr. CLEMENT:

H.R. 1127. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 15-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mrs. COLLINS of Illinois:

H.R. 1128. A bill to authorize the Secretary of Health and Human Services to fund adolescent health demonstration projects; to the Committee on Energy and Commerce.

By Mrs. COLLINS of Illinois (for herself, Mrs. SCHROEDER, Ms. OAKAR, Mr. SIKORSKI, Mrs. UNSOELD, and Mrs. VUCANOVICH):

H.R. 1129. A bill to amend title XIX of the Social Security Act to require State Medicaid programs to provide coverage of screening mammography and screening pap smears; to the Committee on Energy and Commerce.

By Mr. DORGAN of North Dakota (for himself and Mr. HAMILTON):

H.R. 1130. A bill to modernize the Federal Reserve System and to provide for prompt disclosure of certain decisions of the Federal Open Market Committee; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

By Mr. ERDREICH:

H.R. 1131. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 1132. A bill to amend the Internal Revenue Code of 1986 to ensure that charitable beneficiaries of charitable remainder trusts are aware of their interests in such trusts; to the Committee on Ways and Means.

By Mr. GOODLING (for himself, Mr. PORTER, Mr. BAKER, Mr. INHOFE, Mr. FAWELL, Mr. RINALDO, and Mr. WALSH):

H.R. 1133. A bill to amend title 18, United States Code, to prohibit transfer of firearms to, or possession of a firearm by, a person convicted of a drug crime, and to provide enhanced penalties for possession of a firearm during a drug crime; to the Committee on the Judiciary.

By Mr. GREEN of New York:

H.R. 1134. A bill to amend the Age Discrimination in Employment Act of 1967 with respect to administrative proceedings applicable to claims of discrimination in Federal employment; to the Committee on Education and Labor.

By Mr. GUARINI (for himself, Mr. MOODY, Mr. GONZALEZ, Mr. LEVIN of Michigan, Mr. RANGEL, Mr. GRADISON, Mr. GIBBONS, Mr. SCHULZE, Mrs. JOHNSON of Connecticut, Mr. MATSUI, Mr. THOMAS of California, Mr. DONNELLY, Mr. BUNNING, Mr. SUNDQUIST, Mr. VENTO, Mr. KANJORSKI, Ms. KAPTUR, Mrs. COLLINS of Illinois, Mr. TOWNS, Mr. LEHMAN of Florida, Mrs. SCHROEDER, Mr. COSTELLO, Mr. SERRANO, Mr. BRUCE, Mr. STOKES, Mr. JONTZ, Mr. LANCASTER, Mr. EMERSON, Mr. ATKINS, Mr. BUSTAMANTE, Mr. DWYER of New Jersey, Mr. VALENTINE, Mr. HENRY, Mrs. LOWEY of New York, Mr. BILBRAY, Mr. RINALDO, Mr. ROE, Mr. ECKART, Mr. MILLER of California, Mr. RAHALL, and Mr. SANGMEISTER):

H.R. 1135. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain Federal financial assistance provided to savings and loan institutions; to the Committee on Ways and Means.

By Mr. HENRY:

H.R. 1136. A bill to amend the Internal Revenue Code of 1986 to remove certain limitations on the exclusion of income from U.S. savings bonds when used to pay higher education tuition and fees; to the Committee on Ways and Means.

By Mr. HOYER:

H.R. 1137. A bill to amend the Public Buildings Act of 1959 to establish a demonstration program to promote Federal leasing of space in buildings offered by small business concerns owned and controlled by socially and economically disadvantaged individuals; to the Committee on Public Works and Transportation.

By Mr. HUNTER (for himself, Mr. CUNNINGHAM, and Mr. LOWERY of California):

H.R. 1138. A bill to amend the Immigration and Nationality Act with respect to naturalization, through active duty service in the Armed Forces during a designated period of armed hostility, of aliens enlisted in the Philippines; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 1139. A bill to suspend temporarily the duty on certain composite diagnostic or laboratory reagents; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 1140. A bill to improve the collection and dissemination of information relating to the price and supply of home heating fuel, natural gas, and automotive fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. KENNELLY:

H.R. 1141. A bill to amend the Internal Revenue Code of 1986 to disallow losses from certain exchanges of debt pools, and for other purposes; to the Committee on Ways and Means.

By Mr. LAGOMARSINO:

H.R. 1142. A bill to disallow the Secretary of the Interior from issuing oil and gas leases with respect to certain geographical areas located in the Pacific Ocean off the coastline of the State of California; to the Committee on Interior and Insular Affairs.

By Mr. MCNULTY (for himself, Mr. VENTO, Mr. RIDGE, Mr. YOUNG of Alaska, Mr. PENNY, Mr. OBERSTAR, Mr. ABERCROMBIE, Mr. MCCLOSKEY, Mr. ERDREICH, Mr. ESPY, Mr. MARTINEZ, Mr. MCGRATH, Mr. MINETA, Mr. RANGEL, Mr. MACHTLEY, Mr. ACKERMAN, Mr. LAFALCE, Mrs. UNSOELD, Ms. KAPTUR, Mr. FOGLIETTA, Mr. PAYNE of New Jersey, Mr. TRAFICANT, Mr. EVANS, Mr. TORRICELLI, Mr. MANTON, Mr. SCHEUER, Mr. NEAL of Massachusetts, Mr. GREEN of New York, Mr. JEFFERSON, Mr. BROWN of California, Mr. HORTON, Mr. COSTELLO, Mr. SANDERS, Mr. HERTEL, and Mr. LEWIS of Georgia):

H.R. 1143. A bill to authorize a study of nationally significant places in American labor history; to the Committee on Interior and Insular Affairs.

By Mr. MACHTLEY:

H.R. 1144. A bill to establish a pilot program to encourage college students to serve as mentors for disadvantaged youths; to the Committee on Education and Labor.

By Mr. MATSUI (for himself, Mr. CARDIN, Mr. GUARINI, Mr. COYNE, Mr. EDWARDS of California, Mrs. MORELLA, Mr. MCMILLEN of Maryland, Mr. HORTON, Mr. SERRANO, Mr. NEAL of Massachusetts, Mr. KYL, Mr. WOLPE, Mr. DELLUMS, Mrs. MINK, Mr. KOSTMAYER, Mr. SHAYS, Mr. FROST, Mr. DEFAZIO, Mr. WALSH, Mr. LEVINE of California, Mr. ABERCROMBIE, Mr. ECKART, Mr. FAZIO, Mr. LIPINSKI, Mr. DWYER of New Jersey, Mr. COSTELLO, Mr. LEWIS of Georgia, Mr. OWENS of Utah, Mr. RITTER, Mr. BROWN of California, Mr. ACKERMAN, Mr. HUGHES, Mr. KOPETSKI, and Mrs. UNSOELD):

H.R. 1145. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain tansportation furnished by an employer, and for other purposes; to the Committee on Ways and Means.

By Mr. MFUME:

H.R. 1146. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to prescribe rules to prevent possession of beepers and pagers by persons under 21 years of age, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MILLER of Washington (for himself, Mrs. MEYERS of Kansas, Mr. GOSS, Mr. THOMAS of Wyoming, Mr. BACCHUS, Mr. MRAZEK, Mr. HUCKABY, Mr. TAUZIN, Mr. LANCASTER, Mr. GLICKMAN, Mr. DWYER of New Jersey, Mr. WALSH, Mr. COX of California, Mr. RINALDO, Mrs. BENTLEY, Mr. MCCLOSKEY, Mr. WILSON, Mr. MCGRATH, Mr. LENT, Mr. DREIER of California, Mrs. BOXER, Mr. QUILLEN, Mr. MFUME, Mr. BROWN, Mr. SCHAEFER, Mr. HENRY, Mr. BURTON of Indiana, Mr. SANGMEISTER, and Mr. GILCHREST):

H.R. 1147. A bill to direct the heads of agencies to disclose information concerning United States personnel classified as prisoners of war or missing in action after 1940, including from World War II, the Korean conflict, and the Vietnam conflict; jointly, to the Committees on Government Operations, Armed Services, Intelligence (Permanent Select), and Foreign Affairs.

By Ms. MOLINARI:

H.R. 1148. A bill to provide for a study of hazardous air pollutants by the National Institute of Environmental Health Sciences; to the Committee on Energy and Commerce.

By Ms. MOLINARI (for herself, Mr. SOLOMON, Ms. ROS-LEHTINEN, Mr. GEKAS, Mr. HORTON, Mrs. MEYERS of Kansas, Mr. BOEHLERT, Mr. GILLMOR, Mr. PAXON, Mr. GUNDERSON, Mr. RAMSTAD, Mr. RAVENEL, and Mr. HOBSON):

H.R. 1149. A bill to secure the right of women to be free of sexual harassment and violence, to promote equal opportunity for women, and for other purposes; jointly, to the Committees on the Judiciary, Education and Labor, House Administration, and Energy and Commerce.

By Mr. LAFALCE:

H.R. 1150. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mrs. MORELLA:

H.R. 1151. A bill to amend title 10, United States Code, to authorize voluntary withholding of State income tax from monthly annuity payments under programs providing annuities for survivors of retired members of the uniformed services; to the Committee on Armed Services.

By Mr. PANETTA:

H.R. 1152. A bill to amend the Internal Revenue Code of 1986 to provide relief for losses resulting from natural disasters; to the Committee on Ways and Means.

H.R. 1153. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from individual retirement plans for the repair of residences damaged by federally declared disasters; to the Committee on Ways and Means.

By Mr. PANETTA (for himself, Mr. SANGMEISTER, Mr. MARTINEZ, Mr. BONIOR, Mr. RICHARDSON, Mr. MCDERMOTT, Mr. EMERSON, Mr. ANNUNZIO, and Mr. LEHMAN of Florida):

H.R. 1154. A bill to establish programs to improve foreign language instruction and to amend the Higher Education Act of 1965 in order to promote equal access to opportunities to study abroad, and for other purposes; to the Committee on Education and Labor.

By Mr. PETRI (for himself, Mr. BEREUTER, Mr. BLAZ, Mr. CAMPBELL of Colorado, Mr. CLINGER, Mr. GOODLING, Mr. GUARINI, Mr. GUNDERSON, Mr. HUBBARD, Mr. HUGHES, Mr. HUNTER, Mr. KYL, Mr. MARLENEE, Mr. SENSENBRENNER, Mr. SCHIFF, Mr. SMITH of Oregon, Mr. THOMAS of Wyoming, Mrs. VUCANOVICH, and Mr. YOUNG of Alaska):

H.R. 1155. A bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails; jointly, to the Committees on Ways and Means, Interior and Insular Affairs, and Public Works and Transportation.

By Mr. PORTER (for himself, Mr. MILLER of Washington, Mr. LANTOS, Mr. ROSE, Mr. HORTON, Mr. GILMAN, Mr. WOLF, Mr. FAWELL, Mr. BARTON of Texas, Mr. RAVENEL, Mr. DORNAN of California, Mr. ENGEL, Ms. PELOSI, and Mr. JEFFERSON):

H.R. 1156. A bill to establish Radio Free China; to the Committee on Foreign Affairs.

By Mr. REED (for himself and Mr. MACHTLEY):

H.R. 1157. A bill to extend the time for payment of certain taxes under the Internal Revenue laws for taxpayers in States in which one-third or more of the depository institutions have been simultaneously closed for a period of at least 5 days, and for other purposes; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 1158. A bill to amend the Public Health Service Act to provide grants to States for the creation or enhancement of systems for the air transport of rural victims of medical emergencies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SARPALIUS (for himself and Mr. Combest):

H.R. 1159. A bill to authorize the Secretary of the Interior to construct and test the Lake Meredith Salinity Control Project, New Mexico and Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. SCHROEDER:

H.R. 1160. A bill to amend the Public Health Service Act to require that, as appropriate, women and members of minority groups be included as subjects in clinical research conducted under such act; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER (for herself, Ms. Snowe, Mrs. Boxer, Mrs. Collins of Michigan, Mrs. Collins of Illinois, Ms. DeLauro, Ms. Horn, Mrs. Johnson of Connecticut, Ms. Kaptur, Mrs. Kennelly, Mrs. Lloyd, Mrs. Lowey of New York, Mrs. Meyers of Kansas, Mrs. Mink, Ms. Molinari, Mrs. Morella, Ms. Norton, Ms. Oakar, Mrs. Patterson, Ms. Pelosi, Ms. Slaughter of New York, Mrs. Unsoeld, Ms. Waters, Mr. Abercrombie, Mr. AuCoin, Mr. Beilenson, Mr. Berman, Mr. Brown, Mr. Campbell of Colorado, Mr. Conyers, Mr. DeFazio, Mr. Dellums, Mr. Dicks, Mr. Dingell, Mr. Dixon, Mr. Edwards of California, Mr. Evans, Mr. Foglietta, Mr. Frost, Mr. Gejdenson, Mr. Gilman, Mr. Hayes of Illinois, Mr. Horton, Mr. Hoyer, Mr. Jontz, Mr. Johnston of Florida, Mr. Lantos, Mr. Lehman of Florida, Mr. Levine of California, Mr. Lewis of Georgia, Mr. Lipinski, Mr. Machtley, Mr. Markey, Mr. Martinez, Mr. McDermott, Mr. Mfume, Mr. Miller of California, Mr. Neal of Massachusetts, Mr. Owens of New York, Mr. Owens of Utah, Mr. Rangel, Mr. Reed, Mr. Rose, Mr. Sabo, Mr. Scheuer, Mr. Serrano, Mr. Smith of Florida, Mr. Stokes, Mr. Studds, Mr. Towns, Mr. Washington, Mr. Wolpe, Mr. Wheat, and Mr. Yates):

H.R. 1161. A bill to promote greater equity in the delivery of health care services to American women through expanded research on women's health issues, improved access to health care services, and the development of disease prevention activities responsive to the needs of women; jointly, to the Committees on Energy and Commerce, Ways and Means, and Post Office and Civil Service.

By Mrs. SCHROEDER (for herself and Mr. Sikorski):

H.R. 1162. A bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage under the Medicare and Medicaid programs of obstetrical and gynecological services furnished by nurse practitioners; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SENSENBRENNER:

H.R. 1163. A bill to amend the Internal Revenue Code of 1986 to permit mortgage revenue bond financing of mortgages for veterans of Operation Desert Storm; to the Committee on Ways and Means.

H.R. 1164. A bill to amend the Internal Revenue Code of 1986 to permit mortgage revenue bond financing of mortgages for veterans of Operation Desert Storm; to the Committee on Way and Means.

By Mr. SHAW:

H.R. 1165. A bill to amend title 38, United States Code, to provide for the crediting of tuition payments and other fees paid to an educational institution by a member of the Selected Reserve who has to withdraw from that educational institution as a result of being called to active duty in the Armed Forces and for readmission of the member to that educational institution; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. SMITH of Florida:

H.R. 1166. A bill to amend the Truth in Lending Act to require certain credit card issuers who offer grace periods to begin such grace period on the postmark date of the periodic statement; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SUNDQUIST:

H.R. 1167. A bill to amend title 10, United States Code, to repeal the Social Security offset applicable to certain annuities for surviving spouses paid under the Survivor Benefit Plan for retired members of the Armed Forces to the extent that such offset is due to Social Security benefits based on the surviving spouse's own earnings of self-employment; to the Committee on Armed Services.

H.R. 1168. A bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans' educational assistance allowances; to the Committee on Ways and Means.

H.R. 1169. A bill to amend the Internal Revenue Code of 1986 to provide that no deduction shall be allowed for personal income taxes paid to a State (or political subdivision thereof) which taxes nonresidents on income derived from certain Federal areas; to the Committee on Ways and Means.

By Mr. WASHINGTON:

H.R. 1170. A bill to provide equal contract rights for women; to the Committee on the Judiciary.

By Mr. WOLPE (for himself, Mr. Horton, Ms. Kaptur, Mr. Kleczka, Mr. Kanjorski, Mr. Gejdenson, Mr. Obey, Mr. McCloskey, Mr. Gunderson, Mr. Miller of Ohio, Mr. Hyde, Ms. Long, Mr. Shays, Mr. Russo, Mr. Hochbrueckner, Mrs. Johnson of Connecticut, Mr. Boehlert, Mr. McDade, Mr. Sharp, Mr. Houghton, Mr. Bruce, Mr. Hughes, Mr. Bonior, Mr. Dellums, Mr. Green, Mr. Sensenbrenner, Mr. Paxon, Mr. Annunzio, Mr. Henry, Mr. Neal of Massachusetts, Mrs. Roukema, Mr. Visclosky, Mr. Eckart, Mr. Roth, Mr. Moody, Mr. Sanders, Mr. Ford of Michigan, Mr. Sawyer, Mr. Hayes of Illinois, Mr. Rangel, Mr. Poshard, Mr. Solomon, Mr. Hamilton, Mr. Traxler, Mr. Vander Jagt, Mr. Miller of Washington, Mr. Hefner, Mr. Johnson of South Dakota, Mr. Oberstar, Mr. Rowland, Mr. Solarz, Mr. Nussle, Mr. Hubbard, Mr. Guarini, Mr. Klug, and Mr. Upton):

H.R. 1171. A bill to amend the Federal Deposit Insurance Act to require States in which the failure of State savings associations has involved a disproportionately large share of the thrift resolution costs, including costs incurred by the Resolution Trust Corporation, to pay a State thrift deposit insurance premium as a condition of future Federal deposit insurance; to the Committee on Banking, Finance and Urban Affairs.

By Ms. DeLAURO (for herself, Ms. Molinari, Ms. Pelosi, Mr. Panetta, Mr. Annunzio, Mr. Gordon, Mr. Clement, Mr. Espy, Mr. Hamilton, Mrs. Unsoeld, Mr. Harris, Mr. Martinez, Mr. Bonior, Mr. Levin of Michigan, Mr. Hoyer, Mr. Lehman of Florida, Mr. Bilbray, Mr. Mrazek, Mr. Miller of California, Mrs. Mink, Mr. McNulty, Mr. Erdreich, Ms. Norton, Mr. McMillen of Maryland, Mr. Brown, Mr. Riggs, Mr. Paxon, Mr. Solarz, Mrs. Schroeder, Mr. Scheuer, Mr. Blaz, Mr. Tallon, Mr. Wyden, Mr. Hochbrueckner, Mr. de Lugo, Mr. Owens of Utah, Mr. Jones of North Carolina, Mr. Roybal, Mr. Studds, Mr. Weiss, Mr. Skeen, Mr. Horton, Mr. Kopetski, Mrs. Morella, Mr. Towns, Mr. Valentine, Mr. McHugh, Mr. Yates, Mr. Bacchus, Mr. Rahall, Mr. Carr, Ms. Snowe, Mr. Fuster, Mr. Oberstar, Mr. Abercrombie, Mr. Stallings, Mr. Ackerman, Mr. Stark, Mrs. Patterson, Ms. Kaptur, Mr. McGrath, Mr. Levine of California, Mr. Ramstad, Mr. Guarini, Mr. Sabo, Mr. Lipinski, Mr. Walsh, Mr. Kildee, Mr. Dwyer of New Jersey, Mr. Evans, Mr. Wolf, Mr. Gilchrest, Mr. Green of New York, Mr. Roe, Mr. Weldon, Ms. Oakar, Mr. Clay, Mr. Dymally, Mr. Rangel, Mr. Murphy, Mr. Lagomarsino, Mr. Hertel, Mr. Foglietta, Mr. Mineta, Mr. McCloskey, Mr. Schumer, Mr. Machtley, Mr. Ravenel, Mrs. Johnson of Connecticut, Mr. Cramer, Mr. Klug, Mr. Matsui, Mr. Serrano, Mr. Sanders, Mr. Natcher, Mr. Kleczka, Ms. Slaughter of New York, and Mr. Fascell):

H.J. Res. 149. Joint resolution designating March 1991 and March 1992 both as "Women's History Month"; to the Committee on Post Office and Civil Service.

By Mr. ERDREICH:

H.J. Res. 150. Joint resolution proposing an amendment to the Constitution of the United States relating to equal access by voluntary student religious groups and moments of silence which may be used for voluntary silent prayer or reflection in public schools; to the Committee on the Judiciary.

By Mr. FISH:

H.J. Res. 151. Joint resolution to designate April 7–13, 1991, as "National Manufacturing Week"; to the Committee on Post Office and Civil Service.

By Mr. FOGLIETTA (for himself, Mr. Smith of New Jersey, Mr. Annunzio, Mr. Fuster, Mr. Horton, Mr. Baker, Ms. Kaptur, Mr. Russo, Mr. Miller of California, Mr. McNulty, Mr. Lehman of Florida, Mr. Kildee, Mr. Panetta, Mrs. Morella, Mr. LaFalce, Mr. Borski, Mr. Fascell, Mr. Mfume, Mr. Rangel, Mr. Kostmayer, Mr. Lent, Mr. McDermott, Mr. Santorum, Mr. McMillen of Maryland, Mr. McGrath, Mr. Clinger, Mr. Yatron, Mr. Harris, Mr. Rinaldo, Mr. Mazzoli, Mr. Vento, Mr. Weldon, Mr. Thomas of Georgia, Mr. Bennett, Mr. McEwen, Mr. Applegate, Mr. Gonzalez, Mrs. Kennelly, Mr. Hertel, and Mr. Neal of Massachusetts):

H.J. Res. 152. Joint resolution proclaiming Christopher Columbus to be an honorary citizen of the United States; to the Committee on the Judiciary.

By Mr. GRADISON (for himself and Mr. Panetta):

H.J. Res. 153. Joint resolution to designate the month of November in 1991 and 1992 as "National Hospice Month"; to the Committee on Post Office and Civil Service.

By Mr. MATSUI (for himself, Mr. Bacchus, Ms. Long, Mr. Bilirakis, Mr. McEwen, Mr. McDermott, Mr. Guarini, Mr. Martinez, Mr. Payne of Virginia, Mr. Hastert, Mr. Ortiz, Mr. Wyden, Mr. Roe, Mr. Machtley, Mrs. Kennelly, Mr. Fazio, Mr. Cardin, Mr. Walsh, Mr. McGrath, Mr. Weiss, Mr. Ford of Tennessee, Mr. Quillen, Mr. Owens of Utah, Mr. Dwyer of New Jersey, Mr. Clement, Mr. Applegate, Mr. Bevill, Mr. Bustamante, Mr. Henry, Mr. Horton, Mr. Lewis of California, Mr. Carper, Mr. Savage, Mr. Erdreich, Mr. Skeen, Mr. Tallon, Mr. Lehman of Florida, Mr. Manton, Mr. Hefner, Mr. Hyde, Mr. Espy, Mr. Rinaldo, Mr. Ravenel, Mr. Owens of New York, Mr. Spratt, Mr. Davis, Mr. Traficant, Mr. Dornan of California, Mr. Miller of California, Ms. Pelosi, Mr. Staggers, Mr. Slattery, and Mr. Volkmer):

H.J. Res. 154. Joint resolution designating the month of May 1991, as "National Foster Care Month"; to the Committee on Post Office and Civil Service.

By Mr. MFUME:

H.J. Res. 155. Joint resolution authorizing the Association for an African-American National Monument to Promote History and Culture, Inc., to establish a memorial in the District of Columbia or its environs to honor the history and culture of African-Americans; to the Committee on House Administration.

By Mr. WYDEN (for himself, Mr. Waxman, Mr. Stark, Mr. Sikorski, Mr. Markey, Mr. Moody, Mr. McGrath, Mr. McMillen of Maryland, Mr. McDermott, Mr. Bilirakis, Mr. Rahall, Mr. Engel, Ms. Long, Mr. Studds, Mrs. Unsoeld, Mr. Manton, Mr. Levine of California, Mr. Wolf, Mr. Hochbrueckner, Mrs. Roukema, Mr. Udall, Mr. Kolter, Mr. Miller of Washington, Mr. Gejdenson, Mr. Lehman of Florida, Mr. Wolpe, Mrs. Morella, Mr. Gordon, Mr. Coleman of Texas, Mr. Carr, Mr. Tallon, Mr. Mrazek, Mr. Leach of Iowa, Mr. Machtley, Mr. Moakley, Mr. Clement, Mr. Miller of California, Mr. Espy, Mr. Ackerman, Mr. Martinez, Mr. Harris, Ms. Kaptur, Mr. Levin of Michigan, Mr. Roe, Mrs. Patterson, Mr. Owens of Utah, Mr. Berman, Mr. Ford of Tennessee, Mr. Dwyer of New Jersey, Mrs. Boxer, Mr. Poshard, Mr. Bilbray, Mr. Weber, Mr. Lipinski, Mrs. Lowey of New York, Mr. Towns, Mr. Horton, Mr. McNulty, Mr. Erdreich, Mr. Visclosky, Mr. Sangmeister, Mr. Walsh, Mr. Inhofe, Mr. Paxon, Ms. Slaughter of New York, Mr. Bacchus, Mr. Lagomarsino, Mr. Richardson, Mrs. Mink, Mr. Hertel, Mr. Kopetski, Mr. Pallone, Mr. Spratt, Mr. Scheuer, Mr. Weiss, Mr. Peterson of Minnesota, and Mr. Smith of Florida):

H.J. Res. 156. Joint resolution to designate the week of October 6, 1991, through October 12, 1991, as "Mental Illness Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. RUSSO:

H. Con. Res. 76. Concurrent resolution expressing the sense of Congress that all employers, in both the public and private sectors, should follow the example set by the city of Chicago in adopting employment policies to assure the continuity of salaries, wages, and other benefits for employees called to active military service as part of Operation Desert Storm; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. GALLEGLY (for himself, Mr. Smith of Florida, Mr. Weldon, Mr. Gilchrest, Mr. Ravenel, Mr. Horton, and Mr. Lagomarsino):

H. Con. Res. 77. Concurrent resolution expressing the sense of the Congress that the President and Congress should direct appropriate Federal agencies and the Armed Forces to work with State and local governments to develop coordinated urban search and heavy rescue response plans; to the Committee on Public Works and Transportation.

By Mr. SUNDQUIST:

H. Con. Res. 78. Concurrent resolution urging the reduction of barriers to Americans trading with or investing in Japanese companies; to the Committee on Ways and Means.

By Mr. TALLON:

H. Con. Res. 79. Concurrent resolution calling upon the President to work with other nations to create and implement a Western Hemisphere energy policy; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

22. The SPEAKER presented a memorial of the House of Representatives of the State of Georgia, relative to the conflict in the Middle East; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MATSUI:

H.R. 1172. A bill for the relief of You Wah Lee; to the Committee on the Judiciary.

By Mr. OLIN:

H.R. 1173. A bill for the relief of Octavinus David Rienhart; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 16: Mr. Annunzio.

H.R. 39: Mr. Waxman, Mr. Scheuer, Mr. Frank of Massachusetts, Mr. Clay, Mr. Mrazek, Mr. Conyers, Mr. Wolpe, Mr. Yates, Mr. Stokes, Mr. Peterson of Minnesota, Mr. Ramstad, Mr. Sanders, Mr. Flake, Mr. Gibbons, Mr. Lantos, Mr. Pallone, Mr. Swett, Mr. de Lugo, Mr. Stark, Mr. Bacchus, Mr. Neal of Massachusetts, Mr. Matsui, Mr. Kennedy, Mr. Kostmayer, Mr. Fascell, Mr. Schumer, Mr. Coyne, and Mr. Andrews of Maine.

H.R. 77: Mr. Hastert, Mr. Schiff, Mr. Livingston, Mr. Fields, and Mr. English.

H.R. 78: Mrs. Meyers of Kansas, Mr. Bilbray, Mr. Bereuter, Mr. Dannemeyer, Mr. Doolittle, and Mr. Moorhead.

H.R. 86: Mr. Packard and Mr. Fish.

H.R. 111: Mr. Slattery, Mr. Evans, Mr. Geren of Texas, Mr. Jones of Georgia, Mr. Rowland, Mr. Barnard, Mr. Andrews of Texas, Mr. Stearns, and Mr. Paxon.

H.R. 112: Mrs. Lowey of New York, Mrs. Vucanovich, Ms. Kaptur, Mr. Frost, Mr. Fish, Mr. Engel, Mr. Payne of New Jersey, Mr. Smith of New Jersey, Mr. Coleman of Texas, Mrs. Boxer, Mr. Ackerman, Mr. Aspin, Mr. Rahall, and Mr. Ramstad.

H.R. 123: Mr. Packard and Mr. Taylor of Mississippi.

H.R. 127: Mr. de Lugo, Mr. Skaggs, Mr. Traxler, Mr. Rhodes, Mr. Regula, Mr. Zeliff, Mrs. Lowey of New York, Mr. Hyde, Mr. Hastert, Mr. Fish, Mr. Fields, Ms. Slaughter of New York, Mr. Rahall, and Mr. Campbell of Colorado.

H.R. 148: Mr. Lewis of Georgia, Mr. Lancaster, Mr. Serrano, Mrs. Collins of Illinois, Mr. Hughes, Mr. Kildee, Mr. Dellums, Mr. Mineta, Ms. Kaptur, Mrs. Vucanovich, Mr. Boehlert, Mr. Levin of Michigan, Mr. Vento, Ms. Norton, Mr. Payne of New Jersey, Mr. Mrazek, Mr. Matsui, Mr. Bilbray, Mr. Conyers, Mr. Stark, Mr. Eckart, Mrs. Roukema, Mrs. Lowey of New York, Mr. LaFalce, Mr. Wise, Mr. Scheuer, Mr. Wolpe, Mr. Gonzalez, Mr. Fuster, Mr. Wyden, Mr. Blaz, Mr. Bennett, Mr. Fascell, Mr. Johnson of South Dakota, Mr. Campbell of Colorado, Mr. Ackerman, Mr. Horton, Mr. Dixon, Mr. Lewis of Florida, Ms. Slaughter of New York, and Ms. Snowe.

H.R. 150: Mr. Thomas of California.

H.R. 200: Mr. Hayes of Louisiana, Mr. Paxon, and Mr. Vander Jagt.

H.R. 217: Mr. Solomon and Mr. Packard.

H.R. 262: Mr. Evans and Mr. Owens of Utah.

H.R. 263: Mr. Evans and Mr. Dwyer of New Jersey.

H.R. 300: Mrs. Unsoeld.

H.R. 317: Mr. Hertel.

H.R. 318: Mr. Fish.

H.R. 320: Mr. Vento and Mr. Martinez.

H.R. 327: Mr. Zeliff.

H.R. 328: Mr. Sawyer, Mr. Roe, Mr. Fish, and Mr. Myers of Indiana.

H.R. 330: Mr. Jones of Georgia and Mr. Feighan.

H.R. 404: Mr. Clinger, Mr. Lipinski, Mr. Lightfoot, Mr. Hancock, Mr. Duncan, Mr. Bateman, and Mr. Wilson.

H.R. 413: Mr. Skaggs, Mr. Lehman of California, Mr. Levine of California, Mr. Smith of Florida, Mrs. Lloyd, Mr. Sundquist, Mr. Payne of Virginia, Mr. Eckart, Mr. Moakley, Mr. Alexander, Mr. Edwards of California, Mr. Wise, Mr. Gallo, and Mr. Guarini.

H.R. 418: Mr. Johnson of South Dakota, Mr. Mineta, and Mr. Zeliff.

H.R. 447: Ms. Kaptur and Mr. Panetta.

H.R. 467: Mr. Ireland, Mr. Young of Alaska, Mr. Goss, Mr. Dornan of California, Mr. Blaz, Mr. Lagomarsino, Mr. Perkins, Mr. Dicks, Mr. Martinez, Mr. Doolittle, and Mr. Gibbons.

H.R. 483: Mr. Lipinski, Mr. Bateman, and Mr. Moody.

H.R. 500: Mr. Abercrombie, Mr. Bacchus, Mr. Baker, Mrs. Bentley, Mr. Bilbray, Mr. Boehlert, Mr. Bustamante, Mr. Costello, Mr. Downey, Mr. Durbin, Mr. Engel, Mr. Espy, Mr. Gilman, Mr. James, Mr. Jefferson, Mr. Jontz, Mr. Kanjorski, Mr. Kolbe, Mr. Lehman of Florida, Mr. Levin of Michigan, Mr. Lowery of California, Mr. McCollum, Mr. McHugh, Mr. Mfume, Mr. Moran, Mrs. Morella, Ms. Pelosi, Mr. Poshard, Mr. Ramstad, Mr. Regula, Mr. Riggs, Mr. Sabo, Mr. Sanders, Mr. Sawyer, Mr. Skeen, Mr. Smith of New Jersey, Mr. Solomon, Mr. Spence, Mr. Stallings, Mr. Traficant, Mrs. Unsoeld, Mr. Vento, Mr. Walsh, Mr. Washington, and Mr. Yates.

H.R. 516: Mr. Foglietta, Mr. Penny, Mr. Hochbrueckner, Mr. Horton, and Mr. Dellums.

H.R. 519: Mr. Burton of Indiana, Mr. Horton, Mr. Roe, Mr. Ravenel, Mr. Schiff, Mr. Livingston, Mr. Smith of Texas, Ms. Snowe, Mr. Hyde, Mr. Lewis of Florida, Mr. Jefferson, Mr. DeLay, Mr. Eckart, Mr. Cox of California, and Mr. Goss.

H.R. 524: Mr. Berman, Mr. Campbell of Colorado, Mrs. Schroeder, and Mr. Cunningham.

H.R. 525: Mr. Kostmayer, Mr. Alexander, Mr. Owens of Utah, Mr. Matsui, Ms. Norton, Mr. Petri, Mrs. Johnson of Connecticut, Mr. LaFalce, Mr. Reed, and Mr. Ackerman.

H.R. 537: Mr. Gonzalez, Mr. Dwyer of New Jersey, Mr. Jefferson, Mr. Miller of California, Mr. Vento, Mr. Glickman, Mr. McMillen of Maryland, Mr. LaRocco, Mr. Stark, Mr. Wyden, and Mr. Staggers.

H.R. 559: Mr. Kleczka, Mr. Crane, Mr. Fish, and Mr. Sensenbrenner.

H.R. 565: Mr. Ray, Mr. Sensenbrenner, Mr. Broomfield, Mr. Skaggs, Mr. Eckart, Mr. Evans, Mr. Engel, Mr. Vento, Mr. Hochbrueckner, Mr. Staggers, Mr. Slattery, Mr. Swift, Mr. Kildee, Mr. Wise, Mr. DeFazio, Mr. Gallo, Mr. Wolpe, Mr. Guarini, Mr. Solomon, and Mr. Shaw.

H.R. 572: Mr. Lagomarsino, and Ms. Horn.

H.R. 583: Mr. Roe.

H.R. 596: Mr. Santorum and Mrs. Vucanovich.

H.R. 611: Mr. Inhofe, Mr. Santorum, Mr. DeLay, and Mr. Solomon.

H.R. 612: Mr. Lancaster, Mr. Ravenel, Mr. Lewis of Florida, and Mr. Hughes.

H.R. 642: Mr. Lehman of Florida, Mr. Schiff, Mr. Wilson, Mr. Smith of Florida, Mr. Bonior, Mr. Hamilton, Mr. Washington, Mr. Jontz, and Mrs. Schroeder.

H.R. 643: Mr. McDermott, Mr. Ramstad, Mr. McCollum, Mrs. Meyers of Kansas, Mr. Gillmor, and Mr. Volkmer.

H.R. 644: Mr. Martinez and Mr. Kolter.

H.R. 672: Mr. McDermott and Mr. Eckart.

H.R. 688: Mr. Hastert.

H.R. 710: Mr. Campbell of Colorado, Mr. Kyl, and Mr. McEwen.

H.R. 731: Mr. Smith of Florida, Mr. Gallegly, Mr. Lipinski, Mr. Roe, Mr. Hughes, Mr. Dannemeyer, and Mr. de Lugo.

H.R. 736: Mr. Abercrombie.

H.R. 738: Mr. Frost.

H.R. 756: Mr. Dwyer of New Jersey, Mr. Martinez, and Mr. Frost.

H.R. 766: Mrs. Lowey of New York and Ms. DeLauro.

H.R. 767: Mr. Lightfoot and Mr. Skeen.

H.R. 784: Mr. Cox of California, Mr. Matsui, Mr. Spence, Mr. Bereuter, Mr. Stump, Mrs. Lowey of New York, Mr. Gordon, Mr. Klug, Mr. Barrett, Mr. Solomon, Mr. Natcher, Mr. Goss, Mr. Oberstar, Mr. Wolpe, Mr. Nagle, Mr. Fish, Mr. Vander Jagt, Mr. Slaughter of Virginia, and Mr. Gilman.

H.R. 786: Mr. Evans, Mr. Mineta, Mr. Hertel, Mr. Dymally, Mr. Brown of California, Mr. Lagomarsino, Mr. Berman, Mr. de Lugo, and Mr. McCloskey.

H.R. 789: Mr. Bennett, Mr. Solomon, Mr. Hertel, Mr. Studds, Ms. Long, and Mr. Evans.

H.R. 798: Mr. Hyde, Mr. Paxon, Mr. Armey, Mr. Lightfoot, Mr. Packard, Mrs. Vucanovich, and Mr. Emerson.

H.R. 806: Mr. Ritter and Mr. Sanders.

H.R. 809: Mr. Ford of Michigan and Mr. Hughes.

H.R. 840: Mr. Parker, Mr. Hyde, Mr. English, Mr. Jefferson, and Mr. Johnson of South Dakota.

H.R. 841: Mr. Ackerman, Mr. Andrews of Maine, Mr. Blaz, Mr. Bonior, Mr. Campbell of Colorado, Mr. Coleman of Texas, Mr. Downey, Mr. Emerson, Mr. Ford of Michigan, Mr. Frank of Massachusetts, Mr. Horton, Mr. Johnston of Florida, Mr. Kolter, Mrs. Lowey of New York, Mr. McMillen of Maryland, Mr. McNulty, Mr. Murphy, Mr. Owens of Utah, Mr. Poshard, Mr. Serrano, and Mr. Wise.

H.R. 842: Mr. Mavroules.

H.R. 865: Mr. Dwyer of New Jersey, Ms. Pelosi, Mr. Evans, Mr. Jefferson, Mr. Eckart, and Mr. Hertel.

H.R. 866: Mr. Jefferson and Mr. Holloway.

H.R. 888: Mr. Wyden, Mr. Jones of Georgia, Mr. Emerson, Mr. Jontz, Mr. Owens of New York, and Mr. Hertel.

H.R. 907: Mr. Brown, Mrs. Boxer, and Mr. Mineta.

H.R. 915: Mr. Eckart, Mr. Lagomarsino, Mr. Inhofe, and Mr. Ritter.

H.R. 916: Mr. McEwen and Ms. Kaptur.

H.R. 919: Mr. McEwen, Mr. Hayes of Louisiana, Mr. Eckart, Mr. Zimmer, Mr. English, Mr. Orton, and Mr. Bustamante.

H.R. 951: Mr. Hughes, Mr. Hertel, Mr. Davis, Mr. Horton, Mr. Lightfoot, Mr. Murphy, Mr. Blaz, and Mr. Cunningham.

H.R. 965: Mr. Wyden.

H.R. 967: Mr. Jenkins, Mr. Fish, and Mr. Smith of Florida.

H.R. 974: Ms. Long, Mr. Horton, Mr. Jefferson, Mr. Costello, Mr. Rhodes, Mr. Zimmer, Mr. Eckart, Mr. Packard, Mr. Gilchrest, Ms. Slaughter of New York, and Mr. Sanders.

H.R. 997: Mr. Washington, Mr. Mfume, and Mr. Gilchrest.

H.R. 999: Mr. Erdreich.

H.R. 1013: Ms. Molinari, Mr. Goss, Mr. Lagomarsino, Mr. Ravenel, Mr. Henry, and Mr. Holloway.

H.R. 1021: Mr. Gonzalez.

H.R. 1059: Mrs. Lloyd, Mrs. Unsoeld, Mr. Fascell, Mr. Hayes of Illinois, Mr. Richardson, Mr. Yates, Mr. Frank of Massachusetts, and Mr. Ackerman.

H.R. 1075: Mr. Moody, Mr. Johnson of South Dakota, Mr. Dorgan of North Dakota, Mr. Oberstar, Mr. Sanders, Mr. Stallings, Mr. Boehlert, Ms. Slaughter of New York, Mr. McDade, and Mr. Goodling.

H.R. 1081: Mr. Martinez, Mr. Fuster, Mr. Campbell of Colorado, and Mr. Dellums.

H.J. Res. 90: Mr. Erdreich, Mr. Clement, Mr. Owens of Utah, Mr. Jones of North Carolina, Mr. Towns, Mr. de Lugo, Mr. Jefferson, Mr. Martinez, and Mr. Spratt.

H.J. Res. 92: Mr. DeFazio, Mr. McNulty, Mr. Hertel, and Mr. Gilchrest.

H.J. Res. 97: Mr. Gekas and Mr. Boehlert.

H.J. Res. 98: Mr. Anderson, Mr. Atkins, Mr. AuCoin, Mr. Bennett, Mrs. Bentley, Mr. Blaz, Mr. Bonior, Mr. Boucher, Mr. Bustamante, Mr. Cardin, Mr. Carr, Mr. Chandler, Mr. Clinger, Mr. Coughlin, Mr. Donnelly, Mr. Dornan of California, Mr. Duncan, Mr. Edwards of Oklahoma, Mr. Foglietta, Mr. Gekas, Mr. Gilchrest, Mr. Gingrich, Mr. Hochbrueckner, Ms. Horn, Mr. Hyde, Mr. Ireland, Mr. Kennedy, Mr. LaFalce, Mr. Lagomarsino, Mr. Laughlin, Mr. Lehman of Florida, Mr. Lightfoot, Mr. Markey, Mr. Mfume, Mr. Michel, Mr. Mineta, Mrs. Morella, Mr. Morrison of Washington, Mr. Murtha, Mr. Neal of Massachusetts, Mr. Neal of North Carolina, Mr. Nowak, Ms. Oakar, Mr. Obey, Mr. Oxley, Mr. Petri, Mr. Price, Mr. Ridge, Mr. Riggs, Mr. Schulze, Mr. Slattery, Ms. Molinari, Mr. Slaughter of Virginia, Mr. Smith of New Jersey, Mr. Solarz, Mr. Spence, Mr. Stokes, Mr. Studds, Mr. Sundquist, Mr. Tanner, Mr. Thomas of Wyoming, Mr. Thomas of Georgia, Mr. Traficant, Mr. Traxler, Mr. Upton, Mr. Vander Jagt, Mr. Volkmer, Mr. Wilson, Mr. Wylie, Mr. Young of Alaska, Ms. Norton, Mr. Beilenson, Mr. Bliley, Mr. Broomfield, Mr. Carper, Mr. Cox of California, Mr. Darden, Mr. Davis, Mr. Dicks, Mr. Dreier of California, Mr. Frank of Massachusetts, Mr. Gejdenson, Mr. Gillmor, Mr. Grandy, Mr. Green of New York, Mr. Hall of Ohio, Mr. Hamilton, Mr. Hansen, Mr. Hayes of Illinois, Mr. Hayes of Louisiana, Mr. Hefner, Mr. Henry, Mr. Hunter, Mr. Kildee, Mr. Lantos, Ms. Long, Mr. McDermott, Mr. Martin, Mr. Mavroules, Mr. Mazzoli, Mr. Moorhead, Mr. Mrazek, Mr. Nagle, Mrs. Patterson, Mr. Paxon, Ms. Pelosi, Mr. Pursell, Mr. Richardson, Mr. Russo, Mr. Sanders, Mr. Serrano, Mr. Wolf, Mr. Callahan, Mr. Coyne, Mr. Gallo, Mr. Sabo, Mr. Yatron, Mr. Andrews of Maine, Mrs. Boxer, Mr. Lewis of California, Mr. McEwen, Mr. Matsui, Mrs. Meyers of Kansas, Mr. Murphy, Mr. Payne of New Jersey, Mr. Quillen, Mr. Rahall, Mr. Ramstad, Mr. Roberts, Mr. Roe, Mr. Scheuer, Mr. Solomon, Mr. Tauzin, Mr. Waxman, Mr. Wise, Mr. Bateman, Mr. Barnard, Mr. Costello, Mr. Cramer, Mr. Engel, Mr. Fish, Mr. Kolter, Mr. Lewis of Georgia, and Mr. Miller of California.

H.J. Res. 102: Mr. Jones of Georgia, Mr. Paxon, Mr. Hammerschmidt, Ms. Slaughter of New York, Mr. DeFazio, Mr. Weiss, Mr. Spratt, Mr. Gekas, Mr. Bateman, and Mr. Boehlert.

H.J. Res. 103: Mr. Gonzalez, Mr. de Lugo, Mr. Spratt, Mr. Fish, Mr. Mineta, Mr. Johnson of South Dakota, Mr. de la Garza, and Mr. Jefferson.

H.J. Res. 104: Mr. Walsh, Mr. Green of New York, Mr. Gilman, Mr. Erdreich, Mr. Houghton, Ms. Molinari, Mr. Santorum, Mr. Gekas, Mr. Lipinski, Mr. Morrison of Washington, Mr. Jacobs, Mr. Chandler, Mr. Wilson, Mr. Bacchus, Mr. McGrath, Mr. Rinaldo, Mr. Lagomarsino, Mr. Leach of Iowa, Mr. Moorhead, Mr. Rangel, Mr. Regula, Mr. Inhofe, Mr. Ritter, Mr. Burton of Indiana, Mr. Hughes, Mr. McCollum, Mr. Camp, Mr. Lewis of Florida, Mr. Shays, Mr. Pickle, Mr. Lehman of Florida, Mr. Thomas of California, Ms. Ros-Lehtinen, Mr. Hastert, Mr. Donnelly, Mr. Weber, Mr. Coble, Mr. Jones of North Carolina, Mr. Zimmer, Mr. Klug, Mr. Broomfield, Mr. Saxton, Mr. Ortiz, Mr. Sabo, Mr. Upton, Mr. Levin of Michigan, Mr. Roe, Mrs. Patterson, Mr. Scheuer, Mr. Towns, Mr. Solarz, Mr. Synar, Mr. Boucher, Mr. Poshard, Mr. Smith of Florida, Mr. Dwyer of New Jersey, Mr. Frost, Mr. Schumer, Mr. Brewster, Mr. Martinez, Mr. Price, Mr. Nowak, Mr. Dicks, Mr. Rahall, Ms. Kaptur, Mr. de Lugo, Mr. Pickett, Mr. Coleman of Texas, Mr. Lantos, Mr. McNulty, Mr. Panetta, Mr. Kolter, Mr. Abercrombie, Mr. Bruce, Mr. Wise, Mr. Miller of Washington, Mr. Jontz, Mr. Bilbray, Mr. Gray, Mr. Sangmeister, Mr. Valentine, Ms. Horn, Mr. Huckaby, Mr. Serrano, Mr. Roemer, Mr. Carper, Mr. Thomas of Georgia, Mr. Dymally, Mr. Brown, Mr. Aspin, Mr. Murphy, Mrs. Unsoeld, Mr. Foglietta, Ms. DeLauro, Mr. Nagle, Mr. Neal of Massachusetts, Mr. Russo, Mr. Cardin, Mr. Taylor of Mississippi, Mr. Harris, Mr. Markey, Mr. Borski, Mr. Peterson of Minnesota, Mr. Eckart, Mr. Porter, Mr. Kleczka, Mr. Obey, Mr. Rose, Mrs. Byron, Mr. DeFazio, Mr. Hayes of Illinois, Mr. Peterson of Florida, Mr. Moody, Mr. Carr, Mr. Yatron, Mr. Rowland, Mr. Pallone, Mr. Johnson of South Dakota, and Mr. Skaggs.

H.J. Res. 106: Mr. HYDE, Mr. PAXON, Mr. BARTLETT, Mr. LAGOMARSINO, Mr. LIGHTFOOT, Mr. PACKARD, and Mrs. VUCANOVICH.

H.J. Res. 132: Mr. KENNEDY, Mr. COYNE, Ms. OAKAR, Mr. ANDREWS of New Jersey, Mrs. UNSOELD, Mr. HOYER, Mrs. PATTERSON, Mr. GREEN, Mr. LEHMAN of Florida, Mr. MCNULTY, Mr. FLAKE, Mr. HUGHES, Mr. DWYER of New Jersey, Mr. NAGLE, Mr. KOLTER, Mr. SPRATT, Mr. MACHTLEY, Mr. MURPHY, Mr. LANTOS, Mr. DYMALLY, Mr. FORD of Michigan, Mr. QUILLEN, Mr. STAGGERS, Mr. PAYNE of New Jersey, Mr. GEREN of Texas, Mr. MARKEY, Mr. KLUG, Mr. BORSKI, Mr. HORTON, Mr. BUSTAMANTE, Mr. WASHINGTON, Mr. LAGOMARSINO, Mr. GRAY, Mr. HERTEL, Mr. SCHEUER, Mr. MCCLOSKEY, and Mr. SOLARZ.

H.J. Res. 133: Mr. MCGRATH, Mr. PAYNE of New Jersey, Mr. MANTON, Mrs. MINK, Mr. STUMP, Mr. ROBERTS, Mr. SMITH of Oregon, Mr. GONZALEZ, Mr. STOKES, Mr. BUNNING, Mr. UPTON, Mr. RAVENEL, Mr. CALLAHAN, Mr. HUNTER, Mr. ROE, Mr. SMITH of New Jersey, Mr. UDALL, Mr. BOEHLERT, Mr. BUSTAMANTE, Mrs. MEYERS of Kansas, Mr. ENGEL, Mr. ROYBAL, Mr. MARTIN, Mr. KASICH, Mr. ACKERMAN, Mr. RAHALL, and Mr. PURSELL.

H.J. Res. 141: Mrs. LLOYD, Ms. LONG, Mr. WEISS, Mr. SAXTON, and Mr. HORTON.

H. Con. Res. 50: Mr. VENTO, Mr. GEJDENSON, Mr. BRUCE, Mr. GLICKMAN, Mr. HORTON, Mr. APPLEGATE, Mr. UPTON, Mr. MARTINEZ, Mr. BLAZ, Mr. ZELIFF, Mr. ANDREWS of Maine, and Mr. FISH.

H. Con. Res. 56: Mr. LANTOS.

H. Con. Res. 57: Mr. SANTORUM, Mr. LIPINSKI, Mr. RAVENEL, Mr. BALLENGER, Mr. OWENS of Utah, Mr. FISH, Mr. JEFFERSON, Mr. ARMEY, Mr. IRELAND, Mr. HEFLEY, Mr. JONTZ, Mr. COX of California, Mr. SOLOMON, and Mr. GILMAN.

H. Con Res. 65: Mr. MINETA.

H. Con. Res. 66: Mr. LAROCCO and Mr. POSHARD.

H. Con. Res. 67: Mr. APPLEGATE, Mr. UPTON, and Mr. CAMPBELL of Colorado.

H. Con. Res. 70: Mr. UPTON and Mr. RAHALL.

H. Res. 11: Mr. COLEMAN of Texas.

H. Res. 38: Mr. LIPINSKI, Mr. JONTZ, Mrs. LOWEY of New York, Mr. QUILLEN, Mr. LAGOMARSINO, Mrs. PATTERSON, Mr. GUARINI, Mr. BEVILL, Mr. TAYLOR of Mississippi, Mr. ENGEL, Mr. HUBBARD, Mr. LENT, Mr. DAVIS, Mr. ACKERMAN, Mr. HOCHBRUECKNER, Mr. FIELDS, Mr. CHAPMAN, Mr. COBLE, Mr. TORRICELLI, and Mr. DELLUMS.

H. Res. 64: Ms. LONG.

H. Res. 85: Mr. DREIER of California.

H. Res. 68: Mr. WEISS.

EXTENSIONS OF REMARKS

THE FEDERAL RESERVE REFORM ACT OF 1991

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. HAMILTON. Mr. Speaker, today Representative BYRON DORGAN and I are introducing the Federal Reserve Reform Act of 1991.

This bill would make some modest changes in the practice and procedures of the Federal Reserve to address two issues of great importance to the American economy and our system of democratic government—the current absence of any channel of formal communication between the Federal Reserve and the administration, and the veil of secrecy surrounding policymaking at the Federal Reserve.

The Federal Reserve occupies an anomalous position within the Government of the United States. It is an enormously powerful institution, but it does not conform to the normal standards of government accountability. Power without proper accountability simply does not fit into the American system of democracy.

Through its control over monetary policy the Federal Reserve affects the lives of all Americans. It has the power to decide who prospers and who fails. The path that the Federal Reserve sets for monetary policy and interest rates affects every businessperson, worker, consumer, borrower, and lender in the United States and has a major impact on the overall performance of the economy.

The independence that the Federal Reserve must have to insulate monetary policy from political pressures also removes the Fed from the normal processes of accountability that apply to every other agency of the Federal Government. We must address a very difficult and perplexing problem—how to make the Federal Reserve more accountable to the American people without jeopardizing its independence and its ability to conduct monetary policy free of political pressure.

No other Government agency enjoys the Fed's prerogatives. Monetary policy is conducted in secret, behind closed doors. The Federal Reserve is not required to consult with Congress or the administration before setting money or interest rate targets, even though its power affects every American. It waits 6 weeks before releasing policy decisions. The President, who is responsible for the performance of the economy and is blamed if things go wrong, often must wait until late in his term to appoint a new chairman of the Federal Reserve Board, raising the risk that the President and the Federal Reserve Board Chairman might be at odds. President Bush, for example, will not be able to appoint a Fed chairman until August 1991. The Fed's budget is not published in the U.S. Government budget, even though it spends about $1.7 billion per year. Only 7 percent of Federal Reserve expenditures are detailed in the U.S. Government budget for fiscal year 1992—the $115 million spent by the Board of Governors. Even though the Federal Reserve engages in more than $1 trillion in transactions in the money markets each year, most of these activities are exempt from audit by the GAO or any other outside agency.

The bill that Representative DORGAN and I are introducing today aims to make the Federal Reserve more accountable to the American people, not by giving politicians control but by creating a formal channel of communication between the President and the Federal Reserve, and by providing Congress and the American people with more and better information on the Federal Reserve's policies and procedures.

The bill has five major provisions.

First, it would require the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, and the Director of the Office of Management and Budget to meet three times a year on a nonvoting basis with the Federal Open Market Committee [FOMC], to consult on monetary and fiscal policy.

Two of the required meetings would take place just before the FOMC sets its annual money growth targets in February and July and reports to Congress, as required by the Full Employment and Balanced Growth Act of 1978. The third meeting would occur in the fall at the start of the administration's annual budget cycle. These meetings will bring together the key members of the fiscal and monetary policymaking teams.

The purpose of the meetings is to improve the flow of information between the administration and the Federal Reserve. Currently, there is no formal channel of communication between the President and the Fed. At times, the administration is reduced to carrying on policy disputes by publicly sniping at the Fed through the press. Under this bill, the administration will have a formal avenue to present its program for the economy to the FOMC and lay out its goals and targets for monetary policy. The members of the FOMC will also have an avenue to convey their concerns about fiscal policy to the administration. Communication will flow both ways.

Second, the bill would allow the President to appoint a Chairman of the Federal Reserve Board—with the advice and consent of the Senate—1 year after taking office, at the time when the first regular opening would occur on the Federal Reserve Board. This would make the Fed Chairman's term basically coterminous with the term of office of the President of the United States.

The current Chairman of the Board of Governors, Alan Greenspan, was appointed by President Bush's predecessor and will hold that office until August 10, 1991, almost 3 years into President's Bush's term. Fortunately, Chairman Greenspan and President Bush have a cordial relationship. The fact that Mr. Greenspan was not appointed by President Bush has not caused any significant problems with monetary policy. But if they were unable to work together, the result could be serious damage to the American economy and a paralysis of economic policy. This is a risk the country should not take.

The Federal Reserve Reform Act would address this by having the President appoint the Fed Chairman to a 4-year term beginning 1 year after taking office, when there will be a new vacancy on the Board in any event. Each appointee will still be subject to Senate confirmation, as under current law. Giving the President 3 years of a term with a Federal Reserve Chairman of his own choosing is surely preferable to the possibility under current law of a lengthy period where the President and Chairman cannot work together.

Third, this bill would require the FOMC to disclose immediately any changes in the targets of monetary policy, including its targets for monetary aggregates, credit aggregates, prices, interest rates, or bank reserves.

The FOMC currently keeps major policy decisions secret for 6 weeks after they are made and carried out. Most other government agencies must not only publish decisions in the Federal Register before they can take effect, most in fact must publish proposed decisions for public comment before they can even be issued in final form.

While secrecy may help insulate the Federal Reserve from criticism, secrecy has two economic costs.

First, secrecy makes capital markets operate less efficiently. The Federal Reserve's position on this can be defended only if you believe that ignorance is better than knowledge. But one of the major conclusions of microeconomic theory is that thorough and complete information is a requirement for markets to work efficiently. This applies to financial markets as well as to markets for goods and services.

Second, secrecy is unfair to small investors. When the Federal Reserve makes a policy change, large investors and Wall Street firms can employ experts to monitor the Federal Reserve and decipher its activities in the financial markets. This gives them an advantage over small investors, borrowers, and others who don't have resources to employ Fed-watchers to interpret and anticipate Fed policy changes.

The solution is immediate release of Federal Reserve policy decisions, as the bill would require. This is a change that is widely supported by economists and participants in financial markets.

Fourth, the bill would permit the Comptroller General to conduct more thorough audits of Federal Reserve operations, by removing selected current restrictions on GAO access to the Federal Reserve.

The General Accounting Office is the watchdog of Congress. It carries out that responsibility through financial and program audits of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

government agencies. These audits are of tremendous value to Congress. Not only do they ferret out waste, fraud, and abuse, they perform the even more important function of telling Congress when programs are not working and where programs can be improved.

For many years, from the mid-1930's to the late 1970's, the Federal Reserve was exempt from GAO audits along with the other bank regulatory agencies, on the grounds that its funds were not appropriated by Congress. In 1978, the Federal Banking Agency Audit Act authorized the GAO to audit the bank regulatory agencies, allowing full audits of the Comptroller of the Currency and the Federal Deposit Insurance Corporation and limited audits of the Federal Reserve. Since then, the GAO has conducted numerous audits of the Fed's regulatory activities. These audits have provided useful suggestions for reducing costs at the Federal Reserve, improving regulatory programs, and strengthening the banking system with no noticeable harm to the Federal Reserve or its effectiveness in regulating member banks.

Currently, the GAO is prohibited access to any Federal Reserve function involving: First, transactions with a foreign central bank or foreign government; second, any deliberations or actions on monetary policy matters; or third, any transactions made under the direction of the FOMC. Our bill would remove the last two restrictions while retaining the restriction against GAO access to transactions with foreign central banks or foreign governments.

The final provision of the bill would require that the Federal Reserve's annual budget be published in the budget of the U.S. Government. The Fed would submit its budget for the current year and the two following years to the President by October 16 of each year, and the President would be required to print the Fed's budget in the Government budget without change.

The Federal Reserve's expenditures are not subject to approval by either the President or Congress, unlike the budgets of other Government agencies.

Despite the fact that the Federal Reserve takes in and spends billions of dollars each year, the Federal Reserve's budget is not conveniently available to Congress or the public. Only a small fraction of the Fed's $1.6 billion of operating expenses is included in the U.S. Government budget for fiscal year 1992—just the $115 million of expenses incurred by the Board of Governors in Washington. The details on this part of the Fed's budget, only 7 percent of the Federal Reserve's total spending, appear in part 4 of the budget, at the very end of the section entitled, "Government-Sponsored Enterprises."

During 1991, the revenues of the Federal Reserve System will be about $20 billion. A small fraction of these revenues, less than $1 billion, will consist of payments by banks for services provided by the Fed. Most will consist of interest received from the Treasury on the Fed's holding of U.S. Government securities, which the Fed acquired during open market operations conducted for monetary policy purposes. Out of this $20 billion, paid mostly by taxpayers, the Federal Reserve will incur approximately $1.7 billion in operating expenses. About $1 billion of this will be for personnel costs. The rest will be for supplies, travel expenses, telephone and postage, printing money, maintenance of equipment, amortization of buildings, and so forth. The remainder of the Fed's revenues will be returned to the Treasury, where it is listed in the budget as an offsetting receipt.

The Federal Reserve Reform Act will not reduce the Federal Reserve's control over its own budget. The bill would not subject the Federal Reserve to the congressional appropriations process, nor would it give either Congress or the administration any control over the Federal Reserve's spending. All it does is require that the data be published conveniently in the U.S. Government budget, where spending by every other Government agency is already listed. This includes the Supreme Court, which has its budget published in the Government budget without any loss of independence.

Adopting the bill would thus implement a basic principle of democracy that no Government agency should take in and spend billions of dollars without having its budget readily accessible to the public.

In conclusion, in our Nation the Government must be accountable to the people. The Federal Reserve, with its enormous power over the economy and the well-being of the American people, does not meet the normal standards of accountability in a democracy. The bill that Representative DORGAN and I are introducing today will make the Fed more accountable without impairing its ability to conduct monetary policy. The bill does not impose Presidential or congressional or other outside controls on Fed policy. Instead, our bill addresses the complex problem of increasing Federal Reserve accountability in a democratic society without jeopardizing the Federal Reserve's independence or injecting politics into monetary policy.

The Federal Reserve Reform Act will not cause revolutionary changes at the Federal Reserve. It is a very modest bill designed to improve some of the Federal Reserve's practices and procedures. In the 75 years since the Federal Reserve System was created, Congress has made a number of changes in its structure and procedures, adding responsibilities and powers from time to time and periodically revising its relationship with Congress and the administration. The bill that Representative DORGAN and I are introducing today continues this process by proposing a handful of evolutionary changes in the practices and structure of the Federal Reserve.

THE INTRODUCTION OF THE WOMEN'S EQUAL OPPORTUNITY ACT OF 1991

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Ms. MOLINARI. Mr. Speaker, since January 31, few Americans have contemplated the noble aims or anguished over the terrible tragedies of the Persian Gulf war without saying a special prayer for Melissa Nealy—the first known female prisoner of war of Operation Desert Storm.

She is a part of a war effort aiming to free the citizens of Kuwait from vicious aggression and secure peace not only for the Middle East, but for the world. She is a part of a battle to free men and women from fear. She represents our country as equally and bravely as the men beside her in the trenches.

And she today pays the price few men, fortunately, will be called upon to pay.

Melissa Nealy and her female comrades deserve to return to a nation that recognizes her "equalness" in peacetime as we did during the war.

For them, for myself, and for our daughters, I am pleased and honored to introduce this legislation in the House, and to join with my colleagues today in emphasizing our support for its essential objectives.

The position of women in American society continues to change, propelled by social, economic, and military forces—and we need to ensure that our public policies and our judicial system adapt to this change.

That is what this legislation endeavors to do. It aims to conform certain Federal statutes and programs to the realities of women in America today. In the areas of Federal workplace harassment, sexual violence, and employment opportunity, this legislation takes needed steps to both protect and sustain the advances women have made.

It strives to guarantee opportunities, it does not create a false promise of success as some other bills pending before Congress proclaim.

I think it bears noting that from the founding of our Nation, women were given a lesser status in the country's political and economic structures; and from our earliest history, efforts have been made to replace these inequities with the true moral promise America should hold for all citizens. In recent decades, the advancement of women's rights and opportunities has been significant. Nevertheless, this advancement is not complete. It will need to reach into future generations and it will require consistent attention and support to be sustained.

This bill deals very directly with the issue of sexual harassment in the workplace and with domestic and street violence against women. These problems have affected the lives of millions of American women and should be the concern of all Americans. The bill expands the remedies available to respond to sexual harassment through Federal civil rights statutes.

There are provisions in the bill which address some of the most compelling areas of concern regarding sexual violence and the rights of those who have been victims of such crimes. It makes a very clear statement that violent sexual crimes will be dealt with more seriously through increased penalties and reforms in Federal, civil, and criminal procedure. It also gives victims new rights to respond to concerns about potential AIDS transmission in the course of a violent attack.

These provisions and others in the bill, such as those addressing the issue of sex crimes on campus, violence within families, and the distribution of controlled substances to pregnant women, focus on some of today's most widespread problems.

We, men and women, have for far too long looked the other way when these issues became too painful to address. By even today's action, we are ensuring a decrease in these incidents. We are once and for all letting the country know we demand a nation where women are healthy, where women are given opportunities, where women are safe.

The legislation also takes some necessary steps in looking at the problem of the "glass ceiling" through the establishment of a Commission to study this question and make recommendations for the removal of artificial barriers to the advancement of women and minorities in business.

We may shatter the ceiling with our accumulated frustrations from the years of inequities, but I would rather direct my energies and those of all women and men toward dismantling the ceiling thoroughly and quickly—together. With our efforts and the legislative support of this bill, I believe we will find the way to remove the barrier without showering ourselves with damaging glass shards.

Let me conclude by expressing to Senator DOLE my respect for his leadership on these important issues. I hope that this Congress will count the passage of this legislation as one of its most prominent achievements. The future of our daughters and sons depends on it.

IN MEMORY OF PAUL EARL PEROTTI

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. DYMALLY. Mr. Speaker, Californians recently witnessed the loss of a brave and committed law enforcement officer from the California Highway Patrol. I had the pleasure of knowing Paul Earl Perotti when I served as Lieutenant Governor in California. Paul provided security for my family and me.

Paul had the distinction of working with three Lieutenant Governors in California. He was highly respected by those for whom he worked and by his colleagues. He was born on April 12, 1946, and passed away on February 20, 1991. He is mourned by his wife Carole and children David, Michelle, and Karrie.

His family dedicated these lines by Judy Dimbleby to him:

SMILES IN SORROW

I saw you smile, I felt befriended
It was a beautiful smile, it never ended.
I shared it with many friends that day.
They passed it along, in the very same way.
It will come back to you on some thoughtful face.
When you need it most, at the right time and place.
A friendly smile, a casual touch.
These are the things that mean so much.
To know you are with us in our time of sorrow.
Sharing our prayers, today and tomorrow.
God give us comfort in the form of good friends.
May his peace be with you, his love never ends.

May he rest in peace.

SHABBAT ZACHOR

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. ATKINS. Mr. Speaker, I rise today to commemorate Shabbat Zachor, the Sabbath of Remembrance, which was observed over the weekend in memory of four young Jewish women from Damascus who were killed in 1977 while trying to escape into Lebanon from Syria. While the division of Lebanon by the vicious regime of Syrian President Hafez al-Assad has been well-documented in the media, the brutal activities of that government against its Jewish citizens has not received nearly as much attention as it deserves. Mr. Speaker, the behavior of the Syrian Government is particularly disturbing given our present alliance with that regime against Iraq.

Mr. Speaker, the 4,500 Jews in Syria live with constant fear and intimidation. Although they are allowed to conduct their daily affairs, they are under continual surveillance by a special branch of Syria's secret police, the Makhabarat. Like blacks in South Africa, Syrian Jews are forced to carry identity cards and are not allowed to vote or participate as candidates in elections. The majority of the Jewish community in Syria is concentrated in the ghetto in Damascus. The Syrian Government has placed Palestinians in houses which were once Jewish owned. Attempts at destroying Syria's Jewish community is also evidenced by the government's confiscation and destruction of Damascus' Jewish cemetery, replacing it with a highway.

The Syrian Government does not allow Jewish emigration, leaving Jews to attempt illegal escape routes. If caught, such escapees are imprisoned without charge or trial, and are often subject to interrogation and torture. Furthermore, given the number of successful escapes by able-bodied men, many women are unable to marry within their faith and are forced to convert and marry outside their community. In this way, Mr. Speaker, the Jewish community of Syria is in danger of annihilation.

In addition to the denial of emigration rights, travel abroad by Jewish citizens is severely restricted by Syria's Government. No complete Jewish families are allowed to leave Syria at any one time. Those few who are allowed to leave are forced to post bonds as ransom for their return.

Although President Assad agreed in 1989 to consider the reunification of divided Jewish families and to consider granting visas denied to Syrian Jews, to date he has done nothing. Despite petitions from our State Department, Assad's cruel treatment of Syria's Jews continues. Mr. Speaker, it is my firm belief that the Assad government's treatment of Jews ought to be placed high on our bilateral agenda with Syria, regardless of Syria's opportunistic participation in the coalition against Iraq.

SOVIETS MARCH WHILE WORLD LOOKS AWAY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. RICHARDSON. Mr. Speaker, Prof. Arpad von Lazar has written an insightful article on the dangers of the world closing its eyes to the Soviet activities in the Baltic States. Professor von Lazar's thesis is that the leaders in the U.S.S.R. are unreconstructed brutish manipulators, and the United States and its European allies, having never recognized the annexation of the Baltic Republics, should support the independence movements in Latvia, Lithuania, and Estonia by making clear to Mr. Gorbachev that essential food, credits, and economic assistance are at stake. I urge my colleagues to consider this well-timed and informative message.

SOVIETS MARCH WHILE WORLD LOOKS AWAY

(By Arpad von Lazar)

(Arpad von Lazar is currently on sabbatical from his post as professor of international politics at Tufts University's Fletcher School of Law and Diplomacy.)

The winds of the Gulf crisis partly muffled the sounds of conflict in another part of the world. While armies march over the sands of the Arabian desert, a few thousand Soviet paratroopers and KGB units were extinguishing the flames of freedom in Lithuania with surgical efficiency and calculated cold-bloodedness.

During the past two weeks slowly but with great determination, the central Soviet authorities have been forcing the Lithuanian authorities to give up nearly all of the day-to-day vestiges of freedom, which they fought for and won during last year when perestroika was in its heyday.

That includes radio and television programming free of government censorship, at least partial freedom to act independently in foreign affairs and the option for young men from the Baltics to refuse to be drafted into the Red Army.

Now all this freedom and exhilaration seems to be slipping away. And while the world is much too preoccupied with the drumbeat of war in the Gulf, the Baltic republics are slowly slipping under the icy waters of intervention ordered by Moscow.

The world is much too busy, much too preoccupied and much too frightened by the Gulf to notice anything chillingly peculiar about the timing or method of the Soviet crackdown.

But there is an uneasy sense of deja vu to the entire Baltic scenario. Actually, we have seen it twice during the past decades. In 1956, when Soviet tanks crushed the Hungarian Revolution and in 1968 when the Czechs found out what the limits of liberalization and independence were under the oppressive predecessors of Mikhail Gorbachev.

While the Soviets were "cleaning up" in Budapest and Prague respectively, the French and the British were preoccupied with the Suez crisis in 1956, and in '68 the Americans were totally consumed with the punishing impact of the Vietnam war and a near fratricidal electoral campaign.

Thus while the great powers, and the world press, turned their attention elsewhere, the Red Army cleaned up with brutal efficiency. In the name of "fraternal socialist assistance," independent governments were thrown out, freedom of press muzzled and puppet governments were installed.

Up to this point last week's events in the Baltics bear an eerie resemblance to that of 1956 and 1968.

But surely the world of the Soviet empire has changed, argue some analysts and observers of perestroika and glasnost. Is there a distinction between the crushing of independence movements and anticommunist uprisings of decades ago and today's predicament in the Baltic republics? Why are the Soviets doing it now? What is the likely outcome in case of further bloody confrontations? And what should the U.S. and Western response be?

To sort out all the complicating factors is not exactly an easy task, but a few considerations might well be mulled over by our policy makers:

The Soviets, even the hardliners, have accepted the notion that the Soviet "external" empire is lost for good, no satellite in Eastern and Central Europe, no outposts in Asia and Africa—the lone exception being a bankrupt Fidel Castro limping along on dramatically reduced subsidies from Moscow.

It appears that in the long raging dispute between hardline central power-oriented conservatives in Moscow and the secessionists in the provinces, Gorbachev decided to throw in with the "centrists," who insist that all secession efforts should be stopped with force, if necessary.

Gorbachev must have also decided that the somewhat chaotic and disorganized independent administrations of the Baltic republics would not be able to mount a successful internal opposition to Moscow's orders or elicit enough international pressure to reverse a hardliner-instigated coup from within—after all, the U.S., the Western allies, the United Nations and just about everyone is much too busy with the thoughts and reality of war in the Gulf. "We will talk about Lithuania after this other mess is over," they insist.

Of course, the question remains for the U.S., are the events in the Baltics an internal Soviet affair? Or, if the Baltics deserve their freedom and independence do the Moldavians, Georgians, Armenians and all the rest deserve it too?

The unfortunate fact of life is that political expediency and principles of self-determination do not mix well. Yet there are some fundamental considerations to observe for our policy makers.

First of all, the Baltic republics are not just nationalistic inventions. They were annexed and raped as the result of the Nazi-Soviet pact, an act we never recognized. Second, if the Moscow hardliners squeeze Vilnius and Riga, there is no reason on earth why we and our European allies should not make it clear to Mr. Gorbachev that food, credits and economic assistance are not a matter of entitlement for them in this winter of deep popular discontent in the Soviet Union.

And third, we should not fool ourselves by our own wishful thinking and media-hype in search of a "nice-guy" Soviet leader. The Soviet leadership is still a largely unreformed nasty and brutish collection of orthodox power manipulators.

Let us not forget that in the Soviet Union the revolution of democracy has not yet begun.

PENALTY-FREE WITHDRAWALS OF INDEPENDENT RETIREMENT ACCOUNTS IN THE EVENT OF A FEDERALLY DECLARED DISASTER

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. PANETTA. Mr. Speaker, I rise today to reintroduce legislation from the 101st Congress that will bring further relief for those who have suffered from recent natural disasters.

As we all know, these disasters have caused extensive damage to homes in these areas. In my area alone, hundreds of residences have either been partially or totally destroyed by the Loma Prieta earthquake. The victims of this devastating earthquake are still literally picking up the pieces of what their lives once were and are facing enormous financial liabilities.

My legislation would allow individuals to make penalty-free withdrawals from individual retirement accounts for the repair of damages to a principal residence caused by a federally declared disaster. By waiving the 10-percent penalty for early withdrawal of individual retirement accounts, victims of these catastrophic disasters will be able to use their own funds without incurring additional liability. I believe that this type of exception to the law is entirely appropriate. The waiver would only apply to those who wish to repair a primary residence and would not cover personal damages. This bill is designed solely to help rebuild homes with one's own resources. This is not only better for the Federal Government because it frees up these resources for those who do not have these funds, but it also allows the victims of these disasters help themselves. I believe that both of these aspects of the bill are important.

I strongly encourage my colleagues to join me in supporting additional relief to these victims by letting them help themselves.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FROM EARLY DISTRIBUTION PENALTY FOR WITHDRAWALS FROM INDIVIDUAL RETIREMENT PLANS FOR REPAIR OF RESIDENCES DAMAGED BY FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to exceptions to 10-percent additional tax on early distributions) is amended by adding at the end the following new paragraph:

"(E) DISASTER REPAIR EXPENSES.—Any distribution out of an individual retirement plan to pay expenses incurred by the distributee for the repair, rehabilitation, reconstruction, or replacement of a principal residence damaged or destroyed by reason of a federally declared disaster occurring after September 1, 1989. For purposes of this subparagraph, the term 'federally declared disaster' means any disaster referred to in section 165(i)(1).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts distributed out of individual retirement plans after the date of the enactment of this Act, in taxable years ending after such date.

THE WOMEN'S HEALTH EQUITY ACT OF 1991

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mrs. MINK. Mr. Speaker, I rise in support of the Women's Health Equity Act of 1991. The status of women's health is vital to our country. Children, families, the national economy are all dependent upon the well-being of women. Yet, this has been an area of irresponsible neglect.

The Women's Health Equity Act is comprised of 22 bills that address women's health concerns in the areas of research, health services, and prevention.

In the area of research, women have long been excluded in clinical study populations. In a long-term study of coronary heart disease risk factors, the multiple risk factor intervention trials included 15,000 men and no women. The physician's health study demonstrated the value of aspirin as a preventive therapy for coronary disease in a study of 22,071 men and no women. A 1990 study of the correlation between coffee drinking and heart disease included no women in its study population of 45,589. The extrapolation from this data of this type has long been questioned but the practice of excluding women continues.

Research funding on diseases that traditionally afflict women is scant. The National Institutes of Health spends only 13 percent of its budget on women's health.

The Women's Health Equity Act includes funding for research on ovarian cancer, breast cancer, osteoporosis, and infertility as well as legislation that would ensure the equitable treatment of women in health research.

The Women's Health Equity Act also includes legislation addressing adolescent pregnancy, infant mortality, mammography standards, and AIDS prevention.

These issues are important not only to women. They are important to families, employers, and communities because the health and well-being of women is essential to all of us.

ENHANCING FEDERAL EMPLOYEE'S RIGHTS UNDER ADEA

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. GREEN of New York. Mr. Speaker, today I rise to introduce legislation which would amend the Age Discrimination in Employment Act of 1967 [ADEA] with respect to administrative proceedings applicable to claims of discrimination in Federal employment. My legislation seeks to provide Federal employees who allege age discrimination the same procedures and remedies as those afforded Federal employees alleging other forms of discrimination.

Since 1974, when the Age Discrimination in Employment Act was amended to include Federal employees, the Equal Employment Opportunity Commission [EEOC] and the courts have reached disparate conclusions on the rights of Federal employees who file age discrimination complaints. Overall, Federal employees have been afforded fewer rights and remedies.

Currently, Federal employees who allege age discrimination and chose the administrative adjudication process are not entitled to attorney's fees and costs at the administrative level, even though Federal employees with other types of discrimination complaints are entitled to such fees and costs. The courts have held that fees and costs may not be awarded to Federal employees who prevail at the administrative level [*Kennedy* v. *Whitehurst,* 690 F.2d 951, (DC Cir. 1982) and *Palmer* v. *General Services Administration,* 787 F.2d 300, (8th Cir. 1986)]. The Comptroller General has also issued a decision that "sufficient statutory authority does not exist which would allow the agency [EEOC] to award attorney fees at the administrative level." [B–215672] Accordingly, a settlement agreement in which the agency awards attorney fees at the administrative level is prohibited. The legislation that I offer today would eliminate this inconsistency by making it clear that attorney fees and costs could be awarded at the administrative level to a Federal employee alleging age discrimination.

In addition to the attorney fees issue, there are conflicting decisions as to whether the statute of limitations is tolled when a Federal employee alleging age discrimination files a complaint with the EEOC or whether a Federal employee must file a civil action to preserve his or her rights. [*Purtill* v. *Harris,* 658 F.2d 134, (3rd Cir. 1981), *cert. denied,* 462 U.S. 1131, (1983)] The court in Purtill held that, if a complainant chooses the option of filing a complaint with the EEOC, then that individual may not file a civil action until the EEOC takes final action on the complaint.

Unless the EEOC takes final action before the statute of limitations expires, the complainant, by having elected to pursue an administrative remedy, would foreclose any opportunity to sue. My legislation seeks to remedy that problem by allowing Federal employees who file timely complaints with the Commission the ability to commence a civil action 180 days after filing such a complaint. This option would expire 30 days after final action on such a complaint is taken by the Commission.

In closing, I should like to take this opportunity to commend the American Bar Association for adopting a resolution in support of the proposed changes to the ADEA. I should also like to encourage my colleagues to cosponsor this important initiative. After all, I do not believe that it was or is the intention of Congress to treat Federal employees alleging age discrimination any differently from Federal employees alleging other forms of discrimination. Adoption of this legislation will ensure fairness and equity to all Federal employees fighting age discrimination.

CAN WE AFFORD AN UNCERTAIN TRUMPET?

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues a recent Los Angeles Times editorial by Mr. Amos A. Jordan, president of the Pacific Forum of the Center for Strategic and International Studies, Honolulu, regarding the necessity for the American people to support the U.S. policy and military operation in the Gulf. Although I respect the fundamental right to freedom of speech, demonstrations in opposition to the gulf war may shape its outcome. For this reason, it is imperative that the American people support the events in the Persian Gulf.

Currently, demonstrators against the war have given false assurances to Saddam Hussein, who has misinterpretated the American public's opposition to the war. Though the American opposition to the war is only 20 to 30 percent, Saddam Hussein has interpreted this opposition as support for his policies. Thus, giving him the jurisdiction to carry out his own objectives. He clearly views them as allies in helping him to evade the U.N. mandates to reverse his aggression against Kuwait.

The ramifications of Saddam Hussein's misinterpretation of American opposition could prove detrimental. The opposition gives Saddam an unwarranted premise to carry out his policies. As a result, the war may be needlessly prolonged. The possibilities of casualities directly related to this issue are evident.

Moreover, domestic dissent, especially during wartime involvement, fundamentally contradicts the policies being carried out in the Middle East. Mr. Jordan refers to the evolution of the current war situation to illustrate his point:

> . . . the votes having been taken, the troops committed, the battle joined, can we afford to sound an uncertain trumpet?

Dissent and protest during wartime activities contradicts, undermines, and criticizes the very essence of the policies being carried out. However, Americans should be capable of supporting the troops, while still dissenting the ongoing policies. Ultimately, it will be the morale of the men and women fighting for our country that will suffer, and that will be the greatest injustice of all.

The people of America need to realize that their voice and actions has a direct impact on the happenings in the gulf. While currently involved in wartime operations, the dissenting American public opinion has unfavorable effects. These risks encompass misinterpretations by Saddam Hussein. His assumptions may prolong the war, and thus increase casualties. On the one hand, supporting our troops can only promote morale, and show Saddam Hussein that he has no allies in this country.

[From the Los Angeles Times, Feb. 10, 1991]

CAN WE AFFORD AN UNCERTAIN TRUMPET?

(By Amos A. Jordan)

In his State of the Union Address, the President tried yet again to convince the American people of the rightness of his stance in the Gulf. But, despite his arguments and similar efforts over the last six months by his secretary of state, other senior Administration officials, and many of our friends and allies, a substantial number of Americans seem unconvinced. True, 75 or 80 percent of the American people, according to the latest polls, support U.S. policy in the Gulf, including the military operation there. But that leaves millions opposed, some violently, and no amount of explanation of war aims or visions of a new world order seems to move them.

Does it matter that we differ? Aren't we entitled, as a basic freedom, to dissent, to debate the pros and cons of such great issues as war and peace?

I believe it does matter, for Saddam Hussein and others who do not have a clear understanding of our system can misinterpret the dissent they see and hear as American weakness. Indeed, in a recent interview on CNN, he pointedly thanked anti-war demonstrators for their efforts; he clearly views them as allies in helping him to evade the U.N. mandates to reverse his aggression against Kuwait. If his misinterpretation prolongs the war and costs thousands of lives, is that an appropriate price to pay for the privilege of appearing on network news shouting slogans?

I do not mean to trivialize the issue of free speech during wartime, nor do I argue against protests prior to the beginning of hostilities. But once the battle has been joined, the case is dramatically altered. In his State of the Union Address, the President reaffirmed the right and value of dissent: "The fact that all voices have the right to speak out is one of the reasons we've been united in purpose and principle for 200 years."

The President should have added that prior to battle all the arguments, pro and con, were brought out in Congress during the longest continuous debate in that institution's history, and in discussions, town meetings, demonstrations and news programs. But, the votes having been taken, the troops committed, the battle joined, can we afford to sound an uncertain trumpet? The question is not one of "right" but of wisdom. Surely it is now time to close ranks and demonstrate not 75 percent or 80 percent for the men and women putting their lives on the line, but 100 percent.

It is not possible to support the troops while continuing to criticize the policy that has placed them in the Gulf. If the policy is worthless, then so is the cause that our soldiers are fighting for, and continued opposition will ultimately sap their morale.

Beyond the risks their actions raise—of being misinterpreted, of prolonging the war and increasing casualties as a result—the war protestors should contemplate another risk: What if they succeed, stop the war and cause the international effort against aggression to fail? Are they prepared to live with the results of their actions—the catastrophic consequences for Kuwait and its Gulf neighbors, for the future of the United Nations, for the prospects of a new world order and America's role as a contributor to international peace and stability?

The press shares an especially heavy responsibility for the way the American public will respond as hostilities proceed. The conflict between the military's desire to deny the enemy information and the media's insistence on the right of the people to be fully informed is an old one. It can reach new heights in the Gulf area, both because of the instantaneous and simultaneous transmission of electronic information into America's living rooms and Saddam Hussein's headquarters and because of the intensity of the media's Gulf coverage—something like 800 reporters are now there, chafing to get a story.

Somehow a better balance must be struck. As Pulitzer Prize-winning journalist John Hughes recently wrote: "The reporters need to learn and develop more perspective on what is reasonable to report. The military needs to develop much more sophistication of its handling of the press. To some soldiers, the press seems a nuisance in wartime. But the quest for public support of the Bush Administration's objectives in the Gulf is as important as the military's drive and valor on the battlefield."

Above all, we as a people need to recognize that we have direct impact—whether for good or ill—on the course of events in the Gulf and will bear a large measure of responsibility for the ultimate outcome of the conflict. All of us, but particularly those inclined to continue opposing the war, need to face the consequences of the policy choices we make.

(Amos A. Jordan is a member of the President's Intelligence Oversight Board and president of the Pacific Forum of the Center for Strategic and International Studies, Honolulu.)

DODECANISIAN SOCIETIES OF MARYLAND CELEBRATE 43D ANNIVERSARY OF THE UNIFICATION OF THE DODECANISIAN ISLANDS WITH GREECE

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mrs. BENTLEY. Mr. Speaker, on Sunday, March 3, I will have the honor and pleasure of attending the 43d anniversary celebration of the unification of the Dodecanisian Islands with mother Greece hosted by the Dodecanisian Societies of Maryland.

The Dodecanisian Societies of Maryland is composed of three groups: the Rhodean Society, Diagoras of Maryland, the Halkian Ladies Society of St. Johns of Maryland, and the Olympus Society of Karpathos of Maryland. All three will join together on Sunday, March 3, to celebrate the unification of the Dodecanisian Islands with Greece.

These beaufitul islands located in the Aegean Sea were ruled by the Turks for approximately 500 years. Yet the people of these islands never relinguished their religion, culture, or language. More recently, the Italians governed the islands for approximately 36 years until the British occupation near the close of World War II and were united subsequently with Greece in 1947. During the Second World War, the islands fought valiantly to keep the Germans from entering Greece. The perseverance and fortitude of character which the people of the Dodecanisian Islands embody is truly remarkable.

The Dodecanisian Islands are undeniably Greek in character. Aside from their obvious beauty, perhaps one of the most intriguing aspects of the islands is their unique variety of classical, Byzantine, Crusader, Turkish, and Italian influence which add to their character and charm.

The islands of Greece are indeed a beautiful and enchanting land. Rich in history and culture, they are unlike any in the world. The people of Greece and the Dodecanisian Societies of Maryland rightfully are proud and I share in their joy on the occasion of this anniversary.

Likewise, our own country is rich in history and tradition thanks to the diverse culture which we all bring to this great land. Groups such as the Dodecanisian Societies of Maryland have kept alive their traditions and history for future generations to enjoy.

Mr. Speaker, my fellow colleagues, I congratulate the Dodecanisian Societies of Maryland on the occasion of the 43d anniversary of the Dodecanisian Islands unification with Greece and wish them prosperity in the years to come.

BEEPER ABUSE PREVENTION ACT OF 1991

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. MFUME. Mr. Speaker, I rise today to acknowledge the efforts of the many telecommunications companies who have taken the initiative to address the growing problem of drug dealers using beepers and pagers to facilitate drug transactions on every level. Many companies have found that their circuits have been overloaded by the continuous use of the switchboard by drug dealers.

More companies are now turning to the idea of imposing a surcharge for every call made over a certain number as a way to deter drug activity. Revenue from these measures will be channeled to drug counseling efforts. Appropriately, the surcharges will not be applied to public safety and emergency medical professions.

Though such efforts are noteworthy in the war on drugs, they are minuscule when compared to the benefit drug dealers realize as a result of transactions made with the use of beepers and pagers. I am convinced that the telecommunications industry must take a more aggressive stand and become directly involved in abating this blight on society.

Mr. Speaker, overall, I am pleased to see that many paging companies have taken a positive approach to this problem and are now realizing that we can no longer allow these devices to be used to facilitate drug deals of any type. I believe that the industry should join others, unrestrained, in their efforts to stem the trafficking of drugs in our communities. They should take the initiative in this regard rather than take the back seat.

The drug problem is multifaceted and has permeated many areas. Therefore, it stands to reason that the fight against drugs must also be waged on diverse fronts as well. While the paging industry currently employs measures which may potentially deter abuse—credit checks, proof of ownership, and fees—it is apparent to me that this is not enough. Additionally, despite these policies, a phenomenal number of young people have been arrested with pagers in their possession than in previous years according to law enforcement officials. It is clear that not enough in this regard is being done; we need to do more.

Far too much rhetoric about this issue has been spewed; decisive action is what is needed to affect any noticeable change in this regard. While the circular rhetoric on the issue continues, impotent and ineffectual, drug dealers are busy talking their way into successful drug deals, to greater society's detriment. Let's put the rhetoric aside and move ahead.

Mr. Speaker, the bill I have introduced is one of many measures needed to solve the problem of young people misusing beepers and pagers. I believe that we can, in fact we must, do more to curtail the alternatives which drug dealers have to clandestinely peddle their wares, unchecked and untraced.

My proposal is not only directed at young people, but also at those individuals who operate by using young people to run drugs. I have put forth a mechanism that will lead to and expose the older drug dealers and suppliers. In the past, older dealers have eluded police investigations by distancing themselves from the actual transaction, thus making it difficult to prosecute and convict them in drug-related crimes. Now we have an opportunity to take decisive steps to combat drug trafficking by regulating some of the tools of the drug trade.

We simply cannot miss this opportunity because of the many lives at stake, especially those of young people. Nor can we allow drugs to flow uninhibited into our communities, in the open air drug markets, and in our yards.

Although the legislation I have introduced will not solve the drug crisis in its entirety, I am convinced that this is a definitive step in the right direction and is indicative of the kind of efforts we must consider if we are serious about illicit drug trafficking.

A TRIBUTE TO FRANKLYN JENIFER, PRESIDENT OF HOWARD UNIVERSITY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. DYMALLY. Mr. Speaker, I rise today to pay tribute to Franklyn Jenifer, president of Howard University. His distinguished career spans over 20 years of academic and administrative services. His struggle to overcome obstacles and setbacks should be inspirational to many of our youth. However, his vision of involving Howard University in the problems of the developing world and in promoting economic empowerment in the African-American community should be inspirational to us all.

I would like to share with my colleagues, the following February 10, 1991, Los Angeles Times with President Jenifer.

[From the Los Angeles Times, Feb. 10, 1991]

Franklyn Jenifer—Taking Howard University Into Slum Neighborhoods

(By Jacob Weisberg)

Washington.—Franklyn G. Jenifer has written articles on diseases of the turnip and the effect of test results on minority college admissions. A plant-virologist-turned-academic-administrator, Jenifer began to attract national attention last spring, when he was named president of Howard, the nation's premier black university.

He is no stranger to the place. Born and raised in Northeast Washington, Jenifer, 51 first applied to Howard in 1957, but was rejected because of his poor grades and test scores. He took a job as a messenger at the Library of Congress and studied Russian in his spare time. A semester later, he was accepted.

Jenifer completed a B.S. in microbiology in 1962 and an M.S. in 1965. After receiving his Ph.D. from the University of Maryland, he taught at Rutgers, where he was named associate provost in 1977. Most recently, Jenifer served as chancellor of the Massachusetts Board of Regents of Higher Education, where he oversaw three universities and 24 colleges with a total enrollment of 170,000.

Brought on in the wake of student protests that led to the resignation of his predecessor, James E. Cheek, Jenifer was chosen by the board of trustees in part to help Howard compete for top black students and raise the university's flagging reputation. His ambitions, however, go far beyond that. Jenifer says he wants Howard to become more involved in the problems of the developing world and in the ghettos of the District of Columbia. He intends to use the institution's considerable resources to promote black economic empowerment and to assist in revitalizing neighboring slum areas that abut the campus.

The product of a broken home—his father abandoned the family when he was 5 and didn't return until Jenifer was in college—he has been married for 27 years. His three grown children live in New Jersey.

Speaking in his office overlooking the campus, Jenifer began guardedly but became more animated and jovial as the conversation continued. His manner is understated, donnish. He spent the better part of an hour filling and fidgeting with his pipe, but did not manage to get it lit until after he finished talking.

Question: The need for separate black universities was clear at the time you were a student here before integration. How can you explain the place of black universities now?

Answer: When you say black institutions, the opinion . . . most people have is that these are exclusively black institutions. One has to keep in mind at Howard University that the first students who attended were white. It's always had an integrated faculty. I'm only the fourth black president. Our population of faculty members who happen to be white is higher than the population of people in predominantly white institutions who happen to be black. If America's higher education was integrated as well as Howard University is, we wouldn't have any problems in the nation.

It is the same if you were to go to Yeshiva, or Notre Dame, or Georgetown. The concept there—as the concept here—[is] that people feel they have a rich culture, and that education should reflect that culture and those values. It's not exclusively Jewish or exclusively Catholic, but if you go there, you expect to understand and get a feel for that particular culture. . . . It just so happens that when they say black university, people have the sense of separatism and nationalism, where it's nothing but as much a part of the American higher-education scene as the others.

Q: What's life like for white students at Howard?

A: We don't ask them. We don't think of them as anything other than students.

Q: I wonder how it compares to life for black students at predominantly white universities.

A: Considerably better, I can guarantee you . . . . Black students at white institutions have, for the last 10 or 15 years, been victims of racial problems. I don't think Howard has ever had a situation like that, at least to my knowledge. [Whites] may feel uncomfortable because they're in a majority black environment, but in terms of the way they're treated, you don't go into our lavatories and see comments like: Get out white students.

Q: Race has become an obsessive preoccupation at college campuses. Is it less of an issue at a predominantly black institution?

A: It's an issue, but it manifests itself much differently. At white institutions, you see the issue of race regularly. Often it's raised in fits of anger. When it's raised on black colleges and campuses, it's not raised in the context of chauvinism or bigotry. It's usually raised in a political context. By political context, I mean students being concerned that their institution may lose its flavor, its heritage, or its cultural orientation.

Q: Are you distressed to see Howard losing those who would be among its best students to schools like Harvard and Yale because of affirmative-action programs?

A: I don't think so. I think each student has to make those kinds of judgments. Howard University is not the place for all students. We like to think we are, but clearly a lot of students will have other options, and they may do much better at Harvard or Yale or any other school.

The semantics of affirmative action lead people to think that individuals are admitted when they have lesser qualifications than the majority of the population. No matter how well they perform, it is always the view of the majority that they've been given some kind of a break and they are not as good as they are. I think that is not a pleasant and healthy environment for any population, particularly black students.

When we talk about affirmative action, it should not be—and has not been in my interpretation—a circumstance of giving special breaks to a population or people. What it should mean, and hopefully does mean, is that you've looking for a diverse population of individuals and you give weight to an individual's differences. That should be no more the case for black students than it should be for students from the Midwest or from the East. You try to choose a student population of different socioeconomic circumstances, so that the classroom is not a monotonous environment. That, I believe, is appropriate affirmative action . . . .

Unfortunately, that's not the way it has worked in America. And many people believe that people are allowed to get in when standards would not normally admit them. Where that is the case, I think those people have bastardized it. That was never its intent.

Q: How do you have an affirmative-action program that increases the number of minority students yet does not create the stigma, both internally and externally, that those who benefit are less qualified?

A: I think what you have to do . . . is make sure that people understand that there are standards for admission, and no student should be admitted that is below those standards.

Q: There have been some demands that Howard adopt a more Afrocentric curriculum. What would that mean?

A: I have believed all my life that historical black institutions have a responsibility to ensure that young people who come [to Howard] should receive some understanding of their culture, their history. That does not mean scholarship changes. It is something that exerts itself in the being of the institution. It manifests itself when you walk across the campus.

In certain courses where it lends itself to it, one would expect a more expansive interpretation of sociology or history than you would find in other institutions. . . . If you wind up taking a history course at a female institution, one would expect that the role of women in history would be magnified and spoken about, so that those students feel good about that. If you were talking about European history in a Jewish class or school, I would expect that you would talk about the role the Jews played in it. That's legitimate history.

The press and the public make it appear that those who talk about Afrocentrism are doing something unique. In fact, they're talking about nothing more than what has been going on in America for years. When blacks talk about it, people view it as separatist, as negative, as nationalistic. When others do it, they see it as pride in their background and their culture. Why that is the case is something that stretches my imagination.

Q: Do you think there is any merit to the proposal to introduce Afrocentric principles to the D.C. public school system?

A: One has to be very careful when one is talking about public schools and the public environment. Public schools by their definition are schools that are open to all people, and should be cognizant of the needs of all of the people. . . . The thread that has to be constant is that there should be no dilution of quality. There should be no creation of non-existent history.

Q: What other kinds of changes would you like to see in D.C. schools, or in urban school districts around the country?

A: I think it's very important that we ensure, we give every individual in our city—regardless of the circumstances of his or her birth and environment—a true opportunity to be successful. Even when we are imaginative, there is always a small population, usually a city within a city, where things are the most desperate and people live under the most difficult circumstance. Often there is one parent at home. Often that one parent is working or, if not working, is involved in some activity that is not conducive to a healthy home environment. The neighborhoods are rough. Drugs are prevalent. Their colleagues and friends are dying off at a very rapid rate, not from disease but from homicide.

Our present structure to try to change their lives during school time is crying in the wind. These young people have to go home and suffer very bad situations.

We've got two choices. We can either change the environment in which those young people live—which I don't see occurring any time in the next, I won't say millennium—or we can take them artifically out of that environment. For that population of students, I would recommend there be urban residential schools—schools that run 24 hours a day, where not only do they get the good things that other kids get to have in the daytime, but they also get the same good things that they get during the other hours. That sometimes scares people to death, especially liberals. But the point I make is—that's not unusual. . . . Rich people have always had residential schools to send their kids to.

Q: Where would you get the money to pay for this idea—in the middle of an expensive war?

A: The 24-hour boarding-school model is one extreme. The other extreme is simply an extended day. The point is not to choose one or the other model, but to address the problem of the relationship of a student's life in school to his life after school. You don't anticipate doing many of these schools—only for those parts of the city where students are in serious jeopardy. In large cities, I wouldn't anticipate more than one or two. In these cities, the cost of educating a child is already very high, and I expect the difference would not be significant But even if it costs a lot to do it, it would cost 10 times as much not to.

Q: There has recently been something of a debate about the term "underclass." Some liberal sociologists such as Herbert Gans have argued that it stigmatizes the poor as responsible for their own conditions. Do you think it's still an appropriate term?

A: Again, too often, we get caught up in semantics. To the degree that occurs, I think he's right, but I think if we focus too much attention on it, it can be a problem. Clearly, the reality is that poverty has become almost a genetic phenomenon, with generation after generation bred back into that same circumstance. To talk about semantics of the word, whether they're underclass or not underclass, serves scholarly intent, perhaps. But when someone has their foot on your neck, you don't want a definition of what is a shoe or a heel or a black or a white foot. You want the foot off your neck.

Q: Are programs that replace welfare with workfare on the right track?

A: I think too often they do not take into consideration all the circumstances of people who are on welfare programs now. It's very difficult for people who don't understand that culture to try to act as though they have the solution. I think we have to create an environment that is conducive to bringing more and more poor people into the economic mainstream. We've talked about incentives to encourage businesses to move into urban centers, we've talked about incentives to encourage minority people to go into business. That is the kind of thing that I think goes to the heart of our problem.

Q: Jack Kemp talks about incentives and privatization and uses some of the same language you do. Is he on the right track?

A: I think he uses some of the same language I do. I don't know how serious he is. I do believe there are some similarities between the things that he and I say. I don't think these things are right or left philosophically; I think we have become much more cognizant of the importance of economics, and more cognizant of the nature of the struggle that we're involved in. I'm not saying throw away the social agenda. I'm saying open up a second front. I just think that heretofore we've only done one, and I don't think that's productive.

Q: How about former drug czar Bill Bennett? Did you think he was on the right track?

A: I don't think he's on any track. . . . The whole notion that one is going to cure the drug problem in America by stopping the supply is contradicted by history. . . . Wherever there is a demand, there will always be somebody who is creating the supply. The demand has to be addressed. I think education is the long-term answer.

Q: Howard is one of the wealthiest black institutions in the country. How can it use resources to promote the kind of black economic empowerment you talk about?

A: That's a big part of my agenda. I think economics is critical. To be a player, you have to have assets. If you're in a poker game, you need to ante up. If you don't have assets, you can't play. . . . Black colleges and universities have financial power. We can help ourselves as we help our community if we use the wherewithal of our institutions to develop businesses, develop our neighborhoods. If we spur economic activity, we can reap financial rewards, at the same time ensuring that our minority community partners are major players. Everybody benefits. It's the American way.

LEGISLATION TO PROTECT THE SANTA BARBARA CHANNEL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. LAGOMARSINO. Mr. Speaker, last week, the U.S. Department of the Interior's Mineral Management Service issued the draft proposal of the comprehensive Outer Continental Shelf [OCS] National Gas and Oil Resource Management Program for 1992–97. In accordance with President Bush's recommendations made last year, under this plan more than 99 percent of the California coast will be off-limits to new oil and gas leasing until after the year 2000. The plan also includes a moratorium on leasing in the Santa Barbara Channel until the year 1996.

Today I am introducing legislation that would allow the environmentally sensitive Santa Barbara Channel to enjoy the same leasing prohibition shared by almost the entire California coast. My bill would prohibit the Secretary of the Interior from issuing any new oil and gas leases in the Santa Barbara Channel until the year 2001. Additionally, my bill would permanently ban any leasing activity in the Channel Islands National Marine Sanctuary and the Federal ecological preserve and buffer zone,

The waters off the coasts of Santa Barbara and Ventura Counties have experienced more OCS drilling activity than any other area of California. For more than two decades, the memories of oil-soaked beaches and thousands of dead sea birds that were the result of a 1969 offshore blowout in the Santa Barbara Channel have haunted onshore communities and added an ominous shadow to the platforms that can be seen from the coast. Though I believe that some offshore development can proceed responsibly and safely, I also believe that the Santa Barbara Channel has borne more than its fair share of the burden of OCS production.

Twice in 1989, I submitted testimony to the President's OCS leasing and development task force at hearings in Washington, DC, and in Santa Barbara. Among the major points in my testimony, I expressed by opposition to placing the full burden of OCS development on the environmentally sensitive Santa Barbara Channel. The environmentally sensitive and highly valuable resources of the Channel Islands National Park and the Channel Islands National Marine Sanctuary deserve additional consideration before making a leasing decision.

Until Americans can reduce their high levels of oil consumption, conservation, renewable and alternative energy sources, and research and development of new energy sources must accompany strong domestic oil production in order to reduce our country's dangerous dependence on imported foreign oil. However, it is both unwise and unfair to focus further production on the California OCS in one environmentally delicate area.

The legislation that I am introducing today will provide needed permanent protection to the Channel Islands National Park and the Channel Islands National Marine Sanctuary, and it will allow the rest of the Santa Barbara Channel to receive the additional consideration that its valuable natural resources demand.

CALVIN STATHAM SINGERS CELEBRATE 40TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to congratulate the Calvin Statham Singers on the celebration of their 40th anniversary.

For 40 years the Calvin Statham Singers have been performing inspirational music as a community-church oriented group in the small steel company town of Sparrows Point, MD. To invest four decades of hard work and dedication to such an endeavor truly is commendable.

In addition to providing a beautiful compliment to church services, the group is also well known for its secular performances. The group has appeared on nationally broadcast television shows and literally has traveled the world, including a trip to Vietnam in 1966 to perform for our troops.

The talent and ability of the group exemplifies its members' commitment and devotion to their work. Union Baptist Church and the communities of Dundalk and Sparrows Point truly are fortunate to be graced with the Calvin Statham Singers. Through providing inspirational and gospel music, the work of the Calvin Statham Singers has benefited the church, the community, and the entire Nation.

Although it may not seem that their work directly has changed the world, we all play our own part in shaping the world for better or for worse with our actions and deeds, and it is for this reason I commend the Calvin Statham Singers.

I salute the members of the Calvin Statham Singers and congragulate them on 40 years of faithful and dedicated work. May they continue their fine tradition and may God bless them in the years to come.

BLACK EAGLES

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, I am proud to rise and bring to the attention of my colleagues a theater production, "Black Eagles," currently in performance at the historic Ford's Theatre here in Washington. "Black Eagles" is a fictionalized dramatization based on the heroic exploits of the first African-American combat pilots who fought with great distinction in World War II and who were known as the Tuskegee Airmen. "Black Eagles" can be seen at the Ford's Theatre through March 3, 1991 before it moves to the Manhattan Theatre Club in New York City where it is currently scheduled to run from March 26 through May 17.

Leslie Lee's "Black Eagles" was developed at Crossroads Theatre Company in New Brunswick, NJ and had its world premiere there in February 1990. It was conceived and directed by Ricardo Khan, the producing artistic director at Crossroads. Dr. Roscoe C. Brown, president of Bronx Community College and a Tuskegee airman who is credited as being the first black fighter pilot to shoot down a Nazi jet fighter during the war, provided technical assistance.

Now in its 13th season, Crossroads Theatre under the leadership of Mr. Khan is recognized as one of the country's preeminent African-American theater companies and a leader in today's professional regional movement. Crossroads has in recent years had great success in producing new plays in New Brunswick that have then moved into New York City. In 1989–90, while they were producing a full season in their home theater, three Crossroads productions—"Spunk, and Further Mo," and "Ground People" (also known as "The Rabbit Foot") had New York runs. In addition, a third play, "Sheila's Day," had a run at Symphony Hall in Newark before moving to the Ford's Theatre and then on a tour of the northeast and Canada. More recently, Crossroads' production of George C. Wolfe's "The Colored Museum," was broadcast as a feature in WNET's Great Performances Series. Crossroads productions always enjoy enthusiastic audience responses and usually receive broad critical acclaim.

The success that Crossroads now enjoys is no accident. It grows out of 12 years of dedication to an ideal, hard work, and the willingness to take great artistic risks. Ricardo Khan who is one of the founders of Crossroads articulates the theater's mission as an endeavor to create a theater company where black actors, writers, directors, and other artistic staff can practice their craft. Crossroads has produced many works by Black playwrights that present honest, positive images of black-American life for audiences of all backgrounds.

From modest beginnings 13 years ago in an old garment factory in New Brunswick, Crossroads will move next season into a new $3.8 million facility.

The play "Black Eagles" celebrates the struggles and achievements of black fighter pilots during the campaigns for Italy and Germany during 1944–45. This fictionalized story is told on the stage through reminiscences of three veterans of the war. It is through flashbacks to characterizations of their younger selves in wartime Italy that the courageous story of these American heroes is told. This is entertainment with a punch. There are some light moments of the airmen passing time in the barracks, but there are also scenes of confrontation with institutionalized racism. Arch Campbell, theater critic for WRC–TV, has said of the show: "'Black Eagles' is the most emotional show on the stage this month. It's a mixture of heartbreak, pride, and redemption that I guarantee will lift your spirits and gladden your heart."

Nevertheless, these fictionalized characters are based on the real black aviators who were genuine heroes in action during World War II and who served in segregated units of the U.S. military and therefore struggled for freedom on two fronts. Their success in the battle of the skies and their courage and determination in overcoming the established prejudices of the day were principal elements which influenced President Harry Truman to order the U.S. military desegregated in 1948. To borrow a line from Leslie Lee: "They paved the way * * *."

I was fortunate enough to have attended the opening night of "Black Eagles" at Ford's and was there to see Gen. Benjamin O. Davis, an American hero and the leader of the Tuskegee Airmen, honored during the festivities. He was presented with a crystal eagle by Frankie Hewitt, executive producer at Ford's Theatre, to a standing ovation by an audience which appropriately enough included Chairman of the Joint Chiefs of Staff Gen. Colin Powell, Brig. Gen. Marcelite Harris, and a complete contingent of the real Tuskegee Airmen. It was a moving, historic moment.

I would like to congratulate Leslie Lee and Ricardo Khan for a collaboration which has brought to public attention these long-neglected American heroes, the Tuskegee Airmen, and their heroic exploits as they defended their country and fought for freedom.

I would also like to congratulate the cast and artistic staff for their fine work in bringing this story to life. They include cast members Graham Brown, Norman Bush, Brian Evaret Chandler, Illeana Douglas, Milton Elliott, Larry Green, Michael Barry Greer, Keven Jackson, Lawrence James, Damien Leake, David Rainey, Raymond Anthony Thomas, and Scott Whitehurst. The artistic staff includes choreographer Hope Clarke, fight director Rick Sordelet, set designer Charles McClennahan, costume designer Beth A. Ribblett, lighting designer Shirley Prendergast, sound designer Rob Gorton, music designer Robert La Pierre, ventriloquy consultant Robert Aberdeen, production stage manager Cheri Bogdan-Kechely, stage manager Michael Harrod, company manager Patricia Humphrey, and casting by Aisha Coley.

THE WOMEN'S EQUAL OPPORTUNITY ACT OF 1991

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Ms. MOLINARI. Mr. Speaker, today I am introducing the Women's Equal Opportunity Act of 1991 along with 12 of my colleagues. This bill is a companion to one that Senator DOLE introduced last week.

This legislation will address problems that exist for women in the following areas: On-the-job sexual harassment, sexual and domestic violence, and employment opportunity. The Women's Equal Opportunity Act of 1991 takes the needed steps to both protect and sustain the advances women have made in these areas.

The position of women in American society continues to change, propelled by social, economic, and military forces—and we need to ensure that our public policies and our judicial system adapt to this change.

The Women's Equal Opportunity Act of 1991 strives to gurantee opportunities, it does not create a false promise of success as some other bills pending before Congress proclaim.

I think it bears noting that from the founding of our Nation, women were given a lesser status in the country's political and economic structures; and from our earliest history, efforts have been made to replace these inequities with the true moral promise America should hold for all citizens. In recent decades, the advancement of women's rights and opportunities has been significant. Nevertheless, this advancement is not complete. It will need to reach into future generations and it will require consistent attention and support to be sustained.

This bill deals very directly with the issue of sexual harassment in the workplace and with domestic and street violence against women. These problems have affected the lives of millions of American women and should be the concern of all Americans. The bill expands the remedies available to respond to sexual harassment through Federal civil rights statutes.

There are provisions in the bill which address some of the most compelling areas of concern regarding sexual violence and the rights of those who have been victims of such crimes. It makes a very clear statement that violent sexual crimes will be dealt with more seriously through increased penalties and reforms in Federal, civil, and criminal procedure. It also gives victims new rights to respond to concerns about potential AIDS transmission in the course of a violent attack.

These provisions and others in the bill, such as those addressing the issue of sex crimes on campus, violence within families, and the distribution of controlled substances to pregnant women, focus on some of today's most widespread problems.

We, men and women, have for far too long looked the other way when these issues became too painful to address. By even today's action, we are ensuring a decrease in these incidents. We are once and for all letting the country know we demand a nation where women are healthy, where women are given opportunities, where women are safe.

The legislation also takes some necessary steps in looking at the problem of the glass ceiling through the establishment of a commission to study this question and make recommendations for the removal of artificial barriers to the advancement of women and minorities in business.

We may shatter the ceiling with our accumulated frustrations from the years of inequities, but I would rather direct my energies and those of all women and men toward dismantling the ceiling thoroughly and quickly—together.

Mr. Speaker, with our efforts and the legislative support of this bill, I believe we will find the way to remove the barrier without showering ourselves with damaging glass shards. I urge all of my colleagues to support this vital legislation.

THE WOMEN'S HEALTH CARE COVERAGE EXPANSION ACT OF 1991

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mrs. SCHROEDER. Mr. Speaker, we all know about the health crisis in America. For many Americans the emergency room is the only health service available. Insufficient preventative sevices for the poor turn treatable illnesses into terminal illnesses.

That is why I am reintroducing the Women's Health Care Coverage Expansion Act. This bill expands Medicare and Medicaid reimbursements to include obstetric and gynecologic services provided by nurse practitioners.

By expanding Medicaid and Medicare reimbursement, more women will have the chance to stop deadly diseases, like cancer, before they start. We can treat them in clinics, not emergency rooms.

In addition, women needing obstetric services will receive the kind of preventive care that saves lives and money.

Forty thousand babies die each year in the United States, and many of these deaths are preventable—through early prenatal care. But many State Medicaid offices face shortages of Medicaid providers. While States search for Medicaid providers, pregnant patients wait for prenatal care. At the same time, well-trained nurse practitioners are willing to see the patients, but cannot be directly reimbursed for their services.

The range of services that nurse practitioners can provide is impressive: preconceptual and prenatal care; contraceptive management; the management of common gynecological care, including management of sexually transmitted diseases; and cancer screening for women of all ages.

We have taken steps recently to increase women's health services. In 1989 Congress expanded Medicaid coverage to include pediatric nurse practitioners and family nurse practitioners. In addition, Congress provided pap smear coverage for women who had not had the test in the previous 3 years. But further steps must be taken to provide adequate health care to women.

I hope my colleagues will join me in supporting this important bill. Nurse practitioners can help alleviate some of America's health woes. It is our responsibility to let them help.

THE CITY OF LYNWOOD AND THE BOROUGH OF POINT FORTIN, TRINIDAD, JOIN AS SISTER CITIES

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. DYMALLY. Mr. Speaker, I am pleased to know that the city of Lynwood, CA and the Borough of Point Fortin, Trinidad, West Indies, are joining as sister cities. It is my good fortune to represent Lynwood as well as having grown up in the county of St. Patrich in which Point Fortin is located.

The sister city concept was introduced in 1956 by President Eisenhower at a White House conference as part of his People-to-People Program. His idea was to involve people and organized groups at all levels of our society in personal diplomacy. I share this goal for both of these fine cities. It is my hope that this program would provide residents of both Lynwood and Point Fortin with an opportunity to learn about and share each other's rich culture.

The borough for Point Fortin is a pleasant and growing community which was created in 1980. It was the first and only borough to be created since the country achieved its independence from Britain in 1962. It was my pleasure and honor to be the first U.S. Congressman to visit Point Fortin. I was well received and enjoyed the people's friendly hospitality. Lynwood is known for its ethnic diversity and is a sample of the fabric which comprise the mosaic of our society. It also has been recognized as a city that is committed to the development and support of its youth.

It is my hope that these two cities might be able to promote exchanges in culture, business, trade, or other projects of mutual interest. I believe this relationship will strengthen ties between the American people and the Republic of Trinidad, Tobago.

MICKEY LELAND MEDAL PRESENTATION CEREMONY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. RICHARDSON. Mr. Speaker, my late colleague Mickey Leland was recently honored by the U.N. Food and Agriculture Organization for his international work as an advocate of the poor and hungry. Mickey worked tirelessly to seek long-term solutions for world food problems, not just in Congress through the Select Committee on Hunger which he founded and which keeps alive his heritage, but also through concerned individuals and organizations. Like the FAO, I would like to record my appreciation for Mickey's idealism and integrity by having this tribute printed in the RECORD.

MICKEY LELAND MEDAL PRESENTATION CEREMONY, WASHINGTON, DC, FEBRUARY 21, 1991

(Address by Edouard Saouma, Director-General of the Food and Agriculture Organization of the United Nations)

Mrs. Leland, Congressman Hall, Members of the Select Committee on Hunger, Distinguished Guests, Dear Friends, Mickey Leland has been greatly missed, and the country he left behind has already done much to honour and preserve his memory. But he did not serve only the United States; he served the world.

The aim of ensuring humanity's freedom from hunger, which guides FAO as an international organization, guided Mickey Leland as an individual. It took him from the plains of Texas to the highlands of Ethiopia.

I bring today a tribute from FAO to the international work of Mickey Leland. It is offered with all the humility which we, the living, must show toward the memory of one who has made the supreme sacrifice. It takes the form of a medal specially struck, which it is my privilege to offer to Alison Leland in honour of her late husband.

Mickey Leland was an advocate of the poor and the hungry. Thanks to his skills in working with the Standing Committees of Congress, with prominent individuals and with outside organizations, he kept world hunger high on the national agenda of this country. He was also a man of action. He went straight to the heart of the worst famines in Africa.

The flight that was his last—and the last for his travelling companions—was his sixth visit to victims of starvation in the remoter areas of Ethiopia. The help he was able to mobilize saved innumerable lives.

Alas, Africa today needs another Mickey Leland. The deadly combination of poor harvests and civil strife again threatens millions of lives in Ethiopia and the Sudan, in Liberia, in Angola and Mozambique. Massive international aid is once more vitally important and tremendously urgent.

While we perhaps remember most easily the actions of Mickey Leland to bring relief to the starving, he was fully conscious of the need to seek long-term solutions for world food problems. His underlying philosophy was to promote food self-sufficiency in developing countries, and the socio-economic progress of the poorest strata of society.

In commemorating this man of compulsive idealism and passionate integrity, I wish also to pay tribute to the Select Committee on Hunger, which he did so much to found and to guide. The aims of the Committee, and the aims of FAO, converge in the struggle for a world that is free from hunger—man's oldest enemy. The continuing vitality of the Select Committee is one of the finest legacies that Mickey Leland has left behind.

The Select Committee could hardly thrive if it did not respond to an aspiration of the people of this country. The existence of the Select Committee—a body unique among the legislatures that I know—is witness to the commitment of the United States to the aim of ending world hunger. This is the commitment that inspired the Conference on Food and Agriculture, held at Hot Springs, Virginia, in the midst of the Second World War: the Conference that led to the creation of FAO. A host of later American initiatives fashioned the system of international cooperation that we know today. It is a system that will surely be even more important—and even more dependent on United States support—in the world of tomorrow.

In presenting this medal to Alison Leland I honour the achievements, the courage and the sacrifice of Congressman Mickey Leland. In honouring his memory I honour the idealism and generosity that mark the finest impulses of the spirit of America.

ISRAEL UNDER ATTACK

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. ATKINS. Mr. Speaker, I rise to express my support and admiration for Israel and her citizens during this particularly difficult times in her history. Over the weekend, even as the ground war against them had begun, Iraq attacked Israel again with two more Scud missiles. Although such missiles attacks have become a regular occurrence in Israel, her citizens nonetheless live with the constant specter of massive death and destruction from chemical and biological weapons. And, despite such dangers, the Israelis have shown tremendous fortitude and courage. Our hearts are with them.

Regardless of differing opinions among Americans over U.S. involvement in the Persion Gulf conflict, we have all watched the actions of Saddam Hussein with shock. Saddam Hussein is clearly a madman. He proved this years ago when he used poisonous gas against his own citizens. His attacks against Israel are further evidence that he will stop at nothing to achieve his goals.

The Scud attacks have accomplished little militarily, but in time the cost of the damage inflicted could reach $3 billion. Only a wanton despot would deliberately subject noncombatants to terrorist acts, especially when such acts are of no strategic advantage.

But $3 billion is not the only cost of the Scud attacks to Israel. From a strategy standpoint, Israel's security has always been based on a policy of swift retaliation against any military or terrorist attack. This reputation may become seriously impaired by Israel's present policy of restraint. Although such restraint is admirable and prudent, it does raise the question of Israel's famous resolve when attacked and what she is likely to do in the future.

But more importantly, perhaps, the Iraqi attacks have taken an immeasurable psychological toll on the citizens of Israel. The emotional strain is seen especially among children who cannot easily understand why they have to be forced to wear gas masks. Like the childern caught in wars in other lands, such as Northern Ireland, Southeast Asia, and elsewhere, these are the most innocent of war's victims. Unlike the minimal physical casualties of the Scud attacks, we do not yet know what psychological casualties there are. As each missile is indiscriminately lobbed into Tel Aviv or Haifa, parents throughout Israel are forced to explain to their children why a man whom they don't even know and is so far away is trying to kill them. This is a duty no parent should have to undertake.

As each Scud attack is reported, everyone wonders whether this will be the assault that will finally bring about a military response from the Israelis. It would indeed be quite understandable should the Israeli Government decide to launch its own attack in response to Iraq. Clearly, Israel's refusal to launch a counterstrike against Iraq is in deference to the United States policy. Our coalition partners in the Persian Gulf might well be tempted to break away should Israel undertake such an action. The coalition partners are now our allies and it is my sincere hope that reasonable friendships with these nations might grow after the conflict ends. This friendship, however, should never come at Israel's expense. With its restraint, Israel has made a remarkable statement of friendship and displayed great faith in the United States. Americans can be proud of such a friendship and must never allow it to be breached.

AMERICA'S CULTURE AT RISK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. GREEN of New York. Mr. Speaker, as the National Commission of Music Educators looks forward to its national symposium on America's Culture at Risk, I should like to commend the members of the organization for their efforts to achieve national recognition for the value of music and the other arts in education.

During the 1980's, educational reform made it onto the front pages of American newspapers for the first time in decades. But when the discussion turned to making sure every child receives an education in music and the other arts, there has been silence. This nearsighted approach to education denies our children the opportunity to develop their human potential.

Every child should have a quality education in music and the other arts because knowledge and skills in the arts are vital for their aesthetic, historical, and cultural values.

Music education fosters creativity, teaches effective communications, provides basic tools for a critical assessment of the world around us, and instills the abiding values of self-discipline and commitment.

We must call upon all parents, educators, school board members, and administrators in communities nationwide to work together at the State and local levels to ensure that music is basic to the core curriculum in every school.

IN HONOR OF 50 YEARS OF THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN BRANCH IN WATSONVILLE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to the Watsonville, CA, branch of the American Association of University Women [AAUW] on its 50th anniversary, March 16, 1991.

The Watsonville branch was organized to join with other university women as molders of public opinion, to encourage and participate in activities for life-long learning, to work for the protection of women in business and industry, and to involve members in support of public education.

In its early years, the Watsonville branch was instrumental in helping the war effort in World War II. In 1942, it cosponsored "Nutrition for Defense," a series of lectures that were set up to teach women how to prepare nutritious foods in wartime. Branch members also contributed their services during World War II in training Red Cross workers and volunteer nurses, staffing the servicemen's canteen, serving as airplane observers at the Air Watch Stations, and helping with local crop harvesting.

The Watsonville branch has also been heavily involved with children's events. It sponsored children's theatrical performances at the Fox Theater and in school auditoriums from 1945 to 1964. Its goal in the performances was not only to bring drama to children, but also to raise money for scholarship funds to enable European women to study for advanced degrees in the United States. Many European universities had been destroyed during World War II, and the Watsonville branch provided an unmatched opportunity for these women to further their education.

Throughout the years, the branch has organized and sponsored numerous community services. A few of these services include the establishment of the Watsonville Cooperative Nursery, Cabrillo College, the new Watsonville Public Library, numerous Girl Scout troops, Friends of the Library, the Investment Club, and the Oral History Project.

Since the 1940's, the branch has awarded scholarships for Cabrillo College students in addition to the national AAUW Fellowship Program. The branch also received a grant from AAUW to provide a video/slide presentation promoting "Reading is Fundamental."

The branch has been instrumental in bonding the Watsonville community together by sponsoring several key events. It received the Event of the Year Award from the Watsonville Chamber of Commerce for its sponsorship of the First Victorian Homes Tour in 1974. It also sponsored the town meeting in 1975 in honor of the bicentennial of the United States, and jointly sponsored the 1987 "Peace Symposium."

The Watsonville branch members have developed leadership skills within the association and have been elected to community college boards, local public school boards, city councils, official commissions, and boards. It is undoubtedly one of the most influential groups in the community to press toward the advancement and equality of women in Watsonville, throughout the country, and the world. Mr. Speaker, I ask my colleagues to join me now in congratulating the Watsonville Branch of the American Association of University Women on its 50th anniversary. It is with great respect that I pay tribute to its achievements and contributions to the 16th Congressional District of California.

RECOGNITION OF THE HAWAII CREDIT UNION LEAGUE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mrs. MINK. Mr. Speaker, this week Washington, DC, is hosting a great grassroots event which represents the way that our democracy works at its best. Thousands of citizen volunteers are amassing in the Capitol to speak their minds on pending legislation which they feel threatens the viability of their local credit unions.

I was very happy to be able to welcome to our Nation's Capitol, 70 members from Hawaii, representing dozens of credit unions which count as members over 500,000 persons of the 50th State.

These folks come from all walks of life, and for the most part contribute their time and effort, without any compensation whatsoever. They do this because they believe in the unique service which credit unions offer ordinary people. They work hard to keep their organizations fiscally healthy, and they invest their deposits in safe conservative institutions as a matter of policy.

This is why it is hard for me to understand why, in the desire to correct the ills that have plagued savings and loans and banks that have plunged many into bankruptcy, some are looking to punish the credit unions for their accomplishments and achievements. Instead or rewarding the credit unions for their excellent record and keeping their organization independent and autonomous, some would merge them under one single management authority with one single insurance fund together with the S and L's and banks.

I rise today, to join with all the leaders and members of the Hawaii Credit Union League, in expressing my outright opposition to any and all efforts to merge them under one umbrella agency, causing credit unions to come under the same regulation and management authority that has already failed the S and L's and banks.

I urge my colleagues to support the credit unions of their States by urging the Congress to keep their regulation, management and insurance fund separate from any other financial institutions.

Credit unions are stable financial institutions. They are the epitome of successful volunteerism in America. They must not be subverted under the shadow of management rules that will be enforced on failing savings and loans and banks. Credit unions must be kept independent. They have proposed as community-based organizations. The crisis faced by the other embattled financial institutions must not be allowed to smother credit unions under the giant rule of uniformity.

Mr. Speaker, let's do fix the savings and loans and the failing banks; but let's not do it at the expense of the credit union movement.

To this end, I applaud the grassroots efforts of the Hawaii Credit Union League and I take this opportunity to recognize its delegation:

Farouk Wang, Chairman of the Hawaii Credit Union League.

Peter Leong, President of the Hawaii Credit Union League.

Michael Leach, Government Liaison for the Hawaii Credit Union League.

Noreen Wang, of the Hawaii Credit Union League.

Toshio "Tata" Fujimoto, of the Hawaii Credit Union League.

Scotty Bowman, of the Hawaii Credit Union League.

Larry Chun, of the Hawaii Credit Union League.

Ariel Chun, of the University of Hawaii Federal Credit Union.

James Mimaki, of the Hawaii Credit Union League.

Masao Nakashima, of the Kauai Community Federal Credit Union.

JoAnne Nakashima, of the Kauai Community Federal Credit Union.

Richard Wong, of the Kauai Community Federal Credit Union.

Richard Wong, of the Kauai Community Federal Credit Union.

Harue Wong, of the Kauai Community Federal Credit Union.

Mr. and Mrs. Dean Arakawa, of the Maui Pine Federal Credit Union.

Peter Dyer, of the University of Hawaii Federal Credit Union.

Kenji Sumida, of the University of Hawaii Federal Credit Union.

Toshi Ikezaki, of the EKE Federal Credit Union.

Dr. Harold Kozuma, of the Big Island Federal Credit Union.

Richard Matsunaga, of the Big Island Federal Credit Union.

Donald Miles, Windward Community Federal Credit Union.

Al Kayatani, of the Pacific Corporate Federal Credit Union.

Robert Jaworski, of the Pacific Corporate Federal Credit Union.

Mel Chiba, of the Kauai Community Federal Credit Union.

Hilda Inouye, of the Kauai Community Federal Credit Union.

Wallace Otsuka, of the Kauai Community Federal Credit Union.

Fred Ho, of the Dillingham Federal Credit Union.

Sharon Horita, of the Dillingham Federal Credit Union.

William Paik, of the Dillingham Federal Credit Union.

Helen Young, of the Onomea Federal Credit Union.

Humio Okimoto, of the CUNA Mutual.

Jean Okimoto, of the CUNA Mutual.

Shirley Liu, of the Hawaii Stevedores/C&C FCU.

Glenn Ikemoto, of the Kauai Government Employees FCU.

Karen Ikemoto, of the Kauai Government Employees FCU.

Itsuyo Kusuda, of the Maui County Employees FCU.

June Ono, of the Maui County Employees FCU.

Mr. and Mrs. Paul Perry, of the Hawaii County FCU.

Norman Kong, of the Pearl Harbor Federal Credit Union.

Michael Asam, of the Hawaii Community Federal Credit Union.

John Iwane, of the Hawaii Community Federal Credit Union.

David Hauser, of the Honokaa Community Federal Credit Union.

Robert Iwamoto, of the Honokaa Community Federal Credit Union.

Gay Matthews, of the Honokaa Community Federal Credit Union.

Warren Mizutani, of the Kauai Teachers Federal Credit Union.

Marsha Mizutani, of the Kauai Teachers Federal Credit Union.

Warren Nakamura, of the Honolulu Federal Employees FCU.

John Sabas, of the Molokai Community Federal Credit Union.

Timothy Albao, of the Lihue Credit Union.

Toshio Miyashiro, of the McBryde Federal Credit Union.

Wallace Moura, of the McBryde Federal Credit Union.

Shigeo Uyeda, of the McBryde Federal Credit Union.

Calvin Choy, of the Hawaiian Tel Employees FCU.

Mabel Perry, of the Hawaiian Tel Employees FCU.

Stanley Hidani, of the Papaaloa Federal Credit Union.

Hideo Abe, of the Kahului Federal Credit Union.

Masa Emoto, of the Kekaha Federal Credit Union.

Ed Mederios, of the Kekaha Federal Credit Union.

Owen Moe, of the Kekaha Federal Credit Union.

Joe Sylvester, of the Kekaha Federal Credit Union.

Fran Lucier, of the First Insurance Federal Credit Union.

Milton Lum, of the Hawaii Central Credit Union.

Virginia Kam, of the Hawaii Teamsters Federal Credit Union.

Vernon Ching, of the Honolulu City and County Employees FCU.

Darwin Hamamoto, of the Honolulu City and County Employees FCU.

Moses Lum Choy, of the Honolulu City and County Employees FCU.

Wyman Au, of the Honolulu Federal Employees FCU.

William Lee, of the Oahu One Credit Union.

Koozo Okamoto, of the Oahu Teachers Number Two FCU.

Kyle Kurata, of the Star Markets Federal Credit Union.

Rodney Watanabe, of the Hawaii Community FCU.

U.S. ARMY CORPS OF ENGINEERS BLACK EMPLOYMENT PROGRAM THANKS FOR CARING AND SHARING

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues the fine sense of responsibility and social consciousness of a group of employees at the U.S. Army Corps of Engineers. In observance of Dr. Martin Luther King's birthday, the Black Employment Program Committee of Headquarters, U.S. Army Corps of Engineers, National Capital Region and Field Operating Activities, sponsored a food drive. This food which was collected during the weeks following Dr. King's birthday will be presented tomorrow, February 28, 1991, the last day of Black History Month, to Father Adams of So Others Might Eat [SOME] organization. The presentation will be made by Col. Robert L. Herndon, Chief of Staff, Corps of Engineers.

The Black Employment Program was established in 1989 to address problems and concerns of blacks in achieving equal employment opportunities. In realizing the need to support each other, the members of the organization also realize that they must reach out. By reaching out to others—inside and outside of the Corps—the Black Employment Program is assisting many segments of our society. By participating in a seemingly simple program like collecting food, this organization is showing that it wants to share, that it wants to help feed those who are less fortunate. When we act collectively to help our fellow man, the burden will never, ever be too much for any one individual. And that is what is most important.

Mr. Speaker, I am sure my colleagues will want to join me as I congratulate the Black Employment Program membership and its leadership which includes Jeane D. Williams, chairperson; Michael Tolson, vice chairperson; and Elvire Bourisquot, recording secretary; for their paticipation in the food drive, for caring and sharing.

INTRODUCTION OF WOMEN'S HEALTH EQUITY ACT OF 1991

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mrs. SCHROEDER. Mr. Speaker, I am pleased today to introduce the Women's Health Equity Act of 1991, and to be joined in this important endeavor by Representative OLYMPIA SNOWE, the Republican cochair of the Congressional Caucus for Women's Issues, and by 70 of my colleagues.

This legislation seeks to address the appalling lack of attention given to women's health care needs in this country. The facts speak for themselves. The death rate from breast cancer increased 24 percent between 1979 and 1986; one in nine women can now expect to develop breast cancer in her lifetime. Women are now the fastest growing group of those infected with AIDS. Heart disease is the number one killer of women but the majority of the research has been conducted on men.

Despite these facts, women's health issues have received scant attention both in terms of funding and research. The National Institutes of Health [NIH], the Nation's major source of funding for medical research conducted in the United States, spends only about 13 percent of its budget on women's health. It is time for Congress to act to protect the health of American women.

The Women's Health Equity Act of 1991 contains 22 individual bills divided into three titles: research, services, and prevention. Taken together, these bills represent a broad agenda for addressing a number of critically important issues, including the permanent authorization of an Office for Research on Women's Health at the National Institutes of Health and at the Alcohol, Drug Abuse, and Mental Health Administration, and an end to the arbitrary exclusion of women from research studies.

The package also calls for increased research on breast and ovarian cancer, osteoporosis, the development and treatment of AIDS in women, alcohol abuse in women, and contraception and infertility; better information on treatment options for women facing breast cancer surgery; health and social services for pregnant adolescents and parenting teens; prevention of infertility through improved screening and treatment of sexually-transmitted diseases; and, coverage of infertility and adoption services for Federal employees.

Inclusion of mammography and pap smear services under State Medicaid programs and the establishment of new Federal standards to ensure the quality of mammography screening is included, as is reimbursement for nurse practitioners specializing in women's health and certain osteoporosis prevention technologies under Medicare. Improved access to health care services for pregnant women and children under the Medicaid Program and for displaced homemakers through an expansion of existing health insurance continuation provisions is also contained in the package.

The basic issue is one of equity. Women constitute 52 percent of the population and make 25 percent more visits to doctors than men, are more likely to undergo surgery and to be hospitalized. The Women's Health Equity Act of 1991 will begin to address the important deficiencies that exist for women in the health care system. I urge the support of my colleagues.

WHEN MOMS GO TO WAR

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. BEREUTER. Mr. Speaker, the U.S. military action in the Persian Gulf has vividly demonstrated the value of the All Volunteer Force. The professionalism, the extremely high morale, and the dedication to duty in a austere and harsh environment have inspired us all. Our troops have had a very demanding mission. United States soldiers and sailors have been the first line of defense against Iraqi aggression, and they have had to be dip-lomats in a foreign culture. Our forces have been the leaders of a 31-nation alliance, and coordination with our partners has been a demanding challenge, and throughout this crisis, our troops have behaved magnificently.

Desert Storm has also demonstrated the strains and pressures upon the All Volunteer Force. In particular, we have witnessed the pain of separation of military mothers from their children. This is the first time that moms have gone to war, and the strong emotional undercurrents have become clear. It is, I suppose, not surprising that there would be calls to rethink the concept and current disposition of relying on an All Volunteer Force so that women would not be expected to serve in a war zone.

This Member would urge, Mr. Speaker, that this body not rush to change the foundation elements of the All Volunteer Force. If changes are necessary in the personnel program that is fundamentally working so well, then this body should move only after careful deliberation. Following the completion of Desert Storm, there will no doubt be a careful examination of our military's performance, and how it can be sustained or even enhanced. Only after the current conflict is completed, when we are engaged in the lessons learned phase, should this body examine the role of mothers and sets of parents serving in Desert Storm.

Mr. Speaker, this Member would ask to insert into the RECORD an editorial from the February 25, 1991, edition of the Lincoln Star. Entitled '"When Moms Go to War," this editorial urges that: "Let's work our way through this war without any quick overhaul, using the hardship system already in existence to look at individual cases. This Nation may want to make some changes in how it uses moms in the military. But those decisions should be the result of thoughtful assessment, not a tear jerk reaction."

Mr. Speaker, this Member commends this thoughtful editorial to his colleagues.

[From the Lincoln Star, Feb. 25, 1991]

WHEN MOMS GO TO WAR

This war includes pictures of moms at war and stories of their children at home, children who feel abandoned because they are too young to understand the rules of big people.

These are heartbreaking dilemmas.

But we need to balance that emotional response to the pain and trauma of individual incidents with a thoughtful consideration of the potential effects of changing policies.

The volunteer army has worked hard to provide expanded opportunities for women who join. Under pressure from a changing culture, the military has removed many barriers to women.

Waging war is part of the military's job. Being sent to wage war is inherent in the responsibility of someone who joins the military.

Obviously the reality of war is only a distant possibility during long periods of peace. In peace, the military is just another job with decent benefits and potential for advancement. Or it is a chance to make extra money and go to college.

Historically many parents have gone to war. Generally the parent has been dad. We have accepted that as a part of the reality of war—even when the children of these male parents suffer as a result.

There are strong emotional undercurrents at work in this current debate. We are trying to adjust to two new cultural trends—women doing a job traditionally belonging to men (soldiering near a war zone) and the growing number of single parents in our society.

The two trends collide in the Persian Gulf. And the result has been a tumultuous emotional response.

But we shouldn't let emotions dictate precipitous changes in policy. For every policy change today will have echoes into the future.

Creating a different system for moms during this war will mean a dual career system in peacetime. In order to prepare for war the military must know who it will be able to send to war and who it won't. If we let moms opt out today, the military will understand that it can't count on women with children (or single parents) as part of the team in any future war.

This knowledge will inevitably be translated into a dual track system where parents can choose a track, or a dual system where certain parents are automatically assumed to be not available for combat arenas.

And those who choose the mom track, or are forced into the mom track, inevitably limit their career options.

Some critics of the current system have described it as ignoring the needs and rights of children.

That is true if today is the only time frame.

Half of these children are girls, whose future choices we also affect by the policies we create today.

Let's work our way through this war without any quick overhaul, using the hardship system already in existence to look at individual cases.

The nation may want to make some changes in how it uses moms in the military. But those decisions should be the result of thoughtful assessment, not a tear jerk reaction.

HONORING THE NEW YORK CITY EMERGENCY MEDICAL SERVICE

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Ms. MOLINARI. Mr. Speaker, it is with great pleasure that I honor today the New York City Emergency Medical Service. I am pleased to join the Kings County Conservative Party in saluting the NYCEMS on Sunday, March 3d.

Excellence has been the hallmark of New York's emergency service since 1870. Today, the 20,000 employees of the NYCEMS are still setting the pace, widely recognized as the largest and most sophisticated emergency medical service in the world.

The NYCEMS was established in its present form in 1970. The first two NYCEMS paramedic units began operating in July 1975, achieving spectacular results. Their efforts significantly reduced the prehospital mortality and morbidity rates.

Today, the Emergency Medical Service Training Academy is solely responsible for the training of new paramedics, as it has been since 1984. The program is a 2-year evening course, which graduated its first paramedics in 1986.

The fleet of ambulances has grown dramatically since 1870, when New York had only five horse-drawn ambulances. Today, NYCEMS provides the city with a large number of ambulances constantly on patrol in the five boroughs. Approximately 20 percent of the ambulances are paramedic units and the remainder are basic life support units. For multiple casualty incidents, EMS operates five major emergency response vehicles [MERV's].

The NYCEMS strives to keep up with technological innovations. As late as 1972, when the "dial 911 for emergency" system was established citywide, emergency operators were still using hand-written cards and a conveyor belt system to get calls to the ambulance dispatchers.

In 1977, NYCEMS received Federal funding to develop and install state-of-the-art computerized digital communications consoles and status monitor screens.

However, computer equipment quickly becomes obsolete. To combat this, NYCEMS recently installed a new computer aided dispatch system [CAD], which sends call information directly to a CRT monitor located on a console in the cab of the vehicle. This reduces verbal error. The NYCEMS is now on the cutting edge of dispatch technology, and light-years beyond the conveyor belts and index cards of 1972.

Nearly 1 million calls for ambulance assistance come in every year—over 2,400 per day. Yet, despite this incredible number of requests, since 1980 the NYCEMS has cut the average response time nearly in half for life-threatening assignments. Average response time has dropped from 18.2 minutes to less than 10 minutes.

Anyone who has ever waited for an ambulance while a loved one was in danger knows that the minutes pass like hours. And a 50-percent cut in response time dramatically increases the chances of a favorable outcome for the patient. The hard-working staff of the NYCEMS really are the personification of mercy.

But with the Nation's largest city facing difficult financial times, it will take hard work and innovation to maintain this efficiency level. I am committed to this.

Recognizing the great work done by the NYCEMS, I have cosponsored House Joint Resolution 109, Congressman MANTON'S resolution to designate the week of May 12, 1991, as "Emergency Medical Services Week." I salute the New York City Emergency Medical Service.

RECOGNIZING LA FAMILIA DE HOY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. RICHARDSON. Mr. Speaker, by the year 2010 Hispanic Americans will represent this country's largest minority population. While many of our Nation's Hispanics are recent immigrants, hundreds of thousands of other Hispanics came to this country 300 to 400 years ago. Regardless of when they arrived, most came to seek a better life for their families and themselves. Many new arrivals as well as longtime Hispanic residents have encountered difficulty adapting to life in the United States because of a lack of information sources available to them in their native tongue, Spanish.

Now more than ever, our Nation's Hispanic Americans are seeking insightful sources of information to help them attain their goals as they assimilate into American society. For the past year, they have found that La Familia de Hoy [Today's Family] has delivered the information they need.

La Familia de Hoy combines a bimonthly magazine, a series of informational features on the Univision network and an "800" hotline to disseminate critical information and give Hispanic Americans a better chance to navigate the complexities of daily life here. La Familia de Hoy, developed by Whittle Communications, has created a communications bridge for U.S. Hispanics by addressing issues which face the American public at large.

Since last March, La Familia de Hoy has covered topics such as drugs, education, AIDS, and the environment—topics which hold tremendous bearing on the lives of Hispanic Americans.

An example of the dramatic impact La Familia de Hoy is having on its Hispanic audience are the requests it has generated from police departments across the country to use an article, "Threat to Gangs," as part of their gang task force collateral. The article details the psychology behind the development of gangs and provides information on parents' roles in counteracting their childrens' attraction to violent youth gangs.

Another example of the interaction between La Familia de Hoy and its audience was the phenomenal response to a La Familia de Hoy TV segment on advice to battered women. More than 15,500 calls were received by the National Domestic Violence Hotline between April and June, 1990 as a result of the broadcasts.

La Familia de Hoy has also featured aspirational stories depicting the successful personal triumphs of "First Daughter-in-Law" Columba Bush, educator Jaime Escalante, Congresswoman Ileana Ros-Lehtinen, and astronaut Franklin Chang Diaz.

Mr. Speaker, I urge my colleagues to join me in recognizing this outstanding information source, La Familia de Hoy, that is helping improve the quality of life for Hispanic Americans in New Mexico and the Nation.

NATIONAL RECREATIONAL TRAILS FUND ACT OF 1991

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. PETRI. Mr. Speaker, today I am introducing the National Recreational Trails Fund Act of 1991 which would create a trust fund out of the taxes currently being paid on non-highway recreational fuel used on or near trails. Money from the trust fund will be used to maintain and enlarge the Nation's recreational trail system.

The bill would also create an advisory committee comprised of hikers, cross-country skiers, off-highway motorcyclers, snowmobilers, horseback riders, all-terrain vehicle riders, bicyclers, and four-wheel vehicle drivers.

This bill would not produce higher taxes. When you tank up your snowmobile or other recreational vehicle, you pay a Federal gasoline tax. Currently, that tax on gasoline used for recreation goes to build highways. Even more absurd is the fact that you pay a tax on the fuel you use to fill your camp stove, and that money also goes to the highway trust fund. I think it makes more sense, and would be more equitable, to spend that money on recreational uses to benefit those who have paid the taxes.

A little over a year ago the Government Accounting Office reported that the Nation's Recreational Trail System was in serious disrepair. In the national forests alone, nearly 59,000 miles of trails desperately need upgrading and reconstruction. The GAO report also pointed out the harm that such neglect does to both recreational opportunities and the environment—making trails unusuable and dangerous, and causing significant resource damage. GAO's explanation for this failure: funding that has fluctuated from year to year and has been consistently less than that needed to keep trails in good condition.

This bill creates a mechanism to alleviate this problem. Structured similarly to the motorboat safety fund—Wallop-Breaux fund—the trails fund receives the taxes paid on nonhighway recreational fuel—that is, fuel used on or near trails—and reserves that money expressly for maintaining and improving recreational trails. All money received by the fund is disbursed annually to the States, which must have programs of their own at a State level. The States then select the trail proposals to fund.

The most sensitive part of the bill is its provisions for allocating moneys that result mostly from motorized recreation so that nonmotorized recreation can still benefit. The bill strikes a careful balance in this area, guaranteeing both motorized and nonmotorized recreation a minimum of 30 percent of each State's Trails Act funding. The remaining 40 percent will be allocated by the State to fund projects that provide for the greatest number of recreational purposes and provide for innovative recreational trail sharing to accommodate motorized and nonmotorized recreational trail use.

It should be noted that the bill explicitly does not alter existing land management practices. Current use designation would not be affected by any provision in the act.

Recreational opportunities are part of the quality of life in Wisconsin, and they should be part of the quality of life in all regions of the country. Our Nation has many miles of snowmobile, all-terrain, hiking, biking, and other recreational trails and this legislation would provide needed financial assistance for these facilities.

The bill has support from a wide range of organizations that recognize the importance of maintaining safe and well-managed recreational trails for all users. Supporting organizations include:

American Horse Council.
American Recreation Coalition.
Brackenridge Stables, Inc.
Back Country Horsemen of America.
Blue Ribbon Coalition.
Cowboy Symposium.
Fox Creek Pack Station.
International Snowmobile Tourism Council.
Low Country Equine Association.
New Jersey Horse Council.
Minnesota Office of Tourism.
Montana Horse Council.
National Campers and Hikers Association.
National Campground Owners Association.
Natrona County Parks Department.
New Hampshire Horse Council.
New Hampshire Parks and Recreation Department.
Southern New England Trails Conference.
Trout Unlimited.
Utah Parks and Recreation Department.
Vermont Association of Snow Travelers, Inc.
Vermont Department of Forests, Parks, Recreation.
Wyoming Department of Commerce.
National Association of Wheelmen.

I insert the bill in its entirety at this point in the RECORD:

H.R. 1155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Recreational Trails Fund Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Highway Trust Fund has successfully and equitably provided the means for improvements in and maintenance of the nation's highway infrastructure, such success being largely attributable to the Fund's "use-fee" structure, that being the directly proportionate relationship between the amount of highway use (as measured in fuel consumption) and the amount each user pays into the Fund;

(2) the "user-fee" concept requires that nonhighway fuels not be taxed to pay for highway benefits, a noticeable deviation from this policy being the taxation of recreational fuel not used on Federal highways.

(3) like highways, the national infrastructure of recreational trails and back country terrain must be constructed and maintained, but such construction and maintenance has historically received less than adequate funding;

(4) efforts to more perfectly apply a "user-fee" concept to the financing and maintenance of a national infrastructure, both on highways, and for recreational purposes off the highway, will likely enhance the success of both endeavors; and

(5) it is both equitable and prudent, for safety, environmental protection, and recreational reasons, to assure availability of financial means to maintain and improve recreational trails and back country terrain by reserving for those purposes a portion of fuel use taxes imposed on fuels for recreational use not occurring on Federal highways.

SEC. 3. CREATION OF NATIONAL RECREATIONAL TRAIL TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. NATIONAL RECREATIONAL TRAILS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Recreational Trails Trust Fund', consisting of such amounts as may be appropriated, credited, or paid to it as provided in this section, section 9503(c)(6), of section 9602(b).

"(b) EXPENDITURES FROM TRUST FUND.—Amounts in the National Recreational Trails Trust Fund shall be available, as provided in appropriations Acts, for making expenditures to carry out the purposes of the National Recreational Trails Fund Act of 1991."

(b) DEPOSIT OF UNREFUNDED HIGHWAY TRUST FUND MONEYS.—Section 9503(c) of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) is amended—

(1) by adding at the end thereof the following new paragraph:

"(6) TRANSFERS FROM THE TRUST FUND FOR NONHIGHWAY RECREATIONAL FUEL TAXES.—

"(A) TRANSFER TO NATIONAL RECREATIONAL TRAILS TRUST FUND.—The Secretary shall annually pay from the Highway Trust Fund into the National Recreational Trails Trust Fund amounts (as determined by the Secretary) equivalent to 0.5 percent of total Highway Trust Fund receipts, as adjusted by Secretary pursuant to subparagraph (B).

"(B) ADJUSTMENT OF PERCENTAGE.—

"(i) IN GENERAL.—Not more frequently than once every 3 years, the Secretary may increase or decrease the percentage of Highway Trust Fund receipts paid into the National Recreational Trails Trust Fund to more accurately reflect, in the Secretary's estimation, revenues received from nonhighway recreational fuel taxes.

"(ii) AMOUNT OF ADJUSTMENT.—The amount of an adjustment in the percentage stated in clause (i) shall be not more than 10 percent of that percentage in effect at the time the adjustment is made.

"(iii) USE OF DATA.—The Secretary shall make use of data on off-highway recreational vehicle registrations and use in making an adjustment under clause (i).

"(C) DEFINITIONS.—For the purposes of this paragraph—

"(i) NONHIGHWAY RECREATIONAL FUEL TAXES.—The term 'nonhighway recreational fuel taxes' means the taxes under sections 4041, 4081, and 4091 (to the extent attributable to the Highway Trust Fund financing rate) with respect to fuel used as nonhighway recreational fuel.

"(ii) NONHIGHWAY RECREATIONAL FUEL.—The term 'nonhighway recreational fuel' means—

"(I) fuel used in vehicles and equipment on recreational trails or back county terrain, including use in vehicles registered for highway use when used on recreational trails or back country terrain; and

"(II) fuel used in campstoves and other outdoor recreational equipment."; and

(2) by striking paragraph (2)(C) and inserting the following:

"(C) EXCEPTION FOR USE IN AIRCRAFT AND MOTORBOATS, AND AS NONHIGHWAY RECREATIONAL FUEL.—This paragraph shall not apply to amounts estimated by the Secretary as attributable to—

"(i) use of gasoline and special fuels in motorboats or in aircraft, and

"(ii) use of gasoline as nonhighway recreational fuel as defined in paragraph (6)(C)(ii).".

(c) CONFORMING AMENDMENT.—Section 6421(e)(2) of the Internal Revenue Code of 1986 (defining off-highway business use) is amended by adding at the end thereof the folowing new subparagraph:

"(C) EXCEPTION FOR USE AS NONHIGHWAY RECREATIONAL FUEL.—The term 'off-highway business use' does not include any use as nonhighway recreational fuel as defined in section 9503(c)(6)(C)(ii).".

(d) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 9511. National Recreational Trails Trust Fund.".

SEC. 4. NATIONAL RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—The Secretary, using amounts available in the Fund, shall administer a program allocating moneys to the States for the purposes of providing for and maintaining recreational trails.

(b) STATE ELIGIBILITY.—

(1) TRANSITIONAL PROVISION.—Until the date that is 3 years after the date of enactment of this Act, a State shall be eligible to receive moneys under this Act, a State shall be eligible to receive moneys under this Act only if such State's application proposes to use the moneys as provided in subsection (d).

(2) Permanent provision.—On and after the date that is 3 years after the date of enactment of this Act, a State shall be eligible to receive moneys under this Act only if—

(A) the State has established a State Recreational Trails Advisory Board on which both motorized and nonmotorized recreational trail users are represented;

(B) in the case of a State that imposes a tax on nonhighway recreational fuel, the State by law reserves the revenues from that tax for use in providing for and maintaining recreational trails;

(C) the Governor of the State has designated the State official who will be responsible for administering moneys received under this Act; and

(D) the State's application proposes to use moneys received under this Act as provided in subsection (d).

(c) Allocation of Moneys in the Fund.—

(1) Administrative costs.—No more than 3 percent of the expenditures made annually from the Fund may be used to pay the cost to the Secretary for—

(A) approving applications of States for moneys under this Act;

(B) paying expenses of the National Recreational Trails Advisory Committee; and

(C) conducting national surveys of nonhighway recreational fuel consumption by State, for use in making determinations and estimations pursuant to this Act.

(2) Allocations to states.—

(A) Amount.—Amounts in the Fund remaining after payment of the administrative costs described in paragraph (1), shall be allocated and paid to the States annually in the following proportions:

(i) Equal amounts.—50 percent of such amounts shall be allocated equally among eligible States.

(ii) Amounts proportionate to nonhighway recreational fuel use.—50 percent of such amounts shall be allocated among eligible States in proportion to the amount of nonhighway recreational fuel use during the preceding year in each such State, respectively.

(B) Use of data.—In determining amounts of nonhighway recreational fuel use for the purposes of subparagraph (A)(ii), the Secretary may consider data on off—highway vehicle registrations in each State.

(d) Use of Allocated Moneys.—

(1) Permissible uses.—A State may use moneys received under this Act for—

(A) maintenance of existing recreational trails, including the grooming and maintenance of trails across snow;

(B) restoration of areas damaged by usage of recreational trails and back country terrain;

(C) construction of new trails where a recreational need for such construction is shown;

(D) acquisition of easements;

(E) acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;

(F) development of trail-side and trail-head facilities that meet goals identified by the National Recreational Trails Advisory Committee;

(G) in an amount not exceeding 5 percent of the amount of moneys received by the State, operation of environmental protection and safety education programs relating to the use of recreational trails;

(H) development of urban trail linkages near homes and workplaces; and

(I) in an amount not exceeding 7 percent of the amount of moneys received by the State, administrative costs of the State.

(2) Use not permitted.—A State may not use moneys received under this Act for condemnation of any kind of interest in property.

(3) Grants.—

(A) In general.—A State may provide moneys received under this Act as grants to private individuals, organizations, city and county governments, and other government entities as approved by the State's Recreational Trail Advisory Board, for uses consistent with this section.

(B) Compliance.—A State that issues grants under subparagraph (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant moneys.

(4) Balance of motorized and nonmotorized benefits.—Not less than 30 percent of the moneys received annually by a State under this Act shall be expended for benefits directed to motorized recreation, and not less than 30 percent of those moneys shall be expended for benefits directed to nonmotorized recreation.

(5) Diversified trail use.—

(A) Requirement.—To the extent practicable and consistent with other requirements of this section, a State shall expend not less than 40 percent of moneys received under this Act in a manner that gives preference to project proposals—

(i) which provide for the greatest number of recreational purposes including, but not limited to, those directed under the definition of "recreational trail" in subsection (f)(5); and

(ii) which provide for innovative recreational trail corridor sharing to accommodate motorized and nonmotorized recreational trail use.

(B) Compliance.—The determination as to whether a project or grant meets the requirements of subparagraph (A) shall be made by the State Recreational Trail Advisory Board.

(6) Return of moneys not expended.—Moneys paid to a State that are not expended or dedicated to a specific project within 2 years after receipt for the purposes stated in this subsection shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (c).

(e) Coordination of Activities.—

(1) Cooperation by federal agencies.—Each agency of the United States Government that manages land on which a State proposes to construct or maintain a recreational trail pursuant to this Act is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (d). Nothing in this Act diminishes or in any way alters the land management responsibilities, plans, and policies established by such agencies pursuant to other applicable laws.

(2) Cooperation by private persons.—

(A) Written assurances.—As a condition to making available moneys for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

(B) Public Access.—Any use of a State's allocated moneys on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those moneys.

(f) Definitions.—For the purposes of this section—

(1) Eligible state.—The term "eligible State" means a State that meets the requirements stated in subsection (b).

(2) Fund.—The term "Fund" means the National Recreational Trails Fund established by section 9511 of the Internal Revenue Code of 1986.

(3) Nonhighway recreational fuel.—The term "nonhighway recreational fuel" has the meaning stated in section 9503(c)(6)(C)(ii) of the Internal Revenue Code of 1986.

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

(5) Recreational trail.—The term "recreational trail" means a thoroughfare or track across land or snow used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, surface water and underwater activities, and vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a "National Recreation Trail" designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

SEC. 5. NATIONAL RECREATION TRAILS ADVISORY COMMITTEE.

(a) Establishment.—There is established the National Recreation Trails Advisory Committee.

(b) Members.—There shall be 9 members of the advisory committee, 8 appointed by the Secretary from nominations submitted by recreational trail user orgnizations, one each representing the following recreational trail uses:

(1) Hiking.
(2) Cross-country skiiing.
(3) Off-highway motorcycling.
(4) Snowmobiling.
(5) Horseback riding.
(6) All terrain vehicle riding.
(7) Bicycling.
(8) Four-wheel driving.

In addition, the Secretary or an appropriate government official designated by the Secretary shall be a member of the advisory committee.

(c) Chairman.—The chairman of the advisory committee shall be the government official referenced in subsection (b), who shall serve as a nonvoting member.

(d) Terms.—Members of the advisory committee appointed by the Secretary shall be appointed for terms of 3 years; except that the members filling 4 of the 8 positions shall be initially appointed for terms of 2 years, with subsequent appointments to those positions extending for terms of 3 years.

(e) Duties.—The advisory committee shall meet at least twice annually to—

(1) review utilization of moneys allocated to States under this Act;

(2) establish and review criteria for trail-side and trail-head facilities that qualify for funding under this Act; and

(3) make recommendations to the Secretary for changes in Federal policy to advance the purpose of this Act.

(f) Annual Report.—The advisory committee shall present to the Secretary an annual report on its activities.

(g) Reimbursement for Expenses.—Members of the advisory committee appointed by the Secretary shall serve without pay, but, to the extent funds are available pursuant to section 4(c)(1)(C), shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

CONCERN FOR BALTIC SITUATION

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. PURSELL. Mr. Speaker, I want to share with my colleagues a resolution passed by the Michigan Republicans at the State Republican Convention in Grand Rapids, MI, on February 16, 1991. This resolution declares the Michigan Republicans' deep concern about the situation in the Baltic States.

For the first time in 8 years a suspension of rules was successfully passed by two-thirds of those present at the convention. The resolution, requested by Eleanora Grigaitis, voices the support of the Michigan Republicans for the independence of the Baltic States, in addition to calling on Congress to acknowledge and reaffirm recognition of Estonia, Latvia, and Lithuania as sovereign nations.

After arguments for each side were given, the resolution passed overwhelmingly: 1,426 yes; 82 no; 8 abstentions. The Michigan Republicans share a great apprehension concerning the freedom movements taking place in the Baltic States.

I, along with the Michigan Republicans, hope that this situation will soon be behind us, and that the people of the Baltic States will soon be enjoying their freedom.

Mr. Speaker, for the benefit of my colleagues and dear friends here in the Congress, I ask that the Michigan Republican Baltic resolution be made part of this RECORD:

Resolved that Michigan shall support diplomatic initiatives and efforts in Congress to acknowledge and reaffirm recognition of Estonia, Latvia and Lithuania as independent, sovereign nations.

Arguments in favor:

On January 14, 1991 the Soviet Union massacred unarmed civilians in Lithuania, threatening to take similar action in Latvia and Estonia. Nevertheless, with 84 percent participation in the referendum of February 9, 1991, 90 percent of Lithuanian voters courageously declared that Lithuania should be a "sovereign, democratic republic".

The U.S. government recognized the independent governments of Lithuania, Latvia and Estonia in 1922 and has never recognized the incorporation of the Baltic Republics into the Soviet Union.

Michigan Republicans should lend support to the efforts of many Congressional leaders who are calling for economic and diplomatic pressures to get Soviet troops out of the Baltic States; i.e. suspension of favorable trade assistance, agricultural subsidies, ceremonial meetings.

In this time of crisis, Republicans must stand by their commitment to the National Platform of 1988 which reads:

"We support the desire for freedom and self-determination of all those living in captive nations. . . . We support the desire of Estonians, Latvians and Lithuanians, Ukrainians, peoples of the Caucuses, and other people held captive in the Soviet Union."

Arguments against:

We are currently allied with the Soviets in the Gulf War.

We want to support Gorbachev in his efforts.

Supporting the Baltic States could cause instability in that region.

AN ENERGY STRATEGY WITHOUT TAXES IS POLITICAL HYPOCRISY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. STARK. Mr. Speaker, the West Germans have announced a serious, realistic plan to deal with paying for the gulf war, a plan that includes a steep hike in gasoline taxes. The West German Government plans to raise gasoline prices by the equivalant of 67 cents a gallon. This would bring their price per gallon to nearly $4. Our gas prices hover around a $1.10.

The West Germans have recognized a reality that we refuse to face. We must raise energy taxes. We must raise energy taxes to improve energy efficiency, increase America's industrial competitiveness, address the budget deficit, and deal with global warming. I have introduced legislation which would impose a tax on the carbon content of fuels. A tax on carbon emissions helps deal with each of these problems.

Robert Samuelson, the noted economist, provided in today's Washington Post an excellent summary of why we need energy taxes. Any energy policy that is not based on energy taxes is political hypocrisy. I would like to include Mr. Samuelson's article in the RECORD:

JUST TINKERING WITH ENERGY—BUSH'S PLAN AVOIDS THE TOUGH STEPS

(By Robert J. Samuelson)

President Bush's "national energy strategy," unveiled last week, is predictably disappointing. Conspicuously missing is an energy tax, which would force Americans to invest more in energy efficiency. Sadly, the omission was virtually preordained. Everyone wants more conservation, a cleaner environment and lower oil imports. But most Americans don't think they should suffer the least inconvenience in the pursuit of these goals—and politicians, despite the object lesson of the Gulf war, won't tell them otherwise.

It's an impossible combination. You can't easily promote conservation without an energy tax. By themselves, market prices are too erratic to provide reliable signals about whether it pays to invest in more fuel-efficient cars or lower-wattage light bulbs. In 1980, "real" oil prices (in constant 1990 dollars) averaged $43 a barrel. By 1986, they had dropped to $17 a barrel. Last year the monthly averages varied between $15 and $33 a barrel. The fickleness of consumers means, in turn, that companies that want to sell energy efficiency can't build a market.

To be fair, the political hypocrisy on this matter is bipartisan. Sen. Timothy Wirth of Colorado typifies Democrats who last week criticized the White House plan for not sufficiently emphasizing conservation. But Wirth's own energy plan also avoids a tax. Given this consensus, what we can expect is an energy debate in which environmentalists and energy producers peddle equally misleading solutions.

Producers think energy should be like popcorn: You should buy as much as you want and can afford. Trust the market. To them, energy policy means removing regulations that limit production. Environmentalists regard energy consumption as a sin that can be curbed—painlessly to most of us—by regulations. Their current pet scheme would raise fuel-mileage standards for new cars from today's 27.5 miles per gallon to about 40 mpg by 2001. There's always a technological fix if only government would order industry to make it.

Interestingly, the Bush plan includes both approaches. It would expand energy supplies by authorizing oil production in the Arctic National Wildlife Refuge. It would also seek to revive nuclear power. At the same time, the plan seeks to cut oil use by forcing—mainly through regulation—the auto industry to make millions of cars that burn "alternative fuels" (such as methanol) in addition to gasoline. By 2005, the plan envisions 80 million dual-use vehicles on the road.

That's ambitious but is it feasible? Methanol may cost 22 to 43 percent more than gasoline, estimate economists Margaret Walls and Alan Krupnick of Resources for the Future, a research group here. Most people won't buy "alternative fuels" unless gasoline prices rise enough to close the gap. Conveniently, the Bush plan assumes that this will happen.

In general, using regulations to shape energy consumption is tougher than it looks. Consider car-mileage standards. To reach 40 mpg, auto companies would probably shift to smaller cars. Americans who want bigger cars would keep the ones they have longer. If fuel prices stay low, people will drive more. This would cut fuel savings. And mileage standards don't affect the half of oil that doesn't go into vehicles.

What's wrong with an energy policy that simply relies on the market is that energy isn't like popcorn. Using energy involves potential costs for society that aren't fully reflected in market prices. The most obvious costs are environmental (air pollution and the possible impact of the greenhouse effect) and economic (losses from foreign supply disruptions). Just because the dangers aren't precise doesn't mean they should be ignored. A good energy policy is like a good army: It should protect us against plausible harm, not merely certain calamity.

There is also another problem. In a normal market, when people want more of something, producers can readily supply it. Not in energy. We limit offshore drilling, don't automatically approve new electricity plants and reject new nuclear power. You may or may not support these restrictions. Some may be modified. But they won't vanish. If demand grows freely and supply doesn't, the system ultimately chokes. Either imports rise or scarcities occur. We've experienced the first, and scarcities—especially of electricity—could emerge in the 1990s.

By dampening demand, an energy tax would bridge the contradiction between energy as a private good (individuals want big supplies, low prices) and as a public good (using too much creates problems for society). There's ample conservation potential. Electricity demand could be cut at least 24 percent by using the most efficient products available, estimates the Electric Power Research Institute, an arm of the utility industry. Significantly, the cost of these savings is less than the cost of new power plants to supply the same electricity.

To work, an energy tax would have to be stiff—at least 20 to 30 percent. But it need not be a monster. It could be phased in over a few years. The tax burden need not rise, because the energy tax could be rebated by lowering other taxes. It would spur the market for energy efficiency, while giving consumers and businesses flexibility. It's the core of an effective energy policy. Until we get it, everything else is tinkering.

DEMOCRACY UNDER SEIGE

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. DURBIN. Mr. Speaker, last week I joined a congressional delegation led by Representative STENY HOYER, chairman of the Commission on Security and Cooperation in Europe, which visited Latvia, Lithuania, and Estonia to demonstrate support for the democratic aspirations of the Baltic peoples. Our visit is the first by a delegation of Members of the U.S. Congress to the Baltic States since the bloodshed in Lithuania and Latvia in January. We discussed the recent tragic and brutal crackdown by Soviet military forces with the Presidents of all three Baltic States. We relayed our strong belief that such actions constitute a serious and flagrant violation of the Helsinki Final Act as well as of the spirit and objectives of the recently adopted Paris Charter. In addition to meetings with the presidents we also met with heads of government and other high-ranking officials, parliamentary representatives, and spokesmen of parliamentary opposition, and national minority groups.

We went on to Moscow to hold talks with RSFSR Supreme Soviet Chairman Boris Yeltsin regarding the current situation in the Soviet Union and means of promoting democratization in Russia.

Mr. Speaker, while in Riga Mr. HOYER was invited to address the elected representatives of the people of Latvia. This was the first truly competitive and freely chosen parliamentary body in Latvia since 1940. My colleague, Mr. HOYER echoed the sentiment of the bipartisan delegation, and spoke of the new world order as being reflected in the democratic forces at work in the very room in which he spoke—the newly restructured Latvian Supreme Soviet. Such an order demands our attention and commands our solidarity.

Mr. Speaker, I insert Mr. HOYER's address in the RECORD and commend it to my colleagues.

ADDRESS BY REPRESENTATIVE STENY H. HOYER

President Gorbunovs, ladies and gentlemen, fellow parliamentarians. On behalf of all the members of my delegation, which represents both major parties and speaks for a broad spectrum of America, let me say how pleased we are to be here today and how sad we are to grieve with you the loss of your fallen patriots. We thank you for your kind invitation to come to Riga and to meet with elected representatives of the people of Latvia.

All of you became members of Parliament in the first election in Latvia since 1940 whose process was not controlled by one political party and whose outcome was not decided in advance. We salute and congratulate you. You are the living embodiments of the democratic spirit, all the more praise-worthy for persevering in uncharted waters and remaining hopeful and optimistic throughout.

This is my first trip to the Baltic States. In fact, most of the members of Congress you see have not been here before. Nevertheless, this is by no means just a "get acquainted" meeting. The U.S. Congress has had a long-standing interest in the Baltic States. This is particularly true of the Helsinki Commission, which is a unique, bipartisan body in the United States. It combines legislative and executive branch representation and is mandated by law to monitor implementation of the Helsinki Final Act by all of its signatories, including the United States. The Helsinki Commission has a tradition of close ties with Baltic political activists, many of whom have met with Commission Members in Washington, New York and at CSCE conferences in Europe.

Our presence here signals our commitment to your cause. As Americans we are very concerned about the war in the Middle East and the danger faced by our people in the Gulf. But we are deeply concerned about the unmistakable shift in Moscow's policies which has led to tragic consequences in Latvia and Lithuania. This shift has deeply troubling ramifications for U.S.-Soviet relations and hopes of creating a much longed-for "new world order." If the old world order was symbolized by the grim barrier enclosing Berlin, the new world order is reflected in the democratic forces at work in this room. For in this new world order we are talking about the basic rights and responsibilities of peoples and nations towards each other.

Our primary purpose in coming here is to gather information, to offer support for your magnificent and courageous strides towards democracy and freedom, and to demonstrate our solidarity with your goals. In our talks with you and with your counterparts in Lithuania and Estonia in the next two days we will learn—and we know we will be inspired.

Your labors both reflect Helsinki ideals and nourish and nurture their spirit—a spirit that brought political prisoners into political office and into dialogue with their former jailers. It is our belief that the Helsinki process—which for years grouped around the table contending blocs in difficult and even bitter negotiation—can provide the framework in which neighbors may sit with neighbors to address the sometimes conflicting needs of minority and majority populations.

For those of us who have long been active in the Helsinki process, the values enshrined in the Final Act and subsequent CSCE documents supply the guiding principles for international relations and the relationship between states and their citizens. These values include a firm commitment to human rights and to the right of peoples to self-determination. The Helsinki Commission welcomes the stated willingness of Latvia, Lithuania and Estonia to adhere to CSCE principles and has urged that they be granted observer status in the CSCE.

As you know, after concluding our visit to the Baltic States, we will meet with Boris Yeltsin in Moscow to gain his perspective on the Baltic situation and on prospects for promoting democratization in Russia and the U.S.S.R. I am sure you would agree that without democracy in Russia, democracy and freedom elsewhere are threatened.

We have been following the course of negotiations between the Baltic States and the Russian Republic and we consider it a hopeful sign that the Russian Republic appears ready to recognize the sovereignty of Latvia, Lithuania and Estonia. We look forward to establishing contacts with Mr. Yeltsin and to hearing his views on the future of relations between Russia and the Baltic States.

Our delegation has also requested a meeting with President Gorbachev. We hope that a favorable response will soon be forthcoming because we believe it would be extremely important for President Gorbachev and other political forces in Moscow to see that the U.S. Congress supports his efforts at democratization. But we are deeply concerned by his recent turn from his stated objective of a society under the rule of law.

We would urge President Gorbachev not to abandon the principles and policies that have earned him a role in history. Let me quote from his extraordinary address to the United Nations on December 7, 1988 in New York.

"It is also quite clear to us that the principle of freedom of choice is mandatory. Its non-recognition is fraught with extremely grave consequences for world peace. Denying that right to peoples, under whatever pretext or rhetorical guise, jeopardizes even the fragile balance that has been attained. Freedom of choice is a universal principle that should allow of no exceptions.

It was not simply out of good intentions that we came to the conclusion that that principle was absolute. We were driven to it by an unbiased analysis of the objective trends of today."

We hope that President Gorbachev's appointment of new negotiating teams to the Baltic States indicates a readiness to return to political means of resolving political problems. It would be a tragedy for everyone if he turned his back on his own legacy. Let us recognize anew that it is better to avert wrongs than to atone for them; it is wiser to keep friends than to lose them. And we hope to convey that message to President Gorbachev in person.

In conclusion, ladies and gentlemen, we come to the Baltic States with full hearts and open minds. We mourn the innocent victims of January and we pray that our efforts to foster democracy, human rights and the self-determination of peoples will honor their memory. And we appreciate the opportunity to honor you—their representatives, and our colleagues.

"Visu labāko Jums, un novēlu Jums Dieva svētību." ("All the best to you, and may God bless you.")

LEGISLATION INTRODUCED TO PROVIDE TAX RELIEF FOR PEOPLE WHOSE FUNDS ARE TIED UP IN CLOSED FINANCIAL INSTITUTIONS

HON. JOHN F. REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. REED. Mr. Speaker, I am introducing legislation today that would provide tax relief for people whose funds are tied up in closed financial institutions.

Mr. Speaker, we need this legislation in Rhode Island and I believe we owe it to the thousands of people whose dreams are on hold until this crisis is resolved.

In my home state of Rhode Island, the collapse of the State's private insurance fund forced the Governor to close credit unions and banks on January 1 and unfortunately a number of the credit unions have yet to reopen.

What this means to people around the country are dramatic news stories about the deepening recession and credit crunch in New England. What this means to thousands of people in Rhode Island is a struggle to survive in a State suffering from the same recession that has so severely hurt the entire region. Some people whose funds are blocked are serving their country in the Persian Gulf. Others have lost their jobs and can't access the savings they thought would see them through this time.

Thousands of working people who have been saving for years to make their own dreams come true are now putting those dreams on hold as they struggle to rebuild their lives—and new bank accounts.

There is no one in the State who has not been touched by this crisis. I hear every day from friends and family members whose money is tied up in closed accounts and my office receives new calls each day from people who are being affected by this drastic crisis.

Last week I joined the other members of the delegation in introducing legislation that would help States in the same situation as Rhode Island by providing emergency loans or allowing the State to issue tax exempt bonds. Representative MACHTLEY and I have also introduced legislation to make Rhode Island small businesses hurt by this crisis eligible for disaster loans from the Small Business Administration.

Today I am introducing a fourth piece of legislation that will help individuals directly affected by this crisis.

If your taxes are withheld from your salary, you don't owe money at the end of the year. But many people who estimate their tax payment or owe taxes beyond the amount withheld from their pay put money aside all during the year to pay taxes in April. And now that money is not available.

The legislation I am introducing extends tax relief to people based on the amount of taxes they owe and the amount of money tied up in a closed financial institution. No one can defer payment of more money than is in a closed account. This measure won't allow anyone to get away with anything, but it will provide justice to people who, through no fault of their own, don't have the money they need to pay taxes due.

These provisions are identical to legislation introduced in the Senate by Rhode Island's Senators JOHN CHAFEE and CLAIBORNE PELL. However, the legislation I am introducing today also includes two provisions drafted in response to calls we received from a group of constituents who have encountered specific tax problems.

When you sell your house the Internal Revenue Service Code allows you to take up to 2 years to buy a new house or otherwise reinvest your profits. At the end of that time, if you have not reinvested the money, you are assessed taxes on the capital gain you made when you sold the house.

Now just imagine that you sold your house in Rhode Island in 1989 and then you were looking for a house to buy. Maybe it took you awhile—you were looking for just the right house at a good price, interest rates were high and you were waiting for them to come down. There are many reasons why you might not have bought the house right away. And besides, you had 2 years according to the IRS rules.

Fast forward to 1991. You're ready to buy and then the credit union where you put the money closes as part of a bank holiday. You may not even have been all that worried at first but then your credit union doesn't get Federal insurance and can't reopen and suddenly the IRS calls and says you owe taxes on that money that's sitting in the closed account. And you can't access that money or the money you need to pay taxes on it.

Thus, in the case that assets have been frozen in a financial institution for more than 5 days, this provision suspends the deadline to reinvest the profits from the sale of a home. The suspension will hold for up to 5 years or until such time as more than 50 percent of the net amount realized from the sale of the home has been released from frozen accounts.

I have constituents who are in this difficult situation and I am introducing this legislation so that no one in Rhode Island or anywhere else in the country will suffer from this type of unwarranted penalty.

The second addition to this legislation will protect seniors over the age of 70 who, under current IRS regulations, are required to withdraw a certain percentage from their IRA account. If that amount is not withdrawn, the money is taxed at a much higher rate. If you're over 70 and you live in Rhode Island, your IRA could be frozen in a closed financial institution. And senior citizens shouldn't be penalized with higher taxes because of something beyond their control.

The situation we face is that IRS regulations that were meant to protect people who sell their home and buy a new one and senior citizens who have saved money in an IRA will not unfairly penalize those same people because of the bank holiday.

I hope that all my colleagues will support this legislation not only because the people of Rhode Island need your help today, but also because others may need this help tomorrow.

WHO WILL STOP THE REIGN?

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. GINGRICH. Mr. Speaker, from the early reports Tuesday from inside Kuwait City, it appears that Saddam Hussein's campaign of lies, torture, terrorism, and fear is crumbling at the hands of the U.S. Armed Forces. Tens of thousands of Iraqi soldiers have surrendered in the last 48 hours, many walking toward enemy tanks and thanking their captors. It appears that the liberation of Kuwait is near completion.

However, as we offer our hopes and prayers for our troops bravely fighting on, let us not forget "The Republic of Fear," as one scholar termed Iraq, that Hussein has established in the Middle East.

We cannot erase the memory of the nightly terrorist attacks Hussein leveled at innocent Israelis. Just as recently as Monday evening, as Pennsylvania reservists were preparing for dinner in Saudi Arabia and Saddam Hussein was claiming that his troops were withdrawing from Kuwait, a Scud missile landed, claiming many American lives. Our intelligence reports now confirm our worst fears: Iraqi forces were armed with chemical weapons to use against American soldiers when the ground battle began. For 41 days, we have been witness to the terror and fear that have plagued Iraq's Middle East neighbors for 10 years.

The Republic of Fear must end with this war. We owe no less to the American soldiers and their families who have witnessed first hand the ruthlessness of Hussein's reign of terror. We owe nothing less to our Israeli allies who have been terrorized by the Iraqis, and indeed, we owe nothing less to the citizens of Kuwait who have seen their country and citizens ravaged by this tyrant.

I would like to share with my colleagues two excellent articles written by Richard Cohen which dramatically illustrate why we entered this battle. Cohen correctly points out that "History teaches so many lessons it seems to speak in double talk." The future is both an enormous challenge and yet an opportunity for us in the Middle East. I am hopeful that we meet this opportunity as bravely and as studiously as our soldiers have done thus far in the war.

STOP SADDAM NOW

(By Richard Cohen)

JERUSALEM.—If the prospect of one's hanging concentrates the mind, then the prospect of a poison gas attack absolutely rivets it. Understandably then, the line at the Jerusalem Rubber Shop stretches into the street. Here Israelis buy plastic sheeting to seal rooms, and here they exchange tips on where tape can be found.

Will Saddam Hussein launch a chemical attack by missile on Israel? The betting here is that he will. He has said as much, apparently has the capability to do so, and it is in his interest to get Israel into the fight and possibly shatter the Arab alliance against him. Like America's southern politicians of yore who were easily intimidated by the single issue of race, moderate Arabs are easily intimidated by the single issue of Israel.

Israel, too, has its traditions. One of them is to look out for itself. Another is to make the Arabs pay doubly any price extracted from Israel. Both traditions are logical, based, Israelis say, on the ways of the Middle East. But yet another tradition is emotional as well: Israel will not countenance the killing of children.

Possibly the Israeli position is just another way of telling Saddam that he is taken seriously here—a warning of sorts. But a warning seems beside the point. The consensus is that Saddam will not budge and that war is inevitable. Indeed, Middle East experts—American as well as Israeli—have concluded that Saddam thinks war is the only way out for him. If he can survive the war, he can emerge as the unchallenged leader of the Arab world—champion of the Palestinians and the only leader in recent memory who stood up to Washington. Victory is defined politically. Ask a Texan about the Alamo.

Unlike the United States, there is very little debate here over whether sanctions could eventually cause Saddam to cry uncle. Middle East experts here, exhibiting more than a little contempt for their American counterparts, consider Saddam as metaphorically menancing as President Bush's description of him: a Hitler. They entertain no doubts that his intention was to take more than just Kuwait: the Gulf states for sure and maybe Saudi Arabia as well. The Iraqi army sent into Kuwait was overqualified for the task, they say—a clear indication that Saddam had something grander in mind.

Moreover, Israeli experts were saying last spring that Iraq was gearing up to make trouble. While they were being assured by Washington that Saddam's threats were just rhetoric (he threatened gas attacks against Israel), they nevertheless took these statements at something like face value: Saddam was up to something, they warned. Now, with windows being sealed and Israeli television showing how to cope with a gas attack, it is small comfort to these experts that they were right.

Otto von Bismarck, the Prussian and, later, German chancellor, once said that "some damned foolish thing in the Balkans" would start World War I. It turned out to be Serbia. Now, something similar has happened. The "damned foolish thing" is Kuwait, a Middle Eastern Serbia.

World War I now comes to mind for another reason. Then as now ultimatums were issued, armies were mobilized, and statesmen, desperately trying to avert war, found themselves hemmed in by the timetables of generals. These soon became controlling, and so each nation went to war before it thought the other was ready. They were all ready.

Something like that seems to be happening now—another deadline, another timetable set by the military, another war that may well convulse and then remake the region and, yes, another war in which "victory" may well turn out to be a prelude to an even worse war. In Israel, for instance, a virtually Balkan mingling of peoples means the situation on the ground could be worse than any in the skies. For both Palestinians and Jews, the coming days may mean even more bloodshed—happy days for the area's abundant crop of zealots.

History teaches so many lessons it seems to speak in double talk. But the sealing of rooms and the storage of food is history itself; a defense against a tryant who has used gas against civilians and might do so again. This in itself speaks volumes about the challenge the West now faces. Oil is a factor, sure, and principle (the rule of law) is yet another, but Saddam is his own lesson. He is a rogue who must be stopped. It is not the Israelis who are convincing about that. It's Saddam Hussein.

FACES OF BAGHDAD

(By Richard Cohen)

She was what you might call a character. She spoke a flamboyant English with a British accent, served tea, offered cookies, felt mildly inconvenienced by the embargo and denounced those who thought war was coming as fools, unschooled in the ways of the Middle East. A solution would be found, a settlement reached. As for her, she was staying right were she lived—in Baghdad.

And so for me the face of the enemy is that woman. It is also an artist I met and a woman whose child, 13 months old, teetered from one near-catastrophe to another—a hot cup of tea, a tray of cookies, a looming coffee table. These people, like the woman with the British accent, thought no war would come. For many reasons, not the least of them being the conviction that their tyrant, Saddam Hussein, was no different than the other tyrants of the region. War would be avoided. It made no sense.

War seldom does. But the reasons for this one are as compelling as any short of immediate self-defense. I say that as someone who initially supported the slow working of the sanctions but whose mind was changed when I spotted a brimming fruit market in Baghdad. I say that as someone who thinks a true victory may well be impossible.

But having been in Baghdad just a week ago, I think of more than the people I met—people not much different from you and me—or even those I did not but can well imagine: for example, soldiers who are our enemy because they have no choice but to wear a uniform. I think also of Saddam Hussein, whose posters, pictures, monuments and statues were everywhere. The presence of the man, never seen but always felt, suffused Baghdad.

In flights of rhetoric, President Bush compared Saddam to Hitler. In one sense, the comparison was ridiculous. Iraq is not Nazi Germany, but that's merely because it can't be. It's a third World country in the Middle East, not a historic power in the heart of Europe. But in other relevant respects, Bush was right on the mark. Iraq is a police state—"The Republic of Fear," one scholar has called it. Moreover, Saddam—like Hitler or, for that matter, Stalin—is a thug.

In whatever manner American policy was implemented—ineptly before the Aug. 2 invasion of Kuwait but steadier afterward—it was nevertheless morally correct. In his 11 years in power, Saddam has made war against Iran and invaded Kuwait. He has ruthlessly dealt with his opponents. The army he assembled for the invasion of Kuwait might well have proceded farther had the United States not intervened. He used poison gas—as the phrase goes—"against his own people." From an Iraqi perspective, the Kurds are not their people, but they are people in Iraq nonetheless. Saddam made a swipe at genocide.

The linkage Saddam concocted under pressure is real enough. The Palestinian question must be settled. It is true also that incredibly rich states of the Middle East must share more of their wealth. Iraq is right, too, when it insists that the oil market, upon which Iraq depends, must be stabilized. These are genuine issues.

I came back to the United States to hear people criticize the president. Yes, his execution has not been tauntless. He should not have called Saddam names, thereby possibly making it impossible for the prideful Iraqi leader to reach a compromise. He should not have said the United States would meet with Iraq at any time and then have rejected the dates proposed, preposterous as they were. Maybe history will fault Bush. But my impression is that nothing would have worked. Saddam was never going to back down.

The residual Vietnam dove in me has had a hard time with this war. The faces of Baghdad, the people I met there, are still fresh in my mind. But so too are those of the former hostages, the Iraqis who died under torture, the bloated bodies of the dead Kurds, the people of Tel Aviv who were attacked by Iraqi missiles last night, and now, the Americans who die in combat. Maybe there is no such thing as a good war, but this one, given Saddam's nature, comes close.

AFRICAN-AMERICAN HISTORY AND CULTURE MEMORIAL

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. MFUME. Mr. Speaker, today I am introducing House Joint Resolution 155, a joint resolution authorizing the Association for African-American National Monument to Promote History and Culture, Inc. [AANMPHC] to establish a memorial in the District of Columbia or its environs to honor the history and culture of African-Americans.

My bill authorizes the AANMPHC to establish a memorial in the District of Columbia and/or its environs. The memorial shall be established in accordance with the "standards for placement of a commemorative work on certain lands in the District of Columbia." The AANMPHC will be solely responsible for raising and accepting all contributions of the expenses to establish the memorial. My bill specifically states that "No Federal funds may be used to pay any expense of the establishment of the memorial."

Mr. Speaker, my bill is intended to serve as the vehicle for a national African-American monument. Throughout the United States there are thousands of memorials and other artistic works recognizing the accomplishments of individual Americans of African ancestry. While I am very appreciative that these persons have been honored by millions of Americans, the contributions of the African-American community as a whole have yet to be memorialized.

Our Nation's Capitol is culturally diverse and has many monuments, bridges, museums and other structures commemorating the great men and women who strove to weave the true ideals of democracy and liberty into America's sociocultural fabric. For over 500 years, people of African descent have often put family, life and property on the line to defend their constitutionally mandated rights.

Mr. Speaker, the erection of an African-American monument could serve many purposes for not only the African-American community, but also for all America. A national monument will evoke a sense of pride and accomplishment for African-Americans young and old. With the advent of a monument, it will be much easier to carry black history month from February through January. By recognizing the tremendous service and sacrifice provided this Nation by African-Americans, many young people will be able to identify with their history and culture and be further encouraged to investigate their heritage and learn about from whence they derived.

For Americans, such a memorial will go a long way to promote understanding between African-Americans and other communities. Mr. Speaker, I am a firm believer that cultural education can bridge gaps and act as a healing balm among human beings. The establishment of this monument will let the world know of the important developments of this Nation and the role African-Americans played in nurturing politics/government, music, theater, business, science, exploration, and a whole plethora of areas.

Edward W. Blyden wrote in 1880, "He who writes the history of modern civilization will be culpably negligent if he omits to observe and to describe the black stream * * * which has poured into humanity from the heart of the Sudan." This sentiment not only captures the true spirit of Black History Month, but it also highlights my reasoning for working with the AANMPHC to develop legislation to establish an African-American monument.

In closing, I encourage all of my colleagues to support this bill, and hope that the appropriate committees will give this bill due and prompt consideration.

NO NEED TO EASE RESTRICTIONS ON LONGER COMBINATION VEHICLES

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. FAWELL. Mr. Speaker, I would like to bring to your attention a resolution adopted by the County Board of DuPage County, IL, on February 12, 1991, regarding a proposal pending in the Illinois House of Representatives to increase the current weight limit on trucks and allow longer combination vehicles [LCV's] for freight transport.

Elimination of the 80,000 pound limit on truck weight and current restrictions on LCV's would have a number of deleterious effects on our National Highway System, at a time when we must use our resources to solve the important issue of suburban congestion. The DuPage County Board resolution succinctly outlines the safety issues, traffic problems, and overall stress on highway infrastructure caused by the allowance of larger, heavier vehicles on the road. I share the board's views on this issue, and I commend the resolution to the attention of my colleagues:

RESOLUTION

Whereas, last year in the United States 100,000 people were injured and 4,500 killed in traffic accidents involving trucks; and

Whereas, car passengers are 32 times more likely to die in a car-truck collision than the driver of the truck; and

Whereas, 76% of the trucks in truck-related accidents had broken, substandard or defective parts, and 41% of them were so poorly maintained they were immediately ordered out of service; and

Whereas, longer combination vehicles, such as the "Turnpike Double" (one truck carrying two 48 foot trailers) measuring more than one-third the length of a football field and weighing as much as 134,000 pounds have an accident rate as much as 2-3 times that of standard trucks; and

Whereas, the violent whip-like action which occurs when trucks rapidly change lanes is 3½ times stronger in triple trailer trucks; and

Whereas, highway traffic safety and the prevention of accidents is of the utmost concern to all of us using the Illinois Interstate Highway and Tollway System; and

Whereas, a single truck carrying the maximum legal load causes 9,600 times as much damage to Illinois Highways as a car; and

Whereas, if heavier trucks are allowed, the public cost of necessary upgrades to bridges will exceed $4 billion nationwide; and

Whereas, Illinois Law currently prohibits the vehicle combinations known as the "Turnpike Double" and "Triple" from operating on Illinois Highways; Now, therefore, be it

Resolved, That the County Board of DuPage County hereby expresses its opposition to Illinois House Bill 3618, which would permit any number of 28-foot trailers to be towed by a single tractor; and be it further

Resolved, That the County Board of DuPage County further expresses its opposition to any legislation, whether State or Federal, which permits or mandates that larger and/or heavier combination vehicles be allowed to use Illinois Highways; and be it further

Resolved, That copies of this Resolution be sent to Governor Jim Edgar, Senators Alan Dixon and Paul Simon, Samuel Skinner, U.S. Department of Transportation, Michael Lane, Illinois Department of Transportation, the Illinois Delegation to the U.S. House of Representatives, all State Legislators, DuPage Mayors & Managers Conference through the Division of Transportation, and copies to the Auditor, Treasurer, Finance Department, State's Attorney's Office, Attn: Anna Harkins, County Board, and the Division of Transportation.

TRIBUTE TO THE LATE JACK COOPERSMITH

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. ACKERMAN. Mr. Speaker, I rise today with the sad task of informing the House that America has lost one of its best. Jack Coopersmith, businessman, philanthropist, and an exceptional gentleman, passed away on Tuesday after a long bout with cancer.

I first met Jack 8 years ago through his son, Jeffrey, who worked for me at the time as a young and eager legislative assistant. It was perhaps through Jeffrey and his brothers and sister that I recognized Jack Coopersmith's finest attributes. He passed onto his children his burning desire to improve the world, to give more than you take, and never to tread on the easy path.

Jack was a gentleman of much good humor, who delighted in the simple pleasures. He could afford to eat in the finest restaurants in the world, yet his eyes lit up at a well-stuffed corned beef sandwich. I remember, too, how delighted he was a few years ago when I gave him a neighborhood tour of New York City and how interested he was to learn about the various religious and ethnic communities. Well into his 70's at the time, he exhibited a thirst for knowledge that was both profound and innocent.

Mr. Speaker, my heart goes out at this sad time to Jack's loving wife, Esther, and his dear and devoted children, Jeffrey, Connie, Jonathan, and Ronald, all of whom it is my great pleasure to know, and to his brothers Joseph and David and his sister Hilda.

Mr. Speaker, I would like to enclose for the RECORD a copy of Jack's obituary that appeared today in the Washington Post. The obituary is brief, but no article, no matter how long, could begin to capture the essence of Jack Coopersmith.

JACK COOPERSMITH, REAL ESTATE DEVELOPER

Jack Coopersmith, 80, a real estate developer who specialized in service station properties, died of cancer Feb. 26 at Sibley Memorial Hospital.

Mr. Coopersmith, who lived in Potomac, was born in Washington. He graduated from McKinley Technical High School and the Columbus University School of Law, which is now part of Catholic University.

During World War II, he served in the Army in North Africa and Europe, and he was awarded the Purple Heart for wounds received in action.

Mr. Coopersmith began his real estate career after the war. He worked briefly for Shannon & Luchs and then began his own business. He developed gas stations, many of which he owned. He never retired.

He was a member of the Adas Israel Congregation, the Samuel Gompers Masonic Lodge and the Almas Temple of the Shrine.

Survivors include his wife, Esther L. Coopersmith, whom he married in 1954, of Potomac; four children, Jonathan C. Coopersmith of College Station, Tex., Constance R. Coopersmith of Miami Beach, Fla., Jeffrey H. Coopersmith of Seattle, Wash., and Ronald S. Coopersmith of Potomac; two brothers, Joseph and David Coopersmith, both of Silver Spring, and one sister, Hilda Coopersmith of Carmel, Calif.

ADDICTED TO OIL, FOREVERMORE

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. STUDDS. Mr. Speaker, because New Englanders rely on oil more than any other region—and consequently pay more for energy—we are acutely aware of the need for an energy strategy that will sharply reduce the American addiction to petroleum—both imported and domestic. The administration's so-called "national energy strategy" released last week will not accomplish this goal. The weaknesses of the strategy are well delineated by the Cape Cod Times in today's edition. I commend this editorial to the attention of my colleagues:

ENERGY'S STATUS QUO

Given that the Gulf War is to a great extent about Western dependence on Mideast oil, President Bush's version of a domestic energy policy comes as a great disappointment.

According to most of what the president has had to say on the subject, that policy boils down to providing more oil. The alternative—developing and improving additional energy resources—seems to have been rejected.

Mr. Bush's administration has had 18 months to produce an energy policy, six months of which have an oil war written all over them. Yet the energy proposal Mr. Bush sent to Congress this month seems oblivious to the fact that half a million Americans and their allies are under fire in Saudi Arabia, Kuwait and now in Iraq itself.

One of the most controversial elements of the administration's energy program is the decision to open the coastal section of the Alaska National Wildlife Refuge to drilling. The furor over the grounding of the Exxon Valdez in Prince William Sound in 1989 closed that option—but only temporarily, as it turns out. Now the ANWR is back on the table. The reserve would provide a relatively limited amount of new domestic petroleum, while posing an environmental threat to a particularly sensitive area of Alaska's North Slope.

The president's energy policy also would streamline licensing procedures for nuclear power plants, making construction and operation easier. Nuclear power is promoted as oil-independent, which it certainly is. But what has yet to be resolved, and may never be, is how to safely dispose of over-age nuclear plants and their tons of spent but highly radioactive fuel rods once the plants' lifespan of some 40 years expires.

Furthermore, the once-enticing prospect of cheap nuclear-generated electricity quickly proved illusory. These plants require constant maintenance. That means expense-consuming downtime, as any student of the trouble-plagued Pilgrim nuclear plant can attest.

There are, to be sure, conservation measures in the president's energy policy, including a requirement that 10 percent of all private motor vehicle fleets—urban transit buses, for example—operate on cleaner alternative fuels such as methane, natural gas and gasohol by the year 1995. But this is not a White House initiative; the requirement is set forth in the 1990 Clean Air Act.

What's more, Bush's advisers rejected two proposals that should be included in any visionary energy policy—revival of the Carter-era tax credits for power generated by renewable resources such as solar energy and wind power, and funding for energy conservation by the Federal Government itself.

The president's advisers resisted, with Mr. Bush's approval, the concept of raising the fuel efficiency of cars and trucks to an average of 30 or more miles per gallon. And the president's idea of improved transportation efficiency is to build even more super-highways to accommodate even more cars and trucks, which would consume even more oil. The ideal of building fuel-efficient, high-speed intercity rail transportation has probably been derailed.

Mr. Bush has been cautioned that insisting on a tough national energy policy now could be a blow to his re-election plans. The American people, he was told, by Chief of Staff John Sununu and others, do not want to be forced into smaller, more fuel-efficient cars.

Maybe so, now. But a leader who is as strong an advocate for enlightened domestic energy policy as for hammering together a coalition to do war to protect "our way of life" could help change that attitude.

What it comes down to is domestic leadership. Where is it?

INTRODUCTION CERTAIN NOTICE LEGISLATION

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. GIBBONS. Mr. Speaker, the primary purpose of my bill is to ensure that charitable beneficiaries of charitable remainder trusts created or funded at death are made aware of their financial stake in these trusts through notices provided by executors and other fiduciaries. The bill will not increase taxes on the charitable beneficiaries nor increase, in any significant degree, the cost of administration of a decedent's estate which contains a bequest to a charitable remainder trust. The measure is self-enforcing in that the ultimate penalty for failure to timely comply with the notice requirements falls on the delinquent executor or fiduciary and not on the estate of the decedent, the charitable remainder trust or the charitable beneficiary.

Last year, the Congress adopted these provisions as section 7301 of H.R. 11, which President Bush vetoed. My colleagues and I remain convinced that rules like these requiring disclosure to charities increase accountability for monies destined for charity, help protect the federal subsidy represented by the tax deductions or exemptions at play and will likely prevent charitable remainders trusts from becoming tax avoidance devices.

The reason for the bill is that public charities including Shriners Hospitals for Crippled Children, Independent Sector, Seventh Day Adventists, Audubon Society, and the American Council on Education, have found that only 2 States out of 50 actually require notice to a beneficiary of a testamentary charitable remainder trust of their interest in the estate. Because it is not required by State law or local probate practice, the failure of notice may lead to administrative abuses or losses. A number of significant abuse situations have arisen in recent years to make these institutions seek the remedies prescribed by this bill. Since the charitable remainder beneficiary often has had no notice of its stake in a testamentary estate, it cannot timely demand accountability at the stages of probate administration where it is most likely or expected of nontrust beneficiaries who get notice.

Another problem addressed by the bill is the charity's lack of information of its financial stake in a fully funded, and functioning, charitable remainder trust. Although the common law of trusts recognizes the requirement that a remainder beneficiary be provided financial information from a fiduciary, it is not mandated by any State statute that a fiduciary provide such information to a charitable remainderman and there is no mechanism, short of a lawsuit in State court, to require the information from the trustee. However, charitable remainder trusts are required by Federal law (IRC sec. 6034) and procedures (Revenue Procedure 83–32) to file information returns with the Internal Revenue Service. Giving the charity a copy of all the IRS returns filed by the fiduciary allows the charitable remainderman the opportunity to exercise supervision with respect to property held in trust for its benefit.

The proposed legislation also directs the Internal Revenue Service to create one comprehensive return rather than the three or four which it now requires. Because of the Federal subsidy that arises through the income tax exemption of these trusts, and the deductibility of charitable contributions, there exists a Federal interest in assuring some accountability of trustees with respect to their responsibility, at no cost to the Treasury.

EXPLANATION: NOTICE TO CHARITABLE REMAINDER BENEFICIARIES OF A DECEDENT'S ESTATE DURING PROBATE ADMINISTRATION

The notice requirement applies to all estates claiming a charitable contribution deduction for the actuarial value of property passing to a charitable remainder trust—including transfers to a pooled income fund. The bill requires the executor or other fiduciary, within 60 days after assuming his duties, to notify each remainderman about: First, the existence of the estate; second, the fiduciaries of the estate; third, other charitable beneficiaries; and fourth, approximate value of the remainderman's stake in the trust. The preliminary notice also requires that the executor give the remainderman a copy of the governing instrument.

Next, on or before the due date for the Federal estate tax return, the charitable remainderman is again notified of its interest in the decedent's estate and is provided with a copy of the Federal estate tax return and such other information as may be required by the IRS. This second notice is to provide the remainder beneficiary with up-to-date information on its actual financial stake in the estate and confirms the information sent in the preliminary notice.[1] The second notice reinforces the knowledge that the charitable beneficiary is to have about its stake in the trust.

If the executor or other fiduciary fails to provide either notice, the charitable contribution deduction for the value of the remainder interest is nondeductible. As soon as the proper notices are provided the charitable remainder beneficiaries, the deduction is allowable without prejudice to the estate. Nonetheless, the executor or other fiduciary may be personally liable for a failure to file penalty—at the rate of $50 a day for each day of the failure—but the penalty is not imposed if there was reasonable cause for not providing timely notice. Ignorance of the law is not reasonable cause.

EXPLANATION: NOTICE TO CHARITABLE REMAINDER BENEFICIARY BY DISCLOSURE OF A TRUST'S ANNUAL INFORMATION RETURN

Under existing law, qualified charitable remainder trusts are exempt from Federal income tax and contributions are deductible for Federal income, estate, and gift tax purposes. Federal law requires these trusts to file with IRS annual information or tax returns—IRS forms 1041, 1041A, 4720, and 5227—on their financial condition, and respond to questions dealing with fiduciary administration.[2] There are approximately 36,000 charitable remainder trusts presently filing form 5227 with IRS. IRS has no audit program for these returns. I am advised that of all the returns filed by these trusts from 1986 through 1989, only 17 have been audited. It is estimated by Federal Government sources that these trusts contain assets worth in excess of $2 billion, destined for charitable beneficiaries.

The second part of the bill requires the fiduciary of a qualified charitable remainder trust to file a copy of all its IRS returns with the charitable beneficiary along with such other information required by IRS. The returns must be filed with the charitable beneficiary at the same time that the return is filed with the Internal Revenue Service. If a fiduciary fails to timely or completely file a return with the charitable beneficiary without reasonable cause, it—the fiduciary, not the trust—is liable for a $10 a day penalty for each day in which the failure continues but the penalty may not exceed $5,000 with respect to the failure to file any one return. The penalty provision also authorizes the Secretary to make a written demand on the fiduciary which failed to copy the charity on the return and if the fiduciary again fails to do so, a further penalty may be imposed. If there was reasonable cause for the fiduciary not to timely file a copy of the IRS return with the charity, the penalty is abated.

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[1] The estate's estate tax return is supposedly available from IRS to a "beneficiary under the will" but before it is available, the Secretary must "find" that the beneficiary has a "material" interest in the estate. IRC sec. 6103(e)(1)(E)(ii). This notice provision creates practical problems and delays and doesn't overcome the basic problem that a charity has to know about the estate before it can learn about the value of its property rights.

[2] IRS apparently believes that form 1041 and 1041A are filed pursuant to IRC sec. 6034 and forms 4720 and 5227 pursuant to IRC sec. 6011. A single comprehensive return is authorized by sec. 6034, which is preferable, because such a filing is subject to disclosure under sec. 6104.

PATRIOT MISSILE AND ARTIFICIAL LIMB ARE BOTH COSTS OF WAR

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. MONTGOMERY. Mr. Speaker, developments in the Persian Gulf this week suggest that the war is in its final moments and the men and women serving in our Armed Forces may soon be coming home.

As our soldiers and sailors and airmen and marines return from the Middle East, they have every right to expect from their country appropriate benefits and services to address their concerns and needs.

They have a right to expect information and assistance from counselors to direct them toward needed services.

A combat-disabled veteran has a right to expect that, when he files a claim for compensation benefits or vocational rehabilitation, it will be processed quickly and the benefits will be delivered on a timely basis. They should not have to wait.

Veterans have a right to expect that their claims for benefits to further their education or purchase homes will not be delayed because of lack of staff or inadequate resources.

They have a right to expect our veterans' hospitals to be adequately staffed and capable of delivering quality medical care.

And when the time comes, they have a right to expect that they will not be laid to rest in a poorly maintained cemetery.

As we continue to assemble a package of benefits to meet the needs of these new veterans, as well as the current population, we must keep in mind that these benefits are as much a cost of war as any weaponry or technology.

Testifying before the Joint House and Senate Veterans' Affairs Committees yesterday, the National Commander of Disabled American Veterans, Joseph Andry, very eloquently implored us not to forget the "people" aspect of war and the commitment to the warrior. I have never heard a more poignant statement in this regard and am pleased to share his words with my colleagues:

STATEMENT OF JOSEPH E. ANDRY, NATIONAL COMMANDER, DISABLED AMERICAN VETERANS

Messrs. Chairman and Members of the Veterans Affairs Committees:

On behalf of the over 1.3 million members of the Disabled American Veterans and its Ladies' Auxiliary, may I say that it is indeed an honor and a privilege to appear before you today on behalf of our Nation's wartime disabled, their dependents and survivors.

To those of you who are returning to serve on the Veterans Affairs Committees, and to you who are embarking on such service, we in the DAV wish you "God speed" at the onset of this, the 102nd Congress of the United States of America.

Messrs. Chairmen, I am both proud and humbled to act as a spokesman for veterans at such a time in our Nation's history.

We are presently at war. For the fifth time in some seven decades, America has become engaged in a major conflict and placed her sons and daughters in harm's way on foreign shores.

Wars past and present, have a terrible continuity.

Though the sound and fury of the Argonne during World War I has long since ended, its faint echo was caught up and passed along at Guadalcanal and the Beaches of Normandy; again at Pusan and Pork Chop Hill; and once more during Tet and Khe Sanh. Now, yet again, it crashes and thunders for all to hear in the Persian Gulf.

So too, the human costs of war. The emotional and physical scars of those who served are also passed on from one generation to the next, sometimes fading from public consciousness, only to return and fade again. These too have always been with us.

It is to these human costs and their ensuing obligation on the part of our government that I shall speak to today.

Messrs. Chairmen, I am a Vietnam veteran. That is the context of my experience. And though "my war," if you will, may have been unique in terms of its conduct, outcome and impact upon our society, as a disabled veteran of that war I am no different from, and have shared common experiences with, disabled veterans of prior conflicts.

Whether volunteer or draftee, we found ourselves in uniform and, though we complained and grumbled, we served. In combat, we shared and witnessed both the terrible and the wonderful . . . fear and pain, the death of a friend; and acts of great compassion and love and the making of lasting friendships. And when our wars were over, there was the sheer relief of survival and the joy of returning home.

As veterans, however, our need to depend upon one another did not end with our departure from the battlefield. The memories of what we endured and what we saw, and the needs of our fellow disabled veterans, required our continued association and focus.

As a Vietnam veteran, I returned to a system of benefits and services forged by my predecessors—veterans of World War II, and the Korean conflict, found in service organizations such as the DAV and in public positions of power such as the U.S. Congress.

And in the intervening years since my return, like my predecessors, I have seen our system of benefits both wax and wane, its fortune shift, subject to fading memories, hard economic times and competing interests.

In 1918 I am certain that no returning doughboy could ever have envisioned the realities of the Bonus March and Economy Act of the 1930's. World War II veterans, flushed with victory and public adulation in 1945, could not have imagined the adverse benefit recommendations of the Bradley Commission in the 1950's. My generation, though not regaled with parades and ticker tape, had no idea that it would take twenty years for our service to be placed in a rational perspective.

Messrs. Chairmen, I do not wish these observations to be misconstrued.

America's veterans are proud of their service. The vast majority of us feel that, more than a responsibility, it is a privilege to don our country's uniform. And we are grateful for our system of benefits and the public support upon which it rests and depends.

But as a veterans's advocate, you and I both know our benefit system has been subject to these cyclical changes. And that in the last decade it has undergone a serious decline. And as veterans' advocates, you and I both have a responsibility to speak out and attempt to set things right.

Today, this is absolutely essential—indeed, it is a moral necessity—as the best of our country's young men and women place their lives and well-being on the line in the Persian Gulf.

Do I exaggerate? Is it possible that even as our government sent its youth into battle and assured them of its support, that same government was making decisions to reduce their entitlements should they return wounded and disabled? And that same government now contemplates still other decisions that will undercut its ability to provide care?

Let us look at the budget agreement reached last Fall in the midst of our troop buildup in the Persian Gulf.

Proclaimed as universal belt tightening that would be applied equally to all programs, the VA's portion of this agreement was a $621 million reduction in 1991 existing benefit levels. It will grow to over $3.6 billion during the next five years.

Messrs. Chairmen, no one, least of all we in the DAV and your two Committees, wanted to see this occur. But deficit reduction was upon us, hard choices had to be made and, again, everyone was to bite the same distasteful bullet.

But when the dust cleared, were veterans treated fairly? Were all oxen equally gored? More importantly, did we keep faith with those we were even then sending into harm's way?

Some of the reductions, though not welcomed, were responsibily fashioned and designed to impact upon those most able to receive them. New medical care copayments and reimbursements, income verification for means tested programs, and increased user fees are among their number.

But of the $3.6 billion total figure, over $1 billion was achieved through:

Reducing disability compensation payments to veterans found incompetent to handle their own personal finances;

Removing DIC eligibility from certain widows;

Eliminating vocational rehabilitation training for certain disabled veterans;

Eliminating burial benefits to survivors; and

Delaying the receipt of a COLA adjustment to disabled veterans, their widows and orphans.

Messrs. Chairmen, does anyone think that these decisions, arrived at in the eleventh hour of a behind-closed-door deficit reduction process, could have stood the light of day and been accepted by the American people?

I don't think so. Not for a second.

And did these actions, hidden from public view, reflect a uniform, across-the-board policy that was applied to all programs?

As payments to some 4,100 incompetent veterans were being reduced, this same budget act added reforms to ensure that 3.3 million incompetent Social Security recipients received all entitlements due.

As DIC eligibility was removed from veteran's widows whose second marrige terminated, the same act changed the law so that widows of CIA personnel could continue to draw benefits when they remarried at age 55. This presently applies to all widows under the Federal Employees Retirement System.

And while VA disability and death compensation recipients were required to undergo a one month delay in the effective date of their COLA, all other categories of federal beneficiaries were subjected to no such delay.

Messrs. Chairmen, veterans and their programs, without question, were unfairly singled out by the Reconciliation Act. There was no uniform standard applied and we see no rational basis that can explain a public policy of such blatant discrimination.

Some might say: Well, this is just another example of the left hand not knowing what the right hand is doing. For those disabled in prior wars and those troops now serving in the Persian Gulf, this explanation is just not good enough.

So much for decisions recently made. What about those now being contemplated?

In the Administration's recently submitted budget request we see more of the same.

In addition to a call for continuation of last Fall's benefit restrictions, and no added health care dollars based on potential Persian Gulf War casualties, we see:

The virtual elimination of all beneficiary travel payments;

Additional termination of vocational rehabilitation eligibility for disabled veterans;

No additional funding for veterans' medical research;

Down payments and increased users' fees in the home loan guaranty program; and

An 80 percent reduction, nationwide, in Disabled Veterans' Outreach Program Specialists.

Messrs. Chairmen, to give you a sense of the anger, bewilderment and frustration that we in the DAV feel, let me draw your attention to an item in the budget request that I have not mentioned above.

Through a legislative change, our government proposes to say this to those now serving in the Persian Gulf:

"Listen, if you get killed and if you have a "stepchild," we're not going to provide war orphans educational assistance to that child. We used to do that for veterans of prior wars, but things are kind of tough these days. Besides, we can save all of $1.1 million during the next 12 months with this change, so we hope you will understand."

Messrs. Chairmen, I doubt if anyone would care to claim authorship of this proposal, but there it is. Its cold insensitivity should repel us all.

A few short months ago, during his State of the Union address, President Bush drew sustained applause and standing ovations from the Congress when he mentioned our troops in the Persian Gulf and the mission given to them. This outburst of feeling was spontaneous and genuine, reflective of the views of all Americans. Without question, it was uplifting to our military personnel.

That same evening, in his remarks to the nation, Senator Mitchell noted that America's support for those now serving in the Gulf would not end when the fighting ended. This message too was uplifting.

Two pledges made before the American people.

After making the agonizing decision to engage in war, if we can find the wherewithal to marshal our resources and pursue it to its conclusion, then we can and should match that same level of commitment to pay for war's continuing cost.

I believe our government has demonstrated its willingness and ability to do the former. I have yet to see it do the latter.

Messrs. Chairmen, this second pledge must be kept. But it is up to you and your two Committees, who are our advocates and in a position of authority, to provide the leadership.

And it is up to the DAV and others in the veterans' community to support your efforts. For if we do not back you every step of the way, competing interests, partisan concerns and ideological differences inherent to our legislative process will block your way.

Our objectives shoud be repeal of last Fall's budget reconciliation restrictions that eliminated the compensation, DIC, education and burial benefit entitlements of disabled veterans and their families.

Secondly, we must secure adequate support for the VA in the coming fiscal year, to include an immediate appropriation of funds for VA health care.

We cannot depend upon the normal legislative process to accomplish these objectives for it is cumbersome, subject to the concerns just noted, and, in the last analysis, concluded behind-closed-doors and out of the public eye.

The all important question is: Where do we get the money?

As stated before, if we can find the funds to wage war, we can find the funds to support the warrior. If we can promise money and cancel debts for our coalition partners, if we can even now talk of a post-war rebuilding of Iraq, then we can darn well make and keep some promises to our own veterans.

One source of funds could be the $50 billion pledged by our various coalition partners and allies who stand to gain by American blood shed to defeat Saddam Hussein. Some of them do not wish their contributions to be used for weapons, munitions or the direct conduct of the war. Fine, let it be used to care for our nation's disabled veterans.

Also, in a few short weeks, the Administration will come to Capitol Hill with a Desert Storm appropriations request. A special rule already exists that exempts this request from the budget reconciliation caps approved last Fall. A portion of this funding should be and can be focused on the VA. Again, a Patriot Missile and an artificial limb are both "costs of war."

And if there are those who say that this cannot be done, that the rules just can't be changed, my answer to them is, that is an excuse, not a reason. You don't hear our troops in the Gulf saying their job is too difficult or too painful.

Messrs. Chairmen, to achieve these objectives, I suggest that a good place to start would be at the White House. I propose that a bipartisan delegation from these two Committees, those on Appropriations, and including Veterans' Service Organization representatives, request a meeting with the President. Putting our case on the table before the President, and in a fashion that draws public attention, is absolutely essential. We must seize the moment or watch it slip through our fingers.

Messrs. Chairmen, at the beginning of my statement I drew attention to my Vietnam experience and I would like to return to that context.

In the last few months, as we approached our involvement in the Persian Gulf war, much has been said about "learning the lessons of Vietnam." Well I believe we have made a conscious effort to do just that.

For the Persian Gulf war, our government has attempted to define its aims to the American public in order to gain their support. We have learned that this is essential.

And once we have committed our troops to battle, we apparently have learned that we must supply our military leaders with all the resources and all the strategic flexibility they need in order to accomplish their mission. This too, is an important lesson.

But what of the lesson on how we treat our veterans once they return home? I hope with all my heart and soul that we will learn this one also.

Messrs. Chairmen, I thank you for allowing me to address you here this morning. On behalf of the DAV, I want to stress how very much we appreciate and value the friendship and advocacy of your two Committees. May God bless your efforts in the days ahead.

GI CHARLIE

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. TALLON. Mr. Speaker, I received a letter from Evelyn Dennis of Kingstree, SC, last week. She told me that she had seen a news broadcast saying that we had GI Joe from previous wars, but so far we had no specific GI for Operation Desert Storm.

In response to this, Ms. Dennis has written a poem for her nephew, "GI Charlie," who is stationed in the gulf. This is a moving and touching piece that I am pleased and proud to share with my colleagues.

Many battles have been fought
  Upon the battlefield;
Many victories were wrought
  Many their lives did yield.

And now we've reached that stage again
  When nations can't agree;
For now our brave women and men
  Shall fight for liberty.

As missiles sound within the night
  From enemy attacks;
You wait and pray the morning light
  Reveals a winner's facts.

Though miles do tend to separate
  You from your family,
We'll stay in prayer until the wait
  Does end in Victory.

Remember that we're proud of you
  As you stand for Freedom's Cause;
You're protecting our Red, White, and Blue
  We now in reverence pause.

DONALD KOONCE HONORED FOR OUTSTANDING ACHIEVEMENT BY NATIONAL ASSOCIATION FOR EQUAL OPPORTUNITY IN HIGHER EDUCATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. LEHMAN of Florida. Mr. Speaker, I would like to extend warm congratulations to Donald Koonce, a chapter 1 supervisor in the Dade County public schools, who has been nominated to receive the 1991 Distinguished Alumni Citation Award from the National Association for Equal Opportunity in Higher Education. The award will be conferred at an NAFEO awards banquet on Saturday, March 23, here in Washington.

Mr. Koonce comes from a distinguished family in Miami and is a graduate of Fort Valley State College. He joins a long list of leaders in business, engineering, law, medicine, and education who are graduates of historically black colleges and universities. The contribution that these institutions have made to our Nation is far out of proportion to their numbers.

Donald Koonce is putting his expertise to work for youngsters who need extra help to develop their skills. He is a credit to both his alma mater and his community, and our hopes for continued success go with him.

CONDEMNATION OF CHINA'S JAILING OF THE PRODEMOCRACY DEMONSTRATORS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. BROOMFIELD. Mr. Speaker, while the world's attention has been focused on the Persian Gulf, China has stepped up the punishment of participants in the 1989 prodemocracy demonstrations in Beijing's Tiananmen Square. While earlier sentences were supposedly lenient by Chinese standards, some activists have recently been sentenced to up to 13 years in prison. The sentences seemed to be based, if anything, only on the degree to which the prisoners gave in to formidable government pressure and recanted.

Congressmen YATRON, BEREUTER, FASCELL, SOLARZ, LEACH, OWENS of Utah, MILLER of Washington, and I wrote to the Chinese Ambassador on this subject on January 14. We joined the administration in expressing strong objection to the trials and sentencing that are taking place, and to the fact that foreign observers—including diplomats and journalists—have been barred from these trials, which have great international interest.

Ambassador Zhu Qizhen responded on February 5, and I am submitting a copy of his letter for the record. The Chinese Government is claiming that the defendants were not prodemocracy demonstrators at all but mere lawbreakers and that the trials were conducted in accordance with Chinese law and international standards.

The point the Chinese leadership seems to miss is that participants in the 1989 demonstrations should not have been charged, much less tried and sentenced. The prodemocracy demonstrators were not undermining the law and order of the country as the Chinese claim. They were, instead, exercising internationally recognized rights of opinion and expression. As our State Department said in reaction to the trials, "We are concerned that these persons were apparently charged, tried, and convicted for actions which under the Universal Declaration of Human Rights any person should be allowed to take without fear of punishment * * * No sentence of any length on purely political charges can be characterized as lenient."

Mr. Speaker, China is a very important country. Until the tragedy at Tiananmen Square, United States-China relations had steadily improved for more than a decade. This policy reflected in great part a belief that a positive approach by the United States could move China in the direction of political as well as economic reform.

We continue to value our historic friendship with the Chinese people. In fact, there are several areas in which we appreciate the actions of the Chinese Government. China has, for example, cooperated in trying to reach a political settlement in Cambodia, and in laying the basis through the U.N. Security Council for the demand of the international community that Saddam Hussein get out of Kuwait.

It is also important for Chinese leaders to recognize, however, the continued abhorrence we feel toward the Tiananmen massacre and the violations of human rights in China. While I join Ambassador Zhu in hoping that United States-Sino relations will again develop in a constructive manner, the Chinese leadership must know that the continuing trials and persecution in China will not bring us back to that point.

THE EMBASSY OF THE
PEOPLE'S REPUBLIC OF CHINA,
Washington, DC, February 5, 1991.

Hon. GUS YATRON.
Hon. DOUG BEREUTER.
Hon. DANTE B. FASCELL.
Hon. WILLIAM S. BROOMFIELD.
Hon. STEPHEN J. SOLARZ.
Hon. JIM LEACH.
Hon. WAYNE OWENS.
Hon. JOHN MILLER.

DEAR CONGRESSMEN: I write to refer to your letter dated January 14, 1991.

With regard to the matter raised in your letter, I wish to make a few points of clarification which I hope will facilitate your understanding of the real situation of the case in question.

First of all, the seven persons mentioned in your letter are not so-called pro-democracy demonstrators but law-breakers involved in the 1989 incident. According to the Constitution, Chinese citizens enjoy all the basic rights including the freedoms of speech and assembly but are forbidden to engage in criminal activities that would undermine law and order. As in any country in the world, such law offenders will be dealt with according to law.

Secondly, I would like to point out that law offenders in China have always been dealt with in strict accordance with laws on the basis of facts. In China, all trials of criminal cases are held in public, except those involving state secrets, juveniles, and personal privacy. This is true with the trials of those law breakers in the 1989 incident, including the seven mentioned in your letter. To my knowledge, the courtroom has always been full when such trials took place. Those attending included family members of the defendant, university teachers and students, and common people of various circles. However, due to limited seating capacity in the courtroom, not all requests to attend court hearings could be met. Moreover, foreigners have been declined attendance according to relevant regulations as such cases did not involve foreign nationals.

Finally, I wish also to avail myself of this opportunity to express my sincere hope that mutual understanding between our two sides be further promoted so that Sino-U.S. relations, which is of great importance to both our countries, will develop in a smooth and healthy way.

Sincerely,

ZHU QIZHEN,
Ambassador.

A DISTINGUISHED CAREER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Ms. OAKAR. Mr. Speaker, this Saturday, March 2, 1991, Greater Cleveland will pay tribute to John T. Corrigan with a mass to be followed by a brunch in the grand ballroom of the Stouffer Tower City Plaza Hotel. For more than three decades John T. Corrigan has been serving his community with distinction as Cuyahoga County prosecutor, an office he has held since 1957. His many friends and admirers will gather this Staurday to give thanks for his outstanding career and to honor him for his contributions to Greater Cleveland and to the Nation. For truly, John T. Corrigan is not only a Cleveland success story, he is also an outstanding example of what hard work and integrity can give an individual and his community.

John T. Corrigan was born in Cleveland on July 19, 1923. He graduated from St. Ignatius High School in 1941 and entered John Carroll University. He interrupted his college career to enter the United States Army where he served with valor and distinction in the European and Asiatic Pacific Theaters. He left the service in 1946 with three battle stars, a Purple Heart and scars from a battle wound he suffered in Germany.

Like many young men who came back from war, John T. Corrigan rolled up his sleeves and went to work. He was employed as a construction worker, a postal employee and a salesman. At the same time, he continued his college education at John Carroll University where he got his bachelor's degree and at Western Reserve University where he received a doctor of juris prudence in 1951. A year later, as a young practicing attorney, he successfully ran for the Ohio State Senate, where he served his constituents from 1952 to 1957. In 1957, he won his race for Cuyahoga County prosecutor where he served until his retirement earlier this year.

It is impossible to briefly summarize the distinguished career of John T. Corrigan. Those that know him, however, can characterize him in a few words which describe his character—words like integrity, fairness, thoroughness, discipline, organization, cooperation. His office treated accused wrong-doers the same, regardless of the relative fame or obscurity of the individual involved. Many of the cases he prosecuted are now part of Cleveland's history. Most of them never got more than a mention in the newspaper, if that. Yet year after year, the business of the people went forward with efficiency and scrupulousness.

In addition to the exemplary conduct of his office, John T. Corrigan was also an outstanding citizen. He served as president or officer in a great many organizations, including the National District Attorney's Association, the Ohio Prosecuting Attorney's Association, the national as well as Ohio Leukemia Societies and as an advisor and organizer for colleges and universities.

What says the most about this great individual are the last lines on his résume. There he lists first, his wife of more than 40 years, Virginia. Next to her name, he lists the names and professions of his five daughters and his son. They include Marleen—a nurse, Martha—a legal stenographer, Peggy—an attorney, Michael—an attorney and a judge, Mary V.—a physician, and Maura—a teacher, who died tragically after a long illness resulting from an auto accident. The very last line in his résume notes that John T. Corrigan is a member of St. Mary of the Falls Parish.

God, family, community, country—those are the institutions and values that John T. Corrigan has always held dear. This Saturday, Bishop Anthony M. Pilla will preside at 10 a.m. mass at Our Lady of Counsel Church in Cleveland. John T. Corrigan, his family and his many friends will pause to contemplate his truly distinguished career as a public servant and his accomplishments as a husband and father. His life has been filled with success, tempered with moments of great pain and tragedy. It has been a pleasure and an honor for me to be associated with John T. Corrigan and his family. I know he will enjoy his retirement, but he will also continue to contribute to his community and enrich all those with whom he is associated.

IN MEMORY OF DR. JOHN A. HANNAH

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. CARR. Mr. Speaker, it is with great sadness that I rise today to pay tribute to the late, Dr. John A. Hannah, the first Chairman of the U.S. Commission on Civil Rights and the president of Michigan State University from 1941 to 1969. I would like to extend my deepest sympathies to his three sons, Robert, Thomas, and David; his daughter, Mary Curzan; his sister, Julia Vandenburg; his 11 grandchildren; and other members of his beloved family and friends who survive him.

Dr. Hannah came to Washington in 1953 as Assistant Secretary of Defense for Manpower and Personnel. Over the next year, he worked on establishing a new military reserve program and directed the completion of the integration of both uniformed and civilian personnel in the Defense Department. In 1954, President Eisenhower awarded him the Medal of Freedom, the Nation's highest civilian award.

During his years as university president, Michigan State University grew from a Midwest agricultural school with a student enrollment of 6,000 to a first-class national university enrolling over 45,000. Dr. Hannah, an enthusiastic football fan, led Michigan State into the Big Ten conference in 1949. He directed the racial integration of Michigan State's dormorities and mandated that his team would not play schools or on fields where minority students were discriminated against.

After retiring as president of Michigan State, Dr. Hannah served as the administrator of the Agency for International Development in Washington until 1973. He then joined the staff of the United Nations, where he was director of the World Food Council in Rome from 1975 to 1978.

Dr. Hannah also led the American Council on Education in 1967 and 1968. He was a past president and executive committee chairman of the National Association of Land Grant Colleges and Universities. He was a member of Phi Beta Kappa and the Cosmos Club. He was board chairman of the Detroit Bank of Chicago from 1951 to 1960. He was a native of Grand Rapids, MI, and received his agricultural doctorate in 1923 from what is now Michigan State University.

Dr. Hannah died on February 23 at the age of 88 at his home in Kalamazoo, MI. His wife, the former Sarah May Shaw, died in 1990.

On a personal note, I am grateful to have had the privilege of knowing Dr. Hannah for many years. He was a good friend, a trusted adviser and a source of great inspiration to those who knew him. He will be sorely missed.

[From the Washington Post; Feb. 26, 1991]

J.A. HANNAH DIES; LED CIVIL RIGHTS COMMISSION

John A. Hannah, 88, the first chairman of the U.S. Commission on Civil Rights and president of Michigan State University from 1941 to 1969, died of cancer Feb. 23 at his home in Kalamazoo, Mich.

He was an assistant secretary of defense from 1953 to 1954, and led the Civil Rights Commission from 1957 to 1969. After retiring as president of Michigan State, he served as administrator of the Agency for International Development in Washington until 1973. He then joined the staff of the United Nations, where he was director of the World Food Council in Rome from 1975 to 1978.

Dr. Hannah, a native of Grand Rapids, Mich., was a 1923 Graduate of what became Michigan State University at East Lansing, where he also received an agricultural doctorate. He then worked as a poultry science extension specialist with the school. From 1935 until becoming university president in 1941, he was secretary of the university's board of trustees.

During his years as university president, the institution grew from Midwest agricultural school, operating in the long shadow of the University of Michigan at Ann Arbor, into a first-class national university. Enrollment grew from 6,000 to more than 45,000 and the university and its faculty gained a reputation for work in science and education.

Dr. Hannah, an enthusiastic football fan, led Michigan State into the Big Ten conference in 1949, which also includes the University of Michigan. Dr. Hannah, who directed the racial integration of Michigan State's dormitories, mandated that his team would not play schools or on fields where minority students were discriminated against.

In 1953, he came to Washington as assistant secretary of defense for manpower and personnel. Over the next year, he worked on establishing a new military reserve program and directed the completion of integration of both uniformed and civilian personnel in the Defense Department. In 1954, President Eisenhower awarded him the Medal of Freedom, the nation's highest civilian award.

Dr. Hannah led the American Council on Education in 1967 and 1968. He also was a past president and executive committee chairman of the National Association of Land Grant Colleges and Universities. He was a member of Phi Beta Kappa and the Cosmos Club. He was board chairman of the Detroit branch of the Federal Reserve Bank of Chicago from 1951 to 1960.

His wife, the former Sarah May Shaw, died in 1990. Survivors include three sons, Robert W., of Kalamazoo, Thomas A., of Dallas, and David K., of Glen Ellyn, Ill.; a daughter, Mary Curzan of Chevy Chase; a sister, Julia Vandenburg of East Lansing; and 11 grandchildren.

INTRODUCTION OF LEGISLATION TO CLOSE SAVINGS AND LOAN TAX LOOPHOLES

HON. BARBARA B KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mrs. KENNELLY. Mr. Speaker, I rise today to reintroduce legislation to close savings and loan tax loopholes and forestall a raid on the Treasury by the bank regulators.

We are all aware of the seemingly never-ending cost spiral of the savings and loan bailout. And despite the fact that Congress repealed the specific tax breaks that are generally believed to be responsible for part of the unprecedented taxpayer subsidies provided failed savings and loans in the so-called 1988 deals, considerable indirect and unintended tax subsidies for this industry remain. The legislation I am introducing would close these loopholes.

The first provision involves the use of net operating loss carrybacks [NOL's]. Thrift institutions may, in general, take a deduction for bad debts equal to 8 percent of their taxable income in a particular year. In the case where a thrift institution has an NOL that is carried back, thereby reducing its taxable income in a prior year, the issue arises whether the taxable income base on which the bad debt reserve deduction for that prior year is calculated is also reduced.

Treasury regulations in effect from 1978 to the present require that taxable income be reduced by NOL carrybacks for purposes of calculating the bad debt reserve deduction of thrift institutions. However, The U.S. Tax Court in Pacific First Federal Savings Bank versus Commissioner held that the regulations on this point were invalid.

My legislation would simply restore congressional intent so that troubled thrift cannot reap huge tax refunds. It is important to note that while troubled thrifts receive huge refunds, this additional expenditure of tax dollars in no way reduces the overall cost of the bailout. Rather, these refunds are simply a windfall from the Treasury.

The second provision would close a classic loophole by disallowing losses on tax motivated transactions. In 1980, the Federal Home Loan Bank Board permitted thrift institutions to enter into reciprocal sales of substantially identical mortgage loans without having to reduce their net worth by the difference between the transferred loans' book value and market value. Many thrift institutions have entered into such reciprocal sales for the sole purpose of generating tax losses.

Since institutions do not report losses on these transactions for regulatory purposes and, in fact, have not altered their business position, the sole purpose of such transactions is to generate losses for tax purposes. The second provision of my bill would disallow these losses.

But Mr. Speaker, perhaps most disturbing of all, are rumors picked up by staff that banking regulators are considering the implementation of a similar regulation that would allow banks to conduct these same types of swaps. We all know that the banking system needs to be shored up and that the banking regulators are scrambling for cash. However, no matter how bad the situation may be, banking regulators should not be making tax policy. This is exactly what led to the outrageous 1988 deals.

To forestall this raid on the Treasury, Representative RUSSO and I, along with a number of our colleagues on the Ways and Means Committee, are sending a letter to the Comptroller of the Currency, Chairman of the FDIC and the Chairman of the Federal Reserve reminding them that the granting of tax benefits is the prerogative of the Congress, not bank regulators, and demanding that any regulatory activity in this area cease.

In addition, my bill carries a date of introduction effective date to ensure protection of the Treasury regardless of regulatory actions. Also, because this issue is also in the courts—in fact, the Supreme Court just heard oral argument in Cottage Savings Association versus Commissioner—my bill contains a noninference clause with regard to prior law.

Again, I want to emphasize that these loopholes do not reduce the cost of the bailout by one penny. Mr. Speaker, it is time to straighten up this mess and I would urge my colleagues support for this legislation.

EXTENDING U.S. LABOR LAWS TO CERTAIN FOREIGN FLAGSHIPS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. CLAY. Mr. Speaker, today I am introducing legislation to extend coverage of the National Labor Relations Act and the Fair Labor Standards Act to foreign flagships engaged primarily in U.S. commerce. Normally, those doing business in our country are required to abide by our laws. For example, a foreign employer who owns and operates a factory in this country is required to live up to our labor laws. This legal principle, for no apparent reason, stops at the water's edge. A foreign flagship, doing all its business in U.S. ports, is nevertheless free to ignore our labor laws. This ability to disregard our laws also extends to ships owned by U.S. corporations that fly foreign flags of convenience, even when such vessels do exclusive business in the commerce of this country.

This inconsistency in law undermines our already meager U.S. merchant marine. U.S. vessels, meeting minimum labor standards, find it impossible to compete with vessels that are subject to no enforceable labor standards whatsoever. The American maritime industry is fighting a competitive battle that cannot be won. This is unfair to U.S. employers, it is unfair to their employees, and it is tragic for many of those who crew these foreign flagships.

Last Congress, the Subcommittee on Labor-Management Relations held hearings on similar legislation that I had sponsored. At those hearings, we heard from crewmembers, religious officials, international inspectors, and labor officials of conditions of employment that oftentimes can only be described as grotesque. We heard of workers being required to work 18 and 20 hour days for less than a dollar an hour. We heard of workers being fed from food stores in which the highest caloric value may have come from the bugs that infested the food. We heard of sleeping conditions and sanitary conditions that most Americans would think more typical of the 13th century than the 20th century. And, we heard of labor contractors who receive kickbacks from sailors wages that are already well below subminimum and managements that abandon and blackball sailors in foreign ports who speak out for humane treatment.

These are some of the kinds of competitive practices with which U.S. flagships must compete. These are the kinds of conditions with which workers employed in American commerce, but without benefit of American law, must contend. While truly scandalous, it is hardly surprising, given these conditions, that only 3 to 4 percent of our imports and exports are carried by U.S. registered ships, or that 98 percent of the American passenger ship trade is carried by ships registered outside of the United States.

The time is long overdue to put an end to these kinds of employment practices, to ensure that workers are employed with minimal standards of decency, to guarantee workers the opportunity to better their conditions, and to ensure that U.S. flagships are entitled to a fair and equitable opportunity to compete. Toward that end, I am introducing legislation to extend coverage of the National Labor Relations Act and the Fair Labor Standards Act for a 5-year period to foreign flagships operating principally in the U.S. commerce. I am pleased to be joined in this effort by a bipartisan group of colleagues including senior Democrats on the Education and Labor Committee and senior Republicans from the Merchant Marine Committee. I commend this legislation to the attention of my colleagues in the House and urge you to join us in supporting it.

RURAL MEDICAL EMERGENCIES AIR TRANSPORT ACT OF 1991

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. ROBERTS. Mr. Speaker, I rise today to introduce legislation that will provide grants to States for the creation or enhancement of systems for the air transport of rural victims of medical emergencies.

The Rural Medical Emergencies Air Transport Act of 1991 allows States to apply through the Department of Health and Human Services for grants that will be channeled through each State's public health agency. The grants will be used for creation or enhancement of air medical transport systems that provide victims of medical emergencies in rural areas with access to treatment.

Access to tertiary care in rural areas is essential to ensure the ability of rural residents to receive highly specialized care. Some of our rural facilities are neither financially able or adequately staffed to provide highly technical services for every resident.

In order for States to receive grant assistance they must demonstrate the following: First, that the geographic areas to be served are rural in nature; second, that a current lack of service in these areas exists; third, that the establishment or enhancement of the proposed program will be cost-effective; fourth, that a duplication of services will be avoided; and finally, States must demonstate the likelihood of a reduction in the morbidity and mortality rates of the areas to be served by the proposed program.

States would have a wide latitude in establishing emergency air transportation services. For example, air ambulances could provide a swift link between remote critical care facilities and full service hospitals in urban areas.

It is my hope that this legislation will alleviate some of the access problems rural areas are facing under the current health care delivery system by providing viable options to those in need.

TRIBUTE TO 1ST LT. AMY STUART

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. SOLOMON. Mr. Speaker, a young Army nurse from my district, the 24th of New York, has gained a measure of notoriety recently, and deservedly so.

1st Lt. Amy Stuart, daughter of Hugh and Doris Stuart of Germantown, was shown in a Reuters photograph circulated throughout the country and eventually on the front page of the Albany Times-Union.

She was shown catching a few minutes of sleep in between her duties.

Mr. Speaker, this picture brings several things to mind.

Amy has three brothers. Mark is a petty officer in the Coast Guard Reserves. Timothy served 6 years in the Navy. Steven is in the Navy ROTC Program at the State University Maritime College.

One of her high school teachers described her as "a nice bright kid, and always patriotic."

And that's my point, Mr. Speaker. Amy Stuart is typical of the bright, patriotic young women who are playing such a significant role in Operation Desert Storm.

Given a chance, these women have proven that they can do the job and will continue to be an important part of our all-volunteer Armed Forces.

Amy Stuart's parents are proud of her, and so am I.

A TRIBUTE TO HOTELIER PHILIP PISTILLI

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. WHEAT. Mr. Speaker, today I would like to ask my colleagues in the U.S. House of Representatives to join me in paying tribute to Kansas City resident Philip Pistilli, president of the Raphael Hotel Group and one of the Nation's premier figures in the hospitality industry.

On March 1, 1991, Mr. Pistilli's outstanding achievements will be recognized by the Hotel and Motel Association of Greater Kansas City at a dinner in his honor. I am proud to join the association in honoring the efforts of a creative and dynamic force in the hospitality industry who continues to contribute greatly to the growth of his own community.

Mr. Pistilli deserves special recognition for his role in the conception, planning, construction and management of one of America's finest and most successful hotels, the award-winning Alameda Plaza in Kansas City.

With his development of small hotels with old-world atmosphere in San Francisco, Kansas City, and Chicago, he laid the cornerstones of his Raphael Hotel Group and helped usher in an industry trend. The Raphael-Kansas City is one of the jewels in the crown of the Raphael Hotel Group.

Like a modern-day Midas, Mr. Pistilli has reversed the fortunes of several financially troubled hotels around the country. One of his most recent projects was the revival of Kansas City's downtown convention hotel, the Allis Plaza.

A New York City native, Mr. Pistilli found success in his adopted home of Kansas City. Following his graduation from Cornell University with a degree in hotel administration, Mr. Pistilli came to our community to work for the respected hotelier Barney Allis. Honing his skills at the Hotel Muehlebach, Mr. Pistilli went on to preside over two major expansions of the facility as vice president and general manager before his appointment as president of the Alameda Plaza in 1968.

Highly regarded by his peers in the industry, he has served as president of the American Hotel and Motel Association and of the four-State: Arkansas, Missouri, Kansas, and Oklahoma Hotel Associations. His standing in his own community is reflected in his past roles as president of the Kansas City Hotel and Motel Association and of the Convention and Business Bureau of Greater Kansas City.

Mr. Pistilli has been active in numerous civic organizations, including Downtown, Inc., the Sister Cities Commission of Kansas City and the Missouri Governor's Committee on Employment of the Handicapped.

It is with great pleasure that I bring to the attention of my colleagues the contributions made by Philip Pistilli to the hospitality industry and to his community. I am pleased to join the Hotel and Motel Association of Greater Kansas City in honoring a distinguished hotelier and wishing him many years of continued success.

CONGRATULATIONS TO WESTINGHOUSE SCIENCE WINNER

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, I am honored to have this opportunity to extend my heartiest congratulations to a young man, a senior at Ward Melville High School in East Setauket, who was recently named a finalist in the 50th annual Westinghouse Science Talent Search.

Michael John Lopez, 18, of Stony Brook selected a project in nuclear chemistry for the science talent search. Using the chemistry facilities at the State University of New York at Stony Brook, he tested a formula that predicts the spin axis of a compound nucleus formed by the fusing of two reactant atoms. Michael analyzed computer data developed from millions of individual atomic collisions and his results indicated that when more emitted particles are considered, the observed particle emission becomes more random and so the estimate is no more accurate.

A senior at Ward Melville High School, Michael has won a number of awards in mathematics and science competitions and participate in several sports. The son of Mr. and Mrs. Edward Lopez, he plans to study electrical engineering at Duke University.

In addition to Michael Lopez, six other young people from my district made it to the ranks of semifinalists. The six are: Hannah Rebekah Ebin, Sungeun Lee, Maya Levy, and Jennifer Susan Matthew, all of Ward Melville High School; Syeed Mansur of Centereach High School; and Nicole Danielle McGraime of Smithtown High School East.

THE FEDERAL RESERVE REFORM ACT OF 1991

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, today Mr. HAMILTON and I are introducing the Federal Reserve Reform Act of 1991, legislation to increase the accountability of Federal Reserve to the American people by shedding some light into the Federal Reserve's policies and procedures.

One half of this country's economic policy—monetary policy—is made by the Fed. As a result, the Fed has enormous power over the direction that our economy is heading, and thus wields enormous power over the lives of every American.

This legislation is intended to generally increase the Fed's accountability to the American people by establishing more formal channels for coordinating the making of fiscal and monetary policy. The bill makes a few rudimentary changes to ensure that formal communications exist between the President and the Federal Reserve and to provide Congress and the American people with more and better information on Fed operations and policies.

It is not our purpose in this legislation to reduce the independence of the Fed, or otherwise inject congressional or outside control on Fed policy.

Five current changes would be made in the structure and procedures in the Fed:

First, the President's top economic advisers—the Secretary of the Treasury, the Chairman of the Council of Economic Advisors, and the Director of the Office of Management and Budget—would be required to meet three times a year with the Federal Open Market Committee.

Second, the President would be allowed to appoint a new Chairman of the Federal Reserve near the beginning of his term rather than toward the end.

Third, the Fed would be required to disclose immediately any changes in the targets of monetary policy, thus providing all investors, large and small, with equal and timely information about monetary policy decisions.

Fourth, the Comptroller General would be permitted to conduct more thorough audits of Fed operations, including policy procedures and processes.

Fifth, the Fed would be required to publish its budget in the budget of the U.S. Government, and thus implementing a basic principal of democracy that no governmental agency should take in and spend billions of dollars without having its budget open to the public.

These modest steps will inject fresh air and light into the making of monetary policy without impairing, in my judgment, the independence of the Fed. The legislation will help facilitate the coordination of fiscal and monetary policy by establishing formal lines of communication between all of the branches of Government. I urge my colleagues to support this important initiative by cosponsoring the Federal Reserve Reform Act of 1991.

PRAISE FOR 1991 LaMOTTA AWARD WINNERS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. DE LUGO. Mr. Speaker, I am proud to make a statement today in praise of three outstanding Virgin Islanders and longstanding friends of mine, Helen Kelbert, Allen Richardson and Frank Powell, who have been chosen recipients of the St. Thomas-St. John Chamber of Commerce 1991 Wilbur "Bill" LaMotta Community Service Awards.

Helen has endeared herself to her community through her years of dedicated work with public service organizations, particularly the chamber. Her quiet competence is an example of selfless devotion to the Virgin Islands and its people.

Allen's artistry has been seen on numerous carnival floats and costumes as well as here in the Nation's Capital by the ornaments he has crafted for the National Christmas Tree. He, too, has given years to public service work particularly the Frenchtown Civic Organization.

Frank not only devoted many years to the Department of Public Works, he also served his community as one of the founders of the St. John Celebration Committee. Since 1958 he has helped to make the Fourth of July celebration a success that thousands of residents and visitors enjoy every year.

It is citizens such as these who truly embody the spirit of the Virgin Islands, and are richly deserving of the honor of the Bill LaMotta Award.

TRIBUTE TO C. RASEH NAGI

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. SCHUMER. Mr. Speaker, today I would like to call attention to a highly respected educator in my community, C. Raseh Nagi. Since 1963, Ms. Nagi has served as an outstanding teacher, administrator, and innovator in the field of education. In recognition of her dedication and her outstanding gifts, she recently left District 22 in Brooklyn to assume the position of superintendent of District 28 in Queens. We are sad to see her go, for she will be sorely missed by the students, parents, and fellow educators of Brooklyn.

Raseh has been a leader throughout her career as an educator. From her first days as a fledgling teacher at Roy H. Mann in I.S. 78, she proved that creativity and dedication on the personal level can have a dramatic impact on the education of our children.

Ms. Nagi has had so many outstanding achievements in her long and distinguished career that there are literally too many to list. Nevertheless, some of her accomplishments are so vital to our community that I cannot pass up this opportunity to mention them. For instance, Raseh developed a foreign language program which received the James E. Allen Distinguished Foreign Language Program Award, and was instrumental in establishing the Center for Intellectually Gifted Students at J.H.S. 240. In her administrative capacity, she personally investigated and wrote proposals which increased the number of competitive grants received by the district by $10 million.

Raseh is also widely respected in our community and throughout the State as an innovative educator of the first degree. For example, she created a student-based computer data bank capable of enabling District 22 to more closely follow the educational progress of pupils from prekindergarten through junior high school. Brooklyn is also extremely proud of the district's Early Identification Learning Disabilities Program, which Ms. Nagi developed and which was the first program of its kind in the State.

Ms. Nagi has been a crusader in education during her career at District 22. The many programs she developed over the years will undoubtedly have an continuing impact on District 22 for years to come. I would like to take this time to commend her for her past accomplishments, to thank her on behalf of the parents and children of Brooklyn, and to encourage her to continue her record of outstanding service in the future as superintendent in District 28.

HONORING LORETTA EDELSON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. ENGEL. Mr. Speaker, this week, the family and friends of one of my constituents, Loretta M. Edelson, are gathering to celebrate her 90th birthday. It is with great pleasure that I acknowledge the contributions that Loretta has made to her community over the years.

As a community leader and activist, Loretta has held many important positions, including 30 years of service as an inspector for the New York City Board of Elections. She was the first president of the Union Avenue Police Athletic League in the Bronx, secretary of the Free Sons of Israel in Manhattan, and more recently president of the Casals Senior Citizens in Co-op City.

The most rewarding of Loretta's life work, however, is the family she has seen grow and prosper. With her late husband Saul, a World War I veteran, Loretta raised four sons, all of whom have also served their country with distinction. She has had the pleasure of sharing her experiences with 11 grandchildren and four great-grandchildren. Each person that Loretta has touched, especially within the Edelson family, has been enriched by her wisdom and understanding.

In trying times such as these, it is our families and the values they represent that sustain and strengthen us. That is why it is important to recognize and honor the efforts made by Loretta Edelson, because they create for us a shining example of how to serve our fellow man and manifest our family values.

H.R. 5—STRIKING A BALANCE IN LABOR-MANAGEMENT RELATIONS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. ANDERSON. Mr. Speaker, today, I rise in support of H.R. 5, legislation that amends the National Labor Relations Act to prohibit employers from hiring permanent replacement workers during strikes.

The worker's right to strike is inextricably linked to their freedom in the workplace. The National Labor Relations Act, or Wagner Act, of 1935 promoted collective bargaining as the preferred method of resolving labor-management disputes. A key feature of the collective bargaining process is the worker's freedom to withhold his labor; that is, strike, when all other means fail to achieve legitimate labor demands. In fact, the Wagner Act explicitly states, "Nothing in this Act shall be construed so as either to interfere with or impede in any way the right to strike."

A strike is never a welcomed occurrence. It disrupts not only the operations of a business, but also the life of the worker and his family. At times, though, strikes remain absolutely necessary for labor to win fair wages, employment security, health benefits, and safe working conditions. The ability to strike means management must contend with the legitimate needs of its workers.

However, this right was diluted by the Supreme Court's decision in Labor Board versus MacKay. The MacKay decision gave employers the right to hire permanent replacement workers during a strike, thereby effectively curtailing the worker's freedom to strike. Clearly, the freedom to strike is dramatically reduced when the would-be striker knows he will be replaced permanently. The difference between being fired for striking, a practice that is contrary to the Wagner Act, and being permanently replaced during a strike is a trival one. In both cases, the worker loses his job.

The Supreme Court's decision was made to ensure that businesses could continue their operations during strikes. Even though the Court's decision in this case was contradictory to the Wagner Act, the decision was meant to achieve balance in labor-management relations as both business and labor held powerful bargaining tools at the negotiation tables. Supposedly, the incentive would be for both groups to reach a settlement without a labor strike.

Unfortunately, this balance has now been altered, and the discrepancy between the Wagner Act and the MacKay decision has been exposed. The advantage in this relationship has now shifted toward the interests of business, as it has increasingly threatened to hire permanent replacement workers during strikes, thus upsetting the precarious balance that previously existed. The General Accounting Office [GAO] reports that there has been a growing trend of employers to hire replacement workers during the last 10 years. In fact, many employers have advertised for permanent replacement workers during labor negotiations, and have even induced strikes to disband unions. This has eroded the process of collective bargaining, causing the equal playing field in labor-management disputes to shift toward the business community.

As a result, the freedom of workers has been restricted. Those who strike face the risk of being replaced, and workers who consider organizing are faced with the threat of replacement. This is not the guarantee of freedom that the Wagner Act intended.

H.R. 5 attempts to secure a balance in labor-management relations by restoring the full intent of the Wagner Act. This legislation not only protects the striking worker, but also prevents him from being discriminated against once he returns to the job. Thus, the worker is free to use his most powerful bargaining tool, the strike, without fear of recrimination. Without this legislation, employers will hire permanent replacement workers more frequently, continuing the trend reported by the GAO, and the worker's strike will come to signify a futile effort, not an exercise of freedom.

Contrary to the claims of opponents to this legislation, H.R. 5 does not alter 50 years of established bargaining relations. This relationship has already been altered by the increased use of permanent replacement workers by employers. Also, while I agree that a strike should not paralyze an industry, employers are not left defenseless through the enactment of this legislation. They are still free to employ workers in order to continue their business operations. The only difference is that formerly replacements were prohibited from being hired permanently.

Thus, H.R. 5 is critical to restore a level playing field in the area of labor-management relations. By reasserting labor's right to strike, the MacKay decision will no longer curtail the freedom of workers. I support this legislation and its benefits to the working men of this country.

IN HONOR OF THE 45TH ANNIVERSARY OF VETERANS OF FOREIGN WARS POST 6069, LEBANON, OH

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. McEWEN. Mr. Speaker, for the past 7 months, American troops have been serving in the Arabian desert to protect the American ideals of freedom and opposition to tyrannical dictatorship. During the air and ground combat of the past 6 weeks, our troops have performed with such exceptional skill and professionalism that none of us doubt that Saddam Hussein's brutal aggression will shortly be nothing but a bad memory.

The brave American service men and women of Operation Desert Storm are not unique members of the American Armed Forces. In fact, they follow a long proud line of American troops that have fought to protect American interests and ideals across the globe. Many of the veterans of these battles for freedom returned home, where an association of these special Americans was formed—the Veterans of Foreign Wars.

Mr. Speaker, when I came to serve the people of Ohio in the House of Representatives, I gratefully accepted an appointment to the House Veterans' Affairs Committee. I have been equally grateful for any opportunity to meet or work with those groups who share my respect for the American veteran, who work hard on the veteran's behalf, and who can make a difference for the veteran.

One such group has been Veterans of Foreign Wars Post 6069 of Lebanon, OH. I am pround to announce to my colleagues in the House that Post 6069 will celebrate its 45th anniversary on March 3, 1991. It is, indeed, an honor to have an opportunity to rise and announce this milestone of the Lebanon chapter of this honored organization.

Mr. Speaker, I would like to take a moment to recite the objectives of the VFW:

> The objectives of this association are fraternal, patriotic, historical, and educational; to preserve and strengthen comradeship among its members; to assist worthy comrades to perpetuate the memory and history of our dead; to assist their widows and orphans; to maintain true allegiance to the Government of the United States, and fidelity to its Constitution and laws; to foster true patriotism; to maintain and extend the institution of American freedom; and to preserve and defend the United States from all her enemies, whomsoever.

There exists not an organization with more lofty ambitions, nor a fraternity more capable of achieving them. I congratulate Post 6069 on 45 years dedicated to these patriotic objectives, and I have no doubt that the same spirit and dedication to America that guided its membership in war will assure continued vibrancy in the future.

CREDIT CARD GRACE PERIOD ACT OF 1991

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. SMITH of Florida. Mr. Speaker, today I am introducing legislation that will bring more fairness to the credit card industry. Currently, most credit card companies boast of a 25-day grace period in which cardholders have the opportunity to pay their bills without penalty. However, by the time the monthly statement arrives at the cardholder's home, that grace period has already begun to erode. The fact that there is generally a delay between the day the company closes its billing period and the day the statement is actually mailed, plus the occasional postal delay means that the cardholder will inevitably have much less than the offered 25-day grace period. Furthermore, the cardholder must anticipate the time it takes for the payment to reach the credit card company. There is no telling how many late charges have been imposed on otherwise responsible credit card customers by this unfair practice.

My bill will help remedy this situation by requiring credit card companies to use the postmark date as the official start of the grace period. This way cardholders will be provided with a real and substantial grace period.

SIMPLE WISDOM IN LETTER RINGS TRUE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. PALLONE. Mr. Speaker, during the early days of Operation Desert Storm, I received a letter from one of my younger constituents, Evan Juska, a 10-year-old student at the West End School in Long Branch, NJ. Although the spectacular allied successes in the gulf war have, in a matter of weeks, completely transformed the situation in that part of the world, the simple wisdom contained in Evan's letter still rings true:

> My opinion is that you try to communicate with Saddam by explaining to him about the war's effect on the children, the future of Iraq. If he doesn't value the lives of this generation, maybe he should consider the lives of the next one.
>
> If the leaders of Iraq do not see this issue the way we do, you should do everything you can to support our President, and get this war over with, because the sooner this war is over, the more lives saved.

While I, of course, did not have the opportunity to personally communicate to Saddam Hussein the folly and illegality of his continued occupation of Kuwait, that message was brought to him clearly, directly and repeatedly—not only by President Bush and American diplomats, but by leaders and representatives of governments from all over the world, including the leaders of many Arab countries. Saddam ignored all of these appeals—arrogantly, foolishly, and, for his country and his people, tragically. Because it had become so clear by mid-January that Saddam had no intention of leaving Kuwait, and was not about to be moved by any concern about the lives and safety of his own people, there seemed to me to be no alternative but to use force against this tyrant. That was why I voted with a majority of my colleagues in Congress to give President Bush the authorization to use force.

Recently, looking through some of the mail that came into my office during those uncertain days leading up to the beginning of Operation Desert Storm, I was reminded of how fervently the American people had hoped for a peaceful solution to this crisis right up to the eve of the U.N. deadline for Iraqi troops to leave Kuwait. But, as events subsequently proved, Americans will not settle for a peace that allows an expansionist dictator to keep what he has stolen and to further terrorize his neighbors.

Still, Mr. Speaker, it saddens me to think of how much suffering and destruction could have been prevented if Saddam Hussein had given any thought to the values of decency and compassion so eloquently stated in the letter from Evan Juska.

TRIBUTE TO BILL PLASTER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. HUNTER. Mr. Speaker, the people of Imperial County will soon be losing a very important member of their community. Bill Plaster, executive director of the Private Industry Council [PIC] for the last 7 years, is leaving the Imperial area of a new job in Los Angeles.

During Bill's tenure, the PIC has been extremely successful in encouraging business and tourism in the Imperial Valley. PIC's job coordination programs have also been of great benefit to the community. Bill has made the Imperial Valley a good place for businesses to locate, and his accomplishments will survive him.

I've had the pleasure of working with Bill on a number of occasions. Our most successful project was bringing General Dynamics' Imperial Valley facility to Imperial last year. I'm sure that if Bill hadn't worked so hard on this project, the plant would not be there today.

Bill will be going to Los Angeles to become the regional director of the National Alliance of Businesses. The alliance works with educational groups to improve literacy in the workplace. They're lucky to be getting Bill, and I'm sure he'll be as successful in this endeavor as he was in the Imperial Valley. We will miss Bill, and we all wish him the best.

CHARITABLE CONTRIBUTIONS DEDUCTION FOR NONITEMIZERS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. CRANE. Mr. Speaker, recently I introduced legislation, H.R. 310, to restore andmake permanent the charitable contributions deduction to taxpayers who do not itemize their deductions.

The Economic Recovery Tax Act of 1981 allowed nonitemizers, a group consisting of roughly two thirds of all filers, to deduct contributions to charitable organizations through 1986. Because the Tax Reform Act of 1986 included no provision to extend this deduction, it subsequently expired and has not been reinstated.

I believe the 72 million taxpayers who do not itemize their deductions should have the ability to deduct their charitable contributions. The majority of these nonitemizers are low- and middle-income taxpayers, a group which represents our Nation's most generous charitable contributors. In 1982, 91 percent of those using the nonitemized deduction had incomes of less than $30,000, and 99 percent had incomes of less than $50,000. According to figures from a group which tracks such information—Independent Sector—low- and middle-income Americans give, as a percentage of income, 30-percent more to charity than the average American.

While donations to charity are primarily motivated by altruistic concerns, it is clear that those who do not itemize but give to charity are sensitive to tax considerations. Experience from the period of time when nonitemizers were permitted to take a charitable deduction bears this out. In 1985, nonitemizers could deduct 50 percent of their contributions and, according to the IRS, they gave $9.5 billion. In 1986, they could deduct a full 100 percent of their contributions and they gave $13.4 billion—a 40-percent increase.

The figures show that as the availability of the deduction increases the size and frequency of contributions increases as well. If you would like to see the private sector assuming a greater role in addressing community problems in order to help reduce the burdens placed on Government at all levels, it certainly makes sense to have a tax policy that will encourage Americans in this direction.

I strongly recommend this legislation for consideration and support by my colleagues in the House.

TRIBUTE TO MR. NORMAN BERG

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to honor a man whose contributions to our Nation will extend for generations to come. He is a man whose unique career has helped ensure the viability of our farmlands. Mr. Norman Berg, currently a senior advisor to the American Farmland Trust, has spent the last 50 years working for the heart of America, with the people and the land which have made this country great. He may best be characterized as a maverick of soil conservation.

After 2 years teaching vocational agriculture in Minnesota, Mr. Berg accepted a job in southern Idaho with the recently formed Soil Conservation Society [SCS]. In Idaho, he traveled from farm to farm, developing strategies with each individual farmer to control soil erosion. In 1956, Mr. Berg was named the SCS's assistant state conservationist in South Dakota where he continued to show an amazing effectiveness helping farmers. Here also, he exhibited a knack to integrate SCS field workers' interests with the organization at large, thereby assuring that ideas to improve soil strategies became reality on the farms. From 1960 to 1979, Mr. Berg continued effectively improving the SCS, serving as its deputy and in associate administrator positions in Washington. During this time he chaired the U.S. section of the Great Lakes Reference Group for the International Joint Commission and served a 4-year term on the General Administration Board of USDA's Graduate School. As chief of the SCS from 1979 to 1982, Mr. Berg established an international conservation division within the agency and represented the United States at numerous international conferences on conservation issues. Along with his position as a senior advisor to the American Farmland Trust, Mr. Berg is a member of the governing board for the Anne Arundel Conservation District in Maryland. He also serves as treasurer of the Natural Resources Council of America and the Washington representative to the Soil Conservation Society [SWCS].

It is indeed hard to imagine an example of commitment as strong as Norman Berg's to the protection of American farmland. We thank him. Our children, grandchildren, and perhaps many generations to come, will also thank him.

OPERATION OASIS HAS BEEN BIG HELP ON THE HOMEFRONT

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. LEWIS of Florida. Mr. Speaker, The impact of war, even thousands of miles away, can be devastating on all facets of society. None feels that impact more greatly than the family unit. In recent weeks, we have seen otherwise stable families have tremendous difficulties making ends meet because one or more of their breadwinners have been transferred or called up for active duty in the war with Iraq.

As a result of these absences, many families of American servicemen and women are in need of food and other simple necessities. Operation Oasis is helping military families in need by providing those necessities while their loved ones are serving in the Persian Gulf region.

Sponsored by the Feed Children Organization, Operation Oasis has helped gather and distribute tons of food to needy military families all over the country. On Saturday, March 2, Operation Oasis will be at MacDill Air Force Base in Tampa to deliver food to families of Florida defenders in the Middle East.

It is this kind of volunteer spirit and love of our fellow countrymen and women that helps keep America strong. I commend the organizers of Operation Oasis and the hundreds of donors for their tremendous efforts and financial support. They are helping ease the struggles of families of our servicemen and women who answered their country's call to duty.

A TRIBUTE TO THE DADE COUNTY PRINCIPAL OF THE YEAR AWARD PROGRAM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to recognize the annual Dade County Principal of the Year Award Program. Dade County has many outstanding principals and this recognition program is one more effort to acknowledge their contributions to excellence in education. Part of a national project, this program awards $5,000 to the winner, $2,000 to the runner-up, and $1,000 to the other five district finalists. All of these generous awards are made possible by McArthur Dairy, a corporate sponsor of the event.

The Principal of the Year Luncheon took place on Tuesday, January 29, 1991. The winner, Charlene J. Houghton of Leewood Elementary School, was announced at the Omni International Hotel, along with runner-up, Frederick Rodgers of Southridge High School. Our community is truly proud to honor such deserving individuals.

My congratulations go out to these winners, as well as the other five 1990–91 district Principal of the Year finalists: Herbert L. Day of DuPuis Elementary, Florence M. Linden of J.F.K. Middle School, Jeanette H. Goa of Holmes Elementary, Melanie K. Revman of Edison Park Elementary, and Dr. Edward F. Gehret of the Fienberg/Fisher Adult and Community Education Center.

I would like to take this opportunity to acknowledge the wonderful people who made this inspiring occasion a reality. Mr. Octavio Visiedo, superintendent of schools for Dade County has established the Dade County Public Schools' Principal of the Year 1991 District Task Force including: Joseph T. Tekerman, chairman, Peter Bucholtz, Nelson Diaz, Karen Dreyfus, Dr. Barbara Gothard, Billy Isley, Mike McNeal, Alan Olkes, Julie Palm, Geraldine Tisdol, Raquel Viamonte, Dr. Ida Whipple, and Annette Katz and Carol Renick, ex-officios. The Greater Miami Chamber of Commerce Education Task Force Committee members are: Clark Cook, vice-chairperson, executive committee/education; Seth Gordon and Joseph Echeverria, co-chairpersons, education group committees; Jim Green and Peggy Hurst, co-chairpersons, recognition committee.

MOBIL CORPORATION'S NEW SCHOLARSHIP PROGRAM

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. FIELDS. Mr. Speaker, I was delighted to receive a telephone call recently from Mobil Corp., in which I was informed of the company's plan to donate $2 million to establish scholarships at 20 leading colleges and universities for veterans of Operation Desert Shield/Desert Storm or their surviving dependents.

Essentially, Mobil will donate $100,000 to each of the 20 institutions for the scholarships. The colleges and universities themselves will administer the scholarships and select the recipients, based on financial need and academic potential. The program is the brainchild of Mobil CEO Allen Murray, and I commend him for this wonderful idea.

Eight of the 20 universities are located in Texas: Rice University in Houston; Baylor University in Waco; Texas Christian University in Fort Worth; Texas Tech University in Lubbock; the University of Texas in Austin; Southern Methodist University in Dallas; the University of Houston in Houston; and Texas A&M University in College Station.

As a graduate of Baylor University and the Baylor University Law School, and as a trustee of Baylor University, I am delighted that Baylor was included in Mobil Corp.'s scholarship program. This generous program will allow at least some of the young men and women who now are stationed in the Persian Gulf to complete their educations following the completion of their military service. These men and women, who have already given up much for us, will be free to advance their educational aspirations and careers with the help of Mobil's new scholarships.

This scholarship program demonstrates once again that Mobil Corp. is a good corporation neighbor. Texans who live in Houston and Corpus Christi, where Mobil maintains large exploration offices, and Beaumont, where Mobil has a large refinery facility, have known for years that Mobil has done much to help those communities and the men and women who live in them.

Mr. Speaker, again, I want to say how pleased I am that Mobil Corp. has undertaken this effort to assist the young men and women who are serving our country in the Persian Gulf. This is an outstanding example of corporate volunteerism, and I salute Mobil for its concern and generosity.

TRIBUTE TO COL. L.D. "DOC" EVERTON

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. COX of California. Mr. Speaker, I rise today in honor of Col. L.D. "Doc" Everton, who passed away February 15 at his home in Santa Ana, CA.

Born in Crofton, NE, and trained as a pharmacist, Doc Everton accepted an Army Reserve commission in 1937 after serving in Army ROTC at the University of Nebraska. Two years later, he resigned this commission in order to enlist in the Marine Corps for aviation duty.

World War II made Doc a hero. He defended Midway Island when the Japanese attacked on December 7, 1941. He received the Navy Cross for downing 10 enemy planes over Guadalcanal between August and October 1942 and the Purple Heart for combat wounds sustained at that time.

In January 1943, he was assigned as commanding officer of VMF–113, the first fighter squadron to be commissioned at El Toro Marine Corps Air Station in Irvine, CA. Doc led this squadron in the invasion of the Marshall Islands and was decorated with the Distinguished Flying Cross for downing three enemy planes and one probable kill during the campaign at Ponape, Caroline Islands.

After the war, Doc Everton continued to serve his country with dignity in a number of positions, finally ending his long and distinguished military career in 1967 as Chief of Staff at El Toro Marine Corps Air Station. Following his retirement from the Marines, Doc served as general manager of Business Aviation, Inc. of Sioux Falls, SD, which was owned by his brother, Keith.

At a time when our Nation finds itself at war, it is reassuring to know that this generation of American soldiers has had the guidance of genuine American heroes like Doc Everton. His dedication, self-sacrifice, bravery, and love of country serve as the very model of what our soldiers—indeed, all Americans—should strive to emulate. Our hearts go out to the family and friends of Col. Doc Everton—American hero.

TAX SAVINGS AND THE S&L BAILOUT

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. GUARINI. Mr. Speaker, today I am introducing legislation which will save the taxpayer more than a considerable amount of money, perhaps billions of dollars. I am pleased that so many of my colleagues, especially those on the Committee on Ways and Means, have joined with me in this effort.

SUMMARY OF LEGISLATION

Section 165 of the Internal Revenue Code permits deductions only for losses that are "not compensated for by insurance or otherwise." Despite this straightforward language, individuals and corporations that acquired failing thrifts as part of the notorious 1988 year-end Federal Savings and Loan Insurance Corporation [FSLIC] deals are taking deductions for losses fully reimbursed by the Federal Government.

This legislation makes explicit what should already be obvious—that any Federal financial assistance received by these acquirers to compensate them for losses incurred is to be considered compensation for purposes of section 165. The effect of this provision will be to end a practice that RTC Chairman William Seidman has referred to as "obviously double-dipping."

Although this legislation clarifies rather than changes existing law, the effective date of the bill is January 1, 1991. This should obviate any claim on the part of the acquirers that we are retroactively changing the rules of the game.

In addition to a January 1, 1991, effective date, the legislation exempts any acquirers from coverage who received in writing explicit assurances from the IRS that these compensated losses were allowable.

I suspect that few if any of the acquirers will be able to meet this standard. But if they took all reasonable steps to provide some certainty regarding the tax aspects of these transactions—that is, if they obtained a private letter ruling or closing agreement on point—then we ought not upset their legitimate expectations.

Finally, many acquirers have charged that this legislation violates their contracts with the Federal Government. In this regard, I am reminded of Justice Scalia's recent admonition to an attorney representing a thrift institution during oral argument. If you don't go to the IRS for a ruling, Scalia suggested, but choose instead to rely upon the Federal Home Loan Bank Board regarding some dubious tax proposition, then, in the Justice's words, "You were rolling the dice."

Many of the affected parties to the 1988 deals did just that. They rolled the dice. Yet, to avoid even the perception of unfairness, this legilsation does not affect any private contractual rights or remedies available to the parties involved.

BACKGROUND OF THE 1988 DEALS

By the end of 1988, FSLIC, the Resolution Trust Corporation's [RTC] predecessor organization, had concluded 96 deals involving 199 failing thrifts with assets over $110 billion. FSLIC offered investors as much as $36 billion in gruarantees and other incentives to acquire the failing thrifts. Estimates now are that the total cost of these 1988 deals will be about $66 billion.

A House Banking Committee study claims that for every dollar investors put into these thrifts, the Government paid $78, consisting of asset protection, direct assistance, and tax benefits. Wealthy investors and corporate speculators put up relatively small sums of money to acquire thrifts with billions in assets. In one notorious case, an individual acquired a thrift for just $1,000. Many of these acquirers have since reaped enormous profits from these investments. Annual rates of return of 30 percent or more are not uncommon.

When Congress enacted the Financial Institutions Reform, Recovery and Enforcement Act [FIRREA], it directed the RTC to review these 1988 FSLIC deals. On September 18, 1990, the RTC submitted its report to the Oversight Board and to the Congress. The report contained several valuable suggestions for saving up to $4 billion. One such suggestion was based on a legal analysis performed for the RTC by the firm of Thacher Proffitt & Wood. This scholarly and extremely well done legal analysis pointed out the need for legislation clarifying the tax treatment of "losses" on covered assets. The legislation I am introducing today seeks to do just that.

TAX TREATMENT OF COVERED LOSSES

The 1988 agreements provide that the Government will guarantee the book value of the acquired thrifts' assets—"covered assets." This is also known as "capital loss coverage protection." This protection was necessary because, in most cases, the book value of the assets acquired exceeded their fair market value.

The RTC report estimates that direct capital loss payments by the Government under these 1988 assistance agreements will exceed $11.5 billion; that is, the difference between the assets' book value and fair market value is expected to be at least $11.5 billion, and the Government is obligated to make this up. Incidentally, these capital loss payments, or assistance payments as they are sometimes called, are tax-free.

This Capital Loss Protection Program was bargained for, and my legislation would not disturb it. However, it appears that the tax laws are being interpreted, incorrectly I believe, to provide an additional windfall to the acquirers of these thrifts.

Here's how the Capital Loss Protection Program works, along with the accompanying abuse: Assume an asset with a tax basis of $100 is disposed of for $70 and the holder receives Federal financial assistance of $30. Even though the acquirer is made whole through the assistance, it still claims a $30 loss against other income. With consolidated returns, these losses can be used to offset income of the parent corporation. For example, losses from a thrift may be used to offset nonthrift income. These tax benefits are pure windfall; that is, they represent a recovery in excess of 100 percent of the book value of the assets involved.

MORAL HAZARD

The policy of compensating acquirers for their losses while at the same time permitting them to take deductions will increase the total cost to the Government. Simply put, the less money an acquirer receives for an asset, the bigger the tax benefits and the higher the cost to the Government. Economists refer to this phenomenon as "moral hazard."

Some acquirers have pointed out that their agreements contain provisions which allow them to share in any gains if the asset sells, for example, for over 50 percent of book value. These gain-sharing agreements allegedly eliminate this perverse incentive to lose money. Not all agreements contain such gain sharing arrangements. But even if they do, how effective are they?

According to information received from one acquirer with a gain-sharing arrangement that kicks in if the loss is less than 50 percent of the book value of the covered asset, an acquirer in the 30-percent tax bracket who sells an asset with a book value of $100 for $40 receives a $12 windfall. But, according to this same acquirer, if the same $100 asset is sold for $60, the taxpayer receives only a $10 benefit, $2 less than if he had sold the asset for $40. What kind of policy is this, which provides a financial reward for losing the Government money? This must change.

ASSET REPURCHASES AND THE NEED FOR CLARIFICATION

The book value of the assets held by these thrifts is, as we have seen, greatly overstated. The Government is, however, obligated to pay interest to the acquirers on these assets, so-called yield maintenance payments. These tax-free yield maintenance payments are much higher than they should be because they are based on the inflated book value of the assets.

Many experts have recommended that the Government either buy back these assets or require that they be written down to fair market value so as to eliminate or reduce these costs. Such a move would save over $500 million. There is a problem with this approach, however.

If, instead of privately disposing of the asset, the acquirer sells it back to the Government for $100, the entire $100 could be considered tax-exempt assistance. Consequently, the amount realized by the acquirer would be zero, and the resulting loss would be $100. Compare this to a situation in which the acquirer sells the asset for $70 and receives $30 in Federal financial assistance. The amount realized is $70 and the loss is $30. Obviously, the loss to the Government is much greater in the former situation. This possibility would make a repurchase of assets prohibitively expensive, thus denying the Government the opportunity to reduce these costly yield maintenance payments.

LEGAL ANALYSIS

Those who have been taking advantage of the double-dip have naturally argued that it was fully authorized under law, and that my proposed legislation seeks to retroactively change this situation. The Thacher, Proffitt & Wood legal memorandum addresses all these legal issues in a comprehensive, objective, and brilliant manner, and I would be happy to send a copy of it to any Member wishing to pursue this matter in more detail.

The acquirers would like to make this matter seem more complicated than it really is. Here are a few things to remember.

First, section 165 is quite clear. It is explicit. If you are compensated for a loss, you can't deduct it. Direct language like this cannot be overruled by implication. Federal financial assistance to the acquirers expressly serves the function of indemnifying against losses. These compensated losses simply are not allowable.

Second, the acquirers argue that because section 597 excludes Federal financial assistance from gross income—not amount realized—and does not require the institution receiving such assistance to adjust the basis of its existing assets, compensated losses must be allowable. This argument is obscure, to say the least, and runs counter not only to the direct language of section 165, but general principles of tax law.

With respect to the exclusion from gross income, imagine this scenario: You decide to return to school for extra training at a cost of, say, $5,000. Your employer then decides to reimburse you for this expense. This tuition reimbursement is not includible in gross income, thanks to section 127 of the Code. Nonetheless, you try to pull a fast one and decide to deduct the $5,000 from your income, saving about $750 to $1,500 on your tax bill. If the IRS caught you, you'd be in for a lot of trouble. Yet, this is precisely what the acquirers of these thrifts would like to do.

The "no adjustment in basis" rule can also easily be explained. When a nonshareholder contributes capital to a corporation, this amount is not includable in income. But the corporation must reduce the basis of its assets by the amount of the contribution. As a result, the corporation's tax liability is merely deferred. The section 597 rule against basis adjustment ensures that the exclusion from gross income is permanent and not merely a temporary exclusion or deferral, as is generally the case with nonshareholder contributions to capital. Such an exclusion in no way authorizes a deduction for compensated or reimbursed losses.

Third, the acquirers cite a 1986 IRS technical device memorandum which holds that reimbursed losses are allowable. By their terms, technical advice memoranda may not be cited as precedent, nor relied upon by anyone other than those to whom they are issued. Apart from the precedental value of technical advice memoranda, or lack thereof, this IRS ruling does not even discuss section 165 or present any rationale for its holding.

Finally, it bears repeating that this is not retroactive legislation. Many of the tax breaks given to these acquirers were ill-advised, but they were allowable under the law as it existed at the time. This is not the case, however, with respect to covered or compensated losses. Such losses never were allowable. That is why what we are proposing is a clarification rather than a retroactive change in the law.

CONCLUSION

The current tax treatment of covered losses may explain some of the enormous profits reported by some of the acquirers of these failing thrifts. If Congress enacts this legislation, the Government will save billions of dollars that are now needlessly being given away for no legitimate purpose. The Government will also be able to pursue the most cost-efficient strategy for managing these pre-1989 deals.

Secretary Brady has indicated that he has directed the Treasury's Office of Tax Policy to study the issue. Treasury has the advantage of the excellent study done by the RTC and their attorneys, Thacher, Proffitt & Wood on this matter. They should issue a ruling now that such losses are not allowable under current law. But unless and until Treasury acts, Congress needs to address this issue and start taking steps to reduce the enormous costs of the S&L bailout.

TAX CHANGES AFFECTING COLLEGE SCHOLARSHIPS/COLLEGE SPORTS

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. HENRY. Mr. Speaker, last week I introduced H.R. 969. The bill has two parts: one is identical to legislation which I have introduced in the past, to restore the tax exclusion for education grants and scholarships. To help offset the cost of that change, the bill this year also specifies that certain income related to college and university sports programs shall be treated as unrelated business income and subject to the unrelated business income tax.

The Tax Reform Act of 1986 changed the tax treatment of educational grants and scholarships, and limited the tax exclusion for such grants and scholarships to the portion used for tuition and course-related fees, books, supplies, and equipment. Portions of such grants and scholarships which are deemed to cover living expenses, travel, and research are subject to tax.

This change in tax policy has worked unfairly against low-income students. It also has presented a contradictory Federal education policy, in which the Federal Government determines the size of grants on the basis of "need" but then subjects a portion of the grant to tax. And it has effectively reduced the buying power of Federal, as well as State and private-funded, fellowship, scholarship, and grant programs.

The second part of my bill not only offers offsetting revenues, but also addresses an increasingly evident fact of life—major college athletic programs have little to do with the educational mission of the universities which sponsor them. They do not produce revenue for the general support of the university. They do not increase alumni contributions to the university, other than to the athletic program itself. They do not operate in order to provide educational opportunity for the students involved. Indeed, as many who have looked at major college athletics most closely have pointed out, the students involved would be better off if they were treated as employees, paid for their entertainment services. In effect, these programs are large scale businesses, operating under the golden dome of higher education. I propose that tax policy simply reflect the reality that has become more and more obvious.

The bill specifies that three types of revenue are unrelated business taxable income—radio and television contract revenue, amounts contributed through booster clubs for the exclusive use of the athletic department, and income from the sales of the right to buy so-called preferred seating at athletic events. It does not affect the current treatment of ticket sales or other forms of revenue. Nor does it affect any other revenues and contributions received by colleges and universities.

Certainly one of the advantages of the pay as you go budgeting rules under which we now operate is that they can force us to look at Federal policies in terms of priorities. One place to recognize the need to change some priorities, it seems to me, is in the tax treatment of higher education—it's time we give the benefits of Federal tax policy to students seeking education rather than to athletic programs.

GEN. MAXWELL R. THURMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. SKELTON. Mr. Speaker, in June 1987, an outstanding soldier was prepared to retire, after a most successful Army career. However, he was chosen by the Secretary of Defense and the President of the United States, to become Commander in Chief of the U.S. Southern Command in Panama. That soldier did retire from the Army this past Tuesday, February 26, 1991. He is Gen. Maxwell R. Thurman, whose military career spanned 37 years.

Gen. Maxwell R. Thurman was born in High Point, NC, on February 18, 1931. He received his degree in chemical engineering from North Carolina State University at Raleigh in 1953 and was commissioned through ROTC. General Thurman's military education included the ordnance basic course, the artillery basic and advanced courses, the Army Command and General Staff College, and the Army War College.

He has held a variety of command and staff positions both overseas and in the United States. In Europe, with the 11th Airborne Division and the 24th Infantry Division, he commanded light artillery and rocket units and served as an intelligence officer. His unit deployed to the Middle East with other 11th Airborne elements during the 1958 Lebanon crisis. He served twice in Vietnam, first as a corps intelligence adviser and later as commander, 2d Battalion, 35th Field Artillery during the Tet offensive. In the United States, General Thurman commanded the 82d Airborne Division Artillery and, from 1979 to 1981, was commander, U.S. Recruiting Command. In Panama, from 1989 to 1990, General Thurman was assigned as the Commander in Chief, U.S. Southern Command.

Other assignments have included duty as Hawk missile instructor, Field Artillery School staff officer, tactical officer/instructor at the U.S. Military Academy, Deputy Assistant Commandant for Combat and Training Development, Field Artillery School and Deputy Chief of Staff for Resource Management, U.S. Army Training and Doctrine Command.

In 1977, General Thurman was assigned to Washington as the Army's strategic programmer, the Director of Program Analysis and Evaluation. This was followed by duty as the Army's chief recruiter as commander, U.S. Army Recruiting Command, Fort Sheridan, IL. In August 1981, General Thurman was promoted to the rank of lieutenant general and became the Deputy Chief of Staff for Personnel, U.S. Army. He was promoted to his present rank of general and appointed as the Vice Chief of Staff of the U.S. Army on June 23, 1983. He served as vice chief until June 1987 when he assumed command of the U.S. Army Training and Doctrine Command in Fort Monroe, VA. In September 1989, General Thurman became Commander in Chief of the U.S. Southern Command. As CINC Southcom, General Thurman was responsible for all U.S. military activities in Latin America and for implementing U.S. national security policy and strategy in the region. He was commander of U.S. forces during Operation "Just Cause" in Panama.

General Thurman's awards include the Defense Distinguished Service Medal with Oak Leaf Cluster; Army Distinguished Service Medal with Oak Leaf Cluster; the Legion of Merit with Oak Leaf Cluster, Bronze Star Medal with V Device, with Oak Leaf Cluster; Meritorious Service Medal, with Oak Leaf Cluster; four Air Medals, Army Commendation Medal, with Oak Leaf Cluster; and the Joint Service Achievement Medal. He has been decorated by the Governments of France, Germany, and Venezuela. He is a master parachutist and holds the Army General Staff and Joint Chiefs of Staff identification badges.

I know that the Members of this body wish General Thurman all the best in the days and years ahead.

CONTRIBUTIONS MADE BY HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. CRAMER. Mr. Speaker, over the years the traditional black colleges and universities have contributed uniquely to the social development of African-Americans. These institutions have been the principal developers of the black professional, the inspiration to black social organizations and the chief promoter of the African-American culture.

Perhaps the greatest and most distinctive contribution of black colleges and universities has been the service they provide to the community. Service that includes: Extension and adult education programs; responsiveness to the needs of the black communities, the State and the Nation; making available financial aid and admission to students who otherwise would have little chance of higher education; and finally teaching racial understanding so that students can be prepared for the racial obstacles they may face in the work force. For the most part, service is not seen by these institutions as a substitute for strong academic programs; however, it is important to the understanding of the relationship between curriculum and the world beyond the college campus.

Alabama is fortunate to be the home to a number of the historically black colleges and universities. I am proud that one of those institutions, Alabama A&M, is located in the Fifth Congressional District, in normal. A&M is an internationally recognized university with a diverse student body. The school has received several research awards, both from the public sector and the private sector. But most importantly, the university has caring educators that are genuinely interested in the well-being and advancements of the students. Such interest and caring is the mark of a fine institution of higher learning.

Mr. Speaker, in conclusion, the progress made by black colleges and universities over the years has not been easy; the road has been long and rough, and its end is not yet in sight. Even so, the change in times and the complexity of today's problems make it necessary for these institutions to move faster and with more precision in order to combat the forces that plague and deny them.

H.R. 781—POSTPONE THE INCREASE IN THE ANNUAL DEDUCTIBLE FOR CHAMPUS HEALTH SERVICES

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. BUSTAMANTE. Mr. Speaker, despite the good news of our success in prosecuting a ground war against Iraqi positions in the Persian Gulf, military families are under great stress at this time. Under normal circumstances their access to military medical care is restricted and they are forced to use CHAMPUS—the Civilian Health and Medical Program of the Uniformed Services. Since the beginning of Operation Desert Shield/Operation Desert Storm, medical services in military hospitals, both in the United States and overseas have been severely curtailed. In many military facilities, specialty care such as orthopedics and OB/GYN are simply unavailable. For example, as of January 16, military hospitals in Nurnberg, Frankfurt, and Landstuhl are only providing primary clinic care. All other care must be obtained from the German medical system through CHAMPUS.

Currently, the annual CHAMPUS deductible is $100 per family, $50 per individual. The 1991 DOD authorization bill calls for tripling that deductible on April 1, to $300 per family, $150 per individual. Congress' intent was to save money by forcing as many people as possible into the military direct care system and out of the CHAMPUS Program. Operation Desert Shield/Desert Storm has necessitated the deployment of a substantial number of health care personnel. Activated reservists cannot possibly fill all the vacated positions. Military families in need of medical attention have no choice but to use CHAMPUS. Military families—Active, Reserve, and Guard—are facing financial hardship because of Operation Desert Shield/Desert Storm. Many military men and women held second and third jobs. Military family members worked job shifts at the time when their spouse could be home to care for the children. With their military spouses deployed, these family members were forced to give up their jobs because they could not afford child care.

Increasing the CHAMPUS deductible while so many military families are having to sacrifice personally and economically comes at the worst possible time. Many military families are having tough times making ends meet and when the CHAMPUS deductible is tripled, they will have an even tougher time in maintaining a home economy. H.R. 781 proposes delaying the increase in the CHAMPUS deductible until the President declares an end to the Persian Gulf war.

Mr. Speaker, now is not the time to triple the CHAMPUS deductible. We must let military men and women and their families know that Congress stands behind them. I encourage my colleagues to join me in supporting H.R. 781.

NATIONAL HOSPICE MONTH

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. GRADISON. Mr. Speaker, today, I am introducing a joint resolution to designate the month of November in 1991 and 1992 as "National Hospice Month." I am delighted that the distinguished gentleman from California [Mr. PANETTA] is once again joining me in sponsoring this resolution. Similar resolutions, which I have introduced each year beginning in 1984, received strong bipartisan support and were enacted.

Hospice—an innovative, comprehensive, compassionate approach to caring for terminally ill persons as well as their families—has become a respected, viable partner in the Nation's health care system. In 1986, hospice care became a permanent benefit under Medicare and an option under Medicaid.

Each year, thousands of American families face the crisis of caring for a family member with a terminal illness. Hospice provides a unique program of support and care, allowing patients to remain in the familiar surroundings of their own homes or in homelike inpatient facilities. The delivery of services by a team of physicians, nurses, social workers, therapists, clergy, and hospice-trained volunteers concentrates on enabling patients to live as meaningfully and as comfortably as possible until their death. Today, there are about 1,700 hospice programs across the country.

This humanitarian method of care has proven to be an excellent way for patients and their families to cope with the stress and emotion of a terminal illness. While awareness of and support for the hospice concept has grown dramatically over the last few years, there remains a need for public education regarding the benefits of hospice care. It is also appropriate that we recognize the significant contributions made by those involved in the provision of hospice services and in the advancement of the hospice philosophy.

The public education and recognition programs conducted during National Hospice Month will continue to expand the knowledge of and support for hospice care.

I am very pleased that a similar resolution is being introduced today in the Senate by Senator BENTSEN of Texas.

THE NEED FOR A CEASE-FIRE IN THE PERSIAN GULF WAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. RANGEL. Mr. Speaker, I rise to proclaim the need for an immediate cease-fire between the American-led coalition forces and the Iraqi Army, in order to facilitate the withdrawal of Iraqi troops from Kuwait.

Nobody, not even Saddam Hussein, can deny that we've won the war, but we should pause and see what we've won and how much it is going to cost. Since we have assumed the moral leadership for the new world order, we should take advantage of this opportunity to emphasize peace and reconstruction rather than humiliation of Saddam Hussein and further destruction.

The urgency of a cease-fire is increased by reports of atrocities committed by the Iraqi occupiers of Kuwait. Now that the Iraqis are withdrawing, the United Nations should be called in as quickly as possible to assess those claims and provide whatever care is needed by the people of Kuwait. Certainly there were war crimes, and the international community will deal with that, but we should make our first priority assisting the suffering people.

It certainly does not enhance our image to have the Soviet Union—the successors of the evil empire—to appear to be the proponents of peace and negotiations, while we—leaders of the free world—insist on pursuing war and destruction by insisting on impossible conditions.

One of those conditions is Iraq's payment of reparations. Iraq may eventually pay reparations, but how can we use that demand now as an obstacle to peace when some analysts say it will cost Iraq as much as $200 billion to rebuild their own country?

As the conquering nation, we can't stay on the sidelines and see women and children die in epidemics, which may soon be starting in Kuwait and Iraq, because people are drinking tainted water in both countries. Since we've assumed the moral leadership, we have a responsibility to work in the interest of preserving lives first—those of our own troops, whose lives we should not risk needlessly, and those of our defeated enemies.

COMMEMORATING GLENN COUNTY CENTENNIAL

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. HERGER. Mr. Speaker, I would like to take this opportunity to congratulate the citizens of Glenn County, CA, on their centennial in 1991. From their hard fought establishment to the centennial celebration of today, the people of Glenn County have struggled and succeeded to tame the parched lands of California.

The establishment of Glenn County in 1891 was the culmination of Frank Freeman's efforts, which he began in his Orland Times newspaper in 1882.

The new county, which was named for Orland's most famous citizen, Dr. Hugh Glenn, the wheat king of California, established Willows as the county seat.

In the years following its establishment, the growth and prosperity of Glenn County continued along the Sacramento River as river freighting was cheaper than transportation by railroad.

Around 1903, the Central Valley Irrigation District was established and overcame initial growing pains to become the Glenn Colusa Irrigation District. As a matter of fact, the 1910 Orland Water Users District was only the second project of the Bureau of Reclamation in the United States, and the first in California.

These early projects helped to harness the resources of the Sacramento River and provide the basis for a successful economy which has fostered the growth of Glenn County. The abundance of agricultural products, such as rice, almonds, alfalfa, olives, dairy products, and prunes produced by the county is a testament to this success.

These early steps toward the establishment of community and the infrastructure in Glenn County are important to remember on the celebration of their centennial. The efforts and sacrifices of people such as Frank Freeman, K.E. Kelly, and Dr. Hugh Glenn to establish a new county should not be forgotten; especially during the year when their initial efforts have culminated in a county which has thrived and succeeded for 100 years.

Again, I want to offer the citizens of Glenn County my heartfelt congratulations on their 100th anniversary and the best of luck on their next 100 years.

TUITION REFUNDS AND CREDIT FOR STUDENTS CALLED TO ACTIVE MILITARY SERVICE

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. CHANDLER. Mr. Speaker, Americans everywhere have gone out of their way to reach out to our troops in the Persian Gulf and their families. Today, I want to compliment the efforts taken by my State's colleges and universities on behalf of the young men and women serving in our armed services, many of whom also are students.

Last November, the country's major higher education associations asked the Nation's universities and colleges to develop tuition refund and credit policies for students called to active duty as part of the National Guard or military Reserves. As these associations pointed out to their member institutions, "although Federal laws * * * impose obligations on employers and creditors with respect to employees and debtors in active military service, to date these laws have not been extended to colleges and universities regarding students in military service." They went on to say, "we believe * * * tuition refunds or credits—for these students—are appropriate.* * *"

The positive response has been overwhelming.

In my own State of Washington, both private and public institutions answered the call. Schools have not only offered tuition refunds and granted credits, but additional refunds have been made for parking, books, and housing expenses. Washington State University, the University of Washington, Western, Central and Eastern Washington Universities, and the Evergreen State College all have exemplary policies in place. My State's private and community colleges also have responded favorably in extending every consideration to students called to active duty.

I wholeheartedly applaud these schools—and the thousands like them across our Nation—for seeing to it that students who have been called out of class to join their fellow countrymen in the Persian Gulf can concentrate on the mission at hand without having to worry about school payments, fees, or lost credits.

Mr. Speaker, I recognize there may be schools that have not been so responsible. I urge those schools to answer the call—follow the example offered by Washington State's institutions that have done so voluntarily and without Government regulation. Act now to join the ranks of the responsible within our Nation's higher education community.

I encourage my colleagues to join me today in commending and thanking the vast majority of our higher education institutions, their educators and administrators, for their heartwarming and noble support of our Nation's newest heroes.

DRUG CRIME LEGISLATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. GOODLING. Mr. Speaker, today, I am introducing legislation which would change Federal law to impose stiffer penalties on people convicted of lesser drug offenses involving firearms. Under current Federal law, a person convicted of a felony crime involving drugs and firearms faces increased criminal penalties and is also prohibited from legally owning a firearm. This is not the case, however, for individuals convicted of less serious drug offenses.

My legislation is simple: it expands current law to treat individuals who commit less-serious drug offenses in the same manner as people involved in other drug crimes, such as drug-trafficking. Any person found guilty of a drug crime not currently classified as a felony, including simple possession of a controlled substance, and who possesses a firearm at the time of the offense, will face jail time and/or mandatory fines in addition to any penalty imposed for the drug offense. For second or subsequent offenses, mandatory jail time and fines are mandated.

Furthermore, regardless of whether a firearm is present during the offense, the guilty party will also be prohibited from owning a firearm in the future, if they are convicted after enactment of the law. Exceptions to this rule can be made, however, depending upon the circumstances surrounding each individual's case. Present law states that a person convicted of a drug crime can petition to the Secretary of the Treasury for an exemption to the firearms prohibition if they can prove that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest.

The effectiveness of current tactics being employed in the war on drugs is the subject of heated debate. In my view, the time has come for serious efforts to convince people who use drugs that the cost of engaging in this activity outweighs any benefits. If my bill becomes law, individuals who use drugs and own firearms for legitimate purposes—hunting, target-shooting, collecting, or personal protection—and who also engage in recreational drug use, will think twice before participating in their drug-related endeavors.

This bill will not affect a law-abiding citizen's right to own a firearm. It will, however, increase the price of drug-use for people who choose to continue this illegal and self-destructive activity. We all know that the drug problem is expensive to society as a whole; let's try to transfer more of the costs to those who use and abuse controlled substances.

SBIC PROGRESS ACT OF 1991

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. LAFALCE. Mr. Speaker, today I have introduced the Small Business Investment Company Progress Act of 1991.

The Small Business Administration [SBA] participates as a financial partner with private companies which provide venture capital to small business. These private companies are small business investment companies [SBIC's] or specialized small business investment companies—that is, SSBIC's—which are restricted to providing venture capital to minority small businesses.

Upon licensing by the Small Business Administration, these private companies invest their own money in the company and then can obtain SBA assistance, generally in the form of a debenture or promissory note which the company issues and which is guaranteed by SBA. The amount of the guarantees which a company may obtain under existing law is up to four times or 400 percent of the amount of the company's private capital, but not more than $35 million per company.

These investment companies, by and large, have been very successful. Over the past 30 years, they have provided venture capital to 97,000 small firms which were financed by these companies for more than $9.4 billion.

However, in the past few years, the program has incurred some dramatic losses. These losses cause us concern but, in some ways, are not surprising, given the status of our economy which has resulted in a number of good firms, not just some SBIC's, going broke.

Last year the Small Business Committee held hearings on the SBIC Program, and, at my direction, the committee's staff has been reviewing the program. it is my belief that the SBIC Program continues to be worthwhile, but should be substantially reformed with two fundamental goals in mind: First, on the basis of safety and soundness, we need to reduce the risk to the Government of providing guarantees of SBIC debentures; and Second, provided that safety and soundness goals are fully met, successful companies should be permitted not only to continue to operate but to grow.

We have found that those companies which have very minimal amounts of private capital tend to be less profitable and hence are more risky than those companies with larger amounts of private capital. Thus my legislation requires all companies to increase the amount of their private investment. SBIC's would be required to have private capital of $2.5 million whereas specialized SBIC's would be required to have private capital of $1.5 million.

Although I am convinced that this increase is justified and that existing companies should be required to increase their capital, there are some companies which, although small, are nonetheless profitable and thus not as risky for Government investments. Recognizing that it is very difficult to raise additional capital at this time, I believe we should permit small but profitable companies to continue, even if they are unable to increase their private investments to the new threshold. Accordingly, my bill makes an exception and provides them with a limited amount of additional Federal guarantees provided that they have been profitable historically. If they have not been profitable, however, I do not believe we should provide them new guarantees.

Another provision which addresses the level of risk incurred by the Federal Government is the ratio of Federal guarantees to the amount of the private investment in the company; that is, the amount of leverage which a company may receive. I believe that the current law provides too much exposure, and thus the bill eliminates entirely the ability of any SBIC to receive leverage of four times its capital base. On the average, the bill will limit a company to two times its capital base.

Because I believe these changes will improve the safety and soundness of the SBIC industry, I see no reason to continue the maximum amount of leverage at $35 million per company. This level has remained unchanged for 15 years and should be increased, particularly in light of the current credit crunch. Thus, I propose to increase this maximum to $60 million.

Although there a number of other items addressed by my legislation beyond issues of safety, soundness, and growth, at this time I simply direct interested parties to the sectional analysis, and I would like to take this opportunity to address two issues not covered in the bill.

First is the problem of an SBIC servicing or paying interest on its debt. We provide debenture guarantees to investment companies so that they may obtain capital with which to make investments in small firms. These SBIC's, however, must pay interest each year on their debentures, but if they make equity investments in small firms, their investments will not provide any return nor will there be any cash flow for a number of years. Thus it is extremely difficult under the current system for SBIC's to invest in pure equity; instead our current law encourages them to provide debt to small businesses in order to obtain interest income so that they, in turn, can service their debt.

We are attempting to address this situation by developing a proposal under which the SBIC would not have to pay interest for the first few years of the debenture. Then when its investments begin providing money to the SBIC, it would essentially pick up the interest for prior years. In other words, this would be a modified zero coupon bond.

The second area involves the specialized SBIC's and incentives we can provide to encourage their full development. Again we are exploring ways to encourage these companies, which now invest solely in companies owned or controlled by socially or economically disadvantaged individuals, to broaden their investment perspective.

It is my hope to refine both of these proposals and either to introduce them as separate measures in the very near future or to offer them as amendments to the bill I introduced today. Either way, I hope that the Small Business Committee will consider all of these matters this spring.

For the information of my colleagues, a copy of the sectional analysis follows:

SECTIONAL ANALYSIS

CITATION

Provides that this Act may be cited as the "Small Business Investment Company Progress Act of 1991."

Section 2 finds and declares that it is the purpose of this Act to Promote the Restoration of Opportunities for Growth and Rebuilding of Equity with Safety and Soundness (PROGRESS) through the small business investment company program.

MINIMUM PRIVATE CAPITAL REQUIREMENTS

Section 3 amends section 302 of the Small Business Investment Act of 1958 by renumbering existing subsections (b) and (c) as subsections (d) and (e), and by inserting new subsections:

New subsection (a) requires that the private capital of a regular small business investment company of SBIC be not less than $2,500,000 and that the private capital of a minority enterprise small business investment company of MESBIC (i.e., Specialized SBIC) be not less than $1,500,000.

It requires existing licensees to make periodic increases in the amount of private capital until it reaches the new levels on the following schedule:

(1) 25% of the increase shall be due by January 1, 1993;

(2) 25% of the increase shall be due by January 1, 1994;

(3) 25% of the increase shall be due by January 1, 1995; and

(4) 25% of the increase shall be due by January 1, 1996.

Until the increases are made, a licensee cannot obtain new financial assistance from SBA.

Subsection (b) provides that notwithstanding the foregoing minimal private capital standards an existing company may apply for debenture guarantees or preferred stock purchases in an amount equal to 100 percent of its private capital if it has been profitable for three of the last four years.

Subsection (c) provides that also notwithstanding the foregoing minimal private capital standards, an existing company with an outstanding debenture may repay it by obtaining a new debenture of up to 10 years' maturity.

LEVERAGE AMOUNT

Section 4 amends section 303 of the Small Business Investment Act of 1958 by providing that the maximum amount of debentures guaranteed and outstanding by any one SBIC or multiple SBICs which are commonly controlled shall not exceed $60,000,000.

It also amends subsection (c) to provide that the maximum amount of debentures or securities which are outstanding from one MESBIC or multiple MESBICs or a combination of MESBICs and SBICs which are commonly controlled shall not exceed $60,000,000.

LEVERAGE FORMULA

Section 5 adds new subsections to section 303 of the Small Business Investment Act of 1958.

Subsection (g) provides that the maximum amount of leverage (i.e., debentures and securities) provided by the Administration to any investment company which may be outstanding shall be based upon the amount of such company's private capital—

(1) if the company has private capital of not more than $5,000,000, leverage may not exceed 300 percent of private capital;

(2) if the company has private capital of more than $5,000,000 but not more than $10,000,000, leverage may not exceed $15,000,000 plus up to 200 percent of the amount over $5,000,000;

(3) if the company has private capital of more than $10,000,000 but not more than $15,000,000, leverage may not exceed $25,000,000 plus up to 100 percent of the amount over $10,000,000;

(4) if the company has private capital of more than $15,000,000 but not more than $20,000,000, leverage may not exceed $30,000,000 plus up to 300 percent of the amount over $15,000,000;

(5) if the company has private capital of more than $20,000,000 but not more than $25,000,000, leverage may not exceed $45,000,000 plus up to 200 percent of the amount over $20,000,000; and

(6) if the company has private capital of more than $25,000,000, leverage may not exceed $55,000,000 plus up to 100 percent of the amount over $25,000,000.

Subsection (h) provides that for the purposes of this section, companies under common control or common ownership shall be deemed to be one company, and for purposes of this section "leverage" shall include debentures purchased or guaranteed by the Administration or securities purchased by it.

Section 6 provides that on and after the effective date of this Act, leverage shall be made available only under the ratios provided in subsection (g) and not under the old formulas elsewhere specified.

SUBORDINATION

Section 7 amends section 303 of the Small Business Investment Act of 1958 by providing that debentures purchased or guaranteed by SBA shall be subordinate to other debenture bonds, promissory notes, or other borrowings of any licensee in amounts not to exceed the amount of the private capital of such licensee or $5,000,000, whichever amount is less, unless the Administration determines to permit the subordination of larger amounts for any licensee.

DEFINITION OF SMALL BUSINESS CONCERN

Section 8 amends section 103 of the Small Business Investment Act of 1958 by defining a small business for the purpose of the Act as one which is independently owned and operated and which is not dominant in its field of operation. It authorizes SBA to provide a detailed definition based upon either the number of employees or dollar volume of business, but unless the Administration so specifically provides a different standard, establishes the following standards:

(1) for agricultural enterprises: annual sales of $500,000 or less;

(2) for enterprises engaged in mining: 500 or fewer employees:

(3) for enterprises engaged in construction: annual sales of $17,000,000 or less;

(4) for enterprises engaged in manufacturing: 500 or fewer employees;

(5) for enterprises engaged in wholesaling: 100 or fewer employees;

(6) for enterprises engaged in retailing: annual sales of $3,500,000 or less;

(7) for enterprises engaged in providing services: annual sales of $3,500,000 or less; or

(8) for enterprises engaged in another industry: annual receipts of $3,500,000 or less, or employees or annual receipts as specifically determined by the Administration.

It also provides that, solely for purposes of the Small Business Investment Act, at the option of the licensee or the development company providing the financing a concern shall be small if it, together with its affiliates, does not have net worth in excess of $9,000,000, does not have average net income after federal income taxes (excluding any carry-over losses) for the preceding two completed fiscal years in excess of $3,000,000, and has gross assets of not to exceed $50,000,000.

PENSION FUND ELIGIBILITY

Section 9 amends section 103 of the Small Business Investment Act of 1958 by defining the term "private capital" as private paid-in capital and paid-in surplus, which may include public or private pension funds unless the investment of such funds in small business investment companies is prohibited under applicable state or Federal statute or by an appropriate State or Federal regulatory agency with responsibility for pension funds.

USE OF DEBENTURE PROCEEDS

Section 10 amends section 306 of the Small Business Investment Act of 1958 by renumbering subsections (a) and (c) as subsections (c) and (d), and by inserting new subsections. New subsection (a) provides that financings (of small businesses by SBICs) shall be for the purpose of providing funds to assist in the formation and establishment of new small business concerns, the expansion of small business concerns, or to assist in the change of ownership of businesses but only if the change—

(1) assists in the creation of a small business concern as a result of a corporate divestiture;

(2) preserves the existence of a financially troubled or bankrupt small business concern;

(3) supports the establishment or expansion of a small business concern through the acquisition of assets;

(4) fosters the continuation of a small business concern through family succession;

(5) promotes the continued sound development of a small business concern by new management or by substantially expanding existing management's ownership of the concern; or

(6) facilitates ownership in a small business concern by persons who are socially or economically disadvantaged.

New subsection (b) provides that the aggregate amount of financings of changes in ownership made by a company in any year after December 31, 1991, shall not exceed (1) an amount equal to the sum of the private capital of such company plus private borrowings or (2) an amount equal to 50 percent of the dollar amount of the new financings made by such company. If, however, the company was in existence on or before December 31, 1991, it may exceed the 50% limit during a phase-in period:

(A) in 1992, not to exceed the percentage of change of ownership financings made during 1991;

(B) in 1993, not to exceed the percentage of change of ownership financings made in 1992 or 65 percent of the new financings made in 1993, whichever is less;

(C) in 1994, not to exceed the percentage of change of ownership financings made in 1993 or 60 percent of the new financings made in 1994, whichever is less;

(D) in 1995, not to exceed the percentage of change of ownership of financings made in 1994 or 55 percent of the new financings made in 1995, whichever is less; and

(E) in 1996, an amount not to exceed the percentage of change of ownership financings made in 1995 or 50 percent of new financings made in 1996, whichever is less.

It also provides that a company shall not be deemed to have violated the percentum restrictions in this subsection if it has not exceeded the percentums for three of the last four years, and on the average for all of such last four years, except that the Administration may disregard an amount of change of ownership financings in excess of the maximum permitted in any year prior to January 1, 1997, for any company licensed as of December 31, 1991, and for new licensees until they have operated for four years, if it determines that such company did not willfully exceed the limitations.

It also requires each small business investment company to report to the Administration annually on the amount of such financings it has made during the year and the amount outstanding, classifying such financings into start-up financings, expansion financings or change of ownership financings.

MESBIC ASSISTANCE

Section 11 amends section 303(d) of the Small Business Investment Act of 1958 by authorizing interest rate reductions on MESBIC debentures whose proceeds are used to repay amounts due under maturing debentures.

QUALIFICATIONS OF SBIC DIRECTORS

Section 12 amends section 301 of the Small Business Investment Act of 1958 by specifying that the qualifications of any member of the company's board of directors or the qualifications of a limited partner shall be those prescribed by the laws of the state where its articles are filed, except the Administration may disqualify any individual who has been convicted of a criminal offense or based on moral turpitude.

PERIODIC DEBENTURE SALES

Section 13 amends section 322 of the Small Business Investment Act of 1958 requiring sales of SBIC debentures every three months.

THE PUBLIC TRANSIT AND VAN POOLING RIDERSHIP EQUITY ACT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. MATSUI. Mr. Speaker, I rise to introduce the Public Transit and Van Pooling Ridership Equity Act, legislation designed to promote energy conservation and restore equity to this Nation's tax system.

Under current law, if an employer provides their employees a fringe benefit such as a reduced-cost pass for the local public transit system which is valued at more than $15 per month, then the entire amount of that benefit is considered as taxable income to the employee. However, if an employer offers that same employee a parking space as a fringe benefit, no matter what the fair market value of that parking space may be, not one penny of it is considered as taxable income to that employee. This inequity encourages employees to use their own automobiles to commute to work each day, and actively discourages that employee from using established public transit systems.

Promoting the use of established public transit systems will help our communities comply with the newly enacted provisions of the Clean Air Act. In city after city, auto emissions are the single greatest pollutant in the air.

The legislation I am introducing today will increase the monthly allowance from $15 to $60, and eliminate the so-called "cliff" provision in the law, so that, if enacted, an employee would be taxed only on the amount in excess of $60 per month. In addition, the legislation would reinstate the provision which made qualified employer-provided van pooling arrangements an allowable fringe benefit. Lastly, the bill would allow an employer to provide a parking benefit at a transit or a park-n-ride facility.

By promoting use of public transit systems and van pooling arrangements, we can greatly lessen the burden on our transportation infrastructure, which is facing increasing pressure and dwindling Federal resources. Gridlock, which was once only associated with our largest urban centers, is now rapidly becoming a reality for too many American communities.

PROTECTING MILITARY RETIREES' CHAMPUS BENEFITS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. RAHALL. Mr. Speaker, next year the Federal Government will reduce health insurance coverage for thousands of Americans. On a regular basis we all hear horror stories of people who can no longer afford health insurance. Senior citizens go without health services because Medicare payments are insufficient to cover costs. And private insurance companies are dropping beneficiaries after they begin to draw benefits.

Today Representative CHARLES BENNETT and I have introduced a bill that will guarantee coverage under the Civilian Health and Medical Program of the Uniformed Services to individuals that face a loss of coverage due to disability or age. Under current law a CHAMPUS beneficiary loses his or her coverage once they become Medicare eligible. This conversion to Medicare represents a significant reduction in benefits at a time when an individual is in need of a higher level of coverage.

These CHAMPUS beneficiaries are military retirees and their spouses, that already have sacrificed much on behalf of the United States. They deserve to be able to continue living under the same level of health insurance that they have come to rely on throughout the years. To deny an individual adequate medical care because he or she has become old or disabled is immoral.

Our bill would turn CHAMPUS into a secondary payer once an individual begins to draw Medicare benefits. Medicare would pay that part of the medical costs that it currently covers and CHAMPUS would make up the difference in benefit levels. In essence acting as a sort of Medigap policy to make up for the difference in benefit levels between CHAMPUS and Medicare.

They have protected our lives. I think it is only fair that we insure theirs.

GEORGE WASHINGTON WILLIAMS; FIGHTING FOR FREEDOM

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. BLILEY. Mr. Speaker, every generation or so, there comes an individual who truly deserves the designation of renaissance man, self-made, self educated, master of many endeavors, an example to all. Mr. Speaker, I rise to share with this House during this Black History Month observance, the incredible and inspiring story of one such man, George Washington Williams: soldier, lawyer, historian, and man of principle.

After the Civil War, many learned black men were dissatisfied with the way in which historians omitted accounts of the contributions and struggles of African-Americans in our Nation's history. George Washington Williams decided to do something about this, so he undertook the role of historian himself.

In 1882, Williams published the first comprehensive historical study by a black author to receive scholarly approbation. This work was the two-volume "History of the Negro Race in America." It was a tremendous success. In 1887, 5 years later, Williams again published a widely praised book, History of Negro Troops in the "War of Rebellion."

Interestingly, George Washington Williams began his career in the military. At the tender age of 14, he lied about his age and joined the Union Army's Sixth Massachusetts Regiment. Williams' true age was eventually discovered, and the Army made him leave the service. But Williams would later reenlist, eventually becoming a sergeant major on the staff of General N.P. Jackson. Fighting in several Civil War battles, Williams was wounded in a skirmish near Fort Harrison, VA in 1864 and discharged a year later.

After the Civil War, Williams still wanted to be a soldier. Thus, he joined the Mexican Army. A year later, Williams joined the U.S. 10th Cavalry, a Buffalo soldier unit defending the western frontier.

While taking part in a campaign against the Comanches, Williams was again wounded and received a medical discharge.

Williams studied theology in Massachusetts and became an ordained minister, pastoring a church in Boston. He later moved to Washington, DC and founded a newspaper. In 1876, Williams moved to Cincinnati, resumed his ministry, but began to study law. After being admitted to the Ohio bar, Williams successfully sought election to the Ohio Legislature. It was while serving in the Ohio Legislature that Williams began work on his two acclaimed books.

Through his literary successes, Williams emerged as a popular lecturer throughout the world. On one of his trips to Europe, Williams met King Leopold II of Belgium who persuaded him to help develop the Congo Free State in Africa. When Williams visited the Congo and discovered the slave-like treatment of its inhabitants by the King's men, Williams wrote an open letter to the King about conditions in the Congo. His letter, denouncing the King's rule in Africa, touched a nerve in the United States, France, and England and led to an international campaign to end cruel conditions in the Belgian colonies.

Williams eventually would work to improve conditions in the Portuguese and British colonies. When he died in 1891, Williams was at work on a followup report on developments in the Congo.

George Washington William , who as a teenager joined the Union Army to fight for freedom in America, would die at age 42 fighting for freedom in Africa.

Through his valor in the military, his scholarly endeavors and his fight for freedom, George Washington Williams made a tremendous contribution to the United States and the world.

MILWAUKEE AIDS PROJECTS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. KLECZKA. Mr. Speaker, I am honored to acknowledge that, last week, President Bush named the volunteers of the Milwaukee AIDS project [MAP] as the 383d "Daily Point of Light."

This honor is awarded to individuals, such as MAP volunteers, who effectively address our Nation's most pressing social problems through community action.

Since the establishment of MAP in 1985, concerned members of the Milwaukee community have offered emotional support and practical assistance to AIDS patients. Through their actions, these volunteers help ease the burdens on individuals suffering from AIDS. They illustrate that kindness, not fear, is the best way to address the devastating consequences of AIDS.

In addition, these devoted volunteers provide community awareness education about AIDS and related topics. Such education is the most useful method of fighting the spread of this frightening disease.

I would like to congratulate the volunteers of MAP. Their efforts should serve as an example to all Americans that education and compassion are the most effective ways to meet the challenge of AIDS.

IRAQ MUST PAY FOR ITS AGGRESSION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. MILLER of California. Mr. Speaker, I am today introducing the Iraqi Post-War Accountability and Liability Act of 1991.

Regardless of our views about the current crisis in the Middle East, we all recognize the enormous cost of this effect both by the United States and our allies. Within the next week, U.S. taxpayers will be called upon to pay billions of dollars for the war effort and probably billions more for postwar reconstruction, including military and economic aid to the region.

In recent days, we have heard much about the renewed commitment of our allies to share the cost of paying for the war with U.S. taxpayers, who are carrying the greatest financial burden. I remain concerned that we have heard more of pledges than we have seen of commitment. We must sustain the pressure on our allies and especially other states in the region to provide essential military and financial support for this effort.

There is another rarely mentioned party to the conflict that must accept its financial burden as well: the postwar Government of Iraq.

Typically, a Government that has been defeated in war has few resources, and those that remain must be used to reconstruct a shattered economy and a destroyed society. I do not seek to deny the Iraqi people an appropriate amount of their national wealth to restore their nation after Saddam Hussein has been defeated.

But let us also note that after the war ends, Iraq will continue to possess 100 billion barrels of oil that are worth hundreds of billions of dollars. Much of that oil wealth has been used to purchase weapons in recent years—a purpose that certainly will not exist after the termination of the war.

My resolution calls upon President Bush to require that postwar settlements assure that portion of Iraq's oil wealth will be devoted to three significant costs of its aggression:

To indemnify the United States, and other allies, for the costs of the war to the maximum extent feasible;

To indemnify noncombatant nations and individuals who have been injured or who have suffered losses; and

To pay for the long-term cleanup of the Arabian Gulf caused by the deliberate oil spill.

I cannot justify asking my constituents to raise taxes, or incur greater debt, or to defer critical policies here at home to address homelessness, or inadequate health care, or education while the new rulers of Iraq sit on 100 billion barrels of oil. Iraq, like other aggressors, must know that it has a burden to pay for the costs of its aggression, and my legislation will assure that they are fully held accountable.

THE REPUBLIC OF CROATIA

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. MURPHY. Mr. Speaker, I rise today to call to the attention of my colleagues the troublesome events happening now in Yugoslavia. After a prudent compromise reached by the Yugoslav authorities and Dr. Franjo Tudjman, President of the Republic of Croatia, to diffuse tension and avert the possibility of a civil war, it seems that this agreement has not been completely adhered to by officials at the highest levels of the Yugoslav Army.

Reports are that reactionary elements of the Yugoslav Army are arresting Croatian citizens, including members of the Croatian Democratic Union, the party which received an overwhelming mandate from the people of Croatia in the first freely-held democratic elections. This is an indication that violations of the agreement may be occurring.

We should be particularly concerned about the suspicious death of Zvonimir Ostoyic, a distinguished member of the Croatian Democratic Union from the city of Borovo in the Province of Slavonia.

I, as well as thousands of my constituents whose roots go back to Croatia, am deeply concerned that these conservative elements in the Yugoslav Army may move against the democratic government of Croatia, while the United States and the rest of the world are preoccupied in the Persian Gulf.

President Tudjman, who is a personal friend, has told me that the situation is critical. He has urged all of the citizens of Croatia to be calm and vigilant but, if need be, to be ready to defend the freedom, sovereignty and democracy of Croatia.

It would indeed be a tragic and serious setback in Yugoslavia's quest for freedom, human rights and self-determination, if the people of Croatia, a democratic republic with strong pro American orientation, were to be overtaken by these reactionary forces.

According to recent reports in the Washington Post, the Yugoslav Army had become an enforcer of the Republic of Serbia * * * where the leadership is committed to a strong, Communist-style centralism.

I urge my colleagues to express unequivocally our deepest concern over the unwelcomed presence of these oppressive forces which seek to terminate the democratic processes underway in Croatia, Slovenia and Hercegovina.

Today, under the leadership of the United States, the free world is sharing the burden to establish a new world order for a peaceful international community based on the shared values of peace with justice and human dignity. A small but significant part of that burden is carried by the people of Croatia in their struggle to defend freedom and democracy. We must not forget the people of Croatia. Let us help keep the torch of freedom burning bright in Croatia and hopefully the rest of Yugoslavia.

A TRIBUTE TO MARGARET ANN DONOVAN, CONGRESSIONAL STAFFER

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 1991

Mr. ROSE. Mr. Speaker, I am sad to report the death of a congressioanl staff member, Margaret Ann Donovan. Ms. Donovan died on February 24, 1991, at the Washington Home Hospice, after a courageous struggle against cancer.

From 1980 to 1991, Ms. Donovan was on the staff of the Committee on House Administration, House Information Systems. During her service, she produced the "Federal Register Update Newsletter" and "Block Grant Report" for distribution to Congressional offices, useful reports that allowed Members of Congress to locate Federal assistance programs and funds available for their constituents. She was instrumental in directing the collection and provision of detailed information on Federal financial assistance gathered from the officials who managed these programs. Ms. Donovan also provided assistance in records management consulting by advising Member and committee offices on micrographics technology and file management. She authored the "Records Management Reference Manual" enabling staff to complete inhouse processing of their records. In addition, Ms. Donovan helped develop and promote seminars for H.I.S. staff in "Caring for the Elderly" and "Stress Management." Ms. Donovan, herself hearing-impaired, retained a keen interest in activities for congressional handicapped employees and, during the 1988 Presidential Inaugural, assisted in providing sign language interpretation for the hearing-impaired audience.

Ms. Donovan was widely known throughout the Vietnam veteran community in the United States. She spent many, many hours at the Vietnam Veterans Memorial as a U.S. Part Service volunteer assisting veterans and visitors to the memorial. She traveled to every corner of the United States with the "Moving Wall" memorial, a scale replica of the memorial in Washington, providing information and assistance. Understanding the significance of the Vietnam Veterans Memorial to the veterans, Ms. Donovan founded the "Friends of the Vietnam Veterans Memorial." The members of the Friends provide information about the memorial and name rubbings of the individuals listed. On Veterans Day, 1990, she was honored for her service to Vietnam veterans and their families at the commemorative services at the memorial. Ms. Donovan is the author of the book "Everything You Wanted To Know About the Vietnam Veterans Memorial" and, at the time of her illness, was working on a book about the hundreds of Vietnam war memorials in the United States. In her final days, Ms. Donovan continued to show interest in the activities and welfare of the service men and women in the Persian Gulf.

Ms. Donovan is survived by her mother and father, Mr. and Mrs. Robert E. Donovan, of Dayton, OH and her brother, Timothy K. Donovan, of Aspen, CO.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 28, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 1

9:30 a.m.
Joint Economic
To hold hearings to review the President's proposals to improve Federal economic statistics.
SD–628

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of Jon David Glassman, of the District of Columbia, to be Ambassador to the Republic of Paraguay.
SD–419

MARCH 4

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Defense.
SD–192

10:00 a.m.
Finance
Social Security and Family Policy Subcommittee
To hold hearings to examine child poverty and welfare dependency, focusing on measurement of increases and decreases.
SD–215

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Research Service, the Cooperative State Research Service, and the Extension Service.
SD–138

MARCH 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings to review global defense programs.
SD–116

9:15 a.m.
Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold hearings to examine restrictive marketing of Clozaril, a prescriptive drug for schizophrenia, focusing on safety and access.
SD–226

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nomination of Edward R. Madigan, of Illinois, to be Secretary of Agriculture.
SR–332

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XII, relating to two demonstration projects aimed at commercializing advanced nuclear reactor technologies, and Title XIII provisions relating to clarifying the licensing process for nuclear power plants.

SD–366

Environment and Public Works

To hold an organizational meeting to consider pending committee business, to be followed by hearings on the President's proposed budget request for fiscal year 1992 for the Federal-aid highway program and the proposed Surface Transportation Assistance Act of 1991.

SD–406

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for the Department of Labor, focusing on the Office of the Secretary of Labor, and the Office of Inspector General.

SD–192

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1992 budget for the Federal Government, focusing on health care issues.

SD–608

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for the Department of Health and Human Services, focusing on the Office of Civil Rights and Policy Research.

SD–192

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on S. 272, to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.

SR–253

Foreign Relations

Western Hemisphere and Peace Corps Affairs Subcommittee

To hold hearings to examine issues relating to a bilateral free trade agreement with Mexico.

SD–419

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on multilateral assistance.

SD–138

MARCH 6

9:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Defense, focusing on Army posture.

SD–192

9:30 a.m.

Governmental Affairs

To hold hearings on the purchase and use of counterfeit and substandard parts.

SD–342

Rules and Administration

To hold hearings on the projected shortfall in the Presidential Election Campaign Fund.

SR–301

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for Amtrak and the Federal Railroad Administration, Department of Transportation.

SD–138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Secret Service and the U.S. Customs Service, both of the Department of the Treasury.

SD–124

Foreign Relations

European Affairs Subcommittee

To resume open and closed hearings on the U.S. response to Soviet disunity.

SD–419

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Emergency Management Agency.

SD–138

2:00 p.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, and to review the fiscal years 1992–1997 future year defense plan.

SR–222

Small Business

To hold hearings on the nomination of James F. Hoobler, of New York, to be Inspector General, Small Business Administration.

SR–428A

MARCH 7

9:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Defense, focusing on Air Force posture.

SD–138

Armed Services

To hold hearings on NATO security.

SR–222

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title X provisions relating to natural gas regulatory issues, and Sections 6003 and 6004, relating to natural gas research, development, demonstration and commercialization activities.

SD–366

Environment and Public Works

To hold hearings on the President's proposed budget request for fiscal year 1992 for the Environmental Protection Agency.

SD–406

Governmental Affairs

To continue hearings on the purchase and use of counterfeit and substandard parts.

SD–342

Rules and Administration

To hold hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.

SR–301

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Family Support Administration, Human Development Services, and the Office of Inspector General.

SD–192

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Social Security Administration, and the Health Care Financing Administration.

SD–192

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on S. 210, to establish the United States Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis to maximize the long-term economic value to the United States.

SD–366

MARCH 8

9:00 a.m.

Veterans' Affairs

Business meeting, to mark up the proposed budget for fiscal year 1992 for veterans programs.

SR–418

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Stabilization and Conservation Service, the Foreign Agricultural Service, General Sales Manager, and the Soil Conservation Service.

SD–138

Finance

Social Security and Family Policy Subcommittee

To resume hearings to examine child poverty and welfare dependency, focusing on measurement of increases and decreases.

SD–215

Judiciary

Constitution Subcommittee

Business meeting, to mark up S.J. Res. 18, proposing an amendment to the U.S. Constitution relating to a Federal balanced budget.

SD–226

MARCH 11

2:00 p.m.

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title VII provisions relating to the Strategic Petroleum Reserve, and Title VIII provisions relating to the Outer Continental Shelf.

SD-366

MARCH 12

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title IX provisions which authorize a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge in Alaska (ANWR).

SD-366

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health, the Agency for Health Care Policy and Research, and the Centers for Disease Control.

SD-192

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Alcohol Drug Abuse and Mental Health Administration, the Health Resources and Services Administration, and the National Council on Disability.

SD-192

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on development assistance programs.

SD-138

MARCH 13

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the Department of Veterans Affairs and Department of Defense emergency preparedness plan.

334 Cannon Building

9:30 a.m.

Rules and Administration

To resume hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.

SR-301

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Transportation.

SD-138

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Council on Environmental Quality, and the Environmental Protection Agency.

SD-138

2:00 p.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, and to review the fiscal years 1992–1997 future year defense plan.

SR-222

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for the Motor Carrier Safety Assistance Program.

SR-253

MARCH 14

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Highway Traffic Safety Administration.

SR-253

Rules and Administration

To continue hearings on S. 3, S. 6, S. 7, S. 53, S. 91, S. 128, S. 143, and S. 294, Congressional election campaign finance reform proposals.

SR-301

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Office of Director, Buildings and Facilities, the National Cancer Institute, Heart, Lung and Blood Institute, the National Dental Institute, Allergy and Infectious Diseases, Diabetes, Digestive, and Kidney, Child Health and Human Development, Environmental Health, and the Fogarty International Center.

SD-192

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XV provisions relating to reform of the Public Utility Holding Company Act of 1935 (PUHCA).

SD-366

1:30 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Neurology Institute, the Deafness Institute, General Medical Sciences, the National Eye Institute, the National Institute on Aging, Arthritis Musculoskeletal and Skin, Division of Research Resources, Nursing Research, Human Genome, and the National Library of Medicine.

SD-192

2:00 p.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 12, to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.

SR-253

Energy and Natural Resources

To continue hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XV provisions relating to reform of the Public Utility Holding Company Act of 1935 (PUHCA).

SD-366

MARCH 15

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service, and the Agricultural Marketing Service.

SD-138

MARCH 18

2:00 p.m.

Energy and Natural Resources

To hold hearings on S. 341, the National Energy Security Act of 1991, focusing on Title V provisions relating to coal and the applicability of new source review to existing electric steam generating units (WEPCo).

SD-366

MARCH 19

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Office of the Secretary of Education and Special Institutions.

SD-192

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on aid to Africa.

SD-138

MARCH 20

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, Office of Inspector General, and the National Credit Union Administration.

SD-116

Rules and Administration

Business meeting, to mark up proposed legislation relating to Congressional election campaign finance reform.

SR-301

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the

Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD–138

2:00 p.m.
Energy and Natural Resources
To resume hearings on S. 341, the National Energy Security Act of 1991, focusing on Title XI provisions relating to transportation issues, and on the Administration's proposal contained in the National Energy Strategy relating to alternative-fuel fleets.
SD–366

MARCH 21

9:30 a.m.
Energy and Natural Resources
To hold hearings to review the status of implementation of the Department of Energy's civilian nuclear waste program mandated by the Nuclear Waste Policy Act of 1982 and its 1987 revisions.
SD–366

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the proposed Soldiers' and Sailors' Civil Relief Act.
334 Cannon Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for ACTION, the Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD–192

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Commission, the National Commission to Prevent Infant Mortality, and the Soldiers and Airmen's Home.
SD–192

MARCH 22

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD–138

APRIL 9

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for certain transportation programs.
SD–138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on aid to Latin America.
SD–192

APRIL 10

9:30 a.m.
Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings to examine lender liability as related to Superfund.
SD–406

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Farmers Home Administration, the Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD–138

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Inter-agency Council on the Homeless, and the Department of Housing and Urban Development.
SD–124

APRIL 11

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Research and Special Programs Administration of the Department of Transportation, and the National Transportation Safety Board.
SD–138

APRIL 16

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD–192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on aid to Eastern Europe.
SD–138

APRIL 17

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the American Ex-Prisoners of War, the Jewish War Veterans, and the Veterans of World War I.
345 Cannon Building

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD–192

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Court of Veterans' Affairs, and the Department of Veterans' Affairs.
SD–138

APRIL 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD–192

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Highway Administration, Department of Transportation.
SD–138

APRIL 19

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Commodity Futures Trading Commission, the Food and Drug Administration, the Farm Credit Administration, and the Farm Credit System Assistance Board.
SD–138

APRIL 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings to examine the science education programs of various Federal agencies.
SD–138

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD–1902

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on security in the post-cold war era.
SD–138

APRIL 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.
SD-124

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

APRIL 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.
SD-138

APRIL 26

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.
SD-138

MAY 7

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on AID management issues and reform efforts.
SD-192

MAY 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.
SD-138

MAY 9

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation.
SD-138

MAY 14

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.
SD-138

MAY 15

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.
SD-138

MAY 16

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.
SD-138

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 21

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.
SD-138

3:45 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.
SD-138

MAY 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for certain transportation programs.
SD-138

JUNE 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

CANCELLATIONS

MARCH 20

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Offices of the Assistant Secretaries of Education, and the Office of Inspector General.
SD-192